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INDEX AND TABULAR GUIDES

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1961–62 Edition

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Title 3—THE PRESIDENT

Executive Order 10951

AMENDING EXECUTIVE ORDER NO. 10949,[1] JUNE 26, 1961, TO EXTEND THE TIME WITHIN WHICH THE BOARD OF INQUIRY CREATED THEREIN, TO INQUIRE INTO THE ISSUES INVOLVED IN A LABOR DISPUTE AFFECTING THE MARITIME INDUSTRY, SHALL REPORT TO THE PRESIDENT

By virtue of the authority vested in me by section 206 of the Labor-Management Relations Act, 1947, 61 Stat. 155 (29 U.S.C. 176), I hereby extend until 9 a.m., July 3, 1961, the time within which the board of inquiry created by Executive Order No. 10949 of June 26, 1961, to inquire into the issues involved in a labor dispute involving the Maritime Industry of the United States, shall report to the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
June 29, 1961.

[F.R. Doc. 61-6266; Filed, June 30, 1961; 11:56 a.m.]

[1] 26 F.R. 5731.

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DRIED ALGAE MEAL

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(c), 74 Stat. 399; 21 U.S.C. 376(b)(c)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner of Food and Drugs, based on a petition filed by Grain Processing Corporation, Muscatine, Iowa (25 F.R. 11239), and other relevant material, finds that the color additive dried algae meal may be safely employed in food in accordance with the following prescribed conditions:

§ 8.301 Dried algae meal.

(a) *Identity.* The color additive dried algae meal is a dried mixture of algae cells (genus Spongiococcum, separated from its culture broth) molasses, corn-steep liquor, and a maximum of 0.3 percent ethoxyquin. The algae are produced by suitable fermentation, under controlled conditions, from a pure culture of the genus *Spongiococcum*.

(b) *Uses and restrictions.* The color additive dried algae meal may be safely used in chicken feed in accordance with the following prescribed conditions:

(1) The color additive is used or intended for use to enhance the yellow color of chicken skins and egg yolks and to supplement the vitamin A content of feeds low in natural carotenoids.

(2) The quantity of the color additive incorporated in the feed is such that the finished feed is adequately supplemented with xanthophyll and carotenes and meets the tolerance limitation for ethoxyquin in animal feed prescribed in § 121.202 of this chapter.

(c) *Labeling requirements.* The label and labeling of the color additive and any intermediate mixes prepared therefrom shall bear, in addition to the other information required by the Federal Food, Drug, and Cosmetic Act and other regulations in this chapter:

(1) The name of the color additive.

(2) A statement of the concentrations of xanthophyll, carotenes, and ethoxyquin contained therein.

(3) Adequate directions to provide a final product complying with the limitations prescribed in paragraph (b) of this section.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(c), 74 Stat. 399; 21 U.S.C. 376(b)(c))

Dated: June 23, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6164; Filed, June 30, 1961; 8:48 a.m.]

PART 25—DRESSINGS FOR FOODS

Mayonnaise, French Dressing, and Salad Dressing; Effective Date of Order Amending Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of May 10, 1961 (26 F.R. 4012) with regard to the use of salad oil containing oxystearin as a crystallization inhibitor in mayonnaise, french dressing, and salad dressing. Accordingly, the amendments promulgated by that order will become effective July 9, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6165; Filed, June 30, 1961; 8:48 a.m.]

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Asparagus; Effective Date of Order Amending Standards of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of May 11, 1961 (26 F.R. 4064) with regard to making stannous chloride a permitted optional ingredient for glass-pack canned asparagus, and to provide for label declaration of that ingredient. Accordingly, the amendments promulgated by that order will become effective July 10, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6166; Filed, June 30, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 as it Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

The Commissioner of Food and Drugs, pursuant to the authority provided in Public Law 87-19 (75 Stat. 42) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby further extends the effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for specified uses of specified nematocides, plant regulators, defoliants, or desiccants as set forth in the following new section:

§ 120.37 Further extensions of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

On the basis of data supplied in accordance with § 120.36 and findings that no undue risk to the public health is involved; that conditions exist that make necessary the prescribing of an additional period of time for establishing tolerances or exemptions from the requirement of tolerances; that bona fide action to determine the applicability of section 408 or develop the scientific data necessary for action under such section was commenced before March 6, 1961, and has been thereafter pursued with reasonable diligence; that such extension is consistent with the objective of carrying to completion in good faith the scientific investigations necessary on a basis for action under such section; and conditioned upon the requirement that progress reports be supplied at six-month intervals for extensions granted beyond January 1, 1962, the following substances may be used on food, under specified conditions and for the specified period of time, or until regulations shall have been issued establishing or denying tolerances or exemptions from the requirements of tolerances, in accordance with section 408 of the act, whichever occurs first:

Product	Specified uses or restrictions	Effective date of statute extended to—
Arsenic acid	On cotton to defoliate	July 1, 1962
p-Chlorophenoxyacetic acid	On bean seeds in sprout production to eliminate embryonic roots development.	Jan. 1, 1964
1,2-dibromo-3-chloropropane	Soil fumigant for nematodes	Jan. 1, 1962
2,4-dichlorophenoxyacetic acid	On potatoes to intensify color	Jan. 1, 1964
Sodium chlorate with added sodium metaborate.	On tomatoes as a defoliant; on rice and sorghum (milo) as a desiccant.	July 1, 1962
2,3,5,6-tetrachloronitrobenzene	On potatoes to inhibit sprouting	June 30, 1964

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Public Law 85–19; 75 Stat. 42)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6167; Filed, June 30, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

Subpart D—Food Additives Permitted in Food for Human Consumption

PROMAZINE HYDROCHLORIDE

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia 1, Pennsylvania, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive promazine hydrochloride as a tranquilizer in animal feed. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.219 Promazine hydrochloride.

Promazine hydrochloride may be safely used in or on animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use as a tranquilizer for cattle (except lactating dairy animals) and horses.

(b) It is used in an amount not less than 0.75 milligram nor more than 1.25 milligrams of the additive per pound of body weight.

(c) To assure safe use of the additive, the label on the additive container or that of any intermediate premix or feed prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate mixing directions on the additive container or any premix to provide for a final feed with the proper concentration of the additive, whether or not intermediate premixes are also used.

(4) A prominent statement that the preparation is for use in cattle, except lactating dairy animals, and horses.

(5) A statement that the medication is to be withdrawn 72 hours prior to slaughter.

(6) If the additive is marketed as a premix or final feed, the label and labeling shall include the word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used and in juxtaposition therewith.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where cattle have been fed promazine hydrocloride in accordance with § 121.219, a tolerance limitation is required in order to assure that the edible tissues of cattle are safe for human food. Therefore, the following tolerance is established, and Subpart D is amended by adding thereto the following new section:

§ 121.1054 Promazine hydrochloride.

A tolerance of zero is established for residues of promazine hydrochloride in or on the uncooked tissues of animals that have consumed the additive in feed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6168; Filed, June 20, 1961; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay for bacitracin, chloramphenicol, and streptomycin, and for the certification of streptomycin and chloramphenicol (21 CFR 141b, 141d, 141e, 146b, 146d) are amended as follows:

§ 141b.101 [Amendment]

1. In § 141b.101 *Streptomycin sulfate* • • •, paragraph (j)(4) is amended by changing "§ 141c.231(a)(1)(vii)" in the second sentence to read: "§ 141c.231(a)(1)(v)".

§ 141b.108 [Amendment]

2. In § 141b.108 *Dihydrostreptomycin sulfate* • • •, paragraph (a)(2) is amended by changing the words "5 millimicrons" in the second sentence to read "5 millimeters" and by changing the number "550" in the tenth sentence to read "530".

3. In § 141b.109, paragraph (a)(1) is amended to read:

§ 141b.109 Streptomycin tablets, dihydrostreptomycin tablets.

(a) *Potency*—(1) *Streptomycin content.* Using 12 tablets, proceed as directed in § 141b.101, except § 141b.101 (j) and (k), and in lieu of the directions in § 141b.101(e), prepare the sample as follows: Place the tablets in a glass blending jar containing 500 milliliters of 0.1 *M* potassium phosphate buffer, pH 8.0. Using a high-speed blender, blend for 3 to 5 minutes and then make the proper estimated dilutions in the buffer solution; except if it is a bolus, use three tablets and grind with a mortar and pestle before blending. The average potency of streptomycin tablets is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

§ 141b.112 [Amendment]

4. In § 141b.112 *Streptomycin-polymyxin-bacitracin tablets*, paragraph (b)(1)(vii) is amended to read as follows:

(vii) *Assay.* Dissolve in sufficient sterile distilled water to give a concentration of 30,000 units (estimated) per milliliter. Add sufficient 10 percent potassium phosphate buffer, pH 6.0 to make an appropriate stock solution. Dilute further in sterile 10 percent potassium phosphate buffer, pH 6.0, to a final concentration of 10 units (estimated) per milliliter, and proceed as directed in § 141b.101 (h) and (i).

§ 141b.121 [Amendment]

5. In § 141b.121 *Streptomycylidene isonicotinyl hydrazine sulfate*, paragraph (b) is amended to read:

(b) *Absorptivity.* Accurately weigh approximately 100 milligrams of the sample; dissolve in distilled water, and make to 100 milliliters. Dilute a 5-milliliter aliquot of this solution to 100 milliliters, allow to stand at room temperature for 15 minutes, and, using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 260 mμ compared with distilled water as a blank.

$$\text{Absorptivity (1\%, 1 cm.)} = \frac{\text{Absorbance at 260 m}\mu \times 20{,}000}{\text{Milligrams of sample}}$$

§ 141d.301 [Amendment]

6. Section 141d.301 *Chloramphenicol* is amended as follows:

a. Paragraph (a)(8) is changed to read:

(a) • • •

(8) *Spectrophotometric method.* In lieu of the plate-assay method described, the following method may be used: Dissolve the working standard and the sample to be tested in sufficient water to give solutions containing 20 micrograms per milliliter. Warm if necessary to hasten solution. When cool, determine the absorbance of each solution in a suitable spectrophotometer at 278 mμ compared with distilled water as a blank. Calculate the absorptivity (1%, 1 cm.) as follows:

$$\text{Absorptivity} = \frac{\text{Absorbance at 278 m}\mu \times 1{,}000}{\text{Milligrams of sample (in 100 milliliters)}}.$$

Calculate the potency of the sample as follows:

$$\frac{\text{Absorptivity of sample}}{\text{Absorptivity of standard}} \times 1{,}000 = \text{micrograms of chloramphenicol per milligram.}$$

b. Paragraph (e) is amended to read as follows:

(e) *Histamine.* Proceed as directed in § 141b.105 of this chapter, using as a test dose 0.6 milliliter per kilogram of a solution containing 5 milligrams per milliliter prepared by application of heat.

c. The heading of paragraph (i) is amended to read: "(i) *Absorptivity.*"

§ 141d.302 [Amendment]

7. In § 141d.302 *Chloramphenicol capsules*, paragraph (b) is amended by changing the formula to read:

$$\text{Milligrams per capsule} = \frac{\text{Absorbance of the sample at 278 m}\mu \times \text{labeled potency per capsule in milligrams}}{a_s \times 0.002},$$

where:

a_s is the absorptivity (1%, 1 cm.) of the chloramphenicol standard, similarly treated.

8. In § 141d.304, paragraph (a) is amended to read as follows:

§ 141d.304 Chloramphenicol ophthalmic.

(a) *Potency.* Proceed as directed in § 141d.301(a), except § 141d.301(a)(9). If the spectrophotometric method is used, calculate as follows:

$$\text{Milligrams per vial} = \frac{\text{Absorbance of the sample at 278 m}\mu \times \text{labeled potency of vial in milligrams}}{a_s \times 0.002}$$

where:

a_s is the absorptivity (1%, 1 cm.) of the chloramphenicol standard, similarly treated.

The potency of chloramphenicol ophthalmic is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

9. Section 141d.305 *Chloramphenicol palmitate* is amended as follows:

a. Paragraph (a) is amended to read:

§ 141d.305 Chloramphenicol palmitate.

(a) *Potency.* Dissolve 50 milligrams of the sample in absolute ethyl alcohol and make to 100 milliliters in a volumetric flask with absolute ethyl alcohol. Transfer a 5-milliliter aliquot to another 100-milliliter volumetric flask and make to volume with absolute ethyl alcohol. With a suitable spectrophotometer, determine the absorbance of the solution at 271 mμ compared with absolute ethyl alchohol as a blank. Calculate the absorptivity (1%, 1 cm.) of the chloramphenicol working standard similarly prepared by measured at 276 mμ. The potency of the chloramphenicol palmitate, in micrograms of chloramphenicol per milligram of chloramphenicol palmitate, is calculated as follows:

$$\text{Potency} = \frac{\text{Absorptivity of sample at 271 m}\mu \times 1{,}000}{\text{Absorptivity of chloramphenicol standard at 276 m}\mu}.$$

b. Paragraph (d) is deleted.

10. Section 141d.306(a) is amended to read:

§ 141d.306 Chloramphenicol palmitate oral suspension.

(a) *Potency.* Transfer an amount of the suspension, equivalent to about 125 milligrams of chloramphenicol, accurately measured, to a separatory funnel. Add 10 milliliters of water and then extract completely with 25-milliliter portions of chloroform, allowing the layers to separate and filtering each successive chloroform extract through a pledget of cotton into a 250-milliliter volumetric flask, then add chloroform to volume, and mix. Pipette 4 milliliters of the clear chloroform solution into a 100-milliliter volumetric flask, dilute with ethyl alcohol to volume, and mix. Using a suitable spectrophotometer, measure the absorbance of the solution at 271 mμ, using as a blank 1.0 milliliter of chloroform U.S.P. diluted to 25 milliliters with absolute ethyl alcohol. The number of milligrams of chloramphenicol contained in each milliliter of cloramphenicol palmitate oral suspension is obtained by the following calculation:

$$\text{Milligrams of chloramphenicol per milliliter} = 62{,}500\left(\frac{A}{aV}\right)$$

where:
A = absorbance of sample at 271 mμ.
a = absorptivity (1%, 1cm.) of the chloramphenicol working standard in absolute ethyl alcohol measured at 276 mμ.
V = volume, in milliliters, of the suspension taken.

The potency of chloramphenicol palmitate oral suspension is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

§ 141d.307 [Amendment]

11. In § 141d.307 *Chloramphenicol solution* * * *, paragraph (a) (2) is amended by changing the sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sentences to read as follows:

(a) * * *

(2) * * * Transfer one dose of this suspension to a 1,000-milliliter glass-stoppered volumetric flask, add about 500 milliliters of distilled water and heat on a steam bath until solution of the chloramphenicol is complete (but no longer than 10 minutes). Cool to room temperature and dilute to exactly 1,000 milliliters with distilled water. Mix thoroughly and volumetrically dilute an aliquot of this solution with distilled water to obtain a solution containing 20 micrograms per milliliter (estimated). Measure the absorbance of this solution in a suitable spectrophotometer at 278 mμ against a blank of distilled water.

$$\text{Grams of chloramphenicol in the sample tested} = \frac{\text{Absorbance of sample at 278 m}\mu \times 10 \times F}{a_s},$$

where:
F = the appropriate dilution factor.
a_s = absorptivity (1%, 1 cm.) of the chloramphenicol working standard in distilled water measured at 278 mμ.

From this value calculate the quantity of chloramphenicol in the immediate container.

§ 141d.310 [Amendment]

12. In § 141d.310 *Chloramphenicol tablets*, the seventh sentence and the formula in paragraph (b) are changed to read as follows: "Determine the absorbance of this solution on a suitable spectrophotometer in a 1-centimeter quartz cell at 278 mμ against a blank of distilled water.

$$\text{Milligrams of chloramphenicol per tablet} = \frac{\text{Absorbance of the sample} \times \text{average weight of tablet in milligrams} \times 250{,}000}{a_s \times \text{weight of powder tested in milligrams}},$$

where:
a_s = the absorptivity (1%, 1 cm.) of the chloramphenicol working standard measured at 278 mμ.

§ 141d.313 [Amendment]

13. In § 141d.313 *Chloramphenicol-polymyxin ointment; potency*, paragraph (b) is amended by changing "pH 8.0" in the fifth sentence to read "pH 6.0".

14. Section 141d.314 is amended in the following respects:

a. Paragraph (a) (1) and (2) is amended to read:

§ 141d.314 Chloramphenicol sodium succinate.

(a) *Potency (by spectrophotometric assay)*—(1) *Working standard.* Prepare the standard stock solution by dissolving an appropriate amount (accurately weighed) of the chloramphenicol working standard in sterile distilled water to give a solution containing 20 μg per milliliter. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 278 mμ compared with distilled water as a blank. Calculate the absorptivity (1%, 1 cm.) as follows:

$$a = \frac{\text{Absorbance at 278 m}\mu}{\text{Grams of standard per 100 milliliters}},$$

(2) *Procedure.* Dissolve the sample to be tested in sufficient sterile distilled water to give a solution containing 30 μg. per milliliter. Using a suitable spectrophotometer, determine the absorbance of the solution in a 1-centimeter cell at 276 mμ compared with distilled water as a blank. Calculate the absorptivity as follows:

$$a = \frac{\text{Absorbance at 276 m}\mu}{\text{Grams of sample per 100 milliliters}}.$$

Calculate the potency of the sample as follows:

$$\frac{a \text{ of sample}}{a \text{ of standard}} \times 1{,}000 = \text{Micrograms of chloramphenicol per milligram of chloramphenicol sodium succinate.}$$

b. Paragraph (e) is amended by changing the words "0.6 milliliter" to read "0.6 milliliter per kilogram."

§ 141d.315 [Amendment]

15. In § 141d.315 *Chloramphenicol sodium succinate for aqueous injection*, paragraph (a) is amended by changing the third sentence and the formula to read as follows: "Also determine the absorptivity (1%, 1 cm.) at 278 mμ of an aqueous solution of the chloramphenicol standard containing exactly 20 μg. per milliliter.

$$\text{Potency per vial} = \frac{\text{Absorbance of sample} \times 500 \times \text{labeled potency of vial}}{\text{Absorptivity of standard}}.$$

§ 141e.401 [Amendment]

16. Section 141e.401 *Bacitracin* is amended as follows:

a. Paragraph (a) (1) (i) is amended by changing the words "5 millimicrons" in the first sentence to read "5 millimeters".

b. Paragraph (a) (2) (ii) is amended by changing the words "at 15° C." in the third sentence to read "under refrigeration".

17. Section 141e.402(a) is amended to read as follows:

§ 141e.402 Bacitracin ointment; zinc bacitracin ointment.

(a) *Potency.* If it is bacitracin, proceed as directed in § 141e.401(a), except § 141e.401(a) (3), and in lieu of the directions in § 141e.401(a) (1) (ii), prepare the sample as directed in § 141a.8(a) of this chapter. If it is zinc bacitracin, use 0.01 *N* HCl in lieu of 1-percent phosphate buffer, pH 6.0, for the extraction or blending operation, and in lieu of the directions in § 141e.401(a) (1) (i), prepare the standard as follows. Prepare the stock solution as directed in § 141e.401 (a) (1) (i), except that the dilutions for assay are prepared to contain the same ratio of 0.01 *N* HCl to 1-percent phosphate buffer, pH 6.0, as the sample under test. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

18. In § 141e.403 *Bacitracin tablets* * * *, paragraph (a) is amended to read as follows:

§ 141e.403 Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets.

(a) *Potency.* Proceed as directed in § 141e.401(a), except § 141e.401(a) (3), and in addition to the directions in § 141e.401(a) (1) (ii), proceed as follows: If it is bacitracin, place a representative sample (usually 5 tablets) in a blending jar containing 250 milliliters of 1-percent phosphate buffer, pH 6.0 If it is zinc bacitracin, use 250 milliliters of 0.01 *N* HCl, and if it is bacitracin methylene disalicylate, use 99 milliliters of an aqueous solution of 2-percent sodium bicarbonate and 1 milliliter of polysorbate 80. If it is bacitracin, after blending for 1 minute with a high-speed blender, add 250 milliliters of buffer to the blender, and if it is zinc bacitracin, add 250 milliliters of 0.01 *N* HCl to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1-percent phosphate buffer, pH 6.0. If it is zinc bacitracin, in lieu of the directions in § 141e.401(a) (1) (i) prepare the standard as follows: Using the stock solution described in § 141e.401(a) (1) (i), make all dilutions for the assay so that the final dilution contains the same ratio of 0.01 *N* HCl to 1-percent phosphate buffer, pH 6.0, as the sample under test. The content of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

19. Section 141e.404(a) is amended to read as follows:

§ 141e.404 Bacitracin troches; zinc bacitracin troches.

(a) *Potency.* If it is bacitracin, dissolve 5 troches in a small amount of 1 percent phosphate buffer, pH 6.0, then add sufficient buffer to give a volume of 100 milliliters and proceed as directed in § 141e.401(a) (1). If it is zinc bacitracin, dissolve 5 troches in sufficient 0.01 *N* HCl to give a concentration of 10 units per milliliter (estimated) and proceed as directed in § 141e.401(a) (1), except § 141e.401(a) (1) (i). If the troches are composed of a water-insoluble base, use a mortar and pestle and grind to a fine powder before adding the acid, and in lieu of the directions in § 141e.401(a) (1) (i), prepare the standard as follows: Prepare the stock solution as directed in § 141e.401(a) (1) (i), except that the dilutions for assay are prepared to contain the same ratio of 0.01 *N* HCl to 1-percent phosphate buffer, pH 6.0, as the sample under test. The average potency of the troche is satisfactory if it is not less than 85 percent of the number of units per troche that it is represented to contain.

20. Section 141e.405(a) is amended to read as follows:

§ 141e.405 Bacitracin with vasoconstrictor.

(a) *Potency.* Prepare the drug as directed in its labeling and proceed as directed in § 141e.401(a), except § 141e.401(a) (3). The potency of bacitracin with vasoconstrictor is satisfactory if it contains not less than 85 percent of the number of units per container it is represented to contain.

21. Section 141e.406(a) is amended to read as follows.

§ 141e.406 Bacitracin-tyrothricin troches; zinc bacitracin-tyrothricin troches.

(a) *Potency.* Proceed as directed in § 141e.404(a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

§ 146b.116 [Amendment]

22. Section 146b.116 *Streptomycylidene isonicotinyl hydrazine sulfate* is changed in the following respects:

a. The introduction to paragraph (a) (3) is amended by changing the words "extinction coefficient $E^{1\%}_{1\,cm.}$" to read "absorptivity (1%, 1 cm.)".

b. Paragraph (d) (1) is amended by changing the words "extinction coefficient" in the second sentence to read "absorptivity."

§ 146d.301 [Amendment]

23. Section 146d.301 *Chloramphenicol* is amended as follows:

a. Paragraph (a) (9) is changed to read:

(9) Its absorptivity at 278 mμ does not vary more than ±3 percent from that of the chloramphenicol working standard, similarly treated.

b. In paragraph (d) (1), the words "extinction coefficient" in the second sentence are changed to read "absorptivity."

§ 146d.302 [Amendment]

24. In § 146d.302 *Chloramphenicol capsules*, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

§ 146d.303 [Amendment]

25. In § 146d.303 *Chloramphenicol ointment* * * *, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

§ 146d.304 [Amendment]

26. In § 146d.304 *Chloramphenicol ophthalmic*, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

§ 146d.305 [Amendment]

27. Section 146d.305 *Chloramphenicol palmitate* is amended as follows:

a. Paragraph (a) (1) is changed to read:

(a) * * *

(1) It contains not less than 555 micrograms and not more than 595 micrograms of chloramphenicol per milligram.

b. Paragraph (a) (4) is deleted.

c. Paragraph (d) (1) is amended by changing the words "toxicity, melting point, and extinction coefficient" to read "toxicity, and melting point."

§ 146d.306 [Amendment]

28. In § 146d.306 *Chloramphenicol palmitate oral suspension*, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

§ 146d.307 [Amendment]

29. In § 146d.307 *Chloramphenicol solution* * * *, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

§ 146d.308 [Amendment]

30. In § 146d.308 *Chloramphenicol otic* * * *, paragraph (d) (2) (ii) is amended by changing the words "extinction coefficient" to read "absorptivity."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments provide more efficient tests and methods of assay for antibiotic preparations in order to assure accurate and reliable analyses of the drugs to establish compliance with applicable standards of strength, quality, and purity.

The setting of the effective date of this order will be delayed 30 days to permit any interested person to file comments or objections. Any such comments should be submitted in triplicate to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6169; Filed, June 30, 1961; 8:49 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic sensitivity discs (21 CFR 147.1 (26 F.R. 127, 4360); 21 CFR 147.2 (26 F.R. 4360)) are amended as follows:

1. Section 147.1(d) is amended to read as follows:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * * *

(d) *Preparation of control discs.* Use round, blank discs having a diameter of ¼-inch made of clear-white paper weighing 30 milligrams ±4 milligrams per square centimeter, and which will absorb 2.5 to 3.0 times its own weight of distilled water. The paper shall contain no material that either enhances or inhibits the activity of any antibacterial agent impregnated thereon. In addition, the paper shall contain no materials which will affect the pH of any solvent placed on it or buffer any solution placed on it. The following methods shall be used to determine the suitability in this regard of any paper proposed for this use: Weigh 2 grams of paper or paper discs into a clean, glass-stoppered, 250-milliliter flask. Add 30 milliliters of freshly boiled and cooled distilled water (the pH of which has been determined). Stopper and shake vigorously for 1 hour on a shaking machine. Filter through a medium-porosity sintered glass filter. Determine the pH of the filtrate. Take the two 10-milliliter aliquots. To one add 0.05 milliliter of 0.01 *N* HCl. To the second aliquot add 0.05 milliliter of 0.01 *N* NaOH. Determine the pH of each solution. The paper shall be satisfactory for use, if (1) the pH of the paper filtrate was not more than ±0.3 pH units different from the pH of the distilled water used; (2) the pH of the acidified aliquot was lowered by at least 1.0 pH units; (3) the pH of the alkalinized aliquot was raised by at least 1.5 pH units. Place blank discs on aluminum or stainless steel wire mesh which is supported in a manner to allow circulation of air above and below the discs. Prepare the desired number of discs for each point on the standard curve by accurately adding 0.02-milliliter-increments of the appropriate standard stock solution to each disc, using a suitable pipette. Dry discs in circulating air or

under vacuum. Discs may be stored for 2 weeks in a desiccator under refrigeration. Depending on the antibiotic contained in the sample to be tested, prepare the stock solutions for the standard discs by dissolving an accurately weighed quantity of the working standard in the solvent indicated to obtain stock solutions that will contain the following concentrations required for the standard discs:

§ 147.2 [Amendment]

2. Section 147.2 *Antibiotic sensitivity discs; certification procedure* is amended as follows:

Paragraph (a) is amended by changing the conclusion to read: "The standard discs used to determine the potency shall be made of paper as described in § 147.1(d). Each antibiotic compound used to impregnate such standard discs shall be equilibrated in terms of the working standard designated by the Commissioner for use in determining the potency or purity of such antibiotic."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are noncontroversial in nature and provide for certification of and necessary tests and methods of assay for antibiotic sensitivity discs, deemed necessary for the protection of the public health.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6170; Filed, June 20, 1961; 8:49 a.m.]

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

Antibiotic Sensitivity Discs

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the regulations for certification of antibiotic sensitivity discs (21 CFR 147.2 (26 F.R. 127, 4360)), are amended by changing § 147.2(c)(1)(iii)(a) to read as follows:

§ 147.2 Antibiotic sensitivity discs; certification procedure.

* * * * * * *

(c) * * *
(1) * * *
(iii) * * *

(a) For penicillin G and dimethoxyphenyl penicillin: 6 months, except 12 months may be used if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such time.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6171; Filed, June 30, 1961; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2411]

[Sacramento 057245]

CALIFORNIA

Withdrawing Lands for Use of the Federal Aviation Agency in Maintenance of Air Navigation Facilities

By virtue of the authority vested in the Secretary of the Interior by Section 4 of the Act of May 24, 1928 (48 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 12 E.,
Sec. 34, S½SW¼.

Containing 80 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6172; Filed, June 30, 1961; 8:50 a.m.]

[Public Land Order 2412]

[Juneau 011659]

ALASKA

Withdrawing Public Land for Use of the Federal Aviation Agency as an Addition to Air Navigation Site Withdrawal No. 12

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities:

LENA POINT AREA, JUNEAU

From a point about 3.90 chs. (257.4 ft.) N. of the North side of Lena Point road at corner #7, U.S. Survey #2871, go north 86°24' W., 7.925 chs. (523.05 ft.) to corner #6, U.S. Survey 2871; thence south 00°02' E., 2.985 chs. (197.01 ft.) to corner #5, U.S. Survey 2871; thence S. 61°12' W., 0.395 chs. (26.07 ft.) to corner #4, U.S. Survey 2871; thence N. 87°11' W., 15.70 chs. (1036.20 ft.) along the right-of-way of the Lena Point road; thence N. 777.25' to P.O.B., thence West 11.36 chs. (750 ft.), S. 70° W. 5.4 chs. (360 ft.), to corner #3 of Lot "E-E", U.S. Survey 3053 (which corner is common to corner #2 of Lot "E", U.S. Survey 3053); Northwesterly along the Lena Point road following the boundaries of Lots "EE", "F", "G", and "H", U.S. Survey 3053, to corner #2 of U.S. Survey 3053 (which corner is common to corner #2 of Lot "H", U.S. Survey 3053); North 49°15' E., 9.55 chs. (630.30 ft.) along the southern boundary of lands reserved by P.L.O. 723 dated May 24, 1951, to an iron pipe monument; N. 87° E., 13 chs. (860 ft.), South 8.3 chs. (550 ft.), to the point of beginning, approximately 16 acres, to be identified as lot 1, U.S. Survey No. 3809.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6173; Filed, June 30, 1961; 8:50 a.m.]

[Public Land Order 2413]

[Wyoming 066390]

WYOMING

Partly Revoking Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation of April 13, 1955, concurred in by the Bureau of Land Management on October 20, 1955, reserving lands for reclamation purposes in connection with the Missouri River Basin Project, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 92 W.,
Sec. 35, W½NW¼.

Containing 80 acres.

2. The lands are situated in Washakie County, about 6 miles east of Worland, Wyoming. Topography is slightly sloping to gently rolling, and the soil varies from a silt loam to a sandy loam. Vegetation consists of saltbush, blue grama grass, cheat grass and sagebrush associated with cactus and weeds.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of an existing withdrawals, provided, that until 10:00 a.m., on December 26, 1961, the State of Wyoming shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands are located in the vicinity of the Slick Creek producing oil and gas field. A mechanical failure at one of the wells or pipelines might release poisonous hydrogen sulphide gas.

5. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws at 10:00 a.m., on December 26, 1961.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6174; Filed, June 30, 1961; 8:50 a.m.]

[Public Land Order 2414]

[1966031]

ALASKA

Partly Revoking Public Land Order No. 225 of April 21, 1944

By virtue of the authority contained in section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 225 of April 21, 1944, withdrawing public lands in Alaska for classification, is hereby revoked so far as it affects all lands lying within one-half mile of Summit Lake, including all islands (approximate latitude 63°07' N., longitude 145°32' W.). The land area so withdrawn has been determined to be approximately 6,460 acres.

2. Until 10:00 a.m., on December 26, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. Thereafter, the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6175; Filed, June 30, 1961; 8:50 a.m.]

[Public Land Order 2415]

[85881]

CALIFORNIA, IDAHO, WYOMING

Excluding Lands From Certain National Forests; Transferring Lands From the Targhee National Forest to the Caribou and Bridger National Forests

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Under Secretary of Agriculture, it is ordered as follows:

1. The following-described lands are hereby excluded from the national forests hereafter named, and the boundaries of the said forests are adjusted accordingly:

CALIFORNIA

SAN BERNARDINO MERIDIAN

a. *Angeles National Forest*

T. 1 N., R. 11 W.,
Sec. 7, SW¼SW¼.
T. 2 N., R. 13 W.,
Sec. 7, lot 4;
Sec. 35 (fractional), lots 7, 8, and 9.
T. 4 N., R. 13 W.,
Sec. 12, N½NW¼.
T. 5 N., R. 17 W.,
Sec. 25, E½NE¼SW¼ and W½SE¼;
Sec. 36, NW¼NE¼ and N½NW¼SW¼ NE¼.

The areas described aggregate approximately 307 acres, most of which is nonpublic.

SAN BERNARDINO MERIDIAN

b. *Cleveland National Forest*

T. 9 S., R. 2 E.,
Sec. 21, S½ of lot 1, lot 2, N½ of lot 7, N½ and SE¼ of lot 8;
Sec. 22, lot 5.

The areas described aggregate approximately 154 acres of nonpublic land.

MOUNT DIABLO MERIDIAN

c. *Lassen National Forest*

T. 26 N., R. 2 E.,
Secs. 5 to 8, incl.;
Secs. 17 and 18.
T. 32 N., R. 2 E.,
Secs. 1 to 3, incl.;
Secs. 10 to 15, incl.;
Secs. 22 to 24, incl.
T. 32 N., R. 3 E.,
Secs. 6 and 7;
Sec. 17, W½;
Sec. 18.
T. 36 N., R. 5 E.,
Sec. 23, S½;
Sec. 24, W½;
Sec. 25, NW¼;
Sec. 26 N½ and N½SW¼.

The areas described aggregate approximately 16,098 acres. The only public domain is in T. 36 N., of which only the E½SW¼ of sec. 24 is patented.

MOUNT DIABLO MERIDIAN

d. *Sequoia National Forest*

T. 28 S., R. 30 E.,
Sec. 8, W½SW¼;
Sec. 17, NW¼NW¼;
Sec. 31.
T. 26 S., R. 33 E.,
Sec. 17, SE¼.

The areas described aggregate approximately 926 acres of which only the SE¼ of sec. 17 is public land.

MOUNT DIABLO MERIDIAN

e. *Shasta National Forest*

T. 45 N., R. 1 E.,
Sec. 7;
Sec. 17, E½E½.
T. 45 N., R. 1 W.,
Sec. 12, N½, SE¼SW¼, E½SE¼, and SW¼SE¼.

The areas described aggregate approximately 891 acres of nonpublic land.

The areas described in this paragraph, including the public and nonpublic lands, total in the aggregate approximately 18,376 acres.

2. The following-described lands are hereby transferred from the Targhee National Forest to the Caribou National Forest, and the boundaries of the said forests are adjusted accordingly.

IDAHO

BOISE MERIDIAN

T. 3 S., R. 46 E.,
Sec 9, lots 3, 4, 7, and 8, NW¼SW¼, SW¼SW¼, and SE¼SW¼;
Sec. 10, lots 4 to 10, incl., and SE¼SW¼;
Secs. 15, 16, and 22.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 19, lot 5;
Sec. 29, lots 5 and 6, NE¼SW¼ and S½SW¼;
Sec. 30, lots 3, 4, 5, 7, 8, 9, and 10, E½SW¼, and S½SE¼;
Sec. 31;
Sec. 32, W½.
T. 36 N., R. 119 W.,
Sec. 3, lots 3 to 6, incl., and SW¼;
Sec. 4.

The areas described aggregate approximately 4,295 acres.

3. The following-described lands are hereby transferred from the Targhee National Forest to the Bridger National Forest:

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 118 W.,
Sec. 20, lot 2;
Sec. 29, lots 1 and 7, SE¼NE¼ and SE¼;
Sec. 32, E½.
T. 36 N., R. 119 W.,
Sec. 2, lots 1 to 4, incl., S½NE¼, S½NW¼, and S½;
Sec. 3, lots 1, 2, 7, 8, and 9, SW¼NE¼ and W½SE¼.

The areas described aggregate approximately 1,608 acres.

4. The public lands described in paragraph 1 of this order, except those hereinafter described in paragraph 5, are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on Dec. 26, 1961, the State of California shall have a preferred right of application to select the lands in accordance with subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws,

and to location under the United States mining laws.

5. The following-described lands shall not be subject to application or to any form of appropriation under the public land laws unless and until it is so provided by an order of an authorized officer of the Bureau of Land Managament, pending clarification of status.

SAN BERNARDINO MERIDIAN

T. 2 N., R. 13 W.,
Sec. 35, lots 7, 8, and 9.

Aggregating 14.75 acres.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6176; Filed, June 30, 1961; 8:50 a.m.]

[Public Land Order 2416]

[Wyoming 099445]

WYOMING

Partly Revoking Stock Driveway Withdrawals No. 128 and 144

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is hereby ordered that the departmental order of December 28, 1922, enlarging Stock Driveway Withdrawals No. 128 and 144 be and the same is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 86 W.,
Sec. 22, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, NE¼NE¼.

Containing 240 acres.

The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on December 26, 1961, the State of Wyoming shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to mineral leasing and to location under the United States mining laws.

Inquiries should be directed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6177; Filed, June 30, 1961; 8:51 a.m.]

[Public Land Order 2417]

[1796532]

ALASKA

Revoking Executive Order No. 8344 of February 10, 1940

By virtue of the authority contained in sec. 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), it is ordered as follows:

1. Executive Order No. 8344 of February 10, 1940, withdrawing for classification and in aid of legislation all of Kodiak, Whale, Uganik, Spruce, Sitkalidak, and Alaktalik Islands in Alaska, including with certain exceptions all adjacent islands, rocks, and pinnacles within two miles of the shores thereof comprising approximately 2,500,000 acres is hereby revoked.

2. Of the areas released from withdrawal by this order, an area of about 1,800,000 acres is included in the Kodiak National Wildlife Refuge. In addition, considerable areas are under grazing lease as authorized by the act of March 4, 1927 (44 Stat. 1452; 48 U.S.C. 471, 471a-471o). Lands included in such leases are considered to be appropriated and segregated and unavailable for entry under the homestead and similar public laws relating to vacant, unappropriated lands, unless and until they have been determined to be suitable for such purpose and appropriate action has been taken to cancel the lease to the extent necessary and to classify the lands for other use or disposal. (See 43 CFR 63.22.)

3. Until 10:00 a.m., on December 26, 1961, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1-76.18. Beginning 10:00 a.m., on December 26, 1961, the unappropriated public lands shall be subject generally to the operation of the public land laws, subject to valid existing rights, to equitable claims if allowed and confirmed, to the segregative effect of State selections that they may be filed, to governing rules and regulations, and the provisions of existing withdrawals.

4. There is excepted from the restoration made by this order an area one mile square surrounding each of the native villages of Old Harbor, Akhiok, Larsen Bay, Uganik, Uyak, Alitak, Ayakulik, and Kaguyak. Public Land Order No. 1634 of May 9, 1958, which reestablished the Kodiak National Wildlife Refuge, excluded these areas from the Refuge. They will not be subject to State selection or other appropriation or disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

The lands have been open to mineral leasing and to location for metalliferous minerals.

Information concerning the lands can be secured from the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

The status of the lands in the Kodiak National Wildlife Refuge is not affected by this order.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 26, 1961.

[F.R. Doc. 61-6178; Filed, June 30, 1961; 8:51 a.m.]

[Public Land Order 2418]

[1935558]

ALASKA

Revoking Public Land Order No. 255 of December 15, 1944 in Part and Air Navigation Site No. 167 Entirely; Rewithdrawing Portions of the Released Lands

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order No. 255 of December 15, 1944, so far as reserved the following-described lands for use of the War Department is hereby revoked:

a. *Gulkana*

Beginning at the corner of secs. 18 and 19 on the west boundary of T. 4 N., R. 1 W., Copper River Meridian, thence easterly 2 miles between secs. 18 and 19, and 17 and 20, to the corner of secs. 16, 17, 20, and 21; thence East, 3 miles; North, 9 miles; West, 6 miles; South, 9 miles; East, 1 mile, point of beginning.

Containing approximately 34,560 acres.

b. *Delta Junction Area*

Beginning at a point on the centerline of the Alaska Highway, which bears east 6,200 feet more or less from U.S.C. and G.S. Monument "Mile 270", thence east 4,440 feet approximately to the northeast corner of Public Land Order No. 255 area; South, 2,900 feet approximately, to the centerline of the Alaska Highway; Northwesterly, 5,270 feet approximately, along the centerline of the highway to the point of beginning.

Containing about 143 acres.

2. The departmental orders of September 15, 1941, and February 15, 1942, reserving the following-described lands for use of the Department of Commerce in the maintenance of air navigation facilities as Air Navigation Site Withdrawal No. 167, are hereby revoked:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W., (partly unsurveyed)
Sec. 4, W½;
Sec. 5;
Sec. 6, E½;
Sec. 8, N½.
T. 5 N., R. 1 W., (partly unsurveyed)
Sec. 19, SE¼;
Sec. 20, S½;
Sec. 29;
Sec. 30, NE¼;
Sec. 32.

Aggregating 3,520 acres.

3. The Department of the Army and the Federal Aviation Agency continue to have a need for the following lands, described in terms of the public land surveys, which lands are respectively portions of the areas described in paragraphs 1a and 2 of this order, and such lands are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the public land laws, including the mining laws, but not disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, nor with respect to lands in subparagraph b infra (Federal Aviation Agency), from the mineral leasing laws, and reserved as follows:

a. Under jurisdiction of the Department of the Army for military purposes:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W. (partly unsurveyed)
Sec. 3, W½NW¼;
Sec. 4, lots 1 and 4, and that portion of the NE¼ not within lots 1 and 4, lots 2 and 3. Lot 5 and that portion of the N½SE¼ not within lot 5; S½NW¼, NW¼SW¼, N½NE¼SW¼, and N½S½NE¼SW¼;
Sec. 7, lots 5, 9, 10, 17, 21, 22, 26, 27, 31, 32, 36, 37, 41, and 42, E½SE¼, SE¼NE¼, SW¼NE¼NE¼, and E½NE¼NE¼;
Sec. 8, S½.
T. 5 N., R. 1 W. (partly unsurveyed)
Sec. 32, NE¼ and E½SE¼;
Sec. 33;
Sec. 34, W½NW¼, W½SW¼, and W½E½NW¼;
Sec. 20, SW¼SE¼NE¼SW¼, E½SE¼NE¼SW¼, S½NW¼NW¼SE¼, SE¼SE¼SW¼NE¼, SW¼SW¼SE¼NE¼, S½NW¼SE¼, NE¼NW¼SE¼, E½SW¼SE¼NE¼, S½NE¼SE¼NE¼, SE¼SE¼NE¼, E½SE¼.
Sec. 21, SW¼, SE¼, NW¼SW¼NW¼, S½NE¼SW¼NW¼, S½SW¼NW¼, S½N½SE¼NW¼, SW¼NW¼SW¼NE¼, SW¼SW¼NE¼, SE¼SW¼NE¼, and S½SE¼NE¼;
Sec. 22, SW¼SW¼NW¼, NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼, and W½SE¼SW¼;
Sec. 27, NW¼, W½SW¼, and W½E½SW¼;
Sec. 28;
Sec. 29, SE¼, NE¼, S½NE¼NW¼, SE¼NW¼, E½NW¼NW¼, E½SW¼NW¼, and E½W½SW¼NW¼.

Containing approximately 4,211.83 acres.

b. For use of the Federal Aviation Agency in the maintenance of air navigation facilities:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W. (partly unsurveyed)
Sec. 5;
Sec. 6, E½NE¼ and E½SE¼;
Sec. 8, N½.
T. 5 N., R. 1 W.,
Sec. 19, E½SE¼;
Sec. 20, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 29, SW¼ and N½NE¼NW¼;
Sec. 32, W½ and W½SE¼.

Containing approximately 1,940 acres.

4. The lands released from withdrawal by paragraphs 1 and 2 of this order and not rewithdrawn by paragraph 3, are hereby restored to operation of the public land laws in accordance with the following:

a. Until 10:00 a.m., on September 26, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 76.1-76.18.

b. Beginning at 10:00 a.m., on September 26, 1961, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 27, 1961.

[F.R. Doc. 61-6179; Filed, June 30, 1961; 8:51 a.m.]

[Public Land Order 2419]

[87225]

ALASKA

Revoking Orders Which Opened Lands Under the Forest Homestead Act

By virtue of the authority contained in the act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506-509), as amended, and upon request of the Department of Agriculture, it is ordered as follows:

Subject to valid existing rights, the orders of June 20, 1916, July 25, 1928, and November 17, 1932, which opened lands in the Tongass National Forest for entry under the said Act of June 11, 1906, are hereby revoked so far as they affect the following-described lands:

a. List No. 6-1741:
A tract of land containing 154.98 acres, situated on the northwest side of Duke Island (H.E. Survey 88).

b. List No. 8-113, as amended:
A tract of land containing 3.24 acres, on Gravina Island (H.E. Survey 248).

c. List No. 8-137:
A tract of land containing 42.70 acres in approximately latitude 58°6' North, longitude 135°36' West.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 27, 1961.

[F.R. Doc. 61-6180; Filed June 30, 1961; 8:51 a.m.]

[Public Land Order 2420]

[Anchorage 051684]

[1859733]

ALASKA

Partly Vacating Air Navigation Site No. 157

By virtue of the authority contained in Section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental order of April 19, 1941, establishing Air Navigation Site Withdrawal No. 157, as amended by Departmental orders of October 28, 1941, January 5, 1942, and July 24, 1942, and as redescribed by Bureau of Land Management order of October 1, 1951, to conform to U.S. Survey No. 2644, is hereby revoked so far as it affects the following-described lands:

From corner No. 8 of Air Navigation Site Withdrawal No. 157 (U.S. Survey No. 2644); E. 4,000 feet; S. 5,000 feet; W. 4,000 feet; N. 5,000 feet to the point of beginning.

From corner No. 9 of Air Navigation Site Withdrawal No. 157 (U.S. Survey No. 2644); S. 70°00', W. 8,598.56 feet; S. 2,059.12 feet; W. 10,000 feet; N. 5,000 feet; E. 18,080 feet to the point of beginning.

From corner No. 7 of Air Navigation Site Withdrawal No. 157 (U.S. Survey No. 2644); N. 4,000 feet; E. 3,000 feet; S. 2,908.09 feet; S. 70°00' W. 3,192.53 feet to the point of beginning.

The areas described aggregate 2,118 acres.

2. The lands are situated approximately 210 miles southwest of Anchorage, Alaska. Topography is relatively flat, with a sparse spruce vegetative cover.

3. Until 10:00 a.m., on September 26, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on September 26, 1961, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 27, 1961.

[F.R. Doc. 61-6181; Filed, June 30, 1961; 8:51 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Under Secretary of Commerce for Transportation, Department of Commerce

T-1—SHIPPING RESTRICTIONS; SUBGROUP A, HONG KONG, MACAO AND REPUBLIC OF THE CONGO

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Transportation Order T-1 (15 F.R. 8777, Dec. 8, 1950), as amended (26 F.R. 2711, March 31, 1961), is hereby amended to read as follows:

Sec.
1. Prohibited transportation and discharge.
2. Applications for adjustment or exceptions.
3. Reports.
4. Records.
5. Defense against claims for damages.
6. Violations.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App.; 2154, as amended. Interpret or apply secs. 101, 705, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

SECTION 1. *Prohibited transportation and discharge.* (a) No person shall transport in any ship documented under the laws of the United States or in any

aircraft registered under the laws of the United States any commodity at the time on the Positive List (as amended from time to time) of the Comprehensive Export Schedule of the Office of International Trade, Department of Commerce (15 CFR Parts 370–399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121–128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1946 (10 CFR Parts 40 and 50), to any destination at the time in Subgroup A of the Comprehensive Export Schedule (15 CFR 371.3(a)), to Hong Kong or to Macao, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or at any other port in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current information as to commodities on the Positive List and will advise whether commodities are currently on that List.

(b) No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any arms, ammunition or implements of war; aircraft and aircraft engines and parts; automotive vehicles of military design; motor trucks and chassis and special purpose vehicles, commercial, of 10,000 pounds or under gross vehicle weight, and having front and rear axle drive, new or used; and bayonets if he knows or has reason to believe that said commodity or article is destined directly or indirectly for the Republic of the Congo, and no person shall discharge from any such ship or any such aircraft any such commodity or article at any port or at any other port in transit to any such destination, or within the Republic of the Congo, unless a validated export license under the Export Control Act of 1949, as amended, or under section 414 of the Mutual Security Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, and any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation.

SEC. 2. *Applications for adjustment or exceptions.* Any person affected by any provisions of this order may file an application for an adjustment or exception upon the ground that such provision works an exceptional hardship upon him, not suffered by others, or that its enforcement against him would not be in the interest of the national defense program. Such an application may be made by letter or telegram addressed to the Under Secretary for Transportation, Washington 25, D.C., reference T–1. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

SEC. 3. *Reports.* Persons subject to this order shall submit such reports to the Under Secretary for Transportation as he shall require, subject to the terms of the Federal Reports Act.

SEC. 4. *Records.* Each person participating in any transaction covered by this order shall retain in his possession, for at least two years, records of shipments in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 5. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 6. *Violations.* Any person who wilfully violates any provisions of this order or wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

This order shall take effect on June 22, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61–6146; Filed, June 30, 1961; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 785; Amdt. 300]

PART 507—AIRWORTHINESS DIRECTIVES

Bell Model 47 Helicopters

Four forward cross tubes, P/N 47–512–111–9, the main supporting member of the float gear, have failed in service. These failures occurred near the left side attaching point through two holes that have been plugged with weld metal, filed flush and repainted. These defective tubes were manufactured by a vendor until April 15, 1961. Tubes after this date will be manufactured by the aircraft manufacturer and will conform to the type design.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BELL. Applies to all Models 47J, 47J–2, 47G–3, and 47G–2A helicopter with float gear kit No. 47–706–661 installed.
Compliance required as indicated.

Several cases of failures have been reported of the forward cross tube failing near the left attaching point (cross tube to centerframe) through drilled holes which have been welded closed and filed smooth.

To remove defective tubes and preclude the possibility of float cross tube No. 47–512–111–9 failing during landing, the following one-time inspection is required:

(a) Within the next 10 hours' time in service after the effective date, remove paint from around the P/N 47–512–111–9 cross tube for an area approximately 2 inches on each side of the stop plates, P/N 47–500–024–1 and visually inspect for any indication of welded holes in this area.

(b) If no evidence of welds is found, prime and repaint as necessary.

(c) If any indication of a weld exists, replace the cross tube with an FAA approved part within the next 5 hours' time in service following the above inspection.

(Bell Service Bulletin No. 132 dated May 23, 1961 covers this subject.)

This amendment shall become effective July 12, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 26, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6149; Filed, June 30, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 731; Amdt. 219]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

Correction

In F.R. Doc. 61–4180, appearing at page 4489 of the issue for Thursday, May 25, 1961, the bracket should read as set forth above.

[Reg. Docket No. 770; Amdt. 224]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	300–1½
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side NW crs, 337° Outbnd, 157° Inbnd, 1600′ within 10 mi.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 144°—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles, climb to 1500′ on SE crs within 20 miles.
NOTE: Night operations authorized on E–W and NW–SE runways only.
Other change: Restriction note deleted on procedure turn.

City, Millville; State, N.J.; Airport Name, Millville Municipal; Elev., 87′; Fac. Class., SBRAZ; Ident., MIV; Procedure No. 1, Amdt. 6; Eff. Date, 8 July 61; Sup. Amdt. No. 5; Dated, 1 Dec. 53

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Wolcottsville FM	LOM (Final)	Direct	1500	T–dn	300–1	300–1	300–1½
Buffalo VOR	LOM	Direct	1900	C–dn	500–1	500–1	500–1½
SW crs Buffalo LFR	LOM	Direct	2000	S–dn–23	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn North side of crs, 052° Outbnd, 232° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 232°—3.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on 232° crs from LOM, then make left turn direct to BU LOM. Hold on BU LOM, right turns, 1 minute, 232° Inbnd.

City, Buffalo; State, N.Y.; Airport Name, Buffalo; Elev., 711′; Fac. Class., LOM; Ident., BU; Procedure No. 1, Amdt. Orig.; Eff. Date, 8 July 61

Duluth VOR	LOM	Direct	2700	T–dn	300–1	300–1	300–1½
Duluth LFR	LOM	Direct	2700	C–d	400–1	500–1	500–1½
Int VOR R–320 and 180° brng to LOM	LOM	Direct	2700	C–n	400–1½	500–1½	500–1½
Int 142° brng to DM–LFR and 180° brng to LOM.	LOM	Direct	2700	S–dn–9	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
Int 226° brng to DM–LFR and 268° brng to LOM.	LOM	Direct	3000				
Int VOR R–047 and 268° brng to LOM	LOM	Direct	3000				

Procedure turn South side of crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 088°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi of LOM, climb to 3000′ on 088° crs from LOM within 15 miles.
CAUTION: 2049′ tower approximately 4.5 mi SE of Duluth Municipal Airport.

City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430′; Fac. Class., LOM; Ident., DL; Procedure No. 1, Amdt. 4; Eff. Date, 8 July 61; Sup. Amdt. No. 3; Dated, 4 June 60

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
DHN VOR	OKB RBn	Direct	1600	T–dn	300–1	300–1	200–½
OZR VOR	OKB RBn	Direct	1600	C–dn	400–1	500–1	500–1½
ETP RBn	OKB RBn	Direct	1600	S–dn–6	400–1	400–1	400–1
OR LFR	OKB RBn	Direct	1600	A–dn	800–2	800–2	800–2
Hartford Int	OKB RBn	Direct	1600				

Procedure turn teardrop, 261° Outbnd, 081° Inbnd. Initial penetration 15,000′ or below; penetration turn left, 8000′, within 20 mi complete penetration at 2000′.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 081°—5.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles, turn left, climb to 1600′, proceed direct to ETP RBn or, when directed by ATC, turn left and return to OKB RBn at 1600′.
NOTES: (1) Rate of descent not to exceed 4000 f.p.m. and 200 K; (2) Direction of penetration turn nonstandard due ATC requirements; (3) Prior arrangements for landing required for civil aircraft not on official business.

City, Fort Rucker; State, Ala.; Airport Name, Cairns AAF; Elev., 305′; Fac. Class., MHW; Ident., OKB; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 July 61

				T–dn*	300–1	300–1	200–½
				C–dn*	400–1	500–1	500–1½
				S–dn–5*	400–1	400–1	400–1
				A–dn*	800–2	800–2	800–2

Procedure turn S side of crs, 225° Outbnd, 045° Inbnd, 3700′ within 10 mi.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 045°—4.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 mi, make a right climbing turn to 4000′ and return to Johnstown MHW and hold SW on crs of 225 within 10 mi.
Other change: Deletes restriction note on the procedure turn area.
*Runway lights available by prior arrangement only.

City, Johnstown; State, Pa.; Airport Name, Cambria County; Elev., 2284′; Fac. Class., MHW; Ident., JST; Procedure No. 1, Amdt. 2; Eff Date, 8 July 61; Sup. Amdt. No. 1; Dated, 25 June 54

				T–dn	300–1	300–1	300–1
				C–dn	500–1	500–1	500–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 234° Outbnd, 054° Inbnd, 1800′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 051°—2.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 mi, make a right climbing turn returning to LWM MHW facility at 1800′. Hold LWM MHW, right turns, 1-minute pattern 054° inbnd.
NOTE: Runway 18–36 not authorized at night (no lights).
NOTE: Runway 18–36 not authorized for aircraft with stall speed more than 65 K.
NOTE: Facility operated by city.

City, Lawrence; State, Mass.; Airport Name, Municipal; Elev., 165′; Fac. Class., MHW; Ident., LWM; Procedure No. 1, Amdt. 3; Eff. Date, 8 July 61; Sup. Amdt. No. 2; Dated, 28 Jan. 56

PROCEDURE CANCELLED, EFFECTIVE 8 JULY 61, OR UPON DECOMMISSIONING OF LEB RBN.

City, Lebanon; State, N.H.; Airport Name, Lebanon Municipal; Elev., 580′; Fac. Class., BH; Ident., LEB; Procedure No. 1, Amdt. 3; Eff. Date, 29 Aug. 59; Sup. Amdt. No. 2; Dated, 1 Apr. 54

MW–LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Racine Int	LOM	Direct	2000	C–dn	600–1	600–1	600–1½
MKE VOR	LOM	Direct	2500	S–dn–1	500–1	500–1	500–1
Cardinal Int	LOM	Direct	2700	A–dn	800–2	800–2	800–2
Wind Lake Int	LOM	Direct	2000				
Pike Int	LOM	Direct	2000				
Big Bend Int	LOM	Direct	2000				
Oakwood Int	LOM (Final)	Direct	2000				
Franksville Int	Oakwood Int	Direct	2000				

Procedure turn East side of crs, 186° Outbnd, 006° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 006°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing LOM, climb to 2700′ on 006° bnd from LOM, proceed direct to Cardinal Int or, when directed by ATC, climb to 2500′ and proceed to MKE–VOR via MKE R–110.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 703′; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 13; Eff. Date, 8 July 61; Sup. Amdt. No. 12; Dated, 18 Mar. 61

				T–dn	300–1	300–1	200–½
				C–dn	800–1	800–1	800–1½
				S–dn–4	800–1	800–1	800–1
				A–dn	1000–2	1000–2	1000–2

Procedure turn W side crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 020°—3.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 mi, climb to 1000′ on crs of 020, then make a right climbing turn, returning to Chatham RBN at 3000′.
Major change: Procedure revised to delete the restriction note on the procedure turn area.

City, Morristown; State, N.J.; Airport Name, Morristown Municipal; Elev., 187′; Fac. Class., MHW; Ident., CAT; Procedure No. 1, Amdt. 2; Eff. Date, 8 July 61; Sup. Amdt. No. 1; Dated, 27 Dec. 53

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Waco VOR	Waco LOM	Direct	1600	T–dn	300–1	300–1	200–½
Brandon Int	Int 185° brng to LOM and ACT–VOR R–028.	Direct	1800	C–dn	400–1	500–1	500–1½
				S–dn–18	400–1	400–1	400–1
Int 185° brng to LOM and ACT–VOR R–028.	Waco LOM (Final)	Direct	1600	A–dn	800–2	800–2	800–2
Bruceville Int	Int 005° brng to LOM and ACT–VOR R–164.	Direct	2000				
Int 005° brng to LOM and ACT–VOR R–164.	Waco LOM	Direct	2000				

Radar terminal maneuvering area 2000′ within 20 miles of radar site (James Connally AFB).
Procedure turn West side of crs, 005° Outbnd, 185° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 185°—4.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles, climb to 2000′ on 185° crs from LOM within 20 miles or, when directed by ATC, (1) turn right, climb to 2000′ proceeding to Waco LOM, or (2) turn left, climb to 2000′ and intercept R–136 Waco VOR within 20 mi.

City, Waco; State, Tex.; Airport Name, Waco Municipal; Elev., 515′; Fac. Class., LOM; Ident., AC; Procedure No. 1, Amdt. 1; Eff. Date, 8 July 61; Sup. Amdt. No. Orig.; Dated, 6 May 61

Chardon VOR	Lost Nation RBn	Direct	2500	T–dn	300–1	300–1	300–1
County Int	Lost Nation RBn	Direct	2500	C–dn*	600–1	600–1	600–1½
Perry RBn	Lost Nation RBn	Direct	2500	S–dn–27*	500–1	500–1	500–1
Fairport Int	Lost Nation RBn	Direct	2300	A–dn	NA	NA	NA

Procedure turn North side of crs, 092° Outbnd, 272° Inbnd, 2300′ within 10 miles of Int**.
Minimum altitude over Int** on final approach crs, 1800′.
Crs and distance, Int** to airport, 272°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Int**, climb to 2500′ on crs of 272° within 10 miles and return to LNN RBn and hold West.
CAUTION: Stack 920′ MSL 1.7 miles WSW of airport. High lines along east boundary of airport.
NOTES: Voice communications and weather on 122.8 available 24 hours a day. Contact Cleveland approach control for ATC. Runway lights east/west runway only.
Facility owned and operated by Lost Nation Airport.
*Authorized only for aircraft equipped to receive ADF and VOR simultaneously. If Chardon VOR not received 1200–1 minimums will apply.
**Int 272 Inbnd crs LNN RBn and R–335 Chardon VOR.

City, Willoughby; State, Ohio; Airport Name, Lost Nation; Elev., 626′; Fac. Class., HW; Ident., LNN; Procedure No. 1, Amdt. 2; Eff. Date, 8 July 61; Sup. Amdt. No. 1; Dated, 6 July 58

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BI LFR	BGS VOR	019–11.5	4000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				A–dn*	800–2	800–2	800–2

Procedure turn East side of crs, 324° Outbnd, 144° Inbnd, 3900′ within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirement. All turns to be made on East side of course.
Minimum altitude over facility on final approach crs, 3300′.
Crs and distance, facility to airport, 144°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles, climb to 4100′ on BGS VOR R–144 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized for carriers having approval of their arrangement for use of the communications and weather service at this airport.
NOTE: Weather and communications service not available to general public at Howard County Airport. Prior ATC approval required in using this facility. Pilots using this approach shall, as soon as practicable, advise Webb Approach Control when contact or executing a missed approach.
*Alternate usage authorized for air carriers only.

City, Big Spring; State, Tex.; Airport Name, Howard County; Elev., 2560′; Fac. Class., BVOR; Ident., BGS; Procedure No. 1, Amdt. 2; Eff. Date, 8 July 61; Sup. Amdt. No. 1; Dated, 23 Apr. 60

Elmira LFR	ELM–VOR	Direct	3000	T–d	800–2	800–2	800–2
				T–n	800–3	800–3	800–3
				C–d	1400–2	1400–2	1400–2
				C–n	1400–3	1400–3	1400–3
				A–d	2000–2	2000–2	2000–2
				A–n	2000–3	2000–3	2000–3

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 066°—6.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 mi, climb to 3000′ on crs of 066° within 10 mi of VOR and return to VOR.
AIR CARRIER NOTE: Sliding scale not authorized. No reduction in landing visibility minimums authorized for local conditions. No reduction in take-off minimums authorized. VFR clearances under provisions of CAR 60.31. Not authorized when visibility is less than 2 miles and a circling approach is required.

City, Elmira; State, N.Y.; Airport Name, Chemung County; Elev., 951′; Fac. Class., BVOR; Ident., ELM; Procedure No. 1, Amdt. 5; Eff. Date, 8 July 61; Sup. Amdt. No. 4; Dated, 23 Apr. 55

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	200–½
				C-dn	600–1	700–1	700–1½
				S-dn-21°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs. 032° Outbnd, 212° Inbnd, 2500 within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 212°—5.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing PKB-VOR or 2.0 mi after passing FM, make climbing left turn to 2500' and proceed direct to VOR.
*Do not descend to landing minimums until passed FM. If Fan Marker not received, minimums of 500–1 will apply.

City, Parkersburg; State, W. Va.; Airport Name, Wood County; Elev., 856'; Fac. Class., BVOR; Ident., PKB; Procedure No. 1, Amdt. 4; Eff. Date, 8 July 61; Sup. Amdt. No. 3; Dated, 18 Mar. 61

HUF BH	HUF-VOR	Direct	2000	T-dn	300–1	300–1	200–½
LEU-VOR	Int*	Direct	2000	C-dn	400–1	500–1	500–1½
HUF-VOR	Int*	Direct	2000	S-dn-5	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 228° Outbnd, 048° Inbnd, 2000' within 10 mi of Int*.
Minimum altitude over Int* on final approach crs, 1600'.
Crs and distance, facility to airport, 048°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing Int*, climb to 2000' NE-bnd on R-047 HUF-VOR within 20 miles or, when directed by ATC, make climbing right turn to 2000' and proceed direct to LEU-VOR.
NOTE: Procedure restricted to aircraft equipped with dual omni.
*Int: Int HUF-VOR R-228 and LEU-VOR R-323.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585'; Fac. Class., BVOR; Ident., HUF; Procedure No. 2, Amdt. Orig.; Eff. Date, 8 July 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
CQ-LFR	CHS-VOR	Direct	1400	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-3	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 213° Outbnd, 033° Inbnd, 1400' within 10 mi.
Minimum altitude over facility on final approach crs, 500'.
Facility on airport.
Crs and distance, breakoff point to Runway 3, 026°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400' on R-033 within 20 miles or, when directed by ATC, turn left, climb to 1400' on R-213 CHS-VOR.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR-3, Amdt. Orig.; Eff. Date, 8 July 61

Bradley Int	CLT-VOR	Direct	2900	T-dn	300–1	300–1	300–1
Weddington Int	CLT-VOR	Direct	2100	C-dn#	600–1	600–1	600–1½
Bethany Int	CLT-VOR	Direct	2200	S-dn-23#	600–1	600–1	600–1
Waco Int	CLT-VOR	Direct	2900	A-dn	800–2	800–2	800–2
Stanley Int	CLT-VOR	Direct	2900				

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2900' within 10 mi of Parks Int*.
Minimum altitude over Parks Int* on final approach crs, 1600'#.
Crs and distance, Parks Int* to airport, 240°—4.2 mi.
Crs and distance, breakoff point to end of runway, 230°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of Parks Int*, climb to 2100', turn left and proceed to FML-VOR via FML R-607.
*Parks Int: Int R-060 CLT-VOR and R-018 FML-VOR.
#If Parks Int not identified on final approach, descent below 1600' MSL not authorized.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748'; Fac. Class., BVORTAC; Ident., CLT; Procedure No. TerVOR-23, Amdt. Orig.; Eff. Date, 8 July 61

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Lancaster RBn	Lancaster VOR	Direct	2000	T-dn	300–1	300–1	NA
Landisville Int*	Lancaster VOR (Final)	Direct	800	C-dn	500–1	600–1	NA
				S-dn-8	400–1	400–1	NA
				A-dn	800–2	800–2	NA

Procedure turn South side of crs, 268° Outbnd, 088° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 800'#.
Crs and distance, breakoff point to app end of Rny-8, 076°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000' on R-088 within 10 miles and return to VOR at 2000'.
CAUTION: 1490' tower 16 miles SW of airport.
Major changes: Deletes transition from Lancaster Int. Deletes the restriction note on the procedure turn area.
*Int Lancaster VOR R-268 and 180° ADF brng to LRP RBn.
#Maintain 1200' until after passing Landisville Int*. If aircraft not equipped to identify Landisville Int*, ceiling minimum of 800' is applicable for landing.

City, Lancaster; State, Pa.; Airport Name, Municipal; Elev., 401', Fac. Class., BVOR; Ident., LRP; Procedure No. TerVOR-8, Amdt. 1; Eff. Date, 8 July 61; Sup. Amdt. No. Orig.; Dated, 26 Sept. 58

Springfield MHW	XBF-VOR	Direct	1800	T-dn	300–1	300–1	200–½
Herndon VOR	XBF-VOR	Direct	1800	C-dn*	700–1	700–1	700–1½
Andrews LFR	XBF-VOR	Direct	1800	S-dn-15°	600–1	600–1	600–1
Washington LFR	XBF-VOR	Direct	1800	A-dn*	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn South side crs, 314° Outbnd, 134° Inbnd, 1800' within 10 mi of Georgetown MHW.
Minimum altitude over Int 038° brng to Georgetown MHW and R-134 XBF on final approach crs, 1300'.
Crs and distance, abeam Georgetown MHW to airport, 134°—3.4 mi.
Crs and distance, breakoff point to approach end of Runway 15, 149°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 mi after passing 038° brng of Georgetown MHW climb to 1000' on crs 150°, make a right turn and proceed to DA-LFR at 1500'.
NOTE: Radar monitoring required during final approach when ceiling reported below 900' or the visibility is 1½ mi or less.
CAUTION: Standard clearance is not provided over obstructions within circling area of airport.
*When Radar monitoring not available, minimums of 900–1½ apply.

City, Washington; State, D.C.; Airport Name, National; Elev., 16'; Fac. Class., BVOR; Ident., XBF; Procedure No. TerVOR-15, Amdt. 1; Eff. Date, 8 July 61; Sup. Amdt. No. Orig.; Dated, 29 Apr. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Allentown VOR	Bath Int*	Direct	2300	T-dn	300–1	300–1	200–½
Allentown LFR	Bath Int*	Direct	2300	C-dn	500–1	500–1	500–1½
Int NE crs Allentown ILS and E crs Allentown LFR.	Bath Int*	Direct	2300	S-dn-24	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
Allentown LOM	Bath Int*	Direct	2300				
Stroudsburg VOR	Nazareth Int** (Final)	Direct	#2700				

Procedure turn E side NE crs 061° Outbnd, 241° Inbnd, 2300' within 10 mi of Bath Int*.
No glide slope or markers. Descend to landing minimums after passing Bath Int. Minimum Alt over Bath Int* on final approach 1200'. Distance to Runway 24, 3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 mi after passing Bath Int*, climb to 2500' on SW crs ILS within 20 mi of Bath Int*.
*Bath Int: Int NE crs ILS and R-121 ABE VOR or 280° brg to AE LFR.
**Nazareth Int: Int NE crs ILS and 087 Radial ABE or Radial 210 SSB VOR.
#When inbnd from Nazareth Int** on localizer back course, descent to cross Bath Int* at 1200' is authorized.

City, Allentown; State, Pa.; Airport Name, Allentown-Bethlehem-Easton; Elev., 392'; Fac. Class., ILS; Ident., I-ABE; Procedure No. ILS-24, Amdt. 4; Eff. Date, 8 July 61; Sup. Amdt. No. 3; Dated, 22 Oct. 60

Relay Int	LOM	Direct	1700	T-dn**	300–1	300–1	200–½
Beltsville FM	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
Lisbon Int	LOM	Direct	1800	S-dn-10*	200–½	200–½	200–½
Baltimore VOR	LOM	Direct	1700	A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side W crs, 282° Outbnd, 102° Inbnd, 1700' within 10 mi.
Minimum altitude at glide slope int inbnd, 1500'.
Altitude of glide slope and distance to appr end of rny at OM, 1295'—3.8 mi; 359'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1700' on East crs of ILS within 10 miles of LOM. Return to LOM, hold West one-minute right turns.
GLIDE SLOPE NOTE: Glide slope not useable inbound from middle marker; satisfactory for authorized minimums.
LOCALIZER NOTE: Narrow localizer course—4°.
*Runway Visual Range 2600' also authorized for landing on Runway 10, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 346' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600' authorized for takeoff on Runway 10 in lieu of 200–½ when 200–½ authorized, providing associated high intensity runway lights are operational.

City, Baltimore; State, Md.; Airport Name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-10, Amdt. 10; Eff. Date, 8 July 61; Sup. Amdt. No. 9; Dated, 1 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Ascot Int	Brecksville MHW	Direct	3000	T-dn	300-1	300-1	200-½
Cleveland VOR	Brecksville MHW	Direct	3000	C-dn	400-1	500-1	500-1½
Euclid Int	Brecksville MHW (Final)	Direct	3000	S-dn-27R*	300-¾	300-¾	300-¾
Chagrin Falls Int	Brecksville MHW (Final)	Direct	3000	A-dn	600-2	600-2	600-2
Penfield Int	Brecksville MHW	Direct	3000				

Radar transition and vectoring authorized in accordance with approved radar patterns.
Procedure turn North side of crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 mi of Brecksville RBn.
Minimum altitude at glide slope interception inbnd, 3000′.
Altitude of glide slope and distance to approach end of Runway at OM, 2230′—4.3 mi; at MM, 1030′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Cleveland OM, proceed to the Cleveland VOR, climbing to 2000′. Hold on R-278, one-minute, left turns.
*400-1 required with glide slope inoperative.

City, Cleveland; State, Ohio; Airport Name, Hopkins; Elev., 789′; Fac. Class., ILS; Ident., I-CEE; Procedure No. ILS-27R, Amdt. 2; Eff. Date, 8 July 61; Sup. Amdt. No. 1; Dated, 10 June 61

Duluth VOR	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Duluth LFR	LOM	Direct	2700	C-d	400-1	500-1	500-1½
Int VOR R-320 and 180 brg to LOM	LOM	Direct	2700	C-n	400-1½	500-1½	500-1½
Int 142° brng to DM-LFR and 180° brng to LOM.	LOM	Direct	2700	S-dn-9*	300-¾	300-¾	300-¾
Int 226° brng to DM-LFR and 268° brng to LOM.	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Int VOR R-047 and 268° brng to LOM	LOM	Direct	3000				

Procedure turn S side of final approach crs, 268° Outbnd, 088° Inbnd, 2700′ within 10 miles.
Minimum altitude at glide slope interception inbound, 2700′.
Altitude of glide slope and distance to approach end of runway at LOM, 2700′—4.3; at MM, 1630′—0.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on 088° crs from LOM within 15 miles.
CAUTION: 2049′ tower approximately 4.5 miles SE of Duluth Municipal Airport.
*400-1 required with glide slope inoperative.

City, Duluth; State, Minn.; Airport Name, Duluth Municipal; Elev., 1430′; Fac. Class., ILS; Ident., I-DLH; Procedure No. ILS-9, Amdt. 4; Eff. Date, 8 July 61; Sup. Amdt. No. 3; Dated, 4 June 60

MW-LFR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Big Bend Int	LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Racine Int VHF	LOM	Direct	2000	S-dn-1	200-½	200-½	200-½
Cardinal Int VHF	LOM	Direct	2700	A-dn	600-2	600-2	600-2
MKE VOR	LOM	Direct	2500				
Wind Lake Int	LOM	Direct	2000				
Pike Int	LOM	Direct	2000				
Oakwood Int	LOM (Final)	Direct	2000				
Franksville Int	Oakwood Int	Direct	2000				

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2000′ within 10 mi.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1877′—3.6 mi; at MM, 929′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2700′ on 006° brng from LMM and proceed direct to the Cardinal Int or, when directed by ATC, make left climbing turn to 2500′ and intercept R-110 MKE-VOR and proceed to MKE-VOR.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell Field; Elev., 703′; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-1, Amdt. 13; Eff. Date, 8 July 61; Sup. Amdt. No. 12; Dated, 18 Mar. 61

Waco VOR	Waco LOM	Direct	1600	T-dn	300-1	300-1	200-½
Brandon Int	N Crs ILS	Via R-028 ACT-VOR.	1800	C-dn	400-1	500-1	500-1½
N crs ILS and R-028 ACT-VOR	Waco LOM (Final)	Direct	1800	S-dn-18	200-½	200-½	200-½
Bruceville Int	S crs ILS	Via R-164 ACT-VOR.	2000	A-dn	600-2	600-2	600-2
S crs ILS and R-164 ACT-VOR	Waco LOM	Direct	2000				

Radar terminal maneuvering area 2000′ within 20 miles of radar site (James Connally AFB).
Procedure turn West side of N crs, 003° Outbnd, 183° Inbnd, 1800′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 1800′.
Altitude of glide slope and distance to approach end of Runway at OM, 1766′—4.6 mi; at MM, 700′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on S crs of ILS (185°) within 20 miles or, when directed by ATC, (1) turn right and climb to 2000′ proceeding to Waco VOR or (2) turn left, climb to 2000′ and intercept R-136 of Waco VOR within 20 miles.

City, Waco; State, Tex.; Airport Name, Waco Municipal; Elev., 515′; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-18, Amdt. 1; Eff. Date, 8 July 61; Sup. Amdt. No. Orig.; Dated, 6 May 61

Andrews LFR	OM	Direct	1500	T-dn**	300-1	300-1	200-½
Springfield MHW	OM	Direct	1500	C-dn	600-1	600-1	600-1½
Andrews LFR via crs 273	ILS S crs	Direct	1500#	S-dn-36*	200-½	200-½	200-½
Doncaster (VHF) Int via crs 033	ILS S crs	Direct	1500#	A-dn	600-2	600-2	600-2
Radar terminal area transition altitudes	OM	E, W, & S quad of DCA LFR.	1500 within 25 mi.				
		N quadrant	1800 within 25 mi.				
		All quadrants (exclusive of restricted areas).	2500 within 40 mi.				

Procedure turn W side S crs, 183° Outbnd, 003° Inbnd, 1400′ within 10 miles of OM (nonstandard due to traffic).
Minimum altitude at G.S. int inbnd, 1400′.
Altitude of G.S. and distance to appr end of rny at OM 1360—4.6, at MM 205—0.5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished if contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1800′ (or higher altitude if directed by ATC) on NW crs DCA LFR to Herndon Int.
CAUTION: Standard clearance not provided over obstructions within circling area of airport or within final approach area with glide slope inoperative.
*Runway visual range 2600′ also authorized for landing on Runway 36; provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 216′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2600′ also authorized for takeoff on Runway 36 in lieu of 200-½ when 200-½ is authorized, providing associated high intensity runway lights are operational.
#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1360 on final is authorized.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., ILS; Ident., I-DCA; Procedure No. ILS-36, Amdt. 12; Eff. Date, 8 July 61; Sup. Amdt. No. 11; Dated, 23 May 59

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots

PROCEDURE CANCELLED, EFFECTIVE 24 JUNE 61.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., Spokane; Ident., RADAR-PAR; Procedure No. 2, Amdt. 3; Eff. Date, 17 June 61; Sup. Amdt. No. 2; Dated, 11 Feb. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 6, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61-5416; Filed, June 30, 1961; 8:45 a.m.]

[Reg. Docket No. 777; Amdt. 225]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Elkins VOR	Elkins LFR	Direct	4500	T-d	1000-2	1000-2	1000-2
				T-n	2000-2	2000-2	2000-2
				C-d	2000-3	2000-3	2000-3
				C-n			
				A-d			
				A-n			

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 4500′ within 10 mi.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 175°—2.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 mi, climb to 6000′ on S crs within 20 mi.
AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in minimums authorized due to local conditions. No reduction in take-off minimums authorized.

City, Elkins; State, W. Va.; Airport Name, Elkins Mun. Randolph County; Elev., 1967′; Fac. Class., SBMRAZ; Ident., EN; Procedure No. 1, Amdt. 3; Eff. Date, 15 July 61; Sup. Amdt. No. 2; Dated, 1 Apr. 54

Harrisburg VOR	HR-LFR (Final)	Direct	**1500	T-d#	500-1	500-1	500-1
				T-n#	500-2	500-2	500-2
				C-dn*	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side W crs 284° Outbnd, 104° Inbnd, 2400′ within 10 mi**.
Minimum altitude over facility on final approach crs, 1500**.
Crs and distance, facility to airport, 118°—0.9.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mi, climb to 2000′ on E crs within 10 mi.
CAUTION: Standard clearance not provided over 1300′ ridge 4 mi N of final approach crs and 1136′ ridge and tower 1.6 mi S of airport.
NOTE: Takeoff minimums of 300-1 authorized for Runways 8-26 only.
Other change: Deletes transition from New Kingstown FM.
*Landing N for air carrier aircraft over 12,500 lbs gross weight authorized only during daylight hours with ceiling 1500′ or better.
**CAUTION: Do not descend below 2400′ until Inbnd on final approach crs.
#Take-off S on N-S runway not authorized for air carrier aircraft over 12,500 lbs gross weight.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., SBRAZ; Ident., HR; Procedure No. 1, Amdt. 4; Eff. Date, 15 July 61; Sup. Amdt. No. 3; Dated, 7 Dec. 58

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Asheville VOR	LOM (HW)	Direct	5500	T–dn*	800–1	800–1	800–1
Int AVL–VOR R–214 and brng 342° to LOM (HW).	Broad River Int# (Final)	Direct	4300	C–d**	1500–2	1500–2	1500–2
				C–n	NA	NA	NA
Broad River Int#	LOM (HW) (Final)	Direct	3700	S–dn–34	1000–1	1000–1	1000–1
Owen Int##	LOM (HW)	Direct	5000	A–d	1500–2	1500–2	1500–2
Spartanburg VOR	Broad River Int	Direct	5000	A–n	NA	NA	NA
Spartanburg VOR	LOM (HW)	Direct	5000				

Procedure turn East side of crs, 162° Outbnd, 342° Inbnd, 5000′ within 10 mi.
Minimum altitude over facility on final approach crs, 3700′.
Crs and distance, LOM (HW) to airport, 342°—4.7 mi; LMM to airport, 342°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LMM or 4.1 miles of LOM (HW), climb on crs of 342° from LOM (HW) to Owen Int and continue climb if necessary in holding pattern South of Owen Int (R turns, one minute) to 5000′ or higher as directed by ATC before returning to LOM (HW) or continuing climb on course or, when directed by ATC, climb on crs of 342° from LOM (HW) to 8000′ within 30 mi before proceeding on course.
*IFR Departure Procedures: Takeoffs to the North will comply with missed approach procedure when climbing to altitude. Takeoffs to the South will climb on crs of 162° over the LOM (HW) and continue on crs of 162° to #Broad River Int at 5000′ or higher as directed by ATC before proceeding on course. This procedure is authorized only for aircraft having both an operating ADF receiver and an operating VOR receiver. AV–HW is single transmitter. Aural signal must be monitored at all times. LMM must be operating and utilized during approach or ceiling minimum is 2000′.
**CAUTION: Terrain rises rapidly 2.0 miles West of airport. All maneuvering for circling approach must be accomplished East of airport.
#Broad River Int: Int AVL–VOR R–231 and Brng 342° to LOM (HW).
##Owens Int: Int AVL–VOR R–301 and Brng 342° from LOM (HW).

City, Asheville; State, N.C.; Airport Name, Asheville Municipal; Elev., 2161′; Fac. Class., LOM (HW); Ident., AV; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 July 61 or upon com. of LMM

GRB VOR	LOM	Direct	1900	T–dn	300–1	300–1	200–½
Sherwood Int	LOM	Direct	2000	C–dn	400–1	500–1	500–1½
Int OSH R–045 and GRB R–164	LOM	Direct	1900	S–dn–6	400–1	400–1	400–1
Int OSH R–045 and GRB R–130	LOM	Direct	3000	A–dn	800–2	800–2	800–2
Stadium Int*	LOM	Direct	2100				
Int R–204 GRB and 058° brng to LOM	LOM	Direct	2100				

Procedure turn South side of crs, 238° Outbnd, 058° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 058°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles, make left turn, climbing to 1900′ and return to LOM or, when directed by ATC, (1) Climb to 2300′ on 058° brng from LOM within 20 miles.
CAUTION: 1921′ MSL tower 7 mi SE of airport.
Other change: Deletes transition from Bear Creek Int.
*Stadium Int: Int GRB–VOR R–115 and 238° brng to Green Bay, Wis. MIW.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 694′; Fac. Class., LOM; Ident., XG; Procedure No. 1, Amdt. 2; Eff. Date, 15 July 61; Sup. Amdt. No. 1; Dated, 27 May 61

Lakeville Int*	LOM	Direct	2500	T–dn	300–1	300–1	200–½
South Bend LFR	LOM	Direct	2200	C–dn	500–1	500–1	500–1½
South Bend VOR	LOM	Direct	2200	S–dn–27	500–1	500–1	500–1
Bristol Int#	Elkhart Int@	Direct	2200	A–dn	800–2	800–2	800–2
Goshen LFR	LOM	Direct	2500				
Elkhart Int@	LOM (Final)	Direct	1900				
Adamsville Int**	Elkhart Int@	Direct	2200				
Goshen LFR	Elkhart Int@	Direct	2200				
Goshen VOR	Elkhart Int@	Direct	2500				

Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1900′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 2100′ on W crs of SN LFR or, when directed by ATC, (1) make right climbing turn to 2100′ on N crs of SN LFR; (2) make right turn, climb to 2000′ on R–003 SBN VOR.
CAUTION: 1524′ MSL tower 5.6 mi South of LOM.
*Lakeville Int: Int R–170 SBN VOR and R–270 GSH VOR.
#Bristol Int: Int 089° brng from SBN LOM and R–148 ELX–VOR.
@Elkhart Int: Int 089° brng from SBN LOM and R–360 GSH–VOR or 144° brng to GH–LFR.
**Adamsville Int: Int R–075 SBN–VOR and R–360 GSH–VOR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. 13; Eff. Date, 15 July 61; Sup. Amdt. No. 12; Dated, 13 May 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Berea Int	STG–VOR	Direct	2300	T–dn	300–1	300–1	200–½
Cleveland LFR	STG–VOR	Direct	2300	C–dn	400–1	500–1	500–1½
Cleveland VOR	STG–VOR	Direct	2300	S–dn–36	400–1	400–1	400–1
Medina Int	STG–VOR	Direct	2300	A–dn	800–2	800–2	800–2

Procedure turn East side of crs, 195° Outbnd, 015° Inbnd, 2300′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 015°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles, make left climbing turn direct to CLE–VOR at 2000′, hold South on R–249 one minute, right turns.
CAUTION: 1971′ tower 7.5 mi ENE and 1585′ tower 5.5 mi E of Strongville VOR.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789′; Fac. Class., BVOR; Ident., STG; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 July 61

				T–d*	400–1	400–1	NA
				T–n*	500–2	500–2	NA
				C–d	1000–1	1000–1	NA
				C–n	1000–3	1000–3	NA

Procedure turn West side of final approach crs, 308° Outbnd, 128° Inbnd, 1400′ within 10 mi. NA beyond 10 mi.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 128°—9.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn right and climb to 2000′ on crs of 308° within 10 miles of Fortuna VOR.
NOTE: Pilots will contact Arcata FSS for current altimeter setting prior to commencing IFR approach to Rohnerville airport.
*1000–1 day or 1000–2 night required for takeoff on Runway 11.

City, Fortuna; State, Calif.; Airport Name, Rohnerville; Elev., 390′; Fac. Class., BVOR; Ident., FOT; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 July 61

				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–13	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 125°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 1600′ on R–125 from GGG–VOR within 20 miles.
CAUTION: 644 MSL Radio Tower 5 mi NW of airport. 650 FPM descent required at 120 K.
Other change: Deletes Caution Note regarding 650′ MSL radio tower 6.3 mi NW of airport. Tower dismantled.

City, Longview; State, Tex.; Airport Name, Gregg County Mun.; Elev., 365′; Fac. Class., BVOR; Ident., GGG; Procedure No. 1, Amdt. 4; Eff. Date, 15 July 61; Sup. Amdt. No. 3; Dated, 27 May 61

				T–dn	300–1	300–1	NA
				C–dn	600–1½	600–1½	NA
				S–dn–24	600–1	600–1	NA
				A–dn	800–2	800–2	NA

Procedure turn West side of crs, 037° Outbnd, 217° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 242°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 mi after passing VOR make immediate right climbing turn, returning to the Clermont VOR at 2500′. Hold on R–037, one minute pattern, right turns, 227° Inbnd.

City, Poughkeepsie; State, N.Y.; Airport Name, Dutchess County; Elev., 165′; Fac. Class., VOR; Ident., CET; Procedure No. 1, Amdt. Orig.; Eff. Date, 15 July 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300–1	300–1	300–1
				C-dn	800–1	800–1	800–1½
				S-dn-8	800–1	800–1	800–1
				A-dn	1000–2	1000–	1000–2

Procedure turn South side of crs, 251° Outbnd, 071° Inbnd, 3200′ within 10 mi.
Facility on airport. Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, breakoff point to approach end o Runway, 077°—0.5 mi.
If visual contact not established upon descent to authorized landing minimum or if landing not accomplished within 0 mile climb to 2800′ on R-083 MQT-VOR within 20 miles.
CAUTION: 2241′ tower 5 miles SW of airport. 2110′ tower 4 miles SW of airport.
NOTE: Sliding scale not applicable.
*Runway 8–26 Climb to 2400′ prior to making right or left turn. 700–1 required for Runway 1–19.

City, Marquette; State, Mich.; Airport Name, Marquette County; Elev., 1419′; Fac. Class., VOR; Ident, MQT; Procedure No. TerVOR-8, Amdt. Orig.; Eff Date, 15 July 61

SJP RBn	SJU–VOR	Direct	1500	T-dn	300–1	300–1	200–½
SJU Hill	SJU–VOR	Direct	1500	C-dn	500–1	500–1	500–1½
				S-dn-25	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 066° Outbnd, 246° Inbnd, 1000′ within 9 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 400′.
Crs and distance, breakoff point to Runway 25, 254°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000′ on R-359 within 20 mi of SJU–VOR.
NOTE: Procedure turn distance restricted to 9 mi of VOR due to warning area North of procedure turn area.

City, San Juan; State, Puerto Rico; Airport Name, Puerto Rico International; Elev., 9′; Fac. Class., BVOR; Ident., SJU; Procedure No. TerVOR-25, Amdt. 1; Eff. Date, 15 July 61; Sup. Amdt. No. Orig.; Dated, 18 July 59

				T-dn	300–1	300–1
				C-d	600–1	600–1
				C-n	600–2	600–2
				S-dn-21	600–1	600–1
				A-dn	NA	NA
				The following minimums apply to aircraft equipped with dual VOR and Plover Int* received:		
				C-d	400–1	500–1
				C-n	400–2	500–2
				S-dn-21	400–1	400–1

Procedure turn West side of crs, 021° Outbnd, 201° Inbnd, 2400′ within 10 miles.
Minimum altitude over Plover Int* on final approach crs, 1700′.
Crs and distance, Plover Int* to Runway 21, 201°—4.6 mi.
Crs and distance from Int of Runway centerline extended and final approach crs to appr end of Runy, 206°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2400′ on R-125 STE-VOR.
CAUTION: 1400′ MSL tower located 3.6 mi ESE of airport.
AIR CARRIER NOTE: Alternate minimums of 800–2 authorized for air carriers with weather reporting service.
*Plover Int: Int AUW-VOR R-157 and STE-VOR R-021.

City, Stevens Point; State, Wis.; Airport Name, Municipal; Elev., 1107′; Fac. Class., BVOR; Ident., STE; Procedure No. Ter VOR-21, Amdt. 1; Eff. Date, 15 July 61; Sup. Amdt. No. Orig.; Dated, 11 Mar. 61

				T-dn	300–1	300–1
				C-d	700–1	700–1
				C-n	700–2	700–2
				S-dn-30	700–1	700–1

Procedure turn North side of crs, 110° Outbnd, 290° Inbnd, 2400′ within 10 mi of STE-VOR.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, breakoff point to approach end of Runway, 296°—0.39 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right climbing turn to 2400′ and return to STE-VOR.
CAUTION: 1400′ MSL tower located 3.6 miles ESE of airport.
AIR CARRIER NOTE: Alternate minimums of 800–2 authorized for air carriers with weather reporting service.

City, Stevens Point; State, Wis.; Airport Name, Stevens Point Municipal; Elev., 1107′; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR-30, Amdt. 1; Eff. Date, 15 July 61; Sup. Amdt. No. Orig.; Dated, 29 Apr. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Detroit LFR	LOM	Direct	2300	T-dn*	300–1	300–1	200–½
Salem VOR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
Bridgewater VHF Int	LOM	Direct	2300	S-dn-5R***#	200–½	200–½	200–½
Bridgewater VHF Int	Mooreville Int** (Final)	Via CRL R-290	2300	S-dn-5L	400–1	400–1	400–1
Dundee Int	LOM	Direct	2300	A-dn	600–2	600–2	600–2
Dundee Int	Mooreville Int** (Final)	Via VWV R-357	2300				
Express Int	LOM	Direct	2300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 230° Outbnd, 050° Inbnd, 2300′ within 10 miles.
Minimum altitude of G.S. int inbnd, 2300′.
Altitude of G.S. and distance to approach end of rny at OM, 2251′—5.0 mi; at MM, 932′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn, climb to 2500′ to Salem VOR on R-170 or, when directed by ATC, (1) Climb to 2700′ on NE crs YIP ILS to Rouge Int, or (2) Make right turn and climb to 2300′, proceed direct to DTW LFR.
Aircraft executing missed approach may, after being reidentified, be radar controlled.
*Runway visual range 2600′ authorized for takeoff in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are in satisfactory operating condition.
#Runway visual range 2600′ also authorized for landing on Runway 5R; provided, that all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 916′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Mooreville Int: Int CRL-VOR R-290 and SW crs YIP ILS.
***400–¾ required with glide slope inoperative.

City, Detroit; State, Mich.; Airport Name, Willow Run; Elev., 716′; Fac. Class., ILS; Ident., I-YIP; Procedure No. ILS-5R&L; Amdt. 14; Eff. Date, 15 July 61; Sup. Amdt. No. 13; Dated, 10 June 61

Harrisburg LFR	LOM	Direct	2700	T-d	500–1	500–1	500–1
Harrisburg VOR	LOM	Direct	2700	T-n	500–2	500–2	500–2
				S-d-8	600–1½	600–1½	600–1½
				S-n-8	600–2	600–2	600–2
				C-dn	1000–2	1000–2	1000–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn S side W crs, 259° Outbnd, 079° Inbnd, 2700′ within 10 miles.
Minimum altitude over LOM 2700′. No glide slope. Distance to appr end of rny at OM 7.1, at MM 1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000′ on Harrisburg VOR R-115 to Middletown Int*. Hold East one-minute left turns.
AIR CARRIER NOTES: Landing on Rnwy 2 authorized only during daylight hrs with ceiling 1500′ or better.
NOTES: 1. Takeoff minimums of 300–1 authorized for Runways 8–26 only; 2. Takeoff on Runway 20 NA; 3. ADF approach NA.
CAUTION: Circling minimums do not provide standard clearance over 1136′ ridge and tower 1.6 mi S of airport.
CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
Major change: Deletes transition from New Kingstown FM.
*Int R-115 HAR VOR and R-208 TWC VOR.

City, Harrisburg; State, Pa.; Airport Name, York State; Elev., 347′; Fac. Class., ILS; Ident., I-HAR; Procedure No. ILS-8, Amdt. 6; Eff. Date, 15 July 61; Sup. Amdt. No. 5; Dated, 6 Aug. 60

KG–LFR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
AKN–VOR	LOM	Direct	1700	C-dn	500–1	500–1	500–1½
				S-dn-11	300–1	300–1	300–1
				A-dn	600–2	600–2	600–2

Procedure turn South side NW crs, 291° Outbnd, 111° Inbnd, 1700′ within 10 mi.
Minimum altitude at glide slope interception inbnd final, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1650′—4.8 mi; at MM, 290′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on SE crs ILS within 20 miles or, when directed by ATC, make right turn, proceed to LOM, climbing to 1700′ on NW crs ILS within 20 miles of LOM or turn right, climb to 1700′ on SW crs King Salmon LFR within 20 miles.
NOTE: LFR located 2.9 mi NW approach end of runway; height of range towers is 185′ MSL—135′ above ground level.

City, King Salmon; State, Alaska; Airport Name, King Salmon; Elev., 57′; Fac. Class., ILS; Ident., I-AKN; Procedure No. ILS-11, Amdt. 2; Eff. Date, 15 July 61; Sup. Amdt. No. 1; Dated, 4 July 59

Lakeville Int*	LOM	Direct	2500	T-dn	300–1	300–1	200–½
South Bend LFR	LOM	Direct	2200	C-dn	500–1	500–1	500–1½
South Bend VOR	LOM	Direct	2200	S-dn-27**	200–½	200–½	200–½
Bristol Int via E crs ILS	Elkhart Int##	Direct	2200	A-dn	600–2	600–2	600–2
Goshen LFR	Elkhart Int##	Via 144° brng to GH–LFR.	2200				
Elkhart Int##	LOM (Final)	Direct	2000				
Adamsville Int#	Elkhart Int##	Direct	2200				
Goshen VOR	Elkhart Int##	Via R-360	2200				

Procedure turn North side of final approach crs, 089° Outbnd, 269° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope int inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM—1900′—3.8; at MM—978′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2100′ on W crs SN–LFR or, when directed by ATC, (1) make right turn, climb to 2100′ on N crs SN–LFR; (2) make right turn, climb to 2000′ direct to SBN–VOR, maintain 2000′ on SBN–VOR R-002 within 15 mi.
CAUTION: 1524′ MSL tower 5.6 mi South of LOM.
*Lakeville Int: Int R-170 SBN–VOR and R-270 GSH–VOR.
**500–1 required when glide slope inoperative.
#Adamsville Int: Int R-075 SBN–VOR and R-360 GSH–VOR.
##Elkhart Int: Int E crs SBN ILS and R-360 GSH–VOR or 144° brng to GH–LFR.

City, South Bend; State, Ind.; Airport Name, St. Joseph County; Elev., 778′; Fac. Class., ILS; Ident., I-SBN; Procedure No. ILS-27, Amdt. 13; Eff. Date, 15 July 61; Sup. Amdt. No. 12; Dated, 11 Mar. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
All sectors	Radar site	Within 25 mi	*2500	T-dn	300–1	300–1	200–½
035° clockwise to 260°	Radar site	Within 16 mi	2000	C-dn	600–1	600–1	600–1½
				S-dn–1, 19, & 7R	400–1	400–1	400–1
				S-dn–13	500–1	500–1	500–1
				S-dn–25L & 31	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
Runway 1—climb to 2700′ on N crs MW–LFR within 20 mi.
Runway 19—climb to 2000′ on localizer crs to LOM.
Runways 7R–13—right turn climb to 2000′ and proceed to the LOM.
Runways 25L–31—left turn climb to 2000′ and proceed to LOM.
CAUTION: TV towers 1685′ MSL 7.8 NM N of airport, 1735′ MSL 9.2 NM N of airport, and 1746′ MSL 15.2 NM N of airport.
*3 mi lateral separation required from 1685′ TV tower 7.8 NM N of airport, from 1735′ TV tower 9.2 NM N of airport and from 1746′ TV tower 15.2 NM N of airport.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev., 703′; Fac. Class., Milwaukee; Ident., Radar; Procedure No. 1, Amdt. 5; Eff. Date, 15 July 61; Sup. Amdt. No. 4; Dated, 25 Feb. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 14, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–5639; Filed, June 30, 1961; 8:45 a.m.]

[Reg. Docket No. 779; Amdt. 226]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 22 JULY 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Buffalo; State, N.Y.; Airport Name, Municipal; Elev., 711′; Fac. Class. and Ident., SBRAZ-BUF; Procedure No. 1, Amdt. 4; Eff. Date, 2 Mar. 57; Sup. Amdt No. 3, Dated, 1 Apr. 54

PROCEDURE CANCELLED, EFFECTIVE 22 JULY 1961, OR UPON DECOMMISSIONING OF FACILITY.

City, Buffalo; State, N.Y.; Airport Name, Municipal; Elev., 711′; Fac. Class., SBRAZ FM; Ident., BUF CQA; Procedure No. 2, Amdt. 4; Eff. Date, 2 Mar. 57; Sup. Amdt. No. 3; Dated, 1 Apr. 54

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hilliard FM	CMII–LFR (Final)	094—8.7	2000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side crs, 274° Outbnd, 094° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 056°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 mile, climb straight ahead to 2500′ and proceed direct to LOM (CM) and hold East.

City, Columbus; State, Ohio; Airport Name, Port Columbus; Elev., 816′; Fac. Class., SBRAZ; Ident., CMH; Procedure No. 1, Amdt. 11; Eff. Date, 22 July 61; Sup. Amdt. No. 10; Dated, 30 July 55

PROCEDURE CANCELLED, EFFECTIVE 22 JULY 1961, OR UPON DECOMMISSIONING OF STOCKTON LFR.

City, Stockton; State, Calif.; Airport Name, Stockton; Elev., 27′; Fac. Class., BMRLZ; Ident., SK; Procedure No. 1, Amdt. 7; Eff. Date, 25 Feb. 61; Sup. Amdt. No. 6; Dated, 27 Aug 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 22 JULY 1961, OR UPON DECOMMISSIONING OF HYANNIS RBN.

City, Hyannis; State, Mass.; Airport Name, Barnstable; Elev., 52′; Fac. Class., MHW; Ident., HYA; Procedure No. 1, Amdt. 9; Eff. Date, 30 July 60; Sup. Amdt. No. 8; Dated, 23 Aug. 58

New Brunswick Int	LOM	Direct	1500	T-dn	300–1	300–1	200–½
Colts Neck VOR	LOM	Direct	1500	C-dn	600–1	600–1	600–1½
Newark LFR	LOM	Direct	1500	S-dn–4	600–1	600–1	600–1
Chatham RBn	LOM	Direct	2000	A-dn	800–2	800–2	800–2
Radar Transitions:		Within:					
S Quadrant Newark LFR	Radar Site	15 mi	1500				
NE sector from 058° to 090°	Radar Site	20 mi	2500				
All other sectors	Radar Site	20 mi	2000				

Procedure turn West side of crs, 217° Outbnd, 037° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 037°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 1000′ on crs 037° from LOM, then make left climbing turn to 2000′ direct to Chatham RBn.
Hold SW CAT RBn, 2000′, right turns, one minute.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 14; Eff. Date, 22 July 61; Sup. Amdt. No. 13; Dated, 14 Jan. 61

				T-dn	300–1	300–1	300–1
				C-dn	500–1	500–1	500–1½
				S-dn	NA	NA	NA
				A-dn	800–2	800–2	800–2

Instrument approach to be conducted in accordance with USAF AL–1502–ADF.
CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise Point Barrow Radio of their position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. In instances where other aircraft have previously contacted Point Barrow Radio, hold between facility and a point two minutes out on final approach course at least 1,000 feet above procedure turn altitude and 1,000 feet above previously reported traffic until advised that aircraft making approach has landed. Keep Point Barrow Radio advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by U.S.A.F. See Alaska Airman's Guide for authorizing organizations.

City, Point Barrow; State, Alaska; Airport Name, Point Barrow Aerodrome; Elev., 9′; Fac. Class., H; Ident., PBA; Procedure No. 1, Amdt. 1; Eff. Date, 22 July 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Pipe Line Int*	DUG-VOR (Final)	Direct	5000	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				A-dn	800–2	800–2	800–2

Procedure turn N side crs, 289 Outbnd, 109 Inbnd, 7000′ within 10 mi. Procedure turn north of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 118°—4.0.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, turn left and climb to 8000′ on R-289 within 20 miles.
*Pipe Line Int: Douglas, Ariz., R-289 and Cochise, Ariz., R-175.

City, Douglas; State, Ariz.; Airport Name, Bisbee-Douglas Int.; Elev., 4158′; Fac. Class., BVOR; Ident., DUG; Procedure No. 1, Amdt. 7; Eff. Date, 22 July 61; Sup. Amdt. No. 6; Dated, 3 Oct. 59

				T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-21	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 034° Outbnd, 214° Inbnd, 8200′ within 10 mi.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 214°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 4.3 mi, climb to 5000′ on R-214 within 20 mi.
Other change: Deletes transition from Hobbs LFR.

City, Hobbs; State, N. Mex.; Airport Name, Lea County; Elev., 3659′; Fac. Class., BVOR; Ident, HOB; Procedure No. 1, Amdt. 7; Eff. Date, 22 July 61; Sup. Amdt No. 6 Dated, 4 June 60

SVM-VOR	PON-VOR	Direct	2500	T-dn	300–1	300–1	200–½
FNT-VOR	PON-VOR	Direct	2400	C-dn	500–1	500–1	500–1½
Russell Int	PON-VOR (Final)	Direct	1700	A-dn*	NA	NA	NA

Procedure turn South side final approach crs, 274° Outbnd, 094° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 119°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make left climbing turn and return to PON-VOR at 2400′.
NOTE: All aircraft except scheduled air carriers obtain Detroit area current weather prior to IFR approach.
*800–2 alternate minimums authorized for air carriers with approved weather service at this airport.

City, Pontiac; State, Mich.; Airport Name, Pontiac Municipal; Elev., 974′; Fac. Class., BVOR; Ident., PON; Procedure No. 1, Amdt. 2; Eff. Date, 22 July 61; Sup. Amdt. No. 1; Dated, 17 June 61

Linden VOR	Stockton VOR	Direct	1500	T-dn	300–1	300–1	200–½
Orange Int	Stockton VOR	Direct	1500	C-dn	500–1	600–1	500–1½
Woodward Int	Stockton VOR	Direct	2000	S-dn-29	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 123° Outbnd, 303° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 304°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, make a left climbing turn and climb to 2000′ on R-229 of the SCK-VOR within 15 miles or, when directed by ATC, make left climbing turn and climb to 2000′ on 233° crs from the SCK LOM within 15 miles.

City, Stockton; State, Calif.; Airport Name, Stockton Municipal; Elev., 27′; Fac. Class., BVORTAC, Ident., SCK; Procedure No. 1, Amdt. 2; Eff. Date., 22 July 61; Sup. Amdt. No. 1; Dated, 25 Feb. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	
				C-d	500–1	500–1	
				C-n	500–2	500–2	
				S-dn-13	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn North side of crs, 308° Outbnd, 128° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, breakoff point to airport, 131°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2500′ on R-135 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-13, Amdt. 1; Eff. Date, 22 July 61; Sup. Amdt. No. Orig.; Dated, 12 Mar. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300–1	300–1	
				C-d	600–1	600–1	
				C-n	600–2	600–2	
				S-dn-25	600–1	600–1	
				A-dn	800–2	800–2	

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, breakoff point to airport, 247°—1.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make right turn and climb to 2500′ on R-306 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-25, Amdt. 1; Eff. Date, 22 July 61; Sup. Amdt. No. Orig; Dated, 12 Mar 60

				T-dn	300–1	300–1	
				C-d	500–1	500–1	
				C-n	500–2	500–2	
				S-dn-31	500–1	500–1	
				A-dn	800–2	800–2	

Procedure turn East side of crs, 135° Outbnd, 315° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility or final approach crs, 1600′.
Crs and distance, breakoff point to airport, 311°—1.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2200′ on R-306 within 20 miles.
CAUTION: 1520′ tower 2.4 mi SW of airport.

City, Houghton; State, Mich.; Airport Name, Houghton County Memorial; Elev., 1091′; Fac. Class., BVOR; Ident., CMX; Procedure No. TerVOR-31, Amdt. 1; Eff. Date, 22 July 61; Sup. Amdt. No. Orig.; Dated, 12 Mar. 60

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Buffalo MIIW	LOM	Direct	2000	T-dn	300–1	300–1	200–½
Wolcottsville FM	LOM (Final)	Direct	1900	C-dn	400–1	500–1	500–1½
Buffalo VOR	LOM	Direct	1900	S-dn-23	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn N side NE crs 052° Outbnd, 232° Inbnd, 1900′ within 10 mi of LOM.
Minimum altitude at glide slope int inbnd, 1900′.
Altitude of glide slope and distance to approach end of rny at OM, 1910′—3.7; at MM, 930′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on SW crs ILS or, when directed by ATC, climb as rapidly as possible to 2300′ on W crs Buffalo LFR within 10 mi.
CAUTION: 1349′ TV tower 5 mi WNW of airport.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., ILS; Ident., I-BUF; Procedure No. ILS-23, Amdt. 9; Eff. Date, 22 July 61; Sup. Amdt. No. 8; Dated, 21 Mar. 59

New Brunswick Int	ILS crs (Final)	Direct	1500	T-dn**	300–1	300–1	200–½
Newark LFR	LOM	Direct	1500	C-dn	600–1	600–1	600–1½
Chatham Rbn	LOM	Direct	2000	S-dn-4*#	200–½	200–½	200–½
Colts Neck VOR	ILS (Final)	Direct	1500	A-dn	600–2	600–2	600–2
Radar Transitions:		Within:					
S Quadrant Newark LFR	Radar Site	15 mi	1500				
NE Sector from 058° to 090°	Radar Site	20 mi	2500				
All other sectors	Radar Site	20 mi	2000				

Procedure turn W side SW crs, 217 Outbnd, 037 Inbnd, 1500′ within 10 mi. (Nonstd. due to ATC).
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of Runway at OM, 1500′—4.9 mi; at MM, 250′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on 037° crs from LOM, then make left climbing turn to 2000′ direct to Chatham RBn, hold SW CAT RBn, 2000′, one minute right turns.
*Runway Visual Range 2000′ also authorized for landing on Runway 4; provided that all components of the ILS, high intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 218′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000′ also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ authorized, providing high intensity runway lights are operational.
#600–1 required with glide slope inoperative.

City, Newark; State, N.J.; Airport Name, Newark; Elev., 18′; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 15; Eff. Date, 22 July 61; Sup. Amdt. No. 14; Dated, 1 July 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Scotland RBn	LOM (Final)	Direct	1000	T-dn*	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
Radar Terminal Area Transitions:				S-dn-4R**	200–½	200–½	200–½
All directions		Within:		A-dn	600–2	600–2	600–2
		25 mi	2500				
		15 mi	1500				
E of NE-SW crs of LGA-LFR							

Procedure turn South side of crs, 223° Outbnd, 043° Inbnd, 1200′ within 10 mi of LOM.
Minimum altitude at Glide Slope int Inbnd, 1000′.
Altitude of Glide Slope and distance to approach end of Rnwy at OM, 747°—2.6 mi; at MM, 209°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500′ on NE crs of ILS, then make a climbing right turn to 1500′ and proceed to Lido RBn and hold SW.
Contact Idlewild approach control for further instructions.
CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278′ MSL 1.7 mi SSE of airport.
*Runway Visual Range 2000′ is also authorized for takeoff on Runway 4R in lieu of 200–½ when 200–½ authorized; providing associated high intensity runway lights are operational.
**Runway Visual Range 2000′ also authorized for landing on Runway 4R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 212′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New York; State, N.Y.; Airport Name, International; Elev., 12′; Fac. Class., ILS; Ident., I-IDL; Procedure No. ILS-4R, Amdt. 2; Eff. Date, 22 July 61; Sup. Amdt. No. 1; Dated, 3 June 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions	Radar Site	Within 20 mi	*1500	Surveillance approach			
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-7, 13, 25, 31	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

*Radar control will provide 1000′ vertical clearance within a 3-mile radius of 749′ tower 6.5 miles WSW, 687′ tower 3.7 mi W, and 620′ tower 6.5 mi WNW of airport. Surveillance approaches straight in to Runways 18 and 36 NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runways 7 and 13: Climb to 1300′ on ORL–VOR R-070 within 20 miles. Runways 25 and 31: Climb to 1700′ on ORL–VOR R-308 within 20 miles of airport.
CAUTION: Radio tower 687′ MSL 3.7 mi West of airport.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113′; Fac. Class., Orlando; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 22 July 61; Sup. Amdt. No. 1; Dated, 20 May 61

		Within:		Surveillance approach			
290°	035°	40 mi	7000	T-dn-3, 21	300–1	300–1	200–½
035°	110°	40 mi	6500	C-d-3, 21	500–1	500–1	500–1¼
110°	125°	40 mi	6000	C-n-3, 21	600–1	600–1	600–1¼
125°	290°	40 mi	5000	A-dn-3, 21	800–2	800–2	800–2

All bearings are from the radar site with sector azimuths progressing clockwise. Radar transitions and vectoring using Spokane Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—Runway 21: Climb straight ahead to GEG–VOR and climb to 4500′ on R-210 within 10 mi of the VOR or, when directed by ATC, make right climbing turn and return to the LOM at 4500′. Runway 03: Make left climbing turn and proceed to the GEG–VOR and climb to 4500′ on R-210 of the VOR within 10 mi or, when directed by ATC, climb straight ahead to the LOM at 4500′.

City, Spokane; State, Wash.; Airport Name, Spokane International; Elev., 2372′; Fac. Class., Spokane; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 22 July 61; Sup. Amdt. No. 2; Dated, 15 Oct. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 16, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–5762; Filed, June 30, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 CCC Cotton Bulletin 1, Amdt. 1]

PART 427—COTTON

Subpart—1961 Cotton Loan Program Regulations

SCHEDULE OF BASE LOAN RATES FOR UPLAND COTTON

Correction

In F.R. Doc. 61–5741, appearing at page 5597 of the issue for Friday, June 23, 1961, the entry for McRae, Telfair County, Georgia, should read "33.77".

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 1]

PART 540—PILOT FOOD STAMP PROJECTS

Methods of Distributing and Accounting for Coupons and Cash Receipts

This amendment is for the purpose of revising § 540.7(a) of the regulations appearing at 26 F.R. 4137 to delete the provision that AMS will use registered mail to distribute food stamp coupons. This provision for the use of registered mail has been found to be impractical and costly in certain instances.

Section 540.7(a) is amended to read as follows:

§ 540.7 Methods of distributing and accounting for coupons and cash receipts.

(a) AMS will distribute coupons directly to a designated receiving agent of the issuing agency who will promptly verify and receipt for the contents of each shipment. Thereupon, the coupons shall be the sole responsibility of the issuing agency until issued to an eligible household. The issuing agency shall provide for the safekeeping of its supplies of coupons and for proper inventory and accounting controls for such supplies.

Effective date. This amendment shall be effective as of June 28, 1961.

S. R. SMITH,
Administrator.

Approved:

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 61–6140; Filed, June 30, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

MIXED PACKED COTTON

On June 7, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5074) regarding the proposed amendments of § 27.38(g) of the regulations for Cotton Classification under Cotton Futures Legislation and § 28.40(g) of the regulations under the United States Cotton Standards Act.

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, pursuant to authority contained in sec. 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U.S.C. 4863) and in sec. 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61):

1. Paragraph (g) of § 27.38 of the regulations for Cotton Classification under Cotton Futures Legislation is amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color groups, or (3) a difference in length of staple of one-eighth inch or more. For purposes of this paragraph, White Cotton (including the Plus grades), Light Gray Cotton, and Gray Cotton shall constitute one color group, and Light Spotted Cotton, Spotted Cotton, Tinged Cotton, and Yellow Stained Cotton shall each constitute a color group.

(Sec. 4863, 68A Stat. 582; 26 U.S.C. 4863)

2. Paragraph (g) of § 28.40 of the regulations under the United States Cotton Standards Act is amended to read as follows:

(g) *Mixed packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color groups, or (3) a difference in length of staple of one-eighth inch or more. For purposes of this paragraph, White Cotton (including the Plus grades), Light Gray Cotton, and Gray Cotton shall constitute one color group, and Light Spotted Cotton, Spotted Cotton, Tinged Cotton, and Yellow Stained Cotton shall each constitute a color group.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

Effective date. The foregoing amendments shall become effective July 1, 1961. The notice of proposed rule making published in the FEDERAL REGISTER (26 F.R. 5074) for these amendments proposed that the amendments would become effective about July 1, 1961, and no objections to this proposed effective date were received. It is essential to have the revised definition of mixed packed cotton provided by these amendments become effective with the beginning of classing of the 1961 cotton crop in order to fully protect the interests of cotton producers, buyers, and others handling cotton classification memoranda. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of June 1961.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 61–6141; Filed, June 30, 1961; 8:45 a.m.]

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

United States Standards for Rough Rice, Brown Rice, and Milled Rice

On April 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3467) regarding proposed revisions of the United States Standards for Rough Rice (7 CFR 68.201 et seq.), for Brown Rice (7 CFR 68.251 et seq.), and for Milled Rice (7 CFR 68.301 et seq.) pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.). No public hearings were held but interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to all relevant information presented and to all information available in the United States Department of Agriculture regarding the proposed revisions. Based on this information and pursuant to the aforesaid notice, and under the authority conferred by said statutory provisions, the United States Standards for Rough Rice, Brown Rice, and Milled Rice are revised as follows:

UNITED STATES STANDARDS FOR ROUGH RICE[1]

§ 68.201 Terms defined.

The following definitions shall apply for the purposes of the United States Standards for Rough Rice.

(a) *Rough rice.* Rough rice shall be rice which consists of 50 percent or more

[1] Compliance with the provisions of these standards does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture, or the Federal Food, Drug, and Cosmetic Act.

of kernels of rice (Oryza sativa) from which the hulls have not been removed.

(b) *Classes.*[3] (1) Rough rice shall be divided into the following classes:

Rexoro Rough Rice, including the variety known as Rexark;
Patna Rough Rice;
Bluebonnet Rough Rice;
Toro Rough Rice;
Century Patna Rough Rice;
Blue Rose Rough Rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Gulfrose;
Magnolia Rough Rice;
Zenith Rough Rice;
Calrose Rough Rice;
Nato Rough Rice;
Pearl Rough Rice; and
Mixed Rough Rice.

Except with respect to the class Mixed Rough Rice, each class shall contain more than 25.0 percent of whole kernels of rough rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes, or not more than 10.0 percent of rice of noncontrasting classes.

(2) Mixed Rough Rice shall be rough rice which contains more than 25.0 percent of whole kernels of rough rice and more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of noncontrasting classes.

(3) Rough rice that is not specifically classified under subparagraphs (1) or (2) of this paragraph shall be classified according to the commonly accepted name of such rough rice.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.203.

(d) *Rice of contrasting classes.* Rice of contrasting classes shall be rice of other classes than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Rice of noncontrasting classes.* Rice of noncontrasting classes shall be rice of other classes than the class designated, in which the size, length, and shape of the kernels differs only slightly from these characteristics of the kernels of the class designated.

(f) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice each of which is one-half or more chalky.

(g) *Broken kernels.* Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(h) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have an appreciable amount of red bran thereon.

(i) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

(j) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

(k) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(l) *Objectionable seeds.* Objectionable seeds shall be all seeds except unhulled kernels of rice and seeds of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(m) *Head rice.* Head rice shall be that product of rice milling which, after the usual screening or sizing, consists of whole kernels of milled rice and not more than 4.0 percent of broken kernels of milled rice which are not removed in such screening or sizing.

(n) *Total milled rice.* Total milled rice shall be the quantity of whole and broken kernels of milled rice obtained in determining milling yield.

(o) *Milling yield.* Milling yield of rough rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of rough rice.

(p) *Removable foreign material (dockage).* Removable foreign material (dockage) shall be (1) all matter other than rice which can be removed readily from the rough rice by the use of appropriate sieves and cleaning devices, and (2) underdeveloped, shriveled, and small pieces of kernels of rough rice which are removed in properly separating the foreign material and which cannot be recovered by properly rescreening or recleaning.

(q) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 68.202 Principles governing application of standards.

The following principles shall apply in the determination of the classes and grades of rough rice:

(a) *Basis of determinations.* Each determination of class, seeds, objectionable seeds, damaged kernels, heat-damaged kernels, red rice, chalky kernels, broken kernels, rice of contrasting classes, rice of noncontrasting classes, and color shall be on the basis of head rice. All other determinations shall be on the basis of the rough rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for rice prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Determination of milling yield.* The determination of milling yield of rough rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. Head rice and total milled rice shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

§ 68.203 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for all classes of rough rice.* (See also paragraph (c) of this section.)

Grade[1]	Maximum limits of—					
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels[2]	Rice of contrasting classes[3]	Rice of noncontrasting classes[3]
	Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)				
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	1.0	5.0
U.S. No. 2	4	2	1.5	2.0	2.0	5.0
U.S. No. 3	7	5	2.0	4.0	3.0	5.0
U.S. No. 4	15	10	3.0	6.0	5.0	10.0
U.S. No. 5	30	30	6.0	10.0	10.0	10.0
U.S. No. 6	75	75	[4] 15.0	15.0	10.0	10.0
U.S. Sample grade	U.S. sample grade shall be rough rice which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 18.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.					

[1] Color requirements: U.S. No. 1 shall be white or creamy. U.S. No. 2 may be slightly gray. U.S. No. 3 may be light gray. U.S. No. 4 may be gray or slightly rosy. U.S. No. 5 and U.S. No. 6 may be dark gray or rosy.
[2] The rice in grade U.S. No. 1 of the class Pearl Rough Rice may contain not more than 2.0 percent, in grade U.S. No. 2 not more than 4.0 percent, in grade U.S. No. 3 not more than 6.0 percent, and in grade U.S. No. 4 not more than 8.0 percent of chalky kernels.
[3] These limits do not apply to the class Mixed Rough Rice.
[4] The rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

[3] The use of a variety name in the designation of a class of Rough Rice does not imply any guarantee of varietal purity.

(b) *Grade designations for all classes of rough rice.* The grade designation for all classes of rough rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; and, in the case of rough rice which contains not more than 18.0 percent of moisture, there shall be added to the grade designation a statement of the milling yield; provided that the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California. In the case of Mixed Rough Rice the grade designation shall also include, following the name of the class, the name and approximate percentage of the predominant class and of each contrasting class and of each noncontrasting class of rough rice, if any, contained in the mixture.

(c) *Special grades, special grade requirements, and special grade designations for rough rice*—(1) *Parboiled rough rice*—(i) *Requirements.* Parboiled rough rice shall be rough rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice before the hulls are removed. Parboiled rough rice in grades U.S. No. 1 to U.S. No. 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled rice that have ungelatinized areas; and parboiled rough rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and in grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rough rice.

(ii) *Grade designation.* Parboiled rough rice shall be graded and designated according to the special grade requirements for parboiled rough rice and to the grade requirements of the standards otherwise applicable to such rough rice, except that the factor of "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the rough rice is not colored or is slightly colored by the parboiling treatment, the word "Parboiled" if the rough rice is distinctly but not materially colored by the parboiling treatment, and the words "Parboiled Dark" if the rough rice is materially colored by the parboiling treatment.

(2) *Damp rough rice*—(i) *Requirements.* Damp rough rice shall be rough rice which contains more than 14.0 percent but not more than 18.0 percent of moisture.

(ii) *Grade designation.* Damp rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice, and there shall be added to and made a part of the grade designation the word "Damp."

(3) *Weevily rough rice*—(i) *Requirements.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

(ii) *Grade designation.* Weevily rough rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such rough rice and there shall be added to and made a part of the grade designation the word "Weevily."

United States Standards for Brown Rice[1]

§ 68.251 Terms defined.

The following definitions shall apply for the purposes of the United States Standards for Brown Rice:

(a) *Brown Rice.* Brown rice shall be rice which consists of more than 50.0 percent of kernels of rice (Oryza sativa) from which the hulls only have been removed.

(b) *Classes.*[2] (1) Brown rice shall be divided into the following classes:

Rexoro Brown Rice, including the variety known as Rexark;
Patna Brown Rice;
Bluebonnet Brown Rice;
Toro Brown Rice;
Century Patna Brown Rice;
Blue Rose Brown Rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Gulfrose;
Magnolia Brown Rice;
Zenith Brown Rice;
Calrose Brown Rice;
Nato Brown Rice;
Pearl Brown Rice; and
Mixed Brown Rice.

Except with respect to the class Mixed Brown Rice, each class shall contain more than 25.0 percent of whole kernels of brown rice of the designated class, and may contain not more than 10.0 percent of rice of contrasting classes or not more than 10.0 percent of rice of noncontrasting classes.

(2) Mixed Brown Rice shall be brown rice which contains more than 25.0 percent of whole kernels of brown rice and more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of noncontrasting classes.

(3) Brown rice that is not specifically classified under subparagraphs (1) or (2) of this paragraph shall be classified according to the commonly accepted name of such brown rice.

(c) *Grades.* Grades shall be numerical grades, Sample grade, and Special grades provided for in § 68.253.

(d) *Rice of contrasting classes.* Rice of contrasting classes shall be rice of other classes than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Rice of noncontrasting classes.* Rice of noncontrasting classes shall be rice of other classes than the class designated, in which the size, length, and shape of kernels differs only slightly from these characteristics of the kernels of the class designated.

(f) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of rice each of which is one-half or more chalky.

(g) *Broken kernels.* Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(h) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or on which the bran is red.

(i) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

(j) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

(k) *Seeds.* Seeds shall be unhulled kernels of rice, and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(l) *Objectionable seeds.* Objectionable seeds shall be all seeds except unhulled kernels of rice and seeds of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(m) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(n) *4/64 round hole sieve.* A 4/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 (4/64) inch in diameter which are 1/8 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *5½/64 round hole sieve.* A 5½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0859 (5½/64) inch in diameter which are 7/64 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(p) *6/64 round hole sieve.* A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(q) *6½/64 round hole sieve.* A 6½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1016 (6½/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(r) *No. 5 sizing plate.* A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each

[1] Compliance with the provisions of these standards does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture, or the Federal Food, Drug, and Cosmetic Act.
[2] The use of a variety name in the designation of a class of Brown Rice does not imply any guarantee of varietal purity.

row in the top lamina shall be staggered in relation to the adjacent rows.

(s) *No. 6 sizing plate.* A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0938 (3/32) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(t) *Head rice.* Head rice shall be that product of rice milling which, after the usual screening or sizing, consists of whole kernels of milled rice and not more than 4.0 percent of broken kernels of milled rice which are not removed in such screening or sizing.

(u) *Milling yield.* Milling yield of brown rice shall be the estimate of the quantity of head rice and of total milled rice that can be produced from a unit of brown rice.

(v) *Milling yield of broken brown rice.* Milling yield of broken brown rice shall be the estimate of the quantity of second head milled rice, screenings milled rice, and brewers milled rice that can be produced from a unit of broken brown rice.

(w) *Milled rice.* Milled rice shall be kernels and pieces of kernels of rice from which the hulls and practically all of the germs and the bran layers have been removed.

(x) *Second head milled rice.* Second head milled rice shall consist of:

(1) The large broken kernels after milling the broken brown rice from all classes of brown rice except Pearl Brown Rice and Calrose Brown Rice grown in California, with not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent of broken kernels that will pass readily through a 4/64 round hole sieve, or

(2) The large broken kernels after milling the broken brown rice from Pearl Brown Rice and Calrose Brown Rice grown in California, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 round hole sieve and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 round hole sieve.

(y) *Screenings milled rice.* Screenings milled rice shall consist of:

(1) The medium broken kernels after milling the broken brown rice from all classes of brown rice except Pearl Brown Rice and Calrose Brown Rice grown in California, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that can be removed readily by a No. 6 sizing plate, not more than 10.0 percent of broken kernels that can be removed readily with a No. 5 sizing plate and not more than 0.2 percent of broken kernels that will pass readily through a 4/64 round hole sieve, or

(2) The medium broken kernels after milling the broken brown rice from the classes Pearl Brown Rice and Calrose Brown Rice grown in California, with not more than 25.0 percent of whole kernels, and which does not meet the broken kernel-size requirements given in paragraph (x)(2) of this section for second head milled rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 round hole sieve.

(z) *Brewers milled rice.* Brewers milled rice shall consist of the broken kernels after milling the broken brown rice, with not more than 25.0 percent of whole kernels and which does not meet the broken kernel-size requirements for second head milled rice or screenings milled rice.

§ 68.252 Principles governing application of standards.

The following principles shall apply in the determination of the classes and grades of brown rice:

(a) *Basis of determinations.* All determinations shall be on the basis of the brown rice as a whole, except that second head milled rice, screenings milled rice, and brewers milled rice in the determination of milling yield of broken brown rice shall be on the basis of the total broken brown rice.

(b) *Percentages.* Percentages shall be determined upon the basis of weight. The milling yield shall be stated in terms of whole and half percents. A fraction of a percent when equal to or greater than one-half shall be stated as one-half percent and when less than one-half shall be disregarded.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for rice prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Determination of milling yield.* The determination of milling yield of brown rice shall be made with equipment and methods prescribed by the United States Department of Agriculture. Head rice and total milled rice shall be determined by the use of sizing plates or sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

(e) *Method of determining broken kernels.* Broken kernels of second head milled rice, screenings milled rice, and brewers milled rice obtained by milling broken brown rice shall be determined by the use of sizing plates and sieves in accordance with the methods prescribed by the United States Department of Agriculture or by any device or method which gives equivalent results.

§ 68.253 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for all classes of brown rice except Pearl Brown Rice and Calrose Brown Rice grown in California.* (See also paragraph (d) of this section.)

Grade	Maximum limits of—									
	Seeds and Heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		Rice of contrasting classes [1]	Rice of noncontrasting classes [1]	Milled rice
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Removed by No. 6 sizing plate			
	Number in 500 grams	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	25	1	2	1.0	2.0	5.0	1.0	1.0	5.0	1.0
U.S. No. 2	50	2	10	2.0	4.0	10.0	2.0	2.0	5.0	3.0
U.S. No. 3	75	4	20	4.0	6.0	15.0	3.0	5.0	5.0	10.0
U.S. No. 4	100	8	35	8.0	8.0	25.0	4.0	10.0	10.0	10.0
U.S. No. 5	300	15	50	15.0	15.0	35.0	6.0	10.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.									

[1] These limits do not apply to the class Mixed Brown Rice.

(b) *Grades and grade requirements for Pearl Brown Rice and Calrose Brown Rice grown in California.* (See also paragraph (d) of this section.)

Grade	Maximum limits of—									
	Seeds and Heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels	Broken kernels		Rice of contrasting classes	Rice of noncontrasting classes	Milled rice
	Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Through 6½/64 sieve			
	Number in 500 grams	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	25	1	2	1.0	2.0	5.0	1.0	1.0	5.0	1.0
U.S. No. 2	50	2	10	2.0	4.0	10.0	2.0	2.0	5.0	3.0
U.S. No. 3	75	4	20	4.0	6.0	15.0	3.0	5.0	5.0	10.0
U.S. No. 4	100	8	35	8.0	8.0	25.0	4.0	10.0	10.0	10.0
U.S. No. 5	300	15	50	15.0	15.0	35.0	6.0	10.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice of either of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 14.0 percent of moisture; or which is musty or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.									

(c) *Grade designations for all classes of brown rice.* The grade designations for all classes of brown rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade" as the case may be; the name of the class; and the name of each applicable special grade; and in the case of brown rice which contains not more than 18.0 percent of moisture, there may be added to the grade designation a statement of the milling yield; provided that the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California. In the case of Mixed Brown Rice the grade designation shall include also following the name of the class, the name and approximate percentage of the predominant class and of each contrasting class and of each noncontrasting class of brown rice, if any, contained in the mixture.

(d) *Special grade, special grade requirements, and special grade designations for brown rice*—(i) *Requirements.* Parboiled brown rice shall be brown rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice before the hulls are removed. Parboiled brown rice in grades U.S. Nos. 1 to 5, inclusive, may contain not more than 10.0 percent of kernels of parboiled brown rice that have ungelatinized areas; and parboiled brown rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent and in grade U.S. No. 5 not more than 0.5 percent of nonparboiled brown rice.

(ii) *Grade designation.* Parboiled brown rice shall be graded and designated according to the special grade requirements for parboiled brown rice and to the grade requirements of the standards otherwise applicable to such brown rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the word "Parboiled."

United States Standards for Milled Rice [1]

§ 68.301 Terms defined.

The following definitions shall apply for the purposes of the United States Standards for Milled Rice:

(a) *Milled rice.* Milled rice shall be whole or broken kernels of rice (Oryza sativa) from which the hulls and practically all of the germs and bran layers have been removed and which contains not more than 10.0 percent of seeds or foreign material either singly or combined, except that in the special grade for unpolished milled rice only the outer bran layers and a part of the germs but not the inner bran layers, shall have been removed from the kernels.

(b) *Classes.*[2] (1) Milled rice shall be divided into the following classes:

Rexoro Milled Rice, including the variety known as Rexark;
Patna Milled Rice;
Bluebonnet Milled Rice;
Toro Milled Rice;
Century Patna Milled Rice;
Blue Rose Milled Rice, including the varieties known as Improved Blue Rose, Greater Blue Rose, Kamrose, Arkrose, and Gulfrose;
Magnolia Milled Rice;
Zenith Milled Rice;
Calrose Milled Rice;
Nato Milled Rice;
Pearl Milled Rice;
Mixed Milled Rice;
Second Head Milled Rice;
Screenings Milled Rice; and
Brewers Milled Rice.

Except with respect to the classes Mixed Milled Rice, Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice, each class shall contain more than 25.0 percent of whole kernels of milled rice of the designated class, and may contain not more than 10.0 percent of milled rice of contrasting classes, or not more than 10.0 percent of milled rice of noncontrasting classes.

(2) Mixed Milled Rice shall be milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of rice of contrasting classes or more than 10.0 percent of rice of noncontrasting classes.

(3) Second Head Milled Rice shall consist of:

(i) The large broken kernels from all classes of milled rice except Pearl Milled Rice and Calrose Milled Rice grown in California with not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent that will pass readily through a 4/64 round hole sieve; or

(ii) The large broken kernels from the classes Pearl Milled Rice and Calrose Milled Rice grown in California, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 round hole sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 round hole sieve.

(4) Screenings Milled Rice shall consist of:

(i) The medium broken kernels from all classes of milled rice except Pearl Milled Rice and Calrose Milled Rice grown in California, with not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 10.0 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.2 percent that will pass readily through a 4/64 round hole sieve, or

(ii) The medium broken kernels from the classes Pearl Milled Rice and Calrose Milled Rice grown in California, with not more than 25.0 percent of whole kernels; and which does not meet the kernel-size requirements given in subparagraph (3)(ii) of this paragraph for Second Head Milled Rice, and which contains not more than 15.0 percent of broken kernels that will pass readily through a 5½/64 round hole sieve.

(5) Brewers Milled Rice shall consist of broken kernels with not more than 25.0 percent of whole kernels and which does not meet the kernel-size requirements for the class Second Head Milled Rice or Screenings Milled Rice.

(6) Milled rice that is not specifically classified under subparagraphs (1), (2), (3), (4), and (5) of this paragraph shall be classified according to the commonly accepted name of such milled rice.

(c) *Grades.* Grades shall be the numerical grades, Sample grade, and special grades provided for in § 68.303.

(d) *Rice of contrasting classes.* Rice of contrasting classes shall be other classes of rice than the class designated, in which the size, length, or shape of the kernels differs distinctly from these characteristics of the kernels of the class designated.

(e) *Rice of noncontrasting classes.* Rice of noncontrasting classes shall be

[1] Compliance with the provisions of these standards does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture, or the Federal Food, Drug, and Cosmetic Act.

[2] The use of a variety name in the designation of a class of Milled Rice does not imply any guarantee of varietal purity.

other classes of rice than the class designated, in which the size, length, and shape of the kernels differ only slightly from these characteristics of the kernels designated.

(f) *Chalky kernels.* Chalky kernels shall be kernels and pieces of kernels of shape of the kernels differs only slightly rice each of which is one-half or more chalky.

(g) *Broken kernels.* Broken kernels shall be pieces of kernels of rice which are less than three-fourths of the length of whole kernels, and split kernels of rice.

(h) *Red rice.* Red rice shall be kernels and pieces of kernels of rice which are distinctly red in color or which have an appreciable amount of red bran thereon.

(i) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means. Kernels and pieces of kernels of parboiled rice when found in nonparboiled rice shall function as damaged kernels.

(j) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of rice which are materially discolored and damaged by heat. Kernels and pieces of kernels of dark parboiled rice when found in nonparboiled rice shall function as heat-damaged kernels.

(k) *Seeds.* Seeds shall be unhulled kernels of rice; and grains, kernels, or seeds, either whole or broken, of any plant other than rice.

(l) *Objectionable seeds.* Objectionable seeds shall be all seeds except unhulled kernels of rice and seeds of Echinochloa crusgalli commonly known as barnyard grass, watergrass, and Japanese millet.

(m) *Foreign material.* Foreign material shall be all matter other than rice and seeds.

(n) *6½/64 round hole sieve.* A 6½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.1016 (6½/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(o) *6/64 round hole sieve.* A 6/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(p) *5½/64 round hole sieve.* A 5½/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0859 (5½/64) inch in diameter which are 5/64 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(q) *5/64 round hole sieve.* A 5/64 round hole sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(r) *4/64 sieve.* A 4/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0625 (4/64) inch in diameter which are ⅛ inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(s) *2½/64 sieve.* A 2½/64 sieve shall be a metal sieve 0.0319 inch thick perforated with round holes 0.0391 (2½/64) inch in diameter which are 0.075 inch from center to center. The perforations of each row shall be staggered in relation to the adjacent rows.

(t) *No. 5 sizing plate.* A No. 5 sizing plate shall be a laminated metal plate 0.142 inch thick, with a top lamina 0.051 inch thick perforated with round holes 0.0781 (5/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

(u) *No. 6 sizing plate.* A No. 6 sizing plate shall be a laminated metal plate 0.142 inch thick with a top lamina 0.051 inch thick perforated with round holes 0.0938 (6/64) inch in diameter which are 5/32 inch from center to center, and a bottom lamina 0.091 inch thick without perforations. The perforations of each row in the top lamina shall be staggered in relation to the adjacent rows.

§ 68.302 Principles governing application of standards.

The following principles shall apply in the determination of the classes and grades of milled rice:

(a) *Basis of determinations.* All determinations shall be upon the basis of the milled rice as a whole.

(b) *Percentages.* Percentages shall be determined upon the basis of weight.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method for rice prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcements No. 147 (1959 Revision), of the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Method of determining broken kernels.* Broken kernels of various sizes shall be determined by the use of sizing plates and sieves in accordance with the method prescribed by the United States Department of Agriculture or by any device and method which gives equivalent results.

§ 68.303 Grades, grade requirements, and grade designations.

The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for all classes of milled rice, except Pearl Milled Rice and Calrose Milled Rice grown in California, Second Head Milled Rice, Screenings Milled Rice, and Brewers Milled Rice.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—								
	Seeds and heat-damaged kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels [2]	Broken kernels			Rice of contrasting classes [3]	Rice of nonconstrasting classes [3]
	Total	Heat-damaged kernels and objectionable seeds (singly or combined)			Total	Removed by No. 6 sizing plate	Removed by No. 5 sizing plate		
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	2	1	0.5	1.0	4.0	0.1	0.02	1.0	5.0
U.S. No. 2	4	2	1.5	2.0	7.0	.2	.04	2.0	5.0
U.S. No. 3	7	5	2.0	4.0	15.0	.8	.08	3.0	5.0
U.S. No. 4	15	10	3.0	6.0	25.0	2.0	.3	5.0	10.0
U.S. No. 5	30	30	[4] 6.0	10.0	35.0	3.0	.7	10.0	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	50.0	4.0	1.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.								

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 and U.S. No. 6 may be dark gray or gray or rosy, and shall be reasonably well milled.

[2] Milled rice in grade U.S. No. 1 of the class Pearl Milled Rice may contain not more than 2.0 percent, in grade U.S. No. 2 not more than 4.0 percent, in grade U.S. No. 3 not more than 6.0 percent, and in grade U.S. No. 4 not more than 8.0 percent of chalky kernels.

[3] These limits do not apply to the class Mixed Milled Rice.

[4] Milled rice in grade U.S. No. 5 of the special grade unpolished milled rice may contain not more than 10 percent of red rice and damaged kernels, either singly or combined, but in any case not more than 6.0 percent of damaged kernels.

[5] Milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

(b) *Grades and grade requirements for Pearl Milled Rice and Calrose Milled Rice grown in California.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—								
	Seeds and heat-damaged kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels [2]	Broken kernels			Rice of contrasting classes [3]	Rice of nonconstrasting classes
	Total	Heat-damaged kernels and objectionable seeds (singly or combined)			Total	Through 6/64 sieve			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*		*Percent*	*Percent*
U.S. No. 1	2	1	0.5	2.0	4.0	0.1		1.0	5.0
U.S. No. 2	4	2	1.5	4.0	7.0	.2		2.0	5.0
U.S. No. 3	7	5	2.0	6.0	15.0	.5		3.0	5.0
U.S. No. 4	15	10	3.0	8.0	25.0	1.7		5.0	10.0
U.S. No. 5	30	30	[4] 6.0	10.0	35.0	2.0		10.0	10.0
U.S. No. 6	75	75	[5] 15.0	15.0	50.0	4.0		10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be milled rice of either of these classes which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.								

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 and U.S. No. 6 may be dark gray or gray or rosy, and shall be reasonably well milled.

[2] The milled rice in grade U.S. No. 1 of the class Calrose Milled Rice may contain not more than 1.0 percent, in grade U.S. No. 2 not more than 2.0 percent, in grade U.S. No. 3 not more than 4.0 percent, and in grade U.S. No. 4 not more than 6.0 percent of chalky kernels.

[3] The milled rice in grade U.S. No. 5 of the special grade Unpolished Milled Rice may contain not more than 10 percent of red rice and damaged kernels, either singly or combined, but in any case not more than 6.0 percent of damaged kernels.

[4] The milled rice in grade U.S. No. 6 may contain not more than 6.0 percent of damaged kernels.

(c) *Grades and grade requirements for the class Second Head Milled Rice.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—				
	Seeds and heat-damaged kernels		Red rice and damaged kernels (singly or combined)	Chalky kernels	
	Total (singly or combined)	Heat-damaged objectionable seeds (singly or combined)			
	Number in 500 grams		*Percent*	*Percent*	
U.S. No. 1	15		1.0	3.0	
U.S. No. 2	20		2.0	4.0	
U.S. No. 3	35		3.0	10.0	
U.S. No. 4	50		5.0	15.0	
U.S. No. 5	75		10.0	20.0	
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.				

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or gray or rosy, and shall be reasonably well milled.

(d) *Grades and grade requirements for the class Brewers Milled Rice.* (See also paragraph (g) of this section.)

Grade [1]	Maximum limits of—			Color and milling requirements
	Seeds (maximum limits)			
	Total	Objectionable seeds		
	Percent	*Percent*		
U.S. No. 1	0.5	0.05		Shall be white or creamy, and shall be well milled.
U.S. No. 2	1.0	.1		May be slightly gray, and shall be well milled.
U.S. No. 3	1.5	.2		May be light gray or slightly rosy, and shall be reasonably well milled.
U.S. No. 4	3.0	.4		May be gray or rosy, and shall be reasonably well milled.
U.S. No. 5	5.0	1.5		May be dark gray or very rosy, and shall be reasonably well milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.			

[1] Color and milling requirements: U.S. No. 1 shall be white or creamy, and shall be well milled. U.S. No. 2 may be slightly gray, and shall be well milled. U.S. No. 3 may be light gray, and shall be reasonably well milled. U.S. No. 4 may be gray or slightly rosy, and shall be reasonably well milled. U.S. No. 5 may be dark gray or very rosy, and shall be well milled.

(e) *Grades and grade requirements for the class Brewers Milled Rice.* (See also paragraph (g) of this section.)

Grade	Seeds (maximum limits)		Color and milling requirements
	Total	Objectionable seeds	
	Percent	*Percent*	
U.S. No. 1	0.5	0.05	Shall be white or creamy, and shall be well milled.
U.S. No. 2	1.0	.1	May be slightly gray, and shall be well milled.
U.S. No. 3	1.5	.2	May be light gray or slightly rosy, and shall be reasonably well milled.
U.S. No. 4	3.0	.4	May be gray or rosy, and shall be reasonably well milled.
U.S. No. 5	5.0	1.5	May be dark gray or very rosy, and shall be reasonably well milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5, inclusive; or which contains more than 15.0 percent of moisture; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor; or which contains more than 0.1 percent of foreign material; or which contains live or dead weevils or other insects, insect webbing, or insect refuse; or which is otherwise of distinctly low quality.		

(f) *Grade designations for all classes of Milled Rice.* The grade designation for all classes of milled rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade; provided that the word "California" may be added to the grade designation, preceding the name of the class, when it is determined that the rice was grown in the State of California. In the case of Mixed Milled Rice the grade designation shall include also, following the name of the class, the name and approximate percentage of the predominant class and of each contrasting class and of each noncontrasting class of milled rice, if any, contained in the mixture.

(g) *Special grades, special grade requirements, and special grade designations for milled rice.*—(1) *Requirements.* Unpolished milled rice (sometimes referred

to as undermilled rice) shall be rice from which the hulls, a part of the germs, and the outer bran layers, but not the inner bran layers, have been removed by milling. Unpolished milled rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 2.0 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 5.0 percent, in grade U.S. No. 5 not more than 10.0 percent, and in grade U.S. No. 6 not more than 15.0 percent, of milled rice other than unpolished milled rice, and the factor "color and milling requirements" shall be disregarded.

(ii) *Grade designation.* Unpolished milled rice shall be graded and designated according to the special grade requirements for unpolished milled rice and to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Unpolished."

(2) *Parboiled milled rice*—(i) *Requirements.* Parboiled milled rice shall be milled rice in which the starch in the kernels has been gelatinized by soaking, steaming, and drying the rice before the hulls are removed. Parboiled milled rice in grades U.S. Nos. 1 to 6, inclusive, may contain not more than 10.0 percent of kernels of parboiled milled rice that have ungelatinized areas; parboiled milled rice in grades U.S. No. 1 and U.S. No. 2 may contain not more than 0.1 percent, in grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and in grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled milled rice.

(ii) *Grade designation.* Parboiled milled rice shall be graded and designated according to the special grade requirements for parboiled milled rice and to the grade requirements of the standards otherwise applicable to such milled rice, except that the factor "chalky kernels" shall be disregarded, and there shall be added to and made a part of the grade designation the words "Parboiled Light" if the milled rice is not colored or is slightly colored by the parboiling treatment, the word "Parboiled" if the milled rice is distinctly but not materially colored by the parboiling treatment, and the words "Parboiled Dark" if the milled rice is materially colored by the parboiling treatment.

(3) *Coated milled rice*—(i) *Requirements.* Coated milled rice shall be milled rice which, in whole or in part, is coated with glucose and talc.

(ii) *Grade designation.* Coated milled rice shall be graded and designated according to the grade requirements of the standards otherwise applicable to such milled rice, and there shall be added to and made a part of the grade designation the word "Coated."

(4) *Granulated Brewers milled rice*—(i) *Requirements.* Granulated Brewers milled rice shall be milled rice which has been crushed or granulated so that 95.0 percent or more will pass readily through a 5/64 round hole sieve, 70.0 percent or more will pass readily through a 4/64 round hole sieve and not more than 15.0 percent will pass readily through a 2½/64 round hole sieve.

(ii) *Grade designation.* Granulated Brewers milled rice shall be graded and designated according to the grade requirements of the standards for Brewers milled rice and there shall be added to and made a part of the grade designation the word "Granulated."

Effective date. The foregoing revisions of the United States Standards for Rough Rice, Brown Rice, and Milled Rice shall become effective August 1, 1961.

Issued in Washington, D.C., the 28th day of June 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-6142; Filed, June 30, 1961; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 13]

PART 913—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Amending Order

§ 913.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. A recommended decision was issued June 15, 1961, and a final decision containing all amendment provisions of this order was issued June 23, 1961. The changes affected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

1. In § 913.51(a) delete the phrase "of not more than 45 cents," and substitute therefor: "of not more than 30 cents during the delivery periods July 1961 through December 1961, and not more than 45 cents thereafter,".

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., June 29, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6227; Filed, June 30, 1961; 8:55 a.m.]

[Valencia Orange Reg. 234]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.534 Valencia Orange Regulation 234.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 29, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 2, 1961, and ending at 12:01 a.m., P.s.t., July 9, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 30, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6259; Filed, June 30, 1961; 11:18 a.m.]

[Peach Reg. 1]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 934.302 Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective May 27, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh peaches, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1961. A reasonable determination as to the supply of, and the demand for, peaches must await the development of the crop and adequate information thereon was not available to the Washington Fresh Peach Marketing Committee until June 26, 1961; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on June 26, 1961, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such peaches will begin on or about July 5, 1961, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., July 5, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (5) of this paragraph:

(1) *Minimum grade requirement.* Such peaches shall grade at least U.S. No. 1: *Provided,* That peaches of any variety which are damaged but not seriously damaged by hail injury, healed open seams, or rough suture growth may be shipped if they otherwise grade at least U.S. No. 1: *And provided further,* That peaches of any variety which are damaged by stem pulls, or stem punctures affecting only the shoulder area of the peach but otherwise meet the grade requirements of this subparagraph may be shipped if such peaches measure at least 2¾ inches in diameter and are place packed in a 1-layer L.A. lug.

(2) *Uniform firmness requirement.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided,* That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅜ inches in diameter, or (ii) such peaches are not smaller than a size that will pack, in accordance with the requirements prescribed for standard pack, 65 peaches in a standard peach box, 70 peaches in a cascade lug box, or 72 peaches in a L.A. lug box.

(4) *Pack requirements.* Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of the western lugs (boxes with inside dimensions of 7 inches by 11½ inches by 18 inches) and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight of peaches may be handled if such containers are well filled.

(5) Notwithstanding any other provision of this section, any individual shipment of peaches which, in the aggregate, does not exceed 300 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 934.41 (assessments) and 934.55 (inspection and certification) of this part.

(6) The terms "U.S. No. 1," "damage," "serious damage," "hail injury," "well filled," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210 to 51.1223 of this title); the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the con-

tainer in symmetrical order; the term "standard peach box" shall mean a wooden container with inside dimensions of 4½ to 5 by 11½ by 16 inches; the term "cascade lug box" shall mean a wooden container with inside dimensions of 6 by 11½ by 18 inches; the term "L.A. lug box" shall mean a wooden container with inside dimensions of 5¾ by 13½ by 16⅛ inches, except that the 1-layer L.A. lug shall have a depth of not less than 3½ inches; the terms "stem pulls" and "stem punctures" shall have the same meaning as when used in the State of Washington Department of Agriculture, Washington Standards for Peaches; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6232; Filed, June 30, 1961; 9:06 a.m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

Correction

In F.R. Doc. 61–5937, appearing at page 5706 of the issue for Tuesday, June 27, 1961, the date of "July 16, 1961", in § 936.672(b)(1), should read "July 6, 1961".

[Lemon Reg. 906]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1013 Lemon Regulation 906.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 27, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 2, 1961, and ending at 12:01 a.m., P.s.t., July 9, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6220; Filed, June 30, 1961; 8:55 a.m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 992.1 through 992.78, inclusive, of the order. The State of Washington Potato Committee, pursuant to § 992.47 of the order, has recommended that regulations limiting the handling of 1961 crop potatoes should be issued. The recommendation of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available, and the time when this action must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 992.316 Limitation of shipments.

During the period from July 5, 1961, through June 30, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements—*(1) *Grade.* All varieties, U.S. No. 2, or better grade.

(2) *Size—*(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties, at least "fairly clean."

(b) *Minimum maturity requirements—All varieties.* Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(c) *Special purpose shipments.* The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed;

(2) Livestock feed;

(3) Charity;

(4) Starch;

(5) Canning or freezing;

(6) Dehydration;

(7) Export;

(8) Potato chipping; or

(9) Prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes for canning or freezing, dehydration, export, potato chipping, or prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Pay assessments on such shipments, except shipments for canning or freezing;

(3) Obtain a Washington State Shipping Permit as issued by the Washington State Department of Agriculture, except shipments for export on which the handler shall obtain a Federal-State Inspection Certificate;

(4) Upon request by the committee, furnish reports of each shipment pursuant to each Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of such shipment;

(7) Before diverting any such shipment to another receiver or buyer apply to the committee for and obtain a new Certificate of Privilege authorizing such diversion, and such handler shall also comply with requirements prescribed by subparagraphs (4) and (5) of this paragraph with respect to such diverted shipments;

(e) *Shipments of bulk potatoes.* In the case of shipments of bulk potatoes for canning, freezing, dehydration, potato chipping, or prepeeling, where such processor signs an agreement with the committee agreeing to meet such reporting and other marketing order requirements as may be specified by the committee, the shipper of such bulk potatoes shall be exempt from those safeguard requirements set forth in paragraph (d) of this section.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment over 5 hundredweight of potatoes.

(g) *Definitions.* (1) The terms "U.S. No. 2," "fairly clean," and "moderately skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 28, 1961, to become effective July 5, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 61-6194; Filed, June 30, 1961; 8:53 a.m.]

[Grapefruit Reg. 14]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 1031.327 Grapefruit Regulation 14.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031; 25 F.R. 9093), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on June 27, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack), when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.820 to 51.858 of this title) for grapefruit packed in a 1⅗ bushel box.

(2) During the period beginning at 12:01 a.m., c.s.t., July 2, 1961, and ending at 12:01 a.m., c.s.t., August 1, 1961, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade: U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than 2¹⁵⁄₁₆ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 2¹⁵⁄₁₆ inches in diameter;

(iii) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (iv) of this subparagraph unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for one of the following pack sizes except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
40	4⁵⁄₁₆	5
150	2¹³⁄₁₆	3⁵⁄₁₆

(iv) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the

following pack sizes and contains the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	Number of grapefruit
46	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96
112 or 113	112
125 or 126	125
150	150

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 29, 1961.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6231; Filed, June 30, 1961; 9:06 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On May 12, 1961, there was published in the FEDERAL REGISTER (26 F.R. 4110), a notice with respect to a proposal to amend § 74.3(a), Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended, (21 U.S.C. 111–113, 115, 117, 120, 121, 124–126), subparagraph (1) of § 74.3 (a) of said Part 74 is amended to read:

(1) Arkansas, Nebraska, New York, North Dakota, Tennessee, and Illinois.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

The amendment adds the State of Illinois to the eradication areas since the cooperative sheep scabies eradication program in such State is now being conducted in accordance with the provisions of ADE Memorandum 505.6. This State is presently included in the infected areas as sheep scabies is known to exist in such State. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to this State.

Effective date. The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of June 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 61–6143; Filed, June 30, 1961; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 122—BUSINESS LOANS

Miscellaneous Amendments

The Small Business Administration Business Loan Regulation (23 F.R. 10520) as amended (26 F.R. 4192 and 26 F.R. 5175) is hereby further amended by deleting § 122.7–8 and § 122.7–11(g)(3) in their entirety and substituting the following in lieu thereof:

§ 122.7–8 Limited loan participation plan.

The plan is designed especially to assist small retail, wholesale, and service establishments (other types of business may also be eligible) which are unable to pledge as much tangible collateral as is required for regular business loans, but which have a good earnings record, competent management, and a creditable record with local banks for meeting their obligations. Loans under this plan are made entirely through banks, with the banks participating in them either on a deferred or immediate basis. SBA's share of a loan can be no more than $25,000, or 75 percent of the total amount of the loan, whichever is the lesser. The maximum maturity of a loan of this type is five years, with a monthly repayment schedule, including interest at a rate as set forth in § 122.7–4 or § 122.7–5.

§ 122.7–11 Step-by-step procedure for a business loan applicant.

* * * * * * *

(g) * * *

(3) Applications for Direct Small Loans of $25,000 and under with a maximum maturity of 5 years are submitted in duplicate on SBA Form 6b. Instructions are listed on page 3 of the application form.

Effective date: This amendment shall be effective as of March 30, 1961.

Dated: June 19, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–6186; Filed, June 30, 1961; 8:52 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of June, A.D. 1961.

Upon consideration of the record in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, and of the representations filed pursuant to the notice of proposed rule making dated July 15, 1957, published in 22 F.R. 6065, August 1, 1957;

And it appearing, that the said Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings therein, which report and the prior reports in 17 M.C.C. 467 and 53 M.C.C. 177, are hereby referred to and made a part hereof:

It is ordered, That § 176.1 be, and it is hereby, revised and modified so as to read as follows:

§ 176.1 Definitions.

As used in this part:

(a) *Household goods.* The term "household goods" means (1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and (3) articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

(b) *Interpretations of the definition in paragraph (a) of this section:* Paragraph (a)(1) of this section shall be construed to include only property transported as an incident of a move by a householder from one dwelling to another, and shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of the householder and as an incident of a move by the householder from one dwelling to another. Paragraph (a)(2) of this section shall be construed to include the commodities mentioned therein only when transported as an incident to the removal of the establishment, or a portion thereof, from one location to another and shall not be construed to include such commodities when transported as an incident to the purchase, sale, lease, or rental of the commodities by the shipper or consignee. Paragraph (a)(3) of this section shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(c) *Other terms.* Where any other terms used in the rules in this part are defined in section 203(a) of Part II of the Interstate Commerce Act, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203(a), they shall have the ordinary practical meaning of such terms.

It is further ordered, That the rule herein prescribed be, and it is hereby, prescribed to become effective on August 7, 1961.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply 49 Stat. 558, as amended; 560, as amended, 49 U.S.C. 316, 317)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–6184; Filed, June 30, 1961; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

FOREIGN CURRENCY — FRANCE (METROPOLITAN) NEW FRANC; SPAIN PESETA; UNION OF SOUTH AFRICA RAND

Notice of Proposed Designation of France, Spain, and Union of South Africa as Quarterly Rate Countries

Notice is hereby given that pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)(1)(B)), the Department proposes to redesignate France (Metropolitan) and the Union of South Africa and designate Spain as countries whose currencies in accordance with the applicable law and regulations shall be subject to conversion for customs purposes at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter in which the day of exportation falls.

It is the Department's intention upon adoption of this proposal concurrently to amend § 16.4 of the Customs Regulations, by adding "France (Metropolitan)," "Spain," and "Union of South Africa," to the list of quarterly rate countries set forth at the end of paragraph (d), effective with the quarter commencing October 1, 1961.

This notice is published pursuant to section 4 of the Administrative Procedures Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing.

To insure consideration of such communications they must be received in the Bureau of Customs not later than 45 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: June 26, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-6187; Filed, June 30, 1961; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

POULTRY AND POULTRY PRODUCTS

Inspection

Notice is hereby given that the United States Department of Agriculture is considering amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR, as amended, Part 81) pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The proposed amendments would specify the requirements relating to the meat content of soups, soup mixes, and soup bases. Currently, a few categories of products, which contain small quantities of poultry, are exempted from classification as poultry products. These amendments should eliminate misunderstanding concerning the amount of poultry meat that can be included in certain food products without requiring them to be inspected under the Act. Conversely, the amendments would establish the minimum poultry meat content required in products for them to be regarded as poultry products and, therefore, subject to the Act.

All persons who desire to submit written data, views or arguments in connection with the proposed amendments should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendments are:

1. A new paragraph (c) would be added to § 81.134 to read as follows:

§ 81.134 [Amendment]

(c) *Soups, soup mixes, and soup bases.* Soups, soup mixes, and soup bases, when prepared according to the directions on the consumer package, shall contain not less than 2 percent cooked poultry meat in the ready-to-serve product, computed on the basis of moist deboned cooked poultry: *Provided*, That soup bases which are prepared for sale to institutional users, such as hotels, restaurants, and boarding houses, shall contain not less than 15 percent cooked poultry meat, based on the weight of the soup base product, computed on the basis of moist deboned cooked poultry.

2. Section 81.208 (a), (b), and (c) would be amended to read as follows:

§ 81.208 **Exemption of certain human food products which contain poultry.**

The human food products listed in this section, which consist in part of edible parts of poultry, are hereby exempted from classification as poultry products under the Act: *Provided*, That the poultry used in such products is federally inspected or inspected under an approved foreign inspection system and the other conditions set forth herein are met.

(a) Soups which contain less than 2 percent cooked poultry meat on a ready-to-serve basis, when prepared in accordance with the serving directions on the consumer package: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(b) Dehydrated soup mixes which, when reconstituted in accordance with the serving directions on the consumer package, contain less than 2 percent cooked poultry meat computed on the basis of moist deboned cooked poultry: *Provided*, That the kind name (such as chicken and turkey) shall not be used in the product name.

(c) Soup bases. (1) Soup bases (consumer packages) which, when reconstituted in accordance with the directions on the consumer package, contain less than 2 percent cooked poultry meat computed on the basis of moist deboned cooked poultry: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name.

(2) Soup bases (institutional packs) which are prepared for sale to institutional users, such as hotels, restaurants and boarding houses, which contain less than 15 percent cooked poultry meat based on the weight of the soup base product computed on the basis of moist deboned cooked poultry: *Provided*, That the kind name (such as chicken or turkey) shall not be used in the product name."

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

Issued at Washington, D.C., this 28th day of June 1961.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 61-6139; Filed, June 30, 1961; 8:45 a.m.]

Agricultural Research Service

[9 CFR Part 74]

SCABIES IN SHEEP

Notice of Proposed Rule Making

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 123, 125), it is proposed to amend § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding a new subparagraph (4) to read:

(4) The following counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner, and all counties in the State of Kansas lying west of the foregoing counties.

The proposed amendment would add the above designated counties in Kansas to the eradication areas since the cooperative sheep scabies eradication program is now being conducted in such Counties. The entire State of Kansas is presently included in the infected areas as sheep scabies is known to exist in such State.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of June 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 61-6195; Filed, June 30, 1961; 8:53 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 120, 121]

PESTICIDE RESIDUES; FOOD ADDITIVES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition has been filed by Niagara Chemical Division, Food Machinery and Chemical Corporation, Middleport, New York, proposing the establishment of pesticide tolerances for residues of ethion (*O,O,O',O'* - tetraethyl *S,S'* - methylene bisphosphorodithioate) in or on lemons, tangelos, and tangerines at 3 parts per million and an increase from 1 part per million to 3 parts per million in tolerances for residues of ethion in or on beans, grapefruit, oranges, strawberries, and tomatoes.

The petition also proposes an increase from 5 parts per million to 15 parts per million in the food additive tolerance prescribed in § 121.211 of this chapter for residues of this pesticide chemical in dehydrated citrus pulp resulting from carryover and concentration of residues in this feed item processed from such citrus fruits.

The analytical methods proposed in the petition for determining residues of ethion are the colorimetric method and enzymatic method published in the FEDERAL REGISTER of August 18, 1959 (24 F.R. 6696). The colorimetric method has been modified by mercuric chloride and sodium hydroxide treatments to eliminate interferences from other phosphorodithioate pesticides. In addition, an infrared method is given.

Dated: June 23, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6163; Filed, June 30, 1961; 8:48 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 482) has been filed by Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington 6, D.C., proposing the amendment of §§ 121.1031 and 121.2506 of the food additive regulations, for modified starch and packaging starch, respectively, to provide for new names for the additives; by changing the name "modified starch" to "food starch-modified" and "packaging starch" to "industrial starch-modified"; to modify the wording of portions of § 121.2506, to provide for use as a sizing or coating for textiles, and to add the following modified starches to § 121.1031:

By treatment with not more than 0.5 percent of sodium chlorite.

By treatment with not more than 0.35 percent of hydrogen peroxide.

By treatment with not more than 0.2 percent of potassium permanganate.

By treatment with hydrochloric acid or sulfuric acid.

By treatment with not more than 5.0 percent of acetic anhydride.

By treatment with not more than 0.12 percent adipic anhydride in the presence of not more than 5.0 percent acetic anhydride.

By treatment with not more than 0.3 percent epichlorohydrin in the presence of not more than 5.0 percent acetic anhydride.

By treatment with not more than 4.0 percent of succinic anhydride and neutralized with sodium hydroxide.

By treatment with not more than 3.0 percent octenyl succinic anhydride and neutralized with sodium hydroxide.

By treatment with not more than 2.0 percent octenyl succinic anhydride and neutralized with aluminum sulfate.

By treatment with not more than 0.1 percent active oxygen obtained from hydrogen peroxide and/or peracetic acid.

Dated: June 23, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6162; Filed, June 30, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-105]

FEDERAL AIRWAY

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1709 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1709 extends in part from the Kiowa, Colo., VOR via the intersection of the Kiowa VOR 001° and the Cheyenne, Wyo., VOR 131° True radials to the Cheyenne VOR. The Federal Aviation Agency is considering the realignment of this segment of Victor 1709 to extend from the Kiowa VOR via the intersection of the Kiowa VOR 005° and the Cheyenne VOR 131° True radials to the Cheyenne VOR. This alteration would align Victor 1709 to overlie low altitude VOR Federal airway No. 19 between the Kiowa VOR and the intersection of the Kiowa VOR 005° and the Denver VOR 101° True radials and would facilitate the transition of aircraft between the low and intermediate altitude airway structures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 26, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6153; Filed, June 30, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-1]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Control Area; Alteration of Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER as

Airspace Docket No. 61–NY–1 on April 18, 1961 (26 F.R. 3278), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 20 proposed from Richmond, Va., to the Tappahannock, Va., Intersection to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendments 60–21 of the Civil Air Regulation to the control area associated with the proposed segment of Victor 20 should be deferred until such time as all control areas associated with the other airways in the vicinity of Richmond and Tappahannock can be altered by applying Amendment 60–21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed segment of Victor 20 from Richmond to the Tappahannock Intersection extend upwards from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 22, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–NY–1 is extended to July 22, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 26, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6152; Filed, June 30, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–NY–142]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2087 of the regulations of the Administrator, the substance of which is stated below.

The Cincinnati, Ohio, control zone is presently designated within a 5-mile radius of the Lunken Airport extending 2 miles either side of the southwest and northeast courses of the Cincinnati radio range to the Loveland, Ohio, fan marker.

The Federal Aviation Agency is considering altering this control zone by designating an additional extension within 2 miles either side of the 052° True bearing from the Cincinnati radio beacon extending from the 5-mile radius zone to 12 miles northeast of the radio beacon. This proposed extension would provide protection for aircraft executing prescribed instrument approach procedures utilizing the radio beacon.

If this action is taken the Cincinnati, Ohio, control zone would be designated within a 5-mile radius of the Cincinnati Municipal, Lunken Airport (latitude 39°06'14" N., longitude 84°25'18" W.), within 2 miles either side of the southwest and northeast courses of the Cincinnati radio range extending from the 5-mile radius zone to the Loveland, Ohio, fan marker and within 2 miles either side of the 052° True bearing from the Cincinnati radio beacon extending from the 5-mile radius zone to 12 miles northeast of the radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 26, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6150; Filed, June 30, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–FW–7]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone within a 5-mile radius of Fulton County Airport, Atlanta, Ga. (latitude 33°46'47" N., longitude 84°31'20" W.), within 2 miles either side of the 276° True radial of the Fulton County Airport VOR (latitude 33°46'36" N., longitude 84°30'57" W.), extending from the 5-mile radius zone to 11 miles west of the VOR, excluding that portion which coincides with the Dobbins Air Force Base, Marietta, Ga., control zone. This would provide protection for aircraft executing the prescribed instrument approach procedure at Fulton County Airport. Communication services for the control zone would be provided by the Federal Aviation Agency control tower at Fulton County Airport from 0700 to 2300 eastern standard time daily. The Federal Aviation Agency Flight Service Station located at the airport would serve the control zone during the hours that the control tower is not in operation. Weather observations are provided on a 24-hour basis by the Flight Service Station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 26, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6151; Filed, June 30, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishments are licensed as of April 15, 1961, for the production of the biological products set forth under each establishment. Such licenses are effective until suspended or revoked in accordance with such Act and regulations.

This notice will be amended from time to time in the FEDERAL REGISTER to indicate any suspensions or revocations of licenses as well as the licensing of additional establishments and products.

Part I. Establishments Arranged by License Number Showing the Products for Which Each Establishment Is Licensed

LICENSED ESTABLISHMENTS

License No. 1—Parke, Davis & Co., Detroit, Mich.

Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Dysentery Antitoxin, Shiga.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Histamine Azoprotein.
Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Phosphate Adsorbed.
Typhoid and Paratyphoid Vaccine.
Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Bacterial Antigens

Six polyvalent bacterial antigens with "No U.S. Standard of Potency."

Modified Bacterial Antigens

Two polyvalent modified bacterial antigens with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed.
Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Blastomycin.
Diphtheria Toxin for Schick Test.
Histoplasmin.
Tuberculin, Old.
Tuberculin, Purified Protein Derivative.

Diagnostic Substances for Laboratory Tests

Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test.
Influenza Virus Hemagglutinating Antigen.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.

Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride.

License No. 2—Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa.

Antitoxins

Tetanus Antitoxin.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin (Human).
Human Blood Cells.
Immune Serum Globulin (Human).
Normal Bovine Serum.
Normal Horse Serum.
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Sensitized Bacterial Vaccines

Cholera Vaccine.
Typhoid and Paratyphoid Vaccine.
Six polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Bacterial Antigen with Antihistaminic.
Three polyvalent bacterial antigens with "No U. S. Standard of Potency".

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Diptheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

Allergenic Extracts

Poison Ivy Extract.

Miscellaneous

Antivenin (*Latrodectus mactans*).
Blood Group Specific Substances A and B.

License No. 8—Cutter Laboratories, Berkeley, Calif.

Antitoxins

B. oedematiens Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Tetanus Immune Globulin (Human).
Thrombin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Pertussis Vaccine Aluminum Hydroxide Adsorbed.
Plague Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Three polyvalent bacterial vaccines with "No U. S. Standard of Potency."

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.
Diphtheria Toxoid and Pertussis Vaccine Combined.
Tetanus Toxoid and Pertussis Vaccine Combined.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).

Viral and Rickettsial Vaccines

Equine Encephalomyelitis Vaccine (Eastern).
Equine Encephalomyelitis Vaccine (Western).
Poliomyelitis Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Coccidioidin.
Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 11—Institut Pasteur, Paris, France

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Typhoid Vaccine.

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.

License No. 14—New York City Department of Health, Bureau of Laboratories, New York, N.Y.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Normal Horse Serum.

Bacterial Vaccines

Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.

Viral and Rickettsial Vaccines

Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Old.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh_0 (Anti-D).
Anti-Rh_0' (Anti-CD).
Anti-Human Serum.

License No. 17—Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y.

Antitoxins

B. histolyticus Antitoxin.
B. oedematiens Antitoxin.
B. sordellii Antitoxin.
Botulism Antitoxin.
Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid and Paratyphoid Vaccine.
Four polyvalent bacterial vaccines with "No U.S. Standard of Potency."

Toxoids and Toxins for Immunization

Staphylococcus Toxoid.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Q Fever Vaccine.
Rabies Vaccine.
Rocky Mountain Spotted Fever Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).

Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.
Tuberculin, Patch Test.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh_0 (Anti-D).
Anti-Rh_0' (Anti-CD).
Anti-Human Serum.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Trichinella Extract.

Miscellaneous

Streptokinase—Streptodornase.

License No. 30—Sherman Laboratories, Detroit, Mich.

Bacterial Vaccines

Pertussis Vaccine.
Eighteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Poison Oak Extracts Combined.

License No. 43—Abbott Laboratories, North Chicago, Ill.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 51—The Upjohn Company, Kalamazoo, Mich.

Blood and Blood Derivatives

Thrombin.

License No. 52—E. R. Squibb & Sons, Division of Olin Mathieson Chemical Corp., Biological Laboratories, New Brunswick, N.J.

Blood and Blood Derivatives

Fibrinogen (Human).
Immune Serum Globulin (Human).

Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).
Radio-Iodinated (I^{131}) Serum Albumin (Human).

Multiple Antigen Preparations

Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus).

Diagnostic Substances for Dermal Tests

Lymphogranuloma Venereum Antigen.

License No. 56—Eli Lilly and Company, Indianapolis, Ind.

Antitoxins

Diphtheria Antitoxin.
Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Seven polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Bacterial Antigens

Thirteen polyvalent bacterial antigens with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Mumps Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Mumps Skin Test Antigen.
Tuberculin, Old.

Allergenic Extracts

Allergenic Extracts.

License No. 64—Massachusetts Public Health Biologic Laboratories, Boston, Mass.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Serum Albumin (Human).

Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated.

Viral and Rickettsial Vaccines

Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 73—Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada

Antitoxins

Diphtheria Antitoxin.
Staphylococcus Antitoxin.
Tetanus Antitoxin.

Blood and Blood Derivatives

Normal Serum Albumin.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Diagnostic Substances for Dermal Tests

Tuberculin, Purified Protein Derivative.

License No. 84—Terrell's Laboratories, Fort Worth, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 91—Hollister-Stier Laboratories, Spokane, Wash.; Chicago, Ill.; Philadelphia, Pa.; Los Angeles, Calif.; and Atlanta, Ga.

Bacterial Vaccines

Two polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.

License No. 97—Behringwerke AG., Marburg-Lahn, Germany

Miscellaneous

Streptokinase-Streptodornase.

License No. 99—Division of Laboratories, Michigan Department of Health, Lansing, Mich.

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum.

Blood and Blood Derivatives

Antihemophilic Globulin (Human).
Citrated Whole Blood (Human).
Fibrinogen (Human).
Immune Serum Globulin (Human).
Normal Horse Serum.
Normal Rabbit Serum.
Normal Serum Albumin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.

Viral and Rickettsial Vaccines

Rabies Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Histoplasmin.
Schick Test Control.

Diagnostic Substances for Laboratory Tests

Pneumococcus Typing Serum.

License No. 101—The National Drug Company, Division of Richardson-Merrell, Inc., Philadelphia, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Fourteen polyvalent vaccines with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Scarlet Fever Streptococcus Toxin for Immunization.
Staphylococcus Toxoid.
Streptococcus Erythrogenic Toxin.
Tetanus Toxoid.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Staphylococcus Toxoid—Bacterial Vaccine made from Staphylococcus (Aureus).
Staphylococcus Toxoid—Streptococcus Toxin—Bacterial Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), Pneumococcus Hemophilus Influenzae.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Rabies Vaccine.
Smallpox Vaccine.
Typhus Vaccine (Epidemic).
Yellow Fever Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 102—Mulford Colloid Laboratories, Philadelphia, Pa.

Allergenic Extracts

Poison Ivy Extract.
Poison Oak Extract.
Tincture Poison Ivy.

License No. 103—Allergy Laboratories, Oklahoma City, Okla.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 105—C. F. Kirk Co., New York, N.Y.

Bacterial Vaccines

Typhoid Vaccine.
Five polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Allergenic Extracts

Allergenic Extracts.
Poison Ivy Extract Alum Precipitated.

License No. 107—Porrò Biological Laboratories, Tacoma, Wash.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 108—Laboratoire du Bacteriophage, Paris, France

Bacterial Antigens

Fifteen bacterial antigens with "No U.S. Standard of Potency".

License No. 110—Pitman-Moore Company, Division of The Dow Chemical Company, Indianapolis, Ind.

Antitoxins

Perfringens Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.
V. septique Antitoxin.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Poliomyelitis Immune Globulin (Human).

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.
Thirteen polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Staphylococcus Toxoid.
Tetanus Toxoid.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis. Vaccines Aluminum Phosphate Adsorbed.
Diphtheria and Tetanus Toxoids and Polyiomyelitis Vaccine.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Influenza Virus Vaccine.
Poliomyelitis Vaccine.
Rabies Vaccine.
Typhus Vaccine.

Diagnostic Substances for Dermal Tests

Tuberculin, Old.

Allergenic Extracts

Poison Ivy-Poison Oak Extract.

License No. 111—The Wm. S. Merrell Company, Division of Richardson-Merrell, Inc., Cincinnati, U.S.A., Cincinnati, Ohio

Bacterial Vaccines

One polyvalent bacterial vaccine with "No U.S. Standard of Potency".

License No. 113—Michael Reese Research Foundation, Chicago, Ill.

Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.
Blood Group Specific Substances A and B.

License No. 119—Barry Laboratories, Inc., Detroit, Mich.

Bacterial Vaccines

Nine polyvalent bacterial vaccines with "No U.S. Standard of Potency".

Allergenic Extracts

Allergenic Extracts (including pollens).
Poison Ivy Extract.
Poison Ivy-Oak-Sumac Extracts Combined.
Poison Sumac Extract.

License No. 120—Bureau of Biologic Products, Illinois Department of Public Health, Division of Laboratories, Chicago, Ill.

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.

Multiple Antigen Preparations

Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.

Viral and Rickettsial Vaccines

Rabies Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.

License No. 121—Texas State Department of Health, Austin, Tex.

Bacterial Vaccines

Pertussis Vaccine.
Typhoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Hydroxide Precipitated.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Precipitated.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Rabies Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Schick Test Control.
Tuberculin, Old.

License No. 125—Hynson, Westcott & Dunning, Baltimore, Md.

Miscellaneous

Cobra Venom Solution.
Cobra Venom with Silicic and Formic Acids.

License No. 129—Wellcome Research Laboratories, Beckenham, Kent, England

Miscellaneous

Streptokinase-Streptodornase.
Russell Viper Venom.

License No. 135—Myers Laboratories, Inc., Warren, Pa.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency."

License No. 139—Philadelphia Serum Exchange, Philadelphia, Pa.

Therapeutic Immune Serums

Pertussis Immune Serum (Human).

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Serum.
Poliomyelitis Immune Globulin (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C)
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 140—Hyland Laboratories, Los Angeles, Calif.

Therapeutic Immune Serums

Antimumps Serum.
Antipertussis Serum.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Mumps Immune Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Packed Red Blood Cells (Human).
Pertussis Immune Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-K Serum (Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.
Haemophilus influenzae Typing Serum.

License No. 144—Wyeth Laboratories, Inc., Marietta, Pa.

Antitoxins

Diphtheria Antitoxin.
Gas Gangrene Polyvalent Antitoxin.
Tetanus Antitoxin.
Tetanus and Gas Gangrene Polyvalent Antitoxin.

Therapeutic Immune Serums

Antipertussis Serum.

Blood and Blood Derivatives

Normal Horse Serum.

Bacterial Vaccines

Cholera Vaccine.
Pertussis Vaccine.
Typhoid Vaccine.
Typhoid and Paratyphoid Vaccine.

Toxoids and Toxins for Immunization

Diphtheria Toxoid.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Tetanus Toxoid.
Tetanus Toxoid Aluminum Phosphate Adsorbed.

Multiple Antigen Preparations

Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use).
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).

Viral and Rickettsial Vaccines

Adenovirus Vaccine.
Poliomyelitis Vaccine.
Smallpox Vaccine.

Diagnostic Substances for Dermal Tests

Diphtheria Toxin for Schick Test.
Scarlet Fever Streptococcus Toxin for Dick Test.
Schick Test Control.
Tuberculin, Old.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).
Poison Ivy Extract.
Poison Oak Extract.
Poison Ivy-Oak-Sumac Extracts Combined.

Miscellaneous

Antivenin (Crotalidae) Polyvalent.

License No. 147—Endo Laboratories, Inc., Richmond Hill, N.Y.

Allergenic Extracts

Allergenic Extracts (including miscellaneous substances).

License No. 149—Armour Pharmaceutical Company, Division of Armour and Company of Chicago, Illinois, Kankakee, Ill.

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

License No. 152—Gotham Pharmaceutical Co., Brooklyn, N.Y.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 154—John Elliott Blood Bank of Dade County, Inc., Miami, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 155—Wiener Serum Laboratory, Brooklyn, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti Rh_o (Anti-D).
Anti-Rh_o' (Anti-CD).
Anti-Rh_o'' (Anti-DE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell)).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 156—Ortho Pharmaceutical Corporation, Raritan, N.J.

Blood and Blood Derivatives

Fibrinogen (Human).
Fibrinolysin (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Profibrinolysin (Human).
Thrombin.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.

Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-S Serum.
Anti-Human Serum.

License No. 157—Certified Blood Donor Service, Inc., Jamaica, N.Y.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Serum.
Anti-P Serum.
Anti-S Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 158—Washington Blood Laboratory, Washington, D.C.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 159—Blood Grouping Laboratory of Boston, Inc., Boston, Mass.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^w (Anti-C^w).
Anti-Rh$_o$+Rh$_o$ (Anti-D+D^u).
Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Kp^a Serum (Anti-Penney).
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).
Anti-Le^a Serum (Anti-Lewis).
Anti-Le^b Serum.
Anti-M Serum.
Anti-M^g Serum.
Anti-P Serum.
Anti-Wr^a Serum (Anti-Wright).
Anti-Human Serum.

License No. 161—Blood Transfusion Association, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$rh'rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-Human Serum.

License No. 162—Blood and Plasma Bank—New York University-Bellevue Medical Center, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No.163—High Titer Serum Laboratory, New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-rh^v (Anti-V).
Anti-rh^w (Anti-C^w).
Anti-Di^a Serum (Anti-Diego).
Anti-Fy^a Serum (Anti-Duffy).
Anti-Jk^a Serum (Anti-Kidd).
Anti-Jk^b Serum.
Anti-K Serum (Anti-Kell).
Anti-Kp^b Serum (Anti-Rautenberg).
Anti-k Serum (Anti-Cellano).
Anti-Le^a Serum (Anti-Lewis).
Anti-M Serum.
Anti-P Serum.
Anti-S Serum.
Anti-s Serum.
Anti-Human Serum.

Miscellaneous

Blood Group Specific Substance A.
Blood Group Specific Substance B.

License No. 165—Blood Bank Foundation, Nashville, Tenn.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A, B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 166—Belle Bonfils Memorial Blood Bank, Denver, Colo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-K Serum (Anti-Kell).

License No. 167—J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 168—Mount Sinai Medical Research Foundation, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.

License No. 169—Chicago Blood Donor Service, Inc., Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 170—Jackson Medical Laboratory and Blood Bank, Jackson, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 171—Courtland Laboratories, Los Angeles, Calif.

Therapeutic Immune Serums

Chickenpox Immune Serum (Human).
Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Immune Serum Globulin (Human).
Normal Serum Albumin (Human).
Normal Human Plasma.
Poliomyelitis Immune Globulin (Human).

License No. 173—Interstate Blood Bank, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 174—Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio

Allergenic Extracts

Tincture Poison Ivy.

License No. 175—Inter-County Blood Banks, Inc., Jamaica, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 176—Laboratorios Myn, Mexico D.F., Mexico

Miscellaneous

Antivenin, Scorpion.

License No. 178—California Transfusion Service, Los Angeles, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 179—Dade Reagents, Inc., Miami, Fla.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Fy^a Serum (Anti-Duffy).
Anti-k Serum (Anti-Cellano).
Anti-K Serum (Anti-Kell).
Anti-M Serum.
Anti-N Sérum.
Anti-Human Serum.

Miscellaneous

Regent Blood Group Specific Substances A and B.

License No. 181—Jacksonville Blood Bank, Inc., Jacksonville, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Human Serum.

License No. 182—Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 183—Southwest Blood Banks, Inc., Phoenix, Ariz.

This establishment license includes the following locations:
Southwest Blood Bank of Albuquerque, Albuquerque, N. Mex.
Southwest Blood Bank of Alexandria, Alexandria, La.
Southwest Blood Bank of Cheyenne, Cheyenne, Wyo.
Southwest Blood Bank of El Paso, El Paso, Tex.
Southwest Blood Bank of Fargo, Fargo, N. Dak.
Southwest Blood Bank of Harlingen, Harlingen, Tex.
Southwest Blood Bank of Houston, Houston, Tex.
Southwest Blood Bank of Little Rock, Little Rock, Ark.
Southwest Blood Bank of Lubbock, Lubbock, Tex.
Southwest Blood Bank of Meridian, Meridian, Miss.
Southwest Blood Bank of Minot, Minot, N. Dak.
Southwest Blood Bank of Phoenix, Phoenix, Ariz.
Southwest Blood Bank of Reno, Reno, Nev.
Southwest Blood Bank of San Antonio, San Antonio, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 184—Travenol Laboratories, Inc., Morton Grove, Ill., Los Angeles, Calif., and Cleveland, Miss.

Therapeutic Immune Serums

Antimumps Serum (Human).
Antipertussis Serum (Human).

Bacterial Antigens

Pseudomonas Polysaccharide.

Blood and Blood Derivatives

Antihemophilic Plasma (Human).
Immune Serum Globulin (Human).
Normal Human Plasma.
Normal Serum Albumin (Human).
Poliomyelitis Immune Globulin (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Absorbed Anti-A Serum.
Group AB Serum (Human).
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$'' (Anti-DE).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-M Serum.
Anti-N Serum.
Anti-Human Serum.
Anti-Human Precipitin Serum.

License No. 185—Minneapolis War Memorial Blood Bank, Minneapolis, Minn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-rh' (Anti-C).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).

License No, 187—Milwaukee Blood Center, Inc., Milwaukee, Wis.

Therapeutic Immune Serums

Measles Immune Serum (Human).
Mumps Immune Serum (Human).
Pertussis Immune Serum (Human).
Poliomyelitis Immune Serum (Human).
Scarlet Fever Immune Serum (Human).

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Normal Human Serum.
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-Human Serum.

License No. 188—Research Foundation and University of Illinois, Chicago, Ill.

Bacterial Vaccines

BCG Vaccine.

License No. 190—The American National Red Cross, Washington, D.C.

This establishment license includes the following locations:

American Red Cross Blood Center, San Juan, Puerto Rico.
Appalachian Regional Blood Center, Roanoke, Va.
Asheville Regional Blood Center, Asheville, N.C.
Atlanta Regional Blood Center, Atlanta, Ga.
Badger Regional Blood Center, Madison, Wis.
Baltimore Regional Blood Center, Baltimore, Md.
Beaver County Regional Blood Center, New Brighton, Pa.
Birmingham Regional Blood Center, Birmingham, Ala.
Black Hawk County Regional Blood Center, Waterloo, Iowa.
Boise Regional Blood Center, Boise, Idaho.
Buffalo Regional Blood Center, Buffalo, N.Y.
Central Texas Regional Blood Center, Waco, Tex.
Cleveland Regional Blood Center, Cleveland, Ohio.
Columbia River Regional Blood Center, Yakima, Wash.
Columbus Regional Blood Center, Columbus, Ohio.
Connecticut Regional Blood Center, Hartford, Conn.
Detroit Regional Blood Center, Detroit, Mich.
Douglas County Regional Blood Center, Lawrence, Kans.
Fort Wayne Regional Blood Center, Fort Wayne, Ind.
Four County Regional Blood Center, San Jose, Calif.
Greater Toledo Regional Blood Center, Toledo, Ohio.
Huntington Regional Blood Center, Huntington, W. Va.
Intermountain Regional Blood Center, Salt Lake City, Utah.
Johnstown Regional Blood Center, Johnstown, Pa.
Knox County Regional Blood Center, Galesburg, Ill.
Lansing Regional Blood Center, Lansing, Mich.
Los Angeles-Orange Counties Regional Blood Center, Los Angeles, Calif.
Louisville Regional Blood Center, Louisville, Ky.
Massachusetts Regional Blood Center, Boston, Mass.
Mobile Regional Center, Mobile, Ala.
Montana Regional Blood Center, Great Falls, Mont.
Muskegon County Regional Blood Center, Muskegon, Mich.
Nashville Regional Blood Center, Nashville, Tenn.
Nebraska-Iowa Regional Blood Center, Omaha, Nebr.
New York Regional Blood Center, New York, N.Y.
Northeastern Pennsylvania Regional Blood Center, Wilkes-Barre, Pa.
Pacific Northwest Regional Blood Center, Portland, Oreg.
Peoria Regional Blood Center, Peoria, Ill.
Philadelphia Regional Blood Center, Philadelphia, Pa.
Piedmont Carolinas Regional Blood Center, Charlotte, N.C.
Rochester Regional Blood Center, Rochester, N.Y.
South Atlantic Regional Blood Center, Savannah, Ga.
South Carolina Regional Blood Center, Columbia, S.C.
Southern Arizona Regional Blood Center, Tucson, Ariz.
Springfield Regional Blood Center, Springfield, Mo.
St. Louis Regional Blood Center, St. Louis, Mo.
St. Paul Regional Blood Center, St. Paul, Minn.
Syracuse Regional Blood Center, Syracuse, N.Y.
Tidewater Regional Blood Center, Norfolk, Va.
Tulsa County Regional Blood Center, Tulsa, Okla.
Vermont-New Hampshire Regional Blood Center, Burlington, Vt.
Volusia Flagler Regional Blood Center, Daytona Beach, Fla.
Washington, D.C. Regional Blood Center, Washington, D.C.
Wichita County Regional Blood Center, Wichita Falls, Tex.
Wichita Regional Blood Center, Wichita, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 191—Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).
Single Donor Plasma (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.

License No. 192—King County Central Blood Bank, Inc., Seattle, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 193—Center Laboratories, Port Washington, N.Y.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances).

License No. 194—Sacramento Medical Foundation Blood Bank, Sacramento, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 195—Peninsula Memorial Blood Bank, Burlingame, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 197—Sonoma County Community Blood Bank, Santa Rosa, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 198—Tri-Counties Blood Bank, Santa Barbara, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 199—Blood Bank of Hawaii, Honolulu, Hawaii

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 201—San Diego Blood Bank, San Diego, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 202—Tacoma-Pierce County Blood Bank, Tacoma, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 203—Spokane & Inland Empire Blood Bank, Spokane, Wash.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 204—Virginia Blood Bank, Inc., Richmond, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-B Blood Grouping Serum.

License No. 209—Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 212—District of Columbia General Hospital, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 213—Blood Bank of the Washington Hospital Center, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 214—Doctors Hospital Blood Bank, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 215—Blood Grouping Laboratory, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 218—Providence Hospital Blood Bank, Washington, D.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 220—Broome County Blood Center, Binghamton, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 221—Essex County Blood Bank, Inc., Newark, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 222—Aurora Blood Bank and Donors Society, Aurora, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).

License No. 224—Community Blood and Plasma Service, Inc., Birmingham, Ala., and New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 226—Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 227—Central Florida Blood Bank, Incorporated, Orlando, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 228—Southwest Florida Blood Bank, Inc., Tampa, Fla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 229—Bender Laboratory Blood Bank, Albany, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 231—Dubuque Blood Bank Association, Dubuque, Iowa

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Normal Human Plasma.

License No. 232—Holy Cross Hospital Research Foundation, Salt Lake City, Utah

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-hr' (Anti-c).
Anti-Human Serum.

License No. 233—Ochsner Foundation Hospital Blood Bank, New Orleans, La.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 234—Central Blood Bank of Pittsburgh, Pittsburgh, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 235—University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Resuspended Red Blood Cells (Human).

License No. 236—Medical Center-State Health Department Blood Bank, Grand Forks, N. Dak.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 237—Shreveport Emergency Blood Bank, Inc., Shreveport, La.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 238—Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy

Antitoxins

Diphtheria Antitoxin.
Tetanus Antitoxin.

Therapeutic Immune Serums

Antirabies Serum.

Toxoids and Toxins for Immunization

Diphtheria Toxoid Aluminum Hydroxide Adsorbed.
Diphtheria Toxoid Aluminum Phosphate Adsorbed.
Staphylococcus Toxoid.
Tetanus Toxoid Aluminum Hydroxide Adsorbed.

License No. 239—Houchin Community Blood Bank, Bakersfield, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 240—Memphis Blood Center, Inc., Memphis, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 241—Community Blood and Plasma Service, Inc. of Texas, Houston, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 243—The Blood Plasma Corporation of Japan, Osaka, Japan

Blood and Blood Derivatives

Normal Human Plasma.

License No. 244—Travis County Medical Society Blood Bank, Austin, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 245—Nihon Seiyaku Co., Ltd., Tokyo, Japan

Blood and Blood Derivatives

Normal Human Plasma.

License No. 246—Potter County Memorial Blood Center, Inc., Amarillo, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 248—Central Blood Bank, Inc., South Bend, Ind.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 249—Northern Illinois Blood Bank, Inc., Rockford, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 250—St. Luke's Hospital Blood Bank, Aberdeen, S. Dak.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 251—Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 252—Detroit Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 254—Knoxville Blood Center, Inc., Knoxville, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 257—Chek-Lab. Inc., Chicago, Ill.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$' (Anti-CD).
Anti-Human Serum.

License No. 258—Osterreichisches Institut für Haemoderivate, Vienna, Austria

Blood and Blood Derivatives

Immune Serum Globulin (Human).
Plasma Protein Fraction (Human).
Poliomyelitis Immune Globulin (Human).

License No. 259—Holston Valley Community Hospital Blood Bank, Kingsport, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 260—St. Francis Hospital Blood Bank, Trenton, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 261—Hospital Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 263—The Community Blood Bank, Norton, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 264—Mid-West Blood Bank and Plasma Service, Kansas City, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 265—W. E. Stewart Blood Bank, Inc., Tyler, Tex.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 266—Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 267—Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 268—Community Blood Service, Inc., St. Louis, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 269—Beverly Blood Center, Inc., Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 270—Marietta Memorial Hospital, Marietta, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 271—St. Luke's Memorial Hospital Blood Bank, Racine, Wis.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 272—Southern Michigan Blood Center, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 273—Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 274—Bergen Community Blood Bank, Paramus, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 276—Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 277—Community Memorial General Hospital, La Grange, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 278—Brooklyn Donor Center, Inc., Brooklyn, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 279—Menolasino Laboratories, Melrose Park, Ill.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 280—Ward Laboratories, Durham, N.C.

Diagnostic Substances for Laboratory Tests

Anti-Fy^a Serum (Anti-Duffy).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 281—Nuclear Consultants Corporation, St. Louis, Mo.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 283—Hoffmann Laboratories, Inc., Paterson, N.J.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 284—Rhode Island Hospital Blood Bank, Providence, R.I.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 285—Marathon County Blood Bank, Inc., Wausau, Wis.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 286—Edgewater Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 288—Delta Blood Bank, Stockton, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 289—Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-K Serum (Anti-Kell).
Anti-Human Serum.

License No. 290—Pineview General Hospital Blood Bank, Valdosta, Ga.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 291—Sci Lab, Derby, Colo.

Diagnostic Substances for Dermal Tests

Blastomycin, Pin Test.
Coccidioidin, Pin Test.
Histoplasmin, Pin Test.
Tuberculin, Pin Test.

License No. 292—Graham Laboratories, Inc., Dallas, Tex.

Allergenic Extracts

Allergenic Extracts.

License No. 293—Passaic Blood Bank, Inc., Passaic, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 295—Community Blood Bank and Serum Service, Hoboken, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum.
Anti-B Blood Grouping Serum.
Anti-A,B Blood Grouping Serum.
Anti-Rh Typing Serums:
Anti-Rh$_o$ (Anti-D).
Anti-Rh$_o$' (Anti-CD).
Anti-Rh$_o$ rh' rh'' (Anti-CDE).
Anti-rh'' (Anti-E).
Anti-hr' (Anti-c).
Anti-hr'' (Anti-e).
Anti-Human Serum.

License No. 296—Midwest Blood Service, Inc., Detroit, Mich.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 297—Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind.

Viral and Rickettsial Vaccines

Influenza Virus Vaccine.
Poliomyelitis Vaccine.

License No. 298—Lewiston-Clarkston Blood Bank, Lewiston, Idaho

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 299—Delmont Laboratories, Inc., Swarthmore, Pa.

Bacterial Antigens

One polyvalent bacterial antigen with "No U.S. Standard of Potency".

License No. 300—Massachusetts General Hospital Blood Bank, Boston, Mass.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 301—Cleveland Biologicals, Inc., Cleveland, Ohio

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 302—Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Packed Red Blood Cells (Human).
Single Donor Plasma (Human).

License No. 303—Delta Biochemicals, Inc., San Antonio, Tex.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 304—Lane County Blood Bank, Eugene, Oreg.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 305—Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 306—Purex Laboratories, Inc., Staten Island, N.Y.

Allergenic Extracts

Allergenic Extracts.

License No. 307—Cappel Laboratories, Inc., West Chester, Pa.

Diagnostic Substances for Laboratory Tests

Anti-Human Serum.

License No. 308—Greer Drug & Chemical Corporation, Lenoir, N.C.

Allergenic Extracts

Allergenic Extracts.

License No. 309—Suburban Hospital Blood Bank, Bethesda, Md.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 310—Arlington Hospital Blood Bank, Arlington, Va.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 311—Clark-West Division, Syntex Laboratories, Inc., New York, N.Y.

Allergenic Extracts

Poison Ivy Extract Alum Precipitated.

License No. 312—World Blood Bank, Inc., Kansas City, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 313—Southeastern General Hospital, Inc., Lumberton, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 314—Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).
Single Donor Plasma (Human).

License No. 315—Central California Blood Bank, Fresno, Calif.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 316—Maine Medical Center Blood Bank, Portland, Maine

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 317—St. Vincent Hospital Blood Bank, Erie, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 318—Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 319—Institute for Applied Immunology, Chicago, Ill.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 320—Garden State Blood Bank, Newark, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 321—National Blood Bank, Inc., New York, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 322—Reid Memorial Hospital Blood Bank, Richmond, Ind.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 323—Volk Radiochemical Company, Chicago, Ill.

Blood and Blood Derivatives

Radio-Iodinated (I^{131}) Serum Albumin (Human).

License No. 324—Knickerbocker Laboratories, Inc., Philadelphia, Pa.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 325—A/B Kabi, Stockholm, Sweden

Miscellaneous

Streptokinase.

License No. 326—James Walker Memorial Hospital Blood Bank, Wilmington, N.C.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 327—The Elizabeth General Hospital and Dispensary, Elizabeth, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 329—Paterson Blood Bank, Inc., Paterson, N.J.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 330—Municipal Blood Bank, Inc., Kansas City, Kans.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 331—J. Daniels Laboratories, Inc., Brooklyn, N.Y.

Allergenic Extracts

Allergenic Extracts.

License No. 332—Tri-Cities Blood Service, Inc., Johnson City, Tenn.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 333—Central Blood Service, Inc., Baltimore, Md.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

License No. 334—Berkeley Biologicals, Berkeley, Calif.

Allergenic Extracts

Allergenic Extracts.

License No. 335—Universal Blood Service, Jamaica, N.Y.

Blood and Blood Derivatives

Citrated Whole Blood (Human).

Part II. List of Biologic Products With License Numbers of Establishments Licensed for Each Product

Antitoxins

B. *histolyticus* Antitoxin—17.
B. *oedematiens* Antitoxin—1, 8, 17.
B. *sordellii* Antitoxin—17.
Botulism Antitoxin—17.
Diphtheria Antitoxin—1, 8, 11, 14, 17, 56, 64, 73, 99, 101, 144, 238.
Dysentery Antitoxin, Shiga—1.
Gas Gangrene Polyvalent Antitoxin—8, 17, 101, 144.
Perfringens Antitoxin—1, 8, 17, 56, 110.
Staphylococcus Antitoxin—73.
Tetanus Antitoxin—1, 2, 8, 11, 14, 17, 56, 64, 73, 99, 101, 110, 144, 238.
Tetanus and Gas Gangrene Polyvalent Antitoxin—1, 8, 17, 56, 101, 110, 144.
V. septique Antitoxin—1, 8, 17, 56, 110.

Therapeutic Immune Serums

Anti-Hemophilus Influenzae Type b Serum—99.
Antimumps Serum—140, 184.
Antipertussis Serum—140, 144, 184.
Antirabies Serum—17, 238.
Chicken Pox Immune Serum (Human)—171.
Measles Immune Serum (Human)—113, 171, 187.
Mumps Immune Serum (Human)—113, 171, 187.
Pertussis Immune Serum (Human)—139, 171, 187.
Poliomyelitis Immune Serum (Human)—113, 187.
Scarlet Fever Immune Serum (Human)—113, 171, 187.

Blood and Blood Derivatives

Antihemophilic Globulin (Human)—8, 99.
Antihemophilic Plasma (Human)—113, 140, 165, 184.
Citrated Whole Blood (Human)—84, 99, 113, 139, 140, 154, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 175, 178, 181, 182, 183, 185, 187, 190, 191, 192, 194, 195, 197, 198, 199, 201, 202, 203, 204, 209, 212, 213, 214, 215, 218, 220, 221, 222, 224, 226, 227, 228, 229, 231, 233, 234, 235, 236, 237, 239, 240, 241, 244, 246, 248, 249, 250, 251, 252, 254, 259, 260, 261, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 284, 285, 286, 288, 289, 290, 293, 295, 296, 298, 300, 301, 302, 304, 305, 309, 310, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 324, 326, 327, 329, 330, 332, 333, 335.
Fibrinogen (Human)—2, 8, 52, 99, 156.
Fibrinolysin (Human)—2, 156.
Fibrinolysin and Desoxyribonuclease Combined (Bovine)—1, 2.
Histamine Azoprotein—1.
Human Blood Cells—2.
Immune Serum Globulin (Human)—1, 2, 8, 17, 52, 64, 99, 110, 140, 149, 156, 171, 184, 258.
Mumps Immune Globulin (Human)—8, 140.

Normal Bovine Serum—2.
Normal Horse Serum—2, 14, 99, 144.
Normal Human Plasma—2, 8, 113, 140, 149, 162, 165, 171, 182, 184, 185, 187, 190, 192, 215, 231, 243, 245.
Normal Human Serum—113, 139, 187.
Normal Rabbit Serum—99.
Normal Serum Albumin (Human)—2, 8, 52, 64, 73, 99, 140, 149, 156, 171, 184.
Packed Red Blood Cells (Human)—113, 140, 161, 165, 166, 169, 175, 181, 182, 185, 190, 191, 194, 202, 215, 222, 235, 252, 302.
Pertussis Immune Globulin (Human)—8, 140.
Plasma Protein Fraction (Human)—8, 140, 258.
Poliomyelitis Immune Globulin (Human)—1, 2, 8, 17, 52, 64, 110, 139, 140, 149, 171, 184, 258.
Profibrinolysin (Human)—156.
Radio-Iodinated (I^{131}) Serum Albumin (Human)—43, 52, 281, 323.
Resuspended Red Blood Cells (Human)—113, 140, 165, 166, 182, 185, 191, 215, 235.
Single Donor Plasma (Human)—139, 161, 169, 181, 183, 185; 187, 190, 191, 194, 202, 203, 252, 272, 314.
Tetanus Immune Globulin (Human)—8.
Thrombin—1, 8, 51, 156.

Bacterial Vaccines

BCG Vaccine—188.
Cholera Vaccine—1, 2, 8, 11, 17, 56, 101, 144.
Pertussis Vaccine—1, 8, 17, 30, 56, 64, 99, 101, 110, 120, 121, 144.
Pertussis Vaccine Aluminum Hydroxide Adsorbed—8.
Pertussis Vaccine Aluminum Phosphate Adsorbed—1.
Plague Vaccine—8.
Typhoid Vaccine—8, 11, 14, 56, 64, 99, 101, 105, 110, 120, 121, 144.
Typhoid and Paratyphoid Vaccine—1, 2, 8, 14, 17, 56, 64, 99, 101, 110, 120, 144.
Polyvalent bacterial vaccines with "No U.S. Standard of Potency"—1, 2, 8, 17, 30, 56, 91, 101, 105, 110, 111, 119.

Sensitized Bacterial Vaccines

Cholera Vaccine—2.
Pertussis Vaccine—2.
Typhoid Vaccine—2.
Typhoid and Paratyphoid Vaccine—2.
Polyvalent sensitized bacterial vaccines with "No U.S. Standard of Potency"—2.

Bacterial Antigens

Bacterial Antigen with Antihistaminic—2.
Pseudomonas Polysaccharide—184.
Polyvalent bacterial antigens with "No U.S. Standard of Potency"—1, 2, 30, 56, 108, 135, 283, 299.

Modified Bacterial Antigens

Polyvalent modified bacterial antigens with "No U.S. Standard of Potency—1.

Toxoids and Toxins for Immunization

Diphtheria Toxoid—1, 8, 64, 73, 101, 110, 120, 121, 144.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed—8, 238.
Diphtheria Toxoid Aluminum Hydroxide Precipitated—121.
Diphtheria Toxoid Aluminum Phosphate Adsorbed—1, 14, 99, 144, 238.
Scarlet Fever Streptococcus Toxin for Immunization—101.
Staphylococcus Toxoid—1, 2, 11, 17, 73, 101, 110, 238.
Streptococcus Erythrogenic Toxin—101.
Tetanus Toxoid—1, 2, 8, 14, 17, 56, 64, 73, 101, 110, 121, 144.
Tetanus Toxoid Aluminum Hydroxide Adsorbed—8, 238.
Tetanus Toxoid Aluminum Hydroxide Precipitated—121.
Tetanus Toxoid Aluminum Phosphate Adsorbed—1, 17, 99, 144.

Multiple Antigen Preparations

Adenovirus and Influenza Virus Vaccines Combined Aluminum Hydroxide Adsorbed—110.
Adenovirus and Influenza Virus Vaccines Combined Aluminum Phosphate Adsorbed—1.
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Aluminum Phosphate Adsorbed—1, 110.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Alum Precipitated and Poliomyelitis Vaccine—2.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined—1, 8, 56, 101.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitated—2, 8, 56.
Diphtheria and Tetanus Toxoids Alum Precipitated and Pertussis Vaccine Combined—101, 110, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Phosphate Precipitated—64.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed Combined—8.
Diphtheria and Tetanus Toxoids and Poliomyelitis Vaccine—110.
Diphtheria and Tetanus Toxoids Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined—1, 8, 56.
Diphtheria and Tetanus Toxoids Combined Alum Precipitated—56, 101, 110, 144.
Diptheria and Tetanus Toxoids and Pertussis Vaccine Combined Aluminum Hydroxide Precipitated—121.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Adsorbed—1, 17, 99, 144.
Diphtheria and Tetanus Toxoids Combined Aluminum Phosphate Precipitated—64.
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined—8.
Diphtheria Toxoid and Pertussis Vaccine Combined Alum Precipitated—121.
Diphtheria Toxoid Alum Precipitated and Pertussis Vaccine Combined—101, 110, 120, 144.
Diphtheria Toxoid and Pertussis Vaccine Combined Aluminum Phosphate Adsorbed—1.
Diphtheria Toxoid Aluminum Phosphate Adsorbed and Pertussis Vaccine Combined—144.
Staphylococcus Toxoid-B. Vaccine made from Staphylococcus (Aureus)—101.
Staphylococcus Toxoid and Bacterial Antigen made from Staphylococcus (Albus and Aureus)—1, 52.
Staphylococcus Toxoid-Streptococcus Toxin-B. Vaccine made from Staphylococcus (Aureus), Streptococcus (Hemolyticus), *D. pneumonia* and *H. influenzae*—101.
Tetanus Toxoid and Pertussis Vaccine Combined—8.
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use)—2, 56, 101, 144.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use)—8.
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Precipitated (For Adult Use)—121.
Tetanus and Diphtheria Toxoids Combined Aluminum Phosphate Adsorbed (For Adult Use)—144.

Viral and Rickettsial Vaccines

Adenovirus Vaccine—1, 110, 144.
Equine Encephalomyelitis Vaccine (Eastern)—8.
Equine Encephalomyelitis Vaccine (Western)—8.
Influenza Virus Vaccine—1, 2, 17, 56, 101, 110, 297.
Mumps Vaccine—17, 56.
Poliomyelitis Vaccine—1, 2, 8, 56, 110, 144, 297.
Poliomyelitis Vaccine Aluminum Phosphate Adsorbed—1.
Q Fever Vaccine—17.
Rabies Vaccine—1, 17, 56, 99, 101, 110, 120, 121.
Rocky Mountain Spotted Fever Vaccine—2, 17.
Smallpox Vaccine—1, 8, 14, 17, 56, 64, 99, 101, 144.
Typhus Vaccine—2, 56, 110.
Typhus Vaccine (Epidemic)—17, 101.
Yellow Fever Vaccine—101.

Diagnostic Substances for Dermal Tests

Blastomycin—1.
Blastomycin, Pin Test—291.
Coccidioidin—8.
Coccidioidin, Pin Test—291.
Diphtheria Toxin for Schick Test—1, 8, 56, 64, 99, 101, 120, 121, 144.
Histoplasmin—1, 56, 99.
Histoplasmin, Pin Test—291.
Lymphogranuloma Venereum Antigen—17, 52.
Mumps Skin Test Antigen—56.
Scarlet Fever Streptococcus Toxin for Dick Test—101, 144.
Schick Test Control—8, 64, 99, 101, 121, 144.
Tuberculin, Old—1, 8, 14, 56, 64, 110, 121, 144.
Tuberculin, Patch Test—17.
Tuberculin, Pin Test—291.
Tuberculin, Purified Protein Derivatives—1, 2, 73.

Diagnostic Substances for Laboratory Tests

Anti-A Blood Grouping Serum—8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 191, 232, 257, 289, 295.
Anti-B Blood Grouping Serum—8, 14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 191, 204, 232, 257, 289, 295.
Anti-A,B Blood Grouping Serum—113, 139, 140, 156, 157, 158, 164, 165, 179, 181, 184, 289, 295.
Absorbed Anti-A Serum—113, 139, 140, 155, 156, 157, 158, 159, 163, 164, 165, 179, 184.
Group AB Serum (Human)—140, 184.
Anti-Rh Typing Serums:
Anti-Rh_o (Anti-D)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 168, 179, 181, 184, 185, 187, 232, 289, 295.
Anti-Rh_o' (Anti-CD)—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 187, 232, 257, 295.
Anti-Rh_o'' (Anti-DE)—113, 139, 140, 155, 156, 157, 158, 163, 164, 165, 179, 184.
Anti-Rh_o rh' rh'' (Anti-CDE)—113, 139, 140, 156, 157, 158, 161, 164, 165, 179, 184, 187, 295.
Anti-rh' (Anti-C)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167, 179, 184, 185.
Anti-rh'' (Anti-E)—113, 139, 140, 155, 156, 157, 158, 159, 161, 163, 164, 165, 166, 167, 179, 184, 185, 295.
Anti-hr' (Anti-c)—113, 139, 140, 155, 156, 157, 158, 159, 164, 165, 166, 167, 179, 184, 185, 232, 295.
Anti-hr'' (Anti-e)—139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 295.
Anti-hr^v (Anti-V)—164.
Anti-rh^w (Anti-C^w)—140, 156, 157, 159, 164.
Anti-Rh_o+Rh_o (Anti-D+D^u)—159.
Anti-Di^a Serum (Anti-Diego)—164.
Anti-Fy^a Serum (Anti-Duffy)—155, 156, 157, 159, 164, 179, 280.
Anti-Jk^a Serum (Anti-Kidd)—164.
Anti-Jk^b Serum—164.
Anti-k Serum (Anti-Cellano)—155, 156, 157, 164, 179.
Anti-K Serum (Anti-Kell)—113, 139, 140, 155, 156, 157, 159, 164, 165, 166, 179, 280, 289.
Anti-Kp^a Serum (Anti-Penney)—159.
Anti-Kp^b Serum (Anti-Rautenberg)—164.
Anti-Kp^b and Anti-K Serums (Anti-Rautenberg and Anti-Kell)—159.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))—155.
Anti-Le^a Serum (Anti-Lewis)—140, 159, 164.
Anti-Le^b Serum—159.
Anti-M Serum—113, 139, 140, 155, 156, 157, 159, 164, 168, 179, 184.
Anti-M^g Serum—159.
Anti-N Serum—113, 139, 140, 155, 156, 157, 168, 179, 184.
Anti-P Serum—157, 159, 164.
Anti-S Serum—156, 157, 164.
Anti-s Serum—164.
Anti-Wr^a Serum (Anti-Wright)—159.
Anti-Human Serum—14, 17, 113, 139, 140, 155, 156, 157, 158, 159, 161, 164, 165, 167, 168, 179, 181, 184, 187, 232, 257, 279, 280, 289, 295, 303, 307.
Anti-Human Precipitin Serum—140, 155, 157, 184.
Haemophilus influenzae Typing Serum—140.
Anti-Influenza Virus Serum for the Hemagglutination Inhibition Test—1.
Influenza Virus Hemagglutinating Antigen—1.
Pneumococcus Typing Serum—99.

Allergenic Extracts

Allergenic Extracts (including pollens and miscellaneous substances)—1, 8, 17, 30, 43, 56, 84, 91, 101, 103, 105, 107, 119, 144, 147, 152, 193, 292, 306, 308, 331, 334.
Poison Ivy Extract—1, 2, 8, 30, 91, 102, 119, 144.
Poison Ivy Extract Alum Precipitated—105, 311.
Poison Ivy-Poison Oak Extracts Combined—30, 110.
Poison Ivy-Oak-Sumac Extracts Combined—119, 144.
Poison Oak Extract—8, 30, 91, 102, 144.
Poison Sumac Extract—119.
Tincture Poison Ivy—102, 174.
Trichinella Extract—17.

Trivalent Organic Arsenicals

Oxophenarsine Hydrochloride—1.

Miscellaneous

Antivenin (*Latrodectus mactans*)—2.
Antivenin (Crotalidae) Polyvalent—144.
Antivenin, Scorpion—176.
Blood Group Specific Substance A—113, 164.
Blood Group Specific Substance B—113, 164.
Blood Group Specific Substances A and B—2, 113.
Reagent Blood Group Specific Substances A and B—179.
Streptokinase—325.
Streptokinase - Streptodornase—17, 97, 129.
Cobra Venom Solution—125.
Cobra Venom with Silicic and Formic Acids—125.
Russell Viper Venom—129.

Part III. Licensed Establishments Arranged Alphabetically

A. Domestic Establishments

	United States license No.
Abbott Laboratories, North Chicago, Ill	43
Allergy Laboratories, Oklahoma City, Okla	103
American National Red Cross, Washington, D.C	190
Arlington Hospital Blood Bank, Arlington, Va	310
Armour Pharmaceutical Co., Division of Armour and Co. of Chicago, Ill., Kankakee, Ill	149
Aurora Blood Bank and Donors Society, Aurora, Ill	222
Barry Laboratories, Inc., Detroit, Mich	119
Belle Bonfils Memorial Blood Bank, Denver, Colo	166
Bender Laboratory Blood Bank, Albany, N.Y	229
Bergen Community Blood Bank, Paramus, N.J	274
Berkeley Biologicals, Berkeley, Calif	334
Beverly Blood Center, Inc., Chicago, Ill	269
Blood and Plasma Bank—New York University-Bellevue Medical Center, New York, N.Y	162
Blood Bank of The Bryn Mawr Hospital, Bryn Mawr, Pa	266
Blood Bank Foundation, Nashville, Tenn	165
Blood Bank of Hawaii, Honolulu, Hawaii	199
Blood Bank, N.C. Memorial Hospital, University of North Carolina, Chapel Hill, N.C	314
Blood Bank of the Alameda-Contra Costa Medical Association, Oakland, Calif	191
Blood Bank of St. Luke's Hospital (Duluth), Duluth, Minn	267
Blood Bank of San Bernardino and Riverside Counties, Inc., San Bernardino, Calif	226
Blood Bank of the Washington Hospital Center, Washington, D.C	213
Blood Grouping Laboratory, Washington, D.C	215
Blood Grouping Laboratory of Boston, Inc., Boston, Mass	159
Blood Transfusion Association, New York, N.Y	161
Broome County Blood Center, Binghamton, N.Y	220
Brooklyn Donor Center, Inc., Brooklyn, N.Y	278
Cappel Laboratories, Inc., West Chester, Pa	307
C. F. Kirk Company, New York, N.Y	105
California Transfusion Service, Los Angeles, Calif	178
Center Laboratories, Port Washington, N.Y	193
Central Blood Bank, Inc., South Bend, Ind	248
Central Blood Bank of Pittsburgh, Pittsburgh, Pa	234
Central Blood Service, Inc., Baltimore, Md	333
Central California Blood Bank, Fresno, Calif	315
Central Florida Blood Bank, Incorporated, Orlando, Fla	227
Certified Blood Donor Service, Inc., Jamaica, N.Y	157
Chas. Pfizer & Co., Inc., New York, N.Y., Terre Haute, Ind	297
Chek-Lab, Inc., Chicago, Ill	257
Chicago Blood Donor Service, Inc., Chicago, Ill	169
Chicago Wesley Memorial Hospital Blood Bank, Chicago, Ill	318
Clark-West Division, Syntex Laboratories, Inc., New York, N.Y	311
Cleveland Biologicals, Inc., Cleveland, Ohio	301
Community Blood Bank, Norton, Va	263
Community Blood Bank and Serum Service, Hoboken, N.J	295
Community Blood and Plasma Service, Inc., Birmingham, Ala., and New York, N.Y	224

A. DOMESTIC ESTABLISHMENTS—Continued

	United States license No.
Community Blood and Plasma Service, Inc., of Texas, Houston, Tex	241
Community Blood Bank of the Kansas City Area, Inc., Kansas City, Mo	302
Community Blood Service, Inc., St. Louis, Mo	268
Community Memorial General Hospital, La Grange, Ill	277
Courtland Laboratories, Los Angeles, Calif	171
Cutter Laboratories, Berkeley, Calif	8
Dade Reagents, Inc., Miami, Fla	179
Delmont Laboratories, Inc, Swarthmore, Pa	299
Delta Biochemicals, Inc., San Antonio, Tex	303
Delta Blood Bank, Stockton, Calif	288
Detroit Blood Service, Inc., Detroit, Mich	252
District of Columbia General Hospital, Washington, D.C	212
Doctors Hospital Blood Bank, Washington, D.C	214
Dubuque Blood Bank Association, Dubuque, Iowa	231
Edgewater Hospital Blood Bank, Chicago, Ill	286
Eli Lilly and Company, Indianapolis, Ind	56
Elizabeth General Hospital and Dispensary, Elizabeth, N.J	327
Endo Laboratories, Inc., Richmond Hill, N.Y	147
E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Biological Laboratories, New Brunswick, N.J	52
Essex County Blood Bank, Inc., Newark, N.J	221
Garden State Blood Bank, Newark, N.J	320
Gotham Pharmaceutical Company, Brooklyn, N.Y	152
Graham Laboratories, Inc., Dallas, Tex	292
Greer Drug & Chemical Corporation, Lenoir, N.C	308
High Titer Serum Laboratory, New York, N.Y	163
Hoffmann Laboratories, Inc., Paterson, N.J	283
Hollister-Stier Laboratories, Chicago, Ill.; Philadelphia, Pa.; Spokane, Wash.; Los Angeles, Calif.; Atlanta, Ga	91
Holston Valley Community Hospital Blood Bank, Kingsport, Tenn	259
Holy Cross Hospital Research Foundation, Salt Lake City, Utah	232
Hospital Blood Service, Inc., Detroit, Mich	261
Hospital University of Pennsylvania Blood Bank, Philadelphia, Pa	289
Houchin Community Blood Bank, Bakersfield, Calif	239
Hyland Laboratories, Los Angeles, Calif	140
Hynson, Westcott and Dunning, Baltimore, Md	125
Illinois Department of Public Health, Bureau of Biologic Products, Division of Laboratories, Chicago, Ill	120
Institute for Applied Immunology, Chicago, Ill	319
Inter-County Blood Banks, Inc., Jamaica, N.Y	175
Interstate Blood Bank, Inc., Memphis, Tenn	173
Interstate Blood Bank, Inc. of Chicago, Illinois, Chicago, Ill	305
Irwin Memorial Blood Bank of the San Francisco Medical Society, San Francisco, Calif	182
J. Daniels Laboratories, Inc., Brooklyn, N.Y	331
J. K. and Susie L. Wadley Research Institute and Blood Bank, Dallas, Tex	167
Jackson Medical Laboratory and Blood Bank, Jackson, Tenn	170
Jacksonville Blood Bank, Inc., Jacksonville, Fla	181
Jacob Blumberg Memorial Blood Bank, Inc., of the Lake County Medical Society, Waukegan, Ill	251
James Walker Memorial Hospital Blood Bank, Wilmington, N.C	326
John Elliott Blood Bank of Dade County, Inc., Miami, Fla	154
King County Central Blood Bank, Seattle, Wash	192
Knickerbocker Blood Bank, Inc., New York, N.Y	164
Knickerbocker Laboratories, Inc., Philadelphia, Pa	324
Knoxville Blood Center, Inc., Knoxville, Tenn	254
Lane County Blood Bank, Eugene, Oreg	304
Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y	17
Lewiston-Clarkston Blood Bank, Lewiston, Idaho	298
Lloyd Brothers, Pharmacists, Inc., Cincinnati, Ohio	174
Maine Medical Center Blood Bank, Portland, Me	316
Marathon County Blood Bank, Inc., Wausau, Wis	285
Marietta Memorial Hospital, Marietta, Ohio	270
Massachusetts General Hospital Blood Bank, Boston, Mass	300
Massachusetts Public Health Biologic Laboratories, Boston, Mass	64
Maxwell Blood Bank, The Children's Memorial Hospital, Chicago, Ill	209
Medical Center, State Health Department Blood Bank, Grand Forks, N. Dak	236
Memphis Blood Center, Inc., Memphis, Tenn	240
Menolasino Laboratories, Melrose Park, Ill	279
Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa	2
Michael Reese Research Foundation, Chicago, Ill	113
Michigan Department of Health, Division of Laboratories, Lansing, Mich	99
Mid-West Blood Bank and Plasma Center, Kansas City, Mo	264
Midwest Blood Service, Inc., Detroit, Mich	296
Milwaukee Blood Center, Inc., Milwaukee, Wis	187
Minneapolis War Memorial Blood Bank, Minneapolis, Minn	185
Mount Sinai Medical Research Foundation, Chicago, Ill	168
Mulford Colloid Laboratories, Philadelphia, Pa	102
Municipal Blood Bank, Inc., Kansas City, Kans	330
Myers Laboratories, Inc., Warren, Pa	135
National Blood Bank, Inc., New York, N.Y	321
National Drug Company, Division of Richardson-Merrell Inc., Philadelphia, Pa	101
New York City Department of Health, Bureau of Laboratories, New York, N.Y	14
Northern Illinois Blood Bank, Inc., Rockford, Ill	249
Nuclear Consultants Corporation, St. Louis, Mo	261
Ochsner Foundation Hospital Blood Bank, New Orleans, La	233
Oklahoma City Community Blood Bank, Inc., Oklahoma City, Okla	273
Ortho Pharmaceutical Corporation, Raritan, N.J	156
Parke, Davis & Company, Detroit, Mich	1
Passaic Blood Bank, Inc., Passaic, N.J	293
Paterson Blood Bank, Inc., Paterson, N.J	329
Peninsula Memorial Blood Bank, Burlingame, Calif	195
Philadelphia Serum Exchange, Philadelphia, Pa	139
Pineview General Hospital Blood Bank, Valdosta, Ga	290
Pitman-Moore Company, Division of The Dow Chemical Company, Indianapolis, Ind	116
Porro Biological Laboratories, Tacoma, Wash	107
Potter County Memorial Blood Center, Inc., Amarillo, Tex	246
Providence Hospital Blood Bank, Washington, D.C	218
Purex Laboratories, Inc., Staten Island, N.Y	306
Reid Memorial Hospital Blood Bank, Richmond, Ind	322
Research Foundation and University of Illinois, Chicago, Ill	188
Rhode Island Hospital Blood Bank, Providence, R.I	284
Sacramento Medical Foundation Blood Bank, Sacramento, Calif	194
San Diego Blood Bank, San Diego, Calif	201
Sci Lab, Derby, Colo	291
Sherman Laboratories, Detroit, Mich	30
Shreveport Emergency Blood Bank, Inc., Shreveport, La	237

A. DOMESTIC ESTABLISHMENTS—Continued

	United States license No.
Sonoma County Community Blood Bank, Santa Rosa, Calif	197
Southeastern General Hospital, Inc., Lumberton, N.C	313
Southern Michigan Blood Center, Inc., Detroit, Mich	272
Southwest Blood Banks, Inc., Phoenix, Ariz	183
Southwest Florida Blood Bank, Inc., Tampa, Fla	228
Spokane & Inland Empire Blood Bank, Spokane, Wash	203
St. Francis Hospital Blood Bank, Trenton, N.J	260
St. Luke's Hospital Blood Bank, Aberdeen, S. Dak	250
St. Luke's Memorial Hospital Blood Bank, Racine, Wis	271
St. Vincent Hospital Blood Bank, Erie, Pa	317
Suburban Hospital Blood Bank, Bethesda, Md	309
Tacoma-Pierce County Blood Bank, Tacoma, Wash	202
Terrell's Laboratories, Fort Worth, Tex	84
Texas State Department of Health, Austin, Tex	121
Travenol Laboratories, Inc., Morton Grove, Ill	184
Travis County Medical Society Blood Bank, Austin, Tex	244
Tri-Cities Blood Service, Inc., Johnson City, Tenn	332
Tri-Counties Blood Bank, Santa Barbara, Calif	198
Universal Blood Service, Inc., Jamaica, N.Y	335
University of Cincinnati Blood Transfusion Service, Cincinnati, Ohio	235
Upjohn Company, Kalamazoo, Mich	51
Virginia Blood Bank, Inc., Richmond, Va	204
Volk Radiochemical Company, Chicago, Ill	323
Ward Laboratories, Durham, N.C	280
Washington Blood Laboratory, Washington, D.C	158
W. E. Stewart Blood Bank, Inc., Tyler, Tex	265
Western Pennsylvania Blood Center, Inc., Pittsburgh, Pa	276
Wiener Serum Laboratory, Brooklyn, N.Y	155
Wm. S. Merrell Company, Division of Richardson-Merrell, Inc., Cincinnati, U.S.A., Cincinnati, Ohio	111
World Blood Bank, Inc., Kansas City, Kans	312
Wyeth Laboratories, Inc., Marietta, Pa	144

B. FOREIGN ESTABLISHMENTS

	United States license No.
A/B Kabi, Stockholm, Sweden	325
Behringwerke AG., Marburg-Lahn, Germany	97
The Blood Plasma Corp. of Japan, Osaka, Japan	243
Connaught Medical Research Laboratories, University of Toronto, Toronto, Canada	73
Institut Pasteur, Paris, France	11
Istituto Sieroterapico Vaccinogeno Toscano Sclavo, Siena, Italy	238
Laboratoire du Bacteriophage, Paris, France	108
Laboratorios Myn, Mexico D.F., Mexico	176
Nihon Seiyaku Co., Ltd., Tokyo, Japan	245
Osterreichisches Institut fur Haemoderivate, Vienna, Austria	258
Wellcome Research Laboratories, Beckenham, Kent, England	129

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, U.S. Department of Health, Education, and Welfare.

Approved:

J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, U.S. Department of Health, Education, and Welfare.

[F.R. Doc. 61-6188; Filed, June 30, 1961; 8:52 a.m.]

DEPARTMENT OF STATE

[Delegation of Authority No. 5]

Peace Corps

PEACE CORPS REPRESENTATIVES

Delegation of Authority

By virtue of authority in the Mutual Security Act of 1954, 68 Stat. 832, as amended, 22 U.S.C. 1750 et seq., Executive Order 10924 (26 F.R. 1789), Department of State Delegation of Authority No. 85-11, Department of State Redelegation of Authority No. 85-10B and other appropriate authorities,

1. I hereby delegate to the designated Peace Corps Representative for a foreign country or area:

a. Authority to sign the following in connection with Peace Corps activities within his respective country or area, in accordance with applicable laws and regulations issued pursuant thereto and within the limits of funds alloted to him: contracts, leases and other documents for the procurement of supplies, equipment and services, including advertising and printing and binding, leases for office space and living quarters and other necessary space, quarters and facilities, and contracts for alterations and repairs thereto; contracts and other documents for the release or disposition of the Peace Corps' interests in personal property and leased real property; but no such contract, lease, or other document shall involve a sum in excess of ten thousand dollars ($10,000.00) without prior written approval from Peace Corps, Washington.

b. Authority to authorize and approve time and attendance records, payrolls, vouchers, official travel, transportation and storage of effects (including automobiles), and related expenses, subject to applicable laws and regulations issued pursuant thereto and within the limits of funds allotted to him.

c. Authority to reimburse other Government agencies for services, equipment and supplies in accordance with applicable laws and regulations issued pursuant thereto and within the limits of funds allotted to him.

d. Authority to designate an Acting Peace Corps Representative to serve during his absence or incapacity.

2. The authorities herein delegated or authorized may be exercised by a person who is performing the functions of a Peace Corps Representative in an "Acting" capacity.

3. Any reference herein to any act, order, delegation or redelegation shall be deemed to be a reference to such act, order, delegation or redelegation as amended from time to time.

4. The delegations of authority provided herein are in addition to, and shall not derogate from any other delegation of authority granted by the Director to other officials.

5. The authorities herein delegated may not be redelegated.

6. This delegation of authority shall become effective on the date of signature.

ROBERT SARGENT SHRIVER, Jr.

JUNE 26, 1961.

[F.R. Doc. 61-6185; Filed, June 30, 1961; 8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service and Agricultural Stabilization and Conservation Service

APPLICATIONS FOR TOBACCO INSPECTION AND PRICE SUPPORT SERVICES FOR ADDITIONAL SALES ON DANVILLE, VA., AND WINSTON-SALEM, N.C., TOBACCO MARKETS

Notice of Reconvening Public Hearings

Notice is hereby given that the hearings upon the applications for tobacco inspection and price support services for additional sales on the Danville, Virginia and the Winston-Salem, North Carolina tobacco markets, which were continued on May 24 and May 25, 1961, respectively, will be reconvened beginning at 9:30 a.m., e.s.t., on July 12, 1961, in the Courtroom, U.S. Post Office and Courthouse Building, 700 Main Street, Danville, Virginia, and will continue on July 13, 1961, in the Auditorium, County Agricultural Building, 537 Spruce Street, Winston-Salem, North Carolina.

Because the two hearings may involve some common questions which could otherwise result in unnecessary duplication and to convenience interested parties and witnesses who may desire to be heard in both proceedings, the two proceedings will proceed on a consolidated record and interested parties and wit-

nesses will be heard as to either or both proceedings at either or both places of hearing, as directed by the Hearing Examiner.

This notice shall be published in the FEDERAL REGISTER and a copy mailed by the Hearing Clerk to each person entering his appearance on the record of the hearings held in Danville, Virginia and Winston-Salem, North Carolina.

Done at Washington, D.C., this 30th day of June 1961.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 61-6258; Filed, June 30, 1961; 11:07 a.m.]

Office of the Secretary

IDAHO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Boundary County, Idaho, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6144; Filed, June 30, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

CONSOLIDATED FREIGHT SERVICE CO. ET AL.

Notice of Show Cause Order to Certain Ocean Freight Forwarders; Proposed Cancellation of Registration

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D.C., the 22d day of June 1961, the Board entered the following order:

Whereas, the following persons, firms and corporations are registered as ocean freight forwarders pursuant to General Order 72 (46 CFR Part 244):

Name and city	Reg. No.	Date issued
Consolidated Freight Service Co. (N.Y.) (Benjamin Aviles, dba).	2188	8-14-57
Continental Express Co., Inc. (N.Y.).	2420	12-30-58
Madden & Co., J. S. (St. Thomas, Virgin Islands) (James S. Madden, dba).	2337	7-22-58
Padilla, Alfredo A. (N.Y.)	2695	8-26-60
Piner, Morton H. (Houston)	2419	12-30-58
Trans-Marine Shipping Co. (Miami) (Lawrence Ginsberg, dba).	1036	6- 4-51
Aron, Richard (N.Y.)	1982	2-20-56
Bello, Daniel J. (N.Y.)	2444	2-18-59
Hernandez, Louis (N.Y.)	2408	12- 1-58
Norpo Co., The (Miami)	2172	7-17-57
Plastik, Herbert (N.Y.)	2408	12-10-58
South Pacific Lines, Inc. (N.Y.)	2167	7- 3-57

Whereas, the Office of Regulations, Federal Maritime Board, has by regular and registered letters, requested the above-named registrants to furnish certain information in connection with their forwarding operations pursuant to § 244.3 of General Order 72 (46 CFR 244.3); and

Whereas, each of these registrants has failed to respond to such requests for information; Now, therefore,

It is ordered, That the above-named registrants show cause in writing, or at a public hearing to be hereafter set if requested by registrant, why their registrations should not be canceled for the reason above stated; and

It is further ordered, That such cause be shown, or request for hearing be made within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER; and

It is further ordered, That failure of any such registrant to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and the Secretary shall notify it of such cancellation by registered letter sent to its last known address; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: June 27, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6145; Filed, June 30, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-24]

RADIO ANTENNA STRUCTURE

Proposed Alteration; Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace:

The Southwest Public Power District, Palisade, Nebraska, proposes to increase by 87 feet the overall height of an existing radio antenna structure near Benkelman, Nebraska, at latitude 40°04'10" north, longitude 101°31'30" west. The new overall height of the structure would be 3,305 feet above mean sea level (155 feet above ground).

Aeronautical objection was made in response to the circularization on the basis that the proposed increase in height of this antenna structure would have an adverse effect on aircraft operations at the Jones Airport, near Benkelman, Nebraska; would require curtailment of aircraft crop spraying operations from the old Benkelman Airport, and would require the relocation of the future Benkelman Municipal Airport. However, the aeronautical study by this Agency disclosed that the Jones Airport and the old Benkelman Airport referred to in the objection are the same landing area which is no longer licensed and registered by the State of Nebraska, and has been abandoned as a public use airport. Additionally, no plan for the development of a new Benkelman Municipal Airport has been filed with this Agency. The Agency study also revealed that the proposed structure would penetrate the horizontal surface of the Joint Industry/Government Tall Structure Committee criteria by 115 feet as applied to the Jones Airport. However, the Agency study further revealed that this factor would have no substantial adverse effect upon aeronautical operations or procedures.

Therefore, I find that this proposed increase in structure height to the mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 27, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6147; Filed, June 30, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13257 etc.; FCC 61-770]

CATSKILLS BROADCASTING CO. ET AL.

Memorandum Opinion and Order Re Issues

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz, and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; Jerome Z. Elkin, Charles W. Letter, Samuel Elkin, and Henry W. Weiss, d/b as Ellenville Broadcasting Company, Ellenville, New York, Docket No. 13258, File No. BP-12742; Saul Dresner, Alfred Dresner, Samuel Dresner, and Rose Dresner, d/b as Ulster County Broadcasting Company, Ellenville, New York, Docket No. 13272, File No. BP-11781; for construction permits.

1. The Commission has for consideration a joint petition for reconsideration and clarification, and/or grant without hearing filed on March 22, 1961, by Catskills Broadcasting Co., Ellenville Broadcasting Co., and Ulster County Broadcasting Co.; together with pleadings filed in response thereto.

2. Petitioners seek reconsideration of the Commission's order of designation herein insofar as that order denied their joint petition for approval of a merger, and urge that the Commission either permit the merger or permit consideration of the merged applicant contemporaneously with consideration of their individual applications. They also seek reconsideration of the designation of the hearing issues and grant of the merged application without hearing.

3. Petitioner's request that the Commission authorize the merger at this time and confine the proceeding to consideration of the merged applicant will be denied. The charges which the parties have leveled against each other are serious, and, if true, might result in the disqualification of one or more of them. In that event the Commission might be confronted with a merged applicant composed in part of the principals of a disqualified individual applicant. Thus, it might be necessary to deny the merged applicant and further delay the inauguration of service in Ellenville.

4. On the other hand, if all of the applicants are found eligible for grant, their stated desire to merge might require further proceedings with a consequent delay in service. We believe this dilemma can best be resolved by permitting consideration of the merged applicant contemporaneously with the consideration of the individual applicants.

5. However, our rules contemplate that the initial determination of the propriety of a merger which would require the dismissal of one or more pending applications be made by the Chief Hearing Examiner. We will, therefore, reconsider our denial of the parties' petition for merger and refer the petition to that officer. In the event that he shall determine the merger to be permissible, the issues in this proceeding are enlarged to include the following issue: To determine whether a grant to an applicant formed by a merger of the individual applicants herein, as contemplated by the joint petition for leave to amend and for other relief filed herein on October 7, 1960, would serve the public interest, convenience and necessity.

6. In the event the Chief Hearing Examiner shall make a favorable finding on the petition for merger, such finding shall not be construed as obviating the necessity for hearing on any of the existing issues. The Hearing Examiner shall make findings and conclusions on all of the existing issues, but, in the event the Chief Hearing Examiner shall determine the merger to be permissible, she shall also make findings and conclusions on the issue hereinabove specified, and may direct an award to the merged applicant, one or more of the individual applicants, or none of them.

7. That portion of the instant petition which seeks reconsideration of the existing issues and grant of the merged application without hearing will be denied. As previously noted, the parties' charges against each other are grave; their present amicable accord does not warrant a cessation of the investigation of those charges in a hearing proceeding.

8. The Broadcast Bureau, recognizing that the present relationship of the parties may not be conducive to the vigorous prosecution of the charges each has brought, urges us to direct the parties to explain fully the basis of their charges. We would assume that no such urging is necessary. While the proof of some of the charges might result in the disqualification of the guilty party and the consequent disqualifiation of a merged applicant containing such principals, the parties must be assumed to be aware that the failure to explain satisfactorily why such charges were brought might result in a finding of abuse of Commission process with the effective disqualification of both the offending party and of a merged applicant containing the principals of such party.

Accordingly, it is ordered, This 21st day of June 1961, That the joint petition for reconsideration and clarification, and/or grant without hearing filed on March 22, 1961, by Catskills Broadcasting Company; Ellenville Broadcasting Company; and Ulster County Broadcasting Company is granted to the extent hereinabove indicated, and is otherwise denied.

Released: June 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6189; Filed, June 30, 1961; 8:53 a.m.]

[Docket Nos. 14121, 14122; FCC 61M-1110]

GERICO INVESTMENT CO. AND BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA

Order Following Further Prehearing Conference

In re applications of Gerico Investment Company, Fort Lauderdale, Florida, Docket No. 14121, File Nos. BRCT-266, BRTP-247; for renewal of licenses of television station WITV and auxiliary station KC-5744; the Board of Public Instruction of Dade County, Florida, Fort Lauderdale, Florida, Docket No. 14122, File No. BPCT-2849; for construction permit (Channel 17).

The Hearing Examiner having under consideration the proceedings in the above-entitled matter held on June 27, 1961;

It appearing, That:

(1) By letter dated June 23, 1961, counsel for Gerico Investment Company (Gerico) advised the Commission that it no longer represented that Company and requested that its name be withdrawn as counsel of record in the instant proceeding;

(2) Gerico was not represented at the further prehearing conference, but in view of the short time which had elapsed since its counsel withdrew, Gerico should be afforded a further opportunity to procure counsel should it desire to do so before consideration is given to the question of whether or not it is in default for failure to prosecute its application;

(3) Counsel for The Board of Public Instruction of Dade County, Florida indicated a desire and readiness to proceed promptly with the hearing on the designated issues;

It further appearing that prompt and orderly disposition of the issues in this matter would be served by setting an earlier hearing date than now scheduled;

It is ordered, This 27th day of June 1961, that the hearing heretofore scheduled to commence on September 6, 1961, is rescheduled to commence at 11:00 a.m., on July 5, 1961, at the Offices of the Commission in Washington, D.C.

It is further ordered, That copies of this Order shall be served upon Gerico at the address given by it to the Commission and set forth in the official records, and upon Mortimer W. Loewi, President, whose address the Examiner is advised is Hotel 14, 14 East 60th Street, New York, New York, and that service in each case shall be by certified airmail, return receipt requested.

Released: June 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6190; Filed, June 30, 1961; 8:53 a.m.]

[Docket Nos. 14173, 14174; FCC 61-794]

LAKE ZURICH BROADCASTING CO. AND KENOSHA BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lake Zurich Broadcasting Company, Kenosha, Wisconsin, req.: 95.1 Mc, #236; 2.5 kw; 380 ft., Docket No. 14173. File No. BPH-3203; Kenosha Broadcasting, Inc., Kenosha, Wisconsin, req.: 95.1 Mc, #236; 6.19 kw; 256 ft., Docket No. 14174, File No. BPH-3367; for construction permits.

At a session of the Federal Communications Commission held at its offices

in Washington, D.C., on the 21st day of June 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference and the proposed operation of the Lake Zurich Broadcasting Company may involve mutual interference with Station WMRO–FM, Aurora, Illinois; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 1 mv/m contours, the areas and populations therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine whether the proposal of Lake Zurich Broadcasting Company would involve objectionable interference to Station WMRO–FM, Aurora, Illinois, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which of the instant applications should be granted.

It is further ordered, That Vincent G. Cofey and Benjamin A. Oswalt, Co-Parters, permittee of Station WMRO–FM, Aurora, Illinois, is made a party to the proceeding.

It is further ordered, That in the event of a grant of the application of the Kenosha Broadcasting, Inc., the construction permit shall contain a condition requiring that Station WLIP request permission from the Commission to determine power of WLIP by the indirect method during installation of the FM antenna and checking resistance of the tower after the installation has been completed; prior to authorization of program tests resistance measurements and Form 302 must be submitted for WLIP.

It is further ordered, That to avail themselves of the opportunity to be heard, the instant applicants and parties thereto, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commisison of the publication of such notice as required by § 1.362(c) of the rules.

Released: June 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6191; Filed, June 30, 1961; 8:53 a.m.]

[Docket Nos. 14163, 14164; FCC 61–788]

ROLLINS BROADCASTING OF DELAWARE, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Rollins Broadcasting of Delaware, Inc., Wilmington, Delaware, req.: 102.5 Mc, #273; 6 kw; 292.8 ft., Docket No. 14163, File No. BPH–3314; Howard F. Reber and Frank A. Franco, Reading, Pennsylvania, req.: 102.5 Mc, #273; 1 kw; 488.2 ft., Docket No. 14164, File No. BPH–3327; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of June 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to construct and operate the proposed stations, but that the proposed operations would involve mutually destructive interference and that the proposal of Rollins Broadcasting of Delaware, Inc., may cause interference to Stations WFIL–FM and WPEN–FM, Philadelphia, Pennsylvania; and

It further appearing that Triangle Publications, Inc., licensee of Station WFIL–FM, Philadelphia, Pennsylvania, requested by petition filed May 24, 1961 that the application of Rollins Broadcasting of Delaware, Inc., be denied on the grounds of expected interference to WFIL–FM; that Rollins Broadcasting of Delaware, Inc., filed an opposition on June 5, 1961, but that a determination of this matter will be made in the hearing ordered below; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 1 mv/m contours, the areas and populations therein which would be served by the proposed stations, and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

2. To determine whether the proposal of Rollins Broadcasting of Delaware, Inc., would involve objectionable interference with Stations WFIL–FM and WPEN–FM, Philadelphia, Pennsylvania, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other FM service of at least 1 mv/m to such areas and populations.

3. To determine whether the operation proposed by the Rollins Broadcasting of Delaware, Inc., in Wilmington, Delaware, would be in compliance with § 3.313(c) of the Commission's rules with particular reference to the requirement that such channel be utilized only when necessary to provide an equitable and efficient use of the facilities.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Triangle Publications, Inc., licensee of Station WFIL–FM, Philadelphia, Pennsylvania, and the Wm. Penn Broadcasting Company, licensee of Station WHEN–FM, Philadelphia, Pennsylvania, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues of the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: June 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6192; Filed, June 30, 1961; 8:53 a.m.]

[Docket No. 14165; FCC 61–790]

WAEB BROADCASTERS, INC. (WAEB)

Order Designating Application for Hearing on Stated Issues

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, has: 790 kc, 1 kw, 500 w–LS, DA–2, U, req: 790 kc, 1 kw, 1 kw–LS, DA–2, U, Class III, Docket No. 14165, File No. BP–12918; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of June 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that, except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that in a prehearing letter dated July 27, 1960, and incorporated herein by reference, the Commission notified the instant applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant of the application and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that, after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WAEB and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Radio Stations WABC, New York, New York, and WTAR, Norfolk, Virginia, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That American Broadcasting-Paramount Theatres, Inc., and WTAR Radio-TV Corporation, licensees of Radio Stations WABC, New York, New York, and WTAR, Norfolk, Virginia are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the instant applicant and parties respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: June 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6193; Filed, June 30, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61–268]

INTERSTATE POWER CO.

Notice of Application and Date of Hearing

JUNE 26, 1961.

Take notice that on April 13, 1961, as supplemented on May 22, 1961, Interstate Power Company (Applicant), 1000 Main Street, Dubuque, Iowa, filed in Docket No. CP61–268 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately one mile of 4.5-inch diameter gas pipeline extending southwesterly from a proposed tap on Applicant's existing 4.5-inch Fulton pipeline to the Village of Albany, where Applicant proposes to construct and operate a natural gas distribution system, all in Whiteside County, Illinois. The subject application also requests an order of the Commission pursuant to section 7(a) of the Natural Gas Act directing Applicant's present supplier, Natural Gas Pipeline Company of America (Natural), to sell natural gas to Applicant for distribution and resale in and around the Village of Albany, Illinois, which community does not now have natural gas service, such gas to be within the volumes which Natural is presently authorized to sell and deliver to Applicant.

The estimated cost of the one-mile extension pipeline and appurtenances proposed by Applicant under this application is $15,300, and the cost of the distribution system which Applicant proposes to construct in and around the Village of Albany is estimated to be, by the end of the third year, $94,800.

The estimated peak day requirements of the Village of Albany for the third year of the proposed service are 309 Mcf of natural gas.

The subject application and supplement thereto are on file with the Commission and open for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 27, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6155; Filed, June 30, 1961; 8:47 a.m.]

[Docket Nos. RI61-542—RI61-546]

HUMBLE OIL AND REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Change To Become Effective Subject to Refund

JUNE 23, 1961.

Humble Oil & Refining Company, Docket No. RI61-542; Pan American Petroleum Corporation, Docket No. RI61-543; Texas Pacific Coal and Oil Company, Docket No. RI61-544; Stekoll Petroleum Corporation, Docket No. RI61-545; Carter-Jones Drilling Company, Inc. (Operator), et al., Docket No. RI61-546.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules, for sale of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61-542...	Humble Oil & Refining Co., P.O. Box 2180, Houston 1, Tex.	111	5	Mississippi River Fuel Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	$767	5-31-61	7-1-61	12-1-61	13.63	[1] 14.1344	----------
		194	1	Kansas-Nebraska Natural Gas Co., Inc. (Texas County, Okla.).	913	5-31-61	8-1-61	1-1-62	16.0	[2] 17	----------
RI61-543...	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	169	11	Skelly Oil Co. (Panhandle Field, Carson County, Tex.) (R.R. District No. 10).	53	5-29-61	6-29-61	11-29-61	[3] 11.553	[4] 11.6292	----------
RI61-544...	Texas Pacific Coal and Oil Co., P.O. Box 2110, Fort Worth 1, Tex.	29	1 to 5	El Paso Natural Gas Co. (Levelland Field Cochran County, Tex.) (R.R. District No. 8).	75	6-1-61	7-2-61	7-3-61	15.5	[5] 15.70025	RI60-362
RI61-545...	Stekoll Petroleum Corp., 1100 Mercantile Continental Building, Dallas 1, Tex.	4	7	Natural Gas Pipeline Co. of America (Wise County, Tex.) (R.R. District No. 9).	4,538	5-25-61	7-1-61	12-1-61	13.25	[1] 14.25	----------
RI61-546...	Carter-Jones Drilling Co., Inc. (Operator), et al., P.O. Box 1397, Kilgore, Tex.	10	13	....do....	9,279	5-31-61	7-1-61	12-1-61	13.25	[1] 14.25	----------

[1] Periodic increase by contract.
[2] Renegotiated increase by contract.
[3] Rate suspended until June 27, 1961, in Docket No. RI61-336 (Supp. No. 10); also subject to orders in Docket Nos. RI61-25 and RI60-51.
[4] Redetermined increase based on average weighted price at wellhead in Panhandle Field as determined by Texas Railroad Commission.
[5] Includes 0.4467 cent for compression deducted by Buyer. Suspended for one day from July 2, 1961, the date of expiration of the 30 day notice.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated rate supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That Supplement No. 1 to 5 to Texas Pacific Coal and Oil Company's FPC Gas Rate Schedule No. 29 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Texas Pacific Coal and Oil Company shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Texas Pacific Coal and Oil Company is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 17, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6154; Filed, June 30, 1961; 8:47 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[Lands Withdrawn in Project No. 968]

ARIZONA

Vacation of Withdrawal Under Section 24 of the Federal Water Power Act

JUNE 26, 1961.

Pursuant to the filing on March 5, 1929, of an application for a preliminary permit for proposed Project No. 968 the Commission in its April 22, 1936 withdrawal notification letter described the lands reserved under the provisions of section 24 of the Federal Water Power Act as—

GILA AND SALT RIVER MERIDIAN, ARIZONA

All lands which, when surveyed, will be included in legal subdivisions situated wholly or in part within one mile of Salt River upstream from the mouth of Hess Creek to a point three miles above the mouth of Cibecue Creek (in describing these lands it has been deemed best to omit reference to sections for the reason that on various available maps and protractions, wide differences in judgment are disclosed as to what the descriptions would be after official survey, but the best information available is that the land lies approximately within the following unsurveyed townships):

Tps. 4 and 5 N., R. 15½ E.
Tps. 4, 5 and 6 N., R. 16 E.
Tps. 5 and 6 N., R. 17 E.

The preliminary permit for proposed Project No. 968, which was issued May 19, 1936, and subsequently amended, expired May 19, 1939.

An examination of the project record discloses that most of the lands within the project area lie within one-half mile of Salt River and that the above-mentioned withdrawal notification letter described lands greatly in excess of those shown on the project map as intended for inclusion in the proposed project.

The power value of the lands in the area is adequately protected by inclusion of the lands lying on the north or right bank of the river in Power Site Reserve No. 182, dated April 15, 1911, and inclusion of the lands on the left bank in Water Power Designation No. 8, dated February 9, 1917.

The Commission finds: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 968 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Water Power Act pursuant to the filing of the application for a preliminary permit for proposed Project No. 968 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6156; Filed, June 30, 1961; 8:47 a.m.]

[Lands Withdrawn in Project No. 1184]

CALIFORNIA

Vacation of Withdrawals Under Section 24 of the Federal Power Act

JUNE 26, 1961.

An application filed February 15, 1932, for a license for transmission-line Project No. 1184 reserved, among other lands heretofore removed from the reservation, portions of the following-described lands under section 24 of the Federal Power Act—which lands were listed in the Commission's March 1, 1932 withdrawal notification letter as:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 44 N., R. 5 E.,
Sec. 1: Lot 4, SW¼NW¼, W½SW¼;
Sec. 12: W½W½;
Sec. 13: W½W½;
Sec. 24: NW¼NW¼.

T. 45 N., R. 5 E.,
Sec. 1: W½SW¼;
Sec. 2: Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 12: W½W½, SE¼SW¼;
Sec. 13: E½W½, NW¼NW¼;
Sec. 24: E½NW¼, SW¼NE¼, W½SE¼;
Sec. 25: W½E½, SE¼SW¼;
Sec. 36: E½NW¼, SW¼.
T. 46 N., R. 5 E.,
Sec. 23: Lots 15, 16, 17, E½SE¼;
Sec. 25: SW¼NW¼, W½SW¼;
Sec. 26: Lot 3, SE¼NE¼, NE¼SE¼.
T. 47 N., R. 5 E.,
Sec. 3: Lot 4, SW¼NW¼, W½SW¼;
Sec. 4: Lot 1, SE¼NE¼, E½SE¼;
Sec. 9: Lot 1, SE¼NE¼, E½SE¼;
Sec. 10: Lot 4, SW¼NW¼, W½SW¼;
Sec. 15: Lot 4, SW¼NW¼, W½SW¼;
Sec. 16: E½E½;
Sec. 21: E½NE¼;
Sec. 22: W½NW¼;
Sec. 27: SE¼SE¼;
Sec. 34: Lot 2, NE¼NE¼.
T. 48 N., R. 5 E.,
Sec. 16: Lots 6, 7, 8, 11;
Sec. 17: Lot 5;
Sec. 21: E½W½, W½E½;
Sec. 28: E½W½, W½E½;
Sec. 33: Lots 2, 3, 4, W½NE¼, NW¼SE¼, E½NW¼, NE¼SW¼.

Applications filed June 22, 1932, and July 21, 1932, for amendment of the application for license for the project and applications filed October 23, 1935, December 21, 1936, and December 28, 1937, respectively, for amendment of the license for the project reserved portions of certain lands—which lands were listed in the Commission's March 28, 1938 withdrawal notification letter, and as supplemented by Department of the Interior letters dated November 7, 1942, and July 8, 1944, describing the lands according to new survey, and as a result of the Commission's order of vacation issued May 18, 1949, portions of the following-described lands remain reserved:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 3 E.,
Sec. 12: Lot 6;
Sec. 24: Lot 3.
T. 48 N., R. 3 E.,
Sec. 25: Lots 6, 7.
T. 46 N., R. 4 E.,
Sec. 5: Lots 3, 4;
Sec. 6: Lots 1, 5, 6, SW¼NE¼, W½SE¼;
Sec. 7: Lot 2, S½NE¼, E½SE¼;
Sec. 8: Lot 7, SW¼SE¼, S½SW¼;
Sec. 9: Lots 6, 7;
Sec. 10: Lot 6, NW¼SW¼;
Sec. 16: Lots 7, 8, 9;
Sec. 17: W½NE¼, N½NW¼;
Sec. 18: Lots 5, 6, NE¼NE¼.
T. 47 N., R. 4 E.,
Sec. 5: S½NE¼;
Sec. 6: Lots 4, 7, 8;
Sec. 7: Lots 4, 5, 6, 7;
Sec. 11: Lot 5;
Sec. 18: Lots 1, 2, 3, 4;
Sec. 19: Lots 1, 2, 3, 4;
Sec. 29: S½SW¼;
Sec. 30: Lots 1, 2, SW¼NE¼, W½SE¼, SE¼SE¼;
Sec. 31: E½E½;
Sec. 32: E½NW¼, NW¼NW¼.
T. 48 N., R. 4 E.,
Sec. 16: Lot 2;
Sec. 22: Lot 4;
Sec. 27: Lot 2;
Sec. 33: Lot 3;
Sec. 34: Lot 7;
Sec. 36: Lot 2.
T. 46 N., R. 5 E.,
Sec. 3: Lots 12, 13, 14, 15, 16, NE¼SE¼;
Sec. 4: Lots 6, 7;
Sec. 10: Lots 4, 5, 8, 9, SE¼SE¼;
Sec. 11: Lot 1;
Sec. 14: Lots 2, 3, 4, 5, SW¼NE¼;
Sec. 15: Lots 1, 6, 11, 12, SE¼SE¼;
Sec. 22: Lots 1, 4, 5, 8.
T. 47 N., R. 5 E.,
Sec. 5: Lot 1;
Sec. 7: Lots 17, 20, 21;
Sec. 16: N½NE¼, NE¼NW¼;
Sec. 17: E½SE¼;
Sec. 18: Lots 1, 9;
Sec. 20: E½NE¼, NE¼SE¼;
Sec. 22: SW¼NW¼, SW¼SE¼, NE¼SW¼;
Sec. 26: Lots 17, 18;
Sec. 27: Lots 15, 17, 18;
Sec. 34: Lot 7, SE¼SE¼.
T. 48 N., R. 5 E.,
Sec. 28: SE¼SW¼.

WILLAMETTE MERIDIAN, OREGON

T. 41 S., R. 12 E.,
Sec. 20: Lot 2.

Aplications filed December 27, 1938, December 4, 1939, May 1, 1940, and July 1, 1940, respectively, for amendment of the license for the project reserved portions of the following-described lands—which lands were listed in the Commission's September 27, 1940 withdrawal notification letter as:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 4 E.,
Sec. 17: NE¼NW¼.
T. 44 N., R. 5 E.,
Sec. 24: N½NE¼.
T. 46 N., R. 5 E.,
Sec. 4: Lot 6, SE¼NW¼, N½SW¼;
Sec. 17: Lots 6, 7, 10, 11, S½SE¼, SE¼SW¼;
Sec. 21: Lots 1, 2, 3, 4;
Sec. 22: Lots 5, 6.
T. 47 N., R. 5 E.,
Sec. 15: Lot 6;
Sec. 26: Lots 9, 11, 12, 15, 16, 17;
Sec. 35: N½NE¼;
Sec. 36: SE¼NW¼, W½NW¼, N½SE¼, SE¼SE¼, NE¼SW¼.
T. 48 N., R. 5 E.,
Sec. 36: Lots 7, 10, 11.
T. 44 N., R. 6 E.,
Sec. 19: Lot 1, N½NE¼, NE¼NW¼;
Sec. 20: N½N½;
Sec. 22: SE¼NE¼, W½NE¼, E½NW¼, NW¼NW¼;
Sec. 23: SW¼NW¼, W½SE¼, SE¼SE¼, N½SW¼;
Sec. 24: SW¼SE¼, SW¼SW¼;
Sec. 25: NW¼NE¼, S½NE¼, N½NW¼, E½SE¼.
T. 46 N., R. 6 E.,
Sec. 6: Lots 4, 5.
T. 47 N., R. 6 E.,
Sec. 31: Lot 12.
T. 43 N., R. 7 E.,
Sec. 8: NW¼NW¼;
Sec. 21: NE¼SE¼.
T. 44 N., R. 7 E.,
Sec. 30: Lot 4;
Sec. 31: W½SE¼, NE¼SW¼.
T. 42 N., R. 8 E.,
Sec. 1: S½SE¼, E½SW¼, NW¼SW¼;
Sec. 2: N½SE¼, SE¼NW¼, NE¼SW¼;
Sec. 3: Lots 3, 4, SW¼NE¼, SE¼NW¼;
Sec. 4: Lots 1, 2, 3;
Sec. 12: NE¼NE¼.
T. 43 N., R. 8 E.,
Sec. 31: Lot 2, SE¼NW¼, N½SE¼, NE¼SW¼;
Sec. 32: N½SW¼, SE¼SW¼, S½SE¼;
Sec. 33: S½SW¼.
T. 42 N., R. 9 E.,
Sec. 7: Lots 1, 3, NE¼SW¼, SW¼SE¼;
Sec. 17: S½NE¼;
Sec. 18: NE¼NE¼;
Sec. 21: N½NE¼, NE¼NW¼.

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 9 E.,
Sec. 26: Lot 5.

The license for transmission-line Project No. 1184 was issued November 1,

1933, for a period of 50 years and subsequently amended. The Commission informed the licensee that the lines under license as Project No. 1184 were not within the licensing authority of the Commission and thereafter the licensee obtained necessary authority for the continued occupancy of the lands of the United States by the lines from the Department of Agriculture and the Department of the Interior.

By order issued August 22, 1957, the Commission accepted surrender of the license for the project effective as of May 20, 1957.

The Commission finds: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the above-mentioned applications in connection with Project No. 1184 serve no useful purpose and vacation of the withdrawals is in the public interest.

The Commission orders: The existing power withdrawals pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the above-mentioned applications in connection with Project No. 1184 are vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6157; Filed, June 30, 1961; 8:47 a.m.]

[Docket No. E-7000]

MONTANA POWER CO.

Correction

JUNE 23, 1961

The Montana Power Company, a New Jersey Corporation, and The Montana Power Company, a Montana Corporation, Docket No. E-7000.

In the notice of application, issued June 19, 1961 and published in the FEDERAL REGISTER on June 23, 1961 (F.R. Doc. 61-5810; 26 F.R. 5645), on page 1, first paragraph, line 21, delete the sentence which reads as follows: "The Montana Corporation is a public utility incorporated under the laws of the State of Montana and doing business in the States of Idaho, Montana, and Wyoming, with its principal business office at Butte, Montana.", and substitute therefor the following sentence: "The Montana Corporation is incorporated under the laws of the State of Montana for the purpose of doing business in the States of Idaho, Montana and Wyoming, with its principal business office at Butte, Montana.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6158; Filed, June 30, 1961; 8:47 a.m.]

[Docket No. RI61-515]

SHELL OIL CO. ET AL.

Order To Show Cause

JUNE 26, 1961.

Shell Oil Company, Shell Oil Company (Operator) et al., Shell Oil Company (Operator), Hunt Oil Company, N. B. Hunt, Lamar Hunt, W. H. Hunt, H. L. Hunt, Lyda Hunt-Margaret Trusts, Lyda Hunt-Caroline Trusts, Lyda Hunt-Herbert Trusts, Lyda Hunt-Bunker Trusts, Lyda Hunt-Lamar Trusts, Secure Trusts, Claude E. Aikman, The Superior Oil Company, Sun Oil Company, Sun Oil Company (Operator) et al., Docket No. RI61-515.

The respondents named herein, tendered for filing certain increased rates and charges which have been suspended and made subject to public hearing by orders of the Commission in the proceedings and dockets identified in Appendix A hereof. Said proceedings have a common origin and may present for determination common questions of law or fact which have been reviewed and decided in Opinion No. 341 and accompanying order in Docket No. G-17930, issued March 3, 1961.

The questions of law or fact which appear common to the proceedings herein consolidated, rise from the following acts and circumstances: On or about December 26, 1958, The West Texas Gathering Company (West Texas) entered into sales of natural gas to El Paso Natural Gas Company (El Paso) at a base price of 16 cents per Mcf. Certain natural-gas companies herein named respondents, as well as others, thereafter tendered for filing proposed increased rates and charges in support of which they alleged that the foregoing sale had activated the favored-nation provisions in their contracts or had activated, directly or indirectly, escalation provisions in their contracts for the sale of gas subject to the jurisdiction of the Commission.

Among other natural-gas companies, The Pure Oil Company (Pure) on January 30, 1959, tendered for filing three proposed increases in rates and charges upon the basis of alleged activation of favored-nation clauses by reason of the same sales by West Texas to El Paso. Pure's proposed increased rates were suspended in Docket No. G-17930 and made subject to a public hearing. With respect thereto, the Commission issued among other orders those dated March 27, and May 12, 1959, directing that the issues in a public hearing be limited to: (1) whether the sale by West Texas to El Paso had activated the favored-nation provisions of the contracts in Pure's FPC Gas Rate Schedule Nos. 1, 3 and 28 [1] and (2) whether the favored-nation provisions were void or voidable as contrary to public interest.

In Opinion No. 341 and accompanying order issued March 3, 1961, in Docket No. G-17930, the Commission held, among other things, that the favored-nation clauses in Pure's above-identified rate schedules and contracts had not been activated.

Pure's proposed increased rates and charges tendered upon the basis of its favored-nation provisions had become effective subject to refund as of August 2, 1959. The Commission ordered Pure to refund the amount which had been collected subject to refund under the rates thus provisionally made effective (Opinion No. 341, Ordering Paragraph C).

The respondents named herein as previously noted, also support their notices of change to increased rates and charges, directly or indirectly, upon the same West Texas sale to El Paso. They tendered for filing, proposed changes in rates and charges which were suspended by orders of the Commission, and upon motions duly filed under section 4(e) of the Natural Gas Act, their rates were made effective subject to refund with respect to their FPC Gas Rate Schedules identified in Appendix A hereof and on the dates indicated therein.

The contract provisions upon which the respondents herein rely, appear to be substantially identical to those found in Pure's contracts with El Paso and upon the basis of which the presiding examiner and the Commission held that the condition precedent for the activation of such provisions had not occurred (Opinion No. 341, pp. 2 and 3 of mimeo. copy).

The support presented by respondents for their favored-nation filings of proposed increased rates and charges appears to rest, directly or indirectly, upon the same operative facts as did Pure's. The moneys collected by respondents subject to refund now amount to approximately $2,000,000.

It appears that should the legality of the favored-nation increases proposed by the respondents herein be tested upon the limited issue of whether or not the condition precedent for activation of the provisions of their contracts had occurred by reason of the West Texas sale of gas to El Paso, that the dominant operative facts and the questions of law applicable thereto, would be found substantially identical to those of record for the increased rates reviewed in Docket No. G-17930, and that the Commission's findings and orders would, in all probability, correspond to those issued in that proceeding.

The evidence presented by El Paso and the staff in Docket No. G-17930 could be expected to remain relatively consistent in any additional proceedings on this specific issue.

For the purpose of expediency and to avoid duplication of evidentiary presentation by the parties, it appears appropriate that the single issue of activation, or non-activation of favored-nation provisions be heard on a single record.

In view of the foregoing, it is necessary and appropriate to the purpose of administering the Natural Gas Act that the respondents named herein and each of them, show cause, if any there be, why the Commission should not find and determine upon the basis of the record and the Opinion and Order No. 341 in Docket No. G-17930 that the condition precedent for respondents' proposed favored-nation increases in rates and charges identified in Appendix A hereof has not occurred; why the proposed increases should not be denied and why corresponding refunds should not be ordered.

[1] The Issue was "• • • whether or not the aforementioned sales of natural gas by West Texas to El Paso constitute the condition precedent which apart from other tests for legal rates and charges, would cause provisions of any or all of Pure Oil's FPC Gas Rate Schedules Nos. 1, 3 and 28 to become legal justification for the tender and acceptance for filing of any or all of Pure Oil's above-identified proposed increased rates and charges." (Ordering Para. (B) of order issued March 27, 1959 in Docket No. G-17930.)

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, a public hearing be held commencing July 24, 1961, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commisison, 441 G Street NW., Washington, D.C., concerning the matters and issues involved in this proceeding.

(B) The respondents and each of them, to show cause, if any there be, why the issue defined in paragraph (D) below should not be severed from any and all proceedings in which any respondent has tendered a proposed increased rate and charge based, directly or indirectly, upon the above identified sale by West Texas to El Paso in any docket identified in Appendix A hereof, said severance having the purpose of facilitating trial of the limited issue defined in paragraph (D) below.

(C) The respondents and each of them, to show cause, if any there be, why the antecedent proceedings above-identified and in which respondent has tendered a proposed increase, or increases in rate and charge in dependence upon the above-identified sales by West Texas to El Paso, should not be consolidated for public hearing on the limited issue defined in paragraph (D) below.

(D) The issue to be heard, referred to above, be: Whether or not the aforementioned sales of natural gas by West Texas to El Paso constitute the condition precedent which, apart from other tests for legal rates and charges, would cause provisions of any or all of respondent's gas rate schedules identified in Appendix A hereof to become legal justification for the tender and acceptance for filing of any or all of respondent's proposed increased rates and charges identified in Appendix A hereof.

(E) Respondents and each of them, to show cause, if any there be, why in view of the record and Commission Opinion No. 341 and accompanying order issued in Docket No. G-17930, the Commission should not find and determine that the above-identified sale of gas by West Texas to El Paso fails to constitute a condition precedent for the activation of their favored-nation or escalation clauses upon which their proposed increased rates related thereto should not be denied and why the respondents should not be ordered to make refunds corresponding therewith.

(F) The respondents and each of them, to show cause, if any there be, why the proceedings identified in Appendix A hereof should not be consolidated with the proceedings in Docket No. RI61-515 for the purposes hereinabove designated.

(G) Petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 12, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A—FAVORED NATION RATE INCREASES IN THE PERMIAN BASIN AREA BASED UPON THE SALE OF WEST TEXAS GATHERING COMPANY TO EL PASO NATURAL GAS COMPANY IN WINKLER COUNTY, TEX. [1] [2]

Producer	Rate schedule No.	Previous rate, cents/Mcf	Favored natural rate, cents/Mcf	Docket No.	Effective date
Sun Oil Co.[3]	30	14.12	16.0	G-18184	9- 9-59
Do	58	12.56	15.54	G-18184	9- 9-59
Do	61	13.02	16.0	G-18184	9- 9-59
Do	65	13.14	16.0	G-18184	9- 9-59
Shell Oil Co.[4]	16	12.06	16.0	G-18184	9- 9-59
Do.[4]	17	11.03	16.1536	G-18185	9-12-59
Do.[4]	18	10.95	16.216	G-18266	9-23-59
Do.[4]	20	10.88	16.108	G-18267	9-23-59
Do	33	10.93	16.0018	G-18185	9-12-59
Do	40	10.93	16.0018	G-18185	9-12-59
Do.[4]	41	10.93	16.0018	G-18185	9-12-59
Do	95	10.93	16.0018	G-18185	9-12-59
Do.[4]	34	10.93	16.0018	G-18186	9-12-59
Do	108	14.02	18.0452	G-18266	9-23-59
Hunt Oil Co.[5]	31	14.17	18.0	G-18464	10-14-59
Do [6]	33	13.53	16.0	G-18555	10-30-59
Do.[4]	36	13.53	[7] 16.0	G-18555	10-30-59
N. B. Hunt	1	13.35	16.0	G-18557	10-30-59
Lamar Hunt	1	13.35	16.0	G-18847	12- 6-59
W. H. Hunt	1	13.35	16.0	G-18848	12- 6-59
H. L. Hunt	6	13.53	16.0	G-18554	10-30-59
Do	15	13.53	16.0	G-18554	10-30-59
Lyda Hunt-Margaret Trusts	4	13.53	16.0	G-18556	10-30-59
Lyda Hunt-Caroline Trusts	4	13.53	16.0	G-18556	10-30-59
Lyda Hunt-Herbert Trusts	4	13.53	16.0	G-18556	10-30-59
Lyda Hunt-Bunker Trusts	4	13.53	16.0	G-18556	10-30-59
Lyda Hunt-Lamar Trusts	4	13.53	16.0	G-18556	10-30-59
Secure Trusts	3	13.53	16.0	G-18556	10-30-59
Claude E. Aikman	1	9.5	16.0	G-18466	10-15-59
The Superior Oil Co.[3]	44	10.5	15.2	G-18771	11-27-59
Do	8	12.78	[8] 18.107	G-20075	4-12-60
Do	9	12.78	[8] 16.0905	G-20075	4-12-60
Do	10	10.88	[8] 16.137	G-20075	4-12-60
Do	30	12.83	[8] 16.154	G-20075	4-12-60
Sun Oil Co.	1	14.06	[11] 18.0452	RI60-123	7-11-60
Do.[4]	80	14.07	[11] 18.0452	RI60-124	7-11-60
Shell Oil Co.[10]	19	10.88	[11] 16.1377	RI60-235	9- 9-60
Do	134	10.31	[11] 15.7093	RI60-236	9- 9-60
Do	142	14.17	[11] 18.243	RI60-236	9- 9-60

[1] Not listed are nine filed rate increases of Peerless Oil & Gas Co. suspended in Dockets Nos. G-18701 and G-18764 and one rate increase of French M. Robertson (Operator), et al., suspended in Docket No. G-18692. These increases were never made effective and were subsequently withdrawn and the suspension proceedings terminated. Also not listed is an increase of McAlester Fuel Co., suspended in Docket No. G-19324. This increase was never made effective and was superseded by a renegotiated rate increase in the same docket.

[2] All rates shown are at 14.65 psia and include applicable tax reimbursement. The favored-nation rates in column 3 are not rounded. The rates shown in column 2 are rounded to the second decimal place where applicable.

[3] Consolidated sections 5(a) and 4(e) proceedings now in progress in Docket Nos. G-9288, et al.

[4] Consolidated Sections 5(a) and 4(e) proceedings now in progress in Docket Nos. G-9446, et al.

[5] (Operator), et al.

[6] Consolidated sections 5(a) and 4(e) proceedings concluded in Docket Nos. G-9065, et al. and now awaiting examiner's decision.

[7] High pressure gas only.

[8] General Investigation of Rates in Docket No. G-10501. Field work started 10-3-60.

[9] Based upon increased rates of Shell Oil Co. and Hunt Oil Co., which were in turn based upon the West Texas Gathering Co. sale.

[10] (Operator).

[11] Based upon increased rates of Shell Oil Co., which were in turn based upon the West Texas Gathering Co. sale.

[F.R. Doc. 61-6159; Filed, June 30, 1961; 8:48 a.m.]

[Docket No. E-6999]

UNITED STATES DEPARTMENT OF THE INTERIOR; SOUTHEASTERN POWER ADMINISTRATION

Notice of Request for Approval of a Rate Schedule

JUNE 26, 1961.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southeastern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), proposed long-term Wholesale Power Rate Schedule OHC-1 applicable to the power sold to the Tennessee Valley Authority from the Old Hickory and Cheatham projects. A copy of the rate schedule is set out below. Approval of this rate schedule is requested for the two-year period beginning July 1, 1961, and ending June 30, 1963. The Commission in Docket No. E-6759 has approved an interim rate schedule for the sale of Old Hickory-Cheatham power for the period ending June 30, 1961, but not beyond the date of approval of long-term rates. The Secretary reports that the rates and charges contained in the proposed long-term rate schedule OHC-1 are similar to those contained in the above-mentioned interim rate schedule.

WHOLESALE POWER RATE SCHEDULE OHC-1

Availability: This rate schedule shall be available to the Tennessee Valley Authority.

Applicability: This rate schedule shall be applicable to the total power and

energy generated at the Old Hickory and Cheatham projects less the power and energy required by the Department of the Army in connection with the operation of the projects.

Character of Service: The electric power and accompanying energy sold hereunder will be three-phase alternating current at a nominal frequency of 60 cycles per second at the outgoing terminals of the project switchyards.

Rates: The payments to the Department of the Interior by TVA hereunder for availability of capacity and deliveries of power and energy are estimated to produce over a period of years an average annual payment of $2,400,000, which amount is hereinafter referred to as the basic annual charge.

The basic annual charge shall be the applicable annual charge for each year (ending June 30) in which the average unregulated flow of water into the Wolf Creek Reservoir as determined hereinafter is between 8,500 and 9,250 c.f.s. To determine the applicable annual charge in other years, the basic annual charge shall be adjusted in accordance with variations in said flow of water, as follows: For each 750 c.f.s. or fraction thereof by which the said flow of water for the year is greater than 9,250 c.f.s., the applicable annual charge shall be greater by $75,000; for each 500 c.f.s. or fraction thereof by which the said flow of water for the year is less than 8,500 c.f.s., the applicable annual charge shall be less by $75,000; provided that the applicable annual charge for any year shall be not less than $2,100,000 nor more than $2,700,000.

Unless otherwise mutually agreed, the annual unregulated flow of water into the Wolf Creek Reservoir will be established from a consideration of the unadjusted discharge registered at Rowena gauging station as determined by the U.S. Geological Survey, adjusted for changes in storage at all reservoirs upstream from said station, in accordance with capacity ratings by the owners thereof, and for other possible factors which may be mutually agreed upon by the parties.

TVA shall pay the applicable annual charge to the Department of the Interior in monthly installments as follows:

(a) For each of the months July through December, the monthly installment payment shall be $175,000.

(b) For the month of January and each succeeding month through June, the installment payment for each month will be the amount computed for that month as follows:

(1) The estimated applicable annual charge will first be computed using an estimated average flow for the year determined by combining the inflow from the beginning of the fiscal year through the month for which the installment payment is being computed with the minimum probable inflow for the remainder of the fiscal year as listed in Table I below opposite the month for which said payment is being computed.

(2) The installment payment will then be determined by taking the difference between the estimated applicable annual charge for the fiscal year as determined under (1) and the total of the installment payments for the preceding months in that fiscal year and multiplying said difference by the percentage listed in Table II opposite the month for which the installment payment is being computed.

Month	Table I (second-foot days)	Table II (percentage)
January	800,000	20
February	700,000	25
March	290,000	30
April	50,000	40
May	7,800	50
June	0	100

(c) In the event that the total of the monthly installment payments for any fiscal year exceeds the applicable annual charge for that fiscal year, the excess shall be credited against the monthly installment payments for the succeeding fiscal year.

Uncontrollable forces: Neither party shall be considered to be in default in respect to any obligation under this agreement if prevented from fulfilling such obligation by reason of uncontrollable forces. For the purposes of this agreement, the term "uncontrollable forces" means any cause beyond the control of the party affected including, but not limited to, failure of facilities, flood, backwater caused by flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by exercise of due diligence and foresight such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

The proposed Wholesale Power Rate Schedule OHC–1 is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rate schedule should submit the same in writing on or before July 10, 1961, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6160; Filed, June 30, 1961; 8:48 a.m.]

[Docket No. CP61–304]

WASHINGTON GAS LIGHT CO.

Notice of Application and Date of Hearing

JUNE 26, 1961.

Take notice that on May 31, 1961, Washington Gas Light Company (Applicant), 1110 H Street NW., Washington 5, D.C., filed in Docket No. CP61–304 an application pursuant to section 7(c) of the Natural Gas Act for a Certificate of Convenience and Necessity, authorizing the construction and operation of certain gas facilities, to enable Applicant to deliver gas to the Belair Subdivision of the Town of Bowie, Prince Georges County, Maryland, all as more fully described in the Application and Exhibits which are on file with the Commission and open to public inspection.

The proposed construction and operation are as follows:

(1) Approximately 6.63 miles of 12.75-inch O.D. steel main in Prince Georges County, Maryland, beginning at Glenn Dale Road and Princess Garden Parkway (Projected), along Glenn Dale Road to U.S. Route #50 and Collington Road, Bowie, Maryland.

(2) A regulator station at U.S. Route #50 and Collington Road in 1963.

The estimated cost of the facilitiy in (1) above is $400,000, and that of (2) above is $15,000.

Applicant states that the builder of the Belair Subdivision has made application for gas service and indicates he proposes to construct approximately 4,500 residences during the next five years in the Town of Bowie, Maryland. Applicant further states that the Town of Bowie lies within the franchise and service area of the Applicant and is a natural expansion of Applicant's distribution system in this section of Prince Georges County, Maryland. Applicant is the only Company within reasonable distance and available to supply gas to Bowie.

Applicant will also construct and operate the distribution facilities required to provide service in the Belair community, mainly for residential heating.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 27, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such Application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 14, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6161; Filed, June 30, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 515]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 28, 1961.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64105. By order of June 26, 1961, the Transfer Board approved the transfer to H. Bruce Hallett, doing business as Perkins Express, 28 Spruce St., Braintree, Mass., of Certificate in No. MC 66510, issued November 16, 1940, to Frank A. Perkins, 19 Wynot Rd., Braintree Mass., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, between Braintree, Mass., and Boston, Mass.

No. MC–FC 64254. By order of June 26, 1961, the Transfer Board approved the transfer to Fred A. Ainbinder, Wantagh, L.I., N.Y., of Certificate in No. MC 107857, issued April 1, 1957, to B & B Horse Pullman, Inc., Huntington, L.I., N.Y., authorizing the transportation of: Horses (other than ordinary livestock), and feed, equipment, paraphernalia, and attendants incidental to the care, transportation, and display of such animals, between New York, N.Y., and points in Long Island within 75 miles of New York, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia. Max D. Krongold, 51 Broadway, N.Y., attorney for applicants.

No. MC–FC 64284. By order of June 26, 1961, the Transfer Board approved the transfer to Wayne D. Peterson, Deer Park, Wisconsin, of Certificate No. MC 1571, issued April 29, 1957, to John Budderman, Deer Park, Wisconsin, authorizing the transportation, over irregular routes, of livestock, between points (1) in the towns of Cylon, Forest, and Stanton, in St. Croix County, Wis., and (2) in the towns of Black Brook, and Alden, in Polk County, Wis., on the one hand, and, on the other, St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn., and groceries, feed, farm machinery, farm supplies, household goods, hardware, oil and grease, and fertilizer, from St. Paul, South St. Paul, Minneapolis, Newport, and Stillwater, Minn., to points in the above-specified towns in St. Croix and Polk Counties, Wis.

No. MC–FC 64287. By order of June 26, 1961, the Transfer Board approved the transfer to Harvey F. Hoppes, Andreas, Pa., of Certificates Nos. MC 112541 and MC 112541 Sub 4, issued April 19, 1954, and September 23, 1958, respectively, to LeRoy B. Krause, New Tripoli, Pa., authorizing the transportation over irregular routes, coal, from points in Schuylkill County, Pa., to Trenton, Freehold, and Palisades Park, N.J., and points in Warren, Hunterdon, Middlesex and Morris Counties, N.J.; from points in Mahanoy Township, Schuylkill County, Pa., to points in Somerset County, N.J.; from Hazleton, Pa., points in Luzerne County, Pa., within 5 miles of Hazleton, and points in Schuylkill County, Pa., to Palisades Park, Bloomsbury, Hackettstown, New Brunswick, and Rahway, N.J.; and from Hazleton, Pa., and points within 5 miles thereof, to points in Hunterdon, Morris, Somerset, and Mercer Counties, N.J., and Freehold, Palisades Park, New Brunswick, and Phillipsburg, N.J., and points in Warren County within 10 miles of Phillipsburg. William J. Wilcox, 624 Commonwealth Building Allentown, Pa., attorney for Applicants.

No. MC–FC 64302. By order of June 26, 1961, the Transfer Board approved the transfer to Christopher J. Corrigan, Jr., doing business as Christopher J. Corrigan, Movers, 169 Camden Street, Central Falls, R.I., of Certificate No. MC 90601 issued April 4, 1952, amended June 7, 1961, to Albert N. Hazard, doing business as Frank W. Davie, 57 Benjamin Street, Pawtucket, R.I., authorizing the transporation of household goods as defined by the Commission over irregular routes, between Pawtucket, R.I., and points in Providence County, R.I., on the one hand, and, on the other, points in Connecticut and Massachusetts.

[SEAL] HAROLD D. McCOY,
[illegible]

[F.R. Doc. 61–6162; Filed, June 30, 1961; 8:51 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order No. 100; Amdt. 5]

CHICAGO AURORA AND ELGIN RAILWAY CO.

Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 (Chicago Aurora and Elgin Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1961, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 23, 1961.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61–6163; Filed, June 30, 1961; 8:51 a.m.]

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THE UNIVERSITY OF MICHIGAN
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Pages 5987–6009

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VOLUME 26 NUMBER 127

Washington, Tuesday, July 4, 1961

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Presidential Documents

Title 3—THE PRESIDENT

Reorganization Plan No. 3 of 1961

PREPARED BY THE PRESIDENT AND TRANSMITTED TO THE SENATE AND THE HOUSE OF REPRESENTATIVES IN CONGRESS ASSEMBLED, MAY 3, 1961, PURSUANT TO THE PROVISIONS OF THE REORGANIZATION ACT OF 1949, AS AMENDED [1]

CIVIL AERONAUTICS BOARD

SECTION 1. *Authority to delegate.* (a) In addition to its existing authority, the Civil Aeronautics Board, hereinafter referred to as the "Board", shall have the authority to delegate, by published order or rule, any of its functions to a division of the Board, an individual Board member, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided, however,* That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 241), as amended.

(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Board shall retain a discretionary right to review the action of any such division of the Board, individual Board member, hearing examiner, employee or employee board, upon its own initiative or upon petition of a party to or an intervenor in such action, within such time and in such manner as the Board shall by rule prescribe: *Provided, however,* That the vote of a majority of the Board less one member thereof shall be sufficient to bring any such action before the Board for review.

(c) Should the right to exercise such discretionary review be declined, or should no such review be sought within the time stated in the rules promulgated by the Board, then the action of any such division of the Board, individual Board member, hearing examiner, employee or employee board, shall, for all purposes, including appeal or review thereof, be deemed to be the action of the Board.

SEC. 2. *Transfer of functions to the Chairman.* In addition to the functions transferred by the provisions of Reorganization Plan No. 13 of 1950 (64 Stat. 1266), there are hereby transferred from the Board to the Chairman of the Board the functions of the Board with respect to the assignment of Board personnel, including Board members, to perform such functions as may have been delegated by the Board to Board personnel, including Board members, pursuant to section 1 of this reorganization plan.

[F.R. Doc. 61-6235; Filed, July 3, 1961; 8:50 a.m.]

[1] Effective July 3, 1961, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Nectarine Order 5, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the Panamint variety of nectarines.

It is, therefore, ordered, That the provisions of § 937.326 (Nectarine Order 5; 26 F.R. 4603) are hereby amended as follows:

1. In paragraph (b) (1), the variety "Panamint" is deleted.

2. A new paragraph (b) (3) reading as follows is added:

(3) During the period beginning at 12:01 a.m., P.s.t., July 4, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Panamint nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two (2) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., July 4, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6356; Filed, July 3, 1961; 11:33 a.m.]

[Nectarine Order 6, Amdt. 1]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of the Early Le Grand variety of nectarines.

It is, therefore, ordered, That the provisions of paragraph (b) (1) of § 937.327 (Nectarine Order 6; 26 F.R. 4604) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 4, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Early Le Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

The provisions of this amendment shall become effective at 12:01 a.m., P.s.t., July 4, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6357; Filed, July 3, 1961; 11:33 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraph (16) is added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* • • •

(16) The Director, Office of Tax Analysis.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–6230; Filed, July 3, 1961; 8:49 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (17) is added to paragraph (a) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(17) One Confidential Secretary to one of the Special Assistants to the Secretary authorized under subparagraph (6) of this paragraph.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–6229; Filed, July 3, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 786; Amdt. 76]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.12 *Green Federal airway 2* is amended to delete:

From Nibbe, Mont., FM; to Miles City, Mont., LFR, eastbound only; MEA 5,000.

Section 610.101 *Amber Federal airway 1* is amended to read in part:

From *Hinchinbrook, Alaska, LFR; to **Whittier INT, Alaska; MEA 4,900. *3,000—MCA Hinchinbrook LFR, westbound. **8,600—MCA Whittier INT, westbound.

Section 610.115 *Amber Federal airway 15* is amended to read:

From U.S.-Canadian Border; to Annette Island, Alaska, LFR; MEA 4,900.

Section 610.223 *Red Federal airway 23* is amended to read in part:

From U.S.-Canadian Border; to Buffalo, N.Y., LF/RBN; MEA 2,300.

Section 610.294 *Red Federal airway 94* is deleted.

Section 610.626 *Blue Federal airway 26* is amended to read in part:

From *Willow INT, Alaska; to Talkeetna, Alaska, LF/RBN; MEA 4,800. *2,500—MCA Willow INT, northbound.

From *Talkeetna, Alaska, LF/RBN; to Summit, Alaska, LFR; MEA 10,000. *6,400—MCA Talkeetna LF/RBN, northbound.

Section 610.638 *Blue Federal airway 38* is amended to read in part:

From Five Finger, Alaska, LF/RBN; to Sisters Island, Alaska, LF/RBN; MEA 7,000.

From Sisters Island, Alaska, LF/RBN; to *Gustavus, Alaska, LFR; MEA 4,500. *7,000—MCA Gustavus LFR, northeastbound.

Section 610.679 *Blue Federal airway 79* is amended to read in part:

From U.S.-Canadian Border; to Annette Island, Alaska, LFR; MEA 4,200.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Greenville, S.C., LFR; to Spartanburg, S.C., LFR; MEA 2,300.

From Atlanta, Ga., VOR; to Savannah, Ga., VOR; MEA 6,400.

From Dana INT, N.C., to Greenville, S.C., LFR; 5,000.

From Bryan, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 1,700.

From Bryan, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.

From Enid, Okla., Vance VOR; to Okla. City, Okla., VOR; MEA 2,500.

From Enid, Okla., Vance VOR; to Ponca City, Okla., VOR; MEA 3,100.

From Ft. Smith, Ark., VOR; to Tulsa, Okla., VOR (TUL–140 and FSM–278); MEA *2,800. *2,400—MOCA.

From Gage, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,600.

From Lansing, Mich., LFR; to Bangor, Mich., FM; MEA 3,000.

From Richmond, Ind., LF/RBN; to Morgantown INT, Ind.; MEA 2,500.

From Selfridge, Mich., AFB LFR; to Goodrich INT, Mich., via NW crs.; MEA 2,500.

From Austin, Tex., LF/RBN; to Bryan, Tex., LFR; MEA 2,000.

From Austin, Tex., LF/RBN; to San Angelo, Tex., LFR; MEA 3,100.

From Austin, Tex., VOR; to Bass INT, Tex.; MEA *3,500. *3,000—MOCA.

From Bass INT, Tex.; to Johnson City INT, Tex.; MEA *4,000. *2,700—MOCA.

From Beaumont, Tex., LFR; to Galveston, Tex., LFR; MEA 1,400.

From Brownsville, Tex., LFR; to Int. W crs Brownsville, Tex., LFR and SE crs, Laredo, Tex., LFR; MEA 2,000.

From Dallas, Tex., VOR; to Leona, Tex., VOR (LOA 344/DAL 146); MEA 3,000.

From Dallas, Tex., VOR; to Leona, Tex., VOR (LOA 329/DAL 161); MEA 3,000.

From Houston, Tex., VOR; to Leona, Tex., VOR; MEA 2,500.

From Leona, Tex., VOR; to Magnolia INT, Tex.; MEA 2,000.

From Leona, Tex., VOR; to New Waverly INT, Tex.; MEA *2,800. *1,500—MOCA.

From Laredo, Tex., LFR; to Int. SE Laredo LFR and W crs Brownsville, Tex., LFR; MEA 1,900.

From Longview, Tex., VOR; to Lufkin, Tex., VOR; MEA 1,900.

From Marfa, Tex., VOR; to Wink, Tex., VOR; MEA 8,800.

From Palacios, Tex., VOR; to Int. CRP–VOR 011 and PSX–VOR 262; MEA *2,300. *1,500—MOCA.

From Sealy INT, Tex.; to College Station, Tex., VOR; MEA 2,000.

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Battle Creek, Mich., VOR; to Centerville INT, Mich.; MEA 2,100.

From Battle Creek, Mich., VOR; to Sherwood INT, Mich.; MEA 2,100.

From Battle Creek, Mich., VOR; to Kalamazoo, Mich., VOR; MEA 2,100.

From Kalamazoo, Mich., VOR; to Centerville INT, Mich.; MEA 2,100.

From Kalamazoo, Mich., VOR; to Long Lake INT, Mich.; MEA 2,300.

From Int. NW crs, Dallas (Love Field), Tex., ILS loc., to Benbrook, Tex., VOR; MEA 2,700.

From Int. 174 M rad. Addison, Tex., VOR and 063 M rad. Benbrook, VOR; to Lucas INT, Tex.; MEA 1,900.

From Sarasota, Fla., VOR; to Arcadia INT, Fla.; MEA *1,300. *1,200—MOCA.

From Sarasota, Fla., VOR; to Lakeland, Fla., VOR; MEA 1,600.

From McAllen, Tex., VOR; to Brownsville, Tex., VOR; MEA 2,000.

From McAllen, Tex., VOR; to Laredo, Tex., VOR; MEA *3,500. *1,900—MOCA.

From McAllen, Tex., VOR; to Harlinger, Tex., VOR; MEA 1,500.

From McAllen, Tex., VOR; to Armstrong INT, Tex.; MEA *2,000. *1,500—MOCA.

From Muskogee, Okla., LF/RBN; to Tulsa, Okla., VOR; MEA 2,200.

From Fort Smith, Ark., VOR; to Muskogee, Okla., LF/RBN; MEA 2,400.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Farmington, N. Mex., VOR; to Grants, N. Mex., VOR; MEA 12,000.

From Gulfport, Miss., VOR; to Dog INT, Miss.; MEA *2,700. *1,400—MOCA.

Section 610.6002 *VOR Federal airway 2* is amended to delete:

From Nibbe, Mont., FM; to Miles City, Mont., VOR; eastbound only; MEA 5,000.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Lone Rock, Wis., VOR to Morey INT, Wis.; MEA *2,700. *2,300—MOCA.

From Morey INT, Wis.; to Marshall INT, Wis.; MEA 2,700.

From Marshall INT, Wis.; to Watertown INT, Wis.; MEA 2,100.

From Watertown INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,000.

From Milwaukee, Wis., VOR, via S alter.; to *Sunfish INT, Wis., via S alter.; MEA 2,700.

Section 610.6033 *VOR Federal airway 3* is amended to read in part:

From Raleigh-Durham, N.C., VOR; to *Chase City INT, Va.; MEA **3,500. *3,500—MCA Chase City INT, southbound. **1,700—MOCA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Baker, Oreg., VOR; to *Payette INT, Idaho; MEA 9,000. *11,000—MRA.

From Payette INT, Idaho; to Boise, Idaho, VOR; northwestbound, MEA 9,000; southeastbound, MEA 5,500.

Section 610.6006 *VOR Federal airway 6* is amended to read in part:

From Oakland, Calif., VOR; to College INT, Calif.; MEA 4,000.

From College INT, Calif.; to Bay Point INT, Calif.; MEA 5,000.

From Grand Island, Nebr., VOR; to Touhy INT, Nebr.; MEA *3,700. *3,200—MOCA.

From Touhy INT, Nebr.; to Mead INT, Nebr.; MEA *2,700. *2,400—MOCA.

From Mead INT, Nebr.; to Omaha, Nebr., VOR; MEA 2,700.

From North Platte, Nebr., VOR; to *Eddyville INT, Nebr.; MEA **4,800. *4,800—MRA. **4,300—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Taylor INT, Wis.; to Racine, INT, Wis.; MEA **3,000. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.

From Racine INT, Wis.; to Oakwood INT, Wis.; MEA 2,000.
From Taylor INT, Wis., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis., via E alter.; to Oakwood INT, Wis., via E alter.; MEA 2,000.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Grand Island, Nebr., VOR; to Touhy INT, Nebr.; MEA *3,700. *3,200—MOCA.
From Touhy INT, Nebr., to Mead INT, Nebr.; MEA *2,700. *2,400—MOCA.
From Mead INT, Nebr.; to Omaha, Nebr., VOR; MEA 2,700.
From Goshen, Ind., VOR; to Garrett INT, Ind.; MEA *3,000. *2,300—MOCA.
From Garrett INT, Ind.; to Antwerp INT, Ohio; MEA *3,500. *2,000—MOCA.
From Antwerp INT, Ohio; to Findlay, Ohio, VOR; MEA 2,000.

Section 610.6009 *VOR Federal airway 9* is amended to read in part:

From Greenwood, Miss., VOR, via W alter.; to Savage INT, Miss., via W alter.; MEA *2,500. *1,600—MOCA.
From Savage INT, Miss., via W alter.; to Memphis, Tenn., VOR, via W alter.; MEA 1,500.

Section 610.6013 *VOR Federal airway 13* is amended to read in part:

From Shreveport, La., VOR, via W alter.; to Caddo Lake INT, Tex., via W alter.; MEA 2,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From Almyra INT, Ark.; to Walls INT, Tenn.; MEA *2,500. *1,500—MOCA.
From Walls INT, Tenn.; to Memphis, Tenn., VOR; MEA 1,500.
From *St. Charles INT, Ark., via S alter.; to Norfolk INT, Miss., via S alter.; MEA **3,000. *3,000—MRA. **1,600—MOCA.
From Norfolk INT, Miss., via S alter.; to Memphis, Tenn., VOR, via S alter.; MEA 1,500.
From Bolivar INT, Tenn., via S alter.; to Selmer INT, Tenn., via S alter.; MEA *3,000. *1,500—MOCA.

Section 610.6018 *VOR Federal airway 18* is amended to read in part:

From Caddo Lake INT, La.; to Shreveport, La., VOR; MEA 2,000.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Homer INT, Ga., via N alter.; to Elizabeth INT, Ga., via N alter.; MEA *3,500. *3,000—MOCA.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From Marianna, Fla., VOR, via N alter.; to *Calvary INT, Fla., via N alter.; MEA **2,500. *2,500—MRA. **2,300—MOCA.
From Calvary INT, Fla., via N alter.; to *Reno INT, Ga., via N alter.; MEA **4,500. *4,500—MRA. **1,300—MOCA.
From Reno INT, Ga., via N alter.; to Greenville INT, Ga., via N alter.; MEA *4,500. *1,300—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Sacramento, Calif., VOR; to *Capital INT, Calif.; MEA 2,000. *3,000—MRA.
From *Silver Lake INT, Oreg.; to Rainier INT, Wash.; MEA 5,000. *6,500—MRA.
From *Silver Lake INT, Oreg., via W alter.; to Mayfield INT, Wash., via W alter.; MEA 5,000. *6,500—MRA.
From Mayfield INT, Mich., via W alter.; to Olympia, Wash., VOR via W alter.; southbound MEA 5,000; northbound, MEA 4,000.
From Olympia, Wash., VOR via W alter.; to Seattle, Wash., VOR via W alter.; MEA 3,000.

Section 610.6025 *VOR Federal airway 25* is amended to delete:

From Mission Bay, Calif., VOR via E alter.; to Redfin INT, Calif., via E alter.; MEA 2,500.
From Redfin INT, Calif., via E alter.; to Triton INT, Calif., via E alter.; MEA *2,500. *2,000—MOCA.
From Triton INT, Calif., via E alter.; to Pacific INT, Calif., via E alter.; MEA *3,000. *2,000—MOCA.
From Pacific INT, Calif., via E alter; to Albacore INT, Calif., via E alter.; MEA *4,000. *2,000—MOCA.
From Long Beach, Calif., VOR via E alter.; to Los Angeles, Calif, VOR via E alter.; MEA 2,000.

Section 610.6025 *VOR Federal airway 25* is amended by adding:

From Long Beach, Calif., VOR via E alter.; to Hermosa INT, Calif., via E alter.; MEA 2,000.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Loyal INT, Wis., via S alter.; to Wausaw, Wis., VOR, via S alter.; MEA 3,000.
From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,500. *3,500—MRA.
From Cadott INT, Wis.; to Edgar INT, Wis.; MEA 2,500.

Section 610.6027 *VOR Federal airway 27* is amended to read in part:

From Hoquiam, Wash., VOR; to Bayside INT, Wash.; MEA 3,500.
From Bayside INT, Wash.; to Seattle, Wash., VOR; MEA 3,000.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From Milwaukee, Wis., VOR; to *Sunfish INT, Wis.; MEA 2,700. *2,700—MRA.
From Sunfish INT, Wis.; to Pullman, Mich., VOR; MEA 2,700.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Tallahassee, Fla., VOR, via E alter.; to *Reno INT, Ga., via E alter.; MEA **2,000. *4,500—MRA. **1,700—MOCA.

Section 610.6045 *VOR Federal airway 45* is amended to read in part:

From Cove INT, N.C.; to Pulaski, Va., VOR; MEA 6,000.

Section 610.6046 *VOR Federal airway 46* is amended to read in part:

From Riverhead, N.Y., VOR via S alter.; to Beach INT, N.Y., via S alter.; MEA 1,500.
From Beach INT, N.Y., via S alter.; to Hampton, N.Y., VOR via S alter.; MEA 5,000.

Section 610.6048 *VOR Federal airway 48* is amended to read in part:

From Peoria, Ill., VOR; to Mora INT, Ill.; MEA 2,300.
From Mora INT, Ill.; to Pontiac, Ill., VOR; MEA 2,000.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,000—MRA. **1,700—MOCA.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From *Crandall INT, Tenn.; to Murphy INT, Tenn.; MEA 6,000. *6,000—MCA Crandall INT, eastbound.
From Bolivar INT, Tenn., via N alter.; to Selmer INT, Tenn., via N alter.; MEA *3,000. *1,500—MOCA.
From Selmer INT, Tenn., via N alter.; to Muscle Shoals, Ala., VOR via N alter.; MEA *3,000. *2,000—MOCA.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Burlington, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,300.
From Buffalo INT, Iowa; to *Big Rock INT, Iowa; MEA 3,000. *3,000—MRA. *5,300—MCA Big Rock INT, northeastbound.

Section 610.6092 *VOR Federal airway 92* is amended to read in part:

From Plains INT, Va.; to Springfield INT, Va.; MEA 3,000.
From Springfield INT, Va.; to Washington, D.C., VOR; MEA 1,800.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From Albany, Ga., VOR; to Americus INT, Ga.; MEA 1,600.
From Americus INT, Ga.; to *Junction City INT, Ga.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From *Clinton INT, Tenn., via W alter.; to Smoky Junction INT, Tenn.; via W alter.; MEA 5,500. *4,500—MCA Clinton INT, northwestbound.
From London, Ky., VOR via E alter.; to Union Hall INT, Ky., via E alter.; MEA 2,700.
From Union Hall INT, Ky., via E alter.; to *Loglick INT, Ky., via E alter.; MEA **3,500. *3,500—MRA. **2,700—MOCA.
From Loglick INT, Ky., via E alter.; to Falmouth, Ky., VOR via E alter.; MEA *2,600. *2,100—MOCA.

Section 610.6101 *VOR Federal airway 101* is amended to read in part:

From Hansel INT, Utah; to Malta INT, Idaho; MEA 11,500.
From Malta INT, Idaho; to *Burley, Idaho, VOR; southeastbound, MEA 11,500; northwestbound, MEA 9,000. *10,000—MCA Burley VOR, southeastbound.

Section 610.6133 *VOR Federal airway 133* is amended to read in part:

From Saginaw, Mich., VOR; to *Wheeler INT, Mich.; MEA **3,000. *4,000—MRA. **2,600—MOCA.
From Wheeler INT, Mich.; to Traverse City, Mich., VOR; MEA *3,000. *2,600—MOCA.

Section 610.6136 *VOR Federal airway 136* is amended to read in part:

From South Boston, Va., VOR; to Raleigh-Durham, N.C., VOR; MEA 1,900.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Casanova, Va., VOR; to Bristow INT, Va.; MEA 3,000.
From Bristow INT, Va.; to Washington, D.C., VOR; MEA 1,800.

Section 610.6143 *VOR Federal airway 143* is amended to read in part:

From Mt. Holly INT, N.C., via W alter.; to *Mooresville INT, N.C., via W alter.; MEA 2,400. *2,700—MRA.
From Mooresville INT, N.C., via W alter.; to Barber INT, N.C., via W alter.; MEA *2,700. *2,600—MOCA.

Section 610.6146 *VOR Federal airway 146* is amended by adding:

From Providence, R.I., VOR; to Martha's Vineyard, Mass., VOR; MEA 1,500.
From Martha's Vineyard, Mass., VOR; to Nantucket, Mass., VOR; MEA 1,500.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From Hayes Center, Nebr., VOR; to North Platte, Nebr., VOR; MEA 4,500.
From North Platte, Nebr., VOR; to O'Neill, Nebr., VOR; MEA *5,200. *4,400—MOCA.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From *Sanford INT, Fla.; to **Lake Helen INT, Fla., MEA 2,000. *2,500—MRA. **2,500—MRA.

Section 610.6154 *VOR Federal airway 154* is amended to read in part:

From *Safford INT, Ala.; to Montgomery, Ala., VOR; MEA **2,000. *4,500—MRA. **1,500—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Rocky Mount, N.C., VOR; to Lawrenceville, Va., VOR; MEA 1,600.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Cross City, Fla., VOR via W alter.; to Greenville INT, Fla., via W alter.; MEA *2,300. *1,200—MOCA.
From Greenville INT, Ga., via W alter.; to Quitman INT, Ga., via W alter.; MEA *4,000. *1,200—MOCA.
From Quitman INT, Ga., via W alter.; to Cotton INT, Ga., via W alter.; MEA *2,500. *1,300—MOCA.
From Cotton INT, Ga., via W alter.; to *Hartsfield INT, Ga., via W alter.; MEA 1,600. *2,000—MRA.
From Hartsfield INT, Ga., via W alter.; to *Sale INT, Ga., via W alter.; MEA 1,600. *1,800—MRA.
From Sale INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,600.

Section 610.6167 *VOR Federal airway 167* is amended by adding:

From Providence, R.I., VOR; to Hyannis, Mass., VOR; MEA 2,000.

Section 610.6170 *VOR Federal airway 170* is amended to read in part:

From Milwaukee, Wis., VOR; to *Sunfish INT, Wis.; MEA 2,700. *2,700—MRA.
From Sunfish INT, Wis.; to Pullman, Mich., VOR; MEA 2,700.

Section 610.6171 *VOR Federal airway 171* is amended to read in part:

From Lewis, Ind., VOR, via W alter.; to Danville, Ill., VOR, via W alter.; MEA 2,100.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Neb., VOR via N alter.; to Blair INT, Nebr., via N alter.; MEA *4,500. *3,000—MOCA.
From Fremont INT, Nebr.; to Neola, Iowa, VOR; MEA 2,700. *3,000—MRA.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Hamilton INT, Ala.; to *Eldridge INT, Ala.; MEA **2,000. *2,200—MRA. **1,900—MOCA.
From Eldridge INT, Ala.; to Jasper INT, Ala.; MEA *2,000. *1,900—MOCA.
From Maud INT, Ala., via N alter.; to Empire INT, Ala., via N alter.; MEA *4,000. *2,100—MOCA.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From *Wind Lake INT, Wis.; to Franksville INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Franksville INT; to Pike INT, Wis.; MEA *4,000. *2,000—MOCA.
From Pike INT, Wis.; to *Sunfish INT, Wis.; MEA **5,000. *2,700—MRA. **2,000—MOCA.

Section 610.6217 *VOR Federal airway 217* is amended to read in part:

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,000.
From Milwaukee, Wis., ILS loc.; to Harbor INT, Wis.; MEA 2,000.
From Collins INT, Wis.; to Green Bay, Wis., VOR; MEA 2,400.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Keeler, Mich., VOR; to *Cooper INT, Mich.; MEA 2,200. *2,500—MCA Cooper INT, northeastbound.
From Cooper INT, Mich.; to *Hickory INT, Mich.; MEA 3,000. *2,500—MCA Hickory INT, southwestbound.

Section 610.6221 *VOR Federal airway 221* is amended to read in part:

From Fort Wayne, Ind., VOR; to Garrett INT, Ind.; MEA 2,700.
From Garrett INT, Ind.; to Litchfield, Mich., VOR; MEA 2,500.

Section 610.6223 *VOR Federal airway 223* is amended to read in part:

From Herndon, Va., VOR; to *Barnesville INT, Md.; MEA 3,000. *4,000—MRA.
From Barnesville INT, Md.; to Harrisburg, Pa., VOR; MEA 3,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Peoria, Ill., VOR; to *Dunlap INT, Ill.; MEA 2,000. *2,500—MRA.
From Dunlap INT, Ill.; to Bradford, Ill., VOR; MEA 2,100.
From Bradford, Ill., VOR; to Annawan INT, Ill.; MEA 2,100.
From Annawan INT, Ill.; to Cordova, Ill., VOR; MEA 2,000.
From Cordova, Ill., VOR; to *Big Rock INT, Ill.; MEA **2,200. *3,000—MRA. **2,000—MOCA.

Section 610.6244 *VOR Federal airway 244* is amended to read in part:

From Sunol INT, Calif., via S alter.; to Tracy INT, Calif., via S alter.; MEA 5,000.
From Tracy INT, Calif., via S alter; to Stockton, Calif., VOR via S alter.; eastbound, MEA 2,000; westbound, MEA 4,000.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From *Butte, Mont., VOR; to Avon INT, Mont.; MEA 9,000. *10,200—MCA Butte VOR, southbound.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Sanford INT, Fla., via E alter.; to **Lake Helen INT, Fla., via E alter.; MEA 2,000. *2,500—MRA. **2,500—MRA.

Section 610.6275 *VOR Federal airway 275* is amended to read in part:

From Cincinnati, Ohio, VOR via W alter.; to Richmond, Ind., VOR via W alter.; MEA 2,500.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From Texico, N. Mex., VOR; to Vega INT, Tex.; MEA *6,000. *5,400—MOCA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Dierks INT, Tex.; to *Greenwood INT, Ark.; MEA 3,800. *4,500—MRA.

Section 610.6422 *VOR Federal airway 422* is amended to read in part:

From Wolflake, Ind., VOR; to Garrett INT, Ind.; MEA 2,200.

Section 610.6434 *VOR Federal airway 434* is amended to read in part:

From Moline, Ill., VOR; to Elmwood INT, Ill.; MEA 2,200.
From Elmwood INT, Ill.; to Peoria, Ill., VOR; MEA 2,000.

Section 610.6436 *VOR Federal airway 436* is amended by adding:

From *King Salmon, Alaska, VOR; to Copper INT, Alaska; MEA **11,500. *6,000—MCA King Salmon VOR, northeastbound. **6,000—MOCA.
From Copper INT, Alaska; to *Chinitna INT, Alaska; MEA **11,500. *7,100—MCA Chinitna INT, westbound. **6,200—MOCA.
From Chinitna INT, Alaska; to Kenai, Alaska, VOR; MEA *3,300. *1,500—MOCA.
From *Chinitna INT, Alaska, via E alter.; to Homer, Alaska, VOR, via E alter.; MEA 3,300. *7,700—MCA Chinitna INT, westbound.
From Homer, Alaska, VOR, via E alter.; to Kenai, Alaska, VOR, via E alter.; MEA 4,000.

Section 610.6437 *VOR Federal airway 437* is amended by adding:

From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA 5,000.

Section 610.6438 *VOR Federal airway 438* is amended by adding:

From Shuyak, Alaska, LF/RBN; to Homer, Alaska, VOR; MEA 6,000.
From Homer, Alaska, VOR; to *Skilak INT, Alaska; MEA 4,000. *4,000—MCA Skilak INT, southbound.
From Skilak INT, Alaska; to Anchorage, Alaska, VOR; MEA 1,500.

Section 610.6446 *VOR Federal airway 446* is amended to read in part:

From Boulder INT, Ill.; to *Cartter INT, Ill.; MEA **2,800. *2,000—MRA. **1,700—MOCA.

Section 610.6456 *VOR Federal airway 456* is amended to read:

From *King Salmon, Alaska, VOR; to **Copper INT, Alaska; MEA ***11,500. *6,000—MCA King Salmon VOR, northeastbound. **12,000—MCA Copper INT, northeastbound. ***6,000—MOCA.
From Copper INT, Alaska; to *Harriet INT, Alaska; MEA **18,000. *11,000—MCA Harriet INT, southwestbound. **12,100—MOCA.
From Harriet INT, Alaska; to Inlet INT, Alaska; MEA 6,000.
From Inlet INT, Alaska; to Anchorage, Alaska, VOR; MEA 1,500.

Section 610.6462 *VOR Federal airway 462* is amended to read in part:

From Houghton, Mich., VOR; to Williams INT, Mich.; MEA *5,500. *2,500—MOCA.
From Williams INT, Mich.; to Whitefish, Mich., VOR; MEA 3,100.

Section 610.6490 *VOR Federal airway 490* is amended to read in part:

From Utica, N.Y., VOR; to *Perth INT, N.Y.; MEA **4,000. *4,400—MRA. **3,900—MOCA.
From Perth INT, N.Y.; to Cambridge, N.Y., VOR; MEA *4,000. *3,900—MOCA.

Section 610.6494 *VOR Federal airway 494* is amended to read in part:

From *Fallon, Nev., VOR; to Mt. Moses, Nev., VOR; MEA 12,000. *9,000—MCA Fallon VOR, southwestbound.

Section 610.6496 *VOR Federal airway 496* is amended to read:

From Utica, N.Y., VOR; to *Perth INT, N.Y.; MEA **4,000. *4,400—MRA. **3,900—MOCA.
From Perth INT, N.Y.; to Glens Falls, N.Y., VOR; MEA 4,400.

Section 610.6506 *VOR Federal airway 506* is added to read:

From King Salmon, Alaska, VOR; to Bethel, Alaska, VOR; MEA *9,000. *7,500—MOCA.

Section 610.6508 *VOR Federal airway 508* is added to read:

From Middleton Island, Alaska, VOR; to *Skilak INT, Alaska; MEA 9,000. *6,100—MCA Skilak INT, southeastbound.
From Skilak INT, Alaska; to Kenai, Alaska, VOR; MEA 1,500.

Section 610.6809 *VOR Federal airway 809* is amended to read in part:

From Olympia, Wash., VOR; to Mayfield INT, Wash.; southbound, MEA 5,000; northbound, MEA 4,000.
From Mayfield INT, Wash.; to *Silver Lake INT, Oreg.; MEA 5,000. *6,500—MRA.

Section 610.6830 *VOR Federal airway 830* is amended to read in part:

From Almyra INT, Ark.; to Walls INT, Tenn.; MEA *2,500. *1,500—MOCA.
From Walls INT, Tenn.; to Memphis, Tenn., VOR; MEA 1,500.

Section 610.6837 *VOR Federal airway 837* is amended to delete:

From Patchogue INT, N.Y.; to Riverhead, N.Y., VORTAC; MEA *2,000. *1,600—MOCA.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From *Pt. Pleasant INT, N.J.; to **Woolf INT, N.J.; MEA ***2,000. *3,000—MRA. **3,000—MRA. ***1,500—MOCA.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From *Junction City, INT, Ga.; to Americus INT, Ga.; MEA **3,000. *3,000—MRA. **1,700—MOCA.
From Americus INT, Ga.; to Albany, Ga., VOR; MEA 1,600.
From Albany, Ga., VOR; to *Sale INT, Ga.; MEA 1,600. *1,300—MRA.
From Sale INT, Ga.; to *Hartsfield INT, Ga.; MEA 1,600. *2,000—MRA.
From Hartsfield INT, Ga.; to Cotton INT, Ga.; MEA 1,600.
From Cotton INT, Ga.; to Quitman INT, Ga.; MEA *2,500. *1,300—MOCA.
From Quitman INT, Ga.; to Greenville INT, Fla.; MEA *4,000. *1,200—MOCA.
From Greenville INT, Fla.; to Cross City, Fla., VOR; MEA *2,300. *1,200—MOCA.
From Bowling Green, Ky., VOR; to *Hillsdale INT, Tenn.; MEA **2,400. *2,400—MRA. **2,000—MOCA.
From Hillsdale INT, Tenn.; to *Hartsville INT, Tenn.; MEA **2,400. *2,800—MRA. **2,000—MOCA.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Neola, Iowa, VOR; to *Fremont INT, Nebr.; MEA 2,700. *3,000—MRA.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Sacramenta, Calif., VOR; to Rio INT, Calif.; MEA 2,000.
From *Rio INT, Calif.; to Bay Point INT, Calif.; southwestbound, MEA 5,000; northeastbound, MEA 4,000. *4,000—MCA Rio INT, southwestbound.
From Bay Point INT, Calif.; to Oakland, Calif, VOR; MEA 5,000.

Section 610.6885 *VOR Federal airway 885* is amended to delete:

From Patchogue INT, N.Y.; to Riverhead, N.Y., VORTAC; MEA *2,000. *1,600—MOCA.

Section 610.6887 *VOR Federal airway 887* is amended to read in part:

From Memphis, Tenn., VOR; to Walls INT, Tenn.; MEA 1,500.
From Walls INT, Tenn.; to Almyra INT, Ark.; MEA *2,500. *1,500—MOCA.

Section 610.1642 *VOR Federal airway 1642* is amended to read in part:

From Alamosa, Colo., VOR; to Tobe, Colo., VOR; MEA 15,600; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

These rules shall become effective July 27, 1961.

Issued in Washington, D.C., on June 26, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6148; Filed, July 3, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8057 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Bisese & Console, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—Payment or Acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Bisese & Console, Inc., Norfolk, Va., Docket 8057, May 16, 1961]

Consent order requiring a Norfolk, Va., wholesale grocer or commission merchant to cease violating section 2(c) of the Clayton Act by accepting unlawful brokerage on its own purchases of citrus fruit and produce, such as a discount of 10 cents per 1⅗ bushel box of citrus fruit or a lower price reflecting brokerage received from packers in Florida.

The order to cease and desist is as follows:

It is ordered, That respondent Bisese & Console, Inc., a corporation, and its officers, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or produce in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or produce for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By the Commission's decision, report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6203; Filed, July 3, 1961; 8:46 a.m.]

[Docket 7860 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

National Albums, Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation:* § 13.1775 *Value.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Albums, Inc., et al., Los Angeles, Calif., Docket 7860, May 16, 1961]

In the Matter of National Albums, Inc., a Corporation, and Harry Fracter, Harry A. Goldman, Albert Parvin, and Rudy Haber, Individually and as Officers of Said Corporation

Consent order requiring Los Angeles sellers of photograph albums together with certificates for photographs to be taken at independent affiliated studios, through salesmen who called upon mothers of newborn children particularly, to cease making such false representations as that persons solicited were specially selected, were to receive free a photograph album worth $49.95 and up, and that the value of the album and photographs provided by the certificate was approximately $165.85.

The order to cease and desist is as follows:

It is ordered, That respondents National Albums, Inc., a corporation, and its officers, and Harry Fracter and Rudy Haber, as individuals or as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photograph albums or cerificates for photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(a) That persons solicited are individually selected, or that they sell only to selected persons;

(b) That their album is given free or without cost;

(c) That the value of the albums is any amount which is in excess of the price at which such albums are usually and customarily sold at retail;

(d) That the value of the photographs is any amount which is in excess of the price at which such photographs are usually and customarily sold at retail;

(e) That the value of the albums and the photographs, sold together, is any amount which is in excess of the price at which said albums and the photographs are usually and customarily sold, as separate items, at retail.

It is further ordered, That the complaint herein, insofar as it concerns respondents Harry A. Goldman and Albert Parvin, as individuals and as officers of respondent corporation, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents National Albums, Inc., a corporation, and Harry Fracter and Rudy Haber, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6204; Filed, July 3, 1961; 8:46 a.m.]

[Docket 8054 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Reo Products Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–75 *Foreign branches, operations, etc.;* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.155 *Prices:* § 13.155–45 *Fictitious marking;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(c) *Foreign in general.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious preticketing.* Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Reo Products Manufacturing Corp. et al., Brooklyn, N.Y., Docket 8054, May 16, 1961]

In the Matter of Reo Products Manufacturing Corp., a Corporation, and Milton Cohen, Sam Siegel, Theodore Ribak, and Barnett L. Ribak, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., distributors of cutlery—engaged in fabricating steak knives and carving sets from English knife blades, Japanese fork tines, and American fork tines, sharpening steels, and handles—to cease placing in containers packaging such products, tags and labels bearing fictitious prices represented thereby as usual retail prices; and to cease representing falsely—by their trade name and in catalogs, stationery, invoices, on containers, etc.—that they were manufacturers, that they had a factory in Sheffield, England, and that their aforesaid carving sets were "Made in Sheffield, England".

The order to cease and desist is as follows:

It is ordered, That respondent Reo Products Manufacturing Corp., a corporation, and its officers, and respondents Milton Cohen, Sam Siegel, and Theodore Ribak, individually and as officers of said corporation, and each of them, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of cutlery, forks, sharpening steels or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "manufacturing" or any other word of the same or similar import or meaning as a part of their corporate or trade name or names in connection with products not manufactured by them; or representing in any manner or by any means that they manufacture any article or product that is not manufactured in a factory owned, operated or controlled by them.

2. Representing, directly or indirectly:

(a) By preticketing, or in any other manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representations are made.

(b) That respondents, or any of them, own, operate or control a factory in Sheffield, England, or in any other place where they do not own, operate or control a factory.

(c) That any merchandise offered for sale, sold or distributed by them or any of them, containing parts not manufactured in England, is of English origin, or otherwise misrepresenting the origin of merchandise.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Barnett L. Ribak.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein, except respondent Barnett L. Ribak, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6205; Filed, July 3, 1961; 8:46 a.m.]

[Docket 8187 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fawcett Publications, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1850 *Content;* § 13.1880 *Old, used, or reclaimed as unused or new:* § 13.1880–20 *Book titles.*

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fawcett Publications, Inc., et al., New York, N.Y., Docket 8187, May 16, 1961]

In the Matter of Fawcett Publications, Inc., a Corporation, and Wilfred Fawcett and Gordon Fawcett, Individually and as Officers of Said Corporation

Consent order requiring a New York City publisher to cease selling reprints of books from which portions of the text were deleted or for which new titles were substituted without making conspicuous disclosure when such was the case.

The order to cease and desist is as follows:

It is ordered, That respondents Fawcett Publications, Inc., a corporation, and its officers, and respondents Wilfred Fawcett and Gordon Fawcett, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any abridged copy of a book unless one of the following words, "abridged", "abridgment", "condensed" or "condensation", or some other word or phrase stating with equal clarity that said book is abridged, appears in clear, conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted to attract readily the attention of a prospective purchaser.

2. Using or substituting a new title for, or in place of, the original title of a reprinted book, unless a statement which reveals the original title of the book and that it has been published previously under such title appears in clear and conspicuous type upon the front cover and upon the title page of the book, either in immediate connection with the title or in another position adapted to

attract readily the attention of a prospective purchaser.

3. Disseminating advertising pertaining to any abridged copy of a book or to a book reprint having a substitute title, unless such advertising discloses the fact of abridgment or contains a statement revealing the original title and that the book has been previously published thereunder, or both, as the case may be, in clear, conspicuous type either in immediate connection with the title under which the book is sold or in another position adapted to attract readily the attention of a prospective purchaser.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6206; Filed, July 3, 1961; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Vessels Operated by Pacific Micronesian Lines, Inc.

CROSS REFERENCE: For promulgation of waiver order § 19.35, see Title 46, Chapter I, Part 154, *infra*.

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2421]

[Montana 040238]

MONTANA

Partly Revoking Withdrawals for Reclamation Purposes (Sun River Project)

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

The departmental orders of September 20, 1904, September 20, 1906, and April 30, 1908, which withdrew lands in Montana for reclamation purposes, are hereby revoked so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 20 N., R. 2 W.,
Sec. 24, E½SW¼;
Sec. 25, E½NW¼.

The areas described aggregate 160 acres.

The lands are included in an allowed homestead entry.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 28, 1961.

[F.R. Doc. 61-6214; Filed, July 3, 1961; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[Defense Mobilization Order VII-7 (Rev.) Amdt. 2]

DMO VII-7—MAINTENANCE OF THE MOBILIZATION BASE (DEPARTMENT OF DEFENSE, ATOMIC ENERGY COMMISSION, AND THE MARITIME ADMINISTRATION)

Abolishment of Defense Facilities Maintenance Board

Defense Mobilization Order VII-7, as revised at 22 F.R. 1483, March 8, 1957, and amended by Amendment 1, 22 F.R. 4386, June 21, 1957, is hereby further amended by deleting section 7, *Establishment of the Defense Facilities Maintenance Board*.

Dated: June 23, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-6223; Filed, July 3, 1961; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 61-26]

REPORTS OF CASUALTIES AND ACCIDENTS

Miscellaneous Amendments to Chapter

Reports of casualties or accidents occurring on or to vessels are required by Title 33, U.S. Code, section 361, or Title 46, U.S. Code, subsection 526L(c), and vessel inspection regulations in 46 CFR Subparts 35.15, 78.07, 97.07, and 136.05 and § 167.65-65, precedent to an investigation under Title 46, U.S. Code, section 239. A written report is required whenever any vessel is involved in a casualty or accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness or efficiency of a vessel, stranding or grounding. Whenever a vessel collides with an aid to navigation under the jurisdiction of the Coast Guard, the officer in charge shall report such collision to the nearest Officer in Charge, Marine Inspection; however, no report on Form CG-2692 is required unless it is a reportable marine casualty.

A paper work survey within the Coast Guard has been conducted and specialists from the General Services Administration were consulted. One of the recommendations from this project dealt with the reporting of vessel casualties and personal accidents. A new casualty classification system was devised and the forms used in submitting casualty reports have been rewritten. The major change in the forms is to have all deaths and serious injuries to persons reported on Form CG-924E (Report of Personal Injury or Loss of Life) while the reports involving vessels will continue to be reported on a revised Form CG-2692 (Report of Vessel Casualty or Accident). In addition the Coast Guard endorsements have been removed from both forms. The format and information required to be reported on Forms CG-924E and CG-2692 have been expanded to provide a better understanding of the accident and revised to agree with the new casualty classification system. Where possible, the format of the new forms are alike, individual questions use the same wording, and where possible "check blocks" are utilized.

In order to augment the use of the revised Forms CG-924E and CG-2692, minor changes to various vessel inspection regulations are necessary and are set forth in this document as amendments to 46 CFR 2.20-60, 35.15-1, 78.07-5, 78.07-10, 97.07-5, 97.07-10, 136.05-10, and 167.65-65. These changes are considered to be administrative and editorial in nature and do not alter the requirements for reporting marine casualties and accidents. Therefore, it is found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate rules and regulations in accordance with the statutes cited below, the following amendments are prescribed and shall be in effect on and after September 1, 1961:

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 2—VESSEL INSPECTIONS

Subpart 2.20—Reports and Forms

Section 2.20-60 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 2.20-60 Reports of casualties and accidents.

(a) *General.* Reports of casualties or accidents occurring on or to vessels are required by Title 33, U.S. Code, section 361, or Title 46, U.S. Code, subsection 526L(c), and the regulations supplementary thereto in Subparts 35.15, 78.07, 97.07, and 136.05, and § 167.65-65 of this chapter, precedent to an investigation under Title 46, U.S. Code, section 239. A written notice is required from the master, owner, agent, or operator of a vessel to the Officer in Charge, Marine Inspection, at or nearest the port where the casualty or accident occurred as soon as possible after the casualty or accident. A report is required whenever any vessel is involved in a casualty or accident involving loss of life, material loss of property, serious injury to any person, damage affecting the seaworthiness or efficiency of a vessel, stranding or grounding. Whenever a vessel collides with an aid to navigation the officer in charge shall report such collision to the nearest Officer in Charge, Marine Inspection; however, no report on Form CG-2692 is required unless it is a reportable marine casualty for other reasons.

(b) *Personal accidents.* The officer in charge of a vessel reports personal accidents on Form CG-924E (Report of Personal Injury or Loss of Life) whenever there is a loss of life on board a vessel or an accident occurs to passengers, members of the crew, and other persons who may be injured on board a vessel and incapacitated for a period in excess of 72 hours. This Form CG-924E should not be submitted if the accident involves a vessel numbered under the Federal Boating Act of 1958 when the Form CG-3865 (Boating Accident Report) should be submitted. If filed without delay, the Form CG-924E may also provide the notice required by other regulations in this chapter.

(c) *Vessel casualties.* The officer in charge of a vessel reports on Form CG-2692 (Report of Vessel Casualty or Accident) when accidents or casualties involve damage affecting seaworthiness of a vessel, stranding or grounding, or material property damage in excess of $1,500. This Form CG-2692 should not be submitted if the accident involves a vessel numbered under the Federal Boating Act of 1958 when the Form CG-3865 (Boating Accident Report) should be submitted. If filed without delay, the Form CG-2692 may also provide the notice required by other regulations in this chapter. If a vessel casualty occurs which involves loss of life, the officer in charge of a vessel shall submit with complete Form CG-2692 a separate completed Form CG-924E for each person killed or injured.

(R.S. 4405, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended; 46 U.S.C. 239, 526L(c), 526p, 33 U.S.C. 361; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

SUBCHAPTER D—TANK VESSELS

PART 35—OPERATIONS

Subpart 35.15—Casualty or Accident Reports

Section 35.15-1 is amended by revising paragraphs (b) and (c) to read as follows:

§ 35.15-1 Notice of casualty and voyage records—TB/ALL.

* * * * *

(b) The notice required by paragraph (a) of this section shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

(c) In addition to the notice required by paragraph (a) of this section, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

NOTE: If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by paragraph (a) of this section.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply R.S. 4450, as amended, 4488, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 481, 526L(c), 526p, 33 U.S.C. 361, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 78—OPERATIONS

Subpart 78.07—Notice of Casualty and Voyage Records

1. Section 78.07-5(a) is amended to read as follows:

§ 78.07-5 Information required.

(a) The notice required by § 78.07-1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

2. Section 78.07-10 is amended to read as follows:

§ 78.07-10 Written report.

(a) In addition to the notice required by § 78.07-1, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

(b) If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by § 78.07-1.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 481, 367, 526L(c), 526p, 1333, 33 U.S.C. 361, 50 U.S.C. 196; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 97—OPERATIONS

Subpart 97.07—Notice of Casualty and Voyage Records

1. Section 97.07-5(a) is amended to read as follows:

§ 97.07-5 Information required.

(a) The notice required by § 97.07-1 shall show the name and official number of the vessel involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

2. Section 97.07-10 is amended to read as follows:

§ 97.07-10 Written report.

(a) In addition to the notice required by § 97.07-1, the person in charge of the vessel shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival. However, if from a distance it may be inconvenient to report in person, it may be done in writing only. The written report required for personal accident shall be made on Form CG-924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG-2692.

(b) If filed without delay, the Form CG-924E or CG-2692 may also provide the notice required by § 97.07-1.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 481, 367, 526L(c), 526p, 33 U.S.C. 361, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

Subpart 136.05—Notice of Marine Casualty and Voyage Records

Section 136.05–10 is amended to read as follows:

§ 136.05–10 Report by officer in charge of vessel in person.

(a) In addition to the notice required by § 136.05–1, the person in charge of the vessel shall, as soon as possible report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

(b) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 136.05–1.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 3, 70 Stat. 152, sec. 10, 18 Stat. 128, as amended, sec. 3, 68 Stat. 675, 46 U.S.C. 239, 367, 526L(c), 526p, 390b, 33 U.S.C. 361, 50 U.S.C. 198)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.65—Special Operating Requirements

Section 167.65–65 is amended by revising paragraphs (b) and (c) to read as follows:

§ 167.65–65 Notice of casualty and voyage records.

* * * * *

(b) The notice required by paragraph (a) of this section shall show the name and official number (if any) of the nautical school ship involved, the owner or agent thereof, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to persons and the damage to property.

(c) In addition to the notice required by paragraph (a) of this section, the person in charge of the nautical school ship shall, as soon as possible, report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

NOTE: If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by paragraph (a) of this section.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4450, as amended, 4488, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 13, 17, 54 Stat. 166, as amended, sec. 10, 18 Stat. 128, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 481, 363, 367, 526L(c), 526p, 33 U.S.C. 361, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: June 29, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 61–6224; Filed, July 3, 1961; 8:48 a.m.]

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS DURING EMERGENCY

[CGFR 61–29]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

Vessels Operated by Pacific Micronesian Lines, Inc.

The Assistant Secretary of Defense, Installations and Logistics, in a letter to the Secretary of the Treasury dated June 20, 1961, requested a general waiver of navigation and vessel inspection laws of the United States as follows:

Each year since 1951, the Secretary of Defense has recommended a waiver of the vessel inspection laws of the United States for certain vessels operating in the waters of the Trust Territory. This is to recommend such a waiver for the forthcoming fiscal year.

It has been deemed necessary in the interest of national defense to request pursuant to the provisions of Public Law 891, 81st Congress (54 Stat. 1120), that the requirements of the navigation and inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, the number of passengers allowed to be carried on freight vessels, technical requirements for stowage for certain dangerous cargoes and, in addition for vessels of U.S. registry, the requirements for U.S. Coast Guard type approval of lifeboats and their stores, and the making of repairs, alterations or replacements ordinarily requiring U.S. Coast Guard approval in foreign countries, be waived for the period July 1, 1961 to June 30, 1962, for vessels which are or will be operated by the Pacific Micronesian Lines, Incorporated, for the Department of the Interior in Trust Territory waters.

In two respects, this waiver will differ from the waiver issued for the current fiscal year. Waiver of minor technical requirements for stowage for certain dangerous cargoes is requested because, due to the small size of the vessels involved, it is not always possible to meet the detailed stowage requirements. It is at times more suitable to transport small quantities of explosives in portable magazines on deck due to other non-compatible cargo being in the hold. The provision for foreign repairs, alterations or replacements has been included because the U.S.-registered vessel does all dry docking and repair work in foreign shipyards and it is necessary to accept foreign materials and parts. This request for waiver applies only to structural features and not to portable equipment requiring U.S. Coast Guard type approval.

Section 1 of the act of December 27, 1950 (64 Stat. 1120, 46 U.S.C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

By Department of Defense Directive 5100.21, dated April 9, 1959 (24 F.R. 2912), as amended by Department of Defense Directive 5126.22 (26 F.R. 1922–1924), the Secretary of Defense delegated to the Assistant Secretary of Defense, Installations and Logistics, full power and authority to act for and in the name of the Secretary of Defense, and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to Public Law 891, 81st Congress, 2d Session (64 Stat. 1120; 46 U.S.C. note preceding 1) except as delegated to the Secretary of the Army insofar as such act is related to the St. Lawrence Seaway Power Project, the St. Lawrence Seaway Navigation Project, and the Great Lakes Connecting Channels Project.

The purpose of the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Assistant Secretary of Defense, Installations and Logistics, and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereon) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51–1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F.R. 731), the following waiver order is promulgated and shall be in effect to and including June 30, 1962, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.

Pursuant to the request of the Assistant Secretary of Defense, Installations and Logistics, in a letter dated June 20, 1961, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note preceding 1), and this waiver having been deemed necessary in the interest of national defense, I hereby waive compliance with the provisions of the navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, the number of passengers allowed to be carried on freight vessels, technical requirements for stowage for certain dangerous cargoes, and, in addition for vessels of United States registry, the requirements for U.S. Coast Guard type approval of lifeboats and their stores, and the making of repairs, alterations or replacements (ordinarily requiring U.S. Coast Guard approval) in foreign countries, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including its territories and possessions, and foreign ports. In the case of United States registered vessels, the making of repairs, alterations or replacements in foreign countries applies only to structural features and not to portable equipment requiring U.S. Coast Guard type approval. This waiver order shall be in effect from July 1, 1961, to and including June 30, 1962, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U.S.C., note prec. 1)

Dated: June 29, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 61–6225; Filed, July 3, 1961; 8:48 a.m.]

[1] This is also codified as 33 CFR Part 19.

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 61–27]

PART 171—STANDARDS FOR NUMBERING

Subpart 171.10—Application for Number

IDAHO SYSTEM OF NUMBERING APPROVED

Acting under the authority delegated by Treasury Department Order 167–32, dated September 23, 1958 (23 F.R. 7605), the Commandant, United States Coast Guard, on June 20, 1961, approved the Idaho system for numbering of motorboats.

As provided in this approval, the Idaho system shall be operative on and after July 15, 1961. On that date the authority to number motorboats principally used in the State of Idaho will pass to that State and simultaneously the Coast Guard will discontinue numbering such motorboats. Those motorboats presently numbered by the Coast Guard after April 1, 1960, shall continue to display that number. To avoid duplicating numbers awarded by the Coast Guard prior to July 15, 1961, none of the numbers issued under the Idaho system are to be assigned the suffix "A."

On and after July 15, 1961, all reports of "boating accidents" which involve motorboats numbered in Idaho and presently required to be reported to the Coast Guard will be reported to the Department of Law Enforcement, State of Idaho, Boise, Idaho, pursuant to Idaho State law (Idaho Senate Bill No. 233, Chapter No. 281, as passed by the 36th Session, Legislature of the State of Idaho and approved March 13, 1961) and the rules and regulations of the Commissioner of Law Enforcement.

Because the amendments to § 171.10–1 (a) and (b), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed with an effective date of July 15, 1961:

In § 171.10–1 *To whom made*, paragraph (a) is amended by deleting the name "Idaho" in the list of States in which the Coast Guard numbers motorboats; and paragraph (b) is amended by inserting in the list of States having approved numbering systems the name "Idaho" to follow the State of "Georgia."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: June 29, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 61–6226; Filed, July 3, 1961; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Hunting of big game on the Moosehorn National Wildlife Refuge, Maine, is permissible only under the following conditions:

(a) Species permitted to be taken; White tailed deer.

(b) Open season: As prescribed by state law for zone in which refuge is located (November 1 to December 5, 1961, Sundays excluded).

(c) Season bag limits: As prescribed by state law (one deer of either sex).

(d) Methods of hunting:

(1) Weapons (describe)—rifles firing center fire cartridges and shotguns with loads of either rifle slugs, single ball, or buckshot not smaller than single 0 may be used. All state laws regarding use of dogs and other restrictions on method of taking must be observed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which which comprises approximately 21,000 acres and 93 percent of the total refuge and which is described as follows:

Deer may be taken on all areas of the Moosehorn National Wildlife Refuge except:

(1) *Baring Unit.* Within the posted closed area surrounding refuge headquarters.

(2) *Edmunds Unit.* Within the posted closed area surrounding refuge subheadquarters or all lands of the Edmunds Unit east of U.S. Highway No. 1 and south of the refuge boundary line running from approximately opposite the North Trail junction with U.S. Highway No. 1 to the shores of Cobscook Bay.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective November 1, 1961 (until revoked).

(4) All deer taken on the refuge must be presented at refuge checking stations for registration and examination.

M. A. MARSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 26, 1961.

[F.R. Doc. 61–6207; Filed, July 3, 1961; 8:46 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Massachusetts

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massa-

chusetts, is permissible only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: Saturday, November 18, 1961—7:00 a.m., to 4:30 p.m., e.s.t.

(c) Daily bag limits: 1 deer (either sex) per season.

(d) Methods of hunting:

(1) Bow and arrow. All equipment must comply with state laws.

(2) No dogs allowed.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 2,000 acres and 33 percent of the total refuge and which is described as follows:

Area. Deer hunting will be permitted on the Plum Island portion of the Parker River Refuge lying between the ocean beach and the east bank of Plum Island River and Plum Island Sound with the exception of posted area lying between the Plum Island road and Plum Island Sound comprising the two impoundments areas and the Patrol Headquarters site.

Maps delineating the area are available at the Refuge office.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in the Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective November 18, 1961.

(4) Before leaving the area the hunter must check out and surrender his permit for hunting on the refuge.

M. A. MARSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 26, 1961.

[F.R. Doc. 61-6208; Filed, July 3, 1961; 8:46 a.m.]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Hunting of big game on the Missisquoi National Wildlife Refuge is suspended for the 1961 season.

Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

M. A. MARSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 26, 1961.

[F.R. Doc. 61-6210; Filed, June 3, 1961; 8:47 a.m.]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued.

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bombay Hook National Wildlife Refuge, Delaware, is permissable only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: Saturdays in October, 1961. (October 7, 14, 21, 28). Sunrise to sunset.

(c) Daily bag limits: One per day—one per season—any deer.

(d) Methods of hunting: (1) Bow and arrows.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 800 acres and 6 percent of the total refuge and is described generally as a portion of the Dutch Neck area excluding pools. Maps showing the exact area open to hunting are available at the Refuge office.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area.

(3) The provisions of this special regulation are effective October 7 through October 28, 1961.

M. A. MARSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 26, 1961.

[F.R. Doc. 61-6209; Filed, July 3, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[21 CFR Part 305]

BETAMETHADOL (B-4,4-DIPHENYL-6-DIMETHYLAMINO-3-HEPTANOL OR B-6-DIMETHYLAMINO-4,4-DIPHENYL-3-HEPTANOL), AND FIVE OTHER DRUGS

Addiction-Forming or Addiction-Sustaining Liability or Convertibility

Notice is hereby given pursuant to the provisions of section 4731(g) of the Internal Revenue Code of 1954 (26 U.S.C. 4731(g)), as amended by section 4(b) of the Narcotics Manufacturing Act of 1960 (74 Stat. 57), pursuant to 21 CFR 305.1, and pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), and by virtue of the authority vested in me by the Secretary of the Treasury (Treasury Department Order No. 180-5, August 3, 1960, 25 F.R. 7544), that, after having considered the technical advice of the Secretary of Health, Education, and Welfare, a finding is proposed to be made that the following named drugs possess an addiction-forming or addiction-sustaining liability similar to morphine or are capable of conversion into drugs having an addiction-forming or addiction-sustaining liability similar to morphine with relative technical simplicity and degree of yield as to create a risk of improper use, and are opiates:

1. Betamethadol (B-4,4-diphenyl-6-dimethylamino-3-heptanol or B-6-dimethylamino-4,4-diphenyl-3-heptanol).

2. Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl] - 4 - phenylpiperidine-4-carboxylic acid ethyl ester) (Atenorax, Atenos, Carbetidine).

3. Levomoramide (1-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).

4. Racemoramide (d,l-3-methyl-2,2-diphenyl-4-morpholino-butyryl - pyrrolidine).

5. Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine) (Promedol).

6. Phenoperidine (1-(3-hydroxy-3-phenylpropyl) - 4 - phenylpiperidine-4-carboxylic acid ethyl ester).

Consideration will be given to any written data, views or arguments pertaining to the proposed finding which are received by the Commissioner of Narcotics prior to August 7, 1961. Any person desiring to be heard on the proposed finding will be accorded the opportunity of a hearing in the office of the Commissioner of Narcotics, 1300 E Street NW., Washington 25, D.C., at 10:00 o'clock a.m., August 7, 1961, provided that such person furnishes written notice of his desire to be heard to the Commissioner of Narcotics, Washington 25, D.C., not later than 20 days from the publication of this notice in the FEDERAL REGISTER. If no written notice of a desire to be heard shall be received within 20 days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: June 26, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-6228; Filed, July 3, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-201]

CLASS A AND CLASS B NATURAL GAS COMPANIES

Annual Report Form; Notice of Extension of Time

JUNE 28, 1961.

Revision of Annual Report Form prescribed for Class A and Class B Natural Gas Companies subject to the Natural Gas Act and to the Commission's Uniform System of Accounts, F.P.C. Form 2; Docket No. R-201.

Upon consideration of various requests for an extension of time within which to file submittals to the notice of proposed rulemaking issued June 5, 1961, in the above-designated matter;

An extension is hereby granted to and including July 20, 1961, within which interested persons may submit data, views, comments and suggestions concerning the proposed amendments. Paragraph 9 of said notice issued June 5, 1961, is amended accordingly.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6202; Filed, July 3, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 787; Draft Release No. 61-15]

AIR TRAFFIC RULES

Establishment of Certain Standard Altimeter Setting

JUNE 22, 1961.

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend section 60.25 of Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received by September 13, 1961, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for the return of comments has expired. Because of the large number of comments anticipated in reply to this draft release, we will be unable to acknowledge receipt of each reply.

Section 60.25 currently requires the use of two different altimeter setting systems. Paragraph (a) of the section establishes the corrected pressure system (QNH) and provides, in essence, that, during flight at and below 23,500 feet MSL, the cruising altitudes shall be maintained by reference to an altimeter set to the current reported altimeter setting of a station along the route of flight within 100 nautical miles. Paragraph (b) of that section establishes the standard pressure system (QNE) and provides that the flight level of aircraft operating at or above 24,000 feet MSL shall be maintained by reference to an altimeter set to the standard atmospheric pressure of 29.92" Hg.

Prior to January 15, 1959, all altitudes were determined by reference to an altimeter set to a corrected atmospheric pressure (QNH). On that date, Civil Air Regulations Amendment 60-13 was adopted and use of the dual system inaugurated. Considerable experience has been gained in the use of the standard pressure system since that date and many favorable comments have been received relative to the improvement in flight safety resulting from the use of this system.

The QNH system is subject to inherent error. Since its readings are based upon the corrected atmospheric pressure for a specific location at a specific time, it is possible that pressure differences may result in altitude error of 300 feet or more between stations separated by 200 nautical miles. The greater speed typical of modern aircraft necessitates more frequent changes in altimeter settings which, in turn, increase the possibility of error as a result of poor enunciation, difficult radio communication, misreading or missetting of the instrument. The cruising levels of high speed aircraft are predominantly in the higher altitude strata, thus the problems encountered are magnified in this area.

It is proposed herein to amend § 60.25 to require the use of the standard pressure system (QNE) at all times during

flight above 14,500 feet MSL and to require the use of the corrected pressure system (QNH) at all times during flight at and below 14,500 feet MSL. It is necessary to recognize in the rule that, whenever the pressure is less than 29.92" Hg., the level of the aircraft would be below the altimeter indication. For this reason, measures to provide terrain clearance and to preclude conflict between the two systems are included herein. To remain at or above the minimum safe altitude, the pilot would apply a correction factor graded to various altimeter settings below 29.92" Hg. To maintain the separation provided by the rules governing the use of cruising altitudes, pilots would not select nor controllers assign certain flight levels when the altimeter setting is below 29.92" Hg. The number of flight levels so affected would be dependent on the altimeter setting in the area. Flights operating VFR above 14,500 feet MSL, but less than 3,000 feet above the surface, would not be required to conform to the hemispheric cruising altitude rules and could, therefore, operate at any flight level at or above the minimum safe altitude.

Two tables would be included in the rule. One table specifies the correction factor to be applied so as to remain at or above the minimum safe altitude. The other table specifies the minimum flight level to be used under various atmospheric pressure conditions. Both tables are scaled in increments of 500 feet with respect to altimeter setting increments of one-half inch of mercury.

Section 60.25(c), governing overseas operations, is covered elsewhere and is considered superfluous. Paragraph (c) will, therefore, be deleted from the regulation.

In consideration of the foregoing, notice is hereby given that § 60.25 of Part 60 of the Civil Air Regulations (14 CFR Part 60) is proposed to be amended as follows:

§ 60.25 Altimeter setting.

The cruising altitude or flight level of aircraft shall be maintained by reference to an altimeter which shall be set:

(a) *At or below 14,500 feet mean sea level (MSL).* To the current reported altimeter setting of a station along the route of flight within 100 nautical miles: *Provided,* That where there is no such station, the current reported altimeter setting of an appropriate available station shall be used: *And provided further,* That in aircraft having no radio, the altimeter shall be set to the elevation of the airport of departure or appropriate altimeter settings available prior to departure shall be used.

(b) *Above 14,500 feet mean sea level (MSL).* To standard atmospheric pressure 29.92" Hg.: *Provided, however,* That:

(1) When flight is conducted in accordance with a cruising altitude prescribed in § 60.32 or § 60.44, the lowest usable flight level shall be that specified in the following table:

Altimeter setting:	*Lowest usable flight level*
29.92 or higher	150
29.91 to 29.42	155
29.41 to 28.92	160
28.91 to 28.42	165
28.41 to 27.92	170
27.91 to 27.42	175

NOTE: For example, when the altimeter setting is reported between 29.41 and 28.92 Hg., a westbound VFR flight conforming to the cruising altitude rules would cruise no lower than flight level 165; an eastbound VFR flight would cruise no lower than flight level 175; an IFR flight conforming to the cruising altitude rules would cruise no lower than flight level 160.

(2) Where the minimum safe altitude, as prescribed in § 60.17, is above 14,500 MSL, the lowest usable flight level shall be the flight level equivalent of the minimum safe altitude plus the number of feet specified in the following table:

Altimeter setting:	*Correction factor (feet)*
29.92 or higher	None
29.91 to 29.42	500
29.41 to 28.92	1,000
28.91 to 28.42	1,500
28.41 to 27.92	2,000
27.91 to 27.42	2,500

NOTE: For example, the minimum safe altitude of a route is 16,000 feet MSL and the altimeter setting is reported between 29.91 and 29.42 Hg., the lowest usable flight level will be 165, which is the flight level equivalent of 16,500 feet MSL (minimum safe altitude plus 500 feet).

This amendment is proposed under the authority of section 307 of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 22, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6217; Filed, July 3, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 192]

CERTAIN FOREIGN PASSPORTS

Validity

Australia, Cambodia, France, Korea, and Lebanon are hereby added to the list of countries which have entered into agreements with the Government of the United States whereby their passports are recognized as valid for the return of the bearer to the country of the foreign issuing authority for a period of six months beyond the expiration date specified in the passport.

This notice amends Public Notice 176 of October 26, 1960 (25 F.R. 10500).

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs.

JUNE 23, 1961.

[F.R. Doc. 61-6216; Filed, July 3, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 679]

CONTRACTS AND LEASES

Delegation of Authority

JUNE 27, 1961.

SECTION 1. *Authority of certain offices to enter into contracts and leases.* (a) Pursuant to the authority contained in sections 50 and 52 of amended Order No. 2509, of the Secretary of the Interior, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount;[1] make open market purchases up to $2,500, and enter into leases for leases of space in real estate as provided in those sections.

Assistant Director—Administration.
Chief, Division of Administrative Services.
Field Administrative Officers.
State Directors.

(b) The Managers of the local offices of the Bureau located at St. Paul, Minnesota, and New Orleans, Louisiana, are authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

(c) Hearing Examiners appointed to conduct hearings in accordance with the Federal Range Code (43 CFR Part 161) or the Department's rules of practice (43 CFR Part 221) are authorized to issue purchase orders for reporter's services, not to exceed $2,500 in cost for any one order, under any applicable contracts for stenographic reporting awarded by the Department or the General Services Administration; and to make open market purchases for such services not to exceed $1,500. Hearing Examiners are also authorized to enter into contracts for supplies and equipment when the amount in any such contract does not exceed $500 and the supplies and equipment purchases are non-capitalized in nature.

(d) The State Directors and Field Administrative Officers may, in writing, redelegate to any qualified employees under their jurisdiction the authority granted under section 1(a). Each redelegation shall be published in the FEDERAL REGISTER.

(e) Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

SEC. 2. *Negotiations of contracts with educational institutions.* (a) Pursuant to authority contained in Order 2713, of January 13, 1953, the State Directors and Field Administrative Officers are authorized to negotiate without advertising, pursuant to section 302(c)(5) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C., Sec. 252), contracts for services to be rendered by any University, College, or other educational institution, in connection with programs and activities of the Bureau.

(b) This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

SEC. 3. *Revocation.* Bureau Order No. 615 and amendments 1 through 5 are hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-6211; Filed, July 3, 1961; 8:47 a.m.]

[Document No. 246]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, U.S. Forest Service, has filed application, Serial No. AR-030567, for the withdrawal of lands described below from all forms of appropriation, including location and entry under the general mining laws, subject to existing valid claims. The applicant desires the lands for use in conjunction with the Palisades Administrative Site on the Coronado National Forest.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 16 E. (Unsurveyed),
Sec. 4: S½S½SE¼SW¼, S½SE¼SW¼ SW¼;
Sec. 9: N½NE¼NW¼, NE¼NW¼NW¼.

Approximately 45 acres.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: June 23, 1961.

FRED J. WEILER,
State Director.

[F.R. Doc. 61-6212; Filed, July 3, 1961; 8:47 a.m.]

[Document No. 249]

ARIZONA

Small Tract Classification Order; Revocation

Pursuant to authority delegated to me by Bureau Order No. 541, Amendment No. 17, dated April 21, 1961 (26 F.R. 3653), I hereby revoke Small Tract Classification Order No. 25, as corrected, published October 29, 1953, Federal Register Document 53-9190, and November 12, 1953, Federal Register Document 53-9554, insofar as it relates to the following described lands:

T. 15 S., R. 12 E.,
Sec. 11: W½SE¼, SE¼SE¼;
Sec. 14: Lots 1-8, incl.

Approximately 160.18 acres.

At the present time these lands are embraced in Public Land Order 317, dated April 15, 1946, as amended by Public Land Order 922, dated October 20, 1953. The above described lands will remain subject to the provisions of Public Land Order 317, as amended.

Dated: June 23, 1961.

FRED J. WEILER,
State Director.

[F.R. Doc. 61-6213; Filed, July 3, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation and Extension of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12

[1] Two days advance telegraphic notice must be given to the Secretary of the Interior prior to the announcement of a pending award of any contract in excess of $10,000.

U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Grand Forks. Griggs.

It has also been determined that the production disasters for which the following counties were designated (26 F.R. 1534, 2321, 2809, 3939) have resulted in a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

Benson.	Mountrail.
Bottineau.	Nelson.
Burke.	Oliver.
Burleigh.	Pembina.
Cavalier.	Pierce.
Divide.	Ramsey.
Eddy.	Renville.
Emmons.	Rolette.
Foster.	Sheridan.
Kidder.	Stutsman.
Logan.	Towner.
McHenry.	Walsh.
McLean.	Ward.
Mercer.	Wells.
Morton.	Williams.

Pursuant to the authority set forth above, production emergency loans will not be made in any of the counties listed herein after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6221; Filed, July 3, 1961; 8:48 a.m.]

PENNSYLVANIA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Pennsylvania a production disaster has caused a need for agricultural credit to mushroom growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

PENNSYLVANIA

Chester. Delaware.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 28th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6222; Filed, July 3, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

EXPORTS OF PRODUCTS MANUFACTURED IN 1960

Notice of Consideration for Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct a survey, under the authority of Title 13, United States Code, sections 181, 224, and 225, approved August 31, 1954, requesting manufacturers to report the volume of products manufactured at each plant in 1960 which are exported. The data have significant application to the needs of the public as they will provide important information on the relationship of the economy of States and other geographic areas to foreign trade. The data requested in this survey are not available from any other source—governmental or private.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D.C.

Any suggestions or recommendations concerning the subject matter of the survey will receive consideration if submitted in writing to the Director within 30 days after the date of this publication.

RICHARD M. SCAMMON,
Director.

[F.R. Doc. 61–6281; Filed, July 3, 1961; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-187]

NORTHROP CORP.

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to Northrop Corporation, a construction permit substantially in the form annexed authorizing construction at Hawthorne, California, of a 100 kilowatts (thermal) TRIGA Mark F nuclear reactor. Petitions for leave to intervene and requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendment thereto and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of June 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated March 21, 1961, and amendment thereto dated May 31, 1961 (hereinafter collectively referred to as "the application") the Northrop Corporation requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on its site of a TRIGA Mark F type nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Northrop Corporation is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Northrop Corporation and its contractor, General Atomics Division of General Dynamics Corporation, are technically qualified to design and construct the reactor;

E. Northrop Corporation has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public, and that omitted information necessary to complete the application will be supplied; and

F. The issuance of a construction permit to Northrop Corporation will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Northrop Corporation to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is October 1, 1961. The latest completion date of the reactor is June 1, 1962. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material; and

B. The reactor shall be constructed and located on the Northrop Corporation site in Hawthorne, California, as specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Northrop Corporation has submitted to the Commission, by amendment of the application, additional data to complete the hazards analysis for operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Northrop Corporation pursuant to section 104c of the Act, which license shall expire ten years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61–6197; Filed, July 3, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12684; Order E–17039]

BRANIFF AIRWAYS, INC.

Increased Day Coach Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of June 1961.

By tariff revision marked to become effective July 1, 1961, Braniff Airways, Inc. (Braniff) proposes to increase its day coach fares to a level equaling 85 percent of first-class fares. In substance, the carrier contends that the present 25 percent differential in fares for these services no longer reflects realistically the relative value of each service to the passenger and that, as a consequence, it is sustaining uneconomic diversion of traffic from its first-class services. Braniff notes that coach service is presently provided in aircraft equally as modern as those used in first-class service and alleges that the in-flight services are essentially distinguishable only as to size and spacing of seats and the elaborateness of meal service.

While from the passenger's point of view the disparity in the quality of first-class and coach service has diminished, particularly in that the increasing use of dual-configured aircraft has tended to equalize scheduling convenience and the speed advantage, the differential in seating density has not diminished. This was the primary distinction upon which the 25 percent fare differential was originally predicated. Accordingly, a shift in traffic to coach service should not, of itself, adversely affect a carrier's profit position and the answer to declining first-class load factors would seem to lie, in part at least, in an adjustment in the capacity offered in that service. Moreover, we are of the opinion that the relatively more rapid growth in coach traffic reflects, in addition to the improved value of this service, a natural trend in the development of the air transportation market which is now manifesting itself as the availability of coach service approaches that of first-class service. Accordingly, in the absence of a cost basis for a change in the fare structure as proposed and since an increase in coach fares may operate to restrict normal and full traffic development, we are unable to conclude that Braniff's proposal is warranted.

On the basis of facts and information now available, the Board finds that the proposed overall increase in day coach fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariff should be investigated. Further, since we can find no cost basis upon which to justify a departure from the Board's present coach policy and since a significant increase in fares is involved, we have determined to suspend the operation of the tariff and defer the use thereof pending such investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered:*

1. That an investigation be instituted to determine whether the fares and provisions shown on 31st Revised Page 59 of Agent C. C. Squire's C.A.B. No. 44 are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, to determine and prescribe the lawful fares and provisions.

2. That pending such investigation, hearing, and decision by the Board, all fares and provisions (except those between Amarillo and Lubbock; Austin, Texas, on the one hand, and Dallas, Fort Worth, and San Antonio, on the other; Colorado Springs and Denver; Corpus Christi and Houston; Des Moines and Kansas City; Kansas City, on the one hand, and Omaha and St. Louis, on the other; Lubbock and Wichita; Memphis and Nashville, New York and Washington; Newark and Washington; Oklahoma City, on the one hand, and Tulsa and Wichita, on the other) appearing on 31st Revised Page 59 of Agent C. C. Squire's C.A.B. No. 44 are hereby suspended and their use deferred to and including September 28, 1961, unless otherwise ordered by the Board, and that no changes whatsoever be made therein during the period of suspension except by order or special permission of the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That copies of this order be filed with Agent C. C. Squire's C.A.B. No. 44, and a copy be served upon Braniff Airways, Inc., which is made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6234; Filed, July 3, 1961; 8:49 a.m.]

[Docket 10946; Order E–17032]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of June 1961.

In Order E–15511, dated July 7, 1960, the Board approved the above-designated agreement adopted by Joint Conference 1–2–3 of the International Air Transport Association (IATA), promulgated in IATA Memorandum JT123/Rates 561, naming a specific commodity rate for Item 1100, from New Delhi to New York. The Board limited its approval of the agreement to one year through July 14, 1961, subject to the right of the parties to the agreement to refile at that time for further approval by the Board.

By letter of June 20, 1961, the Secretary of Traffic Conference 1 of IATA, acting on behalf of the United States flag carriers, refiled the above-described agreement under section 412(a) of the Federal Aviation Act of 1958 (the Act) for the purpose of obtaining approval by the Board of its continued effectiveness beyond July 14, 1961.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the continued effectiveness of the above-designated agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Approval of Agreement C.A.B. 12179, which incorporates IATA Memorandum JT123/Rates 561, is extended for the full period of the intended effectiveness of the agreement.

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the

statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such comments filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6196; Filed, July 3, 1961; 8:45 a.m.]

[Docket No. 12422 etc., Order E-17029]

W.T.C. AIR FREIGHT ET AL.

Air Freight Rate Changes; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of June 1961.

In the matter of the complaints of Western Transportation Co., Inc. d/b/a W.T.C. Air Freight, Airborne Freight Corporation, Jet Transportation, Inc., d/b/a Jet Air Freight, Trans World Airlines, Inc., Dockets 12422, 12424, 12436, and 12447; against air freight rate changes proposed by the Flying Tiger Line.

By tariff filing effective June 1, 1961, The Flying Tiger Line, Inc., reduced rates on various commodities in Group 37 from Los Angeles and San Francisco to major eastern and midwestern markets by 2 to 8 percent for the several weight breaks.

Complaints requesting investigation and suspension of the freight rates proposed by Flying Tiger have been filed by Western Transportation Co., Inc. (W.T.C.), Airborne Freight Corporation, Jet Transportation, Inc. (Jet), and Trans World Airlines, Inc.[1] The complaints allege that the 100 pound rates proposed by Flying Tiger are unjust and unreasonable, unjustly discriminatory, unduly preferential, and unduly prejudicial. In support of their positions, these complainants assert that the proposals are without economic justification and that, over-all, the recent rate reductions[2] of the direct air carriers constitute a destructive rate war which should be terminated. The complaints state that the proposed rates will not reflect the reductions in Flying Tiger's costs which result from the increased weight of larger shipments and that the volume spreads under the tariff will be insufficient to permit air freight forwarders to operate at a profit.

In its complaint Airborne states that it "• • • does not intend to comment on whether a given rate is compensatory and will reasonably compensate a direct carrier." It leaves this facet of the rate-making criteria of the Act to the Board and to the direct carriers and apparently confines its interest to the companion consideration of volume spreads upon which it states the continued existence of the air freight forwarders depends. Airborne therefore has requested an investigation of the present rate situation to establish a fixed minimum formula which will provide adequate price differentials between fixed weight breaks so that the forwarder may receive reasonable compensation for generating freight.

Flying Tiger has filed an answer to the complaints, stating that it filed the revised tariff to reduce its Group 37 commodities' rates to the level set by TWA for the stated volume breaks and adjusted its 100-pound rate to maintain the same ratio or weight breaks between the 100 pounds and 1,000 pounds which has prevailed in the past and that it had lowered the rates fairly, equitably and nondiscriminatorily to all sized shippers. Flying Tiger alleges that to increase the total volumes of the specific commodities here involved it is essential to lower the 100-pound rate as an incentive to attracting new traffic.

In prescribing lower minimum rates for certain eastbound and northbound traffic the Board recognized that with a back-haul problem as to such traffic, there is an inherent advantage in the availability of space which can be utilized at little added cost, and that to prohibit ratewise the use of such space would require higher rates in the predominate direction. Air Freight Rate Investigation (Directional Rates), 11 C.A.B. 228 (1960). The prescribed minimum directional rates were established susbtantially above the estimated out-of-pocket costs so as to result in a contribution to overhead and in the circumstances be remuncrative to the carriers. Flying Tiger's rates are above the Board's prescribed directional minimum rates, and no complainant has contended that they are inconsistent with the criteria prescribed in the Board's orders for such directional rates. Flying Tiger's proposal will retain the Group 37 volume spreads between the 100-pound and 1,000-pound weight breaks existing prior to the Trans World Airlines tariff change effective March 24, 1961 for shipments of 2,000–9,999 pounds. Flying Tiger's change results in equal or greater spreads below the 100-pound rate than previously existed in a majority of cases, but for shipments of 10,000 pounds and above, the spreads are generally smaller. Flying Tiger has asserted that to increase total volumes of the specific commodities here involved it is essential to lower the 100-pound rate which is the rate paid by the originating shipper to the air carrier.

In these circumstances, the Board finds that an investigation of the revised tariff is not warranted and that the requests therefor, and consequently the requests for suspension, should be denied.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof: *It is ordered*, That:

The complaints of Western Transportation Co., Inc., Airborne Freight Corporation, Jet Transportation, Inc., and Trans World Airlines, Inc., Dockets 12422, 12424, 12436, and 12447 respectively be dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6233; Filed, July 3, 1961; 8:49 a.m.]

[1] The Trans World complaint requesting suspension was not filed in accordance with rule 504 (14 CFR Part 505). ABC Air Freight filed a telegram in support of the Airborne complaint and Allied Airfreight, Inc. filed a telegram and letter in support of the Airborne complaint. These communications are filed in Docket 12424.

[2] By recent tariff revisions filed by various airlines many rate reductions have been effected for certain commodities moving from the West Coast to points in the midwest and northeast. Generally these reductions have been accomplished by transferring various commodities into the relatively low rate Group 37 or by reducing the rates for commodities in other commodity groups to the Group 37 level.

FEDERAL POWER COMMISSION

[Docket Nos. G-16869, 17396]

HOPE NATURAL GAS CO. AND UNITED FUEL GAS CO.

Notice of Applications and Date of Hearing

JUNE 27, 1961.

Hope Natural Gas Company, Docket No. G-16869; United Fuel Gas Company, Docket No. G-17390.

Take notice that on October 31, 1958, Hope Natural Gas Company (Hope), 445 West Main Street, Clarksburg, West Virginia, filed in Docket No. G-16869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and exchange of natural gas with Atlantic Seaboard Corporation (Atlantic) and United Fuel Gas Company (United) pursuant to an agreement between the three aforesaid companies dated October 3, 1958, which agreement supplemented an original agreement dated November 1, 1956 (as supplemented on November 7, 1957) by including thereunder certain additional acreage in the Blackwater Anticline Field and raising the maximum daily delivery by Hope to Atlantic (as authorized by order issued March 31, 1958, in Docket Nos. G-12571, et al.) from 90,000 Mcf to 120,000 Mcf.

The additional acreage involved hereunder consists of production properties of Columbian Carbon Company (Columbian) in the so-called Southern Extension of the Blackwater Anticline Field from which the sale of gas by Columbian to Hope was authorized by order issued May 1, 1959, in Docket No. G-16678.

On December 24, 1958, United Fuel Gas Company, P.O. Box 1273, Charleston 25, West Virginia, filed in Docket No. G-17390 a related application pursuant to section 7(c) of the Natural Gas Act for authorization for the exchange of additional volumes of natural gas with Hope pursuant to the above-mentioned supplemental agreement of October 3, 1958.

No additional facilities will be required for the new and increased exchanges of natural gas under the applications herein. The purpose of the proposals is the same as in the aforesaid Docket Nos. G-12571, et al., viz., "the delivery of larger volumes of natural gas to existing customers with a minimum of new construction while realizing a saving in transportation costs."

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 27, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitons to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6201; Filed, July 3, 1961; 8:45 a.m.]

[Docket No. E-7001]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 27, 1961.

Take notice that on June 23, 1961 an application was filed with the Federal Power Commisison pursuant to section 204 of the Federal Power Act by Northern States Power Company (Applicant), a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $20,000,000, principal amount of First Mortgage Bonds, Series due August 1, 1991. Applicant proposes to issue the aforesaid First Mortgage Bonds under a Trust Indenture dated February 1, 1937, from Applicant to Harris Trust and Savings Bank, Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Trust Indenture to be dated as of August 1, 1961. The interest rate of the First Mortgage Bonds will be determined under the principal of competitive bidding and it is expected that the New Bonds will be issued on August 15, 1961. Applicant states that the proceeds from the issuance and sale of the First Mortgage Bonds will be used to pay in part the expenditures incurred and to be incurred in 1961 in connection with Applicant's construction program (presently estimated at $42,715,000), including the payment of any then existing bank notes (estimated at $14,000,000), and that the balance of the funds required for 1961 construction will be obtained from treasury cash and funds derived from operations during 1961.

Any person desiring to be heard or to make any protests with reference to said application should on or before the 17th day of July 1961 file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6199; Filed, July 3, 1961; 8:45 a.m.]

[Docket No. CP61-64]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Hearing

JUNE 27, 1961.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the application filed by Transcontinental Gas Pipe Line Corporation in Docket No. CP61-64: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

The application herein has been duly noticed by publication in the FEDERAL REGISTER on October 26, 1960 (25 F.R. 10284). Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6200; Filed, July 3, 1961; 8:45 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MISSOURI

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated May 27, 1961, reading in part as follows: "I hereby determine the damage in the various areas of the State of Missouri adversely affected by floods beginning on or about May 1, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts."

I do hereby determine the following areas in the State of Missouri to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 27, 1961:

The city of St. Louis and the counties of:

Bates.	Montgomery.
Benton.	Morgan.
Bollinger.	New Madrid.
Butler.	Oregon.
Camden.	Ozark.
Cape Girardeau.	Pemiscot.
Carter.	Phelps.
Cedar.	Pike.
Christian	Polk.
Crawford.	Reynolds.
Dade.	Ripley.
Dent.	St. Charles.
Douglas.	St. Clair.
Dunklin.	St. Louis.
Franklin.	Scott.
Henry.	Shannon.
Hickory.	Stoddard.
Howard.	Texas.
Howell.	Vernon.
Jasper.	Warren.
Laclede.	Washington.
Madison.	Wayne.
Miller.	Webster.
Mississippi.	Wright.
Moniteau.	

Dated: June 22, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-6198; Filed, July 3, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2539]

GREAT DIVIDE MINING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 27, 1961.

I. Great Divide Mining Corporation (issuer), a Nevada corporation, filed with the Commission on September 19, 1958 a notification and offering circular which related to an offering of 300,000 shares of its $1 par value common stock at an offering price of $1. per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. There is reasonable cause to believe that the issuer has failed to cooperate with the Commission in connection with its proposed offering under Regulation A in that the issuer has refused to respond to letters and telephone calls from the Commission's staff with respect to amendment of the revised notification and offering circular.

III. *It is ordered*, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6215; Filed, July 3, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 29, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37229: *Bituminous coal to Camp LeJeune, N.C.* Filed by O. W. South, Jr., Agent (SFA No. A4113), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in Alabama, Kentucky, Tennessee, and Virginia to Camp LeJeune, N.C.

Grounds for relief: Maintain origin rate relationship.

Tariffs: Supplements 29 and 42 to Southern Freight Association tariffs I.C.C. S-64 and S-62, respectively, and supplement 98 to Southern Railway Company's tariff I.C.C. A-11352.

FSA No. 37230: *Beet or cane sugar from Worland and Lovell, Wyo.* Filed by Southwestern Freight Bureau, agent (No. B-8044), for interested rail carriers. Rates on sugar, beet or cane, as described in the application, in carloads or tank-carloads, from Worland and Lovell, Wyo., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 58 to Southwestern Freight Bureau tariff I.C.C. 4057.

FSA No. 37231: *Petroleum and petroleum products from and to Prodco, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B-8045), for interested rail carriers. Rates on petroleum and petroleum products and related articles, as described in the application, in carloads and tank-car loads, from Prodco, Kans., to points in southern, southwestern, official (including Illinois), and western trunk-line territories; also from points in southwestern territory to Prodco, Kans.

Grounds for relief: Market competition and grouping.

Tariffs: Supplement 18 to Southwestern Freight Bureau tariff I.C.C. 4410, and other schedules named in the application.

FSA No. 37232: *Wrought iron or steel pipe from Fairfield and North Birmingham, Ala.* Filed by Southwestern Freight Bureau, Agent (No. B-8046), for interested rail carriers. Rates on pipe, wrought iron or steel and related articles, in carloads, from Fairfield and North Birmingham, Ala., to points in Texas.

Grounds for relief: Market competition.

Tariff: Supplement 241 to Southwestern Freight Bureau tariff I.C.C. 4116.

By the commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6218; Filed, July 3, 1961; 8:47 a.m.]

[Notice 516]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63863. By order of June 27, 1961, Division 3, approved the transfer to Bulk Carriers Limited, Toronto, Ontario, Canada, of Certificates Nos. MC 116889 and MC 116889 Sub 1, issued October 6, 1958 and October 2, 1958, respectively, to Samuel L. Gascho & Son, Limited, Burlington, Ontario, Canada, authorizing the transportation of: Cement, in bulk, from ports of entry on the United States-Canada Boundary Line, at Niagara Falls and Buffalo, N.Y., and at or near Alexandria Bay, N.Y., to points in that part of New York west of Delaware, Otsego, Herkimer and St. Lawrence Counties, N.Y.; calcium chloride, in bags, and in bulk, from Ludington, and Midland, Mich., to the United States-Canada Boundary Line at port of entry at or near Port Huron, Mich.; and Salt, from the port of entry on the United States-Canada Boundary Line at or near Detroit, Mich., to points in Michigan as excepted. Walter N. Bieneman, Guardian Building, Detroit, Mich., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6219; Filed, July 3, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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(As of January 1, 1961)

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Title 26, Part 1 (§§ 1.401–1.860) (Revised) ($5.50)

Title 26 (Parts 30–39) (Revised) ($3.50)

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Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.00); Parts 400–599 (Revised) ($1.50); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Parts 20–29 (Revised) ($4.25); Parts 300–499 (Revised) ($4.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised) ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

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Washington, Thursday, July 6, 1961

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (g) (1) is added to § 6.333 as set out below.

§ 6.333 General Services Administration.

* * * * *

(g) *Utilization and Disposal Service.* (1) The Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6311; Filed, July 5, 1961; 8:55 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (l) of § 6.302 as set out below.

§ 6.302 Department of State.

* * * * *

(l) *Bureau of Inter-American Affairs.*

* * *

(7) One Deputy Assistant Secretary (Educational and Cultural Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6312; Filed, July 5, 1961; 8:55 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (d)(1) is added to section 6.304 as set out below.

§ 6.304 Department of Defense.

* * * * *

(d) *Interdepartmental Programs.* (1) Two personal secretaries and confidential assistants to the Military Representative of the President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6313; Filed, July 5, 1961; 8:55 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amdt. 3]

PART 517—FRUITS AND BERRIES, FRESH

Subpart—Cranberry Payment Program AMM 181a

It is hereby determined that in order to carry out the purposes of the cranberry payment program, it is necessary to further amend the program terms and conditions as follows:

§ 517.479 [Amendment]

The second sentence of § 517.479(c) is hereby amended to read as follows: "In no event may any approved application be amended to revise the quantity of harvested berries upward, except with the approval of the Director."

The following new sections are hereby added:

§ 517.495 Repossessed cranberries.

The grower or the grower's representative who sold cranberries at a fixed price or otherwise to a handler or processor, and subsequently repossessed such cranberries due to cancellation of the sale or other cause under circumstances in which he could not reasonably have expected to receive payment from the purchaser, shall not be considered to have sold such berries for the purposes of this subpart, as amended; and such grower or grower's representative shall be eligible to receive payment on such repossessed berries, provided they were thereafter disposed of in accordance with the provisions of the program.

§ 517.496 Sales price adjustments.

Notwithstanding any other provisions of this subpart, if the grower or grower's representative made an adjustment in the sales price of cranberries sold to a handler or processor, the adjusted sales price will be accepted as the basis upon which payment will be made under the program: *Provided*, That it is a bona fide adjustment, that it was made under circumstances which constituted an involuntary loss, and that there was no reasonable alternative thereto. The burden of proof that it is a bona fide adjustment, made under circumstances which constituted an involuntary loss, and that there was no reasonable alternative, shall be on the grower or grower's representative. Any grower or grower's representative who desires to claim his price adjustment as a basis for payment under the program shall submit his evidence to the Director and shall certify that such adjustment was bona fide and made under circumstances constituting an involuntary loss and that there was no reasonable alternative to such adjustment.

Effective date. This amendment shall become effective June 30, 1961.

Dated this 30th day of June 1961.

FLOYD F. HEDLUND,
Authorized Representative of the Secretary of Agriculture.

[F.R. Doc. 61-6287; Filed, July 5, 1961; 8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Dewey County in the State of South Dakota.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment removes Dewey County in the State of South Dakota from the areas designated as modified accredited areas because it does not

meet the qualifications of such an area as set out in § 77.3.

This amendment imposes certain restrictions necessary to prevent the spread of tuberculosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of June 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-6289; Filed, July 5, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAINS PROGRAM

[1961 Feed Grain Program, Supp. 1]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

Correction[1]

In F.R. Document 61-5522, appearing in the issue for Friday, June 23, 1961, at page 5603, the tables to §§ 495.52 and 495.53 are corrected as follows:

§ 495.52 County average yields and county payment rates for corn.

District	County	1959-60 average yield (bushels)	50-percent payment rate per acre (dollars)	60-percent payment rate per acre (dollars)
	IOWA			
1	Plymouth	38.0	32.80	39.30
8	Madison	59.2	34.30	41.20
9	Jefferson	55.5	32.80	39.30
	TEXAS			
7	Uvalde	45.2	28.70	34.40

§ 495.53 County average yields and county payment rates for grain sorghums.

District	County	1959-60 average yield (bushels)	50-percent payment rate per acre (dollars)	60-percent payment rate per acre (dollars)
	INDIANA			
2	Wabash	53.0	28.10	33.70
5	Shelby	62.0	32.90	39.40
7	Daviess	54.2	28.70	34.40
	Dubois	53.2	28.20	33.80
	KANSAS			
7	Clark	28.5	11.80	14.10
	TENNESSEE			
3	Houston	37.8	21.20	25.40

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[957.320]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR 957), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 957.1 through 957.91 inclusive, of the order. The Idaho-Eastern Oregon Potato Committee, pursuant to § 957.51 of the order, has recommended that regulations limiting the handling of 1961 crop potatoes should be issued. The recommendation of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this action must become effective in order to effectuate the declared policy of the act is insufficient (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 957.320 Limitation of shipments.

During the period from July 9, 1961, through June 30, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter. (ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or feathered.

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) Prior to making shipment, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on each shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that the receiver will complete and return to the committee such periodic reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the United States Standards for Potatoes (§§51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e of the Act and § 1066.1, "Import regulations" (25 F.R. 2659, 7 CFR Part 1066), Irish potatoes imported into the United States during the period July 9 through September 30, 1961, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated June 30, 1961 to become effective July 9, 1961.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division

[F.R. Doc. 61-6288; Filed, July 5, 1961; 8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 3—CONSENT ORDER PROCEDURE

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

In order to expedite the disposition of adjudicatory proceedings and to generally improve its procedures governing such proceedings, the Commission has amended, revised, and redesignated its rules governing the disposition of proceedings by the entry of consent orders and its rules of practice for adjudicative proceedings.

Under the amended and revised rules, any negotiations looking toward the disposition of a matter by the entry of a consent order will be had prior to the issuance and service of the complaint, and the rules governing adjudicative proceedings will not be applicable to such negotiations. Consent order procedure will not be available after a complaint is issued. Negotiations for agreements containing consent orders will be under the supervision and control of the Commission's Office of Consent Orders, and hearing examiners will be relieved of all duties and responsibilities in connection with matters disposed of by the entry of consent orders.

The amended and revised rules of practice for adjudicative proceedings provide a limited review procedure for initial decisions of hearing examiners. Heretofore, any party to a proceeding could, as a matter of right, file a notice of intention to appeal and thereafter appeal from a hearing examiner's initial decision. Under the amended and revised rules, the Commission's review of initial decisions will be limited to those cases in which the party seeking the review first establishes, in a petition for review, that important substantive or procedural matters are involved, and cases which the Commission upon its own motion places on its own docket for review. The principal effect of the amended rule will be to eliminate appeals which are clearly without merit and which are made for the sole purpose of delaying the final decision.

The amended and revised rules will be applicable to all proceedings in which the complaint is served subsequent to the effective date of the amended rules.

The rules are amended, revised, and redesignated to read as follows:

PART 3—CONSENT ORDER PROCEDURE

Sec.
3.1 Notice of proposed adjudicative proceeding.
3.2 Reply.
3.3 Agreement.
3.4 Disposition.

AUTHORITY: §§ 3.1 to 3.4 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 3.1 Notice of proposed adjudicative proceeding.

Where time, the nature of the proceeding and the public interest permit, the Commission may notify a person, partnership or corporation of its determination to issue its complaint charging such party with having violated one or more of the statutes administered by the Commission. Such notice shall be served in the manner provided in § 4.26(a) of the Rules of Practice for Adjudicative Proceedings, and shall be accompanied by a complaint which the Commission intends to issue, together with a proposed form of order.

§ 3.2 Reply.

(a) Within ten days after service of such notice, the parties named may file a reply with the Secretary stating whether or not they are willing to have the proceeding disposed of by the entry

[1] Previously codified and published under 6 CFR Part 495.

of an order in substantially the form proposed.

(b) If the reply is in the negative or if no reply is filed within the time provided, the complaint will be issued and served forthwith.

(c) If the reply is in the affirmative, the files will be referred to the Office of Consent Orders, where the parties served and members of the Commission's staff may participate in the preparation and execution of an agreement containing a consent order. The parties may appear personally or be represented by an attorney of record who has entered an appearance under § 4.23. No representations on behalf of a party by other persons will be recognized.

§ 3.3 Agreement.

Every agreement shall contain, in addition to an order, an admission of all jurisdictional facts and express waivers of further procedural steps, of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, and of all rights to seek judicial review or to otherwise challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order; that the order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders; and that the agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any respondent that the law has been violated as alleged in the complaint.

§ 3.4 Disposition.

(a) *Submission of agreement.* Unless for good cause shown the time is extended by the Commission, an executed agreement containing a consent order shall be submitted to the Commission within thirty days after the date on which the files are referred to the Office of Consent Orders. If an agreement is not so submitted, or if at any time it appears to the Office of Consent Orders that the execution of a satisfactory agreement is unlikely, the files shall be returned to the Commission and the complaint will be issued and served forthwith. After a complaint is issued, the consent order procedure will not be available.

(b) *Decision.* Upon receiving an agreement containing a consent order, the Commission may accept it and issue its complaint, in such form as the circumstances require, and decision, including the order agreed upon, or reject it and issue its complaint and set the matter down for adjudication in regular course. Alternatively, the Commission may take such other action as may be appropriate.

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

Sec.
4.1 Scope of the rules in this part.
4.2 Nature of adjudicative proceedings.

Subpart B—Complaint, Answer, Default, and Motions

4.3 Commencement of proceeding.
4.4 Complaint.
4.5 Answer.
4.6 Motions.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

4.7 Amendments and supplemental proceedings.
4.8 Pre-hearing conferences.
4.9 Voluntary intervention.

Subpart D—Depositions; Admissions; Evidence

4.10 Depositions.
4.11 Admissions as to facts and documents.
4.12 Evidence.

Subpart E—Hearings

4.13 Presiding officials.
4.14 Hearings; transcripts.
4.15 Subpoenas.
4.16 Witnesses and fees.
4.17 Proposed findings, conclusions, and order.
4.18 Interlocutory appeals.

Subpart F—Decision and Order

4.19 Initial decision.
4.20 Petition for review.
4.21 Commission review.
4.22 Decision on review.

Subpart G—Miscellaneous

4.23 Appearances.
4.24 Requirements as to form and filing of documents other than correspondence.
4.25 Time.
4.26 Service.
4.27 Ex parte communication.
4.28 Reports of compliance.
4.29 Reopening of proceedings.

AUTHORITY: §§ 4.1 to 4.29 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

§ 4.1 Scope of the rules in this part.

The rules in this part govern procedure in adjudicative proceedings before the Federal Trade Commission. It is the policy of the Commission that, to the extent practicable and consistent with requirements of law, such proceedings shall be conducted expeditiously. The hearing examiner and counsel for all parties shall be governed at all times by this policy, and every effort shall be made at each stage of a proceeding to avoid delay.

§ 4.2 Nature of adjudicative proceedings.

Adjudicative proceedings are those formal proceedings conducted under one or more of the statutes administered by the Commission which are required by statute to be determined on the record after opportunity for an agency hearing. The term does not include other administrative proceedings such as negotiations of agreements containing consent orders; investigational hearings held prior to the commmencement of formal proceedings or for the purpose of inquiring into the manner and extent of compliance with outstanding orders; trade practice conferences; proceedings for fixing quantity limits under section 2(a) of the Clayton Act (15 U.S.C. 13(a)); investigations under section 5 of the Export Trade Act (15 U.S.C. 65); or the promulgation of substantive rules and regulations, determinations of classes of products exempted from statutory requirements, the establishment of name guides, or inspections and industry counseling, under sections 4(d) and 6(a) of the Wool Products Labeling Act (15 U.S.C. 68(b) and 68(d)), sections 7, 8(b) and 8(c) of the Fur Products Labeling Act (15 U.S.C. 69(e) and 69(f)), sections 5(c) and 5(d) of the Flammable Fabrics Act (15 U.S.C. 1194), and sections 7(c), 7(d) and 12(b) of the Textile Fiber Products Identification Act (15 U.S.C. 70).

Subpart B—Complaint, Answer, Default, and Motions

§ 4.3 Commencement of proceeding.

An adjudicative proceeding is commenced by the issuance and service of a complaint by the Commission.

§ 4.4 Complaint.

(a) *Form.* The Commission's complaint shall contain the following:

(1) Recital of the legal authority and jurisdiction for institution of the proceeding, with specific designation of the statutory provisions alleged to have been violated;

(2) A clear and concise factual statement sufficient to inform each respondent with reasonable definiteness of the type of acts or practices alleged to be in violation of the law;

(3) Where practical, a form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint;

(4) Notice of the time and place for hearing, the time to be at least thirty days after service of the complaint.

(b) *Motion for more definite statement.* If the statement in a complaint is so vague or ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing its answer. Such a motion shall be filed within fifteen days after service of the complaint and shall point out the defects complained of and the details desired.

§ 4.5 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the complaint within which to file an answer thereto: *Provided, however,* That the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the hearing examiner: (1) If the motion is denied, the answer shall be filed within ten days after notice of such action; (2) if the motion is granted, in whole or in part, the answer shall be filed within ten days after service of the more definite statement.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contesting allegations of complaint.* Such answer shall contain:

(i) A concise statement of the facts constituting the ground of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the complaint or, if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of complaint.* If the respondent elects not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the hearing examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 4.20.

(c) *Default.* Failure of the respondent to file answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the hearing examiner, without further notice to respondent, to find the facts to be as alleged in the complaint and to enter an initial decision containing such findings, appropriate conclusions and order.

§ 4.6 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before a hearing examiner, all motions therein, except as provided in § 4.13(f), shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary of the Commission. All motions addressed to the Commission shall be in writing and shall be filed with the Secretary of the Commission.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Commission, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Commission.

(d) *Motions for extensions.* As a matter of discretion, the hearing examiner or the Commission may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss a complaint or for other relief is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall make and file an initial decision in accordance with the provisions of § 4.19. If such a motion is granted as to all charges of the complaint in regard to some, but not all, of the respondents, or is granted as to any part of the charges in regard to any or all of the respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss is made at the close of the evidence offered in support of the complaint based upon the alleged failure to establish a prima facie case, the hearing examiner may, if he so elects, defer ruling thereon until the close of the case for the reception of evidence.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

§ 4.7 Amendments and supplemental pleadings.

(a) *Amendments*—(1) *By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings: *Provided, however,* That an application for amendment of a complaint may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original complaint.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original complaint, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 4.8 Pre-hearing conferences.

(a) The hearing examiner upon motion of any party or upon his own motion may, and, in every case where it appears probable that the hearing will extend for more than three days he shall, direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 4.7(a)(1);

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishing for inspection or copying of non-privileged documents, papers, books or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody or control of any party to the proceeding.

(b) Pre-hearing conferences, in the discretion of the hearing examiner, may be stenographically reported as provided in § 4.14(f), but shall not be public unless all parties so agree.

(c) The hearing examiner shall enter in the record an order which recites the action taken, the amendments allowed and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying non-privileged documents, papers, books or other physical exhibits, the hearing examiner, in his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the hearing examiner's direction in respect of any of the foregoing shall be suspended or barred from participation in the proceeding in accordance with the provisions of § 4.23(e).

§ 4.9 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 4.26(b). A similar certificate shall be attached to the answer filed by any party, other than counsel in support of the complaint, showing service of such answer upon the applicant.

(b) The hearing examiner or the Commission may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper.

Subpart D—Depositions; Admissions; Evidence

§ 4.10 Depositions.

(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the Commission or the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken;

the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner may order shall be given of the taking of a deposition, but this shall not be less than five days' written notice of the taking of a deposition within the United States, and not less than fifteen days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the officer before whom the deposition is taken, read to the witness, subscribed by him, and certified in the usual form by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the hearing examiner, and, subject to appropriate rulings on such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 4.11 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the hearing examiner, not less than ten days after service thereof, or within such further time as the hearing examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the hearing examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 4.12 Evidence.

(a) *Burden of proof.* Counsel supporting the complaint shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of a hearing examiner or of the Commission rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding official. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the hearing examiner upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Similarly, rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

Subpart E—Hearings

§ 4.13 Presiding officials.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner or by the Commission or one or more members of the Commission sitting as hearing examiner; and the term "hearing examiner" as used in this part means and applies to such members when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Director of Hearing Examiners, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, including motions to open defaults;

(8) To make and file initial decisions;

(9) To certify questions to the Commission for its determination; and

(10) To take any action authorized by these rules or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

(d) *Substitution of hearing examiner.* In the event of substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(e) *Interference.* In the performance of their adjudicative functions, hearing examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission, and all directions by the Commission to hearing examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(f) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Director of Hearing Examiners of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Commission a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Commission on the hearing examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the hearing examiner does not disqualify himself within ten days, then the Commission shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 4.14 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise ordered by the Commission.

(b) *Rights of parties.* Every party, except intervenors, shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the Commission otherwise orders upon a certificate of necessity therefor by the hearing examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, weekend, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days' notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Commission under the supervision of the hearing examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the hearing examiner or agreed to in a written stipulation signed by all counsel, and approved by the hearing examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the hearing examiner. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary of the Commission shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 4.15 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before a designated hearing examiner at a specified place and time may be made to the hearing examiner, or to the Commission.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before a designated hearing examiner at a specified time and place and produce specified documents shall be made in writing to the hearing examiner or to the Commission, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after date of service of the subpoena.

(c) *Service.* A subpoena shall be served as provided in § 4.26(a).

(d) *Appeal.* An appeal to the Commission from the hearing examiner's ruling granting or denying a motion to issue, limit or quash any subpoena will be entertained by the Commission only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing will better serve the interests of justice.

§ 4.16 Witnesses and fees.

(a) Witnesses at formal hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 4.17 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the hearing examiner, any party may file with the Secretary for consideration of the hearing examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 4.18 Interlocutory appeals.

(a) Except as provided in § 4.15(d) and § 4.23(e), interlocutory appeals from rulings of a hearing examiner may be filed only after permission is first obtained from the Commission. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. No such permission will be granted unless it be shown to the satisfaction of the Commission (1) that the ruling involves a novel and substantial question of law which is not controlled by prior decisions of the Commission or the courts, and (2) that a determination of such question could properly be made by the Commission without reference to evidentiary or other matters of record in the proceeding, and (3) that an immediate determination by the Commission may materially advance the ultimate termination of the proceeding and would be in furtherance of the Commission's policy to prevent unnecessary delay.

(b) Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 4.15(d) or § 4.23(e), or within five days after notice of permission to file, in the case of appeals under § 4.18. Answer thereto may be filed within five days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Commission.

Subpart F—Decision and Order

§ 4.19 Initial decision.

(a) *When filed and when effective.* Within ninety days after completion of the reception of evidence in a proceeding, or within such further time as the Commission may allow on the hearing examiner's written request, the hearing examiner shall file an initial decision which shall become the decision of the Commission thirty days after service thereof upon the parties, unless (1) within fifteen days after service of such initial decision a petition for review thereof shall be filed, or (2) within fifteen days after expiration of such fifteen-day period the Commission issues an order placing the case on its own docket for review. A copy of the initial decision shall be served upon each counsel or other representative who has appeared in the proceeding pursuant to § 4.23.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the hearing examiner who presided therein, except when he shall have become unavailable to the Commission.

(d) *Reopening; termination of hearing examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Commission.

§ 4.20 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 4.19.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the Commission is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the Commission finds that the questions presented are substantial and that determination thereof by the Commission is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the hearing examiner shall thereupon become the decision of the Commission. No petition for review will be denied by the Commission where, in the opinion of two or more of its members, it should be granted.

§ 4.21 Commission review.

(a) Within thirty days after service of the Commission's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors as are intended to be urged; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the Commission in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the Commission.

(g) *Oral argument.* Oral arguments will be held in cases in which the Commission grants review, unless it otherwise orders (1) upon request of any party made at the time of filing its brief, or (2) upon the Commission's own motion. Oral arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 4.22 Decision on review.

(a) Upon review of an initial decision, the Commission will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Commission will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons for basis for its action.

Subpart G—Miscellaneous

§ 4.23 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal court or of the highest court of any State or Territory of the United States may practice before the Commission.

(2) Any individual or member of a partnership named respondent in any proceeding before the Commission may appear on behalf of himself or of such partnership upon adequate identification. A respondent corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former members and employees.* No former member or employee of the Commission, and no partner, employer, employee or business associate of such former member or employee, shall appear as attorney or counsel in any proceeding which was pending in any manner or form in the Commission while such former member or employee was employed on or by the Commission, unless and until the Commission determines, upon the written statement of the former member or employee and a statement from the Secretary of the Commission, that the files of the proceeding did not come to the personal attention of such former member or employee during his employment on or by the Commission, and that he did not participate personally and substantially in the proceeding. For the purposes of this section, a former member of the Commission will be conclusively presumed to have personally and substantially participated in any proceeding, the files of which were sent to his office at any time for action of any kind.

(c) *Notice of appearance.* Any attorney desiring to appear before the Commission or a hearing examiner thereof, on behalf of a respondent in a particular proceeding, shall file with the Secretary of the Commission a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this rule. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Commission shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar, from participation in a particular proceeding, any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so suspended or barred shall have the right to appeal to the Commission from such action of the hearing examiner, whereupon the Commission will review the action of the hearing examiner and take such action as it deems warranted by the circumstances.

(2) The Commission, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Commission. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Commission will issue against such offender an order of reprimand, suspension or disbarment.

§ 4.24 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings before the Commission shall be addressed to and filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Twenty copies shall be filed of a petition for review and of all briefs; ten copies of all other documents shall be filed with the exception of reports of compliance under § 4.28, in which case only two copies need be filed, and notices of appearances under § 4.23, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the Commission on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the Commission on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document filed shall be signed by an attorney of record for the party, or, in the case of respondents not represented by counsel, by the respondent himself, or by a partner if a partnership, or by an officer of respondent if it is a corporation or an unincorporated association.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

§ 4.25 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Commission or a hearing examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of the Commission is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Commission or the hearing examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring Commission action. Except as otherwise provided by law, the Commission, for good cause shown, may extend any time limit prescribed by these rules or by order of the Commission or a hearing examiner; provided, however, that in a proceeding pending before a hearing examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 4.26 Service.

(a) *By the Commission.* (1) Service of complaints, orders and other processes of the Commission may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an executive officer or director of the corporation or unincorporated association to be served.

(2) Documents other than complaints, orders and other processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Commission or a hearing examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as complaints, orders and other processes of the Commission, or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Commission shall be by delivering copies thereof as follows: Upon the Commission, by personal delivery or delivery by first-class mail to the office of the Secretary of the Commission; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party or other than the Commission means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than a complaint, order or other process of the Commission shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 4.27 Ex parte communication.

(a) In an adjudicative proceeding, no employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding and no party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, shall communicate ex parte, directly or indirectly, with any member of the Commission, or the hearing examiner, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, no member of the Commission, hearing examiner or employee involved in the decisional process of such proceeding, shall communicate ex parte, directly or indirectly, with any employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any ex parte communication is made to or by any member of the Commission, the hearing examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such member, hearing examiner or employee, as the case may be, shall promptly inform the Commission of the substance of such communication and the circumstances thereof.

(d) A request for information with respect to the status of an adjudicative proceeding shall not be deemed to be an ex parte communication prohibited by this section.

§ 4.28 Reports of compliance.

In every proceeding in which the Commission has issued an order to cease and desist, each respondent named in such order shall file with the Commission, within sixty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic, which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether and how respondents intend to comply shall be filed within ten days after service of the order. Where court review of an order of the Commission is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination.

§ 4.29 Reopening of proceedings.

(a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(b) In any case where an order to cease and desist issued by the Commission has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Commission may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order therein whenever in the opinion of the Commission such action is required by said changed conditions or by the public interest.

(c) After an order dismissing a complaint has been issued, the Commission may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Commission, changed conditions of fact or of law or the public interest so require.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission on June 29, 1961, effective fifteen days after publication in the FEDERAL REGISTER.

Issued June 29, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6310; Filed, July 5, 1961; 8:55 a.m.]

[Docket 8236 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ben Kahn Furs Corp. et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart — Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act,* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ben Kahn Furs Corp. et al., New York, N.Y., Docket 8236, May 16, 1961]

In the Matter of Ben Kahn Furs Corp., a Corporation, and Ben Kahn, Bernard Marson, Ernest Graf and Theodore Kahn, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by setting forth fictitious prices on invoices; by failing in other respects to comply with invoicing and labeling requirements; and by furnishing false guaranties that certain of their furs were not misbranded, falsely invoiced, and falsely advertised.

The order to cease and desist is as follows:

It is ordered, That Ben Kahn Furs Corp., a corporation and its officers, and Ben Kahn, Bernard Marson, Ernest Graf and Theodore Kahn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Representing, directly or by implication, on invoices that the former, regular or usual prices of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such products in the recent regular course of business.

C. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6245; Filed, July 5, 1961; 8:45 a.m.]

[Docket 8217 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

California Floral Manufacturing Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, California Floral Manufacturing Company et al., Yucaipa, Calif., Docket 8217, May 16, 1961]

In the Matter of California Floral Manufacturing Company, a Corporation, and Raymond E. Ramont, Individually, and as an Officer of Said Corporation, and Also Trading as Ramont's Floral Arts Studio

Consent order requiring distributors in Yucaipa, Calif., to cease violating the Flammable Fabrics Act by selling fabric for making leis which was so highly flammable as to be dangerous when worn.

The order to cease and desist is as follows:

It is ordered, That respondents California Floral Manufacturing Company, a corporation, and its officers, and respondent Raymond E. Ramont, individually, and as an officer of said corporation, and trading as Ramont's Floral Arts Studio, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

2. Transporting or causing to be transported for the purpose of sale or delivery after sale in commerce,

any fabric, intended or sold for use in wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents California Floral Manufacturing Company, a corporation, and Raymond E. Ramont, individually, and as an officer of said corporation, and trading as Ramont's Floral Arts Studio, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6246; Filed, July 5, 1961; 8:46 a.m.]

[Docket 8223 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Economy Products Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.230 *Size or weight.* Subpart—Misbranding or mislabeling: § 13.1323 *Size or weight.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Economy Products Corporation et al., Chicago, Ill., Docket 8223, May 16, 1961]

In the Matter of Economy Products Corporation, a Corporation, and Harry Wagner, Vernon M. Wagner, and Arnold W. Behrstock, Individually and as Officers of Said Corporation

Consent order requiring Chicago manufacturers to cease misrepresenting the size of their sleeping bags on attached labels and in advertisements which gave as the "cut size", dimensions almost invariably larger than the actual size.

The order to cease and desist is as follows:

It is ordered, That the respondents Economy Products Corporation, a corporation, and its officers, and Harry Wagner, Vernon M. Wagner, and Arnold W. Behrstock, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sleeping bags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling or otherwise representing the "cut size" or dimensions of materials used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on tags, in advertising or in any other manner;

3. Furnishing any means or instrumentality to others by and through which they may mislead the public as to any of the matters referred to in Paragraphs 1 and 2.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6247; Filed, July 5, 1961; 8:46 a.m.]

[Docket 8247 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Interseas Fur Trading, Inc., and Max Cohen

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin:* § 13.1745–70 *Place:* § 13.1745–70(c) *Imported product or parts as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Interseas Fur Trading, Inc., et al., New York, N.Y., Docket 8247, May 16, 1961]

In the Matter of Interseas Fur Trading, Inc., a Corporation, and Max Cohen, Individually and as an Officer of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by naming the United States falsely on invoices as the country of origin of imported furs, and by failing in other respects to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Interseas Fur Trading, Inc., a corporation, and its officers, and Max Cohen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of fur as "commerce" and "fur" are defined in the Fur Products Labeling Act to forthwith cease and desist from:

1. Falsely or deceptively invoicing furs by:

A. Failing to furnish to purchasers of fur, invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting out on invoices that furs of foreign origin are domestic.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6248; Filed, July 5, 1961; 8:46 a.m.]

[Docket 8161 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ship'n Shore, Inc., and William Netzky

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product;* § 13.235 *Source or origin:* § 13.235–60 *Place:* § 13.235–60(c) *Foreign, in general.* Subpart—Misbranding or mislabeling: § 13.1230 *Identity;* § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(c) *Foreign, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ship'n Shore, Inc., et al., Upland, Pa., Docket 8161, May 16, 1961]

In the Matter of Ship'n Shore, Inc., a Corporation, and William Netzky, Individually and as an Officer of Said Corporation

Consent order requiring manufacturers of women's and children's blouses and sportswear at Upland, Pa., to cease misrepresenting the material from which their products were made as the long-time well-known fabric produced in the Madras Province of India, by advertising

and labeling garments falsely as "madras".

The order to cease and desist is as follows:

It is ordered, That respondents Ship'n Shore, Inc., a corporation, and its officers, and William Netzky, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of blouses, sportswear, or other textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "madras" or any simulations thereof, either alone or in connection with other words to designate, describe, or refer to any fabric or other textile product which is not in fact made of fine cotton, handloomed and imported from India, and if the cloth is other than natural in color, has not been dyed with bleeding vegetable dyes.

2. Placing in the hands of retailers the means and instrumentalities by and through which they may deceive the purchasing public concerning merchandise in the respects set out in Paragraph 1, above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, withjn sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in aforesaid initial decision as modified.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6249; Filed, July 5, 1961; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

Form ADV; Form ADV–SUP

Effective upon publication in the FEDERAL REGISTER, § 279.1 is amended to read as follows:

§ 279.1 Form ADV; Form ADV–SUP.

(a) *Form ADV.* Form of application for registration as an investment adviser or to amend such an application.

(b) *Form ADV–SUP.* Supplementary form to be filed as provided in § 275.-204–1.

(Sec. 203(c), 54 Stat. 850, as amended, 15 U.S.C. 80b–3; Sec. 204, 54 Stat. 852, as amended, 15 U.S.C. 80b–4; and Sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b–11)

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

JUNE 29, 1961.

[F.R. Doc. 61–6257; Filed, July 5, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55413]

PART 6—AIR COMMERCE REGULATIONS

Documents Required for Entry and Clearance of Aircraft

Changes have been adopted in the format of the general declaration, customs Form 7507, so as to conform to changes approved at the fifth session of the International Civil Aviation Organization. As a result, the prescription for and description of the functions of this form as an aircraft entry and clearance document for customs purposes and of related entry and clearance records require modification.

Accordingly, the following amendments are made to Part 6 of the Customs Regulations:

1. In § 6.7, paragraphs (a) and (b) are amended to read:

§ 6.7 Documents for entry.

(a) At the time any aircraft arriving from outside the areas of the United States lands in an area in which entry is required by § 6.3 or 6.4, the aircraft commander or an authorized person shall deliver an inward general declaration on customs Form 7507, or on a form conforming thereto, and shall show thereon all of the information called for by the official form, unless any of such information is otherwise furnished as provided in this section, and shall deliver any other applicable documents as specified in this section. If an aircraft proceeds from one to another area of the United States or from one to another port in the same area carrying residue cargo or uncleared passengers, the aircraft commander or an authorized person shall deliver the documents specified in § 6.9 (c) or (d).

(b) Some of the information called for by the official form of inward general declaration may be alternatively furnished as provided herein. Some of the documents specified herein may not be required on a separate sheet or form where it is indicated that the information required on such documents may be included with information on another document or form.

(1) Crew manifest: A crew manifest shall be furnished with the general declaration except upon arrival of an aircraft directly from Canada on a flight originating there in which case merely the total number of crewmembers need be shown on the inward general declaration. The crew manifest shall be furnished by showing the full name (surname, given name and middle initial) of each crewmember in the column headed "Total Number of Crew" on the inward general declaration, or by showing such names on a separate, appropriately identified document.

(2) Crew purchases: A crew purchase list shall be furnished with the general declaration. Articles entered by crewmembers not required to file crew declarations by paragraph (g) of this section shall be listed opposite the name of the crewmember on the general declaration or on a separate crew purchase list attached thereto. Any articles required by paragraph (g) of this section to be declared on Crew Declaration, customs Form 5123, need not be listed if such crew declarations are securely attached to the general declaration or attached list, and the following statement appears thereon:

Crew purchases as per attached Crew Declarations

In the case of an aircraft arriving direct from Canada on a flight which originated in that country, no crew purchase list shall be required, but any crew declarations shall be attached to the general declaration and the total number thereof shall be shown on the face of the general declaration with the figure for the total number of crew.

(3) A cargo manifest for all cargo on board shall be submitted with the general declaration. The cargo manifest shall be on customs Form 7509 except as otherwise provided in this paragraph.

(i) When Form 7509 is used, the full information called for by the official form shall be shown thereon except that the detailed information about the cargo shipped under air waybills may be furnished by securely attaching to the cargo manifest a copy of each air waybill, by listing the numbers thereof on the manifest, and by noting the statement "Cargo as per Air Waybills Attached" on the manifest.

(ii) Customs Form 5119 may be used as the cargo manifest if there is on board only cargo not exceeding $250 in value which is to be entered on such form.

(iii) Customs Form 7523 may be used as the cargo manifest if there is on board only cargo which may be entered on that form.

(iv) No cargo manifest is required for merchandise, including baggage and stores, arriving from and departing for a foreign country on the same through flight, and although any such document on board may be inspected, except that any arms, ammunition, or implements of war on board which require a license issued by the Secretary of State shall be manifested on every arrival.

(v) On the cargo manifest or on a separate list attached thereto in which case the manifest shall bear the notation "Stores list attached," there shall be shown all alcoholic beverages, tobacco products, narcotic drugs, and bonded or foreign merchandise arriving as stores as well as all equipment of a type requiring a license as specified in subdivision (iv) of this subparagraph.

(vi) In the case of aircraft of scheduled airlines, domestic supplies and equipment not subject to license (unless subject to a duty equal to any internal-revenue tax from which such articles were previously excepted) and any fuel need not be included in the stores list if the statement "Domestic supplies and equipment and fuel for immediate flight only, except as noted" is noted on the cargo manifest or separate stores list attached thereto.

(vii) Unaccompanied baggage arriving in the United States under a check number from any foreign country by air shall be shown on the cargo manifest in columns under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing columns two blanks columns, one headed "Name of examining officer" and on the right thereof another headed "Disposition," shall be provided on the cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or freight shall be manifested as other air express or freight.

2. In § 6.8, paragraphs (a) and (b) are amended to read:

§ 6.8 Documents for clearance.

(a) At the time of departure of any aircraft from any area from which clearance is required by § 6.3 or 6.5, the aircraft commander or an authorized person shall deliver to the customs officer in charge an outward general declaration and a cargo manifest and shipper's export declarations on Commerce Form 7525–V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account). Shipper's export declarations and any required cargo manifest may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed shipper's export declarations and the completed cargo manifest are to be delivered pursuant to the bond not later than the fourth day after departure: *Provided*, That, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until the shipper's export declarations and completed cargo manifest shall have been filed with the customs officer in charge: *And provided further*, That no aircraft shall be cleared until the completed cargo manifest and all required shipper's export declarations have been filed with the customs officer in charge if the aircraft is departing on a flight from the United States directly or indirectly to Poland (including Danzig), a country or other destination in Subgroup A as specified in the Export Regulations (15 CFR 371.3), Cuba, Hong Kong, or Macao, unless clearance is authorized by the Commissioner of Customs.

(b) The outward general declaration shall be on customs Form 7507. Any cargo manifest required with such declaration shall be on customs Form 7509. The full information required by the official forms shall be shown thereon except as otherwise provided in this paragraph.

(1) In the case of shipments on an air waybill, a copy of each such document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest.

(2) On direct departures only, for shipments requiring a shipper's export declaration a copy of each export declaration may be attached to the cargo manifest. In such case the numbers of such declarations shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest.

§ 6.9 [Amendment]

3. Section 6.9(b) is amended by substituting the following for all material preceding the form headed "Permit to Proceed From One Airport to Another":

(b) When applying for clearance from the airport or place of first entry in an area of the United States, the aircraft commander or an authorized person shall present to the collector a traveling general declaration and manifest and an abstract general declaration and manifest. The traveling general declaration and manifest shall be one certified copy of the original inward general declaration and of each manifest or list required to be attached thereto at the time of entry (see § 6.7) of the aircraft. The abstract general declaration and manifest[5] shall be one copy of a general declaration and one copy of each manifest[6] forming a part thereof covering all foreign residue cargo not yet cleared by customs or other interested government agency and manifested or destined for discharge at other domestic or foreign ports. When crew purchases are not itemized on the crew purchase list because reference is made to "Crew declarations and entries attached," such declarations on customs Form 5123 of crewmembers who have not left the aircraft with their purchases at the port of first entry shall not be retained there but shall be attached to the traveling general declaration and manifest. Any such crew declaration shall be detached at the port where the articles covered thereby receive customs clearance. When all documents are in order a permit to proceed from one airport to another, which may be stamped, mimeographed, or printed on the abstract general declaration or on a separate sheet of paper attached thereto, shall be dated and signed by the appropriate customs officer at the airport of clearance. The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander, together with the permit to proceed, for deposit at the next international airport. The permit to proceed and a related declaration of the aircraft commander or an authorized person, to be executed on entry at the next airport, shall be substantially as follows:

4. Footnote 6 appended to § 6.9(b) is amended to read as follows:

[6] Includes air waybills when part of the manifest.

5. Footnote 7 is deleted.

(R.S. 161, as amended, 251, secs. 431, 624, 46 Stat. 710, as amended, 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1431, 1624, 49 U.S.C. 1509.)

These amendments of the regulations are based on the use of the revised form of General Declaration and of the Cargo Manifest for aircraft, which were acceptable effective March 1, 1961. Consequently these amendments of the regulations shall take effect immediately, except that until July 1, 1961, the use of the old form of general declaration and compliance with documentary and regulatory requirements for aircraft based on such form will be acceptable.

[SEAL] PHILIP NICHOLS, JR., *Commissioner of Customs.*

Approved: JUNE 26, 1961.

A. GILMORE FLUES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 61–6280; Filed, July 5, 1961; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOODS AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROMAZINE HYDROCHLORIDE

Correction

In F.R. Doc. 61–6168, appearing at page 5920 of the issue for Saturday, July 1, 1961: In § 121.1054, the word "edible" should be inserted immediately preceding the word "tissues".

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Syrup

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and

antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding thereto the following new section:

§ 141c.262 Tetracycline-amphotericin B syrup.

(a) *Potency*—(1) *Tetracycline content.* Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark with 0.1 *N* HCL. Withdraw an aliquot from the volumetric flask and dilute to a concentration of 0.24 microgram per milliliter (estimated) using *M*/10 phosphate buffer, pH 4.5, and proceed as directed in § 141c.218(a). Its content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Amphotericin B content.* Transfer an appropriate aliquot to a volumetric flask and make to mark with dimethyl sulfoxide. Remove an aliquot and dilute with dimethyl sulfoxide to give a concentration of 20 micrograms per milliliter (estimated). Further dilute this solution with 0.2 *M* phosphate buffer, pH 10.5, to give a concentration of 1.0 microgram per milliliter. Proceed as directed in § 141c.257(c). Its content of amphotericin B is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH.* Using the undiluted sample proceed as directed in § 141a.5(b) of this chapter.

2. Part 146c is amended by adding thereto the following new section:

§ 146c.262 Tetracycline-amphotericin B syrup.

Tetracycline-amphotericin B syrup conforms to all requirements and procedures prescribed by § 146c.257 for tetracycline-amphotericin B for oral syrup that has been reconstituted as directed in the labeling, except § 146c.257(b), and except that:

(a) Its pH is not less than 4.0 nor more than 5.0.

(b) The expiration date of the drug shall be 12 months.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry; and since it would not be in the public interest to delay providing for the amendments covered by this order.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: June 28, 1961

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6263; Filed, July 5, 1961; 8:48 a.m.]

PART 141d — CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Chloramphenicol Palmitate

Correction

In F.R. Doc. 61-6169, appearing at page 5921 of the issue for Saturday, July 1, 1961: In § 141d.305, the word "by" in the fourth sentence of paragraph (a) should be changed to read "but".

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Changes in Fees

Since the fee schedule to cover the cost of certification of antibiotic and antibiotic-containing drugs was adjusted in 1958, several developments have served to increase the cost of this service. These include the enactment of the Federal Employees Salary Increase Act of 1960, the Federal Employees Health Benefits Act of 1959, and a conclusion, following a recent survey of certification services by the General Accounting Office, that the value of space occupied by the antibiotics certification activities of the Food and Drug Administration should be included as an increment of the cost of providing the service. Therefore, it is necessary to revise the fee schedule to provide for these increased costs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b)(5), 59 Stat. 463 as amended; sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.8) are amended by changing the words "10 percent" in § 146.8(b) to read "30 percent". As amended, this paragraph reads as follows:

§ 146.8 Fees.

* * * * *

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the fee prescribed in the section relating specifically to such drug plus an additional 30 percent of whatever that fee may be, except that in the case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be $3.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth are necessary to provide, equip, and maintain an adequate certification service for antibiotic and antibiotic-containing drugs.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 507(b)(5), 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357(b)(5), 371)

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6264; Filed, July 5, 1961; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 246-61]

PART 50—STATEMENTS OF POLICY

JUNE 29, 1961.

A new Part 50—Statements of Policy is added to this chapter and reads as follows:

§ 50.1 Consent judgment policy.

(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to prevent or restrain violations of the antitrust laws only after or on condition that an opportunity is afforded persons (natural or corporate) who may be affected by such judgment and who are not named as parties to the action to state comments, views or relevant allegations prior to the entry of such proposed judgment by the court.

(b) Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The Department of Justice shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (2) to object to intervention by any party not named as a party by the Government.

(c) The Assistant Attorney General in charge of the Antitrust Division may establish procedures for implementing this policy. The Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require some shorter period than 30 days or some other procedure than that stated herein, and where it is clear that the public interest in the policy hereby established is not compromised.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-6252; Filed, July 5, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-812]

PART 1—PRACTICE AND PROCEDURE

Consideration and Processing of Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration its rules pertaining to the processing of applications in the broadcast services;

It appearing that it would be in the public interest to amend the rules to reflect more accurately the manner in which broadcast applications are processed by the staff and particularly to indicate which applications for standard broadcast facilities are placed on the processing line; and

It further appearing that the amendments ordered herein relate to procedure, and therefore that the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing that authority for those amendments are contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 6, 1961, §§ 1.353 and 1.354(d) of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.353 of the Commission's rules is amended to read as follows:

§ 1.353 Staff consideration of applications which receive action by the Commission.

Upon acceptance of an application, the complete file is reviewed by the staff and, except where the application is acted upon by the staff pursuant to delegation of authority, a report containing the recommendations of the staff and any other documents required is prepared and placed on the Commission's agenda.

2. Section 1.354(d) of the Commission's rules is amended to read as follows:

§ 1.354 Processing of standard broadcast applications.

* * * * *

(d) Applications other than those for new stations or for major changes in the facilities of authorized stations are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

[F.R. Doc. 61-6293; Filed, July 5, 1961; 8:53 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 928, Amdt. 5]

PART 95—CAR SERVICE

Indiana Harbor Belt Railroad Company Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Company

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6276; Filed, July 5, 1961; 8:50 a.m.]

[S.O. 929, Amdt. 5]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Company Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Company

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 929 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company,* of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6277; Filed, July 5, 1961; 8:50 a.m.]

[S.O. 930, Amdt. 5]

PART 95—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Company

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 80, 6361, 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company,* of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, sus-

pended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15 (4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6278; Filed, July 5, 1961; 8:50 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 190—GENERAL

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held in Washington, D.C., on the twenty-sixth day of June A.D. 1961.

The matter of field offices designated for filing of reports under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended by orders of March 25, 1953, and April 21, and October 28, 1958, being under consideration; and

It appearing that more efficient and expeditious handling of Commission business warrants modification of § 190.-40(a) of the Code of Federal Regulations (49 CFR 190.40(a)) only to the extent of designating where motor carriers domiciled in El Paso County, Texas, shall file accident and hours of service reports and good cause appearing therefor;

It further appearing, that this modification concerns only the designation of a place where motor carriers located in El Paso County, Texas, shall file with the Commission reports required by the Motor Carrier Safety Regulations, and is an agency procedure, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That in the table in paragraph (a) of § 190.40 of the Code of Federal Regulations (49 CFR 190.40(a)), the territory included in District No. 12 be, and it is hereby, amended to read "Arkansas, Louisiana, Oklahoma, and Texas, except El Paso County, Texas," and the territory included in District No. 13 be, and it is hereby, amended to read "Colorado, Montana, New Mexico, Utah, Wyoming, and El Paso County, Texas." As so amended § 190.40(a) reads as follows:

§ 190.40 Accident and hours of service reports.

(a) *Where filed.* Motor carriers shall file reports required by §§ 194.5, 194.7, and 195.9 of this subchapter by serving or the mailing by first-class mail to the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which such carrier has his or its principal place of business as shown in the following table:

District No.	Territory included	Location of district office
1	Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Boston 9, Mass.
2	Connecticut, New Jersey, and New York.	New York 13, N.Y.
3	Delaware, District of Columbia, Eastern Pennsylvania, Maryland, and Virginia.	Philadelphia 6, Pa.
4	Ohio, Western Pennsylvania, and West Virginia.	Columbus 15, Ohio.
6	Alabama, Florida, Georgia, North Carolina, and South Carolina.	Atlanta 8, Ga.
7	Kentucky, Mississippi, and Tennessee.	Nashville 3, Tenn.
8	Illinois, Indiana, and Michigan.	Chicago 7, Ill.
9	Minnesota, North Dakota, South Dakota, and Wisconsin.	Minneapolis 1, Minn.
10	Iowa, Kansas, Missouri, and Nebraska.	Kansas City 6, Mo.
12	Arkansas, Louisiana, Oklahoma, and Texas, except El Paso County, Texas.	Fort Worth 2, Tex.
13	Colorado, Montana, New Mexico, Utah, Wyoming, and El Paso County, Texas.	Denver 2, Colo.
15	Idaho, Oregon, and Washington.	Portland 5, Oreg.
16	Arizona, California, and Nevada.	San Francisco 8, Calif.
	Alaska	Anchorage.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall be effective July 15, 1961, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6279; Filed, July 5, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1008]

[Docket No. AO–275–A6]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Conference Rooms A and B, Washington Water Power Service Center, East 1411 Mission Avenue, Spokane, Washington, beginning at 10:00 a.m. (Pacific daylight time) on July 11, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Inland Empire Dairy Association and the Spokane Milk Producers Association:

Proposal No. 1. Delete the base-excess plan from the order and provide payments at a uniform price.

Proposal No. 2. Include provision for a "take-out and pay-back" plan whereby 30 cents per hundredweight is withheld from the uniform price during the months of April, May and June and one-third of the proceeds gathered therefrom is returned to the value of producer milk in determining the uniform price during each of the following months of September, October and November.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Alexander Swantz, West 933 Third Avenue, Room 212, Spokane 12, Washington, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., June 30, 1961.

RAPHAEL V. FITZGERALD, *Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.*

[F.R. Doc. 61–6314; Filed, July 5, 1961; 8:55 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 51]

REGISTRY

Notice of Proposed Rule Making

The amendments, set forth below, are proposed to be made by the Department to the regulations in Part 51, of Title 39, Code of Federal Regulations, respecting the registration of mail, effective August 15, 1961. They make the following changes in the existing regulations:

1. All registered mail must be sealed and prepaid with postage at the first-class or airmail rates.

2. The minimum registration fee is increased from 50 cents to 60 cents.

3. The instructions concerning declaration of value are clarified.

4. A new subsection is added to describe more explicitly the postal insurance coverage for registered shipments with and without other insurance.

5. Provision is made for addition of a 40 cent collection charge to the registration fee for registered C.O.D. service. This change also extends insurance coverage up to the maximum of $10,000 for registered C.O.D. mail.

6. Also, in addition to the aforementioned proposed amendments, the language of Part 51 is revised to state more clearly the present rules and regulations therein.

Although these proposed changes relate to a proprietary function of the Government, and are therefore exempt from the rulemaking requirements of 5 U.S.C. 1003, the Postmaster General desires to observe voluntarily the rulemaking requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the postal service an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to Mr. E. A. Riley, Director, Postal Service Division, Bureau of Operations, Post Office Department, Washington 25, D.C., at any time prior to the expiration of thirty days from the date of publication of this document.

With the proposed changes Part 51 will read as follows:

§ 51.1 Why mail is registered.

Added protection for valuable and important mail and evidence of mailing and delivery may be obtained by having it registered.

§ 51.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage): For articles not covered by commercial or other insurance	Fees (in addition to postage): For articles also covered by commercial or other insurance
$0.00 to $10.00	$0.60	$0.60
$10.01 to $100	.75	.75
$100.01 to $200	1.00	1.00
$200.01 to $400	1.25	1.25
$400.01 to $600	1.50	1.50
$600.01 to $800	1.75	1.75
$800.01 to $1,000	2.00	2.00
$1,000.01 to $2,000	2.25	
$2,000.01 to $3,000	2.50	
$3,000.01 to $4,000	2.75	
$4,000.01 to $5,000	3.00	
$5,000.01 to $6,000	3.25	
$6,000.01 to $7,000	3.50	
$7,000.01 to $8,000	3.75	
$8,000.01 to $9,000	4.00	
$9,000.01 to $10,000	4.25	
$10,000.01 to $1,000,000	$4.25 plus handling charge of 15¢ per $1,000 or fraction over first $10,000.	$2.00 plus handling charge of 15¢ per $1,000 or fraction over first $1,000.
$1,000,000.01 to $15,000,000	$152.75 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.	$151.85 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be applied based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
C.O.D. (maximum amount collectible is $200)	40
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

(b) *Postal insurance liability*—(1) *Without other insurance.* Postal insurance covers the value up to the maximum of $10,000.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of $1,000. Whenever postal insurance and other insurance both apply to the first $1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated in accordance with the formula shown in Part 54 of this chapter.

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates.

(b) *Where to mail.* Registration may be obtained by presenting mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept

mail of unusually high value only at the main office or the larger branches and stations.

(2) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued, or for any change placed in the box.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to post offices to which it cannot be transported with safety.

(3) Not properly prepared. See § 51.7

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

§ 51.4 Declaration by sender.

(a) *Value.* The sender is required by law to tell the postal clerk or to enter on the firm mailing bill if a firm mailer, the *full* value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined below:

Kind of Mail Matter	*Value to be declared*
Negotiable instruments: Instruments payable to bearer, and matured interest coupons.	Market value.
Nonnegotiable instruments: All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock, including those endorsed in blank, are considered nonnegotiable so far as declaration of value is concerned.	No value or replacement cost if postal insurance coverage is desired.
Money	Full value.
Jewelry, gems, precious metals	Market value or cost.
Merchandise	Market value or cost.

(b) *Fragile mail.* The sender is required to tell the postal clerk whether the mail is fragile and to describe how it is packed if requested to do so.

(c) *Official mail.* Government agencies or officials must declare the value of the matter presented, so that it may be given proper care.

(d) *Free registration.* A declaration of value is not required on mail registered free under the provisions of § 51.6(d) and (e). No indemnity will be paid for any matter registered free.

(e) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

§ 51.5 Additional services and refunds.

(a) *C.O.D. service.* A combined registry and C.O.D. service is available. The regular registered mail rates apply plus a collection charge of 40 cents. The mail must conform to the requirements for other registered mail and also the regulations governing preparation for C.O.D. service in Part 53 of this chapter.

(b) *Return receipts.* The sender may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions:

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air. The sender may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Airmail.

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named by him in writing. This service is available only for articles addressed to specific individuals by name. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 51.9(g).

(d) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

§ 51.6 Registration without prepayment.

(a) *Official Government Mail.* Official mail of government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2(c) of this chapter.

(b) *Census Mail.* All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed Official Business, Census Office, may be sent by registered mail without payment of a registration fee.

(c) *Naturalization Mail.* All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed Official Business.

(d) *Diplomatic Mail.* Members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.5(a) of this chapter for preparation of such mail.

(e) *Consular Mail.* Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.5(b) of this chapter for preparation of such mail.

(f) *Currency for redemption.* Currency sent to the Treasurer of the United States, Washington, D.C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be transmitted by registered mail without payment of registration fee, under the following conditions:

(1) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and demonination must be given. Coin need be described only by number and denomination of pieces.

(2) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(3) The list must be left with the postmaster.

(4) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(g) *Civil Service.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(h) *Postal Service.* Official mail of the Postal Service which requires registration may be registered without payment of a fee.

§ 51.7 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue.

(c) *Registered C.O.D.* Registered mail to be sent collect-on-delivery must also conform to the conditions outlined in Part 53, C.O.D. of this chapter.

(d) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(e) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the sender may obtain free from the postmaster firm registration books, Form 3877 (Firm mailing book for registered, registered C.O.D., and certified mail (20 entry)), which are to be used in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate. One copy of the bill will be retained by the post office and the other will be receipted and returned to the sender.

(f) *Return receipts and restricted delivery.* Firm mailers, are expected to complete and attach the return receipt card, Form 3811, (Return receipt registered, insured and certified mail), to the mail, and to endorse the address side of the mail to show the required official endorsement. If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

§ 51.8 Withdrawal or recall.

The sender may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on the receipt Withdrawn before dispatch, and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by the sender.

§ 51.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with part 44 of this chapter. Registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice. If the mail is not delivered by carrier, a notice of arrival will be issued through regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made unless the post office is requested to do so.

(e) *Rural delivery.* Rural carriers will deliver registered mail to the residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* The fee for this service must be paid at the time of mailing. The mail must be conspicuously endorsed Deliver to Addressee Only or Deliver to Addressee or Order. The endorsement, if not placed by the mailer, will be entered by the employee accepting the mail. Restricted delivery service is subject to the following rules:

(1) Mail marked Deliver to Addressee Only will be delivered only to the addressee, except as provided in paragraph 4 of this section.

(2) Mail marked Deliver to Addressee or Order may be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When the mail is addressed jointly to two or more persons, the addressees will be notified to be present to accept delivery together, and the delivery receipt obtained, and the return receipt, if any, must be signed by all of the addressees. The registered article then may be delivered to any of the addressees unless the others object, in which case delivery will not be made until all of the addressees sign a statement designating the one to receive the mail.

(4) When the registered mail is addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States, or of the States and possessions, or to members of the diplomatic corps, delivery may be made either to the addressee or to the person he authorizes to receive his mail.

(h) *Bad condition.* If the addressee accepts a registered article that has been repaired with sealing stamps or reenclosed in a new envelope or wrapper, it must be opened in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

NOTE: The corresponding Postal Manual Part is 161.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6261; Filed, July 5, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Heptachlor and Heptachlor Epoxide; Notice of Proposal To Establish Tolerances

On January 19, 1960 (25 F.R. 404), an order was published in the FEDERAL REGISTER revoking the finite tolerance for residues of heptachlor (1,4,5,6,7,8,8-heptachloro - 3a,4,7,7a - tetrahydro-4,7-methanoindene) in or on food crops and establishing in their place zero tolerances for heptachlor and heptachlor epoxide (1,4,5,6,7,8,8 - heptachloro - 2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7 - methanoindene). This action was taken because: (1) It was discovered that heptachlor converts in part to heptachlor epoxide on growing plants, (2) the residue data on which the original heptachlor tolerances were established did not identify or show magnitude of heptachlor epoxide residues, (3) the original tolerances were based on toxicity studies of heptachlor alone, and (4) cattle feeding studies showed that heptachlor epoxide readily transmits from animal feed to meat and milk.

Subsequently, the Velsicol Chemical Corporation, 330 East Grand Avenue, Chicago, Illinois, filed a petition requesting tolerances for heptachlor including its epoxide as follows: 1 part per million in or on carrots; 0.3 part per million in or on potatoes and turnips; 0.2 part per million in or on peanuts and radishes; 0.1 part per million in or on beans, cabbage, lettuce, peas (including cowpeas and blackeyed peas), rutabagas, sweetpotatoes. The petitioner later withdrew request for tolerances on sweetpotatoes, peas, and beans other than snap beans and for all tolerances above the 0.1 part per million level.

The petition contained residue data on the magnitude and identity of residues from the use of heptachlor on the afore-mentioned crops and long-term

feeding studies with dogs and rats on heptachlor epoxide. The studies showed that heptachlor epoxide has approximately the same type and degree of chronic toxicity as the parent compound heptachlor.

Upon consideration of the results of the above long-term feeding tests on heptachlor epoxide and earlier long-term feeding tests on heptachlor, and upon consideration of the place of snap beans, cabbage, lettuce, and rutabagas in the entire human diet, the pharmacologists of the Food and Drug Administration conclude that a tolerance of 0.1 part per million for total residues of these chemicals on these crops will be safe.

The data before the Commissioner show that heptachlor epoxide, when included in the feed of animals, would result in residues in meat and milk. Residues of the epoxide in snap bean vines would make such vines unsuitable for livestock feed, and the proposed instructions do not contemplate that they will be used for that purpose. There is no basis for fixing a tolerance for heptachlor or heptachlor epoxide in meat or milk at a level higher than zero.

The Secretary of Agriculture has certified that heptachlor is useful on all the raw agricultural commodities for which tolerances were requested.

After consideration of the data available and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec' 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by:

§ 120.3 [Amendment]

1. Adding, in alphabetical order, to the list of chlorinated organic compounds in paragraph (e)(4) in § 120.3 *Tolerances for related pesticide chemicals* the items "Heptachlor (1,4,5,6,7,8,8-heptachloro - 3a,4,7,7a - tetrahydro - 4,7-methanoindene)" and "Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7 - methanoindine)".

2. Amending § 120.104 to read as follows:

§ 120.104 Tolerances for residues of heptachlor and heptachlor epoxide.

Tolerances for total residues of heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene) and its oxidation product heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy - 2,3, 3a,4,7,7a - hexahydro - 4,7 - methanoin - dene) from application of heptachlor in or on raw agricultural commodities are established as follows:

0.1 part per million in or on snap beans, cabbage, lettuce, rutabagas.

Zero in or on alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, carrots, cauliflower, cherries, clover, corn, cotton, cowpeas, grain sorghum (milo), grapes, grass (pasture and range), kohlrabi, lima beans, meat, milk, oats, onions, peaches, peanuts, peas, pineapple, potatoes, radishes, rye, sugarcane, sweet clover, sweet-potatoes, tomatoes, turnips (including tops), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing heptachlor or heptachlor epoxide may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6262; Filed, July 5, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), it is proposed to amend §§ 221.24, 221.26 and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to increase the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1962 season. The amendment also provides for increases that have occurred in the assessable acreages of the three districts.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26 and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1962 an assessment of $281,920.12 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 75,507.43 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1962 an assessment of $50,330.06 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,285.90 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1962 an assessment of $22,293.32 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,497.75 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JUNE 29, 1961.

[F.R. Doc. 61-6250; Filed, July 5, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13928; FCC 61-820]

[47 CFR Part 2]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

Geneva (1959) Radio Regulations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration its Memorandum Opinion and Order (FCC 61-761) of June 23, 1961, which scheduled oral argument in this proceeding to commence at 9:30 a.m. on July 7, 1961; and a petition for postponement of oral argument filed by Air Transport Association of America;

It appearing that good cause has been shown for not holding oral argument in this proceeding on the date now scheduled and that July 13, 1961, is agreeable to all parties;

It is ordered, That the oral argument scheduled for July 7, 1961, is canceled; and that said oral argument before the Commission en banc is rescheduled for Thursday, July 13, 1961, commencing at 9:30 a.m.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6294; Filed, July 5, 1961; 8:53 a.m.]

[47 CFR Part 4]

[Docket No. 14184; FCC 61-832]

TELEVISION BROADCAST TRANSLATOR STATIONS

Eligibility and Licensing Requirements

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On July 27, 1960, the Commission amended Subpart G of Part 4 of its rules to permit the operation of television broadcast translator stations on VHF television channels. Section 4.732(a) of the rules provides that a license for a VHF translator station may be issued, among others, to a broadcast station licensee. The circumstances which fostered the initial growth of the unlicensed television repeaters and motivated both the UHF and VHF translator licensing rules stem from the limited normal service area of a television broadcast station and the fact that service can be improved within such normal service area, or extended beyond that area, by low power, relatively inexpensive translator operations. Inherent in providing for this type of operation is the acceptance of the fact that in many cases the translator station authorized extends in some degree the service of a regular television broadcast station beyond its normal or contemplated service area.

3. The Commission, in adopting new rules providing for the operation of VHF television translator stations, contemplated that such stations would be utilized primarily by local groups or communities located in areas remote from regular television broadcast service. However, the desire for television service also includes the natural desire for a choice of programs in communities which are not necessarily located in remote areas, but where multiple services are not available from local stations. This factor, coupled with the explicit eligibility of regular television broadcast stations to apply for VHF television translator stations, has created a problem which was not fully anticipated by the Commission when it adopted the new rules for VHF translator stations.

4. Since the adoption of the new rules for VHF translator stations a number of applications for such stations have been filed by regular television broadcast station licensees for the following purposes:

(a) To fill in "shadow areas" within the licensee's Grade A or Grade B contour.

(b) To extend its service into areas not otherwise served by a regular television broadcast station.

(c) To extend its service (beyond the predicted Grade B contour of its station) into an area or community served by another station or stations, with or without duplicating the programing of the latter.

Thus, it is apparent that applications by regular television broadcast licensees for VHF translator stations are being motivated by considerations apart from, or at least not always including, a specific and definite need for the new service, or even a concrete desire for it on the part of the people in the community or area involved. A number of these applications are readily identifiable as having been motivated by the desire to extend the coverage of a regular television broadcast station beyond its normal service area. It is also apparent that in addition to the situations in which a regular television station is openly the applicant for a VHF translator, there may also be cases in which the regular television licensee may be the principal financial force behind a translator application, but otherwise has no direct legal responsibility for filing such application. Clearly, this is another way in which the regular television broadcast licensee seeks to extend its service area under our existing rules.

5. The Commission believes that unless some restrictions are placed upon the eligibility of regular television licensees to apply for VHF television broadcast translator stations, the VHF translator will tend to become simply another weapon in the competition between television licensees rather than an instrument to be utilized by people living in areas receiving little, if any, television service. It is also a matter of concern that some broadcaster's proposals to utilize VHF translators would, if granted, result in duplication of network programing in the community or area proposed to be served. This may well be expected to cause the licensee in that area to seek to invade the service area of the television licensee proposing to invade its area, and it may well be expected, also, that in many cases where a licensee thus applies for authority to extend his service into another area, whether such area already receives service or not, other licensees in the applicant's community or area will likewise seek to extend their services in the same manner. In addition to the dpulication problems which might result from this type of activity, the limited number of VHF channels available for this purpose make it likely that many mutually exclusive applications could be filed which would require comparative hearings to decide which applications should be granted. In addition, since many areas receive fringe service although they are outside the predicted Grade B contours of any stations, the introduction of VHF translators on the same or adjacent frequencies could cause interference resulting in actual reduction or elimination of service now in existence.

6. In view of the foregoing, we propose to amend our rules to provide, in substance, that a VHF translator will not be licensed to the licensee of a television broadcast station, or to an applicant financially supported by such a licensee, unless in addition to satisfying the other requirements of this Subpart, grant of the license would fill in an unserved area within the parent station's Grade B contour and will neither duplicate any part of the network service of another television broadcast station which already serves the area to be served by the proposed VHF translator with a Grade B signal or better, nor serve any community which has a television channel assigned to it on which a station is operating or a construction permit has been granted and is still in current status. Under our proposal an applicant in the above-described category would not be precluded from receiving a license for a VHF translator to extend its service to an area or community already receiving its only television service via VHF translators.

7. It should be noted that we do not here propose any additional restrictions on the eligibility of regular TV broadcast licensees, or licensee-supported applicants, insofar as UHF translators are concerned. The Commission has granted a number of applications for UHF translators filed, or financially supported, by UHF and VHF TV broadcast licensees in a variety of circumstances, and proposes to continue to do so. In fact, there are obvious situations in which the fuller utilization of UHF would be advanced by such use of UHF translators, although the use of VHF translators would be prohibited by existing rules or by the rules proposed herein.

8. Finally, because there may be situations in which the authorization of a VHF translator would be permissible under our rules at the time the grant was made, but would cease to be so should a regular television broadcast station or UHF translator station subsequently be authorized, we propose to amend our rules to provide that any

license for a VHF translator issued to a regular TV broadcast licensee, or to a licensee-supported applicant, may be canceled at any time upon not less than sixty (60) days notice, without hearing, where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

9. Accordingly, we propose to amend § 4.732 of the rules as set forth below.

10. Authority for the issuance of the proposed amendment is contained in sections 4(i), 303(c) and 303(r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties are invited to file comments on or before Sept. 5, 1961, and replies to such comments on or before Sept. 20, 1961. Comments proposing an increase in the maximum permissible power for VHF translators or in the use of multiple radio frequency amplifiers to achieve the effect of increased power will not be considered in this proceeding. In reaching a decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of the comments of record, but will take into account all relevant information obtained in any manner from informed sources.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.732 is amended to read as follows:

§ 4.732 Eligibility and licensing requirements.

(a) Subject to the restrictions set forth in paragraph (e) of this section, a license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure prompt construction of the station and dependable service for the duration of the licensed period.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations. TV translators operated by TV broadcast station licensees are not counted as TV stations for purposes of § 3.636 of this chapter, concerning multiple ownership.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

(d) A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified.

(e) A VHF translator will not be licensed to the licensee of a television broadcast station, or to an applicant financially supported by such licensee, or to any person associated with the licensee either directly or indirectly unless, in addition to satisfying the other requirements of this Subpart, it also fulfills one of the following criteria:

(1) It will fill in an area receiving no signal or an inadequate signal within the parent station's Grade B contour, and will neither duplicate any part of the programming of another television broadcast station which already serves the community or area to be served by the proposed VHF translator, nor serve any community which has a television station assigned to it on which a station is operating or for which a construction permit has been granted and is in current status; or

(2) It will serve an area or community outside its Grade B contour already receiving its only television service via VHF translators, none of which have been authorized under subparagraph (1) of this paragraph.

(f) Any authorization for a VHF translator issued to an applicant described in paragraph (e) of this section will be issued subject to the condition that it may be canceled at any time, upon not less than sixty (60) days notice, without hearing, where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

(g) The Commission will not act on applications for new television broadcast translator stations or for changes in the facilities of an existing station where such changes will result in an increase in signal range in any horizontal direction until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application, in order to afford licensees of existing television broadcast stations an oportunity to comment with respect to the effect of the proposed translator on their operation.

[F.R. Doc. 61-6295; Filed, July 5, 1961; 8:53 a.m.]

[47 CFR Parts 7, 9, 10, 11, 16]

[Docket No. 14179; FCC 61-818]

OPERATIONAL FIXED STATIONS IN CERTAIN SERVICES

Assignment of Frequencies in the Bands Above 952 Mc

1. Notice is hereby given of proposed rule making to provide for the assignment of frequencies in the bands above 952 Mc for operational fixed stations in the captioned services upon a showing that harmful interference will not be caused to existing stations.

2. The current rules governing the several Safety and Special Radio Services provide generally that frequencies allocated for use therein are available on a shared basis only and will not be assigned for the exclusive use of any one licensee. These rules also generally provide that all licensees of stations in these services shall cooperate in the use of frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

3. In its Report and Order in Docket No. 11866, adopted July 29, 1959, as affirmed in its Memorandum Opinion and Order released October 5, 1960 (FCC 60-1162), the Commission provided, among other things, for the liberalized licensing of private point-to-point microwave systems to those persons eligible for mobile operations in the various Safety and Special Radio Services. It was also determined therein that, as a general rule, and with certain specific exceptions, frequencies in the bands above 952 Mc should not be shared by common carriers and private users. Basically, however, it was recognized that a frequency assigned for private users in one geographic area would be available for use by private users in other areas in the country, but no specific determination was made as to whether such microwave frequencies should be shared by private users in the same geographic area or whether a given frequency should be made available in each area on an exclusive, non-interference basis. Evidence adduced in that proceeding indicated that such systems would be used for a variety of purposes which would be seriously limited if general sharing of microwave frequencies were required for such operations. Also, there was evidence presented therein with respect to technical considerations which indicated that provisions for the use of such frequencies on a non-interference basis would be necessary in order to permit the most effective use of such frequencies by such licensees.

4. In view of the foregoing considerations, the Commission is proposing to amend the applicable sections of Parts 7, 9, 10, 11, and 16 of its rules concerning the allocation of frequencies for point-to-point operations to provide substantially as follows:

Frequencies in the bands above 952 Mc allocated for operational fixed stations in this service will be assigned only after a satisfactory showing that harmful interference will not be caused to existing stations operating in accordance with the technical standards set forth in Parts 7, 9, 10, 11, and 16 of the Commission's rules or in its Report and Order in Docket No. 13083, released July 22, 1960, as affirmed in its Memorandum Opinion and Order released November 8, 1960.

5. The proposed amendments are issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before August 18, 1961, and reply comments on or before August 28, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6296; Filed, July 5, 1961; 8:53 a.m.]

[47 CFR Part 10]

[Docket No. 13971; RM-217; FCC 61-819]

LOCAL GOVERNMENT RADIO SERVICE

Frequency for Control of Traffic Lights by Mobile Units Installed in Emergency Vehicles

1. The Commission issued a notice of proposed rule making (26 F.R. 2002, March 8, 1961) asking that comments be filed on or before May 1, 1961, either in favor of or in opposition to the proposal to make the frequency 39.06 Mc available to the Local Government Radio Service for the control of traffic lights by mobile units. Subsequent to that date, the City of Erie, Pennsylvania, the original petitioner in this matter, requested an extension of time to enable it to file reply comments. This was granted by Commission Order dated May 18, 1961, and set May 26 as the final date on which to submit such reply comments.

2. Within the time prescribed, the City of Erie filed a "Request for Deferral of Action" until July 3, 1961. During this interim the City plans to continue its developmental operation and, as a result, hopes to obtain sufficient new data which will provide a basis for a petition requesting the issuance of a "further notice of proposed rule-making." Specifically, the petitioner would be accumulating evidence to enable it to request that the proscribed bandwidth for its operations be reduced from 32 kc to 20 kc.

3. In the notice of proposed rule-making, the Commission directed attention to the fact that the proposed operation on the frequency 39.06 Mc would necessitate a rule amendment permitting a bandwidth of 32 kc and that this might affect a future proceeding to "split" the frequencies in the 25-42 Mc band. Comments were especially invited on this segment of the proposal. The City asks that "in light of the comments filed by various organizations, which indicated this to be a seriously debilitating aspect of Erie's petition—" as well as the Commission's "concern" on this point it be permitted an extension to conduct tests so that "—a disabling aspect of the present proposal" might be removed. According to the petitioner, the technical modifications necessary to enable its traffic control system to function effectively within a bandwidth of 20 kc are relatively minor, and only a minimum amount of time is thus required to enable the City to acquire sufficient operational experience.

4. The Commission agrees with the petitioner that no party will be adversely affected by the granting of a deferral of final action. Those who have filed in favor of the proposal should welcome a demonstration that the system can be operated more efficiently than was originally proposed. Those who filed in opposition may wish to reconsider their positions on the basis of any new evidence submitted by the City of Erie. In any event, should a Further Notice of Proposed Rule Making be adopted, all interested parties will again be afforded an opportunity to file comments with the added advantage of having more facts at their disposal on which to formulate judgments.

5. As stated previously the request sought a deferral until July 3, 1961. However, in view of the importance of the tests, the Commission is of the opinion that a delay until July 14, 1961, should be allowed to assure that the petitioner will have enough time to conduct the tests, prepare the results, and then if the conclusions therefrom warrant to request the issuance of a Further Notice of Proposed Rule Making.

Therefore, it is ordered, This 28th day of June 1961, that the request for deferral of action in the above-entitled matter is granted until July 14, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6297; Filed, July 5, 1961; 8:53 a.m.]

[47 CFR Part 15]

[Docket No. 14178; FCC 61-816]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

Identification of Certificated Receivers

Notice is hereby given of proposed rule making in Part 15 of the rules of the Federal Communications Commission to amend § 15.66 as shown below to specify the details of certifying seals placed on receivers,

In its program for regulating receivers, the Commission is directing public attention to the interference potential of radio and television receivers, and has cautioned consumers about the purchase of sets which do not bear a seal certifying compliance with the Commission's radiation limitations.

The Commission has noted that in some instances certifying seals have been placed inside the cabinet or on the bottom panel where access is difficult; in other cases, the seals have been inconspicuous and apt to be overlooked. In addition, these seals have been encountered in all sizes and shapes. In some, the wording has been vague and the meaning not too clear.

This proposed rule amendment is made to promote uniformity in appearance, location, and wording of receiver certifying seals so that purchasers may easily determine when a receiver has been certificated.

This proposal to amend the Commission's rules is issued under the Authority of sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before August 7, 1961, written data, views, or arguments setting forth his comments. Comments in support of these proposals also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless specifically requested by the Commission or good cause for the filing of such comments is established.

In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments, filed shall be furnished the Federal Communications Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 15.66 is revised to read as follows:

§ 15.66 Identification of certificated receivers.

(a) Each certificated receiver shall have a distinctive seal permanently affixed to its back panel for ready visibility.

(b) The seal shall be 1 x 3 inches in size.

(c) The color of the seal shall be in contrast with the color of the cabinet finish, and the lettering on the seal shall be in contrast with the background.

(d) The seal shall carry the following inscription:

(Name of company)
certifies that this receiver
complies with FCC radiation limits
as of date of manufacture

(e) The certifying seal may not be attached to a receiver until a certificate has been filed with the Commission pursuant to § 15.65.

[F.R. Doc. 61-6298; Filed, July 5, 1961; 8:53 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MONROE LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

ALABAMA

Monroe Livestock Market, Monroeville: May 1, 1961.
Early Livestock Company, Samson: April 17, 1961.

CALIFORNIA

Riverbank Livestock Auction Yard, Riverbank: May 10, 1961.

ILLINOIS

Ashland Auction Co., Ashland: June 8, 1961.
Greenville Livestock Auction, Greenville: May 18, 1961.
Jackson County Auction Sales, Murphysboro: May 3, 1961.
Palmyra Sales Company, Palmyra: May 31, 1961.
Woodson Sale Barn, Woodson: May 25, 1961.

IOWA

Spencer North Y Auction, Inc., Spencer: June 9, 1961.

KANSAS

Danner's Sales Pavilion, Burlington: May 12, 1961.

LOUISIANA

Minden Livestock Commission Co., Minden: June 9, 1961.

NEW YORK

Earlville Sales, Earlville: May 22, 1961.
Sennett Sales Company, Sennett: May 19, 1961.
Welch Livestock Market, Inc., West Edmeston: May 18, 1961.

NORTH CAROLINA

Twin States Auction Market, Tabor City: April 26, 1961.

PENNSYLVANIA

Avondale Livestock Auction, Avondale (formerly Avondale Livestock Sales Company): May 9, 1961.

SOUTH CAROLINA

Farmers County Line Stockyard, Andrews: April 20, 1961.
Greer Auction Market, Greer: April 17, 1961.

TEXAS

Floydada Livestock Sales Company, Floydada: May 19, 1961.
Terrell Livestock Commission Company, Terrell: April 24, 1961.

VERMONT

Crosby's Livestock Commission Sales, Whiting: May 16, 1961.

Done at Washington, D.C., this 29th day of June 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6260; Filed, July 5, 1961; 8:47 a.m.]

BRAHS COMMISSION MARKET ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Brahs Commission Market, Willows, Nov. 13, 1959 (name changed from Willows Livestock Commission Co., Sept. 27, 1960).	Willows Livestock Market, Apr. 10, 1961.
Reed's Livestock Co., Inc., Hayward, Apr. 19, 1961.	Reed's Livestock Commission Co., June 14, 1961.
GEORGIA	
Hasty's Auction Co., Atlanta, May 22, 1959_____	Capital Livestock Auction Co., Inc., May 15, 1961.
INDIANA	
Shipshewanna Auction, Inc., Shipshewanna, Apr. 21, 1959.	Shipshewanna Auction Co., Apr. 12, 1961.
IOWA	
Algona Livestock Auction, Algona, May 16, 1959_	Algona Livestock Market, Apr. 3, 1961.
KANSAS	
Concordia Sales Co., Concordia, May 30, 1959____	Concordia Sales Co., Feb. 20, 1961.
Hill City Sale Co., Hill City, Oct. 18, 1956____	Farmers Marketing Sales Corp., May 31, 1961.
Washington Sale Co., Washington, June 13, 1959_	Washington Sale Co., June 1, 1961.
NORTH DAKOTA	
Stanley Livestock Market, Stanley, June 11, 1960.	Stanley Livestock Auction Market, June 7, 1961.
OKLAHOMA	
Snyder Livestock Sales Co., Snyder, Feb. 12, 1959.	Snyder Stockyards, Sept. 19, 1960.
OREGON	
Southern Oregon Livestock Auction Co., Phoenix, Oct. 2, 1959.	Rogue Valley Livestock Auction, Inc., June 13, 1961.
Vale Livestock Auction Co., Vale, Oct. 12, 1959 (name changed from Vale Livestock Commission Co., Jan. 23, 1961).	Vale Livestock Auction Co., Inc., Apr. 14, 1961.
SOUTH DAKOTA	
Hub City Livestock Sales Pavilion, Aberdeen, Nov. 29, 1949.	Hub City Livestock Sales Pavilion, Inc., Apr. 18, 1961.
Wagner Livestock Sales Co., Wagner, May 22, 1956.	Wagner Livestock Sales Co., June 5, 1961.
TEXAS	
Valley Stock Yards, Mercedes, Sept. 20, 1957____	Valley Stock Yards Co., Inc., April 14, 1961.
Woodville Livestock Commission Co., Woodville, Mar. 10, 1959.	Woodville Livestock Commission Co., Apr. 20, 1961.
WYOMING	
Riverton Livestock Auction, Riverton, June 27, 1950.	Riverton Auction-Kemp Bros., Nov. 17, 1960.
Worland Sales Ring, Worland, June 28, 1950____	Worland Livestock Commission Co., May 1, 1961.

Done at Washington, D.C., this 30th day of June 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6286; Filed, July 5, 1961; 8:52 a.m.]

Office of the Secretary

COLORADO

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Colorado a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Adams.	Weld.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6290; Filed, July 5, 1961; 8:54 a.m.]

MINNESOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Aitkin.	Mahnomen.
Becker.	Marshall.
Beltrami.	Morrison.
Carlton.	Norman.
Cass.	Otter Tail.
Clearwater.	Pennington.
Crow Wing.	Pine.
Hubbard.	Polk.
Itasca.	Red Lake.
Kittson.	Roseau.
Koochiching.	Todd.
Lake of the Woods.	Wadena.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6291; Filed, July 5, 1961; 8:53 a.m.]

OKLAHOMA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Caddo County, Oklahoma, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6292; Filed, July 5, 1961; 8:53 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 948]

PACIFIC COAST EUROPEAN CONFERENCE

Notice of Order To Show Cause

On June 19, 1961, the Federal Maritime Board entered the following order:

It appearing that Agreement No. 5200, the Pacific Coast European Conference Agreement (the Agreement), covering trade from United States Pacific Coast ports to Europe, Africa and other areas was approved pursuant to section 15, Shipping Act, 1916 (46 U.S.C. 814) (the Act) on May 26, 1937, with modifications approved from time to time thereafter; and

It further appearing that the Board has the duty under section 15 of the Act to keep under constant surveillance the activities of the Conference and its member lines in order to discover the existence of (1) any cooperative action which may "be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or * * * operate to the detriment of the commerce of the United States, or * * * be in violation of [the] Act"; (2) any cooperative action which may be outside the scope of the approved conference agreement; or (3) any action by one or more of the conference lines which may violate the terms of the approved conference agreement or of the Act; and

It further appearing that the Conference has a duty to submit to the Board full and complete minutes of the Conference meetings and has failed to do so; and

It further appearing that the Conference has failed, in whole or in part, to comply with specific requests for information and directives of the Board and its Office of Regulations, namely, letter dated May 4, 1961, of the Secretary, Federal Maritime Board, and letters dated January 25, and March 28, 1961, and directive dated December 15, 1959, of the Office of Regulations, Federal Maritime Board; and

It further appearing that the Conference by the aforesaid action has precluded the Board from effective review of activities of the Conference or its member lines, and has thereby prevented the Board from carrying out its duty under the Act to regulate the activities of shipping lines operating under the conference agreement;

Now therefore, *it is ordered*, That the Pacific Coast European Conference and its member lines (specified in Appendix A) show cause on or before July 20, 1961, why (1) they should not forthwith comply with the said requests for information and directives of the Board and the Office of Regulations, or (2) in the alternative, Agreement No. 5200 should not be disapproved by the Board; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the Conference and each of its member lines who are hereby named as respondents in this proceeding.

Affidavits of fact and memoranda of law may be submitted to the Board on or before the close of business on July 10, 1961, and replies thereto on or before the close of business on July 17, 1961. Oral arguments of the parties will be heard by the Board in Room 4519, 441 G Street NW., Washington, D.C., at 10 a.m., e.d.s.t. on July 20, 1961.[1]

APPENDIX A

PACIFIC COAST EUROPEAN CONFERENCE

Regular Members

Anglo Canadian Shipping Company Limited/Canadian Occidental Shipping Co. Ltd.
Blue Star Line, Limited (Blue Star Line).
Canadian Transport Company Limited.
Compagnie Generale Transatlantique (French Line).
d' Amico Societa di Navigazione per Azioni.
The East Asiatic Company, Ltd. (A/S Det Østasiatiske Kompagni) (East Asiatic Line).
Fruit Express Line A/S (Fruit Express Line).
Furness, Withy & Co., Ltd. (Furness Line).
Global Transport, Ltd. (Global Transport Lines).
Hamburg-Amerika Linie (Hamburg American Line).
(Hanseatic-Vassa Line)—Joint Service (as one member only) of Hanseatische Reederei Emil Offen & Co., Vaasan Laiva Oy.
Italia, Societa Per Azioni di Navigazione (Italian Line).
Italnavi Societa di Navigazione per Azioni (Italnavi Line).
Mitsui Steamship Co., Ltd. (Mitsui Line).
Norddeutscher Lloyd (North German Lloyd).
N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland-America Line).
Fred. Olsen & Co. (Fred. Olsen Line).
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Lines, Limited.

[1] These dates have been changed by subsequent order of the Board, respectively, to July 20, 1961, July 27, 1961, and July 31, 1961.

Seaboard Shipping Company, Limited.
Splosna Plovba.
(States Marine Lines)—Joint service (as one member only) of States Marine Lines, Inc., Global Bulk Transport Corporation. Westfal-Larsen & Co. A/S (Interocean Line). Zim Israel Navigation Co., Ltd.

Associate Member

American President Lines, Ltd. (American President Lines).

Dated: June 30, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6285; Filed, July 5, 1961; 8:52 a.m.]

JAVA PACIFIC AND HOEGH LINES JOINT SERVICE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 7838-2, between the carriers comprising the Java Pacific and Hoegh Lines joint service, modifies the approved agreement of that joint service (Numbered 7838, as amended), in the trade, in both directions, between West Coast ports of the United States and Canada, and the Hawaiian Islands, on the one hand, and ports in the Philippine Islands, Indo-China, Siam, Indonesia, Colony of Singapore, Federation of Malaya, Ceylon, India, Pakistan, Burma and the territory of the Persian Gulf, on the other hand. The purpose of the modification is to (1) include the trade between West Coast ports of the United States and Canada, and the Hawaiian Islands, on the one hand, and Hong Kong and Taiwan (Formosa), on the other hand, within the scope of the agreement; and (2) change the name of Siam to Thailand, and substitute the name of Cambodia and Vietnam for Indo-China in order that the present day designation of those countries will be set forth in the agreement.

Agreement Numbered 8678, between American Export Lines Inc. and A. H. Bull Steamship Co., covers a through billing arrangement for the transportation of gunny sacks, hessian cloth and jute, in the trade from India and Pakistan to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement Numbered 8678, upon approval, will supersede and cancel approved Agreement Numbered 8056, between American Export Lines, Inc. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8679, between the carriers comprising the De La Rama Lines joint service (operating under approved Agreement Numbered 7739, as amended) and A. H. Bull Steamship Co., covers a through billing arrangement on cargo in the trade from Hong Kong to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement Numbered 8679, upon approval, will supersede and cancel approved Agreement Numbered 8276, between the carriers comprising the De La Rama Lines joint service and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days from the date of publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 30, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6284; Filed, July 5, 1961; 8:51 a.m.]

Maritime Administration

ROUND - THE - WORLD WESTBOUND SERVICE AND ROUND-THE-WORLD EASTBOUND SERVICE

Notice of Modification and Adoption of Final Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has considered the comments and views submitted by interested persons, firms, or corporations with respect to the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Westbound Service and Round-the-World Eastbound Service and published in the FEDERAL REGISTER issue of June 6, 1961 (26 F.R. 5012), and has ordered that paragraph 1, in part, of each service, be modified to read as follows:

1. • • • Far East (Japan, Okinawa, Taiwan, the Philippines, and the Continent of Asia from Union of Soviet Socialist Republics to Thailand, inclusive), • • •

The Maritime Administrator has adopted as final the previously published conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Westbound Service and Round-the-World Eastbound Service, including paragraph 1 as so modified.

Dated: July 3, 1961.

By order of the Maritime Administrator.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6392; Filed, July 5, 1961; 10:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-71 authorizing The Regents of The University of California to make several minor modifications to the UCLA nuclear reactor and to perform a number of experiments as requested by the licensee in application amendments dated February 23, 1961, March 21, 1961, and April 15, 1961. Further, the license amendment adds certain new conditions to the license. The Commission has reviewed the shutdown procedures submitted by the licensee on January 19, 1961, and a condition has been added to the license requiring the licensee to comply with these procedures. A condition has also been added to the license requiring the licensee to report deviations from predicted operating characteristics which might otherwise not be reported. The UCLA reactor facility is located on the University's campus in Los Angeles, California. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not be inimical to public health and safety.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as described in the amended application would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and request for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the applications for license amendment by The University of California and (b) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of June 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-71; Amdt. 2]

License No. R-71, as amended, is hereby amended to authorize the changes described in the application amendments dated February 23, 1961, March 21, 1961 and April 15, 1961 and to add two new conditions 4.D., and 4.G. as follows:

Paragraph 1. of License No. R-71, as amended, is hereby amended to read as follows:

1. This license applies to the Argonaut-type nuclear reactor (hereinafter referred to as "the reactor") designed for 10 kilowatt (thermal) operation which is owned by The Regents of The University of California and located on the University of California campus in Los Angeles, California, and described in the application dated June 24, 1959, and amendments thereto dated January 4, 1960, June 23, 1960, October 20, 1960, February 23, 1961, March 21, 1961, and April 15, 1961, (hereinafter collectively referred to as "the application").

Paragraph 4. of License No. R-71, as amended, is hereby amended to read as follows:

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. University of California shall not operate the reactor at power levels in excess of 10 kilowatts (thermal) without prior written authorization from the Commission.

B. University of California shall not conduct any experiments other than those outlined in the application without prior written authorization from the Commission.

C. University of California shall not make any changes in the facility design, performance characteristics, and operating procedures specified in the application without prior written authorization from the Commission.

D. University of California shall comply with the procedures and precautions described in its submittal dated January 19, 1961, and the following additional limitations:

(1) The University of California shall maintain attended and closely observed nuclear control instrumentation in operation at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

(2) The University of California shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

E. In addition to those otherwise required under this license and applicable regulations The University of California shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of California as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

F. The University of California shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. The University of California shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-6236; Filed, July 5, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11129]

FRONTIER AIRLINES, INC.; SEGMENT 13 CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on July 27, 1961, at 10 a.m. e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 30, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6282; Filed, July 5, 1961; 8:51 a.m.]

[Docket No. 10900]

PITTSBURGH-PHILADELPHIA NO-RESERVATION FARE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 26, 1961, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 30, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6283; Filed, July 5, 1961; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14166 etc.; FCC 61M-1128]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Hearing

In re Applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Peter Taylor, E. C. Kip Finch, C. Carroll Bagley and John A. McGuire, d/b as Stratford Broadcasting Company, Stratford, Connecticut, Docket No. 14170, File No. BP-14140; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, a Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

It is ordered, This 29th day of June 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6299; Filed, July 5, 1961; 8:53 a.m.]

[Docket No. 13288; FCC 61M-1119]

EVANSTON CAB CO.

Order Scheduling Hearing

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

It appearing that by an order of the Hearing Examiner (FCC 60M-1435) released August 24, 1960, the dates theretofore scheduled for the prehearing exchange of exhibits, notification as to witnesses, and commencement of the hearing were continued indefinitely, pending further Commission action pursuant to notice of proposed rule making released July 25, 1960, in Docket No. 13690; and

It further appearing that while the aforementioned rule making proceeding has not been completed, further long-continued delay in the instant proceeding would not be consistent with the rea-

sonably expeditious dispatch of matters designated for hearing:

Accordingly, it is ordered, This 29th day of June 1961 that the hearing in this matter heretofore continued without date is hereby rescheduled for October 23, 1961, and that the proposed exhibits of the parties shall be exchanged by September 28, 1961, with notification as to witnesses required for cross-examination to be given by October 16, 1961.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6300; Filed, July 5, 1961; 8:54 a.m.]

[Docket Nos. 14173, 14174; FCC 61M-1129]

LAKE ZURICH BROADCASTING CO. AND KENOSHA BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Lake Zurich Broadcasting Company, Kenosha, Wisconsin, Inc., Docket No. 14173, File No. BPH-3203; Kenosha Broadcasting, Inc., Kenosha, Wisconsin, Docket No. 14174, File No. BPH-3367; for construction permits.

It is ordered, This 29th day of June 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to consin, Docket No. 14173, File No. commence on September 15, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6301; Filed, July 5, 1961; 8:54 a.m.]

[Docket Nos. 14175-14177; FCC 61M-1130]

LAKESHORE BROADCASTING CORP., INC., ET AL.

Order Scheduling Hearing

In re applications of Lakeshore Broadcasting Corporation, Inc., Racine, Wisconsin, Docket No. 14175, File No. BPH-3264; Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14176, File No. BPH-3313; Ruth M. Crawford, executrix of estate of Percy B. Crawford (WYCA), Hammond, Indiana, Docket No. 14177, File No. BPH-3382; for construction permits.

It is ordered, This 29th day of June 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6302; Filed, July 5, 1961; 8:54 a.m.]

[Docket Nos. 14125-14126; FCC 61M-1112]

MASSILLON BROADCASTING CO., INC., ET AL.

Order Continuing Hearing

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; Dale H. Mossman, Norwood, Ohio, Docket No. 14128, File No. BP-14623; for construction permits.

A prehearing conference in the above-entitled proceeding having been held on June 26, 1961;

It appearing that one of the counsel pleaded for a continuance of the scheduled date for commencement of the hearing (September 6) due to conflicting engagements of counsel, that other counsel requested that the hearing be rescheduled for the week of October 9 since earlier dates would conflict with his commitments, and that counsel for the Commission's Broadcast Bureau opposed any continuance for such reasons;

It appearing further that while the Hearing Examiner regards continuances merely for convenience of counsel to be unjustified, he granted the motion in this one instance because of his own hearing commitments during the month of September which could interrupt the orderly and continuous progress of the hearing in the instant case, a circumstance that may be avoided if the case went over until early October;

It appearing further that counsel are hereby advised, as they were during the prehearing conference, that no further such continuance for convenience of counsel will be granted;

It is ordered, This 27th day of June 1961, that the hearing herein is hereby rescheduled to convene at 10:00 a.m. on Monday, October 9, 1961 at the Commissioner's offices, Washington, D.C. instead of on September 6; that measurement data, if any, will be obtained by no later than August 15, 1961; that all exhibit material in support of direct cases of the parties will be exchanged by September 1, 1961, with one copy of each such exhibit provided the hearing examiner; that rebuttal exhibits will be exchanged by September 22; and that notification of the names of witnesses to be produced for cross examination will be exchanged informally among counsel not later than September 29, 1961;

It is ordered further, That all understandings or agreements reached during the prehearing conference with respect to the procedures to govern the future conduct of the hearing are hereby incorporated by reference to the transcript of such prehearing conference.

Released: June 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6303; Filed, July 5, 1961; 8:54 a.m.]

[Docket No. 13010 etc.; FCC 61-822]

MID-AMERICA BROADCASTING SYSTEM, INC., ET AL.

Order Amending Issues

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, Filed No. BP-11689; North Suburban Radio, Inc., Highland Park, Illinois, et al., Docket No. 13024, File No. BP-12318, etc.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration (1) the matters of record in the above-entitled proceeding; (2) a petition for clarification, filed May 26, 1961, by North Suburban Radio, Inc. (Docket No. 13024); (3) a response to the petition for clarification filed by Elgin Broadcasting Company on June 7, 1961 (Docket No. 13043); and (4) the Broadcast Bureau's comment, filed June 8, 1961;

It appearing that petitioner requests the Commission to direct the Examiner to determine the desirability of a waiver of 47 CFR 3.37 in the event 2 mv/m and 25 mv/m interference between the proposals of North Suburban Radio, Inc. and Elgin Broadcasting Company be found to exist;

It further appearing that petitioner has shown good cause for the inclusion of a requirement for a determination of whether circumstances exist which would warrant a waiver of 47 CFR 3.37;

It is ordered, That the petition for clarification of issues, filed May 26, 1961, by North Suburban Radio, Inc. is granted, and issue 8 in this proceeding as amended by Commission Order of May 15, 1961, is further amended by the addition of the following: "and if so, whether circumstances exist which warrant a waiver of 47 CFR 3.37".

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6304; Filed, July 5, 1961; 8:54 a.m.]

[Docket No. 13798, etc.; FCC 61M-1132]

OKLAHOMA BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, Docket No. 13798; File No. BP-12403; Ira E. Courtney, tr/as Courtney Broadcasting Co., Winfield, Kansas, Docket No. 13799, File No. BP-12407; Lloyd Clinton McKenney, tr/as Winfield Broadcasting Company, Winfield, Kansas, Docket No. 13800, File No. BP-12756; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, Docket No. 13801, File No. BP-12876; Orall Roberts Evangelistic Association, Inc., Tulsa, Oklahoma, Docket No. 14172, File No. BP-13464; for construction permits.

It is ordered, This 29th day of June 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 8, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6305; Filed, July 5, 1961; 8:54 a.m.]

[Docket Nos. 13965-13967; FCC 61M-1115]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Order Continuing Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

On the oral request of counsel for the applicants and the Broadcast Bureau, and without objection by counsel for respondent: *It is ordered,* This 28th day of June 1961, that the dates now scheduled are further extended as follows:

Exchange of Exhibits from July 3 to August 7, 1961.
Notification of witnesses desired for cross-examination from July 14 to August 18, 1961.
Hearing from July 31, to Tuesday, September 5, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6306; Filed, July 5, 1961; 8:54 a.m.]

[Docket Nos. 14163, 14164; FCC 61M-1127]

ROLLINS BROADCASTING OF DELAWARE, INC., ET AL.

Order Scheduling Hearing

In re applications of Rollins Broadcasting of Delaware, Inc., Wilmington, Delaware, Docket No. 14163, File No. BPH-3314; Howard F. Reber and Frank A. Franco, Reading, Pennsylvania, Docket No. 14164, File No. BPH-3327; for construction permits.

It is ordered, This 29th day of June 1961, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 12, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6307; Filed, July 5, 1961; 8:54 a.m.]

[Docket No. 14165; FCC 61M-1131]

WAEB BROADCASTERS, INC. (WAEB)

Order Scheduling Hearing

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, Docket No. 14165, File No. BP-12918; for construction permit.

It is ordered, This 29th day of June 1961, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6308; Filed, July 5, 1961; 8:54 a.m.]

[FCC 61-811]

CHIEF OF BROADCAST BUREAU

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June, 1961;

The Commission having under consideration its delegations of authority to the Chief of the Broadcast Bureau;

It appearing that it would be conducive to the expeditious and efficient handling of the Commission's functions and in the public interest to delegate to the Chief of the Broadcast Bureau additional authority to act on various types of applications, requests and other matters relating to broadcast services; and

It further appearing that the amendments ordered herein relate to internal Commission organization and procedure, and therefore that the provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that authority for these amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective July 6, 1961, sections 0.241 and 0.242 of the Commission's Statement of Organization, Delegations of Authority, and Other Information are amended as set forth below.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 0.241 and 0.242 of the Commission's Statement of Delegations of Authority are amended, as follows:

CHIEF OF BROADCAST BUREAU

SECTION 0.241 *Matters delegated.*

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast services:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator and UHF television booster broadcast facilities or modification thereof, for licenses or modification thereof or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the Rules, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.359 of the Commission's rules and regulations or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of control of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the Rules, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.359 of the Commission's rules and regulations or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast services covered by Part 4, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of authority for such facilities.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, non-commercial FM and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 4.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(d) Miscellaneous applications, requests and actions:

(1) For temporary operation, for a lesser period of time than specified by §§ 3.71, 3.261 and 3.651 of the Commission's rules and regulations, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules and regulations.

(4) For authority to rebroadcast when authorization is required under Parts 3 and 4 of the Commission's rules and regulations.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under section 0.406, and withdrawal of papers in accordance with § 1.14 of the Commission's rules and regulations.

(8) For extension of time within which to file briefs and comments with respect to rule making.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue, in accordance with recommendations of the Chief Engineer, CONELRAD authorizations in accordance with §§ 1.68 and 2.407 of the Commission's rules and regulations.

(i) To dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request from the Commission for additional material as provided in § 1.312 of the Commission's rules, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to International Broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in the Commission's rules governing International Broadcast Stations.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 3.87 of the Commission's rules and regulations.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

SEC. 0.242 *Authority to issue orders; records of actions taken.*

In matters pertaining to the authority delegated in section 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All actions by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241 granting applications for new facilities, major modifications, renewal, and for transfer of control or assignment of license required to be filed on FCC Form 316 and designating applications for hearing shall be recorded each week in writing and filed in the official minutes of the Commission. The application and authorization files and other appropriate files of the License Division of the Broadcast Bureau are designated as the official minutes of all other actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of its Secretary.

[F.R. Doc. 61-6309; Filed, July 5, 1961; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18799]

CITIES SERVICE GAS CO.

Order Fixing Date of Hearing and Prescribing Procedure

JUNE 28, 1961.

By order issued March 27, 1961 in the above-designated proceeding, the Commission approved a rate settlement agreement which reduced Cities Service Gas Company's (Cities Service) filed annual increase in rates from $10,512,300 to $5,048,453. The settlement agreement and the Commission order reserved for future determination the proper amount of Federal income tax allowance to be included in the cost of service underlying the settlement agreement. The Commission's order of March 27, 1961, stated that "a hearing as to this issue will be held as soon as practicable." It is appropriate that provision now be made for such hearing.

The Commission orders:

(A) A public hearing shall be held on July 19, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service's revised tariff sheets in the proceedings in Docket No. G-18799 to the extent that the lawfulness of such rates, charges, classifications and services is, or may be, affected by a determination of the issue of the proper amount of Federal income tax allowance to be included in the cost of service underlying the settlement agreement hereinabove referred to.

(B) At the commencement of the hearing on July 19, 1961, Cities Service shall introduce into the record its case-in-chief in respect to the issue set forth in Paragraph (A) hereof.

(C) Immediately following the introduction of Cities Service's case-in-chief on July 19, 1961, Commission staff and all other parties desirous of submitting a direct case into the record with respect to such issue shall do so. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6239; Filed, July 5, 1961; 8:45 a.m.]

[Docket No. RI61-547]

SINCLAIR OIL & GAS CO. ET AL.

Order Accepting Filings and Providing Hearing on and Suspension of Proposed Change in Rate

JUNE 28, 1961.

On May 29, 1961, Sinclair Oil & Gas Company, et al. (Sinclair) [1] retendered for filing its FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto. These filings concern the sale of gas to Northern Utilities Company (Northern Utilities) from the Sand Draw Field, Fremont County, Wyoming. The original rate schedule, effective as of June 7, 1954, provided for a rate of 6.5 cents per Mcf.[2] Supplement No. 1, providing for an increased rate of 7.5 cents per Mcf, was filed on December 1, 1954, and became effective as of January 1, 1955. Supplement No. 2, containing a proposed increased rate of 13.0 cents per Mcf,[2] was filed on March 2, 1961. By letter of March 31, 1961, the Commission rejected said filings for lack of jurisdiction. However, it later appeared that the sale may be jurisdictional, and by letter of May 24, 1961, the Commission requested resubmission of said filings. The recently retendered filings should be accepted subject to, among other things, later determination of jurisdiction.

Northern Utilities, on June 15, 1961, requested that even if the sale may be jurisdictional, Supplement No. 2 should be rejected as a unilateral rate increase filing contrary to the governing contract. The contractual rights of the parties, determinative of this matter, are presently being litigated in Northern Utilities Company v. Sinclair Oil & Gas Company, No. 4513, in the United States District Court for the District of Wyoming. The rights of all the parties are best protected if we accept said supplement for filing, but suspend it, without prejudging or in any manner determining the issues in the pending litigation. Since Supplement No. 2 was originally filed March 2, 1961, it seems equitable to suspend said filing for five months after 30 days from that date. The other filings should be given their original dates of effectiveness.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Sinclair's FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto should be accepted for filing; and said rate schedule and the first supplement should take their original effective dates of June 7, 1954 and January 1, 1955, respectively.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that Sinclair's said Supplement No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Sinclair's FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto are accepted for filing; subject to later Commission determination of jurisdiction; and said rate schedule and the first supplement are effective as of June 7, 1954, and January 1, 1955, respectively.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by a notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 20.

(C) Said acceptance of the filings and said suspension are without prejudice to, and are not to be deemed in any way determinative of the issues in, the above-described litigation between Northern Utilities and Sinclair.

(D) Pending hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until September 2, 1961, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6340; Filed, July 5, 1961; 8:45 a.m.]

[Docket Nos. G-8488 et al.]

SOHIO PETROLEUM CO. ET AL.

Order Granting Continuance

JUNE 28, 1961.

On June 8, 1961, the presiding examiner in these consolidated proceedings certified to the Commission a request that the hearing be continued until September 6, 1961. The proposed continuance, requested by Sohio Petroleum Company (Sohio) and not opposed by any party, provides for service of Sohio's prepared rebuttal testimony and exhibits on or before July 25, 1961, and reconvening of the hearing on September 6, 1961, for the purpose of cross-examination thereof. As grounds Sohio states that the time is required to complete preparation of "quite extensive" rebuttal materials, as well as preparation of cross-examination.

The Commission finds: Inasmuch as the continuance requested by Sohio exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission, and good cause having been shown, the postponement requested should be granted.

The Commission orders: The motion by Sohio made on the record in these proceedings on June 7, 1961, requesting a continuance to September 6, 1961, be and hereby is granted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6241; Filed, July 5, 1961; 8:45 a.m.]

[Docket No. RP61-15]

TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

JUNE 28, 1961.

Upon consideration of the request filed June 26, 1961 by Counsel for Texas Gas Transmission Corporation for postponement of the hearing now scheduled for July 18, 1961 in the above-designated matter;

The hearing now scheduled for July 18, 1961 is hereby postponed to July 25,

[1] P.O. Box 521, Tulsa, Okla.

[2] The pressure base is 15.025 psia.

[3] The annual increase in charges will amount to $202,422.

1961, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6242; Filed, July 5, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order To Show Cause and for Hearing Thereon

In the matter of The Continental Bank and Trust Company, Salt Lake City, Utah.

On June 29, 1956, by notice and order for hearing, the Board of Governors of the Federal Reserve System instituted this proceeding for the purpose of determining:

a. The adequacy or inadequacy of the net capital stock and surplus of The Continental Bank and Trust Company in relation to the character and condition of its assets and to its present and prospective deposit liabilities and its other corporate responsibilities; and

b. What net additional amount, if any, of capital funds is needed by The Continental Bank and Trust Company to have an adequate capital structure; and

c. What is a reasonable period of time to allow The Continental Bank and Trust Company to effect any increase of its capital funds as may be found to be needed to make them adequate before being required by the Board of Governors to surrender its capital stock in the Federal Reserve Bank of San Francisco and to forfeit all its rights and privileges of membership in the Federal Reserve System for failure to do so.

The Continental Bank and Trust Company of Salt Lake City, Utah, hereinafter called the respondent, failed in its attempt to enjoin the holding of the hearing thus ordered by the Board of Governors. In affirming the decision of the United States District Court for Utah, Central Division, dismissing the action, the United States Court of Appeals for the 10th Circuit stated in part:

> The scheduled hearing was intended and designed to ascertain whether the Bank had failed and was continuing to fail to meet the requirements of the Act and the regulation, if so what should be done to bring its condition into compliance with the Act and the regulation in respect to capital adequacy, and in the event of continued failure to meet the requirements of the Act and the regulation whether the Bank should cease to be a member of the Federal Reserve System. That being its purpose, the hearing was within the purview of the Act and the regulation, considered in their entirety • • • The Board was clothed with power to order the hearing.
>
> Continental Bank and Trust Company of Salt Lake City v. Woodall, 239 F. 2d 707, 710, 10th Cir. 1957, cert. den. 353 U.S. 909.

The hearing on this proceeding thereafter went forward and the record thereof was submitted to the Board of Governors and by order and statement of July 18, 1960, the Board of Governors found:

> • • • that the net capital and surplus funds of the Bank are inadequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and that such inadequacy in an amount of not less than $1,500,000 shows no likelihood of being corrected within a reasonable time by retained earnings.

Accordingly, the Board ordered that within six months from July 18, 1960, the respondent, by the sale of common stock for cash, effect an increase in its net capital and surplus funds in the amount of not less than $1,500,000.

On September 19, 1960, respondent filed an action in the United States District Court for the District of Columbia seeking to review and set aside the Board's July 18, 1960, order and seeking to enjoin the Board from taking any action in this proceeding to enforce its July 18, 1960 order.

At respondent's request the Board by letter of October 12, 1960, voluntarily agreed that it would "take no administrative action to enforce its order of July 18, 1960, pending determination by the United States District Court of the issues raised in the suit now before it."

On June 27, 1961, the United States District Court completed its determination of respondent's suit before it by granting the Board's motion to dismiss on the ground that the Court lacked jurisdiction of the subject matter of respondent's action because:

a. The Board's July 18, 1960, order was not its final agency action in this proceeding;

b. Respondent has not yet exhausted its administrative remedies in this proceeding; and

c. Respondent's complaint failed to state a claim upon which judicial relief could be granted.

The six months period from July 18, 1960, within which the Board's order required respondent to increase its capital expired January 18, 1961, during the pendency of respondent's suit before the United States District Court for the District of Columbia.

It appears to the Board that in failing to comply with the July 18, 1960 order herein the respondent has failed to comply with section 9 of the Federal Reserve Act and, in particular, has failed to comply with respondent's Condition of Membership No. 2 imposed by the Board pursuant to section 9 of the Federal Reserve Act, which Condition of Membership requires that:

> The net capital and surplus funds of such bank (respondent) shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and its capital shall not be reduced except with the permission of the Board of Governors of the Federal Reserve System.

Accordingly, it is hereby ordered:

1. That a hearing be held at which the respondent shall show cause why the Board should not require it to surrender its stock in the Federal Reserve Bank of San Francisco and to forfeit all rights and privileges of membership in the Federal Reserve System for failure to comply with said Condition No. 2 of respondent's membership.

2. That the said hearing in the proceeding be held in accord with the requirements of paragraph 9 of section 9 of the Federal Reserve Act (12 USC sec. 327) commencing at 10:00 a.m. on September 6, 1961, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco, 120 South State Street, Salt Lake City, Utah, for the purpose of taking evidence from witnesses for the respondent and from witnesses for the Board on all issues of fact that may be involved in this show cause order, which evidence the Board will consider in arriving at its final decision in this proceeding.

3. That the hearing be held before a trial examiner to be designated by the Civil Service Commission and appointed by the Board in accord with the provisions of section 11 of the Administrative Procedure Act of 1946, as amended (5 U.S.C. sec. 1010), and that the hearing, and the proceedings following the hearing, be conducted in accord with the applicable requirements of that Act and the Rules of Practice for Formal Hearings, of the Rules of Procedure of The Board of Governors of the Federal Reserve System (12 CFR 263).

4. That in accord with Rule III(b) of the aforesaid rules of practice, and except as otherwise hereafter ordered by the Board, the hearing before the trial examiner will be private, attended only by the representatives, counsel and witnesses of The Continental Bank and Trust Company, and of the Board of Governors of the Federal Reserve System, unless The Continental Bank and Trust Company makes a written request to the Board of Governors that other persons be permitted to attend or that the hearing be made public, in which event such request will be granted.

5. That authority is granted under section 8(a) of the Rules of Organization of the Board of Governors of the Federal Reserve System to disclose and introduce as evidence in this proceeding reports of examinations of The Continental Bank and Trust Company made by examiners of the Federal Reserve Bank of San Francisco: provided, neither the names nor the identities of persons indebted to The Continental Bank and Trust Company shall be in any way disclosed or introduced in evidence.

6. That a certified copy of this Order be forthwith served upon the respondent by postage prepaid, registered mail, with return receipt.

Dated at Washington, D.C., this 28th day of June 1961.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6243; Filed, July 5, 1961; 8:45 a.m.]

[1] Governor Robertson took no part in the Board's consideration of this matter or in the Board's action of this date, having voluntarily withdrawn from participation in the matter for the reasons set forth in the Statement issued by him on June 30, 1959, and made a part of the record in these proceedings.

MONTANA SHARES, INC.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request of Montana Shares, Incorporated, Havre, Montana, pursuant to section 4(c) of the Bank Holding Company Act of 1956, for determination regarding the activities of Montana Agencies and Liberty Corporation (Docket No. BHC-60, Montana Agencies; Docket No. BHC-61, Liberty Corporation).

Montana Shares, Incorporated, Havre, Montana, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. section 1843), has filed a request for a determination by the Board of Governors of the Federal Reserve System that the corporations known as Montana Agencies and Liberty Corporation and their activities are of the kind described in section 4(c)(6) of the Act and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c)(6) of the Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); a brief in support of its request having been filed by Montana Shares, Incorporated; the hearing having been reopened by the Hearing Examiner pursuant to stipulation between counsel for the Board and counsel for Montana Shares, Incorporated, for the purpose of receiving a supplemental affidavit by Mr. Charles W. Rubie, President of Montana Shares Incorporated; the Hearing Examiner having filed on March 24, 1961, his Report and Recommended Decision[1] wherein he recommended that the request with respect to Montana Agencies and Liberty Corporation be approved; the time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner having expired and no exceptions having been filed; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been taken in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263);

It is hereby ordered, For the reasons set forth in the accompanying Statement[1] of the Board of this date, that

1. Montana Agencies and its proposed activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Montana Agencies shall be, and hereby is, granted; and

2. Liberty Corporation and its proposed insurance activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Liberty Corporation shall be, and hereby is, granted: *Provided*, That prior to acquisition of shares in Liberty Corporation by Applicant, the partnership in which Liberty Corporation will own a 25 percent interest shall have divested itself of ownership of the dwelling described in the Board's accompanying Statement of this date, so that Liberty Corporation shall not participate in any activity other than the general insurance business after such acquisition, and

Provided further, That this determination shall be subject to revocation by the Board if the facts upon which they are based should substantially change in such a manner as to make the reasons for such determinations no longer applicable.

Dated at Washington, D.C., this 29th day of June 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6244; Filed, July 5, 1961; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

INTERSTATE COMMERCE COMMISSION

[Notice 384]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub No. 7), filed March 27, 1961. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fats, lards, tallows, greases, oils, and blends thereof*, from points in Nebraska, South Dakota, Iowa on and west of U.S. Highway 69, points in Kansas on and north of U.S. Highway 40, points in Colorado east of the Continental Divide, and those in Wyoming on and east of U.S. Highway 85, to barge loading terminals at or near Omaha and Nebraska City, Nebr., and Sioux City, Iowa; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected and contaminated shipments*, from barge loading terminals at or near Omaha and Nebraska City, Nebr., and Sioux City, Iowa, to the above-specified origin points.

HEARING: September 12, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 2202 (Sub No. 211), filed May 26, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between East St. Louis, Ill., and Evansville, Ind.: From the junction of U.S. Highway 50 and U.S. Highway 460 at East St. Louis, Ill., over U.S. Highway 460 to junction of U.S. Highway 460 and U.S. Highway 41 at Evansville, Ind., and return over the same route, with no service at any intermediate point, as an alternate route for operating convenience only.

HEARING: September 12, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 160.

No. MC 2202 (Sub No. 212), filed May 26, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Commercial Zone of Madison, Ind., as defined by the Commission as an off-route point in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and St. Louis, Mo.

HEARING: September 13, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155.

No. MC 2392 (Sub No. 22), filed April 14, 1961. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company plant at or

near Bushton, Kans. to points in Nebraska, and (2) from the site or sites or loading terminal of the Northern Gas Products Liquids Recovery Company plant at or near Plattsmouth, Nebr., to points in Kansas, Missouri, Iowa, and South Dakota, and *damaged and rejected shipments* of the commodity specified above, on return.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 4941 (Sub No. 11) (CORRECTION), filed June 6, 1961, published issue of June 21, 1961, and corrected as published this issue. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. The purpose of this republication is to show applicant's correct address as *Brockton*, Mass., inadvertently shown as *Rockton*, Mass., in previous publication.

HEARING: Remains as assigned July 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 6264 (Sub No. 5), filed May 15, 1961. Applicant: LEWIS W. GROOM, doing business as L. & N. Transfer, Route No. 1, Cassville, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *household goods* (excluding articles of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Dubuque, Iowa, and Fennimore and Patch Grove, Wis., as follows: (1) From Dubuque over U.S. Highway 61 to junction Wisconsin Highway 129, thence over Wisconsin Highway 129 to junction U.S. Highway 61, thence over U.S. Highway 61 to Fennimore; return over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Cassville, Wis.; and (2) from junction Wisconsin Highways 81 and 35 over Wisconsin Highway 35 to Patch Grove; return over Wisconsin Highway 35 to junction Wisconsin Highway 133, thence over Wisconsin Highway 133 to North Andover, Wis., and return over the above routes, serving all intermediate points.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 21, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 111.

No. MC 10115 (Sub No. 8), filed June 1, 1961. Applicant: CALVIN D. ZIMMERMAN, Mifflin, Pa. Applicant's attorney: John A. R. Welsh, Mifflintown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick, fireclay and refractory products*, from the plant site of General Refractories Company, in Westmoreland County, Pa., to points in New York State and points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 20, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 13659 (Sub No. 11), filed May 1, 1961. Applicant: PALMER TRANSFER, INC., Moscow, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, from Dushore, Pa., to Southbury, Conn.

HEARING: October 5, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 21996 (Sub No. 2), filed May 4, 1961. Applicant: HAROLD E. WILLIAMS, doing business as RELIABLE TRANSFER, 100 West Peter Street, Uniontown, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat* and *packinghouse products* (as defined in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 as amended at 61 M.C.C. 766, Appendix I, as amended), from Uniontown, Connellsville, and Greensburg, Pa., to points in Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 219 and points in Tucker County, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *rejected, refused and damaged shipments*, on return.

HEARING: September 18, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 44), filed May 1, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, and *frozen fruits in mixed shipments with frozen eggs and frozen pecans*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 3, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 25798 (Sub-No. 45), filed June 30, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610–1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate coating compounds*, in bulk, in tank vehicles, (1) from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, and Texas, and (2) from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

HEARING: July 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 29886 (Sub-No. 178), filed April 24, 1961. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and Buses*, in initial movements in driveaway and truckaway service, *parts and accessories thereof*, and *show paraphernalia and equipment when moving at the same time and in the same vehicle therewith*, from Montpelier, Ohio, to points in the United States, including Alaska, but excluding Hawaii, and *rejected, damaged and returned shipments*, on return.

HEARING: September 27, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 30887 (Sub No. 107) (AMENDMENT), filed May 1, 1961, published issue of May 10, 1961, amended June 27, 1961, and republished as amended this issue. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour mix* and *prepared flour*, in bulk, in tank or hopper type vehicles, from Ellicott City, Md., to points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

NOTE: The subject amendment clarifies the commodities to be transported.

HEARING: Remains as reassigned July 26, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 42261 (Sub No. 55), filed June 23, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's representative: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in tank and hopper type vehicles, from Josephtown and Palmerton, Pa., to Baltimore, Md., and *returned and rejected shipments*, on return.

HEARING: July 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 42261 (Sub No. 56), filed June 28, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate coating compounds*, in bulk, in tank vehicles, (1) from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, and Texas, and (2) from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia, and *returned and rejected shipments* of the above-specified commodities, on return.

HEARING: July 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 47323 (Sub No. 6), filed May 12, 1961. Applicant: TAJON TRUCKING CO., Route 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, 919 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in barrels or bags, in bulk, in dump vehicles, and in bulk in pneumatic tank trailers, from Springfield, Ohio to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

HEARING: September 27, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 48807 (Sub No. 3), filed March 28, 1961. Applicant: NEAL STONEHILL, doing business as STONEHILL EXPRESS CO., 2214 Gould Court, Cleveland 13, Ohio. Applicant's representative: J. J. Kubaner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and such accessories as are dealt in by manufacturers of rubber goods;* from Fort Wayne, Ind., to Decatur, Moline, Peoria, Quincy, Rock Island, and Springfield, Ill., and points in Iowa, and those in that part of Nebraska on and east of Nebraska Highway 14, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 25, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 48958 (Sub No. 54), filed February 6, 1961. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* and *Classes A and B explosives* (except household goods as defined by the Commission, commodities in bulk, those of unusual value, those requiring special equipment, and those injurious or contaminating to other lading), between Plainview, Tex., and junction of Texas Farm or Ranch Road 400 with U.S. Highways 62 and 82 near Idalou, Tex.; from Plainview over Texas Farm or Ranch Road 400 to its intersection with U.S. Highways 62 and 82 near Idalou, Tex., and return over the same route, serving all intermediate points.

HEARING: September 29, 1961, at the Caprock Hotel, Lubbock, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 58212 (Sub No. 21), filed April 12, 1961. Applicant: MAAS TRANSPORT INC., U.S. No. 2 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, posts* and *poles*, from points in Montana on and west of U.S. Highway 89, and points in Idaho north of the Salmon River, to points in North Dakota, and (2) *Finished hardwood lumber products*, from Fargo, N. Dak. and points within ten (10) miles thereof to points in Montana.

Hearing: September 28, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 60014 (Sub No. 7), filed June 16, 1961. Applicant: AERO TRUCKING, INC., Box 278, R.D. 1, Oakdale, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement pipe, with asbestos fibre, also fittings and bonding mortar when transported with pipe*, from Waukegan, Ill., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Virginia, Massachusetts, New Jersey, New York, the District of Columbia, and points in Pennsylvania east of U.S. Highway 15.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 61403 (Sub No. 65), filed May 25, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between St. Paul, Minn., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 66562 (Sub No. 1801) (CLARIFICATION), filed March 31, 1961, published in the FEDERAL REGISTER, issue of April 12, 1961, clarified by letter dated June 23, 1961, republished as clarified, this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Philadelphia, Pa. and Dover, Del.; from Philadelphia over city streets and Industrial Highway to Chester, Pa., thence over Pennsylvania Highway 291 to junction U.S. Highway 13, thence south over U.S. Highway 13 to Claymont, Del., thence over Alternate U.S. Highway 13 (Governor Printz Boulevard) to Wilmington, Del., thence south over U.S. Highway 13 to Dover, Del., and return over the same route, serving no intermediate points; and (2) between Washington, D.C., and Dover, Del.; from Washington over city streets to U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 301–50, thence over U.S. Highway 301–50 over Bay Bridge to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Maryland Highway 300, thence over Maryland Highway 300 to junction Delaware Highway 44, thence easterly over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to Dover, Del., and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: This republication clarifies the route to be used in (2) above by the addition of U.S. Highway 50.

HEARING: September 29, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 75830 (Sub No. 5), filed May 24, 1961. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, Box 88, Liggette Avenue, Buckingham, W. Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain retail variety stores, and materials, equipment, and supplies used in the conduct of such business houses*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between McKeesport, Pa., on the one hand, and, on the other, points in Tennessee and West Memphis, Ark.

NOTE: Applicant states the proposed service will be limited to transportation service to be performed under a continuing contract or contracts with G. C. Murphy Company, McKeesport, Pa.

HEARING: September 21, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 82079 (Sub No. 3), filed May 17, 1961. Applicant: KELLER TRANS-

FER LINE, INC., 1239 Randolph SW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois, Indiana, and Michigan, and points in Ohio along and north of U.S. Highway 30–30S.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 92983 (Sub No. 395), filed June 22, 1961. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in California to Iowa City, Iowa.

HEARING: July 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 95212 (Sub No. 32), filed May 1, 1961. Applicant: HELEN R. HENDERSON, doing business as H. R. HENDERSON, P.O. Box 327, Seneca, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, other than in bulk; from points in La Salle County, Ill., to points in Kentucky, Iowa, Minnesota, Missouri, Ohio, Indiana, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

HEARING: October 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 102597 (Sub No. 9), filed March 2, 1961. Applicant: C. A. MUCK doing business as MUCK TRANSFER, Hettinger, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, bulk liquids, farm machinery and household goods, as defined by the Commission), between Hettinger, New England, Mott and Bowman, N. Dak., and points in North Dakota within 35 miles of each, on the one hand, and, on the other, points in South Dakota on and west of South Dakota Highway 65 and on and north of U.S. Highway 212.

HEARING: September 29, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 103880 (Sub No. 227), filed May 15, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, between points in Nebraska, Iowa, Kansas, Missouri, South Dakota, North Dakota, Illinois, Wisconsin, and Minnesota.

NOTE: Common control may be involved.

HEARING: September 14, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 105461 (Sub No. 33), filed May 29, 1961. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels*, and *building materials* made of sheet metals, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Vermont, New Hampshire, Maine, Massachusetts, and Rhode Island.

HEARING: September 7, 1961, at Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 106223 (Sub No. 59), filed June 8, 1961. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compound*, liquid, in bulk, in tank vehicles, from Madison, Ohio to Louisville, Ky., and points in Illinois, Indiana, and Michigan.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: September 26, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 107010 (Sub No. 7), filed April 17, 1961. Applicant: RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–1006 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, (1) from the plant site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company at or near Bushton, Kans., to points in Nebraska; and (2) from the plant site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company at or near Plattsmouth, Nebr., to points in Kansas, Missouri, Iowa, and South Dakota; and *damaged and rejected shipments* of the above-named commodity, from the above-specified destination points to the above-described origin points.

NOTE: Common control may be involved.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub No. 343), filed June 23, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes, and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in tank and hopper vehicles, from Josephtown and Palmerton, Pa., to Baltimore, Md.

HEARING: July 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 107496 (Sub No. 194), filed May 19, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Nebraska, Missouri, and Minnesota.

NOTE: Applicant has pending contract applications in MC 119136 and Subs thereunder, therefore, dual operations may be involved. Common control may be involved.

HEARING: September 18, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 107496 (Sub No. 196), filed May 23, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, tallows, oils, lards and greases*, in bulk, in tank vehicles, from points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, and Illinois, to Nebraska City and Omaha, Nebr.

NOTE: Applicant states it will also serve barge loading sites at or near Nebraska City and Omaha, Nebr. Applicant has pending contract carrier applications in MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: September 19, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 107500 (Sub No. 80), filed June 16, 1961. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: G. W. Unverzagt, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading), between Albia and Centerville, Iowa; from Albia over Iowa Highway 60 to Centerville and return over the same route, serving the intermediate point of Moravia, Iowa.

NOTE: Common control may be involved.

HEARING: September 12, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 108449 (Sub No. 124), filed June 14, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West

County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 131 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pipeline terminals of the Mid-America Pipeline Company located in Iowa (other than Sanborn and Iowa City, Iowa), to points in Iowa, Minnesota, South Dakota, and Nebraska, and *rejected and returned shipments* of the above-specified commodity, on return.

HEARING: September 20, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 108937 (Sub No. 20), filed June 12, 1961. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 965 Rustis Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Minneapolis and St. Paul, Minn., and Redwood Falls, Minn.; from St. Paul over city streets to Minneapolis, thence over U.S. Highway 212 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to junction Minnesota Highway 19 at Gaylord, Minn., thence over Minnesota Highway 19 through Winthrop, Minn. to Redwood Falls, and return over the same route, serving the intermediate points of Hamburg, Green Isle, Arlington, Gaylord, Winthrop, Gibbon, Fairfax, and Franklin, Minn. (2) Between Granite Falls, Minn., and Clarkfield, Minn.; from Granite Falls over Minnesota Highway 67 to Clarkfield, and return over the same route, serving the off-route point of Hazel Run. (3) Between Montevideo, Minn., and Dawson, Minn.; from Montevideo over U.S. Highway 212 to Dawson, and return over the same route, serving no intermediate points. (4) Between Glencoe, Minn. and Green Isle, Minn.; from Glencoe over county roads to Green Isle, thence over Minnesota Highway 5 to Hamburg, Minn., thence over county roads to Glencoe, serving the intermediate point of Hamburg. (5) Between Albert Lea, Minn. and Emmons, Minn.; from Albert Lea over U.S. Highway 69 to Emmons, and return over the same route, serving the intermediate point of Twin Lakes, Minn. (6) Between Winthrop, Minn., and Dunnell, Minn.; from Winthrop over Minnesota Highway 15 to junction Minnesota Highway 60 at Madelia, Minn., thence over Minnesota Highway 60 to junction Minnesota Highway 4 at St. James, Minn., thence over Minnesota Highway 4 to Dunnell, and return over the same route, serving the intermediate points of Lafayette, Klossner, Searles, Echols, Ormsby, and Trimont, Minn., and the off-route points of Hanska and LaSalle, Minn. (7) Between Redwood Falls, Minn., and Echo, Minn.; from Redwood Falls over county roads to Echo (also from Redwood Falls over Minnesota Highway 19 to junction Minnesota Highway 67, thence over Minnesota Highway 67 to Echo), and return over the same routes, serving the intermediate points of North Redwood, Delhi, and Belview, Minn. (8) Between Granite Falls, Minn., and Echo, Minn.; from Granite Falls over Minnesota Highway 67 to Echo, and return over the same route, serving no intermediate points. (9) Between Granite Falls, Minn. and Wood Lake, Minn.; from Granite Falls over Minnesota Highway 67 to junction Minnesota Highway 274, thence over Minnesota Highway 274 to Wood Lake, and return over the same route, serving no intermediate points. (10) Between Granite Falls, Minn. and Hanley Falls, Minn.; from Granite Falls over Minnesota Highway 23 to Hanley Falls, and return over the same route, serving no intermediate points. (11) Between Echo, Minn., and Hanley Falls, Minn.; from Echo over county roads through Wood Lake, Minn., to Hanley Falls, and return over the same route, serving the intermediate point of Wood Lake. (12) Between Clarkfield, Minn., and Boyd, Minn.; from Clarkfield over U.S. Highway 59 to junction unmarked county road, thence over unmarked county road to Boyd (also from Clarkfield over Minnesota Highway 67 to junction unmarked county road, thence over unmarked county road to Boyd), and return over the same routes, serving no intermediate points. (13) Between Montevideo, Minn., and Boyd, Minn.; from Montevideo over U.S. Highway 212 to junction Minnesota Highway 275, thence over Minnesota Highway 275 to Boyd, and return over the same route, serving no intermediate points. (14) Between St. Paul, Minn. and Gluek, Minn.; from St. Paul over city streets to Minneapolis, Minn., thence over Minnesota Highway 7 through Clara City, Minn. to junction Minnesota Highway 277, thence over Minnesota Highway 277 to Gluek, and return over the same route, serving the intermediate points of Cedar Mills, Corvuso, Cosmos, Thorp, Lake Lillian, Blomkest, Roseland, and Prinsburg, Minn.

HEARING: September 26, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 109280 (Sub-No. 7), filed April 24, 1961. Applicant: TERMINAL WAREHOUSE & STORAGE COMPANY, INC., 200 Southern Avenue, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Orfordville, and Madison, Wis.; from Orfordville, over Wisconsin Highway 13, to its junction with U.S. Highway 14 at Evansville, thence over combined highways U.S. Highway 14 and Wisconsin Highway 13, to Madison, and return over the same route, serving no intermediate or off-route points.

HEARING: September 20, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 96.

No. MC 109435 (Sub No. 13), filed May 29, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Dewey, Okla., and points within five (5) miles thereof, to points in Kansas, Missouri, and Arkansas, and those in Texas on and north of Texas Highway 77 beginning at the Texas-Louisiana State line and extending along said highway to junction U.S. Highway 67 at or near Naples, Tex., thence along U.S. Highway 67 to junction U.S. Highway 80 at or near Dallas, Tex., thence along U.S. Highway 80 to junction U.S. Highway 180 near Weatherford, Tex., thence along U.S. Highway 180 to the Texas-New Mexico State line.

NOTE: Applicant states it holds authority under MC 109435 (Sub Nos. 7 and 9) authorizing service in the transportation of cement in bulk, bags and packages from Dewey, Okla., to points in Kansas, Missouri, and Arkansas within 200 miles of Dewey, Okla. Applicant requests that coincidental with the granting of the authority herein they will agree that the Commission should cancel the duplicating authority.

HEARING: September 25, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 109708 (Sub No. 13), filed June 16, 1961. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 4524 Reistertown Road, Baltimore, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Timberville, Waynesboro, and Winchester, Va., and Martinsburg, W. Va., to Atlanta, Ga., and Montgomery, Ala.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 109749 (Sub No. 16), filed April 24, 1961. Applicant: GAIL W. DAHL and FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, Sections A, B, and C, 61 M.C.C. 209, from Omaha, Nebr., to points in Wyoming and Montana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Service to be performed under a continuing contract with Wilson & Company at Omaha, Nebr.

HEARING: September 13, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 110420 (Sub No. 282), filed April 27, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washing compounds*, in bulk, in tank vehicles, from North Chicago, Ill., to the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission; (2) *Chocolate and chocolate coating*, in bulk, in tank vehicles, from Elizabethtown, Pa., to Fort Wayne, Ind.; (3) *Corn syrup and blends and mixtures of corn syrup*, and *liquid sugar*, in bulk, in tank vehicles, from Watertown, Wis., to points in Illinois, Michigan, Minnesota, Iowa, and Wisconsin; (4) *Spent brewers' yeast*, in bulk, in tank vehicles, from points in Wisconsin, Minnesota, Missouri, Indiana, Michigan, and Ohio, to Chicago, Ill.; (5) *Foundry core compounds*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana, Ohio, and Pennsylvania; (6) *Lactic acid*, in bulk, in tank vehicles, from Clinton, Iowa, to Chicago, Ill., Cincinnati, Ohio, and Williamsport, Pa.; (7) *Corn oil*, in bulk, in tank vehicles, from St. Joseph, Mo., to Chicago, Ill. and Minneapolis, Minn.; (8) *Latex emulsions*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Florida; (9) *Tanning extract*, in bulk, in tank vehicles, from Chicago, Ill., to points in Maine; (10) *Liquid plastics*, and *synthetic resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Minnesota, and Texas; (11) *Caramel color*, in bulk, in tank vehicles, from Keokuk, Iowa, to Bonner Springs, Kans.; (12) *Animal fats*, in bulk, in tank vehicles, from Napoleon, Ohio, to Cudahy, Wis.; and (13) *Animal, vegetable and fish oils, and blends thereof*, in bulk, in tank vehicles, from Boston, Mass., to points in Illinois, Indiana, Wisconsin, and Michigan.

HEARING: September 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110420 (Sub No. 283), filed May 4, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives*, (a) from Chicago, Ill., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind., (b) from St. Louis, Mo., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind.; (2) *acid solutions* from Newaygo, Mich., Chicago Heights and Peoria, Ill., to points in Louisiana and Texas; (3) *arquads* (products from the ammoniation of fatty acids) from Chicago, Ill., to points in Maryland, New York, New Jersey, Connecticut, Pennsylvania, Missouri, and Arkansas; (4) *neutral citrus brandy*, from Lake Alfred, Fla., and points within five miles thereof to Detroit, Mich.; (5) *grain neutral spirits* from Muscatine, Iowa, to Detroit, Mich.; and (6) *vodka*, from Pekin, Ill., to Detroit, Mich.

HEARING: September 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110698 (Sub No. 158), filed June 16, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Charlotte, N.C., to points in Kentucky.

HEARING: September 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111623 (Sub No. 34), filed May 22, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, in bulk, in packages, bags and other containers, from the site of Sohio Chemical Company plant at Lima, Ohio, to points in Indiana, Michigan, Illinois, Pennsylvania, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin corporation, therefore, common control may be involved.

HEARING: September 26, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 113267 (Sub No. 37), filed March 6, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk, and those requiring special equipment), between points in Illinois, on and south of Illinois Highway 17, on the one hand, and, on the other, points in Florida.

HEARING: September 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 113514 (Sub No. 72), filed June 27, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including animal and poultry tonics and feed additives*, in bulk, in tank and hopper vehicles, from Austin, Tex., to points in California, Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee (except Kingsport), Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: July 18, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Charles B. Heinemann.

No. MC 113584 (Sub No. 15), filed June 14, 1961. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed supplements*, from Charles City, Iowa, to Guntersville, Ala., Hayward, Los Angeles, Oakland, Ontario, Pasadena, Petaluma, Richmond, Rio Linda, Sacramento, San Jose, Santa Rosa, Stockton, and Yuba City, Calif., Delmar, Millsboro, and Wilmington, Del., Atlanta and Gainesville, Ga., Jackson, Miss., Kansas City, Mo., Mocksville, N.C., Columbus, Ohio, Camp Hill, Lancaster, Lemoyne, Shiremanstown, and York, Pa., Chattanooga and Memphis, Tenn., Fort Worth, Tex., and Brattleboro, Vt.

NOTE: The proposed service is to be performed under a continuing contract with Dr. Salsbury's Laboratories, of Charles City, Iowa. Applicant states it is presently authorized to transport poultry and livestock drugs and remedies from Charles City, Iowa, to the above-named points. Purpose of this application is to clarify the carrier's right to transport such drugs and remedies as are also considered to be feed supplements.

HEARING: September 21, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerin.

No. MC 113843 (Sub No. 41), filed May 8, 1961. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to New York, N.Y., points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 19, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 113908 (Sub No. 80), filed May 19, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, MPO 706, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from points in Nebraska, to points in Iowa, Missouri, North Dakota, and South Dakota.

HEARING: September 15, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerin.

No. MC 114004 (Sub No. 37), filed June 5, 1961. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in secondary movement, by haulaway method, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting trailers, between points in the United States, including Alaska, but excluding Hawaii (except from Jacksonville and Newport, Ark., and points within fifteen (15) miles of Newport, Ark., to points in the United States).

HEARING: September 14, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 114004 (Sub No. 38), filed June 16, 1961. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobile, in initial movement, from Jefferson County, Ark., to points in the United States, including Alaska, but excluding Hawaii, (2) *watercraft and parts, empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (2) above, between Clarksville, Ark., Stockton, Calif., Hammond, Ind., High Point, N.C., Amsterdam, N.Y., Little Falls, Minn., Vicksburg, Miss., Columbus, Ohio, West Columbia, S.C., Abilene, Tex., Strasburg, Va., Adams, Wis., and points in the United States, including ports of entry on the International Boundary line between the United States and Canada, including Alaska, but excluding Hawaii.

HEARING: September 14, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 114045 (Sub No. 68), filed April 13, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *dairy products*, from Oklahoma City, Okla., to points in Maine, Vermont, and New Hampshire.

HEARING: September 21, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 114211 (Sub No. 27), filed May 16, 1961. Applicant: DONALDSON TRANSFER COMPANY, a corporation, P.O. Box 215, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn cribs and farm machinery, and parts and attachments therefor*, when moving incidental to and in the same vehicle with said corn cribs and farm machinery from Oelwein, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, and *rejected shipments*, on return.

HEARING: September 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 114569 (Sub No. 39), filed April 28, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packing house products, dairy products* and *articles distributed by meat packing houses* as defined in Appendix I of the report on *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; from Elizabethville, Pa., and points in Washington Township, Dauphin County, Pa., to points in Adams, Berks, Blair, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Union, Wyoming, and York Counties, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 21, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 115757 (Sub No. 29) (AMENDMENT), filed April 10, 1961, published issue of April 19, 1961, as amended June 20, 1961, and republished as amended this issue. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour mix and prepared flour*, in bulk, from Ellicott City, Md., to points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: July 26, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115787 (Sub No. 5), filed April 24, 1961. Applicant: MATSON TRUCK LINES OF INDIANA, INC., P.O. Box 1122, Fort Wayne, Ind. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, knocked down and unassembled, including *component parts, fixtures*, and *equipment* therefor, from the site of the Weyerhaeuser Company plant, Rilco Laminated Products Division, about two (2) miles north of Fort Wayne, Ind., to points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, and Pennsylvania.

NOTE: Applicant has a pending application under MC 115787 (Sub No. 3) to transport Laminated wood products and hardware and accessories therefor, when moving in the same vehicle and at the same time, with laminated wood products, from and to the above-specified points. Common control may be involved.

HEARING: October 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 115876 (Sub No. 4), filed May 24, 1961. Applicant: ERWIN HURNER, 1314 Fifth Street South, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including ice cream and frozen confections*, (1) between Omaha, Nebr., Moorhead, Minn., Sioux City, Iowa, and Huron and Watertown, S. Dak., and (2) from Moorhead, Minn., to Havre, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: September 27, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 116434 (Sub No. 10), filed April 24, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, beams, pillars, lumber*, and *materials* and *supplies* incidental to construction and maintenance of bridges, between Granite City and Chicago Heights, Ill., and Omaha, Nebr., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Tennessee, and Wisconsin.

HEARING: October 3, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 117119 (Sub No. 20), filed June 7, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans, lids, paperboard boxes*, and *bottle caps and covers*, from Milwaukee, Wis., to Springdale, Ark.

HEARING: September 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 117465 (Sub No. 9), filed May 12, 1961. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1016 Texas, Woodward, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives) *moving in express service*, between Spearman, and Borger, Tex.; from Spearman over Texas Highway 15 to Borger, serving all intermediate points with the right to tack with existing operations at Spearman.

HEARING: September 27, 1961, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 117566 (Sub No. 1), filed March 17, 1961. Applicant: THORVALD GRESLIVOLD, doing business as GRESLIVOLD TRUCK LINE, 900 Soo Street, Minot, N. Dak. Applicant's attorney: Walfrid B. Hankla, 312 First Street SW., Minot, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete culverts*, from Williston, N. Dak., to points in Sheridan, Daniels, Valley, Roosevelt, Richland, McCone, Dawson, and Wibaux Counties, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 4, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 118407 (Sub No. 2), filed May 2, 1961. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., AND NATE'S TRUCK LINES, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in Ex Parte MC 38, Appendix I, Sec's A., B., and C., from Greeley and Denver, Colo., and Scottsbluff and Omaha, Nebr., to Hartford, Somerville and Worcester, Mass.; points in New Jersey; Flushing, Mt. Kisco, and New York, N.Y.; Philadelphia, Pa.; Pawtucket, R.I., and the District of Columbia.

HEARING: September 11, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 119032 (Sub No. 3), filed April 28, 1961. Applicant: WARREN C. LARSON, JR., 111 West Eighth Street, P.O. Box 2, Stillwater, Okla. Applicant's attorney: Clee Fitzgerald (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Stillwater, Okla.

HEARING: September 20, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 123048 (Sub No. 22), filed April 24, 1961. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements*, and *parts*, from Gering, Nebr., to points in California, Colorado, Florida, Idaho, Michigan, North Dakota, Texas, Washington, and Wisconsin, and *rejected shipments* of the above-specified commodities, on return.

HEARING: October 2, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 123081 (Sub No. 2), filed May 2, 1961. Applicant: MACRAY MOVERS, INC., 331 East 47th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, between New York, N.Y., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware, and Chester Counties, Pa., and Philadelphia, Pa., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and points in New Jersey.

NOTE: Applicant states proposed operations will be in retail consumer delivery only.

HEARING: October 6, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123099 (Sub No. 1), filed June 19, 1961. Applicant: HOWARD ANDERSON, doing business as ANDERSON'S TRUCKING COMPANY, Tioga Street, Wellsboro, Pa. Applicant's attorney: Warren H. Spencer, 17 Central Avenue, Wellsboro, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Rochester, N.Y., and Baltimore, Md., to Elkland, Pa., and (2) from Buffalo and Utica, N.Y., to Sayre and Blossburg, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 123303 (Sub No. 5), filed March 31, 1961. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha Street, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in the Upper Peninsula of Michigan to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Missouri, Nebraska, and Illinois, except the Chicago, Ill., commercial zone, and (2) *Scrap paper*, from Minneapolis and St. Paul, Minn., to L'Anse, Mich.

NOTE: Common control may be involved.

HEARING: October 5, 1961, at the Midland Hotel, Chicago, Ill.; before Examiner Isadore Freidson.

No. MC 123392, filed January 24, 1961. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3401 Virginia Street, Amarillo, Tex. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas;* from the sites of helium plants located at or near Soncy, Tex., Excel, Tex., Keyes, Okla., Otis, Kans., and Ship Rock, N. Mex., to points in the United States, including Alaska and Hawaii.

HEARING: September 22, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 123468 (Sub. No. 1)—PORTLAND MOVING & STORAGE CO., ELIGIBILITY, SECOND PROVISO. Applicant: PORTLAND MOVING & STORAGE CO., 800 Southeast Hawthorne Avenue, Portland, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Assigned for hearing to determine whether Oregon Permit No. 72016 constitutes a certificate of public convenience and necessity within the meaning of the second proviso of section 206(a) (1) of the act.

HEARING: July 14, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Examiner William R. Tyers.

No. MC 123521, filed March 23, 1961. Applicant: ARTHUR W. SCHNUERLE, doing business as A. W. SCHNUERLE OIL COMPANY, P.O. Box 101, Aberdeen, S. Dak. Applicant's attorney: Vernon Williams, 217 Western Union Building, Aberdeen, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt (asphaltum);* from points in the Commercial Zones of Billings, Mont. and Casper, Wyo., to points in North Dakota and South Dakota.

HEARING: September 29, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 123544, filed March 30, 1961. Applicant: OTTO BERTSCH, Millsboro, N. Dak. Applicant's attorney: Edward J. Murphy, 203 Universal Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, swathers, grain augers, combines, and drages*, from the Port of Entry on the International Boundary Line between the United States and Canada at Neche, N. Dak., to points in North Dakota, South Dakota, and Minnesota.

HEARING: October 2, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143.

No. MC 123547, filed March 31, 1961. Applicant: LEO RAUB, INC., Box 146, Niles, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, knocked down or in sections, including all *component parts, materials, supplies*, and *fixtures* used in the erection, construction and completion thereof when shipped with such buildings, from Niles, Ohio, to points in Indiana, Illinois, Kentucky, the Lower Peninsula of Michigan, Pennsylvania, West Virginia, and New York; and (2) *materials, equipment*, and *supplies* used in the manufacture and shipping of prefabricated buildings, from the above-specified destination points to Niles, Ohio.

NOTE: Applicant states that the above service will be performed under contract with and providing for exclusive use of equipment for one shipper—Albee Homes, Inc., 931 Summit Street, Niles, Ohio. Applicant presently conducts operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act under MC 55760 (Sub No. 1). Request for cancellation of said MC 55760 (Sub No. 1) is pending.

HEARING: September 28, 1961, at the Old Post Office Building, Public Square and Superior Avenues, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 123573, filed April 10, 1961. Applicant: WAYNE GROVES, Box 96, Falmouth, Ind. Applicant's attorney; Leslie Duvall, 1126 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercially prepared farm feeds and chemicals*, from Frankfort and Falmouth, Ind., to points in Preble, Butler, and Montgomery Counties, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 14, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 123585 (Sub No. 1), filed April 26, 1961. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route No. 1, Box 124, Menomonie, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags and other containers, (1) from the plant site of the International Minerals and Chemicals Corporation located at Chicago Heights, Ill., to points in Wisconsin on and north of U.S. Highway 16 and west of the western boundary of Adams, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, Wis., and (2) from the plant site of Smith Douglas, Inc. located at Streator, Ill., to points in Wisconsin on and north of U.S. Highway 16 and west of the western boundary of Adams, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

NOTE: Applicant states it intends to serve all outlets of the International Minerals and Chemicals Corporation and Smith Douglas, Inc., as well as farms with truckloads, and less-than-truckload shipments where drop-off shipments are required.

HEARING: September 22, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 13.

No. MC 123633, filed May 1, 1961. Applicant: AHRENS MOTOR TRUCKING, INC., 550 Ninth Street, Hoboken, N.J. Applicant's attorney: Leo N. Knoblauch, 880 Bergen Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper* in rolls, sheets and boxes, from Hoboken, N.J., to Bridgeport, Cos Cob, Danbury, Darien, Derby, Devon, Fairfield, Glenbrook, Greenwich, Meriden, New Britain, New Haven, Norwalk, Orange, Shelton, Southbury, Springdale, Stamford, Torrington, Waterbury, and Wauregan, Conn.; Albany, Amityville, Babylon, Baldwin, Belmore, Bethpage, Farmingdale, Franklin Sq., Freeport, Garden City, Glen Cove, Goshen, Great Neck, Hastings on Hudson, Haverstraw, Hempstead, Hewlett, Hicksville, Huntington, Huntington Sta., Islip, Jericho, Lake Success, Larchmont, Lindenhurst, Lynbrook, Mamaroneck, Manhasset, Massapequa, Laurelton, Mineola, Newburgh, New Hyde Park, New Rochelle, Nyack, Old Westbury, Orangeburg, Oyster Bay, Patochouge, Peekskill, Piermont, Port Chester, Port Jervis, Port Washington, Poughkeepsie, Riverhead, Rockville Center, Roslyn, Rye, Scarsdale, Shoreham, Suffern, Syosset, Troy, Tuckahoe, Valley Stream, Wantagh, Westbury, Woodmere, and White Plains, N.Y.; Allentown, Bangor, Bath, Bethel, Bethlehem, Bristol, Chester, E. Stroudsburg, Hamburg, Harrisburg, Hazelton, Easton, Lebanon, Lancaster, Lehigh, Leighton, Lititz, Marcus Hook, Mechanicsville, Nazareth, Palmerton, Philadelphia, Pittston, Quakertown, Reading, Royersford, Scranton, Stroudsburg, Valley Forge, W. Pittston, White Haven, and Wilkes-Barre, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, and *rejected and refused shipments*, on return.

HEARING: October 4, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123634, filed May 1, 1961. Applicant: S. KLEIN TRUCKING CORP., 6 Union Square, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, and *returned, refused or rejected shipments*, to, from and between points in New York City, Yonkers, East Farmingdale, Commack and West Hempstead, N.Y., Newark, and Woodbridge, N.J., and Philadelphia, Pa.

NOTE: Applicant states service will be from, to, and between all of the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiary corporations or concessionaires, located at the points indicated above.

HEARING: October 5, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123646, filed May 8, 1961. Applicant: BERNARD ANDRE, doing business as ANDRE TRAILER TRANSPORT, Grenora, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes* and *house trailers*, between points on and west of North Dakota Highway 8, and on and east of U.S. Highway 87 commencing at the Montana-Wyoming border, north to Lewiston, Mont., and thence north on and west of Montana Highway 19 to Malta, Mont., and thence north on and west of Montana Highway 242 to the International Boundary line between the United States and Canada, and from the aforesaid described area to ports of entry on the International Boundary Line between the United States and Canada in North Dakota.

HEARING: October 3, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 123650, filed May 8, 1961. Applicant: ANOKA INDEPENDENT GRAIN & FEED DEALERS, INC., Anoka, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags; from New Richmond, Wis., to points in Anoka, Hennepin, and Sherburne Counties, Minn.

HEARING: September 25, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 123663, filed May 12, 1961. Applicant: FREDERICK A. NEWHART, 209 South Main Street, Hughesville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden products*, from Picture Rock (Lycoming County), Pa., to points in New York, New Jersey, Maryland, Delaware, and Connecticut. (2) *Materials used or useful in the manufacture of wooden products*, from points in New York, New Jersey, Maryland, Delaware, and Connecticut, to Picture Rock (Lycoming County), Pa. (3) *Wooden reels and reel parts*, from Muncy Valley (Sullivan County), Pa., to points in New York, New Jersey, Delaware, Maryland, Ohio, and Missouri. (4) *Materials used or useful in the manufacture of wooden reels (with metal centers and reinforcing parts), wire rope, wire products, and prestressed concrete strand*, from points in New York, New Jersey, Delaware, Maryland, Ohio, and Missouri, to New Enterprise (Bedford County), Pa., Tubotville (Northumberland County), Pa., Muncy (Lycoming County), Pa., and Muncy Valley (Sullivan County), Pa. (5) *Lumber*, from Glens Falls, N.Y., to Muncy Valley (Sullivan County), Pa.

HEARING: September 21, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 123706, filed May 29, 1961. Applicant: NEIL LARSON AND GENE LARSON, doing business as LARSON & SONS, Park River, N. Dak. Applicant's attorney: John S. Whittlesey, Suite 321, Gate City Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in seasonal operations from March 1st to November 30, inclusive of each year, transporting *cement*, in bags and in packages, from Duluth, Minn., to points in North Dakota bounded on the south by North Dakota Highway 7, on the west by North Dakota Highway 3, on the north by the International Boundary between Canada and North Dakota, and on the east by the Minnesota-North Dakota State line.

NOTE: Applicant states that he proposes to transport agricultural and other exempt commodities, on return.

HEARING: October 2, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 123708, filed May 31, 1961. Applicant: GLEN CAMERON HALL, doing business as HALL'S TRANSPORT, 1550 Park Street, Regina, Saskatchewan, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt* and related *salt products*, from Williston, N. Dak., to ports of entry on the International Boundary line between the United States and Canada at or near Noonan and Fortuna, N. Dak., and Raymond, Whitetail, and Port of Scobey, Mont.; and (2) *certified seed wheat*, from the above-specified destination points to Williston, N. Dak.

HEARING: October 3, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 123714, filed June 2, 1961. Applicant: BEVERAGE DISTRIBUTORS, 200 Peck Street, Clarksburg, W. Va. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, in truckloads, (1) from Norristown, Pa., to Weirton, Wheeling, and Keyser, W. Va., (2) from St. Louis, Mo., to Fairmont and Elkins, W. Va., and (3) from Detroit, Mich., to Fairmont and Morgantown, W. Va., and *rejected materials* and *empty containers or other such incidental facilities* (not specified) used in transporting malt beverages, in connection with routes (1), (2), and (3) above, on return.

HEARING: September 22, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 123738, filed June 12, 1961. Applicant: PACKAGE DELIVERY, INC., 1723 West 16th Street, Indianapolis, Ind. Applicant's attorney: Louis E. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations* (cosmetics) from Indianapolis, Ind., to points in Indiana.

NOTE: Applicant states the proposed operations will be restricted to deliveries to homes of sales representatives of Avon Products, Incorporated, of Morton Grove, Ill.

HEARING: September 14, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 123744, filed June 15, 1961. Applicant: EMANUEL BUTLER, SR., AND EMANUEL BUTLER, JR., doing business as BUTLER TRUCKING COMPANY, P.O. Box 44, Drifting, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, including firebrick and fireclay products*, from points in Centre and Clearfield Counties, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New York Commercial Zone, and Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Warren, and Union Counties, N.J., and *refused* and *rejected shipments* of the above-specified commodities, on return.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 303) (CLARIFICATION), filed March 1, 1961, published issue of March 15, 1961, and republished as clarified this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicants attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Manville, N.J., and New Hope, Pa., from Manville over Dukes Parkway (East River Road) to U.S. Highway 206, thence over U.S. Highway 206 to junction U.S. Highway 202 and New Jersey Highway 28, thence over U.S. Highway 202 to New Hope, Pa., and return over the same route, serving all intermediate points, including Flemington, N.J., (2) from junction U.S. Highways 202 and 206 and New Jersey Highway 28, over U.S. Highways 202 and 206 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1 at Newark, N.J., and return over the same route, serving no intermedite ponts, as an alternate route for operating convenience only.

NOTE: Applicant states that the following additional restrictions will be imposed on the above routes: (1) On the alternate route over U.S. Highways 202, 206, and 22 between the junction of U.S. Highway 202 and Charlotte Street at the westerly boundary line of the Borough of Raritan and New York City, for operating convenience only; (2) on service via Manville, no passengers shall be transported between New York City, on the one hand, and the area between and including the Raritan River on U.S. Highway 206 at the Hillsborough-Somerville Municipal Line, and the junction of U.S. Highway 202 and Charlotte Street at the westerly boundary line of the Borough of Raritan, on the other; and (3) no passengers will be carried who begin and end their trip between New Hope, Pa., and Lambertville, N.J.

CONTINUED HEARING: September 7, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 67.

No. MC 113105 (Sub No. 3), filed May 29, 1961. Applicant: SHERIDAN-INDIANAPOLIS BUS LINE, INC., 144 South Union Street, Westfield, Ind. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Indianapolis, Ind., and Sheridan, Ind.: (1) from Indianapolis over Indiana Highway 431 to junction Indiana Highway 431 and U.S. Highway 31, thence over U.S. Highway 31 through Westfield, to junction Indiana Highway 38 and U.S. Highway 31, thence over Indiana Highway 38 to Sheridan, and return over the same route serving all intermediate points. (2) From Indianapolis over College Avenue to the town of Home Place, thence from Home Place over 106th Street to junction Indiana Highway 431 and 106th Street, thence over Indiana Highway 431 to junction Indiana Highway 431 and U.S. Highway 31, thence over U.S. Highway 31 through Westfield to junction Indiana Highway 38 and U.S. Highway 31, thence over Indiana Highway 38 to Sheridan and return over the same routes, serving all intermediate points.

HEARING: September 15, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12756, filed May 19, 1961. Applicant: FRANK V. SAGER, doing business as SAGER TRAVEL AGENCY, 122 West Washington Avenue, Room 100, Madison, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Madison, Wis., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individual and groups, in round-trip special and charter all-expense, conducted tours, beginning and ending at points in Wisconsin, and extending to points in the United States.

HEARING: September 19, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub No. 39), filed June 22, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving points within ten (10) miles of Pascagoula, Miss., as intermediate and off-route points in connection with applicant's presently authorized regular-route service between Gulfport, Miss., and Mobile, Ala.

No. MC 31208 (Sub No. 6), filed June 23, 1961. Applicant: H. T. RATCLIFF, 454 West Main Street, Abingdon, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed trainers and semi-trailers* and *parts and accessories therefor*, by truckaway method; from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to Bristol, Va.

No. MC 66562 (Sub No. 1798) (AMENDMENT), filed March 29, 1961, published in the FEDERAL REGISTER, issue of April 12, 1961, amended June 27, 1961, republished as amended, this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, over regular routes, transporting: *General commodities*, moving in express service, between Pasco, Wash., and Ephrata, Wash.; from Pasco over U.S. Highway 395 to junction with Washington Highway 11–G, thence over Washington Highway 11–G to Ephrata, and return over the same route, serving the intermediate point of Moses Lake, Wash. and the intermediate or off-route point of Othello, Wash., and the off-route point of Warden, Wash. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments to be transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

NOTE: This amendment adds the off-route point of Warden, Wash., inadvertently omitted in previous publication.

No. MC 66562 (Sub No. 1819), filed June 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Tazewell, Va. and Berwind, W. Va.; from Tazewell over Virginia Highway 16 to the Virginia-West Virginia State line, thence over West Virginia Highway 16 to junction West Virginia Highway 11, thence over West Virginia Highway 11 to junction West Virginia Highway 9, thence over West Virginia Highway 9 to Berwind, and return over the same route, serving no intermediate points; and (2) between Grundy, Va. and Raven, Va.; from Grundy over U.S. Highway 460 to Raven, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1820), filed June 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Providence, R.I. and Putnam, Conn.; from Providence over U.S. Highway 44 to Putnam, and return over the same route, serving no intermediate points; and (2) between Providence, R.I., and New London, Conn.; from Providence over Rhode Island Highway 2 to junction National Interstate Highway 95 in Warwick, R.I., thence over National Interstate Highway 95 to New London, and return over the same route, serving the off-route points of Kingston and Westerly, R.I., and Mystic, Conn. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109637 (Sub No. 182), filed June 26, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups* (non-edible), in bulk, in tank vehicles, from Cincinnati, Ohio, to Schenley, Pa.

NOTE: Common control may be involved.

No. MC 119874 (Sub No. 1), filed June 19, 1961. Applicant: RICHARD H. STEGER, Millers, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and structure stone* (veneer strips), in truck loads, (1) from Butler, Md., to points in Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia, (2) from Granville, N.Y., Mount Gilead, N.C., and Poultney and West Rutland, Vt., to Butler, Md., and (3) from Glyndon, Md., to points in Maryland.

NOTE: Applicant states it is under a continuing contract with The C. E. Weaver Stone Company (a corporation), Butler, Md. Applicant presently serves shipper under contract in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont on building stone.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F 7880. (DENVER-LIMON-BURLINGTON TRANSFER CO.—PURCHASE—KANSAS INTERMOUNTAIN TRUCK LINE, INC.), published in the June 7, 1961, issue of the FEDERAL REGISTER on page 5099. Supplement filed June 29, 1961, to show ROBERT C. PETERSON, 1420 18th Street, Denver, Colorado, as additional person in control of the vendee corporation.

MC–F 7904. Authority sought for merger into LEE TRANSPORTATION COMPANY, 418 Olive Street, Room 601, St. Louis 2, Mo., of the operating rights and property of LEE-AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, Room 601, St. Louis 2, Mo., and for acquisition by C. A. MacFALL, JR., 30 Lake Pembroke Drive, Ferguson 35, Mo., H. S. MacFALL, 2429 Bremerton Road, Rock Hill, Mo., and W. F. PITTROFF, 6721 St. Olaf Drive, Berkeley 21, Mo., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Detroit, Mich., and Chicago, Ill., serving all intermediate points and off-route points in the Chicago, Ill., Commercial Zone without restriction, and those in the Detroit, Mich., Commercial Zone restricted against the transportation of commodities requiring special equipment, between Mottville, Mich., and Chicago, Ill., between Benton Harbor, Mich., and Niles, Mich., between Flint, Mich., and Sturgis, Mich., between Flint, Mich., and Lansing, Mich., between Detroit, Mich., and Lansing, Mich., between Detroit, Mich., and Flint, Mich., between Jackson, Mich., and Niles, Mich., between Detroit, Mich., and Cambridge Junction, Mich., between Pontiac, Mich., and junction U.S. Highway 24 and Michigan Highway 50, between Flint, Mich., and junction U.S. Highway 23 and Michigan Highway 50, between Lansing, Mich., and junction U.S. Highways 127 and 112, between Marshall, Mich., and Coldwater, Mich., between Grand Rapids, Mich., and junction U.S. Highways 131 and 112, near White Pigeon, Mich., between South Bend, Ind., and junction U.S. Highway 12 and Michigan Highway 40, between Joliet, Ill., and Elkhart, Ind., between Joliet, Ill., and Chicago, Ill., between Aurora, Ill., and Chicago, Ill., between North Chicago, Ill., and Chicago, Ill., between Bay City, Mich., and Flint, Mich., between Monroe, Mich., and Toledo, Ohio, between Detroit, Mich., and junction U.S. Highway 12 and U.S. Highway 112, near Willow Run, Mich., between junction U.S. Highway 112 and Business Route U.S. Highway 112, approximately two miles west of Ypsilanti, Mich., and junction U.S. Highway 112 and Business Route U.S. Highway 112, approximately four miles east of Ypsilanti, between Detroit, Mich., and Chrysler Tank Arsenal, north of Detroit, Mich., and between Janesville, Wis., and Beloit, Wis., serving all intermediate and certain off-route points on the above described routes; *general commodities*, except livestock, dangerous explosives other than small arms ammunition, household goods, currency, bullion, commodities exceeding ordinary equipment and loading facilities, loose bulk commodities, and all other commodities expressly prohibited by law, between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *general commodi-*

ties, excepting, among others, household goods, but not excepting commodities in bulk, between Chicago, Ill., and Freeport, Ill., between Chicago, Ill., and South Beloit, Ill., and between Chicago, Ill., and Woodstock, Ill., serving all intermediate points; *general commodities*, with the usual exceptions over various alternate routes for operating convenience only, and serving certain off-route points in connection with carrier's regular route operations; *insulating material*, from Waukegan, Ill., to Detroit, Mich., serving no intermediate points, and *castings*, from Woodstock, Ill., to Detroit, Mich., serving no intermediate points; *general commodities*, excepting, among others, household goods but not commodities in bulk, over irregular routes between points in Cook, Du Page, and Kane Counties, Ill. LEE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Missouri, Tennessee, Arkansas, Iowa and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7905. Authority sought for purchase by JOHN O'SHEA, INC., Foot Birch Street, P.O. Box 417, Ridgefield Park, N.J., of the operating rights of EDWARD A. O'DONNELL and JAMES P. O'DONNELL, a partnership, doing business as O'DONNELL BROTHERS, 217 Smith Street, Perth Amboy, N.J., and for acquisition by JOHN MULCAIR and CORNELIUS MULCAIR, both of Foot Birch Street, Ridgefield Park, N.J., of control of such rights through the purchase. Applicants' attorney and representative respectively: Bert Collins, 140 Cedar Street, New York 6, N.Y., and Edward A. O'Donnell, Traffic Consultant, 217 Smith Street, Perth Amboy, N.J. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such businesses, as a *contract carrier* over irregular routes between certain points in New Jersey, Pennsylvania, and New York on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, Nassau, and Richmond Counties, N.Y., and Hudson, Bergen and Essex Counties, N.J., with the RESTRICTION that *the operations authorized herein are limited* to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified. Vendee is authorized to operate as a *contract carrier* in New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7906. Authority sought for purchase by M. & G. CONVOY, INC., 590 Elk Street, Buffalo 10, N.Y., of a portion of the operating rights and certain property of GREAT LAKES FORWARDING CORPORATION, 666 Tifft Street, Buffalo 20, N.Y., and for HULBERT FORWARDING COMPANY, INC., 590 Elk Street, Buffalo 10, N.Y., to purchase certain property of GREAT LAKES FORWARDING CORPORATION, and for acquisition by E. J. HAND, 731 West Ferry Street, Buffalo 22, N.Y., and PARKE W. DAVIS, Allen Road, Chaffee, N.Y., of control of such rights and property through the transaction. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *New automobiles, new trucks, new chassis*, and *automotive parts*, restricted to secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, as a *common carrier* over irregular routes, from Buffalo, N.Y., to points in Ohio, New York, Pennsylvania, Connecticut, and Massachusetts; *the commodities specified above*, restricted to secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to points in Maryland, Delaware, Rhode Island, and New Jersey; *the commodities specified above*, restricted to secondary movements, in truckaway service, during the season of closed navigation on the Great Lakes, from Cleveland, Ohio, to points in Pennsylvania and New York; *the commodities specified above*, restricted to secondary movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from Toledo, Ohio, to points in New York; *the commodities specified above*, restricted to initial movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New York; *the commodities specified above*, restricted to initial movements, in driveaway service during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New Jersey; *new automobiles, new trucks, new chassis*, and *automotive parts*, in secondary movements, by the driveaway method, during the season of open navigaiton on the Great Lakes, from Buffalo, N.Y., to points in Maryland, Delaware and Rhode Island; *the above-described commodities*, in initial movements, by the truckaway method, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New Jersey; *new* and *used automobiles, trucks, chassis*, and *automotive parts*, in secondary movements, by truckaway and driveaway methods, between points in Connecticut, Massachusetts and Ohio; *new automobiles, automobile bodies, automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors* and *parts and accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run, Mich., to points in New Jersey and New York; and *rejected shipments* of the above-described commodities from the above-specified destination points to Willow Run, Mich.; *new automobiles, new trucks*, and *new chassis*, in initial movements by driveaway and truckaway methods, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in Pennsylvania, traversing Ohio for operating convenience only; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service from Toledo, Ohio, to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts; *new automobiles* and *new chassis*, in secondary movement, in truckaway service from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Indiana, Illinois, and Michigan; *new trucks* and *new truck chassis*, in secondary movements, in truckaway service from New York, N.Y., and Hoboken, Jersey City, and Newark, N.J., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service from New York, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *farm tractors*, from Cleveland and Auburn Township, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Masachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, traversing West Virginia for operating convenience only; *new automobiles* and *new chassis*, in secondary movements, in truckaway service, from New York, N.Y., and Hoboken, Jersey City, and Newark, N.J., to points in Alabama, Kentucky, Mississippi, Missouri, Tennessee, and Wisconsin; *new automobiles, new trucks*, and *new chassis*, by truckaway and driveaway methods, in initial movements, during the season of open navigation on the Great Lakes, from Detroit, Mich., to points in Pennsylvania, New Jersey, and New York, traversing Ohio for operating convenience only; *new automobiles*, and *new automobile chassis*, in secondary movements, in truckaway service from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia; *new automobiles, new trucks*, and *new chassis*, in initial movements, in truckaway service from Toledo, Ohio to points in Pennsylvania; *new trucks*, in secondary movements, in driveaway service, from Boyertown, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont; *automobiles and trucks*, in initial movements, in truckaway and driveaway service, and *parts and accessories* for the authorized commodities, when moving in the same vehicle with the vehicles to be transported, restricted against the transportation of trucks to points in Maryland, from the sites of the plants of the Chrysler Corporation, Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, and Rhode Island; *automobiles and trucks*, in secondary movements, in truckaway and driveaway service, from Cleveland, Ohio, to points in Delaware, Maryland, and Rhode Island; *trucks*, in initial movements in truckaway service, and *parts and accessories* for the authorized commodities, when moving in the same vehicle to be transported from the site of plant of the Divco Corporation, Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, and Rhode Island; *motor vehicles*, in truckaway service, from Boston, Mass., to points in Maine, New Hampshire, Rhode Island, and Vermont, and *new foreign-made automobiles*, in truckaway service, from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Maine, New Hampshire, Rhode Island and Vermont. M. & G. CONVOY, INC., is authorized to operate as a *common carrier* in Michigan, Delaware, Maryland, New Jersey, Pennsylvania, New York, Ohio, North Carolina, Virginia, Connecticut, Florida, Georgia, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Vermont, West Virginia, and the District of Columbia. HULBERT FORWARDING COMPANY, INC., is authorized to operate as a *common carrier* in New York, Ohio, New Hampshire, Massachusetts, Rhode Island, Connecticut, Michigan, Maine, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7907. Authority sought for purchase by EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William Street, Cheektowaga, N.Y., of a portion of the operating rights and certain property of GREAT LAKES FORWARDING CORPORATION, 666 Tifft Street, Buffalo, N.Y., and for acquisition by FORREST E. WOLVERTON, 3923 East River Road, Grand Island, N.Y., and LEROY FENNE, 2141 McClellan Parkway, Sarasota, Fla., of control of such rights and property through the purchase. Applicants' attorney: Mortimer Allen Sullivan, 530 Walbridge Building, Buffalo, N.Y. Operating rights sought to be transferred: *New and used automobiles, trucks, chassis*, and *automotive parts*, in secondary movements by truck-away methods, as a *common carrier* over irregular routes, between points in New York, New Jersey, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Michigan, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Ohio, Rhode Island, Vermont, Delaware, Florida, Georgia, Maine, Maryland, New Hampshire, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7909. Authority sought for purchase by E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and property of EDWIN E. CLARKE, an individual, doing business as CLARKE BULK TRANSFER, 300 West Elm Street, Norristown, Pa., and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of 33d and Arch Streets, Philadelphia 4, Pa., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Flour*, in bulk, as a *common carrier* over irregular routes from Treichlers, Pa., to Asbury Park and Newark, N.J., and from Norristown, Pa., to Asbury Park, N.J., and *flour*, in bulk, in pneumatically equipped hopper type vehicles, between points in Pennsylvania, with the RESTRICTION that the above-described operations are restricted to shipments having a prior movement by rail from points beyond Pennsylvania; from Norristown, Pa., to Wilmington, Del., and Pennsauken, Bridgeton, Trenton, and Atlantic City, N.J.; from Treichlers, Pa., to Pennsauken, N.J., and from points in Cumberland, Lancaster, Lebanon, and York Counties, Pa., to Pennsauken, N.J. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Rhode Island, Connecticut, Massachusetts, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier* in Ohio, New York, Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 61–6272; Filed, July 5, 1961; 8:49 a.m.]

[Notice 167]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 30, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 14), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed June 5, 1961. Carrier's representative Charles G. Stevenson, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Redlands, Calif., over Interstate Highway 10 to Los Angeles, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Salt Lake City, Utah, over U.S. Highway 91 to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 99 to Los Angeles, Calif.; from Colton, Calif., over Redlands Road to Yucaipa, Calif., and return over the same routes.

No. MC 8500 (Deviation No. 1) (CORRECTION), INTERSTATE COACH COMPANY, 710 Sevier Avenue, Knoxville 20, Tenn., filed May 15, 1961, and published in the June 7, 1961, issue of the FEDERAL REGISTER, at page 5088. The correct name of the carrier is Tennessee Coach Company.

No. MC 17481 (Sub. No. 2) (Deviation No. 2), MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul (14), Minnesota, filed June 2, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mauston, Wis., over Wisconsin Highway 82 to Junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 90 and thence over U.S. Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Mauston and Chicago over U.S. Highway 12.

No. MC 48958 (Deviation No. 5), ILLINOIS-CALIFORNIA EXPRESS, 510 East 51st Avenue, Denver 16, Colo., filed June 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 99 and 60 near Beaumont, Calif. over U.S. Highway 60 to Riverside, Calif., thence over U.S. Highway 91 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 101 (known as the Santa Ana Freeway), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service

routes as follows: From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif. to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo. (also from junction U.S. Highway 85 and unnumbered highway about 3 miles south of Greenhorn, Colo., over unnumbered highway to Crow, Colo., thence over Colorado Highway 165 to junction U.S. Highway 85 north of Crow; also from junction U.S. Highway 85 and Colorado Highway 105 approximately ½ mile south of Monument, Colo., over Colorado Highway 105 to Palmer Lake, Colo., thence over Colorado Highway 393 to junction U.S. Highway 85 approximately 1½ miles north of Larkspur, Colo.); from Los Angeles over U.S. Highway 99 to Colton, Calif., thence over connecting highways to San Bernardino; and from Colton over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., and thence over U.S. Highway 89 to Ashfork, Ariz., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6271; Filed, July 5, 1961; 8:49 a.m.]

[Notice 385]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers, or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications MC-25708 (Sub No. 17) through MC-123067 (Sub No. 5), immediately following are assigned for hearing September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(A) Applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application.

(B) Testimony adduced by applicant's company witnesses shall be subject to the Special Rules of Procedure for Hearing.

(1) All of the Testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto will, at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 25708 (Sub No. 17), filed May 8, 1961. Applicant: BEARD-LANEY, INC., 1009 Church Street, Camden, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between points in North Carolina, South Carolina, Georgia, and Tennessee.

No. MC 102806 (Sub No. 11), filed May 5, 1961. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, P.O. Box 232, Gastonia, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Pipe Line Terminals of the pipe line of Dixie Pipe Line Co., (a) in South Carolina, to points in Georgia, South Carolina, and North Carolina, and (b) in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities in (a), and (b), on return.

No. MC 103051 (Sub No. 108), filed May 8, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive N.E., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the terminals of the Dixie Pipe Line Company in Alabama, to points in Tennessee, Georgia, Florida, and Alabama; (2) from the terminals on the Dixie Pipe Line Company in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; and (3) from the terminals on the Dixie Pipe Line Company in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina.

No. MC 103191 (Sub No. 11), filed May 5, 1961. Applicant: THE GEO. A. RHEMAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Pipe Line Terminals of the pipe line of Dixie Pipe Line Co., (a) in Georgia to points in Georgia, North Carolina, and South Carolina; (b) in South Carolina to points in Georgia, North Carolina, South Carolina, and Tennessee; and (c) in North Carolina to points in Georgia, North Carolina, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities in (a), (b), and (c), on return.

No. MC 103378 (Sub No. 206), filed May 15, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Dixie Pipe Line Company in Georgia, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

No. MC 107544 (Sub No. 41) (REPUBLICATION), filed May 2, 1961, published issue of May 10, 1961. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina; and (2) from terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 109557 (Sub No. 9), filed May 8, 1961. Applicant: WILLETT BROS. TRANSPORTATION, INCORPORATED, 315 Carver Avenue NE., P.O. Box 972, Roanoke, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles; from terminals on the Dixie Pipe Line Co. pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 110315 (Sub No. 6), filed May 12, 1961. Applicant: FELTS TRANSPORT CORPORATION, P.O. Box 69, Galax, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina; and (2) from terminals on the Dixie Pipe Line Company, pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 111045 (Sub No. 10) (REPUBLICATION), filed April 28, 1961, published May 10, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in Mississippi to points in Mississippi, Alabama, and Florida. (2) From terminals on the Dixie Pipe Line Company pipe line in Alabama to points in Mississippi, Alabama, Florida, Georgia, and Tennessee. (3) From terminals on the Dixie Pipe Line Company pipe line in Georgia to points in Alabama, Georgia, Florida, South Carolina, and Tennessee. (4) From terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina. (5) From terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 111159 (Sub No. 125), filed June 26, 1961. Applicant: MILLER TRANSPORTERS, LTD., a corporation, Post Office Box 1123, Jackson, Miss. Applicant's attorney: H. D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, from terminals on the Dixie Pipe Line Company pipe line, (1) in Mississippi, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee, and (2) in Alabama, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee.

No. MC 113336 (Sub No. 43) (REPUBLICATION), filed April 11, 1961, published issue of April 26, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) From terminals on the Dixie Pipe Line Company pipe line in Mississippi to points in Mississippi, Alabama, and Florida, (2) from terminals on the Dixie Pipe Line Company pipe line in Alabama to points in Mississippi, Alabama, Florida, Georgia, and Tennessee, (3) from terminals on the Dixie Pipe Line Company pipe line in Georgia to points in Alabama, Georgia, Florida, South Carolina, and Tennessee, (4) from terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina, and (5) from terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 113828 (Sub No. 7) (REPUBLICATION), filed May 1, 1961, published issue of May 10, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Dixie Pipe Line Company, in North Carolina, to points in Virginia, South Carolina, and Bristol, Tenn.

NOTE: Common control may be involved.

No. MC 114091 (Sub No. 43), filed May 5, 1961. Applicant: FLEET TRANSPORT CO., OF KY., INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals of the Dixie Pipe Line Co. pipe line in Mississippi to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (2) from terminals on said pipe line in Alabama to points in Alabama, Mississippi, Georgia, Florida, and Tennessee; (3) from terminals on said pipe line in Georgia to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on said pipe line in South Carolina to points in South Carolina, Georgia, Tennessee, and North Carolina; and (5) from terminals on said pipe line in North Carolina to points in North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 114106 (Sub No. 32), filed May 10, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in North Carolina, and (2) from terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 115732 (Sub No. 9), filed May 5, 1961. Applicant: FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 North Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Co. pipe line in Mississippi, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (2) from terminals of said pipe line in Alabama, to points in Alabama, Mississippi, Georgia, Florida, and Tennessee; (3) from terminals on said pipe line in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on said pipe line in South Carolina, to points in South Carolina, North Carolina, Georgia, and Tennessee; and (5) from terminals on said pipe line in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 116387 (Sub No. 31), filed June 8, 1961. Applicant: ALABAMA TANK LINES, 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals of the Dixie Pipe Line Company in Alabama, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; (2) from terminals of the Dixie Pipe Line Company in Georgia, to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (3) from terminals of the Dixie Pipe Line Company in Mississippi, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; (4) from terminals of the Dixie Pipe Line Company in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia; and (5) from terminals of the Dixie Pipe Line Company in South Carolina, to points in Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 123067 (Sub No. 5), filed May 10, 1961. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in Mississippi, to points in Mississippi, Alabama, and Florida; (2) from terminals on the Dixie Pipe Line Company pipe line in Alabama, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (3) from terminals on the Dixie Pipe Line Company pipe line in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina; and (5) from terminals on the Dixie Pipe Line Company pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6273; Filed, July 5, 1961; 8:49 a.m.]

[Notice 386]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications MC–82 (Sub No. 11) through MC–107605 (Sub No. 11), immediately following are assigned for hearing July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(A) Applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application.

(B) Testimony adduced by applicant's company witnesses shall be subject to the Special Rules of Procedure for Hearing.

(1) All of the Testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto will, at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 82 (Sub No. 11), filed June 28, 1961. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 2401 (Sub No. 21), filed June 26, 1961. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

No. MC 2510 (Sub No. 26), filed June 23, 1961. Applicant: ZIFFRIN TRUCK LINES, INC., 1120 Division Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 2974 (Sub No. 21), filed June 27, 1961. Applicant: O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 29120 (Sub No. 60), filed June 26, 1961. Applicant: WILSON STORAGE AND TRANSFER CO., 1500 "I" Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently authorized regular route operations.

No. MC 29130 (Sub No. 92), filed June 23, 1961. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines 9, Iowa. Applicant's attorney: Thomas I. Megan, 139 West Van Buren Street, Chicago 5, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with carrier's authorized regular-route operations to and from Chicago, Ill.

No. MC 29988 (Sub No. 78), filed June 26, 1961. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 31444 (Sub No. 47) (REPUBLICATION), filed May 11, 1961, published issue of June 7, 1961. Applicant: SCHREIBER TRUCKING CO., INC., 1315–99 Washington Boulevard, Pittsburgh 6, Pa. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., near Aurora, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 35484 (Sub No. 46), filed June 26, 1961. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, liquids in bulk, motion picture films and commodities requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently authorized regular routes.

No. MC 35628 (Sub No. 240) (REPUBLICATION), filed May 8, 1961, published issue of May 24, 1961. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue, S.W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Oakbrook, Ill., near Aurora, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., as authorized at Sheets 3, 4, 7, and 9 of Certificate No. MC 35628.

No. MC 49387 (Sub No. 16), filed June 26, 1961. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently authorized regular routes.

No. MC 51255 (Sub No. 18), filed June 26, 1961. Applicant: HAECKL'S EXPRESS, INCORPORATED, P.O. Box 3025, Terre Haute, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 52629 (Sub No. 46), filed June 26, 1961. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

No. MC 58961 (Sub No. 5), filed June 21, 1961. Applicant: NIGHTHAWK FREIGHT SERVICE, INC., 1800 South Canal Street, Chicago 16, Ill. Applicant's attorney: Samuel M. Kane, 77 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Oakbrook in Du Page County, Ill., as an off-route point in connection with applicant's regular-route operations to and from the Chicago, Ill., Commercial Zone, as authorized in applicant's Certificate No. MC 58961.

No. MC 59681 (Sub No. 47), filed June 23, 1961. Applicant: DAKOTA TRANSFER & STORAGE COMPANY, a corporation, 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 69224 (Sub No. 29), filed June 28, 1961. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 70451 (Sub No. 233) (REPUBLICATION), filed June 19, 1961, published issue of June 28, 1961. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

No. MC 71096 (Sub No. 38), filed June 22, 1961. Applicant: NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

No. MC 78643 (Sub No. 47), filed June 26, 1961. Applicant: HART MOTOR EXPRESS, INC., 2600 University Avenue SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment); serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

No. MC 107158 (Sub No. 9) (REPUBLICATION), filed June 20, 1961, published issue of June 28, 1961. Applicant: DENNIS TRUCK LINE, INC., 4622 South Bishop Street, Chicago, Ill. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently certificated regular-route operations from and to Chicago, Ill.

No. MC 107605 (Sub No. 11), filed June 22, 1961. Applicant: UNITED SHIPPING CO., a corporation, 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–6274; Filed, July 5, 1961; 8:50 a.m.]

[Section 5a Application 77]

TRANSCONTINENTAL HOUSEHOLD GOODS CARRIERS BUREAU

Agreement

JUNE 30, 1961.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: June 26, 1961, by: Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue South, Birmingham 5, Ala.

Agreement involved: Agreement between and among common carriers by motor vehicle relating to joint consideration in initiating and changing rates, rules, regulations, and practices governing the transportation of household goods between all points in the United States, except Alaska and Hawaii.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6275; Filed, July 5, 1961; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading Pursuant to Section 19(a)(4) of the Securities Exchange Act of 1934

JUNE 29, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commence to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 30, 1961, to July 9, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6253; Filed, July 5, 1961; 8:47 a.m.]

[File No. 24NY-5470]

BROADCAST INTERNATIONAL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1961.

I. Broadcast International, Inc. (issuer), a New York corporation, located at 3 West 57th Street, New York, N.Y., filed with the Commission on June 2, 1961, a notification on Form 1-A and offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the issuer:

1. Fails to disclose in the notification a material transaction with respect to the stock held by the controlling person of the issuer;

2. Falsely names a person as an officer of the issuer who was not such at the time of the filing.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices.

2. The failure to disclose that customers listed as current active accounts had ceased to deal with the issuer.

3. The overstatement of the number of programs which could be produced by the issuer with the proceeds of the offering.

4. The statement that Broadcast Planning represented 150 television stations.

C. The offering and sale of the issuer's securities would violate section 17(a) of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and it hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6254; Filed, July 5, 1961; 8:47 a.m.]

[File No. 24A-1469]

J. I. MAGARIL COMPANY AND SPRAY-BILT, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1961.

I. Spray-Bilt, Inc. (Issuer), a Florida corporation, 3605 East 10th Court, Hialeah, Florida, and J. I. Magaril Company (Offeror), 37 Wall Street, New York, filed with the Commission on March 1, 1961, a notification on Form 1-A and an offering circular, relating to a proposed public offering of 16,000 shares of 10 cents par value common stock of Spray-Bilt, Inc. by J. I. Magaril Company as selling stockholder, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was to be made by and on behalf of J. I. Magaril Company, the stock was to be sold at $6.25 a share for an aggregate amount of $100,000, and all proceeds were to be received by the selling stockholder.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices as required by Item 11 of Schedule I, in that:

(a) The issuer failed to include expenses incurred in January 1961 as operating expenses for that month;

(b) The issuer changed its accounting practice to record sales at the time the order was received rather than at the time goods were shipped and this change had a material misleading effect on the financial statements for the month of January 1961.

2. The issuer failed to disclose, as is required by generally accepted accounting principles and practices, the change in accounting procedure which materially affected comparability of financial statements with those of previous periods and which affected the net income for the month of January 1961.

3. Note F to the financial statements omits to state as a material fact the effect upon the issuer's profits of changes in accounting procedures and provides an explanation of the effects of an advertising campaign and convention which, in the light of the circumstances, is misleading.

B. The issuer and selling stockholder in the distribution of these securities have engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities, in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6255; Filed, July 5, 1961; 8:47 a.m.]

[File No. 24SF-2873]

YARBROUGH PETROLEUM CORP.

Notice and Order for Hearing

JUNE 29, 1961.

I. Yarbrough Petroleum Corporation (Issuer), a Nevada corporation, filed with the Commission on April 18, 1961 a notification and offering circular relating to an offering of 300,000 shares of its $1 par value capital stock at $1 per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A.

II. The Commission, on May 31, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., on July 18, 1961 at Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the geological reports and the offering circular filed with the notification contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The estimate of the gross oil reserves of the issuer's Towle lease at 1,204,640 barrels, before reduction for royalties;

2. The estimate of reserves in possible production formations of the issuer's Reedy lease and the basis used in arriving at such estimate;

3. The use of projections of estimated income in future years from the Towle lease as well as the Reedy lease which cannot be justified on the basis of information known at present;

4. The failure to disclose that the information on the map of the Towle lease and the well data accompanying the map are not subject to correlation;

5. The failure to disclose that, based on information known at present, the possibility of obtaining profitable commercial production from the Towle lease is very remote;

6. The failure to disclose with respect to the Reedy lease the decline in pressure which normally occurs in any producing oil field with the passage of years and the adverse effect of such decline on production from the field;

7. The failure to disclose with respect to the Reedy lease that the accumulated production set forth for the wells reasonably close to the Reedy lease is an estimate rather than the actual production data and therefore subject to error;

8. The statement made in connection with the Reedy lease that many wells near that lease had initial production rates of thousands of barrels per day when the initial production rate of the largest well near the issuer's lease did not amount to thousands of barrels per day.

B. Whether the offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Yarbrough Petroleum Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 14, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Yarbrough Petroleum Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Yarbrough Petroleum Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II above.

Notice is hereby given that it Yarbrough Petroleum Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Yarbrough Petroleum Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6256; Filed, July 5, 1961; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EMILIA ROSSI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administra-

tion thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emilia Rossi, Rome, Italy; $2,009.33 in the Treasury of the United States.

Vesting Order No. 2411; Claim No. 3893.

Executed at Washington, D.C., on June 29, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61-6265; Filed, July 5, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 680]

TRANSFER AND DISPOSAL OF REAL AND RELATED PERSONAL PROPERTY

Delegation of Authority

JUNE 29, 1961.

SECTION 1. *Delegation of authority.* Pursuant to the authority contained in section 4 of Order 2830 of September 8, 1958 of the Secretary of the Interior, the Assistant Director—Administration, the Chief, Division of Administrative Services, Field Administrative Officers and State Directors may exercise the authority granted to the Director, Bureau of Land Management by section 2 of the order with respect to the assignment, transfer and disposition of real property and related personal property.

SEC. 2. *Exercise of authority.* The authority granted by this order shall be exercised in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 471 et seq.); the regulations of the General Services Administration, and the regulations of the Department of the Interior.

SEC. 3. *Redelegation.* The Field Administrative Officers and State Directors may in writing redelegate to any qualified employees within their jurisdiction the authority granted by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* Bureau Order No. 663 of March 28, 1960 is hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-6251; Filed, July 5, 1961; 8:47 a.m.]

Office of the Secretary

L. A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Add: General Electric Co., United Fruit Co., Illinois Power Co., Great Lakes Chem. Co. Remove: Millstadt (Illinois) Telephone Co.
(3) None.
(4) None.

This statement is made as of June 15, 1961.

Dated: June 15, 1961.

L. A. MOLLMAN.

[F.R. Doc. 61-6268; Filed, July 5, 1961; 8:49 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Marine Capital Corporation. Polaroid Corporation.
(3) None.
(4) None.

This statement is made as of June 19, 1961.

Dated: June 19, 1961.

RIGGS SHEPPERD.

[F.R. Doc. 61-6269; Filed, July 5, 1961; 8:49 a.m.]

A. H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 14, 1961.

Dated: June 14, 1961.

A. H. WADE, Jr.

[F.R. Doc. 61-6270; Filed, July 5, 1961; 8:49 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 15, 1961.

Dated: June 15, 1961.

CLARENCE W. MAYOTT.

[F.R. Doc. 61-6267; Filed, July 5, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

C. F. OGDEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Domestic stocks:
Aeroquip Corp.
American Airlines, Inc.
Aluminum, Ltd.
The Detroit Edison Co.
Dow Chemical Co.
Fundamental Investors, Inc.
General Dynamics
General Electric Co.
Glenn L. Martin Co.
Litton Industries, Inc.
McLouth Steel.
Pfizer (Chas.) & Co., Inc.
Republic Steel Corp.
Phillips Petroleum.
Sperry Rand Corp.
Texas Gas Transmission.
Universal Match.
Canadian stocks:
Britalta Petroleum, Ltd.
New Athona Mines, Ltd.
Scurry Rainbow Oil, Ltd.
Rayrock Mines, Ltd.
Sarnoil, Ltd.

This amends statement published December 20, 1960 (25 F.R. 14002).

Dated: May 29, 1961.

C. F. OGDEN.

[F.R. Doc. 61-6237; Filed, July 5, 1961; 8:45 a.m.]

JAMES B. ROSSER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

I am a Vice President of Pullman-Standard, a division of Pullman Incorporated, and in addition, I own 250 shares of Pullman Incorporated stock.

Furthermore, I own the following shares of stock in the companies shown below:

Shares:
195—National Lead Co.
62—American Bakeries Co.
[1] 53—Commonwealth Edison Co.
2—Northern Illinois Gas Co.
[2] 3—Evans Products Co.

[1] Three shares added since last statement.
[2] Added since last statement.

Other than the above connection with Pullman-Standard and the ownership of the stocks listed above, I do not have any affiliation, connection or interest in any other corporation, partnership, or any other business.

This amends statement published February 1, 1961 (26 F.R. 1010).

Dated: June 28, 1961.

JAMES B. ROSSER.

[F.R. Doc. 61-6238; Filed, July 5, 1961; 8:45 a.m.]

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

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Veterans Administration

Effective upon publication in the FEDERAL REGISTER, subparagraph (12) is added to paragraph (a) of § 6.322 as set out below.

§ 6.322 Veterans Administration.

(a) *Office of the Administrator.*

* * *

(12) One Confidential Assistant to the Associate Deputy Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6384; Filed, July 6, 1961; 8:55 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Nectarine Order 8]

PART 937—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 937.329 Nectarine Order 8.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 37 (7 CFR Part 937) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 29, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 9, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any package or container of Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, or Red Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter," and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6358; Filed, July 6, 1961; 8:51 a.m.]

[Milk Order 118]

PART 1018—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Order

§ 1018.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern Florida marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure

a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price Support, Commodity Stabilization Service was issued June 7, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued June 21, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southeastern Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§§ 1018.18, 1018.19 [Deletion]

1. Delete §§ 1018.18 and 1018.19 in their entirety.

§ 1018.22 [Amendment]

2. In subparagraph (2) of § 1018.22(j) delete the word "prices" and substitute therefor the word "price".

§ 1018.30 [Amendment]

3. Delete paragraph (d) of § 1018.30 in its entirety and redesignate paragraph (e) as paragraph (d).

§ 1018.31 [Amendment]

4. Delete subdivision (ii) of § 1018.31 (b)(1) and substitute therefor the following:

(ii) The total pounds of milk received from such producer,

5. Delete the preamble of § 1018.71 and substitute therefor the following:

§ 1018.71 Aggregate value used to determine producer prices.

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price for milk of 4.0 percent butterfat content, at the market, as follows:

6. Delete § 1018.72 in its entirety and substitute therefor the following:

§ 1018.72 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight for milk of 4.0 percent butterfat content, at the market, as follows:

(a) Divide the aggregate value computed pursuant to § 1018.71 by the total hundredweight of milk received from producers;

(b) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (a) of this section. This resulting figure shall be the uniform price for producer milk containing 4.0 percent butterfat, at the market.

§ 1018.73 [Amendment]

7. In § 1018.73 delete the word "prices" and substitute therefor the word "price".

8. Delete § 1018.74 in its entirety and substitute therefor the following:

§ 1018.74 Location differentials to producers.

The uniform price pursuant to § 1018.72 to be paid for milk received from producers at a pool plant located 60 miles or more from the location of the main U.S. Post Office in Boca Raton by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1018.51.

§ 1018.75 [Amendment]

9. Delete paragraphs (b) and (c) of § 1018.75 and substitute therefor the following:

(b) The uniform price for producer milk computed pursuant to § 1018.72, and the butterfat differential;

(c) The amount and value of his producer milk at the uniform price; and

§ 1018.80 [Amendment]

10a. Delete subparagraphs (1), (2) and (3) of § 1018.80(a) and substitute therefor the following:

(1) On or before the 20th day of each month to each producer who did not discontinue shipping milk to such handler before the 15th day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph;

(2) On or before the fifth day of the following month to each producer who did not discontinue shipping milk to such handler before the last day of the month, an amount equal to not less than the uniform price for the preceding month less 10 percent, but not to exceed $6.00, multiplied by the hundredweight of milk received from such producer after the 15th and through the last day of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph; and

(3) On or before the 15th day of the following month, to each producer an amount equal to not less than the uniform price computed pursuant to § 1018.72 adjusted by the butterfat and location differentials to producers, multiplied by the total pounds of milk received from such producer, subject to the following adjustments:

(i) Less payments made to such producer pursuant to subparagraphs (1) and (2) of this paragraph,

(ii) Less marketing service deductions made pursuant to § 1018.85,

(iii) Plus or minus adjustments for errors made in previous payments made to such producer, and

(iv) Less proper deductions authorized by such producer:

Provided, That if by the date specified, such handler has not received full payment from the market administrator pursuant to § 1018.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment and payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

b. Delete subdivision (iii) of § 1018.80 (c)(2) in its entirety and redesignate subdivisions (iv) and (v) of said paragraph as (iii) and (iv), respectively.

§ 1018.82 [Amendment]

11. In § 1018.82 delete the word "prices" and substitute therefor the word "price".

§ 1018.83 [Amendment]

12. In § 1018.83 delete the word "prices" and substitute therefor the word "price".

§§ 1018.90, 1018.91, 1018.92 [Deletion]

13. Delete §§ 1018.90, 1018.91 and 1018.92 in their entirety.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., June 30, 1961, to be effective on and after the 1st day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6359; Filed, July 6, 1961; 8:51 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), §§ 74.2 and 74.3 of Part 74, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. A new subparagraph (4) is added to paragraph (a) of § 74.2 to read:

(4) The following Counties in Nebraska: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

2. Subparagraph (1) of paragraph (a) of § 74.3 is amended to read:

(1) Arkansas, New York, North Dakota, and Tennessee.

3. A new subparagraph (4) is added to paragraph (a) of § 74.3 to read:

(4) All Counties in Nebraska except Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 117, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds the Counties of Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Sheridan, Sioux, and Scottsbluff in Nebraska to the free areas and deletes such Counties from the infected and eradication areas, as sheep scabies are not known to exist in such Counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to these Counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep into free areas will apply thereto.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of July 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–6386; Filed, July 6, 1961; 8:55 a.m.]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 131—HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Budget of Expenses and Fixing Rates of Assessment for 1961

On May 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 101) regarding the budget of expenses and the fixing of the rates of assessment for the calendar year 1961, under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus. This regulatory program is effective pursuant to Public Law No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 851 et seq.).

The notice provided a period of 30 days for interested parties to file data, views or arguments with the Hearing Clerk. After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, it is hereby found and determined that:

a. Section 131.161 is added to read as follows:

§ 131.161 Budget of expenses and rates of assessment for the calendar year 1961.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order (§§ 131.1 to 131.113), for the maintenance and functioning of said Agency during the calendar year 1961, will amount to $64,841.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $6,099.10 on hand with said Control Agency on January 1, 1961, from assessments collected during the calendar year 1960, leaving a balance of $58,741.90 to be collected during the calendar year 1961.

(b) *Rates of assessment.* Of the amount of $58,741.90 to be collected during the calendar year 1961, the sum of $45,759.94 shall be assessed against handlers who are manufacturers, and $12,981.96 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1961 by each handler who is a manufacturer shall be $27.28 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1960 and the pro rata share of such expenses to be paid for the calendar year 1961 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $20.33 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order (§§ 131.1 to 131.113).

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order (§§ 131.1 to 131.113).

Findings relative to effective date. It is hereby further found that (1) the fiscal year of the Control Agency established pursuant to the provisions of the marketing agreement and the marketing order corresponds to the calendar year, and the current calendar year 1961 is already well advanced; (2) the expenses of operating this regulatory program since January 1, 1961, have been paid with funds representing assessments collected in excess of expenses incurred during the calendar year 1960 and prepayments of a portion of their 1961 assessments by manufacturer and wholesaler handlers; (3) nearly all such funds have now been expended; (4) in order for the administrative assessments to be collected, it is essential that the specification of the assessment rates be effective immediately so as to enable the Control Agency to perform its respective duties and functions under the aforesaid marketing agreement and marketing order; and (5) no preparation with respect to this determination is required of persons regulated which cannot be completed prior to the effective date hereof. Wherefore, it is hereby determined that good cause exists for making this determination effective upon its publication in the FEDERAL REGISTER.

(Sec. 60, 49 Stat. 782; 7 U.S.C. 855)

Done at Washington, D.C., this 30th day of June 1961, to become effective upon publication in the FEDERAL REGISTER.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61–6387; Filed, July 6, 1961; 8:55 a.m.]

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Miscellaneous Amendments

On May 9 there appeared in the FEDERAL REGISTER (26 F.R. 3999) a notice of proposed rule making concerning amend-

ments to the regulations governing the recognition of breeds and books of record of purebred animals and the certification of purebred animals (9 CFR Part 151, as amended) under paragraph 1606 of section 201 of the Tariff Act of 1930, as amended (19 U.S.C. 1201, par. 1606). After due consideration of all relevant matters and under the authority of said paragraph 1606, the regulations are hereby amended as follows:

§ 151.1 [Amendment]

1. Paragraph (j) of § 151.1 is amended to read:

(j) *Certificate of pure breeding.* A certificate issued by the Director of the Division, for Bureau of Customs use only, certifying that the animal to which the certificate refers is a purebred animal of a recognized breed and duly registered in a book of record recognized under the regulations in this part for that breed.

2. The definition of "port of arrival" in paragraph (k) of § 151.1 is deleted. A new paragraph (k) is added as follows:

(k) *Agent.* The agent authorized by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U.S.C. 1201, par. 1606) to sign the affidavit referred to therein shall be a person acting under written authority from the owner or importer of the animal, such as a licensed customhouse broker or his employee.

3. Paragraph (l) of § 151.1 is amended to read:

(l) *Port of entry.* Any port designated under § 92.3 of this chapter.

4. Sections 151.2, 151.3, 151.4, 151.6, and 151.7 are amended to read:

§ 151.2 Issuance of a certificate of pure breeding.

The Director of the Division will issue a certificate of pure breeding for an animal claimed to be entitled to free entry under the act provided the requirements of the regulations in this part are complied with. Such certificate will be presented to the owner, agent, or importer who in turn shall present it to the collector of customs at the port where customs entry is made.

§ 151.3 Application for certificate of pure breeding.

An application for a certificate of pure breeding executed by the owner, agent, or importer of an animal shall be made on AIQ Form 338 (available from the collector of customs) before the animal will be examined as provided in § 151.7. Such application shall be made to the inspector at the port of entry for all animals: *Provided, however,* That the application for a certificate of pure breeding for dogs, other than those regulated under § 92.18 of this chapter, and cats may be made to the inspector either at the port of entry or at any other port where customs entry is made. An agent shall show the inspector written authorization from the owner or importer authorizing him to act for the owner or importer in connection with the application for a certificate of pure breeding.

§ 151.4 Pedigree certificate.

A pedigree certificate for an animal of a breed listed in § 151.9 issued by the custodian of the appropriate book of record listed in said section and on which there has been entered in accordance with the rules of entry of the registry association, a complete record of transfers of ownership from the breeder to and including the United States importer, or a complete record of transfers of ownership from the breeder to and including the person who owns the animal when it is imported into the United States and the name of the United States importer (for example, a lessee), shall be furnished by the owner, agent, or importer to the inspector at the time of the examination of the animal as provided in § 151.7. The inspector will return the document to the party who submitted it. A verbatim translation of the description relating to color and markings shall appear in English in the pedigree certificate for the animal or in a separate certificate appended to the pedigree certificate.

§ 151.6 Affidavit of identity.

An affidavit by the owner, agent, or importer shall be executed before an officer having authority to administer oaths, stating that the animal declared for free entry under the act is the identical animal described in the pedigree certificate presented therefor. This affidavit shall be executed and recorded on AIQ Form 338 and presented to the inspector before the animal will be examined as provided in § 151.7. In addition to other officers having authority to administer oaths, the affidavit may be executed before: (a) Director of the Division, or (b) any officer or employee of the Bureau of Customs designated for that purpose by the Secretary of the Treasury. No compensation or fee shall be demanded or accepted by Federal employees for administering oaths under the provisions of this section.

§ 151.7 Examination of animal.

(a) For the purpose of determining identity, an examination shall be made by an inspector of each animal for which free entry is claimed under the act. All animals shall be examined at the port of entry: *Provided, however,* That dogs, other than those regulated under § 92.18 of this chapter, and cats may be examined either at the port of entry or at any other port where customs entry is made.

(b) The owner, agent, or importer shall provide adequate assistance and facilities for restraining and otherwise handling the animal and present it in such manner and under such conditions as in the opinion of the inspector will make a proper examination possible. Otherwise the examination of the animal will be refused or postponed by the inspector until the owner, agent, or importer meets these requirements.

(c) A pedigree certificate, as required by § 151.4 shall be presented at the time of examination to the inspector making the examination in order that proper identification of the animal may be made. When upon such examination of any animal, the color, markings, or other identifying characteristics do not conform with the description given in the pedigree certificate and the owner, agent, or importer desires to pursue the matter further, the inspector shall issue AIQ Form 419 to the owner, agent, or importer, and shall forward the pedigree certificate for this animal, together with AIQ Form 338, to the Washington office of the Division by certified mail. A determination will be made by such office as to the identity of the animal in question and the eligibility of the animal for certification under § 151.2. The pedigree certificate will be returned to the party who submitted it as soon as such determination is made. Removal of an animal from the port where examination is made prior to presentation of the pedigree certificate or other failure to comply with the requirements of this paragraph shall constitute a waiver of any further claim to certification under the regulations in this part.

(Par. 1606, sec. 201, 46 Stat. 673, as amended; 19 U.S.C. 1201, par. 1606)

Effective date. The foregoing amendments shall become effective on July 1, 1961.

The change in § 151.1(j) provides for routing the certificate of pure breeding through the owner, agent, or importer as described in the revisions of § 151.2. The addition of § 151.1(k) contains a definition of the word "agent" as used in the regulation. The term port of arrival is deleted from the regulation and the term port of entry redefined in order to clearly provide that animals, other than dogs regulated under 9 CFR 92.18 and cats, must be imported through the ports designated under 9 CFR 923. The changes in § 151.7 (a) and (b) provide for examination of dogs, other than those regulated under 9 CFR 92.18, and cats at the port where customs entry is made for such animals. The change in § 151.2 provides for the routing of the certificate of pure breeding through the owner, agent, or importer, for submission by him to the collector of customs at the port where customs entry is made, with all of the other entry papers. The change in § 151.3 provides for one standard form with respect to the application for a certificate of pure breeding, affidavit of identity, report of inspection, and certification concerning an imported purebred animal and requires the form to be executed by the owner, agent, or importer, prior to inspection of the animal. This will facilitate certification and in many instances complete it before the animal leaves the port. The change also requires an agent to show written authority to act for the owner or importer under this part. The change in § 151.4 clarifies who the United States importer is when he is not the owner of the animal and removes the requirement that the pedigree certificate be presented to the Division following examination of the animal by the inspector, except when there is a question regarding the identity of the animal. The change in § 151.6 requires the affidavit to be completed prior to examination of the animal, describes the persons who may administer oaths, and states that these employees shall not accept compensation for administering such oaths. The change in § 151.7(c) provides for the issuance of a notice concerning the eligibility of import animals declared for free entry (AIQ Form 419) when there is a question regarding identity of the animal and changes the method of submitting such cases for review to be in keeping with the method of applying for certification. It also provides for mailing pedigree certificates by certified mail in lieu of registered mail.

The proposed amendments are less restrictive than the regulations presently in effect; accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) these amendments may be made effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 30th day of June 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-6388; Filed, July 6, 1961; 8:55 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

Special Arbitrage Accounts; Transfer of Accounts

1. Effective August 7, 1961, paragraph (d)(3) of § 220.3, paragraph (d) of § 220.4, and paragraph (d) of § 220.6 are amended to read as follows:

§ 220.3 General accounts.

* * * * *

(d) *Adjusted debit balance.* * * *

(3) the current market value of any securities (other than unissued securities) sold short in the account plus, for each such security (other than an exempted security), such amount as the Board shall prescribe from time to time in § 220.8 as the margin required for such short sales, except that such amount so prescribed in § 220.8 need not be included when there are held in the account securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

§ 220.4 Special accounts.

* * * * *

(d) *Special arbitrage account.* In a special arbitrage account, a member of a national securities exchange may effect and finance for any customer bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities.

§ 220.6 Certain technical details.

* * * * *

(d) *Transfer of accounts.* (1) In the event of the transfer of a general account from one creditor to another, such account may be treated for the purposes of this part as if it had been maintained by the transferee from the date of its origin: *Provided,* That the transferee accepts in good faith a signed statement of the transferor that no cash or securities need be deposited in the account in connection with any transaction that has been effected in the account or, in case he finds that it is not practicable to obtain such a statement from the transferor, accepts in good faith such a signed statement from the customer.

(2) In the event of the transfer of a general account from one customer to another, or to others, as a bona fide incident to a transaction that is not undertaken for the purpose of avoiding the requirements of this part, each transferee account may be treated by the creditor for the purposes of this part as if it had been maintained for the transferee from the date of its origin: *Provided,* That the creditor accepts in good faith and keeps with the transferee account a signed statement of the transferor describing the circumstances giving rise to the transfer.

2a. The purpose of the amendment to § 220.4 is to clarify the Board's position as to the situations in which credit may be extended under paragraph (d) of § 220.4 outside the margin restrictions of § 220.3 *General accounts,* and to provide more explicit standards for the use of these sections in arbitrage situations. A conforming change is being made to paragraph (d)(3) of § 220.3. The purpose of the amendment to paragraph (d) of § 220.6 relating to the transfer of general accounts between customers, is to eliminate possible ambiguities and to make clearer what situations are covered and what situations are not covered by that provision.

b. The amendments set forth herein were the subject of notices of proposed rule making published in the FEDERAL REGISTER (25 F.R. 2737 and 3556), and were adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Secs. 3, 7, 8, 17, 23; 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U.S.C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6365; Filed, July 6, 1961; 8:52 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Loans to Finance Arbitrage Transactions; Transfer of Loans Between Borrowers

1. Effective August 7, 1961, paragraph (j) of § 221.2 and paragraph (e) of § 221.3 are amended to read as follows:

§ 221.2 Exceptions to general rule.

* * * * *

(j) Any loan to a member of a national securities exchange for the purpose of financing his or his customers' bona fide arbitrage transactions in securities. For the purposes of this paragraph, the term "arbitrage" means (1) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (2) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security, for the purpose of taking advantage of a disparity in the prices of the two securities;

§ 221.3 Miscellaneous provisions.

* * * * *

(e) A bank, without following the requirements of this part as to the making of a loan, may:

(1) Accept the transfer of a loan from another bank, or

(2) Permit the transfer of a loan from one borrower to another, or to others, as a bona fide incident to a transaction that is not undertaken for the purpose of avoiding the requirements of this part, provided that a statement signed by the transferor, describing the circumstances giving rise to the transfer, is accepted in good faith by an officer of the bank and is kept with each transferee loan account;

Provided, The loan is not increased and the collateral for the loan is not changed; and, after such transfer, a bank may permit such withdrawals and substitutions of collateral as the bank might have permitted if it had been the original maker of the loan or had originally made the loan to the new borrower.

2a. The purpose of the amendment to § 221.2 is to clarify the Board's position as to the situations in which credit may

be extended under paragraph (j) of § 221.2 outside the margin restrictions of § 221.1 *General rule*, and to provide more explicit standards for the use of these sections in arbitrage situations. The purpose of the amendment to paragraph (e) of § 221.3, relating to the transfer of loans between borrowers, is to eliminate ambiguities and to make clearer what situations are, and what situations are not, covered by that provision.

b. The amendments set forth herein were the subject of notices of proposed rule making published in the FEDERAL REGISTER (25 F.R. 2737 and 3557), and were adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 23, 48 Stat. 901; 15 U.S.C. 78w. Interprets or applies secs. 2, 3, 7, 17, 48 Stat. 881, 882, 886, as amended; 15 U.S.C. 78b, 78c, 78g, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6366; Filed, July 6, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 788; Amdt. 301]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Model 22 (880) Aircraft

Investigation of one reported instance in which a Convair Model 22 (880) aircraft rudder spring cartridge assembly, P/N 22-46223, seized due to corrosion and galling and resulted in limited rudder travel, has shown that this malfunction is likely to occur on other Convair Model 22 (880) aircraft. The effects of this malfunction on operational safety are such as to require recurrent inspections until a reworked part is installed.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CONVAIR. Applies to all Model 22 (880) aircraft having cartridge assembly—rudder spring P/N 22-46223 installed.
Compliance required as indicated.
One instance has occurred on the Model 22 (880) aircraft in which the cartridge assembly—rudder spring P/N 22-46223 seized due to corrosion and galling, resulting in limited rudder travel. The effects of this malfunction upon operational safety are such as to require accomplishment of the following:

(a) Within the next 100 hours' time in service unless already accomplished in the last 220 hours' time in service, and at each 320 hours' time in service thereafter, conduct the following operational check: Lock the rudder flight tab and rudder in neutral position and operate the rudder pedals right and left until the cockpit stops are contacted 5 or more times. If any roughness in operation is noted, remove cartridge assembly—rudder spring P/N 22-46223, and replace with a P/N 22-46223 which has been inspected and found free of corrosion or galling and operationally checked, or a part reworked in accordance with the provisions of Convair Service Bulletin No. 27-33 and reidentified as P/N 22-46223-1, prior to further flight.

(b) When the cartridge assembly—rudder spring is replaced with an assembly reworked in accordance with provisions of Convair Service Bulletin 27-33 and reidentified as P/N 22-46223-1, the inspection specified in (a) may be discontinued.

(Convair Service Bulletin No. 27-33 covers this same subject.)

This amendment shall become effective July 7, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 29, 1961.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6319; Filed, July 6, 1961; 8:45 a.m.]

[Reg. Docket No. 780; Amdt. 302]

PART 507—AIRWORTHINESS DIRECTIVES

Convair Model 22 (880) Series Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on June 16, 1961, and made effective immediately because of the safety emergency involved, as to all known United States operators of Convair Model 22 (880) Series aircraft. One case has been reported where the rivets attaching the forward rod end to the rudder flight tab rod were not installed.

For this reason it was found that immediate corrective action was required in the interest of safety, that notice and public procedure thereon were impracticable and that good cause existed for making this airworthiness directive effective immediately as to all known U.S. operators of Convair Model 22 (880) Series aircraft by individual telegrams dated June 16, 1961. It is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons:

CONVAIR. Applies to all Model 22 (880) Series aircraft.
Compliance required as indicated.
One instance has been reported where the rivets attaching the forward rod end P/N 22-04442-1, to the rudder flight tab rod P/N 22-46257, were not installed. This resulted in the rod end P/N 22-04442-1, becoming separated from the tab rod P/N 22-46257, with ensuing loss of the rudder flight tab control. The effects of this malfunction on operational safety is such as to require accomplishment of the following:

(a) Prior to further flight unless already accomplished in accordance with Convair Alert Service Bulletin 27-40 dated June 14, 1961, inspect rod P/N 22-46257 and rod end P/N 22-04442-1 to insure that they are attached by two AN-435 MC rivets per Convair Drawing 22-46257.

(b) If the rivets in paragraph (a) are not installed, rod end P/N 22-04442-1 shall be attached to rod P/N 22-46257 per Convair Alert Service Bulletin 27-40 dated June 14, 1961, or FAA approved equivalent, prior to further flight.

(c) Rod end assemblies attached with NAS 464-3 bolts must be replaced within 250 hours' time in service on bolt by parts complying with Convair Drawing 22-46257.

(Convair Alert Service Bulletin 27-40 covers this same subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated June 16, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 29, 1961.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6320; Filed, July 6, 1961; 8:45 a.m.]

[Reg. Docket No. 744; Amdt. 303]

PART 507—AIRWORTHINESS DIRECTIVES

Aero Commander Model 500 Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection for fatigue cracks in upper engine mount angles of Aero Commander Model 500 aircraft was published in 26 F.R. 4290.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to all Model 500 aircraft.
Compliance required within the next 100 hours' time in service after the effective date of this directive and at each 100 hours' time in service thereafter.
Visually inspect the inside of angles P/N 5620023-7, -8, -9, and -10 in the area of the row of Huck bolts, nearest the radius of the angle, that attach the angles to the upper and lower mount fittings, P/N 3620025-1 and -2. If cracks are found, prior to further flight, incorporate the reinforcement as indicated in Aero Commander Service Bulletin No. 68A, dated January 20, 1961, or equivalent.
Angles incorporating Federal Aviation Agency approved reinforcement need not be reinspected in accordance with the provisions of this AD.
(Aero Commander Service Bulletin No. 68A dated January 20, 1961, covers this subject.)
This supersedes Amendment 233, (25 F.R. 12829).

This amendment shall become effective August 8, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 28, 1961.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6321; Filed, July 6, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8284 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Irving Adelman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Irving Adelman trading as Irving Adelman, New York, N.Y., Docket 8284, May 16, 1961]

Consent order requiring a New York City furrier to cease violating the Fur Products Labeling Act by deceptively invoicing fur with respect to the name of the producing animal, and by failing in other respects to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Irving Adelman, an individual trading as Irving Adelman or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of fur as "commerce" and "fur" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur by:

A. Failing to furnish to purchasers of fur invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing or otherwise falsely or deceptively identifying fur as to the name or names of the animal or animals that produced the fur.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6367; Filed, July 6, 1961; 8:53 a.m.]

[Docket 7286 o.]

PART 13—PROHIBITED TRADE PRACTICES

Art National Manufacturers Distributing Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15-270 *Size and extent;* § 13.15-278 *Time in business;* § 13.30 *Composition of goods;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.175 *Quality of product or service;* § 13.215 *Seals, emblems, or awards.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious pricketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Art National Manufacturers Distributing Co., Inc. (Maspeth, N.Y.), et al., Docket 7286, May 10, 1961]

In the Matter of Art National Manufacturers Distributing Co., Inc., a Corporation, Louis Watch Company, Inc., a Corporation, and Louis Friedman, Martin Friedman and Albert Friedman, Individually and as Officers of Said Corporations

Order requiring two associated concerns with common officers—a catalog mail order house and a watch manufacturer which made a substantial part of its sales through the former's catalog—to cease misrepresenting the size and extent of their business quarters, or the length of time in business; representing falsely that their "Louis" watches were shockproof, had been awarded a Gold Medal, were jeweled with rubies, and were guaranteed; and to cease pricketing their watches with excessive prices represented thereby as the usual retail prices.

The order to cease and desist, together with order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Art National Manufacturers Distributing Co., Inc., a corporation, and respondents Louis Friedman, Martin Friedman and Albert Friedman, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing, directly or indirectly:

1. That respondents occupy any portion of buildings depicted that is not in accordance with the facts, or misrepresenting, in any manner, the size or extent of the buildings in which they carry on their business;

2. That respondent Art National Manufacturers Distributing Co., Inc., sells its merchandise at America's lowest prices, or misrepresenting in any other manner its prices as compared to those of its competitors;

3. That Louis watches are shockproof.

(b) Representing by means of prices on tickets attached to or accompanying merchandise, or by any other means, that any price is the retail price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail.

(c) Furnishing means and instrumentalities to dealers or others by and through which they may misrepresent the usual and customary retail prices of respondents' merchandise.

It is further ordered, That respondent Louis Watch Company, Inc., a corporation, and respondents Louis Friedman and Albert Friedman, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing directly or indirectly:

1. That said corporation has been in existence, or that said corporation or individuals have been in business for any period or length of time that is not in accordance with the facts;

2. That they occupy any portion of buildings depicted that is not in accordance with the facts, or misrepresenting, in any manner the size or extent of the buildings in which they carry on their business;

3. That Louis watches have been awarded a Gold Medal or any other kind of medal;

4. That the jewels in Louis watches are rubies;

5. That Louis watches are shockproof;

6. That Louis watches are guaranteed unless the nature and extent of the guarantee and the manner in which the guarantors will perform are clearly set forth.

(b) Representing by means of prices on tickets attached to or accompanying merchandise, or by any other means, that any price is the retail price of merchandise when it is in excess of the price at which said merchandise is usually and customarily sold at retail.

(c) Furnishing means and instrumentalities to dealers or others by and through which they may misrepresent the usual and customary retail prices of respondents' merchandise.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the man-

ner and form in which they have complied with the order to cease and desist.

Issued: May 10, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6368; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8283 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Dofan Handbag Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–40 *In general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Dofan Handbag Co., Inc., et al., New York, N.Y., Docket 8283, May 16, 1961]

In the Matter of Dofan Handbag Co., Inc., a Corporation, and Zoltan J. Grosz and Armand A. Grosz, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of ladies' handbags to cease stamping the words "Leather Lined" upon some of their handbags which were, in fact, only partially leather lined.

The order to cease and desist is as follows:

It is ordered, That respondents Dofan Handbag Co., Inc., a corporation, and its officers, and Zoltan J. Grosz and Armand A. Grosz, individually, and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of ladies' handbags, or other merchandise do forthwith cease and desist from representing directly or by implication:

1. That certain ladies' handbags or other merchandise are leather lined unless said articles are completely lined with genuine leather.

2. That certain ladies' handbags or other merchandise are leather lined by affixing stampings or labels thereto that they are leather lined unless such articles are completely lined with genuine leather.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6369; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8192 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Einbender's Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1810 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Einbender's Inc., et al., St. Joseph, Mo., Docket 8192, May 17, 1961]

In the Matter of Einbender's Inc., a Corporation, and Sylvia B. Einbender, Lester L. Einbender, and Edwin I. Einbender, Individually and as Officers of Said Corporation

Consent order requiring furriers in St. Joseph, Mo., to cease violating the Fur Products Labeling Act by affixing to fur products labels bearing fictitious prices, represented thereby as the regular retail selling prices; by advertising in newspapers which failed to disclose that certain fur products were composed of flanks, and, by use of such terms as "Values to", represented falsely that the following excessive figure was their usual retail price, and failed in other respects to comply with advertising requirements; and by failing to keep adequate records as the basis for pricing and value claims.

The order to cease and desist is as follows:

It is ordered, That Einbender's Inc., a corporation, and its officers, and Sylvia E. Einbender and Lester L. Einbender, individually and as officers of said corporation, and Edwin I. Einbender, as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by falsely or deceptively labeling or otherwise identifying such products as to the regular prices thereof by any representation that the regular or usual prices of such products are any amount in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

B. Fails to disclose that fur products are composed in whole or in substantial part of flanks, when such is the fact.

C. Fails to set forth the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in type of equal size and conspicuousness and in close proximity with each other.

D. Represents directly or by implication through the use of the term "Values to" or any other words or terms of similar import or meaning, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of business.

E. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Making pricing claims or representations respecting prices or values of fur products unless there are maintained full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to Edwin I. Einbender, individually but not as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents, Einbender's Inc., a corporation; Edwin I. Einbender, as an officer of said corporation; and Sylvia B. Einbender and Lester L. Einbender, individually and as officers of said corporation, shall within sixty days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6370; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8246 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Flemington Fur Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–55 *Direct dealing advantages:* § 13.15 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* § 13.1900–40 *Fur Products Labeling Act:* § 13.1900–40(b) *Place.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Flemington Fur Company et al., Flemington, N.J., Docket 8246, May 17, 1961]

In the Matter of Flemington Fur Company, a Corporation, and Philip J. Benjamin and Joseph Birnbaum, Individually and as Officers of Said Corporation

Consent order requiring furriers in Flemington, N.J., to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose the name of the country of origin of imported furs, and represented falsely that they manufactured all the fur products they handled and acted as their own distributor; and by failing to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Flemington Fur Company, a corporation, and its officers, and Philip J. Benjamin and Joseph Birnbaum, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products and which:

A. Represents directly or by implication that respondents are wholesale or manufacturing distributors of fur products when such is not the fact.

B. Uses the word "manufacturers" or any simulation thereof with reference to any fur products procured from outside sources of supply and not manufactured by respondents.

C. Fails to disclose the name of the country of origin of any imported furs contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6371; Filed, July 6, 1961; 8:53 a.m.]

[Docket 8221 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Julee Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.230 *Size or weight.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Pretiketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1323 *Size or weight.*

(Sec. 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Julee Manufacturing Corporation et al., Longmeadow, Mass., Docket 8221, May 17, 1961]

In the Matter of Julee Manufacturing Corporation, a Corporation, and Julius Kaplan and Lee Kaplan, Individually and as Officers of Said Corporation

Consent order requiring manufacturers at Longmeadow, Mass., to cease misrepresenting the size of their sleeping bags by stating as "cut size" in catalogs and on attached labels, size descriptions almost invariably larger than the actual size of the bags in question.

The order to cease and desist is as follows:

It is ordered, That respondents Julee Manufacturing Corporation, a corporation, and its officers, and respondents Julius Kaplan and Lee Kaplan, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sleeping bags, or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, or otherwise representing the "cut size" or dimensions of materials used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Furnishing any means or instrumentalities to others by and through which they may mislead the public as to any of the matters referred to in paragraphs 1 and 2.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6372; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7144, 7144 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Haines City Citrus Growers Association et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or other Compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Haines City Citrus Growers Association (Haines City, Fla.) et al., Docket 7144, May 19, 1961; and Dale G. Snyder, doing business as D. G. Snyder Brokerage Co., Memphis, Tenn., Docket 7144 c.o., May 19, 1961]

In the Matter of Haines City Citrus Growers Association, a Corporation; E. B. Garrett Company, Inc., a Corporation; Dale G. Snyder, an Individual Doing Business as D. G. Snyder Brokerage Co., Sam J. Bushala, an Individual Doing Business as Sam Bushala

Order requiring a Haines City, Fla., cooperative of approximately 140 citrus grove owners to cease violating section 2(c) of the Clayton Act by paying unlawful commissions to buyers on purchases for their own accounts for resale, and requiring two brokers to cease accepting such commissions from suppliers of citrus fruit or other fruit products on direct purchases for resale; and

Consent order requiring a third broker respondent to desist from the same practice.

The orders to cease and desist are as follows (combining the two orders as to the three broker respondents):

It is ordered, That Respondent Haines City Citrus Growers Association, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products, to such buyer for his own account.

It is further ordered, That Respondents E. B. Garrett Company, Inc., a corporation, and its officers; Sam J. Bushala, an individual doing business as Sam Bushala; and Respondent Dale G. Snyder, an individual, doing business as D. G. Snyder Brokerage Co.; and Respondents' agents, representatives and employees, directly or through any corporate, partnership, or other device, in connection with the purchase of citrus fruit or fruit products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or fruit products, for their own account, or when Respondents are the agents, representatives, or other intermediaries acting for or in behalf of, or are subject to the direct or indirect control of the buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Haines City Citrus Growers Association, E. B. Garrett Company, Inc., Sam Bushala, and Dale G. Snyder, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which each of them has complied with the relevant order contained in the initial decision applicable to such respondent.

Issued: May 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6373; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7816 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Knickerbocker Case Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.30 *Composition of goods;* § 13.135 *Nature of product or service;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.170 *Qualities or properties of product or service:* § 13.170–30 *Durability or permanence.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Knickerbocker Case Corporation et al., Chicago, Ill., Docket 7818, May 18, 1961]

In the Matter of Knickerbocker Case Corporation, a corporation, and Chester William Buchsbaum, and Samuel Buchsbaum, Individually and as Officers of Said Corporation

Consent order requiring a Chicago manufacturer-jobber to cease representing falsely in catalogs and other advertising that its vinyl and surtex luggage and brief cases had all the qualities of leather, that they were scuff proof, that products made of vinyl or a plastic containing pulverized leather were manufactured of leather, that it was the manufacturer of all such products offered for sale, and that amounts set out as "retail" were the usual retail prices therefor.

The order to cease and desist is as follows:

It is ordered, That respondent Knickerbocker Case Corporation, a corporation, and its officers, Samuel Buchsbaum and Chester William Buchsbaum as officers of said corporation; and Chester William Buchsbaum, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of products made of vinyl, or surtex, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) A product has any of the characteristics or qualities of leather which it does not in fact possess; or misrepresenting in any manner the characteristics or qualities of a product;

(b) Any product made of vinyl or surtex is scuff proof, or that any other product is scuff proof, unless such is the fact;

(c) Any product not made entirely of leather, is leather, provided however, that if a part of a product is leather such part may be designated as leather providing the part is clearly identified;

(d) Respondents are the manufacturers of any products sold by them unless they own, operate or directly and absolutely control the manufacturing plant or factory where the product is manufactured;

(e) Any product is offered for sale at the manufacturer's price unless respondents manufacture the product so offered or, if they do not manufacture such product, unless the price at which it is offered is in fact the manufacturer's price;

(f) Any amount is the usual and regular retail price of a product when it is in excess of the price at which said product is usually and regularly sold at retail in the trade areas or areas where the representation is made;

2. Misrepresenting in any manner, directly or by implication, the savings resulting in the purchase of respondents' product.

It is further ordered, That the complaint be, and it is hereby, dismissed as to respondent Samuel Buchsbaum as an individual.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Knickerbocker Case Corporation, a corporation, Samuel Buchsbaum and Chester William Buchsbaum as officers of said corporation, and Chester William Buchsbaum, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6374; Filed, July 6, 1961; 8:54 a.m.]

[Docket 8161 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Mars Electronics, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–10 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Mars Electronics, Inc., et al., Washington, D.C., Docket 8161, May 18, 1961]

In the Matter of Mars Electronics, Inc., a Corporation, and Andre Rivera and Juan Rivera, Jr., Individually and as Officers of Said Corporation

Consent order requiring a television repair service in Washington, D.C., to cease such false advertising by radio, in newspapers, and otherwise, as "Repairs Made in Your Home . . . for only $1.00" when in fact they removed sets to their shop for estimates and charged $13.50 for the pickup, redelivery, and alleged examination, and the said low service charge was a form of bait to induce persons to call for service; and to cease advertising falsely that their repair employees were factory trained, and that all their repairs were fully guaranteed.

The order to cease and desist is as follows:

It is ordered, That respondents Mars Electronics, Inc., a corporation, and its officers, and Andre Rivera and Juan Rivera, Jr., individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of replacement parts for television sets, or any other products, or repair services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondents service or repair television sets in the homes of owners for $1.00 or any other amount, unless such is the fact;

(b) That their employees are factory trained technicians or misrepresenting the training or qualifications of their employees;

(c) That work or repairs are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Failing to clearly disclose to owners of television sets that in case their sets are removed from their homes by respondents and no repairs are made by respondents that a charge in a stated amount will be made before the sets are redelivered to the owners.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6375; Filed, July 6, 1961; 8:54 a.m.]

[Docket 7525 o.]

PART 13—PROHIBITED TRADE PRACTICES

National Trade Publications Service, Inc., and Melvin R. Lindsey

Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1735 *Sample, offer, or order conformance.* Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.* Subpart—Substituting product inferior to offer: § 13.2263 *Substituting product inferior to offer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Trade Publications Service, Inc., et al., Overland Park, Kans., Docket 7525, May 5, 1961]

In the Matter of National Trade Publications Service, Inc., a Corporation, and Melvin R. Lindsey, Individually and as an Officer of Said Corporation

Order requiring a concern in Overland Park, Kans., engaged in selling magazine subscriptions to the public through solicitation of their agents, generally handicapped individuals, to cease accepting payment for magazines they were not authorized to sell; requiring purchasers to substitute magazines for those subscribed to and paid for and which they were not authorized to sell and substituting magazines for those paid for without the consent of the subscriber; and representing falsely that certain publications they were authorized to sell were the same in content as others not on their selling list.

The order to cease and desist is as follows, including, among others, the further provision requiring report of compliance therewith:

It is ordered, That respondents, National Trade Publications Service, Inc., a corporation, and its officers, and Melvin R. Lindsey, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of magazine subscriptions in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Accepting subscriptions for magazines or other publications for which they have no authority to solicit.

2. Requiring subscribers to substitute magazines or other publications for those subscribed for.

3. Substituting magazines or other publications for those subscribed for without the consent of the subscriber.

4. Representing directly, or by implication, that any magazine or publication which respondents are authorized to sell is

(a) The same in content as any magazine or publication which respondents are not authorized to sell, or

(b) Similar to any magazine or publication which respondents are not authorized to sell when in fact the magazines or publications compared are different in either content, form, coverage or any other material respect.

It is further ordered, That the second, third and sixth charges of the complaint (subparagraphs 2, 3, and 6 of Paragraph Six) be, and they hereby are, dismissed.

It is further ordered, That respondents, National Trade Publications Service, Inc., and Melvin R. Lindsey, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: May 5, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6376; Filed, July 6, 1961; 8:54 a.m.]

[Docket 8207 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Russell-Ward Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or Other Compensation under 2(c): § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Russell-Ward Co, Inc., Seattle, Wash., Docket 8207, May 17, 1961]

In the Matter of Russell-Ward Co., Inc., a Corporation

Consent order requiring a Seattle, Wash., distributor of food products to cease violating section 2(c) of the Clayton Act by accepting commissions from suppliers on substantial purchases of food products for its own account for resale, such as a discount usually at the rate of 10 cents per 1⅗ bushel box of citrus fruit from Florida sellers, or a lower price which reflected such discount.

The order to cease and desist is as follows:

It is ordered, That respondent Russell-Ward Co., Inc., a corporation, and its officers, representatives and employees, directly or through any corporate or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for respondent's own account, or where respondent is the agent, representative, or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Russell-Ward Co., Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 17, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6377; Filed, July 6, 1961; 8:54 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of April 19, 1961 (26 F.R. 3300) with regard to listing calcium stearyl-2-lactylate as a permitted optional ingredient in bread, enriched bread, milk bread, whole wheat bread, and raisin bread. Accordingly the amendment promulgated by that order became effective June 18, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6361; Filed, July 6, 1961; 8:51 a.m.]

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Vegetables Other Than Those Specifically Regulated; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is given that no objections fully complying with the requirements of section 701(e) of the act were filed to the order published in the FEDERAL REGISTER of April 29, 1961 (26 F.R. 3697) with regard to listing corn sirup, glucose sirup, and dried forms of such sirups as optional seasoning ingredients permitted for use in canned sweetpotatoes, in forms other than mashed. Accordingly, the amendment promulgated by that order will become effective June 29, 1961.

Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6362; Filed, July 6, 1961; 8:52 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYSORBATE 80 AS AN ANTIFOGGING AGENT IN FOOD PACKAGING

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Goodyear Tire and Rubber Company, 1144 East Market Street, Akron 16, Ohio, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polysorbate 80 as a component to prevent fogging and moisture condensation of rubber hydrochloride film and polyvinyl chloride film used for packaging food. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2513 Polysorbate 80 as an antifogging agent in food packaging.

Polysorbate 80 may be safely used in food-packaging films in accordance with the following prescribed conditions:

(a) The polysorbate 80 meets the specifications prescribed in § 121.1009.

(b) It is used or intended for use as an antifogging agent as follows:

(1) As a component of polyvinyl chloride film used for packaging meat and fresh fruits and vegetables whereby the maximum amount does not exceed 1.2 percent of the weight of the film.

(2) As a component of rubber hydrochloride film used for packaging meat whereby the maximum amount does not exceed 1.5 percent of the weight of the film.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6360; Filed, July 6, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2422]

[Idaho 012238]

IDAHO

Partly Revoking Reclamation Withdrawal (Mountain Home Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The order of the Bureau of Reclamation of April 30, 1951, concurred in by the Bureau of Land Management on January 28, 1952, which withdrew lands for reclamation purposes in connection with the Mountain Home Project, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 1 N., R. 1 E.,
Sec. 4. SW¼SW¼;
Sec. 9, N½NW¼.

Containing 120 acres.

2. The lands are situated in Ada County, approximately one mile south of Mora, and about 16 miles from Boise. Topography is level to slightly rolling. Soil is derived from rocks of volcanic origin.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including the mining laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals. They have been open to applications and offers under the mineral leasing laws.

4. The State of Idaho has waived the preference right of application granted by subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 30, 1961.

[F.R. Doc. 61-6352; Filed, July 6, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 72, Rev.]

PART 244—BUSINESS PRACTICES OF FREIGHT FORWARDERS AND OF CARRIERS IN RELATION THERETO

Sections 244.1 to 244.14 of this part are hereby revised to read as follows; the "Appendix—Statement of Policy" (22 F.R. 1746, March 19, 1957) appearing at the end of this part shall continue in effect until revoked or amended:

Sec.
244.1 Definitions.
244.2 Registration.
244.3 Additional information.
244.4 Information available to public.
244.5 Registration numbers.
244.6 Registration lists.
244.7 Billing practices.
244.8 Consolidated shipments.
244.9 Special contracts.
244.10 Nondiscriminatory treatment required.
244.11 Exceptions as to special contracts.
244.12 Forwarders' receipts.
244.13 Brokerage payments.
244.14 Section 15 agreements.
244.15 Carrier performing forwarding services.
244.16 Penalties for violations.
244.17 Separability clause.
244.18 Effective date.

AUTHORITY: § 244.1 to 244.18 issued under sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114; sec. 19, 41 Stat. 995, 46 U.S.C. 676. Interpret or apply 39 Stat. 728; 46 U.S.C. 814, 815, 816, 820.

§ 244.1 Definitions.

(a) "Freight forwarder" means any person engaged in the business of dispatching or facilitating shipments on behalf of other persons, by common carrier by water in transportation as defined in this part, and of handling the formalities incident to such shipments. This definition includes, without limitation, independent freight forwarders, common carriers, manufacturers, exporters, export traders, manufacturers' agents, resident buyers, brokers, commission merchants, and any other persons when they engaged for and on behalf of any person other than themselves, in the aforementioned activity.

(b) "Common carrier by water" means any person engaged in transportation as defined in this part.

(c) "Transportation" means transportation of property by common carrier by water on ocean-going vessels in commerce from the United States, its territories and possessions, and the Commonwealth of Puerto Rico, to foreign countries, or between the United States, its territories and possessions, and the Commonwealth of Puerto Rico.

(d) "Freight forwarding service" means a service rendered by a freight forwarder, as defined in this part, in the process of dispatching or facilitating shipments on behalf of other persons, as authorized by such other persons. Such services include, but are not limited to: Examining instructions and documents received from shippers; ordering cargo to port; preparing export declarations; booking cargo space; preparing and processing delivery orders and dock receipts; preparing instructions to truckman or lighterman, and arranging for or furnishing such facilities; preparing and processing ocean bills of lading; preparing consular documents, and arranging for their certification; arranging for or furnishing warehouse storage; arranging for insurance; clearing shipments in accordance with United States Government regulations; preparing advice notices of shipments; sending copies to bank, shipper, or consignee, as required; sending completed documents to shipper, bank, or consignee, as required; advancing necessary funds in connection with the foregoing; providing supervision in the coordination of services rendered to the shipment from origin to vessel; and giving expert advice to exporters as regards letters of credit, licenses, and inspection.

(e) "Freight forwarding fee" means any compensation paid by the shipper or consignee, or the agent of either, who engages the freight forwarder for the performance of a freight forwarding service.

(f) "Broker" means any person, not a common carrier by water and not regularly employed by any common carrier by water, who is engaged by such carrier to sell or offer for sale transportation, or who holds himself out by solicitation, advertisement, or otherwise as one who negotiates between shipper and carrier for the purchase or sale of transportation.

(g) "Brokerage service" means securing cargo for a vessel engaged in transportation as defined in this part by selling transportation or by negotiating for the purchase or sale of transportation.

(h) "Brokerage" or "brokerage fee" means compensation paid by a common carrier by water for the performance of a brokerage service.

(i) "Person" includes individuals, and corporations, partnerships, associations and other legal entities existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or the Commonwealth of Puerto Rico, or any foreign country.

§ 244.2 Registration.

(a) Each person who engages in business as a freight forwarder shall register with the Federal Maritime Board before engaging in such business. Registration shall be accomplished by executing and filing with the Federal Maritime Board Freight Forwarder Registration Form FMB-21 (prescribed in paragraph (b) of this section), which will be furnished by the Federal Maritime Board upon request. All freight forwarders currently engaged in business as freight forwarders and holding registration numbers heretofore issued by the Federal Maritime Board shall, within 30 days from the effective date of the rules in this part, execute and file with the Federal Maritime Board Form FMB-21 as prescribed in this part.

(b) Form FMB-21,[1] is hereby prescribed for registration under this section.

§ 244.3 Additional information.

Registrants shall submit such additional information as the Federal Maritime Board may request from time to time, and shall notify the Federal Maritime Board of any change in facts reported to it under this part within ten days after such change occurs. Failure to comply with this section by a freight forwarder will be deemed sufficient reason to cancel his registration.

§ 244.4 Information available to public.

Information set forth in Freight Forwarder Registration Form FMB-21 shall be public information and available for public inspection at the offices of the Federal Maritime Board.

§ 244.5 Registration numbers.

(a) Each person who intends to engage in business as a freight forwarder and has filed the required information will be issued a registration number by the Federal Maritime Board after examination and verification of the information submitted by him and a determination that the issuance of a registration number will not be inconsistent with this part of the Shipping Act, 1916. Thereafter, such registration number shall be set forth on the registrant's letterheads, invoices, advertising, and all other documents relating to his forwarding business. The issuance of a registration number by the Federal Maritime Board to a freight forwarder is for identification and informational purposes and does not mean that the Board has investigated and found that the freight forwarder is qualified. Use of these registration numbers in any manner other than to indicate the fact of registration with the Federal Maritime Board is prohibited.

(b) A freight forwarder's registration may be suspended or cancelled after notice and hearing, if the Federal Maritime Board finds that the registrant has violated the rules in this part or the Shipping Act, 1916.

(c) A freight forwarder may not transfer or assign his registration number.

(d) A freight forwarder shall not be entitled to register under more than one name or to obtain more than one registration number regardless of the number of names under which he may be doing business. When two or more entities are owned or controlled by substantially the same interests they shall be treated as one entity for the purpose of registration and they shall not be entitled to separate numbers.

[1] Filed with the Office of the Federal Register as part of the original document.

§ 244.6 Registration lists.

The Board will compile periodically, and make available to the public upon request, lists of all registrants with their respective registration numbers.

§ 244.7 Billing practices.

All freight forwarders shall use invoices or other forms of billing which state separately and specifically, as to each shipment:

(a) The amount of ocean freight assessed by the carrier;

(b) The amount of consular fees paid to consular authorities;

(c) The actual cost to the forwarder of insuring the shipment whether by a policy bought in the name of the shipper or by an open policy or otherwise;

(d) The amount charged for each accessorial service performed in connection with the shipment;

(e) Other charges.

Provided, however, That freight forwarders who offer to the public at large to forward small shipments for uniform charges available to all and duly filed with the Federal Maritime Board, shall not be required to itemize the components of such uniform charges on shipments as to which the charges shall have been stated to the shipper at time of shipment, and accepted by the shipper for payment; but if such freight forwarders procure marine insurance to cover such shipments, they must state their total charge for such insurance, inclusive of premiums and placing fees, separately from the aforementioned uniform charge.

§ 244.8 Consolidated shipments.

In the case of individual shipments consolidated with other individual shipments, the invoice or other form of billing concerning each shipment shall state the minimum ocean freight and consular fees that would have been payable on each shipment if shipped separately and the amounts actually charged for these items by the freight forwarder, on the shipment in question.

§ 244.9 Special contracts.

All special agreements or contracts between freight forwarders and shippers or consignees shall be in writing and shall be filed with the Board within 10 days after they are signed.

§ 244.10 Nondiscriminatory treatment required.

To the extent that special agreements or contracts are entered into by a freight forwarder with individual shippers or consignees, such freight forwarder shall not deny to other shippers or consignees similarly situated, and whose shipments are accepted by such freight forwarder, equal charges for forwarding and accessorial services to be rendered by the freight forwarder, insofar as such forwarding and accessorial services are similar to those performed for shippers or consignees holding special contracts.

§ 244.11 Exceptions as to special contracts.

In the case of special contracts whereby the parties have agreed in advance as to the charges for services in connection with the forwarding of a shipment, the invoice or other form of billing shall refer to the agreement in which event the charges need not be itemized.

§ 244.12 Forwarders' receipts.

Freight forwarders' receipts for cargo shall be clearly identified as such and shall not be in form purporting to be ocean carriers' bills of lading.

§ 244.13 Brokerage payments.

(a) No common carrier by water shall pay to a freight forwarder, and no freight forwarder shall charge or receive from any common carrier by water, either directly or indirectly, any compensation or payment of any kind whatsoever, whether called "brokerage", "commission", "fees", or by any other name, in connection with any cargo as to which the freight forwarder has performed any forwarding service as defined in § 244.1(d).

(b) No freight forwarder may render, or offer to render, any forwarding service free of charge or at reduced rates in consideration of the shipper or carrier agreeing to allow or allowing the freight forwarder to receive brokerage on the shipment.

(c) Common carriers by water when acting in accordance with approved section 15 agreements or an individual carrier may make rules and regulations to assure that brokerage will not be paid under circumstances which will violate the Shipping Act, 1916, or the rules in this part.

(d) No freight forwarder or other person shall collect brokerage from a common carrier by water, and no such carrier shall pay brokerage to any freight forwarder or other person, in cases where payment thereof would constitute a rebate, such as, for example, where the freight forwarder or other person: (1) Is the shipper or consignee or is the seller or purchaser or purchasing agent of the shipment, (2) advances the purchase price of the goods shipped or guarantees payment therefor, or has any beneficial interest therein, (3) directly or indirectly, by stock ownership or otherwise, controls or is controlled by the shipper or consignee, or seller or purchaser or purchasing agent of the shipment or by any person having a beneficial interest in the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, and (4) where the freight forwarder and the shipper, consignee, seller or purchaser or purchasing agent, or person advancing the purchase price of the goods shipped or guaranteeing payment therefor are owned or controlled by substantially the same interests.

(e) No freight forwarder shall share directly or indirectly any part of the brokerage received from a common carrier by water with a shipper, consignee, or an employee of a shipper or consignee or seller or purchaser or purchasing agent of the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, or with any person having a beneficial interest in the shipment.

(f) No common carrier by water shall pay brokerage to a freight forwarder or other person when receipt of such brokerage by the freight forwarder is prohibited by the rules in this part or the Shipping Act, 1916, as amended.

§ 244.14 Section 15 agreements.

(a) Copies of written agreements and true and complete memoranda of oral agreements between a freight forwarder and another freight forwarder or carrier or other person subject to the Shipping Act, 1916, or modifications or cancellations thereof, which relate to one or more of the following subjects must be filed with the Board:

(1) Fixing or regulating transportation rates or fares;

(2) Giving or receiving special rates, accommodations or other special privileges or advantages;

(3) Controlling, regulating, preventing or destroying competition;

(4) Pooling or apportioning earnings, losses, or traffic (including sharing or dividing forwarding or brokerage fees with another forwarder);

(5) Allotting ports or restricting or otherwise regulating the number and character of sailings between ports;

(6) Limiting or regulating in any way the volume or character of freight or passenger traffic to be carried;

(7) In any manner providing for an exclusive, preferential or cooperative working arrangement.

(b) Copies of all such agreements referred to in paragraph (a) of this section are required to be filed with the Federal Maritime Board accompanied by a letter stating that they are offered for filing in compliance with section 15 of the Shipping Act, 1916, specifically requesting the Board's approval and addressed as follows:

Federal Maritime Board,
Office of Regulations,
Washington 25, D.C.

(c) All copies of memoranda or agreements, modifications or cancellations thereof submitted for the Board's approval under section 15 shall clearly show (preferably in the opening paragraph), their nature, the parties, ports and subject matter in detail, and reference to any previously filed agreements to which they may relate.

(d) All such agreements, or modifications or cancellations thereof, shall not be carried out without the prior express approval of the Board.

§ 244.15 Carrier performing forwarding services.

Any common carrier by water performing forwarding services shall specify in his tariff the kinds of forwarding services performed by him and the charges made for such services.

§ 244.16 Penalties for violations.

Penalties for violations of this part are prescribed by section 806(d) of the Merchant Marine Act, 1936, 46 U.S.C. 1228.

§ 244.17 Separability.

The provisions of this order are not interdependent. If any portion hereof shall be enjoined, set aside, suspended, or held invalid, the validity and enforceability of all other parts shall be unaffected thereby, and shall to the full extent practicable, remain in full force and effect unless and until it is otherwise provided by a court of competent jurisdiction.

§ 244.18 Effective date.

The rules in this part shall take effect 120 days after publication in the FEDERAL REGISTER.

Investigative proceedings instituted in Docket No. 765 "Investigation of Practices, Operations, Actions and Agreements of Ocean Freight Forwarders and Related Matters, and Proposed Revision of General Order 72 (46 CFR Part 244)" and Docket No. 831 "Investigation of Practices and Agreements of Common Carriers by Water in Connection with Payment of Brokerage or Other Fees to Ocean Freight Forwarders and Freight Brokers" are hereby discontinued.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Dated: June 29, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6303; Filed, July 6, 1961; 8:56 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: All species of ptarmigan.

(b) Open season: August 20 to April 15.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: Weapons and means as permitted by Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of Adak, Atka, Unimak, Shemya, Attu and Great Sitkin Islands.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6340; Filed, July 6, 1961; 8:48 a.m.]

PART 32—HUNTING

Aleutian Islands National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Hunting of big game on the Aleutian Islands National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou and brown bear.

(b) Open season:
Caribou—No closed season;
Brown bear—October 1 to May 31.

(c) Bag limits: Caribou—no limit; brown bear—one of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: Weapons, equipment and means as prescribed by Alaska regulation.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on those areas of the refuge described as follows:

1. Caribou may be taken on Atka Island only.

2. Brown bear may be taken on Unimak Island only.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from Refuge Manager, Cold Bay, Alaska, or from U.S. Game Management Agent, Box 280, Anchorage, Alaska.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6341; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Arctic National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

ARCTIC NATIONAL WILDLIFE RANGE

Hunting of big game on the Arctic National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Black bear, polar bear, grizzly bear, wolf, caribou, Dall sheep and moose.

(b) Open season: Black bear—no closed season; polar bear—October 15 to May 7; grizzly bear—September 1 to December 31 and May 15 to June 15; wolf—no closed season; caribou—no closed season; Dall sheep—August 1 to September 20; moose—August 1 to September 30 and November 10 to December 10.

(c) Bag limits: Black bear—3 a year; polar bear—1 a year; grizzly bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited; wolf—no limit; caribou—no limit; Dall sheep—1 ram with ¾ curl horn or larger; and moose—1 bull a year.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Arctic National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6342; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Bering Sea National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

BERING SEA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Bering Sea National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Caribou.

(b) Open season: No closed season.

(c) Bag limits: As prescribed by permit.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Bering Sea National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Kenai, Alaska.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6343; Filed July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Izembek National Wildlife Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Hunting of big game on the Izembek National Wildlife Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear and caribou.

(b) Open season: Brown bear—October 1–May 31; caribou—August 20 to March 31.

(c) Bag limits: Brown bear—one of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited; caribou—3 a year.

(d) Methods of hunting: Weapons, equipment and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Izembek National Wildlife Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6344; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of big game on the Kenai National Moose Range, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Moose, Dall sheep, mountain goat, black bear and grizzly bear.

(b) Open season: Moose (general)—August 20 to September 30 and November 1 to November 30; moose (special antlerless permit)—December 6 to December 10; Dall sheep—August 10 to August 31; mountain goat—August 10 to November 30; black bear—August 10 to June 30; and grizzly bear—September 1 to September 30.

(c) Bag limits: Moose (general)—1 bull a year; moose (special antlerless)—1 cow a year (in no case may the total bag per hunter exceed 1 moose per year); Dall sheep—1 ram with ¾ curl horn or larger; mountain goat—2 a year; black bear—3 a year; and grizzly bear—1 of either sex a year, provided that the taking of cubs or females accompanied by cubs is prohibited.

(d) Methods of hunting: Weapons, equipment, and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961 through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6345; Filed, July 6, 1961; 8:49 a.m.]

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of big game on the Kodiak National Wildlife Refuge, Alaska, is permissible only under the following conditions:

(a) Species permitted to be taken: Brown bear and deer.

(b) Open season: Brown bear—October 1 to May 31; and deer—September 1 to November 30.

(c) Bag limits: Brown bear—1 of either sex a year provided that the taking of cubs or females accompanied by cubs is prohibited; and deer—1 deer, provided that anterless deer may be taken only during the period November 1 to November 30.

(d) Methods of hunting: Weapons, equipment and means as permitted by Alaska regulations.

(e) Description of areas open to hunting: Hunting is permitted in accordance with (a) above on all lands of the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

DAN H. RALSTON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1961.

[F.R. Doc. 61-6346; Filed, July 6, 1961; 8:49 a.m.]

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Special regulations filed May 17, 1961; 8:46 a.m., F.R. Doc. 61-4548 is hereby amended as follows:

Section (c) Daily creel limits: Bass—Fifteen (15) fish not to exceed fifteen (15) pounds and one (1) fish. Perch, bullhead, and sunfish—no limits.

The provisions of this amendment are effective through February 28, 1962.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1961.

[F.R. Doc. 61-6347; Filed, July 6, 1961; 8:49 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Special regulation filed May 17, 1961; 8:46 a.m., F.R. Doc. 61-4549 is hereby amended as follows:

Section (c) Daily creel limits: Trout—Ten (10) fish not to exceed ten (10) pounds and one (1) fish. Bass—Fifteen (15) fish not to exceed fifteen (15) pounds and one (1) fish. Perch and bullhead—no limits.

The provisions of this amendment are effective through February 28, 1962.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 27, 1961.

[F.R. Doc. 61-6348; Filed, July 6, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 233]

SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Delinquent Bills

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of June 7, 1924 (43 Stat. 476), and March 7, 1928 (45 Stat. 210; 25 U.S.C. 387), and by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend 25 CFR 233.21 as set forth below. The purpose of this amendment is to increase the reconnection charge from $2.00 to $5.00 in order to provide a more adequate charge for costs incurred for reconnection services.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 233.21 is amended to read as follows:

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the twentieth day following the date of issue. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $5.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 30, 1961.

[F.R. Doc. 61-6350; Filed, July 6, 1961; 8:50 a.m.]

National Park Service

[36 CFR Part 1]

BOATS

Permits and Launching

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), it is proposed to amend Title 36 CFR 1 as set forth below. The purpose of the amendments is to authorize the superintendents of national parks and monuments to issue boating permits and to control the use of motor-propelled boats in park and monument waters not accessible by commonly used public roads.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, National Park Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 1.59 is amended to change the present section heading and text of paragraphs (a) and (b) to read as follows:

§ 1.59 Boating.

(a) Written permission is required from the superintendent to launch or operate motor-propelled boats, other than Government-owned powerboats used for official purposes, on all park or monument waters which are not directly accessible by a commonly used public road. In all other cases the superintendent may require issuance of a permit before any type of vessel is placed in or allowed to operate upon the waters of any park or monument. He may specify locations and conditions under which vessels may operate and shall have authority to revoke a permit and require the immediate removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit.

(b) No vessel primarily designed and used for floating living quarters commonly referred to as a "houseboat", shall be permitted upon the waters of any park or monument. This paragraph shall not apply to Everglades National Park nor National Capital Parks.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 30, 1961.

[F.R. Doc. 61-6353; Filed, July 6, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1026]

[Docket No. AO-332]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department with respect to a proposed marketing agreement and order regulating the handling of Central California grapes for crushing (hereinafter referred to collectively as the "order"). The order would be effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act".

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., not later than the close of business on the ninth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the order is formulated was held in Fresno, California, May 22–24, 27, and 29–31, 1961, pursuant to a notice thereof which was published in the FEDERAL REGISTER on April 28, 1961 (26 F.R. 3644). Said notice contained a proposed order prepared and submitted by a producer-vintner committee under the chairmanship of Mr. A. Setrakian. In addition, a large group of producers and vintners, representing all sections of the Central California grape industry, met in Fresno on April 17, 1961, and by resolution adopted at that meeting, requested that a hearing be held on the proposal.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order including:

(a) Definitions of the commodity, the area, the persons to be regulated, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance and duties of a Grape Crush Advisory Board which shall be advisory to the committee;

(c) The establishment, maintenance, powers and duties of a Grape Crush Administrative Committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(d) The authority to establish, and incur expenses in connection with, marketing research and development projects;

(e) The provisions applicable both to the board and the committee;

(f) The procedure for annually determining a marketing policy for the crop year;

(g) The method for limiting the volume of dried commodity which may be received by handlers;

(h) The method for determining the extent of surplus of the commodity and providing for its control;

(i) Authorizing exemptions from certain regulations;

(j) The disposition of surplus;

(k) The establishment of reporting and related recordkeeping requirements upon handlers;

(l) The authority for the committee to incur expenses and for the Secretary to levy assessments on handlers; and

(m) Additional terms and conditions set forth in the notice of hearing as §§ 1026.75 through 1026.99.

Findings and conclusions. The findings and conclusions on the aforementioned material issues all of which are based on the evidence adduced at the hearing and record thereof, are as follows:

(1) The proposed program would regulate the handling of grapes for crushing in a manner to restrict the volume of grapes which may be received and freely used by handlers. This will be accomplished by providing a method for determining the existence and extent of the surplus of the commodity and providing for its control and disposition. This would be for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions for the agricultural commodity through the authorized action of applying the order.

Grapes and their products enter into the stream of commerce from California in three principal forms: fresh grapes, raisins, and the products of crushing. That grapes for crushing, as such are defined in the order, do not physically move outside the State of California for conversion into such products does not remove them from being inextricably intermingled with, or directly burdening or affecting interstate or foreign commerce, since the products do move in such commerce as is hereinafter demonstrated. An artificial separation of production, processing and manufacturing from commerce, without regard to the economic continuity, the effects of the former on the latter, and the methods by which the several processes are organized, related, and carried on, does not remove such activities or the agricultural commodities and their related products from the reach of the act.

Grapes for crushing are received by handlers and processed without regard to whether the products thereof are ultimately to be distributed within or outside the area of production or the State of California. Not only are the grapes commingled and processed together but in the subsequent treatment, involving the blending of wines or the addition of high proof, the grapes, in the form of products, become further commingled. The products of grapes for crushing as they move to market tend to be similar in that they are sold under standardized classes, types, names, or brands. If it were possible to devise methods whereby grapes used in products sold only within the State could be exempted from the program, the result would be, in the absence of program restriction, to greatly burden this outlet with excess production. There would then follow severe compliance and program disrupting problems arising from the fact that the California prices would be materially lower than those existing in the channels of interstate and foreign commerce and would induce a movement of the lower-priced products, in the hands of persons one or more stages removed from the handlers being regulated under the program, to ship and sell the products outside the State. For these reasons, the handling of grapes for crushing or their products directly burdens, obstructs and affects the handling of such grapes and their products in interstate or foreign commerce to such an extent as to make necessary the regulation of intrastate, as well as interstate and foreign commerce, to permit effective regulation of the latter commerce under the program. In terms of grapes for crushing utilization, the principal outlet is in the form of wine. Shipments of California wine to markets outside the State, in the years since 1953, have ranged from 76 to 80 percent of the total California wine shipments. Of the total California crush, the volume crushed within the proposed area is approximately 87 percent of the total for the State.

Opponents of the proposed program have contended that the products which would be incidentally controlled are not agricultural commodities nor the products thereof. However, there can be no question but that grapes for crushing are an agricultural commodity, and that wine, brandy, concentrate and such other items are products thereof. The act specifically provides that orders shall be applicable to "agricultural commodities and the products thereof."

Under the order, surplus percentages would apply to grapes for crushing. The free tonnage portion would be available to handlers without restrictions as to use or outlet. The surplus portion would be converted into storable products at the expense of the producer or other equity holder. The products would be stored at the expense of the equity holders and any returns from the liquidation of the surplus pool, after the payment of expenses, returned to them. To prohibit the conversion of the surplus portion of the grapes for crushing into storable products would eliminate any opportunity for the producers, or other equity holders, to realize other than a total loss or a nominal sum from its disposal. However, when converted into storable products, the opportunity is preserved for a later release to handlers, for use in normal or non-normal outlets, at prices which could result in sizable returns to equity holders and thus tend to effectuate the declared purposes of the act by improving the returns on the agricultural commodity.

Fresh grapes cannot be stored except under refrigeration and then only for shorter periods than would be adequate and at high cost. Consequently it is impractical to set aside the surplus grapes in fresh form. They could be destroyed, but such would deny to the producer an opportunity for possible remuneration and void the stabilization potentials of the setaside as a reserve against years of inadequate grape production.

(2) Approximately 80 percent of the commercially produced wine entering distribution in the United States and 60 percent of the brandy originates in the State of California. California grapes, with productions in the most recent ten seasons ranging from 2.3 million to 3.2 million tons, are used for fresh shipment, canning, raisins or crushing but the returns to producers from grapes for crushing have been less than those obtained in the other outlets. This may be attributable, in part, to the fact that all varieties of grapes, whether table varieties, raisin varieties or wine varieties, can be utilized in some product of the vintner or distiller. Thus whenever marketing conditions are poor in the fresh or raisin outlets, or producing conditions or likelihood of weather damage adversely affect disappearance in such outlets, or there is a bumper crop, grape producers, grape shippers and raisin packers may divert above normal quantities to winery outlets. By virtue of being a residual outlet from all other outlets, prices are rendered unstable and in recent seasons have been materially lower than the prices which growers obtained from the other outlets. During the most recent five years, 1956–60, producers received an average of $72 per ton from fresh outlets, $59 per fresh ton from dried outlets, $62 per ton from canning outlets, and only $44 per ton from the grapes for crushing outlet. In two years of this period the crushing outlet returned above-average prices for that outlet, due to either small grape crops or small inventories being held by vintners, but with an ample supply outlook in the 1960 season, as to production and inventory, prices returned to former low levels.

One of the principal grape varieties used in wineries is the Thompson Seedless which is classified as a raisin variety grape and of which substantial tonnages are made into raisins annually. The cost to the producer per fresh ton of producing and harvesting this variety, in the area proposed for this program, is approximately $41 per ton. In the 1960 season, this variety brought only $33.70 per ton when delivered to wineries. This same variety when used in raisins, on a fresh basis, returned producers approximately $52.50 per ton. Certain table varieties of grapes show an even wider disparity in price as between the returns from the fresh shipping outlet and the returns from the crushing outlet.

Wine varieties of grapes show varying levels of returns based on whether or not an individual variety especially desired by vintners was in a short supply in the 1960 season. Although the wine varieties averaged $52.20 for the State as a whole, in 1960, the average within the Central Valley was $43.00 per ton as compared with $93.90 per ton in the North Coast counties, outside the area of the order, which are primarily producers of table wines. The largest producing county of wine variety grapes, within the area, is San Joaquin and here

the average returns in the most recent eleven seasons have been less than for raisin varieties crushed, in six of such seasons, slightly higher in four and materially higher only in the 1960 season. While it is possible that the conditions of abnormal demand for certain varieties may be repeated in future seasons, the evidence of the hearing indicates that in view of the many products and the substitutability of grape varieties in producing all or a portion of many of such products, in an average season the prices of the several varieties tend to be similar. In view of the evidence, it is concluded that no one varietal group should be exempt from the order but rather that exemption, based on the circumstances of the season, may be permitted as hereinafter provided.

Since 1947 the return for grapes entering the crushing outlet has shown a gradual declining trend as measured by the price spread from the other outlets. This could be accentuated, in the absence of the proposed order, in ensuing years by the increasing production potential. Hence there is reason to believe that future returns for grapes for crushing could be at low levels not seen since 1952, a year when vintners held an all-time record high inventory of table and dessert wines. Although domestic shipments indicate a slight upward trend in consumption of all wines and brandy, there has been practically no growth in consumption of dessert wine, the principal outlet for grapes produced in the area.

The equivalent parity price of California grapes excluding dried raisins, derived from the U.S. parity price, as of April 1961, was approximately $55.90 per ton. This equivalent parity is a guide to the return level, with due consideration to the components not grapes for crushing, which will be an objective of the order, pending the establishment, when sufficient price data have been collected, of a price series applicable to the commodity as defined. In the meantime, as long as the prices of major components of the commodity are generally below 119 percent (the parity index divided by the index of prices received) of their most recent 10-year average, it is certain that producer returns on the agricultural commodity are below parity. The increase of producer returns to as near the parity level as is practicable and consistent with the interest of consumers is one of the expressed objectives of the act. The proposed order is designed to permit accomplishment of this objective.

The hearing evidence is that the demand for dessert wine, the major outlet for grapes for crushing, is inelastic. This means that there is opportunity, and the proposed order would provide the technique, by reasonable restriction of marketable supplies, to improve total earnings and thereby enhance the relatively low returns to producers from the crushing outlet.

The hearing evidence indicates interest in production controls on grapes and a contention that the order would tend to increase production and be unworkable without such controls. However, the authorizing legislation does not include such authority nor is this an essential element in marketing the available supply of any season in an orderly manner. Admittedly, production controls could reduce the supply and possibly the problems in marketing, but the absence of such controls does not mean, necessarily, that an industry cannot effect benefits by controlling the marketing of whatever supply is being produced.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States, and, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which this order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined the same as in the act to thereby ensure that it has the same meaning.

"Area" should be defined to mean the nine California central valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern. These counties form a contiguous area lying between the coastal range on the west and the Sierra-Nevada mountains on the east. Extensive production of wine, raisin, and table varieties of grapes occurs throughout the nine-county area, being favored by substantially uniform climate. The total acreage is about 80 percent of vineyard acreage in the entire State of California. In general, yields per acre are uniform throughout the nine counties and are much larger than in the other counties of the State. Grapes grown outside the nine-county area are mostly wine varieties having relatively low yields per acre and are used primarily in the production of table wines many of which are marketed at premium prices. In contrast, the bulk of the grapes in the nine-county area are used for the production of dessert wines, high proof, beverage brandy, and grape juice concentrate. Within the nine counties, the large acreages, high vineyard yields, and diversion to wineries of grapes from alternative outlets, cause price depressing winery supplies and adversely affect returns to producers.

Prices received by producers per ton of grapes produced in the State of California outside of the nine-county area are generally higher than those received within the area, and the same is true of producer returns in states other than California. By restricting supplies in the counties with the bulk of the production, namely, the nine counties, would not permit a replacement of the withheld supplies by the outside counties as their productions are too small and they are reasonably certain to continue to move to their normal, outside the area, outlets. Consequently, it is not necessary to apply the program to a larger area to improve the position of producers in the nine-county area. The nine-county area is the smallest practicable area for application of the order because of similarity of producer prices and marketing, the large production of table grapes for fresh shipment and their substantial usage by wineries, the bulk of the raisin variety grapes of the State are produced herein, and there is substantial intra-area movement of grapes and their products. Applying the order to any lesser production area could materially decrease the effectiveness of the program, particularly if the two northern counties were excluded, as was proposed at the hearing, as they contribute in excess of 20 percent of the total tonnage crushed in the area and this tonnage has a comparable demand to that of other counties in the area and in most years receives no higher prices than in the more southern counties. Exempting the most northern county, Sacramento, does not seem warranted simply because the production is small, as such production is located in the southern part of that county and hence is a more contiguous part of the production area than that in other counties which are excluded. There is no evidence that there are such differences of production or marketing within the proposed area as need to be recognized by applying different terms to different parts of the area.

"Grapes for crushing" should be defined to identify the agricultural commodity to be regulated under the order. In this instance, the commodity should be grapes, in whatever form, which are received by vintners, distillers or juice processors and introduced into their processing operations. Hence, the commodity "grapes for crushing" should mean any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate. It should be recognized that grapes for crushing includes any of the following entering handler processing: Fresh grapes, culls resulting from fresh grape packing, vineyard strippings left after a primary harvest (for such purposes as table shipment or raisins), grapes which have been dried in whole or in part, whether artificially or naturally, and all residue or waste from dehydration or raisin packing. Fresh grapes are crushed in the course of preparing them for fermentation or the production of grape juice. However, material which has been dried is disintegrated by other means for fermentation. Hence both crushing and other acts should be included so that no person or portion of the commodity may avoid regulation because the definition of the agricultural commodity affected was insufficient or incomplete.

"Producer" should mean any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing. This definition should be broad enough to include all persons engaged in the production and sale of grapes, whether fresh or dried, which are directly sold, or which are sold by another, to handlers. Any producer of grapes in the area is a possible seller of

grapes for juice or fermentation and distillation and many sell grapes directly whereas others receive a portion of their income from the fact that fresh grape shippers, dehydrators and raisin packers divert a portion of their receipts or the raisin packing residues to these outlets. Where any such person or other middleman acquires ownership of grapes or raisins which are delivered, in whole or part, to handlers, it is to be understood that he replaces the producer for the purposes of equity in the setaside, paying for its processing and storage and receiving the proceeds from disposition. The matter of "engaged in a proprietary capacity" in production is a simple means of expressing the various ways (through personally farming, through partnership, corporation, or otherwise) that one produces and acquires ownership of the commodity involved and an interest in its market. Only persons qualifying within the above definition should be eligible to vote in a producer referendum on the proposed order or serve as producer members of the proposed advisory board and administrative committee.

"Handle" should mean to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing, or to store, treat, sell, transport or ship into channels of trade (except as a common or contract carrier), the products of such grapes. This term should cover the acts of receiving and processing, storing or disposing which distinguish a handler from a producer and identify the point at which grapes become subject to regulation. The handler must not only receive grapes for crushing but must crush or otherwise process them for the grapes to become subject to obligations of a particular handler. In other words, the arrival of grapes at a handler's premises and their subsequent removal and sale to another handler should not subject the first handler to obligations such as set aside against the transferred lot of grapes. The acts of storing, treating or disposing of the products should be included in the definition to further cover functions significant to the warehousing of setaside and its disposition, through sale to handlers for subsequent shipment into eligible outlets.

"Handler" should be defined as synonymous with vintner, distiller and processor, and mean any person within the State of California who handles. This definition is necessary to identify the persons on whom obligations would fall and to establish eligibility for board and committee membership. Handlers should be persons within the State of California receiving grapes for crushing, namely, those produced within the area, and performing acts of handling. Persons within the State of California whether in the nine-county area or not, should be included because it is physically possible to transport unrefrigerated grapes, while maintaining them in reasonably good condition, to the premises of vintners outside the nine-county area. However, there is no evidence of such shipment outside California. Failure to include all likely handlers within the State would permit some grapes to evade the program and upset the surplus control provision features.

"Wine" should be defined as the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent alcohol by volume but not in excess of 24 percent shall be known as "dessert wine". The intent here is to employ the generally accepted definition, by industry and governments, and to define the term in an all-embracing sense which will permit such further subclassification as may prove necessary or desirable. The phrase "with or without addition or abstraction" should be used in recognition of the fact that any treatment of wine permitted under State of California and Federal laws and regulations should not cause the product to be removed from the definition. This definition should also clearly state that wine which contains 14 percent or less of alcohol by volume is to be known as table wine, and that containing in excess of 14 percent by volume but not more than 24 percent is to be known as dessert wine. These are classifications generally accepted and applied throughout the industry. Furthermore, statistical data, essential to marketing policy, have been compiled on the basis of these two general classifications of wine.

"High proof" is a setaside item and should be defined as wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy. High proof is normally distilled to 185 or more degrees of proof and when this occurs, unlike brandy, is relatively free of fruit flavor. However, inventories are often held at a lower proof and hence the definition should be broad enough to cover all such material on handlers' premises. The term "high proof" is widely used by handlers to distinguish these wine spirits from those held for use as commercial brandy.

"Concentrate" is a setaside item and should be defined as unfermented grape juice from which the major portion of the original water content has been removed. The process of water removal results in a grape product substantially reduced in volume from its original juice form, normally by approximately 75 percent, and characterized by a high degree of concentrated grape sugar. As a matter of industry practice, concentrate is customarily produced to result in a product containing sugar concentrated to not less than 68 degrees Brix (or the equivalent level Balling). However, the definition should be broad and should not specify a minimum level for the general purposes of the order because handlers produce varying concentrates suitable to their particular requirements. The terms "degrees Brix" and "degrees Balling" each refers to readings obtained through the use of hydrometers, in the one case employing a scale of measurement known as the "Brix" and in the other as the "Balling". Both scales are commonly used in the industry.

"Brandy" should be defined as wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof. The lower point of original distillation is the principal difference between high proof and brandy and means that more of the flavoring properties have been retained for beverage purposes. This definition should be included in the order for the reason that it will serve to identify a grape product which should be considered in establishing the annual marketing policy.

"Setaside equivalent" should be defined as the alcohol equivalent, in proof gallons, of the sugar content of grapes received by handlers and required to be set aside pursuant to a volume regulation. The setaside will be in the form of concentrate or one or more of the alcoholic products. There must be a means of relating the grapes for crushing which the producer delivers, to the handler obligation to set aside grape products. The practical means of accomplishing this is for the grapes to be converted to a common denominator with the end product. All grapes contain sugar, and sugar is the source of the alcohol developed in the fermentation process. By ascertaining upon delivery the sugar content of the grapes received, it is possible to convert the incoming grapes to an alcohol equivalent. Hence, the handler should be obligated to set aside such products as dessert wine or high proof in terms of alcohol, based on proof gallons, equivalent to the sugar content of the grapes he received and crushed.

This process of conversion results in an equitable determination of setaside obligations allowing for the different sugar content of grapes. For instance, a variety which has 22 percent sugar would have a different setaside than one which has 18 percent sugar. As an example, if one producer delivered a thousand tons at 22 percent sugar and the computed yield was 44,000 proof gallons, in a year when the percent setaside was to be 10 percent, the handler would set aside 4,400 proof gallons or 10 percent of the alcohol derived from the delivery. The 4,400 proof gallons is also equal to 100 tons or 10 percent of the producer delivery. If another producer delivered 1,000 tons but it had only 18 percent sugar and the computed yield was 36,000 proof gallons, then the handler would set aside 3,600 proof gallons. This is the same as the yield of 100 tons or ten percent of the producer delivery. Thus from each producer's delivery, 100 tons would be set aside in the form of the equivalent alcohol.

"Proof gallon" should mean a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof. This definition is in common usage in the alcoholic beverage industries and in view of the term being used in other definitions, should be set forth in the order. By long usage the term "100 degrees proof" is generally understood to mean that the contents of the product are only 50 percent alcohol by volume, not 100 percent. As to the definition of gallon the measure here prescribed is the U.S. standard liquid gallon.

"Crop year" should be defined to mean the 12-month period beginning on July 1 of each calendar year and ending with June 30 of the following year. This is the 12-month period which is commonly used in the industry for statistical purposes. The oncoming crop of grapes for crushing is not received by vintners in any substantial volume prior to the month of July, and some crushing continues into winter. Habitually, the bulk of the tonnage is crushed during the months of August, September, and October. Crushing of table varieties continues at a rather heavy rate throughout November, and some tonnages, such as removals from cold storage, are crushed in the opening weeks of the new calendar year. Distillers receive raisin residue and sweepings from raisin packing operations throughout the year. The grape products produced by handlers are sold throughout the 12-month period.

"Cooperative association" should be defined to mean a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof. Handlers qualifying as cooperative associations would include (1) associations which receive, process, and market, (2) federations of associations for such purposes as centralized marketing, (3) any association with a wholly owned subsidiary cooperative performing the processing or marketing functions and (4) any such subsidiary cooperative. For purposes of representation on the proposed board and committee, entities to submit nominees would be only the first three types and the first type should be excluded if a member of a federation. However, for the purpose of receiving producer returns from disposition of setaside, the committee should be permitted to recognize the practices of the respective organization and make the payment either to the parent company or the lesser unit. Similarly, the participation of the several types of associations in other aspects of the program should be decided on the basis of legal or practical considerations bearing on the particular issue.

"Part" should be defined to mean the order regulating the handling of Central California grapes for crushing, and all rules, regulations, and supplementary orders issued thereunder. The order regulating the handling of Central California grapes for crushing should constitute a "subpart" of such part. This use of such terms is in conformity with practices of the office of the Federal Register.

(3) (b) There should be established a Grape Crush Advisory Board to provide a broad representation within the industry, with the opportunity of drawing on the advice and knowledge of many persons, to advise the administrative committee on marketing policy and other matters and to provide a means to nominate to the Secretary the members and alternates of such committee. The board should be composed of 78 members to permit 48 to represent producers and 30 to represent handlers. The large handler representation would permit approximately one-half of the possible handlers under the program to participate in marketing policy. Producer representation on the committee should predominate as the program is for the primary purpose of improving their returns and, to cover absentees and duly protect the producer interest, should be well in excess of the number of handlers.

The producer members should be nominated from nine districts with not less than two from each district (since the committee is to have two from each) and the number in excess of two should be based on a measure of producer interest with the crushing outlet and the most readily available measure is the approximate acreage of grapes crushed. From south to north, the districts should follow county lines but the most northerly district, District No. 1, should be all of Sacramento County plus that portion of San Joaquin County north of State Highway No. 4. The next southerly district, District No. 2, should be that portion of San Joaquin County south of State Highway No. 4. County lines provide a convenient method of allocating membership as county statistics are available on grape acreage and, for most counties, tonnage crushed and are a means of providing geographic representation. In the two most northern districts, San Joaquin County should be divided to associate the northern portion, containing the large producing area of Lodi, with the closely related interests of Sacramento producers whose acreage is in the southern portion of that county. The southern part of San Joaquin County should be a separate district which includes the Manteca producing area. The number of members from Districts reading from 1 through 9 should be 7, 2, 4, 3, 3, 16, 2, 5, and 6, respectively. This would comply with the concept of having not less than two per district and provide an allocation related to approximate acreages, in each district, supplying grapes for crushing in the 1960 crop year.

The handler representation should be one member for each of the 22 largest tonnages crushed in the crop year of nomination except that the initial members should be based on the 1960–61 crush, four for approximately one-half the remaining tonnages and the handlers of the larger tonnages, and four for the balance and the handlers of the lesser tonnages. In this way each major handler of grapes will be assured participation and representation will be provided to all others in terms of the tonnage involved. Since the actual crush data of handlers is confidential information and not a part of the hearing record, it will be appropriate for the proposed committee to consider summaries of such information obtained under the program and propose appropriate adjustments in representation as hereinafter provided.

For each member of the board there should be an alternate member having the same qualifications as his principal and representing the same district or tonnage category. Alternates should be provided to permit representation of the district or tonnage category in the absence or unavailability of the member, otherwise effective administration of this program could not be assured.

The committee, which will obtain information such as volumes crushed by districts, handlers, county of grape production and varieties, much of which is not available at present should be permitted to use such information to propose changes in representation. Also, as time goes on there may well be changes both in the location of acreages and tonnages crushed and in handler tonnage categories. So that such changes may be effectuated without the necessity of an amendment hearing, the order should provide that changes may be made by the Secretary, upon recommendation of the committee, in the total number of either the producer or handler members of the board, may change the districts, or the numbers representing districts or handler tonnage categories. Such changes should be recommended by the committee rather than the board because the committee, as the administrative agency of the Secretary, will have, in the possession of the management of that committee, the information upon which appropriate changes in representation may be based. The statistical information should be weighted by such factors as similarity of interests among producers or handlers to thereby permit the most effective representation of logical groupings in terms of production or marketing.

The order should define the eligibility of producers and handlers so that there is a minimum of overlapping of interest. Thus the producers should be basically producers and the handlers basically handlers throughout their term of office. Producer representation should come only from those persons not engaged in handling of grapes for crushing either in a proprietary (ownership) capacity or as a director, officer or employee of a handler not a cooperative association. Producer members of cooperatives should not be barred from being producer members of the board as their interest would continue to be basically that of producers. Each handler member of the board and his alternate should be from the tonnage category he represents or an officer or employee of such a handler. County lines may sever a continuous producing belt of grapes, and hence a producer should not be barred from representing a district other than the district in which he resides or obtains his proprietary interest in grapes for crushing. However, to assure reasonable similarity of interest, the producer should be from either the district for which selected or from an adjoining district. In view of the proposed three-year term of office, the representation of producers or handlers should not be affected by a producer's failure to deliver grapes for crushing or a handler's to crush such grapes within his tonnage category, in any crop year beyond the year of selection, as such would negate the term, by causing adjustments each

year, and would forejudge the eligibility of such persons in any succeeding year.

Terms of office should be for three-year periods and should expire on April 30 to permit opportunity for members and alternates to qualify and to provide adequate time for a new board to be organized and nominate to the Secretary members of the committee to be appointed by June 1 or in any event before July 1, the beginning of the new crop year. A three-year term appropriately recognizes that the order is subject to a referendum to determine whether it shall be continued beyond three years. During such three-year period, the board and committee should have full opportunity to determine, test, and correct working policies. This could be adversely affected by periodic appointments of inexperienced persons to the board. To permit a full complement of members and alternates, each person should serve until his successor has been selected and has qualified by accepting his appointment.

So that members and alternate members of the board, other than representatives of individual handlers who designate them, are nominated by popular vote of the eligible persons in each district or tonnage category, it should be provided that nomination meetings be held for each district or tonnage category and that reasonable publicity be given to such meetings. At these meetings, each eligible person should have but one vote. This is consistent with the normal means of obtaining popular votes and permits representation to be broadly based irrespective of the weight of the tonnage involved. Voting at each meeting of producers should be by secret ballot, thereby adopting the normal method of conducting voting among several persons, but such voting by handlers need not be so restricted in view of the lesser number of persons and if they so conclude at the nomination meeting. The person receiving the majority of the votes cast for a position should be the nominee and if no person receives such majority, there should be a runoff vote between the two persons with the largest number of votes thereby assuring the possibility of a majority vote. All nominations should be certified by the board to the Secretary no later than April 5 of the year in which nominations are conducted. This would permit the Secretary to make the appointments and permit notification of the appointees prior to the expiration of the term of office on April 30. In the absence of a board, committee and committee management to initially cause nominations to be submitted, the Secretary should undertake these functions.

The duties of the board should be to select a chairman, and any other necessary officers, from its members, to make nominations from among members or alternates of the board, to the Secretary, for appointment to the committee and to make recommendations with respect to marketing policy and other operational matters as it deems proper or the committee may request. Nomination meetings for the board will be conducted by using the management of the committee with a member of the board in charge, and acting as chairman, of any such meeting. Hence the board will be conducting the nomination meetings for membership of the board and the chairman, or secretary, of each of these meetings will be certifying the nominations. The additional major duty of the board is to advise the committee by recommending marketing policies. In order to avoid a failure to anticipate all the matters which may be placed before the board, there should be a general provision which states that the board may give consideration to such other operational matters as it deems proper or as the committee may request.

(3) (c) There should be established an administrative agency which should be referred to as the Grape Crush Administrative Committee to reflect both the commodity and the nature of this committee. It should be composed of 31 members of whom 18 should represent producers, 12 should represent handlers, and to assure smoother administration of the program, the 31st member should be the chairman of the board and also the chairman of the committee. Such a committee would permit reasonable quorum requirements, as hereinafter set forth, which would assure a predominance of producers even though all handler members were present but only the minimum permissible number of producers were present. Geographic representation is preserved and the nomination problem simplified by specifying that the 18 producer representatives should be selected on the basis of two to represent each of the nine districts. The handler representation on the committee should follow the principle applied to the board of assuring direct representation to handlers of the largest tonnages. However, in view of the lesser number of positions, the handler representation should be one each for the six largest tonnages crushed, four members to represent the balance of the twenty-two largest tonnages, and one member each for the remaining two categories of board representation. Thus the handler representation, except for the six largest, is one-fourth that of the board.

Since changes in representation of producers or handlers on the board may require conforming changes on the committee, or since operational experience and industry changes may warrant altering the committee even though the composition of the board is satisfactory, provision should be made whereby the Secretary, upon recommendation of the committee, may change the committee in the same manner and based on the same factors as have already been set forth for the board.

The eligibility requirements for members and alternates of the committee should be the same as for the board, including presently serving on the board or awaiting, due to the later terminal date of service on the committee, the selection and qualification of a successor; and either the board member or alternate should be eligible to represent the same district or tonnage category as member or alternate on the committee.

The term of office for members and alternate members of the committee should be the same, and for the same reasons, as in the case of the board, except that the terminal date should be May 31 of every third year, and for the initial term of office should be May 31, 1964. However, to assure continuity of the committee, each such member and alternate member should continue to serve until his successor is selected and has qualified. Under these provisions approximately one month would be available for the board to meet, organize itself, and submit to the Secretary nominations for members and alternates of the committee.

Producer members of the board should nominate producer members and alternates of the committee and handler members of the board should nominate handler members and alternates of the committee. Futhermore, all such nominations should be by producers and handlers acting for their respective districts or tonnage categories. In other words, the segregations of the board as to producers and handlers should continue to prevail and to cause like representation on the committee. All such nominations should be certified by the board to the Secretary within 30 days of the selection of board members by the Secretary, and thereby provide reasonable opportunity for the Secretary to complete appointment actions as to the committee. For the purposes of nomination of the initial committee membership, it is likely that the Secretary will not yet have selected board members and hence it should be specified that in such nominations, the nominees for board membership should make the nominations.

The enabling act provides in section 8c(7)(C) for the selection by the Secretary of an agency and defining its powers and duties which include only specified powers. These powers should be included in the order and thus would serve to notify the committee, and other interested persons, as to the extent of its powers.

There should be set forth in the order the several duties which the committee shall have in administering the program. The proposed duties are similar to those specified for other administrative agencies under Federal marketing order programs and are essential to enable the committee to function efficiently and discharge its responsibilities. It should be recognized, however, that a listing of duties may not be all inclusive and that other duties may be essential to full administration of the program.

It should be provided that the committee is to act as intermediary between the Secretary and any producer or handler. Also, the committee should keep minutes, books and other records which clearly reflect all of its acts and transactions and shall permit these to be examined by the Secretary at any time. It should investigate and assemble data on production, handling, and marketing of grapes for crushing and the products of such grapes as such data will be essential to the recommendations of the committee in regard to marketing policy. Data, including that on grapes, which the committee compiles should be made available to the Secretary so that he may have available all the facts or factors which the committee considers or has available to it. In order to function efficiently, the committee should select from its members, officers other than the chairman and adopt such rules and regulations for the conduct of its business as it may deem advisable. The committee should appoint or employ persons necessary to the administration and compliance activity of the program and to determine the salaries and define the duties of each such person. At least once each crop year, the committee should cause the books to be audited by a certified public accountant and cause two copies of each such audit report to be submitted to the Secretary. Such audit report should be available at the offices of the committee for inspection by producers and handlers but should not contain confidential information of the type which would reveal a business operation of the participants in the program. In the event it becomes necessary, an audit of the books should be made at any time or as the Secretary may request. So that there may be a running record and opportunity to supervise the financial operations of the committee, it should prepare and submit to the Secretary monthly statements of such operations. Such statements together with the minutes of meetings of the committee or the board should be available for inspection at the offices of the committee by producers and handlers. Whenever members are notified of a meeting of the board or the committee, notification should also be given to the Secretary so that he may have a representative present at such meeting.

A major activity of the committee will be the notification to handlers of their obligations, the use of reports and on-premise observation to determine compliance, and the explanation of program provisions to interested persons. The success of a program of this type is dependent upon compliance being obtained on the part of all handlers. It should be provided that the committee should investigate compliance with, and use means available to it to prevent violation of, the provisions of this part. Furthermore, the committee should be authorized, and consider it as a duty, to establish with the approval of the Secretary such rules and regulations as are necessary or incidental to the administration of the order, which are consistent with its provisions, and which would tend to accomplish the purposes of the order and the act.

(3) (d) The act authorizes marketing research and development projects designed to assist, improve or promote the marketing, distribution and consumption of the regulated commodity or any product and this authorization should be incorporated so that the committee may improve its ability to make marketing determinations and to dispose of the set-aside products. Such provision should permit the expense of the projects to be allocated as between the funds collected as assessments and those derived from the setaside and to permit cost accounting principles and committee policies to determine such allocations in accordance with the act. Since such projects will need to be planned in advance and any levy of assessments would be based on a budget approved early in the crop year, it is unnecessary to place a limit on funds for the purpose of protecting handlers against unanticipated assessments during the crop year.

(3) (e) There should be placed in the order several sections dealing with the selection, maintenance and procedures of both the board and the committee. First, it should be provided that the Secretary shall select producer and handler members and alternate members of the board and committee in the numbers and with the qualifications specified in the order. Also, the selections by the Secretary may be made from the nominations certified by the committee and the board or from other eligible producers and handlers. The latter would permit the Secretary not to make a particular selection, if in his judgment this was the correct thing to do, and in lieu thereof to select a suitable alternate to the nominee or to request the board or the committee to certify to him a new nominee.

In the event nomination of a member or alternate member should not be certified pursuant to and within the time specified in the order, the Secretary should be permitted to select an eligible person to fill such position. This is in the nature of permitting the Secretary to act expeditiously to keep the program operative and would encourage the board and committee to see that their action is completed in a proper and timely manner.

It should be provided that each person selected by the Secretary shall qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of his selection, and shall not serve until this is done. This is a sound administrative procedure enabling the chairman, the manager and the Secretary to know that persons selected intend to serve.

There should be an alternate to each member of the board and committee to permit a person to act in the place and stead of an absent member or in the event of the removal, resignation, disqualification, or death of a member. However, the alternate should not automatically move up to the member's position, if it becomes vacant, but rather hold the alternate position until such time as a new member is selected. This will permit the district or tonnage category he represents to reconsider its representation both in terms of a new member and a possible new alternate if the alternate becomes the member.

The matter of filling vacancies occasioned by the removal, resignation, disqualification, or death of any member or alternate member, or failure of a person selected to qualify, should be recognized by the committee through provision for a new nominee to be certified to the Secretary within 40 calendar days. A period of 40 calendar days is desirable to permit nomination meetings to be arranged at convenient times, to permit advance notice, and to permit certification and transmission to the Secretary.

The members of the committee and the board, and the alternate members when acting as members, should serve without compensation for their services, but should be allowed their necessary expenses, either on the basis of actual expenses or per diem, as the committee may approve. This provision is similar to that in other programs of this type. Members, or alternates acting for members, should be allowed reimbursement for travel expenses and for the cost of any meals and lodging incurred by reason of attendance at committee meetings. If any members or alternates are assigned specific functions, such as members of special investigating or research committees, they should be reimbursed for travel and other expenses connected with any such task. It is indicated that producers and handlers are sufficiently public spirited to be willing to serve without compensation and thus avoid the substantial costs to the industry which salaries or other compensation would entail. Either actual expenses or per diem should be permitted by the committee, depending upon the method most suitable to a particular purpose.

All decisions should be by a majority vote of the members present at an assembled meeting, votes should be cast in person and a quorum should be present for a decision to be valid. On the board, the quorum should consist of not less than a majority of the producers and handlers, hence 25 producer members and 16 handler members. On the committee, in view of its responsibility to dispose of setaside products of producers, a quorum should be not less than 12 of the 18 producer members to assure producer predominance of decisions in the event all 12 handler members were present, and not less than two-thirds of the handlers, or 8 of the 12 handler members. These quorum requirements should be permitted to be changed if warranted by any changes in numbers of representatives on the board or committee.

The committee should be permitted to vote by mail or telegram upon due notice to all members and upon the proposition being explained accurately, fully and identically to all voters. If any such proposition is sufficiently controversial as to cause a dissenting vote, then consideration of the issue should be presented at an assembled meeting. In obtaining the vote, a time limit should be announced for members, or alternates acting as members to return their votes. If any is not returned by that time it should be deemed a "no" vote. It is presumed that a member would readily and promptly vote upon any issue which was clear-cut and non-controversial.

(3) (f) The committee should meet prior to August 15 of each crop year, consider certain factors, and thereupon prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. This marketing policy should be given reasonable publicity so that producers and handlers are on notice as to the indicated marketing situation. In particular, the committee should consider those factors which indicate a need for

restricting the volume of grapes for crushing which handlers may freely acquire and use and whether such restriction would tend to carry out the objectives of this program. In determining this need the committee should consider the inventories as of June 30 of products of grapes for crushing, the likely trade demand therefor (level of shipments or withdrawals) during the crop year, and the desirable carryout of products which should be on hand on the following June 30. The determined net need for products should then be converted to grape tonnage of specified sugar content to permit a subsequent application of volume regulation as hereinafter provided. In other words, if the desirable carryout on the following June 30 is added to the estimated trade demand for the 12-month period of July 1 through June 30, and from the resultant desirable supply is subtracted the July 1 carry-in, there would be determined the net production of products which should be obtained from the new crop. The committee could then convert the necessary net production in proof gallons to grape tonnage of a specified sugar content.

The committee should then consider the estimated production of grapes for the crop year and the desirability of exempting any variety, due to special conditions of the season and as hereinafter permitted, from possible volume regulation.

If the foregoing considerations indicate a likely need for volume regulation, the committee should formulate a recommendation to the Secretary as to the tonnage of grapes for crushing, of specified sugar content, which handlers should be permitted to freely acquire and use for the crop year. This tonnage should be referred to as the "desirable free tonnage". If the Secretary concurs on the likely need for volume regulation, he should establish the desirable free tonnage for the crop year. The desirable free tonnage so fixed, together with a determination of the crush, permits the recommendation and establishment of the free and surplus percentages hereinafter described.

(3) (g) Handlers should not be a nonnormal outlet for grapes which have entered the drying (raisin) outlet and from which a portion of the moisture has been removed. However, handlers should be permitted to continue their normal usage of raisin sweepings or other residual material to the extent of the approximate raisin weight of the industry-wide normal residual from the processing of standard raisins. Such a control on dried grapes is for the purpose of effectuating, in all crop years, the surplus control provisions of the order by eliminating the possibility of unforeseen quantities of partly or wholly dried grapes, of concentrated sugar content, suddenly entering the winery and distillation outlet. This occurs in occasional crop years, after substantial tonnages of fresh grapes have been contracted for crushing, and disrupts the price structure of such grapes and the handler f.o.b. prices of certain products. The prices of high proof, the principal outlet for raisin material, are particularly susceptible to price disruption, and in turn dessert wines, when unanticipated quantities of raisin material, due to such things as rain damage in the course of drying, enter wineries. In the 1958 season, for instance, approximately 59,000 tons of raisins were damaged by unexpected rains and prices of fresh Thompson grapes for crushing declined from $60 per ton to $40, as unexpected tonnages became available for high proof. By limiting such entry to the quantities normally available from the processing of standard raisins, all handlers will be on notice as to the approximate volume available in a given season and can with confidence make cash purchases of fresh grapes for crushing. So that the proposed surplus control and the price enhancing objectives of this program will not be jeopardized, it is found that this restriction on the receipt of grapes which have entered the drying outlet is a necessary and incidental means of effectuating the other provisions of the order.

Permitting the residue from raisin packing to be used by handlers would continue a normal practice, would maintain raisin packer outlets and hence income for the payment of raisin producers, and would maintain established practices of expeditious removal of residues from packing premises in the interest of good sanitation. The processing of standard raisins causes a net loss to raisin packers of about 6 percent of the incoming weight. A lesser percentage constitutes the raisin content as the total comprises such items as sand, chaff and other material of little or no sugar content. So that the restriction may be administered, and compliance obtained, the committee should adopt administrative rules whereby handlers may receive the material from raisin packers, either directly or from others acquiring such packer material, and whereby the eligible weight for use by handlers may be determined. The terms used in the provisions are of long standing in the industry and many are in usage in Raisin Order No. 89, as amended (7 CFR Part 989). With an increasing availability of rain damage insurance to producers of raisins and improved packer techniques in removing the sound raisins from damaged lots, it is proper that raisin producers rely on placing their commodity with raisin packers, or salvage outlets other than wineries and distilleries, and thus assist in stabilizing the crushing outlet to which a great many such producers directly market portions of their fresh grape crops and hence look to for a portion of their total income.

(3) (h) The committee should, no earlier than September 15 nor later than September 18 of the crop year, unless the Secretary otherwise directs (when there are overriding considerations such as rain damage about these dates), determine the volume of grapes to be crushed during such crop year and if any such volume materially exceeds the desirable free tonnage and the establishment of free and surplus percentages would tend to effectuate the declared policy of the act, it should recommend such percentages to the Secretary. The purpose of causing the committee determinations to be reached between September 15 and September 18, is to avoid such action when it is too early to determine the likely volume to be crushed and, at the same time, take the action as soon as it is reasonable to do so. By September 15 there is reasonably clear indication of the quality of raisins being made, and thus the committee can reach an intelligent conclusion as to the amount of grapes which will remain for delivery to wineries. If the Secretary concurs with the committee recommendation as to the need for volume regulation, he should establish and announce appropriate free and surplus percentages as soon as practicable after receipt of the committee's recommendation in order to minimize delay in establishment of field prices and the consequent delay in purchasing by handlers. The sum of the percentages for any crop year should equal 100 percent and thereby account for the entire receipts of handlers.

It should also be provided that on or about January 15 of a crop year in which percentages have been established, the committee should determine the actual volume crushed and the average sugar content of the crush, and if either is materially lower than the earlier estimates on which the surplus percentage was based, should recommend for the Secretary's approval an appropriate decrease in the surplus percentage and increase in the free percentage. There should be no increase of the surplus percentage at this late date as it would increase the setaside burden after handlers may have committed their entire free tonnage. Appropriate new percentages should be established by the Secretary. January 15 is the earliest practicable date after the main crushing season, in terms of availability of statistical data at which the committee could determine the actual crush and average sugar content.

Whenever free and surplus percentages for grapes for crushing are established for a crop year by the Secretary it should be required that each handler set aside and hold, within the State of California, free and clear of all liens, for the account of the committee, proof gallons, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises controlled or operated by him during the current crop year. Since in the early part of the season the products derived from such grapes may not yet have reached their final form, the handler should be deemed in compliance upon having on his premises, free and clear of all liens, sufficient concentrate or proof gallons of alcoholic products completed or in process, of the current year's crush, equivalent to his setaside obligation. In view of the commingling of the commodity and of the products which occurs in handler operations, it would be administratively burdensome and costly to require setasides to be those derived from specific grapes for crushing. After a reasonable time for processing, each handler should be required to set aside the products in one of the forms specified in or pursuant to the order. It was proposed that by January 15, the handler could set aside the actual products to be held. However, at that same time there may be changes in the surplus percentage which could immediately cause alterations in the volume of products held. Hence, by January 31, the setaside should be in the form of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, or concentrate of not less than 68 degrees Brix. The levels are those at which the named products are customarily marketed and, to permit disposition by the committee, should be in these marketable forms. If the storage or other problems of some handlers can be more readily met or if experience indicates that other items should be permitted to be set aside, it should be provided that the committee may accept other items upon approval of the Secretary. This would permit handlers to set aside any authorized item which is surplus to his market needs or for which he has ready storage. The more desirable forms in which the setaside should be held are dessert wine and high proof. These items are storable in terms of the practices normally used by the handlers and represent forms which offer ready disposition possibilities by the committee. In this regard all items set aside should be stored to preserve their quality, should be of marketable quality meeting the standards of identity, quality and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this order by the committee with the approval of the Secretary. In view of some handlers normally holding products at less than the specified levels of alcohol or sugar concentration, authorization should be granted for the committee to permit storage of such items, in adequate volume, upon the handler agreeing in writing to deliver at the specified levels.

Table wine need not be named as one of the eligible products because the nine-county area is a producer largely of dessert wines and high proof, and it is indicated that all handlers who will be subject to this program will have one or the other of these items for setaside. Furthermore, table wine varies widely in acceptability as compared to dessert wine and requires more careful storage to prevent deterioration.

In determining his gallonage setaside, the handler should be required to use conversion factors as established by the committee with the approval of the Secretary. There is sufficient knowledge among vintners and from the University of California to permit the establishment of conversion factors whereby the hydrometer measurements of soluble solids, commonly referred to as sugar determinations, of grapes are translated into proof gallons. So that producers may have equity in the setaside on a uniform basis and handlers be required to hold for the account of the committee comparable gallons based on sugar tons received, it is desirable that the conversion factors be applied uniformly throughout the area and on any tonnage which moves outside the area to handlers within the State of California. Hence, the factors should be established by the committee and all handlers required to use them.

So that each handler may adjust to the demand for his various products, a handler should be permitted to substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside. This is feasible in view of the similarity of values among the various setaside products, in terms of proof gallon values, and is desirable in minimizing any adverse impact of the program when handlers find an unanticipated sales outlet for a product. However, the right to substitute should be permitted to be suspended by the committee to facilitate disposition of setaside. This would permit the committee to do such things as offer pro rata shares of products on hand as of a given time.

The setaside need not be in containers separate and apart from other like products but each container with setaside should be required to be such as will maintain the condition of the item and should be labeled or marked as the committee may direct, and no withdrawals from labeled containers should be permitted below the handler's setaside obligation contained therein. Thus setaside and free gallons of like dessert wines could be in a single container and setaside and free gallons of like high proof in another container. There should always be maintained in any marked container holding setaside for the account of the committee the volume which the committee has been notified is being so held.

So that a handler is on notice that the committee may request delivery of a product at any time, the order should require that the handler shall commence delivery to the committee or its designee, upon five days' notice, any or all products held for the account of the committee and shall continue delivery at as rapid rate as may be practicable consistent with the requirements of the committee and the physical ability of the handler. It is recognized that the delivery of products may be in substantial volume and that the delivery may not be completed within a single day.

In any operation of this type there should be recognized shrinkages or losses which occur in the course of storing products. These should be recognized by the committee in terms of establishing uniform normal rates of shrinkage or normal losses which the committee may allow handlers with the approval of the Secretary. However, for the protection of equity holders handlers should be required to use good commercial practices in caring for setaside products and to be liable for losses of setaside resulting from lack of due care.

The producers delivering grapes for crushing will be equity holders in the setaside unless they sell the commodity or their equity to another person who then becomes the successor in interest. In order to determine at the committee offices the share which each equity holder has in the total setaside, each handler who receives grapes for crushing, should be required to determine, or cause to be determined, the variety, the weight and sugar content of each lot of grapes received, the producer's or the successor's in interest name and address, and the place of production, and this information should be submitted to the committee and certified as to correctness by the handler. It is essential to know the variety involved in order to give proper consideration, when appropriate, to the field price to producers of that variety during the crop year. The weight of each lot and its sugar content are necessary factors to apply in determining the producer contribution to the total setaside. The producer's name and address or that of his successor in interest and place of production are essential to determining that the grapes were produced within the area and hence subject to setaside. The name and address will be the means of contacting the equity holder as the committee disposes of setaside and has funds to disburse.

So that the sugar content determinations of each producer's grapes are made by a standard method uniformly applied, there should be employed a single service to make the determinations and to exercise the necessary supervision of the determinations. Thus all producers and handlers would be assured that an accurate and fair determination is being made on each and every lot received. This service should be the statewide inspection service, the Federal-State inspection service of the State of California, or such other similar service as may be recommended by the committee and approved by the Secretary. To assure accurate weight determinations, each should be made by an official weighmaster of the State of California.

Under the program, handlers are not required to meet their setaside obligation out of their own production but may obtain it from the production of other handlers. A prevailing practice, for instance, is that of selling bulk wine by one vintner to another and the holding or removal of such bulk wine from the seller's premises in accordance with the terms of the sales agreement. Since premises where products are stored within California would be available to the surveillance by the committee staff, a handler should be permitted to hold setaside on such premises of another handler, in the same manner as though the setaside were on any of his own premises. For the same reason, and to minimize the burden of holding setaside on the facilities of any handler, the handler should be permitted, under suitable arrangements, to hold setaside on the premises of another handler. However, it should be clearly understood that in so holding his setaside on the premises of another, the original handler is not relieved of his obligation to hold and maintain the setaside. In other words, the handler's setaside obligation arises from the act of receiving grapes for crushing and is not transferable.

The handlers receiving grapes for crushing, and establishing a setaside, will, in the basic sense of the program, be setting aside the surplus for the equitable account and benefit of the delivering persons. Hence, it is but right and proper that the expenses of receiving, processing, storing, and other costs with respect to such setaside for producers be chargeable to such persons' accounts maintained by handlers. The committee itself will not have appropriate funds whereby it could pay such costs. The practical solution is to authorize handlers to deduct such costs from the amounts due producers, or successors in interest, for free tonnage, in accordance with charges established by the committee with the approval of the Secretary. The evidence of record is insufficient to set forth in the order appropriate charges and hence they should be established, after due consideration, by rule making at the beginning of the crop year.

Although the setting aside of products is an essential requirement under the program, it should also be recognized that under some conditions it may become desirable for the handler to have removed from his premises all or part of such setaside products. Such removal should not occur prior to the expiration of any and all paid up storage charges unless the handler agrees, as a condition of such removal, to refund to the committee any unearned charges. The committee should then comply with such request within a reasonable time consistent with the availability of suitable, alternate storage. If any setaside is so removed, and the handler thereby relieved from holding such portion of his setaside obligation, the handler should forfeit to the extent of the removed volume his pro rata share in any offer. In turn, if a pro rata share of an offer were to be awarded a handler who had agreed to store setaside for the account of the committee in excess of his own setaside obligation, he should be permitted to participate in the offer to the extent of his increased setaside. In this fashion there would be continued the objective of removing setaside from all handlers at a similar rate and in an equitable manner.

(3) (i) The committee should be permitted to recognize situations wherein particular lots of grapes for crushing are not used to produce products shipped into normal commercial outlets and to relieve such grapes from regulation under rules and regulations established with the approval of the Secretary. As an example, colleges or charitable institutions may be recipients of products of grapes for crushing or may engage in crushing. Where these particular grapes for crushing do not become part of the commercial supply of products which are shipped into normal outlets, the committee should be permitted to specify such volumes, forms of products, conditions of manufacture and supply, or other factors as would permit such grapes for crushing to be eligible for exemption from the regulations of this part.

Provision should also be made to permit exemption from volume regulation, with the approval of the Secretary, of any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand, that the program would not be adversely affected. Such exemption should be considered annually as a part of marketing policy and is so indicated in the applicable provision of the order. An example is a situation where frost has so damaged the supply of a variety as to cause the demand therefor, in terms of actual or indicated prices, to rise materially above average crushing price levels of grapes for the season. A further example is that of a variety of such small production and restricted usage that it is not offered for general sale nor are its products directly substitutable with other products.

(3) (j) A prohibition against any use or disposition of setaside by handlers, except as permitted in specified sections, should be clearly set forth in the order and thereafter followed by permissable methods of disposition. This is desirable for compliance purposes and to assure achievement of program objectives.

There should be included general provisions which set forth the committee objectives in disposing of setaside. The committee should have the power and authority to sell or dispose of any or all setaside upon the best terms and at the highest return obtainable, consistent with the objectives of the order, including the encouragement of new uses or new geographical outlets, and thereby improve returns to producers. It should be recognized that the opening of new uses or new geographical outlets should, over the long run, materially add to the income of producers and handlers.

So that setaside may not accumulate from year to year until a great excess hangs over the market, there should be a provision that when setaside of all crop years totals in excess of the equivalent of the six preceding months' shipments of dessert wine, the excess should be disposed of in nonnormal outlets. This determination need not be delayed beyond January 31 for by then reliable data will be available as to the shipments during the preceding six months ending December 31, the period of largest shipment of the crop year. The evidence is that a six months supply is adequate to protect against foreseeable contingencies. However, the provision should be qualified to the extent of authorizing the committee to hold excess setaside, to improve earnings on disposition, when sales into normal outlets can be foreseen due to such things as an indicated abnormally small oncoming crop. To prevent market disruptions, any such disposition of held-over excess setaside should be subject to the conditions as to entry into normal outlets contained in paragraph (b) of the disposition section. Disposition into nonnormal outlets should be completed by June 30, the end of the crop year, to thereby eliminate such supply prior to the new crushing season.

Normal outlets should be defined as the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar but the committee should be authorized, with the approval of the Secretary, to define the limits of such outlets consistent with permitting such things as expansion of new markets. Upon any outlet becoming well established, the committee should be permitted to add it to outlets here prescribed as normal, upon approval of the Secretary. In any further definition of normal outlets, for purposes of administration, the committee should carefully weigh the possibility of releases of setaside adversely affecting sales of existing products. However, no prohibition against so releasing setaside should be placed in the order as such could preclude practically any sale of setaside.

If in any season the actual crush falls below the desirable free tonnage crush, the committee should be required to release sufficient setaside products to handlers to make up the deficit. This is essential to cause the stabilization aspects of the program to be realized and to assure maintenance of long run consumption trends. Whenever such sales of setaside products occur, and to prevent losses to handlers for grapes purchased in such a crop year, they should be made on the basis of a price of $1.50 per proof gallon equivalent (including the conversion of any grape sugar content to alcohol). Specifying the price will tend to stabilize field prices by placing handlers on notice, prior to any sale, of the committee sale price. Thus handlers may protect themselves against losses due to committee sales and be more willing, during the crushing period, to pay higher prices to producers. It should be understood, however, that the price of $1.50 per proof gallon is applicable to only a single type of sale and that all other sales would be at such prices as the committee, and the Secretary, determine to be appropriate.

It was proposed at the hearing that, in lieu of releasing supplies to the extent of a deficit in the volume crushed, an automatic release of setaside to a handler occur whenever the handler is willing to pay a predetermined price (such as 70 cents per gallon for unfinished dessert wine). However, such a provision could void the basic function of the order, of limiting supplies to a desirable free tonnage for the industry as a whole, by permitting individual handlers to add surplus to the free tonnage. Moreover, this could have an adverse effect upon producer returns because handlers would not be buying against fixed supplies and would tend to hedge against additions to supply which could jeopardize their individual ability to sell. In view of this, the proposal was not adopted.

In naming a release price for the purpose of augmenting short crop supplies, weight must be given to: (1) The fact that the release will not be practical until the actual crush is known, (2) handlers will already have contracted or paid for grapes, (3) the objective of achieving a degree of price stability while not upsetting handler investments in free tonnage, (4) permitting producers a higher return per ton to offset lower yields and the accompanying higher

costs of production per unit, and (5) prices should not be so high as to cause greater surpluses. At the same time, it must be recognized that, as compared with free tonnage costs, the handler will have been paid somewhere between $7.00 and $14.00 per grape ton for processing and storing the product now being sold to him, and the product is subject to finishing costs and the addition of handler profit to determine the market prices. In the absence of experience under a marketing order, and recognizing its price enhancing objectives, it is noted that average prices of grapes for crushing, under all crop conditions of the past 10 years, have not exceeded $55.00 per ton or approximately 75 cents per dessert wine gallon or $1.50 per proof gallon. This is considered an appropriate price for the further reason that it is applicable basically to the lower priced products and cannot be construed as a ceiling on either premium products or grape varieties.

No offer by the committee to sell setaside to handlers for resale into normal outlets should become effective until the elapse of five days subsequent to notification of the Secretary of such offer, or until the receipt of notice from the Secretary that he does not disapprove the making of such offer. This safeguard is needed for the purpose of permitting the Secretary time to review the information on which the committee based its action and to determine whether the recommended action is reasonably sound and likely to be of value to the industry and in the public interest. Whenever an offer is made, the handlers holding the setaside should be entitled to purchase such setaside to the extent of each such handler's pro rata share, based on holdings, of the quantity offered. This permits removing from each handler's premises a like percentage of his holdings of setaside obligation. Also, it enables each handler to participate in the release of setaside implementing the principle that the more salesmen available to the industry to market its output, the greater the tangible benefits to the producer of the commodity.

All outlets which are not normal outlets should be included in the category of non-normal outlets. It is recognized that dispositions into non-normal outlets (including destruction) may have to be made at lesser prices and perhaps, at times, for the sole purpose of reducing an excess amount of inventory. One of the prime purposes of this program, however, should be to encourage handlers, the experienced sellers of industry products, to expand the non-normal outlets and for this purpose the committee should be authorized to make sales to any handler or handlers without regard to pro rata participation by all handlers. However, when any disposition is for the purpose of reducing total inventories to the maximum permitted level, withdrawals should be, insofar as practical, pro rata from all handlers, based on holdings, so that handlers in general do not hold such excess.

The proceeds from any disposition of setaside should be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest. The method whereby the participation of each equity holder in such proceeds would be determined is basically on the tonnage of their respective contributions to the setaside weighted by the sugar content of the grapes delivered. However, in an individual season it may be appropriate to further weight each person's participation by the season's average field price for the variety delivered. This could be true in those seasons in which there is a significant disparity in prices being paid for particular varieties. In distributing the proceeds to members of cooperative associations, the proceeds should be paid to the appropriate association as hereinbefore explained. This would be consistent with the fact that an association is formed for the purpose of disposing of the grapes for crushing delivered to and processed by the association and distributing the proceeds from such grapes to the producer members.

(3) (k) Each handler should be required, upon request of the committee, to file with the committee a certified report showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other grapes for crushing products which were held by him on June 30 and December 31 and such other dates as the committee may designate. These inventory reports would be essential to the marketing policy determinations and actions to be taken in August, September and January or in other months of the crop year.

Each handler should be required to file with the committee upon its request, a certified report as to each lot of grapes received, whether fresh or dried, showing the variety, weight, sugar content, place of production and equity holder's name and address. Such information is essential to the determination of each person's equity in the setaside and to compliance purposes.

So that the committee may ascertain, and check on, the volume and precise nature of the setaside being held for its account, each handler should be required, upon request of the committee, to file a certified report showing, by items, the setaside held for the account of the committee, the equivalent thereof in proof gallons, and the premises at which held. For compliance purposes and to ascertain the extent of its disposition task, the committee would need such a report from each handler at intervals to be established by the committee.

So that the committee may obtain other reports essential to the operation of the program or for the purpose of compliance activity thereunder, the committee should be authorized, with the approval of the Secretary, to request, and each handler required to furnish, such other information as may be necessary to enable the committee to exercise its powers and perform its duties. This is to cover a possibility that all reports of use to the committee may not have been anticipated and provision should be made for obtaining such reports as the need therefor becomes apparent.

Each handler should be required to maintain such records of all grapes used, whether fresh or dried, and items set aside as will substantiate the reports prescribed in the order, and such other reports as may be prescribed by the committee. Such records would be essential for ascertaining the accuracy of reports, for reconciling differences which may occur between committee data and handler data, and for assuring compliance with the program. In view of the long time during which the setaside may be maintained, it should be required that all records should be maintained for not less than five years after the termination of the crop year to which such records relate, or such lesser period as the committee may direct. If the setaside were disposed of within a two or three-year period and the entire proceeds from such setaside disbursed, the committee could and should notify handlers that records applicable to such setaside need no longer be retained. Hence there would be due protection of the needs of the committee and at the same time relief of handlers from the burden of record-keeping as soon as circumstances permit.

For the purpose of assuring compliance with the order's regulatory provisions, and of checking and verifying records and reports of handlers, the Secretary and committee, through duly authorized employees, should be permitted to have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation, are crushed, and where setaside items are held. At any time during reasonable business hours, such personnel should be permitted to inspect such premises, the setaside items, and the applicable records.

To protect each handler against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that all reports and records furnished or submitted by handlers to, or obtained by, employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary. Committee and Department employees are precluded from disclosing such information by Department regulations and the act.

(3) (l) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and the board, and for such other purposes (other than those directly related to the setaside), as the Secretary may, pursuant to the provisions of the order, determine to be

appropriate. This provision is in accordance with the authorization in the act and is necessary to permit the committee, with the approval of the Secretary, to incur the administrative expenses of the program, including those for the maintenance and functioning of the committee and other appropriate expenses. In conformity with the act, these expenses should exclude the expenses of receiving, handling, holding, or disposing of setaside. The latter expenses would be defrayed pursuant to §§ 1026.57 and 1026.62(d). The committee should be required to file a proposed budget of expenses and a rate of assessment estimated to be required to meet such budget, with the Secretary as soon as practicable after the beginning of each crop year. This provision would cause the committee to adopt the good business practice of anticipating its expenditures and income, and would permit the Secretary to establish a budget and rate of assessment.

Consistent with the act, the order would require that each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share of the expenses should be the rate of assessment per ton fixed by the Secretary. Hence handlers would be advised early in the season as to a uniform cost per ton to be levied upon them and could conduct their business operations accordingly. This rate of assessment should be permitted to be increased during or after the end of the crop year so that the total expenses may be covered. Unanticipated expenses may arise during or at the end of a crop year, or the actual assessable tonnage might be less than that estimated, so that the budget of expenses could not be met without increasing the assessment rate during, or after the end of, the crop year. At the beginning of the program, and perhaps in seasons when insufficient funds are carried over to permit the committee to meet current expenses, the committee should be authorized to accept advance payments against assessments subsequently levied against the handler. So as to assure continuous functioning by the committee and the board throughout the period the order is in effect, there should be included a provision to the effect that the payment of assessments for the maintenance and functioning of the committee and the board may be required throughout the period during which the order is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

Any assessments collected during any crop year and not expended should be permitted to be used by the committee for a period of four months subsequent to the end of such crop year when assessment income will be available from the new crop year. In years subsequent to the initial year, this may avoid the necessity of the committee requesting advance funds from handlers. However, at the end of the four-month period the committee should, from funds on hand, refund or credit to handlers' accounts the excess of the previous crop year. As a matter of equitable treatment and to recognize each handler's interest in such excess, his share of excess should be the amount of the assessment which he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Once the crop year is completed the committee could determine the actual expenses which were incurred during such crop year and each handler's share of the cost based on his assessable tonnage. The difference between such share and the amount actually paid, if it is on the plus side, should be refunded in the form of cash or a credit to the handler's account.

In the event of termination of the program, any monies collected as assessments and remaining on hand should be used to pay the expenses of the committee and its successor board of trustees for liquidation, and upon completion of their actions, the excess funds should be distributed in such manner as the Secretary may direct but should, to the extent practical, be returned pro rata to the persons from whom such funds were collected. This is a means of providing for the expenses of any such liquidation and to recognize the interest of handlers in any assessment monies remaining after such expenses have been paid.

Although a maximum assessment rate was proposed to be placed in the order, the proposed maximum was too high in view of the likely level of expenses for a program of this type. Moreover, both the committee and the Secretary can be expected to use good business judgment in confining the committee's expenses and rate of assessment to those which are reasonable and necessary.

A provision should be included in the order authorizing the committee to enter into an agreement with the inspection service regarding sugar content determinations, the cost thereof, and the payment by handlers of their respective pro rata shares of such cost based on the tonnage received and used. By this means, the cost per ton for the required inspection could be made uniform to all handlers.

(3) (m) Except for § 1026.84(b) and those provisions of § 1026.62(b) requiring the holding of a referendum, the provisions of §§ 1026.75 to 1026.85, inclusive, as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1026.97 to 1026.99, inclusive, as hereinafter set forth, are applicable only to marketing agreements and are also generally common to marketing agreements now operating. These provisions of the marketing agreement or order set forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of program and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions as hereinafter set forth.

It should be required in § 1026.82(b) that the Secretary shall hold a referendum of producers between July 1 and July 15, 1963, to determine whether they favor termination of the program on June 30, 1964. It should also be provided that, after such referendum and if the program is continued, the Secretary shall hold such a referendum between July 1 and July 15 of any third year after July 1963 if he receives a recommendation by the board, requesting the holding of such a referendum. The hearing evidence is to the effect that a mandatory referendum should be held early in the 1963–64 crop year, prior to the time that the marketing policy for the third crop year is adopted, so that industry and program operations of that crop year could be conducted with knowledge of the referendum results. Such results should be announced by the Secretary by August 15. If voted, termination should not be effective until the end of the crop year so that handlers may be able to adjust, in an orderly manner, the values of inventories prior to the termination of the program.

If the program continues to be acceptable after the initial years and is to be continued beyond the third crop year, then it should not be mandatory that the Secretary continue to hold periodic referendums unless the board requests the Secretary to hold a similar referendum between July 1 and July 15 of any third year after the first such referendum, with any termination to be effective on June 30 of that crop year. The board may have good reason to believe that the operation of the order would be facilitated through knowledge of the extent of producer support and hence should be permitted to recommend whether a referendum should be held at three-year intervals and that one be held if it so recommends.

Section 1026.84 should provide, in addition to the usual provisions of a termination section, that termination or amendment shall not release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of the order. Once a setaside has been established and orderly marketing conditions have come to exist in the industry, the release of the setaside should not be permitted to cause disorderly or chaotic marketing conditions. An unrestricted release of the setaside into normal outlets, upon program termination, could disrupt field prices and handlers' prices to the trade, unduly depress inventory values, and harm the industry for months to come. Hence, it should be prevented. In lieu of unrestricted release the setaside should be liquidated in an orderly manner.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons would be allowed to and including June 19, 1961, to file with the Hearing Clerk proposed findings and conclusions,

and written arguments or briefs, based upon evidence received at the hearing. That time was later extended to and including June 23, 1961. Briefs were filed on behalf of: (1) Bardenheier's Wine Cellars; (2) George J. Kaufman; (3) Guild Wine Company; (4) Bear Creek Vineyard Association, Lockeford Winery, Cherokee Vineyard Association, Lodi Winery, Del Rio Winery, Woodbridge Vineyard Association, East-Side Winery, Acampo Winery and Distilleries, Lodi Grape Products, Freeman Mills, and Sydney Wortley; (5) John de Boer, August Peterson, and Henry Veneman, Jr.; (6) Ficklin Vineyards; (7) United Vintners, Inc.; (8) Kasser Distillers Products Corp.; (9) California Wine Association; (10) John Pakcholan; (11) Les Scheidt; (12) Ambrose & Company; (13) Winery Grape Stabilization Program Committee; and (14) National Association of Wine Bottlers, Inc.

The briefs contained proposed findings of fact, conclusions and arguments with respect to proposals contained in the Notice of Hearing and certain briefs sought to extend the scope of the proposed order by proposing provisions not previously the subject of due notice to persons likely to be affected. No such provisions are recommended for adoption but this does not necessarily preclude them from being appropriate subjects for notice in any future hearing. Every point covered in these briefs has been considered carefully, consistent with the scope of the notice and the evidence in the record, in making the findings and reaching the conclusions herein set forth. Some proposals of the briefs are contained in the recommended order and some have been permitted as a result of changes in the several provisions. All other proposals of the briefs, inconsistent with findings and conclusions contained herein, are denied on the basis of the facts found and stated in connection with this recommended decision.

A contention in one of the briefs is that since the conclusion of the hearing, high temperatures in the production area caused a severe burn of the grape crop and as a result grapes for crushing will be in short supply. On that basis it is urged that the need for the order does not now exist. However, this fails to recognize that the damage is to a crop estimated to be well above average in size and that the damage may mean that a greater proportion than normal will be marketed for crushing, thereby continuing the probability of a surplus. Moreover, the proposed order is designed to operate as a continuing program and a surplus in each season is not essential to its issuance or continuation. The crop damage and its effect on grapes for crushing would, of course, be considered, if the order should become effective, in the formulation of a marketing policy for the crop year. On the basis of the foregoing, the contention is denied.

Briefs filed by certain opponents of the order charge that officials of the Department had engaged in improper action, allegedly amounting to improper discussion with proponents and prejudgment of the issues. These charges are based on a telegram dated April 17, 1961 from the Director of the Fruit and Vegetable Division to Mr. A. Setrakian, Chairman of the Winery Grape Stabilization Program Committee, the principal proponent, and a letter dated May 31, 1961 from the Secretary of Agriculture to that Committee. The telegram is in the hearing record but the letter is not.

The telegram was sent prior to the commencement of the hearing. In substance, it commended the proponents for their efforts to formulate and propose a self-help program in the interest of producers under the Agricultural Marketing Agreement Act of 1937, as amended, and further stated that the marketing agreement and order proposed by the proponents was sufficient for purposes of calling a hearing thereon and that such a hearing would be held. It made no commitment that any marketing agreement or order would issue following the hearing, or that an order, if issued, would contain any particular provisions.

The act and the rules of practice both contemplate and provide that the Department will inquire into the potential merits of a proposal for an order before a hearing is called. Under section 8c(3) of the act a hearing notice is to issue "whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy * * *" of the act. Section 900.3 of the rules of practice (7 CFR 900.3) implements this by providing for a preliminary investigation as to whether there is reason to believe that the proposal will tend to effectuate the declared policy of the act.

There thus is no merit in the charge that the telegram of April 17, 1961 and any discussion with proponents or others reflected by it were improper or contrary to the act. There clearly was no prejudgment of issues, for for the hearing notice which followed it expressly stated that the proposed marketing agreement and order had not received the approval of the Secretary.

The letter of May 31, 1961 likewise was not improper, nor did it constitute a prejudgment of the issues. It was mailed in Washington on the same day that the hearing closed in California. It does not purport to discuss the evidence, issues, or merits of the proposed order, nor does it commit the Secretary to issuing an order or any provisions thereof. It commends the Winery Grape Stabilization Program Committee in general terms for its efforts to develop a workable overall stabilization program in the interest of the California grape industry under the authority of Federal law. It extends to the industry the offer of insurance against rain damage to raisins through the Federal Crop Insurance Corporation as part of the overall effort to stabilize the industry. It expresses the hope that the complete stabilization program, if and when sucessfully established, may serve as an example to other growers to utilize the methods and tools provided by Federal law in the interests of producers and consumers. This is no letter of commitment. It is instead a letter of encouragement to an industry group commending their efforts on behalf of the industry and encouraging them to continue such efforts, if need be, in the interests of stabilizing the grape industry in California.

These briefs also asserted that the telegram and letter constituted a violation of § 900.16 of the rules of practice (7 CFR 900.16) which prohibits officers and employees of the Department of Agriculture, following the close of the hearing and prior to the issuance of an order, from discussing the merits, issues, or evidence in the proceeding with any interested person. It is evident from the foregoing that neither the telegram nor the letter violated this provision of the rules of practice.

The several motions contained in such briefs to disqualify the Director and the Secretary, to terminate the proceedings, to declare a "mistrial", etc., all based on such allegedly improper action, accordingly are denied.

General findings. Upon the basis of the evidence introduced and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order authorizes regulation of the handling of grapes for crushing produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement and order upon which the hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the production area covered by the proposed order which require different terms applicable to different parts of such area; and

(5) All handling of grapes for crushing produced in the area and of the products thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended order. The following order is recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1026.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

§ 1026.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1026.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1026.4 Area.

"Area" means the nine central California Valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

§ 1026.5 Grapes for crushing.

"Grapes for crushing" means any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate.

§ 1026.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing.

§ 1026.7 Handle.

"Handle" means to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing or to store, treat, sell, transport or ship into channels of trade, except as a common or contract carrier, the products of such grapes.

§ 1026.8 Handler.

"Handler" means any person within the State of California who handles and includes, but is not limited to, any vintner, distiller or processor.

§ 1026.9 Wine.

"Wine" means the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent of alcohol by volume but not in excess of 24 percent, shall be known as "dessert wine."

§ 1026.10 High proof.

"High proof" means wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy.

§ 1026.11 Concentrate.

"Concentrate" means unfermented grape juice from which the major portion of the original water content has been removed.

§ 1026.12 Brandy.

"Brandy" means wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof.

§ 1026.13 Setaside equivalent.

"Setaside equivalent" means the alcohol equivalent, in proof gallons, of the sugar content of grapes for crushing received by handlers and required to be set aside pursuant to a volume regulation.

§ 1026.14 Proof gallon.

"Proof gallon" means a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof.

§ 1026.15 Crop year.

"Crop year" means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 1026.16 Cooperative association.

"Cooperative association" means a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof.

§ 1026.17 Part and subpart.

"Part" means the order regulating the handling of Central California grapes for crushing and all rules, regulations and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE CRUSH ADVISORY BOARD

§ 1026.20 Establishment and membership.

A Grape Crush Advisory Board (herein referred to as board) is hereby established consisting of 78 members of whom 48 shall represent producers and 30 shall represent handlers. The producer members shall be selected in accordance with the following numbers and districts: (a) Seven members for District No. 1: all of Sacramento County and that portion of San Joaquin County north of State Highway number 4; (b) two members for District No. 2: that portion of San Joaquin County south of State Highway number 4; (c) four members for District No. 3: Stanislaus County; (d) three members for District No. 4: Merced County; (e) three members for District No. 5; Madera County; (f) sixteen members for District No. 6: Fresno County; (g) two members for District No. 7: Kings County; (h) five members for District No. 8: Tulare County; and (i) six members for District No. 9: Kern County. For the initial board, the handler members shall be selected on the basis of one member for each handler of the twenty-two largest tonnages crushed in the 1960–61 crop year and eight to represent the remaining tonnage crushed. The representation of the eight members shall be apportioned so that four members represent approximately one-half of the remaining tonnages and those handlers crushing the larger tonnages whereas the other four shall represent the balance but handlers of the lesser tonnages. Subsequent handler members shall be selected to represent tonnages crushed in the crop year of nomination. For each member there shall be an alternate member.

§ 1026.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members on the board, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any tonnage category. In making any such changes, consideration shall be given to such factors as changes in the total number of producers or handlers, the volumes crushed, similarity in interests, or geographical shifts in the numbers of producers, handlers, grape acreages, or the crushing of grapes.

§ 1026.22 Eligibility.

Each producer member of the board, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected or in an adjoining district and, except for producer members of cooperative associations, shall not be engaged in the handling of grapes for crushing either in a proprietary capacity or as a director, officer, or employee. Each handler member of the board, and his alternate, shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and shall throughout his term of office so continue to be a handler. However, if a producer fails to deliver grapes for crushing or a handler crushes outside his tonnage category, in any crop year, he may fulfill his term of office in the position for which originally selected.

§ 1026.23 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on April 30, the initial term ending on April 30, 1964, but each such member and alternate shall serve until his successor is selected and has qualified.

§ 1026.24 Nomination.

Producers and handlers specified in § 1026.20, or as such may be changed pursuant to § 1026.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or tonnage category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve on the board shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the board to the Secretary no later than April 5 immediately preceding the commencement of the term of office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall

perform the functions of the committee and the board.

§ 1026.25 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of such nominations to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy and the consideration of such other operational matters as it deems proper or as the committee may request.

GRAPE CRUSH ADMINISTRATIVE COMMITTEE

§ 1026.29 Establishment and membership.

A Grape Crush Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 31 members of whom 18 shall represent producers, 12 shall represent handlers, and the 31st member shall be the chairman of the board and also the chairman of the committee. The producer representation shall be two members from each of the nine districts. The handler representation shall be one member for each of the handlers of the six largest tonnages crushed, four members for handlers of all other tonnages of the twenty-two largest tonnages, and one member from each of the remaining board categories of handler representation. For each member there shall be an alternate member.

§ 1026.30 Changes in representation.

The Secretary, on recommendation of the committee, may change the number of members on the committee or the numbers to represent producers, handlers, districts or tonnage categories. In making any such changes consideration shall be given to the same factors as are set forth in § 1026.21.

§ 1026.31 Eligibility.

No person shall be seleted or continue to serve as a producer or handler member or alternate member of the committee unless he is serving as a member or alternate member of the board representing the same district or tonnage category or is awaiting the selection and qualification of his successor.

§ 1026.32 Term of office.

Members and alternate members of the committee shall serve for terms of three years ending on May 31, the initial term ending on May 31, 1964, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1026.33 Nomination.

The producer and handler members of the board respectively, including alternate members acting as members, shall nominate from among the producer members and producer alternate members of the board, the required number of persons to serve as producer members and alternate members of the committee and from the handler members and handler alternate members of the board, the required number of persons to serve as handler members and alternates on the committee. All such nominations shall be made by producers and handlers acting for their respective districts or tonnage categories. Nominations for the committee shall be certified by the board to the Secretary within 30 days following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary shall consider nominations made by nominees for board membership.

§ 1026.34 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1026.35 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes for crushing and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and grapes for crushing and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 1026.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes for crushing or the products of such grapes. The expense of such projects shall be paid from funds collected pursuant to § 1026.72, but the expense of any projects involving setaside items may be allocated if appropriate, in whole or in part, to funds obtained from setaside disposition.

BOARD AND COMMITTEE

§ 1026.39 Selection.

The Secretary shall select producer and handler members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other eligible producers and handlers.

§ 1026.40 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 1026.41 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 1026.42 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1026.43 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 1026.44 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 1026.45 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than 25 producer members and 16 handler members. A quorum for the committee shall consist of not less than 12 producer members and eight handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 1026.21 or § 1026.30. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

MARKETING POLICY

§ 1026.47 Marketing policy.

Prior to August 15 of each crop year the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) With respect to wine, high proof, concentrate, brandy and such other grape products as the committee may determine: The reported June 30 carryover, the anticipated trade demand for the crop year, the desirable carryout, the resultant total handler need to produce such products, and the conversion of the total product need to grape tonnage of a specified sugar content (degrees Brix or Balling equivalent);

(b) The estimated production of grapes and the desirability of exempting any variety pursuant to § 1026.58(b); and

(c) The recommendation to the Secretary as to the tonnage of grapes for crushing, of a specified sugar content, which handlers may freely acquire and use for the crop year (hereinafter to be referred to as the "desirable free tonnage").

§ 1026.48 Establishment.

If on the basis of the committee recommendation or other information, the Secretary concurs on the likely need for volume regulation, he shall establish the desirable free tonnage at specified sugar content which handlers may freely acquire and use in the crop year.

RECEIVING REGULATION

§ 1026.50 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided*, That sweepings or other residual material from raisin processing may be received from any packer of raisins, directly or indirectly, and used to the extent of the approximate raisin weight of the industry-wide normal residual material from processing standard raisins. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 89, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The terms "sweepings" or "residual material" mean any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing.

VOLUME REGULATION

§ 1026.53 Percentages.

Whenever the committee concludes, which shall occur, unless the Secretary otherwise directs, no earlier than September 15 nor later than September 18 of the crop year, that the tonnage of grapes to be crushed during such year materially exceeds the desirable free tonnage, established by the Secretary, and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If, on the basis of the committee recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent. On or about January 15 of a crop year in which percentages are established, the committee shall determine the actual volume crushed and the average sugar content of the total crush and if either is materially lower than the earlier determinations, recommend new percentages for the crop year. If the Secretary concurs as to the need for a change, appropriate new percentages shall be established: *Provided*, That no such new percentages shall increase the surplus percentage.

§ 1026.54 Setaside.

Whenever free and surplus percentages for grapes for crushing have been established for a crop year by the Secretary, each handler shall set aside and hold in storage, within the State of California, for the account of the committee, free and clear of all liens, proof gallons of products, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises within the State of California controlled or operated by him. By January 31 the setaside equivalent shall be in the form, at the handler's option, of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, concentrate of not less than 68 degrees Brix, or such other items as the committee may establish with the approval of the Secretary. All items setaside shall be of marketable quality, shall be stored to preserve their quality, and shall meet the standards of identity, quality, and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this part by the committee with the approval of the Secretary. On any approved item, the committee, in its discretion, may permit storage, in adequate volumes, at less than specified levels of alcohol or sugar concentration, if the handler so desiring to store undertakes in writing to deliver, on demand, at the specified levels. In determining his gallonage setaside, each handler shall use conversion factors established by the committee with the approval of the Secretary. Upon establishing the January 31 setaside, a handler may substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside: *Provided*, That the right to substitute may be suspended by the committee to facilitate disposition of setaside. Setaside items need not be in containers separate and apart from other like products held by the handler but each container with setaside shall be such as will maintain the condition of the item, shall be so labelled or marked as the committee may direct, and no withdrawals therefrom shall be made below the handler's effective setaside obligation. A handler shall commence delivery to the committee or its designee, upon five days' notice of any or all setaside items held for the account of the committee and at such rate as may be practicable. Setaside obligations shall be adjusted from time to time to recognize such normal shrinkage or loss as the committee may determine with the approval of the Secretary. Handlers shall use good commercial practices in caring for setaside items and be liable for losses of setaside resulting from lack of due care.

§ 1026.55 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total setaside, each handler who receives grapes for crushing shall determine, or cause to be determined, the variety, weight and sugar content of each lot of grapes received, the name and address of the producer or successor in interest, place of production, and shall cause these to be certified to the committee. Each weight determination shall be made by an official weighmaster of the State of California and each sugar content determination shall be made by the Federal-State inspection service of the State of California or such other service as may be recommended by the committee and approved by the Secretary.

§ 1026.56 Off-premise setaside.

No handler may transfer a setaside obligation but any handler may, upon notification to the committee, arrange to hold setaside, of his own production or which he has purchased, on the premises of another handler within California in the same manner as though the setaside were on his own premises.

§ 1026.57 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the setaside as the committee may deem to be appropriate, in accordance with charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such payments shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the committee to remove setaside from his premises upon expiration of prepaid storage charges or the refund of unearned charges, and the committee shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell setaside items and such share shall be allocated to the successor storing handler.

§ 1026.58 Exemption.

(a) The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes for crushing which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

(b) The committee may exempt from volume regulation, with the approval of the Secretary, any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand that the exemption would not tend to affect adversely the attainment of the purposes of this part.

DISPOSITION

§ 1026.61 Prohibition.

Except as provided in §§ 1026.54 and 1026.62, the setaside shall not be used or disposed of by any handler.

§ 1026.62 Disposition.

(a) *General.* The committee shall have the power and authority to sell or dispose of any and all setaside upon the best terms and at the highest return obtainable consistent with the provisions and objectives of this part, including the encouragement of new uses or new geographical outlets. If on any January 31 the total setaside from all crop years is in excess of the equivalent of the shipments of dessert wine for the preceding six months ending December 31, the committee shall, in the absence of foreseeable sales of such excess in normal outlets pursuant to paragraph (b) of this section, dispose of the excess by June 30 in non-normal outlets.

(b) *Normal outlets.* For the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar: *Provided*, That the committee, with the approval of the Secretary, may add other outlets and by administrative rules define the limits of any normal outlets to effectuate other provisions of this part. Sales of setaside to handlers shall be made whenever, due to a small grape production or other cause, it is necessary to add setaside to the actual crush to make available a crush equal to the desirable free tonnage. Such sales of setaside shall be made on the basis of $1.50 per proof gallon equivalent. No offer by the committee to sell such setaside to handlers for resale into free tonnage outlets shall become effective until the lapse of five days subsequent to notification of the Secretary of such offer or until the receipt of a notice from the Secretary that he does not disapprove the making of such offer. In any such offer, each handler holding setaside for the account of the committee shall have the first option to purchase such setaside to the extent of his pro rata share, based on holdings, of such offer.

(c) *Non-normal outlets.* The committee may sell or dispose of setaside in the non-normal outlets (those other than normal), including industrial alcohol, in a manner to achieve the general objectives of this part, and may make such sales to any handler or handlers, selling in or engaged in developing such outlets, without regard to pro rata participation by handlers: *Provided*, That, when such sale or disposition is for the purpose of reducing total inventories to the maximum permitted level, the withdrawal shall be made, insofar as practical, pro rata based on holdings, from all handlers.

(d) *Net proceeds.* The proceeds from the disposition of any setaside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the setaside weighted by sugar content and, when determined to be appropriate for any varieties, by the season average field price of each variety. The distribution of proceeds to producer members of cooperative associations shall be made to the appropriate association.

REPORTS AND RECORDS

§ 1026.65 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file with the committee a certified report, showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other products of grapes for crushing which were held by him on June 30 and December 31 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, sugar content, place of production, and equity holder's name and address.

(c) *Setaside.* Each handler shall, upon request of the committee, file with the committee a certified report showing the setaside held for the account of the committee by items, the quantity of each being held, the proof gallon equivalent of each, and the premises at which held.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 1026.66 Records.

Each handler shall maintain such records pertaining to all grapes used, whether fresh or dried, and items setaside as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the crop year to which such records relate or for such lesser period as the committee may direct.

§ 1026.67 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation and where setaside items are held and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, including setaside items, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1026.68 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

EXPENSES AND ASSESSMENTS

§ 1026.71 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and board and for such other purposes, other than expenses incurred in receiving, handling, holding or dispos-

ing of setaside, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 1026.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee and the board may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of four months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) *Sugar determinations.* The committee may enter into an agreement with the inspection service regarding determination of the sugar content pursuant to § 1026.55, the cost thereof, and the payment by handlers of their pro rata shares of such cost based on the tonnage received and used.

MISCELLANEOUS PROVISIONS

§ 1026.75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 1026.76 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 1026.77 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1026.78 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1026.79 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1026.80 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1026.81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 1026.82.

§ 1026.82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers in the period July 1–July 15, 1963, to determine whether they favor termination at the end of the third crop year, and after the first referendum shall hold one for the same purpose between July 1 and July 15 of any third year, if the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum. The results of any such referendum shall be announced by the Secretary by August 15 of the crop year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 1026.83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 1026.84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 1026.85 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

§ 1026.97 Counterparts.

This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1026.98 Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1026.99 Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of grapes for crushing in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such order.[1]

Dated: July 3, 1961.

G. R. GRANGE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-6383; Filed, July 5, 1961; 12:32 p.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1027]

[Docket No. AO-312-A1]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area, which was issued June 23, 1961 (26 F.R. 5822), is hereby extended to July 14, 1961.

Dated: July 3, 1961, Washington, D.C.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6385; Filed, July 6, 1961; 8:55 a.m.]

[1] Applicable only to the proposed marketing agreement.

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-101]

FEDERAL AIRWAY

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1760 from the Kremmling, Colo., VOR, as a 16-mile wide airway via the intersection of the Kremmling VOR 081° and the Denver, Colo., VOR 292° True radials; thence a 10-mile wide airway to the Denver VOR. This proposed airway would provide an additional route between Denver and Kremmling which would facilitate the control of intermediate altitude air traffic departing Denver to the west and southwest.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6335; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-99]

FEDERAL AIRWAYS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1758 from the Santa Fe, N. Mex., VOR, as a 16-mile wide airway to the Cimarron, N. Mex., VOR; thence a 10-mile wide airway to the Tobe, Colo., VOR. This proposed airway would provide a more direct route for aircraft operating at intermediate altitudes between Albuquerque, N. Mex., and Kansas City, Mo. The reduced airway width from 16 miles to 10 miles between Cimarron and Tobe would provide lateral separation with adjacent VOR Federal airways Nos. 1645 and 1730.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6336; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-NY-30]

FEDERAL AIRWAY

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1502 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1502 extends in part from the Syracuse, N.Y., VOR via the intersection of the Syracuse VOR 100° and the Albany, N.Y., VOR 286° True radials; Albany VOR; intersection of the Albany VOR 075° and the Manchester, N.H., VOR 276° True radials to the Manchester VOR.

The Federal Aviation Agency has under consideration alteration of this segment of Victor 1502 by redesignating it from the Syracuse VOR as a 10-mile wide airway to the intersection of the Syracuse VOR 100° True radial and the 272° True radial of a VOR to be installed approximately June 27, 1961, near Cambridge, N.Y., at latitude 42°59'40'' N., longitude 73°20'39'' W., thence as a 16-mile wide airway to the Cambridge VOR; thence as a 10-mile wide airway to the Manchester VOR.

The redesignation of this segment of Victor 1502 via the Cambridge VOR would permit enroute intermediate altitude air traffic to by-pass the Albany terminal area to the north. The reduced airway width from 16 miles to 10 miles east of the Cambridge VOR would provide separation from routes utilized by aircraft departing the Westover, Mass., AFB.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6332; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-94]

FEDERAL AIRWAY

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1508 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1508 is designated in part from the Rock River, Wyo., VOR as a 16-mile wide airway direct to the Sidney, Nebr., VOR. The Federal Aviation Agency has under consideration alteration of this segment of Victor 1508. It is proposed to redesignate this segment of Victor 1508 from the Rock River VOR as a 16-mile airway via the intersection of the Rock River VOR 105° and the Sidney VOR 294° True radials; to the Sidney VOR. This alteration would align the airway segment to provide lateral separation with jet aircraft penetration procedures in the vicinity of Cheyenne, Wyo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6330; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-85]

FEDERAL AIRWAYS

Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and § 600.1536 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1761 from the Gila Bend, Ariz., VOR, as a 10-mile wide airway to the intersection of the Gila Bend VOR 346° and the Phoenix, Ariz., VOR 272° True radials. Victor 1761 as proposed would permit air traffic en route between Blythe, Calif., and Tucson, Ariz., to by-pass the heavy concentration of military jet aircraft traffic in the vicinity of Luke Air Force Base, Ariz.

Intermediate altitude VOR Federal airway No. 1536 is designated in part from the Blythe VOR as a 16-mile wide airway via the intersection of the Phoenix VOR 275° and the Gila Bend VOR 346° True radials; thence as a 10-mile wide airway via the Phoenix VOR to the intersection of the Phoenix VOR 066° and Casa Grande, Ariz., VOR 031° True radials; thence as a 16-mile airway via the St. Johns, Ariz., VOR and the intersection of the St. Johns VOR 089° and the Albuquerque, N. Mex., VOR 198° True radials; thence as a 10-mile wide airway to the Corona, N. Mex., VOR. The Federal Aviation Agency is considering the redesignation of this segment of Victor 1536 from the Blythe VOR as a 16-mile wide airway via the intersection of the Blythe VOR 096° and the Phoenix VOR 272° True radials; intersection of the Phoenix VOR 272° and the Gila Bend VOR 346° True radials; thence as a 10-mile wide airway via the Phoenix VOR to the intersection of the Phoenix VOR 066° and the Casa Grande, Ariz., VOR 031° True radials; thence as a 16-mile wide airway via the St. Johns VOR, intersection of the Socorro, N. Mex., VOR 273° and the Albuquerque VOR 229° True radials; thence as a 10-mile wide airway via the Socorro VOR; to the Corona, N. Mex., VOR. The realignment of the segment of Victor 1536 west of Phoenix together with the airway width reduction from 16 to 10 miles would provide adequate lateral separation from the heavy concentration of military jet aircraft traffic in the vicinity of Luke Air Force Base, Ariz. The realignment of the segment of Victor 1536 east of St. Johns together with the airway width reduction from 16 to 10 miles would provide adequate separation from the heavy concentration of military jet aircraft traffic in the vicinity of Albuquerque and would also provide for adequate clearance from the White Sands, N. Mex., Restricted Areas R-5107, R-5108, and R-5109. Realignment of Victor 1536 via the Socorro VOR would provide for better navigational guidance along this airway segment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6334; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-86]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1607, 600.1609 and 600.1634 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1607 is designated from Gaviota, Calif., to Point Reyes, Calif. The Federal Aviation Agency has under consideration the extension of this airway southeastward from the Gaviota VOR as a 10-mile wide airway via the intersection of the Gaviota VOR 143° and the Fillmore, Calif., VOR 268° True radials; to the intersection of the Santa Barbara, Calif., VOR 109° and the Fillmore VOR 268° True radials. This extension to Victor 1607 would provide for transition from the low altitude to the intermediate altitude airway structure and also provide a single numbered route for air traffic departing the Los Angeles terminal area for points north and west. The reduction in airway width from 16 to 10 miles would provide separation from intermediate altitude VOR Federal airway No. 1634 and from Restricted Area/Military Climb Corridor R-2527. It would not be necessary to designate associated control areas for the portion of this airway which extends beyond the continental United States since this portion would be within the control areas associated with the offshore portion of low altitude VOR Federal airway No. 27.

Intermediate altitude VOR Federal airway No. 1609 is designated from Santa Barbara, Calif., to Ellensburg, Wash. It is proposed to extend this airway southeastward from the Santa Barbara VOR; as a 10-mile wide airway to the intersection of the Santa Barbara VOR 109° and the Fillmore VOR 268° True radials. This extension to Victor 1609 would provide for transition from the low altitude to the intermediate altitude structure and also provide a single numbered route for air traffic departing the Los Angeles terminal area for points north. The reduction in airway width would provide separation from Victor 1607 and Victor 1634.

Intermediate altitude VOR Federal airway No. 1634 is designated in part from the Santa Barbara VOR; as a 10-mile wide airway via the Santa Barbara VOR 091° and the Fillmore VOR 284° True radials; to the Fillmore VOR. It is proposed to realign this airway from the Santa Barbara VOR; as a 10-mile wide airway via the intersection of the Santa Barbara VOR 091° and the Fillmore VOR 310° True radials; to the Fillmore VOR. This realignment of Victor 1634 would provide for transition from the intermediate altitude to the low altitude airway structure for air traffic destined for the Los Angeles terminal area. This realignment of Victor 1634 together with the reduced airway width would provide separation from Victor 1607 and Victor 1609.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6331; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-WA-154]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration; Amendment

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-154 on March 29, 1961 (26 F.R. 2649), it was stated that the Federal Aviation Agency proposed to designate an east alternate to VOR Federal airway No. 42 from Flint, Mich., to Windsor, Ontario, via the intersection of the Flint VOR 122° and the Windsor VOR 344° True radials. In addition, it was proposed to designate the control area associated with this east alternate to extend upwards from 1200 feet above the surface, but to exclude the airspace within the United States between the east alternate and the main airway segment between Flint and Windsor.

Subsequent to publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed Victor 42 east alternate should be deferred until such time as Amendment 60-21 can be applied to all control areas associated with airways in the vicinity of and adjacent to the proposed east alternate. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with Victor 42 east alternate within the United States between Flint, Mich., and Windsor, Ontario, extend upwards from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 22, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–WA–154 is extended to July 22, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6338; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–FW–5]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Federal Airway, Associated Control Areas and Reporting Points; Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and § 601.1293 of the regulations of the Administrator, the substance of which is stated below.

Blue Federal airway No. 13 extends from the Texarkana, Ark., radio range to the Fort Smith, Ark., non-directional radio beacon excluding the portion which overlaps the Fort Chaffee, Ark., Restricted Area R–2401.

The Federal Aviation Agency has under consideration the revocation of Blue 13. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route is adequately served by VOR Federal airways Nos. 13 and 289. Therefore, it appears that the retention of this airway is unjustified as an assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke Blue 13 and its associated control areas and reporting points. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Blue 13. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such actions. In addition, VOR Federal airway No. 13 would be substituted for Blue 13 in the description of the Fort Smith, Ark., control area extension (§ 601.1293).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6339; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–FW–11]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61–FW–11 on March 10, 1961 (26 F.R. 2092), it was stated that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 7, including the west alternate, from Cross City, Fla., to Dothan, Ala. In addition, it was proposed to alter the control area associated with these segments of Victor 7 to extend upwards from 1200 feet above the surface.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60–21 to Part 60 of the Civil Air Regulations to the control area associated with Victor 7 and Victor 7 west should be deferred until such time as Amendment 60–21 can be applied to all control areas associated with airways in the vicinity of Cross City and Dothan. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with Victor 7 and Victor 7 west between Cross City and Dothan extend upwards from 700 feet above the surface, excluding the airspace between the main airway and its west alternate between the Cross City VOR and the Dothan VOR.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to July 22, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–FW–11 is extended to July 22, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6337; Filed, July 6, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–LA–2]

FEDERAL AIRWAYS AND CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6120 and 601.6120 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 120 extends in part from the Great Falls, Mont., VOR to the Lewistown, Mont., VOR. The Federal Aviation Agency is considering the designation of a north alternate to this segment of Victor 120 via the intersection of the Great Falls VOR 074° and the Lewistown VOR 308° True radials (Shonkin Intersection). The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated on an area basis to implement Amendment 60–21 to Part 60 of the Civil Air Regulations.

The proposed north alternate airway would improve air traffic management by providing an alternate routing between Great Falls and Lewistown. It would also provide a numbered airway from Great Falls to the Shonkin Intersection, the standard departure route for aircraft enroute from Great Falls to Glasgow, Mont.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6333; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–FW–1]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Mobile, Ala., Brookley Air Force Base control zone is presently designated within a 5-mile radius of Brookley AFB (latitude 30°37'40" N., longitude 88° 04'15" W.). (The control zone as presently disignated was incorrectly published under the name of Brooklyn AFB.) The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force to alter this control zone by designating an extension within 2 miles either side of the 145° True radial of the Brookley AFB VOR (latitude 30°37'47" N., longitude 88° 04'22" W.) extending from the 5-mile radius zone to 12 miles southeast of the VOR. This would provide protection for aircraft executing the prescribed instrument approach procedures at Brookley AFB based on the Brookley VOR, TACAN and radio beacon.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. Communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6326; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–NY–20]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2129 of the regulations of the Administrator, the substance of which is stated below.

The Bowling Green, Ky., control zone is presently designated within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green VOR to a point 10 miles southwest of the VOR.

The Federal Aviation Agency has under consideration the following alterations to the Bowling Green control zone:

1. Revoke the control zone extension based on the southeast course of the Bowling Green radio range. This extension would no longer be required for the protection of aircraft as the Bowling Green radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Bowling Green range will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach based on the Bowling Green range would be cancelled concurrently with the discontinuance of this facility. The Bowling Green VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

2. Alter the control zone extension based on the Bowling Green VOR 203° True radial by basing it on the Bowling Green VOR 206° True radial and extending it to 12 miles southwest of the VOR. These alterations would align the control zone extension with the VOR approach procedure final approach course and would provide protection for aircraft executing the prescribed VOR instrument approach procedure.

If these actions are taken, the Bowling Green, Ky., control zone would be designated within a 5-mile radius of the Bowling Green-Warren County Airport (latitude 36°57'55" N., longitude 86°25'10" W.) and within 2 miles either side of the 206° True radial of the Bowling Green VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–6327; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-42]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2137 of the regulations of the Administrator, the substance of which is stated below.

The Columbia, S.C., control zone is presently designated within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range, within 2 miles either side of the 325° True and 145° True radials of the Columbia VOR extending from the 5-mile radius zone to a point 10 miles southeast of the VOR, and within a 5-mile radius of Owens Field, Columbia, S.C., and 2 miles either side of the southeast course of the Columbia radio range extending from the radio range to a point 10 miles southeast.

The Federal Aviation Agency has under consideration the alteration of the Columbia, S.C., control zone as follows:

1. Revoke the portion of this control zone based on Owens Field. The Columbia combined station/tower does not have adequate two-way radio communications with aircraft on Owens Field and weather reporting service is not available at the airport.

2. Revoke the control zone extensions based on the east, southeast, and west courses of the Columbia radio range. The control zone extensions based on the radio range would no longer be required for the protection of aircraft as the Columbia radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Columbia range will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach procedures based on the Columbia range would be cancelled concurrently with the discontinuance of this facility. The Columbia VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

3. Revoke the portion of the southeast control zone extension based on the 145° True radial of the Columbia VOR. The prescribed VOR instrument approach procedure is being revised to eliminate requirement for the portion of the control zone extension southeast of the VOR.

4. Alter the southeast control zone extension based on the Columbia VOR 325° True radial by basing it on the Columbia VOR 326° True radial. This alteration would align the control zone extension with the VOR approach procedure final approach course.

5. Designate a control zone extension 2 miles either side of the ILS localizer course extending from the 5-mile radius zone to 7 miles southwest of the ILS outer marker. This control zone extension would provide protection for aircraft executing the prescribed ILS instrument approach procedure.

If these actions are taken, the Columbia, S.C., control zone would be designated within a 5-mile radius of the Columbia Airport, latitude 33°56'25'' N., longitude 81°06'55'' W., within 2 miles either side of the Columbia VOR 326° True radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the ILS localizer course extending from the 5-mile radius zone to 7 miles southwest of the ILS outer marker.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6329; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-27]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2342 of the regulations of the Administrator, the substance of which is stated below.

The Ardmore, Okla., control zone is designated within a 5-mile radius of Ardmore AFB and within a 5-mile radius of Ardmore Airport, within 2 miles either side of the 044° and 224° True radials of the Ardmore VOR extending from the AFB 5-mile radius zone to a point 10 miles southwest of the VOR, and within 2 miles either side of the 001° and 181° True radials of the VOR extending to 10 miles south of the VOR, and within 2 miles either side of a 256° bearing extending from the Ardmore radio beacon to 10 miles west of the radio beacon.

The Federal Aviation Agency is considering the redesignation of this control zone within a 5-mile radius of the Ardmore Municipal Airport (latitude 34° 18' 00" N. longitude 97° 00' 50" W.), within 2 miles either side of the 053° True radial of the Ardmore VOR extending from the 5-mile radius zone to the VOR and within 2 miles either side of the 085° True bearing from the Ardmore radio beacon extending from the 5-mile radius zone to the radio beacon. The Ardmore Airport referred to in the description of the existing control zone has been abandoned and the former Ardmore AFB has become the Ardmore Municipal Airport. The instrument approach procedures to the old Ardmore Municipal Airport have been cancelled. Redesignation of the Ardmore control zone would provide protection for aircraft executing the prescribed instrument approach procedures at the relocated Ardmore Municipal Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief,
Airspace Utilization Division.

[F.R. Doc. 61-6325; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-NY-33]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2426 of the regulations of the Administrator, the substance of which is stated below.

The Lynchburg, Va., control zone is designated within a 5-mile radius of Preston Glenn Airport, Lynchburg, Va., within 2 miles either side of the 021° and 201° True radials of the Lynchburg VOR extending from the 5-mile radius zone to a point 10 miles southwest of the VOR and within 2 miles either side of the southeast course of the Lynchburg radio range extending from the radio range station to a point 10 miles southeast of the Oak Grove fan marker.

The Federal Aviation Agency has under consideration the following alterations to this control zone:

1. Revoke the control zone extension based on the southeast course of the radio range. This control zone extension would no longer be required for the protection of aircraft as the Lynchburg radio range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Lynchburg range will be initiated in accordance with current agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach based on the Lynchburg range would be cancelled concurrently with the discontinuance of this facility. The Lynchburg VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

2. Alter the control zone extension based on the 021° and 201° True radials of the Lynchburg VOR by extending it from the 5-mile radius zone to 12 miles southwest of the VOR. This would provide protection for aircraft while executing the procedure turn portion of the prescribed VOR approach procedure which is authorized within 10 nautical miles of the VOR.

If these actions are taken, the Lynchburg, Va., control zone would be designated within a 5-mile radius of Preston Glenn Airport (latitude 37°19'40'' N., longitude 79°12'05'' W.), and within 2 miles either side of the 021° and the 201° True radials of the Lynchburg VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6328; Filed, July 6, 1961; 8:47 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-113]

CODED JET ROUTE

Revocation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 18 is designated from Seattle, Wash., to Duluth, Minn. The Federal Aviation Agency has under consideration revocation of this coded jet route. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements on this route. In addition the route from Seattle to Duluth is adequately served by a combination of VOR/VORTAC jet route No. 70 and VOR/VORTAC jet route No. 32 which closely parallel Jet Route 18V. Therefore, it appears that the retention of Jet Route 18V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke Jet Route 18V.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6322; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-114]

CODED JET ROUTE

Revocation of a Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.519 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 19 is designated in part from Lake Charles, La., via Dallas, Tex., and Wichita Falls, Tex., to Garden City, Kans. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of four aircraft movements on this segment of Jet Route 19V. Therefore, it appears that the retention of this segment of Jet Route 19V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Jet Route 19V from Lake Charles to Garden City.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6324; Filed, July 6, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-WA-115]

CODED JET ROUTE

Revocation of a Segment

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.528 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 28 is designated in part, from Hector, Calif., via Farmington, N. Mex., to Pueblo, Colo. A Federal Aviation Agency IFR peak-day airway traffic survey for the period July 1, 1959, through June 30, 1960, shows a maximum of three aircraft movements on this segment of Jet Route No. 28V between Farmington and Pueblo. In addition, the route from Hector to Pueblo is duplicated by VOR/VORTAC jet route No. 64 which overlies or parallels Jet Route 28V. Therefore, it appears that the retention of this segment of Jet Route 28V is unjustified as a route assignment within the continental control area. Accordingly, the Federal Aviation Agency proposes to revoke the segment of Jet Route 28V from Hector to Pueblo.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6323; Filed, July 6, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 681]

VARIOUS OFFICIALS

Delegation of Authority To Dispose of and To Transfer Personal Property

JUNE 30, 1961.

SECTION 1. *Delegation of authority.* Pursuant to the authority contained in DM 200.3.2 the Assistant Director—Administration, Chief, Division of Administrative Services, Field Administrative Officers and State Directors are authorized to dispose of and to transfer personal property excess to the needs of the Department of the Interior, including the authority to donate and to execute transfers and deliveries of donable property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the General Services Administration.

SEC. 2. *Redelegation.* The Field Administrative Officers and the State Directors are authorized to redelegate the authority herein contained to any qualified employees within their jurisdiction. Such redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. *Revocation.* Bureau Order No. 583 of February 4, 1955 is hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-6351; Filed, July 6, 1961; 8:50 a.m.]

[Document No. 244; Classification No. 67]

ARIZONA

Small Tract Opening

1. Pursuant to authority delegated to me by Bureau Order No. 541, Amendment No. 17, dated April 21, 1961 (26 F.R. 3653), Classification Order No. 67 opened certain lands to bid and sale at public auction. Said classification order was published in the FEDERAL REGISTER on June 21, 1961 (26 F.R. 5532).

2. The number of the lot following Lot 95 is changed to Lot 96. The acreage of Lot 122 is changed to 5.00.

Dated: June 28, 1961.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 61-6380; Filed, July 6, 1961; 8:55 a.m.]

MONTANA

Chief, Division of Lands and Minerals Management; Redelegation of Authority

JUNE 28, 1961.

In accordance with section 2.1(a)(1) of Bureau of Land Management Order No. 541 (19 F.R. No. 82, April 28, 1954), as amended, I hereby authorize the Chief, Division of Lands and Minerals Management, Billings, Montana, to perform all functions listed in section 2.5 of the above cited order, which are delegated to me.

E. I. ROWLAND,
State Director.

[F.R. Doc. 61-6381; Filed, July 6, 1961; 8:55 a.m.]

Geological Survey

UTAH

Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as nonphosphate land:

SALT LAKE MERIDIAN, UTAH

T. 10 N., R. 1 E.,
Sec. 12, SW¼NE¼, S½NW¼, S½;
Sec. 13, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 24, NE¼, E½NW¼, E½SE¼;
Sec. 25, E½NE¼, SE¼;
Sec. 36, NE¼, N½SE¼.
T. 9 N., R. 2 E.,
Sec. 4, Lots 3, 4, SW¼NW¼;
Sec. 5;
Sec. 6, Lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 8, N½, E½SW¼, N½SE¼, SW¼SE¼.
T. 10 N., R. 2 E.,
Sec. 7, Lots 3, 4, E½SW¼, SE¼;
Sec. 8, NE¼SW¼, S½SW¼, SE¼;
Sec. 9, S½SW¼, SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, W½W½;
Secs. 16, 17, 18, 19, 20;
Sec. 21, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 22, W½NW¼;
Sec. 28, W½NE¼, W½, NW¼SE¼;
Secs. 29, 30, 31, 32;
Sec. 33, W½.

The area described aggregates 11,583.18 acres.

ARTHUR A. BAKER,
Acting Director.

JUNE 29, 1961.

[F.R. Doc. 61-6349; Filed, July 6, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12429]

SOUTHERN AIRWAYS, INC.

"Use It or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given, pursuant to Order E-16814, that a prehearing conference in the above-entitled investigation is assigned to be held on July 31, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

In order to facilitate the conduct of the conference, motions to expand or modify the proceeding and statements of issues in the case should be transmitted to Examiner Keith and served on parties on or before July 24, 1961.

Dated at Washington, D.C., June 30, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6389; Filed, July 6, 1961; 8:56 a.m.]

[Docket No. 12039; Order No. E-17077]

ROBERT DOLLAR CO. OF CALIFORNIA ET AL.

Application for Approval of Control and Interlocking Relationships; Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of June 1961.

In the matter of the application of The Robert Dollar Co. of California, Dollar Lines, Ltd., Dollar Associates, Inc., South Pacific Air Lines, Inc., R. Stanley Dollar, Jr., Gregory A. Harrison, Jr., and R. P. Seeley, Docket 12039; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958.

By application filed January 11, 1961, and amended February 9, 1961, the Robert Dollar Co. of California (RDCO), Dollar Associates, Inc. (Associates), and Dollar Lines, Ltd. (Lines) request the Board to approve, pursuant to section 408 of the Federal Aviation Act of 1958 (the Act), the acquisition of control of Hangar Four Corp. (Hangar Four).[1] South Pacific Air Lines, Inc. (SPAL) and the above-named individual applicants also request approval, under section 409 of the Act, of proposed interlocking relationships with Hangar Four, as indicated below:

[1] RDCO owns 81 percent of the stock of Associates; Associates owns 100 percent of the stock of the 1880 Corporation (1880 Corp.) and 95 percent of the stock of Lines; Lines owns 81 percent of the stock of SPAL. The control of SPAL, an air carrier, by the Dollar system of affiliated and subsidiary companies was last approved by Order E-12982, dated September 17, 1958 (Docket 8698, et al.). Such approval was made subject, inter alia, to conditions that transactions between any of the companies and SPAL exceeding $50,000 shall not be effected without prior Board approval; that the books of the companies show the nature and amount of intercompany transactions; that the approval shall not be deemed a determination of reasonableness of the financial arrangements for rate-making purposes; that the approval shall not extend to relationships with Pacific Mail Streamship Co. should that company be reactivated as a common carrier; and that jurisdiction under 408 and 409 be retained. The interlocking relationships of the individual applicants herein with the Dollar companies, other than Hangar Four, were approved by Orders E-12982 and E-15699.

	Hangar Four	SPAL
R. Stanley Dollar, Jr.	President and Director.	Chairman of Board, Treasurer.
Gregory A. Harrison, Jr.	Director	Secretary.
R. P. Seeley	Secretary	

The application states that Hangar Four presently operates as a division of 1880 Corp. and is engaged in aircraft maintenance work at Oakland, Calif., principally in connection with an aircraft owned by 1880 Corp. and leased to another air carrier.[2] Hangar Four, according to applicants, does no work at the present time on aircraft operated by SPAL but it conceivably may do so in the future. In that event, applicants state that the charges for such services will be the same as those to others.

The authorized stock of Hangar Four will consist of 100,000 shares of no par value, of which 20,000 shares will be issued as follows: 5,000 shares (25 percent) to 1880 Corp., 11,366 shares (56.8 percent), to RDCO, and 3,634 shares (18.2 percent) to Lines. The establishment of Hangar Four as a separate corporate entity is desirable, according to applicants, primarily because of dissimilarity between its operations and the aircraft leasing activities of 1880 Corp., and the possible future advantages of performing the services through a separate company should it become desirable to dispose of Hangar Four.

No objections to the transaction have been received.

As indicated below, the Board has previously found that the control and interlocking relationships between SPAL, 1880 Corp. and other companies within the Dollar system were not adverse to the public interest. It does not appear that the activities of 1880 Corp. have changed in any significant manner since that time or that the transfer of certain functions of 1880 Corp. to a new corporation, i.e., Hangar Four, presents any substantive issues not earlier considered by the Board. Accordingly, in consideration of the foregoing facts and conclusions, the Board finds that Hangar Four is a person engaged in a phase of aeronautics within the meaning of sections 408 and 409 of the Act, and that, insofar as section 408 is concerned, the establishment and control of Hangar Four as a separate corporation is not adverse to the public interest, will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or tend to restrain competition, and that no person disclosing a substantial interest is currently requesting a hearing. The Board also finds that a due showing has been made under section 409 that the above-described interlocking relationships of R. Stanley Dollar, Jr., Gregory A. Harrison, Jr., and R. P. Seeley with Hangar Four and SPAL are not adverse to the public interest. Approval of all such relationships therefore appears warranted if made subject to the conditions contained in ordering paragraph 3 of Order E–12982 dated September 17, 1958.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them under section 408 without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[3]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6390; Filed, July 6, 1961; 8:56 a.m.]

[Docket No. 11022; Order No. E–17073]

CALIFORNIA FLORAL TRAFFIC CONFERENCE ET AL.

Complaint Against Certain Tariff Liability Rules; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of June 1961.

A complaint was filed with the Board on December 1, 1959, on behalf of the California Floral Traffic Conference, J. A. Axell, Inc., Golden Gate Wholesale Florists, Inc., Buford W. Hall Wholesale Florists, Lee Brothers Wholesale Florists, Inc., Mt. Eden Nursery, Santa Barbara Flower Growers, Inc., Dominic Tassano, United Wholesale Florists of California, Inc., and Vinson & Fortiner. The complaint alleged that the members of the Conference and the other complainants are shippers of flowers in interstate air commerce and that certain tariff rules[1] are unjust and unreasonable and subject certain descriptions of traffic in air transportation to unjust discrimination and to undue and unreasonable prejudice and disadvantage, in violation of section 404 of the Federal Aviation Act of 1958.

An answer to the complaint was filed on behalf of American Airlines, Inc., Braniff Airways, Inc., Capital Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., National Airlines, Inc., New York Airways, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Trans-Texas Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc. Other answers to the complaint were filed on behalf of Aaxico Airlines, Inc., Eastern Air Lines, Inc., Riddle Airlines, Inc., Slick Airways, Inc., and United Air Lines, Inc. The respondents moved to dismiss the complaint, contending that the subject rules are just, reasonable, justly discriminatory, protective of the shipper's interest, and that complainants did not support their complaint with a "full factual analysis" as required by Rule 502 of the Board's rules of practice.[2]

The Board has long been of the view that restrictive rules beyond those found in the common law present significant questions of lawfulness without an adequate showing that such restrictions are necessary because of conditions peculiar to air transportation.[3] Indeed, numerous rules complained of herein were included in Docket 4059, In the matter of the investigation of Tariff Liability Rules, the original investigation instituted in 1949.[4] Litigation in State and Federal courts[5] in recent years indicates that such rules are sometimes used to defeat claims for loss, damage, or delay to goods shipped in interstate air commerce. The instant complaint is an indication of the concern of a segment of the shipping public as to carrier liability rules; in this context the facts stated in the complaint are sufficiently clear to grant the prayer for investigation. Accordingly, the Board believes that it is appropriate that an investigation as requested by complainants[6] should go forward at this time and thus provide both complainants and respondents with the opportunity to provide the Board with a full factual record upon which to consider the issues herein.

Therefore, pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the tariff rules, or any of them, as enumerated in the appendix set forth below, together with revisions and reissues thereof, and the practices in interstate and overseas air transportation of the air carriers under such rule or rules, are, or will be, unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and, if found to be so, to determine and prescribe the lawful rule, rules, and practices.

2. This investigation will be set for hearing before an Examiner of the Board at a time and place hereafter to be designated.

3. The motions to dismiss the complaint are denied.

4. A copy of this order shall be served upon complainants California Floral Traffic Conference, and J. A. Axell, Inc., Golden Gate Wholesale Florists, Inc., Buford W. Hall Wholesale Florists, Lee Brothers Wholesale Florists, Inc., Mt. Eden Nursery, Santa Barbara Flower Growers, Inc., Dominic Tassano, United Wholesale Florists of California, Inc., and Vinson & Fortiner and upon the following air carriers, who are made parties to this proceeding:

Aaxico Airlines, Inc.
Alaska Airlines, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Bonanza Air Lines, Inc.
Braniff Airways, Inc.
Central Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
The Flying Tiger Line Inc.
Frontier Airlines, Inc.
Lake Central Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
New York Airways, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Pacific Air Lines, Inc.
Pacific Northern Airlines, Inc.
Piedmont Aviation, Inc.
Riddle Airlines, Inc.
Slick Airways, Inc.
Southern Airways, Inc.
Trans-Texas Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
West Coast Airlines, Inc.
Western Air Lines, Inc.
Airborne Freight Corp.
Shulman, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board

[SEAL] HAROLD R. SANDERSON,
Secretary.

[2] The acquisition of 1880 Corp. by Associates was approved by Order E–11505, dated June 28, 1957 (Docket 8789). Subsequently, by Order E–12982 issued September 17, 1958, the Board approved the transfer of such interest from Associates to Lines. Thereafter, by Order E–14608, dated November 3, 1959 (Docket 10531), the Board approved the acquisition by Lines of all of the assets of 1880 Corp. However, the applicants herein state that it has been decided, "for the present", not to liquidate the 1880 Corp. as was earlier planned.

[3] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[1] Contained in Agent B. H. Smith's Official Air Freight Rules Tariff C.A.B. No. 13, in Airborne Freight Corporation Rules Tariff C.A.B. No. 3, and in Shulman, Inc. Air Freight Forwarder Rules Tariff C.A.B. No. 9.

[2] 14 CFR 302.502. Aaxico Airlines, Inc. moved to dismiss the complaint as to it on the basis that it has never engaged in this traffic and has suspended operation of its route. In that Aaxico is still listed as a participating carrier in B. H. Smith's Rules Tariff C.A.B. No. 13, however, Aaxico's motion will be denied.

[3] Pan American World Airways et al., Conditions of Carriage, 24 C.A.B. 575 (1957).

[4] Order E–3183, August 26, 1949.

[5] E.g., Rosch v. United Air Lines, 146 F. Supp. 266 (U.S.D.C.S.D.N.Y., 1956); Killian v. Frontier Airlines, 150 F. Supp. 17 (U.S.D.C. D.Wyo., 1957); Alco-Gravure Div. of Pub. Corp. v. American Airlines, 173 F. Supp. 753 (U.S.D.C.D.Md., 1959); Modern Whsle. Florist v. Braniff Int. Airways, Inc., 342 S.W. 2d 225 (Tex. Ct. Civ. App., 1960).

[6] The investigation instituted herewith embraces those rules specifically mentioned in the complaint and similar rules of respondents Airborne Freight Corporation and Shulman, Inc. Rules formerly maintained by respondents, The Flying Tiger Line Inc. and Slick Airways, Inc. cited in paragraph XII of the complaint were canceled prior to the date of the complaint and are not separately enumerated herein.

APPENDIX

1. Rules appearing in Agent B. H. Smith's Official Air Freight Tariff C.A.B. No. 13:

Rule	Appearing on
2.6(b)	3d Rev. p. 13.
3.2(b)	13th Rev. p. 15.
3.3(a)	16th Rev. p. 16.
4.3(a)–5	15th Rev. p. 20.
3.7 (a), (c)	4th Rev. p. 17.
3.10	3d Rev. p. 18.
6.2(a)	11th Rev. p. 26.

2. Rules appearing in Airborne Freight Corporation (Airborne Flower & Freight Traffic, Inc. Series) Official Airfreight Forwarder Rules Tariff C.A.B. No. 3:

Rule	Appearing on
3.1(a) 1–4, 6, 8, 9	2d Rev. p. 13.
3.1 (a) 11, (b), (d)	5th Rev. p. 14.
3.3, 3.4, 3.6	2d Rev. p. 15.
3.7	1st Rev. p. 17.
3.8(c)	1st Rev. p. 17.
3.8(d)	2d Rev. p. 18.
5.2	12th Rev. p. 20.
	15th Rev. p. 21.
Notes A and B	6th Rev. p. 21–A.
	2d Rev. p. 21–B.
7.1(c)	4th Rev. p. 27.
7.1(g)	4th Rev. p. 28.

3. Rules appearing in Shulman, Inc.'s Air Freight Forwarder Rules Tariff C.A.B. No. 9:

Rule	Appearing on
3.2	Orig. p. 8.
4.4	6th Rev. p. 10.
5.1	Orig. p. 11.

[F.R. Doc. 61–6391; Filed, July 6, 1961; 8:56 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–FW–39]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: Mr. Rogers L. Dennis of Dennis 2-Way Radio, Abilene, Texas, proposes to construct a radio antenna structure near Trent, Texas, at latitude 32°26'45" north, longitude 100°11'18" west. The overall height of the structure would be 2,930 feet above mean sea level (400 feet above ground).

No aeronautical objections were made in response to circularization. The aeronautical study by this Agency revealed that the structure would require an increase from 3,800 feet MSL to 3,900 feet MSL in the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 16 between the Big Spring, Texas, VOR and the Abilene, Texas, VOR, and an increase from 3,600 feet MSL to 3,900 feet MSL in the IFR minimum obstruction clearance altitude on the segment of VOR Federal airways Nos. 16 south and 66 between the Lazy X, Texas, intersection and the Abilene VOR. The Agency study further disclosed that these factors would have no substantial adverse effect upon aeronautical operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 29, 1961.

LEE E. WARREN,
Acting Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61–6315; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61–FW–44]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Talquin Electric Cooperative, Inc., Quincy, Florida, proposes to erect a radio antenna structure near Quincy, Florida, at latitude 30°34'34" north, longitude 84°36'02" west. The overall height of the structure would be 535 feet above mean sea level (310 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.1 miles southwest of the center of the Quincy Airport, Quincy, Florida, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria by 80 feet, as applied to this airport. However, the Agency study revealed that this factor would not adversely affect air traffic operations at the Quincy Airport. Additionally, the proposed structure would require an increase from 1300 feet above mean sea level to 1500 feet above mean sea level in the procedure turn altitude for the low frequency range standard instrument approach procedure for the Tallahassee Municipal Airport. The study further disclosed that this increase in procedure turn altitude would not require aircraft executing this approach to exceed a safe rate of descent.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would

have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61-6316; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-48]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Radio Station WAAA, Winston-Salem, North Carolina, proposes to construct a radio antenna structure near Winston-Salem, North Carolina at latitude 36°09'15" north, longitude 80°-16'36" west. The overall height of the antenna structure would be 1186 feet above mean sea level (256 feet above ground).

No objections were made in response to the circularization. The aeronautical study by this Agency disclosed that the structure would be located approximately 3 miles west/northwest of the Smith-Reynolds Airport, Winston-Salem, North Carolina, and would penetrate the Agency's criteria outlined in TSO-N18, paragraph B.2, as applied to this airport, by 47 feet. There is an existing tower 1193 feet above MSL between the proposed site and the Smith-Reynolds airport. Therefore, the proposed structure would, in effect, be shielded with respect to the airport by an existing structure of a permanent and substantial character, and the penetration of the above criteria would not adversely affect air traffic operations at the Smith-Reynolds Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61-6317; Filed, July 6, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-48]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Department of Conservation, State of Indiana, Indianapolis, Indiana, proposes to construct a radio antenna structure near North Vernon, Indiana, at latitude 38°59'50" north, longitude 85°-37'03" west. The overall height of the structure would be 1,060 feet above mean sea level (315 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.3 miles south of the center of the St. Anne Airport, North Vernon, Indiana. The aeronautical study by this Agency disclosed that the structure would exceed this Agency's TSO-N18 criteria and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria by 55 feet as applied to this airport. However, the study also revealed that these factors would not adversely affect aeronautical operations at the St. Anne Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director,
Bureau of Air Traffic Management.

[F.R. Doc. 61-6318; Filed, July 6, 1961; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL WISCONSIN BANKSHARES, INC.

Order Approving Application

In the matter of the application of Central Wisconsin Bankshares, Inc., for prior approval of action to become a bank holding company under section 3 (a)(1) of the Bank Holding Company Act of 1956.

There having come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(1) of the Board's Regulation Y (12 CFR 222.4(a)(1)), an application by Central Wisconsin Bankshares, Inc., a Wisconsin corporation with its principal office in Wausau, Wisconsin, for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of First American State Bank and Wisconsin Valley Trust Company, both of which are located in Wausau; a notice of receipt of application having been published in the FEDERAL REGISTER on February 8, 1961 (26 F.R. 1135), which notice provided for the filing of comments and views regarding the proposed acquisition; the time provided by the notice of filing comments and views having expired and no comments or views having been filed; and the Board having considered fully the record in this matter;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be, and hereby is, granted, and the acquisition by Central Wisconsin Bankshares, Inc., of 80 percent or more of the outstanding voting shares of First American State Bank and Wisconsin Valley Trust Company is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 28th day of June 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6364; Filed, July 6, 1961; 8:52 a.m.]

MARINE CORP.

Order Denying Application

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Wisconsin State Bank, Milwaukee, Wisconsin.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), an application by The Marine Corporation for the Board's prior approval of the acquisition of 80 percent or more of the 22,500 outstanding voting shares of Wisconsin State Bank, Milwaukee, Wisconsin; a Notice of Receipt of Application having been published on August 17, 1960 (25 Federal Register 7898), affording interested persons an opportunity to submit comments and views regarding the proposed acquisition; and a Statement in Opposition to the approval of this application having been filed by the United States Department of Justice and considered by the Board;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that the said application be and hereby is denied.

Dated at Washington, D.C., this 29th day of June 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6363; Filed, July 6, 1961; 8:52 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JUNE 30, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under Section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 3, 1961, to July 12, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 1-6382; Filed, July 6, 1961; 8:55 a.m.]

[1] Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Mills, in which Governor King joins, also filed as part of the original document and available upon request.

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 398]

POSTMASTER GENERAL

Authority To Perform Certain Building Operation, Maintenance, and Protection Functions

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General to perform the functions of building operation, maintenance, and protection of the Federal Building in Beaver, Pennsylvania.

2. The authority hereby delegated shall be exercised in accordance with all applicable laws, and regulations of the General Services Administration in effect on the date of such exercise.

3. The authority herein delegated may be redelegated to any officer or employee of the Post Office Department.

4. This delegation of authority shall be effective as of November 1, 1960.

BERNARD L. BOUTIN,
Acting Administrator.

JUNE 28, 1961.

[F.R. Doc. 61-6378; Filed, July 6, 1961; 8:54 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 3, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37233: *Substituted service—Rail carrier service for motor carrier service.* Filed by Middlewest Motor Freight Bureau, Agent (No. 320), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between points in middlewest territory (including Alaska and Canada); between points in middlewest territory (including Alaska and Canada), on the one hand, and points in central states and southwestern territories, on the other; and between points in southwestern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Middlewest Motor Freight Bureau tariff MF-I.C.C. 353 and supplement 8 thereto.

FSA No. 37234: *Silica sand from Illinois points to New Orleans, La.* Filed by Illinois Freight Association, Agent (No. 146), for interested rail carriers. Rates on silica sand, as described in the application, in carloads, from Ottawa, Utica and Wedron, Ill., to New Orleans, La.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Illinois Freight Association tariff I.C.C. 921.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6354; Filed, July 6, 1961; 8:50 a.m.]

[Notice 517]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 35361. By order of June 28, 1961, the Transfer Board approved the lease to Ral Food Products Corp., Kearny, N.J., of Permit No. MC 59692, issued August 6, 1958, to Emery Csap, doing business as Madison Trucking Company, Garfield, N.J., authorization of: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials and supplies used in the conduct of such business, between points in Pennsylvania, New Jersey and New York within a specified territory, and between points in the Pennsylvania, New Jersey and New York territory on the one hand, and, on the other, points in Bronx, Kings, Queens, Nassau, New York, and Richmond Counties, N.Y., and those in Hudson, Bergen, and Essex Counties, N.J.; and fruits, vegetables, farm products, poultry and sea food, from points in the grape-producing district of Ulster County, N.Y., and the fruit-producing district of Hunterdon County, N.J., to points in the above-specified territory. Emanuel Thebner, 51 Chambers Street, New York 7, N.Y., attorney for applicants.

No. MC–FC 64018. By order of June 28, 1961, the Transfer Board approved the transfer to Crockett's Van & Storage, Inc., 522 B Street, San Rafael, Calif., of Certificate in No. MC 96236, issued November 28, 1956, to Marshall H. Keyes, doing business as Crockett's Van and Storage, 522 B Street, San Rafael, Calif., authorizing the transportation of: household goods, between San Rafael, Calif., on the one hand, and, on the other, points within 50 miles of San Rafael.

No. MC–FC 64020. By order of June 28, 1961, the Transfer Board approved the transfer to William Hawthorne and Mary H. Wiegand, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate in No. MC 69038, issued August 16, 1950 to Walter Rasmussen, doing business and C. Rasmussen & Sons, Fords, N.J., authorizing the transportation of: machinery, building contractors' supplies, and stacks, between points in New Jersey, on the one hand, and, on the other, points in that part of New York and Pennsylvania, within 150 miles of Fords, N.J., and Tanks, between New York, N.Y., and points in Westchester County, N.Y., on the one hand, and, on the other, points in New Jersey. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., representative for applicants.

No. MC–FC 64022. By order of June 28, 1961, the Transfer Board approved the transfer to Charles Chrin and Nicholas Chrin, doing business as Chrin Bros., Easton, Pa., of Certificate No. MC 2053, issued May 2, 1955, to Henry B. Shober, Easton, Pa., authorizing the transportation of: Loose bulk commodities, in dump trucks, between points in New Jersey and Pennsylvania within 25 miles of Easton, Pa., including Easton; and household goods, between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia, and the District of Columbia, and between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, Ohio, New Jersey, Delaware, Maryland, Virginia and the District of Columbia. Andrew L. Herster, Jr., 304 Northampton Natl. Bank Building, Easton, Pa., attorney for applicants.

No. MC–FC 64085. By order of June 28, 1961, the Transfer Board approved the transfer to Walter Adlam, doing business as Venango Trucking Company, Jenkintown, Pa., of Permit in No. MC 107723, issued January 16, 1947, to Walter Adlam and J. Kenneth Adlam, a partnership, doing business as Venango Trucking Company, Jenkintown, Pa., authorizing the transportation of: Steel bars, straight and fabricated rods, in coils and fabricated, structural steel, plain and fabricated, sheet piling, column forms and fittings, wire, in coils and fabricated, wire rope, and wire fittings, strand and guy rope, wire rope reels, guard rail cable, steel joists, fabricated, bolts, nuts, and nails, from Philadelphia Pa., to Wilmington, Del., and points in New Jersey; and, Column forms and fittings, wire rope reels, and rejected articles, from Wilmington, Del., and points in New Jersey, to Philadelphia. W. Alan Baird, 1600 Three Penn Center Plaza, Philadelphia 2, Pa., attorney at applicants.

No. MC–FC 64112. By order of June 28, 1961, the Transfer Board approved the transfer to M. Savino Express Incorporated, 21 St. Benedict Circle, Stamford, Conn., of Certificates Nos. MC 69130 and MC 69130 Sub 1 issued March 22, 1941 and March 23, 1949 to Frank J. Schanz, 1476 Hope Street, Stamford, Conn., authorizing the transportation, over irregular routes, of household goods, between Old Greenwich, Conn., and points in Connecticut within 10 miles of Old Greenwich, on the one hand, and, on the other, points in New York.

No. MC–FC 64237. By order of June 28, 1961, the Transfer Board approved the transfer to Bond Transfer and Storage Company, Inc., Columbus, Miss., of Certificate in No. MC 77572, issued June 30, 1937, to A. N. Gault, Columbus, Miss., authorizing the transportation of: Household goods, farm products, and livestock, over irregular routes, between points in Lowndes County, Miss., on the one hand, and, points in Alabama, on the other. Dudley R. Carr, Box 234, Tupelo, Miss., attorney for applicants.

No. MC–FC 64255. By order of June 28, 1961, the Transfer Board, approved the transfer to Harry P. Engelke, doing business as Panama Moving & Storage, 1254 S. Brand Blvd., Glendale, Calif., of Certificate No. MC 62124 issued September 3, 1940, to Harry W. Engelke, doing business as Panama Transfer Co., 1254 S. Brand Blvd., Glendale, Calif., authorizing the transportation, over irregular routes, of household goods, between Los Angeles and Los Angeles Harbor, Calif., on the one hand, and, on the other, Glendale, Calif., and points in California within 10 miles of Glendale.

No. MC–FC 64258. By order of June 28, 1961, the Transfer Board approved the transfer to Bloomsdale Transport, Inc., Bloomsdale, Mo., of Certificate in No. MC 119775, issued April 4, 1961, to Bloomsdale Excavating Company, Incorporated, Bloomsdale, Mo., authorizing the transportation of: Lime and lime products, in bulk, from Mosher and Ste. Genevieve, Mo., to points in Arkansas, Indiana, and Tennessee; lime and lime products, in bags, from Mosher and Ste. Genevieve, Mo., to Chicago, Ill., and points in Arkansas, Indiana, Iowa, Kentucky, and Tennessee (except Memphis, Tenn.). Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for Applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6355; Filed, July 6, 1961; 8:51 a.m.]

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[Up-dated to January 1, 1961]

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FEDERAL REGISTER

VOLUME 26 NUMBER 130

Washington, Saturday, July 8, 1961

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Corn Loan and Purchase Agreement Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 25 F.R. 3920, 5563, 7973, and 10078, and containing the specific requirements for the 1960-crop corn price support program are hereby amended as follows:

1. Section 421.5146(a)(1) is amended to provide that in determining the settlement value for loan corn of a grade or quality for which no support rate has been established, premiums and discounts contained in the "Schedule of Premiums and Discounts" shall be used to the extent they apply so that the amended subparagraph reads as follows:

§ 421.5146 Settlement.

(a) *Settlement value.* Subject to the provisions of § 421.5019, the following shall apply:

(1) *Nonrecourse farm-storage loans.* In the case of corn delivered to CCC under nonrecourse farm-storage loans grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better and containing not in excess of 14 percent moisture, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate so determined shall be for the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. If, upon delivery, the corn under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed by using the price support premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn, to the extent they apply and, in addition, the amount of the market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price. If, upon delivery to CCC, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, as determined by CCC as of the date of delivery if CCC is unable to sell such corn for such uses.

2. Section 421.5146(a)(3)(i) is amended to provide that in determining the settlement value for corn delivered under a purchase agreement which grades No. 3 or better, but contains in excess of 14 percent moisture, and for corn grading below No. 3 (except for corn grading No. 4 on test weight only) the premiums and discounts contained in the "Schedule of Premiums and Discounts" shall be used to the extent they apply so that the amended subdivision reads as follows:

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better and containing not in excess of 14 percent moisture, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced subject to the "Schedule of Premiums and Discounts" contained in the 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 3 or better, containing in excess of 14 percent moisture; for corn grading No. 4 on the basis of factors other than test weight; for eligible corn grading No. 5; and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be computed by using the price support premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1960 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn, to the extent they apply and, in addition, the amount of the market discounts, if any, as determined by the appropriate ASCS commodity office, for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price. If, upon delivery to CCC, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale or seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery if CCC is unable to sell such corn for such uses.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 5, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-6419; Filed, July 7, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 235]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.535 Valencia Orange Regulation 235.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when in-

formation upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 6, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 9, 1961, and ending at 12:01 a.m., P.s.t., July 16, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1961

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6513; Filed, July 7, 1961; 11:23 a.m.]

[Lemon Reg. 907]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1014 Lemon Regulation 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 5, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 9, 1961, and ending at 12:01 a.m., P.s.t., July 16, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 6, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6470; Filed, July 7, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR–50]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Dismissal of Remaining Portions of Route Applications Partially Designated for Hearing or Consolidated Hearing

JULY 3, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of July 1961.

In delineating the scope of its formal route proceedings, the Board has followed the practice of designating for hearing or consolidated hearing in a particular proceeding only those portions of individual route applications proposing service within the geographical scope of the consolidated proceeding. The remaining portions of such applications are then severed and remain on the Board's docket as active applications under their original docket numbers.

Consequently, the Board's docket has been encumbered with severed portions of applications seeking authority which frequently bears only a slight relationship to the overall authority sought by the original applications and which the applicant may no longer have any genuine interest in prosecuting. Moreover, in many instances, it has been difficult to determine the precise scope of the authority included in the severed portion of an application. This is particularly true where the remaining portion of the application represents only a fragment of the route originally requested or where the application has been repeatedly subjected to amendments by the applicant and severances by the Board. For these reasons, it is apparent that present docketing and severance practices have imposed an unnecessary burden on the Board, its staff and outside parties who are interested in ascertaining the scope of the pending requests for route authority included in the active dockets.

This amendment adds a new paragraph (d) to § 302.12 of Subpart A of Part 302. The new paragraph provides for the dismissal without prejudice of the remaining portions of all applications which have in part been designated for hearing, or consolidated hearing, by the Board.

Since this amendment is not a substantive rule, notice and public procedure hereon are not required and the amendment may be made effective 30 days after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 302.12 of Part 302 of the Procedural Regulations (14 CFR Part 302), effective August 7, 1961, by adding a new paragraph (d), as follows:

§ 302.12 Consolidations.

* * * * *

(d) *Dismissal of remaining portions of applications partially designated for hearing or consolidated hearing.* When the Board severs parts of applications filed under section 401 of the Act and designates them for hearing or for consolidated hearing in a proceeding, it will dismiss without prejudice the remaining portions of such applications.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6418; Filed, July 7, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER A—PROCEDURAL REGULATIONS

[Reg. Docket No. 609; Amdt. 1]

PART 406—CERTIFICATION PROCEDURES

Clarification of Requirements for First- and Second-Class Medical Certificate

Subparagraphs (a)(1) and (b)(1) of § 406.12 require all applicants for, as well as the holders of, airline transport pilot ratings and commercial pilot certificates to obtain first-class or second-class medical certificates respectively. However, § 43.41 (14 CFR 43.41) of the General Operation Rules permits the holder of a pilot certificate to hold only that class of medical certificate appropriate to the flight privilege exercised. For example, even though the applicant for an airline transport rating is required under the certification rules of Part 21 to obtain a first-class medical certificate for the original issuance of his airline transport rating, he need possess only a second-class medical certificate for those operations requiring a commercial pilot certificate. This amendment changes the procedural provisions of § 406.12 to conform with the operation rules of § 43.41.

Since the provisions in this amendment are a clarification of the procedural rules, notice and public procedure hereon are unnecessary and it may be made effective immediately.

Accordingly, paragraphs (a)(1) and (b)(1) of § 406.12 of Part 406 (14 CFR Part 406) is hereby amended, effective on the date of publication in the FEDERAL REGISTER, to read as follows:

§ 406.12 Medical certificates.

* * * * *

(a) *First-class medical certificate—*(1) *Purpose.* This certificate must be obtained by all applicants for an airline transport pilot rating, and those holders of such rating who exercise the privileges thereof.

* * * * *

(b) *Second-class medical certificate—*(1) *Purpose.* This certificate must be obtained by all applicants for a commercial pilot certificate, air-traffic control-tower operator certificate, flight navigator certificate, flight engineer certificate, or commercial lighter-than-air pilot certificate, and those holders of such certificates who exercise the privileges thereof.

(Secs. 313a, 601, 602, 72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on July 3, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–6396; Filed, July 7, 1961; 8:45 a.m.]

[Regulatory Docket No. 789]

PART 415—TESTIMONY BY EMPLOYEES, PRODUCTION OF RECORDS, AND SERVICE OF PROCESS AND PLEADINGS IN LEGAL PROCEEDINGS

The Agency's policy and procedures concerning the subject matter of this part are presently contained in part in the present Part 415 and in part in General Order 51 and Policy Order 3 issued by the Civil Aeronautics Administration effective October 30, 1952 and July 1, 1956 respectively.

This revision incorporates into Part 415 those provisions of the General Order and Policy Order not previously included in Part 415. It also adds provisions authorizing Regional Counsel of the Agency to waive application of the part in certain cases.

Action is being taken simultaneously to rescind General Order 51 and Policy Order 3.[1]

Inasmuch as this revision involves only matters of Agency management, procedure and practice, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 415 of the regulations of the Administrator (14 CFR Part 415) is hereby revised to read as follows effective upon publication in the FEDERAL REGISTER:

Sec.
415.1 Purpose.
415.2 Legal proceedings in which the U.S. Government is involved.
415.3 Legal proceedings between private litigants.
415.4 Deviation from policy.
415.5 Designation of General Counsel to accept service on behalf of the Administrator.

AUTHORITY: §§ 415.1 to 415.5 issued under sections 303(d), 313(a), 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

§ 415.1 Purpose.

The purpose of this part is to prescribe the policy and procedures of the Federal Aviation Agency with respect to testimony by its employees as witnesses in legal proceedings, the release or disclosure of Agency files and documents, and the service of legal process and pleadings.

§ 415.2 Legal proceedings in which the U.S. Government is involved.

(a) Agency employees are required to give testimony as witnesses for the Government in all legal proceedings in which the Government is involved whenever such appearance is requested by the attorney in charge of the presentation of the case for the Government. This includes testimony as expert or opinion witnesses as well as testimony as to facts. In most instances, the attorney presenting the case on behalf of the Government will be an attorney on the staff of the General Counsel in Washington, a Regional Counsel, or a U.S. District Attorney.

(b) Agency employees are not permitted to give testimony as expert or opinion witnesses for an adverse party in proceedings in which the Government is involved, although they may give testimony as to facts.

§ 415.3 Legal proceedings between private litigants.

Agency employees are not permitted to give testimony as expert or opinion witnesses in legal proceedings between private litigants. The principal reasons for this policy are to conserve the time of employees for the conduct of official business, to minimize the possibility of criticism directed toward the Agency in the event of participation of its employees in controversial issues, and to avoid the expenditure of Government time and money for private purposes. Private litigants may properly be expected to obtain their own expert witnesses from private sources.

(a) *Subpoenas.* Agency employees who have been properly served with a subpoena must appear at the time and place specified. The employee shall immediately report the service to the General Counsel or to the appropriate Regional Counsel, who will determine whether the employee is required to comply, and will provide the employee with legal representation. When compliance with a subpoena will seriously affect the performance of official duties, or require the production of Agency documents or files, the release of which is prohibited by Agency Standard Practice Part 7, the General Counsel (or Regional Counsel) will attempt to have it withdrawn or modified.

(b) *Factual testimony.* Employees properly subpoenaed shall testify to facts within their personal knowledge even though such facts have been embodied in a report which they are not permitted to produce: *Provided, however,* That permission has been obtained from the General Counsel or the Regional Counsel for the disclosure of information restricted by statute or in violation of Agency regulations. In giving factual testimony, employees shall avoid any statements of opinions.

(c) *Expert or opinion testimony.* If, in the course of testifying, an employee

[1] See F.R. Doc. 61–6412 in Notices section, *infra.*

is asked a question calling for expert or opinion testimony, he shall decline to answer on the basis that he is forbidden to do so under this part. If then ordered by the court to give such testimony, he shall comply.

(d) *Disclosure of agency documents and files.* (1) It is the general policy of the Federal Aviation Agency to make factual information in its possession available to persons properly and directly concerned. This policy reflects the principle that Federal Aviation Agency exists to serve the public and that a free sharing of information within the Government and with the public is usually in the public interest. Agency employees may therefore release to other Agencies of the Federal Government and to the general public information, documents and records as authorized by Agency Standard Practice Part 7.

(2) Information, documents, and records are in the custody of employees for purposes relating to the performance of their official duties only. They have no authority or discretion to permit their use for any other purpose. Except as to documents and files the release or production of which is authorized by Agency Standard Practice Part 7, employees are prohibited from releasing information, documents or records or from producing them in court, whether in answer to a subpoena ordering that they be produced or otherwise.

(3) Agency employees are prohibited from producing Agency documents or records for use in court except upon clearance from the General Counsel or appropriate Regional Counsel. If a request is received by an employee for such production, or if a subpoena is served upon an employee calling for production of documents or records, the request or subpoena shall be referred to the General Counsel or appropriate Regional Counsel. If the request or subpoena calls for the production of documents the release of which is authorized by Agency Standard Practice Part 7, the General Counsel or Regional Counsel shall honor the request or subpoena.

(4) When an employee is served with subpoena calling for the production of Agency documents or records, the release of which is restricted by statute or Agency regulations, the General Counsel or appropriate Regional Counsel will attempt to obtain a withdrawal or vacation of the subpoena. Where this cannot be accomplished, the employee shall appear at the time and place specified in the subpoena (accompanied by a representative from the General Counsel's or Regional Counsel's office) and explain to the court that he is prohibited by FAA regulations from producing the records, whether in answer to a subpoena or otherwise.

(5) Where an employee following the procedure indicated above is cited for contempt of court, the General Counsel or Regional Counsel shall request the local U.S. Attorney to institute habeas corpus proceedings. Regional Counsel will immediately report cases of this kind to the General Counsel who will obtain the necessary cooperation of the Department of Justice in Washington.

§ 415.4 Deviation from policy.

Permission to deviate from the policies prescribed in this part may be granted only by the General Counsel or Regional Counsel. Such permission and waiver shall be granted only (a) when such deviation is necessary to prevent a miscarriage of justice; (b) when the FAA has an interest in the decision which may be rendered in the legal proceedings; or (c) when it is determined that a deviation is in the best interest of civil aviation or the Government.

§ 415.5 Designation of General Counsel to accept service on behalf of the Administrator.

The service of legal process or pleadings upon the Administrator of the Federal Aviation Agency in judicial and administrative proceedings, including proceedings before the Civil Aeronautics Board and Agency proceedings, may be had, at the option of the server, upon the General Counsel, Deputy General Counsel, or Associate General Counsel for Enforcement, Litigation and Claims, with the same effect as it served upon the Administrator. The designated officials will accept and acknowledge such service and take such further action therein as is appropriate.

Issued in Washington, D.C., on July 3, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-6397; Filed, July 7, 1961; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 3—Tort Claim Regulations

Sec.
1204.300 Scope of subpart.
1204.301 Claimant.
1204.302 Form of claim.
1204.303 Filing of claims.
1204.304 Evidence to be submitted by claimant.
1204.305 Investigation of claims.
1204.306 Payment of claims.
1204.307 Acceptance of award or settlement by claimant.
1204.308 Attorney's fees.
1204.309 NASA officials authorized to settle tort claims.

AUTHORITY: §§ 1204.300 to 1204.309 issued under 28 U.S.C. 2671–2680 and 42 U.S.C. 2473(b)(13).

§ 1204.300 Scope of subpart.

This subpart establishes the procedures for the submission of claims for bodily injury, death, and property damage or loss cognizable under the Federal Tort Claims Act (28 U.S.C. 2671–2680) or the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(13)) and designates NASA officials authorized to act upon such claims.

§ 1204.301 Claimant.

(a) If the property was insured and the insurer has a right of subrogation, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim.

(b) Claims for bodily injury may be filed by the injured person or his agent or attorney.

(c) Claims for death may be filed by the personal representative of the decedent or by the administrator, executor, or guardian. When filed by an agent or attorney, the claim must show the title or capacity of the person representing the claimant and be accompanied with evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

§ 1204.302 Form of claim.

Claims should be prepared on Government Standard Form 95 "Claim for Damage or Injury." Copies of this form are available upon request at NASA Headquarters or the appropriate field installation. All information requested therein should be given in detail. It is especially important that the amount claimed for property damage and for bodily injury be indicated in the space provided. Claims should be prepared in duplicate and signed.

§ 1204.303 Filing of claims.

(a) Claims covered by this subpart must be filed within two years after the accident or incident or death by the claimant (see § 1204.301).

(b) Claims should be submitted directly to the NASA installation whose employee is alleged to be responsible for the accident or incident, if known, or if not known, to the Office of General Counsel, National Aeronautics and Space Administration, Washington 25, D.C.

§ 1204.304 Evidence to be submitted by claimant.

(a) *General.* The amount claimed on account of damage to or loss of property, or on account of bodily injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. The original evidence or certified copies thereof should be attached to the original and copy of the claim.

(b) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization, and other relevant matters.

(c) *Damage to property.* In support of claims for damage to property, the claimant should submit:

(1) An itemized receipt in the case of property which has been repaired.

(2) Itemized estimates of the cost of repairs from two reliable parties who specialize in such work, in the case of unrepaired property, or

(3) Corroborative statements from two reliable, qualified persons with respect to the cost, age of the property, and salvage value in the case where the property is not economically reparable.

§ 1204.305 Investigation of claims.

When a claim is received, the official designated in § 1204.309 shall conduct such investigation as may be appropriate for a determination of the validity of the claim. The services of an investigatory group or official at any NASA installation may be obtained to assist in such investigations.

§ 1204.306 Payment of claims.

When a claim is settled, it will be referred for payment to the appropriate fiscal office through the appropriate budget office.

§ 1204.307 Acceptance of award or settlement by claimant.

The acceptance by the claimant of an award, adjustment, or settlement is final and conclusive on the claimant, and constitutes a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim.

§ 1204.308 Attorney's fees.

As part of any award or settlement, reasonable attorney's fees may be allowed out of, but not in addition to, the amount of the award or settlement. If the award or setlement is $500 or more, the fee shall not exceed 10 percent of the amount of the award or settlement.

§ 1204.309 NASA officials authorized to settle tort claims.

The following NASA officials are authorized to consider, ascertain, adjust, determine, and settle claims covered by this subpart to the extent provided below:

(a) The General Counsel and Deputy General Counsel at NASA Headquarters are authorized to consider, ascertain, adjust, determine, and settle any such claim.

(b) The Chief Counsel assigned to a NASA field installation is authorized to consider, ascertain, adjust, determine, and settle any such claim not exceeding $1,000 arising from the activities of that installation.

(c) In addition, authority to act upon claims not exceeding $1,000 arising at:

(1) The Wallops Station is vested in the Chief Counsel, Langley Research Center,

(2) The Ames Research Center and the Flight Research Center is vested in the Chief Counsel, Western Operations Office.

(3) The Space Task Group is vested in the Chief Counsel, Langley Research Center, until a Chief Counsel has been assigned at the Space Task Group.

(d) Claims arising at the Lewis Research Center shall continue to be referred to the General Counsel, NASA Headquarters, until a Chief Counsel has been assigned at Lewis Research Center.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 61-6404; Filed, July 7, 1961; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Atlantic Ocean Off Delaware Coast

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.25 is hereby amended revoking paragraph (a)(1) and prescribing the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware Coast during the calendar year 1961, effective upon publication in the FEDERAL REGISTER since firing is scheduled for July 10, as follows:

§ 204.25 Atlantic Ocean off Delaware Coast; antiaircraft artillery firing areas, Second United States Army.

(a) *The danger zones.* (1) [Revoked]

* * * * * *

(b) *The regulations.* * * *

(2) Firing will take place on certain days other than Saturdays, Sundays and national holidays, as listed in public notice to be issued each year by the District Engineer, U.S. Army Engineer District, Philadelphia, Pennsylvania.

NOTE: Firing is scheduled to take place on the following days in 1961 (all dates inclusive):

July 10 to 14, 17 to 21, 31.
August 1 to 4, 7 to 11, 21 to 25, 28 to 31.
September 1.

[Regs., June 12, 1961, 285/91 (Atlantic Ocean, Del.)—ENGCW-ON] (Ch. XIX, 40 Stat. 892; 33 U.S.C. 3)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-6478; Filed, July 7, 1961; 8:51 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTERS K–R—INTERNATIONAL MAIL

INTERNATIONAL POSTAGE RATES AND FEES

Correction

In F.R. Doc. 61-5864, appearing at page 5670 of the issue for Saturday, June 24, 1961, the following corrections are made in the table of rates for all airmail and for surface parcel post:

1. For Chile, the entry under Parcel Post, first 4 oz., should read "1.85" instead of "1.05".

2. For Congo (Brazzaville and Leopoldville), the entry under Surface Parcel Post, each additional pound or fraction, should read ".35" instead of ".33".

3. For Dahomey, the entry under Other articles (prints, samples, small packets, etc.), first 2 oz., should read ".50" instead of ".30".

4. For Fiji Islands, the entry under Parcel Post, each additional 4 oz. or fraction, should read ".58" instead of ".36".

5. For Gabon Republic, the entry under Parcel Post, each additional 4 oz. or fraction, should read ".67" instead of ".6".

6. For Gambia, the entry under Other articles (prints, samples, small packets, etc.), first 2 oz., should read ".50" instead of ".30".

7. For Ghana, the entry under Parcel Post, each additional 4 oz. or fraction, should read ".58" instead of ".56".

8. For Guatemala, the entry under Surface Parcel Post, first 2 pounds, should read ".80" instead of ".90".

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2–3—PROCUREMENT BY NEGOTIATION

Subpart 2–3.3—Determinations, Findings and Authorities

This chapter is supplemented as follows:

Sec.
2–3.301 Determinations and findings required.
2–3.302 Form and requirements of determinations and findings; preservation of data.
2–3.350 Selection of appropriate authority and citation.

AUTHORITY: §§ 2–3.301, 2–3.302, and 2–3.350 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

§ 2–3.301 Determinations and findings required.

(a) Formal written findings and determinations (F&D) are required by law to be made and filed with the contract in every case negotiated under §§ 1–3.211 through 1–3.214 of this title. In addition F&D shall be prepared to support negotiation under §§ 1–3.202 and 1–3.210 of this title. F&D for these purposes shall be entitled "Authority for Negotiation."

(b) The findings and determinations required, in a particular case, by § 1–3.301 (a) and (b) of this title shall be combined into a single F&D entitled "Method of Contracting."

(c) F&D required by § 1–3.301(c) of this title shall be entitled "Rejection of Bids" and shall be prepared and signed before any action is taken to readvertise or negotiate for the requirements. If the requirements are to be procured by negotiation based on such rejection, a combined "Rejection of Bids" and "Authority for Negotiation F&D" may be used.

§ 2–3.302 Form and requirements for determinations and findings; preservation of data.

(a) *General.* F&D may be made with respect to (1) individual, or (2) classes of purchases or contracts, and shall be final. F&D for class purchases or contracts shall state period of time determination will be effective. This period of time shall be kept to a minimum consistent with the requirements and interests of the Government, and in any event shall not exceed three years.

(b) *Responsibility.* (1) F&D made under the following sections of this title are to be prepared for signature of the Administrator:

§ 1–3.211 (41 U.S.C. 252(c)(11)) Experimental, developmental or research work in excess of $25,000.

§ 1–3.212 (41 U.S.C. 252(c)(12)) Purchases not to be publicly disclosed for reasons of national security.

§ 1–3.213 (41 U.S.C. 252(c)(13)) Technical equipment requiring standardization and interchangeability of parts.

(2) F&D to be signed by the Administrator shall be prepared by the contracting officer concerned and forwarded to the Administrator through the Head of the originating Bureau or Office. To reduce the volume of individual F&D required to be signed by the Administrator, maximum use shall be made of class F&D.

(3) Authority to make F&D under the following sections of this title is delegable to the contracting officers of the Agency and shall be executed by such officers to the extent that this authority is formally delegated to them:

§ 1–3.201 (41 U.S.C. 252(c)(1)) National emergency.

§ 1–3.202 (41 U.S.C. 252(c)(2)) Public exigency.

§ 1–3.210 (41 U.S.C. 252(c)(10)) Impracticable to secure competition by formal advertising.

§ 1–3.211 (41 U.S.C. 252(c)(11)) Experimental, developmental or research work not exceeding $25,000.

§ 1–3.214 (41 U.S.C. 252(c)(14)) Negotiation after advertising.

§ 1–3.301 (a) and (b) (41 U.S.C. 254(b)) Estimated cost, fee, and type of contract.

§ 1–3.301(c) (41 U.S.C. 253(b)) Rejection of bids.

(c) *Format.* (1) To the greatest extent practicable, each F&D should be limited to a single page.

(2) Heading: The following heading should be used:

Federal Aviation Agency
Findings and Determinations
(Type of F&D—See § 2–3.301)

(3) Findings: This section shall set forth a brief description of the property or services being procured, estimated cost (including, when applicable, a statement of the fee and an explanation of any deviation from Agency fee limitations contained in § 2–3.404–3), the amount of competition being sought, or if no competition is intended, the basis for this decision. In F&D justifying the method of contracting, the reasons for selecting the particular type of contract must be explained. Other findings shall be set forth as concisely as possible, confining them to facts which are relevant to support the one or more determinations being made.

(4) Determination: The determination(s) shall be confined to the requirements of the particular language of the applicable section of the statute, or of Subpart 1–3.2 of this title. The determination(s) must be clearly supported by the findings made. In every case, the determination shall specifically cite the applicable statute. Examples:

Upon the basis of these findings and determinations, the proposed contract may be negotiated without formal advertising pursuant to 41 U.S.C. 252(c) (insert applicable subsection).

Upon the basis of these findings, I hereby determine, pursuant to 41 U.S.C. 254(b), that the estimated cost of the contract, exclusive of the fee, is $------, and that the fee in the amount of $------ is reasonable and within statutory and administrative limitations.

Upon the basis of these findings, I hereby determine, pursuant to 41 U.S.C. 254(b), that the use of (insert type of contract) is likely to be less costly than other methods of contracting.

Upon the basis of these findings, I hereby determine, pursuant to 41 U.S.C. 253(b), that it is in the public interest to reject all bids.

(5) Signature identification: For F&D to be signed by the Administrator, his name and title only shall be typed below the space left for his signature. For all other F&D, show, in addition to the name and title of the signer, the appropriate Bureau or Office and a field office identification (if any) such as: Eastern Region, Facilities and Materiel Depot, NAFEC.

(d) *Filing.* A minimum of two copies of each individual type F&D shall be made and executed, a copy filed with the General Accounting Office copy of the contract, and the original filed in the procurement office's contract file.

A minimum of three copies of class type F&D shall be made with two copies filed as stated above, and the third copy, with contract number and name of contractor cited, forwarded to the Materiel Policy Division, Office of Management Services, for circulation as deemed appropriate for information to other procurement offices within the Agency. Subsequent contract actions based on a class F&D shall reference the initial file by contract number and name of contractor.

(e) *Numbering.* It is left to the discretion of each originating office whether consecutive numbering or other identification will result in any benefit for filing or other purposes.

§ 2–3.350 Selection of appropriate authority and citation.

(a) Where specific authority to negotiate is contained in FAA legislation, that authority shall be used, where applicable, in preference to any other. In all other cases where authority to negotiate may be derived from more than one source, that source shall be selected which most specifically corresponds with all of the circumstances of the particular procurement. Authority to negotiate contained in section 3709 of the Revised Statutes shall not be used.

(b) With respect to the use of authorities contained in section 302(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)), the use of subsection (10) shall be limited to those situations where none of the other subsections can appropriately be used.

(c) Every contract entered into by negotiation, and every related Authority for Negotiation F&D, shall contain a citation to the statutory authority used. Agency or general legislative authority used may be cited by the section and short title of the Act, by appropriate U.S. Code reference, or by a combination of the two. Authority derived from section 302(c) of the Federal Property and Administrative Services Act of 1949 shall in all cases be cited by appropriate U.S. Code reference.

Effective date: These regulations are effective July 17, 1961.

Dated: June 30, 1961.

ALAN L. DEAN,
Assistant Administrator for Management Services.

[F.R. Doc. 61–6396; Filed, July 7, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order No. 551]

INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYEES

Notice of Hearings

Proviso (2) of subsection 6(c) of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), P.L. 87–30, 87th Cong., May 5, 1961), provides for the appointment of a special industry committee under section 5 (29 U.S.C. 205) of the Act to recommend in accordance with the standards prescribed by section 8 (29 U.S.C. 208) the minimum wage rate or rates payable to each employee in Puerto Rico to whom subsection 6(b) of the Act, as amended by the Fair Labor Standards Amendments of 1961, would otherwise apply; i.e. to employees in Puerto Rico entitled to its minimum wage benefits for the first time by reason of the 1961 Amendment.

Pursuant to the aforesaid proviso and as authorized by section 5 of the Act, I hereby appoint separate industry committees to make such recommendations for particular industries, and pursuant to section 8 of the Act and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby convene these industry committees and give notice of the hearings to be held by them.

The names of the members of these committees will be published in the FEDERAL REGISTER at a later date.

The industry committees are designated as follows:

Industry Committee No. NC 1 for the wholesaling, warehousing, and other distribution industry in Puerto Rico; Industry Committee No. NC 2 for the construction, business service, banking, insurance, finance, and motion picture industry in Puerto Rico; Industry Committee No. NC 3 for the communications, utilities, and transportation industry in Puerto Rico; and Industry Committee No. NC 4 for the manufacturing and miscellaneous industry in Puerto Rico. Excluded from each such industry, are all activities for which employees were entitled to minimum wage benefits under section 6 of the Act prior to the Fair Labor Standards Amendments of 1961.

For the purpose of this order, the wholesaling, warehousing, and other distribution industry in Puerto Rico is defined as follows:

The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the industry shall not include the activities of employees who are engaged in wholesaling, warehousing, and other distribution of products manufactured by their employer in Puerto Rico, the activities of gasoline service establishments, or any activities included in the definition of the communications, utilities, and transportation industry in Puerto Rico in this order, in the definition of the tobacco industry in Puerto Rico (29 CFR Part 657), or in the definition of the food and related products industry in Puerto Rico (29 CFR Part 673).

For the purpose of this order, the construction, business service, banking, insurance, finance, and motion picture industry in Puerto Rico is defined as follows:

The design, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education, or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, including the activities of gasoline service establishments; the business whether or not for profit carried on by any bank, insurance, or other financial institution or enterprise; and the production of photographs and blueprints, the production and distribution of motion pictures and all activities incidental thereto. *Provided, however,* That the industry shall not include any activity carried on by an establishment primarily engaged in another industry in Puerto Rico for its own use.

For purpose of this order, the communications, utilities, and transportation industry in Puerto Rico is defined as follows:

The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water, or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing: *Provided, however,* That the industry shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

For the purpose of this order, the manufacturing and miscellaneous industry in Puerto Rico is defined as follows:

The engagement in the mechanical or chemical transformation of inorganic or organic substances into new products, including the assembling of component parts of such products; or in any activities involving the employment of employees in industry or enterprise in Puerto Rico except in the wholesaling, warehousing, and other distribution industry in Puerto Rico; the construction, business service, banking, insurance, finance, and motion picture industry in Puerto Rico; and the communications, utilities and transportation industry in Puerto Rico, as these industries are defined herein.

I hereby refer to each of the above-named industry committees the question of the minimum wage rate or rates to be fixed for the industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. NC 1 shall convene at 10:00 a.m., on July 31, 1961, in the office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearing at 2:00 p.m., on the same date at the same place. Following this hearing, Industry Committees NC 2, 3, and 4 shall convene in the same place at hours designated by their respective chairmen to conduct their investigations and hold their hearings.

Each of the industry committees shall recommend to the Secretary of Labor the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. No committee shall recommend minimum rates of wages in excess of $1 an hour, as provided in subsection 6(b) of the Act.

Whenever an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it (not in excess of $1 an hour as prescribed in subsection 6(b) of the Act), under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex.

In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator of the Wage and Hour and Public Contracts Divisions shall prepare an economic report for each industry committee containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of each such report may be obtained prior to the hearings at the Washington and Puerto Rican offices of the United States Department of Labor as soon as they are completed. Each industry committee shall take official notice of the facts stated in the economic report for the industry referred to it to the extent that such facts are not refuted by evidence received at the hearings.

The procedure of each industry committee shall be governed by the procedure published in 29 CFR Part 511, except to the extent that the subjects and issues prescribed in § 511.10 of that part have been modified by this document by indicating that the highest minimum wage rate or rates recommended by the industry committees shall not exceed that prescribed in subsection 6(b) instead of subsection 6(a) of the Act. As a prerequisite to participation, these regulations require, among other things, that interested persons file pre-hearing statements containing certain specified data not later than July 21, 1961.

Signed at Washington, D.C., this 3d day of July 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-6395; Filed, July 5, 1961; 1:02 p.m.]

[29 CFR Part 694]

[Administrative Order No. 552]

SPECIAL INDUSTRY COMMITTEE FOR THE VIRGIN ISLANDS

Appointment; Convention; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and pursuant to proviso (2) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), I hereby appoint Special Industry Committee No. 7 for the Virgin Islands to recommend the minimum rate or rates of wages to be paid under section 6 of the aforementioned Act to employees engaged in commerce or in the production of goods for commerce or employed in any enterprise engaged in commerce or in the production of goods for commerce.

The names of the members of this committee will be published in the FEDERAL REGISTER at a later date.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and the Fair Labor Standards Amendments of 1961 (secs. 5(c), 7; Pub. Law 87–30), I hereby:

(a) Convene Special Industry Committee No. 7 for the Virgin Islands;

(b) Refer to it the following: (1) The question of the minimum rate or rates of wages to be fixed for all industry wherein employees are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for employees covered by the Act for the first time by reason of the 1961 Amendments (i.e., those employed in any enterprise engaged in commerce or in the production of goods for commerce or who are covered by virtue of amendments made to section 13(a) of the Act); and

(c) Give notice of its hearing, at the times and places indicated below, which shall be consolidated with respect to the questions referred to the committee since the interested persons involved are likely to be substantially the same and the questions so referred are closely related. The special industry committee shall investigate conditions in all industry in the Virgin Islands, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The special industry committee shall meet in executive session at 10:00 a.m. on September 25, 1961, in the Federal Court Room in Christiansted, St. Croix, Virgin Islands, and shall commence its hearing at 2:00 p.m. on the same day at the same place. Upon completion of its proceedings at St. Croix, the committee shall move the conduct of the proceedings to the legislative Chamber in Charlotte Amalis, St. Thomas, Virgin Islands, where the hearing will be resumed at 10:00 a.m. on September 27, 1961.

The special industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.15 prescribed in subsection 6(a) of the Act, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.00 prescribed in subsection 6(b) of the Act) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for Special Industry Committee No. 7 for the Virgin Islands shall be governed by the regulations published in Part 511 of Title 29, Code of Federal Regulations, except to the extent that § 511.10 dealing with subjects and issues has been modified by this document. As a prerequisite to participation, those regulations require, among other things, that interested persons shall file prehearing statements, containing certain specified data, not later than September 15, 1961.

Signed at Washington, D.C., this 3d day of July 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-6394; Filed, July 5, 1961; 1:02 p.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF o-ARSENIC ACID

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended 52 Stat 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), The Arsenic Industry Committee, care of S. Anderson Peoples, M.D., Davis, California, has withdrawn its petition for the establishment of a tolerance of 5 parts per million for residues of o-arsenic acid expressed as As_2O_3 in or on raw cottonseed, notice of which was published in the FEDERAL REGISTER of March 22, 1961 (26 F.R. 2412).

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 29, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-6409; Filed, July 7, 1961; 8:46 a.m.]

[21 CFR Part 120]

ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF RONNEL

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512, as amended, 52 Stat. 1784; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice*, of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), The Dow Chemical Company, Midland, Michigan, has withdrawn its petition for the establishment of a tolerance of 10 parts per million for residues of ronnel (o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate) in the fat of cattle, goats, hogs, and sheep, notice of which was published in the FEDERAL REGISTER of March 22, 1961 (26 F.R. 2412).

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 29, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-6410; Filed, July 7, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 60]

[Reg. Docket No. 787; Draft Release No. 61-15]

AIR TRAFFIC RULES

Establishment of Certain Standard Altimeter Setting

Correction

In F.R. Doc. 61-6217, appearing at page 6001 of the issue for Tuesday, July 4, 1961, the first parenthetical designation in the sixth paragraph should read "(QNE)" instead of "(ONE)".

[14 CFR Part 601]

[Airspace Docket No. 61-NY-24]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2078 of the regulations of the Administrator, the substance of which is stated below.

The Danville, Va., control zone is presently designated within a 5-mile radius of the Danville Municipal Airport, within 2 miles either side of a 057° bearing extending from the Danville radio beacon to a point 10 miles northeast, and within 2 miles either side of the Danville VOR 207° True radial extending from the VOR to a point 10 miles southwest.

The Federal Aviation Agency has under consideration the following alterations to the Danville control zone:

1. Revoke the control zone extension based on the 057° bearing of the Danville radio beacon. This extension would no longer be required for the protection of aircraft as the Danville radio beacon is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Danville beacon will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approach based on the Danville beacon would be cancelled concurrently with the discontinuance of this facility. The Danville VOR, a more modern navigational facility, is available to provide adequate navigational aid to terminal traffic.

2. Alter the control zone extension based on the 207° True radial of the Danville VOR by redesignating it on the 208° True radial of the VOR to extend from the 5-mile radius zone to 12 miles southwest of the VOR. This would align the extension to coincide with the final approach course and would provide protection for aircraft executing the procedure turn portion of the prescribed VOR approach which is authorized within 10-nautical miles of the VOR.

If this action is taken, the Danville, Va., control zone would be designated within a 5-mile radius of the Danville Municipal Airport (latitude 36°34'20" N., longitude 79°20'05" W.), and within 2 miles either side of the 208° True radial of the Danville VOR extending from the 5-mile radius zone to 12 miles southwest of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on June 30, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6400; Filed, July 7, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14119]

RADIO BROADCAST SERVICES

Financial Interests; Extension of Time for Filing Comments

In the matter of broadcast announcement of financial interests of broadcast

stations and networks and their principals and employees in service and commodities receiving broadcast promotions, Docket No. 14119.

1. In the notice of proposed rule making initiating this proceeding on May 12, 1961, comments were scheduled to be received no later than June 19, 1961, and reply comments no later than July 10, 1961.

2. It now appears that, owing to the complexity of the problems raised by the proposed rule and the press of other matters, it will not be practicable for the Commission to consider and act upon the comments filed herein before the August recess. In these circumstances, and in the desire to afford interested persons the fullest opportunity to consider and comment upon the problems raised by the proposed rule, it is believed desirable to extend the time for filing comments herein.

3. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to July 31, 1961, and for reply comments, to August 15, 1961.

Dated: June 29, 1961.

Released: July 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6433; Filed, July 7, 1961; 8:49 a.m.]

[47 CFR Part 3]

[Docket No. 14185; FCC 61-833]

RADIO BROADCAST SERVICES

Notice of Inquiry, Notice of Proposed Rule Making, and Memorandum Opinion and Order

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; petitions of: Joseph D. Worth, RM-33; FM Unlimited, Inc., RM-94; Charles River Broadcasting Co., RM-159; for changes in FM station assignment rules.

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INTRODUCTION

1. With the availability of new technical information, and for other reasons, the time has come when the public interest requires the Commission to take a close look at the FM broadcast service, its present situation, and its possibilities for future development—particularly, though not exclusively, in the area pertaining to station assignment criteria. The considerations impelling the present inquiry are detailed below; principally, they relate to two general questions: (1) whether the present system of station assignments is the one best suited to optimum development of this important broadcast service, or, if not, what changes should be instituted; (2) how the development and expansion of the FM service can be achieved without the serious administrative burdens and great delays inherent in present standard broadcast station assignment principles.

2. In connection with this examination, information is sought on a number of subjects, mentioned below, and in this respect the present proceeding is one of inquiry. However, our own examination of available data and the pertinent factors has also led us to certain tentative conclusions as to what changes in FM assignment rules and principles may be most in the public interest. These consist of certain proposals discussed in Section IV hereof and set out in detail in Appendix A of this document. With respect to some of the subjects covered, the present proceeding is a rule-making proceeding and rules consistent with the notice may be adopted without further rule-making if such a course seems desirable. See paragraph 72.

I. *History and development of FM broadcasting.* 3. The FM (frequency modulated) broadcast service has some distinct advantages over the AM (amplitude modulated), or standard, broadcast service which has developed in the medium frequency range. These advantages stem in about equal part from the propagation and other characteristics of the frequencies used for FM (88 to 108 mc), and the characteristics of the modulation system employed. Because of these factors, FM is relatively free from atmospheric and man-made noise, and interference between stations, even co-channel stations, is both lesser in extent and less objectionable in form than is true in AM (or at least can be if high-quality FM receivers are used). As there is essentially no difference between day and night propagation conditions at the frequencies used by FM, stations have relatively uniform day and night service areas and there is no necessity for the use of different assignment principles day and night, as there is in the standard broadcast band.

4. FM broadcasting was first authorized by the Commission in 1940, and the first commercial station began operation in 1941. In 1945, the service was shifted to its present space in the spectrum, the band of 20 mc from 88 to 108 mc, which is divided into 100 channels each 200 kc wide. These 100 channels are designated by number, from 201 to 300. The lowest 20 of the 100 are reserved for noncommercial educational use. Of the remaining 80, 20, interspersed through the FM spectrum from Ch. 221 to Ch. 296, are allocated for use by low-power "Class A" stations. The remaining 60 channels are allocated for use by higher-powered "Class B" stations. After the initial spurt of 1946 and 1947 growth of the service was slow; in 1955 the number of commercial FM stations stood at 560. However, in more recent years the service has expanded quite rapidly, so that there are now authorized about 1,250 FM stations, of which roughly 190 are noncommercial educational, 110 are low-power Class A, and 950 are Class B. By states, California (142), Ohio (90), New York (79), and Pennsylvania (78) lead in number of authorizations; there are no stations authorized in 4 states (Montana, North and South Dakota, and Vermont). In the northeastern states generally, in parts of California, and in other smaller areas such as around Chicago, there is a high concentration of stations and new assignments are not easy to make.

5. The present basis of FM station assignment is discussed at length below. In 1945, at the time of the shift of the service to its present band, the Commission put into effect a tentative table of assignments, under which particular FM channels were assigned to particular cities.

In August 1958 we abandoned the principle of a fixed table assigning specific channels to specific communities, and deleted the FM Table. FM assignments are now made on the same general basis are as AM assignments—an applicant proposes to use a particular channel, and (if his application complies with our rules and he is otherwise qualified) the only consideration is whatever interference will be caused to co-channel and adjacent-channel stations. One of the principal considerations prompting us to the present inquiry is that, in our view, there is need to re-assess the merits of the station assignment pattern evolving under this procedure.

II. *Over-all objectives and problems.* 6. The FM service, like standard broadcasting, is an aural medium. We have stated the objectives in the standard broadcast service in the following terms:

(a) Provision of some service of satisfactory signal strength to all areas of the country;

(b) Provision of as many program choices to as many listeners as possible; and

(c) Service of local origin to as many communities as possible.

7. To some extent, in FM and in AM, these objectives conflict. Fortunately, with a multiplicity of channels it is possible, as has been done in AM, to classify channels and stations so that conflicting objectives can be served. Achievement of the third objective stated, and to some extent the second also, is furthered by provision for a multiplicity of stations. Assignment of a large number of stations to a single channel imposes a limitation, by reason of mutual interference, on the extent of service from the individual station. On the other hand, achievement of the first objective, and to some extent the second, is at least in some situations furthered by provision for stations able to serve wide areas—operating with as high power and antenna height as is practical, and protected from interference out to the point where their signals become too weak to be generally useful, or nearly to that point. Only by this means, it appears, can service be provided to rural areas and sparsely settled portions of the nation. The same result cannot be obtained from assignment of a large number of low-powered, more closely spaced stations, for the reason that a station causes destructive co-channel interference over an area much wider than that within which it renders a useful service, so that there will always be wide gaps between the service areas of co-channel stations. Were stations located ideally from a geometric standpoint, probably these gaps would be filled in by service from stations on other, non-adjacent channels; but stations are not located on this basis. They are located in communities large enough to provide population and economic support. Therefore, it appears there will always be a need for a certain number of wide-area stations, especially in sparsely settled areas. Our specific proposal herein—Appendix A—provides for such operation, known as "Class C" stations. Comments are invited upon the general question of whether, and to what extent, such stations are necessary in the various parts of the country.

8. *Relationship with AM.* To a large extent, in the past we have treated these media separately, looking at each and its problems and development without regard to the other. They are both aural media, however. The differences are purely technological and do not connotate any distinction in the subject matter which may be broadcast with either system. Consideration of some of these technological differences in light of the objectives mentioned above discloses that each of the two media has some characteristics lacking in the other. To some extent, they may therefore be treated as complementary, utilizing each to further the objectives it is best suited to serve.

9. First, it would seem that the FM service, if properly utilized, can afford a suitable means for relieving the tremendous pressure for authorization of local radio outlets in many communities. Applications to this type of station have swamped our AM assignment processes and, in many instances, led to the authorization of AM stations which are marginal from a technical and service standpoint and which must often be limited to daytime operation only. These AM applications, and the hearings involved, have been and are most burdensome; and the stations, when authorized, often cause interference to existing stations in the already overcrowded AM spectrum, and are themselves limited to rather small service radii daytime, and, if operating at night at all, often to only a few miles during that period. In many instances, they can be assigned only on a daytime basis, and thus do not afford to their communities and areas radio service and a local outlet during non-daytime hours.[14] The relatively small number of FM receivers as compared to AM receivers still remains a problem in connection with the development of the FM service. It is also possible that the full potential of that service cannot be realized through use of relatively low-cost FM receivers. Comments on the subject of receivers, from the standpoint of cost and suitability for achieving the maximum benefit of FM broadcasting, are invited. But even though these problems exist now, it is to be hoped that they will not remain substantial obstacles over a long period. There is little question that in the long run the over-all need for local outlets can be served far better by FM assignments than by AM stations operating under the severe limitations of the present crowded AM spectrum. This objective is, of course, related to objective (c) above.

10. The second respect in which FM development may complement AM is with respect to the nighttime "white areas" in the nation—areas totalling more than 1,700,000 square miles and containing more than 25,000,000 persons—which now receive no primary AM service during nighttime hours and much of which probably will never be able to receive such service. For economic reasons, it may be that the potential assistance from FM unlimited-time assignments serving these areas is limited, but it is to be hoped that some contribution may be made if the FM band is properly utilized.

11. *Station assignment principle and need for an over-all plan.* If these objectives—whatever relative importance they may have to each other in any particular situation—are to be furthered to the greatest possible extent, it is imperative that a plan for channel usage be formulated with these objectives in mind and that its operation be continually subject to surveillance to assess the extent to which it is achieving these objectives. An imperative requirement is that the type of assignments to be made on each channel should be determined, and that stations assigned on each should be located so that the maximum number of the appropriate type can be assigned. In other words, there should be spacing between stations such that whatever degree of protection is decided upon will be afforded, but not much more, unless the spacing is to be large enough so that ultimately another station can be assigned between the first two. Otherwise, space is wasted.[15]

12. Under present assignment principles, an applicant requests a particular frequency, and (provided the proposed operation will provide the necessary coverage to the community of assignment and the applicant is otherwise qualified), the application is granted if no interference is caused within the 1 mv/m contour of an existing station, or if, on balance, it appears that such interference is outweighed by the benefits from the new service.[16] In other words, the assignment of stations is, in large measure, on a random or adventitious basis—the particular channel assigned depending on which one the applicant selects, which (aside from the matter of interference to existing stations) may in turn

[14] Of slightly more than 3,200 AM stations now authorized to operate during daytime hours, 2,907 operate with 1 kw or less power (of 1,795 Class II and Class III stations, 223 operate with 250 watts, 342 operate with 500 watts, and 1,230 operate with 1 kw; many of the 1,112 Class IV stations have increased or are about to increase daytime power from 250 watts to 1 kw). Under average conditions, 1 kw power in AM operation gives a service radius to the normally protected contour of no more than 40 miles (on 960 kc, with ground conductivity of 5 mhos/m, the distance to the 0.5 mv/m contour would be 39.7 miles). In a minority of cases, the distance may be substantially more, but it will also be much less on higher frequencies with low ground conductivity. Nighttime, Class IV local stations are limited to a service radius of about 4 miles on the average, in many cases not even serving all of their cities of assignment. The service radius of Class II and Class III stations operating nighttime (of which 593 operate with 1 kw power or less) varies with the nighttime limit caused by interference; the average for 1 kw operations is about 12 to 15 miles.

An FM station operating with 1 kw E.R.P. and antenna height of 250 ft. above average terrain, the present maximum for Class A facilities, would have a service radius of 37 miles if protected to its 50 uv/m contour, and of 25 miles if protected on the basis specifically proposed herein. This would exist both day and night, unlike the AM station. The cost of AM non-directional and FM facilities of this magnitude is generally comparable—$4,000 to $5,000 for a 1 kw AM transmitter and $5,000 to $6,000 for a 1 kw FM transmitter, with antennas of about the same height (AM stations of this character usually use antennas about 150 to 300 ft.). Moreover, nighttime operation by Class II and Class III AM stations usually requires much more costly directional antennas (513 out of 593 such stations operating with 1 kw or less power employ such antennas).

[15] Adjacent-channel interference considerations of course enter in, so the situation may in fact not be quite this simple; but in view of the lesser extent of adjacent-channel interference and consequently lesser spacings required for any given level of protection, probably co-channel considerations will usually determine station spacing, at least in areas not already having so many assignments that a new form of allocation would not have much effect in any event.

[16] For recent discussions of FM allocation policy, see the Memorandum Opinion and Order regarding Station WMRO-FM, Aurora, Illinois (WMRO, Inc., FCC 61-205, adopted February 15, 1961); and the decision in Telemusic Co.

depend on such factors as seeking the top or middle frequency on the FM dial,[3] seeking a frequency close to others to make the new station more desirable from the standpoint of actual or supposed listener convenience, etc. Probably largely for this reason, there is great variation in the number of existing stations per channel, varying for the Class B channels from 28 (Ch. 260, about in the middle of the band), to 5 (Channel 298, near the upper end). Whatever merit these considerations in channel selection may have, it is questionable, at best, whether they should be permitted to thwart the objective of maximum and optimum use of each channel.

13. There is considerable doubt that such an assignment process will fulfill our objectives, if permitted to continue, to an extent as great or even close to as great as would a more carefully worked out, over-all plan. One set of facts leading to this conclusion is the present spacing between stations. A study recently made[4] of existing spacings on 9 channels and adjacencies, in Zone I (the northeast) and immediately adjoining areas, shows that the shortest single spacing between co-channel Class B stations is 94 miles, the average of the shortest Class B co-channel spacing on each channel is 129 miles, and the average of all spacings between neighboring Class B co-channel stations on these channels (excluding certain very long spacings which can have no conceivable effect on service or interference) is 167 miles.

14. It is likely that, from the standpoint of effective utilization of spectrum space, these spacings leave a good deal to be desired. In terms of present protection concepts—protection usually to the 1 mv/m contour—they are substantially greater than that necessary to afford such protection, yet not quite large enough so that another station could later be assigned in between. This is true whether the situation is evaluated on the basis of present propagation standards—Fig. 1 of § 3.333 of the rules—or new propagation curves adoption of which is contemplated herein.[5] On the other hand, if some or all stations should be protected to a further point—e.g., the 50 uv/m or 100 uv/m contour—the spacing is too small to afford such protection.[6] In other words, the more or less random basis of making assignments does not appear to have resulted, or to be likely to result in the future, in an over-all pattern of assignments which is reasonably near to the degree of efficiency which must be sought. It appears that a more rational basis—reasonably related to the degree of protection which stations of the various classes should be afforded—is to be desired.

15. Moreover, the same study reveals that spacings between Class B stations on first adjacent channels (200 kc removed) average 178 miles. This is greater than the co-channel average, and nearly three times the minimum spacing which is required under present standards for Class B stations operating with maximum Zone 1 facilities (about 69.5 miles). Along with the data as to co-channel spacings mentioned above, these facts cast considerable doubt upon the overall efficiency resulting from present assignment methods.

16. Another development which has resulted from the present unplanned use of the channels is the great concentration of FM assignments in large cities and immediately adjoining communities. In New York City alone there are 17 FM stations, in Los Angeles 20, and in Detroit 16. Such concentration is not necessarily bad as such; nobody would argue that, under any allocation plan, cities of such size and importance should necessarily be limited to four or five FM services. Nevertheless, when concentration of assignments is carried to the present extent, it is at least questionable whether the provision of a great abundance of service to the inhabitants of these cities has not occurred at the expense of rendition of more needed service, or provision of first or second local outlets, elsewhere, and whether any further concentration of this sort should be allowed. We do not propose herein to change any existing facilities, and we do not make any specific proposal concerning prohibition of any further assignments to such cities or urbanized areas, but we invite comments upon the question of whether, considering the needs which can and should be served by future assignments of FM stations, any new assignments or increased facilities should be permitted in such cities or their metropolitan or urbanized areas.

17. *Effect of individual consideration of applications on overall service.* In FM, as in the standard broadcast service, proposed assignments of new or increased facilities are considered individually, except where two or more applications are mutually exclusive. Each proposal is evaluated on the basis of whether it would cause interference to existing stations, and, if so, to what extent. Whatever the merits of this approach, it has one obvious disadvantage—it does not permit evaluation of the total effect of a series of authorizations upon an existing station or existing over-all service. In other words, a single application before the Commission may involve some small amount of interference to an existing station, but not enough to justify denial of the application on this ground; but the total effect upon the service of the existing station from a series of such grants may be significant.[7] Under this approach, the AM spectrum has become crowded, and probably overcrowded, and, while this situation does not prevail in FM as yet, there appears a possibility that it soon will in some areas. Like the matter of efficiency mentioned above, this possibility appears to indicate the desirability of an over-all plan instead of case-to-case consideration of individual applications.

18. *Administrative problems.* One important consideration impelling the present inquiry is that the FM service and its expansion have begun to develop the same severe administrative problems that have beset AM assignment-making for some years. At present, usually the consideration of an AM application for new or increased facilities involves consideration of interference to or from the proposed operation, or both—which means that great effort is required on the part of all parties concerned and the Commission and its staff in determining the location of service and interference contours, counting the populations within service and interference areas, and evaluating the extent of other service available in such areas. In the vast number of hearings now involved in the AM assignment process, very lengthy arguments occur between the parties as to these matters, as to the validity of groundwave measurements offered to establish contour locations, etc. If an application is granted after all of this time and effort, the result is often only a marginal operation, as mentioned above—a result which appears disproportionate to the effort involved. The delays involved in this process are too familiar to all. While, because of uniform propagation characteristics the FM assignment process will probably never in any event develop all of the problems now associated with AM, the same tendency has recently appeared—contours must be located, populations counted, and amount of other service established; and hearings on these matters must be held.

19. It appears that these developments are more or less inherent in any assignment system where in each case interference to existing stations is balanced against service benefits, and in which, therefore, it is difficult or impossible to set up fixed standards which will determine, without elaborate consideration, whether or not a particular application will be granted. The relative absence of such fixed standards in AM has contributed much toward the manifold problems mentioned above, since in their absence all of the detailed factors involved with each application (described above) must be considered carefully and at length, and applicants are encouraged to file marginal applications which probably cannot be granted but conceivably will be. To avoid the development of similar problems in FM, in our view it may well be desirable that fixed standards be adopted for future assignments in that service, so that each application can be judged on a strict "go-no-go" basis.

III. *Conclusions as to general approach.* 20. In view of the foregoing consideration, we have tentatively reached two conclusions as to the general approach which, it may well be, should be adopted for the future development of the FM service. Comments thereon are, of course, invited.

These conclusions are:

(a) FM assignments would be based on an over-all plan, designed to insure the optimum and maximum use of each channel and take into account the total effect of all further assignments on existing service, rather than the present system (similar to AM) under which an applicant selects any channel he sees fit, and his application (provided it complies with our rules and he is otherwise qualified) is considered on an individual basis, taking into account only whatever interference problems it may involve without regard to consideration of over-all efficiency and total impact of service.

(b) The over-all plan would be one involving strict standards which will determine without elaborate weighing of various factors whether an application will or will not be granted. The details of the plan we propose herein are spelled out below; but, whatever plan is adopted in this proceeding, we are presently of the view that it must be based upon this absolute concept. Our present FM rules (§§ 3.203(a) and 3.313(c)) contemplate grants in spite of interference "in order to insure * * * a maximum of service to all listeners", or "in order to provide an equitable and efficient distribution of facilities". It may well be that these discretionary provisions should be eliminated, in line with the approach we presently believe may be more in the public interest.

IV. *Specific proposals concerning an over-all FM allocation plan.* 21. To achieve the objectives and meet the problems mentioned, we propose the adoption of an over-all plan of FM station assignments along the lines set forth below and in Appendix A. The reasons for the particular proposals are set forth briefly in connection with each matter. Comments on these proposals and the considerations involved in each are invited.

A. *Type of plan to be adopted.* 22. We propose to adopt a Table of Mileage Separations (see Appendix A), which will apply at least to all assignments of new FM stations (whether such Table will also apply to increases in facilities by existing stations is discussed below). Under this proposal, a station can be located no closer than the distance specified in the Table to an existing co-channel or adjacent-channel station; in this respect the plan will be similar to that used in television. However, in order to achieve efficiency in assignment and avoid waste of space, we also propose to impose certain criteria as to maximum separations with respect to existing co-channel stations. These will insure to the greatest practicable extent that a new station will either be located reasonably near the minimum distance from existing stations (so that little space will be wasted), or will be located at least twice the minimum distance from existing stations so that later a new assignment can be made in between. Our proposal in this regard is that a new station must be located no further than the minimum given in the Table plus 25 miles, or else at least whole multiples of the minimum shown in the Table.[8] The use of minimum and maximum separations will afford stations adequate protection against interference, achieve over-all assignment efficiency, and provide a clear guide as to whether or not a particular assignment can be made.

23. We are presently of the view that a table of separations of this sort is to be preferred to other alternatives. A specific Table of Assignments giving particular channels to particular communities, such as the former FM and present television tables, we believe to be too inflexible, especially in view of the very large number of communities which, it is hoped, will ultimately have FM stations. With the number of channels available, there is no reason to impose such a rigid framework upon the expansion of the service. While amendment of such a Table would always be possible, this is a cumbersome step in the assignment process which should not be required unless necessary. Another approach would be to adopt simply a flat rule that, on the basis of whatever propagation curves, interference ratios, and protected contours are to be adopted, no new assignment would be made which would cause any objectionable interference within the protected contour of an existing station. But, since FM frequencies are all the same propagation-wise, it is easy to reduce calculations based on particular curves to a set of separations contained in a table, which can be easily understood and referred to by an interested person; and therefore there is no reason why the curves themselves need be adopted into the rules, at least for assignment of new stations.

24. It should be noted that the proposal to use a table of this sort involves a tentative decision on another point—that existing stations are to be protected on a uniform basis, regardless of the facilities which they use or which are proposed by the new station. This is, of course, true with the television separations. Otherwise, any Table (which would be drawn to take into account different levels of existing and proposed facilities) would be too complicated and curves probably would have to be used instead. Obviously, if objectionable interference is to be avoided, this uniform basis must be protection on the assumption that both existing and proposed stations will operate with maximum facilities permitted on the channel involved. We are presently of the view that protection on this basis is in the public interest, because it will permit unhampered expansion of stations to maximum facilities—and hence more and better service—even where initially maximum operations may not be economically feasible. The table we propose herein is accordingly based on the concept that existing and proposed stations will be assigned on the basis of maximum operation by both. However, this, of course, raises a question as to whether minimum facilities should be required, even initially, to avoid substantial waste of space through protection of "service" which does not in fact exist. This is discussed below.

25. If curves are not adopted as part of the rules, of course, there must be a series of tables, or nomograms, to cover three other matters in which location of contours is significant. These are: (1) "equivalence", or the maximum power permitted where antenna height above average terrain is greater than that contemplated as the "maximum" for the station involved; (2) coverage of the city to which the station is licensed (which can be expressed in the form of a table of minimum distances to the furthest point on the city's boundary line); and (3) overlap permitted for stations under common ownership. We propose to adopt tables covering these matters for the various heights and powers, on the basis of the service curve employed herein, and using the following standards: (a) for principal city coverage, provision of a 3 mv/m (69.5 dbu) signal over the entire city; (b) for overlap for multiple ownership purposes, the overlap of 2 mv/m (66 dbu) contours. See Appendix A, Item (d). Comments are invited on whether these values are correct, or what others should be adopted.

B. *Propagation curves to be used.* 26. Whether or not propagation curves are adopted or retained as part of the Rules, clearly some set of propagation curves must be used as the basis of assignments.[9] FM assignments are presently made on the basis of the curves contained in Fig. 1 of § 3.333 of the rules, which take into account groundwave propagation only. These curves (adopted about 15 years ago) are widely, and perhaps generally, regarded as out-of-date. In particular, the Fig. 1 interference curve is inadequate because it is based entirely on groundwave transmission, whereas, as is now generally recognized, tropospheric propagation is a significant factor in FM signal transmission and in the extent of interference at the dis-

[3] Unlike the frequencies in the AM and television services, all of the channels used by FM broadcast stations are virtually equal from a propagation standpoint, so there is no inherent difference between them.

[4] This study, which included Channels 260 through 268 and three adjacent channels on either side, was made by a consulting engineer, for the use of the FM Committee of the Association of Federal Communications Consulting Engineers (AFCCE).

[5] Under Fig. 1, the minimum spacing between co-channel stations operating with Area 1 Class B maximum facilities is 88.5 miles. Using the curves proposed herein—low-band VHF F(50,50) for estimating service, and the F(50,10) curve proposed for the same television channels in Docket 13340,.for interference—this distance is 110 miles. Compared to the Fig. 1 distance, the average of shortest spacings on each channel (129 miles) is 46 percent greater, and the average of all pertinent spacings is 89 percent greater. Compared to the distance computed under the new curves, the average of shortest spacings is 17 percent greater, and the average of all pertinent spacings is 52 percent greater.

[6] Under Fig. 1, the minimum spacing between co-channel stations operating with Area 1 Class B maximum facilities, and protected to their 0.1 mv/m contours, is 143 miles. Under the new curves, the minimum spacing would be 220 miles.

[7] This problem is especially related to second and third adjacent-channel interference. Because the extent of such interference is small, occurring in an area immediately around the interfering station's transmitter, the gain from one such grant generally outweighs the loss, population-wise. But the effect of a series of such authorizations on the existing station's service may be more significant.

[8] This requirement would not apply in the event the proposed station is over 600 miles distant from any co-channel assignments previously made.

[9] The FM rules presently permit use of field intensity measurements in the consideration of individual applications, but in practice measurements have seldom, if ever, been used. While comments are invited on this point, our proposal herein is to eliminate from the rules all references to measurements, so that assignments will be made on the basis of propagation curves or data derived therefrom.

tances involved here." We are of the view that present Figure 1 should accordingly be replaced.

27. The FM band is immediately above the low-band VHF television Channels 2–6 in the spectrum and propagation conditions in these two bands are substantially the same. Therefore we propose to use the propagation curves which have been adopted or proposed for use in low-band VHF allocations as a basis for any tables of separation which may be adopted for FM. We have selected for this purpose the F(50,50) curve proposed in Docket 13340 for television Channels 2–6 for the estimation of service and the F(50,10) curve proposed in that docket for the same channels for the estimation of interference. These proposals have the support of the Radio Propagation Advisory Committee (RPAC), a committee composed of representatives of the Commission, the Bureau of Standards, and the communications industry. The mileage separation tables contained in Appendix A are based on these curves. Comments are invited on this proposal. While the F(50,50) curve for television Channels 2–6 presently in the Rules give substantially the same answers for the distances involved in this proceeding as the RPAC curve, we are of the view that the latest available data should be used as a basis for proposals herein.

C. *Signal ratios for determining interference.* 28. Under the provisions of present § 3.313(b) of the rules, objectionable intereference exists where the ratio of desired to undesired signal is less than 10 to 1 (20 db) co-channel or 2 to 1 (6 db) for first adjacent channel (200 kc removed), or where the ratio of undesired to desired signal is more than 10 to 1 (20 db) for second adjacent channel (400 kc removed) or 100 to 1 (40 db) for third adjacent channel (600 kc removed). In view of the discrimination possible against unwanted co-channel signals in an FM system it may be helpful to re-examine the co-channel ratio to be used. Likewise, in view of the studies which have been conducted by the C.C.I.R. on the possibility of using offset carrier techniques and cross-polarization in the allocation of FM broadcast stations, parties having data or views on these matters may wish to submit them to the Commission.

29. Comments upon the question of what should be the proper co-channel and adjacent-channel interference ratios are invited, particularly from parties having specific data on this subject. Our specific proposal herein is based on the present interference ratios, set forth above. Particularly with respect to first adjacent-channel interference, parties commenting should recognize the significance in this connection of FM multiplexing, including stereophonic broadcasting, as permitted under present rules.

D. *Classes of stations and channels: noncommercial educational stations.* 30. Comments are invited upon the question of what changes, if any, are appropriate in the present assignment plan for noncommercial educational stations—assignment of these stations (except in Alaska) on 20 channels at the low end of the FM band especially reserved therefor (channels 201 and 220), and the division of these stations, for practical purposes, into two classes, those operating with 10 watts power or less, and those operating with greater power (no maximum is specified). (See §§ 3.501, 3.505, 3.551 of the rules.) Our specific proposal herein, Appendix A, does not propose any substantial change in these concepts, since it appears that the number of channels and basis of assignments is reasonably satisfactory. The proposal provides for two classes of educational stations "Class D", low power (10 kw or less), and "Class E", higher power, with maximum the same as the maximum commercial station which would be permitted at the same location.

E. *Classes of stations and channels: commercial stations.* 31. Presently the 80 commercial FM channels are divided into Class A and Class B channels. Class A, interspersed through the commercial FM band from ch. 221 to ch. 296, are used by low power Class A stations. The remaining 60 channels are used by higher-power Class B stations. With respect to Class B assignments, the United States is divided into two Areas. Area 1 includes most of the northeastern United States—the three southern New England states and southern New Hampshire, southeastern New York as far as Albany-Schenectady-Troy; eastern Pennsylvania as far as Harrisburg; Maryland as far west as Hagerstown; and all of New Jersey, Delaware, and the District of Columbia. The rest of the United States is in Area 2.[11] With respect to Class A stations, there is no difference in the rules pertaining to these areas. In Area 1, Class B stations are limited in height and power to a maximum of 20 kw E.R.P. at 500 ft. a.a.t. or equivalent (and an absolute maximum of 20 kw E.R.P.), whereas in Area 2 Class B stations, while normally so limited, will be assigned with greater facilities if no undue interference to existing stations or probable assignments would result. (See § 3.204(a)(2).) There is a question as to whether the present division of commercial FM stations into only two classes, A and B, is appropriate in view of the various needs and purposes which FM stations are and will be called upon to serve. These needs include wide-area coverage so as to provide service in rural and sparsely settled areas, local outlets for as many communities as possible both in and around urbanized areas, and elsewhere, and coverage of expanding suburban areas by city stations. Comments are invited upon the question of how many classes of commercial FM stations should be provided for, and what the facilities of each should be.

32. Our proposal herein (Appendix A), which it appears may be adequate to meet the diverse needs involved and at the same time simple enough for easy administration, is for three classes of commercial stations:

(1) Low-powered "Class A" stations, generally similar to the present Class A stations, designed to serve smaller communities and surrounding rural areas.

(2) Intermediate-powered "Class B" stations, generally similar to the present Class B stations, operating with great enough facilities, and protected far enough, to provide service to cities and surrounding suburban areas.

(3) High-powered "Class C" stations, operating with facilities substantially greater than the present Area 1 Class B maximum, and protected out as far, or nearly as far, as they can render a useful service in the absence of interference.

33. *Channels for commercial stations.* Assuming that FM stations should be divided into classes, there remains the question of how many, and which channels should be reserved for each class.[12] Comments on this subject are invited. Our proposal, based on the three classes of new commercial stations mentioned above, is as follows (with alternatives, as mentioned; see Appendix A):

(1) *Low-powered Class A stations.* The potential number of low-powered Class A stations which can be assigned to each channel under the proposal may be as high as 165 and it appears that the number of channels presently allocated for this use (20) is appropriate. This will give space for more than 3,000 assignments. There remains the question of whether these 20 channels should be interspersed through the commercial portion of the FM spectrum, as at present, or contiguous in the band. There are considerations on both sides. Keeping the 20 present Class A channels has the advantage of simplicity in that both new and existing stations on these channels would be of the same class. Moreover, the present arrangement has made possible—and was in fact adopted as the only way to achieve—the making of more Class B assignments in cities. On the other hand, the present occupancy of Class A channels (a maximum of 11 stations on Channel 252) is not such that a changeover in channel classification would present great inconvenience. Moreover, the adjacent-channel problems involved in making the very large number of Class A assignments hoped for will be substantially less if the adjacent channels are occupied by low-power Class A stations than if, as now, every Class A channel is adjacent to channels occupied by higher-power Class B stations. Our proposal in this respect—Appendix A—is in the alternative, and comments are invited on which alternative is preferable.

(2) *Intermediate-powered (Class B) and high-powered (Class C) stations.* We have mentioned above the need for high-powered, wide area stations, referred to herein as "Class C" stations. There is a question as to whether there is either a real need for such stations, or much opportunity for their assignment, in the northeastern portion of the United States generally corresponding to Area 1. This portion of the country is more heavily populated, and large centers of population are numerous and relatively close together, so that, to a greater degree than in the remainder of the nation, adequate service may be expected to be furnished to all or nearly all of the area and population by stations generally similar to present Class B stations, located in sizable communities relatively close together. Moreover, it may be that in Area 1 frequency occupancy is already so nearly complete that unless changes are to be made in existing facilities, which we do not presently contemplate, there will be relatively little opportunity for the assignment of new stations on this basis. We are not presently persuaded, however, that assignments in Area 1 are already so numerous that no advantageous reallocation plan for that area could be worked out.

34. *Assignment Plans I and II.* Therefore, in this respect we set forth herein, and invite comments on, two alternative proposals. The details of these are set forth in Appendix A. Plan I envisages a reallocation throughout the nation, and repeal of the present division into areas, with 20 channels reserved for low-power Class A stations and 20 channels (which we believe an adequate number) reserved for high-power "Class C" stations, with maximum facilities considerably greater than those now permitted in Area 1. The channels reserved for these "Class C" stations would be either contiguous in the spectrum or contiguous except for the interspersion of Class A channels, depending on the decision reached as to whether Class A channels should be reallocated (see above). The remaining 40 channels will be allocated for use by intermediate-power stations, generally corresponding to present Class B stations in Area 1. This number of channels appears appropriate for such assignments.

35. Plan II, on the other hand, would involve less sweeping changes. Under it, the United States would still be divided into two areas, present Area 1 being redefined on the basis of entire states, to include the three southern New England States, New York, Pennsylvania, New Jersey, Maryland, the District of Columbia, Ohio, Indiana, and Illinois. These are states of comparatively high urbanization and thickly settled population. Area 2 would include the rest of the country. Within both areas, Class A stations would be assigned on 20 Class A channels, either the present 20 channels or a contiguous band (see above). In Area 1, the other 60 channels would be used by "Class B" stations corresponding generally to the present Class B stations in that zone, with roughly the same maximum facilities. In Area 2, on the other hand, there would be no new "Class B" assignments, but on these channels new "Class C" stations would be assigned with a uniform maximum for facilities (unlike the present rules which provide no absolute maximum in this Area), this maximum to be considerably higher than the present Class B maximum for Area 1. These stations would be protected from interference over wide service areas, so that they may render service to great areas and populations.

36. *Alaska and Hawaii.* In Alaska, the frequency band 88 to 100 mc is not available for broadcast use, eliminating FM channels 201 through 260 for FM assignments in that state. This leaves Alaska presently with 10 Class A and 30 Class B channels, and no channels specifically reserved for educational use. Therefore (Sec. 3.501(b)) our Rules provide for noncommercial educational, as well as commercial, use of Channels 261 to 300. In Hawaii, the frequency band 98.1 to 107.9 mc is similarly not available, eliminating Channels 251 through 300 and leaving a total of 50 channels—20 educational, 8 Class A, and 22 Class B. Present assignments in these states are not numerous—in Alaska, one Class A and one Class B; in Hawaii, three Class A and one educational.

37. Comments are invited upon what basic changes in channel allocations should be made in these states. We propose herein the following changes: (1) if "Plan I", referred to above, is adopted, 10 channels in Alaska and 10 channels in Hawaii would be reserved for use by high-power "Class C" stations, these channels to be either contiguous in spectrum or contiguous except for Class A channels (see above); (2) if "Plan II" referred to above is adopted, these states, as part of Area 2, would be in the future assigned "Class C" rather than "Class B" stations. Noncommercial educational stations in Alaska could be assigned on any channel as at present.

F. *Station facilities, protection, spacing*—38. *General principles of station assignments; maximum facilities and spacings.* Assuming the above-proposed designation of the FM channels for use by five different types of stations—low-power commercial, intermediate-power commercial, high-power commercial, low-power educational, and higher-power educational—there must be determined what combination of facilities used by the various classes of stations, and separations to afford a proper degree of protection, are appropriate for each channel. This decision must be made in the light of a number of considerations: (1) the purpose to be served by the various classes of stations—wide area coverage, numerous stations to serve as local outlets, etc.; (2) provision for the largest number of stations on each channel reasonably consistent with other objectives; (3) provision for each station of a protected service area large enough to provide population and economic potential sufficient to support an operation of the particular class; (4) assignment efficiency in mathematical terms, i.e., the percentage of total area which the number of stations assignable on each channel can serve, under various combinations of facilities and protected areas; and (5) the distance or contour out to which a station can render useful service in the absence of interference (beyond which there is no point in protecting it).

39. Some of these matters warrant discussion. As to assignment efficiency, this is of course directly related to the spacing of stations, which in turn reflects the combination of facilities used and service area protected. For a triangle lattice pattern of station arrangement, which permits the greatest number of stations on a channel, the efficiency in terms of percentage of area covered is determined by the formulas.

$$\text{Eff.} = \frac{200A}{\sqrt{3}S^2}$$

where A is the service area of each station and S is the spacing between stations; or

$$363 \times \left(\frac{R}{S}\right)^2,$$

where R is the service radius and S is the spacing.

Applying these formulas to certain possible combinations of facilities and protected contours, and resulting co-channel spacings, the results in terms of efficiency are as follows (using the new curves proposed herein):

Facilities	Assuming protection to 1 mv/m contour			Assuming protection to 0.1 mv/m contour		
	Distance to contour (miles)	Minimum Spacing (miles)	Efficiency (percent of area)	Distance to contour (miles)	Minimum Spacing (miles)	Efficiency (percent of area)
Present Class A maximum (1 kw, 250 ft)	10	50	14.5	28	130	16.9
Present Class B Area 1—Class B maximum (20 kw, 500 ft)	28	110	23.5	57	220	24.3
High power (100 kw, 2,000 ft)	64	180	45.8	98	295	40.4

[10] Our present rules recognize tropospheric propagation as a factor in FM interference by stating (§ 3.313(b)) that the undesired signal is the tropospheric signal exceeded 1 percent of the time. However, § 3.313(d) provides for determination of interference on the basis of Figure 1, the groundwave chart. An earlier edition of the Rules (1953) contained substantially the same provisions as to tropospheric signal, and stated that this would be determined from "Figure 2". It was stated in a footnote that "Figure 2" would be available in the future when sufficient tropospheric measurements had been made, and until that time interference would be determined on the basis of Fig. 1, the groundwave chart. Since the low-band VHF television curves mentioned in the text adequately reflect tropospheric propagation, there is no need to adopt a separate set of curves for FM.

[11] However, a Note to Sec. 3.202 provides that in certain parts of the country contiguous to Area 1, higher demand for frequencies requires that applications be given careful study to insure equitable distribution of facilities. These territories include the remainder of Maryland and Pennsylvania; all but the northeastern corner of New York; southern coastal states through South Carolina; Ohio and Indiana; southern Michigan as far north as Saginaw; eastern Illinois as far west as Rockford-Decatur, and southeastern Wisconsin as far north as Sheboygan.

[12] Conceivably, new stations of different classes could be assigned to the same channel. However, in our view, such a basis of operation would serve neither assignment efficiency nor administrative convenience.

40. Thus, among these various arrangements lowest efficiency results from using low-power stations protected to the 1 mv/m contour, while highest efficiency results from using high-power stations protected to that contour. With respect to low-power and intermediate-power stations, greater efficiency results from spacings affording protection to the 0.1 mv/m contour than from protection only to the 1 mv/m contour; but this is not true as to high-power stations, where the efficiency curve falls off between the 1 mv/m spacing and the 0.1 mv/m spacing. As to any particular height and power, efficiency does not vary greatly with extent of protected area and resulting spacing. For example, using the new curves proposed herein, for Class B stations operating with the present Area 1 maximum facilities, efficiency varies about 3.3 percent for spacings from 60 miles to 260 miles, with the maximum occurring at about 150 miles. For stations using the high-power facilities mentioned, efficiency varies less than 12 percent for spacings from 120 to 300 miles, the greatest efficiency occurring at about 180 miles. For Class A stations operating with present maximum facilities, there is only a 3 percent variation between any two spacings from 60 to 165 miles.

41. Stations, of course, are assigned to actual communities, rather than on an idealized geometric basis such as that assumed, with some loss of efficiency; but in general this reduction does not change the basic relationship between spacings and efficiency of channel use. Therefore, principles of absolute assignment efficiency, while not necessarily determinative, must always be borne in mind, and parties commenting herein should take them into account. Likewise, adjacent-channel assignments, of course, affect possible station location, but since the spacings required to afford a given level of protection are much smaller than with co-channel assignments, this does not become a significant problem except in small areas already crowded with need and demand for assignments.

42. Since efficiency varies relatively little with spacing, it is more appropriate to look closely at another factor which varies much more sharply, number of assignments per channel. This is particularly true with respect to channels, such as the present and proposed Class A channels, primarily designed for numerous assignments of low-powered stations; but it is also true of all channels except perhaps those reserved for wide-area stations. As a rough rule-of-thumb, reducing the spacing in half, quadruples the number of possible assignments, although, of course, it reduces the coverage area of each station.

43. *"Protection" from objectionable interference.* With respect to stations on the same channel and first adjacent channel (200 kc removed), the standards we propose herein are designed to afford, in general, "protection" from objectionable interference within certain contours or service radii. Since interference between such stations represents a loss of service rather than merely a substitution of one service for another, we are presently of the view that only on this basis can standards be formulated which will protect the public interest and at the same time permit processing of and action on applications without the elaborate consideration now required in FM as well as in AM.

44. However, as to second and third adjacent-channel interference, other considerations apply. At one time, FM stations were assigned in the same city on such adjacencies. Some interference resulted, and our rules now recognize second and third adjacent-channel interference and preclude assignment of stations in the same city at less than 800 kc (four channel) separation. They may be assigned in nearby cities at 400 or 600 kc separation where the equitable or efficient distribution of facilities would be promoted, except that no Class B stations will be assigned less than 800 kc apart in the same metropolitan district. Sometimes assignments in nearby cities have resulted in objectionable interference within the present standards, but they were made because the service benefits outweighed the losses. Where second or third adjacent-channel interference is involved, the interference occurs within a relatively small area around the interfering station's transmitter, and this small loss is of course completely replaced with the new station's service, so that there is no loss in total service to the public and only small impact from the assignment on the existing station. By making such assignments, we have been able to authorize a greater number of stations in and around large cities than would otherwise be possible.

45. However, it has been argued, perhaps with some merit, that continuation of this process may lead to deterioration of service, through the assignment of a number of stations the total impact of which upon an existing station is substantial. It is contended that this results in a sort of "Swiss cheese" coverage pattern for the original station, a large service area with numerous "holes" caused by this type of interference around the transmitters of the interfering stations. It has also been urged that, as in AM, a contour-overlap rule is needed to prevent close assignment of stations on these adjacent channels under circumstances where, even though there is no "objectionable interference" under the prescribed ratios, the service of both suffers because of their proximity (through cross-modulation, etc.). We are presently of the view that both of these arguments have some merit, and to a certain extent these concepts are represented on our specific proposals which follow.

45a. As pointed out in the Sixth Report and in other documents including the TV Rules, the received signal at the FM and TV frequencies varies widely with time and location. All propagation curves developed up to the present time cannot be expected to predict service or interference at any particular location and at a particular time. They are, however, useful tools for assignment purposes and may be expected to estimate service on a large area basis. Thus, wherever in this document reference is made to "service" or "protected contour" or "protected area" this important reservation should be borne in mind. For example, in the event an allocation system is adopted which is based upon certain minimum assignment spacings, the only protection which will be afforded a particular station will be that which results from the spacing and the powers and antenna heights authorized.

46. *The Commission's proposals.* In light of the foregoing considerations, we propose the following maximum facilities and co-channel separations for stations of the various classes. The co-channel separations limit the ultimate extent of interference that can occur to any station and thus assure against encroachment beyond the limits indicated as "protected service area" radius.

Class	Maximum facilities permitted (or equivalent)	Protected service area radius (miles)	Minimum co-channel spacing (miles)
Class A (low power)	1 kw ERP, 250 ft. a.a.t.[1]	25	115
Class B (intermediate power)	20 kw ERP, 500 ft. a.a.t.	50	190
Class C (high power)	100 kw ERP, 2,000 ft. a.a.t.	100	300
Class D (low power educational)	10 watts (transmitter power), 100 ft. a.a.t.	6	25
Class E (high power educational)	Same as for maximum commercial station at the same location (i.e., if Plan I is adopted, same everywhere as Class C station; if Plan II is adopted, same as Class B station if in Area 1, or same as Class C station if in Area 2).		

[1] Above average terrain.

Unlike the present situation with respect to Class B stations in Area 2, where assignments higher than the normal maximum can be made, all new stations will be limited to the maximums indicated (see above). For reasons already stated, we are presently of the view that the public interest will likely be better served by the adoption of an absolute, recognized standard in this respect as in others. As now with Class A stations and Area 1 Class B stations, the maximum power specified above will also be the maximum ERP permitted regardless of antenna height.

47. Comments, of course, are invited on whether the values set forth are the most appropriate ones. Admittedly, in no case have we selected the values which would give the greatest absolute efficiency; but, as mentioned, this varies relatively little compared to other factors, and it appears that the scheme proposed is that which will best further our other objectives. As to Class A stations, the maximum permitted is the same as

that at present; the 25 mile service radius—which is the equivalent of protection of such facilities to the 140 uv/m contour—(43 dbu) is substantially greater than the present degree of protection normally to the 1 mv/m contour (60 dbu) (equivalent of 10 miles radius under the new curves proposed herein). It is to these channels that we believe we must look primarily for the development of a vast number of local outlets, removing the need for, and it is to be hoped actually replacing, marginal AM operations such as those discussed above. With these points in mind, the standards chosen appear to represent a suitable compromise. Protection of these stations to their 50 uv/m contours (34 dbu) would permit each to render greater service, but this (which would require a minimum co-channel separation of 165 miles) would not permit the desired number of assignments per channel, and would mean protection in some cases of a service which is not in fact generally useful. Under the standards proposed, assuming idealized placing of assignments, nearly 300 assignments could be made per channel. Such conditions will, of course, not prevail, but average spacing may be expected to be about 150 miles, which would permit about 165 assignments per channel, or more than 3,000 in the United States, enough to take care of a great many of the 3,500 marginal standard broadcast stations now operating. If average spacing is 150 miles, average protection will be to the 63 uv/m contour (36 dbu), which is sufficiently close to the noise-limited contour. The 25 mile radius gives the station a protected area large enough to provide both adequate coverage of its community and surrounding rural areas, and enough economic support for the relatively modest type of operation involved. It is also to be noted, as mentioned above, that the cost of such an installation will be generally comparable to an AM station of the same power, and the service rendered often much better.

48. Class B stations will be authorized with the same facilities now established as the maximum in Area 1, i.e., 20 kw ERP at 500 ft. above average terrain, or equivalent. The protected service radius, which under the proposed new curves is equivalent to protection to the 178 uv/m contour (45 dbu), is substantially greater than at present. We believe the choice here made is a suitable one. The 50 mile protected service radius will permit class B stations to provide service, in most cases at least, to all of the growing urbanized areas around cities, even where (as will not usually be the case) stations are located at minimum separations. It appears that the basis of assignment set forth will permit an adequate number of assignments per channel.

49. Class C stations will be expected to render service out to 100 miles or roughly to their 84 uv/m contour (38 dbu) if operated with maximum facilities. This will permit the rendition of the wide-area service for which these stations are intended. While comments upon the subject of what is the actual noise limited FM contour under usual conditions are invited herein, we are presently persuaded that protection at this distance is warranted and that a useful service can be provided with signals of this level.

50. It is to be noted that we have set forth the "protected" area in terms of a particular service radius, rather than a particular signal intensity contour. For a given power and antenna height the two can be equivalent. We have chosen the service radius concept because it is a convenient method of precisely limiting the ultimate interference to which a station may be subjected, it avoids imposing additional interference on a station operating with less than maximum power and, of course, has the advantage of being easily understood.

51. *Adjacent-channel protection.* Since, under existing ratios, first-adjacent channel interference represents loss of service instead of merely substitution of one service for another in the area involved, it does not appear that the public interest would be served by permitting such interference within what is determined to be a station's protected service area for co-channel purposes. Therefore, our proposal herein (Appendix A) is for minimum separations designed to afford protection to the same service area as against first adjacent-channel interference (200 kc removed).

52. As to the second and third adjacent-channel interference, this represents substitution rather than actual loss of service, and it is not necessarily inconsistent to provide a different degree of protection against such interference than is the case for co-channel interference. The radius of protection from second and third adjacent-channel interference proposed for the various classes of stations is: for Class A stations, 10 miles; for Class B stations, 25 miles; and for Class C stations, 35 miles.[13] It also appears that every station should be permitted to cover its city of assignment without interference. Therefore, our proposal is in terms of minimum distances from the existing station's transmitter location, and in addition minimum distance from the nearest boundary from the city of assignment.

G. *Equivalence.* 53. "Equivalence", for determining what power shall be used at greater antenna height than the maximum, is now determined on the basis of the location of the station's 1 mv/m contour, which is the usually protected service contour (see §§ 3.203, 3.204). The argument has been made that this is unduly restrictive and the test should instead be the location of the interference contour. This contention is based on the fact that increase in height increases service more than it does interference, and therefore greater height could often be used with a correspondingly great increase in service but relatively little increase on interference. There appears to be considerable substance in this argument, since, after all, interference is the only reason why stations cannot be assigned in unlimited numbers. A consideration of the opposite side, supporting the present standard, is that using the service contour as the test results in a degree of competitive equality between stations, for example, where only one of several competing stations has opportunity for great antenna height. Recognizing this, nonetheless our proposal (Appendix A) is that equivalence for determining permissible ERP shall be the location of the co-channel interference contour.

H. *Minimum facilities.* 54. As mentioned above, our proposal is to afford protection to stations on the basis of maximum facilities for the class involved, thereby permitting free expansion and improvement of service without conflicts. As a corollary of this, it presently appears that, even for initial operation, certain minimum facilities should be required for the various classes, to a much greater extent than at present. Otherwise there might be great waste of spectrum space through "protection" of non-existent service. We propose the following minimum (stations must, of course, also provide adequate coverage of their city of assignment in accordance with the rules):

Class A—100 w ERP, 100 ft. above average terrain.

Class B—1 kw ERP, antenna height 250 ft. a.a.t.

Class C—20 kw ERP, antenna height 500. ft. a.a.t.

Negative antenna heights will be considered to be 100 ft. a.a.t.

Non-commercial educational stations: Comments are invited regarding acceptable minimums.

I. *Relationship of plan to existing stations.* 55. We do not propose herein to change any existing facilities. Therefore, superimposing an overall assignment plan upon the present structure raises certain questions with respect to stations authorized at the time the plan is adopted. These are:

(1) If there is reclassification of channels (A to B, B to A, A or B to C), how will existing stations on these channels be treated if they do not fall within the limits of facilities for the new class?

(2) Should expansion of existing facilities be governed by the table of separations and permitted only when meeting its requirements, or should it be permitted on another basis, for example, use of propagation curves?

56. With respect to the first matter, reclassification of channels will take place if Class A channels are shifted to a contiguous portion of the spectrum (e.g., Channels 221 to 240), so that present Class A channels become Class B channels and Class B channels become Class A frequencies. It will also take place if Plan I proposed herein is adopted, so that 20 channels are reserved for Class C use throughout the country. Our proposal in this respect is as follows:

[13] It might be argued that Class C stations, designed to render wide area coverage, should be protected to a fairly distant contour against second and third adjacent channel interference, as well as against co-channel interference. Comments upon this point are invited. However, because of the ratios involved any service loss is completely replaced by the substituted new service, and therefore the reason for the wide protection disappears. We do not include this in our main proposal, which provides the same radius as Class B stations.

(1) Where a channel is reclassified for use by a higher class of station (A to B or A to C, or B to C), existing stations thereon which do not meet the minimum requirements for the new class will have six months to apply for facilities meeting the minimum requirement. If they do not so apply, or if their applications must be denied because of interference or for other reasons, they will thereafter be protected as stations of the original class. A table for this limited purpose showing minimum separations between co-channel stations of different classes will be provided at a future date.

(2) Where a channel is reclassified for use by a lower class of station (B to A), the existing Class B stations will be protected as Class B stations provided they meet the minimum facilities for that class. Otherwise they will be protected under the Table only as Class A stations.

57. The answer to the second of the two questions is less clear. Existing stations have not been assigned on the basis of the type of overall plan we proposed here for further assignments, and it is not clear that over-all efficiency and service would benefit from requiring any increase in facilities of existing stations to meet the new over-all standards. We do not propose at this time any specific course of action in this connection. Appropriate rules in this regard will be promulgated of the basis of submitted comments. However, as to some aspects of this problem there appear certain principles which may well serve the public interest, and these we propose in Appendix A to apply. These are:

(1) Whatever may be decided upon as to applications by existing stations for increases in facilities on the same channel, applications for new channels will be treated the same as applications for new stations;

(2) Applications for increases in facilities on the same channel will not be subject to maximum separation requirements, and;

(3) Whatever standard is adopted will be a strict "go-no-go" rule.

V. *Pending petitions for FM rule changes in the assignment area*—58. *Petition of FM Unlimited, Inc.* By petition filed in February 1959 (RM–94), FM Unlimited, Inc. proposes a rather sweeping revision of the plan of FM station assignments, described below. We are not convinced that some aspects of this would serve the public interest, but since we are here undertaking a fundamental and sweeping examination into this subject, we present this proposal, for comments on the question of whether it should be adopted, in whole or in part, or with changes.

59. FM Unlimited seeks the following changes; which, apparently, it would apply also to existing facilities, by reclassification or reassignment to another channel:

(a) Elimination of the present Class A band, and redesignation of channels 286 through 300 at the top of the band (105.1 to 107.9), for use by low-power Class A stations (15 channels).

(b) Increase in the maximum permitted for Class A facilities to 3 kw E.R.P. and 300 ft. a.a.t. (Above average terrain)

(c) Designation of Channels 218 to 285 (68 channels) for use by Class B stations.

(d) Increase in Class B maximum facilities in Area 1 to 20 kw E.R.P. and 1,000 ft. a.a.t.

(e) Assignment of 17 channels, 201 through 217 (88.1 to 91.3 mc) for "Class N", noncommercial, stations, which would include not only educational stations but also religious and municipal stations (e.g., WNYC–FM, New York City). 10-watt "campus" stations would be assigned only to Channel 201. (It is asserted that two such stations can be located even in the same city without interference problems.)

(f) Reassignment both of existing Class B stations, and of Class B channels with respect to new assignments, on a basis designed so that stations in adjacent metropolitan centers (e.g., Chicago-Milwaukee, New York-Philadelpha, Los Angeles-San Diego) will not be assigned with only one channel (200 kc) separation.

(g) Redesignation of "metropolitan-suburban" and "community" stations as Class A stations, and reassignment thereof to Class A channels as defined above. (With exceptions where such stations serve both metropolitan areas and rural areas, e.g., West Bend, Wisconsin, which would be assigned a Class B channel which could be used in Milwaukee.) An Oak Park, Illinois, station is cited as a bad example of a suburban station using a Class B channel and really aiming its service at the major city, Chicago. It is urged that such stations be redesignated Class A and required to direct their programing to their particular assigned areas.

59. In support of these various proposals, FM Unlimited argues as follows: Segregation of Class A stations—including all those mentioned above—will prevent the making of assignments in suburban communities (such as Redondo Beach, Calif., and Blue Island, Ill.) at 400 kc from existing metropolitan Class B stations, which causes these stations interference. Permitting expanded Class A facilities will permit such stations to cover their cities and surrounding areas satisfactorily. Concentrating Class B assignments in one segment, free from Class A "drop-ins" will enable Class B channels to eliminate 200 kc separations between cities in adjacent metropolitan areas, it is urged that this will eliminate "no man's lands" between these cities which now can receive neither service. It is urged that 17 channels is sufficient for educational and other "Class N" noncommercial stations, and will permit up to 17 Class B assignments, and 8 suburban Class A stations, in each city area without any interference. In support of the Area 1 Class B power increase, it is asserted that this will permit many thousands of people to receive adequate FM service for the first time. It is also urged that minima should be required for Class B stations, so that all may render proper service.

60. The above proposal appears to present numerous substantial problems. Nevertheless, as part of our overall investigation into this matter, comments thereon are invited.

62. There are two other petitions which seek smaller changes in the FM rules. That of Charles River Broadcasting Company (RM–159) would delete entirely present § 3.202, and amend § 3.204(a), so as to eliminate all reference to Areas, thereby putting Area 1 on the same basis as Area 2. The purpose of this change would be to permit Area 1 Class B stations to operate without any maximum limitation as to height and power, as Area 2 Class B stations may now be assigned. The petition of Joseph D. Worth (RM–33) asks that a flat ceiling of 75 kw ERP be imposed on all Class B stations in Area 2.

63. As to the Charles River petition, we do not contemplate any assignment changes which would eliminate entirely the restriction on maximum facilities in the present Area 1. Comments along this line can, of course, be submitted in response to our own proposals and questions herein, and as such will be considered. The petition itself will be denied. The Worth petition appears to have more possible merit, but since comments making this suggestion may be filed and will be considered under our own proposals and questions, there is no reason for separate consideration of this one individual change. Therefore, this petition, also, will be denied.

VI *Other assignment matters on which rules may be adopted.* 64. If an over-all allocation plan such as that described above and in Appendix A is not adopted, or possibly in addition to such plan, other changes in the FM rules may be appropriate and may be adopted herein. Comments are therefore invited upon the following subjects:

(a) *Abolition of Areas, or creation of more than two Areas, or re-definition of Area 1.* There is a question whether, in view of the rapid current growth of the FM service in many parts of the country, any purpose is served by having two Areas with different standards of assignment. This is particularly true with respect to heavily populated portions of the Northeast adjacent to Area 1 (e.g., the Chicago area), and also areas further removed, such as portions of California. Parties are invited to comment on what changes should be made in this respect, such as abolition of areas, creation of more than two areas, or redefinition of Area 1. These comments should, of course, include consideration of what assignment standards should be adopted for the different areas.

(b) *If an over-all assignment plan is not adopted, what changes should be made in the rules pertaining to existing and/or new facilities*—e.g., a general or "across the board" increase of the maximum permitted for Class A or Class B stations in Area 1; whether a fixed maximum should be established for Area 2 and if so, what; and whether there should be an absolute ceiling on E.R.P. regardless of height, and if so, what.

(c) *Replacement of the term "metropolitan district" by "urbanized area" in the rules.* The Rules presently refer to "metropolitan district" in several places. This is a concept which is no longer employed by the U.S. Census Bureau, which instead now uses the concepts of "urbanized area" (built-up areas in and around principal cities), and "standard metropolitan statistical area", which is based on entire counties. If the rules continue to embody such a concept as this, it appears that it should be one of those now curently in use, likely "urbanized area". Comments on which of these concepts should be included in the Rules is invited.

VII. *Other subjects relating to assignments on which comments are requested.* 65. General subjects as to which comments are requested, particularly from parties having specific data on the subjects involved, in addition to two matters (general efficiency, and possible prohibition of further assignments in crowded cities) are as follows:

(a) *Polarization.* The FM Rules (§ 3.316(a)), provide that horizontal polarization shall be standard, but that circular or elliptical polarization may also be employed, in which case the supplemental vertical polarization involved shall not exceed the ERP authorized. The question has been raised as to whether vertical polarization, as an alternative basis, would not be more effective, especially with respect to vertical whip antennas commonly used on automobiles, in which case the development of the use of FM auto radios might be stimulated. Studies on this subject are now in progress. Comments are requested, especially from those having specific data, as to the desirability of vertical polarization as a standard method of operation, from the standpoint mentioned as well as otherwise.

(b) *Directionalization.* Our Rules do not contain specific provision for directional operation by FM stations, but likewise they do not prohibit such installations. A few stations—roughly a dozen—operate on this basis. Recently, there have been developed antennas which, while technically "non-directional" and employing only one element, radiate substantially more power in some directions than in others. Directional antennas, or "non-directional" antennas radiating more power in some directions than in others, might be on occasion useful as a device in assignment of stations (as in AM); on the other hand, they might also present serious problems in connection with the use of a table of minimum separations such as that proposed herein. Comments are requested upon this subject, particularly:

(1) What requirements for directional antennas or other antennas radiating more power in one direction in FM should be adopted?

(2) Under what circumstances, and for what purposes, should such antennas be permitted (e.g., only to improve service by not wasting a signal over water, etc., or also as an assignment device)? Under what circumstances should they be prohibited?

(3) What form of assignment plan can be adopted to take into account the use of such antennas?

(4) What degree of suppression is feasible with respect to such antennas in the FM service?

(c) *Receiver performance, and what levels of FM signal provide usable service under various conditions.* There are several questions connected with FM receivers and their selectivity and sensitivity, and, in view of the performance thereof, what signal strength is necessary to provide usable service and what interference ratios are appropriate. Comments, especially from those having pertinent data, are requested on this general subject, particularly with respect to the following issues:

(1) What types of receiving antennas (outside, inside, line-cord, etc.) are in use, and, if inside or line-cord antennas are used, how does this affect the standard set forth in the Rules that in rural areas 50 uv/m constitutes a usable FM signal (this standard having been based originally on outside 30 foot antennas)?

(2) What are the levels of signal intensity required, with present FM receiving installations, to render usable service in the absence of interference, in rural areas and in large built-up cities (taking into account the fact that rural areas in recent years have become increasingly electrified so that electrical interference may prevail more than formerly, and the tall buildings and steel construction prevalent in large cities)?

(3) What are the characteristics of FM sets now in use and being manufactured—especially low-cost sets—and how do these affect performance, especially in relation to interference ratios presently prescribed?

VIII. *Questions not relating to FM assignments or allocations*—66. *Duplication of AM programming.* In an effort to speed the development of the FM service by permitting economical FM operation, the Commission has up to now permitted FM stations to duplicate—without limitation—the programming of AM stations, usually AM stations under common ownership. Many, perhaps a substantial majority, of FM stations operate on this basis today. Probably this has contributed to the growth of the medium for the reasons intended, and also it permits AM stations to reach an additional FM audience with a service often of higher quality technically, but at the same time a question exists as to whether duplication, or at least unlimited and total duplication, is an appropriate use of FM facilities or amounts to waste of a valuable frequency band. Comments are invited as to whether complete or partial duplication should be permitted for any FM station and, if only partial duplication should be permitted, what maximum percentage of program time should be permitted for this kind of operation.

67. *Other changes in the FM rules.* We further seek comments as to what other changes in the FM rules, such as those relating to frequency or modulation monitors, or grades of operators, should be made.

IX. *Summary and conclusions.* 68. For reasons stated above, a searching and comprehensive review of the status and potential of the FM band is now required. We have reached certain tentative conclusions as to how assignments of new FM stations should be made—on the basis of an overall plan, and on the basis of strict "go-no-go" standards without elaborate case-to-case consideration of service and interference. (See Section III above.) On this basis, we have formulated a specific proposal, set forth in Section IV above and Appendix A, upon which comments are invited. This plan, or portions thereof or variations thereof, may be adopted in this proceeding, without further rule making unless appropriate. Other specific questions concern how existing facilities should be treated if a plan such as that contemplated by Appendix A is adopted, the concepts involved in Appendix A, and also other subjects as to which rules may be adopted herein, whether or not an overall plan such as that set forth in Appendix A is adopted. With regard to the overall proposal advanced by a petitioner (FM Unlimited), it appears to present a number of serious problems; in view of our overall investigation it is advanced for consideration. As to these subjects (pars. 6 to 64) rules may be adopted herein without further rule making proceedings. In addition, general subjects upon which comments, and, particularly, specific data, are requested are set forth. Except insofar as these subjects (par. 65) are also involved in matters set forth in earlier paragraphs, rules will not be adopted herein on these subjects; however, any determination as to matters covered in earlier paragraphs will, of course, take the comments on these subjects into account. Certain non-allocation questions on which comments are invited are also set forth; rules will not be adopted on these subjects without further rule making (see pars. 66 to 67).

69. It is not expected, or desired, that the comments filed herein will include a point-by-point response to all of the questions set forth herein, especially since many of the subjects involved are highly interrelated. Rather, parties commenting are requested to pick a form of organization which will set forth their basic concepts and proceed from there. For example, data and comments as to receiver characteristics might be presented first, followed by other comments and data as to signal ratios and signal intensity, followed, in turn, by what the party concludes should be the proper standards and principles of station assignments on the basis of the material previously set forth. It would be well if comments on the matter of adoption of strict "go-no-go" standards, from a legal and public interest standpoint, were set forth at a separate point. The same might well apply to the principle of maximum separations proposed at para. 25 above, and to whatever comments the party has on educational assignments.

70. In view of the foregoing: *It is ordered,* This 28th day of June 1961, that:

(1) Notice of rule making is hereby given with respect to the proposals, matters and issues set forth in paragraphs 2 through 64 and in Appendix A;

(2) Notice of Inquiry is given with respect to the matters set forth in paragraphs 65 through 67:

(3) the Petition for Rule Making filed by FM Unlimited, Inc. (RM-94) is granted, to the extent stated herein, and in other respects is denied; and

(4) the Petitions for Rule Making filed by Joseph D. Worth and Charles River Broadcasting Company are denied.

73. Authority for the adoption of rules on the subjects specified in Appendix A hereto is contained in sections 4(i), 303 (a), (b), (f), (h), (r), and 307(b) of the Communications Act of 1934, as amended. Authority for the inquiry into the subjects specified in paragraphs 65 through 67 hereto is contained in section 403 of said Act.

74. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before September 5, 1961, and reply comments on or before October 5, 1961. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

75. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX A

OUTLINE OF SUBSTANCE OF PROPOSED RULES RELATING TO FM STATION ASSIGNMENTS, AND ALTERNATIVE PROPOSALS (WHICH MAY BE ADOPTED WHOLLY, EXCEPT FOR LISTED ALTERNATIVES, OR IN PART, OR VARIATIONS OF WHICH MAY BE ADOPTED)

1. *Over-all assignment plan (with certain alternatives specified below).* The Commission proposes the following over-all allocation plan, with alternatives as specified:

Classes and facilities of stations. (a) with respect to new FM station assignments, there will be five classes of stations, three commercial and two noncommercial educational, operating on channels designated for each class, with maximum facilities (effective radiated power and antenna height above average terrain), or equivalent, and minimum facilities or equivalent, as follows:

Class	Maximum facilities—ERP and ht.a.a.t. (or equivalent)	Minimum facilities—ERP and ht.a.a.t. (or equivalent)
Class A (low power commercial)	1 kw ERP, 250 ft.a.a.t.[1]	100 watts ERP, 100 ft.a.a.t.
Class B (intermediate power commercial).	20 kw ERP, 500 ft.a.a.t.	1 kw ERP, 250 ft.a.a.t.
Class C (high power commercial)	100 kw ERP, 2,000 ft.a.a.t.	20 kw ERP, 500 ft.a.a.t.
Class D (low power educational)	10 watts (transmitter output power)	None.
Class E (higher power educational)	Same as for maximum commercial station at same location (i.e., Class B or Class C, depending on plan set forth below).	None.

The maximum ERP stated will be the maximum regardless of height.
[1] Above average terrain.

(b) *Minimum separation between stations—protected service areas.* No new assignments will be authorized at less than specified distances from co-channel and adjacent-channel stations (up to 600 kc removed). These separations are designed to prevent, in general, objectionable interference within a certain distance of the existing station, thus providing that station a particular interference-free service radius and service area. The service radius so protected will vary with the class of station, and will be less for second and third adjacent-channel interference (which does not result in any overall loss of service) than for co-channel and first adjacent-channel interference.[1] The minimum separations will also serve to prevent objectionable overlap of signal strength contours aside from interference.

With respect to co-channel and first adjacent-channel interference, the separations specified represent "protection" to Class A stations to the 140 uv/m contour (43 dbu), Class B to the 178 uv/m contour (45 dbu) and to Class C stations to the 84 uv/m contour (38.5 dbu). All separations are based on the assumption that both existing and proposed stations operate with maximum facilities.

Class	Maximum facilities permitted (or equivalent)	Protected service area radius (miles)	Minimum co-channel spacing (miles)
Class A (low power)	1 kw ERP, 250 ft. a.a.t.[1]	25	115
Class B (intermediate power)	20 kw ERP, 500 ft. a.a.t.	50	190
Class C (high power)	100 kw ERP, 2,000 ft. a.a.t.	100	300
Class D (low power educational)	10 watts (transmitter power) 100 ft. a.a.t.	6	25
Class E (high power educational)	Same as for maximum commercial station at the same location (i.e., if Plan 1 is adopted, same everywhere as Class C station; if Plan 2 is adopted, same as Class B station if in Area 1, or same as Class C station if in Area 2).		

[1] Above average terrain.

With respect to second and third adjacent-channel assignments (where the protected service radius is less than for co-channel and first adjacent-channel interference), the minimum separation to be adopted is a double requirement: the new station must be at least the specified distance from the transmitter location of the existing station, and from the nearest point on the existing station's city of assignment. This is to provide stations with interference-free coverage of their cities of assignment.

(c) In order to secure a reasonable efficiency in the assignment of FM channels an applicant shall endeavor to select a channel on which other assignments are not more than 25 miles above the minimum co-channel separations specified in the rules or whole multiples of such separations. In the event this is not possible, the channel providing the next best efficiency should be selected. If the nearest co-channel assignment is over 600 miles distant this requirement need not apply. In no case will assignments be made at less than minimum separations specified.

(d) *Requirements for principal city coverage and avoidance of overlap of commonly owned facilities.* In order to insure adequate coverage of the city to which a new station is assigned, the station's transmitter site shall be no further from the furthest point on that city's boundary than the distance specified in a Table to be adopted for this purpose, with provision for the maximum such distance for the various heights and powers of stations. This Table will be based on the provision of coverage of at least 3 mv/m.

No stations under common ownership will be authorized at distances less than those shown on a Table to be adopted for this purpose, which will provide minimum separations for stations of the various heights and powers. This Table will be based on overlap of 2 mv/m contours.

(e) *Equivalence.* For determining maximum ERP allowed when the antenna height above average terrain is greater than that specified for maximum facilities, a Table adopted for that purpose, giving permissible ERP for the various antenna heights, will be used. *This Table will be based on the location of the station's co-channel interference*

[1] We do not propose to include in the rules themselves any propagation curves or figures for interference ratios or protected service radii. However, our proposal here is, as the Report and Order will set forth if the proposal is adopted, that: (1) the curves used as a basis for the separations are, for estimation of service, the F(50,50) curve for Channels 2-6 and for the estimation of interference, the F(50,10) curve proposed for the same channels in Docket 13340; (2) the interference ratios used are those presently contained in § 3.313(b) co-channel, 10 to one (20 db); first adjacent channel, two to one (6 db); second adjacent channel, one to 10 (−20 db); third adjacent channel, one to 100 (−40 db); and (3) the service radii protected against objectionable interference, for the various classes of stations, are as follows:

Class	Against cochannel and first adjacent channel (200 kc removed)	Against second and third adjacent channel (400 and 600 kc removed)
	Miles	*Miles*
Class A	25	10.
Class B	50	25.
Class C	100	35.
Class D	6	6.
Class E	Same as maximum commercial station at same location (Class B or C).	Same as maximum commercial station at same location (Class B or C).

contour. For determining minimum ERP allowed when the antenna height a.a.t. is less than that specified for minimum facilities, a similar Table will be used. This Table will be based on the station's protected service radius. Both Tables will be based on the same propagation curves used for separations.

(f) *Assignment of noncommercial educational stations to channels.* Noncommercial educational stations of both classes (Class D and Class E) will be assigned to Channels 201 to 220, except in Alaska, where these channels are not available for broadcast use and where, therefore, these classes of stations may be assigned to any available FM channels.

(g) *Assignment of Class A stations to channels.* 20 channels will be reserved (as far as new assignments are concerned) for Class A stations. These 20 channels will be designated on one of two bases, in the alternative:

(1) The 20 channels previously reserved for Class A use (20 channels interspersed through the FM band from channel 221 to channel 296), or;

(2) 20 channels contiguous in the FM band, except in Alaska and Hawaii, where (because part of the FM band is not available for broadcast use) 10 channels would be so reserved.

(h) *Assignment of Class B and Class C stations to channels.* Class B and Class C stations will be assigned to channels reserved therefore, in accordance with one or the other of the following two plans, in the alternative:

Plan I. 20 channels will be reserved in the Continental United States except Alaska, and 10 channels in Alaska and 10 in Hawaii, for use by high-power Class C stations. These channels will be either contiguous in the band, or contiguous except for Interspersed Class A channels, depending on the alternative adopted under (f) above. 40 channels will be reserved for Class B stations. Under this plan, there will be no division of the country into Areas.

Plan II. Area 1 will include most of the northeastern United States and will be defined on the basis of entire states, including the three southern New England states, New York, Pennsylvania, Delaware, the District of Columbia, New Jersey, Ohio, Indiana, and Illinois. In that Area, the 60 channels not reserved for educational or Class A use will be used by Class B stations, operating with facilities described above. The rest of the United States will be in Area 2. In this area, there will be no new Class B assignments, but Class C stations will be assigned (there will be no Class C assignment in Area 1).

(i) *Relationship of existing facilities to new classification of channels.* To the extent there is any reclassification of channels as a result of the plans discussed in (f) and (g) above, stations authorized at the time of adoption of these rules on channels so reclassified will be subject to the following provisions:

(1) In the case of channels reclassified for use by a higher class of station (A to B, A to C, or B to C), existing stations will be protected under the Table of Separations as stations of the new class provided they operate with at least the minimum facilities provided for that class. If not so operating, they will nevertheless be so protected if within six months the minimum, and as long thereafter as their applications are under consideration (such applications by existing stations). If they do not so apply, or their applications cannot be granted, they will thereafter be protected, under a Table of Minimum Separations, only as stations of the class corresponding to their actual facilities. For this limited purpose, a Table of Minimum Separations will be adopted for minimum separation between co-channel stations of different classes.[1]

(2) All former Class B stations operating in former Area 2 with facilities greater than the normal maximum for Class B, which are by definition new Class C stations, will be protected under Table of Assignment as Class C stations, regardless of the new class or their channel.

(3) If channels are reclassified for use by a lower class of station (B to A), existing stations will be protected, under a Table of Separations to be adopted for this limited purpose, as stations of their earlier higher class, provided they operate with the minimum facilities for this class or apply therefore within six months.[1]

(j) *Applications by existing stations for changed facilities.* The following principles will apply to applications by existing stations for changes in facilities:

(1) Applications for a change in channel will be treated like applications for a new station.

(2) Applications for increase in height and power on the same channel will not be subject to the requirement concerning maximum separations.

(3) Where a station operates with antenna height greater than that permitted for maximum facilities, it may increase power to the level permitted by the new Table of Equivalence (based on location of the interference contour).

(k) *Fixed standards.* The foregoing principles are fixed standards, like minimum mileage separations in television.

[F.R. Doc. 61-6434; Filed, July 7, 1961; 8:49 a.m.]

[1] Although the rules would not necessarily so state, the Tables of Separations relating to existing facilities will be based on the same propagation curves, interference ratios, and "protected" service radii as the Table above.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3–0]

TETRACYCLINE TABLETS AND CAPSULES FROM ITALY

Notice That There Is Reason To Believe or Suspect Purchase Price Is Less or Likely To Be Less Than Foreign Market Value

JULY 3, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price of tetracycline tablets and capsules imported from Italy is less or likely to be less than the foreign market value, as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being authorized to withhold appraisement of entries of tetracycline tablets and capsules from Italy pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61–6416; Filed, July 7, 1961; 8:47 a.m.]

[T.D. 55414]

SCHLUMBERGER WELL SURVEYING CORP.

Qualification as Citizen of United States

JUNE 30, 1961.

This is to give notice that pursuant to § 3.21, Customs Regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883–1), the Schlumberger Well Surveying Corporation of Post Office Box 2175, Houston, Texas, incorporated under the laws of the State of Texas, did on May 23, 1961, file with the Commissioner of Customs in duplicate an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commissioner of Customs having found this oath to be in compliance with the law and regulations, on May 23, 1961, issued to the Schlumberger Well Surveying Corporation a certificate of compliance on customs Form 1262 as provided in § 3.21(i) of the regulations. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 61–6417; Filed, July 7, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Redelegation of Authority by State Director to Principal Staff Officers

JUNE 28, 1961.

In accordance with authority contained in the Bureau of Land Management Order 541 of April 21, 1954, Part II, section 2.1(a)(1), the following employees are authorized to take action for and in behalf of the State Director in matters listed in sections 2.2 through 2.9 of Part II where those matters are clearly within the particular staff member's functional responsibility:

Range and Forestry Staff Officer.
Lands and Minerals Staff Officer.
Administrative Staff Officer.
Engineering Staff Officer.

To become effective upon publication. Authority delegated may not be redelegated.

NEAL D. NELSON,
State Director.

[F.R. Doc. 61–6411; Filed, July 7, 1961; 8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 29, 1961.

The Department of the Air Force has filed an application Serial Number NM 061544 for the withdrawal of the lands described below, from all forms of appropriation, including the general mining, but not the mineral leasing laws. The applicant desires the land for an Air Force technical applications center for a classified operational facility.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 25 E.,
Sec. 24: E½E½SW¼SE¼, SE¼SE¼.
T. 10 S., R. 26 E.,
Sec. 18: E½SE¼SE¼SW¼, S½SW¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 19: SW¼NE¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, N½SW¼NE¼, N½S½SW¼NE¼, SW¼SW¼SW¼NE¼, NW¼SE¼NE¼, NW¼NE¼SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, S½SE¼NW¼, SE¼SE¼SW¼NW¼, NE¼NE¼NE¼SW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼, NE¼SW¼NE¼SW¼, W½SW¼NE¼SW¼, NE¼NE¼NW¼SW¼, S½NE¼NW¼SW¼, NE¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, SE¼NW¼SW¼, NE¼NE¼SW¼SW¼, W½NE¼SW¼SW¼, W½SW¼SW¼;
Sec. 30: NW¼NW¼NW¼NW¼.

The area described aggregates 325 acres more or less.

CHESLEY P. SEELEY,
State Director.

[F.R. Doc. 61–6379; Filed, July 7, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

GENERAL ORDER 51 AND POLICY ORDER 3

Rescission

General Order 51 and Policy Order 3 were issued by the Civil Aeronautics Administration effective October 30, 1952 and July 1, 1956, respectively. They established agency policy concerning testimony by employees in legal proceedings and the release of information by employees. These orders were continued in effect as to the Federal Aviation Agency by operation of section 1501(a) of the Federal Aviation Act of 1958.

In a simultaneous action the pertinent provisions of these orders are being incorporated into Part 415, Regulations of the Administrator (14 CFR Part 415) so that the orders are no longer necessary and are being rescinded.[1]

Inasmuch as this action involves only matters of Agency management, procedure and practice, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, the following orders issued by the Civil Aeronautics Administration are hereby rescinded effective upon publication in the FEDERAL REGISTER:

1. General Order 51, effective October 30, 1952.
2. Policy Order 3, effective July 1, 1956.

(Sec. 303(d), 313(a), 72 Stat. 747, 752; 49 U.S.C. 1344, 1354)

Issued in Washington, D.C., on July 3, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–6412; Filed, July 7, 1961; 8:46 a.m.]

[Agency Order 18]

DEPUTY ADMINISTRATOR

Delegation of Authority

1. *Purpose.* This Order prescribes the duties of The Deputy Administrator of the Federal Aviation Agency and delegates authority necessary to the execution of such duties.

2. *Duties.* The Deputy Administrator is the general manager of the Agency. He serves as Acting Administrator in the absence or disability of the Administrator and as general manager plans, directs, coordinates and insures the adequacy of performance by the following elements of the Agency:

a. Air Traffic Service.
b. Aviation Facilities Service.
c. Flight Standards Service.
d. Aviation Medical Service, except that medical research shall be coordinated with the Deputy Administrator for Plans and Development.
e. International Aviation Service.
f. Bureau of National Capital Airports.
g. Regions.

3. *Authority.* With respect to all matters within his purview, and in accordance with such policies, standards, conditions, and limitations as may be prescribed by the Administrator, The Deputy Administrator is authorized to represent and to exercise the authority of the Administrator, except authority:

a. To take actions for which authority is by law, regulation, or order reserved to the Administrator.

b. To promulgate rules, regulations, orders, and exemptions, other than those which the Directors of the Services, the Director, Bureau of National Capital Airports, or the Assistant Administrators have been authorized to issue.

c. To submit reports to the President or to the Congress.

d. To make determinations pursuant to Section 308 or Section 312 of the Federal Aviation Act.

4. *Redelegation.* The Deputy Administrator may redelegate any authority conferred upon him by this Order to any employee of the Agency. Any redelegation heretofore made to personnel of the elements of the Agency listed in paragraph 2, and in effect as of the date of this Order, shall remain in effect until revoked by The Deputy Administrator. Any redelegation hereafter made shall be in writing, and a copy shall be filed in the Office of Management Services.

5. *Effective date.* This Order is effective July 1, 1961, superseding Agency Bulletin 59–15 and the provisions of any other directive not consistent herewith.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–6413; Filed, July 7, 1961; 8:46 a.m.]

[Agency Order 19]

DEPUTY ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

1. *Purpose.* This Order provides for a Deputy Administrator for Administration, prescribes the duties of the position, and delegates authority necessary to the execution of such duties.

2. *Duties.* There is hereby established the position of Deputy Administrator for Administration, the duties of which are to plan, direct, coordinate, and insure the adequacy of the administrative management programs of the Agency, including the immediate direction of:

a. The Office of Management Services.
b. The Office of Budget.
c. The Office of Personnel and Training.

3. *Authority.* With respect to all matters affecting the administrative management programs of the Agency and in accordance with such policies, standards, conditions, and limitations as may be prescribed by the Administrator, the Deputy Administrator for Administration is authorized to represent and to exercise the authority of the Administrator, except authority:

a. To take action, authority for which is by law, regulation, or order reserved to the Administrator or the Deputy Administrator.

b. To submit reports to the President or to the Congress.

4. *Redelegation of authority.* The Deputy Administrator for Administration may redelegate any authority conferred upon him by this Order to any employee of the Agency. Any redelegation heretofore made by the Assistant Administrator for Management Services or by the Assistant Administrator for Personnel and Training, and in effect as of the date of this Order, is hereby affirmed as constructively constituting a redelegation by the Deputy Administrator for Administration and shall remain in effect until revoked by him. Any redelegation hereafter made shall be in writing, and a copy shall be filed in the Office of Management Services.

5. *Organizational changes.* a. The positions of Assistant Administrator for Management Services and Assistant Administrator for Personnel and Training are abolished.

b. The Office of Management Services, except as provided below, is continued, and the position of Director of Management Services is established.

c. The Office of Personnel and Training is continued, and the position of Director of Personnel and Training is established.

d. The Budget Division of the Office of Management Services is abolished and reconstituted as the Office of Budget. The position of Director of Budget is established.

e. The Compliance and Inspection Division of the Office of Management Services is abolished and reconstituted as the Compliance and Inspection Staff of the Deputy Administrator for Administration, but the Compliance and Inspection Officer shall continue to report directly to the Administrator.

6. *Effective date.* This Order is effective July 1, 1961, superseding Agency Order 63, Agency Bulletin 59–4, and the provisions of any other directive not consistent herewith.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–6414; Filed, July 7, 1961; 8:47 a.m.]

[Agency Order 20]

DEPUTY ADMINISTRATOR FOR PLANS AND DEVELOPMENT

Delegation of Authority

1. *Purpose.* This Order provides for a Deputy Administrator for Plans and Development, prescribes the duties of the position, and delegates authority necessary to the execution of such duties.

2. *Duties.* There is hereby established the position of Deputy Administrator for Plans and Development, the duties of which are to plan, direct, coordinate, and insure the adequacy of Agency long-range planning, research, and development, including coordination of medical research programs of the Aviation Medical Service and immediate direction of:

a. The Office of Plans.
b. The Aviation Research and Development Service.

3. *Authority.* With respect to all matters affecting Plans and Development, and in accordance with such policies, standards, conditions, and limitations as may be prescribed by the Administrator, the Deputy Administrator for Plans and Development is authorized to represent and to exercise the authority of the Administrator, except authority:

a. To take actions authority for which is by law, regulation, or order reserved

[1] See F.R. Doc. 61–6397 in Rules and Regulations section, *supra*.

to the Administrator or The Deputy Administrator.

b. To submit reports to the President or to the Congress.

c. To make determinations pursuant to sections 308 and 312 of the Federal Aviation Act.

4. *Redelegation of authority.* The Deputy Administrator for Plans and Development may redelegate any authority conferred upon him by this Order to any employee of the Agency. Any redelegation heretofore made by the Director, Bureau of Research and Development, or by the Assistant Administrator for Plans, and in effect as of the date of this Order, is hereby affirmed as constructively constituting a redelegation of the Deputy Administrator for Plans and Development and shall remain in effect until revoked by him. Any redelegation hereafter made shall be in writing and a copy shall be filed in the Office of Management Services.

5. *Organizational changes.* a. The position of Assistant Administrator for Plans is abolished, and

b. The Office of Plans is continued and the position of Director of Plans is established.

6. *Effective date.* This Order is effective July 1, 1961, amending Agency Orders 9 and 14, and provisions of any other directive not consistent herewith.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-6415; Filed, July 7, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14129; FCC 61M-1156]

AUDIO HOUSE, INC. (KRPM)

Order Continuing Hearing

In re application of The Audio House, Inc. (KRPM), San Jose, California, Docket No. 14129, File No. BPH-3256; for construction permit.

The Hearing Examiner having under consideration a request filed June 30, 1961, on behalf of The Audio House, Inc., for continuance of the prehearing conference and hearing, now scheduled for July 12, 1961 and July 27, 1961, respectively, to September 18, 1961 and September 29, 1961, respectively;

It appearing that counsel for all other parties to the proceeding have consented to the requested extension, that good cause has been shown for a grant of the request, and that a grant thereof will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 3d day of July 1961, that the request for continuance is granted, and that the prehearing conference now scheduled for July 12, 1961, and the hearing now scheduled to be commenced on July 27, 1961, are continued to 9:00 a.m., September 18, 1961, and 10:00 a.m., September 29, 1961, respectively.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6421; Filed, July 7, 1961; 8:48 a.m.]

[Docket Nos. 14181, 14182; FCC 61-830]

ELBERT H. DEAN ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Elbert H. Dean & B. L. Golden, Lemoore, California, requests 1240 kc, 250 w, U, Docket No. 14181, File No. BP-12811; Glomor Music Broadcasters, Inc. (KHOT), Madera, California, has 1250 kc, 500 w, DA, Day, requests 1250 kc, 1 kw, Day, Docket No. 14182, File No. BP-14294; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that the Commission, in a prehearing letter dated November 23, 1960, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing on the particular issues hereinafter specified; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Elbert H. Dean and B. L. Golden and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KHOT and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

4. To determine whether interference received from existing Class IV stations with 250 watts and the proposed operation of KHOT would affect more than 10 percent of the population within the normally protected primary service area of the instant proposal of Elbert H. Dean and B. L. Golden, in contravention of § 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, in the event of a grant of either of the instant applications, the construction permit will contain the condition that no license will be issued until Station KRDU, Dinuba, California, is licensed on a frequency other than 1240 kilocycles.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person, or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6422; Filed, July 7, 1961; 8:48 a.m.]

[Docket No. 14123; FCC 61M-1140]

HAZLEHURST RADIO

Order Advancing Date of Hearing

In re application of William E. Sides, tr/as Hazlehurst Radio, Hazlehurst, Georgia, Docket No. 14123, File No. BP-13696; for construction permit.

On the Examiner's own motion and with the consent of the parties: *It is ordered,* This 30th day of June 1961, that the hearing in the above-entitled matter presently scheduled for July 26, 1961, be, and the same is, hereby advanced to July 10, 1961 at 9:30 a.m.

Released: July 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6423; Filed, July 7, 1961; 8:48 a.m.]

[Docket No. 14076 etc.; FCC 61M-1149]

KENT-RAVENNA BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP-13749, et al., Docket Nos. 14077, 14078, 14079, 14080, 14081, 14082, 14083, 14084, 14085, 14087, 14088; for construction permits.

The Hearing Examiner having under consideration "Comment by Broadcast Bureau on 'Petition to Sever,'" filed June 29, 1961, in the above-entitled proceeding;

It is ordered, This 3d day of July 1961, that a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, is scheduled herein for July 18, 1961, at 10:00 a.m.[1]

Released: July 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6424; Filed, July 7, 1961; 8:48 a.m.]

[1] Hearing on Group II, which is presently scheduled for July 16, 1961, at 10:00 a.m., will follow immediately after the prehearing conference.

[Docket Nos. 13980, 13981; FCC 61M-1137]

AUBREY H. ISON ET AL.

Order Continuing Hearing

In re applications of Aubrey H. Ison, James A. McCulla, and Paul C. Masterson, Lompoc, California, Docket No. 13980, File No. BP-13445; Stanley R. Bookstein, Lompoc, California, Docket No. 13981, File No. BP-14420; for construction permits.

The Hearing Examiner having under consideration the desirability for a continuance;

It appearing that the hearing is scheduled to commence on June 30 but that a prior understanding had been reached among the counsel and the Hearing Examiner to have an indefinite continuance in the event a joint pleading was filed by the applicants seeking a dismissal of one and that such pleading has now been filed;

It is ordered, This 29th day of June 1961, that the hearing scheduled for June 30, 1961, is continued indefinitely.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6425; Filed, July 7, 1961; 8:48 a.m.]

[Docket Nos. 14173, 14174; FCC 61M-1157]

LAKE ZURICH BROADCASTING CO. AND KENOSHA BROADCASTING, INC.

Order Rescheduling Prehearing Conference

In re applications of Lake Zurich Broadcasting Company, Kenosha, Wisconsin, Docket No. 14173, File No. BPH-3203; Kenosha Broadcasting, Inc., Kenosha, Wisconsin, Docket No. 14174, File No. BPH-3367; for construction permits.

It is ordered, This 5th day of July 1961, that prehearing conference in the above-entitled proceeding which is presently scheduled to convene at 9:00 a.m., Monday, July 31, 1961, is hereby rescheduled, on the Hearing Examiner's own motion, to convene instead on Friday, July 28, 1961 at 9:00 a.m.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6426; Filed, July 7, 1961; 8:48 a.m.]

[Docket Nos. 14135-14137; FCC 61M-1147]

MARSHALL C. AND SARAH C. PARKER ET AL.

Statement and Order Following Prehearing Conference

In re applications of Marshall C. Parker, Sarah C. Parker, Beth C. Curlee and Thomas H. Carter, Sr., d/b as Marshall C. and Sarah C. Parker, Tupelo, Mississippi, Docket No. 14135, File No. BP-13669; Frank K. Spain, tr/as WTWV Radio, Tupelo, Mississippi, Docket No. 14136, File No. BP-14621; Lee H. Thompson, tr/as Pontotoc Broadcasting Company, Pontotoc, Mississippi, Docket No. 14137, File No. BP-14624; for construction permits.

1. The first prehearing conference was held herein on June 30, 1961. All applicants were represented by counsel except Marshall C. Parker, Sarah C. Parker, Beth C. Curlee, and Thomas H. Carter, Sr., d/b as Marshall C. and Sarah C. Parker, which applicant was held to be in default.

2. Agreements were reached among the participating parties and were stated on the record, as reflected in the transcript which is incorporated herein by reference.

It is ordered, This 30th day of June 1961, that these agreements shall govern the course of the proceeding unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling, and that the hearing herein, previously scheduled for July 25, 1961, is continued to September 18, 1961, at 10:00 a.m.

Released: July 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6427; Filed, July 7, 1961; 8:48 a.m.]

[Docket No. 14134; FCC 61M-1142]

TORRINGTON BROADCASTING CO., INC. (WTOR)

Order Continuing Hearing

In re application of The Torrington Broadcasting Company, Incorporated (WTOR), Torrington, Connecticut, Docket No. 14134, File No. BP-13023; for construction permit.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on June 30, 1961, regarding date for hearing;

It is ordered, This 30th day of June 1961, that the hearing now scheduled for July 27, 1961 is continued to October 9, 1961, at 10:00 a.m.

Released: July 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6428; Filed, July 7, 1961; 8:48 a.m.]

[Docket No. 14183; FCC 61-831]

JOHN R. POWLEY

Order Designating Application for Hearing on Stated Issues

In re application of John R. Powley, Houston, Texas, req. 106.7 Mc, #294; 3.69 kw; 250 ft., Docket No. 14183, File No. BPH-3282; for construction permit.

At a session of the Federal Communications Commission held at its offices in

Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration the above-described and captioned application;

It further appearing that the applicant is technically qualified except as to issue 2 below but cannot be found to be financially qualified on the basis of the information on file; that, except as indicated by the other issues specified below, the applicant is legally and otherwise qualified; and

It further appearing that the Commission's letter of March 7, 1961, advised the applicant that the proposal to operate 56 hours per week with one engineer, one salesman, and four part-time announcers in addition to the applicant at an estimated cost of operation during the first year of $4,000 did not appear realistic and that a detailed showing in support of the estimate should be submitted; that the applicant's reply dated March 22, 1961, stated that the applicant personally would operate the station with one salesman on a commission basis with the operating cost reduced from $4,000 to $1,300 per year; but that substantial questions obtain as to whether the station can be operated as proposed and whether the applicant's estimated cost of operation, $1,300 per year, is realistic and, if not, whether the applicant has sufficient funds to construct and operate the proposed station; and

It further appearing that the applicant proposes to perform all the functions of an operating staff without assistance; that Commission's records do not indicate that the applicant is the holder of a radiotelephone first-class operator license and, therefore, it cannot be determined that the operation of the proposed station will be in compliance with § 3.265 of the Commission's rules, which requires that the licensee of an FM broadcast station shall have one or more operators holding a radiotelephone first-class operator license in regular full-time employment; and

It further appearing that the applicant proposes to make the facilities of the proposed station available to various religious groups, that an unspecified portion of the limited funds proposed for operating expenses will be used for "record additions"; that it is not clear what other sources of programming will be available; that paragraph 2(b) of Section IV of the application indicates that news programs will be broadcast but does not list news programs on the proposed program schedule and does not indicate that news material will be available from either wire services or from local news gathering facilities; that on the basis of the information on file the precise type of character of the program service proposes cannot be determined; and

It further appearing that after consideration of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant's staffing plans and estimated annual cost of operation for the proposed station are realistic, and, if not, whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine whether the operation of the proposed station will be in compliance with § 3.265 of the Commission rules.

3. To determine the type and character of the program service which will be broadcast and whether the program service would meet the needs of the city sought to be served.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issue, whether the instant application should be granted.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6429; Filed, July 7, 1961; 8:48 a.m.]

[Docket No. 14180; FCC 61-829]

REGIONAL RADIO SERVICE

Order Designating Application for Hearing on Stated Issues

In re application of John Coleman, William R. Brown and Donald R. Williams d/b as Regional Radio Service, Rantoul, Illinois, requests 1460 kc, 500 w, DA-D, Class III, Docket No. 14180, File No. BP-13670; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that the subject applicant is in all respects qualified to construct and operate its instant proposal, except as to matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the issues specified below:

1. By "Informal Objection" and accompanying engineering affadavit submitted May 16, 1961, the licensee of Station WMBD, Peoria, Illinois, has objected to a grant of the subject proposal. According to measurement data submitted by WMBD, the subject proposal would cause adjacent channel interference to WMBD affecting 12,535 persons within an area of 363 square miles.

2. It cannot be determined, on the basis of information submitted, whether the subject proposal would be in contravention of § 3.28(c)(3) of the Commission's rules.

It further appearing that William R. Brown is employed as chief engineer by Station WDWS, Champaign, Illinois, and Donald R. Williams is employed as an engineer at WDWS; that WDWS provides service to Rantoul and the proposed station will serve Champaign; that, by the terms of the partnership agreement, the partners herein have agreed to devote full time to the business of the partnership; that, therefore, in the event of a grant of the instant application, a condition will be included in the construction permit requiring the applicant to submit evidence that Messrs. Brown and Williams have severed their connections with WDWS; and

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of the subject proposal would cause objectionable interference to Station WMBD, Peoria, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing operations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Regional Radio Service in contravention of § 3.28(c)(3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Midwest Television, Inc., license of Station WMBD, Peoria, Illinois, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the instant application, program tests will not be authorized until the permittee has submitted evidence to prove that William R. Brown and Donald R. Williams have severed their connections with Station WDWS, Champaign, Illinois.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: July 5, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6430; Filed, July 7, 1961; 8:49 a.m.]

[Docket Nos. 14046, 14048; FCC 61M-1136]

TELEGRAPH HERALD (KDTH) AND CENTRAL WISCONSIN BROADCASTING, INC. (WCCN)

Order Continuing Hearing

In re applications of: Telegraph Herald (KDTH), Dubuque, Iowa, Docket No. 14046, File No. BP-13862; Central Wisconsin Broadcasting, Inc. (WCCN), Neillsville, Wisconsin, Docket No. 14048, File No. BP-14299; for construction permits.

The Hearing Examiner having under consideration his order continuing the hearing until 9:00 a.m., Monday, July 10, 1961, in the proceeding involving the applications of WGRY, Inc. (WGRY), Docket No. 14044 and Prairie Radio Corporation (WPRC), Docket No. 14047; the fact that he previously ordered the severance of the above-captioned applications (which had been consolidated originally with the applications of WGRY, Inc., and WPRC), but with the hearing on the above applications scheduled for the same date as the hearing on WGRY, Inc., and WPRC because the same counsel are involved; and the continued desirability of holding hearings in both proceedings on the same date;

It is ordered, On the Hearing Examiner's own motion, this 29th day of June 1961, that the hearing on the above-captioned applications presently scheduled to commence at 10:00 a.m., July 6, 1961, is hereby rescheduled to commence at 9:00 a.m., Monday, July 10, 1961, at the Commission's offices, Washington, D.C.;

It is ordered further, That the above applicants will be heard first, i.e., before commencement of the hearing on the applications of WGRY, Inc., and WPRC.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6431; Filed, July 7, 1961; 8:49 a.m.]

[Docket Nos. 14044, 14047; FCC 61M-1138]

WGRY, INC. (WGRY) AND PRAIRIE RADIO CORP. (WPRC)

Order Continuing Hearing

In re applications of WGRY, Inc. (WGRY), Gary Indiana, Docket No. 14044, File No. BP-13163; Prairie Radio Corporation (WPRC), Lincoln, Illinois, Docket No. 14047, File No. BP-14206; for construction permits.

The Hearing Examiner having under consideration a petition in the above-entitled proceeding filed June 28, 1961, by applicant Prairie Radio Corporation (WPRC) requesting that the hearing now scheduled to commence at 10:00 a.m., July 6, 1961[1] be rescheduled for July 10 or 11, preferably at 9:00 a.m.;

It appearing that good cause has been shown, the continuance having been requested in order to insure proper compliance by petitioner with the publication requirements of the Communications Act and 47 CFR 1.362; and that all parties have agreed informally with petitioner to grant of the relief requested and to waiver of the Commission's four-day rule;

It is ordered, This 29th day of June 1961, that petition of Prairie Radio Corporation (WPRC) for continuance of hearing is granted, and that the hearing now scheduled to commence at 10:00 a.m., July 6, 1961, at the Commission's offices, Washington, D.C., is hereby rescheduled to commence at 9:00 a.m., Monday, July 10, 1961, at the same place.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6432; Filed, July 7, 1961; 8:49 a.m.]

[1] See order issued simultaneously herewith re proceeding on the applications of Telegraph Herald (KDTH) and Central Wisconsin Broadcasting, Inc. (WCCN), Docket Nos. 14046 and 14048, respectively.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

IDAHO

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated June 24, 1961, reading in part as follows: "I hereby determine the damage in the various areas of the State of Idaho, adversely affected by floods beginning on or about May 14, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts."

I do hereby determine the following area in the State of Idaho to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 24, 1961:

The County of:
Boundary.

Dated: June 29, 1961.

LEWIS E. BERRY,
Acting Director.

[F.R. Doc. 61-6420; Filed, July 7, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-282]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application and Date of Hearing

JULY 3, 1961.

Take notice that on April 27, 1961, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), Phillipsburg, Kansas, filed an application, as supplemented on June 14, 1961, in Docket No. CP61-282, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessary seeking authorization to install a 4,200 horsepower turbine driven centrifugal compressor unit addition at its Deerfield, Kansas, compressor station in the Hugoton Field and to construct and operate approximately six miles of 6-inch pipeline replacing a 4-inch line of equal length between Big Springs, Nebraska, and Ovid, Colorado, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant states that the wellhead pressure in the Hugoton Field has declined to the point that the line pressure at the intake of the Deerfield compressor plant is around 220 psig.[1] At present the station has 6,000 horsepower installed including four 450 horsepower compressors that are 40 years old. The proposed installation of an additional

[1] Approximately 70 percent of Applicant's firm transmission peak requirements are supplied from the Hugoton Field.

4,200 horsepower unit is considerably more than is needed to provide the gas requirements for the 1961–62 peak day; however, Applicant states that it cannot place full reliance on the four 40 year old units, and, hence, desire standby units in the station. Furthermore, Applicant states that it is impossible to buy a small-size gas fired turbine driven centrifugal compressor and that the initial cost of the smallest units available is only slightly more than the cost of a conventional 2,500 horsepower gas engine driven reciprocating compressor.

Applicant recites that the proposed construction at Deerfield is not related to or dependent on the existence or non-existence of the sale or exchange of gas by and with Northern Natural Gas Company as proposed in Docket Nos. CP61–275 and CP61–273.

Applicant proposes to construct six miles of 6-inch pipeline replacing a 4-inch line extending from the Big Springs and Chappell gas fields and carrying gas to the towns of Chappell, Nebraska, and Ovid and Julesburg, Colorado. Applicant states that the pressure in the Big Springs and Chappell fields has declined to the point where the wells will not produce much gas against the peak operating pressure of 450–475 psig required on this part of the system with the existing 4-inch line. The application indicates that the proposed 6-inch line will reduce the operating pressure of the lateral line so that more gas can be delivered from the wells in the Big Springs and Chappell fields.

The total estimated cost of the construction and replacement is $591,000, which cost will be defrayed from cash working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 2, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 24, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–6402; Filed, July 7, 1961; 8:45 a.m.]

[Docket Nos. RI61–554—RI61–559]

J. M. HUBER CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 3, 1961.

J. M. Huber Corporation, Docket No. RI61–554; Shoreline Exploration, Inc., Docket No. RI61–557; George Parker & Charles L. McCune, Docket No. RI61–558; Socony Mobil Oil Co., Inc., Docket No. RI61–559.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61–554	J. M. Huber Corp., 2401 East Second Avenue, Denver 6, Colo.	19	1	Natural Gas Pipe Line Co. of America, W. Beaver Panhandle Field, Beaver County, Okla.	$267	6–7–61	[1] 7–12–61	12–12–61	[3] 15.5	16.5	----------
RI61–557	Shoreline Exploration, Inc., 1203 Beck Building, Shreveport, La.	2	1	United Gas Pipe Line Co., Gibson Field, Terrebonne Parish, La.	3,294	6–8–61	[1] 7–9–61	12–9–61	[4] 20.25	23.3	----------
RI61–558	George Parker & Charles L. McCune, c/o George Parker, Jr., attorney, 2300 Alamo National Building, San Antonio 5, Tex.	1	1	Natural Gas Pipe Line Co. of America, Beaver County, Okla.	163	6–7–61	[2] 7–8–61	12–8–61	[3] 16.8	17.0	----------
RI61–559	Socony Mobil Oil Co., Inc., P.O. Box 900, Dallas 21, Tex.	147	27	Warren Petroleum Corp., Panhandle Field, Wheeler County, Tex.	28	6–12–61	[1] 7–17–61	12–17–61	[3] 11.553	11.6292	RI61–340
		148	29	....do....	12	6–12–61	[1] 7–17–61	12–17–61	[3] 11.553	11.6292	RI61–340
		185	1	Natural Gas Pipe Line Co. of America, Quinduno Field, Roberts County, Tex.	581	6–12–61	[1] 7–18–61	12–18–61	[3] 12.0	13.0	----------

[1] The stated effective date is that proposed by respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 14.65 psia.
[4] The pressure base is 15.025 psia.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 25, 1961.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–6401; Filed, July 7, 1961; 8:45 a.m.]

[Docket Nos. RI61–555, RI61–556]

SUN OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Allowing Rates To Become Effective Subject To Refund [1]

JULY 3, 1961.

Sun Oil Company, Docket No. RI61–555; Sun Oil Company (Operator), et al., Docket No. RI61–556.

On June 7, 1961, Sun Oil Company (Sun) [2] and Sun Oil Company (Operator), et al (Sun) [3] tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, representing decreases in rates to El Paso Natural Gas Company involve sales from Levelland Field, Hockley County, Texas, and Jameson Field, Coke County, Texas, and are designated Supplement No. 7 to Sun Oil Company's FPC Gas Rate Schedule No. 1, and Supplement No. 6 to Sun Oil Company (Operator), et al.'s FPC Gas Rate Schedule No. 80, respectively. The decreases are from 18.0452 cents [4] to 17.0427 cents per Mcf at a pressure base of 14.65 psia, and reflect a total annual decrease of $459 for Rate Schedule No. 1 and $28,815 for Rate Schedule No. 2.

The effective date of July 8, 1961, is the first day after expiration of the required statutory notice. The proposed rates, based on a renegotiated rate, exceed the price for the area under the Commission's Statement of General Policy No. 61–1, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until July 9, 1961, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act, *Provided, however,* That within 20 days from the date of the issuance of this order, Sun shall execute and file in the respective proceeding an agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Sun is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the rate schedules hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 25, 1961.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–6403; Filed, July 7, 1961; 8:46 a.m.]

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein nor should it be so construed.
[2] 1606 Walnut Street, Philadelphia 3, Pa.
[3] Sun Oil Co.'s present rate is in effect subject to refund in Docket No. RI60–123 and Sun Oil Co. (Operator) et al.'s present rate is in effect subject to refund in Docket No. RI60–124.

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1360]

DEVONSHIRE STREET FUND, INC.

Notice of Filing of Application

JUNE 30, 1961.

Notice is hereby given that Devonshire Street Fund, Inc., Boston, Mass., a Massachusetts corporation and a management open-end investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application, with amendments, pursuant to sections 6(c) and 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed transactions hereinafter described.

Applicant, a newly formed company, has filed a registration statement under the Securities Act of 1933, under which it has offered to interested persons referred to as "Depositors" an opportunity to participate in a simultaneous tax-free exchange of securities owned by them having a market value of not less than $15,000 for shares of Applicant. During the period prior to the exchange, deposits will be held by a bank for the individual accounts of the Depositors. Solicitations terminated on June 12, 1961, and Applicant is sending a special report to the Depositors, dated June 23, 1961, listing securities deposited, stating their current market values and estimated Federal tax bases. The report discloses that securities with a tax basis of $7,376,904 and a market value, as of June 8, 1961, of $92,571,514 were deposited by 810 Depositors. The Depositors may withdraw any or all of their deposited securities at any time prior to the close of business on July 13, 1961. Applicant may reject securities on deposit at any time prior to, and for a period of up to 10 days after the period during which the Depositor may withdraw. Thereafter, the Depositor has 10 days after the receipt of any notice of rejection to withdraw any or all of his deposited securities. Upon the expiration of the above-described periods for withdrawal, and provided that the market value of the remaining deposited securities aggregates at least $10,000,000, the exchange of shares of the Applicant for the deposited securities will be consummated within 10 days thereafter on such date as the Applicant may determine, without further action by the Depositors. It is anticipated by Applicant that the exchange of deposited securities for shares of the Applicant will be consummated as of a date between July 25 and July 31, 1961.

All Depositors are required to represent in writing that at the time of the receipt of the shares of Applicant they will be acquiring such shares without any intention of distributing them in a public offering. The deposited securities will be valued at current market value as of the close of business on the last business day prior to the exchange, and shares of the Applicant will be issued to each Depositor on the basis of a per share valuation of $12.50 for Applicant's shares, after deducting from the value of the deposited securities a sales charge varying from 4 percent to 1.25 percent depending on the value thereof.

Since the exchange will be tax-free to the Depositors, Applicant will have the same tax basis as the Depositors had for the securities acquired from them. Applicant has undertaken, as a condition to the requested exemptive order, not to make subsequent public offerings of its shares without the approval of the Commission except through plans for reinvestment of income and capital gain dividends by its shareholders.

Section 17(a) of the Act, with certain exceptions not here relevant, prohibits the sale of securities or other property to a registered investment company by promoters or affiliated persons of such company, or by affiliated persons of such promoters or affiliated persons. Section 2(a)(3) of the Act, among other things,

states that an affiliated person of another person means any officer or director of such other person.

Applicant intends to accept for inclusion in its portfolio, subject to the granting by the Commission of the order requested, certain securities deposited by three of its directors. The names of such Depositors and the amounts, issuers, Federal tax bases and market values of their deposited securities are as follows:

Name of director	Number of shares deposited	Issuer	Federal tax basis [1]	Estimated market value [2]
Don G. Mitchell	6,000 A ordinary shares	Thorn Electrical Industries, Inc.	$14,623	$43,500
	25,000 ordinary shares	do	50,421	200,000
Charles C. Cabot	200 shares common stock	Continental Casualty Co.	1,342	19,800
Melvin H. Baker	2,600 shares common stock	Strategic Materials Corp.	[3] 7,964	63,050

[1] As furnished by depositor.
[2] As of close of business on June 8, 1961.
[3] 1,000 of these shares have a Federal tax basis of $2.78 per share and 1,600 have a Federal tax basis of $3.24 per share.

One other deposit of the common stock of Continental Casualty Company has been received consisting of 104 shares of said stock. Applicant intends to accept said deposit. No other deposits of the above-described securities have been received.

The proposed transactions described above involving the three directors of Applicant who have deposited securities would be prohibited by said section 17(a) unless the Commission issues an order exempting such transactions from the provisions thereof. Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transactions are consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt, conditionally or unconditionally, any transaction or any class of transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, Applicant states that the proposed transactions between Applicant and the aforementioned persons will be treated on the same basis as the transactions between Applicant and any other Depositor whose securities are accepted by Applicant; that the securities proposed to be accepted in said transactions conform to Applicant's investment objective and policies; and that in no case has Applicant rejected securities of the same issuers as those described above, which were deposited by other than such persons.

Notice is further given that any interested person may, not later than July 14, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6405; Filed, July 7, 1961; 8:46 a.m.]

[File No. 812–1372]

INTERNATIONAL BANK

Notice of and Order for Hearing on Application

JUNE 30, 1961.

Notice is hereby given that International Bank, Washington, D.C., a corporation organized and existing under the laws of the State of Arizona, having its principal offices and place of business in Washington, D.C., has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of business. International Bank has also filed an amendment to said application pursuant to section 6(c) for an order of the Commission temporarily exempting it from section 7 of the Act, as more fully described hereinafter. All interested persons are referred to the application on file with the Commission for a complete statement thereof.

Section 3(a)(1) of the Act defines as an investment company an issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines as an investment company an issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of section 3(a)(3), "investment securities" includes all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries of the owner which are not investment companies.

International Bank asserts that it is not an investment company within the meaning of section 3(a)(3) of the Act. Unaudited financial statements on a valuation basis as of December 31, 1960, filed by International Bank as an exhibit to its application, indicate its total assets to be $15,542,785, of which $20,276 consist of cash. Among the assets therein listed which are "investment securities" for purposes of section 3(a)(3) are $2,017,650 in the securities of Financial General Corporation, $2,738,147 in the securities of Iowa Interests Corporation (a 50 percent-owned subsidiary which is a registered investment company under the Act), an additional $18,667 in notes and accounts receivable from Iowa Interests Corporation, and a $123,500 long-term note receivable. In addition, International Bank values at $3,570,408 in such statements its 100 percent equity ownership of Officers Finance Plan, Inc., and holds notes and accounts receivable from that corporation valued at $1,366,236. Officers Finance Plan, Inc., according to such statements, in turn owns securities of Financial General Corporation valued at $2,529,975, and securities of The Equity Corporation (a registered investment company under the Act) value at $942,620; the remainder of its assets consists of $704,332 in cash and $3,764,886 in other assets, and it may therefore be an investment company within the meaning of section 3(a)(3). If Officers Finance Plan, Inc., be deemed an investment company, the total investment securities of International Bank would aggregate $9,834,608, or approximately 63 percent of its total assets exclusive of cash.

International Bank states that it is presently engaged in the following primary activities: personal small loan business (through Officers Finance Plan, Inc., a wholly-owned subsidiary); registration of ships, servicing of corporations, and commercial banking in the Republic of Liberia (through the International Trust Company of Liberia, a majority-owned subsidiary); life, fire, and casualty insurance (through working control of Financial General Corporation and Iowa Interests Corporation); banking (through working control of Financial General Corporation); real estate development (through International Land Corporation, a wholly-owned subsidiary); and manufacturing plywood and textiles (through working control of Financial General Corporation which, in turn, controls Atlas General Industries, Inc.).

International Bank further states that it is presently engaged in the following secondary activities: automobile and insurance premium financing (through First Insurance Finance Company, a wholly-owned subsidiary); servicing automobile paper of commercial banks on a banker-dealer plan (through American Installment Credit Corporation, controlled through Financial General Corporation); international trade paper financing (on its own account, and through International of Washington, Inc., a wholly-owned subsidiary); export-import activities (through Aeon International Corporation, a wholly-owned subsidiary); steamship line, agricultural and construction equipment leasing (through Caribbean Corporation, a majority-owned subsidiary); and financing of aircraft equipment parts leasing and participation in an urban renewal program (through Intermediate Credit Corporation, controlled through Financial General Corporation).

Iowa Interests Corporation, 50 percent of whose outstanding common stock is owned by International Bank, has filed an application under section 17(b) of the Act for an order of the Commission exempting a proposed consolidation with International Bank from the provisions of section 17(a) of the Act (File No. 812–1402). It is presently contemplated that this latter application will be considered separately from the instant application.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses. The instant application was filed by International Bank on December 16, 1960. Section 3(b)(2) further provides that the filing of an application thereunder shall exempt the applicant for a period of sixty days from all provisions of the Act applicable to investment companies as such. It also provides that for cause shown the Commission by order may extend such period of exemption.

Section 7 of the Act, generally speaking, prohibits an investment company which has not registered under section 8 from engaging, directly or indirectly, in various activities, including inter alia the sale or purchase of securities by use of the mails or any means or instrumentality of interstate commerce, engagement in any business in interstate commerce, or control of any company so engaged. International Bank has not registered as an investment company under section 8 of the Act, and it has filed an amendment to the instant application for an order of the Commission pursuant to section 6(c) exempting it from section 7 until the Commission's determination of its status under section 3(b)(2).

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(c) of the Act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

International Bank, in requesting a Commission order temporarily exempting it from section 7 as hereinabove described, has consented that it be accompanied by a further order of the Commission pursuant to section 6(e) of the Act providing that International Bank and other persons in their transactions and relations with it be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though International Bank were a registered investment company except section 8(b), section 30(a), section 30(b), section 30(d), and section 32(a), and the rules and regulations thereunder.

Notice is further given that, in respect of the amendment requesting an order of temporary exemption, any interested person may, not later than the 19th day of July, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein insofar as it relates to said requested exemption may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing to held with respect to the application pursuant to section 3(b)(2) of the Act:

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 24th day of July, 1961 at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination: (1) Whether International Bank is an investment company within the meaning of section 3(a)(3) of the Investment Company Act of 1940; and (2) Whether International Bank is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses;

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to International Bank, and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6406; Filed, July 7, 1961; 8:46 a.m.]

[File No. 70–3975]

MIDLAND ENTERPRISES INC., AND S. H. SCHEUER AND ASSOCIATES

Notice of Filing of Application for Approval of Acquisition of Common Stock of Holding Company

JUNE 30, 1961.

Notice is hereby given that Midland Enterprises Inc., a New York corporation ("Midland"), and S. H. Scheuer, principal stockholder of Midland, on behalf of himself, his spouse Helen R. Scheuer, the S. H. and Helen R. Scheuer Family Foundation, Inc., a non-profit corporation, and as Trustee of certain trusts of which members of his family

are beneficiaries ("Scheuer"), have filed with this Commission a joint application pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The application designates sections 2(a)(7), 9 and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the joint application, on file at the office of the Commission, for a statement of the proposed transactions, which are summarized as follows:

Midland is engaged principally in owning towboats and barges leased to and operated by its wholly owned subsidiary company, The Ohio River Company ("ORCO"), a West Virginia corporation and a Class A common carrier which operates as a water carrier principally on the Ohio and Mississippi Rivers and the Illinois Waterway. Midland and ORCO own and operate transporation facilities, consisting of towboats, floating drydock and harbor equipment, barge terminals, and related facilities. About 65 percent of the fleet was acquired since 1954 for a total expenditure of some $27,000,000. In addition to physical property and the stock of ORCO, Midland owns all of the outstanding stock of three minor non-utility companies, cash in the amount of approximately $2,057,196, marketable securities having a market value of approximately $2,008,699, and other current assets of about $1,789,800.

The consolidated revenues of Midland and its subsidiary companies for 1960 aggregated $16,077,000, and the consolidated net income for the year amounted to $1,543,000.

Pursuant to an agreement, dated June 1, 1961, between Midland and Eastern Gas and Fuel Associates ("Eastern"), Midland will convey and transfer, subject to substantially all of its debts and liabilities, substantially all of its and ORCO's assets to a newly organized wholly owned subsidiary company of Eastern, a non-affiliate company. Eastern, which is engaged in various enterprises, including the mining, transportation and sale of bituminous coal, coke plants, bulk and worldwide cargo ships, towboats, and a gas utility company serving Boston, Massachusetts, is exempt as a holding company from the provisions of the Act by order issued pursuant to section 3(a)(1) of the Act (Holding Company Act Release No. 12807, February 20, 1955).

In exchange for the assets to be transferred, Midland is to receive 494,500 shares of Eastern's authorized but unissued $10 par value common stock, having a value for the purpose of the exchange of approximately $20,000,000 based upon the market price thereof on June 1, 1961. The application states that the exchange price was fixed by arm's-length negotiations, and is the equivalent of 1¼ shares of Eastern to 1 share of Midland which ratio was determined after considering the past and prospective earnings of the two companies, their market prices past and present, and other relevant factors. In addition, Eastern is to grant to certain employees of ORCO the option to purchase an aggregate of 13,500 shares of Eastern's common stock at a price of about $30.97 per share in substitution of options granted to them by Midland on March 10, 1961, to purchase an aggregate of 10,800 shares of Midland's common stock at about $38.71 per share (95 percent of the market value on that date).

As the result of the exchange by Midland of assets for Eastern's stock, Midland will acquire approximately 15 percent of Eastern's stock to be outstanding, which Midland will promptly distribute to its stockholders. Thereupon, Midland is to be dissolved. Midland seeks approval of the acquisition of the Eastern stock, and requests, pursuant to section 2(a)(7) of the Act, that it be declared not to be a holding company with respect to Eastern during the interval between its acquisition of the Eastern stock and its dissolution.

By virtue of the distribution of the Eastern stock by Midland, Scheuer will acquire 323,955 shares of Eastern which, together with 700 shares presently owned, will aggregate 9.78 percent of Eastern's stock to be outstanding. Scheuer seeks approval, pursuant to sections 9(a)(2) and 10 of the Act, of the acquisition of the Eastern stock.

The fees and expenses to be incurred by applicants in connection with the proposed transactions are estimated at $150,000, consisting of printing expense of $10,000, accountants fees of $10,000, and counsel fees and expenses of $130,000.

The application states that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions by Midland and Scheuer.

Notice is further given that any interested person may, not later than July 14, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may grant the application, as filed or as it may be amended, as provided by Rule 23 promulgated under the Act; or the Commission may grant exemption from its general rules and regulations as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6407; Filed, July 7, 1961; 8:46 a.m.]

[File No. 1-4252]

UNITED INDUSTRIAL CORPORATION (DELAWARE)

Order Summarily Suspending Trading

JULY 3, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 5, 1961, to July 14, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6408; Filed, July 7, 1961; 8:46 a.m.]

TARIFF COMMISSION

[22-9D]

RYE

Notice of Indefinite Postponement of Hearing

Notice is hereby given that the public hearing in connection with the investigation instituted under section 22(a) of the Agricultural Adjustment Act, as amended, concerning "Rye, Rye Flour, and Rye Meal," heretofore scheduled for July 11, 1961 (26 F.R. 5438), has been postponed until further notice.

Issued: July 7, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-6524; Filed, July 7, 1961; 12:10 p.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 130

Washington, Saturday, July 8, 1961

Small Business Investment Companies
Proposed Regulations

Proposed Rule Making

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, it is proposed to amend, revise, and recodify Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations. Prior to the final adoption of this revision and recodification, consideration will be given to any comments or suggestions pertaining to the proposed amendments therein which are submitted in writing, in triplicate, to the Small Business Investment Division, Small Business Administration, Washington 25, D.C., within a period of thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed revision will assemble Part 107 as previously published in the FEDERAL REGISTER together with previously published amendments thereto (23 F.R. 9303, 25 F.R. 1397, 2354, 2516, 3316, 5374, 5478, 5825, 7276, 8068, 8855, 9845, 10087, 10388, 26 F.R. 183, 1854, 2145, and 2247). No comment is invited or required thereon. The proposed revision also changes the structure and numbering used in Part 107.

Sections are redesignated as indicated in the following tabulation:

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The proposed revision includes proposed amendments previously published in 25 F.R. 12754 and in 26 F.R. 226 and 851; in the proposed revision these previously published sections, with changes, appear as §§ 107.501 (e), (f), (g), and (h), 107.601 (b), (c), and (d), 107.705, 107.706, 107.707, 107.710(b), and 107.715 (a). Comment is invited on these proposals.

The proposed revision also publishes for the first time proposed amendments to §§ 107.501 (c) (2), (i), (k), and (l), 107.704 (c) (2) and (f), 107.712, 107.713, 107.715(g), and 107.716 as set forth below.

Section 107.501(c) (2) would add to the definition of Equity Securities; § 107.501 (i), (k) and (l) would provide certain expansions and limitations in connection with the providing of Equity Capital; § 107.704(c) (2) would restrict interlocking directors or officers, or the ownership of more than 10 percent of the stock of more than one Licensee; § 107.704(f) would require the filing of SBA Form 525 before a Licensee provided financing or consulting or advisory services to a small business concern; § 107.712 would require identification as a Federal Licensee on any printed matter, including stationery; § 107.713 would prohibit more than one Licensee from occupying the same physical premises; § 107.715(g) would limit financing to a small business concern which is a customer of a vendor which owns or controls the Licensee; § 107.716 would, without the consent of SBA, prohibit a Licensee from purchasing Equity Securities or making a loan to a former officer, director, or owner of 10 percent or more of the stock of a Licensee for a period of six months following the termination of such ownership, directorship, or control.

Comment is invited on these new proposals.

Therefore, it is proposed to amend, revise, and recodify the Small Business Investment Companies Regulation as set forth below.

Dated: July 5, 1961.

JOHN E. HORNE,
Administrator.

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AUTHORITY: §§ 107.11 to 107.0106 issued under sec. 308, Pub. Law 85–699, 72 Stat. 694; 15 U.S.C. 687.

§ 107.11 Scope of part.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960.

(b) The purpose of the act is to improve and stimulate the national economy in general and the small business segment thereof in particular.

(c) This purpose is to be accomplished by the establishment of a program designed to stimulate and supplement the flow of private equity capital and long-term loan funds necessary for the sound financing of the business operations of small-business concerns and for their growth, expansion and modernization.

(d) Under the program:

(1) SBA will select and approve (license) private corporations (chartered under State law to conduct the activities described in subparagraph (2) of this paragraph) which shall thereupon become eligible for (i) financial assistance from SBA under the act, (ii) discretionary exemptions under the Securities Act of 1933 and the Trust Indenture Act of 1939, as well as a specified exemption under the Investment Company Act of 1940, (iii) such further benefits and privileges as may ever be provided by Federal or State laws for corporations licensed by SBA under the act, and (iv) tax benefits specified under the Technical Amendments Act of 1958. The stockholders of such corporations are eligible also for tax benefits specified under the Technical Amendments Act of 1958.

References:

1. Securities Act of 1933, 15 U.S.C.A. secs. 77a–77aa.
2. Trust Indenture Act of 1939, 15 U.S.C.A. secs. 77aaa–77bbbb.
3. Investment Company Act of 1940, 15 U.S.C.A. secs. 80a–1—80a–52.
4. Securities and Exchange Commission Regulations issued pursuant to the above Acts relating to small business investment companies.
5. Section 57, Technical Amendments Act of 1958, Public Law 85–866.
6. Personal Holding Company Tax Section 541, Internal Revenue Code of 1954, 26 U.S.C.A. secs. 541–547.
7. Sections 1.541–1—1.547–7 of the Income Tax Regulations of the Treasury Department (26 CFR 1.541–1 to 1.547–7) as amended.
8. State incorporation laws.
9. Bank Holding Company Act of 1956, 12 U.S.C.A. secs. 1841–1848.
10. Regulations of the Federal Reserve Board under Bank Holding Company Act, 12 CFR 222.1–222.108, and in particular, Regulation 222.107.

(2) Private corporations will be chartered under state law for the specific purpose of providing funds to small business concerns (as defined by SBA) through the purchase of Equity Securities as defined § 107.501 of such concerns and through the disbursement of long-term loans to such concerns. Such corporations will be authorized to provide consulting and advisory services to small business concerns on a fee basis for such services actually rendered. All of said activities will be subject to regulations prescribed by SBA. The corporations will be examined by SBA and will make reports as and when required by SBA.

(e) The program will be administered in such a manner as to insure the maximum participation of private financing sources.

(f) Any financial assistance provided under the act cannot result in a substantial increase of unemployment in any area of the country.

(g) The program will be administered by SBA through its Small Business Investment Division.

(h) The provisions of section 16 of the Small Business Act are extended specifically to the functions under the Small Business Investment Act of 1958. That section requires that whoever makes a statement knowing it to be false, or willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money, property, or anything of value, shall be punished by fine or imprisonment or both.

§ 107.12 Definitions.

Act. "Act" means the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960.

Administrator. "Administrator" means the Administrator of SBA.

License. "License" means the grant (evidenced by a certificate issued to the Licensee and registered in the Washington office of SBA) by SBA to a Proposed Operator, in consideration of the representations and offers contained in the License Application, of authority to conduct its business, in the territory described in the License, in accordance with and subject to the provisions and purpose of the act and regulations of SBA prescribed thereunder; and includes the privilege of receiving financial assistance under the act and qualifies such Licensee and its stockholders for any and all other rights, privileges and benefits available to a Licensee and its stockholders under the provisions of the act or any other Federal or State laws.

License Application. "License Application" means the request to SBA for a License, by the Proposed Operator, executed and submitted on SBA Form No. 415, which shall incorporate by reference the Proposal as a part of said request.

Licensee. "Licensee" means a corporation which: Is enfranchised and chartered under State law, or by SBA under section 301(c) of the act, to conduct (in accordance with and subject to the provisions and purpose of the act and in accordance with and subject to regulations prescribed by SBA under the act) in the territory in which its operations are to be carried on, only the activities described under Title III of the act; has executed and submitted a License Application; and, has been granted a License.

Operating territory or area. "Operating territory," "area in which operations are to be carried on," "areas in which Licensee operates," and similar terms, mean the territorial area or areas in which a Licensee is authorized by the terms of its License to purchase Equity Securities as defined in § 107.501 from, to make loans to, and to provide consulting and advisory services to any small business concern (regardless of the residence, domicile, place of business, or location of the property of such small business concern) so long as such purchase, loan or service does not constitute or involve doing business in any State not included in said territorial area or areas so as to require the Licensee to register or otherwise comply with the laws of such State as a foreign corporation.

Proponents. "Proponents" means individuals or other entities which execute and submit a Proposal.

Proposal. "Proposal" means the information and representations contained in SBA Form No. 414, submitted by Proponents with the request that SBA consider the same and issue an approval for the Proponents to proceed with all action (including the incorporation or conversion of the Proposed Operator) necessary to qualify the Proposed Operator for execution and submission of a License Application. A Proposal is in effect a preliminary License Application (see definition of "License Application").

Proposed Operator. "Proposed Operator" means the company identified and described in a particular Proposal and recommended therein as a prospective Licensee.

SBA. "SBA" means the Small Business Administration.

SBID. "SBID" means the Small Business Investment Division of SBA.

Small business concern. A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5,000,000, does not have net worth in excess of $2,500,000, and does not have an average net income, after Federal income taxes, for the preceding two years in excess of $250,000 (average net income to be computed without benefit of any carry-over loss); or

(b) Qualifies as a small business concern under § 121.3–10 of this chapter.

PROPOSAL

§ 107.101 Information, instructions and forms.

Detailed printed information, instructions and SBID Forms covering the procedure and basic requirements in the grant of a License, may be obtained from SBID through the Washington or any Regional or Field Office of SBA.

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414[1] to SBID through a Regional Office of SBA.

(b) Such proposal shall include such further matters, in addition to those matters required by SBA Form 414, as SBA may require by regulation or otherwise or which may be submitted by the Proponents as part of the Proposal.

(c) In considering whether to issue a License to a Proposed Operator, due regard will be given, among other things, to the need for financing of small business concerns of the type intended to be assisted by the Proposed Operator, provided the License shall not grant to the Licensee any exclusive right in any area or areas set forth therein.

(d) Counsel for the Proponents or Proposed Operator shall submit as a part of the Proposal his opinion that, among other things, the Proposed Operator is or can be chartered under State law to conduct (in the territory in which its operations are to be carried on) only the activities described under Title III of the act, in accordance with and subject to the provisions and purpose of the act and in accordance with and subject to regulations prescribed by SBA under the act.

(e) Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(f) The submission of a Proposal shall constitute an authority to SBA to proceed with the consideration thereof and to conduct without liability to SBA or anyone acting for or on behalf of SBA, any investigations and inquiries with respect to any or all matters, individuals or other entities referred to in the Proposal, as may be determined by SBA.

(g) After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; and SBA shall be committed by said approval to issue a license if the terms and conditions of the approved proposal are completed; or

(2) That such Proposal is insufficient.

(i) If, in the opinion of SBA, the sufficiency of such Proposal cannot be established through further information or action, SBA shall close the same and so notify the Proponents.

(ii) If, in the opinion of SBA, the sufficiency of such Proposal may be established through further information or action, SBA shall simultaneously with such notice allot a period of time within which the Proponents may endeavor to establish the sufficiency of such Proposal and resubmit the same.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient or a rejected Proposal which is not resubmitted within any such allotted period, shall be closed permanently by SBA and the Proponents so notified.

§ 107.103 Preliminary approval of corporate instruments and proceedings.

Unless and until SBA gives written notice to the Proponents that it does not object to the instruments and proceedings contemplated for use in the organization or qualification of the Proposed Operator as a Licensee, said Proponents should not take any final action to conclude any such organization and qualification.

§ 107.104 Charter requirements.

The charter of a Licensee shall constitute a grant of being or continued existence as a corporate entity, by a State, in the form of a permit or certificate of incorporation or amendment or otherwise, with the specific and sole powers and authority recited below. Such powers and authority can be expressed and granted in any manner consistent with the laws of such State and requirements of the State officials charged with such responsibilities, provided that each such charter shall contain the following provision:

> This corporation is organized and chartered expressly for the purpose of operating under the Small Business Investment Act of 1958, as amended by the Small Business Investment Act Amendments of 1960, and will operate in the manner and shall have the powers, responsibilities and be subject to the limitations provided by said act and the regulations issued by the Small Business Administration thereunder.

Said powers and authority shall be as follows:

(a) To act under a particular name;

(b) To issue a maximum number of shares of one or more types of its stock;

(c) To borrow money and issue its debenture bonds, promissory notes, or other obligations under such general conditions and subject to such limitations and regulations as SBA may prescribe;

(d) To provide equity capital to small-business concerns (as defined by SBA) under the conditions authorized by section 304 of the act and regulations, with the right to sell or dispose of securities so acquired in such manner and under such terms and conditions as the Licensee shall determine.

(e) To make long-term loans (as defined by SBA) to small-business concerns (as defined by SBA) for the purposes and in the manner and subject to the conditions described in section 305 of the act; with the right to sell or dispose of such loans in such manner and under such terms and conditions as the Licensee shall determine;

(f) To acquire and make commitments for obligations and securities of a single enterprise only within the limitations established by section 306 of the act, unless such limitations are waived by SBA;

(g) To undertake its operations in cooperation with banks or other financial institutions, as contemplated under section 308(a) of the act;

(h) To provide consulting and advisory services to small business concerns on a fee basis;

(i) To invest funds not reasonably needed for its current operations only in direct obligations of, or obligations guaranteed as to principal and interest by, the United States Government;

(j) To conduct its operations in accordance with and subject to regulations prescribed by SBA;

(k) To submit to and pay for examinations made by direction of SBA by examiners selected, employed or approved by SBA;

(l) To make reports to SBA at such times and in such form as SBA may require;

(m) To conduct its operations in a specified area or areas, without limitation, however, as to the residence, domicile, or place of business of parties with which it transacts its business or otherwise deals;

(n) To regulate its business and conduct its affairs in a manner not inconsistent with the act and regulations prescribed by SBA thereunder;

(o) To adopt and use a corporate seal;

(p) To have succession for a period of at least thirty years, subject to dissolution in accordance with State law; and subject to forfeiture of its License for violation of law or of regulation issued under the act;

(q) To make contracts;

(r) To sue and be sued, complain, and defend in any court of law or equity;

(s) By its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, fix their compensation, require bonds of such of them as it deems advisable and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure, and appoint others to fill their places;

(t) To adopt bylaws regulating the manner in which its stock shall be transferred, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed;

(u) To maintain a principal office (which shall be designated in its Articles) and to establish branch offices or agencies within its operating territory, subject to the approval of SBA: *Provided, however*, That, whether to obtain a grant of power and authority from the State to establish branch offices or agencies shall be optional with the incorporators;

(v) To acquire, hold, operate, and dispose of any property (real, personal, or mixed) whenever necessary or appropriate to the carrying out of its lawful functions;

(w) To exercise such incidental powers as may reasonably be necessary to carry out the business for which the corporation is established.

§ 107.105 Waiver of paragraph required by § 107.104.

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.104) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time, amend its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

§ 107.106 Source of charter.

(a) The charter of a Licensee shall be obtained from the State in which the Licensee operates or if the Licensee operates in more than one State said charter shall be obtained from any State within the entire area or areas in which the Licensee operates.

(b) A Licensee conducting operations beyond the jurisdiction of the State from which it receives its charter, shall obtain authority or otherwise be entitled to conduct its activities in such other State or States in accordance with the provisions of its charter, the act and regulations prescribed thereunder.

§ 107.107 Organization of a Licensee.

A Proposed Operator shall conform to the laws of the State of its incorporation with respect to the number and qualification of incorporators and directors.

LICENSE

§ 107.201 License Application.

(a) A License Application may be submitted upon SBA Form No. 415[2] by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) After submission of a License Application SBA will issue a License to the Proposed Operator if the representations, terms and conditions of the Proposal and any additional matters set forth in the notification by SBA to proceed are fully and exactly complied with.

§ 107.202 Prerequisites for issuance of License.

Prior to the issuance of a License, each Proposed Operator shall have:

(a) Executed and submitted a License Application.

(b) Received a Corporate Charter or franchise under State laws to operate as a Licensee.

(c) Submitted evidence satisfactory to SBA that it has a paid-in capital and surplus equal to at least $300,000 in cash (exclusive of organizational expenses) on hand or in escrow contingent solely on the issuance of a License, as required by section 302(a) of the act (including any commitment of SBA as described under § 107.301.

§ 107.203 Necessity for and nature of License.

Only upon issuance of SBA of a License to a Proposed Operator, shall such corporation be authorized to operate under the act. A License is not transferrable in any manner.

§ 107.204 Fees for License and SBA charter.

A License fee of $100 shall be tendered to SBA by a Licensee, simultaneously with the filing of SBA Form 415.

§ 107.205 Surrender of License.

A Licensee may apply to SBA for surrender of its License. Such surrender may be authorized under such conditions as may be required by SBA in connection therewith.

CAPITAL REQUIREMENTS

§ 107.301 Initial capital and surplus of Licensee.

(a) As a condition to the issuance of a License, the Proposed Operator shall have a paid-in capital and surplus, in cash, as required under § 107.202(c).

(b) The management of a Licensee shall encourage the maximum investment therein of private funds.

(c) To the extent that cash funds are not available to a Licensee from private sources to provide any amount of said initial minimum capital and surplus in excess of $150,000, SBA, upon request contained in the License Application, may purchase or agree to purchase debentures of such Licensee in an amount equal to such deficiency but not in excess of $150,000. Any such debentures (which may be prepaid by Licensee without penalty) so purchased by SBA under the provisions of section 302(a) of the act shall be subordinate to any other debenture bonds, promissory notes, or other obligations which may be issued by such Licensee as determined by SBA, and while treated and accounted for as a debt transaction, shall be deemed a part of the paid-in capital and surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the act.

(d) The unavailability of such cash funds from private sources shall be deemed to exist upon submission by the Proposed Operator of a certificate that such funds are not available for the subject venture.

(e) Any such subordinated debentures of a Licensee purchased under section 302(a) of the act shall contain such terms and conditions, including provisions with respect to subordination, as shall be determined by SBA. Interest upon the amount of such debentures shall be at the rate of 5 percent per annum, and amortization shall commence at the beginning of the second half of the term thereof. Maturities shall not exceed twenty years.

(f) The agreement of SBA to purchase any such subordinated debentures of a Licensee to provide funds to satisfy the initial minimum capital and surplus requirements of a Licensee, under and in accordance with the provisions of section 302(a) of the act, shall constitute the equivalent of cash in an amount equal to the amount of such SBA commitment, which amount shall thereupon be deemed to be paid in as a part of the initial minimum capital and surplus of such Licensee for the statutory purposes of sections 302(a), 303(b) and 306 of the act. A commitment charge at the rate of one-twelfth of one percent of the principal amount of the commitment outstanding for each thirty-day period shall be paid to SBA by such Licensee beginning with the first day after the first thirty days following such commitment. Disbursement of such commitment shall be requested by the Licensee at any time prior to the end of one year but such commitment shall be reduced to the extent private equity funds are acquired for such purpose prior to any disbursement by SBA on account of such commitment.

(g) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act may be used to provide equity capital and make long-term loans to small business concerns: *Provided, however*, That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were dis-

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 414, Proposal To Operate a Small Business Investment Company, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

[2] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 415, License Application, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

bursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

§ 107.302 Consideration for stock of Licensee.

(a) Shares of stock at any class in a Licensee which represent the initial minimum capital required by § 107.202(a) shall be issued by Licensee only in consideration for the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States. Shares of stock of any class in a Licensee which represent no part of the initial minimum capital required by § 107.202(a) may be issued in consideration for the simultaneous payment of cash; upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States; as stock dividends; in connection with the reclassification of the stock of the Licensee; for services previously rendered to the Licensee; or for physical assets to be employed currently in the operation of the Licensee.

(b) Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(4) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

§ 107.303 Maintenance of unimpaired capital.

(a) Each Licensee shall maintain at all times an unimpaired capital.

(b) An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent (50%) of the combined fully paid capital stock issued and outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issues to SBA pursuant to section 302(a) of the Act will not be considered a part of the capital and surplus.

BORROWING BY SBIC

§ 107.401 Conditions and limitations upon borrowing power of Licensee.

(a) Without the prior consent of SBA, the ratio of the total amount of outstanding indebtedness of a Licensee to the paid-in capital and paid-in surplus (including the unpaid balance due SBA under any debentures acquired under section 302(a) of the act) of such Licensee shall not exceed four to one.

(b) The Proposal shall set forth in detail the policy, plans, and all other information with respect to prospective borrowings, if any, to be made by a Proposed Operator as a Licensee from any source other than SBA.

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

(a) To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302(a) of the act.

(b) The unavailability of such funds from private sources shall be deemed to exist upon submission to SBA by the Licensee of a certificate that the same are not available for such purpose.

(c) Such loans may be prepaid at any time without penalty. Interest upon such loans shall be at the rate of five percent per annum and the maturities thereof shall not exceed twenty years: *Provided, however,* That SBA in its discretion, may renew or extend the maturity thereof. In the absence of an amortization plan by the borrower satisfactory to SBA, said loans shall begin amortization during the final half of the term thereof; for example, if the maturity of such loan is ten years, then amortization shall begin in the sixth year of such loan at an amortization rate of not less than twenty percent per annum. Any such loan or loans made by SBA under the authority of section 303(b) of the act shall contain such further terms and conditions as shall be determined by SBA.

§ 107.403 Purpose and loan requirements.

(a) The management of a Licensee should plan to use loan funds available under section 303(b) as a source of funds which may be obtained, repaid and obtained again as needed to protect its interest in its investments and loans until paid-in capital is available from private sources, thus obviating the necessity which would otherwise exist of maintaining substantial amounts of uninvested cash for such purposes. Loans under this section may be obtained by a Licensee in furtherance of its stated investment and loan policy. Disbursement of any such loans will be subject to the execution and delivery of the certificate required by § 107.709.

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act shall be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any loan funds to Licensee under authority of section 303(b) of the Act, and thereafter during period in which any such loan, or any part thereof remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

EQUITY CAPITAL

§ 107.501 Equity capital for incorporated small business concerns.

(a) Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(c) "Equity Securities" means:

(1) Certificates of stock of any class; *Provided, however,* That whenever any such stock contains a right to convert to another class of stock or contains rights or privileges therein in the nature of stock warrants or options, no further stock purchase warrants, options or conversion rights shall be issued in connection therewith; and

(2) Instruments which evidence a debt and which provide a right or privilege to convert all or any portion of the debt instruments into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options, or provide both a right or privilege to convert all or any part of the debt instruments into stock and also detachable stock purchase warrants or options: *Provided, however,* That no further stock purchase warrants, options or conversion rights shall be issued in connection therewith.

(d) Equity Securities which evidence a debt may be secured by collateral.

(e) A Licensee shall not purchase or acquire any type of Equity Securities if the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration. Equity Securities shall not require repayments during the first five years at a rate exceeding twenty percent of principal per annum.

(f) Equity Securities which evidence a debt shall have stated maturities of not less than five years and must be callable but on such terms as may be negotiated at the time of issuance of such Equity Securities, in whole or in part, by the issuer: *Provided,* That any right to convert the debt may be exercised prior to the effective date of such call. Such securities shall be acquired by a Licensee simultaneously with the disbursement of Equity Capital and shall evidence the total principal amount, plus interest rate, required to be paid by the small business concern in consideration for the amount of Equity Capital disbursed. Such disbursement may be evidenced by an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) constituting the disbursement.

(g) Any redemption provisions of certificates of stock shall be on such terms as may be negotiated at the time of issuance thereof, provided the redemption provisions are exercisable, in whole or in part, upon three months' notice, and provided further that any such stock which contains conversion rights may be converted prior to the effective date of such redemption.

(h) Equity Securities with maturities of less than five years may be purchased or acquired by a Licensee when necessary to protect the interests of the Licensee in proviously issued long-term Equity Securities provided that the identical conditions and privileges covering the long-term Equity Securities shall otherwise apply thereto. Equity Securities with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee in previously issued Equity Securities" if the purpose of such short-term Equity Securities is to take care of routine short-term requirements of the small business concern.

(i) Equity Securities which are converted into stock shall be converted at a price or series of prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities: *Provided, however,* That the total purchase price of such stock which may be purchased at said price or series of prices per share shall not exceed the amount of Equity Capital provided by said securities plus the accrual of earned interest and charges on said Equity Capital to the date of conversion of said securities. "Sound book value," for the purposes hereof, shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(j) Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than two years after the stated maturity date of such Equity Securities but in no event more than ten years from the date of the issuance of such Equity Securities.

(k) The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the total amount of Equity Capital provided by the Licensee at the same time as the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of option shares.

(l) The purchase price per share of shares available under Certificates of Stock acquired as Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the Certificates of Stock are issued.

(m) Wherever Equity Securities involve debt, any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any indebtedness of such concern.

(n) Wherever Equity Securities involve debt, any Licensee may require a small business concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness; *Provided, however,* That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

(o) Whenever a Licensee purchases or acquires Equity Securities of a small business concern, such concern shall have the right, exercisable in whole or in such part as such concern may elect, at the time of the issuance of such Equity Securities, to become a stockholder-proprietor by investing in the capital stock of the Licensee in an amount not more than five per centum of the Equity Securities purchased or acquired by the Licensee. The price of such stock sold by the Licensee to the small business concern under this section shall not be more than the higher of (1) the book value determined in conformity with generally accepted accounting principles, or (2) the fair market value. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

(p) The maximum annual cost to the issuer of Equity Securities evidencing a debt charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to issuer as may be prescribed by applicable State or local law, or (2) such maximum annual cost to issuer as may be specified in the Licensee's Proposal and License Application. Cost to issuer includes all interest and discount, as well as all fees, commissions, charges, etc., against the issuer by the Licensee at the time the equity securities evidencing a debt are purchased, and such fees, charges, etc., shall be treated as additional discount for this purpose.

LONG-TERM LOANS

§ 107.601 Long-term loans by Licensee to small-business concerns.

(a) Each Licensee shall constitute also a source of funds for long-term loans for the sound financing of the operations, expansion and modernization of small-business concerns. Such loans shall not provide any right in a Licensee to acquire any stock or other proprietary interest in the borrower, except through the medium of collateral security.

(b) A Licensee shall not make any such loan if the purpose of such loan is to furnish the small business concern with financing for a period of less than five years' duration. Any such loan shall not require repayments during the first five years at a rate exceeding twenty percent of principal per annum.

(c) Any such loan shall have a stated maturity of not less than five years and all or any part of any such loan may be anticipated by the borrower on any interest payment date upon such terms as may be negotiated at the time of disbursement of the loan. The instrument or instruments evidencing any such loan shall be acquired by a Licensee simultaneously with the disbursement of the loan funds and shall evidence the total principal amount, plus interest rate, required to be paid by the small business concern, in consideration for the amount of loan funds disbursed. Such disbursement may be evidenced by an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) constituting the disbursement.

(d) Loans with maturities of less than five years may be made by a Licensee to a borrower when necessary to protect the interests of the Licensee in previously

issued long-term loans or Equity Securities. Loans with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee" if the purpose of such short-term loan is to take care of routine short-term requirements of the small business concern.

(e) Any such loan shall have a maturity of not exceeding twenty years; and such loans shall be of such sound value, or so secured, as reasonably to assure repayment. The Licensee may extend the maturity of or renew any such loan for additional periods, not exceeding ten years, if the Licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(f) The maximum annual cost to the borrower charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to borrower as may be prescribed by applicable State or local law, (2) such maximum annual cost to borrower as may be specified in the Licensee's Proposal and License Application. Cost to borrower includes all interest and discount, as well as all fees, commissions, charges, etc., against the borrower by the Licensee at the time the loan is granted or debt securities purchased, and such fees, charges, etc., shall be treated as additional discount for this purpose.

(g) All loans shall be based upon negotiations between Licensees and small-business concerns.

General Provisions

§ 107.701 Amendments to Act and regulations.

A Licensee shall be subject to all existing and future provisions of the act and regulations issued thereunder.

§ 107.702 Applicability of other laws, including disclosure to investors and stockholders.

Each Licensee shall comply with all applicable State or Federal law affecting its operation, including, but not limited to, any and all State or Federal law requiring Licensee to furnish its investors and shareholders with financial reports containing full and complete disclosure of all matters significant to their interests.

§ 107.703 Government liability.

(a) Nothing in the act or in any regulations issued thereunder or in any other provision of law shall be deemed to impose any obligation or liability on the United States Government or any agency thereof, including SBA, with respect to any obligations entered into, or stocks issued, or commitments made, by any Licensee, or with respect to any other matter involving a Licensee.

(b) No Licensee, in issuing or selling any security shall represent or imply in any manner whatsoever that such security has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof, and a statement to such effect shall be included in any solicitations to investors.

§ 107.704 Activities of Licensee.

(a) A Licensee shall engage in and conduct only the activities set forth in and contemplated under the act and shall not engage in or conduct any other activities.

(b) A Licensee shall not amend its franchise authority to permit the conduct of any activities other than as recited above.

(c) (1) A Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA, and a Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans, previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. Such changes shall be filed in the form of a post licensing amendment and subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latter shall be complied with by the Licensee.

(2) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director in any other Licensee, nor shall ten or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by any person owning or controlling, directly or indirectly, ten or more percent of the stock of any other Licensee: *Provided, however,* That an attorney performing legal services for Licensees may serve as a director, secretary or clerk for more than one Licensee.

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers or employees in their capacities as such shall contract in writing for such services and such written contract shall specifically:

(1) Describe such services;

(2) Describe all compensation to be paid thereunder;

(3) State the duration of the contract;

(4) Provide for its termination by the Licensee, without penalty, on not more than 60 days' written notice;

(5) Provide for its automatic termination in the event of its assignment by the person performing the service;

(6) Provide for full disclosure to all interested parties whenever the person performing such services performs services for small business concerns doing business with the Licensee;

(7) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and

(8) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in such contract.

Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof. Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory or management services for purposes of this part.

(e) No financing or consulting or advisory services may be provided by a Licensee to a business concern unless the Licensee and such concern have executed SBA Form 480,[3] Size Status Declaration, and, based upon the information contained therein and otherwise, the Licensee has determined that the business concern is a small business within the meaning of the definition of "small business concern" set forth in § 107.12, or at the request of the Licensee or the concern, SBA has determined that the subject business concern is a small business concern within the meaning of § 107.12. In the event financing or services are approved by a Licensee for a small business concern, the Licensee shall retain the completed SBA Form 480, as a permanent part of the concern's record with the Licensee.

(f) No financing or consulting or advisory services may be provided by a Licensee to a small business concern unless such concern by and through its authorized agent shall have executed SBA Form ------,[4] Certification of Intent, certifying that such concern intends to conduct a regular and continuous business operation for a period of not less than five years from the date thereof. The Licensee shall be entitled to rely upon such Certification unless the Licensee has knowledge or has reason to believe that such concern does not in fact intend to conduct a regular and continuous business operation for a period of not less than five years thereafter. The executed SBA Form shall be retained by the Licensee as a permanent part of the concern's record with the Licensee.

[3] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 480 (10–60), Size Status Declaration, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

[4] Filed with the Federal Register Office as part of the original document. Copies of SBA Form ------, Certification of Intent, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the address of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

§ 107.705 Consulting and advisory services.

(a) Consulting and advisory services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern.

(b) Consulting and advisory services may be provided by a Licensee to only (1) those small business concerns which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) A Licensee may render consulting and advisory services to small business concerns for whom the Licensee does not provide financing: *Provided, however,* That such services shall not constitute a major source of the income of a Licensee (including as part of Licensee's income the net income, before Federal income taxes, of said Licensee's subsidiary corporation under § 107.706).

§ 107.706 Subsidiary corporation for consulting and advisory services.

(a) A Licensee may organize and establish a corporation which shall be, and remain, chartered for the sole and express purpose of providing on behalf of the parent-Licensee consulting and advisory services to small business concerns subject to the provisions of the Act and the regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and cancelled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed one percent of the Licensee's capital and surplus. Loans by the parent-Licensee to its subsidiary corporation shall not exceed one percent of the Licensee's capital and surplus.

(b) The parent-Licensee shall be responsible for compliance by its subsidiary corporation with the Act and the regulations. Reports submitted to SBA by the parent-Licensee shall reflect consolidated figures covering the activities of both the parent-Licensee and its subsidiary corporation, and the subsidiary corporation shall make such separate reports covering its activities to SBA as shall be required by SBA. The subsidiary corporation shall be subject to examinations by examiners selected or approved by SBA, and in the event of the failure by the subsidiary corporation to make reports or to submit to examinations as required by SBA, such failure by the subsidiary corporation may be acted upon by SBA as the failure of the parent-Licensee and shall subject the latter to any penalty provided in the Act or the regulations thereunder.

§ 107.707 Services to banks or other financial institutions.

A Licensee may render services for and receive compensation from banks or other financial institutions only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other financial institution.

§ 107.708 Aggregate limitation on investments and loans.

Without the prior written approval of SBA, the aggregate amount of loan obligations and Equity Securities of any single small business concern held, or for which commitments may be made, by any Licensee, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of such Licensee (including in such Licensee's capital and surplus the outstanding amount of its SBA loan under section 302(a) of the act).

§ 107.709 Conditions governing disbursement of SBA funds.

(a) Prior to the disbursement of any funds to a Licensee under the authority of section 302(a) or section 303(b) of the Act, the Licensee, by and through its duly authorized officer, shall execute and deliver to SBA the following written certification and statement on SBA Form No. 420.[5]

(b) Such certificate and statement may be qualified with such information, explanation, and data as the parties thereto may determine and establish as a part thereof; *Provided, however,* That upon the inclusion in any such certificate and statement any such qualifying material SBA may withhold disbursement of all or any portion of the funds involved pending consideration thereof by SBA, and after such consideration SBA may thereupon or subsequently cancel any commitment or other obligation to disburse all or any portion of the funds involved. If SBA shall determine, by examination or otherwise, that there is an impairment of capital, or that there has been a violation by the Licensee of any provision of paragraph (a) of this section, SBA may withhold disbursement of all or any portion of the funds involved and may thereupon or subsequently cancel any commitment or obligation to disburse all or any part of the funds involved.

(c) Requests to SBA for funds under section 302(a) or section 303(b) of the act shall be submitted on SBA Form No. 416,[6] which form in case of requests for financial assistance under section 302 (a) of the act shall be submitted as a part of the License Application.

§ 107.710 Idle operating funds.

(a) A Licensee may invest funds not reasonably needed for current operations, only in direct obligations of, or obligations guaranteed as to principal and interest by, the United States Government.

(b) Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with paragraph (a) of this section, shall be retained in cash by the Licensee or placed on demand deposit with a commercial bank which is a member of the Federal Deposit Insurance Corporation.

§ 107.711 Insurance.

(a) A Licensee shall maintain fidelity or such other types of bonds or insurance as shall be required by SBA.

(b) Each Licensee shall provide and maintain a fidelity bond in form acceptable to SBA covering each officer or employee who has control over or access to cash, securities, or other property of the Licensee. Such bond shall cover all such persons and shall be approved by the board of directors of the Licensee for the protection of the Licensee. Brokers Blanket Bond, Standard Form No. 14, or other bond containing equivalent surety provisions, will be acceptable to SBA. Each such bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. In lieu of the foregoing, a Licensee which submits evidence satisfactory to SBA that it has suitable fidelity bond coverage in form and substance acceptable to SBA in an amount at least equal to the minimum coverage required for such company in the table set forth below may be considered as having met the requirements of this section upon written approval by SBA. The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee plus the unpaid balance of loans and invest-

[5] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 420, Certification and Statement and Request for Funds, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

[6] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 416, Loan Application, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

ments which the Licensee has contracted to service for others, as follows:

Assets	Minimum coverage
Up to $300,000	$20,000
$300,001 to $400,000	25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,000 and over	(*)

* $225,000 plus $10,000 for each $1,000,000 or fraction thereof over $15,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

§ 107.712 Identification of Licensee.

(a) The corporate name shall be such as not to misinform or mislead interested parties and the public of the purpose and function of said company. Such corporate name shall not include the words "United States", "National", "Federal", "Reserve" or "Government." The name shall not be so similar to that of another organization as to imply association with any other organization without prior approval from such organization.

(b) Each Licensee shall display its original License in a prominent place in or about its principal office; and a copy thereof shall be displayed likewise in or about any branch office or agency.

(c) Advertisements, annual statements, solicitations to investors, any communication made by or at the behest of a Licensee intended as a public statement by said Licensee, or any printed matter, including stationery imprinted with the name of the Licensee, shall identify that Licensee as "a Federal Licensee under the Small Business Investment Act of 1958."

§ 107.713 Common tenancy.

A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee.

§ 107.714 Branch offices and agencies.

A Licensee shall not establish any branches or agencies except with the prior approval of SBA. If the establishment of such branch or agency does not occur within 60 days of such approval, such approval will be withdrawn.

§ 107.715 Prohibited uses.

No funds may be provided by a Licensee for:

(a) Re-lending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

(b) Purposes not contemplated by the act;

(c) Purposes contrary to the public interest, including but not limited to gambling enterprises and activities, and any purpose which would encourage monopoly or be inconsistent with accepted standards of free competitive enterprise; or

(d) Use outside the States herein defined: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the United States.

(e) Financing land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the acquisition and prompt development of land.

(f) Any corporation, individual, partnership, or any other entity, that is not engaged in a business operation conducted as a regular and continuous activity. The mere ownership of property, and the collection of rents, income or profits therefrom, shall not constitute a business operation. Buying and selling property on a regular and continuous basis may constitute operation of a business; but leasing of property shall not constitute a business operation unless the lessor is regularly and continuously engaged in performing services in connection with the marketing, operation or maintenance of such leased property.

(g) A small business concern which is a customer of a vendor which owns or controls the Licensee, if the funds (or funds of the small business concern released by such financing) are used by the small business concern to purchase items or services sold to the small business concern by such vendor.

§ 107.716 Self-dealing limitation.

(a) Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited.

(b) Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, directly or indirectly ten or more percent of the stock of said Licensee, or any close relative of such officer, director, or stock owner or controller, nor shall the Licensee purchase Equity Securities of or make a loan to any company in which such officer or director or such owner or controller of the Licensee's stock, or his close relative is an officer or director or owns or controls ten or more percent of the stock of such company: *Provided, further,* That without the prior written approval of SBA a Licensee shall not make such purchase of such securities or make such loan within six months after the termination of such officership or directorship in the Licensee, or within six months after the termination of such ownership or control of ten or more percent of the Licensee's stock. Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

Examinations and Reports

§ 107.801 Examinations.

(a) Each Licensee shall be subject to examination by SBA.

(b) Such examinations shall cover any and all matters as determined by SBA, and shall be conducted by SBA examiners or by any examiners selected or approved by SBA.

(c) The cost of each examination made by other than SBA examiners shall be paid by the Licensee involved; and the cost of any examination made by SBA examiners, including the compensation of such examiners, may, in the discretion of SBA, be assessed against the company examined and when so assessed shall be paid by such company.

(d) The time and manner of conducting any such examination shall be determined by SBA in each case.

(e) As such examination, SBA may accept an audit and examination[1] conducted by an independent certified public accountant, selected or approved by SBA, and a report thereof containing the accountant's certificate required by § 107.802, together with such additional information as may be requested by SBA.

§ 107.802 Reports.

(a) Each Licensee shall keep current financial records in accordance with generally accepted accounting principles. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and Regulations.

(b) At the time any financial report is furnished to investors and shareholders of a Licensee, such Licensee shall submit to the Investment Administration Division, Small Business Administration, Washington 25, D.C., three (3) copies of such report.

(c) Each Licensee shall submit to SBA, at the end of the first six months

[1] See the Audit and Examination Guide for Small Business Investment Companies filed with the Federal Register Office as part of the original document.

The Audit and Examination Guide for Small Business Investment Companies has been prepared by SBA to inform licensees and independent certified public accountants engaged by them as to SBA's requirements concerning audits and examinations of SBICs. Copies of such Audit and Examination Guide are made available to Licensees and their independent CPA's through the Office of the Chief, Investment Administration Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Administrator of the Small Business Administration.

period of each fiscal year, a report containing financial statements covering each six months period; at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an opinion by an independent certified public accountant, selected or approved by SBA, on the financial statements for the fiscal year included therein, unless a different twelve-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit conducted in accordance with generally accepted auditing standards.

(2) The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the certificate. The accountant's certificate shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's certificate shall state clearly: (i) The opinion of the accountant in respect of the accounting principles and practices reflected in the financial statements and as to the fairness with which the financial statements present the financial position of the Licensee at the audit date and the results of its operations for the period; (ii) the opinion of the accountant as to any material changes in accounting principles or practices or method of applying the accounting principles or practices, or adjustments of the accounts, which affect comparability of such financial statements with those of prior or future periods; and (iii) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(d) The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468,[2] which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of income and expense, and statement of realized gain or loss on investments. Part II requires supporting Schedules 1 through 7, and Part III requires supporting Schedules 8 through 20. Part I, together with any schedule(s) of Parts II and III that may be specified, comprises the interim report required to be submitted, upon request by SBA, for any period of one month or more. Parts I and II comprise the report required to be submitted to SBA covering the first six months period of each fiscal year. Parts I, II, and III comprise the annual report required to be submitted to SBA covering the entire fiscal year. With the exception of the annual report upon which an independent certified public accountant has expressed an opinion, the Financial Report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the month immediately following the close of the period covered by the report. Such annual report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the third month following the close of the fiscal year to which such annual report relates. When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a consolidation of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions given in paragraph (h) of this section.

(e) The verification of the Financial Report shall bear the signature of the chief financial officer, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The date on which the signature is affixed shall be shown. When only Part I of the Financial Report is submitted, with or without any specified schedule(s) from Parts II and III, the signature shall be affixed in the space provided therefor in Part I; when Parts I and II of the Financial Report are submitted, the signature shall be placed in the space provided therefor in Part II and need not be affixed in Part I; and when Parts I, II, and III of the Financial Report are submitted, the signature shall be entered in the space provided therefor in Part III and need not be affixed in either Part I or Part II. When Parts I, II, and III are submitted, a secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors of the Licensee show that the Financial Report comprising Parts I, II, and III has been reviewed and approved by the board of directors. All three copies of the Financial Report to be furnished to the Small Business Administration shall bear the original signature(s) of the verifying officer(s) in ink.

(f) Whenever any assets are pledged as collateral or are earmarked for segregation under a negative pledge or similar agreement, the word "pledged" or the word "earmarked," as appropriate, together with the amount involved, shall be shown in parentheses immediately following the appropriate asset title in the statement of financial condition, and the identity of the assets pledged or earmarked shall be indicated in the supporting schedules. Whenever amounts are classified as "current" and "noncurrent," "current" shall refer to the amount maturing within one year and "noncurrent" shall refer to the amount maturing after one year. If, however, an amount will mature within one year but is not reasonably expected to be paid when due, it shall be classified as "noncurrent."

(g) Copies of the Financial Report, SBA Form 468, together with instructions, are available at the Office of the Investment Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Administrator of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,[2] which is incorporated in and expressly made a part of this section.

(i) Each Licensee shall submit in triplicate to the Investment Division, Small

[2] Form filed as a part of the original document. Licensees requifed to file a registration statement under the Investment Company Act of 1940 should refer to the rules and forms promulgated by the Securities and Exchange Commission, Washington 25, D.C., concerning the applicability of this report in fulfilling the Commission's requirements for financial reports.

[2] Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the Office of the Investment Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration.

Business Administration, Washington 25, D.C., at the end of the first six months' period of each fiscal year, and at the end of the second six months' period of each fiscal year, an activity report, showing by significant categories the amounts of the Licensee's loan and equity financing transactions for the period covered by the report, in accordance with the instructions contained in subparagraph (3) of this paragraph, for preparation of the Activity Report, SBA Form 477,[10] which form is incorporated in and expressly made a part of this section. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31. Such Activity Report shall be submitted on or before the last day of the month immediately following the close of the six months' period covered by such report.

(j) In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

COMPLIANCE AND ENFORCEMENT

§ 107.901 Enjoiner of violations.

Whenever in the judgment of SBA any person, including a Licensee, has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of the act or of any regulation thereunder, SBA may apply to a proper court for an order enjoining such act or practices or for an order enforcing compliance with such provision or regulation.

§ 107.902 Forfeiture of License.

Final determination by a court of the United States that a Licensee has violated or failed to comply with any of the provisions of the act or regulations prescribed thereunder, shall thereupon effect a forfeiture of the License of such Licensee.

INTERPRETATIONS

§ 107.0100 Capital structure of licensees (interpreting section 302 of the Act).

Whenever capitalization of Licensee is to consist of more than one class of stock the voting rights and other rights and remedies may not be inequitable or discriminatory, and may not unduly concentrate control or management of the Licensee through pyramiding, inequitable methods, or inequitable distribution. Full disclosure of all voting rights and other rights and remedies of all classes of stock must be made to all shareholders prior to their purchase of stock.

§ 107.0101 Repayment of subordinated debentures (interpreting section 302 (a) of the Act).

(a) Repayment of subordinated debentures must be made in such manner as not to reduce paid-in capital and surplus below the statutory minimum. This minimum is set by section 302(a) of the Act at $300,000, and subordinated debentures are deemed to be a part of capital and surplus for the purpose (among other things) of providing this minimum.

(b) At the same time, the obligation of a Licensee to repay a subordinated debenture is absolute and binding, and is not limited to the availability of particular funds. For example, although subordinated debentures may be repaid from borrowed funds, such repayment may not be made unless capital and surplus is simultaneously maintained at or above the $300,000 level.

(c) Thus, Licensees should be aware of their obligations under the terms of the debenture, and these obligations should be provided for in a manner which will insure compliance with the minimum capital requirements imposed by section 302 of the Act.

§ 107.0102 Participation by SBA with a licensee under section 7(a) of the Small Business Act in an SBIC loan (interpreting sections 302 and 303 of the Act).

Sections 302 and 303 of the Small Business Investment Act of 1958 limit the nature and degree of financial assistance which SBA is authorized to provide Licensees in conjunction with the financing which Licensees are empowered to render small business concerns. Under these limitations SBA cannot participate with a Licensee under section 7(a) of the Small Business Act or otherwise in loans made by Licensee to small business concerns.

§ 107.0103 Aid for agriculture (interpreting sections 304 and 305 of the Act).

The program established by the Investment Act is to aid business concerns, and the assistance available through such program cannot provide financial or other assistance to concerns engaged in agricultural activities, namely, those involving the production of crops and livestock. In cooperation with the Department of Agriculture, SBA has established certain basic guidelines to aid in the determination whether an operation is a business or agricultural enterprise.

(a) Concerns engaged solely or primarily in the purchase and resale of commodities, the manufacture, processing or marketing of commodities, or the sale of services to the public are considered to be engaged in a business enterprise. This includes the purchase of fruits, vegetables and flowers for resale, the packaging, freezing, or processing by other means, of meats, fruits, and vegetables, the slaughter of livestock and poultry, the operation of warehouses and cold storage plants, feed mills, and the operation of a feed yard for cattle where income is derived from the service operation of housing and feeding the animals.

(b) Concerns engaged solely or primarily in the production of agricultural commodities are considered to be engaged in an agricultural enterprise, which normally involves the cultivation of the land for the production of food and fiber. This would include concerns producing field crops, livestock, and nursery crops.

(c) A concern which is engaged in an agricultural enterprise as well as a business enterprise will be classified according to the predominant part of its operations, considering the time devoted to agriculture and business and the income derived from each.

§ 107.0104 Short-term loans by a licensee (interpreting § 107.601(d)).

The question has arisen as to whether a Licensee may purchase Equity Securities from a real estate developer-builder and follow up with a less than five-year maturity construction loan to such builder. Such a short-term loan would not be within the exception of 107.601(d), permitting loans for terms of less than five years when necessary to protect the interest of a Licensee in an existing long-term loan, Equity Securities or stock. The exception for short-term loans is an emergency privilege which is available only if unavailable and as a necessity for the protection of a prior loan or investment.

§ 107.0105 Eligible investments for idle operating funds of SBICs (interpreting § 107.710).

Under the provisions of § 107.710 a Licensee may invest funds not reasonably needed for current operations in U.S. Treasury bonds, notes, certificates, and bills; U.S. Savings bonds, Series E and Series H; and Federal Housing Administration debentures. Investment is not permitted in securities of the Federal Intermediate Credit Banks, Federal National Mortgage Association, Federal Home Loan Banks, Federal Land Banks, Banks for Cooperatives, or International Bank for Reconstruction and Development (World Bank).

§ 107.0106 Employment of funds provided small business concerns by licensees (interpreting § 107.715(a)).

(a) The question has been raised as to whether Licensee may provide loans to concerns known as professional associations. Such associations would transfer the proceeds of loans from Licensee to institutions and professional people in exchange for interest-bearing time notes.

(b) Section 107.715(a) is interpreted to provide that funds supplied small business concerns by Licensee may not be invested, loaned, or otherwise transferred by such small business concerns for use by others in exchange for an equity interest or promise to repay. Therefore the type of financing described above is not permitted. Similarly, such funds may not be used for financing factoring operations, or for the purchase of commercial paper.

[10] Filed with the Federal Register Office as part of the original document. Copies of the Activity Report, SBA Form 477, together with instructions, are available at the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

APPENDIX

NOTE: The following forms are illustrative of content only and are not meant to be exact facsimiles of the forms to be filed with SBA.

SBA Form 525 ----------, 19---

SMALL BUSINESS ADMINISTRATION

CERTIFICATION OF INTENT

The licensee shall obtain the execution hereof by the small business concern involved (applicant) prior to providing financing, or consulting and advisory services to such concern.

(Name and address of licensee)

(Name and address of applicant)

(Nature of applicant's business)

CERTIFICATION

Applicant, through its duly authorized officer, hereby certifies that the named applicant intends to conduct as a regular and continuous business operation for a period of not less than five (5) years from the date hereof the business operation for which application for financing, or consulting and advisory services is being made. This certification is made for the purpose of securing financing, or consulting and advisory services from the above-named licensee and is made with full knowledge and understanding of the penalties provided for in Title 18, section 1014, United States Code.

(Name of applicant)

By ---------- ----------

Date ----------

UNITED STATES OF AMERICA

SMALL BUSINESS ADMINISTRATION

[SBA Form 414, Revised 9–60, Part I]

PROPOSAL TO OPERATE A SMALL BUSINESS INVESTMENT COMPANY UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958, AS AMENDED

Date ----------, 19---

(See Instructions)

Item 1. *Name of proposed operator* (exact name as specified in proposed Articles of Incorporation) ----------

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Item 2. *Proposed location of principal office* (to extent known):

City and zone ----------

Street and number ----------

County ----------

State ----------

Item 3. *Agent for correspondence:*

Full name ----------

Street and number ----------

Telephone ----------

City and zone ----------

State ----------

Item 4. *Proposed capitalization at start of business:*

(a) Capital stock ----------, $----------

(Class) (Par value)

per share, authorized ------ shares, outstanding ------ shares, sales price per share $------ (cash).

Resultant cash proceeds as paid-in capital and surplus $-------

If more than one class of capital stock ----------, $---------- per share, authorized

(Class) (Par value)

------ shares, outstanding ------ shares, sales price per share $------ (cash).

Resultant cash proceeds as paid-in capital and surplus.

Total paid-in capital and surplus from sale of stock.

(b) Subordinated debentures proposed to be sold to SBA.

Total paid-in capital and surplus as proposed, including subordinated debentures.

Less: Total organization expenses, incurred and proposed.

Net paid-in capital and surplus, including subordinated debentures.

(c) Other outstanding debt securities (if any).

PART I—INSTRUCTIONS

(References in parentheses are to act, amendments, and regulations in force as of date of this form and are for guidance only. Prior to filing of this proposal, refer to and read with care the applicable act, amendments, and regulations thereunder.)

General. Proposal Form 414 is to be used by proponents for submission to the Small Business Administration for consideration for qualification to submit a license application.

It is suggested that proponents not incorporate the proposed operator until drafts of the proposed articles of incorporation and bylaws have been submitted as exhibits to Form 414 and have been approved by the Small Business Administration and a "notice to proceed" has been issued to proponents.

The initials "SBA" and the words "proposed operator" and the "act" where used throughout this proposal shall be as defined in section 107.12 of the regulations.

Format, etc. This SBA Form 414 and the exhibits required hereunder (unless such exhibits are excepted by specific instructions) must be completed and submitted in quintuplicate to the SBA regional office nearest to the principal office of the proposed operator. Exhibits should be typed on a good quality bond paper for the original and on a good grade manifold paper for the copies, both of legal size. Each sheet of such exhibits must be identified at the top by a number reference to the related item, the caption designated for such item, and the name of the proposed operator. Separate sheets must be used for each exhibit and, where more than one sheet may be necessary for an exhibit, such sheets must be securely fastened together at the top edge. In responding to items, either include the text of the items or make complete statements which indicate to the reader coverage of the items without the necessity of his referring to the text or the instructions thereto; do not include answers such as "yes," "no," or "inapplicable."

Disposition and action. Upon completion of its review, investigations, and evaluations of this proposal, SBA may call upon the proponents to furnish additional information and substantiations considered to be in the interest of the proposal and of SBA's evaluation. As soon as action has been taken on the proposal, the proponents will be notified and, if the proposal is approved, will be furnished with a notice to proceed and a license application, SBA Form 415, which will specify the terms and conditions under which a license will be issued. (See sec. 107.102, 107.201, 107.103, 107.202 of the regulations.)

Other Government agencies. SBA is without authority to interpret, rule or advise with respect to any laws or regulations administered by the Securities and Exchange Commission (SEC), Internal Revenue Service or any other Federal, State, or local government agency and with respect to the proponents' or proposed operator's responsibilities thereunder. Any opinions or rulings of such agencies with respect to such responsibilities of the proponents or proposed operator will be duly considered by SBA in its determinations.

SEC review. The proposed operator must, prior to the issuance of a license by SBA, submit evidence from the Securities and Exchange Commission that the proposed operator is not required to register as an investment company under the Investment Company Act of 1940 and that the sale of its securities as presently proposed is not subject to registration under the Securities Act of 1933, or if registration is required under said acts, evidence satisfactory to SBA that the proposed operator has complied with such requirements. A copy of this proposal will be furnished by SBA to the SEC for concurrent review. Proponents should write to the SEC for a determination of the status of the proposed operator under those acts.

Amendments. It is specifically called to the attention of the proposed operator that this proposal, when it is approved initially by SBA, will become a part of the license application and amendments thereto will require approval of SBA. (See sec. 107.704 of the regulations.) Amendments should be submitted in all cases in quintuplicate as entire replacing pages, items or exhibits, in the same form and size as the original proposal and to the SBA regional office nearest to the principal office of the proposed operator. Each original amended page so submitted should be authenticated by the date and signature of an authorized officer or counsel for the proposed operator or licensee, and copies shall bear the date and signature of the same person.

NOTE: The information to be furnished under the following items 5–15, inclusive, to be by exhibits.

Item 5. *Source of initial capital and expansion plans*—(a) *Initial capital.* (1) Describe plans for raising initial capital, as shown in item 4. Include the manner in which the securities of the proposed operator are to be offered; e.g., by sale to the general public or, if no offering is to be made to the general public, the names or number of persons to whom each class of security is to be offered, the relationship of such persons to the proposed operator, or its organizers, and whether such persons are to take the securities for investment or whether they are to be taken for resale to others. Also, describe the manner in which the securities are to be offered; e.g., personal contact (indicating whether by paid salesmen or otherwise), use of printed sales literature, newspaper or other advertising, etc.

(2) State the number of beneficial owners of each class of securities and the total number of such owners, which it is estimated the proposed operator will have at the completion of its initial financing. Where a corporation is to beneficially own 10 percent or more of the voting securities of the proposed operator, state the number of beneficial owners of all outstanding securities of that corporation. Also state whether the value of all securities owned by such corporation, of licensed and/or proposed small business investment companies under the act, exceeds 5 percent of the value of the total assets of such corporation.

(3) State whether it is intended to register any of the securities under the Securities Act of 1933. If not, state which exemption from registration is considered applicable (e.g., private offering exemption) and state the facts which are considered to be the basis for availability of such exemption.

(4) State whether the proposed operator will register under the Investment Company Act of 1940 and, if not, indicate the exception or exemption in that act relied upon to make such registration unnecessary.

(b) *Additional capital.* (1) State plans, if any, during the first year of operation, for raising additional capital, by sale of capital stock and by sale of debt securities, to SBA and others. If to others, state whether such capital is to be raised through an offering to the general public or otherwise.

(2) State plans, if any, for expansion of resources in second year or subsequent years of operation.

Item 6. *Status of organization—Availability of State charter.* (a) If incorporated, state the date charter was issued and iden-

tify the jurisdiction in which incorporated. If not incorporated, name the proposed State of incorporation.

(b) If State charter has been obtained or is believed available, furnish an opinion of counsel for the proponents that the proposed operator is, or can be, chartered under State law to conduct, in the area defined under item 7 hereof, only the activities described under title III of the act, in accordance with and subject to the provisions and purpose of the act and subject to regulations prescribed by SBA under the act.

(c) Submit as exhibits the proposed or actual charter or articles of incorporation, showing the names of the incorporators and the proposed or actual bylaws of the proposed operator.

Item 7. *Area of operations*—(a) *Definition of area.* Define the precise geographical area(s), naming States or other political subdivisions, in which the business of the proposed operator will be principally carried on, and indicate the locations in which branch offices or agencies are proposed to be established within 60 days following receipt of a license and the area to be served by each.

(b) *Authorization in other States.* If the area defined in paragraph (a) above includes one or more States in addition to the proposed State of incorporation, furnish an opinion of counsel that the proposed operator can obtain authority or will otherwise be entitled to conduct, immediately upon the issuance of a license, its franchise powers in full in such other State(s), in accordance with the provisions of its charter, the act and regulations prescribed thereunder.

Item 8. *Need for proposed operator in the area.* State the business and economic factors which indicate a need for establishment of the proposed operator in the area(s) defined in item 7 above.

Item 9. *Plan of operations.* State fully the general plan of operations, including in detail, insofar as practicable, the following:

(a) Proposed officers and other operating personnel, with a description of their functions (exclusive of those mentioned in the bylaws) and their rates of compensation. Submit as an exhibit a copy of any employment contract with any such person.

(b) Proposed use of physical equipment, quarters or personnel of others, including a description of such arrangement, if any. If the arrangement is for a fee and with any person specified in section 107.716(b) of the regulations, specifically describe the services to be supplied to, or performed for, the proposed operator and the amount of compensation to be paid therefor. A copy of any contract for such services should be submitted as an exhibit. If such services are to be furnished by others without charge, submit evidence of the authority of such persons to supply such services.

(c) Any proposed consulting and advisory services to be performed for small business concerns with the fees to be charged for such services.

(d) Use of investment advisers, finders, consultants or business managers. (See sec. 107.704(d) of the regulations.)

Item 10. *Policy.* Describe the proposed policies of the proposed operator with respect to each of the following matters:

(a) *Investment policy.* (1) Concentration of investments in particular industries or in particular types of small business concerns.

(2) The maximum percentage of voting securities of any one small business concern which it proposes to acquire, directly or through conversion or through the exercise of a warrant, right, or stock option.

(b) *Interest, discount, and other charges on loans.* (1) State the maximum annual interest rate and maximum discount permitted by local law in the operating area to be charged on equity type securities evidencing a debt and long term loans to incorporated and to unincorporated small business concerns. (See sec. 107.501 and 107.601 of the regulations.)

(2) State the maximum annual cost, itemized as to interest, discount and other charges, to be charged to any borrower in consideration of net funds advanced, for both single payment or installment type loans, with annual cost computed as a percentage of average outstanding (unpaid) net funds advanced.

In computing "net funds advanced" for this purpose, charges made by the proposed operator against the small business concern at the time of the granting of the loan for investigations, screenings, credit reports, appraisals, financial reports, legal services, commissions, etc., must be added to any discount and correspondingly reduce such "net funds advanced."

(c) *Internal controls of funds and portfolio securities.* Safeguarding procedures involving custody of securities and approval of disbursements of cash and withdrawal of securities from safekeeping.

(1) As to the custody of securities:

(i) State the name, principal business address and the nature of the business of any person who is to act as custodian of the securities of the proposed operator and describe the arrangements under which such securities are to be held.

(2) Approval of disbursements and withdrawals:

(i) Specify which officers, two or more of whom will be required to sign all checks of the proposed operator and all authorizations for the withdrawal of securities from safekeeping, or

(ii) Specify safeguarding procedures which will be followed involving dual approval by specified officers of disbursements and withdrawals of securities from safekeeping.

Item 11. *Management and control*—(a) *Relationship.* List by name and address the following persons, corporations, partnerships and other entities, and show in tabular form, (i) the proposed title or relationship of each to the proposed operator, and (ii) the amount and percentage of each class of capital stock and other securities of the proposed operator to be owned by each directly or indirectly:

(1) All persons who are or who it is presently contemplated will be officers or directors of the proposed operator, and each person who, individually or in concert with others, will directly or indirectly control, the affairs and operations of the proposed operator, and

(2) Each person, corporation, partnership, trust, or other entity, which owns or proposes to own, either directly or indirectly, 5 percent or more of the voting securities issued or to be issued by the proposed operator. Where a corporation is to beneficially own 10 percent or more of the voting securities of the proposed operator, state the names and addresses of all beneficial holders of 10 percent or more of the voting securities of that corporation.

(b) *Arrangements affecting control.* As to each person, corporation, etc., named in response to (a) above, and as to all capital stock owned or to be owned by each, as stated above, furnish the material and substantive details of all arrangements existing or presently contemplated, whereby:

(1) Shares owned or to be owned directly are to be owned indirectly by other persons;

(2) Shares owned or to be owned, either of record or beneficially, are to or may be transferred, or resold to others;

(3) Shares are now subject, or are to be made subject to any loan or pledge incident to the purchase thereof;

(4) Shares are to be subject to any understanding or commitment as to exercise of voting rights.

(c) *Qualifications of management.* (1) Furnish, with respect to each present or proposed officer and director listed under (a) above, a separate sheet showing the following information: Name and address; a summary of business or other vocational experience during the past ten years—stating the periods of each primary activity and the names of the firms, concerns or entities with which associated; title, position and ownership interest in such concerns; basic functions and responsibilities; and a summary of any special experience or qualification pertinent to the proponents' management responsibilities;

(2) List all business concerns with which each person listed under item (a) above is presently affiliated as an officer, director, or by way of direct or indirect ownership of 10 percent or more of any class of stock of such concerns, by way of direct or indirect control, or by way of any other affiliation, showing names and addresses of such concerns, and details of relationship and ownership.

Item 12. *Previous Government financing.* List the assistance received from, requested of, or refused by, either the Small Business Administration or the Reconstruction Finance Corporation, to the extent that any phase of such assistance, request or refusal may have occurred, existed or remained pending during any part of the last 5 years as to the following:

(a) Each person named in item 11(a),

(b) Any company controlling any such person, or

(c) Any company directly or indirectly, controlled by any such person, individually or in concert with others. State the name of each person, related company, and Government agency, and show the original amount, the date and the balance, if any.

Item 13. *Small business investment company affiliations.* List persons named in item 11(a) who have or contemplate direct or indirect ownership of stock in any other small business investment company, or have other affiliations therewith, and show the names of such companies and the percent of stock ownership involved or such other affiliation.

Item 14. *Disclosure of any family relationship or financial interest of any SBA employee.* List the names of any SBA employees or advisory board members who are related by blood, marriage, or adoption to, or who have any present or have had any past, direct or indirect, financial interest in or in association with the proponents.

Item 15. *Names of attorneys, accountants, and other parties.* List the names, addresses, description of services, total compensation to be paid and compensation already paid, of all attorneys, accountants, appraisers, agents, and all other parties (whether individuals, partnerships, associations or corporations) engaged by or on behalf of the proposed operator, whether on a salary, retainer or fee basis and regardless of the amount of compensation, for the purpose of rendering professional or other services of any nature whatever to proposed operator or proponents, in connection with the preparation or presentation of this proposal.

Item 16. *Declaration of proponents.* (a) We, the undersigned proponents, numbering ------ persons, are identified in the exhibits to item 11 above as being all the officers and directors of the proposed operator, either proposed or duly elected, and all those persons who otherwise own or propose to own, directly or indirectly, 5 percent or more of the voting stock of the proposed operator. We represent that all information submitted in this proposal and in the exhibits submitted therewith, or in connection therewith, is true and complete to the best knowledge and belief of each one of us.

(b) We hereby propose that the proposed operator be approved in all respects to operate under the Small Business Investment Act of 1958, as amended, subject to complete compliance by the proponents and the proposed operator with all applicable provisions of said act, and the pertinent regulations of the Small Business Administration.

(c) Subject to the issuance of a SBA license to the proposed operator, we hereby covenant that, prior to or simultaneously with such issuance of a license, we will:

(1) Furnish the Small Business Administration with evidence satisfactory to it that the capital and surplus to be provided as stated in paragraphs 4 (a) and (b) of the proposal, and represented by cash, will have been duly paid in to the proposed operator, and the shares of capital stock will have been duly issued therefor to the persons entitled to receive same, provided however that the proposed operator shall be legally entitled to effect such transactions, or

(2) Enter into such escrow arrangement with such banking institution, as both may be approved by the Small Business Administration, which will effect the same results as provided for in paragraph 4a, above, at the earliest time the proposed operator shall become legally entitled to effect such transactions.

(3) Take all actions necessary to comply with all applicable Federal, State, and municipal laws, and will furnish the Small Business Administration such evidence thereof as it may require.

(d) We, by our signatures below, certify that: Except as stated in the exhibit to item 15 of the proposal, no one of us has paid or incurred any obligations to pay, directly or indirectly, or has caused the proposed operator to so pay or to incur any obligation to so pay, any fee or other compensation for obtaining the approval herein proposed.

(Signature)	(Signature)	(Signature)
(Typed name)	(Typed name)	(Typed name)
(Signature)	(Signature)	(Signature)
(Typed name)	(Typed name)	(Typed name)

Proponents should immediately notify SBA of any change in or addition to the information set forth above.

UNITED STATES OF AMERICA

SMALL BUSINESS ADMINISTRATION

[SBA Form 414 (8-60), Part II]

STATEMENT OF PERSONAL HISTORY

Instructions. This form shall be submitted in triplicate to the SBA regional office with which part I, SBA Form 414, is filed. All questions must be answered by all proposed officers, directors and each person who will own 10 percent or more voting stock of the proposed operator.

Name and address of proposed operator

(Street, city, and State)

1. Personal statement of:

First name in full ----------

Middle name in full ----------

(If none, so state)

Last ----------

2. Date of birth:

(Month, day, and year)

3. Place of birth:

(City and State or foreign country)

4. Citizen of United States?

☐ Yes ☐ No

5. Starting with present address list residence addresses in last 10 years:

From ---------- to ----------

Address ----------

6. Starting with present employer list all employers in last 10 years:

From ---------- to ----------

Employer ----------

Address ----------

Position held ----------

7. List three character references:

Full name ----------

Home or business address ----------

Business or occupation ----------

The information on this form will be used in connection with an investigation of your character. Any additional information you wish to submit should be set forth below. If more space is needed, continue on additional sheets and attach hereto. Affix signature and date at end of statement.

For agency use: No. -------

(Signature)

(Title)

(Date)

UNITED STATES OF AMERICA

SMALL BUSINESS ADMINISTRATION

[SBA Form 415 (3-61) Part I]

LICENSE APPLICATION

Application for license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended.

Instructions.

1. This form and all exhibits, appropriately identified, must be filed in quadruplicate with the appropriate Regional Office of SBA.

2. This form may be submitted only by a proposed operator named in a proposal submitted on SBA Form 414, and only after the proponents named therein have received from SBA a notice to proceed to take action necessary to qualify the proposed operator to execute and submit this license application.

3. This license application must be filed in accordance with any requirements contained in the aforementioned notice to proceed and within 90 days of the date thereof.

4. This form consists of two parts. Part I will be filled out and signed in all cases. Part II will be filled out and signed only if SBA funds are being requested pursuant to section 302 of the act.

Name of proposed operator as specified in charter

Address of principal office

Name of agent for correspondence

Address of agent

Telephone number of agent

---

1. *Organization.* Proposed operator was incorporated on (date) ---------- under the laws of (State) ----------

2. *Request for license and offer to conduct business.* The proposed operator hereby requests SBA to issue to it a license for operation under the Small Business Investment Act of 1958, as amended, and the regulations thereunder, in the following area: ---------

The proposed operator hereby offers to SBA to conduct, in its aforesaid operating area, immediately upon the grant of a license to it, only the activities described under title III of the Small Business Investment Act of 1958, as amended, and the regulations thereunder, and in accordance with and subject to the provisions and purposes of the act.

3. *Exhibits.* The following exhibits are submitted herewith and constitute a part of this license application:

a. Articles of incorporation, or charter, of the proposed operator, certified by the Secretary of State, or other appropriate authority; certified copies of certificates of authority (certified by the secretary of State, or other appropriate authority) evidencing authority of the proposed operator to conduct its activities in States other than the State of incorporation, if any; together with such other evidence that SBA may deem necessary to provide the authority and right of the proposed operator to conduct, immediately upon the issuance of a license, its full franchise powers in each jurisdiction of its proposed operating area.

b. Bylaws of proposed operator, certified by appropriate corporate official.

c. Certified copies of minutes of corporate meeting at which present directors were elected.

d. Certified copies of minutes of the meeting of directors at which the present corporate officers were appointed.

e. Certified copies of a resolution of the board of directors authorizing the execution and submission of this license application.

f. Actual balance sheet of the proposed operator as of the date of this license application, verified by an authorized officer. This balance sheet should evidence that the proposed operator has a paid-in capital and surplus equal to at least $300,000 (exclusive of organizational expenses) in cash or in eligible Government securities, as defined in section 107.0105 of the regulations, at their immediately realizable amount, on hand, in banks, or in escrow for release to the proposed operator, contingent solely upon the issuance of a license; however, the aggregate principal amount of subordinated debentures, if any, of the proposed operator for which SBA's commitment to purchase is requested in part II hereof, shall be deemed to be a part of the paid-in capital and surplus of the proposed operator for this purpose. The name of the bank or banks, if any, in which such cash is on deposit, and copies of any escrow agreement should accompany the required balance sheet. (See sec. 107.202(c) of the regulations.)

g. Evidence issued by the Securities and Exchange Commission that the securities of the proposed operator presently proposed to be sold, as set forth in its proposal, are not required to be registered under the Securities Act of 1933 and that the proposed operator is not required to register as an investment company under the Investment Company Act of 1940; or, if such registration is required, evidence satisfactory to SBA that the proposed operator has complied with such requirements.

h. A written opinion of counsel for the Proposed Operator to SBA stating that:

(1) the proposed operator has complied with all applicable local, State, and Federal laws in the formation and organization of the company;

(2) the proposed operator, in selling its stock to obtain the required capital and surplus, has complied with every law, regulation and obligation relating to or controlling the

sale of its stock and is and will be authorized and entitled to receive and retain the funds paid to or to be paid to it by each entity in consideration for said stock issued or to be issued by the proposed operator; and

(3) the proposed operator is authorized under existing charter, bylaws and otherwise to issue its stock to all small business concerns, pursuant to section 304(c) of the act, as amended, forthwith and independent of any preemptive or similar rights or limitations.

(4) The proposed operator is chartered by the State of _____ to conduct, in its proposed operating territory, or area, only the activities described under Title III of the Small Business Investment Act of 1958, as amended, in accordance with, and subject to, the provisions and purposes of the act and in accordance with, and subject to, regulations prescribed by SBA under the act.

(5) The proposed operator is authorized and entitled to conduct said franchise powers in full in each jurisdiction to be named in its license as part, or all, of its operating territory, or area, immediately upon the issuance of a license.

4. *Representations.* All statements made in this license application and in the attached exhibits are considered material representations, and all exhibits are a material part hereof and are incorporated herein as if set out in full in the license application. The proposal heretofore submitted in which the proposed operator named above was so designated, and all amendments and exhibits thereto, are considered material representations and are incorporated herein and made a part hereof as if set out in full in this license application. The undersigned corporation hereby agrees to pay to SBA the sum of $100 upon issuance of a license, if granted.

5. *Signature.* (Sign and attest here.)

_____
(Name of proposed operator)

[CORPORATE SEAL] By _____
(Signature)

_____
(Typed name)

_____
(Title)

Attest:

_____
(Secretary of proposed operator)

Dated this _____ day of _____, 19___.

[SBA Form 415, (3–61), Part II]

APPLICATION FOR AGREEMENT TO PURCHASE SUBORDINATED DEBENTURES

To be filled out and signed only if SBA funds are requested pursuant to section 302 of the act.

Requests for disbursement of any funds pursuant to any SBA commitment must be made on SBA Form 420.

1. Pursuant to the provisions of section 302(a) of the Small Business Investment Act of 1958, as amended, and the regulations thereunder, the proposed operator hereby requests SBA to agree to purchase not in excess $_____ principal amount of its 5 percent subordinated debentures, such amount being necessary to provide the proposed operator with an initial minimum of paid-in capital and surplus, in cash or in eligible Government securities, as defined in section 107.0105 of the regulations (exclusive of funds required to satisfy organization expenses), equal to $300,000. One executed and three conformed but undated copies of said subordinated debenture are submitted herewith as exhibit (1) to this application. SBA is hereby authorized to insert the date on said subordinated debenture to coincide with the date of the license, if granted.

The proposed operator hereby certifies that the funds to be so obtained from SBA are not available from private sources for the subject venture.

The proposed operator hereby certifies that it is not and will not be owned substantially or controlled by any parties or interests which own or will own substantially or control any other proposed operator or licensee.

NOTE: Completion of this Item will be deemed to be a request submitted on Form 416, for the purpose of meeting the provisions of § 107.709(c) of the regulations.

2. The following exhibits are submitted herewith and constitute a part of this license application:

(i) One executed and three conformed copies of the subordinated debenture.

(j) A written opinion of counsel for the proposed operator to SBA stating that the proposed operator is empowered to issue its subordinated debenture to SBA and such debenture, upon issuance, will be valid and enforceable against the proposed operator, in accordance with the terms thereof.

(k) Certified copies of the resolution of the board of directors authorizing the issuance and sale of the subordinated debentures to SBA.

3. *Signature.* (Sign and attest here only if SBA funds are requested.)

_____
(Name of proposed operator)

[CORPORATE SEAL] By _____
(Signature)

_____
(Typed name)

_____
(Title)

Attest:

_____
(Secretary of proposed operator)

Dated this _____ day of _____, 19___.

SMALL BUSINESS ADMINISTRATION

[SBA Form 480 (10/60)]

SIZE STATUS DECLARATION

The licensee shall date and execute this declaration (see Instruction No. 3 below) and shall obtain the execution hereof by the business concern involved (applicant) prior to providing financing, or consulting and advisory services to such concern. Part A is to be completed by the applicant in all cases. If any question in part A, except question 1, is answered "yes," part B is to be completed by the applicant.

Name and address of licensee.

Name and address of applicant.

Form of organization of applicant (corporation, partnership, etc.).

Affiliation. (Applicant (is) (is not) affiliated with any other concern (see definition of affiliates on p. 2). If affiliated, explain fully on an attached sheet.

PART A

1. Is applicant (including affiliates) dominant in its field of operations? (A concern is not dominant in its field of operations when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.) ☐ Yes ☐ No

2. Does applicant (including affiliates) have total assets amounting to more than $5,000,000? (Total assets are assets less any valuation reserves.) ☐ Yes ☐ No

3. Does applicant (including affiliates) have net worth in excess of $2,500,000? ☐ Yes ☐ No

4. Did applicant (including affiliates) have net income after Federal income taxes averaging over $250,000 per annum during the preceding 2 years (such average net income computed without benefit of any carryover loss)? ☐ Yes ☐ No

Applicant, through its duly authorized officer, hereby certifies that all information contained herein and in attachments hereto is true and complete to the best of its knowledge and belief:

_____
(Name of applicant)

By _____
(Signature of officer)

_____
(Title)

Date _____

Instructions for licensee.

1. If the answer to question 1 of either part A or part B is "yes," applicant cannot be considered to be a small business concern.

2. This declaration should not be signed by the licensee unless—

(a) All answers to questions in part A are "No."

or

(b) Answers to question 1 and the applicable paragraphs of question 2 of part B are "No."

3. This declaration may be signed by the licensee when there has been an investigation to obtain facts enabling the licensee to conclude that the applicant is a small business concern within the requirements of the Small Business Investment Act of 1958, as amended, and the regulations of SBA thereunder.

Licensee's certificate.

Based upon all the information available to us, including all information and facts obtained through our own investigation, the licensee named hereinabove has concluded that applicant is a small business concern within the requirements of the Small Business Investment Act of 1958, as amended, and the regulations of SBA thereunder.

By _____
(Signature of officer)

_____
(Title)

Date _____

INSTRUCTIONS

General. This size status declaration is required by section 107.704(e) of the regulations under the Small Business Investment Act of 1958, as amended, to be executed by the business concern and the licensee prior to providing financing, or consulting and advisory services, to the concern.

The licensee is required to keep this completed form as a permanent part of the applicant's record with the licensee.

Section 107.12 of the regulations under the Small Business Investment Act of 1958, as amended," defines Small Business Concern for purposes of said act as follows:

"A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a business concern which:

"(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5,000,000, does not have net worth in excess of $2,500,000, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

"(b) Qualifies as a small business concern under § 121.3–10 of part 121."

(A copy of part 121, Small Business Size Standards Regulation, is furnished with this form but should not be filed with the form.)

Affiliates. The fact that the applicant may be a division of a company, a subsidiary or affiliate, must be considered in making a size determination, even though the applicant and its affiliates are not engaged in the same field of operation. In making a size determination the total size of the applicant and its affiliates, regardless of business activity, must be considered.

Business concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors including common ownership, common management and contractual relationships.

The following is a list of factors, the existence of any of which raises a presumption of affiliation:

(1) *Common ownership.* When a significant portion of the concern under consideration is directly or indirectly held by an individual (or individuals) or an associated group (family, holding company, other business entity, etc.) which also holds a similar interest in another concern, they may be said to be affiliated.

(2) *Common control.* When those who exercise or may exercise significant control over the concern under consideration, can also exercise similar control over another concern, the concerns may be said to be affiliated. This control may arise as an incident of ownership, or it may arise through interlocking management such as common directors or common officers.

(3) *Affiliation by agreement.* Where there exist actual or tacit agreements relating to the operation of the concerns involved between individuals or associated groups having significant ownership or control of concerns, these concerns may be said to be affiliated. These agreements may embrace a wide variety of subjects, including use of common facilities (both physical and management facilities such as common general counsel, purchasing or selling agency, bank account, etc.), purchasing activities, methods of doing business, and the like.

PART B[3]

The questions in this part B need not be answered or completed unless any one or more of questions 2, 3, or 4 of part A on page 1 has been answered "yes."

1. Is applicant (including affiliates) dominant in its field of operations? (A concern is not dominant in its field of operations when it does not exercise a controlling or major influence in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents and license agreements, facilities, sales territory, and nature of business activity.) ☐ Yes ☐ No

2. Circle the title of the applicable question below, and answer only the questions which are under the title which has been circled:

a. *Construction.*

If applicant is primarily[1] engaged in construction, have its average annual receipts (including affiliates' receipts) exceeded $5,000,000 for the preceding 3 fiscal years? ☐ Yes ☐ No

b. *Food canning and preserving.*

If applicant is primarily[1] engaged in the food canning and preserving industry, does its number of employees[2] (including affiliates' employees) exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306? ☐ Yes ☐ No

c. *Retail* (other than groceries and fresh meats, or motor vehicles).

If applicant is primarily[1] engaged in business as a retailer of other than groceries and fresh meats, or motor vehicles, do its annual sales (including affiliates' sales) exceed $1,000,000? ☐ Yes ☐ No

d. *Retail groceries and fresh meats.*

If applicant is primarily[1] engaged in making retail sales of groceries and fresh meats, do its annual sales (including affiliates' sales) exceed $2,000,000? ☐ Yes ☐ No

e. *Retail new or used motor vehicles.*

If applicant is primarily[1] engaged in making retail sales of new or used motor vehicles, do its annual sales (including affiliates' sales) exceed $3,000,000? ☐ Yes ☐ No

f. *Service trades* (other than hotel or power laundry).

If applicant is primarily[1] engaged in business as a service trade concern (other than a hotel or power laundry), do its annual receipts (including affiliates' receipts) exceed $1,000,000? ☐ Yes ☐ No

g. *Hotel or power laundry.*

If applicant is primarily[1] engaged in business as a hotel or a power laundry, do its annual receipts (including affiliates' receipts) exceed $2,000,000? ☐ Yes ☐ No

h. *Taxicabs.*

If applicant is primarily[1] a taxicab concern, do its annual receipts (including affiliates' receipts) exceed $1,000,000? ☐ Yes ☐ No

i. *Trucking and warehousing.*

If applicant is primarily[1] engaged in the trucking or warehousing business, do its annual receipts (including affiliates' receipts) exceed $3,000,000? ☐ Yes ☐ No

j. *Wholesale.*

If applicant is primarily[1] engaged in business as a wholesale concern, does its annual dollar volume of sales (including affiliates' sales) exceed $5,000,000? (Any wholesale concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both this paragraph and paragraph k below.) ☐ Yes ☐ No

k. *Manufacturer.*

(1) If applicant is engaged in business primarily[1] as a manufacturer, state the "number of employees"[2] of applicant (including affiliates' employees) determined as specified in footnote 2 below _____ (number of employees).

(2) Does the "number of employees" stated in the previous questions exceed 1,000? (If answer is "yes" no further answers are necessary. If "number of employees" stated in (1) does not exceed 250, no further answers are necessary.) ☐ Yes ☐ No

(3) If the "number of employees" stated in (1) above is more than 250, but not more than 1,000 state the "Census classification code" number for the industry or activity in which applicant is primarily[1] engaged (as set out in schedule A of part 121 of SBA rules and regulations): _____ (Census classification code).

(4) Does applicant's "number of employees" stated in (1) above exceed the employment size standard for companies having its Census classification code number, as set out in schedule A of part 121 of SBA rules and regulations? ☐ Yes ☐ No

[1] If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified into different industries, the appropriate standard to be used is that which has been established for the industry or activity in which it is primarily engaged. If no standard for an industry or activity has been set out in this form or in schedule A of part 121 of SBA rules and regulations, a licensee or applicant seeking a size determination should submit SBA Form 355 to the SBA regional office serving its area.

[2] "Number of employees" means the average employment of any concern (including affiliates) based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters.

[3] *Certificate of competency.* Section 121.3–10(a) provides for eligibility as a small business concern which has been issued a certificate of competency, when such concern is seeking funds to finance a Government contract. This situation is omitted from part B of this form because ordinarily such contracts do not require financing for a term of 5 years or more.

ICL _____
(To be supplied by SBA)

UNITED STATES OF AMERICA

SMALL BUSINESS ADMINISTRATION

[SBA Form 416, Revised 11–60]

LOAN APPLICATION

By a licensed small business investment company pursuant to section 308(b) of the Small Business Investment Act of 1958, as amended.

NOTE: Licensee must follow instructions on back hereof if application is to be considered by SBA.

1. *Applicant licensee.*

a. Exact corporate name of licensee _____

Street _____

City and zone _____

State _____

a corporation licensed under the Small Business Investment Act of 1958, as amended.

b. SBA license identification number _____.

c. Person to contact _____, Telephone number _____.

2. *Amount applied for.* Pursuant to Section 107.402 of the regulations under the act, as amended, the undersigned licensee does hereby request SBA to lend to the licensee $_____.

3. *Representations and signature.* a. The undersigned licensee does hereby certify that the funds to be represented by the proceeds of the loan hereby applied for are not otherwise available.

b. The undersigned represents that to the best of its knowledge and belief, the licensee will be able to repay the loan for which application is hereby made in accordance with

the terms described in the note and loan agreement.

c. The undersigned licensee does hereby certify that it will earmark all of the items proposed for earmarking in Exhibit d attached hereto, and that none of the items proposed for earmarking is in default as to interest or principal payments or as to any other covenants relating to such items.

d. The undersigned licensee does hereby authorize SBA to date the note and loan agreement and to list in the loan agreement the acceptable earmarked securities submitted as exhibit d.

e. All the statements made in this loan application and exhibits hereto are considered material representations, and all exhibits are a material part hereof and are incorporated by reference as though set out in full in this loan application.

(Name of licensee)

[CORPORATE SEAL] By ---
(Signature of authorized executive officer)

(Typed name)

(Title)

Attest:

(Secretary of licensee)

Dated this ------ day of ----------, 19---.

INSTRUCTIONS

Number of copies. An original and two copies of this application form, to which shall be attached all applicable exhibits (listed hereunder) properly identified, and complete in all respects, also in triplicate (unless otherwise instructed) shall be submitted to the appropriate regional office of SBA.

Exhibits to be attached to this application form. a. Copies of certified resolution of the board of directors of the licensee authorizing this borrowing.

b. Latest statement of financial condition of the licensee on SBA Form 468, verified by an authorized officer of the licensee as of a date not more than 30 days prior to the date of this application.

NOTE: If this application is filed with SBA within 30 days of the date of filing a required SBA Form 468, a reference should be made on a separate paper marked Exhibit 416–b, "Refer to statement of financial condition as of (date) filed with SBA on (date)."

c. Statements of income and expense, and schedule of surplus reconciliements of the licensee, on SBA Form 468, verified by an authorized officer of the licensee, covering the period since the date of the last such statements filed with SBA, and ending on a date not more than 30 days prior to the date of this application.

NOTE: If this application is filed with SBA within 30 days after the date of filing a required SBA Form 468, a reference should be made on a separate paper marked Exhibit 416–c, "Refer to the statements of income and expense, and schedule of surplus reconciliements for the period ending (date) filed with SBA on (date)."

d. Schedule of portfolio items proposed for earmarking, containing the following designated information:

Loans and debt securities (with seven columns thereunder):

1. The name of the borrower or issuer and type of business.
2. The date and the face amount of the debt security.
3. The amount of the licensee's cash investment in the debt security (net funds advanced).
4. The unpaid balance of the licensee's cash investment (net funds advanced).
5. The maturity date.
6. Repayment terms.
7. A brief description of the collateral, if any.

Stocks (with six columns thereunder):

1. The name of the issuer and type of business.
2. The date of issue and number of shares.
3. The Certificate No.(s).
4. The licensee's cash investment (cost).
5. The market, or fair value determined by licensee's board of directors.
6. The type of stock and its rights as to dividends, voting, liquidation, etc.

Participation agreements. In addition to the information requested for loans and debt securities and stocks, furnish a copy of the trust indenture or other evidence of the terms of the participation agreement.

e. One executed and four conformed copies of a note.

f. One executed and four conformed copies of a loan agreement.

NOTE: Copies of note and loan agreement forms may be obtained from the nearest SBA regional office. If the loan is approved, SBA will complete the note and loan agreement as authorized by the applicant licensee in Item 3d and furnish to the licensee a conformed copy of the note and of the loan agreement.

g. Agreement (SBA Form 158) as to compensation for services rendered or to be rendered to applicant in connection with this application.

NOTE: It is not required that an applicant employ representatives in order to file a loan application with SBA. Copies of SBA Form 158 may be obtained from the nearest SBA regional office.

Disbursement. Whenever any disbursement of an approved loan is requested by the borrowing licensee the written certification and statement required by section 107.709 of the regulations, as amended, must be made on SBA Form 420 and submitted to the appropriate regional office of SBA.

If immediate disbursement is requested of all or any part of the loan applied for by this application, completed SBA Form 420 in quadruplicate should be attached to and submitted with this application.

UNITED STATES OF AMERICA

SMALL BUSINESS ADMINISTRATION

[SBA Form 420, Revised 11–60]

CERTIFICATION AND STATEMENT AND REQUEST FOR FUNDS

Under sections 302(a) or 303(b) of the Small Business Investment Act of 1958, as amended.

Instructions. This instrument is to be submitted in quadruplicate to the appropriate SBA regional office by a licensee under the Small Business Investment Act of 1958, as amended, prior to the disbursement of any funds by SBA to the licensee under the authority of section 302(a) or section 303(b) of the act. This instrument includes a request for immediate disbursement and should not be submitted until definite plans for employment of the requested funds have been made, so that such funds may be employed by the licensee in accordance with sections 304 or 305 of the act within 60 days after receipt thereof. This instrument should be executed by an authorized executive officer and attested to by the secretary of the licensee.

1. a. Exact corporate name of licensee

Street ---
City and zone ---
State ---

a corporation licensed under the Small Business Investment Act of 1958, as amended.

b. SBA license identification number ---

REQUEST FOR DISBURSEMENT OF FUNDS

2. If for subordinated debentures (under sec. 302(a) of the act) pursuant to commitment of SBA state:

a. Date of commitment letter ---
b. Original amount of commitment, $---
c. Amount previously disbursed by SBA pursuant to commitment, $---
d. Amount herein requested to be disbursed, $---

3. If for operating loan (under sec. 303(b) of the act) pursuant to loan application (SBA Form 416) state: (If loan has not been authorized complete item d. only.) (If loan has been authorized, complete all items.)

a. Date of SBA authorization ---
b. Amount of loan authorized by SBA, $---
c. Amount previously disbursed by SBA pursuant to authorization, $---
d. Amount herein requested to be disbursed, $---

4. Agreement of nonemployment of SBA personnel. In consideration of the making by SBA to licensee of all or any part of the disbursement applied for in this instrument, licensee hereby agrees with SBA that licensee will not, for a period of 2 years after disbursement by SBA to licensee of said funds, or any part thereof, employ or tender any office or employment to, or retain for professional services, any person who, on the date of such disbursement, or within one year prior to said date, (a) shall have served as an officer, attorney, agent or employee of SBA and (b), as such, shall have occupied a position or engaged in activities which SBA shall have determined, or may determine, involve discretion with respect to the granting of assistance under the Small Business Investment Act of 1958, or said act as it may be amended from time to time.

5. Additional information or remarks. Licensee may submit any additional information or remarks in qualification of this application in accordance with section 107.709(b) of the regulations under the Small Business Investment Act of 1958, as amended.

6. *Certification and statement.* In compliance with section 107.709 of the regulations, the following certification and statement is executed and delivered to SBA: In order to induce Small Business Administration to disburse the funds requested, as indicated in item 2d or item 3d above, the undersigned licensee does hereby certify that:

A. (1) The licensee has not violated and is not in violation of any provisions of the act, its charter, its license, or any regulations issued under the act.

(2) The capital of such licensee is not impaired, as defined in section 107.303(b) of the regulations under the act.

(3) The licensee will employ such funds in accordance with the purposes and provisions of section 304 and/or section 305 of the act within 60 days after receipt thereof, subject to further extensions at the discretion of SBA.

(4) Such funds will not be knowingly or intentionally employed by the licensee for any purpose which would cause a substantial increase of unemployment in any area of the country.

(5) The licensee has not paid or incurred any obligation to pay, directly or indirectly, any fee or other compensation for obtaining the funds hereby applied for.

(6) There are no suits pending against the licensee; none of the items earmarked or proposed for earmarking are in default as to any interest or principal payments or as to any other covenants relating to such items; the present total of the unpaid balances of licensee's cost of the items earmarked or proposed for earmarking is at least 150 percent of the amount of the loan; the total of all capital stock and surplus accounts of the licensee as of the date of this request for funds is $---------- (any change in these items since the date of the loan application to be shown by exhibit identified and attached hereto); there has been no adverse change in the financial condition, organization, operations, business prospects, personnel or any other condition since the date of:

a. The loan application ---
b. The date of the preceding disbursement ---------- (Licensee will fill in the date on the applicable line and draw a line through the other.)

(7) All information contained above and in exhibits attached hereto is true and complete to the best of the knowledge and belief of the licensee and the undersigned.

B. If this is a request for disbursement of funds by SBA in payment for subordinated debentures of the licensee, the sum of the following amounts will not exceed $300,000 immediately after the requested disbursement:

(1) The amount of combined capital stock, and paid-in surplus of the licensee, less the amount, if any, expended for organization expenses;

(2) The total amount previously disbursed by SBA in payment for subordinated debentures of licensee; and

(3) The amount which SBA is now being requested to disburse, as stated in item 2(d) of this request for funds.

C. If this is a request for disbursement by SBA of an operating loan pursuant to section 303(b) of the act:

(1) The total amount of the outstanding balances due SBA by the licensee under this section including the amount of the disbursement requested herein does not exceed 50 percent of the licensee's combined capital stock and paid-in surplus (including as part of such stock and surplus the amount, if any, of the outstanding balance of subordinated debentures due SBA pursuant to section 302(a) of the act).

(2) The total amount previously disbursed outstanding indebtedness (other than the subordinated debentures, if any, due SBA pursuant to section 302(a) of the act) including the amount of the disbursement requested herein does not exceed 400 percent of the licensee's combined capital stock and paid-in surplus (including as part of such stock and surplus the amount, if any, of the outstanding balance of subordinated debentures due SBA pursuant to section 302(a) of the act).

(Licensee)

[CORPORATE SEAL] By ---
(Signature)

(Typed name)

(Title)

Attest:

(Secretary of licensee)

Dated this ------ day of ----------, 19---.

[SBA Form 468 (2–61)]

FINANCIAL REPORT

License No. ------
Name of licensee ---
City and State ---

PART I

STATEMENT OF FINANCIAL CONDITION AS OF ----------, 19--

ASSETS

Current Assets

1. Cash on hand and in banks (schedule 8).
2. U.S. Government obligations, direct and fully guaranteed (schedule 9) (market value $------).
3. Notes receivable.
4. Accounts receivable.
(a) Less: Allowance for uncollectibles.
5. Accrued interest receivable.
(a) Less: Allowance for uncollectibles.
6. Loans (sec. 305) maturing within 1 year (schedule 3).
(a) Less: Participation by others (schedule 10).
(b) Less: Amount sold with recourse.
7. Debt securities of SBCs (sec. 304) maturing within 1 year:
(a) Convertible (schedule 4).
(b) With stock purchase rights (schedule 4).
(c) Divested of stock rights (schedule 4).
(d) Less: Participation by others (schedule 10).
(e) Less: Amount sold with recourse.
8. Funds in escrow pending closing of financing.
9. Due from directors, officers, and employees (schedule 11).
10. Other current assets (schedule 12).
11. Total current assets.

Loans and Investments

12. Loans (sec. 305) maturing after 1 year (schedule 3).
(a) Less: Participation by others (schedule 10).
(b) Less: Amount sold with recourse.
(c) Net loans maturing after 1 year.
(d) Less: Allowance for uncollectibles (schedule 5).
13. Debt securities of SBCs (sec. 304) maturing after 1 year:
(a) Convertible (schedule 4).
(b) With stock purchase rights (schedule 4).
(c) Divested of stock rights (schedule 4).
(d) Less: Participation by others (schedule 10).
(e) Less: Amount sold with recourse.
(f) Net debt securities of SBCs maturing after 1 year.
(g) Less: Allowance for losses (schedule 6).
14. Capital stock SBCs:
(a) Convertible (schedule 7).
(b) With stock purchase rights (schedule 7).
(c) Other (schedule 7).
(d) Less: Allowance for losses.
15. Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities (schedule 13).
(a) Less: Participation by others.
(b) Less: Allowance for uncollectibles.
16. Assets acquired in liquidation of loans and debt securities (schedule 14).
(a) Less: Participation by others.
(b) Less: Allowance for losses.
17. Total loans and investments.

Other Assets

18. Corporate premises owned—land.
19. Corporate premises owned—building.
(a) Less: Accumulated depreciation.
20. Furniture and equipment.
(a) Less: Accumulated depreciation.
21. Due from directors, officers, and employees (schedule 11).
22. All other (schedule 12).
23. Total other assets.
24. Total.

LIABILITIES, CAPITAL STOCK, AND SURPLUS

Current Liabilities

25. Obligations payable to SBA, maturing within 1 year (schedule 15).
26. Obligations payable to other than SBA, maturing within 1 year (schedule 16).
27. Accounts payable.
28. Accrued interest.
29. Accrued salaries.
30. Accrued taxes on income.
31. Other accruals.
32. Dividends payable.
33. Amounts due directors, officers, and employees.
34. Federal taxes withheld.
35. State and city taxes withheld.
36. Unapplied receipts.
37. Advance interest payments.
38. Miscellaneous trust receipts.
39. Other.
40. Total current liabilities.

Long-Term Liabilities

41. Obligations payable after 1 year.
(a) For funds borrowed from SBA (sec. 303) (schedule 15).
(b) For funds borrowed from other than SBA (schedule 16).
42. Mortgages payable (schedule 16).
43. Amounts due directors, officers, and employees.
44. Unamortized premium on debentures payable.
45. Other.
46. Debenture, subordinated, issued to SBA (sec. 302) (schedule 15) (see statement below).
47. Total liabilities.

Capital Stock and Surplus

48. Capital stock (schedule 17).
49. Paid-in surplus (schedule 1).
50. Less: ---- shares of treasury stock at cost.
51. Total.
52. Capital stock subscribed.
(a) Less subscriptions receivable.
53. Total.
54. Retained earnings, net income (schedule 1).
55. Retained earnings, net realized gain on investments (schedule 1).
56. Appropriated retained earnings (schedule 1).
57. Total capital stock and surplus.
58. Total.

STATEMENT OF STATUTORY CAPITAL AND SURPLUS

The subordinated debenture issued to the Small Business Administration under section 302(a) of the Small Business Investment Act of 1958, as amended, shall be deemed a part of the capital and surplus of the company for purposes of sections 302(a), 303(b), and 306 of the act, as follows:

1. Debenture, subordinated, issued to SBA ----------(a).
2. Capital stock and surplus.
3. Total.—(a) The Small Business Administration has made a commitment to advance an additional $------ under its agreement with the company to purchase a subordinated debenture.

VERIFICATION

Part I of the financial report for the fiscal year to date comprising the ------ months ended ----------, 19--, submitted by the ----------(licensee), to the Small Business Administration, and consisting of statement of financial condition, statement of statutory capital and surplus, statement of income and expense, statement of realized gain or loss on investments, and schedule(s) ------, on SBA Form 468, is hereby certified to be correct to the best of my knowledge and belief.

(Chief financial officer)

(Title)

Date ---

Schedule 1b—Continued

RETAINED EARNINGS—Continued

Surplus reconciliements	Schedule 1	Current period ---- months	Fiscal year to date ---- months
Item (1)		(2)	(3)
7. Retained earnings from net income at close of period (p. 2, item 54)			
8. Retained earnings from net realized gain on investments at beginning of period			
9. Additions during period (describe): (a) From net realized gain on investments			
(b)			
(c)			
10. Total			
11. Deductions during period (describe): (a) Dividends from net realized gain on investments			
(b)			
(c)			
12. Total deductions			
13. Retained earnings from net realized gain on investments at close of period (p. 2, item 55)			
14. Total retained earnings at close of period			

Schedule 1c

APPROPRIATED RETAINED EARNINGS

1. Appropriated retained earnings at beginning of period			
2. Additions during period (describe):			
(a)			
3. Total			
4. Deductions during period (describe):			
(a)			
5. Appropriated retained earnings at close of period (p. 2, item 56)			

Schedule 1b

RETAINED EARNINGS

Surplus reconciliements	Schedule 1	Current period ---- months	Fiscal year to date ---- months
Item (1)		(2)	(3)
1. Total retained earnings at beginning of period			
2. Retained earnings from net income at beginning of period			
3. Additions during period (describe): (a) From net income			
(b)			
(c)			
4. Total			
5. Deductions during period (describe): (a) Dividends from net income			
(b)			
(c)			
6. Total deductions			

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENT

Item (1)	Aggregate cost (2)	Aggregate net proceeds (3)		Net gain (4)	
		(a)	(b)	(a)	(b)
1. U.S. Government securities					
2. Debt securities of SBCs					
3. Capital stock of SBCs					
4. Stock purchase warrants or options of SBCs					
5. Assets acquired in liquidation of loans and debt securities					
6. Other					
7. Net realized gain (loss) on investments, before taxes on income					
8. Provision for income taxes— Federal $; Other $					
9. Net realized gain (loss) on investments					

(a) Investments sold or disposed of otherwise during current period.
(b) Investments sold or disposed of otherwise during fiscal year to date.

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

(Name of licensee)

COMPRISING THE ..... MONTHS ENDED ..... 19....

Item (1)	Current period ---- months (2)	Fiscal year to date (3)
Income		
1. Commitment income		
2. Interest on loans		
3. Interest on debt securities		
4. Interest on U.S. Government securities		
5. Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities		
6. Interest income—other		
7. Capital gains income—participations sold		
8. Advisory and consulting service fees		
9. Appraisal and investigation fees		
10. Miscellaneous fees		
11. Dividends on capital stock of SBCs		
12. Sharing in income of SBCs		
13. Income from assets acquired in liquidation of loans and debt securities		
14. Other income		
15. Total		
Expense		
16. Commitment expense		
17. Interest on notes and other obligations payable to SBA		
18. Interest on obligations payable to other than SBA		
19. Compensation expense—participations purchased		
20. Debenture and fiscal agent		
21. Transfer agent and registrar expense		
22. Expense on assets acquired in liquidation of loans and debt securities		
23. Operating expenses (schedule 2)		
24. Amortization of discount (premium) on debentures payable		
25. Total		
26. Net income before taxes on income		
Provision for income taxes		
27. Fed. $; Other $		
Fed. $; Other $		
28. Net income exclusive of net realized gain or loss on investments		

Schedule 2

(Name of licensee)

Report for the fiscal year to date comprising the ..... months ended ..... 19.....

OPERATING EXPENSES

Item (1)	Current period ---- months (2)	Fiscal year to date (3)
1. Advertising and promotional costs		
2. Appraisal, consulting, and engineering costs		
3. Auditing and examination costs		
4. Communications		
5. Cost of space occupied		
6. Depreciation of corporate premises owned—building		
7. Depreciation of furniture and equipment		
8. Directors' and stockholders' meetings costs		
9. Insurance		
10. Investigation and financial service costs		
11. Investment adviser and supervisory costs		
12. Legal services		
13. Miscellaneous services and supplies		
14. Salaries of officers		
15. Salaries of other employees		
16. Taxes, excluding Federal and State income taxes		
17. Travel		
18. Uncollectible notes and accounts		
19. Uncollectible interest receivable		
20. Uncollectible loans		
21. Uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities		
22. Maintenance and repairs		
23. Retirement benefits expense		
24. Organization expense		
25. Estimated losses on debt securities		
26. Estimated losses on capital stock of SBCs		
27. Estimated losses on assets acquired in liquidation of loans and debt securities		
28.		
29.		
30.		
31.		
32.		
33. Total (p. 3, item 23)		

VERIFICATION

Parts I and II of the financial report for the fiscal year to date comprising the ..... months ended ..... 19....., submitted by the ..... (Licensee) to the Small Business Administration, and consisting of statement of financial condition, statement of statutory capital and surplus, statement of income and expense, statement of realized gain or loss on investments, and schedules 1 to 7, inclusive, on SBA Form 468, are hereby certified to be correct to the best of my knowledge and belief.

Date .....

Chief financial officer .....
Title .....

Schedule 3

Name of licensee ..... Report for the ..... months ended ..... 19....

LOANS (SEC. 305) (INCLUDING PARTICIPATIONS BOUGHT OR SOLD)

Name, address, type of business of small business concern (debtor) (a)	Interest rate per annum	Date of loan, maturity date, amortization plan, etc.	Unpaid principal balance of loan at beginning of period	Additions during period	Deductions during period	Unpaid principal balance of loan at close of period	Amounts in excess of net funds advanced included in unpaid principal balance		Unpaid balance of net funds advanced (cost) at close of period (b)—maturity	
							Discount	Fees and other charges	Within 1 year	After 1 year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Total	XXX	XXX							(P. 1, item 6)	(P. 1, item 12)

(a) State type of business in which borrower is engaged. Standard Industrial Classification Code numbers, as listed on p. 5 of SBA Form 477, may be used.
(b) Identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate, and each "participation purchased" with the letters (PP).

Schedule 4

Name of licensee ..... Report for the ..... months ended ..... 19....

DEBT SECURITIES OF SBC'S (SEC. 304) (INCLUDING PARTICIPATIONS BOUGHT OR SOLD)

Name, address, type of business of small business concern (issuer) (a)	Date of security maturity date interest rate, amortization plan	Unpaid principal balance of security at beginning of period	Additions during period	Deductions during period	Unpaid principal balance of security at close of period	Amounts in excess of net funds advanced included in unpaid principal balance		Unpaid balance of net funds advanced (cost) at close of period (b)		Market or fair value as determined by the board of directors	Percent (c)
						Discount	Fees and other charges	Maturity: Within 1 year	Maturity: After 1 year		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Total	XXX							(P. 1, item 7(c))	(P. 1, item 13(c))		XXX

(a) State type of business in which small business concern is engaged. Standard Industrial Classification Code numbers, as listed on p. 5 of SBA Form 477, may be used. Group the debt securities by type under the headings: "Convertible," "With stock purchase rights," and "Divested of stock rights," with subtotals entered in each column, as appropriate, or use a separate sheet for each type.
(b) Identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate, and each "participation purchased" with the letters (PP).
(c) Show in col. (12) for each small business concern the percentage of such concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the debt securities described in this schedule) which can be obtained by the reporting company upon conversion of convertible debt securities and exercise of stock purchase warrants or options attached to debt securities.

Schedule 5

Name of licensee ..... | Report for the ..... months ended ..... 19....

DELINQUENT LOANS (SEC. 305) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION) ALLOWANCE FOR UNCOLLECTIBLE LOANS

Name, address of small business concern (debtor)	Delinquent loans			Allowance for uncollectible loans				
	Total outstanding balance	Installments due and unpaid		Balance at beginning of period	Additions		Deductions	Balance at close of period
		Principal	Interest		Charged to expense	Charged to other accounts		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. Total	XXX	XXX	XXX					
2. General allowance for uncollectible loans (a)	XXX	XXX	XXX					
3. Total								P. 1, item 12(d)

(a) This line will be used only if the allowance for uncollectible loans is based upon a percentage of loans made.

Schedule 6

Name of licensee ..... | Report for the ..... months ended ..... 19....

DELINQUENT DEBT SECURITIES (SEC. 304) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION) ALLOWANCE FOR LOSSES ON DEBT SECURITIES

Name, address of small business concern (debtor)	Delinquent debt securities			Allowance for losses on debt securities			
	Total outstanding balance	Installments due and unpaid		Balance at beginning of period	Additions	Deductions	Balance at close of period
		Principal	Interest				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1. Total	XXX	XXX	XXX				
2. General allowance for losses on debt securities (a)	XXX	XXX	XXX				
3. Total							(P. 1, item 13(g))

(a) This line will be used only if the allowance for losses on debt securities is based upon a percentage of debt securities acquired.

Schedule 7

Name of licensee ..... | Report for the ..... months ended ..... 19....

CAPITAL STOCK OF SBC'S

ALLOWANCE FOR LOSSES ON CAPITAL STOCK OF SBC'S

Name, address, type of business of small business concern (issuer) (a)	Date acquired	Type and class	Par or stated value per share	Number of shares	Balance at cost beginning of period	Additions during period (cost)	Deductions during period (cost)	Balance at cost close of period (b)	Allowance for losses at close of period	Market or fair value as determined by the Board of Directors	Percent (c)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Total	XXX	XXX	XXX	XXX				(P. 1, item 14(c))	(P. 1, item 14(d))		XXX

(a) State type of business in which small business concern is engaged. Standard Industrial Classification Code numbers, as listed on p. 5 of SBA Form 477, may be used. Group the capital stock by type under the headings, "Convertible," "With stock purchase rights," and "Other," with subtotals entered in each column, as appropriate, or use a separate sheet for each type.

(b) Identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate.

(c) Show in col. (12) for each small business concern the percentage of such concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the capital stock described in this schedule) represented by voting stock held plus the voting securities which can be obtained by the reporting company upon conversion of convertible stock and exercise of stock purchase warrants or options attached to stock.

Schedule 8

.....
(Name of Licensee)

....., 19....

PART III

CASH ON HAND AND IN BANKS

Name of depository (1)	Location of depository (2)	Amount (3)
1. General funds—demand balances with:		
(a)		
(b)		
(c)		
(d)		
(e)		
(f)		
(g)		
(h)		
(i)		
2. Cash items in process of collection	XXX	
3. Petty cash	XXX	
4.		
5.		
6.		
7.		
8. Total cash	XXX	

VERIFICATION

Parts I, II, and III of the Financial Report for the fiscal year to date comprising the ..... months ended ....., 19...., submitted by the ..... to the Small Business Administration, and consisting of statement of financial condition, statement of statutory capital and surplus, statement of income and expense, statement of realized gain or loss on investments, and Schedules 1 to 20, inclusive, on SBA Form 468, are hereby certified to be correct to the best of my knowledge and belief.
(Licensee)

Date..... Chief financial officer.....
Title.....

VERIFICATION

I hereby attest that the minutes of the meeting of the Board of Directors of the .....
(Licensee)
on ....., 19...., show that the Board, at such meeting, reviewed and approved Parts I, II, and III of the Financial Report of such company for the fiscal year to date comprising the ..... months ended ....., 19...., covered by the above verification of the chief financial officer.

Date..... Secretary.....

Schedule 9

Name of licensee ..... Date .....

U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED

Name of issuer and title of issue	Interest rate	Details of issue		Principal amount at par of bonds and notes	Amount at cost carried in balance sheet	Value based on current market quotations at balance sheet date
		Call date	Maturity date			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total	XXX	XXX	XXX	XXX		

Schedule 10

Name of licensee ..... Date .....

PARTICIPATIONS SOLD TO OTHER LENDING INSTITUTIONS

Name, address of small business concern (debtor)	Loans (L) debt securities (DS)	Name of purchaser of participation	Original amount of participation at cost	Terms		Balance of participation at cost at close of period	
				Interest rate	Maturity amortization plan, etc.	Maturity	
						Within 1 year	After 1 year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1. Total	L	XXX		XXX	XXX	(P. 1, item 6(a))	(P. 1, item 12(a))
2. Total	DS	XXX		XXX	XXX	(P. 1, item 7(d))	(P. 1, item 13(d))

Schedule 11

Name of licensee ..... Report for the ..... months ended ..... 19....

DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Name and title	Balance receivable at beginning of period	Additions during period	Deductions during period		Balance receivable at close of period	
			Amounts written off (a)	Collections	Current	Noncurrent
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total					(P. 1, item 9)	(P. 1, item 21)

(a) Give complete details in footnote or on attached schedule.

Schedule 12

.....
(Name of licensee)

..... 19....

SUNDRY ASSETS

(P. 1—items 3, 4, 5, 8, 10, and 22)

Description of items	Amount
(1)	(2)

Schedule 13

Name of licensee ..... Report for the ..... months ended ..... 19....

AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES ALLOWANCE FOR UNCOLLECTIBLES

Name and address of debtor	Description of receivables	Terms		Amounts due from debtors				Allowance for uncollectibles at close of period (a)
		Interest rate	Maturity, amortization plan, etc.	Balance at beginning of period	Additions during period	Deductions during period	Balance at close of period	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Total	XXX	XXX	XXX				P. 1, item 15	P. 1, item 15(b)

(a) On reverse side of this schedule give complete details of any charges to this account during the period representing the write-off of amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

Schedule 14

Name of licensee ..... Report for the ..... months ..... 19....

ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES ALLOWANCE FOR LOSSES

Name, address of small business concern (former debtor)	Description of property	Assets acquired				Allowance for losses at close of period (a)	Market, or fair value as determined by the board of directors
		Balance at beginning of period	Additions during period	Deductions during period	Balance at close of period		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total	XXX					P. 1, item 16	P. 1, item 16(b)

(a) On reverse side of this schedule give complete details of any charges to this account during the period representing the write off of assets acquired in liquidation of loans and debt securities.

Schedule 15

Name of licensee ..... Report for the ..... months ended ..... 19....

OBLIGATIONS PAYABLE TO SBA

Description of obligations (Sec. 302 Debenture) (Sec. 303 Loan(s))	Terms		Balance payable at beginning of period	Additions during period	Deductions during period	Balance payable at close of period	
	Interest rate	Maturity, amortization plan, etc.				Maturity	
						Within 1 year	After 1 year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Total	XXX	XXX				(P. 2, item 25)	(P. 2, Items 4(a), 46)

(a) Identify type of obligation by reference to sec. 302 or sec. 303 of the Small Business Investment Act of 1958, as amended.

Schedule 16

Name of licensee ..... Report for the ..... months ended ..... 19....

OBLIGATIONS PAYABLE FOR FUNDS BORROWED FROM OTHER THAN SBA

Name and address of creditor	Description of obligations	Terms		Balance payable at beginning of period	Additions during period	Deductions during period	Balance payable at close of period	
		Interest rate	Maturity, amortization plan, etc.				Maturity	
							Within 1 year	After 1 year
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Total	XXX	XXX	XXX				(P. 2 item 26)	(P. 2 items 41(b), 42)

Schedule 19

Name of licensee ..... Date .....

DETACHED STOCK PURCHASE WARRANTS OR OPTIONS ON STOCK OF SBC's

Name, address of small business concern (issuer)	Number of shares called for by warrant or option	Type and class of stock called for by warrant or option	Grant and expiration dates of warrant or option	Price or prices (with dates) at which exercisable	Total number of SBC shares outstanding plus those optioned as shown herein		Percent (a)
					Voting	Nonvoting	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(a) Show in col. (8) for each small business concern the percentage of such concern's voting securities, including those called for by the stock purchase warrants or options described in this schedule, which can be obtained by the reporting company upon exercise of such warrants or options.

Schedule 20

Name of licensee ..... Date .....

OPTIONS ON LICENSEE'S CAPITAL STOCK

Identification of person or entity holding option	Number of shares optioned	Type and class of stock called for by option	Grant and expiration date of option	Price or prices (with dates) at which option exercisable	Fair market value, per share, of stock called for by option on date option was granted	Price of option as percent of fair market value at date of granting	Provisions in case of death, retirement, etc.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Schedule 17

Name of licensee ..... Date .....

CAPITAL STOCK OF LICENSEE

Type and class; par or stated value	Number of shares authorized by charter	Shares issued and not retired or cancelled		Number of shares		Amount outstanding at par or stated value	Amount subscribed at subscription price	Amount of subscriptions receivable	Number of shares reserved for officers and employees	Number of shares reserved for options and other rights
		Number	Amount at par or stated value	Held by or for account of issuer	Outstanding					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Total										

Schedule 18

(Name of Licensee)

19....

COMMITMENTS OUTSTANDING

Name of small business concern or financing institution	Type of financing (Sec. 304) (Sec. 305)	Amount
(1)	(2)	(3)

PART I

STATEMENT OF FINANCIAL CONDITION

Assets

Item

1. *Cash on hand and in banks.* State the total of all demand deposits, cash items in process of collection, and the petty cash fund.

2. *U.S. Government obligations, direct and fully guaranteed.* State at cost the total investment in direct obligations of the United States Government and those obligations guaranteed as to principal and interest by the United States Government. (Increase in redemption value of United States Savings bonds purchased at less than face value may be considered cost for this purpose.) State current market value parenthetically.

3. *Notes receivable.* State the total unpaid principal amount of miscellaneous notes receivable, except notes representing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.

4. *Accounts receivable.* State the combined total of all amounts due for (1) advisory, consulting, appraisal, financial, and miscellaneous services rendered, (2) services rendered to "participating" companies on their participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities of the "initiating" company, and (3) making funds available on a deferred basis to "initiating" companies in connection with their financing of, or commitments to finance, small business concerns and (as an "initiating" company) making funds available on a deferred basis on commitments to finance small business concerns; the amount of declared dividends receivable on capital stock of small business concerns; and miscellaneous amounts due on open account.

(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the amount of the valuation reserve provided for estimated losses on the foregoing receivables.

5. *Accrued interest receivable.* State the total amount of (1) interest accrued on loans to and debt securities of small business concerns, United States Government obligations (direct and fully guaranteed), notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing; (2) the full amount of interest accrued on loans (section 305) and debt securities (section 304) participated in by others, less amount due "participating" companies; and (3) interest accrued on the amount of the company's participation in loans (section 305) and debt securities (section 304) initiated by others.

(a) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of accrued interest receivable.

6 and 12. *Loans (section 305).* Show the current and noncurrent portions, respectively, of the unpaid balance of net funds advanced on loans to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended. Secured obligations acquired from small business concerns which carry the right through conversion or through exercise of stock purchase warrants or options by the holder thereof to acquire stock in the small business concerns may be obtained only under section 304 of the Act and are not to be included in these items but in the appropriate subdivisions of items 7 and 13.

STATEMENT OF FINANCIAL CONDITION—Con.

Assets—Continued

Item

6(a) and 12(a). *Less: Participation by others.* State the outstanding balances of participations by other lending institutions in loans (section 305) which relate to the current and noncurrent portions of such loans, respectively.

6(b) and 12(b). *Less: Amount sold with recourse.* Show the current and noncurrent portions, respectively, of the net amount of the unpaid principal balance of loans to small business concerns sold with recourse upon the company in the event of default.

12(c). *Net loans maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 12(b) from item 12.

12(d). *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses on loans (section 305).

7 and 13. *Debt securities of SBCs (section 304):*

7(a) and 13(a). *Convertible.*

7(b) and 13(b). *With stock purchase rights.*

7(c) and 13(c). *Divested of stock rights.*

Show opposite the appropriate items the current and noncurrent portions, respectively, of the unpaid balance of net funds advanced on small business concerns' convertible debt securities, debt securities with stock purchase rights (warrants or options), and debt securities divested of stock rights, all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

7(d) and 13(d). *Less:* Participation by *others.* State the outstanding balances of participations by other lending institutions in debt securities (section 304) which relate to the current and noncurrent portions of such debt securities, respectively.

7(e) and 13(e). *Less: Amount sold with recourse.* Show the current and noncurrent portions, respectively, of the net amount of the unpaid principal balance of small business concerns' debt securities sold with recourse upon the company in the event of default.

13(f). *Net debt securities of SBCs maturing after one year.* Enter the balance resulting from the deduction of the appropriate amount opposite item 13(e) from the appropriate amount opposite item 13(c).

13(g). *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on convertible debt securities, debt securities with attached stock purchase warrants or options, and debt securities divested of stock rights (all section 304).

8. *Funds in escrow pending closing of financing.* State the amount of funds in escrow pending the closing of financing for small business concerns.

9 and 21. *Due from directors, officers, and employees.* Show the current and noncurrent portions, respectively, of the unpaid balance of amounts advanced to directors, officers, and employees.

10. *Other current assets.* State the total of all current amounts due the company not provided for elsewhere.

11. *Total current assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6(b), 7(e), 8, 9, and 10.

12. (See item "6 and 12" above.)

13. (See item "7 and 13" above.)

14. *Capital stock of SBCs:*

(a) *Convertible.*

(b) *With stock purchase rights.*

(c) *Other.*

STATEMENT OF FINANCIAL CONDITION—Con.

Assets—Continued

Item

State opposite the appropriate items the value at cost of small business concerns' convertible capital stock, capital stock with stock purchase rights (warrants or options), and other capital stock (without conversion privileges or stock purchase rights), all acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

(d) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on small business concerns' convertible capital stock, capital stock with attached stock purchase warrants or options, and other capital stock of such concerns owned by the company.

15. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the total of the unpaid balances of accounts, notes, sales contracts, purchase money mortgages, etc., evidencing indebtedness to the company arising from the sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in amounts due the company from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for uncollectibles.* State the amount of the valuation reserve provided for estimated losses of amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).

16. *Assets acquired in liquidation of loans and debt securities.* State, as recorded in the books of account, the company's investment in assets acquired by foreclosure or otherwise in liquidation of loans (section 305) and debt securities (section 304), including judgments and sheriffs' certificates.

(a) *Less: Participation by others.* State the outstanding balance of participations by other lending institutions in assets acquired by the company in liquidation of loans (section 305) and debt securities (section 304).

(b) *Less: Allowance for losses.* State the amount of the valuation reserve provided for estimated losses on assets acquired in liquidation of loans (section 305) and debt securities (section 304).

17. *Total loans and investments.* Enter the total of the appropriate amounts opposite items 12(d), 13(g), 14(d), 15(b), and 16(b).

18. *Corporate premises owned—land.* State the actual cost of acquisition of the land used as the site of the company's office quarters, plus the actual cost of any improvements (benefits) applicable to the land.

19. *Corporate premises owned—building.* State the actual cost of acquisition of the building used as the company's office quarters, plus the actual cost of any improvements applicable to the building.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned.

20. *Furniture and equipment.* State the total cost of furniture, fixtures, and equipment (including automobiles) owned by the company.

(a) *Less: Accumulated depreciation.* State the amount of the valuation reserve provided for depreciation of furniture, fixtures, and equipment.

21. (See item "9 and 21" above.)

STATEMENT OF FINANCIAL CONDITION—Con.

Assets—Continued

Item

22. *All other.* State the total amount of assets at cost not provided for elsewhere, such as unamortized organization costs, recoverable amounts advanced for the protection and preservation of the company's investments, and prepaid expenses or deferred charges, including prepayments of insurance, unamortized discount on debentures payable, and the unamortized cost of improvements to leased property used as the company's office quarters.
23. *Total Other Assets.* Enter the total of the appropriate amounts opposite items 18, 19(a), 20(a), 21, and 22.
24. *Total.* Enter the total of items 11, 17, and 23.

Liabilities, Capital Stock, and Surplus

25. *Obligations payable to SBA, maturing within one year.* State the total of the current portions of the unpaid principal balance of notes payable for funds borrowed from SBA and the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.
26. *Obligations payable to other than SBA, maturing within one year.* State the total amount of the current portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments to be paid on the company's unsubordinated debenture bonds, subordinated debenture bonds payable to other than SBA, and mortgages payable for funds borrowed on corporate premises or other real estate.
27. *Accounts payable.* State the total of accounts payable (1) for services rendered to the company on its participations in loans (section 305), debt securities (section 304), assets acquired in liquidation of loans and debt securities, and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities; (2) for commitment fees for having funds made available on a deferred basis by "participating" companies; and (3) on open account. Accounts payable for the purchase of securities, if significant, shall be shown parenthetically.
28. *Accrued interest.* State the total amount of interest accrued on the company's notes, mortgages, and debentures payable; on loans (section 305) and debt securities (section 304) of small business concerns sold with recourse on the company; and on other interest-bearing obligations.
29. *Accrued salaries.* State the total amount of the company's liability for accrued salaries.
30. *Accrued taxes on income.* Show the total amount of estimated Federal and State income taxes accrued and unpaid.
31. *Other accruals.* State the total amount of the company's liability for accrued social security taxes and other accrued expenses.
32. *Dividends payable.* State the total amount of the company's liability for dividends, other than stock dividends, declared by the board of directors on capital stock issued and outstanding.
33 and 43. *Amounts due directors, officers, and employees.* Show the current and noncurrent portions, respectively, of amounts owed to directors, officers, or employees, other than salaries.
34. *Federal taxes withheld.* State the total amount of Federal income and social security taxes withheld from employees' salaries and not yet remitted to the Internal Revenue Service.
35. *State and city taxes withheld.* Show the total amount of State income and city taxes withheld from employees' salaries and not yet remitted to the appropriate tax collectors.

STATEMENT OF FINANCIAL CONDITION—Con.

Liabilities, Capital Stock, and Surplus—Con.

Item

36. *Unapplied receipts.* State the total amount of funds received by the company which have not been applied to loans (section 305), debt securities (section 304), interest receivable, etc.
37. *Advance interest payments.* State the total amount of interest collected through cash payments by debtors on interest-bearing items prior to the interest maturity date.
38. *Miscellaneous trust receipts.* State the total amount of the company's liability for funds withheld or received in trust not provided for elsewhere, including earnest money deposits and funds withheld from employees' salaries for the purchase of United States savings bonds, payment of group life insurance premiums, etc.

39 and 45. *Other.* Show the current and noncurrent portions, respectively, of the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed, and of the amount of liabilities not provided for elsewhere.

40. *Total Current Liabilities.* Enter the total of items 25 through 39.
41. *Obligations payable after one year.*

(a) *For funds borrowed from SBA (section 303).* Show the noncurrent portion of the total unpaid principal balance of notes payable for funds borrowed from SBA.

(b) *For funds borrowed from other than SBA.* Show the total of the noncurrent portions of the unpaid principal balance of notes payable for funds borrowed from other than SBA, installments on unsubordinated debenture bonds payable issued for funds borrowed, and installments on subordinated debenture bonds payable issued to other than SBA for funds borrowed.

42. *Mortgages payable.* Show the noncurrent portion of the unpaid principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company.
43. (See item "33 and 43" above.)
44. *Unamortized premium on debentures payable.* State the amount of the unamortized balance of premium on unmatured oustanding debentures payable sold by the company for a sum in excess of par.
45. (See item "39 and 45" above.)
46. *Debenture, subordinated, issued to SBA (section 302).* Show the noncurrent portion of the unpaid principal balance of funds received by the company under its subordinated debenture bond payable issued to SBA.
47. *Total liabilities.* Enter the total of the appropriate amounts opposite items 40, 45, and 46.
48. *Capital stock.* Show the total par or stated value of the capital stock issued, plus any capital stock dividends declared payable by the company's board of directors and not issued as of the date of the report.
49. *Paid-in surplus.* State the total amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other capital equity transactions with stockholders.

STATEMENT OF FINANCIAL CONDITION—Con.

Liabilities, Capital Stock, and Surplus—Con.

Item

50. *Less: ------ shares of treasury stock at cost.* State the number of shares and the total amount of the company's issued capital stock which has been reacquired and not retired.
51. *Total.* Enter the balance resulting from the deduction of item 50 from the appropriate amount opposite item 49.
52. *Capital stock subscribed.* Show the total amount at the subscription price of the company's capital stock subscribed.

(a) *Less: Subscriptions receivable.* Show the total amount of the unpaid balances of capital stock subscriptions receivable.

53. *Total.* Enter the total of the appropriate amounts opposite items 51 and 52(a).
54. *Retained earnings, net income.* State the accumulated balance of the company's undistributed net income since incorporation.
55. *Retained earnings, net realized gain on investments.* State the accumulated balance of the company's undistributed net realized gain or loss on investments since incorporation.
56. *Appropriated retained earnings.* State the total amount of retained earnings earmarked for some future purpose and thus restricted from dividend distribution.
57. *Total capital stock and surplus.* Enter the total of the appropriate amounts opposite items 53 and 56.
58. *Total.* Enter the total of items 47 and 57.

STATEMENT OF STATUTORY CAPITAL AND SURPLUS

1. *Debenture, subordinated, issued to SBA.* State the total of the unpaid principal balance of funds received under the subordinated debenture bond payable issued to SBA. This amount shall agree with the total of the appropriate portion of item 25 plus item 46 of the Statement of Financial Condition.
2. *Capital stock and surplus.* State the amount of the combined fully paid capital stock issued and outstanding and paid-in surplus. This amount shall agree with item 51 of the Statement of Financial Condition less the amount of any declared stock dividends payable which may be included in item 51.
3. *Total.* Enter the total of items 1 and 2 of this Statement of Statutory Capital and Surplus.

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

Include the presentation of income and expense data for the current period, which is the period immediately following the period for which this particular statement was last submitted to SBA.

Income

Item

1. *Commitment income.* State the total of the amount of income earned on commitments to small business concerns for loans (section 305) and equity securities (section 304), and the amount of commitment income on deferred participations of the company in the lending activities of other financial institutions.
2. *Interest on loans.* State the amount of interest earned on loans (section 305) to small business concerns.
3. *Interest on debt securities.* State the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304.
4. *Interest on U.S. Government securities.* State the amount of interest earned on United States Government obligations, direct and fully guaranteed.

STATEMENT OF INCOME AND EXPENSES FOR THE FISCAL YEAR TO DATE—Continued

Income—Continued

Item

5. *Interest on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the amount of interest earned on amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304).
6. *Interest income—other.* State the amount of interest earned on funds in escrow pending closing of financing, on notes receivable (except those from debtors on sale of assets acquired in liquidation of loans and debt securities), and on other interest-bearing receivables not provided for elsewhere.
7. *Compensation income—participations sold.* State the amount of compensation earned by the company for financial services rendered in connection with participations sold.
8. *Advisory and consulting service fees.* State the amount of fees charged for advisory, consulting, and related services rendered to small business concerns.
9. *Appraisal and investigation fees.* State the amount of fees charged for appraisal, investigation, and related services rendered to banks or other financial institutions, other than services rendered in connection with participations sold.
10. *Miscellaneous fees.* State the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.
11. *Dividends on capital stock of SBCs.* State the amount of income from declared dividends on capital stock of small business concerns.
12. *Sharings in income of SBCs.* State the amount of sharings or participations in the income of small business concerns from which the company has acquired debt securities (section 304).
13. *Income from assets acquired in liquidation of loans and debt securities.* State the amount of income earned on assets acquired in liquidation of loans (section 305) and debt securities (section 304), including the operation of properties so acquired.
14. *Other income.* State the total amount of (1) recoveries on asset losses charged to loss accounts; (2) income earned from the leasing or renting to others of portions of corporate premises owned; (3) gain or loss on debentures payable purchased and retired; and (4) other income of a miscellaneous nature.
15. *Total.* Enter the total of items 1 through 14.

Expense

16. *Commitment expense.* State the total amount of commitment expense on (1) commitments from SBA to make funds available on a subordinated debenture, (2) commitments from lending institutions other than SBA, and (3) deferred participations of other financial institutions in the company's lending activities.
17. *Interest on notes and other obligations payable to SBA.* State the total amount of interest expense on notes payable and the subordinated debenture payable, all issued for funds borrowed from SBA.
18. *Interest on obligations payable to other than SBA.* State the total amount of interest expense on (1) loans to small business concerns sold with recourse upon the company; (2) debt securities of SBCs sold with recourse upon the company; (3) notes payable for funds borrowed from other than SBA; (4) subordinated and unsubordinated debentures payable issued to other than SBA; (5) mortgages payable for funds borrowed; and (6) miscellaneous obligations.

STATEMENT OF INCOME AND EXPENSES FOR THE FISCAL YEAR TO DATE—Continued

Expense—Continued

Item

19. *Compensation expense—participations purchased.* State the amount of compensation expense for financial services received from "initiating" companies in connection with participations purchased.
20. *Debenture and fiscal agent expense.* State the amount of charges for services rendered and expenses incurred by the company's fiscal agent, and expenses directly incident to the sale, redemption, and servicing of debentures payable.
21. *Transfer agent and registrar expense.* State the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock.
22. *Expense on assets acquired in liquidation of loans and debt securities.* State the amount of expense incurred on assets acquired in liquidation of loans (section 305), and debt securities (section 304), including the operation of properties so acquired.
23. *Operating expenses.* State the total amount of operating expenses including advertising, appraisal, consulting, auditing, communications, space occupancy, depreciation of office building and equipment, directors' and stockholders' meetings, insurance, financial service, investment adviser, legal, miscellaneous services and supplies, salaries, taxes (other than income), travel, uncollectible receivables, maintenance and repairs, retirement benefits, organization, and estimated asset loss expenses.
24. *Amortization of discount (premium) on debentures payable.* State the net amount of amortization of discount or premium on unmatured outstanding debentures payable issued by the company.
25. *Total.* Enter the total of items 16 through 24.
26. *Net income before taxes on income.* Enter the balance resulting from the deduction of item 25 from item 15.
27. *Provision for Federal and other income taxes.* State the amount of the Federal and other income tax accruals relating to income exclusive of net realized gain or loss on investments.
28. *Net income exclusive of net realized gain or loss on investments.* Enter the balance resulting from the deduction of item 27 from item 26.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed. The "current period" is the period immediately following the period for which this particular statement was last submitted to SBA.
2. *Debt securities of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.
3. *Capital stock of SBCs.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.
4. *Stock purchase warrants or options of SBCs.* Show the aggregate cost, aggregate net proceeds, and the net gain or loss on the sale or other disposition of detachable stock purchase warrants or options which have been detached from the capital stock certificates or debt securities with which they were issued by small business concerns.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS—Continued

Item

5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.
6. *Other.* Show the aggregate cost, aggregate net proceeds, and net gain or loss on the sale or other disposition of any investments not included in items 1 through 5.
7. *Net realized gain (loss) on investments, before taxes on income.* Enter the net total of items 1 through 6.
8. *Provision for Federal and other income taxes.* State the amount of Federal and other income tax accruals relating to net realized gain on investments.
9. *Net realized gain (loss) on investments.* Enter the balance resulting from the deduction of item 8 from item 7.

PART II

SCHEDULE 1—SURPLUS RECONCILEMENTS

Describe in this schedule all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the periods covered by the schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted to SBA. In each reconcilement show opening balances, explanation of additions and deductions during periods, and balances at close of periods.

In Schedule 1b show separately the reconcilements of retained earnings from (1) net income, and (2) net realized gain on investments.

SCHEDULE 2—OPERATING EXPENSES

Include all operating expenses in this schedule. The "current period" is the period immediately following the period for which this particular schedule was last submitted to SBA.

SCHEDULE 3—LOANS (SECTION 305)

Furnish in this schedule a summary of loan activities under section 305 of the Act for the period immediately following the period for which this particular schedule was last submitted to SBA. List each loan by debtor, terms, dates, opening unpaid principal balance, additions during period, deductions during period, unpaid principal balance at close of period, amounts in excess of net funds advanced included in unpaid principal balance at close of period (discount, and fees and other charges), and unpaid balance of net funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. Enter in column (9), with a footnoted explanation, the amount of any funds representing the undisbursed portion of a multiple-disbursement loan. The amounts in columns (4) through (7) shall relate to the face amount of the loan and the amounts in columns (10) and (11) shall relate to the funds actually advanced to the debtor small business concern. The amounts in column (7) less the amounts in columns (8) and (9) shall equal the totals of the amounts in columns (10) and (11). The totals of columns (10) and (11) shall agree with items 6 and 12, respectively, of the Statement of Financial Condition.

This schedule will comprise one or more of the following types of loans, grouped under brief headings designating the types, but without need for subtotals:

1. Direct loans.

2. Loans which the "initiating" investment company shares with another lending institution. The full amount of loans in which others participate shall be shown in the reports of the "initiating" company.

3. Loans in which the "participating" investment company owns a participating interest in loans of an "initiating" company. Such participations in loans of others shall be shown in the amount of the "participating" company's investment in the reports of the "participating" company.

4. Loans sold with recourse. Such loans shall be stated in the amount shown on the company's books after giving effect to payments made as reported to the company by the purchasers.

All transactions during the reporting period in connection with loans outstanding at any time during the period shall be included in the data summarized in the schedule even if there is no related opening or closing loan balance.

In those instances in which a borrowing small business concern is a real estate company or has in its name the word "finance," "investment," "mortgage," "capital," "loan," or "banking," giving the impression that such concern might engage in lending operations, the explanation of the type of business shall incorporate a specific statement that the business activity of such concern does, or does not, involve the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

SCHEDULE 4—DEBT SECURITIES OF SBCs (SECTION 304)

Furnish in this schedule a list of all debt securities of small business concerns held, acquired, converted, or sold during the period immediately following the period for which this particular schedule was last submitted to SBA. List each debt security by issuer, dates and terms, opening unpaid principal balance, additions during period, deductions during period, unpaid principal balance at close of period, amounts in excess of net funds advanced included in unpaid principal balance at close of period (discount, and fees and other charges), and unpaid balance of net funds advanced at close of period, showing the portion maturing within one year and the portion maturing after one year. Enter in column (10), with a footnoted explanation, the amount of any funds representing the undisbursed portion of multiple-disbursement financing through purchase of debt securities. The amounts in columns (3) through (6) shall relate to the face amount of the debt security and the amounts in columns (9) and (10) shall relate to the funds actually advanced to the debtor small business concern. The amounts in column (6) less the amounts in columns (7) and (8) shall equal the totals of the amounts in columns (9) and (10). The totals of columns (9) and (10) shall agree with the appropriate amounts opposite items 7(c) and 13(c), respectively, in the Statement of Financial Condition.

The market value, or fair value as determined by the board of directors, shall be shown in column (11). Column (12) shall show the percentage of each debtor small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the debt securities described in this schedule) which can be obtained by the company through conversion of debt securities held or through exercise of stock purchase warrants or options attached to debt securities held.

In those instances in which a borrowing small business concern is a real estate company or has in its name the word "finance," "investment," "mortgage," "capital," "loan," or "banking," giving the impression that such concern might engage in lending operations, the explanation of the type of business shall incorporate a specific statement that the business activity of such concern does, or does not, involve the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

SCHEDULE 5—DELINQUENT LOANS (SECTION 305) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR UNCOLLECTIBLE LOANS

Show in this schedule all past due installments on loans (section 305). Opposite the name of each small business concern shall be entered separately the total outstanding balance of the delinquent loan, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for uncollectible loans, when such allowance is based upon estimated realizable value of the individual loan, shall be shown in columns (5) through (9), opposite the name of each small business concern so financed, showing opening balance, additions, deductions, and closing balance, all relating to the period immediately following the period for which this particular schedule was last submitted to SBA. Additions in column (6) shall represent charges to uncollectible loans expense. Those in column (7) shall represent recoveries on loans previously written off. If the allowance for uncollectibles is based upon a percentage of loans made, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (9) opposite side caption No. 2, "General allowance for uncollectible loans." In any event the final total of column (9) shall agree with the appropriate amount opposite item 12(d) in the Statement of Financial Condition.

SCHEDULE 6—DELINQUENT DEBT SECURITIES (SECTION 304) (NOT SHOWN SEPARATELY ON STATEMENT OF FINANCIAL CONDITION)—ALLOWANCE FOR LOSSES ON DEBT SECURITIES

Show in this schedule all past due installments on debt securities (section 304). Opposite the name of each small business concern so financed shall be entered separately the total outstanding balance of the delinquent debt security, column (2), and the past due installments of principal and interest, columns (3) and (4). The allowance for losses on debt securities, when such allowance is based upon estimated realizable value of the individual debt security, shall be shown in columns (5) through (8), opposite the name of each small business concern so financed, showing opening balance, additions, deductions, and closing balance, all relating to the period immediately following the period for which this particular schedule was last submitted to SBA. If the allowance for losses is based upon a percentage of debt securities acquired, the beginning balance, additions, deductions, and closing balance shall be entered in columns (5) through (8) opposite side caption No. 2, "General allowance for losses on debt securities." In any event the final total of column (8) shall agree with the appropriate amount opposite item 13(g) in the Statement of Financial Condition.

SCHEDULE 7—CAPITAL STOCK OF SBCs—ALLOWANCE FOR LOSSES ON CAPITAL STOCK OF SBCs

Show in this schedule pertinent data, as indicated by the column headings, with respect to the capital stock of small business concerns acquired by the company during the period immediately following the period for which this particular schedule was last submitted to SBA. The stock shall be shown at cost. Allowance for estimated losses, if any, shall be indicated, as well as the market or fair value as determined by the board of directors. The total of column (9), "Balance at Cost Close of Period," shall agree with the appropriate amount opposite item 14(c) in the Statement of Financial Condition. Column (12) shall show the percentage of each financed small business concern's voting securities (including those necessary to cover conversion of, or exercise of stock rights attached to, the capital stock described in this schedule) represented by voting stock held plus the voting securities which can be obtained by the reporting company upon conversion of convertible stock held or exercise of stock purchase warrants or options attached to stock held.

PART III

SCHEDULE 8—CASH ON HAND AND IN BANKS

Show in this schedule all cash on hand and in banks. Demand deposits comprise balances which are subject to withdrawal without notice. Cash items in process of collection represent those items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund. The total of column (3) shall agree with item 1 of the Statement of Financial Condition.

SCHEDULE 9—U.S. GOVERNMENT OBLIGATIONS, DIRECT AND FULLY GUARANTEED

List in this schedule all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost shown in column (6) of this schedule shall be in agreement with item 2 of the Statement of Financial Condition. The current market value of the securities shall be shown in column (7) of the schedule and shall agree with the amount shown parenthetically in item 2 of the Statement of Financial Condition.

SCHEDULE 10—PARTICIPATIONS SOLD TO OTHER LENDING INSTITUTIONS

The "initiating" company shall show in this schedule, at cost, the outstanding balances of participations by other lending institutions in individual loans and debt securities of such "initiating" company as of the reporting date.

The outstanding totals of purchases by others of participations in loans (L) in columns (7) and (8) shall agree with items 6(a) and 12(a), respectively, of the Statement of Financial Condition. The outstanding totals of purchases by others of participations in debt securities (DS) in columns (7) and (8) shall agree with items 7(d) and 13(d), respectively, of the Statement of Financial Condition.

SCHEDULE 11—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule, for the period immediately following the period for which this particular schedule was last submitted to SBA, amounts due from directors, officers, and employees for advances made to them. An explanation shall be furnished for any amount written off or for any collection other than in cash. Amounts outstanding shall be classified as current and noncurrent and shown in columns (6) and (7), respectively, the totals of which columns shall agree with items 9 and 21 in the Statement of Financial Condition.

SCHEDULE 12—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of any of the sundry assets which are significant in relation to the amount of total assets. Such assets may include: (1) Notes receivable, (2) accounts receivable, (3) dividends receivable, (4) accrued interest receivable, (5) funds in escrow pending closing of financing, (6) other current assets, representing current amounts due which are not accounted for under a specific class heading, (7) prepayments or deferred charges, (8) unamortized organization costs, and (9) other assets.

Explain clearly any provisions made or any methods in operation to write off or amortize any of the amortizable items in this schedule.

SCHEDULE 13—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The interest rate and other terms shall be given. The balances at the beginning and close of the period immediately following the period for which this particular schedule was last submitted to SBA shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9).

Items in this schedule which originated from the sale of assets acquired in liquidation of participation loans or debt securities shall be shown by the "initiating" company in the amounts thereof opposite the names of the debtors, and, on the line directly thereunder, the "participating" company's equity shall be enclosed in parentheses. Any such amounts in parentheses shall not be considered in arriving at the totals for columns (5), (6), (7), and (8). The total of the amounts shown in parentheses in column (8) shall agree with item 15(a) of the Statement of Financial Condition. If the company preparing this report is the "participating" company, only its equity in amounts due from debtors on sale of assets arising from liquidation of such participation loan or debt security shall be included in this schedule.

The totals of columns (8) and (9) shall agree with items 15 and 15(b), respectively, of the Statement of Financial Condition.

SCHEDULE 14—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List and describe in this schedule, by former debtors (small business concerns), all assets carried, during the period immediately following the period for which this particular schedule was last submitted to SBA, in the account for assets acquired in liquidation of loans (section 305) and debt securities (section 304). The balances at the beginning of the reporting period, additions and deductions during the period, and balances at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses based upon an appraisal of the assets held with reference to each small business concern shall be recorded in column (7). Current market value, or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of columns (6) and (7) shall agree with items 16 and 16(b), respectively, of the Statement of Financial Condition.

Assets acquired in liquidation of a participation loan or debt security shall be shown by the "initiating" company in the amounts thereof opposite the names of the debtors, and the "participating" company's equity shall be enclosed in parentheses on the line thereunder. Any such amounts in parentheses shall not be considered in arriving at the totals for columns (3), (4), (5), and (6). The total of the amounts shown in parentheses in column (6) shall agree with item 16(a) of the Statement of Financial Condition. If the reporting company is the "participating" company, only the reporting company's equity shall be included in this schedule.

SCHEDULE 15—OBLIGATIONS PAYABLE TO SBA

Furnish in this schedule a summary, for the period immediately following the period for which this particular schedule was last submitted to SBA, of the notes payable to SBA and the subordinated debenture issued to SBA. The terms of each note payable to SBA shall be recorded in columns (2) and (3); the unpaid balance at the beginning of the period and additions and deductions during the period shall be reflected in columns (4), (5), and (6); and the balance payable at the end of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (7) and (8).

The subordinated debenture issued to SBA shall be entered in this schedule in a similar manner.

The total of column (7) shall agree with item 25 on the Statement of Financial Condition, and the total of column (8) shall equal the sum of items 41(a) and 46 in the Statement of Financial Condition.

SCHEDULE 16—OBLIGATIONS PAYABLE FOR FUNDS BORROWED FROM OTHER THAN SBA

Show in this schedule, by creditors, all obligations payable for funds borrowed from other than SBA, including (1) all notes payable for funds borrowed from other than SBA; (2) debentures payable, unsubordinated; (3) debentures payable, subordinated, issued to other than SBA; and (4) mortgages payable for funds borrowed on corporate premises or other real estate. Such liabilities shall be grouped and described by class in column (2), but subtotals are not required. The terms of each obligation shall be set out in columns (3) and (4); the unpaid balance at the beginning of the period immediately following the period for which this particular schedule was last submitted to SBA and additions and deductions during such reporting period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between amounts due within one year and amounts due after one year, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with item 26 in the Statement of Financial Condition, and the total of column (9) shall equal the sum of items 41(b) and 42 in the Statement of Financial Condition.

SCHEDULE 17—CAPITAL STOCK OF LICENSEE

Furnish in this schedule a complete description of capital stock authorized and capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—$5.00 par, preferred (6 percent Series of 1961), etc. The par value and the stated value of no-par stock shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4), plus the amount of any declared stock dividends payable, shall agree with item 48 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) shall represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with item 52 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with item 52(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 18—COMMITMENTS OUTSTANDING

Furnish in this schedule a summary showing separately, with subtotals, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to financing institutions for deferred participations in loans or commitments to small business concerns.

SCHEDULE 19—DETACHED STOCK PURCHASE WARRANTS OR OPTIONS ON STOCK OF SBCs

Show in this schedule pertinent data concerning stock purchase warrants or options on stock of small business concerns which have been detached from the capital stock or debt securities of such concerns with which they were issued and are held by the reporting company as of the date of this report.

The small business concern which issued each stock purchase warrant or option is to be identified in column (1); column (2) shall show the number of shares called for; column (3) shall specify the type and class of stock called for; column (4) shall inform as to the grant and expiration dates of the warrant or option; column (5) shall set forth the price or prices at which the stock purchase rights are exercisable, showing the period within which each price applies; and columns (6) and (7) shall show the total number of shares of the small business concern's voting stock and nonvoting stock, respectively, which are outstanding plus those covered by the detached warrant or option described. Column (8) shall show the percentage of each small business concern's voting securities, including those called for by the stock purchase warrants or options described in this schedule, which can be obtained by the reporting company upon exercise of such warrants or options.

SCHEDULE 20—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning capital stock options outstanding

[SBA Form 477 (11-60)] License No. .....

Report for the ..... months ended ....., 19.... Name of licensee .....

TABLE 3—*Loan and equity financing transactions—By industry grouping*

Description	Loans (Sec. 305)				Equity financing (Sec. 304)					
	Loans approved		Loans disbursed		Proposals approved		Securities purchased			
	Number of firms involved	Amount approved	Number of firms involved	Amount disbursed	Number of firms involved	Amount approved	Number of firms involved	Amount purchased
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
NONMANUFACTURING								
Nonmanufacturing Industries:								
Totals nonmanufacturing								
MANUFACTURING								
Manufacturing Industries:								
Totals manufacturing								
Totals nonmanufacturing (brought forward)								
Totals all industries								

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

which have been granted by the company in lieu of salary or in payment for services actually rendered to the company, as provided for in § 107.302 of the regulation, as amended.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—$5.00 par, preferred (6 percent Series of 1961), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

[SBA Form 477 (11-60)] License No. .....

ACTIVITY REPORT Name of licensee .....

Report for the ..... months ended ....., 19.... City and State .....

TABLE 1—*Loan and equity financing transactions—By State*

Description	Loans (Sec. 305)				Equity financing (Sec. 304)					
	Loans approved		Loans disbursed		Proposals approved		Securities purchased			
	Number of firms involved	Amount approved	Number of firms involved	Amount disbursed	Number of firms involved	Amount approved	Number of firms involved	Amount purchased
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
State:								
Totals all States								

TABLE 2—*Applications received*

Applications from small business concerns for specific loan or equity financing:	SIGNATURE
Number of applications	I certify that all information contained in this Activity Report, SBA Form 477, is true and complete to the best of my knowledge and belief:
Amount of financing applied for	Person authorized to sign .....
	Date ..... Title .....

SBA Form 477 [11-60] License No. .....

Report for the ..... months ended ....., 19.... Name of licensee .....

TABLE 4—*Loan and equity financing transactions—by firm size*

Nonmanufacturing firms for which financing was approved this period					Manufacturing firms for which financing was approved this period				
	Loans approved		Equity financing proposals approved			Loans approved		Equity financing proposals approved	
Firms by annual sales size	Number of firms	Amount approved	Number of firms	Amount approved	Firms by employment size	Number of firms	Amount approved	Number of firms	Amount approved
$40,000 and under					0 to 9 employees				
$40,000 to $99,999					10 to 19 employees				
$100,000 to $249,999					20 to 49 employees				
$250,000 to $499,999					50 to 99 employees				
$500,000 to $999,999					100 to 249 employees				
$1,000,000 to $1,999,999					250 or more employees				
$2,000,000 or more					Data not available				
Data not available					Total manufacturing firms				
Total nonmanufacturing firms									

[SBA Form 477 (11-60)]

MAJOR GROUPINGS OF NONMANUFACTURING AND MANUFACTURING INDUSTRIES (BASED ON STANDARD INDUSTRIAL CLASSIFICATION MANUAL)

Nonmanufacturing Industries

(01) Commercial farms.
(02) Noncommercial farms.
(07) Agricultural services and hunting and trapping.
(08) Forestry.
(09) Fisheries.
(10) Metal mining.
(11) Anthracite mining.
(12) Bituminous coal and lignite mining.
(13) Crude petroleum and natural gas.
(14) Mining and quarrying of nonmetallic minerals, except fuels.
(15) Building construction—general contractors.
(16) Construction other than building construction—general contractors.
(17) Construction—special trade contractors.
(40) Railroad transportation.
(41) Local and suburban transit and interurban passenger transportation.
(42) Motor freight transportation and warehousing.
(44) Water transportation.
(45) Transportation by air.
(46) Pipe line transportation.
(47) Transportation services.
(48) Communication.
(49) Electric, gas, and sanitary services.
(52) Retail trade—building materials, hardware, and farm equipment.
(53) Retail trade—general merchandise.
(54) Retail trade—food.
(55) Automotive dealers and gasoline service stations.
(56) Retail trade—apparel and accessories.
(57) Retail trade—furniture, home furnishings, and equipment.
(58) Retail trade—eating and drinking places.
(59) Retail trade—miscellaneous retail stores.
(60) Banking.
(61) Credit agencies other than banks.
(62) Security and commodity brokers, dealers, exchanges, and services.
(63) Insurance carriers.
(64) Insurance agents, brokers, and service.
(65) Real estate.
(66) Combinations of real estate, insurance, loans, law offices.
(67) Holding and other investment companies.
(70) Hotels, rooming houses, camps, and other lodging places.
(72) Personal services.
(73) Miscellaneous business services.
(75) Automobile repair, automobile services, and garages.
(76) Miscellaneous repair services.
(78) Motion pictures.
(79) Amusement and recreation services, except motion pictures.
(80) Medical and other health services.
(81) Legal services.
(82) Educational services.
(84) Museums, art galleries, botanical and zoological gardens.
(86) Nonprofit membership organizations.
(88) Private households.
(89) Miscellaneous services.
(92) Wholesale trade—building materials, hardware, and farm equipment.
(94) Wholesale trade—food.
(96) Wholesale trade—apparel and accessories.
(97) Wholesale trade—furniture, home furnishings, and equipment.
(99) Wholesale trade—miscellaneous.

Manufacturing

(19) Ordnance and accessories.
(20) Food and kindred products.
(21) Tobacco manufactures.
(22) Textile mill products.
(23) Apparel and other finished products made from fabrics and similar materials.
(24) Lumber and wood products, except furniture.
(25) Furniture and fixtures.
(26) Paper and allied products.
(27) Printing, publishing, and allied industries.
(28) Chemicals and allied products.
(29) Petroleum refining and related industries.
(30) Rubber and miscellaneous plastics products.
(31) Leather and leather products.
(32) Stone, clay, and glass products.
(33) Primary metal industries.
(34) Fabricated metal products, except ordnance, machinery, and transportation equipment.
(35) Machinery, except electrical.
(36) Electrical machinery, equipment, and supplies.
(37) Transportation equipment.
(38) Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks.
(39) Miscellaneous manufacturing industries.

(1) The Activity Report, SBA Form 477, includes the following:

Table 1—Loan and Equity Financing Transactions—by State.

Table 2—Applications Received.

Table 3—Loan and Equity Financing Transactions—by Industry Grouping.

Table 4—Loan and Equity Financing Transactions—by Firm Size.

Major Groupings of Nonmanufacturing and Manufacturing Industries

(2) The Activity Report, SBA Form 477, required by this section to be submitted to SBA by Licensee shall commence with the report for the six months period ending September 30, 1960.

(3) (i) Each Activity Report, SBA Form 477, prepared by a Licensee shall present data, as shown by the books of account and other records, reflecting the amounts of the Licensee's loan and equity financing transactions by the categories included in these tables.

(ii) All money amounts required to be shown in the tables of the Activity Report, SBA Form 477, shall be expressed to the nearest dollar. Appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar, so that the items will add to the totals shown.

(iii) Loans in which other companies participate shall be reported only by the initiating company, which services the loan, to avoid the duplication that would otherwise occur when the data from all Licensees are combined.

(iv) All copies of the signature page of the Activity Report, SBA Form 477, shall bear the signature of the chief financial officer, or other person authorized by the board of directors to sign on behalf of the Licensee. The date on which the signature is affixed shall be shown.

TABLE 1. LOAN AND EQUITY FINANCING TRANSACTIONS—BY STATE

The amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing, shall be classified by state, on the basis of the principal office location of the small-business concern. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The data reflected in this table shall be listed in the alphabetical sequence of the names of the states. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

TABLE 2. APPLICATIONS RECEIVED

This table shall reflect information as to both the number and the dollar amount of specific financing applications received from small business concerns during the period

covered by the report, regardless of the action taken thereon.

TABLE 3. LOAN AND EQUITY FINANCING TRANSACTIONS—BY INDUSTRY GROUPING

This table shall show by major industry grouping the amounts approved and amounts disbursed during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing. With respect to multiple-disbursement loan or equity financing, a firm shall be included in the number count in column (4) or column (8) only the one time when the initial disbursement is made. Subsequent disbursements to the same firm under the same loan or the same equity financing shall serve only to increase the amount disbursed or the amount purchased shown in column (5) or column (9), without altering the number count. The amounts of loans and equity financing approved shall not be decreased by cancellations following formal approval action.

The major industry groupings are based on the Standard Industrial Classification Manual issued by the Office of Statistical Standards, U.S. Bureau of the Budget. The individual groupings (by 2-digit code number and title) are listed, in the numerical sequence of the code numbers, on page 5 of the Activity Report, SBA Form 477. This represents the complete listing of the major groupings of nonmanufacturing and manufacturing industries shown in the SIC Manual, plus additional groupings for wholesale trade. Obviously, many of the types of businesses included therein would not be eligible for SBIC financing. Each small business concern involved can be classified in only one major grouping for reporting purposes, even though the firm may engage in multiple activities. The classification assigned for multiple activity firms shall be that covering the primary activity of the firm, based on anticipated dollar sales or income, etc., as is most representative.

The table is in two parts to permit showing data, including totals, for nonmanufacturing industries separately from those for manufacturing industries, plus grand totals for the period for both types of industries. The grand totals for all industries shall be identical with the totals by states given in Table 1. The "Description" column (col. 1) on each page of the table shall reflect the code number and related title of the grouping for each industry grouping represented by the small business concerns involved. These code numbers and related titles shall be entered in numerical sequence to facilitate consolidation of the reports from all SBICs.

TABLE 4. LOAN AND EQUITY FINANCING TRANSACTIONS—BY FIRM SIZE

The amounts approved during the period covered by the report for loans and for equity financing, and the number of individual small business concerns involved for each type of financing, shall be classified in this table on the basis of size of the firms. Separate classifications shall be shown for nonmanufacturing firms and manufacturing firms. The total number of nonmanufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of annual sales size of the firms. The total number of manufacturing firms and the total financing approved therefor shown in Table 3 for each of the two types of financing shall be classified in Table 4 on the basis of employment size of the firms.

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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1961–62 Edition

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

[Revised as of June 1, 1961]

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Presidential Documents

Title 3—THE PRESIDENT

Reorganization Plan No. 4 of 1961

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 9, 1961, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

FEDERAL TRADE COMMISSION

SECTION 1. *Authority to delegate.* (a) In addition to its existing authority, the Federal Trade Commission, hereinafter referred to as the "Commission", shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided, however,* That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 241), as amended.

(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or employee board, upon its own initiative or upon petition of a party to or an intervenor in such action, within such time and in such manner as the Commission shall by rule prescribe: *Provided, however,* That the vote of a majority of the Commission less one member thereof shall be sufficient to bring any such action before the Commission for review.

(c) Should the right to exercise such discretionary review be declined, or should no such review be sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or employee board, shall, for all purposes, including appeal or review thereof, be deemed to be the action of the Commission.

SEC. 2. *Transfer of functions to the Chairman.* In addition to the functions transferred by the provisions of Reorganization Plan No. 8 of 1950 (64 Stat. 1264), there are hereby transferred from the Commission to the Chairman of the Commission the functions of the Commission with respect to the assignment of Commission personnel, including Commissioners, to perform such functions as may have been delegated by the Commission to Commission personnel, including Commissioners, pursuant to section 1 of this reorganization plan.

[F.R. Doc. 61–6479; Filed, July 10, 1961; 8:51 a.m.]

[1] Effective July 9, 1961, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

This subpart contains the regulations (hereinafter called regulations in this subpart) providing the terms and conditions under which commercial banks may participate in pools of cotton loans made to producers under price support programs announced by the Commodity Credit Corporation, U.S. Department of Agriculture.

Sec.

427.1235 Definition of terms.
427.1236 Pooling of price support program loans.
427.1237 Purchase of certificates by CCC.
427.1238 Rate of interest and basis of computation of interest earned.
427.1239 Maturity date of certificates.
427.1240 Tranafer and exchange of certificates.
427.1241 Purchase by CCC of certificates presented through banking channels.
427.1242 Purchase by CCC of certificates presented to the New Orleans office.

AUTHORITY: §§ 427.1235 to 427.1242 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c.

§ 427.1235 Definition of terms.

As used in §§ 427.1235 through 427.1242, the following terms shall have the following meanings:

(a) "CCC" shall mean the Commodity Credit Corporation of the U.S. Department of Agriculture.

(b) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "New Orleans office" shall mean the New Orleans ASCS Commodity Office, located at 120 Marais Street, New Orleans 16, Louisiana.

(d) "Commercial bank" shall mean any bank in the United States that accepts demand deposits.

(e) "Approved Lending Agency" shall mean any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement—Cotton (Form CCC Cotton D) with CCC.

(f) "Price support program loans" shall mean loans approved under the price support programs announced by Commodity Credit Corporation pursuant to the Agricultural Act of 1949, as amended, and related Acts.

(g) "Certificate" shall mean certificate of interest, the document which evidences a commercial bank's participation in financing price support program loans included in a pool of loans established pursuant to § 427.1236.

(h) "Note" shall mean the Cotton Producer's Note and Loan Agreement, Form CCC Cotton A.

(i) "G–1" shall mean Certificate of Association and Agreement of Warehouseman, listing cotton pledged as security for loan advances made to a cotton cooperative marketing association.

(j) "Holder of Record" shall mean the commercial bank shown as payee on the face of the certificate.

(k) "Holder" shall mean the holder of record or the commercial bank which has acquired a certificate by transfer pursuant to § 427.1240.

§ 427.1236 Pooling of price support program loans.

Commencing with the 1961 crop year, CCC will establish a pool of price support program loans on cotton for each crop year. CCC will, pursuant to terms of the Lending Agency Agreement—Cotton, place in the pool for each crop year all notes evidencing price support program loans made by approved lending agencies on cotton of that crop year which are tendered to and accepted by CCC for pooling and will issue certificates to the commercial banks designated by the approved lending agencies to evidence their participation in the pool. CCC will also place in the pool for each crop year all G–1's evidencing price support program loan advances made to cotton cooperative marketing associations by commercial banks, on cotton of that crop year, on the basis of sight drafts drawn on such banks by the associations and approved for CCC by the banks holding custody of the loan documents under servicing agreements with CCC, and will issue certificates to the commercial banks to evidence their participation in the pool. Approval of such drafts for CCC shall evidence tender by the associations and acceptance by CCC of loan documents representing cotton having loan value equal to the amounts of such drafts. The certificates will show a crop year indicating the pool to which they pertain. CCC may place in the pool for any crop year any notes or G–1's evidencing loans or loan advances made on cotton of that crop year in which CCC's funds are invested. CCC may also place in the pool for any crop year any other unmatured price support program loans held by CCC which were disbursed under CCC price support programs for any crop year. CCC will not issue certificates to itself but shall have an interest in each pool to the same extent as though certificates were issued equal to the amount by which the unpaid principal amount of loans comprising the pool exceeds the face value of outstanding certificates. To the extent of such interest in a pool, CCC reserves the right to offer commercial banks the opportunity to participate in the pool through issuance of certificates upon payment to CCC of the face amount thereof. CCC may remove from the pool at any time loans representing all or any part of its interest in the pool.

§ 427.1237 Purchase of certificates by CCC.

CCC will purchase any outstanding certificate at its face value plus earned interest upon presentation by the holder. CCC reserves the right to purchase, at its option, at any time, any outstanding certificate at its face value plus earned interest, and will, in the event the face value of outstanding certificates in any pool on the last day of any month exceeds the unpaid principal amount of the loans comprising the pool, as determined by CCC, call in for purchase outstanding certificates in a total amount sufficient to reduce the face value of outstanding certificates to or below the unpaid principal amount of the loans comprising the pool. The specific certificate(s) to be so purchased shall be determined by CCC. Each holder of record of a certificate to be purchased at the option of CCC in accordance with the provisions of this section shall be notified by mail, at least 15 days prior to the date such certificate is to be purchased, that the certificate is to be presented to CCC for purchase by such date. Payment of the face amount of the certificates which are tendered for purchase and the interest earned thereon shall be made as prescribed in §§ 427.1241 and 427.1242.

§ 427.1238 Rate of interest and basis of computation of interest earned.

Certificates shall earn interest at the rate of 2½ percent per annum. This rate may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided*, That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Interest earned will be paid on a 365 day basis from and including the date shown on the certificate to, but not including, the maturity date of the certificate, the date the certificate is purchased by CCC, or the date the certificate is to be presented to CCC for purchase in accordance with notice given the holder of record pursuant to § 427.1237, whichever date first occurs. If the amount of accrued interest on a certificate presented for purchase is $3.00 or less, CCC shall not be obligated to pay any interest on the certificate.

§ 427.1239 Maturity date of certificates.

The maturity date of certificates issued pursuant to the regulations in this subpart shall be August 1 of the year next following the crop year indicated on the certificates. If August 1 falls on a Saturday, Sunday or national holiday, the maturity date of the certificates shall be the next succeeding business day.

§ 427.1240 Transfer and exchange of certificates.

A certificate may be transferred to any commercial bank by endorsement and delivery of the certificate. The commercial bank which acquires a certificate by endorsement and delivery may transfer it to another commercial bank, present it for purchase by CCC pursuant to § 427.1241 or § 427.1242, or tender it to the New Orleans office and obtain a replacement certificate showing such commercial bank as the payee. The replacement certificate will show the same date as the certificate tendered for exchange. Section 427.1241 provides that interest on certificates presented for payment through banking channels will be paid only to the payee named on the certificates; therefore a commercial bank which holds certificates as an investment should obtain replacement certificates for certificates acquired by endorsement and delivery before presenting them through banking channels for purchase by CCC. All requests for replacement certificates must be submitted to the New Orleans office prior to the 15th day before maturity of the certificates tendered for exchange. In the event certificates are tendered during the 15 day period prior to maturity, the certificates will be held by CCC until maturity, at which time the face amounts plus interest earned thereon will be paid to the commercial bank which tendered the certificates.

§ 427.1241 Purchase by CCC of certificates presented through banking channels.

The holder of a certificate may receive payment at any time by presentation of the certificate through normal banking channels to the Federal Reserve branch bank at New Orleans, Louisiana. The Federal Reserve branch bank will receive the certificate as a cash item for the face amount thereof. Interest earned on certificates purchased for CCC at the Federal Reserve branch bank will be paid by the New Orleans office to the commercial bank named on the certificates.

§ 427.1242 Purchase by CCC of certificates presented to the New Orleans office.

When certificates are presented directly to the New Orleans office, payment of the face amounts and earned interest will be made by that office to the commercial bank which presented the certificates.

Effective on date of publication.

Signed at Washington, D.C., on July 6, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61–6476; Filed, July 10, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

1962 FARM BASE ACREAGE AND ALLOTMENT DETERMINATIONS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are for the purposes of (1) providing for the determination of a computed farm base acreage for 1962 which will reflect a new crop-rotation system for a farm which had previously been operating under an odd and even rotation and (2) for bringing the regulations for determination of allotments into agreement with the farm reconstitution regulations. In order that farmers may not secure larger base acreages and allotments for 1962 under the first amendment by changing their farm rotations, there is imposed a condition that the computed base acreage approved for 1962 shall not exceed the base acreage which would have been computed under the old rotation.

The second, third, and fourth, amendments will bring into agreement the farm wheat acreage allotment regulations and the reconstitution of farms and acreage allotment regulations. Under these amendments, the regulations for determining the 1960, 1961, and 1962 base acreages are being revised so that the base acreage for the applicable year for the individual farm may exceed the cropland on the farm in the following types of cases: (1) Part of a farm is acquired under the right of eminent domain and removed from agricultural production and such acquired part is less than 15 percent of the cropland on the farm; and (2) part of a farm is acquired other than under the right of eminent domain and is to be used for non-agricultural purposes during the current or succeeding crop year as determined by the county committee on the basis of an agreement signed by all persons interested in the transfer.

County committees are preparing to compile data and determine 1962 base acreages preparatory to the establishment of 1962 wheat acreage allotments, and the amendments herein are an integral part of the regulations for determining base acreages and acreage allotments. Accordingly, it is hereby found and determined that compliance with the public notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the amendments herein shall become effective upon their publication in the FEDERAL REGISTER.

1. A new subparagraph (8) is added to § 728.1017b(b) to read as follows:

(8) For a farm with an established odd and even rotation for which a change in the crop-rotation practices will go into effect for 1962, the computed base acreage recommended by the county committee as applicable for 1962 for such farm under the new rotation: *Provided*, That such computed base acreage shall not exceed the base acreage which would have been computed, if the rotation in effect for 1961 had been continued.

2. Paragraph (e) of § 728.1017 is amended by striking out in the second sentence the language "or due to the fact that the farm will be removed from agricultural production because of acquisition by persons or agencies not having the right of eminent domain," and by adding the following sentence between the second and third sentences: "However, the 1960 base acreage for any farm shall not exceed the total cropland for the farm except in the case of farms to which paragraphs (b) and (h) of § 719.7 of the regulations for reconstitution of farms, farm allotments, and farm history and soil bank base acreages (Part 719 of this chapter) are applicable."

3. Paragraph (d) of § 728.1017a is amended by deleting the period at the end of the next to the last sentence and adding the language, ", except in the case of farms to which paragraphs (b) and (h) of § 719.7 of the regulations for reconstitution of farms, farm allotments, and farm history and soil bank base acreages (Part 719 of this chapter) are applicable."

4. Paragraph (d) of § 728.1017b is amended by striking out in the next to the last sentence the language "except for any farm where less than 15 percent of the cropland on the farm has been acquired under the right of eminent domain" and adding the language "except in the case of farms to which paragraphs (b) and (h) of § 719.7 of the regulations for reconstitution of farms, farm allotments, and farm history and soil bank base acreages (Part 719 of this chapter) are applicable."

(Secs. 334, 375, 52 Stat. 53, as amended, 66; 7 U.S.C. 1334, 1375)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 6, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–6474; Filed, July 10, 1961; 8:50 a.m.]

[Amdt. 2]

PART 730—RICE

Marketing Quotas; 1961 Rate of Penalty

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938,

as amended, to announce the rate of penalty applicable to excess rice produced in the 1961 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since the calculation of the penalty rate is a mathematical determination, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and the amendment shall become effective as provided herein.

Section 730.972 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1961 crop of rice shall be 3.93 cents per pound, which is 65 per centum of the parity price per pound for rice as of June 15, 1961, which is determined to be 6.04 cents per pound."

(Secs. 356, 375, 52 Stat. 62, as amended; 66. as amended; 7 U.S.C. 1356, 1375)

The amendment contained herein shall become effective 30 days following publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 6, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6475; Filed, July 10, 1961; 8:51 a.m.]

SUBCHAPTER C—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 51]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

1. Section 750.157(i)(1) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the Secretary may, with the approval of the contract signers, permit hay to be removed from the conservation reserve if the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for removal of hay from such acreage, determines that it is necessary to permit removal of hay from such acreage in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster."

2. Section 750.163(b)(4) is amended by adding at the end thereof the following: "If the Secretary authorizes the removal of hay from the conservation reserve any time during the contract period in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster as provided in § 750.157(i)(1), no annual payment will be made for that part of the conservation reserve from which hay is removed unless the written consent by the Secretary to remove hay provides otherwise."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: July 5, 1961.

Signed at Washington, D.C., on July 5, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6452; Filed, July 10, 1961; 8:47 a.m.]

[Amdt. 16]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

1. Section 750.513(i)(1) is amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the Secretary may, with the approval of the contract signers, permit hay to be removed from the conservation reserve if the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for removal of hay from such acreage, determines that it is necessary to permit removal of hay from such acreage in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster."

2. Section 750.520 is amended by adding the following new paragraph (i) at the end thereof:

(i) *Removal of hay authorized by Secretary.* If the Secretary authorizes the removal of hay from the conservation reserve any time during the contract period in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster as provided in § 750.513(i)(1), no annual payment will be made for that part of the conservation reserve from which hay is removed for the year in which hay is removed unless the written consent by the Secretary to remove hay provides otherwise.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: July 5, 1961.

Signed at Washington, D.C., on July 5, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6451; Filed, July 10, 1961; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar) Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 820, Amdt. 2]

PART 820—REQUIREMENTS RELATING TO NON-QUOTA PURCHASE SUGAR FOR THE CALENDAR YEAR 1961

Miscellaneous Amendments

1. Paragraph (b) of § 820.3 of Part 820 is hereby amended to read as follows:

§ 820.3 Non-quota purchases of sugar authorized.

* * * * * *

(b) Pursuant to section 408(b) of the Act, the President by Proclamation No. 3401 established the amount of the quotas for sugar and for liquid sugar for Cuba for the calendar year 1961 at zero. At a level of consumption requirements for consumers in the United States of 10,000,000 short tons, raw value of sugar for 1961, the amount of the quotas that otherwise would have been provided for Cuba under the terms of Title II of the Act for the calendar year 1961 are 3,297,195 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar, 72 per centum total sugar content, which represent the quantities that may be caused or permitted to be brought or imported into or marketed in the United States during the calendar year 1961 pursuant to section 408(b) of the Act. Sugar Regulation 819, effective for the period January 1, 1961, through March 31, 1961, permitted the importation of 824,299 short tons, raw value, of non-quota sugar pursuant to section 408(b) of the Act. Thus, the amounts available for allocation to foreign countries pursuant to section 408(b) of the Act for the period April 1, 1961 through December 31, 1961, are 2,472,896 short tons, raw value of sugar and 7,970,558 wine gallons of liquid sugar. By Sugar Regulation 820, effective April 19, 1961, in § 820.4, a total of 1,263,776 short tons, raw value of non-quota purchase sugar was authorized for purchase and importation during the period April–December 1961. Amendment 1 to Part 820, effective June 6, 1961, revised § 820.4 to provide for allocations and authorizations for purchase of non-quota sugar for the period April–December 1961 in the following respects: A total of 2,272,896 short tons, raw value was authorized for purchase during the period April–December 1961. The authorization for the purchase of 977,095 short tons, raw value of this total was based upon a proration in accordance with section 408(b)(2) of the Act to foreign countries with which the United States is in diplomatic relations and for which quotas have been established pursuant to section 202 of the Act, to the extent of their ability to supply sugar, except for Canada and the United Kingdom as provided in paragraph (c) of § 820.1. Based on the best information obtainable from the appropriate foreign government and sugar trade sources at the time Amendment 1 to Part 820 was issued, several countries which receive quotas under section 202 of the Act were found to be unable to supply portions of the prorations of non-quota purchase sugar as follows: Mexico 175,090 tons; Nicaragua 95,122 tons; Peru 400,520 tons; and the Philippines 150,000 tons. These quantities totaling 820,732 tons plus the prorations for Canada and the United Kingdom totaling 6,895 tons and 468,174 tons of the Dominican Republic's proration under section 408(b)(2)(iii) of the Act or a total of 1,295,801 short tons, raw value, was authorized for purchase from foreign countries in accordance with the proviso in section 408(b)(2)(iii) of the Act. In authorizing the purchase of the 1,295,801 short tons, raw value, from Brazil, Federation of the West Indies and British Guiana, Colombia, Costa Rica, Ecuador, El Salvador, French West Indies, Guatemala, Haiti, Formosa, India, Paraguay, and Australia, special consideration was given to countries of the Western Hemisphere and to those countries purchasing United States agricultural commodities. In § 820.4, as herein amended, the quantity of non-quota sugar authorized for purchase from the Republic of the Philippines is increased by 150,000 tons to 368,048 short tons, raw value, which is the full proration under section 408(b)(2)(ii) of the Act for that country. The allocations and authorizations for purchase of 1,295,801 short tons, raw value, from Brazil, Federation of the West Indies and British Guiana, Colombia, Costa Rica, Ecuador, El Salvador, French West Indies, Guatemala, Haiti, Formosa, India, Paraguay and Australia in accordance with the proviso in section 408(b)(2)(iii) remained unchanged. However, the 1,295,801 tons so allocated and authorized consists of the prorations for Canada and the United Kingdom totalling 6,895 tons; 618,174 tons of the Dominican Republic proration under section 408(b)(2)(iii); and 670,732 tons which is the sum of the following portions of the prorations which the named countries having quotas under section 202 of the Act will be unable to supply: Mexico 175,090 tons; Nicaragua 95,122 tons; and, Peru 400,520 tons. Of the 2,472,896 short tons, raw value, which may be authorized for purchase, 50,000 short tons, raw value of the proration for the Dominican Republic is not being authorized for purchase at this time. Also, the 7,970,558 wine gallons of liquid sugar are not allocated or authorized for purchase at this time.

§ 820.4 [Amendment]

2. Paragraph (a) of § 820.4 of Part 820 is hereby amended by increasing the quantity shown in the table therein for the Republic of the Philippines from 218,048 short tons, raw value, to 368,048 short tons, raw value.

STATEMENT OF BASES AND CONSIDERATIONS

Immediately prior to the issuance on June 1, 1961, of Amendment 1 to Sugar Regulation 820, information was obtained through the United State Embassy in Manila from appropriate government and industry officials in the Republic of the Philippines as to the supply of sugar that could be made available by that country to the United States within the calendar year 1961. From the information received it was concluded that the Philippines could not supply for arrival in the continental United States during the calendar year 1961 any sugar in excess of the previously assigned basic quota and reallocations totalling 1,320,731 short tons, raw value. Actual receipts of sugar in the United States for the year to date and other information corroborated that conclusion. Accordingly, no provision was made for the purchase of additional quantities of non-quota purchase sugar from the Philippines in Amendment 1 to Sugar Regulation 820.

Since the action of June 1, the Government of the Republic of the Philippines has contended (a) that it is legally entitled to its proration of the reallocation and (b) that it can supply for arrival in the United States by December 31, 1961, the additional sugar from stocks on hand and from the next crop by starting the harvest of its 1961–62 crop in September, a month earlier than normal.

The Sugar Act requires the granting of such a reallocation only to the extent of the country's ability to supply the sugar.

The present action is based solely on the assurances given by the Philippine Government that it can and will fill the additional proration of 150,000 short tons, raw value, herein provided. Accordingly, the quantity of sugar which now may be imported from the Republic of the Philippines within the calendar year 1961 is 1,470,731 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 101, 408; 61 Stat. 922, as amended, 933, as amended; 7 U.S.C. 1101, 1158; Pub. Law 87-15, approved March 31, 1961. Presidential Proclamation 3401 (26 F.R. 2849)

Effective date. To permit such non-quota purchase sugar to be marketed in an orderly manner it is essential that the amendments made herein be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest, and this amendment to the regulations shall become effective when published in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

EDWIN M. MARTIN,
Secretary of State.

[F.R. Doc. 61-6453; Filed, July 10, 1961; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[1017.306]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of onions grown in the production area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.88, inclusive. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, has recommended that regulations limiting the handling of the 1961 crop onions should be issued. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 1017.306 Limitation of shipments.

During the period from July 17, 1961, through June 30, 1962, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) *Minimum grade requirements.* All varieties: U.S. No. 2, or better, grade.

(b) *Special purpose shipments.* The minimum grade requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to

shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed; and
(3) Charity.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds one ton of onions.

(d) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Onions (§§ 51.2830–51.2850 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 6, 1961, to become effective July 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6471; Filed, July 10, 1961; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 791; Amdt. 304]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 049, 149, 649, 749, 1049, and 1649 Series Aircraft

Amendment 138 (25 F.R. 3836), requires inspection for cracks in the segment ring of the aft pressure bulkhead and repair of the area if cracks are found on the Lockheed 049, 149, 649, 749, 1049, and 1649 Series aircraft with more than 30,000 hours' time in service. No provision was included for discontinuance of inspections if the affected parts were replaced. Accordingly, Amendment 138 is being amended to discontinue the inspection if the affected part is replaced with a new part, since new parts are good for 30,000 hours' time in service.

Since this amendment is a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 138 (25 F.R. 3836), is amended by adding paragraph (c) as follows:

(c) When any part of the aft pressure bulkhead peripheral ring is replaced by a new part, inspection of the new part per (a) is not required until the new part has accumulated 30,000 hours' time in service.

This amendment shall become effective July 11, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 30, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6444; Filed, July 10, 1961; 8:46 a.m.]

[Reg. Docket No. 792; Amdt. 305]

PART 507—AIRWORTHINESS DIRECTIVES

Curtiss-Wright C–46 Series Aircraft

Satisfactory service experience with Curtiss-Wright C–46 Series aircraft shows that an increase in the inspection interval for the horizontal tail surfaces required by AD 58–17–2, 23 F.R. 7483, will not adversely affect the current level of safety. Accordingly, the inspection interval in the second paragraph of AD 58–17–2, is being extended from 60 hours of operation to 100 hours' time in service.

Since this amendment provides a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 58–17–2, 23 F.R. 7483, is amended by changing the first sentence of paragraph (2) to read:

(2) A detailed visual inspection of the horizontal tail surfaces must be conducted at intervals not to exceed 100 hours' time in service.

This amendment shall become effective July 11, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 30, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6445; Filed, July 10, 1961; 8:46 a.m.]

[Reg. Docket No. 793; Amdt. 306]

PART 507—AIRWORTHINESS DIRECTIVES

Snow Model S2A Aircraft

There have been nine reported cases of excessive cable wear in Snow Model S2A aircraft, occurring at the pulleys in the elevator and aileron systems. The amount of wear varied from 10 to 70 percent. To preclude failure of control cable as a result of premature wear, it is necessary to require inspection and replacement if cable is found frayed.

As a situation exists which demands immediate action in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SNOW. Applies to all Model S2A aircraft (restricted category).

Initial compliance required within 25 hours' time in service after the effective date of this AD unless accomplished within 75 hours' time in service preceding such date. Subsequent compliance required at each 100 hours' time in service after the initial compliance date.

Due to reports of excessive cable wear occurring at two AN 210–3B pulleys in the aileron system aft of the hopper and two AN 210–3B pulleys in the elevator system on the left and right of the pilot seat, the following must be accomplished:

(a) Detach the aileron and elevator cables by disconnecting the turnbuckles to obtain slack at the two pulleys in each system. Visually inspect the cables for fraying by flexing the cable in the areas of pulley contact in accordance with Snow Service Letter No. 4. Replace all frayed cables prior to further flight.

(b) Inspection of the elevator cable may be discontinued when the two AN 210–3B elevator system pulleys to the left and right of the pilot seat are replaced with AN 210–4B pulleys, in accordance with Snow Service Letter No. 6. Inspection of the aileron cable may be discontinued when the aileron cable system is replaced with a push-pull tube system in accordance with Snow Service Letter No. 7.

(Snow Service Letters 4, 6, and 7 cover this subject.)

This amendment shall become effective July 21, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 30, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6446; Filed, July 10, 1961; 8:46 a.m.]

[Reg. Docket No. 794; Amdt. 307]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Series Aircraft

Investigation of numerous occurrences of loss of main landing gear doors has shown that door loss is likely to occur on all Model 1049 Series aircraft, which have not had the doors modified in accordance with the manufacturer's service information. Therefore, it is necessary to require inspection and repair or replacement if any defects are found.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 1049 Series aircraft.

Compliance required as indicated.

As a result of numerous occurrences of loss of main landing gear doors, the following inspections and rework are required.

(a) Within the next 30 hours' time in service after the effective date of this AD and every 30 hours' time in service thereafter, conduct a visual inspection for cracks or loose fasteners in the front main landing gear door assemblies paying special attention to the front ribs and front hinge fittings. If any defects are found, they must be repaired or replaced prior to further flight, except that a ferry flight may be authorized in accordance with CAR 1.76 to a base where the required replacement or modifications are to be made.

(b) When doors incorporating the modifications outlined in Lockheed 1049 Service Bulletin No. 2935, or FAA approved equivalent, are installed, the special inspections described in (a) may be discontinued.

(Lockheed 1049 Service Bulletin No. 2935 pertains to this subject.)

This amendment shall become effective July 17, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 30, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6447; Filed, July 10, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–129]

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area

The purpose of this amendment to Part 608 of the regulations of the Administrator is to designate a temporary restricted area.

On July 6, 1961, the Department of the Air Force finalized a request for the establishment of a temporary restricted area between Camden and Cheraw, South Carolina, for the purpose of conducting joint operations in conjunction with the Department of the Army. Army participation will include approximately 25,000 personnel and 220 aircraft, while that of the Air Force will include approximately 5,000 personnel and 390 aircraft. The military activities will involve numerous military tactical aircraft, airborne troops, and related operations which would be hazardous to nonparticipating aircraft. In order to accommodate the ground forces the U.S. Army Corps of Engineers acquired maneuver rights on private, state, and federal property underlying the restricted area.

The temporary restricted area is required from 0500 e.s.t. August 8, to 1900 e.s.t., August 13, and will extend to an altitude of 2,500 feet MSL—the boundaries to exclude all known private airports and designated airways.

The Air Force has advised the Agency that the effective dates for the implementation of this restricted area were arranged in order to take advantage of the maximum available number of military forces scheduled for active duty at this time together with the availability of aircraft. The need for combined maneuvers of this type and magnitude is essential in order to train the military forces under realistic conditions.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impractical and contrary to the public interest.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In Part 608 (26 F.R. 871) the following temporary restricted area is added:

SWIFTSTRIKE, S.C.

Description. Beginning at latitude 34°16'-00" N., longitude 80°37'10" W.; to latitude 34°19'45" N., longitude 80°40'10" W.; thence along the eastern boundary of VOR Federal airway No. 155 to latitude 34°41'00" N., longitude 80°07'00" W.; to latitude 34°41'00" N., longitude 79°51'40" W.; to latitude 34°36'45" N., longitude 79°47'00" W.; to point of beginning, excluding the area which lies within a three-mile radius of Woodward Airport.

Designated altitudes. Surface to 2,500 feet MSL.

Time of designation. Continuous, from 0500 e.s.t., August 8, 1961, to 1900 e.s.t., August 13, 1961.

Controlling Agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using Agency. Commander, 19th Air Force, Seymour-Johnson AFB, N.C.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 7, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–6526; Filed, July 10, 1961; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55417]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Special Customs Invoices

Section 8.15(c)(18), Customs Regulations, stating conditions under which special customs invoices are not required to be filed in connection with customs entries of articles from certain insular possessions of the United States, refers to certain provisions of such regulations in Part 7—Customs Regulations With Insular Possessions and Guantanamo Bay Naval Station, provisions which were deleted from Part 7 by T.D. 53617, 19 F.R. 6474, incident to amendments to make uniform the customs treatment of articles produced in insular possessions.

Without effecting any substantive change in the prevailing invoicing practice and solely for the purpose of conforming the regulation to the amendments of Part 7 in T.D. 53617, § 8.15(c)(18), Customs Regulations, is amended to read:

(18) Articles coming directly into the United States from any of its insular possessions other than Puerto Rico, if covered by the certificate of origin provided for in § 7.8(a).

(Secs. 484, 624, 46 Stat. 722, as amended, 759; 19 U.S.C. 1484, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 3, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6461; Filed, July 10, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYACRYLAMIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Dow Chemical Company, Midland, Michigan, and other relevent material, has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive polyacrylamide as a flocculent or filler-retention aid in the manufacture of paper and paperboard used in food packaging. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2512 Polyacrylamide.

Polyacrylamide may be safely used prior to the sheet-forming operation as a flocculent or filler-retention aid in the manufacture of paper and paperboard for food packaging when used in accordance with the following prescribed conditions:

(a) The polyacrylamide contains less than 0.1 percent residual monomer.

(b) The amount added shall not exceed the amount necessary to accomplish the intended technical effect.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the

date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 3, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6463; Filed, July 10, 1961; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin- (or Zinc Bacitracin-) Neomycin-Polymyxin Powder Topical

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of bacitracin and bacitracin-containing drugs (21 CFR 141e.430, 146e.430 (26 F.R. 2596)) are amended as set forth below:

1. In § 141e.430, paragraph (a)(2) is amended to read as follows:

§ 141e.430 Bacitracin - neomycin - polymyxin powder topical; zinc bacitracin-neomycin-polymyxin powder topical.

(a) • • •

(2) *Powder packaged with inert gases.* Spray, as directed in the labeling, the entire contents of each container to be tested into a separate 2-liter Erlenmeyer flask, held in a horizontal position. Add 500 milliliters of 0.01 *N* HCl and shake to dissolve the contents. Immediately remove aliquots of this solution and, using the appropriate buffer solutions to make further dilutions, proceed as directed in subparagraph (1) of this paragraph. Calculate the average total amount of each antibiotic expelled from the containers. The total potency is satisfactory if it contains not less than 85 percent of the number of units of zinc bacitracin and polymyxin and not less than 85 percent of the number of milligrams of neomycin that it is represented to contain.

§ 146e.430 [Amendment]

2. In § 146e.430 *Bacitracin-neomycin-polymyxin powder topical* • • •, paragraph (a) *Standards of identity* • • • is amended by changing the fourth sentence to read: "It's moisture content is not more the 7.0 percent, unless it is packaged with one or more suitable and harmless inert gases, in which case its moisture content is not more than 0.5 percent."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendments are minor in nature and not restrictive in character.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 30, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6466; Filed, July 10, 1961; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PARCEL POST SERVICE WITH HONG KONG

A new parcel-post agreement concluded with Hong Kong became effective July 1, 1961. Under its provisions the following changes in the service took place on that date:

The exchange of insured parcels was established up to a maximum indemnity of $330. The following insurance fees according to the insured value of the parcels must be paid in addition to the surface or air postage:

Limit of indemnity:	*Fee, cents*
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $200	60
From $200.01 to $300	65
From $300.01 to $330	70

Postal employees will print or stamp on the wrapper of each insured parcel, near the "insured" endorsement and number, the amount for which the parcel is insured. The amount will be shown in U.S. currency and in gold francs. The indication in U.S. currency will be in both figures and letters spelled out in full, and the gold franc equivalent in figures only.

Parcels containing coin, precious metals, jewelry, or other precious articles must be insured.

Insured parcels exchanged with Hong Kong will be treated as prescribed in Part 133 of Title 39, Code of Federal Regulations.

The sealing of ordinary parcels is optional, but insured parcels must always be sealed.

Group shipments for Hong Kong will no longer be permitted.

Parcels for Hong Kong may measure up to 6 feet in combined length and girth. They may not exceed 3½ feet in length, except that the length may be as much as 4 feet on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

The new agreement does not provide for recall or change of address of parcels sent to Hong Kong. Therefore requests of this nature can be accepted only under the terms of § 137.5(c) of Title 39, Code of Federal Regulations.

The appropriate amendments necessary to codify the foregoing regulations into Title 39, Code of Federal Regulations will be published in the FEDERAL REGISTER at a later date.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Public Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6459; Filed, July 10, 1961; 8:48 a.m.]

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

International Reply Coupons

Effective July 1, 1961, international reply coupons issued in countries other than Canada and Mexico were exchangeable at 11 cents each. This is a result of the increase from 8 to 11 cents in the international surface rate for letters of one ounce announced in the FEDERAL REGISTER of June 24, 1961, at pages 5670 through 5672. The exchange rate of coupons issued in Canada and Mexico remains at 4 cents each. There will be no change in the selling price of United States international reply coupons.

In view of the foregoing, § 111.2 is revised by amending subparagraph (3) of paragraph (e) to read as follows:

§ 111.2 Postage.

• • • • • •

(e) *Reply coupons.* • • •

(3) Properly postmarked international reply coupons issued in other countries are exchangeable at United States post offices at the rate of 11 cents each, except that Canadian and Mexican international reply coupons are exchangeable at the rate of 4 cents each in postage. Patrons may not redeem more than 10 coupons at one time unless they present the article or articles which are to be prepaid, and affix the postage at the post office.

NOTE: The corresponding Postal Manual section is 221.253.

(R.S. 161, as amended, secs. 501, 505, 74 Stat. 580, 581 (Public Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6460; Filed, July 10, 1961; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5-1—GENERAL

Subpart 5-1.3—General Policies

Subpart 5-1.6—Debarred and Ineligible Bidders

MISCELLANEOUS AMENDMENTS

Sections 5-1.302, 5-1.302-50, 5-1.305, 5-1.305-2 through 5-1.305-4, 5-1.305-6, 5-1.305-50, 5-1.307, 5-1.315, 5-1.315-2, and 5-1.350 through 5-1.350-2, are added, to read as follows:

§ 5-1.302 Procurement sources.

§ 5-1.302-50 Employees of the Federal Government.

No contract for the procurement of personal property or nonpersonal services (including construction) shall be entered into with any employee of the Federal Government or with any firm substantially owned or controlled by one or more employees of the Federal Government, except for the most cogent reasons and only with the approval of the head of the service or staff office conducting the procurement.

§ 5-1.305 Specifications.

§ 5-1.305-2 Exceptions to mandatory use of Federal Specifications.

Pursuant to § 1-1.305-2(f), when an Interim Federal Specification exists for a specific item which is also described in a Federal Specification, procuring activities shall use the Interim Federal Specification in lieu of the Federal Specification upon determination that the Federal Specification is not suitable for the specific application.

§ 5-1.305-3 Deviations from Federal Specifications.

Any deviation from a Federal Specification contemplated under § 1-1.305-3 shall be submitted to the Commissioner, FSS, or his designee, for approval prior to use. The request shall include a statement describing the deviation, with justification therefor and, where applicable, a recommendation for revision or amendment of the specification.

§ 5-1.305-4 Optional use of Interim Federal Specifications.

Procuring activities shall use Interim Federal Specifications in lieu of Federal Specifications whenever practical, in accordance with § 5-1.305-2. When a procuring activity finds an Interim Federal Specification is not practical for use, or that changes are desirable, the Standardization Division, FSS, shall be so notified. The reasons for the impracticability and any recommendations for changes shall be included in the notification.

§ 5-1.305-6 Military and departmental specifications.

In the absence of a Federal Specification or Interim Federal Specification, military and departmental specifications shall be considered. The selection of the most appropriate specification is for determination by the contracting officer.

§ 5-1.305-50 Use and availability of specifications and standards.

(a) Rescinded or superseded specifications or standards shall not be used.

(b) Generally, specifications and standards shall be included by reference in invitations for bids and requests for proposals. The reference shall fully identify the specification or standard by type (e.g., Fed. Spec., Int. Fed. Spec., MIL, etc.) and number, and shall include amendments, supplements, and revisions, if any. The date should also be given if the number reference is not sufficient to identify the specification or standard beyond question.

(c) Business Service Centers stock most Federal, Interim Federal and GSA specifications, and Federal Standards, for issue in limited quantities to the general public without charge. When an invitation refers to a specification or standard not normally available from Business Service Centers, the contracting officer shall arrange, with appropriate Busines Service Centers or otherwise, to make copies available to bidders. The invitation or request shall state where copies of required specifications and standards can be obtained.

(d) When, prior to the time set for the opening of bids or receipt of proposals, the contracting officer discovers that an incorrect specification has been cited (e.g., not current, number and title do not agree, number and date do not agree, etc.), he shall take immediate corrective action. All prospective bidders who were sent the invitation shall be notified by amendment (see § 1-2.207), citing the correct specification. If the citation of an incorrect specification is not discovered until after bids have been opened, all bids should ordinarily be rejected and the requirement readvertised; but if the requirement is urgent or the deviation between the cited specification and the correct one is immaterial, and award based on the incorrent specification is considered in the best interest of the Government, the head of the procuring activity may authorize such award. When an award has been made, based on an incorrect specification undiscovered prior to award, contractors shall be required to comply with the specification cited in the contract unless cancellation is accomplished for the best interest of the Government, or unless the contractor agrees to deliver a superior product under the correct specification at the bid price.

§ 5-1.307 Purchase descriptions.

In general, repeated use of the same purchase description indicates that consideration should be given to developing a specification. In such cases procuring activities shall forward an appropriate recommendation through channels, together with a complete description of the item, to the Standardization Division, FSS, for necessary action.

§ 5-1.315 Use of liquidated damages provisions in procurement contracts.

§ 5-1.315-2 Policy.

Liquidated damages provisions shall not be used in contracts for supplies and services, other than construction, without the prior approval of the head of the procuring activity. In construction contracts, use shall be at the discretion of the contracting officer. Decisions to use liquidated damages provisions shall be in accordance with § 1-1.315-2(a).

§ 5-1.350 Advance notices of contract award.

§ 5-1.350-1 Exclusion.

The provisions of this § 5-1.350 do not apply to Defense Materials Service contracting activities with respect to cordage fibers and rubber. See § 5-3.450.

§ 5-1.350-2 Method of giving notice.

Advance notices of award shall be in writing over the signature of the contracting officer except that, when justified, telegraph notification may be used. When an advance notice of award is issued, it shall be followed as soon as possible by the formal document. Advance notices of award shall not be made orally, either by telephone or by personal contact with bidders or their representatives.

Subpart 5-1.6—Debarred and Ineligible Bidders

In Subpart 5-1.6, the following changes are made: § 5-1.601 is deleted, §§ 5-1.602 through 5-1.604, and 5-1.606 are revised and new §§ 5-1.605, 5-1.606-50 through 5-1.606-57 are added, as follows:

§ 5-1.602 Establishment and maintenance of a list of firms or individuals debarred or ineligible.

(a) The Compliance Division shall establish and maintain a list of debarred or ineligible firms and individuals pursuant to § 1-1.602. This list shall be designated as the GSA Debarred Bidders List, and its use is mandatory on all GSA procuring activities.

§ 5-1.603 Bases for debarment and ineligible list entry.

All firms and individuals within the categories specified in § 1-1.603 shall be placed on the GSA Debarred Bidders List by the Compliance Division as soon as official information is received of debarment or ineligibility. Administrative debarments under § 1-1.603(d) are subject to determinations by GSA under § 5-1.606, pursuant to § 1-1.605.

§ 5-1.604 Treatment to be accorded firms or individuals in debarred or ineligible status.

(a) A determination that an exception is essential to the public interest may be made by the Commissioner of the procuring service for a specific procurement action only when a firm or individual is listed as debarred on the basis of § 1-1.603(d). In such cases, the contract folder shall be documented to reflect the determination and the justification therefor.

(b) Bids or proposals shall not be solicited from concerns which have been found ineligible, as provided in § 1–1.604(d), because they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1(a) of the Walsh-Healey Public Contracts Act, if the procurement is estimated to exceed $10,000 and is for the same materials, supplies, articles, or equipment with respect to which the ineligibility extends.

(c) When circumstances indicate that a firm or individual is attempting to evade the prohibitions contained in § 1–1.604 and this § 5–1.604, and the contracting officer can establish identity between the suspect bidder and a debarred firm or individual, he shall apply the basic prohibitions and forward a statement of the circumstances to the Compliance Division. If the facts to confirm a suspected evasion are not available to the contracting officer, he shall document the circumstances and request the Compliance Division to investigate. If time permits, award should be withheld pending receipt of the results of the investigation. Suspicious circumstances may include such actions as change of address, use of multiple addresses, adoption of a new business name, indications that a debarred firm or individual has a controlling or active interest in a new enterprise, etc.

§ 5–1.605 Causes and conditions applicable to determination of debarment by an executive agency.

(a) Administrative debarments by GSA shall be made by the Commissioner of the procuring service primarily concerned or by the Chairman of the Board of Review, in accordance with procedures set forth in § 5–1.606.

(b) Debarment shall generally be made for periods of not less than one year and not more than three years, dependng on the seriousness of the offense.

§ 5–1.606 Agency procedure.

§ 5–1.606–50 GSA administrative debarments.

Procedures governing GSA administrative debarments are authorized by § 1–1.603(d). An administrative debarment is a final decision by GSA to debar and register the name of the debarred firm or individual on the GSA Debarred Bidders List.

§ 5–1.606–51 Debarment by other agencies.

The Compliance Division shall review the bases for debarments made by other executive agencies for the purpose of determining whether debarments as authorized by § 1–1.605(a)(4), should be recommended.

(a) If debarment by the other agency was due to conviction for violation of law as set forth in § 1–1.605(a)(1) and (2), or was due to a violation of the Buy American Act (41 U.S.C. 10(b)), the Compliance Division shall notify the Commissioner primarily concerned, who shall take immediate action to debar. The ending of the period of debarment shall coincide with the date set by the original debarment action.

(b) If debarment by the other agency was for cause (a)(3) under § 1–1.605, and if warranted as a result of review, the Compliance Division shall recommend debarment to the Commissioner primarily concerned.

§ 5–1.606–52 Collection and evaluation of information.

The Compliance Division shall collect and evaluate information, developed by GSA and other agencies or otherwise, to determine whether an alleged offense or irregularity falls within the causes listed in § 1–1.605(a) (1), (2), and (3), and, if warranted, shall recommend to the appropriate Commissioner that debarment proceedings be initiated.

§ 5–1.606–53 Investigations.

(a) When a procuring activity becomes suspicious of offenses or irregularities which might support debarment, a request for investigation shall be forwarded to the Compliance Division with a statement of the pertinent circumstances.

(b) The Compliance Division shall make a thorough investigation of the circumstances as expeditiously as possible, and shall report the results to the service primarily concerned with a recommendation as to whether debarment proceedings should be instituted. The files of the Compliance Division compiled in support of such reports of investigation shall, upon request, be made available for review by the service primarily concerned.

§ 5–1.606–54 Determination to debar.

The Commissioner of the service primarily concerned, after consultation with legal counsel, shall determine whether the facts are sufficient to warrant debarment.

§ 5–1.606–55 Institution of debarment proceedings.

If a Commissioner determines to institute debarment proceedings, he shall send a letter by certified mail (return receipt requested) to the firm or individual proposed for debarment. The letter shall summarize the facts on which the debarment is predicated, specify a reasonable and definite period for the debarment, and advise that, unless a request for a hearing is received within 15 days from the date of receipt of such letter, the debarment will become effective when the 15-day period has elapsed. When debarment action is based on debarment by another agency, the firm or individual shall be so notified. However, no hearing is required in such cases, pursuant to § 1–1.605(b)(6). The heads of services and staff offices, the Board of Review, and the Compliance Division shall be notified of this action.

§ 5–1.606–56 Hearings.

Hearings requested in connection with debarment proceedings shall be conducted before the Board of Review. An opportunity shall be afforded to the firm or individual to appear, with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred. If the firm or individual elects not to appear, the Board of Review will make its decision based on the facts on record and such additional evidence as may be furnished by the parties involved.

(a) The Board of Review shall give notice of the date and place of the hearing to the appropriate Commissioner and to the Office of General Counsel.

(b) Hearings shall be held by the Board of Review within 30 days after the receipt of the request for a hearing, unless the Board considers that additional time should be granted.

(c) If a firm or individual who requested a hearing is determined by the Board of Review to be responsible for any unreasonable delay in disposing of the matter, the Board shall authorize the Compliance Division to place such firm or individual on the GSA Debarred Bidders List pending final action by the Board. A copy of such notification shall be furnished to the Commissioner who initiated the debarment action.

(d) After consideration of the facts, the Chairman of the Board of Review shall notify the firm or individual of the Board's decision.

§ 5–1.606–57 Notice of final decision in debarment proceedings.

When an intended debarment is upheld by the Board of Review as the result of a hearing, or as the result of forfeiture of the right to be heard, the Chairman of the Board of Review shall notify the firm or individual of the decision of the Board confirming the intended debarment, setting forth the period during which such debarment shall be effective. The period shall be equivalent to that originally imposed by the debarring Commissioner. If an intended debarment is not upheld by the Board, the Chairman shall so notify the firm or individual. Copies of such notification shall be furnished to the interested Commissioner, and to the Compliance Division for action to include the firm or individual in the GSA Debarred Bidders List or for retention without action, as appropriate.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: July 5, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61–6454; Filed, July 10, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FRESH TOMATOES [1]

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture is considering the amendment of § 51.1864 of United States Standards for Fresh Tomatoes (7 CFR 51.1855 to 51.1877) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed amendment. It is proposed to amend the color classification section pertaining to the color designations used in describing the color of any lot of tomatoes of a red fleshed variety.

The color designations are optional and may be used in connection with the grade in describing the color of any lot.

The existing color classification has been found unsuitable for describing the variance in color separations made in commercial operations where color differences are of prime importance.

In the proposed amended color classification the terms and definitions used in describing the various stages of color conform more adequately to present color classification practices. The proposal should assist materially in providing a more uniform method of describing color of any lot of tomatoes.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 5, 1961.

As proposed to be amended, § 51.1864 is set forth below.

§ 51.1864 Color classification.

(a) The following terms may be used, when specified, in connection with the grade statement in describing the color of any lot of tomatoes of a red fleshed variety:

(1) *Green.* "Green" means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark;

(2) *Breakers.* "Breakers" means that there is a definite break in color from green to a tannish-yellow, buff or pink on not more than 10 percent of the surface;

(3) *Turning.* "Turning" means that more than 10 percent but not more than 30 percent of the surface, in the aggregate, shows a definite change in color from green to tannish-yellow, pink, or a combination thereof;

(4) *Pink.* "Pink" means that more than 30 percent but not more than 60 percent of the surface, in the aggregate, shows predominately pink combined with at least a tinge of red color;

(5) *Light red.* "Light red" means that more than 60 percent but not more than 90 percent of the surface, in the aggregate, shows predominately pinkish-red or red color; and,

(6) *Red.* "Red" means that more than 90 percent of the surface, in the aggregate, shows red color.

(b) Incident to proper color classification, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the color specified, including therein not more than 5 percent for tomatoes which are green in color, when any term other than "Green" is specified: *Provided,* That any lot of tomatoes which does not meet the requirements of any of the above color designations may be designated as "Mixed Color".

Dated: July 6, 1961, Washington, D.C.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61–6469; Filed, July 10, 1961; 8:50 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State Laws and Regulations.

Agricultural Stabilization and Conservation Service

[7 CFR Part 901]

[Docket No. AO–326]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area, which was issued June 15, 1961 (26 F.R. 5506), is hereby extended to July 17, 1961.

Dated: July 6, 1961, Washington, D.C.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–6472; Filed, July 10, 1961; 8:50 a.m.]

[7 CFR Parts 915, 935, 1013]

[Docket Nos. AO–327, AO–86–A12, AO–279–A3]

MILK IN ST. JOSEPH, MISSOURI, OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBRASKA, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreement and Order and Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the St. Joseph, Missouri, marketing area and a proposed amendment to the orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Six copies of the exceptions should be filed.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at St. Joseph, Missouri, on March 14–16, 1961, pursuant to notice thereof which was issued February 17, 1961 (26 F.R. 1632).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed St. Joseph, Missouri, marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects

interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation (including whether Richardson County, Nebraska should be included in either of the proposed St. Joseph, Missouri, or Nebraska-Iowa, marketing areas);

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of the commerce.* All milk to be regulated by the proposed St. Joseph, Missouri, marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Milk produced on farms located in Missouri, Kansas, and Iowa is regularly moved to plants located in St. Joseph, Missouri, for processing and distribution on routes in the proposed marketing area and on routes in Iowa and Nebraska. Milk produced on farms located in Nebraska and Kansas is regularly shipped to a plant at Sabetha, Kansas, some of which is processed and distributed on routes in Kansas and Nebraska, some of which is transferred in bulk to distributing plants located in St. Joseph, Missouri, for processing and distribution, and some of which is processed into manufactured dairy products which are at times distributed in Texas. Packaged fluid milk products are regularly distributed in the St. Joseph marketing area from a plant located in Omaha, Nebraska.

2. *The need for an order.* Marketing conditions in the St. Joseph, Missouri, marketing area are such that the issuance of an order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

Each dairy farmer who regularly delivers milk to plants which will be regulated by this proposed order is a member of one of the two cooperative associations proposing the order. One of these is a bargaining association which markets the milk of its members to five distributing plants located in St. Joseph, Missouri. The other is an operating cooperative whose plant is located at Sabetha, Kansas.

Some of the Grade A milk received at this cooperatively operated plant is disposed of in bulk to distributing plants in St. Joseph. Fluid milk products are disposed of on routes from this plant in several Nebraska and Kansas counties. The operating cooperative also has patrons who deliver ungraded milk and farm separated cream to its plant.

The primary sales territory of the five distributing plants served by the bargaining cooperative is the proposed St. Joseph marketing area. However, routes from three of the five plants extend into territory which is a part of the area regulated by the Greater Kansas City Federal milk order or into territory which is a part of the marketing area of the proposed Nebraska-Iowa marketing area.

This situation has caused market instability in that of the five handlers who sell most of their milk in the St. Joseph marketing area one may be regulated by one Federal order, another regulated by a second Federal order, and others not regulated by any Federal order. The St. Joseph milk producers operate a marketwide pool under which the value of milk used for Class I and Class II purposes by the five St. Joseph handlers is pooled and a uniform price determined for each hundredweight of milk delivered by its members. Should one or more of the five plants become fully regulated by each of the nearby orders the marketwide pool maintained for years by this cooperative would be destroyed.

The milk marketing problem confronting the operating cooperative whose plant is at Sabetha is similar to that facing the bargaining cooperative whose members supply the five plants located in St. Joseph. While its primary market is also the St. Joseph area its function differs from that of the five St. Joseph plants. It is operated in a dual capacity, partly as a distributing plant and partly as a supply plant serving supplemental milk to plants located in St. Joseph as well as to plants located elsewhere. Routes from the plant are operated in the recommended marketing area, in Nebraska and elsewhere in Kansas. It is therefore possible that with some shifting or increase in sales to a particular area it too may become regulated by another Federal order while its primary milk market is the St. Joseph area.

An order in the St. Joseph, Missouri, area is needed to facilitate the marketing of milk by producers to these plants which are primarily associated with the St. Joseph milk market.

The issuance of a marketwide agreement and order for the St. Joseph, Missouri, milk marketing area would eliminate the unstable milk marketing conditions now existing and tend to effectuate the declared policy of the Act.

3. *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "marketing area", "producer", "handler", "pool plant", "other source milk" and such other definitions as are necessary to describe the incidence of order regulation.

(1) *Marketing area.* The St. Joseph, Missouri, marketing area (hereinafter referred to as the St. Joseph area) should include all the territory within the boundaries of Brown, Doniphan and Nemaha Counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, DeKalb, Gentry, Holt, Nodaway, and Worth Counties, Missouri; and such parts of Platte and Clay Counties, Missouri, as are not included in the Greater Kansas City marketing area. The Missouri counties of Harrison, Caldwell, and Ray should not be included in the St. Joseph marketing area. Richardson County, Nebraska, should not be included in either the St. Joseph or Nebraska-Iowa marketing areas.

The 1960 population of the recommended St. Joseph marketing area was approximately 227,000. The 1960 population of Richardson County was about 14,000 and that of the three Missouri counties not recommended as a part of the St. Joseph marketing area was 36,500.

The sanitary regulations applicable to Grade A milk produced for distribution throughout the recommended marketing area are patterned after the United States Public Health Ordinance and Code. Milk which is approved in one part of the marketing area may move to another part for processing and consumption.

The territory defined as the St. Joseph marketing area is primarily served by plants which will be regulated by the recommended order. All of the Grade A milk distributed in nine of the ten complete Missouri counties which are included in the recommended marketing area is disposed of from plants located therein which will be regulated by the order. Ninety-four percent of the Grade A milk distributed in Nodaway, the tenth complete Missouri county, is disposed of from St. Joseph area plants and the remaining 6 percent is from a plant located in Omaha, Nebraska. Approximately 55 and 63 percent, respectively, of the total Grade A milk distributed in the two partial Missouri counties of Clay and Platte are also disposed of from St. Joseph area plants. The remaining Grade A milk disposed of in these two partial counties is disposed of from plants regulated by the Greater Kansas City Federal milk order.

Plants which will be regulated by the St. Joseph order dispose of 86, 92, and 83 percent, respectively, of the Grade A milk disposed of within the three Kansas counties of Brown, Doniphan and Nemaha which are recommended for inclusion in the area. Handlers whose plants are regulated by either the Kansas City or the Omaha-Lincoln-Council Bluffs Federal milk orders dispose of the remaining Grade A milk disposed of in the three Kansas counties.

Harrison, Caldwell, and Ray Counties, Missouri, should not be included in the marketing area. The marketing area proposed by the proponent cooperative associations as contained in the notice of hearing included these counties. At the hearing, however, the proponents opposed the inclusion of the three counties and Daviess County, Missouri. Handlers operating distributing plants supported their inclusion.

Harrison, Caldwell, Ray, and Daviess Counties comprise the easternmost tier of counties proposed as part of the St. Joseph marketing area. A relatively small volume of packaged fluid milk from a plant located at Chillicothe, Missouri, is disposed of in three of the four eastern counties, namely, Harrison, Caldwell, and Ray. The majority of sales from this plant is in other areas.

Since the plant at Chillicothe does not dispose of any milk in the more populous areas which are the primary market for St. Joseph plant operators and does most of its fluid business outside the proposed area, its regulation at this time is not necessary to achieve orderly milk marketing.

Richardson County, Nebraska, should not be included in the marketing area of either the proposed St. Joseph or Nebraska-Iowa Federal milk orders. The two cooperative associations are petitioned for the issuance of the St. Joseph milk order proposed that Richardson County be included in the St. Joseph marketing area. A third cooperative association proposed that it be included in the proposed Nebraska-Iowa marketing area. (The proposed Nebraska-Iowa marketing area includes, in part, the current Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas.) At the hearing the third cooperative did not support the inclusion of Richardson County in the Nebraska-Iowa area but did support its inclusion in the St. Joseph area.

Handlers operating plants which will be regulated by the St. Joseph order sell approximately 45 percent of the total Class I milk sold in Richardson County and handlers whose plants are regulated by the existing Omaha-Lincoln-Council Bluffs order sell about 15 percent of such sales. The remaining Class I milk disposed of in the county is disposed of by a handler whose plant is located in Richardson County. The plant in Richardson County does not distribute milk in any of the more populated areas which comprise the primary market of St. Joseph area handlers.

The inclusion in the St. Joseph marketing area of Richardson County is not necessary for milk marketing stability. There is no evidence that handlers who would be regulated under the St. Joseph order have experienced difficulty in maintaining their milk sales in Richardson County and in the three Missouri counties which are not recommended for inclusion in the proposed marketing area.

To summarize, the recommended area forms a distinct and practicable milk marketing area served almost exclusively by the plants which will be regulated hereunder. Any larger area would involve under regulation handlers who do not dispose of fluid milk in the primary market of St. Joseph handlers.

(2) *Producer.* The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption in the marketing area. Accordingly, the definition of "producer" should distinguish between those farmers who produce milk in compliance with the Grade A requirements of a fluid market and other dairy farmers whose milk is not so qualified. Grade A milk intended for fluid consumption in the proposed area is required to be produced in compliance with specific health standards. In addition to the milk which complies with the Grade A requirements of state or municipal health authorities, that which is approved by government authorities at installations under their supervision also would be considered as satisfying the health approval provision.

The qualification of a farmer as a producer should be established primarily on receipt of his milk at a plant which is primarily supplying fluid milk to the marketing area. (Such plants are hereinafter defined as "pool plants".) "Producer" should also include those dairy farmers whose milk is temporarily diverted from a pool plant to a nonpool plant. Milk diverted to a nonpool plant would be deemed to have been received at the plant at which it is ordinarily delivered for pooling purposes but should be priced at the location of the nonpool plant to which it is diverted.

Diversion will accommodate the most efficient handling of milk which serves as the reserve for the market. However, to obviate the possibility that unlimited diversion would encourage handlers to add producers in excess of those needed to supply the fluid requirements of the market and the necessary reserve, a limit should be placed on the diversion privilege. Therefore, diversion should be limited to 16 days' production during each of the months of September through December. In recognition of the seasonal imbalance of milk production and fluid consumption which creates a greater need for diversions, no diversion limitation should apply in other months. Should more than 16 days' production of a particular dairy farmer be diverted during any of the months of September through December that dairy farmer should be a producer during the month for that milk delivered directly to a pool plant and that milk diverted to the extent of 16 days' production.

(3) *Pool plant.* Generally there are two categories of milk plants which may serve the fluid milk demand of the St. Joseph market. In one category would be plants from which packaged fluid milk products are distributed in the marketing area. Such plants will be defined as distributing plants. In the other category would be plants at which milk is received from dairy farmers, commingled and shipped to distributing plants for further processing and distribution. Such plants will be defined as supply plants. Only those distributing or supply plants which meet certain standards which clearly associate such plants with serving the fluid demand of the market should be defined as pool plants. One plant now associated with the St. Joseph marketing area distributes packaged fluid milk products in the area and also serves as a supply plant for other plants distributing packaged milk in the area. It is not necessary to provide a third category of standards for Agreement Numbered 8061–A, as amended, a supplementary agreement to Agreement Numbered 8061, as amended, which covers an arrangement for this type of operation. The standards used in defining pool distributing plants are such that a plant which operates in a dual capacity and is clearly associated with the market may qualify under the distributing plant definition.

Only those distributing plants which are substantially engaged in the disposition of Class I milk should be qualified as pool plants. To meet this qualification a plant should dispose of as Class I milk in packaged and in bulk form, inside and outside the marketing area at least fifty percent of its Grade A milk received directly from dairy farmers during the months of September through December; 45 percent during January, February, July and August; and 35 percent of such receipts during the months of March through June. The lesser Class I qualifying percentage for certain months would recognize that during these months of the year there is usually a seasonal increase in production and a decrease in the demand for Class I milk. While the recommended percentages are slightly higher than those contained in the notice of hearing, all of the plants distributing milk in the St. Joseph marketing area dispose of as Class I milk considerably more than the specified percentages of Grade A receipts.

There is no need to include in the marketwide pool those distributing plants from which a smaller proportion of receipts is disposed of as Class I. Such plants are primarily engaged in manufacturing.

The inclusion in the pool of plants from which almost all of total packaged Class I sales is distributed outside the market on routes is not necessary to maintain orderly milk marketing in the proposed marketing area. The primary sales territory of such handlers is in another market which may be subject to substantially different milk marketing conditions. Accordingly, it is appropriate to include in the marketwide pool only those distributing plants from which not less than 15 percent of total packaged Class I sales is disposed of in the marketing area on routes.

All of the distributing plants operating in the St. Joseph market receive milk directly from dairy farms. However, the volume of milk so received at some of these plants is insufficient to meet fluid demands and, at times, milk is moved from distributing plants which have a surplus of milk to those with a shortage. At other times the distributing plants in short supply purchase milk from supply plants located some distance from the market.

Supply plants from which a major portion of their receipts of approved Grade A milk from dairy farmers is regularly shipped to pooled distributing plants are clearly associated with the market and their producers should participate in the pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with the St. Joseph market and should not participate in the pool. The status of milk received from supply plants not primarily

associated with the market will be covered subsequently under the heading, "provisions with respect to unpriced milk".

A supply plant should be considered as a regular source of supply for the market if shipments to pool distributing plants are equal to not less than 50 percent of receipts from dairy farmers who meet the inspection requirements described in connection with producers during the month. However, supply plants which qualify as pool plants during each of the months of September through December should be allowed to maintain pool status, if the operator so desires, during the following months of January through August even though in such months shipments to the market may be less than the minimum percentage. This will accommodate the economical handling of seasonal reserve supply which normally would not be needed by distributing plants during spring and summer months.

Certain plants which otherwise would qualify as pool plants by meeting the appropriate percentages should be exempt from the pooling provisions of the order. Such exemptions would cover plants which are operated by producer-handlers or which are subject to the provisions of another Federal order and dispose of a larger volume of milk in the other Federal order market than in the St. Joseph market.

(4) *Handler.* "Handler" is a term designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. It would include (a) persons operating pool plants, (b) persons operating nonpool plants from which fluid milk is distributed in the market, and (c) cooperative associations with respect to milk diverted to a nonpool plant or which is delivered to a pool plant in a tank truck owned and operated by, or under contract to, the association, if the association gives prior notice to the market administrator of its intention to be the handler for such milk.

When a cooperative association is the handler for bulk tank milk delivered from the farm to the pool plant of another handler, the transaction constitutes an inter-handler transfer. The pool plant operator will be required to pay the association the class prices for milk received. The association, in turn, will be required to settle with the pool through the producer-settlement fund. Unless the cooperative association and the receiving pool plant operator mutually agree on the classification of the milk, the order should provide for pro rata classification at the receiving pool plant of bulk tank milk for which the association is the handler.

(5) *Producer-handler.* The term "producer-handler" would apply to any person who produces milk on his own farm(s) and operates a plant from which milk is distributed in the marketing area but who receives no fluid milk products from sources other than his own farm(s) or from pool plants.

The milk produced by a producer-handler would be exempt from pooling. In view of this, it is necessary in the interest of orderly marketing that the term cover a particular type of operation. A handler whose milk supply is obtained entirely from his own farm production and from pool plants would qualify as a producer-handler, and any handler who obtains part of his milk supply from another dairy farmer or from nonpool sources would not so qualify.

There is only one known producer-handler distributing fluid milk in the recommended marketing area. While there may be others, the scope of their operations is relatively minor. The competitive impact of producer-handlers on other handlers and on other dairy farmers is not now contributing to market instability. Under this circumstance, market stability will be assured provided appropriate conditions are applied to such operations. The order should provide that transfers of milk to producer-handlers from pool plants should be a Class I disposition by the transferor-handler; and receipts of milk at a pool plant from producer-handlers should be other source milk. This classification is appropriate since otherwise producer-handlers would share in the Class I sales of the market without bearing their proper share of the reserve supplies associated with such Class I sales.

The exemption of producer-handlers from pooling may provide incentive for individuals to adopt devices in an attempt to circumvent the order's intent to regulate plants which receive milk from farmers. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce milk as well as resources used in the processing, and packaging of the milk be at the sole risk of the person who claims producer-handler status.

A producer-handler would be required to make such reports of his receipts and utilization as the market administrator finds necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

(6) *Other source milk.* "Other source milk" is defined in order to distinguish certain milk from producer milk. It would include milk received at a pool plant from nonpool sources and Class II products from any source which are reprocessed or converted to another product in a pool plant during the month. It would also include milk distributed in the marketing area from nonpool plants.

(7) *Fluid milk products.* Those products to be classified as Class I milk, as described elsewhere in this decision, should be defined as fluid milk products. The definition is provided to facilitate reference in subsequent sections of the order.

(8) *Route.* The term "route" is used to cover a number of milk distributing operations which have bearing on whether a plant is subject to order regulation. The term would include any delivery of fluid milk products to retail or wholesale outlets. It would also include deliveries through a vendor who obtains his milk supply in packaged form from a plant. Deliveries to other milk processing plants, either pool plants or nonpool plants, are not included.

(9) *Additional definitions.* Additional definitions such as "Act", "Secretary", "Department", "Person", and "Cooperative association", should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self-explanatory.

(b) *The classification and allocation of milk.* Skim milk and butterfat are not used in most products in the same proportions as contained in producer milk and, therefore, it is appropriate that they be classified as Class I or Class II separately according to use. Class prices, however, will apply to each hundredweight of milk and will be adjusted by butterfat differentials according to the butterfat content of the milk used in each class.

(1) *Milk classes.* Class I milk should be defined as all skim milk and butterfat disposed of in those fluid milk products which are now required by health authorities having jurisdiction in the marketing area to be made from Grade A milk. More specifically, Class I milk should be defined to include all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk, reconstituted milk or skim milk, yogurt, cream (sweet or sour), and any mixture of milk, skim milk, or cream. Sterilized products packaged in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream and cultured sour mixtures disposed of as other than sour cream would not be included as fluid milk products or Class I utilization.

Concentrated and reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Concentrated and reconstituted fluid milk products compete for the same Class I sales as whole milk or skim milk and, if made from other source milk, could displace producer milk which is available for the same purpose. Therefore, accounting for these fluid milk products on the basis of original volume, including all the water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

It is also necessary that the actual weight of milk solids used to fortify so-called "dietary products" and other fluid milk products be priced as Class I utilization. However, it is not necessary to price as Class I all the water originally associated with the solids. It is not demonstrable that the water removed from solids so used displaces producer milk in Class I in this market.

To maintain proper accounting for such items, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of such nonfat solids would be considered a receipt of other source milk by the handler.

Class II milk should include all skim milk and butterfat used to produce products which are not required to be made from Grade A milk. These products would include butter, cheese, evaporated and condensed milk or skim milk, nonfat dry milk, cottage cheese, ice cream mix, eggnog, and so-called "dip" specialties. In addition to the skim milk equivalent of nonfat solids added to fortified fluid milk products, it should also include the skim component of any fluid milk product which is dumped after prior notification to and opportunity for verification by the market administrator, and skim milk and butterfat used for livestock feed to the extent that appropriate records of such utilization are available. Class II should also include skim milk and butterfat disposed of and used for starter churning, wholesale baking and candy making purposes.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain stock records of such products, however, to permit audit of the utilization by the market administrator.

Handlers have inventories of milk and fluid milk products at the beginning and end of each month which enter into the accounting of receipts and utilization. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such manufactured products but such products will not be included in inventories for the purpose of accounting for current receipts.

Closing inventory would be accounted for as Class II milk. Accordingly, it is necessary to provide a proper method of reclassifying in the following month, the milk in beginning inventory which is used for Class I disposition. The method of reclassifying beginning inventory would be in accordance with the general procedure of giving precedence in Class I assignment to producer milk received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk. It may be necessary to determine to what extent in the previous month other source milk became an inventory item. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge would be subject to compensatory payments, provided that such payments would not apply to any milk which had been classified and priced as Class I milk under another Federal order.

Class II classification would be allowed for a reasonable amount of shrinkage in recognition that there is some loss of skim milk and butterfat in the processing and distribution of milk. Shrinkage allowance of up to two percent of producer milk is provided. This amount of shrinkage allowance is common under Federal orders and is reasonable for this market.

Milk may be received at a pool plant in tank trucks from other pool plants and from cooperative associations in their capacity as handlers. In this case the maximum shrinkage allowance of two percent would be allocated at the rate of 1.5 percent to the plant where processed, leaving the other 0.5 percent for the shipping plant or cooperative association. This system of applying skrinkage allowance recognizes that relatively little shrinkage occurs in the receiving of milk and relatively more in its processing, bottling and distribution. However, in the case of bulk tank milk delivered directly from a farm to a pool plant by a cooperative association in its capacity as a handler, the entire 2 percent Class II shrinkage allowance should accrue to the purchasing handler if he pays the association for the milk on the basis of farm determined weights and butterfat tests. Since this method of allocating shrinkage will result in no loss to the cooperative or to the pool, the receiving plant can be allowed the full 2 percent shrinkage.

No shrinkage would be allowed on producer milk diverted to a nonpool plant inasmuch as such milk is not physically received at a pool plant. No shrinkage would be allowed on receipts of dairy products such as butter, powder, cheese, and cottage cheese curd.

Since it is not feasible to segregate shrinkage of other source milk from shrinkage of producer milk, total shrinkage is prorated between the two on the basis of the respective volumes of receipts. The amount prorated to the producer milk would be classified as Class II utilization only up to a total of two percent and any shrinkage above the two percent maximum would be classified as Class I milk. No Class II limitation is necessary on shrinkage of other source milk since such milk is deducted from the lower use classification under the allocation procedure.

(2) *Transfers.* It is necessary to establish rules for the classification of skim milk and butterfat which are transferred or diverted.

In the case of skim milk and butterfat used in the production of manufactured milk products, Class II classification should be established at the plant where the product is made. Packaged Class I products should be classified as Class I at the transferor plant. Therefore, the rules for classification of transfers need apply only to skim milk and butterfat which are moved in bulk fluid form.

Fluid milk products in bulk form transferred to another pool plant should be classified as Class I milk unless the operator of each plant indicates in his report to the market administrator that such milk is to be classified as Class II and there is sufficient Class II classification available at the transferee plant pursuant to the allocation procedure. Class II classification, however, should be subject to the provision that such classification will result in the maximum amount of producer milk at both plants being assigned to Class I milk.

Fluid milk products in bulk form transferred or diverted to a nonpool plant should be classified as Class I milk unless the following conditions are met: (i) The pooling handler reports such milk as Class II milk, (ii) the operator of the nonpool plant maintains and makes available, as requested by the market administrator, his books and records which verify Class II utilization, and (iii) the Class I milk disposed of from the transferee plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved to supply Grade A milk who are regularly associated with such plant. If Class I milk disposed of from the nonpool plant exceeds the sum of such receipts, provision should be made to classify as Class I milk an amount of the transferred or diverted milk equivalent to such excess. Such remaining Class I sales, however, should not result in duplication relative to classification of milk transferred to the nonpool plant from plants regulated by this and other Federal orders. Therefore, the amount of bulk milk moved to such plant and classified as Class I milk from any regulated plant should not be less than that plant's pro rata share of the remaining Class I sales at such nonpool plant.

It is not necessary to provide at this time a surplus disposal area beyond which bulk shipments of fluid milk products would automatically be classified as Class I. The transfer provisions may be reviewed, of course, if experience in the market indicates a need for such a provision in the future.

Producers proposed a surplus disposal area extending 200 miles from named points with the marketing area. Handlers proposed a larger area to accommodate disposal by plants located in the marketing area and an additional area extending 50 miles from a pool plant to accommodate disposal of surplus from pool plants or dairy farmers located a considerable distance from the market. Both producers and handlers proposed no mileage limitation on Class II shipments of fluid cream.

It is possible that a plant located a considerable distance from the market will become a pool plant under the terms of the order. In this event, should the plant be located beyond the defined surplus area all bulk transfers and diversions of fluid milk or skim milk from the plant to a nearby nonpool plant which is also beyond the surplus area would be automatically classified as Class I though it could be demonstrated that the milk was actually used for Class II purposes. However, transfers of cream could be classified as Class II. Milk may be delivered directly to distributing plants located in St. Joseph from farms located considerably distant from the market. In this event, should the milk of these farmers not be needed on a particular day, the most expeditious and economical method of handling the milk would be to divert it to a nonpool plant located near the dairy farms. Should the receiving nonpool plant also be located beyond the surplus disposal limit, the automatic Class I classification would preclude its being accepted by the nonpool plant for manufacturing purposes.

(3) *Allocation.* In order to insure the effectiveness of the classified pricing program, producer milk must have priority in assignment to Class I utilization. The allocation of receipts from different sources to Class I or Class II utilization as set forth in the order will accomplish this objective. The allocation should provide that after setting aside the appropriate allowances for shrinkage of producer milk, the skim milk and butterfat in other source milk should be allocated to Class II utilization before skim milk and butterfat contained in producer milk are so allocated.

It was proposed by distributing plant operators that other source milk in the form of packaged Class I products received from a plant regulated by another Federal order be given prior allocation to Class I utilization before producer milk. No packaged Class I products are received at St. Joseph area plants from such sources nor was any intent expressed of receiving such products. To consider the effect of such a provision on marketing of milk in the area it would be necessary to know which Class I products would be received and their originating sources.

However, other source milk which is priced and pooled as Class I under another Federal order should take priority with respect to the highest utilization over other source milk not so priced and pooled. This will minimize compensatory payments by St. Joseph handlers on supplemental milk purchases.

To achieve proper assignment of Class I utilization to producer milk the sequence of subtractions from Class II utilization should be as specified in the proposed order.

(c) *Class prices*—(1) *Class I price.* For the first 18 months, the minimum Class I price each month per hundredweight of producer milk containing 3.5 percent butterfat should be 10 cents less than the Greater Kansas City Federal order Class I price for milk received at Kansas City plants during the same month.

The proponent cooperative associations, the cooperative association representing the majority of producers who deliver milk to plants regulated by the Kansas City order, and one handler whose plant is regulated by the Kansas City order proposed that the Class I price be the same as that of the Kansas City order, f.o.b., Kansas City. St. Joseph plant operators proposed that the Class I price be 15 cents less than the Kansas City price. St. Joseph is 53 miles from Kansas City. Pursuant to the location adjustment of the Kansas City order, the Class I price applicable to plants located in St. Joseph is 16 cents less than the price applicable to plants located in Kansas City.

Primarily, the level of the Class I price must be such as to bring forth an adequate and dependable supply of Grade A milk for the St. Joseph marketing area. The supply of milk for the recommended St. Joseph marketing area has been adequate but not excessive. For the most part, it has come from dairy farmers whose milk is moved directly from the farm to distributing plants located within the marketing area. Some supplemental milk has been received from plants located some distance from the marketing area. Since the supply of milk for the St. Joseph market has been adequate, the appropriate Class I price is that which will return to dairy farmers supplying regulated plants a uniform price for their milk which approximates prices received during recent months. Any higher resulting uniform price will encourage an excessive supply of milk for the market and any lower resulting price will discourage an adequate supply.

A potential source of Grade A milk in excess of the demand of the St. Joseph market is those farms at which ungraded milk is produced. A large number of farms in or near the St. Joseph marketing area are currently engaged in the production of ungraded milk. The plant operated by one of the proponents of the order, the Nemaha Cooperative Creamery Association, receives ungraded milk from 860 patrons and Grade A milk from 138. Hundreds of other farmers deliver ungraded milk to manufacturing plants located in the area from which the St. Joseph market draws milk.

Resources now used in the production of ungraded milk may be shifted to Grade A production. While there are cost differences beween producing Grade A and ungraded milk, some dairy farmers who produce ungraded milk may make the additional expenditure necessary to establish themselves as Grade A producers. The higher the difference between the return for Grade A milk and that for ungraded milk, the more incentive farmers will have to shift from ungraded to graded production.

During 1960, 38 dairy farmers who were producing ungraded milk began shipping Grade A milk to plants which will be regulated by the order. This number of new producers to the market was not much greater than those who left the market during the year. However, a Class I price higher than the one proposed herein would create additional incentive for farmers to shift resources to Grade A production.

The classification plan operated by the St. Joseph Milk Producers Association is the same as that of the Greater Kansas City Federal milk order but the Class I price has been 15 cents less than the Kansas City Class I price. The Class II price charged by the Association for member milk is the same as that of the Kansas City order.

Because the Nemaha Cooperative Association has a somewhat lower Class I utilization than do the five St. Joseph plants, the pooling of the receipts and sales of Nemaha with those of the five plants would result in a somewhat lower price for the producers delivering to the St. Joseph plants if the St. Joseph Class I price were 15 cents less than the Kansas City price. Therefore, the Class I price of the order should be slightly higher than the Class I price which is existing in the market in order to return to the St. Joseph producers a uniform price which approximates that which they have been receiving.

The Class I price should be related directly by formula to the Kansas City Class I price. The marketing of milk in the St. Joseph area is closely related to milk marketing in the Kansas City area. The St. Joseph marketing area herein recommended is contiguous to the marketing area of the Kansas City order and there is overlapping of Class I sales from St. Joseph and Kansas City plants in parts of each of the marketing areas as well as in nearby territories which are not included in either of the markets. There is an even greater amount of overlapping of supply areas for the two markets. In most of the counties of Kansas, Missouri and Iowa where dairy farmers who supply milk to plants which will be regulated by the St. Joseph order are located there are other farmers who deliver milk to plants which are regulated by the Kansas City order.

The seasonal pattern of Class I pricing now used in the Kansas City order is appropriate for use in the St. Joseph market. While the Kansas City order contains a base-excess plan to supplement seasonal Class I differentials as a means of encouraging even seasonal production of milk, such a plan is not necessary in the St. Joseph order. Each of the two cooperative associations which together represent all of the dairy farmers who deliver Grade A milk to St. Joseph area plants has maintained and will continue to maintain its own supplemental even seasonal production program.

The Class I price provided herein should be effective for an initial period of eighteen months. Sometime after the order has been in operation for a full year, a hearing should be called to consider more permanent Class I price provisions. At that time considerable marketwide data on all aspects of the marketing of milk in the area will be available. These data can be expected to provide the basis for a reappraisal of the Class I price structure.

(2) *Class II price.* The minimum Class II price each month per hundredweight of milk containing 3.5 percent butterfat should be 5 cents higher than the Class II price under the Kansas City order. The proponent associations proposed a Class II price identical to that of the Kansas City order. Official notice is taken of the order amending the Greater Kansas City order which was effective May 1, 1961.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply of milk on an annual basis. The price of this excess or reserve supply of milk should be maintained at the highest level consistent with facilitating its use in manufactured products.

The St. Joseph Milk Producers Association has received the Kansas City Class II price for that milk used for Class II purposes by handlers whose plants are located in St. Joseph as well as for that milk diverted to a manufacturing plant located at Maryville, Missouri. The 1960 average Kansas City Class II price for milk of 3.5 percent butterfat was $2.98 per hundredweight. As a result of the May 1, 1961 amendment to the Kansas City order the Class II price for milk containing 3.5 percent butterfat was increased 4 cents per hundredweight. Therefore, under the present pricing mechanism the 1960 average Class II price for 3.5 percent milk would have been about $3.02 per hundredweight.

During 1960 the average price paid for manufacturing grade milk of 3.5 percent butterfat by the other proponent cooperative at its plant at Sabetha was $3.00 per hundredweight. Grade A milk not used for Class I fluid purposes by this cooperative is used in the manufacture of dairy products such as condensed milk, ice cream, ice cream mix, cottage cheese, nonfat dry milk and butter. The association in blending returns to its members prices the Grade A milk so used at the manufacturing milk price. Most of the reserve milk for the market which must be utilized in Class II when it is not needed for Class I will be maintained in the plant of this operating cooperative. Since this cooperative has demonstrated its ability to pay a price approximately equivalent to that proposed herein there is no need to establish a lower Class II price.

The Kansas City Class II price each month is the higher of the average of prices paid at selected local plants plus 19 cents or the price resulting from a computation based on the market prices of nonfat dry milk and butter with a 74 cents make allowance. The St. Joseph order should also incorporate this method of determining the Class II price except that 24 cents should be added to the average price paid at local plants and a make allowance of 69 cents used in the butter nonfat dry milk formula.

(3) *Butterfat differentials.* Class and uniform prices are established for milk containing 3.5 percent butterfat. Therefore, to reflect differences in the value of milk due to variation in butterfat content, it will be necessary to adjust Class I, Class II and uniform prices in accordance with the average butterfat test of milk in each class and of the milk delivered by each producer.

The values obtained by multiplying the average price of 92-score butter at Chicago by .12 for Class I milk and .115 for Class II milk will provide an appropriate basis for adjusting Class I and Class II prices for each one-tenth of one percent variation of butterfat content. These differentials are the same as those in the Greater Kansas City order.

The butterfat differential to producers should correspond to the weighted average values of butterfat used for Class I and Class II purposes. This follows the principle of uniform prices to all producers and will reflect changes in the use of butterfat in each class.

(4) *Location differentials.* Class I and uniform prices paid by handlers operating plants located at considerable distance from the market should be subject to minus adjustments to reflect the cost of moving milk to the market. Adjustments to Class I prices at such plants are necessary to equalize the cost of milk to all handlers distributing in the marketing area. Adjustments to producers' prices will recognize the lesser location value of milk which must be transported a considerable distance to the St. Joseph market.

A location adjustment rate of 10 cents per hundredweight of milk should apply for plants located more than 50 but not more than 60 miles from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer. A rate of 1.5 cents for each additional 10 miles or fraction thereof for plants located more than 60 miles should apply.

A schedule of milk hauling rates of the Dairyland Transport Company located at Springfield, Missouri, was entered in evidence. The rates contained in this schedule are slightly in excess of one and one-half cents per hundredweight of milk for each 10 miles. However, the schedule relates to sporadic or spot shipments. It is reasonable to assume that the cost of transporting milk considerable distances on a regular basis would approximate one and one-half cents per hundredweight for each 10 miles.

A location adjustment of 10 cents for plants located more than 50 but not more than 60 miles from the market is slightly in execess of 1.5 cents for each 10 miles but is reasonable in view of the higher proportionate cost of moving milk relatively short distances.

No location adjustment should be allowed on Class II milk. The costs involved in moving manufactured products are minor relative to costs involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be attributed to plant location.

In computing the aggregate Class I location adjustment allowed on milk received in bulk at distributing plants from distant plants, a method should be provided for allocating Class I utilization. This allocation of Class I should begin with milk received directly from producers' farms. Receipts from other pool plants which are not subject to location adjustments should be next allocated to Class I and, in sequence, milk received from those plants which have the least location adjustment.

(5) *Equivalent price.* If for any reason a price quotation required for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Experience has shown that quotations described in the order may not be available at all times. Hence, provision for such contingencies should be made by providing for a determination by the Secretary of an equivalent price.

(6) *Provisions with respect to unpriced milk.* During each month when producer milk receipts are more than 110 percent of Class I sales the order should provide for payments to the producer-settlement fund with respect to unpriced milk which is allocated to Class I at a pool plant. Operators of nonpool distributing plants should have the choice of making payments into the producer-settlement fund or paying to dairy farmers from whom they receive milk the use value of such milk pursuant to the provisions of the order.

At times, despite the availability of producer milk, operators of pool plants may purchase milk for Class I use from sources which are not fully subject to the terms of any Federal order. Unpriced Grade A milk which is purchased from such unregulated sources will usually represent Grade A milk which is in excess of the demand for Grade A distribution in another market. As surplus, its value in the other market is less than the value of milk used for Class I purposes. If handlers operating pool plants were encouraged to purchase such milk and dispose of it for Class I purposes without some compensatory feature in the order, such handlers would have a competitive advantage as compared with other handlers, and would have incentive to replace regular producer milk with milk which is surplus in another market.

To avoid these deleterious consequences to the orderly marketing of milk in the marketing area, handlers operating pool plants at which unpriced other source milk is allocated to Class I, when producer milk is available for such use, should pay into the producer-settlement fund a compensatory amount which will reflect generally the difference in value between surplus milk from another market and producer milk used for Class I purposes.

It is administratively necessary to use the stated rate of compensatory payment instead of attempting to determine a particular rate in each given case. Pool plants may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk would be complicated by the number of plants involved. Some of the plants supplying the other source milk might be operated by the receiving handler, in which case the interplant billing would be purely arbitrary. There is the possibility of arbitrary billing even where the plants are not under common ownership. In addition, the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore, necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

The rate of payment to the producer-settlement fund by pool plant operators on unpriced milk allocated to Class I should be equal to the difference between the Class I and Class II prices. Pool plants may obtain unpriced milk at a price reflecting its value as surplus milk which would otherwise be used in manufacturing. The Class II price provided herein is representative of the value of milk used for manufacturing purposes. Therefore, a compensatory payment rate equal to the difference between the Class I and Class II prices is equitable and will remove any advantage which might accrue to handlers who use unpriced other source milk for Class I purposes when producer milk is available.

Other source milk used in the form of nonfat dry milk or condensed skim milk

should be considered to be from a source at the location of the plant where it is used. Since nonfat dry milk comes from many different sources, administrative feasibility requires it be priced at the location of the plant where used.

No compensatory payments would apply to unpriced milk allocated to Class I at pool plants whenever producer milk receipts are not more than 110 percent of Class I sales. In the St. Joseph market, whenever such receipts are less than Class I sales plus a minimum reserve of 10 percent it would not be necessary to apply compensatory payments since it is likely that milk from alternative sources would also be in short supply and handlers would find it necessary to pay at least order prices for milk from these alternative sources. Whenever producer milk receipts are more than 110 percent of Class I sales it is less likely that handlers will find it necessary to buy milk from alternative sources.

No compensatory payment would be required on milk which is classified and priced as Class I under another Federal order. The St. Joseph Class I price level precludes any competitive advantage to St. Joseph handlers who purchase other Federal order milk.

Another type of unpriced milk would be that distributed in the marketing area on routes by a handler operating a nonpool plant. Such a nonpool plant is associated with another market. The use of other source milk by nonpool distributors would differ in an important respect from its use by pool plant operators. Sales on routes in the market by nonpool distributors would be on a regular basis whereas the purchase of other source milk by pool plants usually occurs only when producer milk is not available or when such purchase appears to offer a temporary competitive advantage.

Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool distributing plants would be given an opportunity to choose between two types of payments into the producer-settlement fund: (1) an amount determined by multiplying the hundredweight of Class I milk disposed of in the marketing area by the difference between the Class I and Class II prices, or (2) the amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

The option afforded to nonpool distributing plants will protect the integrity of regulation. If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler. Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. There are no known handlers in a position to use this option. In view of this, there is little probability that there can be any significant diversion of the revenue derived from Class I sales in the marketing area to handlers only incidentally associated with the market which would dissipate the returns to dairy farmers who are primarily engaged in producing an adequate and dependable supply of approved milk for the marketing area. Neither is there any likelihood that handlers who might exercise this option would be located where their milk procurement would have an unstabilizing effect upon the procurement by fully regulated handlers.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular source of supply of milk for the nonpool plant. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant.

It is possible that nonpool plants from which milk is distributed in the St. Joseph market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the St. Joseph order should credit such handlers with payments made under similar provisions of another Federal order.

(d) *Distribution of proceeds to producers*—(1) *Type of pool.* Returns from the sale of milk should be distributed to producers through a marketwide pool. Under this type of pool all producers delivering to all pool plants are paid the same uniform price based upon the marketwide use of their deliveries.

One of the proponent cooperatives is maintaining a marketwide pool under which members who deliver milk to plants located in St. Joseph are paid the same uniform price based upon the average utilization of milk at the plants. The plant of the other proponent cooperative association is assuming the responsibility of carrying the reserve supply of milk for the market. The use of a marketwide pool under which the lower value of reserve supplies is distributed proportionately among all dairy farmers supplying the market will contribute to milk marketing stability and will facilitate the most efficient handling of the reserve supply of milk when it is not needed for fluid distribution.

(2) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices.

In order to accommodate this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payment to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

(3) *Payments to individual producers and to members of cooperative associations.* Each handler should make payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 15th day of the month following receipt of the milk.

Payments for milk to any producer who is a cooperative association member should be made by the handler to the cooperative association if the association makes a written request for such payment and if the member producer has given the association written authorization in the form of a contract, or in any other form, to collect such payments. The association's request should also provide for reimbursement of any loss incurred because of an improper claim. Unless the cooperative association receives payment for the milk marketed on behalf of its producer members it cannot reblend the sales proceeds for milk sold in various outlets. This important function is specifically provided for in the Act.

Handlers should make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers

may receive payment on the same day. In making such payment for producer milk to a cooperative association the handler should at the same time furnish the association with a statement showing the name of each producer for whom payment is being made, the volume and the average butterfat content of milk delivered by each such producer, and the amount of, and reason for, any deductions which the handler withheld from the amount payable to each producer. This statement is necessary to enable the association to make proper distribution of the money to producer members.

(e) *Administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the other provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of termination. They are similar to like provisions of other milk orders, and, except as set forth below, require no comment.

(1) *Records and reports.* Provisions should be included in the order to require handlers to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to each cooperative association which so requests, the percentage of the class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used by such handler. These reports are necessary for the cooperative association to market effectively the milk of its members.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary for the marketwide uniform price. Handlers are also required to submit payroll reports which would show the detail of milk receipts from each producer, the value of milk received from the producer, deductions therefrom, and the net amount paid to the producer.

The order should provide for specific limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision.

Dates must be prescribed for the completion of specific order functions. The dates prescribed will allow all interested parties adequate time to perform each function.

(4) *Expense of administration.* Each handler operating a pool plant, or a cooperative association in its capacity as a handler shall be required to pay to the market administrator as his pro rata share of the cost of administering the order, not more than 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including such handler's own production); and

(ii) Other source milk allocated to Class I which is not classified and priced under another Federal order. Handlers operating nonpool distributing plants shall pay administrative assessment in accordance with the conclusions previously specified in this decision.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that the cost of administration shall be financed by an assessment on handlers. In view of the manner in which the regulation applies to various handlers and types of handler operations, the described application of administrative assessment appropriately assigns a proportionate share of expenses to each handler.

In that other source milk may be allocated to Class I at some pool plant, it would be in the interest of providing equity among all handlers to apply administrative assessment on other source milk allocated to Class I as well as on producer milk. However, to avoid duplication, an assessment should not be applied on other source milk on which an assessment is made pursuant to the terms of another Federal order.

Provision should be made to enable the Secretary to vary the rate of assessment within the prescribed limits without necessitating an amendment to the order whenever experience dictates that a change in the rate is necessary to maintain the revenue of the market administrator at the appropriate level for proper administration of the order.

(5) *Marketing services.* Provision should be included in the order for furnishing marketing services to producers such as verifying the butterfat tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator unless such services are provided by a qualified cooperative association for its producer members. The cost should be borne by the producers receiving these services. A marketing service assessment of five cents per hundredweight is necessary for this market. This amount should be deducted from payments to such producers for the use of the market administrator in financing such services. Provision should be made for the Secretary to reduce this rate if experience shows a lower rate will furnish adequate funds for supplying marketing services by the market administrator. In the case of producers for whom a cooperative association is rendering such serivces, the handler should pay to the cooperative association such deducations as the producer has authorized the cooperative to collect in lieu of the payments to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the finding and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the St. Joseph, Missouri, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

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DEFINITIONS

§ 915.1 Act.

"Act" means Public Act. No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 915.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 915.3 Department.

"Department" means the United States Department of Agriculture.

§ 915.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 915.5 Cooperative association.

"Cooperative association" means any cooperative marketing association or producers as defined in § 915.7, which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 915.6 St. Joseph, Missouri, marketing area.

"St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory included within the perimetric boundaries of Doniphan, Brown, and Nemaha counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, and Worth counties, Missouri; and those portions of Platte and Clay counties, Missouri, not included in the marketing area of the Greater Kansas City milk order (Part 913 of this chapter).

§ 915.7 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(a) Received at a pool plant, or

(b) Diverted as producer milk pursuant to § 915.14.

§ 915.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) Any cooperative association with respect to producers' milk diverted from a pool plant to a nonpool plant for the account of such cooperative association; and

(c) Any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating that plant.

§ 915.9 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions is met during the month.

(a) The butterfat or skim milk received in the form of fluid milk products at the plant does not exceed the butterfat or skim milk, respectively, received from the dairy farm(s) of such person and from pool plants of other handlers; and

(b) Such person provides proof that:

(1) The maintenance, care and management of the dairy animals and other resources used to produce milk on his farm(s) are the personal enterprise of and at the personal risk of such person; and

(2) The operation of the processing and packaging facilities are the personal enterprise of and at the personal risk of such person.

§ 915.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as fluid milk products in the marketing area on routes.

§ 915.11 Supply plant.

"Supply plant" means a plant from which approved milk is moved during the month to a distributing plant which is a pool plant.

§ 915.12 Pool plant.

"Pool plant" means a distributing plant or supply plant except the plant of a producer-handler or a plant exempt pursuant to § 915.62 which meets the conditions set forth in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month there is disposed of:

(1) As Class I milk in the marketing area on routes not less than 15 percent of such plants total sales of packaged Class I milk; and

(2) As Class I milk not less than the applicable percentage of such plants receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 915.8(c):

(i) September through December, 50 percent;

(ii) January, February, July and August, 45 percent;

(iii) March through June, 35 percent.

(b) A supply plant from which during the month not less than 50 percent of its receipts of approved milk from dairy farmers and from cooperative associations of producers in their capacity as handlers pursuant to § 915.8(c) is shipped to and received at distributing pool plants: *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of September through December, shall be pooled for each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 915.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 915.14 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) and diverted pursuant to paragraph (c) as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 915.8(c)) or diverted by the pool plant operator pursuant to paragraph (c) of this section;

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 915.8(c) or diverted for its account pursuant to paragraph (c) of this section; and

(c) Milk diverted to a nonpool plant shall be considered as received at the pool plant from which it was diverted for pooling purposes and shall be priced at the location of the nonpool plant to which diverted. During the months of September through December, producer milk shall not include that portion of the milk of a producer which is diverted in excess of 16 days' production.

§ 915.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 915.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 915.17 Fluid milk product.

"Fluid milk product" means any milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk or skim milk, yogurt, cream (sweet or sour) disposed of as such, and any mixture of milk, skim milk or cream; except sterilized products in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream, and cultured sour mixtures disposed of as other than sour cream.

§ 915.18 Route.

"Route" means any delivery (including delivery through a vendor and sales from a plant or plant store) of a fluid milk product other than a delivery to a pool or a nonpool plant.

MARKET ADMINISTRATOR

§ 915.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 915.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 915.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 915.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 915.85) necessary and incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 915.30 through 915.33;

(2) Maintained adequate records and facilities pursuant to §915.34; or

(3) Made payments pursuant to §§ 915.80 through 915.86.

(i) On or before the 14th day after the end of each month report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that receipts of all producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 915.51(a) and the Class I butterfat differential pursuant to § 915.52(a), both for the current month; and on or before the 5th day of each month the minimum price for Class II milk, pursuant to § 915.51(b) and the Class II butterfat differential pursuant to § 915.52(b), both for the month immediately preceding; and

(2) On or before the 12th day of each month, the applicable uniform price(s) computed pursuant to § 915.71 and the producer butterfat differential computed pursuant to § 915.72 both applicable to milk delivered during the previous month;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 915.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler for each of his pool plants and each cooperative association which is a handler pursuant to § 915.8 (b) or (c), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk from each producer, the average butterfat test, the pounds of butterfat contained therein and the number of days milk was received from such producer;

(2) Fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 915.8(c);

(3) Other source milk;

(4) Inventories on hand at the beginning of the month.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this Section and inventories of fluid milk products on hand at the end of the month;

(c) The disposition of fluid milk products in the marketing area on routes; and

(d) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 915.31 Payroll reports.

(a) On or before the 23d day of each month; each handler except a producer-handler or a handler making payments pursuant to § 915.61 shall submit to the market administrator in the detail and on forms approved by the market administrator his producer payroll for the preceding month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer;

(3) The net amount of payment to producer; and

(4) The nature and amount of any deductions or charged items involved in such payments.

(b) Each handler making payments pursuant to § 915.61(a) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 915.32 Other reports.

(a) Each producer-handler, each handler making payments pursuant to § 915.61(b) and each handler exempt pursuant to § 915.62 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) On or before the 7th day after the end of each month each handler making payments pursuant to § 915.61(a) shall report to the market administrator the information required of handlers pursuant to § 915.30 substituting receipts from dairy farmers for receipts from producers; and

(c) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 915.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 915.80(b) shall report on or before the 7th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 15.84.

§ 915.34 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 915.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in conection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 915.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to §§ 915.30 through 915.32 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 through 915.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 915.41 Classes of utilization.

Subject to the conditions set forth in §§ 915.43 and 915.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(2), (3), and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any products other than fluid milk products;

(2) Disposed of and used for starter churning, wholesale baking and candy making purposes;

(3) Disposed of as livestock feed;

(4) In skim milk:

(i) Dumped after prior notification to and opportunity for verification by the market administrator; and

(ii) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a)(1) of this section;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 915.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 915.8(c), if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 915.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants unless the transfer is by a cooperative association and two percent shrinkage is assigned in subdivision (ii) of this subparagraph.

(7) In shrinkage allocated to other source milk pursuant to § 915.42(b)(2).

§ 915.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 915.41 (b)(6) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

§ 915.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 915.44 Transfers.

Skim milk or butterfat transferred or diverted in bulk fluid form from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 915.8(c) shall be classified:

(a) As Class I milk if transferred to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 915.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions of other source milk pursuant to § 915.46(a)(5) and the corresponding step of (b): *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 915.8(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 915.46(a)(7) and the corresponding step of (b).

(b) As Class I milk if transferred to the plant of a producer-handler;

(c) As Class I milk if transferred or diverted to a nonpool plant unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plants, in which case it shall be classified as Class I to the extent of the following pro rata computation:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the provisions of this part applied to such nonpool plant subtract the skim milk and butterfat in approved milk received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

§ 915.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 915.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 915.45, the market administrator shall determine the classification of milk received from producers at the pool plants of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the shrinkage of skim milk classified as Class II pursuant to § 915.41(b)(6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled but not priced as Class I under the provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled and priced as Class I under the provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(1) and (2);

(8) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(3); and

(9) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 915.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 915.46(a)(5) and the corresponding step in § 915.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 915.46(a)(5) and the corresponding step of (b); and

(b) That subtracted from Class II pursuant to § 915.46(a)(4) and the corresponding step of (b).

MINIMUM PRICES

§ 915.50 Basic formula price.

The basic formula price for the month shall be the higher of the prices computed pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Borden Co., Orfordville, Wis.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.5; and

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 915.51 Class prices.

Subject to the provisions of §§ 915.52 and 915.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price each month for the first eighteen months beginning with the effective date of this section shall be 10 cents less than the Greater Kansas City Federal milk order (Part 913 of this

chapter) Class I price for the same month;

(b) *Class II milk.* The Class II milk price price shall be the higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 24 cents.

Present Operator and Location

Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 69 cents.

§ 915.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to either class pursuant to § 915.46(c) is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 915.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 915.50(b)(1) by 1.2, divide the result by 10; and round to the nearest one-tenth of a cent.

(b) For Class II milk, multiply the butter price specified in § 915.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 915.53 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, and which is classified as Class I milk, the prices computed pursuant to § 915.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, and by an additional one and one-half cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) Milk moved in bulk from a plant as defined in § 915.12, (a) or (b) to a plant as defined in § 915.12(a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

§ 915.54 Rate of compensatory payment.

The rate of compensatory payment shall be calculated as follows: Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the Class I location differential rates set forth in § 915.53 for the location of the plant at which the milk was received from farmers.

§ 915.55 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 915.60 Producer-handlers.

Sections 915.40 through 915.46, 915.50 through 915.53, 915.61, 915.70, 915.71, 915.80 through 915.88 shall not apply to a producer-handler.

§ 915.61 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 915.80 through 915.89, each handler, other than a producer-handler or one exempt pursuant to § 915.62, who operates during the month a nonpool distributing plant, shall pay to the market administrator within 5 days after his receipt of notice from the market administrator that he is subject to the provisions of this section for the first time and thereafter on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 915.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) An amount:

(1) For deposit in the producer-settlement fund, equal to any plus amount remaining after deducting the amounts paid pursuant to subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 915.70 for such nonpool plant had such plant been a pool plant:

(i) The gross payments made on or before the 15th day after the end of the month for milk received at such nonpool plant during the delivery period from dairy farmers who supply approved milk, and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders.

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 915.86 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if an administrative assessment is applied at such nonpool plant as if a fully regulated plant pursuant to another milk order issued pursuant to the Act, no administrative expense assessment shall be applicable under this order; or

(b) An amount:

(1) For deposit in the producer-settlement fund, equal to the hundredweight of skim milk and butterfat disposed of as Class I milk in the marketing area on routes multiplied by the rate of compensatory payment pursuant to § 915.54;

(2) For administrative assessment, equal to the rate specified in § 915.86 multiplied by the hundredweight of Class I milk disposed of in the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order.

§ 915.62 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 915.12(a) which disposes of a lesser volume of Class I milk in the St. Joseph, Missouri, marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 915.12(b) for any portion of the period January through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

DETERMINATION OF UNIFORM PRICE

§ 915.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 915.46 (c) by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 915.46 (a)(9) and (b)(9) by the applicable class price;

(c) Add the amounts obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 915.47 (a); and

(2) Any plus amount remaining after the calculation pursuant to § 915.47(b).

(d) Add an amount obtained by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 915.46(a) (2) and (3) and the corresponding steps of § 915.46 (b) by the rate of compensatory payment pursuant to § 915.54: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total net Class I utilization of such plants for the month.

§ 915.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. marketing area, as follows:

(a) Combine into one total the values computed pursuant to § 915.70 for all handlers who submit reports pursuant to § 915.30 and who are not in default of payments pursuant to §§ 915.80 and 915.82;

(b) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add for each one-tenth percent that such average butterfat content is less than 3.5 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 915.72 by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 915.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 915.72 Butterfat differential to producers.

In making payments pursuant to § 915.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 915.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 915.73 Location differential to producers.

In making payments to producers for milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, there shall be deducted 10 cents per hundredweight of milk for distances of more than 50 but not more than 60 miles, plus an additional one and one-half cents for each additional 10 miles or fraction thereof in excess of 60 miles.

PAYMENTS

§ 915.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, an amount equal to not less than the appropriate uniform price pursuant to § 915.71, adjusted by the butterfat and location differentials to produceers pursuant to §§ 915.72 and 915.73 subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 915.85; and

(2) Less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 915.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 13th day after the end of the month to each cooperative association which has filed a written request for such payment with such handler with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less any deductions authorized in writing by such cooperative association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 915.8(c), not less than the value of such milk at applicable class prices; and

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producers;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 915.70, 915.71, and 915.72;

(4) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (a) of this section, and § 915.85, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 915.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 915.61 (a)(1) and (b)(1), 915.82 and 915.84, and out of which he shall make all payments pursuant to §§ 915.83 and 915.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 915.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of the milk received from producers by such handler during the month as determined pursuant to § 915.70 is greater than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials.

§ 915.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 915.70 is less

than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 915.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date of making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 915.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 915.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers;

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 915.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deductions and the quantity of milk for which it was computed for each such producer.

§ 915.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay the market administrator, on or before the 12th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers and other source milk allocated to Class I pursuant to § 915.46(a)(2) and the corresponding step of (b). A handler operating a nonpool distributing plant shall pay administrative assessment pursuant to § 915.61.

§ 915.87 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 915.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

§ 915.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 915.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 915.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 915.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 915.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., July 6, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6473; Filed, July 10, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 506) has been filed by Swift and Company, 4115 Packers Avenue, Chicago 9, Illinois, proposing the issuance of a regulation to provide for the safe use of epoxidized linseed oil as a plasticizer for polymeric resins used as components of food-packaging materials. The epoxidized linseed oil has an oxirane oxygen content of 9% to 10% and an absorptivity at 2.9 microns of not over 0.02.

Dated: June 30, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6462; Filed, July 10, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MONTANA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Montana a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MONTANA

Big Horn.	Petroleum.
Blaine.	Phillips.
Carbon.	Pondera.
Carter.	Powder River.
Cascade.	Prairie.
Chouteau.	Richland.
Custer.	Roosevelt.
Daniels.	Rosebud.
Dawson.	Sheridan.
Fallon.	Stillwater.
Fergus.	Sweet Grass.
Garfield.	Teton.
Glacier.	Toole.
Golden Valley.	Treasure.
Hill.	Valley.
Judith Basin.	Wheatland.
Liberty.	Wibaux.
McCone.	Yellowstone.
Musselshell.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6477; Filed, July 10, 1961; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Document 61–6458, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a Report of Condition as of the close of business, June 30, 1961, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form 2130–A—Call No. 438,[1] and send the same to the Comptroller of the Currency, and a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on Federal Reserve Form 105—Call 160,[1] and send the same to the Federal Reserve Bank of the District wherein the bank is located, and a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on Form 64—Call No. 56,[1] and send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be filed hereunder with the Comptroller of the Currency and the copy thereof required to be filed with the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961.[1] The original Report of Condition required to be filed hereunder with the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be filed with the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February, 1961.[1] The original Report of Condition required to be made hereunder with the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by Insured State Banks not members of the Federal Reserve System," dated January, 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated January 1961,[1] and send the same to the Federal Deposit Insurance Corporation. Each insured mutual savings bank which is a member of the Federal Reserve System shall make its original Report of Condition on Federal Reserve Form 105—Call 160,[1] prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February 1961,[1] and send the same to the Federal Reserve Bank of the District in which it is located, and a signed and attested copy thereof to the Federal Deposit Insurance Corporation.

[SEAL] ERLE COCKE, SR.,
Chairman, Federal Deposit Insurance Corporation.

RAY M. GIDNEY,
Comptroller of the Currency.

WILLIAM MCCHESNEY, MARTIN, JR.,
Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 61–6458; Filed, July 10, 1961; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Document 61–6458, Federal Deposit Insurance Corporation, *supra*.

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8061–A–3, between American President Lines, Ltd., Isthmian Lines, Inc., and Lykes Bros. Steamship Co., Inc., modifies approved Agreement Numbered 8061–A, as amended, a supplementary agreement to Agreement Numbered 8061, as amended, which covers an arrangement for the apportionment of rubber shipments from Thailand (Siam) (except Bangkok local rubber) to U.S. Atlantic and Gulf ports. Agreement Numbered 8061–A, as amended, records the basis on which American President Lines and Isthmian shall share any undercarried portion of rubber allocated to Lykes under Agreement Numbered 8061, as amended. The purpose of Agreement Numbered 8061–A–3 is to modify Agreement Numbered 8061–A, as amended, to reflect the percentage participation of American President and Isthmian in any undercarriage by Lykes of its proposed new percentage allotment under Agreement Numbered 8061, as provided by Agreement Numbered 8061–8 now pending section 15 action. Under the latter agreement the percentage of rubber to be carrier by American President, Isthmian and Lykes (three (3) American flag carriers), under Agreement Numbered 8061, as amended, will be 31.45 per cent of the total carryings, instead of 30.35 per cent as presently provided.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 5, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6436; Filed, July 10, 1961; 8:45 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND CHINA NAVIGATION CO., LTD.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8688, between American President Lines, Ltd. and the China Navigation Company, Ltd., covers a through billing arrangement for the transportation of asbestos in bags, in the trade from ports in Western Australia to Los Angeles, with transhipment at Singapore.

Agreement Numbered 8689, between American President Lines, Ltd. and the China Navigation Company, Ltd., covers a through billing arrangement for the transportation of asbestos in bags, in the trade from ports in Western Australia to U.S. Atlantic Coast ports, with transhipment at Singapore.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days from the date of publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 5, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6437; Filed, July 10, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12130]

EASTERN-MOHAWK TRANSFER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on July 13, 1961, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., July 6, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–6467; Filed, July 10, 1961; 8:49 a.m.]

[Docket No. 11129]

FRONTIER AIRLINES, INC.; SEGMENT 13 CASE

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in the above-entitled proceeding now assigned to be heard on July 27 is postponed to July 31, 1961, 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., July 6, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–6468; Filed, July 10, 1961; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–151]

BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS

Notice of Issuance of Facility License; Amendment

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on June 16, 1960, the Atomic Energy Commission has issued Amendment No. 1 to Facility License No. R–69 authorizing The Board of Trustees of The University of Illinois to perform TRIGA reactor pulsing experiments involving step insertions of reactivity in addition to the previously authorized steady state operations and adding certain new conditions to the license. The experiments will be performed in The University of Illinois TRIGA reactor facility located on the University's campus in Urbana, Illinois. Notice of the proposed action was published in the FEDERAL REGISTER on June 17, 1961, 26 F.R. 5434.

Dated at Germantown, Md., this 5th day of July 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61–6435; Filed, July 10, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–KC–52]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Michigan Bell Telephone Company, Detroit, Michigan, proposes to increase by 19 feet the overall height of an existing radio antenna structure near Forsyth, Michgan, at latitude 46°18'27" north, longitude 87°28'-35" west. The new overall height of the structure would be 1,601 feet above mean sea level (384 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency revealed that the proposed increase in structure height would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed increase in structure height to the mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6438; Filed, July 10, 1961; 8:45 a.m.]

[1] Filed as part of original document.

[OE Docket No. 61-NY-10]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: R. W. R., Incorporated, Port Clinton, Ohio, proposes to construct a radio antenna structure near Port Clinton, Ohio, at latitude 41°30'31'' north, longitude 82°54'19'' west. The overall height of the antenna structure would be 778 feet above mean sea level (193 feet above ground).

No objections were made in response to the circularization. The aeronautical study by this Agency disclosed that the structure would be located approximately 2 miles west of the Port Clinton Airport and would penetrate the Joint Industry/Government Tall Structures Committee horizontal surface criteria, as applied to this airport, by 41 feet. However, the Agency study disclosed that this factor would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that the proposed structure, at the location and mean sea level specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6439; Filed, July 10, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-46]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a radio antenna structure near Saybrook, Illinois, at latitude 40°26'55'' north, longitude 88°29'-20'' west. The overall height of the structure would be, 1,183 feet above mean sea level (282 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by this Agency revealed that the proposed structure would require an increase from 2,000 feet MSL to 2,200 feet MSL in the Instrument Flight Rules minimum obstruction clearance altitude on the segment of VOR Federal airway No. 173 between the Springfield, Illinois, VOR and the Roberts, Illinois, VORTAC. However, the study also disclosed this factor would have no substantial adverse effect upon aeronautical operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6440; Filed, July 10, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-20]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Mr. Fred Weber, Contractor, Incorporated, St. Louis, Missouri, proposes to construct a radio antenna structure near St. Charles, Missouri, at latitude 38°44'16'' north, longitude 90°27'37'' west. The overall height of the structure would be 728 feet above mean sea level (223 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by this Agency disclosed that the proposed structure would exceed the Agency's TSO-N18 criteria as applied to Creve-Coeur, Missouri, Airport and Lambert-St. Louis Municipal Airport. However, the Agency study also disclosed these factors would have no substantial adverse effect upon aeronautical operations or procedures at these airports.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6442; Filed, July 10, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-42]

PROPOSED ALTERATION OF TELEVISION ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Community TV Signal Company, Estherville, Iowa, proposes to increase by 190 feet the overall height of an existing television receiving antenna structure near Estherville, Iowa, at latitude 43°23'20'' north, longitude 94°51'00'' west. The new overall height of the structure would be 1,855 feet above mean sea level (450 feet above ground).

No aeronautical objections were made in response to circularization. The aeronautical study by the Agency determined that the proposed structure would be located within the geographical limits of VOR Federal airway No. 120 and would require an increase from 2,700 feet MSL to 2,900 feet MSL in the Instrument Flight Rules minimum obstruction clearance altitude on the segment of this airway between the Sioux Falls, South Dakota, VOR and the Mason City, Iowa, VOR. The aeronautical study further disclosed that this increase in IFR minimum obstruction clearance altitude would have no adverse effect upon aeronautical operations.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed increase in structure height to the mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6443; Filed, July 10, 1961; 8:46 a.m.]

[OE Docket No. 61-FW-46]

PROPOSED TELEVISION ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Television Station KWTX, Waco, Texas, proposes to erect a television antenna structure near Waco at latitude 31°24'15'' north, longitude 97°12'26'' west. The overall height of the structure would be 1,749 feet above mean sea level (1,080 feet above ground). The proponent agrees to dismantle its present tower located in Waco at latitude 31°32'10'' north, longitude 97°11'03'' west, with an overall height of 1,049 feet above mean sea level.

Objections were received in response to the circularization based upon conclusion of the objectors that the structure would require an increase from 2,000 feet MSL to 2,700 feet MSL in the missed approach altitude of the Instrument Landing System and ADF compass locator standard instrument approach procedures to the Waco Municipal Airport. The aeronautical study by the Agency disclosed that the missed approach altitude for these procedures is currently being increased to 2,500 feet MSL due to an existing tower with an overall height of 1,549 feet MSL located approximately 18 statute miles south of the airport. Therefore, the increase in the missed approach altitude that would be required with respect to this proposal is from 2,500 feet MSL to 2,700 feet MSL. The study disclosed that a missed approach altitude of 2,700 feet MSL would not result in substantial adverse effect upon aviation operations. In addition, there are two alternate missed approaches for these procedures specifying climb to 2,000 feet MSL which would not be affected by the proposed structure. In light of this information, all objections pertaining to this prospective increase in the missed approach altitude were withdrawn.

Additional objections to this proposal were interposed based on the following:

1. It would require an increase from 2,500 feet MSL to 2,700 feet MSL on the segment of VOR Federal airways Nos. 17E/15W between the Waco, Texas, VOR and Barclay intersection. However, the study disclosed that the Agency is planning to establish a new intersection north of the proposed structure site on VOR Federal airways Nos. 17E/15W at the 029° magnetic radial of the Temple, Texas, VOR. This would allow aircraft to start descent to 2,000 feet MSL after passing this intersection northbound. Therefore, delay to aircraft operations would not be occasioned by this increase in the minimum en route altitudes for these airways.

2. It would require an increase from 2,500 feet MSL to 2,700 feet MSL in the procedure turn altitude of the proposed back course localizer Instrument Approach to Waco Municipal Airport. However, the study disclosed that this increase in procedure turn altitude would not require aircraft executing this approach to exceed a safe rate of descent.

3. It would require an increase from 2,500 feet MSL to 2,700 feet MSL in the transition route altitude between the Temple, Texas, VOR and the Lambert intersection. However, the study disclosed that this increase would have no substantial adverse effect upon aeronautical operations.

4. The minimum vectoring altitude for aircraft under the surveillance radar control of the James Connally AFB RAPCON would be increased from 2,000 feet MSL to 2,700 feet MSL within a radius of 3 miles of the proposed structure and from 2,000 feet MSL to 2,200 feet MSL within a circular area centered on the structure having an inner radius of 3 miles and an outer radius of 5 miles. The study disclosed that this factor would result in no substantial adverse effect upon aeronautical operations.

All substantial objections were withdrawn at the FAA Informal Airspace Meeting held May 4, 1961, in Washington, D.C., and the Agency study revealed that the proposed structure would result in no substantial adverse effect upon air traffic operations.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards, and provided further that the proponent's existing antenna structure of the height of 1,049 feet above mean sea level and located at latitude 31°32'10'' north, longitude 97°11'03'' west be dismantled within 90 days after scheduled programming is commenced from the new tower.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6443; Filed, July 10, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7002]

DEPARTMENT OF THE INTERIOR, SOUTHEASTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates

JULY 3, 1961.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southeastern Power Administration (SEPA), has filed with the Federal Power Commission for confirmation and approval, pursuant to the Flood Control Act of 1944 (58 Stat. 887), proposed rates and charges for the sale of power from the John H. Kerr and Philpott projects in the State of Virginia. Approval is requested for the period beginning July 5, 1961 and ending June 30, 1965.

The proposed rates and charges are contained in the following three rates schedules and two contracts:

1. KP-1 applicable to the sale of power generated at both the John H. Kerr and Philpott projects to preference customers within the service area of Virginia Electric and Power Company.

2. KP-2 applicable to the sale of dump energy from the John H. Kerr and Philpott projects to Virginia Electric and Power Company and Carolina Power and Light Company.

3. JHK-1 applicable to the sale of power generated at the John H. Kerr project to preference customers within the service area of Carolina Power and Light Company.

4. Contract dated March 24, 1961 between Southeastern Power Administration and Virginia Electric and Power Company.

5. Contract dated December 7, 1955 between Southeastern Power Administration and Carolina Power and Light Company.

The Commission, in Docket No. E-6586, has previously approved the rates and charges for the sale of power from the John H. Kerr project to Virginia Electric and Power Company and Carolina Power and Light Company and to preference customers within the service areas of those companies. Also, in Docket No. E-6523, the Commission has approved the rates and charges for the sale of power from the Philpott project to Appalachian Power Company. The Commission's approval in both instances expires July 4, 1961.

The above rate schedules and contracts are on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed rates and charges should submit the same in writing on or before July 17, 1961 to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6449; Filed, July 10, 1961; 8:47 a.m.]

[Docket Nos. RI61-548—RI61-553]

GENERAL CRUDE OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 3, 1961.

General Crude Oil Company (Operator), et al., Docket No. RI61-548; Lario Oil & Gas Company (Operator), et al., Docket No. RI61-549; J. C. Trahan Drilling Contractor, Inc. (Operator), et

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

al., Docket No. RI61–550; Hunt Oil Company, et al., Docket No. RI61–551; Dixon Management Corporation Agent (Operator), et al., Docket No. RI61–552; The Shamrock Oil and Gas Corporation, Docket No. RI61–553.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date unless [10] suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI61–548	General Crude Oil Co. (Operator), et al., P.O. Box 2252, Houston 1, Tex.	9	12	United Fuel Gas Co. (Little Pecan Lake Field, Cameron Parish, La.).	$7,920	6–12–61	8– 1–61	1– 1–62	[3] 20.4	[4] [5] 20.8	
RI61–549	Lario Oil & Gas Co. (Operator), et al., 301 South Market Street, Wichita 2, Kans.	8	1	Cities Service Gas Co. (NE. Rhodes Field, Barber County, Kans.).	2,040	6–14–61	7–15–61	12–15–61	12.0	[4] 13.0	
RI61–550	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., 1203 Beck Building, Shreveport, La.	15	10	United Gas Pipe Line Co. (E. Gibson Field, Terrebonne Parish, La.).	4,160	6– 8–61	7– 9–61	12– 9–61	20.25	[4] 22.25	
RI61–551	Hunt Oil Company, et al., 700 Mercantile Bank Building, Dallas 1, Tex.	49	3	Northern Natual Gas Co. (E. Camrick Field, Beaver County, Okla.).	[6] 2,556	6–16–61	7–17–61	7–18–61	15.5	[4] 16.5	[9] R60–463
RI61–552	Dixon Management Corp., Agent (Operator), et al., 1838 Bank of the Southwest Building, Houston 2, Tex.	15	1	American Louisiana Pipeline Co. (Lawtell Field, St. Landry Parish, La.).	18,250	6–19–61	[7] 7–20–61	12–20–61	21.5	[4] 24.0	
RI61–553	The Shamrock Oil and Gas Corp., P.O. Box 631, Amarillo, Tex.	18	1	Natural Gas Pipeline Co. of America (Quinduno Field, Roberts County, Tex.).	8,111	6–20–61	8– 1–61	1– 1–62	12.0	[4] [7] 13.0	

[1] Supplement No. 2.
[2] Includes 0.5 cent per Mcf bonus due to additional dedicated reserves, charged by seller.
[3] Periodic increase per contract.
[4] Estimated.
[5] Rate increase due to seller relinquishing his rights to buyer to process gas for liquid hydrocarbons.
[6] Requests waiver of notice.
[7] Subject to downward Btu adjustment.
[8] The pressure base is 14.65 psia.
[9] The pressure base is 15.025 psia.
[10] The proposed effective dates are the first days after the required 30 days' notice or, if later, the date requested by respondent.

Hunt Oil Company, et al. (Hunt) proposes, on behalf of two signatory coowners covered by Hunt's FPC Gas Rate Schedule No. 49, a renegotiated rate increase. Hunt previously filed the amendment pertaining to its interest and such amendment was considered to be notice of change and was suspended in Docket No. RI60–463 and made effective subject to refund on December 17, 1960.

The proposed increased rates exceed the applicable area price level set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto. The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act, *Provided, however,* That the supplement to the rate schedule filed by Hunt Oil Company, et al., as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order said respondent shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless said respondent is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37) on or before August 25, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6448; Filed, July 10, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 6, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37235: *Salt from Michigan points to Minnesota points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (ER No. 2582), for interested rail carriers. Rates on salt, as described in the application, in carloads, from Manistee, Marysville, Port Huron, and St. Clair, Mich., to Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn.

Grounds for relief: Market competition.

Tariff: Supplement 16 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C–91.

FSA No. 37236: *Bituminous coal—Inner and outer Crescent Districts to Ohio points.* Filed by Roy S. Kern, Agent (No. 58), for interested rail carriers. Rates on bituminous coal, as described in the application, in carloads, from mines in Pennsylvania, Maryland, West Virginia, Virginia, eastern Kentucky, and Tennessee, to Findlay, Fostoria, Fremont, and Millersville, Ohio.

Grounds for relief: Motor-truck competition, natural gas competition, and maintain relationships with Ohio intrastate rates.

Tariffs: Supplement 1 to The Baltimore and Ohio Railroad Company's tariff I.C.C. 3221, and other schedules named in the application.

FSA No. 37237: *Paraxylene and trimethylbenzene—Baytown, Tex., to Joliet, Ill.* Filed by Southwestern Freight Bureau, Agent (No. B–8048), for interested rail carriers. Rates on paraxylene and trimethylbenzene, in tank-car loads, from Baytown, Tex., to Joliet, Ill.

Grounds for relief: Unregulated water-truck competition.

Tariff: Supplement 50 to Southwestern Freight Bureau tariff I.C.C. 4370.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–6455; Filed, July 10, 1961; 8:47 a.m.]

[Notice 518]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 6, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64041. By order of June 30, 1961, the Transfer Board approved the transfer to Carl Strom and Emil Strom, a partnership, doing business as Strom Brothers, Dresser, Wis., of Certificate in No. MC 86817, issued March 18, 1939, to Carl Strom, Earl Strom, Emil Strom, and Lawrence Strom, a partnership, doing business as Strom Brothers, Dresser, Wis., authorizing the transportation of: Livestock, farm products, and lumber, from Dresser, Wis., to Minneapolis, Minn., and, feed, farm machinery, and culverts, from Minneapolis, Minn., to Dresser, Wis.

No. MC–FC 64144. By order of June 30, 1961, the Transfer Board approved the transfer to King Kong Truck Line, Inc., Benld, Ill., of Certificate No. MC 20111, issued March 26, 1959, to Comet Motor Freight, Inc., East St. Louis, Ill., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Scott Air Force Base, Ill., and St. Louis, Mo., and over irregular routes, of household goods and mine machinery and supplies, between St. Louis, Mo., and points in St. Louis County, Mo., on the one hand, and, on the other, points in St. Clair County, Ill. G. M. Rebman, 314 North Broadway, St. Louis 2, Mo., attorney for applicants.

No. MC–FC 64176. By order of June 30, 1961, the Transfer Board approved the transfer to W. H. Potter Company, Inc., 638 Southbridge Street, Worcester, Mass., of Certificate No. MC 77119, issued November 14, 1940, to William H. Potter, doing business as W. H. Potter Co., 638 Southbridge Street, Worcester, Mass., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Worcester, Mass., and Boston, Mass., between Worcester, Mass., and West Springfield, Mass., and between Worcester, Mass., and Springfield, Mass.

No. MC–FC 64253. By order of June 28, 1961, the Transfer Board approved the transfer to Donald L. Prasuhn, doing business as Prasuhn Truck Service, Nashville, Tenn., of Certificate No. MC 32740, issued October 9, 1943, to Wilbert Finke, doing business as Finke Truck Service, Addieville, Ill., authorizing the transportation of: Agricultural commodities and livestock, from Nashville, Ill., to St. Louis, Mo., over specified regular routes; and general commodities, from St. Louis, Mo., to Nashville, Ill., over the same routes. Wilbert J. Hohlt, Nashville, Ill., attorney for applicants.

No. MC–FC 64259. By order of June 28, 1961, the Transfer Board approved the transfer to Anna B. Beddiges, doing business as Glock Bros., 17–19 Mercer Street, Hackensack, N.J., of Certificate No. MC 17134, issued February 25, 1942, to Fred J. Beddiges, 17–19 Mercer Street, doing business as Glock Bros., Hackensack, N.J., authorizing the transporation, over irregular routes, of household goods, between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusettes, New Hampshire, Vermont, Maryland, Delaware, Virginia, and the District of Columbia, and of flowers, plants, shrubbery, and greenhouse supplies, between points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and Boston, Mass.

No. MC–FC 64271. By order of June 30, 1961, the Transfer Board approved the transfer to C. E. Mostoller, Kenneth R. Mostoller and Clifford P. Mostoller, a partnership, doing business as C. E. Mostoller & Sons, R.D. No. 5, Somerset, Pa., of Certificate No. MC 88575, issued June 16, 1941, to Norman Kinsinger, 539 South Center Ave., Somerset, Pa., authorizing the transportation of: Hay, coal and farm products between Berlin, Somerset, Shanksville, and Myersdale, Pa., on the one hand, and, on the other, Baltimore, Md., over regular routes, and fertilizer, oyster shells, grit, tar, grass seed, spray, and dusting materials, canned goods, and sugar, from Baltimore to Berlin, Somerset, Shanksville, and Myersdale.

No. MC–FC 64290. By order of June 29, 1961, the Transfer Board approved the transfer to Schneider Trucking Corporation, Lannon, Wis., of Certificate No. MC 119343 issued March 3, 1960, to Anton Schneider, Lannon, Wis., authorizing the transportation, over irregular routes, of rough stone and cut stone, from Lannon, Wis., and points in Menominee and Lisbon Townships, Waukesha County, Wis., to points in Indiana, Illinois, Iowa, Minnesota, and Michigan. Chester J. Neibler, 744 North Fourth Street, Wilwaukee 3, Wis., Representative for applicants.

No. MC–FC 64293. By order of June 28, 1961, the Transfer Board approved the transfer to Martin J. Kennelly, Philadelphia, Pa., of Certificate No. MC 82091, issued January 30, 1943, to Martin A. Kennelly, Philadelphia, Pa., authorizing the transportation, over irregular routes, of floor covering, and materials, supplies, and equipment, used or useful in the installation of floor covering, from Philadelphia, Pa., to Camden, Harrison, and Kearny, N.J., New York, N.Y., and Wilmington, Del., and Baltimore, Md., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Philadelphia, Pa. G. Hayward Reid, 2125 Land Title Building, Philadelphia 10, Pa., attorney for applicants.

No. MC–FC 64306. By order of June 28, 1961, the Transfer Board approved the transfer to Russell Halvin, Red Oak, Iowa, of Certificate No. MC 24963, issued October 18, 1950, to Leslie Mellott, Emerson, Iowa, authorizing the transportation, over irregular routes, of livestock, between Wales, Iowa, and points within 10 miles of Wales, on the one hand, and, on the other, Omaha, Nebr., livestock, building materials, and feed, between Emerson, Iowa, and points within 10 miles of Emerson, on the one hand, and, on the other, Kansas City, Mo., Kansas City, Kans., and St. Joseph, Mo., and building materials, and feed, from Omaha, Nebr., to Emerson, Iowa, and points within 10 miles of Emerson.

No. MC–FC 64319. By order of June 30, 1961, the Transfer Board approved the transfer to Kenneth G. Clark, Irondale, Mo., of Certificate No. MC 63482 issued March 8, 1957, to A. C. Douglas, 800 North Main St., Desloge, Mo., authorizing the transportation of general commodities, no exceptions, over regular route, between Bismarck, Mo., and Bonne Terre, Mo., serving the intermediate point of Flat River, Mo.

No. MC–FC 64328. By order of June 30, 1961, the Transfer Board approved the transfer to H. F. Campbell & Son, Inc., Millerstown, Pa., of Certificate Nos. MC 31367, MC 31367 Sub 13, MC 31367 Sub 15, MC 31367 Sub 16, and MC 31367 Sub 19, issued May 3, 1949, April 14, 1950, July 13, 1950, February 26, 1957, and July 29, 1960, respectively, to H. F. Campbell and H. B. Campbell, doing business

as H. F. Campbell & Son, Millerstown, Pa., authorizing the transportation of: Fresh and frozen fruits and vegetables, and canned goods, from McAllisterville, Centre Hall, Middleburg, and Reedsville, Pa., and points within 3 miles of each, to Washington, D.C., and points in Delaware, New Jersey, New York, Maryland, Virginia, and West Virginia, as specified; fresh vegetables, from points in that part of New York within 75 miles of Sayre, Pa., to McAllisterville, Centre Hall, Middleburg and Reedsville, Pa., and points within 3 miles of each; frozen vegetables, from points in Potter Township, Centre County, Pa., to Swedesboro and Vineland, N.J., and Georgetown, Del., from Centre Hall, Lititz, and York, Pa., and points in Potter Township, Centre County, Pa., Clayton, Del., and Whiteford, Md., to Napoleon, Ohio, from Saginaw, Mich., to Centre Hall, Pa., and points in Potter Township, Pa., from Lititz, Pa., to Camden, N.J., and from Clayton, Del., to Chicago, Ill.; vegetable plants, from points in Decatur, Grady, and Thomas Counties, Ga., Kent and Sussex Counties, Del., and Accomack and Northampton Counties, Va., to McAllisterville, Center Hall, Middleburg, and Reedsville, Pa., and points within 3 miles of each; empty vegetables and fruit containers, from the above-specified destination points to the above-designated origin points; new tin cans, from Baltimore, Md., to McAllisterville, Centre Hall, Middleburg, and Reedsville, Pa., and points within three miles of each; canned goods, from Baltimore and Gaithersburg, Md., to Huntingdon, Pa.; fertilizer, from Baltimore, Md., to points in Perry and Juniata Counties, Pa.; fertilizer, feeds lubricating oils, sugar and agricultural commodities, from Baltimore to points in Huntingdon County, Pa.; animal and poultry feed, fertilizer, insecticides, and grain, from Baltimore, Md., and Buffalo, N.Y., to points in Pennsylvania as specified; agricultural commodities, from points in Pennsylvania, as specified, to Baltimore and Hagerstown, Md., Washington, D.C., and Philadelphia, Pa.; dressed and eviscerated poultry, from Mifflintown, Pa., and points within 1 mile thereof, to points in New York and Ohio; concrete and wooden silos, and equipment used in connection therewith, from Baltimore, Md., to points in Pennsylvania as specified; and household goods, between points in Huntingdon County, Pa., on the one hand, and, on the other, points in Maryland. John M. Musselman, State Street Building, Harrisburg, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-6456; Filed, July 10, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-V-32]

BRANCH MANAGER, NASHVILLE, TENNESSEE

Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Rev. 6), as amended (25 F.R. 1706, 7418 and 26 F.R. 177, 1456), there is hereby redelegated to the Branch Manager, Nashville Branch Office, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

_____
(Name)
Administrator.

By _____
(Name)
Branch Manager.

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

8. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take all necessary actions in connection with the administration, servicing and collection of all current and problem loans.

B. *Investment program.* 1. To disburse section 502 loans.

2. To extend the disbursement period on section 502 loan authorizations or undisbursed portions of section 502 loans.

3. To cancel wholly or in part undisbursed balances of partially disbursed section 502 loans.

4. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing and administration of section 502 loans.

C. *Procurement and technical assistance.* 1. To (a) determine joint set-asides for Government procurements and sales; (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

D. *Administration.* 1. To administer oaths of office.

2. For employees under your supervision, to approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $25 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate SBA to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles and services rendered, before forwarding to regional office.

6. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated herein except subsection I.A. 2, B. 1 and C. 1(a), may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager, Nashville, Tennessee, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: June 10, 1961.

JAMES F. HOLLINGSWORTH,
Regional Director,
Atlanta Regional Office.

[F.R. Doc. 61-6457; Filed, July 10, 1961; 8:48 a.m.]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 234; Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.534 (Valencia Orange Regulation 234, 26 F.R. 5952) are hereby amended to read as follows:

(ii) District 2: 550,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6514; Filed, July 11, 1961; 8:49 a.m.]

[959.319]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 959.1 through 959.88, inclusive, of the amended order. The Oregon-California Potato Committee, pursuant to § 959.51 of the amended order, has recommended that regulations limiting the handling of 1961 crop potatoes should be issued. The recommendation of said committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available, and the time when this action must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 959.318 **Limitation of shipments.**

During the period from July 17, 1961, through October 10, 1961, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), and (f) of this section.

(a) *Minimum quality requirements—*

(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size—All varieties.* 1⅞ inches minimum diameter.

(b) *Minimum maturity requirements—*(1) *All varieties.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) *Certified seed;*

(ii) *Livestock feed or grading and storing. Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing or for livestock feed within, or to, such districts for such purposes;

(iii) *Charity;*

(iv) *Starch;*

(v) *Canning or freezing.*

(2) The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Dehydration. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if at least 85 percent of the potatoes grade not less than U.S. No. 1.

(ii) *Export. Provided,* That Size B potatoes may be shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(iii) *Potato chipping. Provided,* That potatoes which fail to meet the requirements of paragraphs (a) and (b) of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped: *Provided further,* That potatoes which have been conditioned for use for potato chipping and from which both ends are clipped or from which more than one-fourth of the potato has been cut away may be shipped if the remaining portion weighs 6 ounces or more and if such potatoes otherwise meet the applicable grade requirements: *Provided further,* That potatoes which by clipping second growth could be made to meet the aforesaid grade and size requirements may be shipped without such clipping.

(iv) *Hash browns or potato salad. Provided,* That Size B potatoes may be

shipped if they meet the requirements of the U.S. No. 1, or better, grade.

(d) *Safeguards.* (1) Each handler making shipments of certified seed pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler, making shipments of potatoes for canning, freezing, dehydration, export, potato chipping, or for use in hash browns or potato salad, pursuant to paragraph (c) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Pay assessments on such shipments, except shipments for canning or freezing.

(iii) Have such shipments inspected, except shipments for canning or freezing.

(iv) Upon request by the committee furnish reports of each shipment made pursuant to each Certificate of Privilege.

(v) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in such application and that such receiver will complete and return to the committee such periodic receivers' reports that the committee may require.

(vi) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after date of such shipment.

(vii) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 959.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The period of validity of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1961, to become effective July 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6527; Filed, July 11, 1961; 8:51 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Modification of Procedure for Allocation of Reserve Tonnage Raisins Offered for Sale to Handlers

The Raisin Administrative Committee, established under Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"), has, pursuant to § 989.66 (e) (5) thereof, recommended for approval a modification of certain of the present procedures for the allocation to handlers of reserve tonnage raisins offered for sale to them. The said amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The committee has determined that those allocation procedures specified in § 989.66(e)(2) which apply to the reoffer of reserve tonnage raisins to handlers are not suitable in particular situations. Section 989.66(e)(2) provides in this respect that any unpurchased tonnage from an offer (other than an offer which the committee determines to be the last offer prior to July 1 in each crop year) shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective volumes (of reserve tonnage) purchased in the current and all prior offers and reoffers. No provision is made for more than one reoffer of unpurchased tonnage from such an offer. With respect to a large current offer of reserve tonnage, some handlers may not purchase all of their respective shares in the first reoffer if one is made, while other handlers who purchase all of their respective shares may still need additional tonnage. Since reserve tonnage held by the committee becomes surplus tonnage on August 1 and time would not permit a complete new offer, one or more additional reoffers to such handlers would tend to increase the total quantity of raisins sold as reserve tonnage. Reserve tonnage is sold at prices higher than the prices for surplus, and thus this would increase returns to producers.

Section 989.66(e)(2) also provides that, with respect to reoffers of any unpurchased portions of an offer of reserve tonnage raisins determined by the committee to be the last such offer prior to July 1 in each crop year, each handler entitled to participate in any such reoffer shall be eligible to purchase an equal share of the tonnage reoffered and as many reoffers of unpurchased tonnage as the committee deems advisable may be made. At the present time it appears that maximum disposition of reserve tonnage among handlers would be facilitated if such reoffers were on a proportional-share basis (the same as provided in connection with other offers) rather than on the equal-share basis. However, the situation can quickly change and the committee should be in a position to reoffer any unpurchased tonnage from such an offer on either basis, depending on which will better facilitate disposition of the reserve tonnage. Since any such special procedure is intended to apply to reoffers of unpurchased tonnage from the last offer of the crop year, and offers of reserve tonnage may now be made in July, such alternative procedures should apply with respect to the last offer prior to August 1, rather than July 1, in each crop year.

Modification, pursuant to § 989.66(e)(5), of the prescribed allocation procedure for the reoffer to handlers of unpurchased reserve tonnage raisins as recommended by the committee and hereinafter set forth, is intended to correct the deficiencies indicated in the two preceding paragraphs and thus provide allocations for handlers which are suitable for particular situations. The modified procedure is consistent with the provisions of § 989.66(e)(1) and will facilitate disposition of reserve tonnage through handlers and, hence, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That § 989.66(e)(2) shall be, and it hereby is, modified by deleting the last sentence and adding, in lieu thereof, two new sentences so that subparagraph (2), as modified, reads as follows:

(2) Each handler's share of an offer of reserve tonnage raisins for purchase shall be determined as the same proportion that the reserve tonnage held by him is of the reserve tonnage held by all handlers: *Provided,* That any reserve tonnage for which a deferment has been granted to a handler pursuant to the provisions of paragraph (c) of this section shall be included in his holdings in determining his share. In the event that any handler fails to purchase any or all of his share of any such offer, the remaining portion of the offer shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective volumes purchased in the current and all prior offers and reoffers. Any handler whose holdings of reserve tonnage raisins have been exhausted may participate in any reoffer in proportion to the volume purchased by him in the current and all prior offers and reoffers. If the committee determines:

(i) An offer to be the last which will be made prior to August 1 of each crop year and

(ii) That reoffers of any unpurchased portion of such offer on an equal-share basis, in lieu of a proportional-share basis set forth in the two preceding sentences, would facilitate the disposition of reserve tonnage raisins through handlers,

Each handler entitled to participate in any such reoffer shall be eligible to purchase an equal share of tonnage reoffered. The committee shall make one reoffer of any unpurchased tonnage in connection with each offer of reserve tonnage raisins, and may make as many additional reoffers as it deems advisable.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making this action effective upon publication in the FEDERAL REGISTER rather than 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) All offers and reoffers by the committee of reserve tonnage raisins in each crop year must be completed by August 1, and the modification provided by this document must become effective as soon as possible in order that the modified procedure may be used to facilitate the final disposition of reserve tonnage in the current 1960–61 crop year; (2) to the extent that the modification minimizes, as intended, the quantity of reserve tonnage becoming surplus, restriction is lessened; and (3) under the circumstances, it is not necessary that handlers have an opportunity to submit data, views or arguments or additional time in order to avail themselves of, or conduct their operations in accordance with, this modified procedure.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 7, 1961, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6528; Filed, July 11, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR–51]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Finalization of Initial Decisions

JULY 7, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1961.

Section 302.28 presently provides that unless timely exceptions to an initial decision of an examiner are filed by one of the parties, or the Board determines to review the decision upon its own motion, such decision shall become final and constitute the Board's ultimate disposition of the case. However, that section further provides that the initial decision does not automatically become effective, but requires finalization by the issuance of a Board order after the expiration of the time prescribed for the filing of exceptions.

It appears to the Board that the additional procedural step of issuing an order finalizing initial decisions which are neither contested by the parties nor reviewed by the Board on its own motion, is unnecessary. The Board has therefore decided to amend § 302.28 to automatically render final an initial decision which has not been the subject of an appeal or spontaneous Board action. As amended, § 302.28 provides that an initial decision not appealed from shall become final 20 days after expiration of the time for filing exceptions unless, within such period the Board makes an order finally disposing of the proceeding or providing for further review.

These changes will not make this rule applicable to recommended decisions. The amended rule will apply to initial decisions by Board Members or examiners. The rights of parties under § 302.30 to obtain Board review will not be affected.

Since this amendment is not a substantive rule, but one of agency practice, notice and public procedure hereon are not required and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 302.28 of Part 302 of the Procedural Regulations (14 CFR Part 302), effective July 12, 1961, except as to initial decisions issued prior to that date, to read as follows:

§ 302.28 Effect of initial decision.

Whenever a Member of the Board or hearing examiner makes the initial decision in a hearing case and in the absence of timely exceptions thereto pursuant to § 302.30 of this part, such initial decision shall become the decision of the Board 20 days after expiration of the time for filing exceptions unless the Board, within said 20-day period, makes an order constituting its final disposition of the proceeding or providing for further review.

(Sec. 204 (a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481, and sec. 8 of the Administrative Procedure Act, 60 Stat. 242, 5 U.C.S. 1007)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6532; Filed, July 11, 1961; 8:52 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–LA–29]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.1542 of the regulations of the Administrator is to alter the description of intermediate altitude VOR Federal airway No. 1542 between the Tucson, Ariz., VOR and the Columbus, New Mexico, VOR to include the Cochise, Ariz., VOR.

The addition of the Cochise VOR to the description of Victor 1542 will provide a lower minimum en route altitude for this segment of the airway and thereby better accommodate existing traffic requirements. The alteration will not affect the alignment or width of Victor 1542.

Since the changes effected by this amendment impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), the following action is taken:

In the text of § 600.1542 (26 F.R. 1079) "to the INT of the Tucson VOR 095° and the San Simon, Ariz., VOR 241° radials;" is deleted and "to the Cochise, Ariz., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6495; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61–FW–57]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6005 of the regulations of the Administrator is to alter the alignment of low altitude VOR Federal airway No. 5 east alternate between McDonough, Ga., and Dublin, Ga.

Victor airway 5 east alternate is currently designated, in part, via the McDonough VOR 122° and the Dublin VOR 330° radials and intersects low altitude VOR Federal airway No. 267 approximately 4 miles east of low altitude VOR Federal airway No. 35. In the interest of better air traffic management it is desirable that these airways form a common intersection. The realignment of Victor 5 east alternate via the McDonough VOR 119° True radial will provide a common intersection. Such action is taken herein.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 600.6005 (25 F.R. 7673) is amended to read:

§ 600.6005 VOR Federal airway No. 5 (Jacksonville, Fla., to London, Ont., Canada).

From the Jacksonville, Fla., VORTAC via the INT of the Jacksonville VORTAC 319° and the Alma, Ga., VOR 148° radials; Alma VOR, including a W alternate; Macon, Ga., VORTAC; McDonough, Ga., VOR, including an E alternate from the Jacksonville VORTAC to the McDonough VOR via the INT of the Jacksonville VORTAC 334° and the Dublin, Ga., VOR 137° radials, Dublin VOR, and the INT of the Dublin VOR 330° and the McDonough VOR 119° radials; Chattanooga, Tenn., VORTAC, including an E alternate via the INT of the McDonough VOR 345° and the Chattanooga VORTAC 118° radials; Nashville, Tenn., VORTAC, including an E alternate via the INT of the Chattanooga VORTAC 333° and the Nashville VORTAC 117° radials; Bowling Green, Ky., VOR; New Hope, Ky., VOR, including an E alternate from the Nashville VORTAC to the New Hope VOR via the INT of the Nashville VORTAC 029° and the New Hope VOR 202° radials; Louisville, Ky., VORTAC; Cincinnati, Ohio, VORTAC; INT of the Cincinnati VORTAC 045° and the Appleton, Ohio, VORTAC 244° radials; Appleton VORTAC; Mansfield, Ohio, VORTAC; Cleveland, Ohio, VORTAC; to the London, Ont., Canada, VOR, excluding the portion outside of the United States.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6496; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-LA-30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.1625 of the regulations of the Administrator is to alter the description of intermediate altitude VOR Federal airway No. 1625 between the Tucson, Ariz., VOR and the San Simon, Ariz., VOR to include the Cochise, Ariz., VOR.

The addition of the Cochise VOR to the description of Victor 1625 will provide a lower minimum en route altitude for this segment of airway and thereby better accommodate existing traffic requirements. The alteration will not affect the alignment or width of Victor 1625.

Since the change effected by this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In the text of § 600.1625 (26 F.R. 1079) "via the INT of the Tucson VOR 095° and the San Simon, Ariz., VOR 241° radials;" is deleted and "via the Cochise, Ariz., VOR;" is substituted therefor.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6497; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-71]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of this amendment to § 600.6213 of the regulations of the Administrator is to redesignate low altitude VOR Federal airway No. 213 via the Patuxent, Md., VOR in lieu of the Patuxent, Md. (Navy) VOR.

The Federal Aviation Agency (FAA) plans to commission the Patuxent VOR on or about June 29, 1961, after minor relocation and transfer of this facility from the Department of the Navy. This action necessitates a slight realignment of Victor 213. Therefore, action is taken herein to redesignate Victor 213 via the Patuxent VOR.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 600.6213 (14 CFR 600.6213, 25 F.R. 1938, 10798, 26 F.R. 3462) "Patuxent, Md., (Navy) VOR;" is deleted and "Patuxent, Md., VOR;" is substituted therefor.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6498; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-WA-83]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6837 and 600.6885 is to alter low altitude VOR Federal airways Nos. 837 and 885 between the Mastic, N.Y., intersection and the Hampton, N.Y., VOR.

The 800 series airways are designated to indicate preferred routes for the purpose of segregating opposite direction traffic operating between major terminals and generally coincide with existing VOR Federal airways. Victor airways 837 and 885 were originally aligned via the Hampton VOR 239° radial so as to overlie low altitude VOR airways Nos. 139 and 46 south alternate between the Mastic intersection and the Hampton VOR. However, Victor airways Nos. 139 and 46 south alternate were altered in Airspace Dockets Nos. 60-NY-59 (26 F.R. 3274), and 60-WA-143 (26 F.R. 3523), in part, via the Hampton VOR 223° radial. Therefore, action is taken herein to alter Victor airways 837 and 885, in part, via the Hampton VOR 223° radial in lieu of the 239° radial.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6837 (26 F.R. 21, 2745, 3521) "Hampton, N.Y., VOR 239° True radials;" is deleted and "Hampton, N.Y., VOR 223° radials;" is substituted therefor.

2. In the text of § 600.6885 (26 F.R. 21, 2745, 3521) "Hampton, N.Y., VOR 239° radials;" is deleted and "Hampton, N.Y., VOR 223° radials;" is substituted therefor.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6499; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-FW-30]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Area and Reporting Points

On April 16, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency proposed to revoke, in its entirety, Red Federal airway No. 16, its associated control area and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.216 Red Federal airway No. 16 (Florence, S.C., to Raleigh, N.C.) is revoked.

2. Section 601.216 Red Federal airway No. 16 control areas (Florence, S.C., to Raleigh, N.C.) is revoked.

3. Section 601.4216 Red Federal airway No. 16 (Florence, S.C., to Raleigh, N.C.) is revoked.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6501; Filed, July 11, 1961; 8:48 a.m.]

[Airspace Docket No. 60-NY-154]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3540) stating that the Federal Aviation Agency proposed to revoke, in its entirety, Blue Federal airway No. 4, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended as follows:

1. Section 600.604 Blue Federal airway No. 4 (Boston, Mass., to the United States/Canadian border) is revoked.

2. Section 601.604 Blue Federal airway No. 4 control areas (Boston, Mass., to the United States/Canadian border) is revoked.

3. Section 601.4604 Blue Federal airway No. 4 (Boston, Mass., to the United States/Canadian border) is revoked.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6502; Filed, July 11, 1961; 8:48 a.m.]

[Airspace Docket No. 60-LA-119]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation of Prohibited Area and Restricted Area, Designation of Restricted Areas, and Alteration of Continental Control Area and Federal Airway

The purpose of these actions is to revoke the Las Vegas Project, Las Vegas, Nev., Prohibited Area P-275 and revoke Restricted Area R-4806 and redesignate these areas as R-4806, R-4807, R-4808 and R-4809; include the new R-4806 in the continental control area; and alter the description of VOR Federal airway No. 135 to reflect the correct identification of the restricted area that would coincide with Victor 135.

The Las Vegas Prohibited Area P-275 was established by Presidential Executive Order 10633 dated August 19, 1955 (20 F.R. 6029) for national defense and other governmental purposes. The description of P-275 was subsequently amended by Executive Order 10775 dated July 25, 1958, (23 F.R. 5682). The Atomic Energy Commission (AEC), the agency responsible for the activities conducted in P-275, has agreed to a proposal by the Department of the Air Force that the FAA redesignate this area as a restricted area, hereinafter referred to as R-4808, to be effective continuously from the surface to flight level 600, with the Atomic Energy Commission designated as the using agency.

The presently designated Tonopah, Nev., Restricted Area R-4806 is effective continuously from the surface to an unlimited altitude. The Air Force has requested that this area be divided into 3 separate restricted areas, to be identified by different restricted area numbers. Therefore, the Federal Aviation Agency is taking action herein to designate the restricted airspace east of the former P-275 as R-4806 and to divide the restricted airspace north of P-275 into two areas to be identified as R-4807 and R-4809. R-4806 and R-4807 are designated herein from sunrise to sunset, Monday through Saturday, from the surface to flight level 450 and the Commander of Nellis AFB, Nev., is designated as the using agency of both areas. Further, in order to effect joint use of R-4806, § 601.7101 is amended to include R-4806 in the continental control area, and the Federal Aviation Agency, Los Angeles Air Route Traffic Control Center is designated as the controlling agency. R-4809 is designated herein continuously from the surface to an unlimited altitude and the AEC, which is responsible for the activity within R-4809, is designated as the using agency. These actions will provide for more flexible utilization of this special use airspace. In addition, the description of Victor 135 is altered to reflect the new identification of the restricted airspace (R-4807) which is excluded from this airway. No additional special use airspace is designated in these actions.

Since the changes effected by these amendments are less restrictive in nature than the present requirements, and impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, the following actions are taken:

1. Executive Orders 10633 (20 F.R. 6209) and 10775 (23 F.R. 5682), establishing and amending the Las Vegas Project, Las Vegas, Nev., Prohibited Area P-275, are repealed.

§ 608.48 [Amendment]

2. In § 608.48 Nevada (26 F.R. 882) "R-4806 Tonopah, Nev." is revoked.

3. In § 608.48 Nevada (26 F.R. 882), the following are added:

(a) R-4806 Las Vegas, Nev.

Boundaries. Beginning at latitude 37°17'-00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°16'00" W.; to latitude 36°26'00" N., longitude 155°23'00" W.; to latitude 36°35'00" N., longitude 115°-37'00" W.; to latitude 36°35'00" N., longitude 115°42'00" W.; to latitude 36°41'00" N., longitude 115°42'00" W.; to latitude 36°-41'00" N., longitude 115°56'00" W.; to latitude 37°12'00" N., longitude 115°56'00" W.; to latitude 37°12'00" N., longitude 115°45'-00" W.; to latitude 37°17'00" N., longitude 115°45'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset, Monday through Saturday.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Nellis AFB, Nev.

(b) R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'-00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°-55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W., to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'-00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to lat-

itude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°48'00" W.; to latitude 37°17'00" N., longitude 115°56'00" W.; to latitude 37°16'00" N., longitude 115°56'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset, Monday through Saturday.

Using agency. Commander, Nellis AFB, Nev.

(c) R–4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 115°56'00" W.; to latitude 37°17'00" N., longitude 115°56'00" W.; to latitude 37°17'00" N., longitude 115°45'00" W.; to latitude 37°12'00" N., longitude 115°45'00" W.; to latitude 37°12'00" N., longitude 115°56'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

(d) R–4809 Tonopah, Nev.

Boundaries. Beginning at latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

§ 601.7101 [Amendment]

4. In the text of § 601.7101 (26 F.R. 1399), the following is added: "R–4806 Las Vegas, Nev."

5. Section 600.6135 (14 CFR 600.6135) is amended to read:

§ 600.6135 VOR Federal airway No. 135 (Yuma, Ariz., to Tonopah, Nev.).

From the Yuma, Ariz., VOR via the Blythe, Calif., VOR; Rice, Calif., VORTAC; Needles, Calif., VORTAC; Las Vegas, Nev., VORTAC; INT of the Las Vegas VORTAC 266° and the Beatty, Nev., VOR 142° radials; Beatty VOR; INT of the Beatty VOR direct radial to the Coaldale, Nev., VORTAC with the Tonopah, Nev., VOR 198° radial; to the Tonopah VOR, excluding the portion that would coincide with R–4807.

These amendments shall become effective 0001 e.s.t. August 24, 1961.

(Secs. 307(a) and 1501 (a), 72 Stat. 749 and 809; 49 U.S.C. 1348 and 1301 Note)

Issued in Washington, D.C., on July 6, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61–6503; Filed, July 11, 1961; 8:48 a.m.]

[Airspace Docket No. 61–WA–4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 918) stating that the Federal Aviation Agency proposed to alter the Billings, Mont., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, § 601.2374 (14 CFR 601.2374) is amended to read:

§ 601.2374 Billings, Mont., control zone.

Within a 5-mile radius of Logan Field (latitude 45°48'23" N., longitude 108°31'54" W.), and within 2 miles either side of the NE course of the Billings RR extending from the 5-mile radius zone to 12 miles NE of the RR.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6480; Filed, July, 11, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–2]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 28, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 917) stating that the Federal Aviation Agency proposed to alter the Cut Bank, Mont., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1983 [Amendment]

1. In § 601.1983 (14 CFR 601.1983) "Cut Bank, Mont.: Cut Bank Municipal Airport." is deleted.

2. In Part 601 (14 CFR Part 601) the following section is added:

§ 601.2049 Cut Bank, Mont., control zone.

Within a 5-mile radius of the Cut Bank Municipal Airport (latitude 48°36'41" N., longitude 112°22'45" W.), within 2 miles either side of the Cut Bank VOR 151° radial extending from the 5-mile radius zone to 12 miles SE of the VOR, and within 2 miles either side of the SE course of the Cut Bank RR extending from the 5-mile radius zone to 12 miles SE of the RR.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6481; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60–NY–106]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On December 7, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12525) stating that the Federal Aviation Agency proposed to alter the South Weymouth, Mass., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2360 (14 CFR 601.2360) is amended to read:

§ 601.2360 South Weymouth, Mass., control zone.

Within a 5-mile radious of the South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.), within 2 miles either side of the 336° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; and within 2 miles either side of the 165° radial of the South Weymouth TACAN extending from the 5-mile radius zone to 7 miles S of the TACAN.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6482; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–3]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 850) stating that the Federal Aviation Agency proposed to alter the Helena, Mont., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In § 601.1983 (14 CFR 601.1983) "Helena, Mont.: Helena County-City Airport." is deleted.

2. In § 601.1984 (14 CFR 601.1984) "Helena, Mont.: Helena County-City Airport (latitude 46°36'24" N., longtitude 111°59'19" W.)." is added.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6483; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60–LA–113]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 486) stating that the Federal Aviation Agency proposed to alter the Stockton, California, control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, section 601.2208 (14 CFR 601.2208) is amended to read:

§ 601.2208 Stockton, Calif., control zone.

Within a 5-mile radius of the Stockton Airport (latitude 37°53'56" N., longitude 121°14'30" W.), within 2 miles either side of the Stockton VORTAC 320° radial extending from the 5-mile radius zone to the VORTAC and within 2 miles either side of a line bearing 308° from the Stockton ILS OM extending from the 5-mile radius zone to the outer marker.

These amendments shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6484; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 61–WA–78]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2196 of the regulations of the Administrator is to change the name of "New Castle County Airport" at Wilmington, Del., to "Greater Wilmington Airport" in the description of the Wilmington control zone in order to correctly reflect the name of this airport in this description.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) § 601.2196 (14 CFR 601.2196) is amended to read:

§ 601.2196 Wilmington, Del., control zone.

Within a 5-mile radius of the Greater Wilmington Airport (latitude 39°40'42" N., longitude 75°36'27" W.), within 2 miles either side of the New Castle, Del., RR S course extending from the 5-mile radius zone to 10 miles S of the RR, and within 2 miles either side of the New Castle VORTAC 235° radial extending from the 5-mile radius zone to 10 miles SW of the VORTAC.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6485; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60–KC–93]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 849) stating that the Federal Aviation Agency proposed to alter the Olathe, Kans., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2189 (26 F.R. 4194) is amended to read:

§ 601.2189 Olathe, Kans., control zone.

Within a 5-mile radius of the Olathe NAS, (latitude 38°50'00" N., longitude 94°53'30" W.), within 2 miles either side of the S course of the Olathe, Kans., Navy RR extending from the 5-mile radius zone to 12 miles S of the RR, and within 2 miles either side of the 353°, 038°, 188°, and 233° radials of the Olathe Navy TACAN extending from the 5-mile radius zone to 6 miles N, NE, S, and SW of the TACAN.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6486; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60–HO–11]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On February 3, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1067) stating that the Federal Aviation Agency (FAA)

proposed to alter the Kahului, Hawaii, control zone.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

The Aircraft Owners and Pilots Association (AOPA) noted that the existing control zone extension based on the north course of the radio range is retained in the proposal and recommended it be rescinded. The AOPA stated that it sees no justification for this extension since the instrument approach procedure (AL-762-RNG) based on the radio range provides that "contact must be established on north course within 5 miles of range station at 1100'. Flight to airport under visual conditions.".

The retention of the control zone extension based on the north course of the radio range is required in order to provide protection to aircraft descending below 1,000 feet above the surface while executing a low frequency range approach. The proviso, as noted by the AOPA, does limit this approach to visual contact with the ground after passing the radio range; however, it does not restrict the approach to VFR weather conditions. The approach procedure authorizes descent below 1,000 feet above the surface after passing the range station, with visibility less than 3 miles during daylight hours. Therefore, the control zone is redesignated as published in the notice.

No other adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2193 (14 CFR 601.2193) is amended to read:

§ 601.2193 Kahului, Hawaii, control zone.

Within a 5-mile radius of the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.), within 2 miles either side of the N course of the Maui, Hawaii, RR extending from the 5-mile radius zone to the RR, and within 2 miles either side of the 038° and 204° radials of the Kahului VOR extending from the 5-mile radius zone to 12 miles NE and SW of the VOR.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6487; Filed, July 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60-FW-97]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 14, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 304) stating that the Federal Aviation Agency (FAA) proposed to alter the control zone at Lafayette, La.

The Departments of Army and Air Force and the Air Transport Association interposed no objection to the proposal. However, the Aircraft Owners and Pilots Association (AOPA) recommended a fan marker be installed and located in such a manner as to mark the point of letdown below 1,000 feet above ground level to a landing for both the VOR and ADF instrument approach procedures. They further stated this should be approximately 5 miles from the end of the runway. The installation of such a facility, in this instance, would reduce the size of the control zone. However, it is the policy of the FAA to decommission L/MF ranges, Z markers and associated fan markers, where possible, when more modern and accurate navigational aids are available. Considerable expenditure is involved in the installation of fan markers. The FAA is of the opinion that the airspace saving that would be realized from this installation is not of a magnitude to warrant such an expenditure.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2263 (14 CFR 601.2263) is amended to read:

§ 601.2263 Lafayette, La., control zone.

Within a 5-mile radius of Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles either side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to the ILS OM; within 2 miles either side of the 172° radial of the Lafayette VOR extending from the 5-mile radius zone to 12 miles S of the VOR and within 2 miles either side of the 187° bearing from the Lafayette RBN extending from the 5-mile radius zone to 12 miles S of the RBN.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6488; Filed, July 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-108]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On December 9, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 12623) stating that the Federal Aviation Agency (FAA) proposed to alter the Ft. Dix, N.J., control zone. On January 27, 1961, a supplemental notice of proposed rule making was published (26 F.R. 849) extending the time for comments on this proposal until February 20, 1961.

The Department of the Air Force suggested that the title of the control zone be changed to "McGuire AFB, N.J., control zone" to more accurately reflect the correct definition of the control zone. Since it is the policy of the FAA to list control zones primarily by the name of the city at which they are located, the title of this control zone is changed herein to "Wrightstown, N.J., (McGuire AFB) control zone".

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2269 (14 CFR 601.2269, 26 F.R. 12830) is amended to read:

§ 601.2269 Wrightstown, N.J. (McGuire AFB) control zone.

Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles either side of the SW course of the McGuire AFB RR extending from the 5-mile radius zone to 12 miles SW of the RR, within 2 miles either side of the 051° and the 213° radials of the McGuire VOR extending from the 5-mile radius zone to 7 miles NE and 6 miles SW of the VOR, and within 2 miles either side of the 223° radial of the McGuire TACAN extending from the 5-mile radius zone to 8 miles SW of the TACAN, excluding the portions which would coincide with R-5001. The portions of this control zone which coincide with R-5003 shall be used only after obtaining prior approval from appropriate authority.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued at Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6489; Filed, July 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-51]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On September 2, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 8492) stating that the Federal Aviation Agency (FAA) proposed to alter the Lake Charles, La., control zone.

The Air Transport Association of America offered no objection to the proposal. However, the Aircraft Owners and Pilots Association (AOPA) questioned the need for an extension based on the 334° radial of the Lake Charles VOR which would extend to a point 3 miles beyond the outer marker. The AOPA further stated that the need for an extension based on the 341° radial of the Lake Charles TACAN and extending beyond the outer marker was not evident. They suggested that if this extension was necessary to protect a TACAN approach based on a "gate", that the gate be relocated at a point even with the outer marker thereby eliminating the need for an extension beyond that point.

The Department of the Air Force (USAF) offered no objections to the proposal. However, they requested the notice be amended to include a control zone extension 2 miles either side of the Lake Charles VOR 154° radial extending to a point 5 miles southeast of the VOR. This change was requested to protect the departure of heavily loaded tanker type aircraft since it has been determined that a KC-97 type aircraft grossing 170,000 pounds will require an average distance of 8.3 statute miles before attaining an altitude of 1,000 feet above the ground. Subsequent to the above comments the USAF advised the FAA that the Gillis, La., radio beacon will be decommissioned and that the current description of the Lake Charles control zone should be changed to omit reference to the radio beacon.

With regard to the AOPA comments, the FAA has reviewed the proposed extension to the northwest based on the 334° radial of the Lake Charles VOR and has determined that the extension should terminate at the outer marker. Insofar as the extension based on the 341° radial of the Lake Charles TACAN is concerned, the Agency has determined that this control zone extension should terminate at a point 9 statute miles northwest of the TACAN in lieu of the 10 miles as proposed. The United States Manual of Criteria for Standard Instrument Approach Procedures, Par. 4.0210, states that the gate of a TACAN procedure is normally established between 5 and 9 nautical miles from the approach end of the runway (or airport area for circling approach) and is the point at which transition is normally made to a landing configuration. In this instance it appears that the 7-nautical mile gate is at the optimum location for the TACAN approach procedure (JAL-222-TACAN).

As to the USAF request for a control zone extension to the southeast, field representatives of the FAA have determined that no tanker type aircraft have been based on Chennault AFB, La., since June 1960. The use of the base by transient tankers has been infrequent. The Agency has not been advised of any future plans for tanker aircraft to be assigned to Chennault AFB. In view of this information, it appears that the request for a southeast extension is unjustified.

After reviewing the comments received and other information available, the Agency is taking action herein to alter the Lake Charles control zone as follows:

Within a 5-mile radius of Chennault AFB, Lake Charles, La., (latitude 30°12'40" N., longitude 93°08'35" W.); within two miles either side of the 191° True bearing from the Lake Charles radio beacon extending from the 5-mile radius zone to 12 miles south of the radio beacon; within two miles either side of the 334° True radial of the Lake Charles VOR extending from the VOR to the Lake Charles ILS outer marker compass locator; and within two miles either side of the 341° True radial of the Chennault AFB TACAN (latitude 30°12'25" N., longitude 93°08'42" W.) extending from the 5-mile radius zone to 9 miles northwest of the TACAN.

After implementation of Amendment 60-21 to Civil Air Regulations; Part 60, Air Traffic Rules, alteration of the Lake Charles control zone may be required. If this is necessary, a new proposal concerning the control zone will be initiated after completion of coordination and resolution of terminal procedures.

No other comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2331 (14 CFR 601.2331) is amended to read:

§ 601.2331 Lake Charles, La., control zone.

Within a 5-mile radius of Chennault AFB, Lake Charles, La. (latitude 30°12'40" N., longitude 93°08'35" W.); within 2 miles either side of the 191° bearing from the Lake Charles RBN extending from the 5-mile radius zone to 12 miles S of the RBN; within 2 miles either side of the 334° radial of the Lake Charles VOR extending from the VOR to the Lake Charles ILS OM; and within 2 miles either side of the 341° radial of the Chennault AFB TACAN (latitude 30°12'25" N., longitude 93°08'42" W.) extending from the 5-mile radius zone to 9 miles NW of the TACAN.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6490; Filed, July 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-161]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On April 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3279) stating that the Federal Aviation Agency proposed to designate a control zone at Lebanon, N.H.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2241 Lebanon, N.H., control zone.

Within a 5-mile radius of the Lebanon, N.H., Municipal Airport (latitude 43°-37'35" N., longitude 72°18'10" W.), and within 2 miles either side of the Lebanon VOR 231° radial extending from the 5-mile radius zone to the VOR.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6491; Filed, July 11, 1961; 8:46 a.m.]

[Airspace Docket No. 61-NY-85]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

The purpose of this amendment to § 601.1368 of the regulations of the Administrator is to alter the Lebanon, N.H., control area extension by revoking the north extension.

The north extension of the Lebanon control area extension is based upon the 348° True bearing of the Lebanon radio

beacon. The Federal Aviation Agency has determined that the Lebanon radio beacon is no longer required for air traffic management purposes and plans to decommission this facility. In addition, the north extension of the Lebanon control area extension, described with reference to the Lebanon radio beacon, has been found to be unnecessary and is, therefore, being revoked herein.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), § 601.1368 (26 F.R. 712, 1717) is amended to read:

§ 601.1368 Control area extension (Lebanon, N.H.).

Within 8 miles SE and 5 miles NW of the 050° radial of the Lebanon VOR extending from the VOR to 17 miles NE.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 3, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6492; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-NY-16]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3573) stating that the Federal Aviation Agency proposed to designate a control zone at Johnstown, Pa.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2467 Johnstown, Pa., control zone.

Within a 5-mile radius of the Johnstown-Cambria County Airport (latitude 40°18'55" N., longitude 78°50'00" W.), and within 2 miles either side of the 215° radial of the Johnstown VOR extending from the 5-mile radius zone to 12 miles SW of the VOR, from 0800 hours to 2200 hours e.s.t., daily.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6493; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 61-KC-25]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Modification of Control Zone

The purpose of this amendment to § 601.2105 of the regulations of the Administrator is to modify the Indianapolis, Ind., control zone.

The present Indianapolis control zone is designated within a 5-mile radius of the geographical center of the Weir Cook Municipal Airport (latitude 39°43'42" N., longitude 86°17'04" W.); within 2 miles either side of the W course of the Indianapolis RR extending from the 5-mile radius zone to a point 12 miles W of the RR; and within 2 miles either side of the 143° True radial of the Indianapolis VORTAC extending from the 5-mile radius zone to the VORTAC.

The control zone extension based on the west course of the Indianapolis radio range is no longer required for air traffic management. Additionally, the control zone extension, based on the 143° True radial of the Indianapolis VORTAC should be based on the 142° True radial to conform to the prescribed VOR instrument approach. Therefore, action is taken herein to modify the Indianapolis control zone by revoking the west extension and by changing the extension based on the VORTAC 143° True radial to the 142° True radial.

Since this amendment is minor in nature and imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2105 (25 F.R. 5224) is amended to read:

§ 601.2105 Indianapolis, Ind., control zone.

Within a 5 mile radius of the geographical center of the Weir Cook Municipal Airport (latitude 39°43'42" N., longitude 86°17'04" W.); and within 2 miles either side of the 142° radial of the Indianapolis VORTAC extending from the 5-mile radius zone to the VORTAC.

This amendment shall become effective 0001 e.s.t., August 24, 1961.

Issued in Washington, D.C., June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6494; Filed, July 11, 1961; 8:47 a.m.]

[Airspace Docket No. 60-NY-12]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.41 of the regulations of the Administrator is to change the time of designation and designated altitudes for the Nashawena, Mass., Restricted Area R-4104.

The Department of the Navy has advised they no longer require airspace within R-4104 above 3,000 feet MSL and in addition that no activity is conducted in this restricted area during the hours from 2400 to 0700 e.s.t. Therefore, action is taken herein to reflect these changes.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.41 Massachusetts, R-4104 Nashawena, Mass., Restricted Area (26 F.R. 881) is amended to read:

R-4104 Nashawena, Mass.

Boundaries. A circular area with a 15-nautical mile radius centered at latitude 41°27'06" N., longitude 70°54'10" W.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. 0700 to 2400 Local Standard Time.

Controlling agency. Federal Aviation Agency, Quonset Approach Control, NAS Quonset Point, R.I.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R.I.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 30, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61-6500; Filed, July 11, 1961; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55420]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

International Organizations

International organizations; Customs Regulations amended. Section 10.30a, Customs regulations, relating to customs exemptions accorded to public international organizations and certain aliens connected therewith, amended.

By various Executive orders the President has designated the Pan American Health Organization, the Southeast Asia Treaty Organization, and the Coffee Study Group as public international organizations entitled to the free entry privileges, exemptions, and immunities conferred by the International Organizations Immunities Act of December 29, 1945.

The designation of the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations by Executive Order 9887 of August 22, 1947, was revoked on August 18, 1959, by Executive Order 10832.

The list of public international organizations currently entitled to free entry privileges in § 10.30a(a) of the Customs Regulations is therefore amended by inserting in the proper alphabetical order the following:

Organization	Executive Order	Date
Coffee Study Group	10943	May 19, 1961
Pan American Health Organization (includes the Pan American Sanitary Bureau)	10864	Feb. 19, 1960
Southeast Asia Treaty Organization	10866	Feb. 23, 1960

and by deleting from the list the following:

Organization	Executive Order	Date
International Refugee Organization (successor to Preparatory Commission for the International Refugee Organization)	9887	Aug. 22, 1947
Pan American Sanitary Bureau	9751	July 11, 1946

(Secs. 498, 624, 46 Stat. 728, as amended, 759, sec. 3, 59 Stat. 669; 19 U.S.C. 1498, 1624, 22 U.S.C. 288b)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: July 5, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-6525; Filed, July 11, 1961; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

NYSTATIN

1. The Commissioner of Food and Drug, having evaluated the data submitted in a petition by E. R. Squibb and Sons, Division of Olin Mathieson Chemical Corporation, Georges Road, New Brunswick, New Jersey, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive nystatin in medicated chicken feed. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (121 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.220 Nystatin.

Nystatin may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) For the prevention or treatment of crop mycosis and mycotic diarrhea in chickens, including laying hens, as follows:

(i) For prevention when fed continuously at a level of 50 grams of nystatin activity per ton of feed (55 parts per million; 0.0055 percent).

(ii) For treatment when fed for 7 to 10 days at a level of 100 grams of nystatin activity per ton of feed (110 parts per million; 0.011 percent).

(2) As an aid in stimulating the growth and improving the feed efficiency of swine, whereby the level of nystatin to be used shall be equivalent to 20 grams of nystatin activity per ton of feed (22 parts per million; 0.0022 percent).

(b) To assure safe use of the additive in these animal feeds, the label on the additive container, or that of any intermediate premix prepared therefrom, shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate mixing directions to provide for a final feed with the proper concentration of the additive, whether or not intermediate premixes are also used.

(4) Adequate directions to provide a finished feed labeled as provided in paragraph (c) of this section.

(5) A statement of the conditions for which the additive is to be used.

(6) If the additive is to be used as prescribed in paragraph (a)(1) of this section, the word "medicated," prominently and conspicuously, wherever the term "feed," "intermediate feed," or "premix" is used, and in juxtaposition therewith.

(c) To assure safe use of the additive, the label and labeling of the finished feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate directions for use.

(4) If the additive is to be used as prescribed in paragraph (a)(1) of the section, the label and labeling shall also include:

(i) The word "medicated," prominently and conspicuously, wherever the word "feed" is used, and in juxtaposition therewith.

(ii) A statement that the medicated feed is to be used solely for the prevention or treatment of crop mycosis and mycotic diarrhea in chickens and laying hens, whichever is appropriate.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens and swine have been fed nystatin in accordance with § 121.220, a tolerance limitation is required in order to assure that the edible products of such chickens and swine are safe for human food. Therefore, the following tolerance is established and Part 121 is amended by adding to Subpart D the following new section:

§ 121.1055 Tolerance for residues of nystatin.

A tolerance of zero is established for residues of the food additive nystatin in or on eggs of poultry and the uncooked edible tissues and byproducts of swine and poultry.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c) (1), (4), 72 Stat. 1786; 348 (c) (1), (4))

Dated: July 5, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6517; Filed, July 11, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Atlas Powder Company, Wilmington 99, Delaware, and other relevant material, has concluded that the following amendments to §§ 121.1029 and 121.1030 of the food additive regulations (21 CFR 1029 (26 F.R. 109), 1030 (26 F.R. 4740, 5254)) should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, to provide for the use of the food additives sorbitan monostearate and polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), alone or in combination with each other, in cakes. This action is taken pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625).

1. Section 121.1029 is amended in the following respects:

a. Paragraph (a) is changed to read:

§ 121.1029 Sorbitan monostearate.

* * * * *

(a) The food additive is manufactured by reacting stearic acid (usually containing associated fatty acids, chiefly palmitic) with sorbitol to yield essentially a mixture of esters.

b. The introduction to paragraph (c) (2) is amended to read:

(c) * * *

(2) As an emulsifier in cakes and cake mixes, alone or in combination with polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), on a dry-weight basis, as follows:

c. Paragraph (d) is changed to read:

(d) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (c) of this section.

2. In § 121.1030, the introduction to paragraph (c) (2) is amended to read:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(2) As an emulsifier in cakes and cake mixes, alone or in combination with sorbitan monostearate, on a dry-weight basis, as follows:

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 5, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6516; Filed, July 11, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2423]

[Idaho 011179]

IDAHO

Revoking in Whole or in Part Certain Stock Driveway Withdrawals

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental orders of July 17, 1918, establishing Stock Driveway Withdrawal No. 29, and of June 7, 1924, establishing Stock Driveway Withdrawal No. 171, as enlarged by the departmental order of July 15, 1924, are hereby revoked so far as they affect the following-described lands; and the departmental order of May 11, 1931, establishing Stock Driveway Withdrawal No. 222, and of July 12, 1946, enlarging Stock Driveway Withdrawal No. 48, the lands affected being included in the hereinafter listing, are hereby revoked in their entirety:

BOISE MERIDIAN

T. 1 N., R. 5 E.,
Sec. 1, lots 1 and 2.
T. 2 N., R. 5 E.,
Sec. 29, N½NW¼;
Sec. 30, N½NE¼ and NE¼NW¼;
Sec. 35, E½.
T. 1 N., R. 6 E.,
Sec. 6, lots 3, 4, 5, 6, and 7, SE¼NW¼ and E½SW¼;
Sec. 7, lot 1 and E½NW¼;
Sec. 20, N½NE¼;
Sec. 33, N½NE¼.
T. 2 N., R. 10 E.,
Sec. 18, lot 8, SE¼NW¼.
T. 8 S., R. 1 W.,
Sec. 30, lots 3, 4, and E½SW¼;
Sec. 31, E½NW¼ and W½E½.
T. 9 S., R. 1 W.,
Sec. 6, lot 2, SW¼NE¼, and W½SE¼;
Sec. 7, W½E½;
Sec. 18, W½E½.
T. 2 S., R. 2 W.,
Sec. 31, SE¼;
Secs. 32, 33, and 34.
T. 3 S., R. 2 W.,
Sec. 3, lots 2, 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, lots 3, 4, NE¼, E½SW¼, and SE¼;
Sec. 8, W½;
Sec. 10, NE¼NW¼ and E½;
Sec. 15, E½;
Sec. 17, NW¼;
Sec. 18, lots 1, 2, E½NW¼, and NE¼;
Sec. 22, E½;
Sec. 27, E½;
Sec. 34, NE¼, N½SE¼, and SE¼SE¼;
Sec. 35, W½SW¼ and SE¼SW¼.
T. 4 S., R. 2 W.,
Sec. 1, SE¼SW¼;
Sec. 2, lots 2, 3, 4, S½NE¼, SE¼NW¼, and N½SE¼;
Sec. 11, SE¼NE¼ and E½SE¼;
Sec. 12, NE¼NW¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 13, NW¼NW¼, S½NW¼, and SW¼;
Sec. 14, E½NE¼;
Sec. 23, E½E½;
Sec. 24, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 25, W½NW¼;
Sec. 26, NE¼NE¼, S½NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 35, NW¼NE¼ and W½.
T. 5 S., R. 2 W.,
Sec. 2, lots 3, 4, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 3, E½SE¼;
Sec. 10, NE¼NE¼, S½NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 11, W½NW¼;
Sec. 15, NW¼NE¼ and W½;
Sec. 21, E½SE¼;
Sec. 22, NW¼, N½SW¼, and SW¼SW¼;
Sec. 27, W½NW¼;
Sec. 28, NE¼NE¼, S½NE¼, and E½SE¼;
Sec. 33, E½NE¼, and S½.
T. 6 S., R. 2 W.,
Sec. 4, lots 2 and 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 9, NE¼, E½NW¼, and E½SE¼;
Sec. 10, S½SW¼;
Sec. 15, W½NE¼, E½NW¼, and SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, lot 4, NW¼SW¼ and W½NW¼;
Sec. 26, lots 1, 2, 3, and 4;
Sec. 35, lots 1, 2, 3, and 4.
T. 7 S., R. 2 W.,
Sec. 2, lot 4, SW¼NW¼ and W½SW¼;
Sec. 11, W½W½;
Sec. 14, W½NW¼;
Sec. 15, E½NE¼, N½SE¼, and SW¼SE¼;
Sec. 22, W½E½;
Sec. 27, W½E½;
Sec. 34, W½E½.
T. 8 S., R. 2 W.,
Sec. 2, SW¼SW¼;
Sec. 3, lot 2, SW¼NE¼, N½SE¼, and SE¼SE¼;

Sec. 11, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 13, SW¼ and W½SE¼;
Sec. 14, E½E½;
Sec. 24, W½E½;
Sec. 25, NE¼ and NE¼SE¼.
T. 11 S., R. 2 W.,
Sec. 6, lots 7, 8, 9, 10, 11, 12, and SE¼;
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.
T. 3 S., R. 3 W.,
Sec. 10, E½W½ and E½;
Sec. 11;
Sec. 12, lots 3, 4, NW¼, W½SE¼, and SW¼;
Sec. 13, lots 1, 2, W½NE¼ and NW¼;
Secs. 15, 21, 22, 28, and 29;
Sec. 30, SE¼;
Sec. 31, E½;
Sec. 32, N½NE¼, SW¼NE¼, W½, and NW¼SE¼;
Sec. 33, N½NW¼.
T. 4 S., R. 3 W.,
Sec. 5, lots 3, 4, S½NW¼, and SW¼;
Sec. 6, lots 1, 2, S½NE¼, and SE¼;
Sec. 7, NE¼ and S½;
Sec. 18, W½W½.
T. 9 S., R. 3 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, E½SW¼, and W½SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 18, lots 1, 2, 3, 4, W½E½, and E½W½;
Sec. 19, E½ and E½W½;
Sec. 20, W½SW¼;
Sec. 29, W½W½;
Sec. 30, E½;
Sec. 31, E½;
Sec. 32, W½W½.
T. 11 S., R. 3 W.,
Sec. 1, SE¼;
Sec. 10, E½;
Sec. 11, W½;
Sec. 12, E½;
Sec. 24, NW¼NE¼ and NE¼NW¼.
T. 4 S., R. 4 W.,
Sec. 13, SE¼NE¼ and S½;
Sec. 14, S½;
Sec. 18, lot 2, SE¼;
Sec. 19, E½E½;
Sec. 20, N½NE¼, NE¼NW¼, and W½W½;
Sec. 22, N½, E½SW¼, and SE¼;
Sec. 28, NW¼NE¼, N½NW¼, and SE¼NW¼;
Sec. 27, E½ and E½W½;
Sec. 29, NW¼NW¼;
Sec. 34, E½, E½W½, and SW¼SW¼.
T. 5 S., R. 4 W.,
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 10, W½E½ and W½;
Sec. 15, W½E½ and W½;
Sec. 21, NE¼, E½W½, and W½SE¼;
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 27, SW¼SW¼;
Sec. 28, W½NE¼, E½NW¼, NE¼SW¼, and SE¼;
Sec. 33, lot 1, NW¼NE¼, NE¼SE¼, and E½NE¼;
Sec. 34, lot 4, NW¼SW¼, and W½NW¼.
T. 6 S., R. 4 W.,
Sec. 3, lot 4, SW¼NW¼, and W½SW¼;
Sec. 4, lots 1, 2, S½NE¼, and E½SE¼;
Sec. 10, W½W½;
Sec. 15, W½W½;
Sec. 22, W½NW¼, SW¼, and W½SE¼;
Sec. 27, W½NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 28, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 33, N½NE¼, SW¼NE¼, W½, and W½SE¼.
T. 7 S., R. 4 W.,
Sec. 4, lots 3, 4, S½NW¼, and SW¼;
Sec. 5, lot 1, SE¼NE¼, and SE¼;
Sec. 7, S½SE¼;
Sec. 8, S½SW¼, and E½;
Sec. 9, NW¼ and W½SW¼;
Sec. 17, E½ and N½NW¼;
Sec. 18, lots 2, 3, 4, N½NE¼;
Sec. 19, lot 1;
Sec. 21, NE¼ and W½NW¼;
Sec. 22, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 26, W½SW¼;
Sec. 27, E½;
Sec. 34, N½NE¼ and SE¼NE¼;
Sec. 35, SE¼SW¼ and E½.
T. 8 S., R. 4 W.,
Sec. 2, lots 2, 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 11, NE¼ and E½SE¼;
Sec. 12, SW¼NW¼ and W½SW¼;
Sec. 14, E½E½;
Sec. 23, E½;
Sec. 26, E½E½;
Sec. 35, E½E½.
T. 9 S., R. 4 W.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, and S½NE¼;
Sec. 2, lots 1 and 8.
T. 11 S., R. 4 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 2, lots 1, 2, and S½NE¼.
T. 12 S., R. 1 E.,
Sec. 17, NW¼.

The areas described aggregate approximately 42,472 acres, and are in part included in other withdrawals for power purposes.

2. Most of the lands are situated in Owyhee County, and are generally inaccessible. Topography ranges from rolling to rough and mountainous. Vegetation varies from shadscale at the lower elevations to sagebrush and grass at higher elevations.

3. The public lands released from withdrawal by this order are hereby restored to operation of the public land laws, subject to valid existing rights, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided that until 10:00 a.m., on January 1, 1962, the State of Idaho shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 3, 1961.

[F.R. Doc. 61-6506; Filed, July 11, 1961; 8:48 a.m.]

[Public Land Order 2424]

TEXAS

Transferring Jurisdiction Over Oil and Gas Deposits in Certain Lands Comprising Portions of Dyess Air Force Base, and The Naval Air Station at Corpus Christi

Whereas, the hereafter described lands, title to which has been acquired by the United States, comprising portions of Dyess Air Force Base, Taylor County, and the Naval Air Station at Corpus Christi, Nueces County, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas, it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force and the Department of the Navy, to the Department of the Interior; and

Whereas, such transfers have the concurrence of the Secretaries of the Air Force and of the Navy;

Now, therefore, by virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following-described lands is hereby transferred from the Departments of the Air Force, and the Navy, to the Department of the Interior, as hereafter indicated:

[87529]

(a) From the Department of the Air Force, Dyess Air Force Base.

Tract No. A-108. A tract of land situated in the County of Taylor, State of Texas, being part of the John McSherry Survey (A-206) and being more particularly described as follows:

Beginning at the northeast corner of the Craig Humphreys, et ux, property, said corner being north 71°14' west, 5817.9 feet from the southeast corner of said survey; thence along the east line of said Craig Humphreys, et ux, property south 15°00' east, 1182.4 feet to a point; thence south 75°00' west, 1473.6 feet to a point in the west line of said property; thence along said west property line north 15°00' west 1182.4 feet to the northwest corner of said property; thence along the north line of said property north 75°00' east, 1473.6 feet to the point of beginning, containing 40 acres, more or less.

Tract No. A-109. A tract of land situated in the County of Taylor, State of Texas, being part of the John McSherry Survey (A-206) and being more particularly described as follows:

Beginning at the southeast corner of the M. R. Street Estate property, said corner being south 15°00' east, 5527.8 feet from the northeast corner of said survey; thence along the south line of said property south 74°30' west, 936.8 feet to a point; thence north 15°00' west, 930 feet to a point; thence north 74°30' east, 936.8 feet to a point in the east line of said M. R. Street Estate property; thence along said east property line south 15°00' east, 930 feet to the point of beginning, containing 20 acres, more or less.

[73655]

(b) From the Department of the Navy, Naval Air Station, Corpus Christi, Nueces County.

First tract. Beginning at an old 4-inch oak corner post or stake at the line of ordinary high water on the west shore of Laguna Madre, a shallow bay, the south shoreline corner of Lot 16 and east shoreline corner of Lot 21, in Section 57 of Flour Bluff & Encinal Farm & Garden Tracts, a subdivision, as shown by the map of said subdivision of record in the Office of the County Clerk of Nueces County, Texas, in Map Book A on pages 41, 42, and 43, for the south shoreline corner of this survey whence a concrete cylinder with brass tablet, Monument No. 6 on the Reference Line of the Intracostal Waterway Survey, Corpus Christi to Brownsville, Texas, U.S. Engineers Department, 1931-32, bears N. 82°40'00" E., 611.17 feet;

thence N. 60°36'20" W., with the southwest boundary line of Lots 16 and 15 and northeast boundary line of Lots 21 and 22, in said Section 57, 1,260.66 feet to a 1-inch iron bar set for west corner of said Lot 15 and north corner of said Lot 22 and the south corner of Lot 14 and east corner of Lot 23, in said Section 57, and for a corner of this survey; thence S. 29°02'00" W., with the southeast boundary line of said Lot 23 and northwest boundary line of said Lot 22, 1,320.00 feet to a 1-inch iron bar set for the south corner of said Lot 23 and west corner of said Lot 22 in Section 57 and the east corner of Lot 2 and north corner of Lot 3 in Section 56 of said Flour Bluff & Encinal Farm & Garden Tracts and for a south corner of this survey; thence N. 60°36'20" W., with the southwest boundary line of said Section 57 and northeast boundary line of said Section 56; at 1,290.03 feet, a 1-inch iron bar set in the southeast boundary line of a public road; 1,320.03 feet to a ¾-inch iron pipe, six inches deep, on the centerline of said public road, set for the west corner of said Section 57 and north corner of said Section 56 and the south corner of Section 46 and east corner of Section 47 of said Flour Bluff & Encinal Farm & Garden Tracts and for a corner of this survey; thence N. 60°58'00" W., with the southwest boundary line of said Section 46 and northeast boundary line of said Section 47; at 30.00 feet, a 1-inch iron bar set in the northwest boundary line of said public road; 1,980.00 feet to a 1-inch iron bar set for the west corner of Lot 27 and south corner of Lot 26 in said Section 46 and the north corner of Lot 6 and east corner of Lot 5 in said Section 47 and for a corner of this survey; thence S. 29°-02'00" W., with the southeast boundary line of said Lot 5 and northwest boundary line of said Lot 6, 1,320.00 feet to a 1-inch iron bar set for the south corner of said Lot 5 and west corner of said Lot 6 and the north corner of Lot 11 and east corner of Lot 12 in said Section 47 and for a south corner of this survey; thence N. 60°58'00" W., with the southwest boundary line of Lots 5, 4, 3, and 2 and northeast boundary line of Lots 12, 13, 14, and 15 in said Section 47; at 660.00 feet, a 1-inch iron bar set for the common corner of said Lots 4, 5, 12, and 13; 2,644.80 feet to a 1-inch iron bar set for the west corner of said Lot 2 and north corner of said Lot 15 and the south corner of Lot 1 and east corner of Lot 16 in said Section 47 and for a corner of this survey; thence S. 29°04'30" W., with the southeast boundary line of said Lot 16 and northwest boundary line of said Lot 15, 1,320.00 feet to a 1-inch iron bar set for the south corner of said Lot 16 and west corner of said Lot 15 and the east corner of Lot 17 and north corner of Lot 18 in said Section 47 and for a south corner of this survey; thence N. 60°58'00" W., with the southwest boundary line of said Lot 16 and northeast boundary line of said Lot 17 in Section 47, and the southwest boundary line of Lots 7, 8, and 9 and northeast boundary line of Lots 15, 14, and 13 in Section 42; at 641.92 feet, a 1-inch iron bar set in the southeast boundary line of a public road; at 661.92 feet, a ¾-inch iron pipe, six inches deep, on the centerline of said public road, set for a common corner of said Lots 16 and 17 in Section 47 and 7 and 15 in Section 42; at 681.92 feet, a 1-inch iron bar set in the northwest boundary line of said public road; 2,641.92 feet to a 1-inch iron bar set in the southeast boundary line of Lot 10 in said Section 42 for the west corner of said Lot 9 and north corner of Lot 13 and for a corner of this survey, whence an old oak post on the shore of a salt water inlet or bay known variously as Oso Bay, Oso Creek, and Cayo del Oso, bears N. 60°58'00" W., 483.00 feet; thence S. 29°-05'20" W., with the southeast boundary line of said Lot 10 and northwest boundary line of said Lot 13, 80.60 feet to the 1-inch iron bar, set at the line of ordinary high water on the shore of said Oso Bay, for a shoreline corner of this survey; thence in a general northerly direction along the ordinary high water line of Oso Bay until it converges with the ordinary high water line of Corpus Christi Bay; thence in a general southerly direction along the ordinary high water line of Laguna Madre to the point of beginning containing an area of 2,001.86 acres.

Second tract. Being a parcel of land known as Dimmit's Island situated near the convergence of the waters of Corpus Christi Bay with those of Laguna Madre, easterly from the First Tract hereinabove described and containing 36.58 acres.

Third tract. Being all of that parcel of land known as Indian Island which is situated in Laguna Madre and being easterly from the First Tract hereinabove described and containing 11.41 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of the drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Departments of the Air Force and the Navy over the lands for military purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 3, 1961.

[F.R. Doc. 61-6507; Filed, July 11, 1961; 8:48 a.m.]

[Public Land Order 2425]

[Anchorage 026009]

ALASKA

Withdrawing Public Lands for Use of the Department of the Army for the Sheep Mountain Repeater Site; Revoking Air Navigation Site Withdrawal No. 196, and Partly Revoking Public Land Order No. 225 of April 21, 1944

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in the section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Army in connections with operations of the Alaska Communications System:

SEWARD MERIDIAN

SHEEP MOUNTAIN AREA

T. 20 N., R. 10 E. (partly unsurveyed),
Sec. 29, S½SE¼, E½W½SE¼SW¼, E½SE¼SW¼, and those portions lying south of the center line of the Glenn Highway of: S½SW¼NE¼SE¼, S½SE¼NW¼SE¼, S½SW¼NW¼SE¼, S½SE¼NE¼SW¼, and SE¼SW¼NE¼SW¼;
Sec. 32, N½NE¼, N½S½NE¼, E½W½NE¼NW¼, E½NE¼NW¼, E½W½SE¼NW¼, and NE¼SE¼NW¼.

The areas described aggregate approximately 287 acres.

2. The departmental orders of November 30, 1942, and March 23, 1944, withdrawing the following-described lands as Air Navigation Site No. 196 are hereby revoked:

Beginning at a point approximate latitude 61°47'16" N., longitude 147°40'05" W., from which the southeast tower of the Civil Aeronautics Administration radio communication station bears N. 34°00' W., 2,330 feet; thence
West, 11,000 feet;
North, 6,000 feet;
East, 5,500 feet;
South, 2,000 feet;
East, 5,500 feet;
South, 4,000 feet.

Containing approximately 1,263 acres.

3. Public Land Order No. 225 of April 21, 1944, reserving lands for classification is hereby revoked so far as it affects the lands reserved by paragraph 1 of this order, and so far as it affects all lands within one half mile of Mentasta Lake, latitude 62°55' N., longitude 143°47' W., including all islands (containing approximately 4,100 acres).

4. Until 10:00 a.m. on October 2, 1961, the State of Alaska shall have a preferred right to select the lands released from withdrawal by this order, being those described in paragraph 2, hereof, exclusive of those reserved by paragraph 1, and including those referred to in paragraph 3, in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 3, 1961.

[F.R. Doc. 61-6508; Filed, July 11, 1961; 8:48 a.m.]

[Public Land Order 2426]

[Anchorage 053346]

ALASKA

Partly Revoking Executive Order No. 5289 of March 4, 1930

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, reserving tracts of land, not to exceed 40 acres each in various areas in Alaska, for use of the Office of Education for educational purposes, is hereby revoked so far as it affects lands at Perry (now Perryville). The tract has been surveyed as follows:

U.S. SURVEY No. 2040

Approximate longitude 159°20" W., latitude 55°55" N.

Containing 13.36 acres.

2. The lands are situated on the Alaska Peninsula, approximately 60 miles east of Port Moller, and within the special national defense withdrawal area delineated in section 10(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. Until 10:00 a.m. on July 3, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), subsections (b) and (g) of section 6 of the said Alaska Statehood Act of July 7, 1958, and the regulations in 43 CFR 76.1-76.18.

4. Beginning at 10:00 a.m. on July 3, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 3, 1961.

[F.R. Doc. 61-6509; Filed, July 11, 1961; 8:49 a.m.]

[Public Land Order 2427]

[1279115]

[Anchorage 050035]

ALASKA

Partly Revoking Executive Order No. 4778 of December 5, 1927, and Departmental Order of October 30, 1936; Withdrawing Portions of the Released Lands in Aid of Federal Programs

By virtue of the authority vested in the President, by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 2 of the Act of May 1, 1936 (49 Stat. 1250; 48 U.S.C. 358a), it is ordered as follows:

1. Executive Order No. 4778 of December 5, 1927, as modified by Executive Order No. 6734 of June 8, 1938, which reserved lands in Alaska for use of the United States Bureau of Education for educational purposes, and the Departmental order of October 30, 1936, as modified by Departmental order of December 18, 1942, which withdrew lands with the view of having them later reserved and declared an Indian reservation, are hereby revoked so far as they affect the following-described lands:

SEWARD MERIDIAN

EKLUTNA AREA

T. 16 N., R. 1 E.,
Secs. 15 to 22, incl.;
Sec. 30.
T. 16 N., R. 1 W.,
Sec. 13, lot 2;
Sec. 22, lot 1;
Sec. 23, lots 1, 2, 3, 4, and that portion of the SW¼SE¼ and E½SE¼ lying northeasterly of the Eklutna River.
Sec. 24;
Sec. 25, excepting that portion lying southwesterly of the Eklutna River and northwesterly of the Alaska Railroad ROW.
Sec. 26, excepting that portion of the NE¼ lying north of the Alaska Railroad ROW and southwesterly of the Eklutna River.
Sec. 27;
Sec. 28;
Sec. 32, lots 1, 2, 3, 5;
Secs. 33 to 36, incl.

Containing approximately 9,221.17 acres.

This action constitutes a complete revocation except as to 10 acres withdrawn by Executive Order No. 4778 at Cordova.

2. Subject to valid existing rights the following-described lands, which are portions of the lands released from withdrawal by this order, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and reserved under jurisdiction of the Bureau of Indian Affairs for use in connection with administration of Native affairs in the vicinity of Eikutna.

SEWARD MERIDIAN

T. 16 N., R. 1 E.,
Sec. 19, lots 5 and 6, E½SW¼, W½SE¼NW¼, W½NW¼SE¼, S½SE¼;
Sec. 30, lots 1, 2, and 3, E½NW¼, E½SW¼, and E½.
T. 16 N., R. 1 W.,
Sec. 23, lots 1 and 2, that portion of the SWSE¼ lying northwesterly of the Eklutna River, and that portion of the E½SE¼ lying northeasterly of the Eklutna River.
Sec. 24, lots 3, 4, and 7, SW¼NW¼, W½SE¼NW¼, E½NE¼SE¼NW¼, W½SW¼, NW¼NE¼SW¼, S½SE¼, and that portion of the NW¼SE¼ lying southeast of the Alaska Railroad ROW.
Sec. 25, E½, and that portion of the NW¼ lying southwest of the Eklutna River and northwest of the Alaska Railroad.
Sec. 26, that portion of the NE¼ lying northeasterly of the Eklutna River.

Containing approximately 1,819 acres.

3. With exception of the following-described lands, the remainder of the lands released from withdrawal by this order are either patented, withdrawn for power purposes, or have been transferred to the State of Alaska:

SEWARD MERIDIAN

T. 16 N., R. 1 E.,
Secs. 15 to 17, incl.;
Sec. 20, lots 1, 2, NE¼NE¼, SE¼NW¼, and S½NE¼S½;
Secs. 21 and 22.
T. 16 N., R. 1 W.,
Sec. 22, lot 1;
Sec. 23, lots 3 and 4;
Sec. 26, NW¼, and that portion of the NE¼ lying southeasterly of the Alaska Railroad's right-of-way.
Sec. 27, lots 1 to 4, incl., S½SW¼, NE¼SW¼, and SE¼NE¼.
Sec. 28;
Sec. 32, lots 1, 2, 3, and 5;
Sec. 33, N½;
Sec. 34, S½;
Sec. 35;
Sec. 36.

Containing approximately 5,317.46 acres.

4. The lands described in paragraph 3 are situated approximately 25 miles northeast of Anchorage, Alaska, bounded by Knik Arm to the north and the Chugach Mountains to the south. Topography is relatively flat, with a vegetative cover of cottonwood, spruce and birch.

5. Until 10:00 a.m. on January 3, 1962, the State of Alaska shall have a preferred right to select the lands listed in Paragraph 3, above, in accordance with and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b) and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) and the regulations in 43 CFR 76.1-76.18. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by an order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JULY 5, 1961.

[F.R. Doc. 61-6510; Filed, July 11, 1961; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13912; FCC 61-840]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Clarification of Emission Limitation in the Band 10,500–10,550 Mc

1. On January 11, 1961, the Commission adopted a notice of proposed rule making in the above-entitled matter, FCC 61-52, which was published in the FEDERAL REGISTER January 18, 1961 (26 F.R. 373). This Notice proposed to delete the entry "(CW emission only)" from Column 9 of the Part 2 table of frequency allocations in the band 10,500–10,550 Mc, which is used almost exclusively by the Police and Railroad Radio Services for speed measuring devices.

2. The periods for filing comments and replies thereto with respect to this matter expired on February 24, 1961, and March 8, 1961, respectively. Timely comments were received from the Association of American Railroads (AAR), General Railroad Signal Company and Westinghouse Air Brake Company. The latter two companies are the principal manufacturers of speed measuring devices used in railroad classification yards to control the speed of cars moving down the "humps" prior to being switched to appropriate tracts in making up freight trains.

3. Each of the above-mentioned respondents objected to the subject proposal on the grounds that it would permit

the use of modulated emissions in this band, thereby increasing the chance of harmful interference to the railroad speed measuring and braking devices. It was pointed out that defective or inaccurate operation of these devices could result in considerable damage to railroad cars, cargoes, and equipment and possible injury to personnel. The comments of each company requested that the Commission retain the "CW emission only" limitation or to substitute therefor "AO emission only".

4. A historical check indicates that the original intent of the limitation on the use of this band was to permit only type AO emission as defined under Subpart C of Part 2. In fact, AO is the only type of emission presently authorized in this band. The term "CW emission" appears ambiguous inasmuch as it is not defined by the Commission's rules and, therefore, may be interpreted to include various types of transmissions other than damped waves, even including pulsed emissions, the use of which in this band is specifically prohibited by footnote US1 of the Table of Frequency Allocations. Therefore, it appears appropriate to retain the generally constructed limitation on the use of this band and to clarify the term of reference by specifying "AO emission only" in lieu of "CW emission only". Inasmuch as pulsed emissions are not included under the symbol AO, the US1 footnote designator in this band is superfluous and is being deleted.

5. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered and, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

6. *It is ordered*, That effective August 7, 1961, Part 2 of the Commission's rules, Frequency Allocation and Radio Treaty Matters; General Rules and Regulations, is hereby amended as set forth below and the proceedings in Docket No. 13912 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 6, 1961.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 2.104(a)(5) of the Commission's rules and regulations is amended in the band 10,500–10,550 Mc to read as follows in columns 5 through 11:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.*

(5) • • •

United States		Federal Communications Commission				
Band (Mc)	Allocation	Band (Mc)	Service	Class of station	Frequency	Nature of services (stations)
5	6	7	8	9	10	11
•	•	•	•	•	•	•
10500–10550	G, NG	10500–10550	Radiolocation (AO emission only).	a. Radiolocation land. b. Radiolocation mobile.	---------- ----------	RADIOLOCATION.

[F.R. Doc. 61-6538; Filed, July 11, 1961; 8:53 a.m.]

[Docket No. 14000 (RM 203); FCC 61-838]

PART 51—OCCUPATIONAL CLASSIFICATION AND COMPENSATION OF EMPLOYEES OF CLASS A AND CLASS B TELEPHONE COMPANIES

Miscellaneous Amendments

In the matter of amendment of Part 51 (Occupational Classification and Compensation of Employees of Class A and Class B Telephone Companies) of the Commission's Rules and Regulations, and Schedule 70C of telephone Annual Report Form M, to provide that the annual count of employees shall be made as of December 31 of each year, to omit "extra" and "occasional" employees from the count, and to make certain other related changes in Part 51; amendment of schedules pertaining to wages and hours of employees in Annual Report Forms—(Form M, Class A and Class B Telephone Companies; Form O, Wire-telegraph and Ocean-cable Carriers; and Form R, Radio-telegraph Carriers), Docket No. 14000 (RM 203).

1. On March 15, 1961, the Commission adopted a notice of proposed rule making in Docket No. 14000, which was published in the FEDERAL REGISTER on March 22, 1961 (26 F.R. 2415), in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment, on or before April 24, 1961 (with allowance for reply comments within twenty days thereafter) a proposal of the American Telephone and Telegraph Company (AT&T) on behalf of itself and its associated operating telephone companies that the Commission amend Part 51 of its rules and regulations and also schedule 70C of its Annual Report Form M to provide that the annual count and reporting of employees be made as of December 31 of each year, instead of as of the last normal business day of October. This change would affect §§ 51.2, 51.11 and 51.14 of our rules and various column headings of schedule 70C, Wages and Hours, of Annual Report Form F. AT&T also suggested that certain definitions appearing in §§ 51.3, 51.11, 51.12 and 51.13 be modified and that "extra" and "occasional" employees be omitted from the count as now called for by § 51.11(d)(1). AT&T requested that these amendments be made effective commencing for the year 1961.

2. The notice also proposed further clarification and rearrangement of §§ 51.2 through 51.14, as suggested by the Commission. The Commission believed that the definitions of "Hourly rate of pay," "Scheduled weekly compensation," and "Scheduled weekly hours" included in § 51.3 might well be included in the sections bearing these captions, namely, §§ 51.14, 51.13 and 51.12, respectively, and it was proposed to so revise those sections. At the same time it was proposed that these definitions, particularly "Scheduled weekly compensation," be revised to clarify AT&T's proposal as to what should and what should not be included therein. The Commission proposed further that § 51.3 be changed by addition of definitions of "occasional" and "temporary" employees and that § 51.11 be rearranged in a more logical order. The Commission also proposed that certain other minor clarifying changes be made.

3. The only comments received in Docket No. 14000 were from AT&T in a letter dated April 24, 1961, who suggested certain changes in the proposed wording of §§ 51.12 and 51.13 and stated that the remaining revisions proposed in the notice would, in general, effect the changes requested in their letter of October 11, 1960. AT&T, on May 19, 1961, filed supplemental comments stating that further study of the proposed rule making had revealed the following weaknesses in the wording of §§ 51.12 and 51.13 as proposed in the notice:

a. The inclusion in § 51.12(b)(1) of the words "at the regular basic rate of pay" literally would exclude from "Scheduled weekly hours" the regular hours an employee works on a Sunday for which he or she is paid time and a half or double time.

b. The inclusion in the third line of § 51.13 of the words "paid to" would exclude from "Scheduled weekly compensation" a portion of the normal pay of an operator, for example, who had two days of unexcused absence during the week in which December 31 occurs, since she would not be paid for such absence.

c. The matter of what pay shall be included in "Scheduled weekly compensation" for Sunday work is not clearly stated.

AT&T suggested rewording of §§ 51.12 and 51.13. This rewording has been adopted by the Commission and will be found below. With the exception of §§ 51.12 and 51.13 the changes set out in the notice of proposed rule making have been adopted exactly as proposed.

4. It was indicated in the notice of proposed rule making that change in the reporting date from October to December would necessitate amendment of columns (b) through (f) of Schedule 70C, Wages and Hours, of Annual Report Form M. Accordingly, the caption overriding columns (b), (c), and (d) is being amended to read "Number of Employees as of December 31", columns (e) and (f) are being amended by inserting an overriding caption to read "Scheduled for the Week Including December 31", and the column titles of columns (e) and (f) are being revised to read respectively "Total hours" and "Total compensation (Omit cents)." Furthermore, the Notice failed to point out that the overriding caption of columns (g) through (u), which also specifies the reporting date, should be changed. This oversight is being corrected by amending the overriding caption of columns (g) through (u) by inserting the words "As of December 31" in lieu of the words "(October Count)".

5. The notice of proposed rule making stated that no changes were proposed in Part 52, Classification of Wire-telegraph Employees, but that any comments received with respect thereto would be considered. As pointed out in paragraph 3, the only comments received in this matter were from AT&T and they did not pertain to Part 52. Accordingly, no changes in Part 52 are ordered herein.

6. Our Order in Docket No. 13459, pertaining to Schedule 70C of Annual Report Form M and the corresponding schedules in Annual Report Forms O and R for telegraph carriers, which was adopted September 7, 1960, stated that, should the minimum wage be changed by amendment of the Fair Labor Standards Act, it was the intention of the Commission to amend these schedules without further rule making procedures to establish the first reporting interval as the number of employees being paid less than the prescribed minimum wage and changing the remaining columns as appropriate. The recently enacted changes in the Fair Labor Standards Act raised the minimum wage for employees of communications common carriers reporting to the Commission from $1.00 an hour to $1.15 an hour, effective prior to December 31, 1961. Therefore, columns (g) through (u) of Schedule 70C of Annual Report Form M and columns (h) through (v) of Schedules 408A and 408B of Consolidated Annual Report Forms O and R are herein amended to read, respectively, as follows:

Less than $1.15, $1.15 to $1.29, $1.30 to $1.49, $1.50 to $1.69, $1.70 to $1.89, $1.90 to $2.09, $2.10 to $2.29, $2.30 to $2.49, $2.50 to $2.69, $2.70 to $2.89, $2.90 to $3.09, $3.10 to $3.29, $3.30 to $3.49, $3.50 to $3.69, and $3.70 and over.

It is also necessary to make a change in instruction 2 of schedule 70C and instruction 4 of schedule 408A since the examples given in these instructions will no longer be applicable. The last sentence of each of these instructions is herein amended to read as follows: "For example, all employees who received hourly rates of pay of $2.50 or more but less than $2.70 shall be reported in the interval $2.50 to $2.69."

It appearing that the proposed rule making proceeding in Docket No. 14000 has indicated the desirability of amending Part 51 of the Commission's Rules and Regulations, but in a manner slightly different from that proposed in the notice of proposed rule making;

It further appearing that schedule 70C, Wages and Hours, in the Commission's Annual Report Form M, should be amended as proposed in the notice of proposed rule making in Docket No. 14000, modified to the extent indicated in paragraph 4, herein;

It further appearing that the wages and hours schedules in Annual Report Forms M, O, and R should be amended as our order in Docket No. 13459 contemplated in the event of a change in the Fair Labor Standards Act;

It is ordered, That under authority contained in sections 4(i), 219 and 220 of the Communications Act of 1934, as amended, Part 51 (Occupational Classification and Compensation of Employees of Class A and Class B Telephone Companies) is amended, effective September 1, 1961, as set forth below;

It is further ordered, That under authority contained in sections 4(i) and 219 of the Communications Act of 1934, as amended, Schedule 70C, Wages and Hours, of Annual Report Form M is amended as indicated in paragraph 4 herein;

It is further ordered, That under authority contained in sections 4(i) and 219 of Communications Act of 1934, as amended, Schedule 70C, Wages and Hours, of Annual Report Form M (Class A and Class B Telephone Companies), Schedules 408A and 408B, Employees and Their Salaries, of Annual Report Form O (Wire-telegraph and Ocean-cable Carriers) and Schedule 408A, Employees and Their Salaries, of Annual Report Form R (Radiotelegraph Carriers) are hereby amended as set forth in paragraph 6, herein;

It is further ordered, That the amendments to the Annual Report schedules ordered herein shall be effective beginning with the reports to be filed for the calendar year 1961.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

Adopted: July 6, 1961.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 51.2(b), 51.3, 51.11, 51.12, 51.13, and 51.14 are amended to read as follows:

§ 51.2 Scope of the rules in this part.

• • • • •

(b) Each company subject to the provisions of this part shall record, and include in its annual report to the Commission each year, the following information with respect to its employees as of December 31, classified according to the occupational classifications specified in §§ 51.32 through 51.39:

(1) Number of male employees;
(2) Number of female employees;
(3) Total number of employees;
(4) Number of scheduled weekly hours;
(5) Amount of scheduled weekly compensation; and
(6) Number of employees, other than officials and managerial assistants, grouped according to hourly rate of pay.

DEFINITIONS

§ 51.3 Restrictive use of certain terms.

For the purposes of this part, certain terms are defined as follows:

"Employees" means all persons in the service of the company subject to its continuing authority to supervise and direct the manner of rendition of their service.

"Full-time employees" means those employees working the hours normally assigned to employees in the applicable occupational classification.

"General Officer" means an officer serving a company in such a capacity as that of chairman of the board of directors (if he is an officer as well as a director) president, vice president, secretary, treasurer, general counsel, and comptroller, or, in the case of those companies that do not have officers bearing the aforesaid titles, the term includes those officers who have the responsibilities normally associated with such titles.

"Joint employees" means persons, other than general officers, concurrently engaged under a joint arrangement in the service of two or more telephone companies.

"Occasional employees" means those employees hired for periods not exceeding three consecutive weeks.

"Part-time employees" means those employees regularly assigned shorter hours than a full-time weekly schedule.

"Temporary employees" means those employees hired for periods exceeding three weeks but not exceeding one year.

DATA REQUIRED TO BE MAINTAINED OF RECORD

§ 51.11 Employees included in the count.

(a) The following employees who are on the payroll of the company on December 31 shall be included in the count:

(1) Full-time and part-time employees, including temporary and joint employees;
(2) Employees on paid vacations; and
(3) Employees temporarily on leave on account of disability due to accident or sickness.

(b) The following persons shall not be included in the count:

(1) Occasional employees;
(2) All persons employed by the company as agents and paid exclusively on a commissioned basis;
(3) Employees on leave of absence or furloughs not paid for by the company; and
(4) Pensioners not required to render service.

(c) Joint employees shall be counted by each telephone company involved in a joint service arrangement and shall be represented in its record of the number of employees by a fraction based on the number of telephone companies served. For example, if such an employee is in the service of three telephone companies, each such company shall include him in the number of employees as one-third of an employee. If, however, the entire compensation of an employee concurrently engaged in the service of two or more telephone companies is borne by a single telephone company, he shall be treated as an employee of that company and not as a joint employee.

(d) A person employed by and serving two or more telephone companies in the capacity of a general officer but acting

independently for each company shall be counted as one employee by each company.

§ 51.12 Scheduled weekly hours.

(a) The total number of scheduled weekly hours shall be determined for the week in which December 31 occurs for all employees included in each occupational classification set forth in §§ 51.32 through 51.39.

(b) "Scheduled weekly hours" means the number of regular hours, excluding overtime hours, in the duty tours which the employee is scheduled to work during the week in which December 31 occurs, whether or not excused because of a holiday, vacation, leave of absence or other reason.

NOTE: The fact that the employee is scheduled to work on a Sunday or holiday, or on another day in the week in lieu of working on the holiday, or that he works overtime during the week, or that he is scheduled not to work on the holiday because it is a holiday, does not affect the total number of regular hours scheduled for the employee in the week.

§ 51.13 Scheduled weekly compensation.

(a) The total amount of scheduled weekly compensation for employees in each occupational classification set forth in §§ 51.32 through 51.39 shall be determined.

(b) "Scheduled weekly compensation" means compensation to the employee at the rate of pay in effect on December 31 for the "scheduled weekly hours." It includes the basic weekly pay rate plus any regularly scheduled supplementary compensation, such as differentials for evening and night tours, equivalent value of board and lodging for unlocated employees, equivalent value of meals furnished dining service employees and equivalent value of living quarters and maintenance furnished managers of agency offices. It excludes pay for overtime work and pay in excess of week-day rates for Sunday and holiday work.

§ 51.14 Hourly rate of pay.

Employees included in the count on December 31 in the occupational classifications specified in §§ 51.33 through 51.39 shall be classified according to their hourly rate of pay. The hourly rate of pay shall be determined by dividing scheduled weekly compensation by scheduled weekly hours. (See the prescribed annual report form for the currently effective groupings of hourly rates of pay.)

[F.R. Doc. 61-6539; Filed, July 11, 1961; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 84]

INTERSTATE MOVEMENT OF POULTRY AND HATCHING EGGS

Proposed Restrictions

On June 18, 1960, there was published in the FEDERAL REGISTER (25 F.R. 5534), a notice with respect to a proposal to amend Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding a new Part 84 concerning "Pullorum Disease and Fowl Typhoid of Poultry". After consideration of all data, views, and arguments submitted in connection with the proposed new Part, it has been determined that certain modifications should be made therein. Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that pursuant to sections 4 through 7 of the Act of May 29, 1884, as amended, and sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111-113, 115, 117, 120, 121), it is now proposed that such new Part 84 read as follows:

PART 84—PULLORUM DISEASE AND FOWL TYPHOID OF POULTRY

§ 84.1 Meanings of words.

Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 84.2 Definitions.

As used in this part the following terms shall be construed as set forth in this section.

(a) *Poultry.* Live chickens and turkeys of all ages.

(b) *Hatching eggs.* Eggs of poultry for hatching purposes including embryonated eggs.

(c) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person, company, or corporation for the hatching of poultry.

(d) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(e) *State.* Any State, Territory, or the District of Columbia.

(f) *Interstate.* From any State to any other State.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian approved by the United States Department of Agriculture to perform the function involved.

(j) *Authorized testing agent.* An agent specifically authorized, by the State official who has responsibility for control of poultry diseases in that State, to test a flock or flocks under this part.

(k) *National Poultry Improvement Plan.* The National Poultry Improvement Plan as set forth in Part 145 of this Chapter.

(l) *National Turkey Improvement Plan.* The National Turkey Improvement Plan as set forth in Part 146 of this Chapter.

(m) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person, company, or corporation.

(n) *Pullorum Disease.* The communicable disease of poultry caused by the bacteria *Salmonella pullorum.*

(o) *Fowl Typhoid.* The communicable disease of poultry caused by the bacteria *Salmonella gallinarium.*

(p) *Reactor.* Poultry which has reacted to a serological test described in § 84.8 for pullorum disease or fowl typhoid.

(q) *Flock.* All of the chickens or turkeys on one premises.

(r) *Infected Flock.* A flock in which there is one or more reactors or in which pullorum disease or fowl typhoid has been otherwise diagnosed.

(s) *Exposed.* In contact with or occupying the same premises concurrently.

(t) *Products.* Poultry or hatching eggs.

§ 84.3 Notice relating to existence of pullorum disease and fowl typhoid.

Notice is hereby given that both pullorum disease and fowl typhoid exist in each State. Both of these diseases are communicable and can be transmitted from infected parent stock through the egg to offspring as well as from bird-to-bird and through contamination of hatcheries, equipment, facilities, and vehicles.

§ 84.4 Notice of regulation.

Notice is hereby given that in order to preserve the gains already made toward the eradication of pullorum disease and fowl typhoid, to prevent the interstate spread thereof, and to protect the poultry of the United States, it is necessary to regulate the interstate movement of poultry and hatching eggs as provided in this part.

§ 84.5 Interstate movement of affected poultry.

Poultry or hatching eggs affected with pullorum disease or fowl typhoid, or which originate from infected flocks, shall not be moved interstate for any purpose.

§ 84.6 General restrictions.

Poultry or hatching eggs, other than the poultry and eggs covered by § 84.5, shall not be moved interstate except as provided in this part.

§ 84.7 Permitted movement of poultry and hatching eggs.

(a) Poultry or hatching eggs originating from flocks or hatcheries which are qualified participants in the National Poultry Improvement Plan or National Turkey Improvement Plan and listed in Part 145 or Part 146 of this Chapter may be moved interstate provided each shipment is accompanied by a waybill or similar document which states the following: (1) Name and address of consignor; (2) name and address of consignee; (3) date of shipment; (4) name and location of flock of origin or hatchery of origin; and (5) number of poultry or hatching eggs in the shipment.

(b) Poultry or hatching eggs originating from flocks or hatcheries not listed in Part 145 or Part 146 of this chapter may be moved interstate provided:

(1) The poultry or hatching eggs originate from flocks which have had a complete flock test, conducted by a Federal inspector, a State inspector, an accredited veterinarian, or an authorized testing agent, in accordance with § 84.8 of this part, not more than 15 months prior to the interstate movement and no evidence of pullorum disease or fowl typhoid was found as a result of such test, and there has been no evidence of either disease in the flock since such test;

(2) The poultry: (i) Were not hatched in facilities that had hatched poultry from eggs originating from flocks in which there was evidence of pullorum disease or fowl typhoid or had hatched poultry from eggs originating from flocks which had not been tested and found negative during the previous 15 months by a Federal inspector, a State inspector, an accredited veterinarian, or an authorized testing agent, in accordance with § 48.8; or (ii) were hatched in facilities which had been cleaned, disinfected, and fumigated in accordance with procedures prescribed by the Division or the responsible State official since hatching poultry from eggs originating from flocks in which there was evidence of pullorum disease or fowl typhoid or since hatching poultry from eggs originating from flocks which had not been so tested and found negative;

(3) Each shipment is accompanied by a statement signed by the owner or shipper which states the following: (i) Name and address of consignor; (ii) name and address of the consignee; (iii) date of shipment; (iv) name and location of flock of origin or hatchery of origin; (v) number of poultry or hatching eggs in the shipment; (vi) that the products in the shipment have not been in contact with and have not occupied the same premises concurrently with poultry or hatching eggs from flocks which have not been tested as prescribed in subparagraph (1) of paragraph (b) of this section in which there has been evidence of pullorum disease or fowl typhoid; and

(7) that such products have not been in contact with equipment or facilities used to handle infected poultry or hatching eggs, or poultry or hatching eggs from infected flocks; and

(4) The shipper forwards one copy of the statement referred to in subparagraph (3) to the Veterinarian in Charge of the Division's local field station in the State of origin of the shipment, one copy to the responsible State official in the State of the destination, and retains one copy.[1]

(c) Mature poultry from flocks not known to be infected with pullorum disease or fowl typhoid may be moved interstate for exhibition purposes only, without complying with paragraphs (a) or (b) of this section, if they are moved to a poultry show recognized by the American Poultry Association and have been tested and found negative by an accredited veterinarian or an authorized testing agent according to a method listed in § 84.8 within 60 days prior to such movement, and if such poultry is accompanied by a certificate issued by the person who conducted such test stating: (1) Name and address of the consignor; (2) name and address of the consignee; (3) date of shipment; (4) date of such test; and (5) that no evidence of pullorum disease or fowl typhoid was found as a result of such test.

(d) *Poultry for immediate slaughter.* Poultry not known to be affected with pullorum disease or fowl typhoid may be moved interstate to a processing plant for immediate slaughter without complying with paragraphs (a), (b), (c), and (e) of this section.

(e) A copy of the waybill or similar document or certificate relating to the shipment of poultry or hatching eggs permitted under this section must be maintained on file by the shipper for a period of 18 months following the date such shipment was made and shall be available for inspection by Federal and State inspectors upon request during said period.

§ 84.8 Serological testing for pullorum disease and fowl typhoid of poultry.

(a) Poultry or hatching eggs referred to in paragraphs (a), (b), or (c) of § 84.7, may be tested by one of the following methods:

(1) *Chickens and flocks of origin of hatching eggs.* (i) Standard tube agglutination test.

(ii) Rapid serum test.

(iii) Rapid whole blood test.

(2) *Turkeys and flocks of origin of hatching eggs.* (i) Standard tube agglutination test.

(ii) Rapid serum test.

(b) The procedures for conducting tests listed in paragraph (a) of this section are described in Subpart A, Part 147, of this chapter.

(c) In the event reactors are found, the flock shall be classed as infected, the reactors removed, and products from the flock shall not be moved interstate under provisions of § 84.7 (a), (b), and (c) until the flock has been retested and found negative not less than 21 days subsequent to the last flock test revealing a reactor.

§ 84.9 Containers for shipping poultry and hatching eggs.

(a) Interstate movement of chicks, poults or breeding poultry shall be in new or clean boxes or crates.

(b) Interstate movement of hatching eggs shall be made in new or clean egg cases.

§ 84.10 Cleaning and disinfecting vehicles, premises, and accessories.

(a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with or exposed to pullorum disease or fowl typhoid shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however,* That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of an interstate movement of poultry affected with or exposed to pullorum disease or fowl typhoid shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such an accessory may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(c) Coops, containers, troughs, and other accessories used in the handling of an intrastate movement of poultry affected with or exposed to pullorum disease or fowl typhoid shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

§ 84.11 Other movements.

The Director of the Division may provide for the interstate movement, not otherwise provided for in this part, of poultry or hatching eggs not known to be affected with pullorum disease or fowl typhoid, under such conditions as he may prescribe to prevent the spread of these diseases. The Director of the Division will notify the appropriate livestock sanitary official of the States involved of any such action.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Director, Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 120 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-6529; Filed, July 11, 1961; 8:51 a.m.]

[1] In each instance, the regulations of the State of destination should be consulted before interstate shipments are made.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 9]

[Docket No. 14186; FCC 61-841]

CIVIL AIR PATROL STATIONS

Additional Frequencies

In the matter of amendment of Part 9 of the Commission's rules to provide the additional frequencies 4602.5 and 4630 kc/s for Civil Air Patrol Stations, Docket No. 14186.

1. Notice is hereby given of the proposed rule making in the above-entitled matter.

2. The Commission is in receipt of a request from the Department of the Air Force requesting that the Commission's rules be amended to make the frequencies 4602.5 and 4630 kc/s available for assignment to land and mobile stations of the Civil Air Patrol, the Civilian adjunct of the Air Force. The request is for use of the frequency 4602.5 kc in the States of Montana, Idaho, Wyoming, Utah and Colorado, and the frequency 4630 kc in the States of Arizona, New Mexico, Texas, Oklahoma, Arkansas and Louisiana with an authorized power output of 400 watts and employing 0.1A1, 1.1F1 and 6A3 emission.

3. The frequencies 4602.5 and 4630 kc/s are Government/non-Government frequencies. The Department of the Air Force represents that the interested Government agencies have approved the proposed use of the frequencies by the Civil Air Patrol.

4. Authority for the proposed amendment is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before August 15, 1961, and reply comments on or before August 28, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.54 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished to the Commission.

Adopted: July 6, 1961.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.912 is amended to read as follows:

§ 9.912 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section.

(a) 2374 kc, A1, A2, A3 emission, 400 watts maximum power.

(b) 4467.5 kc, A1, A2, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) 4507.5 kc, A1, A2, A3 emission, 400 watts maximum power. This frequency is available for assignment to stations in all areas of the continental United States except Alaska and those listed in paragraph (b) of this section.

(d) 4585 kc, A1, A2, A3 emission, 400 watts maximum power.

(e) 4602.5 kc, A1, F1, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following States:

Colorado.	Utah.
Idaho.	Wyoming.
Montana.	

(f) 4630 kc, A1, F1, A3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following States:

Arizona.	New Mexico.
Arkansas.	Oklahoma.
Louisiana.	Texas.

(g) 26620 kc, A1, A2, A3 emission, 250 watts maximum power. Assignment of this frequency is limited to stations in the State of Hawaii.

(h) 143.91 Mc, A1, A2, A3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States (excluding Alaska).

(i) 148.14 Mc, A2, A3 emission, 50 watts maximum power.

[F.R. Doc. 61-6540; Filed, July 11, 1961; 8:53 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Adams.	McIntosh.
Barnes.	McKenzie.
Billings.	Ransom.
Bowman.	Sargent.
Dickey.	Sioux.
Dunn	Slope.
Golden Valley.	Stark.
Grant.	Steele.
Hettinger.	Traill.
La Moure.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6515; Filed, July 11, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12655; Order No. E-17110]

CAPITOL AIRWAYS, INC.

Reduced Charter Rates; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1961.

By tariff revision marked for effect July 8, 1961, Capitol Airways, Inc. (Capitol) proposes a reduction from $2.75 to $2.55, per live and ferry mile, in its rate applicable to charters conducted with L-1049 aircraft wholly within the United States. The reduced rate would apply alike to civilian and military charter transportation.

Overseas National Airways, Inc. (Overseas National) has filed a complaint requesting investigation and suspension of the tariff revision. The carrier asserts that the proposed rate is below the level of 2.9 cents per passenger mile which has been established as a floor for MATS planeload operations, alleged to be less costly than CAM services, and that the rate is below the lowest existing charter rate for L-1049 aircraft having, as do Capitol's, 108 seats.

Upon consideration of the tariff and all relevant matters, the Board finds that the proposal as it would apply to live mileage may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial and that it should be investigated. The Board has, on previous occasions, expressed its concern that the number of recent proposals to reduce charter rates evidenced the possible development of a rate war with respect to bids for domestic military passenger traffic, and has suspended several proposals which departed significantly from the prevailing level of such rates for the aircraft in question. In view of the fact that the prevailing level of rates for domestic charter transportation in L-1049 aircraft is $2.75 per live mile, the Board has concluded to suspend the operation of the tariff as it applies to live mileage and defer the use thereof pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered,*

1. That an investigation is instituted to determine whether the rate per charter mile for Super Constellation L-1049 aircraft on 22d Revised Page 17 of Capitol Airways, Inc. C.A.B. No. 5 is, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be unlawful to determine and prescribe the lawful rate.

2. That pending hearing and decision by the Board, the rate per charter mile for Super Constellation L-1049 aircraft on 22d Revised Page 17 of Capitol Airways, Inc. C.A.B. No. 5 is suspended and its use deferred to and including October 5, 1961, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. That the proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. That the complaint of Overseas National Airways, Inc., in Docket 12655 with respect to the rate per charter mile is consolidated herein. To the extent not herein granted, the complaint is dismissed.

5. That copies of this order shall be filed with the aforesaid tariff and shall be served upon Capitol Airways, Inc. and Overseas National Airways, Inc. which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6530; Filed, July 11, 1961; 8:51 a.m.]

[Docket 12732; Order No. E-17111]

MOHAWK AIRLINES, INC.

"Golden Age Excursion Tariff"; Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of July 1961.

By tariff marked to become effective July 1, 1961, Mohawk Airlines, Inc. proposed round-trip excursion fares at a level equaling 133 percent of normal one-way fares for application on a system-wide basis when departure is between the hours of midnight and 12:30 p.m. Eligibility for these reduced fares is limited to persons who have reached the age of 62 in the case of women, 65 in the case of men, and requires that the person hold a "Golden Age Club" identification card issued by the carrier for an annual fee of $5.00. Tickets have the customary one year validity and the tariff is marked to expire with May 31, 1962. No complaints have been filed.

In support of the proposal, Mohawk alleges a specific need to improve load factors on its morning services and a general need to stimulate new traffic volume. The carrier contends that the excursion fares do not involve unjust discrimination since the circumstances and conditions under which the service is to be offered are not substantially similar to those of regular fare service; viz., the transportation must be round-trip in nature, is limited in availability to the morning hours prior to 1:00 p.m., and requires that the passenger hold an identification card noted above. Finally, Mohawk alleges that the need to improve its revenue position and thereby reduce its subsidy requirement constitutes an extraordinarily important and serious business interest of the carrier upon which to justify the discrimination inherent in the tariff.

The Board is not persuaded that the alleged circumstances provide a sufficient basis upon which to justify the discrimination inherent in offering reduced fares to elderly persons during the morning hours while not offering the same transportation to others desiring to travel under the same conditions and circumstances. On the basis of the facts and information now available, the Board considers that the Golden Age excursion fares proposed by Mohawk may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that they should be investigated. However, in line with our general policy of encouraging experimentation with promotional fares, we have concluded not to suspend the tariff pending investigation. We shall require the carrier to file reports of "Golden Age" traffic with the Board as provided below.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 404, and 1002 thereof: *It is ordered,* That:

1. An investigation is instituted to determine whether the fares and provisions in Mohawk Airlines, Inc.'s tariff C.A.B. No. 17, together with reissues and revisions thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions.

2. The investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. Mohawk shall submit the following data with respect to "Golden Age" traffic:

a. The number of identification cards of "Golden Age Club" which are issued per month;

b. The amount of "Golden Age" revenues for transportation received by Mohawk for each month;

c. By origin and destination, the number of "Golden Age" passengers flown each month;

The foregoing data shall be furnished in 10 copies filed with the Docket Section of the Board within 20 days after the close of each calendar month.

4. Copies of this order shall be filed with the tariff and shall be served upon Mohawk Airlines, Inc. which is made a party to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6531; Filed, July 11, 1961; 8:51 a.m.]

[Docket 12717]

TASMAN EMPIRE AIRWAYS LIMITED

Notice of Hearing

In the matter of the application of Tasman Empire Airways Limited, Docket 12717, for a foreign air carrier permit authorizing it to engage in foreign air transportation by operating scheduled and nonscheduled services from New Zealand via the Fiji Islands to American Samoa and beyond to the Cook Islands (optional) and the Society Islands and return, and also off-route charter services into and out of American Samoa.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 14, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., July 10, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6563; Filed, July 11, 1961; 8:54 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14156; FCC 61M-1173]

EMORY FEASTER

Order Continuing Hearing

In the matter of cease and desist order to be directed to Emory Feaster, Maysville, West Virginia, Docket No. 14156.

The Hearing Examiner having under consideration the oral request of counsel for respondent in the above-captioned proceeding seeking continuance of the hearing, presently scheduled to commence at 10:00 a.m., on July 12, 1961, to 10:00 a.m., on July 25, 1961;

It appearing that all other counsel have informally consented to immediate consideration and grant of the subject request and to a waiver of 47 CFR 1.43, that good cause for a grant thereof is present and that such a grant will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 7th day of July 1961, that the aforesaid oral request is granted, and that the hearing in this proceeding presently scheduled to commence at 10:00 a.m., on July 12, 1961, is continued to 10:00 a.m. on July 25, 1961, in Petersburg, West Virginia.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6534; Filed, July 11, 1961; 8:52 a.m.]

[Docket No. 14155; FCC 61M-1172]

CHARLES FUNKHOUSER

Order Continuing Hearing

In the matter of cease and desist order to be directed to Charles Funkhouser, Maysville, West Virginia, Docket No. 14155.

The Hearing Examiner having under consideration the oral request of counsel for respondent in the above-captioned proceeding seeking continuance of the hearing, presently scheduled to commence at 2:00 p.m., on July 12, 1961, to 2:00 p.m., on July 25, 1961;

It appearing that all other counsel have informally consented to immediate consideration and grant of the subject request and to a waiver of 47 CFR 1.43, that good cause for a grant thereof is present and that such a grant will conduce to the orderly dispatch of the Commission's business;

It is ordered, This 7th day of July 1961, that the aforesaid oral request is granted, and that the hearing in this proceeding presently scheduled to commence at 2:00 p.m., on July 12, 1961, is continued to 2:00 p.m., on July 25, 1961, in Petersburg, West Virginia.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6535; Filed, July 11, 1961; 8:52 a.m.]

[Docket Nos. 12210, 14019; FCC 61M-1164]

KENNETH G. PRATHER ET AL.

Order Continuing Hearing

In re application of Kenneth G. Prather and Misha S. Prather, Boulder, Colorado, Docket No. 12210, File No. BP-13380; KDEN Broadcasting Company (KDEN), Denver, Colorado, Docket No. 14019, File No. BP-13119; for construction permits.

The Hearing Examiner having under consideration a "Motion for Continuance" filed on June 30, 1961, by applicants Kenneth G. and Misha S. Prather, requesting that the presently scheduled dates for the exchange of applicants' direct hearing exhibits, for the notification of witnesses desired for cross-examination, and for the hearing itself be continued as indicated hereinafter;

It appearing that counsel for applicant KDEN Broadcasting Company and for respondent KGHF, Inc., have consented to the immediate consideration and grant of the Prather motion for continuance, and that Bureau counsel has consented to immediate consideration of said motion; and

It further appearing that counsel for movant has stated good cause for granting the motion, and that the requested continuance of procedural dates will not occasion delay in the issuance of a decision herein;

It is ordered, This 5th day of July 1961, that the "Motion for Continuance" is granted, and the following procedural dates are continued as specified below:

Procedural dates for—	From—	To—
Exchange of exhibits	June 28, 1961	Aug. 25, 1961
Notification as to witnesses	July 5, 1961	Sept. 5, 1961
Hearing	July 11, 1961	Sept. 14, 1961

Released: July 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6537; Filed, July 11, 1961; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–18661, G–18662]

WESTERN NATURAL GAS CO.

Notice of Applications and Consolidation of Proceedings

JULY 5, 1961.

Take notice that the following applications have been filed with the Federal Power Commission:

Docket No. G–18662: Western Natural Gas Company, Houston, Texas filed on May 29, 1959, pursuant to section 7(b) of the Natural Gas Act, a request for permission to abandon its sales of natural gas to Cities Service Gas Company which are being made under a gas purchase agreement dated September 29, 1949, by and between Western and Cities Service which, by its terms, expired on April 1, 1960. That agreement is on file with the Commission as Western's FPC Gas Rate Schedule No. 17 as supplemented. Said sales were certificated to Western under Docket No. G–4882.

In its application, Western says that the natural gas here involved is produced from leasehold interests which it owns and operates in the Kansas-Hugoton field, Grant and Stanton Counties, Kansas; that on May 1, 1947, Western entered into a gas purchase agreement with El Paso Natural Gas Company, a copy of which is on file with the Commission under Docket No. G–4537, which granted to El Paso the preferential right to purchase from Western natural gas produced from said properties and granted to Western the right to sell such natural gas to others until such time as El Paso should require deliveries thereof; that Western and Cities Service entered into said gas purchase agreement dated September 29, 1949, providing for the sale of said natural gas by Western to Cities Service for a term of ten years to expire on April 1, 1960; that El Paso has notified Western of its intention to exercise its preferential right to purchase said natural gas from Western; and that Western as seller and El Paso as buyer have entered into a gas purchase agreement dated March 20, 1959, for the sale and purchase of the said natural gas with deliveries to El Paso to commence concurrently with the termination of deliveries by Western to Cities Service which are presently being made and for which authorization to abandon is requested.

Docket No. G–18661: Western Natural Gas Company filed on May 29, 1959, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing the sale by Western to El Paso Natural Gas Company of natural gas which is now being sold to Cities Service Gas Company as authorized under Docket No. G–4882, as previously described herein, which sale Western requests authority to abandon under Docket No. G–18662. El Paso has filed with the Commission under Docket No. G–15696 an application, now pending, for a certificate of public convenience and necessity authorizing the construction and operation of facilities necessary to the purchase of said gas from Western.

The proceedings under Docket Nos. G–18661 and G–18662 are hereby consolidated for the purpose of hearing.

Notices and petitions to intervene and protests may be filed with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before August 15, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6504; Filed, July 11, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3976]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposal by Holding Company To Act as Surety on Bond of Public-Utility Subsidiary Company

JULY 3, 1961.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction which is summarized as follows:

On January 5, 1961, Consolidated's wholly-owned public-utility subsidary company, Hope Natural Gas Company ("Hope"), filed new rate schedules with the Public Service Commission of West Virginia providing for rate increases approximating $1,800,000 per year for furnishing natural gas service in the entire territory served by Hope in the State of West Virginia. By action of the State commission, the effectiveness of the new rates was suspended until June 29, 1961. The new rates may now become effective upon the filing by Hope of a bond in the amount of $500,000, with satisfactory surety, for the due and proper payment of any refunds which the State commission may order. The State commission has indicated that Consolidated may sign as surety on Hope's bond.

Consolidated proposes, without fee or other consideration, to act as surety on the bond of Hope to save the cost of securing an outside corporate surety.

Notice is further given that any interested person may, not later than July 17, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 20 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–6511; Filed, July 11, 1961; 8:49 a.m.]

[File No. 24W–2491]

INTERCONTINENTAL MOTELS, LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 5, 1961.

I. Intercontinental Motels, Ltd. (Issuer), a Delaware corporation, located at Towne House Motor Lodge, Post Office Box 1061, Martinsville, Virginia, filed with the Commission on March 28, 1961, a notification on Form 1–A and an offering circular in connection with a proposed offering of 150,000 shares of $.10 par value common stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

A. The offering circular of the issuer contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to state reasons and conditions, including problems surrounding the existence of a builder's lien and the recasting of the mortgage, which may prevent the issuer's plan of reorganization for Fleetwood Motel Corporation from being accepted by the stockholders and the creditors of the debtor, Fleetwood Motel Corporation, the trustee or the bankruptcy court.

2. The failure to state fully the procedure which the issuer would have to follow in order to obtain binding acceptance of its reorganization plan.

3. The failure to disclose the existence of foreseeable events and reasons which would result in rejection of the issuer's plan of reorganization or the acceptance of another plan.

4. The failure to disclose that the trustee had filed a report which indicated that he had found that he could not recommend any of the proposals before him.

5. The statement that the issuer's plan of reorganization was "presently before the court for consideration by the shareholders and creditors of the bankrupt".

B. The offering and sale of the issuer's securities would violate section 17(a) of the Securities Act of 1933.

III. *It is ordered*, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–6512; Filed, July 11, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 343]

IOWA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Muscatine County in the State of Iowa;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about June 29, 1961.

Offices.—
Small Business Administration Regional Office, Bankers Building, Room 439, 105 West Adams Street, Chicago 3, Ill.
Small Business Administration Branch Office, 850 Insurance Exchange Building, 5th & Grand Avenue, Des Moines, Iowa.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1961.

Dated: June 30, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–6587; Filed, July 11, 1961; 10:22 a.m.]

TARIFF COMMISSION

[7–97S; 7–100S; 7–101S]

BASEBALL AND SOFTBALL GLOVES, INCLUDING MITTS; CERAMIC MOSAIC TILE; AND CYLINDER, CROWN, AND SHEET GLASS

Notice of Supplemental Investigations

Pursuant to the provisions of section 7 of the Trade Agreements Extension Act of 1951, as amended, the Tariff Commission submitted escape-clause reports to the President on May 1, 10, and 17, 1961, concerning baseball and softball gloves, including mitts (escape-clause investigation No. 7–97), ceramic mosaic tile (escape-clause investigation No. 7–100), and cylinder, crown, and sheet glass (escape-clause investigation No. 7–101), respectively. Summaries of the findings and recommendations of the Commission contained in these reports were published in the FEDERAL REGISTER on May 4, 13, and 20, 1961, respectively (26 F.R. 3912, 4184, and 4410).

On June 29, 1961, the President directed a letter to the Tariff Commission in which he announced his conclusion that it would be advisable to defer final decision in these three cases pending the compilation and appraisal of additional up-to-date information and data, and requested the Commission to obtain and analyze certain specified economic data, to be submitted to him as soon as possible in supplemental reports. The text of the President's letter was released to the public in a press release by the Commission dated June 30, 1961.

The Commission has undertaken the supplementary studies called for by the President. No public hearings are being scheduled in connection therewith, but interested parties wishing to submit written statements or briefs concerning the economic data mentioned by the President in his letter may do so. Fifteen copies of any such statement or brief shall be filed, within 60 days from the date of this announcement, with the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

Copies of the Commission's press release containing the text of the President's letter may be obtained upon request from the Secretary of the Commission.

Issued: July 7, 1961.

By order of the Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 61–6522; Filed, July 11, 1961; 8:51 a.m.]

[7–107; 7–108]

UMBRELLA FRAMES AND UMBRELLAS

Notice of Postponement of Hearings

Notice is hereby given that the public hearings in connection with the investigations instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to umbrella frames and umbrellas, heretofore scheduled for 10 a.m., e.d.s.t., on September 26 and September 27, 1961, respectively (26 F.R. 5591), have been rescheduled for 10 a.m., e.d.s.t., on September 27 and September 28, 1961, respectively.

Issued: July 7, 1961.

By order of the Commission, July 6, 1961.

DONN N. BENT,
Secretary.

[F.R. Doc. 61–6523; Filed, July 11, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 168]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 7, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–22167 (Deviation No. 1) CONSOLIDATED COPPERSTATE LINES, P.O. Box 35245, Dallas 35, Tex., filed June 22, 1961. Attorney Regan Sayers, Century Life Building, Fort Worth 2, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over U.S. Highway 290 to Brenham, Tex., thence over Texas Highway 36 to Cameron, Tex., thence over Texas Highway 36 and U.S. Highway 190 to Temple, Tex. thence over Texas Highway 36 to Gatesville, Tex. thence over U.S. Highway 84 to Goldthwaite, Tex., thence over U.S. Highways

183 and 84 to Brownwood, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Houston, over U.S. Highway 90 to Columbus, Tex., thence over Texas Highway 71 to Austin, Tex., thence over U.S. Highway 183 to Lampasas, Tex. and thence over U.S. Highway 190 to Goldthwaite, Tex., and thence over U.S. Highways 183 and 84 to Brownwood, and return over the same route.

No. MC-22167 (Deviation No. 2) CONSOLIDATED COPPERSTATE LINES, P.O. Box 35245, Dallas 35, Tex., filed June 22, 1961. Attorney Regan Sayers, Century Life Building, Fort Worth 2, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Abilene, Tex., over U.S. Highway 36 to Cross Plains, Tex., and thence over U.S. Highway 279 to Brownwood, Tex., and return over the same route, for operating convenience only serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Abilene over U.S. Highway 84 to Santa Anna, Tex., and thence over U.S. Highway 67 to Brownwood, and return over the same route.

No. MC-52953 (Deviation No. 1) ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn., filed June 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Greenville, S.C., over U.S. Highway 276 to Mauldin, S.C., thence over relocated U.S. Highway 276 to junction Interstate Highway 26 and thence over Interstate Highway 26 to Columbia, S.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Greenville over U.S. Highway 276 to Laurens, S.C., and thence over U.S. Highway 76 to Columbia and return over the same route.

No. MC-55783 (Deviation No. 1), BUCKINGHAM EXPRESS INC., East 52d Street and Colorado Boulevard, Denver, Colo., filed June 23, 1961. Attorney Tom B. Kretsinger, Suite 1014 Temple Building, Kansas City 6, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating conveniences only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Kansas City over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to St. Joseph, and return over the same route.

No. MC-59583 (Deviation No. 2), THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn., filed June 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Tenn., over new U.S. Highway 11-W to Kingsport, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between the same points, over Old U.S. Highway 11-W.

No. MC-71460 (Deviation No. 1) SOUTHERN FORWARDING CO., 728 Alston Avenue, Memphis, Tenn., filed June 21, 1961. Attorney James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dickson, Tenn., over U.S. Highway 70 to junction Tennessee Highway 47 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Dickson over Tennessee Highway 46 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction U.S. Highway 70, and return over the same route.

No. MC-71460 (Deviation No. 2), SOUTHERN FORWARDING CO., 728 Alston Avenue, Memphis, Tenn., filed June 21, 1961. Attorney James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Tenn. over U.S. Highway 45 to junction U.S. Highway 45-E, thence over U.S. Highway 45-E to Milan, Tenn. and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Brownsville, Tenn., over U.S. Highway 70 to Huntingdon; and from Brownsville over Alternate U.S. Highway 70 to Huntingdon, and return over the same routes.

No. MC-71460 (Deviation No. 3), SOUTHERN FORWARDING CO., 728 Alston Avenue, Memphis, Tenn., filed June 21, 1961. Attorney James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntingdon, Tenn., over Tennessee Highway 22 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 68 and thence over U.S. Highway 68 to Bowling Green, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Huntingdon over U.S. Highway 70 to junction Tennessee Highway 46, thence over Tennessee Highway 46 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31-W to Bowling Green, and return over the same route.

No. MC-71460 (Deviation No. 4), SOUTHERN FORWARDING CO., 728 Alston Avenue, Memphis, Tenn., filed June 21, 1961. Attorney James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huntingdon, Tenn., over Tennessee Highway 77 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 68, and thence over U.S. Highway 68 to Bowling Green, Ky., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Huntingdon over U.S. Highway 70 to junction Tennessee Highway 46, thence over Tennessee Highway 46, thence over Tennessee Highway 46 to junction Tennessee Highway 47, thence over Tennessee Highway 47 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., and thence over U.S. Highway 31-W to Bowling Green, and return over the same route.

No. MC-71460 (Deviation No. 5), SOUTHERN FORWARDING CO., 728 Alston Avenue, Memphis, Tenn., filed June 21, 1961. Attorney James N. Clay, III, 2111 Sterick Building, Memphis 3, Tenn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Tenn. over U.S. Highway 45 to junction U.S. Highway 45-E, thence over U.S. Highway 45-E to Milan, Tenn. and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jackson over U.S. Highway 45 to junction Tennessee Highway 20, thence over Tennessee Highway 20 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31-W to Bowling Green, and return over the same route.

No. MC-106456 (Deviation No. 3), SUPER SERVICE MOTOR FREIGHT CO., Fessler Lane, Nashville, Tenn., filed June 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Tenn., over relocated U.S. Highway 11-W to Kingsport, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Bristol and Kingsport over Old U.S. Highway 11-W.

No. MC-109095 (Deviation No. 6), ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo., filed June 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction of U.S. Highway 36 and U.S. Highway 42 over U.S. Highway 36 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 224 and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of U.S. Highways 36 and 42 over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, and return over the same route.

No. MC-111231 (Deviation No. 10), JONES TRUCK LINES INC., 514 East Emma Avenue, Springdale, Ark., filed June 21, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Joplin, Mo., over the Will Rogers Turnpike to Tulsa, Okla., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Joplin over Missouri Highway 43 to Seneca, Mo., thence over U.S. Highway 60 to junction U.S. Highway 69, thence over U.S. Highway 69 to Vinita, Okla., and thence over U.S. Highway 66 to Tulsa, and return over the same route.

No. MC-116004 (Deviation No. 7) TEXAS-OKLAHOMA EXPRESS INC., P.O. Box 743, Dallas, Tex., filed June 22, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wichita, Kans., over U.S. Highway 54 to junction U.S. Highway 183, thence over U.S. Highway 183 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 83, thence over U.S. Highway 83 to Liberal, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wichita over U.S. Highway 81 to junction U.S. Highway 64 west of Pond Creek, Okla., thence over U.S. Highway 64 to junction U.S. Highway 83, thence over U.S. Highway 83 to Liberal, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC-13028 (Deviation No. 5), THE SHORT LINE INC., P.O. BOX 1513, Providence, R.I., filed June 19, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Middleboro, Mass., over Interstate Highway 25 to South Middleboro, Mass., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Taunton, Mass., over U.S. Highway 44 to Middleboro, Mass.; and from Middleboro over Massachusetts Highway 105 to junction Massachusetts Highway 28, thence over Massachusetts Highway 28 to junction unnumbered highway, thence over unnumbered highway to Wareham, Mass., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 61-6520; Filed, July 11, 1961; 8:50 a.m.]

[Notice 387]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 7, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers, or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 27817 (Sub No. 38), filed June 26, 1961. Applicant: H. C. GABLER, INC., R.D. No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Adams and Franklin Counties, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Illinois, Michigan, Kentucky, Iowa, Missouri, and the District of Columbia.

NOTE: Common Control may be involved.

HEARING: September 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 27817 (Sub No. 39), filed June 26, 1961. Applicant: H. C. GABLER, INC., R.D. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products*, from points in Franklin County, Pa., to points in New York, Delaware, Rhode Island, Connecticut, Massachusetts, and the District of Columbia, and (2) *marble aggregrate*, from points in New York and Massachusetts, to points in Franklin County, Pa.

NOTE: Common control may be involved.

HEARING: September 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gordon M. Callow.

No. MC 36436 (Sub-No. 32), filed July 5, 1961. Applicants: HOWARD MOLAND, CLARENCE MOLOND, LOTHARD MOLAND AND H. T. MOLAND, A Partnership, doing business as MOLAND BROS. TRUCKING COMPANY, 2502 West Huron Street, Duluth, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill. as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 59292 (Sub-No. 17) (AMENDMENT), filed June 12, 1961, published issue June 28, 1961, amended July 3, 1961, and republished as amended this issue. Applicant: THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore 25, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Claymont, Del., to points in Delaware, the District of Columbia, New Jersey, New York, Pennsylvania, Maryland, Virginia, and West Virginia on and north of U.S. Highway 60.

NOTE: The purpose of this republication is to add Maryland as a destination State.

HEARING: Remains as assigned July 31, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 67916 (Sub No. 20), filed June 20, 1961. Applicant: NEW YORK CENTRAL TRANSPORT COMPANY, a corporation, 230 Park Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Chicago, Ill., and Oakbrook, Ill.

NOTE: Applicant states it is a subsidiary of the New York Central Railroad Company, therefore common control may be involved.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 95540 (Sub No. 372), filed June 12, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Ark., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, West Virginia, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: September 11, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Henry A. Cockrum.

No. MC 95540 (Sub No. 376), filed June 23, 1961. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charleston, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: Common control may be involved.

HEARING: September 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 106884 (Sub-No. 5) (CORRECTION), filed April 28, 1961, published issue of June 28, 1961, republished as corrected this issue. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from New York, N.Y., and Jersey City, N.J., to points in Lehigh, Northampton, Berks, Lackawanna, and Luzerne Counties, Pa., and points in Broome County, N.Y.

NOTE: Applicant states it presently holds the above authority restricted to shipments of 5,000 pounds; the purpose of the proposed filing is to remove the weight restriction. Previous publication designated the docket number assigned to this application as MC 10884 (Sub-No. 5). The correct docket number is as shown above—MC 106884 (Sub-No. 5).

HEARING: Remains as assigned September 18, 1961, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 109132 (Sub-No. 11), filed June 29, 1961. Applicant: FREIGHT WAYS, INC., 1309 North Mosely Street, Wichita, Kans. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment); serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Practice for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 112617 (Sub No. 93), filed June 26, 1961. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank and hopper type vehicles and other specialized bulk transportation equipment, from Charleston, Tenn., to points in Illinois, Indiana, Kentucky, and Ohio, and *rejected shipments*, on return.

HEARING: September 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 116008 (Sub No. 23), filed June 23, 1961. Applicant: ARCHIE'S MOTOR FREIGHT, INCORPORATED, Sixth and Maury Streets, P.O. Box 4121, Richmond, Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are used or sold by dealers in Limited Price Variety Store Merchandise, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between Monroe, La., on the one hand, and, on the other, McKeesport, Pa.

HEARING: September 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 116014 (Sub No. 1), filed June 26, 1961. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, a partnership, doing business as OLIVER TRUCKING CO., 117 Buckner Street, Winchester, Ky. Applicant's attorneys: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky., and Rodney J. Thompson, 21 South Main, Winchester, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New, used and reconditioned hogsheads, knocked down hogshead, materials, supplies and equipment* used in processing, handling, marketing and storage of tobacco and tobacco products, and *exempt commodities*, between points in Virginia, North Carolina, South Carolina, Tennessee, and Kentucky.

HEARING: September 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 116077 (Sub No. 105), filed June 20, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, between points in Texas on the one hand, and, on the other, points in New Mexico, Oklahoma, Arkansas, and Louisiana.

HEARING: September 26, 1961, at The Granado Hotel, San Antonio, Tex., before Examiner Edith H. Cockrill.

No. MC 117427 (Sub No. 22), filed June 28, 1961. Applicant: G. G. PARSONS TRUCKING CO., a corporation, P.O. Box 746, North Wilkesboro, N.C. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Pennsylvania to port of entry on the International Boundary line between the United States and Canada at or near Buffalo, N.Y.

NOTE: Applicant also has contract carrier authority under MC 116145. Dual operations may be involved.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 115716 (Sub-No. 8) (CORRECTION), filed May 29, 1961, published issue of June 21, 1961, republished as corrected this issue. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 1430 18th Street, Denver 2, Colo. Applicant's attorney: Edward G. Hastings, 1506 Dallas Street, Denver 8, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special handling), between Sugar City, Colo., and Pueblo, Colo.; from Sugar City in a westerly direction over Colorado Highway 96 through Ordway, Crowley, Olney Springs, Boone, North Avondale, and the Pueblo Ordnance Depot, Colo., thence in a westerly direction over Colorado Highway 96 and U.S. Highway 50, a distance approximately 14 miles to Pueblo, and return over the same route, serving all intermediate points (except between Pueblo and the Pueblo Ordnance Depot, Pueblo and North Avondale, and Pueblo and Boone), but including service to Pueblo, Pueblo Ordnance Depot, North Avondale, and Boone.

NOTE: The subject application as originally published indicated that same was directly related to a section 5 proceeding, MC-F-7880, in error. The purpose of this republication is to advise that the instant application is not related to that section 5 proceeding, and accordingly, will not be handled concurrently therewith.

NOTICE OF FILING OF PETITION

No. MC 22276 (Sub-No. 2) and (Sub-No. 3) (PETITION) filed May 23, 1961. Petitioner: TAYLOR TRUCKING COMPANY, a corporation, 1350 Arlington Street, Cincinnati, Ohio. Petitioner is authorized in Permit No. MC-22276 (Sub-No. 2), dated June 14, 1960, to transport: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cincinnati, Ohio, to points in Boone, Kenton, Campbell, Grant, Gallatin, and Pendleton Counties, Ky.; and *returned or damaged shipments of the above-specified commodities*, from points in Boone, Kenton, Campbell, Grant, Gallatin and Pendleton Counties, Ky., to Cincinnati, Ohio. (RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Oscar Mayer and Company, of Chicago, Ill., and in Permit No. MC 22276 (Sub-No. 3), dated November 28, 1960, to transport: *Meats, meat products, and meat by-products*, as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in pool-car and pool-truck delivery service only, from Cincinnati, Ohio, to points in Fayette, Franklin, Dearborn, Ripley, Switzerland, Union, Rush, Decatur, Ohio, Jefferson, and Jennings Counties, Ind., with no transportation for compensation on return except as otherwise authorized. (RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Oscar Mayer & Co., Inc., of Chicago, Ill.). By petition dated May 23, 1961, petitioner seeks to add six companies, namely: George A. Hormel, Braum Bros. Packing Company, Rath Packing Company, John Morrell & Company, Parkview Markets, Inc., and Armour & Company, and to provide service for those shippers to the extent authorized in the above-described permits. Petitioner further requests the Commission direct modified procedure in adding the names of the six shippers in this proceeding, and also provide that the permits named, be modified to provide for the future addition of other shippers without benefit of modified procedure. Any person or persons desiring to participate in this proceeding, may file within 30 days from the date of this publication, a reply to this petition or other appropriate pleading.

No. MC 116514 (Sub-No. 10), (REPUBLICATION), filed August 5, 1960, published issue of September 8, 1960. Applicant: EDWARDS TRUCKING, INC., Main Street, Hemingway, S.C. Applicant's attorneys: Carlisle Roberts, Barringer Building, Columbia 1, S.C., and J. P. Askins, Jr., P.O. Box No. 144, Hemingway, S.C. By application filed August 5, 1960, applicant sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wool, wool tops and noils, and wool waste (carded, spun, woven, and knitted), between points within forty miles of Hemingway, S.C., including Hemingway. A Report and Order, division 1, decided June 14, 1961, recites that applicant intends to tack the proposed authority to that authorized in its "grandfather" proceeding, MC 116514 (Sub-No. 3) under section 7 of the Transportation Act of 1958, using points common to both authorities located in the 40-mile radius. However, the scope of the instant application as filed concerns only interstate or foreign commerce originating and terminating within the specified 40-mile area. The division finds that the present and future public convenience and necessity require operation by applicant, as a *common carrier* by motor vehicle, over irregular routes, of *wool, wool tops and noils*, and *wool waste* (carded, spun, woven, or knitted), (1) from Jamestown, S.C., to Woonsocket, R.I., South Barre and North Chelmsford, Mass., Albany, Ga., and Whitesville and McAddensville, N.C., (2) from St. Stephens, S.C., to Woonsocket, R.I., and Barre and Boston, Mass., (3) from Georgetown, S.C., to points within forty miles of Hemingway, S.C., including Hemingway; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and our rules and regulations thereunder; that an appropriate certificate should be issued after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of this statement of the authority granted herein, provided, however, that any person or persons who might have been prejudiced by the grant of authority as set forth above from that noticed previously in the FEDERAL REGISTER may within 30 days from the date of this republication in the FEDERAL REGISTER file a petition for appropriate relief.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7910. Authority sought for purchase by CLYDE D. DUFFEE MOTOR EXPRESS, INC., 859 Progress Street, Pittsburgh 12, Pa., of the operating rights of WESLEY F. HARDY, an individual, doing business as ERIE PITTSBURGH MOTOR EXPRESS, 859 Progress Street, Pittsburgh 12, Pa., and for acquisition by WESLEY F. HARDY, also of Pittsburgh 12, Pa., of control of such rights through the purchase. Applicants' attorney: T. J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be transferred: Those rights authorized by the Commission's report and order, Division 4, of October 28, 1955, in Docket No. MC-F-5824, covering the transportation of *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Pittsburgh and Erie, Pa., between Mercer and Erie, Pa., between Harlansburg and Mercer, Pa., and between Conneaut Lake and Meadville, Pa., serving all intermediate points on the above routes, except that service is not authorized between Pittsburgh and Portersville, Pa., between Meadville and Erie, Pa., or between intermediate points on those segments, or between points on U.S. Highway 20, and serving the off-route point of North East, restricted to transportation of shipments moving to and from points located on the above-described route, over U.S. Highway 19, between Pittsburgh and Erie, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7911. Authority sought for control by FRED E. HAGEN, an individual, doing business as HAGEN TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa, of GAIL W. DAHL and FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicants' attorney: Ervin A. Hutchison, 420 Security Building, Sioux City, Iowa. Operating rights of (GAIL W. DAHL and FRED E. HAGEN, a partnership, doing business as DAHL TRUCK LINES): *Meats, packing house products, butter, eggs*, and *dressed poultry*, as a *contract carrier* over regular routes between Sioux City, Iowa, and Luverne, Minn., between Sioux City, Iowa, and Altamont, S. Dak., between Sioux City, Iowa, and Watertown, S. Dak., and between Sioux City, Iowa, and Mountain Lake, Minn., serving certain intermediate and off-route points on the above-described routes; *meats*, over irregular routes, from Sioux City, Iowa, to Austin, Minn., *grain and flour mill products*, from Leeds and Sioux City, Iowa, to points in Iowa, Minnesota, South Dakota, and Nebraska, *packing house products, supplies, materials*, and *equipment*, between Sioux City, Iowa, on the one hand, and, on the other, points in South Dakota, *the commodities* classified as (a) meats, meat products, and meat by-products, (b) dairy products, and (c) articles distributed by meat-packing houses, in the appendix to the report in Modification of Permits-Packing House Products, 46 M.C.C. 23, between Sioux City, Iowa, on the one hand, and, on the other, to certain points in South Dakota, from Sioux City, Iowa, to certain points in Nebraska,

meats, meat products, and *meat by-products, dairy products,* and *articles distributed by meat packaging houses,* from Sioux City, Iowa, to certain points in Minnesota, including Springfield, Minn., from Sioux City, Iowa, to Baker, Mont., and certain points in South Dakota and North Dakota, with the RESTRICTION that the above-described operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Swift & Company (an Illinois corporation), from Sioux City, Iowa, to Onida, S. Dak., with the same RESTRICTION described immediately above, from Watertown, S. Dak., to points in North Dakota, and *returned shipments* of the above-specified commodities, and *empty containers* used in transporting the above-specified commodities, from points in North Dakota, to Watertown, S. Dak., with the same RESTRICTION described above. FRED E. HAGEN, doing business as HAGEN TRUCK LINE, is authorized to operate as a *contract carrier* in Iowa and Illinois. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application.

No. MC–F 7912. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich., of the operating rights and property of JOSEPH F. LA GROU, an individual, doing business as A. & M. CARTAGE CO., Union Avenue, Pennsauken, N.J., and for acquisition by W. E. LONG, 155 Lothrop, Grosse Pointe Farms, Mich., and STEVEN DARCEY, FOR THE ESTATE OF FLORENCE L. MC CALE, 46250 W. 9 Mile, Novi, Mich., of control of such rights and property through the purchase. Applicants' attorneys: Bowes & Milliner, 1060 Broad Street, Newark, N.J. Operating rights sought to be transferred: *Waterproofing paper, whiting, tanning extract, hides, lime, wool, rugs, cork,* and *metal for bearings,* as a *common carrier* over irregular routes, between Camden, Delair, and Gloucester, N.J., on the one hand, and, on the other, Wilmington, Del., and points in Pennsylvania within 30 miles of Philadelphia, Pa., and *general commodities,* excepting, among others, household goods and commodities in bulk, between Camden, N.J., and Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7913. Authority sought for purchase by SANTINI BROS., INC., 1405 Jerome Avenue, New York 52, N.Y., of the operating rights of FREDRICKSON STORAGE AND VAN COMPANY, 343 Des Plaines Avenue, Forest Park, Ill., and for acquisition by STEPHEN SANTINI, 1211 Lydig Avenue, Bronx, N.Y., RINALDO SANTINI, 19 Nevada Place, Bronxville, N.Y., ZACHARY M. SANTINI, 72–81 113 Street, Forest Hills, N.Y., CHRISTINA FRANCESCONI, 152 Alexander Avenue, Yonkers, N.Y., MARGHERITA RUTHER, 19 Nevada Place, Bronxville, N.Y., MARTIN SANTINI, 2220 Gunther Avenue, Bronx, N.Y., JOSEPHINE SANTINI, 1471 Rosedale Avenue, Bronx, N.Y., MARTIN L. SANTINI, 7 Crossbar Road, Hastings on Hudson, N.Y., LEONETTE BENEDETTI, 630 Knottingham Place, Westfield, N.J., GODFREY F. SANTINI, and GODFREY F. SANTINI, EXECUTOR OF THE ESTATE OF GODFREY E. SANTINI, 18 Beacon Hill Road, Ardsley, N.Y., of control of such rights through the purchase. Applicants' attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Operating rights sought to be transferred: *Household goods,* as a *common carrier* over irregular routes between Chicago, Ill., and points within ten miles thereof, on the one hand, and, on the other, points in Michigan, Kentucky, Ohio, Wisconsin, Indiana, Minnesota, Missouri, New Jersey, New York, Connecticut, West Virginia, Tennessee, Georgia, and Florida, and *new cedar chests,* from Chicago, Ill., and points within ten miles thereof, to points in Michigan, Kentucky, Ohio, Wisconsin, and Indiana. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Connecticut, Delaware, Massachusetts, Florida, Rhode Island, Pennsylvania, Virginia, West Virginia, Ohio, Georgia, Illinois, Michigan, North Carolina, Tennessee, Indiana, Maryland, Maine, New Hampshire, Vermont, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7914. Authority sought for purchase by SKAGIT VALLEY TRUCKING CO., INC., Route 1, Mount Vernon, Wash., of the operating rights of BLAIR M. LEWIS, an individual, doing business as LEWIS TRUCKING CO., 2003 D Street, Bellingham, Wash., and for acquisition by MILTON R. EGBERS, ALBERT T. EGBERS, and ZETTA E. EGBERS, all of Route 1, Mount Vernon, Wash., of control of such rights through the purchase. Applicants' representative: Joseph O. Earp, Registered Practitioner, 1912 Smith Tower, Seattle 4, Wash. Operating rights sought to be transferred: *Frozen fruits, frozen berries,* and *frozen vegetables,* and *frozen fish,* when transported in the same vehicle with frozen fruits, frozen berries and frozen vegetables, as a *common carrier* over irregular routes, from Albany, Oreg., and certain points in Washington, to Fresno, Bakersfield, Sacramento, Salinas, and Eureka, Calif., and points in Los Angeles, Ventura, San Francisco, Alameda, and Santa Clara Counties, Calif. Vendee is authorized to operate as a *common carrier* in Washington and Oregon. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–6521; Filed, July 11, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37238: *Iron or steel plates to Belton and Temple, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B–8049), for interested rail carriers. Rates on iron or steel plates or sheets, in carloads, from Chicago, Ill., and points grouped therewith, to Belton and Temple, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 197 to Southwestern Freight Bureau tariff I.C.C. 4300.

FSA No. 37239: *Sugar beet or cane to official territory points.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2583), for interested rail carriers. Rates on sugar, beet, or cane, other than raw, dry, in packages, in carloads, from North Atlantic ports of Albany, N.Y., Baltimore, Md., Boston, Mass., New York, N.Y., Norfolk, Va., Philadelphia, Pa., Richmond, Va., and points grouped therewith. (Import traffic only), to points in official territory, as described in the application.

Grounds for relief: Market competition with domestic shippers and truck competition.

Tariff: Traffic Executive Association-Eastern Railroads tariff I.C.C. C–225.

FSA No. 37240: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 407), for interested rail carriers. Rates on petroleum treating compounds, in tank-car loads, and iron or steel articles in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 9 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

FSA No. 37242: *Substituted service—NYNH&H for Pioneer Trucking Corp.* Filed by The New York, New Haven and Hartford Railroad Company jointly with Pioneer Trucking Corp. (No. 223), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Harlem River, N.Y., on the one hand, and Boston, Mass., New Haven, Conn., and Providence, R.I., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37243 *Substituted service—NYNH&H for George W. Brown, Inc.* Filed by The New York, New Haven and Hartford Railroad Company, jointly with George W. Brown, Inc. (No. 224), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Harlem River, N.Y., on the one hand, and Boston, Mass., New Haven, Conn., Springfield, Mass., and Providence, R.I., on the other, also between New Haven, Conn., on the one hand, and Boston and Springfield, Mass., and Providence, R.I., on the other.

Grounds for relief: Motor-truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37241: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 408), for interested rail carriers. Rates on petroleum treating compound, in tank-car loads, iron and steel articles, in carloads, and other commodities named in the application, in carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 9 to Texas-Louisiana Freight Bureau Tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–6519; Filed, July 11, 1961; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

WASHINGTON REGIONAL OFFICE

Officials Authorized To Serve as Acting Regional Director

Section I, Description of Agency and Functions, is hereby amended as follows:

Paragraph F is amended by changing the list of officials authorized to serve as Acting Regional Director in the Washington Regional Office, to read as follows:

1. Archie P. Burgess, Assistant Director for Development

2. Donovan W. McDonald, Assistant Director for Management.

Approved: July 5, 1961.

[SEAL] MARIE C. MCGUIRE, *Commissioner.*

[F.R. Doc. 61–6505; Filed, July 11, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

SAM NORRIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.

B. Additions: Wallace Associates; Martin Co.; United Aircraft; Columbia Gas; St. Lawrence Columbium Metals; American Can.

This statement is made as of June 12, 1961.

SAM NORRIS.

JUNE 29, 1961.

[F.R. Doc. 61–6518; Filed, July 11, 1961; 8:50 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1961)

The following books are now available:

Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50)

Title 26, Part 1 (§§ 1.401–1.860) (Revised) ($5.50)

Title 26 (Parts 30–39) (Revised) ($3.50)

Title 26 (Parts 500–599) (Revised) ($4.25)

Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Parts 20–29 (Revised) ($4.25); Parts 300–499 (Revised) ($4.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised) ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Feed Grain Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961 Feed Grain Price Support Program

ACREAGE COMPLIANCE

Sec.
421.901 Administration.
421.902 Applicability of §§ 421.901 to 421.906.
421.903 Definitions.
421.904 Compliance requirements.
421.905 Quantity of corn and grain sorghums eligible for price support and establishment of farm normal yield.
421.906 Effect of unknowingly exceeding farm maximum permitted acreage; method of determination.

AUTHORITY: §§ 421.901 to 421.906 issued under secs. 4 and 5, 62 Stat. 1070–1072, as amended; sec. 105, 72 Stat. 994, as amended; sec. 16(c), 49 Stat. 1151, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1441 Note, 16 U.S.C. 590 p.

§ 421.901 Administration.

The price support programs authorized by Public Law 87–5, approved March 22, 1961, for corn, grain sorghums, barley, oats and rye produced in 1961 will be administered by the Agricultural Stabilization and Conservation Service, under the general direction and supervision of the Executive Vice President, Commodity Credit Corporation, and will be carried out in the field by the State and county Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and county committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.902 Applicability of §§ 421.901 to 421.906.

Sections 421.901 to 421.906 state the eligibility requirements for price support for producers of 1961-crop corn, grain sorghums, barley, oats and rye with respect to participation in the 1961 Feed Grain Program and also state the maximum quantity of corn and grain sorghums on which price support may be received by eligible producers. The regulations in this subpart are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.903 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires. The following words or phrases are defined in 7 CFR Part 719 (Reconstitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acreages, 23 F.R. 6731), as amended, and shall have the meaning assigned to them by such regulations: "person," "operator," "State committee," "State Administrative Officer," "county committee" and "farm." The following words or phrases are defined in Part 495 of this chapter (1961 Feed Grain Program Regulations, 26 F.R. 5356), and any amendments thereto, and shall have the meaning assigned to them by such regulations: "Producer," "corn acreage," "grain sorghum acreage," "maximum permitted acres," "permitted acreage," "intended diverted acreage," and "feed grain base."

§ 421.904 Compliance requirements.

(a) *Eligibility requirements for price support on corn and grain sorghums.* A producer shall not be eligible for price support on corn or grain sorghums unless the producer and the farm on which the commodity is produced are in compliance with the requirements for participation in the 1961 Feed Grain Program as specified in § 495.5 of this chapter (1961 Feed Grain Program Regulations, 26 F.R. 5356).

(b) *Eligibility requirements for price support on barley, oats and rye.* A producer shall not be eligible for price support on barley, oats and rye unless the producer and the farm on which the commodity is produced are in compliance with the requirements for participation in the 1961 Feed Grain Program as specified in § 495.5 of this chapter (1961 Feed Grain Program Regulations, 26 F.R. 5356), or unless there is no feed grain base and no corn and grain sorghums of the 1961 crop were planted on the farm on which the commodity was produced.

(c) *Producer's responsibility to report interest in other farms.* A producer who wishes to obtain price support on corn, grain sorghums, barley, oats or rye shall inform the county committee of any other farm in which he has an interest or will have an interest in the 1961 crop of corn and grain sorghums.

§ 421.905 Quantity of corn and grain sorghums eligible for price support and establishment of farm normal yield.

(a) *Quantity eligible for price support.* An eligible producer may receive price support on his share as producer of a quantity of corn and grain sorghums produced on a farm in 1961 which does not exceed the farm normal yield established for the commodity multiplied by the corn or grain sorghum acreage, as applicable, on the farm. If the 1961 crop of corn or grain sorghums was produced on both irrigated and non-irrigated land, the quantity of such commodity eligible for price support shall be the sum of the following:

(1) The irrigated farm normal yield multiplied by the irrigated corn or grain sorghum acreage, as applicable, or the irrigated portion of the feed grain base for the farm, whichever is the smaller, and

(2) The non-irrigated farm normal yield for the commodity multiplied by the amount, if any, that the corn or grain sorghum acreage exceeds the smaller of the irrigated corn or grain sorghum acreage, as applicable, or the irrigated portion of the feed grain base for the farm.

(b) *Farm normal yield.* The farm normal yield for corn or grain sorghums means the average adjusted yield per acre for the 1959 and 1960-crop acreage of the commodity established by the county committee for the commodity on the farm, on the basis of the productivity index determined for the farm in accordance with the 1961 Feed Grain Program Regulations and on the basis of the county average yield for the commodity as published in §§ 495.51 to 495.53 of this chapter (Supplement 1 to the 1961 Feed Grain Program Regulations, 26 F.R. 5603). If a request for reconsideration, an appeal or correction under the 1961 Feed Grain Program Regulations results in an adjustment in the payment rate established for the farm because of revision in the average adjusted yield per acre for the 1959 and 1960-crop acreage of the commodity on the farm, the farm normal yield shall be based on such revised adjusted yield per acre.

§ 421.906 Effect of unknowingly exceeding farm maximum permitted acreage; method of determination.

The corn and/or grain sorghum acreage on a farm shall not be deemed to be in excess of the maximum permitted acreage for the purpose of price support unless the operator knowingly exceeded such acreage. If the maximum permitted acreage is in fact exceeded, such acreage shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the county committee in accordance with paragraph (a), (b) or (c) of this section that he has not knowingly exceeded his maximum permitted acreage and the determination of the county committee is approved on review by the State administrative officer.

(a) *Erroneous notice of maximum permitted acreage.* The maximum permitted acreage for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office, the farm operator was officially notified in writing on Form CSS–471 of the maximum permitted acreage for the 1961 crop which was larger than the finally approved maximum permitted acreage and the farm

operator or any producer on the farm acting solely on the information contained in the erroneous notice planted an acreage to corn and/or grain sorghums in excess of the finally approved maximum permitted acreage and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the maximum permitted acreage contained in the erroneous notice, and if the acreage planted to corn and/or grain sorghums on the farm is adjusted to the maximum permitted acreage contained in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR Part 718 (Determination of Acreage and Performance, 22 F.R. 3747), and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the maximum permitted acreage notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount of corn and/or grain sorghums customarily planted, and all other pertinent facts shall be taken into consideration.

(b) *Erroneous notice of measured acreage.* The maximum permitted acreage for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing or recording the corn and/or grain sorghum acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The maximum permitted acreage for the farm will not be considered to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm the corn and/or grain sorghum acreage was not measured or the farm operator was not notified of the measured acreage prior to the time the crop is harvested from the acreage; *Provided*, That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the corn and/or grain sorghum acreage was in excess of the maximum permitted acreage for the farm.

Issued at Washington, D.C., this 10th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6602; Filed, July 12, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 621, 5th Revision]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREA

Pursuant to § 301.52–2 of the regulations supplemental to the pink bollworm quarantine (7 CFR 301.52–2), issued under section 8 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161), administrative instructions appearing as 7 CFR 301.52–2a are hereby revised to read as follows:

§ 301.52–2a Administrative instructions designating regulated area, eradication area, and generally infested area under the pink bollworm quarantine.

(a) Infestations of the pink bollworm have been determined to exist, in the quarantined States, in the civil divisions and premises or parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, the localities listed are hereby designated as the pink bollworm regulated area within the meaning of the provisions in this subpart:

Arizona. Counties of Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, and Yavapai.

Arkansas. All counties or parts of counties lying west of a line beginning in Ashley County at a point on the Arkansas-Louisiana boundary, 2½ miles west of the intersection of the Missouri Pacific Railway and the Arkansas-Louisiana State line, the intersection lying southwest of Wilmot, said line extending north along the east line of R. 6 W. to the intersection of the southern boundary of Lincoln County, thence due west along the southern boundary of Lincoln County and a westward prolongation of this line into Cleveland County to a point where it intersects State Highway 15, thence north along said Highway 15 to the southern city limits of Pine Bluff, thence along the eastern city limit of said city to its intersection with the Arkansas River, thence northwest along the Arkansas River to the city limits of North Little Rock, thence along the eastern city limit of North Little Rock to its intersection with the Missouri Pacific Railway, thence northeast along said railway to the Little Red River, thence northwestward along the Little Red River to its intersection with the Cleburne-Van Buren County line, thence north along the Cleburne-Van Buren County line to the intersection of the Cleburne, Van Buren and Stone County lines, thence westward along the northern county boundary lines of Van Buren, Pope, Johnson, Franklin, and Crawford Counties to the intersection of the eastern county line of Washington County, thence northward along the eastern boundary line of Washington County to the northern boundary line of Washington County, thence westward along the northern boundary line of Washington County to the Arkansas-Oklahoma State line.

That part of St. Francis County bounded by a line beginning at the point where the L'Anguille River intersects the northern boundary line of St. Francis County and extending eastward to the St. Francis River, thence southward along the St. Francis River to the Round Pond Internal Control Channel, thence south along the Round Pond Internal Control Channel to its southern intersection with the St. Francis River, thence continuing south along the St. Francis River to the southern boundary line of St. Francis County, thence west along the southern boundary line of St. Francis County to its intersection with the L'Anguille River, thence northward along the L'Anguille River to the point of beginning.

Louisiana. Parishes of Allen, Beauregard, Bienville, Bossier, Cado, Calcasieu, Cameron, Clairborne, De Soto, Grant, Jackson, Jefferson Davis, Lincoln, Natchitoches, Rapides, Red River, Sabine, Union, Vermilion, Vernon, Webster, Winn, and that portion of Ouachita lying west of the Ouachita River.

New Mexico. All counties in the State.
Oklahoma. All counties in the State.
Texas. All counties in the State.

(b) *Eradication area.* All regulated area within the States of Arizona, Arkansas, and Louisiana is hereby designated as eradication area.

(c) *Generally infested area.* All regulated area within the States of New Mexico, Oklahoma, and Texas is hereby designated as generally infested area.

(Sec. 8, 37 Stat. 318, as amended, 7 U.S.C. 161, 19 F.R. 74, as amended; 7 CFR 301.52–2)

These administrative instructions shall become effective July 13, 1961, when they shall supersede P.P.C. 621, 4th Revision, 7 CFR 301.52–2a, effective March 1, 1961.

This revision removes from the regulated area all localities heretofore included in the Arkansas Counties of Clay, Craighead, and Mississippi, and thereby relieves restrictions on the interstate movement of regulated articles from such localities. It must be made effective promptly in order to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated articles from the localities being removed from designation as regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and unnecessary, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of July 1961.

[SEAL] D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 61-6562; Filed, July 12, 1961; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 55]

PART 384—GENERAL ORDERS

Disclosure of Issuance of Licenses

Part 384, General Orders, is amended by adding a new § 384.4 to read as follows:

§ 384.4 Disclosure of issuance of licenses.

Effective on July 5, 1961, by order of the Secretary, the Bureau of Foreign Commerce will make available daily, for each export license granted on the previous business day, (a) a general description of the commodity or technical data licensed for export, (b) the total value of the licensed commodity, and (c) the country of destination of the exportation. No other specific information regarding any validated export license will be made available to the public by the Bureau of Foreign Commerce except with the approval of the Secretary of Commerce.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 10945, 26 F.R. 4487)

JOHN C. BORTON,
Acting Director,
Bureau of Foreign Commerce.

[F.R. Doc. 61-6565; Filed, July 12, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 802; Amdt. 306]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Series Aircraft

Amendment 66, AD 59–26–4 (24 F.R. 10099) required inspections for damage to gimbal nuts every 100 hours' time in service. The manufacturer has now substantiated a flap spindle modification and a new gimbal nut which improve the reliability of the flap activating system. When this modification is installed, the present inspection requirements may be relaxed. Accordingly, Amendment 66 is being superseded by a new directive incorporating the flap spindle modification as an alternative method of compliance. Since this amendment constitutes a relaxation and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all F–27 Series aircraft. Compliance required as indicated.

Because of cases of failure of the gimbal nuts in the wing flap actuating screwjacks which render the gimbal nuts unsafe for further use, the following shall be accomplished:

(a) Until such time as the wing flap gimbal support installation is modified and new gimbal nuts are installed in accordance with Fairchild Service Bulletin No. 27–26 or equivalent, the following inspections shall be made within 100 hours time in service since last inspected per Amendment 66, AD 59–26–4 and every 100 hours time in service thereafter.

(1) Check flaps for proper rigging in accordance with F–27 Maintenance Manual, Chapter 27, Subject 5, making sure that no preload exists between the inboard and outboard screwjack of each inboard and outboard flap. Lower flaps to approximately 16½ degrees position. Move flap up and down at the trailing edge and measure or sense with fingers for radial or linear play between screwjack and gimbal nut. If relative movement between the screwjack and gimbal nut exceeds 0.010 inch radially or linearly, the gimbal nut must be removed from the screwjack and the threads visually inspected for damage. Any indication of thread extrusion or roll calls for immediate replacement. If relative motion between the screwjack and the gimbal nut exceeds 0.030 inch linear or 0.045 inch radial, the gimbal nut must be replaced.

(2) Conduct visual inspection for freedom of movement and lubricate all inboard and outboard wing flap gimbal nuts P/N 27–165012–3, –4, –5, –6; P/N 27–175023–3, –4; bushings P/N 27–165013–3, and spindles P/N 27–175017–21, 27–175022–3, 27–165011–21, 27–165023–21.

(b) When the wing flap gimbal support installation is modified and new gimbal nuts are installed in accordance with Fairchild Service Bulletin 27–28 or equivalent, the inspections specified in paragraphs (c) and (d) shall be accomplished.

(c) Either the (c)(1) or (c)(2) inspection and lubrication procedures must be accomplished. The specified time period for compliance shall commence either at the time the modifications specified in paragraph (b) are incorporated or at the time of the last inspection per paragraph (a).

(1) Every 125 hours' time in service, conduct an inspection per (c)(3) and lubricate all inboard and outboard wing flap gimbal nuts and screwjacks with grease, ANDEROL L–736 or equivalent, and lubricate universal joints and spindle gimbal nut bushings with oil, Spec. MIL–L–15016.

(2) Every 150 hours' time in service, conduct an inspection per (c)(3) and every 75 hours' time in service thereafter lubricate all inboard and outboard wing flap gimbal nuts and screwjacks with grease, ANDEROL L–736 or equivalent, and lubricate universal joints and spindle gimbal nut bushings with oil, Spec. MIL–L–15016.

(3) Lower flaps to 16.5° position and move flaps up and down at the trailing edge and check for axial and radial play between the screwjacks and gimbal nuts. If the relative motion between the screwjack and gimbal nut exceeds the values listed below, the gimbal nut must be replaced prior to further flight except ferry flight in accordance with the provisions of CAR 1.76. Also, visually check the gimbal nuts in place on the aircraft for indications of thread extrusion or roll. If thread extrusion or roll is found, the gimbal nut must be replaced prior to further flight except ferry flight in accordance with the provisions of CAR 1.76.

Gimbal Nut	Axial	Radial
	Inch	*Inch*
P/N's 27–165012–9, –10, –13, –14	0.035	0.030
P/N's 27–165012–17, –18	.050	.045
P/N's 27–175023–5, –6	.035	.030

(d) Every 600 hours' time in service after the modifications specified in paragraph (b) have been accomplished, the gimbal nuts must be removed from the screwjacks and visually inspected for damage. If thread extrusion or roll is found, the gimbal nut must be replaced prior to further flight except ferry flight in accordance with the provisions of CAR 1.76.

(Fairchild Service Bulletin 27–18A dated October 27, 1959, partially covers the subject of paragraph (a) and Fairchild Service Bulletin 27–26 Revision No. 2 dated May 3, 1961, covers the subject of paragraphs (b), (c), and (d)).

This supersedes AD 59–26–4, Amendment 66, 24 F.R. 10099.

This amendment shall become effective July 13, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 6, 1961.

GEORGE C. PRILL,
Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6541; Filed, July 12, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8285 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

A. Brash & Sons, Inc., and Seymour J. Brash

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* §13.1185–80 *Textile Fiber Products Identification Act.*[1] Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*[2]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, A. Brash & Sons, Inc., et al., Baltimore, Md., Docket 8285, June 7, 1961]

In the Matter of A. Brash & Sons, Inc., a Corporation, and Seymour J. Brash (Originally Named Herein as Seymour Brash) Individually and as an Officer of Said Corporation

Consent order requiring Baltimore manufacturers to cease violating the Textile Fiber Products Identification Act by labeling men's trousers which contained substantially less "Dacron" polyester than thus indicated, as 75 percent "Dacron" polyester and 25 percent cotton; by failing to label textile fiber

[1] Amended by correcting the number as set forth.
[2] New.

products as required; and by failing to maintain proper records showing the fiber content of their textile products.

The order to cease and desist is as follows:

It is ordered, That respondents, A. Brash & Sons, Inc., a corporation, and its officers, and Seymour Brash, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of textile fiber products; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of textile fiber products which have been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of textile fiber products, whether in their original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber products" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein;

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6542; Filed, July 12, 1961; 8:45 a.m.]

[Docket 8291 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Forrest I. Brodie et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.170 *Qualities or properties of product or service:* § 13.170–52 *Medicinal, therapeutic, healthful, etc.* Subpart—Using misleading name—Vendor: § 13.2455 *Qualifications.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Forrest I. Brodie et al. doing business as Brocess Laboratories, etc., Louisville, Ky., Docket 8291, June 1, 1961]

In the Matter of Forrest I. Brodie and Alberta L. Brodie, Individually and as Copartners, Trading and Doing Business as Brocess Laboratories, Lesley Hair and Scalp Consultants and Lesley Hair and Scalp Specialists

Consent order requiring "hair and scalp specialists" in Louisville, Ky., to cease representing falsely—in newspaper advertisements and to interested persons coming for diagnosis and advice to their visiting "clinics" in various cities—that, by use of the preparations in their home treatment kits, except in the case of completely bald persons, baldness or excessive hair loss would be completely overcome, and hair would be induced to grow and would become thicker; and by use of the word "Trichologist", that they had had competent scientific training in the diagnosis and treatment of scalp disorders affecting the hair.

The order to cease and desist is as follows:

It is ordered, That respondents Forrest I. Brodie and Alberta L. Brodie, individually and as copartners, trading and doing business as Brocress Laboratories, Lesley Hair and Scalp Consultants and Lesley Hair and Scalp Specialists, or under any other name or names, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the various cosmetic and drug preparations, or of any other preparations for use in the treatment of hair and scalp conditions, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, by means of the United States mail, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the use of said preparations alone or in conjuction with any method of treatment will:

(1) Prevent or overcome baldness or excessive hair loss, unless such representation be expressly limited to cases other than those known as male pattern baldness, and unless the advertisements clearly and conspicuously reveal the fact that the great majority of all cases of baldness or excessive hair loss are of the male pattern type, and that said preparations will not in such cases prevent or overcome baldness or excessive hair loss;

(2) Induce hair to grow or cause the hair to become thicker, or otherwise grow hair, unless such representations be expressly limited to cases other than those arising by reason of male pattern baldness, and unless the advertisement clearly and conspicuously reveals the fact that the great majority of all cases of baldness or excessive hair loss are of the male pattern type, and that said preparations will not in such cases induce the growth of hair or thicken hair.

(b) That respondents, their agents, representatives or employees have had competent training in dermatology or other branches of medicine having to do with the diagnosis and treatment of scalp conditions affecting the hair or are trichologists.

2. Disseminating, or causing to be disseminated, by any means any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6543; Filed, July 12, 1961; 8:45 a.m.]

[Docket 8289 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Brookfield Hats, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* § 13.1590–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Brookfield Hats, Inc., et al., New York, N.Y., Docket 8289, June 10, 1961]

In the Matter of Brookfield Hats, Inc., a Corporation, and Louis Rose, and Anne Rose, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by falsely identifying fur products with respect to animals producing the fur on invoices; stating falsely on invoices that continuing guaranty of compliance with the Act had been filed with the Commission; failing to set forth "Dyed Broadtail processed Lamb" on invoices where required; and failing in other respects to comply with invoicing and labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Brookfield Hats, Inc., a corporation and its officers and Louis Rose and Ann Rose, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution, in commerce, of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Dyed Broadtail processed Lamb" where an election is made to use that term instead of Lamb.

C. Falsely or deceptively invoicing or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

D. Making statements on invoices or otherwise that a continuing guaranty under the Fur Products Labeling Act is on file with the Federal Trade Commission when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6544; Filed, July 12, 1961; 8:46 a.m.]

[Docket 8287 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

David Singer et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–235 *Producer status of dealer or seller:* § 13.15–235(m) *Manufacturer;* § 13.15–255 *Reputation, success, or standing:* § 13.15–278 *Time in business;* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.200 *Sample, offer or order conformance;* § 13.255 *Surveys;* § 13.260 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, David Singer trading as Adam Industries et al., New York, N.Y., Docket 8287, June 7, 1961]

In the Matter of David Singer, an Individual Trading and Doing Business as Adam Industries, and Muriel Singer, Individually

Consent order requiring a New York City concern engaged in the sale and distribution of toys and novelties, to cease using exaggerated earnings claims and other misrepresentations in soliciting distributors to service established toy routes, as in the order below indicated.

The order to cease and desist is as follows:

It is ordered, That respondent David Singer, an individual trading and doing business as Adam Industries, or trading and doing business under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of toys, novelties, sundries, and magic tricks, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. The earning or profits derived from the sale of respondent's merchandise are any amount in excess of those which have been in fact customarily earned by distributors of respondent's products.

2. Respondent or his sales representatives obtain or assist in obtaining satisfactory locations for products purchased from respondent.

3. No selling or soliciting is required of the purchaser for the sale of respondent's products.

4. Prospective distributors must possess any particular qualifications before the products are sold to them.

5. Surveys have been made to determine locations which would prove profitable for the sale of such products.

6. Purchasers of respondent's products are given exclusive territory within which to sell such products.

7. Adam Industries has been in business a long time and is a large and successful manufacturer of its own products.

8. Adam Industries is well-rated by Dun & Bradstreet.

9. Products actually sold by respondent to distributors were of a higher quality or value than they actually are.

It is further ordered, That this complaint herein be, and it hereby is, dismissed as to individual respondent Muriel Singer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent David Singer, individually and trading as Adam Industries, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6546; Filed, July 12, 1961; 8:46 a.m.]

[Docket 7950 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

R. O. Davis et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–250 *Qualifications and abilities;* § 13.20 *Comparative data or merits;* § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.;* § 13.170–70 *Preventive or protective;* § 13.280 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, R. O. Davis et al. trading as Contact Lens Center, Seattle, Wash., Docket 7950, June 6, 1961]

In the Matter of R. O. Davis, and N. D. Whipple, Individually and as Copartners Trading and Doing Business as Contact Lens Center

Consent order requiring sellers in Seattle, Wash., to cease making such false claims in advertising in newspapers, circulars, etc., as that their "Star-Vault" contact lenses could be worn all day with complete comfort by all persons in need of visual correction; and would correct all defects in vision, pro-

tect the eye from dust and foreign objects, and replace eyeglasses, among other things, as in the order below specified.

The order to cease and desist is as follows:

It is ordered, That R. O. Davis, individually, or trading as Contact Lens Center, or under any other name or names; his representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of contact lenses, do forthwith cease and desist from directly or indirectly:

I. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or by implication that:

(a) All persons in need of visual correction can successfully wear said contact lenses;

(b) There is no irritation or discomfort in wearing said contact lenses;

(c) A person can wear said lenses all day, unless it is clearly disclosed that this is possible only after such person has become fully adjusted thereto;

(d) Eyeglasses can be discarded upon the purchase of said contact lenses;

(e) Said contact lenses will correct all defects in vision;

(f) Said contact lenses differ from other contact lenses in that they permit air and tears to bathe the cornea;

(g) He is a pioneer and researcher in the contact lens field;

(h) Said contact lenses provide a covering for the eye from dust and foreign objects;

II. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lenses; which advertisement contains any of the representations prohibited in Paragraph I hereof.

It is further ordered, That the complaint herein, insofar as it concerns respondent N. D. Whipple, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent R. O. Davis, individually and trading and doing business as Contact Lens Center, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 6, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6545; Filed, July 12, 1961; 8:46 a.m.]

[Docket 8266 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Feller's, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-50 *Forced or sacrifice sales.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1813 *Forced or sacrifice sales.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Feller's, Inc., et al., Harrisburg, Pa., Docket 8266, June 8, 1961]

In the Matter of Feller's, Inc., a Corporation, and Charles M. Feller, Mary M. Feller, and Oscar L. Feller, Individually and as Officers of Said Corporation

Consent order requiring Harrisburg, Pa., furriers to cease violating the Fur Products Labeling Act by attaching to fur products labels bearing fictitious prices, represented thereby as the regular retail selling prices; by failing to make the disclosure "secondhand fur" on invoices where required; by advertising in newspapers which failed to disclose when fur products were composed of used or secondhand fur, represented prices as reduced from regular prices which were in fact fictitious, and represented fur products falsely as being fire merchandise; and by failing to maintain adequate records as a basis for pricing claims.

The order to cease and desist is as follows:

It is ordered, That respondents Feller's, Inc., a corporation, and its officers, and Charles M. Feller, Mary M. Feller and Oscar L. Feller, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce, of fur products; or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by falsely or deceptively labeling or otherwise identifying such products as to respondents' prices thereof by any representation that the regular or usual prices of such products are any amounts in excess of the prices at which respondents have usually and customarily sold such products in the recent regular course of business.

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing that fur products contain or are composed of "secondhand fur," when such is the fact.

C. Falsely or deceptively advertising fur products through the use of any advertisements, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of fur products and which:

1. Fails to disclose that the fur product is composed of used fur, when such is the fact.

2. Fails to disclose that the fur product is composed of "secondhand fur," when such is the fact.

3. Represents, directly or by implication, that respondents' price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

4. Represents, directly or by implication, that fur products have been damaged by smoke and water or are fire merchandise, when such is not the fact.

D. Making claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6547; Filed, July 12, 1961; 8:46 a.m.]

[Docket 6459 o.]

PART 13—PROHIBITED TRADE PRACTICES

Giant Food, Inc.

Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.892 *Knowingly inducing or receiving discriminating payments.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Giant Food, Inc., Landover, Md., Docket 6459, June 1, 1961]

In the Matter of Giant Food, Inc. (Formerly Known as Giant Food Shopping Center, Inc.), a Corporation

Order requiring a large supermarket chain with retail outlets in Maryland, Virginia, and the District of Columbia, to cease soliciting and accepting as compensation for advertising and promotional services, discriminatory payments from its suppliers which it knew or should have known were not made available on proportionally equal terms to all its competitors, such as contributions of $37,875 made by some 150 suppliers for its chain-wide 19th Anniversary Sale in return for advertising and promoting the suppliers' products.

The order to cease and desist is as follows:

It is ordered, That Giant Food, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in or in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of products for resale by the respondent, or in connection with any other transactions between respondent and its various suppliers involving or pertaining to the regular business of the respondent in distributing and selling commodities and products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Inducing, receiving, or contracting for the receipt of anything of value from any supplier as compensation or in consideration for services or facilities furnished by or through respondent in connection with the processing, handling, sale, or offering for sale of products purchased from such supplier, when respondent knows or should know that such compensation or consideration is not affirmatively offered or otherwise made available by such supplier on proportionally equal terms to all of its other customers competing with respondent in the sale and distribution of such supplier's products.

It is further ordered, That the allegations contained in paragraphs ten and eleven of the amended and supplemental complaint be, and they hereby are, dismissed.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent Giant Food, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist as modified.

Issued: June 1, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6548; Filed, July 12, 1961; 8:46 a.m.]

[Docket 7043 o.]

PART 13—PROHIBITED TRADE PRACTICES

United States Association of Credit Bureaus, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.14 *Business status, advantages, or connections:* § 13.15-80 *Government connection;* § 13.15-125 *Individual or private business being:* § 13.15-125(a) *Association;* § 13.15-195 *Nature;* § 13.15-215 *Organization and operation;* § 13.15-225 *Personnel or staff;* § 13.15-265 *Service;* § 13.15-270 *Size and extent;* § 13.260 *Terms and conditions.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—Vendor: § 13.2380 *Government connection;* § 13.2395 *Individual or private business being association or guild;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United States Association of Credit Bureaus, Inc., et al., Oak Forest, Ill., Docket 7043, June 8, 1961]

In the Matter of United States Association of Credit Bureaus, Inc., a Corporation, and John W. Burns, and Harold E. Holder, Individually and as Officers of Said Corporation

Order requiring a collection agency at Oak Forest, Ill., to cease representing falsely, by use of its misleading trade name, that it was an "association" and "credit bureau", and, by use of the words "United States" and official-looking insignia, that it was connected with the United States Government; misrepresenting the organization of its business, services rendered its clients, and commissions retained; and using "skip-tracing" material which represented falsely that it was to the addressees' financial advantage to provide requested information concerning debtors.

The order to cease and desist is as follows, including the provision requiring report of compliance therewith:

It is ordered, That respondent, United States Association of Credit Bureaus, Inc., a corporation, and its officers, and respondents, John W. Burns and Harold E. Holder, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection, or the collection of, or attempts to collect accounts, or to obtain information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "association" or "credit bureaus", or any other term of similar import or meaning in the corporate name or in any other manner to designate, describe or refer to respondents' business, or otherwise representing, directly or by implication, that respondents' business is an association or a credit bureau.

2. Using the name "United States" in the corporate name or in any other manner, or an insignia so designed as to suggest government connection, to designate, describe, or refer to respondents' business; or otherwise representing, directly or by implication, that they are an agency or branch of the United States government, or that their business is in any way connected with the United States government.

3. Representing, through the use of a corporate or other trade name, or in any other manner, that their business is other than that of a collection agency engaged in collecting past due accounts.

4. Representing, directly or by implication:

(a) That their business is organized into separate functional divisions for the collection of accounts;

(b) That they employ local representatives, regional investigators, correspondents or lawyers on their personnel staff in various states, throughout the world, or that they employ any one on their personnel staff except solicitors anywhere outside of the Chicago or Oak Forest, Illinois, area;

(c) That they make personal calls on debtors to collect accounts;

(d) That no charges will be made for accounts unless they are collected;

(e) That the collection fee or commission is less than any amount actually to be charged or retained by respondents from accounts collected;

(f) That they furnish credit reports to parties who have assigned accounts to them.

5. Using, or causing to be used, any forms, cards, or other material, printed or written, for use in obtaining information concerning delinquent debtors, which represent, directly or by implication, that money or property is being held for, or is due, persons concerning whom the information is sought, or is collectible by such persons, unless money or property is in fact due and collectible by such persons and the amount of money or property is actually stated.

6. Using, or causing to be used, any forms, cards or other material, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-6549; Filed, July 12, 1961; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 336—EXHAUSTION OF RIGHTS TO UNEMPLOYMENT BENEFITS

Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. 362), § 336.3(b) of Part 336 of the regulations under such act is amended by Board Order 61–113, dated June 29, 1961, to read as follows:

§ 336.3 Exhaustion of right to benefits within meaning of Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961.

* * * * * *

(b) He has exhausted his current rights to normal benefits for days of unemployment in accordance with § 336.2 (c), an extended benefit period is not established under section 2(c) of the Railroad Unemployment Insurance Act because he has less than ten years of service or because he voluntarily left work without good cause or voluntarily retired, and the last day of the benefit year, or the last day in the benefit year for which unemployment benefits were paid, whichever is later, is after June 30, 1960, and before April 1, 1962; or

(Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362)

Dated: July 6, 1961.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 61–6554; Filed, July 12, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as direct additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.90 (21 CFR 121.90) is amended by adding thereto the following items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Aluminum stearate	Component of chewing gum base	Jan. 1, 1962
Bithionol (50%) and methiotriazamine (10%)	In poultry feed as a coccidiostat; limited to 2 pounds per ton of feed with no residue in edible tissue of poultry. Discontinue feeding article 3 days prior to slaughter.	Do.
Bromides, inorganic	Resulting from fumigation with methyl bromide to control pest infestations; limited to 50 p.p.m. in processed foods.	[1] July 1, 1962
Butadiene-styrene copolymer	Component of chewing gum base	Jan. 1, 1962
Butyl rubber (chewing gum grade) without inhibitor.	do	Do.
Butylated hydroxyanisole	Component of chewing gum base, limit 0.1 percent of base; antioxidant in potato flakes, limited to 50 p.p.m.	Do.
Do	do	Do.
Calcium disodium ethylenediamine tetraacetate	Sequestrant in carbonated beverages, limit 35 p.p.m.	[1] Jan. 1, 1963
Chilte	Component of chewing gum base	Jan. 1, 1962
Coumarone-indene resin	do	Do.
Disodium dihydrogen ethylenediamine tetraacetate, dihydrate.	In vinegar for clarification; limit 200 p.p.m	[1] July 1, 1962
Disodium ethylenediamine tetraacetate	Trace mineral solubilizer for feeds for ruminant animals, limit 200 p.p.m.; stabilizer for vitamin B_{12} in aqueous multivitamin solutions, limit of 15 parts per part of vitamin B_{12}.	Jan. 1, 1962
Ferric choline citrate	Nutrient and dietary supplement	Do.
Glyceryl abietate (glycerin ester of wood rosin)	In still and carbonated alcoholic beverages and fruit drinks; limited to 60 p.p.m.	[1] July 1, 1962
Iodine (from dehydrated kelp)	In dietary supplements; limited to 0.7 mg. iodine per day.	Jan. 1, 1962
Isobutylene resin (polyisobutylene)	Component of chewing gum base	Do.
Lanolin	do	Do.
Mono- and diglycerides manufactured by direct esterification of fatty acids and glycerin.	do	Do.
N-Octylbicycloheptene dicarboximide	Component of insecticide for control of infestation in food storage and food processing areas; limit 20 p.p.m. in food.	Do.
Octylphenoxy polyethoxy ethanol (5 to 13 mols ethylene oxide).	Spray adjuvant on fruits and vegetables; limit 1 p.p.m.	[1] July 1, 1962
Petroleum hydrocarbon resin (mol. wt. approx. 1100).	Component of chewing gum base	Jan. 1, 1962
Piperonyl butoxide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. on food.	Do.
Polyacrylic acid (hydrolized polyacrylamide and/or hydrolyzed polyacrylonitrile).	Flocculent in the clarification of sugar juice; 5 p.p.m. in cane sugar, 1 p.p.m. in beet sugar.	[1] Jan. 1, 1963
Polyethoxylated alkylphenol, benzyl ether of (mol. wt. 726–1308).	Surface-active agent used in commercial detergents for raw products followed by water rinsing.	[1] July 1, 1963
Polyethoxylated alkyl phenol (dodecyl, nonyl, and octyl) (mol. wt. 426–1184).	do	Do.
Polyethylene (As described §121.2510 (a), (b), (c), (d)(1).	Component of chewing gum base	Jan. 1, 1962
Polyethylene glycol 400 monooleate	In a calf feed milk replacer as an emulsifier and defoaming agent; limit 10% in milk replacer.	[1] July 1, 1962
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	Dispersing agent in food supplement-type vitamin preparations.	Jan. 1, 1962
Propyl gallate	Component of chewing gum base; limit 0.1 percent of base.	Do.
Pyrethrins	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 3 p.p.m. in food.	Do.
Rosin or hydrogenated rosin polymers of glycerin or pentaerythritol.	Component of chewing gum base	[1] July 1, 1962
Rosin, methyl ester of, hydrogenated	do	Do.
Rubber (natural), smoked sheet and latex solids	Component of chewing gum base	Do.
Sodium dodecyl benzenesulfonate	Surface-active agent used in commercial detergents for raw products followed by water rinsing.	[1] July 1, 1963
Sodium 2-ethyl 1-hexylsulfate	do	Do.
Sodium lauryl sulfate	do	Do.
Sodium nitrate, sodium nitrite, or combination	In meat-curing salt for fixing and heat stabilizing the red color in meat; limit of 200 p.p.m. of nitrite in home-cured meat or meat products.	[1] July 1, 1962
Terpene resin	Component of chewing gum base	Jan. 1, 1962
Wax, microcrystalline and paraffin, Types I and II (as described in this section).	do	Do.

[1] Progress report required by January 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c) Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 3, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6464; Filed, July 12, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Acrylamide and acrylic acid copolymer	Component of paper and paperboard for food packaging.	[1] July 1, 1962
Acrylonitrile	Component of lining for food containers	[1] July 1, 1963
Butyl acrylate	do	Do.
Coumarone-indene resin	Component of adhesives and coatings for paper and paperboard to be used in food packaging.	[1] July 1, 1962
Dialkyl (palmitic, lauric, linoleic, myristic, stearic, or oleic) ketene dimer.	Component of sizing for paper and paperboard used for food packaging.	Do.
Dicyclohexyl phthalate	Plasticizer in resins used in packaging, handling, storing, or transporting food.	Do.
Diethyleneglycol dibenzoate	Component of adhesives for food packaging	Do.
Dimethyl dialkyl (C_8 to C_{18}) ammonium chloride.	As a flocculant in manufacture of silicate pigments used in paper and paperboard for food packaging.	[1] July 1, 1963
Dioctyl adipate	Plasticizer in resins used in packaging, handling, storing, or transporting food.	[1] July 1, 1962
Diphenyl phthalate	do	Do.
Dipropylene glycol dibenzoate	Plasticizer with vinyl resins in formulation of adhesives for food packaging; limit 1 p.p.m.	Jan. 1, 1962
Epichlorohydrin resin of adipic acid and diethylenetriamine.	Wet-strength resin in paper and paperboard for food packaging.	[1] July 1, 1963
Ethylenediamine tetraacetic acid	Saturant for cotton belts used for transportation of foods.	Do.
Ethyl p-hydroxy-benzoate	Preservative in adhesives and coatings for food-packaging materials.	[1] July 1, 1962
Gum rosin	Component of coatings for food containers, component of sizing for paper and paperboard for food packaging.	[1] July 1, 1963
Gum turpentine	do	Do.
Octylphenoxypolyethoxy ethanol (7–13 ethylene oxide groups).	Saturant for cotton belts used for transportation of foods.	Do.
Pine oil	Component of coatings for food containers, component of sizing for paper and paperboard for food packaging.	Do.
Polyacrylamide	Flocculant or filler-retention aid in manufacture of paper and paperboard for food packaging.	[1] July 1, 1962
Polyethyleneglycol 200 dibenzoate	Component of adhesives for food packaging	Do.
Polyoxyethylene (20) sorbitan monostearate	In latex polymer dispersions used for paper and paperboard for food packaging.	Jan. 1, 1962
Poly-1,4,7,10,13-pentaaza-15-hydroxyhexadecane	As retention aid in manufacture of paper and paperboard for food packaging.	[1] July 1, 1963
Polysorbate 60 (polyoxyethylene (20) sorbitan monooleate).	As emulsifier in release agents used in paper and paperboard for food packaging.	Jan. 1, 1962
Polyvinyl alcohol	In silicone antiadhesive functional coatings for paper and paperboard for food packaging.	[1] Jan. 1, 1963
Rosin, modified with saligenin	Component of sizing for paper and paperboard for food packaging.	[1] July 1, 1963
Rosin, wood, gum, tall oil, and dark wood modified with hydrogen, formaldehyde, maleic anhydride, and fumaric acid, and with the subsequent addition of phenyl β-naphthylamine; 3,5-dimethyltetrahydroxy 1,3,5-2H-thiadiazine-2-thione; diethylenetriamine; and 2-mercaptobenzothiazole.	do	Do.
Rosin, wood, gum, and tall oil, and the dimers thereof, and these substances as modified by one or more of the following reactants: 4,4'-isopropylidenediphenol-formaldehyde, glycerin, hydrogen, maleic anhydride, methanol, pentaerythritol (double crystallized), sulfuric acid, and triethylene glycol.	Component of coatings, adhesives, and inks used for food packaging.	Do.
Sodium diisobutylphenoxydiethoxyethyl sulfonate.	Saturant for cotton belts used for transportation of foods.	Do.
Sodium dioctyl sulfosuccinate	In latex polymer dispersions used for paper and paperboard for food packaging.	Jan. 1, 1962
Sodium lauryl sulfate	As component of the following coatings for processing, handling, or packaging food: polyvinyl chloride, vinyl chloride—vinylidene chloride copolymer, vinyl chloride—vinyl acetate copolymer.	Do.
Sodium lignosulfonate (sodium ligninsulfonate)	Dispersant in wax emulsions in paper and paperboard for food packaging.	Do.
Sodium salt of naphthalenesulfonic acid, condensed with formaldehyde.	Saturant for cotton belts used for transportation of foods.	[1] July 1, 1963
Stannous oleate	In silicone anti-adhesive functional coatings for paper and paperboard for food packaging.	[1] Jan. 1, 1963
Sulfate wood turpentine	Component of coating for food containers, component of sizing for paper and paperboard for food packaging.	[1] July 1, 1963
Tall oil fatty acids	Component of sizing for paper and paperboard for food packaging, component of synthetic resins for protective coatings.	Do.
Tall oil rosins	do	Do.
Terpene resin (α- and β-pinene)	Component of sizing agents, coatings, adhesives, and inks used in food packaging.	Do.
Tetrahydrofuran	As solvent in the manufacture of a polyvinyl chloride film to be used in packaging food.	Do.
Urea-formaldehyde	In cellulose fiber felt used for cushioning foods	Jan. 1, 1962
Vinylidene chloride	Component of lining for food containers	[1] July 1, 1963

[1] Progress report required by January 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. note under sec. 342)

Dated: June 30, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6465; Filed, July 12, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM ETHYLENEDIAMINETETRAACETATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, and other relevant material, has concluded that the following amendment to § 121.1017 should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive calcium disodium ethylenediaminetetraacetate, to provide for the use of the trihydrate form and for the use of combinations of calcium disodium ethylenediaminetetraacetate with disodium ethylenediaminetetraacetate in certain foods. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1017 of the food additive regulations (21 CFR 121.1017; 26 F.R. 25, 2780) is amended to read as follows:

§ 121.1017 Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate).

The food additive calcium disodium EDTA may be safely used in designated foods, for the purposes and in accordance with the conditions prescribed, as follows:

(a) The additive contains a minimum of 99.0 percent by weight of either the dihydrate $C_{10}H_{12}O_8N_2CaNa_2 \cdot 2H_2O$ or the trihydrate $C_{10}H_{12}O_8N_2CaNa_2 \cdot 3H_2O$, or any mixture of the two.

(b) It is used or intended for use as follows:

(1) Alone, in the following foods at not to exceed the levels prescribed, calculated as the anhydrous compound:

Food	Limitation (parts per million)	Use
Crabmeat (cooked canned).	275	Retard struvite formation; promote color retention.
Dressings, nonstandardized.	75	Preservative.
Fermented malt beverages.	25	Antigushing agent.
French dressing	75	Preservative.
Mayonnaise	75	Do.
Oleomargarine	75	Do.
Potato salad	100	Do.
Salad dressing	75	Do.
Sandwich spread	100	Do.
Sauces	75	Do.
Shrimp (cooked canned).	250	Retard struvite formation; promote color retention.

(2) With disodium EDTA (disodium ethylenediaminetetraacetate) in the following foods at not to exceed, in combination, the levels prescribed, calculated as anhydrous $C_{10}H_{12}O_8N2CaNa_2$:

Food	Limitation (parts per million)	Use
Dressings, nonstandardized.	75	Preservative.
Sandwich spread	100	Do.
Sauces	75	Do.

(c) To assure safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section.

(d) In the standardized foods listed in paragraph (b) of this section, the additive is used only in compliance with and during the effective period of a temporary permit issued under § 3.12 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 3, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6571; Filed, July 12, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM ETHYLENEDIAMINETETRAACETATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Geigy Chemical Corporation, Saw Mill River Road, Ardsley, New York, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive disodium ethylenediaminetetraacetate as a preservative in certain foods. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121) are amended by adding to Subpart D the following new section:

§ 121.1056 Disodium EDTA (disodium ethylenediaminetetraacetate).

The food additive disodium EDTA (disodium ethylenediaminetatraacetate) may be safely used in designated foods for the purposes and in accordance with the following prescribed conditions:

(a) The additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used or intended for use as follows:

(1) Alone, in the following foods at not to exceed the levels prescribed, calculated as anhydrous calcium disodium EDTA:

Food	Limitation (parts per million)	Use
Dressing, nonstandardized	75	Preservative.
Sandwich spread	100	Do.
Sauces	75	Do.

(2) With calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate), in the following foods at not to exceed, in combination, the levels prescribed, calculated as anhydrous $C_{10}H_{12}O_8N_2CaNa_2$:

Food	Limitation (parts per million)	Use
Dressing, nonstandardized	75	Preservative.
Sandwich spread	100	Do.
Sauces	75	Do.

(c) To assure the safe use of the additive:

(1) The label and labeling of the additive container shall bear, in addition to the other information required by the act, the name of the additive.

(2) The label or labeling of the additive container shall bear adequate use directions to provide a final food product that complies with the limitations provided in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 3, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6570; Filed, July 12, 1961; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4381]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Payment of Fees in Connection With Registration of Securities

The Securities and Exchange Commission has amended § 230.458 (Rule 458 under the Securities Act of 1933). This section deals with the payment of fees in connection with the registration of securities under the Act.

Section 230.458 (Rule 458) prescribes the manner in which the required fees shall be paid. The amendment to the section provides that payments of fees may be rounded to the nearest dollar and that the Commission will waive any deficiency in the fee amounting to less than $1.00. However, in no case may the amount of the registration fee be less than $25.00. The amendment also provides that refunds to issuers of excess payments amounting to less than $1.00 will be made only upon the request of the issuer and that refunds of $1.00 or more may be waived by the issuer.

The purpose of the amendment is to reduce the time and clerical work involved in collecting or refunding insignificant amounts. However, as indicated above, the section preserves the right of an issuer to receive a refund of any amount due it, if it so desires.

The text of the amended section reads as follows:

§ 230.458 Payment of fees.

(a) All payments of fees shall be made in cash or by United States postal money order, certified check, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

(b) Payments may be rounded to the nearest dollar. Amounts less than $1.00 due the Commission will be waived except that in no case may the amount waived reduce the amount due to less than $25.00.

(c) Refunds of less than $1.00 due issuers will be made only upon request of the issuer. Refunds of $1.00 or more due issuers may be waived by the issuer.

(Sec. 6, 48 Stat. 78, 15 U.S.C. 77f; sec. 19(a), 48 Stat. 85, as amended, 15 U.S.C. 77s)

Inasmuch as the foregoing action does not adversely affect the rights of any person to any substantial extent, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is not necessary in the public interest and that such action may be made effective immediately upon publication. Accordingly the foregoing action shall become effective upon publication July 3, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 3, 1961.

[F.R. Doc. 61-6557; Filed, July 12, 1961; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Coney Island Creek, New York

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.190 is hereby amended redesignating paragraph (f)(3-b) as (f)(3-c) and prescribing a new paragraph (f)(3-b) to permit the New York City Transit Authority bridge across Coney Island Creek, New York, to remain in a closed position, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * * *

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

* * * * * * *

(3-b) Coney Island Creek; New York City Transit Authority bridge near Stillwell Avenue. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(3-c) Jamaica Bay, North Channel; New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York. [Redesignated]

[Regs., June 9, 1961, 285/91 (Coney Island Creek, N.Y.)—ENGCE-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-6585; Filed, July 12, 1961; 8:51 a.m.]

PART 207—NAVIGATION REGULATIONS

Chesapeake Bay, Maryland

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.109 establishing and governing the use and navigation of a seaplane restricted area in Chesapeake Bay, opposite the mouth of Middle River, Maryland, is hereby revoked, effective on 1 July 1961, as follows:

§ 207.109 Chesapeake Bay opposite the mouth of Middle River, Maryland, seaplane restricted area. [Revoked]

[Regs., June 16, 1961, 285/91 (Chesapeake Bay, Md.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-6536; Filed, July 12, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

[Docket No. AO 144–A9]

LEMONS GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Determinations Relative to Proposed Amendment of Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on October 27, 1960, after notice thereof published in the FEDERAL REGISTER (25 F.R. 9684) on proposed amendments to the marketing agreement and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in Arizona and designated part of California. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the decision of the Assistant Secretary setting forth the proposed amendments to the amended marketing agreement and order were published in the FEDERAL REGISTER on March 23, 1961 (26 F.R. 2481), and April 26, 1961 (26 F.R. 3568), respectively.

The period November 1, 1959, to October 31, 1960, both dates inclusive, was determined as the representative period for ascertaining whether the issuance of the order amending Order No. 53, as amended (which amendment order was annexed to the decision of the Assistant Secretary), regulating the handling of lemons grown in Arizona and designated part of California, is approved or favored by producers who, during such period, have been engaged in the production for market of lemons within such area.

It is hereby determined that the issuance of the proposed order amending Order No. 53, as amended, regulating the handling of lemons grown in Arizona and designated part of California is not favored or approved (a) by at least three-fourths of the producers of lemons who during the determined representative period (November 1, 1959, through October 31, 1960) have been engaged, within Arizona and designated part of California, in the production for market of lemons grown in such production area, or (b) by producers of lemons who, during the aforesaid representative period have produced for market at least two-thirds of the volume of lemons produced for market within the said production area.

It is hereby further determined that the proposed amendment as set forth in the Assistant Secretary's decision of April 21, 1961 (26 F.R. 3568) will not be made effective.

Done at Washington, D.C., this 10th day of July 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–6582; Filed, July 12, 1961; 8:50 a.m.]

[7 CFR Part 1068]

GRAPEFRUIT
Importation

Pursuant to authority contained in the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), notice is hereby given that the Department is giving consideration to the grade, size, quality and maturity requirements that, beginning 12:01 a.m., e.s.t., August 7, 1961, will govern the importation of grapefruit into the United States, subject to the applicable General Regulations (7 CFR Part 1060).

There are at present two marketing orders effective pursuant to the said act that regulates the handling of grapefruit grown in the United States. Order No. 33, as amended (7 CFR Part 933), is applicable to Florida-grown grapefruit and Order No. 55, as amended (7 CFR Part 955), governs grapefruit grown in the State of Arizona and in designated counties in California. Current regulations governing the handling of such grapefruit appear in the FEDERAL REGISTER (26 F.R. 4633; 26 F.R. 3454).

The proposal under consideration is to make applicable to all imports of grapefruit the same requirements as to grade, size, quality and maturity as those imposed under Order No. 33, as amended, on handlers of Florida grapefruit. Such requirements are as follows:

• • • no handler shall ship:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $4^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

When used herein, the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.783; 26 F.R. 163). All other terms shall have the same meaning as when used in the general regulations.

All persons who desire to submit written data, views, or arguments for consideration in connection with the foregoing proposals should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: July 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6583; Filed, July 12, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN RETAIL INDUSTRY AND OF FULL-TIME STUDENTS IN RETAIL AND SERVICE INDUSTRIES

Opportunity for Public Participation

Notice is hereby given that on July 26, 1961, at 10:00 a.m., e.d.t., in Room 6355, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C., before hearing examiner Clifford P. Grant an opportunity will be provided for interested persons to make an oral presentation of data, views and argument on the following subjects and issues: (1) The extent, if any, to which it is necessary in order to prevent curtailment of opportunities for employment in the retail industry to provide by regulations, pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), for the employment of learners under special certificates issued pursuant to such regulations at minimum wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 29 U.S.C. 206), as amended by the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30) under prescriptions as to occupation or occupations, time, number, proportion, and length of service; and (2) the extent, if any, to which it is necessary in order to prevent curtailment of opportunities for employment in the retail and service industries to provide by regulations, pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), as amended by section 11 of the Fair Labor Standards Amendments of 1961 (Public Law 87–30), for the employment of full-time students outside their school hours in any retail or service establishment under prescriptions as to occupation or occupations, time, number, proportion, and length of service, and where such employment is not of the type ordinarily given to a full-time employee.

Interested persons may submit written data, views, or argument on these subjects and issues in quadruplicate (original and three copies) with the Administrator, Wage and Hour and Public Contracts Divisions, Washington 25, D.C., not later than July 24, 1961.

The oral proceedings shall be stenographically reported. Transcripts will be made available to interested persons on such terms as the hearing examiner shall prescribe. The hearing examiner shall regulate the proceeding, dispose of procedural requests, objections, and related matters, and confine the proceedings to matters pertinent to the subjects and issues involved. He shall have discretion to keep the record open for a period of time not exceeding seven days after the close of the hearing to permit any party who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other parties.

After the record has been closed, the hearing examiner shall certify it to the Administrator of the Wage and Hour and Public Contracts Divisions, who shall make any appropriate changes in Part 522 of Title 29, Code of Federal Regulations, after considering all relevant matter presented and any other pertinent information which may be available to him.

Signed at Washington, D.C., this 11th day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–6651; Filed, July 12, 1961; 11:00 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13375; FCC 61–869]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Providence, R.I., and New Bedford, Mass.

1. This proceeding was opened on January 27, 1960, to invite comments on a Commission proposal to reassign Channel 6 from New Bedford, Massachusetts to Providence, Rhode Island.

2. The proposal embraced consideration of the possible location of the transmitter of a station on this channel at substandard spacings to co-channel Stations WRGB and WGY–TV at Schenectady, New York and Portland, Maine, respectively, and to Station WHTA serving Boston on adjacent Channel 5.

3. Since it was proposed that radiation in the direction of existing co-channel stations be suppressed in accordance with standards under consideration for adoption in a separate proceeding (Docket 13340), the dates for filing comments herein were postponed several times to avoid the necessity for filing comments in this proceeding before they were required to be filed in Docket No. 13340.

4. During the year and a half which thus elapsed since the instant proceeding was initiated, a separate hearing on mutually exclusive applications for Channel 6 at New Bedford has progressed to a point where (through a withdrawal and merger) there remains only one consolidated applicant, to whom the Hearing Examiner proposed a grant in his initial decision released April 21, 1961, in Docket No. 12433. That decision is now pending for review by the Commission.

5. In a pleading filed in this docket on September 30, 1960, by E. Anthony and Sons, Inc., the sole remaining applicant in the New Bedford adjudicatory proceeding, it was requested that the Commission terminate this rule making proceeding, thus permitting earlier service to the Providence-New Bedford area than would be otherwise possible. Petitioner pointed out that from its proposed transmitter site television service could be provided not only to the New Bedford and Southern Massachusetts area, but to Rhode Island and the Providence metropolitan area as well. Petitioner stated also that should the Commission decide in Docket 13340 to permit substandard spacings in appropriate cases, the transmitter of a Channel 6 station assigned to New Bedford could be moved nearer to Providence without interruption of service, which could be initially commenced from the site proposed in Anthony's application.

6. We are persuaded of the merits of the approach proposed by Anthony through which it would be possible to provide earlier service than would otherwise be available on Channel 6 and also because it would constitute an effective step toward achievement of the essential purposes of the instant proceeding—i.e., to make a third television service available to the Providence area.

7. There is also before us in this proceeding the counterproposal of Springfield Television Broadcasting Corporation to provide a third service to the Providence area on Channel 3 by deleting it from Hartford, Connecticut, and substituting a UHF channel in its place. Our review of this proposal discloses that it offers no more prospect for early provision of a third service to the Providence area than would the reassignment to Providence of Channel 6 from New Bedford. The Travelers Broadcasting Service Corporation, licensee of WTIC–TV on Channel 3 at Hartford, has stated objections to the proposal that it be shifted to a UHF channel, and it is evident that such action could not be consummated without an adjudicatory proceeding. Additionally, it may be anticipated that adjudicatory proceedings would be required on issues relating to interference which would be caused to the stations operating on Channels 2 and 4 at Boston. It thus appears that Springfield's counterproposal would not provide a means of establishing an early third service in the Providence area.

8. Springfield's counterproposal was additionally aimed at a separate objective—the deintermixture of Hartford, to which only one VHF channel is assigned. We do not consider it appropriate, in this proceeding, to endeavor to settle the complex issues concerning whether the public interest would be served by removing Channel 3 from Hartford. It does appear desirable, however, to give further consideration to the pending proposals for the deintermixture of Hartford in separate proceedings. It may be possible shortly to open a separate rule making docket on the proposal to deintermix Hartford. The comments and reply comments in the instant proceeding directed to the question of the deintermixture of Hartford will remain available for further consideration.

9. For the reasons stated herein, and upon careful consideration of the record: *It is ordered*, That this proceeding is terminated.

Adopted: July 6, 1961.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6580; Filed, July 12, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–M]

EDIBLE OLIVE OIL FROM ITALY

Determination of No Sales at Less Than Fair Value

JULY 7, 1961.

A complaint was received that edible olive oil from Italy, in containers weighing with immediate contents under 40 pounds each, was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that edible olive oil from Italy, in containers weighing with immediate contents under 40 pounds each, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. In determining whether there had been sales at less than fair value, two comparisons were made. In the case of comparable oils sold for home consumption, purchase price was compared with home market price. In calculating purchase price, deductions were made for inland freight and f.o.b. charges; uncollected and remitted taxes were added. In calculating home market price, a deduction was made for credit terms and a quantity allowance was made. In the case of comparable oils not sold for home consumption, purchase price was compared with third country price. Deductions were made from both prices for inland freight and f.o.b. charges, and for ocean freight, when included in third country prices.

The comparisons disclosed that purchase price was not less than home market price or third country price, as appropriate.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6568; Filed, July 12, 1961; 8:49 a.m.]

[AA 643.3–T]

OLIVE OIL FROM SPAIN

Determination of No Sales at Less Than Fair Value

JULY 7, 1961.

A complaint was received that edible olive oil from Spain, in containers weighing with their contents under 40 pounds each, was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that edible olive oil from Spain, in containers weighing with their contents under 40 pounds each, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that a comparison between purchase price and adjusted home market price was appropriate for fair value purposes.

The purchase price was computed on the basis of the ex-factory or ex-place of shipment price of oil in cans, packed in cartons or cases, less selling commission, and plus any applicable home market tax. The adjusted home market price was computed on the basis of the ex-factory or ex-place of shipment price of oil in cans (applicable local tax included), less the home market packing costs, plus adjustment for the difference in export sizes, and plus the export packing costs.

The comparison disclosed that the purchase price was not less than the adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6569; Filed, July 12, 1961; 8:49 a.m.]

[AA 643.3–0]

RADIO TUBES FROM JAPAN

Determination of No Sales at Less Than Fair Value

JULY 7, 1961.

A complaint was received that radio tubes from Japan were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that radio tubes from Japan are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined that the fair value comparison should be between purchase price and home market price.

Purchase price was ascertained by deducting from the selling prices to the United States all selling commissions and included inland charges (reducing the f.o.b. prices to ex-factory equivalents). Home market prices were similarly reduced to ex-factory equivalents, and in addition, adjustment was made for warranties, different credit terms, and selling expenses (up to the amount of selling commissions deducted from the United States selling prices).

The comparison revealed no instance in which purchase price was less than adjusted home market price.

This determination and the statement of reasons therefor, are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6566; Filed, July 12, 1961; 8:49 a.m.]

[AA 643.3–W]

RAYON STAPLE FIBER FROM AUSTRIA

Determination of No Sales at Less Than Fair Value

JULY 7, 1961.

A complaint was received that rayon staple fiber from Austria was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Austria is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. It was determined on the basis of the information presented that the appropriate fair value comparison is between purchase price and adjusted weighted-average home market price.

The price to the United States purchaser was an exfactory price. A small allowance was made to the purchaser for assuming the cost of insurance from the factory to the port of shipment. This was deducted, and a tax refund on exportation was added as required by statute in arriving at the purchase price of the imported fiber.

In arriving at the weighted-average home market price, deductions were made for a cash discount available to all purchasers, a discount granted to all exporting processors, inland freight, and technical assistance to home market customers. A turnover tax of 5.25 percent, paid with respect to fiber sold to processors other than those buying fiber under bond to export the products thereof, was deducted as to such sales. An addition was made for packing costs which were higher for the product exported to the United States and for the cost of the bond to exporting processors under bond. After deducting less than 2 percent which is due to the difference in the quantities sold to the United States as compared with the quantities sold for home consumption, purchase price was found to be not lower than adjusted home market price.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6567; Filed, July 12, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 012618]

IDAHO

Order Providing for Opening of Public Lands

JULY 7, 1961.

In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL 1

T. 7 N., R. 20 E.,
Sec. 3; W½SW¼;
Sec. 4; SE¼SE¼.
T. 8 N., R. 21 E.,
Sec. 2; SW¼NW¼.
The lands are located in Custer County from 4 to 10 miles southwest of Chilly, Idaho.

PARCEL 2

T. 7 N., R. 25 E.,
Sec. 22; W½NE¼, NW¼, N½SW¼, NW¼SE¼.
The lands are located in Custer County approximately 8 miles east of Mackay, Idaho.

PARCEL 3

T. 11 N., R. 26 E.,
Sec. 28; SW¼SE¼.
T. 10 N., R. 27 E.,
Sec 6; Lots 6, 7, S½NE¼, E½SW¼, W½SE¼.
The lands are located in Butte and Custer Counties and from 32 to 35 miles northwest of Howe, Idaho.

PARCEL 4

T. 13 S., R. 16 E.,
Sec. 7; SE¼SW¼.
T. 16 S., R. 16 E.,
Sec. 1; N½.
The lands are located in Twin Falls County about 6 miles southwest of Hollister and 11 miles southwest of Rogerson, Idaho.

PARCEL 5

T. 5 S., R. 18 E.,
Sec. 34; E½SW¼.
T. 6 S., R. 19 E.,
Sec. 6; Lot 13.
The lands are located in Lincoln County from 5 to 9 miles easterly of Shoshone, Idaho.

PARCEL 6

T. 12 S., R. 29 E.,
Sec. 19; NE¼SW¼;
Sec. 30; SW¼NE¼.
The lands are located in Cassia County from 15 or 16 miles northeast of Malta, Idaho.

PARCEL 7

T. 7 S., R. 36 E.,
Sec. 30; Lot 2.
The lands are located in Bannock County approximately one and one-half miles southwest of Inkom, Idaho.

The areas described aggregate 1,479.78 acres.

The lands involved are scattered throughout southeastern Idaho and are generally suitable for the grazing of livestock. The topography varies from gently rolling to rough and mountainous. The soils vary also from sandy loam to gravelly and rocky. The vegetative cover is typical of grazing land in the area. The lands vary in elevation from about 4,300 to 6,100 feet above sea level. Some of the land may have agricultural potential provided an adequate source of water was available for irrigation.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Applications and offers for all of the lands in Parcel 1 and Parcels 3 through 7 received under the mineral leasing laws prior to 10:00 a.m. on August 12, 1961, will be considered as simultaneously filed as of that date and hour; and all the lands in these same parcels will be open to mining location at that date and hour.

The lands in Parcel 2 have always been open to mineral leasing and mining location.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61–6586; Filed, July 12, 1961; 8:51 a.m.]

[State Order 41]

MONTANA

Various Officials; Delegation of Authority To Enter Into Contracts and Leases

JULY 5, 1961.

Pursuant to authority contained in section 1(a) of Order No. 679 of the Director of the Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction, supplies, or services (including rental of equipment) as provided above when the amount in any contract does not exceed amounts indicated below:

District Managers, Montana:	
Construction	$2,000
Equipment Rental	2,000
Supplies and Materials	2,500
District Administrative Assistants and/or Principal District Clerks, Montana:	
Supplies and Materials	500

Pursuant to authority stated above the following are authorized to enter into contracts for construction, supplies, or services (including rental of equipment) irrespective of amount: Make open market purchases up to $2,500 and enter into leases for leases of space in real estate as provided in sections 50 and 52 of amended Order No. 2509 of the Secretary of the Interior.

State Administrative Assistant, Montana.

ROBERT A. JONES,
Acting State Director.

[F.R. Doc. 61–6552; Filed, July 12, 1961; 8:47 a.m.]

UTAH

Various Officials; Delegation of Authority To Enter Into Contracts and Leases

JULY 5, 1961.

Pursuant to the authority contained in sections 50 and 52 of amended Order No. 2509, of the Secretary of the Interior, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount; make open market purchases up to $2,500, and enter into leases for leases of space in real estate as provided in those sections:

Supply Officer, Administrative Field Office.
Assistant Supply Officer, Administrative Field Office.

Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

Negotiations of contracts with educational institutions. Pursuant to authority contained in Order 2713, of January 13, 1953, the Administrative Field Office Supply Officer and Assistant Supply Officer are authorized to negotiate without advertising, pursuant to section 302(c)(5) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C., sec. 252), contracts for services to be rendered by any University, College, or other educational institution, in connection with programs and activities of the Bureau. This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures and controls prescribed by the General Services Administration.

RALPH J. MITCHELL,
Field Administrative Officer.

[F.R. Doc. 61–6553; Filed, July 12, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 (25 F.R. 5863) the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.)

which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the Act (26 F.R. 5765) for June and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
The Cudahy Packing Co. of Nebraska	19E	(*)	(*)	(*)		(*)	
Idaho Meat Packers	46	(*)	(*)				
Heinzs Riverside Abatoir, Inc	210	(*)					
C and M Meat Packing Corp	329	(*)	(*)				
Anza Packing Co	345	(*)	(*)	(*)			
Armour and Co	477	(*)	(*)	(*)		(*)	
Swift and Co	501	(*)	(*)				
New York Central Packing Co	606	(*)					
Swift and Co	608	(*)					
Eastern Oregon Meat Co., Inc	611	(*)					
F. A. Miller and Sons Packing Co., Inc	628	(*)					
H. H. Keim Co	630	(*)	(*)	(*)		(*)	
Carter Packing Co	698	(*)	(*)				
Dana Packing Co	706	(*)	(*)			(*)	
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)	
McFarland, Inc	811	(*)	(*)	(*)		(*)	
Jordan Meat Co	858	(*)	(*)		(*)	(*)	
Wells and Davies Packing Co	860	(*)	(*)			(*)	
National Meat Packers, Inc	917	(*)	(*)				
Joe Doctorman and Son Packing Co., Inc	949	(*)	(*)	(*)			

Done at Washington, D.C., this 7th day of July 1961.

C. H. PALS,
Director,
Meat Inspection Division,
Agricultural Research Service.

[F.R. Doc. 61-6584; Filed, July 12, 1961; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

SUGARCANE IN LOUISIANA

Notice of Hearing on Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Thibodaux, Louisiana, in the Grand Theatre on August 2, 1961, beginning at 9:30 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301(c)(1) of said Act, fair and reasonable wage rates for persons employed in the harvesting of the 1961 crop of sugarcane, and in the production and cultivation of sugarcane during the calendar year 1962, and (2), pursuant to the provisions of section 301(c)(2) of said Act, fair and reasonable prices for the 1961 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the Act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair prices for sugarcane:

I. *Season's average prices for raw sugar and molasses.* The 1960 crop determination provided the period October 7, 1960, through January 26, 1961, for determining the season's average price of raw sugar, and the period October 7, 1960, through April 27, 1961, for determining the season's average price of blackstrap molasses. What periods will provide an equitable basis for pricing raw sugar and molasses of the 1961 crop?

II. *Pricing of salvage sugarcane.* The determinations applicable to recent crops have provided that the price for salvage sugarcane be determined in accordance with the method used by the processor for the prior crop.

(1) Should a uniform method of payment for salvage sugarcane be established and, if so, which method of payment should be adopted?

(2) Should the requirements of the 1960 crop fair price determination be continued unchanged for the 1961 crop? or

(3) Should the requirements for salvage sugarcane be stated as "the price agreed upon between the producer and the processor" as provided in the determinations prior to 1957?

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, Ward S. Stevenson and William N. Garrott are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., July 7, 1961.

LAWRENCE MYERS,
Director, Sugar Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6564; Filed, July 12, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14043; FCC 61M-1179]

MELODY MUSIC, INC. (WGMA)

Order Setting Prehearing Conference

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Florida.

It is ordered, This 7th day of July 1961, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 10:00 a.m., July 18, 1961.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6574; Filed, July 12, 1961; 8:49 a.m.]

[Docket Nos. 14188-14190; FCC 61-867]

SAN JUAN NON-PROFIT T-V ASSOCIATION

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of San Juan Non-Profit T-V Association, Farmington-Bloomfield Highway Area and Huerfano-Bloomfield Highway Area Farmington, New Mexico, Docket No. 14188, File No. BPTT-528; Docket No. 14189, File No. BPTT-530; Docket No. 14190, File No. BPTT-531; for construction permits for three new television broadcast translator stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of July 1961;

The Commission having under consideration the above-captioned applications requesting construction permits for new television broadcast translator stations to operate on Channels 73, 77 and 83, serving the Farmington-Bloomfield Highway Area and the Huerfano-Bloomfield Highway Area from transmitter locations on Huerfano Peak, New Mexico; and

It appearing that the above-named applicant has pending three other applications for television broadcast translator stations to serve Farmington, New Mexico; that the Farmington applications are contingent upon a grant of the subject applications since it is proposed to translate the signals of the subject translator stations; and

It further appearing that on February 15, 1961, Teleprompter Transmission of New Mexico, Inc., licensee of Fixed (video) Point-to-Point Microwave Station KKY 43, which serves petitioners community antenna system in Farmington, filed a "Petition to Deny Applications", pursuant to section 309(d) of the Communications Act of 1934, as amended, and § 1.359(e) of the Commission's rules, alleging, in substance, that the subject translators will not serve the general public since there is no population to be served in the area designated as "Community A" (Farmington-Bloomfield Highway Area); that "Community A" does not appear to have commercial electric power; that the area designated as "Community B" (Huerfano-Bloomfield Highway Area) is 22 miles from the transmitter site and is almost entirely shielded from line-of-sight by intervening terrain, and will thus be unable to receive a usable signal; that the proposed translators will function primarily as relay facilities and, as such, will duplicate the relay service provided by petitioner; that petitioner's service will no longer be required and petitioner will thus suffer economic injury; and, that use of the television broadcast translators, as proposed, would violate § 4.731(c) of the Commission's rules; and

It further appearing that the applicant estimated the total population to be served was 2,000 persons; that on March 30, 1961, a letter was sent to the applicant which requested additional information with respect to the location of the population to be served; that the applicant responded by amending the applications to read 200 persons, instead of 2,000, indicating that in each of the three applications "a typographical error was made"; and, that it cannot be determined from Commission maps that 200 persons would be served, nor the location of such population; and

It further appearing that upon consideration of the above-captioned applications, the "Petition to Deny Application," the Commission's letter, and the applicant's reply thereto, the Commission is unable to determine, without hearing, that a grant of said applications would be in the public interest;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of San Juan Non-Profit T-V Association are designated for hearing in a consolidated proceeding upon the following issues:

1. To determine whether the subject proposals comply with the requirements of § 4.731(c) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver thereof.

2. To determine, in view of the evidence adduced pursuant to the foregoing issues, whether grant of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, That both the burden of proceeding with the introduction of evidence upon the issues specified above, as well as the burden of proof upon all such issues, shall be upon the applicant, San Juan Non-Profit T-V Association.

It is further ordered, That Teleprompter Transmission of New Mexico, Inc. is hereby made a party to the above-captioned proceedings.

It is further ordered, That the hearing on the above issues shall be held in Farmington, New Mexico, at a time to be specified in a subsequent order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the Commission's rules.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6575; Filed, July 12, 1961; 8:49 a.m.]

[Docket No. 14074; FCC 61-847]

STRAFFORD BROADCASTING CORP. (WWNH)

Memorandum Opinion and Order Amending Issues

In reapplication of Strafford Broadcasting Corporation (WWNH), Rochester, New Hampshire, Docket No. 14074, File No. BP-13053; for construction permit.

1. The Commission has for consideration a petition to enlarge or clarify issues filed by Strafford Broadcasting Corporation on May 15, 1961; together with pleadings filed in response thereto.

2. Petitioner contends that the issue designated under § 3.24(b) of the rules is unnecessary in view of its compliance with one of the exceptions to § 3.28(c)(3) of the rules, relying on our Decision in Suburbanaire, Inc., 19 RR 1227. Without considering whether the doctrine of Suburbanaire would be otherwise applicable to so different a factual situation as is here present, we note that the cited case is not pertinent for it presupposed compliance with § 3.28(c) of the rules, and in the instant case, although petitioner falls within one of the exceptions to § 3.28(c)(3), an issue has been designated as to compliance with § 3.28(c)(2).

3. However, petitioner has suggested that, irrespective of interference received, its proposal is efficient within the meaning of Section 3.24(b) of the Rules and that the existing issue should be modified to permit the introduction of evidence demonstrating that fact. It has also stated that, even if its proposal be found violative of §§ 3.24(b) and 3.28(c)(2) of the rules, the circumstances of this case warrant waiver of the rules, and the issues should be modified to permit it to establish such circumstances.

4. We agree that the issues should be modified to permit Strafford to introduce evidence in support of its contentions.

Accordingly, it is ordered, This 6th day of July 1961, that the petition to enlarge or clarify issues filed by Strafford Broadcasting Corporation on May 15, 1961, is granted in substance; and

It is further ordered, That existing Issues 2 and 3 are deleted and the following issues substituted therefor:

2. To determine whether the instant proposal is in compliance with § 3.28(c)(2) the Commission's rules with respect to adequate nighttime coverage of the City of Rochester, New Hampshire, and, if not, whether circumstances exist warranting waiver of the rule.

3. To determine whether the proposed operation of WWNH would be consistent with § 3.24(b) of the Commission's rules, and, if not, whether circumstances exist warranting waiver of the rule.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6576; Filed, July 12, 1961; 8:49 a.m.]

[Docket Nos. 14145, 14146; FCC 61M-1181]

TIME BROADCASTERS, INC., AND GALEN O. GILBERT

Order Continuing Hearing

In re applications of Time Broadcasters, Inc., Springfield, Missouri, Docket No. 14145, File No. BP-12673; Galen O. Gilbert, Aurora, Missouri, Docket No. 14146, File No. BP-13999; for construction permits.

As a result of agreement reached on the record in the above-entitled matter at a prehearing conference held on this date: *It is ordered,* This 7th day of July 1961, that the hearing presently scheduled for September 5, 1961, be, and the same is, hereby continued to September 7, 1961 at 9:30 a.m.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6577; Filed, July 12, 1961; 8:49 a.m.]

[Docket No. 14031—14035; FCC 61-848]

WEXC, INC., ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of WEXC, Inc., DePew, New York, Docket No. 14031, File No. BP-12793; Leon Lawrence Sidell, Hamburg, New York, Docket No. 14032, File No. BP-13688; De-Lan, Inc., DePew, New York, Docket No. 14034, File No. BP-14084; Seaport Broadcasting Corporation, Lancaster, New York, Docket No. 14035, File No. BP-14085; for construction permits.

1. The Commission has for consideration a motion to enlarge issues filed by Seaport Broadcasting Corporation on April 28, 1961, together with pleadings filed in response thereto.

2. Seaport seeks a financial qualification issue with respect to De-Lan, Inc., alleging that although De-Lan has conceded that it requires $74,190 for the construction and initial operation of its instant proposal and a pending proposal for an FM station, its application as amended shows only $72,250 available. It further points out that one of the principals of De-Lan, Bessie M. Kritzer, is proposed as a source of $27,250 in capital, but that Mrs. Kritzer relies on a bank loan to meet the obligation, and the bank's letter of commitment has, by its own terms, expired as of March 22, 1961.

3. In its reply De-Lan states that its application indicated that if it should need sums in addition to those proposed it would procure them through loans from its minority stock subscribers, and that its capital requirements are substantially less than indicated in its application because, although the cost of land and buildings is shown as $26,000, it "has been assured" that a mortgage approximating two-thirds of that sum will be available. It also states the bank's commitment letter to Mrs. Kritzer which expired on March 22, 1961, has been extended for an additional six months.

4. De-Lan's reply is totally inadequate to meet the substantial averments in Seaport's petition, and the issues will be enlarged as requested. Although De-Lan proposes to overcome any capital deficiencies through stockholder loans, it has offered no evidence of the willingness of the individuals involved to make such loans. Similarly, its statements as to the availability of mortgage loans and the extension of Mrs. Kritzer's bank loan commitment are totally unsupported.

5. Even if De-Lan's representations discussed above were properly documented it would be necessary to add an issue as to the corporation's financial qualification, for its financial showing is conflicting and incomplete. Although De-Lan has submitted a stock subscription agreement whereby Mr. Van Patrick agreed to purchase 216 shares of stock from the corporation, a document purporting to be a corporate balance sheet as of January 30, 1961, submitted with an amendment of February 13, 1961, indicates that he will actually purchase the shares from Mrs. Kritzer, thereby, presumably, reducing the sum available to the corporation from Mrs. Kritzer in an amount equal to that which will become available from Mr. Patrick. Moreover, the document purporting to be a balance sheet of Jauary 30, 1961, which is the most recent financial statement submitted to the Commission, and is designed to substitute for the less current information on which the original finding of financial qualification was made, is actually a pro forma balance sheet which is not adequately annotated, incorrectly added, and not in balance. Such a document forms a completely inadequate basis for the necessary affirmative finding that the applicant is financially qualified.

Accordingly, it is ordered, This 6th day of July 1961, that the motion to enlarge issues filed by Seaport Broadcasting Corporation on April 28, 1961, is granted; that existing issues 4, 5, and 6 are renumbered issues 5, 6, and 7; and the following issue 4 is added:

4. To determine whether De-Lan, Inc., is financially qualified to construct, own and operate the standard broadcast station it has proposed.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6578; Filed, July 12, 1961; 8:49 a.m.]

[Docket No. 13972; FCC 61M-1178]

WIRELINE RADIO, INC.

Memorandum Opinion and Order Scheduling Hearing

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR-3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

1. At the further prehearing conference held on July 6, 1961, Mr. Arthur Stambler of the firm of Scharfeld, Segal, Baron and Stambler, noted an appearance on behalf of the applicant herein. Mr. Stambler stated that he had just been retained by the applicant and was entirely unfamiliar with the proceeding. He requested that the prehearing conference be adjourned for a week to 10 days and that the hearing itself be put off for a considerably longer period in order that he might familiarize himself with this matter and be in a position to prepare a case in response to the issues set forth in the Commission's order of designation herein released March 14, 1961. Counsel for the Broadcast Bureau objected to a delay, pointing to the fact that this matter had been designated for hearing on March 14, 1961, on issues involving, among other things, a determination whether the licensee had transferred control of Wireline Radio, Inc., and Station WITT without obtaining consent of the Commission prior thereto as required by section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder, as well as whether certain enumerated sections of the Commission's rules and regulations had been violated by the licensee. He argued that such serious matters required prompt hearing and resolution by the Commission.

2. The Examiner, after hearing argument on this matter ruled at the prehearing conference that a further prehearing conference would be held on Monday, July 10 at 9:00 a.m., and further advised the parties that, because of calendar commitments, he would schedule the hearing to start on Thursday, July 13, 1961, unless good reason, not thus far advanced, were shown for a further postponement of the hearing.[1] Present counsel for the applicant took exception to the Examiner's ruling and indicated he might desire to appeal the matter to the Commission. The purpose of this Memorandum Opinion is to set forth in a separate document the reasons for the Examiner's ruling and to afford such counsel for applicant a convenient vehicle for appealing such ruling should counsel desire to follow this course of action.

3. In order to put this matter in proper prospective, it is important to take note of the sequence of events which have thus far taken place with respect to this matter. The Commission's order of designation released on March 14, 1961, set this matter for hearing on four specified issues. In addition to the two referred to above in the description of argument by Bureau counsel there are additional issues relating to a determination of whether in its written and oral statements to the Commission with respect to the matters already described the licensee-applicant misrepresented facts to the Commission and/or was lacking in candor, as well as an issue to determine whether in the light of the evidence adduced with respect to the aforementioned issues Wireline Radio Inc., possesses the requisite qualifications to be a licensee of the Commission.

4. In an Order released on March 16, 1961, by the Acting Chief Hearing Examiner, the Examiner was named to preside at the hearing in this matter and the hearing itself was originally scheduled to commence on April 17, 1961. By Order released on March 22, 1961, the Examiner scheduled a prehearing conference for April 4. At this prehearing conference the then counsel for applicant stated that it was his intention to file at the earliest time possible, which he indicated meant within a week or 10 days from April 4, 1961, a petition for reconsideration and grant without hearing which was to be accompanied by an application for consent of the assignment of the license to a new applicant. Such counsel further stated that, while he was not committing himself or his client "one-hundred percent", looking at it realistically it appeared, in view of the condition of the station, that unless the matter could be settled by the route he indicated, "there will be no purpose in prosecuting it to a hearing". Counsel for the Broadcast Bureau indicated no objection to the procedure suggested, reserving the right to address himself to the merits of any petition for reconsideration which might be filed. Thereupon, the Examiner on April 5 and 10, 1961, respectively, issued an Order and Supplemental Order after prehearing conferences the effect of which was to postpone the hearing, originally scheduled to begin April 17, without date provided that the above-described petition for reconsideration were filed no later than April 21, 1961.

[1] As will be set forth more fully below, the Examiner's calendar commitments were altered as a result of a conference held in another matter on July 7, 1961, and he now also has available hearing dates on July 20 through July 24 or July 25.

5. It appears that original counsel for the applicant had not been retained promptly after this matter was originally designated for hearing. It therefore became necessary for such counsel to file on April 4, 1961 (the date of the first prehearing conference), a petition to accept late appearance. Such late appearance was accepted by Order of the Chief Hearing Examiner, released April 10, 1961.

6. On April 26, 1961, then counsel for applicant filed a Request for Deletion of Specified Date for Filing Petition, alleging, among other things, that he had not been served with a copy of the Examiner's Supplemental Order released April 10, and did not learn of its contents until April 24, or three days after the April 21 deadline fixed in such Order for filing the petition for reconsideration. Such counsel then requested that the April 21 deadline be deleted, leaving the hearing postponed without date. In this request such counsel also undertook to file the above-described petition for reconsideration by May 15 and suggested that, if this new deadline were not met, the Examiner could immediately set a new date or take any other action that might be appropriate in light of the circumstances then existing. The Broadcast Bureau filed a Partial Opposition to this request and suggested that an extension to May 10 be allowed for the filing of the petition for reconsideration. While these pleadings were under consideration, the petition for reconsideration and grant without hearing was filed on behalf of the applicant on May 4, 1961.

7. On May 5, 1961, the Hearing Examiner, considering all of the foregoing, particularly the fact that the Broadcast Bureau had no objection to a grant to the applicant of an opportunity to present a timely petition for reconsideration and to receive a ruling thereon before a hearing was held on the issues designated in the Commission's Order released March 14, deleted the requirement in a Supplemental Order released April 10 setting a deadline of April 21 and postponed the hearing without date pending a ruling by the Commission on the petition for reconsideration. On May 17, 1961, the Broadcast Bureau filed an opposition to the petition for reconsideration and grant without hearing and thereafter, on May 29, 1961, a reply to this opposition was filed on behalf of the applicant.

8. Nothing further happened in this matter until June 16, 1961. On that date then counsel for the applicant advised the Commission by letter that they had recently learned that assignment of the applicant's license to a new corporation which had been the specific basis for their retention was "not a likely possibility and this development has prompted us to withdraw as counsel". Thereafter, on June 20, the Broadcast Bureau filed a motion to dismiss the petition for reconsideration, citing, among other things, the failure of the applicant to file an application for consent to assignment as well as the withdrawal of original counsel.

9. On June 23, 1961, the Commission issued a Memorandum Opinion and Order in which it denied the petition for reconsideration and grant without hearing filed on behalf of the applicant on May 4, 1961. On the same date, the Examiner issued an Order in which he scheduled, on his own motion, a further prehearing conference for 9:00 a.m., July 5, 1961. Applicant was not represented by counsel at that prehearing conference. But in the course thereof Broadcast Bureau counsel was advised that the current counsel had been retained by applicant. As a courtesy and convenience to such counsel who had just been retained and was unable to attend the further prehearing conference, such conference was postponed until 9:00 a.m., July 6.

10. The foregoing detailed recitation of events indicates that the applicant herein has been aware of the issues upon which this matter has been designated for hearing for a period of over 3½ months. In addition, more than 2½ months have elapsed since the date when the hearing was originally scheduled to commence. Furthermore, applicant was afforded the opportunity of presenting its petition for reconsideration and grant without hearing to the Commission and having such petition acted upon without being required in the interim to proceed with the hearing.

11. According to the Commission's files and to the statements made by the original counsel on behalf of applicant, it appears clear that all parties proceeded on the premise that what applicant was seeking herein was a further opportunity to present its problem to the Commission and to devise a means of assuring continuity of service to the area involved by a new licensee. In applicant's petition for reconsideration, it was specifically stated "admittedly if this petition is denied and as must then be the case, the WITT license is surrendered * * * [it] would involve a long period of time during which the Lewisburg community would be without a radio outlet". It was further stated that "Wireline Radio, Inc., cannot, and does not intend to, continue as a licensee". Apparently, at some stage of the proceedings and probably prior to June 16, 1961, the applicant must have changed its mind because on that date, then counsel for the applicant wrote the letter referred to above, withdrawing as counsel because assignment of the license "is not a likely possibility".

12. One final factor should be noted and that relates to the problem of the short time during which current counsel has been available to the applicant. This is not a matter of Commission responsibility. As indicated above, previous counsel withdrew by letter of June 16. The applicant therefore has had a period of almost three weeks to retain other counsel to represent it in this matter. In the opinion of the Examiner, it is not now in a position to claim that it is being unduly pressed because it failed or neglected to procure new counsel until July 5. Had it acted promptly and procured counsel early in the week of June 19 such counsel would have had at least three weeks to prepare for this proceeding.

13. In view of the circumstances already recited it appears to the Examiner that applicant has been afforded due process as required by law and the dictates of equity. Applicant has had ample time to prepare and protect its interests. Accordingly, the Examiner would have been amply justified in requiring the parties to proceed at the prehearing conference held on July 6, to discuss and resolve matters normally handled at prehearing conferences. However, in view of the fact that applicant is represented by reputable and competent counsel, the Examiner was of the opinion that a further limited period should be allowed such counsel to prepare himself for this proceeding. The dates specified by the Examiner represented at the conference on July 6, 1961, the maximum time which then could be allowed in light of the Examiner's calendar and commitments to hearing proceedings involving other parties. Since then, because of changes in other hearing matters, additional dates became available to the Examiner and he informally advised the parties that because of this, he could entertain a motion to change the hearing date from July 13 to July 20 or July 21. This should permit sufficient time to complete the hearing in a continuous series of sessions before the next hearing commitment of the Examiner. Certainly, other parties which have otherwise been diligent in prosecuting their applications should not have their schedules disrupted for the convenience of a party which has acted in the manner hereinabove described. Furthermore, in view of the events hereinabove described and the serious issues raised by the Commission's order of designation, the Examiner does not believe he should allow this matter to rest without hearing until September.

Accordingly, it is ordered, This 7th day of July 1961, that a further prehearing conference herein shall be held at 9:00 a.m., July 10, 1961, at which time the parties shall be prepared to fully discuss all matters necessary to assure prompt and orderly procedures at the hearing;

It is further ordered, That the hearing herein is rescheduled to commence at 9:00 a.m. on July 13, 1961, at the offices of the Commission in Washington, D.C.: *Provided however,* That the Examiner

will entertain a motion for postponement of the start of the hearing to July 20 or July 21, 1961.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6579; Filed, July 12, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 7, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 10, 1961 to July 19, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6555; Filed, July 12, 1961; 8:47 a.m.]

[File No. 37-7]

NEW ENGLAND POWER SERVICE CO.

Notice of Proposed Modifications in Organization and Conduct of Business of Subsidiary Service Company

JUNE 30, 1961.

New England Power Service Company ("Service Company"), a subsidiary service company of New England Electric System ("NEES"), a registered holding company, has filed with this Commission amendments to its declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder requesting that this Commission make permanent its temporary approval and authorization contained in its order dated December 30, 1959 (Holding Company Act Release No. 14128) of certain proposed modifications of the organization and conduct of business of Service Company.

All interested persons are referred to the aforesaid declaration and the amendments thereto which are on file in the Headquarters Office of the Commission for a statement of the proposals which are summarized below.

Prior to December 30, 1959, the servicing arrangements in the NEES holding-company system were organized and conducted in accordance with the terms and provisions of the Commission's Findings and Opinion and Order dated November 21, 1941 (New England Power Service Co. et al., 10 S.E.C. 562). Such servicing arrangements embraced a complete separation of the officers, employees and directors of Service Company from those of NEES and the other subsidiary companies in the NEES holding-company system. Personnel on the payroll of NEES performed all system policy making functions and supervised the activities of the operating subsidiary companies. Service Company performed technical, construction and other services for associate companies at cost.

Service Company states that continued operation of the NEES holding-company system with the aforesaid segregation of officers, employees and directors is inefficient, uneconomical and unrealistic, and that such arrangement has caused confusion in lines of management authority and the creation of unnecessary and overlapping officer and employee positions. Service Company requests that it be relieved of certain of the restrictions contained in the Commission's order dated November 21, 1941. It has proposed, among other things, that all of the officers and employees of NEES be transferred to the payroll of Service Company; that the salaries and related expenses of such persons be charged to the associate companies, including NEES, in accordance with the method of cost allocation set forth in the Commission's order dated December 30, 1959; and that the restrictions against the interlocking of officers and directors in the NEES holding-company system be eliminated.

By its order dated December 30, 1959, the Commission authorized the proposed modifications of Service Company's organization and conduct of its business with the further provision that such authorization shall expire at the end of a trial period of 18 months from the date on which such modifications are put into effect. The said authorization will expire June 30, 1961, unless further continued by the Commission.

On January 1, 1960, the entire staff of NEES, consisting of 8 officers and 13 employees, and also one officer and one employee of New England Power Company ("Power Company"), a subsidiary company of NEES, were transferred to the payroll of Service Company. All of such officers continued in their respective positions as officers of NEES and Power Company and, in addition, were elected officers of Service Company. Seven of such officers also became directors of Service Company.

Service Company states that the elimination of duplicate management personnel of NEES and Service Company has resulted in annual savings of approximately $95,000 in the consolidated operating expenses of the NEES system.

The increase in service charges to the public utility subsidiary companies of NEES resulting from the proposed changes totalled $497,280 for the 12 months ended March 31, 1961, which amount is equivalent to 0.27 percent of the consolidated gross operating revenues of NEES and its subsidiary companies which aggregated $182,915,000 for the same period. Service Company represents that such changes will not of themselves be the basis for seeking an increase in the rates charged by any of the operating subsidiary companies of NEES.

Service Company has agreed to the imposition of the following conditions in the Commission's order permitting the declaration, as amended, to become effective:

a. No change in the organization of Service Company, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or in the scope or character of services to be rendered, shall be made unless and until Service Company shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Service Company that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Service Company shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

b. The Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of the allocation of Service Company's costs among the serviced associate companies.

c. The order to be entered is not to be construed as a ruling that Service Company may not be required to effect such other changes in its organization or conduct of its business as may become necessary in order to conform with the Act or the present or future rules, regulations or orders of the Commission.

d. Jurisdiction is to be reserved to reconsider the servicing activities of Service Company at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend or modify the permission granted to Service Company to continue its organization and conduct of business.

Notice is further given that any interested State, State commission, municipality or other subdivision of a State, or person, may not later than July 26, 1961, at 5:30 p.m., request in writing that a hearing be held on the aforesaid matters. Any such request shall state the nature of the party's interest, the reasons for such request, and the issues of fact or law raised by said filing which are desired to be controverted. A request may also be made for notice should the Commission order a hearing. Requests should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the Commission may enter an order authorizing the proposed modifications of Service Company's organization and conduct of business as requested, or the Commission may take such other action as it deems appropriate.

It is further ordered, That the trial period during which the proposed modifications of Service Company's organization and conduct of business may remain in effect as authorized by the aforesaid order of the Commission dated December 30, 1959 be, and the same hereby is extended until midnight August 15, 1961 or until such earlier time as the Commission enters its order permitting Service Company's declaration, as amended, to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6556; Filed, July 12, 1961; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1121]

PACIFIC GAS AND ELECTRIC CO.

Notice of Modification of Land Withdrawal; California

JULY 7, 1961.

The Commission by letter of withdrawal notification dated April 6, 1931, notified the Commissioner of the General Land Office of the reservation of 561 acres of lands of the United States upon the filing on September 22, 1930, of an application for license by the Pacific Gas and Electric Company for Project No. 1121. This notice described, among other lands, the following subdivisions:

MOUNT DIABLO MERIDIAN

T. 29 N., R. 1 E.,
Sec. 2, SW¼SW¼;
Sec. 3, lots 11 and 12;
Sec. 12, lots 3, 4, 6 and 7;
Sec. 13, lots 1, 2, and 8.
T. 30 N., R. 2 W.,
Sec. 28, S½SE¼.

A re-examination of the project record discloses the aforesaid notice, insofar as it pertains to the lands listed above, described lands in excess of those included in the project in that the maps filed in support of the application define the project area as being a strip of land 100 feet in width for canal and spillway right-of-way locations.

Too, the examination discloses there was omitted from the April 6, 1931, notice reference to the reservation of a portion of lot 1 section 4, T. 29 N., R. 1 W., for the Coleman Canal right-of-way.

As a consequence the withdrawal in evidence upon the land records, insofar as it pertains to the above-described lands, is hereby modified to accomplish only the reservation of a right-of-way 100-feet in width for canal location as shown on the map accompanying the April 6, 1931, notice, and the adjusted area is 118.29 acres.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6550; Filed, July 12, 1961; 8:47 a.m.]

[Docket No. RI61-478]

W. B. OSBORN, JR., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Allowing Rate Change To Become Effective Subject to Refund; Correction

JULY 6, 1961.

In the order providing for hearings on and suspension of proposed changes in rates; and allowing rate change to become effective subject to refund, issued April 28, 1961 and published in the FEDERAL REGISTER on May 6, 1961 (F.R. Doc. 61-4123; 26 F.R. 3970), on page 2, Docket No. RI61-478, under the column headed "Amount of Annual Increase", change "$47,853" to read "$30,932", and under the column headed "Rate in Effect", change "8.93" to read "10.0".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6551; Filed, July 12, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 519]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 10, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64007. By order of July 6, 1961, the Transfer Board approved the transfer to Leeser & Stauffer Truck Service, Inc., Taylor, Mo., of Certificate No. MC 123245 and Permit No. MC 113865 both issued June 2, 1961, to Robert H. Leeser and Sylber Ray Stauffer, a partnership, doing business as Leeser & Stauffer Truck Service, Taylor, Mo., authorizing the transportation of: Salt and salt products, from Kanopolis, Lyons, and Hutchinson, Kans., to points in Illinois; animal and poultry feed and feed compounds, animal and poultry medicines and tonics, insecticides, and dry earth paint in quantities of 20,000 pounds or more, between Quincy, Ill., on the one hand, and, on the other, points in Scott, Pottawatomie, Greenwood, Phillips, Ellis, and Pratt Counties, Kans.; and between Quincy, Ill., on the one hand and, on the other, points in Sedgwick and Neosho Counties, Kans., mineral mixture for livestock or poultry feeding, animal and poultry tonics or medicines, animal and poultry feed, insecticides (other than agricultural), dry earth paint and advertising matter, from Quincy, Ill., to points in Riley County, Kans., and damaged shipments of the commodities described immediately above, from points in Riley County, Kans., to Quincy, Ill.; animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint, insecticides, and premiums and advertising matter relating to such products, from Quincy, Ill., to points in Kentucky west of U.S. Highway 41; prepared animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides (other than agricultural), dry earth paint, and advertising matter and premiums when shipped with the above-specified commodities, from Quincy, Ill., to Cameron, Clarence, Pilot Grove, and Villa Ridge, Mo., and damaged, defective, rejected or returned shipments of the commodities described above, from points in the above specified territory to Quincy, Ill.; mineral mixtures for livestock and poultry feeding, insecticides, dry earth paint, animal poultry tonics and medicines, and in connection therewith premiums and advertising matter, from Quincy, Ill., to points in Kentucky; damaged, defective, rejected or returned shipments of the commodities described immediately above, from points in the immediately specified territory to Quincy, Ill.; platform, grain and livestock truck bodies, from Quincy, Ill., to points in the United States (except Alaska and Hawaii), and damaged, defective, rejected or returned shipments of the commodities described immediately above, from points in the United States (except Alaska and Hawaii) to Quincy, Ill.; and lumber used in the manufacture of truck bodies, from points in Louisiana and Texas to Quincy, Ill. Mack Stephenson, 208 East Adams Street, Springfield, Ill., attorney at law.

No. MC-FC 63568. By order of July 6, 1961, the Transfer Board approved the transfer to Airway Trucking Co., a cor-

poration, Bell Gardens, Calif., of Certificate No. MC 110689 Sub 1, issued November 29, 1955, to Floyd G. Powers and Raymond L. Smith, doing business as Airway Trucking Company, Bell Gardens, Calif., authorizing the transportation of: Plumbing supplies, iron and steel articles, radiators, nails, wire, and cable, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Los Angeles and Vernon, Calif; roofing and roofing materials, from Los Angeles, Calif., to Los Angeles Harbor and Long Beach, Calif.; steel and cast iron pipe, pipe fittings, and valves, from Los Angeles Harbor and Long Beach, Calif., to points in the Los Angeles Commercial Zone; general commodities, excluding household goods, commodities in bulk, and other specified commodities, from Los Angeles Harbor, Calif., to Los Angeles, Calif., and machinery, materials, supplies, and equipment incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, from points in the Los Angeles Harbor Commercial Zone, to points in Fresno, Kern, Kings, Los Angeles, Orange, San Bernardino, Tulare, and Ventura Counties, Calif. John B. Peterman, 639 South Spring Street, Los Angeles, Calif., Attorney for applicants.

No. MC–FC 64036. By order of July 6, 1961, the Transfer Board approved the transfer to Edward F. Schock, doing business as Mail Carrier and Local Hauling, McLaughlin, S. Dak., of Certificate in No. MC 46084 Sub 2, issued July 14, 1943, to Edward Schock, McLaughlin, S. Dak., authorizing the transportation of: General commodities excepting commodities in bulk, and other exceptions, between McLaughlin, S. Dak., and Fort Yates, N. Dak.

No. MC–FC 64194. By order of July 6, 1961, the Transfer Board approved the transfer to American-Western Company, Inc., Eugene, Oregon, of a portion of Permit No. MC 69365 Sub 1 and the entire Permit No. MC 69365 Sub 3, issued February 19, 1957 and August 19, 1958, respectively, to Contract Carrier Service, Inc., Eugene, Oregon, authorizing the transportation of lift trucks, over irregular routes, from Dallas, Oreg., to points in Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, Texas, Washington, Idaho, and California; and damaged, defective, traded in, or exchanged lift trucks, on return. Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Oreg., attorney for applicants.

No. MC–FC 64263. By order of July 6, 1961, the Transfer Board approved the transfer to Carl W. Peer and Theodore E. Peer, a partnership, doing business as Peer Bros. Co., Westfield, Mass., of Certificate No. MC 30160 issued March 10, 1941, to Fred G. Mather, West Springfield, Mass., authorizing the transportation of road-building materials, in bulk, over irregular routes, from Westfield, Mass., to points in a described portion of Hartford County, Conn., and from Greenfield, Mass., to points in a described portion of Windham County, Vt., and a described portion of Cheshire County, N.H., and road-building machinery and contractors' equipment uncrated, over irregular routes, between points in Connecticut, a described portion of Massachusetts, Bennington, Rutland, Windham, and Windsor Counties, Vt., and those in a described portion of New York. Paul S. Doherty, 31 Elm Street, Springfield, Mass., attorney for applicants.

No. MC–FC 64276. By order of July 5, 1961, the Transfer Board approved the transfer to J. N. Weigel Co., Inc., Marshfield, Wis., of Certificate No. MC 123406 issued June 29, 1961, to Jacob N. Weigel, doing business as Weigel Transfer Company, Marshfield, Wis., authorizing the transportation of cheese, butter, and cream, and eggs and live and dressed poultry, when moving in the same vehicle, between Marshfield, Wis., and Chicago, Ill., groceries, creamery supplies and empty containers for eggs and poultry, and fruits and vegetables, when moving in the same vehicle at the same time with groceries, creamery supplies and empty containers for eggs and poultry, from Chicago, Ill., to Marshfield, Wis. John T. Porter, 1 S. Pinckney Street, Madison 3, Wis., attorney for applicants.

No. MC–FC 64297. By order of July 6, 1961, the Transfer Board approved the transfer to Pony Bulk Carriers, Inc., Willoughby, Ohio, of Permits Nos. MC 2488, MC 2488 Sub 2, and MC 2488 Sub 5, issued February 21, 1956, April 17, 1957, and March 2, 1961, respectively, to W. R. McGwinn, Grand River, Ohio, authorizing the transportation, over regular routes, of sulphur, from Fairport Harbor, Ohio, to Erie, Pa., and over irregular routes, of coke, in bulk, in dump vehicles, from Fairport Harbor, Ohio, to Erie, Franklin, Greenville, Grove City, New Castle, Oil City, and Monaca, Pa., of salt, in bulk, in dump or hopper trucks, from Fairport Harbor, Ohio, to points in Crawford, Erie, McKean, Mercer, Potter, Venango, and Warren Counties, Pa., and coke and pig iron, in dump trucks, from Erie, Pa., to points in a described portion of Ohio, and a described portion of New York. G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio, applicants' representative.

No. MC–FC 64323. By order of July 5, 1961, the Transfer Board approved the transfer to G & H Truck Line, Inc., Pueblo, Colo., of Certificate No. MC 79726 issued November 25, 1941, to H. N. Simkins, Pine Bluffs, Wyo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over a regular route, between Pine Bluffs, Wyo., and Denver, Colo.; and over irregular routes, between Pine Bluffs, Wyo., and points within 20 miles thereof, on the one hand, and, on the other, Sidney and Scottsbluff, Nebr. R. B. Danks, 401 First National Bank Building, Denver 2, Colo., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6560; Filed, July 12, 1961; 8:48 a.m.]

KEITH LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475; 21 F.R. 9198; 22 F.R. 3777; 22 F.R. 9450; 23 F.R. 3798; 23 F.R. 9501; 24 F.R. 4187; 24 F.R. 9502; 25 F.R. 102; and 26 F.R. 1692) during the period from January 1, 1961 through June 30, 1961.

None.

Dated: June 23, 1961.

[SEAL] KEITH H. LYRLA.

[F.R. Doc. 61–6572; Filed, July 12, 1961; 8:50 a.m.]

[Sec. 5a Application 25]

NEW ENGLAND MOTOR FREIGHT BUREAU, INC.

Application for Approval of Amendments to Agreement

JULY 10, 1961.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed: June 30, 1961 by: Herman Matthei, Counsel for Applicants, 125 Lincoln Street, Boston 11, Mass.

Amendments involved: Change the agreement so as to (1) permit the use of the bureau's freight classification by all modes of transport, (2) provide for the publication of rates between points in the United States and points in Canada, (3) permit participation before any regulatory body which may be appropriate, (4) change the days for meetings of the membership, board of directors, and the executive committee, (5) eliminate obsolete provisions affecting former members of Eastern Motor Freight Conference, Inc., (6) clarify certain existing provisions, and (7) set forth current basis and schedules of dues and charges.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6573; Filed, July 12, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37244: *Fertilizers from Military, Kans., to the South.* Filed by Western Trunk Line Committee, Agent (No. A–2195), for interested rail carriers. Rates on fertilizer and fertilizer materials, as described in the application, in carloads, from Military, Kans., to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 26 to Western Trunk Line Committee tariff I.C.C. A–4339.

FSA No. 37245: *Substituted service—C&O and L&N for Allied Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 32), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Atlanta, Ga., Detroit, Mich., Cincinnati, Ohio, Newport News, and Richmond, Va., on the other; between Huntington, W. Va., on the one hand, and Detroit, Mich., and Richmond, Va., on the other; also between Cincinnati, Ohio, on the one hand, and Newport News, and Richmond, Va., on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Supplements 4, 4, and 4, to Household Goods Carriers' Bureau tariffs MF–I.C.C. 96, 97, and 99, respectively.

FSA No. 37246: *Substituted service—PRR, et al., for United Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, Agent (No. 33), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kearny, N.J., and Philadelphia, Pa., on the one hand, and Jacksonville, Miami, Orlando, and Tampa, Fla., Atlanta and Savannah, Ga., Charlotte, N.C., and Charleston, S.C., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37247: *Substituted service—C&O, et al., for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau Agent (No. 34), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Buffalo, N.Y., Jacksonville, Miami, Orlando, St. Petersburg, and Tampa, Fla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 97.

FSA No. 37248: *Substituted service—Erie-Lackawanna for Allied Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 35), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Hornell, N.Y., and Scranton, Pa., on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 97.

FSA No. 37249: *Substituted service—IC, for United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 36), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Memphis, Tenn., on the one hand, and Birmingham, Ala., New Orleans, La., and Jackson, Miss., on the other; between Chicago, Ill., on the one hand, and East St. Louis, Ill., and Memphis, Tenn., on the other; between East St. Louis, Ill., and Memphis, Tenn., also between Jackson, Miss., and New Orleans, La.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37250: *Substituted service—CRI&P for United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 37), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., on the one hand, and Denver, Colo., Kansas City, Kans., St. Paul, Minn., Tucumcari, N. Mex., Amarillo and Dallas, Tex., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37251: *Substituted service—C&NW for United Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 38), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between East St. Louis, Ill., and Casper, Wyo., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37252: *Substituted service—IC for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 39), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Greenville, Miss., on the one hand, and Chicago, East St. Louis, Ill., and Memphis, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 97.

FSA No. 37253: *Iron or steel bars from Illinois and Missouri points.* Filed by Western Trunk Line Committee, Agent (No. A–2197), for interested rail carriers. Rates on bars, iron or steel, in carloads, from Alton, Chicago, including Chicago District points, Chicago Heights, East St. Louis, Federal, Joliet and Peoria, Ill., and St. Louis, Mo., to Council Bluffs, Iowa, Kansas City, Mo.-Kans., Jefferson City and North Jefferson, Mo., and Omaha, Nebr., also from Kansas City, Mo.-Kans., to Chicago, Ill., Council Bluffs, Iowa, and Omaha, Nebr.

Grounds for relief: Barge and market competition.

Tariffs: Supplements 23, 31 and 55 to Western Trunk Line Committee tariffs I.C.C. A–4347, A–4271, and A–4257.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6559; Filed, July 12, 1961; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

OSCAR F. RENZ

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published January 11, 1961 (26 F.R. 213).

Dated: June 11, 1961.

OSCAR F. RENZ.

[F.R. Doc. 61–6533; Filed, July 12, 1961; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 12]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1961 crop year for citrus in Texas in the following respects.

§ 401.30 [Amendment]

1. The table following paragraph (a) of § 401.3 of this chapter is amended effective beginning with the 1961 crop year for citrus in Texas, by adding the following insertion immediately below that portion of the table pertaining to the closing date for citrus in Florida:

Citrus (Texas only)	Date upon which the Manager terminates sales.

2. The following paragraph (i) is added to § 401.3:

(i) No application for insurance on an acreage of citrus fruit in Texas shall be accepted if such application is submitted to the county office during the time any hurricane "watch" or "alert" warning of the U.S. Weather Bureau is in effect with respect to the area in which such acreage of citrus fruit is located.

3. The following section is added:

§ 401.34 The Texas citrus endorsement.

The provisions of the Texas citrus endorsement, which shall apply only to counties in Texas for the 1961 and succeeding crop years for citrus, are as follows:

TEXAS CITRUS ENDORSEMENT

(Applicable Only in Texas Beginning With the 1961 Crop Year)

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production of the insured citrus fruit because of a freeze or a hurricane identified as such by records of the Weather Bureau of the U.S. Department of Commerce.

2. *Insured crop.* In lieu of all of section 1 of the policy, except the first sentence thereof, the following shall apply:

(a) Application may be made for insurance on any or all types of citrus fruit. The insured acreage for each crop year shall be all of that acreage in the county of any types of citrus fruit for which the insured has applied for insurance, which is shown as insurable acreage on the county actuarial table, and in which the insured has an interest on the date insurance attaches: *Provided, however,* That acreage having a potential production for any crop year of less than 4 tons in the case of oranges, and 5 tons in the case of grapefruit, per acre as determined by the Corporation is uninsurable for that crop year. The interest insured shall be the interest of the insured in such acreage on the date insurance attaches, as reported by the insured, or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of indemnity the interest insured shall not exceed the insured's actual interest at the time of damage.

(b) For each crop year of the contract, insurance shall cover only fruit which normally matures in the crop year.

3. *Responsibility of the insured to report acreage and interest.* In lieu of section 2 and subsection 21(a) of the policy, the insured shall report on a form prescribed by the Corporation, at the time the application is filed, all of the acreage of citrus fruit (including a designation of any acreage to which insurance does not attach) in the county in which he has an interest and his interest therein. If the actual acreage or interest therein shown on such form changes prior to the date insurance attaches for any crop year, the insured shall submit a report to the county office of such changes, on a form prescribed by the Corporation, prior to that date.

4. *Amounts of insurance.* The insured may change the amount of insurance per acre which was in effect for a prior crop year and make a new election by notifying the county office in writing by March 31 preceding the crop year for which the change is to become effective.

5. *Annual premium.* (a) In lieu of subsection 4(a) of the policy the following shall apply: (a) The annual premium shall be earned and payable on the date insurance attaches.

(b) In lieu of subsection 4(e) of the policy the following shall apply: (e) If the insured pays the premium by May 1, or when the application is filed if after that date, the premium which would otherwise be payable for the crop year shall be reduced 5 percent.

6. *Insurance period.* Insurance shall attach on April 1 at the beginning of each crop year, or on acceptance of the application for such crop year whichever is later, and with respect to any portion of the citrus crop shall cease upon harvest, but in no event shall insurance remain in effect later than April 30 of the following calendar year.

7. *Notice of loss.* In lieu of section 8 of the policy, if during the insurance period the fruit on any insurance unit is damaged by a cause of loss insured against, the insured with respect to each such damage shall give written notice within 7 days after any such damage becomes apparent to the county office of the Corporation of the date, cause and estimated extent of damage. The Corporation reserves the right to reject any claim for loss if notice is not so given if the Corporation determines that it has been prejudiced by the failure to give such notice.

8. *Abandonment of crop.* In lieu of section 9 of the policy, there shall be no liability under the contract on any citrus crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any citrus crop or portion thereof to the Corporation.

9. *Claims for loss.* (a) In lieu of section 10 and subsection 11(a) of the policy, any claim for indemnity shall be submitted to the Corporation, on a form prescribed by the Corporation, promptly after the amount of any damage or loss can be determined but not later than the earlier of (1) 90 days after the time of damage, or (2) the first June 30 following the end of the crop year in which the loss occurred.

(b) In lieu of subsection 11(c) of the policy, the amount of indemnity shall be determined separately for each insurance unit, as provided in this paragraph (b) and the following paragraphs (c), (d), and (e) of this section. Such amount of indemnity shall be determined by multiplying the insured acreage by the applicable amount of insurance per acre; multiplying that product by the average percent of damage covered by insurance on the insurance unit, and multiplying the result thus obtained by the interest insured; except, that, no indemnity shall be payable in any crop year if the average percent of damage on the insurance unit during the insurance period is less than 10 percent.

(c) The average percent of damage covered by insurance for a crop year on an insurance unit shall be the ratio of the number of tons of fruit lost from insured causes to the total number of tons which was or would have been produced. The number of tons which was or would have been produced shall include fruit which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage occurred, (3) was lost from insured causes of damage, and (4) any other fruit not included in items (1) through (3), including fruit lost from causes not insured against. As determined by the Corporation, fruit lost from insured causes shall include any fruit which is unmarketable as fruit and is unmarketable as juice due to an insured cause, and any fruit which is partially damaged by freeze as provided in the following paragraphs (d) and (e).

(d) Fruit shall not be considered as having been damaged from freeze if harvested within 7 days after the damage occurs, or before the damage, if any, can be established by the cut method.

(e) Damage by freeze shall be determined from representative samples of the fruit as follows: (1) Unless marked dryness, determined by the cut method, extends at the stem end into all of the segments of the fruit more than one-fourth inch or there is an equivalent of these respective amounts by volume when occurring in other portions of the fruit, it shall be considered that there is no freeze damage to such fruit, (2) where such dryness so determined extends into all segments of the fruit beyond one-fourth inch at the stem end and not beyond one-half inch, or there is an equivalent of this amount by volume when occurring in other portions of the fruit it shall be considered as 50 percent damaged, and (3) if such dryness so determined extends at the stem end into all segments of the fruit beyond one-half inch or there is an equivalent of these respective amounts by volume when occurring in other portions of the fruit, the fruit so damaged shall be considered totally destroyed. In cases where the Corporation can determine the extent to which marked dryness will develop because of (a) broken-down juice cells, (b) a mushy condition, (c) open spaces in the pulp or a combination of such evidence, fruit shall be considered as damaged in accordance with the preceding provisions of this paragraph applicable to the dryness which the Corporation determines will develop.

10. *Life of contract, cancellation, or termination thereof.* In lieu of item (1) of subsection 15(a) of the policy, the following shall apply: "(1) any amount due the Corpo-

ration from the insured for insurance on citrus for any crop year, or".

11. *Meaning of terms.* For purposes of insurance on citrus fruit in Texas the terms:

(a) "Citrus", "fruit", or "citrus fruit" means any or all types of citrus fruit whichever is designated on the application by the insured in applying for insurance thereon.

(b) "Crop year", in lieu of section 21(e) of the policy, means the period beginning April 1 and extending through April 30 of the following calendar year, and shall be designated by reference to the calendar year in which the insurance period begins.

(c) "Harvest" means any severance of fruit from the tree either by pulling or clipping, or picking the marketable citrus from the ground.

(d) "Insurance unit", in lieu of section 21(g) of the policy, means all insurable acreage in the county of a crop of any of the three citrus types (see (e) below) (1) in which crop the insured has 100 percent interest on the date insurance attaches and which is located on contiguous land under the same ownership, or (2) in which crop two or more persons have 100 percent interest on the date insurance attaches and which is located on contiguous land under the same ownership, excluding any other acreage of citrus in which such persons do not have 100 percent interest on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(e) "Types of citrus fruit" means the three types as follows: Type (1), all varieties of early and midseason oranges; Type (2), all varieties of late oranges including temple oranges; and Type (3), all varieties of grapefruit.

12. *Cancellation and termination dates.* (a) For each crop year of the contract the cancellation date shall be the January 31 and the termination date for indebtedness shall be the March 31 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract, the 10 percent discount date referred to in section 4(b) of the policy shall be the April 30 of the calendar year following the calendar year in which insurance attaches.

(Secs. 506, 516, 52 Stat. 73, as amended; 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 3, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on July 10, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-6608; Filed, July 13, 1961; 8:46 a.m.]

[Amdt. 13]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1961 crop year in the following respects:

1. The orange endorsement shown in § 401.25 of this chapter, is amended effective beginning with the 1961 crop year to read as follows:

§ 401.25 The orange endorsement.

1. *Causes of loss insured against.* The insurance provided is against unavoidable loss of production on the insured orange crop due to freeze, subject however, to any exceptions, exclusions or limitations with respect to such cause of loss that are set forth in the county actuarial table.

2. *Insured crop.* In lieu of all of section 1 of the policy except the first and last sentence thereof, the following shall apply:

(a) Application may be made for insurance with respect to only navel oranges, or only valencia oranges, or with respect to both navel and valencia oranges. The insured acreage for each crop year shall be all acreage of oranges in the county of the variety or varieties for which the insured has applied for insurance, which is shown as insurable acreage on the county actuarial table, and in which the insured had an interest on the date insurance attaches; and the interest insured shall be the interest of the insured in such acreage at that time, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That acreage having a potential production for any crop year of less than 200 standard citrus field picking boxes per acre as determined by the Corporation is uninsurable for that crop year.

(b) Insurance for each crop year of the contract shall cover only oranges setting from the annual bloom occurring in the calendar year in which the insurance period begins.

3. *Responsibility of the insured to report acreage and interest.* In lieu of section 2 and subsection 21(a) of the policy, the insured shall report on a form prescribed by the Corporation, at the time the application for orange crop insurance is filed, all of the acreage of oranges (including a designation of any acreage of oranges for which insurance is not applied for and to which insurance does not attach) in the county in which he has an interest and his interest therein. If the actual acreage of oranges or interest therein shown on such form changes prior to the date insurance attaches for any crop year, the insured shall submit a report to the county office of such changes, on a form prescribed by the Corporation, prior to the date insurance attaches for that crop year.

4. *Annual premium.* In lieu of subsection 4(a) of the policy, the annual premium for the insured orange crop shall be earned and payable on the date insurance attaches.

5. *Amounts of insurance.* If the insured had a contract in force during the 1960 crop year and fails to elect an amount of insurance for oranges for the 1961 crop year, the amount of insurance per acre in effect for the 1961 crop year shall be the amount of coverage per acre in effect under such contract in 1960. The insured may change the amount of insurance per acre which was in effect for a prior crop year and make a new election by notifying the county office in writing of such change prior to the date insurance attaches for the crop year for which the change is to become effective.

6. *Insurance period.* For each crop year insurance on any insured acreage shall attach on the October 1 at the beginning of such crop year and with respect to any portion of the orange crop shall cease upon harvest, but in no event shall insurance remain in effect later than March 31 of the following calendar year.

7. *Notice of loss; inspection of groves.* In lieu of section 8 of the policy, if at any time during the insurance period the orange crop on any insurance unit is damaged by freeze the insured (a) shall give written notice of the date and estimated extent of damage to the Corporation at the county office within seven days after such damage becomes apparent, and (b) shall not harvest oranges on any acreage damaged by freeze until the Corporation has inspected the oranges on such acreage. If any such notice is not given or oranges are harvested prior to the Corporation's making an inspection, no damage shall be deemed to have occurred unless the insured furnishes the Corporation evidence from which it can determine to its satisfaction the extent of damage caused by freeze.

8. *Abandonment of crop.* In lieu of section 9 of the policy, there shall be no liability under the contract on any orange crop or part thereof which is abandoned by the insured without the written consent of the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Claims for loss.* (a) In lieu of subsection 11(a) of the policy, any claim for loss on an insurance unit shall be submitted, on a form prescribed by the Corporation, promptly after the amount of loss can be determined, but not later than the earlier of (1) 30 days after the completion of harvest on the insurance unit, or (2) July 31 of the crop year in which the loss occurred.

(b) In lieu of subsection 11(c) of the policy, losses shall be determined separately for each insurance unit. Subject to the provisions of paragraph (d) of this section, the amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insured acreage of oranges on the insurance unit by the applicable amount of insurance per acre, (2) multiplying the result thus obtained by the average percent of damage for all of the orange crop on such unit, (3) deducting therefrom 10 percent of the amount obtained in (1) above, and (4) multiplying the remainder by the insured interest.

(c) Subject to the provisions of paragraph (d) of this section the average percent of damage to oranges on an insurance unit shall be the ratio of the number of standard citrus field picking boxes of oranges lost from freeze to the total number of standard citrus field picking boxes which was or would have been produced. The number of boxes which was or would have been produced shall include (1) oranges picked before the insured damage occurs, (2) oranges remaining on the trees after the damage occurs, (3) oranges lost from freeze, and (4) any other oranges not included in items (1) through (3), including oranges lost from causes not insured against other than normal dropping. Oranges lost from freeze shall be oranges to which damage from freeze is serious as defined in the Agricultural Code of California (as amended through January 1, 1958) as determined by the Corporation from grove inspections, marketing agency records, proof furnished by the insured, or from any other evidence that may be made available. The Corporation reserves the right to delay the determining of the extent of damage from freeze and the settlement of any loss until the insured makes available to it complete records of the marketing of the insured crop for the crop year.

(d) If the Corporation finds, after having representative samples run through the packing plant that the damage to oranges from freeze is so severe that the damaged and undamaged fruit cannot be separated by existing plant facilities, it shall be determined by the Corporation that the average percent of damage provided in item (2) of paragraph (b) of this section shall be 100 percent notwithstanding the provisions of paragraph (c) of this section.

10. *Life of contract, cancellation, or termination thereof.* In lieu of item (1) of subsection 15(a) of the policy, the following shall apply: "(1) any amount due the Corporation from the insured for insurance on oranges for any crop year remains unpaid, or".

11. *Meaning of terms.* For purposes of insurance on oranges the terms:

(a) "Crop year", in lieu of section 21(e) of the policy, means the period beginning October 1 and extending through September 30 of the following calendar year, and shall be designated by reference to the calendar year in which the insurance period begins.

(b) "Harvest" means any severance of oranges from the tree either by pulling or picking, or picking the marketable oranges from the ground.

(c) "Insurance unit", in lieu of section 21(g) of the policy, means all insurable acreage in the county of any one insured variety of oranges (navel or valencia) (1) in which variety of oranges the insured has 100 percent interest on the date insurance attaches and which variety is located on contiguous land under the same ownership, or (2) in which variety of oranges two or more persons have 100 percent interest on the date insurance attaches and which variety is located on contiguous land under the same ownership, excluding any other acreage of such variety of oranges that such persons do not have 100 percent interest in such oranges on such date. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. Contiguous land shall include only land that is touching at any point except that land that is separated only by a public or private way shall be considered contiguous.

(d) "Oranges" and "orange crop" except for the purposes of paragraph (c) of this section shall mean either navel oranges, or valencia oranges, or both navel and valencia oranges, whichever is designated on the application by the insured in applying for insurance thereon.

12. *Cancellation, termination for indebtedness, and discount dates.* (a) For each year of the contract the cancellation date shall be the July 31 and the termination date for indebtedness shall be the September 30 immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(b) For each crop year of the contract the discount date shall be the date insurance attaches for such crop year.

13. *Acceptance of applications in the month of October.* The provisions of this section 13 shall be a part of the orange endorsement of any contract of insurance for which application is made and is accepted by the Corporation during the month of October. Application for orange insurance for the first crop year of such insurance which are submitted to the county office during the month of October of such crop year and which, notwithstanding the premium payable provision of section 4 of this endorsement, are accompanied by payment of the premium for such insurance may be accepted by the Corporation during such month of October: *Provided, however,* That in any case in which an application for orange insurance submitted during the month of October is accepted by the Corporation, insurance shall attach for the first crop year, notwithstanding the provision of section 6 of this endorsement, on the tenth day after the date of premium payment for that crop year (the date of premium payment shall be the date an official receipt is issued by an authorized representative of the Corporation acknowledging that premium payment has been received in the county office).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 3, 1961.

[SEAL] EARLL H. NIKKEL,
Secretary,
Federal Crop Insurance Corporation.

Approved on July 10, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-6604; Filed, July 13, 1961; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

§ 936.676 Plum Order 15 (Kelsey).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 11, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no shipper shall ship any package or container of Kelsey plums, unless:

(i) Such plums grade at least U.S. No. 1, with an additional tolerance of 5 percent for hail marks which are more than shallow or superficial, but which are not more than three-sixteenth (3/16) inch in depth, as required by the provisions of § 936.660 (Plum Order 1, as amended; 26 F.R. 5658) except that a total tolerance of ten (10) percent for defects not considered serious damage is permitted in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (1/4) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "U.S. No. 1" and "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruits covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with

all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6695; Filed, July 13, 1961; 11:45 a.m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.677 Plum Order 16 (Emily, President, Sharkey, Late Duarte).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 11, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 15, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no shipper shall ship any package or container of Emily, President, Sharkey, or Late Duarte plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used in this section, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520 to 51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6696; Filed, July 13, 1961; 11:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8238 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kotuk & Chavin et al.

Correction

In F.R. Document 61–6043, appearing at page 5796 of the issue for Thursday, June 29, 1961, the section heading in the eighth line of the first paragraph is corrected to read: "§ 13.1810 *Fictitious marking.*"

[Docket 8246 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Flemington Fur Co. et al.

Correction

In F.R. Document 61–6371, appearing at page 6076 of the issue for Friday, July 7, 1961, the section number appearing in the fourth line of the first paragraph reading "§ 13.15" is corrected to read "13.15–235".

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER C—MILITARY EDUCATION

PART 543—PROMOTION OF RIFLE PRACTICE

National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship

The last sentence of § 543.4(a) is revised to read as follows:

§ 543.4 National Board for the Promotion of Rifle Practice and Office of the Director of Civilian Marksmanship.

(a) *General.* • • •

The Under Secretary of the Army is presently required by the Secretary of the Army to be president of the Board and in that capacity acts for the Secretary of the Army concerning the activities relating to the program of the Board, including approval of expenditures by the Board.

[C 1, AR 920–15, May 4, 1961] (Sec. 4308, 70A Stat. 236; 10 U.S.C. 4308)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 61–6588; Filed, July 13, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 7—International Cooperation Administration

Chapter 7 is hereby added to Title 41 of the Code of Federal Regulations.

Part
7–1 General.
7–2 Procurement by formal advertising.
7–3 Procurement by negotiation.
7–6 Foreign purchases.
7–7 Contract clauses.
7–12 Labor.
7–16 Procurement forms.

PART 7–1—GENERAL

Subpart 7–1.1—Introduction

Sec.
7–1.100 Scope of subpart.
7–1.101 Establishment of ICA procurement regulations.
7–1.102 Authority.
7–1.103 Applicability.
7–1.104 Issuances.
7–1.104–1 Publication.
7–1.104–2 Copies.
7–1.105 Arrangement.
7–1.105–1 General plan.
7–1.105–2 Numbering.
7–1.105–3 Citation.
7–1.106 Implementation and supplementation of FPR.
7–1.107 Exclusions.
7–1.108 Deviation.
7–1.108–1 Description.
7–1.108–2 Procedure.
7–1.109 Other ICA procurement instructions.

Subpart 7–1.2—Definition of Terms

7–1.201 Definitions.
7–1.202 Executive agency.
7–1.204 Head of agency.
7–1.205 Procuring activity.
7–1.209 Procurement.
7–1.250 Mutual Security Act.
7–1.251 ICA.
7–1.252 USOM.
7–1.253 Cooperating country.
7–1.254 Government, federal, state, local and political subdivisions.

Subpart 7–1.3—General Policies

7–1.305–2 Exceptions to mandatory use of federal specifications.
7–1.306–1 Mandatory use and application of federal standards.

Subpart 7–1.5—Contingent Fees

7–1.507–3(f) Exceptions.

Subpart 7–1.7—Small Business Concerns

7–1.701 General.

AUTHORITY: §§ 7–1.100 to 7–1.701 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–1.1—Introduction

§ 7–1.100 Scope of subpart.

This subpart describes the International Cooperation Administration Procurement Regulations in terms of establishment, authority, applicability, issuance, arrangement, implementation and supplementation of FPR, exclusions, deviations, and other ICA Procurement Instructions.

§ 7–1.101 Establishment of ICA procurement regulations.

(a) The ICA Procurement Regulations (ICAPR) are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations (FPR) and are a part of the Federal Procurement Regulations System.

§ 7–1.102 Authority.

The ICA Procurement Regulations are prescribed by the Director, International Cooperation Administration, pursuant to the authority of the Mutual Security Act of 1954, as amended; Executive Order No. 10784, as amended; and the Federal Property and Administrative Services Act of 1949.

§ 7–1.103 Applicability.

The ICA Procurement Regulations and the Federal Procurement Regulations, which together form that part of the Federal Procurement Regulations System which governs ICA procurement, apply to all direct procurement of personal property and nonpersonal services (including construction). See definition of "procurement" in § 7–1.209 of this chapter.

§ 7–1.104 Issuances.

§ 7–1.104–1 Publication.

The ICA Procurement Regulations appear in the Code of Federal Regulations as Chapter 7 of Title 41, Public Contracts, and are published in issues of the FEDERAL REGISTER, in cumulative form in the Code of Federal Regulations, and in separate loose-leaf volume form.

§ 7–1.104–2 Copies.

Copies of the ICA Procurement Regulations may be purchased at nominal cost, from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

§ 7–1.105 Arrangement.

§ 7–1.105–1 General plan.

The ICA Procurement Regulations employ the same numbering system and nomenclature used in the Federal Procurement Regulations.

§ 7–1.105–2 Numbering.

(a) Generally, the numbering system used in the ICAPR conforms to that of the FPR (see FPR 1–1.007–2). Thus, a particular procurement policy or procedure is identified by the same number in both the Federal Procurement Regulations and the ICAPR except that the first digit of the number is either 1 (meaning Federal Procurement Regulations) or 7 (meaning the ICA Procurement Regulations).

(b) Where the ICAPR implements a part, subpart, section or subsection of the FPR, the implementing part, subpart, section or subsection of the ICAPR will be numbered and captioned to correspond to the FPR part, subpart, section or subsection concerned.

(c) Where the ICAPR supplements the FPR and thus deals with subject matter having no counterpart in the FPR, the numbers in the group 50 through 99 will be assigned to the respective suplementing part, subpart, section or subsection.

(d) Where the subject matter contained in the part, subpart, section or subsection of the FPR requires no implementation to adapt it to ICA procurement requirements, the ICAPR will contain no corresponding part, subpart, section or subsection. Therefore, there will be gaps in the ICAPR of part, subpart, section or subsection numbers; in such cases, reference must be made to the FPR part, subpart, section or subsection for policy and procedure applicable to ICA procurement.

§ 7–1.105–3 Citation.

These regulations shall be referred to as the ICA Procurement Regulations. They will be cited in the same manner as the Federal Procurement Regulations are cited. Thus, this section, when referred to in divisions of the ICA Procurement Regulations, should be cited as "7–1.105–3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 7–1.105–3." Any section of the ICA Procurement Regulations may be informally identified, for purposes of brevity, as ICAPR followed by the section number, i.e., "ICAPR 7–1.105–3."

§ 7–1.106 Implementation and supplementation of FPR.

The ICA Procurement Regulations "implement" and "supplement" the FPR. As new portions of the FPR are issued, ICA will publish such additional material in the ICAPR to "implement" or "supplement" such portions as is necessary to adapt the new portions of the FPR to ICA procurement requirements and policies. The meaning of these terms includes the following:

(a) Implementation may have either of the following meanings:

(1) A part, subpart, section, etc., which treats a similarly numbered portion of the FPR in greater detail or indicates the manner of compliance including any deviations.

(2) The absence of a corresponding part, subpart, section, etc., in the ICAPR indicates that the FPR is applicable as written. Policies and procedures in the FPR are not repeated in the ICAPR.

(b) Supplementation means ICAPR coverage of matters which have no counterpart in the FPR.

§ 7–1.107 Exclusions.

(a) Certain ICA procurement policies and procedures which come within the scope of this chapter nevertheless may be excluded therefrom when there is a justification therefor. These exclusions may include the following:

(1) Subject matter which bears a security classification.

(2) Policies or procedures which are expected to be effective for a period of less than six months.

(3) Policies or procedures which are effective on an experimental basis for a reasonable period.

(4) Policies and procedures pertaining to other activities of ICA as well as to procurement functions and there is need to make the issuance available simultaneously to all ICA personnel concerned.

(5) Speed of issuance is essential, numerous changes are required in this chapter, and all changes cannot be made promptly.

(b) Procurement policies and procedures issued initially as internal agency policies in other than the FPR System format under paragraph (a)(4) and (5) of this section, will be codified into the ICAPR at the earliest practicable date.

§ 7–1.108 Deviation.

§ 7–1.108–1 Description.

The term "deviation" includes any of the following sections:

(a) When a prescribed contract clause is set forth verbatim, use of a contract clause covering the same subject matter which varies from that set forth.

(b) When a standard or other form is prescribed, use of any other form for the same purpose.

(c) Alteration of a prescribed standard or other form, except as may be authorized in the regulations.

(d) The imposition of lesser or, where the regulation expressly prohibits, greater limitations than are imposed upon the use of a contract clause, form, procedure, type of contract or upon any other procurement action, including but not limited to, the making or amendment of a contract, or actions taken in connection with the solicitation of bids or proposals, award, administration, or settlement of contracts.

(e) When a policy or procedure is prescribed, use of any inconsistent policy or procedure.

§ 7–1.108–2 Procedure.

The procedure for controlling deviations shall be as set forth in ICA Manual Orders.

§ 7–1.109 Other ICA procurement instructions.

(a) Other matters of a purely internal nature are contained in ICA Manual Orders.

(b) Procurement memoranda will also be employed for the information and guidance of ICA personnel.

Subpart 7–1.2—Definition of Terms

§ 7–1.201 Definitions.

Whenever such terms appear in the FPR or in the ICAPR, the following terms have the meanings set forth in this subpart:

§ 7–1.202 Executive agency.

"Executive agency" means the International Cooperation Administration.

§ 7–1.204 Head of the agency.

"Head of the agency" means the Director, International Cooperation Administration (including the Deputy Director, International Cooperation Administration).

§ 7–1.205 Procuring activity.

"Procuring activity" means the following organizational elements: the Office of Contract Relations, the Office of Administrative Services, ICA (with offices in Washington, D.C.) and each United States Operations Mission or principal ICA office or ICA representative in a Cooperating Country.

§ 7–1.209 Procurement.

"Procurement" means the acquisition (and directly related matters), from non-Federal sources, of personal property and nonpersonal services (including construction) by such means as purchasing, renting, leasing, contracting, or bartering, but not by seizure, condemnation, donation, or requisition. It excludes purchases and contracts made by or in the name of a Cooperating Country or an agency thereof which are financed by ICA.

§ 7–1.250 Mutual Security Act.

"Mutual Security Act" means the Mutual Security Act of 1954 (Public Law 665, 83d Congress, as amended) (22 U.S.C., Chapter 24).

§ 7–1.251 ICA.

"ICA" means the International Cooperation Administration.

§ 7–1.252 USOM.

"USOM" means the United States Operations Mission or principal ICA office or representative in a Cooperating Country.

§ 7–1.253 Cooperating country.

"Cooperating country" means a country in which the United States has a program or activity administered by ICA under the Mutual Security Act.

7–1.254 Government, federal, state, local and political subdivisions.

The terms "Government", "federal", "state", "local", and "political subdivisions" as used throughout the FPR refer to political entities under the purview and subject to the Constitution of the United States of America and not to similar political entities constituted under a foreign authority.

Subpart 7–1.3—General Policies

§ 7–1.305–2 Exceptions to mandatory use of federal specifications.

In addition to the circumstances outlined in FPR 1–1.305–2, ICA may dispense with the use of federal specifications whenever their use is not consistent with conditions or program objectives in a Cooperating Country.

§ 7–1.306–1 Mandatory use and application of federal standards.

In addition to the exceptions specified in FPR 1–1.306–1, ICA may dispense with the use and application of federal standards whenever their use is not consistent with conditions or program objectives in a Cooperating Country.

Subpart 7–1.5—Contingent Fees

§ 7–1.507–3(f) Exceptions.

The exception in FPR 1–1.507–3(f) shall not be applicable.

Subpart 7–1.7—Small Business Concerns

§ 7–1.701 General.

Under and pursuant to section 504 of the Mutual Security Act of 1954, as amended, ICA has been granted certain authority and has specified responsibilities in the matter of assisting American small business to participate equitably in the furnishing of commodities and services financed with certain funds authorized by that Act. Pursuant to the same section of the Mutual Security Act, ICA has established an Office of Small Business headed by a Special Assistant for Small Business to assist in carrying out the specified responsibilities.

PART 7–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 7–2.1—Use of Formal Advertising

Sec.
7–2.102 ICA policy.

Subpart 7–2.2—Solicitation of Bids

7–2.205 Bidders mailing lists.
7–2.205–1 Establishment of lists.

Subpart 7–2.4—Opening of Bids and Award of Contract

7–2.407–6 Equal low bids; preferences.

AUTHORITY: §§ 7–2.102 to 7.2–407–6 issued under sec. 521 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–2.1—Use of Formal Advertising

§ 7–2.102 ICA policy.

Although ICA is exempt from all legal requirements with respect to the use of formal advertising, it is the policy of the agency to employ this method of procurement whenever it is practical to do so in the best interests of the Government.

Subpart 7–2.2—Solicitation of Bids

§ 7–2.205 Bidders mailing lists.

§ 7–2.205–1 Establishment of lists.

USOMs shall establish and maintain bidders mailing lists only when it is practicable to do so, and when such are not maintained they shall assure access to adequate sources of supply and services.

Subpart 7–2.4—Opening of Bids and Award of Contract

§ 7–2.407–6 Equal low bids; preferences.

FPR 1–2.407–6 does not apply to USOM procurements when the equal low bids were made by non-U.S. suppliers.

PART 7–3—PROCUREMENT BY NEGOTIATION

Subpart 7–3.1—Use of Negotiation

Sec.
7–3.102(1) Factors to be considered in negotiated contracts.
7–3.102.50 Architectural, engineering and other professional services.
7–3.102.51 Adaptability to overseas services.

Subpart 7–3.2—Circumstances Permitting Negotiation

7–3.200 Scope of subpart.

Subpart 7–3.3—Determinations, Findings and Authorities

7–3.301 Determinations and findings required.
7–3.302 Form and requirements of determinations and findings, preservation of data.

Subpart 7–3.6—Small Purchases

Sec.
7–3.600 Scope of subpart.
7–3.604–5 Limitations.

Subpart 7–3.8—Price Negotiation Policies and Techniques

7–3.805 Selection by ICA of offerors for negotiation and award.
7–3.808–5 Subcontracting for services.

AUTHORITY: §§ 7–3.102(1) to 7–3.808–5 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–3.1—Use of Negotiation

§ 7–3.102(1) Factors to be considered in negotiated contracts.

FPR 1–3.102(1) does not apply to USOM procurements.

§ 7–3.102.50 Architectural, engineering and other professional services.

ICA policy permits the selection of prospective contractors by ICA/Washington for the performance of architectural, engineering and other professional services without the solicitation of competitive offers. This policy requires that due consideration be given to the obtaining of a fair and reasonable price.

§ 7–3.102.51 Adaptability to overseas services.

In addition to the factors set forth in FPR 1–3.102, consideration will be given in the conduct of negotiating service contracts to the adaptability of the contractor and contract employees to employment and residence in the Cooperating Country.

Subpart 7–3.2—Circumstances Permitting Negotiation

§ 7–3.200 Scope of subpart.

ICA is not subject to the statutory requirement for procurement by formal advertising and does not rely on any of the provisions of FPR 1–3.201 through 1–3.214 or the sections of the Act referenced therein. (See FPR 1–3.215(a)). ICA purchases and contracts are negotiated under authority contained in section 533 of the Mutual Security Act of 1954, as amended, and as implemented by Executive Order No. 10784 dated October 1, 1958, as amended, by Executive Order No. 10845 dated October 12, 1959.

Subpart 7–3.3—Determinations, Findings and Authorities

§ 7–3.301 Determinations and findings required.

Although the provisions with respect to determinations and findings contained in Subpart 1–3.2 and the sections of the Act referenced in FPR 1–3.301 are not applicable to ICA contracts entered into by negotiation, the determinations referred to in (a), (b) and (c) of FPR 1–3.301 shall be made in writing by the head of the appropriate procuring activity or his designees.

§ 7–3.302 Form and requirements of determinations and findings; preservation of data.

(a) Each determination required under § 7–3.301 shall be based on written findings made by the official making such determination, which findings shall be final, and available for a period of at least six years following the date of the determination.

(b) The form of determinations and findings required shall be sufficient to satisfy the requirements of the referenced provisions of law the same as if such provisions of law were applicable, and shall be in such form as may be prescribed in agency instructions.

Subpart 7–3.6—Small Purchases

§ 7–3.600 Scope of subpart.

The limitation of $2,500 contained in FPR 1–3.600 and FPR 1–3.602(d) for the purchase of supplies and nonpersonal services from commercial sources is applicable to all ICA "small purchases" including those made by USOMs but such limitation shall be applicable only to the cost of such supplies and services exclusive of the cost of transportation of supplies and other accessorial costs.

§ 7–3.604–5 Limitations.

Exceptions or additions previously granted USOMs continue in effect. Requests by USOMs for further exceptions or additions shall be transmitted to the Director, Office of Administrative Services, ICA/Washington, for coordination with the General Services Administration and the Treasury Department as required by FPR 1–3.604–5.

Subpart 7–3.8—Price Negotiation Policies and Techniques

§ 7–3.805 Selection by ICA of offerors for negotiation and award.

ICA's procedure in negotiated procurements, after receipt of initial proposals, is as follows:

(a) From among those satisfactorily qualified prospective contractors submitting responsive proposals, the contracting officer, after giving due consideration to such elements as fee, overhead and other costs, shall select that contractor whose proposal offers the most adequate assurance (either explicit or implied) of satisfactory accomplishment of the desired objective.

(b) Where the contracting officer concludes that the responsive proposals initially received (or a substantial proportion of them) include cost elements which are too high to be acceptable, he shall review the invitation to determine whether it should be clarified, modified or amended for the purpose of eliciting more realistic proposals. If so, he shall issue such clarification, modification or amendment to all prospective contractors, offering them equal opportunity to revise their proposals. If revised proposals are not solicited in accordance with the foregoing, or if revised proposals are solicited but are still unacceptable, all proposals may be rejected by the contracting officer or further negotiations may be conducted as follows:

(1) If one prospective and qualified contractor has submitted the substantially lowest responsive proposal, that contractor may be selected for further negotiation.

(2) If two or more prospective and qualified contractors have submitted responsive proposals which are substantially lower than the others and which are close enough so that moderate price reductions might make one of them clearly the lowest, further negotiations may be conducted with that group of prospective contractors.

(3) Whenever negotiations are being conducted with more than one contractor, successively or otherwise, all contractors participating in such negotiations should be offered an equitable opportunity to submit such revisions in their proposals as may result from the negotiations. However, auction techniques are to be avoided. No one may be given another price to meet. All prospective contractors should be informed that after the submission of final costs and prices, no information will be furnished until an award has been made.

(4) No information regarding a proposal or the number or identity of contractors participating in the negotiations, should be made available to the public or to anyone who need not know for official duty.

§ 7–3.808–5 Subcontracting for services.

The price negotiation policies and techniques set forth in FPR 1–3.808–5 are generally applicable to ICA subcontracting. Additionally, it is ICA policy to control all subcontracting for service requirements under ICA prime service contracts. ICA requires its prime service contractors to obtain advance approval of the selection of subcontractors and the terms of all subcontracts whenever the cost of the prime contract (normally a cost-reimbursement type) may be affected by the terms of the subcontract. Advance approval of the selection of a subcontractor to perform services under a cost-reimbursement type or a fixed-price type prime contract may also be required whenever the quality of performance under the subcontract is, in the opinion of ICA, deemed important to effective completion of the prime contract. Whenever subcontract services are to be performed in a Cooperating Country, ICA requires approval of the selection of the subcontractor, the terms of the subcontract and of the personnel to be employed thereunder. ICA prime contracts which include any service requirements shall, insofar as practicable, anticipate all required subcontracting for services and contain provision therefor in accord with the foregoing policy and requirements. For example, ICA cost-reimbursement type prime contracts contain a standard clause prohibiting the contractor from subcontracting for any required services except as specifically authorized in the contract or as authorized in advance in writing by the Contracting Officer. In approving the selection of subcontractors and the terms of subcontracts, ICA normally applies the same tests and criteria that it applies in selecting and negotiating with its prime contractors.

PART 7–6—FOREIGN PURCHASES

Subpart 7–6.2—Buy American Act Construction Contracts

§ 7–6.200 Scope and applicability to ICA.

ICA is exempt from the provisions of the Buy American Act. (See Executive Order No. 10784 dated October 1, 1958.) The provisions of FPR subpart 1–6.2 are therefore not applicable to ICA.

(Sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a))

PART 7–7—CONTRACT CLAUSES

Subpart 7–7.1—Fixed-price Supply Contracts

Sec.

7–7.101 Clauses.
7–7.101–1 Definitions.
7–7.101–2 Changes.
7–7.101–10 Examination of records.
7–7.101–12 Disputes.
7–7.101–14 Buy American Act.
7–7.101–15 Convict labor.
7–7.101–19 Officials not to benefit.
7–7.101–21 Utilization of small business concerns.
7–7.101–22 Federal, state and local taxes.
7–7.150 Workmen's compensation insurance.
7–7.151 Gratuities.

Subpart 7–7.6—Fixed-price Construction Contracts

7–7.602–1 Price adjustment for suspension, delay or interruption of the work.
7–7.650 Workmen's compensation insurance.
7–7.651 Gratuities.

AUTHORITY: §§ 7–7.101 to 7–7.651 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–7.1—Fixed-price Supply Contracts

§ 7–7.101 Clauses.

The clauses set forth in FPR 1–7.101 except as modified or otherwise provided in that section or in this section, shall be used in fixed-price supply contracts entered into by formal advertising and, unless inappropriate, should be used in negotiated contracts (other than for small purchases as limited by § 7–3.600 of this chapter).

§ 7–7.101–1 Definitions.

DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Director, International Cooperation Administration or the Deputy Director, International Cooperation Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other office or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

§ 7–7.101–2 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 60 days from the date of receipt by the Contractor of the notification or change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 7–7.101–10 Examination of records.

The clause set forth in FPR 1–7.101–10 shall be included in contracts exceeding $2,500 entered into by means of formal advertising or negotiation.

§ 7–7.101–12 Disputes.

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement, shall be decided by the Contracting Officer, who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, or such greater time as the Contracting Officer may specify in his decision, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided,* That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 7–7.101–14 Buy American Act.

The clause set forth in FPR 1–7.101–14 shall not be included in ICA contracts. (See Executive Order No. 10784 dated October 1, 1958.)

§ 7–7.101–15 Convict labor.

The clause set forth in FPR 1–12.203 shall be included in all invitations to bid with the explanation that it shall be applicable only in contracts involving the employment of labor within the United States.

§ 7–7.101–19 Officials not to benefit.

OFFICIALS NOT TO BENEFIT

No Member of the United States Congress, or United States Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 7–7.101–21 Utilization of small business concerns.

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government, be placed with United States small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to United States small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

§ 7–7.101–22 Federal, state and local taxes.

Whenever the clause set forth in FPR 1–11.401–1 is inserted in an ICA contract, such contract shall contain a provision explaining that the taxes referred to are United States federal, state and local taxes.

§ 7–7.150 Workmen's compensation insurance.

The following clause shall be included in ICA fixed-price supply contracts:

WORKMEN'S COMPENSATION INSURANCE

(a) Except as this contract may provide exclusively for the furnishing of materials or supplies, the Contractor before commencing performance under this contract shall provide and thereafter maintain Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (United States Public Law 208, 77th Congress, as amended, 42 U.S.C. 1651 et seq.), for all employees engaged in performance of work under the contract outside the continental United States who are or were hired in the United States or who are American citizens or bona fide residents of the United States.

(b) For all other employees of the Contractor who are engaged in performance of work under the contract outside the continental United States (other than those who are or were hired in the United States or who are American citizens or bona fide residents of the United States), the contractor shall, pursuant to the applicable law of the country in which such work is performed, provide security for compensation benefits for injury to or death of such employees sustained in the course of such employment, or in the absence of such law, adequate employer's liability insurance.

(c) In the event Contractor employs or contemplates the employment of any person in the category and for the purpose set forth in paragraph (b) above, he agrees to notify the Director, Office of Contract Relations, International Cooperation Administration, Washington 25, D.C., in order that a waiver of the application of the Defense Base Act may be obtained with respect to such person or persons.

(d) The Contractor further agrees to insert the provisions of this clause, including this paragraph (d), in all subcontracts or subordinate contracts hereunder, except subcontracts or subordinate contracts exclusively for the furnishing of materials or supplies.

§ 7–7.151 Gratuities.

The following clause shall be included in ICA fixed-price supply contracts:

GRATUITIES

(a) The Contracting Officer may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing by the Director of the International Cooperation Administration (ICA), or his duly authorized representative, that gratuities (in the form of gifts, entertainment, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor to any officer or employee of the U.S. Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: *Provided,* That the existence of the facts upon which the Director of ICA or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, ICA shall be entitled to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor. The rights and remedies of ICA provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

Subpart 7–7.6—Fixed-Price Construction Contracts

§ 7–7.602–1 Price adjustment for suspension, delay, or interruption of the work.

PRICE ADJUSTMENT FOR SUPERVISION, DELAY, OR INTERRUPTION OF THE WORK

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is, for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption, and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty-five days before the Contracting Officer shall have received notice in writing from the Contractor of the act or failure to act involved (but this requirement shall not apply where a suspension order has issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final payment under the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the Disputes clause.

§ 7–7.650 Workmen's compensation insurance.

The following clause shall be included in ICA fixed-price construction contracts:

WORKMEN'S COMPENSATION INSURANCE

(a) The Contractor before commencing performance under this contract shall provide and thereafter maintain Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (United States Public Law 208, 77th Congress, as amended, 42 U.S.C. 1651 et seq.), for all employees engaged in performance of work under the contract outside the continental United States who are or were hired in the United States or who are American citizens or bona fide residents of the United States.

(b) For all other employees of the Contractor who are engaged in performance of work under the contract outside the continental United States (other than those who are or were hired in the United States or who are American citizens or bona fide residents of the United States), the Contractor shall, pursuant to the applicable law of the country in which such work is performed, provide security for compensation benefits for injury to or death of such employees sustained in the course of such employment, or in the absence of such law, adequate employer's liability insurance.

(c) In the event Contractor employs or contemplates the employment of any person in the category and for the purpose set forth in paragraph (b) above, he agrees to notify the Director, Office of Contract Relations, International Cooperation Administration, Washington 25, D.C., in order that a waiver of the application of the Defense Base Act may be obtained with respect to such person or persons.

(d) The Contractor further agrees to insert the provisions of this clause, including this paragraph (d), in all subcontracts or subordinate contracts hereunder, except subcontracts or subordinate contracts exclusively for the furnishing of materials or supplies.

§ 7–7.651 Gratuities.

The following clause shall be included in ICA fixed-price construction contracts:

GRATUITIES

(a) The Contracting Officer may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing by the Director of the International Cooperation Administration (ICA), or his duly authorized representative, that gratuities (in the form of gifts, entertainment, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor to any officer or employee of the U.S. Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: *Provided,* That the existence of the facts upon which the Director of ICA or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, ICA shall be entitled to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor. The rights and remedies of ICA provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

PART 7–12—LABOR

Subpart 7–12.1—Basic Labor Policies

Sec.

7–12.102–1 Definitions.
7–12.102–2 ICA policy.
7–12.102–4 Approvals.
7–12.102–5 Other authorized overtime.

AUTHORITY: §§ 7–12.102–1 to 7–12.102–5 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–12.1—Basic Labor Policies

§ 7–12.102–1 Definitions.

In any area outside the United States, its possessions and Puerto Rico, "normal work week" and "normal work day" mean the work week hours and work day hours specified in the contract.

As used in this part, the following additional terms shall have the meaning set forth:

(a) "Compensable overtime" means authorized overtime which is to be compensated for by way of additional pay at a rate specified in the contract or an allowance of compensatory time off.

(b) "Compensatory time off" means leave equal to overtime worked during which a contract employee may be allowed to absent himself from work by virtue of his having been authorized and required to work overtime and having previously worked such overtime, and which leave must be taken by the employee not later than the end of the calendar month following that in which he worked overtime and otherwise may never be compensated for by way of additional pay.

§ 7–12.102–2 ICA policy.

(a) Practically all ICA contracts which involve the employment of persons are primarily concerned with the performance of professional, technical or construction services in foreign areas and the compensation of employees for such services is normally fixed on a monthly or annual basis. All such ICA contracts shall specify the minimum work week hours of employees performing overseas services. Under ICA policy, professional and technical employees do not normally receive compensable overtime. In particular contracts which require the employment of nontechnical or nonprofessional employees, a special provision may be included therein authorizing compensable overtime, preferably compensatory time off, whenever the Contracting Officer determines that such provision is in the best interests of the Government. Whenever compensable overtime is authorized in an ICA contract, the contract shall specify the necessary approvals that must be obtained. Compensable overtime in the form of additional pay will be reimbursed under ICA cost contracts only to

the extent and as specifically provided for in the contract.

(b) ICA contracts which involve the employment of any cooperating country nationals or other local labor shall require the contractor to consult with the USOM Director or such other official as the latter may designate, with respect to existing local labor laws, regulations and labor standards with a view to adopting and demonstrating good employment practices.

§ 7–12.102–4 Approvals.

The provisions of FPR 1–12.102–4 are not applicable to ICA overseas service contracts.

§ 7–12.102–5 Other authorized overtime.

The provisions of FPR 1–12.102–5 are not applicable to ICA overseas service contracts.

PART 7–16—PROCUREMENT FORMS

Subpart 7–16.1—Forms for Advertised Supply Contracts

Sec.
7–16.101 Forms prescribed.

Subpart 7–16.8—Miscellaneous Forms

7–16.801 Bond forms—use by USOMs.

AUTHORITY: §§ 7–16.101 to 7–16.801 issued under sec. 521, 68 Stat. 855, as amended; 22 U.S.C. 1781(a).

Subpart 7–16.1—Forms for Advertised Supply Contracts

§ 7–16.101 Forms prescribed.

(d) Whenever the General Provisions Form (Supply Contract) (Standard Form 32, October 1957 edition) is used, the following addendum shall be used in conjunction therewith:

GENERAL PROVISIONS—ADDENDUM TO STANDARD FORM 32

Certain numbered provisions or parts thereof in Standard Form 32 are hereby changed or their application is explained, and additional general provisions are made applicable, as follows:

1. DEFINITIONS.

(a) The term "Secretary" means the Director, International Cooperation Administration or the Deputy Director, International Cooperation Administration; and the term "his duly authorized representative" means any person or persons or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) (No change from Standard Form 32).

(c) (No change from Standard Form 32).

(d) The terms "Government", "federal", "state", and "local" refer to political entities under the purview and subject to the Constitution of the United States of America and not to similar political entities constituted under a foreign authority.

2. CHANGES.

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specifically manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 60 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

8. ASSIGNMENT OF CLAIMS.

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S. Code 203, 41 U.S. Code 15), if this contract provides for payments aggregating $1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret", "Secret", or "Confidential", be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same: *Provided,* That a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon prior written authorization of the Contracting Officer.

10. EXAMINATION OF RECORDS.

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500; and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public. (This General Provision No. 10 shall not be applicable if the contract price is $2,500 or less.)

12. DISPUTES.

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, or such greater time as the Contracting Officer may specify in his decision, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided in paragraph (a) above: Provided, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

14. BUY AMERICAN ACT.

This provision is not applicable.

15. CONVICT LABOR.

This provision is applicable only with respect to contracts involving employment of labor within the United States.

18. NONDISCRIMINATION IN EMPLOYMENT.

In connection with the performance of work under this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under this Nondiscrimination clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The Contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Nondiscrimination clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the Contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The Contractor will include the provisions of the foregoing paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(This General Provision No. 18 shall not be applicable if (i) the performance of this contract does not involve the employment of persons; or (ii) it is to be performed outside the United States where no recruitment of workers within the limits of the United States is involved).

19. OFFICIALS NOT TO BENEFIT.

No Member of the United States Congress, or United States Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

21. UTILIZATION OF SMALL BUSINESS CONCERNS.

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with United States small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to United States small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

22. FEDERAL, STATE, AND LOCAL TAXES.

(a) As used throughout this clause, the term "tax inclusive date" means the date of negotiated contracts and the date set for the opening of bids for contracts entered into through formal advertising. As to additional supplies or services procured by modification to this contract, the term "tax inclusive date" means the date of such modification.

(b) Except as may be otherwise provided in this contract, the contract price includes all Federal, State, and local taxes and duties in effect and applicable to this contract on the tax inclusive date, except taxes from which the Government, the Contractor, or the transactions or property covered by this contract are then exempt. Unless specifically excluded, duties are included in the contract price.

(c)(1) If the Contractor is required to pay or bear the burden (i) of any tax or duty, which either was not to be included in the contract price pursuant to the requirements of paragraph (b), or was specifically excluded from the contract price by a provision of this contract; or (ii) of an increase in rate of any tax or duty, whether or not such tax or duty was excluded from the contract price; or of any interest or penalty thereon, the contract price shall be correspondingly increased: *Provided,* That the Contractor warrants in writing that no amount for such tax, duty or rate increase was included in the contract price as a contingency reserve or otherwise: *And, Provided further,* That liability for such tax, duty, rate increase, interest, or penalty was not incurred through the fault or negligence of the Contractor or its failure to follow instructions of the Contracting Officer.

(2) If the Contractor is not required to pay or bear the burden, or obtains a refund or drawback, in whole or in part, of any tax, duty, interest, or penalty which (i) was to be included in the contract price pursuant to the requirements of paragraph (b); (ii) was included in the contract price; or (iii) was the basis of an increase in the contract price, the contract price shall be correspondingly decreased or the amount of such relief, refund, or drawback shall be paid to the Government, as directed by the Contracting Officer. The contract price also shall be correspondingly decreased if the Contractor through its fault or negligence or of its failure to follow instructions of the Contracting Officer, is required to pay or bear the burden, or does not obtain a refund or drawback of any such tax, duty, interest, or penalty. Interest paid or credited to the Contractor incident to a refund of taxes shall inure to the benefit of the Government to the extent that such interest was earned after the Contractor was paid or reimbursed by the Government for such taxes.

(3) Invoices or vouchers covering any adjustment of the contract price pursuant to this paragraph (c) shall set forth the amount thereof as a separate item and shall identify the particular tax involved.

(4) Nothing in this paragraph (c) shall be applicable to social security taxes; net income taxes; excess profit taxes; capital stock taxes; unemployment compensation taxes; or any state and local taxes, except those levied on or measured by the contract or sales price of the services or completed supplies furnished under this contract, including gross income taxes, gross receipts taxes, sales and use taxes, excise taxes, or franchise or occupation taxes measured by sales or receipts from sales.

(5) No adjustment of less than $100 shall be made in the contract price pursuant to this paragraph.

(d) Unless there does not exist any reasonable basis to sustain an exemption, the Government agrees upon request of the Contractor, without further liability except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from (i) any Federal tax, which the Contractor warrants in writing was excluded from the contract price or (ii) any state or local tax: *Provided,* That evidence appropriate to establish exemption from duties will be furnished, and Government bills of lading will be issued, only at the discretion of the Contracting Officer. In addition, the Contracting Officer may furnish evidence appropriate to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price.

(e)(1) The Contractor shall promptly notify the Contracting Officer of all matters pertaining to Federal, state and local taxes and duties that reasonably may result in either an increase or decrease in the contract price.

(2) Whenever an increase or decrease in the contract price may be required under this clause, the Contractor shall take action as directed by the Contracting Officer and the contract price shall be equitably adjusted to cover the costs of such action, including any interest, penalty, and reasonable attorney's fees.

23. WORKMEN'S COMPENSATION INSURANCE.

(a) Except as this contract may provide exclusively for the furnishing of materials or supplies, the Contractor before commencing performance under this contract shall provide and thereafter maintain Workmen's Compensation Insurance or security as is required by the Defense Base Act, as amended (United States Public Law 208, 77th Congress, as amended, 42 U.S.C. 1651 et seq.), for all employees engaged in performance of work under the contract outside the continental United States who are or were hired in the United States or who are American citizens or bona fide residents of the United States.

(b) For all other employees of the Contractor who are engaged in performance of work under the contract outside the continental United States (other than those who are or were hired in the United States or who are American citizens or bona fide residents of the United States), the Contractor shall, pursuant to the applicable law of the country in which such work is performed, provide security for compensation benefits for injury to or death of such employees sustained in the course of such employment, or in the absence of such law, adequate employer's liability insurance.

(c) In the event Contractor employs or contemplates the employment of any person in the category and for the purpose set forth in paragraph (b) above, he agrees to notify the Director, Office of Contract Relations, International Cooperation Administration, Washington 25, D.C., in order that a waiver of the application of the Defense Base Act may be obtained with respect to such person or persons.

(d) The Contractor further agrees to insert the provisions of this clause, including this paragraph (d), in all subcontracts or subordinate contracts hereunder, except subcontracts or subordinate contracts exclusively for the furnishing of materials or supplies.

24. GRATUITIES.

(a) The Contracting Officer may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing by the Director of the International Cooperation Administration (ICA) or his duly authorized representative, that gratuities (in the form of gifts, entertainment, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor to any officer or employee of the U.S. Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Director of ICA or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, ICA shall be entitled to pursue the same

remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor. The rights and remedies of ICA provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

Subpart 7–16.8—Miscellaneous Forms

§ 7–16.801 Bond forms—use by USOMs.

Pending development of standard bond forms and criteria for their use in foreign countries, the bond forms referred to in FPR 1–16.801 are not required to be used by USOMs.

Effective date: These regulations are effective July 1, 1961.

Dated: June 30, 1961.

D. A. FITZGERALD,
Deputy Director for Operations.

[F.R. Doc. 61–6614; Filed, July 13, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2428]

[New Mexico 057562]

NEW MEXICO

Revoking Stock Driveway Withdrawals No. 81, New Mexico 12; No. 58, New Mexico No. 7; No. 254, New Mexico No. 14 Entirely, and New Mexico No. 16 in Part

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended it is ordered as follows:

1. The following described departmental orders which withdrew land in New Mexico for stock driveways are hereby revoked:

a. The departmental order of April 29, 1919, as amended, creating Stock Driveway Withdrawal No. 81, New Mexico No. 12, affecting the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 5, W½SW¼ and SE¼SW¼;
Sec. 6, lots 2, 7, S½NE¼, SE¼ and SE¼SW¼;
Sec. 8, lots 1, 2, W½NW¼, and E½SW¼.
T. 23 N., R. 1 W.,
Sec. 3, lots 1, 2, 3, S½NE¼, and SE¼NW¼.
T. 24 N., R. 1 W.,
Sec. 28, S½;
Sec. 29, NE¼NE¼, S½NE¼, and SE¼;
Sec. 33, NE¼;
Sec. 34, W½.
T. 24 N., R. 2 W.,
Sec. 17, S½SW¼;
Sec. 18, lots 1, 2, E½NW¼, and S½SE¼;
Sec. 20, W½NE¼, NW¼, and S½;
Sec. 21, S½;
Sec. 22, S½ and S½NE¼;
Sec. 23, S½, S½N½, and NE¼NE¼;
Sec. 24.
T. 25 N., R. 2 W.,
Sec. 6, lot 1.
T. 26 N., R. 2 W.,
Sec. 3, lots 1, 2, 3, 4, S½NW¼, SW¼NE¼, and SW¼;
Sec. 4, SE¼ and E½SW¼;
Sec. 8, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 9, W½ and W½NE¼;
Sec. 17, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼, and SW¼SW¼;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 20, W½W½;
Sec. 29, W½W½;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4.
T. 24 N., R. 3 W.,
Sec. 3, SW¼;
Sec. 4, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 7, lots 1, 2, and NE¼;
Sec. 8, NW¼;
Sec. 10, N½;
Sec. 11, N½ and SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼.
T. 25 N., R. 3 W.,
Sec. 1, lots 1, 2, SW¼NE¼, and W½SE¼;
Sec. 11, E½;
Sec. 12, W½;
Sec. 14, N½NE¼, SW¼NE¼, NW¼ and NW¼SW¼;
Sec. 15, E½ and SW¼;
Sec. 20, E½;
Sec. 21, N½ and SW¼;
Sec. 22, N½;
Sec. 29, E½ and SW¼;
Sec. 32 W½.

The areas described aggregate 13,365.67 acres.

b. The departmental order of February 4, 1919, as amended, creating Stock Driveway Withdrawal No. 58, New Mexico No. 7, affecting the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 4 E.,
Sec. 11, SW¼.
T. 26 N., R. 4 E.,
Sec. 23, S½;
Sec. 25, SW¼;
Sec. 26, N½ and SE¼.

The areas described aggregate 1,120 acres.

c. The departmental order of April 6, 1939, as amended, creating Stock Driveway No. 254, New Mexico No. 14, affecting the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 27 N., R. 11 E.,
Sec. 25.
T. 29 N., R. 11 E.,
Sec. 1, lots 1, 2, 3, 4, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼.
T. 30 N., R. 11 E.,
Sec. 21, N½N½;
Sec. 22, N½N½;
Sec. 23, N½N½;
Sec. 24, N½N½.
T. 31 N., R. 11 E.,
Sec. 9, N½N½;
Sec. 10, N½N½;
Sec. 11, lots 2, 4, 6, 7, and N½NW¼;
Sec. 14, W½E½ and E½SE¼;
Sec. 23, E½;
Sec. 25, W½NW¼, SW¼, and S½SE¼;
Sec. 26, E½NE¼;
Sec. 36, NE¼NE¼.
T. 27 N., R. 12 E.,
Sec. 6, E½E½;
Sec. 7, E½;
Sec. 18, N½, SW¼, and W½SE¼;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, lots 3, 4, and N½NW¼.
T. 28 N., R. 12 E.,
Sec. 5, SW¼;
Sec. 6, lots 3, 4, SW¼NE¼, SE¼NW¼, and SE¼;
Sec. 7, E½;
Sec. 8, W½;
Sec. 17, NW¼ and W½SW¼;
Sec. 18, E½;
Sec. 19, E½;
Sec. 20, that part of W½W½ lying west of Rio Grande;
Sec. 29, that part of W½NW¼ lying west of Rio Grande;
Sec. 30, E½;
Sec. 31, E½;
Sec. 32, that part of SW¼SW¼ lying west of Rio Grande;
T. 29 N., R. 12 E.,
Sec. 5, lots 3, 4, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, S½NE¼, E½SW¼, SE¼NW¼, and SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, lots 3, 4, 5, 6, N½NW¼, and SW¼;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lots 1 to 10, incl., and W½;
Sec. 20, E½W½ and SW¼SW¼;
Sec. 29, W½W½;
Sec. 30, E½SE¼;
Sec. 31, NE¼, E½SW¼, and NW¼SE¼.
T. 30 N., R. 12 E.,
Sec. 6, lots 3, 4, 5, 6, 7, SE¼NW¼ and E½SW¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, and W½SE¼;
Sec. 18, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 19, lots 1, 2, 3, 4, E½W½, and SE¼;
Sec. 29, N½SW¼;
Sec. 30, NE¼, and E½SE¼;
Sec. 31, E½NE¼;
Sec. 32, S½NW¼ and SW¼.
T. 31 N., R. 12 E.,
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, and E½W½.

The areas described aggregate 13,388.33 acres.

d. The departmental order of August 17, 1951, creating stock driveway withdrawal, New Mexico No. 16, is hereby revoked so far as it affects the following described lands:

T. 29 N., R. 13 W.,
Sec. 7, lot 1, SW¼NE¼SE¼NW¼, S½NW¼SE¼NW¼, W½SE¼SE¼NW¼, SW¼SE¼NW¼, NW¼NW¼NE¼, and W½SW¼NW¼NE¼.

The areas described aggregate 42.14 acres, of which the W½SE¼SE¼NW¼ and E½SW¼SE¼NW¼ are withdrawn by Public Land Order No. 2299 of March 14, 1961, as a Bureau of Land Management administrative site.

The areas described in this paragraph total in the aggregate approximately 26,916 acres, of which approximately 9,890 acres are situated within power site reserves.

2. The State of New Mexico has waived the preference right of application granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. The lands are located in the northern part of the State of New Mexico. The topography of the lands varies from smooth to rolling and undulating to extremely rough and mountainous with rim rocks, deep gorges and very shallow rocky soils. Vegetative cover is sparse or entirely lacking in some areas, and consists of gramma and other native grasses with considerable growth of annual weeds, sagebrush, juniper, pinon pine, scrubby, nonmerchantable Douglas fir and yellow pine.

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws pursuant to the regulations in 43 CFR 185.35.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61–6595; Filed, July 13, 1961; 8:45 a.m.]

[Public Land Order 2429]

[Idaho 011638]

IDAHO

Revocation of Stock Driveway Withdrawals, Wholly or in Part

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of April 25, 1940, withdrawing the following-described lands as Stock Driveway Withdrawal No. 259, Idaho No. 20, is hereby revoked:

BOISE MERIDIAN

T. 4 E., R. 46 E.,
Sec. 29, SW¼SW¼;
Sec. 32, lot 1, N½NW¼.

Aggregating 167.13 acres.

2. The departmental order of July 13, 1939, so far as it withdrew the following-described lands as part of Stock Driveway Withdrawal No. 86, Idaho No. 4, is hereby revoked:

T. 11 N., R. 26 E.,
Sec. 34, S½SE¼ (Unsurveyed);
Sec. 35, S½S½ (Unsurveyed).

Aggregating 240 acres.

3. The lands are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on January 8, 1962, the State of Idaho shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to mineral leasing and to location under the United States mining laws.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61–6596; Filed, July 13, 1961; 8:45 a.m.]

[Public Land Order 2430]

[190137]

[Idaho 010805]

IDAHO

Power Site Restoration No. 557. Partly Revoking the Executive Order of November 12, 1911. Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 223; Power Site Classification No. 336)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 24 of the Federal Power Act of 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, it is ordered as follows:

1. The Executive Order of November 12, 1911, which established Power Site Reserve No. 223, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 11 N., R. 17 E.,
Sec. 25, lots 1, 3, and 4.

The area described aggregates 55.92 acres.

The lands are reserved by Executive Order No. 5589 of April 1, 1931, for townsite purposes. They have in part been patented subject to section 24 of the Federal Power Act, supra. The effect of this order, therefore, is to relieve the patented lands of the limitation prescribed by the said section 24. The remainder shall be subject to disposition only in accordance with the townsite laws.

2. In DA–519–Idaho, the Federal Power Commission determined that the value of the following-described lands would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended:

BOISE MERIDIAN, IDAHO

T. 11 N., R. 17 E.,
Sec. 19, SE¼SE¼;
Sec. 20, S½SW¼;
Sec. 22, lots 1, 2, 4, and SW¼SW¼;
Sec. 23, lots 1, 2, 3, 4, and SE¼SW¼;
Sec. 24, lot 1;
Sec. 25, lots 2, 5, 6, 7, 8, and S½N½;
Sec. 26, lots 1, 2, 3, 4, 5, and NE¼NE¼;
Sec. 27, lots 1, 2, 8, and SE¼SW¼;
Sec. 28, NE¼NW¼;
Sec. 29, lots 4, 5, 6, 7, 8, and 11;
Sec. 30, lot 10 and E½NE¼;
Sec. 33, lots 1, 2, and NE¼NW¼.
T. 11 N., R. 18 E.,
Sec. 1, lot 3, SE¼NW¼ and E½SW¼;
Sec. 2, lot 2, SW¼NE¼ and W½SE¼;
Sec. 11, lots 2, 3, SE¼NW¼, W½SW¼, and E½SE¼;
Sec. 15, lots 3, 4, 5, NE¼NE¼, SW¼NE¼, and E½SW¼;
Sec. 19, lot 4;
Sec. 21, S½SE¼;
Sec. 22, lots 7, 8, 9, 10, W½SE¼, SE¼SE¼, and NW¼NW¼;
Sec. 10, NE¼SE¼;
Sec. 23, W½NE¼;
Sec. 26, NW¼NW¼ and SW¼SE¼;
Sec. 27, lot 1, N½NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 28, lots 1, 2, 3, 4, 5, 6, 7, 8, NW¼NE¼, N½NW¼, S½SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 29, lots 1, 2, 3, 4, 5, 6, 7, 8, N½N½, N½SW¼, and S½SE¼;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, N½NE¼, NE¼NW¼, NE¼SW¼, and N½SE¼.

The areas described aggregate 4,617.10 acres.

3. Lots 4, 7, and 8, sec. 29, T. 11 N., R. 17 E., are reserved for use of the Forest Service for the Clayton Ranger Station.

4. The lands are near Clayton, Idaho, bordering or near the main Salmon River. They are for the most part steep and rocky, with some scattered tracts of near-level river bottom land.

5. Subject to the provisions of the said Section 24 of the Federal Power Act, the lands described in paragraph 2, hereof, excepting those described in paragraph 3, are hereby restored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m. on January 8, 1962, the State of Idaho shall have a preferred right to apply to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto of any of the lands required for rights-of-way or materials sites in accordance with the provisions of Section 24 of the Federal Power Act, supra.

6. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be adressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61–6597; Filed, July 13, 1961; 8:45 a.m.]

[Public Land Order 2431]

[Idaho 05280]

IDAHO

Partly Revoking Public Land Order No. 1374 of December 20, 1956

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1374 of December 20, 1956, so far as it withdrew the following-described national forest lands for use of the Forest Service is hereby revoked:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Bear Pete Lookout Administrative Site

T. 22 N., R. 4 E.,
Sec. 4, E½SW¼NW¼, N½NW¼SW¼NW¼, W½SW¼SW¼NW¼.

Carey Dome Lookout Administrative Site

T. 24 N., R. 4 E.,
Sec. 24, N½SE¼, W½SW¼SE¼, SE¼SW¼SE¼, W½NE¼SW¼SE¼, SW¼SE¼SE¼, E½SE¼SE¼, and E½NW¼SE¼SE¼.

Cottontail Lookout Administrative Site

T. 24 N., R. 6 E.,
Sec. 32, SW¼NE¼.

The areas described aggregate 220 acres.

2. At 10:00 a.m. on August 15, 1961, the lands shall be subject to such forms of appropriation as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61-6598; Filed, July 13, 1961; 8:45 a.m.]

[Public Land Order 2432]

[1963073]

[Anchorage 061222]

ALASKA

Partly Revoking Public Land Order No. 253 of December 7, 1944 (Fort Richardson)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 253 of December 7, 1944, as amended, which withdrew lands for use of the War Department for military purposes, is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 12, SE¼, that part lying south of the right-of-way Glenn Highway Bypass except a parcel described as beginning at a point on the east boundary of Sec. 12, identical with the northwest corner of lot 4, section 7, T. 12 N., R. 2 W., S.M. thence: N. 89°58'38" W., 350.23 feet; N. 0°00'38" W. 646.41 feet; N. 66°18'02" E., 382.53 feet; South 800.37 feet to the point of beginning. Containing 87.55 acres.

2. Of the lands described, the SW¼SW¼SW¼SE¼ has been classified for disposition under the provisions of the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended. This land therefore, will not be subject to disposition under any other public land law in the absence of a revision of this classification.

3. Until 10:00 a.m. on October 9, 1961, the State of Alaska shall have a preferred right to select the lands other than those referred to in paragraph 2, in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76. Thereafter the lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61-6599; Filed, July 13, 1961; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER A—POLICY, PRACTICE AND PROCEDURE

[General Order 41, 2d Rev., Amdt. 6]

PART 201—RULES OF PRACTICE AND PROCEDURE BEFORE THE FEDERAL MARITIME BOARD AND THE MARITIME ADMINISTRATION

Fees for Searching, Copying, and Certification of Records

Section 201.6 is hereby amended to read as follows:

§ 201.6 Searching, copying, and certification of records; fees therefor.

(a) Upon written request directed to and within the discretion of the Federal Maritime Board and Maritime Administration, Washington 25, D.C., there are available, with respect to documents subject to inspection as provided in § 201.5 services as follows:

(1) Searching files and records;

(2) Copying records and documents; and

(3) Certifying of copies of documents.

(b) Fees for services set forth in paragraph (a) of this section are as follows:

(1) Certifications and validations of documents with Federal Maritime Board or Maritime Administration seal, 50 cents; without either seal, 25 cents.

(2) Searching files and records, except as provided in subparagraph (5) of this paragraph $1.00 per half hour or fraction thereof.

(3) Copying records and documents, except as provided in subparagraph (5) of this paragraph:

	First copy of each page (one side)	Additional copies of same page
Typewritten	$2.00	(1)
Photocopy, 18" x 24" or smaller	.50	$0.30
Photographic negatives: 14" x 17" or smaller	2.50	
Larger sizes, 30" x 40" maximum	6.50	
Contact prints (single weight paper) 8" x 10" or smaller	.50	.30
Ozalid (per square foot or fraction thereof)	.06	.06

[1] No charge for carbon copies.

(4) General: (i) If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in subparagraph (3) of this paragraph (or the order must include postage stamps or stamped return envelopes).

(ii) If special handling or packaging is required, the cost thereof will be added to the fees provided in subparagraph (3) of this paragraph.

(iii) Minimum charge, 50 cents.

(5) Medical records of merchant seamen, including packaging and postage:

Searching	$5
Abstracting	3

The changes herein reflect minor adjustments of fee items pursuant to current review. Therefore, in accordance with the provisions of section 4, Administrative Procedures Act, it is deemed unnecessary to follow notice of proposed rule making and public procedure. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: July 6, 1961.

By order of the Federal Maritime Board/Maritime Administration.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6612; Filed, July 13, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order No. 553]

INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYEES

Public and Employer Representatives

The following committee members are appointed to represent the public and employers, as designated, on Industry Committees Nos. NC-1, NC-2, NC-3 and NC-4 appointed by Administrative Order No. 551 signed July 3, 1961.

PUBLIC (FOR ALL COMMITTEES)

Paul H. Sanders, Chairman, Nashville, Tennessee.
Jose R. Noguera, San Juan, Puerto Rico.
Rafael Pico, San Juan, Puerto Rico.

EMPLOYERS

Paul F. Shaw, New York, New York (for all committees).
Harold Toppel, Caparra Heights, Puerto Rico (for Committee NC-1).
Martin Aviles-Bracero, San Juan, Puerto Rico (for Committee NC-1).
Eugenio L. Santoni, Hato Ray, Puerto Rico (for Committee NC-2).
Julio de Arteaga, Puerta de Tierra, Puerto Rico (for Committee NC-2).
Edward J. Powell, San Juan, Puerto Rico (for Committee NC-3).
Oscar Castro-Rivera, San Juan, Puerto Rico (for Committees NC-3 and NC-4).
Jose A. Unanue, Bayamon, Puerto Rico (for Committee NC-4).

Employee representatives will be named in a subsequent administrative order.

Signed at Washington, D.C., this 11th day of July 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-6615; Filed, July 13, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 31]

FEDERAL SCHOOLS FOR INDIANS

Handling of Student Funds

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of April 27, 1959 (73 Stat. 20), it is proposed to amend 25 CFR Part 31 as set forth below. The purpose of the amendment is to specify procedures for the handling of student funds in schools operated by the Bureau of Indian Affairs.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 31.7 is added to read as follows:

§ 31.7 Handling of student funds in Federal school facilities.

The Secretary or his authorized representative may authorize officials and employees of the Bureau of Indian Affairs to accept and to disburse deposits of funds of students and student activity associations in schools operated by the Bureau in accordance with the purposes of such deposits. The following steps shall be taken to safeguard these funds:

(a) A written plan of operation shall be developed by the membership of each student activity group. The plan of operation subject to the approval of authorized officials shall outline procedures and provide for a system of accounting for the student funds commensurate with the age and grade level of the students yet adequate for financial control purposes and shall stipulate the maximum operating capital of the activity.

(b) Appropriate safekeeping facilities shall be provided for all student personal and group funds and for the accounting or bookkeeping records.

(c) Employees handling student funds in cumulative amounts in excess of $100 shall be covered by a comprehensive fidelity bond the penal sum of which shall be appropriately related to fund amounts handled.

(d) Student funds accumulated in excess of the amount authorized for operating purposes by the plan of operation shall be deposited in Federally insured depositories.

(e) Periodic administrative inspections and financial audit of student fund operations shall be conducted by authorized Bureau personnel.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 10, 1961.

[F.R. Doc. 61-6593; Filed, July 13, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

ICE CREAM AND FRENCH ICE CREAM

Standards of Identity

Notice is given that the International Association of Ice Cream Manufacturers, 1105 Barr Building, Washington, D.C. has filed a petition proposing amendment of the standards of identity for frozen desserts to take into account a larger proportion of sugar in calculating the allowable reduction in milk fat and total milk solids when chocolate or cocoa solids are used as the characterizing ingredients of ice cream and french ice cream. This purpose would be achieved by changing the factor 1.5 to 2.5. This change would increase the allowance for the weight of sugar per pound of chocolate or cocoa solids used from one-half pound to one and one-half pounds.

It is proposed that paragraph (a) of the standard of identity for ice cream (21 CFR 20.1) be amended by changing that part of the ninth sentence which precedes the first semicolon to read as follows: "In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; * * *"

Because of the cross-reference in the standard for french ice cream (21 CFR 20.2) to the ice cream standard, amending the latter, as proposed, will have the effect of permitting the same increased allowance for sweetening ingredients when chocolate or cocoa solids are used as the characterizing ingredients in french ice cream.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 7, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6600; Filed, July 13, 1961; 8:46 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 510) has been filed by Morningstar-Paisley, Inc., 630 West 51st Street, New York 19, New York, proposing the issuance of a regulation to provide for the safe use of a total of 50 parts per

million (0.005 percent) of BHT (butylated hydroxytoluene) and/or BHA (butylated hydroxyanisole) in sweetpotato flakes.

Dated: July 7, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6601; Filed, July 13, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 12764]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Notice of Proposed Rule Making

JULY 10, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of § 302.24 of the rules of practice in Economic Proceedings which would prescribe appropriate procedures for the taking of official notice of basic facts contained in certain categories of documents as a substitute for the current practice of obtaining voluntary stipulations.

The principal features of the proposed regulation are explained below in the Explanatory Statement and the proposed amendment is set forth in the attached proposed rule. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 788; 49 U.S.C. 1324, 1481), and sections 12 and 7(d) of the Administrative Procedure Act (60 Stat. 244, 241, 5 U.S.C. 1011, 1006).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 14, 1961, will be considered by the Board before taking final action on the Proposed Rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Economic proceedings of the Board involve a large number of statistical and economic facts which are pertinent to the decision which must ultimately be made. Obviously, it is undesirable to physically burden the record with such documents as the Form 41 reports and other readily available documents. Experience has shown that parties rarely challenge the accuracy of facts found in such documents. For many years, the Board has solved the problem of introducing such facts into evidence without encumbering the record by obtaining written or oral stipulations from the parties which consent to the admission in evidence of such materials without specific identification of the relevant portions thereof on the record.

In the past there have been cases where the unwillingness of one air carrier party to stipulate caused a uniform refusal by all other parties. In other cases, the parties have been willing to make only limited stipulations falling short of the Board's requirements. In such situations, the hearing examiner and the Board have applied the doctrine of official notice.

The present provisions of Part 302 do not enumerate the categories of documents subject to the taking of official notice in such situations or prescribe appropriate procedures therefor. It appears desirable, therefore, to establish standard procedures for the noticing of facts now handled by individually-negotiated stipulations.

The proposed rule provides that official notice will be taken of any fact contained in certain enumerated categories of documents. These categories have been designed to encompass all documents which experience has shown contain facts frequently referred to in economic proceedings and are only rarely challenged for alleged inaccuracy. Any fact thus noticed would be deemed to have been physically incorporated into and made part of the record in such proceedings, subject to rebuttal in accordance with the provisions of section 7(d) of the Administrative Procedure Act. The proposed rule would not limit, in any manner or to any extent, the discretionary powers which the Board and its examiners now enjoy to notice other matters or documents (not included in the enumerated categories) which are properly the subject of official notice.

The proposed rule also provides that any opinion of the Board or an examiner which rests upon official notice of a material fact will identify such noticed facts so that the parties may effectively exercise their rights under section 7(d) of the Administrative Procedure Act.

Proposed rule. It is proposed to amend § 302.24 of Part 302 of the Procedural Regulations (14 CFR Part 302) by adding a new paragraph (m) to read as follows:

§ 302.24 Hearings.

* * * * *

(m) *Official notice of facts contained in certain documents.* (1) Without limiting, in any manner or to any extent, the discretionary powers of the Board and its examiners to notice other matters or documents properly the subject of official notice, facts contained in any document within the categories enumerated in this subdivision are officially noticed in all formal economic proceedings except those subject to Subpart B of this part. Each such category shall include any document antedating final Board decision in the proceeding where such notice is taken. The matters officially noticed under the provisions of this paragraph are:

1. Official Guide of the Airways for each month prior to and including April 1946; Universal Airline Schedules for each month from May 1943 to September 1944, inclusive; American Aviation Air Traffic Guide for each month from October 1944 to August 1946, inclusive; and Official Airline Guide.
2. Official Guide of the Railways and Russell's Official National Motor Coach Guide.
3. Book of Official CAB Airline Route Maps and Airport to Airport Mileages published by Air Transport Association of America.
4. Shuler Guide and Official Airline Guide Quick Reference Edition.
5. All schedules and amendments thereof, and all tariffs and amendments thereof, of all carriers, on file with the Board.
6. Air carrier operating certificates or applications therefor, of all carriers, together with any requests for amendment thereof.
7. Monthly reports, Forms 2380 and 2780, for each month through December 1946, and monthly and quarterly reports, Forms 41 and 41(a) (including monthly and annual reports required to be filed by all carriers in connection therewith), filed with the Board.
8. Recurrent Reports of Mileage and Traffic Data of all Domestic Airline Carriers from 1945 and all similar reports issued by the Civil Aeronautics Board.
9. Certificated Air Carrier Traffic Statistics from 1955 onwards; prepared by the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, and all such other similar compilations of statistics issued by the Civil Aeronautics Board.
10. Recurrent Reports of Financial Data of all Domestic Airline Carriers from 1947 through the quarter ended September 30, 1953; issued by the Civil Aeronautics Board, and all such other similar recurrent reports issued by the Civil Aeronautics Board.
11. Certificated Air Carrier Financial Data from the quarter ended December 31, 1951 onwards; prepared by the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, and all such other similar compilations of data issued by the Civil Aeronautics Board.
12. Annual Airline Statistics, Domestic Carriers, fiscal years 1936–1941; Annual Airline Statistics, Domestic Carriers, calendar years of 1938–1947; prepared by the Economic Bureau, Civil Aeronautics Board; and all such other similar compilations of statistics issued by the Civil Aeronautics Board.
13. Quarterly Report of Air Carrier Operating Factors, for the quarter ended September 30, 1953 onwards; prepared by the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, and all such other reports for quarterly periods as may be made available to the public by the Civil Aeronautics Board.
14. Passenger, mail, express, and freight data submitted to the Board on Form 2787 or on punch cards submitted in lieu of such forms, by all carriers for any months subsequent to March 1955.
15. Airline Traffic Surveys beginning with the September 1946 Airline Traffic Survey, and any such other surveys issued by the Civil Aeronautics Board or made available to the public.
16. The publication Competition Among Domestic Air Carriers, March 1–14, 1955, compiled by the Civil Aeronautics Board and published by the Air Transport Association of America, and any other compilations of similar data made public.
17. Service Mail Pay and Subsidy for United States Air Carriers, 1955, published by the Civil Aeronautics Board, and any supplemental data and subsequent issues published.
18. Airport Activity Statistics of Certificated Air Carriers, from December 31, 1955 to date; compiled by the Civil Aeronautics Board, and published by Air Transport Association of America, and any subsequent issues thereof published.
19. Enplaned Airline Traffic, by community, by year, 1948–1951; Air Commerce Traffic Pattern, fiscal years 1953–1955 and calendar years 1952–1955, published by the Civil Aeronautics Administration, U.S. Department of Commerce, and any subsequent editions thereof published by the Federal Aviation Agency.
20. Population Volumes I and II of the Eighteenth (1960) Census of the United States, issued by the Census Bureau, Department of Commerce; and similar publications of the Census Bureau relating to the Seventeenth (1950) Census.
21. The Rand McNally Commercial Atlas and Marketing Guide, 1958 edition, and the Rand McNally Road Atlas, United States, Canada, and Mexico, 1956 edition.
22. Survey of Buying Power, 1955–1958, published by Sales Management Magazine.
23. Volumes II and III of the Census of Manufacturers, 1947, issued by the Bureau of the Census of the U.S. Department of Commerce; and similar publications of the Bureau of the Census relating to the 1939 and 1954 Census of Manufacturers.
24. Volumes III, V and VII of the Census of Business, 1948, issued by the Bureau of the Census of the U.S. Department of Commerce; and similar publications of the Bureau of the Census relating to the 1939 and 1954 Census of Business.
25. Federal Airways Air Traffic Activity, 1958–1966 (fiscal year) issued by the Civil Aeronautics Administration, U.S. Department of Commerce, and any subsequent editions thereof issued by the Federal Aviation Agency.
26. National Airport Plan, 1956, Civil Aeronautics Administration, U.S. Department of Commerce and subsequent editions thereof issued by the Federal Aviation Agency.
27. Record of Airport Facilities, Form ACA-29A, issued by the Civil Aeronautics Administration, U.S. Department of Commerce and by the Federal Aviation Agency.
28. International Section, Airline Traffic Surveys prepared by the Civil Aeronautics Board for March and September 1952 onwards, and any such surveys issued or otherwise made available to the parties by the Civil Aeronautics Board or published privately.
29. The ABC World Airways Guide. Thomas Skinner and Co., Ltd., from June 1950.
30. ICAO Statistical Summary, Preliminary Issue and Nos. 1 through 14, and Digest of Statistics, Nos. 15 through 71, prepared by the International Civil Aviation Organization, Montreal, Canada, with all changes and additions.
31. Foreign-Commerce Yearbook, 1951 onwards, U.S. Department of Commerce, office of International Trade.
32. Statistical Abstract of the United States, from 1953, U.S. Department of Commerce, Bureau of Census.
33. Yearbook of International Trade Statistics, 1956.
34. Annual Reports of the Immigration and Naturalization Service, U.S. Department of Justice, from fiscal year ended June 30, 1945.
35. Official Steamship and Airways Guide International. Transportation Guides, Inc., from June 1945.

(2) Any fact contained in a document belonging to a category enumerated in subparagraph (1) of this paragraph shall be deemed to have been physically incorporated into and made part of the record in such proceedings. However, such taking of official notice shall be subject to the rights granted to any party or intervener to the proceeding under section 7(d) of the Administrative Procedure Act.

(3) The decisions of the Board and its examiners may officially notice any appropriate matter without regard to whether or not such items are contained in a document belonging to the categories enumerated in subparagraph (1) of this paragraph. However, where the decision rests on official notice of a material fact or facts not appearing in the evidence of record, it will set forth such items with sufficient particularity to advise interested persons of the matters which have been noticed.

[F.R. Doc. 61-6626; Filed, July 13, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-47]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Segment of Federal Airway, Associated Control Area and Reporting Point; Alteration of Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.107, 601.107, 601.4107 and 601.1324 of the regulations of the Administrator, the substance of which is stated below.

Amber Federal airway No. 7 presently extends, in part, from Philadelphia, Pa., to Augusta, Maine. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 7. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route is adequately served by VOR Federal airways Nos. 433 and 3. Therefore, it appears that the retention of this airway is an unnecessary assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke this segment of Amber 7 and its associated control area and reporting point. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Amber 7. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such actions. Concurrently with this action, the Hartford, Conn., radio range would be revoked as a designated reporting point on Amber 7. In addition, VOR Federal airway No. 3 would be substituted for Amber 7 in the description of the Brunswick, Maine, control area extension (§ 601.1324).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6590; Filed, July 13, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-32]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2161 of the regulations of the Administrator, the substance of which is stated below.

The Nashville, Tenn., control zone is presently designated within a 5-mile radius of Berry Field and within 2 miles either side of the northeast course of the Nashville, Tenn., radio range, extending to the Juliet fan marker. The Federal Aviation Agency has under consideration alteration of the control zone as follows:

1. Designate a control zone extension to the southeast within 2 miles either side of the 304° True radial of the Nashville VORTAC extending from the 5-mile radius zone to the VORTAC.
2. Designate a control zone extension to the southwest within 2 miles either side of the 018° True bearing from the Nashville outer marker compass locator extending from the 5-mile radius zone to the outer marker.
3. Redesignate the control zone extension based on the northeast course of the Nashville radio range to extend from the 5-mile radius zone to a point 12 miles northeast of the radio range.

The designation of control zone extensions to the southeast and southwest would provide protection for aircraft executing the prescribed instrument approach procedures to Berry Field based on the Nashville VORTAC and outer marker. Redesignation of the control

zone extension based on the Nashvile Radio range would eliminate reference to the Mount Juliet fan marker which is no longer required for the management of air traffic and is scheduled to be decommissioned. Non-rule making procedures proposing discontinuance of the Mount Juliet fan marker are being initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. In addition, extending the control zone to 12 miles northeast of the radio range would provide protection for aircraft executing the procedure turn portion of the prescribed instrument approach procedure which is permitted within 10 nautical (approximately 12 statute) miles of the radio range.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6589; Filed, July 13, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14187, RM-256; FCC 61-862]

[47 CFR Part 3]

LOGGING REQUIREMENTS FOR BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-captioned matter.

2. The Commission has instituted a rule making proceeding (Docket No. 13961) designed to amend section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314, and 315. It appears desirable, concurrently therewith, to revise the rules relating to program logs so that such logs will contain information sufficient to permit the preparation of the revised application forms.

3. The revisions proposed herein refer specifically to §§ 3.663(a), and 3.664 (a) and (c) which pertain to television. Comparable revisions of the AM and FM rules and those pertaining to international broadcast stations (§§ 3.111, 3.112, 3.114, 3.281, 3.282, 3.284, 3.581, 3.582, 3.584, 3.781, 3.782, and 3.784) would also appear desirable. Comments and reply comments filed herein may, therefore, take note of any special problems or consequences of such changes with respect to the other broadcast services. Comments should be restricted to matters pertaining to logging requirements. Comments as to whether certain information should be included in Forms 301, 303, 314, and 315 should be submitted in Docket No. 13961. In like manner, comments pertaining to the proposed new § 3.663(a)(4) should not deal with the substance or merits of that item (which may be the subject of comment in Docket No. 14119) but should consider only the requirement that such information, if required to be announced, be included in the program log.

4. On April 27, 1961, the Broadcasting and Film Commission of the National Council of Churches of Christ in the United States of America filed with the Commission a petition to institute rule making looking toward the adoption of uniform program logs "so that the Commission will be provided with full and accurate information in order that it may evaluate and assess the performance of broadcast station operators." It is believed that the proposed rule making herein will provide such information in a meaningful form and with substantial uniformity in such matters as abbreviations. The Commission's needs, however, do not require a uniform format for log keeping and some flexibility in this regard will be retained.

5. Accordingly, comments are invited with respect to the proposed rules pertaining to television as set forth in the attached Appendix and with respect to the adoption of similar rules for the other broadcast services.

6. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303 and 307(d) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before September 7, 1961, and reply comments on or before September 18, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

9. *Accordingly, it is ordered,* This 6th day of July 1961, that the petition of the National Council of Churches of Christ is granted insofar as it requests the type of rule making proposed herein, but is denied insofar as it may be construed as requesting a rule establishing a uniform format for program logs.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 3.663(a) of the Commission's rules is amended to read as follows:

§ 3.663 Logs.

The licensee or permittee of each television station shall maintain program and operating logs in which the following entries shall be made:

(a) In the program logs:

(1) An entry showing time of commencement and conclusion of each station identification announcement (call letters and location).

(2) An entry identifying:

(i) All commercial matter as either commercial announcements (CA) or commercial continuity (CC); and

(ii) All non-commercial announcements (NCA), and showing time of commencement and conclusion of all such material broadcast. The following definitions should be used:

(*a*) "Commercial Matter" includes all commercial announcements and all commercial continuity (network and non-network).

(*b*) "A Commercial Announcement" (CA) is any announcement, including a promotional announcement, time signal, weather announcement, or station identification, for which a charge is made and which is not part of the commercial continuity of a program sponsor; or any promotional announcement for a non-sustaining program; or any announcement which refers to or mentions the name of any business beyond the exact name of the station licensee; or any announcement which, by express or implied agreement between the applicant and a sponsor assumes, in fact, the character of a commercial announcement (such as "bonus" spots, or "trade out" spots involving a barter arrangement).

(*c*) "Commercial Continuity" (CC) is the advertising message of a program sponsor.

(*d*) "A Non-Commercial announcement" (NCA) is an announcement for which the station does not receive consideration (including any announcement which promotes a sustaining program).

(3) An entry identifying the sponsor or those furnishing the items set forth in § 3.654 of Part 3 of this chapter and showing the beginning and ending of each announcement required by that section. Additionally, if a speech is made by a political candidate, the name and political affiliation of such speaker shall be entered.

(4) An entry showing the time and on whose behalf each announcement is made that a licensee; network; officer, director, or employee of licensee or network; person directly or indirectly holding an ownership interest of 10 percent or more in the licensee or network; or person appearing on the program during which promotional matter is broadcast, has a financial interest in a service or commodity receiving such broadcast promotion. (This requirement will be included only if the rule making proposal of Docket No. 14119 is adopted.)

(5) An entry of the time each program begins and ends, and if it is a network program, the identity of the network.

(6) An entry identifying each program by name or title.

(7) An entry classifying each program broadcast as either Religious (R), Instructive (I), Public Affairs (PA), Agricultural (A), News (N), Sports (S), Entertainment (E) or other (specifying). For purposes of this entry, the following definitions of program types shall be used:

(i) "Religious" (R) includes sermons, devotionals, religious news and drama, etc., but not music except where it is incidental to a religious program.

(ii) "Instructive" (I) includes programs other than those classified under Religious, Agricultural, News or Public Affairs, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences, and similar programs intended principally to instruct.

(iii) "Public Affairs" (PA) includes talks, discussions, speeches, editorials, forums, panels, round tables, and other programs primarily concerning local, national and international affairs or problems.

(iv) "Agricultural" (A) includes farm or market reports or other information specifically addressed to the agricultural population.

(v) "News" (N) includes news reports and commentaries.

(vi) "Sports" (S) includes play-by-play and pre- and post-game related activities and sports news and reports.

(vii) "Entertainment" (E) includes all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

NOTE: A program constituting a single entity or unit shall be logged under the appropriate type. If a program consists of varied segments which include two or more of the types listed in this Section the segments should be separately listed and identified as to type and duration.

(8) With respect to each program (including editorials) or announcement dealing with a controversial issue of public importance, an entry inserting the letters "CI" after the proper abbreviation for the program type and in case the program matter was an editorial the further notation "Edit".

(9) Where any program is designed primarily for children, insert "Ch" after the entry of program type.

(10) As to each Instructive, Public Affairs, or Agricultural program dealing with local affairs (i.e., community, state, or regional), the program type entry shall include "LA".

(11) As to each Religious, Instructive, Public Affairs, or Agricultural program prepared by, or in behalf of, or in cooperation with an educational organization, the program type entry shall include the designation "ED".

(12) Each entry of a Religious program shall be entered as Sustaining (R-S) or Commercial (R-C) as appropriate.

(13) Each entry of a news program containing local news shall indicate the approximate amount of time devoted to such local news.

(14) An entry showing the source of each program as one of the following:

(i) A "live program" (L) is any local program which uses live talent half the time or longer, whether originating in the station's studios or elsewhere. Programs furnished to a station by a network are classified as "network." "Disc jockey" shows shall not be classified as "live" but as "recorded," except that an identifiable unit of programming within such a show utilizing live talent shall be classified as "live." A live program recorded or filmed for later broadcasting by the station shall be classified as "live."

(ii) A "recorded program" (REC) is any program utilizing phonograph records, electrical transcriptions, films, tape recordings, or other means of reproduction more than half the time. A news program devoted primarily to wire copy which is read verbatim, or virtually verbatim, by the local announcer shall be classified as recorded.

(iii) A "network program" (NET) is any live or recorded program furnished to the station by a network (national, regional, or special). Delayed broadcasts of programs originated by networks are classified as "network".

(15) An entry showing the time a mechanical reproduction is announced as such, as required by § 3.653 of this chapter.

(16) An entry identifying the announcer on duty and the time during which such announcer was on duty.

(17) Signature of each person responsible for logging information and the time during which each such person maintained the log.

II. Sections 3.664 (a) and (c) are amended to read as follows:

§ 3.664 Logs, retention of, etc.

(a) *Logs, retention of.* Logs of television broadcast stations shall be retained by the licensee or permittee for a period of three years and thereafter until any application based thereon has been finally acted upon by the Commission: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee or permittee has been notified, shall be retained by the licensee or permittee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee or permittee has notice shall be retained by the licensee or permittee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

* * * * * *

(c) *Log form.* The log shall be kept in an orderly manner, in suitable form, and in such detail that the data required for the particular class of station are readily available. All entries required by subparagraphs 1, 2, 3, 4, 5, 13, 15, 16, and 17 of § 3.663(a) shall be made at the time of broadcast. Entries required by other subparagraphs of that section may be made prior to air time but the person responsible for maintaining the log must, concurrently with broadcast, correct any entries necessary to reflect accurately what is actually broadcast. Key letters or abbreviations, in addition to those set forth in § 3.663, may be used if proper meaning or explanation is contained elsewhere in the log. The logging day shall be considered as beginning at 12:00:01 a.m.

[F.R. Doc. 61-6581; Filed, July 13, 1961; 8:45 a.m.]

[47 CFR Part 3]

[Docket No. 12859; FCC 61-870]

OPTION TIME AND THE STATION'S RIGHT TO REJECT NETWORK PROGRAMS

Order Scheduling Dates for Filing of Comments, for Oral Argument and for Filing of Requests to be Heard

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 6th day of July 1961:

1. In a further notice of proposed rule making, released on May 4, 1961 (FCC 61-582, Mimeo 3899), the Commission indicated its intention to reconsider its Report and Order of September 14, 1960, in this proceeding, stated its reasons therefor, and invited all interested parties to file comments and participate in oral arguments before the Commission en banc on certain specified issues.

2. The aforementioned notice provided that notwithstanding the provisions of § 1.213(c) of the rules, no reply briefs or comments might be filed unless specifically requested or authorized by the Commission. Reasons for this ruling were set forth.

3. The notice also indicated that dates for the filing of comments, for oral argument and for the filing of appearances would be adopted at a later date. Having given consideration to the matter, the Commission has decided on suitable dates.

4. It is proposed by the Commission that oral argument presented by a party shall be limited to thirty minutes.

5. In view of the foregoing: *It is ordered,* That interested parties may file written comments on or before Septem-

ber 7, 1961, and that, in accordance with the provisions of § 1.54 of the rules, an original and 14 copies of such comments shall be furnished to the Commission.

6. *It is further ordered,* That oral argument be held on this matter at the Commission's offices in Washington, D.C., on September 28, 1961.

7. *It is further ordered,* That interested parties desiring to be heard at the oral argument shall file with the Commission in triplicate, in person or by attorney, on or before September 7, 1961, a written request for opportunity to appear on the date fixed for oral argument and present argument on the issues specified in paragraph 3 of the aforementioned further notice of proposed rule making.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6622; Filed, July 13, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 13961; FCC 61-863]

BROADCAST APPLICATION FORMS

Statement of Program Service

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. The proceedings herein were instituted by the Commission on February 21, 1961, upon the release of its notice of proposed rule making. Subsequently, the time for filing comments with respect to the Commission's proposals was extend to May 1, 1961 and later to June 1, 1961. Prior to the latter date, the Commission concluded that certain revisions of its proposals were desirable. Accordingly, on May 12, 1961, the above filing date was extended until further order of the Commission.

3. The Commission has reviewed the comments filed to date and has held informal conferences with industry representatives and other interested parties. The principal objective of the discussion with the industry representatives was to insure that the questions proposed by the Commission concerning an applicant's past and proposed operations could be answered on the basis of reasonable efforts and records to be kept by the applicants. It is understood that these individuals are free to support or oppose the proposals, or to offer counter-proposals.

4. The Commission's revised proposals, which include for the first time separate sections IV for radio and television, are attached.[1] Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested parties may file comments on or before September 7, 1961, and reply comments on or before September 18, 1961. In the absence of the most unusual circumstances, these dates will not be extended. In reaching its decision in this proceeding, the Commission will not be limited to comments of record but will take into account any relevant information obtained in any manner from informed sources.

5. In light of the fact that our existing log keeping rules are not of sufficient scope to provide the factual information required to complete the proposed revised forms, there is being issued simultaneously with the issuance of the instant notice the Commission's proposed amendments to said rules (Docket No. 14187). In this connection, the Commission recognizes that upon the adoption of final amendments to the above-entitled forms and to the log keeping rules, provision must be made for a practicable transition period. This matter is being studied by the Commission and appropriate procedures will be set forth in the final report which will be issued in the instant proceedings. Interested parties may submit comments with respect to such transitional procedures within the dates set forth in paragraph 4.

[1] Section IV filed as part of original document.

6. Paragraphs 3(a) and 6 of the proposed TV form and 2(a) and 3 of the proposed AM–FM form will be included in Part II of Form 314 (Application for Assignment) and Part III of Form 315 (Application for Transfer of Control), requiring the submission of current programming information of operating stations which are the subjects of these applications. Since this information will be supplied by the assignors and transferors, the "correct information" statements of the assignor and assignee in Form 314 will be revised to read as follows:

> The (assignor) (assignee), or the undersigned on the (assignor's) (assignee's) behalf, states that he has endeavored to supply full and correct information as to all matters which are relevant to this application (including) (excluding), the information set forth for the Current Week in paragraphs 3(a), and 6 of section IV, Part II of the TV form or in 2(a) and 3 of the AM-FM form, and that he has done so as to all matters within his knowledge.

Appropriate changes also will be made in Form 315 with respect to the statement of the transferor in Part I and of the transferee in Part III. Interested parties may submit comments with respect to these proposals within the dates set forth in paragraph 4.

7. In accordance with the provisions of § 1.54 of the rules, the Commission shall be furnished with an original and 14 copies of all written comments filed herein.

8. Authority for adopting the amendments proposed herein is contained in sections 4(i), 303(j), 303(r), 307(d), 308(a) and 308(b) of the Communications Act of 1934, as amended.

Adopted: July 6, 1961.

Released: July 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6623; Filed, July 13, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 7, 1961.

Notice of an application, filed by Department of Defense, Serial No. Los Angeles 0164245, for withdrawal and reservation of lands was published as Federal Register Document No. 61-4236, on page 4003 of the issue for May 9, 1961. The applicant agency has canceled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on Monday, July 17, 1961, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 S., R. 11 E.,
Sec. 4, N½SW¼, SW¼SW¼.

Containing 120 acres, more or less.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 61-6594; Filed, July 13, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12258]

HI-PLAINS AIRWAYS

Notice of Prehearing Conference

In the matter of the application of C. E. Walts d/b/a Hi-Plains Airways for a certificate of public convenience and necessity.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 27, 1961, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Franklin M. Stone.

Dated at Washington, D.C., July 11, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6625; Filed, July 13, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

July Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

Major changes in the list for July are a shift to a 1961-crop price support basis in setting minimum domestic sales prices for wheat, oats, barley, and rye; and the offering of butter and cheddar cheese for export on a dual pricing basis similar to that already in effect for nonfat dry milk. As announced June 16 (press release USDA 1901–61), after July 1 and continuing until further notice CCC will redeem rights represented by pooled certificates issued under the 1961 Feed Grain Program by delivery of grain sorghums at the statutory minimum domestic sales prices announced for June. As announced June 22 (press release USDA 1967–61), dry edible pea beans have been made eligible for export under the barter program.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible for export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, dry edible pea beans, cotton, tobacco, rice (Pearl rough), wheat, corn, barley, rye, oats, and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for July 1961 are 3¼ percent for periods up to six months, 3¾ percent for periods from over six and up to 18 months, and 4¼ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer, (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

Notice to exporters. The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled areas of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, 15 CFR 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable BFC regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales Price or Method of Sale
Dairy products	Sales are in carlots only in store at storage location of products.
Butter	Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office. Domestic, unrestricted use; Announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 64.5 cents per pound—Washington, Oregon and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use: Announced prices, under LD-29 as amended: Spray process, U.S. extra grade, 17.00 cents per pound. Roller process, U.S. extra grade, 15.00 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use: Announced prices under LD-29, as amended: 38.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitation to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO–C–14, as amended (sale of 1960 and prior crops cotton for unrestricted use) and Announcement NO–C–15, as amended (sale of 1960—Crop Choice (A) Cotton for unrestricted use). Under NO–C–14, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the applicable 1960 Choice (B) support price plus carrying charges. Under NO–C–15, as amended, cotton to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC, or (2) 110 percent of the applicable 1960 Choice (B) support price plus carrying charges.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement NO–C–6 (revised July 22, 1960) as amended and NO–C–10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.
Wheat, bulk	Domestic, unrestricted use: Market price basis in store, but not less than 105 percent of the 1961 applicable support price [1] for the class, grade, and quality of the wheat, plus the amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Wheat (commercial area) [2]	Bushel	*Cents* 5	*Cents* 2	Chicago Minneapolis Kansas City Portland	No. 1 RW No. 1 DNS No. 1 HW No. 1 SW	$2.23 2.29 2.22 2.11

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement GR-261 (revision 1, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permits exportation of wheat as flour and approved credit sales only at prices determined daily.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (For addresses see page 12.)

Commodity	Unit	Received by—		Examples of minimum prices (exrail or barge)		
		Truck	Rail or barge	Terminal	Class and grade	Price
Barley, rye, bulk						
Barley	Bushel	*Cents* 4	*Cents* 2	Minneapolis	No. 2 or better	$1.21
Rye	do	5	2	do	No. 2 or better (or No. 3 on TW only).	1.18

Domestic, unrestricted use: Basis in store at 105 percent of the applicable 1960 support price [3] for the class, grade, and quality of the grain plus the respective amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Commodity	Unit	In store at—		Examples of minimum prices		
		Point of production	Other point	Terminal	Class and grade	Price
Corn	Bushels	*Cents* 18	*Cents* 21	Chicago	No. 2 yellow, 13.5% Moisture, 1.4% fm.	[4] $1.46¾
				Minneapolis	No. 2	[5] 1.28½
Oats	do	3	5	Chicago	No. 2	[6] .80½
				Minneapolis	No. 3	[7] .69¾

Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the Commodity Offices indicated on the following page.
Export:
Under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to grain payment-in-kind program and under Announcement GR-212 (revision 2, Jan. 9, 1961), (or application to arrangements for barter and approved credit and emergency sales.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. (For addresses see page 12.)
Domestic, unrestricted use: Basis in store, at 105 percent of the 1960 applicable support price for corn, and at 105 percent of the 1961 support price for the class, grade, and quality of the grain plus the respective amount shown below. For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added.

See footnotes at end of table.

Commodity	Sales Price or Method of Sale
Rice, rough (as available)	Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1960 support price, plus 45 cents per hundredweight, basis in store. Export: Milled or brown under Announcement GR-360 (revision 1, Feb. 1, 1961) Rice Export Program—Payment-in-kind, and under GR-379 (revision 1, May 1, 1961) for approved credit sales. California Pearl only for application to approved barter contracts under GR-379 (revision 1, May 1, 1961). Prices, quantities, and varieties of rough rice available from Dallas and Portland ASCS Commodity Offices.
Peanuts, shelled (as available), all types.	Domestic, unrestricted use: Market price but not less than 105 percent of the 1960 support price, adjusted for milling, plus reasonable carrying charges, under Peanut Announcement 3, as shown below: *Cents per pound* S.E. Runner, No. 1's 21.13 S.E. Spanish, No. 1's 21.61 S.W. Spanish, No. 1's 21.79
Peanuts, shelled (as available)	Domestic or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.
Tung oil	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of tung oil Announcement DL–OF–11.
Dry edible beans, bagged (as available).	Available Dallas ASCS Commodity Office. (For address see page 12.) Domestic and export: Domestic market price, U.S. No. 1, f.o.b. indicated points of minimum price per hundredweight, plus reasonable freight to be added as applicable. For other grades and in other areas, adjust by 1960-crop price support differentials.

Class	Price per hundredweight	Area of production
Dark red kidney	$3.04	Michigan.
Small red	6.02	Washington.
Pea	6.04	Michigan.

Small red available Portland ASCS Commodity Office. Other classes available at Evanston ASCS Commodity Office. (See page 12 for addresses.)

[1] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight to grain stored outside area of production.
[2] Noncommercial producing area wheat shall be on the same basis but not less than 110 percent of the applicable support price by 23 percent, plus reasonable freight, and adding amount shown above.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight to grain stored outside area of production.
[4] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
[5] To compute, multiply applicable support price by 1.08, round product up to nearest whole cent and add amount shown above and any applicable freight. Woodford County, Ill.
[6] Includes average paid in freight from Redwood County, Minn.
[7] Includes average paid in freight from Redwood County, Minn.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Signed at Washington, D.C., on July 10, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-6616; Filed, July 13, 1961; 8:48 a.m.]

Office of the Secretary

MINNESOTA AND SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Minnesota and South Dakota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Douglas. St. Louis.
Pope. Stearns.

SOUTH DAKOTA

Haakon. Perkins.
Harding.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6605; Filed, July 13, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES COMPANY

Notice of Application for Approval of Certain Cruises

Notice is hereby given that on July 6, 1961, the Federal Maritime Board directed that notice of the following application be published in the FEDERAL REGISTER.

United States Lines Company, acting pursuant to Public Law 87–45, has applied to the Federal Maritime Board for approval of the following listed cruises:

Ship	Sailing date	Itinerary
America	November 22, 1961.	New York, Bermuda, New York.
United States	January 30, 1962.	New York, Nassau, San Juan, Trinidad, Curacao, Cristobal, New York.
Do	February 16, 1962.	Do.
America	March 8, 1962	New York, San Juan, New York.
Do	March 17, 1962	Do.

Any person, firm or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Federal Maritime Board, Washington 25, D.C., by close of business on July 31, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Federal Maritime Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 11, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6608; Filed, July 13, 1961; 8:47 a.m.]

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that on July 5, 1961, the Federal Maritime Board directed that notice of the following application be published in the FEDERAL REGISTER.

Moore-McCormack Lines, Inc., acting pursuant to Public Law 87–45, has applied to the Federal Maritime Board for approval of the following listed cruises:

Ship	Sailing date	Itinerary
Argentina	Oct. 11, 1961	New York, Barbados, Martinique, St. Thomas, San Juan, Nassau, New York.
Do	Oct. 25, 1961	New York, San Juan, St. Thomas, Martinique, Trinidad, Barbados, Bermuda, New York.
Brasil	Nov. 14, 1961	New York, Port Everglades, Nassau, San Juan, Trinidad, Barbados, Martinique, St. Thomas, Port Everglades.
Do	Nov. 28, 1961	Port Everglades, San Juan, Barbados, Trinidad, Cartagena, Nassau, Port Everglades.
Do	Dec. 11, 1961	Port Everglades, San Juan, St. Thomas, Nassau, Port Everglades.
Do	Dec. 18, 1961	Port Everglades, San Juan, Martinique, Barbados, Cartagena, Cristobal, Nassau, Port Everglades, New York.
Do	Jan. 5, 1962	New York, San Juan, St. Thomas, Martinique, Trinidad, Barbados, Nassau, New York.
Do	Jan. 19, 1962	New York, St. Thomas, Martinique, Barbados, San Juan, Nassau, New York.
Do	Feb. 2, 1962	New York, San Juan, Martinique, Barbados, Cartagena, Cristobal, Nassau, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Federal Maritime Board, Washington 25, D.C., by close of business on July 31, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Federal Maritime Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 11, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6609; Filed, July 13, 1961; 8:47 a.m.]

AMERICAN EXPORT LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that on July 10, 1961, the Federal Maritime Board directed that notice of the following application be published in the FEDERAL REGISTER.

American Export Lines, Inc., acting pursuant to Public Law 87–45, has applied to the Federal Maritime Board for approval of the following listed cruises:

Ship	Sailing date	Itinerary
Atlantic	Nov. 10, 1961	New York, San Juan, St. Thomas, Kingston, Port-au-Prince, New York.
Do	Nov. 22, 1961	New York, Bermuda, Nassau, New York.
Do	Nov. 30, 1961	Do.
Do	Dec. 8, 1961	New York, San Juan, St. Thomas, Kingston, Port-au-Prince, New York.
Do	Dec. 20, 1961	New York, Nassau, Curacao, Trinidad, Barbados, Fort-de-France, San Juan, New York.
Independence	Jan. 18, 1962	New York, San Juan, St. Thomas, Fort-de-France, Barbados, Curacao, Port-au-Prince, Kingston, Nassau, New York.
Atlantic	Jan. 19, 1962	New York, San Juan, St. Thomas, Fort-de-France, Trinidad, Curacao, Port-au-Prince, New York.
Do	Feb. 2, 1962	New York, San Juan, St. Thomas, Kingston, Port-au-Prince, Nassau, New York.
Independence	Feb. 3, 1962	New York, San Juan, St. Thomas, Fort-de-France, La Guaira, Curacao, Cartagena, Cristobal, Kingston, Port-au-Prince, Nassau, New York.
Atlantic	Feb. 16, 1962	New York, San Juan, St. Thomas, Kingston, Port-au-Prince, Nassau, New York.
Independence	Feb. 21, 1962	New York, Nassau, New York.
Do	Feb. 27, 1962	New York, San Juan, St. Thomas, Fort-de-France, La Guaira, Curacao, Cartagena, Cristobal, Kingston, Port-au-Prince, Nassau, New York.
Atlantic	Mar. 2, 1962	New York, Port-au-Prince, Cartagena, Cristobal, Kingston, Nassau, New York.
Do	Mar. 16, 1962	New York, San Juan, St. Thomas, Fort-de-France, Trinidad, Curacao, Port-au-Prince, New York.
Independence	Mar. 17, 1962	New York, San Juan, St. Thomas, Fort-de-France, Barbados, Curacao, Port-au-Prince, Kingston, Nassau, New York.

Any person, firm or corporation having any interest, within the meaning of Public Law 87–45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Federal Maritime Board, Washington 25, D.C., by

close of business on July 31, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Federal Maritime Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: July 11, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6610; Filed, July 13, 1961; 8:47 a.m.]

ALASKA STEAMSHIP CO.

3 C1-M-AV1 Type Government Owned Vessels; Continuance of Bareboat Charters

Notice in the above-captioned matter appeared in the FEDERAL REGISTER issue of June 21, 1961 (26 F.R. 5535), in which interested persons were given permission to file written objections or request a hearing by close of business on June 30, 1961.

Notice is hereby given that no objections nor requests for a hearing were received; therefore, the findings of the Board are now final.

Dated: July 11, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–6611; Filed, July 13, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–57]

WESTERN NEW YORK NUCLEAR RESEARCH CENTER, INC.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has (1) consented to the transfer of Facility License No. R-77 from The University of Buffalo to Western New York Nuclear Research Center, Inc., and (2) has issued Amendment No. 1, set forth below, to License No. R-77. The license amendment substitutes, as licensee, Western New York Nuclear Research Center, Inc., a nonprofit educational corporation, for The University of Buffalo, incorporates into License No. R–77 The University of Buffalo's existing procedures pertaining to operations with the reactor shutdown which might involve a change in core reactivity and imposes certain reporting requirements. License No. R-77, as amended, authorizes Western New York Nuclear Research Center, Inc. to possess and operate the nuclear reactor located on the campus of The University of Buffalo, Buffalo, New York. On May 12, 1961, The University of Buffalo and Western New York Nuclear Research Center, Inc. advised the Commission that on or about June 1, 1961, the assets and personnel of the nuclear research center of The University of Buffalo would be transferred to Western New York Nuclear Research Center, Inc. and formally requested transfer of Facility License No. R–77 from The University of Buffalo to Western New York Nuclear Research Center. The transfer was actually completed on July 7, 1961.

The Commission has found that the operation of the reactor in accordance with the terms and conditions of the license as amended will not be inimical to the common defense and security or to the health and safety of the public.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice, (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the application for license amendment dated May 12, 1961 by The University of Buffalo and Western New York Nuclear Research Center, Inc., on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 7th day of July 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[License No. R–77; Amdt. 1]

1. This license applies to the light water-moderated, and -cooled pool-type nuclear reactor (hereinafter referred to as "the facility"), which is owned by Western New York Nuclear Research Center, Inc. and located on the campus of The University of Buffalo in Buffalo, New York, and described in the application for license dated March 7, 1957, and amendments thereto dated March 5, 1958, May 27, 1959, July 21, 1959, July 31, 1959, November 21, 1960, January 19, 1961, February 1, 1961, and May 12, 1961, (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–39 issued to The University of Buffalo on September 15, 1959.

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The facility has been constructed in conformity with Construction Permit No. CPRR–39 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

C. Western New York Nuclear Research Center, Inc. is technically and financially qualified to operate the facility, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the facility and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Western New York Nuclear Research Center is a nonprofit educational Corporation and will use the facility for the conduct of educational activities. Western New York Nuclear Research Center, Inc. is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Western New York Nuclear Research Center, Inc. (hereinafter referred to as "the licensee"):

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the facility as a utilization facility at the designated location in Buffalo, New York, in accordance with the procedures and limitations described in the application and this license; and

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to eleven kilograms of uranium 235 contained in enriched uranium for use in connection with operation of the facility.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the facility at steady state power levels in excess of 1 megawatt (thermal) without prior written authorization from the Commission.

B. The licensee shall observe the procedures described in its submittal to the Commission dated January 19, 1961 pertaining to reactor shutdown operation which might involve change in core reactivity.

C. The licensee shall maintain attended and closely observed core nuclear instrumentation in operation at all times during operations which would involve changes in core reactivity when the facility is shutdown.

D. The hydraulically operated valves in the ventilation system shall be exercised periodically and these valves and the activated charcoal filter bed shall be inspected at 3 month intervals or less to assure proper operation and that no deterioration has occurred.

E. The leak rate of the containment structure shall be measured at 12 month intervals or less to assure that the specified leak rate will be maintained.

F. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

G. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the facility.

H. A report shall be provided to the Commission within 60 days of commencement of full power operation showing the measured levels and quantities of gaseous radioactivity released from the stack when full power has been reached and all components (beam tubes, rabbit system, thermal column, etc.) are being vented. The method of measurement and sensitivity shall be included.

I. The licensee shall promptly submit a written report to the Commission whenever during operation of the facility, any of the operating conditions or characteristics of the facility which might affect nuclear safety varies significantly from its predicted value.

5. This license is effective as of the date of issuance and shall expire at midnight September 15, 1979.

Date of issuance: July 7, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-6613; Filed, July 13, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14181, 14182; FCC 61M-1188]

ELBERT H. DEAN ET AL.

Order Scheduling Hearing and Prehearing Conference

In re applications of Elbert H. Dean & B. L. Golden, Lemoore, California, Docket No. 14181, File No. BP-12811; Glomor Music Broadcasters, Inc. (KHOT), Madera, California, Docket No. 14182, File No. BP-14294; for construction permits.

It is ordered, This 7th day of July 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 21, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 7, 1961.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6617; Filed, July 13, 1961; 8:48 a.m.]

[Docket No. 14103; FCC 61M-1185]

ISADORE PAUL GILLENSON

Order Continuing Hearing

In the matter of Isadore Paul Gillenson, Burbank, California, Docket No. 14103; suspension of Amateur Radio Operator License (WA6KCI).

It is ordered, This 7th day of July 1961, that Elizabeth C. Smith, in lieu of Jay A. Kyle, will preside at the hearing in the above-entitled proceeding, the said hearing to be held in Los Angeles, California, commencing on a date to be specified by subsequent order.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6618; Filed, July 13, 1961; 8:48 a.m.]

[Docket No. 14104; FCC 61M-1186]

BERNARD KIRSCHNER

Order Continuing Hearing

In the matter of Bernard Kirschner, Los Angeles, California, Docket No. 14104; suspension of Amateur Radio Operator License (K2HMP).

It is ordered, This 7th day of July 1961, that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to Los Angeles, California, and that the said hearing will commence on a date to be specified by subsequent order.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6619; Filed, July 13, 1961; 8:48 a.m.]

[Docket No. 14183; FCC 61M-1189]

JOHN R. POWLEY

Order Scheduling Hearing

In re application of John R. Powley, Houston, Texas, Docket No. 14183, File No. BPH-3282; for construction permit.

It is ordered, This 7th day of July 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 25, 1961, in Washington, D.C.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6620, Filed, July 13, 1961; 8:48 a.m.]

[Docket No. 14180; FCC 61M-1187]

REGIONAL RADIO SERVICE

Order Scheduling Hearing and Prehearing Conference

In re application of John Coleman, William R. Brown and Donald R. Williams d/b as Regional Radio Service, Rantoul, Illinois, Docket No. 14180, File No. BP-13670; for construction permit.

It is ordered, This 7th day of July 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 18, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Thursday, September 7, 1961.

Released: July 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6621; Filed, July 13, 1961; 8:48 a.m.]

[FCC 61-866]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JULY 11, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on August 15, 1961, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106(b)(1) and § 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 14, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) the close of business on August 14, 1961, or (b) by the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(f) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: July 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications From the Top of the Processing Line

BP-11675	WPAG, Ann Arbor, Mich. Washtenaw Broadcasting Co., Inc. Has: 1050 kc, 1 kw, Day. Req: 1050 kc, 5 kw, DA, Day.
BP-12907	WACE, Chicopee, Mass. Regional Broadcasting Co. Has: 730 kc, 1 kw, Day. Req: 730 kc, 5 kw, Day.
BP-13340	NEW, Kingsport, Tenn. Morgan Broadcasting Co. Req: 1400 kc, 250 w, U.
BP-13712	WSLM, Salem, Ind. Don H. Martin. Has: 1220 kc, 1 kw, Day. Req: 1220 kc, 5 kw, Day.
BP-13866	WFRL, Freeport, Ill. Triad TV Corp. Has: 1570 kc, 1 kw, Day. Req: 1570 kc, 5 kw, DA, Day.
BP-14020	WAP, Parkersburg, W. Va. The Zanesville Publishing Co. Has: 1230 kc, 250, w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14022	WPME, Punxsutawney, Pa. Punxsutawney Broadcasting Co. Has: 1540 kc, 1 kw, Day. Req: 1540 kc, 5 kw, 1 kw (CH), Day.
BP-14023	KWOS, Jefferson City, Mo. Capital Broadcasting Co. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.
BP-14029	NEW, Largo, Fla. The Largo Broadcasting Co. Req: 800 kc, 250 w, DA, Day.
BP-14033	KVIP, Redding, Calif. Shasta Broadcasting Corp. Has: 540 kc, 1 kw, Day. Req: 540 kc, 5 kw, Day.
BP-14034	NEW, Ventnor-Margate, N.J. Marymac Broadcasters. Req: 1570 kc, 1 kw, DA, Day.
BP-14038	NEW, Shelton, Wash. ABT, Inc. Req: 1260 kc, 1 kw, Day.
BP-14039	NEW, Muskegon Heights, Mich. Muskegon Heights Broadcasting Co. Req: 1520 kc, 1 kw, 250 w (CH), Day.
BP-14041	NEW, Cherryville, N.C. Cherryville Broadcasting Co., Inc. Req: 1590 kc, 500 w, Day.
BP-14042	NEW, Ripley, Miss. Ripley Radio Service. Req: 1260 kc, 500 w, Day.
BP-14043	NEW, Louisville, Ky. Mainliner Broadcasters. Req: 1500 kc, 10 kw, DA, Day.
BP-14045	NEW, El Paso, Tex. Pacific Broadcasting Associates. Req: 1530 kc, 1 kw, Day.
BP-14046	NEW, Bloomington, Minn. South Minneapolis Broadcasters. Req: 740 kc, 250 w, DA, Day.
BP-14048	KSMO, Salem, Mo. The Zola Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.
BP-14049	WOLI, Corning, N.Y. Radio Corning, Inc. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-14050	KERV, Kerrville, Tex. Kerrville Broadcasting Co. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14051	WGWR, Asheboro, N.C. Asheboro Broadcasting Co. Has: 1260 kc, 1 kw, Day. Req: 1260 kc, 500 w, 5 kw-LS, DA-2, U.
BP-14052	NEW, Summerville, S.C. Radio Summerville, Inc. Req: 980 kc, 500 w, Day.
BP-14053	NEW, Fenton, Mich. Waterland Broadcasting Corp. Req: 1510 kc, 250 w, DA, Day.
BP-14054	WAAT, Trenton, N.J. Delaware Valley Broadcasting Co. Has: 1300 kc, 250 w, Day. Req: 1300 kc, 5 kw, DA-2, U.
BP-14055	WCNX, Middletown, Conn. The Middlesex Broadcasting Co. Has: 1150 kc, 500 w, Day. Req: 1150 kc, 1 kw, Day.
BP-14058	NEW, Lancaster, S.C. Palmetto Broadcasting System, Inc. Req: 1560 kc, 1 kw, 500 w (CH), Day.
BP-14059	WJOE, Ward Ridge, Fla. Little Joe Enterprises. Has: 1570 kc, 250 w, Day. Req: 1530 kc, 1 kw, Day.
BP-14060	NEW, West Hartford, Conn. Pioneer States Broadcasters, Inc. Req: 990 kc, 500 w, DA, Day.
BP-14062	NEW, Mead, Wash. Crown Broadcasting Co. Req: 1590 kc, 1 kw, Day.
BP-14063	NEW, West Helena, Ark. West Helena Radio Service. Req: 1520 kc, 250 w, Day.
BP-14064	NEW, San Antonio, Tex. Pacific Broadcasting Associates. Req: 1540 kc, 10 w, DA, Day.
BP-14073	WJBD, Salem, Ill. Salem Broadcasting Co. Has: 1350 kc, 500 w, Day. Req: 1350 kc, 1 kw, Day.
BP-14075	KARI, Blaine, Wash. Birch Bay Broadcasting Co., Inc. Has: 550 kc, 500 w, Day. Req: 550 kc, 1 kw, 5 kw-LS, DA-2, U.
BP-14077	WNNC, Newton, N.C. Newton-Conover, Broadcasting Co., Inc. Has: 1230 kc, 250 w, U. Req: 1230 kc, 250 w, 1 kw-LS, U.
BP-14078	KAPA, Raymond, Wash. Willapa Broadcasting Co. Has: 1340 kc, 250 w, S.H. Req: 1340 kc, 250 w, 1 kw-LS, S.H.
BP-14079	WRSJ, Bayamon, Puerto Rico. Antilles Broadcasting Corp. Has: 1560 kc, 250 w, U. Req: 1560 kc, 250 w, 5 kw-LS, U.
BP-14080	WLAR, Athens, Tenn. Helen M. Arterburn, Executrix of the Estate of Lowell F. Arterburn, Deceased. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
BP-14083	NEW, Marshall, Mich. Marshall Broadcasting Co. Req: 1540 kc, 250 w, Day.
BP-14086	NEW, Riverton, Wyo. William L. Ross. Req: 1370 kc, 1 kw, Day.
BP-14087	NEW, Lamar, Mo. James R. Williams. Req: 1560 kc, 250 w, Day.
BP-14091	WGCM, Gulfport, Miss. E. O. Roden & Associates. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.
BP-14092	WKAY, Glasgow, Ky. Glasgow Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.
BP-14096	KRSI, St. Louis Park, Minn. Radio Suburbia, Inc. Has: 950 kc, 1 kw, DA, Day. Req: 950 kc, 1 kw, DA-2, U.
BP-14100	NEW, New Canaan, Conn. Fairfield Broadcasting Service. Req: 1490 kc, 250 w, U.
BP-14103	NEW, Madison, Conn. Rhode Island-Connecticut Radio Corp. Req: 1490 kc, 250 w, U.
BP-14105	NEW, Brewster, N.Y. Taconic Broadcasters. Req: 1510 kc, 1 kw, DA, Day.

Applications on Which 309(b) Letters Have Been Issued

BP-13932	NEW, New York, N.Y. KSTP, Inc. Req: 770 kc, 50 kw, DA-N, U.
BP-14012	KOEL, Oelwein, Iowa. The Northeast Iowa Radio Corp. Has: 950 kc, 500 w, 1 kw-LS, DA-2, U. Req: 950 kc, 500 w, 5 kw-LS, DA-2, U.
BP-14026	KFNF, Council Bluffs, Iowa. KFNF Broadcasting Corp. Has: 920 kc, 500 w, 1 kw-LS, U (Shenandoah, Iowa). Req: 920 kc, 1 kw, 5 kw-LS, DA-2, U (Council Bluffs, Iowa).

[F.R. Doc. 61-6624; Filed, July 13, 1961; 8:49 a.m.]

[Docket No. 14003; FCC 61M-1191]

KORD, INC.

Order Continuing Hearing Conference

In re application of KORD, Inc., (KORD), Docket No. 14003, File No. BR-3410; for renewal of license of Station KORD, Pasco, Washington.

It is ordered, This 10th day of July 1961, that the further prehearing conference now scheduled for July 11 is rescheduled to Friday, July 14, 1961, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6664; Filed, July 13, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2248]

ARIZONA POWER AUTHORITY

Order Granting Continuance

JULY 7, 1961.

On July 5, 1961, the presiding examiner in this proceeding certified to the Commission a motion filed June 26, 1961 by the Navajo Indian Tribe (Intervener) for postponement of the resumption of the hearing until a date not earlier than September 12, 1961. The motion is opposed by the Arizona Power Authority (Applicant).

The Commission finds: Inasmuch as the continuance requested exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission unless all parties consent thereto as provided in paragraph (E) of the Commission's order of March 29, 1960 in this matter, and good cause having been shown, the motion for postponement should be granted as hereinafter provided.

The Commission orders: The time for resumption of the hearing in this matter, be and hereby is continued until 10 a.m., on September 12, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6591; Filed, July 13, 1961; 8:45 a.m.]

[Docket No. CP61-126]

HOUSTON TEXAS GAS AND OIL CORP.

Notice of Application and Date of Hearing

JULY 7, 1961.

Take notice that on October 27, 1960, Houston Texas Gas and Oil Corpora-

tion (Applicant) filed an application in Docket No. CP61-126, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate two and one-half miles of three and one-half inch pipe from its present sixteen inch Jacksonville lateral to the State of Florida, Division of Corrections Raiford Prison installation in Bradford and Union Counties, near Raiford, Bradford County, Florida, where a meter and regulator station will be constructed, and to sell and deliver natural gas to Raiford Prison on a Direct Firm and a Direct Preferred Interruptible basis, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has sufficient capacity to sell and deliver the natural gas requirements of Raiford Prison without affecting its ability to continue existing service to any existing customer on its interstate natural gas transmission system.

Applicant estimates that the average annual deliveries to Raiford Prison will be 1,297,300 therms. The maximum daily contract quantity of firm gas is 2,800 therms per day in the first year, and 40 therms per day thereafter. The cost of constructing the proposed lateral and meter and regulator station is estimated to be $46,100, which cost is to be defrayed out of funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 15, 1961 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 31, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6592; Filed, July 13, 1961; 8:45 a.m.]

TAX COURT OF THE UNITED STATES

[Administrative Order 104]

DESIGNATION OF A SPECIAL DIVISION OF THE COURT

From and after the date hereof, the Special Division of the Court for review of determinations and redeterminations by any Division of the Court involving any question arising under section 721 (a) (2) (C) or section 722 of the Internal Revenue Code of 1939, as amended, pursuant to authority contained in section 732(d) of the Internal Revenue Code of 1939, as amended, is constituted as follows:

Judges Tietjens, Opper, Raum, and Drennen, and where a case involving a question arising under section 721 (a) (2) (C) or section 722 has been assigned to another Judge of the Court, then that Judge shall, for the purpose of that case, be a member of the Special Division: *Provided, however,* That in the absence of one or more members, any three or more of the remaining members shall constitute the Special Division.

Effective. July 1, 1961.

TAX COURT OF THE UNITED STATES,
[SEAL] NORMAN O. TIETJENS,
Chief Judge.

JULY 11, 1961.

[F.R. Doc. 61-6606; Filed, July 13, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 11, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37254: *Class rates—Seatrain Line, Inc.* Filed by Seatrain Lines, Inc. (No. 15), for itself and interested carriers. Rates on various commodities moving on class rates, loaded in trailers and transported over joint water-rail, motor-water-rail, rail-water and rail-water-motor routes of the applicant rail and motor carriers and Seatrain Lines, Inc., between specified points in Connecticut, Massachusetts, New Jersey, Pennsylvania, and Rhode Island, on the one hand, and points in Texas, on the other.

Grounds for relief: Motor-water and water-motor competition.

Tariff: Supplement 38 to Seatrain Lines, Inc., tariff I.C.C. 185.

FSA No. 37255: *Cast iron pipe from Fort Worth, Tex., to the South.* Filed by Southwestern Freight Bureau, Agent (No. B-8047), for interested rail carriers. Rates on cast iron pipe and fittings, in carloads, from Fort Worth, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief: Market competition.

Tariff: Supplement 107 to Southwestern Freight Bureau tariff I.C.C. 4333.

FSA No. 37256: *Cement from Oklahoma points to WTL Territory Points.* Filed by Southwestern Freight Bureau, Agent (No. B-8050), for interested rail carriers. Rates on cement and related articles, in carloads, from Pryor (includes Oklahoma Ordnance Works), and Tulsa, Okla., to specified points in Iowa, Missouri, Nebraska, also Emmons, Iowa-Minn., Julesburg and Weir, Colo., and Chicago, Ill., and points grouped therewith.

Grounds for relief: Market competition.

Tariff: Supplement 54 to Southwestern Freight Bureau tariff I.C.C. 4326.

FSA No. 37257: *Cast iron soil pipe within southern territory.* Filed by O. W. South, Jr., Agent (No. A4114), for interested rail carriers. Rates on cast iron soil pipe and fittings, as described in the application, in carloads, from producing points in southern territory, to points in southern territory, including Ohio and Mississippi River crossings, also points in Virginia and West Virginia.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 52 to Southern Freight Association tariff I.C.C. S-6.

FSA No. 37258: *Substituted service—Rail Carrier Service for Motor Carrier Service.* Filed by Southern Motor Carriers Rate Conference, Agent (No. 71), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in southern territory, on the one hand, and points in southern, eastern, New England, middlewestern and southwestern territories, on the other.

Grounds for relief: Motor-truck competition.

Tariffs: Southern Motor Carriers Rate Conference, tariff MF-I.C.C. 1121, I.C.C. 34 and supplement 8 thereto.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-6607; Filed, July 13, 1961; 8:47 a.m.]

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VOLUME 26 NUMBER 135

Washington, Saturday, July 15, 1961

THE UNIVERSITY OF MICHIGAN

JUL 20 1961

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[Up-dated to January 1, 1961]

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Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (n), subparagraphs (1) through (6), is added to § 6.312 as set out below.

§ 6.312 Department of Commerce.

* * * * * * *

(n) *Area Redevelopment Administration.* (1) One Deputy Administrator.

(2) One Assistant Administrator (Area Operations).

(3) Five Special Assistants to the Administrator.

(4) One Private Secretary to the Administrator.

(5) One Private Secretary to the Deputy Administrator.

(6) One Private Secretary to the Assistant Administrator (Area Operations).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6663; Filed, July 14, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

1. In F.R. Doc. 61-5384, published in the FEDERAL REGISTER of June 10, 1961, the amendatory language is changed to read: "Part 121 is amended by adding thereto the following new section:"

2. Section 121.91 (21 CFR 121.91) (26 F.R. 5221), is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Alcohols: Butyl, tert-butyl, isobutyl, myristyl, polyvinyl.	Paper coating adjuvant used in manufacture of food packages.	Jan. 1, 1962
Butoxypolypropylene (20) glycol, mol. wt. 1,200	do	Do.
Butoxypolypropylene (40) glycol, mol. wt. 2,400	do	Do.
Butoxypolypropylene (20) glycol monooleate	do	Do.
Butoxypolypropylene (40) glycol monostearate	do	Do.
tert-Butyl hydroperoxide	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Castor oil	Paper coating adjuvant used in manufacture of food packages.	Do.
Castor oil, hydrogenated	do	Do.
Castor oil, potassium soap	do	Do.
Castor oil, sulfated	do	Do.
Castor oil, sulfated, potassium soap	do	Do.
p-Chlormetacresol	Paper coating adjuvant used in manufacture of food packages as a preservative.	Do.
Cyclohexanol (hexahydrophenol)	Paper coating adjuvant used in manufacture of food packages.	Do.
Diethanolamine	do	Do.
Diethylene glycol monolaurate	do	Do.
Diethylene glycol monostearate	do	Do.
tert-Dodecyl mercaptan and ethylene oxide condensation product having a ratio of ethylene oxide to mercaptan of 1.6:1.8.	Component of calender sizings for paper and paperboard for food packaging; limit not more than 0.5% of coating.	Do.
Ethyl acrylate polymer	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
2-Ethylhexyl acrylate polymer	Component of film for food packaging.	Do.
Do	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Formaldehyde	Paper coating adjuvant used in manufacture of food packages.	Do.
Glyceryl-mono-12-hydroxy-stearate	do	Do.
Glyceryl monoricinoleate	do	Do.
Hexane	do	Do.
Hexylene glycol (2-methyl-2,4-dihydroxypentane).	do	Do.
N-Hydroxyethl-lauramide	do	Do.
N-N-bis (Hydroxyethyl) lauramide	do	Do.
Isobutyl oleate, sulfated	do	Do.
Itaconic acid	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Lignin sulfonates, calcium and sodium salts	Paper coating adjuvant used in manufacture of food packages and paperboard.	Do.
Methacrylic acid polymer	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Mineral oil: The standard reference absorption shall be the absorption of a solution of naphthalene (Natl. Bur. of Standards Standard Material No. 577 of naphthalene of equivalent purity) at a concentration of 7 mg. per liter in purified isooctane measured against isooctane of the same spectral purity in a 10-mm. cell at 275 millimicrons. (This absorption as reported is 0.30) The absorption of the mineral oil measured under the same instrumental conditions as the standard reference absorption shall not exceed any of the following limits: 1. The standard reference absorption when the absorption of the oil is measured in a 1-mm. cell against water at 275 millimicrons. 2. 75% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 295 millimicrons to 299 millimicrons, inclusive. 3. 60% of the standard reference absorption when the absorption of the oil is measured in a 10-mm. cell against water in the range 300 millicrons to 400 millimicrons inclusive.	Dough divider oil, pan oil, and trough grease; limit 1,500 parts per million in bakery products.	Do.
	Lubricant in meat-packing plants; limit 50 p.p.m. in meat.	Do.
	Release agent in drying pans in preparing dried egg albumin; limit 1,000 p.p.m. in dried egg albumin.	Do.
	Lubricant in tableted, capsulated or extruded food, excluding confectionery; limit 10 p.p.m. in food.	Do.
	Release agent in drying pans in preparing dried fruits and vegetables; limit 200 p.p.m. in dried fruits and vegetables.	Do.
Oleic acid, sulfated	Paper coating adjuvant used in manufacture of food packages.	Do.
Polyoxyethylene (1-15 mols) ether of *p*-isooctylphenol (1 mol).	do	Do.
Polyoxyethylene (1-15 mols) ether of *p*-nonylphenol.	do	Do.
Polyoxyethylene (20) ether of oleyl alcohol	do	Do.
Polyoxyethylene (1.5-15 mols) ether of tridecyl alcohol (1 mol).	do	Do.
Polyoxyethylene glycol (200) dilaurate	do	Do.
Polyoxyethylene glycol (600) dioleate	do	Do.
Polyoxyethylene (15) glycol ester of rosin	do	Do.
Polyoxyethylene glycol (400) monooleate	do	Do.
Polyoxyethylene glycol (600) monooleate	do	Do.
Polyoxyethylene glycol (600) monoricinoleate	do	Do.
Polyoxyethylene glycol (1,500) monostearate	Component of calender sizings for paper and paperboard for food packaging.	Do.

Product	Specified uses or restrictions	Effective date of statute extended to—
Polyoxyethylene (20) sorbitan monolaurate	Paper coating adjuvant used in manufacture of food packages.	Jan. 1, 1962
Polyoxyethylene (20) sorbitan tristearate	do	Do.
Polyoxypropylene glycol (mol. wt. 200–2,000)	do	Do.
Polyoxypropylene (16–30 mols) - polyoxyethylene (17–400 mols)-glycol.	do	Do.
Polysorbate 80 (polyoxyethylene (20) sorbitan monooleate).	In films used in food packaging	Do.
Potassium pentachlorophenate	Paper coating adjuvant used in manufacture of food packages as a preservative.	Do.
Potassium trichlorophenate	do	Do.
Rapeseed oil, sulfated	Paper coating adjuvant used in manufacture of food packages.	Do.
Ricebran oil, sulfated	do	Do.
Sodium diisooctylsulfosuccinate	do	Do.
Sodium dodecylbenzenesulfonate	Component of food-packaging material	Do.
Sodium lauryl sulfate	do	Do.
Sodium diamylsulfosuccinate	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Sodium mercaptobenzothiazole	Paper coating adjuvant used in manufacture of food packages.	Do.
Sodium *N*-methyl-*N*-oleyl taurate	do	Do.
Sodium pentachlorophenate	Paper coating adjuvant used in manufacture of food packages as a preservative.	Do.
Sodium o-phenyl-phenate	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Sodium salt (tri- or tetra-) of ethylenediamine tetraacetate.	Paper coating adjuvant used in manufacture of food packages.	Do.
Sodium trichlorophenate	Paper coating adjuvant used in manufacture of food packages as a preservative.	Do.
Sorbitan tristearate	Paper coating adjuvant used in manufacture of food packages.	Do.
Sperm oil, sulfated	do	Do.
Styrene polymer	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Styrene-methacrylic acid copolymer, potassium salt.	Paper coating adjuvant used in manufacture of food packages.	Do.
Tallow, sulfated	do	Do.
Tetrasodium-*N*-(1,2-dicarboxyethyl)-octadecylsulfosuccinate.	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Triethanolamine	Paper coating adjuvant used in manufacture of food packages.	Do.
Triisopropanolamine	do	Do.
Vinyl acetate polymer	Component of sizings and coatings of paper and paperboard for food-packaging materials.	Do.
Vinylidene chloride-itaconic acid copolymer	Component of film for food packaging	Do.
Vinylidene chloride-methyl acrylate copolymer	do	Do.
Vinylidene chloride-methyl acrylate-itaconic acid terpolymer.	do	Do.
Wax, microcrystalline, and paraffin: Type I: A congealing point of 160° F. maximum (ASTM D–938), an absorptivity at 290 mμ of 0.04 liter per gram centimeter maximum (ASTM E–131), an oil content of 1.5% maximum (ASTM D–721), and a Saybolt color of 20 minimum (ASTM D–156). Type II: Absorptivity at 290 mμ of 1.0 liter per gram centimeter maximum, an oil content of 5.0% maximum, and a color of 3.0 maximum (ASTM D–1500).	Constituent of food-packaging materials and protective coatings; lubricant or release agent.	Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended, sec. 2, Public Law 87–19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 3, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6558; Filed, July 14, 1961; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55421]

PART 6—AIR COMMERCE REGULATIONS

Documents for Clearance

It has been determined that when shipper's export declarations are provided for all cargo it is unnecessary to require cargo manifests for merchandise, other than residue cargo, destined from the mainland to Puerto Rico or from there to the mainland upon clearance of an aircraft on direct flights in either direction between the mainland and Puerto Rico.

Accordingly, in order to eliminate the present requirement for a cargo manifest as to such merchandise, § 6.8(e) of the Customs Regulations is amended to read as follows:

§ 6.8 Documents for clearance.

* * * * *

(e) In any case that merchandise destined from the mainland to Puerto Rico or from there to the mainland (other than residue cargo which requires documentation in every instance as specified in § 6.9) is carried by aircraft on a direct flight in either direction between the mainland and Puerto Rico, one copy of the general declaration (in addition to that required if the aircraft is also carrying residue cargo) and the shipper's export declarations for such merchandise shall be filed with customs at the place of departure. A cargo manifest shall be required only for any merchandise transported as cargo which is excepted from the filing of shipper's export declarations or for any cargo for which shipper's export declarations cannot be timely filed. For cargo requiring shipper's export declarations, a declaration shall be made on the general declaration (on the cargo manifest if one is required by the preceding sentence). This declaration shall state either "Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on this flight except that listed on the cargo manifests" or "All required cargo documents will be filed within a 4-day bond period." If the latter declaration is used, when the shipper's export declarations and any required cargo manifest are in fact filed they shall be accompanied by the following declaration:

Attached Shipper's Export Declarations represent a full and complete enumeration and description of the cargo carried on aircraft No. ------ flight No. ------ cleared direct for ---------- on ----------, except cargo listed on any cargo manifest required to be filed for such flight.

Airline ----------
Authorized Agent ----------

Customs officers may verify any of the above statements by examining the shipping records of the airlines involved.

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759; sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

This amendment shall be effective 30 days after publication in the FEDERAL REGISTER, but in the meantime documents for clearance of aircraft on such flights in accordance with such amendments will be accepted.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 6, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6658; Filed, July 14, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 236]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.536 Valencia Orange Regulation 236.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 13, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 16, 1961, and ending at 12:01 a.m., P.s.t., July 23, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 575,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6754; Filed, July 14, 1961; 11:21 a.m.]

[Lemon Reg. 908]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1015 Lemon Regulation 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 11, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 16, 1961, and ending at 12:01 a.m., P.s.t., July 23, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6697; Filed, July 14, 1961; 8:50 a.m.]

[Avocado Order 25]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 969.325 Avocado Order 25.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 17, 1961. Recommendation as to the need for, and the

extent of, regulation of the maturity and quality of shipments of avocados was made by the Avocado Administrative Committee at a meeting on July 11, 1961, after giving due notice of such meeting and after consideration of all available information as to the quality, the supply of, and demand for, such avocados, at which time the recommendations and supporting information for maturity and quality regulation in the manner and for the periods herein set forth were submitted to the Department; such meeting was held for the purpose of considering recommendations for regulation and interested persons were afforded opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados. It is necessary, in order to effectuate the declared policy of the act, to make this section effective during the periods hereinafter set forth so as to provide for the regulation of the handling of avocados at the start of this marketing season and to prevent the shipment of avocados which are immature or of undesirable quality. Compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., July 17, 1961, and ending at 12:01 a.m., e.s.t., August 14, 1961, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 Grade.

(2) On and after 12:01 a.m., e.s.t., August 14, 1961, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 Grade.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and the terms "U.S. No. 2" and "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados. (§§ 51.3050–51.3069 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6719; Filed, July 14, 1961; 8:51 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Avocado Reg. 9, Amdt. 2]

PART 1067—AVOCADOS

Importation

a. Pursuant to the provisons of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), paragraph (a)(1) of § 1067.9 (Avocado Regulation No. 9; 26 F.R. 4929, 5419) is hereby amended to read as follows:

(1) All avocados imported (i) during the period beginning at 12:01 a.m., e.s.t., July 17, 1961, and ending at 12:01 a.m., e.s.t., August 14, 1961, shall grade not less than U.S. No. 3, and (ii) during the period beginning at 12:01 a.m., e.s.t., August 14, 1961, and ending at 12:01 a.m., e.s.t., April 30, 1962, shall grade not less than U.S. No. 2.

b. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Avocado Regulation No. 9, as amended; or (2) as releasing or extinguishing any violation of Avocado Regulation No. 9, as amended, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

c. It is hereby determined, on the basis of the information which is now available, that the requirements set forth in this amendment are comparable to the maturity and quality regulations that are being made applicable, at the effective time hereof, to shipments of avocados grown in south Florida.

d. It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (i) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (ii) quality requirements are being imposed on avocados grown in south Florida under Avocado Order 25 (§ 969.325), issued simultaneously herewith to become effective July 17, 1961; (iii) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (iv) this amendment relieves restrictions on imports of avocados during the period July 17–August 14, 1961.

Effective time. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 17, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6718; Filed, July 14, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–HO–5]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Alteration of Federal Airway and Reporting Points

On February 15, 1961, a Notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1310) stating that the Federal Aviation Agency proposed to revoke a segment of and realign, in part, Red Federal airway No. 87 (Hawaiian Islands) and its associated reporting points.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.287 (14 CFR 600.287) is amended to read:

§ 600.287 Red Federal airway No. 87 (Hawaiian Islands).

From the INT of the 288° bearing from the Port Allen, Hawaii, RBN and Long. 161°15′00″ W, via the Port Allen RBN; INT of the 130° bearing from the Port Allen RBN and the 261° bearing from the Honolulu, Hawaii, RR; the Honolulu RR; Maui, Hawaii, RR; INT of the SE course of the Maui RR and the N course of the Hilo, Hawaii, RR; to the Hilo RR, excluding the portion of this airway which coincides with R–3101 and W–510.

2. Section 601.4287 (14 CFR 601.4287) is amended to read:

§ 601.4287 Red Federal airway No. 87 (Hawaiian Islands).

INT of the 288° bearing from the Port Allen, Hawaii, RBN and Long. 161°15′00″ W; Port Allen RBN; INT of the 130° bearing from the Port Allen RBN and the 261° bearing from the Honolulu, Hawaii, RR; Honolulu RR; Maui, Hawaii, RR; INT of the SE course of the Maui RR and the N course of the Hilo, Hawaii, RR; Hilo RR.

These amendments shall become effective 0001 e.s.t. September 21, 1961.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348 and 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6639; Filed, July 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60–NY–151]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation and Alteration of Federal Airways, Associated Control Area and Reporting Points

On March 29, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2650) stating that the Federal Aviation Agency proposed to amend Parts 600 and 601, and §§ 600.6093 and 601.6093 of the regulations of the Administrator by revoking Blue Federal airway No. 41, its associated control areas and reporting points, and modifying VOR Federal airway No. 93 and its associated control areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In Parts 600 and 601 (14 CFR Parts 600, 601) the following sections are revoked:

§ 600.641 [Revocation]

(a) Section 600.641 *Blue Federal airway No. 41 (Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States/Canadian Border).*

§ 601.641 [Revocation]

(b) Section 601.641 *Blue Federal airway No. 41 control areas (Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States/Canadian Border).*

§ 601.4641 [Revocation]

(c) Section 601.4641 *Blue Federal airway No. 41 (Concord, N.H., to Portland, Maine, and Bangor, Maine, to United States/Canadian Border).*

2. Section 600.6093 (14 CFR 600.6093) is amended to read:

§ 600.6093 VOR Federal airway No. 93 (Baltimore, Md., to Allentown, Pa., and Poughkeepsie, N.Y., to Fredericton, New Brunswick, Canada.).

From the Baltimore, Md., VORTAC via the Lancaster, Pa., VOR; to the Allentown, Pa., VORTAC. From the Poughkeepsie, N.Y., VOR via the Chester, Mass., VOR; INT of the Albany, N.Y., VORTAC 099° and the Keene, N.H., VOR 231° radials; Keene VOR; Concord, N.H., VOR; INT of the Concord VOR 041° and the Augusta, Maine, VOR 239° radials; Augusta VOR; Bangor, Maine, VORTAC; Princeton, Maine, VOR; to the United States/Canadian Border via the Princeton VOR 057° radial.

3. Section 601.6093 (14 CFR 601.6093) is amended to read:

§ 601.6093 VOR Federal airway No. 93 control areas (Baltimore, Md., to Allentown, Pa., and Poughkeepsie, N.Y., to Fredericton, New Brunswick, Canada.).

All of VOR Federal airway No. 93, excluding the portion between the Princeton, Maine, VOR and the United States/Canadian Border at and below 1,200 feet above the surface.

These amendments shall become effective 0001 e.s.t., September 21, 1961.)

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6640; Filed, July 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60–HO–12]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On April 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3279) stating that the Federal Aviation Agency proposed to alter the Lihue, Hawaii, control zone.

The notice stated that the Lihue control zone would be designated, in part, within 2 miles either side of the Lihue VOR 036° True radial, extending from the 5-mile radius zone to 12 miles northeast of the VOR. Due to a change in the instrument approach procedure, it has become necessary to base this part of the control zone on the 041° radial of the Lihue VOR in lieu of the 036° radial. This change is reflected in the action taken herein.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1984 [Amendment]

1. In § 601.1984 (14 CFR 601.1984) "Lihue, Hawaii: Lihue Airport." is deleted.

2. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2243 Lihue, Hawaii, control zone.

Within a 5-mile radius of the Lihue Airport (latitude 21°59′00″ N., longitude 159°21′00″ W.) and within 2 miles either side of the Lihue 041° radial, extending from the 5-mile radius zone to 12 miles NE of the VOR.

These amendments shall become effective 0001 e.s.t, August 24, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 61–6637; Filed, July 14, 1961; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In Part 221 there is added to the Table of Contents a new center heading, "Insured Home Improvement Loans"; new §§ 221.50 through 221.102 and § 221.44 is renumbered § 221.249 as follows:

INSURED HOME IMPROVEMENT LOANS

Sec.
221.50 Definitions.
221.51 Eligible lenders.
221.52 Withdrawal of approval.
221.53 Financial statements.
221.54 Loan servicing.
221.55 Form of application.
221.60 Application fee.
221.61 Issuance of commitment.
221.62 Note and security form.
221.63 Disbursement of proceeds.
221.64 Loan multiples.
221.65 Loan payments.
221.70 Maturity of loan.
221.71 Loan amortization period.
221.72 Beginning of payments.
221.73 Minimum and maximum loan amounts.

Sec.
221.74 Maximum interest rate.
221.75 Amortization provisions.
221.80 Payment of insurance premiums or charges.
221.81 Application of payments.
221.82 Use of loan proceeds.
221.83 Nature of borrower's ownership.
221.86 Credit standing.
221.90 Relationship of income to loan payments.
221.91 Certification as to liens.
221.92 Racial restrictions certificate.
221.93 Certificate and contract regarding use of dwellings for transient or hotel purposes.
221.94 Economic soundness.
221.100 Charges and fees to lender from borrower.
221.101 Report and approval of charges and fees.
221.102 Late charge.

In § 221.16 paragraph (c)(2) is amended to read as follows:

§ 221.16 Mortgage provisions.

* * * * *

(c) * * *

(2) Have a maturity satisfactory to the Commissioner which is:

(i) not less than 10 nor more than 30 years from the date of the beginning of amortization of the mortgage, except that if a dwelling was approved for insurance by the Commissioner prior to the beginning of construction the mortgage may have a maturity of 35 years from the date of the beginning of amortization of the mortgage, or

(ii) not in excess of three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is lesser.

(3) Have an amortization period of either 10, 15, 20, 25, 30, or 35 years by providing for either 120, 180, 240, 300, 360, or 420 monthly amortization payments.

In § 221.17 paragraph (a) is amended to read as follows:

§ 221.17 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the lesser of the following:

(1) Depending upon the design of the structure

(i) $25,000 for a one-family residence;

(ii) $27,500 for a two-family residence;

(iii) $27,500 for a three-family residence;

(iv) $35,000 for a four-family residence.

(2) 97 percent of $15,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $20,000, and 75 percent of such value in excess of $20,000, if:

(i) the dwelling was approved for insurance by the Commissioner prior to the beginning of construction; or

(ii) construction was completed more than one year preceding the date of the application for insurance; or

(iii) the dwelling was approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs prior to the beginning of construction.

(3) 90 percent of $20,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the dwelling does not meet the requirements of subparagraph (2) of this paragraph.

In § 221.26 a new paragraph (a)(4)(iv) is added to read as follows:

§ 221.26 Maximum charges, fees or discounts.

(a) * * *

(4) * * *

(iv) Purchasing the property from a governmental agency or municipal corporation which is precluded by statute from paying the discount.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

INSURED HOME IMPROVEMENT LOANS

§ 221.50 Definitions.

As used in §§ 221.50 et seq. the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(c) "Loan" means an advance of funds or credit evidenced by a note secured by a security instrument.

(d) "Note" means a note or other evidence of indebtedness executed, upon a form approved by the Commissioner, for use in the jurisdiction where the loan is disbursed.

(e) "Outstanding indebtedness relating to the property" means the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property including those obligations constituting liens on the title to the property to be improved.

(f) "Lender" means an approved financial institution eligible for insurance under section 203(k) of the Act that is the holder of an insured loan or the holder of a loan presented for insurance.

§ 221.51 Eligible lenders.

Lenders meeting the applicable eligibility qualifications and requirements contained in §§ 221.1–221.3, 221.4, and 221.5 of this part shall be eligible for insurance of home improvement loans under §§ 221.50 et seq.

§ 221.52 Withdrawal of approval.

(a) Approval of a lender shall be considered as withdrawn where the Commissioner notifies the lender of a withdrawal of its approval as a mortgagee under Title II of the Act.

(b) Withdrawal of approval of a lender shall not affect the insurance on loans accepted for insurance.

§ 221.53 Financial statements.

The lender shall at any time upon request furnish the Commissioner with a copy of its latest periodic financial statement or report.

§ 221.54 Loan servicing.

The lender shall service insured loans in accordance with acceptable loan practices of prudent lending institutions. In the event of default, the lender shall be able to contact the borrower and otherwise exercise diligence in collecting the amounts due. The holder of the loan shall be responsible to the Commissioner for proper servicing, even though the actual servicing may be performed by an agent of the holder.

§ 221.55 Form of application.

The application shall be made on a form prescribed by the Commissioner.

§ 221.60 Application fee.

(a) *Payment of fee.* An application filed for a commitment shall be accompanied by the lender's check for $20 to cover the cost of processing.

(b) *Refund of fee.* If an application is refused as a result of preliminary examination, or in such other instances as the Commissioner may determine, the application fee shall be refunded.

§ 221.61 Issuance of commitment.

Upon approval of an application, the Commissioner shall issue a commitment setting forth the terms and conditions upon which the loan will be insured, including the extent and nature of the security required for the loan.

§ 221.62 Note and security form.

The lender shall present for insurance a note and security instrument on a form approved by the Commissioner which is valid and enforceable against the borrower or borrowers in the jurisdiction in which the property, covered by the security instrument, is situated.

§ 221.63 Disbursement of proceeds.

Prior to endorsement, the entire principal amount of the loan shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 221.64 Loan multiples.

If the loan is not in excess of $10,000 it shall be in multiples of $50. If the loan exceeds $10,000 it shall be in multiples of $100.

§ 221.65 Loan payments.

The loan payment shall come due on the first of the month.

§ 221.70 Maturity of loan.

The loan shall have a maturity satisfactory to the Commissioner not less than 5 nor more than 20 years from the date of the beginning of amortization or three-quarters of the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

§ 221.71 Loan amortization period.

The loan shall have an amortization period of either 5, 10, 15, or 20 years by providing for either 60, 120, 180, or 240 monthly amortization payments.

§ 221.72 Beginning of payments.

The loan shall provide for payments to interest and principal to begin not later than the first day of the month following 60 days from the date the lender's certificate on the commitment was executed.

§ 221.73 Minimum and maximum loan amounts.

The loan shall involve a minimum principal amount of $2,500 and shall not exceed:

(a) The Commissioner's estimate of the cost of improvements or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in Section 221.17 of this part for mortgages on properties of the same type other than new construction.

§ 221.74 Maximum interest rate.

(a) The loan shall bear interest at the rate to be agreed upon by the lender and the borrower, but in no case shall such interest rate exceed 6% per annum.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

§ 221.75 Amortization provisions.

The loan shall contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the borrower not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 221.80 Payment of insurance premiums or charges.

(a) The security instrument shall provide for monthly payments by the borrower to the lender of an amount equal to one-twelfth of the annual insurance premium payable by the lender to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The loan shall contain a provision permitting the loan to be prepaid in whole or in part upon any interest payment date after giving the lender 30 days advance written notice. No penalty or charge shall be imposed by the lender on account of such prepayment.

§ 221.81 Application of payments.

(a) All monthly payments to be made by the borrower to the lender shall be added together and the aggregate amount thereof shall be paid by the borrower each month in a single payment. The lender shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan; and

(3) Amortization of the principal of the loan.

(b) Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the borrower prior to, or on, the due date of the next such payment, constitute an event of default under the loan.

§ 221.82 Use of proceeds.

(a) The proceeds of a loan shall be used only to finance improvements that result in or are in connection with the conservation, repair, restoration or refurbishing of the basic livability or utility of an existing structure, including the property on which the structure is located, or in the conversion, alteration, enlargement, remodeling or expansion of such structure, including a change in the living accommodations or the number of family dwelling units located therein.

(b) No loan proceeds shall be used to finance individual equipment items except those relating to heating, ventilating or plumbing or those items determined by the Commissioner to be necessary and incident to improvements as outlined in paragraph (a).

(c) The structure in connection with which the improvements are to be made shall:

(1) Constitute a residential structure used or to be converted for use as a dwelling for not more than four families.

(2) Have been constructed not less than ten years prior to the date of the application for commitment unless, as determined by the Commissioner, the proceeds of the loan are or will be used primarily for major structural improvements, or to correct defects which are not known at the time of the completion of the structure or which were caused by fire, flood, windstorm or other casualty.

§ 221.83 Nature of borrower's ownership.

To be eligible for insurance, the property to be improved shall be owned by the borrower, or be leased by the borrower under a lease for not less than 99 years which is renewable, or be under a lease with a period of not less than 50 years to run from the date of the note.

§ 221.86 Credit standing.

The borrower shall have a general credit standing satisfactory to the Commissioner.

§ 221.90 Relationship of income to loan payments.

The borrower shall establish that the periodic payments required in the loan submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 221.91 Certification as to outstanding indebtedness relating to the property.

The loan application shall be accompanied by a certification by the borrower, on a form prescribed by the Commissioner setting forth the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property including those obligations constituting liens on the title to the property to be improved.

§ 221.92 Racial restrictions certificate.

The borrower shall certify that until the loan has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the property involved on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the property which imposes any such restriction upon its sale or occupancy.

§ 221.93 Certificate and contract regarding use of dwelling for transient or hotel purposes.

An application filed with respect to insurance of a loan on a two-, three-, or four-family dwelling, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same borrower, shall be accompanied by a contract in form satisfactory to the Commissioner signed by the proposed borrower agreeing that so long as the loan is insured by the Commissioner the borrower will not rent the housing or any part thereof covered by the loan for transient or hotel purposes, together with the borrower's certification under oath that the housing or any part thereof covered by the proposed loan will not be rented for transient or hotel purposes. For the purpose of § 221.50 et seq. rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days or (b) any rental if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

§ 221.94 Economic soundness.

The proceeds of the loan shall be used only for the improvement of property which in the opinion of the Commissioner is economically sound.

§ 221.100 Charges and fees to lender from borrower.

The lender may collect from the borrower the following charges and fees:

(a) *Application fee.* The application fee provided for in this subchapter.

(b) *Originating and closing charge.* A charge to compensate the lender for expenses incurred in originating and closing the loan, the charge not to exceed one percent of the original principal amount of the loan.

(c) *Amounts for other items.* Reasonable and customary amounts for any of the following items:

(1) Recording fees and recording taxes or other charges incident to recording security.

(2) Credit report.

(3) Title examination.

(4) Title insurance.

(5) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

§ 221.101 Report and approval of charges and fees.

Prior to insurance of any loan, the lender shall furnish to the Commissioner a signed statement in a form satisfactory to the Commissioner listing any charges or fees collected by the lender from the borrower. The Commissioner's endorsement of the note for insurance shall constitute approval of the listed charges or fees.

§ 221.102 Late charge.

The loan may provide for the collection by the lender of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in

handling delinquent payments. Late charges shall be separately charged to and collected from the borrower and shall not be deducted from any aggregate monthly payment.

Section 221.44 is renumbered § 221.249.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203(k) 75 Stat. 158)

PART 222—MUTUAL MORTGAGE INSURANCE RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER INSURANCE CONTRACT

In Part 222 there is added to the Table of Contents a new center heading "Insured Home Improvement Loans", new §§ 222.190 through 222.243 and §§ 222.190, 222.195, 222.199 and 222.200 are renumbered §§ 222.246, 333.247, 222.248, and 222.249 respectively as follows:

INSURED HOME IMPROVEMENT LOANS

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222.242 Requirements of transfer by approved lender.
222.243 Sale or disposition of insured loan to other than approved lender.

INSURED HOME IMPROVEMENT LOANS

§ 222.190 Definitions.

All of the definitions contained in § 221.50 of this subchapter shall apply to §§ 222.50 et seq. In addition the following terms shall have the meaning indicated:

(a) "Insured loan" means a loan which has been insured by the FHA, as evidenced by the endorsement of the note for insurance, by the Commissioner.

(b) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan, incorporating by reference the regulations in §§ 222.190 et seq. and the applicable provisions of the Act.

(c) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(d) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(e) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the original note and security instrument.

(f) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the "Section 203 Home Improvement Account" in accordance with the provisions of §§ 222.190 et seq.; such debentures are the primary liability of the "Section 203 Home Improvement Account" and are unconditionally guaranteed as to principal and interest by the United States.

§ 222.191 Insurance of loan.

Upon compliance with a commitment, the Commissioner shall insure the loan evidencing the insurance by an appropriate panel or endorsement placed on the original note, which will identify the regulations under which the loan is insured and the date of insurance.

§ 222.192 Contract created by endorsement.

The loan is insured from the date of endorsement. The Commissioner and the lender shall thereafter be bound by the Act and the regulations in §§ 222.190 et seq. with the same force and to the same extent as if a separate contract had been executed relating to the insured loan.

§ 222.193 Method of payment of insurance premium.

The payment of any insurance premium under §§ 222.190 et seq. shall be made to the Commissioner by the lender either in cash or debentures issued by the Section 203 Home Improvement Account at par plus accrued interest.

§ 222.194 Calculation of insurance premium.

The amount of any insurance premium shall be calculated in accordance with the amortization provisions of the loan without taking into account delinquent payments or prepayments.

§ 222.196 Amount of initial insurance premium.

The initial insurance premium shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the loan without taking into account delinquent payments or prepayments.

§ 222.197 Due date of initial insurance premium.

The initial insurance premium shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by endorsement by the Commissioner.

§ 222.198 Period covered by initial insurance premium.

The initial insurance premium shall cover the period beginning with the date of insurance endorsement and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve month period following each anniversary date.

§ 222.199 Adjustment of initial insurance premium.

Regardless of whether the period covered by the initial insurance premium is more or less than one year, payment shall be made to the Commissioner on account of the initial insurance premium in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the loan. If such payment is less than ½ percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial insurance premium shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Commissioner as the initial insurance premium.

§ 222.201 Pro rata payment of initial insurance premium.

If termination of the contract of insurance occurs before the due date of the initial insurance premium, the lender shall pay to the Commissioner the portion of the initial premium due to the first of the month following the effective termination date, which shall be computed from:

(a) The beginning of amortization, if insurance endorsement occurred within six months after the beginning of amortization; or

(b) The date of endorsement, if such endorsement occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

§ 222.202 Amount of annual insurance premium.

After payment of the initial insurance premium an annual insurance premium shall be paid in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 222.203 Due date of annual insurance premium.

After payment of the initial insurance premium an annual insurance premium shall be paid on each anniversary date of the beginning of amortization.

§ 222.204 Duration of annual insurance premium.

After payment of the initial insurance premium, the lender shall pay an annual insurance premium to the Commissioner until:

(1) the loan is paid in full; or

(2) the obligation is assigned to the Commissioner; or

(3) the contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 222.206 Pro rata payment of annual insurance premium.

(a) *In general.* If the contract of insurance is terminated after the due date of the initial insurance premium, the lender shall pay to the Commissioner a portion of the current annual insurance premium prorated from the due date of the last annual insurance premium paid to the date the contract of insurance was terminated.

(b) *Computation of pro rata premium.* For the purpose of computing the pro rata portion of the annual insurance premium, the date of termination of insurance shall be the last day of the month in which:

(1) The loan was prepaid; or

(2) A voluntary termination request is received by the Commissioner, or

(3) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 222.207 Voluntary termination of contract.

Upon request by the borrower and lender and submission of the original endorsed note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on the loan.

§ 222.208 Termination by prepayment of loan.

The contract of insurance shall be terminated if the loan is paid in full prior to its maturity.

§ 222.209 Notice of termination by lender.

No contract of insurance shall be terminated until the lender has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in §§ 222.190 et seq.

§ 222.212 Pro rata payment of premium before termination.

No contract of insurance shall be terminated until the lender has paid to the Commissioner the pro rata portion of the current annual insurance premium.

§ 222.213 Notice and date of termination by Commissioner.

The Commissioner shall notify the lender that the contract of insurance has been terminated and the effective termination. The termination date shall be the last day of the month in which:

(1) The loan was prepaid; or

(2) A voluntary termination request is received by the Commissioner, or

(3) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 222.214 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent insurance premium shall cease and all rights of the borrower and lender shall be terminated.

§ 222.216 Definition of default.

If the borrower fails to make any payment, or to perform any other obligation under the loan and such failure continues for a period of 30 days, the loan shall be considered in default for the purposes of §§ 222.190 et seq.

§ 222.217 Date of default.

For the purposes of §§ 222.190 et seq. the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the loan, or

(b) The first failure to make a monthly payment which subsequent payments by the borower are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 222.218 Notice of default.

The lender shall, within 60 days after default as defined in §§ 222.190 et seq. give written notice thereof to the Commissioner, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 222.219 Reinstatement of defaulted loan.

If after default and prior to assignment by the lender of the loan to the Commissioner, the borrower shall pay to the lender all monthly payments in default, written notice shall be given to the Commissioner within 30 days and the insurance shall continue as if such default had not occurred.

§ 222.221 Conditions of special forbearance.

In addition to any other relief which may be afforded in the event of default, the Commissioner may approve special forebearance relief with respect to any loan if the Commissioner—

(a) Finds that default was due to circumstances beyond the borrower's control; and

(b) Finds that it is probable that the loan will be restored to a current condition within a reasonable period of time.

§ 222.222 Relief for borrower in military service.

If the borrower is a person in military service, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the lender may, by written agreement with the borrower, postpone for the period of military service, and three months thereafter, any part of the monthly payment, which represents amortization of principal. The agreement shall contain a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the obligation within its original maturity. The agreement shall in no way affect the amount of the annual insurance premium which shall continue to be calculated in accordance with the original amortization provisions of the loan.

§ 222.223 Election of action.

Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of §§ 222.190 et seq., the lender may not, except with the approval of the Commissioner, proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 222.224 Maximum claim period.

The claim shall be filed within one year from the date of default; or such additional period of time as may be approved by the Commissioner if there is granted an extension of the one year period within which claim shall be made.

§ 222.226 Claim application and items to be filed.

The claim for reimbursement on an insured loan shall be made upon an application form prescribed by the Commissioner. The application shall be accompanied by:

(a) The fiscal data pertaining to the loan transaction as required by the fiscal data form.

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and the security held, assigned to the Commissioner without recourse or warranty, except that no act or omission of the lender shall have impaired the validity and priority of such security;

(d) All hazard insurance policies held on property serving as security for the loan, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security.

(e) The assignment to the Commissioner of all rights and interests arising under the loan, and all claims of the lender against the borrower or others arising out of the loan transaction;

(f) Any title evidence held by the lender;

(g) All cash or property held by the lender or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principal loan indebtedness;

(h) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(i) Any additional information or data which the Commissioner may require.

§ 222.227 Certificate by lender when loan assigned.

At the time of the assignment of the loan, the lender shall certify to the Commissioner that:

(a) The amount stated in the instrument of assignment is actually due and owing on the loan;

(b) There are no offsets or counterclaims thereto, and the financial institution has a good right to assign.

§ 222.228 Debenture claim computation.

Upon acceptable assignment of the note and security instruments, the Commissioner shall deliver to the lender debentures of the Section 203 Home Improvement Account in an amount equal to the unpaid principal balance of the loan, plus:

(a) Any accrued interest due on the loan;

(b) Any advances made previously under the provisions of the loan instrument and approved by the Commissioner;

(c) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

§ 222.229 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	*On or after—*	*Prior to—*
3¾	July 1, 1961	----------

§ 222.231 Maturity of debentures.

Debentures shall mature 10 years from the date of issue.

§ 222.232 Registration of debentures.

Debentures shall be registered as to principal and interest.

§ 222.233 Denomination of debentures.

Debentures are available in denominations of $50, $100, $500, $1,000, $5,000, and $10,000. The Commissioner shall issue debentures in the largest available denominations unless otherwise requested by the lender.

§ 222.234 Redemption of debentures.

Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

§ 222.236 Issue date of debentures.

The debentures shall be issued as of the date of the execution of the assignment of the loan in accordance with the requirements of § 222.226(c).

§ 222.237 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

§ 222.238 Sale of insured loan to approved lender.

When an insured loan is sold to another approved lender, both seller and buyer shall notify the Commissioner of the sale within thirty days thereof on a form prescribed by the Commissioner.

§ 222.239 Effect of sale of insured loan to approved lender.

When an insured loan is sold to approved lender, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

§ 222.241 Acceptable transfers by approved lender.

The lender may assign, pledge, or transfer an insured loan, a group of such loans, or a partial interest in such loan or loans, to another lender by means of any agreement, arrangement or device (including declaration of trust, participation certificate or trust certificates) if the transfer does not constitute a final sale.

§ 222.242 Requirements of transfer by lender.

Any acceptable transfer by a lender which does not constitute a final sale, shall provide that one of the lenders shall be the lender of record in the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the lender of record with respect to rights, benefits and obligations of the lender under the contract of insurance.

§ 222.243 Sale or disposition of insured loan to other than approved lender.

The lender shall not sell or otherwise dispose of any insured loan, group of insured loans, or any partial interest in an insured loan or group of insured loans to anyone other than an approved lender by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) except under the following conditions:

(a) *Information to be filed with Commissioner.* That the lender file with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commissioner may require; and

(b) *Provision for an approved lender of record.* That the proposed agreements or legal instruments provide that one approved lender will be the lender of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved lender of record with respect to the rights, benefits and obligations of the lender under the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10 as amended; 12 U.S.C. 1709.)

PART 225—SERVICEMEN'S MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In § 225.1 paragraph (a) is amended by deleting from the listed provisions § 221.44 and adding §§ 221.50 et seq. and § 221.249 as follows:

§ 225.1 Incorporation by reference.

(a) * * *

Sec.	
221.50 et seq.	Insured home improvement loans.
221.249	Effective date.

PART 226—SERVICEMEN'S MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

In § 226.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 226.1 Incorporation by reference.

(a) * * *

Sec.	
222.190 et seq.	Insured home improvement loans.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 222, 68 Stat. 603; 12 U.S.C. 1715m)

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

In Part 232, the Table of Contents is amended by adding a new section as follows:

Sec.	
232.20a	Racial discrimination prohibition.

In § 232.4 paragraph (a)(4) is amended and a new paragraph (f) is added to read as follows:

§ 232.4 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* * * *

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use (excluding the cost of exterior land improvements as determined by the Commissioner);

* * * * * * *

(f) *Increased mortgage amounts—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

In § 232.17 paragraph (a) is amended to read as follows:

§ 232.17 Classification. * * *

(a) *Private mortgagors.* Any mortgagor approved by the Commissioner, which until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation.

In § 232.19 paragraphs (b) and (h) are amended, a new paragraph (c)(6) is added and paragraph (d)(5) is revoked as follows:

§ 232.19 Required supervision of private mortgagors.

* * * * * * *

(b) *Rate of return.* Dividends or other distributions as defined in the Charter, Trust Agreement, or Regulatory Agreement, may be declared or made only as of and after the end of an annual or semiannual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

(1) The payment of:

(i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Commissioner;

(ii) All amounts required to be deposited in the Reserve Fund for Replacements;

(iii) All obligations of the project other than the mortgage insured or held by the Commissioner unless funds for payment are set aside or deferment of payment has been approved by the Commissioner.

(2) The segregation of:

(i) An amount equal to the aggregate of all special funds required to be maintained by the project;

(ii) All tenant security deposits held.

No distributions of any kind may be made from borrowed funds.

(c) * * *

(6) An irrevocable letter of credit in form and substance acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by this paragraph.

(d) *Labor standards and prevailing wage requirements.* * * *

(5) [Revoked.]

(h) *Advance amortization.*

If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the mortgaged property, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

In Part 232 a new § 232.20a is added as follows:

§ 232.20a Racial discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

Section 232.31 is amended to read as follows:

§ 232.31 Eligibility of refinancing transactions.

Notwithstanding any other provisions of this part, a mortgage bearing interest as provided in § 232.7 given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such new mortgage does not exceed the original principal amount and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of the unexpired term of the existing insured mortgage.

In § 232.31a paragraph (b)(2) is amended to read as follows:

§ 232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

* * * * * * *

(b) * * *

(2) $1,800 per space as defined by the Commissioner.

PART 233—RENTAL HOUSING INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In Part 233 of the pertinent section in the Table of Contents is amended to read as follows:

Sec.	
233.3	Adjusted premium and termination charges.

In § 233.3 the section heading and paragraphs (a), (b), (c)(3), and (d) are amended to read as follows:

§ 233.3 Adjusted premium and termination charges.

(a) All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) Two percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated within five years from the date of the initial endorsement for insurance; or

(ii) One percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated after five years from the date of initial endorsement for insurance; or

(iii) The relevant percentage as set forth in subdivision (i) or (ii) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(*a*) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property.

(*b*) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days after prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee voluntarily terminating the contract of insurance and

(3) Such further evidence of prepayment in full or voluntary termination and cancellation of insurance as the Commissioner may require.

(b) In no event shall the adjusted premium charge or termination charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) * * *

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, including loss by condemnation or conveyance in lieu of condemnation, or a release of a part of such property, if approved by the Commissioner; or

* * * * * * *

(d) At the time of prepayment or voluntary termination of the mortgage insurance contract, the Commissioner shall refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of (1) prepayment, or (2) receipt by the Commissioner of a request for voluntary termination.

Section 233.13 is amended to read as follows:

§ 233.13 Amendments not to change contractual rights.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 235—MULTIFAMILY HOUSING FOR THE ELDERLY; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In Part 235 there is added to the Table of Contents new headings as follows:

Sec.
235.6a Increased mortgage amounts—operating losses.
235.11 Private mortgagor-nonprofit; prepayment privilege and prepayment charges.

In § 235.1 paragraph (a) is amended by deleting from the listed provisions the following:

§ 235.1 Incorporation by reference.

(a) * * *

Sec.
232.30 Eligibility of miscellaneous type mortgages.
232.31 Eligibility of refinanced mortgages.

In § 235.2 paragraph (j) is amended to read as follows:

§ 235.2 Definitions.

* * * * *

(j) "Private Mortgagor—Nonprofit" means a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be regulated or supervised under federal or state laws or by political subdivisions of states or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor shall be in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

In § 235.3 paragraph (b) is amended to read as follows:

§ 235.3 Maximum mortgage amounts—new construction.

* * * * *

(b) *Dwelling unit limitation.* $2,250 per room or $9,000 per dwelling unit, if the number of rooms in the property or project is less than four per unit, for such part of the property or project as may be attributable to dwelling use exclusive of the cost of exterior land improvements as determined by the Commissioner.

Section 235.5 is amended to read as follows:

§ 235.5 Increased mortgage amounts—elevator type structures.

In order to compensate for the higher cost incident to elevator type structures of sound standards of construction and design, the Commissioner may increase the dwelling unit limitations of $2,250 per room to not to exceed $2.750 per room and the dollar amount limitations of $9,000 per family unit to not to exceed $9,400 per family unit.

In § 235.6 paragraph (a) is amended to read as follows:

§ 235.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dwelling unit limitations by an amount not to exceed $1,250 per room, without regard to the number of rooms being less than four, or four or more.

Part 235 is amended by adding new §§ 235.6a and 235.11 as follows:

§ 235.6a Increased mortgage amounts—operating losses.

When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional advance shall be deemed to be part of the original face amount of the mortgage.

§ 235.11 Private mortgagor—nonprofit; prepayment privilege and prepayment charges.

(a) *Prepayment in full.* The mortgage indebtedness shall not be paid in full prior to maturity except that with the prior approval of the Commissioner, a mortgage may be paid in full prior to maturity:

(1) Where payment in full is made on a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure; or

(2) Where the Commissioner has determined the project no longer serves the need of providing housing for families eligible for the benefits of insurance under this part.

(b) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that, prior to maturity, and with the approval of the Commissioner, partial prepayments may be made, after thirty days' written notice to the mortgagee, on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the note, a reasonable charge on such excess may be allowed as agreed upon between the mortgagor and the mortgagee.

(Sec. 221, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 231, 73 Stat. 665; 12 U.S.C. 1715v)

PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In Part 237 there is added to the Table of Contents new section headings and a new center heading as follows:

Sec.
237.34a Accumulation of next premium.
237.34b Application of payments.
237.39 Eligibility of miscellaneous type mortgages.
237.40 Eligibility of refinanced mortgages.

TITLE

237.93 Eligibility of title.
237.94 Title evidence.

Section 237.30 is amended to read as follows:

§ 237.30 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) *Dollar amount limitation.* $12,500,000; or

(b) *Loan-to-value limitation.* 90 percent of the Commissioner's estimate of the value of the property or project when the proposed improvements are completed.

Section 237.31 is amended to read as follows:

§ 237.31 Increased mortgage amounts.

(a) *High cost areas.* If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct a project without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum otherwise applicable by more than one-half thereof.

(b) *Operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional advance shall be deemed to be part of the original face amount of the mortgage.

In § 237.32 paragraph (b)(2) and the introductory text to paragraph (c) are amended to read as follows:

§ 237.32 Adjusted mortgage amount—rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* * * *

(2) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of:

Part 237 is amended by adding new §§ 237.34a, 237.34b, 237.39 and 237.40 as follows:

§ 237.34a Accumulation of next premium.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 237.34b Application of payments.

(a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 237.39 Eligibility of miscellaneous type mortgages.

A mortgage meeting the requirements of § 232.30 of this chapter, as well as the requirements of this part, shall be eligible for insurance under this part.

§ 237.40 Eligibility of refinanced mortgages.

A mortgage meeting the requirements of § 232.31 of this chapter, as well as the requirements of this part, shall be eligible for insurance under this part.

In § 237.80 the introductory text and paragraph (d) are amended to read as follows:

§ 237.80 Certification of cost requirements.

Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of mortgage proceeds over 90 percent of the actual cost of the project. Under this agreement the mortgagor shall agree to:

* * * * *

(d) Apply any excess of mortgage proceeds over 90 percent of the actual cost to reduction of the outstanding balance of the principal of the mortgage.

Section 237.89 is amended to read as follows:

§ 237.89 Reduction in mortgage amount.

If the principal obligation of the mortgage exceeds 90 percent of the total amount as shown by the certificate of actual cost plus the value of the land (the cost shown by the certificate of actual cost in rehabilitation cases), the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

In § 237.90 paragraphs (b) and (c) are amended to read as follows:

§ 237.90 Rehabilitation projects.

* * * * *

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or 90 percent of the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the applicable 90 percent of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

Part 237 is amended by adding a new center heading and new §§ 237.93 and 237.94 as follows:

TITLE

§ 237.93 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence shall be examined by the Commissioner and the original endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 237.94 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c) or (d) as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715n. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

In § 241.1 paragraph (g) is amended to read as follows:

§ 241.1 Definitions.

* * * * *

(g) "Sales Project" means a project owned by a mortgagor non-profit housing corporation or trust which is organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust.

In § 241.7 paragraphs (a)(4), (c)(2) and (j) are amended and a new paragraph (k) is added to read as follows:

§ 241.7 Maximum mortgage amounts.

(a) * * *

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit for such part of such project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner).

* * * * *

(c) * * *

(2) A sum not to exceed $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) but not to exceed 97 percent of the amount which the Commissioner estimates will be the replacement cost of the project.

* * * * *

(j) *Mortgagor's minimum investment—Sales Projects.* At the time a mortgage executed by a mortgagor of a Sales Project is insured, the mortgagor shall have paid on account of the project in cash or its equivalent an amount, if any, approved and determined by the Commissioner to be the required minimum investment. At the time a mortgage is executed each member or stockholder shall have paid the amount required by § 243.9(b) of this chapter. With respect to applications received on or after July 5, 1961, the required minimum investment shall be at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine.

(k) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

Section 241.8 is amended to read as follows:

§ 241.8 Amortization period.

Any mortgage shall have a maturity and contain amortization provisions satisfactory to the Commissioner. Mortgage maturity shall not exceed 40 years from the date of the beginning of amortization of the mortgage. With respect to applications for a Sales Project received on and after July 5, 1961, mortgage maturity shall not exceed 35 years from the date of the beginning of amortization of the mortgage.

Section 241.26 is amended to read as follows:

§ 241.26 Working capital.

The amount of working capital, if any, required by the Commissioner to be deposited by the mortgagor with the mortgagee or in a depository satisfactory to the mortgagee and under its control, shall not exceed 2 percent of the original principal amount of the mortgage. Disbursements from such deposit shall be made only in a manner prescribed by the Commissioner.

Section 241.42 is amended to read as follows:

§ 241.42 Minimum number of units.

The project shall consist of not less than five dwelling units which may be detached, semidetached, or row house, or multifamily structures. In the case of a Sales Project, such units shall be single-family dwellings.

In § 241.45 paragraph (d) is amended to read as follows:

§ 241.45 Eligibility of miscellaneous type mortgages.

* * * * *

(d) Notwithstanding any other provisions of this part a mortgage executed by a mortgagor of a Management Type project bearing interest as provided in § 241.10, given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such new mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of the unexpired term of the existing insured mortgage.

PART 242—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT; PROJECT MORTGAGES

In § 242.2 paragraph (f) is amended to read as follows:

§ 242.2 Definitions.

* * * * *

(f) "Project Mortgage" means a blanket mortgage insured under section 213 of the Act, covering a group of not less than five single-family dwellings.

Section 242.11 is amended to read as follows:

§ 242.11 Termination of mortgage insurance; adjusted premium and termination charge.

(a) All rights under the mortgage insurance contract and all obligations to pay future mortgage insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) Two percent of the original face amount of the mortgage where the mortgage is prepaid or the mortgage insurance is terminated prior to maturity and within five years from the date of the initial endorsement for insurance; or

(ii) One percent of the original face amount of the mortgage where the mortgage is prepaid or the mortgage insurance is terminated prior to maturity and after five years from the date of initial endorsement for insurance; or

(iii) The relevant percentage as set forth in subdivisions (i) or (ii) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(*a*) There is placed upon the mortgaged property a new insured mortgage or mortgages in an amount less than the original principal amount of the mortgage; or

(*b*) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days of prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee terminating the insurance coverage on the mortgage; and

(3) Such further evidence of prepayment in full or termination and cancellation of insurance as the Commissioner may require.

(b) No adjusted premium or termination charge shall be collected where a mortgage is paid in full prior to maturity as a result of the release of individual properties of a Sales Project Mortgage or the sale of an Investor Sponsor Project to a Purchasing Cooperative.

Section 242.12 is amended to read as follows:

§ 242.12 Charge limitation.

In no event shall the adjusted premium charge or termination charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

In § 242.13 the heading of paragraph (a) is deleted and paragraph (b) is revoked.

In § 242.15 paragraph (a) is amended to read as follows:

§ 242.15 Refunds upon prepayment in full.

(a) At the time of prepayment or voluntary termination of the mortgage or supplementary loan insurance contract, the Commissioner will refund to the mortgagee or lender for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the prepayment or termination.

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

In § 243.1 paragraph (a) is amended to read as follows:

§ 243.1 Definition of terms used in this part.

(a) The term "project mortgage" means a blanket mortgage insured under section 213 of the Act, covering a group of not less than five single-family dwellings.

In § 243.9 paragraph (b) is amended to read as follows:

§ 243.9 Maximum amount of mortgage and mortgagor's minimum investment.

* * * * *

(b) *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property in cash or its equivalent, an amount, if any, approved and determined by the Commissioner to be the required minimum investment. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this paragraph. If the mortgage covers property released from a Sales Project, the blanket mortgage of which was insured pursuant to an application received on or after July 5, 1961, the required minimum investment shall be at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine.

Section 243.10 is amended to read as follows:

§ 243.10 Payment and maturity dates.

The mortgage shall come due on the first of the month and must have a maturity satisfactory to the Commissioner not to exceed 40 years from the date of the beginning of amortization except if the mortgage covers property released from a Sales Project, the blanket mortgage of which was insured pursuant to an application received on or after July 5, 1961, the maturity shall not exceed 35 years from the beginning of amortization. The amortization period shall be either 10, 15, 20, 25, 30, 35 or 40 years (where eligible) by providing for 120, 180, 240, 300, 360, 420 or 480 (where eligible) monthly amortization payments.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

PART 244—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT; INDIVIDUAL MORTGAGES

In § 244.1 paragraph (b) is amended to read as follows:

§ 244.1 Incorporation by reference.

* * * * *

(b) *Other provisions.* All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 213 of the National Housing Act except the following provisions:

Sec.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.
222.190 through 222.243, inclusive.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER E—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

In Chapter II, a new Subchapter E and New Parts 251, 252, 253 and 254 are added as follows:

PART 251—MORTGAGE INSURANCE FOR EXPERIMENTAL HOUSING; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Sec.
251.1 Incorporation by reference.
251.5 Maximum mortgage amounts.
251.10 Mortgagor's minimum investment.
251.15 Eligible property.
251.20 Covenants and easements.
251.100 Effective date.

AUTHORITY: §§ 251.1 to 251.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 159, as amended.

§ 251.1 Incorporation by reference.

(a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under Section 203 of the National Housing Act apply to mortgages on dwellings insured under Section 233 of the National Housing Act except the following provisions:

221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.
221.27 Economic soundness of project.
221.249 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be construed to refer to section 233 of the National Housing Act.

§ 251.5 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is the occupant of the property shall not exceed the lesser of the following:

(1) Depending upon the design of the structure;

(i) $25,000 for a one-family residence;

(ii) $27,500 for a two-family residence;

(iii) $27,500 for a three-family residence;

(iv) $35,000 for a four-family residence;

(2) 97 percent of $15,000 of the Commissioner's estimate of the cost of replacing the property using comparable conventional design, materials and construction, or 97 percent of $15,000 of the Commissioner's estimate of the cost of construction utilizing advanced housing technology or experimental property standards, whichever is the lesser, as of the date the mortgage is accepted for insurance and 90 percent of such cost in excess of $15,000, but not in excess of $20,000, and 75 percent of such cost in excess of $20,000.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed 85 percent of any amount computed under paragraph (a).

§ 251.10 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

§ 251.15 Eligible property.

To be eligible for insurance:

(a) The mortgage shall cover property involving the utilization and testing of advanced technology in housing design, materials, or construction, on experimental property standards for

neighborhood design if the Commissioner determines that:

(1) The property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards; and

(2) The utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability or improving neighborhood design; and

(b) The dwelling shall be approved for insurance by the Commissioner prior to the beginning of construction.

§ 251.20 Agreements, covenants and easements.

Prior to insurance, the mortgagor shall execute such agreements, covenants and easements running with the land as the Commissioner shall determine are necessary to permit the Commissioner to make inspections and technical observations of the experimental features of the project.

§ 251.100 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 252—MORTGAGE INSURANCE FOR EXPERIMENTAL HOUSING: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO FOUR-FAMILY DWELLINGS

Sec.

252.1 Incorporation by reference.
252.10 Reimbursement for uncollected interest.
252.11 Application for insurance benefits and fiscal data.
252.15 Conditions for withdrawal of application for insurance benefits.
252.16 Reconveyance for noncompliance with Regulations.
252.17 Mortgagee's liability for property expenditures.
252.18 Mortgagee's liability for waste.
252.19 Adjustment for waste.
252.20 Adjustment for fire, flood, earthquake or tornado damage.
252.22 Cancellation of hazard insurance.
252.25 Payment of insurance benefits.
252.26 Insurance benefits computation—conveyed properties.
252.27 Insurance benefits computation—conveyed properties; items included.
252.28 Insurance benefits computation—conveyed properties; items deducted.
252.29 Insurance benefits computation—assigned mortgages.
252.35 Delivery of certificate of claim.
252.36 Amount and items of certificate of claim.
252.100 Effective date.

AUTHORITY: §§ 252.1 to 252.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 159, as amended.

§ 252.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one- to four-family dwellings insured under Section 233 of the National Housing Act except the following provisions:

Sec.

222.91 Reimbursement for uncollected interest.
222.101 Application for debentures and fiscal data.
222.112 Conditions for withdrawal of application for debentures.
222.113 Reconveyance for noncompliance with regulatons.
222.114 Mortgagee's liability for property expenditures.
222.127 Mortgagee's liability for waste.
222.128 Adjustment for waste.
222.129 Adjustment for fire, flood, earthquake or tornado damage.
222.132 Cancellation of hazard insurance.
222.150 Delivery of debentures.
222.151 Debenture computation—conveyed properties.
222.152 Debenture computation—conveyed properties; items included.
222.153 Debenture computation—conveyed properties; items deducted.
222.154 Debenture computation—assigned mortgages.
222.155 Debenture interest rate.
222.156 Maturity of debentures.
222.157 Registration of debentures.
222.158 Denomination of debentures.
222.159 Redemption of debentures.
222.160 Issue date of debentures.
222.161 Cash adjustment.
222.165 Delivery of certificate of claim.
222.166 Amount and items of certificate of claim.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.
222.248 Applicability to outstanding loans and commitments.
222.249 Effective date.

(b) For the purpose of this part all references in Part 222 of this chapter to section 203 of the National Housing Act shall be construed to refer to section 233 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Experimental Housing Insurance Fund.

§ 252.10 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 222.90 of this chapter, are sufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the insurance benefits shall include an allowance for uncollected interest accrued during the period of such forbearance.

§ 252.11 Application for insurance benefits and fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage. If the original of the assignment is not available a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or other arising out of the mortgage transaction;

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage induction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 252.15 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 222.114 of this chapter.

§ 252.16 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this part, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as canceled without prejudice to the rights of the mortgagee to reapply for insurance benefits at a subsequent date as approved by the Commissioner.

§ 252.17 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with these regulations or because, with the consent of the Commissioner a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 252.18 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this part, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 252.19 Adjustment for waste.

If the property has been damaged by waste as defined in section 222.126 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 252.20 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 252.22 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the Mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 252.25 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the Experimental Housing Insurance Fund.

§ 252.26 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 252.27 less all items as set forth in § 252.28.

§ 252.27 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP, or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan.

§ 252.28 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 262.26 and 262.27 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 252.29 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 252.35 Delivery of certificate of claim.

In addition to the cash settlement provided for in this part with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 252.36 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorneys' fees, upaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 252.100 Effective date.

Unless otherwise specified, the provisions of this part shall be effective as to

all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 253—MULTIFAMILY EXPERIMENTAL HOUSING; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Sec.
253.1 Incorporation by reference.
253.5 Eligible projects.
253.10 Agreements, covenants and easements.
253.15 Maximum mortgage amounts.
253.20 Development of property.
253.100 Effective date.

AUTHORITY: §§ 253.1 to 253.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 159, as amended.

§ 253.1 Incorporation by reference.

(a) All of the provisions of Part 232 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act apply to experimental multifamily project mortgages insures under section 233 of the National Housing Act except the following provisions:

Sec.
232.4 Maximum mortgage amounts.
232.11 Soundness of project.
232.23 Development of property.
232.28 Rehabilitation projects.
232.31 Eligibility of refinanced mortgages.
232.31a Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
232.32 Reinsurance of Commissioner-held mortgages.
232.35 Effective date.

§ 253.5 Eligible projects.

To be eligible for insurance under this part a mortgage shall cover property on which there is constructed a multifamily housing project involving the utilization and testing of advance technology in housing design, materials, or construction, or experimental property standards for neighborhood design if the Commissioner determines that:

(a) The property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards; and

(b) The utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability, or improving neighborhood design.

§ 253.10 Agreements, covenants and easements.

Prior to initial endorsement, the mortgagor shall execute such agreements, covenants and easements running with the land as the Commissioner shall determine are necessary to allow the Commissioner to make inspections and technical observations of the experimental features of the project.

§ 253.15 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) 90 percent of the amount of the Commissioner's estimate of the cost of replacing the project using comparable conventional design, materials, and construction;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use (excluding the cost of exterior land improvements as determined by the Commissioner);

(5) The amount which the Commissioner estimates will be the cost of the completed improvements of the project, exclusive of public utilities, streets, and organizational and legal expenses.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Reduced mortgage amount-leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 253.20 Development of property.

(a) *Type of construction and design.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property, designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight rental dwelling units on one site and may be detached, semi-detached or row houses, or multi-family structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a Commitment to Insure upon Completion; and

(b) *Compliance with restrictions and regulations.* At the time the mortgage is issured all dwellings and other improvements shall:

(1) Comply with all applicable building and other governmental regulations; and

(2) Not violate any material, zoning or deed restrictions applicable to the site of the project.

(c) *Commercial and community facilities.* The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 253.100 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 254—MULTIFAMILY EXPERIMENTAL HOUSING: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
254.1 Incorporation by reference.
254.10 Payment of insurance benefits.
254.100 Effective date.

AUTHORITY: §§ 254.1 to 254.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 233, 75 Stat. 159, as amended.

§ 254.1 Incorporation by reference.

(a) All the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to experimental multifamily project mortgages insured under section 233 of the National Housing Act, except the following provisions.

Sec.
233.9 Insurance benefits.

233.14 Effective date.

(b) For the purpose of this part all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 233 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Experimental Housing Insurance Fund.

§ 254.10 Payment of insurance benefits.

All of the provisions of § 233.9 of this chapter shall govern the payment of insurance to the mortgagee except that:

(a) In lieu of issuing debentures, as provided in § 233.9(a)(1), the Commissioner shall pay to the mortgagee in cash of the Experimental Housing Insurance Fund an amount equivalent to the total face amount of debentures provided for in § 233.9(a)(1); and

(b) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in paragraph (a), shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee.

§ 254.100 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

Part 261 is revised to read as follows:

PART 261—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

HOME MORTGAGE INSURANCE

Sec.
261.1 Incorporation by reference.
261.5 Location of property.
261.10 Certificate by Administrator to Commissioner.
261.15 Standards and conditions of acceptability.
261.20 Dwelling units on property.
261.25 Maximum mortgage amounts; dollar limitation.
261.30 Maximum mortgage amount; loan-to-value limitation.
261.35 Mortgagor's minimum investment.
261.40 Rental properties.
261.45 Certificates of appraisal and replacement amounts.
261.50 Maximum charges, fees and discounts.

INSURED HOME IMPROVEMENT LOANS

261.100 Incorporation by reference.
261.101 Minimum and maximum loan amounts.
261.102 Type and location of property.
261.200 Effective date.

AUTHORITY: §§ 261.1 to 261.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.

§ 261.1 Incorporation by reference.

(a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings under section 220 of the National Housing Act, except the following provisions:

Sec.
221.14 Certification of appraisal amount.
221.17 Maximum mortgage amounts.
221.18 Mortgagor's minimum investment.
221.26 Maximum charges, fees and discounts.
221.27 Economic soundness of project.
221.37 Location of property.
221.41 Rental properties.
221.50 Insured home improvement loans.
et seq.
221.249 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act.

§ 261.5 Location of property.

The mortgaged property must be located in

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended) before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended, or

(c) The area of an urban renewal project assisted under Section 111 of the Housing Act of 1949, as amended, providing for redevelopment or rehabilitation of urban areas made necessary as the result of a disaster.

§ 261.10 Certificate by Administrator to Commissioner.

No mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exists the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(c) There exists an urban renewal plan as required for projects assisted under Section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exists the necessary authority and financial capacity to insure completion of such urban renewal plan.

§ 261.15 Standards and conditions of acceptability.

The mortgaged property shall meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These shall include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 261.20 Dwelling units on property.

At the time the mortgage is insured there shall be located on the mortgaged property a dwelling designed principally for residential use of not more than eleven families. Such dwelling may be connected with other dwellings by a party wall or otherwise. Any such dwelling shall be constructed or rehabilitated pursuant to an urban renewal plan approved by the Administrator as provided in Section 220(d)(1)(A) of the National Housing Act, as amended.

§ 261.25 Maximum mortgage amounts—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $25,000 for a one-family residence;

(b) $27,500 for a two-family residence;

(c) $30,000 for a three-family residence;

(d) $35,000 for a four-family residence;

(e) $35,000 plus not to exceed $7,000 for each additional family unit in excess of four.

§ 261.30 Maximum mortgage amounts—loan-to-value limitation.

(a) Occupant mortgagors. Where the mortgagor is the occupant of the property, the mortgage shall be in an amount not in excess of:

(1) 97 percent of $15,000 of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance, and 90 percent of such cost in excess of $15,000, but not in excess of $20,000 and 75 percent of such cost in excess of $20,000, if the application for insurance is for construction of a proposed dwelling which is approved for mortgage insurance prior to the beginning of construction.

(2) 90 percent of $20,000 of the Commissioner's estimate of replacement cost of the property as of the date the mortgage is accepted for insurance, and 75 percent of such cost in excess of $20,000, if the application for insurance covers a new dwelling under construction which is approved for mortgage insurance after the beginning of construction and prior to the completion of construction.

(3) 97 percent of $15,000 of the Commissioner's estimate of the cost of rehabilitation plus the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000, but not in excess of $20,000 and 75 percent of such value in excess of $20,000, if the application for insurance covers an existing dwelling which was approved for mortgage insurance prior to the beginning of construction or an existing dwelling the construction of which has been completed for more than one year; provided however, that if the application involves the refinancing of an existing indebtedness the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refinance the existing indebtedness secured by the property.

(4) 90 percent of $20,000 of the Commissioner's estimate of the cost of rehabilitation plus the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the application for insurance covers an existing dwelling which was not approved for mortgage insurance prior to beginning of construction and the construction has been completed less than one year; provided however, that if the application involves the refinancing of an existing indebtedness the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refi-

nance the existing indebtedness secured by the property.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed:

(1) 85 percent of any amount computed under paragraph (a); or

(2) The full amount computed under paragraph (a) of this section if the mortgage covers a one- or two-family residence and the Commissioner is furnished with certificates indicating that:

(i) The mortgagor will not rent (except for a rental term of not less than 30 days and not more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(ii) Not less than 15 percent of the original principal amount of the mortgage proceeds has been deposited in an escrow, trust, or special account;

(iii) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account will be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(iv) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of the cash settlement to which the mortgagee would be otherwise entitled if a claim for insurance benefits is filed.

§ 261.35 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 261.40 Rental properties.

(a) A mortgage on property upon which there is a dwelling to be rented by the mortgagor, shall not be eligible for insurance if said property is a part of, or adjacent or contiguous to a project subdivision or group of similar rental properties which involve twelve or more dwelling units if the mortgagor has any financial interest in said properties.

(b) No two-, three-, or four-family dwelling nor single-family dwelling, if it is a part of a group of five or more single family dwellings held by the same mortgagor or any part or unit thereof, shall be rented or offered for rent for transient or hotel purposes, as defined in § 221.15 of this chapter, so long as such dwelling is subject to any insured mortgage.

§ 261.45 Certificates of appraisal and replacement amounts.

All of the provisions of § 221.14 of this chapter apply to mortgages insured under this part except that with respect to mortgages meeting the requirements of § 261.21(a)(1), the application for insurance must be accompanied by an agreement satisfactory to the Commissioner executed by the seller, builder or such other person as required by the Commissioner whereby such person agrees that prior to any sale of the dwelling such person will deliver to the purchaser of the property a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost of the property.

§ 261.50 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

(1) The application fees provided for in this part.

(2) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed:

(i) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater; or

(ii) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgage makes partial disbursements and inspections of the property during the progress of construction.

(3) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(4) Reasonable and customary charges in the nature of discounts if the mortgagor is:

(i) A builder constructing houses for sale who executes the mortgage in his own name;

(ii) Constructing a dwelling for his own occupancy; or

(iii) Refinancing a prior mortgage covering property owned by the mortgagor.

(iv) Purchasing the property from a governmental agency or municipal corporation which is precluded by statute from paying the discount.

INSURED HOME IMPROVEMENT LOANS

§ 261.100 Incorporation by reference.

All of the provisions in §§ 221.50 et seq., covering insured home improvement loans under Section 203(k) of the Act shall apply to insured home improvement loans on one- to four-family dwellings under Section 220(h) of the Act except the following provisions:

Sec.
221.73 Minimum and maximum loan amounts.
221.92 Type and location of property.

§ 261.101 Minimum loan amount.

The loan shall involve a minimum principal amount of $1,000 provided that a lesser amount may be approved by the Commissioner if the proceeds of the loan are to be used to rehabilitate the property to meet the neighborhood standards prescribed by a local public agency.

§ 261.102 Maximum loan amount.

The principal amount of the loan shall not exceed:

(a) The Commissioner's estimate of the cost of improvements, or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in Sections 261.25 and 261.30 of this part for mortgages on properties other than new construction.

§ 261.102 Type and location of property.

The property to be improved shall:

(a) Constitute real property located within the United States, its territories, or possessions;

(b) Contain an existing structure or structures;

(c) Be located in one of the urban renewal areas specified in § 261.5.

§ 261.200 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 262—URBAN RENEWAL INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

Part 262 is revised to read as follows:

Sec.
262.1 Incorporation by reference.
262.2 Forbearance of foreclosure and assignments of mortgages.
262.10 Conditions for withdrawal of application for insurance benefits.
262.11 Reconveyance for noncompliance with regulations.
262.12 Mortgagee's liability for property expenditures.
262.15 Mortgagee's liability for waste.
262.16 Adjustment for waste.
262.17 Adjustment for fire, flood, earthquake or tornado damage.
262.20 Cancellation of hazard insurance.
262.25 Payment of insurance benefits.
262.26 Insurance benefits computation—conveyed properties.
262.27 Insurance benefits computation—conveyed properties; items included.
262.28 Insurance benefits computation—conveyed properties; items deducted.
262.29 Insurance benefits computation—assigned mortgages.
262.35 Delivery of certificate of claim.
262.36 Amount and items of certificate of claim.

INSURED HOME IMPROVEMENT LOANS

Sec.
262.100 Incorporation by reference.
262.101 Claim computation.
262.200 Effective date.

AUTHORITY: §§ 262.1 to 262.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k.

§ 262.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act except the following provisions:

Sec.
222.90 Conditions of special forbearance relief.
222.91 Reimbursement for uncollected interest.
222.100 Assignment of defaulted mortgage—in general.
222.101 Application for debentures and fiscal data.
222.102 Title evidence upon assignment.
222.103 Certification by mortgagee.
222.112 Conditions for withdrawal of application for debentures.
222.113 Reconveyance for noncompliance with regulations.
222.114 Mortgagee's liability for property expenditures.
222.127 Mortgagee's liability for waste.
222.128 Adjustment for waste.
222.129 Adjustment for fire, flood, earthquake or tornado damage.
222.132 Cancellation of hazard insurance.
222.150 Delivery of debentures.
222.151 Debenture computation — conveyed properties.
222.152 Debenture computation — conveyed properties; items included.
222.153 Debenture computation — conveyed properties; items deducted.
222.154 Debenture computation—assigned mortgages.
222.155 Debenture interest rate.
222.156 Maturity of debentures.
222.157 Registration of debentures.
222.158 Denomination of debentures.
222.159 Redemption of debentures.
222.160 Issue date of debentures.
222.161 Cash adjustment.
222.165 Delivery of certificate of claim.
222.166 Amount and items of certificate of claim.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the section 220 Housing Insurance Fund.

§ 262.2 Forbearance of foreclosure and assignments of mortgages.

All of the provisions of §§ 222.90, 222.91, 222.100, 222.101, 222.102 and 222.103 of this chapter shall apply to mortgages insured under this part except that the privileges of forbearance of foreclosure and assignment of defaulted mortgages shall only extend to mortgages covering a property having not more than four dwelling units and in each instance where the word debentures is used in these sections it shall be interpreted to mean insurance benefits.

§ 262.10 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 222.114 of this chapter.

§ 262.11 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this part, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for insurance benefits at a subsequent date as approved by the Commissioner.

§ 262.12 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee because of the mortgagee's noncompliance with these regulations or because, with the consent of the Commissioner, a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 262.15 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this part, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 262.16 Adjustment for waste.

If the property has been damaged by waste as defined in section 222.126 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 262.17 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 262.20 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual return and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 262.25 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the section 220 Housing Insurance Fund.

§ 262.26 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 262.27 less all items as set forth in § 262.28.

§ 262.27 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs of $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forebearance plan.

§ 262.28 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 262.26 and 262.27 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 262.29 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 262.35 Delivery of certificate of claim.

In addition to the cash settlement provided for in this part with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 262.36 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorneys' fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

INSURED HOME IMPROVEMENT LOANS

§ 262.100 Incorporation by reference.

All of the provisions of §§ 222.190 et seq. of this chapter covering insured home improvement loans under section 203(k) of the Act shall apply to home improvement loans on one- to four-family dwellings under section 220(h) of the Act except:

Sec.
222.228 Debenture claim computation.
222.229 Debenture interest rate.
222.231 Maturity of debentures.
222.232 Registration of debentures.
222.233 Denomination of debentures.
222.234 Redemption of debentures.
222.236 Issue date of debentures.
222.237 Cash adjustment.

(b) For the purposes of this section, all references in §§ 222.190 et seq. to the Section 203 Home Improvement Account shall be construed to refer to the Section 220 Home Improvement Account.

§ 262.101 Claim computation.

Upon acceptable assignment of the note and security instruments, the Commissioner shall pay the lender in cash an amount equal to the unpaid principal balance of the loan, plus:

(a) Any accrued interest due on the loan;

(b) Any advances made previously under the provisions of the loan instrument and approved by the Commissioner;

(c) Reimbursement for such reasonable collection costs, court costs and attorney's fees as may be approved by the Commissioner.

§ 262.200 Effective date.

(a) Unless otherwise specified the provisions of this part are effective as to all loans and mortgages on which commitments to insure are issued on or after July 7, 1961.

(b) With respect to mortgages endorsed for insurance on or after July 7, 1961, pursuant to commitments outstanding prior to July 7, 1961, a mortgagee may, upon filing a written request with the application for the payment of insurance benefits, receive payment as provided in Part 222 of this chapter in lieu of the insurance benefits provisions of this part.

PART 263—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MULTIFAMILY PROJECT MORTGAGES

In Part 263 a new center heading "Project Mortgage Insurance" is inserted preceding § 263.1 and another new center heading "Insured Home Improvement Loans" is inserted preceding new § 263.50.

In Part 263 the pertinent portions of the Table of Contents are amended by adding the center headings as indicated above, by adding a new § 263.8b, new §§ 200.50 through 200.134 and § 263.10 is renumbered § 263.200 as follows:

PROJECT MORTGAGE INSURANCE

Sec.
263.8b Labor standards and prevailing wage requirements.

INSURED PROJECT IMPROVEMENT LOANS

263.50 Definitions.
263.51 Submission of application.
263.52 Form of application.
263.53 Application fee.
263.54 Commitment fee.
263.55 Inspection fee.
263.60 Fees on increased loan.
263.61 Refund of fees.
263.62 Charges by lender.
263.63 Eligible lenders.
263.64 Note and security form.
263.65 Disbursement of proceeds.
263.70 Loan multiples.
263.71 Method of loan payment.
263.72 Date of first payment to principal.
263.73 Maturity of loan.
263.74 Loan amortization period.
263.75 Minimum and maximum loan amounts.
263.76 Maximum interest rate.
263.77 Eligibility of title.
263.80 Title evidence.
263.81 Security instrument to cover entire project.
263.82 Covenant against liens.
263.83 Accumulation of next premium.
263.84 Accumulation of other items.
263.85 Application of payments.
263.90 Prepayment privilege and prepayment charges.
263.91 Insurance of bonds.
263.92 Late charge.
263.93 Certificate regarding use for transient or hotel purposes.
263.94 Zoning, deed or building restrictions.
263.95 Covenant regarding racial restrictions and use of property.
263.100 Covenant relating to use of property.

Sec.
263.101 Use of proceeds—in general.
263.102 Nature of borrower's ownership.
263.103 Supervision by Commissioner.
263.110 Commitments to insure.
263.111 Building loan agreement.
263.112 Assurance of completion.
263.113 Advance amortization requirements.
263.114 Prevailing wage requirements.
263.115 Discrimination prohibited.
263.116 Certification of cost requirements.
263.120 Form of contract.
263.121 Certificate as to subcontracts.
263.122 Certificate of actual cost.
263.123 Fixed fee contract—additional certification.
263.124 Contractor's certification—fixed fee contract.
263.125 Adjustment resulting from cost certification.
263.130 Records.
263.131 Certificate of public accountant.
263.132 Effects of agreement.
263.133 Cost certification incontestable.
263.134 Amendment of regulations.
263.200 Effective date.

AUTHORITY: §§ 263.1 to 263.200 issued under sec. 211, 52 Stat. 23, 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596 as amended; 12 U.S.C. 1715k.

PROJECT MORTGAGE INSURANCE

In § 263.1 paragraph (a) is amended by adding to the listed provisions the following:

§ 263.1 Incorporation by reference.

(a) * * *

Sec.
222.10 Required supervision of private mortgagors.

Section 263.6 is amended by adding a new paragraph (e) as follows:

§ 263.6 Maximum mortgage amounts.

* * * * * * *

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

In § 263.7 paragraph (a) is amended to read as follows:

§ 263.7 Maximum mortgage amount—loan-to-value limitation.

* * * * * * *

(a) *Rehabilitation and non-approved new construction.* 90 percent of the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation if the proceeds of the mortgage are used to finance the rehabilitation of an existing project or complete the construction of a new project not approved for mortgage insurance prior to the beginning of construction provided that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount (as determined by the Commissioner) required to refinance existing indebtedness secured by any such property or project.

Part 263 is amended by adding a new § 263.8b as follows:

§ 263.8b Labor standards and prevailing wage requirements.

All of the provisions of § 232.19 of this subchapter apply, except that in the case of a mortgage covering property on which there is located a dwelling or dwellings designed principally for residential use for five to eleven families § 232.19(d) relating to labor standards and prevailing wage requirements shall not apply.

INSURED PROJECT IMPROVEMENT LOANS

§ 263.50 Definitions.

As used in § 263.50 et seq. the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Insured loan" means a loan which has been insured by the FHA, as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(e) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(f) "Loan" means an advance of funds or credit evidenced by a note, which is secured by a security instrument.

(g) "Outstanding indebtedness relating to the property" means the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property including those obligations constituting liens on the title to the property to be improved.

(h) "Lender" means an approved financial institution eligible for insurance under section 220(h) of the Act that is the holder of an insured loan or the holder of a loan presented for insurance.

§ 263.52 Form of application.

The application shall be on a form prescribed by the Commissioner together with the exhibits called for by such form.

§ 263.53 Application fee.

The application fee shall be accompanied by an application fee of $1.50 per thousand of the face amount of the loan applied for.

§ 263.54 Commitment fee.

A commitment fee, which when added to the application fee will aggregate $3.00 per thousand of the face amount of the loan set forth in the commitment shall be paid within 30 days after the date of the commitment, or within such additional period of time as may be agreed to in writing by the Commissioner.

§ 263.55 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment.

§ 263.60 Fees on increased loan.

(a) Upon application for an increase in the amount of an existing commitment, an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of such increase. Such increase shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand of the amount of the increase.

(b) If the amount of the insured loan is increased after insurance and prior to the final endorsement either by amendment or by the substitution of a new insured loan, the fees herein provided for, including the inspection fee, shall be based upon the amount of such increase.

§ 263.61 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be waived, if not paid, or if paid, may be returned to the applicant.

§ 263.62 Charges by lender.

The lender may collect from the borrower the amount of the fees provided for in §§ 263.50 et seq. and may charge the borrower an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the loan. Any additional charges shall be subject to prior approval of the Commissioner.

§ 263.63 Eligible lenders.

Lenders meeting the applicable eligibility qualifications and requirements contained in §§ 221.1–221.3, 221.4 or 221.5 of this chapter shall be eligible for insurance of project improvement loans under § 263.50 et seq.

§ 263.64 Note and security form.

The lender shall present for insurance a note and security instrument on a form aproved by the Commissioner which is valid and enforceable against the borrower or borrowers in the jurisdiction in which the property to be improved is located.

§ 263.65 Disbursement of proceeds.

Prior to final endorsement, the entire principal amount of the note shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 263.70 Loan multiples.

If the loan is less than $10,000, it shall be in multiples of $50. If the loan exceeds $10,000, it shall be in multiples of $100.

§ 263.71 Method of loan payment.

The loan shall provide for monthly payments on the first day of each month on account of interest and principal and

shall provide for payments in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

§ 263.72 Date of first payment to principal.

The Commissioner shall estimate the time necessary to complete the improvements to the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the improvements and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 263.73 Maturity of loan.

The loan shall have a maturity satisfactory to the Commissioner not less than 5 or more than 20 years from the date of the beginning of amortization or three-quarters of the Commissioner's estimate of the remaining ecenomic life of the structure, whichever is the lesser.

§ 263.74 Loan amortization period.

The loan shall have an amortization period of either 5, 10, 15 or 20 years by providing for either 60, 120, 180 or 240 monthly amortization payments.

§ 263.75 Minimum and maximum loan amounts.

The loans shall involve a minimum principal amount of $1,000 and shall not exceed:

(a) The Commissioner's estimate of the cost of the improvements or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in §§ 263.6, 263.7, and 263.8 of this part for mortgages on properties of the same type other than new construction.

§ 263.76 Maximum interest rate.

The loan may bear interest at such rate as may be agreed upon by the lender and the borrower, but in no case shall such rate exceed 6 percent per annum. Interest shall be payable in monthly installments on the principal then outstanding.

§ 263.77 Eligibility of title.

When the principal amount of the loan exceeds $40,000, in order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 263.80 Title evidence.

When the principal amount of the loan exceeds $40,000, the lender, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and also a policy of title insurance as provided in paragraph (a) or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish such evidence of title as provided in paragraph (b) as the Commissioner may require. The following are the requirements covering the title insurance and abstract of title:

(a) The policy of title insurance with respect to the security instrument shall be issued by a company satisfactory to the Commissioner. Such policy shall be in such form as may be approved by the Commissioner and shall be payable to the lender and the Commissioner as their respective interests may appear.

(b) The abstract of title shall be satisfactory to the Commissioner, prepared by an abstract title company or an individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

§ 263.81 Security instrument to cover entire property.

The security instrument shall cover the entire property included in the housing project.

§ 263.82 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of liens against the property superior or inferior to the lien of such instrument.

§ 263.83 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

§ 263.84 Accumulation of other items.

When the principal amount of the loan exceeds $200,000, the Commissioner may require that the security instrument provide for such equal monthly payments by the borrower to the lender as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premums, within a period ending one month prior to the date on which the items became delinquent. The security instrument shall further provide that such payments shall be held by the lender for the purpose of paying such ground rents, taxes, water rates, assessments, and insurance premiums before the same become delinquent. The security instrument shall also make provision for an adjustment in case the estimated amount of such taxes, water rates, assessments and insurance premiums shall prove more, or less than the actual amount thereof so paid by the borrower.

§ 263.85 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan;

(b) When the principal amount of the loan exceeds $200,000 and the security instrument provides for the accumulation of the items enumerated in § 263.84 the lender shall apply the payments received from the borrower in the following order:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and hazard insurance premiums;

(3) Interest on the loan;

(4) Amortization of the principal of the loan;

(c) Any deficiency in the amount of any monthly payments required under paragraph (a) or (b), shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 263.90 Prepayment privilege and prepayment charge.

(a) *Prepayment privilege.* (1) The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days advance written notice.

(2) If the loan exceeds $200,000 it may contain a provision for a charge in the event of prepayment of principal as may be agreed upon between the borrower and lender. The borrower shall be permitted to prepay up to 15 percent of the original principal amount of the loan in any one calendar year without any additional charge.

(b) *Prepayment under cost certification.* Any reduction in the original principal amount of the loan resulting from the certification of the cost requirements of §§ 263.120–263.125 and 263.130 shall not be construed as a prepayment of the mortgage permitting the imposition of any penalty or charge.

§ 263.92 Late charge.

The loan may provide for the collection by the lender of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the borrower and shall not be deducted from any aggregate monthly payment.

§ 263.93 Certificate regarding use for transient or hotel purposes.

The borrower shall certify under oath that so long as the loan is insured by the Commissioner, the borrower will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such loan for transient or hotel purposes. For the purpose of this certificate, the term rental for transient or hotel purposes shall mean:

(a) Rental for any period less than 30 days; or

(b) Any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens and bellboy service.

§ 263.94 Zoning, deed or building restrictions.

The project when rehabilitated shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations.

§ 263.95 Covenant regarding racial restrictions and use of property.

The security instrument shall contain a covenant by the borrower that until the loan has been paid in full, or the contract of insurance otherwise terminated, the borrower will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the borrower and his assigns and shall provide that upon violation thereof, the lender may, at its option, declare the unpaid balance of the loan immediately due and payable.

§ 263.100 Covenant relating to use of property.

When the principal amount of the loan exceeds $40,000, the security instrument shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended, at the date the loan was executed.

§ 263.101 Use of proceeds.

(a) The proceeds of a loan shall be used only to finance improvements that result in or are in connection with the conservation, repair, restoration or refurbishing the basic livability or utility of an existing structure, including the property on which the structure is located, or in the conversion, alteration, enlargement, remodeling or expansion of such structure, including a change in the living accommodations or the number of family dwelling units located therein.

(b) No loan proceeds shall be used to finance individual equipment items except those relating to heating, ventilating or plumbing or those items determined by the Commissioner to be necessary and incident to improvements as outlined in paragraph (a).

(c) The structure in connection with which the improvements are to be made shall:

(1) Constitute a residential structure used or to be converted for use by five or more families, which is located in one of the urban renewal areas specified in § 263.2.

(2) Have been constructed not less than ten years prior to the date of the application for commitment unless, as determined by the Commissioner, the proceeds of the loan are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm or other casualty.

§ 263.102 Nature of borrower's ownership.

To be eligible for insurance, the property to be improved must be held by the borrower in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date of the note.

§ 263.103 Supervision by Commissioner.

The Commissioner may regulate and restrict the borrower as long as the Commissioner is the insurer, holder or re-insurer of the loan. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 263.110 Commitments to insure.

(a) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the loan will be insured.

(b) *Insurance of advances.* When the principal amount of the loan exceeds $40,000, the commitment may provide for the insurance of advances of loan money made during the construction of the improvements.

(c) *Insurance upon completion.* The commitment may provide for the insurance of the loan after completion of the improvements.

(d) *Renewal of commitment.* The commitment may be renewed or extended in such manner as the Commissioner may specify.

§ 263.111 Building Loan agreement.

When the principal amount of the loan exceeds $40,000, and advances of loan money during the construction of the improvements are to be insured, the borrower and lender shall, prior to the initial endorsement of the loan for insurance, execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 263.112 Assurance of completion.

When the principal amount of the loan exceeds $40,000, assurance of completion satisfactory to the Commissioner shall be furnished in an amount of at least 10 percent of the cost of the construction of the improvements to the project as estimated by the Commissioner and shall be in one of the following forms:

(a) A bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner with the borrower and lender as joint obligees.

(b) An escrow deposit with the lender or with a depository satisfactory to the lender and the Commissioner of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a completion assurance agreement prescribed by the Commissioner.

§ 263.113 Advance amortization requirements.

If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the property covered by the security instrument, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

§ 263.114 Prevailing wage requirements.

When the property to be improved consists of a dwelling or dwellings for twelve (12) or more families, the following requirements shall be met:

(a) *Labor standards.* Any contract or subcontract executed for the performance of constructing the improvements to the project shall comply with all applicable labor standards and provisions of the Regulations of the Secretary of Labor (29 CFR 5.1–5.12).

(b) *Ineligible contractors.* No contract shall be entered into with a general contractor or any subcontractor for the construction of improvements, if such contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General pursuant to the Regulations of the Secretary of Labor (29 CFR 5.6.(b)).

(c) *Ineligible advances.* Unless approved by the Commissioner, no advance under the loan shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Commissioner or by the Comptroller General pursuant to the provisions of the Regulations of the Secretary of Labor. (29 CFR 5.6.(b)),

(d) *Wage certificate.* No advance under the loan shall be eligible for insurance unless there is filed with the application for such advance a certificate as required by the Commissioner, certifying that the laborers and mechanics employed in constructing the improvements to the project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 263.115 Discrimination prohibited.

Any contract or subcontract executed for the performance of constructing the improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of race, color, creed or national origin.

§ 263.116 Certification of cost requirements.

Prior to initial endorsement of the loan for insurance, the borrower, the lender and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of loan proceeds over the actual cost of the improvements to the project. Under this agreement the borrower shall agree to:

(a) Disclose its relationship with the builder, including any collateral agreement, and with subcontractors and suppliers;

(b) Enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the borrower and the builder.

(c) Execute a certificate of actual costs upon completion of the improvements; and

(d) Apply any excess of loan proceeds over the actual cost to the borrower of the improvements in reduction of the outstanding balance of the principal of the loan.

§ 263.120 Form of contract.

The form of contract between the borrower and the builder shall be in accordance with the following:

(a) *Lump sum contract.* If the Commissioner determines that neither the borrower nor any of the officers, directors or stockholders of the borrower have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) *Fixed fee contract.* If the Commissioner determines that the borrower, its officers, directors or stockholders have any interest, financial or otherwise in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a builder's fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

§ 263.121 Certificate as to subcontracts.

If the Commissioner determines that the borrower, its officers, directors, or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the borrower shall certify in form prescribed by the Commissioner, prior to final endorsement of the loan for insurance, that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type of labor and materials.

§ 263.122 Certificate of actual cost.

The borrower's certificate of actual cost, in form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the borrower of:

(a) The construction contract, including all costs of construction under a lump sum contract, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the borrower corporation, or to any of its officers, directors or stockholders;

(b) Architect's fees;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work; and

(e) Other items of expense approved by the Commissioner.

§ 263.123 Fixed fee contract—additional certification.

When the work has been completed under a fixed fee contract, the borrower's certification shall also show:

(a) Allocations of general overhead items as are acceptable to the Commissioner;

(b) A reasonable allowance for the builder's profit as established by the Commissioner.

§ 263.124 Contractor's certification—fixed fee contract.

A contractor receiving a fixed fee shall certify in form prescribed by the Commissioner as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or borrower corporation or any of its officers, directors or stockholders.

§ 263.125 Adjustment resulting from cost certification.

If the principal obligation of the loan exceeds the actual cost to the borrower of the improvement, the loan shall be reduced by the amount of such excess prior to the final endorsement for insurance.

§ 263.130 Records.

The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

§ 263.131 Certificate of public accountant.

The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 263.132 Effects of agreement.

Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

§ 263.133 Cost certification incontestable.

Upon the Commissioner's approval of the borrower's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

§ 263.134 Amendment of regulations.

The regulations in this part may be amended by the Commissioner, but such amendment shall not adversely affect the interest of the mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

PART 264—URBAN RENEWAL INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER MULTIFAMILY PROJECT INSURANCE CONTRACT

Part 264 is revised to read as follows:

PROJECT MORTGAGE INSURANCE

Sec.

264.1 Incorporation by reference.
264.2 Payment of insurance benefits.

INSURED PROJECT IMPROVEMENT LOANS

264.50 Definitions.
264.51 Initial endorsement of loan.
264.52 Final endorsement of loan.
264.53 Effect of loan endorsement.
264.54 Insurance premiums.
264.55 Termination of insurance.
264.60 Definition of default.
264.61 Date of default.
264.62 Notice of default.
264.63 Commissioner's right to require acceleration.
264.64 Election of action.
264.70 Maximum claim period.
264.71 Items to be filed on submitting claim.
264.72 Claim computation.
264.73 Assignment of insured loans.
264.74 Amendments not to change contractual rights.
264.200 Effective date.

AUTHORITY: §§ 264.1 to 264.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 590, as amended; 12 U.S.C. 1715k.

PROJECT MORTGAGE INSURANCE

§ 264.1 Incorporation by reference.

(a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provisions:

233.9 Insurance benefits.
233.14 Effective date.

(b) For the purposes of the portion of this part covering multifamily project mortgages all references in Part 233 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Section 220 Housing Insurance Fund.

§ 264.2 Payment of insurance benefits.

All of the provisions of § 233.9 of this chapter shall govern the payment of insurance benefits on mortgages, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, except that:

(a) In lieu of issuing debentures, as provided in § 233.9(a)(1), the Commissioner shall pay to the mortgagee in cash of the Section 220 Housing Insurance Fund an amount equivalent to the total face amount of the debentures provided for in § 233.9(a)(1); and

(b) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in paragraph (a), shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee; and

(c) In lieu of the cash payment provided in paragraph (a), mortgagees filing claim for insurance benefits on mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the Section 220 Housing Insurance Fund issued in accordance with the provisions of Section 233.9 of this chapter.

INSURED PROJECT IMPROVEMENT LOANS

§ 264.50 Definitions.

All of the definitions contained in § 263.50 of this subchapter shall apply to §§ 264.50 et seq. In addition the following terms shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan, incorporating by reference the regulations in §§ 264.50 et seq. and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

§ 264.51 Initial endorsement of loan.

Upon compliance with the terms and conditions of a commitment, the Commissioner shall make an initial endorsement of the loan evidencing insurance by an appropriate panel or endorsement placed on the original note which shall identify the section of the Act and the regulations under which the loan is insured and the date of insurance.

§ 264.52 Final endorsement of loan.

After all advances under the loan have been made, the Commissioner shall, upon presentation of the original note, make a final endorsement of the original note which shall state the total of all advances approved for insurance by the Commissioner and show the date of such approval.

§ 264.53 Effect of loan endorsement.

The loan shall be insured from the date of initial endorsement. From the date of initial endorsement the Commissioner and lender shall be bound by the Act and the provisions of the regulations in §§ 264.50 et seq. with the same force and effect as if a separate contract had been executed relating to the insured loan.

§ 264.54 Insurance premiums.

(a) *First premium.* The lender, upon the initial endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one-half of one percent of the original face amount of the note.

(b) *Second premium; first payment more than one year following initial endorsement.* If the date of the first principal payment is more than one year following the date of initial insurance endorsement, the lender, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the loan.

(c) *Third premium.* On the date of the first principal payment, the lender shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the note for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the three premiums shall equal the sum of (1) one percent of the average outstanding principal obligation of the note for the year following the date of initial insurance endorsement and (2) one-half of one percent per annum of the average outstanding principal obligation of the note for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(d) *Second premium; first payment one year or less following initial endorsement.* If the date of the first principal payment is one year, or less than one year following the date of initial insurance endorsement, the lender upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the note for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one percent per annum of the average outstanding principal obligation of the note for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one percent of the average outstanding principal obligation of the note for the year following the date of the first principal payment.

(e) *Second premium; commitment to insure upon completion.* Where the note is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the lender on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the note for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the note for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(f) *Annual insurance premium.* Until the note is paid in full, or until a claim application is received by the Commissioner or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one-half of one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(g) *Method of premium payment.* Premiums shall be payable in cash. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in §§ 264.50 et seq.

(h) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 264.55 Termination of insurance.

All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate upon compliance with one of the following conditions:

(a) Upon receipt by the Commissioner of a request for the termination of the loan insurance executed by the borrower and the lender, on a form prescribed by the Commissioner, and the submission of the note for cancellation of the insurance endorsement; or

(b) Upon receipt by the Commissioner of a notice, on a form prescribed by the Commissioner, executed by the lender of the prepayment in full of the note.

§ 264.56 Pro rata refund of insurance premium.

At the time of prepayment or voluntary termination of the loan insurance contract, the Commissioner will refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of:

(a) Prepayment; or

(b) Receipt by the Commissioner of a request for voluntary termination.

§ 264.60 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument and such default continues

for a period of 30 days, the note or security instrument shall be considered in default for the purposes of §§ 264.50 et seq.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default, provided the lender because of such default, has exercised its right under the note or security instrument and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance hereinafter provided.

§ 264.61 Date of default.

For the purposes of §§ 264.50 et seq., the date of default shall be considered as:

(a) The date of the first uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 264.62 Notice of default.

(a) If the default as defined in § 264.60 is not cured within the 30 day grace period, the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact the lender may not have elected to accelerate the debt.

§ 264.63 Commissioner's right to require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or otherwise being apprised thereof, the Commissioner reserves the right to require the lender to accelerate payment of the outstanding principal balance due in order to protect the interests of the Federal Housing Commissioner.

§ 264.64 Election of action.

Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of this section, the lender may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 264.70 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 264.71 Items to be filed on submitting claim.

Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall file with the Commissioner:

(a) The fiscal data pertaining to the loan transaction;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counter claims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) All hazard insurance policies held on property serving as security for the loan, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security instrument;

(e) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default, and all claims of the lender against the borrower or others arising out of the loan transaction;

(f) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner.

(g) Any balance of the loan not advanced to the borrower;

(h) Any cash or property held by the lender or its agents or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principal obligation under the note and security instrument or instruments;

(i) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(j) Any additional information or data which the Commissioner may require.

§ 264.72 Claim computation.

Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in cash in an amount equal to the unpaid principal balance of the loan plus:

(a) Any accrued interest due on the loan.

(b) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(c) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

§ 264.73 Assignment of insured loans.

(a) An insured loan may not be transferred or pledged prior to the full disbursement of the loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm, or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any loan so long as it is held in a common trust fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any loan so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any loan transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interest in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 264.74 Amendments not to change contractual rights.

The regulations in §§ 264.50 et seq. may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not adversely affect the interests of a mortgagee under the contract of insurance on any loan already insured or to be insured on which the Commissioner has made a commitment to insure.

§ 264.200 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subchapter G—Mortgage Insurance for Low Cost Housing

A new subchapter G is added with a heading as set forth above and Parts 266, 267, 268 and 269 are revised to read as follows:

PART 266—LOW COST HOUSING; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

Sec.
- 266.1 Incorporation by reference.
- 266.5 Mortgage form.
- 266.10 Maximum mortgage amount—dollar limitation.
- 266.20 Maximum mortgage amount—loan-to-value limitation.
- 266.25 Due date of mortgage.
- 266.30 Maturity of mortgage.
- 266.32 Beginning of payments on mortgage.
- 266.35 Disbursement of mortgage amount.
- 266.40 Amortization perod of the mortgage.
- 266.45 Mortgage obligation in multiples.
- 266.50 Mortgagor's minimum investment.
- 266.54 Inclusion of closing costs and expenses in cash payment.
- 266.55 Deferred sale of properties.
- 266.200 Effective date.

AUTHORITY: §§ 266.1 to 266.200 issued under sec. 211, 52 Stat. 23; 1915b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 17151.

§ 266.1 Incorporation by reference.

(a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply to mortgages on dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
- 221.16 Mortgage provisions.
- 221.17 Maximum mortgage amounts.
- 221.18 Mortgagor's minimum investment.
- 221.27 Economic soundness of project.
- 221.39 Location of property.
- 221.41 Rental properties.
- 221.50 Eligibility for loans.
- 221.249 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act.

§ 266.5 Mortgage form.

The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner.

§ 266.10 Maximum mortgage amount—dollar limitation.

(a) A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

(1) $11,000 for a one-family residence;
(2) $18,000 for a two-family residence;
(3) $27,000 for a three-family residence;
(4) $33,000 for a four-family residence;

(b) In any geographical area where the Commissioner finds cost levels to require, the Commissioner may increase the dollar amount limitations set forth in (a) above to amounts not to exceed:

(1) $15,000 for a one-family residence;
(2) $25,000 for a two-family residence;
(3) $32,000 for a three-family residence;
(4) $38,000 for a four-family residence.

A mortgage secured by property upon which there is located a dwelling designed principally for a two-, three-, or four-family residence shall not be insured under this section except in the case of a dwelling for occupancy by a family displaced from an Urban Renewal Area or as a result of Governmental action.

§ 266.20 Maximum mortgage amount—loan-to-value limitation.

In addition to meeting the dollar limitations as set forth in this part, the mortgage shall be in an amount not to exceed:

(a) *Occupant mortgagors.* When the mortgagor is occupant of the property:

(1) The Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, where repair and rehabilitation is not involved; or

(2) In the case of rehabilitation the amount of the mortgage shall not exceed the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation, except that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount, as determined by the Commissioner, required to refinance the existing indebtedness secured by the property.

(b) *Non-occupant mortgagors.* If the property is to be built or acquired and rehabilitated for sale and the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner-occupant, 85 percent of the amount computed under (a) or 85 percent of the value of the property, whichever is the lesser, as of the date the mortgage is accepted for insurance, if the mortgagor is not the occupant.

§ 266.25 Due date of mortgage.

The mortgage shall come due on the the first day of the month.

§ 266.30 Maturity of mortgage.

(a) The mortgage shall provide for complete amortization not to exceed from the date of the beginning of amortization of the mortgage:

(1) 40 years in the case of a family displaced from an Urban Renewal Area or as a result of Governmental action;

(2) 35 years in the case of any other family if the mortgage is approved for insurance prior to the beginning of construction, except that the period in such case may be increased to not more than 40 years where the mortgagor is an owner-occupant of the property and is not able, as determined by the Commissioner, to make the required payments under a mortgage having a shorter amortization period;

(3) 30 years in the case of any other family where the mortgage is not approved for insurance prior to the beginning of construction.

(b) No mortgage shall have a maturity exceeding three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements.

§ 266.32 Beginning of payments on mortgage.

The mortgage shall provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

§ 266.35 Disbursement of mortgage amount.

The entire principal amount of the mortgage shall be disbursed to the mortgagor or his creditors for the mortgagor's account and with his consent.

§ 266.40 Amortization period of the mortgage.

The amortization period of the mortgage shall be either 10, 15, 20, 25, 30, 35, or 40 years by providing for either 120, 180, 240, 300, 360, 420, or 480 monthly amortization payments.

§ 266.45 Mortgage obligation in multiples.

If the mortgage is not in excess of $15,000 it shall be in multiples of $50. If the mortgage exceeds $15,000 it shall be in multiples of $100.

§ 266.50 Mortgagor's minimum investment.

At the time a mortgage is insured the mortgagor shall have paid on account of the property at least three percentum of the Commissioner's estimate of its acquisition cost or if the mortgagor is displaced from an Urban Renewal Area or as a result of Governmental action, the mortgagor shall have paid on account of the property, not less than:

(a) $200 for a one-family dwelling;
(b) $400 for a two-family dwelling;
(c) $600 for a three-family dwelling;
(d) $800 for a four-family dwelling.

§ 266.54 Inclusion of closing costs and expenses in cash payment.

The mortgagor's required minimum investment may include amounts covering settlement costs, initial payments for taxes, hazard insurance premiums, mortgage insurance premiums, and other prepaid expenses as approved by the Commissioner.

§ 266.55 Deferred sale of properties.

A mortgagor under a mortgage covering a one-family dwelling may, subject to such terms and conditions as the Commissioner may prescribe, be permitted to sell the property to a displaced person on a deferred payment basis, to provide for the accumulation of the required cash payment.

§ 266.200 Effective date.

Unless otherwise specified, the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 267—LOW COST HOUSING; RIGHTS AND OBLIGATIONS OF MORTGAGES UNDER INSURANCE CONTRACT COVERING ONE- TO FOUR-FAMILY DWELLINGS

Sec.
267.1 Incorporation by reference.
267.5 Assignment option.
267.10 Reimbursement for uncollected interest.
267.11 Application for insurance benefits and fiscal data.
267.15 Conditions for withdrawal of application for insurance benefits.
267.16 Reconveyance for noncompliance with regulations.
267.17 Mortgagee's liability for property expenditures.
267.18 Mortgagee's liability for waste.
267.19 Adjustment for waste.
267.20 Adjustment for fire, flood, earthquake or tornado damage.
267.22 Cancellation of hazard insurance.
267.25 Payment of insurance benefits.
267.26 Insurance benefits computation—conveyed properties.
267.27 Insurance benefits computation—conveyed properties; items included.
267.28 Insurance benefits computation—conveyed properties; items deducted.
267.29 Insurance benefits computation—assigned mortgages.
267.35 Delivery of certificate of claim.
267.36 Amount and items of certificate of claim.
267.200 Effective date.

AUTHORITY: §§ 267.1 to 267.100 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*.

§ 267.1 Incorporation by reference.

(a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one- to four-family dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
222.91 Reimbursement for uncollected interest.
222.101 Application for debentures and fiscal data.
222.112 Conditions for withdrawal of application for debentures.
222.113 Reconveyance for noncompliance with regulations.
222.114 Mortgagee's liability for property expenditures.
222.127 Mortgagee's liability for waste.
222.128 Adjustment for waste.
222.129 Adjustment for fire, flood, earthquake or tornado damage.
222.132 Cancellation of hazard insurance.
222.150 Delivery of debentures.
222.151 Debenture computation—conveyed properties.
222.152 Debenture computation—conveyed properties; items included.
222.153 Debenture computation—conveyed properties; items deducted.
222.154 Debenture computation—assigned mortgages.
222.155 Debenture interest rate.
222.156 Maturity of debentures.
222.157 Registration of debentures.
222.158 Denomination of debentures.
222.159 Redemption of debentures.
222.160 Issue date of debentures.
222.161 Cash adjustment.
222.165 Delivery of certificate of claim.
222.166 Amount and items of certificate of claim.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investigating mortgagee.

(b) For the purposes of this part all references in Part 222 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the section 221 Housing Insurance Fund.

§ 267.5 Assignment option.

(a) The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised, the obligation of the mortgagee to pay the premium charges shall cease.

(b) The mortgagee may exercise its assignment option within one year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

(c) Upon the exercise of the assignment option the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

(d) The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

(e) The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8 to 12 year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively, shall be used.

(f) Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect on the issue date, a date which shall be established as provided in § 222.160 of this chapter. The interest rate shall be established by the Commissioner in an amount not in excess of the annual rate of interest which the Secretary of the Treasury shall specify as applicable to the six month period (consisting of January through June, or July through December) which includes the issuance date of such debentures, which applicable rate for each six month period shall be determined by the Secretary of the Treasury, at the request of the Commissioner, by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the calendar month next preceding the establishment of such rate of interest, on all outstanding marketable obligations of the United States having a maturity date of fifteen years or more from the first day of such next preceding month, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 percentum.

§ 267.10 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 222.90 of this chapter, are insufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the insurance benefits shall include an allowance for uncollected interest accrued during the period of such forbearance.

§ 267.11 Application for insurance benefits and fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) Credit and security instruments. The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage. If the original of the assignment is not available a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 267.15 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 222.114 of this chapter.

§ 267.16 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this part, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for insurance benefits at a subsequent date as approved by the Commissioner.

§ 267.17 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with these regulations or because, with the consent of the Commissioner a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 267.18 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this part, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 267.19 Adjustment for waste.

If the property has been damaged by waste as defined in section 222.126 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 267.20 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 267.22 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 267.25 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the Section 221 Housing Insurance Fund.

§ 267.26 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 267.27 less all items as set forth in § 267.28.

§ 267.27 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes; ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property

by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan.

§ 267.28 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 267.26 and 267.27 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expense incurred in handling the property.

§ 267.29 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 267.35 Delivery of certificate of claim.

In addition to the cash settlement provided for in this part with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 267.36 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 267.200 Effective date.

(a) Unless otherwise specified the provisions of this part are effective as to all loans and mortgages on which commitments to insure are issued on or after July 7, 1961.

(b) With respect to mortgages endorsed for insurance on or after July 7, 1961, pursuant to commitments outstanding prior to July 7, 1961, a mortgagee may, upon filing a written request with the application for the payment of insurance benefits, receive payment as provided in Part 222 of this chapter in lieu of the insurance benefits provisions of this part.

PART 268—MULTIFAMILY MODERATE INCOME AND RELOCATION INSURANCE; ELIGIBILITY OF MORTGAGE

Part 268 is revised to read as follows:

Sec.

268.1 Certificate by Administrator to Commissioner.
268.2 Application.

FEES

268.3 Application fee.
268.4 Commitment fee.
268.5 Inspection fee.
268.6 Fees on increased mortgage.
268.7 Refund of fees.
268.8 Charges by mortgagee.

COMMITMENT

268.9 Issuance of comitment.

ELIGIBLE MORTGAGORS

268.10 Eligible mortgagors.

ELIGIBLE MORTGAGES

268.11 Mortgage form.
268.12 Disbursement of the mortgage.
268.13 Mortgage lien.
268.14 Maximum mortgage amounts.
268.15 Adjusted mortgage amount—rehabilitation projects.
268.16 Maturity.
268.17 Payment requirements.
268.18 Maximum interest rate.
268.19 Mortgage to cover the entire property.
268.20 Covenant against liens.
268.21 Covenant for hazard insurance.
268.22 Accumulation of accruals.
268.23 Application of payments.
268.24 Prepayment privileges.
268.25 Late charge.
268.26 Issuance of bonds.
268.27 Mortgage covenant regarding racial restrictions and use of property.

ELIGIBLE MORTGAGEES

268.28 Qualification of lenders.

SUPERVISION OF MORTGAGORS

268.29 Form of regulation by Commissioner.
268.30 Supervision applicable to all mortgagors.
268.31 Supervision applicable to private mortgagors.
268.32 Supervision applicable to limited dividend corporation mortgagors.
268.33 Supervision applicable to cooperative and investor sponsor mortgagors.
268.34 Supervision applicable to cooperative mortgagors.
268.35 Supervision applicable to investor sponsor mortgagors.

OCCUPANCY REQUIREMENTS

268.36 Occupancy requirements applicable to all mortgagors.
268.37 Additional occupancy requirements.

PREVAILING WAGE REQUIREMENTS

268.38 Applicability of prevailing wage requirements.
268.39 Discrimination prohibited.

INSURANCE OF ADVANCES

268.40 Financial requirements.
268.41 Building loan agreement.
268.42 Assurance of completion.

ADVANCE AMORTIZATION REQUIREMENTS

268.43 Advance amortization.

PROPERTY REQUIREMENTS

268.44 Eligibility of property.
268.45 Development of property.
268.46 Commercial and community facilities.

COST CERTIFICATION REQUIREMENTS

268.47 Certification of cost requirements.
268.48 Form of contract.
268.49 Certificate as to subcontracts.
268.50 Certificate of actual cost.
268.51 Contractor's certification—fixed fee contract.
268.52 Records.
268.53 Certificate of public accountant.
268.54 Value of land.
268.55 Reduction in mortgage amount—new construction.
268.56 Reduction in mortgage amount—rehabilitation.
268.57 Requisites of agreement and certification.
268.58 Cost certification incontestable.

OTHER ELIGIBLE MORTGAGES

268.59 Eligibility of miscellaneous type mortgages.
268.60 Eligibility of refinanced mortgages.
268.61 Reinsurance of Commissioner-held mortgages.

TITLE

268.62 Eligibility of title.
268.63 Title evidence.

EFFECTIVE DATE

268.200 Effective date.

AUTHORITY: §§ 268.1 to 268.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 211, 68 Stat. 590 as amended; 12 U.S.C. 1715*l*.

§ 268.1 Certificate by Administrator to Commissioner.

Before a mortgage executed by a mortgagor other than a private mortgagor shall be eligible for insurance under this part, the Housing and Home Finance Administrator must certify to the Commissioner that the community in which the project is to be located has submitted to the Administrator a "workable program" which has been approved by the Administrator.

§ 268.2 Application.

An application for insurance of a mortgage on a project shall be submitted by a mortgagee and by the sponsors of such project through the local FHA office on an approved FHA application form. No application shall be considered unless accompanied by the exhibits called for by the form.

FEES

§ 268.3 Application fee.

An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

§ 268.4 Commitment fee.

A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within thirty days after the date of the commitment or within such additional period as the Commissioner may allow.

§ 268.5 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment.

§ 268.6 Fees on increased mortgage.

Upon application for an increase in the amount of an existing commitment an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of such increase. Such increase shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage, the fees herein provided for, including the inspection fee, shall be based upon the amount of the increase.

§ 268.7 Refund of fees.

If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

§ 268.8 Charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this part and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

COMMITMENT

§ 268.9 Issuance of commitment.

(a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, and other instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this part and with such terms and conditions.

(b) The commitment may provide for advances of mortgage money during construction and the insurance of such advances as made, or it may provide for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall, with respect to commitments to insure advances, be effective for a stated period, not in excess of 120 days, provided that the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

ELIGIBLE MORTGAGORS

§ 268.10 Eligible Mortgagors.

A mortgage shall be executed by a mortgagor meeting the following qualifications:

(a) *Non profit mortgagor.* The mortgagor shall be a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be regulated or supervised under federal or state laws or by political subdivisions of states or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor shall be in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

(b) *Public mortgagors.* A federal instrumentality, a state or political subdivision thereof, or an instrumentality of a state or of a political subdivision thereof, which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the U.S. Housing Act of 1937 and which is acceptable to the Commissioner. Such a mortgagor shall be regulated or supervised as to rents, charges and methods of operation in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

(c) *Limited dividend corporation.* The mortgagor shall be a corporation restricted as to distributions of income by the laws of the state of its incorporation or by the Commissioner, formed exclusively for the purpose of providing housing, and regulated as to rents, charges, rate of return, and methods of operation in such form and manner as is satisfactory to the Commissioner to effectuate the purposes of this part.

(d) *Cooperative and investor sponsor mortgagors.* (1) The cooperative mortgagor shall be a nonprofit cooperative ownership housing corporation approved by the Commissioner which restricts permanent occupancy of the project to the members of the corporation and which requires membership eligibility and transfers of membership in a manner approved by the Commissioner.

(2) The investor sponsor mortgagor shall be a special type of limited dividend corporation approved by the Commissioner which is organized to:

(i) Construct or rehabilitate a multifamily project, and transfer the project to a cooperative mortgagor within two years from the date of completion;

(ii) Operate the project until two years from the date of completion or until the conveyance to the cooperative mortgagor, whichever occurs sooner, subject to special controls and requirements of the Commissioner, including but not limited to, the disposition of net income;

(iii) To operate the project, in the event of failure to convey to a cooperative mortgagor within the two year period, as a limited dividend corporation subject to the controls and requirements of the Commissioner.

(3) Such a mortgagor will be regulated or restricted by the Commissioner as to rents or sales, charges, rate of return, and methods of operation in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part and protect the consumer interest.

(e) *Private mortgagors.* Any mortgagor approved by the Commissioner, which until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation, in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this part.

ELIGIBLE MORTGAGES

§ 268.11 Mortgage form.

The mortgage shall be:

(a) Executed on a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) In the case of cooperative and investor sponsor mortgagors, the mortgage shall provide that the mortgagor will not arrange for management of the property except in the manner and under an agreement approved by the mortgagee and the Commissioner in writing.

§ 268.12 Disbursement of the mortgage.

The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage, to, or for the account of the mortgagor or to his creditors for his account and with his consent.

§ 268.13 Mortgage lien.

A mortgagor shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except obligations approved by the Commissioner.

§ 268.14 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(1) *Dollar limitations.* (i) $12,500,000.00;

(ii) $2,250 per room (or $8,500 per family unit if the number of rooms in such property or project is less than four per family unit) for such part of such project as may be attributable to dwell-

ing use exclusive of the cost of exterior land improvements as determined by the Commissioner.

(2) *New construction.* (i) In the case of new construction where the mortgagor is other than a private or limited dividend corporation mortgagor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvement, utilities within the boundaries of the land, architects' fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner);

(ii) In the case of new construction where the mortgagor is a private or a limited dividend corporation mortgagor, 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architects' fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builders' and sponsors' profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is other than a private or limited dividend corporation mortgagor, the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a private or a limited dividend corporation mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(iii) In no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount, as determined by the Commissioner, required to refinance an existing indebtedness secured by the property or project.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,250 per room to not to exceed $2,750 per room and the dollar amount limitation of $8,500 per family unit to not to exceed $9,000 per family unit.

(c) *Increased mortgage amount—high cost areas.* In any geographical area where the Commissioner finds cost levels so require, he may increase the dollar amount limitation by an amount not to exceed $1,000 per room without regard to the number of rooms being less than four or more than four.

(d) *Maximum mortgage amount—leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional amount shall be deemed to be part of the original face amount of the mortgage.

§ 268.15 Adjusted mortgage amount—rehabilitation projects.

A mortgage having a principal amount computed in compliance with this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(a) *Property held in fee.* If the mortgagor is the owner of an unencumbered fee simple estate, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation;

(b) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit, Public, Cooperative or Investor Sponsor Mortgagor.* If the mortgagor is a nonprofit, public, cooperative or investor sponsor mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Private or Limited Dividend Corporation Mortgagor.* If the mortgagor is a private or limited dividend corporation mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit, Public, Cooperative or Investor Sponsor Mortgagor.* If the mortgagor is a nonprofit, public, cooperative or investor sponsor mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Private or Limited Dividend Corporation Mortgagor.* If the mortgagor is a private or limited dividend corporation mortgagor:

(i) 90 percent of the Commissioner's estimate of the cost of the repair or rehabilitation, plus

(ii) 90 percent of the actual price of the land and improvements, or the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this subdivision (ii).

§ 268.16 Maturity.

The mortgage shall have a maturity satisfactory to the Commissioner and shall contain complete amortization or sinking-fund provisions satisfactory to the Commissioner.

§ 268.17 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 268.18 Maximum interest rate.

(a) The mortgage shall bear interest at a rate not exceeding 5¼ per centum per annum, as may be agreed upon between the mortgagor and mortgagee.

(b) In the case of a mortgage executed by other than a private mortgagor, the Commissioner may, in his discretion, provide that such mortgage shall bear interest at a rate not to exceed 5¼ per centum per annum up to and including the date of the final endorsement by the Commissioner at which time the rate of interest shall be lowered to the rate determined by the Secretary of the Treasury pursuant to section 221(d)(5) of the Act.

§ 268.19 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 268.20 Covenant against liens.

The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 268.21 Covenant for hazard insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in amount estimated by the Commissioner at the time of completion of the entire project or units therefor. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as their interests may appear.

§ 268.22 Accumulation of accruals.

(a) Except in the case of mortgages bearing interest at the rate set out in § 268.18(b), the mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) In the case of all mortgages insured under this part, the mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 268.23 Application of payments.

(a) The mortgage shall provide that all monthly payments being made by the mortgagor to the mortgagee shall be added together and the aggregate thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance, where applicable.

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums.

(3) Interest on the mortgage.

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of the aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of thirty days, within which time the default must be cured.

§ 268.24 Prepayment privileges.

(a) *Prepayment in full.* The mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior consent is obtained and upon such terms and conditions as the Commissioner may prescribe, except that, in the case of a limited dividend corporation mortgagor, the mortgage indebtedness may be prepaid in full at any time after the expiration of 20 years from the date of final endorsement of the mortgage.

(b) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that, prior to maturity, and with the approval of the Commissioner, partial prepayments may be made, after thirty days' written notice to the mortgagee, on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the mortgage, the mortgagee will be permitted to collect such reasonable charge on such excess as is agreed upon between the mortgagor and the mortgagee.

§ 268.25 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest and principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 268.26 Issuance of bonds.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

§ 268.27 Mortgage covenant regarding racial restrictions and use of property.

(a) The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at the date the mortgage was executed.

ELIGIBLE MORTGAGEES

§ 268.28 Qualification of lenders.

The provisions of 221.1–221.8 of Part 221 of Subchapter C of this chapter shall govern the eligibility qualifications and requirements of mortgagees under this part.

SUPERVISION OF MORTGAGORS

§ 268.29 Form of regulation by Commissioner.

The Commissioner may regulate and restrict the mortgagor as long as the Commissioner is the insurer, holder or reinsurer of the mortgage. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 268.30 Supervision applicable to all mortgagors.

(a) No charge shall be made by the mortgagor for accommodations, facilities, or services offered by the project except those approved in writing by the Commissioner.

(b) The mortgagor shall maintain its project, the ground, buildings, and equipment appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the Commissioner.

(c) A fund for replacements shall be accumulated and maintained with the mortgagee and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(d) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(e) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that, so long as the mortgage is insured or held by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner; and will be available to him for such examination and audit which he may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

(1) Monthly occupancy reports when required by the Commissioner;

(2) Complete annual financial reports based upon examinations of the

books and records of the mortgagor, prepared in accordance with the requirements of the Commissioner, certified to by an officer of the mortgagor and, when required by the Commissioner, prepared and certified by a Certified Public Accountant (or other person acceptable to the Commissioner), such reports to be submitted within sixty (60) days after the end of each fiscal year;

(3) Specific answers to questions upon which information is desired from time to time relative to the actual cost of construction, the disposition of mortgage funds, the operation and condition of the property and the status of the insured mortgage;

(4) Properly certified copies of minutes of meetings of directors, officers, stockholders, shareholders, or beneficiaries.

§ 268.31 Supervision applicable to private mortgagors.

The following restrictions and regulations will be applicable to private mortgagors:

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the Commissioner prior to the endorsement of the mortgage for insurance; and

(2) In the case of a trust entity, beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the Commissioner.

(b) *Rate of return.* Dividends or other disbursements as defined in the charter, trust agreement, or regulatory agreement may be declared or made only as of and after the end of an annual or semiannual period. No dividends or other disbursements shall be declared or made except out of surplus cash legally available and remaining after:

(1) The payment of:

(i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Commissioner;

(ii) All amounts required to be deposited in the reserve fund for replacements;

(iii) All obligations of the project other than the mortgage insured or held by the Commissioner unless funds for payment are set aside or deferment of payment has been approved by the Commissioner.

(2) The segregation of:

(i) An amount equal to the aggregate of all special funds required to be maintained by the project;

(ii) All tenant security deposits held.

No distribution of any kind may be made from borrowed funds.

(c) *Rents and charges.* In approving the allowable rents and charges and in passing upon applications for changes, consideration will be given to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide a reasonable return on the investment consistent with providing reasonable rentals to tenants.

(d) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to three percent (3%) of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such three percent (3%) and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

§ 268.32 Supervision applicable to limited dividend corporation mortgagors.

The provisions of § 268.31(b) (rate of return) of this part shall apply to limited dividend corporation mortgagors except that the amount of such allowable dividend or disbursement from surplus cash shall not exceed in any one fiscal year more than a six percent (6%) return on the amount of equity invested in such limited dividend corporation, and the right to such dividend or disbursement from surplus cash shall not be cumulative.

§ 268.33 Supervision applicable to cooperative and investor sponsor mortgagors.

(a) The mortgagor shall not permit occupancy except under an occupancy agreement or lease approved by the Commissioner.

(b) Except with the prior written approval of the Commissioner, no compensation shall be paid by the corporation to its officers or directors, as such, or to any person or corporation for supervising or managerial service. No compensation shall be paid by the corporation to any employee in excess of an amount agreed upon by the Commissioner and specified in the charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation except on account of approved occupancy charges.

§ 268.34 Supervision applicable to cooperative mortgagors.

(a) A general operating reserve shall be established and maintained as long as the mortgage insurance is in force, in a manner and for the purposes specified in the charter or regulatory agreement.

(b) Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be disbursed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

§ 268.35 Supervision applicable to investor sponsor mortgagors.

(a) *Investor Sponsor Equity.* The investor sponsor's profit allowance shall be held by the mortgagee and shall not be paid to the investor sponsor unless the project is transferred to a cooperative mortgagor within two years from the date of completion. In the event of default or failure to transfer the project to a cooperative mortgagor within the two-year period, the profit allowance shall be applied against the mortgage or in such other manner as the Commissioner may direct. The amount of the profit allowance applied against the mortgage together with any other equity of the investor sponsor mortgagor approved by the Commissioner shall be deemed to be the equity of the investor sponsor mortgagor for purposes of determining its operations as a limited dividend corporation.

(b) *Transfer to cooperative mortgagor.* The consideration for the transfer to a cooperative mortgagor shall be solely the assumption of the mortgage indebtedness.

OCCUPANCY REQUIREMENTS

§ 268.36 Occupancy requirements applicable to all mortgagors.

The mortgagor shall certify under oath to the Commissioner, as long as the Commissioner is the insurer, holder, or reinsurer of the mortgage, that the mortgagor will not:

(a) In selecting tenants for the project covered by the mortgage, discriminate against any family by reason of the fact that there are children in the family;

(b) Rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. For the purposes of this certificate, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service;

(c) Sell the project as long as the Commissioner is the insurer, holder, or reinsurer of the mortgage, unless the purchaser also so certifies.

§ 268.37 Additional occupancy requirements; preferred purchasers or tenants.

(a) In the case of projects owned by mortgagors whose mortgages bear interest at the rate set out in § 268.18(b), occupancy shall be restricted to those families determined by the Commissioner to be low or moderate income families.

(b) In the case of projects owned by all other mortgagors, it shall be established, in a manner satisfactory to the Commissioner, that preference or priority of occupancy shall be given to families as described in section 221 (d)(3) and (4) of the Act.

PREVAILING WAGE REQUIREMENTS

§ 268.38 Applicability of prevailing wage requirements.

The following prevailing wage requirements shall be applicable to all mortgages executed by private, limited dividend corporation, cooperative, and investor sponsor mortgagors, and the compliance with such requirements shall be evidenced at such time and in such manner as the Commissioner may prescribe:

(a) *Labor standards.* Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Labor Standards and provisions of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

(b) *Ineligible contractors.* No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6(b) of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6(b) (16 F.R. 4431).

(c) *Ineligible advances.* No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6(b) (16 F.R. 4431).

(d) *Wage certificate.* No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 268.39 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

INSURANCE OF ADVANCES

§ 268.40 Financial requirements.

In order for a mortgage to be eligible for insurance of advances, the following financial requirements must be met by the mortgagor to the satisfaction of the Commissioner:

(a) The mortgagor shall deposit with the mortgagee or in a depository satisfactory to the mortgagee and under control of the mortgagee an amount equivalent to not less than two percent of the original principal amount of the mortgage, for the purpose of meeting the cost of equipping and operating the project subsequent to completion of construction of the entire project or units thereof, and during the course of construction, for allocation by the mortgagee to the accruals for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage.

(b) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project. Unless other provisions acceptable to the Commissioner are made, such funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be expended for work and material on the physical improvements and for other charges and expenses to be paid when due prior to the advance of any mortgage money.

(c) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

§ 268.41 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 268.42 Assurance of completion.

To obtain insurance of advances, the mortgagor shall furnish assurance of completion of the project in a form and amount approved by the Commissioner, as follows:

(a) A bond of a surety company with the mortgagor and mortgagee as joint obligees in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

(b) An escrow deposit under an agreement with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash, or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to 10 percent of the estimated cost of construction of the project.

ADVANCE AMORTIZATION REQUIREMENTS

§ 268.43 Advance amortization.

(a) If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the mortgaged property, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

(b) The provisions of paragraph (a) shall not apply to cooperative or investor sponsor mortgagors.

PROPERTY REQUIREMENTS

§ 268.44 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage.

§ 268.45 Development of property.

(a) *Obligation of mortgagor to construct project.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations designed principally for residential use. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion.

(b) *Minimum number of units.* The project shall consist of not less than five dwelling units on one site and may be detached, semi-detached, or row houses, or a multifamily structure.

(c) *Compliance with governmental regulations.* The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

§ 268.46 Commercial and community facilities.

The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

COST CERTIFICATION REQUIREMENTS

§ 268.47 Certification of cost requirements.

Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement

the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over (1) in the case of a private or limited dividend corporation mortgagor, 90 percent; or (2) in the case of all other mortgagors, 100 percent, of actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

§ 268.48 Form of contract.

The form of contract between the mortgagor and the builder shall be determined in accordance with the following:

(a) *Non-identity of interest.* (1) In the case of all mortgages except those executed by cooperative mortgagors, if it is established to the satisfaction of the Commissioner that neither the mortgagor nor any of the officers, directors or stockholders of the mortgagor have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(2) In the case of mortgages executed by cooperative mortgagors, a lump sum form of contract may be used if it is found by the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors, or stockholders and the general contractor, and that a cost plus form of contract is not required in the interests of the Commissioner.

(b) *Identity of interest.* If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders, have any interest, financial or otherwise, in the builder or contractor, or, where, in the case of a cooperative mortgagor, if the Commissioner does not make the findings set out in paragraph (a)(2) the form of contract shall provide for the payment of the actual cost of construction, not to exceed an up-set price and may provide for payment of a builders' and sponsors' fixed fee in addition thereto. The builders' and sponsors' fixed fee shall be equal to 10 percent of all other items entering into the term actual cost except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repair or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property, unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

§ 268.49 Certificate as to subcontracts.

If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders, have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor must certify in a form prescribed by the Commissioner prior to final endorsement that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

§ 268.50 Certificate of actual cost.

The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the mortgagor of:

(a) The construction contract, including all cost of the construction under a lump sum contract, after deduction of any kick-backs, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders;

(b) Architect's fee;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work;

(e) Other items of expense approved by the Commissioner; and

(f)(1) in the case of a lump sum contract an allowance for sponsors' profit and risk equal to 10 percent of all other items entering into the term actual cost except amounts paid by the mortgagor under a general construction contract, the value of land, any amount paid for a leasehold and, in the case the mortgage is to assist the financing of repair or rehabilitation, the value of the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property, unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage; or (2) in the case of a fixed fee contract, (i) such allowance of general overhead items as are acceptable to the Commissioner and (ii) the allowance for builders' and sponsors' profit and risk set out in § 268.48(b).

§ 268.51 Contractor's certification—fixed fee contract.

A contractor receiving a fixed fee shall certify in a form prescribed by the Commissioner as to all actual cost paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee less any kick-backs, rebates, trade discounts, or other similar payments to the builder or mortgagor or any of its officers, directors or stockholders.

§ 268.52 Records.

The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a fixed fee contract, shall require the builder to keep similar records and, upon request by the Commissioners, shall make available for examination such records including any collateral agreements.

§ 268.53 Certificate of public accountant.

The certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 268.54 Value of land.

Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements.

§ 268.55 Reduction in mortgage amount—new construction.

If the principal obligation of the mortgage exceeds (1) in the case of a private or limited dividend corporation mortgagor, 90 percent, or (2) in the case of other mortgagors, 100 percent, of the total amount as shown by the certificate of actual cost plus the value of land, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 268.56 Reduction in mortgage amount—rehabilitation.

In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with § 268.50 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or (1) in the case of a private or limited dividend corporation mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price, or the Commissioner's estimate of of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds (1) in the case of a private or limited dividend corporation mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

§ 268.57 Requisites of agreement and certification.

Any agreement, undertaking, statement or certification required by § 268.50 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

§ 268.58 Cost certification incontestable.

Upon the Commissioner's approval of the mortgagor's certification as required by § 268.50 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

OTHER ELIGIBLE MORTGAGES

§ 268.59 Eligibility of miscellaneous type mortgages.

(a) A mortgage covering five or more rental units and which meets the requirements of this part, except as modified by this section, shall be eligible for insurance under this part.

(b) The mortgage may be accepted for insurance if:

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73, or 353, Seventy-seventh Congress, as amended (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, of any housing (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employees' housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preference or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or any agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 221.11), their families and others: *Provided*, That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

§ 268.60 Eligibility of refinanced mortgages.

(a) Notwithstanding any other provisions of this part, a mortgage bearing interest as provided in § 268.18, given to refinance a mortgage insured under §§ 220, 221, 608 or 908 of the National Housing Act, shall be eligible for insurance under this part, if the principal amount of such new mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of unexpired term of the existing insured mortgage.

(b) Notwithstanding any other provision of this part, a mortgage bearing interest not in excess of the rates provided in § 268.18, given by a mortgagor other than a private mortgagor, to refinance a mortgage covering an existing property or project located in an urban renewal area, shall be eligible for insurance under this part, provided the Commissioner finds that such insurance will facilitate the occupancy of dwelling units in the property or project by families of low or moderate income or families displaced from an urban renewal area or displaced as a result of governmental action.

§ 268.61 Reinsurance of Commissioner-held mortgages.

Notwithstanding any other provisions of this part, the Commissioner may insure any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under Title II, Title VI, Title VII, Title VIII, or Title IX of the National Housing Act without regard to any limitations upon eligibility contained in this part.

TITLE

§ 268.62 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 268.63 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c) or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form", or the "A. T. A. Standard Mortgagee Form", or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure

or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

EFFECTIVE DATE

§ 268.200 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 269—MULTIFAMILY MODERATE INCOME AND RELOCATION INSURANCE: RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Part 269 is revised to read as follows:

Sec.
269.1 Incorporation by reference.
269.5 First, second and third premiums.
269.10 Adjusted premium charge.
269.15 Payment of insurance.
269.20 Assignment option.
269.25 Option period.
269.30 Issuance of debentures.
269.35 Date of maturity of debentures.
269.40 Debenture interest.
269.200 Effective date.

AUTHORITY: §§ 269.1 to 269.200 issued under sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l.

§ 269.1 Incorporation by reference.

(a) All of the provisions of Part 233 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

Sec.
233.2 First, second and third premium.
233.3 Adjusted premium charge.
233.9 Insurance benefits.
233.14 Effective date.

(b) For the purposes of this part all references in Part 233 of this chapter to section 207 of the Act shall be construed to refer to section 221 of the Act and references to Part 233 shall be construed to refer to this part and all references to the Housing Insurance Fund or the Housing Fund should be construed to refer to the Section 221 Housing Insurance Fund.

§ 269.5 First, second and third premiums.

All of the provisions of § 233.2 of this chapter are incorporated by reference except that such provisions shall not be applicable to a mortgagee in the case of a mortgage bearing interest at the rate set out in § 268.18(b) of this sub-chapter.

§ 269.10 Adjusted premium charge.

All of the provisions of § 233.3 of this chapter shall apply to mortgages bearing interest at the rate set out in § 268.18(a) of this subchapter, except that, the provisions relating to voluntary termination and the prepayment of a termination charge shall not be applicable.

§ 269.15 Payment of insurance.

(a) In the case of a mortgage executed by a mortgagor whose mortgage bears interest at the rate set out in § 268.18(b) of this subchapter, all of the provisions of § 233.9 of this chapter shall govern the payment of insurance except that, when the mortgagee elects to and does proceed in accordance with § 233.8(a)(1) of this chapter, the computation of the total face value of the debentures to be issued shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default; any amount the mortgagee may have paid for taxes, special assessments and water rates which are liens prior to the mortgage; any amount for hazard insurance on the property; and reasonable expenses for the completion and preservation of the property; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date.

(b) In the case of a mortgage executed by all other mortgagors, including mortgages endorsed for insurance on or after July 7, 1961 on the basis of commitments outstanding prior to July 7, 1961, all of the provisions of § 233.9 of this chapter shall govern the payment of insurance benefits on such mortgages, except that:

(1) In lieu of issuing debentures, as provided in § 233.9(a)(1), the Commissioner shall pay to the mortgagee in cash of the Section 221 Housing Insurance Fund an amount equivalent to the total face amount of the debentures provided for in § 233.9(a)(1); and

(2) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in sub-paragraph (1), shall be substituted for the face value of the debentures and the cast adjustment paid to the mortgagee; and

(3) In lieu of the cash payment provided in sub-paragraph (1), mortgagees filing claim for insurance benefits on mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the Section 221 Housing Insurance Fund issued in accordance with the provisions of § 233.9 of this chapter.

§ 269.20 Assignment option.

The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date of final endorsement of the mortgage.

§ 269.25 Option period.

The mortgagee may exercise its option to assign within one year following the twentieth anniversary of the date the mortgage was finally endorsed for insurance.

§ 269.30 Issuance of debentures.

Upon the exercise of the assignment option and the satisfactory performance of the requirements as to assignment set out in Section 233.8 of this chapter, the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 269.35 Date of maturity of debentures.

The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 269.40 Debenture interest rate.

The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8 to 12 year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 269.200 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

SUBCHAPTER H—WAR HOUSING INSURANCE

PART 282—MULTIFAMILY HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 282.4 is amended to read as follows:

§ 282.4 Adjusted premium and termination charges.

(a) All rights under the insurance contract and all obligations to pay future

insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) One percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated;

(ii) The percentage as set forth in subdivision (i) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(a) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property.

(b) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days after prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee voluntarily terminating the contract of insurance and

(3) Such further evidence of prepayment in full or voluntary termination and cancellation of insurance as the Commissioner may require.

(b) In no event shall the adjusted premium charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium charge shall be due the Commissioner in the following cases:

(1) Where, at the time of such prepayment, there is placed on the mortgaged property a new insured mortgage or mortgages for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, including loss by condemnation or conveyance in lieu of condemnation, or a release of a part of such property, if approved by the Commissioner; or

(4) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his discretion, agrees in writing to waive the payment thereof; or

(5) Where, at the time of such prepayment, there is placed on the property a new insured mortgage or mortgages less than the original principal amount of the prepaid mortgage: *Provided*, That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction; or

(6) Where the mortgagor is a nonprofit mortgagor and the Commissioner approves and finds that the interest rate was substantially below the rate prevailing at the time the loan was made.

(d) At the time of prepayment or voluntary termination of the mortgage insurance contract, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the prepayment or termination.

SUBCHAPTER M—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Subpart B—Civilian Employees

In § 292a.50 paragraph (a) is amended by deleting from the listed provisions § 221.44 and adding §§ 221.50 et seq. and 221.249 as follows:

§ 292a.50 Incorporation by reference.

(a) • • •

Sec.
221.50 et. seq. Insured home improvement loans.
221.249 Effective date.

In § 292a.53 paragraphs (a) and (b) are amended to read as follows:

§ 292a.53 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in a dollar amount not in excess of:

(a) $25,000 in the case of a dwelling designed principally for a one-family residence; or

(b) $27,500 in the case of a two-family residence; or

Section 292a.54 is amended to read as follows:

§ 292a.54 Maximum mortgage amount; loan-to-value limitation.

In addition to meeting the dollar limitation as set forth in § 292a.53, the mortgage shall be in an amount not in excess of:

(a) 97 percent of $15,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90% of such value in excess of $15,000 but not in excess of $20,000 and 75 percent of such value in excess of $20,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(b) 90 percent of $20,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 809, 70 Stat. 273; 12 U.S.C. 1748h-1)

PART 294—ARMED SERVICES HOUSING INSURANCE—SECTION 810 OF ACT

Subpart A—Eligibility Requirements of Mortgage

In Part 294 the pertinent portions of the Table of Contents are amended by deleting the reference to § 294.27 and amending the heading of § 294.25 to read as follows:

Sec.
294.25 Preference in sale or rental.

In § 294.1 paragraph (c)(1) is amended by deleting from the listed provisions § 221.44 and adding §§ 221.50 et seq. and 221.249 as follows:

§ 294.1 Incorporation by reference.

• • • • • •

(c) *Individual mortgages.* (1) • • •

Sec.
221.50 et seq. Insured home improvement loans.
221.249 Effective date.

In § 294.2 paragraph (c) is revoked as follows:

§ 294.2 Definition of terms as used in this part.

• • • • • •

(c) [Revoked.]

Section 294.25 is amended to read as follows:

§ 294.25 Preference in sale or rental.

Priority in the sale or rental of dwellings covered by a mortgage insured under this subpart shall be given to the following classes of persons:

(a) Military personnel;

(b) Essential civilian employees of the Armed Services;

(c) Employees of contractors for the Armed Services.

Section 294.27 is revoked as follows:

§ 294.27 Guarantee of fund. [Revoked].

Subpart B—Rights and Obligations of Mortgagee Under Insurance Contract

In § 294.102 paragraph (a) is amended by adding to the listed provisions the following:

§ 294.102 Incorporation by reference—Individual Mortgages.

(a) • • •

Sec.
222.190 et seq. Insured home improvement loans.

(Sec. 807, 69 Stat. 651; 12 U.S.C. 1748f. Interpret or apply sec. 810, 73 Stat. 683; 12 U.S.C. 1748h-2)

Issued at Washington, D.C., July 7, 1961.

[SEAL] NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-6561; Filed, July 14, 1961; 8:52 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PERMIT IMPRINT MAILINGS

Master Deposit System, Mailings at Post Office Stations and Branches, and Bulk Certificates of Mailing

Recent developments have made it necessary for the Department to take prompt action to strengthen controls and otherwise improve procedures in connection with the collection of permit imprint postage. Therefore, the following regulations will be complied with where applicable.

A. *Master deposit system.* At any post office where a concern such as a letter shop has been permitted to establish a single permit imprint advance postage deposit account in its name, from which postage will be withdrawn for mailings made under permits held by its clients, notice will be given that such master accounts must be terminated by August 18, 1961. After that date each transaction, both deposits and withdrawals, will be recorded on Form 3609, "Record of Permit Imprint Mailings," maintained for the permit being used.

The foregoing does not affect arrangements whereby letter shops and other concerns use their own permits for mailings prepared for clients.

B. *Mailings at post office stations and branches.* Effective August 1, 1961, mailers must comply with the following procedures:

1. Permit imprint mailings will be accepted only at main post offices or larger stations and branches which have separate finance and mail handling units.

2. The acceptance of permit imprint mailings at small isolated finance stations will be discontinued.

3. Mailings for each permit holder will be accepted at only one place, either the main post office, branch or station.

C. *Bulk certificates of mailing.* Effective August 1, 1961, the furnishing of bulk certificates of mailing (see § 55.3(d) of Title 39, Code of Federal Regulations) will be discontinued. Mailers who are presently being furnished with these bulk certificates may obtain evidence of mailing permit matter by submitting a duplicate of the mailing statement on Form 3602, "Statement of Mailing of Matter with Permit Imprints." See § 34.5(e) of Title 39, Code of Federal Regulations.

These regulations relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act. Although the Post Office Department customarily observes the rule making requirements voluntarily, the procedure was not followed in this case for reasonable time is given under the effective date of the regulations and good cause exists for making them effective as set forth herein.

The appropriate amendments necessary to codify the foregoing regulations into Title 39, Code of Federal Regulations, will be published in the FEDERAL REGISTER in the near future.

(R.S. 161 as amended, secs. 501, 507, 4051–4053, 5012, 74 Stat. 580, 581, 656, 657 (Public Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 507, 4051–4053, 5012)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6653; Filed, July 14, 1961; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.10—Publicizing Procurement Actions

GENERAL REQUIREMENTS; RESEARCH AND DEVELOPMENT

Section 1-1.1003 Synopses of proposed procurements.

1. Section 1-1.003-2 is revised as follows:

§ 1-1.1003-2 General requirements.

(a) Every proposed advertised or negotiated procurement made in the United States, which may result in an award in excess of $10,000 shall be publicized promptly in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards," except that the following need not be publicized in the Synopsis:

(1) Procurement of a classified nature where the information necessary to be included or referenced in the solicitation is in itself of a classified nature and the public disclosure of this information would violate security requirements. All other classified procurements shall be published in the Synopsis, if sufficient information of an unclassified nature can be provided in the solicitation to enable a prospective contractor to submit a bid or proposal.

(2) Procurement of perishable subsistence.

(3) Procurement of electric power or energy, gas (natural or manufactured), water, or other utility services.

(4) Procurement (whether advertised or negotiated) which is of such urgency that the Government would be adversely affected by the delay involved in permitting the date set for receipt of bids, proposals, or quotations to be more than 15 calendar days from the date of transmittal of the synopsis or the date of issuance of the solicitation, whichever is earlier.

(5) Procurement to be made by an order placed under an existing contract.

(6) Procurement to be made from or through another Government department or agency, or a mandatory source of supply such as an agency for the blind under the blind made products program.

(7) Procurement of personal or professional services to be negotiated under section 1-3.204.

(8) Procurement from educational institutions to be negotiated under section 1-3.205.

(9) Procurement in which only foreign sources are to be solicited.

(b) The dollar amount specified in paragraph (a) of this section shall not be construed as a prohibition against publicizing procurements below that amount in any case where the procuring activity determines that such publication would be advantageous to industry or to the Government.

2. Section 1-1.1003-3 is revised as follows:

§ 1-1.1003-3 Research and development.

In order that potential sources may learn of research and development programs, advance notices of the Government's interest in a specific research and development field shall be published in the Department of Commerce Synopsis in accordance with section 1-1.1003-7(b)(9) so as to give such sources adequate opportunity to submit information for evaluation of their research and development capabilities, except where security considerations prohibit such publication. Each specific procurement of research and development projects shall be publicized in the Department of Commerce Synopsis unless one of the exceptions in section 1-1.1003-2 is applicable or unless an advance notice of the Government's requirements in the particular field, published in the Department of Commerce Synopsis in accordance with section 1-1.1003-7(b)(9), has been sufficiently specific to permit potential sources to request solicitations for the procurement.

Effective date: These regulations are effective August 31, 1961, but may be observed earlier.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: July 12, 1961.

JOHN L. MOORE,
Administrator of General Services.

[F.R. Doc. 61-6694; Filed, July 14, 1961; 10:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2433]

[Fairbanks 09122]

ALASKA

Revoking Air Navigation Site Withdrawal No. 258

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The orders of the Bureau of Land Management of February 15, 1950, June 2, 1950, and August 7, 1951, which withdrew the following-described lands for use of the Department of Commerce in the maintenance of air navigation facilities as Air Navigation Site No. 258, are hereby revoked:

GOLOVIN AREA

Beginning at a point S. 16°55' W., 390 feet from U.S.L.M. 2251, latitude 64°32'50" N., longitude 163°01'30" W., at Golovin, thence
N. 39°25' W., 790 feet to a point on the high tide line of Golovin Lagoon;
Northeasterly 2,650 feet along the high tide line of Golovin Lagoon;
S. 46°30' E., 790 feet;
S. 23°07' W., 800.6 feet;
S. 56°43' W., 1,232 feet;
N. 80°30' W., 805 feet to the point of beginning.

Containing 61.7 acres.

2. The lands are situated at Golovin on the Seward Peninsula, about 75 miles east of Nome. They are typically tundra in character with mosses, lichens, and some grass covering overlying perpetually frozen soils.

3. Until 10:00 a.m. on July 11, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), sections 6 (b) and (g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on July 11, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 11, 1961.

[F.R. Doc. 61-6646; Filed, July 14, 1961; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-37 (Sub-No. 1)]

PART 170—COMMERCIAL ZONES

Syracuse, N.Y.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 30th day of June A.D. 1961.

It appearing that on November 26, 1946, the Commission, division 5, made and entered its report, 46 M.C.C. 665, and order in this proceeding establishing a population-mileage formula for the definition of the zone adjacent to and commercially a part of each municipality in the United States, with certain exceptions which did not include Syracuse, N.Y.;

It further appearing that by petition filed September 12, 1960, the Syracuse Chamber of Commerce seeks redefinition and extension in certain respects of the Syracuse, N.Y., commercial zone limits;

It further appearing that investigation of the matters and things involved in said petition having been made, and upon due notice hearing on said petition having been held by the examiner, who has made and filed a report herein containing his findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of Syracuse, N.Y., be, and it is hereby, reopened for further consideration;

It is further ordered, That Part 170 be, and it is hereby, amended by adding thereto the following paragraph:

§ 170.20 Syracuse, N.Y.

The zone adjacent to and commercially a part of Syracuse, N.Y., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)) includes and is comprised of all points as follows:

(a) The municipality of Syracuse, N.Y., itself;

(b) All other municipalities and unincorporated areas within 5 miles of the corporate limits of Syracuse, N.Y., and all of any other municipality any part of which lies within 5 miles of such corporate limits.

(c) Those points in the Town of Geddes, Onondaga County, N.Y., which are not within 5 miles of the corporate limits of Syracuse, N.Y.; and

(d) Those points in the Town of Van Buren, Onondaga County, N.Y., not within 5 miles of the corporate limits of Syracuse, N.Y., and within an area bounded by a line beginning at a point where Stiles Road intersects the Geddes-Van Buren Town Line, thence southwest along the north side of Stiles Road to the intersection of Winchell Road, thence north along the east side of Winchell Road to the point where Winchell Road intersects the Geddes-Van Buren Town Line, thence southeast along such Town Line to its intersection with Stiles Road, the point of beginning.

(49 Stat. 546, as amended; 49 U.S.C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U.S.C. 302, 303)

It is further ordered, That this order shall continue in effect until the further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-6656; Filed, July 14, 1961; 8:48 a.m.]

[Ex Parte No. MC-58]

PART 174a—DESIGNATION OF PROCESS AGENTS BY MOTOR CARRIERS AND BROKERS

Petitions for Rehearing, Reargument, or Reconsideration; Time for Filing

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of June A.D. 1961.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition, filed March 7, 1960, of National Trailways Bus System, for reconsideration;

(2) Supplemental petition, filed April 22, 1960, of National Trailways Bus System, for reconsideration;

(3) Petition, filed April 19, 1960, of National Association of Motor Bus Owners, for waiver of § 1.101(e) and for reconsideration;

(4) Petition, filed April 19, 1960, of National Bus Traffic Association, Inc., for waiver of § 1.101(e) and for reconsideration and modification of the proposed rules;

(5) Petition, filed April 20, 1960, of Transcontinental Bus System, Inc., Continental Southern Lines, Inc., Crescent Lines, Inc., Continental Tennessee Lines, Inc., Continental Panhandle Lines, Inc., Denver-Colorado Springs-Pueblo Motor Way, Inc., Denver-Salt Lake-Pacific Stages, Inc., Continental Pacific Lines, Inc., American Buslines, Inc., for waiver of § 1.101(e) and for reconsideration and modification of the proposed rules, or, in the alternative, for oral argument;

(6) Petition, filed April 27, 1960, of D.C. Transit System, Inc., for leave to intervene, for waiver of § 1.101(e) and for reconsideration and modification of the proposed rules;

and good cause appearing therefor:

It is ordered, That D.C. Transit System, Inc., be, and it is hereby, permitted to intervene in said proceeding with the right to appear and participate in all further proceedings therein;

It is further ordered, That § 1.101(e) of the general rules of practice be, and it is hereby, waived, and the petitions

in (3), (4), (5), and (6) above, to the extent relief other than leave to intervene and waiver of said rule is sought, be accepted for filing.

It is further ordered, That the petitions in (1) and (2) above and those in (3), (4), (5), and (6) above, except to the extent granted by the first and second ordering paragraphs hereof, be, and they are hereby, denied for the reasons (a) that the findings of Division 1 are in accordance with the applicable law, and (b) that no sufficient cause appears for reopening the proceeding for reconsideration, for the purpose of modifying the proposed rules, or for oral argument.

It is further ordered, That the order of January 28, 1960 (25 F.R. 1160), as indefinitely postponed with respect to effective date, be, and it is hereby, reinstated, and the effective date is fixed as August 11, 1961.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6657; Filed, July 14, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1026]

[Docket No. AO-332]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and order regulating the handling of Central California grapes for crushing, which was issued July 3, 1961 and published July 7, 1961 in the FEDERAL REGISTER (26 F.R. 6085), is hereby extended to permit exceptions to be filed so as to be received in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., no later than 5 p.m., e.d.t., July 21, 1961.

Dated: July 13, 1961.

FLOYD F. HEDLUND, *Director, Fruit and Vegetable Division.*

[F.R. Doc. 61-6726; Filed, July 14, 1961; 8:51 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS

Exposure to Radioactive Substances and Ionizing Radiations

The occupations involving exposure to radioactive substances and ionizing radiations which have been found and by order declared to be particularly hazardous for the employment of children between 16 and 18 years of age pursuant to section 3(l) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(l)) are contained in § 4.57 of Title 29 of the Code of Federal Regulations (Hazardous-Occupations Order No. 6). Since this section was last revised in 1957, the National Bureau of Standards (Handbook No. 69) and the Federal Radiation Council (25 F.R. 4402) have made important recommendations regarding the hazards involved in exposure to radiation. An examination of these recommendations indicates that certain amendments to this section are appropriate.

Now, therefore, pursuant to section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1061, as amended; 29 U.S.C. 203), and Reorganization Plan No. 2 of 1946 (3 CFR, 1943-1948 Comp., p. 1064), and in accordance with 29 CFR, Part 4, Subpart D (25 F.R. 5005), I hereby propose to amend 29 CFR 4.57(a) to read as hereinbelow set out.

Any interested person may file a written statement of data, views or arguments in regard to this proposal with the Director of the Bureau of Labor Standards, United States Department of Labor, Constitution Avenue and Fourteenth Street NW., Washington 25, D.C., within 30 days after this notice is published in the FEDERAL REGISTER.

§ 4.57 Exposure to radioactive substances and to ionizing radiations (Order 6).

(a) *Finding and declaration of fact.* The following occupations involving exposure to radioactive substances and to ionizing radiations are particularly hazardous and detrimental to health for minors between 16 and 18 years of age:

(1) Any work in any workroom in which (i) radium is stored or used in the manufacture of self-luminous compound, (ii) self-luminous compound is made, processed, or packaged, (iii) self-luminous compound is stored, used, or worked upon, (iv) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged, (v) other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissible concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in the 40-hour week column of table one of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

(2) Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

Signed at Washington, D.C. this 11th day of July 1961.

ARTHUR J. GOLDBERG, *Secretary of Labor.*

[F.R. Doc. 61-6647; Filed, July 14, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-37]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1744 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1744 is designated from Boise, Idaho, to Cherokee, Wyo. The Federal Aviation Agency is considering the extension of this airway westward from the Boise VOR, as a 16-mile wide airway via the John Day, Oreg., VOR (latitude 44°38'53" N., longitude 119°42'37" W.), to be commissioned approximately July 25, 1961; the Newberg, Ore., VOR; thence as a 10-mile wide airway to the Portland, Oreg., VOR. It is also proposed to extend this airway eastward from the Cherokee VOR, as a 16-mile wide airway via the intersection of the Cherokee VOR 120° and the Laramie, Wyo., VOR 277° True radials; the Laramie VOR; to the Denver, Colo., VOR. The alteration of Victor 1744 as proposed would improve air traffic management and facilitate flight planning by providing continuity in the intermediate altitude airway structure and by providing a single numbered route for the operation of air traffic between Portland and Denver.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons

at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 11, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6638; Filed, July 14, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 13]

[Docket No. R-202]

ANNUAL PAYMENTS TO LICENSEES AND PERMITTEES FOR HEADWATER BENEFITS

Settlement Agreements

JULY 11, 1961.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to prescribe a new Part 13 to Subchapter B—Regulations Under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations.

3. The Commission has under consideration in this proceeding the promulgation of regulations enabling nonfederal power developers to enter into contracts in which each would agree to annual payments for headwater benefits in lieu of a formal determination under section 10(f) of the Federal Power Act. Presently, headwater benefit payments to licensees or permittees are determined by the Commission under section 10(f) of the Federal Power Act; and in such proceedings that subsection requires the affected parties to reimburse the United States for the cost to the Commission of making headwater benefit determinations. In order to spare the parties the expense involved in making such section 10(f) determinations in appropriate cases, it is proposed to allow the parties to agree among themselves subject to subsequent Commission approval as to the amount of the annual headwater benefit payments. Such agreements are encouraged by section 5(b) of the Administrative Procedure Act (5 U.S.C. 1004(b)).

4. It is proposed that the regulation for the filing of agreements shall read as follows:

Henceforth, licensees and permittees with headwater improvements providing power benefits to downstream non-federal power developers may file contracts entered into with such parties so benefited agreeing to the amount of annual payments for headwater benefits. The aforesaid contracts will be accepted for filing subject to subsequent review and approval by the Commission. When possible, such contracts should be filed prior to the incurring of expense by the Commission for headwater benefit investigation with respect to a particular project pursuant to section 10(f) of the Federal Power Act.

5. The regulations are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly section 309 thereof (49 Stat. 858; 16 U.S.C. 825h), and the Administrative Procedure Act, particularly section 5(b) (60 Stat. 239; 5 U.S.C. 1004(b)).

6. Any interested person may submit to the Federal Power Commission not later than August 14, 1961, data, views, and comments in writing concerning the proposed regulations. An original and 9 copies should be filed with any such submittals. The Commission will consider these written submittals before acting on the proposed regulations.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6643; Filed, July 14, 1961; 8:47 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1245]

PROPOSED PATENT LICENSING REGULATIONS

Notice is hereby given that all persons desiring to submit comments or suggestions respecting the Proposed Patent Licensing Regulations hereinafter set forth may do so by filing them with the General Counsel of the National Aeronautics and Space Administration, 1520 H Street, Northwest, Washington 25, D.C., not later than 60 days following publication of this notice in the FEDERAL REGISTER. On September 20, 1961, at 9:30 a.m., a public hearing will be held in the Auditorium of the National Aeronautics and Space Administration at the foregoing address, at which time and place oral presentation of comments and suggestions concerning the Proposed Patent Licensing Regulations may be made.

In order that an agenda for such public hearing may be prepared, each person desiring to make oral presentation is requested to submit a brief outline thereof to the General Counsel of the National Aeronautics and Space Administration not later than August 23, 1961.

JAMES E. WEBB,
Administrator.

PATENT LICENSING REGULATIONS

1. Purpose.

The following procedures prescribe the regulations for the licensing of inventions and patents owned by the United States as represented by the Administrator of the National Aeronautics and Space Administration.

2. Authority.

Section 305(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457 (g)).

3. Definitions.

As used in these procedures, the following definitions will apply:

a. "Contract of the Administration" means any contract, and any subcontract thereunder, with the National Aeronautics and Space Administration or another Government agency on the Administration's behalf, including grants made by the Administration under Public Law 85-934 (42 U.S.C. 1891-1893).

b. "Contractor" means a party which has undertaken to perform work under a contract of the Administration.

c. To "work" an invention means to develop any embodiment or process thereof to the point of commercial utility, and to offer the benefits of the developed invention to the public in accordance with normal business practice.

d. To "practice" an invention means to make, use, and sell any embodiment of the invention or to use the process in case the invention is for a process.

e. "NASA invention" means any invention for which the Administrator holds a patent on behalf of the United States.

4. Applicability.

a. These procedures apply to:

(1) All contractor inventions which have become the exclusive property of the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)); and

(2) All other inventions, including inventions made by employees of the Administration, for which the Administrator holds a patent on behalf of the United States.

b. These procedures do not apply to inventions to which title has been waived under the provisions of the NASA Patent Waiver Regulations and the waiver has not been voided (14 CFR Part 1245).

(2) Foreign patents.

5. Policy.

a. NASA inventions will best serve the interests of the United States when they are licensed and worked.

b. Although the nonexclusive licensing of NASA inventions is generally preferable, the granting of an exclusive license may be desirable when an additional incentive appears necessary to have the invention worked. In selecting an exclusive licensee, consideration will be given to providing assistance to small business and distressed labor regions.

c. A reasonable royalty will be charged for the privilege of practicing the licensed invention, except in the instance of the initial license to the contractor, which shall be royalty-free.

6. License to contractors.

a. *Conditions.* Whenever an invention is made in the performance of work under any contract of the Administration and becomes the exclusive property of the United States pursuant to the provisions of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)), the contractor, its subsidiaries, and its affiliates shall have a nonexclusive, royalty-free license to practice the invention. Such a license shall be nontransferable except to the successor of that part of the contractor's business to which the invention pertains. It shall be revocable if the contractor fails:

(1) Before the end of the fifth year after the issuance of a United States patent on said invention to demonstrate that the contractor is working the invention, or

(2) Upon request of the Administration, not more often than annually, to report information concerning the utilization of the invention by the contractor.

Before revoking a license, the contractor will be given written notice of the Administration's intention so to do and will be allowed 30 days after such notice in which to request a hearing before the Inventions and Contributions Board, National Aeronautics and Space Administration, on the question of whether the license should be revoked.

b. *Confirmation.* The foregoing license will be confirmed to the contractor by the instrument notifying the contractor of the determination by the Administrator under section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)).

7. Publication.

The Administration will cause to be published in the Official Gazette of the United States Patent Office and in the FEDERAL REGISTER a list of NASA inventions available for licensing, in three sections, as follows:

a. Section A: Those available for a nonexclusive, royalty-bearing, revocable license under the conditions specified in paragraph 8a below;

b. Section B: Those available for a nonexclusive, royalty-bearing license for the term of the patent as described in paragraph 8b below;

c. Section C: Those available for an exclusive, royalty-bearing license under the conditions specified in paragraph 8c below.

The list will be revised quarterly to include all NASA inventions which are currently available for licensing. The list will be available to interested parties upon request, and a copy will furnished to the Small Business Administration at the time of each quarterly publication.

8. Types of licenses and conditions for licensing.

NASA inventions will be made available for the grant of royalty-bearing licenses according to the circumstances and conditions set forth below, and subject to the applicable requirements set forth in paragraphs 9, 10, 11, and 12 below.

a. *Nonexclusive, revocable license for inventions not developed to the point where ready for working.* Each NASA invention which has not been worked will be made available for the grant of a nonexclusive license to practice the invention during the first five years after the issuance of a United States patent thereon. Such a license shall extend to subsidiaries and affiliates of the licensee and shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains. It shall be revocable if the licensee fails before the end of the fifth year after the issuance of the patent on the invention to demonstrate that the invention has been worked.

b. *Nonexclusive license for term of patent for inventions developed to the point where ready for working.* A nonexclusive license to practice a NASA invention for the term of the patent will be granted upon an applicant's showing, to the satisfaction of the Administration, that the invention for which the license is requested has been worked, provided that the invention is not the subject of an outstanding exclusive license. When such a license is granted, the invention will be listed under section B of the list referred to in paragraph 7 above, and similar nonexclusive licenses will be granted to any applicant. Such licenses shall extend to the subsidiaries and affiliates of the licensee and shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains. Any revocable license granted pursuant to paragraph 8a, above may be converted to a nonexclusive license for the term of the patent when it is shown that the invention has been worked, or when the invention has been listed under the provisions of paragraph 7b above. If the invention is subject to an outstanding exclusive license at the time when it is shown to have been worked, a license may be granted under this paragraph 8b above, upon the termination or the expiration of the exclusive license, for any unexpired portion of the term of the patent.

c. *Exclusive license.* (1) An exclusive license to practice an NASA invention will be offered if the invention has not been worked by the end of the fifth year after the issuance of a United States patent thereon, or, if there has been an extension beyond the fifth year of a nonexclusive license to practice the invention, by the end of the period of such extension.

(2) The exclusive licensee will be selected in accordance with paragraph 12d below.

(3) The term of the license will be negotiated.

(4) There will be reserved from the exclusive license a nontransferable, royalty-free right for the practice of the invention by or on behalf of the United States or any foreign government, international organization, or group of nations pursuant to any treaty or agreement with the United States.

(5) The license will be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

9. Royalty determination.

a. *General.* Prevailing commercial practices will be taken into consideration in determining the royalties to be charged for licenses granted hereunder. The criteria set forth below generally will be used in establishing the royalties to be charged.

b. *Items for sale*—(1) *Royalty rate.* When an invention is likely to be used in the production of a product for sale, or to be embodied in such a product, a proposed royalty rate will be specified when listing the availability of the invention for licensing under the provisions of paragraph 7 above. Generally, the rate specified will be in a form and amount patterned after normal commercial rates for licenses under patents covering similar subject matter.

(2) *Royalty base.* Where the invention to be licensed is claimed in a patent and, as claimed:

(a) Is coextensive with the product to be sold, the base to which the rate is to be applied will be the net selling price of the product;

(b) Is not coextensive with the product to be sold, but is descriptive of either an identifiable portion of the product, or is descriptive of a process or machine used in the production of such an identifiable portion of the product, the base to which the rate is to be applied will bear the same relationship to the entire net selling price as the cost of production of such identifiable portion bears to the cost of production of the entire product sold.

c. *Performance of services.* When an invention is used in the performance of services under such conditions as to render impractical the measurement of the use of the invention in terms of products sold; the royalty will be computed on the basis of the extent of use of the service. Where practical, a rate will be established which constitutes a percentage of the cost of or charge for the service or the cost of the materials used in the performance of the service. Alternatively, a fixed sum may be charged for performance of the service.

10. License provisions.

All licenses, except those granted pursuant to paragraph 6 above, shall become effective upon the written acceptance by the licensee of a license instrument which shall specify the kind and extent of the license, the term of years, any limitations to be imposed on the license, and any conditions to be imposed on the licensee. Except for the license to contractors made pursuant to paragraph 6 above, each license instrument shall incorporate the applicable provisions described in subparagraphs a and b below.

a. *General.*—(1) *Payment of royalties.* Not later than the 15th of March of each year, the licensee shall make payment to the Administration of all royalties due for the preceding calendar year and shall render an accompanying report showing how the amount due has been determined.

(2) *Records.* (a) The licensee shall keep, or cause to be kept, full, clear, and accurate records with respect to all business activity that involves the practice of the licensed invention and which shall be adequate to determine the amount of royalties due for each reporting period.

(b) The licensee shall permit the aforesaid records to be examined annually by a designee of the Administration for the purpose of auditing the licensee's report. If such examination discloses any error in the amount of royalties paid to the Administration, prompt adjustment shall be made. The licensee shall preserve for three years

after any reporting period all records respecting business activities that involve the practice of the licensed invention.

b. *Special provisions for exclusive licenses.* (1) An exclusive licensee shall be required to report to the Administration, promptly upon the making thereof, all improvement inventions made by the licensee, sublicensees, and their employees during the term of the grant and prior to its termination or revocation, and to grant to the United States Government a royalty-free, nontransferable, nonexclusive license to practice or to have practiced for it each such improvement invention. An "improvement invention" is deemed to be any invention dominated by a claim of a licensed patent. Upon request of the Administration, the licensee shall furnish (a) sufficient information concerning any such improvement invention to enable the Government or its contractors to practice the invention, and (b) a written confirmatory license for each such invention.

(2) The licensee will be required to furnish to the Administration an annual progress report of all activity and progress in developing the invention to the point where it is ready for working. The report shall be furnished not later than the 15th of March of each year and shall cover the activities of the preceding calendar year.

(3) Exclusive licensees will be permitted to grant sublicenses, subject to all terms and conditions of the exclusive license, including the obligation of licensee to report the royalties that are due as a consequence of the practice of the invention by a sublicensee, and to make payment of such royalties.

(4) Upon expiration of the exclusive license, the licensee and its sublicensees will be granted a nonexclusive license to practice the invention for the remainder of the term of the patent at the same royalty charged for the exclusive license, provided that the licensee has demonstrated that the invention has been worked prior to expiration of the exclusive license.

11. Clauses for licenses.

a. All licenses except those granted pursuant to paragraph 6 above shall contain the following clauses:

OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this license or to any benefit that may arise therefrom, but this provision shall not be considered to extend to this license if made with a corporation for its general benefit.

COVENANT AGAINST CONTINGENT FEES

The licensee warrants that no person or selling agency has been employed or retained to solicit or secure this license upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees of bona fide established commercial or selling agencies maintained by the licensee for the purpose of securing business. For breach or violation of this warranty the licensor shall have the right to annul this license without liability, or, in its discretion, to deduct from the price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

REPRESENTATION OR WARRANTY

The licensor makes no representation or warranty that the practice by the licensee of the invention licensed hereunder will be free from any infringement or charges of infringement of any other patent or patents, and licensor assumes no liability whatsoever that may result from the exercise of this license.

DISPUTES

All disputes concerning the interpretation or application of this license agreement which are not disposed of by mutual agreement shall be decided by the officer executing this license on behalf of the Government, or his successor, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the licensee. His decision shall be final and conclusive, except on questions of law, unless, within 30 days from the date of receipt of such copy, the licensee mails or otherwise furnishes to him a written appeal addressed to the administrator, National Aeronautics and Space Administration. The decision of the Administrator, or his duly authorized representative for the determination of such appeals, shall be final and conclusive, except on questions of law, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with appeals under this clause, the licensee shall be afforded an opportunity to be heard and to offer evidence in support of its appeal.

NONESTOPPEL

The licensee shall not be estopped to contest the validity or enforceability of the patents licensed hereunder, provided that the licensee shall first terminate this license in accordance with the termination clause.

TERMINATION OR REVOCATION

(a) Unless terminated or revoked as herein provided, this license shall continue in full whether the license should be revoked. Rev- the expiration of the licensed patent.

(b) The licensee may, at any time after one year from the date of this license, terminate by giving the licensor three months written notice of intention to terminate.

(c) If the licensee at any time shall default in making any payment required under this license or in making any report required hereunder, or shall make any false report, or shall commit any breach of any covenant or agreement herein contained, and shall fail to remedy any such default, false report, or breach within 30 days after written notice, the license may be revoked.

(d) Before revoking the license herein granted for any cause, there will be furnished to the licensee a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to request a hearing before the Inventions and Contributions Board, National Aeronautics and Space Administration, on the question of whether the license should be revoked.

Or in the case of exclusive licenses, the following clause (d) will be utilized:

(d) Before revoking the license herein granted for any cause, there will be furnished to the licensee and to all sublicensees hereunder a written notice of intention to revoke the license, and the licensee will be allowed 30 days after such notice in which to request a hearing before the Inventions and Contributions Board, National Aeronautics and Space Administration, on the question of whether the license should be revoked. Revocation of this license shall include revocation of all sublicenses which have been granted hereunder.

b. The following clause shall be used only in nonexclusive licenses:

LITIGATION

(a) In the event a claim of a patent licensed hereunder is openly and notoriously infringed to such an extent as to materially interfere with or place a handicap on the business of the licensee, the licensor shall, upon written request of the licensee and within six months from the date such request is received, either:

(i) Bring suit against such infringer,

(ii) Abate such infringement, or

(iii) Relieve the licensee of its obligation to pay royalties with respect to the practice of such invention as covered by such claim.

(b) If a claim of a patent licensed hereunder, covering an invention being practiced by licensee, shall be held by a court of competent jurisdiction to be invalid, shall be disclaimed, or shall be limited by reissue, thereafter royalties shall not be payable on embodiments or processes covered only by claims held invalid or disclaimed, or on embodiments or processes no longer covered by a claim of the patent as reissued.

c. The following clause shall be used in exclusive licenses:

LITIGATION

This license is granted upon the assumption that the aforesaid United States patent is good and valid in law and that it can be and will be sustained by the courts. The licensee shall, however, during the term of this license, have the right to sue at its own expense infringers of the patent licensed hereunder. The licensee may join the licensor, upon consent, as a party complainant in such suit, but without expense to the licensor, and the licensee shall pay costs and any final judgment or decree that may be rendered against the licensor in such suit. If, as a result of any such litigation the aforesaid United States patent shall be declared invalid, the licensee shall have the right to surrender this license and be relieved from any further obligation hereunder.

12. Procedures.

a. *General requirements for applications for licenses.* Applications for a license under any NASA invention will be made by letter addressed to the Administrator, National Aeronautics and Space Administration. The letter shall identify the patent by number, title, and date, and shall state the purpose and scope of the license requested.

b. *Requirements for applications for a nonexclusive license for the patent term.* If the applicant requests a nonexclusive license for the term of a patent which is not listed as available for licensing under paragraph 7b above, the applicant, in addition to the requirements set forth in paragraph 12a above, shall furnish evidence that the invention has been worked.

c. *Requirements for the application for an exclusive license.* In addition to the requirements set forth in paragraph 12a above, an application for an exclusive license shall:

(1) Describe the applicant's capabilities to undertake the industrial and market development required to work the invention without undue delay,

(2) State the expenditure which the applicant estimates to be required to develop the invention to the point where it is ready for working, and the applicant's intention to invest that sum of money in development of the invention if the license is granted,

(3) Give the applicant's status as a small business firm or as being located in a surplus labor area, or both, and

(4) State any other facts which the applicant believes would show it to be in the interests of the United States to grant an exclusive license instead of a nonexclusive license, and that such exclusive license should be granted to the applicant.

d. *Processing of applications for an exclusive license.* An exclusive license to a NASA invention will not be granted until after six months from the date on which the invention has been listed as available for exclusive licensing pursuant to paragraph 8b above in order to provide a suitable time interval for all interested applicants to have submitted their applications. In the case of each application for an exclusive license, the Administration will make a determination of the applicant's qualifications as a small business enterprise. In carrying out the policy of these regulations, preference shall be given to adequately qualified applicants for an exclusive license in the following order of priority:

(1) Persistent labor surplus concerns which are also small business concerns,

(2) Other persistent labor surplus area concerns,

(3) Substantial labor surplus area concerns which are also small business concerns,

(4) Other substantial labor surplus area concerns, and

(5) Small business concerns which are not labor surplus area concerns.

13. Other licenses.

Nothing contained in paragraphs 2 through 12 shall preclude the Administrator from granting nonroyalty-bearing licenses when, in his opinion, to do so would be in the public interest. The following exemplify circumstances wherein the grant of such licenses may be determined to be in the public interest:

a. In consideration of the settlement of an interference.

b. In consideration of a release of infringement.

c. In exchange for a license to the Government under adversely held patents.

d. Under improvement patents and inventions as a part of the consideration for a license granted to the Government.

e. In consideration of a lump-sum payment.

14. Licenses are not contracts within the scope of section 305(a) (42 U.S.C. 2457(a)).

Licenses granted pursuant to paragraphs 2 through 12 are deemed not to be contracts requiring the performance of work within the meaning of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)). Inventions made in connection with the development of any invention to the point where it is ready for working as a part of compliance or, in attempting to comply, with a condition of a license, shall not be deemed from such fact alone to be an invention made in the performance of work under a contract of the Administration within the meaning of section 305(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(a)).

[F.R. Doc. 61-6650; Filed, July 14, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes the statement on organization published at 21 F.R. 10418–10432, as amended by 22 F.R. 245, 22 F.R. 643, 22 F.R. 1967, 22 F.R. 4873, 22 F.R. 6434, 23 F.R. 3070 and 25 F.R. 39.

1112 *Service organization.* (1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D.C., and a field organization. The latter consists of 9 Internal Revenue regions, each headed by a Regional Commissioner who reports to the Deputy Commissioner, 62 Internal Revenue districts, each headed by a District Director, 4 service centers, each headed by a Director who reports to a Regional Commissioner, and a computer center under the direction of the Automatic Data Processing Division in the National Office. In addition, there are in the field 9 Regional Inspectors and 9 Regional Counsel, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the alcohol and tobacco tax and appellate functions direct from the regional office, the Regional Commissioner maintains and supervises several branch offices. The Alcohol and Tobacco Tax branch offices are headed by Supervisors in Charge who report to the Assistant Regional Commissioner (Alcohol and Tobacco Tax). The Appellate branch officers are headed by Associate Chiefs or Assistant Chiefs, Appellate Division, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. The Regional Counsel also maintain and supervise branch offices.

(4) In each Internal Revenue district there are a number of local offices in communities where concentration of work load in audit, collection, or intelligence activities requires the assignment of personnel. There are some 900 local offices.

(5) There are also 4 service centers, which are under the supervision of a designated Regional Commissioner. The service centers perform certain returns processing and revenue accounting functions for district offices by use of tabulating and other electronic equipment; match tax information documents; mail blank returns; and perform other miscellaneous services, including payroll operations for the entire Service.

(6) The computer center is responsible for the creation, maintenance and updating of business and individual tax accounts.

(7) Location of the Internal Revenue regional and district offices is given in Appendix A. The Alcohol and Tobacco Tax branch offices are shown in Appendix B; and the Appellate branch offices in Appendix C.

1113 *National office.*

1113.1 *Mission.* The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

1113.2 *Basic organization.* The principal offices which form the National Office are: The Office of the Commissioner, the Office of the Assistant Commissioner (Administration); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Operations); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); the Office of the Chief Counsel; and the Director of Practice.

1113.3 *Office of the Commissioner.* The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Internal Revenue Service. The Office of the Commissioner consists of the Commissioner's immediate office, which includes the Deputy Commissioner and the Assistant to the Commissioner; and the Fiscal Management Division.

1113.31 *Deputy Commissioner.* The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies and programs and in giving executive leadership to the activities of the Internal Revenue Service. The Deputy Commissioner also supervises the Regional Commissioners of Internal Revenue, and makes allocations of funds and personnel to them.

1113.32 *Assistant to the Commissioner.* The Assistant to the Commissioner reviews and takes final action for the Commissioner on documents involving technical matters prepared for the Commissioner's signature, including regulations, closing agreements, reports on proposed legislation, rulings, correspondence, authorizations to the Attorney General for initiating suits, compromises and reports to the Joint Committee on Internal Revenue Taxation involving refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of $100,000. The Assistant to the Commissioner makes independent studies for the Commissioner.

1113.33 *Fiscal Management Division.* The Fiscal Management Officer serves as the chief advisor to the Commissioner, the Deputy Commissioner, and the principal assistants on all matters concerning budget and the fiscal management of funds appropriated for the administration of the Internal Revenue Service. He is responsible for the development and coordination of financial management policies and budgetary programs. He develops and assists in the justification of the Service's budget; advises on its execution; establishes procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out at the National Office in connection with his responsibilities. The Division consists of two branches: Accounting Branch and Budget Branch.

1113.331 *Accounting Branch.* The Accounting Branch develops, prescribes, and installs the Service's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes. It also collaborates with the Reports Division in developing and administering the financial reporting system.

1113.332 *Budget Branch.* The Budget Branch develops the Service's budget in conformance with the established overall program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment and reapportionment of appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; establishes the procedures and records necessary to properly reflect the execution of the budget; and collaborates with the Reports Division in developing and administering a reporting system reflecting the status of the budget and financial plan.

1113.4 *Office of Assistant Commissioner (Administration).* The Assistant Commissioner (Administration) acts as the principal assistant to the Commissioner and the Deputy Commissioner in planning and coordinating the functions of personnel management; training; procurement and supply of facilities, services and property, printing and distribution; public information; and reports management. He is responsible for the development of Service policies and the establishment of procedures and standards governing those functions. He supervises the activities of the Facilities Management Division, the Personnel Division, the Public Information Division, the Reports Division and the Training Division of the National Office, and is responsible for functional supervision of these activities in the field.

1113.41 *Facilities Management Division.* Develops, directs, coordinates and evaluates policies and programs for providing essential support activities for the operating divisions' primary programs and carries them out in the National Office. Its programs are designed to increase the effectiveness of the Internal Revenue Service, reduce its operating costs and improve taxpayer relations by tailoring Internal Revenue Service physical facilities and by providing support services to best meet the Service's total needs. These programs include paperwork, space, property and supply management, procurement and contracting, printing and distribution, national emergency planning, safety, and document and physical security. Develops the standards and procedures necessary for effective performance of its functions. Exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act. This Division consists of: Emergency Planning, Office Services, Publications, and Standards and Programs Branches.

1113.411 *Emergency Planning Branch.* Coordinates and develops the Service's plans and preparations to maintain the continuity of essential functions during a National Emergency and provides direction in drawing up an over-all plan taking into consideration the operating requirements of all activities of the Service. Administers broad programs, policies and plans to insure continuity of Service operations by preventing loss through fire, accident, theft, employee injury and breaches of security of buildings, facilities, equipment, documents and identification. Discharges the responsibilities of the Internal Revenue Service in connection with claims under the Federal Tort Claims Act.

1113.412 *Office Services Branch.* Within the framework of the Service policies and procedures developed by the Division, plans, organizes, administers and reviews the support services for the National Office. These support services include procurement, contracting, property management, building maintenance, communications, supplies, transportation, travel, equipment and vehicle repairs, mail and messenger services, records administration activities and space assignment and utilization. Maintains liaison with other Government agencies, public utilities, private carriers, and other public and private organizations to coordinate and improve service in these activities.

1113.413 *Publications Branch.* Develops and coordinates the policies, programs, procedures, and standards for all Internal Revenue Service printing programs and visual presentation services; plans and directs the requirements, production and distribution of all printing; provides for planning and reproduction of all types of visual presentations; develops policies, procedures, and standards for Internal Revenue Service field printing establishments and contract field printing and represents Internal Revenue Service in liaison with printing regulatory agencies in interpreting, coordinating and administering Government-wide printing and publications policies; and provides the consultative services needed in these areas.

1113.414 *Standards and Programs Branch.* Plans, develops, promotes, and coordinates specific standards and programs designed to increase the effectiveness of Internal Revenue Service office operations. These programs include: management of paperwork and records documentation—forms management, correspondence management, file systems, methods and equipment, data storage and retrieval, application of micro-photography, and records disposition; space management—space acquisition planning, space utilization, and space maintenance; the communications management program—mail and messenger systems, and electric and electronics systems; supply management program—the procurement, receipt, storage, and issue of material; a property management program—contracting, procurement, property accountability and utilization; and motor vehicle fleet management—acquisition, utilization and maintenance. Determines need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service. Standards, techniques, guidelines, and consultative services needed in these areas by the Service are provided by the branch. Collaborates with the Systems Development Division in all matters involving data storage and retrieval and new systems using electric and electronic equipment, etc. Acts as liaison for Internal Revenue Service with Federal and State Governments and industry in coordinating and implementing Government-wide policies and procedures governing these program activities.

1113.42 *Personnel Division.* The Personnel Division develops, coordinates, and evaluates the personnel policies and programs of the Service and carries them out in the National Office. The Division is responsible for Service programs for the recruitment, placement, and evaluation of qualifications of employees, position classification and wage administration, and employee relations, benefits, and services, including incentives, performance evaluation and discipline. It develops the standards and procedures necessary for the effective performance of these functions throughout the Service. It also carries out the personnel program for employees of the National Office. The Division consists of the following branches: Employee Relations Branch, Employment Branch, National Office Branch, and Position Classification Branch.

1113.421 *Employee Relations Branch.* The Employee Relations Branch develops and coordinates policies, programs, procedures, and standards relating to adverse actions, appeals, grievances, employee conduct, discipline, employee incentives, benefits and services, relations with employee groups, leave, retirement, outside employment, social security, group insurance (both life and health benefits), performance evaluation, fitness for duty, health maintenance, and coordination of recreational and fund raising activities. The Branch participates in the evaluation of all Service personnel programs. It processes Incentive Award contributions requiring National Office approval, Gallatin Awards, and section 6(c) retirement cases. The Branch reviews and makes recommendations on disciplinary actions involving field employees, requiring National Office decision.

1113.422 *Employment Branch.* The Employment Branch develops and coordinates policies, programs, procedures and standards relating to recruitment, selection and placement, qualification standards, in-service placements, promotion plans, career systems and manpower utilization, emergency relocation planning, pay administration, personnel records and hours of duty. The Branch participates in the evaluation of all Service personnel programs. It makes recommendations on employment cases for which authority has not been delegated to the Regions or the National Office Branch.

1113.423 *National Office Branch.* The National Office Branch develops and executes policies, programs and procedures relating to recruitment, selection, placement, employee relations, position classification, discipline, performance evaluation, promotions, retirement, leave administration, incentive awards, and other aspects of a complete personnel program for National Office and certain field employees. The Branch classifies all National Office and certain field positions with the exception of those requiring Treasury or Civil Service approval.

1113.424 *Position Classification Branch.* The Position Classification Branch develops and coordinates policies, programs, procedures and standards relating to the evaluation of positions and overall conduct of the position classification program. The Branch participates in the evaluation of all Service personnel programs. It classifies positions and wage board jobs for which authority has not been delegated to the Regions or the National Office Branch, and adjudicates classification appeals.

1113.43 *Public Information Division.* Plans, develops and coordinates the Service-wide policies and programs for providing information to the public through the press, radio, television and other informational, educational and professional media, to improve general knowledge and understanding of the Federal tax laws and their administration, for the primary purpose of encouraging and facilitating maximum compliance with the voluntary system of taxation. It counsels and advises the Commissioner and other levels of management where public interest or response is involved in the determination of Service policy and execution of tax programs; evaluates for the Commissioner the attitude of the public toward Revenue Service policy and programs and recommends corrective measures where indicated; conducts continuous studies of the Service's information program to identify and act on problems and opportunities for improvement;

maintains liaison with and gives functional guidance to regional and district offices in the public information area; and carries out the public information program at the National Office.

1113.44 *Reports Division.* The Reports Division, through consultation and cooperation with responsible operating officials, is responsible for the review and coordination of all reports used throughout the Revenue Service. It collaborates with other organizational elements of the Service in determining the type of information most meaningful to management and provides advisory service to operating officials on report content, format, frequency, etc. It develops report forms and procedures for timely and effective collection of data and receives and consolidates information into final report form. It is responsible for integrating and coordinating the analyses of reported data and evaluations of the progress of major programs made by other organizational elements, to provide overall appraisal of the Service's operations in terms of stated objectives, fund utilization, and interrelationships of the programs, for the use of responsible operating officials, the Deputy Commissioner, the Commissioner, and Treasury officials.

1113.441 *Reports Compilation Branch.* The Reports Compilation Branch receives and consolidates information into final report form. It develops specifications for the compilation of data; maintains production planning and control for the preparation of reports; and maintains reports files, including all reports issued by the National Office. It integrates and coordinates the analysis of reported data and evaluations of the progress of major programs made by other organizational elements to provide overall appraisal of the Service's operations in terms of stated objectives, fund utilization, and interrelationships of the programs for the use of responsible management officials, the Deputy Commissioner, the Commissioner, and Treasury officials.

1113.442 *Reports Management Branch.* The Reports Management Branch develops, coordinates and follows up on the policies, procedures and standards for a Service-wide reports management program; and provides leadership for an effective program. It examines reports for duplication, overlapping and conformity to standards; assigns reports management symbols; and maintains a register of reports for the National Office. It provides advisory service to management officials on report content, format, frequency and distribution; and collaborates with other organizational elements of the Service in determining the type of information most meaningful to management. Through consultation and cooperation with responsible management officials, it coordinates the review of all reports used throughout the Service.

1113.443 *Reports Planning Branch.* The Reports Planning Branch conducts continuing studies of reporting systems and methods to assure, in cooperation with other organizational elements of the Service, that the Service has the most current and efficient reporting system possible. This includes the planning and development of methods, procedures, and instructions and, in cooperation with other organizational elements of the Service, the development and improvement of integrated recurring reports which adequately inform top management of progress toward Service goals and objectives.

1113.45 *Training Division.* The Training Division develops, evaluates and coordinates training throughout the Internal Revenue Service and formulates and recommends the overall training policies of the Service. The Division is responsible for planning and coordinating all interfunctional training programs, and in cooperation with the separate functions, identifies the need for an administers separate functional programs. It develops and administers the execution of Servicewide programs and evaluates their effectiveness. It is responsible for reviewing and evaluating the effectiveness and economy of training methods and training services in regional and district offices and service centers, and for the preparation of program reports of all training activities. It administers the teaching taxes program and coordinates the efforts of the concerned National Office divisions in their work related to this program. The Division administers a special budget allotment, used for the development of Servicewide programs, for the conduct of centralized courses, and for other training activities best administered centrally, and advises on training cost estimates for all Servicewide programs. The Division carries out the training policies and programs of the Service in the National Office. It consists of the following branches: Management Programs Branch, National Office Training Branch, and Technical Programs Branch.

1113.451 *Management Programs Branch.* The Management Programs Branch is responsible for the development of training policies and programs for multifunctional application and for the "Teaching Taxes" program and for assuring that these policies and programs are carried out. In close collaboration with interested officials in all functional areas, it determines across-the-board training needs and develops programs in the fields of executive development, supervisory, management and communications training. It is responsible for the development and promulgation of evaluation and instructional techniques for all training programs and provides special assistance in these areas when appropriate. Working with appropriate National Office officials, it is responsible for the development of training plans and programs for meeting Servicewide training needs in nontechnical functional areas and for their implementation.

1113.452 *National Office Training Branch.* The National Office Training Branch is responsible for carrying out in the National Office training policies and programs as promulgated and for evaluating and reporting on all such programs. It assists all divisions in identifying training needs, provides training guidance in the preparation of program plans and materials unique to the functional area involved, and either provides instructors or instructor training. It prepares and directs the execution of all National Office training agreements with the Civil Service Commission.

1113.453 *Technical Programs Branch.* The Technical Programs Branch, in cooperation with functional divisions, is responsible for developing training policies and programs relating to the technical aspects of the five operating functions found in the regions and districts and for seeing that the policies and programs are carried out. It assists in the identification of training needs. With the assistance of the appropriate National Office and Regional officials, it is responsible for developing required training plans. After adoption of such plans by appropriate officials, it is responsible for seeing to it that all necessary training material is developed, in accordance with the best educational and psychological principles and practice, and distributed to the regions and districts together with all necessary procedural instructions and guides for the actual conduct of the training by the appropriate line organizations. With the assistance of appropriate personnel from the National Office and the regions, it provides leadership in the evaluation of established programs and for the effectuation of program changes indicated by the evaluations. It administers the correspondence training program and provides centralized grading service. It is also responsible for the development of all Servicewide audio-visual projects and aids used in connection with training. In addition, the Branch prepares and negotiates all Servicewide training agreements with the Civil Service Commission in the functional areas served and directs their execution.

1113.5 *Office of Assistant Commissioner (Inspection).* The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: the Internal Audit Division and the Internal Security Division, and at the regional level he supervises the Regional Inspectors.

1113.51 *Internal Audit Division.* The Internal Audit Division has responsibility for conducting a program providing for an independent review and appraisal of the operations of the Internal Revenue Service. This review provides information on the condition of all the functional activities of the Service at the National, regional and district levels and is sufficient in scope to provide a basis for

constructive management action by the Service officials responsible for the activities involved. The Division is also responsible for a systematic verification and analysis of financial transactions and a review and appraisal of the protective measures and controls established at all operating levels. The organizational structure for program operations consists of the National Office Internal Audit Division, and the Regional Internal Audit Staffs which are headquartered in the same location as the Regional Inspectors. The Director of the Internal Audit Division under the general supervision of the Assistant Commissioner, Inspection is responsible for the development and execution of the Division's program.

1113.511 *Field Coordination Branch.* The Field Coordination Branch is responsible for assuring that a uniformly high standard of internal audit performance at the regional level is maintained. Furnishes staff guidance at the top management level to Internal Audit Division personnel assigned to the Regional Inspectors. Carries out a program of review and evaluation of the activities of the Regional Internal Audit Staffs (including on-job visitations). Responsible for evaluating matters reported by the Regional Internal Audit Staffs concerning the Service's operations to determine their significance and that action is initiated to call important matters to the attention of the Commissioner, Assistant Commissioners or other principal officials. Responsible for an evaluation of the adequacy of the action instituted by operating officials at all levels to correct deficiences reported. Consults with top officials in the Offices of the Assistant Commissioners (Operations) and (Administration), the Fiscal Management Officer, and the Office of Chief Counsel on operating problems disclosed by the Internal Audit Division, which suggest a need for a revision in current operating instructions. Maintains liaison with National Office Internal Security Division on security cases pending in the regional offices.

1113.512 *Operations Branch.* The Operations Branch is responsible for conducting periodic internal audits of National Office activities, including the annual audit of the Office of International Operations. Conducts special surveys and procedural studies as requested by the Treasury Department, the Commissioner or the Deputy Commissioner. Carries out special assignments on particular phases of operations requested by the Assistant Commissioner (Inspection) or the Director. Assists the Treasury Department in the annual audit of the Exchange Stabilization Fund and in the annual review of the Treasury agency inspection programs. Assists the General Accounting Office and the Treasury Department on various phases of audit work, such as inventorying Federal Reserve Notes stored in the vaults at the Bureau of Engraving and Printing. Responsible for conducting audits of regional and district offices as assigned by the Director. Carries out special assignments in cooperation with the Internal Security Division on cases requiring the specialized knowledge and training of personnel of the Internal Audit Division.

1113.513 *Program Development Branch.* The Program Development Branch is responsible for developing all of the division's policy and procedural instructions and guidelines, including specialized programs for staff development. These are necessary to maintain high professional standards of Internal Audit staff performance and to provide the most effective, up-to-date methods for the uniform execution of Internal Audit's Service-wide program. Develops special internal management procedures for the Internal Audit Division to ensure adequate control of its activities and to promote maximum operational efficiency. Maintains a current knowledge of developments in electronic data processing and its applications to the Service's operations. Participates in the planning and development of the Service's A.D.P. system to evaluate basic controls and to determine their effect on Internal Audit's responsibilities. Develops procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Maintains liaison with all divisions at the National Office level, including the Office of Chief Counsel, in order to determine operating problems or developments that should be given attention in carrying out the Internal Audit Division's program. In coordination with the Training Division, plans, develops and carries out the basic and advanced internal auditing training programs to assure the proper indoctrination of new staff members and the continuing professional growth of all Internal Audit Division personnel.

1113.52 *Internal Security Division.* The Internal Security Division plans, develops, and controls the internal security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background investigations and investigations of complaints or allegations of misconduct or irregularities, including criminal, concerning Service employees. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, investigations of complaints alleging discrimination, in violation of the Government Employment Policy and the maintenance of records and case files relating to investigations conducted. The Division also conducts such special investigations, studies, and inquiries as required for the Commissioner, Office of the Secretary, or other components of the Treasury Department. The Division is composed of four branches: Complaint Case Coordination Branch, Investigations Branch, Planning and Programming Branch, and Security Case Coordination Branch.

1113.521 *Complaint Case Coordination Branch.* The Branch controls and coordinates on a nation-wide basis the Internal Security Division function of investigating alleged violations of Federal criminal statutes and of the regulations and rules governing the conduct of Service personnel; charges against persons enrolled to practice before the Internal Revenue Service, and special investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of individual cases to: (a) Assure that the scope of the investigations and the evidence are sufficient to provide a basis for conclusions by management and/or the Department of Justice; (b) assure that established policies, procedures and techniques are being followed uniformly; (c) to promote uniformity in investigative coverage, form and quality of reports, and administrative and criminal dispositions; (d) develop data for improvement, simplification, and standardization of investigative operations; (e) develop information that will aid management in planning and programming Internal Security activities. The Branch maintains liaison on criminal matters with the Office of the Chief Counsel, other law enforcement segments of the Service, Federal Bureau of Investigation and other Federal law enforcement agencies.

1113.522 *Investigations Branch.* The Branch, operating on a nation-wide basis, is responsible for conducting extremely confidential investigations of complaints and allegations of misconduct or irregularities concerning high level officials of the Service and other special investigations which by reason of their complexity or sensitivity, or because of their potential effect on the maintenance of public confidence in the integrity of the Service, demand special handling. The Branch, as the investigative branch of the Internal Security Division for National Office personnel, is responsible for conducting background investigations of applicants for, or incumbents of, positions in the Service, certain applicants for enrollment to practice before the Internal Revenue Service, and for applicants for positions with certain other components of the Treasury Department. In addition the Branch conducts investigations of alleged violations of Federal criminal statutes and rules and regulations governing the conduct of Service personnel; charges against persons enrolled to practice before the Internal Revenue Service; formal investigations under the Federal Tort Claims Act; Government Employment Policy complaint cases, and other special investigations as may be required for the Commissioner and other components of the Treasury Department. The Branch maintains liaison with the Regional Inspectors and Assistant Regional Inspectors (Internal Security) to coordinate joint activities and in special situations to render assistance in the handling of difficult investigations.

1113.523 *Planning and Programming Branch.* The Branch is responsible for providing staff assistance to the Division Director in planning and programming the Internal Security Division program. This includes formulating policies; de-

veloping technical and administrative procedural instructions, including manual issuances and investigative handbook; conducting inspections of the mangement and operation of the Regional Internal Security Divisions; conducting special surveys of National Office Internal Security activities; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; directing the maintenance of records and case files relating to investigations by the Division; compiling and analyzing reports of operational costs, workload data, and statistics concerning criminal and administrative actions resulting from Internal Security investigations; evaluating manual issuances or proposals originating outside Inspection which are pertinent to Internal Security functions; conducting special staff studies; and maintaining liaison with other branches of the Internal Security Division, the Internal Audit Division, and other offices of the Service.

1113.524 *Security Case Coordination Branch.* The Branch controls and coordinates on a nation-wide basis the Internal Security Division function of investigating the character and background of applicants for, or incumbents of, positions in the Service. The Branch reviews reports submitted by the National and field offices of the Internal Security Division concerning investigations conducted for the Internal Revenue Service, for certain other components of the Treasury Department and for the Director of Practice. These reports cover all character and security cases, all National Agency Check and Inquiry (NACI), and enrollee applicant cases in which unfavorable or questionable information is disclosed, formal investigations under the Federal Tort Claims Act, and Government Employment Policy complaint cases. The purpose of these reviews is to: (a) Assure that the high suitability and security requirements for Government employment and the investigative requirements of the Service have been met; (b) assure that policies and procedures are being followed uniformly; (c) develop factual data for improvement, simplification, and standardization of investigative operations; (d) promote nation-wide uniformity in the approach, operating techniques, and administrative results of character and background investigations; (e) develop information to aid management in planning and programming Internal Security activities. The Branch directs all investigative activities and coordinates administrative activities incidental to the issuance of Top Secret Defense Information Clearance letters to Service personnel and Confidential clearance letters to Service employees when required.

1113.6 *Office of Assistant Commissioner (Operations).* The Assistant Commissioner (Operations) is the principal assistant to the Commissioner on all matters pertaining to the operations programs of the Service and in providing effective functional supervision of operations activities in the field. These include the collection of taxes, the audit and investigation of returns, criminal fraud investigations, the administrative system of tax appeals, the administration of laws relating to alcohol, alcoholic beverages, tobacco and firearms, and the implementation and operation of the IRS Automatic Data Processing System and for providing data processing services. The Assistant Commissioner (Operations) directs, coordinates and evaluates the work of the Operations Divisions of the National Office (Alcohol and Tobacco Tax, Appellate, Audit, Automatic Data Processing, Collection, and Intelligence) and the Office of International Operations.

1113.61 *Alcohol and Tobacco Tax Division—Office of the Director.* Develops and coordinates policies and programs with respect to, and administers and enforces the Internal Revenue laws relating to alcohol, alcoholic beverages, tobacco, and firearms, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, and related laws.

1113.611 *Executive Assistant.* Provides staff assistance to the Director in the general management of the Alcohol and Tobacco Tax operations and in the formulation of policy and program plans in the areas of organization, personnel, financial planning, funds management, and appraisal of field operations; both on a continuing basis and through specific management studies. Develops and coordinates the Division-wide program for planned systematic visitation to apprise top management, through on-site evaluation, of the effectiveness of field office performance in both the program and management areas. Works with Assistant Regional Commissioners in evaluating program results in the regions. Provides required office management and administrative services for the National Office Division.

1113.612 *National Office Laboratory.* Responsible for formulating, developing, and carrying out programs for the application of scientific methods to the solution of problems of the Alcohol and Tobacco Tax and Tax Rulings Divisions of the Internal Revenue Service having impact on the collection of the revenue. Furnishes technical advice and assistance to officials of the Internal Revenue Service in the fields of chemistry and physics. Conducts research to improve and develop analytical techniques and to resolve technical problems by physical or chemical methods. Examines and analyzes samples, formulas and processes of permittees under the jurisdiction of the Alcohol and Tobacco Tax Division to determine taxable status and examines samples for the Bureau of Narcotics. Coordinates the National Office and Regional Laboratory Programs.

1113.613 *Basic Permit and Trade Practice Branch.* Responsible for formulating, developing, and carrying out programs for the administration and enforcement of the Federal Alcohol Administration Act. Plans and conducts studies of industry trends in marketing which might have an impact on the programs of the Branch. Recommends revision or amendment of regulations and prepares notices of hearings thereon; analyzes and evaluates testimony developed at hearings; and drafts final regulations and such related forms or internal management documents as required. Makes rulings and interpretations of law and regulations for benefit of industry, regional offices, other Federal agencies, State agencies, and embassies of foreign governments. Collaborates with foreign governments in their development of control procedures abroad to supplement domestic controls established with respect to the importation of their products into the U.S. Acts on applications for interlocking directorates and for certificates of (or exemption from) label approval. Determines acceptability of alcoholic beverage advertising in all media and initiates punitive actions for violations of advertising provisions of law and regulations. Maintains liaison with regional offices to appraise the effectiveness of Branch programs.

1113.614 *Enforcement Branch.* Responsible for: Formulating and developing policies, programs, procedures, and regulations relating to the investigation, prevention and detection of willful and/or fraudulent violations of the Internal Revenue Liquor and Tobacco Laws, the Liquor Enforcement Act of 1936, the Federal Alcohol Administration Act, and the National and Federal Firearms Acts; control and coordination of the law enforcement activities of the Division with related functions of other Federal Agencies and with those of state authorities; adaptation of investigative techniques and procedures to the varying needs of different regions, to a diversity of state control laws and their fluctuating requirements and to the constantly changing social and economic conditions affecting the enforcement operations of the Division; providing guidance and training to field elements, for effective application of policies and programs; and appraising management of field offices, as it relates to their enforcement function, through a planned on-site evaluation program.

1113.615 *Permissive Branch.* Responsible for developing the objectives of the Division in the administration of Internal Revenue laws relating to the production, processing, distribution, and use of alcoholic beverages, industrial alcohol, and related products. Devises policies and programs and designs the organizational structure to achieve these objectives. Plans, develops, and prepares regulations, procedures, and rulings, and provides guidance and training to field elements, for effective application of policies and programs; and appraises management of field offices, as it relates to functional areas other than enforcement, through a planned on-site evaluation program.

1113.616 *Tobacco Tax Branch.* Responsible for planning, developing, and expressing the program for the administration of the internal revenue laws relating to tobacco materials, tobacco products, and cigarette papers and tubes. Formulates policies, practices, procedures, and regulations relating to the manufacture and taxpayment or tax exempt disposition of tobacco products and cigarette papers and tubes, and to the

handling of tobacco materials. Conducts analytical studies of the laws, regulations, policies, practices, and procedures, and appraises field operations, to determine the efficiency and effectiveness of the tobacco tax program. Formulates recommendations for revision of internal revenue laws in the tobacco tax area. Interprets laws and regulations, makes tax determinations, and issues rulings and instructions; prepares internal management documents and forms; analyzes recurring problems and develops solutions; and prepares final decisions in cases where the action of regional offices is protested or appealed.

1113.62 *Appellate Division—Office of the Director.* Directs and supervises activities of the division which is responsible for planning, programming, guiding, and evaluating Servicewide Appellate operations. These operations consist of holding administrative hearings and deciding the disposition of cases in which the determination of a District Director has been protested or made the subject of a petition for review by the Tax Court. The cases involve income, profits, estate, gift, employment, and excise taxes (other than alcohol, tobacco, narcotics, firearms and wagering), offers in compromise, and refund claims and overassessments including an analysis of large refund cases before review by the Congressional Joint Committee on Internal Revenue Taxation. Supervises centralized operations consisting of the review and recommended approval or disapproval of final closing agreements for past taxable years, the disposition of issues in disputed Excess Profits Tax cases under section 722 of the 1939 Code, the furnishings of expert valuation advice and assistance, and the approval of certain administrative actions which have not been delegated to the field such as the transfer of cases and the reopening of cases previously closed by Form 870-AD or its equivalent.

1113.621 *Coordination and Management Staff.* Develops and recommends operational policies, plans, programs, and basic procedures relating to the Appellate function. Assists and advises regional Appellate offices on technical and administrative problems to enable them more effectively to accomplish their objectives. Establishes and conducts a field visitation program, and maintains continuous field liaison to assure that established policies, programs, plans, and instructions are carried out in a uniform, effective manner. Performs coordination functions across regional lines and with other Service elements. Supervises task forces working on special projects such as training, position descriptions, office systems, and management improvement. Represents the Director in meetings of National Office and regional officials, and staff members serve on various committees as designated. Reviews and appraises proposed staffing in field offices and evaluates personnel for the purpose of advising the Director when he is requested to give clearance approval on certain appointments.

1113.622 *Excess Profits Tax Council.* Considers and holds administrative hearings in disputed Excess Profits Tax cases and issues arising under section 722 of the 1939 Code. Prepares interpretative rulings on section 722 matters. Furnishes assistance and advice to Chief Counsel and Regional Counsel in connection with the preparation and trial of section 722 cases before the Tax Court of the United States.

1113.623 *Operations Analysis Branch.* Originates statistical analyses and graphic presentations with explanations and interpretations to disclose program status and progress with trends and deviations highlighted. These analyses serve as the basis for program direction and long range program planning for the Appellate activity. Collaborates with the Reports Division in the development, review, and improvement of the nationwide Appellate reporting and recordkeeping systems which provide the Director, his assistants, and staff with statistical information to assist them in evaluating management effectiveness in the regions. Issues instructions for changes and improvements in the systems and coordinates with other organizations on reporting and related matters. Assists in the analysis and evaluation of regional Appellate Division financial planning and budget execution. Plans and conducts a visitation program to keep advised of the adequacy and accuracy of the reporting and recordkeeping systems and assists the regional offices in solving problems involved in preparing and simplifying statistical reports.

1113.624 *Procedure and Closing Agreement Branch.* Plans, directs, and administers the development, preparation, issuance, and interpretation of instructions necessary to implement policies, plans, programs and procedures relating to the Appellate function. Coordinates all procedural changes with other segments of the Service. Recommends changes in the Code of Federal Regulations for Appellate activities and, when necessary, publication in the FEDERAL REGISTER. Reviews all final closing agreements relating to tax liability for past years or matters in returns already filed, preliminary to acceptance by the Commissioner. Maintains liaison with the Joint Committee Division of the Chief Counsel's office on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation.

1113.625 *Settlement Analysis Branch.* Reviews and analyzes reports on closed cases received from regional Appellate Divisions to test the quality of the decision reached, the uniformity of treatment of issues, and the compliance with procedural instructions or the need for clarifying advice. Identifies troublesome technical or administrative areas and recommends solutions to assist regional offices meet their objectives. Makes special studies, such as an analytical review of Session, Reconsideration, Affirmative Issue, and Fraud cases, to assist the Director and his staff in their current programming efforts and long range planning. Analyzes requests for technical advice, and prepares a digest of the reply or of other technical communications, for dissemination to regional offices when information is of national interest. Maintains the central files including sensitive case reports, and provides general administrative services for the Division.

1113.626 *Special Services Branch.* Participates in the development of Service position and procedures in complex valuation matters. Helps to maintain uniformity of treatment of valuation issues throughout the regional Appellate Divisions by reviewing settlements, furnishing advice, and conducting training sessions. Furnishes expert advice and assistance to the National Office, regional Appellate Divisions, and Regional Counsel on difficult valuation problems. Provides expert witnesses to testify at trials involving complex valuation issues. Develops programs and techniques aimed at eliminating, to the greatest extent possible, the need for time consuming trials of valuation issues in the Tax Court or other courts.

1113.63 *Audit Division—Office of the Director.* Develops, programs, evaluates, coordinates and guides audit enforcement activities (other than in the alcohol, tobacco, narcotics, firearms, and wagering tax areas) in furtherance of promoting and maintaining the most effective methods of audit operations in the National, Regional and District Offices.

1113.631 *Administrative Services Office.* Performs or furnishes from a central source, varied administrative services relating to the Division as a whole which cannot be performed effectively at the Branch or other operating organizational levels.

1113.632 *Visitation Staff.* Conducts planned systematic visitation program to field offices for on-site evaluation, guidance and assistance. Prepares objective analyses, reports and recommendations with respect to field operations for management appraisals and decisions.

1113.633 *Analysis Branch.* Develops, studies, makes analyses and conducts test and research projects that will assist the Division Director in appraising the effectiveness of regional management operations. Also, in collaboration with the Reports Division, reviews existing management reporting and recording systems in the development of new systems or improvement of existing systems.

1113.634 *Management Branch.* Identifies and drafts recommended basic policies of the Service as they relate to audit enforcement activities. Plans and develops, or assists in planning and developing, audit programs, systems or methods which will best achieve stated policies. Consults and coordinates with all offices engaged in planning projects affecting audit activities.

1113.635 *Operations Branch.* Performs certain operating functions of the Audit Division considered administratively infeasible to decentralize. These fall in two general areas (1) coordination, review, and performance evaluation with respect to offers in compromise, including planning and programming

therefor, and (2) coordination, control, and review of tax cases involving over-assessments (requiring Joint Committee review) and cases involving special features such as restricted interest, recomputations, jeopardy assessment, post review, and trial or settlement by the Department of Justice.

1113.636 *Procedures Branch.* Develops and implements programs initiated in or through the Management and Analysis Branches. Provides procedural instructions for all phases of Regional and District operations, prepares forms to effect procedural uniformity, and participates in studies and visits to evaluate existing procedures or effect their change.

1113.637 *Technical Development Branch.* Establishes and maintains quality standards for the examination of returns through the study and development of audit methods and techniques to ensure that examining officers have the proper guides with which to conduct examinations effectively and efficiently. Determines all technical training needs of audit personnel, recommends appropriate training programs relative thereto, and develops various training courses and materials necessary for training the field office technicians. Maintains close contact with field offices, and consults and cooperates with the Office of the Assistant Commissioner (Administration), in connection with all training matters.

1113.638 *Uniform Audit Branch.* Establishes and maintains quality standards for district and regional review of completed work; coordinates with the Technical Development Branch in the establishment and maintenance of quality standards for the examination of returns; and coordinates review activities between the districts and regions and with other National Office functions. Represents the Audit Division in matters involving legislation, regulations and rulings, or other technical matters. Handles communications and correspondence from taxpayers, tax practitioners, Members of Congress, and others, involving legal, factual and administrative questions that have arisen in specific cases as a result of the Service's administrtaion of the Internal Revenue laws.

1113.64 *Automatic Data Processing Division—Office of the Director.* Directs and supervises the activities of the division in the performance of its assigned responsibilities for development of programs, systems, methods and procedures for implementation and operation of the Internal Revenue Service Automatic Data Processing Plan, the accounting for the internal revenue, and the receipt and integrated processing of tax returns and payments. This includes the development of systems integrating manual, mechanical and electronic data processing operations, and the electronic processing of data in conformance with the administrative provisions of the Internal Revenue Code, in order to provide optimum processing service at a minimum cost and with a maximum of voluntary tax payments.

1113.641 *Administrative Office.* Provides administrative services common to the entire division.

1113.642 *Visitation Staff.* Responsible for a planned systematic visitation program for on-site evaluation, guidance and assistance; personal follow-up; coordinating and maintaining close liaison with each of the several branches of the division for the purpose of inquiring into specific field activities of special interest to each branch and keeping each fully apprised of conditions and developments in the field.

1113.643 *Analysis Branch.* Reviews, analyzes, interprets, and evaluates program status and progress for the Division Director, his assistant and staff (including branch chiefs). Supervises and analyzes work planning and control systems. Reviews and evaluates proposed staffing and financial plans and develops recommendations for allocation of funds for field offices. Develops and recommends budgetary estimates. Collaborates with the Reports Division in the development, review and administration of a field reporting system which provides management reports essential for the evaluation and measurement of activities in field offices. Confers and collaborates with officials of the Internal Revenue Service, the Treasury Department, and other government agencies, and visits field offices in the performance of these functions.

1113.644 *Management Branch.* Coordinates the establishment of division objectives; develops policies to achieve these objectives; provides assistance to field elements in the development of objectives and programs designed to effectively carry out policies and programs; and establishes management objectives in such areas as organization, staffing, communications, etc. Assures coordination and correlation of data processing programs and develops guidelines for the development and control of all programs utilizing electronic or electrical equipment. Staff members serve as representatives of the Director on standing and ad hoc committees and coordinate the activities of the division with other elements of the Service.

1113.645 *Operations Branch.* The Operations Branch is responsible for the mechanical and automatic processing of such data as is required to be processed in the National Office.

1113.646 *Programming Branch.* Responsible for systems application and programming required to process Internal Revenue data through electrical accounting and electronic data processing machines. This responsibility includes the analysis and design in detail of specifications necessary to perform approved programs by machine in all Service Centers and the Computer Center and the translation of such systems into machine instructions for all Service Centers and the Computer Center. These instructions must contain check points, validity and accuracy tests and required control print-outs. The programming Branch is responsible for putting machine instructions into a confirmed readiness status by completely testing and debugging the routines by such processes as desk checking, machine testing, and volume and compatability testing and the preparation of detailed machine operating specifications. In addition, the branch is responsible for maintaining all program routines after they have become operational.

1113.647 *Systems Branch.* Plans, directs and administers the development, preparation, issuance and interpretation of all systems and procedures necessary to implement policies and programs in all phases of district office, regional service center, and computer center accounting and processing activities. Such activities include all the operations performed in the receipt and processing of all tax payments and the receipt and processing of tax returns. Establishes and maintains the procedures manual and operations list for the district offices, the regional service centers, and the computer center to cover all the procedures and operations in the respective offices. Through field visits reviews the operation of existing systems and procedures to determine areas for improvement. Confers and collaborates with officials of the Internal Revenue Service, Department of the Treasury, General Accounting Office, and other governmental agencies in the performance of the above functions.

1113.648 *Computer Center.* Responsible for the creation, maintenance and updating of business and individual tax accounts. Receives input data from Service Centers and processes against master file. Produces output data for use in issuing refund checks, bills, or notices; answering inquiries; making delinquency checks; detecting fraudulent refund claims; classifying returns for audit purposes; preparing reports; and other matters concerned with the processing and enforcement activities of the Service. Performs other machine data processing activities as required.

1113.65 *Collection Division—Office of the Director.* Directs and supervises the activities of the Collection Division in the performance of its assigned responsibilities for collection of delinquent accounts, obtaining delinquent returns, and the processing and review of collection operations centralized in the National Office. This includes the development of collection and enforcement programs and systems for the effective discharge of the nationwide collection enforcement functions and the control and follow-up of such programs by means of analysis and on-site visitation of field activities.

1113.651 *Administrative Office.* Provides administrative services common to the entire division.

1113.652 *Visitation Staff.* Responsible for a planned systematic visitation program for on-site evaluation, guidance and assistance; personal follow-up coordinating and maintaining close liaison with each of the several branches of the Division for the purpose of inquiring into specific field activities of special interest to each branch and keeping each fully apprised of conditions and developments in the field.

1113.653 *Analysis Branch.* Reviews, analyzes, interprets and evaluates program status and progress for the Division Director, his assistant and staff (including branch chiefs). Develops, supervises and analyzes work planning and control systems. Reviews and evaluates proposed staffing and financial plans and develops recommendations for allocation of funds for field offices. Develops and recommends budgetary estimates. Collaborates with the Reports Division in the development, review and administration of a field reporting system which provides management reports essential for the evaluation and measurement of collection enforcement activities in field offices. Confers and collaborates with officials of the Internal Revenue Service, the Treasury Department, and other government agencies, and visits field offices in the performance of these functions.

1113.654 *Management Branch.* Plans, develops and establishes the immediate and long range objectives of the Collection Enforcement and Compliance Programs; plans the institution or maintenance of an effective and balanced Collection Enforcement Program; studies and recommends improved methods for the organization and general management of collection enforcement functions; searches out and develops the most effective methods and techniques for use of enforcement personnel and prepares handbooks and other means of conveying guidance in these matters; identifies training needs, establishes the technical concepts to be presented in programs designed to meet these needs, and evaluates training programs in terms of improvement in operations and soundness of technical concepts; and reviews the effectiveness of Collection Enforcement and Compliance Programs to ascertain that objectives are being met and providing consultative services to National and Field officials regarding these programs. Confers and collaborates with officials of the Internal Revenue Service and other government agencies relating to these functions. Confers with taxpayers and/or their representatives relating to collection matters.

1113.655 *Operations Branch.* Reviews and processes all cases requiring approval of the Joint Committee on Internal Revenue Taxation (overassessments of $100,000 or more); adjustments of World War II Excess Profits Tax, adjustments of Post-War Credit; judgments of the District Courts and the Court of Claims; administrative settlements by the Department of Justice; and all interim allowances in respect to overpayments of tax under section 22(d) (6) of the 1939 Code (LIFO). In connection with the above, advises district directors in order that the administrative provisions of the Code relating to assessments, collections, abatements, credits, refunds, and restricted interest will be properly applied in the final settlement of the cases. Performs other functions retained by the National Office, such as: Offsets of claims and debts; redemption of government securities; etc. Administers the publicity provisions of the law and regulations with respect to applications to inspect returns and related documents by Congressional Committees, United States Government offices in Washington, and Governors of the various States or, in the case of returns in the custody of the National Office, by any person, and furnishes copies where appropriate. Certifies all copies of returns and related documents furnished applicants requiring the affixing of the Treasury Department Seal. Maintains master files of donors' card records received from Service field offices and advises such offices concerning prior year's gift information not available in the particular field office. Maintains files and services requests for returns from field and National Office personnel. Conducts correspondence and engages in conferences with taxpayers, other officials of the Service, the Department of Justice, and other governmental agencies regarding the above activities. Also, in connection with these activities, acts in an advisory capacity to other branches of the division in developing policies and procedures.

1113.656 *Systems Branch.* Develops, maintains, and interprets systems, methods and procedures to effectuate policies and programs in all phases of district enforcement activity relative to collection of delinquent accounts and securing delinquent returns. Initiates new or revised procedures relating to the collection of delinquent accounts through office methods and the enforced collection of delinquent accounts and the securing of delinquent returns through assigned investigation. These activities include: determinations and acceptance of partial payment agreements, analysis of financial statements, locating assets of taxpayer, levy action, filing notices of lien, sale of seized and acquired property, legal action to enforce collection, filing proof of claims in insolvency and decedent estate proceedings, service of summons, writing off of uncollectible accounts, etc. Through field visits, reviews the existing operations and procedures to determine areas for improvement. Recommends procedural changes and ascertains that such proposed improvement assures integrated, efficient, and economical operations. Assists district offices in the installation of approved systems and procedures. Confers and collaborates with officials of the Internal Revenue Service and other government agencies on procedures relating to these functions. Confers with taxpayers and/or their representatives relating to collection matters.

1113.66 *Intelligence Division—Office of the Director.* Directs and supervises activities of the Intelligence Division and assists the Assistant Commissioner (Operations) in planning and coordinating the Intelligence program and activities in the field. Responsible for developing and assuring effective application of policies, programs, and procedures for investigations of alleged tax crimes (other than Alcohol and Tobacco tax crimes) and for other special investigations the Commissioner may direct. Also responsible for maintaining effective technical and advisory liaison with regional and district offices to coordinate Intelligence operations and direct certain investigations.

1113.661 *Administrative Office.* The Administrative Office is responsible for: performing the office management and administrative services for the Intelligence Division of the National Office, including personnel, budget execution, fiscal management, space and equipment requirements, records retention and disposal, and travel authorizations; maintaining records and case files relating to investigations made by the Intelligence activity; handling the incentive awards program; and processing all mail. Serves as a focal point for Division contacts with the Personnel, Fiscal Management, and Facilities Management Divisions for administrative services.

1113.662 *Visitation Staff.* The Visitation Staff is responsible for: a planned systematic visitation program for on-site evaluation, guidance and assistance; personal follow-up by assigned regions; coordinating with, and maintaining close liaison with each of the several branches of the division for the purpose of inquiring into specific field activities of special interest to each of the branches and keeping each fully apprised of conditions and developments in the field.

1113.663 *Analysis and Evaluation Branch.* The Analysis and Evaluation Branch is responsible for: Appraising the effectiveness of field Intelligence management and investigative operations through studies, analyses and research projects, including the analysis of operations reports and internal audit reports; analyzing selected cases to determine their adequacy and effectiveness and compliance with prescribed policies, procedures and technical practices for nationwide uniformity including studies and tests at appropriate sites; identifying program, procedural, legislative and investigative technique deficiencies, forecasting trends, analyzing statistical data, preparing cost estimates; analyzing financial plans, reviewing field staffing recommendations and developing Intelligence Division recommendations for allocation of funds for Intelligence activities to field offices; developing work measurement and other statistical standards for use in determining effectiveness of Intelligence operations; planning and developing a reporting program; analyzing technical issuances, legal decisions and procedural releases and articles carried in professional journals, and such other research required to keep the field informed, primarily through the Intelligence Information Digest; making final Intelligence recommendations in cases where disagreements as to disposition exists between Regional Counsel and Assistant Regional Commissioner, Intelligence; and preparing releases and dealing with the Public Information Division regarding closed cases.

1113.664 *Investigative Techniques Branch.* The Investigative Techniques Branch is responsible for: conducting continuous research and developing improved investigative techniques in the Intelligence operations; preparing investigative handbooks; identifying training needs and developing training programs; participating in the conduct of

basic and refresher training in the field and in the National Office including Treasury enforcement training, and originating technical training material, all in collaboration with the Training Division; preparing technical information releases covering advanced techniques valuable in investigative work, including the use of technical devices and equipment, etc.; reviewing and evaluating field Intelligence training materials and courses to see that they correctly reflect the law, regulations, rulings, policies, practices and procedures; maintaining close liaison with the other branches, particularly with Planning and Procedures in developing standards for the selection, classification, and promotion of Intelligence personnel, and with the visitation staff to ascertain the effectiveness of the training program and training requirements and to plan for the development, inclucation and dissemination of new and advanced investigative techniques and other needs as required; and orienting enforcement officials of other Federal agencies and prominent tax officials of State and foreign governments concerning Intelligence techniques, procedures and practices.

1113.665 *Operations Coordination Branch.* The Operations Coordination Branch is responsible for: coordinating investigative activities in selected current tax and wagering cases crossing regional boundaries or cases of national interest, and exercising direct supervision over special agents investigating cases which because of their sensitiveness or national interest have been brought under National Office control; coordinating with Chief Counsel, Department of Justice and others, actions to be taken in cases under investigation; maintaining liaison with other segments of the Internal Revenue Service, Congressional groups and other Government agencies; maintaining liaison with field investigative activities in specfic cases, examining case files and reporting their status and continuing progress to the Commissioner and top Treasury officials; handling correspondence and inquiries from Congressional sources, Federal and State Government agencies, the press and the general public on specific cases; providing requested assistance to field personnel in resolving problems arising in the course of specific investigations; and processing information received from informants (or from other sources) concerning alleged violations of Internal Revenue laws.

1113.666 *Planning and Procedures Branch.* The Planning and Procedures Branch is responsible for: providing staff assistance to Division Director in the establishment of Intelligence Division objectives, and in formulating, developing and coordinating plans and programs of the Intelligence Division consistent with the overall Service policy to achieve these objectives; consulting and cooperating with all offices engaged in projects of a planning or administrative nature affecting Intelligence operations; implementing plans and programs to achieve the basic policies; developing organizational and staffing standards for field Intelligence activities; assisting in developing standards for the selection, classification, and promotion of Intelligence personnel; providing procedural guides and instructions for all Intelligence phases of Regional and District operations; reviewing field procedural issuances; participating in studies and visits to evaluate existing policies and procedures, recommend their change, and determine whether additional policies and procedures are required; appraising and developing proposed legislation relevant to Intelligence activities; and performing such other duties as the Director may assign.

1113.67 *Office of International Operations—Director of International Operations.* Has primary responsibility for the administration of the Internal Revenue laws in all areas of the world, outside the United States; and coordinates for the Service all foreign investigations and requests for information from foreign countries or U.S. possessions. Acts as Competent Authority for all operating provisions of tax treaties under delegation from the Commissioner of Internal Revenue.

1113.671 *Executive Assistant to Director.* Coordinates the work programs and other activities of the foreign and Puerto Rico posts and International Operations personnel and other personnel temporarily assigned overseas on audit examinations, fraud and collateral investigations, or to temporarily assist the foreign representatives and such personnel as may be detailed for overseas assignment from the Audit or Intelligence Divisions. Coordinates audit, collection, delinquency, intelligence, conference and offers in compromise work items between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies including determining whether action requested is feasible and whether it would be handled by foreign representatives, International Operations personnel on detail, other Government agencies or District personnel. To the extent provided by delegation, supervises and evaluates the work and performance of foreign representatives. Makes certain that foreign representatives have a sound, realistic program (for their territory) that ties into overall Service objectives in the International area. Keeps director informed of trends in the foreign area, which will be employed in program development for the operation as a whole. Takes affirmative steps to maintain morale of personnel located at foreign posts. Exercises broad vision in determining proper utilization of information obtained from foreign representatives. Assists the Director in the performance of the functions of the Competent Authority under tax treaties principally involving non-automatic exchange of information and consideration of double taxation claims. Coordinates the foreign travel of personnel of the Internal Revenue Service. Maintains liaison with the State, Defense, Commerce and Interior Departments, with Customs and the Office of International Finance concerning overseas operating matters. Plans and coordinates the Annual Taxpayer Assistance, Audit and Delinquency Program abroad and plans and coordinates, in conjunction with the military services, the Annual Military Assistance and School Program for overseas military personnel.

1113.672 *Operational Research Staff.* Accumulates and analyzes data concerning foreign tax laws, U.S. Tax Treaties, U.S. tax law changes, revenue rulings and statements of Service policy. Prepares guidance memoranda for International Operations use. Coordinates and reviews guidance memoranda prepared in the Office of International Operations. Reviews drafts of proposed tax conventions and regulations thereunder and prepares comments thereon regarding the administrative and operational feasibility of the conventions and regulations; prepares analytical studies of technical problems and tax avoidance schemes in the international area for the purpose of disclosing tax law provisions that are weak, ineffective, inconsistent or unjust; prepares plans and programs to combat tax avoidance and evasion in the international area; prepares legislative and regulatory recommendations for the Office of International Operations; reviews or prepares suggested tax forms and other material for the use of taxpayers under the jurisdiction of the Office of International Operations and coordinates technical matters having reference to proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates or programs for the accumulation of data designed to show such information as extent, nature, location of U.S. taxpayer business and trust interest outside of United States, progress and disposition of cases in this area as well as similar data relative to foreign business entities ostensibly doing business in United States. Develops and/or operates procedure designed to accumulate data on receipt and disposition of information relative to foreign business operations of concern to U.S. which is received from Foreign Post Representatives. All such information shall be in such form that periodic or special requests for reports on the subject can be readily provided. Acts on assignments received by Director from Assistant Commissioner, Operations, or other National Office officials or components, of a program or planning nature.

1113.673 *Administrative Office.* Performs all necessary administrative management activities, including development of personnel and budget and fiscal programs, cost estimates, quarterly allocations and control of funds, records management, space and equipment utilization. Coordinates and controls, in conjunction with the Facilities Management Division, the printing requirements and distribution of special tax forms required by the Office of International Operations and the distribution of all tax forms to embassies and consulates.

1113.674 *Collection Division.* Receives all tax returns and related work items accruing from the International Program; processes alien returns, returns of citizens residing abroad, Puerto Rican and Virgin Island returns, returns of certain foreign corporations and the

withholding returns filed by agents making income payments to foreign addresses; accepts and deposits remittances received with all such returns; performs all accounting operations incident to the control of these returns, including the issuance of bills, processing of claims, scheduling of refunds, and maintenance of general ledger; administers the provisions of tax treaties authorizing the automatic and other exchange of tax information between the United States and foreign countries; administers Section 6316 of the 1954 Code authorizing, under certain conditions, the acceptance of foreign currencies in payment of United States tax liabilities; collects delinquent accounts of taxpayers residing abroad; develops procedures relating to the collection of delinquent tax from citizens abroad and non-resident aliens; and maintains liaison with the State and Defense Departments and the Bureau of Accounts concerning Collection matters. Provides advice and guidance on collection where performed by the Foreign Posts and personnel detailed overseas.

1113.6741 *Returns, Receipts and Taxpayer Service Branch.* Receives, safeguards and deposits all funds tendered to International Operations in Washington, D.C., in payment of Internal Revenue taxes. Receives, controls, examines, processes and has final custody of tax and information returns (except estate and gift) filed with International Operations in Washington, D.C. Receives and opens all ordinary mail addressed to International Operations in Washington, D.C. Stamps, sorts and routes such mail to its proper destination. Receives and answers inquiry letters from withholding agents regarding withholding problems. Receives, examines and transmits all correspondence and documents containing informational exchanges under the tax treaties to and from the various treaty countries, and prepares all statistical reports required for the purpose of evaluating the extent of compliance with treaty provisions and value of the information exchanged. Certifies all amounts withheld at source from income of non-resident aliens and claimed as credits on their final returns. Determines penalties and computes interest on other than individual returns. Mathematically verifies other than individual returns filed with International Operations in Washington, D.C., and completes all prepayment credit adjustments. Provides taxpayer service to U.S. citizens residing abroad and non-resident aliens primarily through correspondence and occasionally through office interviews when the taxpayer is visiting Washington, D.C. Provides advice to the Chief of the Collection Division on return, receipts and taxpayer service activities in Puerto Rico.

1113.6742 *Revenue Accounting Branch.* Performs revenue accounting services on all classes of tax returns filed with the Division in Washington, D.C. Issues statements of tax due, installment notices, and taxpayers' delinquent account assembly forms. Processes all claims for refund or abatement filed, prepares schedules of overassessment, and determines interest allowable thereon. Certifies to taxpayers' payments on Form 899. Examines and allows tentative carryback adjustments and claims within the $10,000 limitation. Compiles statistical reports and records. Maintains controls on blocked refund checks due taxpayers in "Iron Curtain" countries. Verifies mathematically individual tax returns and processes individual tax returns received with remittances. Makes appropriate closing action on all audit adjustment cases. Provides advice to the Chief of the Collection Division on revenue accounting activities conducted in Puerto Rico.

1113.6743 *Delinquent Accounts and Returns Branch.* Effects collection of delinquent accounts of: Citizens residing or doing business abroad (primarily by correspondence, and through levy on assets in the United States); Aliens residing abroad (primarily by correspondence, and through levy on assets in the United States); Military personnel having APO and FPO addresses (primarily by correspondence and through Payroll Deduction procedures). Obtains delinquent returns of non-resident taxpayers on the basis of Form 14 investigations and conducts delinquency surveys in overseas areas by correspondence. Maintains liaison with the Executive Assistant to the Director of International Operations to effect collection of TDA's and to obtain delinquent returns through the foreign posts and personnel traveling overseas; the Military Services, concerning delinquent military taxpayers and the serving of levies on overseas military personnel; the State Department, concerning collection of delinquent accounts from citizens residing abroad. Provides advice to the Chief of the Collection Division on delinquent accounts and returns work conducted in Puerto Rico.

1113.6744 *Puerto Rico Collection Branch.* Is responsible for the performance of all collection work in Puerto Rico and the Virgin Islands which involves primarily the administration of the FICA and Social Security tax laws but also includes collection activities involved in the income and other tax provisions of the Internal Revenue Code as they apply to Puerto Rico and the Virgin Islands. Receives, deposits and conducts appropriate accounting for all tax payments; receives and maintains custody of all tax returns; processes and verifies tax returns and other tax documents; determines interest due and makes appropriate tax refunds; collects delinquent accounts by distraint, seizure, sale, etc., and secures delinquent returns by canvassing and other methods. Sells Alcohol Tax stamps and collects Alcohol and Tobacco Tax taxes in Puerto Rico.

1113.675 *Audit Division.* Is responsible for the direction of all audit examinations accruing from the International Program conducted by correspondence audit in Washington, D.C., and the examinations conducted by Revenue Agents assigned to Washington, excepting while examining officers are assigned outside the continental limits of the United States during which time they will be subject to the general supervision of the Executive Assistant; provides advice and guidance on audit work performed by the Foreign and Puerto Rico posts. Makes certain that Internal Revenue agents manpower will be applied to the most significant civil enforcement cases in the international area (whether the assignment originates from information received through the Executive Assistant coordinating the Foreign Posts, informant material or classification of returns) and will be responsive to information received from the Executive Assistant in this regard. Is responsible for the maintenance of good relations with the several regions and districts and is responsive to their requirements for assistance in the foreign area. Is responsible for the returns classification, conference coordination and audit service functions. Is responsible for the review of all reports of audit examinations and the preparation of tax determination letters. Directs the conduct of examinations of estate and gift tax returns. Directs programs for the exchange of estate and gift tax data with foreign governments under the tax conventions.

1113.6751 *Review Staff.* Is responsible for reviewing for technical accuracy and policy and procedure adherence, reports of examination on income, estate and gift, and miscellaneous taxes and offers in compromise. Prepares and issues all preliminary letters and statutory notices. Receives taxpayer protests, refers protests to the Conference Coordinator and closes protested cases to the Appellate Division upon recommendation of the Conference Coordinator. Furnishes technical advice to foreign and Puerto Rico posts and all audit examining personnel, considers special problems relating to specific cases and prepares recommendations thereon. Considers technical questions submitted by taxpayers, foreign and Puerto Rico posts, other personnel of the Office of International Operations and issues determination letters thereon.

1113.6752 *Conference Coordinator.* Reviews informal conference notification letters and related materials on required audit cases in which the taxpayer has requested an informal conference. Assigns all informal conference cases to personnel in accordance with established procedures and practices. Conducts conferences in the more difficult cases or in cases in which he may be particularly qualified. Considers cases in which the Review Staff has taken exception to the informal conference decisions of other informal conferees, for the purpose of coordinating with the Chief, Review Staff, on difficult technical issues. Screens all protests filed by taxpayers in response to 30- or 60-day letters for the purpose of deciding whether further action is required by the examining units prior to reference of the case to the Appellate Division for consideration. To the extent time permits, undertakes special assignments received from the Director through the Chief, Audit Division.

1113.6753 *Chief Classifying Officer.* Is responsible for planning and executing the audit classification program including the selection of returns to be examined and the determination of the organizational units where the returns can best be examined. Is responsible for the planning and execution of pro-

cedures involving the classification of other documents used in connection with examinations such as transferred cases from other districts, information reports, etc.

1113.6754 *Service Branch.* Controls all income, estate and gift, and miscellaneous tax returns received for audit or investigation; routes work to appropriate units; reproduces completed reports; provides typing services for the Audit Division; effects closing action on examined cases; assembles audit production and statistical data and maintains controls on statutory expirations.

1113.6755 *Field Audit Group.* Conducts audit examinations by examing the books and records of taxpayers in the United States and foreign countries or through correspondence with the taxpayer or his representative on foreign corporations and other foreign business entities and U.S. citizens residing abroad and nonresident aliens with large incomes and complex tax problems. Obtains information on suspected delinquent taxpayers and obtains other tax information while in overseas areas. Upon referral by the Conference Coordinator holds conferences with taxpayers in Washington and foreign areas.

1113.6756 *Estate and Gift Tax Group.* Conducts examinations by correspondence or field visitation in the United States or overseas when necessary of estate tax returns of U.S. citizens who died while residing abroad or non-resident aliens with substantial property or income in the U.S. and gift tax returns filed by nonresident aliens or U.S. citizens residing abroad. Administers the program for exchange of estate and gift tax data with foreign governments under the tax conventions including the certification of the correctness of the tax determinations and the payment of estate and gift tax liability thereon on returns of Districts involving substantial property or income in foreign tax treaty countries. Initiates correspondence relating to all Federal estate and gift tax returns filed by, or due to be filed by, non-resident citizens and aliens. Holds taxpayer conferences and considers protests upon referral by the Conference Coordinator relative to recommended estate and gift tax determinations. Prepares determination letters in reply to correspondence from taxpayers and foreign governments relating to estate and gift tax matters.

1113.6757 *Office Audit Group A.* Conducts office audit type examinations by correspondence and office interview techniques on (1) tax returns, claims, and offers in compromise filed by nonresident aliens and U.S. citizens residing abroad involving difficult and complex issues; and (2) selected foreign corporations. Holds informal conferences with taxpayers or their representatives in Washington, D.C., upon referral by the Conference Coordinator. Prepares tax returns for, and audits books of, foreign corporations and alien individuals whose property is in custody of the Alien Property Custodian and conducts conferences on these matters.

1113.6758 *Office Audit Group B.* Conducts office audit type examinations by correspondence and office interview techniques of income tax returns and claims filed by non-resident aliens and U.S. citizens residing abroad. Examines offers in compromise and excise tax claims. Holds informal conferences with taxpayers or their representatives in Washington, D.C., upon referral by the Conference Coordinator.

1113.676 *Intelligence Division.* Responsible for the conduct of the intelligence function in the Office of International Operations, reviewing and evaluating information items, conducting (subject to general supervision of Executive Assistant while outside continental limits of the United States) fraud investigations and surveys in overseas areas and preparing investigation reports of findings together with recommendation for or against criminal prosecution for tax evasion. Provides advice and guidance to the foreign and Puerto Rico posts and other personnel traveling overseas on intelligence procedures, practices and legal requirements to prove tax evasion. Provides staff service to the Executive Assistant on matters to be referred to Foreign Posts in the Intelligence area and, in this activity, is responsible for maintenance of good working relationships with functional supervisor as well as other Service components. While conducting investigations abroad may perform audit and collection functions in the areas visited. Holds conferences with taxpayers in foreign areas, particularly where no Revenue Service Representatives are stationed, on intelligence matters. Coordinates tax evasion matters with the National Office Intelligence Division, Chief Counsel and other segments of the National Office.

1113.677 *Foreign Posts.* Pursuant to broad annual programs developed in Headquarters office, initiates such actions in the assigned areas as are necessary to establish and maintain satisfactory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or noncompliance and completes action thereon or forwards the information to Washington for further development. Conducts audits of income, estate and gift tax returns of a type justifying field investigation or contact abroad and conducts investigations on tax evasion cases. Effects collection of delinquent taxes when personal contact or investigation abroad is required. Obtains information on audit, intelligence and collection matters for other service component on collateral requests. Holds taxpayer conferences and effects settlements in cases involving timely and delinquent income, estate and gift tax returns, claims, offers in compromise, etc., particularly in those cases referred abroad by International Operations headquarters for such purposes. Under specific direction, assists the Director in the exercise of the Competent Authority provisions of tax treaties by holding preliminary discussions with the foreign government representatives on the settlement of issues in specific cases involving double or discriminatory taxation and forwards information to Washington, D.C. Maintains close liaison with foreign governments in tax treaty, enforcement, exchange of information, technical and other highly complex matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area and develops and implements with their assistance comprehensive programs relating to enforcement, taxpayer assistance and school programs, taxpayer-education releases, and similar measures designed to assure a high level of compliance. Is responsible for the development and maintenance of desirable public relations, initiating appropriate taxpayer-education programs in the area. Furnishes technical assistance to taxpayers with regard to both current and delinquent income, estate and gift tax matters.

1113.678 *Puerto Rico Post.* Audits tax exempt Puerto Rican corporations to uncover diversions of profits from the related interests and associates in the U.S. and submits reports to the Executive Assistant to the Director of International Operations. Conducts all required Internal Revenue Service functions in Venezuela, Colombia, the Guianas and other countries of the Caribbean area on visitation trips from Puerto Rico including holding taxpayer conferences, taking necessary action to assure compliance with the tax laws, maintaining liaison with U.S. military authorities and taxpayer groups in the area and contacting the foreign taxing authorities for the purpose of exchanging information. Obtains information in Puerto Rico and the Virgin Islands on estate and gift tax returns filed or due to be filed in the area to assist the Estate & Gift Tax Group in the determination of estate and gift tax liabilities. Audits employment tax returns of Puerto Rican residents and income tax returns of U.S. Government employees and Puerto Rican residents deriving income from sources outside Puerto Rico. Provides administrative direction to and services for the Puerto Rico Collection Branch.

§ 1113.7 *Office of Assistant Commissioner (Planning and Research).* The Assistant Commissioner (Planning and Research) acts as the principal assistant to the Commissioner in the coordination of plans and policies, research, statistics, and systems development; and consults with and advises the Commissioner, the Deputy Commissioner, the Assistant Commissioners, and other principal officials regarding the basic policies of the Service. The Assistant Commissioner (Planning and Research) represents the Commissioner on these matters in relations with the Treasury Department, the Congress, other Government agencies and outside organizations. He discharges these primary responsibilities in cooperation with the appropriate Assistant Commissioners (or other principal officials), each of whom exercises related responsibilities within his own functional area. The Assistant Commissioner (Planning and Research) is responsible for and supervises the activities of four divisions: Plans and Policy Division, Research Division, Statistics Division, and Systems Development Division.

1113.71 *Plans and Policy Division.* The Plans and Policy Division develops and administers a system integrating the plans of all Service activities into a comprehensive Master Plan and monitors the implementation of the Master Plan. The Division participates in the formulation of the basic policies and organization of the Service; develops and administers systems whereby top management reviews and confirms current Service policies and organization and approves modifications thereto, and administers the internal management document system and reviews issuances for conformance to basic policies of the Service.

1113.72 *Research Division.* The Research Division conducts advanced research (independently or in conjunction with other offices) into the Federal tax system to develop new approaches to improve the Service's operations and to reduce the compliance burden on the taxpayer; directs such research, within the framework of tax policy determined by the Treasury Department; and furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration. The Division actively participates with the appropriate staffs of the Treasury Department and the Assistant Commissioner (Technical) in the preparation of legislative proposals and regulation revisions resulting from the research conducted; designs and carries out surveys, studies, polls, and other forms of research to provide the Service with the basic data needed for the formulation of operating programs and plans; and prescribes the nature and content of statistical analyses made by other offices but required for the research functions of the Division.

1113.73 *Statistics Division.* The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; and performs other related research and statistical functions. The Division consists of the Income, Finance, and Wealth Branch, the Statistical Techniques Branch, and the Operations Branch.

1113.731 *Income, Finance, and Wealth Branch.* The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program and prepares specifications for data preparation. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

1113.732 *Statistical Techniques Branch.* The Statistical Techniques Branch conducts research in sampling and other statistical techniques to achieve efficiency in producing the program of the Division. It designs samples and prepares estimates of the tax-return population and workload. It reviews the application of the sampling specifications, conducts variance analyses, and makes other evaluations of the adequacy of the data. It conducts research in the development and adaptation of equipment, techniques, and personnel to the solution of specific problems of the Division. It develops and maintains statistical standards for application to the Division's program.

1113.733 *Operations Branch.* The Operations Branch develops operational plans for use in producing the statistics required by the program of the Division, and prepares related procedures, forms and instructions. It coordinates the scheduling and processing of the work performed at decentralized locations. It programs for and uses electronic data processing machines as well as other equipment and processes in producing the required tabulations. It evaluates the statistics produced in terms of original specifications, costs, and procedures.

1113.74 *Systems Development Division.* The Systems Development Division is concerned both with electronic systems and other systems. It conducts a continuing program relative to the availability and capability of electronic data processing systems and other electronic or automation equipment and systems, the feasibility and adaptability of electronic equipment to specific Service tasks, and the development of special modifications for Service purposes. The Division reviews and coordinates projects of other offices involving the adaptation of electronic equipment and participates in the selection and installation of electronic equipment and systems. With respect to other systems, the Division examines and makes recommendations for improvement or extension of internal systems (such as those relating to reporting, processing, accounting, enforcement, records management, and communications), reviews and coordinates system-improvement efforts of other offices, and initiates and develops projects of its own; furnishes other offices of the Service, on request, advisory and consultative services on systems problems; studies possibilities of integrating paperwork and data-handling systems and equipment; and surveys, develops and tests equipment used or usable by the Service.

1113.8 *Office of Assistant Commissioner (Technical).* The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the uniform interpretation and application of the tax laws (other than alcohol, tobacco, and certain firearms taxes). His duties include the preparation and issuance of rulings and advisory statements to the public and Revenue officials, the preparation of regulations and other tax guide materials, responsibility for the development and the technical content of all tax return forms and instructions (other than those dealing with Alcohol and Tobacco taxes and the National Firearms Act), the direction of programs for clarification and simplification of tax rules, and the negotiation of tax treaties and agreements with foreign governments. He also is responsible for developing legislative proposals and for the coordination of the Service's legislative program; for preparing formal reports to the Secretary giving the Service's views on pending or proposed legislation; and for providing technical assistance to the Department, Congressional Committees, and drafting groups in connection with tax legislation. The Assistant Commissioner (Technical) is responsible for and supervises the activities of four divisions: International Tax Relations Division, Special Technical Services Division, Tax Rulings Division, and Technical Planning Division.

1113.81 *International Tax Relations Division.* The International Tax Relations Division engages in the negotiation of tax treaties and agreements with foreign governments. It cooperates with the State Department and with Congressional committees in procedures leading to the ratification of such treaties and agreements, and conducts programs for treaty administration and relations with foreign tax officials.

1113.82 *Special Technical Services Division.* The Special Technical Services Division conducts special studies of tax problems aimed at reducing areas of controversy, promoting uniformity, and establishing the position of the Service on technical issues. It prepares tax guides for the public and summaries of technical developments for Service personnel, develops certain tax law materials for employee training purposes and for the high school "Teaching Taxes" program, and reviews tax guide material prepared outside the Service. The Division provides expert technical advice and assistance to all levels of the Service, and to the Department, on the engineering and valuation aspects of tax administration, including legislation, regulations, litigation, taxpayer rulings, formal and informal advice to field and other Service organizations, and related professional and technical activities. It also post reviews a sample of closed field cases involving engineering and valuation issues. It replies to and makes determinations on engineering questions submitted by Service offices and taxpayers which do not involve the establishment of precedents, and makes determinations on requests of taxpayers to change accounting methods for depreciation and obsolescence. The Division is the central point of contact between Technical and Operations on field audit operations involving engineering problems and programs, including training of engineers. The Division conducts a program for the selection and preparation for publication of precedent rulings, decisions, procedures, policy announcements, and other statements in the Internal Revenue Bulletin. The Division prepares and issues replies to communi-

cations which relate to general technical information and provides technical research and reference materials and services for National Office personnel. The Division Director is responsible for and supervises the activities of six branches: Technical Reference Branch, Technical Projects Branch, Bulletin Branch, Appraisal Branch, Court Defense Branch and Natural Resources Branch.

1113.821 *Technical Reference Branch.* The Technical Reference Branch serves as the liaison office for Congressional correspondence within the jurisdiction of the Assistant Commissioner (Technical) and controls the overall correspondence program of that office, except as to those legislative, regulations, and forms matters which are handled by the Technical Planning Division. It issues replies to communications which relate primarily to general technical information, and analyzes and directs the flow of all other inquiries and requests for rulings or advice to the appropriate Technical Organization units, or other National Office units. It operates as the principal point of contact between the Public Information Division and the Technical Organization in determining the material to be made available for public inspection under section 6104 of the Code. It provides technical research and reference material and services for National Office personnel; and maintains and services the closed correspondence files and records of the Tax Rulings Division and the Special Technical Services Division.

1113.822 *Technical Projects Branch.* The Technical Projects Branch has the responsibility for conducting special studies of major technical tax problems, including reappraisals of current rules and practices and the resolution and clarification of complex technical issues, in order to establish the position of the Service, reduce controversy, and promote uniformity. It prepares and issues comprehensive tax guide material for the public (including "Your Federal Income Tax," "Tax Guide for Small Business," "Farmer's Tax Guide," and numerous others). It prepares periodic summaries of technical developments for the guidance of Service personnel (including "Tax Briefs for Revenue Agents and Office Auditors" and the "Annual Technical Review Institute"), and develops certain tax law technical materials for training Service personnel and for the high school "Teaching Taxes" program. It reviews for the National Office such tax guide material prepared outside the Service as it is within the policy of the Service to review; and conducts other similar technical projects.

1113.823 *Bulletin Branch.* The Bulletin Branch conducts the program for the publication of precedent rulings, decisions, procedures, and other materials in the weekly Internal Revenue Bulletin, the authoritative source for official Service pronouncements. In this program, which provides a means of taxpayer education and information to field offices designed to promote uniform application of an adherence to tax laws and regulations, the Branch selects, analyzes, correlates, and prepares materials for publication; selects Actions on Decisions with respect to which a public expression of the position of the Service is necessary or desirable and prepares appropriate announcements expressing that position; develops standards for the publication of material and takes action to resolve differences regarding publication recommendations; and prepares Bulletin indexes and index-digests for research and reference use throughout the Service.

1113.824 *Appraisal Branch.* Provides advice and assistance throughout the Service, including Chief Counsel, on engineering and valuation questions arising in the industrial, public utilities, real estate, and commercal fields. This includes preparation of rulings, technical advice memorandums, furnishing advice and assistance in legislation and regulations matters, passing on taxpayer requests to change methods of accounting for depreciation and obsolescence, giving informal advice to field offices on professional and technical engineering problems, post-audit review, on a sample basis, of cases involving engineering issues, and giving direct engineering and valuation assistance, on request, to regional and district offices on open cases involving engineering and valuation issues of considerable importance or complexity, and in the classification of returns involving engineering issues. The Branch also prepares, jointly with the Audit Division, engineering training material, including a Handbook, and prepares and presents material on professional and technical engineering developments at engineering institutes. It also assists the Audit Division in its responsibilites for planning and coordinating the engineering aspects of the audit program, including assistance in the evaluation of field engineering staffing requirements. It prepares material for a periodic engineering coordination digest calling attention to important tax engineering matters.

1113.825 *Court Defense Branch.* Provides expert advice and assistance to Chief Counsel and Department of Justice in development and preparation of cases involving engineering and valuation issues for trial or pre-trial settlement. Staff members serve as expert witnesses in court or, as necessary, procure expert witnesses in support of Government's position, and assist Government counsel in presentation of cases in Court and in negotiating settlements. The Branch also prepares, jointly with the Audit Division, engineering training material, including a Handbook, and prepares and presents material on professional and technical engineering developments at annual engineering institutes.

1113.826 *Natural Resources Branch.* Provides advice and assistance throughout the Service, including Chief Counsel, on engineering and valuation questions arising in the oil and gas, mining, and timber and pulp and paper industries. This includes preparation of rulings, technical advice memorandums, furnishing advice and assistance in legislation and regulations matters, passing on taxpayer requests to change methods of accounting for depreciation and obsolescence, giving informal advice to field offices on professional and technical engineering problems, post-audit review, on a sample basis, of cases involving engineering issues, and giving direct engineering and valuation assistance, on request, to regional and district offices on open cases involving engineering and valuation issues of considerable importance or complexity, and in the classification of returns involving engineering issues. The Branch also prepares, jointly with the Audit Division, engineering training material, including a Handbook, and prepares and presents material on professional and technical engineering developments at engineering institutes. It also assists the Audit Division in its responsibilites for planning and coordinating the engineering aspects of the audit program, including assistance in the evaluation of field engineering staffing requirements. It prepares material for a periodic engineering coordination digest calling attention to important tax engineering matters.

1113.83 *Tax Rulings Division.* The Tax Rulings Division prepares and issues rulings, advisory letters, and tax memorandums on income, excess profits, estate, gift, employment and withholding taxes, and excise taxes (other than alcohol, tobacco, and certain firearms taxes) setting forth the position of the Service for the guidance of taxpayers, Revenue employees, and others. The Division Director is responsible for and supervises the activities of eight branches: Corporation Tax Branch, Employment Tax Branch, Estate and Gift Tax Branch Excise Tax Branch, Exempt Organizations Branch, Individual Income Tax Branch, Pension Trust Branch, and Reorganization and Dividend Branch.

1113.831 *Corporation Tax Branch.* The Corporation Tax Branch issues rulings with respect to the application of Federal income and profits taxes to corporation matters generally, including those relating to consolidated returns of affiliated groups. It resolves issues applicable to both corporate and noncorporate taxpayers in the field of amortization of emergency and grain storage facilities (sections 168 and 169 of the Code); mitigation of effect of renegotiation of war contracts or disallowance of reimbursement (section 1481); LIFO inventory (section 472); requests for permission for change in accounting periods and methods (except methods of accounting for depreciation or obsolescence, for which see Manual subsection 1113.82); Farmers Cooperatives and tax treatment as to patrons (sections 521-522–61); Involuntary Conversions (sections 1033 and 1071); Taxation of Regulated Investment Companies and their shareholders (section 851 to 855); and Research and Experimental Expenditures (section 174). The Branch also makes determinations with respect to earnings and profits and the taxable status of distributions.

1113.832 *Employment Tax Branch.* The Employment Tax Branch issues rulings with respect to the application of the tax imposed by the Federal Insurance Contributions Act, the Railroad Retirement Act, Federal Unemployment Tax Act, and the withholding provisions of the Federal income tax, all of which are included in Chapters 21–25, inclusive, of the Code. This Branch also has jurisdiction of questions under the Self-Employment Contributions Act other than those concerning the definition of net earnings from self-employment (sections 1401–1403) and the application of the provisions of subtitle F of the Code. In cases where organizations are determined to be of the type described in section 501(c)(3) of the Code, the Branch issues rulings as to the organizations' status under sections 3121(b) and 3306(c) of the Code.

1113.833 *Estate and Gift Tax Branch.* The Estate and Gift Tax Branch issues rulings with respect to the application of Federal estate and gift taxes, related statutes, and estate and gift tax treaties as to donors and estates.

1113.834 *Excise Tax Branch.* The Excise Tax Branch issues rulings with respect to all Federal excise taxes other than alcohol, tobacco, and certain firearms taxes, including determinations under sections 4216 and 4218 of the Code as to the constructive sales price of certain articles subject to manufacturers' excise taxes. The excise taxes comprise a variety of taxes which may be identified generally as sales taxes imposed upon manufacturers, producers, or importers; sales taxes imposed upon retailers; documentary stamp taxes; admissions, cabaret, and dues taxes; transportation taxes; communication taxes; and miscellaneous excise, occupational, and regulatory taxes.

1113.835 *Individual Income Tax Branch.* The Individual Income Tax Branch issues rulings with respect to the application of Federal income taxes and related statutes applicable to noncorporate taxpayers (including partnerships, estates, and trusts). The Branch also considers issues involving corporate contributions (section 170 of the Code); cooperative housing corporations (section 216); restricted stock option plans adopted by corporations for its employees (section 421); and withholding of tax on foreign corporations (section 1442).

1113.836 *Pension Trust Branch.* The Pension Trust Branch issues rulings and reviews field determination letters as to the qualification of pension, profit-sharing, and stock bonus plans under section 401, and exemption of employees' trusts under section 501 of the Code; rules on collateral matters involving taxability of beneficiaries under sections 402 and 403, and employer deductions under section 404, and related issues; and determines whether transactions prohibited by section 503 have been engaged in.

1113.837 *Exempt Organizations Branch.* The Exempt Organizations Branch issues rulings (and reviews field determination letters) to organizations, trusts, etc., with respect to the exemption from income tax under sections 501 and 521 of the Code, and the responsibilities of exempt organizations for the filing of annual information returns under section 6033, and their liability for unrelated business income tax under section 511; and determines whether they have engaged in prohibited transactions under section 503 or have unreasonably accumulated, or misused, income under section 504; and performs other duties relating to its responsibility for coordinating the work of the Branch with other branches whose work may be affected by the rulings and letters of exemption from income tax. The Branch issues group rulings to organizations described in section 501(c) of the Code, and also has jurisdiction as to the status of certain organizations as agencies or instrumentalities of the United States, a State, or political subdivision thereof or the District of Columbia. The Branch also makes determinations as to whether certain exempt-status information should be withheld from public inspection under section 6104(a)(1)(B) of the Code.

1113.838 *Reorganization Branch.* The Reorganization Branch issues rulings with respect to the taxable status of exchanges and distributions in connection with corporate reorganizations, organizations and liquidations, and with respect to the distribution of stock dividends and redemptions. It also determines whether distributions, redemptions, exchanges, or transfers referred to in sections 306(b)(4), 367, and 1492 of the Code are in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

1113.84 *Technical Planning Division.* The Technical Planning Division conducts a program for issuance and revision of tax regulations, reviews all new or amendatory regulations, and undertakes the initial drafting of certain projects; develops the technical content of tax return forms and instructions and coordinates the preparation of such forms and instructions through the National Office Tax Returns Forms Committee; coordinates the legislative program of the Service, develops recommendations for and provides analyses and technical assistance in connection with new or amendatory tax legislation, and provides related services; and maintains a technical liaison program with Regional and District offices. The Division Director is responsible for and supervises the activities of four branches: Income Tax Branch, Tax Return Forms and Instructions Branch, Technical Programming Branch, and Wage and Excise Tax Branch.

1113.841 *Technical Programming Branch.* The Technical Programming Branch is responsible for planning the performance of the functions of the Internal Revenue Service with respect to legislation, regulations, and tax return forms and the related instructions. It maintains a technical liaison program with the Regional and District offices through which it conducts a continuing survey for the purpose of determining areas involving income tax abuses and inequities, the quality and effectiveness of the regulations and tax return forms, the views of operational personnel concerning new or amendatory legislative and regulatory proposals. It develops, and keeps currently up to date with changing conditions, an over-all program and detailed programs coordinated in these fields. Its representatives arrange and conduct public hearings on proposed regulations which are held as required by the Administrative Procedure Act. The Branch receives and coordinates the requests from the Secretary's staff and Congressional committees for technical assistance on legislation and other matters over which the Division has jurisdiction.

1113.842 *Income Tax Branch.* The Income Tax Branch is responsible for carrying out the legislative and regulations programs of the Division as they relate to income taxes and to the administrative provisions of general application. In these areas it researches and conducts analytical studies in relation to proposed and pending legislation, prepares formal reports to the Secretary on specific legislative recommendations, drafts all amendments to the Service's Statement of Procedural Rules, drafts or reviews new and amendatory regulations and Treasury decisions and other rules of general application, and reviews other technical materials referred to it for study and comment. It provides technical advice and assistance as requested to the Tax Return Forms and Instructions Branch in the development of forms and instructions in the areas within its jurisdiction. It also provides technical assistance to the Treasury Department, Congressional committees, legislative drafting groups, and to other Divisions of the National Office.

1113.843 *Wage and Excise Tax Branch.* The Wage and Excise Tax Branch is responsible for carrying out the legislative and regulations programs of the Division as they relate to excise, employment, estate, and gift taxes. In these areas it researches and conducts analytical studies in relation to proposed and pending legislation, prepares formal reports to the Secretary on specific legislative recommendations, drafts or reviews new and amendatory regulations and Treasury decisions and other rules of general application, and reviews other technical materials referred to it for study and comment. It provides technical advice and assistance as requested to the Tax Return Forms and Instructions Branch in the development of forms and instructions in the taxing areas within its jurisdiction. It also provides technical assistance to the Treaury Department, Congressional committees, legislative drafting groups, and to other Divisions of the National Office.

1113.844 *Tax Return Forms and Instructions Branch.* The Tax Return Forms and Instructions Branch is responsible for initiating, developing, and revising the technical content of all tax return forms, instructions, schedules, and related publications in connection with income, employment, excise, estate, and gift taxes. It coordinates the direction and operation of the Tax Return Forms Committee in planning, reviewing, and approving tax return forms material. It also provides technical assistance to other offices within the Service, to the Treasury Department, and to Congressional committees.

1113.9 *Office of the Chief Counsel.* The Chief Counsel, as Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes. The key officials under his supervision are: Assistant to the Chief Counsel, Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), two Assistants Chief Counsel (Litigation), and Assistant Chief Counsel (Technical).

1113.91 *Assistant to the Chief Counsel.* The Assistant to the Chief Counsel supervises and coordinates all legal management work of the Chief Counsel's Office (the National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the office and evaluates their legal competence; analyzes the workload of the office, and determines the distribution of personnel available to handle the workload. He exercises general supervision of all matters relating to administration and management in the office of the Chief Counsel. Unless the Chief Counsel otherwise designates, he performs the duties of the Chief Counsel during the absence of the Chief Counsel.

1113.92 *Associate Chief Counsel (Litigation).* The Associate Chief Counsel (Litigation) plans and directs the policies and programs pertaining to the civil and criminal litigation of the Internal Revenue Service. He exercises direct supervision of the Assistant Chief Counsel (Litigation) and general supervision of the Tax Court, Refund Litigation, Joint Committee, Collection Litigation, Enforcement, and Alcohol and Tobacco Tax Legal Divisions. He serves as the principal legal adviser to the Assistant Commissioner (Operations).

1113.921 *Assistant Chief Counsel (Litigation).* An Assistant Chief Counsel (Litigation) assists the Associate Chief Counsel (Litigation) in controlling and coordinating the policies and programs pertaining to Tax Court, Refund Litigation and Joint Committee work. He exercises direct supervision of the Directors of the Tax Court, Refund Litigation, and Joint Committee Divisions, and general supervision of the work of Regional Counsel in Tax Court and Joint Committee matters.

1113.9211 *Tax Court Division.* The Tax Court Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the Tax Court of the United States; supervises and coordinates the defense and settlement of such cases to assure uniform treatment; coordinates and reviews Tax Court matters prepared in the regional offices, including the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or nonacquiescence in adverse Tax Court decisions; prepares recommendations to the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court in such cases. It supervises and handles the trial of excess profits tax refund cases.

1113.9212 *Refund Litigation Division.* The Refund Litigation Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals, and appeals and petitions for certiorari from adverse court decisions. The Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division.

1113.9213 *Joint Committee Division.* The Joint Committee Division is responsible for the review of proposed refunds or credits exceeding $100,000. In such cases, the allowance is reviewed by the Chief Counsel's office. These cases include overpayments of income, excess profits, estate, gift, and miscellaneous taxes proposed for allowance, and allowances already made of tentative adjustments of income and excess profits taxes. Any deficiencies coupled with such tax reductions under review are likewise subject to review. In certain cases a report is prepared for the Joint Committee on Internal Revenue Taxation as required by section 6405 of the Internal Revenue Code.

1113.922 *Assistant Chief Counsel (Litigation).* An Assistant Chief Counsel (Litigation) assists the Associate Chief Counsel (Litigation) in controlling and coordinating the policies and programs pertaining to Collection Litigation, Enforcement, and Alcohol and Tobacco Tax work. He exercises direct supervision of the Directors of the Collection Litigation, Enforcement and Alcohol and Tobacco Tax Legal Divisions, and general supervision of the work of Regional Counsel in Collection Litigation, Enforcement, and Alcohol and Tobacco Tax matters.

1113.9221 *Collection Litigation Division.* The Collection Litigation Division supervises and coordinates legal work of Regional Counsel on Collection Litigation matters. It reviews certain offers in compromise (except those concerning alcohol, tobacco and firearms taxes). It handles legal work concerning (a) cases under section 77, Chapter X and Chapter XII of the Bankruptcy Act, (b) claims or suits for refund of amounts paid as processing taxes, and (c) the preparation of formal opinions on the above matters. In the cases listed above and in certain Regional Office cases the Collection Litigation Division prepares or reviews recommendations to the Department of Justice concerning questions of (a) certiorari, appeal and petition for review, (b) offers in settlement, and (c) waiver or release of a right to redeem under 28 U.S.C. 2410. Similarly, the Division considers recommendations that the Commissioner authorize or sanction affirmative action in (a) insolvency cases (including decedents' estate proceedings), (b) suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, (c) cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, (d) suits for the collection of taxes, and (e) suits for the enforcement of summonses.

1113.9222 *Enforcement Division.* The Enforcement Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Operations) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums or protest letters on decisions by the Department of Justice or United States Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations or with respect to the disclosure of information. The Division coordinates with the Department of Justice or interested branches of the Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases. It reviews and prepares for action enrollee and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

1113.9223 *Alcohol and Tobacco Tax Legal Division.* The Alcohol and Tobacco Tax Legal Division handles the legal work arising in connection with the administration of laws pertaining to alcohol and tobacco taxes and various regulatory laws pertaining to alcohol and firearms, enforcement of which is vested in the Internal Revenue Service, and handles the legal work arising from administrative claims against the United States and Service employees under the Federal Tort Claims Act arising out of acts of Service employees. It maintains general supervision over the legal work involving alcohol and tobacco taxes performed in the office of Regional Counsel. It provides advisory service in the drafting and reviewing of alcohol and tobacco tax laws; and prepares or reviews regulations issued under the alcohol and tobacco tax laws, and rulings and opinions on alcohol and tobacco tax matters. The Division advises the Regional Counsel, when requested, concerning legal matters considered by them. It handles the legal work in connection with the appeal of cases to the Washington level, and refers cases, considered at the Washington level, to the Department of Justice for prosecution, with necessary recommendation and information thereon.

1113.93 *Associate Chief Counsel (Technical).* The Associate Chief Counsel (Technical) plans and directs the policies and programs of the Office with respect to legislation, regulations, and interpretative rulings and opinions pertaining to the laws administered by the Internal Revenue Service. He exercises direct supervision of the Assistant Chief Counsel (Technical) and general supervision of the Legislation and Regulations Division and the Interpretative Division. He serves as the principal legal adviser to the Assistant Commissioner (Technical).

1113.931 *Assistant Chief Counsel (Technical).* The Assistant Chief Counsel (Technical) assists the Associate Chief Counsel (Technical) in controlling and coordinating the work of the Office with respect to legislation, regulations, and interpretative rulings and opinions pertaining to the laws administered by the Internal Revenue Service. He exercises direct supervision of the Directors of the Legislation and Regulations Division and the Interpretative Division, and serves as principal legal advisor to the Directors of the Internal Revenue Service Technical Planning and Tax Rulings Divisions.

1113.9311 *Legislation and Regulations Division.* The Legislation and Regulations Division, upon request, participates and provides technical assistance in the development and drafting of internal revenue legislation and reviews as to legal form and substance recommendations for new and amendatory legislation. The Division cooperates with the Internal Revenue Service Technical Planning Division in the development of the Service's program for the preparation of new and revised regulations, including Treasury decisions, and in accordance with the approved program undertakes initial preparation of most regulations. It reviews as to legal form and substance all proposed regulations and Treasury decisions, except those pertaining to alcohol and tobacco tax matters. Representatives of the Division participate in public hearings on proposed regulations.

1113.9312 *Interpretative Division.* The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to: (a) Alcohol, tobacco and firearms matters; (b) criminal tax investigations and prosecutions; (c) lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; (d) administrative matters; (e) disclosure matters; and (f) summons enforcement matters. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner in the technical area. The Division is also responsible for the legal review of closing agreements.

1113.(10) *Director of Practice.* The Director of Practice processes the applications to practice before the Treasury Department, except those relating to customhouse brokers. He is also responsible for the consideration of and action upon charges that any enrolled person has violated any provision of the laws or regulations governing practice before the Department. The Director of Practice, under the supervision of the Secretary of the Treasury, is a part of the Internal Revenue Service organization.

1114 *Office of Regional Commissioner.*

1114.1 *Mission.* The mission of the Office of Regional Commissioner is to execute the broad nationwide policies and programs for the administration of the internal revenue laws, to carry out appellate and alcohol and tobacco tax programs at the regional level, and direct and coordinate the functions and activities of the district offices within the region.

1114.2 *Basic Organization.* The principal organization components of the typical Office of the Regional Commissioner are the immediate office of the Regional Commissioner, the Administration Division, the Alcohol and Tobacco Tax Division, the Appellate Division, the Audit Division, the Collection Division and the Intelligence Division. An Assistant Regional Commissioner is at the head of each division.

1114.3 *Regional Commissioner.* The Regional Commissioner administers within an assigned regional area the collection, audit, intelligence, appellate, alcohol and tobacco tax, and administration programs of the Internal Revenue Service. He carries out Service policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies and programs within his region. The Regional Commissioner supervises and coordinates the work of the staff of the regional office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or Service.

1114.4 *Assistant Regional Commissioner (Administration).* The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administration activities of the Service under the jurisdiction of the Regional Commissioner to assure that administration policies and programs are properly executed. In conformity with the administration policies, and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administration program of the Service which includes budget and fiscal management, personnel administration, training, public information, property and records management, use of facilities, printing and reproduction, and reports management. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administration programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administration activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of administration policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base administration policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administration operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Facilities Management Branch, Fiscal Management Branch, Personnel Branch, and Training Branch.

111.41 *Facilities Management Branch.* The Facilities Management Branch coordinates, evaluates and carries out region-wide programs for providing essential support activities designed to increase the effectiveness of the region, reduce its operating costs and improve taxpayer relations. Develops within the broad guidelines established by the National Office standards and procedures for such matters as the management of paperwork; space; property and supply; procurement and contracts; production, storage, and distribution of forms and publications initiated within the region and distribution and requirements of National Office forms and publications; emergency planning for civil defense; fire and safety, document and property security; and processes all claims arising within the region under the Federal Tort Claims Act.

1114.42 *Fiscal Management Branch.* The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within over-all budget limitations, submission of budget data, allotment of funds, maintenance of accounts, preparation of payrolls and examination of vouchers. This Branch participates in longrange planning involving expenditures for personnel, equipment, administrative services, space and similar items.

1114.43 *Personnel Branch.* The Personnel Branch develops and evaluates the regional personnel program and standards relating to recruitment and selection, employee relations, disciplinary actions, performance evaluation,

promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the framework of broad Service policies, programs and procedures established by the National Office, and conducts the personnel program for the regional office. It conducts the position classification program for the region. This Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

1114.44 *Training Branch.* The Training Branch provides leadership and coordination to the regional training programs and evaluates and reports on all such programs. It coordinates the regional execution of nationwide training programs; gives advice on all training programs conducted within the region; and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of regional training programs to meet training needs that cut across organizational lines, such as supervisory training and training in clerical skills.

1114.5 *Assistant Regional Commissioner (Alcohol and Tobacco Tax).* The Assistant Regional Commissioner (Alcohol and Tobacco Tax) acts as the principal assistant to the Regional Commissioner in planning, directing, and coordinating the alcohol and tobacco tax activities of the Service under the jurisdiction of the Regional Commissioner for the execution of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for the administration and enforcement of internal revenue laws relating to alcohol, alcoholic beverages and products, and tobacco and tobacco products; and related laws, including the Federal Alcohol Administration Act, the National and Federal Firearms Acts and the Liquor Enforcement Act of 1936. This includes the supervision and control, under Federal laws, of units of the lawful liquor and tobacco industries located within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of alcohol and tobacco tax policies, programs, procedures and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base alcohol and tobacco tax policy and program considerations and recommends action with respect to problems encountered in alcohol and tobacco tax operations. He supervises the activities of two branches, Enforcement Branch and Permissive Branch, and all branch offices located within the region.

1114.51 *Enforcement Branch.* (1) The Enforcement Branch coordinates and evaluates the alcohol and tobacco tax enforcement activities, including those relating to retail liquor dealers, to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the investigative work is pursued in an orderly and timely manner.

(2) In conformity with alcohol and tobacco tax enforcement policies and programs established by the National Office, it develops regional programs, standards and other measures necessary to implement most effectively the investigative program relating to violation of the internal revenue laws and other statutes relating to alcohol, alcoholic beverages and products, tobacco and tobacco products and firearms.

(3) The Branch also directs and performs investigations of all major criminal cases throughout the region and provides functional advice and guidance to branch officers on enforcement matters.

1114.52 *Permissive Branch.* (1) The Permissive Branch coordinates and evaluates the alcohol and tobacco tax permissive activities to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the work is processed in an orderly and timely manner.

(2) In conformity with alcohol and tobacco tax permissive policies and programs established by the National Office, it develops regional programs, standards and other measures necessary to implement most effectively the control and supervision of the legally qualified liquor and tobacco industries and permittees.

(3) The Branch exercises jurisdiction over the qualification of plants and premises and issuance of permits, and examines and/or audits reports relating to plant operations submitted by proprietors and Government employees. In regions where there are no branch offices (combination), it also directs the activities of all permissive employees, provides advice and guidance to the industry, and supervises its operations through the direction and assignment of storekeeper-gaugers and inspectors. In regions where there are branch offices (combination) the Branch provides advice and guidance to the industry in matters beyond the scope of the branch office, and provides functional advice and guidance to branch offices (combination) on permissive matters.

1114.53 *Branch Offices.* (1) Branch offices, headed by Supervisors in Charge, direct the permissive and/or enforcement activities within assigned areas of jurisdiction. Those that direct permissive and enforcement activities are known as Combination Offices and those that direct only enforcement activities are known as Enforcement Offices.

(2) In the regulatory or permissive field Combination Offices provide advice and guidance to the industry and supervise its operations through the direction and assignment of storekeeper-gaugers and inspectors. The activities of the industry supervised include production, storage, tax payment, disposition and use of alcoholic liquors and tobacco by qualified permittees and registrants.

(3) In the enforcement field all branch offices engage in the investigation, prevention, and detection of willful and/or fraudulent substantive violations of the internal revenue liquor and tobacco laws, the Federal Alcohol Administration Act, the Liquor Enforcement Act of 1936, the National and Federal Firearms Acts, the regulations promulgated thereunder and related statutes. This involves the apprehension of violators against such laws; the submission of evidence adduced to United States Attorneys for criminal prosecution and forfeiture action and/or to Regional Commissioner's office for administrative action; the seizure, custody, forfeiture and disposition of real and personal property; the enforcement of the laws and regulations for the control of the flow of raw materials intended for use in the illicit manufacture of distilled spirits; and the inspection of retail liquor dealer establishments.

1114.6 *Assistant Regional Commissioner (Appellate).* The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the appellate activities of the Service under the jurisdiction of the Regional Commissioner within the broad framework of policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco. He is responsible for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of certain cases docketed in the Tax Court; and for a program of final review for the Commissioner in cases involving overassessments or overpayments in excess of $100,000 requiring review by the Chief Counsel or the Joint Committee on Internal Revenue Taxation. His program includes the hearing of administrative appeals in cases involving offers in compromise. In that capacity, he represents the Commissioner of Internal Revenue and exercises the authority of his office pursuant to, and within the limits of, a delegation of authority from the Regional Commissioner. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of its appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base its appellate policy and program considerations, and recommends action with respect to problems encountered in appellate operations. He supervises the activities of all appellate branch offices in the region.

1114.61 *Appellate Branch Offices.* The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Associate Chiefs or Assistant Chiefs who report to the Assistant Regional Commissioner (Appellate). The branch office conducts hearings and makes final determinations, within the limits of its delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms and tobacco, in which taxpayers have requested appellate consideration. The branch office conducts hearings and, with the concurrence of the Regional Counsel, effects settlement of cases which have been docketed in the Tax Court before the opening date of the session at which the case is calendared for trial, or of any pre-trial hearing of or report session thereon. It makes the final review for the Commissioner in all cases involving overassessments or overpayments in excess of $100,000 which are subject to review by the Chief Counsel or the Joint Committee on Internal Revenue Taxation. The branch office considers protested offers in compromise and makes recommendations on final closing agreements.

1114.7 *Assistant Regional Commissioner (Audit).* The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties were applicable, a regional review of selected cases closed by the district offices, the administrative disposition of offers in compromise, and tax assistance to taxpayers. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

1114.8 *Assistant Regional Commissioner (Collection).* The Assistant Regional Commissioner (Collection) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the collection activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, that collection work is processed in an orderly and timely manner, and that equal emphasis is placed and uniform effort directed toward the accomplishment of the current collection program objectives. In conformity with collection policies, and programs established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the program of the Service for the collection and accounting of revenue, including the collection of delinquent accounts and the securing of delinquent returns. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional collection program and recommends improvements and adjustments in collection operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of collection policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base collection policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating collection operations.

1114.9 *Assistant Regional Commissioner (Intelligence).* The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to assure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies, and programs established by the National Office, he develops regional programs standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations. He supervises the review of special agents' reports of investigation submitted by the district offices in the region, approves or disapproves recommendations for prosecution, and provides for conferences when required with taxpayers, their representatives, representatives of the Regional Counsel and the Appellate Division relative to cases investigated.

1114.91 *Review and Conference Staff.* (1) The Review and Conference Staff plans and directs the critical review of district office reports pertaining to alleged criminal violations of the internal revenue laws, which contain recommendations for criminal prosecution and/or ad valorem penalties, to determine that the conclusions and recommendations are sound and conform to existing policies; and recommends to the Assistant Regional Commissioner (Intelligence) the action to be taken on each such report.

(2) The Staff post reviews selected non-prosecution case reports prepared at the district level and unnumbered case disposals to determine that an appropriate, uniform basis for disposal existed. Where deficiencies are disclosed through such activities, the Staff suggests corrective measures.

(3) Through continuing analysis of district office reports the Staff provides the Assistant Regional Commissioner (Intelligence) with information which will assist him in evaluating investigative techniques employed and the extent of procedural and technical uniformity in the intelligence activity throughout the region.

(4) The Staff consults with and advises intelligence personnel at regional and district office locations on difficult and unusual issues, interpretations of regulations, rulings, tax laws and court decisions; also, as to the conduct of investigations, rules of evidence and Service policies. The Staff undertakes special assignments and investigations as directed by the Assistant Regional Commissioner (Intelligence).

1115 *Office of Regional Inspector.* There are nine Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

1115.1 *Assistant Regional Inspector (Internal Audit).* Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged and as a basis for necessary changes in policies, practices and procedures.

1115.2 *Assistant Regional Inspector (Internal Security).* The Assistant Regional Inspector (Internal Security) is responsible for the conduct of the internal security program throughout the region. The program, which provides management with a factual basis for making decisions, includes personnel background investigations and investi-

gations of complaints and allegations of misconduct or irregularities concerning Service employees. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, and investigations of complaints alleging discrimination in violation of the Government Employment Policy. In addition, he is responsible throughout the region for the conduct of special investigations, as directed by higher authority, for the Office of the Secretary and other components of the Treasury Department.

1116 *Office of Regional Counsel.* (1) There are nine Regional Counsels, one in each internal revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, and directs a staff of attorneys engaged in furnishing legal advice and performing legal services connected with the Tax Court, enforcement, collection litigation and alcohol and tobacco tax programs. The Regional Counsel, with the concurrence of the Regional Commissioner, settles tax cases docketed in the Tax Court of the United States, and represents the Commissioner in the trial of such cases before the Tax Court.

(2) Tax Court Matters: The Regional Counsel (or his delegate) furnishes legal advice to the Assistant Regional Commissioner (Appellate); represents the Commissioner in the trial of cases before the Tax Court and is responsible for answers, motions and stipulations with respect to all petitions in tax cases, recommends acquiescence or nonacquiescence and appeal from adverse decisions; considers and approves or disapproves, with the concurrence of the Appellate Division, the settlement of cases docketed in the Tax Court prior to session status, and approves or disapproves such settlement of cases in session status; and considers and concurs with the Appellate Division, or disapproves, the elimination of the ad valorem fraud penalties in cases not docketed in the Tax Court and considers statutory notices of deficiences proposed by the Appellate Division prior to issuance.

(3) Enforcement Matters: The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of Justice, directly to United States Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against the prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to United States Attorneys in criminal tax proceedings in the United States District Courts and Courts of Appeal.

(4) Collection Litigation Matters: Each Regional Counsel through his collection litigation staff handles legal work with respect to (a) cases under the Bankruptcy Act (except railroad reorganizations, corporate reorganizations, and real property arrangements under section 77, Chapter X and Chapter XII, respectively, of the Bankruptcy Act) and other insolvency cases including decedents' estate proceedings; (b) Federal tax liens in suits for foreclosure by mortgagees or other lien-holders and in suits to quiet title; (c) applications filed for the discharge of property from Federal tax liens or for the release of such liens; (d) the review and handling of certain offers in compromise; (e) recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, tobacco and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); (f) the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, tobacco and firearms matters); (g) the assessment and collection of taxes; (h) suits for recovery of erroneous refunds; and (i) enforcement of summonses.

(5) Alcohol and Tobacco Tax Matters: The Regional Counsel's office gives legal advice on request to the Assistant Regional Commissioner (Alcohol and Tobacco Tax) and to his staff on administration and enforcement of the laws and regulations pertaining to liquor, tobacco and firearms. The office reviews and makes recommendations, upon request, regarding claims for refund, abatement and drawback of liquor, tobacco and firearms taxes, for the redemption of stamps, and for damages, and with respect to petitions for mitigation or remission of forfeiture, offers in compromise, and proposed tax assessments. Upon request, the office assists United States Attorneys by preparing libels of information, indictments, briefs, stipulations and other legal documents required in litigation, and by aiding in the prosecution and defense of suits. The office also handles the legal work in connection with administrative proceedings involving the issuance, suspension, revocation or annulment of liquor and tobacco permits, including the preparation of the necessary opinions, notices and pleadings and the presentation of the Government's case at both formal and informal hearings.

1117 *Service centers.*

1117.1 *General.* (1) There are three Internal Revenue Service Centers—designated as the Northeast Service Center, the Midwest Service Center, and the Western Service Center. The Northeast Service Center, located at Lawrence, Massachusetts, serves all district offices in the Boston, New York and Philadelphia Regions. The Midwest Service Center, located at Kansas City, Missouri, serves all district offices in the Cincinnati, Chicago and Atlanta Regions. The Western Service Center, located at Ogden, Utah, serves all district offices in the Omaha, Dallas and San Francisco Regions, except Honolulu. These Service Centers process income tax returns and related documents through the use of electronic data processing machines and other high-speed processing devices and systems.

(2) Within the structure of the Internal Revenue Service, the three Service Centers have organizational status comparable to that of the district offices. Each Service Center operates under the line supervision of a Service Center Director, who is responsible to a Regional Commissioner of jurisdiction in the same manner in which a District Director is responsible to a Regional Commissioner. The Service Center Director is responsible for budget, fiscal and personnel operations of the center and for supervising the execution of the Service Center's work programs. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating and evaluating experimental projects to develop improved techniques and methods for processing work of the Internal Revenue Service.

(3) The Regional Commissioners at Boston, Cincinnati and San Francisco, exercise line supervision over the Northeast, Midwest and Western Service Centers, respectively. The Regional Commissioner is responsible to the National Office for the execution of the Service Center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also supervises the Service Center Director in coordinating and maintaining liaison with the several Regional Commissioners, District Directors, and the National Office in carrying out the programs prescribed for the centers.

(4) A fourth service center, designated as the Atlanta Service Center and oriented to the ADP systems, is in the process of activation.

1117.2 *Programs.* (1) The work programs performed in each Service Center are prescribed and assigned by the National Office.

(2) Programs assigned the Service Centers include the processing, analysis, and accounting control of income tax returns, estimated tax returns, wage and excise tax returns, farmers' gas tax refund claims, withholding tax documents, tax information documents, the mailing of income tax forms to individual taxpayers, the transcription of statistics information for the National Office Statistics Division, the preparation and certification of payrolls covering the salaries of employees throughout the Internal Revenue Service, and the preparation of special classification reports for the National Office Audit Division. These programs are not all-inclusive, and additional pilot studies and permanent assignments are made at the discretion of the National Office with a view of (a) obtaining the benefits of data processing systems or mechanization in new work areas and/or (b) equalizing the total workload among the four Service Centers.

1117.3 *District Office—Service Center Functions.* The district offices served by the centers receive the returns filed by the taxpayers, deposit all remittances, and settle all questions about the returns (including notices of change of address) before sending the returns to the centers for processing. They also endorse all notices of tax due issued by the center on which payment is made, and send them to the center for posting. The center, in turn, lists the returns on assessment lists, sends out even notices to taxpayers, prepares check-issue cards for the Regional Disbursing Office, sends out bills (first notices) on taxable-assessable and underpaid returns, prepares taxpayer delinquent account assemblies and unit ledger cards and turns over unpaid accounts to District Directors, all under proper memorandum accounting controls. These service center operations are performed in the name of the appropriate District Director.

1117.4 *Service Center Organization.*

1117.41 *General.* In order to process this high volume and complex workload through the use of high speed devices and mass production techniques, each Service Center has been organized functionally into operating divisions with top level planning and program coordination being exercised from the Office of the Director. A Planning and Scheduling Staff has been developed in each center to assist the Director in the execution of these duties. Service Center divisions which reflect this functional alignment are as follows: Transcription and Document Processing Division, Accounting and Control Division, Data Processing Division, Payroll and Reports Division and Administration Division.

1117.42 *Transcription and Document Processing Division.* The Transcription and Document Processing Division is responsible for the transcription portion (key punching) of all work programs assigned the center. Examples of these programs include the transcription of income tax returns, farmers' gas tax refund claims, and the National Office payroll and fiscal reports program. In addition, this division is responsible for the manual processing of income information and tax documents programs; the sorting of mail address slips; the assembly and distribution of school teaching kits throughout the Nation; and such other programs as may be assigned which require manual processing. The work of the division is performed by the Review and Transcription Branch (key punching) and by the Document Processing Branch (manual processing).

1117.43 *Accounting and Control Division.* The Accounting and Control Division is responsible for the review, inspection and placing under production control of returns and declarations preparatory to their processing in the Service Center; the sorting of returns into audit and statistical categories; the disposition of documents upon completion of Service Center processing; the conducting of "error inspection" activities involving the detailed examination of those returns and declarations which in the process of computation have been designated as possible error cases; the screening, perfection, and preparation of necessary correspondence with reference to the Farmers' Gas Tax Refund Program; implementation of the returns examination portion of the National Office Statistics Division Program; execution of the mail labeling portion of the Income Tax Forms Mailing Program; the establishment and maintenance of appropriate memorandum accounting controls reciprocal to general ledger accounts maintained by district offices served by the center; the establishment and maintenance of controls over all open accounts receivable up to and including taxpayer delinquent account status; the establishment of appropriate accounts covering refund disbursements; the balancing and reconciling of tabulated listings of registers and schedules prepared in the Data Processing Division; the certification of refund vouchers to the Regional Disbursing Office; the certification of assessment certificates for amounts of tax due and billed by the service center; the furnishing to district offices of appropriate journals and schedules of work processed for entry in general and subsidiary ledgers; the establishment, control, and balancing of estimated tax accounts and quarterly payments thereto throughout the tax year; and the preparation of required accounting reports. The work of the division is performed by the Documents Control and Analysis Branch and the Accounting Branch.

1117.44 *Data Processing Division.* (1) The Data Processing Division is responsible for the mathematical verification and computation of tax and balance; preparation of assessment lists; identification of potential pre-refund audit returns; establishment through electronic or tabulating processes of tax accounts receivable and the maintenance of such accounts, including trial balancing; issuance of bills and notices to individual income taxpayers, including those of delinquent accounts and delinquent returns; identification of overpaid returns, association of appropriate check-issue cards, and the preparation of related refund vouchers; pre-addressing and pre-punching blank income tax returns for mailing to individual taxpayers; establishment of index cards for individual taxpayers and their proper arrangement for use in district offices; development of basic statistical data for use on a national basis with respect to tax returns received and processed; computation and register listing of payrolls covering salaries of Internal Revenue Service employees; preparation of quarterly estimated tax bills and the recording of payments made on them; division participation in the production of reports; and the performance of machine applications required by other programs as assigned.

(2) The Division undertakes and evaluates experimental projects developed by the Office of the Director in conjunction with the Regional Office of jurisdiction and/or the National Office in an effort to improve or extend mass processing techniques. The work of the division is performed by the Electronic Computing Branch and the Recording Branch.

1117.45 *Payroll and Reports Division.* (1) The Payroll and Reports Division is responsible for the payment of salaries of Internal Revenue Service employees, the accuracy and timeliness of such payments, the furnishing of time and attendance cards and accounting and budgetary information, the planning and coordination of the activities of this Division with those of other Service Center Divisons, and the assstance to the National Office and regional representatives in installing any new procedures, techniques and programs. The Division is organized into the Reports and Control Branch and the Payroll Branch. However, in accordance with the concept of functional organization, electronic accounting operations and other services are provided this Division by the Transcription and Document Processing Division and the Data Processing Division.

(2) The Payroll and Reports Division exists only in the Northeast and Western Service Centers. The Northeast Service Center processes payrolls for approximately 60 percent of the national total of Internal Revenue Service employees and the Western Service Center processes payrolls for the remaining 40 percent.

1117.46 *Administration Division.* The Administration Division provides the personnel, training, budget and fiscal, procurement and supply, records and communications services, and other administrative services (within the limitations of the Service Center Director's delegated authorty) necessary to the effective operation and management of the Service Center. It coordinates the Service Center management improvement and incentive awards programs and other special projects. The division is responsible for the recruitment and placement functions at the center, and conducts the employee relations program. It participates in and coordinates the development of Service Center training programs to meet local training needs. It carries out the space program of the center and conducts periodic surveys to assure effective space utilization. It procures, requisitions, issues, and assures effective utilization of equipment, property and office supplies, and provides communications and duplicating services. It administers documents and property security, safety and records management programs in the center.

1118 *Office of District Director.*

1118.1 *Mission.* The mission of the office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with Service policies and programs of the National and regional offices.

1118.2 *Basic Organization.* The principal organizational components of the typical district office are the immediate office of the District Director, the Audit Division, Collection Division, Intelligence Division and Administration Division.

1118.3 *District Director.* The District Director administers, within an internal revenue district, the collection, audit, intelligence and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, the scheduling and certification

of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco and firearms). He is also responsible for the collection and deposit of all internal revenue taxes.

1118.4 *Audit Division.* The Audit Division administers a districtwide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise, informants' claims for rewards, and related activities including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audits, the conduct of informal conferences in cases involving disagreement between the internal revenue agents and taxpayers, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations and a program of assistance to taxpayers during the annual filing period. The Audit Division consists of the Field Audit Branch, Office Audit Branch, Service Branch and the Review Staff.

1118.41 *Field Audit Branch.* (1) The Field Audit Branch conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit or abatement, or for redemption of stamps. It also conducts field examinations of offers in compromise based on either doubt as to liability or inability to pay, and special field examinations as requested including joint examinations with special agents of the Intelligence Division where tax evasion may exist. The Branch processes informants' claims for reward making any necessary investigations and prepares reports on such claims, together with recommendations as to the amount of rewards.

(2) The Field Audit Branch holds informal conferences with taxpayers and their representatives, and prepares conference reports directing action to be taken by examining officers. It furnishes technical advice and assistance on pension trust plans, performs engineering and valuation work, prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and recommends jeopardy assessments. The Branch furnishes information to the public on tax matters and assists taxpayers in preparing and filing tax returns and claims.

1118.42 *Office Audit Branch.* (1) The Office Audit Branch conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco and firearms) to determine correct liability of taxpayers for tax and penalties, the allowableness of claims for refund, credit, or abatement, or for redemption of stamps, including claims for exemption from collecting admissions, transportation, and other excise taxes. It recommends jeopardy assessments.

(2) The Branch holds informal conferences with taxpayers and their representatives for the purpose of resolving disputed issues in unagreed cases. The Branch also furnishes information to the public on tax matters and assists taxpayers in preparing and filing tax returns and claims.

1118.43 *Review Staff.* (1) The Review Staff reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. It directs the issuance of preliminary notices of deficiency to taxpayers, and prepares Form 7900 letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection Division. It reviews protests filed in response to notices of deficiency and Form 7900 letters for proper form, compliance with existing requirements and for new issues or facts. It also prepares statutory notices of deficiency.

(2) The Staff is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Staff prepares the Management Information Reports for both agreed and unagreed cases.

(3) The Staff has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. It issues correction memoranda in all cases or matters involving substantial error.

1118.44 *Service Branch.* (1) The Service Branch performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. It maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. It types examining officers' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

(2) The Service Branch also compiles detailed production statistics of the Audit Division.

1118.5 *Collection Division.* (1) The Collection Division is responsible for the receipt and processing of tax returns and related documents filed with the district; the deposit of and accounting for tax remittances; making determinations with respect to tax refunds, credits, penalties, abatements or overassessments; maintaining prescribed accounting and ledger controls including control of the refund appropriation account; the performance of all collection activity as relates to the sale and accounting for revenue stamps; the collection of delinquent accounts through distraint, seizure, levy and other means and the securing of delinquent returns.

(2) The organization of the Collection Division varies in its branches based on the size of the district. The basic or large district organization has four branches: Returns and Receipts, Revenue Accounting, Taxpayer Service, and Delinquent Accounts and Returns. The organization for medium districts has three branches: Returns and Receipts, Taxpayer Service and Accounts, and Delinquent Accounts and Returns. The organization for small districts has two branches: Office Branch, and the Delinquent Accounts and Returns Branch. The basic or large district organization is set forth below.

1118.51 *Returns and Receipts Branch.* (1) The Returns and Receipts Branch is responsible for the receipt, categorical classification and internal routing of all tax returns, remittances, correspondence and other documents received by the District Office. It sorts, examines, verifies and reconciles tax returns, forms, schedules and other types of supporting tax and information documents for correctness; matches prepayment credits and associates supporting information documents with tax returns in preparation for audit: computes or verifies tax on all wage and excise tax returns, estate and gift and corporation income tax returns; makes certain penalty determinations; numbers all nonremittance returns; and prepares, transmits and controls shipment of returns and documents to and from the Service Center and the Social Security Administration.

(2) The Branch is responsible for the examination of all tax returns and documents received with remittance and for the determination of acceptability of remittances for deposit. It classifies returns and documents by prescribed classification and initially accounts for all remittances by class of tax; maintains required records and effects prescribed balancing of all recorded entries; takes required action to make daily deposits in designated depositary bank; and numbers all remittance returns. It coordinates cashier receipts and deposits activities with accounting and processing operations; initiates pre-deposit search on all remittances received without returns or identifying documents; and receives returned remittances from depositary bank and attempts to make collection from taxpayer; prepares necessary debit vouchers, posting vouchers and maintains pertinent records. The Branch is responsible for requisitioning, issuance and control of internal revenue stamps, Revenue Officers' receipt books, and other receipts for payment of internal revenue taxes. It handles and maintains collateral agreement records and related securities. The Branch has line responsibility for all teller activities in the same location as the Returns and Receipts Branch and functional responsibility for all other teller activities.

1118.52 *Revenue Accounting Branch.* (1) The Revenue Accounting Branch performs all revenue accounting activities with respect to determining and recording of payments and adjustments to taxpayers' accounts and establishes and maintains all prescribed accounting control records, posting media and related accounting records. It is responsible for the mechanical listing (or scheduling) of all returns filed, and for the posting of debits and credits to taxpayer accounts and balancing of ledgers to sectional controls. It classifies and records all tax payments received without appropriate identification and searches records to identify same; issues all tax bills, notices and taxpayer delinquent accounts; prepares required vouchers to effect adjustments involving payments, debits or credits to taxpayers' accounts and prepares abatement vouchers on duplicate assessments; maintains all account card files on a current posting basis; maintains all required sectional and general ledger controls in connection with revenue accounting operations; makes reconciliations of ledger controls with prescribed sectional controls and takes appropriate action to ascertain source of discrepancies and make necessary corrections in records; and prepares and submits all accounting and ledger reports as required.

(2) The Branch makes final determination of tentative carry-back adjustments; prepares necessary schedules and vouchers in connection with the refunding appropriation; computes general and restricted interest; maintains files of refund and credit schedules; prepares certificates of overassessment; prepares appropriate overassessment schedules for refund, credit or abatement; and computes or verifies tax on certain tax returns.

1118.53 *Taxpayer Service Branch.* (1) The Taxpayer Service Branch is responsible for taxpayer contact by telephone, mail or personal call; adjustments on tax returns; preparation of replies to correspondence; informal conferences relative to tax adjustments; and taxpayer assistance except during filing periods.

(2) The Branch establishes and maintains all tax returns files and index card files and furnishes information from the files as requested. It maintains addressograph files and plates and performs all addressograph services; maintains and distributes adequate supplies of various types of income tax forms, returns, and all processing forms; addresses, stuffs and mails copies of blank tax forms, tax notice forms and other documents and forms, except those handled by Service Centers. Photostats all tax forms, returns and other documents, as required; assigns and controls all employers' identification numbers; receives, analyzes, classifies, controls, routes, performs research and makes reply to various routine types of correspondence on collection matters which can be serviced at a centralized point; prepares various documents for transmittal to the Federal Records Center, Service Center, Statistics Division and other (associate) Government agencies, as necessary; coordinates Collection activities with Administration, Audit, Intelligence, Appellate, Statistics, Federal Records Center and Service Centers relative to returns; disposition, classification, statistics and processing. The Branch is responsible for furnishing advice and testimony concerning filing, processing, coding and related markings on all returns and documents.

1118.54 *Delinquent Accounts and Returns Branch.* (1) The Delinquent Accounts and Returns Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns.

(2) The Branch safeguards the Government's interests through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens and conducts the investigations necessary to support such recommendations.

(3) The Branch receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. It canvasses the district for delinquent returns and serves summonses on taxpayers to produce books, documents, returns or other information where necessary to secure compliance with the requirements for filing returns.

(4) The Branch maintains control of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to assure that proper legal action may be timely taken.

(5) The Branch has line responsibility for all teller activities in a location different from that of the Returns and Receipts Branch.

1118.6 *Intelligence Division.* (1) The Intelligence Division investigates alleged criminal violations of the tax statutes, including racketeer and wagering tax cases, but excluding alcohol, tobacco and firearms tax cases.

(2) The Division evaluates allegations and indications of tax law violations and determines investigations to be undertaken. It makes recommendations as to the disposition of cases investigated, including recommendations of criminal prosecution, and the assertion of civil penalties. It provides assistance to U.S. Attorneys and the Regional Counsel in the trial of cases. The Intelligence Division consists of groups of special agents.

1118.7 *Administration Division.* The Administration Division provides the personnel, training, budget and fiscal, procurement and supply, records, and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the district office. It coordinates the district office management improvement and incentive awards programs and other special projects. The Administration Division consists of three branches where size of the district office warrants such a breakdown: Facilities Management Branch, Personnel Branch, and Training Branch.

1118.71 *Facilities Management Branch.* The Facilities Management Branch provides essential facilities and services necessary to the efficient operation of the district office. The Branch carries out the space programs of the District Director and conducts periodic surveys to assure effective space utilization. It procures, requisitions, issues, and assures effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications, duplicating, paperwork management, and internal management document distribution services. The Branch also furnishes data necessary for the preparation of that portion of the district office budget estimates and financial plans which is concerned with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (object classes 22, 23, 24, 25, 26, and 31 as defined in Bureau of the Budget Circular A–12). It administers document and property security, emergency planning for civil defense, and the safety programs in the district.

1118.72 *Personnel Branch.* The Personnel Branch performs the recruitment and placement functions at the district level, and conducts the district's employee relations program and incentive awards program. It processes personnel action documents in accordance with prescribed procedure and maintains all district personnel records.

1118.73 *Training Branch.* The Training Branch provides leadership and coordination to the district training program. It coordinates the district execution of training programs; gives advice on all training programs conducted in the district office, and assists in their development from the standpoint of training techniques. It participates in and coordinates the development of district training programs to meet local training needs that cut across organizational lines. In addition, it evaluates and reports on all district training programs.

1118.8 *Local Offices.* (1) Local offices perform one or more of certain collection, audit and intelligence functions such as: The collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; the examination of returns to determine correct liability of taxpayers for tax and penalties; the holding of informal conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties;

and the investigation of alleged criminal violation of the tax statutes.

(2) The administrative supervision of a local office is the responsibility of a representative designated by the District Director from among the personnel assigned to the local office. Technical supervision of the personnel at a local office is the responsibility of the group supervisor or group supervisors of whatever group or groups the employees are members.

Effective date: July 10, 1961.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

Atlanta, Ga., Federal Office Building, 275 Peachtree Street Northeast.
Boston, Mass., Houghton-Dutton Building, 55 Tremont Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Cincinnati, Ohio, Swift Building, 230 East Ninth Street.
Dallas, Tex., 1114 Commerce Building, 1114 Commerce Street.
New York, N.Y., Federal Office Building, 90 Church Street.
Omaha, Nebr., New Federal Office Building, U.S. Post Office and Court House, 215 North 17th Street.
Philadelphia, Pa., 2 Penn Center Plaza Building, 2 Penn Center Plaza.
San Francisco, Calif., Flood Building, 870 Market Street.

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, Ala., Birmingham Post Building, 1531 Third Avenue, North.
Anchorage, Alaska, M. & S. Enterprises, Inc., 428 Fifth Avenue.
Phoenix, Ariz., U.S. Government Building, 140 West Monroe Street.
Little Rock, Ark., Post Office and Court House Building, 600 West Capitol Avenue.
Los Angeles, Calif., Post Office and Court House Building, 312 North Spring Street.
San Francisco, Calif., 100 McAllister Building, 100 McAllister Street.
Denver, Colo., New Custom House Building, 19th and California.
Hartford, Conn., 460–470 Capitol Avenue.
Wilmington, Del., Post Office Building, 11th and Market Streets.
Jacksonville, Fla., 400 Building, 400 West Ashley Street.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street, Northeast.
Honolulu, Hawaii, Post Office, Court and Custom House, Mililani, King and Richards Streets.
Boise, Idaho, Broadway Holding Company Building, 914 Jefferson Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Springfield, Ill., Staley Building, 621 East Adams Street.
Indianapolis, Ind., Post Office Building, Ohio, Between Meridian and Pennsylvania.
Des Moines, Iowa, Court House Building, East First and Walnut Streets.
Wichita, Kans., Internal Revenue Service Building, 412 South Main Street.
Louisville, Ky., Federal Building, Sixth and Broadway.
New Orleans, La., Federal Office Building, 600 South Street.
Augusta, Maine, Internal Revenue Service Building, 221 State Street.
Baltimore, Md., The 707 Building, 707 North Calvert Street.
Boston, Mass., 174 Ipswich Street.
Detroit, Mich., New Federal Building, 231 West Lafayette Avenue.
St. Paul, Minn., Post Office and Custom House Building, 180 East Kellogg Boulevard.
Jackson, Miss., Post Office and Court House Building, Capitol and West Streets.
Kansas City, Mo., Court House Building, 811 Grand Avenue.
St. Louis, Mo., New Federal Building, 1114 Market Street.
Helena, Mont., Federal Office Building, North Park Avenue.
Omaha, Nebr., Federal Office Building, 215 North 17th Street.
Reno, Nev., Post Office Building, P.O. Box 891.
Portsmouth, N.H., 600 State Street.
Camden, N.J., Service Building, 808 Market Street.
Newark, N.J., Industrial Office Building, 1060 Broad Street.
Albuquerque, N. Mex., Federal Office Building, 517 Gold Avenue, Southwest.
Albany, N.Y., 161 Washington Avenue.
Brooklyn, N.Y., Ludwig Bauman Building, 210 Livingston Street.
Buffalo, N.Y., Edwards Building, 266–270, 272–294 Pearl Street.
New York, N.Y., Grand Central Palace Building, 484 Lexington Avenue.
Syracuse, N.Y., Chimes Building, 109 West Onondaga Street.
Greensboro, N.C., Federal Office Building, 320 South Ashe Street.
Fargo, N.Dak., Pioneer Mutual Life Insurance Building, 203 North 10th Street.
Cincinnati, Ohio, 700 Walnut Building, 700 Walnut Street.
Cleveland, Ohio, Huron-Sixth Building, 626 Huron Road.
Oklahoma City, Okla., Sooner Building, 7 South Harvey Street.
Portland, Oreg., 830 Building, 830 Northeast Holladay Street.
Philadelphia, Pa., Court House Building, Ninth and Chestnut Streets.
Pittsburgh, Pa., New Federal Building, Seventh Avenue and Grant Street.
Scranton, Pa., Post Office Building, Corner Linden Street and North Washington Avenue.
Providence, R.I., Co-Op Building, 544 Elmwood Avenue.
Columbia, S.C., Federal Office Building, Northwest Corner College and Sumter Street.
Aberdeen, S. Dak., Post Office and Court House Building, Fourth Avenue and Lincoln Street.
Nashville, Tenn., Federal Office Building, Eighth Avenue and Broad Street.
Austin, Tex., Lowich Building, 314 West 11th Street.
Dallas, Tex., Lynch Building, 2101 Pacific Avenue.
Salt Lake City, Utah, Federal Office Building, 350 South Main Street.
Burlington, Vt., Federal Office Building, 11 Elmwood Avenue.
Richmond, Va., Richmond Dry Goods Building, 11 South Seventh Street.
Seattle, Wash., Exchange Building, 109 Marion Street.
Parkersburg, W. Va., DILS Building, 211 Sixth Street.
Milwaukee, Wis., Federal Office Building, 517 East Wisconsin Avenue.
Cheyenne, Wyo., Federal Office Building, 21st and Carey Avenue.

APPENDIX B

ALCOHOL AND TOBACCO TAX BRANCH OFFICES

Birmingham, Ala., Seventeen Ten Building, 1710 First Avenue, North.
Little Rock, Ark., 555 Building.
Los Angeles, Calif., Subway Terminal Building, 417 South Hill Street.
San Francisco, Calif., Flood Building, 870 Market Street.
Denver, Colo., New Customhouse Building, Room 188, 19th and California (2).
Hartford, Conn., American Industrial Building, 983 Main Street.
Jacksonville, Fla., Post Office and Courthouse Building, Suite 325–333, 311 West Monroe Street.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street, Northeast.
Honolulu, Hawaii, Alexander Young Building, 1015 Bishop Street.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Louisville, Ky., Federal Office Building, 9th and Broadway.
New Orleans, La., Federal Office Building, 600 South Street (12).
Baltimore, Md., The 707 Building, 707 North Calvert Street.
Boston, Mass., Houghton-Dutton Building, 55 Tremont Street.
Detroit, Mich., Post Office and Courthouse Building, 231 West Lafayette Street.
St. Paul, Minn., Main Post Office Building and Customhouse, Room 1033, 180 East Kellogg Boulevard.
Jackson, Miss., Milner Building, Lamar and Pearl Streets.
Kansas City, Mo., Federal Office Building, Room 2509–10, 911 Walnut Street.
St. Louis, Mo., Court House and Customhouse Building, Room 738 (1).
Newark, N.J., Industrial Office Building, 1060 Broad Street.
Buffalo, N.Y., Court House Building.
New York, N.Y., Greenwich Village Post Office Station, 641 Washington Street.
Charlotte, N.C., Post Office Building, Room 228, Corner West Trade and Mint Streets.
Cleveland, Ohio, Standard Building, 1370 Ontario Street.
Oklahoma City, Okla., Sooner Building, 7 South Harvey Street.
Philadelphia, Pa., 2 Penn Center Plaza, 2 Penn Center.
Pittsburgh, Pa., Victory Building, 212 Ninth Street.
San Juan, Puerto Rico, Post Office and Courthouse Building, Box 8095.
Columbia, S.C., Federal Office Building, Northwest Corner College and Sumter Streets.
Nashville, Tenn., Court House Building, 801 Broadway.
Dallas, Tex., Wholesale Merchants Building, 912 Commerce Street.
Richmond, Va., Parcel Post Building, 1100 East Main Street.
Seattle, Wash., Courthouse Building, Fifth and Madison.
Charleston, W. Va., Morrison Building, 815 Quarrier Street.
Milwaukee, Wis., Federal Office Building, 517 East Wisconsin Avenue.

APPENDIX C

APPELLATE BRANCH OFFICES

Birmingham, Ala., The American Life Building, 2308 Fourth Avenue, North.
Los Angeles, Calif., Subway Terminal Building, 417 South Hill Street.
San Francisco, Calif., Flood Building, Eighth Floor, 870 Market Street.
Denver, Colo., New Customhouse Building, Room 412, 19th and Stout Streets.
New Haven, Conn., ELD Realty Building, 1211 Chapel Street.
Washington, D.C., Room 2547, Internal Revenue Service Building, 12th and Constitution Avenue, NW.
Jacksonville, Fla., Post Office and Courthouse Building, Room 343, 311 West Monroe Street.
Miami, Fla., Metropolitan Bank Building, 117 Northeast First Avenue.
Atlanta, Ga., Federal Office Building, 275 Peachtree Street, Northeast.
Chicago, Ill., State-Madison Building, 22 West Madison Street.
Springfield, Ill., Modern Age Building, 406 East Washington Street.
Indianapolis, Ind., Century Building, 36 South Pennsylvania Street.
Wichita, Kans., Internal Revenue Service Building, Room 107, 412 South Main Street.
Louisville, Ky., Federal Office Building, Room 410, Sixth and Broadway.
New Orleans, La., Federal Office Building, 600 South Street (12).
Baltimore, Md., The 707 Building, 707 North Calvert Street.
Boston, Mass., Houghton-Dutton Building, 55 Tremont Street.
Detroit, Mich., Cadillac Tower Building, 65 Cadillac Square.
St. Paul, Minn., First National Bank Building, 322 Minnesota Avenue.
Kansas City, Mo., Federal Office Building, 911 Walnut Street (6).
St. Louis, Mo., New Federal Building, 751, 1114 Market Street.
Omaha, Nebr., New Federal Office Building, 215 North Seventeenth Street.
Newark, N.J., Industrial Office Building, 1060 Broad Street.
Buffalo, N.Y., 330 Courthouse Building, Niagara Square.
New York, N.Y., Federal Office Building, 90 Church Street.
Greensboro, N.C., Federal Office Building, P.O. Drawer 838, 320 South Ashe Street.
Cincinnati, Ohio, Enquirer Building, 617 Vine Street.
Cleveland, Ohio, Federal Reserve Bank Building, 1455 East Sixth Street.
Oklahoma City, Okla., Sooner Building, 7 South Harvey Street.
Portland, Oreg., Pittock Block, 921 Southwest Washington Street.
Philadelphia, Pa., 2 Penn Center Plaza, 2 Penn Center.
Pittsburgh, Pa., Clark Building, 717 Liberty Avenue.
Columbia, S.C., Federal Office Building, College and Sumter Streets.
Nashville, Tenn., U.S. Courthouse Building, Broad and Eight Streets.
Dallas, Tex., 1114 Commerce Building, 1114 Commerce Street.
Houston, Tex., State National Building, 412 Main Street.
Salt Lake City, Utah, Tribune Building, 143 South Main Street.
Richmond, Va., Post Office and Courthouse Building, Room 421, Eleventh and East Main Streets.
Seattle, Wash., U.S. Courthouse Building, Fifth and Madison Streets.
Huntington, W. Va., Post Office and Courthouse Building, Room 305, Ninth Street and Fifth Avenue.
Milwaukee, Wis., Federal Office Building, 517 East Wisconsin Avenue (2).

[F.R. Doc. 61–6659; Filed, July 14, 1961; 8:53 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 3]

RESOLUTE INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JULY 11, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6–13, as an acceptable surety on Federal bonds.

An underwriting limitation of $639,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company, and Location of Principal Executive Office.

RHODE ISLAND

Resolute Insurance Company, Providence, R.I.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 61–6660; Filed, July 14, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Order No. 101]

NEW MEXICO

Delegation of Authority To Enter Into Contracts

Pursuant to the authority contained in Section One of Order No. 679 of the Associate Director of the Bureau of Land Management, and section 50 of amended Order No. 2509, of the Secretary of the Interior, the following are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services as provided above, when the amount in any contract does not exceed amounts indicated below:

State Administrative Assistant, New Mexico:	
Construction	$500
Equipment Rental	500
Supplies and Materials	500
District Managers, New Mexico:	
Construction	2,000
Equipment Rental	2,000
Supplies and Materials	2,500
District Administrative Assistants and/or Principal District Clerks, New Mexico:	
Supplies and Materials	500

The above delegation of authority is effective immediately.

CHESLEY P. SEELY,
State Director.

JULY 7, 1961.

[F.R. Doc. 61–6645; Filed, July 14, 1961; 8:47 a.m.]

ACTING CHIEF, MINERALS ADJUDICATION UNIT, ANCHORAGE LAND OFFICE

Redelegation of Authority to Take Action

JULY 10, 1961.

Pursuant to the authority contained in Bureau Order Number 541, section 1.10b, authority to take action for the Manager in matters listed in section 3.6, Part III A of the above cited order, is redelegated to the Acting Chief, Minerals Adjudication Unit of the Anchorage Land Office.

This authorization will not effect the exercise of authority already held by the Anchorage Land Office Manager.

WARNER T. MAY,
Manager.

Approved July 10, 1961.

WARNER T. MAY,
Acting Operations Supervisor, Anchorage, Alaska.

[F.R. Doc. 61–6644; Filed, July 14, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 2583]

SALINA LIVESTOCK COMMISSION CO.

Notice of Complaint, Order of Suspension, and Hearing Regarding Respondents' Schedule of Rates and Charges

In re: Laurence Clemence, Lloyd Morrison, Joe Clemence, Edward Tolle, H. Irvin Christiansen, E. R. McCullick, d/b/a Salina Livestock Commission Co., Salina, Kans.

Notice is hereby given that on June 16, 1961, the respondents filed a tariff under Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to become effective June 26, 1961, containing certain increases in their current rates and charges. The contents of the respondents' current tariff and of the tariff filed on June 16, 1961, are set forth below:

Current Tariff

ITEM I—DEFINITIONS

a. A consignment for the purpose of assessing selling commissions and charges, is all livestock of one species belonging to one person, delivered for sale during the trading hours of one day.

b. Cattle and calves for the purpose of this tariff, are all animals of the bovine species.

ITEM II—SELLING COMMISSIONS

	Per head
a. Cattle:	
(1) Calves 400 pounds and under	$1.50
(2) Cattle over 400 pounds	2.00
(3) Bulls over 700 pounds	2.40
(4) Breeding and stock cows	2.50
(5) Cows and bulls sold by head	3.40
b. Hogs:	
(1) Pigs 80 pounds and under	.30
(2) Feeder pigs 81 pounds through 170 pounds	.60
(3) Fat hogs 171 pounds and over	.70
(4) Boars	1.80
(5) Sows with pigs (per unit)	1.80
c. Sheep and Goats (per head)	.50
d. Horses and Mules—w/selling price to $20.00 (per head)	1.00
—w/selling price of $20.00 and over (per head)	2.00

ITEM III—FEED CHARGES

a. Prairie Hay (average bale of 65#) (per bale)	$1.25
b. Alfalfa Hay (average bale of 65#) (per bale)	1.25
c. Cut Silage Feed (per pound)	.006
d. Grain—whole or ground: Cost, plus (per hundredweight)	.50

ITEM IV—MISCELLANEOUS CHARGES

a. State Fee on all livestock	$0.02
b. Health Inspection, all livestock	.03
c. Insurance, all livestock	.05
d. Branding (cattle)	.15
e. Dehorning (cattle)	.25
f. National Livestock & Meat Board: Deductions will be refunded upon request: Cattle, 2 cents per head; Calves and Hogs, ⅔ cent per head; Sheep and Goats, ⅓ cent per head.	

Tariff filed June 16

ITEM I—DEFINITIONS, SERVICES

SECTION 1. *Selling services.* Consist of those services best applied to accomplish selling of consigned livestock by auction, and include: assembling for sale in volume, safeguarding against disease and injury, sorting and grading, attracting competitive buying power, payment and accounting for

proceeds of sale, and participation in promotional and educational activity designed to merchandise and increase consumption of meat.

SEC. 2. *Yardage.* Includes suitable facilities and services for: receiving and handling, feeding, holding, weighing, delivery and shipment of livestock.

SEC. 3. *Veterinary livestock inspection.* Inspection services of accredited veterinarians under state and federal livestock sanitary regulations.

SEC. 4. *Insurance.* Fire, catastrophe, and accidental injury or death coverage in behalf of the owner of all livestock consigned for sale while livestock are in the market facilities.

ITEM II—CHARGE CLASSIFICATION

SECTION 1. *Selling services (commission) and yardage, by species.*

a. Cattle and Calves	Two percent (2%) of the gross proceeds, with maximum of $4.00 per head and minimum of $1.00 per head
b. Hogs	*Per head*
(1) Pigs sold by head	$0.30
(2) Feeder pigs sold by weight	.60
(3) Fat hogs—171 pounds and over	.70
(4) Boars	1.80
(5) Sows with pigs	1.80
c. Sheep and Goats	.50
d. Horses and Mules	2.00

SEC. 2. *Special or Unusual Services.* Special selling and stockyard services, such as involved in featured registered cattle and calf sales, not usually required in handling livestock for sale, and other than specified, will be charged for under special arrangement.

ITEM III—FEED

SECTION 1. *Feed regulations.* All feeding at the market will be done by the company.

SEC. 2. *Feed charges.*

a. Prairie hay (average bale 65#). Cost f.o.b. market, plus (per bale)	$0.35
b. Alfalfa hay (average bale 65#). Cost f.ob. market, plus (per bale)	.35
c. Grain, whole or ground, Cost f.o.b. market, plus (per hundredweight)	.50
d. Other feeds fed when available, by special arrangement.	

ITEM IV—MISCELLANEOUS CHARGES

SECTION 1. *Veterinary.*	*Per head*
a. State fee	$0.02
b. Health inspection	.03
SEC. 2. *Insurance.*	
Total as defined	$0.05
SEC. 3. *National Live Stock and Meat Board* [1]	
a. Cattle weighing 400# or over	$0.02
b. Cattle weighing under 400# and hogs	⅔ cents

ITEM V—GENERAL PROVISIONS

SECTION 1. *Code of business standards.* The company subscribes to the national code of business standards for livestock auction market operations and services as promulgated by the National Association of Livestock Auction Markets.

SEC. 2. *Loading and unloading.* Truckers must load and unload livestock at the docks provided for this purpose, as the company will assume no responsibility whatever for loss, damage or injury to any livestock occurring during loading or unloading.

SEC. 3. *Allocation of Pens.* All pens, chutes and alleys are the property of the company and may not be claimed by any patron for his exclusive use. The management will assign pens and may change such assignment without advance notice.

SEC. 4. *Liability for damage.* The company assumes no responsibility for loss, damage or injury to or by livestock, nor to or by any vicious or unmanageable animals. Notice of any claims for shortages, injuries, mixing, weighing, or other damage must be given within a reasonable time after the alleged cause for claim arises.

SEC. 5. *Title to livestock.* Title to all animals consigned for sale remains in the consignor until the time sold. Time of sale shall be at the time the highest bid is accepted, unless the sale is conditional, or unless proof of title in the consignor fails.

[1] Deduction refunded upon request.

Notice is given hereby also that on June 23, 1961, the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondents' rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereafter referred to as the act.

I. The respondents are now, and at all times mentioned herein were, registered with the Secretary of Agriculture as a market agency to sell on commission at the Salina Livestock Commission Co., which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the act.

II. In accordance with the requirements of the act, the respondents have heretofore filed and presently have in effect a schedule of rates and charges for their services at the aforementioned stockyard.

III. On June 16, 1961, the respondents filed a tariff effective June 26, 1961, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondents' schedule of rates and charges as modified by the tariff filed on June 16, 1961, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondents of the modifications of the current rates and charges filed on June 16, 1961, to become effective on June 26, 1961, are hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That notice to the respondents shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Examiner of the Department at a time and place to be specified at a later date of which the respondents will receive adequate notice. At such hearing the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., within 20 days from the date of the publication of this order.

It is further ordered, That this document shall be published in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of July 1961.

HOWARD J. DOGGETT,
Directors, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6652; Filed, July 14, 1961; 8:47 a.m.]

Forest Service

LANGLADE COUNTY, WISCONSIN

Discontinuance of Use of Certain Land as an Experimental Demonstration Forest

Whereas, on May 13, 1949, the Secretary of Agriculture pursuant to the act of June 19, 1948 (62 Stat. 534), conveyed, granted, transferred and quitclaimed all right, title, claim, interest, equity, and estate in and to the lands in the county of Langlade, State of Wisconsin, described therein to the United States for administration by the Forest Service of the United States Department of Agriculture as part of the Nicolet National Forest and subject to the rules and regulations applicable to national forest lands acquired under the act of March 1, 1911 (36 Stat. 961), as amended; and

Whereas, the Secretary of Agriculture directed the Chief of the Forest Service, insofar as practicable, to utilize the property transferred as an experimental demonstration forest; and

Whereas, it has been determined that the use of said lands as an experimental demonstration forest is no longer practicable.

Now, therefore, in pursuance of the aforesaid act of June 19, 1948, it is directed that the use of the property as an experimental demonstration forest is discontinued until such time as such use may again be practicable.

RICHARD E. MCARDLE,
Chief, Forest Service.

JULY 10, 1961.

[F.R. Doc. 61-6661; Filed, July 14, 1961; 8:48 a.m.]

Office of the Secretary

ALABAMA, CALIFORNIA, NEVADA, NORTH CAROLINA, AND MICHIGAN

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Alabama, California, Nevada, North Carolina, and Michigan a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Madison.	Lauderdale.
Colbert.	Marshall.
Jackson.	

CALIFORNIA

Marin.	Napa.
Mendocino.	Sonoma.

NEVADA

Entire State of Nevada.

NORTH CAROLINA

Jones.

MICHIGAN

Allegan.	Kent.
Benzie.	Leelanau.
Berrien.	Manistee.
Cass.	Ottawa.
Grand Traverse.	Van Buren.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6662; Filed, July 14, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-17]

INDUSTRIAL REACTOR LABORATORIES, INC., AND TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued to Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New York Amendment No. 8, set forth below, to Facility License No. R-46 authorizing; (1) the discharge from the reactor stack of effluent having concentrations of gaseous isotopes 5,000 times those specified in Appendix B, Table II of AEC regulation 10 CFR Part 20 and (2) modification of the primary coolant fission product monitor circuit such that an audible alarm will replace the scram signal originally provided.

The amendment also corrects a typographical error which appeared in Amendment No. 7 to License No. R-46 in that the word "experiments" is inserted between the word "peripheral" and the word "flux".

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since disposal of gaseous isotopes and modification of the primary coolant fission product monitor circuit as proposed will not present any substantial changes in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment by Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New York, and (b) a hazards analysis of the acceptability of the dilution factor and modification of the primary fission product monitor circuit prepared by the Division of Licensing and Regulation, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-46; Amdt. 8]

License No. R-46, as previously amended, is further amended as follows:

1. In addition to the activities previously authorized by the Commission at the Industrial Reactor Laboratories, Inc. reactor facility under License No. R-46, as amended, Industrial Reactor Laboratories, Inc. and The Trustees of Columbia University in the City of New York are hereby authorized; (a) to discharge from the IRL reactor stack gaseous isotopes at concentrations not to exceed 5,000 times those specified in Appendix B, Table II of 10 CFR Part 20, in accordance with the procedures and subject to the limitations described in the applications for amendment dated December 1, 1960 and May 8, 1961, and (b) to modify the primary coolant fission product monitor circuit in the manner described in Attachment III to the application for amendment dated January 16, 1961.

2. Condition 4A(5)b. is amended to read as follows:

Columbia University shall not permit the manipulation of any core component, change in core position, installation or removal of in-core and core peripheral experiments, flux monitors, and calibration strips when the reactor is shutdown except under the direct supervision of a technically qualified supervisor.

This amendment is effective as of the date of issuance.

Date of issuance: July 10, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-6627; Filed, July 14, 1961; 8:45 a.m.]

[Docket No. 50-64]

UNIVERSITY OF AKRON

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-24. The license authorizes The University of Akron to operate its nuclear reactor Model AGN-201, Serial No. 104, located on its campus in Akron, Ohio. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed The University of Akron's submission dated January 30, 1961 and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to

the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961, to The University of Akron and (b) the University's reply dated January 30, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 10th day of July 1961.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-24; Amdt. 4]

License No. R-24, which authorizes The University of Akron to operate its nuclear reactor Model AGN-201, Serial No. 104, located on The University of Akron's campus in Akron, Ohio, is hereby amended by adding the following additional conditions thereto:

1. The University of Akron shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 30, 1961.

2. The University of Akron shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-6628; Filed, July 14, 1961; 8:45 a.m.]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-52, authorizing The University of Arizona to operate their TRIGA reactor intermittently at a power level of 100 kilowatts (thermal), and adding certain new conditions to the license. The reactor facility is located on the University's campus in Tucson, Arizona. The Commission has found that operation of the facility in accordance with the license, as amended, will not be inimical to the health and safety of the public or to the common defense and security.

The Commission has reviewed the shutdown procedures submitted by the licensee on January 26, 1961. A condition has been added to the license requiring the licensee to comply with these procedures.

A condition has also been added to the license requiring the licensee to report deviations from predicted operating characteristics which might otherwise not be reported.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility under the license as amended would not present any change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener with thirty days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment by The University of Arizona and (b) a hazards analysis prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch.

[License No. R-52; Amdt. 2]

License No. R-52, as amended, is hereby amended to authorize operation of the University's TRIGA reactor intermittently at a higher power level as described in the application for license amendment dated March 25, 1961 in addition to the activities previously authorized, and to add three new conditions 4.B., 4.C., and 4.D. as follows:

1. Paragraph 1. of License No. R-52 is hereby amended to read as follows:

1. This license applies to the TRIGA type heterogeneous, light water cooled, zirconium hydride and water moderated tank-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by the applicant and located at Tucson, Arizona, and described in the application dated July 2, 1958 and amendments thereto dated August 4, 1958, August 15, 1958, August 28, 1958, December 9, 1960, and March 25, 1961 (hereinafter collectively referred to as "the application").

2. Paragraph 4. of License No. R-52, is hereby amended in its entirety to read as follows:

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 or Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Arizona shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

B. The University of Arizona shall comply with the shutdown procedures and precautions described in its submittal dated January 26, 1961, and the following additional limitations:

(1) The University of Arizona shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the facility is shutdown.

(2) The University of Arizona shall conduct core loading changes and all other operations which could involve changes in core reactivity when the facility is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

C. The University of Arizona shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

D. As promptly as practicable, but no later than sixty days after the initial criticality of the facility using the increased excess reactivity required to achieve a power level of 100 kilowatts (thermal), The University of Arizona shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the facility.

E. In addition to those otherwise required under this license and applicable regulations, The University of Arizona shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Arizona as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. The University of Arizona shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

This amendment is effective as of the date of issuance.

Date of issuance: July 10, 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-6629; Filed, July 14, 1961; 8:45 a.m.]

[Docket No. 50-84]

REGENTS OF UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-30. The license authorizes The Regents of the University of California to operate their nuclear reactor Model AGN-201, Serial No. 112, located on the University of California's campus in Berkeley, California. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed University of California's submission dated February 1, 1961 and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961, to University of California and (b) the University's reply dated February 1, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of July, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-30, Amdt. 3]

License No. R-30, which authorizes The Regents of the University of California to operate their nuclear reactor Model AGN-201, Serial No. 112, located on the campus of the University of California in Berkeley, California is hereby amended by adding the following additional conditions thereto:

1. The Regents of the University of California shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in University of California's letter to the Commission dated February 1, 1961.

2. The Regents of the University of California shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 10th day of July 1961.

For The Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-6630; Filed, July 14, 1961; 8:45 a.m.]

[Docket No. 50-98]

UNIVERSITY OF DELAWARE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-43. The license authorizes University of Delaware to operate its nuclear reactor Model AGN-201, Serial No. 113, located on the University's campus in Newark, Delaware. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed University of Delaware's submission dated January 27, 1961 and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervenor within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961, to University of Delaware and (b) the University's reply dated January 27, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-43; Amdt. 3]

License No. R-43, which authorizes University of Delaware to operate its nuclear reactor Model AGN-201, Serial No. 113, located on the University of Delaware's campus in Newark, Delaware is hereby amended by adding the following additional conditions thereto:

1. University of Delaware shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 27, 1961.

2. University of Delaware shall promptly submit a written report to the Commission whenever, during operation of the reactor,

any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 10th day of July, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-6631; Filed, July 14, 1961; 8:45 a.m.]

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-25. The license authorizes University of Utah to operate its nuclear reactor Model AGN-201, Serial No. 107 located on its campus in Salt Lake City, Utah. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the University of Utah's submission dated January 19, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961 to University of Utah and (b) the University's reply dated January 19, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[License No. R-25; Amdt. 3]

License No. R-25, which authorizes University of Utah to operate its nuclear reactor Model AGN-201, Serial No. 107, located on the University of Utah's campus in Salt Lake City, Utah is hereby amended by adding the following additional conditions thereto:

1. University of Utah shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 19, 1961.

2. University of Utah shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 10th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-6632; Filed, July 14, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12425]

ZANTOP AIR TRANSPORT, INC., AND COASTAL AIR LINES

Notice of Hearing

In the matter of the application of Zantop Air Transport, Inc., and Coastal Air Lines for approval of the transfer of the temporary certificate of public convenience and necessity for supplemental air service.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that public hearing in the above-entitled proceeding is assigned to be held before the undersigned Examiner on August 1, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues, NW., Washington, D.C.

Dated at Washington, D.C., July 12, 1961.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 61-6671; Filed, July 14, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-39]

CONSTRUCTION OF CONCRETE CHIMNEY

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Northern Indiana Public Service Company, Hammond, Indiana, proposes to construct a concrete chimney near Porter, Indiana, at latitude 41°38'10" north, longitude 87°06'06.25" west. The overall height of the structure would be 1026.5 feet above mean sea level (408 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by this Agency revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by the Agency, provided that the structure will be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-6633; Filed, July 14, 1961; 8:46 a.m.]

[OE Docket No. 61-FW-41]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Missouri-Kansas-Texas Railroad Co., Communications Department, Denison, Texas, proposes to erect a radio antenna structure in Checotah, Oklahoma, at latitude 35°28'12" north, longitude 95°31'06" west. The overall height of the structure would be 900 feet above mean sea level (263 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by the Agency revealed that the proposed structure would be located approximately 2 statute miles (10,200 feet) from the south end of the north/south runway of the Koch Airport, Checotah, Oklahoma, and would exceed the criteria of the "Joint Industry/Government Tall Structures Committee" by 40 feet as applied to this airport. The Agency study disclosed that this factor would have no subsantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-6634; Filed, July 14, 1961; 8:46 a.m.]

[OE Docket No. 61-NY-11]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Christian Broadcasting Association, Canton, Ohio, proposes to erect a radio antenna structure near East Sparta, Ohio, at latitude 40°40'17" north, longitude 81°23'51" west. The overall height of the structure would be 1,583 feet above mean sea level (403 feet above ground).

No substantial aeronautical objections were received as a result of the circularization. The aeronautical study by this Agency revealed that the effect of the proposed tower on the utilization of airspace would be as follows:

1. The Instrument Flight Rules minimum en route altitudes on VOR Federal airways Nos. 8, 75, 92 and 103 between the Navarre, Ohio, VORTAC and Kilgore Intersection and on VOR Federal airway No. 40 between the Navarre VORTAC and East Liverpool intersection would be increased from 2,500 feet above mean sea level to 2,600 feet above mean sea level.

2. The procedure turn altitudes for the ILS and the ADF instrument approaches to Runway 1 on the Akron-Canton Airport would be increased from 2500 feet above mean sea level to 2600 feet above mean sea level.

3. The proposed structure would be located approximately 2.4 miles south of the Briggs Airport, Canton, Ohio, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria as applied to this airport, by 214 feet.

The Agency study further disclosed that these factors would have no substantial adverse effect upon aeronautical operations.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-6635; Filed, July 14, 1961; 8:46 a.m.]

[OE Docket No. 61-NY-12]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Professional Broadcasting Co., Inc., Richmond, Virginia, proposes to construct a radio antenna structure near Bon Air, Virginia, at latitude 37°30'31" north, longitude 77°34'37" west. The overall height of the antenna structure would be 700 feet above mean sea level (355 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 2 miles west of the Virginia State Police Airport, Richmond, Virginia. The aeronautical study by this Agency disclosed that the structure would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 162 feet. However, the study also disclosed that this factor would not adversely affect aeronautical operations at the Virginia State Police Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 10, 1961.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 61-6636; Filed, July 14, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14175-14177; FCC 61M-1199]

LAKESHORE BROADCASTING CORP., INC., ET AL.

Order Advancing Prehearing Conference

In re applications of Lakeshore Broadcasting Corporation, Inc., Racine, Wisconsin, Docket No. 14175, File No. BPH-3264; Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14176, File No. BPH-3313; Ruth M. Crawford, Executrix of Estate of Percy B. Crawford (WYCA), Hammond, Indiana, Docket No. 14177, File No. BPH-3382; for construction permits.

It is ordered, This 10th day of July 1961, on the Hearing Examiner's own motion, that the prehearing conference now scheduled to convene at 9:00 a.m., Friday, July 28, is rescheduled to convene at 10:00 a.m., Thursday, July 20, 1961.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6665; Filed, July 14, 1961; 8:49 a.m.]

[Docket Nos. 13998, 13999; FCC 61M-1194]

LORENZO W. MILAM AND EASTSIDE BROADCASTING CO.

Order on Motion for Further Extension of Time

In re applications of Lorenzo W. Milam, Seattle, Washington, Docket No. 13998, File No. BPH-3004; L. N. Ostrander and G. A. Wilson d/b as Eastside Broadcasting Company, Seattle, Washington, Docket No. 13999, File No. BPH-3263; for construction permits.

The Hearing Examiner having under consideration a Motion for Extension of Time within which to exchange exhibits and request witnesses for cross-examination, filed on behalf of Lorenzo W. Milam (Milam) on July 6, 1961;

It appearing that Milam alleges that the parties are still attempting to reach an understanding for the resolution of

the issues in the instant proceeding, and that it is expected in the immediate future an agreement for such settlement will be reached;

It further appearing that counsel for Eastside Broadcasting Company and for the Broadcast Bureau, the only other parties to the proceeding, have consented to immediate consideration and grant of this Motion;

It further appearing that in view of the timetable fixed in the Order on Motion for Further Extension of Time, released on June 16, 1961, and the aforementioned consent of the other parties to immediate consideration of this Motion, the provisions of the Commission's rules relating to the withholding of consideration (47 CFR 1.43) should be waived and the matter disposed of promptly;

It further appearing that the parties herein should be allowed one additional opportunity to conclude their pending negotiations for an agreement;

It is ordered, This 10th day of July, 1961, that the Motion for Extension of Time is granted, and that the procedural dates set forth in the aforementioned order, released June 16, 1961 are modified as follows:

(1) Exchange of exhibits from July 6, 1961 to July 24, 1961;

(2) Notification of witnesses, if any, desired for cross-examination from July 13, 1961 to July 31, 1961; and

It is further ordered, That the hearing heretofore rescheduled to commence on July 26, 1961, is hereby further rescheduled to begin on September 18, 1961, at 10:00 a.m. at the Offices of the Commission in Washington, D.C.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6666; Filed, July 14, 1961; 8:49 a.m.]

[Docket Nos. 14148, 14149; FCC 61M-1196]

TELEPHONE ANSWERING SERVICE OF TRENTON AND RADIO MOBILE ANSWERING SERVICE

Order Continuing Hearing and Scheduling Conference

In re applications of David I. and Isabel P. Flood d/b as Telephone Answering Service of Trenton, Docket No. 14148, File No. 2745-C2-P-60; for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Trenton, New Jersey; Eugene R. Lemieux, d/b as Radio Mobile Answering Service, Docket No. 14149, File No. 2907-C2-P-60; for a construction permit to establish a new one-way signaling service in the Domestic Public Land Mobile Radio Service at Trenton, New Jersey.

Pursuant to the agreements reached at the prehearing conference held on July 10, 1961, the evidentiary hearings in the above-entitled proceeding now scheduled for July 24, 1961, is continued to a date to be announced at the close of the further prehearing conference to be held on July 28, 1961.

It is so ordered, This the 10th day of July 1961.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6667; Filed, July 14, 1961; 8:49 a.m.]

[Docket No. 13972; FCC 61M-1197]

WIRELINE RADIO, INC.

Order Following Further Prehearing Conference

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR-3511; for renewal of license of Station WITT Lewisburg, Pennsylvania.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference in the above-entitled matter on July 10, 1961;

It appearing that counsel for the applicant herein requested a postponement of further proceedings until such time as the Commission acted on a petition for a bill of particulars which counsel for the applicant proposes to file promptly or, in the alternative, a postponement until such time as the Commission might act on a motion to postpone further proceedings pending action on a petition for a bill of particulars;

It further appearing that counsel for the Broadcast Bureau opposed the request of counsel for the applicant but offered to cooperate with such counsel by furnishing such particulars regarding the circumstances surrounding the alleged unauthorized transfer of control at issue herein as might reasonably be requested by counsel for the applicant;

It further appearing that the full background of this matter is set forth in detail in the Examiner's Memorandum Opinion and Order dated July 7, 1961, which is fully incorporated herein by reference;

It further appearing that good cause has not been shown for a postponement pending action by the Commission on the above-described motions or petitions counsel for applicant stated he intended to file and that, on the contrary, prompt and orderly disposition of the issues raised by the Commission's Order of designation herein when viewed in the light of the circumstances which have transpired since the release of such Order on March 14, 1961, requires that the requests of counsel for the applicant for postponement by the Examiner pending Commission action be denied;

It further appearing that as set forth more fully in the aforementioned Memorandum Opinion and Order dated July 7 the Examiner's present hearing calendar permits postponement of the hearing heretofore scheduled to begin on July 13, 1961, to a date in the week beginning July 20, 1961;

It further appearing that counsel for the applicant stated for the record that he is already scheduled to appear in a hearing before this Commission on July 20 and that such hearing may reasonably be expected to continue on July 21;

It is ordered, This 10th day of July, 1961, that a further prehearing conference herein shall be held on July 14, 1961, at 9:00 a.m. at the Offices of the Commission in Washington, D.C., at which time the parties shall be prepared to fully discuss all matters necessary to assure prompt and orderly procedures at the hearing and that it is expected in the interim counsel for the applicant and the Broadcast Bureau shall consult regarding the particulars that counsel for the applicant may desire to procure regarding the alleged unauthorized transfer issue;

It is further ordered, That the hearing herein heretofore rescheduled to commence at 9:00 a.m. on July 13, 1961, is further rescheduled to start at 9:00 a.m. on July 24, 1961, at the offices of the Commission in Washington, D.C.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6668; Filed, July 14, 1961; 8:49 a.m.]

[Docket No. 14107; FCC 61M-1195]

Y T CORP.

Order Following Further Prehearing Conference

In re application of the Y T Corporation, Palo Alto, California, Docket No. 14107, File No. BPH-3243; for construction permit.

The Hearing Examiner having under consideration the proceedings at the further prehearing conference held in the above-entitled matter on July 7, 1961, and the agreements of the parties as approved herein by the Examiner;

It is ordered, This 10th day of July 1961, that the procedural dates set forth in the Order Following Prehearing Conference released on June 5, 1961, are modified, as follows:

(1) Final engineering exhibits on behalf of the applicant hertofore scheduled to be supplied to all parties and the Examiner by July 18 shall be so supplied by August 8, 1961;

(2) The rebuttal cases, if any, on behalf of intervenors and the Broadcast Bureau heretofore required to be supplied by July 18 shall be supplied by August 8, 1961, in accordance with the terms and provisions set forth in subparagraph 5 of the ordering clause of the Order released on June 5;

(3) Notifications with respect to witnesses heretofore required by July 21, shall be made by August 28, 1961; and

(4) Notification to the Examiner with respect to any motions any party desires to make regarding exhibits of any of the other parties heretofore required by July 21 shall be given by August 28, 1961, in accordance with the terms and provisions set forth in subparagraph 7 of the aforementioned ordering clause of the Order released June 5.

It is further ordered, That the hearing heretofore rescheduled to commence on July 27, 1961, is further rescheduled to commence on September 5, 1961, at 10:00 a.m., at the Offices of the Commission in Washington, D.C.

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the prehearing conference which, to this extent, is incorporated by reference herein.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6669; Filed, July 14, 1961; 8:49 a.m.]

[Docket Nos. 14152, 14153; FCC 61M-1193]

YBOR CITY BROADCASTING CO. AND JOHNSON BROADCASTING CORP.

Order Continuing Hearing

In re applications of Ybor City Broadcasting Company, Ybor City, Florida, Docket No. 14152, File No. BP-13663; Johnson Broadcasting Corporation, Indian Rocks Beach, Florida, Docket No. 14153, File No. BP-13859; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on July 10, 1961, regarding date for hearing;

It is ordered, This 10th day of July 1961, that the hearing now scheduled for September 7, 1961, is continued to October 12, 1961, at 10:00 a.m.

Released: July 11, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6670; Filed, July 14, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JULY 10, 1961.

Take notice that on June 21, 1961, Montana-Dakota Utilities Co. (Applicant), incorporated under the laws of the State of Delaware and qualified to do business as a foreign corporation in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal place of business at Minneapolis, Minnesota, filed an application for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amounts of electric energy which Applicant is presently authorized to transmit from the United States to Canada.

By Commission order issued April 4, 1960, in the above docket, Applicant was authorized to transmit electric energy from the United States to Canada in amounts not to exceed 500,000 kwh per annum at a maximum transmission rate of 200 kw at North Portal, Saskatchewan, 45,000 kwh per annum at a maximum transmission rate of 20 kw at Northgate, Saskatchewan, 12,000 kwh per annum at a maximum transmission rate of 10 kw at Elmore, Saskatchewan, and 25,000 kwh per annum at a maximum transmission rate of 12 kw at Marienthal, Saskatchewan. Applicant now seeks authorization to transmit up to 666,000 kwh per annum at a maximum rate of 230 kw at North Portal, up to 60,600 kwh per annum at a maximum rate of 20 kw at Northgate, up to 24,300 kwh per annum at a maximum rate of 10 kw at Elmore, and up to 28,700 kwh per annum at a maximum rate of 12 kw at Marienthal.

The amounts of electric energy which Applicant proposes to export, like those amounts presently exported pursuant to the aforementioned authorization, are to be transmitted to Canada from the State of North Dakota over certain facilities specified in a Presidential Permit signed by the President of the United States on May 18, 1942, and released to Applicant concurrently with the issuance of Commission order issued July 21, 1942, all in the above docket.

Any person desiring to be heard or to make any protest with reference to the application should on or before July 31, 1961, file with the Federal Power Commission, Washington 25, D.C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6641; Filed, July 14, 1961; 8:46 a.m.]

[Docket No. RP61-13]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Hearing and Prescribing Procedure

JULY 10, 1961.

Transcontinental Gas Pipe Line Corporation (Transco or Respondent), a Delaware corporation with its principal office in Houston, Texas, on October 17, 1960 (and corrections filed November 7, 1960), pursuant to section 4 of the Natural Gas Act, and § 154.63 of the Commission's regulations thereunder, tendered for filing Third Revised Sheets Nos. 28-K.2, 28-X, 28-AA and 28-DD, Ninth Revised Sheets Nos. 17-B, 17-F and 26-B, Eleventh Revised Sheets Nos. 9 and 28-I, Twelfth Revised Sheets Nos. 5, 12, 16, 19 and 24 to its FPC Gas Tariff, Original Volume No. 1, and Ninth Revised Sheet No. 51 to its FPC Gas Tariff, Original Volume No. 2. By order issued November 16, 1960, in Docket No. RP61-13, the Commission suspended the tariff revisions proposed by Transco until April 17, 1961, and thereafter until such time as they are made effective in the manner prescribed by the Natural Gas Act, and also provided for hearings concerning the lawfulness of the respective FPC Gas Tariffs as proposed to be revised.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission set a date for hearing concerning the lawfulness of the rates, charges, classifications and services contained in Respondent's Tariffs as proposed to be amended by the aforementioned tariff sheets, and that such hearing be held as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act and particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure a public hearing shall be held commencing October 3, 1961, at 10:00 a.m., e.d.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications and services contained in Respondent's FPC Gas Tariffs, as proposed to be amended by the abovementioned tariff sheets.

(B) Respondent shall serve the exhibits and prepared testimony relating to its case-in-chief upon the parties and on the Commission Staff on or before August 21, 1961.

(C) At the hearing hereinabove ordered Respondent shall present its case-in-chief, theretofore served upon the parties, and shall be cross-examined thereon forthwith. Thereafter the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6642; Filed, July 14, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-6869 (22-597), 2-7496 (22-756)]

SWIFT AND CO.

Notice of Application and Opportunity for Hearing

JULY 6, 1961.

Notice is hereby given that Swift and Company has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of the First National Bank of Chicago (First National) under indentures of the Company dated as of January 1, 1947 (1947 Indenture) and May 1, 1948 (1948 Indenture) which were heretofore qualified under the Act,

and trusteeship by First National under a New Indenture dated as of June 1, 1961, which was not qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as Trustee under the 1947 and/or the 1948 Indentures and under the New Indenture.

Section 310(b) of the Act, which is included in § 6.07 of the 1947 Indenture and the 1948 Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The 1948 Indenture by its terms (and pursuant to clause (i) of section 310(b)(1) of the Act (excludes the 1947 Indenture from the operation of section 310(b)(1) of the Act.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in § 6.7 of the 1947 and 1948 Indentures), seeks to exclude the New Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of section 310(b)(1) of the Act (as set forth in § 6.07 of the 1947 and 1948 Indentures) if the Company shall have sustained the burden of proving, by this application, to the Commission and after opportunity for hearing thereon that the trusteeship of First National under the 1947 and 1948 Indentures and under the new Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under the 1947 and/or 1948 Indenture.

The Company alleges that:

(1) The company proposes to issue and sell $30,000,000 aggregate principal amount of its 4⅞ percent Twenty-Five year Debentures due 1986, to be issued under an indenture dated June 1, 1961 (New Indenture), to be executed by the Company with the First National Bank of Chicago, as trustee;

(2) The company proposes to issue and sell the New Debentures to a limited number of institutional purchasers which will purchase the same for investment and not with a view to distribution. The Debentures to be issued pursuant to the 1961 Indenture are therefore exempt from the registration requirements of the Securities Act of 1933 and the 1961 Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) The company has outstanding $29,000,000 (of which $2,733,000 is held in treasury) of its Twenty-Five year 2⅝ percent Debentures due 1972, issued under an Indenture dated as of January 1, 1947. The 1947 Debentures were registered under the Securities Act of 1933 (File No. 2–6869) and the 1947 Indenture was qualified under the Trust Indenture Act of 1939;

(4) The company has outstanding $6,250,000 (of which $1,341,000 is held in treasury) of its Twenty-Five year 2⅞ percent Debentures due 1973, issued under an Indenture dated May 1, 1948. The 1948 Debentures were registered under the Securities Act of 1933 (File No. 2–7496) and the 1948 Indenture was qualified under the Trust Indenture Act of 1939;

(5) The 1948 Indenture by its terms and pursuant to section 310(b)(1)(i) of the Trust Indenture Act of 1939 excludes the 1947 Indenture from operation of section 310(b)(1) of said Act. The 1948 Indenture names First National as Trustee and contains language substantially similar to that of section 310(b)(1) of the Act including clause (ii) thereof;

(6) The Company has outstanding $50,000,000 of its Twenty-Five year 4¾ percent Debentures due 1983, issued under an Indenture dated as of October 1, 1958. The 1958 Debentures were not registered under the Securities Act of 1933, and the 1958 Indenture was not qualified under the Trust Indenture Act of 1939, inasmuch as the same were exempt from registration and qualification. The company filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939, which said application was granted by order of the Commission dated December 8, 1958;

(7) The 1958 Indenture did not contain any definition of "conflicting interest" or any other similar term or any provision related thereto;

(8) The 1947 Indenture, the 1948 Indenture, and 1958 Indenture and the New Indenture are wholly unsecured;

(9) The company is not in default under the 1947 Indenture or the 1947 Debentures, under the 1948 Indenture or the 1948 Debentures, under the 1958 Indenture or the 1958 Debentures;

(10) Such differences as exist between the 1947, 1948 and 1958 Indentures and the New Indentures are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under the 1947 Indenture and/or the 1948 Indenture.

For a more detailed statement of the matter of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 20, 1961, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than July 19, 1961, at 5:30 p.m., e.d.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6648; Filed, July 14, 1961; 8:47 a.m.]

[File No. 812–1415]

TOWNSEND CORPORATION OF AMERICA AND TOWNSEND MANAGEMENT CO.

Notice of Filing of Application for Exemption To Permit Interim Board of Directors To Serve

JULY 7, 1961.

Notice is hereby given that Townsend Corporation of America ("TCA") and Townsend Management Company ("TMC"), Short Hills, New Jersey, registered closed-end management investment companies have filed, through an Interim Board of Directors, an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting from the provisions of sections 10(a), 16(a) and 32(a) of the Act, TCA, TMC and the Interim Board of Directors of each corporation, appointed by the United States District Court for the District of New Jersey in an action entitled Securities and Exchange Commission v. Townsend Corporation of America, et al. (Civil Action 336–61), until further order of the Commission.

The application recites that on April 24, 1961, this Commission filed a verified complaint against TCA, TMC and other defendants seeking injunctive relief with respect to alleged violations of sections 7, 12, 18, 20, 21, 30, 34, 36 and 48 of the Act, and for other relief. Orders were entered by consent on May 31, 1961, enjoining TCA and TMC and certain other defendants from violations of the Act. Under the Order consented to by TCA and TMC, the District Court took exclusive jurisdiction and possession of the books and records and assets of TCA and TMC. The Order further provided for the appointment by the Court of an interim board of directors of TCA and TMC in lieu of a statutory trustee, and specified the procedure required for compliance with the Act.

By orders entered May 31 and June 1, 1961, the District Court appointed David Schenker, Gay V. Land and Robert N. Wilentz as the Interim Board of Directors ("Interim Board") of TCA and TMC, for the purpose of carrying out the provisions of the above-mentioned Order. After the consummation of all of the transactions directed to be taken by TCA and TMC by the Order, the Interim Board is directed to call a meeting of the stockholders of TCA and TMC (as such companies shall be reorganized pursuant to the Order of the Court), for the purpose of electing a board of directors in accordance with applicable law.

Exemptions are requested by TCA and TMC pursuant to section 6(c) of the Act: (1) From the provisions of section 10(a) of the Act insofar as the Interim Board might be deemed to be "officers or employees" of TCA or TMC; (2) from the provisions of section 16(a) of the Act so that the Interim Board may serve without stockholder election; and (3) from the provisions of section 32(a) of the Act insofar as such section requires that the selection of independent public accountants be submitted to a vote of TCA's and TMC's stockholders. The exemptions from sections 10(a) and 16(a) of the Act are requested retroactive to May 31, 1961, the date of entry of the Court Order. The exemption from section 32(a) of the Act is requested retroactive to June 19, 1961, the date on which the Interim Board determined to terminate the appointment of the present auditors of TCA and TMC and to retain the firm of Price Waterhouse & Co. to audit TCA's and TMC's financial statements, and to make certain investigations of prior transactions on behalf of TCA and TMC. It is requested that the exemptions remain in effect until further order of the Commission.

TCA and TMC in their application asserted that the provisions of section 6(c) of the Act will be satisfied by granting the requested exemptions, which it is stated will assist the Interim Board in fulfilling the assignments given to the Interim Board by Order of the Court and thereby expedite compliance by TCA and TMC with the Act as was sought by the Commission in commencing the action hereinbefore referred to.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 21, 1961, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6649; Filed, July 14, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 520]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 12, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64043. By order of July 10, 1961, the Transfer Board approved the transfer to H. S. Anderson Trucking Company, A Corporation, Port Arthur, Texas, of Certificates Nos. MC 97068 Sub 1 and MC 97068 Sub 2, issued July 2, 1951 and March 9, 1955, respectively, to H. S. Anderson, Port Arthur, Texas, authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, machinery, materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main pipe lines, over irregular routes, between points in Louisiana and Texas; and machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur, its products and by-products, between points in Louisiana and Texas. John H. Benckenstein, P.O. Box 551, Beaumont, Tex., Attorney for applicants.

No. MC–FC 64056. By order of July 10, 1961, the Transfer Board approved the transfer to P & R Transportation, Ltd., Salt Lake City, Utah, of the operating rights authorized in the Report of the Commission, Division 1, decided November 7, 1960, in No. MC 99828 Sub 4, in the name of Paul W. Nielsen, Dale M. Belts, Receiver, doing business as Nielsen Trucking Company, Salt Lake City, Utah, covering the transportation of: Bananas, from Los Angeles Harbor, Calif., Commercial Zone, to Salt Lake City, Utah. Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah, Attorney for applicants.

No. MC–FC 64274. By order of July 10, 1961, the Transfer Board approved the transfer to A. F. T. Motor Freight, Inc., Norristown, Pa., of a portion of Permit No. MC 34977, issued April 21, 1959, to Roberta Volpe, doing business as D. Volpe, Philadelphia, Pa., authorizing the transportation of: Steel shelving, lockers, and cabinets, sheet steel, culvert pipe, galvanized sheet steel, metal laths, pipe, reinforcing steel rods, nails, and other sheet metal products, from Philadelphia, Pa., to New York, N.Y., Washington, D.C., points in Westchester, Putnam, and Dutchess Counties, N.Y., points in Accomac, and Northampton Counties, Va., and points in that part of Virginia on and east of U.S. Highway 15, and on and north of U.S. Highways 250 and 360 and returned or rejected shipments of the commodities specified immediately above, from the destination points specified immediately above to Philadelphia, Pa.; and sheet steel, sheet steel products, metal laths, pipe, reinforcing steel rods, and nails, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and New Jersey. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia 2, Pa., Attorney for applicants.

No. MC–FC 64278. By order of July 10, 1961, the Transfer Board approved the transfer to Dante Gentilini Trucking, Inc., Chicago, Ill., of Permit No. MC 113509 Sub 1, issued November 26, 1952, to Dante Gentilini, doing business as Dante Gentilini Trucking, Chicago, Ill., authorizing the transportation, over irregular routes, of vermiculite, from Calumet Township, Cook County, Ill., to points in a described portion of Indiana. Bernard G. Colby, One North La Salle Street, Chicago, Illinois, Attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–6655; Filed, July 14, 1961; 8:47 a.m.]

EUGENE S. ROOT

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office

of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086; 21 F.R. 3475, 9198; 22 F.R. 3777, 9450; 23 F.R. 3798, 9501; 24 F.R. 4187, 9502; 25 F.R. 102; 26 F.R. 1693) for the period from January 1, 1961 through June 30, 1961.

Nothing to report.

Dated: July 3, 1961.

EUGENE S. ROOT.

[F.R. Doc. 61-6654; Filed, July 14, 1961; 8:47 a.m.]

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Washington, Tuesday, July 18, 1961

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JUL 20 1961
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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Treasury Department

Effective upon publication in the FEDERAL REGISTER, subparagraphs (17) and (18) are added to paragraph (a) of § 6.303 as set out below.

§ 6.303 Treasury Department.

(a) *Office of the Secretary.* • • •

(17) One Assistant to the Secretary (Financial Analysis).

(18) One Deputy Assistant to the Secretary (Debt Analysis).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6729; Filed, July 17, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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AUTHORITY: §§ 723.971 through 723.987 issued unders secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 703, 995, as amended, secs. 112, 377, 70 Stat. 195, 206, as amended; 7 U.S.C. 1301, 1313, 1314, 1363, 1375, 1377, 1378, 1886, Pub. L. 87-33.

GENERAL

§ 723.971 Basis and purpose.

The regulations contained in §§ 723.971 through 723.987 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for cigar-filler (type 41) tobacco. The purpose of the regulations in §§ 723.971 through 723.987 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler (type 41) tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.971 through 723.987, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.971 through 723.987, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.972 Definitions.

As used in §§ 723.971 through 723.987, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The definitions of the following terms as set forth in Part 719 of this chapter shall apply in §§ 723.971 through 723.987: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "New farm" means a farm on which tobacco will be harvested in 1962 for the first time since 1956. The term "harvested", as used in this definition, shall be as explained in § 723.976.

(d) "Old farm" means a farm on which tobacco was harvested in one or more of the five years 1957 through 1961. The term "harvested", as used in this definition, shall be as explained in § 723.976.

(e) "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.973 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last decimal place required shall be increased by "1". For example, 10.5536 would be 10.55; 10.55550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.974 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 723.975 Applicability of §§ 723.971 through 723.987.

Sections 723.971 through 723.987 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm mar-

keting quotas for the marketing year beginning October 1, 1962.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.976 Determination of harvested tobacco acreage for old farms.

(a) The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the five years 1957–61. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm.

(b) The tobacco harvested acreage shall include the acreage regarded as planted to tobacco under the conservation reserve program. The tobacco acreage to be regarded as devoted to tobacco under the conservation reserve program for each of the years 1957 through 1961 shall be determined in accordance with Part 719 of this chapter, except that for this purpose the tobacco acreage used (in lieu of an allotment) in computing the Soil Bank base shall be used in determining the 1957, 1958, 1960, and 1961 credits under the conservation reserve program. The 1959 allotment shall be used in determining the 1959 credits under the conservation reserve program.

(c) The 1959 harvested acreage shall be the same as the 1959 allotment, and shall be zero for a farm for which no 1959 allotment was determined.

(d) In determining the harvested acreage for 1957, 1958, 1960, and 1961, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases, after application of the provisions of paragraphs (a) and (b) of this section, although this allowance shall not operate to increase the harvested acreage above the tobacco acreage used in computing the Soil Bank base.

§ 723.977 Determination of 1962 preliminary acreage allotments for old farms.

(a) The preliminary acreage allotment for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1957–61, except that if the five-year average is in excess of the three-year, 1959–61 average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1959–61, or

(3) Forty-five percent of the acreage of tobacco harvested on the farm in 1961: *Provided*, That the preliminary acreage allotment for any old farm shall not be less than 0.01 acre.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines has become devoted to commercial or residential development or other nonagricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that did acquire it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.880: *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter.

§ 723.978 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.977 shall be adjusted uniformly so that the total of such allotments plus the acreage available pursuant to § 723.979 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco: *And provided further*, That if in any of the calendar years 1958–61 more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and was harvested for marketing from the same acreage of a farm, the 1962 acreage allotment established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested; in case the allotment is transferred through a pool to another farm under § 723.980 before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as provided herein, or in case the farm is divided or combined with other land before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotments for the divided farms or the allotment for the combined farm shall be reduced as provided herein. However, if the 1959 allotment was reduced because of the harvesting of more than one crop of tobacco in 1958, as described in the preceding sentence, the 1962 allotment shall not be reduced due to such harvesting in 1958.

§ 723.979 Adjustment of acreage allotments for old farms, correction of errors in old farm allotments, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.978, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing old farm allotments as above described under this section, correction of errors in old farm allotments, and providing acreage allotments for overlooked old farms, shall not exceed two percent of the 1962 State acreage allotment. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 723.980 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotment to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.982. For a farm for which the 1959 allotment was placed in a pool, the 1959 allotment remaining in the pool shall be the 1962 preliminary allotment. If no 1959 allotment was or may be computed for the farm which was acquired as described in this section, and tobacco was planted thereon in 1960 or 1961, the 1962 preliminary allotment shall be determined in accordance with § 723.977.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage apportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 723.981 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 723.982 Determination of normal yields.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1945–60 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.983 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.980, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the average of the allotments established for two or more but not more than five old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the acreage planted to tobacco on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in item 1 above, other than the allotment requested in the application.

(3) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.971 through 723.987 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 723.984 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee not later than March 10, 1962.

§ 723.985 Determination of normal yields.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.986 Approval of determinations made under §§ 723.971 through 723.985.

(a) All allotments and yields shall be reviewed by or on behalf of the State committee and the State committee may revise or require revision of any determinations made under §§ 723.971 through 723.985. All acreage allotments and yields shall be approved by or on behalf of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases resulting from reconstitutions that do not involve the use of additional acreage.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper, are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) removal of the farm from agricultural production, (2) division of

the farm, or (3) combination of the farm, no notice of such allotment shall be mailed until the proper allotment is determined for the farm by the county committee with the approval of the State committee: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, provided that for future allotment purposes, the 1962 allotment shall be considered fully planted if 75 percent of the smaller of the correct notice or such erroneous notice is planted.

§ 723.987 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASCS county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6723; Filed, July 17, 1961; 8:49 a.m.]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler Tobacco, Cigar-Binder Tobacco and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

GENERAL

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723.1312 Definitions.
723.1313 Extent of calculations and rule of fractions.
723.1314 Instructions and forms.
723.1315 Applicability of §§ 723.1311 through 723.1328.

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723.1316 Determination of 1962 preliminary acreage allotments for old farms.
723.1317 1962 old farm tobacco acreage allotments.
723.1318 Adjustment of acreage allotments for old farms, corrections of errors made in acreage allotments for old farms, and allotments for overlooked old farms.
723.1319 Reduction of acreage allotment for violation of the marketing quota regulations for prior marketing year.
723.1320 Reallocation and release and reapportionment of allotments released from farms acquired by an agency having right of eminent domain, or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.
723.1321 Farms divided or combined.
723.1322 Determination of normal yields for old farms.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.1323 Determination of acreage allotments for new farms.
723.1324 Time for filing application.
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MISCELLANEOUS

723.1326 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco.
723.1327 Approval of determinations made under §§ 723.1311 through 723.1326 and notices of farm acreage allotments.
723.1328 Application for review.

AUTHORITY: §§ 723.1311 through 723.1328 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836, Pub. L. 87-33.

GENERAL

§ 723.1311 Basis and purpose.

The regulations contained in §§ 723.1311 through 723.1328 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco. The purpose of the regulations in §§ 723.1311 through 723.1328 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.1311 through 723.1328, public notice (26 F.R. 5426) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.1311 through 723.1328 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.1312 Definitions.

As used in §§ 723.1311 through 723.1328, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment," "combination," "community committee," "county committee," "State committee," "county," "county office manager," "cropland," "current year," "Department," "Deputy Administrator," "division," "farm," "farm serial number," "field," "history acreage," "operator," "person," "photograph number," "preceding year," "producer," reconstitution," "Secretary," "Soil Bank Contract," "State administrative officer," and "subdivision."

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961 respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 723.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961 respectively, shall not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 723.1316.

(f) "Tobacco" means:

(1) Type 42 tobacco, that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(2) Type 43 tobacco, that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana;

(3) Type 44 tobacco, that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio;

(4) Type 51 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut;

(5) Type 52 tobacco, that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area of Massachusetts and Connecticut;

(6) Type 53 tobacco, that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State;

(7) Type 54 tobacco, that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; or

(8) Type 55 tobacco, that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all such types of tobacco as indicated by the context. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1." For example, 10.5536 would be 10.55; 10.5550 would b 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 723.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

§ 723.1315 Applicability of §§ 723.1311 through 723.1328.

Sections 723.1311 through 723.1328 govern the establishment of farm acreage allotments and normal yields in connection with the 1962 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) of this section, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided*, That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 723.1320(a): *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes).

(c) The tobacco acreage history during the base period shall be determined as follows:

(1) For 1960 and subsequent years:

(i) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of federally owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation (unless the provisions of subdivision (iii) of this subparagraph are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco un-

der the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 723.1320(c) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 723.1320(c) by the displaced owner for reapportionment in other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notwithstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961, and 1962 new farms shall be the same as the 1960, 1961, or 1962 allotment, respectively. Although no adjustment for abnormal weather or diseases shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 723.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 723.1316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 723.1318 shall not exceed the State acreage allotment.

§ 723.1318 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 723.1316, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed, in the case of cigar-binder (types 51 and 52) tobacco one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year; and not to exceed, in the case of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 723.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1961–62 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing:

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or a subsequent year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 723.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1962. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 723.1252 (Marketing Quota Regulations, 1961–62 Marketing Year, (Cigar-Binder and Cigar-Filler and Binder) (26 F.R. 5112).

§ 723.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having right of eminent domain, or shifted from production of cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco to production of shade-grown cigar leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 723.1322 for determining normal yields for old farms.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco but which will be used in 1962 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.1326(a).

(c) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 723.1321 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 723.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 723.1320 (a) or (b), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 75 percent of the average of acreage allotments established for two or more but not to exceed five old farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the tobacco acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41), cigar-binder (types 51 and 52), or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in item 1 above other than the allotment requested in the application.

(3) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind

of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 723.1311 through 723.1328 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be canceled by the county committee as of the date established.

§ 723.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee not later than March 10, 1962.

§ 723.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.1326 Determination of acreage allotments and normal yields for farms shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco.

(a) Notwithstanding the foregoing provisions of §§ 723.1311 through 723.1325, an allotment may be established for a farm which in 1961 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-binder (types 51 and 52) tobacco or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in 1962. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.1320(b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; and labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.1318.

(b) The normal yield for any such farm under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 723.1322 for similar farms in the community.

§ 723.1327 Approval of determinations made under §§ 723.1311 through 723.1326 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 723.1311 through 723.1326. All acreage allotments and yields shall be approved by a representative of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 723.1319(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practical all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted the provisions of § 723.1316 (c), (d) (2), (f), (g), (h), and (i) shall be followed.

§ 723.1328 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6724; Filed, July 17, 1961; 8:49 a.m.]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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725.1327 Application for review.

AUTHORITY: §§ 725.1311 through 725.1327 issued under secs. 301, 318, 315, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 66 Stat. 597, 72 Stat. 703, 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1314a, 1315, 1363, 1375, 1377, 1378, 1824, 1836, P.L. 87–33.

GENERAL

§ 725.1311 Basis and purpose.

The regulations contained in §§ 725.1311 through 725.1327 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 725.1311 through 725.1327 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.1311 through 725.1327, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.1311 through 725.1327, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 725.1312 Definitions.

As used in §§ 725.1311 through 725.1328, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 725.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957 1958, 1959, 1960, or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 725.1316.

(f) "Tobacco" means:

(1) Burley tobacco type 31; flue-cured tobacco types 11, 12, 13 and 14; fire-cured tobacco type 21, fire-cured tobacco types 22, 23, and 24; dark air-cured tobacco types 35 and 36; or Virginia sun-cured tobacco type 37, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or all, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured type 21, fire-cured types 22, 23, and 24, dark air-cured or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5536 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 725.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

§ 725.1315 Applicability of §§ 725.1311 through 725.1327.

Sections 725.1311 through 725.1327 govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1962, in the case of burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, and July 1, 1962, in the case of flue-cured tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) of this section, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided,* That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided,* That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 725.1320(a): *And provided further,* That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter. (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes.)

(c) The tobacco acreage history during the base period shall be determined as follows:

(1) For 1960 and subsequent years:

(i) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of Federally-owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent year, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation, (unless the provisions of subdivision (iii) of this subparagraph are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco under the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 719 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, Federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 725.1320(b) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 725.1320(b) by the displaced owner for reapportionment to other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961 and 1962 new farms shall be the same as the 1960, 1961 or 1962 allotment, respectively. Although no adjustment for abnormal weather or disease shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 725.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 725.1316 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms, correction of errors, and for allotments for overlooked old farms pursuant to § 725.1318 shall not exceed the State acreage allotment: *Provided,* That in the case of burley tobacco the farm acreage allotment shall not be less than the smallest of (a) the 1961 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided further,* That no 1961 burley tobacco allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre, and no 1961 burley tobacco farm acreage allotment of more than seventy-hundredths of an acre will be reduced to less than six-tenths of an acre.

§ 725.1318 Adjustment of acreage allotments for old farms, correction of errors made in acreage allotments for old farms, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 725.1316, the individual 1962 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed, in the case of burley and flue-cured tobacco, one-tenth of one percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year; and not to exceed, in the case of fire-cured, dark air-cured, and Virginia sun-cured tobacco, four percent of the total acreage for such tobacco allotted to all tobacco farms in the State for the 1961–62 marketing year, shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 725.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in the 1961–62 or a prior marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all additional penalty is made or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids, or acquiesces in the filing of, a false report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding, or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 725.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than (1) April 1, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia or (2) May 1, 1962, in all other States; otherwise, if the reduction cannot be made by such dates, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by corresponding dates to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the prdouction of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre, and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by

the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 725.1252 (Marketing Quota Regulations, 1961–62 Marketing Year, Burley, Flue, Fire, Air and Sun) (26 F.R. 4915).

§ 725.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 725.1322 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to the county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this paragraph shall automatically be reduced, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 725.1321 Farms divided or combined.

(a) Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter except as otherwise provided in paragraphs (b) and (c) of this section.

(b) If after 1962 farm tobacco acreage allotments have been determined, one or more farms having a 1962 fire-cured (type 21) tobacco acreage allotment is combined with another or more farms having a 1962 Virginia sun-cured (type 37) tobacco acreage allotment, or if before 1962 farm tobacco acreage allotments have been established, one or more farms for which a 1961 fire-cured (type 21) tobacco acreage allotment had been established is combined with another or more farms for which a 1961 Virginia sun-cured (type 37) tobacco acreage allotment had been established and a single combined 1961 acreage allotment has not been established for such combined farm, a single combined acreage allotment for the 1962–63 marketing year designated for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco shall be established for the combined farm. Such single combined acreage allotment shall be equal to the total acreage of and be in place of the 1961 acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco which have either previously been established for the farms comprising the combined farm, or which shall be computed and established for the farms comprising the combined farm in accordance with the provisions of §§ 725.1316 through 725.1319 solely for the purpose of enabling a single combined 1962 acreage allotment to be determined and established for the combined farm. The county committee shall give written notification to the owner or owners of such combined farm that the owner or his representative may designate, or if there is more than one owner of the land comprising the farm that the representative of all such owners may designate, a single combined 1962 acreage allotment for the combined farm either for fire-cured (type 21) tobacco or for Virginia sun-cured (type 37) tobacco by submitting his choice to the local county committee within 15 days following the date of mailing of such notification, or within such extended period of time thereafter as the county committee in any case may fix and notify the owner or owners of such extension; and that if within such time the county committee is not notified that a choice has been made as heretofore provided, the county committee, with approval of a representative of the State committee, shall designate the 1962 single combined acreage allotment for the farm as either for fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco on the basis of the prevalent kind of tobacco grown in the area in which such farm is located, the curing facilities on such farm, and the proximity and nature of markets. The occurrence on the same farm of concurrent acreage allotments for fire-cured (type 21) tobacco and Virginia sun-cured (type 37) tobacco pursuant to the provisions of § 725.1320(a) shall be deemed to be of the same effect, for the purposes of and in applying the provisions of this paragraph, as a combination of farms described in this paragraph.

(c) For the purposes of this paragraph and paragraph (b) of this section, the term "representative" shall mean the person named and authorized by the owner of a farm to act for him, or if there are two or more owners of the land comprising a farm, the person named and authorized by such owners to act for all of them in designating or choosing for the farm a single combined acreage allotment for either fire-cured (type 21) tobacco or Virginia sun-cured (type 37) tobacco. The county committee may require any person to furnish to it such evidence as it may require to reasonably establish such person as an owner or representative of an owner or owners.

§ 725.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 725.1320(a), for a new farm shall be that acreage which the county committee with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further*, That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in subparagraph (1) of this paragraph, other than the allotment requested in the application.

(3) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1962 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

(d) Any new farm allotment approved under §§ 725.1311 through 725.1327, which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 725.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee prior to February 16, 1962.

§ 725.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.1326 Approval of determinations made under §§ 725.1311 through 725.1325 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 725.1311 through 725.1325. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage, or (2) of allotment reductions due only to failure to return marketing cards, and disposition of tobacco is not otherwise furnished as provided in § 725.1319(b).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than (i) April 1, 1962, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, or (ii) May 1, 1962, in all other States.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 725.1316 (c), (d), (e), (f), (g), (h), and (i) shall be followed.

§ 725.1327 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these; regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 13, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6722; Filed, July 17, 1961; 8:49 a.m.]

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

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AUTHORITY: §§ 727.1311 through 727.1327 issued under secs. 301, 313, 363, 375, 378, 52 Stat. 38, as amended, 47, as amended, 63, as amended, 66, as amended, 72 Stat. 995, as amended, secs. 106, 112, 377, 70 Stat. 191, 195, 206, as amended; 7 U.S.C. 1301, 1313, 1363, 1375, 1377, 1378, 1824, 1836, P.L. 87-33.

GENERAL

§ 727.1311 Basis and purpose.

(a) The regulations contained in §§ 727.1311 through 727.1327 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1962 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.1311 through 727.1327 is to provide the procedure for allocating on an acreage basis, the national marketing quota for Maryland tobacco for the 1962–63 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.1311 through 727.1327, public notice (26 F.R. 5425) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.1311 through 727.1327 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.1312 Definitions.

As used in §§ 727.1311 through 727.1327 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The following terms shall have the meanings assigned to them in Part 719 of this chapter: "allotment", "combination", "community committee", "county committee", "State committee", "county", "county office manager", "cropland", "current year", "Department", "Deputy Administrator", "division", "farm", "farm serial number", "field", "history acreage", "operator", "person", "photograph number", "preceding year", "producer", "reconstitution", "Secretary", "Soil Bank Contract", "State administrative officer", and "subdivision".

(b) "Director" means the Director, or Acting Director, Tobacco Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture.

(c) "Base period" for the 1962–63 marketing year means the five years 1957–61.

(d) "New farm" means a farm on which there is no tobacco acreage history since 1956. If, in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960 or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1959, 1960, or 1961, respectively, shall not be considered in determining whether the farm is a new farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 727.1316.

(e) "Old farm" means a farm on which there is tobacco acreage history in one or more of the five years 1957 through 1961. If in accordance with applicable law and regulations, no 1957, 1958, 1959, 1960 or 1961 tobacco acreage allotment was determined for the farm, any production of tobacco in 1957, 1958, 1958, 1959, 1960, or 1961 tobacco acreage not be considered in determining whether the farm is an old farm. The term tobacco acreage history as used in this paragraph shall be as defined and explained in § 727.1316.

(f) "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.1313 Extent of calculations and rule of fractions.

All acreage allotments shall be rounded to the nearest one-hundredth acre. Computations shall be carried two places beyond the required number of decimal places. In rounding, digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by "1". For example, 10.5530 would be 10.55; 10.5550 would be 10.55; 10.5551 would be 10.56; and 10.5582 would be 10.56.

§ 727.1314 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions for internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for State and County Operations of the Agricultural Stabilization and Conservation Service.

§ 727.1315 Applicability of §§ 727.1311 through 727.1327.

Sections 727.1311 through 727.1327 govern the establishment of farm acreage allotments and normal yields in connection with the 1962 crop of tobacco.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.1316 Determination of 1962 preliminary acreage allotments for old farms.

(a) Subject to the provisions of paragraph (b) below, the preliminary tobacco acreage allotment for a farm for 1962 (or for any subsequent year) shall be the same as the allotment (prior to any reduction for violation) for the immediately preceding year: *Provided*, That if the tobacco acreage history for the farm in at least one of the two preceding years was not as much as 75 percent of the allotment (after any reduction for violation) for such year, the preliminary allotment shall be the larger of (1) the largest tobacco acreage history in the past two years or (2) the five-year average tobacco acreage history.

(b) Notwithstanding the foregoing provisions of this section, no 1962 farm tobacco preliminary allotment (or 1962 farm tobacco acreage allotment) shall be determined for any land which the county committee determines is devoted to commercial or residential development or other non-agricultural purposes, was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it, and is retired from agricultural production: *Provided*, That this paragraph shall not preclude the determination of a preliminary acreage allotment (or allotment) for (1) an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in

the farm of which the retired land was a part, or (2) a farm for which an acreage allotment may be determined under the provisions of § 727.1320(a): *And provided further*, That the provisions of this paragraph shall not preclude the allocation of the allotment for the retired land to other land contained in the farm of which the retired land was a part under the conditions described in § 719.7 of this chapter. (1960 acreage allotments retransferred to a parent farm in cases under this proviso shall be considered fully planted for tobacco acreage history purposes.)

(c) The tobacco acreage history during the base period shall be determined as follows:

(i) *For 1960 and subsequent years:*

(a) The tobacco acreage history for 1960 and subsequent years shall be the same as the allotment for 1960 or respective subsequent year (prior to any reduction for violation) if (*a*) the farm consists of Federally-owned land as provided in Part 719 of this chapter or (*b*) if in 1960 or the respective subsequent years, or in either of the two preceding years, the sum of the final tobacco acreage on the farm and the acreage regarded as planted to tobacco under the provisions of the Soil Bank Act was as much as 75 percent of the allotment (after any reduction for violation);

(ii) If the tobacco acreage history cannot be considered the same as the tobacco acreage allotment under the provisions of subdivision (i) of this subparagraph, it shall be the sum of the final tobacco acreage on the farm, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation, not to exceed the allotment prior to any reduction for violation (unless the provisions of subdivision (iii) of this subparagraph below are applicable);

(iii) If the county committee determines (with approval of a representative of the State committee) that the sum of the final tobacco acreage and the acreage regarded as planted to tobacco under the Soil Bank Act is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco acreage history for such particular year shall be adjusted to become the smaller of (*a*) the allotment (prior to any reduction for violation), or (*b*) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, the acreage regarded as planted to tobacco under the Soil Bank Act, and the amount of any reduction for violation. However, the allotment for such year shall still be considered less than 75 percent planted or regarded as planted in connection with determining the tobacco acreage history for one or both of the next two succeeding years. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than October 1 of the crop year involved.

(iv) Notwithstanding the provisions of subdivisions (i), (ii), and (iii) of this subparagraph, for any year for which an allotment of zero (or no allotment) was established, any acreage planted to tobacco on the farm in such year shall not be taken into account in determining whether at least 75 percent of the allotment in 1960 or any subsequent year was or is planted or regarded as planted.

(2) For 1957, 1958, and 1959, the tobacco acreage history for a farm shall be the allotment, prior to any reduction for violation, for the respective year.

(d) The acreage regarded as planted to tobacco under the Soil Bank Act for any year of the base period shall be the sum of (1) the tobacco acreage devoted to the acreage reserve program, and (2) the tobacco acreage regarded as planted to tobacco under the provisions of the conservation reserve program. The tobacco acreage entered on the acreage reserve agreement shall be regarded as the tobacco acreage devoted to the acreage reserve program. The acreage regarded as planted to tobacco under the conservation reserve program shall be determined in accordance with Part 719 of this chapter and any amendments thereto.

(e) As used in this section, final tobacco acreage means the acreage determined under the provisions of Part 718 of this chapter and any amendments thereto, to be the final acreage of tobacco on the farm.

(f) As used in this section, Federally owned land means land owned by the Federal Government or any department, bureau or agency thereof, or by any corporation all of the stock of which is owned by the Federal Government.

(g) For future allotment and tobacco acreage history purposes, allotments in a pool as provided in Part 719.12 of this chapter shall be considered fully planted, including any year in which the pooled allotment is released by the displaced owner pursuant to § 727.1320(b) to the county committee for reapportionment to other farms in the county. The tobacco acreage history shall be the same as the pooled allotment. As used in this section, the term "allotment" means the allotment prior to any increase from reapportionment of acreage released from the pool pursuant to § 727.1320(b) by the displaced owner for reapportionment to other farms.

(h) Notwithstanding any other provisions of this section, a farm shall be construed to have no tobacco acreage history during the base period, and shall therefore not be considered an old farm, if the only tobacco acreage history computed for the farm during the base period consists of tobacco acreage history restored pursuant to reduction(s) of the allotment(s) for violation(s) of the tobacco marketing quota regulations.

(i) Notwithstanding the foregoing provisions of this section, the tobacco acreage history for 1960, 1961, and 1962 new farms shall be the same as the 1960, 1961, or 1962 allotment, respectively. Although no adjustment for abnormal weather or disease shall be made as such in the tobacco acreage history for a new farm, the final tobacco acreage itself for such farms shall include acreage on which the county committee determines tobacco was planted in the field but was destroyed by natural causes, up to the amount by which the originally issued new farm allotment would otherwise be considered underplanted.

§ 727.1317 1962 old farm tobacco acreage allotment.

The preliminary allotments calculated for all old farms in the State pursuant to § 727.1316 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms pursuant to § 727.1318 shall not exceed the State acreage allotment.

§ 727.1318 Adjustment of acreage allotments for old farms, correction of errors made in old farm allotments, and allotments for overlooked old farms.

Notwithstanding the limitations contained in § 727.1316, the farm acreage allotment for an old farm may be increased if the county committee justifies such increase to the satisfaction of a representative of the State committee as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the county, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed four percent of the total acreage allotted to all tobacco farms in the State for the 1961–62 marketing year shall be made available in the State for increasing allotments as described above in this section, for correcting errors, and for providing allotments for overlooked farms. The allotment for a farm under a conservation reserve contract shall be given the same consideration as the allotments for other similar farms under this section.

§ 727.1319 Reductions of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm for the 1961–62 or a prior marketing year which in fact was produced on a different farm, the acreage allotments established for both such farms for 1962 shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all tobacco from the farm is accounted for and payment of all

additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing;

(b) If complete and accurate proof of the disposition of all tobacco produced on the farm in 1961 or a prior year is not furnished in the manner and within the time prescribed by the marketing quota regulations for the crop involved, the 1962 acreage allotment for the farm shall be reduced as provided in this section for the failure to furnish such proof except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the failure to furnish such proof;

(c) If any producer files, aids or acquiesces in the filing of, a false acreage report with respect to the acreage of tobacco grown on the farm in 1961 or a prior year, the 1962 acreage allotment for the farm shall be reduced as provided in this section except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the filing of, aiding or acquiescing in the filing of, such false report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false, provided the filing of the report will be construed as intentional unless the report is corrected and the payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided or acquiesced in the filing of, the false acreage report.

(d) If in the calendar year 1958 or in a subsequent year, more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested. In case the allotment is transferred through a pool to another farm under § 727.1320(a) before the allotment reduction can be made effective on the farm on which the tobacco was grown, the allotment first established for the farm to which it is so transferred shall be reduced as described above in this paragraph.

(e) Any reduction made with respect to a farm's 1962 acreage allotment for any of the reasons heretofore provided in this section shall be made no later than May 1, 1962. If the reduction cannot be made by such date, the reduction shall be made with respect to the acreage allotment next established for the farm but no later than by a corresponding date to be specified in a subsequent year: *Provided, however,* That no reduction shall be made under this section in the 1962 acreage allotment for any farm for a violation described in paragraph (a), (b), (c), or (d) of this section if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

(f) The amount of reduction in the 1962 allotment for a violation described in paragraph (a), (b), or (c) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco produced on acreage falsely omitted from an acreage report or for which proof of disposition has not been furnished is not known, the county committee shall determine such quantity in the following manner, and if the actual total production of tobacco on the farm is not known, the county committee shall determine such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed.

(g) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required under paragraph (a), (b), (c), or (d) of this section.

(h) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced under paragraph (a), (b), (c), or (d) of this section.

(i) Producers of tobacco in the 1961–62 marketing year shall submit proof of disposition of tobacco and records and reports relative to the provisions of this section as set forth in § 727.1252 of this part (Marketing Quota Regulations, 1961–62 Marketing Year, Maryland) (26 F.R. 5208).

§ 727.1320 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having right of eminent domain.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in § 719.12 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 727.1322 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than June 15, 1962, release in writing to county committee for the year 1962 all or part of the acreage for the farm in a pool under § 719.12 of this chapter for reapportionment for 1962 by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than July 1, 1962, the released acreage or any part thereof to other farms in the county on the basis of the past acreage of the same kind of tobacco, land, labor, equipment available for the production of such kind of tobacco, crop rotation practices, and soil and other physical facilities affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco acreage history and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom. The acreage reapportioned to a farm under this

paragraph shall automatically be released, where applicable, so as not to exceed the acreage by which the 1962 final tobacco acreage on the farm, determined pursuant to Part 718 of this chapter, exceeds the 1962 allotment for the farm prior to being increased by reapportionment of acreage under this paragraph.

§ 727.1321 Farms divided or combined.

Allotments for farms reconstituted for 1962 shall be determined in accordance with Part 719 of this chapter.

§ 727.1322 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1956–60, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

Acreage Allotments And Normal Yields For New Farms

§ 727.1323 Determination of acreage allotments for new farms.

(a) The acreage allotment, other than an allotment made under § 727.1320(a), for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more, but not more than five, old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41); cigar-binder (types 51 and 52) or cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the 1962 crop year.

(2) The farm shall not have a 1962 allotment for any of the kinds of tobacco listed in subparagraph (1) of this paragraph, other than the allotment requested in the application.

(3) The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application and the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(4) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of the kind of tobacco requested on the farm.

(5) The operator will obtain, during 1962, more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must obtain, during 1962, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership where applicable, of such farm, and the officers and general manager of the corporation must obtain more than 50 percent of their income, including dividends and salary, from the corporation.

(6) The farm operator shall have had experience in producing, harvesting and marketing the kind of tobacco requested in the application either as a sharecropper, tenant or farm operator during at least two of the five years immediately preceding the year for which the new farm allotment is requested. The production of tobacco of the kind requested in the application on a farm for which no farm acreage allotment for such kind of tobacco was established, shall not be deemed as experience in growing tobacco for this purpose.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-eighth of one percent of the 1962 national marketing quota shall, when converted to an acreage allotment by use of the national average yield be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

(d) Any new farm allotment approved under §§ 727.1311 through 727.1327 which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date established.

§ 727.1324 Time for filing application.

An application for a new farm allotment shall be filed in writing at the office of the county committee no later than February 15, 1962.

§ 727.1325 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.1326 Approval of determinations made under §§ 727.1311 through 727.1325 and notices of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determinations made under §§ 727.1311 through 727.1325. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due only to failure to return marketing cards (and disposition of tobacco is not otherwise furnished as provided in § 727.1319(b)).

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeemen or an employee of the county office. Insofar as practicable all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice, containing thereon the date of mailing, shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm in respect to which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing

year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notice of such allotment may be delayed: *Provided*, That the notice of allotment for any farm shall be mailed no later than May 1, 1962.

(d) If the county committee determines with the approval of the State administrative officer that the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and the county committee also determines that the error was not so gross as to place the operator on notice thereof, and that the operator relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the 1962–63 marketing year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 727.1316 (c), (d), (e), (f), (g), (h), and (i), shall be followed.

§ 727.1327 Application for review.

Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on July 13, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–6725; Filed, July 17, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 936.678 Plum Order 17 (Giant).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified therein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on July 11, 1961.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 23, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no shipper shall ship any package or container of Giant plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at leaset a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (7 CFR 51.1520 to 1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6698; Filed, July 17, 1961; 8:46 a.m.]

[Avocado Order 24, Amdt. 2]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the

FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of avocados.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 969.324 (26 F.R. 4928, 5418) are hereby further amended as follows:

In Table 1, the date appearing in Column 2 and the weight and diameter appearing in Column 3 applicable to the Nadir variety are revised so that after such revision the portion of such table applicable to Nadir variety shall read as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Nadir	July 17, 1961	14 oz. 3 5/16 in.	Aug. 21, 1961				

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., July 17, 1961.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6720; Filed, July 17, 1961; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,776]

PART 545—OPERATIONS

Loans on Developed Building Lots and Sites

JULY 12, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of liberalizing § 545.6–3(c) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–3(c)) to enable a builder whose capital has been reduced by development costs to obtain a loan on a developed site by deleting the present limitation confining loans under § 545.6–3(c) to builders seeking to finance the purchase of developed building lots and sites, and for the purpose of effecting such amendment hereby amends that portion of said paragraph (c) of § 545.6–3 immediately preceding subparagraph (1) thereof to read as follows, effective July 18, 1961:

(c) *Loans on developed building lots and sites.* Subject to the limitations of § 545.6–7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provision of either paragraph (a) or paragraph (b) of § 544.1 may, upon authorization by such association's board of directors and without further action by its members make loans to builders of homes on the security of first liens on other improved real estate as defined in paragraph (b) of § 541.12: *Provided*, That

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1964. Reorg. Plan No. 3 of 1947, 12 F.R. 4981. 3 CFR, 1947 Supp.)

Resolved further that as said amendment only relieves restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act, and for the same cause, deferment of the effective date thereof is not required under section 4(c) of the Administrative Procedure Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 61–6716; Filed, July 17, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYPROPYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Eastman Chemical Products, Inc., Kingsport, Tennessee (FAP 196) and Esso Research and Engineering Company, Post Office Box 172, Linden, New Jersey (FAP 490), proposing changes in the tolerances established by § 121.2501 *Polypropylene* (21 CFR 121.2501), has concluded that reasonable grounds exist and that this section should be amended in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2501 is amended in the following respects:

1. Paragraph (b)(1), (2), and (6) are changed to read as follows:

§ 121.2501 Polypropylene.

* * * * * * *

(b) * * *

(1) It is completely soluble in decahydronaphthalene at 160° C., with a maximum soluble fraction of 13.4 percent after cooling to 25°C.

(2) It is completely soluble in xylene at 120°C., with a maximum soluble fraction of 9.8 percent after cooling to 25° C.

* * * * * *

(6) The polypropylene contains no other components that are food additives as so defined unless authorized by specific regulation in this part.

2. Paragraph (c)(1)(iii) is changed to read:

(c) * * *

(1) * * *

(iii) *Density.* Its density is 0.880–0.913 at 23° C., determined by weighing a 1.0–1.5-inch square film first in air and then in methyl alcohol.

3. The reference to "Pro-fax" appearing in paragraph (c)(2)(ii) under the caption *Preparation of sample* is changed to read "polypropylene."

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 12, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–6714; Filed, July 17, 1961; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Miscellaneous Amendments

Under the authority vested in the Secretary of Health, Education and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 146a.108, 146c.204) are amended as follows:

§ 146a.108 [Amendment]

1. In § 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil* * * *, paragraph (b) is amended by changing the words "18 months" in the first sentence to read "18 months or 24 months".

2. Section 146c.204 is amended in paragraph (c)(1)(iv)(*d*) by changing the words "48 months" to read "48 months or 60 months". As amended, paragraph (c)(1)(iv)(*d*) reads as follows:

§ 146c.204 **Chlortetracycline hydrochlodide capsules; tetracycline hydrochloride capsules; tetracycline capsules; tetracycline phosphate complex capsules.**

* * * * * *

(c) *Labeling.* * * *

(1) * * *

(iv) * * *

(*d*) If tetracycline phosphate complex is used, or if it contains one or more vitamin substances, analgesic substances, antihistaminics, or caffeine, 24 months, except that the blank may be filled in with the date that is 36 months, 48 months, or 60 months after the month in which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the changes are such that they cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding the articles.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 11, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6715; Filed, July 17, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—Tobacco Loan Program

ADVANCE RATES

Set forth below is a schedule of advance rates, by grades, for the 1961 crop of types 11–14, flue-cured tobacco, under the tobacco loan program published July 6, 1960 (25 F.R. 6323).

§ 464.1301 1961 Crop—Flue-cured Tobacco, Types 11–14, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate	Grade	Advance Rate
A1F	82.12	B5KF	46.12	H5K	56.12
A2F	78.12	B6KF	38.12	H6K	51.12
A1R	78.12	B4KV	47.12	C1L	76.12
A2R	72.12	B5KV	40.12	C2L	74.12
B1L	72.12	B6KV	32.12	C3L	73.12
B2L	70.12	B3KR	59.12	C4L	72.12
B3L	68.12	B4KR	54.12	C5L	71.12
B4L	64.12	B5KR	48.12	C4LV	66.12
B5L	58.12	B3M	53.12	C5LV	61.12
B6L	52.12	B4M	49.12	C4LL	61.12
B3LV	63.12	B5M	44.12	C5LL	58.12
B4LV	59.12	B6M	36.12	C1F	76.12
B5LV	55.12	B5RS	34.12	C2F	74.12
B3LL	61.12	B6RS	29.12	C3F	73.12
B4LL	56.12	B3GS	32.12	C4F	72.12
B5LL	52.12	B6GS	27.12	C5F	71.12
B1F	72.12	B3GL	59.12	C4FV	66.12
B2F	70.12	B4GL	54.12	C5FV	61.12
B3F	68.12	B5GL	47.12	C4KL	61.12
B4F	64.12	B6GL	44.12	C5KL	57.12
B5F	58.12	B3GF	58.12	C4KF	61.12
B6F	52.12	B4GF	52.12	C5KF	57.12
B3FV	63.12	B5GF	46.12	C5KR	56.12
B4FV	59.12	B6GF	40.12	C5M	56.12
B5FV	55.12	B4GR	43.12	X1L	72.12
B1FR	69.12	B5GR	37.12	X2L	72.12
B2FR	67.12	B6GR	31.12	X3L	71.12
B3FR	64.12	B4GK	42.12	X4L	67.12
B4FR	60.12	B5GK	37.12	X5L	59.12
B5FR	54.12	B6GK	31.12	X3LV	61.12
B6FR	48.12	B4GG	29.12	X4LV	57.12
B1R	61.12	B5GG	26.12	X5LV	49.12
B2R	57.12	B6GG	22.12	X3LL	57.12
B3R	53.12	H1L	74.12	X4LL	53.12
B4R	46.12	H2L	73.12	X1F	72.12
B5R	39.12	H3L	72.12	X2F	72.12
B6R	33.12	H4L	71.12	X3F	71.12
B3RV	51.12	H5L	66.12	X4F	67.12
B4RV	44.12	H6L	60.12	X5F	59.12
B5RV	37.12	H1F	74.12	X3FV	61.12
B3D	44.12	H2F	73.12	X4FV	56.12
B4D	36.12	H3F	72.12	X5FV	47.12
B5D	30.12	H4F	71.12	X4KL	53.12
B6D	26.12	H5F	66.12	X4KF	54.12
B3KL	53.12	H6F	60.12	X5KF	42.12
B4KL	49.12	H3R	67.12	X4KV	44.12
B5KL	46.12	H4R	63.12	X5KV	32.12
B6KL	38.12	H5R	56.12	X4KR	52.12
B3KF	53.12	H6R	49.12	X3M	54.12
B4KF	49.12	H4K	60.12	X4M	47.12

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate	Grade	Advance Rate
X5M	40.12	P5L	40.12	P5G	27.12
X3O	51.12	P2F	64.12	N1L	37.12
X4G	45.12	P3F	61.12	N1F	37.12
X5G	34.12	P4F	54.12	N1R	34.12
P2L	64.12	P5F	37.12	N1OL	28.12
P3L	61.12	P3G	47.12	N1OF	28.12
P4L	54.12	P4G	37.12	N1OR	30.12

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; 74 Stat. 6; 15 U.S.C. 714c, 7 U.S.C. 1441, 1445, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813)

Signed at Washington, D.C., on July 13, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-6727; Filed, July 17, 1961; 8:49 a.m.]

[1] The advance rates listed above are applicable only to tied flue-cured tobacco identified on a "Within Quota" (white or green) marketing card; rates for untied flue-cured tobacco similarly identified are six dollars ($6.00) per hundred pounds less for each grade than for tied tobacco; and rates for tobacco identified on a "Limited Support—Within Quota" (blue) marketing card are 50 percent of the applicable rates for tobacco identified on a "Within Quota" (white or green) marketing card, plus six cents ($0.06) per hundred pounds. The Cooperative Association through which price support is made available is authorized to deduct 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (unsafe order), "U" (unsound), N2 or No-G will not be accepted.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14026 (RM-211); FCC 61-877]

PART 12—AMATEUR RADIO SERVICE

Maritime Mobile Operation on a World-Wide Basis in the 14.00–14.35 Mc Band

1. On April 3, 1961, the Commission released a notice of proposed rule making in the above-entitled matter seeking comments in favor of, or in opposition to, an amendment to § 12.90(b)(2) of its rules to permit maritime mobile operations in the frequency band 14.00–14.35 Mc on a world-wide basis. This notice was duly published in the FEDERAL REGISTER, April 6, 1961 (26 F.R. 2876), and all timely comments filed in response thereto have been considered by the Commission.

2. Comments were received both from organizations and individuals, all unanimously favoring the proposed rule amendment. By adopting this change, amateurs licensed by the Commission who are operating beyond the continental limits of the United States, its territories and posessions will be on a somewhat more equal footing in terms of privileges with amateurs operating within these areas. In light of the absence of opposition and for the reasons which were set forth in detail in the Notice of Proposed Rule Making, the Commission sees no reason why the proposed rule amendment should not be adopted.

3. Authority for the amendment set forth in the attached Appendix is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

Therefore, it is ordered, This 12th day of July 1961, that § 12.90(b)(2) of Part 12 of the Commission's Rules is amended as set forth below, effective August 21, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 12 of the Commission's rules is amended as follows:

In § 12.90(b), the introductory text and subparagraph (2) are amended to read as follows:

§ 12.90 **Requirements for portable and mobile operation.**

* * * * * *

(b) When outside the continental limits of the United States, its territories, or possessions, an amateur radio station may be operated as portable or mobile only under the following conditions:

* * * * * *

(2) When outside the jurisdiction of a foreign government: Operation may be conducted within Region 2 on any amateur frequency band between 7.0 Mc and 148 Mc, inclusive; and when not within Region 2, operation may be conducted only on the amateur frequency bands 14.00–14.35 Mc, 21.00–21.45 Mc, and 28.0–29.7 Mc.

NOTE: Region 2 is defined as follows: On the east, a line (B) extending from the North Pole along meridian 10° west of Greenwich to its intersection with parallel 72° north; thence by Great Circle Arc to the intersection of meridian 50° west and parallel 40° north; thence by Great Circle Arc to the intersection of meridian 20° west and parallel 10° south; thence along meridian 20° west to the South Pole. On the west, a line (C) extending from the North Pole by Great Circle Arc to the intersection of parallel 65°30' north with the international boundary in Bering Strait; thence by Great Circle Arc to the intersection of meridian 165° east of Greenwich and parallel 50° north; thence by Great Circle Arc to the intersection of meridian 170° west and parallel 10° north; thence along parallel 10° north to its intersection with meridian 120° west; thence along meridian 120° west to the South Pole.

[F.R. Doc. 61-6733; Filed, July 17, 1961; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 83, Rev.]

[General Order 92]

[General Order 93]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Part 235 is hereby revised by changing the existing text of §§ 235.1 and 235.2 to read as set forth below under a new Subpart A followed by two new Subparts B and C to read also as set forth below:

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on January 5, 1960 (25 F.R. 60) a notice of proposed rule making with respect to the Filing of Freight Rates in the Foreign Commerce of the United States; and

Whereas, the Board has considered written statements and comments on said rule submitted by interested parties and on August 23, 1960, heard oral argument by parties desiring to be heard on said rule; and

Whereas, after consideration of the aforesaid statements, comments, and oral arguments pertaining to the proposed rule, it appears that some modifications may be desirable in the rule as proposed on January 5, 1960:

Now therefore, it is hereby ordered, That pursuant to section 21 of the Shipping Act, 1916, as amended. (46 U.S.C. 820), section 19, Merchant Marine Act, 1920 (46 U.S.C. 876), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and section 4, Administrative Procedure Act (5 U.S.C. 1003), the following rule shall be effective 30 days following date of publication in the FEDERAL REGISTER:

[General Order 83, Rev.]

Subpart A—Filing of Freight Rates in the Foreign Commerce of the United States

Sec.
235.1 Filing of schedules; contents.
235.2 Time for filing.
235.3 New filings.

§ 235.1 **Filing of schedules; contents.**

(a) Every common carrier by water in foreign commerce shall file with the Federal Maritime Board schedules showing all the rates and charges established and controlled by such carrier for or in connection with the transportation of property, except full ship loads of cargo loaded and carried in bulk without mark or count, in the foreign commerce of the United States, and, if a through rate between points in the United States and foreign points has been established with another carrier by water, all the rates and charges for or in connection with the transportation of property, except full ship loads of cargo loaded and carried in bulk without mark or count. The schedules filed as aforesaid by any such common carrier by water in foreign commerce shall show the points from and to which each such rate or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates or charges.

(b) Each schedule filed as required herein shall be in tariff form and shall contain the following information:

(1) A title and number by which it may be identified. Unless a sequence of numbers has already been established and is desired to be continued, initial filings under this section should be number "1", and subsequent filings should be numbered in sequence. Changes, modifications or cancellations should show the identifying title and number of the schedule which is changed, modified or cancelled.

(2) The name of the carrier (or carriers if filed on behalf of more than one).

(3) The ports (or territory if no restrictions are made as to ports) from which and to which the schedule applies.

(4) The effective date.

(5) The name of the conference, if a conference schedule is filed. If desired this may be included in the title.

(6) The name, title and address of the person by whom the schedule is filed.

(7) The rates and charges, including the basis for assessment thereof; e.g., whether per 2,240 lbs. per 40 cubic feet, per 100 lbs., etc., and including all rules and regulations which in anywise change, affect or determine any part or the aggregate of such rates or charges. Where a rate is shown as being on a weight or measurement basis the schedule should show the rule for determining which basis is to be applied; e.g., whichever produces the greater revenue. Where a contract system is in effect, both contract and non-contract rates should be shown.

(8) Definitions of all symbols and abbreviations used.

(9) All other information necessary to show the proper application of the rates and charges.

(c) A schedule shall be amended as necessary by the issuance of either revised pages or numbered supplements. Every such amendment shall bear an effective date and a suitable reference to the schedule it amends.

(d) In the filing of joint through rates the names of all participating carriers shall be shown; the division of the rate as between carriers need not be shown. In the absence of any arrangement between carriers to the contrary, the filing shall be made by the initial carrier. This, however, does not relieve any of the participating carriers from their responsibility of seeing that the required filing is accomplished, and does not change any requirement in connection with the filing of agreements under section 15 of the Shipping Act, 1916.

(e) Where transhipping carriers have agreed to observe the schedules of direct carriers, they need not file separate schedules but in lieu thereof, they may file a statement, under designating title and number making specific reference to the schedule on file which they observe.

(f) In lieu of filing individual schedules conference carriers may file jointly single schedules through a conference official, such as the chairman or secretary. Evidence of this official's authority to file on behalf of conference members must be furnished. A copy of the minutes of the conference showing that members have unanimously authorized this official to file on their behalf will be accepted.

(g) Should a conference relinquish rate making authority over any particular commodity; e.g., by declaring the rate open thereon, or authorize departure by individual members from conference schedules filed pursuant to this section each individual carrier must file in conformity with this section a schedule of the rates which it will charge on such shipments, except on full shipload cargo loaded in bulk without mark or count. These rates may be filed through the authorized conference official, if so desired.

(h) As the rates to be filed under this section must be the rates actually charged, schedules should not contain statements to the effect that the rates shown therein are minimum rates, or any other than the actual rates.

(i) Except for good cause shown, schedules will be submitted in looseleaf form on paper not larger than 8 inches by 11 inches.

§ 235.2 Time for filing.

Any schedule required to be filed as aforesaid and any change, modification or cancellation of any rate, charge, rule or regulation contained in any such schedule which results in an increase in cost to the shipper shall be filed not less than 30 days before the date such schedule, change, modification or cancellation becomes effective. *Provided*, That for good cause the Board may allow any such increase to become effective on less than 30 days notice. Any change in the rates, charges, rules or regulations which results in a decreased cost to the shipper may become effective upon the filing thereof with the Federal Maritime Board. "Filing" shall constitute the date of postmark when such schedule, change, modification or cancellation is transmitted by mail to the Board. Any schedule, change, modification or cancellation which is established by parties outside the continental United States shall be transmitted to the Board by air and the date on which such air-mail is post-marked will be considered to be the date filed.

§ 235.3 New filings.

Common carriers by water engaged in the import trade of the United States who do not have schedules on file with the Board at the time this rule becomes effective will be allowed a period of 60 days thereafter in which to make the initial filing of the required schedules of rates and charges.

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on January 5, 1960 (25 F.R. 60, 61) a notice of proposed rule making with respect to establishment of a system of distribution of freight tariffs to the public by common carriers by water in the foreign commerce of the United States; and

Whereas, the Board has considered written statements and comments on said rule submitted by interested parties, and on August 24, 1960, heard oral argument by parties desiring to be heard on said rule; and

Whereas, after consideration of the aforesaid statements, comments, and oral arguments pertaining to the proposed rule, it appears that some modifications may be desirable in the rule as proposed on January 5, 1960:

Now therefore, it is hereby ordered, That pursuant to sections 15, 16 and 17, Shipping Act, 1916, as amended (46 U.S.C. 814, 815 and 816), section 19 of the Merchant Marine Act of 1920 (46 U.S.C. 876), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), section 4, Administrative Procedure Act (5 U.S.C. 1003), the following rule shall be effective 30 days following date of publication in the FEDERAL REGISTER:

[General Order 92]

Subpart B—PUBLIC DISTRIBUTION OF FREIGHT TARIFFS

Sec.
235.10 Establishment of system of distribution.
235.11 Advice to Federal Maritime Board.
235.12 Manner of distribution.

§ 235.10 Establishment of system of distribution.

Every common carrier by water in the foreign commerce of the United States shall establish a system for the distribution upon request of its schedules of rates and charges and rules and regulations pertaining thereto, for the transportation of property in the foreign trade of the United States, free or upon payment of a reasonably compensatory subscription fee. Such system shall provide for the distribution of schedules, and changes, modifications and cancellation thereof, as promptly as is reasonably possible, but in no event later than the effective date.

§ 235.11 Advice to Federal Maritime Board.

Details as to such distribution system, including the proposed fee, if any, shall be furnished the Board within 60 days following the adoption of this rule by the Board, and thereafter, simultaneously with the filing of a carrier's initial schedule with the Board in accordance with the Board's rules. Any change in such system, including a change in the subscription fee, shall be furnished the Board prior to its effective date.

§ 235.12 Manner of distribution.

Distribution of schedules, changes, modifications or cancellation thereof, may be accomplished by the carrier directly or through the use of a competent tariff publishing agent (including a duly authorized officer of a steamship conference of which the carrier is a member).

Whereas, the Board has noted that common carriers by water in the foreign commerce of the United States are from time to time transporting persons as passengers, free or at fares and charges which are lower than those assessed other persons for similar service and accommodations, including shippers and consignees who ship goods over the vessels of such carriers, and/or the officers, agents, employees or members of the immediate families of such shippers or consignees, and

Whereas, it appears that the giving of such free or reduced passage by common carriers by water may give an undue or unreasonable preference or advantage to particular persons or descriptions of traffic and may subject other persons or descriptions of traffic to undue or unreasonable prejudice or disadvantage within the meaning of section 16, First, of the Shipping Act, 1916, as amended (Act) and

Whereas, the giving of such free or reduced passage to shippers, consignees and/or their officers, agents, employees, and/or the members of their immediate families is in the nature of a gratuity to said shippers or consignees designed to influence the routing of their cargo, which may be unjustly discriminatory between shippers in violation of section 17 of the Act, and may constitute an unfair device or means to enable such shippers or consignees to obtain transportation for their property at less than the regular rates or charges for transportation on the lines of such carriers within the meaning of section 16, Second, of the Act, and

Whereas, it now appears that a rule requiring every common carrier by water in the foreign trade of the United States to file schedules showing its fares and charges for the transportation of passengers and to submit annual reports as to all transportation accorded passengers free or at reduced fares and charges, is necessary for the administration of the regulatory provisions of the Act.

Now, therefore, pursuant to sections 17 and 21 of the Shipping Act, 1916, as amended (46 U.S.C. 816, 820), section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), and section 4, Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Board hereby prescribes and orders enforced the following regulation, effective 30 days following the date of publication in the FEDERAL REGISTER:

[General Order 93]

Subpart C—Filing of Passenger Fares in the Foreign Commerce of the United States

Sec.
235.20 Filing of schedules; contents.
235.21 Time for filing.
235.22 New filings.
235.23 Reports.

§ 235.20 Filing of schedules; contents.

Every common carrier by water engaged in foreign commerce (as defined in the first section of the Act) which carries one or more passengers shall file with the Federal Maritime Board schedules showing all the fares and charges for or in connection with the transportation of passengers between points in the United States and foreign points on its own route; and, if a through route, with through fares and charges, has been established with another carrier by water; all the fares and charges for or in connection with the transportation of passengers between points in the United States on its own route and foreign points on the route of such other carrier by water. The schedules filed as aforesaid by any such common carrier by water in foreign commerce shall show the point from and to which each such fare or charge applies; and shall contain all the rules and regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid fares or charges, including any rules or regulations for the carrying of passengers free or at reduced fares or charges and any rules, regulations or provisions for the interchange of accommodations from one class to another for the ship's convenience (to effect economies in the ship's operation or to increase the usage of the ship's passenger space).

§ 235.21 Time for filing.

Any schedule required to be filed as aforesaid, and any change, modification or cancellation of any fare, charge, rule or regulation contained in any such schedule shall be filed not less than 30 days before the date such schedule, change, modification or cancellation becomes effective. Filing shall constitute the date of postmark when such schedule, change, modification or cancellation is transmitted by mail to the Board. Any schedule, change, modification or cancellation which is established by parties outside the continental United States shall be transmitted to the Board by air and the date on which such airmail is postmarked will be considered to be the date filed.

§ 235.22 New filings.

Common carriers by water engaged in the foreign commerce of the United States who do not have schedules on file with the Board at the time this rule becomes effective will be allowed a period of 60 days in which to make the initial filing of the required schedules of rates and charges.

§ 235.23 Reports.

If any common carrier by water (in the foreign commerce of the United States) transports a passenger in the foreign commerce of the United States free, or at a fare or charge different from the applicable fare or charge specified in the carrier's schedule on file with the Board or makes any exception to the governing rules and regulations set forth in the schedule, such carrier shall, within 30 days after the close of each calendar year, submit a statement to the Board specifying:

(a) the name of the person so transported (but no such report is required as to transportation which is provided at the direction of the government of the carrier or is for the account of the government of the carrier);

(b) the full extent of the concession granted and the basis upon which it was granted, stating specifically whether the passenger to whom such special concession was granted was known to be a shipper, consigneed or receiver of freight transported by such carrier or an employee or member of the immediate family of such shipper, consignee or receiver and whether or not such concession was predicated in any way upon this shipper, consignee or receiver relationship.

The following free or reduced rate transportation need not be reported:

(1) transportation which is granted in accordance with provisions set forth in the carrier's schedule of fares and charges on file with the Board;

(2) any change in passenger accommodations which is made by the ship without collection of additional fare or charge when such change is made because of the physical condition of the passenger accommodations arising from leakage, damage or other related causes or because of the physical condition of the passengers (including sickness);

(3) if the change is caused by a general re-arrangement of accommodations for convenience of the ship to effect economies in the ship's operation or to increase the usage of the ship's passenger space;

(4) any concession which does not result in a reduction in excess of 10 percent in the applicable fare or charge specified in the carrier's approved schedule.

Dated: June 29, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6750; Filed, July 17, 1961; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Service Order No. 937]

PART 95—CAR SERVICE

Missouri-Illinois Railroad Company Authorized to Operate Over Certain Trackage of St. Louis-San Francisco Railway Company, St. Louis Southwestern Railway Company, Southern Illinois and Missouri Bridge Company and Missouri Pacific Railroad Company

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 11th day of July A.D. 1961.

It appearing that the Missouri-Illinois Railroad Company has pending before the Interstate Commerce Commission an application for certain trackage rights to operate over the tracks of The St. Louis-San Francisco Railway Company between Ste. Genevieve and Rockview, Missouri; over the tracks of the St. Louis Southwestern Railway Company, between Rockview and Ilimo, Missouri; over the tracks of the Southern Illinois and Missouri Bridge Company, between Ilimo, Missouri, and North Junction, Illinois; and, also over the tracks of the Missouri Pacific Railroad Company, between North Junction and Flinton, Illinois, so as to permit the handling of traffic originated or terminated on its line, or over its line pending a decision of the Commission in Finance Docket Nos. 21662, 21663, and 21664 (consolidated in Finance Docket No. 21662). The Commission is of the opinion that there is presently need for this service, that accordingly an emergency exists; that this temporary operation will best promote service in the interest of the public and the commerce of the people; and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 95.937 Service Order 937.

(a) The Missouri-Illinois Railroad Company authorized to operate over certain trackage of the St. Louis-San Francisco Railway Company, The St. Louis Southwestern Railway Company, the Southern Illinois and Missouri Bridge Company and The Missouri Pacific Railroad Company. The Missouri-Illinois Railroad Company be, and it is hereby, authorized to operate over certain trackage listed below:

(1) Over the tracks of St. Louis-San Francisco Railway Company between Ste. Genevieve, Missouri (approximately Mile Post T-64.5) and Rockview, Missouri (approximately Mile Post T-141.8), a distance of approximately 77.3 miles.

(2) Over the tracks of St. Louis Southwestern Railway Company between Rockview, Missouri (approximately Mile Post I-10.7) and Ilmo, Missouri (approximately Mile Post I-3.0), a distance of approximately 7.7 miles.

(3) Over the tracks of Southern Illinois and Missouri Bridge Company, between the connection of its tracks with those of St. Louis Southwestern Railway Company, near Ilimo, Missouri, to a connection with tracks of Missouri Pacific Railroad Company at North Junction, Illinois, a distance of approximately 4.4 miles.

(4) Over the tracks of Missouri Pacific Railroad Company, between North Junction, Illinois (approximately Mile Post 119.3) and a crossing at Flinton, Illinois (approximately Mile Post 49.2), a distance of approximately 70.1 miles.

This temporary authority is granted contingent upon final action by the Commission in the pending Finance Dockets.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 19, 1961.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Missouri Public Service Commission, Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-6701; Filed July 17, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

Miscellaneous Amendments

1. Revise § 578.1; add new paragraphs (n), (o), (p), and (q) to § 578.2; and revise figure 1, U.S. Military Decorations Chart, as follows:

§ 578.1 Purpose.

The primary purpose of the awards program is to provide tangible evidence of public recognition for acts of valor and for exceptional service or achievement. Medals constitute one of the principal forms for such evidence; in the United States Army, medals are of the following categories:

(a) Military decorations are awarded on a restricted individual basis in recognition of and as a reward for heroic, extraordinary, outstanding, and meritorious acts, achievements, and services; and such visible evidence of recognition is cherished by recipients. Decorations are primarily intended to recognize acts, achievements, and services in time of war.

(b) The Good Conduct Medal is awarded in recognition of exemplary behavior, efficiency, and fidelity during enlisted status in active Federal military service.

(c) Service medals are awarded generally in recognition of honorable performance of duty during designated campaigns or conflicts. Award of decorations, and to a lesser degree, award of the Good Conduct Medal and of service medals, provide a potent incentive to greater effort, and are instrumental in building and maintaining morale.

§ 578.2 Definitions.

The following definitions are furnished for clarity and uniformity:

• • • • •

(n) *Active Federal military service.* The term "active Federal military service" means all periods of active duty and, except for service creditable for the Armed Forces Reserve Medal, excludes periods of active duty for training. Service as a cadet at the United States Military Academy is considered to be active duty.

(o) *He, his, him.* Include the terms "she" and "her," as appropriate.

(p) *Medal.* A term used in either of two ways:

(1) To include the three categories of awards, namely: decorations, Good Conduct Medal, and service medals; or

(2) To refer to the distinctive physical device of metal and ribbon which constitutes the tangible evidence of an award.

(q) *Officer.* Except where expressly indicated otherwise, the word "officer" means "commissioned or warrant officer."

FIGURE 1—ARMY PERSONAL DECORATIONS

Decorations (Listed in order of precedence)	Awarded for—			Awarded by—		Awarded to—			
	Heroism		Achievement or service			Military		Military	
	Combat	Non-Combat		Under war criteria[a]	Under peace criteria[a]	U.S.	Foreign	U.S.	Foreign
MILITARY									
Medal of Honor (Est. 1862)	X			(1)		War[b]			
Distinguished Service Cross (Est. 1918).	X			(2)		War	War	War[c]	War.[c]
Distinguished Service Medal (Est. 1918).			X	(2)	(2)	War, Peace.	War[f]	War[c f]	War.[c f]
Silver Star (Est. 1918)	X			(2)		War	War	War[c]	War.[c]
Legion of Merit (Est. 1942)			X	(4)	(3)	War, Peace.	War, Peace.[d]		
Distinguished Flying Cross (Est. 1926).	X[e]	X[e]	X[e]	(2)	(2)	War, Peace.	War		
Soldier's Medal (Est. 1926)		X		(2)	(2)	War, Peace.	War		
Bronze Star Medal (Est. 1944)	X[f]		X	(2)		War	War	War	War.[c]
Air Medal (Est. 1942)	X[e]		X[e]	(2)	(2)	War, Peace.	War	War	War.[c]
Army Commendation Medal (Est. 1945).		X	X	(2)	(12)	War, Peace.[h]			
Purple Heart (Est. 1782; Revived 1932).	Wounds			(5)		War		War	
NONMILITARY									
Medal for Merit (Est. 1942)			X	(1)				War[j]	War.
National Security Medal (Est. 1953).	X	X	X	(1)	(1)	War, Peace.	War	War, Peace.	War.
Medal of Freedom (Est. 1942)	X	X	X	(4)	(3)		War, Peace.[g]	War, Peace.[b]	War, Peace.[g]
Distinguished Civilian Service Medal (Est. 1957).			X		(3)			Peace[i]	Peace.
Outstanding Civilian Service Medal (Est. 1960).			X		(3)			Peace[i]	Peace.

[1] President of the U.S. He may award all decorations; only he may award the Medal of Honor.
[2] Secretary of the Army. Secretary of Defense awards the LM to foreign military personnel.
[3] Senior Army commander of any separate force. He may delegate his authority to (a) any subordinate commander in the grade of major general or higher and (b) any brigadier general who commands a tactical unit, and, as such, occupies a position vacancy of a major general. Exception: Authority to award the DSC to foreign personnel is retained by the Secretary of the Army.
[4] Commanders specifically designated by the Secretary of the Army (usually theater commanders.)
[5] Commander in the grade or position of major general or higher, heads of Hq DA Staff agencies.
[6] Commander of any separate force in the grade or position of a major general or higher. He may delegate his authority to any field grade officer.
[a] Peace criteria apply to all personnel in times of total peace; similarly, war criteria apply to all personnel in times of formal declared war plus 1 year thereafter. When no formal war has been declared but the U.S. is engaged in military operations against an armed enemy, all personnel in the combat zone and certain individuals in the communications zone (i.e., only those whose duties involve direct control or support of combat operations) are considered under war criteria; all remaining personnel are considered under peace criteria.
[b] Army Medal of Honor is awarded only to Army officer and enlisted personnel.
[c] Not usually awarded to these personnel.
[d] Awarded to foreign military in one of four degrees. The degrees of Chief Commander and Commander compare to award of the DSM to U.S. military, the degrees of Officer and Legionnaire compare to award of the LM to U.S. military. Second or succeeding awards of this decoration must be in the same or a higher degree than the previous award.
[e] Must meet requirement "while participating in aerial flight."
[f] Must meet requirement "in actual ground combat" for valor, awarded with a bronze star "V" device to distinguish from an award made for achievement or service.
[g] Awarded to foreign personnel in one of four degrees: Gold Palm (corresponds to LM, Chief, Commander degree); Silver Palm (corresponds to LM, Commander degree); Bronze Palm (corresponds to LM, Officer and Legionnaire degrees); and without Palm (corresponds to Bronze Star Medal). Only one Medal of Freedom, either with or without palm, is awarded to any one person. Second and successive awards may be evidenced by the addition of a palm of a higher degree.
[h] The meritorious act or service must be of degree required for the award of the BSM to U.S. military. Usually awarded for acts or services performed within an active theater of operations, never for acts of services performed within continental limits of the United States.
[i] Not awarded for service rendered as a Department of the Army employee.
[j] Last awarded in 1952.
[k] Never awarded to officers of general rank.

2. Revise paragraph (a) in § 578.13; add new § 578.17b; and revise § 578.19, as follows:

§ 578.13 Army Commendation Medal.

(a) *Criteria.* The Army Commendation Medal established by the Secretary of War on December 18, 1945, and amended in Department of the Army General Orders 10, 1960, is awarded to any member of the Armed Forces of the United States who, while serving in any capacity with the Army after December 6, 1941, shall have distinguished himself by meritorious achievement or meritorious service. (See figure 1.)

(1) The required meritorious achievement or meritorious service while of lesser degree than that required for the award of the Legion of Merit must nevertheless have been accomplished with distinction and must have been of the same degree as required for the award of the Bronze Star Medal or Air Medal. An award may be made when the operational requirements for the award of the Bronze Star Medal have not been fully met.

(2) An award may be made for acts of outstanding courage which do not meet the requirements for an award of the Soldier's Medal.

(3) An award for meritorious service will not normally be made for a period of service of less than 6 months' duration.

(4) The Army Commendation Medal will not be awarded to general officers.

(5) It is particularly desirable that emphasis be placed on the award of this decoration to outstanding company grade officers, warrant officers, and enlisted personnel whose achievements and services meet the prescribed standards.

(6) Awards may be made upon letter application to The Adjutant General to any individual commended after December 6, 1941, and prior to January 1, 1946, in a letter, certificate, or order of commendation, as distinguished from letter of appreciation, signed by an officer in the grade or position of a major general or higher.

(7) The Army Commendation Medal may be awarded in connection with military participation in the Department of the Army Suggestion Program.

(8) Awards of the Army Commendation Ribbon and of the Commendation Ribbon with Metal Pendant are redesignated by Department of the Army General Orders 10, March 31, 1960, as awards of the Army Commendation Medal, without amendments of certificates or of orders previously issued.

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§ 578.17b Outstanding Civilian Service Medal.

(a) *Criteria.* The Outstanding Civilian Service Medal established by the Secretary of the Army in DA General Orders No. 3, 1960, is awarded to private citizens, Federal Government officials at the policy development level, and technical personnel who serve the Army in an advisory capacity or as consultants. Award is made by the Secretary of the Army, or by major commanders on behalf of the Secretary of the Army when the contribution is of significance to or within the major command concerned only.

(b) *Recommendations.* Same as § 578.17a(c).

(c) *Description.* Outstanding Civilian Service Medal, Department of the Army, is bronze, 1¼ inches in diameter. The central design of the obverse of the medal incorporates a disc with a wreath on the lower half of the rim denoting nonmilitary service. The equalateral triangle is symbolic of the civilian. Displayed on the triangle is the eagle from the Great Seal of the United States. The reverse of the medal is inscribed "Awarded to _____ for Outstanding Civilian Service to the United States Army." The medal is suspended from a ribbon 1⅜ inches wide consisting of thirteen alternating stripes equally spaced, seven white and six red, with a blue stripe 1/64 inch wide centered on each white stripe. A rosette ½ inch in diameter consisting of a gathered red center on a white background with a narrow blue stripe, the rim composed of alternating red and white vertical stripes with a narrow blue stripe centered on the white, is included for wear on civilian clothing.

§ 578.19 Foreign individual awards.

(a) *Constitutional restriction.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any present, emolument, office, or title of any kind whatsoever from any king, prince, or foreign state. (Const., Art I, Sec. 9.) This includes decorations, awards, and gifts tendered by any official of a foreign government.

(b) *Definitions.* (1) "Accept" or "Acceptance" as used in this section means assumption of ownership and permanent possession of a military award or similar object awarded by a foreign government or official for which congressional approval has been granted.

(2) "Receive" or "Receipt" as used in this section means the act of coming into temporary custody of a military award or similar object awarded by a foreign government or official for which congressional approval is required.

(c) *General policy.* The provisions for receipt and/or acceptance, or prohibition thereof, outlined in this section apply to all members of the Armed Forces on active duty, all members of the Reserve components, and all civilian employees of the Army. This policy should be observed also when the award or gift is tendered to a member of the immediate family of any of the foregoing personnel.

(d) *Participation in ceremonies.* Except as prohibited by paragraph (h) of this section, an individual may participate in a ceremony and receive the tender of a foreign award or gift. The receipt of the award or gift will not constitute acceptance of the award by the recipient. Immediately following the ceremony, the individual will forward the award or gift with all appurtenances thereto, and all official papers including diploma and citation, to The Adjutant General. A brief statement should accompany the award explaining the act or service for which the award was made, date and place of presentation, and name and title of official who made the presentation.

(e) *Congressional authorization.* Except for such awards as may be specifically authorized by the Congress, The Adjutant General will forward each foreign award or gift to the Secretary of State to be held in escrow pending approval of its acceptance by the Congress. Each military and civilian recipient of foreign awards, upon discharge or permanent retirement or other permanent separation from active Federal service, should notify The Adjutant General in order that action may be taken with reference to his award or gifts. The Secretary of State is required by law to transmit the names of retired personnel to the second session of each alternate Congress (5 U.S.C. 115a). Upon approval by the Congress, the award or gift will be forwarded to the individual concerned.

(f) *Acceptance of foreign awards.* An award by a friendly foreign nation may be accepted without the requirement for securing approval by the Congress only as indicated below:

(1) By the next of kin if the award is conferred posthumously upon a former member of the Armed Forces of the United States.

(2) By the next of kin if the recipient dies before approval of acceptance can be obtained.

(3) If the award was conferred or earned while the recipient was serving as a bona fide member of the Armed Forces of the nation conferring the award and if the award is one authorized to be conferred generally upon members of that nation's forces. Such foreign awards must meet the following applicable requirements:

(i) A decoration must be awarded prior to the recipient's entrance into active service in the Armed Forces of the United States.

(ii) A badge must have been qualified for by the recipient under criteria established by the country concerned for award of the badge.

(iii) A service medal must have been earned under usual criteria established by the country concerned.

(g) *Foreign service medals.* Service medals awarded by foreign governments for service performed while a member of the Armed Forces of the United States may not be accepted or worn except the Philippine Service Ribbons, the United Nations Service Medal, and others which may be specifically authorized.

(h) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in the foregoing paragraphs, the following prohibition shall apply to members of the Armed Forces and civilian employees performing duties in connection with the Military Assistance Program. Specifically, this prohibition includes personnel assigned or attached to, or otherwise performing duty with, Military Assistance Advisory Groups, Military Advisory Groups, Military Aid Groups, or missions having Military Assistance Program functions. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. In addition, personnel performing military assistance advisory, programming, budgeting, and/or logistic functions in any headquarters, office, agency, or organization may not accept the tender of any decoration, award, or gift from foreign governments in recognition of such duties. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition. If presentation is made in spite of such representation, the decoration, award, or gift will be forwarded with a full explanation of the circumstances to The Adjutant General for disposal. This restriction also applies to personnel performing United Nations Truce supervisory activities.

(2) When an award or gift is proffered to a member of the Armed Forces or a civilian employee performing any duty in connection with the Military Assistance Program in recognition of actual combat services against an armed enemy of the United States, or in recognition of heroism involving the saving of life, the foregoing prohibition is inapplicable, and the provisions of paragraph (e) of this section will be followed.

3. Revise §§ 578.20, 578.26, and 578.27, as follows:

§ 578.20 **Supply of medals and appurtenances.**

(a) Items issued by Department of the Army: (1) Decorations, (2) Service medals, (3) Service ribbons, (4) Palms, (5) Rosettes, (6) Clasps, (7) Arrowheads, (8) Service Stars, (9) Good Conduct Medals, (10) Oak-Leaf Clusters, (11) Letter "V" devices, (12) Certificates for decorations, (13) Lapel buttons for decorations, (14) Lapel buttons, miscellaneous, (15) 10-year devices, (16) Berlin airlift devices, (17) Containers for decorations.

(b) Items not issued or sold by Department of the Army: (1) Miniature medals and appurtenances, (2) Miniature service ribbons, (3) Miniature devices, (4) Lapel buttons for service medals, (5) Lapel buttons, miscellaneous.

§ 578.26 **General.**

(a) *Purpose.* Service (campaign) medals denote honorable performance of military duty within specified limiting dates in specified geographical areas. With the exception of the Medal of Humane Action and the Armed Forces Reserve Medal they are awarded only for active Federal military service.

(b) *Awarding.* Awarding of service medals is effected pursuant to announcement of criteria by the Secretary of the Army in Department of the Army Bulletins or General Orders. A service medal thus is automatically awarded to each individual who meets the published criteria. Orders are not required.

(c) *Requisitioning.* Service medals for service prior to World War I will not be requisitioned for display purposes since only minimum essential quantities are available for issue to authorized recipients.

(d) *Duplicating awards.* Not more than one service medal will be awarded for service involving identical or overlapping periods of time, except that each of the following groups of service medals may be awarded to an individual provided he meets the criteria prescribed hereinafter.

(1) World War I Victory Medal and Mexican Service Medal.

(2) World War II Victory Medal and one or more of the campaign medals for that war.

(3) Medal for Humane Action and Army of Occupation Medal.

(4) National Defense Medal, Korean Service Medal, and United Nations Service Medal.

(5) Armed Forces Reserve Medal and any other service medal listed hereinafter.

§ 578.27 **Good Conduct Medal.**

(a) *Purpose.* The Good Conduct Medal, established by Executive Order 8809 and amended by Executive Order 9323 and by Executive Order 10444 is awarded for exemplary behavior, efficiency, and fidelity in active Federal military service. It is awarded on a selective basis to each soldier who distinguishes himself from among his fellow soldiers by his exemplary conduct, efficiency, and fidelity while in an enlisted status. There is no right or entitlement to the medal until the immediate commander has made positive recommendation for its award, and until the awarding authority has announced the award in General Orders. To qualify for an award of the Good Conduct Medal, an enlisted person must meet specified criteria throughout a specified period of continuous enlisted active Federal military service, as outlined in this section.

(b) *Awarding authority.* General and field grade officer commanders are authorized to award the Good Conduct Medal (original and subsequent awards) to enlisted personnel serving under their command jurisdiction who meet the established criteria. This delegated authority is limited to service during the 36 calendar months immediately preceding the date of current considerations. Personnel processing installation or activity commanders are prohibited from awarding the Good Conduct Medal to personnel other than members of their own permanent party.

(c) *Special provisions.* (1) Qualifying periods of service must be continuous enlisted active Federal military service. When an interval in excess of 24 hours occurs between enlistments, that portion of service prior to the interruption is not creditable toward an award.

(2) Entry into service as a cadet or midshipman at any United States service academy or discharge from enlisted status for immedate entry on active duty in an officer status is considered termination of service for the purpose of awarding the Good Conduct Medal.

(3) A qualified person scheduled for separation from active Federal military service should receive the award at his last duty station. Such award is authorized up to 30 days prior to the soldier's departure en route to a separation processing installation in CONUS or overseas. Orders announcing such advance awards will indicate the closing date of periods for the award prefixed with "DOSOA" (indicating "Date of separation on or about").

(4) An award made for any authorized period of less than 3 years must be for the total period of obligated active Federal military service.

(5) Discharge under provisions of AR 635–205 for immediate (re) + enlistment is not termination of service.

(6) Retroactive awards will be made only by The Adjutant General after favorable consideration of requests, submitted through channels, which include adequate evidence of injustice.

(d) *Qualifying periods of service.* Any one of the following periods of continuous enlisted active Federal military service qualifies for award of the Good Conduct Medal or of a Clasp, in conjunction with the criteria in paragraph (e) of this section.

(1) Each 3 years completed on or after August 26, 1940.

(2) For first award only, 1 year served entirely during the period December 7, 1941 to March 2, 1946.

(3) For the first award only, upon termination of service on or after June 27, 1950, of less than 3 years but more than 1 year.

(4) For first award only, upon termination of service, on or after June 27, 1950, of less than 1 year when final separation was by reason of physical disability incurred in line of duty.

(e) *Criteria.* Throughout a qualifying period each enlisted person must meet all of the following criteria for an award.

(1) All conduct (character) and efficiency ratings must be recorded as "Excellent" except that:

(i) Ratings of "Unknown" for portions of the period under considerations are not disqualifying.

(ii) Service school efficiency ratings based upon academic proficiency of at least "Good" rendered subsequent to November 22, 1955 are not disqualifying.

(2) No conviction by court-martial during the period.

(3) The individual must not be serving in, nor have been serving at the time of separation in, an assignment of the type designated as "specially controlled duties" in AR 604–10.

(f) *Basis for recommendation.* Recommendation by the individual's immediate unit commander is required for award of the Good Conduct Medal by the approving authority. Such commander's recommendation will be based on his personal knowledge and on the individual's official records for periods of service under prior commanders during the period for which the award is to be made. The lack of official disqualifying comment by such previous commanders qualifies the use of such periods toward the award by current commander.

(g) *Clasp.* A good Conduct Medal Clasp is awarded for wear on the Good Conduct Medal suspension ribbon and service ribbon to denote a second or subsequent award of the medal. Not more than one Good Conduction Medal may be awarded to any one person.

(h) *Presentation.* Presentation of the Good Conduct Medal to military personnel may be made at troop formations.

(i) *Description.* The Good Conduct Medal of bronze is 1¼ inches in diameter. On the obverse is an eagle standing on a closed book and Roman sword, encircled by the words "Efficiency-Honor-Fidelity." On the reverse is a five-pointed star and a scroll between the words "For Good" and "Conduct," surrounded by a wreath formed by a laurel branch on the left and an oak branch on the right. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches long and 1⅜ inches wide composed of stripes of red (1/16 inch), white (1/16 inch), red (1/16 inch), white (1/16 inch) red (1/16 inch), white (1/16 inch), red (⅜ inch), white (1/16 inch), red (1/16 inch) white (1/16 inch), red (1/16 inch), white (1/16 inch), and red (1/16 inch).

4. Revise § 578.48c, and add new §§ 578.48f and 578.49b, as follows:

§ 578.48c **Armed Forces Reserve Medal.**

Established by Executive Order 10163, as amended by Executive Order 10439. The reverse of this medal is struck in two designs for award to personnel whose Reserve component service has been primarily in the Organized Reserve or primarily in the National Guard. The first design portrays the Minute Man from the Organized Reserve Crest; the other design portrays the National Guard insignia.

(a) *Requirements.* Awarded for honorable and satisfactory service as a member or former member of one or more of the Reserve components of the Armed Forces of the United States, including the Coast Guard Reserve and the Marine Corps Reserve, for a period of 10 years under the following conditions:

(1) Such years of service must have been performed within a period of 12 consecutive years.

(2) Each year of active or inactive honorable service prior to July 1, 1949, in any Reserve component listed in Part 563 of this chapter, will be credited toward award. For service performed on or after July 1, 1949, a member must accumulate during each anniversary year a minimum of 50 retirement points as prescribed in Part 563 of this chapter.

(3) Service in a regular component of the Armed Forces, including the Coast Guard, is excluded except that service in a Reserve component which is concurrent in whole or in part with service in a regular component will be included.

(4) Any period during which Reserve service is interrupted by one or more of the following will be excluded in computing, but will not be considered as a break in the period of 12 years:

(i) Service in a regular component of the Armed Forces; or

(ii) During tenure of office by any State official chosen by the voters of the entire State, territory, or possession; or

(iii) During tenure of office of member of the legislative body of the United States or of any State, territory, or possession; and

(iv) While serving as judge of a court of record of the United States, or of any State, territory, possession, or the District of Columbia.

(b) *Ten-year device.* One 10-year device is awarded for wear on the service ribbon and suspension ribbon of the Medal for each 10-year period of service accrued in addition to and under the conditions prescribed above for award of the Medal.

§ 578.48f **Antarctica Service Medal.**

Established by Public Law 86–600, as promulgated in DOD Instruction 1348.9, November 22, 1960.

(a) *Requirements.* Awarded to any person who after January 1, 1946, meets any of the following qualifications:

(1) Any member of the Armed Forces of the United States or civilian citizen, or resident alien of the United States who, as a member of a U.S. expedition, participates in scientific, direct support, or exploratory operations on the Antarctic continent.

(2) Any member of the Armed Forces of the United States or civilian citizen, or resident alien of the United States who, under the sponsorship and approval of competent U.S. Government authority participates in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition.

(3) Any member of the U.S. Armed Forces who serves as a crew member of an aircraft flying to or from the Antarctic or within Antarctica in support of operations on that continent.

(4) Any member of the U.S. Armed Forces who serves on a United States ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(5) Any person, including citizens of foreign nations, not fulfilling any above qualification, who participates in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency. In such case, award will be made by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardship and hazards of the expedition.

(b) *Clasps and discs.* Wintering over on the Antarctic continent is recognized by the award of the following:

(1) A clasp bearing the words "Wintered over" for wear on the suspension ribbon of the medal; and

(2) A disc bearing an inscribed outline of the Antarctic continent for wear on the service ribbon.

These appurtenances are awarded in bronze for the first winter, in gold for the second winter and in silver for the third winter.

(c) *Miscellaneous provisions.* (1) No person may receive more than one award of the Antarctic Service Medal.

(2) Not more than one clasp or disc will be worn on the ribbon.

(3) No minimum time limits for participation are prescribed.

(4) The Antarctic Service Medal takes precedence immediately after the Korean Service Medal.

§ 578.49b **United Nations Medal.**

Established by the United Nations Secretary-General, July 30, 1959. Presidential acceptance for the United States Armed Forces announced by Department of Defense Instruction 1348.10, December 6, 1960.

(a) *Eligibility.* Personnel to qualify for award must be or have been in the service of the United Nations, for a period not less than 6 months, with one of the following:

(1) United Nations Observation Group in Lebanon (UNOGIL)

(2) United Nations Truce Supervision Organization in Palestine (UNTSO),

(3) United Nations Military Observer Group in India and Pakistan (UNMOGIP).

(b) *Awards.* Awards are made by the United Nations Secretary-General, or in his name by officials to whom he delegates awarding authority.

(c) *Presentation.* Presentation normally will be made in the field by the Senior Representative of the Secretary-General who makes the award. When presentation is not so accomplished, any person who believes himself eligible for award may submit to The Adjutant General, ATTN: AGPS–AD a request for such award with copy of any substantiating documents. The Adjutant General will forward each such request through the Office of Internal Administration, Office of the Assistant Secretary of State for International Organization Affairs, to the United Nations for consideration.

5. Revise §§ 578.60 and 578.61 and add new § 578.62, as follows:

§ 578.60 **Badges and tabs; general:**

(a) *Purpose.* The purpose of awarding badges is to provide for public recognition by tangible evidence of the attainment of a high degree of skill, proficiency, and excellence in tests and competition, as well as in the performance of duties. Awards of badges promote esprit de corps, and provide an incentive to greater effort, thus becoming instrumental in building and maintaining morale. Types of badges authorized to be awarded as hereinafter prescribed, are combat and special skill badges, qualification badges and identification badges.

(b) *Recommendations.* Recommendations for awards of badges will be forwarded through channels to the commander authorized herein to make the respective awards or to The Adjutant General, ATTN: AGPS–AD, as promptly as practicable following the individual's qualification.

(c) *Awards of badges*—(1) *General.* Badges may be awarded in the field only by designated commanders. Commanders other than those to whom authority is delegated herein will forward recommendations for such awards through command channels to The Adjutant General, ATTN: AGPS–AD.

(2) *Posthumous awards.* When an individual who has qualified for a badge dies before the award is made, the award nevertheless may be made and the badge forwarded to the next of kin as indicated by the records of the Department of the Army, in the following precedence: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, or eldest grandchild. Posthumous awards made by commanders outside the continental United States will be forwarded to The Adjutant General, ATTN: AGPS–AD.

(3) *Retroactive awards.* Retroactive awards of the Combat Infantryman Badge and Medical Badge will not be made. Exceptions are awards of Combat Infantryman Badge or Medical Badge made by The Adjutant General upon written request by individuals otherwise fully qualified who are recipients of decorations for heroism in combat.

(d) *Announcement of awards.* Except for identification badges, each award of a badge will be announced in special orders of commanders authorized herein to make the award or in letter orders of the Department of the Army.

(e) *Presentation of awards.* Whenever practicable, badges will be presented to military personnel with formal and impressive ceremony. Presentations should be made as promptly as possible following announcement of awards and, when practicable, in the presence of the troops with whom the recipients were serving at the time of qualification.

(f) *Supply of badges and appurtenances*—(1) *Items issued by the Department of the Army:*

(i) Combat and Special Skill badges.

(ii) Qualification badges.

(iii) Qualification badge bars.

(iv) The Guard, Tomb of the Unknown Soldier identification badge (an item of organizational equipment).

(2) *Items not issued or sold by Department of the Army:*

Identification badges, except as provided in pargaraph (a) of this section.

(i) Lapel buttons for badges.

(ii) Certificates for badges.

(iii) Foreign badges.

(iv) Miniature combat infantryman and expert infantryman badges.

(3) *Requisition.* Initial issue or replacement for badge lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person whom it was awarded, will be made upon application, without charge to military personnel on active duty and at stock fund standard price to all others.

(g) *Character of service.* No badge will be awarded to any person who, subsequent to qualification therefor, has been dismissed, dishonorably discharged, or convicted of desertion by court-martial, except as provided in § 578.61(c).

§ 578.61 Combat and special skill badges and tabs.

(a) *Purpose.* Combat and special skill badges are awarded to denote proficiency in performance of duties under hazardous conditions and circumstances of extraordinary hardship as well as special qualifications and successful completion of prescribed courses of training.

(b) *To whom awarded.* (1) The Combat Infantryman Badge may be awarded only to members of the United States Army.

(2) The Medical Badge may be awarded only to members of the United States Army or Navy.

(3) All other combat and special skill badges may be earned by honorable active or inactive service, in or while formally assigned or attached to, the United States Army. Awards of United States Army combat and special skill badges to a foreigner will be made only with the prior consent of his parent government and upon completion of the full requirements established for each badge listed below.

(c) *Reinstatement of awards.* An award once revoked will not be reinstated automatically when, for any reason of conviction by court-martial for desertion in time of war is voided by competent authority.

(d) *Combat Infantryman Badge.*—(1) *Eligibility requirements.* (i) An individual must be an infantry officer in the grade of colonel or below, or an enlisted man, or a warrant officer with infantry MOS, who subsequent to December 6, 1941, has satisfactorily performed duty while assigned or attached as a member of an infantry unit of regimental or smaller size during any period such unit was engaged in active ground combat. Battle participating credit alone is not sufficient; the unit must have been in active ground combat with the enemy during the period. Awards may be made to assigned members of ranger infantry companies assigned or attached to tactical infantry organizations.

(ii) Awards will not be made to general officers nor to members of headquarters companies of units larger in size than battle groups.

(iii) Any officer whose basic branch is other than infantry who, under appropriate orders, has commanded an infantry unit of regimental or smaller size for at least 30 consecutive days is deemed to have been detailed in infantry and is eligible for the award of the Combat Infantryman Badge notwithstanding absence of written orders detailing him in the infantry provided all other requirements for such award have been met. Orders directing the individual to assume command will be confirmed in writing at the earliest practicable date.

(iv) One award of the Combat Infantryman Badge is authorized to each individual for each separate war in which the requirements prescribed have been met. Second, third, and fourth awards are indicated by superposing 1, 2, and 3 stars respectively, centered at the top of the badge between the points of the oak wreath.

(2) *Who may award.* Commanding generals of infantry divisions and commanding officers of infantry battle groups, separate infantry battalions, and separate infantry companies.

(e) *Medical Badge*—(1) *Eligibility requirements.* (i) A member of the Army Medical Service or of the Naval Medical Service assigned or attached to the Army, must have satisfactorily performed medical duties subsequent to December 6, 1941, while assigned or attached in a permanent status as a member of the medical detachment of an infantry unit of regimental or smaller size, or as a member of the medical platoon of an infantry or airborne battle group headquarters company, during any period the unit was engaged in active ground combat. Battle participation credit is not sufficient; the infantry unit must have been in contact with the enemy.

(ii) Awards of this badge will not be made to members of medical battalions, except when attached to an infantry unit as indicated above.

(iii) One award of the medical badge is authorized to each individual for each war in which the above requirements are met. Successive awards are indicated by superimposing stars on the badge as follows: Second award, one star at the top center above the cross; third award, two stars, one at the top center above the cross and one at the bottom center of the wreath; fourth award, three stars, one at the top center above the cross, and one at each side of the wreath at the ends of the stretcher.

(2) *Who may award.* Same as for Combat Infantryman Badge.

(f) *Expert Infantryman Badge*—(1) *Eligibility requirement.* An individual must be an infantry officer or enlisted man, or a warrant officer with an infantry MOS who has satisfactorily completed the proficiency tests prescribed by Army Regulations while assigned to an infantry unit of regimental or smaller size; or when assigned to, or attending a course of instruction at, the United States Army Infantry School.

(2) *Who may award.* Commanding officers of infantry regiments, battle groups and separate infantry units or their next superior, commanders of United States Army Training Centers, and the Commandant, United States Army Infantry School. Commanders at training installations may award the badge to qualified personnel undergoing 6 months' active duty for training under the Reserve Forces Act of 1955 provided such personnel are assigned to infantry units of battle group or smaller size in the Reserve components.

(g) *Parachutist badges.* (1) Three degrees of badges are authorized for award: the Master Parachutist Badge, the Senior Parachutist Badge, and the Parachutist Badge. Eligibility requirements for each badge are set forth in succeeding paragraphs. Awarding authorities for all three are the following: Commanding generals of the United States Continental Army Command; ZI armies and overseas commands; Military District of Washington, U.S. Army; airborne corps; airborne divisions; infantry divisions containing organic airborne elements, and the Quartermaster Research and Engineering Command; the Commandants of the Infantry School and of the Quartermaster School; commanding officers of separate airborne regiments, separate airborne battle groups, or separate airborne battalions, Special Forces Groups (Airborne), and the Special Warfare Center; and President, U.S. Army Airborne and Electronics Board.

(2) Eligibility for awards will be determined from the Individual Jump Record (DA Form 1307) contained in the field 201 file section of the personnel records jacket. Each entry on this form will include pay period covered and initials of the personnel officer; the entry will be made only from a Certificate of Jump and Loading Manifest (DA Form 1306) completed by an officer or jumpmaster.

(h) *Master Parachutist Badge.* An individual must have been rated excellent in character and efficiency and have met the following requirements:

(1) Participated in a minimum of 65 jumps to include:

(i) Twenty-five jumps with combat equipment to consist of normal TOE equipment, individual weapon carried by the individual in combat whether the jump was in actual or simulated combat. In cases of simulated combat the equipment will include water, rations (actual or dummy), ammunition (actual or dummy), and other essential items necessary to sustain an individual in combat;

(ii) Four night jumps made during the hours of darkness (regardless of the time of day with respect to sunset) one of which will be as jumpmaster of a stick;

(iii) Five mass tactical jumps which culminate in an airborne assault problem with a unit equivalent to a battalion or larger; a separate company/battery; or an organic staff of regimental size or larger. The individual must fill a position commensurate with his rank or grade during the problem.

(2) Either graduated from the Jumpmaster Course of the Airborne Department of the Infantry School or the jumpmaster school of a separate airborne battalion or larger airborne unit, or served as jumpmaster on one or more combat jumps or as jumpmaster on 33 noncombat jumps.

(3) Have served on jump status with an airborne unit or other organization authorized parachutists for a total of at least 36 months.

(i) *Senior Parachutist Badge.* An individual must have been rated excellent in character and efficiency and have met the following requirements:

(1) Participated in a minimum of 30 jumps to include:

(i) Fifteen jumps with combat equipment to consist of normal TOE equipment including individual weapon carried in combat whether the jump was in actual or simulated combat. In cases of simulated combat the equipment will include water, rations (actual or dummy), ammunition (actual or dummy), and other essential items necessary to sustain an individual in combat; and

(ii) Two night jumps made during the hours of darkness (regardless of time of day with respect to sunset) one of which will be as jumpmaster of a stick;

(iii) Two mass tactical jumps which culminate in an airborne assault problem with either a unit equivalent to a battalion or larger; a separate company/battery; or an organic staff of regimental size or larger. The individual must fill a position commensurate with his rank or grade during the problem.

(2) Either graduated from the Jumpmaster Course of the Airborne Department of the Infantry School or the jumpmaster school of a separate airborne battalion or larger airborne unit, or served as jumpmaster on one or more combat jumps or as a jumpmaster on 15 noncombat jumps.

(3) Have served on jump status with an airborne unit or organizations authorized parachutists for a total of at least 24 months.

(j) *Parachutists Badge.* An individual must have satisfactorily completed the prescribed proficiency tests while assigned or attached to an airborne unit or the Airborne Department of The Infantry School; or have participated in at least one combat parachute jump into enemy-held territory as a member of an organized force carrying out an assigned tactical mission for which the unit was credited with an airborne assault landing by the theater commander.

(k) *Army aviator badges*—(1) *Badges authorized.* (i) Master Army Aviator Badge.

(ii) Senior Army Aviator Badge.

(iii) Army Aviator Badge.

(2) *Eligibility requirements.* An individual must have satisfactorily completed prescribed training and proficiency tests as outlined in AR 600–106, and must have been designated as an aviator in orders issued by headquarters indicated below:

(3) *Who may award.* (i) The Commandant, Army Aviation School, may designate an individual as an Army Aviator.

(ii) The Adjutant General may designate an individual as an Army Aviator, as a Senior Army Aviator, and as a Master Army Aviator.

(l) *Army Aviation Medical Officer Badge.* The Surgeon General may award this badge to any Army Medical Corps officer to whom he has awarded MOS 3160 (either primary or secondary) upon successful completion of a course in aviation medicine.

(m) *Diver badges*—(1) *Badges authorized.* Diver proficiency is recognized by the following badges:

(i) Master Diver Badge.

(ii) First-Class Diver Badge.

(iii) Salvage Diver Badge.

(iv) Second-Class Diver Badge.

(2) *Eligibility requirements.* An individual must have satisfactorily completed prescribed proficiency tests in accordance with AR 611–75 while assigned or attached to an authorized diving and salvage school or to a unit for which the TOE or TD includes diving personnel.

(3) *Who may award.* The commandant of an authorized diving and salvage school and commanding officer of a regiment, group, or separate battalion for which the TOE or TD includes diving personnel.

(n) *Explosive Ordnance Disposal Supervisor Badge—Eligibility requirements.* Any commissioned officer, warrant officer, or noncommissioned officer in grade E–6 or higher may be awarded the badge if he meets, or has met, all the following requirements:

(i) Successful completion of basic and special weapons disposal courses of instruction.

(ii) Eighteen months cumulative service in a supervisory position in a TOE or TD which the above explosive ordnance disposal courses are a prerequisite.

(iii) Noncommissioned officers must have been rated excellent in character and efficiency at the time of recommendation for the award.

(2) *Who may award.* Commanding generals of divisions and higher commands, and commanding officers of separate groups or equivalent headquarters exercising operational control of EOD personnel or units.

(o) *Explosive Ordnance Disposal Specialist Badge*—(1) *Eligibility requirements.* Any commissioned officer, warrant officer, or enlisted man may be awarded the badge if he meets, or has met, all the following requirements:

(i) Successful completion of the prescribed basic EOD course of instruction.

(ii) Assigned in a TOE or TD position for which the basic EOD course is a prerequisite.

(2) *Who may award.* Same as in paragraph (n) of this section.

(p) *Glider Badge.* The Glider Badge is no longer awarded. An individual who was awarded the badge upon satisfying then current eligibility requirements may continue to wear the badge. Eligibility for award could be established by satisfactory completion of prescribed proficiency tests while assigned or attached to an airborne unit or to the Airborne Department of the Infantry School, or by participation in at least one combat glider landing into enemy-held territory as a member of an organized force carrying out an assigned tactical mission for which the unit was credited with an airborne assault landing by the theater commander.

(q) *Ranger Tab.* (1) The Commandant of the U.S. Army Infantry School may award the Ranger Tab to any person who successfully completed a Ranger Course conducted by that school.

(2) The Adjutant General may award the Ranger Tab to any person who was awarded the Combat Infantryman Badge while serving as a member of a Ranger Battalion (1st–6th, inclusive) or in the 5307th Composite Unit, Provisional (Merrill's Marauders) or to any person who successfully completed a Ranger course conducted by the Ranger Training Command.

§ 578.62 Qualification badges and tabs.

(a) *Driver and Mechanic Badge*—(1) *Purpose.* This badge is awarded to denote the attainment of a high degree of skill in the operation and maintenance of motor vehicles. Component bars are authorized only for the following types of vehicles and/or qualifications:

(i) Driver—W (for wheeled vehicles).

(ii) Driver—T (for tracked vehicles).

(iii) Driver—M (for motorcycles).

(iv) Driver—A (for amphibious vehicles).

(v) Mechanic (for automotive or allied trade vehicles).

(vi) Operator—S (for special mechanical equipment).

(2) *Eligibility requirements for drivers.* The individual must have:

(i) Qualified for and possess a current U.S. Government Motor Vehicle Operator's Identification Card (SF 46), issued as prescribed by AR 600–55; and

(ii) Performed assigned duty as a driver or assistant driver of Army vehicles for a minimum of 12 consecutive months, or during at least 8,000 miles and has no Army motor vehicle accident or traffic violation recorded on his Driver Qualification Record (DA Form 348); or

(iii) Performed satisfactorily for a minimum period of 1 year as an active qualified driver instructor, or motor vehicle driver examiner.

(3) *Eligibility requirements for mechanics.* The individual must have:

(i) Passed aptitude tests and have completed the standard mechanics' course with a "skilled" rating or have demonstrated possession of sufficient previous experience as an automotive mechanic to justify such a rating; and

(ii) Been assigned to primary duty as an automotive mechanic, second echelon or higher, or as an active automotive mechanic instructor; and

(iii) If required to drive an Army motor vehicle in connection with automotive mechanic or automotive mechanic instructor duties, qualified for motor vehicle operators permit as prescribed above, and performed duty which included driving motor vehicles for a minimum of 6 consecutive months, and had no Army motor vehicle accident or traffic violation recorded on his Driver Qualification Record (DA Form 348).

(4) *Eligibility requirements for operators of special mechanical equipment.* A soldier or civilian whose primary duty

involves operation of Army materials handling or other mechanical equipment must have completed 12 consecutive months or 500 hours of operation, whichever comes later, without accident or written reprimand as the result of his operation, and his operating performance must have been adequate in all respects.

(5) *Who may award.* Commanding officers of regiments, battle groups, separate battalions, and any commanding officer in the grade of lieutenant colonel or higher.

(b) *Basic qualification badges.* A basic qualification badge is awarded to indicate the degree in which an individual, military or civilian, has qualified in a prescribed record course and an appropriate bar is furnished to denote each weapon with which he qualified. Each bar will be attached to the basic badge which indicates the qualification last attained with the respective weapon. Basic qualification badges are of three classes: Expert, sharpshooter, and marksman. The only weapons for which component bars are authorized are:

Weapon	*Inscription*
Rifle	Rifle.
Pistol	Pistol.
Antiaircraft artillery	AA Artillery.
Automatic rifle	Auto rifle.
Machine gun	Machine gun.
Field Artillery	Field Arty.
Tank Weapons	Tank Weapons.
Flamethrower	Flamethrower.
Submachine gun	Submachine gun.
Rocket Launcher	Rocket Launcher.
Grenade	Grenade.
Carbine	Carbine.
Recoilless rifle	Recoilless Rifle.
Mortar	Mortar.
Bayonet	Bayonet.
Rifle, small bore	Small bore rifle.
Pistol, small bore	Small bore pistol.
Missile	Missile.

(c) *Who may award*—(1) *To military personnel.* Any commander in the grade or position of lieutenant colonel or higher may make awards to members of the Armed Forces of the United States. ROTC camp commanders and professors of military science of ROTC may make awards to members of the ROTC.

(2) *To civilian personnel.* Except to uniformed civilian guards, awards to civilians wil be made only by the Director of Civilian Marksmanship, Headquarters, Department of the Army. The authorization for civilian guards to wear marksmanship badges may be made by installation commanders. Civilian guards will procure badges at their own expense.

(d) *Revocation of awards*—(1) *Basic qualification badges.* An award for previous qualification is revoked automatically whenever an individual, upon completion of firing a record course for which the previous award was made, has not attained the same qualification. If the bar which is revoked automatically is the only one authorized to be worn on the respective basic qualification badge, the award of the basic badge likewise is revoked automatically. An award once revoked will not be reinstated.

(2) *Driver and Mechanic Badge.* An award of this badge will be revoked only by a commander authorized to award the badge and only for any of the following reasons:

(i) *Motor vehicle driver and operator of special mechanical equipment.* (*a*) In the event of a moving traffic violation in which life or property was endangered, or an accident which involved either property damage or personal injury wherein the awardee was at fault.

(*b*) If the event of damage to the vehicle for which the awardee is responsible due to lack of preventive maintenance.

(*c*) In the event of an unsatisfactory rating of the awardee as a driver.

(ii) *Motor mechanic.* (*a*) In the event of failure of awardee to perform his assigned duties as a mechanic in an excellent manner.

(*b*) In the event of damage to vehicle or shop equipment as a result of careless or inefficient performance of duty by the awardee.

(*c*) In the event of unsatisfactory shop performance by the awardee.

(3) *Miscellaneous.* An award of a distinguished designation badge or the Excellence in Competion Badge will be revoked only by the Commanding General, United States Continental Army Command, or by The Adjutant General and only when an award has been made through error or as the result of fraud.

(e) *Distinguished designation badges*—(1) *Purpose.* A Distinguished Rifleman Badge or a Distinguished Pistol Shot Badge is awarded to a member of the Army or to a civilian in recognition of a preeminent degree of achievement in target practice firing with the standard military service rifle or pistol. Winners of distinguished designation badges will not part with them without authority of the Secretary of the Army and will hold them subject to inspection at any time.

(2) *Types of badges.* Each badge consists of a bar and pendant. There are two designs of bars: One with inscription "US Army" for award to Army members; and the other with inscription "US.," for award to civilians.

(3) *Eligibility requirements.* (i) A member of the Army will be designated as a Distinguished Rifleman or Distinguished Pistol Shot when he has earned three credits toward the distinguished designation, provided that at least one credit was earned by having been awarded the Excellence in Competition Badge for achievement in the National matches or in the All-Army Championships.

(ii) A civilian will be designated by the Army as a Distinguished Rifleman or Distinguished Pistol Shot when for the third time he has qualified for award of the Excellence in Competition Badge, provided that at least one of these awards was won in the National matches or for having placed among the upper 50 percent of individuals determined to be entitled to such awards in either a major command competition or National Rifle Association Regional Championship match. Badges awarded prior to 1948 will be considered toward achievement of the distinguished designation under the rules of the match in which won. A credit granted by the National Board for the Promotion of Rifle Practice under rules in effect for matches prior to 1948 will be considered toward the award of this badge the same as though an Excellence in Competition had been awarded.

(iii) The year in which a person first became eligible for designation by the Army as a Distinguished Rifleman or Distinguished Pistol Shot is the year in which he is regarded as having attained the distinguished designation and for which he will be so designated.

(iv) In computing credits toward distinguished designation only one credit per calendar year in any one individual or team match will be allowed.

(4) *Who may award.*—(i) *To Army personnel.* Commanding General, United States Continental Army Command. Copies of letters of authorization will be forwarded to The Adjutant General, ATTN: AGPF, for record purposes.

(ii) *To all others.* The Adjutant General.

(5) *Engraving.* The name of the recipient and the year of attainment will be engraved on the reverse of the metal pendant.

(f) *Excellence in Competition Badge*—(1) *Purpose.* Excellence in Competition Badges are awarded to individuals in recognition of an eminent degree of achievement in target practice firing with the standard military service rifle or pistol.

(2) *Types of badges.* Types of badges and criteria for award are under revision. When finalized, they will be published in a change to this section.

(3) *Eligibility requirements.* The number of badges which will be awarded in recognition of achievement in the National Matches, the All-Army Championships, Major Command Competitions, or in National Rifle Association Regional Championships will depend primarily upon the number of "nondistinguished" participants in the match. In all competitions except those included in the National Matches the badge will be awarded only for excellence in individual competition. In the National Matches the badge may be awarded for achievement in both individual and team competition. The conditions governing eligibility for award of the badge in the National Matches are prescribed by the National Board for the Promotion of Rifle Practice in joint regulations entitled "Rules and Regulations for National Matches". Comparable badges will be awarded to civilians by the Director of Civilian Marksmanship in accordance with regulations prescribed by the National Board for the Promotion of Rifle Practice. A badge for excellence in competition in a match conducted subsequent to 1947 will be awarded only to a person whose score in authorized competition constitutes a credit toward a distinguished designation badge. The determination as to whether a badge for excellence in competition which has been awarded for achievement in a match conducted prior to 1948 may be considered toward the award of a distinguished designation badge will be in accordance with Army Regulations in effect at the time such match was conducted.

(4) *Limit on award.* (i) In no case will an individual be awarded more than one badge of each type. Credits will be given in lieu of additional awards of the same badge.

(ii) Individuals who have either qualified for or attained the distinguished designation are ineligible for further awards of this badge. Any such individual who frauduently accepts an additional award of the Excellence in Competition Badge when he is aware of his eligibility for distinguished designation, or has been designated as a Distinguished Rifleman or Distinguished Pistol Shot will be subject to revocation of the award.

(5) *Who may award.*—(i) *To Army personnel in active service.* Commanding General, United States Continental Army Command. Copies of letters of authorization will be forwarded to The Adjutant General, ATTN: AGPF, for record purposes.

(ii) *To all others.* The Adjutant General, upon recommendation of the Commanding General, United States Continental Army Command, or the National Board for the Promotion of Rifle Practice, as appropriate.

(g) *President's Hundred Tab.* A President's Hundred Tab is awarded to each person who qualified among the top 100 successful contestants in the President's Match held annually at the National Rifle Matches.

[AR 672-5-1, 3 May 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-6672; Filed, July 17, 1961; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER E—VISAS

[Dept. Reg. 108.469]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects:

1. The definition of the term "attendants" contained in § 41.1 is amended to read as follows:

§ 41.1 **Definitions.**

* * * * * * *

Attendants. "Attendants" as used in sections 101(a)(15)(A)(iii), 101(a)(15)(G)(v), and 212(d)(8) of the Act, shall include an alien who is paid from the public funds of a foreign government or from the funds of an international organization and who is accompanying or following to join the principal alien to whom he owes a duty or service.

2. Section 41.91 (a)(28)(vii) and (c)(1)(ii) are amended to read as follows:

§ 41.91 **Aliens ineligible to receive visas.**

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(28) *Affiliates and members of proscribed organizations.* * * *

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a voluntary member.

* * * * * * *

(c) *Failure of application to comply with Act.* (1) * * *

(ii) The application contains a false or incorrect statement other than one which would constitute a ground of ineligibility under section 212(a) (9) or (19) of the Act;

3. Section 41.126(b) is amended to read as follows:

§ 41.126 **Transfer of visas.**

* * * * * * *

(b) *Procedure for transfer.* A formal application for the transfer of a nonimmigrant visa from one passport to another shall not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien. The issuance of a transferred visa shall, except as provided in § 41.124(b), be evidenced by placing the visa stamp with all of the original data in the alien's passport. The transferred visa shall be valid for the same period as the original visa and for the number of applications for admission remaining as of the date of the transfer. The word "Transferred" shall be inserted on the upper margin of the visa stamp. An appropriate notation of the transfer shall be made on the reverse of Form FS-257 on file at the original visa-issuing office. If the visa is transferred at an office other than the one which issued the original visa, the office of original issuance shall be appropriately notified.

4. Section 41.127(b)(1) is amended to read as follows:

§ 41.127 **Crew-list visas.**

* * * * * * *

(b) *Application.* (1) A list of all alien crewmen who are serving on board a vessel or aircraft which is proceeding to the United States and who are not in possession of valid individual entry documents shall be submitted, in duplicate, to a consular officer on Immigration and Naturalization Service Form I-418 (Crew List) or such other forms as may be prescribed. In lieu of a manifest on Form I-418, the manifest of alien crewmen serving on board an aircraft may be submitted on the International Civil Aviation Organization (ICAO) manifest, or on Customs Form 7507 (General Declaration) whenever the number of crewmen does not exceed the number which can be listed on the form. In cases of alien seamen serving on vessels, the duplicate copy of Form I-418 shall contain in column (4) the date, city and country of birth of each alien seaman listed who does not have in his possession a valid individual visa or an Immigration and Naturalization Service Form I-151 and, in column (5), the place of issuance and the authority issuing the passport held by such alien seaman. The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

5. Section 41.134(h) is amended to read as follows:

§ 41.134 **Revocation and invalidation of visas.**

* * * * * * *

(h) *Reconsideration of revocation and reinstatement of visa when revocation unwarranted.* The consular officer shall consider any evidence which may be submitted by the alien, his attorney or representative, indicating that the revocation or invalidation of a visa may have

been unwarranted. If it is determined that the visa was not properly revoked or invalidated, the visa shall be reinstated without fee. A memorandum regarding the action taken and the reasons therefor shall be placed in the consular files, and appropriate notification shall be forwarded promptly to the alien, to the carriers concerned, to the Department, and to the issuing office if notice of revocation or invalidation has been given in accordance with paragraph (c), (e), (f), or (g) of this section.

(Sec. 221, 66 Stat. 191; 8 U.S.C. 1201)

6. Section 42.6(h) is amended to read as follows:

§ 42.6 Immigrants not required to present passports.

* * * * *

(h) *Beneficiaries of individual waivers.* (1) An immigrant who is within one of the categories described in paragraphs (a) through (d) of this section, except that he is applying for a visa in the country of which he is a national and the possession of the passport is required for departure from that country and in whose case the passport requirement shall have been waived by the Secretary of State, as evidence by a specific instruction from the Department to the consular officer. (2) An immigrant who establishes that he is unable to obtain a passport, who is not within any of the foregoing categories, and in whose case the passport requirement imposed by § 42.112 or by the regulations of the Immigration and Naturalization Service, shall have been waived by the Attorney General and the Secretary of State, as evidenced by a specific instruction from the Department to the consular officer.

7. Section 42.66(a)(2) is amended to read as follows:

§ 42.66 Cancellation of registration.

(a) * * *

(2) The registrant has been refused a visa on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case;

8. Section 42.91(a)(28)(vii) is amended to read as follows:

§ 42.91 Aliens ineligible to receive visas.

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(28) *Affiliates and members of proscribed organizations.* * * *

(vii) The words "actively opposed", as used in section 212(a)(28)(I)(ii) of the Act, shall be considered as embracing speeches, writings, and other overt or covert activities in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch or affiliate or subdivision thereof, of which the alien was formerly a voluntary member.

9. Section 42.116(b)(1) is amended to read as follows:

§ 42.116 Registration and fingerprinting.

* * * * *

(b) *Fingerprinting.* (1) Every alien, except a child under fourteen years of age, executing an application for an immigrant visa shall be fingerprinted on Form AR–4 (Alien Registration Fingerprint Chart) or in such other manner as may be authorized by the Department.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

Dated: July 7, 1961.

HARRIS H. HUSTON,
Acting Administrator, Bureau of Security and Consular Affairs.

[F.R. Doc. 61–6717; Filed, July 17, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 563; Amdt. 47]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C69 Emergency Evacuation Slides

Proposed § 514.75 establishing minimum performance standards for evacuation slides to be used on civil aircraft of the United States, was published in 25 F.R. 10852.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received from industry requested several changes in the referenced FAA standard. These were evaluated and where substantiated have been adopted in line with the comments. The standard will be reissued and dated June 15, 1961. The revised standard reflects renumbering of paragraphs due to elimination of Part I, 4.2.5 *Support in Impact Area.* As this requirement is controversial and there is no firm evidence to indicate whether or not side support straps should be used, it has been determined that at present it is a matter to be left to the operators' discretion. Paragraph 4.1.2 of Part II has also been eliminated for the same reason.

The following recommendations of changes in the FAA standard were not adopted for the reasons given:

Part I, paragraph 3.3—Deletion of gunfiring test and reduction in inflation cycling requirements of the referenced military standard. The FAA standard permits a choice of any of three types of air reservoirs. Only the military standard includes a gunfiring test which is for the purpose of ensuring adequate ductility. However, no alternate method was proposed in the recommendation, nor was any proof offered to show that a reduction in the inflation cycle would be an adequate test of the fatigue life of the reservoir. It is considered that adoption of the recommendations would lower the level of safety to an unknown degree. Any air reservoirs on the market, sold as meeting the military specification, will already have passed the gunfire and cycling tests.

Part I, paragraph 4.2—Recommendation that the temperature extremes between which the slide and its inflation system must function should also require proper functioning at ambient pressures equivalent to a minimum of 6,000 feet above sea level. An inflatable slide will actually inflate better at high altitudes than it will at sea level due to an increase in the ambient pressure. Therefore, such a requirement would be pointless. The suggestion that slides already installed and designed to operate between −20° F. and +140° F. be approved as they are has been provided for since the proposed TSO stated that slides already approved may continue to be manufactured under the provisions of their original approval.

Part I, paragraph 4.2.11—An added requirement to safeguard against accidental inflations is an installational problem for the user of the slide rather than a performance requirement for the slide manufacturer. It is not considered necessary or appropriate to include a general precaution of this kind in the TSO since the installation of the equipment must comply with Civil Air Regulations § 4b.606 (a) and (b) and 4b.646 which cover such hazards.

Part I, paragraph 4.2.13, Part II, paragraphs 4.1.9 and 4.1.10—The evacuation rate was objected to by one of the airline operators as being unrealistic. However, no substantiating evidence was offered and the rate is one which has been easily exceeded in tests.

Part II, paragraph 4.1.4—Recommendation that the test bag be exactly defined as to size, shape, and material is not wholly justified. The weight and impact of the bag is considered much more critical and the test will be satisfactory as proposed.

In connection with the comment regarding adoption of only one basic criterion using preparation time and egress rate required for the inflatable slide, this criterion would probably prevent the use of noninflatable slides or result in competitive tests to attempt to show that the rate requirement could be met with noninflatable slides. At present, the difference in evacuation time is recognized by allowing greater occupancy in aircraft equipped with inflatable slides. Therefore, no revision of the allowable rates is considered desirable.

The following recommendations for changes in the FAA standard were adopted. Changes are being made to the standard in line with these comments and the standard will be reissued and dated June 15, 1961.

Part I, paragraph 4.2 is clarified to make it unmistakable that both slide and inflation system shall be able to function within the specified temperature limits.

Part I, paragraph 4.2.1 is revised to permit the use of a single 510 lbs. weight in actual test in lieu of three evacuees.

Part I, paragraph 4.2.10 (renumbered 4.2.9). The mandatory requirement for quick disconnection of the inflation hose and the slide has been deleted and the provision has been rewritten to clearly show that it is optional with the manufacturer as to whether he designs his evacuation slide to also comply with the standards applicable to such device for use as a flotation means. However, if the slide is designed to also qualify as a flotation means, these additional design features shall in no way interfere with the use of the slide as an evacuation means.

Part I, paragraph 4.2.9 (renumbered 4.2.8) and Part II, paragraph 4.1.8 (renumbered 4.1.7). The mandatory requirement for re-entry provisions also has been deleted. The paragraphs have been rewritten similarly to the quick disconnection provision as stated above.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.75 is added as follows:

§ 514.75 Emergency evacuation slides—TSO–C69.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for emergency evacuation slides which are required to be of an approved type to be eligible for use on civil aircraft of the United States. New models of emergency evacuation slides manufactured on or after August 15, 1961, shall meet the standards set forth in FAA standard "Emergency Evacuation Slides".[1] Emergency evacuation slides approved by the Administrator prior to August 15, 1961, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* The slide shall be permanently marked in accordance with the marking provisions of § 514.3 except that (1) a part number which shall vary with length or any other change in the slide, (2) serial number, and (3) date of manufacture shall be included.

(c) *Data requirements.* (1) One copy each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Packing instructions.

(ii) Operation instructions.

(iii) Assembly drawing.

(iv) Applicable limitations pertaining to installation of slides on aircraft. These limitations shall include the minimum and maximum stowage area temperatures and any other limitations which will prevent the slide from performing its intended function and from complying with the minimum performance standards under all reasonable foreseeable emergency conditions. The slide manufacturer shall also provide the purchaser with such limitations.

(2) The manufacturer shall maintain a current file of complete design data.

(3) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his evacuation slide. (See paragraph (d) of this section.)

(d) *Quality control.* Emergency evacuation slides shall be produced under a quality control system, established by the manufacturer, which will assure that each slide is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(3) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

[1] Copies of the FAA Standard may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

Effective date: August 15, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on July 11, 1961.

GEORGE C. PRILL,
Director, Bureau of Flight Standards.

[F.R. Doc. 61–6673; Filed, July 17, 1961; 8:49 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–AN–22]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Amendment-Deletion of Low Altitude Reporting Points

On May 25, 1961, Airspace Docket No. 60–AN–22 was published in the FEDERAL REGISTER (26 F.R. 4488). Among other actions, the amendments contained in this docket designated the Inlet, Ninilchik, and Shoal, Alaska, intersections as low altitude VOR reporting points effective July 27, 1961.

Since the publication of these amendments, it has been determined that the above-mentioned reporting points are not required on a compulsory basis. Therefore, action is taken herein to amend the docket by deleting these reporting points from the text.

Since this action involves changes which are procedural in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary and the effective date of the rule as initially adopted may be retained.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60–AN–22 is amended by deleting the following:

1. Inlet INT: The INT of the Kenai, Alaska, VOR 345° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

2. Ninilchik INT: The INT of the Kenai, Alaska, VOR 217° and the Homer, Alaska, VOR 330° radials.

3. Shoal INT: The INT of the Kenai, Alaska, VOR 026° radial and the King Salmon, Alaska, VOR direct radial to the Anchorage, Alaska, VOR.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 11, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6711; Filed, July 17, 1961; 8:48 a.m.]

[Reg. Docket No. 783; Amdt. 227]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-10	500–1	500–1	800–1
				A-dn	NA	NA	NA

Procedure turn South side of West crs, 279° Outbnd, 099° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 099°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make a left climbing turn to 1500′, return to the CTE LFR, hold on the West crs, one minute, right turns.
NOTES: No weather reporting. No tower communications at airport. Contact Salisbury Radio for ATC clearance. Prior approval required from NASA Chincoteague Va., for landings at this airport.

City, Chincoteague; State, Va.; Airport Name, NASA Chincoteague; Elev., 38′; Fac. Class., MRLWZ; Ident., CTE; Procedure No. 1, Amdt. 3; Eff. Date, 29 July 61; Sup. Amdt. No. 2; Dated, 7 Nov. 59

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING HARBOR ISLAND FM.

City, Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17′; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 3; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 2; Dated, 3 Dec. 55

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING OF HARBOR ISLAND FM.

City, Seattle; State, Wash.; Airport Name, Seattle-Tacoma International; Elev., 424′; Fac. Class., SBRAZ; Ident., SEA; Procedure No. 2, Amdt. 4; Eff. Date, 13 Aug. 60; Sup. Amdt. No. 3; Dated, 2 Jan. 60

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 29 JULY 1961, OR UPON DECOMMISSIONING OF RBn.

City, Glens Falls; State, N.Y.; Airport Name, Warren County; Elev., 328′; Fac. Class., BMH; Ident., GFL; Procedure No. 1, Amdt. 4; Eff. Date, 29 Dec. 56; Sup. Amdt. No. 3; Dated, 21 May 55

Summit Hill Int	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Wallburg Int	LOM	Direct	2400	C-dn	400–1	500–1	500–1½
Greensboro VOR	LOM	Direct	2400	S-dn-14	400–1	400–1	400–1
Thomas Int	LOM	Direct	2400	A-dn	800–2	800–2	800–2
Pine Hall Int	LOM (Final)	Direct	2400				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300′#; 330–310° within 15–25 miles, 2500′; 310–330° within 15–25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn North side of crs, 318° Outbnd, 138° Inbnd, 2400′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 138°—4.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of LOM, climb to 2400′ on 138° crs from LOM or, when directed by ATC, turn left, climb to 2500′ on R-054 GSO–VOR within 20 miles or turn left, climb to 2400′ and return direct to LOM.
Other changes: Deletes transitions from Winston-Salem LFR and GSO–LFR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 6; Eff. Date, 29 July 61; Sup. Amdt. No. 5 (ADF portion Comb. ILS–ADF); Dated, 16 Mar. 57

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Hood RBn	Direct	MEA	T-dn	300–1	300–1	200–½
				C-dn	400–1	500–1	500–1½
				S-dn-33	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn West side of crs, 164° Outbnd, 344° Inbnd, 2500′ within 7 mi. Beyond 7 mi NA. Nonstandard due to Federal Airway Victor 17.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 344°—3.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles or over Hood FM, turn right, climb to 2500′ and proceed to Hood RBn, thence maintain 2500′ on the 164° bearing within 7 mi. Beyond 7 mi NA.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac.Class., MHW; Ident., HLR; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig. Dated, 6 Aug. 60

Int 289° crs to PAK "H" and Lihue VOR R-165.	PAK "H" (Final)	Direct	2000	T-dn*	500–1	500–1	500–1
				C-d	1000–1	1000–1	1000–2
				C-n	1000–3	1000–3	1000–3
				A-dn	1000–3	1000–3	1000–3

Procedure turn South side of crs, 109° Outbnd, 289° Inbnd. 3000′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to Port Allen airport, 289°—6.0 mi. VFR must be established within 6.0 miles at Port Allen Airport. Flight from Port Allen Airport to Lihue Airport must be accomplished by reversing course and following shoreline in easterly and northeasterly direction under visual flight rule conditions at or above authorized minimums.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make left turn, climb to 5000′ on crs of 169° from PAK "H" within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: High terrain North side of crs.
*Takeoff on Runway 21 restricted to 600–2 day, 700–2 night.

City, Lihue; State, Hawaii; Airport Name, Lihue; Elev., 148′; Fac. Class., "H"; Ident., PAK; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig.; Dated, 26 Dec. 59

Lubbock VOR	LOM	Direct	4500	T-dn	300–1	300–1	200–½
Lubbock LFR	LOM	Direct	4500	C-dn	400–1	500–1	500–1½
Int R-019 LBB and brg 199° to LOM	LOM	Direct	4500	S-dn-17	400–1	400–1	400–1
Int 7 crs LX LFR and brg 349° to LOM	LOM	Direct	4500	A-dn	800–2	800–2	800–2
Int R-115 LBB and brg 349° to LOM	LOM	Direct	4500				

Procedure turn E side N crs, 349° Outbnd, 169° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirements. All turns to be made on East side of course.
Minimum altitude over facility on final approach crs, 4300′.
Crs and distance, facility to airport, 169°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 5100′ on crs 169° within 20 miles or, when directed by ATC, turn left, climb to 4500′ on E crs of LX LFR within 20 miles.
CAUTION: 4085′ MSL tower 7.5 miles S of airport on missed approach.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class., LOM; Ident., LB; Procedure No. 1, Amdt. 8; Eff. Date, 29 July 61; Sup. Amdt. No. 7; Dated, 17 June 61

King Int	LOM	Direct	2400	T-dn	300–1	300–1	200–½
Greensboro VOR	Wallburg Int	Direct	2300	C-dn	500–1	500–1	500–1½
Pine Hall Int	LOM	Direct	2300	S-dn-33	400–1	400–1	400–1
Thomas Int	LOM (Final)	Direct	2000	A-dn	800–2	800–2	800–2
Wallburg Int	LOM (Final)	Direct	2000				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300′#; 330–310° within 15–25 miles, 2500′; 310–330° within 15–25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 328°—3.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing LOM, turn left, climb to 2400′ returning to LOM direct or, when directed by ATC, turn left climbing to 2400′, proceeding to Yadkin Int via R-284 GSO–VOR.
CAUTION: 3107′ antenna 16.0 miles NW of airport.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 7; Eff. Date, 29 July 61; Sup. Amdt. No. 6; Dated, 11 Mar. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Thomas Int	GSO–VOR (Final)	Direct	1900	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–5	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, #2300'; 330–310° within 15–25 miles, 2500'; 310–330° within 15–25 miles, 3600'. #Radar control will provide 1000' vertical clearance within a 3-mile radius of 1549' MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500'. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn E side of crs, 210° Outbnd, 030° Inbnd, 2300' within 10 mi.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 030°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2300' on R–029 within 20 miles or when directed by ATC, turn right, climb to 2300' and return to VOR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923'; Fac. Class., BVOR; Ident., GSO; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup. Amdt. No. 1; Dated, 21 May 54

All directions	VOR	Direct	MEA	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–33	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn West side of crs, 163° Outbnd, 343° Inbnd, 2500' within 7 mi. Beyond 7 mi NA. Nonstandard due to Federal Airway Victor 17.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 343°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles or over Hood FM turn right, climb to 2500' and proceed direct to Hood VOR, thence maintain 2500' on the 163° radial within 7 mi. Beyond 7 mi NA.
NOTE: Prior arrangement for landing reqnired for civil aircraft not on official business.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923'; Fac. Class., TVOR; Ident., HLR; Procedure No. 1, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No Orig.; Dated, 6 Aug. 60

MY LFR	MSY VOR	Direct	1400	T–dn	300–1	300–1	300–1
Laplace RBn	MSY VOR (Final)	Direct	1400	C–dn	500–1	500–1	500–1½
				A–dn	NA	NA	NA

Radar site located at Moisant International Airport. Radar transition altitude 1500' within 25 miles. Radar control must provide 1000' clearance when within 3 miles or 500' clearance when between 3–5 miles of radio towers 750' and 563' 12 mi SE of Radar site, and 978' 16 mi ESE of Radar site. Radar may be used to position aircraft for a final approach within 5 miles of MSY–VOR or Bayou St. John FM with the elimination of a procedure turn.
Procedure turn South side of crs, 262° Outbnd, 082° Inbnd, 1400' within 10 mi.
Minimum altitude over VOR on final approach crs, 900'.
Crs and distance, facility to airport, 081°—7.4 mi.
Minimum altitude over Bayou St. John FM on final approach crs, 500'.
Crs and distance, Bayou St. John FM to airport, 082°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 mi of VOR or 3.1 mi after passing Bayou St. John FM, turn left, climb to 2000' on MSY VOR R–079 within 20 miles or, when directed by ATC, turn left, intercept MSY VOR R–064, climbing to 1500' within 20 mi.
CAUTION: 978' MSL tower 6 mi SSE of airport.
NOTES: Air Carrier use NA. Full weather information not available—visibility information only.

City, New Orleans; State, La.; Airport Name, New Orleans; Elev., 8'; Fac. Class., BVOR; Ident, MSY; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup. Amdt. No. ; Dated, 13 Aug. 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Murdock Int	SRQ–VOR	Direct	1200	T–dn	300–1	300–1	200–½
Hansen Int	SRQ–VOR	Direct	1200	C–dn	500–1	500–1	500–1½
Egmont RBn	SRQ–VOR	Direct	1200	S–dn–13	500–1	500–1	500–1
				A–dn#	800–2	800–2	800–2

Procedure turn South side of crs, 304° Outbnd, 124° Inbnd, 1200' within 10 miles.
Minimum altitude over facility on final approach crs, 500'.
Crs and distance, breakoff point to appr end of Runway 13, 132°—0.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1200' on R–095 within 20 miles.
AIR CARRIER NOTE: Procedure may be authorized only for carriers having approval of their arrangements for weather service at this airport.
#Limited weather information available to public. Alternate usage authorized for air carriers only.

City, Sarasota; State, Fla.; Airport Name, Sarasota-Bradenton; Elev., 24'; Fac. Class., BVOR; Ident., SRQ; Procedure No. TerVOR–13, Amdt. 1; Eff. Date, 29 July 61; Sup Amdt. No. Orig.; Dated, 18 Feb. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
Buffalo MHW	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Angola FM	SW crs ILS (Final)	Direct	*1500	C–dn	400–1	500–1	500–1½
Buffalo VOR	SW crs ILS	Direct	2000	S–dn–5	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side SW crs, 232° Outbnd, 052° Inbnd, 2000' within 10 mi of Cheektowaga FM.
No glide slope or markers; 1500' over Cheektowaga FM; 2.3 mi from Cheektowaga FM to Rwy 5.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 mi after passing Cheektowaga FM, climb to 2000' on NE crs ILS or, when directed by ATC, make a climbing right turn to 2100' on E crs Buffalo LFR within 10 mi.
*Do not descend below 2000' until 7 mi past Angola FM (distance from Angola FM to Cheektowaga FM exceeds standard).

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711'; Fac. Class., ILS, FM; Ident., I–BUF, CQA; Procedure No. 2, Amdt. 3; Eff. Date, 29 July 61; Sup. Amdt. No. 2; Dated, 2 Mar. 57

Greensboro LFR	Rebel Fix	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–32	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300'#; 330–310° within 15–25 miles, 2500'; 310–330° within 15–25 miles, 3600'. #Radar control will provide 1000' vertical clearance within a 3-mile radius of 1549' MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500'. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 2500' within 10 miles of Rebel Int.
Minimum altitude over Rebel Int on final approach crs, 1900'.
Crs and distance, Rebel Int to airport, 318°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2500' on NW crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 2500' on R–054 GSO–VOR within 20 miles or turn right, climb to 2500' and return to Rebel Int via ILS localizer crs.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
Other change: Deletes transition from Winston-Salem LFR.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923'; Fac. Class., ILS–IGSO; Ident., VOR–GSO; Procedure No. ILS–32, Amdt. 1; Eff. Date, 29 July 61; Sup. Amdt. No. Orig.; Dated, 9 July 55

GJT–VOR	GJT HW	Direct	8000	T–dn	400–1	400–1	300–1
Loma Int	GJT HW (Final)	Direct	8000	C–dn#	600–1½	600–2	600–2
Int GJT–VOR R–047 and NW crs ILS*	GJT–HW	Direct	8000	S–dn–11**	400–1	400–1	400–1
Int GJT–VOR R–303 and NW crs ILS*	Int GJT–VOR R–320 and NW crs ILS	Direct	10,000	A–dn	1000–2	1000–2	1000–2
Int GJT–VOR R–320 and NW crs ILS*	Loma Int	Direct	8000				
Whitewater Int	GJT–VOR	Direct	10,000				

Shuttle to 8000' in a standard right hand holding pattern at GJT HW, 110° inbnd, 290° outbnd.
Procedure turn South side NW crs, 290° Outbnd, 110° Inbnd, 8000' within 10 mi of GJT HW.
Minimum altitude at G.S. Int. inbnd, 8000'.
Minimum altitude over GJT HW on final approach crs, 8000'.
Altitude of G.S. and distance to approach end of rnwy at OM, 6060'—3.9 mi; at MM, 5065'—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn, climb to 8000' on NW crs of ILS to GJT HW.
Other changes: Deleted the restriction of 10 miles on shuttle and procedure turn. Deleted Air Carrier Note on sliding scale.
*Simultaneous reception of GJT–VOR and ILS required for these transitions.
#All maneuvering to South of airport; high terrain North.
**200–1 required with any component of the ILS inoperative.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858'; Fac. Class., ILS; Ident., I–GJT; Procedure No. ILS–11, Amdt. 14; Eff. Date, 29 July 61; Sup. Amdt. No. 13; Dated, 4 Feb. 61

Summit Hill Int	LOM	Direct	2400	T–dn	300–1	300–1	200–½
Wallburg Int	LOM	Direct	2400	C–dn	400–1	500–1	500–1½
Greensboro VOR	LOM	Direct	2400	S–dn–14*	200–½	200–½	200–½
Thomas Int	LOM	Direct	2400	A–dn	600–2	600–2	600–2
Pine Hall Int	LOM (Final)	Direct	2400				

Radar Terminal Area Transition Altitudes: 0–360° within 15 miles, 2300'#; 330–310° within 15–25 miles, 2500'; 310–330° within 15–25 miles, 3600'. #Radar control will provide 1000' vertical clearance within a 3-mile radius of 1549' MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500'. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn N side NW crs, 318° Outbnd, 138° Inbnd, 2400' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2400'.
Altitude of G.S. and distance to approach end of Runway at OM, 2385'—4.2 mi; at MM, 1159'—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2400' on SE crs ILS (138°) within 20 miles or, when directed by ATC, turn left, climb to 2500' on R–054 GSO–VOR within 20 miles or turn left, climb to 2400' and return direct to LOM.
Other changes: Deletes transitions from Winston-Salem LFR and GSO–LFR.
*400–½ required when glide slope not utilized.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923'; Fac. Class., ILS; Ident., I–GSO; Procedure No. ILS–14, Amdt. 6; Eff. Date, 29 July 61; Sup. Amdt. No. 5 (ILS Portion Comb. ILS–ADF); Dated, 16 Mar. 57

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lubbock VOR	LOM	Direct	4500	T-dn	300-1	300-1	200-½
Lubbock LFR	LOM	Direct	4500	C-dn	400-1	500-1	500-1½
Int R-019 LBB and N crs ILS	LOM	Direct	4500	S-dn-17	200-½	200-½	200-½
Int E crs LX-LFR and N crs ILS	LOM	Direct	4500	A-dn	600-2	600-2	600-2
Int R-115 LBB and N crs ILS	LOM	Direct	4500				

Procedure turn E side N crs, 348° Outbnd, 168° Inbnd, 4500′ within 10 mi. Beyond 10 mi NA. Nonstandard due to ATC requirements. All turns to be made on East side of course.
Minimum altitude at G.S. Int Inbnd, 4500′.
Altitude of G.S. and distance to approach end of rny at OM 4500′—3.8, at MM 3490′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 5100′ on S crs ILS (169) within 20 miles or, when directed by ATC, turn left, climb to 4500′ on E crs LX-LFR within 20 miles, or climb to 4500′ on R-110 LBB within 20 mi.
CAUTION: 4085′ MSL tower 7.5 miles S of airport on missed approach.
NOTES: Narrow localizer course—4 degrees.
Other change: Deletes transition from Roundup FM.

City, Lubbock; State, Tex.; Airport Name, Municipal; Elev., 3256′; Fac. Class., ILS; Ident., I-LBB; Procedure No. ILS-17, Amdt. 8; Eff. Date, 29 July 61; Sup. Amdt. No. 7; Dated, 17 June 61

Roseville VHF Int	Perkins Int*	Direct	1500	T-dn	300-1	300-1	200-½
Roseville LF Int	Perkins Int*	Direct	1500	C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

No procedure turn. Transitions authorized are for straight-in approaches from the NE only. Final approach crs inbnd from Perkins Int, 195°.
No glide slope or markers. Alt. over Perkins Int. 1500′ distance 6.2.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi of the Perkins Int., climb to 1200′ and hold SW of the LOM in a one-minute right turn pattern, 195° outbnd, 015° inbnd.
Other change: Deletes transition from McClellan RBn.
*Int Sacramento ILS NE crs and 090° brng to MHR "H" facility.

City, Sacramento; State, Calif.; Airport Name, Sacramento Municipal; Elev., 21′; Fac. Class., ILS; Ident., I-SAC; Procedure No. ILS-20, Amdt. 4; Eff. Date, 29 July 61; Sup. Amdt. No. 3; Dated, 11 Apr. 59

King Int	LOM	Direct	2400	T-dn	300-1	300-1	200-½
Greensboro VOR	Wallburg Int	Direct	2300	C-dn	500-1	500-1	500-1½
Pine Hall Int	LOM	Direct	2300	S-dn-33°%	300-¾	300-¾	300-¾
Thomas Int	LOM (Final)	Direct	2200	A-dn	600-2	600-2	600-2
Wallburg Int	LOM (Final)	Direct	2200				

Radar Terminal Area Transition Altitudes: 0-360° within 15 miles, 2300′#; 330-310° within 15-25 miles, 2200′; 310-330° within 15-25 mi, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn South side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 mi. Beyond 10 mi NA.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway at OM, 2200′—3.9 mi; at MM, 1120′—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 2400′, returning to LOM direct or, when directed by ATC, turn left climbing to 2400′, proceed to Yadkin Int via R-284 GSO-VOR.
CAUTION: 3107′ antenna 16.0 miles NW of airport.
*No approach lights.
%400-¾ required when glide slope not utilized.

City, Winston-Salem; State, N.C.; Airport Name, Smith-Reynolds; Elev., 969′; Fac. Class., ILS; Ident., I-INT; Procedure No. ILS-33, Amdt. 7; Eff. Date, 29 July 61; Sup. Amdt. No. 6; Dated, 11 Mar. 61

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
All Directions	Radar site	Within 20 mi	2500	T-dn-33	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2500′ and proceed direct to Hood VOR or Hood RBn (VOR) thence maintain 2500′ on R-163 within 7 miles; beyond 7 miles NA. (ADF) thence maintain 2500′ on the 164° brng within 7 mi; beyond 7 mi NA.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
#PAR touch-down point Runway 33, threshold painted, 1000′ NW of SE end. 3712′ of usable runway available.

City, Killeen; State, Tex.; Airport Name, Fort Hood AAF; Elev., 923′; Fac. Class., Fort Hood AAF; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 29 July 61; Sup. Amdt. No. 1; Dated, 6 Aug. 60

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 26, 1961.

GEORGE C. PRILL,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-6083; Filed, July 17, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO–318–A1]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Decision with Respect to Proposed Amendments to the Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on April 26, 1961, after notice thereof published in the FEDERAL REGISTER (26 F.R. 2870) on proposed amendments to the marketing agreement and to Order No. 130 (7 CFR Part 1030) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision of the Deputy Administrator, Agricultural Marketing Service, in this proceeding, was filed with the Hearing Clerk, United States Department of Agriculture, on June 21, 1961. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 61–5869; 26 F.R. 5679) on June 24, 1961. No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–5869; 26 F.R. 5679) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendments to the marketing agreement and amendments to the marketing order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Prunes Grown in Designated Counties in Oregon and in Malheur County, Oregon" and "Order Amending the Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oregon" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 90.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed amended marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Order[1] Amending the Order Regulating the Handing of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oregon

§ 1030.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on April 26, 1961, upon proposed amendments to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of prunes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of prunes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of prunes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of prunes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended as follows:

1. Under "Definitions," after § 1030.17, a new section is added as follows:

§ 1030.18 Prunes available for current shipment.

"Prunes available for current shipment" means all prunes both unharvested and harvested but not marketed, remaining for shipment on the day specified by the committee in accordance with § 1030.53.

2. Under "Regulations," §§ 1030.50 through 1030.55, are deleted and the following sections substituted therefor:

§ 1030.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 1030.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of prunes within the production area;

(2) The expected general quality and size of prunes in the production area and in other areas;

(3) The expected demand conditions for prunes in different market outlets;

(4) The expected shipments of prunes produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of prunes; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for prunes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

§ 1050.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of prunes in the manner provided in § 1030.52, it shall so recommend to the Secretary.

(b) At any time during a week for which the Secretary, pursuant to § 1030.52 has fixed the quantity of prunes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week.

(c) In making its recommendations for regulations pursuant to paragraphs (a) and (b) of this section, the committee shall give appropriate consideration to current information with respect to the factors affecting the supply and demand for prunes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1030.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of prunes whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of prunes grown in the production area.

(2) Limit the shipment of prunes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of prunes.

(4) Prescribe requirements, other than volume limitations, as provided in this paragraph, applicable to exports of any variety of prunes which are different from those applicable to the handling of the same variety to other destinations.

(5) Limit the quantity of prunes which may be handled during a specified week: *Provided,* That such limitation shall be made effective for a week only if regulations under subparagraph (1) of this paragraph are in effect for such week. The quantity so fixed may be increased by the Secretary at any time during such week.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1030.53 Prorate bases and allotments.

(a) *Prorate bases.* (1) Each person who has prunes available for current shipment as of such date as may be specified by the committee and who desires to handle such prunes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(2) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require and shall include at least (i) the name and address of the producer or duly authorized agent, if any, for each orchard or portion thereof, the fruit of which is included in the quantity of prunes available for current shipment by the applicant; (ii) an accurate description of the location of each such orchard or portion thereof, including the number of acres contained therein; and (iii) an estimate of the total quantity of prunes available for current shipment from each orchard by the applicant in terms of the unit of measure designated by the committee.

(3) Such application shall include only such prunes available for current shipment which the applicant controls (i) by a bona fide written contract giving the applicant authority to handle such prunes, or (ii) by having legal title thereto, or (iii) by having executed a bona fide written agreement to purchase such prunes. If an applicant controls prunes pursuant to subdivision (i) or (iii) of this subparagraph, he shall submit a copy of each type of such contract or agreement to the committee, together with a statement that no other types of contracts or agreements are used, and shall maintain a file of all original contracts evidencing such control, which shall be subject to examination by the committee.

(4) If any person gains or loses the control of prunes required by subparagraph (3) of this paragraph, there shall be a corresponding increase or decrease in the quantity of prunes available for current shipment by such person only when such gain or loss has taken place and has been reported to the committee by such person prior to the date specified by the committee in § 1030.53(a)(1). This report shall be made upon forms made available by the committee and the report shall be verified in such manner as the committee may require.

(5) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of prunes available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased by the committee by an amount necessary to correct the error, omission, or inaccuracy.

(6) Each season, during the week immediately preceding the week when volume regulations are likely to be recommended, the committee shall compute the total quantity of prunes available for current shipment by each person who has applied for a prorate base and for allotments. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of prunes available for current shipment by such applicant and the total quantity of prunes available for current shipment by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

(b) *Allotments.* Whenever the Secretary has fixed the quantity of prunes which may be handled during any week, the committee shall calculate the quantity of prunes which may be handled by each person during such week. The said quantity shall be the allotment of such person and shall be in an amount equivalent to the product of the prorate base for such person and the total quantity of prunes which may be handled during such week as fixed by the Secretary. The committee shall promptly give notice to each person of the allotment computed for him pursuant to this part.

(c) *Shipments to storage.* The Secretary, based upon recommendations submitted by the committee or from other available information, may authorize handlers to ship prunes to public refrigerated storage in transit both within the area of production or between the production area and any point outside thereof in excess of a handler's allotment established pursuant to § 1030.53(b). The committee, with approval of the Secretary, shall require that at the time such prunes are removed from such storage, they be charged against the handler's allotment in the week such prunes are removed from storage. The committee, with the approval of the Secretary, may establish such rules, regulations, and safeguards as it may deem necessary to insure that prunes shipped to refrigerated storage in transit are handled in compliance with the provisions of this section.

(d) *Overshipments.* During any week for which the Secretary has fixed the total quantity of prunes which may be handled, any person who has received an allotment for such week, may handle in addition to his allotment a quantity of prunes in an amount not to exceed the equivalent of 500 half-bushel baskets or such other quantity the committee, with the approval of the Secretary, may establish. The quantity of prunes so handled in excess of such person's allotment shall be deducted from such person's allotment for the next week.

(e) *Undershipments.* If any person handles during any week a quantity of prunes covered by a regulation issued pursuant to § 1030.52(a)(5), in an amount less than his allotment of prunes for such week, he may handle, in addition to his allotment for the next week only, a quantity of such prunes

equal to such undershipment or not to exceed the equivalent of 500 half-bushel baskets or such other quantity as the committee, with the approval of the Secretary, may establish, whichever is the lesser amount.

(f) *Allotment loans.* (1) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Such loans shall be reported to the committee by both parties promptly after any such agreement has been entered into, and each such loan shall be repaid in the next week following the one in which such loan was made: *Provided*, That no loans made during one season shall be required to be repaid from allotments issued during the following season.

(2) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of subparagraph (1) of this paragraph as to reporting each loan agreement to the committee.

§ 1030.54 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1030.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of prunes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such suspension.

§ 1030.55 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1030.41, 1030.52, 1030.54, and 1030.56, and the regulations issued thereunder, handle prunes (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to §§ 1030.41, 1030.52, 1030.54, or 1030.56, the handling of prunes in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1030.45) as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent prunes handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle prunes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the prunes will not be used for any purpose not authorized by this section.

§ 1030.56 Inspection and certification.

Whenever the handling of any variety of prunes is regulated pursuant to § 1030.52 or § 1030.54, each handler who handles prunes shall, prior thereto, cause such prunes to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for prunes which previously have been so inspected and certified only if such prunes have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such prunes.

Referendum Order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period June 1, 1960, through May 31, 1961 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the counties of Washington, Payette, Gem, Canyon, Ada, and Owyhee in the State of Idaho and Malheur County in the State of Oregon, in the production of fresh prunes for market to ascertain whether such producers favor the issuance of an order amending the order regulating the handling of fresh prunes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allan Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1218 S.W. Washington St., Portland 5, Oregon, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) To Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 13, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-6721; Filed, July 17, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 943]

[Docket No. AO 231-A16]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Dallas, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on July 24, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Texas Milk Producers Federation:

Proposal No. 1. Delete § 943.51(a) of Order No. 43 and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth of a cent) plus $1.85 for the months of March through June and plus $2.25 for all other months, subject to a supply-demand adjustment of not more than 25 cents computed as follows:

(1) Divide the total producer receipts by the gross Class I utilization (excluding inter-handler transfers) under this part and Parts 949, 952, 982, and 998 of this chapter regulating the handling of milk in the North Texas, San Antonio, Austin-Waco, Central West Texas and Corpus Christi marketing areas in each of the following periods and round to one-tenth of one percent:

(i) The one-year period ending with the second preceding month;

(ii) The four-month period ending with the second preceding month; and

(iii) The four-month period ending with the second preceding month and the same period of the preceding year.

(2) Divide the utilization percentage for the two four-month periods computed pursuant to subparagraph (1) (iii) of this paragraph by the utilization percentage for the one year period computed pursuant to subparagraph (1) (i) of this paragraph. Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained;

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii) of this subparagraph.

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of subparagraph (2) (iii) of this paragraph by 122.0.

(4) Substract from the current utilization percentage computed pursuant to subparagraph (1) (ii) of this paragraph the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and preceding month, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of the current month, compute a sum from the remaining deviation percentages which excludes any amount by which, any of such deviation percentage exceed any of such deviation percentage for the current month.

(6) Compute the number of cents which is one times the sum of the plus or minus deviations, as the case may be, computed pursuant to subparagraph (5) of this paragraph, round to the nearest even full cent, and increase or decrease, respectively, the Class I price by such sum: *Provided*, That such adjustment shall not vary from the adjustment of the preceding month by more than 5 cents.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2621 West Mockingbird Lane, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., July 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6761; Filed, July 17, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of a tolerance of 10 parts per million for residues of 1-naphthyl *N*-methylcarbamate in or on broccoli, brussels sprouts, cabbage, carrots, cauliflower, kohlrabi, melons, pumpkins, and winter squash.

The analytical method proposed in the petition for determining residues of 1-naphthyl *N*-methylcarbamate is that described in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), except that the method determines simultaneously the total residues of 1-naphthyl *N*-methylcarbamate and free 1-naphthol.

Dated: July 11, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-6713; Filed, July 17, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-92]

FEDERAL AIRWAYS

Alteration and Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and § 600.1557 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1762 from the Eugene, Oreg., VOR, as a 10-mile wide airway via the intersection of the Eugene VOR 346° and the Newberg, Oreg., VOR 204° True radials; the Newberg VOR; thence as a 16-mile wide airway via the intersection of the Newberg VOR 355° and the Olympia, Wash., VOR 195° True radials; thence as a 10-mile wide airway via the Olympia VOR; intersection of the Olympia VOR 019° and the Seattle, Wash., VOR 247° True radials; to the Seattle VOR. The portion of this airway which would coinside with the McChord Air Force Base, Wash., Restricted Area/Military Climb Corridor (R-6711) would be used only after obtaining prior approval from the appropriate authority. This airway would provide a southbound route from Seattle which would by-pass the heavy concentration of air traffic in the vicinity of Portland, Oreg. The reduced airway width from 16 to 10 miles would provide separation from intermediate altitude VOR Federal airway No. 1557.

It is also proposed to designate intermediate altitude VOR Federal airway No. 1764 from the North Bend, Oreg., VOR, as a 16-mile wide airway to the intersection of the Newberg VOR 204° and the Eugene VOR 346° True radials; thence as a 10-mile wide airway to the Newberg VOR. This action would align Victor 1764 to overlie low altitude VOR Federal airway No. 287 and would provide a transition route between Portland and the coastal airway structure for air traffic operating to and from the Portland terminal area. The reduced airway width from 16 to 10 miles would provide separation from Victor 1557.

Intermediate altitude VOR Federal airway No. 1557 is designated in part from the Eugene VOR, as a 16-mile wide airway via the intersection of the Portland VOR 196° and the Newberg VOR 166° True radials; thence as a 10-mile wide airway to the Portland VOR; thence as a 16-mile wide airway via the intersection of the Portland VOR 353° and the Seattle VOR 197° True radials; to the intersection of the Seattle VOR 197° and the Hoquiam, Wash., VOR 095° True radials; thence as a 10-mile wide airway to the Seattle VOR. It is proposed to redesignate Victor 1557 from the Eugene VOR, as a 10-mile wide airway via the Portland VOR; intersection of the Portland VOR 353° and the Seattle VOR 197° True radials; thence as a 12-mile wide airway to the intersection of the Seattle VOR 197° and the Hoquiam VOR 095° True radials; thence as a 10-mile wide airway to the Seattle VOR. The alignment of Victor 1557 would remain unchanged. The reduced airway width from 16 miles to 10 and 12 miles would provide separation from Victor 1764 and Victor 1762.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All com-

munications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6709; Filed, July 17, 1961; 8:48 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-100]

FEDERAL AIRWAYS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1759 from the Alamosa, Colo., VOR, as a 16-mile wide airway to the intersection of the Alamosa VOR 005° and the Denver, Colo., VOR 207° True radials; intersection of the Denver VOR 207° and the Kiowa, Colo., VOR 246° True radials; thence a 10-mile wide airway to the Denver VOR. This proposed airway would provide a more direct route for aircraft operating at intermediate altitudes between Albuquerque, N. Mex., and Denver. The reduced airway width of 10 miles between Denver and the intersection of the Denver VOR 207° and Kiowa VOR 246° True radials would facilitate the separation of aircraft departing Denver to the south and southwest from terminal area traffic.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 12, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6710; Filed, July 17, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Director's Order No. 2]

CERTAIN DISTRICT RANGE MANAGERS

Delegation of Authority; Contracts

JUNE 30, 1961.

Pursuant to the authority contained in section 1(d) of Order No. 679 of the Director of the Bureau of Land Management the following classes of employees are authorized as of July 1, 1961, to enter into contracts for construction or services, including equipment rental not to exceed $2,500.00. Any one purchase order of supplies is not to exceed $500.00.

District Range Manager, Canon City, Colo.
District Range Manager, Craig, Colo.
District Range Manager, Denver, Colo.
District Range Manager, Durango, Colo.
District Range Manager, Grand Junction, Colo.
District Range Manager, Montrose, Colo.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61-6705; Filed, July 17, 1961; 8:47 a.m.]

[State Director's Order No. 3]

ADMINISTRATIVE OFFICER, COLORADO STATE OFFICE

Delegation of Authority; Contracts and Leases

JUNE 30, 1961.

Pursuant to the authority contained in section 1(d) of the Order No. 679 of the Director of the Bureau of Land Management the following class of employee is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount; make open market purchases up to $2,500.00 and enter into leases of space in real estate as provided in those sections.

Administrative Officer—Colorado State Office Denver, Colo.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61-6674; Filed, July 17, 1961; 8:45 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands and Partial Termination Thereof

JULY 10, 1961.

The Department of Agriculture filed an application, Serial Number Idaho 010796, for the withdrawal of certain lands from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights, notice of which was published as Federal Register Document 60-1930 in the issue of March 3, 1960. The applicant has amended the application to add the lands described below.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Red River Ranger Station Administrative Site and Pasture

T. 27 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 4; N½NW¼NE¼.

The area described aggregates 20 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands are relieved of the segregative effect of the above-mentioned application at 10:00 a.m., July 28, 1961.

The lands terminated are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Red River Ranger Station Administrative Site and Pasture

T. 27 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 3; E½NE¼NW¼, NW¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼, SW¼;
Sec. 4; W½SW¼NE¼, SE¼SE¼.
T. 28 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 34; SE¼NE¼SW¼, E½SE¼SW¼.
Totaling: 340 acres.

Cabin Creek Camp and Picnic Area

A strip of land 10 chains wide being 5 chains wide on each side of the thread of Cabin Creek beginning at the confluence of Cabin Creek and Fish Creek and extending 1.25 miles up Cabin Creek through the following legal subdivisions:

T. 29 N., R. 3 E.,
Sec. 20; E½;
Sec. 21; N½.
Totaling: 100 acres.

Gaines Bar Camp Area

A strip of land 6 chains wide on the northerly side of the Salmon River contiguous to and beginning at the mean high water mark, thence extending northeasterly from the confluence of Rhett Creek and Salmon River upstream for 45 chains and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 25 N., R. 9 E.
Sec. 30; SE¼.
Totaling: 27 acres.

Lodgepole Pine Camp and Picnic Area

T. 28 N., R. 9 E., Unsurveyed, but which will be when surveyed:
Sec. 34; W½NE¼NE¼, E½SE¼NW¼NE¼.
Totaling: 25 acres.

The areas described aggregate 492 acres.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-6675; Filed, July 17, 1961; 8:45 a.m.]

Office of the Secretary

WALTER BRENTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

WALTER BRENTON.

[F.R. Doc. 61-6680; Filed, July 17, 1961; 8:46 a.m.]

RALPH W. FACKLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Deletion—Flintkote Corp.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

RALPH W. FACKLER.

[F.R. Doc. 61-6681; Filed, July 17, 1961; 8:46 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1961.

Dated: June 24, 1961.

LESTER R. GAMBLE.

[F.R. Doc. 61-6682; Filed, July 17, 1961; 8:45 a.m.]

FRANK W. GRIFFITH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Iowa Electric Light and Power Company.
(3) No change.
(4) No change.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

FRANK W. GRIFFITH.

[F.R. Doc. 61-6683; Filed, July 17, 1961; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 1, 1961.

Dated: June 23, 1961.

ANDREW PAT JONES.

[F.R. Doc. 61-6684; Filed, July 17, 1961; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

VIVAN B. JONES.

[F.R. Doc. 61-6685; Filed, July 17, 1961; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

MAX R. LLEWELLYN.

[F.R. Doc. 61-6686; Filed, July 17, 1961; 8:46 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) No changes.
(3) No changes.
(4) No changes.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

JOHN P. MADGETT.

[F.R. Doc. 61-6687; Filed, July 17, 1961; 8:46 a.m.]

GORDON S. MEYRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 22, 1961.

Dated: June 22, 1961.

GORDON S. MEYRICK.

[F.R. Doc. 61-6688; Filed, July 17, 1961; 8:46 a.m.]

STANLEY J. SICKEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 23, 1961.

Dated: June 23, 1961.

STANLEY J. SICKEL.

[F.R. Doc. 61-6689; Filed, July 17, 1961; 8:46 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 26, 1961.

Dated: June 26, 1961.

WILLARD B. SIMONDS.

[F.R. Doc. 61-6690; Filed, July 17, 1961; 8:46 a.m.]

JOSEPH F. SINNOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 23, 1961.

Dated: June 23, 1961.

JOSEPH F. SINNOTT.

[F.R. Doc. 61-6691; Filed, July 17, 1961; 8:46 a.m.]

STANLEY C. TOWNSEND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Additions Atlantic Refining Co.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

STANLEY C. TOWNSEND.

[F.R. Doc. 61-6692; Filed, July 17, 1961; 8:46 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 21, 1961.

Dated: June 21, 1961.

WILFORD D. WILDER.

[F.R. Doc. 61-6693; Filed, July 17, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-126]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator, under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS *Mormacsun*", which is under time charter to States Marine Lines, Inc., for a period of three to five months from May 10, 1961, to permit States Marine Lines, Inc., to subcharter said vessel to Matson Line of San Francisco for one voyage of about one month's duration commencing on or about July 22, 1961, in Matson Line's regular liner service in the domestic trade of the United States between Hawaii and U.S. Atlantic ports. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board/Maritime Administration.

A hearing on the application has been set for July 21, 1961, at 9:30 a.m., e.d.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 20, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the Rules of Practice and Procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on July 20, 1961, will not be granted in this proceeding.

Dated: July 14, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6771; Filed, July 17, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-152]

FLORIDA WEST COAST NUCLEAR GROUP, INC.

Notice of Termination of Action on Application

Please take notice that pursuant to request by the Florida West Coast Nuclear Group, Incorporated, dated June 26, 1961, the Atomic Energy Commission has terminated action on the application for license to construct and to operate a 150 MW (thermal) nuclear power demonstration reactor at a site in Polk County, Florida. Docket No. 50-152 is closed.

Notice of receipt of this application was published in the FEDERAL REGISTER on December 29, 1959. (24 F.R. 10922)

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

Dated at Germantown, Maryland this 12th day of July, 1961.

[F.R. Doc. 61-6706; Filed, July 17, 1961; 8:47 a.m.]

[Byproduct Material License No. 12-733-2]

VOLK RADIOCHEMICAL CO.

Order Designating Place for Hearing

On June 23, 1961 an order was entered reopening the above entitled proceeding and designating a further hearing to convene at 10:00 a.m., on July 26, 1961, in a court room to be assigned in the United States District Court Building, 219 South Clark Street, Chicago, Illinois.

The order of June 23, 1961 stated, among other things, that the issue, whether proposed conditions for the operations proposed to be made a part of the Volk Radiochemical Company, By-product Material License No. 12-733-2 are or should be applicable to Volk premises, must be again considered in view of the added authority granted for a different location, i.e., at 8260 Elmwood Avenue, Skokie, Illinois, for the operations conducted by Volk under this license.

The Court Room hereby designated as a place for this proceeding to convene at 10:00 a.m., on July 26, 1961, is Court Room No. 600 in the United States District Court Building, 219 South Clark Street, Chicago, Illinois.

Issued: July 12, 1961, Germantown, Md.

SAMUEL W. JENSCH,
Hearing Examiner.

[F.R. Doc. 61-6707; Filed, July 17, 1961; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

TAXI AEREO PANAMA, S.A.

[Docket 12575]

Notice of Prehearing Conference

In the matter of the application of Taxi Aereo Panama, S.A., for a foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to conduct scheduled and nonscheduled air transportation of personal property (cargo) over a route between points in the Republic of Panama and Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 25, 1961, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues, Northwest, Washington, D.C., before Examiner Henry F. Martin, Jr.

Dated at Washington, D.C., July 13, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6728; Filed, July 17, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-50]

PROPOSED STEEL FRAME STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Champlin Oil and Refining

Company, Enid, Oklahoma, proposes to construct a steel frame structure near Enid, Oklahoma, at latitude 36°24'49" north, longitude 97°50'19" west. The overall height of the structure would be 1,430.2 feet above mean sea level (196.5 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located 3.5 miles northwest of the center of Woodring Field, Enid, Oklahoma, and would exceed this Agency's TSO–N18 criteria as applied to this airport. However, the aeronautical study revealed that the proposed structure would not adversely affect air traffic operations at Woodring Field.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be lighted in accordance with applicable standards of this Agency.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 11, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6708; Filed, July 17, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14003; FCC 61–876]

KORD, INC.

Memorandum Opinion and Order Granting Petition for Reconsideration

In re application of: KORD, Inc., Pasco, Washington, Docket No. 14003, File No. BR–3410; for renewal of license of Station KORD, Pasco, Washington.

1. The Commission has before it for consideration (1) the petition for reconsideration, filed by KORD, Inc., on April 26, 1961, of the Commission's order designating KORD's application for renewal of license for hearing; (2) the opposition of the Broadcast Bureau, filed on May 16, 1961; and (3) KORD's reply of June 2, 1961.

2. This case is one of general importance in the broadcast field. For, the basic ground upon which KORD's renewal application was set for hearing concerns the issue of "proposals versus actual operation". The facts, very briefly, are as follows: In its application for a construction permit, KORD proposed to present 6 percent local live programming; entertainment, 84 percent; religious, 0.5 percent; agriculture, 2 percent; educational, 0.5 percent; news, 6 percent; discussion, 0 percent; talks, 5 percent; miscellaneous, 2 percent. This proposal was reaffirmed in a 1957 application for consent to the assignment of the KORD license. Its 1960 renewal application showed, however, that KORD in its composite week had devoted no time to local live, educational, talks, or miscellaneous programming; its percentages were entertainment, 87.5 percent; news, 11.3 percent; religious, 0.6 percent; agriculture, 0.6 percent. And, instead of the 700 commercial spot announcements it had proposed for an 84-hour broadcast week, it broadcast 1,631 in an operating week only slightly longer. This raised serious questions as to excessive programming interruption and excessive amount of advertising material as distinguished from programming material. Because of these variations, the Commission, on September 28, 1960, directed a 309(b) letter to the applicant.

3. In response to this letter, KORD amended its proposal on November 1, 1960, to the following: Local live, 9.1 percent; entertainment, 84.2 percent; religious, 1.3 percent; agricultural, 1.2 percent; educational, 0.6 percent; news, 10.3 percent; discussion, 0 percent,[1]; talks, 2.4 percent; commercial spots, 1343; non-commercial spots, 180. As to the variations it explained (1) that it intersperses very short public service offerings in such categories as local live, education, religion, and agriculture and that its staff personnel failed to log these short offerings; (2) that it was unable to find dependable program sources in the area of education and agriculture; and (3) that it increased its number of spots to 1631 because of the upturn in the local economy. After study of this new proposal and the accompanying explanation, we concluded that a hearing was required on the issue of substantial variation between programming representations and actual performance. A hearing seemed necessary to develop the facts as to whether these allegedly non-logged short public service offerings did make up the noted deficiencies (for example, the difference between 0 and 6 percent in local live programming); and in fact we believe a hearing is usually required where such explanations as this (i.e., defective logging) are advanced. A hearing was also believed necessary to document the facts as to (2), above, particularly since KORD, after just stating that it was unable to find dependable program sources in education and agriculture, nevertheless proposed to put on substantially the same amount of such programming in its November 1 amendment. The explanation as to (3) is unsatisfactory: A mere upturn in the economy is not license for completely throwing aside a station's representations as to number of commercial spots and putting on an excessive number. Columbia Amusement Co., 12 R.R. 509, 567.

4. We have carefully examined KORD's petition for rehearing and the related pleadings. We are not persuaded by KORD's arguments addressed to the considerations in par. 3, above. Were this application considered by itself, we have no doubt but that a hearing would be in order on the issue of KORD's proposals as compared with its actual operation. But as we stated at the outset, this case raises issues beyond the narrow confines of the particular application.

5. KORD argues that the program proposal has never been considered as a "binding commitment" by the licensee, and, citing several examples in its area, that the Commission has frequently granted renewals involving substantial deviations between the proposals and the performance. It is true that the proposal has never been regarded as "binding" in the sense of a contract—that is, that it must be exactly and precisely discharged. As we make clear below (par. 9, infra), considerable flexibility and discretion is not only permitted but called for in the public interest. But it is just as well established that the licensee does have a duty to carry out substantially the programming policies embodied in its proposal (or in the alternative, to justify to the Commission why there has been substantial departure therefrom). From 1946 on, this has been the thrust of the Commission's renewal procedures. The renewal form and the composite week selected at random are all geared to it. The Commission has directed hundreds of letters at renewal time to licensees, pointing out the substantial deviations from proposals and requiring explanations therefor. In comparative hearings, it has stressed the importance of an applicant's past broadcast record in evaluating whether a grant to him would best serve the public interest. In short, the Commission's concern with proposal vs. actual operation is not a new development, but has long been an integral part of its concern with the public interest in the broadcast field.

6. But in one respect, the Commission's designation order does constitute a departure from previous procedure. The renewal application has consistently been granted, where the applicant substantially "upgrades" its proposals and gives reliable assurances that these new proposals will be carried out. KORD has done that in this case. Its November 1, 1960, proposals are substantially in accord with its original proposals or better (e.g., 9.1 percent in local live as against an original proposal of 6 percent). In connection with this renewal proposal, KORD, through its principals and staff, has demonstrated fairly close and continuing contact with its service area in order to determine the area's needs; further, the staff has been encouraged to participate in civic activities and at staff bi-weekly meetings, there is discussion of ways and means to meet the area's needs and to participate in public service projects. And, it has made clear that it not only will carry out the November 1, 1960, proposals but is in fact doing so at the present time. Thus, in the three-month period prior to designation for hearing, KORD carried roughly 7 percent local live, 82 percent entertainment, 1.1 percent agriculture, 0.6 percent educational, 1.4 percent religious, 2 percent talks, and 12 percent news. Its spot announcements averaged 725 and 244 NSCA; its recent operation thus clearly strikes a more reasonable balance between advertising copy and programming material. KORD earnestly asserts that it will continue this improvement, and that the Commission should not single it out to bear the burden of an expensive hearing.

7. We accept this contention of KORD in this case. Our action in designating KORD's application stemmed logically from our declaration in the Programming Statement of July 29, 1960, that "the principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community, or service area, for broadcast service" (emphasis supplied) (25 F.R. 7291, 7295). (See par. 9, infra, for the preceding context of this statement.)[2] But while it is, of course, within our power to take a new approach in acting upon some particular application (see, e.g., Federal Communications Commission v. WOKO, Inc., 329 U.S. 223), we think it better policy to act prospectively, wherever appropriate. Here it is appropriate to do so, for two reasons. First, as to the particular application, KORD has given substantial assurance that it will carry out its modified proposals. We have also determined to give KORD a short term renewal of one year. And we concur in the observation in KORD's petition that "it is obvious that in any future license period KORD will be keenly aware that its performance will be scrutinized with great care."

8. Second, and more important, by issuing this opinion, we immediately make clear to broadcasters the seriousness of the proposals made by them in the application form. The Commission relies upon these proposals in making the statutory finding that a grant of the application would be in the public interest. The proposals, we stress, cannot be disregarded by the licensee, without adequate and appropriate representations as to change in the needs of the community. In short, a licensee cannot disregard his proposals in the hope that he will simply be permitted to "upgrade" when called to account. He does not have the right to one or any license period where he does not have to make a good faith effort to deliver on his public service proposals.[3]

9. It is desirable that we make clear just what is the licensee's obligation in this respect. We repeat that the proposals made are not "binding" to the last decimal point. In our July 29, 1960 Programming Statement, we made the following observation as to the statistical data on programming in the application form:

> It should be emphasized that the statistical data before the Commission constitute an index only of the manner of operation of the stations and are not considered by the Commission as conclusive of the over-all operation of the stations in question.
>
> Licensees will have an opportunity to show the nature of their program service and to introduce other revelant evidence which would demonstrate that in actual operation the program service of the station is, in fact, a well rounded program service and is conformity with the promises and representations previously made in prior applications to the Commission.

Further, we fully recognize that the public interest vis-a-vis a programming format in a particular community is not a fixed, immutable concept. On the contrary, we hope and expect the licensee to be responsive to the changing needs of the community. It is for this reason that we have, in the proposed revision of the programming section of the basic broadcast application forms (Docket No. 13961), prescribed that applicants shall notify the Commission as to significant changes in overall broadcast operations.

10. But all this does not mean that the representations can be disregarded without adequate justification. They are serious representations as to the applicant's policy for program and commercial operation, and the Commission takes them seriously. It is one thing for a licensee to decide that its community has greater need for religious or educational programs than particular agriculture or talk or entertainment programs—or, indeed, for an essentially new format; this is a judgment peculiarly within the licensee's competence. But it is quite another thing for the applicant to drastically curtail his proposed public service programming in education, religion, agriculture, discussion, local live, etc., and increase his advertising content and "music-news", without an appropriate and adequate finding of a change in the programming needs of his area. Nor can such an applicant mechanically recite, "changing needs of the community"; he has a burden of demonstrating just why his community has less need for such public service programming than when he originally proposed it. In short, what we require in this area is essentially the same thing as in the case of the original proposal: a good faith effort; the applicant must conscientiously seek to carry out those proposals which he found, and finds, serve the public interest needs of his community. See Report and Statement Re: Commission En Banc Programming Inquiry, 25 F.R. 7291, released on July 29, 1960.[4]

11. For the foregoing reasons: *It is ordered*, That the petition for reconsideration of KORD is granted, and that the order released March 27, 1961 (FCC 61–378, Mimeo No. 1758) is set aside, and

It is further ordered, That the application of KORD, Inc. for renewal of license of Station KORD is granted for the period ending 3:00 a.m., August 1, 1962.

Adopted: July 12, 1961.

Released: July 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6730; Filed, July 17, 1961; 8:50 a.m.]

[Docket No. 14005; FCC 61M–1201]

PARKS ROBINSON (WISV)

Order Rescheduling Hearing

In re application of Parks Robinson (WISV), Viroqua, Wisconsin, Docket No. 14005, Filed No. BP–13321; for construction permit.

The Hearing Examiner having under consideration a communication dated July 10, 1961, from counsel for Parks Robinson (WISV);

It appearing that counsel in this proceeding have all concurred in an extension of time for exchange of applicant's engineering exhibits from July 15, 1961, to August 10, 1961;

It further appearing that counsel have concurred in the rescheduling of the hearing herein from July 24, 1961, to September 12, 1961;

It further appearing that good cause exists why the date for exchange of applicant's engineering exhibits as well as the date for the hearing be rescheduled and there is no opposition thereto;

Accordingly, it is ordered, This 11th day of July 1961, that the date for exchange of applicant's engineering exhibits, be, and the same is hereby rescheduled from July 15, 1961, to August 10, 1961: *It is further ordered*, That the hearing herein now scheduled for July 24, 1961, be, and the same is hereby rescheduled to September 12, 1961, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6731; Filed, July 17, 1961; 8:50 a.m.]

[Docket Nos. 14188–14190; FCC 61M–1204]

SAN JUAN NON-PROFIT T-V ASSOCIATION

Order Specifying Place of Hearing

In re applications of San Juan Non-Profit T-V Association, Farming-

[1] The applicant does, however, propose to present discussion or public affairs programming on a non-regularly scheduled basis.

[2] See, also, statement of then Chairman Ford on the Complaints and Compliance Division, FCC Public Notice dated May 20, 1960 (Mimeo B–86758): "For these station audits, we will use, as one of our tools, sample monitoring of station programs which will be compared with the logs of the stations, and the representations of the stations to the Commission, • • •"

[3] We reject KORD's contention that a licensee should not be called to account for deviations during his initial licensee period. Of course, a new licensee is entitled to leeway in the initial months of operation. But such leeway does not extend to the entire license term, and specifically to the last year of the three-year period. We note that KORD was content to do little during its license period but that with receipt of the 309(b) letter, it has made marked strides in carrying out its representations.

[4] This view is fully supported by the recent statement of the Special Counsel to the National Association of Broadcasters (in Docket 12782): "• • • if representations are made to the Commission relating to program policy to obtain a license or a renewal, and performance departs from these representations under circumstances reflecting bad faith, the Commission must be free to hold the licensee to its promises."

ton-Bloomfield Highway Area, and Huerfano-Bloomfield Highway Area, Farmington, New Mexico, Docket No. 14188, File No. BPTT-528; Docket No. 14189, File No. BPTT-530; Docket No. 14190, File No. BPTT-531; for construction permits for three new television broadcast translator stations.

It is ordered, This 11th day of July 1961, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which will be held in Farmington, New Mexico, at a time to be specified by subsequent order.

Released: July 12, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6732; Filed, July 17, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Application for Amendment of License

JULY 12, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Western Colorado Power Company, licensee for Project No. 733, (correspondence to: Leighton and Sherline, 910 Seventeenth Street NW., Washington 6, D.C.) located on the Uncompahgre River in Ouray County, Colorado and affecting lands of the United States within the Uncompahgre National Forest, for amendment of its license for the project, so as to: (1) Exclude the signal circuit line which became unnecessary after the project was put into semi-automatic operation, reducing the lands of the United States occupied by the project from 4.377 acres to 2.703 acres; and (2) amend Exhibit M to show the project improvements remaining in the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is August 21, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6702; Filed, July 17, 1961; 8:47 a.m.]

[Project No. 2300]

BROWN CO.

Notice of Application for License

JULY 12, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Brown Company, 650 Maine Street, Berlin, New Hampshire, for license for constructed Project No. 2300, known as the Shelburne Hydroelectric Development, and located on the Androscoggin River in the Town of Shelburne, Coos County, New Hampshire.

The project consists of: a timber-crib rock-fill dam surmounted with 9-foot flashboards; a log sluice and waste gate; three waste gates in the powerhouse addition; a low dike and concrete wall; a powerhouse containing two 1,200-horsepower turbines connected to two 960-kilowatt generators and one 2,500-horsepower turbine connected to an 1,800-kilowatt generator; a small pond with normal water surface elevation of 733.55 feet; a side-channel wasteway; step-up transformers; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 21, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6703; Filed, July 17, 1961; 8:47 a.m.]

[Docket Nos. CP61-30, CP61-185]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Issuing Certificate of Public Convenience and Necessity and Providing for Further Hearing

JULY 11, 1961.

This case, which is before us pursuant to the Commission's order issued May 5, 1961, providing for omission of the intermediate decision procedure, arose on applications filed by Natural Gas Pipeline Company of America (Natural) for a certificate of public convenience and necessity under section 7(c) and 7(e) of the Natural Gas Act (Act). Natural seeks authority to expand its system to increase daily design capacity by a total of 160,000 Mcf of gas per day,[1] to render additional service to existing customers. Our May 5, 1961 order cited above granted Natural's request that these proceedings be severed from the dockets formerly consolidated herewith concerning producer sales to Natural,[2] the company's position being that its present expansion is supportable without these additional supplies.

Natural has two operating divisions, both of which it proposes to expand in this proceeding. In Docket No. CP 61-30, it would expand its Natural Division, which extends from the West Panhandle Field in Texas, to a point near Joliet, Illinois, in the vicinity of Chicago, by 40,000 Mcf daily design capacity. In this same docket it would expand its Gulf Coast Division, which extends from the south Gulf Coast Area in Texas to a point near Joliet,[3] by a total of 60,000 Mcf per day. In Docket No. CP61-185, it would expand its Gulf Coast Division by 60,000 Mcf per day additional to the 60,000 Mcf per day proposed in Docket No. CP61-30. Sales from this increased capacity would be to existing customers.

The questions presented by this case are the usual ones arising in pipeline certificate proceedings, of gas supply, markets, facilities, financing, economic feasibility, and rates. Opposition comes principally from staff and the Coal Interveners,[4] which challenge the adequacy of Natural's gas supply to support the proposed expansion, and raise certain questions respecting the economic feasibility of the project. Also, the Coal Interveners question whether the use of storage in lieu of pipeline facilities has been properly explored, and the City of Chicago contends that Natural has not sustained certain proposed compressor station repiping.

As more fully stated hereinafter, we conclude that Natural has adequately supported the expansion proposed in Docket No. CP61-30 but that its gas supply is not adequate to support in addition the expansion in Docket No. CP61-185. However, in view of Natural's claim in its reply brief that it has acquired additional new supplies not shown at the hearing, we shall defer decision on Docket No. CP61-185 pending further hearing with respect to such claimed new supplies, and shall render our decision in that docket at the conclusion of the further hearing.

Facilities. In Docket No. CP61-30, the company's Natural Division would be expanded by 40,000 Mcf per day to 870,000 Mcf per day, from its present peak sales capacity of 830,000 Mcf per day. The facilities for this increase would consist of some 63 miles of 36-inch partial loop pipeline paralleling existing pipeline facilities in Kansas and Iowa at various locations between Compressor Station Nos. 102 and 109; various river crossings on the main transmission pipeline; and the revision of suction and discharge manifold piping at Compressor Stations Nos. 102 through 110.

In the same docket, Natural would expand its Gulf Coast Division by 60,000 Mcf per day to 669,000 Mcf per day from its present peak sales capacity of 609,000 Mcf per day. The facilities for this increase would consist of some 3 miles of 30-inch partial loop pipeline paralleling existing transmission pipeline north of Compressor Station No. 311 in Piatt and McLean Counties, Illinois; a total of 58,400 additional brake horsepower by supercharging 73 main line compressor engines located at Compressor Stations Nos. 301 through 311; and approximately 22.5 miles of 8-inch lateral pipeline and five meter stations in the Texas Gulf Coast area to receive gas from new sources of supply. The

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[1] The capacity figures used herein are on an "as metered" basis.

[2] The dockets thus severed were Texaco Seaboard Inc., CI61-118; Texaco Inc., CI61-119; and Humble Oil & Refining Company, CI61-157.

[3] This pipeline system was originally constructed by Texas Illinois Natural Gas Pipeline Company and was subsequently acquired by Natural.

[4] Fuels Research Council, Inc., National Coal Association, United Mine Workers of America, and Mid-West Coal Producers Institute, Inc.

total estimated cost of all the facilities in this docket is $23,734,000.

Since we are deferring decision on Docket No. CP61–185, it is unnecessary to detail at this time the facilities proposed therein.

The City of Chicago, an intervener herein, objects to Natural's proposal in Docket No. CP61–30 to revise the suction and discharge manifold piping at Compressor Stations Nos. 102 through 110 on the Natural Division. City of Chicago contends that there has been no testing and there is no evidence to support the replacement of the piping at these compressor stations, at a cost of $4,000,000 and with an increase in the cost of service of approximately $600,000.

However, a Natural engineering witness testified that much of this piping was installed when the original system was constructed in 1930 and 1931 and that, from a safety standpoint, good operating practice dictates that this piping should be replaced. Obviously, the safety of the pipeline's operations is important to life and property. On a matter of this kind we are reluctant, particularly in the absence of material opposing evidence, to substitute our judgment for the managerial judgment of those responsible for the safety of such operations. In our view this evidence, although brief, substantially supports the authorization of the repiping.

The Coal interveners contend that the record in this proceeding should be reopened to permit Natural and its customers to present evidence respecting the possible use of underground storage facilities to meet increased market requirements. The Coal interveners argue that Natural is presently engaged in developing such facilities, which would tend to alleviate the company's gas supply problem and provide capacity without substantial mainline facilities, but that the record does not show whether Natural gave proper consideration to this possibility.

Although in general we favor the development and operation by pipeline companies of storage facilities, where feasible and economical, in our judgment it would not be practicable to enlarge this proceeding and consider at this time the possibility of Natural's developing additional storage on its system, particularly since there is no proposal to this end before us in this case. Furthermore, such reopening would delay the consummation of the company's entire present proposal to provide service to its present customers in the coming winter and would therefore not be in the public interest.

We conclude that neither the foregoing nor any other objections advanced herein justify denying authorization of the facilities Natural proposes in Docket No. CP61–30. On the contrary, the record establishes that they are reasonable and adequate in design. Likewise, the estimated cost thereof appears reasonable.

Markets. Natural and most of its customer companies presented evidence of the customers' needs for the additional volumes of gas proposed to be delivered, witnesses testifying on behalf of customer companies seeking most of the volumes to be marketed. Companies which would purchase gas have entered into precedent agreements for the volumes Natural would sell them. The following tabulation shows the particular customers and the volumes each would purchase:

Customer	CP61–30 Mcf/day (1,000 Btu)[1]
Allied Gas Co	1,762
Associated Natural Gas Co	425
Citizens Gas Co	414
Central Illinois Electric & Gas Co	5,500
Illinois Power Co	5,000
Interstate Power Co	500
Iowa-Illinois Gas and Electric Co	2,364
City of Nashville, Illinois	555
North Shore Gas Co	7,000
Northern Illinois Gas Co	30,000
Northern Indiana Public Service Co	15,000
Princeton Gas Service Co	300
City of Sullivan, Illinois	150
The Peoples Gas Light & Coke Co	21,000
Wisconsin Southern Gas Co., Inc	2,000
United Cities Gas Co	700
City of Salem, Illinois	200
Subtotal	92,870
Prior allocation (Illinois Power Co.)	3,000
Unallocated capacity	9,130
Total	105,000

[1] These market figures are on an "as billed" basis, and are greater than the capacity figures shown hereinabove, because Natural bills on the basis of 1,000 Btu per cubic foot gas, whereas the gas delivered has a higher Btu content.

The testimony and accompanying market data of record establish that the market estimates are reasonable and that markets exist which need and will purchase this additional service.

Gas Supply. As indicated at the outset, staff opposes certification of Natural's Gulf Coast Division expansion in Docket No. CP61–185, on the ground that the company's gas supply is inadequate. The Coal interveners oppose certification of the entire project for this reason, among others, arguing that in view of the dependence of the regulated companies upon the limited and wasting supplies of natural gas, it is important that we apply our gas supply requirements rigorously. The parties' principal objection is that the deliverability life of Natural's reserves falls short of the 12-year figure the Commission has heretofore usually required. Staff contends that system requirements, including requirements of Docket No. CP61–30 1973, relying on short-term supplies of alone, could be met for 12 years through less than 10 percent of total requirements. However, staff contends that supplying the requirements of Docket No. CP61–185 in addition would necessitate Natural's obtaining more than 10 percent of its total requirements of this docket from short-term supplies of gas.

On the point of reserves, staff contends that Natural had 9,535,433 Mmcf (14.65 psia) of reserves under its control as of January 1, 1961, and would have a life reserve index of 18.7 years if both its applications herein are granted, or 19.2 years if only the application in Docket No. CP61–30 were granted. Staff points out that, in contrast, the nation's natural gas life reserve index at the end of 1960 was 20.1 years, or 20.2 years in the State of Texas, where Natural's Gulf Coast Division purchases most of its gas supplies.

In sum, staff's position is that the primary criteria for determining whether a pipeline company whose gas supply has fallen below minimum Commission standards should be allowed to expand its service is the overall improvement made in the company's supply situation. Staff argues that the grant of the authorizations sought in both dockets would adversely affect the company's deliverability position and would be at the expense of a decreasing life reserve index.

Natural argues that certain staff adjustments in computing the deliverability of its reserves are unjustified. As to the termination of the Old Ocean and Chocolate Bayou Field contracts, which staff says is a basic reason for the company's gas deficiency, Natural contends their expiration would result in Natural's available long-term supply being less than estimated system requirements beginning in 1972 on an average daily basis only. It argues that if Natural increases its takes in certain fields to the maximum daily quantities allowed by the contracts and otherwise permissible, the deliverability of its reserves would extend through the year 1973 and would thus meet Commission minimal requirements.

In any event, says Natural, any reductions in gas from the Old Ocean and Chocolate Bayou Fields can and should be compensated for by the purchase of additional gas supplies on a short-term basis until such time as new long-term purchases might prudently be made without giving rise to an unmanageable excess gas supply or imposing unnecessary increased costs on Natural's customers from burdensome take-or-pay-for provisions. Furthermore, the company contends that it would be most unreasonable to deny its expansion because of the claimed deliverability deficiency, in view of the trifling amount of the deficiency; the history of many years of successful effort by the company in obtaining needed gas supplies; the excellent prospects for obtaining additional supplies in the numerous gas production areas traversed by Natural's line; the attachment after the hearing of reserves in excess of those required to make up the alleged deficiency; and the preponderating importance to the public of rendering the proposed increased service.

We conclude that although the record with respect to Natural's gas supply will support the grant of the authorizations sought in Docket No. CP61–30, it will not support in addition those sought in Docket No. CP61–185. In our order issued December 1, 1959, in Docket Nos. G–14829, et al., 22 F.P.C. 979, 980, 981, a case involving Texas Illinois Natural Gas Pipeline Company, now Natural's Gulf Coast Operating Division, we emphasized that the primary criterion for determining whether a pipeline whose supplies of gas have fallen below our minimum standards should be allowed to expand its service is whether there had been an overall improvement in the pipeline's gas supply situation. The facts in this case disclose that the authorization

of Natural's entire proposal herein would not improve but would reduce the company's gas supply relative to its system requirements, as compared to its most recent showing in other proceedings. In the matter of deliverability, if Natural's proposals in both the present dockets are authorized, the company would have to obtain more than 10 percent of its total requirements from new, noncontracted sources of supply. Thus in 1972 and 1973, Natural would have average daily requirements of 1,409,000 Mcf, of which 10.60 percent (149,400 Mcf) and 10.47 percent (147,600 Mcf) would have to be purchased under new agreements. Such heavy reliance on new supplies has never before been permitted Natural or any other natural-gas company subject to Commission regulation. Likewise, Natural's historic reserve life index appears to have been relatively static in recent years and the expansions proposed herein would result in a decline in the life index compared to the index shown in the most recent Natural proceedings.

However, Natural in its reply brief contends that since the preparation of the exhibits in this proceeding, the company has added new long-term gas reserves far in excess of those required to make up the deficiency indicated by staff. The company contends that independent producers have filed for certificates in some eighteen dockets requesting the authorization of sales of gas to Natural in daily quantities totaling 23,061 Mcf, all under long-term contracts. The availability in the eleventh and twelfth years of the additional 23,061 Mcf per day of gas claimed by Natural would, if substantiated, reduce the company's reliance on new supplies and thereby slightly improve its gas supply situation over the showing most recently made in other proceedings. Such a further substantiation of its gas supply, taken with the showing made in other respects on gas supply and on the other elements of public convenience and necessity, would justify the authorizations requested by Natural in both Docket Nos. CP61–30 and CP61–185.

Accordingly, we shall defer final decision in Docket No. CP61–185 pending further hearing on the limited issue of whether the new volume of 23,061 Mcf per day of gas claimed by Natural to be available but concerning which evidence has not heretofore been adduced in this proceeding is in fact available to the company, and issues directly related thereto. Such further hearing shall be convened on July 31, 1961, as hereinafter ordered. Pending the reconvened hearing, Natural shall file with the Commission and serve on all parties, within 10 days from the date of issuance of this order, reserve and deliverability estimates with respect to the said 23,061 Mcf per day of gas. At the conclusion of the hearing, we will entertain a motion for the omission of the intermediate decision procedure or such other motion or stipulation as will expedite final decision in Docket No. CP 61–185.

Financing. Natural contemplates financing the costs, aggregating $23,734,000, of facilities in Docket No. CP61–30 by the issuance and sale of first mortgage pipeline bonds in the principal amount of $25,000,000. Funds also would be thus provided for meeting costs of financing and increasing working capital. Natural states that to the extent interest savings can be achieved by interim financing, short-term bank loans might be resorted to which would be funded out of the permanent financing. The evidence adduced by Natural establishes that this plan for financing is reasonable and feasible and can be consummated. Upon the completion of the financing described above, Natural's capitalization ratio would be within the limits previously approved by the Commission.

Economic feasibility and rates. To establish the economic feasibility of its proposed expansion, Natural adduced evidence of estimates of revenues, expenses, income and cash flow, based upon its filed rates now in effect and being charged. The evidence indicates that Natural's rate of return would be in excess of 7 percent on a system-wide basis during the three years following the expansion proposed in Docket No. CP61–30.

Despite this showing, staff counsel expresses reservations with respect to the economic feasibility of Natural's project and the Coal interveners contend that this element has not been proved. These parties' position is that Natural's present rates are "tilted" by the assessment of more costs to the demand component and less to the commodity component than we have customarily approved. They say that in pending rate proceedings respecting Natural in Docket No. RP60–8, a greater proportion of costs might be assessed to the commodity component, resulting in higher commodity rates, reduced commodity sales, and the lessened feasibility of the present proposal. They argue that Natural should have adduced evidence of what the effect of eliminating the rate tilt would be on the economics of Natural's operations, in order to enable a complete appraisal of the proposed expansion. Staff contends that such information is further called for to enable the Commission to evaluate the significance of any filing for increased rates which might subsequently be made by Natural in consequence of the installation of the facilities certificated herein. However, staff does not recommend that the present record be reopened to receive such data, but suggests that Natural be alerted that it will be required in future certificate proceedings.

The facts of record summarized hereinabove establish, and we find, that Natural's expansion as proposed in Docket No. CP61–30 is economically feasible. In our view, a detailed examination now of the tilt in Natural's rates and related matters is not justified or feasible in the circumstances of this certificate case. Natural's presentation was based on its rates presently in effect and being charged, which is a reasonable and appropriate basis for decision here. Staff comments respecting the possible effects of changing the allocation of costs to Natural's commodity rates and related matters evince a concern for matters which warrant consideration in future cases respecting Natural.

Finally, on May 22, 1961, Illinois Power Company filed a motion to terminate the intervention of the Village of Cerro Gordo, Illinois, in this proceeding. As grounds, therefor, Illinois Power Company alleges that the Village intervened to obtain gas from Natural to supply a municipal gas distribution system the Village proposed to build, but that at a Village election, authority to construct the project and to issue bonds therefor was denied, so that the Village is unable to sell the gas it sought herein. Illinois Power Company further alleges that the Board of Trustees of the Village has granted Illinois Power Company a franchise to sell and distribute gas, and to construct a system therefor, in the Village. These allegations are not controverted by the Village, which did not present any evidence at the hearing or file a brief in the case. Obviously, there is no basis for granting the Village of Cerro Gordo any gas in this proceeding. In view of all these circumstances, it appears that the matter of the Village's intervention is moot and no useful purpose would be served by granting Illinois Power Company's motion. Accordingly, it will be denied.

The Commission further finds:

(1) Natural Gas Pipeline Company of America, a Delaware corporation having its principal place of business at Chicago, Illinois, is engaged in the transportation of natural gas in interstate commerce and the sale in interstate commerce of natural gas for resale and is a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The proposed facilities of Natural herein described and as more fully set forth in its applications, are to be used in the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and the construction and operation thereof by Natural are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The transportation and sales of natural gas by Natural proposed in Docket No. CP61–30 are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered, upon the terms and conditions contained in the order, which terms and conditions are reasonable and required by the public convenience and necessity.

(4) Natural is able and willing properly to do the acts and to perform the services proposed in Docket No. CP61–30, and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(5) Decision in Docket No. CP61–185 should be deferred pending further hearing, as more fully stated hereinafter.

The Commission orders:

(A) A certificate of public convenience and necessity is hereby issued to Natural, upon the conditions hereinafter set forth, authorizing the construction and operation of the facilities and the sales of natural gas proposed in Docket No. CP61–30, as more fully described hereinabove and in the company's application and in the record in this proceeding.

(B) Decision in Docket No. CP61–185 is deferred pending further hearing on the limited issue of whether the new volume of 23,061 Mcf per day of gas claimed by Natural to be available but not heretofore adduced in evidence in this proceeding is in fact available to the company, and issues directly related thereto. Such further hearing shall be convened at 10:00 a.m. e.d.t. on July 31, 1961, in a hearing room of the Federal Power Commission, Washington, D.C. Pending the reconvened hearing, Natural shall file with the Commission and serve on all parties, within 10 days from the date of issuance of this order, reserve and deliverability estimates with respect to the said 23,061 Mcf per day of gas. At the conclusion of the hearing, we will entertain a motion for the omission of the intermediate decision procedure or such other motion or stipulation as will expedite final decision in Docket No. CP61–185.

(C) The general terms and conditions set forth in paragraphs (a), (b), (c) (1), (3), (4), and (e) of § 157.20 of the Commission's regulations under the Natural Gas Act shall attach to the certificate issued Natural; and the time within which the facilities authorized herein shall be constructed and placed in regular operation is fixed at ten (10) months from the date of issuance of this order.

(D) The motion filed herein by Illinois Power Company on May 22, 1961, to terminate intervention is hereby denied.

By the Commission.*

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6704; Filed, July 17, 1961; 8:47 a.m.]

*Separate concurring statement of Commissioner Kline is filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 13, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37259: *Substituted service—LV for Midwest Haulers, Inc.* Filed by Midwest Haulers, Inc. (No. 40), for itself, and interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between Buffalo, N.Y., on the one hand, and Jersey City and Newark, N.J., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 20 to Midwest Haulers, Inc., tariff MF–I.C.C. 22.

FSA No. 37260: *Substituted service—C & NW for Midwest Transfer Company of Illinois.* Filed by Midwest Transfer Company of Illinois (No. 1), for itself, and interested carriers. Rates on building, roofing, and insulating materials, loaded in highway trailers and transported on railroad flat cars, from Chicago, Ill., to Cedar Rapids, Council Bluffs, Des Moines, Ft. Dodge, Mason City, and Sioux City, Iowa, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariffs: Original Page 3–A and original page 4–AA to Midwest Transfer Company of Illinois tariffs MF–I.C.C. 129 and 134, respectively.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–6700; Filed, July 17, 1961; 8:46 a.m.]

FLOYD A. MECHLING

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part II, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published. (22 F.R. 996; 22 F.R. 6584; 23 F.R. 1062; 23 F.R. 6730; 24 F.R. 552; 24 F.R. 6251; 24 F.R. 9689; 24 F.R. 109; and 26 F.R. 1693), for the period January 22, 1961 through July 25, 1961.

Additions:
(2) Marquette Cement Co.

Dated: July 25, 1961.

F. A. MECHLING.

[F.R. Doc. 61–6699; Filed, July 17, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 12, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.), being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 13, 1961 to July 22, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–6676; Filed, July 17, 1961; 8:45 a.m.]

[File No. 811–986]

HANOVER FUND OF BOSTON, INC.

Notice of Application for Order Declaring that Company Has Ceased To Be an Investment Company

JULY 11, 1961.

Notice is hereby given that The Hanover Fund of Boston, Inc. ("Applicant"), a Massachusetts corporation and an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement thereof.

Applicant represents that it has no assets and no liabilities, and that it has never issued any securities. The files of the Commission indicate that a registration statement for the public offering of Applicant's securities filed under the Securities Act of 1933 (File No. 2–17278) was withdrawn as of April 28, 1961, and did not become effective under the provisions of that Act.

Applicant further represents that it will apply to the Secretary of State of the Commonwealth of Massachusetts for the dissolution of the corporation, and that Hanover Management Corporation, investment adviser to Applicant, has assumed all costs and expenses in connection with such dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it

shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 26, 1961, at 5:30 p.m., Eastern Daylight Saving Time, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6677; Filed, July 17, 1961; 8:45 a.m.]

[File No. 70-3977]

MISSISSIPPI POWER CO.

Notice of Proposed Issuance of Notes to Banks

JULY 11, 1961.

Notice is hereby given that Mississippi Power Company ("Mississippi"), a public-utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Mississippi proposes to issue, from time to time prior to April 1, 1962, up to an aggregate of $7,700,000 of notes, which includes the amount which is exempt pursuant to the provisions of the first sentence of section 6(b) of the Act. The notes are to be dated in each case as of the date of issuance and will mature not more than nine months after the date of issue of the respective notes. They will bear interest at the prime rate (currently 4½ percent per annum) in effect at Morgan Guaranty Trust Company of New York on the date of the borrowing represented thereby and are prepayable at any time, in whole or in part, without penalty or premium.

The lending banks and the maximum amounts of notes to be issued to each bank are as follows:

Name and addresses of banks	*Maximum amounts to be issued*
Morgan Guaranty Trust Co. of New York, New York, N.Y.	$2,536,000
First National Bank, Jackson, Miss.	1,200,000
Deposit Guaranty Bank & Trust Co., Jackson, Miss.	750,000
Bankers Trust Co., New York, N.Y.	600,000
Continental Illinois Bank & Trust Co., Chicago, Ill.	500,000
Pascagoula-Moss Point Bank, Pascagoula, Miss.	270,000
Merchants & Farmers Bank, Meridian, Miss.	250,000
Hancock Bank, Gulfport, Miss.	230,000
First National Bank, Hattiesburg, Miss.	200,000
First National Bank, Meridian, Miss.	115,000
Citizens National Bank, Meridian, Miss.	100,000
Commercial National Bank & Trust Co., Laurel, Miss.	100,000
Merchants & Marine Bank, Pascagoula, Miss.	100,000
Columbia Bank, Columbia, Miss.	75,000
Gulf National Bank, Gulfport, Miss.	75,000
Citizens Bank, Hattiesburg, Miss.	75,000
First National Bank of Biloxi, Biloxi, Miss.	60,000
Bay Springs Bank, Bay Springs, Miss.	50,000
The Peoples Bank, Biloxi, Miss.	50,000
Newton County Bank, Newton, Miss.	50,000
Citizens Bank, Columbia, Miss.	40,000
Merchants & Manufacturers Bank, Ellisville, Miss.	35,000
Bank of Wiggins, Wiggins, Miss.	35,000
Bank of Commerce, Poplarville, Miss.	30,000
Lumberton State Bank, Lumberton, Miss.	25,000
Bank of Picayune, Picayune, Miss.	25,000
Lamar County Bank, Purvis, Miss.	25,000
Smith County Bank, Taylorsville, Miss.	25,000
The First National Bank of Picayune, Picayune, Miss.	20,000
Richton Bank & Trust Co., Richton, Miss.	15,000
First National Bank of Newton, Newton, Miss.	15,000
Bank of Shubuta, Shubuta, Miss.	12,000
Stonewall Bank, Stonewall, Miss.	12,000
Total	7,700,000

The proceeds from the issuance of the notes are to be applied toward property additions, total expenditures for which are estimated at $17,962,400 for 1961. The notes will be paid in full at or before maturity from the proceeds of the sale of securities of the company in 1962.

The declaration states that the only expenses to be incurred in connection with the issuance of the notes are legal fees, estimated at $500, and miscellaneous expenses, estimated at $500. The declaration also states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 27, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6678; Filed, July 17, 1961; 8:46 a.m.]

[File No. 24NY-5338]

TELESCRIPT-CSP, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 12, 1961.

I. Telescript-CSP, Inc. of 155 West 72d Street, New York, N.Y., filed with the Commission a notification on Form 1-A and an offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the issuer failed to disclose in the notification an affiliate of the issuer;

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that Federman, Stonehill & Co. exercised a controlling interest in the issuer and Mangrow Industrial Corporation, an affiliated issuer, owning fifty percent of the stock of Telescript at the time of the offering;

2. The statement that 16 named individuals may be deemed to be in control of Mangrow Industrial Corporation when only certain individuals in the group exercised control;

3. The failure to disclose a previous material transaction under which the voting rights of the shareholders in Mangrow Industrial Corporation had been changed;

4. The failure to disclose that Michael Rosen, Joseph Michalover, David Dow, Harold Sporn and Stephen Hofman (5 of the 16 individuals named as in control of Mangrow) were limited part-

ners of Federman, Stonehill & Co., whose general partner, Hyman Federman, had been controlling stockholder in Mangrow and a director of Telescript.

C. The offering and sale of the issuer's securities violated Section 17(a) of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6679; Filed, July 17, 1961; 8:46 a.m.]

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1961–62 Edition

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[Revised as of June 1, 1961]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Office of Civil and Defense Mobilization

Effective upon publication in the FEDERAL REGISTER, paragraph (q) is added to § 6.363 as set out below.

§ 6.363 Office of Civil and Defense Mobilization.

• • • • •

(q) One Special Assistant to the Deputy Assistant Director of Training and Education.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6770; Filed, July 18, 1961; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81, as amended) was published in the FEDERAL REGISTER of May 24, 1961 (26 F.R. 4453). The regulations hereinafter promulgated are issued pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441; 21 U.S.C. 451 et seq.).

The amendments established specific moisture tolerances for various classes of poultry. Some moisture is unavoidably absorbed during the essential washing and chilling processes necessary to produce clean, wholesome poultry.

Moisture absorption and retention limits were applied to whole carcass poultry in the form of instructions to inspectors and processing plant management issued in May 1960. The amendments set forth herein would extend controls on water absorption to ice-packed poultry, and reduce the previously set limit on water absorption by heavy turkeys.

The amendments are essentially the same as proposed, with the exception of the provisions of § 81.50(b)(3)(ii), which have been changed by deleting the last two sentences that were contained in the proposed amendment. This modification is being made on the basis of information presented subsequent to publication of the proposed amendments and upon a determination that these proposed provisions were unnecessary because of existing provisions in the Act and the regulations.

After consideration of all relevant material, the regulations in 7 CFR Part 81, as amended, are hereby amended as follows:

1. Section 81.50(b)(3)(ii) is amended to read:

(ii) Poultry washing, chilling, and draining practices and procedures shall be such, as will minimize moisture absorption and retention at time of packaging. The inspector will make such weight tests as he deems necessary to assure compliance with this requirement.

2. New subparagraphs (iii), (iv), and (v) are added to § 81.50(b)(3) to read:

(iii) With respect to poultry that is to be consumer packaged or frozen or both, the maximum moisture absorption and retention during the washing, chilling and draining processes shall not exceed at the time of packaging the percentage tolerances set forth in the following table:

Kind and weight of poultry read-to-cook:	*Percentage increase in weight over weight prior to washing*
Turkeys, 20 pounds and over	4½
Turkeys, 10 to 20 pounds	6
Turkeys, Under 10 pounds	8
Chickens, 5 pounds and under	8
All other kinds and weights of poultry	6

(iv) With respect to poultry that is to be ice packed, the maximum amount of moisture that is permitted to be absorbed shall not exceed 12 percent at time of ice packing. The loss of moisture during holding and transportation results in moisture retention that is within the tolerances specified in subdivision (iii) of this subparagraph.

(v) The temperature of the chilling media in poultry chilling equipment shall not exceed 65° F. in the warmest part of the chilling system.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463)

Effective date. August 1, 1961.

The foregoing amendments impose certain restrictions on the amount of moisture permitted to be absorbed by poultry during its processing and it is in the interest of the consuming public to impose these restrictions as soon as possible. Moreover, additional time is not necessary for the industry to prepare for compliance with these provisions. Accordingly, under section 4 of the Administrative Procedures Act (3 U.S.C. 1003), good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of July 1961.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 61-6756; Filed, July 18, 1961; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 235, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 922.535 (Valencia Orange Regulation 235, 26 F.R. 6121) are hereby amended to read as follows:

(ii) District 2: 550,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6755; Filed, July 18, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. No. PR–52]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Exemption Proceedings

JULY 14, 1961.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1961.

From time to time situations have arisen in which the Board has found it in the public interest to issue exemptions pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, without awaiting the expiration of the normal ten-day period provided for filing answers to exemption applications (§ 302.406) and the seven-day period for replies thereto (§ 302.407) as set forth in Part 302 of the Procedural Regulations.

Section 302.409, while intended to provide for issuance of exemptions on the Board's initiative without notice or hearing, contains certain ambiguities that in the past have raised questions as to the scope of its application. Moreover, it makes no specific provision for designating periods for answers and replies shorter than those set forth in §§ 302.406 and 302.407 in those instances in which prompt action is required in the public interest.

The Board, therefore, has decided to revise § 302.409 and add a new § 302.410. Amended § 302.409 will be limited to stating the Board's power to grant exemptions on its own initiative while new § 302.410 will provide a complete procedure for emergency exemptions.

Section 302.400, captioned "Applicability of this subpart" is also being revised at this time to reflect these new changes and to bring the subpart up-to-date.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are not required, and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Subpart D—Rules Applicable to Exemption Proceedings of Part 302 of the Procedural Regulations (14 CFR Part 302) effective July 19, 1961, as follows:

1. By amending § 302.400 to read:

§ 302.400 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings on applications for exemption orders pursuant to Sections 101(3) or 416(b)(1) of the Act. It further provides for the granting of exemptions upon the Board's own initiative and for the granting of emergency exemptions. As far as is consistent with this subpart, the provisions of Subpart A of this part also apply to such proceedings. Proceedings for the issuance of exemptions by regulation shall remain subject to the provisions governing rule making.

2. By amending § 302.409 to read:

§ 302.409 Exemptions on the Board's initiative.

Where required by the circumstances and the public interest, the Board may enter exemption orders on its own initiative.

3. By adding a new § 302.410, to read:

§ 302.410 Emergency exemptions.

(a) *Applicability.* Where required by the circumstances and the public interest, the Board may, upon request or upon its own initiative, enter exemption orders pursuant to sections 101(3) or 416(b) of the Act, or deny applications therefor, upon less than the normal period provided for filing answers (§ 302.406) and replies thereto (§ 302.407) and upon no notice. In particular proceedings the Board may specify a lesser time within which answers and replies thereto may be filed and notify interested persons of this time period. Where the public interest so requires, the Board may act without awaiting the filing of answers or replies thereto.

(b) *Applications.* Applications for emergency exemption need not conform to the requirements of Subparts A and D of this part except that they must be in writing and must set forth, with detailed facts and evidence in support thereof, the grounds on which the exemption is requested. In addition, any applicant requesting such action shall state the reasons it deems adequate to justify departure from the normal procedures and shall state which air carriers have been notified in accordance with paragraph (c) of this section. The Board, moreover, may require additional information from any applicant before acting on the application.

(c) *Notice.* Except where the Board consents that no notice need be given, applicants for emergency exemption shall notify any air carrier which is authorized to render route-type service between points or areas involved in the application that such request has been filed. Such notification shall be made in the same manner of communication, contain the same information, and be dispatched at the same time, as the application made with the Board.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply Secs. 101(3), 416(b), and 1001, 72 Stat. 737, 771, and 788; 49 U.S.C. 1301, 1386, and 1481)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6785; Filed, July 18, 1961; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE AND ORDERS

PART 3—CONSENT ORDER PROCEDURE

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Pending Proceedings; Applicability of Rules

In F.R. Document 61–6310, appearing in the issue for Thursday, July 6, 1961, at pages 6015–6022, the Commission set forth its amended, revised and redesignated rules governing the disposition of proceedings by the entry of consent orders and its rules of practice for adjudicative proceedings, the same to be effective fifteen days after publication, or on and after July 21, 1961. In an accompanying statement the Commission noted that the amended and revised rules will be applicable to all proceedings in which the complaint is served subsequent to the aforesaid effective date.

As to proceedings in which the complaint was served prior to the effective date of the amended and revised rules, interested parties are hereby notified:

(1) That it is the Commission's policy that, to the extent practicable and consistent with requirements of law, such proceedings shall be conducted expeditiously. The hearing examiner and counsel for all parties shall be governed at all times by this policy, and every effort shall be made at each stage of a proceeding to avoid delay.

(2) That in all cases in which the reception of evidence has been completed on or before the effective date of the amended and revised rules, the remaining procedures therein shall be governed by the existing rules, appearing in 20 F.R. 3062, May 6, 1955, as amended in 20 F.R. 3303, May 14, 1955; 22 F.R. 2077, March 29, 1957; 24 F.R. 7607, September 22, 1959; 25 F.R. 9530, October 5, 1960.

(3) That in all cases in which the reception of evidence has not been completed prior to said date, §§ 4.15(d) and 4.18 of Subpart E and all of Subparts F and G of Part 4 of the amended and revised rules shall be applicable in the remaining proceedings. As to all matters not covered by the above portions of the amended and revised rules, the appropriate sections of the existing rules, published May 6, 1955, as amended, shall apply.

(4) That in any case, if all parties, including counsel in support of the complaint, wish to avail themselves of the privilege of disposing of the entire proceeding by the execution of an agreement containing a consent order, they may do so by filing with the Secretary of the Commission a notice to that effect prior to September 1, 1961. All such notices in cases in which pre-hearing conferences and/or hearings have been held will be referred by the Secretary to the hearing examiner for appropriate consideration under the existing rules. In all other cases, the notices will be referred to the Office of Consent Orders for disposition in a manner consistent with the procedures prescribed in Part 3 of the amended and revised rules.

Dated: July 14, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–6766; Filed, July 18, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61–6464, appearing at page 6270 of the issue for Thursday, July 13, 1961, the following corrections are made in the "product" column of the tabular material of § 121.90:

1. The entry following "Butylated hydroxyanisole" should read "Butylated hydroxytoluene" instead of "Do".

2. The entry beginning with the word "Petroleum" should read as follows: "Petroleum hydrocarbon resin, aliphatic (mol. wt. approx. 1100)".

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55426]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Administrative Exemptions

Section 8.3 of the Customs Regulations relating to free entry of shipments valued at not in excess of $1, as amended by T.D. 55323—effective date.

Treasury Decision 55323 of February 23, 1961, provides merchandise of a class or kind provided for in any absolute or tariff-rate quota shall not be allowed the duty exemption referred to in section 321(a)(2)(C), Tariff Act of 1930, as amended, on and after April 3, 1961 (the expiration of 30 days after publication of the decision in the FEDERAL REGISTER of March 3, 1961, 26 F.R. 1855).

It has been established that before December 10, 1960, the date the notice of the proposed amendment was published in the FEDERAL REGISTER, 25 F.R. 12681, certain companies had entered into contracts and obligations pursuant to which quota-class merchandise was to be offered to the public free of duty; that advertising in publications of national distribution was arranged for, and contracts for printing labels, cartons, etc., entered into; that the offers are still outstanding and cannot be effectively recalled; and that the imposition of duty, contrary to the advertised offers, would cause harm to the reputation of and financial loss to the companies and undue inconvenience to individuals who had relied upon the advertised offers.

Accordingly, the effective date of the amendment published in T.D. 55323 is hereby postponed to January 3, 1962.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 7, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–6786; Filed, July 18, 1961; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 264—INTERNATIONAL INTERCHANGE OF PATENT RIGHTS AND TECHNICAL INFORMATION

Background

Section 264.3(b)(2) has been amended by deleting internal references to the Interagency Technical Property Committee for Defense. Section 264.3(b)(2), as revised, reads as follows:

(2) These representatives receive policy guidance from the Department of Defense. The Assistant Secretary of Defense for International Security Affairs is responsible within the Department of Defense for transmitting such policy guidance through appropriate channels. Guidance transmitted for the United States representative in Europe shall be forwarded to the Defense Advisor, USRO; guidance transmitted for the United States representative in Japan shall be transmitted to the Commanding General, United States Forces Japan.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61–6753; Filed, July 18, 1961; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Disability or Death Due to Hospitalization, Etc.

In § 3.800, the portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

(a) Where disease, injury, death or the aggravation of an existing disease or injury occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization, or training under any law administered by the Veterans Administration and not the result of his own willful misconduct, disability or death compensation, or dependency and indemnity compensation will be awarded for such disease, injury, aggravation, or death as if such condition were service connected. Benefits are not payable unless claim is filed within 2 years after incurrence of such disease, injury, aggravation or death. Where a veteran dies following such injury or aggravation without filing a claim in accordance with § 3.154, benefits may be paid to his dependents if application is filed within 2 years following the date of the veteran's death (38 U.S.C. 351).

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 19, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61–6763; Filed, July 18, 1961; 8:48 a.m.]

PART 36—LOAN GUARANTY

Miscellaneous Amendments

1. Section 36.4502 is revised to read as follows:

§ 36.4502 Use of guaranty entitlement.

The guaranty entitlement of the veteran obtaining a direct loan which is closed on or after July 6, 1961, shall be charged with an amount which bears the same ratio to $7,500 as the amount of the loan bears to $15,000. The charge against the entitlment of a veteran who obtained a direct loan which was closed prior to the aforesaid date shall be the amount which would have been charged had the loan been closed subsequent to such date.

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after July 6, 1961, shall not exceed an amount which bears the same ratio to $15,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $7,500, nor may any veteran obtain direct loans aggregating more than $15,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by Veterans Administration shall bear interest at the rate of 5¼ percent per annum, except (1) where a commitment to make the loan was issued prior to April 4, 1958, in which case the rate of interest shall be 4½ percent per annum, and (2) where a commitment to make

the loan was issued on or after April 4, 1958, but prior to July 2, 1959, in which case the rate of interest shall be 4¾ percent per annum.

3. In § 36.4509, paragraph (b) is amended to read as follows:

§ 36.4509 Joint loans.

* * * * *

(b) Notwithstanding that an applicant and his spouse both be eligible veterans and will be jointly and severally liable as borrowers, the original principal amount of the loan may not exceed the maximum permissible under § 36.4503(a). The loan may not exceed $15,000 in any event.

4. In § 36.4511, paragraph (a) is amended to read as follows:

§ 36.4511 Advances after loan closing.

(a) The Veterans Administration may at any time advance any sum or sums as are reasonably necessary and proper for the maintenance, repair, alteration, or improvement of the security for a loan or for the payment of taxes, assessments, ground or water rights, or casualty insurance thereon: *Provided*, That no advance shall be made for alterations or improvements which are not necessary for the maintenance or repair of the security if such advance will increase the indebtedness to an amount in excess of $15,000.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 19, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61-6764; Filed, July 18, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2434]

WASHINGTON

Withdrawing National Forest Lands for Use of Forest Service

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described lands in the national forests indicated are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved under jurisdiction of the Forest Service, Department of Agriculture, for the uses described:

[Washington 01483]

WILLAMETTE MERIDIAN

CHELAN NATIONAL FOREST

Cottonwood Recreational Area

T. 34 N., R. 14 E. (Unsurveyed),
Sec. 9, NE¼NE¼.

Holden Recreation Area

T. 31 N., R. 16 E. (Unsurveyed),
Sec. 12, SE¼NW¼.

High Bridge Recreation Area

T. 33 N., R. 16 E. (Unsurveyed),
Sec. 3, S½SE¼.

Tumwater Recreation Area

T. 33 N., R 16 E. (Unsurveyed),
Sec. 3, E½NW¼ and W½NE¼.

Bridge Creek Recreation Area

T. 34 N., R. 16 E. (Unsurveyed),
Sec. 21, W½NE¼ and E½NW¼.

Dolly Varden Recreation Area

T. 34 N., R. 16 E. (Unsurveyed),
Sec. 33, E½NE¼;
Sec. 34, W½NW¼.

Rainbow Falls Recreation Area

T. 33 N., R. 17 E. (Unsurveyed),
Sec. 23, NE¼SW¼.

Fireweed Recreation Area

T. 34, N., R. 17 E. (Unsurveyed),
Sec. 3, SW¼SE¼;
Sec. 10, NW¼NE¼.

Domke Lake Recreation Area

T. 31 N., R. 18 E. (Unsurveyed),
Sec. 15, SW¼;
Sec. 16, E½SE¼;
Sec. 21, E½NE¼;
Sec. 22, N½, and N½SE¼.

Purple Point Recreation Area

T. 33 N., R. 18 E. (Unsurveyed),
Sec. 31, NE¼SW¼, except land included in HES 64.

Harts Pass Recreation Area

T. 37 N., R. 18 E. (Unsurveyed),
Sec. 7, NW¼SW¼.

GIFFORD PINCHOT NATIONAL FOREST

Spirit Lake Recreation Area

T. 9 N., R. 5 E.,
Sec. 1, lots 9, 10, and 11;
Sec. 2, S½S½;
Sec. 10, lots 1, 2, 3, and 4;
Sec. 12, lots 1, 5, 6, 7, 8, and 9;
Sec. 14, lots 1, 2, 3, and 4, SE¼NW¼, and NE¼SE¼;
Sec. 34, NE¼;
Exchange Survey No. 279 in secs. 1 and 12;
Exchange Survey No. 278 in sec. 1.
T. 9 N., R 6 E.,
Exchange Survey No. 278 in sec. 6.

Pine Creek Recreation Area

T. 7 N., R. 6 E.,
Sec. 26, W½.

Meta Lake Recreation Area

T. 9 N., R. 6 E.,
Sec. 5, lot 2.

Cora Recreation Area

T. 12 N., R. 8 E.,
Sec. 17, E½NE¼.

Cat Creek Recreation Area

T. 10 N., R. 9 E. (Unsurveyed),
Sec. 13, E½NE¼.

Soda Springs Recreation Area

T. 14 N., R. 10 E.,
Sec. 13, E½SE¼NE¼, E½NE¼SE¼.
T. 14 N., R. 11 E.,
Sec. 18, W½SW¼NE¼, S½NW¼, N½SW¼, and W½NW¼SE¼.

MT. BAKER NATIONAL FOREST

Gold Basin Recreation Area

T. 30 N., R. 8 E.,
Sec. 13, S½SW¼SW¼;
Sec. 14, S½SE¼;
Sec. 23, N½NE¼, N½SE¼NE¼;
Sec. 24, W½NW¼.

Silverton Recreation Area

T. 30 N., R. 9 E.,
Sec. 23, N½SE¼SW¼ and S½NE¼SW¼.

OLYMPIC NATIONAL FOREST

Rainbow Recreation Area

T. 26 N., R. 2 W.,
Sec. 3, NW¼SE¼, exclusive of HES 253.

Collins Recreation Area

T. 25 N., R. 3 W.,
Sec. 2, N½SW¼SE¼, N½SW¼SW¼SE¼, S½SW¼NW¼SE¼, SE¼NW¼SE¼, SW¼NE¼SE¼, and N½NW¼SE¼SE¼.

Elkhorn Recreation Area

T. 26 N., R. 3 W. (Unsurveyed),
Sec. 20, SE¼NW¼.

Dungeness Recreation Area

T. 29 N., R. 3 W.,
Sec. 30, S½NW¼SE¼ and N½SW¼SE¼.

Bear Gulch Recreation Area

T. 23 N., R. 5 W.,
Sec. 10, NW¼NE¼NW¼.

WENATCHEE NATIONAL FOREST

Chiwaukum Lake Recreation Area

T. 26 N., R. 16 E.,
Sec. 30, lots 1, 2, 5, and 6.

Tumwater Recreation Area

T. 25 N., R. 17 E.,
Sec. 9, lots 2, 3, 6, 7, and 8, N½NW¼, and SW¼NW¼.

Silver Falls Recreation Area

T. 28 N., R. 18 E. (Unsurveyed),
Sec. 2, N½.

The areas described aggregate approximately 4,655 acres.

[Washington 01484]

WILLAMETTE MERIDIAN

SNOQUALMIE NATIONAL FOREST

Mather Memorial Parkway, Roadside Zone (U.S. Highway No. 410)

A strip of land 330 feet on each side of the centerline of the Mather Memorial Parkway (U.S. Highway No. 410) through the following legal subdivisions:

T. 16 N., R. 10 E. (Unsurveyed),
Sec. 12, S½SW¼ and SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, E½ (that portion within forest).
T. 16 N., R. 10 E. (Unsurveyed),
Sec. 3, W½W½;
Sec. 4, E½ (that portion within forest).
T. 18 N., R. 10 E. (Unsurveyed),
Sec. 5, W½SW¼;
Sec. 6, E½E½;
Sec. 8, W½W½ and E½SW¼;
Sec. 17, E½W½ and SW¼SE¼;
Sec. 20, NE¼ and NE¼SE¼;
Sec. 21, S½;
Sec. 27, W½;
Sec. 28, NE¼NE¼;
Sec. 34, W½.

T. 19 N., R. 10 E. (Unsurveyed),
Sec. 30, SW¼;
Sec. 31, E½W½ and W½SE¼.
T. 16 N., R. 11 E. (Unsurveyed),
Sec. 3, NW¼NE¼ and NW¼;
Sec. 4, S½NE¼ and S½;
Sec. 7, N½;
Sec. 8, N½N½;
Sec. 9, N½NW¼.
T. 17 N., R. 11 E. (Unsurveyed),
Sec. 25, NE¼, SE¼NW¼, and SW¼;
Sec. 33, SE¼SE¼;
Sec. 34, S½;
Sec. 35, E½NE¼, SW¼, and NW¼SE¼;
Sec. 36, NW¼NW¼.
T. 17 N., R. 12 E. (Unsurveyed),
Sec. 13, S½SW¼ and SE¼;
Sec. 22, S½SW¼ and SE¼;
Sec. 23, N½ and N½SW¼;
Sec. 24, NW¼NW¼;
Sec. 27, NW¼NW¼.
T. 17 N., R. 13 E.,
Sec. 10, S½SW¼ and SE¼;
Sec. 11, S½NE¼, N½SW¼, and NW¼SE¼;
Sec. 12, S½N½;
Sec. 15, N½NW¼;
Sec. 16, N½N½;
Sec. 17, N½N½;
Sec. 18, lots 2 and 3, NE¼NE¼, S½NE¼, and SE¼NW¼.
T. 16 N., R. 14 E.,
Sec. 1, lots 3, 4, 5, 6, SW¼NE¼, SE¼NW¼, and E½SE¼.
T. 17 N., R. 14 E.,
Sec. 4, S½;
Sec. 5, SE¼SW¼ and S½SE¼;
Sec. 7, N½N½, and SW¼NW¼;
Sec. 8, N½NW¼;
Sec. 9, E½E½;
Sec. 15, W½, W½SE¼, and SE¼SE¼;
Sec. 16, NE¼NE¼;
Sec. 22, lot 1, E½NE¼;
Sec. 23, lots 1, 2, and 3;
Sec. 25, lot 1;
Sec. 26, lots 1, 2, and 3, SW¼NE¼, SE¼NW¼, and N½SE¼;
Sec. 35, lots 1 and 5;
Sec. 36, lots 1, 2, 3, 6, and 7, SE¼NW¼.

The areas described aggregate approximately 3,280 acres.

WILLAMETTE MERIDIAN

GIFFORD PINCHOT AND SNOQUALMIE NATIONAL FORESTS

Randle-Yakima Highway (State Route No. 5) Roadside Zone

A strip of land 330 feet on each side of the centerline of the Randle-Yakima Highway through the following legal subdivisions:

T. 13 N., R. 10 E. (Unsurveyed),
Sec. 6, NW¼.
T. 14 N., R. 10 E.,
Sec. 8, SE¼;
Sec. 17, E½ and E½SW¼;
Sec. 20, E½;
Sec. 21, N½ and N½SE¼;
Sec. 22, W½SW¼ and SE¼SW¼;
Sec. 25, S½;
Sec. 26, S½NW¼, NE¼SW¼, and SE¼;
Sec. 27, NE¼ and NE¼NW¼;
Sec. 29, NE¼, SW¼, and NW¼SE¼;
Sec. 30, SE¼SE¼;
Sec. 31, E½ and E½SW¼.
T. 13 N., R. 11 E. (Unsurveyed),
Sec. 1, N½ and NW¼SW¼;
Sec. 2, SE¼SW¼ and SE¼;
Sec. 5, W½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 6, NE¼NE¼;
Sec. 8, E½E½ and NW¼NE¼;
Sec. 9, S½;
Sec. 10, NE¼, S½NW¼, and N½SW¼;
Sec. 11, N½NW¼.
T. 14 N., R. 11 E. (Unsurveyed),
Sec. 30, SW½SW½;
Sec. 31, NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 36, SE¼SE¼.
T. 13 N., R. 12 E. (Unsurveyed),
Sec. 1, N½;
Sec. 2, N½NE¼.
T. 14 N., R. 12 E. (Unsurveyed),
Sec. 32, S½;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, SW¼ and S½SE¼;
Sec. 36, SW¼SW¼.
T. 13 N., R. 13 E.,
Sec. 6, S½NW¼.

The areas described aggregate approximately 2,000 acres.

2. The Departmental orders of August 1, 1907, and November 23, 1906, so far as they reserved lands in the NE¼NE¼ of sec. 17, T. 12 N., R. 8 E., in sec. 23, T. 30 N., R. 9 E., for use of the Forest Service as ranger stations, are hereby revoked.

3. This order shall take precedence over but not otherwise affect the existing withdrawal of the lands for national forest purposes.

STEWART L. UDALL,
Secretary of the Interior.

JULY 13, 1961.

[F.R. Doc. 61-6740; Filed, July 18, 1961; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13912; FCC 61-840]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Clarification of Emission Limitation in Band 10,500–10,550 Mc

Correction

In F.R. Doc. 61-6538, appearing at page 6243 of the issue for Wednesday, July 12, 1961, the following corrections are made in paragraph 2 of the Order:

1. "General Railroad Signal Company" should read "General Railway Signal Company".

2. "Appropriate tracts in making up freight trains" should read "appropriate tracks in making up freight trains".

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 34]

ADMINISTRATION OF PROGRAM OF VOCATIONAL TRAINING FOR ADULT INDIANS

Selection of Applicants

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 3, 1956 (70 Stat. 986; 25 U.S.C. 309); it is proposed to amend 25 CFR Part 34 as set forth below. The purpose of this amendment is to define further eligibility for Adult Vocational Training Services.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Section 34.3 is amended to read as follows:

§ 34.3 Selection of applicants.

The Vocational Training Program is available primarily to adult Indians of one-fourth or more degree of Indian blood who are not less than 18 and not more than 35 years of age and who reside within the exterior boundaries of Indian reservations under the jurisdiction of the Bureau of Indian Affairs or on trust or restricted lands under the jurisdiction of the Bureau of Indian Affairs. The Program is also available to additional Indians who reside near reservations in the discretion of the Secretary of the Interior when the failure to provide the services would have a direct effect upon Bureau programs within the reservation boundaries. An application for training services may be approved, within the limitation of available funds, when it is determined that the applicant is in need of such training in order to obtain reasonable and satisfactory employment, and that it is feasible for him to pursue such training. Reasonable and satisfactory employment is employment that provides:

(a) Sufficient income for the individual or family unit to live at an economic level considered as adequate in the community; and

(b) Opportunity for advancement on the basis of skill and experience acquired in the course of employment.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 13, 1961.

[F.R. Doc. 61-6736; Filed, July 18, 1961; 8:45 a.m.]

Bureau of Land Management

[43 CFR Part 63]

REINDEER GRAZING; ALASKA

Issuance of Permits

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 14 of the Act of September 1, 1937 (50 Stat. 902, 48 U.S.C. 250k), it is proposed to provide regulations for the issuance of reindeer grazing permits in the State of Alaska as set forth below. The purpose of this notice is to provide for the designation of reindeer range areas and regulation and control of grazing thereon in order to develop and stabilize the reindeer industry in the State of Alaska.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

The following new sections are added to Part 63:

Sec.
63.31 Statutory authority.
63.32 Definitions.
63.33 Application for grazing permit; Bureau of Indian Affairs certification of reindeer assignment; source of reindeer other than Government; listing of improvements.
63.34 Lands subject to grazing permit.
63.35 Filing fee; grazing fee.
63.36 Qualifications of applicants.
63.37 Rights reserved; public land laws applicable.
63.38 No right acquired by applicant prior to issuance of grazing permit.
63.39 Term of grazing permit; renewals.
63.40 Grazing permits to designate range to be used.
63.41 Maximum number of reindeer.
63.42 Adjustment of grazing permit area.
63.43 Report of grazing operations; assignments.
63.44 Crossing permits.
63.45 Permits for construction and maintenance of improvements; fences.
63.46 Termination of grazing permit; cancellation.
63.47 Removal of improvements and other property.
63.48 Protests.
63.49 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.
63.50 Appeals.
63.51 Trespass.

§ 63.31 Statutory authority.

Section 14 of the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250k), authorizes the Secretary of the Interior to promulgate such rules and regulations as, in his judgment, are necessary to carry into effect the provisions of 48 U.S.C. 250–250n.

§ 63.32 Definitions.

(a) "Reindeer" includes reindeer and such caribou as have been introduced into animal husbandry or have actually joined reindeer herds and the increase thereof.

(b) "Natives" include the native Indians, Eskimos, and Aleuts of whole or part blood inhabiting Alaska at the time of the Treaty of Cession of Alaska to the United States and their descendants of whole or part blood, together with the Indians and Eskimos who, since the year 1867 and prior to September 1, 1937, have migrated into Alaska from the Dominion of Canada, and their descendants of whole or part blood.

(c) "Bureau" means Bureau of Land Management.

(d) "Director" means Director, Bureau of Land Management.

(e) "Authorized Officer" means the Bureau official who has been authorized to issue a reindeer grazing permit.

(f) "The Act" means the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250, 250a–250p).

§ 63.33 Application for grazing permit; Bureau of Indian Affairs certification of reindeer assignment; source of reindeer other than Government; listing of improvements.

(a) An application for a grazing permit must be executed in duplicate on a form approved by the Director and filed in the Bureau office which has jurisdiction over lands applied for.

(b) A certification of reindeer allotment to the applicant, signed by the authorized Bureau of Indian Affairs officer, must accompany the application if the applicant is to receive a herd from the Government.

(c) If reindeer are to be obtained from a source other than the Government, the applicant should state the source and show evidence of his purchase or option to purchase.

(d) With the initial application for any grazing permit issued under these regulations, the applicant must list by location and description the improvements found in the area under application which are owned by the applicant. Such statement of ownership will be verified by a Bureau of Indian Affairs official prior to submitting it to the Bureau of Land Management. Such existing improvements will be permitted by the terms of the initial grazing permit. Improvements to be constructed subsequent to the issuance of the initial grazing permit must be under permit in accordance with § 63.45.

§ 63.34 Lands subject to grazing permit.

Vacant and unreserved and unappropriated public lands are subject to inclusion in a reindeer grazing permit. Where these lands are within the natural migration routes of caribou, or when they have other important wildlife values, the lands may be included in a permit, at the discretion of the authorized officer after consultation with the Bureau of Sport Fisheries and Wildlife, subject to such special terms and conditions as may be jointly agreed upon. Public lands which have been withdrawn for any purpose may also be included in a grazing permit with the prior consent of the Department or agency having administrative jurisdiction thereof, and subject to such additional terms and conditions as such Department or agency may impose.

§ 63.35 Filing fee; grazing fee.

A filing fee of $10 must accompany each application for a reindeer grazing permit or application for renewal thereof. No grazing fee will be charged.

§ 63.36 Qualifications of applicants.

An applicant is qualified if he is a native or group, association or corporation of natives as defined by the Act of September 1, 1937, organized under the laws of the United States or the State of Alaska.

§ 63.37 Rights reserved; public land laws applicable.

(a) Grazing permits under §§ 63.31–63.51 shall be subordinated to higher uses and subject to modification or reduction by the authorized officer to the extent necessary to allow:

(1) The protection, development and utilization, under applicable laws and regulations, of the mineral, timber, water and other resources on or in the lands included in the grazing permit, including their use for agriculture.

(2) The allowance of applications for and the acquisition of homesites, easements, permits, leases, or other rights and uses pursuant to applicable public land laws.

(3) The temporary closing of portions of the permitted area to grazing whenever, because of improper handling of the reindeer, overgrazing, fire, or other cause, such action is deemed necessary to restore the range to its normal condition.

(b) No permittee may so enclose roads, trails, or highways as to disturb public travel thereon, nor interfere with existing communication lines or other improvements on the permitted area; he shall not prevent legal hunting, fishing or trapping on the land, or ingress of miners, mineral prospectors and other persons entitled to enter the area for lawful purposes.

(c) Persons using public lands for grazing of reindeer or for driving of reindeer across such lands must comply with applicable State and Federal laws relative to livestock quarantine and sanitation.

§ 63.38 No right acquired by applicant prior to issuance of grazing permit.

The filing of an application will not segregate the land applied for from application by other persons for a grazing permit, or from other disposition under the public land laws. As the issuance of a grazing permit is discretionary, the filing of an application will not create a right for such a permit, or to the use of the lands applied for pending the issuance of a grazing permit.

§ 63.39 Term of grazing permit; renewals.

(a) Reindeer grazing permits shall be issued for a maximum term of 10 years, except where the applicant desires a shorter term, or where the authorized officer determines that a shorter period will be in the public interest.

(b) Application for renewal of a grazing permit shall be made not less than four months or more than eight months before the expiration date of the permit. The authorized officer may at his discretion offer the permittee a renewed grazing permit containing such terms, conditions, and of such duration as he determines to be in the public interest.

§ 63.40 Grazing permit to designate range to be used.

Permits will restrict grazing use to a definitely described area. Grazing permits will be granted only for such areas as may be deemed adequate and usable according to the needs of the permittee.

§ 63.41 Maximum number of reindeer.

The grazing permit will indicate the maximum number of reindeer which may be grazed on the permitted area, based on range conditions, and will be subject to adjustment as the condition of the range indicates.

§ 63.42 Adjustment of grazing permit area.

The permitted area may be reduced at any time, after not less than 30 days notice to the permittee, when in the opinion of the authorized officer the area is excessive for the number of reindeer grazed thereon. The permit may be increased by the authorized officer on his own motion or upon request of the permittee, when in the opinion of the authorized officer the area is insufficient for the number of reindeer grazed thereon. The permittee shall have opportunity within such notice period to to show cause why the area included in the grazing permit should not be adjusted.

§ 63.43 Report of grazing operations; assignments allowed.

(a) Before April 1 of the second permit year and each year thereafter, the permittee shall file with the authorized officer a report in duplicate of his grazing operations during the preceding year on an approved form.

(b) No part of the land included in the permit may be subleased. Proposed assignments of a permit, in whole or in part, must be filed in duplicate with the authorized officer within 90 days from the date of its execution. Such assignments must contain all of the terms and conditions agreed upon by the parties thereto, accompanied by the same showing by the assignee as to qualifications and a reindeer allotment as is required of applicants for a permit, and by the assignee's statement agreeing to be bound by the provisions of the permit. No assignment shall be effective until approved by the authorized officer.

§ 63.44 Crossing permits.

A permit for the crossing of reindeer over public lands, including lands under grazing permit, may be issued free of charge, upon application filed with the authorized officer at least 30 days prior to the date the crossing is to begin. The application must show the number of reindeer to be driven, date of starting, approximate period of time required, and the land to be traversed.

§ 63.45 Permits for construction and maintenance of improvements; fences.

Application for a permit to construct and maintain range improvements should be filed, in duplicate, with the authorized officer on an approved form. The grazing permittee, upon obtaining a permit from the authorized officer, may construct, maintain and utilize any fence, building, corral, reservoir, well, or other improvement needed for the exercise of the grazing privileges under the grazing permit. The permittee will be required to comply with the laws of the State of Alaska with respect to the construction and maintenance of fences, but any such fence shall be constructed to permit the ingress and egress of miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

§ 63.46 Termination of grazing permit; cancellation.

(a) A grazing permit may be surrendered by the permittee upon prior written notice filed with the authorized officer, effective upon the date indicated in such notice, but not less than 30 days from the date of filing.

(b) A grazing permit may be cancelled by the authorized officer if the permit was issued improperly through error with respect to a material fact or facts, or if the permittee shall fail to comply with any of the provisions of the permit or of §§ 63.31–63.51. No permit shall be cancelled for default in complying with the provisions of the permit or of §§ 63.31–63.51 until the permittee has been notified in writing of the nature of the default and has been afforded an opportunity of not less than 30 days to show why the permit should not be cancelled.

§ 63.47 Removal of improvements and other property.

The permittee, within 90 days from the date of expiration or termination of the grazing permit, or within any extension of such period, shall be allowed to remove all personal property belonging to him, together with any fence, building, corral, or other removable range improvements owned by him. All such property which is not removed within the time allowed shall thereupon become the property of the United States.

§ 63.48 Protests.

Protests against an application for a grazing permit shall be filed in duplicate, with the authorized officer; contain a complete disclosure of all facts upon which the protest is based; and describe the lands involved in such protest. It shall be accompanied by evidence of service of a copy of the protest upon the applicant. If the protestant desires to obtain a grazing permit for all or part of the land embraced in the

application against which the protest is filed, the protest shall be accompanied by an application for a grazing permit.

§ 63.49 Location, settlement, entry, and other disposition of lands included in grazing permit; notice to permittee of disposition and reduction of permitted area.

(a) Lands included in grazing permits under the act are subject to settlement, location, and acquisition under the non-mineral public land laws applicable to the State of Alaska.

(b) Upon settlement, location or entry of any lands included within a reindeer grazing permit, the permittee shall be notified of the settlement, location or entry, and the permitted area shall be reduced by the area involved in the settlement, location or entry.

(c) Unless otherwise withdrawn therefrom, lands included in grazing permits under the act are subject to disposition under the mineral leasing laws and to mineral prospecting, location, and purchase under the mining laws, in accordance with the applicable regulations of Parts 69 and 185 of this chapter.

§ 63.50 Appeals.

An appeal may be taken from any decision of the authorized officer to the Director, and from any decision of the Director to the Secretary, pursuant to the rules of practice (Part 221 of this chapter).

§ 63.51 Trespass.

(a) Any use of the Federal lands for reindeer grazing purposes, unless authorized by a valid permit issued in accordance with the regulations in §§ 63.31–63.51, is unlawful and is prohibited.

(b) Any person who wilfully violates any of the rules and regulations in §§ 63.31–63.51 of this part shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by imprisonment for not more than one year, or by a fine of not more than $500.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 13, 1961.

[F.R. Doc. 61-6741; Filed, July 18, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

MUSHROOMS [1]

United States Consumer Standards

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Mushrooms pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Statement of considerations leading to the proposed standards. Growing interest on the part of mushroom industry members, in continuous inspection based on U.S. Consumer Standards makes this proposal necessary. No consumer standards for the commodity have ever been developed.

The proposed new standards were developed after conducting field investigations and discussing problems involved with members of the industry and Federal-State inspection personnel.

Members of the mushroom industry are urged to study the proposed standards carefully and to comment thereon within the period set forth in this notice.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than August 20, 1961.

GRADES

Sec.
51.3385 U.S. Grade A.
51.3386 U.S. Grade B.

OFF-GRADE

51.3387 Off-grade.

SIZE CLASSIFICATIONS

51.3388 Size classifications.

TOLERANCES

51.3389 Tolerances.

DEFINITIONS

51.3390 Similar varietal characteristics.
51.3391 Firm.
51.3392 Well shaped.
51.3393 Clean.
51.3394 Fairly firm.
51.3395 Fairly well shaped.
51.3396 Fairly clean.
51.3397 Damage.
51.3398 Serious damage.
51.3399 Diameter.

AUTHORITY: §§ 51.3385 to 51.3399 issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

GRADES

§ 51.3385 U.S. Grade A.

"U.S. Grade A" consists of fresh mushrooms of similar varietal characteristics which are well shaped, clean and which are free from decay, spot, disease, insects, and free from damage caused by discoloration, feathering, bruised caps, torn stems, or mechanical or other means. Not less than 85 percent of the mushrooms in any lot shall be firm, and remainder fairly firm.

§ 51.3386 U.S. Grade B.

"U.S. Grade B" consists of fresh mushrooms of similar varietal characteristics which are fairly firm, fairly well shaped, fairly clean and which are free from decay, spot, disease, insects, and free from serious damage caused by discoloration, feathering, bruised caps, torn stems, or mechanical or other means.

OFF-GRADE

§ 51.3387 Off-grade.

"Off-grade" consists of fresh mushrooms which fail to meet the requirements of U.S. Grade B.

SIZE CLASSIFICATIONS

§ 51.3388 Size classifications.

The size of mushrooms may be specified in accordance with one of the following classifications.

(a) "Button"—under 1 inch in diameter.

(b) "Small"—1 to 1¼ inches in diameter.

(c) "Medium"—1¼ to 1⅝ inches in diameter.

(d) "Large"—1⅝ to 2 inches in diameter.

(e) "Jumbo"—over 2 inches in diameter.

TOLERANCES

§ 51.3389 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades the following tolerances, by weight are provided as specified.

(a) *Defects*—(1) *U.S. Grade A and U.S. Grade B.* 10 percent of the mushrooms in any lot may be below the requirements of these grades.

(b) *Off-size*—(1) *U.S. Grade A and U.S. Grade B.* 5 percent of the mushrooms in any lot may be below any specified minimum size, and 10 percent may be above any specified maximum size.

DEFINITIONS

§ 51.3390 Similar varietal characteristics.

"Similar varietal characteristics" means that the mushrooms are of the same type and color. Those of a white color and those of a cream color shall not be mixed in the same container.

§ 51.3391 Firm.

"Firm" means that the cap yields only slightly to moderate pressure when applied to the shoulder of the cap.

§ 51.3392 Well shaped.

"Well shaped" means that the mushroom is uniformly round and not more than slightly scalloped or indented.

§ 51.3393 Clean.

"Clean" means that the mushrooms are practically free from dirt which is imbedded into the flesh of the cap or stem, loose dirt or other foreign material.

§ 51.3394 Fairly firm.

"Fairly firm" means that the cap yields readily to moderate pressure, when applied to the shoulder of the cap and the veil may be slightly broken.

§ 51.3395 Fairly well shaped.

"Fairly well shaped" means that the mushroom is not decidedly scalloped or indented.

§ 51.3396 Fairly clean.

"Fairly clean" means that the mushrooms shall have not more than a moderate amount of loose or imbedded dirt, or other foreign material.

§ 51.3397 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defects, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the mushroom. The following specific defects shall be considered as damage:

(a) Discoloration when darker than light brown in color and the aggregate area affected exceeds 5 percent of the surface of the cap and stem.

(b) Feathering when affecting more than 5 percent of the surface of the cap and is definitely raised.

(c) Bruised caps when the cap of the mushroom is torn or punctured or an indented area materially affects the appearance.

(d) Torn stems when ragged in appearance.

§ 51.3398 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the mushroom. The following specific defects shall be considered as serious damage:

(a) Discoloration when darker than light brown in color and the aggregate area affected exceeds 10 percent of the surface of the cap and stem.

(b) Feathering when affecting more than 10 percent of the surface of the cap and is definitely raised.

§ 51.3399 Diameter.

"Diameter" means the greatest dimension of the cap measured at right angles to the stem.

Dated: July 14, 1961.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 61-6780; Filed, July 18, 1961; 8:49 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Agricultural Stabilization and Conservation Service

[7 CFR Part 998]

[Docket No. AO 259-A6]

MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Echo Motel, Edinburg, Texas, beginning at 10:00 a.m., c.s.t., on July 27, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Corpus Christi, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Golden Jersey Creamery, Edinburg, Texas.

Proposal No. 1. Delete § 998.50(a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Order No. 43, as amended, regulating the handling of milk in the North Texas Marketing Area, plus 63 cents.

Proposal No. 2. Delete § 998.51 and substitute therefor the following:

§ 998.51 Location differential to handlers.

For that portion of milk which is received from producers at a fluid milk plant located outside the marketing area, north of Texas State Highway No. 44, more than 50 miles from the Courthouse at Corpus Christi, Texas, by the shortest hard-surfaced distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 998.50(a), shall be reduced in accordance with the rate specified in the table contained herein: *Provided*, That for the purpose of calculating such adjustment, transfers to a fluid milk plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume only in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such transferee plant. Such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

Distance from Courthouse Corpus Christi, Tex.:	*Rate per hundredweight (Cents)*
More than 50 but less than 100 miles	7.5
100 miles and over	[1] 1.5

[1] For each additional 10 miles or portion thereof.

Proposal No. 3. Delete § 998.82 and substitute therefor the following:

§ 998.82 Location differential to producers.

In making payments to producers pursuant to § 998.80 for milk received from them at a fluid milk plant located outside the marketing area and north of Texas State Highway No. 44, and more than 50 miles from the Courthouse in Corpus Christi, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, the handler may reduce such payments per hundredweight in accordance with the schedule contained in the following table:

Distance from Courthouse Corpus Christi, Tex.:	*Rate per hundredweight (Cents)*
More than 50 but less than 100 miles	7.5
100 miles and over	[1] 1.5

[1] For each additional 10 miles or portion thereof.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 4. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 112 Tarlton Street, Corpus Christi, Tex., 1204 North Main Avenue, San Antonio 2, Tex., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., July 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6762; Filed, July 18, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 287]

[Economic Regs. Docket No. 12783]

CERTAIN INTERLOCKING RELATIONSHIPS

Exemption and Approval

JULY 13, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 287 of the Economic Regulations which would exempt direct and indirect air carriers from the provisions of section 409(a) of the Act in respect of certain classes of interlocking relationships having little or no regulatory significance and would also approve in advance pursuant to that section the participation of individuals in such specified classes of interlocking relationships.

This exemption and the limitations pertaining thereto are proposed under the authority of sections 204(a), 101(3), 409, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 737, 768, and 771; 49 U.S.C. 1324, 1301, 1379, and 1387). The principal features of the proposed regulation are explained below in the explanatory statement, and the proposed new Part 287 is set forth below.

Interested persons may participate in the proposed rule making through sub-

mission of ten (10) copies of written data, views or arguments pertaining thereto to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before August 17, 1961, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington 25, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

Explanatory statement. Section 409(a) of the Federal Aviation Act of 1958, as amended, prohibits interlocking relationships between the officers and directors of an air carrier, on the one hand, and the officers, directors, members and controlling stockholders, or the representatives of such persons, of any other common carrier or person engaged in any phase of aeronautics, on the other hand, unless such relationships have been approved by prior order of the Board. This section conditions such approval upon a due showing in the form and manner prescribed by the Board that the interlocking relationships concerned will not adversely affect the public interest. Part 251 of the Economic Regulations implements this statutory provision by prescribing the form and content of applications for approval of such relationships, procedures for processing them and related provisions.

Experience has shown that many of the interlocking relationships for which applications for approval are filed with the Board do not pose a threat of potential harm to the public interest because they do not raise significant questions of potential restraint on competition or conflicts of interest. It is evident that requiring the air carriers and individuals proposing to enter into interlocking relationships of this nature to file applications under Part 251 and to obtain the prior approval of the Board thereon constitutes an undue burden upon them, serves no useful regulatory purpose and imposes upon the Board the unnecessary workload involved in scrutinizing a multiplicity of such interlocking relationships. The burden of this workload is greatest in the areas of interlocking relationships arising under the representation theory of The Lehman Brothers Interlocking Relationships Case,[1] which holds that under certain conditions one partner of an investment firm represents other partners in the firm, since such representation often creates a host of interlocking relationships.

Accordingly, the Board proposes herein to relieve air carriers (except those classified as air taxi operators)[2] and individuals from the requirements of Part 251 of the Economic Regulations with respect to those classes of interlocking relationships specified below. The air carrier parties to the specified interlocking relationships will be exempted from the prohibitions and requirements of section 409(a) and Part 251 pursuant to sections 101(3) and 416(a). Inasmuch as the Board's exemption authority does not extend to individuals, the proposed rule will grant advance Board approval of the specified interlocking relationships insofar as the individual participants are concerned by an exercise of the Board's powers under section 409(a).

While the Board has initially confined the scope of this proposal to the specified classes of interlocking relationships which the Board finds clearly present only a remote potential adverse impact upon the public interest in terms of free competition and arms-length dealings between air carriers and other civil aeronautics enterprises, it will, of course, consider any additional proposals which may be forthcoming for the extension of such relief to other classes of interlocking relationships.

The proposed regulation is, of course, applicable to both direct and indirect air carriers. However, in recognition of the fact that different public interest factors affect them, the classes of interlocking relationships which have been exempted and approved are separately stated for each such classification of air carriers.

The exemption accorded to indirect air carriers extends to any interlocking relationship between any indirect air carrier and, respectively, any air taxi operator; any indirect surface common carrier; any direct surface common carrier whose operations do not exceed certain geographical limitations; and any person engaged in a phase of aeronautics otherwise than as an air carrier, but not foreign air carriers, persons engaged in either private or common carriage by air who are not subject to Board regulation as statutory "air carriers," and persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

The exemption accorded to direct air carriers (other than air taxi operators) extends to any interlocking relationship between such air carriers and, respectively, surface common carriers engaged only in pipeline, communications, local transit and local or regional freight operations which are not competitive with air transportation or are of limited scope. In addition, any interlocking relationship between a direct air carrier and a person engaged in any other phase of aeronautics is exempted unless such persons are (1) travel or ticket agents; (2) manufacturers of civil aircraft, engines and propellers therefor; (3) manufacturers of appliances (as defined in section 101(11) of the Act) whose civil aviation sales to the air carrier with whom it is interlocked exceed a specified limit; (4) carriers by air not subject to Title IV of the Act; or (5) persons whose principal business is the holding of aviation securities. However, the exemption of interlocking relationships between direct air carriers and persons engaged in other phases of aeronautics has been limited to cases where the transactions between the interlocked business entities do not exceed $100,000 annually, exclusive of transactions involving the furnishing of transportation service by an air carrier pursuant to tariffs filed with the Board.

As a final matter, provision has been made for the termination of the exemptions and advance approvals granted by this part with respect to any particular relationship at any time when the Board finds that the continuance of such exemption is inconsistent with the public interest.

The exemptions created by this part are applicable only when and while the qualifying conditions prescribed in the proposed rule actually exist. For example, when the prescribed limit of $100,000 is exceeded, the interlocking relationship involved is no longer exempted and an application for Board approval thereof must be filed. In accordance with normal practice, the Board would make any rule which may finally be adopted in this proceeding applicable only with respect to interlocking relationships coming into existence after its effective date.

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

§ 287.1 Definitions.

For the purposes of this part:

(a) "Indirect air carrier" means any air carrier not engaged directly in the operation of aircraft in air transportation which comes with the classification of "Air Freight Forwarders" and "Cooperative Shippers Associations," established by Part 296, or within the classification of "International Air Freight Forwarders" established by Part 297.

(b) "Direct air carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Act or under the authority conferred by any applicable regulation (other than Part 298) or order of the Board or interim operating authority under Public Law 86-661, dated July 14, 1960.

(c) "Interlocking relationship" means any of the relationships set forth in section 409(a) of the Act which are set forth in Appendix I of this part.

(d) "Aircraft manufacturer" means any person engaged in the design and final fabrication of an integrated, major assembly or subassembly who:

(1) Makes civil aircraft, or engines and propellers for use therewith, or

(2) Makes any appliances (as that term is defined in section 101(11) of the Federal Aviation Act of 1958, as amended) for use aboard civil aircraft and whose sales of such appliances to any air carrier with whom it has an interlocking relationship exceed $100,000 at any time during a calendar year.

§ 287.2 Exemption of indirect air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, indirect air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of the Economic Regulations with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Air taxi operators as defined in Part 298;

(b) Any indirect surface common carrier;

(c) Any direct surface common carrier whose certificated interstate routes can be encompassed within the geographic area of any circle having a radius of 50 miles which can be drawn; and

(d) Any person engaged in a phase of aeronautics otherwise than as an air carrier, but not foreign air carriers, persons engaged in either private or common carriage by air who are not subject to Board regulation as statutory "air carriers," and persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics. *Provided, however,* That this exemption shall not extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier.

§ 287.3 Exemption of direct air carriers with respect to certain interlocking relationships.

Subject to the other provisions of this part, direct air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of the Economic Regulations with respect to any interlocking relationship between any such air carrier and, respectively:

(a) Any surface common carrier which is engaged only in pipeline or communication operations;

(b) Any surface common carrier which is engaged only in local transit operations by providing street, railway or bus transportation (except for airport limousines) for passengers and has certificated or franchised routes which can be encompassed within the geographic area of any circle having a radius of 50 miles which can be drawn;

(c) Any surface common carrier which is directly engaged only in the local or regional transportation of cargo by motor vehicle, rail or water and does not serve any point also served by the air carrier with which it has an interlocking relationship or only serves such a common point on a route which can be encompassed within the geographic area of any circle having a radius of 50 miles which can be drawn;

(d) Any person engaged in any phase of aeronautics otherwise than as an air carrier, except foreign air carriers, travel or ticket agents; aircraft manufacturers; persons engaged in private or common carriage by air who are not subject to Board regulation as statutory "air carriers"; persons whose principal business is the holding of stock in, or control of, any other person engaged in any phase of aeronautics: *Provided, however,* That no interlocking relationship shall be exempted under this paragraph if the transactions between the air carrier and the person engaged in any phase of aeronautics involved exceed $100,000 at any time during a calendar year, excluding transactions involving the furnishing of transportation service by an air carrier pursuant to tariff rates duly filed with the Board and published: *Provided, further,* That the exemption conferred by this paragraph shall not extend to a relationship with respect to any common carrier or person engaged in a phase of aeronautics which is, directly or indirectly, affiliated with any air carrier. For the purpose of determining whether the qualifying conditions specified in paragraphs (a), (b), and (c) of this section are met, both the operations of the surface carrier's own system and those of its subsidiaries or parent companies shall be considered. Furthermore, any direct air carrier, which has been exempted under the provisions of this paragraph, shall use reasonable diligence in determining when the $100,000 limit specified in § 287.1(d) or paragraph (d) of this section has been exceeded.

§ 287.4 Approval of certain interlocking relationships.

To the extent that any officer, director or member of an air carrier, or stockholder holding a controlling interest in an air carrier (or the representative or nominee of any such person) would, without prior approval of the Board, be in violation of any provision of section 409(a) of the Act, by reason of any interlocking relationship directly involving such air carrier which has been exempted under this part, such relationship is hereby approved for the duration of such exemption.

§ 287.5 Termination of exemptions and approvals.

Any exemption and approval granted by this part may be terminated by the Board at any time, after notice and opportunity to submit written views and data, when the Board finds that the continuance of such exemption and approval will adversely affect the public interest.

§ 287.6 Effect of exemption on antitrust laws.

The exemption and approval granted herein shall not constitute an order made under section 409(a) of the Act within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Federal Aviation Act of 1958, as amended) with respect to any interlocking relationship otherwise within the purview of such section.

APPENDIX I

SEC. 409. [72 Stat. 768, 49 U.S.C. 1379].

(a) It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(2) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

[1] 15 CAB 656 (1952); aff'd. 209 F. 2d 289, (CADC, 1953) cert. den. 347 U.S. 916 (1954).

[2] Such air carriers are already exempted from the provisions of section 409(a) by a broader exemption conferred in § 298.11.

[F.R. Doc. 61-6784; Filed, July 18, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-FW-53]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency, is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below:

The Federal Aviation Agency has under consideration the designation of a transition area at Hampton, S.C. This transition area would be designated with a floor of 1,200 feet above the surface and would include the airspace to the south of Hampton bounded on the north by VOR Federal airway No. 18 south alternate, on the east by VOR Federal airway No. 3, on the south by the Savannah, Ga., control area extension (601.1008), and on the west by VOR Federal airway No. 37. This airspace would provide protection for aircraft departing the Savannah terminal area via the Savannah VOR 007° True radial to its intersection with Victor 18 and also permit effective utilization of the Jacksonville, Fla., Air Route Traffic Control Center long-range radar by providing area for radar vectors to expedite air traffic north of Savannah, and north-

west of Beaufort, S.C. A 1,200 foot floor would facilitate the transition of aircraft between airways having low minimum IFR en route altitudes adjacent to the proposed transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 13, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-6736; Filed, July 18, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14185]

RADIO BROADCAST SERVICES

Inquiry; Proposed Rule Making, and Memorandum Opinion and Order; Correction

In the matter of revision of FM broadcast rules, particularly as to allocations and technical standards, Docket No. 14185; petitions of Joseph D. Worth, RM-33; FM Unlimited, Inc., RM-94; Charles River Broadcasting Co., RM-159; for changes in FM station assignment rules.

The Commission's Notice of Inquiry, Notice of Proposed Rule Making, and Memorandum Opinion and Order (FCC 61-833, published July 8, 1961, 26 F.R. 6130) in the above entitled matter is corrected as follows:

(1) The second paragraph 59 is redesignated as paragraph 59a.

(2) Add "Paragraph 61 (no text)."

(3) Add "Paragraphs 71 and 72 (no text)."

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6772; Filed, July 18, 1961; 8:49 a.m.]

[Docket No. 14191 (RM-260); FCC 61-874]

[47 CFR Parts 31, 33]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A, CLASS B, AND CLASS C TELEPHONE COMPANIES

Transfer of House Service Expenses at Public Telephones

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations to transfer house service expenses at public telephones from account 632, "Public telephone expenses," to account 605, "Repairs of station equipment." Possible like amendment of Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations; Docket No. 14191 (RM-260).

1. The American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated Bell telephone operating companies, by letter dated May 9, 1961, has requested that the Commission amend Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its rules and regulations by removing "House service" from the item list under account 632, "Public telephone expenses," and adding an item "House service for public telephones" under account 605, "Repairs of station equipment."

2. AT&T states that house service on public telephones is usually performed either by the plant maintenance people on an incidental basis in the course of repair visits or by outside contractors hired by the Plant Department. In either event, it adds, the responsibility for the work and the control of the expense and the quality of the work falls on the Plant Department. AT&T believes that the transfer of these expenses, estimated to be approximately $2,000,000 annually in the Bell System, from traffic expenses to maintenance expenses will be more in line with the nature of the work and will serve the purposes of administrative control. It is the Commission's understanding that the house service under consideration is made up of the costs of cleaning public telephone booths, of lighting them, and the electric current used for ventilating fans in them. It was not proposed by AT&T that the term "(Note also account 707.)," included as a part of the item under account 632, be included in the new house service item under account 605. Presumably, this is because account 707 is not likely to be used in allocating house service charges to account 605.

3. It is of interest to note that when item lists were added to the system of accounts for large telephone companies in the First Revised Issue, which became effective for Class A telephone companies January 1, 1933, an apparent conflict was created with respect to the accounting prescribed for the cleaning of booths portion of house service in connection with the operation of public telephones. This conflict was between the items "Cleaning equipment," under account 605 and "House service," under account 632. The conflict still exists although the item under account 605 was changed to read "Cleaning station apparatus and large private branch exchange equipment," effective January 1, 1958, as a part of the so-called simplified station accounting amendments. It seems obvious from the AT&T letter of May 9, 1961, that the Bell companies, at least, have always resolved the conflict by charging all house service in connection with public telephones to account 632. The conflict will be eliminated by the amendments proposed herein.

4. House service, under the various uniform systems of accounts prescribed by this Commission, and under uniform systems of accounts prescribed by other public utility regulatory agencies, is not usually considered a maintenance expense. Consequently, the proposal herein represents an exception to a general rule. It seems advisable, and it is proposed, that if the change in classification of house service expense proposed herein is adopted, to add a sentence to the NOTE under account 632 which will read: "House service with respect to public telephones shall be charged to account 605."

5. Even though it appears that under the provisions of Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations, house service for public telephones is chargeable to operation expenses rather than to maintenance expenses, the Commission does not propose to make any amendment to Part 33 parallel to the one to Part 31 proposed herein unless convincing representations are received in this proceeding that this should be done. Conditions often differ between large and small companies so that accounting classifications may be permitted to differ, especially when relatively insignificant amounts are involved.

6. The Commission proposes to make any Part 31 rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of an order with respect to this docket, as required by section 220(g) of the Communications Act, with the option that those telephone companies which desire to do so may place any amendments which may be adopted in this proceeding into effect at any time following the date of adoption of an order finalizing such amendments.

7. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file comments on or before August 25, 1961, and reply comments on or before September 15, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules of general applicability which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: July 12, 1961.

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6773; Filed, July 18, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 73]

[Docket No. 3666; Order No. 49]

SHIPPERS

Compressed Gases; Definition and Preparation

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held in Washington, D.C., on the 6th day of July 1961.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 49, dated May 12, 1961, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 24, 1961 (26 F.R. 4458), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that consideration has been given to the said views and arguments with respect to the proposed amendments and substantial or material reasons not having been shown which warrant revision of the said regulations at this time:

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be not amended in the manner and to the extent set forth in said Notice No. 49.

It is further ordered, That this order shall become effective July 6, 1961, and shall remain in effect until further order of the Commission;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6760; Filed, July 18, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA AND TEXAS

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon the approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115–1117), the following counties in the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

OKLAHOMA

Caddo. Washita.

TEXAS

Schleicher. Sutton.

Done at Washington, D.C., this 13th day of July 1961.

FRANK J. WELCH,
Assistant Secretary.

[F.R. Doc. 61–6757; Filed, July 18, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W–0139460]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JULY 11, 1961.

The Corps of Engineers, U.S. Army Engineer District, Omaha, Nebraska, has filed for the Department of the Air Force an application, Serial No. Wyoming 0139460, for withdrawal of lands described below from the mineral leasing laws, the general mining laws of the United States, and from grazing. The lands have not been open for any form of appropriation under the public land laws because of being a part of the Black Hills National Forest.

The Department of the Air Force desires the lands for the construction, operation, and maintenance of the Sundance Air Force Station and its appurtenances. Acquisition of land for the Station was authorized by section 510 of the Act of Congress approved August 20, 1958, Public Law 85–685.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 63 W.,
Sec. 17, S½SW¼SW¼;
Sec. 20, Lots 3, 5, N½NW¼NW¼, E½-NW¼;
Sec. 27, W½NW¼SW¼;
Sec. 28, Lots 1, 2, 3, W½SW¼NE¼, E½-NW¼, NE¼SW¼, N½SE¼;
Sec. 29, Lot 1.

Total area 512.05 acres, more or less.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

[F.R. Doc. 61–6739; Filed, July 18, 1961; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (INSTALLATIONS AND LOGISTICS)

Delegation of Authority; Execution of FY 1962 Military Housing Program

The Acting Secretary of Defense approved the following on July 1, 1961:

Pursuant to the authority vested in the Secretary of Defense by section 202(f) of the National Security Act of 1947, as amended, the authorities conferred on the Secretary of Defense in sections 401 and 607(b) of Public Law 57, 87th Congress and in sections 414(b) and 415 of Public Law 149, 86th Congress are hereby delegated to the Assistant Secretary of Defense (Installations and Logistics) with authority to redelegate as appropriate.

Delegation of authority published at 24 F.R. 7168 is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61–6751; Filed, July 18, 1961; 8:47 a.m.]

SECRETARIES OF THE ARMY, NAVY, AND AIR FORCE

Delegation of Authority; Interagency Motor Vehicle Pools

The Secretary of Defense approved the following on June 28, 1961:

In accordance with the provisions of subsection 202(f) of the National Security Act, as amended (63 Stat. 581), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 639), I hereby delegate to the Secretaries of the Army, Navy, and Air Force authority to exercise the powers, functions, and duties conferred upon the Secretary of Defense by Public Law 766, 83d Congress (68 Stat. 1126), as implemented by Executive Order 10579, November 30, 1954, providing for the establishment and operation of interagency motor vehicle pools and systems.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61–6752; Filed, July 18, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–174]

PENNSYLVANIA STATE UNIVERSITY

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to Facility License No. R–72 authorizing The Pennsylvania State University, as requested in its application for amendment dated May 17, 1961, to temporarily transfer thirty-four irradiated fuel elements of the University's nuclear reactor located at Quehanna, Pennsylvania, from their present location in the reactor pool to the storage pool in the hot cell area. This authority is granted for a period of sixty days, at which time or before, the fuel elements shall be returned to their original location in the reactor pool and stored as described in the licensee's original application for license dated September 29, 1960. The purpose of this temporary relocation of the fuel elements is to permit maintenance and repair of the reactor pool.

The Commission has found that the possession of the reactor and the temporary relocation of the fuel elements in accordance with the terms and conditions of the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the temporary relocation of the fuel elements under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved possession of the reactor.

In accordance with the Commission's Rules of Practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details, see (1) the application for license amendment dated May 17, 1961 submitted by The Pennsylvania State University and (2) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[License No. R–72; Amdt. 1]

License No. R–72 issued to The Pennsylvania State University is hereby amended to authorize the transfer of thirty-four irradiated fuel elements of the University's nuclear reactor located at Quehanna, Pennsylvania from their present location in the reactor pool to the storage pool in the hot cell area as requested in the licensee's application for amendment dated May 17, 1961. This authority is granted for a period of sixty days, at which time or before, the fuel elements shall be returned to their original location in the reactor pool and stored as described in the licensee's original application for license dated September 29, 1960.

This amendment is effective as of the date of issuance and shall expire sixty days from that date.

Dated at Germantown, Md., this 12th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[F.R. Doc. 61–6734; Filed, July 18, 1961; 8:45 a.m.]

[Docket No. 50–101]

UNITED NUCLEAR CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has (1) consented to the transfer of Facility License No. R–49 from Nuclear Development Corporation of America to United Nuclear Corporation, and (2) has issued Amendment No. 2, set forth below, to License No. R–49. The license amendment substitutes as licensee United Nuclear Corporation for Nuclear Development Corporation of America, incorporates into License No. R–49 the licensee's existing procedures pertaining to operations with the reactor shutdown which might involve a change in core reactivity, and imposes certain reporting requirements. License No. R–49 authorizes United Nuclear Corporation to possess and operate the "Pawling Research Reactor" at Pawling, New York. On May 4, 1961, Nuclear Development Corporation of America (NDA) advised the Commission that, on or about May 31, 1961, the assets and personnel of NDA would be transferred to United Nuclear Corporation (UNC) and requested transfer of Facility License No. R–49 from NDA to UNC. The transfer was actually completed on May 31, 1961. The Commission has found that operation of the reactor in accordance with the license as amended will not present any undue risk to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as described in the amended license would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's Rules of Practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see the application for license amendment by Nuclear Development Corporation of America on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 13th day of July 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[License No. R–49; Amdt. 2]

License No. R–49 is revised in its entirety to read as follows:

1. This license applies to the heavy water-moderated and -reflected nuclear reactor designated as the "Pawling Research Reactor" (hereinafter referred to as "the reactor") which is owned by the United Nuclear Corporation and located at Pawling, New York and described in the application dated April 2, 1958, and amendments thereto dated June 30, 1958, February 19, 1960, January 26, 1961, May 4, 1961, and May 9, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–29 issued to Nuclear Development Corporation of America on October 7, 1958.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR–29 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. United Nuclear Corporation is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. United Nuclear Corporation has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses United Nuclear Corporation (hereinafter referred to as "the licensee"):

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate the reactor as a utilization facility at the designated location in Pawling, New York, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Parts 40 and 70, to receive, possess and use up to 1550 kilograms of normal uranium and 11.5 kilograms of contained uranium 235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereinafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the reactor at a steady state power level in excess of five watts thermal without prior written authorization from the Commission except that a maximum power of 100 watts may be attained for short periods of time for special purposes such as checking radiation levels in and around the building. With respect to the conduct of the Pawling Lattice Test Rig experiments described in application amendment dated February 19, 1960, power levels shall not exceed 50 watts thermal.

B. The licensee shall observe the procedure described in its submission to the Commission dated January 26, 1961 pertaining to reactor shutdown operation which might involve change in core reactivity.

C. In addition to those otherwise required under this license and applicable

regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity release or discharged into the air or water beyond the effective control of United Nuclear Corporation as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdown.

D. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

E. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might effect nuclear safety, varies significantly from its predicted value.

5. This license shall expire on October 6, 1978 unless sooner terminated.

For the Atomic Energy Commission.

Dated at Germantown, Md., this 13th day of July 1961.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-6735; Filed, July 18, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11022]

CALIFORNIA FLORAL TRAFFIC CONFERENCE ET AL.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference, pursuant to Order E-17073, in the above-entitled matter is assigned to be held on August 1, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Motions, requests for evidence, and statement of issues shall be served upon Examiner Wiser and all parties by July 25, 1961.

Dated at Washington, D.C., July 14, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6781; Filed, July 18, 1961; 8:49 a.m.]

[Docket 12308; Order No. E-17145]

DELTA AIR LINES, INC.

Off-Peak Fares Between Houston, New Orleans, and New York; Order Dismissing Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1961.

The Board, by Order No. E-16642 of April 11, 1961, suspended and instituted an investigation of a proposal by Delta Air Lines, Inc., to permit the application of off-peak coach fares on flights scheduled to depart Houston as early as 8:15 p.m. and New Orleans as early as 9:30 p.m.

Delta Air Lines, Inc., has canceled its proposal pursuant to special tariff permission and the Board finds that the proceeding in Docket 12308 is moot: *Accordingly, it is ordered,* That:

1. The proceeding in Docket 12308 be dismissed.

2. A copy of this order be served upon Delta Air Lines, Inc., Braniff Airways, Inc., and Eastern Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6782; Filed, July 18, 1961; 8:49 a.m.]

[Docket 11646 etc.; Order No. E-17161]

WEST COAST AIRLINES, INC., ET AL.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July, 1961.

In the matter of the applications of West Coast Airlines, Inc., Docket 11646; Bonanza Air Lines, Inc., Docket 11173; Pacific Air Lines, Inc., Docket 11643; County of Elko, City of Elko, and Elko Chamber of Commerce, Docket 11178; under section 401 of the Federal Aviation Act of 1958.

In the matter of the Boise-Las Vegas Service Case, Docket 12778.

West Coast Airlines, Inc. (West Coast), by application filed August 11, 1959, seeks amendment of its certificate by adding a new route between Boise, Idaho and Las Vegas, Nevada, via the intermediate points Elko and Ely, Nevada.[1] Pacific Air Lines, Inc. (Pacific), seeks a similar certificate amendment by application, as amended March 15, 1960.[2] Bonanza Air Lines, Inc. (Bonanza), by application filed February 29, 1960, also seeks amendment of its certificate to permit, inter alia, Boise-Las Vegas service via Ely and Elko, and the additional intermediate point Twin Falls, Idaho.[3] The County of Elko, City of Elko and Elko Chamber of Commerce (Elko), by joint application filed Febraury 29, 1960, urge the Board to select an appropriate carrier to provide service over Elko-Boise and Elko-Ely-Las Vegas routes, or in the alternative, between Elko and the co-terminals Boise and Twin Falls, and between Elko and Las Vegas.

We find that the applications as set forth above seek similar relief, namely, the establishment of a Boise-Las Vegas route via essentially the same intermediates, and should be considered together. Accordingly, appropriate portions of Dockets 11646, 11173, 11643, and 11178 will be consolidated for consideration and disposition.[4]

West Coast has moved the Board to assign its application for hearing at the earliest practicable time, which request is supported by the Boise Chamber of Commerce, and the City of Boise. Elko similarly moved the Board for expedited hearing on its application, and West Coast has supported this request. Pacific opposed both West Coast's and Elko's motions.

The arguments of the parties seeking expedition are based primarily on the fact that the issue of single plane Boise-Las Vegas service has never been heard is a local service case, and that the Board, in severing such issue from the Southern Rocky Mountain Area Local Service Case, Docket 5395, indicated that the Boise-Las Vegas applications should be assigned for early hearing.[5] Pacific's opposition is premised chiefly on the position that the Boise-Las Vegas route should be heard in an area proceeding after completion of the presently pending Pacific Southwest Local Service Case, Docket 5645, and the Southern Rocky Mountain Area Local Service Case, Docket 5395; that to hear it now would constitute a piecemeal approach to the local service needs of the area, and would be contrary to prior precedent. Moreover, Pacific argues that the traffic data indicates that the route as proposed by West Coast would not serve the primary needs of the points involved; that the Board has only recently considered the air transportation needs of Boise, Elko and Ely; that the points involved are receiving air service; and that there is no urgent and compelling need for the service as proposed.

The Board finds that the issue of single plane Boise-Las Vegas service has not been heard in a local service case; that the subject applications were not heard in any of the recently completed or currently pending area proceedings which cover the geographic area of such applications;[6] that it was the Board's intent in Order E-15553 that the Boise-Las Vegas issue be set down for early consideration; that there is not likely to be another area proceeding in this region in the reasonably foreseeable future; and that it is expedient to consider at this time, not only the West Coast application in Docket 11646, but also all essentially identical applications. However, in light of the foregoing circumstances, we find further that this proceeding should be limited to consideration of the linear route Boise-Las Vegas via one or more of the intermediate points Twin Falls, Ely, and Elko.

Upon consideration of data available to the Board from regularly filed carrier reports, reflected in part in the appendices attached hereto which are hereby incorporated into the record in this case, the Board tentatively finds and concludes that the public convenience and necessity do not require the amendment of any carrier's certificate so as to authorize a Boise-Las Vegas route via the intermediate points Twin Falls, Ely, and Elko, or any one or more of them; and that the applications of West Coast, Bonanza, Pacific, and Elko should be denied insofar as they seek such authority.

As indicated in the attached appendices, the need after allowances for increased costs and return element for the proposed operations would be in the neighborhood of $439,000 for West Coast, more than $500,000 in the case of Pacific, and in excess of $570,000 in the case of Bonanza. This need is considerable under any circumstances, but becomes prohibitive when considered in the light of the relatively few persons who would benefit from the service in this instance. We estimate that the proposed route would generate only 3400–3800 passengers annually by 1962.[7] Consequently, the authorization of the Boise-Las Vegas route would result in a considerable increase in the carrier's total need and an extremely low utilization of the subsidy dollar.

Moreover, the proposed operations would merely be an improvement over existing services, since air transportation is now available by connection between all points to which service is contemplated under the proposal. In addition, the Boise-Las Vegas market, which is the chief market on the new route, is an extremely limited one as reflected in the traffic results between these two points during 1959, and in the forecast for the year 1962 (Appendices A, B and C).[8]

Even recognizing that adjustment of existing service patterns might increase potential traffic for this operation, it appears that a sufficient increase to warrant the additional public service or to reduce substantially the forecast operating losses is unlikely.

In view of the foregoing, it appears that the subject route between Boise and Las Vegas is not required or warranted; and the Board tentatively finds, pursuant to section 401(g) of the Act, that the public convenience and necessity do not require that any carrier's certificate of public convenience and necessity be amended so as to add a new route between Boise and Las Vegas via any or all the intermediate points, Twin Falls, Ely and Elko: *Accordingly, it is ordered:*

1. That the segments in the application of Pacific Air Lines, Inc., Docket 11643, designated 14 through 16 and 18; that portion which requests Las Vegas-Denver, Los Angeles-Phoenix, Las Vegas-Phoenix, Las Vegas-San Diego nonstop authority, and Los Angeles-San Diego service be severed from Docket 11643 and assigned Docket 12776;

2. That those portions of the application of Bonanza Air Lines, Inc., Docket 11173, which relate to amendment of its certificate of public convenience and necessity to add a new route between Reno, Nevada, and Boise, Idaho, designated as paragraphs 4B and 5, be severed from Docket 11173 and assigned Docket 12777;

3. That the following applications be and they hereby are consolidated for hearing and disposition in the proceeding hereby instituted, and known as the Boise-Las Vegas Service Case, Docket 12778:

(1) West Coast Airlines, Inc., Docket 11646,

(2) Bonanza Air Lines, Inc., Docket 11173,

(3) Pacific Air Lines, Inc., Docket 11643,

(4) County of Elko, City of Elko, and Elko Chamber of Commerce, Docket 11178;

4. That all interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the findings and conclusions stated herein;

5. That any interested person having objection to the issuance of an order making final the findings and conclusions stated herein shall, within 20 days from the service date of this order, file with the Board and serve upon all persons hereafter made parties to this proceeding, written notice of objections;

6. That in the event there are timely filed objections, the matter shall be set down for prehearing conference at the earliest practicable time before an Examiner of the Board;

7. That in the event there are no objections, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

8. That copies of this order shall be served on West Coast Airlines, Inc.; Bonanza Air Lines, Inc.; Pacific Air Lines, Inc.; United Air Lines, Inc.; Trans World Airlines, Inc.; Western Air Lines, Inc.; the County of Elko; the City of Elko; the Elko Chamber of Commerce; the City of Boise; the Boise Chamber of Commerce; the City of Ely; the City of Las Vegas; the City of Twin Falls; and the Aeronautical Departments of the States of Idaho and Nevada, all of whom are hereby made parties to this proceeding; and

9. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-6783; Filed, July 18, 1961; 8:49 a.m.]

[1] The original application was assigned Docket 10777, and that portion pertinent here was severed therefrom by Order E-15553, July 20, 1960, and assigned Docket 11646.

[2] The original application was assigned Docket 11188 and that portion pertinent here, designated as segment (13) in the application, together with other portions was severed therefrom by Order E-15553, July 20, 1960, and assigned Docket 11643. Those parts of Docket 11643 other than that designated as segment (13) are not pertinent here, and we will make further appropriate severance in accordance with our action herein.

[3] Portions of Bonanza's application not here pertinent will be severed in accordance with our action herein.

[4] Elko, by motion of December 22, 1960, requested consolidation of its application in Docket 11178 with West Coast's in Docket 11646. Our action herein will constitute a grant of that motion.

[5] Order E-15553, July 20, 1960.

[6] Pacific Northwest Local Air Service Case, Docket 5463; Pacific Southwest Local Service Case, Docket 5645; Montana Local Service Case, Docket 6293; Southern Rocky Mountain Area Local Service Case, Docket 5395.

[7] Our estimates are based on one daily round trip with F-27 equipment, and assume (1) in the case of West Coast, an on-line connection at Boise to points north on its system, (2) in the case of Bonanza, extension of flights between Las Vegas and Phoenix via Kingman and Prescott, and (3) in the case of Pacific, extension of flights between Las Vegas and Los Angeles via Palmdale.

[8] Filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14195–14197; FCC 61–886]

FRANK S. BARC, JR., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Frank S. Barc, Jr., Mera, Arizona, requests: 1510 kc, 1 kw, Day, Class II, Docket No. 14195, File No. BP–13568; Maricopa County Broadcasters, Inc., Mesa, Arizona, requests: 1510 kc, 10 kw, Day, Class II, Docket No. 14196, File No. BP–14391; Maryvale Broadcasting Company, Mesa, Arizona, requests: 1510 kc, 10 kw, Day, Class II, Docket No. 14197, File No. BP–14574; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of July 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that each of the applicants herein is in all respects qualified except as to matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the issues specified below;

A. *Engineering considerations.* 1. The three proposals are mutually exclusive.

2. The engineering study submitted with the application of Frank S. Barc, Jr. did not consider ground conductivity changes in delineating the extent of the proposed 0.5, 2.0 and 5 mv/m contours. It is assumed, therefore, that the applicant's area and population data is inaccurate.

3. The applicants in Maricopa County Broadcasters, Inc., and Maryvale Broadcasting Company have submitted engineering studies showing, on the basis of Figure M–3 conductivities, that no overlap of the 25 mv/m contours would occur between each of the subject proposals and the existing, three channel removed operation of Station KHAT, (1480 kc, 500 w, Day, Phoenix, Arizona). However, it appears necessary that field intensity measurements be submitted to establish conclusively that such overlap would not occur, in violation of § 3.37 of the Commission's rules.

B. *Considerations pertaining to the qualifications of Frank S. Barc, Jr.* 1. Frank S. Barc, Jr., indicates that he intends to lease all equipment and also the land upon which the transmitter will be located. However, no copies of lease agreements have been submitted, indicating the duration of the lease, the amount involved, terms of payment, conditions, and whether or not the lessor will exercise any control over the proposed station. Moreover, the Commission's records indicate that Station KYEW (FM), Phoenix, Arizona, of which Mr. Barc is licensee, has not been in operation since February of this year, apparently due to financial difficulties. Accordingly, it will be necessary to determine in the hearing ordered below

whether Mr. Barc is financially qualified and whether, in view of his failure to continue the operation of KYEW, he possesses the requisite qualifications to operate the proposed standard broadcast station.

2. On October 7, 1960, the Maryvale Broadcasting Company filed a petition with supporting sworn statements alleging, inter alia, that "Barc has stated affirmatively that it was his intention to block the Maryvale application and dismiss only after a 'pay-off'; and that it was not his intention to construct his proposed station"; and that the proposed transmitter site is not available to Barc for the construction of the proposed station. The Maryvale Broadcast Company requests that Barc's application be designated for hearing on appropriate issues. Mr. Barc has not filed a response to Maryvale's petition, and, therefore, it will be necessary to resolve the questions raised by said petition in the hearing ordered hereinafter.

It further appearing that the aforementioned Maryvale petition also contains a request that the Barc application be dismissed for failure to file the revised section V–A of FCC Form 301 prior to the effective cut off date of the application, October 3, 1961; but, that Frank S. Barc did subsequently file the revised section V–A and that processing of the application was not delayed by this late filing; and, therefore, since failure to file the revised section V–A by the specified date only renders a particular application subject to dismissal, we are of the opinion that the public interest would best be served by retaining the application in active status and designating the application for hearing upon the issues set forth herein; and

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposals and the availability of other primary service to such areas and populations.

2. To determine whether the 25 mv/m contour of the instant proposals of Maricopa County Broadcasters, Inc., and Maryvale Broadcasting Company and the 25 mv/m contour of Station KHAT, Phoenix, Arizona, would overlap in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether Frank S. Barc, Jr., is financially qualified to construct and operate his proposed station.

4. To determine whether Frank S. Barc, Jr., had any reasonable expectation of obtaining the transmitter site specified in his application at the time the application was filed.

5. To determine whether the subject application of Frank S. Barc, Jr., was filed primarily for the purpose of impeding, obstructing, or delaying the determination of any other application with which it may be in conflict, contrary to the sworn representations contained in section I, page 2 of the application form submitted by Mr. Barc.

6. To determine whether Frank S. Barc, Jr., has the requisite character qualifications to be a licensee of a standard broadcast station.

7. To determine, on a comparative basis, which of the instant proposals would best serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which if any, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the subject applicants, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6774; Filed, July 18, 1961; 8:49 a.m.]

[Docket No. 13827; FCC 61M-1207]

KWK RADIO, INC.

Order Scheduling Hearing

In the matter of revocation of license of KWK Radio, Inc. for Standard Broadcast Station KWK, St. Louis, Missouri, Docket No. 13827.

A prehearing conference having been held in the above-entitled proceeding on July 12, 1961 and it appearing that certain agreements were reached therein which should be formalized by order;

It is ordered, This 12th day of July 1961:

(1) That stipulations agreed to between the parties shall be reduced to writing and submitted to the Hearing Examiner on or before August 4, 1961;

(2) That exhibits submitted in the affirmative presentation of the parties shall be exchanged among the parties and copies thereof provided the Hearing Examiner on or before August 29, 1961.

It is further ordered, That hearing herein is scheduled for September 11, 1961 commencing at 10:00 a.m., in St. Louis, Missouri.

Released: July 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6775; Filed, July 18, 1961; 8:49 a.m.]

[Docket Nos. 14192-14194; FCC 61-886]

OUACHITA VALLEY RADIO CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, req: 610 kc, 500 w, Day, Docket No. 14192, File No. BP-13735; Smackover Radio, Inc., Smackover, Arkansas, req: 610 kc, 500 w, Day, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, has: 630 kc, 1 kw, Day, req: 630 kc, 5 kw, DA-Day, Docket No. 14194, File No. BP-14717; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of July 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that each of the subject applicants is in all respects qualified, except as to matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The three proposals appear to be mutually exclusive due to mutual interference and overlap of 2 mv/m and 25 mv/m contours between any two of the proposals.

2. It has not yet been determined whether the KVMA proposal would constitute a menace to air navigation.

3. The proposed operations of Smackover Radio, Inc. and Ouachita Valley Radio Corporation would cause interference to the existing operations of Stations KILT, Houston, Texas, and KVMA, Magnolia, Arkansas. Additionally, field intensity measurement data are necessary to establish that the Smackover and Camden proposals would not involve an overlap of 2 and 25 mv/m contours with the existing operation of KVMA.

4. The proposed operation of KVMA would cause interference to the existing operation of Station WJDX, Jackson, Mississippi.

5. Texarkana Newspapers, Inc., Joe F. Rushton, W. M. Bigley, Mrs. Betty Palmer Hussman, Alden Palmer Mooney, Mrs. Betty M. Palmer, and Virginia Palmer Stanhagen own an aggregate interest of 64 percent in Magnolia Broadcasting Company, licensee of KVMA. Each of these parties owns a substantial interest in one or more of the following standard broadcast stations: KAMD, Camden, Arkansas; KCMC, Texarkana, Texas; KXAR, Hope, Arkansas; and KHAL, Homer, Louisiana. No one of the latter four stations is more than fifty miles from KVMA. The proposed KVMA 0.5 mv/m contour will cover the transmitter site of each of these four stations. The 2 mv/m contour of proposed KVMA will serve the cities of Camden, Arkansas (KAMD), and Homer, Louisiana (KHAL). In view of these facts, a substantial question exists as to whether the KVMA proposal would be in contravention of §§ 3.35(a) and 3.35(b) of the Commission rules, concerning multiple ownership.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Smackover Radio, Inc., and Ouachita Valley Radio Corporation and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KVMA and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposals of Smackover Radio, Inc., and Ouachita Valley Radio Corporation would cause objectional interference to stations KILT, Houston, Texas, and KVMA, Magnolia, Arkansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station KVMA would cause objectionable interference to Station WJDX, Jackson, Mississippi, or any other existing standard broadcast stations, affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operations of Smackover Radio, Inc. and Ouachita Valley Radio Corporation would involve an overlap of 2 and 25 mv/m contours with the existing operation of Station KVMA in contravention of § 3.37 of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether there is a reasonable possibility that the tower height and location proposed by Magnolia Broadcasting Company would constitute a menace to air navigation.

7. To determine whether a grant of the KVMA proposal would be in contravention of § 3.35(a) and/or § 3.35(b) of the Commission's rules, concerning multiple ownership.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Magnolia Broadcasting Company, licensee of Station KVMA, is made a party to the proceeding with respect to its existing operation.

It is further ordered, That The McLendon Corporation and Lamar Life Insurance Company, licensees of Stations KILT and WJDX, respectively, are made parties to the proceeding.

It is further ordered, That the Federal Aviation Agency is made a party to the proceedings with respect to Issue Number 6 only.

It is further ordered, That, in the event of a grant of the Magnolia Broadcasting Company application (KVMA), the construction permit shall contain a condition that program tests shall not be authorized until the KVMA application for license renewal, deferred June 1, 1961, is granted.

It is further ordered, That, in the event of a grant of the Magnolia Broadcasting Company application, such action shall be without prejudice to any subsequent action the Commission may deem appropriate in light of circumstances causing the renewal deferrals of Stations KAMD, Camden, Arkansas, KXAR, Hope, Arkansas and KHAL, Homer, Louisiana, stations in which parties to the KVMA application have substantial interests.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and respondents, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6776; Filed, July 18, 1961; 8:49 a.m.]

[Docket Nos. 14101, 14102; FCC 61-882]

GORDON A. ROGERS AND TRIPLE G BROADCASTING CO. (KWAY)

Memorandum Opinion and Order Amending Issues

In re applications of Gordon A. Rogers, Vancouver, Washington, Docket No. 14101, File No. BP-13028 (Formerly BP-14146); Triple G Broadcasting Co. (KWAY), Vancouver, Washington, Docket No. 14102, File No. BP-13944; for construction permits.

1. The Commission has before it for consideration (1) a Petition to Enlarge Issues, filed May 18, 1961, by Gordon A. Rogers, and (2) a Supporting Statement of the Broadcast Bureau, filed June 12, 1961.

2. Triple G Broadcasting Co. (KWAY), licensee of a standard broadcast station, 1570 kc, 1 kw, Day, in Forest Grove, Oregon, filed an application to change the location of its station to Vancouver, Washington and to increase power to 5 kw. A mutually exclusive application was filed by Gordon A. Rogers, petitioner herein, 1550 kc, 1 kw, Day, Vancouver, Washington. By Order (FCC 61-567), released May 1, 1961, the two applications were designated for hearing on issues pertaining to areas and populations; interference by the proposed operation of Gordon A. Rogers to the existing operation of Triple G Broadcasting Co. or any other existing station, and a standard comparative issue.

3. Gordon A. Rogers (hereinafter Rogers) now requests that the issues be enlarged by the addition of the following:

4. To determine the comparative needs of the areas now served by Station KWAY including the city of Forest Grove, Oregon, and the areas to be served by Station KWAY operating as proposed including Vancouver, Washington, for broadcast service and, in view thereof, whether a grant of this application would be in accordance with section 307(b) of the Communications Act of 1934, as amended.

4. In support of his request, Rogers asserts that Triple G has been providing a primary service to Forest Grove, Oregon, for more than 10 years, and that, in essence, Triple G now proposes to deprive the city of Forest Grove of its sole broadcast facility, and to add a new service to Vancouver, Washington, a city presently served by two local stations. Rogers alleges that under the Triple G proposal, Forest Grove would barely be covered by the 0.5-mv/m signal from Vancouver; that primary service would not be provided to Forest Grove and a large area receiving such service from Triple G, and that to deprive Forest Grove of its only local transmission outlet without inquiry into the needs of the two communities would be contrary to 307(b).

5. In view of the fact that Triple G proposes to continue its present operation in the event its pending application is denied, a factual question as to the relative needs of Forest Grove and Vancouver arises, and an issue under section 307(b) is appropriate, Ark-Valley Broadcasting Co., 7 RR 77 (1951).

Accordingly, it is ordered, This 12th day of July, 1961, that the Petition to Englarge Issues, filed May 18, 1961, by Gordon A. Rogers, is granted, and that the issues in this proceeding are enlarged by the addition of the following:

4. To determine the comparative needs of the areas now served by Station KWAY including the city of Forest Grove, Oregon, and the areas to be served by Station KWAY operating as proposed including Vancouver, Washington, for broadcast service and, in view thereof, whether a grant of this application would be in accordance with section 307(b) of the Communications Act of 1934, as amended.

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6777; Filed, July 18, 1961; 8:49 a.m.]

[Docket No. 13941-13943; FCC 61M-1208]

SOUTH TEXAS TELECASTING CO., INC. (KVDO-TV) ET AL.

Order Continuing Hearing

In re applications of South Texas Telecasting Company, Inc. (KVDO-TV), Corpus Christi, Texas, Docket No. 13941, File No. BPCT-2793; for construction permit to change existing facilities; Tropical Telecasting Corporation, Corpus Christi, Texas, Docket No. 13942, File No. BPCT-2797; Nueces Telecasting Company, Corpus Christi, Texas, Docket No. 13943, File No. BPCT-2798; for construction permits for new television broadcast stations (Channel 3).

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that a conflict has arisen in the Hearing Examiner's schedule necessitating continuance of said proceeding;

It is ordered, This 12th day of July 1961 that the hearing presently scheduled to commence herein on September 11, 1961 is continued to September 25, 1961 commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: July 13, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6778; Filed, July 18, 1961; 8:49 a.m.]

[Docket No. 14165; FCC 61M-1214]

WAEB BROADCASTERS, INC. (WAEB)

Order Advancing Conference

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, Docket No. 14165, File No. BP-12918; for construction permit.

The Hearing Examiner having under consideration a request filed on July 12, 1961 by WAEB Broadcasters, for rescheduling of prehearing conference in the above-entitled proceeding from July 31, 1961 at 9:00 a.m. to July 27, 1961 at 2:00 p.m.; and

It appearing that counsel for all other parties to this proceeding have informally agreed to a waiver of the four-day requirement of § 1.43 of the Commission's rules and indicated that they have no objection to a grant of the instant request;

It is ordered, This 13th day of July 1961, that the request be and it is hereby granted; and the prehearing conference in the above-entitled proceeding presently scheduled for July 31, 1961 at 9:00 a.m. be and it is hereby advanced to July 27, 1961, at 2:00 p.m., in Washington, D.C.

Released: July 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6779; Filed, July 18, 1961; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

PLATINUM AND NONFERROUS SCRAP NOW HELD IN NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), a notice is hereby given of a proposed disposition of approximately 4,471 troy ounces of platinum scrap and a quantity of nonferrous scrap consisting of approximately 520 short tons of brass, 74 short tons of silicon bronze and copper, 11 short tons of beryllium copper, and 106 short tons of zinc foil now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that there is no longer any need for stockpiling said platinum and nonferrous scrap. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said platinum and nonferrous scrap are excess to stockpile needs and are of such quality as to be of little or no use in time of emergency.

Since the revised determination is not by reason of obsolescence of the platinum and nonferrous scrap for use in time of war, this proposed disposition is being referred to the Congress for its express approval, as required by section 3(e) of the Strategic and Critical Materials Stock Piling Act.

General Services Administration proposes to transfer said platinum and nonferrous scrap to other Government agencies, or to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government upon the express approval by the Congress of this proposed disposition or six months after the data of publication of this notice in the FEDERAL REGISTER, whichever is later.

This plan and the date of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: July 13, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-6765; Filed, July 18, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 7]

APPLICATIONS FOR "GRANDFATHER" ALASKA MOTOR CARRIER CERTIFICATE OR PERMIT AND APPLICATIONS ON BMC 78 FORMS INVOLVING MOTOR CARRIER OPERATIONS TO, FROM, AND BETWEEN POINTS IN ALASKA

JULY 14, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), and 209(a)(5) of the Interstate Commerce Act, as amended July 12, 1960, and under sections 206 and 209 of the Interstate Commerce Act.

The time for filing of protests against the "grandfather" applications listed herein has expired.

NOTE: The issues involved in the "grandfather" applications were previously published in the FEDERAL REGISTER, issue of March 8, 1961. Opposition to the Form BMC-78 applications noticed herein may be accomplished (1) by filing a protest in accordance with Rule 1.40 of the Commission's general rules of practice within 30 days of the date of this publication in the FEDERAL REGISTER, or (2) by filing a notice of intention to protest in accordance with the provisions of § 1.241(c)(1) when the date and place of hearing of these applications are subsequently published in the FEDERAL REGISTER.

Notice to the parties: A number of applications filed by carriers domiciled in Alaska in which oral hearings appear to be required, are pending for "Grandfather" operating rights under amendments to the Interstate Commerce Act which became effective on July 12, 1960, as well as related BMC 78 applications for the same or similar authority. These applications and the authority sought are listed in this notice.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearing. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed herein will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Commissioner Laurence K. Walrath at the Loussac Library, 5th and F Streets, Anchorage, Alaska, on August 24, 1961, at 1:00 o'clock p.m., United States standard time (or 1:00 o'clock p.m., local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives and an Alaskan Joint Board Member to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

No. MC 118445 (Sub-No. 1), filed July 10, 1959. (BMC 78). Applicant: JIMMY A. PERSINGER, doing business as PERSINGER TRANSPORT CO., College, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods, Class A and B explosives, commodities requiring special equipment), and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, between all points in Alaska.

2. Grandfather application MC 118445 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118446 (Sub-No. 1), filed July 20, 1959. (BMC 78). Applicant: JOHN P. KNUDSEN, doing business as KNUDSEN FAST FREIGHT, 6200 DeBarr Road, Anchorage, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Valdez, and Anchorage, Alaska on the one hand, and, on the other, points in Alaska.

2. Grandfather application MC 118446 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118447 (Sub-No. 1), filed May 25, 1959. (BMC 78). Applicant: JOE A. LENTZ, JR., doing business as LENTZ EXPRESS, Star Route (Butte), Palmer, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Alaska. Applicant indicates the proposed service is restricted to traffic having prior or subsequent movement by air.

2. Grandfather application MC 118447 (Sub-No. 2) filed December 31, 1960. (BOR 98).

No. MC 118448 (Sub-No. 1), filed March 9, 1959. (BMC 78). Applicant: HOWARD BAYLESS, ALICE BAYLESS, RICHARD ROBERTS, ROBERT ROBERTS, AND ELLIS ROBERTS, doing business as BAYLESS & ROBERTS, Copper Center, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, and household goods as defined by the Commission), between points in Alaska.

2. Grandfather application MC 118448 (Sub-No. 2) filed December 2, 1960. (BOR 98).

No. MC 118450 (Sub-No. 1), filed February 26, 1959. (BMC 78). Applicant: VICTOR D. BARBER, Box 1835, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities in bulk), between points in Alaska.

2. Grandfather application MC 118450 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118451 (Sub-No. 1), filed February 24, 1959. (BMC 78). Applicant: V. D. BARBER AND CARROLL G. BARBER, doing business as V. D. BARBER & SON, Box 1835, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk), between points in Alaska.

2. Grandfather application MC 118451 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118452 (Sub-No. 1), filed March 6, 1959. (BMC 78). Applicant: ARCTIC MOTOR FREIGHT, INC., P.O. Box 601, 2003 Gambell, Anchorage, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Alaska.

2. Grandfather application MC 118452 (Sub-No. 2) filed December 12, 1960. (BOR 98).

No. MC 118474 (Sub-No. 1), filed March 4, 1959. (BMC 78). Applicant: AIR VAN LINES; INC., an Alaska Corporation, P.O. Box 3413, Eastchester Branch, Anchorage, Alaska. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except commodities of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment), and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Alaska.

NOTE: Common control may be involved.

2. Grandfather application MC 118474 (Sub-No. 2) filed December 28, 1960. (BOR 98).

No. MC 118475 (Sub-No. 1), filed March 23, 1959. (BMC 78). Applicant: EVERETT W. HEPP AND FRANK X. CHAPADOS, doing business as H & S WAREHOUSE ASSOCIATION, Third and Eagle, Graehl, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, livestock and commodities in bulk), between points in Alaska.

2. Grandfather application MC 118475 (Sub-No. 2) filed December 27, 1960. (BOR 98).

No. MC 118480 (Sub-No. 1), filed February 24, 1959. (BMC 78). Applicant: DEAN WATSON, doing business as PENINSULA FAST FREIGHT, 17th and Gambell, Anchorage, Alaska. MAILING ADDRESS: P.O. Box 586, Anchorage, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, and livestock), between points in Alaska.

2. Grandfather application MC 118480 (Sub-No. 3) filed December 30, 1960. (BOR 98).

No. MC 118489 (Sub-No. 1), filed March 2, 1959. (BMC 78). Applicant: HERBERT N. KOPPERUD, doing business as KOPPERUD TRANSPORTATION, Palmer, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk), in tank type equipment, between points in Alaska.

2. Grandfather application MC 118489 (Sub-No. 2) filed December 19, 1960. (BOR 98).

No. MC 118491 (Sub-No. 1), filed January 23, 1959. (BMC 78). Applicant: HUGH B. MITCHELL, PAUL POLLACK AND D. C. TAYLOR, a Partnership, doing business as ALASKA TERMINALS, Post Road, P.O. Box 3638, Anchorage, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods* as defined by the Commission, and *commodities in bulk* (but excluding those of unusual value, livestock, and Class A and B explosives), between points in Alaska.

NOTE: Mr. D. C. Taylor one of the partners holds 50 percent of the stock in Martin Van Lines, Inc., common control may be involved.

2. Grandfather application MC 118491 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118494 (Sub-No. 1), filed March 2, 1959. (BMC 78). Applicant: DENALI TRANSPORTATION CORPORATION, 404 Noble Street, P.O. Box 1752, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment), between points in Alaska.

2. Grandfather application MC 118494 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118513 (Sub-No. 1), filed March 4, 1959. (BMC 78). Applicant: JAMES F. DIERUNGER, doing business as DIERINGER TRUCKING, P.O. Box 183, Valdez, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, and household goods as defined by the Commission), between points in Alaska.

2. Grandfather application MC 118513 (Sub-No. 2) filed December 9, 1960. (BOR 98).

No. MC 118514 (Sub-No. 1), filed March 11, 1959. (BMC 78). Applicant: GENE ROGGE, doing business as SOURDOUGH FREIGHT LINES, 1111 Gillam Way, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, and livestock), between points in Alaska.

2. Grandfather application MC 118514 (Sub-No. 2) filed December 25, 1960. (BOR 98).

No. MC 118515 (Sub-No. 1), filed March 14, 1960. (BMC 78). Applicant: GERALD A. PROTZMAN, doing business as JERRY'S FREIGHT SERVICE, Sterling 86, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, including *Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment* (except commodities in bulk, and those of unusual value), between points in Alaska.

2. Grandfather application MC 118515 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118516 (Sub-No. 1), filed March 2, 1959. (BMC 78). Applicant: RICHARD DeJONG, 4300 Lois Drive, Spenard, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in Alaska.

2. Grandfather application MC 118516 (Sub-No. 2) filed December 27, 1960. (BOR 98.)

No. MC 118518 (Sub-No. 1), filed February 26, 1959. (BMC 78.) Applicant: WALTER CHRISTENSEN, P.O. Box 16, Homer, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment), between Homer, Alaska and Seward, Alaska, from Homer over the Sterling Highway to the junction of unnumbered highway, thence over unnumbered highways to Seward, and return over the same route, serving the intermediate or off-route points of Anchor Point, Ninilchik, Clam Gulch, Cohoe, Kasilof, Soldatna, Kenai, Sterling, Cooper Landing and Moose Pass.

NOTE: Applicant states that it will also transport U.S. Mail.

2. Grandfather application MC 118518 (Sub-No. 3) filed December 15, 1960. (BOR 98.)

No. MC 118518 (Sub-No. 2), filed April 27, 1959. (BMC 78). Applicant: WALTER CHRISTENSEN, P.O. Box 16, Homer, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment), over regular routes as follows: (1) between Anchorage, Alaska, and Seward, Alaska, from Anchorage over Alaska Highway 4 to Seward, and return over the same route, (2) between Homer, Alaska, and junction Alaska Highways 5 and 4, approximately nine (9) miles northwest of Moose Pass, from Homer over Alaska Highway 5 to junction with Alaska Highway 4, approximately 9 miles northwest of Moose Pass, and return over the same route, and (3) between Kenai, Alaska, and Soldotna, Alaska, from Kenai over the Kenai Spur Road, to Soldotna, and return over the same route, serving all intermediate points on the regular routes (1), (2), and (3), above described; and over irregular routes (other than described by regular route), between points on the Kenai Peninsula generally south of an imaginary line from the Alaska Railroad, running approximately East-West between Whittier, Alaska, and Alaska Highway 4, continuing to Turnagain Arm.

NOTE: Applicant states it will also transport U.S. Mail. Applicant has a pending application in MC 118518 Sub 1 seeking authority which appears to be the same as, or a portion of, the proposed authority in the instant application.

2. Grandfather application MC 118518 (Sub-No. 3) filed December 15, 1960. (BOR 98).

No. MC 118524 (Sub-No. 1), filed March 2, 1959. (BMC 78). Applicant: SIG WOLD STORAGE & TRANSFER, INC., 802 Second Avenue, P.O. Box 791, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *General commodities* (except commodities of unusual value, Class A and B explosives, livestock, commodities in bulk, and those requiring special equipment), between points in Alaska.

2. Grandfather application MC 118524 (Sub-No. 2) filed December 30, 1960. (BOR 98).

No. MC 118525 (Sub-No. 1), filed March 2, 1959. (BMC 78). Applicant: ALASKA VALDEZ TRANSPORT, P.O. Box 232, Valdez, Alaska. Applicant's attorney: Julian C. Rice, 230 Chena Building, Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicles, over *irregular routes*, transporting: *General commodities* (except Classes and B explosives, household goods as defined by the Commission, and commodities in bulk other than those transported in tank type equipment), between points in Alaska.

2. Grandfather application (above-named applicant substituted for Harold M. Olson, doing business as Olson Trucking Co., by order of March 22, 1960), filed December 27, 1960. (BOR 98).

No. MC 118527 (Sub-No. 1), filed March 5, 1959. (BMC 78). Applicant: SOURBOUGH EXPRESS, INC., 531 Third Avenue (P.O. Box 288), Fairbanks, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods as defined by the Commission* (but excluding articles of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment), between points in Alaska.

2. Grandfather application MC 118527 (Sub-No. 2), filed December 30, 1960. (BOR 98).

No. MC 118534 (Sub-No. 1), filed March 3, 1959. (BMC 78). Applicant: E. F. WESTPHAL, doing business as TOK DISTRIBUTING SERVICE, Tok, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Alaska.

2. Grandfather application MC 118534 (Sub-No. 2), filed December 30, 1960. (BOR 98).

No. MC 118778 (Sub-No. 1), filed September 23, 1959. (BMC 78). Applicant: BEE LINE FREIGHT SERVICE, INC., doing business as BEE LINE FUEL COMPANY, 1340 Ocean Dock Road, Anchorage, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Automobiles, trucks*, and *truck tractors*, in truckaway and driveaway service; *petroleum products*, in bulk, in tank vehicles; and *general commodities* (except those of unusual value, household goods as defined by the Commission, Class A and B explosives, and commodities in bulk, other than those transported in tank type equipment), between points in Alaska.

2. Grandfather application MC 118778 (Sub-No. 2) filed December 29, 1960. (BOR 98).

No. MC 119402 (Sub-No. 1), filed February 23, 1960. (BMC 78). Applicant: CARL H. MEIER, doing business as PALMER TRANSFER, P.O. Box 1745, Palmer, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities, including household goods* as defined by the Commission (except Classes A and B explosives, commodities in bulk, those requiring special equipment, livestock, and commodities of unusual value), between points in that portion of Alaska described as follows: commencing at the mouth of the Susitna River, thence north along the Susitna River to Talkeetna, thence northeasterly along the Talkeetna River to a point due north of the Chickaloon River, thence south along the Chickaloon River to Alaska Highway 3, thence along Alaska Highway 3 to Anchorage, at its junction with Alaska Highway 4, thence continuing southerly along Alaska Highway 4 to Seward, thence southerly along the coast line of the Kenai Peninsula to its southernmost point, thence northerly along the west coast line of the Kenai Peninsula to a point due south of the mouth of the Susitna River, and thence directly north to the mouth of the Susitna River, point of commencement, and, where the boundary is described by Alaska Highways 3 and 4, serving points within ten (10) airline miles of said highways.

2. Grandfather application MC 119402 (Sub-No. 2) filed December 14, 1960. (BOR 98).

No. MC 119724, filed May 2, 1960. (BMC 78). Applicant: RICHARD H. JENSEN, doing business as BRISTOL BAY CONTRACTORS, King Salmon, Alaska.

1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including building materials, foodstuffs, bulk and package petroleum products* (except Classes A and B explosives), between points in Alaska south of a line beginning at the mouth of the Kvichak River at or near the village of Kvichak, Alaska and extending easterly along the Kvichak River to its source at Igiugig, Alaska, thence east along the south shore of Lake Iliamna to Pike Bay, Alaska, thence southeast over an unnamed road to Portage Bay on Cook Inlet. The area is commonly described as the Alaska Peninsula.

2. Grandfather application MC 119724 (Sub-No. 1), filed December 9, 1960. (BOR 98).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F.R. Doc. 61-6767; Filed, July 18, 1961; 8:48 a.m.]

[Supplemental Notice 7-A]

APPLICATIONS FOR "GRANDFATHER" ALASKA MOTOR CARRIER CERTIFICATE OR PERMIT

JULY 14, 1961.

Under sections 206(a)(4), 206(a)(5), 209(a)(4), and 209(a)(5) of the Interstate Commerce Act, as amended July 12, 1960.

The time for filing of protests against these "grandfather" applications listed herein has expired.

NOTE: The issues involved in these "grandfather" applications were previously published in the FEDERAL REGISTER, issue of March 8, 1961.

Notice to the parties: A number of applications filed by carriers domiciled in Alaska in which oral hearings appear to be required, are pending for "Grandfather" operating rights under amendments to the Interstate Commerce Act which became effective on July 12, 1960.

The Commission has become increasingly aware that some of the delays encountered in disposing of proceedings before it are attributable to a traditional liberality in granting requests for postponement of hearing. Such delays lead to additional expense and inconvenience to the other parties in such proceedings as well as to the Government.

Hearings in connection with the applications listed herein will be assigned so as to give sufficient time to all parties to prepare their respective presentations. Accordingly, those participating in these proceedings will be expected to be ready for the hearing on the dates that are assigned and to refrain from requesting any postponement.

Those interested are requested to appear at a calling of the Docket by Commissioner Laurence K. Walrath at the Loussac Library, 5th and F Streets, Anchorage, Alaska, on August 24, 1961, at 1:00 p.m., United States standard time (or 1:00 p.m., local daylight saving time, if that time is observed). When the docket is called, an effort will be made with the aid of applicants or their representatives and an Alaskan Joint Board Member to arrive at dates and places of hearing which the parties will be expected to observe in order that all of the proceedings listed herein can be heard promptly and expeditiously.

The "Grandfather" applications listed below are consolidated in the *Call of the Docket* of those proceedings set forth in Notice No. 7, dated July 14, 1961.

No. MC-123134 (Sub No. 1), filed December 19, 1960. Applicant: ANCO SHIPPING CO., a Corporation, Terminal Yards, Anchorage, Alaska. Applicant's attorney: Wallace Aiken, 1215 Norton Building, Seattle 4, Wash.

No. MC-123284, filed December 12, 1960. Applicant: JOHN P. SNOW AND ENGENE L. SNOW, doing business as SNOW TRANSPORTATION COMPANY, Bethel, Alaska.

No. MC-123313, filed December 23, 1960. Applicant: ORME TRANSFER COMPANY, 535 Willoughby Avenue, Juneau, Alaska.

No. MC-123323, filed December 27, 1960. Applicant: ALASKA TRANSFER, INC., 149 South Main Street, Juneau, Alaska.

No. MC-123326, filed December 27, 1960. Applicant: ROSANDER AND REED, Ophir, Alaska.

No. MC-123327, filed December 29, 1960. Applicant: RALPH A., LAURA S. AND RALPH M. BARTHOLOMEW, doing business as IRELAND TRANSFER & STORAGE CO., 102 Front Street, Ketchikan, Alaska.

No. MC-123328, filed December 29, 1960. Applicant: HEATHERLY & SONS, INC., 1305 17th Avenue, Anchorage, Alaska.

No. MC-123332, filed December 28, 1960. Applicant: CORDELL TRANSFER CO., INC., 128 Front Street, Ketchikan, Alaska.

No. MC-123336, filed December 30, 1960. Applicant: JIMMIE M. EASTHAM, doing business as HUSKY PARCEL No. 2, Box 11, Ketchikan, Alaska. Applicant's attorney: Robert H. Ziegler, Sr., P.O. Box 1079, Ketchikan, Alaska.

No. MC-123338, filed December 30, 1960. Applicant: PAUL E. AND MELVIN J. MONSEN, doing business as MONSEN TRANSFER, P.O. Box 113, Naknek, Alaska.

No. MC-123340, filed December 30, 1960. Applicant: JEFFERY W. NOBLE, doing business as ALASKAN CANADIAN FREIGHT WAY, 221 Northward Building, Fairbanks, Alaska.

No. MC-123342, filed December 30, 1960. Applicant: C. RAYMOND LOESCHE, doing business as POLAR VAN SERVICE, 523 Second Avenue, P.O. Box 622, Fairbanks, Alaska.

No. MC-123343, filed December 30, 1960. Applicant: EDWARD H. HANBY, doing business as WING'S AND TRUCK'S TRANSPORTATION CO., 2601 Spenard Road, Spenard, Alaska.

No. MC-123355, filed December 30, 1960. Applicant: ROY H. SMITH, doing business as FLYING BUYING & TRANSPORTATION SERVICE, Box 74, Dillingham 7, Alaska.

No. MC-123357, filed December 30, 1960. Applicant: LAMBERT C. RATCLIFFE, doing business as HUSKY PARCEL DELIVERY, 702 Water Street, Ketchikan, Alaska.

No. MC–123366, filed December 30, 1960. Applicant: MULTI VENTURES OF FAIRBANKS, P.O. Box 1142, Fairbanks, Alaska.

No. MC–123367, filed December 30, 1960. Applicant: WALTER L. HOOPER, doing business as HOMER FREIGHT LINES, Box 64, Soldotna, Alaska.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6768; Filed, July 18, 1961; 8:48 a.m.]

[Notice 388]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 14, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carrier of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 603 (Sub No. 17), filed April 21, 1961. Applicant: T. R. SHUMPERT, doing business as SHUMPERT TRUCK LINE, Amory, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) from Sulligent, Ala. over Alabama Highway 17 to intersection U.S. Highway 78, thence over U.S. Highway 78 to Jasper, Ala., and return over the same route serving all intermediate points; (2) from Sulligent, Ala., over U.S. Highway 278 to Guin, Ala., and return over the same route, with closed doors, for operating convenience only, serving no intermediate points, and (3) from Winfield, Ala., over U.S. Highway 43 to intersection Alabama Highway 18, thence over Alabama Highway 18 and Alabama Highway 69 to Jasper, Ala., and return over the same route serving all intermediate points.

HEARING: September 20, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 100.

No. MC 1124 (Sub No. 176), filed June 22, 1961. Applicant: HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado, Kansas, Nebraska and Oklahoma.

HEARING: September 18, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 20207 (Sub No. 33), filed June 20, 1961. Applicant: CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham Street, McKees Rocks, Pa. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Medina, Ohio, as an off-route point in connection with carrier's regular-route operations to and from Akron, Ohio.

NOTE: Common control may be involved.

HEARING: September 11, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 23939 (Sub No. 105), filed June 12, 1961. Applicant: ASBURY TRANSPORTATION CO., 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen, oxygen, helium, hydrogen and rocket propellant fuels in government-owned or shipper-owned specially designed tank trailers* and (2) *empty vehicles* (a) between Ellsworth Air Force Base located at Rapid City, S. Dak. and points within fifty (50) miles thereof, and (b) between Ellsworth Air Force Base located at Rapid City, S. Dak., and points in Wyoming, Colorado and Nebraska.

HEARING: September 21, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 28478 (Sub-No. 14), filed July 13, 1961. Applicant: GREAT LAKES EXPRESS CO., 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 52861 (Sub-No. 3), filed July 3, 1961. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's attorneys: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio, and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, in dump vehicles, from points in Ohio to points in the lower peninsula of Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 15, 1961, in Room 214, Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 61506 (Sub No. 6), filed May 11, 1961. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the specified commodities, between Charleston, S.C., on the one hand, and, on the other, points in Virginia.

HEARING: September 14, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 196.

No. MC 61506 (Sub No. 7), filed May 23, 1961. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: T. M. Forbes, Jr., 825 C. & S. Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Belton, S.C., on the one hand, and, on the other, points in Georgia.

HEARING: September 19, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 63154 (Sub-No. 1), filed July 5, 1961. Applicant: RAYMOND J. ENTRINGER, La Motte, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Dubuque, Iowa, to Chicago, Ill.

HEARING: September 15, 1961, in Room 401, Old Federal Office Building, 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 64932 (Sub No. 297), filed May 15, 1961. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., and Monsanto, Ill., to points in Texas, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Nebraska, and Maryland.

HEARING: October 10, 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 69833 (Sub-No. 58), filed July 10, 1961. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre SE., Grand Rapids, Mich. Applicant's attorneys: Leonard D. Verdier, Jr., Warner, Norcross & Judd, 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Scrap metals*, in bulk, and *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap meals in bulk), commodities requiring special equipment), and those injurious or contaminating to other lading, serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961 at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 74321 (Sub No. 23), filed April 20, 1961. Applicant: B. F. WALKER, INC., 650 17th Street, Denver 2, Colo. Applicant's attorney: Jerry Prestridge, P.O. Box 858, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment*, and *supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado, Kansas, Nebraska, and Oklahoma.

NOTE: Applicant states the purpose of the instant application is to remove the gateway requirements in the transportation of the above described commodities when moving between points in Colorado, Kansas, Nebraska, and Oklahoma. No new or additional territorial authority is sought by the instant application but applicant only seeks to remove the gateway restrictions.

HEARING: September 18, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 76478 (Sub-No. 5), filed July 3, 1961. Applicant: CHESTER CARRIERS, INC., East Petersburg, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Caernarvon Township, Berks County, Pa., to points in New Jersey, Delaware and Maryland.

HEARING: September 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 83539 (Sub-No. 80), filed July 3, 1961. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest 6th Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado, Kansas, Nebraska, and Oklahoma.

NOTE: No duplicating authority is sought.

HEARING: September 18, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 87532 (Sub No. 1), (CLARIFICATION), filed May 22, 1961, published issue of June 21, 1961, clarified July 7, 1961, and republished as clarified, this issue. Applicant: CLAY PRODUCTS TRANSPORT, INC., Box 149, Route 2, Dover, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, from points in Tuscarawas, Wayne, Holmes, Harrison, Coshocton, Stark, Carroll, and Guernsey Counties, Ohio, to points in Michigan on and south of Michigan Highway 21.

NOTE: The purpose of this republication is to clarify the proposed operations and change the description to a "from and to" movement in lieu of a "between" movement.

HEARING: Remains as assigned September 28, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 96098 (Sub No. 23), filed June 13, 1961. Applicant: H. H. FOLLMER CONTRACT HAULING, INC., P.O. Box 389, Route No. 15, Milton, Pa. Applicant's representative: Albert E. Enoch, Broadhead Block, 556 Main Street, Bethlehem, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pepper*, in packages, mixed shipments with salt, total weight of pepper not to exceed 10 percent of total weight of shipment, from Silver Springs, N.Y., and Rittman, Ohio to points in Pennsylvania and New Jersey; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, from points in Pennsylvania and New Jersey to Silver Springs, N.Y., and Rittman, Ohio.

NOTE: Applicant has authority to transport salt (a) from Silver Springs, N.Y., to specified points in Pennsylvania; (b) from Rittman and Morton, Ohio to points in New Jersey and those in Pennsylvania on, east and south of U.S. Highway 220, except Philadelphia and Scranton; and (c) from Rittman and Morton, Ohio to points in New Jersey, and specified points in Pennsylvania.

HEARING: September 28, 1961, in Room 300, U.S. Custom House & Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 96498 (Sub-No. 16), filed July 10, 1961. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Metropolis, Ill. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 101075 (Sub-No. 68), filed June 29, 1961. Applicant: TRANSPORT, INC., P.O. Box 396, 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, in bulk, from Duluth, Minn., and Superior, Wis., to points in Minnesota, North Dakota, and South Dakota; and (2) *Rejected shipments* of lime, from points in Minnesota, North Dakota, and South Dakota to Duluth, Minn., and Superior, Wis.

HEARING: September 27, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 103051 (Sub No. 111), filed May 15, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude clay*, in bulk, from points in Sumter County, Ga., to points in Decatur County, Ga.

NOTE: Common control may be involved.

HEARING: September 18, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 103051 (Sub–No. 113), filed July 3, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444 Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid tallow, animal oils, animal greases, animal fats, and blends of the aforesaid commodities*, in bulk, in tank vehicles, from points in Orangeburg County, S.C., to points in Bartow and Forsyth Counties, Ga.

HEARING: September 15, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131.

No. MC 103378 (Sub–No. 207), filed June 9, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda solutions, liquid agricultural insecticides, perchloroethylene, trichloroethylene*, and *1,1,1-trichlorothane* (mestyl chloroform), in bulk, in tank vehicles, from points in Charleston County, S.C., to points in North Carolina.

HEARING: September 13, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 103378 (Sub No. 209), filed June 26, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Sumter County, Ga., to points in Decatur County, Ga.

HEARING: September 18, 1961, at the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 103880 (Sub No. 226), filed May 15, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials*, in bulk, in tank vehicles, from Chicago, Ill., to Atlanta and Savannah, Ga., Orlando, Fla., Richmond, Va., Denver, Colo., and Newark, N.J.

NOTE: Applicant states it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: October 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 105881 (Sub-No. 30), filed June 26, 1961. Applicant: M. R. & R. TRUCKING COMPANY, Ferdon Blvd., Crestview, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, livestock, Classes A and B explosives, and commodities requiring special equipment), (1) between Saffold and Cedar Springs, Ga.; from Saffold over unnumbered Georgia Highway to Cedar Springs and return over the same route, serving all intermediate points and off-route points within five (5) miles of Cedar Springs, and (2) between Colquitt and Cedar Springs, Ga.; from Colquitt over unnumbered Georgia Highway to Cedar Springs and return over the same route, serving all intermediate points, and off-route points within five (5) miles of Cedar Springs.

NOTE: Common control may be involved.

HEARING: September 19, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 101.

No. MC 106398 (Sub-No. 181), filed June 29, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa 15, Okla. Applicant's attorney: Bill R. Privitt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service; from points in Utah (except Salt Lake City and Logan, Utah), to points in the United States (except Hawaii), but including Alaska.

HEARING: September 28, 1961, at Utah Public Service Commission, Salt Lake City, Utah, before Examiner David Waters.

No. MC 106621 (Sub No. 20), filed May 22, 1961. Applicant: MELTON TRANSPORT COMPANY, a Corporation, P.O. Box 477, Adams City, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizers*, and *anhydrous ammonia and its products and by-products*, in bulk, from Hastings, Nebr. and points within ten (10) miles thereof, to points in Colorado, Wyoming, South Dakota, Iowa, and Kansas.

NOTE: Applicant states it is controlled by Ward Transport, Inc. (MC 113624) therefore, common control may be involved.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 107012 (Sub-No. 36, filed July 3, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., East Lincoln Highway, P.O. Box 988, Fort Wayne, Ind. Applicant's attorney: G. Van Golden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from Memphis, Tenn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Texas, Utah, Virginia, and Washington.

HEARING: September 22, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 109236 (Sub No. 12), filed May 22, 1961. Applicant: GEORGE A. SIMS, M. K. SIMS, (GEORGE MILTON SIMS, ELMER L. SIMS, AND BEVERLY S. CANDLAND EXECUTORS), ELMER L. SIMS AND G. GRANT SIMS, a partnership, doing business as SALT LAKE TRANSFER COMPANY, 170 West Second South, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Missiles, space vehicles, space satellites, launching, guidance, monitoring, or control units, parts or components thereof, including Classes A and B explosives*, requiring special equipment for transportation on carrier-owned, shipper-owned, or Government-owned trailers. (b) *Equipment components, materials, supplies, or parts of such missiles, space vehicles, space satellites, launching, guidance, monitoring, or control units*, when such articles are incidental to and are transported in connection with missiles, space vehicles, space satellites, launching, guidance, monitoring or control units, or parts, or components thereof, on carrier-owned, shipper-owned, or Government-owned trailers. (c) *Shipper-owned or Government-owned trailers, empty*, in return movement, when such trailers have been used in the outbound transportation of such articles described in (a) and (b) above, between points in Utah, on the one hand, and, on the other, points in the Continental United States, including Alaska and Washington, D.C.

HEARING: September 27, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner David Waters.

No. MC 109821 (Sub No. 17), filed June 20, 1961. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. Applicant's attorney: Robert De Kroyft, Woolworth Building, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured glass products and commodities and equipment used in the manufacture, sale or shipment of manufactured glass products*, between Greencastle, Pa., on the one hand, and, on the other, Philadelphia, Pa., New York, N.Y., and points in New York and New Jersey within 20 miles of New York, N.Y.

HEARING: September 27, 1961, in Room 300, U.S. Custom House & Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 110698 (Sub No. 156), filed June 2, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorneys: Frank B. Hand, Jr. and Daniel B. Johnson, 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Kentucky and Ohio.

HEARING: September 27, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209.

No. MC 111320 (Sub-No. 44), filed May 21, 1961. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving and contractors equipment, articles* described in Ex Parte No. MC–45, 61 M.C.C. 209, 286 Appendix VIII, and *parts of such commodities moving with or separately*, between Evansville, Ind., and points in the United States.

HEARING: October 12, 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 111940 (Sub No. 28), filed June 12, 1961. Applicant: SMITH'S TRUCK LINES, a corporation, P.O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, in mixed shipments with salt, total weight of pepper not to exceed 10 percent of total weight of shipment, from Silver Springs, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

HEARING: September 28, 1961, in Room 300, U.S. Custom House & Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 112006 (Sub No. 2), filed June 7, 1961. Applicant: BENJAMIN S. NEWHALL, Madison Street, North Berwick, Maine. Applicant's attorney: Francis P. Barrett, Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bleachers* and *grandstands*, knocked down and set up, and *materials, supplies*, and *equipment* used in the erection thereof, between North Berwick, Maine, on the one hand, and, on the other, points east of the Mississippi River, under a continuing contract with Hussey Manufacturing Company, Inc., North Berwick, Maine.

NOTE: Applicant requests that duplication of existing authority be eliminated.

HEARING: September 21, 1961, at the Hotel Essex, Boston, Mass., before Examiner Samuel Horwich.

No. MC 112520 (Sub-No. 61), filed April 26, 1961. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Florida, to Mobile, Ala.

HEARING: September 21, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 98.

No. MC 113267 (Sub No. 36) (REPUBLICATION), filed February 28, 1961, published issue of March 9, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's representative: Frederick H. Figge, same address as applicant. By application filed February 28, 1961, applicant sought authority as a *common carrier*, over irregular routes, transporting: *Peppers*, in cans and barrels, from Limestone, Tenn., to points in 20 States as set forth in the notice of filing of the application, published in the FEDERAL REGISTER of March 9, 1961. At the hearing, Hearing Examiner Maurice S. Bush, presiding, the application was amended as to the origin point, and a report and order by the Examiner, served July 5, 1961, authorized the transportation sought from the plant site of Moody Dunbar, Inc., on Tennessee Highway 107, in Washington County, Tenn., approximately eight (8) miles south of Limestone, Tenn., to points in the 20 destination States. Any person or persons who might have been prejudiced by the allowance of the amendment to change the origin point, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

NOTE: This application was the subject of a consolidated report in No. MC 123260.

No. MC 114360 (Sub No. 9), filed June 6, 1961. Applicant: SOUTHERN EXPRESS COMPANY, a corporation, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Medina, Ohio, as an intermediate point in connection with applicant's regular route operations to and from Youngstown, Ohio.

HEARING: September 11, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 115322 (Sub No. 19), filed June 2, 1961. Applicant: J. M. BLYTHE, doing business as BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and unfrozen food and foodstuffs*, from points in Massachusetts to points in Virginia, North Carolina, South Carolina and Georgia.

NOTE: Common control may be involved. Applicant states that the service to be authorized be restricted against tacking with applicant's authority or interlining of traffic with other motor carriers.

HEARING: September 25, 1961, at the Hotel Essex, Boston, Mass., before Examiner Samuel Horwich.

No. MC 115504 (Sub No. 18), filed May 29, 1961. Applicant: KENISON TRUCKING, INC., P.O. Box 324 (413 South Second West), Salt Lake City 10, Utah. Applicant's attorney: Bartley G. McDonough, 10 Executive Building, 455 East 4th Street, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, including but not limited to ammonium nitrate and ammonium sulphate, in bulk and in bags, from Geneva, Utah to points in Montana, east of the Continental Divide, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected and contaminated shipments*, on return.

NOTE: Applicant has an application pending for common carrier authority under MC 119848, therefore dual operations may be involved.

HEARING: September 26, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner David Waters.

No. MC 115873 (Sub No. 5), filed May 11, 1961. Applicant: HAROLD WAGGONER & COMPANY, a corporation,

103 Westminister Drive, Collinsville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, in bulk, in tank vehicles; from St. Louis, Mo.-E. St. Louis, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, and *rejected shipments*, on return.

HEARING: October 10 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 115983 (Sub No. 2), filed June 26, 1961. Applicant: SALT TRANSPORT, INC., 9107 S. Telegraph, Taylor, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bags or other containers, in dump equipment, when moving in mixed shipments with salt in bulk, from Detroit, Mich., to points in Indiana and Illinois, and (2) *salt*, from Detroit, Mich., to points in Kentucky.

NOTE: Applicant is authorized to transport salt in bulk, from and to points as shown in (1) above, but states that he is only seeking authority to handle packaged salt in mixed shipments with the bulk salt herein requested. Common control may be involved.

HEARING: October 4, 1961, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner John L. York.

No. MC 116077 (Sub-No. 102) (AMENDMENT), filed May 12, 1961, published issue of June 28, 1961, amended July 6, 1961, and republished as amended, this issue. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from points in Cass, Ector, Hockley and Crane Counties, Tex., to points in Arkansas, Colorado, Kansas, Louisana, Missouri, New Mexico, Oklahoma, and Utah.

NOTE: The purpose of this republication is to add Crane County, Tex. as an origin point.

HEARING: Remains as assigned September 18, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Edith H. Cockrill.

No. MC 116204 (Sub No. 4), filed May 25, 1961. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville 7, Tenn. Applicant's attorney A. O. Buck, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from points in Colbert County, Ala., to points in Kentucky and Tennessee, and *returned and damaged shipments* of the above-specified commodity, on return.

NOTE: Applicant states he proposes to operate under contract with Armour Agricultural Chemical Company, serving its plant to be located near Cherokee, Colbert County, Ala. Applicant holds common carrier, authority in MC 118883, therefore, dual operations may be involved.

HEARING: September 26, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 284.

No. MC 116204 (Sub No. 5), filed June 21, 1961. Applicant: VAN E. HAMLETT, 3049 Dickerson Road, Nashville, Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from points in Davidson County, Tenn., to points in Lee, Scott, and Washington Counties, Va., and *rejected* and *damaged shipments* of the above-specified commodity, on return.

NOTE: Applicant states it proposes to operate under contract with Armour Agricultural Chemical Company, Nashville, Tenn., serving its Nashville plant. Applicant holds common authority in MC 118883, therefore dual operations may be involved.

HEARING: September 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 279.

No. MC 116544 (Sub-No. 14), filed June 30, 1961. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Street, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 734 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas and coconuts*, on the same vehicle at the same time, from Gulfport, Miss., to points in Oklahoma, and Minnesota.

HEARING: September 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer.

No. MC 117439 (Sub No. 11), filed June 22, 1961. Applicant: BULK TRANSPORT, INC., 1007 Louisiana National Bank Building, Baton Rouge, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in packages and in bags, from Birmingham, Ala. to points in South Carolina and *rejected shipments* of cement, on return.

HEARING: September 25, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 339.

No. MC 118444 (Sub No. 1), filed February 16, 1959. Applicant: BILL UNFER AND VIC UNFER, a partnership, doing business as UNFER BROS., P.O. Box 491, Valdez, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Alaska.

HEARING: September 1, 1961, at the Loussac Library, Fifth and F Streets, Anchorage, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Commissioner Laurence K. Walrath.

No. MC 118449 (Sub No. 1), filed March 3, 1959. Applicant: CHARLES O. TACHICK & MELVIN TACHICK, a partnership, doing business as TACHICK FREIGHT LINES, Box 84, Soldotna, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives and commodities in bulk), between points in Alaska.

HEARING: August 29, 1961, at the Loussac Library, Fifth and F Streets, Anchorage, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Commissioner Laurence K. Walrath.

No. MC 118490 (Sub No. 1), filed January 28, 1959. Applicant: ALASKA VAN & STORAGE CO., INC., Post Road, Anchorage, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including household goods as defined by the Commission* (but excluding Class A and B explosives, commodities in bulk, and those requiring special equipment), between points in Alaska.

HEARING: August 30, 1961, at the Loussac Library, Fifth and F Streets, Anchorage, Alaska, before Joint Board No. 412, or, if the Joint Board waives its right to participate, before Commissioner Laurence K. Walrath.

No. MC 118561 (Sub No. 3), filed June 22, 1961. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, P.O. Box 422, Maryville, Tenn. Applicant's attorney: F. G. Asquith, Bank of Knoxville Building, Knoxville 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with temperature control devices, in pool car and pool truck distribution service, from Knoxville, Tenn., to points in Roane County, Tenn., and Washington County, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: September 29, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 279.

No. MC 119322 (Sub No. 1), filed May 25, 1961. Applicant: QUICK DELIVERY SERVICE, INC., 654 Conti Street, Mobile, Ala. Applicant's attorney: Ronald P. Slepian, First National Bank Building, P.O. Box 1374, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special handling); between points in Sumter, Marengo, Covington, Escambia, Baldwin, Mobile, Washington, Chocktaw, Coffee, Geneva, Houston, Dale, Pike, Crenshaw, Butler, Monroe, Conecuh, Montgomery, Lowndes, Dallas, Hale, Perry, and Wilcox Counties, Ala., points in Escambia, Santa Rosa, Okaloosa, Bay, Washington, Holmes, and Jackson Counties, Fla., and points in Lauderdale, Clarke, Wayne, Jones, Jasper, Greene, Perry, Forrest, Lamar, George, Jackson, Harrison, Stone, Pearl River, and Hancock Counties, Miss.

NOTE: Applicant states the proposad services to be rendered will be restricted to traffic having an immediate prior or subsequent movement by air transportation.

HEARING: September 22, 1961, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 393.

No. MC 119532 (Sub No. 2), filed June 6, 1961. Applicant: IRA FARRELL AND LAUREL E. FARRELL, doing business as IRA FARRELL & SON, 12 Starrett Street, Houlton, Maine. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Weehawken, N.J., and New York, N.Y., to ports of entry on the International Boundary Line between the United States and Canada at or near Calais, Houlton, and Vanceboro, Maine.

NOTE: Applicant states the service requested herein will be restricted to traffic moving to points in Canada.

HEARING: September 19, 1961, at the Hotel Essex, Boston, Mass., before Examiner Samuel Horwich.

No. MC 119583 (Sub No. 1), filed May 21, 1961. Applicant: L. E. BOLING, 718 Commercial Street, Kewanee, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Low-bed trailers*, in initial movements, in truck-away service, from Kewanee, Ill., to points in Washington, Oregon, Idaho, Utah, California, Nevada, and Arizona.

HEARING: October 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 119585 (Sub-No. 1) (REPUBLICATION), filed March 23, 1961, published in the FEDERAL REGISTER, issue of April 19, 1961. Applicant: KELLY TRANSPORTATION, INC., P.O. Box 1426, Sumter, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. By application filed March 23, 1961, applicant sought a certificate of public convenience and necessity, as a common carrier, transporting new furniture, from points in Sumter County, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. At the hearing, Samuel C. Shoup, Hearing Examiner, presiding, applicant represented that by supplemental publication to the application-notice appearing in the FEDERAL REGISTER on April 19, 1961, Kentucky was included in the application. However, because of a misunderstanding such supplemental notice, although intended, was not in fact published. The public is entitled to rely upon matters published in the FEDERAL REGISTER, and because of the possibility that persons who have relied upon such notice may be prejudiced by the lack of notice respecting Kentucky, the findings contained in the Examiner's report are herewith published to place interested persons on notice, and the issuance of a certificate authorizing such operation will be withheld for 30 days from the date of this publication during which period any interested party adversely affected may file an appropriate pleading with the Commission. In a corrected report and recommended order, served July 5, 1961, the Examiner finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, of *new furniture*, from Sumter, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Kentucky, Tennessee, and Texas, over irregular routes, conditioned on this republication as set forth above.

No. MC 123166 (Sub No. 1), filed April 20, 1961. Applicant: J. N. PARADIS, LTD., 5 Tessier Street, Victoriaville, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished and unfigured veneer;* from the Port of Entry on the International Boundary line between the United States and Canada at or near Jackman, Maine, to Greenville and Bingham, Maine. RESTRICTION: Restricted to foreign commerce originating in the Province of Quebec, Canada.

HEARING: October 3, 1961, at the Senate Chamber, State House Augusta, Maine, before Joint Board 115 or if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 123260 (REPUBLICATION), filed December 5, 1960, published issue of February 15, 1961. Applicant: P. C. PARKER AND L. E. COX, a partnership, doing business as P. M. C. COMPANY, 227 West Depot Street, Greenville, Tenn. Applicant's attorney: Walter A. Curtis, Jr., Maupin, Berry & Curtis, Greeneville, Tenn. By application filed December 5, 1960, applicant sought authority as a *contract carrier*, over irregular routes, transporting: *Peppers*, in cans and barrels, from Limestone, Tenn., to points in 34 States as named in the notice of filing of the application, as published in the FEDERAL REGISTER, issue of February 15, 1961. At the hearing, Hearing Examiner Maurice S. Bush, presiding, the application was amended as to the origin point, and a report and order by the Examiner, served July 5, 1961, authorizes the transportation sought, from the plant site of Moody Dunbar, Inc., on Tennessee Highway 107, in Washington County, Tenn., approximately eight (8) miles south of Limestone, Tenn., to points in the 34 destination States. Any person or persons who might have been prejudiced by the allowance of the amendment, redesignating the point of origin, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

NOTE: This application was the subject of a consolidated report in No. MC 113267 (Sub-No. 36).

No. MC 123335 (Sub No. 2), filed June 15, 1961. Applicant: R. E. & J. E. FRIARS LIMITED, P.O. Box 215, St. John (New Brunswick), Canada. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the Ports of Entry on the International Boundary line between the United States and Canada at or near Calais, Vanceboro, and Houlton, Maine to points in Maine.

NOTE: Applicant states it is under a continuing contract with L. E. Shaw, Ltd., Halifax, Nova Scotia.

HEARING: October 5, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 115 or if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 123425 (Sub-No. 1), filed July 5, 1961. Applicant: SURBURBAN PROPANE GAS CORPORATION, P.O. Box 206, Whippany, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the sites of the terminals on the Dixie Pipe Line (1) at Hattiesburg, Miss., to points in Alabama, Florida, and Georgia, (2) at Demopolis, Ala., to points in Alabama, Florida, Georgia, and Tennessee, (3) at Opelika, Ala., to points in Alabama, Florida, Georgia, and Tennessee, (4) at Griffin, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, (5) at Columbia, S.C., to points in Georgia, North Carolina, South Carolina and Tennessee, (6) at Cheraw, S.C., to points in Georgia, North Carolina, South Carolina and Tennessee, (7) at Raleigh, N.C., to points in North Carolina, South Carolina, Tennessee and Virginia, and (8) from the sites of any other terminals to be established, to states within 250 miles, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 385, dated June 30, 1961.

HEARING: September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 123448, filed February 20, 1961. Applicant: RODRIGUE & RODRIGUE ENRG., a corporation, St-John de la Lande, B. P. Hamel Beauce, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (hardwood squares for spools), from ports of entry on the International Boundary line between the United States and Canada at or near Jackman, Maine and Rock Island, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut.

HEARING: October 6, 1961, at the Senate Chamber, State House, Augusta, Maine, before Examiner Samuel Horwich.

No. MC 123590, filed April 17, 1961. Applicant: RENE BUSSIERE, doing

business as BELLECHASSE TRANSPORT, ENR., St. Henri de Levis, Count de Bellechasse, Province of Quebec, Canada. Applicant's attorney: Donald J. Bourassa, 341 Water Street, Augusta, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the International Boundary Line between the United States and Canada, at or near Jackman, Maine, and Derby Line, and Norton Mills, Vt., to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut.

HEARING: October 6, 1961, at the Senate Chamber, State House, Augusta, Maine, before Examiner Samuel Horwich.

No. MC 123687 (Sub-No. 2), filed June 29, 1961. Applicant: ORRAN F. HOFSTETTER, Route 2, Orrville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Carroll, Coshocton, Muskingum, Stark, Tuscarawas and Wayne Counties, Ohio, to points in Monroe County, Mich.

HEARING: September 28, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 123705, filed May 29, 1961. Applicant: J. E. REDDEN, doing business as REDDEN TRANSFER COMPANY, 531 Fourth Avenue, South, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vacuum and cathode tubes and component parts of radio and television sets*, from Atlanta, Ga., to Hopkinsville, Ky., Cookeville, Tullahoma, Manchester, Columbia, Clarksville, and Nashville, Tenn., and (2) *Used television set picture tubes being returned for credit or reconditioning*, from the above-named destination points to Atlanta, Ga.

HEARING: September 26, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 388.

No. MC 123713, filed June 2, 1961. Applicant: HAROLD L. HANSON LTD., 485 Canada Street, Marysville, New Brunswick, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forestry products*, from Houlton, Maine, to Boston, Mass.

HEARING: October 4, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 123727, filed June 7, 1961. Applicant: G. A. GROCE, P.O. Box 38, Fayetteville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate*, from Wales, Tenn., to points in Jefferson County, Ky., and Hamilton County, Ohio.

HEARING: September 28, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 209.

No. MC 123736, filed June 9, 1961. Applicant: THE JERRY COX COMPANY, 314–318 Main Street, Conway, S.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Wilmington and Acme, N.C., to points in Horry County, S.C., and *refused, damaged*, and *rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant states the proposed operations are for Burroughs Company, Conway, S.C.

HEARING: September 13, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 2.

No. MC 123741, filed June 14, 1961. Applicant: GEORGE F. HAMILTON, doing business as HAMILTON'S SERVICE STATION, 205 Park Avenue, Portland, Maine. Applicant's attorney: Edward G. Hough, Casco Bank Building, Morrill's Corner, 844 Stevens Avenue, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked, disabled, and unregistered motor vehicles, automobiles, trucks, and trailers*, with use of wrecker equipment, between points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, and Connecticut.

HEARING: September 28, 1961, at the Federal Building, Portland, Maine, before Examiner Samuel Horwich.

No. MC 123777, filed July 5, 1961. Applicant: MICHAEL W. WOOD, Ridge Road, Fairfield, Maine. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy supplies*, including *milk cartons* and *containers*, from Needham, Mass., to Waterville, Winslow, and Benton, located in Kennebec County, Maine, to Fairfield and Pittsfield, located in Somerset County, Maine, to Phillips (Franklin County), Maine, and to Milo (Piscataquis County), Maine.

HEARING: October 4, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Sub No. 6), filed May 19, 1961. Applicant: THE SHORT LINE, INC., 400 Fountain Street, Providence, R.I. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express mail and newspapers* in the same vehicle with passengers, between the junction of U.S. Highways 44 and 6 (near Hartford, Conn.), and the junction of Rhode Island Highway 101 and U.S. Highway 6 at North Scituate, R.I.; from junction U.S. Highways 44 and 6, over U.S. Highway 44 to its junction with Connecticut Highway 101, thence over Connecticut Highway 101 to the Connecticut-Rhode Island State line, thence over Rhode Island Highway 101 to its junction with U.S. Highway 6 at North Scituate, R.I., and return over the same route, serving all intermediate points.

HEARING: September 18, 1961, at Room 308 Main P.O. Building, Providence, R.I., before Joint Board No. 252 or if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 61599 (Sub No. 124), filed June 26, 1961. Applicant: QUEEN CITY COACH COMPANY, a corporation, 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, mail, newspapers and baggage of passengers*, in the same vehicle with passengers, between Southeastern junction of South Carolina Highways 19 and 191 south of Eureka, S.C., and Springfield, S.C.; from southeastern junction of South Carolina Highways 19 and 191 south of Eureka over South Carolina Highway 19 to Aiken, S.C.; thence over U.S. Highway 78 and South Carolina Highway 215 to their junction east of Aiken; thence over South Carolina Highway 215 to its junction with South Carolina Highway 4; thence over South Carolina Highway 4 to Springfield, and return over the same route, serving all intermediate points.

HEARING: September 14, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

No. MC 109495 (Sub No. 6), filed April 14, 1961. Applicant: BURNSWICK TRANSPORTATION COMPANY, INC., Elm and Middle Streets, Brunswick, Maine. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, from Brunswick, Lewiston, Auburn, Portland, Biddeford, Kennebunk, and Sanford, Maine to Rochester and Somersworth, N.H., and return.

HEARING: October 3, 1961, at the Senate Chamber, State House, Augusta, Maine, before Joint Board No. 114 or if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 109598 (Sub No. 21), filed May 15, 1961. Applicant: CAROLINA SCENIC STAGES, 217 N. Converse Street, P.O. Box 1011, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, mail, newspapers, express, and baggage of passengers*, in same vehicle with passengers, between Columbia, S.C., and Orangeburg, S.C.; from Columbia over U.S. Highway 176 to junction U.S. Highway 176 and Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 26 and U.S. Highway 601, thence over U.S. Highway 601 to Orangeburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized operation between Columbia and Orangeburg, S.C.

NOTE: Common control may be involved.

HEARING: September 11, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 177.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 218), filed June 30, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lapeer, Mich. and Port Huron, Mich.; from Lapeer over Michigan Highway 21 to Port Huron, and return over the same route, serving no intermediate points, and with service at Port Huron for purpose of joinder only at Sarnia, Ontario.

NOTE: Applicant states that joinder will be with Canadian routes over which applicant is presently authorized to operate.

No. MC 3009 (Sub-No. 40), filed June 30, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Meridian, Miss., and junction U.S. Highway 45 and Alabama Highway 17 near Deer Park, Ala., as follows: From Meridian over Mississippi Highway 19 to the Mississippi-Alabama State line, thence over Alabama Highway 10 to Butler, Ala., thence over Alabama Highway 17 to junction U.S. Highway 45 at a point approximately one mile north of Deer Park, and return over the same route, serving no intermediate points, but serving junction Alabama Highway 17 and U.S. Highway 45 for joinder purposes only.

No. MC 22179 (Sub-No. 2), filed July 7, 1961. Applicant: DUDLEY E. FREEMAN, doing business as FREEMAN TRUCK LINE, Box 467, Oxford, Miss. Applicant's attorney: Edward G. Grogan, 1500 Commerce Title Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Batesville and Oxford, Miss.; from Batesville, over Mississippi Highway 6 to Oxford and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carriers regular-route operations between Memphis, Tenn., and Oxford, Miss., and between Memphis, Tenn., and Grenada, Miss.

No. MC 41432 (Sub-No. 85), filed July 7, 1961. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Dallas 10, Tex. Applicant's attorney: Hugh T. Matthews, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive, incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition*, and *general commodities* (except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Shell Oil Company plant, located approximately four (4) miles east of Bryan's Mill, Tex., as an off-route point in connection with applicant's authorized regular-route operations.

No. MC 112750 (Sub-No. 60) (CORRECTION), filed May 11, 1961, published issue of May 24, 1961, and republished as corrected this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside 61, N.Y. Applicant's attorney: Paul F. Barnes, 226 S. Sixteenth Street, Suite 601, Philadelphia 2, Pa. The notice of filing of the subject application, as published in the FEDERAL REGISTER of May 24, 1961, indicated applicant's attorney as *Paul F. Sullivan*, in error. The attorney representing applicant in this proceeding is *Paul F. Barnes*. The address as shown above, is correct.

No. MC 116325 (Sub-No. 3), filed July 3, 1961. Applicant: JENNINGS BOND, doing business as, BOND ENTERPRISES, Box 185, Lutesville, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crating, lumber, pallet bins, poles, posts, skids, squares*, and *wooden pallets*, from Lutesville, Mo., and points within fifteen (15) miles thereof, to points in Illinois, Iowa, Indiana, Wisconsin, Minnesota, Kansas, Nebraska, Ohio, and Arkansas.

No. MC 123636, filed May 2, 1961. Applicant: FREIGHT HANDLERS, INC., 256 Hooper Drive, Westwood, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular ruotes, transporting: *New and used food containers, packing and packing equipment* and *materials, reconditioned containers*, and *return food commodities*, between Versailles, Conn., points in Westchester, Putnam, Nassau, and Suffolk Counties, Piermont, N.Y., and New York, N.Y., and points in Broome, Otsego, Delaware, Sullivan, Orange, and Rockland Counties, N.Y., on the one hand, and, on the other, points in Sussex, Warren, Passaic, Essex, Middlesex, Monmouth, Ocean Bergen, Atlantic, Gloucester, and Cumberland Counties, N.J.

NOTICE OF FILING OF PETITIONS

No. MC 14514 (PETITION TO REOPEN "GRANDFATHER" APPLICATION, AND FOR CLARIFICATION AND MODIFICATION OF EXISTING PERMITS), filed June 22, 1961. Petitioner: JOHN KOEHN, JR., doing business as MERCHANTS DELIVERY, 115 Wabash Court, Danville, Ill. Petitioner's attorney: Ray M. Foreman, 704–710 Baum Building, Danville, Ill. By Order dated October 25, 1937, and subsequent Orders dated February 2, 1939, July 12, 1943, and April 24, 1950, applicant was authorized to transport general commodities, meat, meat packing-house products, groceries, and such merchandise as is dealt in by mail order houses, between Chicago and Danville, Ill., and specified points in Indiana and Illinois. By petition filed June 22, 1961, petitioner requests the Commission reopen its "Grandfather" proceeding, MC 14514, and reissue the authority so as to read: "*Meat, packing-house products, groceries*, Commodities described in paragraphs (a), (b), and (c) of the appendix to the Report of the Commission in *Modification of Permits—Packing House products*, 46, M.C.C. 23, and such merchandise as is dealt in by mail order houses, over irregular routes, from Chicago, Ill., to Danville, Ill., and from Chicago and Danville, Ill., to points in Illinois and Indiana within seventy (70) miles of Danville, Ill., and Commodities described in paragraphs (a), (b) and (c) of the appendix to the report of the Commission in *Modification of Permits, Packing House Products*, 46, M.C.C. 23, over irregular routes, from Danville, Ill., to Kokomo, Ind., and points within fifteen (15) miles of Kokomo. Return with no transportation for compensation, except as otherwise authorized. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition, or other appropriate pleading.

NOTE: Applicant has also filed a BMC–76 application, assigned No. MC 14514 (Sub-No. 4), covering the relief sought in the above-described petition.

No. MC 22657 (PETITION FOR CHANGE OF STATUS FROM COMMON CARRIER BY MOTOR VEHICLE TO CONTRACT CARRIER BY MOTOR VEHICLE), dated June 30, 1961. Petitioner: IRVING B. RAPPAPORT, SOL RAPPAPORT, SYDNEY RAPPAPORT, AND LOUIS G. RAPPAPORT, doing business as ISIDORE RAPPAPORT & SONS, 379 Suydam Street, Brooklyn, N.Y. Petitioner's attorney: Kenneth J. McAuliffe, 233 Broadway, New York 7, N.Y. Petitioner holds Certificate No. MC 22657, dated November 22, 1941, authorizing the transportation of: *New furniture*, and *empty cans*, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey within 100 miles of Columbus Circle, New York, N.Y. Petitioners request the Commission to reopen the proceeding in No. MC 22657 and grant them a Permit as a *contract carrier* of *empty cans*, in the territory now served by petitioners in lieu of the certificate of public convenience and necessity. Any person or persons desiring to oppose the relief sought, may file a reply to this petition or other appropriate pleading, within 30 days from the

date of this publication in the FEDERAL REGISTER.

No. MC 30311 (Sub-No. 18), (PETITION FOR MODIFICATION OF CERTIFICATE), dated June 29, 1961. Petitioner: A.C.E.-FREIGHT, INC., Akron, Ohio. Petitioner's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. By petition dated June 29, 1961, petitioner requests the Commission remove from Sheet No. 8 of Certificate MC 30311 (Sub-No. 18) the restriction made applicable to the two specified "Alternate Routes For Operating Convenience Only" which appear at the bottom of Sheet No. 7 and at the top of Sheet No. 8 to which the said restriction applies. The specific restriction complained of reads as follows: "RESTRICTION: Service on the above-specified alternate routes is subject to the restrictions contained in the service routes described above with respect to termini and intermediate points, which are as follows: On eastbound traffic; from Cleveland, Canton, and Akron, Ohio, and points within 15 miles of Akron, to the authorized points in New York, New Jersey, Connecticut, Rhode Island, and Massachusetts. On Westbound traffic; from Newark, Bound Brook, Irvington, Rahway, Dunnellen, Passaic, Paterson, and Hackensack, N.J., Peabody, Worcester, Canton, South Braintree, Hudson, Watertown, New Bedford, Fall River, and Boston, Mass., Providence, R.I., Wallingford and Hartford, Conn., points within 15 miles of Boston, and those in the New York, N.Y., Commercial Zone, as defined by the Commission, to Cleveland, Canton, Youngstown, and Akron, Ohio, and points within 15 miles of Akron. "Service is not authorized to or from points in Pennsylvania." In lieu of said restriction, petitioner requests that there be substituted what it believes to be the proper restriction as authorized in the interpretation case, *supra*, and which is found on Sheet No. 7 of the aforesaid certificate and which restriction reads as follows: "RESTRICTION: Service to and from the termini, intermediate points, and off-route points in connection with all of the above-described routes, is limited to the transportation of traffic moving between points in Ohio at which service is specifically authorized, on the one hand, and, on the other, those points in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island at which service is specifically authorized." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition or other appropriate pleading.

No. MC 39869 (PETITION FOR REOPENING OF "GRANDFATHER" DOCKET AND MODIFICATION OF CERTIFICATE), dated June 26, 1961. Petitioner: EDWARD A. THOMPSON, INC., 317 West 46th Street, New York 36, N.Y. Petitioner's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Certificate No. MC 39869 authorizes the transportation of: *Paper, paper products,* and *wood pulp,* over irregular routes, from New York, N.Y., to Providence, R.I., Philadelphia, Allentown, Bethlehem, Easton, and Scranton, Pa., points and places in Connecticut and Massachusetts, and those in Camden, Bergen, Essex, Union, Hudson, Middlesex, Morris, Passaic, Somerset, and Warren Counties, N.J. From Elizabeth, N.J., to New York, N.Y., and places in New Jersey. *Skids* and *cores,* over irregular routes, from Providence, R.I., Philadelphia, Allentown, Bethlehem, Easton, and Scranton, Pa., and points and places in Connecticut, Massachusetts, and New Jersey to New York, N.Y., and return with no transportation for compensation except as otherwise authorized, to the above-specified origin points. By Petition dated June 26, 1961, petitioner seeks reopening of the proceeding in MC 39869 and modification of the certificate so as to authorize transportation as follows: *Paper, paper products,* and *wood pulp,* over irregular routes, (1) from New York, N.Y., to Providence, R.I., Philadelphia, Allentown, Bethlehem, Easton, and Scranton, Pa., and points in Connecticut and Massachusetts, (2) from Elizabeth, N.J., to New York, N.Y., and points in New Jersey, and (3) between points in the New York, N.Y., Commercial Zones as defined by the Commission, on the one hand, and, on the other, points in Camden, Bergen, Essex, Hudson, Union, Middlesex, Morris, Passaic, Somerset, and Warren Counties, N.J., and Nassau, Suffolk, and Westchester Counties, N.Y. *Skids* and *cores,* over irregular routes, from Providence, R.I., Philadelphia, Allentown, Bethlehem, Easton, and Scranton, Pa., and points in Connecticut, Massachusetts, and New Jersey to New York, N.Y. Petitioner has also filed a BMC 78 application covering the relief sought as above described. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition, or other appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 114238 (Sub-No. 5), filed July 13, 1961. Applicant: OHIO SOUTHERN EXPRESS, INC., 630 14th Street NW., Atlanta 18, Ga. Applicant's attorneys: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta 9, Ga., and George S. Maxwell, 1032 Standard Building, Cleveland 13, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), REGULAR ROUTES: (1) From Ceylon Junction, Ohio, over Ohio Highway 2 to Cleveland, and return over the same route, serving all intermediate points. (2) Also from Ceylon Junction, Ohio, over Ohio Highway 61 to junction Ohio Highway 113, thence over Ohio Highway 113 to Cleveland, Ohio, and return over the same routes, serving all intermediate points. (3) Between Vermilion, Ohio, and the intersection of Ohio Highway 60 and Ohio Highway 113, over Ohio Highway 60, serving all intermediate points. (4) Between Lorain, Ohio, and South Amherst, Ohio, as follows: From Lorain over Oberlin Avenue to Northridge Road, thence over Northridge Road to Amherst, Ohio, thence over South Amherst Road to Ohio Highway 113, thence over Ohio Highway 113 to South Amherst, Ohio, and return over the same route, serving all intermediate points. (5) Between Lorain, Ohio, and Elyria, Ohio, over Ohio Highway 57, serving all intermediate points. *RESTRICTIONS:* Applicant indicates the above-described operations are restricted against the transportation of commodities originating in Lorain and consigned to Elyria, and originating in Elyria and consigned to Lorain, over Ohio Highway 57 or over Northbridge and South Amherst Roads and Ohio Highway 113. Further restricted against picking up or delivering shipments at any point on U.S. Highway 6 and Ohio Highway 61 intermediate to Vermilion and Berlin Heights, Ohio. IRREGULAR ROUTES: Between Vermilion, Ohio, on the one hand, and, on the other, all points in Ohio.

NOTE: This application is directly related to MC-F-7919. The above-described routes are contained in Docket No. MC 99889, a filing under the second proviso of section 206(a)(1) of the Act.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7738. (NORTH AMERICAN VAN LINES, INC.—PURCHASE (PORTION)—RICHARD F. McCABE), published in the December 21, 1960, issue of the FEDERAL REGISTER on page 13155. Amendment filed July 10, 1961, to show joinder of THE J. M. BARBE CO., 470 South St. SE., Warren, Ohio, GEO. M. CLANCY CARTING CO., INC., 8 Circle St., Rochester, N.Y., FEDERAL STORAGE WAREHOUSES, 155 Washington St., Newark, N.J., THE WM. FRIDRICH MOVING & STORAGE CO., 2023 Ferndale Ave., Lakewood, Ohio, THE HAMPDEN TRANSFER & STORAGE CO., 3630 Falls Rd., Baltimore, Md., HOEVELER TRANSPORTATION CO., 2318 Clearview Rd., Pittsburgh, Pa., I-GO VAN & STORAGE CO., 112 S. 54th, Omaha, Nebr., EDWARD DAIGLER, doing business as KENMORE MOVING & STORAGE CO., 16 Lincoln Blvd., Kenmore 17, N.Y., KOTT STORAGE & VAN CO., INC., 6645 Stanley Ave., Berwyn, Ill., LINCOLN STORAGE OF BUFFALO, INC., 1109 Niagara St., Buffalo, N.Y., LOUDERBACK TRANSPORTATION CO., 5900 Torresdale Ave., Philadelphia, Pa., MERCHANTS TRANSFER & STORAGE CO., San Antonio, Texas, TOM MUNDAY, INC., 6 NE. 6th St., Oklahoma City, Okla., JOHN MURPHY, WILLIAM MURPHY, and THOMAS MURPHY, doing business as MURPHY BROTHERS, 91 East Main St., Mt. Kisco, N.Y., ARTHUR NAGLEE, doing business as NAGLEE MOVING & STORAGE, 208 Horseheads Blvd., Elmira Heights, N.Y., ALBERT N. ROHLEDER, 432 Fairmount Ave., Meadville, Pa., THOMAS GREGORY SHEA, GEORGE ARCHER, JR., and KATHERINE L. SHEA, doing business as HUGH SHEA & SONS, 174 Harrison Ave., Harrison, N.Y., CHARLES STIERLEN, doing business as STIERLEN'S MOVING & STORAGE, 65 Brookside Ave., Nyack, N.Y., WEIL FIREPROOF WAREHOUSE, 2535 Vine St., Cincinnati, Ohio, RICHARD H. BURESH, 407 Second St. SE., Cedar Rapids, Iowa, JACOB R. CECIL, 1102 13th St., Lorain, Ohio, IDA L. GARVEY and CYRIL P. GARVEY, 86 East North St., Buffalo 3, N.Y., RICHARD L. HILLING, 1005 South Q St., Richmond, Ind., GAIL MARKS, Cambridge, Ohio JAMES A. NEVIL, 1660 Mission St., San Francisco, Calif., HARRY R. RAFFERTY, ALEX RAFFERTY, JR., and MICHAEL J. RAFFERTY, 26 South First St., Highland Park, Ill., CHARLES WEAVER and GRACE WEAVER, 539 N. Front St., Steelton, Pa., CHARLES J. WILSON or ELIZABETH WILSON, 390 Elm St., Buffalo, N.Y., WILLIAM H. WILSON, Buffalo, N.Y., and EDWARD F. SIMARD, Corner Third & Wade Sts., Fall River, Mass., as parties in control of NORTH AMERICAN VAN LINES, INC.

No. MC-F 7915. Authority sought for purchase by LEATHAM BROTHERS, INC., 46 Orange St., Salt Lake City, Utah, of the operating rights of JAMES G. ROUSE, 6555 S. E. Alberta, Portland, Oreg., and for acquisition by CHARLES LEATHAM and JACK LEATHAM, both of Wellsville, Utah, and WM. LeROY LEATHAM, Bountiful, Utah, of control of such rights through the purchase. Applicants' attorney: Harry D. Pugsley, 721 Continental Bank Bldg., Salt Lake City 1, Utah. Operating rights sought to be transferred: *Lumber,* as a *contract carrier* over irregular routes, from points in Oregon to points in Utah, and from points in Ada County, Idaho to points in Deschutes County, Oregon. Vendee is authorized to operate as a *common carrier* in Oregon, Utah and Idaho. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7916. Authority sought for purchase by GEM CARTAGE COMPANY, 1705 Porter, Detroit 16, Mich., of the operating rights and property of HOWARD J. CONLIN, an individual, doing business as GEM CARTAGE COMPANY, 1705 Porter, Detroit 16, Mich., and for acquisition by HOWARD J. CONLIN, also of Detroit, Mich., of control of such rights and property through the purchase. Applicants' attorney: Eugene C. Ewald, 2150 Guardian Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Detroit, Mich., and Mount Clemens, Mich., serving all intermediate points, and the off-route point of Saint Clair Shores, Mich. Vendee holds no authority from this Commission. However, HOWARD J. CONLIN is employed as Vice President and General Manager of EARL C. SMITH, INC., 1428 4th St., Port Huron, Mich., which is authorized to operate as a *common carrier* in Michigan, and also under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7917. Authority sought for merger into EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, Ind., of the operating rights and property of BROWN & POLLACK MOTOR LINES, INC., 338 State St. Extension, Fairfield, Conn., and for acquisition by WILSON M. HOUSE, 4605 Wabash Ave., Terre Haute, Ind., of control of such rights and property through the transaction. Applicants' representative: M. S. Fetter, Secy-Treas., Eastern Express, Inc., 1450 Wabash Ave., Terre Haute, Ind. Operating rights sought to be merged: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and New Haven, Conn., between Bridgeport, Conn., and New Haven, Conn., between New Haven, Conn., and Norwich, Conn., and between Derby, Conn., and Waterbury, Conn., serving certain intermediate and off-route points; *general commodities,* with the above exceptions, in truckload lots only, over irregular routes from New York, N.Y., to Springfield, Mass.; *general commodities,* with the above exceptions, between New York, N.Y., on the one hand, and, on the other, points in Essex, Union, Hudson and Middlesex Counties, N.J.; *scrap materials,* from New Haven, Bridgeport, Derby, Torrington, Norwich and Hamden, Conn., to Perth Amboy, Carteret, and Rahway, N.J. EASTERN EXPRESS, INC., is authorized to operate as a *common carrier* in Illinois, Ohio, Pennsylvania, New York, New Jersey, Missouri, Indiana, Maryland, West Virginia, Kentucky, Michigan, Iowa and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7918. Authority sought for purchase by BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis 15, Mo., of the operating rights of HARRY A. ASCHAN, an individual, doing business as ACME FREIGHT AND TRANSFER CO., 216 N. Water St., Rockford, Ill., and for acquisition by GEORGE R. GOODE and P. W. GOODE, both of 7400 North Broadway, St. Louis 15, Mo., of control of such rights through the purchase. Applicants' attorney: Charles M. M. Shepherd, 20 S. Central, Clayton 5, Mo. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Rockford, Ill., and certain points in Illinois, and between Rockford, Ill., and Richmond, Ill., serving all intermediate points and certain off-route points; and between points in Illinois for operating convenience only. Vendee is authorized to operate as a *common carrier* in Indiana, Wisconsin, Illinois, Missouri, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7919. Authority sought for purchase by OHIO SOUTHERN EXPRESS, INC., 630 14th Street NW., Atlanta 18, Ga., of the operating rights of VERMILION TRUCK LINE, INC., (CHARLES M. HYMAN, TRUSTEE IN BANKRUPTCY), 124 N. Maple St., Elyria, Ohio, and for acquisition by W. D. BUFFALOE, 10 Blanche St. NW., Atlanta, Ga., of control of such rights through the purchase. Applicants' attorneys: Guy H. Postell, Suite 693, 1375 Peachtree St., NE., Atlanta 9, Ga., and George S. Maxwell, 1032 Standard Bldg., 1370 Ontario St., Cleveland 13, Ohio. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of Ohio, in the transportation of *general commodities,* with exceptions, including household goods and commodities in bulk, as a *common carrier* over (1) regular routes between (a) Ceylon Junction and Cleveland, Ohio, (b) Lorain and South Amherst, Ohio, (c) Lorain and Elyria, Ohio, and (d) Vermilion and junction Ohio Highways 60 and 113, and (2) over irregular routes, between Vermilion, on the one hand, and, on the other, points in Ohio. Vendee is authorized to operate as a *common carrier* in Georgia, West Virginia, Ohio, Pennsylvania, and Tennessee. Application has been filed for temporary authority under section 210a(b).

NOTE: No. MC-114238 Sub 5 is a matter directly related.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6769; Filed, July 18, 1961; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 14, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37261: *TOFC service—Paper articles from and to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8051), for interested rail carriers. Rates on paper and paper articles, as described in the application, loaded in trailers and transported on railroad flat cars, from points in Minnesota and Wisconsin to points in southwestern territory; also from points in Arkansas, Louisiana, and Texas, to points in western trunk-line territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 113 to Southwestern Freight Bureau tariff I.C.C. 4312.

FSA No. 37262: *TOFC service—Iron and steel articles to southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8052), for interested rail carriers. Rates on iron and steel articles, as described in the application, loaded in trailers and transported on railroad flat cars, from Atlanta, Ga., and points grouped therewith, also Birmingham, Ala., and points grouped therewith, to points in southwestern territory.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 22 to Southwestern Freight Bureau tariff I.C.C. 4368.

FSA No. 37263; *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 409), for interested rail carriers. Rates on glass fibre fabric and cathode ray tubes, both in carloads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Interstate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 10 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37264; *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 410), for interested rail carriers. Rates on glass fibre fabric and cathode ray tubes, and other commodities named in the application in carloads and less-than-carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 10 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6758; Filed, July 18, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2787]

BARNHART-MORROW CONSOLIDATED

Notice of Application to Strike from Listing and Registration and of Opportunity for Hearing

JULY 13, 1961.

In the matter of BARNHART-MORROW CONSOLIDATED, Common Stock File No. 1-2787.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The Exchange suspended the stock October 11, 1960, in view of unsatisfactory financial statements, and is now informed that registrar facilities have been discontinued.

Upon receipt of a request, on or before July 28, 1961 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6742; Filed, July 18, 1961; 8:46 a.m.]

[File No. 1-14]

BROCK AND CO.

Notice of Application to Strike from Listing and Registration and of Opportunity for Hearing

JULY 13, 1961.

In the matter of Brock & Company, Common Stock, File No. 1-14.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The company has only 7 stockholders, and only 7,000 outstanding shares.

Upon receipt of a request, on or before July 28, 1961 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6743; Filed, July 18, 1961; 8:46 a.m.]

[File No. 7-2154]

CHADBOURN GOTHAM, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1961.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Chadbourn Gotham, Inc., File 7-2154.

Upon receipt of a request, on or before July 28, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6744; Filed, July 18, 1961; 8:46 a.m.]

[File No. 24W-2491]

INTERCONTINENTAL MOTELS, LTD.

Notice and Order for Hearing

JULY 13, 1961.

I. Intercontinental Motels, Ltd. (issuer), a Delaware corporation, located at Towne House Motor Lodge, Post Office Box 1061, Martinsville, Virginia, filed with the Commission on March 28, 1961, a notification on Form 1-A and an offering circular in connection with a proposed offering of 150,000 shares of $.10 par value common stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. On July 5, 1961, the Commission issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act temporarily suspending the exemption under Regulation A and affording any person having an interest in this filing an opportunity to request a hearing. A written request for hearing was received by the Commission.

The Commission deeming it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order permanently suspending the exemption.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act, that a hearing be held at 10:00 a.m., e.d.s.t., on July 31, 1961, at the Main Office of the Commission, 425 Second Street NW., Washington 25, D.C., with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the offering circular of the issuer contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to state reasons and conditions, including problems surrounding the existence of a builder's lien and the recasting of the mortgage, which may prevent the issuer's plan of reorganization for Fleetwood Motel Corporation from being accepted by the stockholders and the creditors of the debtor, Fleetwood Motel Corporation, the trustee or the bankruptcy court.

2. The failure to state fully the procedure which the issuer would have to follow in order to obtain binding acceptance of its reorganization plan.

3. The failure to disclose the existence of foreseeable events and reasons which would result in rejection of the issuer's plan of reorganization or the acceptance of another plan.

4. The failure to disclose that the trustee had filed a report which indicated that he had found that he could not recommend any of the proposals before him.

5. The statement that the issuer's plan of reorganization was "presently before the court for consideration by the shareholders and creditors of the bankrupt".

B. Whether the offering and sale of the issuer's securities violated section 17(a) of the Securities Act of 1933.

III. *It is further ordered,* That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Intercontinental Motels, Ltd., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 28, 1961, a request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6745; Filed, July 18, 1961; 8:46 a.m.]

[File No. 1-3456]

MINDANAO MOTHER LODE MINES, INC.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 13, 1961.

In the matter of Mindanao Mother Lode Mines, Inc., Capital Stock, File No. 1-3456.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Mining operations ceased in September 1958. The stock has been suspended from dealings on the Exchange since March 6, 1959.

Upon receipt of a request, on or before July 28, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6746; Filed, July 18, 1961; 8:46 a.m.]

[Files 7-2148—7-2153]

NEW YORK CENTRAL RAILROAD CO. (DELAWARE)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1961.

In the matter of applications of the stock exchanges listed below for unlisted trading privileges in a certain security.

The below named national securities exchanges have filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of New York Central Railroad Company (Delaware), which is listed and registered on two national securities exchanges:

Cincinnati Stock Exchange, File 7-2148.
Philadelphia-Baltimore Stock Exchange, File 7-2149.
Pittsburgh Stock Exchange, File 7-2150.
Boston Stock Exchange, File 7-2151.
Pacific Coast Stock Exchange, File 7-2152.
Detroit Stock Exchange, File 7-2153.

Upon receipt of a request, on or before July 28, 1961, from any interested person, the Commission will determine whether any of the applications shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6747; Filed, July 18, 1961; 8:46 a.m.]

[File No. 1-4032]

UNITED CUBAN OIL, INC.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

JULY 13, 1961.

In the matter of United Cuban Oil Inc., Common Stock, File No. 1-4032.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Registrar and transfer facilities have been terminated, in contravention of the rules of the Exchange.

Upon receipt of a request, on or before July 28, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6748; Filed, July 18, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-X-21 (Revision 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority 30-X-1 (Revision 2) (25 F.R. 4939), there is hereby redelegated to the Chief, Loan Processing Section, Dallas, Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve but not decline the following types of loans:

a. Disaster Loans in amounts not exceeding $20,000.

b. Limited Loan Participation Loans in amounts not exceeding $15,000.

c. Direct Business Loans in amounts not exceeding $20,000.

d. Loans under SL program in amounts not exceeding $12,000.

e. Participation Business Loans in amounts not exceeding $100,000, if participating institution's share is at least 25 percent.

f. Participation Business Loans in amounts not exceeding $20,000 if participating institution's share is less than 25 percent.

2. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

3. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

4. To take the following actions in the Administration of fisheries' loans:

a. Amend loan authorizations.

b. Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

c. Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less.

d. Cancel loan authorizations prior to disbursement upon the written request of the applicant.

B. *Administrative.* To approve annual and sick leave, except advanced annual and sick leave, for employees under his supervision.

II. All authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Processing Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. June 14, 1961.

A. W. BUCHEK,
Chief, Financial Assistance Division, Dallas Regional Office.

[F.R. Doc. 61-6749; Filed, July 18, 1961; 8:47 a.m.]

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FEDERAL REGISTER

VOLUME 26 NUMBER 138

Washington, Thursday, July 20, 1961

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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

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[Amdt. 12]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crops Years

Correction

In F.R. Doc. 61-6603, appearing at page 6291 of the issue for Friday, July 14, 1961, the section designation immediately preceding item 1 should read "§ 401.3" instead of "401.30".

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55428]

PART 14—APPRAISEMENT

Antidumping; Portland Cement From Belgium

JULY 12, 1961.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority a determination was made, and on March 3, 1961, the United States Tariff Commission was advised, that portland cement, other than white, nonstaining portland cement from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies, is being, or is likely to be, sold in the United States at less than its fair value.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on June 2, 1961, it notified the Secretary of the Treasury, that an industry in the United States is being injured by reason of the importation of portland cement, other than white, nonstaining portland cement, from Belgium at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to portland cement, other than white, nonstaining portland cement, from Belgium, except as to importations from the firm of Cimenteries et Briqueteries Reunies.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise, Country, and T.D.

Portland cement, other than white, nonstaining portland cement; Belgium; 55428.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] HENRY H. FOWLER,
Under Secretary of the Treasury.

[F.R. Doc. 61-6811; Filed, July 19, 1961; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7918 c.o. etc.]

PART 13—PROHIBITED TRADE PRACTICES

Keen Fruit Corp. et al.

Keen Fruit Corporation (Docket 7918 c.o.); Groveland Fruit Company, Inc. (D. 7919 c.o.); Battaglia Fruit Company, Inc. (D. 7922 c.o.); Zellwood Fruit Distributors, Inc. (D. 7923 c.o.); John S. Taylor Company (Inc.) (D. 7924 c.o.); Sorrells Bros. Packing Co., Inc. (D. 7925 c.o.); Knowles and Company (D. 7926 c.o.); Lakeland Highlands Cooperative Association (D. 7927 c.o.); Lake Wales Citrus Growers Association, Inc. (D. 7928 c.o.); Peace River Packing Company (Docket 7929 c.o.); Lakeland Packing Company, Inc. (D. 7930 c.o.); Marion County Citrus Company (D. 7931 c.o.); Nelson & Company, Inc. (D. 7932 c.o.); Patrick Fruit Corporation (D. 7933 c.o.); Holly Hill Fruit Products, Incorporated (D. 7934 c.o.); O. D. Huff, Jr., Groves, Inc. (D. 7935 c.o.); Apopka Fruit Co. (D. 7936 c.o.); Adams Packing Association, Inc. (D. 7998 c.o.); Alturas Packing Company, Incorporated (D. 7999 c.o.); Arvida Fruit Co., Inc. (D. 8000 c.o.); Babijuice Corporation of Florida (D 8001 c.o.); The Citrapak Corporation (D. 8002 c.o.); Deerfield Groves Company, Inc. (D. 8003 c.o.); Ben Hill Griffin, Inc. (D. 8004 c.o.); Egan, Fickett & Co., Inc., and The Lake Fruit Co., Inc. (D. 8005 c.o.); Smith Enterprises Incorporated and Magic River Associates (D. 8006 c.o.); South Lake Apopka Citrus Growers Association (D. 8007 c.o.); Square Deal Fruit Co. (D. 8008 c.o.); Chase & Company, Inc. (D. 8009 c.o.); Herman J. Heidrich, Francis X. Heidrich, and Paul D. Heidrich, individually and as copartners doing business as Herman J. Heidrich & Sons (D. 8010 c.o.); Heller Brothers Packing Company, Inc. (D. 8011 c.o.); Killarney Fruit Company, Inc., and Nathan Rubin, individually and as copartners doing business as Killarney Fruit Company (D. 8012 c.o.); Lake Hamilton Cooperative, Inc. (D. 8013 c.o.); Snively Groves, Inc. (D. 8014 c.o.); G. Lester Ivey, Hilda C. Ivey and Clarence L. Ivey, individually and as copartners, doing business as Osceola Fruit Distributors (D. 8015 c.o.); Newbern Groves, Inc. (D. 8016 c.o.); Waverly Growers Cooperative, Inc. (D. 8017 c.o.); Roper Growers Cooperative (D. 8018 c.o.); Nevins Fruit Company, Inc., and Nevins-Ideal, Inc. (D. 8019 c.o.); Lake Alfred Packing Company (D. 8020 c.o.); Growers Marketing Service, Inc. (D. 8090 c.o.); Di Giorgio Fruit Corporation (D. 8147 c.o.); Peoples Packing Company, Inc. (D. 8148 c.o.); Indian Lake Fruit Co., Inc. (D. 8149 c.o.); and Pipping Packing Company, Inc. (D. 8210 c.o.).

Subpart—Discriminating in price under section 2, Clayton Act—Payment or Acceptance of Commission, Brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: 45 citrus cases as listed above, May 19, 1961]

Consent orders requiring 45 Florida citrus fruit packers, as listed above, to cease violating section 2(c) of the Clayton Act by paying brokerage, or its equivalent, to customers making purchases for their own accounts for resale:

By identical orders, respondents in these 45 citrus cases, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, were required to cease and desist from:

Paying, granting, or allowing, directly or indirectly, to any buyer, or to anyone acting for or in behalf of or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

By separate "Decision of the Commission", etc., report of compliance was required as follows from each of the respondents in these 45 listed citrus cases:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6816; Filed, July 19, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of O,O-Diethyl S-2-(Ethylthio) Ethyl Phosphorodithioate

A petition was filed with the Food and Drug Administration by Chemagro Corporation, Post Office Box 4913, Kansas City 20, Missouri, requesting the establishment of a tolerance for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate in or on cottonseed at 0.75 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.183 (21 CFR 120.183; (26 F.R. 2593)) a tolerance for the subject pesticide chemical in or on cottonseed. As amended this section reads as follows:

§ 120.183 Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in or on raw agricultural commodities are established as follows:

2 parts per million in or on sugar beet tops.

0.75 part per million in or on cottonseed; potatoes.

0.5 part per million in or on sugar beets.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6809; Filed, July 19, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHELATING AGENTS IN PAPER AND PAPERBOARD FOR FOOD PACKAGING

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Union Starch and Refining Company, Inc., 301 Washington Street, Columbus, Indiana, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additives sodium glucoheptonate, tetrasodium ethylenediamine tetraacetate and trisodium *N*-hydroxyethyl ethylenediamine triacetate as chelating agents in the manufacture of paper and paperboard for food packaging. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2515 Chelating agents used in the manufacture of paper and paperboard.

The substances named in paragraph (a) of this section may be safely used in the manufacture of paper and paperboard, in accordance with the conditions prescribed in paragraphs (b) and (c) of this section:

(a) Chelating agents:

List of substances:	*Limitations*
Sodium glucoheptonate	------
Tetrasodium ethylenediamine tetraacetate	------
Trisodium *N*-hydroxyethyl ethylenediamine triacetate	------

(b) Any one or any combination of the substances named is used or intended for use as chelating agents.

(c) The substances are added at the pulp-beater stage in an amount not greater than that required to accomplish the intended technical effect nor greater than any specific limitation where such is provided.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 14, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner, of Food and Drugs.

[F.R. Doc. 61-6808; Filed, July 19, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISTILLED ACETYLATED MONOGLYCERIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Distillation Products Industries, Division of Eastman Kodak Company, Rochester 3, New York, and other relevant material, has concluded that the following amended food additive regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive distilled acetylated monoglycerides in vitamin capsules and tablets. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1018 (21 CFR 121.1018) is amended as follows:

1. The text of the introduction to paragraph (a) is revised.

2. Paragraph (b) is amended by adding thereto a new subparagraph (5) and by revising the last sentence of the paragraph.

3. Paragraph (c) is amended by changing the labeling requirements.

As amended, § 121.1018 reads as follows:

§ 121.1018 Distilled acetylated monoglycerides.

The food additive distilled acetylated monoglycerides may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive is manufactured from edible fats by interesterification with triacetin and in the presence of catalytic agents that are not food additives or are authorized by regulation, followed by a molecular distillation whereby the finished additive meets all the following specifications:

Monoglycerides: Not to exceed 25 percent.

Reichert-Meissl value: 75–150.

Acid value: Less than 6.

(b) It is used or intended for use as:

(1) A food coating agent.

(2) A food container component.

(3) An equipment lubricant.

(4) An emulsifier in food.

(5) A binder in vitamin and vitamin-mineral capsules and tablets.

The distilled acetylated monoglycerides from any such uses do not exceed 5 percent of the finished food.

(c) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitations prescribed in paragraph (b) of this section.

Notice and public procedure are not required for those amendments not related to the petition filed, since they are not restrictive in nature and are made for the purpose of clarifying existing regulations.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: July 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6807; Filed, July 19, 1961; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

Miscellaneous Amendments

1. In § 221.22 a new sentence is added to paragraph (b) to read as follows:

§ 221.22 Mortgagors' payments to include other charges.

* * * * * *

(b) * * * The provisions of this paragraph shall not apply to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after July 17, 1961.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. In § 243.14 a new sentence is added to paragraph (b) to read as follows:

§ 243.14 Payments to include other charges.

* * * * * *

(b) * * * The provisions of this paragraph shall not apply to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after July 17, 1961.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e.)

Issued at Washington, D.C., July 17, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-6814; Filed, July 19, 1961; 8:48 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Miscellaneous Amendments

The purposes of the amendments of the wage order procedure in 29 CFR, Part 511 made by this document are as follows: (1) To adapt §§ 511.2, 511.10, and 511.13 to the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), (2) to provide flexibility in § 511.8(b) with respect to the time for filing prehearing statements and (3) to provide flexibility in the provisions of § 511.17 relating to the recording of hearings.

Now, therefore, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, 29 CFR, Part 511 is amended in the manner indicated below.

1. Section 511.2 is amended to read as follows:

§ 511.2 Initiation of proceedings; notices of hearings.

(a) Wage order proceedings are initiated by order of the Secretary, published in the FEDERAL REGISTER, giving notice of hearings by industry committees to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees in Puerto Rico, the Virgin Islands, and American Samoa engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce. These orders will contain a definition of the particular industry in Puerto Rico, the Virgin Islands, or American Samoa, for which the committee is to make its recommendations, or these orders will direct the committee to recommend the minimum rate or rates of wages for all industry in Puerto Rico, the Virgin Islands, or American Samoa. All such orders will make provision for convening the committee. Any particular industry defined in such an order may be a trade, business, industry, or branch thereof, or group of industries, in which individuals are gainfully employed.

(b) These orders will also give reasonable notice (1) of the time and place of the commencement of the hearing of such witnesses and receiving of such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act, (2) of the general nature of the wage order proceedings and the authority under which they are proposed, (3) of the subjects and issues involved, and (4) that the committee will take official notice of the economic report (note § 511.13) and the parties will have an opportunity at the hearing to show any contrary or additional facts.

2. Paragraph (b) of § 511.8 is amended to read as follows:

§ 511.8 Prehearing statements.

* * * * * *

(b) Any interested person who wishes to participate on his own behalf or by counsel shall file a written prehearing statement. Not later than ten days before the first hearing date set for any committee in a notice of hearing concerning minimum wages for Puerto Rico or the Virgin Islands, or such other period of time as may be prescribed in a notice of hearing, or other notice pub-

lished in the FEDERAL REGISTER, the original and 11 copies of the prehearing statement shall be filed at the Office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and one copy at the Office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D.C. If such statements are sent by air mail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the time provided. The number of copies of such statements and the times and places for filing them will be specified in notices of hearings to determine minimum wages for American Samoa. The prehearing statement shall describe the person's interest in the proceeding and shall contain (1) the prepared statement he proposes to give, if any; (2) a statement of the individual classifications and minimum wage rates, if any, he proposes to support; (3) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13; (4) the names and addresses of the witnesses he proposes to call and a summary of the evidence he proposes to develop; (5) the name and address of the individual who will present his case; and (6) a statement of the approximate length of time his case will take. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6(c) of the Administrative Procedure Act, industry committees shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

3. Section 511.10 is amended to read as follows:

§ 511.10 Subjects and issues.

The declared policy of the act with respect to industries or enterprises in Puerto Rico, the Virgin Islands, and American Samoa engaged in commerce or in the production of goods for commerce is to reach as rapidly as is economically feasible without substantially curtailing employment the object of the minimum wage prescribed in paragraph (1) of section 6(a) in each such industry. Each industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico, the Virgin Islands, or American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate (not in excess of that prescribed in paragraph (1) of section 6(a) or section 6(b) of the act, whichever would be applicable) that can be determined for it under the principles set out in this section which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in that industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classification within an industry, in making such a classification, and in determining the minimum wage rate for such a classification, the committee shall consider, among other relevant factors, the following: (a) competitive conditions as affected by transportation, living and production costs; (b) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) the wages paid for work of a like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

4. Section 511.13 is amended to read as follows:

§ 511.13 Evidence.

In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to pay the minimum wage rate specified in section 6(a)(1) or section 6(b) of the act, whichever would be applicable, or as to inability to adjust to a higher minimum wage rate than prescribed by any applicable wage order of the Secretary, shall be supported by tangible objective data filed as part of the prehearing statement under § 511.8, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years for the individual firm or firms involved. Such financial data shall include the most recent period of a year or fraction thereof for which data are available. Financial statements filed in accordance with this provision, except those relating to a period of less than a full fiscal year or a fiscal year ending less than 90 days prior to the filing of the prehearing statement, shall be certified by an independent public accountant or shall be sworn to conform to and be consistent with the corresponding income tax returns covering the same years. Evidence of witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross-examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

5. Section 511.17 is amended to read as follows:

§ 511.17 Records.

Each industry committee shall keep a journal recording the time and place of all its meetings, the members present, the votes, and other formal proceedings, including the appointment of subcommittees. Subcommittees shall keep a similar journal. No report of committee or subcommittee discussions need be included. All hearings shall be recorded. The record of any hearing before any subcommittee shall be transcribed. All hearings before a committee shall also be transcribed in whole or in part whenever the Administrator so directs upon his own motion or upon the motion of any party or any person compelled to submit data or evidence and upon the payment of costs prescribed by the Administrator. Promptly after completion of the committee's final report, the committee chairman shall certify the report and transmit it to the Administrator. As soon as practicable thereafter, the committee staff shall transmit to the Administrator (a) all committee and subcommittee journals, (b) all applications for leave to participate as parties together with the record of action thereon, and (c) the record, including any transcript of testimony and exhibits, together with all papers and requests filed in the proceedings. These documents shall be available for inspection and copying by interested persons at the Office of the Administrator during usual business hours.

Effective date. Since these amendments constitute changes in procedural rules excepted from the provisions of section 4 of the Administrative Procedure Act, they shall become effective immediately upon publication in the FEDERAL REGISTER. Signed at Washington, D.C., this 18th day of July, 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-6854; Filed, July 18, 1961; 4:53 p.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

Sesuit Harbor, Mass., et al.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.37 is hereby prescribed designating a special anchorage area in Sesuit Harbor, Dennis, Massachusetts wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 202.37 Sesuit Harbor, Dennis, Mass.

All the waters of Sesuit Harbor southerly of a line extending between the outer end of the jetties on each side of the entrance to the Harbor.

NOTE: The area will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes will be prohibited. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

[Regs., 28 June 1961, 285/91-ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (g) prescribing new subparagraph (18) to govern the operation of the South Carolina State Highway Department bridges across Ashley River, Charleston, South Carolina, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) *Waterways discharging into Atlantic Ocean between Chesapeake Bay and Charleston.* * * *

(18) Ashley River, S.C.; South Carolina State Highway Department bascule bridges at mile 2.4 and mile 2.5 above the mouth of the river at Charleston. Between 7:00 a.m., and 9:00 a.m., Monday through Friday, and between 4:00 p.m., and 7:00 p.m., daily, at least 12 hours' advance notice required: *Provided*, That the draw shall be opened at any time for a vessel in an emergency involving danger to life and property. Such emergency shall be indicated by four blasts of the signalling device.

[Regs. 28 June 1961, 285/91-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.222 establishing and governing the use and navigation of Naval non-explosive torpedo testing areas in Hood Canal and Dabob Bay, Washington is hereby revised, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.222 Hood Canal and Dabob Bay, Wash.; naval non-explosive torpedo testing areas.

(a) *Hood Canal in vicinity of Bangor*—(1) *The area.* All waters of Hood Canal between latitude 47°46'00" and latitude 47°42'00", exclusive of navigation lanes one-fourth nautical mile wide along the west shore and along the east shore south from the town of Bangor (latitude 47°43'28").

(2) *The regulations.* (i) The area will be used intermittently by the Navy for non-explosive torpedo ranging. Launching will be conducted only between 8:00 a.m., and sunset on days other than Saturdays, Sundays, and holidays. At no time will the navigation lanes generally paralleling the shore be closed to navigation.

(ii) Navigation will be permitted within the area at all times except when naval exercises are in progress. No vessel shall enter or remain in the area when such exercises are in progress. Prior to commencement of an exercise, the Navy will make an aerial or surface reconnaissance of the area. Vessels under way and laying a course through the area will not be interfered with, but they shall not delay their progress. Vessels anchored or cruising in the area and vessels unobserved by the Navy reconnaissance which enter or are about to enter the area while a torpedo is in the water will be contacted by a Navy patrol boat and advised to steer clear. Torpedos will be tested only when all vessels or other craft have cleared the area.

(iii) When operations are in progress, use of the area will be indicated by the presence of Naval vessels flying a "Baker" (red) flag.

(iv) Notices of temporary suspension and revival of operations will be published in local newspapers and in Notice to Mariners published by the United States Coast Guard.

(b) *Dabob Bay in the vicinity of Quilcene*—(1) *The area.* All waters of Dabob Bay beginning at latitude 47°39'27", longitude 122°52'22"; thence northeasterly to latitude 47°40'19", longitude 122°50'10"; thence northeasterly to a point on the mean high water line at Takutsko Pt.; thence northerly along the mean high water line to latitude 47°48'00"; thence west on latitude 47°48'00" to the mean high water line on the Bolton Peninsula; thence southwesterly along the mean high water line of the Bolton Peninsula to a point on longitude 122°51'06"; thence south on longitude 122°51'06" to the mean high water line at Whitney Pt.; thence along the mean water line to a point on longitude 122°51'15"; thence southwesterly to the point of beginning.

(2) *The regulations.* (i) Propeller-driven or other noise-generating craft shall not work their screws or otherwise generate other than incidental noise in the area during periods of actual testing, which will be indicated by flashing red beacons at strategic locations, and all craft shall keep well clear of vessels engaged in such testing.

(ii) No vessel shall trawl or drag in the area.

(iii) No vessel shall anchor in the area except between the shore and the 10-fathom depth line.

(iv) Operations will normally be confined to the period from about 9:30 a.m., to 2:30 p.m., on Mondays through Fridays, and will normally consist of intermittent tests of less than 30 minutes duration, with boat passage permitted between tests. Transits of log-tows and other slow-moving traffic will be arranged on a mutually satisfactory individual basis as appropriate. Emergencies or high-priority projects may occasionally cause operations outside the periods specified above. No operations will be conducted on Sundays.

(c) The regulations in this section shall be enforced by the Commandant, Thirteenth Naval District, and such agencies as he may designate.

[Regs., 28 June 1961, 285/91-ENGCW-ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-6792; Filed, July 19, 1961; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Injury Due to Hospital Treatment, Etc.

1. Section 3.154 is revised to read as follows:

§ 3.154 Injury due to hospital treatment, etc.

A formal claim for pension, compensation, dependency and indemnity compensation or any statement in a communication showing an intent to file a claim for disability or for death benefits resulting from training, hospitalization, medical or surgical treatment, or examination, filed within 2 years after the injury or aggravation was suffered, or death occurred, may be accepted as a claim. (38 U.S.C. 351)

2. Immediately following § 3.154, the following cross references are added:

CROSS REFERENCES: Effective dates—where disability suffered and claim filed within year following separation or release. See § 3.400(b)(2).

Effective dates—claim filed more than 1 year following separation or release. See § 3.400(i)(1).

Disability or death due to hospitalization, etc. See § 3.800(a).

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 20, 1961.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 61-6810; Filed, July 19, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2435]

[Los Angeles 0170404]

CALIFORNIA

Modifying Reclamation Withdrawal of October 16, 1931 (Colorado River Storage Project)

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of October 16, 1931, which withdrew lands for reclamation purposes in connection with the Colorado River Storage Project, California, is hereby modified to the extent necessary to permit the grant of a highway right-of-way made by section 2477 of the United States Revised Statutes (43 U.S.C. 932) to become effective as to those portions of the following-described lands delineated on a map filed by the County of Imperial, California, designated "Realignment Bard Road at Imperial Dam, Drawing No. R-485," dated February 17, 1961, on file with the Bureau of Land Management, in Los Angeles 0170404:

SAN BERNARDINO MERIDIAN

T. 15 S., R. 24 E.,
Sec. 8, SE¼SE¼SE¼;
Sec. 9, W½SW¼SW¼ and SW¼NW¼SW¼;
Sec. 17, NW¼SW¼SW¼, NW¼SW¼NW¼SW¼, S½SE¼NW¼, SW¼NE¼, NW¼SE¼NE¼, SW¼NE¼NE¼, and E½NE¼SE¼.

The areas described aggregate approximately 100 acres.

2. The right-of-way shall be subject to the prior right of the United States, its successors and assigns, to use any of the lands herein described to construct, reconstruct, operate and maintain dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, drainage works, flood channels, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation structures, without any payment by the United States, or its successors and assigns, for such right, with the agreement on the part of the County of Imperial that if the construction or reconstruction of any or all of such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways or appurtenant irrigation structures across, over or upon said lands should be made more expensive by reason of the existence of improvements or workings of the County thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within 30 days after demand is made upon the County for payment of such sums, the County will make payment thereof to the United States, or its successors and assigns, constructing or reconstructing such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said lands. There is reserved to the United States the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing and protecting the rights reserved herein.

The United States, its officers, agents, employees and assigns, shall not be liable for any damage to the improvements or works of the County resulting from the construction, reconstruction, operation or maintenance of any of the works hereinabove enumerated.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JULY 14, 1961.

[F.R. Doc. 61-6801; Filed, July 19, 1961; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KODIAK NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Kodiak National Wildlife Refuge, Alaska is permissable only under the following conditions:

(a) Species permitted to be taken: ptarmigan and hare.

(b) Open season: ptarmigan—August 20 to April 15; hare—no closed season.

(c) Daily bag limits: ptarmigan—20 a day; hare—no limit.

(d) Methods of hunting: weapons and means as permitted by Alaska regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands of the Kodiak National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sports Fisheries and Wildlife.

JULY 11, 1961.

[F.R. Doc. 61-6797; Filed, July 19, 1961; 8:46 a.m.]

PART 32—HUNTING

Kenai National Moose Range, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

KENAI NATIONAL MOOSE RANGE

Hunting of upland game on the Kenai National Moose Range, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: grouse, ptarmigan and snowshoe hare.

(b) Open season: grouse—August 20 to March 15; ptarmigan—August 20 to April 15; snowshoe hare—no closed season.

(c) Daily bag limits: grouse—15 a day; ptarmigan—20 a day; snowshoe hare—no limit.

(d) Methods of hunting: weapons and means as permitted by Alaska regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands within the Kenai National Moose Range.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 11, 1961.

[F.R. Doc. 61-6798; Filed, July 19, 1961; 8:46 a.m.]

PART 32—HUNTING

Nunivak Island National Wildlife Refuge, Alaska

The following special regulation is issued.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALASKA

NUNIVAK ISLAND NATIONAL WILDLIFE REFUGE

Hunting of upland game on the Nunivak Island National Wildlife Refuge, Alaska is permissible only under the following conditions:

(a) Species permitted to be taken: ptarmigan.

(b) Open season: August 20 to April 15.

(c) Daily bag limits: 20 a day.

(d) Methods of hunting: weapons and means as permitted by Alaska regulations.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on all lands of the Nunivak Island National Wildlife Refuge.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective July 1, 1961, through June 30, 1962.

URBAN C. NELSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 11, 1961.

[F.R. Doc. 61-6799; Filed, July 19, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 270]

FROZEN FRIED SCALLOPS

Standards for Grades

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 6(a) of the Fish and Wildlife Act of August 8, 1956, (16 U.S.C. 742e), it is proposed to amend Title 50 Code of Federal Regulations by the addition of a new Part 270. The purpose of this amendment is to issue standards for grades of frozen fried scallops in accordance with the authority contained in Title II of the Agricultural Marketing Act of August 14, 1946, as amended (7 U.S.C. 1621–1627). These regulations, if made effective, will be the first issued by the Department of the Interior prescribing Government standards for this commodity.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,
Under Secretary of the Interior.

JULY 12, 1961.

PART 270—UNITED STATES STANDARDS FOR GRADES OF FROZEN FRIED SCALLOPS [1]

PRODUCT DESCRIPTION AND GRADES

Sec.
270.1 Product description.
270.2 Styles of frozen fried scallops.
270.3 Grades of frozen fried scallops.

FACTORS OF QUALITY

270.11 Ascertaining the grade.
270.12 Evaluating the unscored factor of flavor and odor.
270.13 Evaluating and rating the scored factors of appearance, uniformity, absence of defects and character.
270.14 Appearance.
270.15 Uniformity.
270.16 Absence of defects.
270.17 Character.

DEFINITIONS AND METHODS OF ANALYSIS

270.21 Definitions and methods of analysis.

LOT CERTIFICATION TOLERANCES

270.25 Tolerances for certification of officially drawn samples.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 270.1 Product description.

Frozen fried scallops are prepared from wholesome, clean, adequately drained, whole or cut adductor muscles of the sea scallop (Placopecten magellanicus), or scallop units cut from a block of frozen sea scallops, that are coated with wholesome batter and breading and pre-cooked in oil or fat. They are packaged and frozen according to good commercial practice and are maintained at temperatures necessary for preservation. Frozen fried scallops contain a minimum of 60 percent by weight of scallop meat.

§ 270.2 Styles of frozen fried scallops.

The styles of frozen fried scallops include:

(a) *Style I Random pack.* Scallops in a package are reasonably uniform in weight and/or shape. The weight or shape of individual scallops are not specified.

(b) *Style II Uniform pack.* Scallops in a package consist of uniform shaped pieces which are of specified weight or range of weights.

§ 270.3 Grades of frozen fried scallops.

(a) "U.S. Grade A" is the quality of frozen fried scallops that possess good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined in this part, the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of frozen fried scallops that possess at least reasonably good flavor and odor; and for those factors of quality which are rated according to the scoring system outlined in this part, the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried scallops that fail to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 270.11 Ascertaining the grade.

The grade of frozen fried scallops is determined by examining the product in the frozen and cooked states. Factors of quality evaluated in ascertaining the grade of the product are flavor and odor, appearance, uniformity, absence of defects, and character.

(a) Flavor and odor are rated directly by organoleptic evaluation. Score points are not assessed (see § 270.12).

(b) Appearance, uniformity, absence of defects, and character are rated numerically on a scale of 100. The maximum number of points that may be given each of these factors are:

Factors:	Points
Appearance	[1] 25
Uniformity	[1] 20
Absence of defects	40
Character	[1] 15
Total possible score	100

[1] Frozen fried scallops which receive the maximum number of deduction points for any of these factors shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

§ 270.12 Evaluating the unscored factor of flavor and odor.

(a) "Good flavor and odor" (essential requirements for a Grade A product) means that the cooked product has flavor and odor characteristics of good scallop meat and of the breading and is free from staleness and off-flavors and off-odors of any kind.

(b) "Reasonably good flavor and odor" (minimum requirements of a Grade B product) means that the cooked product is lacking in good flavor and odor, but is free from objectionable off-flavors and off-odors of any kind.

(c) "Substandard flavor and odor" (Substandard grade) means that the flavor and odor fails to meet the minimum requirements of "reasonably good flavor and odor."

§ 270.13 Evaluating and rating the scored factors of appearance, uniformity, absence of defects, and character.

Point deductions are allotted for each degree or amount of quality variation within each of the factors that are scored. The net score for each quality factor is obtained by subtracting the deduction-points assessed for that factor from the maximum points allotted to that factor. The total score for the product is the sum of the net scores for the four individually scored factors.

§ 270.14 Appearance.

(a) Appearance refers to the condition of the package and ease of separation in the frozen state and continuity and color in the cooked state.

(1) "Condition of the package" refers to freedom from packaging defects and the presence in the package of oil, and/or loose breading, and/or frost. Deduction points are based on the degree of the improper condition as small or large.

(2) "Ease of separation" refers to the difficulty of separating scallops that are frozen together after the frying operation and during freezing.

(3) "Continuity" refers to the completeness of the coating of the product in the cooked state. Lack of continuity is exemplified by breaks, ridges and/or lumps of breading. Each 1/16 square inch area of any break, ridge, or lump of breading is considered an instance of lack of continuity. Individual breaks, ridges, or lumps of breading measuring less than 1/16 square inch are not considered objectionable. Deduction points are based on the percentage of the scallops within the package that contain small and/or large instances of lack of continuity.

(4) "Color" refers to reasonably uniform color which is characteristic of the product in the cooked state.

Deviations in color are visually measured as "small" and "large". A "small" instance of deviation in color means that the scallop varies noticeably from the predominating color of the package. A "large" instance of deviation in color means that the scallop varies markedly from the predominating color of the package. Deduction points are assessed on the degree of deviation as small or large instances deviating from the average weight within the package.

(b) For the purpose of rating the factor of uniformity, the schedules of deduction points in Table II apply. Frozen fried scallops which receive 20 deduction points for this factor shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE II—SCHEDULE OF POINT-DEDUCTIONS FOR UNIFORMITY

Factor	Method of determining subfactor score	Deduction points	Percent of scallops affected: Over—	Percent of scallops affected: Not over—
Uniformity of size and weight of scallops in frozen state.	A. Style I (Random pack)			
	(a) Undesirable small pieces which pass through a sieve with ¾ inch openings.	3	0	10
		6	10	20
		10	20	----------
			Ratio: Over—	Ratio: Not over—
	(b) Weight ratio of scallops remaining in the sieve. The 15 percent largest scallops (minimum three) divided by the 15 percent smallest scallops (minimum three). The 15 percent to be determined by count.	0	---------- 2.0	2.0
		1	2.0	2.5
		3	2.9	2.9
		10	3.3	3.3
			Percent of scallops affected: Over—	Percent of scallops affected: Not over—
	B. Style II (Uniform pack)			
	Deviation from average weight.			
	(a) Small (scallops deviating ±10 to 20 percent from average weight).	3	0	30
		5	30	70
		10	70	----------
	(b) Large (scallops deviating over ±20 percent from average weight).	6	0	30
		10	30	70
		20	70	----------

§ 270.15 Uniformity.

(a) Uniformity refers to the degree of freedom from undesirably small pieces and to the degree of uniformity of the weights of the frozen fried scallops within the package.

(1) *For Style I, deduction points are assessed for (i) undesirable small pieces* of pieces passing through a sieve with ¾ inch openings, and (ii) uniformity of size of the scallops remaining in the sieve as determined by the ratio of the weight of the 15 percent largest scallops (minimum three) divided by the 15 percent smallest scallops (minimum three). The number constituting this percentage shall be the closest approximation of 15 percent, determined by count.

TABLE I—SCHEDULE OF POINT-DEDUCTIONS FOR VARIATIONS IN APPEARANCE

Appearance subfactors	Method of determining subfactor score	Deduction points	Percent of scallops affected: Over	Percent of scallops affected: Not over
Condition of the package in the frozen state.	*Degree of condition of the package*			
	(a) Small (moderate amount of free oil, and/or loose breading, and/or frost, and/or packaging defects).	2	0	20
		4	20	70
	(b) Large (excessive amount of free oil, and/or loose breading, and/or frost, and/or packaging defects).	6	70	----------
Ease of separation of the scallops in frozen state.	*Degree of ease of separation*			
	Moderate (scallops separated by hand with difficulty).	1	0	20
		2	20	70
		4	70	----------
	Severe (scallops separated only by use of knife or other instrument).	3	0	20
		6	20	70
		10	70	----------
Continuity of the scallops in the cooked state.	Lack of continuity (breaks, ridges, and lumps).[1]	2	0	20
		4	20	70
		10	70	----------
	Small (1 to 3 instances per scallop)	4	0	20
		8	20	70
		12	70	----------
	Large (over 3 instances per scallop)	10	0	20
		25	20	70
			70	----------
Color of the scallops in the cooked state.	*Deviation from predominating color of fried scallops in cooked state*			
	Small instance of deviation in color means that the scallop varies noticeably from the predominating color of the package after cooking.	0	0	10
		2	10	30
		4	30	----------
	Large instance of deviation in color means that the scallop varies markedly from the predominating color of the package after cooking.	4	0	10
		10	10	30
		25	30	----------

[1] Each 1/16 square inch is considered an instance.

§ 270.16 Absence of defects.

(a) Absence of defects refers to the degree of freedom from doubled and misshaped scallops, pieces of shell fragments and extraneous material. The defects of doubled and misshapped scallops are determined by examining the frozen product, whereas the defects of shell fragments and extraneous materials are determined by examining the product in the cooked state. Deduction points are based on the percentage by count of the scallops affected within the package, or the relationship between the number of defect instances and the number of scallops within the package.

(1) *Doubled scallops.* Two or more scallops that are joined together during the breading and/or frying operations.

(2) *Misshaped scallop.* Elongated, flattened, mashed or damaged scallop meats.

(3) *Extraneous material.* An instance of extraneous material refers to an occurrence or group of occurrences of extraneous material in a scallop. Extraneous material consists of sand, grit, intestines, seaweed and substances foreign to the scallop meat, except for shell fragments.

(4) *Piece of shell fragment.* The presence in the scallops of any fragment of the scallop shell regardless of size.

(b) For the purpose of rating the factor of absence of defects the schedules of deduction points in Tables III and IV apply.

TABLE VI—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF GRISTLE

Number of scallops per 7 ounces	Number of instances of gristle							
	0	1	2	3	4	5	6	7	8 or more
	Point deductions								
10 or less	6	2	4	6	8	10	----	----	----
11	0	2	4	6	8	10	----	----	----
12	0	1	3	5	7	9	10	----	----
13	0	1	2	4	6	8	10	----	----
14	0	1	2	3	4	6	8	10	----
15	0	1	2	3	4	6	8	10	----
16	0	1	2	3	4	6	8	10	----
17	0	1	2	3	4	6	8	10	----
18	0	1	2	3	4	6	8	10	----
19	0	1	2	3	4	6	8	10	----
20 or more	0	1	2	3	4	6	8	10	----

TABLE III—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS SUBFACTORS MISSHAPED OR DOUBLED SCALLOPS AND SHELL FRAGMENTS

Defect subfactors	Method of determining subfactor score	Deduction points
	Percent of scallops affected: Over— / Not over—	
Misshaped or doubled scallops in the frozen state.	Misshaped scallops (elongated, flattened, malformed or damaged scallop meats), Double scallops (two or more scallops joined together during breading and/or frying operation).	0 / 10 — 3 10 / 20 — 7 20 / — — 15
Shell fragments in the cooked state.	Each piece of shell fragment is considered an instance.	0 / 5 — 13 10 / — — 30 — — 40

TABLE IV—SCHEDULE OF POINT-DEDUCTIONS FOR ABSENCE OF DEFECTS SUBFACTOR OF EXTRANEOUS MATERIAL

Number of scallops per 7 ounces	Number of instances of extraneous material						
	0	1	2	3	4	5	6	7	8 or more
	Deduction points								
10 or less	0	7	15	25	40	----	----	----	----
11	0	6	13	25	40	----	----	----	----
12	0	6	13	25	40	----	----	----	----
13	0	5	11	25	40	----	----	----	----
14	0	4	10	15	28	40	----	----	----
15	0	4	9	15	28	40	----	----	----
16	0	3	8	13	25	40	----	----	----
17	0	3	8	12	20	30	40	----	----
18	0	3	7	10	18	28	40	----	----
19	0	2	6	9	15	28	40	----	----
20 or more	0	2	5	8	12	20	30	40	----

§ 270.17 Character.

(a) **Character** refers to the texture of the scallop meat and of the coating and the presence of gristle in the cooked state. Deduction points are based on the degree of variation in the texture attributes of the coating and scallop meat or the relationship between the number of instances and the number of scallops within the package.

(1) *Gristle.* An instance of gristle refers to an occurrence of the tough elastic tissue usually attached to the scallop meat.

(2) *Texture* refers to the firmness, tenderness, and moistness of the cooked scallop meat and to the crispness and tenderness of the coating of the cooked product. The texture of the scallop meat may be classified as a degree of mushiness, toughness, and fibrousness. The texture of the coating may be classified as a degree of pastiness, toughness, dryness, mushiness, or oiliness.

(b) For the purpose of rating the factor of character, the schedules of deduction points in Table V and VI apply. Frozen fried scallops which receive 15 deduction points for the factor of character shall not be graded above Substandard regardless of the total score for the product. This is a limiting rule.

TABLE V—SCHEDULE OF POINT-DEDUCTIONS FOR CHARACTER SUBFACTOR OF TEXTURE

Character subfactors	Method of determining subfactor score	Deduction points
Texture in the cooked state.	*Texture of the coating*	
	Firm or crisp but not tough, pasty, mushy, or oily	0
	Moderately tough, pasty, mushy, or oily	5
	Excessively tough, pasty, mushy, or oily	15
	Texture of the scallop meat	
	Firm, but tender and moist	0
	Moderately tough, dry, and/or fibrous or mushy	5
	Excessively tough, dry, and/or fibrous or mushy	15

DEFINITIONS AND METHODS OF ANALYSIS

§ 270.21 Definitions and methods of analysis.

(a) *Percent of scallop meat* refers to percent, by weight, of scallop meat in the sample as determined by the following method:

(1) *Equipment needed.* (i) Water bath (3 to 4 liter beaker).

(ii) Balance accurate to 0.1 gram.

(iii) Clip tongs of wire, plastic, or glass.

(iv) Stop-watch or regular watch with second hand.

(v) Paper towels.

(vi) Spatula, 4-inch blade with rounded tip.

(2) *Procedure.* (i) Weigh all scallops in the sample while still in a hard frozen condition.

(ii) Place each scallop individually in the water bath which is maintained at 63° to 86° F. and allow the scallop to remain until such time as the breading becomes soft and can easily be removed from the still frozen meat (between 10 to 30 seconds for scallops held in storage at 0° F.).

NOTE: Several dry runs are necessary to determine the exact dip time required for "debreading" the scallops in a lot sample. For dry runs only, a saturated solution of copper sulfate (500 grams of copper sulfate in 2 liters of tap water) is necessary. The correct dip time is the minimum time required to dip the scallops in the (copper sulfate) solution so that the breading can easily be scraped off; provided that (1) the "debreaded" scallop is still solidly frozen, and (2) only a slight trace of blue color is visible on the surface of the "debreaded" scallop meat.

(iii) Remove the scallop from the bath; blot lightly with double thickness paper toweling; and scrape off or pick out coating from the scallop meat with the spatula or nut picker.

(iv) Weigh all "debreaded" scallop meats.

(v) Calculate the percent of scallop meat in the sample by following formula:

$$\text{Percent scallop meat} = \frac{\text{Weight of scallop meats (iv)}}{\text{Weight of frozen fried scallops (i)}} \times 100$$

(b) *Cooked state.* Cooked state shall mean that the product shall be cooked in accordance with the instructions accompanying the product. If specific instructions are lacking, the product for inspection shall be cooked as follows: Spread the frozen scallops on a foil covered baking sheet or a shallow pan. Place sheet or pan and frozen contents in the mid point of a properly ventilated oven pre-heated to 400 degrees Fahrenheit until thoroughly cooked, 15 to 20 minutes.

(c) *Definitions.* (1) "Moderate" refers to a scored condition that is readily noticeable but is not seriously objectionable.

(2) "Excessive" refers to a condition that is very noticeable and is seriously objectionable.

(3) "Instance" refers to an occurrence of an individual scored subfactor on a scallop.

LOT CERTIFICATION TOLERANCES

§ 270.25 Tolerances for certification of officially drawn samples.

The sample rate and grades of specific lots shall be certified in accordance with Part 260 of this chapter (Regulations Governing Processed Fishery Products, Vol. 25 F.R. 8431, Sept. 1, 1960.)

[F.R. Doc. 61-6787; Filed, July 19, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Extension of Time

Notice of proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR, as amended, Part 81) was published in the FEDERAL REGISTER on July 1, 1961 (26 F.R. 5958), and the time specified for filing written data, views, or arguments was not later than 15 days following publication in the FEDERAL REGISTER.

The time for filing written data, views, or arguments in connection with the proposed amendments set forth in the aforesaid notice is hereby extended until August 1, 1961.

(Sec. 14, 71 Stat. 447; 21 U.S.C. 463; 19 F.R. 74, as amended)

Issued at Washington, D.C., this 14th day of July 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-6805; Filed, July 19, 1961; 8:47 a.m.]

Agricultural Marketing Service

[7 CFR Part 938]

IRISH POTATOES GROWN IN RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Notice is hereby given that the Secretary of Agriculture is considering the limitation of shipments as hereinafter set forth, which were recommended by the Red River Valley Potato Committee, established pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in certain designated counties in North Dakota and Minnesota (the counties of Pembina, Walsh, Cavalier, Towner, Grand Forks, Nelson, Steele, Traill, Cass, Richland, and Ramsey of the State of North Dakota and Kittson, Marshall, Red Lake, Pennington, Polk Norman, Mahnomen, Wilken, Otter Tail, Becker, and Clay of the State of Minnesota), issued under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 5 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 938.303 Limitation of shipments.

During the period of August 7, 1961, through June 30, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better grade.

(b) *Minimum maturity requirements—All varieties.* "Moderately skinned"—until November 1, 1961, when this requirement shall terminate.

(c) *Special purpose shipments—Chipping.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(1) Prior to September 15, 1961, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, Early Ohio, and similar types) for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

(2) On and after September 15, 1961, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section.

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) *Certified seed.* If a copy of the applicable seed inspection certificate is furnished the committee.

(2) *Canning or freezing.* Subject to compliance with the applicable provisions of paragraph (e) of this section.

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by paragraph (c) requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 938.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee, such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to § 938.42 (*Assessments*) and § 938.60 (*Inspection*). This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 938.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 938.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 75 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 135 and Order No. 38.

(i) *Applicability to imports.* Pursuant to section 608e of the Act and § 1066.1, "Import regulations" (25 F.R. 2659, 7 CFR Part 1066), red skinned round type Irish potatoes imported into the United States during the period October 1, 1961, through June 30, 1962, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section for such varieties.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6825; Filed, July 19, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 901]

[Docket No. AO-326]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed marketing agreement and to the order regulating the handling of milk in the Eastern Colorado marketing area, which was issued June 15, 1961 (26 F.R. 5506), is hereby further extended to July 24, 1961.

Dated July 17, 1961, Washington, D.C.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6822; Filed, July 19, 1961; 8:49 a.m.]

[7 CFR Part 928]

[Docket No. AO-227-A11]

MILK IN NEOSHO VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pittsburg, Kansas, on June 1, 1961, pursuant to notice thereof issued on May 11, 1961 (26 F.R. 4289).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 23, 1961 (26 F.R. 5805; F.R. Doc. 61-6078) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the level of the Class II price.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Class II price. The Class II price should be the higher of (1) the average prices paid for milk used in manufacturing American cheese, evaporated milk and butter and by-products, f.o.b. plants, in the United States adjusted to 4.0 percent butterfat test by direct ratio; or (2) the average of the announced prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content at five local manufacturing plants plus 20 cents.

The Class II price presently is the basic formula price during the months of July through March. In the months of April through June the Class II price is the higher of the basic formula price less 10 cents or the paying prices for ungraded milk announced by four local plants. The basic formula price is the higher of the Midwest condensery price (average prices paid at 10 Wisconsin and Michigan plants for milk containing 3.5 percent butterfat) converted to 4.0 percent butterfat by direct ratio or a butter-powder price formula based on the average price of 92-score butter at Chicago and the average prices of nonfat dry milk solids, spray and roller process, f.o.b. manufacturing plants in the Chicago area. The Class II price has been based on the basic formula price since this amendment became effective April 1, 1960.

The present Class II price has exceeded the value of milk used for manufacturing purposes locally. The local manufacturing plants paid an average price to dairy farmers of $3.15 for milk of 4.0 percent butterfat content during 1960 and $3.20 for the first four months of 1961. To this price certain premiums are added if the dairy farmers can qualify for them. A 10-cent premium is provided for milk which is mechanically cooled and a 25-cent premium is paid to dairy farmers who delivered a specified volume in certain months. The number of dairy farmers receiving premiums varies at the local manufacturing plants. Fifty to seventy percent of the dairy farmers delivering ungraded milk receive the 10-cent cooler premium and thirty to fifty percent receive the 25-cent volume premium. The average of all premiums paid by the local manufacturing plants is approximately 20 to 22 cents per hundredweight. The average price received by farmers for manufacturing grade milk of 4.0 percent butterfat content delivered to plants and dealers in the State of Kansas during 1960 was $3.40 per hundredweight and $3.50 during the first three months of 1961. The price for Class II milk of 4.0 percent butterfat content during 1960 averaged $3.476 and $3.64 for the first four months of 1961. The Class II price for each of the months of December 1960 through March 1961 was reduced 10 cents by a suspension order during those months.

One proprietary handler who processes a considerable volume of Class II milk has refused to handle any Class II milk after July 1, 1961, at the present Class II price. The alternative outlets for surplus milk are the local manufacturing plants where the price is somewhat less than the present Class II price. The producers through their cooperative associations would stand any loss on any pooled milk marketed to the local manufacturing plants. It is, therefore, necessary in order to insure the orderly marketing of milk in the market that the Class II prices be reduced to a level approximating the prices paid in the area for milk used in the production of manufactured dairy products.

The price received by dairy farmers f.o.b. plant for milk used in manufacturing American cheese, evaporated milk and butter and by-products in the United States adjusted by direct ratio to a 4.0 percent butterfat test will provide a proper price level for Class II milk. Since the U.S. manufacturing price is close to the prices paid for manufacturing grade milk in the State of Kansas and is available for the current month, it is appropriate for use as a Class II pricing formula. To insure that the Class II price level does not go below the local value of manufacturing milk there should be provided an alterative pricing plan using the average of basic prices paid per hundredweight to dairy farmers for ungraded milk of 4.0 percent butterfat content at five local manufacturing plants plus 20 cents. The 20 cents addition represents the average premium paid by the local plants. On the basis of the previous 12 months (May 1960-April 1961) the proposed Class II price would have produced a price 14 cents per hundredweight lower than the present Class II price.

A proposal was made at the hearing to use the butter-powder price formula (an alternative basic price formula) as the Class II price. Such a price level would be below the prevailing price level for manufacturing grade milk in the market. The butter-powder price averaged during 1960 about 5 cents below the price paid by local manufacturing plants including premiums and 10 cents below the average price paid for manufacturing grade milk in the State of Kansas.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act

are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were received.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1961, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Neosho Valley marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., July 17, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area.

§ 928.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That, on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 928.51(b) and substitute therefor the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average price reported by the Department for the current month for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 4.0 percent butterfat test by direct ratio; or

(2) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department plus 20 cents:

Present operator and location
Pet Milk Co., Neosho, Mo.
Pet Milk Co., Iola, Kans.
Carnation Co., Mt. Vernon, Mo.
Carnation Co., Girard, Kans.
Kraft Cheese Co., Oswego, Kans.

[F.R. Doc. 61-6823; Filed, July 19, 1961; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 942]

[Docket No. AO 103-A18]

MILK IN NEW ORLEANS MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New Orleans, Louisiana, on November 16 and 17, 1960, pursuant to notice thereof issued on November 3, 1960 (25 F.R. 10704).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price Support, Commodity Stabilization Service, on June 13, 1961 (26 F.R. 5398; F.R. Doc. 61-5583) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. The supply-demand mechanism for the adjustment of the Class I price.
2. The role of cooperative associations as handlers of farm tank milk.
3. The classification and accounting for fortified and reconstituted milk.
4. The classification and accounting of fluid milk products in inventory.
5. The classification and pricing of milk disposed of for other than Class I use.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Revision of the supply-demand mechanism of the Class I pricing formula.* The supply-demand adjustment mechanism of the Class I pricing formula should be revised to provide for a moving 24-month base period in lieu of the existing fixed 24-month base period. The standard utilization percentages (presently reflecting a 76 percent annual utilization) should be revised to reflect a 74.5 percent annual utilization and adjusted monthly to reflect the changing seasonality of Class I sales and production as indicated by a direct comparison of utilization in the base period with average utilization in the 2d, 3d, 14th, 15th, 26th, and 27th preceding months. The relationship of current utilization (2d and 3d preceding months) to the adjusted standard should determine the direction and extent of any price adjust-

ment. A contraseasonal provision should be provided to prevent substantial contraseasonal price movements during the months of September through November and April through June.

Under the existing order provisions the amount of the supply-demand adjustment is determined by a direct comparison of current utilization (2d and 3d preceding months) with synthesized standards based on average 1953–1954 experience adjusted to reflect a more ideal production pattern. However, because of producer objections to the resulting price level, the maximum amount of adjustment has been limited to plus or minus 13 cents by suspension action since February 1, 1959, pending further consideration of the Class I pricing provisions.

Producers contend that the existing supply-demand adjustment mechanism is deficient in that it is based on theoretical norms rather than actual experience, that seasonality of both supply and sales have changed significantly, that short-run changes in the supply-demand situation produce erratic and inappropriate price changes and that such changes have tended to run contraseasonally.

Producers proposed that standard utilization percentages be established on the basis of 1958–1959 experience, each month's standard to be a composite of the sales-supply relationship for the preceding 2d, 3d, 12th, and 13th months. To determine the appropriate adjustment for each pricing month the average sales-supply relationship on the 2d, 3d, 12th, and 13th months would be compared with the standards for such month. Each percentage point of deviation would produce a two-cent change in the Class I price. However, no price change would result unless the change from the standard was in excess of plus or minus one percent and the direction of the change was the same in each of the three preceding months.

While producer representatives accept the purpose of the supply-demand adjustment mechanism, nevertheless, their proposal would have provided no price adjustment in any month tested (January 1958 to date). The present mechanism as suspended has reduced the Class I price 5 cents, 11 cents and 9 cents, respectively, in the years 1958, 1959, and 1960. The adoption of producers' proposal would have provided an average Class I price increase of 8 cents per hundredweight over this three-year period. This proposed increase was suggested notwithstanding the fact that the market supply has been in excess of market demand during the entire period and in fact since 1951.

Official notice is taken of the price announcements of the market administrator for the months of December 1960 through March 1961.

It is apparent that the existing supply-demand mechanism has not provided adequate price adjustments to deter the continuing trend of oversupply of milk for the market. Annual utilization of Class I milk has decreased from an average of 75 percent of producer receipts in 1958 to 70 percent in 1960 and there is little indication of prospective improvement. It is imperative under the standards of the Act that some means be provided to further adjust the price level to reflect the actual existing supply-demand situation. While it is obvious that proponent's proposal would not accomplish this, nevertheless, many of the features of their proposal can be appropriately adopted. These include the adoption of a more current base period, a reduction in the annual average of the standard utilization percentage from 78 percent to 74.5 percent, snubbing the effect of short-term movements in supply and sales, permitting an adjustment to be effective only when it exceeds the standards by a specified amount, tying the adjustments to a three-month trend and limiting contraseasonal price movements.

The determination of the appropriate seasonal pattern of supplies and sales as reflected in the standard utilization percentages has been a continuing problem in the New Orleans market. Since March 1950 when a supply-demand adjustor first became effective under the order, the Class I pricing mechanism has been reviewed at five separate hearings and the operation of the supply-demand adjustor has been negated or limited either by amendment or suspension about one-third of the time. Past revisions of the standard utilization percentages were intended to modernize the standards to reflect changes in the seasonality of sales and supplies. However, it is apparent that standards established on a fixed base period have not provided appropriate price changes under conditions of continuing changes in seasonality of sales and supply. This difficulty can be substantially alleviated by providing for the use of a moving and ever current base period.

To determine changes in seasonality of supplies and sales a utilization percentage (ratio of sales to supplies) for the immediately preceding two-month period and of the same period one and two years earlier should be computed and compared to the utilization percentage of the two-year period beginning with the 25th preceding month and ending with the 2d preceding month. This comparison of the average two-month utilization at approximately the beginning, center and end of a two-year period with that of the two-year period, provides a basis for adjusting the "norms" or standards to reflect the current seasonality of sales and supplies.

Under the present order provisions the normal relationship between sales and supply at which no adjustment is made is 78 percent, which was the sales-supply relationship during the period 1953–1954. Proponents suggested that the average of their proposed standard sales-supply relationships for 1958–1959, which was 74.5 percent, be used. The use of 74.5 percent will tend to provide an appropriate level of Class I pricing under the revised supply-demand adjustment herein provided.

The relationship established between sales and supply in the three two-month periods and the 24-month period should be applied to the annual average relationship of 74.5 to establish the "norm" or standard for comparison with actual utilization in the two-month period ending with the 2d preceding month. The deviation between the two percentages would thus indicate the direction and extent of desirable price adjustments.

To provide further assurance that supply-demand adjustments are not the result of erratic sales-supplies ratio changes, each price adjustment should reflect the deviation percentages for the current and two preceding pricing months. Hence, if June were the pricing month, for example, the deviation percentage for such month would reflect the sales-supplies relationship for the preceding March and April, and the deviation percentage for the two preceding pricing months, May and April would reflect the sales-supplies relationship for February–March, and January–February, respectively. However, the three successive deviation percentages to be used in the price adjustment for each month, should be applied in a manner so that the more recent of the deviations would be given more importance than the earlier of the three deviation percentages. This may be accomplished by eliminating any deviation which is in the opposite direction from a more recent deviation, and reducing any deviation to the extent that it exceeds a more recent deviation. The sum of the resulting adjusted deviation percentages would provide the basis for price adjustments. The price adjustments would be upward or downward depending on whether the sum of the adjustment deviation reflects utilization below or above, respectively, the standard utilization percentage.

The rate of price adjustment for each deviation percentage should be 1.5 cents. The present adjustment rate approximates two cents per point. However, because the recommended procedure reflects an accumulated adjustment, a rate of 1.5 cents will produce an appropriate result.

Proponents proposed that no price adjustment be applicable unless the deviation percentage exceeded the standard by more than one percent. They suggested that minor price fluctuations accomplish no useful purpose and are confusing to producers. Under the existing order provisions no price adjustment is applicable unless the net deviation percentage exceeds the standard by plus or minus 3 points. Since the net deviation percentage under the procedure herein recommended reflects the deviation percentage for three months no price adjustment should be made unless such net deviation percentage exceeds the norm or standard by at least four percentage points.

It was also proposed that price adjustments resulting from action of the supply-demand mechanism be limited to a maximum of plus or minus 24 cents. Proponents pointed out that under the present pricing provisions, except for the effect of the existing suspension action, the Class I price could be reduced 60 cents by supply-demand action and the seasonal price change beginning in March. Also, the Class I price could fluctuate by as much as 98 cents, solely through action of the supply-demand adjustment. They suggested that price changes of such magnitude in conjunction with the returns from surplus milk (Class II) would unduly depress the blended price and requested that the action of the supply-demand mechanism be limited to plus or minus 24 cents.

It is recommended that the limits of supply-demand adjustment be plus or minus 45 cents. The Class I price should be at that level which is necessary to bring forth an adequate but not excessive supply of milk for the fluid market and it is apparent that the action of existing supply-demand mechanism has not encouraged needed supply adjustments. In fact, as previously noted, the supply of milk in relation to market's requirements has continued to increase throughout the past two years. A supply-demand adjustment limited to 24 cents could not be expected to produce needed supply adjustments.

The influence of the base-excess plan has tended to override the influence of price on production in this market. An analysis of the production pattern during recent years clearly indicates a substantial production response during the base-forming months and a tendency for production during other months in close conformance with established bases. This situation has tended to produce the contraseasonal action of the supply-demand mechanism to which proponents object. It also emphasizes, however, the necessity for price adjustments of sufficient magnitude to override the urge for continued base-building in an oversupplied market.

In view of the past experience with a supply-demand adjustor in this market it does not appear desirable to permit adjustments in excess of 45 cents at this time. However, should the indicated adjustments exceed this limit over any extended period of time consideration then should be given to adjustment of the basic price level.

Proponents in their exception reiterated their position that the maximum limit of any supply-demand adjustment should be 24 cents, contending that larger adjustments could result in Class I price disparity as between the local market and the adjacent Mississippi Federal order markets. They pointed out that neither the Mississippi Gulf Coast nor the Central Mississippi orders contain a supply-demand adjustor.

A limitation of 24 cents on the action of the supply-demand adjustor would not be appropriate for reasons previously stated. It is unlikely under the existing market situation that the amount of the adjustment under the recommended procedure will approach the 45-cent limit provided. Nevertheless, provision must be made to permit price adjustments which will be sufficient to reflect substantial changes in the supply-sales relationship.

Notwithstanding the previous conclusions it is desirable that appropriate checks be provided to prevent substantial contraseasonal price movements during the months of September through November and April through June, normally the months of shortest and greatest production, respectively. The features of the supply-demand mechanism herein recommended should tend to substantially reduce large contraseasonal price movements. While contraseasonal price movements are especially unsatisfactory to producers, nevertheless, when such movements are primarily the result of bona fide supply-demand changes rather than changing seasonality, it is important that some adjustments be made promptly rather than permitting them to be accumulated to take effect later in the form of large and abrupt price changes. This can be accomplished without unreasonable contraseasonal price movements by providing that the Class I price during any month of September through November shall in no event be more than 5 cents less than the Class I price in the immediately preceding month and such price during any month of April through June shall in no event be more than 5 cents greater than the Class I price in the immediately preceding month.

While producers recommended inclusion of December among the months when contraseasonal price movements should be deterred, the record does not support its inclusion.

The changes in the Class I pricing provisions herein recommended, had they been in effect during 1960, would have provided an average Class I price of $6.14 compared to the price of $6.12 provided by the present order. In the months of January, February and March, 1961, however, the prices would have averaged 32, 27, and 27 cents, respectively, under the prices actually in effect. It must be expected that without some favorable supply adjustments the action in subsequent months will approach that for the January-March period. This situation reflects the rapidly growing excess of production over Class I sales which has occurred throughout much of 1960 and emphasizes the need for more realistic Class I prices.

2. *A cooperative association's responsibility as a handler on farm tank milk.* A cooperative association should be the responsible handler for milk picked up at the farm in tank trucks owned and operated by, or controlled by, the association and delivered to the pool plant of another handler, unless such cooperative association and the operator of the pool plant notify the market administrator, in writing, prior to the time of delivery that the plant operator is to be held the responsible handler for such milk.

Under the existing order provisions the operator of the pool plant at which the milk is first received is held the responsible handler for reporting, accounting and payment. In situations where a tank of milk is split between two or more handlers the operator of the plant where milk is first drawn off is considered the receiving handler for the entire load and the subsequent deliveries to the remaining plants involved are treated as interhandler transfers. In cases of diversions, the diverting handler (the cooperative association or the plant operator, as the case may be) is held the responsible handler.

Under the terms of its membership contracts the principal cooperative, acting as the marketing agent for its members, negotiates for the sale of their milk, collects the proceeds therefrom and returns such proceeds to its members in the form of a uniform price. With the advent of farm milk tanks the cooperative generally has assumed full responsibility for hauling producer milk to plants. The milk is picked up at the farm in tankers owned and operated by the association or, in situations where independent haulers are involved, under contract to or under direct control of the cooperative. Milk is delivered to handlers in accordance with their daily requirements which in some situations requires splitting loads between several handlers. Milk in excess of the market's fluid requirements is diverted to the association's nonpool manufacturing plant or to other nonpool plants, primarily for manufacturing uses.

Under the arrangements for marketing the milk of producers using farm milk tanks as they exist in the milkshed, the amount of milk received is determined by measurement at the farm. Samples for the determination of the butterfat tests are taken at the farm. The acceptability of the quality of the milk is also determined at the farm. After the milk has been pumped into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure or sample or reject the milk on an individual basis. The determinations made at the farm are therefore the final and only valid determinations concerning the milk received from individual producers. In cases where the cooperative controls the pickup and hauling it should be held the responsible handler for reporting, accounting and payment. The milk delivered to a pool plant should be considered a receipt of producer milk by the cooperative association at a pool plant at the same location of the plant of physical receipt and the transaction should be treated under the order as an interhandler transfer.

To minimize administrative problems transfers from a cooperative association, in its capacity as the operator of a pool plant or as a handler of farm bulk tank milk, to the pool plant of another handler should be assigned pro rata to available Class I and Class II utilization immediately preceding the assignment of producer receipts. However, provisions should be made whereby the classification of such transfers can be made on the same basis as other interhandler transfers i.e., by agreement to the extent that the transferee plant has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and such classification results in the allocation to producer receipts of the maximum Class I utilization in both plants.

Under some situations where the cooperative picks up both member and nonmember milk the cooperative may not wish to be the responsible handler. In other situations the transferee handler, with agreement of the cooperative may wish to be the responsible handler. The order would accommodate either

situation of the cooperative and the transferee handler both agree that the transferee handler shall be held the responsible handler and both notify the market administrator to that effect, prior to delivery.

In line with the present provisions relating to milk received from a cooperative association as the operator of a pool supply plant, the purchasing handler should be required to pay to the cooperative at least the class prices for milk received from the association in its capacity as a handler with respect to milk received from producers with farm tanks. In addition, to prevent possible inequities in the cost of milk to handlers, the payment by the purchasing handler should also include the administrative assessment on milk received from the association. The cooperative in turn should be held responsible for payment of the administrative assessment to the market administrator.

The present classification provisions of the order provide that the receiving handler shall be allowed as Class II milk actual shrinkage up to 0.5 percent of milk received from producers and disposed of as whole milk, skim milk or cream in bulk lots. The transferee handler is allowed as Class II shrinkage up to 1.5 percent of milk received in bulk lots and disposed of other than in bulk lots. This provision should also apply to the cooperative as the receiving handler of bulk tank milk since it will provide an acceptable basis for dividing shrinkage when the cooperative is the responsible handler on such milk.

3. *The classification and accounting for fortified and reconstituted fluid milk products.* The present order provisions should be clarified to assure a full accounting of all milk and milk products on a butterfat and skim milk equivalent basis. The liquid volume of all fluid milk products designated as Class I milk pursuant to § 942.41(a) should be classified as Class I and in the case of fortified products the skim milk equivalent of the nonfat solids in excess of the weight of natural fluid skim milk should be classified in Class II. This is the intent of the existing order provisions and the order has been administered to accomplish essentially this result.

Producers proposed clarification to remove any doubt of the intent for full accounting on a butterfat and skim milk equivalent basis. They further proposed that in the case of fortified products the skim equivalent of nonfat solids used in fortification should be classified as Class I milk rather than Class II milk as presently provided.

Under the classified use system of pricing in the market, milk classified and priced as Class I is that which is disposed of in fluid form as fresh fluid milk and fluid milk products to consumers and which is required to be made from milk meeting prescribed quality standards. It is necessary that such fluid milk products be classified and priced as Class I if producers who supply such milk to the local market are to be properly compensated, and if the necessary incentive to producers is to be provided through the uniform price to encourage the daily production and delivery of an adequate milk supply to meet the market's requirements for such products.

Fortification is the result of adding extra solids to a fluid milk product. Grade A products must be used. However, the added solids are normally derived from nonfat dry milk for which handlers have a wide choice as to source of supply. While nonfat dry milk is manufactured locally from producer milk, such locally made product is no more valuable than the same product procured from other sources and the value of the producer milk from which it is derived is not enhanced when the product is used for fortification. The added solids, regardless of source, displace no significant volume of fluid producer milk. This is in contrast to reconstitution where the milk equivalent of the solids used displaces an equal volume of producer milk. Unless the liquid volume of reconstituted milk is classified and priced as Class I the effectiveness of the order in achieving orderly marketing conditions for producer milk might be nullified.

The foregoing conclusions are identical with those set forth in the recommended decision of the Deputy Administrator and no exceptions were filed to these conclusions. Certain changes have been made in the recommended amendatory language of the fluid milk product definition and the classification provisions to more clearly set forth the procedure for implementing these conclusions.

4. *Classification and accounting for fluid milk products in inventory.* No change should be made in the classification of inventory of fluid milk products on hand at the end of accounting periods. This closing inventory is presently classified as Class II in the current month, but any opening inventory which is allocated to Class I is subject to a reclassification charge at the difference between the Class II price of the previous month and the Class I price of the current month. This procedure tends to assure equal costs among handlers for milk disposed of as Class I milk.

Producers requested that closing inventories be classified as Class I. Their representatives stated that the allocation of inventories under the present provisions of the order results in administrative problems for them in collecting reclassification charges from association buyers, particularly when the reclassification occurs several months after the actual sale.

The classification of closing inventories as Class I would give handlers an opportunity to speculate on Class I price changes, either up or down, by respectively building or depleting inventories in order to gain cost-of-product advantages. Such speculation might contribute to inequities among handlers as to the cost of producer milk and could deprive producers of the full use value of their milk.

The problem producers seek to relieve can be alleviated by changes in the allocation procedure which provides for the clearing of opening inventories for each month by specific assignment of opening inventory to final disposition in the current month. A corollary change should also be made in the payment provisions to preclude a reclassification charge on other Federal order milk, classified and priced as Class I in the original market and assigned to Class II in the preceding month but which may be reclassified in the current month through inventory reclassification. Since such milk has already been classified and priced as Class I under the original order, it would be inappropriate to require a reclassification charge.

These modifications in the allocation and payment provisions will tend to clarify for both buyer and seller the basis of any inventory reclassification charge. Under the recommended procedure inventory reclassification is first credited to producer milk to the extent that producer milk, other than shrinkage, was assigned to Class II in the previous month. Thereafter, inventory reclassification is credited to any other Federal order receipts in the previous month which were assigned to Class II under this order but were classified and priced as Class I under the original order. A reclassification charge is applicable on any reclassification of producer milk and on any reclassification of other source milk except receipts from other Federal order plants classified and priced as Class I in the original market.

5. *The classification and pricing of milk disposed of for other than Class I use.* No basic change should be made in the classification system presently provided by the order. However, provision should be made for the classification of "dip" specialty items as Class II.

Producers proposed that the existing Class II classification be subdivided to provide a separate classification for milk and skim milk used in fluid form for ice cream and cottage cheese. They further proposed that the price for milk in such uses be increased about 46 cents per hundredweight and that the price for milk used in other manufacturing products be decreased about 19 cents per hundredweight. Proponents contended that such a classification and pricing system would relieve certain milk manufacturing operations from a cost-price squeeze and at the same time more realistically reflect in returns to producers the actual use value of milk disposed of for all manufacturing uses.

Under certain circumstances under the Federal order program where handlers are required by the local health ordinance to use locally inspected milk or its equivalent in specified nonfluid products a separate classification and pricing above that for other manufacturing uses but below the Class I price has been adopted. However, the situation in the New Orleans market does not support such a procedure. While limited volumes of fluid milk and skim milk are used at city plants for cottage cheese and ice cream, it is apparent that handlers have considerable flexibility in the choice of ingredients in these products. Certain handlers now get their cottage cheese from unregulated sources and if a higher pricing were provided it is likely that handlers generally would seek a cheaper source of supply, either for finished products or by use of nonfat dry milk.

Ice cream manufacturers similarly could readily adjust their operations. Hence, adoption of producer's proposal would likely increase the volume of milk to be processed at country manufacturing outlets and lower over-all returns to producers.

Both at the hearing and in its brief the cooperative association suggested that if a three-class classification system was not adopted some downward adjustment in the existing Class II price was desirable. Their only specific recommendation in this regard, however, was for better alignment of the New Orleans Class II price with the Class II price under the Mississippi Federal orders. Handlers, on the other hand, proposed that the Class II price be reduced by 13.5 cents and that the Class II location differential be eliminated.

The structure of the New Orleans market is fundamentally different from that of the adjacent Mississippi markets. In the case of New Orleans there is virtually no overlapping of marketing area and supply area whereas in both the Mississippi Gulf Coast and Central Mississippi markets the production area and marketing area are largely coextensive. In the case of New Orleans, milk not needed for fluid consumption need not be moved to the marketing area for manufacture. Manufacturing facilities are available in and adjacent to the supply area to handle the reserve supply of the market. If handlers desire milk at city plants for other than Class I use producers should not be expected to bear the cost of transportation. For this reason the New Orleans order provides a Class II location differential applicable at plants located 50 miles or more distant from specified points in the marketing area.

The New Orleans Class II price at plants at which the Class II location differential is applicable is virtually identical with the Class II price in both the Gulf Coast and Central Mississippi orders. In each market the Class II price is computed by the addition of specified differentials to the average of local manufacturing plant pay price. Because of the variations in seasonality of pricing provided and the amount of the differentials, the New Orleans Class II price in each month of the year varies from the Class II price in either the Gulf Coast or Central Mississippi markets by 5 cents. In some months it is higher, in other months lower, and on an annual basis is higher than the Gulf Coast and Central Mississippi Class II prices by only 3.3 and 2.5 cents, respectively.

The New Orleans Class II price is well below the price paid by local manufacturing plants for Grade A, bulk tank milk. Such plants generally are paying a 50-cents premium over their reported pay prices for ungraded milk which prices are used in the computation of the order Class II price. This would indicate that the prevailing price for Grade A milk at unregulated manufacturing plants is 11.5 to 21.5 cents over the order price at New Orleans and 25 to 35 cents over the order price at country plants. The cooperative association during 1960 moved sizable quantities of milk as much as 275 miles to West Point and Starkville, Mississippi, and received a price 50 cents over the ungraded milk price. Since it appears that there are outlets for the surplus milk at unregulated plants which will return at least the present Class II price a lesser price than that presently provided would not be appropriate.

A proposal included in the hearing notice would price diverted milk at the location of the plant of physical receipt. However, no testimony was offered on this proposal at the hearing and no action is taken on it.

A handler proposed that the classification provisions of the order be revised to provide that "dip specialty products" be classified as Class II. Such products normally consist of various blends of milk solids, cultured milk and cream, cheese and nondairy food ingredients such as onion, garlic, horse radish and similar items. Proponents suggested that the requested classification be applicable to those cultured milk and cream products containing not more than 15 percent butterfat and not less than 3 percent of cheese and other nondairy food ingredients.

A determination of the appropriate classification of the products in question should not be dependent on their butterfat content nor on the percentage of nondairy food ingredients included. The products included in Class I are those products which are required to be made from locally approved milk supplies. A Class I classification and pricing for such products is essential to assure sufficient returns to producers to encourage the maintenance of an adequate milk supply for the market.

It is neither necessary nor desirable that sufficient producer milk be available to supply the market's requirements for products not required to be made from approved milk. Such requirements, under normal circumstances, can be supplied more economically through manufactured dairy products procured on the open market. Nevertheless, to the extent that the reserve supply of the local fluid market is available for disposition in such products its economic utilization should be encouraged.

Products similar to "dip speciality items", made from ungraded milk in outside markets are now being disposed of in the marketing area in competition with locally made products. There are widely scattered sources supplying the products to this market. However, if handlers sell their locally made products as sour cream or under a Grade A label to comply with local health regulations, the product should be classified as Class I. If the products are not so labeled, they should be classified in Class II. The recommended revision in the definition of "fluid milk products" hereinafter set forth will implement these conclusions.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New Orleans Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the New Orleans Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the New Orleans marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1961 is hereby determined to be the representative period for the conduct of such referendum.

William J. Larzelere is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., July 17, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New Orleans Marketing Area

§ 942.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. *It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the New Orleans marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 942.10 [Amendment]

1. Delete subparagraphs (1) and (2) of § 942.10(a) and substitute therefor the following:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants;

§ 942.12 [Amendment]

2. Delete the period at the end of § 942.12(c), substitute a semicolon and the word "or" and add a new paragraph (d) to read as follows:

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association and the transferee handler both notify the market administrator, in writing, prior to the time of delivery that the transferee handler is to be held the responsible handler for such milk. Such milk shall be deemed to have been received by the association from producers at a pool plant at the location of the pool plant at which such milk is physically received.

3. Delete § 942.16 and substitute therefor the following:

§ 942.16 Other source milk.

Other source milk means all skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month, except:

(1) Fluid milk products received from pool plants;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d); and

(3) Producer milk.

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 942.34.

4. Delete § 942.17 and substitute therefor the following:

§ 942.17 Fluid milk product.

Fluid milk product means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog) yoghurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers).

§ 942.30 [Amendment]

5. In the preamble of § 942.30 insert immediately following the words "a handler pursuant to § 942.12(c)" insert the following: "or (d)"

§ 942.30 [Amendment]

6. In § 942.30(a) renumber subparagraphs (2), (3), and (4) as (3), (4), and (5), respectively, and insert a new subparagraph (2) as follows:

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d);

§ 942.31 [Amendment]

7. Delete that part of paragraph (a) of § 942.31 preceding the colon and substitute therefor the following:

(a) On or before the 20th day of each month each handler operating a pool plant(s) and each cooperative association which is a handler pursuant to § 942.12 (c) or (d) shall report their producer payroll for the preceding month which shall show for each producer:

§ 942.41 [Amendment]

8a. Delete § 942.41(a) and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified as Class II milk pursuant to (b) (3), (4), and (5) of this section: *Provided*, That if any fluid milk products is fortified by the addition of nonfat milk solids the extent of classification of such products as Class I milk shall be an equal volume of the unmodified product of the same butterfat test; and (2) Not specifically accounted for as Class II milk.

8b. Delete subparagraph (5) of § 942.41(b) and substitute therefore the following:

(5) That portion of fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage not to exceed an amount calculated as follows:

(i) 0.5 percent of skim milk and butterfat, respectively, received from producers (except diverted milk) and disposed of in bulk lots as whole milk, skim milk or cream;

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk (including milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d)) and disposed of in a form other than bulk lots of milk, skim milk and cream;

(iii) 2.0 percent of skim milk and butterfat, respectively, received directly from producers and disposed of in a form other than bulk lots of whole milk, skim milk or cream.

§ 942.43 [Amendment]

9. Delete the preamble and paragraph (a) of § 942.43 and substitute therefor the following:

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant (including milk transferred by a cooperative association in its capacity as a handler pursuant to § 942.12(d)) to:

(a) The pool plant of another handler, except as provided in paragraph (f) of this section, shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

9a. Delete the period (.) at the end of paragraph (e) of § 942.43 and add the following: ; and (f) Unless a different utilization is claimed by both handlers pursuant to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association in its capacity as the operator of a pool plant or a handler pursuant to § 942.12(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such months at the pool plant of the receiving handler after the computations pursuant to § 942.46(g) and the corresponding step of § 942.47.

§ 942.45 [Amendment]

10. Delete the period at the end of § 942.45, and add the following: : *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

11. Delete § 942.46 and substitute therefor the following:

§ 942.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds of skim milk in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in shrinkage computed pursuant to § 942.41(b)(6);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk except as specified in paragraphs (c) and (d) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from pool plants regulated pursuant to other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk receipts of fluid milk products in consumer packages from a nonpool distributing plant described in § 942.62;

(e) Subtract from the pounds of skim milk remaining in Class II, in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants (including a cooperative association in its capacity as a handler pursuant to § 942.12(d)) in accordance with the classification of such milk pursuant to § 942.43(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section;

(h) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 942.43(f); and

(i) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 942.51 [Amendment]

12. Delete paragraph (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.48 during the months of March through June and $2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

(1) Divide the total gross volume of Class I milk of all pool handlers (excluding interhandler transfers) by total receipts of producer milk in each of the following periods and round to one-tenth of one percent:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the second preceding month; and

(iii) The two-month period ending with the second preceding month and the same period of each of the two preceding years.

(2) Divide the utilization percentage for the three two-month periods computed pursuant to subparagraph (1) (iii) by the utilization percentage for the two-year period computed pursuant to subparagraph (1) (i). Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained;

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii).

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of (2) (iii) by 74.5.

(4) Subtract from the current utilization percentage computed pursuant to subparagraph (1) (ii) the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which, any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(6) Compute the number of cents which is 1.5 times the sum of the plus or minus deviations, as the case may be, computed pursuant to subparagraph (5) of this paragraph, round to the nearest even full cent, and increase or decrease, respectively, the Class I price by such sum, if it exceeds plus or minus four cents: *Provided*, That the plus or minus adjustment shall not exceed 45 cents.

§ 942.53 [Amendment]

13. In § 942.53(b)(2) change the reference from "§ 942.41(b) (3), (4), and (5)" to "§ 942.41(b) (3), (4), and (6)".

§ 942.70 [Amendment]

14. Delete paragraphs (b), (c), and (d) of § 942.70 and substitute therefor the following:

(b) Add an amount computed by multiplying the skim milk and butterfat substracted from Class I milk pursuant to § 942.46(b) and the corresponding step of § 942.47 by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I milk pursuant to § 942.46(d) and the corresponding step of § 942.47 which is not classified and priced as Class I milk under the provisions of the other Federal order by the rate of compensatory payment as determined pursuant to § 942.54.

(d) Add an amount obtained by multiplying by the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 942.46 (e) and the corresponding step of § 942.47; or

(2) The skim milk and butterfat (except shrinkage) in producer milk classified as Class II and in milk allocated to Class II pursuant to paragraph (h) of § 942.46, both for the preceding month;

(e) Add an amount computed by multiplying the rate of compensatory payment as determined pursuant to § 942.54 by the skim milk and butterfat subtracted from Class I pursuant to § 942.46(e) and the corresponding step in § 942.47 which is in excess of the sum of;

(1) The skim milk and butterfat for which an adjustment was made pursuant to paragraph (d); and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 942.46 (c) and the corresponding step in § 942.47 for the previous month and which was classified and priced as Class I under another Federal order; and

(f) Add the amounts computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 942.46(i) and the corresponding step of § 942.47 by the applicable class price.

§ 942.80 [Amendment]

15. Delete paragraph (d) of § 942.80 and substitute therefor the following:

(d) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 942.12(a) and § 942.12(d) as follows:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from any cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices plus the amount due the market administrator from the cooperative association on such milk pursuant to § 942.86, less amounts paid pursuant to subparagraph (1) of this paragraph.

[F.R. Doc. 61-6824; Filed, July 19, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 511]

HEARINGS OF INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYEES IN PUERTO RICO

Notice of Additional Time for Filing Prehearing Statements

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR 511.8, as amended by the document amending Part 511 of Title 29 of the Code of Federal Regulations published in the FEDERAL REGISTER on this date, notice is hereby given that prehearing statements for the hearings to be held by Industry Committees NC 1, 2, 3, and 4 noticed in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6127), may be filed not later than July 25, 1961, in lieu of the date of July 21, 1961, prescribed in the notice of hearings.

Signed at Washington, D.C., this 18th day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-6855; Filed, July 18, 1961; 4:53 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 251]

ARIZONA

Redelegation of Authority by State Director

Pursuant to the authority contained in section 1(d) of the Bureau of Land Management Order No. 679, dated June 27, 1961, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment), or services in amounts not to exceed $2,000 and to make open market purchases up to $2,000:

District Managers, Chief, Division of Administration, Administrative Assistants.

Any field employee when away from headquarters is authorized to make open market purchases not to exceed $100.

Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

Dated: July 12, 1961.

FRED J. WEILER,
State Director.

[F.R. Doc. 61-6800; Filed, July 19, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

ELLEN POLL

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Ellen Poll, Schwerte (Ruhr), Land North-Rhine/Westfalia, Germany. Claim Nos. 40786, 40787, and 40788. $470.64 in the Treasury of the United States. An undivided 1/12ths interest in the following securities located in the Office of Alien Property, Department of Justice, 101 Indiana Avenue NW., Washington 25, D.C.: Fifty (50) shares of Astec Silver-Gold Mining Company, $1.00 par value capital stock, evidenced by Certificate No. 141 for 50 shares; two hundred and fifty (250) shares of Transvaal Copper Mines Company of Utah, $5.00 par value common stock, evidenced by Certificate No. 637 for 250 shares; two hundred (200) shares of The Arizona Consolidated Mines Company, $10.00 par value capital stock, evidenced by Certificate No. 1102 for 200 shares. Vesting Order No. 1813.

Executed at Washington, D.C., on July 13, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61-6812; Filed, July 19, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FOSSTON LIVESTOCK SALES, AND CLAYTON LIVESTOCK AUCTION CO.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name and location of stockyard:	*Date of posting*
Fosston Livestock Sales, Fosston, Minn.	Feb. 20, 1961
Clayton Livestock Auction Co., Clayton, N. Mex.	Nov. 6, 1956

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 17th day of July 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6819; Filed, July 19, 1961; 8:49 a.m.]

MASSAC AUCTION, INC.

Posted Stockyard

The stockyard formerly known as the Pullen Auction Company, Metropolis, Illinois, was originally posted on November 27, 1959 (25 F.R. 685), as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). On September 13, 1960, there was published in the FEDERAL REGISTER (25 F.R. 8795) a notice concerning the deposting of such stockyard for the reason that it was no longer being conducted as a public market. Subsequent to the publication of such notice and prior to the taking of the further steps required by section 302(b) of the Act (7 U.S.C. 202(b)) for the deposting of a stockyard, it was ascertained that operation of such livestock market, under the name of Massac Auction, Inc., would be continued as a stockyard within the definition of that term contained in section 302(a) of the Act (7 U.S.C. 202(a)).

Notice is hereby given, therefore, that the livestock market presently known as the Massac Auction, Inc., Metropolis, Illinois, originally posted on November 27, 1959, remains posted as a stockyard within the definition of that term contained in section 302 of the Act and remains subject to the provisions of the Act.

Done at Washington, D.C., this 17th day of July 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6820; Filed, July 19, 1961; 8:49 a.m.]

WINGER SALE BARN ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Winger Sale Barn, Winger, Minn.
Geary Community Sale, Geary, Okla.
Albany Livestock Auction Co., Albany, Oreg.
Dan B. Roth Auction Market, Albany, Oreg.
Valley Auction Market, Eugene, Oreg.
Southern Livestock Auction Co., Columbia, Tenn.
Blanco Livestock Commission Co., Inc., Blanco, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the pro-

visions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-6821; Filed, July 19, 1961; 8:49 a.m.]

Office of the Secretary

KANSAS, KENTUCKY, AND MINNESOTA

Determination of Disaster Area

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Kansas, Kentucky, and Minnesota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Kansas—Cheyenne.
Kentucky—Boyd.
Minnesota—Kanabec.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6806; Filed, July 19, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN MAIL LINE, LTD., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with th Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8186-4, between American Mail Line, Ltd., American President Lines, Ltd., Isbrandtsen Company, Inc., et al., modifies the basic agreement of the West Coast American-Flag Berth Operators Agreement (Numbered 8186, as amended), which provides for the collaboration of the parties with respect to rates and related matters in connection with the transportation of cargo for M.S.T.S. and related shipper services in the foreign trades to and from United States Pacific Coast ports, to and from ports in the territories and possessions of the United States, and also in trades between foreign ports. The purpose of the modification is to provide that any United States flag common carrier by water, whose service in the trade covered by said agreement is limited to the trade inbound to U.S. Pacific Coast ports may become an associate party with voting rights limited to such trade.

Agreement Numbered 8360-2, between the member lines of the Scandinavia Baltic Great Lakes Westbound Freight Conference, modifies the basic agreement of that conference (Numbered 8360, as amended), which covers the westbound trade from ports of Finland, Sweden, Norway, Estonia, Latvia, Lithuania, Poland and Russian Baltic ports and German Baltic ports to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick. The purpose of the modification is to provide for the deletion of the trade from German Baltic ports to ports of the Great Lakes of the U.S. and Canada, the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick from the scope of the conference agreement.

Agreement Numbered 8652, between The Shinnihon Steamship Co., Ltd., and A. H. Bull Steamship Co., provides for a through billing arrangement in the trade from Japan and the Philippines to Puerto Rico, with transhipment at New York, Baltimore, or Philadelphia. Agreement Numbered 8652, upon approval, will supersede and cancel approved Agreement Numbered 8007, between The Shinnihon Steamship Co., Ltd., and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8676, between The Shinnihon Steamship Co., Ltd., and Alcoa Steamship Co., Inc., provides for a through billing arrangement in the trade from Japan and the Philippines to Puerto Rico, with transhipment at New York or Baltimore. Agreement Numbered 8876, upon approval, will supersede and cancel approved Agreement Numbered 7972, between the same carriers in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days from the date of publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 14, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6813; Filed, July 19, 1961; 8:48 a.m.]

Office of the Secretary

ACTING DIRECTOR, UNITED STATES TRAVEL SERVICE

Delegation of Authority

Pursuant to the authority vested in the Secretary of Commerce by section 2 of the Reorganization Plan No. 5 of 1950, Clarence P. Austin is hereby appointed Acting Director, United States Travel Service, to perform the duties delegated to the Director, United States Travel Service, by Department Order No. 172, of July 1, 1961, until such Director shall have taken office.

Dated: July 12, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-6834; Filed, July 19, 1961; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-60]

POWER REACTOR DEVELOPMENT CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an Order extending to December 15, 1961, the latest completion date specified in Construction Permit No. CPPR-4 for construction of the 100,000 kilowatt (electrical) fast breeder reactor being constructed near Monroe, Michigan.

Copies of the Order and of the application by Power Reactor Development Company are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 14th day of July 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-6787; Filed, July 19, 1961; 8:45 a.m.]

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or an intervener as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue a contruction permit substantially as set forth below authorizing Purdue University to construct a one-kilowatt pool-type nuclear reactor on its campus in West Lafayette, Indiana.

Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Purdue University and amendment thereto, and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 14th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated January 25, 1961 and amendment thereto dated May 2, 1961 (hereinafter together referred to as "the application"), Purdue University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities," Title 10, Chapter I, CFR, authorizing construction and operation at one kilowatt of a pool-type nuclear reactor (hereinafter referred to as "the reactor") on its campus in West Lafayette, Indiana.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Part 50 "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR;

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

C. Purdue University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

D. Purdue University and its contractor, Lockheed Aircraft Corporation, are technically qualified to design and construct the reactor;

E. Purdue University has submitted sufficient information to provide reasonable assurance that a reactor of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and

F. The issuance of a construction permit to Purdue University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Purdue University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is September 1, 1961. The latest completion date of the reactor is February 1, 1962. The term "completion date", as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material, and

B. The reactor shall be constructed and located on the campus of Purdue University in West Lafayette, Indiana, as specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the reactor will not be issued by the Commission unless Purdue University has submitted to the Commission, by amendment of the application, a Final Hazards Report providing the additional data required to complete the hazards analysis of operating the proposed reactor and the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph 3A above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon the filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, as amended, and in conformity with the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Purdue University pursuant to Section 104c of the Act, which license shall expire five years after the date of this construction permit.

6. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission hereby allocates to Purdue University for use in connection with the operation of the reactor three kilograms of contained uranium-235 and five curies of plutonium contained in encapsulated plutonium-beryllium sources.

For the Atomic Energy Commission.

[F.R. Doc. 61-6788; Filed, July 19, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11096]

SEVEN SEAS AIRLINES, INC.

Enforcement Proceeding; Notice of Hearing

In the matter of Seven Seas Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 26, 1961, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 14, 1961.

[SEAL] RUSSELL A. POTTER,
Hearing Examiner.

[F.R. Doc. 61-6815; Filed, July 19, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP61-207, G-6943]

EL PASO NATURAL GAS CO., AND PECOS CO.

Notice of Application and Date of Hearing

JULY 13, 1961.

Take notice that on February 7, 1961, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas, filed an application, as supplemented on March 30, 1961 and May 12, 1961, in Docket No. CP61-207, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity seeking authorization to install and operate three 500 horsepower compressor units at its existing Tex-Harvey Field Compressor Station in Midland County, Texas, and for permission and approval to abandon and remove certain other compression and dehydration facilities at the Tex-Harvey Station, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant states that the proposed realignment of facilities is to enable the Tex-Harvey Station to handle greater volumes of gas available from fields in Nolan and Coke Counties, Texas, and to retire those facilities no longer required to process declining volumes of gas from the Tex-Harvey Field which gas Applicant purchases from the Pecos Company (Pecos).

The application shows that in Docket No. G-6943, Pecos was authorized to sell residue gas to Applicant at the outlet of Pecos' Tex-Harvey Gasoline Plant in Midland County, Texas, which adjoins Applicant's Tex-Harvey Station. Utilizing seven 880 horsepower compressor units and a 25,000 Mcf per day capacity dehydration plant, Applicant dehydrates and compresses the gas purchased from Pecos at its own Tex-Harvey Station. At this location, Applicant also compresses residue gas purchased from Union Texas Natural Gas Corporation (Union), West Lake Natural Gasoline Company (West Lake) and Sun Oil Company (Sun), at processing plants in Coke and Nolan Counties, Texas, and transported through Applicant's 62.6 mile 14-inch pipeline to the Tex-Harvey Station. To compress the residue gas purchased from Union, West Lake and Sun, Applicant is presently using two 880 compressor horsepower units, one of which units Applicant has been leasing from Pecos.

Applicant states that the volumes of gas available from Union, West Lake and Sun have increased to the extent that the two 880 units used at the Tex-Harvey Station for such service must be operated on an over load basis, and that production from the Tex-Harvey Field has declined so that it is no longer economical for Applicant to operate its compression or dehydration facilities to process Pecos' residue gas derived from that field. Therefore, Applicant proposes herein:

(1) To abandon the facilities used to accommodate the Pecos Tex-Harvey Field gas and to abandon the leased unit used for handling the gas purchased

from Union, West Lake and Sun. The remaining small volume of gas available for purchase from Pecos will be transported by Applicant through its Spraberry gathering system to its Midkiff Gasoline Plant where Applicant will process the gas along with its own gas and retain the liquid hydrocarbons removed during the processing. With the exception of the leased unit which is to be returned to Pecos, the compressor units to be abandoned will be removed and utilized on other portions of Applicant's system.

(2) To acquire from Pecos and install and operate three 500 horsepower compressor units at Applicant's Tex-Harvey Station to be used with the remaining existing 880 horsepower unit to compress residue gas purchased from Union, West Lake, and Sun. Applicant states that utilization of the foregoing units at the Tex-Harvey Station rather than the 880 horsepower units it proposes herein to abandon will produce greater flexibility and will be the most economical means of providing the horsepower required.

The application indicates that Applicant expects to acquire Pecos' three compressor units at the depreciated original cost of $172,988 with an additional $94,000 estimated as the cost of necessary piping modifications, etc., resulting in a total out-of-pocket cost of $266,988. With respect to the facilities proposed to be abandoned, Applicant estimates $944,189 as the value of the salvable material and $208,000 as the cost of retirement, resulting in $736,189 as the estimated value of the salvable material.

On February 21, 1961, Pecos filed a petition to amend the Commission's order, issued February 2, 1956, in Docket No. G-6943, authorizing the sale of gas to Applicant by Pecos from the Tex-Harvey Field. Said petition requests that the subject order be amended so as to authorize Pecos to continue sale of residue gas to Applicant under Pecos' FPC Gas Rate Schedule No. 2 as amended by the letter agreement between Pecos and Applicant, dated January 1, 1961.[1]

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 17, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C. concerning the matters involved in and the issues presented by such application and petition: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant and Petitioner to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 7, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6793; Filed, July 19, 1961; 8:45 a.m.]

[Docket No. G-2409 etc.]

NORTHERN NATURAL GAS CO.

Notice of Postponement of Hearing

JULY 13, 1961.

Upon consideration of the motion filed July 10, 1961 by Fuels Research Council, Inc., et al., to consolidate proceedings in Docket No. G-19040 with the proceeding in Docket Nos. G-2409, G-17485, and G-17486 and to continue the hearing in the latter dockets now scheduled for July 17, 1961; and upon consideration of the answer to said motion and amendment to petition to amend filed July 11, 1961 by Northern Natural Gas Company; and in order to afford other parties to these proceedings an opportunity to answer the motion to postpone and consolidate as provided for by the Commission's rules of practice and procedure;

The hearing now scheduled for July 17, 1961 is hereby postponed to July 26, 1961, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6794; Filed, July 19, 1961; 8:46 a.m.]

[Docket No. CP61-106]

TENNESSEE GAS TRANSMISSION CO.

Order Approving Continuance

JULY 13, 1961.

Pursuant to § 1.13(e) of the rules of practice and procedure, on July 6, 1961, the presiding examiner herein reported to the Commission his grant of continuance for more than 30 days until September 20, 1961. The continuance results from the examiner's ruling that Tennessee Gas Transmission Company's showing, as made at the hearing convened on July 5, 1961, failed to comply with ordering paragraph A(2) of the Commission's order of April 6, 1961, herein; Tennessee then assented to present the necessary evidence but requested a continuance until September 20, 1961, in which to do so. The examiner reports that such continuance was shown to "be reasonably required" for the preparation of the necessary evidence. Upon review of the record we find no reason to disturb the examiner's conclusions.

However, we have already granted Tennessee one postponement, from May 22 to July 5, 1961, in which to comply with our order of April 6, 1961. We shall approve no more delays in compliance by Tennessee beyond September 20, 1961.

The Commission finds: It being essential that Tennessee comply with the Commission's order of April 6, 1961, and good cause for continuance having been shown, the presiding examiner's grant of a continuance for more than 30 days should be approved.

The Commission orders: The continuance to September 20, 1961, granted by the presiding examiner on July 5, 1961, be and is hereby approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6795; Filed, July 19, 1961; 8:46 a.m.]

LANDS WITHDRAWN IN PROJECT NO. 1522

Vacation of Withdrawal

JULY 13, 1961.

The Forest Service, United States Department of Agriculture, has requested that the Commission revoke the withdrawal pertaining to the lands which were reserved pursuant to the filing on November 10, 1938, of the application for a license for minor Project No. 1522.

The lands involved were described in the Commission's December 19, 1938 withdrawal notification letter as embracing portions of the following-described lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 96 W.,
Sec. 34, NE¼NE¼;
Sec. 35, W½NW¼.

License No. 2 for the project expired June 7, 1959.

The project, which was located on Mesa Creek in Mesa County, Colorado, had an installed capacity of 15 horsepower and occupied 1.89 acres of lands of the United States within the Grand Mesa National Forest.

The Forest Service has informed the Commission that the lands of the United States formerly occupied by the project have been restored to a condition satisfactory to the Service.

The Commission finds: Inasmuch as the lands have negligible value for purposes of power development, the existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the application for a license for minor Project No. 1522 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the application for a license for minor Project No. 1522 is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6796; Filed, July 19, 1961; 8:46 a.m.]

[1] Said letter agreement has been accepted for filing as Supplement No. 8 to Pecos Company (Operator), FPC Gas Rate Schedule No. 2.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

GERHARD D. BLEICKEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Senior Vice President and Secretary, John Hancock Mutual Life Ins. Co., Boston 17, Mass.
Director, Robinson Technical Products, Inc., Teterboro, N.J.
Director, High Vacuum Equipment Corp. Hingham, Mass.
Trustee, B & M Real Estate Trust, Hingham, Mass.

This amends statement published January 31, 1961 (26 F.R. 956).

Dated: July 9, 1961.

GERHARD D. BLEICKEN.

[F.R. Doc. 61-6789; Filed, July 19, 1961; 8:45 a.m.]

OTTO L. NELSON, JR.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, published January 26, 1961 (26 F.R. 806).

Dated: July 10, 1961.

OTTO L. NELSON, Jr.

[F.R. Doc. 61-6790; Filed, July 19, 1961; 8:45 a.m.]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster, published July 4, 1961, for the State of Missouri (26 F.R. 6007) is hereby amended to include the following among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 27, 1961:

Pulaski.
Ralls.

Dated: July 12, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-6791; Filed, July 19, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1418]

CHASE FUND OF BOSTON

Notice of Filing of Application Requesting Certain Reinvestment of Cash Distributions at Net Asset Value

JULY 13, 1961.

Notice is hereby given that The Chase Fund of Boston ("Applicant"), a Massachusetts Trust organized under the laws of Massachusetts, and a registered open-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the offering of certain shares of Applicant at net asset value where such shares represent investments of cash distributions paid under a proposed Systematic Withdrawal Plan of Applicant, described below.

With the approval of the Applicant, its principal underwriter, Chase Distributors Corporation, proposes to make available to investors a Systematic Withdrawal Plan ("Plan") under which any investor may, upon the principal underwriter's acceptance of his application to participate in the Plan and his deposit thereunder of $10,000 or more of the Applicant's shares valued at the offering price on the date of such application, request that there be paid to him monthly or quarterly $25 or more realized through the redemption, at net asset value, of shares held in his Plan account. The principal underwriter will retain the right to accept or reject any application to participate in the Plan and the right to terminate in writing at any time any Plan account. Applications will not be accepted unless the amount of the monthly or quarterly withdrawal authorized by the shareholder is likely to exceed current dividend income on the shares proposed to be deposited by the shareholder. Plan participants may not add shares to their Plan accounts or change the amount of their monthly or quarterly withdrawal if the current dividend income on shares held in such account would exceed the amount of the monthly or quarterly withdrawal. All cash distributions payable on shares held in a Plan account will be automatically reinvested in additional shares at net asset value, all optional capital gains distributions payable on shares held in a Plan account will be taken in additional shares, and all such additional shares will be credited to such Plan account.

Among other things, section 22(d) of the Act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price thereof described in the prospectus in contravention of the provisions of section 22(d) of the Act, Applicant seeks an order pursuant to section 6(c) of the Act exempting such transactions from the provisions of section 22(d) of the Act.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder if, and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 28, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6802; Filed, July 19, 1961; 8:47 a.m.]

[File No. 812-1385]

INTERNATIONAL BANK

Notice of Filing of Application for Order Exempting Certain Loans From Provisions of Act

JULY 13, 1961.

Notice is hereby given that International Bank ("Applicant"), of Washington, D.C., a corporation organized and existing under the laws of the State of Arizona, has filed an application and an amendment thereto pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a)(3) of the Act the making of loans by banks controlled by Applicant to officers, employees, or directors of such controlled banks. All interested persons are referred to the amended application on file with the Commission for a complete statement thereof.

Applicant has previously filed an application pursuant to section 3(b)(2) of

the Act (File No. 812–1372) for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly, through majority-owned subsidiaries, or through controlled companies conducting similar types of business. Applicant's status under the Act has not yet been determined, and the purpose of the instant application is to exempt such loans, as more fully described hereinafter, while the section 3(b)(2) application is under consideration. It is contemplated that, prior to the order of exemption requested herein, the Commission may issue an order in the matter of the previous application pursuant to section 6(e) of the Act whereby the provisions of section 17(a)(3) of the Act, among others, shall be applicable in respect of Applicant, and other persons in their transactions and relations with Applicant, as though it were a registered investment company, pending final disposition of said previous application. As indicated in Investment Company Act Release No. 3285 dated June 30, 1961, Applicant has consented to the issuance of such an order.

Applicant contends that it controls Financial General Corporation by ownership of 461,019 shares, 17 percent of such corporation's outstanding common stock, and by certain indirect additional interests in such corporation; Applicant is the largest stockholder thereof. The second largest stockholder, holding 16 percent is The Equity Corporation, a registered investment company under the Act, which publicly has stated that it does not have a controlling interest in Financial General Corporation.

Section 2(a)(9) of the Act, in relevant part, defines "control" as the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person owning beneficially more than 25 per centum of the voting securities of a company shall be presumed to control such company, and any person not so owning more than 25 per centum thereof shall be presumed not to control such company. Any such presumption may be rebutted by evidence in accordance with section 2(a)(9).

Applicant represents that it controls the following banks, through control of Financial General Corporation and of certain subsidiaries thereof: Alexandria National Bank (Virginia), American National Bank of Silver Spring (Maryland), Arlington Trust Company, Incorporated (Virginia), Bank of Buffalo (New York), The Bank of Georgia (Georgia), The First National Bank of Washington (District of Columbia), Industrial Bank of Commerce (New York), Industrial Bank of Commerce of Albany (New York), Industrial Bank of Schenectady (New York), Manchester Morris Plan Bank (New Hampshire), The Tennessee Valley Bank (Tennessee), and Union Trust Co. of the District of Columbia (District of Columbia).

By virtue of such asserted control relationships, Applicant, Financial General Corporation, the latter's subsidiaries, and the banks would be "affiliated persons" of each other within the definition contained in section 2(a)(3) of the Act. Since officers, employees, and directors of the banks are by definition affiliated persons thereof, such persons would be affiliated persons of an affiliated person of Applicant. Section 17(a)(3) of the Act, with certain exceptions, prohibits an affiliated person of an affiliated person of a registered investment company from borrowing money from such registered company or from any company controlled by such registered company. Accordingly, if Applicant were deemed to be a registered investment company, section 17(a)(3) would prohibit the making of loans by banks under Applicant's control to their officers, employees, or directors.

Under section 17(b) of the Act, the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of a proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that such transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Inasmuch as Applicant is not a registered investment company, and since the amended application requests exemption for a designated class of transactions rather than for a specific transaction, the instant application is filed pursuant to section 6(c) rather than section 17(b). Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally any class of transactions from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the loans to be made would be reasonable and fair, would not involve overreaching on the part of any person, and would be consistent with its policy and with the general purposes of the Act. In addition, Applicant refers to Investment Company Act Release No. 3102, dated August 25, 1960, in which the Commission gave notice of a proposal to adopt Rule 17a–6 under the Act; Applicant states that the transactions sought to be exempted herein are identical to those contemplated by the proposed rule.

Applicant submits the following as appropriate conditions to be imposed with the granting of the requested order of exemption:

(1) The borrower shall not be affiliated directly or indirectly in any manner with International Bank or with The Equity Corporation or with any company controlled by either of them, except as an officer, employee, or director of the lending bank;

(2) The loan shall be made in accordance with applicable State or Federal banking laws and any rules and regulations thereunder;

(3) The loan shall have been approved in writing not more than three months prior to the date on which the loan is made by the board of directors of the bank, or during such period shall have been approved in writing by the loan, discount, or apropriate committee of the bank and ratified in writing by the board of directors of the bank;

(4) The lending bank shall require a borrower to file with it a statement of his financial condition at least once each year, unless the loan shall be secured by collateral having an ascertained market value of at least 15 percent more than the amount of the obligation; and

(5) The loan and the terms thereof shall be in accordance with the normal lending policies of the bank and shall not be inconsistent with any policy of International Bank.

Notice is further given that any interested person may, not later than July 27, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6803; Filed, July 19, 1961; 8:47 a.m.]

UNITED INDUSTRIAL CORP.

Order Summarily Suspending Trading

JULY 14, 1961.

In the matter of trading on The American Stock Exchange, The Detroit Stock Exchange, The New York Stock Exchange, and The Pacific Coast Stock Exchange in common stock, $1 par value Series A Convertible Preferred Stock $8.50 par value, warrants to purchase common stock of United Industrial Corporation (Delaware) File No. 1–4252.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fradulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fradulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 15, 1961, to July 24, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–6804; Filed, July 19, 1961; 8:47 a.m.]

TARIFF COMMISSION

[AA1921—20]

RAYON STAPLE FIBER FROM CUBA

Determination of No Injury or Likelihood Thereof

JULY 17, 1961.

On April 17, 1961, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that rayon staple fiber from Cuba is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on June 13, 1961. Notices of the investigation and hearing were published in the FEDERAL REGISTER (26 F.R. 3548 and 26 F.R. 4410).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously[1] determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of rayon staple fiber from Cuba sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The imports of rayon staple fiber from Cuba, which were determined by the Acting Secretary of the Treasury to have been sold at less than "fair value," began in the early part of 1960. The imports in this case were sold primarily by the exporter directly to domestic fiber-consuming mills through a domestic sales agent.

Imports of articles purchased from abroad at less than fair value are not ipso facto injurious when brought into the United States. The Commission found that the domestic fiber-consuming mills did not purchase the rayon staple fiber at a competitive price advantage over the domestic fiber producers by reason of the sales at less than "fair value." In fact, during the pertinent period, the domestic producers, as a result of aggressive pricing practices of that industry, had lowered their prices to such levels that the exporter did not generally meet the lower average domestic prices and, as a consequence, the exporter's sales in the United States of the imported fiber declined sharply compared to sales of the competitive domestic fiber. The exporter's sales prices under these conditions are characterized by the Commission as "technical sales at less than fair value" (i.e., sales which were made at less than fair value under circumstances which are inculpable). Therefore, the Commission determines that there has been no injury in this case.

There is no evidence that the price-cutting practice of the exporter of Cuban rayon staple fiber was made other than in good faith to meet the prices of the comparable goods sold by domestic competitors. Under these circumstances there is no "likelihood" of injury from the importation of the rayon staple fiber that was or is being purchased "at less than fair value."

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61–6817; Filed, July 19, 1961; 8:48 a.m.]

[1] Due to illness, Commissioner Overton did not participate in the finding.

[22–24]

CERTAIN COTTON PRODUCTS

Notice of Date of Hearing

Notice is hereby given that a public hearing will be held in connection with the investigation instituted under section 22(a) of the Agricultural Adjustment Act, as amended, concerning cotton products produced in any stage preceding the spinning into yarn, in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on August 8, 1961. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least three days in advance of the date set for the hearing. (The hearing in this investigation was originally scheduled for April 25, 1961 (26 F.R. 859), and was postponed until further notice on April 18, 1961 (26 F.R. 3448).)

Issued: July 18, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61–6856; Filed, July 19, 1961; 8:57 a.m.]

[AA1921—21]

RAYON STAPLE FIBER FROM WEST GERMANY

Determination of No Injury or Likelihood Thereof

JULY 17, 1961.

On April 17, 1961, the United States Tariff Commission was advised by the Acting Secretary of the Treasury that rayon staple fiber from West Germany, except as to importations of "Cuprama" rayon staple fiber manufactured by the firm of Farbenfabricken Bayer A.G., is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted an investigation to determine whether an industry in the United States is being or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing in connection with the investigation was held on June 13, 1961. Notices of the investigation and hearing were published in the FEDERAL REGISTER (26 F.R. 3549 and 26 F.R. 4410).

In arriving at a determination in this case, due consideration was given by the Tariff Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission has unanimously[1] determined that an industry in the United States is not being, and is not likely to be, injured, or prevented from being established, by reason of the importation of rayon staple fiber from West Germany sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Imports of rayon staple fiber from West Germany, which were determined by the Acting Secretary of the Treasury to have been sold at less than "fair value," were made as early as June 1960 and are continuing.

Imports of articles purchased from abroad at less than fair value are not ipso facto injurious when resold in the United States. The Commission found that the importers did not have a competitive price advantage over the domestic producers by reason of their purchases of the rayon staple fiber at prices less than "fair value." In fact, during the pertinent period the domestic producers, as a result of aggressive pricing practices of that industry, had lowered their prices to such levels that the importers did not generally meet the lower average domestic prices and, as a consequence, their sales in the United States of the imported fiber declined sharply compared to sales of the competitive domestic fiber. The exporters' sales prices under these conditions are characterized by the Commission as "technical sales at less than fair value" (i.e., sales which were made at less than fair value under circumstances which are inculpable). The importers gained no new customers during this period; indeed, they lost a substantial number of customers; and two importers have ceased importing the fiber because of the serious decline in sales and loss of customers. Therefore, the Commission determines that there has been no injury in this case.

There is no evidence that the price-cutting practices of the importers and exporters of West German fiber were made other than in good faith in an endeavor to meet the prices of comparable goods sold by domestic competitors. Under these circumstances there is no "likelihood" of injury from the importation of the rayon staple fiber that was or is being purchased "at less than fair value."

This determination and statement of reasons are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended.

By the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-6818; Filed, July 19, 1961; 8:48 a.m.]

[1] Due to illness, Commissioner Overton did not participate in the finding.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order 73]

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area (7 CFR Part 793), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for July 1961:

In § 973.9(b)(1) the words "during any month 50 percent or more of such plant's total receipts" and "from farms of".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based is the record of a public hearing held at Minneapolis, Minnesota, July 6–7, 1961, at which evidence was received on proposed amendments to the provisions herein suspended;

(2) Time does not permit the detailed analysis of this record and public procedure incident to an appropriate amendment of the order;

(3) Request for emergency action was made on the record of hearing by the major cooperative association serving the market and supported by other cooperative associations representing approximately 90 percent of the producers under the order;

(4) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(5) This suspension is necessary because unusually heavy supplies of milk coinciding with greatly reduced demand due to a strike of food chain store employees would result in a loss of pool plant status for some supply plants regularly serving the market. This suspension will enable such plants to retain pool plant status for July 1961; and

(6) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for July 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 18, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6853; Filed, July 20, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 762; Amdt. 310]

PART 507—AIRWORTHINESS DIRECTIVES

Beech D18S Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive superseding AD 53-6-3 (21 F.R. 9522), permitting discontinuance of inspections for Beech D18S aircraft with a maximum landing weight of 9,000 pounds or less, having incorporated the truss reinforcements and/or the oleo drag legs was published in 26 F.R. 4890.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to D18S airplanes, Serial Numbers A–1 through A–471 and A–474 through A–482.

Compliance required as indicated.

Cracks have been found above the landing gear slide tube socket cluster. As a result, the following must be accomplished within the next 500 hours' time in service unless already accomplished within the last 500 hours' time in service, and every 1,000 hours' time in service thereafter.

(a) For aircraft with a maximum landing weight above 9,000 pounds inspect the wing center section steel truss joints in the nacelle at the lower slide tube clusters of the landing gear using the magnetic particle inspection method. If cracks are found the part must be repaired or replaced prior to further flight. Repair is acceptable only if the cracks are within the limits specified in Part B of Beech Service Bulletin No. D18–58 dated September 1951, revised February 1961, or Beech Drawing 404–001081.

(b) For aircraft with a maximum landing weight of 9,000 pounds or less which do not have either the truss reinforcements, P/N's 513412–10 and –11 prescribed in Beech Service Bulletin D18–58, or the oleo drag legs, the inspection, repair or replacement given in (a) must be accomplished. When the truss reinforcements and/or the oleo drag legs are installed the inspection may be discontinued.

(Beech Service Bulletin D18–58 dated September 1951, and revised February 1961, covers this subject.)

This supersedes AD 53–6–3 (21 F.R. 9522).

This amendment shall become effective August 22, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 14, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-6829; Filed, July 20, 1961; 8:45 a.m.]

[Reg. Docket No. 806; Amdt. 309]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

Reports have been received that the nylon grommets which are required in the aft lounge safety belt cable guide brackets, have not been installed in some instances. The design of this installation is such that the nylon grommet is necessary to provide the required cable strength under all loading conditions.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all 188 Series aircraft incorporating a lounge using Hardman seats.

Compliance required as indicated.

Reports have been received that grommets are missing in some of the aft lounge safety belt cable guide brackets. Grommets are required in these brackets to permit the cable to withstand the design load. Within the next 100 hours' time in service inspect the safety belt cable guide bracket, Hardman P/N 5072–1, of the left and right aft lounge seats for presence of nylon grommets. If the nylon grommets are missing, install nylon grommets, P/N 295957–10A (United Carr Fastener Corp.), or equivalent, or restrict occupancy of the left and right aft lounge seats during takeoff and landing until such time as grommets are installed.

(Lockheed Service Bulletin 88/SB–541 refers to the same subject.)

This amendment shall become effective August 2, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 14, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-6830; Filed, July 20, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-159]

PART 626—NOTICE OF CONSTRUCTION OR ALTERATION; CRITERIA, PROCEDURES AND RULES FOR DETERMINATION OF THE EFFECT OF PROPOSED STRUCTURES UPON THE USE OF NAVIGABLE AIRSPACE

Form and Time of Notice

On September 16, 1960, the Federal Aviation Agency published in the FEDERAL REGISTER (25 F.R. 8911) a proposed Part 626 of the regulations of the Administrator which would establish requirements for notification of the contemplated construction or alteration of structures, criteria and procedures for the determination of the effect of such structures on air navigation, and the establishment of antenna farm areas. After substantial rule-making proceedings, the proposal was revised in the light of the comments received and adopted on June 12, 1961, to be effective July 15, 1961 (26 F.R. 5287).

In implementation of the authority granted the Administrator by section 1101 of the Federal Aviation Act to require notice of the proposed construction or alteration of any structure where notice would promote safety in air commerce, Part 626 requires in § 626.10 that notice of these construction proposals must be submitted to the Agency not less than 30 days prior to the date the construction is to begin or an application for a construction or broadcast permit is to be filed, whichever is earlier. The provision for 30 days advance notice was included so that the FAA processing of the construction proposals might be initiated and, in some cases completed, prior to the filing for other permits which the applicant might later determine should be revised in the light of the FAA determination.

Several segments of the broadcast industry objected to this provision on the ground that the requirement for notice 30 days prior to the filing of an application for a construction permit with the Federal Communications Commission would cause them substantial hardship. The Agency review of the comments submitted on this point did not reveal a justifiable basis for the deletion of the requirement. However, since the adoption of the rule, additional comment has been received from industry and support of these comments has been advanced informally by the FCC. The Commission has indicated that defetion of the advance notice provision should not operate to the detriment of either the Agency or the Commission. From the FCC representations, it appears that applications for construction permits filed with the Commission and Notices of construction proposal filed with the Agency may be processed concurrently without adversely affecting the proper discharge of the statutory responsibilities of the two federal agencies.

The considerations applicable to our conclusion regarding FCC applications do not exist with respect to applications for other types of permits with other government bodies. The possible difficulties in effecting necessary coordination with the many political subdivisions below the federal level requires that we retain the provision for advance notice in all other cases. Accordingly, this revision is limited to notices for structures requiring FCC approval.

In consideration of the foregoing, Part 626 of the regulations of the Administrator is amended by revising § 626.10(a) to read as follows:

§ 626.10 Form and time of notice.

(a) Notices required under § 626.9 shall be submitted to the Agency in triplicate on Form FAA-117,[2] "Notice of Proposed Construction or Alteration," not less than 30 days prior to the date, (1) the construction or alteration is proposed to begin,[2] or (2) an application for a construction permit is to be filed, whichever is earlier; *Provided,* That notices relating to proposed construction subject to the licensing requirements of the Federal Communications Act may be submitted to the Agency at the time the application for construction permit is filed with the Federal Communications Commission.

Since this amendment reduces a burden on the public, compliance with the notice and public procedure requirements of the Administrative Procedure Act is unnecessary and the amendment may be made effective immediately.

This amendment is effective as of the date of issuance.

(Secs. 104, 307, 313, 1001, and 1101, 72 Stat. 740, 749, 752, 788, and 797; 49 U.S.C. 1304, 1348, 1354, 1481, 1501)

Issued in Washington, D.C., on July 15, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-6827; Filed, July 20, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

[Order 2]

FEDERAL HAZARDOUS SUBSTANCES LABELING ACT RELATING TO SPECIFIC SUBSTANCES

Extension of Effective Date of Certain Provisions

On January 31, 1961, Order No. 1 extended the penalty and condemnation provisions of the Federal Hazardous Substances Labeling Act until August 1, 1961, as applied to all hazardous substances defined in the act, except "highly toxic," "extremely flammable," and "flammable."

On April 29, 1961, proposed regulations were published in the FEDERAL REGISTER and comments were requested thereon. Numerous comments were received from associations, firms, and individuals during the 60 days specified for submitting comments. In addition, an open meeting was held on July 13 and 14, 1961, at which time oral statements were received. Time will be required to consider all the comments received and to issue final regulations.

Therefore, pursuant to the provisions of the act (sec. 16(b), 74 Stat. 380; 15 U.S.C. 1261 (note)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), *It is ordered,* That the provisions of section 5 and 6 of the Federal Hazardous Substances Labeling Act shall be further suspended until February 1, 1962, for all hazardous substances as defined in section 2, other than "highly toxic," "extremely flammable," and "flammable."

The Federal Caustic Poison Act remains in full force and effect during the period of this extension for any article affected thereby.

Effective date. This order shall be effective on the date of signature.

(Sec. 16(b), 74 Stat. 380; 15 U.S.C. 1261 (note))

Dated: July 17, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6887; Filed, July 20, 1961; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

TYLOSIN

1. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Elanco Products Company, Division of Eli Lilly and Company, Indianapolis 6, Indiana, and other relevant material, has concluded that the following amendment to the food additive regulations should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive tylosin in the drinking water of chickens. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625) § 121.217 (21 CFR 121.217; 26 F.R. 4359) is amended to provide for the use of tylosin in the drinking water of chickens. As amended, § 121.217 reads as follows:

§ 121.217 Tylosin.

The food additive tylosin may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) It is used or intended for use:

(1) As an aid in stimulating the growth and improving the feed efficiency of swine, whereby the tylosin is added as the phosphate salt and the quantities of tylosin activity to be used in or on the finished swine feed are:

Animal weight—Pounds:	*Tylosin activity per ton of feed—Grams*
Up to 40	20–100
41 to 100	20–40
101 to market weight	10–20

(2) As an aid in the prevention or treatment of chronic respiratory diseases of chickens, as follows:

(i) The tylosin is added to drinking water as the tartrate salt in an amount not less than 2 grams nor more than 5 grams per gallon.

(ii) The additive may not be administered for more than 5 days.

(iii) The additive is not to be administered to laying hens.

(iv) Chickens treated with the additive are not to be slaughtered for food within 24 hours of treatment.

(b) The antibiotic may be absorbed upon a suitable carrier vehicle.

(c) To assure safe use of the additive, the label and labeling of the additive and that of any intermediate premix prepared therefrom shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) A statement of the conditions for which the additive is to be used.

(4) Adequate mixing directions to provide for a final product with the proper concentration of the additive, whether or not intermediate premixes are also used.

(5) Adequate use directions to provide a finished product labeled as provided in paragraph (d) of this section.

(6) If the additive is to be used as prescribed in paragraph (a)(2) of this section, the label and labeling shall also include:

(i) A statement that the additive is not to be administered to laying hens.

(ii) A statement that chickens treated with the additive are not to be slaughtered for food within 24 hours of treatment.

(iii) A statement that the additive is not to be administered continuously for more than 5 days.

(d) To assure safe use of the additive, the label and labeling of any finished feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained therein.

(3) Adequate directions for use.

2. Based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that where chickens have been treated with tylosin in accordance with § 121.217, a tolerance limitation is required in order to assure that the edible tissues and eggs of chickens are safe for human food. Therefore, § 121.1049 is amended to read as follows:

§ 121.1049 Tylosin.

A tolerance of zero is established for residues of the food additive tylosin in eggs of chickens and in the uncooked, edible tissues and byproducts of swine and chickens.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: July 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6835; Filed, July 20, 1961; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ISOPROPYL ALCOHOL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Ventura Processors, Ventura, California, and other relevant material, has concluded that the following food additive regulation should issue with respect to the food additive isopropyl alcohol as a residue from the dewaxing of lemon oil. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1)), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1043 of the food additive regulations (21 CFR 121.1043; 26 F.R. 3301) is changed to read as follows:

§ 121.1043 Isopropyl alcohol residues.

Tolerances are established for residues of isopyropyl alcohol resulting from its use as a solvent in the manufacture of foods as follows:

Spice oleoresins	50 parts per million (0.005 percent).
Lemon oil	6 parts per million (0.0006 percent).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6845; Filed, July 20, 1961; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYETHYLENE GLYCOL 6000

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Mead Johnson and Company, St. Joseph and Pennsylvania Streets, Evansville 21, Indiana, and other relevant material, has concluded that the following food additive regulation should issue with respect to the food additive polyethylene glycol 6000 as a component in tablets for food use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare, (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1057 Polyethylene glycol 6000.

The food additive polyethylene glycol 6000 may be safely used in accordance with the following prescribed conditions:

(a) Polyethylene glycol 6000 is the condensation polymer of ethylene oxide and water with an average molecular weight ranging from 6000 to 7500.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premixes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive in any intermediate premixes.

(2) The label or labeling shall bear adequate directions to provide a final product that complies with the limitation prescribed in paragraph (c) of this section.

(c) It is used or intended for use in food at a level not greater than that required to accomplish the intended physical or technical effect:

(1) As a binder and plasticizing agent in tablets used for food.

(2) As an adjuvant in tablet coatings to improve resistance to moisture and oxidation.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: July 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6846; Filed, July 20, 1961; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B — REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 83, Rev.]

[General Order 92]

[General Order 93]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Correction

Federal Register Document 61-6750, appearing at page 6431 of the issue for Tuesday, July 18, 1961, is corrected by adding at the end thereof the following paragraph:

The reporting requirements contained in these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 946]

[Docket No. AC-123-A23]

MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held at Louisville, Kentucky, on May 22, 1961, pursuant to notice thereof issued on May 11, 1961 (26 F.R. 4289).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 23, 1961 (26 F.R. 5820; F.R. Doc. 61-6080) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The only material issue on the record relates to the Class I price formula.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Class I price formula. The Class I price formula should be revised to (1) reduce the rate of price adjustment resulting from the supply-demand adjuster, (2) delete the butter-cheese price formula from the list of basic formula price alternatives, and (3) provide that the Class I price in each of the months of August through December 1961 shall not be less than the Class I price for June 1961.

A producer association representing a majority of the producers supplying the market proposed that the supply-demand adjustment mechanism be deleted from the order and that the Class I price differential be restored to the $1.30 per hundredweight level which applied prior to May 1961. It contended (1) that the price changes which have resulted or may be expected to result from the operation of the supply-demand adjuster will tend to cause market instability, and (2) that price reductions due to the 5-cent drop in the Class I price differential on May 1 and the supply-demand adjuster will result in a Class I price level out of alignment with Class I prices in surrounding markets. A handler who distributes a large percentage of the milk marketed in the area testified in support of the producers' proposal.

In a decision issued February 8, 1960 (25 F.R. 1269) based on a hearing held August 4-13, 1959, it was concluded that the Class I price differential should be increased from $1.25 to $1.30 for a temporary period beginning March 1, 1960, and terminating April 30, 1961. The order as amended pursuant to that decision provided that the differential would revert to $1.25 effective May 1, 1961. For following periods, whatever adjustments in the Class I price that might be needed to reflect the relationship of production to Class I disposition were to be brought about through the operation of a supply-demand adjustment mechanism. The amended order specified that the supply-demand adjustment would become effective in the 15th month (May 1961) following the date of amendment.

This action of a temporary nature was taken in view of the progressively decreasing ratio of the supply of producer milk to Class I disposition in the few years preceding the August 1959 hearing. During the 12 months immediately preceding that hearing (July 1958 through June 1959) producer receipts were 137 percent of Class I disposition compared with 141 percent for the corresponding period of 1957-58 and 150 percent for the corresponding period of 1956-57. This same trend continued for another year subsequent to the August 1959 hearing as indicated by the ratio of 134 percent for the corresponding period of 1959-60.

The supply of producer milk presently, however, is more ample in relation to Class I disposition than at the time of the August 1959 hearing. During the recent 12-month period of May 1960 through April 1961 producer receipts were 139 percent of Class I disposition. The production-Class I disposition ratio for the most recent four-month period prior to the May 1961 hearing (January-April 1961) was 145 percent as compared to 133 percent and 130 percent for the comparable periods in 1959 and 1960, respectively. Daily average production per farm was 628 pounds in the January-April period of 1961, compared to 551 pounds and 591 pounds, respectively, in the like periods of 1959 and 1960. Class I disposition in recent months has fallen off compared to a year previous, 8.0 percent and 9.5 percent in March and April, respectively, of this year. Although part of this loss is a military contract of substantial size which might at any renewal date revert to Louisville-Lexington handlers, the remainder of the loss reflects demand conditions of a more permanent nature. One large grocery chain has shifted its source of supply from Louisville-Lexington handlers to its own dairy plant regulated under another order. Other losses in sales reflect general demand conditions.

The changes described in the supply-demand situation should be reflected in the level of the Class I price. The supply-demand adjustment provision in the order, which is based on the relationship of producer milk supply to Class I disposition of pool handlers, is intended for this purpose. The supply-demand adjuster should be modified, however, to provide a more stable pricing mechanism than does the provision now in the order.

Since the order was amended March 1, 1960, to include a supply-demand adjuster, the computed price adjustments which would have applied if it had been effective in all months have varied over a considerable range. During the first 2 months the adjustment indicated was minus 10 cents. In subsequent months it increased to a plus 30 cents in June 1960, and thereafter it decreased in a general trend to zero, and was at this level for the months of December 1960 through April 1961. For May, the first month in which the supply-demand adjuster was effective, the adjustment was minus 20 cents. For June, the computed adjustment was minus 40 cents, but the effective adjustment was limited by a suspension order to minus 20 cents. This limit, under the suspension order issued May 25, 1961 (26 F.R. 4734), applied also for the month of July.

The supply-demand adjuster in the order reflects the current utilization percentage which is the relationship of receipts of producer milk to Class I disposition by pool plants in the second and third months preceding the pricing month. A standard utilization percentage of 137 is provided as the normal annual level relationship and is adjusted monthly by a seasonality index which reflects the average seasonal relationship of production to sales during the 26-month period ending with the second and third months preceding the pricing month. The net deviation of the current utilization percentage from the adjusted standard utilization percentage determines the amount of price adjustment according to 10-cent intervals set forth in a schedule. The average rate of price adjustment indicated in the schedule is approximately 3 cents per percentage point of the net deviation.

It is concluded that a slower rate of price adjustment would make the supply-demand adjuster a better pricing mechanism for the purpose of stabilizing marketing conditions. The rate of price adjustment should be two-thirds of the rate now used in the order. Also the price adjustments should be based on the net utilization percentages for three consecutive months. The current month net deviation percentage, however, should be given more importance than the earlier of the three net deviation percentages. This may be done by eliminating any net deviation percentage which is in the opposite direction from a more recent net deviation percentage and by reduc-

ing any net deviation percentage to the extent it exceeds a more recent net deviation percentage. The sum of these adjusted net deviation percentages would provide the basis for computing the Class I price adjustments. Such price adjustments would be plus or minus, depending on whether the sum of the net deviation percentages reflects utilization below or above, respectively, the adjusted standard utilization percentages. The rate of adjustment should be two-thirds of one cent for each percentage point in the sum of adjusted net deviation percentages. The limit on the amount of adjustment should be maintained at the present level of 50 cents.

The Class I price differential should be maintained at $1.25. The higher differential of $1.30 requested by producers is unnecessary in view of the increasing milk supply now on the market. Most recent trends of production and Class I disposition indicate that the market situation is tending toward a condition of over-supply. The $1.25 differential is in very close alignment with Class I price differentials in most neighboring Federal order markets. The Class I price differentials in such markets are as follows: Indianapolis, $1.25; Nashville, $1.35 ($1.25 in Kentucky areas); Ohio Valley, approximately $1.25 for future periods, annual average basis; and Cincinnati, $1.30.

Exceptions to continuance of the $1.25 Class I differential assert that comparative distances from Eau Claire, Wisconsin, to this and surrounding markets justify a return to the $1.30 differential in light of differentials existing in other markets. It is not clear that such a calculation provides a precise basis for changing the differential in view of the effective competition of handlers in other markets for sales within this marketing area. The further argument contained in exceptions that special costs of milk production and marketing justify the requested increase is in contradiction with the outstanding evidence of a general increase in milk production for the market in spite of such costs.

The basic formula price to which the Class I differential is added should be modified by eliminating the butter-cheese price formula. The basic formula price is the higher of the following alternative price formulas: (1) A butter-powder formula; (2) the Midwest Condensery price commonly used in Federal orders; (3) an average of prices paid by local manufacturing plants; and (4) a butter-cheese formula.

Since December 1959 the butter-cheese formula price has increased to levels considerably above the other basic formula price alternatives and consequently has had a major effect on the Class I price. If the butter-cheese formula had not been a part of the basic formula price as used in computing the Class I prices during 1960, the basic formula price would have averaged 12.4 cents less than what it was for that year. Likewise, for the first five months of 1961, the basic formula price without the butter-cheese formula would have averaged 12.6 cents less.

Nearby markets including Ohio Valley, Paducah, Nashville, Cincinnati, and Indianapolis do not have such a butter-cheese formula in their basic formula prices. Because of the butter-cheese formula in the Louisville-Lexington order movements of the basic formula price in this market have shown considerable variance from movements of basic formula prices in surrounding markets since December 1959. It is of particular importance to maintain Class I price alignment between these markets due to the extensive movements of milk between markets. The record indicates that competition between Louisville-Lexington handlers and handlers regulated by other nearby Federal milk orders has been increasing both on a procurement basis and a disposition basis. In view of the desirability of providing a better basis for price alignment with surrounding markets the butter-cheese formula should be deleted from the basic formula price.

Exceptions to the deletion of the butter-cheese formula contain arguments based largely on the record of an earlier hearing in February 1953. It was on the basis of that record that the present butter-cheese formula was adopted to provide a basic formula alternative designed to reflect the value of milk purchased by cheese manufacturers. The record of the May 1961 hearing does not contain evidence to support exceptor's contention that the butter-cheese formula currently represents the price level paid for milk by cheese manufacturers. Prices paid by local manufacturing plants which may include cheese manufacturing in their operations have been consistently lower than the butter-cheese formula. The close correspondence exceptor alleges to exist, on the basis of data prior to 1960, between this formula and competitive manufacturing milk prices paid by the Midwestern condenseries named in the order, does not hold in more recent periods, as shown by the substantial disparity in 1960 and subsequent months.

Since this butter-cheese formula was installed in this order in 1953, it has not been adopted in the surrounding markets which now are sources of milk sold in competition with milk of local handlers. This is a factor of paramount importance in establishing an appropriate pricing mechanism in this market. General conformity of basic formulas within such a group of competing markets is desirable as a foundation for Class I pricing methods which recognize such a competitive situation.

Deletion of the butter-cheese formula would have reduced the Class I price for April, May, and June 1961 by 13.1 cents, 9.3 cents and 4.8 cents, respectively. (Official notice is taken of the "Official Announcement of Minimum Class Prices—May 1961" for Federal Order No. 46 issued by the market administrator on June 6, 1961.) It is uncertain as to what effect the removal of this formula would have upon the Class I price in future periods. It is concluded, however, that because of price reductions which have become effective since April this year, and which might result from deletion of the butter-cheese formula, it is desirable in the interest of promoting market stability that the Class I price for the months of August through December 1961 be not less than the June 1961 Class I price which was announced on June 6 by the market administrator as being $4.603. This price reflects a negative supply-demand adjustment limitation of minus 20 cents resulting from the previously mentioned suspension order, a $1.25 Class I price differential, and a butter-cheese formula price (which was the basic formula price used in June) which was 4.8 cents higher than the next highest basic formula price alternative. Following this interim period of pricing, the modified pricing formula as adopted herein should adequately reflect market supply and demand conditions.

The butter-cheese price formula is one of the alternative formulas used to compute the Class II price. The Class II price was not an issue at the hearing. Accordingly, the butter-cheese formula is retained as part of the Class II price formula.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

The cooperative association alleges in their exceptions that the hearing notice did not contain a specific proposal with respect to § 946.50 relating to the basic formula price. They also contend that no evidence was introduced at the hearing on this section of the order and that accordingly the record does not provide a basis for changing the basic formula price.

The hearing notice contained a statement to the effect that all aspects of the Class I price formula, including the basic formula price, would be open for consideration at the hearing. Sufficient evidence was placed in the record of this hearing to support the modification of the basic formula price because of these reasons the exceptions to the change in the basic formula price is overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Louisville-Lexington, Kentucky, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Louisville-Lexington, Kentucky, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Louisville-Lexington, Kentucky, marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., July 18, 1961.

ORVILLE L. FREEMAN,
Secretary.

No. 139——2

Order[1] Amending the Order Regulating the Handling of Milk in the Louisville-Lexington, Kentucky, Marketing Area

§ 946.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville-Lexington, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 946.50 [Amendment]

1. In § 946.50 delete paragraph (b), redesignate paragraph (c) as paragraph (b), and delete the language following the section title and preceding paragraph (a) and substitute the following:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and subparagraph (1) of § 946.51(c).

§ 946.51 [Amendment]

2. In § 946.51(a) delete the language preceding subparagraph (1) and substitute the following:

Class I milk. The price of Class I milk shall be the basic formula price for the preceding month, rounded to the nearest tenth of a cent, plus $1.25 and plus or minus a supply-demand adjustment computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That for each of the months of August through December 1961 the Class I price shall not be less than the Class I price for the month of June 1961.

3. In § 946.51(a) delete subparagraph (6) and substitute the following:

(6) If the net deviation percentage computed pursuant to subparagraph (5) of this paragraph is a minus value, add to the Class I price, or if such net deviation percentage is a plus value, subtract from the Class I price an amount which is two-thirds of the total number of cents (rounding any fraction to the nearest tenth of a cent) computed pursuant to subdivisions (i), (ii) and (iii) of this subparagraph: *Provided,* That any such supply-demand adjustment shall not exceed 50 cents.

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the second preceding month.

4. In § 946.51 delete paragraph (b) and substitute the following:

(b) *Class II milk.* The price for Class II milk shall be the highest of the basic formula price pursuant to § 946.50 or those prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) The price per hundredweight resulting from the following formula:

(i) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars", f.o.b. Wisconsin assembling points, cars

or truckloads) as reported by the Department during the month;

(ii) Add 0.902 times the Chicago butter price for the month;

(iii) Subtract 34.3 cents; and

(iv) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(2) The price per hundredweight resulting from adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply the Chicago butter price by 4.56.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray process for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

[F.R. Doc. 61-6852; Filed, July 20, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 4b, 5, 6, 7, 13, 14, 18, 43]

[Reg. Docket No. 107; Draft Release No. 61-12A]

FIRST FEDERAL AVIATION AGENCY AIRWORTHINESS REVIEW

Notice of Proposed Rule Making

In the notice of proposed rule making on this subject (Draft Release No. 61-12) published in the FEDERAL REGISTER on June 8, 1961 (26 F.R. 5130), it was stated that consideration would be given to all relevant comments received on or before August 7, 1961.

The Aerospace Industries Association has requested an extension of the deadline for comment because of difficulties in scheduling industry meetings for the discussion and evaluation of the proposals in Draft Release No. 61-12. A three-week extension has been requested and is being granted.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that the time within which comments will be received is extended to August 28, 1961. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

(Secs. 318(a), 601-610 of the Federal Aviation Act of 1958 (72 Stat. 752, 775-780; 49 U.S.C. 1354(a), 1421-1430))

Issued in Washington, D.C., on July 14, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-6828; Filed, July 20, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Docket No. 3666; Notice 51]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

JULY 6, 1961.

In the matter of regulations for transportation of explosives and other dangerous articles.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the appendix below.

Applications for the proposed amendments have been the subject of exchanges and study by various interested parties, in which substantial agreement has been reached.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before August 3, 1961. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F.R. 8264, 8266, 8270, 8271, 8273, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Nitrocellulose, colloided, granular, flake or block, wet with alcohol or solvent. See Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent; or block—25 percent alcohol.				
Vinyl acetate	F.L	73.118, 73.119	Red	10 gallons.
Vinyl fluoride, inhibited	F.G	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Wet nitrocellulose, colloided, granular or flake—20 percent alcohol or solvent; or block—25 percent alcohol.	F.L	73.118, 73.127	Red	25 pounds.
(Add)				
Aqua ammonia solution containing not more than 60 percent anhydrous ammonia.	Nonf. G	73.302, 73.306, 73.314, 73.315	Green	300 pounds.
Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration.	Oxy. M	No exemption, 73.157, 73.158	Yellow	25 pounds.
Cyclohexanone peroxide not over 50 percent concentration.	Oxy. M	73.153, 73.154	Yellow	25 pounds.
Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.	Pois. A	No exemption, 73.338	Poison Gas	Not accepted.
Propellant explosives (solid), class B, and small-arms primers. See Propellant explosives, class B.				

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.31 amend paragraph (g) (9) Table 1 and paragraph (h) (25 F.R. 10389, Oct. 29, 1960) (22 F.R. 11030, Dec. 31, 1957) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

• • • • • •

(g) • • •

(9) • • •

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests [1]			Safety valve retest years	Interior heater systems retest			Tank test psi.	Safety valve psi. [2]	Safety valve vapor tight psi.—minimum	Retest holding time—minutes	Test time when lagging is not removed—minutes
		Up to 10 years	Over 10 to 22 years	Over 22 years		Up to 10 years	Over 10 to 22 years	Over 22 years					
ICC-112A400-W *(add)*		10	10	10	5				400	300	240	10	

• • • • • •

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized. Tank cars proposed for a commodity service other than authorized, must be approved for such service by the Association of American Railroads Committee on Tank Cars. Transfer of a tank car from one authorized service to another may be made only by the owner or owner's authorization. Classes ICC-105A type, ICC-109A type, ICC-111A100-W-4 (§ 78.306 of this chapter), or ICC-112A type tank cars may be used for any commodity for which they are approved by the Committee on Tank Cars when stenciled accordingly. When a tank car is stenciled to indicate that it is authorized for one commodity only, it must not be used for any other service.

[No change in Note 1.]

In § 73.34 amend the introductory texts of paragraphs (m) and (p) (25 F.R. 10391, Oct. 29, 1960) (26 F.R. 1013, Feb. 2, 1961) to read as follows:

§ 73.34 Qualification, maintenance, and use of cylinders.

• • • • • •

(m) Repairs on all ICC-4 series and ICC-3 series cylinders are authorized but must be made by a manufacturer of these types of ICC cylinders or by a repair facility authorized by the Bureau of Explosives and under the following requirements:

• • • • • •

(p) Rebuilding of ICC-4 series and ICC-3 series, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of this type of ICC cylinder or by a repair facility authorized by the Bureau of Explosives and by a process similar to that used in its original manufacture and under the following specific requirements:

Subpart B—Explosives; Definitions and Preparation

In § 73.51 amend paragraph (q) (25 F.R. 3099, April 12, 1960) to read as follows:

§ 73.51 Forbidden explosives.

• • • • • •

(q) New explosives except samples for laboratory examination (see § 73.86) and military explosives approved by the Chief of Ordnance, Department of the Army; Chief, Bureau of Naval Weapons, Department of the Navy; or Chief, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Bureau of Explosives.

In § 73.61 amend paragraph (g) (15 F.R. 8288, Dec. 2, 1950) to read as follows:

§ 73.61 High explosives.

• • • • • •

(g) Before cartridges or bags of gelatin explosives are packed in boxes, lined in accordance with paragraph (f) of this section, dry fine wood pulp or sawdust at least ¼ inch in depth must be spread over the bottom of box or bottom of box may have a full area pad formed of absorptive cellulose sheet having nitroglycerin absorptive value equivalent to sawdust as specified; similar materials are required in boxes for packing all non-gelatinous types of explosives containing 30 percent or more liquid explosive ingredient.

In § 73.65 amend paragraph (e) (3) and the introductory text of (h); redesignate paragraph (i) as (j); add a new paragraph (i) (22 F.R. 2225, April 4, 1957) (19 F.R. 3259, June 3, 1954) (17 F.R. 1559, Feb. 20, 1952) (23 F.R. 2324, April 10, 1958) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.

• • • • • •

(e) • • •

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

• • • • • •

(h) Shaped charges, commercial, having exposed lined conical cavities must have such cavities effectively filled; those having conical cavities that are covered shall be paired together with the cavities facing each other and with one or more pairs in a fiber tube, or so arranged that the conical cavities of the shaped charges at the ends of the column face toward the center of the tube. The shaped charges in the fiber tubes must fit snugly with no excess space and the fiber tubes containing the shaped charges must be packed snugly with no excess space in the outside containers. Other methods of packaging for devices of which shaped charges are a component part may be employed when approved by the Bureau of Explosives. Shaped charges, commercial, must be packed in specification containers as follows:

• • • • • •

(i) Cyclotrimethylenetrinitramine (desensitized) in pellet form, dry, in addition to provisions of paragraphs (a) and (b) of this section may be packed in specification containers as follows:

(1) Spec. 15A (§ 78.166 of this chapter). Wooden boxes. For pellets ¼ inch or less in diameter; pellets must be packed in a slide-type fiber carton with perforated fillers. All openings of the fiber carton shall be securely closed with pressure-sensitive tape. Inside containers shall be cushioned with at least 2 inches of sawdust between inner containers and outside box. No inside container shall contain more than one-half pound net weight of explosive composition and not more than 10 pounds net weight of explosive composition shall be packed in one outside box.

(2) Spec. 15A (§ 78.166 of this chapter). Wooden boxes. For pellets exceeding ¼ inch in diameter; pellets must be packed in a fiber tube with positive closures at both ends, which shall be packed in a fiber carton having not more than one-half pound net weight of explosive composition. Fiber carton shall be cushioned with not less than 2 inches of sawdust in the outside box. Not more than 10 pounds net weight of explosive composition shall be packed in one outside box.

In § 73.93 amend paragraph (g) (1) (25 F.R. 10391, Oct. 29, 1960) to read as follows:

§ 73.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

• • • • • •

(g) • • •

(1) Solids in tightly closed metal cans or fiber containers, not exceeding 1 pound each, or in inside metal cans or fiber containers containing not more than one grain of propellant, not exceeding 5 pounds each, and liquids in polyethylene bottles compatible with contained liquid, with screw-cap closures taped, not exceeding 1 pound or 16

fluid ounces capacity each, packed in outside wooden box, spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter); or outside fiberboard box, spec. 12B, 23F, or 23H (§§ 78.205, 78.214, or 78.219 of this chapter). Not more than 1,000 small-arms primers packed in inside containers as prescribed by § 73.107 may be included in one outside shipping container with solid propellant explosives. Inside containers must be packed so as to prevent movement within the outside container. Not more than 10 pounds of propellant explosives may be shipped in one outside container. Each outside container must be plainly marked "PROPELLANT EXPLOSIVES (LIQUID), CLASS B," or "PROPELLANT EXPLOSIVES (SOLID), CLASS B," or "PROPELLANT EXPLOSIVES, CLASS B, and SMALL-ARMS PRIMERS," as the case may be.

In § 73.100 amend paragraph (y) and add Notes 1 and 2 thereto (23 F.R. 7646, Oct. 3, 1958) to read as follows:

§ 73.100 Definition of class C explosives.

* * * * * * *

(y) Smoke candles, smoke pots, smoke grenades, and smoke signals containing not more than 200 grams of pyrotechnic composition each (see Note 1) unless greater weight of composition is approved by the Bureau of Explosives, exclusive of smoke compositions (see Note 2), without bursting charges, hand signals devices. Very signal cartridges, and highway or railway fusees are devices designed to produce visible effects for signal purposes.

NOTE 1: Pyrotechnic compositions (other than smoke compositions) are defined as chemical mixtures which on burning and without explosion, produce visible or brilliant displays or bright lights.

NOTE 2: Pyrotechnic smoke compositions are defined as chemical smoke producing mixtures, which on ignition burn at a controlled rate, without the production of flame and without the build-up of internal pressure that would rupture or burst the end product.

In § 73.107 amend paragraph (e) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.107 Primers, percussion caps, and empty grenades, primed.

* * * * * * *

(e) Small-arms primers and/or percussion caps may be packed with nonexplosive and/or nonflammable articles, or with small-arms ammunition as provided in § 73.101(b). Small-arms primers may be included with propellant explosives (solid), class B in the same outside container as provided in § 73.93(g)(1). The weight of the small-arms primers or percussion caps must not exceed 5 pounds in any such outside container.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a)(12), (e)(2), (f)(3); add paragraphs (m)(6) and (7) (26 F.R. 4994, 4995, June 6, 1961) (15 F.R. 8300, Dec. 2, 1950) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) * * *

(12) Spec. 103, 103W, 103AL–W, 103D–W, 104, 104W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A500–X, 106A800, 106A800–X, 106A800–X–NC, 106A800NCI, 110A500–W, 110A800–W, 111A60AL–W, 11A100–F–1, 111A100–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, 112A400–F, 112A400–W, 112A500–W, ARA–II[2], ARA–III[2], ARA–IV[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.275, 78.276, 78.295, 78.293, 78.278, 78.310, 78.303, 78.305, 78.306, 78.311, 78.312, or § 78.290 of this chapter). Tank cars. For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See § 73.432 for shipping instructions.)

* * * * * * *

(e) * * *

(2) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A500–X, 106A800, 106A800–X, 106A800–X–NC, 106A800NCI, 110A500–W, 110A800–W, 111A60AL–W, 111A100–F–1, 111A100–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, 112A400–F, 112A400–W, 112A500–W, ARA–II,[1] ARA–III,[1] ARA–IV,[1] or ARA–IV–A[1] (§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.275, 78.276, 78.295, 78.293, 78.278, 78.310, 78.303, 78.305, 78.306, 78.311, 78.312 or § 78.290 of this chapter). Tank cars. Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in (f)(4), (g), (h), and (h)(1) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See Note 1 of paragraph (f)(3) of this section.)

* * * * * * *

(f) * * *

(3) Spec. 105A100, 105A100–W, 105A–100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A–500–X, 106A800, 106A800–X, 106A800–X–NC, 106A800NCI, 110A500–W, 110A800–W, 111A100–W–4, 112A400–F, 112A400–W, 112A500–W, or ARA–IV–A[2] (§ 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.275, 78.276, 78.295, 78.293, 78.278, 78.306, 78.312, or 78.290 of this chapter) or (see Note 1 of this subparagraph). Tank cars. Specs. 104, 104–W, 111A100–W–3, and ARA–IV[2] (§ 78.269, 78.284, or 78.305 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f)(4), (g), (h), and (h)(1) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner.

[No change in Notes.]

(m) * * *

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene bottles not over 1-gallon capacity each. Not more than four 1-gallon polyethylene bottles shall be packed in one outside fiberboard box. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with one inside polyethylene bottle not over 5-gallons capacity, as specified by § 78.205–34 of this chapter. Authorized only for material which will not react dangerously with or cause decomposition of polyethylene.

In § 73.122 amend paragraph (a)(1) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.122 Acrolein, inhibited.

(a) * * *

(1) Spec. 5, 5A, or 5B (§ 78.80, 78.81, or 78.82 of this chapter). Metal drums not over 55 gallons capacity each. Spec. 5 or 5B (§ 78.80 or 78.82 of this chapter) drums must have no opening exceeding 2.3 inches in diameter.

In § 73.126 amend paragraph (a) and add Footnote 2 thereto (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.126 Nickel carbonyl.

(a) Nickel carbonyl must be packed in specification cylinders as prescribed for any compressed gas, except acetylene. Cylinders used exclusively for nickel carbonyl may be given a complete external visual inspection at the time periodic retest becomes due in lieu of the interior hydrostatic pressure test required by § 73.34 (j). Visual inspection shall be in accordance with Compressed Gas Association's "Standards for Visual Inspection of Compressed Gas Cylinders"[2] 1959 edition.

In § 73.127 amend the heading and introductory text of paragraph (a); add paragraph (a)(5) (24 F.R. 5639, July 14, 1959) (23 F.R. 4029, June 10, 1958) (15 F.R. 8301, Dec. 2, 1950) to read as follows:

§ 73.127 Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; nitrocellulose flakes, colloided nitrocellulose, granular, flake, or block, and lacquer base or lacquer chips, wet.

(a) Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet with alcohol or a solvent, must contain at least 30 percent by weight of alcohol or a solvent with flash point not lower than 30° F.; nitrocellulose flakes; colloided nitrocellulose, granular or flake; lacquer base or lacquer chips, wet with alcohol or a solvent, must contain at least 20 percent

[2] Copies obtainable from the Compressed Gas Association, Inc., 11 West 42nd Street, New York 36, N.Y.

by weight of alcohol or a solvent with flash point not lower than 30° F., and nitrocellulose blocks wet with alcohol must contain at least 25 percent by weight of alcohol, and must be packed in specification containers as follows:

* * * * * * *

(5) Spec. 6J (§ 78.100 of this chapter). Metal drums. Authorized only for nitrocellulose in solid block forms and wet with alcohol to not less than 25 percent by weight. Authorized only for carload or truckload shipments.

In § 73.141 amend paragraph (a)(7) (25 F.R. 6625, July 14, 1960) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(7) Spec. 103–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or 111A100–W–1 (§ 78.280, 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, or 78.303 of this chapter). Tank cars. Specs. 103–W and 111A100–W–1 (§ 78.280 and 78.303 of this chapter) tank cars equipped with bottom outlets must have bottom outlets effectively sealed. Bottom washout permitted.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.153 add paragraph (c)(71) (15 F.R. 8303, Dec. 2, 1950) to read as follows:

§ 73.153 Exemptions for flammable solids and oxidizing materials.

* * * * * * *

(c) * * *

(71) Cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration.

In § 73.157 amend the heading and introductory text of paragraph (a); add paragraph (a)(4) (22 F.R. 11031, Dec. 31, 1957) (15 F.R. 8304, Dec. 2, 1950) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihyroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dimethylhexane dihydroperoxide, lauroyl peroxide, and succinic acid peroxide, wet with at least 30 percent of water by weight, except cyclohexanone peroxide, must be packed in specification containers as follows:

* * * * * * *

(4) Spec. 21A or 21B (§ 78.222 or 78.223 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and forged of polyethylene film sheets having minimum thickness of 0.002 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide and shall not exceed 100 pounds for dimethylhexane dihydroperoxide.

In § 73.158 amend the heading and introductory text of paragraph (a); amend (a)(2) (22 F.R. 11031, Dec. 31, 1957) (21 F.R. 7600, Oct. 4, 1956) to read as follows:

§ 73.158 Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinc acid peroxide, dry.

(a) Benzoyl peroxide, dry, chlorobenzoyl peroxide (para), dry, cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, dry, dimethylhexane dihydroperoxide, dry, lauroyl peroxide, dry, or succinic acid peroxide, dry, must be packed in specification containers as follows:

* * * * * * *

(2) Spec. 21A or 21B (§ 78.222 or 78.223 of this chapter). Fiber drums. Authorized only for dimethylhexane dihydroperoxide, dry, which must be packed in a plastic container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch, and lauroyl peroxide, dry. Authorized net weight not over 100 pounds in one outside container.

In § 73.182 amend paragraph (b) Footnote 1 (21 F.R. 671, Jan. 31, 1956) to read as follows:

§ 73.182 Nitrates.

* * * * * * *

(b) * * *

[1] Applies only to materials classed as dangerous under definition in § 73.151.

In § 73.206 add paragraph (c)(3) (15 F.R. 8310, Dec. 2, 1950) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

* * * * * * *

(c) * * *

(3) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicles having a minimum design pressure of 150 pounds per square inch and having exterior coils fusion-welded to the tank shell and properly stress-relieved. Tanks must be equipped with approved safety valves having a set-to-discharge pressure not exceeding 150 pounds per square inch. The material must be in molten condition when loaded and solidified before being moved over a public highway. Outage must be .5 percent or more at a sodium temperature of 208° F.

In § 73.217 add paragraph (a)(3) (15 F.R. 8311, Dec. 2, 1950) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.

(a) * * *

(3) Spec. 21B (§ 78.223 of this chapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated with not less than a 0.002 inch thickness of polyethylene. Cover of drums shall be gasketed. Drums for authorized net weight over 225 pounds but not exceeding 400 pounds shall be of at least 10-ply construction. Representative drums must withstand drop tests prescribed by § 78.223–4 of this chapter when filled with test material equal to the net weight to be shipped. Authorized net weight not over 400 pounds.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.260 amend paragraphs (c)(2) and (3) (22 F.R. 7836, Oct. 3, 1957) (17 F.R. 4294, May 10, 1952) to read as follows:

§ 73.260 Electric storage batteries, wet.

* * * * * * *

(c) * * *

(2) Top of slip cover or fiberboard box must have interior reinforcement (insert or saddle) of fiberboard, wood, or other material of equal strength and rigidity so formed that any superimposed weight will bear only and directly downward on the top edges of the battery case or intercell connectors (straps) or plastic battery terminal covers designed to transmit any superimposed weight, directly to the top inner wall of the battery case; or be protected by a scored one piece cover-liner of 200-pound test (Mullen or Cady) double faced corrugated fiberboard extending from the base of the battery on one side, across the top of the battery and to the base of the battery on the opposite side. When top of slip cover or fiberboard box consists of only one thickness of material, reinforcement must have a plane surface of same interior dimensions and thickness. Reinforcement must be of a height to provide minimum clearance required above and must be constructed to remain securely in place or be fastened to slip cover or fiberboard box.

(3) All fiberboard must be at least 200 pound test (Mullen) and completed package (battery and slip cover or fiberboard box) must be capable of withstanding top-to-bottom compression test of at least 500 pounds without damage to battery terminals, battery cell covers, and filler caps.

In § 73.263 amend paragraph (a)(10) (18 F.R. 6779, Oct. 27, 1953) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(10) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter).

Tank motor vehicles, lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined spec. MC 311 (§ 78.331 of this chapter) tank motor vehicles made from Type 304 ELC stainless steel authorized for sodium chlorite solution not exceeding 40 percent sodium chlorite only.

In § 73.272 add paragraph (f) (9) (15 F.R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 Sulfuric acid.

• • • • • •

(f) • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene containers or other containers of plastic compatible with the chemical, not over 1-gallon capacity each. Inside containers must be cushioned to prevent movement in the outside box. Not more than four 1-gallon inside containers shall be packed in one outside container. Authorized gross weight not over 75 pounds.

In § 73.285 add paragraph (a) (3) (15 F.R. 8323, Dec. 2, 1950) to read as follows:

§ 73.285 Chlorine trifluoride.

(a) • • •

(3) Spec. 106A500, 106A500–X, or 110A500–W (§ 78.275 or 78.293 of this chapter). Tank cars equipped with solid steel plugs in lieu of fusible plug safety devices and valve protection caps.

In § 73.294 amend paragraph (a) (3) (25 F.R. 10394, Oct. 29, 1960) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) • • •

(3) Spec. MC 310 or MC 311 (§ 78.330 or 78.331 of this chapter). Tank motor vehicles. Tanks to be fabricated from 99 percent pure nickel plates, Type 304 or 316 stainless steel, or be suitably lined.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.301 amend paragraph (i) (15 F.R. 8325, Dec. 2, 1950) to read as follows:

§ 73.301 General requirements.

• • • • • •

(i) *Valve protection.* Cylinders containing flammable, corrosive, or noxious gases (hydrogen, pintsch gas, coal gas, chlorine, sulfur dioxide, etc.), must have their valves protected by metal caps securely attached to the cylinders and of sufficient strength to protect the valves from injury during transit: *Provided,* That these caps will not be required (1) if the cylinders are boxed or crated so as to give a proper protection to the valves; (2) if the valves are so recessed into the cylinders or otherwise protected so that they will not be subjected to a blow if the cylinder is dropped on a flat surface; (3) if, for cylinders containing nonliquefied gas under pressure not exceeding 300 pounds per square inch at 70° F., the valves are strong enough to avoid injury during transit; (4) if the cylinders are loaded in cars or motor vehicles by the consignor and to be unloaded by the consignee, are loaded compactly in an upright position, and are securely braced. Inside containers must be packed in boxes designed to protect valves from injury or accidental functioning under conditions incident to transportation.

In § 73.314 amend paragraph (a) Table and add notes 22 and 23 thereto (22 F.R. 7837, Oct. 3, 1957) (25 F.R. 10396, Oct. 29, 1960) (24 F.R. 5640, July 14, 1959) (22 F.R. 2227, April 4, 1957) (15 F.R. 8327, Dec. 2, 1950) to read as follows:

§ 73.314 Compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
(Change)	*Percent.*	
Anhydrous ammonia	50	ICC–106A500, 106A500–X, Note 12.
	57	ICC–105A300–W.
	57	ICC–112A400–F, 112A400–W, Note 21.
	88.8	ICC–112A400–F, 112A400–W, Note 21.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.).	Note 3	ICC–112A400–F, 112A400–W, Notes 5 and 9.
Vinyl chloride (see Note 14)	84	ICC–106A500, 106A500–X, Note 12.
	87	ICC–105A200–W, Notes 9 and 22.
(Add)		
Aqua ammonia solution containing not more than 60 percent anhydrous ammonia.	Note 6	ICC–105A100–W, 105A100AL–W, 109A100AL–W, 109A300–W, 111A100–W–4, Note b.
Vinyl fluoride, inhibited	58	ICC–105A600–W, Note 23.

• • • • • •

NOTE 22: Openings in tank heads to facilitate application of nickel lining are authorized and must be closed in an approved manner.

NOTE 23: Before an ICC–105A600–W (§ 78.289 of this chapter) tank car may be used for the transportation of vinyl fluoride, inhibited, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over center sills may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank but not less than 450 pounds per square inch. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Each safety device must have its final discharge piped to the outside of the protective housing.

In § 73.315 amend paragraph (a) (1) Table and Note 9, and add Notes 11 and 12 thereto; cancel paragraph (b) (1); add paragraph (c) (1); amend paragraph (h) Table, (h) (2), and (i) (2) Table (23 F.R. 2327, 2328, April 10, 1958) (26 F.R. 1016, Feb. 2, 1961) (15 F.R. 8330, 8331, Dec. 2, 1950) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
(Change)				
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC 330	See subpar. (e)(1) of this section.
(Add)				
Aqua ammonia solution containing not more than 60 percent anhydrous ammonia.	See par. (c) of this section.	See Note 7	MC 330; see Note 12.	100.
Vinyl fluoride, inhibited	66	See Note 7	MC 330	250; see Note 11.

• • • • • •

NOTE 9: This gas may be transported in authorized cargo tanks and portable tanks marked "DISPERSANT GAS" or "REFRIGERANT GAS."

• • • • • •

NOTE 11: Before an MC 330 (§ 78.336 of this chapter) cargo tank may be used for the transportation of vinyl fluoride, inhibited, the following requirements must be met: Tanks must be designed to comply with the "Rules for Containers for Gases and Liquids at Temperatures of Minus 20 Degrees Fahrenheit and Below" of the A.S.M.E. Code. Tanks must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sill may be reduced to give thermal conductance not exceeding 0.04 B.t.u. per square foot per degree F. differential in temperature per hour; this reduction is to permit required anchorage. The temperature of vinyl fluoride, inhibited at the time of loading shall not exceed zero degrees F., and the minimum filling density shall not be less than 60 percent. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

NOTE 12: No aluminum, copper, silver, zinc, or alloy of any of these metals shall be used in the cargo tank construction where it can come into contact with the lading.

• • • • • •

(b) • • •

(1) [Canceled.]

(c) • • •

(1) The vapor pressure (psig) at 115° F. must not exceed the design pressure of the cargo tank or portable tank container.

• • • • • •

(h) • • •

Kind of gas	Permitted gauging device
(Add)	
Aqua ammonia solution containing not more than 60 percent anhydrous ammonia.	None
Vinyl fluoride, inhibited	None

• • • • • •

(2) All liquid level gauging devices, except on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20 Fahrenheit degrees to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. except that gauging devices on tanks for carbon dioxide and nitrous oxide may be marked in increments of not more than 25 psig. In the event that it is impracticable to put these marking on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

• • • • • •

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (psig)
(Add)	
Aqua ammonia solution containing not more than 60 percent anhydrous ammonia	100
Vinyl fluoride, inhibited	250

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.326 add paragraph (a) (13) (15 F.R. 8332, Dec. 2, 1950) to read as follows:

§ 73.326 Extremely dangerous poisons, class A, poison gas label; definition.

(a) • • •

(13) Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

• • • • • •

Add entire § 73.338 (15 F.R. 8334, Dec. 2, 1950) to read as follows:

§ 73.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480 or 3AA480 (§ 78.36 or § 78.37 of this chapter). Metal cylinders with valve removed; valve opening to be closed by means of a solid metal plug with tapered thread properly luted to prevent leakage; valve protection cap must be used and be at least 9/16 inch thick, gastight, with 9/16 inch faced seat for gasket and with United States standard form thread.

(3) Spec. 106A500 or 106A500–X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquidfull at 130° F.

NOTE 1: Tanks complying with Spec. 106A500 or 106A500–X may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

(4) Spec. 105A500–W or 105A600–W (§ 78.288 or § 78.289 of this chapter). Tank cars. Tanks must be lagged with not less than a four-inch thickness of cork. All valves and fittings shall be protected by a securely attached cover made of metal not subject to deterioration by the lading and all valve openings, except the safety valve, shall be fitted with screw plugs or caps to prevent leakage in the event of valve failure. Safety valve must be equipped with an approved stainless steel frangible disc. Tanks must be stenciled on both sides in letters not less than 2 inches high "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURES ONLY." Written procedure covering details of tank car appurtenances, dome fittings and safety devices, and marking, loading, handling, inspection, and testing practices shall be filed with an approved by the Bureau of Explosives before any tank car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

In § 73.359 amend paragraphs (a) (3), (b) (2); add paragraphs (a) (11), (b) (9) (17 F.R. 4295, May 10, 1952) (22 F.R. 3926, June 5, 1957) to read as follows:

§ 73.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) • • •

(3) Spec. 17E or 37B (§ 78.116 or §78.132 of this chapter). Metal drums (single-trip) with openings not exceeding 2.3 inches in diameter. Capacity not to exceed 10 gallons for spec. 17E (§ 78.116 of this chapter) drums. Spec. 37B (§ 78.132 of this chapter) drums must be constructed of at least 24-gauge metal with welded side seams, of capacity not over 5½ gallons, and must be tested as prescribed by § 78.116–12 and 78.116–13 of this chapter. Authorized only for mixtures not classed as flammable under these regulations.

• • • • • •

(11) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside polyethylene or other suitable plastic containers not over 1-gallon capacity each. Except for polyethylene bottles with screw-cap closures, polyethylene containers shall have leakproof closures, shall be formed of polyethylene having minimum wall thickness of 0.007 inch (plastic bags or containers formed of film sheet not permitted), and each container shall be enclosed in a fiberboard box. Not more than two 1-gallon containers shall be packed in one outside fiberboard box. Plastic used in construction of containers must be of a type compatible with the lading and shall have a minimum wall thickness of 0.007 inch. Authorized gross weight of any completed package shall not exceed 30 pounds. Authorized in carload or truckload shipments only.

(b) • • •

(2) Spec. 17C, 17E, or 37B (§ 78.115, § 78.116, or § 78.132 of this chapter). Metal drums (single-trip) with openings not exceeding 2.7 inches in diameter. Spec. 17E (§ 78.116 of this chapter) drums authorized for not over 5 gallons capacity each. Spec. 37B (§ 78.132 of this chapter) drums must be constructed of at least 24-gauge metal with welded side seam, of not over 5½ gallons capacity, and must be tested as prescribed by §§ 78.116–12 and 78.116–13 of this chapter.

• • • • • •

(9) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with not more than six inside high-density polyethylene bottles having screw-cap closures, not over 1-quart capacity each. Fiberboard boxes must have full-height corrugated fiberboard liner, top and bottom pads, and bottles must be separated by corrugated fiberboard partitions. Plastic used in construction of bottles must be of a type compatible with the lading.

In § 73.364 amend paragraph (a) (1) (18 F.R. 5273, Sept. 1, 1953) to read as follows:

§ 73.364 Exemptions for poisonous solids, class B.

(a) • • •

(1) In inside glass, earthenware, or composition bottles or jars, or metal containers, or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each, except carbolic acid (phenol) in glass containers must not exceed 1 pound capacity each; or chipboard, pasteboard, or fiber cartons, cans, boxes, or tightly closed strong plastic bags or bottles compatible with product of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes, or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

In § 73.365 add paragraph (a) (16) (15 F.R. 8336, Dec. 2, 1950) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) * * *

(16) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than four 5-pound capacity each bottle shall be packed in one outside shipping container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.369 amend paragraph (a) (15) (26 F.R. 4997, June 6, 1961) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) * * *

(15) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass bottles not over 5 pounds capacity each. Not more than 4 inside glass bottles of 5-pounds capacity each shall be packed on one outside container. Shipper must have established that the completed package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.392 amend paragraph (b) (1) (21 F.R. 368, Jan. 19, 1956) to read as follows:

§ 73.392 Exemptions for radioactive materials.

* * * * *

(b) * * *

(1) Switchboard or similar apparatus containing electronic tubes, electronic tubes or static eliminators, of which radioactive materials are a component part, are exempt from specification packaging, marking, and labeling requirements when shipped in carload or truckload lots, provided the gamma radiation at any readily accessible surface of the units or packages when prepared for shipment does not exceed 50 milliroentgens in 24 hours, except when such shipments are transported by private motor carrier, the gamma radiation shall not exceed 96 milliroentgens in 24 hours. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.400 add Note 2 to paragraph (a) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.400 Explosives.

(a) * * *

NOTE 2: Explosives in containers bearing markings prescribed by regulations in effect at the time of packaging may be shipped by the Departments of the Army, Navy or Air Force of the United States Government, in carload and truckload quantities only, without containers being remarked to comply with regulations in effect at the time of shipment. The bill of lading or other shipping paper must describe the material by its proper shipping name as shown in § 72.5 of this chapter.

PART 74—CARRIERS BY RAIL FREIGHT

Subpart E—Handling by Carriers by Rail Freight

In § 74.589 amend paragraph (j) (7) (25 F.R. 10397, Oct. 29, 1960) to read as follows:

§ 74.589 Handling cars.

* * * * *

(j) * * *

(7) Loaded flat car, other than specially equipped cars in trailer-on-flat-car service or flat cars loaded with automobiles, trucks, or trailer bodies which are secured by means of a device or devices designed and permanently installed on the flat car for that purpose and of a type generally accepted for handling in interchange between railroads.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart B—Loading and Unloading

In § 77.835 cancel paragraphs (c) and (d); add a new paragraph (c) (15 F.R. 8365, Dec. 2, 1950) to read as follows:

§ 77.835 Explosives.

* * * * *

(c) Class A explosives may not be loaded into or transported in any vehicle of a combination of vehicles except as follows: (1) In a truck and in one semitrailer or one full trailer attached thereto, with no other trailer included in the combination, (2) in a semitrailer attached to a truck-tractor and in a full trailer attached thereto, with not more than one semitrailer and one full trailer in the combination.

(1) Each full trailer used in any of the above combinations, in any vehicle of which combination any class A explosive is transported, must have a wheel base of at least 184 inches. No class A explosive may be loaded into or transported on any vehicle in any combination of vehicles if any vehicle in the same combination contains any explosive or other dangerous article which may not be loaded or stored with explosives class A under the provisions of § 77.848.

(d) [Cancelled.]

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.133–5 amend paragraph (a) Table in its entirety and footnotes thereto, add footnote 4, amend paragraph (b) Table; in § 78.133–7 amend paragraph (a); in § 78.133–12 amend paragraph (a) (23 F.R. 7651, Oct. 3, 1958) (24 F.R. 8060, Oct. 6, 1959) (23 F.R. 2330, 2331, April 10, 1958) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133–5 Parts and dimensions.

(a) * * *

Marked capacity not over (gallons)	Type of container [1] [2]	Body sheet (gauge)	Bottom head sheet (gauge)	Removable head sheet (gauge)	Type of removable head closure
5	Straight side, single bead	26	26	24	Ring seal, bolted ring, lug cover.
6½	Straight side, single bead	24	24	24	Ring seal, bolted ring, lug cover.
16	Straight side [3]	22	22	[4] 19	Ring seal, bolted ring, lug cover.

[1] Drum interior shall be free of projections, burrs or any edges that will cause damage to liners, and shall be free of lubricants, oil or other foreign matter.
[2] One hole not over 3/16 inch in diameter permitted in body or a head, or two 3/16 inch holes in bottom head near the chime.
[3] For containers up to 10 gallons capacity, a single rolled or swedged bead in body near top curl required; for containers of 10 gallons and greater capacity, 2 rolled or swedged rolling hoops in drum body required.
[4] Twenty (20) gauge authorized.

* * * * *

(b) * * *

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
(Add)		
20	0.0359	0.0324

§ 78.133–7 Closure.

(a) Closure shall be resistant to lading and adequate to prevent leakage. Openings in removable head shall not be over 2.85 inches in diameter. Venting closures are permitted when required by Part 73 of this chapter.

§ 78.133–12 Test.

(a) Each assembled container shall be tested by retaining at least 1½ pounds per square inch air pressure for at least 60 seconds at equilibrium without leakage.

Subpart E—Specifications for Wooden Barrels, Kegs, Boxes, Kits, and Drums

In § 78.187–2 amend paragraph (a) Table (25 F.R. 10403, Oct. 29, 1960) to read as follows:

§ 78.187 Specification 16D; wooden wirebound overwrap for inside containers.

§ 78.187–2 Construction requirements.

(a) * * *

Wirebound containers	Marked capacity of inside containers			
	Not over 5 gallons	Not over 15 gallons	Not over 30 gallons	Not over 55 gallons
(Change) Number and gauge intermediate wires.	1–14 gauge	3–12 gauge	4–12 gauge	3–12 gauge. 2–11 gauge.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–9 amend the introductory text of paragraph (a) (21 F.R. 676, Jan. 31, 1956) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–9 Types authorized.

(a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in § 78.205–19 to § 78.205–37.

* * * * *

In § 78.209–8 amend the introductory text of paragraph (a); amend paragraph (a) (3) (20 F.R. 8110, Oct. 28, 1955) (26 F.R. 1019, Feb. 2, 1961) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

§ 78.209–8 Type authorized.

(a) Shall be corrugated fiberboard, telescoping type, 1-piece, 2-piece or 3-piece construction without recessed heads, as follows:

* * * * *

(3) Box to consist of 1-piece, 2-piece, or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11, except that lining tube is not required for boxes used for shipment of electric blasting caps packed in accordance with § 73.66(g) (1) of this chapter. When outer flaps butt, inner flaps must also butt, except 1-piece with tube or 2-piece fully telescoping ½ slotted style may have outer flaps that overlap a minimum of 2 inches to and including full overlap, and inner flaps may be of same length as outer flaps.

In § 78.214–20 add paragraphs (b) and (c) (15 F.R. 8480, Dec. 2, 1950) to read as follows:

§ 78.214 Specification 23F; fiberboard boxes.

§ 78.214–20 Completed containers.

* * * * *

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

In § 78.219–16 add paragraphs (b) and (c) (17 F.R. 1565, Feb. 20, 1952) to read as follows:

§ 78.219 Specification 23H; fiberboard boxes.

§ 78.219–16 Completed containers.

* * * * *

(b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below:

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5).

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5).

(4) An edge drop on the longest edge radiating from that corner (usually 1–2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6).

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4).

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3).

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

Subpart G—Specifications for Bags, Cloth, Burlap or Paper

In § 78.238–2 amend the first column heading paragraph (a) Table and add footnote 4 (23 F.R. 7653, Oct. 3, 1958) to read as follows:

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–2 Paper.

(a) * * *

Nominal basis weight (500 sheets, 24" x 36") [3], [4]

* * * * *

[4] A bleached sulphate kraft outer wall of 70 pounds basis weight will be permitted provided the combined test values of all of the 5 walls of the completed multiwall sack are in conformance with § 78.238–3 and paragraph (e) of this section.

Subpart H—Specifications for Portable Tanks

In § 78.245–4 amend paragraph (c) (24 F.R. 908, Feb. 6, 1959) to read as follows:

§ 78.245 Specification 51; steel portable tanks.

§ 78.245–4 Tank mountings.

* * * * *

(c) Lifting lugs or hold-down lugs may be added to either the tank or tank mountings. If lifting lugs and hold-down lugs are added directly to the tank, they shall be secured to doubling plates

welded to the tank and located at points of support, except that lifting lugs or hold-down lugs with integral bases serving as doubling plates may be welded directly to the tank. Each lifting lug and hold-down lug shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used.

Subpart I—Specifications for Tank Cars

In § 78.289–2 amend paragraph (b); in § 78.289–13 add paragraph (f) (21 F.R. 4604, 4605, June 26, 1956) (22 F.R. 4797, July 9, 1957) to read as follows:

§ 78.289 Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.289–2 Lagging.

* * * * *

(b) Tanks for use in transportation of liquefied carbon dioxide and vinyl fluoride, inhibited must have tank shell and manway nozzle lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B.t.u. per square foot, per degree Fahrenheit differential in temperature per hour; except that the insulation thickness directly over the center sill may be reduced to give a thermal conductance not exceeding 0.04 B.t.u. per square foot, per degree Fahrenheit differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sill to bottom of tank.

§ 78.289–13 Safety valves.

* * * * *

(f) Tanks for use in the transportation of vinyl fluoride, inhibited must be equipped with one safety valve of approved design set for a start-to-discharge pressure of 450 pounds per square inch, and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank but not less than 450 pounds per square inch. The discharge pressure of each of these safety devices must be sufficient to prevent building up pressure in tank in excess of 450 pounds per square inch. Each safety device must have its final discharge piped to the outside of the protective housing.

In § 78.312 amend the heading and paragraph (a); in § 78.312–18 amend paragraph (a)(1) (22 F.R. 4810, 4812, July 9, 1957) to read as follows:

§ 78.312 Specification ICC–112A400–W; fusion-welded steel tanks, or ICC–112A400–F, forge-welded steel tanks fabricated by conversion from existing ICC–105A500 tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 Application for Approval, (a), (b), (c), and (d).

§ 78.312–18 Marking.

(a) * * *

(1) ICC–112A400–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. If tanks are fabricated from ASTM A–212 Grade A or B steel, the specification number of the material must also be stamped in letters and figures at least ⅜ inch high into the metal near the center of both outside heads of the tank by the tank builder. ICC–112A400–W must also be stenciled on the tank in letters and figures at least 2 inches high by the party assembling the completed car. Tanks converted from ICC–105A500 (see § 78.312(a)) must be stenciled ICC–112A400–F in letters and figures as prescribed above.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5(a) Commodity List—Provides additions and amendments to keep Commodity List on a current basis.

73.31(g)(9) table 1—To provide retest requirements for spec. 112A400–F tank car.

73.31(h)—To include class ICC–109A type, ICC–111A100–W–4, and ICC–112A tank cars in the requirements for special commodity stenciling.

73.34(m), (p)—To authorize the repair and rebuilding of ICC–4 series and ICC–8 series cylinders by approved repair facilities in addition to manufacturers of these type cylinders.

73.51(q)—To coincide title of the approving office of the Department of the Air Force with latest change.

73.61(g)—To provide an absorptive cellulose sheet as an alternate means of cushioning gelatin high explosives in outside boxes.

73.65(e)(3)—To clarify that dry weight of cyclotrimethylenetrinitramine in fiber drums shall not exceed spec. 21A or 21B net weight requirements.

73.65(h)—To provide other approved methods of packaging shaped charges, commercial.

73.65(i)—To provide packaging requirements and prescribe spec. 15A wooden boxes for cyclotrimethylenetrinitramine in pellet form, dry.

73.93(g)(1)—To provide for the shipment of small-arms primers in the same outside container with propellant explosives (solid) class B.

73.100(y)—To authorize shipment of certain smoke producing devices, containing more than 200 grams of pyrotechnic, as class C explosives; to provide specific definitions for pyrotechnic compositions and pyrotechnic smoke compositions.

73.107(e)—To authorize packing of small-arms primers with propellant explosives (solid), class B in the same outside container.

73.119(a)(12)—To authorize the use of specs. 112A400–F and 111A100–F–1 tank cars for flammable liquids with flash point below 20° F.; to authorize openings in tank car tank heads to facilitate application of lining.

73.119(e)(2)—Reason for 73.119(a)(12) applies also to flammable liquids with vapor pressure exceeding 16 psia. at 100° F.

73.119(f)(3)—To authorize the use of spec. 112A400–F tank cars for flammable liquids with vapor pressure exceeding 27 psia. at 100° F.; to authorize openings in tank car tank heads to facilitate application of lining.

73.119(m)(6), (m)(7)—To authorize spec. 12B fiberboard boxes with inside polyethylene bottles for flammable liquids which are also oxidizing materials or corrosive liquids.

73.122(a)(1)—To authorize the use of spec. 5 metal drums for acrolein, inhibited.

73.126(a)—To authorize visual inspection, in lieu of hydrostatic retesting, of cylinders used exclusively in nickel carbonyl service.

73.127(a), (a)(5)—To provide packaging requirements for colloided nitrocellulose, block as well as prescribing spec. 6J steel drums only for nitrocellulose in solid block forms.

73.141(a)(7)—To authorize specs. 105A100, 105A100–W, and 105A200–W tank cars for mercaptans.

73.153(c)(71)—Clarifies that cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration is not exempt from any requirements of the regulations.

73.157(a), (a)(4)—To provide packaging requirements for cyclohexanone peroxide, wet and prescribed specs. 21A and 21B fiber drums with inside plastic bottles only for cyclohexanone peroxide, and dimethylhexane dihydroperoxide, wet.

73.158 (a), (a)(2)—To provide packaging requirements for cyclohexanone peroxide, dry and prescribe specs. 21A and 21B fiber drums only for dimethylhexane dihydroperoxide, dry.

73.182(b) footnote 1—The section number reference has been corrected to that defining oxidizing materials.

73.206(c)(3)—To authorize spec. MC 330 cargo tanks for metallic sodium.

73.217(a)(3)—To authorize spec. 21B fiber drums with a special inner ply for calcium and lithium hypochlorite compounds, dry.

73.260(c)(2)—To authorize plastic battery terminal covers on wet storage batteries as an alternate support of superimposed weight.

73.260(c)(3)—Requires compression tests to qualify use of plastic battery terminal covers.

73.263(a)(10)—To authorize spec. MC 311 tank motor vehicles made of Type 304 ELC stainless steel for 40 percent sodium chlorite solution.

73.272(f)(9)—To authorize spec. 12B fiberboard boxes with inside plastic containers for sulfuric acid.

73.285(a)(3)—To authorize specs. 106A500, 106A500–X, and 110A500–W tank cars for chlorine trifluoride.

73.294(a)(3)—To authorize spec. MC 310 and MC 311 tank motor vehicles made of type 304 stainless steel for monochloroacetic acid.

73.301(l)—To insure that inside containers of compressed gas are packaged in such a manner that accidental functioning of valves will not occur during transportation.

73.314(a) table and Note 23—To provide for the transportation of aqua ammonia solutions in certain tank cars; to authorize spec. 112A400–F tank cars converted from insulated forge-welded tanks for anrydrous ammonia and liquefied petroleum gas; to authorize the transportation of vinyl fluoride, inhibited in spec. 105A600–W tank cars.

73.314(a) table Note 22—To authorize openings, to facilitate application of lining, in heads of spec. 105A200–W tank cars in vinyl chloride service.

73.315(a)(1) table, (b)(1), (c)(1)—To permit the design of cargo tanks and portable tanks based on vapor pressure of liquefied gases at 115° F. instead of increments of 62.5 psig.

73.315(a)(1) and Notes 11 and 12, (h) table, (l)(2) table—To authorize the transportation of aqua ammonia solutions, and vinyl fluoride, inhibited in spec. MC 330 tank motor vehicles.

73.315(a)(1) Note 9—To permit alternate markings on portable tanks containing nonflammable fluorinated and/or chlorinated hydrocarbons.

73.315(h)(2)—To correct an editorial error.

73.326(a)(13)—Clarifies that nitrogen tetroxide-nitric oxide mixtures are not exempt from any requirements of the regulations.

73.336, entire section—To authorize the transportation of nitrogen tetroxide-nitric oxide mixtures in certain cylinders and tank cars.

73.339(a)(3), (b)(2)—To authorize spec. 37B metal drums of 5½ gallons capacity for hexaethyl tetraphosphate and similar poisonous liquids, class B.

73.359(a)(11)—To authorize spec. 12B fiberboard boxes with inside plastic containers for hexaethyl tetraphosphate mixtures and similar poisonous liquids, class B.

73.359(b)(9)—To authorize spec. 12B fiberboard boxes with inside polyethylene bottles for hexaethyl tetraphosphate mixtures and similar poisonous liquids, class B.

73.364(a)(1)—Exempts shipments of poisonous solids, class B in strong plastic bags or bottles from specification packaging, marking and labeling requirements.

73.365(a)(16)—To authorize spec. 12A fiberboard boxes with inside glass bottles for poisonous solids, class B.

73.369(a)(15)—To authorize spec. 12A fiberboard boxes with inside glass bottles based on weight of contents for carbolic acid (phenol), not liquid.

73.392(b)(1)—To exempt shipments of electronic tubes or static eliminators from specification packaging, marking and labeling requirements and extend the exemption provisions to certain shipments transported by private motor carrier.

73.400(a) Note 2—To authorize military shipments of explosives in containers that bear markings of previous regulations which have undergone amendment.

74.589(j)(7)—To authorize the placement of placarded loaded tank cars next to automobile carrier cars and other types of railroad cars with permanently installed anchoring devices.

77.835(c), (d)—To authorize use of double-bottom highway equipment for transporting explosives.

78.133–5(a) table—To authorize a capacity increase of spec. 37P nonreusable container to 16 gallons and allow such maximum capacity drums to have head sheet made of 20 gauge steel; to authorize two ½" holes in bottom head to facilitate drainage.

78.133–5(b) table—To show the conversion of 20 gauge to inches.

78.133–7(a)—To authorize slightly larger openings in drum head to permit attachment of crimp-on fittings with internal opening not exceeding 2.3 inch diameter.

78.133–12(a)—Leakage test on composite container is changed to specify a minimum time of air pressure.

78.187–2(a) table—To provide additional strength for spec. 16D wooden wirebound overwrap against internal pressure.

78.205–9(a)—To include reference to the other additional types of spec. 12B fiberboard boxes.

78.209–8(a), (a)(3)—For clarification by including 2-piece type construction in spec. 12H fiberboard boxes.

78.214–20(b), (c)—To authorize drop tests as an alternate to revolving drum tests for spec. 23F fiberboard boxes.

78.219–16(b), (c)—To authorize drop tests as an alternate to revolving drum tests for spec. 23H fiberboard boxes.

78.236–2(a) table, footnote 4—To authorize use of a bleached sulfate kraft outer wall in assembly of spec. 44D multiwall paper bags.

78.245–4(c)—To clarify that lifting lugs and hold-down devices must be permanently secured on spec. 51 portable tanks.

78.289–2(b)—To provide special lagging requirements for spec. 105A600–W tank cars containing vinyl fluoride, inhibited.

78.289–13(f)—To specify safety relief device requirements for spec. 105A600–W tank cars containing vinyl fluoride, inhibited.

78.312(a)—To provide for conversion of spec. 105A500 forge-welded tank cars to new spec. 112A400–F uninsulated tank cars.

78.312–18(a)(1)—To provide marking requirements for spec. 112A400–F tank cars.

[F.R. Doc. 61–6759; Filed, July 20, 1961; 8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 14794]

FEDERAL SAVINGS AND LOAN SYSTEM

Operations; Give-Aways

JULY 18, 1961.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by an amendment the substance of which is as follows:

Part 545 aforesaid is hereby amended by adding thereto, immediately after § 545.4, the following new section:

§ 545.5 Give-aways.

(a) *Scope of section.* The provisions of this section shall be applicable to a Federal association when, and only when, (1) such association is doing business in a State hereinafter referred to in this sentence, (2) there is in effect a statutory provision of such State authorizing a specified official of such State to impose on domestic associations of such State, by regulation, a restriction or prohibition equivalent to that imposed on Federal associations by paragraph (b) of this section, if, during the period of any such restriction or prohibition, Federal associations doing business in such State are not permitted to use the subject matter of such restriction or prohibition to a greater extent than domestic associations of such State are permitted to do pursuant to such official's regulations, and (3) there is in effect a regulation of such official, pursuant to such statute, imposing such a restriction or prohibition as is hereinbefore referred to in this sentence. Nothing in this section shall impose on any Federal association any restriction or prohibition to which such association would not be subject under regulation of such official, authorized by statute of such State, if such association were a domestic association of such State.

(b) *General prohibition.* No Federal association shall condition the distribution of a give-away on the recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein.

(c) *Prohibition on advertising.* Except as provided in paragraph (d) of this section, no Federal association shall refer in any of its advertisements to any give-away, other than a coinbank of a cost not exceeding $2.50.

(d) *Exception.* The provisions of paragraph (c) of this section shall not prohibit a Federal association which has not opened an office prior to the effective date of this section from referring to give-aways in its advertisements for a period of 30 days ending not more than one year after the opening of its first office.

(e) *Additional prohibitions.* No Federal association shall enter into any agreement or understanding with, or accept funds for investment in savings accounts from, any broker or other person engaging in activities that are prohibited by the preceding provisions of this section if done by an association.

(f) *Effect on other provisions.* The provisions of this section shall be cumulative to, and shall not affect the applicability to any Federal association of, the provisions of § 563.24 of the Rules and Regulations for Insurance of Accounts (§ 563.24 of Subchapter D of this chapter).

(g) *Definitions.* As used in this section:

(1) The term "doing business" has the meaning which it has under the statutory provision referred to in subdivision (2) of paragraph (a) of this section, and the term "domestic association" means such savings and loan, building and loan, and homestead associations and cooperative banks as are domestic associations within the meaning of such statutory provision;

(2) The term "give-away" means any merchandise, services performed in whole or in part outside the premises of an association, or other thing of value furnished the recipient as an outright gift or premium, or without adequate payment as a result of a drawing or contest or otherwise; and

(3) The term "State" means the States of the Union, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail

or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than August 21, 1961, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-6851; Filed, July 20, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-28]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from May 4, 1961, through May 25, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, section 17, 54 Stat. 166, as amended, section 3, 54 Stat. 346, as amended, section 3, 70 Stat. 152 (46 U.S.C. 405, 416, 481, 489, 367, 526p, 1333, 390b), section 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the date granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document is listed the approvals which have been terminated because the approvals have expired. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

WINCHES, LIFEBOAT

Approval No. 160.015/67/0, type HPH lifeboat winch for use with Type SPD-24 mechanical davit, fitted with wire rope not more than ½-inch in diameter and with not more than 2 wraps of the falls on the drums, approved for maximum working load of 6,300 pounds pull at the drums (3,150 pounds per fall), identified by general assembly dwg. No. 3011-10R dated March 19, 1955, and revised February 16, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, New Jersey, effective May 15, 1961. (It is an extension of Approval No. 160.015/67/0 dated May 15, 1956.)

Approval No. 160.015/68/0, Type H68R lifeboat winch, approval is limited to mechanical components only, and for a maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by assembly dwg. No. 80021, dated February 10, 1955, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective May 15, 1961. (It is an extension of Approval No. 160.015/68/0 dated May 15, 1956.)

DAVITS

Approval No. 160.032/134/0, mechanical davit, crescent sheath screw, Type A, approved for a maximum working load of 7,000 pounds per set (3,500 pounds per arm) using not less than two-part falls, identified by general arrangement drawing No. DC-201, alteration A, dated February 24, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 15, 1961. (It is an extension of Approval No. 160.032/134/0 dated May 15, 1956.)

LIFEBOATS

Approval No. 160.035/322/1, 22.0' x 7.5' x 3.17' steel, hand-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22-2E, Rev. A dated March 30, 1961, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 19, 1961. (It supersedes Approval No. 160.035/322/0 dated December 8, 1959.)

Approval No. 160.035/410/1, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic, hand-propelled lifeboat, 78-person capacity, identified by construction and arrangement dwg. No. P-30-1H, Rev. D dated March 31, 1961, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective May 19, 1961. (It supersedes Approval No. 160.035/410/0 dated March 22, 1961.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/70/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Connecticut, effective May 15, 1961. (It is an extension of Approval No. 160.047/70/0 dated May 15, 1956.)

Approval No. 160.047/71/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Connecticut, effective May 15, 1961. (It is an extension of Approval No. 160.047/71/0 dated May 15, 1956.)

Approval No. 160.047/72/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Connecticut, effective May 15, 1961. (It is an extension of Approval No. 160.047/72/0 dated May 15, 1956.)

Approval No. 160.047/80/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145-92 228th Street Springfield Gardens, Long Island, New York, effective May 15, 1961. (It is an extension of Approval No. 160.047/80/0 dated May 15, 1956.)

Approval No. 160.047/81/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc.,

145–92 228th Street, Springfield Gardens, Long Island, New York, effective May 15, 1961. (It is an extension of Approval No. 160.047/81/0 dated May 15, 1956.)

Approval No. 160.047/82/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens, Long Island, New York, effective May 15, 1961. (It is an extension of Approval No. 160.047/82/0 dated May 15, 1956.)

Approval No. 160.047/86/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, P.O. Box 66, Cincinnati 22, Ohio, effective May 15, 1961. (It is an extension of Approval No. 160.047/86/0 dated May 15, 1956.)

Approval No. 160.047/87/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, P.O. Box 66, Cincinnati 22, Ohio, effective May 15, 1961. (It is an extension of Approval No. 160.047/87/0 dated May 15, 1956.)

Approval No. 160.047/88/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, for Lifo Products Co., 930 York Street, P.O. Box 66, Cincinnati 22, Ohio, effective May 15, 1961. (It is an extension of Approval No. 160.047/88/0 dated May 15, 1956.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire

Approval No. 160.048/65/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Massachusetts, for Gob Shops of America, Inc., Providence, Rhode Island, effective May 15, 1961. (It is an extension of Approval No. 160.048/65/0 dated May 15, 1956.)

Approval No. 160.048/67/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The Dennison Co., 200 Waverly Ave., Newark 8, N.J., and 2517 S. Main St., Los Angeles 5, California, effective May 15, 1961. (It is an extension of Approval No. 160.048/67/0 dated May 15, 1956.)

Approval No. 160.048/70/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress St., Boston 10, Massachusetts, for James Bliss & Co., Inc., 342 Atlantic Ave., Boston 10, Massachusetts, effective May 15, 1961. (It is an extension of Approval No. 160.048/70/0 dated May 15, 1956.)

Approval No. 160.048/71/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Correct Craft, Inc., Pinecastle, Florida, effective May 15, 1961. (It is an extension of Approval No. 160.048/71/0 dated May 15, 1956.)

Approval No. 160.048/73/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The Safegard Corp., P.O. Box 66, Station B, Cincinnati 22, Ohio, for Life Products Co., 930 York Street, P.O. Box 66, Cincinnati 22, Ohio, effective May 15, 1961. (It is an extension of Approval No. 160.048/73/0 dated May 15, 1956.)

Approval No. 160.048/152/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(i), manufactured by Marine Upholstery & Specialty Co., Box 71, Celoron, New York, effective May 12, 1961. (It supersedes Approval No. 160.048/152/0 dated June 20, 1959, to show change of name.)

Approval No. 160.048/182/0, special group approval for 15" x 2" x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Marine Upholstery & Specialty Co., Box 71, Celoron, New York, effective May 12, 1961. (It supersedes Approval No. 160.048/182/0, dated June 21, 1960, to show change of name.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/41/0, special group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes limited to 2" thick as per Table 160.049–4(c)(1), manufactured by Marine Upholstery & Specialty Co., Box 71, Celoron, New York, effective May 12, 1961.

Approval No. 160.049/42/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Robey Manufacturing Company, Newaygo, Michigan, effective May 19, 1961.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/66/0, soundpowered telephone station, selective ringing, common talking, 19-station maximum bulkhead mounting, splashproof, with internal hand generator bell and 115-volt AC or DC relay for additional signal, dwg. 84–01, Alt. 0, dated December 14, 1960, Model SWLR, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3d Ave., Brooklyn 32, New York, effective May 22, 1961.

Approval No. 161.005/67/0, soundpowered telephone station, selective ringing, common talking, 19-station maximum, bulkhead mounting, splashproof, with separately mounted hand generator bell and 115-volt AC or DC relay for additional signal, dwg. 85–01, Alt. 0, dated December 14, 1960, Model SELR, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 25th St. and 3rd Ave., Brooklyn 32, New York, effective May 22, 1961.

BOILERS (HEATING)

Approval No. 162.003/116/1, Model M–500 heating boiler for steam or hot water service, all welded steel plate construction, maximum pressure 30 p.s.i., dwg. No. DAB–24912, Alt. E, dated March 14, 1956, 188,000 BTU per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pennsylvania, effective May 15, 1961. (It is an extension of Approval No. 162.003/116/1 dated March 15, 1956.)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/53/0, Leeder Model No. 5, 5-lb, dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400100 issued May 18, 1961, name plate dwg. No. 400075 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Safety Products, Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961. (It supersedes Approval No. 162.010/53/0 published in the FEDERAL REGISTER March 25, 1958 to show change of name and address.)

Approval No. 162.010/86/0, Leeder Model No. 2¾, 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400068 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Leeder Safety Products, Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961. (It supersedes Approval No. 162.010/86/0 published in the FEDERAL REGISTER July 28, 1959, to show change of name and address.)

Approval No. 162.010/119/0, Allstate No. 6458 or 6459 (Symbol LE), 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400069 dated April 25, 1961, formerly Allstate No. 6463 (Symbol LE), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, for Sears, Roebuck and Co., 925 S. Homan Avenue, Chicago 7, Illinois, effective May 25, 1961. (It supersedes Approval No. 162.010/119/0 published in the FEDERAL REGISTER December 17, 1959, to show change of name and address of manufacturer.)

Approval No. 162.010/178/0, Allen-Jervis Marine Model No. 2¾ (Symbol LE), 2¾-lb dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400070 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, for Allen-Jervis Marine, 325 Duffy Avenue, Hicksville, New York, effective May 25, 1961. (It supersedes Approval No. 162.010/178/0 issued Nov. 7, 1960, to show change of name and address of manufacturer.)

Approval No. 162.010/189/0, IH Model 244121R91 (Symbol GEN), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP½–12130 dated June 17, 1959, name plate dwg. No. CP½–11978 dated April 19, 1961, manufactured by The Fire Guard Corp., 1685 Shermer Rd., Northbrook, Illinois, for International Harvester Co., 180 N. Michigan Ave., Chicago 1, Illinois, effective May 4, 1961.

Approval No. 162.010/190/0, Casco Marine–X Model No. 2¾, 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400067 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961.

Approval No. 162.010/191/0, Casco Marine–X Model No. 5, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400100 issued May 18, 1961, name plate dwg. No. 400074 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961.

Approval No. 162.010/192/0, Casco Auto–X Model No. 2¾, 2¾-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400021 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961.

Approval No. 162.010/193/0, Casco Auto-X Model No. 5, 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400100 issued May 18, 1961, name plate dwg. No. 400073 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corporation, Bridgeport 2, Connecticut, effective May 25, 1961.

Approval No. 162.010/194/0, Allstate No. 6456 (Symbol LE), 5-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400100 issued May 18, 1961, name plate dwg. No. 400076 dated April 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corp., Bridgeport 2, Connecticut, for Sears, Roebuck and Co., 925 S. Homan Avenue, Chicago 7, Illinois, effective May 25, 1961.

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/21/0, Type 1511 Series cast iron safety valve for steam heating boilers and unfired steam generators, dwg. No. 3 VP953, dated February 10, 1956, approved for a maximum pressure of 30 p.s.i. in the following sizes and relieving capacities:

Size (inches)	Type No.	Capacity (pounds per hour at 30 p.s.i.)
1¼	1511H	1615
1½	1511J	2650
2	1511K	3700
2½	1511L	5875
3	1511M	7410
4	1511N	8935
4	1511P	13135

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Connecticut, effective May 15, 1961. (It is an extension of Approval No. 162.012/21/0 dated May 15, 1956.)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/29/0, No. OH Unimaze backfire flame arrester for carburetors, dwg. No. C17851, dated January 20, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/29/0 dated May 15, 1956.

Approval No. 162.015/30/0, No. 1 Unimaze backfire flame arrester for carburetors, dwg. No. C17852, dated January 10, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/30/0 dated May 15, 1956.)

Approval No. 162.015/31/0, No. 2 Unimaze backfire flame arrester for carburetors, dwg. No. C17853, dated January 11, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/31/0 dated May 15, 1956.)

Approval No. 162.015/32/0, No. 4 Unimaze backfire flame arrester for carburetors, dwg. No. 17854, dated January 16, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/32/0 dated May 15, 1956.)

Approval No. 162.015/33/0, No. 5 Unimaze backfire flame arrester for carburetors, dwg. No. C17855, dated January 18, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/33/0 dated May 15, 1956.)

Approval No. 162.015/34/0, No. 7 Unimaze backfire flame arrester for carburetors, dwg. No. C17856, dated January 17, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/34/0 dated May 15, 1956.)

Approval No. 162.015/35/0, No. 8 Unimaze backfire flame arrester for carburetors, dwg. No. C17857, dated January 19, 1956, manufactured by Air-Maze Division, Rockwell-Standard Corporation, 25000 Miles Road, Cleveland 28, Ohio, effective May 15, 1961. (It is an extension of Approval No. 162.015/35/0 dated May 15, 1956.)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/66/3, Figure No. 120 pressure-only relief valve, atmospheric pattern, weight-loaded poppets, bronze, nickel cast iron or corrosion-resistant alloy steel body, dwg. No. 120–A, Rev. 3, dated August 31, 1955, approved for sizes 3", 4", 6", and 8", manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, New York, effective May 15, 1961. (It is an extension of Approval No. 162.017/66/3 dated May 15, 1956.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/97/0, Model No. 25M26 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under certificate No. 3–(677–1.1 & –3.0) .001, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (It is an extension of Approval No. 162.020/97/0 dated May 15, 1956.)

Approval No. 162.020/98/0, Model No. 25C26 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc. under Certificate No. 3–(677–1.1 & –3.0).001, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (It is an extension of Approval No. 162.020/98/0 dated May 15, 1956.)

BULKHEAD PANELS

Approval No. 164.008/33/0, "Navilite 36, Type V", inorganic composition board type bulkhead panel identical to that described in National Bureau of Standards Report No. 4515, Project No. 1002–30–4829, dated January 30, 1956, approved as meeting Class B–15 requirements in a 7/8" thickness, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark, effective May 15, 1961. (It is an extension of Approval No. 164.008/33/0 dated May 15, 1956.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/35/0, "Microlite B–305", glass fiber insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1972: FP3358 dated March 3, 1956, approved in one-half pound per cubic foot density, formerly approved under name of L.O.F. Glass Fibers Co., 1810 Madison Ave., Toledo 1, Ohio, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective May 15, 1961. (It is an exten-

sion of Approval No. 164.009/35/0 dated May 15, 1956.)

Approval No. 164.009/36/0, J-M 302 CEMENT, incombustible material composed solely of asbestos fibers, diatomaceous silicas and clay, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York 16, New York, effective May 15, 1961. (It is an extension of Approval No. 164.009/36/0 dated May 15, 1956.)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Termination of Approval No. 160.002/18/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Merit Manufacturing Corp., 92–15 172d Street, Jamaica 3, New York, effective May 19, 1961. (Approved in FEDERAL REGISTER December 31, 1958. Terminated May 19, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.002/69/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by Merit Manufacturing Corp., 92–15 172d Street, Jamaica 3, New York, effective May 19, 1961. (Approved in FEDERAL REGISTER December 31, 1958. Terminated May 19, 1961. Manufacturer no longer in business.)

BUOYANT APPARATUS

Termination of Approval No. 160.010/40/0, 3.17′ x 3.17′ x 0.67′ buoyant apparatus, wood decking with cellular foam glass core, 6-person capacity, dwg. No. 32458, dated June 9, 1958, and specification, dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 22, 1961. (Approved in FEDERAL REGISTER Sept. 27, 1958. Terminated May 22, 1961. Item no longer manufactured.)

Termination of Approval No. 160.010/41/0, 3.17′ x 3.17′ x 0.83′ buoyant apparatus, wood decking with cellular foam glass core, 8-person capacity, dwg. No. 32458, dated June 9, 1958, and specification, dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 22, 1961. (Approved in FEDERAL REGISTER Sept. 27, 1958. Terminated May 22, 1961. Item no longer manufactured.)

Termination of Approval No. 160.010/42/0, 4.67′ x 3.17′ x 0.83′ buoyant apparatus, wood decking with cellular foam glass core, 12-person capacity, dwg. No. 32458, dated June 9, 1958, and specification, dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 22, 1961. (Approved in FEDERAL REGISTER Sept. 27, 1958. Terminated May 22, 1961. Item no longer being manufactured.)

Termination of Approval No. 160.010/43/0, 6.21′ x 4.21′ x 0.75′ buoyant apparatus, wood decking with cellular foam glass core, 20-person capacity, dwg. No. 32458, dated June 9, 1958, and specification, dated July 8, 1958, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective May 22, 1961. (Approved in FEDERAL REGISTER Sept. 27, 1958. Terminated May 22, 1961. Item no longer manufactured.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/55/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minnesota, effective December 20, 1960. (Approved in FEDERAL REGISTER December 20, 1955. Expired and terminated, effective December 20, 1960.)

Termination of Approval No. 160.047/66/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minnesota, effective December 20, 1960. (Approved in FEDERAL REGISTER December 20, 1955. Expired and terminated, effective December 20, 1960.

Termination of Approval No. 160.047/83/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 160.047/84/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 160.047/85/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by S. E. Hyman Co., Fremont, Ohio, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/50/0, special approval for 13″ x 18″ x 2″, rectangular ribbed-type kapok buoyant cushion 21-oz. kapok, dwg. No. 1, dated November 7, 1955, manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minnesota, effective Feb. 28, 1961. (Approved in FEDERAL REGISTER Feb. 28, 1956. Expired and terminated, effective Feb. 28, 1961.)

Termination of Approval No. 160.048/51/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Atlas Products, 2459 University Avenue, St. Paul 14, Minnesota, effective Feb. 28, 1961. (Approved in FEDERAL REGISTER Feb. 28, 1956. Expired and terminated, effective Feb. 28, 1961.)

Termination of Approval No. 160.048/60/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(ii), manufactured by Jenkins & Frey, 1233 NE. First Avenue, Miami 36, Florida, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 160.048/66/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushions, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Sound Mattress and Felt Co., P.O. Box 1506, Tacoma 1, Washington, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 160.048/69/0, special group approval for rectangular kapok buoyant cushions 2½″ thick, sizes and weights of kapok filling to be as per Briddell Upholstering Co., dwgs. A through M, dated February 2, 1956, manufactured by Dellson Products, Inc., Clemwood and Upshur Sts., Salisbury, Md., for Christ-Craft Corp., Algonac, Michigan, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Terminated May 15, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/109/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by The Red Head Brand Co., 4311 Belmont Ave., Chicago 41, Illinois, for Southern Tackle Distributors, Inc., 4027 N.W. 24th Street, Miami 48, Florida, effective May 19, 1961. (Approved in FEDERAL REGISTER March 25, 1958. Terminated May 19, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/180/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4(c)(1)(ii), manufactured by Molded Fiber Glass Boat Co., Box 71, Celoron, New York, for The Laurel Corp., P.O. Box 171, Shippenville, Pennsylvania, effective May 15, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated May 15, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/183/0, special group approval for 15″ x 2″ x various lengths rectangular kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Molded Fiber Glass Boat Co., Box 71, Celoron, New York, for The Laurel Corp., P.O. Box 171, Shippenville, Pennsylvania, effective May 15, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated May 15, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/186/0, special group approval for rectangular kapok buoyant cushions, 2½″ thick, sizes and weights of kapok filling to be as per Briddell Upholstering Co., dwgs. A through M, dated February 2, 1956, manufactured by Dellson Products, Inc., Clemwood and Upshur Streets, Salisbury, Maryland, effective May 12, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated May 12, 1961. Item no longer manufactured.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/95/0, Model No. 18C23LP hot water heater for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 3–666–2.001, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 162.020/96/0, Model No. 20C8LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.301, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 162.020/99/0, Model No. 30C10LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.801, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Termination of Approval No. 162.020/100/0, Model No. 45C8LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.601, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective May 15, 1961. (Approved in FEDERAL REGISTER May 15, 1956. Expired and terminated May 15, 1961.)

Dated: July 14, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–6842; Filed, July 20, 1961; 8:46 a.m.]

Foreign Assets Control

IMPORTATION OF FRESH FROZEN SHRIMP DIRECTLY FROM HONG KONG

Available Certifications by the Government of Hong Kong

Notice is hereby given that with the reinstatement, as of June 17, 1961, of the certification procedures entitled, "marine products, fresh frozen," certificates of origin issued by the Department of Commerce and Industry of the Hong Kong Government under procedures agreed upon between that Government and the Foreign Assets Control are again available for fresh frozen shrimp.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61–6843; Filed, July 20, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 281]

MANUEL J. ARREBOLA AND ATLANTIC FREIGHT CO.

Export Control Order Placing Respondent on Probation With Provision for Subsequent Denial of Export Privileges

In the matter of Manuel J. Arrebola, doing business under the firm name and style of Atlantic Freight Company, 311 Calumet Building, Miami 32, Florida, Respondent, Case No. 281.

The respondent, Manuel J. Arrebola, doing business under the firm name and style of Atlantic Freight Company, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, duly appeared, answered, and admitted substantially all the charges in this proceeding, was represented by counsel, and demanded an oral hearing. In accordance with the practice, the entire matter was referred to the Compliance Commissioner. The hearing has been duly held and the Compliance Commissioner has submitted his Report and Recommendation after considering all the evidence both in support of and in mitigation of the charges.

Now, after reading the report of the Compliance Commissioner, and after considering the entire record herein, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Manuel J. Arrebola was and now is engaged in business in Miami, Florida, and, during the times hereinafter mentioned, he was engaged in the freight forwarding business under the trade name, "Atlantic Freight Company."

2. Heretofore and on or about the 6th day of June 1958 and again on or about the 8th day of August 1958, said respondent, acting as a freight forwarder, did receive on behalf of a purchaser in Cuba, on the first day mentioned, a gravity meter valued at approximately $9,900 and, on the second day mentioned, another gravity meter having the same value.

3. He so received the said gravity meters by taking delivery thereof pursuant to air waybills under which they had been shipped by the manufacturer to Miami, consigned to him on behalf of the purchaser in Cuba.

4. On each of the days heretofore mentioned, he went to Cuba by air and carried with him, as baggage, one of the said gravity meters. He failed and omitted to execute and present the shipper's export declarations which were required to be authenticated in connection with such shipments, and he failed also to present the said gravity meters for inspection and clearance.

5. When he arrived in Cuba, he delivered the said gravity meters to the purchaser in that country for whom he had acted as forwarder.

And, from the foregoing, it is my conclusion that the respondent, Arrebola, did export commodities from the United States without filing with the Collector of Customs at the port of exit the necessary shipper's export declarations and did fail to present to the Collector of Customs commodities for inspection and clearance for exportation, in contravention of §§ 371.2 and 379.1 of the Export Regulations and that, by engaging in such activity, he did demonstrate that he did not possess that integrity and those ethical standards which are regarded as necessary in connection with export control matters as provided by § 384.2(a)(2)(v) of the Export Regulations.

In his report the Compliance Commissioner said,

• • • What remedial action should be taken against Arrebola for his admitted contraventions? He seems to be fully aware of the gravity of his offense. He is no longer in the forwarding business. (This is probably because there are no exports to be forwarded to Cuba.) Even if he were, any denial order against him, during the current embargo, would have only an educational and deterrent value. The importance of such values should not be overlooked. For this reason, even though an order will have no denial impact on Arrebola, the public interest and the necessity to take action to achieve effective enforcement of the law require that an order be entered. In my opinion, the order should take into consideration the current embargo and should carry over to a future time when the embargo may be lifted. For this reason, it is my recommendation that Arrebola be denied export privileges for a period of three months, but that such denial shall become effective only in the event that he engages in any contravention of export control laws at any time while export controls are in effect. Substantially, this means that he will be on probation so long as export controls are in effect, and, if during this entire period he be found in violation, an order will be entered forthwith, putting into effect the three-month denial of export privileges without thereby precluding other action by reason of the conduct resulting in such order.

The recommendation of the Compliance Commissioner, upon the record herein, appears to be just, fair, and necessary to achieve effective enforcement of the Act: *And therefore it is hereby ordered:*

I. The respondent, Manuel J. Arrebola, for a period of three months following the event hereinafter provided, shall be suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada.

II. Such denial of export privileges, if and when it shall become effective, shall extend not only to the respondent, but also to any person, firm, corporation, or

business organization with which he may be related now or hereafter by ownership, control, or position of responsibility in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Such entire denial shall be suspended during respondent's good behavior during the entire time that export controls shall be in effect, whether by new legislation or extension of existing legislation. During said time the respondent is permitted to enjoy all export privileges upon condition that, so long as export controls shall be in effect, he shall comply in all respects with requirements of the Export Control Act of 1949, as amended, extended, or hereafter revised, and all regulations promulgated thereunder. The privileges so conditionally permitted to him may be revoked summarily and without notice, but subject to his right to appeal therefrom, upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that he, at any time hereafter, knowingly failed to comply with the conditions upon which he is permitted to engage in the export business. In the event that it be so determined that he has breached the said conditions or any of them, the denial of his export privileges shall commence on the day of such determination, shall be in accordance with the provisions of the order at that time to be entered, and shall continue for three full months thereafter, without prejudice to any other or additional action which might be taken by reason of such conduct.

Dated: July 14, 1961.

FRANK W. SHEAFFER,
Director, Office of Export Supply.

[F.R. Doc. 61-6839; Filed, July 20, 1961; 8:46 a.m.]

[Case No. 290]

JOSE PEREZ FERNANDEZ ET AL.

Order Denying Export Privileges

In the matter of Jose Perez Fernandez, 2965 Southwest 14th Street, Miami, Florida, and Edif. Banco del Caribe, Prado y Refugio, Havana, Cuba, and Ventura Montes Martinez, Edif. Banco del Caribe, Prado y Refugio, Havana, Cuba, individually and as co-partners doing business under the firm name and style of Monpe System at Edif. Banco del Caribe, Prado y Refugio, Havana, Cuba, Respondents, Case No. 290.

The respondents, Jose Perez Fernandez and Ventura Montes Martinez, individually and as co-partners doing business under the firm name of Monpe System, in Havana, Cuba, together with one Alexander Botez Gamboa, who is now subject to an export control order denying to him all privileges of participating in exportations from the United States (July 22, 1960, 25 F.R. 7163, July 28, 1960) were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the United States Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, they together with other persons and firms not parties to this order, procured and endeavored to procure goods to be exported from the United States for the purpose of acquiring possession and control thereof in order to divert and transship them to persons and places not authorized under the said Act.

Both respondents answered the charging letter but, prior to final submission of this case to the Compliance Commissioner, the respondent, Jose Perez Fernandez, who was then represented by an attorney, by and with the advice of said attorney, in accordance with the procedure provided by § 382.10 of the Export Regulations, submitted to the Compliance Commissioner a proposal for the issuance of a consent order denying to him all export privileges so long as export controls are in effect. The Director of the Investigation Staff has agreed to the proposal. This proposal, together with the charging letter, the answers thereto, and all the evidence in support of the charges have been considered by the Compliance Commissioner who has now filed his Report and Recommendation herein. In his Report, the Compliance Commissioner has reviewed the evidence and has made findings and conclusions to the effect that violations have been committed by the respondents and he has recommended that they be denied all export privileges so long as export controls are in effect.

Now, after considering the entire record herein and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, one Alexander Botez Gamboa, hereinafter referred to as Botez (presently subject to an order permanently denying to him all export privileges, 25 F.R. 7163), was engaged in various promotional activities in Geneva, Switzerland, and, in furtherance of such activities, he entered into an arrangement with Jose Perez Fernandez and Ventura Montes Martinez, who were doing business under a firm name, Monpe System, in Havana, Cuba. This arrangement was for Perez and Montes (hereinafter referred to as Perez) to purchase various electronic goods from suppliers in the United States for the apparent but false purpose of having such goods shipped to them in Cuba. The arrangement contemplated further that on receipt of the goods in Cuba, Perez would transship them from Cuba to Botez in Geneva, Switzerland.

2. Funds for all the purchases to which reference hereinafter is made were supplied by Botez to Perez and they in turn applied such funds to payment for the electronic goods purchased, the costs of transportation thereof, both to Cuba and to Switzerland, commissions, and all other charges incidental to or incurred in connection with the various purchases and transshipments.

3. The arrangement so made required Perez to represent to suppliers in the United States that Perez was the purchaser of goods for use and consumption in Cuba. Such representations were to be made either expressly in the event that it was found necessary to supply proof of compliance with United States Export Regulations governing the exportation of goods to Cuba or, when the goods could be obtained without the making of express representations, were to be made by making it appear to the American suppliers that the actual consignee for the goods was Perez and that Cuba was the place of ultimate destination.

4. In accordance with the arrangement so made, Perez, as agent for Botez, made purchases of the electronic goods hereinafter mentioned from Visual Electronics Corporation (a firm being made subject to an export control order issued simultaneously herewith) and paid for the said goods out of the funds supplied by Botez.

5. In addition to such electronic goods, Perez purchased also on behalf of Botez and with funds supplied by him, two gravity meters valued together at approximately $17,000 and made it appear to the American supplier thereof that the same were necessary for and to be used in Cuba by Perez.

6. Perez received the first of the two gravity meters on or about June 17, 1958, and caused the same to be delivered to Botez who at that time happened to be in Cuba, and Botez then, with Perez's knowledge and intention that the same be so handled, carried the same out of Cuba to Switzerland under the claim that it was his personal baggage so accompanying him.

7. The second of the two gravity meters was packed and combined with other electronic goods heretofore and hereinafter mentioned and shipped out of Cuba by Perez to a forwarder acting on behalf of Botez in Geneva, Switzerland, and the same was received thereafter by Botez.

8. The electronic goods purchased by Perez from Visual Electronics Corporation on behalf of Botez aggregated in value nearly $8,000 and were received by Perez in Cuba in three separate consignments.

9. The said electronic goods together with the second gravity meter above mentioned were repacked and readdressed in Cuba either by Perez or upon instructions from Perez, and Perez thereafter exported the same in two separate consignments by air to a forwarder in Geneva, Switzerland, designated by Botez, and Botez thereafter obtained and took possession thereof in Switzerland.

10. After taking possession of the said goods so shipped in the two consignments by air, Botez transshipped the same out of Switzerland to a Sino-Soviet bloc destination.

11. The exportations of the gravity meters were made to Cuba without a validated license but under General License upon the belief and understanding of the American supplier that the same were being purchased by Perez in Cuba for use in Cuba. The shipment was made under the General License at that time prevailing.

12. Of the electronic goods exported by Visual Electronics Corporation to Perez, approximately $4,154 worth thereof were exported pursuant to validated export license which had been issued on representations that the goods were in fact being exported to Perez as the purchaser and ultimate consignee and that Cuba was the country of ultimate destination.

13. The remaining electronic goods were exported to Perez in Cuba under representations made to the Collector of Customs that the shipments whereby said goods were exported were permissible under one or another General License then prevailing and upon representations that Perez was the ultimate consignee thereof and that the country of ultimate destination was Cuba.

14. Because no validated export license ever was obtained or issued for the exportations to Switzerland and beyond and because the licenses (both validated and General) pursuant to which all the goods were shipped out of the United States to Cuba were utilized improperly and availed under false representations, all the goods so exported from the United States were exported without the export licenses required by the regulations for such exportations.

And, from the foregoing, it is my conclusion that the respondents, Jose Perez Fernandez and Ventura Montes Martinez, doing business under the name of Monpe System (and Alexander Botez Gamboa, who need not be made a party to this order) (a) bought, received, transported, and forwarded goods exported from the United States with knowledge that violations of the export control law and regulations were intended to occur with respect to such goods; (b) caused false representations and certifications to be made to the Bureau of Foreign Commerce and to Collectors of Customs in connection with the preparation, issuance, and use of export control documents, including export licenses, shipper's export declarations, and bills of lading; and (c) caused to be exported from the United States and diverted and transshipped such goods contrary to the terms and conditions of export control documents and representations made in connection therewith, all in violation of Parts 370, 371, 372, 379, 381, and various subdivisions thereof, of the Export Regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. So long as export controls shall be in effect, the respondents, Jose Perez Fernandez and Ventura Montes Martinez, individually and as co-partners doing business under the firm name and style, of Monpe System, their agents, servants, and employees, be, and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation heretofore or hereafter has been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated license, or resorting to a procedure permitted by any General License, or the utilization of any export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. Without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, shall, on behalf of or in any association with any respondent, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity or (b) order, receive, buy, use, sell, dispose of, finance, transport, or forward any commodity heretofore or hereafter exported from the United States. Nor shall any person do any of the foregoing acts with respect to any such commodity or exportation in which any respondent may have any interest of any kind or nature.

Dated: July 14, 1961.

FRANK W. SHEAFFER,
Director,
Office of Export Supply.

[F.R. Doc. 61-6840; Filed, July 20, 1961; 8:46 a.m.]

[Case No. 286]

VISUAL ELECTRONICS CORP. ET AL.

Export Control Probation and Denial Order

In the matter of Visual Electronics Corporation, James B. Tharpe, Bert Kupperman, 356 West 40th Street, New York 18, New York, Respondents, Case No. 286.

The respondents, Visual Electronics Corporation, James B. Tharpe, and Bert Kupperman, all of New York City, New York, were charged, together with other respondents, by the Director, Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder. They were duly served with the charging letter and duly appeared herein.

The case was submitted to the Compliance Commissioner, who commenced a hearing thereon and thereafter continued the same without date, pending completion of a criminal action against Visual Electronics Corporation and Bert Kupperman in the United States District Court for the Southern District of New York. They pleaded guilty to two counts of a five-count indictment against them: the first count alleging that they shipped transistors valued at $90.40 to Switzerland without the required validated export license; the second count alleging that they shipped electron tubes, transistors, and resistors valued at $2,724.20 to Cuba without the required validated export license. Upon the first count the corporation was fined $10,000 and Kupperman was fined $2,500. Sentence was suspended on the second count as to each of the defendants, and Kupperman was placed on probation for six months pending full payment of his fine. Other counts of the indictment were dismissed without objection on the part of the prosecuting attorney.

Following the imposition of sentence, the payment of the fine by the corporation and arrangements by Kupperman for the payment of his fine, and in accordance with the provisions of § 382.10 of the Export Regulations, with the agreement of the Director, Investigation Staff, all the respondents submitted proposals to the Compliance Commissioner for the issuance of a consent order. The Compliance Commissioner at that time then reviewed the facts of this case and the proposals, approved the proposals, and reported the facts to me with his recommendation for an Export Control Probation and Denial Order.

On April 15, 1961, however, Kupperman notified me that he had withdrawn his consent to the proposal and had removed his attorney of record. Kupperman was asked to reply promptly as to whether he still adhered to his original answer to the charging letter or if not, he was informed that, under the regulations, he should file a new answer to that letter within a reasonably prompt period of time. Instead Kupperman wrote a letter which evaded a reply concerning his position on the charges. He was then informed that the Compliance Commissioner considered him to be in default on the original charges and given notice of a default hearing that would be held as to the charges against him in Washington on May 15, 1961. He acknowledged this notice but did not appear in person or by attorney.

The default proceedings as to Kupperman were therefore held on May 15, 1961, in accordance with the informal hearing practice authorized by § 382.4 of the Export Regulations. The Compliance Commissioner has reported to me his findings and conclusions in that proceeding. His findings and conclusions are in accord with the statement of facts set forth in this order, and he has found that Kupperman knowingly and willfully violated the Export Regulations as stated therein. The Compliance Commissioner recommended that an order be issued to deny export privileges to Kupperman for a period of eighteen months from the date of this order and that he be subjected to probationary supervision for the duration of the period of the enforcement of export controls.

Now, after reviewing and considering the entire record of this case and the

Compliance Commissioners' reports, I hereby find that, following arrangements initiated by Tharpe and ultimately concluded by Kupperman, the respondents in June and July 1958, made exportations of $7,900 worth of electronic materials to Cuba and Switzerland in violation of the Export Regulations by making and filing with the Bureau of Foreign Commerce and with Collectors of Customs export control documents containing false representations as to value and intended disposition and by failing to file such documents when the same were required.

In reviewing the facts of this case, the undersigned has given careful consideration to the facts that the respondent corporation has instituted various control procedures to assure future compliance with the law, that the corporate respondent and Kupperman have been convicted in a criminal court of violations of the Export Control Act of 1949, as amended, and that substantial sentences have been imposed upon them. The respondent Tharpe has admitted that to the extent he was charged with knowledge of various matters that he should have known such matters, but the facts, as they appear in the record of this case, show that his admissions fall short of what actually transpired herein and that he had an awareness of what was happening and negligently, if not with actual intent, took no measures to prevent the conduct which resulted in the violations found herein. It is my belief that publication of this order containing the provisions hereinafter set forth and making known the judgments of the United States District Court for the Southern District of New York will contribute greatly to achievement of effective enforcement of the law and, for this reason, I accept and adopt the recommendations of the Compliance Commissioners: *And it is hereby ordered:*

I. All the respondents herein hereby are placed on probation subject to the revocation of such probation in the manner hereinafter provided; the period of probation for Visual Electronics Corporation being one year from the date hereof; the period of James B. Tharpe's probation being two years from the date hereof; and the period of Bert Kupperman's probation being for the duration of the time that export controls remain in effect. The condition of this probation, for the period stated for each respondent, is that each such respondent, during the time that he is subject to such probation, shall comply in all respects with the portions of this order applicable to him or it and with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. And, an additional condition for the probation to which Visual Electronics Corporation is subject is that, at the end of each four months during the time of such probation, the corporation shall furnish to the Bureau of Foreign Commerce a report summarizing the procedures at that time being employed by it to assure compliance with the Export Control Act and the regulations issued thereunder.

II. The respondent James B. Tharpe, for a period of six months from the date hereof, and the respondent Bert Kupperman for a period of eighteen months from the date hereof, shall be and they hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by a respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States. Such denial of export privileges, insofar as James B. Tharpe is concerned, shall not be regarded as prohibiting him from acting as a consulting engineer in connection with broadcasting and communications installations or systems in places outside the United States.

III. To the extent that either of the individual respondents, pursuant to Decretal Part II hereof is denied export privileges, such denial shall extend not only to him, but also to any person, firm, corporation, or business organization with which he may be related now or hereafter by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith, with the exception, however, that the corporate respondent herein is not to be deemed thereby to be subject to the denial provisions hereof affecting the individual respondents provided that such respondents do not have or obtain any benefit from any exportation made by the corporate respondent.

IV. At any time during or subsequent to the period when any respondent herein is subject to probation as hereinabove provided, an order may be entered without notice to the respondent affected, pursuant to which order such respondent's probation may be revoked summarily upon a finding by the Director of the Office of Export Supply or such other official as may at that time be exercising the duties now exercised by him that at any time during the time that any such respondent is or has been under probation by reason of Decretal Part I of this order such respondent has knowingly failed to comply with any requirement of this order or any requirement of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder. In that event, the supplemental order to be entered against such respondent may deny, as respects Visual Electronics Corporation, all its export privileges for a period up to and including six months following the date of such order; as to the respondent James B. Tharpe, all export privileges for a period of up to eighteen months from the date of such order or two years from the date hereof, whichever is later; and as to the respondent Bert Kupperman, all export privileges for up to the duration of the time while export controls remain in effect. The entry of such supplemental order shall not prevent the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, a respondent aggrieved thereby shall have the right to appeal therefrom, as provided in the Export Regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when any respondent herein or any related party is prohibited under the terms hereof from engaging in any activity within the scope of Parts II and IV hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with the respondents or any related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or any related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. Should the respondent Bert Kupperman herein, at any time hereafter during the period export controls remain in effect, desire to contest this order, he may apply upon good cause shown, together with evidentiary data in support thereof, to set aside his default and vacate the order against him entered herein. This application shall be submitted to the Director, Office of Export Supply, Bureau of Foreign Commerce, Washington 25, D.C., in accordance with the requirements of § 382.4(b) of the Export Regulations, and will be disposed of in accordance with the practice set forth therein.

Dated: July 14, 1961.

FRANK W. SHEAFFER,
Director,
Office of Export Supply.

[F.R. Doc. 61-6841; Filed, July 20, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-3]

CALIFORNIA SALVAGE CO.

Notice of Issuance of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that since no requests for a formal hearing have been received following the filing of notice of the proposed amendment of License No. 4-5479-1 held by California Salvage Company, 709-745 North Pacific Avenue, San Pedro, California, with the Federal Register Division on June 28, 1961, the Atomic Energy Commission has this date issued Amendment No. 1 to License No. 4-5479-1. This amendment authorizes: (1) An increase in the possession limit of byproduct material from 2 curies to 100 curies; (2) the receipt, packaging and disposal of byproduct, source and special nuclear material by, or under the direct personal supervision of Mr. Bruce A. Ault; (3) the receipt, packaging and storage of waste material at the facilities of the licensee located at 709-745 North Pacific Avenue, San Pedro, California; (4) the conduct of the proposed program in accordance with revised procedures; and (5) the transfer of packaged, solid waste to the AEC designated land burial sites.

Notice of proposed action was published in the FEDERAL REGISTER on June 29, 1961, Volume 26, F.R. 5841.

Dated at Germantown, Maryland, July 17, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Licensing and Regulation.

[F.R. Doc. 61-6836; Filed, July 20, 1961; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 554]

ADMINISTRATOR'S ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

Appointments

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I, Clarence T. Lundquist, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint the following named persons to constitute the Administrator's Advisory Committee on Sheltered Workshops:

Seymour Brandwein—American Federation of Labor, Congress of Industrial Organizations, Washington, D.C.
Mr. John Convery—National Association of Manufacturers, New York, N.Y.
Dr. Eugene H. Dibble, Jr.—John Andrews Memorial Hospital, Tuskegee Institute, Tuskegee, Ala.
Dr. William A. Fraenkel—National Association for Retarded Children, Inc., New York, N.Y.
Mr. Kenneth Hamilton—Ohio State University, Columbus, Ohio.
Mrs. Elizabeth K. Hansen—Shut-In Society, Pennsylvania Branch, Philadelphia, Pa.
Monsignor George G. Higgins—Social Action Department, National Catholic Welfare Conference, Washington, D.C.
Reverend Howard G. Lytle—Indianapolis Goodwill Industries, Inc., Indianapolis, Ind.
Mr. Walter J. Mason—American Federation of Labor—Congress of Industrial Organizations, Washington, D.C.
General John F. McMahon—Volunteers of America, New York, N.Y.
Mr. Kenneth E. Pohlmann—United Mine Workers of America, Welfare & Retirement Fund, Washington, D.C.
Mr. Alvin D. Puth—National Rehabilitation Association, Washington, D.C.
Mr. Peter J. Salmon—Industrial Home for the Blind, Brooklyn, N.Y.
Mr. Aaron N. Solomon—Ace Electronics Associates, Inc., Sommerville, Mass.
Mr. Percy J. Trevethan—Goodwill Industries of America, Inc., Washington, D.C.
Mr. Arthur H. Korn (Secretary and nonvoting member)—Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D.C.

The above appointments will expire June 30, 1963.

Signed at Washington, D.C., this 17th day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-6838; Filed, July 20, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

ILLINOIS POWER CO.

[Docket No. CP61-261]

Notice of Application

JULY 14, 1961.

Take notice that on April 10, 1961, Illinois Power Company (Applicant), 500 South 27th Street, Decatur, Illinois, filed in Docket No. CP61-261 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its facilities with certain facilities which Applicant proposes to construct, and to sell and deliver natural gas to Applicant for distribution and resale in the Village of Prairie du Rocher and environs, Randolph County, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Mississippi's main transmission pipeline passes within approximately 0.7 mile east of Praire du Rocher. Applicant proposes to construct the necessary connecting line and appurtenances, and the distribution facilities in the village and environs at an estimated total cost, in the third year of operation, of $146,238, which will be paid from Applicant's funds on hand.

No application allocation of gas from Mississippi is requested by Applicant. Service under the subject application is proposed to be rendered within the existing stated contract demand quantity of 56,740 Mcf of natural gas per day, which obligation of Mississippi is on file with the Commission.

Applicant estimates the gas requirements of the village of approximately 679 inhabitants as follows:

	Requirements in Mcf		
	1st Year	2d Year	3d Year
Annual	15,700	23,000	28,400
Peak day	206	291	330

Applicant has the necessary franchise to distribute natural gas in the village and holds a certificate granted by the Illinois Commerce Commission authorizing the necessary construction and operations.

Protests or petitions to intervene in the subject proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 4, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6832; Filed, July 20, 1961; 8:45 a.m.]

[Docket No. G-12446 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND CONTINENTAL OIL CO.

Order Reopening Proceeding, Prescribing Procedures and Fixing Date of Hearing

JULY 14, 1961.

Texas Eastern Transmission Corporation, Docket Nos. G-12446 and G-12447; Continental Oil Company, Docket No. G-12432.

By our order of June 23, 1959, we issued a certificate of public convenience and necessity authorizing Texas Eastern Transmission Corporation (Texas Eastern) to construct and operate certain facilities including a compressor station at Rayne Field, Acadia Parish, Louisiana and some 22 miles of pipeline connecting Rayne Field to Texas Eastern's Beaumont-Kosciusko line.[1] The United States Court of Appeals for the District of Columbia Circuit in setting aside our aforesaid order and remanding this matter to us for further proceedings not inconsistent with the opinion of the Court, has suggested the following permissible courses:

Two courses are open to the Commission. It may, by clarification of the order presently under review, expressly disclaim any approval of the price to be paid for natural gas by the applicant. See Kansas Pipe Line and Gas Co., et al., supra note 4. Or it may reopen the record in the certificate proceeding to permit Texas Eastern to establish by adequate evidence that the acquisition costs

[1] 21 FPC 860.

which it proposes to incur will be consistent with the public convenience and necessity.[2]

In our judgment the first course enunciated by the Court would too long leave unsettled matters of public importance and would provide inadequate protection to the public. Accordingly, we shall reopen the record in this proceeding to afford Texas Eastern an opportunity to make that showing contemplated by the Court's aforequoted latter course.

It is also necessary and reasonable that we define, but not necessarily limit, the issues and prescribe procedures, as hereinafter ordered, so as to guide the course of this reopened proceeding:

The Commission orders:

(A) The consolidated proceeding designated as Docket Nos. G–12446, G–12447 and G–12432 is hereby reopened for the purpose of determining:

(1) Whether the public convenience and necessity require that the certificate issued in these proceedings by our order of June 23, 1959, and set aside by the Court of Appeals, be reissued in whole or in part;

(2) Whether the cost of the Rayne Field gas to Texas Eastern and its customers over the productive life of the field is out of line;

(3) Whether Texas Eastern's proposal is in the public interest even if the cost of the gas to Texas Eastern and its customers proves to be out of line; and

(4) If Texas Eastern's lease acquisition is not in the public interest by reason of the cost of the Rayne Field gas, whether Texas Eastern should be ordered to cease and desist from operating the "Rayne Field facilities" or as a possible alternative, whether Texas Eastern will agree that in future determinations of the justness and reasonableness of its rates under sections 4 and 5 of the Natural Gas Act it will not claim actual costs associated with Rayne Field gas if the reasonable area price is lower than actual cost.

(B) In order to better resolve the aforesaid issues and that the hearing as hereinafter ordered may proceed in an expeditious manner, it is further ordered that on or before August 30, 1961, Texas Eastern file with the Commission and serve on all the parties a supplement to its applications herein to contain at a minimum:

(1) An up-to-date reserve and deliverability study for the Rayne Field to include actual production to date;

(2) Annual production plans for Rayne Field extending through to the estimated life of the field;

(3) An exhibit showing the proposed method of accounting by Texas Eastern for the Rayne Field transaction and all costs incident thereto; and

(4) Study or studies showing the cost of making natural gas from Rayne Field available to the Texas Eastern system, including every cost associated, either incurred and/or anticipated, in the acquisition, further development, production, operation and maintenance of Rayne Field which Texas Eastern claims should be considered in future determinations of the justness and reasonableness of Texas Eastern's rates. Such studies should reflect the anticipated annual changes in the cost of the Rayne Field gas through to the estimated year of abandonment.

(C) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on October 23, 1961 at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters stated in paragraph (A) above. Parties previously permitted to intervene in this proceeding are deemed to be interveners in the instant ordered reopened proceeding. Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6833; Filed, July 20, 1961; 8:45 a.m.]

[2] Public Service Commission of New York v. F.P.C., 287 F. 2d 143, 146.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13257 etc.; FCC 61M–1220]

CATSKILLS BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re aplications of Harry C. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Philip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, et al., Docket Nos. 13257, 13258, 13278; File No. BP–12266; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 17th day of July 1961, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a further prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., July 25, 1961.

Released: July 17, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6848; Filed, July 20, 1961; 8:46 a.m.]

[Docket Nos. 12865, 12866; FCC 61M–1220]

CHRONICLE PUBLISHING CO. (KRON–TV) AND AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC. (KGO–TV)

Order Continuing Hearing

In re applications of Chronicle Publishing Company (KRON–TV), San Francisco, California, Docket No. 12865, File No. BPCT–2168; American Broadcasting-Paramount Theatres, Inc. (KGO–TV), San Francisco, California, Docket No. 12866, File No. BPCT–2401; for construction permits to increase antenna heights.

The Hearing Examiner having under consideration informal advice from counsel for Broadcast Bureau that the Federal Aviation Agency held an informal conference in Washington on July 13 and 14, 1961, relative to the tower proposal involved in this proceeding and that no decision has been reached thereon;

It appearing that good and sufficient cause exists why said prehearing conference now scheduled for July 21, 1961, should be rescheduled for a later date;

Accordingly, it is ordered, This 17th day of July 1961, that the prehearing conference now scheduled for July 21, 1961, be, and the same is hereby rescheduled for September 14, 1961, 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: July 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6849; Filed, July 20, 1961; 8:46 a.m.]

[Docket No. 13972; FCC 61M–1231]

WIRELINE RADIO, INC.

Order Following Further Prehearing Conference Continuing Hearing

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR–3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

The Hearing Examiner having under consideration the proceedings of the further prehearing conference in the above-entitled matter on July 14, 1961;

It appearing that on July 12, 1961, counsel for the Broadcast Bureau filed a Petition for Change of Hearing Situs;

It further appearing that solely on the basis of such petition counsel for the applicant herein without prejudice to petitions addressed to the Commission for immediate review of the Hearing Examiner's Order denying continuance and for postponement of hearing date, requested a further postponement of two weeks for the start of the hearing;

It further appearing that the Hearing Examiner denied such request and motion but reserved consideration of the question of whether a postponement of one week should be granted;

It further appearing that counsel for the Broadcast Bureau objected to such postponement and that counsel for the applicant stated that, while in his opinion such postponement was inadequate, he considered it preferable to being required to proceed on July 24;

It further appearing that because of the problems arising from the filing by the Broadcast Bureau of a Petition for a Change of Situs approximately four months after the order of designation herein had been released, a short further postponement may properly be granted to afford counsel for the applicant time he states he requires to prepare himself in the light of the problems allegedly raised by the filing of the aforementioned petition;

It further appearing that in view of the changed hearing date being fixed by the Examiner, modification should be made in the procedural dates fixed at the prehearing conference held on July 14, 1961;

It is ordered, This 18th day of July 1961, that

(a) Counsel for the applicant shall advise counsel for the Broadcast Bureau and the Hearing Examiner, no later than July 26, 1961, of the names of the persons who will appear as witnesses for the applicant as well as the issues with respect to which each such person shall testify; and

(b) Counsel for the applicant shall advise counsel for the Broadcast Bureau and the Hearing Examiner no later than July 26, 1961, whether or not he will make available for examination the persons named by counsel for the Broadcast Bureau at the prehearing conference on July 14, 1961;

It is further ordered, That the hearing herein heretofore rescheduled to commence at 9:00 a.m. on July 24, 1961, is further rescheduled to start on July 31, 1961, at 9:30 a.m., at the Offices of the Commission in Washington, D.C., unless a different place is fixed by the Chief Hearing Examiner in any order he may issue in response to the Petition for Change of Hearing Situs filed by the Broadcast Bureau on July 12, 1961;

It is further ordered, That the agreements and understandings entered into between the parties concerning the future conduct of the hearing are approved as set forth in the transcript of the prehearing conference which, to this extent, is incorporated by reference herein.

Released: July 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–6850; Filed, July 20, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 18, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 37265: *Substituted service—PRR for Santini Bros., Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 40), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and Kearny, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 97.

FSA No. 37266: *Substituted service—PRR, et al., for North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 41), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Kearny, N.J., on the one hand, and Jacksonville and Miami, Fla., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37267: *Substituted service—ACL, et al., for the North American Van Lines, Inc.* Filed by Household Goods Carriers' Bureau, Agent (No. 42), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Jacksonville, Fla., on the one hand, and Alexandria, Richmond, and Norfolk, Va., Chicago, Ill., and Memphis, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Household Goods Carriers' Bureau tariff MF–I.C.C. 96.

FSA No. 37268: *Lumber from Mississippi River crossings to Kansas and Missouri.* Filed by Southwestern Freight Bureau, Agent (No. B–8055), for interested rail carriers. Rates on lumber and related articles, in carloads, from Memphis, Tenn., Natchez and Vicksburg, Miss., to points in Kansas and Missouri.

Grounds for relief: Restore lumber relations and grouping.

Tariff: Supplement 201 to Southwestern Freight Bureau tariff I.C.C. 3985.

FSA No. 37269: *Ethylene glycol from Geismar, La., to Winona, S.C.* Filed by O. W. South, Jr., Agent (No. A4115), for interested rail carriers. Rates on ethylene glycol, in tankcar loads, from Geismar, La., to Winona, S.C.

Grounds for relief: Market competition.

Tariff: Supplement 292 to Southern Freight Association tariff I.C.C. 400.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–6836; Filed, July 20, 1961; 8:45 a.m.]

[Notice 521]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 18, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63974. By order of July 12, 1961, The Transfer Board approved the transfer to Donald B. Regan and Robert J. Regan, doing business as St. Paul & Suburban Bus Company, 2880 Stillwater Road, St. Paul 19, Minn., of Certificate No. MC 75369, issued May 15, 1951, to Lewis Lines, Inc., 2050 County Road H–2, Minneapolis, Minn., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Minnesota within 120 miles of St. Paul, Minn., to points in Wisconsin, Illinois, Iowa, North Dakota, and South Dakota, and return.

No. MC–FC 64079. By order of June 29, 1961, The Transfer Board approved the transfer to Harry Schildhaus, doing business as Metropolitan Freight Carriers, Hillside, N.J., of a portion of the operating rights in Certificate No. MC 2567, issued February 26, 1954, to Belhey Transfer Company, a corporation, Harrison, N.J., authorizing the transportation of: General commodities, except Class A and B explosives, commodities in bulk, articles of unusual value, commodities requiring the use of special equipment, and household goods, between New York, N.Y., on the one hand, and, on the other, Newark and Harrison, N.J., and points within 3 miles of Harrison. Bert Collins, 140 Cedar Street, New York 32, N.Y., representative for applicants.

No. MC–FC 64251. By order of July 13, 1961, The Transfer Board approved the transfer to Gay Trucking Company, a corporation, Savannah, Ga., of Certificate No. MC 115946 Sub 1, issued July 30, 1958, to Charles C. Gay, doing business as Gay Trucking Company, Savannah, Ga., authorizing the transportation, over irregular routes, of natural latex, in bulk, in tank vehicles, from Savannah, Ga., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee,

and New Orleans, La., liquid latex, in bulk, in tank vehicles, from Port Wentworth, Ga., to St. Louis, Mo., ammonium nitrate fertilizer, in bulk, from Port Wentworth, Ga., to points in Florida, and ammonium nitrate fertilizer, in bags, from Port Wentworth, Ga., to points in Florida, a described portion of Alabama, and a described portion of Tennessee. James E. Wilson, 1111 E Street NW., Washington 4, D.C., applicants' attorney.

No. MC-FC 64268. By order of July 12, 1961, The Transfer Board approved the transfer to Smithlands, Ltd., R.R. 1, Oshawa, Ontario, Canada, of Certificates in Nos. MC 116106, MC 116106 Sub 2 and MC 116106 Sub 3, issued April 2, 1957, December 8, 1958, and December 8, 1958, to Neil A. Smith and Donald W. Smith, a partnership, doing business as Smith Brothers, Columbus, Ontario, Canada, authorizing the transportation of: Livestock (other than ordinary) except mules, horses and ponies, between ports of entry on the United States-Canada Boundary line at Buffalo and Niagara Falls, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Vermont, New Jersey, Massachusetts, Virginia, West Virginia, Ohio, Wisconsin, Connecticut, Illinois, Indiana, Maryland, and Michigan; ponies, other than ordinary livestock, between ports of entry on the United States-Canada Boundary line at or near Buffalo, Niagara Falls, Ogdensburg, and Alexandria Bay, N.Y., on the one hand, and, on the other, points in New Hampshire, North Carolina, South Carolina, Georgia, and Florida; livestock other than ordinary, but excepting mules, horses and ponies, between ports of entry on the United States-Canada Boundary line at or near Buffalo, Niagara Falls, Ogdensburg, and Alexandria Bay, N.Y., and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Georgia, Florida, and Kentucky; ponies, other than ordinary, from ports of entry on the United States-Canada Boundary line, at or near Buffalo, Niagara Falls, Ogdensburg, and Alexandria Bay, N.Y., and Detroit and Port Huron, Mich., to points in Vermont, Wisconsin, Illinois, Indiana, and Michigan; and livestock, other ordinary (except mules, horses, and ponies), from ports of entry on the United States-Canada Boundary line, at or near Ogdensburg and Alexandria Bay, N.Y., and Detroit and Port Huron, Mich., to points in Connecticut, Illinois, New York, Pennsylvania, Vermont, New Jersey, Massachusetts, Virginia, West Virginia, Ohio, Wisconsin, Indiana, Maryland, and Michigan, with restrictions.

No. MC-FC 64277. By order of July 13, 1961, The Transfer Board approved the transfer to Donald B. Taylor, doing business as Taylor Transit, Minneapolis, Minn., of Certificate in No. MC 114148, issued February 8, 1954, to Lloyd E. Flanders, Oskaloosa, Iowa, authorizing the transportation of: Clay Products and mortar mix, from What Cheer, Iowa, to points in Illinois, Minnesota, and Wisconsin. Kenneth F. Dudley, 106 North Court Street, P.O. Box 557, Ottumwa, Iowa, applicants' representative.

No. MC-FC 64280. By order of July 13, 1961, The Transfer Board approved the transfer to Arnold N. Gilmer, doing business as Arnold N. Gilmer Moving & Storage, Aberdeen, Md., of Certificate in No. MC 36181, issued August 23, 1955, to J. T. Harris Transfer, Inc., Halethorpe, Md., authorizing the transportation of: Household goods, office furniture and equipment, and store fixtures, between Baltimore, Md., and points in Baltimore County, Md., on the one hand, and, on the other, Washington, D.C., New York, N.Y., and points in Virginia, Pennsylvania, and New Jersey. Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore 28, Md., attorney for applicant.

No. MC-FC 64286. By order of July 12, 1961, The Transfer Board approved the transfer to Gennie Farris, doing business as Farris Truck Line, Faucett, Mo., of Permit in No. MC 118800 Sub 1, issued November 23, 1960, to U. Grant Roberts, Shawnee, Kans., authorizing the transportation of: Feed, in bulk and in bags, and flour, in bags, when moving in mixed loads with shipments of feed, from Kansas City, Mo., to Points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, and damaged shipments of feed and flour, from points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, to Kansas City, Mo., limited to continuing contract with General Mills, Inc., of Minneapolis, Minn. Kretsinger & Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo., attorneys for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-6837; Filed, July 20, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11879; Order E-17180]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July, 1961.

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 and Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreements name a number of additional specific commodity rates and amend the description for one item. The proposed rates are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreements, which are incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

	IATA memorandum
C.A.B. 14827:	
R-41	TC1/Rates 1223.
R-43	TC1/Rates 1228.
R-44	TC1/Rates 1229.
R-45	TC1/Rates 1232.
R-46	TC1/Rates 1234.
R-47	TC1/Rates 1240.
R-48	TC1/Rates 1241.
C.A.B. 15340:	
R-3	JT31/Rates 184.

Accordingly, it is ordered:

1. That agreement C.A.B. 14827, R-41, and R-43 through R-48, and Agreement C.A.B. 15340, R-3, are approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-6847; Filed, July 20, 1961; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

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Title 26, Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00)

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Title 26 (Parts 600 to end) (Revised) ($3.00)

Title 46 (Parts 146–149) 1961 Supplement 1 ($1.00)

Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 26 NUMBER 140

Washington, Saturday, July 22, 1961

THE UNIVERSITY OF MICHIGAN
JUL 26 1961
MAIN READING ROOM

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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Title 3—THE PRESIDENT

Executive Order 10952

ASSIGNING CIVIL DEFENSE RESPONSIBILITIES TO THE SECRETARY OF DEFENSE AND OTHERS

WHEREAS the possibility of enemy attack upon the United States must be taken into account in developing our continental defense program; and

WHEREAS following a thorough review and consideration of our military and nonmilitary defense activities, I have concluded that adequate protection of the civilian population requires a substantial strengthening of the Nation's civil defense capability; and

WHEREAS the rapid acceleration of civil defense activities can be accomplished most effectively and efficiently through performance by the regular departments and agencies of government of those civil defense functions related to their established roles and capabilities; and

WHEREAS I have concluded that the undertaking of greatly accelerated civil defense activities, including the initiation of a substantial shelter program, requires new organizational arrangements:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces of the United States, including the authority contained in the Federal Civil Defense Act of 1950, as amended, and other authorities of law vested in me pursuant to Reorganization Plan No. 1 of 1958, it is hereby ordered as follows:

SECTION 1. *Delegation of Authority to the Secretary of Defense.* (a) Except as hereinafter otherwise provided and as is reserved to the Office of Civil and Defense Mobilization in section 2 of this order, the Secretary of Defense is delegated all functions (including as used in this order, powers, duties, and authority) contained in the Federal Civil Defense Act of 1950, as amended (hereinafter referred to as the Act), vested in me pursuant to Reorganization Plan No. 1 of 1958 (72 Stat. 1799), subject to the direction and control of the President. Such functions to be performed by the Secretary of Defense, working as necessary or appropriate through other agencies by contractual or other agreements, as well as with State and local leaders, shall include but not be limited to the development and execution of:

(i) a fallout shelter program;

(ii) a chemical, biological and radiological warfare defense program;

(iii) all steps necessary to warn or alert Federal military and civilian authorities, State officials and the civilian population;

(iv) all functions pertaining to communications, including a warning network, reporting on monitoring, instructions to shelters and communications between authorities;

(v) emergency assistance to State and local governments in a postattack period, including water, debris, fire, health, traffic police and evacuation capabilities;

(vi) protection and emergency operational capability of State and local government agencies in keeping with plans for the continuity of government; and

(vii) programs for making financial contributions to the States (including personnel and administrative expenses) for civil defense purposes.

(b) In addition to the foregoing, the Secretary shall:

(i) develop plans and operate systems to undertake a nationwide postattack assessment of the nature and extent of the damage resulting from enemy attack and the surviving resources, including systems to monitor and report specific hazards resulting from the detonation or use of special weapons; and

(ii) make necessary arrangements for the donation of Federal surplus property in accordance with section 203 (j)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(j)(4)), subject to applicable limitations.

SEC. 2. *Civil Defense Responsibilities of the Office of Civil and Defense Mobilization.* The Director of the Office of Civil and Defense Mobilization shall

(a) advise and assist the President in:

(i) determining policy for, planning, directing and coordinating, including the obtaining of information from all departments and agencies, the total civil defense program;

(ii) reviewing and coordinating the civil defense activities of the Federal departments and agencies with each other and with the activities of the States and neighboring countries in accordance with section 201(b) of the Act;

(iii) determining the appropriate civil defense roles of Federal departments and agencies, and enlisting State, local and private participation, mobilizing national support, evaluating progress of programs, and preparing reports to the Congress relating to civil defense matters;

(iv) helping and encouraging the States to negotiate and enter into interstate civil defense compacts and enact reciprocal civil defense legislation in accordance with section 201(g) of the Act; and

(v) providing all practical assistance to States in arranging, through the Department of State, mutual civil defense aid between the States and neighboring countries in accordance with section 203 of the Act;

(b) develop plans, conduct programs and coordinate preparations for the continuity of Federal governmental operations in the event of attack; and

(c) develop plans, conduct programs and coordinate preparations for the continuity of State and local governments in the event of attack, which plans, programs and preparations shall be designed to assure the continued effective functioning of civilian political authority under any emergency condition.

SEC. 3. *Excluded Functions.* The following functions of the President under the provisions of the Act are excluded from delegations to the Secretary of Defense made by this order and are reserved to the President:

(a) Those under subsections (h) and (i) of section 201 of the Act (50 U.S.C. App. 2281 (h), (i)) to the extent that they pertain to medical stockpiles and food stockpiles.

(b) Those under the following provision of the Act: Sections 102(a), 201(b), and 402 and Title III.

SEC. 4. *Transfer of Property, Facilities, Personnel and Funds.* Subject to applicable law, there shall be hereby transferred to the Secretary of Defense such portion of the property, facilities, and personnel of the Office of Civil and Defense Mobilization engaged in the performance of the civil defense responsibilities herein assigned to the Secretary of Defense as shall be agreed upon by the Secretary and the Director of the Office of Civil and Defense Mobilization together with such portions of the funds currently available for those purposes as shall be approved by the Director of the Bureau of the Budget.

SEC. 5. *Reports.* The Secretary of Defense shall annually submit to the President a written report covering expenditures, contributions, activities, and accomplishments of the Secretary of Defense pursuant to this order.

SEC. 6. *Redelegation.* The Secretary of Defense is hereby authorized to redelegate within the Department of Defense the functions hereinabove delegated to him.

SEC. 7. *Amendment.* The Director of the Office of Civil and Defense Mobilization is hereby relieved of responsibilities under the Act except as otherwise provided herein, and the provisions of Executive Order No. 10773, as amended, are amended accordingly.

SEC. 8. *Prior actions.* (a) Except to the extent that they may be inconsistent with the provisions of this order, and except as particular Executive orders or other orders are amended, modified, or superseded by the provisions of this order, all determinations, authorizations, regulations, rulings, certificates, orders (including emergency preparedness orders), directives, contracts, agreements, and other actions made, issued, or en-

tered into with respect to any function affected by this order, and not revoked, superseded, or otherwise made inapplicable before the date of this order, shall continue in full force and effect until amended, modified, or terminated by the President or other appropriate authority; but, to the extent necessary to conform to the provisions of this order, any of the foregoing shall be deemed to refer to the Secretary of Defense or other appropriate officer or agency instead of, or in addition to, the Office of Civil and Defense Mobilization or the Director thereof.

(b) This order shall not terminate any delegation or assignment of any substantive (program) function to any delegate agency made by any emergency preparedness order heretofore issued by the Director of the Office of Civil and Defense Mobilization (26 F.R. 651–662; 835–840) (which emergency preparedness order shall remain in effect until amended or revoked by or at the specific direction of the President). No such emergency preparedness order shall limit the delegation or assignment of any substantive (program) function to the Secretary of Defense made by the foregoing sections of this order.

SEC. 9. *Effective Date.* This order shall become effective on the first day of August, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 20, 1961.

[F.R. Doc. 61–6930; Filed, July 20, 1961; 2:48 p.m.]

Executive Order 10953

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE SOUTHERN PACIFIC COMPANY (PACIFIC LINES) AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Southern Pacific Company (Pacific Lines), a carrier, and certain of its employees represented by the Order of Railroad Telegraphers, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Southern Pacific Company (Pacific Lines), or by its employees, in the conditions out of which the dispute arose.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 20, 1961.

[F.R. Doc. 61–6984; Filed, July 21, 1961; 11:53 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Mediation and Conciliation Service

Effective upon publication in the FEDERAL REGISTER, section 6.146(a) is added to Part 6 as set out below.

§ 6.146 Federal Mediation and Conciliation Service.

(a) Executive Secretary of a Board of Inquiry appointed under section 206 of the Labor-Management Relations Act of 1947 (29 U.S.C. 176).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–6874; Filed, July 21, 1961; 8:47 a.m.]

Chapter IV—The President's Committee on Equal Employment Opportunity

PART 401—NONDISCRIMINATION IN GOVERNMENT EMPLOYMENT

Executive Order 10925 of March 6, 1961 (26 F.R. 1977), establishes the President's Committee on Equal Employment Opportunity, and abolishes the President's Committee on Government Employment Policy created by Executive Order 10590 of January 18, 1955 (20 F.R. 409), as amended by Executive Order 10722 of August 5, 1957 (22 F.R. 6287). Executive Order 10925, however, reaffirms the policy expressed in Executive Order 10590 with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin and that Order transfers the powers, functions, and duties of the Committee on Government Employment Policy to the Committee on Equal Employment Opportunity.

Executive Order 10925 also directs all executive departments and agencies to study government employment practices and to submit reports and recommendations to accomplish the objectives of the Order to the Executive Vice Chairman of the President's Committee on Equal Employment Opportunity. The regulations published herein are intended to provide a means of effectuating the policy expressed in Executive Order 10590 and reaffirmed in Executive Order 10925.

Therefore, pursuant to section 306 of Executive Order 10925 of March 6, 1961 (26 F.R. 1977), the present caption of Chapter IV of Title 5, Code of Federal Regulations, and all of Part 401 of that Chapter are hereby deleted. A revised Chapter IV is hereby substituted therefor, to read as follows:

Subpart A—Purpose and Scope of Regulations, Definitions, Powers and Duties

Sec.
401.1 Purpose and scope.
401.2 Definitions.
401.3 Duties of the head of each executive department or agency.
401.4 Duties of each Employment Policy Officer.
401.5 Duties of Civil Service Commission.

Subpart B—Complaint Procedure

401.15 Who may file.
401.16 Where to file.
401.17 Investigation.
401.18 Negotiation and settlement.
401.19 Opportunity for hearing and review.
401.20 Final decision by head of department or agency.
401.21 Review of cases by Executive Vice Chairman.
401.22 Processing of complaints by Executive Vice Chairman.
401.23 Assumption of jurisdiction by Executive Vice Chairman over cases before a department or agency.

Subpart C—Ancillary Matters

401.30 Right to counsel.
401.31 Reports on disposition of complaints.

AUTHORITY: §§ 401.1 to 401.31 issued under sec. 306, E.O. 10925, 26 F.R. 1977. Interpret or apply E.O. 10590, as amended, 20 F.R. 409, 3 CFR, 1955 Supp.

Subpart A—Purpose and Scope of Regulations, Definitions, and Duties

§ 401.1 Purpose and scope.

The purpose of the regulations in this part is to implement Part II of Executive Order 10925, which reaffirms the policy expressed in Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin. The regulations apply to all executive departments and agencies of the government of the United States wherever located and to all positions in such departments and agencies whether or not in competitive service, except aliens employed outside the limits of the United States. The regulations in this Part 401 also apply to cases pending under Executive Order 10590, as amended, and the regulations promulgated thereunder.

§ 401.2 Definitions.

(a) "Chairman" means Chairman of the Committee.

(b) "Committee" means the President's Committee on Equal Employment Opportunity.

(c) "Executive Vice Chairman" means the Executive Vice Chairman of the Committee.

(d) "Order" means Executive Order 10925 of March 6, 1961 (26 F.R. 1977).

§ 401.3 Duties of the head of department or agency.

(a) *Promulgation of regulations.* Each executive department or agency may prescribe, subject to the prior approval of the Executive Vice Chairman, regulations not inconsistent with those in this part for the administration of employment policies under Part II of Executive Order 10925 that will insure a complainant an appeal to the proper authorities within his department or agency, a fair hearing and a just disposition of his case. The regulations shall in all cases provide that, subsequent to the proposed recommendations of the Employment Policy Officer and prior to the final decision of the department or agency, the complainant's case may be referred to the Executive Vice Chairman for study and recommendations as provided in § 401.19.

(b) *Designation of Employment Policy Officer and Deputy Employment Policy Officers.* The head of each department or agency shall designate an Employment Policy Officer to carry out the duties prescribed in § 401.4. The head of each department or agency or the Employment Policy Officer may also designate, when appropriate, Deputy Employment Policy Officers for each of the field offices and major subdivisions of the department or agency to assist the Employment Policy Officer. The positions of the Employment Policy Officer and Deputy Employment Policy Officer shall be established outside the division handling the personnel matters of the department or agency concerned unless prior approval is received from the Executive Vice Chairman. In the discharge of his functions, each Employment Policy Officer shall be under the immediate supervision of the head of the department or agency. The name of each Employment Policy Officer, his official title, address and telephone number, and any changes made in his designation, shall be furnished to the Executive Vice Chairman.

(c) *Dissemination of information.* A copy of the regulations prescribed under paragraph (a) of this section by the agency shall be posted on all employee bulletin boards and all bulletin boards which are used to announce Federal examinations and job opportunities in each department or agency; where bulletin boards are not used the regulations will be made available to all personnel. Similar publication shall be made of the name and address of the Employment Policy Officer and that of any Deputy Employment Policy Officers in the field offices or subdivisions serviced by them. Information concerning the

department or agency nondiscrimination policy and procedures shall be published at least annually in any employee bulletins or newsletters that are issued.

(d) *Processing of complaints; time limitation.* Within 30 days from receipt of a complaint by the agency or within such additional time as may be allowed by the Executive Vice Chairman for good cause shown, the agency shall process the complaint and submit to the Executive Vice Chairman the report on disposition of the complaint required by § 401.31. Where the complainant requests a hearing under the provisions of § 401.19, the report on the disposition of the complaint may be submitted to the Executive Vice Chairman within 60 days after the receipt thereof.

§ 401.4 Duties of each Employment Policy Officer.

Each Employment Policy Officer shall:

(a) Advise the head of his department or agency with respect to the preparation of regulations, reports, and other matters dealing with the exclusion and prohibition of discrimination under the Order.

(b) Process complaints of alleged discrimination in personnel matters within his department or agency, and make recommendations to appropriate administrative officials for such corrective measures as he may deem necessary.

(c) Appraise the personnel operations of the department or agency at regular intervals to assure their continuing conformity to the policy expressed in the Order of excluding and prohibiting discrimination.

§ 401.5 Duties of the Civil Service Commission.

The Civil Service Commission shall issue such regulations as may be necessary to implement Part II of the Order.

Subpart B—Complaint Procedure

§ 401.15 Who may file.

Any aggrieved Federal employee or qualified applicant for Federal employment who believes he has been discriminated against because of race, creed, color or national origin may file a written signed complaint within 90 days from the date of the alleged discrimination, unless such time is extended by the agency or the Executive Vice Chairman for good cause shown. The complaint may be submitted by an authorized representative of the aggrieved individual.

§ 401.16 Where to file.

Complaints may be filed with the Employment Policy Officer or Deputy Employment Policy Officer, or with the Committee. Those filed with the Committee may be referred to the appropriate Employment Policy Officer for consideration, or may be processed in accordance with § 401.22. Where complaints are filed with the Employment Policy Officer or Deputy Employment Policy Officer, he shall transmit a copy of the complaint to the Executive Vice Chairman.

§ 401.17 Investigation.

The Employment Policy Officer shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record, including an adequate transcript or agreed summary of any hearing held under § 401.19, sufficient to dispose of all relevant issues. Whenever necessary or appropriate for a full development of the case, the investigation shall include an appraisal of employment practices in the organizational segment or unit in which the alleged discrimination occurred. In those instances where no discrimination is found, the complainant shall be advised of such finding, of the results of the investigation, and of his right to secure a review by the Executive Vice Chairman, as provided in § 401.21.

§ 401.18 Negotiation and settlement.

After completion of the investigation, if the Employment Policy Officer or the Deputy Employment Policy Officer believes there is sufficient justification for the complaint to support an effort to dispose of the matter informally, an attempt should be made to resolve the matter by informal means.

§ 401.19 Opportunity for hearing and review.

In any case not disposed of by informal means, the complainant shall be afforded an opportunity for an oral hearing before the Employment Policy Officer, Deputy Employment Policy Officer, or someone designated by either of them, at a convenient time and place. At such hearing, the agency shall produce any witnesses under its jurisdiction, upon a showing satisfactory to the hearing officer of reasonable necessity therefor, and the rights of confrontation and of cross-examination (insofar as may be necessary for a development of the facts), shall be preserved. Any requests for the attendance of necessary witnesses shall be made in writing by the complainant at least 10 days prior to the date of the hearing. The complainant shall have the right to inspect any investigative report except where the Executive Vice Chairman shall determine that any report or portions thereof shall not be disclosed for reasons of national security. The hearing shall be informal and the hearing officer shall make his proposed findings and recommended conclusions upon the basis of the record before him. Where a complainant fails to appear without good cause shown or fails within 60 days to furnish requested information or to otherwise process his complaint, such case may be closed. The head of the department or agency or the Employment Policy Officer may refer cases to the Executive Vice Chairman for study and recommendation after the Employment Policy Officer has formulated his findings and recommendations and prior to any decision by the head of the department or agency or his designated representative.

§ 401.20 Final decision by head of department or agency.

The head of the department or agency, or his designated representative, shall make the final decision in the disposition of the case. Where the head of the department or agency, or his designated representative, has referred the case to the Executive Vice Chairman for review and advisory opinion, such final decision may be made only after receipt of the recommendations of the Executive Vice Chairman. Further, such final decisions shall be reconsidered whenever reconsideration is recommended or ordered by the Executive Vice Chairman under paragraph (b) of § 401.21.

§ 401.21 Review of cases by Executive Vice Chairman.

(a) The Executive Vice Chairman shall accept for review any case coming within the purview of Part II of Executive Order 10925, upon the specific request of the complainant made to the Employment Policy Officer of the department or agency concerned. Such request must be made by the complainant within 30 days of the date of final action by the agency, unless the Executive Vice Chairman shall waive such time limitation upon good cause shown.

(b) The Executive Vice Chairman may review any case reported to him under § 401.31, and may remand the case to the department or agency for reconsideration.

(c) In connection with his review, the Executive Vice Chairman may secure such additional information, hold such hearings, make such findings and issue such recommendations and orders, as may be necessary or appropriate to achieve the purposes of Part II of the Order.

§ 401.22 Processing of complaints by Executive Vice Chairman.

The Executive Vice Chairman may process complaints filed with him or over which he has assumed jurisdiction under § 401.23. When the Executive Vice Chairman processes complaints filed with him or assumes jurisdiction, he may conduct such investigations, hold such hearings, make such findings, and issue such recommendations and orders as may be necessary or appropriate to achieve the purposes of Part II of the Order.

§ 401.23 Assumption of jurisdiction by Executive Vice Chairman over cases before a department or agency.

The Executive Vice Chairman may inquire into the status of any case pending before a department or agency, and, where he considers it necessary or appropriate in the achievement of the purposes of Part II of the Order, he may assume jurisdiction of the case and proceed as provided in § 401.22.

Subpart C—Ancillary Matters

§ 401.30 Right to counsel.

Parties to proceedings under this part shall have the right to be accompanied, represented, and advised by counsel, or by other qualified representative.

§ 401.31 Report of disposition of complaints.

Each department or agency shall submit to the Executive Vice Chairman a report of the final disposition of each complaint processed by it. The report shall contain the following:

(a) A copy of the complete case record, if requested by the Executive Vice Chairman.

(b) A summary of the complete case record, which shall include the following:

(1) The name and address of the complainant.

(2) The date on which the complaint was filed with or referred to the agency, and, where the complaint was filed with the agency, the name and title of the officer with whom it was filed.

(3) A summary of the complaint indicating the specific type or types of discrimination alleged.

(4) A summary of the results of any appraisal of employment practices and the significant facts disclosed by the investigation and any hearing.

(5) A statement describing disposition of the complaint. If the complaint was withdrawn, the reason for withdrawal should be included.

(6) The date of disposition of the complaint.

Effective date. Because the requirements of this chapter concern personnel matters excepted from the provisions of section 4 of the Administrative Procedure Act and because of the desirability of prompt implementation of the provisions of Executive Order 10925, this chapter shall become effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., this 20th day of July 1961.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 61-6954; Filed, July 21, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

Correction

In F.R. Document 61-6722, appearing at page 6419 of the issue for Tuesday, July 18, 1961, the following corrections are made:

1. In § 725.1316, the first word of paragraph (1) is corrected to read: "Notwithstanding";

2. In § 725.1319, the second word appearing in line 49 of paragraph (f) is corrected to read: "production".

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 237]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.537 Valencia Orange Regulation 237.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 23, 1961, and ending at 12:01 a.m., P.s.t., July 30, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 575,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6981; Filed, July 21, 1961; 11:21 a.m.]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1961–62 Fiscal Period

Pursuant to the marketing agreement and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 934.202 Expenses and rate of assessment for the 1961–62 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1961, and ending March 31, 1962, will amount to $12,845.

(b) *Rate of assessment:* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at seventy-five cents

($0.75) per ton of peaches so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of peaches are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began April 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6879; Filed, July 21, 1961; 8:47 a.m.]

[Lemon Reg. 909]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1016 Lemon Regulation 909.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 18, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 23, 1961, and ending at 12:01 a.m., P.s.t., July 30, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6924; Filed, July 21, 1961; 8:50 a.m.]

PART 1020—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Determination Relative to the Expenses and the Fixing of the Rate of Assessment for the 1961–62 Fiscal Period

Pursuant to the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1020.206 Expenses and rate of assessment for the 1961–62 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period begining April 1, 1961, and ending March 31, 1962, will amount to $6,272.

(b) Rate of assessment. The rate of assessment, which each handler who first handles apricots shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one dollar ($1.00) per ton of apricots so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of apricots are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable apricots from the beginning of such period; and (3) the current fiscal period began on April 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable apricots beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6878; Filed, July 21, 1961; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rice Loan and Purchase Agreement Program

Correction

A previous correction of F.R. Document 61–4924 (26 F.R. 4598) appearing at page 5173 of the issue for Friday, June 9, 1961, is corrected by changing the reference in the third line to read: "73 Stat. 178."

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas:

The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii, Dewey County in South Dakota, and Branch County in Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment removes Branch County in the State of Michigan from the areas designated as modified accredited areas because it does not meet the qualifications of such an area as set out in § 77.3.

This amendment imposes certain restrictions necessary to prevent the spread of tuberculosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of July 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61–6918; Filed, July 21, 1961; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14, 776]

PART 545—OPERATIONS

Loans on Developed Building Lots and Sites

Correction

In F.R. Doc. 61–6716, appearing at page 6429 of the issue for Tuesday, July 18, 1961, the citation following paragraph (c) is corrected to read as follows:

(Sec. 5, 48 Stat, 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by National Starch and Chemical Corporation, 1700 West Front Street, Plainfield, New Jersey, and other relevant material, has concluded that the following amendment should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive modified starch, to provide for additional methods of modification. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1031(a) of the food additive regulations (21 CFR 121.1031) (26 F.R. 188) is amended by adding thereto the following new subparagraphs:

§ 121.1031 Modified starch.

* * * * * * *

(a) * * *

(5) By treatment with not more than 4 percent succinic anhydride.

(6) By treatment with not more than 3 percent 1-octenyl succinic anhydride.

(7) By treatment with not more than 2 percent 1-octenyl succinic anhydride and not over 2 percent aluminum sulfate.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 17, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–6891; Filed, July 21, 1961; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS

Conduct of Registered Physicians

On page 2152 of the FEDERAL REGISTER of March 14, 1961, there was published a notice and text of a proposed amendment to section 21.14 of Title 36, Code of Federal Regulations. The purpose of the amendment is to extend the time registered physicians may be allowed to publish notices of change of address.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (b) of § 21.14 is amended by revising the present text to read as follows:

§ 21.14 Conduct of registered physicians.

* * * * * * *

(b) No registered physician, upon removal of his offices from one location to another, may publish in any newspaper, or other periodical, notice to that effect for a longer period than 7 days. Notices of return from an absence may not be published for a longer period than 7 days or for any absence of less than 10 consecutive days. Such notices shall be simple in form and free of advertising elements, such as office hours, telephone

numbers, specialties, and prices for consultation.

STEWART L. UDALL,
Secretary of the Interior.

JULY 18, 1961.

[F.R. Doc. 61-6868; Filed, July 21, 1961; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 53—C.O.D.

C.O.D. Fees and Regulations for Unregistered Mail

A notice of proposed changes in collection on delivery fees, effective August 1, 1961, was published in the FEDERAL REGISTER of June 3, 1961, at page 4947. Interested persons were given 30 days in which to submit written comments with respect to the proposed changes.

Most careful consideration has been given to the comments received with respect to the proposed changes, and the Department has reached the conclusion to adopt the proposal as so published.

Therefore, Part 53 is amended to reflect the new adopted C.O.D. fees, and to state more clearly the present rules and regulations therein. (For the new proposed C.O.D. fees for registered mail, effective August 15, 1961, see the FEDERAL REGISTER of July 6, 1961, 26 F.R. 6029–6031.)

As so adopted, effective August 1, 1961, Part 53 reads as follows:

Sec.
53.1 Fees (in addition to postage).
53.2 Description.
53.3 Mailing.
53.4 Special services.
53.5 Delivery.

AUTHORITY: §§ 53.1 through 53.5 issued under R.S. 161, as amended, secs. 501, 507, 5006–5012, 74 Stat. 580, 581, 679, 680 (Pub. Law 86-682); 5 U.S.C. 22, 39 U.S.C. 501, 507, 5006–5012.

§ 53.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired:	C.O.D. fees
$0.01 to $5	$0.40
$5.01 to $10	.50
$10.01 to $25	.70
$25.01 to $50	.80
$50.01 to $100	.90
$100.01 to $200	1.00
Restricted delivery	.50
Notice of nondelivery	.05
Alteration of charges or delivery	.10

§ 53.2 Description.

(a) *Purpose.* Patrons may mail an article for which they have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery service, which is usually called C.O.D. service. The amount collected is returned to the mailer by a postal money order. The fees for C.O.D. service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee.

(b) *Mail which may be sent C.O.D.* First-, third-, and fourth-class matter may be sent as C.O.D. mail. See § 51.4 of this chapter for registered C.O.D. fees.

(c) *Conditions.* (1) The mail must bear the complete names and addresses of sender and addressee.

(2) The largest amount that will be collected from the addressee is $200.

(3) The amount to be collected or the amount of insurance coverage desired, whichever is higher, determines the C.O.D. fee.

(4) The sender guarantees to pay any return and forwarding postage unless otherwise specified on the mail.

(d) *Prohibitions.* The C.O.D. service cannot be used for:

(1) Sending articles to addressees who have not ordered them or agreed to accept them.

(2) Collection agency purposes.

(3) Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.

(4) Sending only bills or statements of indebtedness, even though the sender may establish that the addressee has agreed to the collection in this manner. However, when a legitimate C.O.D. shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a C.O.D. article, provided the addressee has consented in advance to such action.

(5) Parcels containing moving-picture films mailed by exhibitors to moving picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

(e) *Restrictions on C.O.D. service to military installations.* C.O.D. service is not available for articles having an APO or FPO designation as part of the address. This restriction applies also to official shipments and shipments to Armed Forces agencies.

(f) *Service with U.S. Possessions and Territories.* There is no C.O.D. service with the Canal Zone, Canton Island, Caroline Islands, Mariana Islands, or Marshall Islands or to Samoa. However, C.O.D. articles may be mailed from Pago Pago, Samoa.

§ 53.3 Mailing.

(a) *Payment of fees and postage.* Fees and postage must be prepaid. If the mailer includes in the charges to be remitted the postage and fee prepaid, the C.O.D. fee will be based on the total C.O.D. charges, which include the postage and fee.

(b) *Where to mail.* C.O.D. parcels must be mailed at a post office, branch, or station or through a rural carrier. They may not be placed in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mail boxes. (See also paragraph (h) of this section regarding mailing C.O.D. matter on rural routes.)

(c) *Individual receipts for mailing.* A receipt is issued for each C.O.D. parcel mailed.

(d) *Firm mailing books, C.O.D. tags, and address labels.* Firm mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be sent C.O.D. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) The postmaster will assign a series of numbers. The mailer must number the articles and the items to correspond. Entries must be made in duplicate with carbon paper.

(2) A C.O.D. tag must be securely fixed by the sender to each C.O.D. article, showing article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. The necessary particulars must be filled in by sender. Stock tags are furnished by the post office without charge. There are three types of tags eyeletted for tying to parcels, and one uneyeletted type for attaching by gummed tape. Specially printed C.O.D. tags approved by the Postal Service are also used. The eyeletted tag, form 3816, composed of delivery office portion, delivering employee's coupon, mailing office record and the sender's receipt, is intended for use by patrons mailing less than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, indelible pencil (not ordinary lead pencil), or typewriter. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When C.O.D. remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the money is to be sent must appear in the proper spaces on the address side of the C.O.D. tag. The name and address of the actual mailer must be placed on the back of the delivery office portion of the tag. The name and address of the person to whom the money is to be paid must be shown as sender on the C.O.D. parcel itself, together with directions as to return, if undeliverable.

(5) The package must bear the complete names and addresses of the sender and addressee, and the C.O.D. endorsement showing the amount due the sender and the money order fee necessary to make the remittance.

(6) When C.O.D. parcels are addressed to distant points or to overseas domestic destinations, the mailer may, if he desires to expedite remittance, attach an addressed, prepaid airmail reply envelope to the back of the C.O.D. tag at time of mailing.

(e) *Nursery stock shipments.* Firms mailing nursery stock may print special C.O.D. tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a coupon that will be returned with the money order. The following rules apply:

(1) If the sender does not desire to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the C.O.D. tag (1), and the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 30 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.

(2) If sender desires to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the C.O.D. tag (1), and on the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 30 days, or is sold, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.
☐ Sold for $_____. Remittance, less commission, herewith.

(f) *Multiple mailing forms.* Specially designed and privately printed multiple mailing forms are found by many mailers to be advantageous. They provide in one operation, by carbon or spot carbon process, address labels, firm mailing and post office records, and C.O.D. tags or labels to be stuck on stock C.O.D. tags. Specially designed recapitulation sheets are used for receipting purposes. Mailers desiring to use multiple forms should consult printers specializing in business forms, and submit specimen proofs to their local postmasters before printing.

(g) *Temporary receipts.* When, at the discretion of the postmaster, the number of articles presented for C.O.D. at one time warrants, a temporary receipt showing only the total number of parcels accepted may be issued. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes.* Patrons may present mail to rural carriers for C.O.D. service. For C.O.D. mail the sender must fill in a C.O.D. tag with ink, indelible pencil (not ordinary lead pencil), or typewriter. Patrons may leave mail in rural mail boxes for C.O.D. service provided sufficient stamps are fixed for postage and fee, or money for postage and fee is left in the box. If indemnity coverage for more than the C.O.D. charges is desired, a note should be left so stating. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for.

§ 53.4 Special services.

(a) *Restricted delivery service.* Patrons may, at the time of mailing, direct that a C.O.D. parcel be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Alteration or cancellation of C.O.D. charges or delivery.* Alteration or cancellation of C.O.D. charges or delivery to another addressee may be directed by the sender on payment of the prescribed additional fee. The request must be made at office of mailing on Form 3818, "Authorization to Cancel or Change Charges on a C.O.D. Article." Such change may be directed by telegram, the telegram being authorized and paid for by the sender but sent in the name of the postmaster.

§ 53.5 Delivery.

(a) *At letter carrier offices.* (1) A C.O.D. parcel will be tendered to the addressee at his home, or if he receives his mail in a post office box or through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after 5 days, a second notice will be sent to him. If the addressee does not accept the parcel when it is tendered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 30 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a C.O.D. parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be tendered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(3) When delivery of a C.O.D. parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(4) No local rate of postage is charged for renewed attempts to deliver C.O.D. mail prepaid at the letter rate of postage.

(5) The addressee must have the amount of the C.O.D. charges, as the carrier is not furnished change.

(b) *At offices not having carrier delivery service.* The addressee will be notified when a C.O.D. parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(c) *On star routes affording delivery services.* C.O.D. mail will not be delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When the order is given, the carrier is regarded as the addressee's representative, and the responsibility of the Postal Service ends when delivery has been made to the carrier. Delivery of C.O.D. mail is not made to a star route carrier until the C.O.D. charges are paid.

(d) *Type of delivery service.* C.O.D. parcels are delivered in accordance with the regulations for delivery of registered mail (see Part 51 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

(e) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from C.O.D. mail while it is in the possession of the postal employee. Examination of the contents may be made only after the C.O.D. charges have been paid and delivery has been made.

NOTE: The corresponding Postal Manual Part is 163.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6956; Filed, July 21, 1961; 9:37 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 60—The President's Committee on Equal Employment Opportunity

PART 60-1—OBLIGATIONS OF GOVERNMENT CONTRACTORS AND SUBCONTRACTORS

On June 9, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 5184) of proposed regulations relating to the promotion and insurance of equal employment opportunity on public contracts for all qualified persons without regard to race, creed, color, or national origin.

Interested persons were given an opportunity to submit written and oral data, views, and arguments concerning the proposal. After considering carefully all relevant matter that was presented and after making some changes upon the basis of such matter relating principally to exemptions from the regulations, the filing of compliance reports, and provisions for notice and hearing in enforcement actions, the President's Committee on Equal Employment Opportunity hereby amends Title 41 of the Code of Federal Regulations by adding thereto a new Chapter 60, which reads as follows:

Subpart A—Preliminary Matters; Contract Agreements; Exemptions; Compliance Reports

Sec.
60-1.1 Purpose and application.
60-1.2 Definitions.
60-1.3 Contract agreements; exemptions.
60-1.4 Duties of contracting agency.
60-1.5 Compliance reports.
60-1.6 Compliance by labor unions.
60-1.7 Use of compliance reports.

Subpart B—General Enforcement; Complaint Procedure

60-1.20 Compliance review by the contracting agency.
60-1.21 Who may file complaints.
60-1.22 Where to file.

Sec.
60–1.23 Contents of complaint.
60–1.24 Processing of complaints by contracting agency.
60–1.25 Assumption of jurisdiction by the Executive Vice Chairman over cases before contracting agency.
60–1.26 Processing of complaints by the Executive Vice Chairman.
60–1.27 Notice and hearings.
60–1.28 Reinstatement of ineligible contractors or subcontractors.
60–1.29 Opportunity to achieve compliance before referrals to the Department of Justice or contract termination.
60–1.30 Notification of the Comptroller General in cases of contract ineligibility.
60–1.31 Contract ineligibility list.

Subpart C—Certificates of Merit

60–1.40 By Committee on its own initiative.
60–1.41 By the Executive Vice Chairman upon agency recommendation.
60–1.42 Benefits.
60–1.43 Suspension or revocation.

Subpart D—Ancillary Matters

60–1.60 Solicitation or advertisements for employees.
60–1.61 Access to records of employment.
60–1.62 Requests for exemptions.
60–1.63 Rulings and interpretations.
60–1.64 Reports to the Committee.
60–1.65 Existing contracts, subcontracts, or purchase orders.

AUTHORITY: §§ 60–1.1 to 60–1.65 issued under sec. 205, E.O. 10925, 26 F.R. 1977.

Subpart A—Preliminary Matters; Contract Agreements; Compliance Reports

§ 60–1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of Part III of Executive Order 10925 for the promotion and insuring of equal opportunity for all qualified persons, without regard to race, color, creed, or national origin, employed or seeking employment on government contracts. The regulations apply to all contracting agencies and contractors and subcontractors who perform government contracts, or work in connection therewith to the extent set forth in this part. The rights and remedies of the government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Committee of powers not herein specifically set forth but granted to it by the Order.

§ 60–1.2 Definitions.

(a) "Committee" means the President's Committee on Equal Employment Opportunity.

(b) "Chairman" means the Chairman of the Committee.

(c) "Vice Chairman" means the Vice Chairman of the Committee.

(d) "Executive Vice Chairman" means the Executive Vice Chairman of the Committee.

(e) "Order" means Executive Order 10925 of March 6, 1961 (26 F.R. 1977).

(f) "Contract" means any binding legal relationship between the government and a contractor for supplies or services, including construction, or for the use of government property, in which the parties, respectively, do not stand in the relationship of employer and employee.

(g) "Contract modification" means any written alteration in the terms and conditions of an existing contract accomplished by bilateral action of the parties to the contract, including such bilateral actions as supplemental agreements and amendments.

(h) "Subcontract or purchase order" mean, respectively, any contract made or purchase order executed with a contractor or subcontractor where a material part of the supplies or services covered by such contract or purchase order is being obtained for use in the performance of any contract subject to the Order.

(i) "Prime contractor" means any contractor holding a contract with the government.

(j) "First-tier subcontractor" means any contractor holding a contract with a government prime contractor calling for supplies or services required for the performance of a government prime contract.

(k) "Contracting agency" means any department (including the Departments of the Army, the Navy, and the Air Force), agency and establishment in the executive branch of the government, including any wholly-owned government corporation, which enters into contracts.

(l) "Rules, regulations and relevant orders" of the Committee as used in paragraph 4 of the contract clause contained in section 301 of the Order mean rules, regulations and relevant orders issued pursuant to the Order and in effect at the time the particular contract or contract modification subject to the Order was entered into.

§ 60–1.3 Contract agreements; exemptions.

(a) *Requirements of the Order.* Each contracting agency shall include in each of its contracts or contract modifications the nondiscrimination provisions of section 301 of the Order unless the contract is exempt in accordance with the provisions of paragraph (b) of this section. Each contractor or first-tier subcontractor shall include paragraphs 1 through 6 of the contract clauses contained in section 301 of the Order in every subcontract or purchase order made in connection with the performance of the government contract, so that the provisions of section 301 will be binding upon each subcontractor or vendor, with whom the contractor or first-tier subcontractor deals. Such necessary modifications in language may be made as shall be appropriate to identify properly the parties and their undertakings. Subcontractors below the first-tier shall not be required to insert the nondiscrimination provisions of section 301 of the Order in any contract which they may make in connection with the performance of a government contract except upon special order of the contracting agency or the Executive Vice Chairman. Subcontracts or purchase orders may incorporate by reference the nondiscrimination provisions of section 301 of the Order.

(b) *Exemptions*—(1) *Specific contracts, subcontracts, or purchase orders.* The Executive Vice Chairman may exempt a contracting agency from requiring the inclusion of the contract provisions set forth in section 301 of the Order in any specific contract, subcontract, or purchase order when he deems that special circumstances in the national interest so require. Requests for such exemptions may be submitted in accordance with § 60–1.62.

(2) *Transactions of $10,000 or under.* Contracts, subcontracts, purchase orders, and other transactions not exceeding $10,000, other than government bills of lading, are exempt from the requirements of section 301 of the Order.

(3) *Combinations of subcontracts.* Any combination of subcontracts by a subcontractor under the same principal contract, none of which exceed $10,000 or in the aggregate exceed $50,000, shall be exempt from that requirement of paragraph 5 of the contract clauses provided for in section 301 of the Order as implemented by § 60–1.5, which provides for the submission of compliance reports under section 302 of the Order.

(4) *Government bills of lading.* Government bills of lading in any amount are subject to the Order, and the nondiscrimination provisions may be incorporated therein by reference. When acting pursuant to such bills of lading, carriers shall be exempt from complying with paragraphs 3 through 7 of the contract clauses contained in section 301 of the Order unless otherwise specifically ordered by the contracting agency or the Executive Vice Chairman.

(5) *Contracts outside the United States.* Contracts, subcontracts, purchase orders and other transactions are exempt from the requirements of section 301 of the Order where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved. The provisions of section 301 of the Order shall nevertheless be applicable to the extent that work pursuant to such contracts is done within the limits of the United States.

(6) *Standard commercial supplies and raw materials.* Contracts, subcontracts, and purchase orders for standard commercial supplies or raw materials are exempt from the requirements of section 301 of the Order, except that the Executive Vice Chairman may from time to time by order provide that specified articles or raw materials shall be subject to the Executive Order and rules and regulations promulgated pursuant thereto, when he finds that the inclusion thereof is necessary or appropriate to achieve the purposes of the Order.

(7) *Withdrawal of exemption.* When any class of contracts, subcontracts, or purchase orders subject to the Order is exempted under this section, the Executive Vice Chairman may withdraw the exemption in the case of specific contracts, when in his judgment, the national interest does not require the exemption, and when such action is necessary or appropriate to achieve the purposes of the Order.

(8) *Effect of exemption.* Notwithstanding the inclusion in any contract of

the provisions set forth in section 301 of the Order, the contractor shall be exempt from compliance therewith if the contract containing such provisions of the Order is exempt under any exemption contained in the rules, regulations and relevant orders issued by the Committee.

(9) *Review of exemptions.* The Executive Vice Chairman shall report periodically to the Committee for its review any exemptions of a specific contract or class of contracts granted pursuant to these rules and regulations.

§ 60–1.4 Duties of contracting agency.

(a) *General responsibility.* The head of each contracting agency shall be primarily responsible for obtaining compliance with the contract provisions set forth in section 301 of the Order, the regulations in this part, and any orders of the Committee. Further, each contracting agency shall furnish the Committee such information and assistance as it may require in the performance of its functions under the Order.

(b) *Contracts Compliance Officers and Deputy Contracts Compliance Officers; designation; duties.* The head of each contracting agency shall appoint from among its personnel a Contracts Compliance Officer, who shall be subject to the immediate supervision of the head of the contracting agency for carrying out the responsibilities of the agency under this part. The head of the contracting agency or the Contracts Compliance Officer may also designate, when appropriate, Deputy Contracts Compliance Officers to assist the Contracts Compliance Officer in the performance of his duties. The name of each Contracts Compliance Officer and any Deputy Contracts Compliance Officers, their addresses, telephone numbers, and any changes made in their designation shall be furnished to the Executive Vice Chairman.

(c) *Regulations.* The head of each contracting agency may prescribe, subject to the prior approval of the Executive Vice Chairman, regulations not inconsistent with those in this part for the administration of the nondiscrimination provisions of Part III of the Order. Prior to receipt of the approval of the Executive Vice Chairman, as provided in this paragraph, current agency regulations relating to nondiscrimination in government procurement may be continued to the extent that they are not inconsistent with the regulations in this part and with Part III of the Order.

§ 60–1.5 Compliance reports.

(a) *Requirements for contractors and subcontractors*—(1) *General.* The contracting agency shall require each contractor having a contract containing the provisions prescribed in section 301 of the Order to file, and each contractor shall cause each of its first-tier subcontractors not exempted by § 60–1.3 to file, compliance reports with the contracting agency, which shall be subject to review by the Executive Vice Chairman upon request. The contractor's compliance report shall be filed within 30 days after the award of the contract and the contractor shall require that first-tier subcontractors' compliance reports be filed with the contractor within 30 days of the making of such first-tier subcontracts, and forwarded promptly by the contractor to the contracting agency, on forms prescribed by the Committee which may be obtained from the contracting agency. Among other things, the forms shall provide that whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of employees, information shall be furnished as to the labor union or other workers' representative's practices and policies affecting compliance, and in connection therewith, shall request the union or workers' representative for any necessary data within its possession. Where such information is within the exclusive possession of a labor union or other workers' representative and the labor union or other workers' representative shall fail or refuse to furnish such information, the contractor or subcontractor shall so certify in his report and shall set forth what efforts has has made to obtain such information. When such failure or refusal is certified, the contracting agency shall immediately advise the Executive Vice Chairman. Subsequent compliance reports shall be filed at such regular intervals as may be indicated upon the prescribed forms or at such other times as the Executive Vice Chairman may direct. The contracting agency, with the approval of the Executive Vice Chairman, may, in appropriate cases, extend the time for the filing of compliance reports.

(2) *When required on other current contracts.* Whenever a contractor or subcontractor is already currently engaged in the performance of any part or all of another contract with any contracting agency subject to the Order and these regulations, or has filed a compliance report within a current reporting period, the requirements of subparagraph (1) of this paragraph may be satisfied by the contractor or subcontractor filing a statement reciting the plants, facilites and activities to which the prior compliance report applies, and identifying by number and description the other contract or contracts under which compliance reports have already been and are being filed, or by filing a true copy or copies of compliance reports previously submitted (unless the contracting agency shall direct that more current compliance reports be filed), *provided, however,* that with regard to any such pre-existing compliance report, the contractor or subcontractor shall certify that such report continues to provide an accurate and current description of the employment practices and policies at all plants, facilities and activities of the contractor or subcontractor subject to the Order.

(b) *Requirements of bidders or prospective contractors*—(1) *Previous government contracts.* Each contracting agency shall require any bidder or prospective contractor, or any of their proposed subcontractors, to state as an initial part of the bid or negotiations of the contract whether it has participated in any previous contract subject to the provisions of section 301 of the Order. The agency may, or upon the direction of the Executive Vice Chairman, shall require the submission of a compliance report by any bidder or prospective contractor prior to the award of the contract upon which the contractor has bid. When a determination has been made to award a contract to a specific contractor, such contractor may be required, prior to award, to furnish the contracting agency with the names of its proposed subcontractors and to furnish such information regarding the employment policies and practices of such subcontractors as the contracting agency may require.

(2) *Union statement.* Each contracting agency may as a part of the bid or negotiation of the contract, or upon the direction of the Executive Vice Chairman, shall, direct any bidder, proposed contractor, or any of their proposed subcontractors to file a statement in writing (signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor, or subcontractor, deals or has reason to believe he will deal in connection with performance of the proposed contract), together with supporting information, to the effect that the said labor union's or other workers' representative's practices and policies do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or other workers' representative either will affirmatively cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of the Order or that it consents and agrees that recruitment, employment and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Order. In the event the union or other workers' representative fails or refuses to execute such a statement, the bidder or prospective contractor shall so certify, and state what efforts have been made to secure such a statement. When such failure or refusal has been certified, the contracting agency shall immediately advise the Executive Vice Chairman.

§ 60–1.6 Compliance by labor unions.

(a) The Executive Vice Chairman shall use his best efforts, directly and through contracting agencies, contractors, subcontractors, state and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting agency or other representative of workers who is or may be engaged in work under government contracts to cooperate with, and to comply in the implementation of the purposes of the regulations and the Order.

(b) In order to effectuate the purposes of paragraph (a) of this section, the Executive Vice Chairman may hold hearings, public or private, with respect to the practices and policies of any such labor organization.

(c) The Executive Vice Chairman may also notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization which in his judgment has failed to cooperate with the Committee, contracting agencies, contrac-

tors, or subcontractors in carrying out the purposes of the regulations and the Order.

§ 60–1.7 Use of compliance reports.

The contracting agency and the Committee shall use the compliance reports only in connection with the administration of the Order.

Subpart B—General Enforcement; Complaint Procedure

§ 60–1.20 Compliance review by the contracting agency.

(a) *General.* The purpose of compliance reviews shall be to ascertain the extent to which the Order is being implemented by the creation of equal employment opportunity for all qualified persons in accordance with the national policy. They are not intended to interfere with the responsibilities of employers to determine the competence and qualifications of employees and applicants for employment. Both routine and special compliance reviews shall be conducted by the contracting agency to ascertain the extent to which contractors and subcontractors are complying with the Order, and to furnish information that may be useful to the contracting agency and the Committee in carrying out their functions under the Order. If the contractor has contracts with more than one contracting agency, the contracting agency having the predominant interest shall normally conduct compliance reviews. That contracting agency having the largest aggregate dollar value of contracts at the time of the filing of the most recent compliance report shall be deemed to have the predominant interest in any proceeding under this part.

(b) *Routine compliance review.* A routine compliance review consists of a general review of the practices of the contractor or subcontractor to ascertain compliance with the requirements of the Order. A routine compliance review shall be considered a normal part of contract administration.

(c) *Special compliance review.* A special compliance review consists of a comprehensive review of the employment practices of the contractor or subcontractor with respect to the requirements of the Order. Special compliance reviews shall be conducted by the Executive Vice Chairman; or the contracting agency (1) from time to time, (2) when special circumstances, including complaints which are processed under § 60–1.24, warrant, or (3) when requested by the Executive Vice Chairman. The contracting agency shall report the results of any special compliance review to the Executive Vice Chairman.

§ 60–1.21 Who may file complaints.

Any employee of any government contractor or subcontractor or applicant for employment with such contractor or subcontractor who believes himself to be aggrieved under the provisions of section 301 of the Order may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination. Such complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the contracting agency or the Executive Vice Chairman upon good cause shown.

§ 60–1.22 Where to file.

Complaints may be filed with the contracting agency or with the Committee. Those filed with the Committee may be referred to the contracting agency for processing, or they may be processed in accordance with § 60–1.26. Where complaints are filed with the contracting agency, the Contracts Compliance Officer shall transmit a copy of the complaint to the Executive Vice Chairman within ten days after the receipt thereof and shall proceed with a prompt investigation of the complaint.

§ 60–1.23 Contents of complaint.

(a) The complaint should include the following information: The name and address (including telephone number) of the complainant; the name and address of the contractor or subcontractor committing the alleged discrimination; a description of the acts considered to be discriminatory; and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant.

(b) Where a complaint contains incomplete information, the contracting agency or the Executive Vice Chairman, (when acting pursuant to § 60–1.26), shall seek promptly the needed information from the complainant. In the event such information is not furnished to the contracting agency or the Executive Vice Chairman within 60 days of the date of such request, the case may be closed.

§ 60–1.24 Processing of complaints by the contracting agency.

(a) *Investigation.* (1) The contracting agency shall institute a prompt investigation of each complaint filed with it or referred to it, and shall be responsible for developing a complete case record. The investigation should include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor, the circumstances under which the alleged discrimination occurred, and other factors relevant to a determination as to whether the contractor or subcontractor has complied with the nondiscrimination provisions of the contract.

(2) When a complaint is filed against a contractor or subcontractor who has contracts with more than one contracting agency, the contracting agency having the predominant interest in such government contracts shall normally conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the Order.

(b) *Resolution of complaint.* (1) If the investigation by the contracting agency shows no violation of the nondiscrimination provisions, the contracting agency shall so inform the Committee. The Executive Vice Chairman shall review the findings and upon concurrence therewith he shall so advise the contracting agency, which shall in turn notify the complainant and the appropriate contractors and subcontractors, and the case shall be closed. If upon review, the Executive Vice Chairman does not concur with the findings of the contracting agency, he may request further investigation by the contracting agency or may undertake such investigations by the Committee as he may deem appropriate.

(2) If the investigation indicates the existence of an apparent violation of the nondiscrimination provisions, the matter should be resolved by informal means whenever possible.

(3) If a case in which the investigation has shown apparent discrimination is not resolved by informal means, the contracting agency may afford the contractor or subcontractor complained against an opportunity for a hearing before reporting its findings and recommendations to the Executive Vice Chairman, as provided in paragraph (c) of this section; *Provided, however,* That whenever ineligibility for any government contract (i.e. debarment) of the contractor or subcontractor may be proposed by a contracting agency, such contractor or subcontractor shall be afforded an opportunity for a hearing under § 60–1.27 before the head of the contracting agency or his authorized representative; *Provided, further,* That the contracting agency shall not impose any sanction or penalty under section 312 of the Order, except under subsection (d) of that section relating to contract termination, without the prior approval of the Committee; *Provided, further,* That no case shall be referred to the Department of Justice as provided in section 312(b) of the Order and no contract shall be terminated in whole or in part under section 312(d) of the Order without compliance with § 60–1.29; *And provided, further,* When a contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of a contracting agency or the Executive Vice Chairman and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor, be afforded an opportunity for a hearing and review of the alleged erroneous action by the contracting agency or the Executive Vice Chairman, as the case may be.

(c) *Report to the Executive Vice Chairman.* Within 30 days after the completion of the case processing, the head of the contracting agency or his authorized representative shall submit to the Executive Vice Chairman the case record and a summary report containing the following information:

(1) Name and address of the complainant;

(2) Brief summary of findings;

(3) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed under subsection (d) of section 312 of the Order, or, whenever appropriate, the recommended corrective action and sanctions or penalties.

§ 60–1.25 Assumption of jurisdiction by the Executive Vice Chairman over cases before contracting agency.

The Executive Vice Chairman may inquire into the status of any case pending before a contracting agency, and, where he considers it necessary or appropriate to the achievement of the purposes of Part III of the Order he may assume jurisdiction over the case and proceed as provided in § 60–1.26.

§ 60–1.26 Processing of complaints by the Executive Vice Chairman.

(a) The Executive Vice Chairman may process complaints filed with him or over which he assumes jurisdiction under § 60–1.25. Whenever the Executive Vice Chairman processes complaints filed with him or he assumes jurisdiction, he may conduct, or have conducted, such investigations, hold such hearings, make such findings, and issue such recommendations and orders as may be necessary or appropriate to achieve the purposes of Part III of the Order: *Provided, however,* That whenever contract ineligibility of the contractor or subcontractor may be proposed, such contractor or subcontractor shall be afforded an opportunity for a hearing under § 60–1.27 before the head of the contracting agency or his authorized representative, or before a panel of the Committee: *And provided, further,* That no case shall be referred to the Department of Justice as provided in section 312(b) of the Order and no contract shall be terminated in whole or in part under section 312(d) of the Order without compliance with § 60–1.29.

(b) The Executive Vice Chairman shall promptly notify the contracting agency of any corrective action to be taken or any sanctions to be imposed by the contracting agency. The contracting agency shall take such action, and report the results thereof to the Chairman within the time specified in individual cases.

§ 60–1.27 Notice and hearings.

(a) *Notice.* Whenever a hearing is to be held pursuant to Subpart B of this part, reasonable notice of such hearing shall be given by registered mail, return receipt requested, to the contractor or subcontractor complained against. Such notice shall include (1) a convenient time and place of hearing, (2) a statement of the provisions of the Order and regulations pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing has been taken or is proposed to be taken.

(b) *Hearings*—(1) *In general.* The Executive Vice Chairman, the head of the contracting agency or such other official or officials designated as hearing officer or officers shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his case or defense including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended conclusions upon the basis of the record before them.

(2) *Contract ineligibility cases.* When hearings are held pursuant to section 310(b) of the Order to declare a contractor or subcontractor ineligible for further government contracts, the procedures provided in subparagraph (1) of this paragraph shall be followed except as hereinafter set forth.

(i) *Notice.* Before any determination is made by the Committee or the contracting agency to declare any contractor or subcontractor ineligible for further contracts under sections 301 and 312 of the Order, a notice of the proposed determination in writing and signed by the Executive Vice Chairman or the head of the contracting agency, or his authorized representative, as the case may be, shall be sent to the last known address of the contractor or subcontractor by registered mail, return receipt requested.

(ii) *Hearing request.* Whenever a contractor or subcontractor has been notified by a contracting agency of a proposed determination of contract ineligibility under the Order, such contractor or subcontractor shall be entitled to request an opportunity to be heard by the contracting agency. When such notice is received from the Executive Vice Chairman, a request for an opportunity to be heard may be made to the Committee. The letter to the Executive Vice Chairman or the head of the contracting agency, or his authorized representative, as the case may be, may include a request for a written statement specifying charges in reasonable detail. The request for an opportunity to be heard shall be made within ten days from the date of the receipt of notice of the proposed determination. If at the end of such ten-day period, no request has been received, the Executive Vice Chairman or the head of the contracting agency, or his authorized representative, may assume that an opportunity to be heard is not desired, and the Executive Vice Chairman may enter an order declaring such contractor or subcontractor ineligible for further government contracts, or extension or other modifications of existing contracts until such contractor or subcontractor shall have satisfied the Committee that he has established and will carry out personnel and employment policies in compliance with the provisions of the Order.

(iii) *Hearing, time, and place.* Upon receipt of a request for an opportunity to be heard, the Executive Vice Chairman or the head of the contracting agency, or his authorized representative shall arrange a timely hearing. The hearing shall be conducted by the head of the contracting agency or his authorized representative or by a panel of the Committee consisting of not less than three members thereof appointed by the Chairman or Vice Chairman of the Committee. When the hearing is conducted by the contracting agency, no decision by the head of the contracting agency, or his authorized representative, shall be final without the prior approval of a panel of the Committee.

§ 60–1.28 Reinstatement of ineligible contractors or subcontractors.

Any contractor or subcontractor declared ineligible for further government contracts under the Order may request reinstatement in a letter directed to the Executive Vice Chairman. In connection with the reinstatement proceeding, the contractor or subcontractor shall be required to show that it has now complied with the Order or that it has a program of compliance acceptable to the Executive Vice Chairman.

§ 60–1.29 Opportunity to achieve compliance before referrals to the Department of Justice or contract termination.

No cases shall be referred to the Department of Justice under section 312(b) of the Order and no contract shall be terminated in whole or in part under section 312(d) of the Order until the expiration of 10 days (unless a longer period is fixed by the contracting agency with the approval of the Executive Vice Chairman) from the mailing of notice of such proposed referral or contract termination by the contracting agency to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the Order. When the case involves a proposed referral to the Department of Justice, the mailing of notice shall be after receipt from the Executive Vice Chairman of approval of such proposed action. In addition, the contracting agency shall make reasonable efforts to persuade the contractor to comply with the provisions of the Order and to take such corrective action as may be appropriate.

§ 60–1.30 Notification of Comptroller General in cases of contract ineligibility or contract termination.

Whenever a contract is terminated or whenever a contractor is declared ineligible from receiving further contracts because of noncompliance with the nondiscrimination provisions, the Executive Vice Chairman shall notify the Comptroller General of the United States.

§ 60–1.31 Contract ineligibility list.

The Executive Vice Chairman shall distribute periodically a list to all executive departments and agencies giving the names of contractors or subcontractors who have been declared ineligible under these regulations and the Order. The Executive Vice Chairman may also publish such a list together with a list of those contractors or subcontractors who may have reestablished their eligibility in such form and in such places as he may deem appropriate.

Subpart C—Certificates of Merit

§ 60–1.40 By the Committee on its own initiative.

The Committee acting through the Chairman or Vice Chairman may award United States Government Certificates of Merit to employers or employee organizations which are or may hereafter be engaged in work under government contracts, if the Committee is satisfied that the personnel and employment practices of the employer, or that the personnel, training, apprenticeship, membership, grievance and representation, upgrading, and other practices and policies of the employee organization conform to the purposes and provisions of the Order.

§ 60–1.41 By the Executive Vice Chairman upon agency recommendation.

The Committee, acting through the Executive Vice Chairman, may award a United States Government Certificate of Merit upon the recommendation of a contracting agency. The recommendation should include a statement in sufficient detail to inform the Executive Vice Chairman of the basis for the proposed award.

§ 60–1.42 Benefits.

A United States Government Certificate of Merit shall entitle the recipient employer or employee organization to an exemption from the submission of the reports otherwise required by section 302 of the Order and the regulations. Holders of Certificates of Merit should notify each agency with whom they may seek contracts of their status and should clearly identify the Certificate by number or otherwise.

§ 60–1.43 Suspension or revocation.

The Committee acting through the Chairman or Vice Chairman may at any time review the continued entitlement of any employer or employee organization to a United States Government Certificate of Merit, and may suspend or revoke in the public interest the Certificate if the holder thereof, in the judgment of the Executive Vice Chairman, is no longer in compliance with the provisions of the regulations and those of the Order. The Executive Vice Chairman shall notify all contracting agencies of such suspension or revocation of the Certificate of Merit.

Subpart D—Ancillary Matters

§ 60–1.60 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a contractor or subcontractor, the requirements of paragraph (2) of the contract provisions contained in section 301 of the Order shall be satisfied whenever the contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Committee. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin;

(d) Uses single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer".

§ 60–1.61 Access to records of employment.

Each contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the Order, and all rules and regulations promulgated pursuant thereto, by the contracting agency, the Committee, the Executive Vice Chairman, and the Secretary of Labor for purposes of investigation to ascertain compliance with the rules, regulations, and orders of the Committee. Information obtained in this manner shall be used only in connection with the administration of the Order.

§ 60–1.62 Requests for exemptions.

The head of the contracting agency may request an exemption of any specific contract, subcontract, or purchase order from the requirements of the provisions of section 301 of the Order. Any such request shall be directed to the Executive Vice Chairman, who shall rule upon the request in accordance with paragraph (b) of § 60–1.3.

§ 60–1.63 Rulings and interpretations.

(a) All questions arising in any contracting agency relating to the application and interpretation of the regulations contained in this part and in the Order shall be referred to the Executive Vice Chairman for appropriate ruling or interpretation. The rulings and interpretations of the Executive Vice Chairman, unless and until modified or revoked, shall be authoritative.

(b) Any bidder or prospective contractor, and any contractor, subcontractor or vendor holding a contract, subcontract or purchase order subject to the Order, who owns, operates or controls, one or more plants or facilities in addition to those engaged in the performance of work upon such contract, subcontract or purchase order, may file with the Executive Vice Chairman a request for a ruling as to the applicability of the Order to any plant or facility which he deems to be outside the scope of the Order; and the Executive Vice Chairman may rule that the Order does not apply to any such plant or facility if he finds that such plant or facility is in all respects separate and distinct from those activities of the contractor connected with the performance of the contract and that a ruling to that effect will not interfere with or impede the effectuation of the purposes of the Order and of the rules and regulations, or, through the contracting agency, may similarly submit for clarification and determination other questions concerning the applicability of the Order to such contract, subcontract or purchase order.

§ 60–1.64 Reports to the Committee.

The Executive Vice Chairman shall make monthly reports to the Committee and such other reports as may be requested by the Chairman or Vice Chairman of the Committee.

§ 60–1.65 Existing contracts, subcontracts, or purchase orders.

All contracts, subcontracts or purchase orders in effect prior to the Order and not modified, as provided in § 60–1.3, shall be administered in accordance with the nondiscrimination provisions of the prior applicable Executive Orders. Complaints received by, and violations coming to the attention of, contracting agencies, pursuant to the nondiscrimination contract clauses contained in such contracts, subcontracts, or purchase orders and inserted therein in accordance with such prior Executive Orders, shall be reported to the Executive Vice Chairman. The contracting agency shall, upon its own initiative, or upon the request of the Executive Vice Chairman, investigate such complaints or alleged violations and take such action as may be appropriate.

Effective date. Because the requirements of this chapter concern public contracts excepted from the provisions of section 4 of the Administrative Procedure Act and because of the desirability of prompt implementation of the provisions of Executive Order 10925, this chapter shall become effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., this 20th day of July 1961.

JERRY R. HOLLEMAN,
Executive Vice Chairman.

[F.R. Doc. 61–6955; Filed, July 21, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2436]

ARKANSAS AND NEW MEXICO

Reserving Lands Within the Quachita National Forest for Use of the Forest Service as the Dutch Creek Mountain Scenic Area; Correcting Public Land Order No. 1290 of April 24, 1956

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands within the Ouachita National Forest, Arkansas, are hereby withdrawn from all forms of appropriation under the public land laws, including disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and including the mining and mineral leasing laws, except for oil and gas, provided that no part of the surface of the lands shall be used in connection with prospecting, mining, and removal of the oil and gas, and reserved for use of the Forest Service, Department of Agriculture, as the Dutch Creek Mountain Scenic Area:

[BLM 051062]

FIFTH PRINCIPAL MERIDIAN

DUTCH CREEK MOUNTAIN SCENIC AREA

T. 3 N., R. 26 W.,
Sec. 1, S½NW¼, SW¼, and W½SW¼SE¼;
Sec. 2, SE¼NE¼ and E½NE¼SE¼.

The areas described aggregate 320.5 acres.

2. The withdrawal made by paragraph 1, hereof, shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

NEW MEXICO

[69257]

3. In Federal Register Document 56–3302, appearing as Public Land Order No. 1290, in the issue of April 28, 1956, at page 2790, that part of the land description for the point of beginning of Tract B, reading "From the quarter corner common to sections 25 and 26," is hereby corrected to read "From the quarter corner common to sections 25 and 36,".

JOHN M. KELLY,
Assistant Secretary of the Interior.

JULY 18, 1961.

[F.R. Doc. 61–6864; Filed, July 21, 1961; 8:45 a.m.]

[Public Land Order 2437]

[Anchorage 053458]

ALASKA

Revoking Executive Order No. 9153–A of April 30, 1942

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 9153–A of April 30, 1942, which withdrew public lands in Alaska for use of the War Department for military purposes, and which was partially revoked by Public Land Orders No. 827 of May 16, 1952, and No. 1087 of March 8, 1955, is hereby revoked in its entirety. The lands affected by this order are as follows:

UGADAGA BAY FIRE CONTROL STATION

A tract of land on Ugadaga Bay and Beaver Inlet lying south of latitude 53°50'45" N., and east of longitude 166°25'00" W.
Containing approximately 800 acres.

CAPE WISLOW A.W.S. STATION

A tract of land at Cape Wislow lying between latitude 53°59'08" N., and the Bering Sea; and between longitude 166°43'11" W., and 166°46'14" W.
Containing approximately 2,000 acres.

FORT LEARNARD

A tract of land at Elder Point lying between latitudes 53°56'27" N., and 53°58'40" N., and between Unalaska Bay and longitude 166°38'41" W.
Containing approximately 2,200 acres.

FORT BRUMBACK

A tract of land on Summer Bay lying between latitudes 53°53'47" N., and 53°55'18" N., and lying west of longitude 166°25'00" W.
Containing approximately 1,500 acres.

ERSKINE POINT FIRE CONTROL STATION

A tract of land at Erskine Point between Kalekta Bay and Unalga Pass lying north of latitude 53°57'56" N.
Containing approximately 700 acres.

CONSTANTINE POINT BASE END STATION

A tract of land on Unalaska Bay lying north of latitude 53°56'22" N., and west of longitude 166°25'00" W.
Containing approximately 650 acres.

The foregoing areas aggregate a total of about 7,850 acres.

2. The tracts described are all located on the north-eastern portion of Unalaska Island which is extremely rough and mountainous. The only settlement of any size on the island is the town of Unalaska which serves as a distribution center for a considerable area of the Aleutian Islands chain.

3. Until 10:00 a.m. on July 18, 1962, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 78. Beginning at 10:00 a.m. on July 18, 1962, the lands shall be subject to operation of the public land laws generally including the mining laws subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN M. KELLY,
Assistant Secretary of the Interior.

JULY 18, 1961.

[F.R. Doc. 61–6865; Filed, July 21, 1961; 8:46 a.m.]

[Public Land Order 2438]

[BLM 053176]

MICHIGAN

Adding Lands to the Hiawatha and Marquette National Forests

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby added to and reserved as parts of the Hiawatha and Marquette National Forests, as hereafter indicated, and the boundaries of the said forests are adjusted accordingly:

HIAWATHA NATIONAL FOREST

MICHIGAN MERIDIAN

T. 41 N., R. 17 W.,
Sec. 12, SE¼NE¼.
T. 42 N., R. 17 W.,
Sec. 16, SW¼NW¼;
Sec. 21, SE¼NW¼;
Sec. 28, N½NE¼.
T. 43 N., R. 17 W.,
Sec. 3, SW¼SW¼;
Sec. 5, SE¼SW¼;
Sec. 23, SE¼SW¼.
T. 44 N., R. 17 W.,
Sec. 14, NE¼NE¼.
T. 45 N., R. 17 W.,
Sec. 11, S½;
Sec. 22, NE¼, N½SE¼;
Sec. 33, SW¼NE¼.
T. 41 N., R. 18 W.,
Sec. 12, NE¼NW¼.
T. 44 N., R. 18 W.,
Sec. 23, those parts of S½SW¼ and SW¼SE¼ lying south of Indian River;
Sec. 26, NW¼NW¼;
Sec. 34, SW¼NW¼.

The above areas aggregate approximately 1,122 acres.

MARQUETTE NATIONAL FOREST

MICHIGAN MERIDIAN

T. 42 N., R. 4 W.,
Sec. 3, S½SE¼.
T. 42 N., R. 5 W.,
Sec. 8, NW¼SW¼.
T. 43 N., R. 5 W.,
Sec. 14, NE¼NW¼;
Sec. 15, S½SE¼;
Sec. 16, SW¼NE¼;
Sec. 18, SW¼NW¼;
Sec. 21, NE¼NE¼;
Sec. 26, W½NW¼;
Sec. 28, SW¼NW¼.

The above described areas aggregate approximately 481.88 acres.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 18, 1961.

[F.R. Doc. 61–6866; Filed, July 21, 1961; 8:46 a.m.]

[Public Land Order 2439]

[BLM 050451]

ARKANSAS

Withdrawing Lands for Use of the Forest Service as a Recreation Area

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in the Ouachita National Forest, Arkansas, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as a recreation area:

5TH PRINCIPAL MERIDIAN

KNOPPERS FORD SITE

T. 4 N., R. 27 W.,
Sec. 9, NE¼NE¼;
Sec. 10, W½NW¼NW¼.
(60 acres)

This order shall take precedence over but not otherwise affect the existing res-

ervation of the lands for national forest purposes.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 18, 1961.

[F.R. Doc. 61-6867; Filed, July 21, 1961; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. MC-C-2]

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES

Commercial Zones and Terminal Areas; New York, N.Y.

JULY 13, 1961.

Corrected order of May 10, 1961, 26 F.R. 4429, 5505.

The outstanding order in the above-entitled proceedings not yet having become effective, and an appropriate petition for reconsideration and oral argument of such order, by The Port of New York Authority, et al., having been filed on June 30, 1961, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6877; Filed, July 21, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 906]

HANDLING OF MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension, for the months of August and September 1961, of certain provisions of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area is being considered.

The provisions proposed to be suspended are: § 906.51(a) (3) (ii) and (iii).

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Issued at Washington, D.C., July 20, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6943; Filed, July 21, 1961; 8:51 a.m.]

[7 CFR Part 911]

HANDLING OF MILK IN TEXAS PANHANDLE MARKETING AREA

Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension, for the months of August and September 1961, of certain provision of the order regulating the handling of milk in the Texas Panhandle marketing area is being considered.

The provision proposed to be suspended is: "on not more than 15 days" appearing in § 911.7(b) (2) of the order.

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Issued at Washington, D.C., July 20, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-6944; Filed, July 21, 1961; 8:51 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 990]

[Docket No. AO-302-A4]

MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Providence, Rhode Island on April 25, 1961 pursuant to notice thereof issued on April 5, 1961 (26 F.R. 3030).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 23, 1961 (26 F.R. 5818; F.R. Doc. 61-6081) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issue on the record of the hearing relates to the method of accounting for nonfat solids added to or contained in fortified milk, fortified skim milk and "dietary fluid milk products".

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

The method of accounting for nonfat milk solids added to or contained in fortified milk, fortified skim milk and "dietary fluid milk products" should be modified. Nonfat dry milk or condensed skim milk when used in fortified milk, fortified skim milk and dietary fluid milk products should continue to be classified as Class I milk. The nonfat milk solids so used should be Class I, however, only to the extent of their actual product weight rather than on their "skim milk equivalent" as presently provided.

Proponent's proposal would discontinue the skim equivalent method of accounting with respect to any nonfat dry milk or condensed skim milk used to fortify milk or skim milk, or in preparing dietary fluid milk products, and would classify such solids in Class II. The liquid whole milk or skim milk derived from producer milk and used in those products would continue to be classified in Class I. This proposal resulted from problems posed by differing accounting techniques contained in the Southeastern New England and Boston Federal milk orders.

The Boston, Springfield and Worcester orders (sometimes referred to as the three older orders) use identical accounting techniques, with no provision for converting nonfat milk solids to their "skim milk equivalent". The two more recent orders (Southeastern New England and Connecticut) use "butterfat and skim" accounting with provisions for computing the "skim milk equivalent" of nonfat dry milk solids. The two methods, which produce quite different results from an accounting standpoint in the classification of milk used in certain products, have created intermarket problems. This is particularly applicable to dietary products made from milk priced under the Boston order and disposed of in the Southeastern New England marketing area. Under the order for Southeastern New England, the application of the "skim milk equivalent" accounting technique provides for additional payments to be made to producers through the pool.

Under the present order, the skim milk equivalent provision applies to all nonfat solids in concentrated form for use both in processing reconstituted or recombined milk and in preparing fortified fluid milk products.

Fortified fluid milk products customarily result from the addition of concentrated nonfat milk solids to milk or skim milk in fluid form to yield a finished product of a higher nonfat solids content than that of an equivalent amount of whole (producer) milk. Reconstituted products, on the other hand, involve the process of "floating" concentrated milk solids in water to yield a weight of product approximately equal to the weight of milk from which the concentrated milk product was first made by the removal of water.

It is essential, of course, that proper safeguards be provided in the order to assure that current receipts of producer milk will not be displaced in the regulated market by unpriced milk or milk which was not classified and priced in a comparable class under another Federal milk order. One such safeguard is the skim equivalent accounting and pricing as applied to condensed skim milk or nonfat dry milk used in producing fluid milk products.

Nonfat dry milk and condensed milk are ordinarily derived from unpriced milk or milk which has been priced as surplus under a Federal order. These products are not necessarily processed from producer milk and may be made from ungraded milk. An economic incentive exists for handlers to substitute, where possible, reconstituted fluid milk products for fluid milk products processed from current receipts of producer milk. Since such substitution would displace an equivalent amount of producer milk in Class I, the application of skim equivalent pricing in this circumstance is economically sound and is necessary to maintain orderly marketing.

The same economic incentive does not exist, however, with respect to the use of nonfat dry milk or condensed skim milk to fortify a fluid milk product. The incentive for handlers to use solids to fortify fluid milk products, primarily derived from producer milk, is in being able to readily meet the specific demands of consumers and thereby to maintain or even increase Class I sales. Until recently, fortified fluid milk products represented a very small proportion of total fluid milk sales. The increased emphasis on low fat diets and the high nutritional value of nonfat solids in relation to their weight are the most often cited reasons for the recent and rapid increase in the demand for added nonfat solids in fluid milk products.

When the skim milk equivalent provision is applied to the fortified milk products, it inflates significantly the utilization and disposition of Class I milk. The added cost to handlers with respect to nonfat dry milk used in the fortification of dietary products approximates six cents per quart of product. This is in addition to the cost at which the handler obtained the nonfat dry milk.

The order should give proper recognition to the role played by fortified fluid milk products in the orderly marketing of producer milk in this market. The development of new fluid milk products in which producer milk may be utilized has had no evident adverse effect on the total Class I market even if in some instances they may represent for consumers a substitute for other fluid milk products with established markets. To the extent that such products add to the total demands for all fluid milk products, returns to producers are improved through the resulting higher Class I utilization.

Current receipts of producer milk are not utilized entirely for Class I purposes and any excess must be manufactured into lower-valued, storable milk products. The development of new fluid milk products in which such excess milk may be effectively utilized assists in the orderly disposition of producer milk. The use of nonfat solids in fortified fluid milk products represents an outlet of increasing importance in this regard. Pricing the fluid skim milk equivalent of nonfat solids at the Class I price tends to inhibit their use in such products, and thus in the long run may well have an adverse effect on producer returns.

It is concluded that the skim milk equivalent provision should not be applied to fluid milk products which have been fortified with nonfat dry milk or condensed skim milk. Such products would include dietary milk products containing fresh, fluid milk or skim milk, milk or skim milk and buttermilk from producer milk, which are fortified with nonfat milk solids.

No specific method was proposed for determining precisely the identity of producer milk utilized in a fortified milk product as compared with reconstituted milk. The order, however, authorizes the market administrator to ascertain and verify the use and classification of the milk products marketed by handlers under the order. The records compiled in the processing of dairy products are available to the market administrator for examination, study, evaluation and verification. From verification procedures, the administrator or his agent can ascertain whether reconstitution or recombining is involved in the processing of fortified milk products. Continued application of the skim equivalent provision in instances of reconstitution or recombining is justified. The integrity of the regulation can be safeguarded, in this manner, from the adverse effects of any unreported or misrepresented utilization.

Likewise, if a handler has nonfat dry milk in inventory, and fails to account in Class II utilization for some portion of it which disappears from inventory, some method must be provided in the order to account for the subsequent disposition of the entire product. In such instances, it is appropriate for the fluid skim equivalent of the nonfat milk solids, as contrasted with their actual weight, to be accounted for by the handler. No suggestion was made at the hearing that this practice, now in effect, be altered.

There was no proposal to alter the accounting or classification of so-called concentrated milk. It is marketed with the intent that the water removed in the processing may be added by the consumer. The principal handler witness testified that the skim equivalent technique applied to concentrated milk is appropriate.

An additional consideration involving the proposed amendment is the classification of the milk used for fortified milk products (Class I or Class II).

At the present time, liquid skim milk for fluid use, fortified skim, flavored milk drinks and fresh, liquid dietary products are in Class I. The dietary products are considered to be flavored milk drinks under the order. Identical classification prevails in the other New England Federal milk orders. Fortified skim milk is not approved by the applicable health authorities for distribution in Rhode Island, but is available and sold in the Massachusetts portion of the Southeastern New England marketing area.

The only basis presented at the hearing for classifying the fortified milk products in Class II was that the addition of nonfat milk solids is similar to adding non-dairy ingredients such as flavoring or vitamins. It is concluded that this is an insufficient basis for changing the classification of either the producer milk involved or the additional nonfat milk solids. The additional solids are derived from milk. When contained in the fluid milk products cited, they are indistinguishable either in form or use from the major portion of milk solids in those products which are derived from producer milk.

The principal whole milk sources for the products being considered are under the inspection of the local health authorities involved. While the applicable health ordinances do not specifically require inspected milk in their preparation, very little, if any, uninspected milk is available in the New England area for use in them. It is significant also that the products are marketed in fresh, fluid form, intended for consumption in this form, and that freshness is one of the marketing attributes.

The use of additional nonfat milk solids contained in fortified fluid milk products improves the palatability of the fluid skim milk contained in them. This may be compared with the product palatability resulting from the presence of butterfat in other fluid milk products. Thus the addition of such solids forms the basis for consumer acceptability, and is an integral part of, these relatively new products which are comparable in use and form to fluid milk. It is reasonable, appropriate and correct to attach a Class I value to the additional nonfat milk solids also when used in this manner.

One other consideration raised concerning the classification of fortified milk products, and more particularly the dietary fluid milk products, involves the nature of their competition with similar products not covered by the scope of the regulation. Other products for weight control which contain high proportions of milk solids are being marketed in drug stores and food stores. A distinguishing feature is that these products are contained in hermetically sealed containers and sometimes are not sold in fluid form.

The competition between these products and the dietary products in fresh fluid form is considered quite analogous to the competition between, say, evaporated milk and fresh whole milk. While one may be used for many of the same purposes as the other, the forms in which they are marketed are significantly different and call for different classification and price treatment under regulation.

It is concluded therefore that the fresh, fluid milk products fortified with nonfat dry milk or condensed skim milk should continue to be classified as Class I in order that producers may be properly reimbursed for milk so used in the same manner, and for substantially the same reasons, as for whole milk disposed of in fluid form.

A subordinate problem raised at the hearing concerned the need to devise, administratively, weight conversion factors for the products under consideration that more nearly represent their weights for given volumes, and that will produce reasonable uniformity of treatment under the various New England orders. It is concluded that the development of appropriate conversion factors for these products properly may be handled as a responsibility of the market administrator. Due regard should be

given, in this connection, to the objective of reasonable uniformity with other markets in the application of such factors. Thus, no action in this respect is taken herein.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

An exceptor alleges that there was no specific notice concerning the classification of the fluid milk products under consideration. The hearing notice was broad enough to permit consideration of classification. No change in the classification of the products was made in the recommended decision, and none is made herein. For these reasons, the exception is hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Southeastern New England marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1961 is hereby determined to be the representative period for the conduct of such referendum.

Robert W. Cherry is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., July 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Southeastern New England Marketing Area

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, as hereby further amended as follows:

1. Delete § 990.4(e) and substitute:

(e) "Fluid milk products" means milk, skim milk, flavored milk or flavored skim milk (including that marketed as a dietary weight control product), cultured skim milk, buttermilk, concentrated milk in fluid form, and any mixture in fluid form of milk, skim milk and cream containing less than 10 percent of butterfat (except eggnog, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

2. Delete § 990.4(h)(1) and substitute the following:

(1) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined into another product during the month, including any disappearance of nonfat milk products not otherwise accounted for, and

3. Delete the proviso in § 990.24(a) and substitute the following: "Provided, That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized or unaccounted for by the handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that for dietary weight control products and milk, skim milk or

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

buttermilk fortified, the actual weight of any such products shall be included in computing the total product weight."

[F.R. Doc. 61-6892; Filed, July 21, 1961; 8:50 a.m.]

[7 CFR Part 1027]

[Docket No. AO-312-A1]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Baltimore, Maryland, on April 4-7, 1961, pursuant to notice thereof issued on March 15, 1961 (26 F.R. 2317).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 23, 1961 (26 F.R. 5822; F.R. Doc. 61-6079) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

This decision relates only to material issue No. 9 of the recommended decision (26 F.R. 5822; F.R. Doc. 61-6079) which is listed as "Pricing of Class I milk". The other material issues are reserved for a further decision on the record of this hearing.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

9. *Price for Class I milk.* The Class I price formula in the order should be extended through September 1962.

A proposal was made by a cooperative association which represents a majority of the producers in the market that the Class I price formula in the order should be extended through June 1962. A handler also proposed that the formula be extended for that period subject to a proviso that the Class I price in any month would not exceed the most recent 12-month average of Midwestern Condenseries prices by more than $2.60 per hundredweight.

Official notice is taken of market statistics published by the market administrator since the inception of the order. The number of producers on the market in April was 269 less than in February 1960, the first month in which the order was effective. This was coincident with the withdrawal from the market of three pool handlers and a corresponding decline in the quantity of pooled Class I disposition. This circumstance tends to obscure the nature of changes in the supply-demand situation which might otherwise be revealed by production and utilization data. Production per farm, however, was at a higher level in February, March, and April of 1961 than during the same months a year earlier. The ratio of producer milk to Class I disposition of pool plants changed from 122 percent in February, 122 percent in March and 131 percent in April 1960, to 128, 130, and 138 percent in February, March, and April, respectively, of this year. In the fall month of shortest supply, November 1960, the ratio was 126 percent and in the spring month of greatest supply, May 1961, the ratio was 150 percent. The market is adequately supplied, but not over-supplied.

The pricing considerations for this market are clearly affected by conditions similar to those in the Washington, D.C., marketing area which is regulated by Federal Order No. 2. This market and the Washington market draw a large part of their milk supply from the same area, and handlers in the two markets compete both on route sales in the same areas and for substantial military contracts within the region. Official notice is taken of the decision of the Assistant Secretary issued April 6, 1961, on milk in the Washington, D.C., marketing area (26 F.R. 3106) in which it is concluded that the Class I price formula for the Washington market should be extended through September 1962 without other change in the price provisions.

The Class I price formulas under the Washington and Upper Chesapeake Bay orders are identical. These formulas establish the price for the months of July through February at $5.55 per hundredweight, and for the months of March through June at $5.10, subject to a schedule of adjustments based on the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets compared to such average in the corresponding month of 1958. Because of the similarity of conditions for the two markets and the continued need to co-ordinate the intermarket pricing, the Class I price formula for the Upper Chesapeake Bay market should be extended for the same period as for the Washington, D.C., order.

The proposal to limit the Class I price in relation to Midwestern Condenseries prices need not be a part of the temporary extension of the Class I price formula. The present Class I price formula provides a measure of recognition of the level of price for manufacturing milk through the price adjustment mechanism based on the three-market average. The Class I price under the Chicago order is based on a value for manufacturing milk. The Class I price under the Philadelphia order is limited in relation to the Midwestern Condenseries price. Under these circumstances it is unnecessary to include in a temporary price extension a further limitation in relation to manufacturing milk values.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were received relating to the issue of "Pricing for Class I milk".

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area", and "Order amending the order regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of May 1961 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area, is approved or favored by producers, as defined under the terms of the order as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Issued at Washington, D.C., July 19, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area

§ 1027.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That, on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

In § 1027.50(a) delete the language preceding the headings of the Class I price adjustment schedule and substitute the following:

Class I price. During the period beginning with August 1961, and through and including September 1962, the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided,* That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey, and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

[F.R. Doc. 61-6893; Filed, July 21, 1961; 8:50 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR Part 401]

GREAT LAKES PILOTAGE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the amendments to the Great Lakes Pilotage Regulations (26 F.R. 951) set forth in tentative form below are proposed to be promulgated by the Acting Administrator, Great Lakes Pilotage Administration. Prior to the adoption of such amendments, hearings will be held by the Acting Administrator at 10:00 a.m., on August 8 and 9, 1961, in the Federal Courthouse, at Cleveland, Ohio.

Interested persons may submit such written data, views, or arguments as they may desire directly to the Acting Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington 25, D.C., prior to completion of the hearings. Persons desiring to present their views at the hearings are requested to notify the Acting Administrator prior to the hearings.

The proposed amendments to the regulations are to be issued under the authority contained in sections 4 and 5 of the Great Lakes Pilotage Act of 1960 (74 Stat. 260, 261; 46 U.S.C. 216).

Dated: July 12, 1961.

[SEAL] A. T. MESCHTER,
Acting Administrator,
Great Lakes Pilotage Administration.

Approved:
LUTHER H. HODGES
Secretary of Commerce.

Explanatory statement. Pursuant to the authority of sections 4 and 5 of the Great Lakes Pilotage Act of 1960, the Acting Administrator, Great Lakes Pilotage Administration, on January 31, 1961, issued Great Lakes Pilotage Regulations. Certain amendments to the regulations are now proposed in order to have the regulations conform to the Memorandum of Arrangements, Great Lakes Pilotage, between the United States and Canada of May 1, 1961. Additional amendments are proposed, among other things, to establish a system of apprentice pilots for replacement purposes.

Part 401, Chapter III of Title 46 of the Code of Federal Regulations is amended as follows:

Subpart B—Registration of Pilots

Section 401.200 is amended to read as follows:

§ 401.200 Application for registration.

An application for registration as a U.S. registered pilot shall be made on the form to be prescribed by the Administrator. A registration fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany an application for registration, which will be refunded if applicant is not registered.

Section 401.210 is amended to read as follows:

§ 401.210 Requirements and qualifications for registration.

(a) No person shall be registered as a United States registered pilot unless:

(1) He holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed thereon for pilotage on routes specified therein, issued by the head of the Department in which the Coast Guard is operating.

(2) He is a citizen of the United States.

(3) He is of good moral character and temperate habits.

(4) He passes a physical examination equivalent to that required for issuance of an original deck officer's license by the Coast Guard.

(5) He has not reached the age of 65.

(6) He possesses a validated Merchant Mariner's Document issued by the Coast Guard.

(7) He agrees that he will be continuously available for service under such terms and conditions as may be approved or prescribed by the Administrator.

(8) He agrees to comply with all applicable provisions of this part and amendments thereto.

(9) He has complied with the requirements set forth in § 401.220(b) for apprentice pilots, if applying for registration for waters in which a pilotage pool is authorized.

(b) Notwithstanding the provisions of subparagraph (5) of paragraph (a) of this section, the Administrator may, if he determines that it is in the public interest, issue a Certificate of Registration to a person who has reached the age of 65 if satisfactory evidence is furnished that such person is physically fit to perform the duties of a registered pilot.

Section 401.220 is amended to read as follows:

§ 401.220 Registration of pilots.

(a) The Administrator shall determine the number of pilots required to be registered in order to assure adequate and efficient pilotage service in the United States waters of the Great Lakes and to provide for equitable participation of United States registered pilots with

Canadian registered pilots in the rendering of pilotage services.

(b) Registration of pilots required in Districts 1, 2, and 3, and any other waters designated by the President pursuant to section 3 of the Great Lakes Pilotage Act of 1960, where pilotage pools have been authorized pursuant to Subpart C of this part shall be made from among those apprentice pilots who meet the requirements and qualifications for registration as prescribed in § 401.210 and who have (1) completed a minimum of twenty-five (25) round trips over the District for which application is made within one year of application; (2) served as an apprentice for a minimum of three (3) months within one year preceding the date of application; and (3) been recommended by member registered pilots of the association.

(c) Registration of pilots for waters of the Great Lakes other than those in which pilotage pools have been authorized pursuant to Subpart C of this part shall be made from among (1) pilots registered pursuant to the regulations of this part, (2) recognized apprentices of pilotage associations meeting the criteria set forth in paragraph (b) of this section, or (3) other pilots who have (i) the greatest number of years of experience in piloting oceangoing vessels over the waters for which application is made; (ii) actively engaged in pilotage services in those waters for which application is made; (iii) greatest number of trips as an observer pilot; (iv) the greatest number of years of experience in piloting oceangoing vessels in other waters; (v) the greatest number of years as a pilot.

(d) Subject to the provisions of paragraphs (a), (b) and (c) of this section, a pilot found to be qualified under this subpart shall be issued a Certificate of Registration, valid for a term of two (2) years or until the expiration of his unlimited master's license or until the pilot reaches age 65, whichever occurs first, provided however, a pilot who has reached the age of 65 may be issued a Certificate of Registration valid for a term of one (1) year or until the expiration of his unlimited master's license, whichever occurs first.

(e) Notwithstanding the provisions set forth in paragraphs (a), (b), (c), and (d) of this section the Administrator may when necessary to assure adequate and efficient pilotage services, issue a Certificate of Registration for a period of less than 2 years to an apprentice pilot qualified under § 401.221, in order to fill a vacancy when any United States registered pilot is suspended pursuant to § 401.250 or is unable to perform pilotage services due to illness or injury.

Part 401 is amended by adding § 401.221 which reads as follows:

§ 401.221 Apprentice pilots.

(a) The Administrator shall determine the number of apprentice pilots required to be in training by each Association authorized to form a pool in order to assure an adequate number of registered pilots. No apprentice pilot shall be selected for training unless:

(1) He meets the requirements and qualifications set forth under § 401.210;

(2) He has experience (on vessels of not less than 4,000 gross tons) as a master for one year (one season on enrolled vessels on the Great Lakes) or as first officer for two years (two seasons on enrolled vessels on the Great Lakes);

(3) He possesses a radar observer's competency certificate or equivalent U.S. Coast Guard endorsement.

Section 401.230 is amended to read as follows:

§ 401.230 Certificates of Registration.

(a) A Certificate of Registration shall describe the part or parts of the Great Lakes within which the pilot is authorized to perform pilotage services and such description shall not be inconsistent with the terms of the pilotage authorization in his unlimited master's license.

(b) A Certificate of Registration shall not authorize the holder to board any vessel, or to serve as a pilot of any vessel, without the permission of the owner or master. A Certificate of Registration shall be in the possession of a pilot at all times when he is in the service of a vessel, and shall be displayed upon demand of the owner or master, any United States Coast Guard officer or inspector, or a representative of the Administrator.

(c) A Certificate of Registration shall not be pledged, deposited, or surrendered to any person except as authorized by this part. A Certificate of Registration may not be photostated or copied.

(d) An application for replacement of a lost, damaged or defaced Certificate of Registration shall be made on the form to be prescribed by the Administrator. A replacement fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce shall accompany any such application. A Certificate issued as a replacement for a lost, damaged or defaced certificate shall be marked so as to indicate that it is a replacement. Upon receipt of a certificate issued as a replacement, the damaged or defaced certificate shall be surrendered to the Administrator.

(e) A Certificate of Registration may be voluntarily surrendered to the Administrator by a registered pilot at any time such pilot no longer desires to perform pilotage services; however, in the event such registered pilot has been served with a notice of hearing pursuant to § 401.250, a voluntary surrender of the Certificate of Registration shall be at the option of the Administrator.

(f) The Administrator shall advise the Coast Guard of the name, Coast Guard license number, and registration number of each pilot who is issued a Certificate of Registration.

Section 401.240 is amended to read as follows:

§ 401.240 Renewal of Certificates of Registration.

(a) An application for renewal of a Certificate of Registration shall be made on the form to be prescribed by the Administrator, and shall be filed with the Administrator at least fifteen (15) days prior to the expiration date of the existing certificate. A renewal fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany an application for renewal of registration, which will be refunded if registration is not renewed. Failure of a registered pilot to comply with this requirement may constitute cause for withholding renewal of the Certificate of Registration.

(b) No Certificate of Registration shall be renewed unless an applicant meets the requirements and qualifications set forth in § 401.210 for issuance of an original Certificate of Registration; excepting that compliance with § 401.210(a)(4) shall not be required if the examination was satisfactorily passed on a previous application for registration within six months next preceding date of renewal application.

(c) If the Administrator determines that there is good cause for withholding renewal of a Certificate of Registration, the applicant shall be notified in writing of such determination and the cause thereof. The applicant may thereupon apply within fifteen (15) days of such notice, for a hearing in regard to such cause for the withholding of a renewal of the certificate, which hearing shall be granted. Such hearing shall be subject to the procedures provided in § 401.250 with respect to suspension and revocation of Certificates of Registration.

(d) Upon receipt of a renewed Certificate of Registration, the expired certificate shall be surrendered to the Administrator.

Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

Section 401.320 is amended to read as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

No voluntary association shall be authorized to establish a pool unless:

(a) The Administrator determines that a pool is necessary for the efficient dispatching of vessels and the providing of pilotage services in the area concerned.

(b) The stock, equity or other financial interest, with right of control, is held only by individuals actually engaged in the operation or management of such association, and at least three-fourths of such stock, equity or other financial interest with right of control, is held by member registered pilots.

(c) The voluntary association establishes that it possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain an efficient and effective pilotage service.

(d) The voluntary association agrees that:

(1) Pilotage services will be provided on a first-come first-serve basis to vessels giving proper notice of arrival time to the pilot station, except that pilots will not be required to board vessels which do not provide safe boarding facilities.

(2) It will submit working rules for approval of the Administrator.

(3) It will adopt and use the uniform system of accounts, records and reports to be prescribed by the Administrator.

(4) It will be subject to audit and inspection by the Administrator, and will submit annually at its own expense an audit report prepared by an independent certified public accountant.

(5) It will be subject to such other provisions as may be prescribed by the Administrator governing the operation of pools.

(6) It will coordinate on a reciprocal basis with similar pool arrangements established by the Canadian Government and pursuant to the provisions of the United States-Canada Memorandum of Arrangements, Great Lakes Pilotage, effective May 1, 1961, and amendments thereto, or any other arrangements established by the United States and Canadian Governments.

Subpart D—Rates, Charges and Conditions for Pilotage Services

Section 401.400 is amended to read as follows:

§ 401.400 Rates and charges on designated waters.

(a) The following rates and charges shall be payable for all services performed by United States or Canadian registered pilots in the following areas of the United States waters of the Great Lakes described in § 401.300, pursuant to the written arrangements between United States and Canada of May 1, 1961:

(1) *District No. 1.* (i) Snell Lock to Cape Vincent	$200
(ii) Trips commencing or terminating at any intermediate point within the District, an amount computed on a pro-rata basis set forth in (i) according to the distance piloted shall be charged as pilotage dues with a minimum charge therefor of	
(2) *District No. 2.* (i) The Welland Canal	50
(ii) Southeast Shoal (pilots board at the Welland Canal) to Lake Huron Lightship (includes direct transit of undesignated Lake Erie waters)	125
(iii) Southeast Shoal (pilots board at the Welland Canal) to any point on Lake Erie west of Southeast Shoal (includes direct transit of undesignated Lake Erie waters)	125
(iv) Southeast Shoal (pilots board at the Welland Canal) to any point on the Detroit River (includes direct transit of undesignated Lake Erie waters	80
(v) Any point on Lake Erie west of Southeast Shoal to any point on the St. Clair River or to Lake Huron Lightship	125
(vi) Any point on Lake Erie west of Southeast Shoal to any point on the Detroit River	80
(vii) Any point on the Detroit River to any point on the St. Clair River or to Lake Huron Lightship	80
(viii) Any point on the Detroit River or the St. Clair River to any point on the same river, or from any point on Lake Erie west of Southeast Shoal to any other point on Lake Erie west of Southeast Shoal	50
(3) *District No. 3.* (i) Detour Reef Light to Gros Cap Reefs Light	200
(ii) Detour Reef Light to Sault Ste. Marie, Mich. or Sault Ste. Marie, Ontario	165
(iii) Harbour movement of vessels within District No. 3, per movement	$50

(b) When a vessel in transit of a District puts into a port for the purpose of loading or discharging cargo and the pilot remains on board for the convenience of the vessel, an additional charge of $5 per hour, with a maximum of $50 for each 24-hour period, shall be payable.

Section 401.410 is amended to read as follows:

§ 401.410 Rates and charges on undesignated waters.

The rates or charges for all pilotage services performed by United States or Canadian registered pilots in the undesignated waters, other than the direct transit of Lake Erie covered by the rates as specified in paragraph (a)(2) (ii), (iii), and (iv) of § 401.400, payable for each 24-hour period or part thereof, shall be $50 plus reasonable travel expenses of the pilot in returning to the port of origin, if incurred.

[F.R. Doc. 61-6898; Filed, July 21, 1961; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

[Docket No. FDC 66]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Mozzarella Cheese, Scamorza Cheese; Part-Skim Mozzarella Cheese, Part-Skim Scamorza Cheese; Proposed Findings of Fact and Tentative Order

In the matter of establishing definitions and standards of identity for mozzarella cheese, scamorza cheese; part-skim mozzarella cheese, part-skim scamorza cheese:

Notice of the filing of a petition setting forth proposed definitions and standards of identity for mozzarella cheese, scamorza cheese, part-skim mozzarella cheese, and part-skim scamorza cheese was published in the FEDERAL REGISTER of January 23, 1957 (22 F.R. 428). By order published in the FEDERAL REGISTER of October 4, 1957 (22 F.R. 7906) the proposals were rejected. Objections were filed and a hearing was scheduled to take evidence on the proposals (22 F.R. 9731; 23 F.R. 1012, 1796).

On the basis of the evidence received at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact.[1] 1. Many years ago there originated in Italy a soft, uncured, moist, light-colored, bland, milky cheese of the pasta filata type which acquired the name mozzarella. Originally, this cheese was made from the milk of water buffaloes, but later cow's milk was used either in whole or in part. The curd was stretched in hot water and formed into various shapes, generally somewhat rounded. One shape acquired the name "scamorza," but with the passage of time the name "scamorza" came to be used alternatively with the name "mozzarella." Mozzarella cheese has continued to be made in Italy. An excerpt from the Italian book "Legislation on Foods—Farm Products and Products for Farm Uses * * * 6th Edition, March 1958" shows mozzarella and scamorza under the general category of "pasta filata cheese from cow's milk," and this reference shows that such cheese is required to have a minimum butterfat on the dry basis of 44 percent. An excerpt from another Italian book "Food Products—Analysis—Legislation" describes pasta filata type (drawn curd) cheeses currently made in Italy and lists mozzarella and scamorza. The fat content for mozzarella is prescribed as "minimum in dry matter 45%." (R. 16–19, 57, 132–133, 173, 301, 488, 516–517, 608, 862, 866, 882–884, 1057, 1317; Ex. 9, 38, 39)

2. Italian immigrants coming into the United States and settling in eastern cities, particularly New York, accounted for the development of a demand in this country for mozzarella cheese. Since mozzarella is a high-moisture, soft, uncured cheese it was not practical to import it from Italy. As early as 1900 and earlier, cheesemakers among the Italian immigrants began producing mozzarella cheese in this country. They used cow's milk and followed in general the procedures that had been developed in Italy. In many instances these procedures were handed down from father to son. In more recent years, there have been some developments that represent deviations from the older practices. One of these developments is a greater mechanization in the factories; another is pasteurization of the milk to comply with requirements of State and local laws. Also, the practice of using partly skimmed milk has developed, so that some producers distribute two or three so-called "grades" of mozzarella, depending on whether the starting mix consists of whole milk or of part-skim milk. These cheesemakers located in New York and some other Eastern States were represented at the hearing by the Italian Fresh Cheese Manufacturers Association, and their products were sometimes characterized as "eastern type." (R. 142, 157, 174, 402, 403,

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

488, 713, 753–755, 801–803, 860–866, 888, 889, 1059, 1099, 1135, 1162, 1199, 1236, 1237, 1274; Ex. 9)

3. The steps in the production of mozzarella cheese from whole milk, as this cheese is made in the Eastern States, are as follows: Whole milk, which in many instances is not adjusted to any particular fat content but which in some cases is adjusted by separating part of the fat or by adding skim milk or cream, is pasteurized. At a temperature of approximately 88° F., it is inoculated with a relatively small amount of starter, a culture of harmless lactic-acid-producing bacteria. It may be slightly acidified with vinegar. A small amount of liquid rennet may be added. After the curd forms, it is cut and then stirred to aid in separating the whey. The whey is drained, and cold water may be added and then drained off. The curd is collected, and as drainage progresses the curd ripens further, the rate depending in part on the temperature. The temperature may be controlled by using ice or holding the curd under refrigeration. The curd may be cut, and it is warmed in hot water or steam and is kneaded and stretched and then molded into the desired shape. The units are firmed by immersion in cold water and may be brined and drained. (R. 9, 699–702, 713–715, 746, 767, 1067, 1081, 1148–1161, 1237–1238, 1270, 1314, 1344; Ex. 6–9, 30)

4. The mozzarella cheese made in the eastern states is relatively high in moisture content. As a cheese that is used to some extent as a table cheese, the high moisture content is one of its important characteristics. The moisture ranges from 52 percent up to as high as 60 percent. The milk fat content varies with the fat of the starting mix. In most natural cheeses made from whole milk, the solids of the cheese contain not less than 50 percent fat. However, where cheeses are kneaded and stretched in hot water there is some loss of fat, and for such cheeses it is reasonable to require that the finished food have not less than 45 percent of milk fat, calculated on the solids basis. The method for determining the moisture and the fat content of cheese set out in the definition and standard of identity for cheddar cheese (21 CFR 19.500) is applicable to mozzarella cheese. (R. 126, 167, 177–178, 211–212, 226, 308–309, 436–443, 458, 720, 755, 781, 796, 865, 904, 1148–1149, 1245, 1253, 1294, 1299, 1308, 1350; Ex. 7, 9, 10, 31, 32, 38, 39)

5. In rare instances, the fat content of cheese is expressed on an "as is basis"—that is, on the basis of the entire weight of the cheese, including its moisture. However, Federal cheese standards generally prescribe the minimum fat content on the "dry basis"; that is, as the percent of fat in the solids of the cheese. The "dry basis" has the advantage that prescribing the minimum fat in the solids of the mozzarella cheese at the value that results from using whole milk starting mix (see finding 4) differentiates mozzarella cheese from cheese made from part-skim milk. Witnesses for the Italian Fresh Cheese Manufacturers Association recommended that the mozzarella cheese standard should prescribe the minimum milk fat requirement on an "as is basis" at 18 percent. To follow the recommendation of these witnesses would have the disadvantage of permitting mozzarella cheese, with a moisture content of 52 percent or slightly more, to be made from part-skim milk and to be labeled "mozzarella cheese" rather than "part-skim mozzarella cheese" (see finding 6). When the moisture content of a cheese is known, the fat content can be converted from the "as is basis" to the "dry basis" by a simple calculation. For example, if a mozzarella cheese with 60 percent moisture contains 18 percent fat on the "as is basis" it contains 18 parts of fat in 40 parts of solids and this amounts to 45 percent fat on the "dry basis." (R. 18, 22–24, 50–51, 165–167, 191–192, 197–198, 211–217, 226, 257–258, 306–311, 354, 754, 893–895, 914, 1050, 1058, 1114, 1239, 1245–1246, 1252–1253, 1280, 1294, 1299, 1308; Ex. 10, 30, 31, 38, 39)

6. In addition to the mozzarella cheese made from whole milk, either with or without adjustment, there has developed a mozzarella made by the same procedures but using part-skim milk as the starting mix. Generally, the fat content of the starting mix is reduced to about 2 percent, which is substantially lower than the fat content of whole milk reported by representatives of eastern manufacturers as 3.3 percent or higher. The proportion of milk fat to nonfat solids in a starting mix testing 2 percent fat yields a mozzarella cheese having a fat content of 30 percent or higher on the "dry basis." The product made in the Eastern States from part-skim milk is similar in its high moisture content to the mazzarella made from whole milk; that is, the moisture ranges between 52 percent and 60 percent. It is reasonable for the standard, in specifying the name for the article made from part-skim milk, to prescribe that the words "part-skim" be included in the name. (R. 22, 50, 126, 152, 164, 295, 310, 613, 676–677, 753–755, 792, 801, 816, 883, 1067, 1114–1115, 1148–1149, 1181, 1201, 1245, 1294, 1299, 1311, 1349, 1351, 1369; Ex. 9, 31)

7. To require that the milk or part-skim milk used be pasteurized for the purpose of destroying pathogenic micro-organisms is in the interest of consumers. Testimony by a public-health expert showed that some pathogens survive when milk is held for 30 minutes at 143° F. but are destroyed with the same holding period if the temperature is maintained at not less than 145° F. Most plants use so-called "flash pasteurizers" in which the milk is heated for a much shorter time but at a temperature sufficiently higher to be equally effective in destroying micro-organisms. An appropriate test for pasteurization is the phosphatase destruction test (provolone modification) set out in detail in the standard for cheddar cheese (21 CFR 19.500), and it is reasonable to prescribe that the finished cheese shall be deemed not to have been made from pasteurized milk when this test shows for 0.25 gram of the cheese a phenol equivalent of more than 3 micrograms. (R. 26, 42, 47–48, 157, 364, 392, 407, 416–417, 468–476, 519, 531, 538, 760–761, 809, 889, 1149, 1244, 1354; Ex. 11)

8. Except among those segments of the population of eastern cities having an Italian background the demand for mozzarella cheese in this country was not great until after World War II. This demand had been supplied by the eastern producers. Then there developed throughout the country a striking growth in popularity of a new food item known by the name "pizza," which is the italian word for pie. Cheese of a soft, bland, "stretching," pasta filata type is a characteristic ingredient of pizza, and so the demand for such cheese grew with the growth in popularity of pizza. To supply this geographically widened and substantially increased demand, cheesemakers in Wisconsin and some other Midwestern States rapidly built up their production of cheese suitable for making pizza. (R. 20–21, 56–57, 100–101, 132, 215, 221, 295, 354, 489, 500–501, 517–518, 521–522, 806, 822, 847, 876, 1163, 1317; Ex. 18, 33–36)

9. This cheese for pizza as made in the Midwest differed from eastern-type mozzarella cheese; it tended to be somewhat like an uncured provolone cheese. Its moisture content was intermediate between the lower range for eastern-type mozzarella and the maximum of 45 percent permitted by the standard for provolone cheese. In the standards advocated by midwestern producers several of the provisions to which objections were taken by eastern producers corresponded to provisions in the standard for provolone cheese. Among these, were the provision for reheating after cutting the curd, which reduces the moisture content of the cheese; the provision permitting the use of 0.02 percent of calcium chloride and rennet paste or extract of rennet paste; the provision permitting reconstituted skim milk to be used in adjusting the starting mix; and the provision permitting other procedures, provided that the finished cheese has the same physical and chemical properties.

The provision for optional use of unspecified enzyme preparations for curing and developing flavor, as permitted by the provolone standard, is not an appropriate provision of a standard for cheese for pizza because cheese for that usage is expected to be bland and not highly flavored. The proposals sponsored by midwestern producers provided for two products—a whole-milk cheese and a part-skim milk cheese, the former to have not less than 45 percent fat on the "dry basis" and the latter to be lower in fat but to have not less than 30 percent fat on the "dry basis." Finding 7 concerning pasteurization is applicable to both products. (R. 15, 22–23, 27, 49–50, 54–55, 80–83, 132–133, 248, 264–268, 313, 365, 367, 436–443, 490, 523, 535, 544, 563, 581, 612–613, 897, 1148–1158, 1246, 1249–1250, 1280, 1323, 1365; Ex. 4, 10)

10. The cheese produced in the Midwest to supply the demand occasioned by the wide popularity of pizza was often labeled "Mozzarella" or "Scamorza." Frequently, the labels showed that the product was for use in making pizza. Some labels conspicuously stated "cheese for pizza," "for pizza," or "pizza cheese". The difference between the products as made in the East and in the Midwest are such that it will promote honesty and fair dealing in the interest of consumers for them to be distinctively labeled. Various names were suggested such as "high-moisture mozzarella" or "Italian-style mozzarella" for the eastern type cheese and "low-moisture mozzarella" or "American-style mozzarella" for the midwestern type. Avoidance of consumer confusion will be best served by establishing separate standards and prescribing distinctive names as follows:

"Mozzarella cheese" or alternatively "scamorza cheese" for the eastern-type product made from whole milk.

"Part-skim mozzarella cheese" or alternatively "part-skim scamorza cheese" for the eastern-type product made from part-skim milk.

"Pizza cheese" for the midwestern type product made from whole milk.

"Part-skim pizza cheese" for the midwestern type product made from part-skim milk. (R. 58, 84, 92–94, 102, 118, 122, 132, 196, 206–209, 217, 232, 272, 297–298, 313, 315, 346, 354–355, 369, 376, 478, 494, 521, 664, 814, 844, 847–848, 854, 874, 878, 1021, 1142, 1144, 1178, 1180, 1199, 1205, 1242, 1252, 1324, 1335, 1365; Ex. 23, 26–28)

Conclusions. On the basis of the foregoing findings of fact, and taking into consideration the substantial evidence of the entire record, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish definitions and standards of identity as follows:

§ 19.600 Mozzarella cheese, scamorza cheese; identity.

(a) Mozzarella cheese, scamorza cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It may be molded into various shapes. It contains more than 52 percent but not more than 60 percent of moisture, and its milk fat content, calculated on the solids basis, is not less than 45 percent, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized, is warmed to approximately 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, which may be added thereto as starter. The milk may be acidified with vinegar. Liquid rennet may be added to aid in setting the milk to a semisolid mass. The mass is cut, and it may be stirred to facilitate separation of whey from the curd. The whey is drained and the curd may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and for ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding cream or skim milk or both.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 145° F. for a period of not less than 30 minutes, or for a time and temperature equivalent thereto in phosphatase destruction. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f), provolone modification.

§ 19.601 Part-skim mozzarella cheese, part-skim scamorza cheese; identity.

Part-skim mozzarella cheese, part-skim scamorza cheese, conforms to the definition and standard of identity prescribed for mozzarella cheese by § 19.600, except that in its production part-skim milk is used and its milk fat content, calculated on the solids basis, is less than 45 percent but not less than 30 percent.

§ 19.605 Pizza cheese; identity.

(a) Pizza cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It may be molded into various shapes. Its moisture content is more than 45 percent but not more than 52 percent, and its milk fat content, calculated on the solids basis, is not less than 45 percent, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized, which may be clarified or homogenized or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, which may be added thereto as starter. The milk may be acidified with vinegar. Rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to aid in setting the milk to a semisolid mass. The mass is cut, stirred, and allowed to stand. It may be reheated and again stirred. The whey is drained, and the curd may be cut and piled to promote further separation of whey. It may be washed with cold water and the water drained off. The curd may be collected in bundles for further drainage and ripening. The curd may be iced, it may be held under refrigeration, and it may be permitted to warm to room temperature and ripen further. The curd may be cut. It is immersed in hot water or heated with steam and is kneaded and stretched until smooth and free of lumps. Then it is cut and molded. In molding, the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is firmed by immersion in cold water and may be salted in brine and drained.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, and water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 145° F. for a period of 30 minutes, or for a time and temperature equivalent thereto in phosphatase destruction. The finished food shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f), provolone modification.

§ 19.606 Part-skim pizza cheese; identity.

Part-skim pizza cheese conforms to the definition and standard of identity as prescribed for pizza cheese by § 19.605, except that in its production part-skim milk is used and its milk fat content, calculated on the solids basis, is less than 45 percent but not less than 30 percent.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the findings of fact and proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: July 17, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6889; Filed, July 21, 1961; 8:49 a.m.]

[21 CFR Part 120]

PESTICIDE RESIDUES IN OR ON CITRUS FRUITS

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition has been filed by Union Carbide Corporation, 270 Park Avenue, New York 17, New York, proposing the establishment of tolerances for residues of 1-naphthyl *N*-methyl-carbamate in or on lemons and oranges at 10 parts per million.

The analytical method proposed in the petition for determining residues of 1-

naphthyl *N*-methylcarbamate is that published in the FEDERAL REGISTER of January 9, 1959 (24 F.R. 238), with minor modifications.

Dated: July 17, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6890; Filed, July 21, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 528) has been filed by Merck and Company, Inc., Rahway, New Jersey, proposing the issuance of a regulation to provide for the safe use of streptomycin in chicken and turkey feed in an amount not more than 50 grams per ton nor less than 12 grams per ton of finished feed when used in combination with approved amounts of amprolium alone, or with a combination of amprolium and penicillin.

Dated: July 17, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-6888; Filed, July 21, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-31]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-FW-31 on April 28, 1961 (26 F.R. 3650), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 18 proposed between Augusta, Ga., and Allendale, S.C., to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 18 should be deferred until such time as all control areas associated with the other airways in the vicinity of Augusta and Allendale can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed segment of Victor 18 from Augusta to Allendale extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 15, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-FW-31 is extended to August 15, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6860; Filed, July 21, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-99]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway, Control Zone and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), (notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6021, 601.1198, and 601.6021 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 21 extends in part from the Pocatello, Idaho, VOR via the intersection of the Pocatello VOR 033° and the Dubois, Idaho, VOR 170° True radials to the Dubois VOR. The Federal Aviation Agency is considering the redesignation of this airway from the Pocatello VOR via the Idaho Falls, Idaho, VOR; to the Dubois VOR, including an east alternate from the Idaho Falls VOR to the Dubois VOR via the intersection of the Idaho Falls VOR 030° and the Dubois VOR 155° True radials (Rigby Intersection). The control areas associated with this segment of Victor 21 and Victor 21 east alternate would extend upward from 700 feet above the surface to the base of the continental control area. Action to implement Amendment 60-21 to the Civil Air Regulations will be initiated at a later date. The redesignation of Victor 21 via the Idaho Falls VOR would not change the present alignment of the airway. However, utilization of this facility would provide better navigational guidance along the airway. Designation of the east altertnate would permit aircraft destined to Idaho Falls from the northwest to execute straight in approaches to Fanning Field, Idaho Falls, from the Rigby Intersection.

The Idaho Falls control zone is designated within a 5-mile radius of Fanning Field. It is proposed to redesignate this control zone within a 5-mile radius of Fanning Field (Lat. 43°31'05' N., Long. 112°04'05'' W.), and within 2 miles either side of the Idaho Falls VOR 030° and 223° True radials extending from the 5-mile radius zone to 15 miles northeast and 12 miles southwest of the VOR, including the area within a one-mile radius of Rigby, Idaho, Airport (Lat. 43°38'45'' N., Long. 111°55'45'' W.). This would provide protection for aircraft executing the prescribed instrument approach procedures at Fanning Field and also provide protection for aircraft operating at both Fanning Field and Rigby Airport during weather conditions of less than VFR minimums. Although the Rigby Airport is a limited use airport having approximately 300 flight operations annually, it appears that its inclusion within the proposed Idaho Falls control zone northeast extension is required because of the proximity of the airport to the instrument approach flight path.

The Idaho Falls control area extension is designated from the Idaho Falls radio range station extending 5 miles either side of the northwest course of the radio range to its intersection with VOR Federal airway No. 257 and extending 5 miles either side of the northeast course of the radio range to its intersection with the east course of the Dubois, Idaho, radio range.

It is proposed to redesignate this control area extension as the area within 5 miles either side of the Idaho Falls VOR 030° True radial extending from the VOR to low altitude VOR Federal airway No. 298 and the area west of Idaho Falls bounded on the east and southeast by low altitude VOR Federal airway No. 21 and on the west by low altitude VOR Federal airway No. 257. This control area would extend upward from 700 feet above the surface to the base of the continental control area. Action to implement Amendment 60-21 to the Civil Air Regulations will be initiated at a later date. The altered control area extension would provide protection for aircraft arriving, departing, and executing holding procedures at Idaho Falls during Instrument Flight Rules weather conditions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 17, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6861; Filed, July 21, 1961; 8:45 a.m.]

[14 CFR Part 600, 601]

[Airspace Docket No. 61-LA-24]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation, Alteration and Revocation of Federal Airways and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.6019, 601.6019, 600.6187, and 601.8187 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed actions:

1. Designate low altitude VOR Federal airway No. 505 and its associated control area from the Helena, Montana, VOR; via the intersection of the Helena VOR 089° and the Great Falls, Montana, VOR 180° True radials, to the Great Falls VOR. This airway would provide a route for aircraft en route to Great Falls from the south and east and would facilitate transition of these aircraft to the ILS serving the Great Falls Airport.

2. Alter VOR Federal airway No. 187 by extending it and its associated control area from the Billings, Montana, VOR, via the intersection of the Billings VOR 317° and the Great Falls, Montana, VOR 122° True radials; to the Great Falls VOR. This airway extension would provide a more direct route for aircraft operating between Billings and Great Falls and would facilitate the control of Instrument Flight Rules aircraft arriving and departing the Great Falls terminal area.

3. VOR Federal airway No. 19 presently extends, in part, from the Billings, Montana, VOR; intersection of the Billings VOR 347° True and the Lewiston, Montana, VOR 104° True radials; to the Lewiston VOR, including a west alternate from the Billings VOR direct to the Lewiston VOR. The Federal Aviation Agency is considering the alteration of Victor 19 by revoking the west alternate and its associated control area between Billings and Lewiston. This airway segment is seldom used in the routing of aircraft and the proposed alteration of Victor 187 would provide a more direct routing for aircraft operating between Billings and Great Falls. In addition, the Federal Aviation Agency IFR peakday airway traffic survey for 1960 shows one aircraft movement on this airway segment. Therefore, it appears that this segment of airway is an unnecessary assignment of airspace and should be revoked.

The control areas associated with these proposed airway segments would extend upwards from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 17, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6862; Filed, July 21, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-114]

CONTROLLED AIRSPACE

Alteration of Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.1316 and 601.1177 of the regulations of the Administrator, the substance of which is stated below.

The Los Angeles, Calif., control area extension 1316 is designated as the airspace beginning at the Los Angeles, Calif., VOR and extending along the Los Angeles VOR 251° True radial to its intersection with the eastern boundary of the Oakland Oceanic Control Area, 10 miles in width from the VOR to a point where the 251° True radial intersects the Pacific ADIZ, then flaring 3° on each side of the 10-mile width to the Oceanic Control Area boundary. The portion of this control area which coincides with the Point Mugu Warning Area (W-289) shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control. The Federal Aviation Agency is considering the redesignation of this control area extension as the area within 5 miles either side of the Los Angeles VOR 251° True radial extending from the VOR to the Oakland Oceanic Control Area boundary and including the additional area between lines diverging at an angle of 5° from the centerline extending westward from the Los Angeles VOR; excluding the airspace below 2000 feet MSL between the continental United States and the eastern boundary of the Point Mugu, Calif., Warning Area (W-289) and excluding the airspace below 5000 feet MSL within Warning Area (W-289).

The Long Beach, Calif., control area extension 1177 is designated as the airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Long Beach, Calif., VOR to a circle 5 miles in radius centered at a point at Lat. 32°09'00'' N., Long. 119°50'30'' W., to a circle 14 miles in radius centered at a point at Lat. 32°00'00'' N., Long. 120°00'00'' W., thence to a circle 19 miles in radius centered on a point at Lat. 31°35'30'' N., Long. 121°21'30'' W., to the eastern boundary of the Oakland Oceanic Control Area, excluding the portion below 5000 feet MSL between a point 63 miles southwest of the Long Beach VOR at Lat. 33°06'50'' N., Long. 118°48'00'' W., and the eastern boundary of the Oakland Oceanic Control Area.

The Federal Aviation Agency is considering the redesignation of this control area extension, as the Santa Catalina, Calif., control area extension 1177, to include the area beginning at Lat. 33°25'50'' N., Long. 118°28'50'' W., thence to Lat. 33°19'00'' N., Long. 118°21'45'' W., thence to Lat. 32°44'30'' N., Long. 119°07'00'' W., thence to Lat. 31°41'00'' N., Long. 120°15'00'' W., thence to Lat. 31°18'40'' N., Long. 121°11'30'' W., thence to Lat. 31°54'00'' N., Long. 121°34'30'' W., thence to Lat. 32°10'45'' N., Long. 120°16'15'' W.,

thence to Lat. 32°52'15" N., Long. 119°12'30" W., thence to the point of beginning, excluding the airspace below 5000 feet MSL. The redesignation of these control area extensions, as proposed, would afford adequate protection for aircraft in transition between the Oceanic Control Area and the domestic control area. Control area extension 1177, as proposed, would coincide, to a slight extent, with the San-Diego, Calif., Warning Area (W-291). Alteration of the warning area to exclude the airspace above 5,000 feet MSL which would coincide with the altered control area extension would be accomplished in accordance with established non-rule making procedures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on July 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6858; Filed, July 21, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-86]

CONTROL AREAS AND CONTROL ZONES

Withdrawal of Proposal To Alter Control Zone and Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER in Airspace Docket No. 60-KC-86 on December 31, 1960 (25 F.R. 14048), it was stated that the Federal Aviation Agency proposed the alteration of the Springfield, Mo., control zone and the Springfield control area extension.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Springfield area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the notice. The need for these changes will be considered in an Amendment 60-21 implementation to be made on an area basis in which requirements for controlled airspace in the Springfield area will be correlated with requirements in adjacent areas. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), notice is hereby given that the proposal contained in Airspace Docket No. 60-KC-86 is withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-6859; Filed, July 21, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 240, 249]

[Release 33-4390]

FORM AND CONTENT OF FINANCIAL STATEMENTS; SECURITIES EXCHANGE ACT OF 1934

Extension of Time for Comments on Proposed Rulemaking

The Securities and Exchange Commission today announced an extension of time, from July 13 to September 1, 1961, within which comments on its proposed amendments to Form 10-K (described in § 249.310) and Regulation S-X (Part 210) and its proposed new Rule 15d-21 (§ 240.15d-21) may be submitted. These proposals relate to the filing of information and reports with respect to employee stock purchase, savings or similar plans. (FEDERAL REGISTER of June 22, 1961, 26 F.R. 5580.)

The extension was granted at the request of persons who desire additional time to study the proposals and submit comments thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 12, 1961.

[F.R. Doc. 61-6871; Filed, July 21, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.16]

"LANOCERINA", A TREATED LANOLIN

Proposed Tariff Classification

JULY 18, 1961.

It appears that "Lanocerina" a treated lanolin consisting of a white odorless grease consisting of about 75 percent fatty alcohols and 25 percent hydrocarbons resulting from the treatment of wool grease or lanolin with hydrogen under high pressure and temperature, is properly classifiable as a fat, the composition and properties of which have been changed by chemical means, not specially provided for, under paragraph 56, Tariff Act of 1930, and dutiable at the statutory rate of 20 percent ad valorem. It has been the established and uniform practice to classify this product under paragraph 56 of the tariff act, as a hardened or hydrogenated fat or oil, dutiable at the statutory rate of 4 cents per pound, on the understanding based upon a prior customs laboratory analysis that the imported merchandise had the characteristics of hydrogenated fat.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau the existing uniform and established practice for classifying the treated lanolin as a hardened or hydrogenated fat or oil under paragraph 56, dutiable at the statutory rate of 4 cents per pound.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 61-6880; Filed, July 21, 1961; 8:47 a.m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM KOREA

Available Certifications by the Republic of Korea

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodity: Walnuts.

[SEAL] MARGARET W. SCHWARTZ,
Acting Director,
Foreign Assets Control.

[F.R. Doc. 61-6844; Filed, July 21, 1961; 8:45 a.m.]

Office of the Secretary

[AA 643.3-W]

PORTLAND GRAY CEMENT FROM PORTUGAL

Determination of Sales at Less Than Fair Value

JULY 12, 1961.

A complaint was received that portland gray cement from Portugal was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that portland gray cement from Portugal is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The United States Tariff Commission is being advised of this determination.

Statement of reasons. It was determined that for fair value purposes the purchase price of the imported cement should be compared with the weighted-average adjusted home market price.

Purchase price was computed on the basis of the C&F east coast port price per 94-pound bag. From this price ocean freight, inland freight and stowage, and port expenses were deducted. The weighted-average adjusted home market price was computed on the basis of the weighted-average price, ex-factory, unpacked, per metric ton in Portugal, and the weighted-average price, packed, f.o.b. Lisbon per metric ton on sales to Portuguese ultramarine provinces. From such prices were deducted, as applicable, commission, cost of credit risk, technical assistance, advertising, and quantity discount. In connection with the ultramarine sales, cost of packing, inland freight and stowage, and port expenses were also deducted. A weighted-average price per metric ton, ex-factory, unpacked, was then calculated on the basis of the total quantity sold in Portugal and to the ultramarine provinces. The costs of export packing and of spare bags included in the shipments to the United States were added. Advertising was disallowed as to importations entered on or after July 5, 1960.

Purchase price was found to be lower than the weighted-average adjusted home market price as to importations both before and after July 5, 1960.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] HENRY H. FOWLER,
Under Secretary of the Treasury.

[F.R. Doc. 61-6881; Filed, July 21, 1961; 8:48 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 5]

NORTHERN ASSURANCE COMPANY OF AMERICA

Surety Company Acceptable on Federal Bonds

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $937,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

Massachusetts, The Northern Assurance Company of America, Boston, Mass.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 61-6882; Filed, July 21, 1961; 8:48 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 4]

COMMERCIAL UNION INSURANCE COMPANY OF NEW YORK

Surety Company Acceptable on Federal Bonds

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $673,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds, Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

New York, Commercial Union Insurance Company of New York, New York, N.Y.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 61-6883; Filed, July 21, 1961; 8:48 a.m.]

[1961 Dept. Cir. No. 1062]

3¼ PERCENT TREASURY NOTES OF SERIES H–1962

Offering of Notes

JULY 17, 1961.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 3¼ percent Treasury Notes of Series H–1962, in exchange for which any of the following eligible securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

3⅛ percent Treasury Certificates of Indebtedness of Series C–1961, maturing August 1, 1961.
4 percent Treasury Notes of Series A–1961, maturing August 1, 1961.
2¾ percent Treasury Bonds of 1961, maturing September 15, 1961.
1½ percent Treasury Notes of Series EO–1961, maturing October 1, 1961.

Interest will be adjusted in the case of the 2¾ percent Treasury Bonds of 1961, and in the case of the 1½ percent Treasury Notes of Series EO–1961, as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on July 17 through July 19, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for

3¾ percent Treasury Notes of Series E–1964, or
3⅞ percent Treasury Bonds of 1968 (additional issue).

which offerings are set forth in Department Circulars Nos. 1063 and 1064, respectively, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated August 1, 1961, and will bear interest from that date at the rate of 3¼ percent per annum, payable on a semiannual basis on November 15, 1961, and on May 15 and November 15, 1962. They will mature November 15, 1962, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 1, 1961, or on later allotment, and may be made only in the securities of the four issues enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription.

2. Coupons dated August 1, 1961, should be detached from the 3⅛ percent Certificates of Indebtedness of Series C–1961, and the 4 percent Treasury Notes of Series A–1961, maturing August 1, 1961, by holders and cashed when due.

3. Coupons dated September 15, 1961, must be attached to the 2¾ percent Treasury Bonds of 1961 in coupon form when surrendered, and accrued interest from March 15, 1961, to August 1, 1961 ($10.38723 per $1,000), will be paid to subscribers. Payment to subscribers will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

4. Coupons dated October 1, 1961, must be attached to the 1½ percent Treasury Notes of Series EO–1961 when surrendered, and accrued interest from April 1, 1961, to September 1, 1961 ($6.27049 per $1,000), will be credited; accrued interest from August 1, 1961, to September 1, 1961 ($2.73777 per $1,000), on the notes to be issued will be charged, and the difference ($3.53272 per $1,000), will be paid to subscribers following acceptance of the notes.

V. *Assignment of registered bonds.* 1. The 2¾ percent Treasury Bonds of 1961 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignment for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series H–1962"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series H–1962 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¼ percent Treasury Notes of Series H–1962 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-6884; Filed, July 21, 1961; 8:48 a.m.]

[1961 Dep. Cir. No. 1063]

3¾ PERCENT TREASURY NOTES OF SERIES E–1964

Offering of Notes

JULY 17, 1961.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 3¾ percent Treasury Notes of Series E–1964, in exchange for which any of the following eligible securities, singly or in combinations aggregating $1,000 or multiples thereof, may be tendered:

3⅛ percent Treasury Certificates of Indebtedness of Series C–1961, maturing August 1, 1961.
4 percent Treasury Notes of Series A–1961, maturing August 1, 1961.
2¾ percent Treasury Bonds of 1961, maturing September 15, 1961.
1½ percent Treasury Notes of Series EO–1961, maturing October 1, 1961.

Interest will be adjusted in the case of the 2¾ percent Treasury Bonds of 1961, and in the case of the 1½ percent Treasury Notes of Series EO–1961, as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on July 17 through July 19, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of exchanging all or any part of such securities for

3¼ percent Treasury Notes of Series H–1962, or,
3⅞ percent Treasury Bonds of 1968 (additional issues).

which offerings are set forth in Department Circulars Nos. 1062 and 1064, respectively, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated August 1, 1961, and will bear interest from that date at the rate of 3¾ percent per annum, payable on a semiannual basis on February 15 and August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1964, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before August 1, 1961, or on later allotment, and may be made only in and securities of the four issues enumerated in Section I hereof, which will be accepted at par, and should accompany the subscription.

2. Coupons dated August 1, 1961, should be detached from the 3⅛ percent Certificates of Indebtedness of Series C–1961, and the 4 percent Treasury Notes of Series A–1961, maturing August 1, 1961, by holders and cashed when due.

3. Coupons dated September 15, 1961, must be attached to the 2¾ percent Treasury Bonds of 1961 in coupon form when surrendered, and accrued interest from March 15, 1961, to August 1, 1961 ($10.38723 per $1,000), will be paid to subscribers. Payment to subscribers will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

4. Coupons dated October 1, 1961, must be attached to the 1½ percent Treasury Notes of Series EO–1961 when surrendered, and accrued interest from April 1, 1961, to September 1, 1961 ($6.27049 per $1,000), will be credited; accrued interest from August 1, 1961, to September 1, 1961 ($3.18261 per $1,000), on the notes to be issued will be charged, and the difference ($3.08788 per $1,000) will be paid to subscribers following acceptance of the notes.

V. *Assignment of registered bonds.* 1. The 2¾ percent Treasury Bonds of 1961 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series E–1964"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series E–1964 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3¾ percent Treasury Notes of Series E–1964 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-6885; Filed, July 21, 1961; 8:48 a.m.]

[1961 Dept. Cir. No. 1064]

3⅞ PERCENT TREASURY BONDS OF 1968

Offering of Bonds

JULY 17, 1961.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.375 percent of their face value and accrued interest, from the people of the United States for bonds of the United States, designated 3⅞ percent Treasury Bonds of 1968, in exchange for which any of the following securities may be tendered:

3⅛ percent Treasury Certificates of Indebtedness of Series C–1961, maturing August 1, 1961.
4 percent Treasury Notes of Series A–1961, maturing August 1, 1961.
2¾ percent Treasury Bonds of 1961, maturing September 15, 1961.
1½ percent Treasury Notes of Series EO–1961, maturing October 1, 1961.

A cash adjustment, as provided in section IV hereof will be made in favor of subscribers for the discount from the face value of the new bonds. Interest will be adjusted in the case of the 2¾ percent Treasury Bonds of 1961, and in the case of the 1½ percent Treasury Notes of Series EO–1961, as set forth in section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on July 17 through July 19, 1961, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the eligible securities are offered the privilege of ex-

changing all or any part of such securities for

3¼ percent Treasury Notes of Series H–1962, or

3¾ percent Treasury Notes of Series E–1964,

which offerings are set forth in Department Circulars Nos. 1062 and 1063, respectively, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 3⅞ percent Treasury Bonds of 1968 issued pursuant to Department Circulars Nos. 1044 and 1049, dated June 8 and August 1, 1960, respectively. They will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from August 1, 1961, in the case of the certificates and notes maturing August 1 and the bonds maturing September 15, and from September 1, 1961, in the case of the notes maturing October 1. Subject to the provisions for the accrual of interest on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 1044:

1. The bonds will be dated June 23, 1960, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on November 15, 1960, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.375 percent of their face value and accrued interest for bonds allotted hereunder must be made on or before August 1, 1961, or on later allotment. Payment for the face amount of the bonds allotted may be made only in the securities of the four issues enumerated in section I hereof, which will be accepted at par, and should accompany the subscription. Accrued interest on the bonds alloted will be collected from, and interest on the securities to be exchanged and the cash adjustment for the discount on the bonds to be allotted will be paid to, subscribers as follows:

3⅛ percent Certificates of Indebtedness of Series C–1961. Coupons dated August 1, 1961, must be attached to the certificates when surrendered. Accrued interest from February 1, 1961, to August 1, 1961 ($15.625 per $1,000), on the certificates surrendered plus the discount ($6.25 per $1,000) on the bonds allotted will be credited; accrued interest from May 15, 1961, to August 1, 1961 ($8.21332 per $1,000), on the bonds allotted will be charged, and the difference ($13.66168 per $1,000) will be paid to subscribers following acceptance of the certificates.

4 percent Treasury Notes of Series A–1961. Coupons dated August 1, 1961, must be attached to the notes when surrendered. Accrued interest from February 1, 1961, to August 1, 1961 ($20.00 per $1,000), on the notes surrendered plus the discount ($6.25 per $1,000) on the bonds allotted will be credited; accrued interest from May 15, 1961, to August 1, 1961 ($8.21332 per $1,000), on the bonds allotted will be charged, and the difference ($18.03668 per $1,000) will be paid to subscribers following acceptance of the notes.

2¾ percent Treasury Bonds of 1961. Coupons dated September 15, 1961, must be attached to the bonds in coupon form when surrendered. Accrued interest from March 15, 1961, to August 1, 1961 ($10.38723 per $1,000), on the bonds surrendered plus the discount ($6.25 per $1,000) on the bonds allotted will be credited; accrued interest from May 15, 1961, to August 1, 1961 ($8.21332 per $1,000), on the bonds allotted will be charged, and the difference ($8.42391 per $1,000) will be paid to subscribers. Payment to subscribers will be made in the case of bearer bonds following their acceptance and in the case of registered bonds following discharge of registration. In the case of registered bonds, the payment will be made by check drawn in accordance with the assignments on the bonds surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

1½ percent Treasury Notes of Series EO–1961. Coupons dated October 1, 1961, must be attached to the notes when surrendered. Accrued interest from April 1, 1961, to September 1, 1961 ($6.27049 per $1,000), on the notes surrendered plus the discount ($6.25 per $1,000) on the bonds allotted will be credited; accrued interest from May 15, 1961, to September 1, 1961 ($11.47758 per $1,000), on the bonds allotted will be charged, and the difference ($1.04291 per $1,000) will be paid to subscribers.

V. *Assignment of registered bonds.* 1. 2¾ percent Treasury Bonds of 1961 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. The bonds must be delivered at the expense and risk of the holder. If the new bonds are desired registered in the same name as the bonds surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968"; if the new bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in the name of _____"; if new bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 3⅞ percent Treasury Bonds of 1968 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–6886; Filed, July 21, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF

Calling for Nominations for Areas To Be Offered for Phosphate Leasing

JULY 17, 1961.

Pursuant to the authority prescribed in 43 CFR 201.20, notice is hereby given that nominations of areas for prospective phosphate leasing on the Outer Continental Shelf off the coast of California in the San Diego area and identified by leasing blocks as shown on the official leasing map of the said area approved by the Bureau of Land Management on March 3, 1961, may be submitted to the Director, Bureau of Land Management, Washington 25, D.C., not later than September 15, 1961. Copies of such nominations must be sent to the Regional Oil and Gas Supervisor, U.S. Geological Survey, Room 1012, Bartlett Building, 215 West 7th Street, Los Angeles 14, California. Envelopes should be marked "Nomination for phosphate leasing on the Outer Continental Shelf."

Nominated areas must be identified by leasing blocks as shown on the official leasing map. Properly described subdivisions of blocks may be nominated. Copies of the official leasing map may be procured from the Assistant to the State Director, Bureau of Land Management, Bartlett Building, 215 West 7th Street, Los Angeles, California, or the Director, Bureau of Land Management, Washington 25, D.C., at a cost of $1 per map.

Any area selected to be offered for competitive bidding will be described and published in the FEDERAL REGISTER and other publications. The published notice of lease offer will state the conditions and terms for leasing and the place, date, and hour at which the bids will be opened. It is proposed that any leases offered for the selected areas will be subject to the following terms and conditions:

Bonus bid. A minimum of $5 per acre.

Term. 10 years and so long thereafter as phosphate is being produced from the leased area or other operations for the production of phosphate as approved by the Secretary are being conducted.

Rental, 50 cents per acre for first and second years of the lease and $1 per acre for each year thereafter.

Minimum royalty: After commencement of production, $2 per acre each year in lieu of rental.

Royalty. 5 percent (but not less than 20 cents a short ton) of the gross value at the unloading point on shore for each ton (2000 pounds) of phosphate produced, such gross value to be computed without deduction for transportation, loading or unloading or any other costs incident to delivery on shore.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 61–6863; Filed, July 21, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of California a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Alameda.	Plumas.
Alpine.	Riverside.
Butte.	San Benito.
Calaveras.	San Bernardino.
Colusa.	San Diego.
Contra Costa.	San Francisco.
Del Norte.	San Luis Obispo.
El Dorado.	San Mateo.
Glenn.	Santa Barbara.
Humboldt.	Santa Clara.
Imperial.	Santa Cruz.
Inyo.	Shasta.
Lake.	Sierra.
Lassen.	Siskiyou.
Los Angeles.	Solano.
Mariposa.	Sutter.
Modoc.	Tehama.
Mono.	Trinity.
Monterey.	Tuolumne.
Nevada.	Ventura.
Orange.	Yolo.
Placer.	Yuba.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6894; Filed, July 21, 1961; 8:50 a.m.]

WYOMING

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Wyoming a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WYOMING

Campbell.	Sweetwater.
Crook.	Uinta.
Lincoln.	Weston.
Niobrara.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–6895; Filed, July 21, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

PAUL MANTZ AIR SERVICES

[Docket 12076]

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 7, 1961, at 10 a.m., e.d.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Harley G. Moorhead.

Dated at Washington, D.C., July 19, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–6896; Filed, July 21, 1961; 8:50 a.m.]

[Docket No. 11908 etc.; Order No. E–17190]

TRANSATLANTIC CHARTER INVESTIGATION

Supplemental Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1961.

By Order E–16023, November 14, 1960, we instituted this investigation to determine whether the public convenience and necessity require the certification of one or more air carriers to conduct transatlantic passenger charters from or to points in the United States and, if so, under what terms and conditions. By that order, we also consolidated herein two pending applications for certificates of public convenience and necessity to perform passenger charter flights, namely those of Overseas National Airways, Inc. (ONA), in Docket 8056, and of United States Overseas Airlines, Inc. (USOA), in Docket 8951. More recently, we have consolidated seven other pending applications herein, namely those of Saturn Airways, Inc. (Saturn), in Docket 11962, President Airlines, Inc. (President), in Docket 11931, Capitol Airways, Inc. (Capitol), in Docket 11982, Imperial Airlines, Inc. (Imperial), in Docket 11965, Airline Transport Carriers, Inc. d/b/a California-Hawaiian Airlines (California-Hawaiian), in Docket 11999, The Flying Tiger Line Inc. (Flying Tiger), in Docket 6668, and Seaboard World Airlines, Inc. (formerly Seaboard & Western Airlines, Inc.) (Seaboard), in Docket 11971.[1]

It was our intention to consolidate such applications only insofar as they sought authority to conduct charter service within the appropriate geographical

[1] The pertinent orders were: Saturn—Order E–16967, June 20, 1961; President—Order E–17048, June 29, 1961; Capitol—Order E–17049, June 29, 1961; Imperial—Order E–17050, June 29, 1961; California-Hawaiian—Order E–17051, June 29, 1961; Flying Tiger—Order E–17133, July 10, 1961; and Seaboard—Order E–17134, July 10, 1961.

scope of this case, which we conclude should be defined by the traditional boundaries of transatlantic route proceedings. Since certain of the applications previously or hereby consolidated entail requests for authority beyond those boundaries, it appears desirable at this time to specifically limit this proceeding to a consideration of applications for certificated transatlantic passenger charter authority within the following area: between points within the 48 contiguous states, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa and Asia as far east as (and including) India, on the other hand. Consideration of applications for authority beyond that area would unduly expand this already broad proceeding and would, in our judgment, be premature. Therefore, we shall sever out of the previously consolidated applications of ONA, USOA, Saturn, Capitol, California-Hawaiian, and Seaboard, requests for authority beyond the geographical limits of this proceeding. In view of our desire to bring the Board's docket to a reasonably current basis and thus insure that important formal proceedings may be passed upon promptly, we shall dismiss the severed portions of the applications, without prejudice to the right of those carriers to file new applications for such further and specific authority as they may desire.

The Board also issued a notice of proposed rule making (EDR–21, Docket 11907, Part 295) contemporaneously with Order E–16023. That rule-making proceeding was concluded on April 20, 1961, by the issuance of a revised Part 295 (ER–326) which establishes the requirements governing applications for, and operations under, temporary (seasonal) blanket exemption authority for transatlantic passenger charter flights. One of the requirements of the amended Part 295 is that applicants for authority thereunder must be applicants in good standing for transatlantic charter authority in the instant proceeding (§ 295.5(a)).[1] To establish such eligibility to apply for the exemption authority, we shall consolidate all remaining pending applications for certificates of public convenience and necessity to perform transatlantic passenger charter flights. Consistent with our action herein with regard to the previously consolidated applications, we shall sever out of all such applications requests for authority beyond the geographical limits of this proceeding, and dismiss the severed portions without prejudice. In total, 31 applications will be totally or partially consolidated in this proceeding by the instant order and Orders E–16023, E–16967, E–17048, E–17049, E–17050, E–17051, E–17133, and E–17134.

The issues to be considered in the instant investigation are those which arise under section 401 of the Federal Aviation Act of 1958, as amended, namely: (a) Whether the public convenience and necessity require the certification of one or more transatlantic passenger charter carriers and, if so, which carrier or carriers should be selected to perform such transportation; (b) whether the various applicants are fit, willing, and able properly to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder; and (c) what terms, conditions or limitations should be attached to any certificates which the Board might grant.

In placing in issue the terms, conditions and limitations which would attach to any authority ultimately granted herein, we contemplate a full consideration of the rules which should govern such operations. This includes, but is not limited to, further consideration of rules established by our recent amendment of Part 295 (ER–326, supra). As we stated in issuing that amended regulation, the hearing herein will be directed to the long-range needs and authorizations in the transatlantic passenger charter field (ER–326, supra, at p. 9). In determining rules to govern the broader and more permanent operations which may be authorized herein, it is patent that the Board should have the benefit of a full evidentiary hearing. We, therefore, invite the applicants and all parties not only to offer any suggestions which they may have with regard to the suitability of the rules of Part 295 for a long-range program, but also to come forward with any new concepts which they may consider appropriate. *Therefore, it is ordered:*

1. That the investigation in Docket 11908, instituted by Order E–16023, November 14, 1960, be and hereby is limited to the consideration of applications for certificates of public convenience and necessity to conduct transatlantic passenger charter services between points within the 48 contiguous states, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India, on the other hand;

2. That the investigation in Docket 11908 shall entail consideration of the following issues:

(a) Whether the public convenience and necessity require the certification of one or more air carriers to perform transatlantic passenger charter flights as delineated in ordering paragraph No. 1 and, if so, which carrier or carriers should be selected to perform such transportation, and what terms, conditions or limitations should be attached to such certificates;

(b) Whether the various applicants for transatlantic passenger charter authority are fit, willing and able to perform such transportation properly, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder;

3. That the applications of Overseas National Airways, Inc., in Docket 8056, United States Overseas Airlines, Inc., in Docket 8951, Saturn Airways, Inc., in Docket 11962, Capitol Airways, Inc., in Docket 11982, Airline Transport Carriers, Inc. d/b/a California-Hawaiian Airlines, in Docket 11999, and Seaboard World Airlines, Inc. (formerly Seaboard and Western Airlines, Inc.), in Docket 11971, insofar as they request authority to conduct passenger charter services via other than transatlantic routings or between points not within the geographical limits of this proceeding as defined by ordering paragraph No. 1, above, be and they hereby are severed and dismissed without prejudice;

4. That Order E–16023, and Orders E–16967, June 20, 1961, E–17049, June 29, 1961, E–17051, June 29, 1961, and E–17134, July 10, 1961, insofar as they consolidated with this investigation the portions of the applications severed and dismissed by ordering paragraph No. 3 hereof, be and they hereby are rescinded;

5. That the applications of the following named carriers in the dockets noted, insofar as they entail requests for transatlantic passenger charter authority within the geographical limits established in ordering paragraph No. 1 above, be and they hereby are consolidated with the investigation in Docket 11908;

Applicant	Docket No.
Resort Airlines, Inc	6610
Modern Air Transport, Inc	11959
Quaker City Airways, Inc	11960
Associated Air Transport, Inc	11967
General Airways, Inc.[2]	11969
Trans-Alaskan Airlines, Inc.[3]	11961
Currey Air Transport Ltd.[3]	11964
Great Lakes Airlines, Inc.[3]	11966
National Airlines, Inc	11968
Standard Airways, Inc	11970
Southern Air Transport, Inc	11972
Sourdough Air Transport	11973
World Airways, Inc	11974
Paul Mantz Air Services	11975
Slick Airways, Inc	11976
Aerovias Sud Americana, Inc	11977
Trans International Airlines, Inc	11987
Central Air Transport, Inc	11988
Coastal Air Lines	11989
World Wide Airlines, Inc	11990
Riddle Airlines, Inc	12110
Blatz Airlines, Inc	12309

[1] Our recent actions in consolidating the applications of Saturn, President, Capital, Imperial, California-Hawaiian, Flying Tiger and Seaboard were grounded on this prerequisite to the award of temporary (seasonal) blanket exemption authority.

[2] Inasmuch as we understand that certain assets of General Airways, including the right, title and interest in certificates or other documents of authority held by that carrier were sold in a bankruptcy proceeding held in the United States District Court for the District of Oregon (in the Matter of General Airways, Inc., Bankrupt, No. B–44618), and no application has been made for a transfer of the certificate pursuant to section 401(h) of the Act, we shall consider General Airways to be an applicant currently holding no operating authority.

[3] In consolidating the applications of Trans-Alaskan, Currey, and Great Lakes for hearing herein, we wish to make it clear that we thereby take no action inconsistent with our action in Orders E–16050, November 21, 1960, and E–16140, December 15, 1960. In those orders, we dismissed applications by these three carriers under the specific circumstances therein presented. However, as we then stated, our action did not constitute any permanent barrier to the filing of applications by those carriers (Order E–16050, at p. 7, fn. 6). The applicants will, of course, have the burden of establishing that they are now fit, willing and able within the meaning of the Act.

6. That the applications listed in ordering paragraph No. 5, above insofar as they request authority to conduct passenger charter services via other than transatlantic routings or between points not within the geographical limits established in ordering paragraph No. 1, above, be and they hereby are severed and dismissed without prejudice;

7. That this proceeding be set down promptly for prehearing conference before an Examiner of the Board; and

8. That this proceeding shall be expedited as much as possible.

This Order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–6897; Filed, July 21, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–LA–8]

PROPOSED HOSPITAL BUILDING

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to the aviation industry for comment and has conducted an aeronautical study to determine its effect upon the utilization of airspace: The County of San Diego, California, proposes to erect a Hospital Building in San Diego, California, at latitude 32°45'17" north, longitude 117°09'53" west. The overall height of the structure would be 475 feet above mean sea level (185 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 2 miles northeast of the center of the San Diego Municipal Airport (Lindbergh Field), San Diego, California, and would penetrate the horizontal surfaces of the Agency's TSO–N18, and the Joint Industry/Government Tall Structures Committee criteria by 310 feet as applied to this airport. However, the Agency study revealed that these factors would have no substantial adverse effect on air traffic operations at Lindbergh Field.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction lighted.

Issued in Washington, D.C., on July 17, 1961.

This finding will be effective upon publication in the FEDERAL REGISTER.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6857; Filed, July 21, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File 812–1410]

IVEST FUND, INC.

Notice of Filing of Application for an Order Exempting Proposed Transactions

JULY 18, 1961.

Notice is hereby given that Ivest Fund, Inc. ("Applicant"), a registered open-end non-diversified investment company chartered under the laws of Massachusetts, has filed an amended application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act proposed transactions hereinafter described.

As a means of providing Applicant with the initial net worth of $100,000 required by section 14(a) of the Act, a voluntary association ("Transferor") known as Professional Investors and controlled by four individuals, proposes to transfer all of its assets, which as of April 30, 1961, amounted to $278,697, including securities with an aggregate market value of $234,476, to the Applicant in exchange for shares of Applicant's common stock. Shares of Applicant's common stock will be issued to the 26 shareholders of Transferor proportionately in accordance with their interests therein, each of whom will be acquiring such shares for investment and not with a view to, or in connection with, the distribution or redemption thereof. Messrs. William Nicholas Thorndike, Robert W. Doran, Stephen D. Paine and George Lewis are officers and accordingly are affiliated persons of the Applicant. They are also the controlling shareholders of Transferor, and it accordingly is an affiliated person of each of them. It is anticipated by Applicant that the transfer will be considered a tax-free exchange and that the basis of the securities received by Applicant will be their basis in the hands of the Transferor. The total tax cost of such securities is $158,422.

Applicant intends to offer its capital stock to the public on a continuous basis through its principal underwriter. At the present time and for an indeterminate time in the future Applicant will not be able to meet the requirements of Subchapter M of the Internal Revenue Code of 1954 so that its net income and realized capital gains will be subject to Federal income taxes. In order to insure that the public investors will not bear an unfair tax burden in the event of the sale of the appreciated securities obtained in the tax-free exchange, Applicant intends to set up on its books, immediately upon receipt of such securities, a reserve equal to 25 percent of the net unrealized appreciation on such securities on the date of transfer. Thereafter, and until such time as Applicant elects to become subject to Subchapter M of the Internal Revenue Code of 1954, if and when any of the securities are sold, the reserve will be reduced by the amount of the taxes payable on securities held. At the time Applicant elects to become subject to Subchapter M it will maintain a reserve equal to 12½ percent of the unrealized gains on the securities acquired from Transferor which will be reduced pro tanto by the amount allocable to any of such securities sold. Transferor, in exchange for its securities, will receive from Applicant, shares of its capital stock equal in number to the value of the securities transferred less the tax reserve on the date of transfer.

Section 17(a) of the Act, in relevant part, prohibits the sale of securities to a registered investment company by an affiliated person or promoter of such company, or by an affiliated person of such a person. Under section 17(b) of the Act the Commission shall grant an exemption from the prohibitions of section 17(a) if it finds that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transactions are consistent with the policy of the registered investment company concerned as recited in its registration statement and reports filed under the Act, and with the general purposes of the Act.

Notice is hereby given that any interested person may, not later than August 3, 1961, at 5:30 p.m., e.d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–6869; Filed, July 21, 1961; 8:46 a.m.]

[File No. 24–NY–4751]

NORTHEAST TELECOMMUNICATIONS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JULY 18, 1961.

I. Northeast Telecommunications, Inc. (issuer), a Delaware corporation, 122 East 42d Street, New York, New York,

filed with the Commission on October 20, 1958 a notification on Form 1–A, an offering circular, and other material relating to a proposed public offering of 300,000 shares of its 10 cent par value common stock at $1 per share for an aggregate public offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer failed to meet the requirements of Rule 253 in that the securities offered by controlling persons were not included in the computation of the amount of securities to be offered to the public;

2. Sales of securities were made in jurisdictions other than those specified in the notification; and

3. The issuer filed a false and misleading report of sales on Form 2–A, particularly with respect to the statement that the offering was completed on February 10, 1959, when in fact sales continued to be made after that date.

B. Regulation A is unavailable to the issuer in that the aggregate amount of the securities offered to the public, computed in accordance with Rules 253 and 254, exceeded $300,000.

C. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the actual educational background and business experience of Richmond Lisle-Cannon, officer, director, principal stockholder, and promoter of the issuer;

2. The failure to set forth adequately and accurately the proposed use of proceeds from the sale of the securities; and

3. The failure to disclose accurately the consideration given by officers and directors of the issuer for outstanding stock of the issuer in that the shares were not issued for the amount of cash stated in the offering circular.

D. Shares granted to the underwriter were distributed in violation of the commitment expressed in the underwriting agreement and in the offering circular.

E. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6870; Filed, July 21, 1961; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–V–33]

BRANCH COUNSEL, NASHVILLE, TENNESSEE

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Branch Manager by Delegation of Authority No. 30–V–32, dated June 10, 1961, there is hereby redelegated to the Branch Counsel, Nashville Branch Office, the following authority:

A. *Legal.* To disburse all approved loans.

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by any SBA employee designated as Acting Branch Counsel.

Effective date July 16, 1961.

LANDON J. GOODSON, *Branch Manager, Nashville Branch Office.*

[F.R. Doc. 61-6872; Filed, July 21, 1961; 8:46 a.m.]

[Delegation of Authority No. 30–X–24]

MANAGER, DISASTER FIELD OFFICE, HARRISON, ARKANSAS

Recision of Delegation

Notice is hereby given that this delegation is rescinded in its entirety.

(Disaster Field Office closed COB 6–23–61)

Dated: June 26, 1961.

C. W. FERGUSON, *Regional Director, Dallas Regional Office.*

[F.R. Doc. 61-6873; Filed, July 21, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 522]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 19, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64245. By order of July 17, 1961, The Transfer Board approved the transfer to Pyramid Van Lines, Inc., 9420 Sandusky Ave., Cleveland, Ohio, of portion of Certificate No. MC 8[illegible], issued May 15, 1958, to Frank Jeske, doing business as Jacob Van Lines, 7[illegible] Cottage Grove Ave., Chicago, Ill., authorizing the transportation of: Household goods, between specified points in Illinois, Indiana, Michigan, and Wisconsin, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Minnesota, Mississippi, Nebraska, and specified portions of Michigan and Wisconsin. Dan J. Lutkenhouse, 184 Harbor Way, South San Francisco, Calif., president, Pyramid Van Lines, Inc.

No. MC–FC 64310. By order of July 17, 1961, The Transfer Board approved the transfer to N. J. Matlock and L. E. Whiting, a partnership, doing business as Alaska Auto Transport, Fairbanks, Alaska, of Certificate No. MC 11[illegible], issued December 10, 1959, to N. J. Matlock, doing business as Alaska Auto Transport, Fairbanks, Alaska, authorizing the transportation, over irregular routes, of automobiles and pickup trucks, in truckaway service, in secondary movements, between Seattle, Wash., and Fairbanks, Alaska. James T. Johnson, 609 Norton Building, Seattle 4, Wash., attorney for applicants.

No. MC–FC 64344. By order of July 12, 1961, The Transfer Board approved the transfer to Charles A. Groeppel, Menomonie, Wis., of Certificate No. MC 29119, issued August 11, 1953, to Robert Brown, Menomonie, Wis., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, between points in the Towns of Menomonie, Lucas, Stanton (not including the Village of Knapp), and Weston, Dunn County, Wis., and those in the Town of Cady, St. Croix County, Wis., on the one hand, and, on the other, Hastings, Minneapolis, Newport, St. Paul, South St. Paul, and [illegible]

water, Minn. A. R. Fowler, 2286 University Avenue, St. Paul 14, Minn., applicants' representative.

No. MC–FC 64348. By order of July 12, 1961, The Transfer Board approved the transfer to Kenneth E. Davis, Gregory, S. Dak., of Certificate No. MC 95214, issued April 29, 1949, to H. C. Grim, Gregory, S. Dak., authorizing the transportation of livestock, over irregular routes, from Gregory, S. Dak., and farms and sales pavilions in South Dakota within 30 miles of Gregory, to Sioux City, Iowa; and feed, farm machinery, and farm tractors, over irregular routes, from Sioux City, Iowa, to Gregory, S. Dak. Don A. Bierle, 308 Walnut Street, Yankton, S. Dak., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6876; Filed, July 21, 1961; 8:47 a.m.]

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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3419

CAPTIVE NATIONS WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS by a joint resolution approved July 17, 1959 (73 Stat. 212), the Congress has authorized and requested the President of the United States of America to issue a proclamation designating the third week in July 1959 as "Captive Nations Week," and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS many of the roots of our society and our population lie in these countries; and

WHEREAS it is in keeping with our national tradition that the American people manifest its interest in the freedom of other nations:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning July 16, 1961, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to recommit themselves to the support of the just aspirations of all peoples for national independence and freedom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of July in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-7012; Filed, July 24, 1961; 9:24 a.m.]

Proclamation 3420

NATIONAL FARM-CITY WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS the productivity and efficiency of American agriculture provide an abundance of food and fiber without equal anywhere; and

WHEREAS this agricultural abundance is vital not only to the well-being of all our people and to the strength of our Nation, but also to the freedom and economic growth of the newly emerging nations of the world with whom we share both this abundance and the technology which makes it possible; and

WHEREAS the interdependence between prosperity on the American farm and the economic health of the American city has never been more significant; and

WHEREAS there is urgent need for mutual recognition and appreciation of this interdependence—a need for labor, business, and industry to recognize the family farmer not only as the supplier of their food and raw materials but also as one of their best and most dependable customers, and a need for agriculture to recognize all Americans as customers who are entitled to better information as to the quality of the products and services provided and the fairness of their cost:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 17 through November 23, 1961, as National Farm-City Week, and I call upon the peoples throughout the Nation to participate fully in the observance of that week.

I request the Department of Agriculture, the land-grant colleges and universities, the cooperative extension services, and all other appropriate agencies and officials of the Government to cooperate with National, State, and local farm organizations and other groups in preparing and carrying out programs for the appropriate observance of National Farm-City Week, including public meetings, discussions, exhibits, pageants, and press, radio, and television features, with special emphasis on the interdependence of the family farm and the city.

I also request labor, business, industry, and all consumers to join in this observance, along with farm groups, as evidence of America's appreciation of all those on the farms and in the cities who provide us with the food and fiber for better living.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of July in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-7010; Filed, July 24, 1961; 9:24 a.m.]

Proclamation 3421

FIRE PREVENTION WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS an unconscionable number of lives and approximately a billion dollars worth of property are lost each year because of fires which could have been prevented or controlled; and

WHEREAS our communities and the Nation can ill afford this inexcusable waste of our resources:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning October 8, 1961, as Fire Prevention Week.

I urge State and local governments, the American Red Cross, the Chamber of Commerce of the United States, and business, labor and farm organizations, as well as schools, civic groups, and public-information agencies, to observe Fire Prevention Week by bringing fire safety facts effectively to the attention of the public. I call upon all citizens to understand and personally support the fire prevention and control efforts of their respective community fire departments. I also direct the appropriate Federal agencies to assist in this effort to reduce the shameful waste caused by preventable fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of July in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-7011; Filed, July 24, 1961; 9:24 a.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-16]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Segment of Federal Airway, Associated Control Areas and Reporting Points

On May 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3780) stating that the Federal Aviation Agency proposed to revoke the segment of low altitude Amber Federal airway No. 4 which extends from the Tulsa, Okla., radio range to the Chanute, Kans., radio range, its associated control areas and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.104 [Amendment]

1. In § 600.104 (14 CFR 601.104) the following changes are made:

(a) In the caption, "Tulsa, Okla.," is deleted and "Chanute, Kans.," is substituted therefor.

(b) In the text, "From the Tulsa, Okla., RR via the INT of the NE course of the Tulsa, Okla., RR and the S course of the Chanute, Kans., RR;" is deleted and "From the Chanute, Kans., RR" is substituted therefor.

2. Section 601.104 (14 CFR 601.104) is amended to read:

§ 601.104 Amber Federal airway No. 4 control areas (Chanute, Kans., to Baldwin City, Kans., and Omaha, Nebr., to Minot, N. Dak.).

All of Amber Federal airway No. 4.

§ 601.4104 [Amendment]

3. In § 601.4104 (14 CFR 601.4104) the following changes are made:

(a) In the caption, "Tulsa, Okla.," is deleted and "Chanute, Kans.," is substituted therefor.

(b) In the text, "Tulsa, Okla., RR;" is deleted.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6911; Filed, July 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-AN-25]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas; Designation of Federal Airway, Associated Control Areas, and Reporting Points

On April 18, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3278) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 440 and its associated control areas and to designate low altitude VOR Federal airway No. 512, its associated control areas and reporting points.

No comments were received regarding the proposed amendments.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Although not stated in the notice, the portion of Victor 440 which overlies the Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor R-2201 shall be used only after obtaining prior approval from appropriate authority. Action is taken herein to indicate this change.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6440 (25 F.R. 9891) is amended to read:

§ 600.6440 VOR Federal airway No. 440 (Biorka Island, Alaska, to Skwentna, Alaska).

From the Biorka Island, Alaska, VOR via the Yakutat, Alaska, VOR; Middleton Island, Alaska, VOR; INT of the Hinchinbrook, Alaska, RR NW course with the Anchorage, Alaska, VOR 118° radial; Anchorage VOR, including a S alternate from the Middleton Island VOR to the Anchorage VOR via the INT of the Middleton Island VOR 298° and the Anchorage VOR 163° radials; to the Skwentna, Alaska, RR excluding the airspace below 2,000 feet MSL outside the United States. The portion of this airway which coincides with R-2201 shall be used only after obtaining prior approval from appropriate authority.

2. Part 600 (14 CFR Part 600) is amended by adding the following section:

§ 600.6512 VOR Federal airway No. 512 (Sisters Island, Alaska to Harbor Point, Alaska).

From the Sisters Island, Alaska, VOR to the INT of the Yakutat, Alaska, VOR 139° and the Sisters Island VOR 272° radials excluding the airspace below 2,000 feet MSL outside the United States.

3. Section 601.6440 (14 CFR 601.6440, 25 F.R. 9891) is amended to read:

§ 601.6440 VOR Federal airway No. 440 control areas (Biorka Island, Alaska, to Skwentna, Alaska).

All of VOR Federal airway No. 440 including a S alternate but excluding the airspace between the S alternate and the main airway.

4. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.6512 VOR Federal airway No. 512 control areas (Sisters Island, Alaska, to Harbor Point, Alaska).

All of VOR Federal airway No. 512.

§ 601.7001 [Amendment]

5. In the text of § 601.7001 (14 CFR 601.7001, 26 F.R. 1079) the following are added:

Biorka Island, Alaska, VOR.
Sisters Island, Alaska, VOR.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Secs. 307(a), 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6910; Filed, July 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-103]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Zone

On April 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3157) stating that the Federal Aviation Agency proposed to revoke the control zone at Ellensburg, Wash.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 12582) and for the reasons stated in the notice, § 601.1983 (14 CFR 601.1983) is amended by deleting the following:

Ellensburg, Wash.: Ellensburg Municipal Airport.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6908; Filed, July 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-189]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension

The purpose of this amendment to Part 601 of the regulations of the Administrator is to revoke the Brownsville, Tex., control area extension.

The Department of Defense has stated that it has no requirements for retention of the Brownsville, Tex., control area extension and recommends its revocation. The Federal Aviation Agency concurs. Therefore; action is taken herein to revoke the Brownsville control area extension.

Since this amendment imposes no additional burden on any person, notice and public procedure herein are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 601 (14 CFR Part 601) is amended as follows:

Section 601.1214 *Control area extension (Brownsville, Tex.)*, is revoked.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6909; Filed, July 24, 1961; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Employee's Answer

Section 22.203(b) is amended as set out below.

§ 22.203 Employee's answer.

* * * * *

(b) The employee may answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which he believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the agency shall make a representative or representatives available to receive the employee's answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed adverse action or to recommend what final decision should be made.

(Secs. 11, 19, 58 Stat. 390, 391, as amended; 5 U.S.C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-6928; Filed, July 24, 1961; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Excepted Narcotic Pharmaceutical Preparations

On June 6, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 5016) stating that the Commissioner of Narcotics, pursuant to the provisions of section 4702(a) of the Internal Revenue Code of 1954, as amended by section 4(c) of the Narcotics Manufacturing Act of 1960 (74 Stat. 58), proposed that pharmaceutical preparations in liquid form containing not more than 2.5 mgs. diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit be designated as Class "X" products.

After due notice and opportunity for public hearing, and after consideration of all relevant matters, it is hereby found that pharmaceutical preparations in liquid form containing not more than 2.5 mgs. diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit do not possess an addiction-forming or addiction-sustaining liability sufficient to warrant imposition of all the requirements of the Federal narcotic laws and do not permit recovery of a narcotic drug having an addiction-forming or addiction-sustaining liability, with such relative technical simplicity and degree of yield as to create a risk of improper use. Such preparations are hereby designated as Class "X" products subject to such requirements as are indicated for Class "X" products in 26 CFR 151.421-151.428.

Subparagraph (6) of § 151.428(a) is amended by adding the words "or liquid" following the word "solid" and as so amended, reads as follows:

§ 151.428 Exempt narcotic pharmaceutical preparations.

(a) *Pharmaceutical preparations designated as Class "X" products.* * * *

(6) Pharmaceutical preparations in solid or liquid form containing not more than 2.5 mgs. diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit.

(26 U.S.C. 4702(a), as amended by sec. 4(c), Pub. Law 86-429 (74 Stat. 58), sec. 17, Pub. Law 86-429 (74 Stat. 67))

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: July 18, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-6942; Filed, July 24, 1961; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 9—COLOR CERTIFICATION

Notice of Abandonment of Proceedings

In the matter of deleting D&C Orange No. 5, D&C Orange No. 6, D&C Orange No. 7, D&C Orange No. 17, D&C Red No. 8, D&C Red No. 9, D&C Red No. 10, D&C Red No. 11, D&C Red No. 12, D&C Red No. 13, D&C Red No. 19, D&C Red No. 20, D&C Red No. 33, D&C Red No. 37, D&C Yellow No. 7, D&C Yellow No. 8, and D&C Yellow No. 9 from the list of coal-tar colors subject to certification and adding to the list of colors certifiable for ex-

ternal use only all the colors named except D&C Orange No. 6, D&C Orange No. 7, D&C Red No. 20, and D&C Yellow No. 9.

A notice of proposal to amend the regulations as stated above was published in the FEDERAL REGISTER April 15, 1959 (24 F.R. 2873), and a final order was published in the FEDERAL REGISTER October 6, 1959 (24 F.R. 8065). The effective date of this order was postponed by notices published in the FEDERAL REGISTER January 7, 1960 (25 F.R. 109) and January 23, 1960 (25 F.R. 594). Finally, pursuant to a notice published in the FEDERAL REGISTER February 3, 1960 (25 F.R. 903), a public hearing on the above-identified matter was held during the period February 17 to March 2, 1960.

No order based upon the evidence received at the hearing has been entered.

On July 12, 1960, there became effective amendments to the Federal Food, Drug, and Cosmetic Act (Color Additive Amendments of 1960; 74 Stat. 397, et seq.) which provide for listing and certification of all color additives to be used in foods, drugs, and cosmetics, including the substances involved in this action. The amendments supersede the statutory provisions under which the hearing described in the second paragraph was held.

Since the above amendments render unnecessary any further proceedings relating to the evidence received at said hearing: *It is ordered*, That the matter be closed and all orders entered prior to July 12, 1960, in this matter be voided.

(Secs. 701, 706, 52 Stat. 1055, as amended, 1058; 21 U.S.C. 371, 376)

Dated: July 18, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6933; Filed, July 24, 1961; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-BUTENE-1 COPOLYMER

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Phillips Petroleum Company, Bartlesville, Oklahoma, and other relevant material has concluded that § 121.2508 of the food additive regulations should be amended with respect to the food additive ethylene-butene-1 copolymer to permit the use of the additive for packing or holding food during cooking. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2508 (21 CFR 121.2508; 26 F.R. 5225) is amended as follows:

1. Section 121.2508(d) is amended by adding thereto a new subparagraph (3) to read as follows:

§ 121.2508 Ethylene-butene-1 copolymer.

* * * * * *

(d) * * *

(3) Ethylene-butene-1 copolymer may be used as a component of articles for packing or holding food during cooking provided it meets the following extractability limitations:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluing and subsequent cooling to 25° C.

(ii) Maximum extractable fractions of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 5.5 percent when extracted with *n*-heptane at reflux temperature.

2. Section 121.2508 is further amended by changing paragraph (e) to read:

(e) Extractability methods: Use the extractability methods described in § 121.2510 for xylene and ethyl acetate solvents and the method described in § 121.2516 for heptane solvent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 18, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6935; Filed, July 24, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

HIGH-DENSITY POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Phillips Petroleum Company, Bartlesville, Oklahoma, and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to high-density polyethylene used for packing or holding food during cooking. The extension of the effective date of the statute as published in § 121.91 in the FEDERAL REGISTER of June 10, 1961, is continued for polyethylene of lower density than that set forth in this order.

Pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2516 High-density polyethylene.

High-density polyethylene may be safely used to produce packaging materials, containers, and equipment intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) High-density polyethylene consists of a basic resin produced by the catalytic polymerization of ethylene to which may have been added certain optional substances of a grade of purity suitable for use in contact with food to impart desired technological properties. Subject to any limitation prescribed in this section, the optional substances may include:

(1) Substances generally recognized as safe in food and food packaging.

(2) Substances the use of which is permitted under regulations in this part or by prior sanctions or approvals.

(b) High-density polyethylene shall conform to the specifications prescribed in paragraph (c) of this section, and shall meet the extractability limits prescribed in paragraph (d) of this section, when tested by the methods provided in paragraph (e) of this section.

(c) Specifications: (1) *Infrared identification.* High-density polyethylene can be identified by its characteristic infrared spectrum.

(2) *Specific gravity.* High-density polyethylene has a specific gravity of not less than 0.95 nor more than 1.00, as determined by American Society for Testing Materials Method D-1505.

(d) Extractability limitations: (1) High-density polyethylene may be used as a component of articles in contact with food, including articles used for packing or holding food during cooking, provided it meets the following extractability limits:

(i) Maximum soluble fraction of 11.3 percent in xylene after refluxing and subsequent cooling to 25° C.

(ii) Maximum extractable fraction of 3.1 percent when extracted with ethyl acetate at 50° C.

(iii) Maximum extractable fraction of 5.5 percent when extracted with *n*-heptane at reflux temperature.

(e) Extractability methods: Use the extractability methods described in § 121.2510 for xylene and ethyl acetate solvents.

(1) *Heptane extractables in polyethylene (applicable to polyethylene and high density polyethylene in film form not exceeding 5 mils thickness)*—(i) *Special apparatus*—(a) *Extraction apparatus.* Two-liter, straight-walled, Pyrex glass resin kettles fitted with three-hole ground covers are most convenient for this purpose. The cover is fitted with a thermometer, a gas-tight stirrer driven by an air motor or explosion-proof electric motor, and a reflux condenser. The kettle is fitted with an electric heating mantle of appropriate size and shape which is controlled by a variable-voltage transformer.

(b) *Evaporating apparatus.* Rapid evaporation of large volumes of solvent requires special precautions to prevent contamination by dust. This is facilitated by a special "gas" cover which consists of an inverted, flat Pyrex crystallizing dish of an appropriate size (190 millimeters by 100 millimeters) to fit a 1-liter beaker. Through the center of the dish are sealed an inlet tube for preheated, oxygen-free nitrogen and an outlet tube located 1 inch off center. Nitrogen is fed from the supply source through a coil of ¼-inch stainless steel tubing immersed in the same steam bath used to supply heat for solvent evaporation. All connections are made with flexible tetrafluoroethylene tubing.

(ii) *Reagents*—(a) *n-Heptane.* Spectro-grade *n*-heptane.

(b) *Nitrogen.* High-purity, dry nitrogen containing less than 10 parts per million of oxygen.

(iii) *Procedure.* (a) The film sample is cut into approximately 1-inch squares by any convenient method that avoids contamination by dust, dirt, or grease (do not touch with bare fingers). Transfer 2.5 grams (accurately weighed to nearest 0.001 gram) of the cut film to the resin kettle with the aid of forceps. Add 1 liter of solvent and clamp top in position. Start water flowing through jacket of the reflux condenser and apply air pressure to the stirring motor to produce vigorous agitation. Turn on heating jacket with transformer set at a predetermined voltage to bring the temperature of the contents to reflux temperature for heptane. As the thermometer reading approaches reflux temperature for heptane, reduce the voltage to the predetermined setting that will just maintain reflux temperature. Do not overshoot the prescribed temperature. Should this occur, discard the test and start afresh.

(b) Exactly 2 hours after the heptane has reached reflux temperature, disconnect the heater and remove the resin kettle from the heating jacket. When extracting with heptane, decant the solvent, while still warm, through a coarse filter paper placed on top of a fritted glass funnel, collecting the filtrate in a tared, glass-stoppered Erlenmeyer flask of 1-liter capacity.

(c) Determine to the nearest gram the weight of the filtrate recovered. Recovery should be at least 90 percent of the original solvent. Losses due to evaporation during heating and filtering have been found not to exceed 10 percent.

(d) Transfer about half of the solvent filtrate to a 1-liter beaker placed on an opening in the steam bath and immediately cover with the special "gas" cover the inlet tube of which has been attached with flexible tetrafluoroethylene tubing to a source of high-purity nitrogen in series with a stainless steel heating coil immersed directly in the body of the steam bath. Maintain a positive flow of warm nitrogen gas throughout the evaporation of the solvent, adding the remainder of the filtrate from the Erlenmeyer flask as the evaporation proceeds. When the volume of the solvent has been reduced to about 50 milliliters, transfer the concentrated liquid to a previously tared weighing dish of suitable size. Wash the beaker twice with 20-milliliter-30-milliliter portions of warm solvent, adding the washings to the weighing dish while continuing to evaporate the remainder of the solvent under the gas cover with its flow of warm nitrogen directed toward the center of the dish.

(e) In the event that an insoluble residue that cannot be removed with warm solvent remains in the beaker, it may be necessary to heat with a small amount of a higher boiling solvent such as benzene or toluene, transferring these washings to the weighing dish before final evaporation to dryness.

(f) Transfer the weighing dish with its residue to a vacuum desiccator, and allow it to remain overnight (at least 12 hours), after which the net weight of the dry residue is determined to the nearest 0.0001 gram. Correct the result for any solvent blank equivalent to the nonvolatile matter determined to be contained in the amount of solvents used in the test.

NOTE. The procedure described in this subparagraph is suitable for the extraction of polymer powders (80-mesh or finer) that have been prepared by grinding molding pellets or molded or extruded articles through a laboratory mill under conditions that prevent excessive heating of the samples (below 35° C.).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGESTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated July 18, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6936; Filed, July 24, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS USED IN MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 282) filed by Dow Corning Corporation, Midland, Michigan, and other relevant material, has concluded that the following regulation should issue with respect to emulsifiers used in the manufacture of paper and paperboard used in food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2517 Emulsifiers used in the manufacture of paper and paperboard.

The substances identified in paragraph (b) of this section may be safely used as emulsifiers in the manufacture of paper and paperboard subject to the provisions prescribed in this section.

(a) The substance or any combination of substances is used in an amount not greater than that required to accomplish the intended physical or technical effect nor greater than any specific limitation provided in paragraph (b) of this section.

(b) *List of substances.*

Limitations
Polysorbate 80—
Conforming to the identity prescribed in § 121.1009.
Used as an emulsifier to facilitate the application of release agents to paper and paperboard in an amount not to exceed 0.0008 pound per 1,000 square feet of the paper.
Sodium lauryl sulfate—
As an emulsifier to facilitate the application of release agents to paper and paperboard in an amount not to exceed 0.000045 pound per 1,000 square feet of paper.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: July 18, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-6934; Filed, July 24, 1961; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3-75—DELEGATIONS OF AUTHORITY

Subpart B—Delegates and Specific Limitations

PUBLIC HEALTH SERVICE

Section 3-75.6(b) is amended to add subparagraphs (5), (6), and (7) as follows:

§ 3-75.6 Public Health Service.

* * * * * *

(b) * * *

(5) Executive Officer, BSS.

(6) Asst. Executive Officer, BSS.

(7) Chief Contract Branch, BSS, BMS,[1] OSG.[1]

Dated: July 19, 1961.

[SEAL] RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 61-6923; Filed, July 24, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Plums[1]

LIQUID MEDIA AND BRIX MEASUREMENTS

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627) the United States Standards for Grades of Canned Plums (§§ 52.1781-52.1796) are hereby amended as follows:

Delete all of § 52.1785, recommended designations of liquid media and Brix measurements for canned plums, and substitute therefor the following:

§ 52.1785 Liquid media and Brix measurements for canned plums.

"Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the particular varieties and respective designations are specified in the following table:

Designations	Brix measurement	
	Purple plum groups	Other varieties
Extra heavy sirup or extra heavy plum juice sirup.	26° or more but not more than 35°.	24° or more but not more than 35°.
Heavy sirup or heavy plum juice sirup	21° or more but less than 26°.	19° or more but less than 24°.
Light sirup or light plum juice sirup	18° or more but less than 21°.	16° or more but less than 19°.
Slightly sweetened water or slightly sweetened plum juice.	Less than 18°.	Less than 16°.
In water	Packed in water.	Packed in water.
In plum juice	Packed in plum juice.	Packed in plum juice.

Notice of proposed rulemaking and public procedure thereon are unnecessary in that this amendment will operate to bring the grade standards for canned plums into conformity with the portion of the Food and Drug Administration Standard of Identity for Canned Plums dealing with liquid packing media.

Dated, July 20, 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627)

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 61-6925; Filed, July 24, 1961; 8:48 a.m.]

[1] Until December 31, 1961, unless revoked prior to that date.

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962-63 Marketing Year

Correction

In F.R. Doc. 61-6723, appearing at page 6411 of the issue for Tuesday, July 18, 1961, the last figure in the tenth line of § 723.973 is corrected to read "10.5559".

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-897]

PART 1—PRACTICE AND PROCEDURE

Motions To Enlarge, Change, or Delete Issues

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of July 1961;

The Commission having under consideration § 1.141 of its rules of practice and procedure, which provides for the filing of motions to enlarge, change, or delete issues in hearing proceedings; and

It appearing that hearing proceedings have on a number of occasions been unnecessarily delayed by the filing of motions to enlarge, change, or delete the issues which were lacking in substance; and

It further appearing that pleadings requesting a change in issues should comply with the same standards as pleadings originally raising such issues (i.e., petitions to deny filed pursuant to section 309(d)(1) of the Communications Act of 1934, as amended); and

It further appearing that the amendment adopted herein pertains to matters of procedure and hence that section 4 of the Administrative Procedure Act is not applicable; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, Effective July 26, 1961, that § 1.141 of the rules of practice and procedure is amended as set forth below. The amendment applies to oppositions and replies filed after the effective date only if the motion was filed after that date.

Released: July 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 1.141 is amended to read as follows:

§ 1.141 Motions to enlarge, change, or delete issues.

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER. Any person desiring to file a motion to enlarge, change, or delete the issues after the expiration of such 15 days must set forth the reason why it was not possible to file the petition within the prescribed 15 days. Unless good cause is shown for delay in filing, the motion will not be granted.

(c) Such motions, oppositions thereto, and replies to oppositions shall contain specific allegations of fact sufficient to support the action requested. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof.

[F.R. Doc. 61-6953; Filed, July 24, 1961; 8:51 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55432]

PART 14—APPRAISEMENT

Standard of Strength of Dye

A standard of strength of dyes, colors, etc., as set forth in the list below, is hereby adopted under the provisions of paragraph 28 of the Tariff Act of 1930 (U.S.C., Title 19, section 1001, par. 28), replacing a previously-adopted standard, higher in strength, now hereby revoked as set forth in the list below.

Footnote 13 to § 14.5(m), Customs Regulations, is amended to add the number of this Treasury decision to the list of Treasury decisions publishing the adopted standards of strength for coal-tar products.

(R.S. 161, as amended, 251, secs. 1 (par. 28), 624, 46 Stat. 594, as amended, 759, sec. 2, 70 Stat. 943; 5 U.S.C. 22, 19 U.S.C. 66, 1001, 1401a, 1402)

Notice of intention to establish the new standard of strength was published in the FEDERAL REGISTER of June 7, 1960 (25 F.R. 4994). All submissions of data, views, or arguments relating thereto were considered. The adoption of the new standard of strength shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

The Department was advised that the lower strength Indigo VS Paste, named in its notice as the proposed new standard No. 2 CE to replace standard No. 757, Indigo, Pure BASF, 20 percent Paste, is not being offered for sale in the United States and that it was withdrawn from commerce in June 1960. Therefore, no action is taken at this time to establish a new standard of strength to replace standard No. 757.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 18, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

STANDARD ESTABLISHED

Standard No.	Class index	Name of standard	Manufacturer	Partial list of trade names of imported products commercially identical with each standard	Manufacturer
1 CE	S-VII 1077 C 978.	Calcogene Black RBCF Solution.	(CCC)	Neosol Printing Black BD Sulphur Printing Black WR Powder. Sulphur Black T Ex.	(Ciba) (C) (A)

Key to additional abbreviations of names of manufacturers:
(CCC) American Cyanamid Co., Dyestuff Dept., Bound Brook, N.J., U.S.A.
(Ciba) Ciba Limited, Basle, Switzerland.

STANDARD REVOKED

Standard No.	Class index	Name of standard	Manufacturer	Partial list of trade names of imported products commercially identical with each standard	Manufacturer
1005	S-720 C-978.	Sulphur Black T Ex.	(A)	Sulphur Black FAG Ext. No. 4375.	(A)

NOTE: Standard 1 C E replaces standard 1005

[F.R. Doc. 61-6941; Filed, July 24, 1961; 8:50 a.m.]

[T.D. 55430]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1961 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1961	Net amount of bounty per 2,240 lbs. of sugar content
January	AL 37. 2.0
February	39.12.0
March	38. 1.0
April	40.12.0
May	40. 8.0
June	40. 5.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 18, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-6939; Filed, July 24, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 2]

MEASUREMENT OF VESSELS

Special Exempted Water-Ballast Spaces

Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority of section 4 of the Act of March 2, 1895, as amended (46 U.S.C. 79), it is proposed to amend § 2.43(g) of the Customs Regulations (19 CFR 2.43(g)), which reads as follows:

(g) *Special exempted water-ballast spaces.* (1) Any space other than the double-bottom space adapted only for water ballast, certified by the collector not to be available for the carriage of cargo (other than ballast water for use for underwater drilling, mining, and related purposes, including production), stores, supplies, or fuel, shall be deducted from the gross tonnage as measured to get gross register tonnage.

(2) Adaption for water ballast consists of having the space or spaces properly constructed and tested as ballast tanks; that the pumps, pipes, etc., for filling and emptying such tanks must be of suitable dimensions, connected to the ballast system, and completely independent of the cargo, fuel oil, feed or domestic water pumping apparatus. Access shall be only through oval or circular manholes, whose greatest diameter must not exceed 2 feet in the watertight deck. Where a hatch exists over a space now to be used for the carriage of water ballast, plating shall be fitted and riveted or welded to form a watertight cover and a manhole as above described may be fitted in this cover plate. Such manholes, except when fitted on the weather deck, may be provided with a coaming not exceeding 6 inches in height. If these spaces are found being used for purposes other than water ballast, they are to be added to the gross tonnage of the vessel, and so included until such changes have been made as will definitely preclude their use for purposes other than for water ballast.

In connection with a recent application for vessel readmeasurement, the attention of the Bureau of Customs was directed to the fact that the Coast Guard would issue a stability letter containing, as a condition of vessel operation, a requirement that certain spaces, alleged to be water-ballast spaces, should not be used for water-ballast purposes during the operation of the vessel. The Bureau of Customs ruled that the space involved was not exempt from gross register tonnage as water-ballast space because not "adapted" for use as water-ballast space, within the meaning of the foregoing regulations.

The Bureau of Customs has learned that there are other vessels which have already been admeasured and to which Coast Guard stability letters have been issued which prohibit the vessels from operating with water in certain spaces which were treated as exempt water-ballast spaces at the time these vessels were admeasured.

Apart from any other conditions affecting the classification of spaces as water-ballast spaces for the purpose of exemption from gross register tonnage, it has been necessary for such spaces to be "adapted" for use as water-ballast spaces and "exclusively" so used. Accordingly, it is now proposed to amend § 2.43(g)(2) of the Customs Regulations (19 CFR 2.43(g)(2)) to make this entirely clear. Under the proposed amendment alleged water-ballast space which, as a condition of any stability letter or other direction issued by the Coast Guard, is precluded from use for water-ballast purposes would be specifically declared to be ineligible for exemption from gross register tonnage.

The proposed amendment consists of adding the following sentence to the end of § 2.43(g)(2) of the Customs Regulations (19 CFR 2.43(g)(2)): "No space is adapted for water ballast if it is a condition of any stability letter or other direction issued by the Coast Guard prescribing in substance that such space shall not be filled with water during the operation of the vessel."

Notice is hereby given that the Bureau of Customs contemplates readmeasuring each vessel which the Coast Guard states to be in possession of a stability letter under which the vessel is precluded from filling with water any space presently exempt from gross register tonnage as water-ballast space.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLAS, Jr.,
Commissioner of Customs.

Approved: July 22, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7014; Filed, July 24, 1961; 9:57 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 221]

APPEALS AND CONTESTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by R.S. 2478 (43 U.S.C. 1201), it is proposed to amend the regulations contained in 43 CFR 221.53 and 221.68 as set forth below. The purpose of the amendments is to provide for the modification of procedural requirements in contests of entries, settlements or mining claims. The modifications will simplify the procedures while retaining the safeguards to insure service on contestees.

The proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C. within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 221.53 is amended to read as follows:

§ 221.53 Initiation of contest.

Any person desiring to initiate a private contest must file a complaint in the land office which has jurisdiction over the land involved, or, if there is no such land office, in the Office of the Director, Bureau of Land Management, Washington 25, D.C. The contestant must file a copy of the complaint on the contestee not later than 30 days after filing the complaint and must file proof of such service, as required by § 221.95; in the office where the complaint was filed within 30 days after service.

2. Paragraphs (f), (g), and (h), are added to § 221.68 as follows:

§ 221.68 Proceedings in Government contests.

* * * * *

(f) Where service is by publication, the affidavits required by § 221.60 need not be filed. The contestant shall file with the Manager a statement of diligent search which shall state that the contestee could not be located after diligent search and inquiry, the last known address of the contestee and the detail of efforts and inquiries made to locate the party sought to be served. The diligent search shall be concluded not more than 15 days prior to filing of the statement.

(g) In lieu of the requirements of § 221.62(b) the contestant shall, as part of the diligent search before the publication or within 15 days after the first publication send a copy of the complaint by Certified Mail, return receipt requested, to the contestee at the last address of record. The return receipts shall be filed in the office in which the contest is pending.

(h) The affidavit required by § 221.63(c) need not be filed.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6912; Filed, July 24, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Agricultural Stabilization and Conservation Service

[6 CFR Part 464]

[7 CFR Part 29]

TOBACCO INSPECTION; TOBACCO PRICE SUPPORT

Notice of Proposed Rule Making

Notice is hereby given that the United States Department of Agriculture has received petitions and proposals from the Danville, Virginia, Tobacco Association, Inc. and the Winston-Salem, North Carolina, Warehouse Association to amend or revise the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, issued July 2, 1958 (7 CFR Part 29, 6 CFR Part 464).

As applied to the regulations governing extension of tobacco inspection services (7 CFR Part 29) the petition and proposed changes would:

1. Repeal § 29.2(a)(1) reading as follows: "that the applicant market or sale will function as a bona fide auction sale and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided."

2. Delete § 29.1(b) reading as follows: "'Adequate set of buyers' shall mean 5 or more buyers representing 5 or more companies or buying organizations who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested."

3. Delete the first sentence of § 29.3(e) reading as follows: "Each applicant shall have the burden of proving, by documentary evidence or by the testimony of buying organizations, which buying organizations are firmly committed to participate in the sale if inspection and price support services are provided."

Concurrent and identical provisions of the regulations governing the extension of price support services (6 CFR Part 464) would correspondingly be repealed or modified.

All persons who desire to submit written data, views, and arguments relating to petitioners' petition and proposals for amendment or revision of the aforesaid regulations should transmit the same, in triplicate, to the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., so as to be received by August 7, 1961.

Done at Washington, D.C., this 20th day of July 1961.

JOHN P. DUNCAN, Jr.,
Assistant Secretary.

[F.R. Doc. 61-6982; Filed, July 24, 1961; 8:52 a.m.]

Agricultural Marketing Service

[7 CFR Part 958]

[Area No. 3]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092) regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.236 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and this part to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1962, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended and this part (25 F.R. 7092).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 20, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-6926; Filed, July 24, 1961; 8:48 a.m.]

Agricultural Research Service

[7 CFR Part 362]

REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Proposed Declaration of Economic Poisons Highly Toxic to Man and Amendment of Interpretation With Respect to Warning, Caution, and Antidote Statements Required To Appear on Labels of Economic Poisons

Since the issuance of Interpretation No. 18, Revision 1 (7 CFR 362.116) with respect to warning, caution, and antidote statements required to appear on labels of economic poisons, human use experience has indicated that injury and death can follow failure to observe standard labeling recommendations for the use of protective clothing and devices while applying low percentage formulations containing parathion and related compounds.

Accident records show that deaths have resulted from exposure to low percentage formulations. As a consequence, stronger precautionary labeling than is now required for low percentage formulations appears to be necessary to protect the public health.

Therefore, notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Department of Agriculture, pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135d) and § 362.8(d) of the regulations under the Act (7 CFR 362.8(d)), proposes to declare the insecticides referred to below to be highly toxic to man at all effective concentrations:

O,O-Diethyl O (and S)-ethylthio ethyl phosphorothioate (Demeton).
O,O-Diethyl S-2-(ethylthio) ethyl phosphorodithioate.
O,O-Diethyl O, p-nitrophenyl thiophosphate (parathion).
Tetraethyl pyrophosphate.
Alpha 2-carbomethoxy-1-methyl vinyl dimethyl phosphate.

Consistent with this proposal, it is proposed to amend paragraph (d) (46), (76) and (101) of § 362.116 of the interpretations under the Act (7 CFR 362.116; Interpretation No. 18, Revision 1) to read, respectively, as follows:

(46) *O,O-Diethyl O (and S)-ethylthio ethyl phosphorothioate (Demeton) and O,O-Diethyl S-2-(ethylthio) ethyl phosphorodithioate—All Concentrations.*

° Poison °
× ×

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and

repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and wash skin immediately with soap and water. Call a Physician Immediately!

Warning: Poisonous If Swallowed, Inhaled, Or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear protective clothing, natural rubber gloves, and goggles. In case of contact, remove contaminated clothing and wash skin immediately with soap and water. Do not breathe fumes, dust, or spray mist. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for protection against this material. Do not contaminate feed or food-stuffs. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until the drifting insecticide and volatile residues have dissipated. Wash hands, arms, and face thoroughly with soap and warm water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

• • • •

(76) *Parathion (O,O-Diethyl O, p-nitrophenyl thiophosphate)*—(i) *All concentrations (except aerosols; see below).*

☠ Poison ☠

Antidotes: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. In case of contact, remove contaminated clothing and immediately wash skin with soap and water. Call a Physician Immediately!

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly Absorbed Through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing, and goggles. In case of contact, wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for parathion protection. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered until drifting insecticide and volatile residues have dissipated. Do not contaminate feed and foodstuffs. Wash hands, arms, and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

(ii) *Aerosols—greenhouse use.*

☠ Poison ☠

Antidotes: Internal. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Wash thoroughly with soap and water. Call a Physician Immediately!

Warning: Poisonous If Inhaled or Absorbed Through Skin! Use only while wearing a full-face mask of a type passed by the U.S. Department of Agriculture for parathion protection. Replace canister as directed. Do not get on skin. Wear protective clothing and natural rubber gloves. Wash hands, arms, and face with soap and water after using the bomb. Wash contaminated clothing with soap and hot water before reuse. Do not contaminate feed and foodstuffs.

• • • • •

(101) *Tetraethyl pyrophosphate—all concentrations.*

☠ Poison ☠

Antidote: If swallowed. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep warm and quiet. Call a Physician Immediately!

If on skin. Wash with large amounts of soap and water. Call a Physician Immediately!

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin or Eyes! Do not get in eyes or on skin. Do not breathe dust or spray mist. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for tetraethyl pyrophosphate protection. Wear natural rubber gloves, protective clothing and goggles. Keep all unprotected persons out of operating areas or vicinity where there may be danger of drift until one hour after spraying or dusting is completed.

Section 362.116 would be further amended to provide that precautionary labeling for Alpha 2-carbomethoxy-1-methyl vinyl dimethyl phosphate (phosdrin), not now prescribed in said section, should read as follows:

☠ Poison ☠

Antidotes: If swallowed or inhaled. Give a tablespoonful of salt in a glass of warm water and repeat until vomit fluid is clear. Have victim lie down and keep quiet. Call a Physician Immediately!

If on skin. Remove contaminated clothing and wash skin immediately with soap and water. Call a Physician Immediately!

Warning: Poisonous If Swallowed, Inhaled, or Absorbed Through Skin! Rapidly absorbed through Skin! Do not get in eyes or on skin. Wear natural rubber gloves, protective clothing and goggles. In case of contact wash immediately with soap and water. Wear a mask or respirator of a type passed by the U.S. Department of Agriculture for phosdrin protection. Keep all unprotected persons and animals out of operating areas or vicinity where there may be danger of drift. Vacated areas should not be reentered on the day of treatment. Do not contaminate feed and foodstuffs. Wash hands, arms and face thoroughly with soap and water before eating or smoking. Wash all contaminated clothing with soap and hot water before reuse.

All persons who desire to submit written data, views, or arguments concerning this matter may do so by filing them with the Director, Plant Pest Control Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1961.

D. R. SHEPHERD,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 61-6927; Filed, July 24, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 779]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

Lumber and Building Materials Trade

Notice is hereby given that pursuant to the Fair Labor Standards Act of 1938 (§§ 1-19, 52 Stat. 1062-69, as amended; 29 U.S.C. 201-219), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor proposes to amend 29 CFR Part 779 by adding thereto a new section to be designated § 779.39.

Interested persons may submit written data, views, and arguments regarding the proposal to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days following the publication thereof in the FEDERAL REGISTER.

The proposed 29 CFR 779.39 reads as follows:

§ 779.39 Application of the 13(a)(2) and 13(a)(4) exemptions to the lumber and building materials trade.

(a) The purpose of this section is to show generally the principles governing the application of section 13(a)(2) and section 13(a)(4) to any employee employed in any retail or service establishment in the lumber and building materials trade.

(b) In applying the tests of the exemption under section 13(a)(2), all sales of lumber and building materials are recognized as retail in the industry except the following:

(1) Sales in direct carload shipments;

(2) Sales for resale; for example, sales of lumber and building materials sold to other dealers for resale in the same form, sales to industrial concerns for resale in an altered form or as a part or ingredient of other goods, and sales to contractors or builders for use in the construction, repair, or maintenance of commercial or industrial structures, or any other structures not specifically included in section 3(n) of the Act (see § 779.15(e));

(3) Sales made pursuant to a formal invitation to bid (such sales are made under a procedure involving the issuance by the buyer of a formal invitation to bid on certain merchandise for delivery in accordance with prescribed terms and specifications; sales to Federal, State, and local governments are typically made in this manner);

(4) Sales of lumber and building materials, such as roofing, siding and insulation, when a single sale involves both the furnishing of the goods and their installation (the installation constitutes a construction activity which, like other sales of contracting work, is not recognized as retail; on the other hand, if the sale of the goods and the sale of the installation services constitute separate transactions, the sale of the goods may be recognized as retail if it meets the tests of this section);

(5) Transfer of goods by an employer, who is a dealer in building materials and who also acts in the capacity of a building contractor or speculative builder, from or through his building materials establishment to his building business for the construction, maintenance, or repair of commercial property or any other property not excepted in section 3(n) of the Act (see § 779.15(e));

(6) Sales of specialized goods; such as logs, ties, pulpwood, telephone poles, and pilings. Such specialized items are of the type which the general consuming public does not ordinarily have occasion to use, and the sales of such items are not recognized as retail in the industry.

(c) If more than 50 percent of the establishment's annual dollar volume is made within the state in which the establishment is located and if 75 percent or more of the establishment's annual dollar volume of sales consists of sales which are not for resale and such sales are recognized as retail sales of goods or services in the industry, the exemption under section 13(a)(2) will apply to all employees employed by the establishment, except those employees who are engaged in construction activities or in the making or processing of lumber and building materials for sale.

(d) Activities such as cutting lumber to a smaller size or dressing lumber in accordance with a customer's request or assembling windows and door frames received in "knocked-down" condition constitute processing incidental to retail sales. Such activities are not considered manufacturing and will not affect the applicability of the section 13(a)(2) exemption to the establishment or to the employees engaged in it. However, whenever lumber is cut or dressed for sale, or windows, door frames, benches, pig troughs, pallets, molding, sashes, cabinets, boxes, and similar products are manufactured for sale, there is no exemption under section 13(a)(2). Further, employees performing the latter activities, which are considered manufacturing, are regarded as exempted under section 13(a)(4) only if they are employed in the establishment and all of the following tests are met:

(1) The establishment qualifies as an exempt retail establishment under section 13(a)(2), as explained in paragraphs (b), (c), and elsewhere in this paragraph.

(2) More than 85 percent of the establishment's annual dollar volume of sales of goods which it makes or processes for sale is made within the state in which the establishment is located.

(3) The goods which the establishment makes or processes are made or processed in the establishment which sells them.

(4) The establishment is recognized as a retail establishment in the industry.

(e) An establishment engaged in making or processing lumber and building materials for sale is recognized as a retail establishment in the industry if not more than 50 percent of its annual dollar volume of sales are sales of goods made or processed on the premises.

(f) In lumber and building materials establishments which are regarded as exempt under section 13(a)(2) but not exempt under section 13(a)(4), there may be employees whose duties relate to both the exempted sales portion of the business and the non-exempted processing activities. For example, office workers may keep records of both the retail sales and construction activities; custodial workers may clean the entire premises, including those portions devoted to manufacturing; and warehousemen, messengers, and stock clerks may handle material for both departments. These employees do not qualify for the exemption except when they are primarily engaged in the sales portion of the business and incidentally perform clerical, custodial, or messenger service for the other operations. As an enforcement policy, an employee will not be considered to be engaged in nonexempt activities for the purpose of section 13(a)(2) in any workweek in which an insubstantial amount of his time (20 percent or less) is allocable to the clerical, custodial, or messenger service of processing activities.

Signed at Washington, D.C., this 19th day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-6945; Filed, July 24, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55431; Customs Delegation Order No. 1, Rev., Amended]

DESIGNATING OFFICERS TO MAKE CERTAIN DECISIONS AND PERFORM CERTAIN FUNCTIONS

JULY 19, 1961.

Treasury Department Order No. 165–11, dated June 20, 1961, published as T.D. 55407, 26 F.R. 5720, established the new offices of Deputy Commissioner, Division of Classification and Drawbacks, and Deputy Commissioner, Division of Entry, Value, and Penalties in the Bureau of Customs. I have decided that these new offices shall replace, respectively, the offices formerly designated as Chief, Division of Classification and Drawbacks, and Chief, Division of Entry, Value, and Penalties.

Therefore, by virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), Customs Delegation Order No. 1 (T.D. 53161; 17 F.R. 1705), as revised by T.D. 53694 (19 F.R. 8756); and amended by T.D. 53914 (20 F.R. 7554) and T.D. 54654 (23 F.R. 5962), is hereby further amended as follows:

Sections 1(a) and 1(b) are amended by substituting the titles of Deputy Commissioner, Division of Classification and Drawbacks, and Deputy Commissioner, Division of Entry, Value, and Penalties for Chief, Division of Classification and Drawbacks, and Chief, Division of Entry, Value, and Penalties, respectively.

Section 4 is amended to read as follows:

4. The delegations made by this order to the Deputy Commissioners and to the Chief, Division of Marine Administration, of the Bureau relate to decisions to be made and functions to be performed at the headquarters office of the Bureau of Customs, and no such delegation to these officers shall be interpreted as revoking or modifying any delegation made to customs field officers.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F.R. Doc. 61–6940; Filed, July 24, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document No. 252]

ARIZONA

Small Tract Classification Order; Correction to Revocation

Arizona Document No. 249, published July 4, 1961, Federal Register Document 61–6213, is hereby amended to delete Sec. 14: Lots 1–8, inclusive, from the provisions of Public Land Order 317, as amended, as erroneously stated in last paragraph.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 61–6938; Filed, July 24, 1961; 8:50 a.m.]

[State Order No. 103]

NEW MEXICO

Delegation of Authority To Enter Into Contracts

Pursuant to the authority contained in Section One of Order No. 679 of the Associate Director of the Bureau of Land Management, and Section 50 of amended Order No. 2509 of the Secretary of the Interior, the following are authorized to enter into contracts for supplies (including the rental of equipment) or services as provided above when the amount in any contract does not exceed the amount indicated below:

Cadastral Survey Crew Chiefs—	
New Mexico:	
Equipment rental	$500
Supplies and materials	500

This delegation is in addition to the delegation of authority contained in State Order Number 101.

The above delegation is effective immediately.

CHESLEY P. SEELY,
State Director.

JULY 17, 1961.

[F.R. Doc. 61–6948; Filed, July 24, 1961; 8:51 a.m.]

[Commissioner's Order 3, Revised, Amdt. 2]

Fish and Wildlife Service

DIRECTOR, BUREAU OF COMMERCIAL FISHERIES

Commercial Indian Fishing in Alaska; Notice of Delegation of Authority To Enforce Regulations

SECTION 1. *Delegation.* The Director of the Bureau of Commercial Fisheries is authorized, subject to the provisions of section 2 of this order, to exercise the authority delegated by the Secretary of the Interior in Secretary's Order No. 2857 to enforce the regulations of the Department of the Interior governing the commercial Indian fishing in Alaska set forth in 25 CFR Part 88, in those areas in the State of Alaska in which he is requested to do so by the Commissioner of Indian Affairs.

SEC. 2. *Redelegation.* The authority delegated by section 1 of this Order may be redelegated in writing to the Regional Director, Region 5 of the Bureau of Commercial Fisheries. The redelegation of this authority shall be published in the FEDERAL REGISTER.

Dated at Washington, D.C., July 18, 1961.

CLARENCE F. PAUTZKE,
Commissioner of Fish and Wildlife.

[F.R. Doc. 61–6929; Filed, July 24, 1961; 8:48 a.m.]

Office of the Secretary

C. R. LEEVER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 7, 1961.

Dated: July 7, 1961.

C. R. LEEVER.

[F.R. Doc. 61–6913; Filed, July 24, 1961; 8:47 a.m.]

HARRY R. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) Eliminate "Transamerica Corp". Add "Bullock Fund".
(3) None.
(4) None.

This statement is made as of July 3, 1961.

Dated: July 3, 1961.

ALLAN A. WOODWARD.

[F.R. Doc. 61–6915; Filed, July 24, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–4]

NAVAL RESEARCH LABORATORY

Notice of Proposed Issuance of Amendment to Facility License

Please take notice that, in conjunction with the recently issued authorization to Naval Research Laboratory to operate its reactor located in Washington, D.C., at increased power levels, the Atomic Energy Commission proposes to issue to Naval Research Laboratory an amendment to Facility License No. R–5 substantially as set forth below unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10, CFR, Chapter I, Part 2). The proposed amendment would authorize the licensee to use an atmospheric concentration reduction factor of 10^{-4} seconds per cubic meter in the computation of the concentrations of gaseous radioactive isotopes released from the stack of the reactor. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated March 21, 1961, submitted by Naval Research Laboratory and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 18th day of July 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.

[License No. R–5, Amdt.]

License No. R–5, as amended, is hereby further amended as follows:

In addition to the activities previously authorized by the Commission in License No. R–5, as amended, Naval Research Laboratory is authorized to use an atmospheric concentration reduction factor of 10^{-4} seconds per cubic meter in the computation of the concentration of gaseous radioactive isotopes released from the stack of the Naval Research Laboratory's reactor located in Washington, D.C. Use of this factor shall be in accordance with the procedures and conditions described in Naval Research Laboratory's application for license amendment dated March 21, 1961.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 24th day of July 1961.

For the Atomic Energy Commission.

[F.R. Doc. 61–6937; Filed, July 24, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–127]

MOORE-McCORMACK LINES, INC.

Notice of Application and of Hearing

Notice is hereby given of the application of Moore-McCormack Lines, Inc., for written permission of the Maritime Administrator under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, for its owned vessel, the "SS Robin Kirk," which is under time charter to States Marine Lines, Inc., up to September 10, 1961, to permit States Marine Lines, Inc., to load lumber and/or lumber products on said vessel for carriage from U.S. North Pacific ports, commencing about July 30, 1961, for an eastbound voyage, discharging at U.S. Atlantic ports. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board/Maritime Administration.

A hearing on the application has been set for July 28, 1961, at 9:30 a.m., e.d.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on July 27, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on July 27, 1961, will not be granted in this proceeding.

Dated: July 21, 1961.

THOMAS LISI,
Secretary.

[FR. Doc. 61–6996; Filed, July 24, 1961; 9:05 a.m.]

Office of the Secretary

MAX LARRY BLUESTONE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions:
International Telephone & Telegraph.
Taft Broadcasting Company.
B. Additions:
Vulcan Mold & Iron.
Foster Wheeler.
McGraw Edison.
Westinghouse Electric Corp.
American Telephone & Telegraph.
Sperry Rand Corp.
American Cyanamid.

This statement is made as of July 8, 1961.

Dated: July 8, 1961.

MAX LARRY BLUESTONE.

[F.R. Doc. 61–6931; Filed, July 24, 1961; 8:48 a.m.]

RAYMOND E. HEBERT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of July 11, 1961.

Dated: July 11, 1961.

RAYMOND E. HEBERT.

[F.R. Doc. 61–6932; Filed, July 24, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[Agency Bulletin 61–9]

FEDERAL AVIATION AGENCY REGIONS

1. *Purpose.* This Bulletin changes the designation of Regions 1 through 6, establishes a new region with headquarters at Atlanta, Georgia, and transfers responsibility for FAA activities in New Mexico.

2. *Regional changes.* The following changes are hereby made in the identification and geographic composition of the regions of the Agency:

a. Regions 1 through 6 are redesignated as follows:

From—	To—
Region 1	Eastern Region.
Region 2	Southwest Region.
Region 3	Central Region.
Region 4	Western Region.
Region 5	Alaskan Region.
Region 6	Hawaiian Region.

b. The former Region 2 is divided at the Mississippi River and a new "Southern Region" is established with headquarters at Atlanta, Georgia.

c. The State of New Mexico is transferred from the jurisdiction of the Western Region to that of the Southwest Region.

3. *Revised regions.* The regions, regional headquarters offices, and the geographic areas of their responsibility are as shown in Appendix 1 below.

4. *Activation of Southern Region.* The Southern Region shall become operational at such date as the Administrator may prescribe, with a target date of January 1, 1962. Pending full operational status, whenever appropriate arrangements are in place, responsibility for the performance of various functions may be assumed by the Assistant Administrator for the Southern Region, in accordance with a schedule approved by the Administrator. Pending such assumption of responsibility, FAA activities and programs in the affected States shall be administered by the Southwest Region.

5. *Responsibility and authority.* a. The Assistant Administrator for the Southern Region is responsible for the establishment and activation of the Southern Region. Subject to applicable laws, regulations, orders, Agency directives and instructions of the Administrator and the Deputy Administrators, he is authorized to take those actions necessary and appropriate to the discharge of his responsibility.

b. Heads of Washington Offices and Services within their respective functional areas shall assist the Assistant Administrator in planning and preparing for the assumption by the Southern Region of its operational responsibilities.

6. This Bulletin is effective July 1, 1961, superseding paragraph 5.2 of Agency Order 1, Agency Bulletins 60–17, 61–2, 61–3, 61–4, and 61–6, and the provisions of any other directive not consistent herewith: *Provided*, That the transfer of responsibility for FAA functions in New Mexico to the Southwestern Region may be made effective on such dates as the heads of the Western and Southwest Regions may jointly prescribe.

N. E. HALABY,
Administrator.

JULY 19, 1961.

APPENDIX 1

Eastern Region. Regional Office at Jamaica, Long Island, New York.

Geographic Area: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia.

Southern Region. Regional Office at Atlanta, Georgia.

Geographic Area: Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Puerto Rico, Canal Zone, Swan Island, and the Virgin Islands.

Southwest Region. Regional Office at Fort Worth, Texas.

Geographic Area: Arkansas, Louisiana, Texas, Oklahoma, and New Mexico.

Central Region. Regional Office at Kansas City, Missouri.

Geographic Area: Michigan, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

Western Region. Regional Office at Los Angeles, California.

Geographic Area: Montana, Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

Alaskan Region. Regional Office at Anchorage, Alaska.

Geographic Area: Alaska.

Hawaiian Region. Regional Office at Honolulu, Hawaii.

Geographic Area: Areas contained within the Honolulu, Wake, and Guam Flight Information Regions established by the International Civil Aviation Organization, and American Samoa.

[F.R. Doc. 61–6919; Filed, July 24, 1961; 8:47 a.m.]

[Agency Bulletin 61–10]

REDESIGNATION OF BUREAUS

1. *Purpose.* This Bulletin redesignates certain Bureaus and one Office of the Federal Aviation Agency, and provides for continued direction of field activities of the Agency.

2. *Redesignation.* a. The Bureau of Research and Development is designated the Aviation Research and Development Service, and shall be headed by a Director.

b. The Bureau of Air Traffic Management is designated the Air Traffic Service, and shall be headed by a Director.

c. The Bureau of Facilities and Materiel is designated the Aviation Facilities Service, and shall be headed by a Director.

d. The Bureau of Flight Standards is designated the Flight Standards Service, and shall be headed by a Director.

e. The Bureau of Aviation Medicine is designated the Aviation Medical Service, and shall be headed by the Civil Air Surgeon.

f. The Office of International Coordination is designated the International Aviation Service, and shall be headed by a Director.

3. *Delegation of authority.* Notwithstanding the change in title, the Services shall continue to carry out all functions and responsibilities of the respective Bureaus and Office, including those affecting field operations of the Agency, until such time as Assistant Administrators, pursuant to instructions from the Administrator, have assumed responsibility for the direction of Agency programs and activities within their respective regions.

4. *Effective date.* This Bulletin is effective June 28, 1961, amending Agency Orders, 1, 8, 9, 10, 11, 12, and 15, and the provisions of any other directive not consistent herewith.

N. E. HALABY,
Administrator.

JULY 19, 1961.

[F.R. Doc. 61–6920; Filed, July 24, 1961; 8:47 a.m.]

[Agency Bulletin 61–11]

ASSISTANT ADMINISTRATOR, EASTERN REGIONS

1. *Purpose.* This Bulletin abolishes the positions of Regional Manager and Assistant Regional Manager of the Eastern Region; establishes the positions of Assistant Administrator and Deputy Assistant Administrator, Eastern Region; and defines the relationships between Agency headquarters and the Eastern Region.

2. *Abolishment of positions.* The positions of Regional Manager and Assistant Regional Manager, Eastern Region are hereby abolished.

3. *Establishment of positions of Assistant Administrator and Deputy Assistant Administrator, Eastern Region.* There is hereby established at New York the positions of Assistant Administrator, Eastern Region, and Deputy Assistant Administrator, Eastern Region. The Assistant Administrator is responsible to the Administrator through The Deputy Administrator.

4. *Responsibility and authority.* The Assistant Administrator, Eastern Region, is responsible for the direction and execution of all FAA programs in the Eastern Region and for the planning associated therewith. Subject to applicable laws and Agency-wide programs, plans, policies, and standards, the Assistant Administrator is authorized to take any action necessary or advisable in carrying out FAA responsibilities in the Region; provided that, in the exercise of authority relating to organization and appointment of key personnel, he is subject to such limitations as the Administrator may prescribe.

5. *Program relationships.* In their respective fields of responsibility, Washington Offices and Services provide, on behalf of the Administrator, direction and guidance to the Assistant Administrator in the form of national program definitions and plans, national standards, national policies, interpretations, and advice.

6. *Delegation of authority.* All authority currently delegated to the Regional Manager, to the former Regional Administrator, or to the Chiefs of Field Divisions of former Region 1, is hereby vested in the Assistant Administrator, Eastern Region. The Assistant Administrator may redelegate any authority conferred upon him by this Bulletin to any employee in the Region. Any redelegation heretofore made to personnel in former Region 1, in effect as of the date of this Bulletin, is hereby affirmed as constructively constituting a redelegation of the Assistant Administrator and shall remain in effect until revoked by him. Any redelegations hereafter made shall be in writing and a copy shall be filed in the Office of Management Services.

7. *Effect on other orders.* This Bulletin amends section 5.1 of Agency Order 1 dated December 13, 1959; and Agency Bulletins 59–43 and 60–4 dated January 1, 1960, and March 1, 1960, respectively. All other orders or instructions or parts thereof which are inconsistent or in conflict herewith are amended or superseded accordingly.

8. *Effective date.* This Bulletin is effective July 1, 1961.

N. E. HALABY,
Administrator.

JULY 19, 1961.

[F.R. Doc. 61–6921; Filed, July 24, 1961; 8:47 a.m.]

[Agency Order 17]

BOARD OF GENERAL ADVISORS

1. *Purpose.* This order establishes a Board of General Advisors and prescribes its composition and functions.

2. *Creation, organization, and composition.* There is hereby established a Board of General Advisors to serve as a staff adjunct of the Office of the Administrator, with a Chairman and such members as the Administrator may from time to time select from the ranks of senior career officials experienced in aviation and the affairs of the Agency.

3. *Functions.* The Board of General Advisors, or members of the Board, perform functions such as the following, as requested by the Administrator:

a. Advise the Administrator on the performance of the Agency as a whole and on the efficacy of its efforts.

b. Counsel the Adminstrator in the formulation and evaluation of Agency policy and practice which because of breadth, significance, or controversial character require critical attention at the highest level of the Agency.

c. Hear those special appeals and complaints addressed to the Administrator which are not otherwise provided for and advise the Administrator as to findings and recommended decisions.

d. Conduct special projects and studies requiring the attention of senior personnel having the perspective of the Administrator.

4. *Effective date.* This order is effective July 1, 1961.

N. E. HALABY,
Administrator.

JULY 19, 1961.

[F.R. Doc. 61–6922; Filed, July 24, 1961; 8:47 a.m.]

[OE Docket No. 61–FW–17]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Valley Broadcasting Company, McAllen, Texas, operator of radio station KRIO, proposes to construct a radio antenna structure near Edinburg, Texas, at latitude 26°18'02" north, longitude 98°12'38" west. The proposed structure would be an addition to the two existing towers of the Station KRIO antenna array, and would have the same overall height of 357 feet above mean sea level (257 feet above ground).

In response to the circularization, objections were made by the Airport Advisory Committee for the City Commission of Edinburg, Texas, and the Aviation Committee of the Edinburg Chamber of Commerce. The objections were made on the basis that the City of Edinburg proposed to lengthen both the north-south and northwest-southeast runways of the Edinburg Municipal Airport and the structure would be too close to the extended runways.

The two existing towers are 270 feet apart on a line bearing 327° true. The site of the proposed structure would be 240 feet from the southerly existing tower on a line bearing 125.7° true therefrom. The site of the two existing towers and the proposed additional tower is adjacent to the southwest boundary of the Edinburg Municipal Airport. The construction of the present two antenna structures predates the acquisition of the airport by the City of Edinburg.

The aeronautical study by this Agency disclosed that the proposed structure would penetrate the horizontal surface of this Agency's TSO–N18 criteria and the Joint Industry/Government Tall Structures Committee criteria, as applied to the Edinburg Municipal Airport, by 117 feet. However, the study also revealed that the proposed structure would be located close to the two existing antenna structures of the same over-all height and similar character and, as a result, would not affect aeronautical operations at the Edinburg Municipal Airport any differently than does the existing array.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6899; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61–FW–49]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Porter Communications Service, Kenedy, Texas, proposes to construct a radio antenna structure near Beeville, Texas, at latitude 28°27'15" north, longitude 97°46'40" west. The overall height of the antenna structure would be 665 feet above mean sea level (348 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 2.2 miles north northwest of the Travland Airport, Beeville, Texas. The aeronautical study by this Agency disclosed that the structure would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 133 feet. However, the Agency study disclosed that this factor would not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–6900; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61–KC–22]

RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized information concerning the following radio antenna structure to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Empire Drilling Company, Wichita, Kansas, has constructed a radio antenna structure near Morland, Kansas, at latitude 39°19'40" north, longitude 100°04'50" west. The overall height of the structure is 2,739.3 feet above mean sea level (308 feet above ground).

The original proposal for this structure to be erected at an overall height of 2,623 feet above mean sea level (305 feet above ground) was circularized to the aviation industry by the former Air Coordinating Committee, Regional Airspace Subcommittee, Kansas City, Missouri. The Secretary of the Kansas City Regional Airspace Subcommittee, by letter of August 22, 1960, advised the Federal Communications Commission that the Subcommittee recommended approval of the proposed structure.

On September 2, 1960, the FAA Regional Office, Kansas City, Missouri, received information that construction of the proposed antenna structure had been completed, but that the overall height of the completed structure was 2,739 feet above mean sea level instead of 2,623

feet above mean sea level as described in the original proposal. In view of this information, and upon a flight check, the Agency increased the minimum en route IFR altitude from 3,600 feet above mean sea level to 3,800 feet above mean sea level on VOR Federal airways Nos. 216 and 216N between the Hill City, Kansas, VOR and the Mankato, Kansas, VOR until the exact height of the structure could be determined. On December 15, 1960, the FCC Kansas City Office advised the Agency that the correct overall height of the completed antenna structure was 2,739.3 feet above mean sea level (308 feet above ground).

The corrected information concerning the overall height of the antenna structure was circularized to the aviation industry on December 30, 1960.

An aeronautical objection was received, as a result of the circularization, on the basis that the construction of the antenna structure required an increase in the minimum en route altitude for IFR air traffic from 3,600 feet above mean sea level to 3,700 feet above mean sea level on VOR Federal airway No. 216 between Mankato VOR and Hill City VOR. The aeronautical study by the Agency confirmed the above effect of the completed structure on the utilization of airspace; however, the study disclosed that this increase in minimum en route altitude would result in no substantial adverse effect on aeronautical operations over these airways.

No other aeronautical operations, procedures or minimum flight altitudes are affected by this structure.

Therefore, I find that this structure at the location and mean sea level elevation specified herein has no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection from an airspace utilization standpoint be interposed by this Agency, provided that the structure is obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6901; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-43]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Department of Conservation, State of Indiana, Indianapolis, Indiana, proposes to construct a radio antenna structure near Jasonville, Indiana, at latitude 39°10'30" north, longitude 87°13'34" west. The overall height of the structure would be 917 feet above mean sea level (315 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 1.7 statute miles west of the Shakamak Airport, Jasonville, Indiana, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to that airport, by 141 feet. However, the Agency's study revealed that this factor would have no substantial adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that the proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6902; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-44]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The General Telephone Company of Illinois, Bloomington, Illinois, proposes to construct a radio antenna structure near Carbondale, Illinois, at latitude 37°44'13" north, longitude 89°12'19" west. The overall height of the structure would be 735 feet above mean sea level (355 feet above ground).

No aeronautical objections were made in response to circularization. The structure would be located approximately 1.2 statute miles north of the Lewis Airport, Carbondale, Illinois, and would penetrate the conical surface of this Agency's TSO-N18 criteria and the inner horizontal surface of the Joint Industry/Government Tall Structures Committee criteria by 108 feet and 175 feet respectively, as applied to this airport. In addition, the structure would be located approximately 3.6 statute miles southeast of the Southern Illinois Airport, Carbondale, Illinois, and would penetrate the JIGTSC inner conical surface as applied to that airport by 32 feet. However, the Agency study revealed that the proposed structure would have no substantial adverse effect upon aeronautical operations at these airports.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that the proposed structure at the location and mean sea level elevation specified herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6903; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61-LA-15]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Union Pacific Railroad Company, Omaha, Nebraska, proposes to erect a radio antenna structure in Rawlins, Wyoming, at latitude 41°46'12" north, longitude 107°14'42" west. The overall height of the structure would be 7,254 feet above mean sea level (40 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 3.3 miles southwest of the Rawlins Municipal Airport, Rawlins, Wyoming, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria by 212 feet as applied to this airport. However, the Agency study revealed that this factor would not adversely affect air traffic operations at the Rawlins Municipal Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6904; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-7]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: The Bethlehem Mines Corporation, Bethlehem, Pennsylvania, proposes to erect a radio antenna structure in Ellsworth, Pennsylvania, at latitude 40°06'53" north, longitude 80°01'33" west. The overall height of the structure would be 1,400 feet above mean sea level (360 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 1.2 miles north/northeast of the center of the Horne Airport, Scenery Hill, Pennsylvania, and would penetrate the conical surface criteria of the Agency's TSO-N18, and the horizontal surface of the Joint Industry/Government Tall Structures Committee criteria by 157 feet and 210 feet respectively as applied to this airport. However, the Agency study revealed that these factors would not adversely affect air traffic operations at the Horne Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6905; Filed, July 24, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-9]

PROPOSED RADIO ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: Mid-Maine Broadcasters, Inc., Millinocket, Maine, proposes to erect a radio antenna structure near Millinocket, Maine, at latitude 45°40'-24.3" north, longitude 68°43'7.5" west. The overall height of the structure would be 620 feet above mean sea level (220 feet above ground).

No aeronautical objections were made in response to the circularization. The proposed structure would be located approximately 2.5 miles northwest of the center of the Millinocket Municipal Airport, Millinocket, Maine. With respect to this airport, the structure would exceed the criteria specified in paragraph B.2 of the Agency's TSO-N18 by 42 feet, and would penetrate the horizontal surface of the Joint Industry/Government Tall Structures Committee criteria by 62 feet. However, the Agency study revealed that these factors would not adversely affect air traffic operations at the Millinocket Municipal Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6906; Filed, July 24, 1961; 8:46 a.m.]

[OE Docket No. 61-NY-8]

PROPOSED TELEVISION ANTENNA STRUCTURE

Notice of No Airspace Objection

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the utilization of airspace: the Philco Broadcasting Company, Philadelphia, Pennsylvania, proposes to erect a television antenna structure in Philadelphia at latitude 40°02'32" north, longitude 75°14'23" west. The overall height of the structure would be 1,287.5 feet above mean sea level (1,037.5 feet above ground).

No aeronautical objections were made in response to the circularization, or at the Regional and Washington Informal Airspace Meetings. The proposed structure would be located approximately 11.5 miles north of the Philadelphia International Airport, 11 miles north/northwest of Mustin Field (Navy), 12.3 miles west/southwest of the North Philadelphia Airport, 11.8 miles south/southwest of NAS Willow Grove, and would penetrate the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria by 450 feet, 477 feet, 302 feet and 79 feet respectively, as applied to these airports. There is an existing television antenna structure with an overall height of 1,369 feet MSL located approximately 651 feet northwest of the proposed site which exceeds the JIGTSC criteria by a greater amount than would the proposed tower. The study by the Agency revealed that the proposed tower would not result in any additional effect upon aeronautical operations beyond that of the existing tower, and it would not adversely affect air traffic operations at the above airports.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, I find that this proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-6907; Filed, July 24, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14043; FCC 61M-1237]

MELODY MUSIC, INC. (WGMA)

Order Continuing Hearing

In re application of Melody Music, Inc. (WGMA), Hollywood, Florida, Docket No. 14043, File No. BR-2855; for renewal of license of Station WGMA, Hollywood, Florida.

The Hearing Examiner having under consideration (1) petition for indefinite continuance of hearing in the above-entitled proceeding, filed by the applicant on July 10, 1961; (2) comments relative thereto filed by the Broadcast Bureau on July 13, 1961; and (3) the prehearing conference held on this date; and

It appearing, that during the course of such prehearing conference it was agreed that a further prehearing conference would expedite the proceeding and, thus, a continuance of the hearing now scheduled for July 24, 1961, is necessary;

It is, therefore ordered, This 18th day of July 1961, that, pursuant to agreement of counsel, another prehearing conference will be held at 10 a.m., September 7, 1961, and the hearing now

scheduled for July 24, 1961, is hereby continued to October 18, 1961, at 10 a.m., in Washington, D.C.

It is further ordered, That the petition for indefinite continuance of the hearing is dismissed as moot.

Released: July 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6949; Filed, July 24, 1961; 8:51 a.m.]

[Docket Nos. 14192-14194; FCC 61M-1239]

OUACHITA VALLEY RADIO CORP. ET AL.

Order Scheduling Conference and Hearing

In re applications of Ouachita Valley Radio Corporation, Camden, Arkansas, Docket No. 14192, File No. BP-13735; Smackover Radio, Inc., Smackover, Arkansas, Docket No. 14193, File No. BP-14663; Magnolia Broadcasting Company (KVMA), Magnolia, Arkansas, Docket No. 14194, File No. BP-14717; for construction permits.

It is ordered, This 18th day of July 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 27, 1961, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, September 8, 1961.

Released: July 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6950; Filed, July 24, 1961; 8:51 a.m.]

[Docket No. 14200]

RANDALL G. SCHAUB

Order To Show Cause

In the matter of Randall G. Schaub, Portland, Oregon, Docket No. 14200; order to show cause why there should not be revoked the license for Citizens Radio Station 13W0246.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the captioned station;

It appearing, that, at various times between September 8, 1959, and April 25, 1961, and particularly on September 8, September 17, and October 1, 1959; January 21, April 24, May 24, and September 26, 1960; January 15 and April 5, 1961, the carrier frequency of Citizens Radio Station 13W0246 (Class D) was not maintained within the tolerance of .005 percent, in violation of § 19.33 of the Commission's rules; and

It further appearing, that the alleged violations of the Commission's rules mentioned above were brought to the licensee's attention by Official Notices of Violation mailed on September 9, September 25, and October 5, 1959; January 26, April 27, May 31, and September 30, 1960; January 18 and May 3, 1961; and

It further appearing, that, in view of the foregoing the licensee has repeatedly violated § 19.33 of the Commission's rules;

It is ordered, This 19th day of July 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the above named licensee show cause why the license for the captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee at 8611 NE. Pacific, Portland 20, Oregon.

Released: July 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Secretary
Federal Communications Commission
Washington 25, D.C.

7010

Re: Docket No. 14200. In the Matter of RANDALL G. SCHAUB, Portland, Oregon. Order to Show Cause Why There Should Not be Revoked the License for Radio Station 13WO246 (Citizens).

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission by the placing of a check mark in one of the blocks opposite one of the three items listed below, which course of action he will take in the above-entitled matter:

☐ 1. Respondent will appear and present evidence at the hearing

☐ 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statement.

☐ 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.[2]

Date: ----------1961.

Respectfully submitted,

RANDALL G. SCHAUB,
Respondent.

[F.R. Doc. 61-6951; Filed, July 24, 1961; 8:51 a.m.]

[Docket No. 13972; FCC 61M-1241]

WIRELINE RADIO, INC.

Order Changing Place of Hearing

In re application of Wireline Radio, Inc., Lewisburg, Pennsylvania, Docket No. 13972, File No. BR-3511; for renewal of license of Station WITT, Lewisburg, Pennsylvania.

The Chief Hearing Examiner having under consideration a petition by the Commission's Broadcast Bureau, filed July 12, 1961, requesting a field hearing in the above-entitled proceeding; an opposition by the applicant; and oral argument heard on these pleadings;

It appearing that under an issue of "whether or not the licensee transferred control of Wireline Radio, Inc., and Station WITT without obtaining the Commission's prior consent as required by section 310(b) of the Communications Act of 1934, as amended * * *", it will be necessary for the Bureau to call as witnesses an appreciable number of persons residing in the Lewisburg, Pennsylvania, area; and that, as the Bureau alleges, it would be economically prohibitive to supoena these persons to a hearing in Washington, D.C.;

It appearing further that by order issued July 18, 1961, the Hearing Examiner presiding in the proceeding, upon consideration of a pleading filed with him, postponed the commencement of hearing from July 24 to July 31, 1961;

[1] The form set forth below should be detached and used in connection with the following procedure and sent to the Secretary, Federal Communications Commission, Washington 25, D.C., within 30 days.

Section 1.77 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the order. In the event that it would be impossible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Hearing Examiner will issue an order certifying the case to the Commission. The Commission will then determine on the basis of all of the information available to it from any source, which may include statements filed by the respondent, recommendations from the Commission's staff, respondent's past violation record, etc. or such further proceedings as may be warranted, whether a revocation order and/or a cease and desist order should be issued or whether the matter should be dismissed.

[2] If this statement is intended to be in mitigation it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations; (2) the reasons, if any, why you believe that your radio station license should not be revoked. If a violation of § 1.61 (failure to reply) of the Commission's rules is involved, state the reasons why you did not timely answer the Commission's Official Notice of Violation and/or further correspondence and the action, if any, you have taken to assure prompt response to Commission notices and correspondence in the future.

It appearing further that in its opposition, the applicant requests that any order issued for a field hearing should provide for "at least a two-weeks continuance of hearing date", but such request is not properly before the Chief Hearing Examiner;

It appearing further that the petition is supported by a showing of good and sufficient cause and that a field hearing in this proceeding would be in accordance with Commission policy;

Accordingly, it is ordered, This 19th day of July 1961, that the petition is granted and that the place of hearing in the above-entitled proceeding is hereby changed from Washington, D.C., to Lewisburg, Pennsylvania.

Released: July 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6952; Filed, July 24, 1961; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37270: *Phosphatic fertilizer solution from Tuscola, Ill.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2465), for interested rail carriers. Rates on phosphatic fertilizer solution, as described in the application, in tank-car loads, from Tuscola, Ill., to Louisville, Ky., and New Albany, Ind.

Grounds for relief: Market competition.

Tariff: Supplement 46 to Baltimore and Ohio Railroad tariff I.C.C. 24502.

FSA No. 37271: *Petroleum and petroleum products from Angeles and Twichell, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8053), for interested rail carriers. Rates on petroleum and petroleum products, as described in the application, in carloads, from Angeles and Twichell, Tex., to points in southwestern, western trunk-line, southern, Illinois and official territories, also to Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Grouping.

Tariffs: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4410, and other schedules named in the application.

FSA No. 37272: *Liquefied petroleum gas from Oklahoma and Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B-8054), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, and in steel cylinders, in carloads, from Lindsay, Orin, Woodward, Okla., Orla and Scroggins, Tex., to points in official (including Illinois), southern, southwestern and western trunk-line territories, also points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

Grounds for relief: Grouping.

Tariffs: Supplement 21 to Southwestern Freight Bureau tariff I.C.C. 4410, and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6875; Filed, July 21, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 19, 1961.

The common stock $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 20, 1961 to July 29, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6916; Filed, July 24, 1961; 8:47 a.m.]

[File No. 24SF-2604]

GLIDE CONTROL CORP.

Order Granting Withdrawal of Request for Hearing

JULY 19, 1961.

The Commission by order dated October 10, 1960, having temporarily suspended the Regulation A exemption of Glide Control Corporation, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, and Glide Control Corporation having requested a hearing upon the allegations set forth in the aforementioned order, and

The company having withdrawn its request for a hearing and counsel for the Division of Corporation Finance not objecting thereto,

It is ordered, That the request for hearing be, and it hereby is, deemed withdrawn.

Pursuant to the provisions of Rule 261 of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of the securities by the company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-6917; Filed, July 24, 1961; 8:47 a.m.]

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VOLUME 26 NUMBER 142

Washington, Wednesday, July 26, 1961

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

THE UNIVERSITY OF MICHIGAN

JUL 31 1961

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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler Tobacco, Cigar-Binder Tobacco and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

Correction

In F.R. Doc. 61–6724 appearing at page 6414 of the issue for Tuesday, July 18, 1961, the following corrections are made:

1. In § 723.1313, the second word in the eleventh line is corrected to read: "be".

2. The heading immediately preceding § 723.1316 is corrected to read:

Acreage Allotments and Normal Yields for Old Farms

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

Correction

In F.R. Doc. 61–6725 appearing at page 6424 of the issue for Tuesday, July 18, 1961, § 727.1312 is corrected by changing the ninth line of paragraph (e) to read: "1959, 1960, or 1961, respectfully, shall".

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Determination Relative to the Expenses and Fixing of the Rate of Assessment for the 1961–62 Fiscal Period

Pursuant to the marketing agreement and Order No. 129 (7 CFR Part 1029), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Washington-Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1029.202 Expenses and rate of assessment for the 1961–62 fiscal period.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning April 1, 1961, and ending March 31, 1962, will amount to $8,793.

(b) Rate of assessment: The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at eighty cents ($0.80) per ton of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh prunes are expected to start on or about August 1, 1961; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable prunes from the beginning of such period; and (3) the current fiscal period began on April 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–6986; Filed, July 25, 1961; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Optional Amendatory Endorsement

Nuclear Energy Liability Insurance Association has requested Commission approval of an amendatory endorsement which the Commission understands the Association and Mutual Atomic Energy Liability Underwriters propose to place on all nuclear energy liability insurance policies (facility form). The form of the endorsement is set forth in its entirety in the following amendments.

Notice of the proposed approval of the endorsements by the Commission was published in the FEDERAL REGISTER on April 14, 1961 (26 F.R. 3204). In publishing that notice, the Commission stated that the endorsements do not appear to effect material changes in the provisions of the policies. No public comments have been received on the notice.

Notice is hereby given that the following amendment is adopted to be effective upon publication in the FEDERAL REGISTER.

Amend § 140.75 *Appendix A*, by adding the following at the end thereof:

OPTIONAL AMENDATORY ENDORSEMENT

(Facility Form)

It is agreed that:

I. The first sentence of the definition of nuclear facility is amended to read:

"nuclear facility" means "the facility" as defined in any Nuclear Energy Liability Policy (Facility Form) issued by ---------- or by ----------

II. The definition of "indemnified nuclear facility" is replaced by the following:

"indemnified nuclear facility" means

(1) "the facility" as defined in any Nuclear Energy Liability Policy (Facility Form) issued by ---------- or by ---------- or

(2) any other nuclear facility,

if financial protection is required pursuant to the Atomic Energy Act of 1954, or any law amendatory thereof; with respect to any activities or operations conducted thereat:

III. Condition 4 is replaced by the following:

Limitation of liability; common occurrence. Any occurrence or series of occurrences resulting in bodily injury or property damage arising out of the radioactive, toxic, explosive, or other hazardous properties of

(a) nuclear material discharged or dispersed from the facility over a period of days, weeks, months or longer and also arising out of such properties of other nuclear material so discharged or dispersed from one or more other nuclear facilities insured under any Nuclear Energy Liability Policy (Facility Form) issued by ---------- or,

(b) source material, special nuclear material, spent fuel or waste in the course of transportation for which insurance is afforded under this policy and also arising out of such properties of other source material, special nuclear material, spent fuel or waste in the course of transportation for which insurance is afforded under one or more other Nuclear Energy Liability Policies (Facility Form) issued by ----------,

shall be deemed to be a common occurrence resulting in bodily injury or property damage caused by the nuclear energy hazard.

With respect to such bodily injury and property damage (1) the total aggregate liability of the members of ---------- under all Nuclear Energy Liability Policies (Facility Form), including this policy, applicable to such common occurrence shall be the sum of the limits of liability of all such policies, the limit of liability of each such policy being as determined by Condition 3 thereof, but in no event shall such total aggregate liability of such members exceed $46,500,000; (2) the total liability of the companies under this policy shall not exceed that proportion of the total aggregate liability of the members of ----------, as stated in clause (1) above, which (a) the limit of liability of this policy, as determined by Condition 3, bears to (b) the sum of the limits of liability of all such policies issued by such members, the limit of liability of each such policy being as determined by Condition 3 thereof.

The provisions of this condition shall not operate to increase the limit of the companies' liability under this policy.

IV. The second paragraph of Condition 12 "Other Insurance" is amended to read:

"If the insured has other valid and collectible insurance (other than such concurrent insurance or any other nuclear energy liability insurance issued by ---------- or to any person or organization) applicable to loss or expense covered by this policy, the insurance afforded by this policy shall be excess insurance over such other insurance; provided, with respect to any person who is not employed at and in connection with the facility, such insurance as is afforded by this policy for bodily injury to an employee of the insured arising out of and in the course of his employment shall be primary insurance under such other insurance."

Dated at Germantown, Md., this 19th day of July 1961.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 61-6958; Filed, July 25, 1961; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 2; Amdt. 5]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Protests and Self-Certification; Correction

In F.R. Document 61-5916 appearing in the issue for Tuesday, June 27, 1961, at Pages 5708 and 5709, § 121.3-5(a)(2), § 121.3-8(d) and § 121.3-9(c) should read as follows:

§ 121.3-5 Protest of small business status.

(a) *Specific Government procurements or sales.* * * *

(2) After receipt of a protest, SBA shall investigate and determine the small business status of the protested bidder or offerer and notify the contracting officer, the protestant and the protested bidder or offerer of its decision within ten working days, if possible.

* * * * * *

§ 121.3-8 Definition of small business for Government procurement.

* * * * * *

(d) *Self-certification by a small business.* In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria of paragraph (a) or (b) of this section, or § 121.3-7(b)(1), may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved.

* * * * * *

§ 121.3-9 Definition of small business for sales of Government property.

* * * * * *

(c) *Self-certification by a small business.* In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria of paragraph (a) or (b) of this section, or § 121.3-7(b)(2), may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

Dated: July 12, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-6979; Filed, July 25, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 810; Amdt. 312]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Series Aircraft

Cracked Dowty drag strut attaching bolts on Fairchild F-27 Series aircraft have been found at service intervals less than that provided for in Amendment 257, (26 F.R. 1754), as amended by Amendment 277, (26 F.R. 3298). Accordingly, Amendments 257 and 277 are being superseded by a new directive which reduces the time in service which the bolts may accumulate prior to inspection, and also reduces the repetitive inspection intervals.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to all F-27 Series aircraft.

Compliance required as indicated.

Due to the failure of several main landing gear drag strut attaching bolts, the following is required on aircraft having 150 or more hours' time in service.

(a) Within the next 25 hours' time in service after effective date unless already accomplished within the past 50 hours' time in service:

(1) Remove the bolts, Dowty P/N's 9017Y11 and 9027Y7, and inspect for cracks using magnetic particle or dye penetrant methods or equivalents. Cracks emanate from the center grease hole and progress around the bolt circumference. Bolts found cracked must be replaced prior to further flight either with the original type bolts, nuts, and washers, or the following may be substituted.

(i) For the upper bolt, P/N 9017Y11, substitute either a Dowty bolt, P/N 200021.004, or an NAS 630-38 bolt, one NAS 143-10C washer under the bolt head and an AN310-10 or AN320-10 nut. Where an NAS 630-38 bolt is not available, longer NAS 630 bolt lengths may be used with NAS 143-10 washers under the nut provided proper clearances are maintained.

(ii) For the lower bolt, P/N 9027Y7, substitute an NAS 632-60 bolt, one NAS 143-12C washer under the bolt head and an AN310-12 or AN320-12 nut. Where an NAS 632-60 bolt is not available, longer NAS 632 bolt lengths may be used with NAS 143-12 washers under the nut provided proper clearances are maintained.

(2) Drill a 0.141-inch diameter hole in the NAS bolts noted in (a)(1) and (ii) for a cotter pin. Coat each NAS bolt with MIL-G-3278A grease before installing. The nut should be tightened to fit snug.

(b) Oil NAS bolts daily with SAE 30 motor oil without removing.

(c) If NAS bolts are installed, they must be inspected using the magnetic particle or dye penetrant methods or equivalents and regreased every 150 hours' time in service from date of installation. Cracked bolts must be replaced immediately in accordance with (a)(1).

(d) If no cracks are evident in the existing bolts, P/N's 9017Y11 and 9027Y7, they may be reinstalled. These bolts must be removed and inspected per (a)(1) at intervals of 75 hours' time in service from date of reinstallation.

(e) New original bolts, Dowty P/N's 9017Y11 and 9027Y11, may be used to replace the existing bolts, after which further inspection will not be required until the new bolts have accumulated 150 hours' time in service. After this (a)(1) and (d) will apply.

(f) If Dowty bolts, P/N 200021.064, are used further inspection is not required until the bolts have accumulated 150 hours' time in service. Thereafter, they must be removed and inspected for cracks using the magnetic particle or dye penetrant methods or equivalents at intervals of 75 hours' time in service. Cracked bolts must be replaced in accordance with paragraph (a)(1).

Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 257, (26 F.R. 1754), and Amendment 277, (26 F.R. 3298).

This amendment shall become effective July 26, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 21, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7005; Filed, July 25, 1961; 8:50 a.m.]

[Regulatory Docket No. 809; Amdt. 311]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Aircraft

As a result of the failure of nicopress sleeves on the stainless steel control cable system of certain Piper PA-18 and PA-22 aircraft, Amendment 63 (24 F.R. 9985), was adopted to require that existing control cable assemblies be replaced with galvanized cable assemblies. Since then it has been determined that redesigned nicopress sleeves and stainless steel cable assemblies will be satisfactory. Therefore, a new directive is being adopted to permit the use of either the standard galvanized cable assemblies or the new stainless steel assemblies. It also changes an erroneously listed PA-22 cable assembly number 11525-03 to the correct assembly number 11527-03. Since this amendment incorporates an alternative method of compliance and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and since the amendment relieves a restriction it may become effective on less than 30 days notice.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to PA-18/150, PA-18A/125, PA-18A/135, PA-18A/150, PA-18S/150, PA-18AS/150: Serial Numbers 18-1667, 18-1887, 18-4260, 18-4860, 18-6127, 18-6289, 18-6301, 18-6332, 18-6375, 18-6398, 18-6418, 18-6424, 18-6434, 18-6437, 18-6438, 18-6444, 18-6463, 18-6466, 18-6501, 18-6540, 18-6604, 18-6606, 18-6609, 18-6616, 18-6657, 18-6668, 18-6679, 18-6680, 18-6681, 18-6682, 18-6771, 18-6855, 18-6914, 18-6924, 18-6981, 18-6991, 18-6992, 18-6993, 18-7018, 18-7025, 18-7037, 18-7043, 18-7047, 18-7058, 18-7071, 18-7072, 18-7075, 18-7078, 18-7093. PA-22/150, PA-22S/150, PA-22/160, PA-22S/160: Serial Numbers 22-6116, 22-6167, 22-6359, 22-6421, 22-6466, 22-6550, 22-6704, 22-6758, 22-6883.

Compliance required within 10 hours' time in service after the effective date of this AD unless already accomplished.

To preclude loss of control of the airplane as a result of failed nicopress sleeves in the control system, the following must be accomplished:

(a) In PA-18 series aircraft, aileron, lower elevator, and flap flexible stainless steel cable assemblies, P/Ns 12794-03, 13271-02, 13745-02, 40123-44, 40123-86, 40123-87, and 10870-12 shall be replaced with respective assemblies P/Ns 12794-00, 13271-00, 13745-00, 40123-03, 40123-77, 40123-76, and 10870-08, or respective assemblies P/Ns 12794-04, 13271-03, 13745-03, 14300-19, 14300-27, 14300-28, and 10870-17.

(b) In PA-22 series aircraft, aileron, lower elevator, flap and rudder cable assemblies P/Ns 11527-03, 12515-04, 13108-03, 13109-13, 13109-15, 40123-83, 40123-84, and 40123-94 shall be replaced with respective cable assemblies P/Ns 11527-02, 12515-03, 13108-02, 13109-10, 13109-12, 40123-68, 40123-69, and 40123-93; or respective cable assemblies P/Ns 11527-04, 12515-06, 13108-11, 13109-18, 13109-19, 14300-24, 14300-25, and 14300-29.

Standard landplane galvanized cables are satisfactory for continued or replacement use.

(Piper Service Bulletin Number 181 dated November 5, 1959, and Piper Service Letter No. 355, dated February 23, 1961, cover this same subject.)

This supersedes Amendment 63, 24 F.R. 9985.

This amendment shall become effective July 26, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 21, 1961.

GEORGE C. PRILL,
Director
Flight Standards Service.

[F.R. Doc. 61-7006; Filed, July 25, 1961; 8:50 a.m.]

[Regulatory Docket No. 811; Amdt. 313]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 1049 Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Lockheed 1049 aircraft in complying with Amendment 307, 26 F.R. 6196. Accordingly, Amendment 307 is being amended to permit extension of inspection intervals where justified by the operator and approved by the FAA.

Since this amendment provides a procedure by which a different inspection interval may be established, for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and good cause exists to make the amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 307 (26 F.R. 6196), is amended by adding paragraph (c) as follows:

(c) Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective July 26, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 21, 1961.

A. L. COULTER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-7009; Filed, July 25, 1961; 8:50 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Subpart B—Standard Samples and Reference Standards With Schedule of Weights and Fees

DESCRIPTIVE LIST

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These amendments are effective from June 26, 1961.

1. Section 230.11(b) Irons is amended to add sample number 341 (Ductile Iron) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
341	Ductile iron	150	$6.00

2. Section 230.11(m) Spectrographic standards is amended by the addition of one new standard to the ingot irons and low-alloy series; four new standards to the high temperature series; and to add two new series of standards (copper-base alloys and white cast irons) to read as follows:

(2) *Ingot irons and low-alloy steels.*

Sample No.[1]	Name	Price per sample
1160	Leaded steel, 0.2 Pb	$15.60

(9) *High temperature alloys.*

Sample No.[1]	Name[2]	Price per sample
1199	Udimet 500	$25.00
1203	Inco 713–A	25.00
1204	Inco 713–B	25.00
1205	Inco 713–C	25.00

[1] Size: Solid sections, approximately 1¼ inches square and ¾ inch thick.
[2] Issued in the chill-cast condition.

(11) *Copper-base alloys.*

Sample No.[1]	Name	Price per sample
1106	Naval brass A, wrought	$25.00
C1106	Naval brass A, chill cast	25.00
1107	Naval brass B, wrought	25.00
C1107	Naval brass B, chill cast	25.00
1108	Naval brass C, wrought	25.00
C1108	Naval brass C, chill cast	25.00

[1] Sizes: The sample numbers not preceded by a letter "C" are wrought and are disks 1¼ in. in diameter, ¾ in. thick; the sample numbers preceded by the letter "C" have the same composition but are in the form of chill cast sections 1¼ in. square, ¾ in. thick.

(12) *White cast irons.*

Sample No.[1]	Name[2]	Price per sample
1176	White-cast iron A, piston ring	$25.00
1177	White-cast iron B, wear plate	25.00
1178	White-cast iron C, die	25.00
1179	White-cast iron D, brake drum	25.00
1180	White-cast iron E, mold	25.00
1181	White-cast iron F	25.00
1182	White-cast iron G	25.00
1183	White-cast iron H	25.00

[1] Size: Solid sections, approximately 1¼ inches square and ¾ inch thick.
[2] Issued in the chill-cast condition.

3. Section 230.11(n) Hydrocarbons and organic sulfur compounds is amended by the addition of a new series to read as follows:

(12) *Hydrocarbon blend standards.*

Sample No.	Description[1]	Price per sample
502	Hydrocarbon calibration blend No. 1 C_7 paraffins in typical virgin naphthas	$12.00
503	Hydrocarbon calibration blend No. 2 C_7 paraffins in typical catalytically cracked naphthas	12.00
504	Hydrocarbon calibration blend No. 3 C_8 paraffins in typical virgin naphthas	12.00
505	Hydrocarbon calibration blend No. 4 C_8 paraffins in catalytically cracked naphthas	12.00
506	Hydrocarbon calibration blend No. 5 C_7 cycloparaffins in typical virgin naphthas	12.00
507	Hydrocarbon calibration blend No. 6 C_7 cycloparaffins in catalytically cracked naphthas	12.00
508	Hydrocarbon calibration blend No. 7 C_8 cycloparaffins in typical virgin naphthas	12.00
509	Hydrocarbon calibration blend No. 8 C_8 cycloparaffins in catalytically cracked naphthas	12.00

[1] Eight standard hydrocarbon blends for calibrating instruments used in analyzing gasoline and blending stocks are now available from NBS. These are mixtures containing several pure hydrocarbons representing C_7 and C_8 paraffins and cycloparaffins in typical virgin and catalytically cracked naphthas. A standard sample consists of 10 "one-shot" ampoules, each containing enough of the blend for one calibration (about .03 ml.).

4. Section 230.11(r) *Radioactivity standards* is amended to add sample number 4940 (Promethium^{147}) to read as follows:

Sample No.	Radiation	Nuclide	Nominal activity	Volume	Price per sample
4940	β	Promethium-147	10^3 dps/ml (e)	(f)	$40.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,
Director.

[F.R. Doc. 61–6994; Filed, July 25, 1961; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8186 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Fertig's Fifth Avenue, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Fertig's Fifth Avenue, Inc., et al., New York, N.Y., Docket 8186, May 26, 1961]

In the Matter of Fertig's Fifth Avenue, Inc., a Corporation, and Saul B. Fertig, Individually and as an Officer of the Above Corporation

Consent order requiring a New York City retailer to cease making such deceptive pricing and savings claims in newspapers and otherwise as that "Reg." $30, $33, $55, and $60 bedspreads were "Now" $19.95, $22.95, $37.50, and $39.95, respectively, when the higher prices were fictitious; and that many items available at the advertised prices for several periods during the year were offered as "Extraordinary Once-a-Year Savings!".

The order to cease and desist is as follows:

It is ordered, That respondent Fertig's Fifth Avenue, Inc., a corporation, and its officers, and Saul B. Fertig, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of bedspreads, comforts, or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that any amount is respondents' usual and customary retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail by respondents in the normal course of business.

2. Representing, directly or indirectly, that any savings are afforded in the purchase of respondents' merchandise unless the prices at which it is offered constitute a reduction from respondents' usual and customary retail prices.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise or the amount by which the price has been reduced from the price at which it is usually and customarily sold by respondents.

4. Using the word "Reg." or any other word of the same import to designate prices of merchandise, unless they are the usual and customary prices charged by respondents for said merchandise in the recent, regular course of business.

5. Using any merchandising plan or scheme to promote the sale of merchandise which involves the use of a fictitious price which is represented to be the respondents' usual and customary retail price.

6. Representing, directly or indirectly, that merchandise is offered at certain prices only once a year or any other number of times a year, or during any other period, unless such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 26, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–6962; Filed, July 25, 1961; 8:45 a.m.]

[Docket 8272 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Lehrman Furs, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Lehrman Furs, Inc., et al., New York, N.Y., Docket 8272, June 10, 1961]

In the Matter of Lehrman Furs, Inc., a Corporation, and Louis Lehrman, Individually and as an Officer of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by failing to disclose on labels and invoices when furs were dyed and by failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That respondents Lehrman Furs, Inc., a corporation, and its officers, and Louis Lehrman, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Representing, directly or by implication on labels that furs or fur products are natural when such is not the fact.

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing fur products by:

A. Representing directly or by implication on invoices that furs or fur products are natural when such is not the fact.

B. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–6963; Filed, July 25, 1961; 8:45 a.m.]

[Docket 8248 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Rosenblum's, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Rosenblum's Inc., et al., Cleveland, Ohio, Docket 8248, June 10, 1961.]

In the Matter of Rosenblum's, Inc., a Corporation, and Myron Rosenblum, Sidney Rosenblum, Joseph Amster, and Albert Amster, Individually and as Officers of Said Corporation

Consent order requiring Cleveland, Ohio, furriers to cease violating the Fur Products Labeling Act by labeling fur products deceptively with respect to the animals producing the fur; by failing to set forth the term "Dyed Mouton processed Lamb" on labels where required; and by failing to comply in other respects with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Rosenblum's, Inc., a corporation and its officers, and Myron Rosenblum, Sidney Rosenblum, Joseph Amster and Albert Amster, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or part of fur which has been shipped and received in commerce, or in connection with the substitution of labels on fur products which have been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

B. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act;

C. Setting forth on labels affixed to fur products:

1. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

2. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

3. Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

D. Failing to set forth the term "Dyed Mouton processed Lamb" where an election is made to use that term instead of Lamb;

E. Failing to set forth on labels affixed to fur products all the information required to be disclosed under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on one side of such labels;

F. Failing to set forth on labels the item number or mark assigned to a fur product.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–6964; Filed, July 25, 1961; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Grand Canyon National Park, Arizona; Travel on Water

On page 4198 of the FEDERAL REGISTER of May 16, 1961, there was published a notice and text of a proposed amendment to § 7.4 of Title 36, Code of Federal Regulations. The purpose of the amendment is to establish suitable control to provide for safe travel over hazardous waters of the park.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(39 Stat. 535; 16 U.S.C. 3)

CHARLES E. SHEVLIN,
Acting Superintendent, Grand Canyon National Park.

Section 7.4 is amended by adding paragraph (h) to read as follows:

§ 7.4 Grand Canyon National Park.

* * * * * *

(h) *Travel on water*—(1) *Permit.* A permit issued by the Superintendent, is required for all travel upon the waters of the park. Travel as used herein includes boat or raft use, or the use of any floating or mechanical device to support a person or property, or use by any means which may be deemed hazardous by the Superintendent.

(2) *Sanitation.* No cans, rubbish, bottles, or other refuse shall be discarded along the shores of the waters of the park. Such refuse shall be buried or removed to facilities provided at specified places.

[F.R. Doc. 61-6974; Filed, July 25, 1961; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Mystic Harbor, Conn., and Banana River, Fla.

1. Pursuant to the provisions of section 1 of an Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U.S.C. 180), § 202.50a is hereby prescribed designating special anchorage areas in Mystic Harbor, Connecticut, wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, effective on publication in the FEDERAL REGISTER in order that use of the anchorage may be expedited, as follows:

§ 202.50a Mystic Harbor, Croton and Stonington, Conn.

(a) *Area No. 1.* Beginning at Ram Point on the westerly side of Mason Island at latitude 41°19'44", longitude 71°58'42"; thence to latitude 41°19'30", longitude 71°58'43"; thence to latitude 41°19'36", longitude 71°58'58"; thence to latitude 41°19'45", longitude 71°58'56"; thence to the point of beginning.

(b) *Area No. 2.* Beginning at a point about 250 feet southerly of Area 1 and on line with the easterly limit of Area 1 at latitude 41°19'27" longitude 71°58'44"; thence to latitude 41°19'19", longitude 71°58'45"; thence to latitude 41°19'25", longitude 71°58'59"; thence to latitude 41°19'33", longitude 71°58'58"; thence to the point of beginning.

NOTE: The areas will be principally for use by yachts and other recreational craft. Temporary floats or buoys for marking anchors will be allowed. Fixed mooring piles or stakes are prohibited. All moorings shall be so placed that no vessel, when anchored, shall at any time extend beyond the limits of the areas. The anchoring of vessels and the placing of temporary moorings will be under the jurisdiction and at the discretion of the local Harbor Master.

[Regs., 6 July 1961, 285/91 (Mystic Harbor, Conn.) -ENGCW-ON] (Sec. 1, 54 Stat. 150; 33 U.S.C. 180)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), §§ 207.171a, 207.171b and 207.171c are hereby redesignated as §§ 207.171b, 207.171c and 207.171d, respectively, and a new § 207.171a is hereby prescribed establishing and governing the use and navigation of a prohibited area in Banana River at Cape Canaveral Missile Test Annex, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.171a Banana River at Cape Canaveral Missile Test Annex, Fla.; prohibited area.

(a) *The area.* The waters within a semicircle with a radius of 10,000 feet centered on the easterly shore of Banana River at Cape Canaveral at latitude 28°27'23", longitude 80°35'48".

(b) *The regulations.* (1) All unauthorized craft shall stay clear of the area at all times.

(2) The regulations in this section shall be enforced by the Commander, Air Force Missile Test Center, Patrick Air Force Base, Florida, and such agencies as he may designate.

§ 207.171b Banana River, Fla.; naval restricted area. [Redesignated]

§ 207.171c Banana River at Patrick Air Force Base, Fla.; seaplane restricted area. [Redesignated]

§ 207.171d Atlantic Ocean near Port Everglades, Fla.; Naval restricted area. [Redesignated]

[Regs., 3 July 1961, 285/91 (Banana River Fla.) -ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S.A.,
The Adjutant General.

[F.R. Doc. 61-6957; Filed, July 25, 1961; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 55—GRANTS FOR WATER POLLUTION CONTROL

PART 81—PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

Continued Effectiveness

Public Law 87-88 vests in the Secretary all functions under the Federal Water Pollution Control Act as amended (33 U.S.C. 466 et seq.). The regulations in Part 55—"Grants for Water Pollution Control" and in Part 81—"Water Pollution Control; Hearing Procedures", 42 CFR, heretofore issued by the Surgeon General of the Public Health Service and approved by the Secretary of Health, Education, and Welfare are hereby continued in effect until modified or repealed.

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as impracticable, unnecessary and contrary to the public interest. I find that the orderly and effective administration of the water pollution control program requires that these regulations continue in effect without interruption.

(Sec. 10, 70 Stat. 506; 33 U.S.C. 466i, as amended by P.L. 87-88)

Dated: July 20, 1961.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-6987; Filed, July 25, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2440]

[Wyoming 064609]

WYOMING

Partly Revoking Reclamation Withdrawal (Missouri River Basin Project)

By virtue of the authority contained in Section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of March 15, 1946, reserving lands for reclamation purposes in connection with the Missouri River Project (Owl Creek Unit) is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 43 N., R. 100 W.,
Sec. 21, SW¼NE¼, S½NW¼, and N½SW¼;
Sec. 26, NE¼NE¼;
Sec. 28, lots 3, 4, and W½NW¼.

Containing 369.67 acres.

2. Lots 3 and 4 and the SW¼NW¼ of Section 28 are reserved for power purposes by an Executive Order of July 2, 1910. The NE¼NE¼ of Section 26 and Lots 3 and 4 and the SW¼NW¼ of Section 28 are withdrawn by an Executive Order of May 29, 1912, as part of Phosphate Reserve No. 11, Wyoming No. 2.

3. The lands in Sections 21 and 26 are hereby restored to the operation of the public land laws, subject to any existing valid rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of existing withdrawals, provided, that until 10:00 a.m. on January 18, 1962, the State of Wyoming shall have a preferred right of application to select the lands in accordance with subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands in Section 28 are opened by this order to location under the United States mining laws, subject to provisions of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621). The lands in Section 26 are opened to location under the United States mining laws for metalliferous minerals only.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6968; Filed, July 25, 1961; 8:46 a.m.]

[Public Land Order 2441]

[1582769]

MONTANA

Amending Executive Order 7023 To Change Name of Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The name of the Red Rock Lakes Migratory Waterfowl Refuge, established by Executive Order No. 7023 of April 22, 1935, is hereby changed to Red Rock Lakes National Wildlife Refuge, and Executive Order No. 7023 is amended accordingly.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6969; Filed, July 25, 1961; 8:46 a.m.]

[Public Land Order 2442]

[80582]

MICHIGAN

Partly Revoking the Executive Orders of April 3, 1847, and December 9, 1852, Which Withdrew Lands for Lighthouse Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Orders of April 3, 1847, and December 9, 1852, which withdrew lands in Michigan for lighthouse purposes, are hereby revoked so far as they affect the following - described lands:

MICHIGAN MERIDIAN

T. 51 N., R. 5 W.,
Sec. 32, lot 5.

Containing 75.08 acres (formerly Frl. sec. 32 containing approximately 80.70 acres).

2. The released lands are hereby restored to the operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

3. The State of Michigan has waived its preference rights under subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. Inquiries concerning the lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, Washington 25, D.C.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6970; Filed, July 25, 1961; 8:45 a.m.]

[Public Land Order 2443]

CALIFORNIA, COLORADO AND WASHINGTON

Revocation of Forest Service Withdrawals

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1817 of March 12, 1959, Public Land Order No. 725 of June 4, 1951 and the Departmental order of December 13, 1906, which withdrew lands in California, Colorado, and Washington, respectively, for use of the Forest Service, Department of Agriculture, for recreation areas and ranger stations, are hereby revoked so far as they affect the following-described lands.

a. Public Land Order No. 1817:

(Sacramento 052439)

CALIFORNIA

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Squaw Valley Olympic Site and Recreation Area

T. 16 N., R. 16 E.,
Sec. 33, N½NE¼NW¼, SW¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼ and SW¼SW¼NW¼.

Containing approximately 100 acres.

b. Public Land Order No. 725:

(56089)

COLORADO

SIXTH PRINCIPAL MERIDIAN

GUNNISON NATIONAL FOREST

Pioneer Winter Sports Area

T. 14 S., R. 85 W.,
Sec. 23, S½S½NE¼, S½SW¼ and SE¼;
Sec. 25, S½NE¼, NW¼ and N½S½,
Sec. 26, N½NE¼.

Containing approximately 760 acres.

c. Departmental order of December 13, 1906:

(56089)

WASHINGTON

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

Wickey Creek Station

T. 7 N., R. 10 E.,
Sec. 27—Commencing at a point on Wickey Creek at the intake of the ditch just above the Crofton Ridge Trail crossing; thence E. 20 chains; thence S. 40 chains; thence W. to Wickey Creek; thence up said creek to point of beginning.

Containing approximately 90 acres.

Dead Horse Station

T. 6 N., R. 9 E., W.M., Unsurveyed,
Secs. 10 and 11, commencing at a point where the only stream in the meadow crosses the trail; then S. 20 chains; thence W. 80 chains; thence N. about 20 chains to the trail; thence easterly along the trail to point of beginning.

Containing approximately 150 acres.

The areas described total in the aggregate approximately 1,100 acres.

At 10:00 a.m. on August 24, 1961, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6971; Filed, July 25, 1961; 8:46 a.m.]

[Public Land Order 2444]

[Oregon 2118594]

OREGON

Partially Revoking Public Land Order No. 606 of September 13, 1949

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 606 of September 13, 1949, which withdrew public lands for use of the Department of the Army in connection with the construction of the McNary (Umatilla) Dam and Reservoir Project in the Columbia River, Oregon, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 12, lots 9 to 12 incl., and S½S½;
Sec. 14, lots 8 to 11, incl., S½SW¼ and E½ (formerly lots 1, 5, 6, 7, S½SW¼ and E½).

The areas described aggregate 783.31 acres, of which lots 9 to 12 inclusive, section 12, containing 120 acres, are withdrawn for power purposes in Power Site Classification No. 426.

2. The lands are situated in northwest Umatilla County, Oregon. Terrain is level to rolling and the surface is broken by rocky outcrops. Vegetation consists of sagebrush, cheat and other native grasses. Soil is volcanic in origin.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including the mining and mineral leasing laws subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, the lands in power withdrawals, however, being opened only (a) to mineral leasing, and (b) to mining location subject to the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621) as amended.

The State of Oregon has waived its preference rights under the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 19, 1961.

[F.R. Doc. 61-6972; Filed, July 25, 1961; 8:46 a.m.]

[Public Land Order 2445]

[Anchorage 053584]

ALASKA

Partly Revoking Public Land Order No. 1057 of January 19, 1955

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 1057 of January 19, 1955, so far as it withdrew a parcel of land near Kern Station, Alaska, 200 feet wide adjoining the northeasterly boundary line of the present 200-foot railroad right-of-way, extending from Mileage 71.00 to Mileage 71.15, containing about 3.02 acres, for use of the Alaska Railroad, is hereby revoked.

2. The lands are situated approximately 40 miles southeast of Anchorage between the Chugach Mountains on the north and Turnagain Arm on the south.

3. Until 10:00 a.m. on October 20, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m. on October 20, 1961, the lands shall be subject to operation of the public land laws, including the mining laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules, and regulations. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

JULY 20, 1961.

[F.R. Doc. 61-6973; Filed, July 25, 1961; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14025, RM-181; FCC 61-903]

PART 12—AMATEUR RADIO SERVICE

Eligibility for Conditional Class Licenses

1. The Commission has considered the comments filed in the above-titled matter as a result of the issuance of a notice of proposed rule making (26 F.R. 2875) April 6, 1961. The proposed rule amendments would permit an applicant residing temporarily outside the United States to take an examination for a Conditional Class license even if his residence in the United States is less than 75 miles from a legal Commission examination point.

2. Three comments were received in this proceeding, all favoring the proposed change. Two were from amateur radio clubs located in the Panama Canal Zone, while the third was from the American Radio Relay League which had submitted the original petition in this matter. The filings express the opinion that should these rule changes be adopted many American citizens forced by work or study to reside outside the United States will be able to operate in the foreign countries where they are temporarily residing once they obtain a United States amateur radio station license.

3. The notice of proposed rule making discussed the question of what should constitute a reasonable period of residence outside the United States and proposed therein that the Rules should require that this tenure be for at least twelve months. The Commission will permit applicants who have been, or will be, residing outside the United States for this twelve-month period to take the Conditional Class examination provided, of course, adequate evidence of such residence is presented. What will constitute sufficient evidence will be determined from the particular facts in each case.

4. Authority for the amendments set forth below is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

5. *Therefore, it is ordered,* This 19th day of July 1961, that §§ 12.21(d) and 12.44(a) of Part 12 of the Commission's rules are amended as set forth below, effective September 6, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: July 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 12 of the Commission's rules is amended as follows:

1. In § 12.21, paragraph (d) is amended to read as follows:

§ 12.21 Eligibility for license.

* * * * *

(d) *Conditional Class.* Any citizen of the United States:

(1) Whose actual residence and amateur station location are more than 75 miles airline distance from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license.

(2) Who is shown by physician's certificate to be unable to appear for examination because of protracted disability.

(3) Who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(4) Who furnishes sufficient evidence, at the time of filing, of temporary residence for a continuous period of at least 12 months outside the continental limits of the United States, its territories or possessions, irrespective of other provisions of this paragraph.

2. In § 12.44, paragraph (a) is amended by changing "; or" at the end of subparagraphs (2) and (3) to a period, and by adding a new subparagraph (4) to read as follows:

§ 12.44 Manner of conducting examinations.

(a) * * *

(4) If the applicant demonstrates by sufficient evidence that his temporary residence is for a continuous period of at least 12 months outside the continental limits of the United States, its territories or possessions, irrespective of other provisions of this paragraph.

[F.R. Doc. 61-7003; Filed, July 25, 1961; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 33687]

PART 122—MONTHLY AND QUARTERLY OPERATING REPORTS

Subpart A—Railroads

REVENUES AND EXPENSES; SELECTED INCOME AND BALANCE-SHEET ITEMS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 12th day of July A.D. 1961.

On February 27, 1961, the Commission, Division 2, issued its notice of rule making, advising that it had under consideration the revision of 49 CFR 122.1 *Revenues and expenses,* and 49 CFR 122.2 *Selected income and balance-sheet items,* so as to require that all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be required to file quarterly reports in lieu of monthly reports in accordance with quarterly report forms to be designated Form R&E—Quarterly Report of Revenues and Expenses, and Form IBS—Quarterly Report of Selected Income and Balance Sheet Items. The notice stated that any party desiring to make representations in favor of or against the proposed changes might submit written data, views or arguments to the Commission within 30 days of the publication thereof in the FEDERAL REGISTER; the notice was served on all Class I railroads, except switching and terminal companies, subject to Part I of the Interstate Commerce Act; and it was published in the FEDERAL REGISTER on March 11, 1961, 26 F.R. 2132. Representations have been filed in favor of and in opposition to the proposed revisions.

Upon further consideration of the matters and things involved in the Commission's notice of rule making, as described above, and in consideration of representations for and against the proposed revisions, as submitted in response to such notice:

It is ordered, That, with respect to reports for the three months beginning January 1, 1962, and thereafter until further order, the ordering paragraph of the order of October 16, 1952, in the matter of Steam Railways—Monthly Reports, be, and it is hereby, modified and amended to read as shown in section 122.1 below, and that the ordering paragraph of the order of November 27, 1957, in the matter of Form IBS—Income and Balance-sheet Items, be, and it is hereby, modified and amended to read as shown in § 122.2 below.

It is further ordered, That 49 CFR 122.1 and 49 CFR 122.2 be, and they are hereby, modified and amended to read as follows:

AUTHORITY: §§ 122.1 and 122.2 issued under sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20.

§ 122.1 Revenues and expenses.

Commencing with reports for the three months beginning January 1, 1962, and thereafter until further order, all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of revenues and expenses in accordance with quarterly report Form R&E, and notes of instruction thereon, which is attached to and made a part of this section.[1] Such quarterly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., within 26 days after the end of the quarter to which they relate.

§ 122.2 Selected income and balance-sheet items.

Commencing with reports for the three months beginning January 1, 1962, and thereafter until further order, all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of selected income and balance sheet items in accordance with quarterly report Form IBS, and notes of instruction thereon, which is attached to and made a part of this section.[1] Such quarterly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D.C., within 45 days after the end of the quarter to which they relate.

And it is further ordered, That copies of this order, and of quarterly report Forms R&E and IBS,[1] shall be served upon all Class I railroads, except switching and terminal companies, subject to the provisions of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

[1] Report forms when printed will be served on the carriers before the end of the year.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6993; Filed, July 25, 1961; 8:48 a.m.]

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

Eastern and Central Zones

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of July, A.D. 1961.

It appearing that by order issued with the original report in this proceeding dated October 24, 1918 (51 I.C.C. 273; 49 CFR Part 139), the Commission defined the limits of the United States Standard Time Zones as authorized by the act of Congress entitled "An Act to save daylight and to provide standard time for the United States" (The Standard Time Act), approved March 19, 1918 (40 Stat. 450, as amended, 15 U.S.C. 261-265); and has modified or redefined said limits by numerous subsequent orders issued from time to time in this proceeding;

It further appearing that by order of June 6, 1961, 26 F.R. 5394, issued with the thirty-fifth supplemental report in this proceeding, the said Division 3 has further modified and redefined the limits of the United States Standard Eastern and Central Zones so as to extend the limits of the eastern zone to embrace certain portions of eastern Indiana and middle Kentucky, as more particularly set forth in said report and order, effective at 2 o'clock ante meridian, central standard time, July 23, 1961.

It further appearing that in accordance with the instructions contained in the said report and for the purpose of clarification or simplification or to enhance the convenience of the railroad operations under the changed schedules necessitated by the modification of the zone boundaries, certain of the railroad respondents have suggested modification of certain of the operating exceptions contained therein; and that such changes in the exceptions would better effect the intent of the order and serve the convenience of commerce and would be safe and practicable;

And it further appearing that the usual notice and service are not necessary, as the operating exceptions are subject to conditions outlined in the report of June 6, 1961, and as the changes in those exceptions concern only certain operating details of the respondents who requested the changes, and consequently would not affect the general public:

It is ordered, That the report and order of June 6, 1961, be corrected, clarified, and amended as indicated below.

It is further ordered, That, except as herein amended, the said order of June 6, 1961, shall remain in full force and become effective at 2 o'clock ante meridian on July 23, 1961.

And it is further ordered, That notice of this order be given to the public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing copies with the Director, Office of the Federal Register.

(40 Stat. 450-451, as amended, 15 U.S.C. 261-265)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

Correction, clarification, and amendment of report and order of June 6, 1961:

1. Correct definition of boundary line as follows: Section 139.3 *Boundary line between eastern and central zones,* paragraph (b) *Indiana,* by inserting the word "Grant," after the word "Wabash,".

2. Clarify and amend the list of operating exceptions in § 139.3(g)(1) as follows:

a. Following the exception for the Chicago, Milwaukee, St. Paul, and Pacific, insert the following:

Railroad	From—	To—
Erie	West line of Wabash County, Ind. (east of Disko, Ind.).	Marion, Ohio.

b. Change the third exception of the New York Central to read as follows:

Do	West line of Elkhart County, Ind. (west of Elkhart, Ind.). Two lines.	Tower B (4.9 miles east of the west line of Elkhart County, Ind.

c. Change the exceptions for the Pennsylvania to read as follows:

Pennsylvania	West line of Kosciusko County, Ind. (west of Etna Green, Ind.).	Fort Wayne, Ind.
Do	West line of Wabash County, Ind. (southwest of Roann, Ind.).	Columbia City, Ind.
Do	North line of Boone County, Ind. (south of Reagan, Ind.).	Davis, Ind.
Do	West line of Hendricks County, Ind. (west of Coatesville, Ind.).	Do.
Do	West line of Morgan County, Ind. (west of Whitaker, Ind.).	Do.

3. Clarify and amend the list of operating exceptions in § 139.3(g)(2) as follows:

a. Change the third exception of the Chesapeake & Ohio to read as follows:

Do	West line of Grant County, Ind. (east of Converse, Ind.).	Griffith, Ind.

b. Cancel the exception of the Erie under this heading.

c. Change the first exception of the Pennsylvania to read as follows:

Pennsylvania	West line of Grant County, Ind. (east of Converse, Ind.).	Anoka, Ind.

[F.R. Doc. 61-7007; Filed, July 25, 1961; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Montezuma National Wildlife Refuge, New York

§ 32.32 Special regulations; big game for individual wildlife refuge areas.

NEW YORK

The following special regulation is issued.

MONTEZUMA NATIONAL WILDLIFE REFUGE

Hunting of big game on the Montezuma National Wildlife Refuge, New York is permissible only under the following conditions:

(a) Species permitted to be taken: White tailed deer.

(b) Open season: Sunday, November 12, 1961 (one day only).

(c) Daily bag limits: 1 deer (either sex).

(d) Methods of hunting:

(1) Bow and arrow. All equipment must comply with state laws.

(2) No dogs allowed.

(e) Description of areas open to hunting:

Hunting is permitted in accordance with (a) above on the posted area which comprises approximately 6,700 acres and 99% of the total refuge and which is described as follows:

The entire refuge, except for safety zones (posted) in the vicinity of headquarters, subheadquarters, and the hunting season holding pen for captive geese.

(f) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. No permits will be issued in advance of the hunting season.

(3) The provisions of this special regulation are effective, November 12, 1961.

Dated: July 18, 1961.

E. W. BAILEY,
Acting Regional Director,
Bureau Sport Fisheries and Wildlife.

[F.R. Doc. 61-6965; Filed, July 25, 1961; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given that there are under consideration certain proposed actions with respect to various subparts (i.e., amendment of Subpart—Administrative Rules and Procedures, and of Subpart—Pack Specifications as to Size), operative pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

As provided in the order dated January 13, 1961 (26 F.R. 475), certain amendatory provisions thereof become effective August 1, 1961. At that time, the order will no longer contain authority for volume regulation, and the Subpart—Administrative Rules and Procedures is proposed to be revised by deleting therefrom the provisions which relate to volume regulation. Another of the proposed actions emanates from the grade and size aspects of this regulatory program as it will be in effect on and after August 1, 1961.

Consideration will be given to any written data, views, or arguments pertaining to the program action hereinafter set forth, which are submitted in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received within 10 days after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

1. Subpart—Administrative Rules and Procedures and the provisions thereof (§§ 993.101 to 993.176, inclusive) are revised to read as follows:

Subpart—Administrative Rules and Regulations

DEFINITIONS

Sec.
993.101 Order.
993.102 Committee.
993.103 Terms in the order.
993.104 Lot.
993.105 Grade.
993.106 Size count.
993.107 In-line inspection.
993.108 Floor inspection.
993.109 Non-human consumption outlet.

PRUNE ADMINISTRATIVE COMMITTEE

993.128 Nominations for membership.

GRADE AND SIZE REGULATIONS

Sec.
993.149 Receiving of prunes by handlers.
993.150 Disposition of prunes by handlers.

REPORTS AND BOOKS AND OTHER RECORDS

993.172 Reports of holdings, receipts, sales, uses, and shipments.
993.173 Reports of accounting.
993.174 Other reports.
993.175 Records.

DEFINITIONS

§ 993.101 Order.

"Order" means Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), regulating the handling of dried prunes produced in California, or as they may be further amended hereafter.

§ 993.102 Committee.

"Committee" means the Prune Administrative Committee established pursuant to § 993.24.

§ 993.103 Terms in the order.

Terms defined in the order shall have the same meaning when used in this subpart.

§ 993.104 Lot.

(a) "Lot" as used in § 993.49 and § 993.149 means any quantity of prunes delivered by one producer or one dehydrator to a handler on which inspection is requested: *Provided,* That a lot shall be limited to (1) the prunes contained in not more than 30 "ton box" containers or (2), if in other containers, not more than 60,000 pounds of prunes, and if the prunes in any containers are markedly inferior in quality and condition to other prunes in the proffered lot, they shall be treated as a separate lot.

(b) "Lot" as used in § 993.50(c), (d), and (e) and § 993.150 means:

(1) With respect to in-line inspection either (i) the aggregate quantity of prunes of the same size category, other than those rejected by inspection, processed in any continuous production of one calendar day and packed during such day in one size and style of container or (ii) the aggregate quantity of prunes of the same size category, other than those rejected by inspection, so processed and held in packing containers for later packaging.

(2) With respect to floor inspection either (i) prunes not previously inspected in-line, of the same size category, in like containers, bearing the same identification (e.g., brand) if in consumer packages, and offered for inspection as a lot; (ii) prunes previously inspected in-line but rejected as failing to meet requirements, of the same size category, in like containers, processed in any continuous production of one calendar day, and offered for inspection as a new lot.

§ 993.105 Grade.

"Grade" means to size-grade, sort or otherwise sequester or remove defective prunes, dirt or foreign matter from prunes, by a handler, without the use of hot water or steam.

§ 993.106 Size count.

"Size count" means the count or number of prunes per pound.

§ 993.107 In-line inspection.

"In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

§ 993.108 Floor inspection.

"Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers.

§ 993.109 Non-human consumption outlet.

"Non-human consumption outlet" means any livestock feeder or manufacturer of inedible syrup, industrial alcohol or similar outlet which has established, to the satisfaction of the committee, that any prunes or prune waste delivered to it will be used only within such outlet.

PRUNE ADMINISTRATIVE COMMITTEE

§ 993.128 Nominations for membership.

(a) *Districts.* [Reserved]

(b) *Voting procedures*—(1) *Independent producers.* Prior to March 1 of each election year, the committee shall cause a meeting to be held, in each of the election districts established pursuant to § 993.28(a) for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as members and alternate members for the respective districts. Each such candidate must be a producer in the district for which he is proposed. Prior to March 15 of that election year, the committee shall prepare for each district and mail to each independent producer of record in such district a ballot as prescribed in said § 993.28(a). Each voter shall be entitled to cast only one vote for a member nominee and only one vote for an alternate member nominee in a district in which he is a producer, and no voter shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice. In order to be counted, such a mail ballot must be executed and returned to the committee postmarked not later than the following March 31. One nominee for member and one nominee for alternate member for each district shall be submitted to the Secretary by the committee on the basis of those receiving the plurality of the mail ballots cast for the

respective positions in the particular district. Returns shall be considered in the light of the voting by each district separately.

(2) (i) *Independent handler nominees.* Prior to March 15 of each election year, the committee shall notify each independent handler of record of the group of independent handlers in which he has been classified pursuant to the provisions of § 993.28(c) and of the number of independent handler positions on the committee for the ensuing term of office pursuant to the provisions of § 993.24 (b) and (c). Prior to April 1 of each election year, each of the two independent handlers classified in the group specified in § 993.28(c)(1) shall notify the committee in writing of his nominee for member and nominee for alternate member as prescribed therein.

(ii) In any election year in which four member positions and four alternate member positions are assigned to independent handlers for the ensuing term of office, the committee shall, prior to April 1 of such year, cause to be held a meeting of the three independent handlers classified in the group specified in § 993.28(c)(2) and a separate meeting of all other independent handlers classified in the group specified in § 993.28(c)(3). Each group at its meeting shall, from among that group, elect one member nominee and one alternate member nominee by plurality vote. Each handler present at the meeting of his group shall be entitled to one vote for a candidate for each position assigned to that group.

(iii) In any election year in which only three member positions and three alternate member positions are assigned to independent handlers for the ensuing term of office, the committee shall, prior to April 1 thereof, cause to be held a meeting of all independent handlers except those classified in the group specified in § 993.28(c)(1). At such meeting one member nominee and one alternate member nominee shall be elected in accordance with the applicable provisions of § 993.28(c).

GRADE AND SIZE REGULATIONS

§ 993.149 Receiving of prunes by handlers.

(a) *Inspection stations.* Prunes shall be inspected only at an inspection station which shall be any plant of a handler, and any other place where prunes are normally and usually received in any considerable volume, and at which there are reasonably adequate facilities for weighing, sampling, and receiving prunes.

(b) *Incoming inspection*—(1) *General.* Upon any producer or dehydrator committing prunes to a handler, the handler shall issue to the inspection service an identification tag showing the name and address of such producer or dehydrator, the date of commitment, the county of production, the number and type of containers, the approximate net weight of the prunes, the place where the prunes are to be inspected, and any other information necessary to identify such prunes to the satisfaction of the inspector and the committee. For each delivery of such prunes, the handler shall issue to the producer or dehydrator, with copies to the inspector and the committee, a door receipt or weight certificate showing the name and address of the producer or dehydrator, the weight of the delivery, and any other information necessary to identify the delivery. No handler shall consider any such delivery of prunes as received until they have been inspected. Pending inspection the handler shall maintain the identity of such prunes with their corresponding door receipt or weight certificate. Each lot shall be separately inspected. Each inspection certificate shall be limited to the prunes in one lot and shall be based on their net weight. The handler shall supply any necessary information together with any assistance needed by the inspector in drawing samples including the dumping of containers. Prunes shall be inspected as soon as practicable following delivery. After inspection, each lot of prunes shall be promptly received by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the handler shall require the inspector to forward, with such a lot to the handler, the handler's copies of the certificate.

(2) *Certification.* Following inspection of a lot not returned to the producer or dehydrator the handler shall require the inspector to issue, in quintuplicate, a signed certificate containing the following information: (i) The date and place of inspection; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; (iii) the variety of the prunes, the county in which such prunes were produced, the number and type of the containers thereof, and the net weight of the prunes as shown on the applicable door receipt or weight certificate, together with the number of such receipt or certificate; (iv) whether the prunes are standard, substandard, or substandard for non-human use only as prescribed in paragraph (d)(1) of this section; (v) the inspector's computations of the percentage of each group or combination of groups of defects for which a maximum tolerance is in effect; and (vi) if substandard, the average size count of all off-grade prunes (those defective pursuant to § 993.97) in the lot, and the percentage by weight and the average size count of those off-grade prunes with defects of mold, imbedded dirt, insect infestation, and decay, and the percentage by weight, of prunes with such defects, necessary to be removed in order for the balance of the lot to be within the tolerance for such defects.

(c) *Conditional provisions*—(1) *Wet or slack-dry prunes.* Any prunes delivered to a handler by a producer or dehydrator which an inspector determines have not been properly dried and cured in original natural condition, or which show evidence of the addition thereto of water, may be held by the handler for the account of the producer or dehydrator for conditioning by further drying or dehydration: *Provided,* That such prunes shall be identified and kept separate and apart from any other prunes in the handler's possession until resubmitted for inspection and certificated as meeting moisture requirements, or returned to the producer or dehydrator. The certificate shall show that the conditioning was performed and indicate the net weight after conditioning.

(2) *Prunes with active insect infestation.* Any prunes delivered to a handler by a producer or dehydrator, which an inspector determines are not free from active insect infestation, may be held by the handler for the account of the producer or dehydrator for conditioning by fumigation: *Provided,* That such prunes shall be identified and kept separate and apart from any other prunes in the handler's possession until resubmitted for inspection and certificated as to performance of fumigation and freedom from active infestation, or returned to the producer or dehydrator.

(3) *High moisture content prunes.* The receipt of any high moisture content prunes by a handler from a producer or dehydrator shall be reported promptly by the handler to the inspection service. The inspection service shall be requested to submit a report to the committee of each such receipt which shall contain the following information: (i) The date and place of the receipt; (ii) the name and address of the producer or dehydrator, the handler, and the inspection service; and (iii) the variety of the high moisture content prunes, the county in which they were produced, and their net weight as shown on the door receipt or weight certificate, together with the number of such receipt or certificate. Any handler who, subsequent to receipt by him of high moisture content prunes, elects to dry or dehydrate them or any portion thereof shall, prior to proceeding with such drying or dehydration, notify an inspector of the inspection service of his intent, and the same procedure shall apply as the procedure set forth in subparagraph (1) of this paragraph as it relates to the conditioning of wet or slack-dry prunes by a handler. For each day on which a handler processes and packages high moisture content prunes, he shall furnish promptly to the inspector a signed statement and one copy showing the handler's name and address and the net weight of the total tonnage of high moisture content prunes processed and packaged by him on that day. The handler shall furnish promptly to the inspector two copies of the shipping or disposition order or other documents which shall show the date of each shipment or disposition, the applicable reference number thereof, and an adequate description of the shipment or disposition. One copy of each document so furnished shall be required to be forwarded to the committee. Upon request of the committee a handler shall, within ten days thereafter, file with the committee a signed report on Form PAC 3.1 "Report of High Moisture Content Prunes" which shall contain the following information: (i) The date and the name and address of the handler; (ii) the total tonnage of high moisture content prunes received by the handler during the crop year to the date of the report; (iii) the total tonnage of high moisture content prunes shipped or otherwise disposed of by the handler during such period; (iv) the total tonnage of high moisture content prunes received by the handler during such period which were dried or dehydrated subsequent to receipt; and (v) the total tonnage of high moisture content prunes in the handler's possession, unshipped or not otherwise disposed of at the date of the report.

(4) *Return of prunes to producers and dehydrators.* Any lot of prunes delivered to a handler by a producer or dehydrator may be returned to the producer or dehydrator prior to an inspection thereof. Any lot of prunes so delivered whose identity has been maintained may be so returned following an inspection thereof, except (i) a lot described in paragraph (d)(1) of this section, and (ii) prunes which, after such inspection, have been graded by the handler, resulting in a segregation of defects. If the identity of prunes which have been so graded has been maintained to the satisfaction of the inspector and the committee, they may be resubmitted for inspection in not more than three sub-lots, and the results of such inspections shall then govern.

(d) *Prunes for non-human consumption only*—(1) *Regulation on prunes 50 percent or more defective.* Whenever an inspection shows that a lot of prunes contains 50 percent or more by weight of prunes with defects of mold, imbedded dirt, insect infestation, and decay, such lot shall be deemed to have been received by the handler and shall be disposed of by him in its entirety in non-human consumption outlets. Pending disposition, such lot shall be held alone, or with other like lots of prunes, separate and apart from all other prunes held by the handler, and with identity maintained to the satisfaction of the inspector and the committee.

(2) *Regulation on substandard prunes accumulated by a handler pursuant to § 993.49(c).* To satisfy the obligations imposed by § 993.49(c) to dispose of excess defective prunes, other than those of subparagraph (1) of this paragraph, each handler shall dispose of, in non-human consumption outlets, a weight of such prunes equal to the excess in substandard lots received and such prunes shall be prunes with defects of mold, imbedded dirt, insect infestation, or decay, as of their receipt by the handler, and shall not exceed by more than 20 prunes per pound the weighted average size count of defective prunes in lots with an excess of such prunes. The inspection certificate applicable to the quantity of prunes in which such defective prunes are included for disposition shall show in addition to items set forth in § 993.150(e)(3), the percentage by weight of such defective prunes, their average size count, and whether they are capable of being stored unpacked without further material deterioration or spoilage. If they are storable and if an appropriate size count, the creditable weight shall be that resulting from the application of such percentage to the total weight of such quantity of prunes. If they are not storable, the creditable weight of defective prunes shall be reduced, and their average size count shall be increased, by the percentage of moisture determined by the inspector as necessary to be removed to render them capable of being stored.

(3) *Disposition.* Prunes accumulated by a handler pursuant to subparagraphs (1) and (2) of this paragraph shall be disposed of in non-human consumption outlets during the crop year in which the prunes establishing such obligation were received from producers and dehydrators.

§ 993.150 Disposition of prunes by handlers.

(a) *Inspection stations.* An inspection station shall be any plant of a handler, and any other place where he handles prunes.

(b) *Outgoing inspection.* Except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes unless he has, prior to such shipment or final disposition, had them inspected and obtained a certificate showing that such prunes meet the effective minimum standards. Such inspection shall be made during that portion of the final preparation of the prunes for shipment or other final disposition as will permit proper sampling, whether in-line or floor inspection, and no handler shall perform such final preparation unless an inspector is present. The handler shall furnish promptly to the inspector a copy of the shipping or disposition order or other documents, which shall show the date of each shipment or disposition, the applicable reference number thereof, and an adequate description of the shipment or disposition. For the prunes inspected each day which meet the applicable minimum grade and size requirements for standard prunes, or standard processed prunes, the handler shall cause the inspector to issue in triplicate a signed certificate containing the following information: (1) The date and place of inspection; (2) the name and address of the handler and of the inspection service; (3) the number and size of packages or the net weight of prunes; (4) the number of the worksheet or worksheets on which the inspector's computations and results of tests are recorded; and (5) a statement that the prunes meet the effective minimum standards for standard prunes, or standard processed prunes, as the case may be.

(c) *Interhandler transfers.* A handler may transfer prunes other than those regulated pursuant to § 993.149(d)(1) and (2), to a plant of another handler within the area without inspection: *Provided,* That he shall submit to the committee, not later than ten days (exclusive of Saturdays, Sundays, and legal holidays) following each such transfer, a signed report on Form PAC 1.1 "Interhandler Transfer Report," containing the following information: (1) The date of the transfer; (2) the names and addresses of the handlers and the locations of the plants; (3) the number of containers, the total net weight of prunes and whether natural condition or processed weight; and (4) the manifest or billing number. Two copies of such report shall be forwarded to the receiving handler, on one of which the receiving handler shall certify to the receipt by him of such prunes and submit it to the committee within ten days (exclusive of Saturdays, Sundays, and legal holidays) following receipt of the prunes. Any prunes so transferred shall be submitted to inspection by the receiving handler prior to shipment or other final disposition by him.

(d) *Tolerances for non-French prunes.* Any lot of standard prunes or standard processed prunes containing more than two percent by weight of non-French prunes shall be disposed of only in prune product outlets as prescribed in § 993.50 (c) unless the non-French prunes therein have an average count of 50 or less per pound (or 60 or less per pound if 90 percent or more by weight of such non-French prunes are of the Robe de Sargent variety) and unless in a 100 ounce sample of the lot, the count per pound of 10 ounces of the smallest prunes in the sample shall not vary from the count per pound of 10 ounces of the largest prunes in the sample by more than 35 points. A lot shall be deemed to exceed the two percent tolerance for non-French prunes whenever an inspection shows such prunes exceed two percent in any four consecutive sampling units of two tons or less or, if less than four such units are sampled, in such lesser number of units.

(e) *Prunes which fail to meet minimum standards*—(1) *Committee's approval of disposition.* Any defective prunes which may be accumulated by a handler by removing them from standard or substandard prunes or any prunes received by a handler which fail to meet the minimum standards and are held for disposition without removal of defective prunes in excess of maximum tolerances can only be used, if within tolerances prescribed in § 993.97 II C (1), (2) and (3), as prune products, or, if such tolerances are exceeded, can only be used for non-human consumption. In order to insure that such prunes will not be used for non-authorized purposes, any handler, prior to making any shipment or other disposition of such prunes, shall file a written application with the committee for permission to do so and receive the written approval of the committee thereto on Form PAC 2.3 "Permission to Dispose of Substandard Prunes." Such application shall set forth, if for shipment: (i) The name and address of the consignee; (ii) the quantity of prunes to be shipped, and their then present location; (iii) the use to be made of them; and (iv) if such use is to be by someone other than the buyer, the name and address of such other person. If the use and the name and address of the user are not known, approval by the committee shall be withheld subject to the handler's arranging to have the committee informed as to the ultimate user and use of the prunes. If use is to be made by the handler, the application shall so indicate and set forth all applicable information. An approval shall extend only to the disposition described in the application, and any changes in the details of such disposition shall require the filing of a new application. In

addition, the handler shall make available for examination by the committee, at his business office at any time during business hours, copies of all applicable purchase orders, sales contracts, or disposition orders, together with any further information which the committee may deem necessary or desirable to enable it to determine whether such prunes have been or will be actually utilized for the permitted purpose. The committee, in acting on the applications, shall specify the maximum quantity of substandard prunes, if any, for which approval is granted. In the event the committee has cause to believe that such prunes will not be shipped or disposed of in accordance with a handler's application or has cause to believe that the prunes will not be utilized for the permitted purpose, the committee shall disapprove the handler's application and shall notify him of such disapproval and he shall not make the proposed shipment or disposition. The handler shall furnish the committee with a copy of the shipping document on each shipment of prunes whether to a non-human consumption outlet or to a user of prunes in products.

(2) *Out of the area shipments.* Whenever substandard prunes for human consumption are to be shipped out of the area they shall be packed in closed containers and each such container shall be clearly marked "For Manufacturing Purposes Only" and similarly, whenever substandard prunes restricted to non-human usage are so shipped, each such container shall be clearly marked "For Non-Human Usage." In each instance, the letters shall be of reasonable prominence and in a conspicuous place on the container.

(3) *Inspection of substandard prunes.* Each handler shall cause substandard prunes, for use in prune products, or to be credited against handler disposition obligations, to be inspected (prior to disposition or shipment by a handler) by an inspector, and that such inspector issue, in triplicate, a signed clearance certificate (for the preparation of which the handler shall make available to the inspector the necessary data) containing the following information: (i) The date and place of inspection and clearance; (ii) the name and address of the inspection service and of the handler; (iii) the number and kind of packages, the net weight, and the adequacy of the marking; (iv) the lot number or shipping or disposition order number; (v) the committee's approval number; (vi) the destination; and (vii) except for prunes within § 993.149(d) (1) and (2), the actual percentage of off-grade prunes of each group, or combination of groups, of defects in excess of the then current tolerances for standard prunes or standard processed prunes.

REPORTS AND BOOKS AND OTHER RECORDS

§ 993.172 Reports of holdings, receipts, sales, uses, and shipments.

(a) *Holdings as of March 31.* Each handler shall, on or before the 15th day of April, file with the committee a signed report of holdings of prunes which have not been inspected or received by him as a handler as of March 31. The report shall show for such prunes the name and address of the producer or dehydrator, the date of each identification tag assigned to such prunes, the numbers and dates of door receipts or weight certificates or any other identifying documents assigned to such prunes, the net weight shown on each, the total net weight of all prunes so held, and the name and address of the handler making the report.

(b) *Receipts by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 11.1, "Report of Prunes Received," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; and (2) the total tonnage received during the month from each of (i) producers and dehydrators, (ii) other handlers, including interhandler transfers, and (iii) sources other than producers, dehydrators and other handlers.

(c) *Sales by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 12.1, "Report of Sales," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; (2) the total tonnage of prunes sold by the handler unshipped at the beginning of the crop year plus sales during the crop year to the last day of the month reported on; (3) the total tonnages sold in domestic outlets, including Federal Government agencies, segregated by uses; (4) the total tonnages sold in export markets, segregated as to countries; and (5) the total tonnage sold to other handlers, including interhandler transfers.

(d) *Shipments by handlers.* Each handler shall file with the committee, for each month, prior to the 10th calendar day of the next succeeding month, a signed report on Form PAC 13.1, "Report of Shipments," containing the following information: (1) The date, the name and address of the handler, and the period covered by the report; (2) the total tonnage of prunes shipped or otherwise disposed of by the handler during the period of the report, segregated as to: (i) Domestic outlets, including Federal Government agencies, (ii) commercial foreign export outlets, and (iii) culls, and (3) the total tonnage shipped to other handlers, including interhandler transfers.

§ 993.173 Reports of accounting.

(a) *Independent handler's reports of accounting.* Within 10 days (exclusive of Saturdays, Sundays and legal holidays) after a handler, other than a nonprofit cooperative agricultural marketing association, makes an accounting or settlement with a producer or dehydrator for prunes delivered to him, he shall submit to the committee a copy of the accounting or settlement record, which shall contain the following information: (1) The names and addresses of the producer or dehydrator, any other person having a financial interest in the prunes and the handler; (2) the date of the accounting or settlement; (3) the contract number if any; (4) an itemized statement listing each lot of prunes in the delivery, showing the date received, receiving point, weight certificate or door receipt number, inspection certificate number, variety, crop year of production, the net weight and the average size count of prunes, if any, shown by the applicable incoming inspection certificate to be set aside for non-human consumption in accordance with § 993.149(d) (1) and (2), the net weight of prunes received in each lot, the total net weight of prunes to be delivered for nonhuman consumption, and the total net weight received.

(b) *Cooperative marketing association's reports of accounting.* Upon written notice by the committee, non-profit cooperative agricultural marketing associations which are handlers shall file with the committee within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter a signed cumulative report of the prunes received from its members and any other producers or dehydrators for whom it performs handling services, which shall contain the following information: (1) The name and address of the association and the date of the report; (2) the net weight and average size count of prunes required to be delivered out for non-human consumption in accordance with § 993.149 (d) (1) and (2); and (3) the total net weight of prunes received, itemized by crop years of production.

§ 993.174 Other reports.

(a) *Carryover and marketing policy information.* Upon request of the committee, a handler shall, within 10 days (exclusive of Saturdays, Sundays, and legal holidays) thereafter, file with the committee a signed report on Form PAC 14.1, "Report of Carryover and Marketing Policy Information," containing such of the following items of information as may be requested by the committee: (1) The tonnage of prunes held by the handler, by size and grade, as of the date specified in the committee's request; and (2) the handler's estimate of the tonnage of prunes held by producers and dehydrators from whom the handler acquired prunes during the current or preceding crop year, of the tonnage and quality and size of prunes expected to be produced by such producers and dehydrators during the current or following crop year, of current prices being received by producers, dehydrators, and handlers, and of probable market requirements.

§ 993.175 Records.

Each handler shall maintain such records as are necessary to furnish any report required to be submitted to the committee by him under this subpart, including, but not limited to, all records of prunes received, held and disposed of by him, and he shall retain such records for at least two years after the end of the crop year in which the applicable transaction occurred.

2. The provisions (§§ 993.501 to 993.518, inclusive) of Subpart—Pack Specifications as to Size are revised to read as follows:

Subpart—Pack Specifications As to Size

DEFINITIONS

Sec.
993.501 Consumer package of prunes.
993.502 Size count.
993.503 Size category.
993.504 In-line inspection.
993.505 Floor inspection.
993.506 Lot.

SPECIFICATIONS AS TO SIZE

993.515 Size categories.
993.516 Tolerances and limitations.

LABELING

993.517 Identification.

COMPLIANCE

993.518 Compliance.

DEFINITIONS

§ 993.501 Consumer package of prunes.

"Consumer package of prunes" means "consumer package" as defined in § 993.22.

§ 993.502 Size count.

"Size count" means the count or number of prunes per pound.

§ 993.503 Size category.

"Size category" means each of the size categories listed in § 993.515 and fixes the range or the limits of the various size counts.

§ 993.504 In-line inspection.

"In-line inspection" means inspection of prunes where samples are drawn from a flow of prunes prior to packaging.

§ 993.505 Floor inspection.

"Floor inspection" means inspection of prunes where samples are drawn from packaged prunes or from unpackaged prunes that are held in packing containers for later packaging.

§ 993.506 Lot.

"Lot" means:

(a) With respect to in-line inspection either (1) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, processed in any continuous production of one calendar day and packaged during such day in one size and style of consumer package or (2) the aggregate quantity of prunes of the same size category, other than those rejected in the course of inspection, so processed and held in packing containers for later packaging in consumer packages.

(b), With respect to floor inspections and (1) covering prunes not previously inspected in-line, the aggregate quantity of prunes of the same size category, in like containers, bearing the same identification (e.g., brand) if in consumer packages, and offered for inspection as a lot; and (2) covering prunes, previously inspected in-line but which were rejected as failing to meet requirements, of the same size category, in like containers, processed in any continuous production of one calendar day, and offered for inspection as a new lot.

SPECIFICATIONS AS TO SIZE

§ 993.515 Size categories.

For the purpose of this part, the pack specifications prescribed for the packing of prunes in consumer packages shall, subject to the limitation prescribed in § 993.516, be according to those commercially recognized size categories as are listed in paragraph (a) of this section by numerical designation or in paragraph (b) of this section by nomenclature designation.

(a) *Numerical designations.* Each of the following is a numerical size category described by the range of the size counts of prunes per pound included in the respective size categories expressed as follows or in an applicable equivalent range expressed in the metric system per 500 grams: 15/20, 15/22, 18/24, 20/30, 25/35, 30/40, 35/45, 40/50, 50/60, 60/70, 70/80, 75/85, 80/90, and 90/100.

(b) *Nomenclature designations.* Each of the following is a nomenclature size category:

(1) Extra large;
(2) Large;
(3) Medium; and
(4) Small, Breakfast, or Petite.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

(1) "Extra large" means any size count which falls within the range of 36 to 43 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 43 to 53 prunes, inclusive, per pound;

(3) "Medium" means any size count which falls within the range of 53 to 67 prunes, inclusive, per pound; and

(4) "Small," "Breakfast," or "Petite" means any size count which falls within the range of 67 to 85 prunes, inclusive, per pound.

§ 993.516 Tolerances and limitations.

With respect to in-line inspections and floor inspections, prunes in a particular lot shall, subject to the other applicable requirements of this section, be considered as being according to a particular size category prescribed in § 993.515 if the average size count of the prunes in such lot falls within the range of the size counts specified for such size category, and the count per pound of 10 ounces of the smallest prunes in a sample of 100 ounces varies from the count per pound of 10 ounces of the largest prunes in such sample by no more than 45 points.

LABELING

§ 993.517 Identification.

The size category of the prunes in any lot shall be clearly marked by the handler on each consumer package of such prunes, on the parts or panels of the package or label which are normally presented in retail display, in terms of the applicable numerical or nomenclature designation prescribed in § 993.515, which designation shall not be lacking in prominence and conspicuousness. Any handler may, at his option, clearly mark on such consumer package additional information describing in numerical terms the average size count, or particular range of size counts, of the prunes in such lot so long as such numerical terms fall within the range of the size counts of the applicable numerical or nomenclature designation and do not tend to be deceptive as to the actual average size count, or range of the size counts, of the prunes in such lot. Descriptive terms other than synonyms of the prescribed nomenclature designation or words of like connotation, describing the style of pack, variety of prune, or other item of commercial significance may also be marked on the consumer package. Prunes in any lot of which the maximum size count is less than 36 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515(a); and the handler may use nomenclature terms descriptive of size other than the nomenclature designations prescribed in § 993.515(b).

COMPLIANCE

§ 993.518 Compliance.

As provided in § 993.50(b), no handler shall ship consumer packages of prunes unless such prunes are packed and labeled in accordance with the specifications prescribed in this subpart.

Dated: July 21, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7004; Filed, July 25, 1961; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12850; FCC 61-926]

OPTION TIME AND THE STATION'S RIGHT TO REJECT NETWORK PROGRAMS

Order Extending Time To File Comments and Date of Oral Argument

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of July 1961;

The Commission has before it for consideration a Request filed on July 12, 1961, by the Special Committees for the Affiliates of ABC-TV, CBS Television and NBC Television for an extension of time in which to file Comments on a Further Notice of Proposed Rule Making, released May 4, 1961 (FCC 61-582, Mimeo 3899), and its Designation for Oral Argument in the above proceeding. Public notice (6825) of the scheduling of filing of comments and of oral argument was released by the Commission on July 11, 1961.

In support of their request, the Affiliates' Committees point out the importance of this proceeding, the scope of the comments, the August recess, and the difficulty of preparing careful comments in the time allowed.

Times-Mirror Broadcasting Company and the three national networks do not oppose the extension of time requested.

The Commission is of the view that the public interest would be served by

extending the time for filing comments and for oral argument.

In view of the foregoing: *It is ordered*, That the request of the Affiliates' Committees of ABC-TV, CBS Television and NBC Television for additional time to file comments and for date of oral argument is granted, and that the time for filing comments to the Commission's Further Notice of Proposed Rule Making is extended to October 6, 1961, and that the Oral Argument in this matter will be held at the Commission's offices in Washington, D. C., on October 27, 1961.

It is further ordered, That interested parties desiring to be heard at the oral argument shall file with the Commission in triplicate, in person or by attorney, on or before October 6, 1961, a written request for opportunity to appear on the date fixed for oral argument and present argument on the issues specified in paragraph 3 of the aforementioned Further Notice of Proposed Rule Making.

Released: July 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7002; Filed, July 25, 1961; 8:49 a.m.]

[Docket No. 13971, RM-217; FCC 61-902]

[47 CFR Part 10]

LOCAL GOVERNMENT RADIO SERVICE

Frequency Available for Control of Traffic Lights by Mobile Units Installed in Emergency Vehicles

1. In a Report and Order in this proceeding adopted June 28, 1961, a request for deferral of action submitted by the City of Erie, Pennsylvania, was granted by the Commission until July 14, 1961. The request was to enable the City to conduct experiments and accumulate data to determine whether its system could operate efficiently using a bandwidth of 20 kc rather than 32 kc as originally proposed. The City of Erie has now submitted a "Petition for Modification of Notice of Proposed Rule Making" in which it makes a showing that a bandwidth of 20 kc is feasible for its operations.

2. The petition states that: Erie proceeded under its Developmental authorization to change over the entire Erie system to the new 20 kc band width device in order to demonstrate that it would work in a completely satisfactory manner. The affidavit of the chief radio engineer for the City of Erie's police and fire departments attached herewith establishes that the new device has performed perfectly. As shown therein on May 22, 1961 the 32 kc device was removed from 18 intersection traffic lights and 18 police and fire vehicles. The first group using the new device, in responding to a fire, did not know that the change in equipment had taken place and they affirmed that the device had performed perfectly as usual. Since the "change over" on May 22 through July 1, 1961, over 18,000 hours have been accumulated for the new receivers. During this time vehicles using the equipment have performed 39 inhalator runs, 120 actual fire runs, an unknown number of police runs and 40 test runs by Rad-O-Lite engineers. There have been no failures and the check-out has proven 100% successful.

3. It is contended by the petitioner that the reduction in bandwidth has in no way adversely affected the operation of the system. The fact that there is reliance on "subcarriers plus tones" and that the device utilizes less than three watts power assures freedom from interference to other users on the frequency 39.06 Mc. In essence, the petitioner has endeavored to show that its proposed operation can be conducted efficiently within the system itself and with no interference to other users without the necessity of a rule amendment which would require that licensees using this device be permitted an authorized bandwidth of 32 kc.

4. Comments received in response to the original Notice of Proposed Rule Making included objections by certain police organizations concerning the proposal to make the frequency 39.06 Mc, which is now available to the Police Radio Service, available to the Local Government Radio Service. The petition points out that its proposal would merely enable governmental entities to utilize this frequency along with, rather than to the exclusion of, police radio licensees. It points out that the present usage of this frequency is relatively sparse and that in any given locality where the frequency 39.06 Mc is being used for walkie-talkie operation, it need not be utilized for traffic light control.

5. The Commission may take under consideration in a future proceeding any requirement in the Police Radio Service for additional frequencies for low-power devices. The question of whether a frequency for the traffic light control device proposed by the City of Erie should also be taken under future consideration depends on whether the need of local government entities for a solution to the problems of emergency vehicles in route through traffic in response to such emergencies is immediate.

6. The Commission has previously determined that the proposal of the City of Erie has sufficient merit to warrant the issuance of a Notice of Proposed Rule Making. Since the modification sought herein would appear to do no more than to improve the efficiency of the traffic light control device, the Commission is of the opinion that a Further Notice of Proposed Rule Making is warranted.

7. Authority for the rule amendments proposed herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before September 15, 1961, a written statement or brief setting forth his comments. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all comments filed hereunder prior to taking final action in this matter provided that, notwithstanding the provisions of § 1.213 of the rules, the Commission will not be limited solely to the comments filed in this proceeding.

9. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: July 19, 1961.

Released: July 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7001; Filed, July 25, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

DEFINITION OF SMALL BUSINESS FOR HYDRAULIC DREDGING INDUSTRY

Notice of Hearing

Notice is hereby given that the Small Business Administration proposes to hold a hearing on the definition of small business for the hydraulic dredging industry for the purpose of Government procurement and SBA business loans.

The hearing will take place September 12 1961, at 10:00 a.m., e.d.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Director, Office of Small Business Size Standards on or before September 8, 1961, written statements of facts, opinions, or arguments concerning the appropriate definition of a small business in the hydraulic dredging industry. Those persons who wish to make oral statements should notify the Director in writing setting forth the name and title (if any) of the persons who will appear and whom they represent.

All correspondence on this matter shall be addressed to: Samuel S. Solomon, Director, Office of Small Business Size Standards, Small Business Administration, Washington 25, D.C.

The present definition of small business for the hydraulic dredging industry for the purpose of Government procurement and SBA business loans is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates has average annual receipts of $5,000,000 or less for the preceding three fiscal years.

Dated: July 17, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-6978; Filed, July 25, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1961.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial Number M-044188 for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws. The applicant desires the land for expansion of Woodbine, West Rosebud Lake and Emerald Lake Campgrounds, which are all on Custer National Forest Lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

CUSTER NATIONAL FOREST

Woodbine Campground

T. 5 S., R. 15 E., Unsurveyed, but when surveyed will probably be:
Sec. 32: SW¼SE¼NE¼, NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, N½SE¼SE¼.
(Total area 90 acres, more or less)

West Rosebud Lake Campground

T. 7 S., R. 16 E., Unsurveyed, but when surveyed will probably be:
Sec. 1: NW¼SW¼, NW¼SW¼SW¼
Sec. 2: NE¼NE¼SE¼, S½NE¼SE¼, N½SE¼SE¼, S½NW¼SE¼, N½SW¼SE¼.
(Total area 140 acres, more or less)

Emerald Lake Campground

T. 6 S., R. 17 E., Surveyed:
Sec. 31: SE¼SE¼SW¼.
T. 7 S., R. 16 E., Unsurveyed, but when surveyed will probably be:
Sec. 1: SW¼NE¼, SE¼NW¼NE¼, SE¼NE¼, S½NE¼NE¼.
T. 7 S., R. 17 E., Unsurveyed, but when surveyed will probably be:
Sec. 6: NW¼SW¼NW¼, NW¼NW¼, SW¼NE¼NW¼, N½NE¼NW¼, NW¼NW¼NE¼.
(Total area 210 acres, more or less)

Total of areas described in this order aggregates 440 acres.

GEORGE L. TURCOTT,
Acting State Director.

[F.R. Doc. 61-6966; Filed, July 25, 1961; 8:45 a.m.]

[Utah (I-35)]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

JULY 18, 1961.

The United States Department of Agriculture has filed an application, Serial No. U-069197, for the withdrawal of lands described below from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the withdrawal of the lands from mining location that the Forest Service may exercise such controls as are necessary to prevent uses not compatible with the objectives of that agency in establishing and maintaining administrative sites, campgrounds and picnic areas. The lands are in the Ashley and Uinta national forests.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections or comments in writing to the State Director for Utah, Bureau of Land Management, Darling Building, P.O. Box 777, Salt Lake City 10, Utah. If any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed withdrawal may state their views, and where proponents may explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

UINTA NATIONAL FOREST

Balsam Campground

T. 7 S., R. 5 E. (Unsurveyed).

The point of origin for this survey is the concrete water tank (2,700 gallons storage for the Balsam Campground) from which the section corner common to sections 23, 24, 25, and 26, T. 7 S., R. 4 E. bears S. 69°30' W., 12,216.8 ft., and from which the cattle guard to the entrance to Balsam Campground bears S. 51° E. 641 ft.

The traverse around the existing improvement is described as follows:

From the cattle guard at the entrance to Balsam Campground, the point of beginning, S. 64° E., 265 ft.; thence S. 84° E., 340 ft.; thence S. 60° E., 362 ft.; thence S. 27° E., 183 ft.; thence S. 22° W., 112 ft.; thence due west 154 ft.; thence N. 64° W., 242 ft.; thence S. 82° W., 300 ft.; thence N. 64° W., 710 ft.; thence N. 75° W., 145 ft.; thence N. 30° W., 268 ft.; thence N. 82° E., 100 ft.; thence S. 70° E., 248 ft.; thence N. 85° E., 305 ft. to the cattle guard at the entrance to Balsam Campground, the point of beginning.

The tract described above will probably be located within the following description when the remainder of the township is surveyed:

Sec. 20: SW¼NE¼, S½NW¼, NW¼SE¼.
Total area to be withdrawn within metes and bounds survey—11.82 acres, more or less.

Birch Campground

T. 7 S., R. 4 E.,
Sec. 26: N½SW¼NW¼, SW¼SW¼NW¼;
Sec. 27: SE¼SE¼NE¼.
Total area, 40 acres.

Cherry Picnic Area

T. 7 S., R. 4 E.,
Sec. 34: E½E½SW¼NW¼, all of Lot 3 except S½.
Total area, 27.71 acres.

Hobble Creek Administrative Site

T. 7 S., R. 4 E.,
Sec. 34: E½SW¼SW¼NW¼, W½SE¼SW¼NW¼.
Total area, 10 acres.

Mill Hollow Administrative Site

T. 4 S., R. 8 E.,
Sec. 6: SW¼NE¼SE¼SW¼, S½NW¼SE¼SW¼, SW¼SE¼SW¼, NW¼SE¼SE¼SW¼.
Total area, 20 acres.

Sulphur Campground

T. 7 S., R. 4 E.,
Sec. 27: SW¼SE¼NE¼, a 10-acre tract in Lot 1 being that portion normally described as SE¼SW¼NE¼.
Total area, 20 acres.

UINTA SPECIAL MERIDIAN

ASHLEY NATIONAL FOREST

South Fork Recreation Area

T. 2 N., R. 7 W.,
Sec. 20: S½NE¼SE¼, NE¼SW¼SE¼, SE¼SE¼:
Sec. 21: SW¼NW¼SW¼, W½SW¼SW¼.
Total area, 100 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 61-6967; Filed, July 25, 1961; 8:46 a.m.]

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to delegate additional authority to regional directors and to clarify existing authorities.

1. Pargraphs B and C of section 4 AM 4.4 are revised to read as follows:

B. *Excess personal property.* The Chief, Division of Administration, Chief, Branch of Property Management, regional directors, administrative officers and property management officers may exercise the authority of the Secretary delegated in 205 DM 9.3 and 9.4 to acquire, dispose of and transfer personal property excess to the needs of the Department. This authority includes the donation and execution of transfers and deliveries of donable property, in accord-

ance with the Federal Property and Administrative Services Act of 1949, as amended, and the regulations issued thereunder by the administrator of General Services.

C. *Foreign excess property.* The Chief, Division of Administration, Chief, Branch of Property Management, regional directors, administrative officers and property management officers may exercise the authority of the Secretary delegated in 205 DM 9.5. This includes authority to dispose of excess personal property located outside the States of the Union, the District of Columbia, Puerto Rico and the Virgin Islands pursuant to Title IV, Federal Property and Administrative Services Act of 1949 (40 U.S.C. 511–514).

2. Section 4 AM 4.5E is revised to read as follows:

E. *Cooperative agreements.* The regional directors may severally exercise the authority of the Director, to enter into agreements with Federal, State, and public and private agencies and organizations for the cooperative conduct of any Bureau of Sport Fisheries and Wildlife function or activity authorized by law. This authority includes, but is not limited to, agreements for management of wildlife conservation areas; agreements for the development, protection, rearing, and stocking of all species of wildlife; and master project, special, and field agreements, as well as agreements with individuals for entry and conduct of operations on private premises.

District agents may execute predator and rodent control field agreements, except those agreements which provide for reimbursement of Bureau funds or for direct deposit of funds. District agents and other field employees of the Branch of Predator and Rodent Control may negotiate and execute agreements with individuals for entry and conduct of operations on private premises. None of the authority in this section may be redelegated. (Secretary's Order No. 2821.)

3. Paragraph (1) of section 4 AM 4.5F is revised to read as follows:

F. *Federal aid in fish and wildlife restoration projects*—(1) *Authority.* The Chief, Division of Technical Services, Washington Office, Regional Directors, Regions 1 to 6, and Chiefs, Division of Technical Services, Regions 1 to 5, inclusive, may, subject to the limitations in section (2) below, severally exercise the authority conferred upon the Secretary by the Federal Aid to Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U.S.C. 669), and the Federal Aid to Fish Restoration and Management Act of August 9, 1950, as amended (60 Stat. 430; 16 U.S.C. 777). They severally may act as the authorized representative of the Secretary in performing all actions authorized by 50 CFR Part 80.

DANIEL H. JANZEN,
Director.

[F.R. Doc. 61-6980; Filed, July 25, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FREDERICK L. GRAF

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Reva Corporation.
B. Additions: None.

This Statement is made as of July 13, 1961.

FREDERICK L. GRAF.

JULY 13, 1961.

[F.R. Doc. 61-6995; Filed, July 25, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 7-3-61 to 7-2-62 (Ladies' woven slips, petticoats, sleepwear).

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 7-11-61 to 7-10-62 (Ladies' woven slips and gowns).

Bay Slacks, Inc., Hoyle Avenue, Bay Minette, Ala.; effective 7-1-61 to 6-30-62 (Men's dress slacks).

Blue Bell, Inc., Madison, Va.; effective 7-14-61 to 7-13-62 (Children's play clothing, slacks, overalls).

Delta Shirt Manufacturing Co., Inc., 849 9th Street, Douglas, Ariz.; effective 7-7-61 to 7-6-62 (Men's and boys' sport shirts).

Dillon Manufacturing Co., Dillon, S.C.; effective 7-9-61 to 7-8-62 (Ladies' house dresses).

Elder Manufacturing Co., Webb City, Mo.; effective 6-30-61 to 6-29-62 (Boys' shirts).

Fleetwood Shirt Corp., 26 East Locust Street, Fleetwood, Pa.; effective 7-11-61 to 7-10-62 (Men's dress and sport shirts; women's man-tailored shirts).

The Fordyce Apparel Co., Fordyce, Ark.; effective 7-10-61 to 7-9-62 (Men's and boys' single pants).

Jamestown Shirt Corp., Jamestown, Tenn.; effective 7-3-61 to 7-2-62 (Men's and boys' sport shirts).

Meridian Manufacturing Co., Inc., 2315 Front Street, Meridian, Miss.; effective 7-12-61 to 7-11-62 (Men's and boys' bathrobes and sportswear).

Page Sportswear, Inc., 124 South Seymour, St. James, Mo.; effective 7-10-61 to 7-9-62 (Men's and boys' jackets).

Pioneer Manufacturing Co., 83 Waller Street, Wilkes-Barre, Pa.; effective 7-15-61 to 7-14-62 (Children's dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill.; effective 7-7-61 to 7-6-62 (Women's cotton dresses).

Sullcraft Manufacturing Co., Dushore, Pa.; effective 7-8-61 to 7-7-62 (Boys' pajamas).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 7-7-61 to 7-6-62 (Men's and boys' cotton pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 7-1-61 to 6-30-62 (Denim dungarees, jackets).

Williamson-Dickie Manufacturing Co., McAllen, Tex.; effective 7-3-61 to 7-2-62 (Men's and boys' cotton pants).

Wilson Shirt Co., 2804 Wilco Avenue, Augusta, Ga.; effective 7-10-61 to 7-9-62 (Men's shirts and pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Garment Co., North 3d and Division Streets, Altamont, Ill.; effective 7-11-61 to 7-10-62; 10 learners (Boys' trousers).

Arcadia Valley Manufacturing Co., Arcadia, Mo.; effective 6-30-61 to 6-29-62; 10 learners (Ladies' and girls' blouses).

Granville Manufacturing Co., Hillsboro Street, Extension, Oxford, N.C.; effective 6-29-61 to 6-28-62; 10 learners (Ladies' dresses).

Gunnin Manufacturing Co., Dawson, Ga.; effective 6-29-61 to 6-28-62; 10 learners (Men's and ladies' sport shirts).

Isaacson-Carrico Manufacturing Co., 210 East First, El Campo, Tex.; effective 7-11-61 to 7-10-62; 10 learners (Girls' woven and knit underwear).

J & B Sportswear Co., Maple Street, Tresckow, Pa.; effective 7-7-61 to 7-6-62; 5 learners (Women's and children's blouses).

Normandy Dress Co., 700 South Madison, Bay City, Mich.; effective 7-10-61 to 7-9-62; 10 learners (Ladies' cotton house dresses).

Piedmont Manufacturing Co., Piedmont, Mo.; effective 6-30-61 to 6-29-62; 10 learners (Ladies' and girls' blouses).

Pollock Dresses, Inc., 101 Schuylkill Avenue, Tamaqua, Pa.; effective 7-5-61 to 7-4-62; 4 learners (Children's dresses).

Lillian Russell, Inc., 126 West Cedar Street, Wewoka, Okla.; effective 6-28-61 to 6-27-62; 10 learners (Ladies' dresses, dusters, and brunchcoats).

West Union Garment Co., West Union, W. Va.; effective 7-11-61 to 7-10-62; 10 learners (Brassieres and sun halters).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Arab, Ala.; effective 6-30-61 to 12-29-61; 20 learners (Men's and boys' cotton denim dungarees).

Blue Bell, Inc., Seminole, Okla.; effective 7-1-61 to 12-31-61; 40 learners (Men's and boys' dungarees).

Carolina Garment Co., Jackson Street, Rich Square, N.C.; effective 6-24-61 to 12-23-61; 20 learners (Women's pajamas).

County Wide Sewing Co., Clinton, N.C.; effective 7-10-61 to 1-9-62; 50 learners (Children's cotton car coats).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 7-6-61 to 1-5-62; 20 learners (Children's wear).

Hartsells Manufacturing Co., Hartselle, Ala.; effective 7-3-61 to 1-2-62; 25 learners (Men's cotton pants and jackets).

Mylcraft Manufacturing Co., Inc., North Main Street, Rich Square, N.C.; effective 6-24-61 to 12-23-61; 30 learners (Women's pajamas).

Reidbord Bros. Co., Livingston Street, Elkins, W. Va.; effective 6-28-61 to 12-27-61; 35 learners (Men's work shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Glove Corp., Heber Springs, Ark.; effective 7-7-61 to 7-6-62; 10 learners for normal labor turnover purposes (Leather and cotton combination work gloves).

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 6-28-61 to 6-27-62; 10 learners for normal labor turnover purposes (Leather work and dress gloves; combination leather and fabric work gloves).

Ross Glove Co., 1032 Alabama Avenue, Sheboygan, Wis.; effective 7-10-61 to 7-9-62; 10 percent of the total number of machine and hand stitchers for normal labor turnover purposes (Leather dress gloves).

George B. Wayne & Son, 18 (Rear) South William Street, Jamestown, N.Y.; effective 6-30-61 to 6-29-62; one learner for normal labor turnover purposes (All leather work gloves and mittens).

Wells Lamont Corp., Eupora, Miss.; effective 7-6-61 to 7-6-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Atlantic Hosiery, Inc., 177 Walmer Street, Hammonton, N.J.; effective 7-7-61 to 7-6-62; five learners for normal labor turnover purposes (Seamless).

Kayser-Roth Hosiery Co., Inc., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 7-6-61 to 7-5-62; five percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

Vance Hosiery Co., Burlington Industries, Inc., Kernersville, N.C.; effective 7-6-61 to 7-5-62; five percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz., effective 7-3-61 to 7-2-62; five percent of the total number of factory production workers engaged in the production of underwear and sleepwear from knitted fabric for normal labor turnover purposes (Ladies' slips, petticoats, and sleepwear).

Bluemont Knitting Mills, Inc., Galax, Virginia; effective 6-30-61 to 6-29-62; five percent of the total number of factory production workers for normal labor turnover purposes (Boys' and men's knit shirts and pajamas).

Fitzgerald Underwear Corp., 704 South Sherman Street, Fitzgerald, Ga.; effective 6-28-61 to 12-27-61; 10 learners for plant expansion purposes (Ladies' rayon panties).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 7-13-61 to 7-12-62; four learners for normal labor turnover purposes (Men's, women's, and children's knit underwear and sleepwear).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 7-1-61 to 6-30-62; five percent of the total number of factory production workers for normal labor turnover purposes (Women's and children's underwear; women's and children's sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.56, as amended).

Gettysburg Shoe Co., East Berlin Division, East Berlin, Pa.; effective 6-30-61 to 6-29-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (Children's and misses' cemented shoes).

Vocational Footwear, Inc., Lutesville, Mo.; effective 7-15-61 to 7-14-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (Women's misses,' and children's sport, welt, and bon welt shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Burlington Belt Corp., Elon College, N.C.; effective 7-9-61 to 1-8-62; 10 learners for normal labor turnover purposes to be employed in the manufacture of apparel belts, in the occupation of sewing machine operators for a learning period of 320 hours at rates of at least 90 cents an hour for the first 160 hours, and not less than 95 cents an hour for the remaining 160 hours.

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 17th day of July 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-6975; Filed, July 25, 1961; 8:47 a.m.]

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bamberg Manufacturing Co., Bamberg, S.C.; effective 5-29-61 to 5-28-62 (Ladies' robes).

Carolina Girls Wear, Inc., Klauber Street, St. George, S.C.; effective 6-3-61 to 6-2-62 (Children's dresses).

Choctaw Manufacturing Co., Inc., Silas, Ala.; effective 5-26-61 to 5-25-62 (Men's trousers).

Don Juan Manufacturing Corp., 113 Grubb Street, Hertford, N.C.; effective 6-6-61 to 6-5-62 (Men's and boys' shirts).

Greenwood Shirt Co., Inc., Montague Street, Greenwood, S.C.; effective 6-2-61 to 6-1-62 (Men's and women's sport shirts).

Guin Garment Corp., Guin, Ala.; effective 6-8-61 to 6-7-62 (Boys' shirts).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga.; effective 6-3-61 to 6-2-62 (Men's and boys' dress and work pants).

The KYM Co., Jackson, Ga.; effective 6-16-61 to 6-15-62 (Men's single pants).

Kar-Lyn, Inc., 162 Coxe Avenue, Asheville, N.C.; effective 5-26-61 to 5-25-62 (Boys' shirts).

Mode O'Day Corp., 2955 South Main, Salt Lake City, Utah; effective 6-3-61 to 6-2-62 (Women's dresses).

Oberman Manufacturing Co., Arkadelphia, Ark.; effective 6-1-61 to 5-31-62 (Men's and boys' single pants).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-31-61 to 5-30-62 (Men's and boys' sport shirts).

Rowan Industries, Inc., Rockwell, N.C.; effective 5-29-61 to 5-28-62 (Ladies' and girls' pajamas).

Shults Manufacturing Co., Inc., Henderson, Tenn.; effective 5-25-61 to 5-24-62 (Men's work pants).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5-24-61 to 5-23-62 (Boys' uniform shirts).

Thomson Co., Milledgeville Rd., Harlem, Ga.; effective 5-29-61 to 5-28-62 (Men's and boys' slacks).

Williamson-Dickie Manufacturing Co., Tyler, Tex.; effective 5-25-61 to 5-24-62 (Men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Angelica Uniform Co., Winfield, Mo.; effective 6-5-61 to 6-4-62; 10 learners (Men's washable cotton service uniform coats).

Apparel, Inc., Center Street, Mebane, N.C.; effective 6-1-61 to 5-31-62; five learners (Children's dresses).

Mary Barnell Manufacturing Co., 135 South Main Street, Doylestown, Pa.; effective 5-29-61 to 5-28-62; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (Ladies' shorts, etc.).

Bray and Co., 1752 Champa Street, Denver, Colo.; effective 5-29-61 to 5-28-62; one learner (Men's and women's custom-made shirts).

Cross Gales burg Co., Clinton, Ind.; effective 5-26-61 to 5-25-62; 10 learners (Boys' cotton pants, jackets and dungarees).

Modelrite Dress Co., 147 Chestnut Street, Dunmore, Pa.; effective 5-22-61 to 5-21-62; five learners (Women's dresses).

Morelle Manufacturing Co., 4016 Main Avenue, Ashtabula, Ohio; effective 5-29-61 to 5-28-62; 10 learners (Dresses).

Ruth Originals Corp., 2029 Asheville Highway, Hendersonville, N.C.; effective 6-6-61 to 6-5-62; 10 learners (Children's dresses).

Stanro Dress Co., Inc., 810 George Street, Throop, Pa.; effective 5-31-61 to 5-30-62; five learners (Ladies' and children's dresses).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6-12-61 to 6-11-62; 10 learners (Ladies' underwear made of knitted and woven fabrics).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eagleknit, Inc., 414 Elizabeth Street, Shawano, Wis.; effective 5-25-61 to 11-24-61; 35 learners (Children's cotton jersey blouses and polo shirts).

M. T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 6-5-61 to 12-4-61; 50 learners (Children's and misses' sportswear).

Sweet-Orr and Co., Inc., Dawsonville, Ga.; effective 5-24-61 to 11-23-61; 20 learners (Boys' uniform shirts).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5-29-61 to 11-28-61; 15 learners (Women's dresses and sportswear).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Boss Manufacturing Co., Oneida, Tenn.; effective 5-29-61 to 5-28-62; ten percent of the total number of machine stitchers for normal labor turnover purposes (Work gloves).

Fairfield Glove Co., Bonaparte, Iowa; effective 5-31-61 to 5-30-62; 10 learners for normal labor turnover purposes (Gloves and mittens).

North Star Glove Co., Inc., 2317 Pacific Avenue, Tacoma, Wash.; effective 5-31-61 to 5-30-62; six learners for normal labor turnover purposes (Work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 5-31-61 to 5-30-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (Leather palm work gloves).

Wells Lamont Corp., 801 East Main Street, Brownsville, Tenn.; effective 5-31-61 to 5-30-62; 10 perecnt of the total number of machine stitchers for normal labor turnover purposes (Dress gloves).

Western Glove Co., Orting, Wash.; effective 6-7-61 to 6-6-62; six learners for normal labor turnover purposes (Work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

The Batesville Co., Batesville, Miss.; effective 6-18-61 to 6-17-62; five percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

The Batesville Co., Batesville, Miss.; effective 6-1-61 to 11-30-61; 20 learners for plant expansion purposes (Seamless).

Green Cove Springs Hosiery Co., Inc., Green Cove Springs, Fla.; effective 5-26-61 to 5-25-62; five percent of the total number of factory production workers for normal labor turnover purposes (Full-fashioned).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 5-25-61 to 11-24-61; 35 learners for plant expansion purposes (Full-fashioned and Seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-61 to 6-1-62; five percent of the total number of factory production workers for normal labor turnover purposes (Seamless).

Selma Hosiery Co., Dillon, S.C.; effective 6-2-61 to 12-1-61; 50 learners for plant expansion purposes (Seamless).

Tower Hosiery Mills, Inc., 110 Broad Street, Burlington, N.C.; effective 5-24-61 to 5-23-62; five percent of the total number of factory production workers for normal labor turnover purposes (Full-fashioned and Seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Brown Century Corp., Lake Village, Ark.; effective 5-29-61 to 11-28-61; 45 learners for plant expansion purposes (Men's and Boys' Knitted Underwear).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Stravenue, Tucson, Ariz., effective 5-25-61 to 5-24-62; five learners for normal labor turnover purposes (Ladies' Panties).

Cherrybell Manufacturing Corp., 1720 South Cherrybell Stravenue, Tucson, Ariz.; effective 5-25-61 to 11-24-61; 15 learners for plant expansion purposes (Ladies' Panties).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa.; effective 6-3-61 to 6-2-62; five percent of the total number of factory production workers for normal labor turnover purposes (Ladies' Slips).

Junior Form Lingerie Corp., 428 Morris Street, Boswell, Pa.; effective 6-3-61 to 6-2-62; five percent of the total number of factory production workers for normal labor turnover purposes (Ladies' Petticoats, Gowns, Baby Doll Pajamas).

Mars Hosiery Co., Inc., Johnston School Road, West Asheville, N.C.; effective 5-24-61 to 5-23-62; 5 learners for normal labor turnover purposes (Men's, Ladies', and Children's Tights; Knit Beach and Swim Wear).

Reidler Knitting Mills, 757 West Broad Street, Hazleton, Pa.; effective 5-29-61 to 5-28-62; five percent of the total number of factory production workers for normal labor turnover purposes (Men's, Women's, and Children's Cotton Knit Underwear).

Superior Mills, Division of the B.V.D. Co., Inc., Carrboro, N.C.; effective 6-1-61 to 11-30-61; 15 learners for plant expansion purposes (Knitted Cotton Cloth Underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.56, as amended).

DeWitt Shoe Corp., DeWitt, Ark.; effective 5-29-61 to 5-28-62; 10 percent of the total number of factory production workers for normal labor turnover purposes (Boys', Girls', and Women's Dress and Casual Shoes).

DeWitt Shoe Corp., DeWitt, Ark.; effective 5-29-61 to 11-28-61; 10 learners for plant expansion purposes (Boys', Girls', and Women's Dress and Casual Shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Port Clyde Packing Co., Inc., Port Clyde, Maine; effective 5-29-61 to 11-28-61; Authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sardine packer for a learning period of 160 hours at rates of at least 86 cents per hour for the first 80 hours and not less than 90 cents per hour for the remaining 80 hours (Sardine Packing).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 17th day of July 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-6976; Filed, July 25, 1961; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Public Health Service

Part 4 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1049), as amended, is hereby further amended by revising section 4.20(b) as follows:

1. Subparagraph (4) is renumbered subparagraph (5).

2. A new subparagraph (4) is inserted to read as follows:

(4) All functions vested in the Secretary by the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1961 except:

(a) The making of regulations authorized by section 10(a),

(b) The making of annual reports on the establishment and maintenance of research fellowships required by section 4(a)(4),

(c) All functions set out in section 8 (e) and (f), and

(d) The designation of the Chairman of the Water Pollution Control Advisory Board under section 7.

Dated: July 20, 1961.

[SEAL] ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-6986; Filed, July 25, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14103; FCC 61M-1248]

ISADORE PAUL GILLENSON

Order Scheduling Hearing

In the matter of Isadore Paul Gillenson, Burbank, California, Docket No. 14103; Suspension of Amateur Radio Operator License (WA6KCI).

It is ordered, This 20th day of July 1961, that hearing in the above-entitled proceeding will be held in Los Angeles, California, on October 4, 1961.

Released: July 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6997; Filed, July 25, 1961; 8:49 a.m.]

[Docket No. 14104; FCC 61M-1249]

BERNARD KIRSCHNER

Order Scheduling Hearing

In the matter of Bernard Kirschner, Los Angeles, California, Docket No. 14104; suspension of Amateur Radio Operator License (K2HMP).

It is ordered, This 20th day of July 1961, that hearing in the above-entitled proceeding will be held in Los Angeles, California, on October 5, 1961.

Released: July 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6998; Filed, July 25, 1961; 8:49 a.m.]

[Docket Nos. 13341-13344; FCC 61M-1254]

CREEK COUNTY BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of: T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344, File No. BP-12887; for construction permits.

The Hearing Examiner having under consideration Public Notice No. 8006, dated July 19, 1961, in which the Commission announced that by Memorandum Opinion and Order it has granted a joint petition for review of the Examiner's ruling denying motion to reopen the record in the above-captioned proceeding in order to permit a 1960 census showing and has remanded the proceeding to the Examiner for further proceedings to permit "an entire 1960 census showing to be made";

It is ordered, This 21st day of July 1961, that the record in the above-entitled proceeding is hereby reopened;

It is ordered further, That a prehearing conference, for the purpose of discussing and establishing dates for further hearing sessions, exchanges of exhibit material among counsel, and such other procedural matters as may be deemed apropriate in the circumstances, is hereby scheduled to commence at the Commission's offices, Washington, D.C., on July 28, 1961, at 11:00 a.m.

Released: July 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6999; Filed, July 25, 1961; 8:49 a.m.]

[Docket Nos. 14188-14190; FCC 61M-1250]

SAN JUAN NON-PROFIT T-V ASSOCIATION

Order Scheduling Hearing

In re applications of San Juan Non-Profit T-V Association, Farmington-Bloomfield Highway Area and Huerfano-Bloomfield Highway Area, Farmington, New Mexico, Docket No. 14188, File No. BPTT-528; Docket No. 14189, File No. BPTT-530; Docket No. 14190, File No. BPTT-531; For Construction Permits for Three New Television Broadcast Translator Stations.

It is ordered, This 20th day of July 1961, that hearing in the above-entitled proceeding, which is to be held in Farmington, New Mexico, will commence on October 10, 1961.

Released: July 20, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7000; Filed, July 25, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets 12154, etc.; Order No. E-17208]

MINIMUM RATES APPLICABLE TO AIR FREIGHT

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of July 1961.

On March 2, 1961, notice was published in the FEDERAL REGISTER (26 F.R. 1841) [1] that the Board proposed (1) to revoke the minimum rates prescribed for domestic air freight [2] and for assembly and distribution services,[3] (2) to dismiss the Investigation of Minimum Assembly and Distribution Charge Rules, Docket 1705-11, and (3) to suspend further proceedings at this time in the matter of the Domestic Air Freight Rate Investigation, Docket 11728. Twenty-two responses to the proposal have been filed by various interested persons, including shippers, traffic organizations, freight forwarders, all-cargo air carriers, trunkline carriers and one local service carrier. The respondents have expressed divergent views with respect to various aspects of our proposal including the need for revocation at this time, the extent of the impact of revocation on the stability of the rate structure, and the effect of revocation on forwarder spreads. A question has also been raised as to our legal power to revoke the minimum rate orders without an evidentiary hearing.

Considering the importance of our proposed action and the issues raised in the responses, the Board believes that it would be desirable to hear oral argument on these matters.

In particular, the Board desires the parties to address themselves to the following questions:

1. Should the Board (a) revoke the minimum rate order at this time or (b) institute an evidentiary hearing on the question? If the latter course is adopted, should the existing minimum rate order be suspended pending the investigation?

2. Is an evidentiary hearing legally required under the circumstances present in this case?

3. What is the nature of the evidence which would be offered in the event that an evidentiary hearing were held?

4. What issues should be encompassed in an evidentiary hearing?

Wherever possible, the Board desires that the arguments of individual parties be consolidated so as to avoid unnecessary repetition and permit more effective presentations.

Accordingly, it is ordered:

1. That the issues raised by the Board's proposal in Order E-16432, February 24, 1961, and the responses thereto, shall be set down for oral argument before the Board on August 4, 1961, at 10:00 a.m., in Room 1027, Universal Building, 1825 Connecticut Avenue, Washington 25, D.C.

2. That requests to participate in such oral argument shall be made to the Chief Examiner on or before July 28, 1961.

3. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7008; Filed, July 25, 1961; 8:50 a.m.]

[1] Order E-16432 dated Feb. 24, 1961.

[2] See Orders E-1639 (June 2, 1948), E-2148 (Nov. 12, 1948), E-4048 (Apr. 10, 1950), E-4890 (Nov. 30, 1950), E-6698 (Aug. 18, 1952), E-6706 (Aug. 19, 1952), E-7837 (Oct. 21, 1953), E-9114 (Apr. 19, 1955), E-9138 (Apr. 26, 1955), and E-13140 (Nov. 6, 1958).

[3] See Orders E-4606 (Sept. 14, 1950) and E-4954 (Dec. 20, 1950).

FEDERAL POWER COMMISSION

[Docket No. CP61-276]

IROQUOIS GAS CORP.

Notice of Application and Date of Hearing

JULY 19, 1961.

Take notice that on April 20, 1961, as supplemented on May 9 and June 20, 1961, Iroquois Gas Corporation (Applicant), 10 Lafayette Square, Buffalo 3, New York, filed in Docket No. CP61-276 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain underground storage facilities for the development of the Perrysburg Gas Field in Cattaraugas and Chautauqua Counties, New York, as a Storage Field, and for the construction and operation of approximately two miles of 16-inch transmission pipeline in the Town of Hamburg, Erie County, New York, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

The facilities proposed to be installed under this application with their respective estimated costs are:

(a) Those necessary to reclaim 14 wells, recondition 16 wells and drill 10 new wells	$834,000
(b) Approximately 14.3 miles of 12-inch, 8-inch, 6-inch, and 4-inch field and well lines	355,000
(c) Approximately 5.5 miles of 12-inch delivery line from Perrysburg Storage Field to Nashville Compressor Station	228,000
(d) 660 additional horsepower at the Nashville Compressor Station	275,000
(e) Approximately two miles of 16-inch transmission pipeline, to be known as Line T-M 2, connecting two of Applicant's existing main transmission pipelines supplying metropolitan Buffalo	120,000
Total estimated costs under application in Docket No. CP61-276	1,812,000

Applicant proposes to finance the above projects from its annual construction funds.

The purpose of the construction of the facilities proposed herein, which will be operated as an integral part of Applicant's whole gas system, is to develop a new storage pool to be known as Perrysburg Storage and to provide an interconnection between two of Applicant's main transmission pipelines supplying metropolitan Buffalo through which gas from Nashville Storage and the proposed Perrysburg Storage will be fed to market.

Applicant plans to develop the Perrysburg Storage area as soon as possible so that a portion of the facilities will be in operation during the 1961 injection cycle and to complete the entire project by December 31, 1963.

The planned Perrysburg Storage capacity is:

	MMcf
Native Gas in reservoir (220 psig)	1.2
Base or cushion gas (450 psig)	1.3
Active or turnover gas	2.8
Total gas in reservoir when full (975 psig)	5.3

Development of the Perrysburg Storage is designed to enable Applicant to make summer purchases of gas, thereby increasing the load factor and lowering the cost of gas per Mcf to the consumer.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 22, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 11, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6959; Filed, July 25, 1961; 8:45 a.m.]

[Docket No. CP61-330]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application and Date of Hearing

JULY 19, 1961.

Take notice that on June 19, 1961, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois, filed an application in Docket No. CP61-330, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate certain facilities to enable it to sell and deliver natural gas to Illinois Power Company (Illinois), an existing customer, for resale and distribution in the village of Cerro Gordo, Illinois (Cerro Gordo), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a side tap, 200 feet of 2-inch lateral pipeline and a meter station on its existing 30-inch pipeline in Platt County, Illinois. The application shows that Illinois will construct and operate the necessary distribution system in Cerro Gordo, a regulator station and about 5.4 miles of 2-inch pipeline connecting the distribution system to Applicant's proposed lateral.

The application shows the following estimated natural gas requirements of Cerro Gordo:

	Volumes in Mcf		
	1st year	2d year	3d year
Annual requirements	6,617	28,053	41,604
Peak day requirements	177	336	436

Applicant states that Illinois will render service to Cerro Gordo from quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Illinois.

The total cost of Applicant's proposed facilities is estimated to be $11,550 which cost will be paid from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 24, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6960; Filed, July 25, 1961; 8:45 a.m.]

[Docket No. CP61-194 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Notice of Applications, Consolidation and Date of Hearing

JULY 19, 1961.

Transcontinental Gas Pipe Line Corporation, Docket No. CP61-194; New York State Natural Gas Corporation, Docket No. CP61-198; Town of Liberty Mississippi, Docket No. CP61-208; The Wind Gap Division of Bangor Gas Company, Docket No. CP61-222; The Hughesville Division of Jersey Shore Gas & Heating Company, Docket No. CP61-223; New York State Natural Gas Corporation, Docket No. CP61-237; Texas Eastern Transmission Corporation, Docket No. CP61-238; New York State Natural Gas Corporation, Docket No. CP61-238; Transcontinental Gas Pipe Line Corporation, Docket No. CP61-238.

Take notice that applications for certificates of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, and for orders, pursuant to section 7(a) of said Act, have been filed in the above-captioned proceedings, authorizing and directing the rendition of services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in said applications which are on file with the Commission and open for public inspection.

CP61-198

By application filed in Docket No. CP61-198 on January 23, 1961, as amended March 10, 1961, and March 27, 1961, New York State Natural Gas Corporation (New York Natural), a New York corporation with principal place of business at 2 Gateway Center, Pittsburgh 22, Pennsylvania, seeks a certificate authorizing it to render natural gas storage service to Transcontinental Gas Pipe Line Corporation (Transco) under a proposed service agreement between the parties made in accordance with New York Natural's proposed Rate Schedule GSS-1 (General Storage Service) to its FPC Gas Tariff, Third Revised Volume No. 1. A change in the authorized operations of New York Natural's General System as defined and described in its application is also proposed as later set forth herein.

Under said service agreement, New York Natural proposes to receive natural gas from Transco, inject and store same in New York Natural's underground storage properties to and for the account of Transco, and subsequently withdraw and deliver the gas to Transco. Deliveries under the agreement will be at an existing point of inter-connection between New York Natural's existing pipeline and Transco's existing pipeline at the Leidy Storage Pool in Clinton County, Pennsylvania. No new or additional facilities are proposed in Docket No. CP61-198; additional storage capacity is proposed in Docket Nos. CP61-237 and CP61-238 to help New York Natural effectuate the proposed storage service. The service agreement is for a 20-year period commencing April 1, 1961. It provides for an injection period of 7 consecutive months, extending from April 1 through October 31, during each calendar year of its term. A withdrawal period of 5 consecutive months, extending from November 1 of any given year through March 31 of the following year, is also proposed. During the 1961 injection period, up to a maximum volume of 3,750,000 Mcf of gas is proposed to be injected followed by withdrawals of up to a maximum volume of 75,000 Mcf per day during the 1961-1962 withdrawal period. During the 1962 and subsequent injection periods, up to a maximum volume of 7,500,000 Mcf of gas is proposed to be injected followed by withdrawals of up to a maximum volume of 150,000 Mcf per day during the 1962-1963 and subsequent withdrawal periods. Under the agreement, Transco has an option, exercisable upon at least 18 months notice prior to April 1, 1963, 1964, or 1965, to increase the total volume to be stored to 10,000,000 Mcf per year with daily withdrawal volumes increased not to exceed a maximum of 200,000 Mcf per day.

New York Natural presently operates five underground storage pools as an integral part of its General System. These are the Harrison, Sabinsville, Sharon, Tioga and Woodhull Pools. The present total storage capacity available to New York Natural in these 5 pools with existing facilities is stated to exceed 110 billion cubic feet at 15.025 psia. New York Natural states that certain gas fields located within its existing area of operations are, and will ultimately be, available for development and activation as storage pools in the future. These are the Ellisburg, State Line, Leidy, Tamarack and Greenlick gas fields. The ultimate storage capacity available to New York Natural in these 5 undeveloped fields, if developed to their discovery rock pressure, is stated to approximate 175 billion cubic feet at 15.025 psia. Upon obtaining authorization to activate, develop, or operate these gas fields as storage pools, it is proposed that those so activated will form and be operated as an integral part of New York Natural's General System along with the five existing pools for the purpose of rendering natural gas storage service under the company's proposed GSS-1 (General Storage Service) Rate Schedule. The authorization sought by the instant application does not include specific authorization to activate, develop or operate any existing gas field as a storage pool but, in addition to seeking authorization to render storage service from the General System to Transco under the proposed service agreement, also proposes a change in existing operations of New York Natural's General System as now authorized in contemplation of the rendition of said storage service to Transco under the proposed service agreement and to any others under the aforesaid GSS-1 Rate Schedule together with the activation, development or operation of available gas fields as required for use as additional storage pools in connection therewith.

CP61-237

By application filed in Docket No. CP61-237 on March 10, 1961, as amended May 2, 1961, and May 12, 1961, New York Natural seeks a certificate authorizing it to develop and operate its existing Greenlick gas field properties and facilities, located in Clinton and Potter Counties, Pennsylvania, as natural gas storage properties and facilities to be known as the Greenlick Storage Pool.

No new facilities, including storage reservoirs, will be acquired or constructed to effectuate this proposal because the Greenlick gas field is, at present, a fully developed producing gas field equipped with existing production and gathering facilities which are owned and operated by New York Natural. Estimated remaining recoverable reserves in this field as of January 31, 1961, are stated to be 3,902,119 Mcf at 15.025 psia at zero abandonment pressure with present production approximating 2,400 Mcf per day.

The Greenlick Storage Pool will form, and be operated as, an integral part of New York Natural's General System. Greenlick Storage Pool is stated to have an ultimate capacity of 53 billion cubic feet of natural gas when developed to discovery rock pressure, viz 4240 psig. During the 1961 injection period (see CP61-194 above), New York Natural proposes to inject 5 billion cubic feet of gas of which 2 billion will be cycled.

The Greenlick Field is to be used to help New York Natural render storage service for Transco and also to assist New York Natural in meeting the needs of its existing customers.

CP61-238

By joint application filed in Docket No. CP61-238 on March 10, 1961, as amended May 2, 1961, New York Natural, Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transco), the latter two companies being Delaware corporations with principal places of business at Shreveport, Louisiana, and Houston, Texas, respectively, seek a certificate authorizing them to: (1) further develop and operate additional underground storage capacity in the Leidy Storage Pool located in Cameron, Clinton, and Potter Counties, Pennsylvania and (2) construct and operate certain natural gas facilities in connection therewith.

The application states that New York Natural owns an undivided ½ interest, and Texas Eastern and Transco each own an undivided ¼ interest in the properties and facilities known as the Leidy Storage Pool; that the acquisition of interests by Texas Eastern and Transco from New York Natural were authorized in Docket No. G-13793 by Paragraph (H) of order issued on September 4, 1958, in Transcontinental Gas Pipe Line Corporation, et al., Docket No. G-13143, et al. (20 FPC 264, 286); that the order also authorized the initial development and activation of the Leidy Field as an underground gas storage reservoir and further authorized the operation thereof by New

York Natural, as operator, and Transco to the extent of Transco's ¼ interest in the storage capacity thereof, including the injection and/or withdrawal of base and top storage gas in accordance with a Transfer and Storage Agreement between New York Natural, Texas Eastern and Transco, dated September 18, 1958, as subsequently amended March 2, 1959; that by order issued on September 1, 1960, in Texas Eastern Transmission Corporation, et al., Docket Nos. G–18968, et al. (24 FPC 364) authorization was granted New York Natural, Texas Eastern and Transco in Docket No. G–18961 to further develop, utilize and operate the Leidy Storage Pool to the extent of Texas Eastern's ¼ interest in the storage capacity thereof, including the injection and/or withdrawal of base and top storage gas in accordance with Amendment Nos. 2 and 3, dated July 6, 1959, and April 14, 1960, to the aforesaid Transfer and Storage Agreement as amended which are on file as Rate Schedule X–6 of New York Natural's FPC Gas Tariff, Original Volume No. 2; and that under said authorizations a total of 30,000,000 Mcf of Top Storage Capacity was approved for Leidy Storage Pool of which 15,000,000 was provided for Transco and 15,000,000 for Texas Eastern.

The instant application covers an agreement between the three joint-applicants, dated February 28, 1961. This agreement is designated as Amendment No. 4 to the aforesaid Transfer and Storage Agreement; ratifies and confirms said Agreement as heretofore amended and amends the same so as to increase the total Top Storage Capacity of Leidy Storage Pool from 30,000,000 to 40,000,000 Mcf of which ¼ or 10,000,000 Mcf of capacity is provided for New York Natural, ⅜ or 15,000,000 for Texas Eastern and ⅜ or 15,000,000 for Transco. There will be a total of 41,000,000 Mcf of Base Storage Gas in the Leidy Storage Pool upon completion of the plan of development to be provided by Texas Eastern and Transco in the amount of 20,500,000 Mcf each. The subject proposal requires additional Base Storage Gas in the amount of 10,600,000 Mcf, of which 5,300,000 Mcf will be provided by Transco and an equal volume by Texas Eastern.

The facilities proposed to be constructed and operated by New York Natural in connection herewith consist of 2 new wells, a 4,000 H.P. Compressor Station, a 250 MMcf Dehydration Plant and pipelines and measuring equipment whose estimated total cost is $2,862,300. This cost is to be shared between New York, Texas Eastern and Transco in the proportions of ¼, ⅜, and ⅜, respectively, along with actual and estimated costs incurred to date in connection with the Leidy Storage Pool project in the amount of $22,090,125 exclusive of the presently proposed costs of $2,862,300.

In support of the three foregoing proposals, it is stated that the development of underground storage facilities located in close proximity to large market areas has been recognized as desirable by the Commission; that the instant proposals represent a continuation of New York Natural's policy to develop extensive underground storage facilities; that there is a need for the instant storage services; that New York Natural will thus be enabled to render the proposed long-term storage service to Transco; that said company will also be enabled to meet the growing requirements of its existing general system customers during peak periods of demand; that it will be enabled to take into its system for storage purposes gas which it is contractually permitted to take and which could not otherwise be utilized by its system thus avoiding otherwise necessary curtailments of purchases of gas from its suppliers; and that future rather than present operation and development of the storage pools as proposed would be more costly and detrimental to New York Natural.

CP61–194

By application filed in Docket No. CP61–194 on January 23, 1961, as amended March 10, 1961, April 28, 1961, and May 8, 1961, Transco seeks a certificate authorizing it to construct and operate certain natural gas facilities, increase its authorized sales capacity and render new or increased service to certain of its existing customers as hereinafter described.

The estimated total cost of the proposed facilities is $40,384,000 including franchises, overhead, interest and contingencies, and will be financed out of part of the proceeds received from a proposed issuance of securities in the amount of $75,000,000. The proposed facilities are divided into four categories, namely: (1) Main Line, (2) Gathering, (3) Storage and (4) Sales.

The main line facilities proposed consist of 186.7 miles of 36-inch third loop line and a total of 12,500 H.P. of additional compressor capacity to be spread among 6 existing main-line compressor stations together with miscellaneous facilities at existing main-line compressor stations. The estimated cost of these facilities is $29,498,581. These facilities will increase Transco's peak day pipeline capacity by 110,625 Mcf per day at 14.7 psia to a total of 1,485,146 Mcf/d inclusive of facilities recently certificated in other dockets but exclusive of storage deliveries and the transportation of 56,216 Mcf/d for Tennessee Gas Transmission Company (Tennessee). Including authorized and proposed storage deliveries and the transportation of 56,216 Mcf/d for Tennessee, Transco's total peak day delivery capacity will be increased to 2,031,814 Mcf/d at 14.7 psia.

The gathering facilities proposed consist of approximately 37 miles of 3-, 4-, 6-, and 8-inch line together with 6 purchase meter and regulator stations and a new 4,000 H.P. Compressor Station, viz. No. 63, to be located in St. James Parish, Louisiana. The estimated cost of these facilities is $3,529,006. These facilities will be used for the purpose of taking gas from the Ship Shoal and South Pelto Areas, Offshore-Terrebonne Parish, Louisiana, and delivering same into existing facilities for delivery along with other gas into Transco's main line. Total additional gas reserves estimated at 194,021,000 Mcf are stated to be dedicated to Transco by contracts and election agreements attached as Ex. H to the application as amended. These reserves are expected to produce total daily contract minimum and maximum quantities of 21,400 Mcf and 33,400 Mcf, respectively.

The offshore gathering facilities are to be in lieu of similar offshore facilities authorized in Docket Nos. G–13143, et al., not yet built.

The storage facilities proposed consist of a new 6,000 H.P. Compressor Station viz. No. 505, and appurtenant facilities to be located in Somerset County, New Jersey on Transco's Leidy line. The estimated cost of these facilities is $2,700,400. These facilities will be primarily used for the purpose of enabling Transco to deliver additional gas to New York Natural for injection into the Leidy or other storage pools on New York Natural's General System and for taking withdrawals therefrom.

The sales facilities proposed consist of a meter and regulator station together with appurtenant facilities to be located at Elizabethtown, Union County, New Jersey. The estimated cost of these facilities is $41,500.

Transco proposes to transport and sell an additional total volume of 97,303 Mcf of natural gas per day at 14.7 psia to 26 of its existing resale customers in specified amounts under its presently effective CD–1, CD–2, CD–3, G–1, G–2, and G–3 Rate Schedules. Transco also proposes to render additional gas storage service in the amount of 99,000 Mcf per day at 14.7 psia to 8 of said 26 existing customers and 50,000 Mcf per day at 14.7 psia to 3 of its other existing customers. This additional storage service will be rendered under Transco's proposed General Storage Service (GSS) Rate Schedule.

CP61–208

By application filed in Docket No. CP61–208 on February 8, 1961, as amended March 10, 1961, the Town of Liberty, Mississippi (Applicant), a municipal corporation located in Amite County, Mississippi, seeks an order directing Transco to establish physical connection of its existing natural gas transmission facilities with facilities proposed to be constructed and operated by Applicant and to sell and deliver natural gas to Applicant for resale and distribution in Liberty, Mississippi, and environs including the community of Gillsburg.

Applicant proposes to construct and operate approximately 15.5 miles of 3-inch lateral transmission line extending from a tap on Transco's existing main line at a point where said line crosses State Route 584 approximately 0.6 mile east of the Village of Gillburg, Amite County, Mississippi, to the corporate limits of Liberty together with a distribution system in Liberty including regulating and metering appurtenances. The estimated total cost of these facilities is stated to be $275,000 and will be financed out of the proceeds received from the sale of revenue bonds.

The estimated natural gas requirements of this proposal in Mcf at 14.73 psia for the first 3 years of operation are tabulated below:

Year	Peak day	Annual
1st	426	34,572
2nd	472	37,971
3rd	518	41,469

An answer to this application was filed by Transco on March 10, 1961, which neither opposes nor approves said proposal at this time.

CP61–222

By application filed in Docket No. CP61–222 on February 28, 1961, as amended June 27, 1961, The Wind Gap Division of Bangor Gas Company (Applicant), a Pennsylvania corporation with principal office at 55 South Third Street, Oxford, Pennsylvania, seeks an order directing Transco to establish physical connection of its existing natural gas transmission facilities with facilities proposed to be constructed and operated by Applicant and to sell and deliver natural gas to Applicant for resale and distribution in Wind Gap and Plainfield Township, Northampton County, Pennsylvania.

Applicant proposes to construct and operate approximately 0.8 mile of 4-inch lateral transmission line extending from a tap on Transco's existing Leidy Line at a point where said line crosses Route 512 to some unspecified point in or near Wind Gap together with a distribution system in Wind Gap including regulating and metering appurtenances. The estimated total cost of these facilities is stated to be $80,800 and will be financed out of funds advanced by Penn Fuel Gas, Inc., Applicant's parent corporation.

The estimated natural gas requirements of this proposal in Mcf at 14.73 psia for the first 3 years of operation are tabulated below.

Year	Peak day	Average day	Annual
1st	223	129	47,240
2nd	259	141	51,460
3rd	297	154	56,100

An answer to this application was filed by Transco on April 5, 1961, which neither opposes nor approves said proposal at this time.

CP61–223

By aplication filed in Docket No. CP61–223 on February 28, 1961, as amended May 31, 1961, The Hughesville Division of Jersey Shore Gas & Heating Company (Applicant), a Pennsylvania corporation with principal office at 55 South Third Street, Oxford, Pennsylvania, seeks an order directing Transco to establish physical connection of its existing natural gas transmission facilities with facilities proposed to be constructed and operated by Applicant and to sell and deliver natural gas to Applicant for resale and distribution in and near the Borough of Hughesville, in the Borough of Picture Rocks, and in Wolf Township, all in Lycoming County, Pennsylvania.

Applicant proposes to construct and operate approximately 3.03 miles of 2-inch lateral transmission line extending from a tap on Transco's existing Leidy Line at a point where said line crosses U.S. Route 220 between Hughesville and Picture Rocks to an unspecified point or points in said Lycoming County together with regulating and metering appurtenances, and distribution systems in said Boroughs of Hughesville and Picture Rocks. The estimated total cost of these facilities is stated to be $144,960, and will be financed out of funds advanced by Penn Fuel Gas, Inc. which company is in the process of acquiring all of Applicant's outstanding capital stock.

The estimated natural gas requirements of this proposal in Mcf at 14.73 psia for the first 3 years of operation are tabulated below:

Year	Peak day	Average day	Annual
1st	97	67	24,370
2nd	128	90	32,760
3rd	181	127	46,360

An answer to this application was filed by Transco on April 5, 1961, which neither opposes nor approves said proposal at this time.

These related matters should be heard on a consolidated record and disposed of under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 25, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–6961; Filed, July 25, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 21, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37273: *Casting or forgings from Coffeyville, Kans.* Filed by Southwestern Freight Bureau, Agent (No. B–8056), for interested rail carriers. Rates on castings or forgings, iron or steel, in carloads, from Coffeyville, Kan., to Almeda, Deco, Houston, Hudson, Missouri City and Pierce Junction, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 201 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–6988; Filed, July 25, 1961; 8:47 a.m.]

[Notice 169]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 21, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2306 (Deviation No. 9), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas 2, Tex., filed June 28, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Richfield, Ohio, over Ohio Highway 303 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 and the New York Thruway to New York, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Richfield over U.S. Highway 21 to Cleveland, Ohio, thence over Ohio Highway 84 to junction Ohio Highway 46, thence over Ohio Highway 46 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction New York Highway 78, thence over New York Highway 78 to junction New York Highway 33, thence over New York Highway 33 to Batavia, N.Y., thence over New

York Highway 5 to Albany, N.Y., thence over New York Highway 9J to junction U.S. Highway 9, thence over U.S. Highway 9 to Newark, N.J., and return over the same route.

No. MC–3107 (Deviation No. 1), WHITE OWL EXPRESS, INC., 212 Osmun Street, Pontiac 20, Mich., filed June 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Jackson, Mich., over Interstate Highway 94 (U.S. Highway 12) to the Michigan-Indiana State line, (B) from Three Rivers, Mich., over U.S. Highway 131 to junction U.S. Highway 112, thence over Michigan Highway 103 to the Michigan-Indiana State line, thence over Indiana Highway 13 to Middlebury exit of the Indiana Toll Road and thence over the Indiana Toll Road to the Indiana-Illinois State line, and (C) from Niles, Mich., over U.S. Highway 31 to the junction with Indiana Toll Road and from South Bend, Ind., over U.S. Highway 31 to the junction Indiana Toll Road, and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Pontiac, Mich., over U.S. Highway 10 to Detroit, Mich., thence over U.S. Highway 112 to Mottsville, Mich., thence over U.S. Highway 131 to the Michigan-Indiana State line, thence over Indiana Highway 15 to Bristol, Ind., thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 33 to South Bend Ind., thence over Indiana Highway 2 to junction U.S. Highway 20 and thence over U.S. Highway 20 to Chicago; from Pontiac over U.S. Highway 24 to junction U.S. Highway 112, thence over U.S. Highway 112 to Mottsville, thence to Chicago as specified above; from Mottsville over U.S. Highway 112 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Indiana Highway 212 and thence over Indiana Highway 212 to junction U.S. Highway 20; from Niles, Mich., over Michigan Highway 60 to Jackson, Mich., and thence over U.S. Highway 12 to junction U.S. Highway 24, and return over the same routes.

No. MC–17593 (Deviation No. 1), PIERCE FREIGHT LINES, INC., 2825 NW. Yeoan Avenue, Portland, Oreg., filed July 3, 1961. Attorney William P. Ellis, 1121 Equitable Building, Portland 4, Oreg. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Portland, Oreg., over Interstate Highway 5 to junction Interstate Highway 5W, thence over Interstate Highway 5W to San Francisco, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Albany, Oreg., over U.S. Highway 20 to Corzallis, Oreg., and thence over U.S. Highway 99W to Junction City, Oreg.; from Albany over U.S. Highway 20 to Sweet Home, Oreg.; from Portland over U.S. Highway 99E to junction U.S. Highway 99, thence over U.S. Highway 99 to junction Oregon Highway 164 at a point north of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 at a point south of Jefferson, thence over U.S. Highway 99 to Eugene, Oreg., thence over U.S. Highway 126 to junction Oregon Highway 225, thence over Oregon Highway 225 to junction U.S. Highway 99 at or near Goshen, Oreg., thence over U.S. Highway 99 to Anlauf, Oreg., thence over Oregon Highway 38 to junction Oregon Secondary Highway 235, thence over Oregon Secondary Highway 235 to junction U.S. Highway 99, thence over U.S. Highway 99 to a point north of Oakland, Oreg., thence over Oregon Secondary Highway 235 to Shady Point, Oreg., thence over U.S. Highway 99 to Red Bluff, Calif., thence over U.S. Highway 99W to junction U.S. Highway 40, and thence over U.S. Highway 40 to San Francisco (also from junction U.S. Highway 99W and U.S. Highway 40 over U.S. Highway 40 to Sacramento, Calif., and thence over U.S. Highway 50 to San Francisco); from Sutherlin, Oreg., over unnumbered highway via Umpqua, Oreg., to Roseburg; from Hayward, Calif., over unnumbered highway to San Francisco Bay, thence across the said Bay to San Mateo, Calif., and thence over U.S. Highway 101 to San Francisco; from Weed, Calif., over U.S. Highway 97 to junction Oregon Highway 62 north of Modoc Point, Oreg., thence over Oregon Highway 62 to junction Oregon Highway 232 south of Klamath, Oreg., thence over Oregon Highway 232 to junction U.S. Highway 97 north of Lent, Oreg., thence over U.S. Highway 97 to junction Oregon Highway 58, and thence over Oregon Highway 58 to Goshen, and return over the same routes.

No. MC–29910 (Deviation No. 2), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark., filed July 5, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fort Smith, Ark., over U.S. Highway 271 to Talihina, Okla., and thence over Oklahoma Highways 63 and 2 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 70, and thence over U.S. Highway 70 to Durant, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Fort Smith, over U.S. Highway 64 to Muskogee, Okla., and thence over U.S. Highway 69 to Durant, and return over the same route.

No. MC 30605 (Deviation No. 9), SANTA FE TRAIL TRANSPORTATION CO., 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago 4, Ill., filed July 13, 1961. Carrier's representative F. J. Steinbrecher, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Junction City, Kans., over new Interstate Highway 70 to junction U.S. Highway 81 just north of Salina, Kans., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Omaha, Nebr., over U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 77 via Beatrice, Nebr., to Randolph, Kans., thence over Kansas Highway 13 to Manhattan, Kans., thence over U.S. Highway 40 to Salina, Kans., thence over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 177 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Oklahoma City, Okla.; From Herington, Kans., over U.S. Highway 77 to Randolph, and return over the same routes.

No. MC 30605 (Deviation No. 10), SANTA FE TRAIL TRANSPORTATION CO., 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago 4, Ill., filed July 13, 1961. Carrier's representative F. J. Steinbrecher, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 75, the Kansas Turnpike and Interstate Highway 470, over Interstate Highway 470 to junction U.S. Highway 40, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Mo., over Kansas Highway 10 to Lawrence, Kans., thence over U.S. Highway 40 to Salina, Kans.; From St. Joseph, Mo., over U.S. Highway 59 via Atchison, Kans., to junction Kansas Highway 4, thence over Kansas Highway 4 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 56, thence over U.S. Highway 56 to Admire, Kans., thence over Kansas Highway 99 via Emporia, Kans., to Moline, Kans.; From Kansas City, Kans., over the Kansas Turnpike to the Kansas-Oklahoma state line at or near South Haven, Kans., and return over the same routes.

No. MC–41932 (Deviation No. 1), BROWNING FREIGHT LINES, INC., 224 South 4th West, Salt Lake City, Utah, filed July 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ogden, Utah over Interstate Highway 80N to Boise, Idaho and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Salt Lake City, Utah over U.S. Highway 91 to Ogden, Utah, thence over U.S. Highway 30S to Burley, Idaho and thence over U.S. Highway 30 to Twin Falls, Idaho; from Twin Falls over U.S. Highway 93 to Jerome, Idaho, thence over Idaho Highway 25 to Gooding, Idaho, and thence over Idaho Highway 24 to Bliss, Idaho (also from Twin Falls over U.S. Highway 93 to Shoshone, Idaho, and thence over Idaho Highway 24 to Bliss); from Twin Falls over U.S. Highway 93 to junction Idaho Highway 25, thence over Idaho Highway 25 via Paul, Idaho to Rupert, Idaho (also from Paul over unnumbered highway to Burley and thence over U.S. Highway 30N to Rupert); and from Rupert over Idaho Highway 25 to junction Idaho Highway 50, thence over Idaho Highway 50 to Twin Falls; from Boise over U.S. Highway 30 to Bliss, and return over the same routes.

No. MC–42405 (Deviation No. 1), MISTLETOE EXPRESS SERVICE, 111 North Harrison, Oklahoma City, Okla., filed July 6, 1961. Attorney Max G. Morgan, 443–54 American National Bldg., Oklahoma City 2, Okla. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, except Classes A and B explosives when moving in express service, over a deviation route as follows: From the junction Oklahoma Highway 11 and Interstate Highway 35 near Blackwell, Okla., over Interstate Highway 35 to Wichita, Kans., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over an authorized service route as follows: From the junction of Oklahoma Highway 11 and Interstate Highway 35 over Oklahoma Highway 11 to Medford, Okla., and thence over U.S. Highway 81 to Wichita, and return over the same route.

No. MC 48958 (Deviation No. 6), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colorado, filed July 13, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Redlands, Calif., over Interstate Highway 10 to Los Angeles, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Los Angeles, over U.S. Highway 99 to Colton, Calif., thence over connecting highways to San Bernardino, Calif.; From Colton, over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., and thence over U.S. Highway 89 to Ash Fork, Ariz., and return over the same routes.

No. MC–59499 (Deviation No. 1), UNITED MOTOR FREIGHT TERMINAL, INC., 1701 1st Avenue South, Birmingham, Ala., filed June 30, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Heflin, Ala., over Alabama Highway 46 to junction Georgia Highway 166, thence over Georgia Highway 166 to Atlanta, Ga., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Heflin and Atlanta over U.S. Highway 78.

No. MC–59680 (Deviation No. 12) (AMENDED), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas 2, Tex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 70 to Brownsville, Tenn., thence over Alternate U.S. Highway 70 to Huntingdon, Tenn., thence over U.S. Highway 70 to Nashville, Tenn., thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio and thence over U.S. Highway 25 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 63 and 61 to Turrell, Ark., and thence over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River to junction Illinois Highway 146, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to Redbud, Ill., thence over Illinois Highway 159 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence over U.S. Highway 66 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to Oswego, Ill., thence over Illinois Highway 25 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34 and thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 12 to junction U.S. Highway 112 and thence over U.S. Highway 112 to Detroit, and return over the same route.

No. MC–109095 (Deviation No. 7), ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo., filed July 3, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 37 to Marion, Ind., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Indianapolis over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Indiana Highway 37, thence over Indiana Highway 37 to junction U.S. Highway 24, and thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC–109598 (Deviation No. 6), CAROLINA SCENIC STAGES, 217 North Converse Street, Spartanburg, S.C., filed July 5, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: (A) From Greenville, S.C., over U.S. Highway 276 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 126, thence over Interstate Highway 126 to Columbia, S.C., (B) from Greenville over South Carolina Highway 146 to junction South Carolina Highway 101, thence over South Carolina Highway 101 to Junction U.S. Highway 221, thence over U.S. Highway 221 to junction South Carolina Highway 92, thence over South Carolina Highway 92 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 126, thence over Interstate Highway 126 to Columbia, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Greenville over South Carolina Highway 20 to Belton, S.C., thence over U.S. Highway 178 to Gatesburg, S.C., thence over U.S. Highway 1 to Columbia, S.C.; and from Greenville over South Carolina Highway 291 to Bushy Creek Church, thence over unnumbered highway to Greer, S.C., thence over South Carolina Highway 290 to Duncan, S.C. and thence over South Carolina Highway 292 to Lyman, S.C., and thence over South Carolina Highway 292 to junction unnumbered highway east of Jackson Mills, thence over Alternate U.S. Highway 29 via Jackson Mills to Spartanburg, thence over U.S. Highway 176 to Union, S.C., and thence over South Carolina Highway 215 to Columbia, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–6989; Filed, July 25, 1961; 8:47 a.m.]

[Notice No. 389]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 21, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carrier of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub No. 46), filed May 25, 1961. Applicant: H. MESSICK, INC.,

P.O. Box 214, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruss Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, blasting agents, blasting supplies and materials, materials used in the manufacture of said commodities* and *empty containers*, for the specified commodities, between Ishpeming, Mich., and Virginia, Minn., and points within 15 miles of each, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, North Dakota, South Dakota, Nebraska, Wisconsin, and Wyoming.

HEARING: September 27, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 665 (Sub No. 62), filed April 12, 1961. Applicant: MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a Corporation, 15th and Maiden Lane, Joplin, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities requiring special or tank vehicle equipment, and articles contaminating to other lading), and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, between Wichita Kans. and Missile Sites 1 to 18 inclusive, located at: Site 1, 10 miles north of El Dorado, Kans. on U.S. Highway 77, thence west 8 miles, thence west 8 miles on Kansas Highway 862; Site 2, 6 miles north of El Dorado, Kans. on U.S. Highway 77; Site 3, 7 miles east of Augusta, Kans., 1 mile north on U.S. Highway 77 near Haverhill, Kans.; Site 4, 17 miles east of Augusta, Kans. on Kansas Highway 96 near Beaumont, Kans.; Site 5, 7 miles south of Leon, Kans. on Kansas Highway 78; Site 6, 6½ miles east of Douglass, Kans. on Kansas Highway 89, 1 mile south; Site 7, 2 miles south of Rock, Kans. on U.S. Highway 77; Site 8, 9 miles east of Winfield, Kans. on U.S. Highway 160, 1 mile north and ½ mile east on gravel road; Site 9, 3 miles west of Oxford, Kans. on U.S. Highway 160, 1 mile north on gravel road; Site 10, 6 miles south of Wellington, Kans. on U.S. Highway 81; Site 11, 7 miles west of Wellington, Kans. on U.S. Highway 160, 1 mile south on gravel road; Site 12, 1½ miles south of Conway Springs, Kans. on Kansas Highway 49, 6 miles north of U.S. Highway 160, 12 miles west of Wellington, Kans.; Site 13, 4 miles west of Viola, Kans. on Kansas Highway 42; Site 14, 4 miles west of Norwich, Kans. on Kansas Highway 42; Site 15, 2 miles south of Rago, Kans. on Kansas Highway 14 and ½ mile east on gravel road; Site 16, 3 miles south of U.S. Highway 54 on Kansas Highway 303, 2 miles east of Murdock, Kans. on Kansas Highway 362; Site 17, 3 miles north of Kingman, Kans. on U.S. Highway 54, 2 miles north on Kansas Highway 361, thence 1 mile west; Site 18, 3½ miles west of Garden Plain, Kans.; 6 miles north on Kansas Highway 659, west 2 miles on gravel road.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 989 (Sub No. 10), filed April 25, 1960. Applicant: R. E. BLICKENSTAFF, doing business as IDEAL TRUCK LINE, Norton, Kans. Applicant's representative: Henry B. Vess, Jr., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the site of the proposed missile base, northeast of Glasco, Kans., as an off-route point in connection with applicant's authorized regular route operations, as more specifically set forth in the application.

NOTE: Applicant states the exact location of the base has not yet been established; that, however, it will be within two (2) miles of and served by existing Federal and State highways; and that applicant proposes to utilize necessary Federal, State and County highways from Concordia, Kans., to serve the base.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 2306 (Sub No. 7), filed April 25, 1961. Applicant: STRICKLAND MOTOR FREIGHT LINES, INC., 2917 Gulden Lane, P.O. Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Cleveland, Ohio, and Newark, N.J.; from Cleveland over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, and return over the same route, serving no intermediate points.

NOTE: Applicant has also tendered a petition for reconsideration of the Commission's Order of March 24, 1961, entered in the proceeding MC 2306, Deviation Route 1–A, and also a petition for continuing permission to operate over Deviation Route 1–A pending final determination of the subject application for permanent authority to operate over such route.

HEARING: September 21, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Raymond V. Sar.

No. MC 3581 (Sub No. 7), filed May 31, 1961. Applicant: THE MOTOR CONVOY, INC., P.O. Box 432, Hapeville, Ga. Applicant's attorneys: Allan Watkins and Paul M. Daniell, Watkins & Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* and *trucks*, passenger and freight, as described in Ex Parte No. MC–45, 61 M.C.C. 209, in initial movements, by the truckaway and driveaway methods, from Hapeville, Ga., to points in Virginia, West Virginia, Maryland, Delaware, and points in Indiana, Illinois, and Ohio on and south of U.S. Highway 40, and the District of Columbia.

HEARING: September 21, 1961, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 5888 (Sub No. 21), filed March 2, 1961. Applicant: MID-AMERICAN TRUCK LINE, INC., 1700 West 9th Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving missile site bases and supply depots therefor, located in Butler, Cowley, Kingman, Reno, Sumner and Sedgwick Counties, Kans. as off-route points in connection with carrier's regular-route authority to and from Wichita, Kans.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 7746 (Sub No. 110), filed December 30, 1960. Applicant: UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission), serving all Intercontinental Ballistic Missile Launching and Control Sites to be constructed in a radius of 75 miles around Lewistown, Hobson, Moccasin, Benchland, Windham, Stanford, Geyser, Raynesford, Armington, Belt, Great Falls, Garter, Fort Benton, Dutton, Brady, Ulm, Cascade, Wolf Creek, Vaughn, Fairfield, Choteau, Bynum, Fort Shaw, Simms, Lowry, Harlowton, Judity Gap, Roy, Denton, Sulffolk, and Augusta, Mont.

HEARING: October 12, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 19778 (Sub No. 39), filed December 8, 1960. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, cement, contractors equipment, tools and supplies, electrical equipment*

including wire, commodities which by reason of size or weight require special handling or special equipment; from Lewistown, Harlowtown, Benton, Great Falls, Fairfield, Roy, Winifred and Grass Range, Mont., to I.C.B.M. Missile Base sites in Cascade, Lewis and Clark, Chouteau, Teton, Fergus, Judith Basin, and Wheatland Counties, Montana. RESTRICTION: Service shall be limited to the transportation of shipments receiving an immediately prior or subsequent rail haul.

HEARING: October 12, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 22195 (Sub-No. 83), filed July 17, 1961. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline terminals of the Mid-America Pipeline Company located in Iowa (other than Sanborn and Iowa City) to points in Iowa, Minnesota, South Dakota, and Nebraska.

HEARING: September 20, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 23939 (Sub No. 104), filed June 12, 1961. Applicant: ASBURY TRANSPORTATION CO., a Corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen, oxygen, helium, hydrogen and rocket propellant fuels in government-owned or shipper-owned specially designed tank trailers*, and (2) *empty vehicles*, between Nimbus, Calif. and Larson Air Force Base, near Moses Lake, Wash. and points within fifty (50) miles thereof, and Mountain Home Air Force Base near Mountain Home, Idaho and points within fifty (50) miles thereof, and production points and missile sites in Washington, Oregon, Idaho and California.

HEARING: September 21, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 25798 (Sub-No. 46), filed July 1, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610–1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods in mixed shipments with frozen citrus products*, from Auburndale, Leesburg, and Plymouth, Fla., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 26739 (Sub No. 28), filed May 3, 1961. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Chicago, Ill. and Kansas City, Mo., (a) from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Monroe City, Mo., and thence over U.S. Highway 24 to Kansas City, and return over the same route, serving no intermediate points; and (b) from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City, and return over the same route, serving no intermediate points. (2) Between Chicago, Ill. and St. Joseph, Mo.; from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points. (3) Between Chicago, Ill. and Maryville, Mo.; from Chicago over U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Illinois Highway 92, thence over Illinois Highway 92 to Rock Island, Ill., thence over city streets through the Rock Island, Moline, Ill., Davenport, Iowa Commercial Zone to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 27 to junction U.S. Highway 71, thence over U.S. Highway 71 to Maryville, and return over the same route, serving no intermediate points. RESTRICTION: The service sought under the above-described regular-route authority shall not be combined with the service authorized under any of the irregular route authority now held by the carrier.

HEARING: September 25, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 28132 (Sub-No. 60), filed July 12, 1961. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road D, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vechicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline terminals of the Mid-America Pipeline Company plant located in Iowa to points in Minnesota, Wisconsin, South Dakota, Iowa and Nebraska.

HEARING: September 20, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 28263 (Sub. No. 6), filed January 24, 1961. Applicant: McMAKEN TRANSPORTATION COMPANY, a corporation, 4684 Leavenworth Street, Omaha, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites and supply points therefor, located at points in Reno, Kingman, Sumner, Sedgwick, Cowley and Butler Counties, Kans., as off-route points in connection with applicant's regular-route operations to and from Wichita, Kans., and *rejected shipments*, on return.

NOTE: Common control may be involved.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 28573 (Sub No. 15), filed November 22, 1960. Applicant: GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, serving all Intercontinental Ballistic Missile launching sites to be constructed in a radius of 75 miles around Lewistown, Hobson, Moccasin, Benchland, Windham, Stanford, Geyser, Raynesford, Armington, Belt, Great Falls, Carter, Fort Benton, Dutton, Brady, Ulm, Cascade, Wolf Creek, Vaughn, Fairfield, Choteau, Bynum, Fort Shaw, Simms, Lowry and Augusta, Mont., as off-route points in connection with applicant's presently authorized regular route operations, limited to service which is auxiliary to, or supplemental of, its rail service.

HEARING: October 12, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 29566 (Sub 67), filed January 24, 1961. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Thomas N. Dowd, 1007 Ring Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), in quantities of 10,000 pounds or more; between points in Iowa, Illinois, Oklahoma, and Kansas, on the one hand, and, on the other, specified points in Illinois, Kansas and Missouri.

NOTE: Applicant is authorized to conduct the above-described operations pursuant to authority contained in Certificate No. MC 29566 dated November 27, 1959, subject to a condition restricting the transportation in truckload lots. The purpose of this application is to remove the restriction "in truckload lots" and substitute therefor the condition reading "in quantities of 10,000 pounds or more". Applicant has also filed a petition dated January 18, 1961, requesting the correction of the Certificate MC 29566 to remove the truckload lots restriction.

HEARING: September 27, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar, and for disposition with No. MC 29566, Southwest Freight Lines, Inc.

No. MC 30175 (Sub-No. 11), (REPUBLICATION), filed November 9, 1960, published FEDERAL REGISTER issue of December 29, 1960, amended at hearing held February 15, 1961, republished, as amended and clarified, this issue. Applicant: GAY'S EXPRESS, INC., Route 5, South, Bellows Falls, Vt. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. As originally filed, the subject application sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Classes A and B explosives, between Burlington, Vt., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Connecticut, New York, and New Jersey located on applicant's regular routes, including off-route points, as described in applicant's present authority, in Certificates of Public Convenience and Necessity, No. MC 30175 and No. MC 30175 (Sub-No. 10). At the hearing, held February 15, 1961, the application was amended so as to include Jericho, Vt., as an origin and destination point. Further, Division 1 in a Report and Order, decided June 15, 1961, changed the territorial description slightly to clarify the scope of rights involved, and found that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *Class A and B explosives*, from Jericho, Vt., to those points in Connecticut, Massachusetts, New Hampshire, New York, and New Jersey presently authorized to be served in applicant's Certificates Nos. MC-30175 and MC-30175 (Sub-No. 10), including intermediate and off-route points indicated therein. Any person or persons who might have been prejudiced by the allowance of the amendment and the redescription of the authority as set forth above, may, within 30 days from the date of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 30605 (Sub No. 116), filed January 18, 1860. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, (except liquid nitroglycerine, livestock, sand, coal, rock, hay, commodities requiring special equipment), (1) serving Missile Complex Base Location Site G located (1) mile south of U.S. Highway 56 at a point approximately eleven (11) miles west of Baldwin, Kans., as an off-route point, in connection with applicant's authorized regular route operations between junction U.S. Highway 50 and Kansas Highway 33 and junction U.S. Highways 50 and 59, over U.S. Highway 50. (2) Serving Missile Complex Base Location Site A located two and one-tenth (2.1) miles west of U.S. Highway 56 (formerly U.S. Highway 50N) over unnumbered county road, at a point approximately five and two-tenths (5.2) miles north of Osage City, Kans., as an off-route point in connection with applicant's authorized regular route operations between St. Joseph, Mo., and Moline, Kans., over U.S. Highways 50N and 75. (3) Serving Missile Complex Base Location Site near Salina, Kans., located four (4) miles west of U.S. Highway 81 over unnumbered county road, at a point approximately ten (10) miles south of Salina, Kans., as an off-route point in connection with applicant's authorized regular route operations between Omaha, Nebr., and Oklahoma City, Okla., over U.S. Highway 40 and 81. *General commodities*, except liquid nitroglycerine, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (4) serving Missile Complex Base Location Site B located one (1) mile off Kansas Highway 4 over unnumbered county road, at a point approximately nine (9) miles northeast of Eskridge, Kans., as an off-route point in connection with applicant's authorized regular route operations between Topeka, Kans., and junction Kansas Highway 4 and U.S. Highway 81 and Lyons, Kans., over Kansas Highway 4.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 30605 (Sub No. 121), filed August 8, 1960. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, P.O. Box 56, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, The Atchison, Topeka and Santa Fe Railway, System, Law Department, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* (except liquid nitroglycerine), and *general commodities*, (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from points in Kansas to all Missile Base locations in Butler, Cloud, Cowley, Dickinson, Harvey, Kingman, Marion, McPherson, Ottawa, Reno, Rice, Sedgwick and Sumner Counties, Kans., as off-route points, in connection with applicant's authorized regular route operations.

NOTE: Applicant states it is a wholly owned subsidiary of the Atchison, Topeka and Santa Fe Railway Company. Dual operations and common control may be involved.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 30605 (Sub No. 124), filed June 5, 1961. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman Street, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except livestock, sand, coal, rock, hay, Classes A and B explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles), (a) between Ottawa, Kans. and the junction of Kansas Highway 68 and U.S. Highway 75 near Lyndon, Kans.; from Ottawa over Kansas Highway 68 to the junction of Kansas Highway 68 and U.S. Highway 75, and return over the same route, serving the intermediate points of Pomona and Quenemo, Kans. (b) Between the junction of Kansas Highway 68 and unnumbered county road (east of Lyndon, Kans.) and the junction of Kansas Highway 174 and U.S. Highway 75 (south of Lyndon, Kans.); from the junction of Kansas Highway 68 and unnumbered county road over unnumbered county road to its junction with Kansas Highway 174, thence over Kansas Highway 174 to the junction of Kansas Highway 174 and U.S. Highway 75, and return over the same route, serving the intermediate point of Melvern, Kans., and the off-route point of Olivet, Kans. (2) *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Springer, Okla. and Sulphur, Okla.; from Springer over Oklahoma Highway 53 to the junction of Oklahoma Highways 53 and 18, thence over Oklahoma Highway 18 to Sulphur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (b) Between the junction of U.S. Highway 50 and unnumbered county road (east of Lewis, Kans.) and Garfield, Kans.; from junction U.S. Highway 50 and unnumbered county road, east of Lewis, over unnumbered county road to junction unnumbered county road and U.S. Highway 56 at Garfield, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (3) *General commodities*, (except livestock, sand, coal, rock, hay, Classes A and B explosives, commodities exceeding capacity of equipment, and those prohibited by law from transportation in motor vehicles), (a) between junction Kansas Highways 61 and 556 (near Medora, Kans.) and the junction Kansas Highway 556 and U.S. Highway 81 at Hesston, Kans.; from the junction of Kansas Highways 61 and 556 over Kansas Highway 556 to junction Kansas Highway 556 and U.S. Highway 81 at Hesston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (b) Between Altoona, Kans. and junction Kansas Highway 47 and U.S. Highway 169; from Altoona over Kansas Highway 47 to the junction of Kansas Highway 47 and U.S. Highway 169, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (c) Between the junction of Kansas Highway 47 and U.S. Highway 169 and the junction of Kansas Highway 3 and Kansas Highway 57, west of Girard, Kans.; from the junction of Kansas Highway 47 and U.S. Highway 169 over Kansas Highway 47 to the junction of Kansas Highway 47 and Kansas Highway 57, thence over Kansas Highway 57 to the junction of Kansas Highway 57 and Kansas Highway 3, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. (d) Between Tonkawa, Okla. and Pond Creek, Okla.; from Tonkawa over U.S. Highway 60 to Pond Creek, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: Applicant states it is a wholly owned subsidiary of the Atchison, Topeka and Santa Fe Railroad Company. Common control may be involved.

HEARING: October 3, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 30837 (Sub-No. 287), filed July 3, 1961. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's Paul F. Sullivan, Sundial House, 1821 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled construction and earth-moving equipment*, moving under its own power, between Winona, Minn., on the one hand, and, on the other, points in the United States except those in Alaska and Hawaii.

HEARING: October 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

No. MC 31600 (Sub No. 507), filed June 2, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin liquid*, in bulk, in tank vehicles, from the site of the Monsanto Chemical Co. plant at Addyston, Ohio, to the International Boundary between the United States and Canada at Port of Entry at Champlain, N.Y., and *refused and rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant states traffic will be destined to Quebec, Canada.

HEARING: October 21, 1961, at the Federal Building, Albany, N.Y., before Examiner John B. Mealy.

No. MC 42329 (Sub-No. 150), filed July 6, 1961. Applicant: HAYES FREIGHT LINES, INC., 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C., Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 "K" Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: OVER REGULAR ROUTES: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Pittsburgh, Pa., and Wheeling, W. Va., from Pittsburgh over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, and return over the same route, serving no intermediate points, but serving Wheeling, W. Va., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) Between Wheeling, W. Va., and Uniontown, Pa., over U.S. Highway 40, serving no intermediate points, but serving Uniontown, Pa., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (3) Between Mitchellsville, Ill., and Dixon Springs, Ill., over Illinois Highway 145, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (4) Between Mount Vernon, Ind., and junction U.S. Highway 45 and Illinois Highway 141, from Mount Vernon over Indiana Highway 62 to the Indiana-Illinois State line, thence over Illinois Highway 141 to junction U.S. Highway 45, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; AND OVER IRREGULAR ROUTES: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wheeling and Weirton, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, near New Bedford, Pa., and extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to point of beginning, including points on the indicated portions of the highways specified.

NOTE: Applicant proposes to serve Wheeling and Weirton, W. Va., for joinder only. Applicant states it now holds authority under MC 52329 (Sub-No. 113) to transport the commodities named between Chester, W. Va. and an adjacent area, on the one hand, and, on the other, the same Pennsylvania area described above. Applicant further states that by this application it seeks authority to use these additional gateways for use in connection with its regular routes extending west from Wheeling and from Weirton to reduce highway mileage on traffic presently being transported. Common control may be involved.

HEARING: September 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 43269 (Sub No. 48), filed June 7, 1961. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), (1) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395; and (2) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, and Utah, which applicant is authorized to serve.

HEARING: October 2, 1961, at the Chamber of Commerce, Reno, Nev., before Examiner F. Roy Linn.

No. MC 52460 (Sub-No. 59) filed July 10, 1961. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. 9515, Tulsa, Okla. Applicant's attorneys: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen, oxygen, helium, hydrogen*, and *rocket propellant fuels*, in government-owned,

or shipper-owned, specially designed tank trailers, and *empty vehicles*, (1) between Ellsworth Air Force Base, Rapid City, S. Dak. and points within fifty (50) miles thereof; and (2) between Ellsworth Air Force Base, Rapid City, S. Dak. and points in Wyoming, Colorado, and Nebraska .

HEARING: September 4, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 52460 (Sub-No. 60), filed July 10, 1961. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorneys: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen, oxygen, helium, hydrogen*, and *rocket propellant fuels*, in government-owned, or shipper-owned, specially designed tank trailers, and *empty vehicles*, between Nimbus, Calif., and Larson Air Force Base, near Moses Lake, Wash., and points within fifty (50) miles thereof, and Mountain Home Air Force Base, near Mountain Home, Idaho, and points within fifty (50) miles thereof, and production points and missile sites in Washington, Oregon, Idaho, and California.

HEARING: September 21, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52709 (Sub No. 133), filed April 19, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, and alcoholic liquors*, in bulk, in tank vehicles, from Atchison, Kans. and Weston, Mo., to points in California.

HEARING: September 29, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 52746 (Sub No. 54), filed February 26, 1960. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unsual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving to and from ballistic missiles and launching sites and supply points therefor, located in Dickinson, Rice, Ellsworth, Ottawa, Marion, McPherson, Lincoln and Cloud Counties, Kans., as off-route points in connection with applicant's regular route operations to and from Salina, Kans.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 52746 (Sub No. 59), filed February 27, 1961. Applicant: KNAUS TRUCK LINES, INC., 2415 Independence Avenue, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites and supply points therefor located in Reno, Kingman, Sumner, Sedgwick, Cowley, and Butler Counties, Kans., as off-route points in connection with applicant's regular-route operations to and from Wichita, Kans., as reflected in MC 52746 and Subs thereto.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 53965 (Sub No. 22), filed March 28, 1960. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities injurious or contaminating to other lading), between points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, Topeka, Salina and Wichita, Kans., and missile sites and supply points therefor located in Dickinson, Ellsworth, Ottawa, Marion, Rice, McPherson, Lincoln, and Cloud Counties, Kans.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 53965 (Sub No. 25), filed December 27, 1960. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission and commodities injurious or contaminating to other lading), (a) between missile site bases and construction depots located in Reno, Kingman, Sedgwick, Sumner, Cowley and Butler Counties, Kans. and, rail sidings, missile site bases and construction depots located in Reno, Kingman, Sedgwick, Sumner, Cowley and Butler Counties, Kans., and (b) between Wichita, Kans. and, construction depots and missile site bases located in Reno, Kingman, Sedgwick, Sumner, Cowley and Butler Counties, Kans. Applicant states that authority sought in (b) to be construed as an extension and may be combined with carriers existing authority.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 55236 (Sub No. 53), filed May 22, 1961. Applicant: OLSON TRANSPORTATION COMPANY, a Corporation, 1970 South Broadway, P.O. Box 1167, Green Bay, Wis. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel, and cement), in bulk, in tank or hopper-type vehicles, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: September 21, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 55811 (Sub No. 71), filed June 8, 1961. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, knocked down, flat, from South Bend, Ind., to Knox, Marienville and Parkers Landing, Pa., and *damaged and rejected shipments* of paper boxes, on return.

HEARING: September 20, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 56082 (Sub No. 36), filed June 14, 1961. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials*, from Hornell, N.Y., to points in Ohio, Pennsylvania, Indiana, Illinois, and Michigan, and *empty containers and empty bottles, kegs, and cases or other such incidental facilities*, used in transporting the above-specified commodities, on return.

HEARING: October 5, 1961, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 59396 (Sub No. 9), filed May 16, 1961. Applicant: BUILDERS EXPRESS, INC., Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper vehicles, from Morrisville, Pa., to Paterson, N.J., and *rejected, damaged and returned shipments* of dry chemicals, on return.

HEARING: October 3, 1961, at the U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 59759 (Sub No. 17), filed May 10, 1961. Applicant: JONES TRUCKING CO., a Corporation, 500 West Edgar Road, Linden, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business*, between Linden, N.J., on the one hand, and, on the other, Montgomery, Suffolk, Westchester, Putnam, Dutchess, and Columbia Counties, N.Y., Providence County, R.I., and Hampden County, Mass.

NOTE: Applicant states that no duplicating authority is sought to the extent that applicant now holds a portion of the authority.

Under contract with Food Fair Stores, Inc. (2) *Such merchandise as is distributed by a premium stamp redemption center in the redemption of trading stamps, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business*, from Shipper's warehouse in Linden, N.J., to redemption centers at points in Suffolk, Montgomery, Sullivan, Ulster, Dutchess, Green and Columbia Counties, N.Y., Providence County, R.I., Hampden County, Mass., and Fairfield, Middlesex, New Haven and New London Counties, Conn. (3) *Returned shipments of the commodities specified immediately above, premium stamp books with stamps affixed, and tax monies*, from redemption centers in the destination territory above to shippers warehouse in Linden, N.J.

NOTE: Applicant is under contract with Merchants Green Trading Stamp Company.

HEARING: October 4,1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 61396 (Sub No. 83), filed May 11, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, P.O. Box 189, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pipeline Terminals of Mid-America Pipeline Co. located in Iowa, except at Sanborn and Iowa City, to points in Nebraska, South Dakota, and Minnesota; and (2) *returned and rejected shipments* of the above-specified commodity, from points in Nebraska, South Dakota, and Minnesota to the above-described origin points.

NOTE: Applicant has a pending contract carrier application in No. MC 119128. Dual operations may be involved.

HEARING: September 26, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo R. Riegel.

No. MC 69116 (Sub No. 50), filed March 28, 1960. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcutt Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the missile launching sites located in the following counties in Kansas: Jackson, Jefferson, Douglas, Coffey, Osage, Lyon, Waubaunsee, Pottawatomie, Dickinson, Ellsworth, Ottawa, Marion, McPherson, Lincoln and Cloud, as off-route points in connection with applicant's authorized regular route operations from Chicago, Ill., to Wichita, Kans.; from Chicago, Ill., to McPherson, Kans.; from Chicago, Ill., to Topeka, Kans.; from Topeka, Kans., to Chicago, Ill., between Burlington, Kans. and Chicago, Ill.; between Ottawa, Kans., and Wichita, Kans.; between Salina, Kans., and Newton, Kans.; between McPherson, Kans., and Great Bend, Kans.; between Lyons, Kans., and Newton, Kans., and between Hutchinson, Kans., and Junction U.S. Highway 81 and Kansas Highway 17, approximately 3 miles south of McPherson, Kans.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 69981 (Sub No. 9) filed May 12, 1961. Applicant: ADOLPH E. HULCHER AND AUSTIN W. HULCHER, doing business as A. E. HULCHER & SON, Virden, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe and cast iron valves, hydrants and fittings*, from Springfield, Ill., to points in Iowa on and east of U.S. Highway 169 and South Lineville, Mo.

HEARING: September 14, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 46.

No. MC 73761 (Sub No. 8), filed June 8, 1961. Applicant: OSCAR A. CORTER, doing business as CORTER FREIGHT LINES, 2001 Elm Street, Beatrice, Nebr. Applicant's attorney: Arnold W. Wulschleger, State Savings Building, Beatrice, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between Beatrice, Nebr., on the one hand, and, on the other, points in Texas.

HEARING: September 29, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 75185 (Sub-No. 231), filed July 13, 1961. Applicant: SERVICE TRUCKING CO., INC., Preston Road, P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, Commonwealth Building, 1625 K Street, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetable juices, with additives*, from Auburndale, Leesburg, and Plymouth, Fla., to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, and Maryland (except Baltimore). RESTRICTION: Applicant states traffic moving under this authority shall move in mixed truckloads with frozen citrus concentrates and not exceed ten per cent (10%) of the gross weight of the concentrates.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 78632 (Sub-No. 116), filed July 14, 1961. Applicant: HOOVER MOTOR EXPRESS CO., INC., Polk Avenue (P.O. Box 450), Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 84648 (Sub No. 2), filed June 19, 1961. Applicant: SPINDLER TRANSFER CO., a Corporation, doing business as SPINDLER'S SERVICE, 3273 Carlton Street, Duluth, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bags, and *salt*, in bags, packages and blocks, from Duluth, Minn., and Superior, Wis., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: October 3, 1961, in Room 393, Federal Building & Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 84784 (Sub No. 1), filed May 8, 1961. Applicant: GEROSA HAULAGE & WAREHOUSE CORPORATION, 769–785 East 138th Street, New York 54, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum, lime, gypsum and lime products, mineral wool, metal lath and accessories, paint and paint products, wallboard, pulpboard, insulating board, asbestos cement products and accessories, louvers, nails and clips used in the installation of gypsum products and wallboard*, (except liquid commodities, in bulk, in tank vehicles), from the site of shipper's plant at New York, N.Y., to points in Tolland, Windham, and New London Counties, Conn., Hampden, Hampshire, and Berkshire Counties, Mass., Columbia, Rensselaer, Schenectady, Albany, Greene, Schoharie, and Delaware Counties, N.Y., and Susquehanna, Wayne, Pike, Lackawanna, Wyoming, Luzerne, Monroe, Carbon, Lehigh, Northampton, Bucks, Montgomery, and Philadelphia Counties, Pa.; (2) *Asbestos cement products and accessories, lou-*

vers, nails and clips used in the installation of gypsum products and wallboard, (except liquid commodities, in bulk, in tank vehicles), from the site of shipper's plant at New York, N.Y., to points in New Jersey, and those in Dutchess, Nassau, Orange, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and Fairfield, Hartford, Litchfield, Middlesex, and New Haven Counties, Conn.; and (3) *Materials and supplies used in the manufacture and distribution of gypsum products*, (except liquid commodities, in bulk, in tank vehicles), from the above-described destination territory to the site of shipper's plant at New York, N.Y.

NOTE: Applicant holds common carrier authority in MC 31357 and Subs thereunder, therefore, dual operations may be involved.

HEARING: October 2, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 87523 (Sub No. 86), filed June 12, 1961. Applicant: FRANK COSGROVE TRANSPORTATION COMPANY, INC., 393 Mystic Avenue, Medford, Mass. Applicant's attorney: Mary E. Kelly, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perchloroethylene*, in bulk, in tank vehicles; from the Port of Entry at or near Chamlain, N.Y., on the International Boundary between the United States and Canada, to Caledonia, N.Y.

HEARING: September 25, 1961, at the Federal Building, Albany, N.Y., before Examiner John B. Mealy.

No. MC 95540 (Sub No. 364), filed May 22, 1961. Applicant: WATKINS MOTOR LINES, INC., Cassidy Road, P.O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Moultrie, Ga., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

HEARING: September 26, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 95627 (Sub-No. 37), filed July 13, 1961. Applicant: NELMS MOTOR LINE, INC., P.O. Box 912, Suffolk, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *dairy products*, as described in Appendix I to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Little Rock, Ark., Denver, Greeley, Pueblo and Colorado Springs, Colo., Rochelle, Springfield, Alton, and Taylorville, Ill., Lafayette, South Bend, Evansville, Ft. Wayne, Columbus and Mishawaka, Ind., Davenport, Dubuque, Glenwood, Independence, Ottumwa, Spencer, Benson, Cedar Falls, Eagle Grove, Hudson, Storm Lake, Marshalltown, Estherville, Iowa, Dodge City, Topeka, Wichita and Coffeyville, Kans., Baton Rouge, New Orleans, and Shreveport, La., Albert Lea, Duluth, Faribault, Minneapolis, Newport, Rochester, St. Cloud, South St. Paul and Austin, Minn., Jefferson City, Poplar Bluff and Springfield, Mo., Fremont, Lincoln, Scotts Bluff and North Platte, Nebr., Cincinnati, Dayton, Toledo, Troy, Sandusky, Dillonvale, Fostoria, Marion, Miamisburg, and Piqua, Ohio; Oklahoma City and Tulsa, Okla., Sioux Falls, Huron, Watertown, Canton, Mitchell and Yankton, S. Dak., Bristol, Chattanooga, Knoxville, Memphis and Union City, Tenn., Austin, Dallas, Fort Worth, Houston and San Antonio, Tex., Green Bay, La Crosse, Milwaukee, Whitehall and Fort Atkinson, Wis., and West Fargo, N. Dak., to Smithfield, Va., and *exempt commodities*, on return.

HEARING: September 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 95876 (Sub-No. 22), filed July 17, 1961. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, One Thousand First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement pipe, with asbestos, fibre, also fittings and bonding mortar, when transported with pipe*, from Waukegan, Ill., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Upper Peninsula of Michigan, Massachusetts, Maryland, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 97629 (Sub No. 4), filed March 3, 1961. Applicant: HILLER TRUCK LINES, INC., P.O. Box 1012, Jasper, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), as follows: (1) between Jasper, Ala., and Florence, Ala., from Jasper, over Alabama Highway 5 to junction U.S. Highway 43, thence over U.S. Highway 43 to Florence, and return over the same route, serving all intermediate points; (2) between Jasper, Ala., and Haleyville, Ala., over Alabama Highway 195, serving all intermediate points; (3) between Jasper, Ala., and Hamilton, Ala., from Jasper over Alabama Highway 69 to intersection with Alabama Highway 18 at a point near Oakman, Ala., thence over Alabama Highway 18 to intersection with U.S. Highway 43 at a point approximately four (4) miles west of Berry, Ala., thence over U.S. Highway 43 to Fayette, Ala., thence over Alabama Highway 96 to Millport, Ala., thence over Alabama Highway 17 to Hamilton, and return over the same route, serving all intermediate points; (4) between Sulligent, Ala., and Hamilton, Ala., over County Road 35, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (5) between Hamilton, Ala., and Phil Campbell, Ala., over U.S. Highway 43, serving all intermediate points; (6) between Hamilton, Ala., and Cullman, Ala., over U.S. Highway 278, serving all intermediate points; (7) between Jasper, Ala., and Cullman, Ala., from Jasper over Alabama Highway 69 to a point where said highway intersects U.S. Highway 31, approximately ten (10) miles south of Cullman, thence over U.S. Highway 31 to Cullman, and return over the same route, serving all intermediate points; (8) between Red Bay, Ala., and Hackleburg, Ala., from Red Bay over Alabama Highway 19 to a point where said highway intersects with Alabama Highway 172 at or near Vina, Ala., thence over Alabama Highway 172 to Hackleburg, and return over the same route, serving all intermediate points; (9) between Red Bay, Ala., and Decatur, Ala., over Alabama Highway 24, serving all intermediate points; (10) between Jasper, Ala., and Decatur, Ala., (a) from Jasper over Alabama Highway 69 to Cullman, Ala., thence over U.S. Highway 31 to Decatur, and return over the same route, serving all intermediate points, and (b) from Jasper over Alabama Highway 41 to Decatur, serving all intermediate points; (11) between Sulligent, Ala., and Guin, Ala., over U.S. Highway 278, serving all intermediate points; (12) between Vernon, Ala., and Fayette, Ala., over Alabama Highway 18, serving all intermediate points; (13) between Fayette, Ala., and Winfield, Ala., over U.S. Highway 43, serving all intermediate points; (14) between Jasper, Ala., and Tuscaloosa, Ala., over Alabama Highway 69, serving all intermediate points; (15) between Fayette, Ala., and Tuscaloosa, Ala., over U.S. Highway 43, serving all intermediate points; (16) between Decatur, Ala., and Tuscumbia, Ala., over U.S. Highway 72 (Alternate U.S. Highway 72), serving all intermediate points; (17) between Haleys, Ala., and Double Springs, Ala., from Haleys over U.S. Highway 278 to Natural Bridge, Ala., thence over Alabama Highway 74 to Double Springs, and return over the same route, serving all intermediate points; (18) between Jasper, Ala., and Memphis, Tenn., over U.S. Highway 78, serving all intermediate points; (19) between Hamilton, Ala., and Vina, Ala., over Alabama Highway 19, serving all intermediate points; (20) between Guin, Ala., and a point where Alabama Highway 107 intersects Alabama Highway 18 at a point approximately four (4) miles west of Fayette, Ala., over Alabama Highway 107, serving all intermediate points; (21) between Moulton, Ala., and the point where Alabama Highway 33 intersects with U.S. Highway 278 at a point approximately nine (9) miles east of Double Springs, Ala., over Alabama Highway 33, serving all intermediate points; (22) between Jasper, Ala., and Decatur, Ala., over County Road 41, serving all intermediate points; (23) between Haleys, Ala., and Glen Allen, Ala., over Alabama Highway 129, serving all intermediate points; (24) between Russellville, Ala., and Red Bay, Ala., over Alabama Highway 24, serving all intermediate points; and (25) serving points within ten (10) miles of all of the above-named highways and Sheffield, Tuscumbia, Listerhill, and Muscle Shoals, Ala., as off-route points in connection with the above described operations.

NOTE: Applicant conducts certain operations under the second proviso of section 206(a)(1) Docket No. MC 97629 Sub 3.

HEARING: October 2, 1961, at the Federal Building, Jasper Ala., before Examiner Dallas B. Russell.

No. MC 102150 (Sub-No. 9), filed July 13, 1961. Applicant: JENSEN TRANSPORT, INC., Highway 65 South, Albert Lea, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Iowa, to points in Minnesota, South Dakota, Wisconsin, and Iowa.

HEARING: September 20, 1961, at Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 103051 (Sub No. 110), filed May 15, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424–35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Florida, Kentucky, North Carolina, South Carolina, Tennessee, and West Virginia, and to points in Alabama more than 125 miles from Hamilton County, Tenn., and to points in Georgia south of U.S. Highway 29 from the Georgia-South Carolina State Line to Atlanta, Ga., and thence south of U.S. Highway 78 from Atlanta, Ga., to the Georgia-Alabama State Line, (except Carrollton, Ga.).

NOTE: Common control may be involved.

HEARING: September 27, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 103051 (Sub-No. 112), filed June 19, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444—Station K, 340 Armour Drive NE., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1424 C & S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Chatham County, Ga., to points in North Carolina, South Carolina, Florida, Tennessee, and Alabama.

NOTE: Common control may be involved.

HEARING: September 28, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 103378 (Sub No. 208), filed June 21, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, (1) between Moultrie, Ga., on the one hand, and, on the other, points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Illinois, Michigan, Kentucky, and Ohio (except Cleveland), and (2) from Moultrie, Ga., to Cleveland, Ohio.

HEARING: September 26, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 103435 (Sub-No. 100), filed July 19, 1961. Applicant: BUCKINGHAM FREIGHT LINES, a Corporation, 900 East Omaha, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 103654 (Sub No. 61), filed May 29, 1961. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils, vegetable oils*, and *blends thereof*, in bulk, in tank vehicles, from Austin, Albert Lea, Blue Earth, Fergus Falls, Marshall, St. Cloud, and Worthington, Minn., to Iowa Falls, Ottumwa, Sioux City, and Davenport, Iowa, Fond du Lac and New Richmond, Wis., and Omaha, Nebr.

HEARING: October 4, 1961, in Room 393, Federal Building and Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 103654 (Sub No. 62), filed June 5, 1961. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul 16, Minn. Applicant's attorney: Val M. Higgins, First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, from Minot and Valley City, N. Dak., Springfield, Mankato, and Redwing, Minn., to points in South Dakota, Minnesota, Wisconsin, Illinois, Iowa, and the Upper Peninsula of Michigan.

HEARING: October 2, 1961, in Room 393, Federal Building & Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 103880 (Sub No. 232), filed June 12, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Two vinyl pyridine*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Ohio, Louisiana, and Pennsylvania.

NOTE: Applicant states it is the owner of 50% of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: September 18, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 103880 (Sub No. 233), filed June 12, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Ohio, Michigan, and Illinois.

NOTE: Applicant states it is the owner of 50% of the outstanding shares of stock of Tank Truck Ltd.

HEARING: September 19, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 106398 (Sub No. 179), filed May 31, 1961. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096, Dawson Station, Tulsa, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Illinois (except Chicago, Galva, Momence, and Dixon, Ill.), to points in the United States, including Alaska, but excluding Hawaii.

HEARING: September 19, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Raymond V. Sar.

No. MC 107012 (Sub-No. 37), filed July 10, 1961. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and organs*, uncrated, (1) between Conway and Fayetteville, Ark., and Greenwood, Miss., and points within five (5) miles of Greenwood, and (2) from Conway and

Fayetteville, Ark., and Greenwood, Miss., and points within five (5) miles of Greenwood, to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Montana, Nebraska, New Mexico, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming, and *pianos and organs when returned* for any reason, on return.

HEARING: September 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 108380 (Sub No. 55), filed June 12, 1961. Applicant: JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between the point where U.S. Highway 310 intersects the Wyoming-Montana State line and Laurel, Mont., subject, however, to the condition that service at Laurel shall be restricted to the delivery to or receipt from connecting carriers of interline traffic.

HEARING: October 10, 1961, at the Yellowstone County Court House, Billings, Mont., before Joint Board No. 82, or, if the Joint Board waives its right to participate, before Examiner Samuel C. Shoup.

No. MC 108435 (Sub No. 12), filed May 15, 1961. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, 900 Grand Avenue, Schofield, Wis. Applicant's attorney: Leonard E. Lindquist, 1010 Midland Bank Building, Minneapolis 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone*, and *plaster*, from Woodville, Ohio, to points in Iowa, Minnesota, and Wisconsin.

HEARING: October 3, 1961, in Room 393, Federal Building & Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 109421 (Sub-No. 17), filed July 1, 1961. Applicant: CARTER TRUCKING CO., INC., Post Office Box 1689, Tampa, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 610—1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mixed shipments with *frozen citrus products*, from Auburndale, Leesburg, and Plymouth, Fla., to Watertown and Worcester, Mass., Norwalk, East Hartford, and Hartford, Conn., Albany, Binghamton, Buffalo, Elmira, Newburgh, Rochester, Syracuse, Waterport, Brockport, White Plains and New York, N.Y., Camden, Jersey City, Newark, Bridgeton, and Perth Amboy, N.J., Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, Steelton, and Williamsport, Pa., Petersburg, Va., Huntington, W. Va., and points in Maine, New Hampshire, and Vermont.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 109708 (Sub-No. 15), filed July 10, 1961. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., Highland Street, Frederick, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh orange juice*, in bulk, in tank vehicles, from Brooksville, Dade City, Eustis, Ft. Pierce, Lakeland, and Orlando, Fla., to Glen Roy, Pa.

HEARING: September 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110388 (Sub No. 25), filed April 29, 1960. Applicant: UNION PACIFIC MOTOR FREIGHT COMPANY, a Corporation, 1416 Dodge Street., Omaha 2, Nebr. Applicant's attorney: F. J. Melia, V. Pres. and Western General Counsel, Union Pacific Railroad Company (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities of unusual value, commodities in bulk, and household goods as defined by the Commission); serving missile launching sites in Ottawa, Dickenson, McPherson, Rice, Ellsworth, Lincoln and Cloud Counties, Kansas, as off-route points in connection with applicant's regular routes in this area.

NOTE: Missile launching sites are to be constructed at various locations ranging in distance from one to 24 miles from applicant's regular routes, most of the sites proposed being within 5 miles of applicant's routes. Any authority granted in this proceeding may be restricted to service to missile launching sites in the counties named, and may also be made subject to the following restrictions applicable to this applicant's regular route operations in this area. (1) The service by motor vehicle to be performed by Union Pacific Motor Freight Company shall be limited to service which is auxiliary to or supplemental of, the train service of the Union Pacific Railroad Company. (2) No shipment shall be transported by Union Pacific Motor Freight Company between any of the following points, or through, or to, or from more than one of said points: Kansas City, Mo.-Kans., Marysville, Salina, Topeka, Manhattan-Junction City (considered as one) and Plainville-Hayes (considered as one) Kans., Denver and Julesburg, Colo., Cheyenne, Wyo., and North Platte, Grand Island and Omaha, Nebr., except that this restriction as applicable to service at Topeka and Manhattan-Junction City, Kans., shall be limited to shipments, moving from Kansas City, Mo.-Kans., or points beyond; except that this restriction as applicable to service at Plainville-Hayes, Kans., shall be limited to shipments moving from or to Denver, Colo., or beyond; except that this restriction as applicable at Julesburg, Colo., shall be limited to shipments moving from Denver, Colo., or beyond; and except that this restriction as applicable at Cheyenne, Wyo., shall not apply to shipments moving from Cheyenne, Wyo., to Denver, Colo., or points beyond; or from Cheyenne, Wyo., to North Platte, Nebr., or points beyond. (3) Such further conditions as the Commission in the future may find necessary to impose in order to insure that Union Pacific Motor Freight Company's operations by motor vehicle shall be auxiliary to, or supplemental of the rail service of Union Pacific Railroad Company.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 110420 (Sub-No. 283) (CORRECTION), filed May 4, 1961, published issue of July 6, 1961, and republished as corrected this issue: Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, in bulk, in tank vehicles, over irregular routes, transporting: (1) *Adhesives*, (a) from Chicago, Ill., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind., (b) from St. Louis, Mo., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind.; (2) *acid solutions* from Newaygo, Mich., Chicago Heights and Peoria, Ill., to points in Louisiana and Texas; (3) *arquads* (products from the ammoniation of fatty acids) from Chicago, Ill., to points in Maryland, New York, New Jersey, Connecticut, Pennsylvania, Missouri, and Arkansas; (4) *neutral citrus brandy*, from Lake Alfred, Fla., and points within five miles thereof to Detroit, Mich.; (5) *grain neutral spirits* from Muscatine, Iowa to Detroit, Mich.; and (6) *vodka*, from Pekin, Ill., to Detroit, Mich.

NOTE: The purpose of this republication is to add in bulk, in tank vehicles, inadvertently omitted from previous publication.

HEARING: Remains as assigned September 3, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110420 (Sub No. 284), filed May 9, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House—1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel, and cement), in bulk, in tank or hopper type vehicles; between points in Wisconsin, Illinois, Iowa, Minnesota, Indiana, and Michigan, on the one hand, and, on the other, points in Wisconsin, Illinois, Iowa, Minnesota, Indiana, Michigan, Ohio, Kentucky, Missouri, and Nebraska.

HEARING: September 21, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 110698 (Sub No. 159), filed June 16, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from points in New Jersey, Pennsylvania, and Texas to Rome, Ga.

HEARING: September 21, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 110698 (Sub-No. 160), filed July 12, 1961. Applicant: RYDER TANK LINE, INC. (York Division), 9020 LaPorte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 26035, Houston 32, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Kansas City, Mo., to Dallas, Tex.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner A. Lane Cricher.

No. MC 111159 (Sub-No. 125), (CORRECTION), filed June 26, 1961, published issue of FEDERAL REGISTER of July 6, 1961, and republished as corrected this issue. Applicant: MILLER TRANSPORTERS, LTD., A Corporation, Post Office Box 1123, Jackson, Miss. Applicant's attorney: H. D. Miller, Jr., Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Terminals on the Dixie Pipe Line Company pipe line, (1) in Mississippi, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee, and (2) in Alabama, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee.

NOTE: The purpose of this correction is to add the words "in bulk, in tank vehicles" which was omitted from previous publication. This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 385, dated June 30, 1961.

HEARING: Remains as assigned September 11, 1961, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 111307 (Sub No. 3), filed June 7, 1961. Applicant: THE OVERLAND EXPRESS, LIMITED, Box 207, Woodstock, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between Buffalo, Niagara Falls, and North Tonawanda, N.Y., on the one hand, and, on the other, points on the International Boundary line between the United States and Canada located on the Niagara River.

HEARING: October 2, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 111442 (Sub No. 7), filed June 15, 1961. Applicant: CONNELL TRANSPORT CO., a Corporation, Box 846, Warren, Ohio. Applicant's attorney: William C. Dineen, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Plymouth, Wis., to Detroit, Mich., Columbus, Ohio, Pittsburgh and Philadelphia, Pa., Lodi and Moonachie, N.J., points in the New York, N.Y. Commercial Zone, New Haven, Conn., Boston, Mass., and Providence, R.I., and *empty containers or other such incidental facilities* (not specified) used in transporting cheese, on return.

NOTE: The proposed operations will be under a continuing contract with S & R Cheese Corporation, of Plymouth, Wis.

HEARING: September 25, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Samuel C. Shoup.

No. MC 111442 (Sub-No. 8), filed July 10, 1961. Applicant: CONNELL TRANSPORT CO., a Corporation, Box 846, Warren, Ohio. Applicant's attorney: William C. Dineen, 748 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Milwaukee, Wis., to Indianapolis, Ind., Toledo, Cincinnati, Cleveland, Napoleon and Youngstown, Ohio, Pittsburgh, Harrisburg, Philadelphia, Saltsburg, Wilkes-Barre, Sharon and Scranton, Pa., Baltimore, Md., Buffalo and Worcester, Mass., Louisville, Ky., Memphis, Tenn., Wilmington, Del., and Charleston, W. Va., and Newark, N.J., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Applicant states the proposed service will be under a continuing contract with Peck Meat Packing Corporation, of Milwaukee, Wis.

HEARING: September 28, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Samuel C. Shoup.

No. MC 112020 (Sub-No. 130), filed July 17, 1961. Applicant: COMMERCIAL OIL TRANSPORT, INC., 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, and Illinois to Nebraska City and Omaha, Nebr., and points within 10 miles of each.

HEARING: September, 19, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 112822 (Sub No. 28), filed May 5, 1961. Applicant: EARL BRAY, INC., P.O. Box 910, Linwood and North Street, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar, liquid sugar, corn syrup*, and *blends of corn syrup and liquid sugar*, in bulk, from Kansas City, Kans., and Kansas City, Mo., to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska, and *damaged and rejected shipments* of bulk sugar, on return.

HEARING: September 25, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 113267 (Sub No. 43), filed June 12, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour edible, and* (2) *flour edible with over 40% other ingredients*, in boxes, packages, and in bags, from Trenton, Ill. and points in the St. Louis, Mo. Commercial Zone to points in Nebraska, North Dakota, and South Dakota.

HEARING: September 20, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Raymond V. Sar.

No. MC 113666 (Sub-No. 6), filed July 12, 1961. Applicant: FREEPORT TRANSPORT, INC., Box 215, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated and pre-cut houses, component parts thereof*, and *materials, supplies, fixtures and accessories* to be used in the erection thereof when transported in the same vehicles with shipments of prefabricated or pre-cut houses or sections thereof, (except commodities requiring special equipment), from the plant site of Madway Main Line Homes, Inc., and its subsidiaries, in Philadelphia, Pa., to points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, and West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 114067 (Sub-No. 21), filed July 11, 1961. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fat grade grease and low grade tallow*, (1) from points in Siskiyou, Humboldt, Butte, Yuba, Nevada, Sonoma, Sacramento, Yolo, San Joaquin, Solano, Stanislaus, Santa Clara, Fresno, Madera, Monterey, Kings, Kern and San Luis Obispo Counties, Calif., to points in Jackson and Klamath Counties, Oreg. and points in Washoe County and Yerington and Lovelock, Nev. and points in Canyon and Ada Counties, Idaho, (2) from points in Jackson and Klamath Counties, Oreg. to points in Canyon and Ada Counties, Idaho and points in Washoe County and Yerington and Lovelock, Nev., (3) from points in Ada and Canyon Counties and Payette, Idaho, to points in Washoe County and Yerington and Lovelock, Nev., and (4) from Payette, Idaho to points in the San Francisco Commercial Zone, including Encinal Terminals, Alameda, Calif., and *edible and inedible animal fats and oils*, in bulk, on return.

HEARING: September 18, 1961, at the New Mint Bldg., 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114123 (Sub No. 24), filed June 15, 1961. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup*, and *mixtures of liquid and and invert sugar* and *corn syrup*, in bulk, in tank vehicles, from New York City, N.Y. (including Yonkers) and Bayonne, N.J., to the District of Columbia and Virginia (except Alexandria), and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities.

NOTE: *Fresh milk and cream* (as exempt agricultural commodities), on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 118661 and subs thereunder, therefore dual operations may be involved. Duplicating authority to be eliminated.

HEARING: September 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114123 (Sub No. 25), filed June 15, 1961. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrews Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh apple cider* and *fresh apple juice*, in bulk, in tank vehicles, from Highland, N.Y., to Fleetwood, Pa. and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities.

NOTE: *Fresh milk and cream* (as exempt agricultural commodities), on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118661 and Subs thereunder, therefore dual operations may be involved.

HEARING: September 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114211 (Sub-No. 25), (REPUBLICATION), filed December 5, 1960, published FEDERAL REGISTER, issue of December 14, 1960, corrected and amended at hearing January 17, 1961, republished as corrected this issue. Applicant: DONALDSON TRANSFER COMPANY, A Corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Chicago 2, Ill. Notice of the filing of the subject application as originally published in the FEDERAL REGISTER indicated that authority was sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pressure treated poles, posts, and lumber, from Sallisaw, Okla., and 25 miles thereof, to points in Iowa, Nebraska, Kansas, Illinois, Wisconsin, Missouri, and South Dakota, and rejected shipments, on return. The application as filed included the State of Minnesota as a destination area. The above-noticed publication did not include that State, in error. A decision and order of division 1, dated June 30, 1961, authorizes service as follows: Operation as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of *pressure-treated poles, pressure-treated posts*, and *pressure-treated lumber*, from Sallisaw, Okla., and points within five (5) miles thereof, to points in Iowa, Nebraska, Kansas, Minnesota, Illinois, Wisconsin, Missouri, and South Dakota, provided, however, that any interested party who may have been adversely affected by the broadened territorial scope of such grant with respect to the notice as originally published, may file an appropriate pleading within 30 days from the date of this republication in the FEDERAL REGISTER

No. MC 114848 (Sub-No. 5), filed July 6, 1961. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: Ramsay Wall, First National Bank Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Calcium carbide residue*, from Woodstock, Shelby County, Tenn., to Florence, Tuscumbia, and Sheffield, Ala., to points in Mississippi, Arkansas, and Louisana; and (2) *Exempt commodities*, from the above-specified destination points to Woodstock, Shelby County, Tenn.

HEARING: September 12, 1961, at the Claridge Hotel, Memphis, Tenn., before Examiner Henry A. Cockrum.

No. MC 115115 (Sub-No. 2), filed July 7, 1961. Applicant: C. V. BOLIN, doing business as BOLIN FOODS, 7011 South Archer Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products* and *articles distributed by meat packing houses*, from Sioux City, Iowa, Omaha, Nebr., Kansas City and St. Louis, Mo., Indianapolis, Ind., and Chicago, Ill., to Purcellville, Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 115322 (Sub-No. 20), filed July 13, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, 2939 Orlando Drive, Sanford, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 610–1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods in mixed shipments with frozen citrus products*, from Auburndale, Leesburg, and Plymouth, Fla., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland F. Taylor.

No. MC 115452 (Sub No. 2), filed June 7, 1961. Applicant: SCOBIE'S TRANSPORT, LIMITED, Ferguson Street, Niagara Falls, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between Buffalo, Niagara Falls, and North Tonawanda, N.Y., on the one hand, and, on the other, points on the International Boundary line between the United States and Canada located on the Niagara River.

HEARING: October 2, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 115491 (Sub-No. 25), filed June 29, 1961. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue (P.O. Box 586), Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from points in Waukesha, Fond du Lac, Ozaukee, St. Croix, Walworth, Brown, Manitowoc, Columbia, Chippewa, and Outagamie Counties, Wis., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina.

HEARING: September 29, 1961, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Samuel C. Shoup.

No. MC 115873 (Sub-No. 6), filed July 3, 1961. Applicant: HAROLD WAGONER & COMPANY, 103 Westminster Drive, Collinsville, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pentachlorophenol*, in bulk, in tank vehicles, from St. Louis, Mo.-E. St. Louis, Ill., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Pennsylvania, Ohio, Oklahoma, Tennessee, Texas and Wisconsin, and *empty containers or other such incidental facilities* (not specified) and *rejected shipments* of the above described commodities, on return.

HEARING: September 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Fredison.

No. MC 115924 (Sub-No. 7), filed July 11, 1961. Applicant: SUGAR TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, and blends of corn syrup*, in bulk,

in tank vehicles, (1) from Port Wentworth, Ga., to points in Florida, Georgia, North Carolina, South Carolina, Virginia, and Tennessee, and (2) from Wilmington, N.C., to points in Virginia, Tennessee, and South Carolina, and *rejected and returned shipments* of the above-specified commodities, in connection with routes (1) and (2) above, on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with Savannah Sugar Refining Corporation located at Savannah Bank and Trust Co. Building, Savannah, Ga. Common control may be involved.

HEARING: September 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 116987 (Sub-No. 13), filed July 3, 1961. Applicant: ROBERT H. CARR AND SONS, INC., RD No. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup*, and *mixtures of liquid and invert sugar* and *corn syrup*, in bulk, in tank vehicles, from Yonkers and New York, N.Y. and Bayonne, N.J. to points in the District of Columbia and Virginia.

NOTE: Applicant states it proposes to transport fresh milk and cream as exempt commodities, on return.

HEARING: September 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 116459 (Sub-No. 26), filed June 30, 1961. Applicant: RUSS TRANSPORT, INC., P.O. Box 8292, Airport Road, Chattanooga 11, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Florida, Kentucky, North Carolina, South Carolina, Tennessee, West Virginia, Georgia, and Alabama.

HEARING: September 27, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 117344 (Sub-No. 77), filed July 10, 1961. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Texas, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities above, on return.

HEARING: September 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 118776 (Sub No. 3), filed May 11, 1961. Applicant: CARL L. CONNORS, doing business as C. L. CONNORS, 2700 South Front Street, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible rock salt*, in bulk, in dump vehicles, from Quincy, Ill., to points in Illinois, Missouri, and Iowa.

HEARING: September 14, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 46.

No. MC 119164 (Sub No. 8), filed May 4, 1961. Applicant: J–E–M TRANSPORTATION CO., INC., P.O. Box 444, Middletown, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in hopper type trailers, and mechanical discharge bulk trailers, from Millville, and Newport, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, and Pennsylvania.

HEARING: October 3, 1961, at the U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 119256 (Sub-No. 4), filed July 12, 1961. Applicant: PETROLEUM TRANSIT CORPORATION OF SOUTH CAROLINA, P.O. Box 29, East 2nd Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, foreign and domestic, crude and refined, and *blends thereof*, in bulk, in tank vehicles, between Moultrie, Ga., on the one hand, and, on the other, points in Florida, Alabama, Louisiana, Mississippi, South Carolina, Georgia, Tennessee, North Carolina, Virginia, Kentucky, West Virginia, Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Indiana, Michigan, Illinois, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: September 26, 1961, at 680 West Peachtree Street, NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 119256 (Sub-No. 5), filed July 7, 1961. Applicant: PETROLEUM TRANSIT CORPORATION OF SOUTH CAROLINA, East Second Street, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar*, and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Chatham County, Ga., to points in North Carolina, South Carolina, Florida, Tennessee, Alabama, and Virginia.

NOTE: Common control may be involved.

HEARING: September 28, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 119399 (Sub No. 10), filed June 28, 1961. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials;* from Joplin, Mo. to points in Colorado, and points in that part of Kansas on and west of U.S. Highway 281; and (2) *Dry fertilizer*, in bags; from the plant site of Missouri Farmers Association, Inc. (approximately six miles west of Joplin, Mo.), and the plant site of Davison Chemical Company (approximately seven miles east of Joplin, Mo.), to points in Colorado, and points in that part of Kansas on and west of U.S. Highway 281.

NOTE: Applicant states this application is for the purpose of converting from contract to common carrier authority, that authority presently held by applicant in MC 16007, Sub-No. 26, issued June 12, 1961.

HEARING: October 2, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 178, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 119702 (Sub No. 4), filed June 8, 1961. Applicant: STAHLY CARTAGE CO., a Corporation, 130a Hillsboro Avenue, P.O. Box 481, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Bettendorf, Iowa, and points within five (5) miles thereof, to points in Illinois on and west of U.S. Highway 51 and on and north of U.S. Highway 24.

HEARING: September 13, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 54.

No. MC 120766. Applicant: GENERAL MOTOR LINES, INC., 217 West 24th Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington 5, D.C. Assigned for hearing to determine whether the motor vehicle operations of General Motor Lines, Inc. are and will be managed and operated in a common interest, management, and control with those of Grubb Motor Lines, Inc., a multiple-State carrier under No. MC–41255, and whether General Motor Lines, Inc. is eligible to engage in operations in interstate or foreign commerce within the State of North Carolina under the second proviso of section 206(a)(1) of the Interstate Commerce Act.

HEARING: September 19, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Dallas B. Russell.

No. MC 123211 (Sub-No. 2), filed July 3, 1961. Applicant: THERON E. COON, doing business as THERON E. COON TRUCKING CO., 7105 West 3500 South Street, Magna, Utah. Applicant's attorney: Macoy A. McMurray, Newhouse Building, Salt Lake City 11, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk or package, and (2) *block salt*, (3) *empty containers or other such incidental fa-*

cilities (not specified) used in transporting the commodities specified, and (4) *rejected shipments*, between Flux, Lake Point, and Saltair, Utah, on the one hand, and, on the other, points in Elko, Humboldt, Pershing, Lander, Eureka, White Pine, Lincoln, Nye and Churchill Counties, Nev.

HEARING: September 28, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241, or, if the Joint Board waives its right to participate before Examiner David Waters.

No. MC 113276 (Sub No. 2), filed June 26, 1961. Applicant: ROMANO BROS. TRUCKING, INC., 11 Meadow Street, Rutland, Vt. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial fertilizer*, in bags and packages, from Carteret, N.J., to points in Albany, Essex, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Warren, and Washington Counties, N.Y., and Addison, Bennington, and Rutland Counties, Vt.; and (2) *Malt beverages*, in cans, bottles and containers, which, when emptied, are not required to be returned, from Cumberland, Md., to Rutland, Vt.

HEARING: September 22, 1961, at the Federal Building, Albany, N.Y., before Examiner John B. Mealy.

No. MC 123393 (Sub No. 5), filed June 2, 1961. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Kansas to Springfield, Mo., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant states that it has authority to transport the named commodity from Hoisington and Burlington, Kans. to Springfield, Mo., and seeks no duplication of authority by this application.

HEARING: September 28, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 36, or if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 123393 (Sub No. 6), filed June 2, 1961. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Morgantown, Pa., to points in Missouri and Kansas, and *empty containers or other such incidental facilities* (not specified), and *exempt commodities*, on return.

HEARING: September 28, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 123450, filed January 30, 1961. Applicant: CASSEL TRUCK LINES, INC., 115 North Rock Island, Wichita, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, commodities requiring special or tank truck equipment and articles contaminating to other lading), between Wichita, Kans. and Missile Sites (1) through (18) inclusive: (1) 10 miles north of El Dorado on U.S. Highway 77, thence west 8 miles, thence west 8 miles on Kansas Highway 862; (2) 6 miles north of El Dorado on U.S. Highway 77; (3) 7 miles east of Augusta, 1 mile north on U.S. Highway 77 near Haverhill; (4) 17 miles east of Augusta on Kansas Highway 96 near Beaumont; (5) 7 miles south of Leon on Kansas Highway 78; (6) 6½ miles east of Douglass on Kansas Highway 89, 1 mile south; (7) 2 miles south of Rock on U.S. Highway 77; (8) 9 miles east of Winfield on U.S. Highway 160, 1 mile north and ½ mile east on gravel road; (9) 3 miles west of Oxford on U.S. Highway 160, 1 mile north on gravel road; (10) 6 miles south of Wellington on U.S. Highway 81; (11) 7 miles west of Wellington on U.S. Highway 160; and 1 mile south on gravel road; (12) 1½ miles south of Conway Springs on Kansas Highway 49, 6 miles north of U.S. Highway 160, 12 miles west of Wellington; (13) 4 miles west of Viola of Kansas Highway 42; (14) 4 miles west of Norwich on Kansas Highway 42; (15) 2 miles south of Rago on Kansas Highway 14 and ½ mile east on gravel road; (16) 3 miles south on U.S. Highway 54 on Kansas Highway 303, 2 miles east of Murdock on Kansas Highway 362; (17) 3 miles east of Kingham on U.S. Highway 54, 2 miles north on Kansas Highway 361, thence 1 mile west, and (18) 3½ miles west of Garden Plain, 6 miles north on Kansas Highway 659, west 2 miles on gravel road.

NOTE: All towns named above are in State of Kansas.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 123503 (Sub No. 1), filed June 19, 1961. Applicant: KRAUS TRANSPORT LIMITED, 100 Bronoco Avenue, Toronto 10, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, between ports of entry on the International Boundary line between the United States and Canada at the St. Lawrence, Niagara, and Detroit Rivers, on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, and Michigan.

HEARING: October 6, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 123560 (Sub No. 2), filed May 25, 1961. Applicant: MARLAND KEITHLEY, doing business as POTOSI LUMBER TRANSPORT, 102 East High Street, Potosi, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden pallets and treated wooden posts and poles;* (1) from points in Missouri lying south of U.S. Highway 66, east of U.S. Highway 65, north of the Arkansas-Missouri State line, and west of U.S. Highway 67, to points in Kansas, Colorado, Nebraska, South Dakota, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan; (2) from points in Arkansas to points in that part of Missouri described in (1) above; and (3) between points in Colorado and points in that part of Missouri described in (1) above.

HEARING: September 18, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Raymond V. Sar.

No. MC 123609, filed April 24, 1961. Applicant: VERN KARR AND MINNIE PARISH KARR, doing business as PARISH TRUCK LINES, 946 Avenue C, Billings, Mont. Applicant's attorney: J. Meglen, 204-205 Behner Building, 2822 Third Avenue, North, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in bottles, cans and barrels from Milwaukee, Wis., and Minneapolis, Minn., to points in Yellowstone County, Mont., and *empty containers or other such incidental facilities*, (not specified) used in transporting the above described commodities, and *exempt commodities*, on return.

NOTE: Applicant states the proposed operation will be for the persons and companies engaged in the wholesale distribution of beer in bottles, cans and barrels in Yellowstone County, Mont.

HEARING: October 9, 1961, at the Criminal Court Room, Yellowstone County Court House, Billings, Mont., before Examiner Samuel C. Shoup.

No. MC 123635, filed May 1, 1961. Applicant: RONALD O. CASIVANT, doing business as CASIVANT'S TRUCKING SERVICE, R.F.D. #1, Hudson, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated houses* and *garages*, uncrated, from Canaan, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware. (2) *Roof shingles*, from Port Amboy, N.J., to Canaan, Conn., and (3) *Cedar Shakes*, from Camden, N.J., Warpool, Mass., and Albany, N.Y., to Canaan, Conn.

NOTE: Applicant states its services are to be performed for the account of one shipper, namely, Federal Homes Corporation of Canaan, Conn.

HEARING: September 25, 1961, at the Federal Building, Albany, N.Y., before Examiner John B. Mealy.

No. MC 123658 (Sub No. 1), filed May 22, 1961. Applicant: ALFRED JOHN EATON, JR., doing business as WOODLAWN WRECKER SERVICE, 4646 Pineville Road, Charlotte, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, tractors and trailers and replacement vehicles* (exclusive of house trailers and factory new trucks, tractors, trailers and passenger vehicles), between points in North Carolina and points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Iowa, Louisiana, and Missouri.

NOTE: Applicant states that it proposes to carry replacement for disabled tractor, truck or trailer and return said disabled vehicle to its home shop for repairs.

HEARING: September 18, 1961, at the U.S. Court Rooms, Charlotte, N.C., before Examiner Dallas B. Russell.

No. MC 123677, filed May 22, 1961. Applicant: THOMAS R. GIBNEY, doing business as GIBNEY VAN & STORAGE CO., 3120 Bainbridge Avenue, Bronx, N.Y. Applicant's attorney: Arthur J. Piken, 106-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, and *rejected shipments*, between New York City, and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in Essex, Bergen, Mercer, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J., on the one hand, and, on the other, points in Albany, Columbia, Dutchess, Essex, Franklin, Greene, Hamilton, Herkimer, Oneida, Otsego, Putnam, Sullivan, Ulster, and Warren Counties, N.Y.

HEARING: October 6, 1961, at the U.S. Army Reserve Bldg., 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 123680, filed May 22, 1961. Applicant: MICHAEL ALFANO, doing business as M. & P. TRUCKING CO., 225 Totowa Avenue, Paterson 3, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities in bulk*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities requiring special equipment), between points in Bergen, Essex, Hudson, Morris, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in New York, and those in Pennsylvania on and east of U.S. Highway 15, and the Susquehanna River.

HEARING: October 5, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 123691, filed May 26, 1961. Applicant: CECIL L. INGRAM, doing business as INGRAM TRUCKING CO., Ball Ground, Ga. Applicant's attorney: Paul M. Daniell *and* Allan Watkins, 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Monumental, building, and crushed marble*, between Canton, Marblehill, Nelson, and Tate, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (b) *prefabricated marble water closet stall partitions*, complete, from Nelson, Ga., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia; (c) *monumental and building marble*, other than crushed, from Marblehill, Nelson, and Tate, Ga., to points in New Hampshire and Vermont; and (d) *crushed marble*, in bulk, from Whitestone, Ga., to points in Arkansas, Delaware, Iowa, Massachusetts, Missouri New Hampshire, New Jersey, Vermont, Wisconsin, Oklahoma, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant presently conducts these operations as contract carrier in No. MC 110804 and Sub 1 thereunder. The purpose of this application is to convert such authority to that of a common carrier.

HEARING: September 22, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 123691 (Sub No. 1), filed May 25, 1961. Applicant: CECIL L. INGRAM, doing business as INGRAM TRUCKING CO., Ball Ground, Ga. Applicant's attorneys: Paul M. Daniell and Allan Watkins, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Steel pipe and fittings, steel piling*, and *steel rails*, on flat-bed trailers, from Bond (Morris County), Tex., Chicago, Ill., Delawanna, N.J., Lorain and Youngstown, Ohio, Newport, Ky., Pittsburgh, Pa., and Sparrows Point, Md., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; and (b) *steel piling*, on flat-bed trailers, from points in Alabama, Florida, Georgia, South Carolina, and Tennessee to Chicago, Ill., Buffalo, N.Y., Pittsburgh and Carnegie, Pa., Cleveland, Ohio, and Delawanna, N.J.

NOTE: Applicant is authorized to conduct operations as a contract carrier in No. MC 110804 and subs thereunder. Therefore, dual operations may be involved.

HEARING: September 25, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 123733, filed June 9, 1961. Applicant: LANE'S TRANSPORT LIMITED, 136 Main Street South, Georgetown, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cut stone* and *fire brick*, (a) from Climax and Curwensville, Pa., Amherst, McDermott, Oakhill and Strasbourg, Ohio, Bedford, Ind., Middle Granville, N.Y., Kalamazoo, Mich., and Knoxville, Tenn., to points on the International Boundary between the United States and Canada located on the Detroit, Niagara and St. Clair Rivers; and (b) from points on the International Boundary between the United States and Canada located on the Detroit, Niagara and St. Clair Rivers, to New York, N.Y. (2) *Satin white*, from Kalamazoo and Parchment, Mich., to points on the International Boundary between the United States and Canada located on the Detroit, Niagara, and St. Clair Rivers.

HEARING: October 4, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 123751, filed June 20, 1961. Applicant: TMT TRAILER FERRY, INC., C. Gordon Anderson, Trustee, 1529 Dupont Building, Miami 32, Fla. Applicant's attorney: Wm P. Simmons, Jr., First National Bank Building, Miami 32, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, and commodities of unusual value), between points within the Commercial Zone of Miami, Fla., as defined by the Commission. RESTRICTION: The service authorized herein is restricted to the transportation of traffic having an immediately prior or subsequent movement by water to and from territories and possessions of the United States or foreign countries.

NOTE: Common control may be involved.

HEARING: September 18, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 123768, filed June 30, 1961. Applicant: FLOYD E. GIEKER, Liberty, Ill. Applicant's attorney: Sam Schneidman 620 W. C. U. Building, Quincy, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually transported in dump vehicles*, between points in Lewis and Marion Counties, Mo., and points in Adams County, Ill.

HEARING: September 15, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 123769, filed June 30, 1961. Applicant: EARNEST R. ROBERTSON, 1700 Spruce Street, Quincy, Ill. Applicant's attorney: Sam Schneidman, 620 W. C. U. Building, Quincy, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually transported in dump vehicles*, between points in Lewis and Marion Counties, Mo., and points in Adams County, Ill.

HEARING: September 15, 1961, at the U.S. Court Rooms and Federal Building,

Springfield, Ill., before Joint Board No. 135.

No. MC 123770, filed June 30, 1961. Applicant: RALPH N. MILBERT, 1422 North Seventh Street, Quincy, Ill. Applicant's attorney: Sam Schneidman, 620 W. C. U. Building, Quincy, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are usually transported in dump vehicles*, between points in Lewis and Marion Counties, Mo., and points in Adams County, Ill.

HEARING: September 15, 1961, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 123779, filed, July 5, 1961. Applicant: EXPERT DAIRY SERVICE, INC., 281 Northeast 185th Street, Miami, Fla. Applicant's attorney: Clyde Atkins, 919 Alfred I. Dupont Building, Miami 32, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh citrus juices*, and *concentrated citrus juices*, in bulk, in tank vehicles, from points in Brevard, Dade, Lake, Manatee, Orange, Osceola, Polk, and St. Lucie Counties, Fla., to points in Burke County, Ga., and Queen Annes County, Md., Hudson County, N.J., New York, N.Y., and points in the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Virginia, Maryland, West Virginia, Delaware, Pennsylvania, New Jersey, and New York, and (2) *liquid and dry commodities, edible foods*, in bulk, *such as but not limited to liquid sugar, corn syrup, solids, shortenings, oils, chocolate coating, wheat, corn, and dairy products*, to, from and between points in the states named in (1) above.

HEARING: September 19, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Richard H. Roberts.

No. MC 123785, filed July 5, 1961. Applicant: M. L. ESCHRICH AND B. K. KOSTKAN, A Partnership, doing business as SAND STONE & SLAG SERVICE, Box 118, Colden, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand stone and slag*, between points in Erie, Chautauqua, Cattaraugus and Allegany Counties, N.Y. and points in Erie, Crawford, Warren, McKean, Potter, Cameron, Elk, Huntingdon, Venango, Mercer, and Forest Counties, Pa.

HEARING: October 5, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 123786, filed July 6, 1961. Applicant: JOHN H. HINKLE, Box 595, Bloomington, Ind. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, rough cut and fabricated, from points in Washington Township, (Monroe County), Ind., to points in Illinois, Maryland, Michigan, New York, Ohio and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: September 26, 1961 at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 123789, filed July 7, 1961. Applicant: G. T. McGOVERN TRUCKING CO., INC., 331 East 25th Street, New York 10, N.Y. Applicant's representative: William D. Traub, 350 Fifth Avenue, New York 1, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hosiery*, from Stamford, Conn., to New York, N.Y., and *empty containers or other such incidental facilities* (not specified) and *refused, rejected, or damaged hosiery*, on return.

HEARING: September 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 312), filed July 12, 1961. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, 180 Boyden Avenue, Maplewood, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Fort Lee, N.J., and Ridgefield Park and Hackensack, N.J.; (1) from George Washington Bridge Plaza, Fort Lee, over plaza and access roads to Interstate Highway No. 95, thence over Interstate Highway No. 95 to junction of New Jersey Turnpike (interchange No. 18) at U.S. Highway No. 46, Ridgefield Park and return over the same route, serving all intermediate points, and (2) from junction Interstate Highway Nos. 95 and 80, Teaneck, N.J., over Interstate Highway No. 80 and access roads to junction of South Summit Avenue, Hackensack, and return over the same route, serving all intermediate points.

HEARING: September 18, 1961, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 61016 (Sub No. 11), filed April 7, 1961. Applicant: PETER PAN BUS LINES, INC., 144 Bridge Street, Springfield, Mass. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours; beginning and ending at points in Hampden and Hampshire Counties, Mass., and extending to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Kentucky, West Virginia, Maryland, Delaware, the District of Columbia, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida.

HEARING: October 13, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Donald R. Sutherland.

No. MC 61598 (Sub-No. 47), filed July 10, 1961. Applicant: SMOKY MOUNTAIN STAGES, INC., 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E. Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between Washington, Ga., and Winder, Ga.; from Washington over Georgia Highway 44 to Greensboro, Ga., thence over Georgia Highway 15 to its junction with Georgia Highway 53 north of Watkinsville, Ga., thence over Georgia Highway 53 to Winder, and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

HEARING: September 29, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 101 or if the Joint Board waives its right to participate before Examiner Dallas B. Russell.

No. MC 106170 (Sub No. 6), filed March 27, 1961. Applicant: THE GRAY LINE SCENIC TOURS, INC., 1675 Mill Street, Reno, Nev. Applicant's attorney: Bertram S. Silver, 126 Post Street, Suite 600, San Francisco 8, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special or charter operations consisting of one-way or round-trip sightseeing or pleasure tours, beginning and ending at points in San Francisco, Alameda, and Sacramento Counties, Calif., and points in Washoe County, Nev., and extending to points in San Francisco, Alameda, Sacramento, Contra Costa, Solano, Napa, Yolo, San Joaquin, Stanislaus, Calaveras, Tuolumne, Amador, El Dorado, Placer, Nevada, and Sierra Counties, Calif., and points in Washoe, Storey, Ormsby, Douglas, and Lyon Counties, Nev.

NOTE: Common control may be involved.

HEARING: October 5, 1961, at the Nevada Public Service Commission, Room 204, State Office Bldg., East Musser Street, Carson City, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123591, filed April 14, 1961. Applicant: AIRPORT SERVICE CORPORATION, INC., 93 Arch Street, Greenwich, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage*, in the same vehicle with passengers having an immediately prior or subsequent movement by air, between Danbury, Conn. and Newark Airport, Newark, N.J. *ROUTE I.* Round trips over route originating at the New Englander Motor Hotel, Danbury, thence over Danbury city streets to U.S. Highway 6, thence over U.S. Highway 6 to New York Highway 22, thence over New York Highway 22 to New York Highway 35, thence over New York Highway 35 to New York Highway 117, thence over New York Highway 117 to New York Highway 128 (alternative over New York Highway 117 to New York Highway 120), thence over New York Highway 120 to New York Highway 22 (alternative over New York Highway 120 to New York Highway 22), thence over New York Highway 22 to New York Highway 120, thence over New York Highway 120 to Lake Street, thence over Lake Street to White Plains, N.Y. city line, thence over White Plains city streets, avenues, boulevards and expressways to Cross Westchester Expressway, thence over Cross Westchester Expressway to New England Thruway, thence over New England Thruway to the New York City line, thence over New York City drives, highways, avenues, boulevards, streets and expressways and Tri-borough Bridge, Whitestone Bridge or Throggs Neck Bridge and Brooklyn Battery Tunnel, Queens Midtown Tunnel, Williamsburgh Bridge, Manhattan Bridge, Queensboro Bridge, or Brooklyn Bridge to Holland Tunnel, thence via Holland Tunnel to New Jersey Turnpike Extension, thence over New Jersey Turnpike Extension to Newark Airport, and return over the same route (or alternating return along a reverse of Route II described below), serving the intermediate points of Mount Kisco, N.Y., Westchester County Airport, LaGuardia Airport, New York International (Idlewild) Airport, and New York City, N.Y. *ROUTE II.* Round trips originating at the New Englander Motor Hotel, Danbury, Conn., thence over Danbury city streets and highways as described in Route I above to White Plains, N.Y. city line, thence over White Plains city streets to Cross Westchester Expressway, thence over Cross Westchester Expressway to New York State Thruway, thence over New York State Thruway to New York City line, thence over New York City drives, highways, streets, boulevards, avenues and expressways to George Washington Bridge, thence over George Washington Bridge to U.S. Highway 46, thence over U.S. Highway 46 to New Jersey Turnpike, thence over New Jersey Turnpike to Newark Airport, and return over the same route (or alternatively return along a reverse of route I above described), serving the intermediate points of Mount Kisco, Westchester County Airport, White Plains, Tarrytown, and Yonkers, N.Y.

NOTE: (1) Applicant states that in making intermediate stops at Mount Kisco, N.Y., Routes I and II will be varied by leaving New York Highway 117 in Mount Kisco and proceeding over Mount Kisco city streets to the Fugazy Travel Agency and returning over Mount Kisco city streets to New York Highway 117. In making intermediate stops at Westchester County Airport, Routes I and II will be varied by leaving New York Highway 120 at the airport access road (N.W. corner of airport) and proceeding along Westchester County Airport roads to the airport Terminal Building and returning over airport roads to New York Highway 120. In making intermediate stops at LaGuardia Airport, Route I will be varied by leaving Ditmars Boulevard at 23rd Avenue or at 94th Street and proceeding over LaGuardia Airport roads to the LaGuardia Airport Terminal or Terminals and returning over LaGuardia Airport roads to Ditmars Boulevard. In making intermediate stops at the New York International (Idlewild) Airport, Route 1 will be varied by leaving Van Wyck Expressway at its southern extremity and proceeding along airport roads to Idlewild Airport Terminals and returning to Van Wyck Expressway. In intermediate stops at New York City, Route I will be varied by leaving New York West Side Highway at the Downtown Athletic Club and returning from the Downtown Athletic Club to New York West Side Highway. In making intermediate stops at White Plains, N.Y., Route II will be varied by leaving Lake Street at the White Plains City line and proceeding over White Plains city streets to the Roger Smith Hotel and returning over White Plains city streets to Cross Westchester County Expressway. In making intermediate stops at Tarrytown, N.Y., Route II will be varied by leaving Cross Westchester County Expressway at New York Highway 119, and proceeding over New York Highway 119 and Tarrytown city streets to the Hilton Inn and returning over Tarrytown city streets to New York State Thruway. In making intermediate stops at Yonkers, N.Y., Route II will be varied by leaving New York State Thruway at Interchange 6 and proceeding over Yonkers city streets to the Yonkers Motel and returning over Yonkers city streets to New York State Thruway. (2) Applicant further states it is its intention to supplement the proposed service by originating additional trips, express or local from any route terminus or any intermediate stop to any other intermediate stop or any other route terminus as soon as appropriate volume of traffic warrants. (3) Common control may be involved.

HEARING: October 11, 1961, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

No. MC 123704, filed May 29, 1961. Applicant: DOMINIC F. DASTOLI, HARRIET A. DASTOLI AND JAMES R. DASTOLI, doing business as DASTOLI TRAVEL AGENCY, 184 North Street, Pittsfield, Mass. Applicant's attorney: Anthony J. Ruberto, 184 North Street, Pittsfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage of passengers*, and *express* in packages and bundles not exceeding 30 pounds per package or bundle, in the same vehicle with passengers, in special operations; (1) between North Adams, Adams, Cheshire, Berkshire, Lanesboro, Pittsfield, Lenox, Lee, Stockbridge, Great Barrington, Sheffield, and Ashley Falls, Mass., and New York, N.Y. (2) Between Williamstown, South Williamstown, New Ashford, Lanesboro, Pittsfield, Richmond, West Stockbridge, Housatonic, and Egremont, Mass., and New York, N.Y. (3) Between North Adams, Adams, Cheshire, Berkshire, Lanesboro, Pittsfield, and Hancock, Mass., and Albany, N.Y. (4) Between Williamstown, South Williamstown, New Ashford, Lanesboro, Pittsfield, and Hancock, Mass., and Albany, N.Y. (5) Between Williamstown, North Adams, Adams, Cheshire, Berkshire, Lanesboro, Pittsfield, Lenox, Lee, Becket, and Chester, Mass., and Boston, Mass. (6) Between Williamstown, North Adams, Adams, Cheshire, Berkshire, Lanesboro, Pittsfield, Lee, Lenox, Becket, and Chester, Mass., and Bradley Field (Windsor Locks), Conn. (7) Between North Adams and Williamstown, Mass., and Newark and Teterboro, N.J.

NOTE: Common control may be involved.

HEARING: October 12, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Donald R. Sutherland.

No. MC 123748, filed May 8, 1961. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGee, Jr. and James R. McIntosh, 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *air freight*, in the same vehicle with passengers, having an immediately prior or immediately subsequent movement by air, between New Haven and Fairfield, Conn., on the one hand, and, on the other, LaGuardia and New York International Airports, New York, N.Y.; from New Haven, Conn., over city streets to U.S. Interstate Highway 95 (also called the Connecticut Turnpike), thence over U.S. Interstate Highway 95 to Exit No. 32 to Stratford, Conn., thence over Stratford city streets to U.S. Interstate Highway 95, Entrance No. 32, thence over U.S. Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets to U.S. Interstate Highway 95, thence over U.S. Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to the New York City line, thence over New York City streets, boulevards, expressways and avenues, and Whitestone Bridge, Throggs Neck Bridge or Triborough Bridge to LaGuardia Airport and New York International Airport, and return over the same route, serving the intermediate point of Stratford, Conn.

NOTE: Applicant, as an individual, has a Certificate in MC 119432 authorizing the transportation of "passengers and their baggage in the same vehicle with passengers, having an immediately prior or immediately subsequent movement by air" between the above-described points. This application in the name of the Corporation adds "air freight" to the above operation, and adds the intermediate point of Stratford, Conn. to be served by applicant. Applicant has pending in MC-FC-64313 an application for transfer of its individual operating rights currently held by Edward DiLauro, Jr., doing business as Connecticut Limousine Service, in MC 119432, to Connecticut Limousine Service, Inc.

HEARING: October 9, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Donald R. Sutherland.

No. MC 123748 (Sub No. 1), filed May 8, 1961. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 156 Humphrey Street, New Haven, Conn. Applicant's attorney: Palmer S. McGee, Jr. and James R. McIntosh, 750 Main Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *air freight*, in the same vehicle with passengers, having an immediately prior or immediately subsequent movement by air, (1) Between Waterbury, Conn. and LaGuardia and New York International Airports, New York, N.Y.; from Waterbury over city streets to Connecticut Highway 8, thence over Connecticut Highway 8 to Bridgeport, Conn.,

thence over Bridgeport city streets to Stratford, Conn., thence over Stratford city streets to U.S. Interstate Highway 95, thence over U.S. Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets and U.S. Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to the New York City line, thence over New York City streets, boulevards, expressways and avenues, and Whitestone Bridge, Throggs Neck Bridge or Triborough Bridge, to LaGuardia and New York International Airports, and return over the same route, serving the intermediate points of Seymour, Derby, Bridgeport, Stratford, and Naugatuck, Conn. (2) Between Waterbury, Conn. and Newark Airport, Newark, N.J.; from Waterbury over city streets to Connecticut Highway 8, thence over Connecticut Highway 8 to Bridgeport, Conn., thence over Bridgeport city streets to Stratford, Conn., thence over Stratford city streets to U.S. Interstate Highway 95, thence over U.S. Interstate Highway 95 to Fairfield, Conn., thence over Fairfield city streets and U.S. Interstate Highway 95 to the Connecticut-New York State line, thence over the New England Thruway to the New York City line, thence over New York City streets, boulevards, expressways and avenues, and George Washington Bridge to the New Jersey State line, thence over U.S. Highways 1, 9, and 46 to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark Airport, and return over the same route, serving the intermediate points of Seymour, Derby, Bridgeport, Stratford, and Naugatuck, Conn. (3) Between Shelton, Conn. and Stratford, Conn.; from Shelton over Connecticut Highway 110 to U.S. Interstate Highway 95 (also called the Connecticut Turnpike) at Stratford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with (1) and (2) above.

NOTE: (1) Applicant states it proposes to transfer passengers and air freight destined for LaGuardia Airport to another vehicle (engaged in applicant's presently authorized operations between New Haven, Conn. and LaGuardia and New York International Airports) at Fairfield, Conn. and continue directly to New York International Airport with passengers and air freight destined for that point; passengers and air freight from LaGuardia Airport to Waterbury and intermediate points would be similarly transferred at Fairfield to another vehicle for the remainder of the trip to Waterbury and intermediate points. (2) Applicant has pending in MC-FC-64313 an application for transfer of its individual operating rights currently held by Edward DiLauro, Jr., doing business as Connecticut Limousine Service, in MC119432, to Connecticut Limousine Service, Inc.

HEARING: October 9, 1961, at the Bond Hotel, Hartford, Conn., before Joint Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Donald R. Sutherland.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12602 (Sub No. 2), filed June 22, 1961. Applicant: FRANCIS T. MALONEY AND M. KATHLEEN MALONEY, doing business as MALONEY & O'CONNOR TRAVEL BUREAU, 18 West Falls Street, Niagara Falls, N.Y. Applicant's attorney: S. Harrison Kahn, 1110–14 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at points in Erie County, N.Y., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, both as individuals and groups, in round-trip special and charter all-expense conducted tours, between points in the United States.

HEARING: October 10, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 111), filed July 10, 1961. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Applicant's attorney: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, in tank vehicles, from points in Ector, Crane, Hockley, and Franklin Counties, Tex., to points in San Juan County, Utah.

No. MC 3009 (Sub-No. 41), filed July 14, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) Between Enterprise, Miss., and Bay Springs, Miss.; from Enterprise over Mississippi Highways 513 and 18 to Bay Springs, and return over the same route, serving all intermediate points. (2) Between Bay Springs, Miss., and junction of Mississippi Highway 528 and U.S. Highway 11 near Heidelberg, Miss.; from Bay Springs over Mississippi Highway 528 to junction of Mississippi Highway 528 and U.S. Highway 11 near Heidelberg, and return over the same route, serving all intermediate points, and (3) Serving the intermediate points of Enterprise, Pachuta, Vossburg, Stafford Springs, and Sandersville, Miss., in connection with applicant's authorized regular-route operations between Meridian, Miss., and New Orleans, La., over U.S. Highway 11.

No. MC 13900 (Sub-No. 13), filed July 11, 1961. Applicant MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, as defined in section 402(a)(5) of the Interstate Commerce Act, serving Richmond, Ind., solely for the purpose of using the railroad loading facilities of the Pennsylvania Railroad in the transportation of traffic tendered by freight forwarders originating at Dayton and Springfield, Ohio, and which traffic applicant may now transport through Richmond, Ind.

NOTE: Applicant requests that the above be restricted to the transportation of traffic which has moved or will move in applicant's trailers on railroad flat cars, and states that a very substantial portion of the traffic is moving in what is known as Plan 1 piggyback service on railroad flat cars.

No. MC 29910 (Sub-No. 54), filed July 17, 1961. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Building, P.O. Box 297, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except loose bulk commodities, livestock, Classes A and B explosives, currency, bullion, articles of virtu, commodities which exceed ordinary equipment and loading facilities, and those injurious or contaminating to other lading), (1) between Dayton, Ohio and Cleveland, Ohio; from Dayton over Ohio Highway 4 to junction U.S. Highway 36 at Marysville, Ohio, thence over U.S. Highway 36 to junction Interstate Highway 71 near Berkshire, Ohio, thence over Interstate Highway 71 to junction Ohio Highway 18 near Windfall, Ohio thence over Ohio highway 18 to junction Ohio Highway 94, thence over Ohio Highway 94 to junction Ohio Highway 3, thence over Ohio Highway 3 to Cleveland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) between Dayton, Ohio and Akron, Ohio; from Dayton over Ohio Highway 4 to junction Ohio Highway 36 at Marysville, Ohio, thence over U.S. Highway 36 to junction Interstate Highway 71 near Berkshire, Ohio, thence over Interstate Highway 71 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

No. MC 30887 (Sub-No. 111), filed July 13, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, in bulk, in tank vehicles, from Detroit, Mich. to Baltimore, Md.

No. MC 44447 (Sub-No. 18), filed July 18, 1961. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 340 LeVeque-Lincoln Tower, Fifty West Broad Street, Columbus 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), over the following alternate routes, for operating convenience only in connection with authorized regular-route operations, including operations between Detroit, Mich. and Wheeling, W. Va., through Columbus and Newark, Ohio: (1) between the Junction of Ohio Highways 31 and 347 (near Broadway, Ohio) and Granville, Ohio; from the junction of Ohio Highways 31 and 347 over Ohio Highway 347 to its junction with Ohio Highway 37, thence over Ohio Highway 37 to Granville, and return over the same route, and (2) between Dublin and Granville, Ohio; from Dublin over Ohio Highway 161 to Granville, and return over the same route.

NOTE: Common control may be involved.

No. MC 66562 (Sub-No. 1827), filed July 10, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, moving in express service, between Greenville, S.C., and Pomaria, S.C., from Greenville over South Carolina Highway 5 to junction South Carolina Highway 20, thence over South Carolina Highway 20 to Belton, S.C., thence over U.S. Highway 178 to Greenwood, S.C., thence over South Carolina Highway 34 to junction South Carolina Highway 219, thence over South Carolina Highway 219 to junction U.S. Highway 176, thence over U.S. Highway 176 to Pomaria, and return over the same route, serving the intermediate points of Piedmont, Pelzer, Williamston, Belton, Honea Path, Donalds, Hodges, Greenwood, Ninety Six, Chappells, and Newberry, S.C., and the off-route point of Ware Shoals, S.C. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 66562 (Sub-No. 1828), filed July 12, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Principal Office: 219 East 42d Street, New York 17, N.Y. Local Office: 214 East Fourth Street, St. Paul 1, Minn. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 118 Randolph Tower, Chicago 1, Ill. Applicant's representative: R. R. Tulloch, Room 209, Union Depot, 214 East Fourth Street, St. Paul 1, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Little Falls, Minn., and Morris, Minn., (a) from Little Falls over Minnesota Highway 28 to Glenwood; (b) from Lowry, Minn., over Minnesota Highway 114 to Starbuck, Minn.; and (c) from Starbuck over Minnesota Highway 28 to Morris, and return over the above routes, serving the intermediate and off-route points of Swanville, Grey Eagle, Willard, Starbuck, and Cyrus, Minn., and (2) between Glenwood, Minn., and Starbuck, Minn., over Minnesota Highway 28, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. RESTRICTIONS: (a) The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of air or Railway Express service; (b) Shipments to be transported shall be limited to those moving on through bills of lading or express receipts; and (c) Such further restrictions as the Commission in the future may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to or supplemental of air or Railway Express service.

No. MC 66562 (Sub-No. 1829), filed July 18, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, 1220 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Orangeburg, S.C., and Holly Hill, S.C., as follows: (1) from Orangeburg over South Carolina Highway 33 to junction South Carolina Highway 6, thence over South Carolina Highway 6 to Eutawville, S.C., thence over South Carolina Highway 453 to Holly Hill and return over the same route, serving the intermediate points of Cameron, Elloree, and Eutawville, S.C.; and (2) from Orangeburg over U.S. Highway 301 to junction U.S. Highway 176, thence over U.S. Highway 176 to Holly Hill, and return over the same route, serving no intermediate points. RESTRICTIONS: (1) The service to be performed by applicant shall be limited to service which is auxiliary or supplemental to air or rail service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by rail or air. (3) Such further specific conditions as the Commission in the future may find necessary to impose in order to restrict applicant's operations to service which is auxiliary or supplemental to air or rail express service of applicant.

No. MC 112750 (Sub-No. 65), filed July 12, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House—1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents and written instruments* (except coin, currency and negotiable securities), as are ordinarily used in the business of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, (a) between Boston, Mass., on the one hand, and, on the other, points in Penobscot County, Maine (except to the extent presently authorized in No. MC 112750 Sub-No. 38), (b) between points in Providence County, R.I., on the one hand, and, on the other, points in Bristol County, Mass., (c) between points in Worcester County, Mass., on the one hand, and, on the other, points in Windham County, Conn.; and (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between Boston, Mass., on the one hand, and, on the other, Orono and Old Town, Maine, and points in that part of Maine on and south of a line beginning at the New Hampshire-Maine State Line and extending along U.S. Highway 2 to Bangor, Maine, thence along alternate U.S. Highway 1 to Ellsworth, Maine.

No. MC 113833 (Sub-No. 6), filed July 19, 1961. Applicant: SCHWERMAN TRUCKING CO. OF INDIANA, INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in packages, from points in Greencastle Township, Putnam County, Ind., to Waukegan, Ill., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

NOTE: Applicant states the proposed operations will be for the account of the Lone Star Cement Corporation.

No. MC 114493 (Sub-No. 2), filed July 17, 1961. Applicant: NEW HOPE MOTOR SERVICE, INC., P.O. Box 446, New Hope, Pa. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and stone*, from New Hope, Pa., to Lakehurst, N.J.

No. MC 118330 (Sub-No. 2), filed July 11, 1961. Applicant: G. B. INVESTMENT, INC., 356 Terminal Building, Phoenix, Ariz. Applicant's attorney: S. W. Langmade, 34 West Monroe, Phoenix, Ariz. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen ice cream, ice milk and imitation ice cream*, from Los Angeles, Calif., to Phoenix, Ariz., and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 119388 (Sub-No. 6), filed July 17, 1961. Applicant: GLEN R. ELLIS,

3502 Divine Avenue, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poultry*, dressed, fresh, frozen, iced, picked, stuffed, frozen, and eviscerated, and (2) *Eggs*, natural, and albumen (fresh and liquid), dried, frozen, liquid (whole and separated), oiled, powdered, shelled, yolks (dried, fresh, liquid), (a) from Chattanooga, Tenn., and Atlanta, and Gainesville, Ga., to Louisville, Ky., Evansville and Terre Haute, Ind., Cincinnati, Ohio, and Chicago, Ill., and (b) from Chattanooga, Tenn., and Atlanta, Ga., to points in Georgia and Florida.

NOTE: Applicant states the above commodities or any of them to move in the same vehicle at the same time with other authorized commodities of applicant as shown in Certificate MC 119388 and Sub 2 and 3 thereof in the above territory embraced in said certificates.

No. MC 123815, filed July 17, 1961. Applicant: TILDEN J. KOPP, doing business as TED'S QUALITY TOWING SERVICE, 1124 Harford Avenue, Baltimore 2, Md. Applicant's attorney: John W. Hessian, III, Campbell Building, Towson 4, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and trailers, replacement vehicles for wrecked and disabled vehicles*, in towaway service, (1) Between points within twenty (20) miles of Baltimore, Md., including Baltimore, Md. and (2) between Baltimore, Md., and points within twenty (20) miles of Baltimore, Md., on the one hand, and, on the other, points in Maryland, District of Columbia, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey and New York within two hundred fifty (250) miles of Baltimore, Md.

MOTOR CARRIERS OF PASSENGERS

No. MC 96159 (Sub-No. 1), filed July 17, 1961. Applicant: GORDON E. HIEBERT, 222 Access Road, Herlong, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Lassen County, Calif., and extending to points in Washoe, Lyon, Ormsby, Douglas, Storey, Pershing, and Churchill Counties, Nev.

No. MC 123718 (Sub-No. 2), filed July 10, 1961. Applicant: C. MONETTE & FILS, LIMITEE, 150 Principale, Delson, Quebec, Canada. Applicant's attorney: Louis H. Kurrelmeyer, 320 Park Avenue, New York 22, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the International Boundary line between the United States and Canada, located in New York, Vermont, New Hampshire, and Maine, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Illinois, and the District of Columbia.

NOTE: Applicant requests that the above be restricted to charter parties originating and ending in the Province of Quebec.

NOTICE OF FILING OF PETITION

No. MC 30319 (Sub-No. 3), (PETITION FOR REOPENING AND RECONSIDERATION FOR THE PURPOSE OF MODIFYING RESTRICTIONS AT CHAPPELL HILL, TEXAS), dated July 12, 1961. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Houston, Tex. Petitioner's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Certificate issued February 9, 1940, in No. MC 30319 (Sub-No. 3), and also in Consolidated Certificate dated February 13, 1956, in No. MC 30319, petitioner is authorized to conduct operations between Houston and Austin, Tex., over U.S. Highway 290. The subject petition seeks modification of two restrictions in its operating rights as such restrictions apply at Chappell Hill, Texas. The restrictions here at issue appear on revised sheet 6 of the Consolidated Certificate in MC 30319, effective November 3, 1960. Petitioner seeks modification of two of the restrictions so as to read: "1. The service to be performed shall be limited to that which is auxiliary to or supplemental of rail service of Texas and New Orleans Railroad Company, hereinafter called the Railroad, except at Sublime, Hallettsville, and Chappell Hill, Texas. "2. The carrier shall not render any service to or from any point not a station on the line of the railroad except Cold Spring, Texas, and except the site of the Southern Production Company near Pledger, Texas, and the site of the Freeport Sulphur Plant near Damon, Texas, and except Sublime, Hallettsville, and Chappell Hill, Texas." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition, or other appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7921. Authority sought for purchase by THE JAMES GIBBONS COMPANY, Sutton Ave., Relay, Baltimore 27, Md., of the operating rights and certain property of AUBREY J. STEM, JR., an individual, doing business as STEM MOTOR LINES, R.F.D. #6, Westminster, Md., and for acquisition by JAMES P. GIBBONS, JR., 6307 Blackburn Ct., Baltimore 12, Md., PAUL A. GIBBONS, 4820 Roland Ave., Baltimore 10, Md., MARY JO GIBBONS AMER and JOHN F. AMER, both of Tally Ho Road, Lutherville, Md., of control of such rights and property through the purchase. Applicants' attorneys: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C., and Spencer T. Money, Mills Building, Washington 6, D.C. Operating rights sought to be transferred: *Canned goods*, as a *common carrier* over irregular routes, from Mount Airy and Sykesville, Md., to Baltimore and Cumberland, Md., Washington, D.C., New York, N.Y., Wilmington, Del., Philadelphia, Scranton, Sunbury, Wilkes-Barre, Johnstown, Harrisburg, Altoona, Pottsville, Pittsburgh, and Uniontown, Pa., and Alexandria, Petersburg, Richmond, and Staunton, Va., *glass jars and bottles*, from Connellsville, Pa., to Sykesville, Md., *petroleum products* in containers, automobile soap, insecticides, alcohol, anti-freeze solutions, benzol, dye, empty petroleum product containers, grease guns, gasoline pumping equipment and such other commodities as used by Oil Companies in the conduct of such business, between Baltimore, Md., on one hand, and, on the other, certain points in Ohio, West Virginia, New Jersey, Maryland, Virginia and Pennsylvania; *soapstone, talc, quartz, and olivine*, in bags and in bulk from Marriottsville, Md., and points within two miles thereof, to Cleveland, Ohio, Philadelphia, York, and Pittsburgh, Pa., Edge Moor, Del., Edgewater, Jersey City, Perth Amboy, South Kearney, and Genasco, N.J., and New York, and Niagara Falls, N.Y., and *rejected shipments* of the above-specified commodities and *empty bags* from the above-specified destination points to the above-specified origin points; *ground limestone*, in bulk, from Texas, Md., and points within five miles thereof, to points in Delaware, Maryland and Virginia; *ground limestone and agricultural lime*, in bulk and in bags, from New London, Md., and points within five miles thereof, to the destination points set forth above, *agricultural lime*, in bulk and in bags, from Woodsboro, Md., and points within five miles thereof to the destination points set forth above; *fertilizer*, in bulk, from Baltimore, Md., to points in Pennsylvania, New Jersey, Delaware, Maryland, Virginia and West Virginia within 150 miles of Baltimore; *milk and milk products* in bulk, in tank trucks, from Arkport, Candor, and Cadosia, N.Y., and Grover and Somerset, Pa., to Baltimore, Md., from Arkport, N.Y., and Neenah, Wis., to Westminster, Md., and from Baltimore and Westminster, Md., to Richmond, Va.; *wooden pallets, wooden skids, wooden reels, wooden cradles, wooden boxes* (assembled and unassembled), *wooden checks, wooden window frames and lawn furniture*, from Sykesville, Md., to Philadelphia, Pa., Trenton, N.J., and New York, N.Y. and points within 25 miles of each destination point; and *terra cotta pipe and flue liners*, from Dennison and Uhrichsville, Ohio, to Harrisburg, Pa., Baltimore, Md., and Washington, D.C., points in Pennsylvania within 50 miles of Harrisburg, points in Maryland, Delaware, and Pennsylvania within 50 miles of Baltimore, except those in Pennsylvania within 50 miles of Harrisburg, and points in Maryland, Virginia and West Virginia within 50 miles of Washington, except those in Maryland within 50 miles of Baltimore. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Virginia, New Jersey, New York, Pennsylvania, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7922. Authority sought for purchase by HELM'S EXPRESS, INC., P.O. Box 268, Pittsburgh 30, Pa., of the operating rights and property of CLINTON TRANSPORTATION CORP., 516 West 43rd St., New York 36, N.Y., and for acquisition by HARRY M. WERKSMAN, P.O. Box 268, Pittsburgh 30, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Samuel P. Delisi and John A. Vuono, 1515 Park Bldg., Pittsburgh 22, Pa., and Morris B. Kessler, 276 Fifth Avenue, New York, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between New York, N.Y., and Boston, Mass., serving the intermediate and off-route points of Fitchburg, Lawrence, Lowell, Springfield, and Worcester, Mass., and those within 10 miles of Worcester and those within 10 miles of Springfield, restricted to northbound traffic only; and those within 15 miles of State House, Boston, and those within 25 miles of Columbus Circle, N.Y., without restriction, and serving the intermediate and off-route points of Providence, R.I., and those within 15 miles of Providence, those within 15 miles of New Bedford, and those within 15 miles of Brockton, Mass., restricted to delivery only on northbound traffic; and those within 15 miles of State House, Boston, and those within 25 miles of Columbus Circle, N.Y., without restriction. Vendee is authorized to operate as a *common carrier* in New York, Ohio, Pennsylvania, West Virginia, Connecticut, Massachusetts, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7923. Authority sought for purchase by MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis St., St. Paul 14, Minn., of a portion of the operating rights and property of MONSON DRAY LINE, INC., 100 Warren Ave., Zumbrota, Minn., and for acquisition by E. L. MURPHY, JR., 965 Eustis Street, St. Paul 14, Minn., and STANLEY L. WASIE, 498 South Ferndale, Wayzetta, Minn., of control of such rights and property through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Rochester, Minn., and Minneapolis, Minn., between Faribault, Minn., and Thielman, Minn., between Zumbrota, Minn., and Red Wing, Minn., between St. Paul, Minn., and Red Wing, Minn., and between Minneapolis, Minn., and junction Minnesota Highway 56 and U.S. Highway 14, serving certain intermediate and off-route points on the above-described routes; and over various alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7925. Authority sought for control by JONES MOTOR CO., INC., Bridge Street, and Schuylkill Rd., Spring City, Pa., of MUNDY MOTOR LINES, P.O. Box 331, Roanoke, Va., and for acquisition by WILLIAM S. JONES and CLIFFORD M. JONES, both of R. D. 2, Phoenixville, Pa., R. C. JONES, JR., 1304 Monroe Street, Wyomissing, Pa., H. ELLIS JONES, 440 Highland Road, Pottstown, Pa., H. A. HERSHEY, 751 Spruce Street, Royersford, Pa., and ALVIN JONES, 3053 Tremont Street, Allentown, Pa., of control of MUNDY MOTOR LINES, through acquisition of JONES MOTOR CO., INC. Applicants' attorneys and representative respectively: Rice, Carpenter & Carraway, Suite 618, Perpetual Bldg., 1111 E Street NW., Washington 4, D.C., and H. A. Hershey, Vice President, Jones Motor Co., Inc., Spring City, Pa. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Roanoke, Va., and New York, N.Y., serving the intermediate points of Curtis Bay, Md., Wilmington and Claymont, Del., Allentown, Pa., and Carneys Point, Paulsboro, Trenton, Burlington, Elizabeth and Newark, N.J.; those in the New York, N.Y. COMMERCIAL ZONE, restricted to delivery only northbound, and pick-up only southbound; Charlottesville, Lynchburg, and Winchester, Va., those between Roanoke and Winchester; those between Roanoke and Lynchburg; and those on U.S. Highway 29 between junction Virginia Highway 151 and U.S. Highway 29 and Junction Virginia Highway 158 and U.S. Highway 29, without restriction, and the off-route points of New Brunswick and Paterson, N.J., Sparrows Point, Md., and those in the New York, N.Y., COMMERCIAL ZONE, restricted to delivery only northbound and pick-up only southbound; certain points in Virginia without restriction, and certain points in connection with carrier's regular route operations; between Roanoke, Va., and Charlotte, N.C., between High Point, N.C., and Roanoke, Va., between Roanoke, Va., and Bristol, Tenn., between Roanoke, Va., and Covington, Va., between Lynchburg, Va., and South Boston, Va., and between Lynchburg, Va., and Staunton, Va., serving certain intermediate and off-route points on the above-described routes, and over various alternate regular routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between Roanoke, Va., on the one hand, and, on the other certain points in South Carolina, New Jersey, Maryland and Pennsylvania, traversing the District of Columbia for operating convenience only, between Roanoke, Va., on the one hand, and, on the other, Norfolk, Va., and points in that vicinity of Virginia, between points in North Carolina, on the one hand, and, on the other, certain points in Virginia, and between High Point, N.C., and points within 50 miles thereof, on the one hand, and, on the other, certain points in Virginia, *rayon fibre* and *rayon yarn*, from Roanoke, Va., to Johnson City, Tenn., *empty rayon containers*, from Johnson City, Tenn., to Roanoke, Va., and *textile products, textile machinery*, and *empty textile material containers*, between Roanoke, Va., on the one hand, and, on the other, Martinsburg and Parkersburg, W. Va. JONES MOTOR CO., INC., is authorized to operate as a *common carrier* in New Jersey, New York, Pennsylvania, Maryland, Ohio, Michigan, Indiana, Illinois, West Virginia, Massachusetts, Rhode Island, Connecticut, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6990; Filed, July 25, 1961; 8:48 a.m.]

[Notice 523]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64090. By order of July 20, 1961, The Transfer Board approved the transfer to Max Whitehead, doing business as Quick Transfer & Storage, Carthage, Mo., of Certificates Nos. MC 2223, MC 2223 Sub 3, and MC 2223 Sub 4, issued October 31, 1944, November 17, 1947, and November 14, 1947, respectively, to Bert Meese, Carthage, Mo., authorizing the transportation of: Household goods, between Carthage, Mo., on the one hand, and, on the other, points in Kansas; and, between Carthage, Mo., and points in Missouri within 75 miles of Carthage, on the one hand, and, on the other, points in Oklahoma and Arkansas; and Brick and tile from specified points in Kansas to Carthage, Mo. Joseph R. Nacy, P.O. Box 352, Jefferson City, Mo., Attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-6991; Filed, July 25, 1961; 8:48 a.m.]

[Drought Order 59]

DROUGHT DISASTER AREA

Reduced Rates

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Rupert L. Murphy, Vice Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that by reason of prolonged drouth conditions existing in the disaster area described in the appendix attached hereto, the Secretary of the Department of Agriculture has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to such disaster area at reduced rates.

It is ordered, That carriers by railroad participating in the transportation of livestock feed and hay to the disaster area described in the appendix set forth below, be and they are hereby authorized under section 22 of the Interstate Commerce Act to establish and maintain until September 18, 1961 reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act, except that they may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

It is further ordered, That, during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this twentieth day of July 1961.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX TO DROUGHT ORDER No. 59

The disaster area covered by this order shall include the following counties:

IDAHO: 2 counties, viz: Bear Lake, Franklin.

MICHIGAN: 13 counties, viz: Alger, Baraga, Chippewa, Gogebic, Houghton, Iron, Luce, Mackinac, Manistee, Marquette, Menominee, Ontonagon, Schoolcraft.

MINNESOTA: 38 counties, viz: Aitkin, Becker, Beltrami, Benton, Carlton, Cass, Clay, Clearwater, Crow Wing, Douglas, Grant, Hubbard, Itasca, Kanabec, Kandiyohi, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Mille Lacs, Morrison, Norman, Otter Tail, Pennington, Pine, Polk, Pope, Red Lake, Roseau, St. Louis, Sherburne, Stearns, Stevens, Swift, Todd, Wadena, Wilkin.

MONTANA: 20 counties, viz: Blaine, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, Wibaux, Yellowstone.

NEVADA: 11 counties, viz: Churchill, Clark, Elko, Eureka, Lander, Lincoln, Nye, Pershing, Storey, Washoe, White Pine.

NORTH DAKOTA: All Counties.

SOUTH DAKOTA: 20 counties, viz: Brown, Butte, Campbell, Corson, Custer, Dewey, Edmunds, Fall River, Haakon, Harding, Lawrence, McPherson, Marshall, Meade, Pennington, Perkins, Potter, Sully, Walworth, Ziebach.

WISCONSIN: 11 counties, viz: Ashland, Bayfield, Burnett, Douglas, Florence, Iron, Price, Rusk, Sawyer, Taylor, Washara.

WYOMING: 3 counties, viz: Crook, Niobrara, Weston.

[F.R. Doc. 61-6992; Filed, July 25, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3978]

KINGSPORT UTILITIES, INC.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

JULY 19, 1961.

Notice is hereby given that Kingsport Utilities, Incorporated ("Kingsport"), Roanoke, Va., a public-utility subsidary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Kingsport proposes to issue, sell and renew up to $1,600,000 of its short-term unsecured notes, from time to time prior to December 31, 1962. The declaration requests approval for the issuance and sale of only $1,200,000 face amount of such notes, as the balance of $400,000 face amount qualifies under the exemptive provision of section 6(b) of the Act.

A line of credit in the amounts shown has been established with the following banks:

Manufacturers Trust Company, New York, N.Y.	$1,100,000
Morgan Guaranty Trust Company of New York, New York, N.Y.	500,000
	$1,600,000

The notes will be dated in each case as of the date of issuance, will mature not more than 270 days after issuance; will bear interest at the prime rate effective in New York as of the date of issuance (presently 4½%) and will be payable from time to time, in whole or in part, without premium.

As of June 30, 1961, Kingsport has outstanding $1,000,000 face amount of nine-months unsecured notes consisting of $400,000 face amount issued pursuant to the exemptive provision of section 6(b) and $600,000 face amount authorized by Commission Order dated December 28, 1959 with the right of renewal to December 31, 1960 (Holding Company Act Release No. 14127). Approval is requested for the issue, sale and renewal of new notes from time to time prior to December 31, 1962, in an amount not to exceed $600,000 and for the renewal, from time to time prior to December 31, 1962, of any or all of the old notes in an amount not to exceed $600,000.

The proceeds from the issuance and sale of the notes will be used to finance in part the construction programs for 1961 and 1962 estimated at $1,200,000 and $600,000, respectively. It is estimated that cash generated internally will be sufficient to pay the balance of the costs of the construction program through the first half of 1962.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is further stated that no legal or other fees, commissions or expenses are expected to be paid or incurred by Kingsport or any associate company as a result of the proposed transactions.

Notice is further given that any interested person may, not later than August 7, 1961, request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] OVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-6977; Filed, July 25, 1961; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 344]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Tarrant County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from a flood and accompanying conditions occurring on or about June 24 and 25, 1961.

Office—
Small Business Administration Regional Office,
Fidelity Building,
1000 Main Street, Dallas 2, Tex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1962.

Dated: July 12, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-7088; Filed, July 25, 1961; 12:08 p.m.]

[Declaration of Disaster Area 345]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Madera County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from fire and accompanying conditions occurring on or about July 11, 1961.

Office—
Small Business Administration Regional Office,
525 Market Street,
San Francisco 5, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1962.

Dated: July 18, 1961.

JOHN E. HORNE, *Administrator.*

[F.R. Doc. 61-7089; Filed, July 25, 1961; 12:06 p.m.]

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JUL 31 1961
MAIN READING ROOM

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Title 3—THE PRESIDENT

Memorandum of July 25, 1961

[CONCERNING THE COMMONWEALTH OF PUERTO RICO]

Memorandum for the Heads of the Executive Departments and Agencies

THE WHITE HOUSE,
Washington, July 25, 1961.

Because of the importance and significance of Puerto Rico in the relations of the United States with Latin America and other nations, it is essential that the executive departments and agencies be completely aware of the unique position of the Commonwealth, and that policies, actions, reports on legislation, and other activities affecting the Commonwealth should be consistent with the structure and basic principles of the Commonwealth.

On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its constitution. This proclamation was the culmination of a series of legislative and electoral steps which began with the passage of Public Law 600, 81st Congress, 64 Stat. 319 (1950). Public Law 600 made provision for the organization of a constitutional government by the people of Puerto Rico. In a referendum, held on June 4, 1951, the proposals of this law received the overwhelming approval of the people of Puerto Rico.

Following approval, a Puerto Rican constitutional convention drafted a constitution, which was approved by a referendum held on March 3, 1952. The Congress in turn approved this constitution. Public Law 447, 82d Congress, 66 Stat. 327 (1952).

The Commonwealth structure, and its relationship to the United States which is in the nature of a compact, provide for self-government in respect of internal affairs and administration, subject only to the applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act, and the acts of Congress authorizing and approving the constitution.

On November 27, 1953, the General Assembly of the United Nations recognized that the people of the Commonwealth of Puerto Rico, exercising effectively the right of self-determination in a free and democratic way, had achieved a new constitutional status and that, in view of this new status, it was appropriate that the United States should cease the transmission of information with regard to Puerto Rico under Article 73(e) of the Charter. U.N. Gen. Ass. Res. 748 (VIII) (1953).

All departments, agencies, and officials of the executive branch of the Government should faithfully and carefully observe and respect this arrangement in relation to all matters affecting the Commonwealth of Puerto Rico. If any matters arise involving the fundamentals of this arrangement, they should be referred to the Office of the President.

The legislative steps which have led to the achievement by Puerto Rico of Commonwealth status have made inapplicable the provisions of Executive Order No. 6726 of May 29, 1934, insofar as they pertain to or are connected with the administration of the Government of Puerto Rico. This order no longer applies to Puerto Rico.

This memorandum shall be published in the FEDERAL REGISTER.

JOHN F. KENNEDY

[F.R. Doc. 61–7103; Filed, July 25, 1961; 4:05 p.m.]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 27—IMPORTED PRODUCTS

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importations of Pork and Pork Products Because of African Swine Fever

On May 30, 1961, there was published in the FEDERAL REGISTER (26 F.R. 4743) a notice of proposed restrictions on the importation of pork and pork products because of African swine fever. After due consideration of all relevant material submitted in connection with such notice, and pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), Parts 27 and 94 of Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. The headnote to Part 94 is amended to read as set forth above.

2. A new § 94.8 is added to Part 94 to read:

§ 94.8 Pork and pork products from countries where African swine fever exists.

African swine fever is potentially the most dangerous and destructive of all communicable swine diseases. The causative virus is highly virulent and may be present in pork and pork products originating in countries where the disease exists. The only known practical method of destroying the contagion of the disease in pork or pork products is by heat treatment. In view of these circumstances and in order to preyent the introduction and dissemination of the contagion of African swine fever, the regulations in this section are promulgated with respect to the importation of pork and pork products from the following countries where the disease exists:

All countries of Africa.
Portugal.
Spain.

(a) Pork or pork products will not be permitted entry into the United States from any country where African swine fever exists unless:

(1) Such pork or pork products have been sterilized by heat in hermetically sealed containers; or

(2) Such pork or pork products have been processed by heat to such extent that, upon inspection incident to entry into the United States, the meat has a thoroughly cooked appearance throughout; and when so directed by the Director of the Animal Inspection and Quarantine Division, such pork or pork products are consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection approved by the Director for further processing such pork or pork products by heat.

(b) Pork or pork products consigned from the port of entry to an approved establishment under the provisions of subparagraph (2) of paragraph (a) of this section shall be moved from the port of entry to the approved establishment under Customs seals or seals of the Animal Inspection and Quarantine Division and shall be otherwise handled as the Director of the Division may direct in order to guard against the introduction and dissemination of the contagion of African swine fever. Seals applied under this section shall not be broken except by persons authorized to do so by the Director of the Division.

(c) Pork or pork products imported into the United States from a country where African swine fever exists which do not meet the requirements specified in this section shall be seized, quarantined, and disposed of as the Director of the Animal Inspection and Quarantine Division may direct in order to guard against the introduction and dissemination of the contagion of the disease.

§ 27.2 [Amendment]

3. Section 27.2(b) of Part 27 is amended by deleting the phrase "from countries in which the contagious and communicable disease of rinderpest or of foot-and-mouth disease exists" and substituting therefor the phrase "from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists".

The foregoing amendments shall become effective on September 1, 1961.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111)

Done at Washington, D.C., this 21st day of July 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-7057; Filed, July 26, 1961; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8282 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Robert M. Bent Co., Inc.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–90 *Wool Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Robert M. Bent Co., Inc., Boston, Mass., Docket 8282, June 13, 1961]

Consent order requiring a Boston, Mass., manufacturer to cease violating the Wool Products Labeling Act by labeling and invoicing as "85% cashmere, 15% wool", woolen stocks which contained a substantial quantity of other fibers than cashmere and wool, and by failing to label certain wool products as required.

The order to cease and desist is as follows:

It is ordered, That respondent Robert M. Bent Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction in commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act, of wool fibers or other wool products, as such products are defined in and subject to said Wool Products Labeling Act do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondent Robert M. Bent Co., Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of wool fibers or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly: Misrepresenting in sales invoices, shipping memoranda, or in any other manner, the fiber content of said products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7035; Filed, July 26, 1961; 8:48 a.m.]

[Docket 8082 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Container Stapling Corp., and Blanche Schafroth

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* § 13.670–10 *Clayton Act, Sec. 3;* § 13.670–20 *Federal Trade Commission Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 3, 38 Stat. 731; 15 U.S.C. 45, 14) [Cease and desist order, Container Stapling Corporation et al., Herrin, Ill., Docket 8082, June 13, 1961]

In the Matter of Container Stapling Corporation, a Corporation, and Dr. Blanche Schafroth, Individually and as an Officer of Said Corporation

Consent order requiring one of the nation's largest manufacturers of carton closing staples, stapling machines, parts, and accessories, to cease selling its products on the condition that purchasers not use or deal in similar products sold by its competitors, and that purchasers of its staplers and parts buy its staples for use therein.

The order to cease and desist is as follows:

It is ordered, That Container Stapling Corporation, a corporation, and its officers, directors, agents, representatives and employees, and Dr. Blanche Schafroth, as an officer of corporate respondent, directly or indirectly, or through any corporate, partnership or other device, in connection with the offering for sale, sale or distribution of carton closing staples, stapling machines, parts or accessories, in commerce, as "commerce" is defined in the Clayton Act and in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use, deal in or distribute similar products supplied by any competitor or competitors of respondents.

2. Selling or making any contract or agreement for the sale of stapling machines, parts or accessories on the condition that the purchasers thereof will buy the carton closing staples for use, or for resale for use, in the operation of respondents' carton closing stapling machines from respondents only.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Dr. Blanche Schafroth individually only but not in her capacity as an officer of corporate respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Container Stapling Corporation, a corporation, and Dr. Blanche Schafroth, as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7036; Filed, July 26, 1961; 8:48 a.m.]

[Docket 8293 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Marcal Paper Mills, Inc.

Subpart—Discriminating in price under sec. 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Marcal Paper Mills, Inc., East Paterson, N.J., Docket 8293, June 10, 1961]

Consent order requiring a manufacturer of household paper products to cease violating section 2(d) of the Clayton Act by paying some customers advertising allowances which were not made available on proportionally equal terms to all other competing customers, such as a payment of $200 for advertising its products made to a retail grocery chain with headquarters in Jacksonville, Fla.

The order to cease and desist is as follows:

It is ordered, That respondent, Marcal Paper Mills, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of household paper products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of respondent's products, unless such payment or consideration is offered and otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 9, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7037; Filed, July 26, 1961; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Wheat (26 F.R. 3873) containing specific requirements applicable to price support operations on the 1961 wheat crop. These regulations are further supplemented as follows:

§ 421.147 Support rates.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel: Wheat produced in commercial area	Rate per bushel: Wheat produced in noncommercial area
Astoria, Oreg.	$1.99	$1.49
Portland, Oreg.	1.99	1.49
Kalama, Wash.	1.99	1.49
Longview, Wash.	1.99	1.49
Seattle, Wash.	1.99	1.49
Tacoma, Wash.	1.99	1.49
Vancouver, Wash.	1.99	1.49
Los Angeles, Calif.	2.07	1.55
Long Beach, Calif.	2.07	1.55
Oakland, Calif.	2.07	1.55
San Francisco, Calif.	2.07	1.55
Stockton, Calif.	2.07	1.55
Wilmington, Calif.	2.07	1.55
Louisville, Ky.	2.08	1.56
Memphis, Tenn.	2.08	1.56
Atchison, Kans.	2.09	1.57
Council Bluffs, Iowa	2.09	1.57
Kansas City, Kans.	2.09	1.57
Kansas City, Mo.	2.09	1.57
Saint Joseph, Mo.	2.09	1.57
Omaha, Nebr.	2.09	1.57
Sioux City, Iowa	2.09	1.57
Cairo, Ill.	2.09	1.57
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Houston, Tex.	2.28	1.71
Port Arthur, Tex.	2.28	1.71
New Orleans, La.	2.28	1.71
Baton Rouge, La.	2.28	1.71

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for grade No. 1 wheat. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (5) of § 421.143 will be made at the support rate established for the county in which the wheat is stored: *Provided, however,* That if the wheat is produced in the commercial wheat-producing area and stored outside the commercial wheat-producing area, the applicable rate shall be 133⅓ percent of the rate where stored, or if the wheat is produced in the non-commercial wheat-producing area and stored in the commercial wheat-producing area, the applicable rate shall be 75 percent of the rate where stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages or cities having the same domestic interstate freight rate, such towns, villages or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

Alabama

County	Rate per bushel
All counties	$1.92

Alaska

County	Rate per bushel
All counties	$1.65

Arizona

County	Rate per bushel	County	Rate per bushel
Apache	$1.45	Graham	$1.71
Cochise	1.76	Greenlee	1.53
Coconino	1.48	Maricopa	1.86
Gila	1.53	Mohave	1.56
Navajo	1.45	Santa Cruz	1.77
Pima	1.83	Yavapai	1.60
Pinal	1.86	Yuma	1.88

Arkansas

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.97	Lee	$1.97
Ashley	1.89	Lincoln	1.95
Baxter	1.79	Little River	1.89
Benton	1.74	Logan	1.75
Boone	1.77	Lonoke	1.97
Bradley	1.88	Madison	1.75
Calhoun	1.87	Marion	1.78
Carroll	1.75	Miller	1.90
Chicot	1.89	Mississippi	1.97
Clark	1.86	Monroe	1.97
Clay	1.97	Montgomery	1.79
Cleburne	1.97	Nevada	1.88
Cleveland	1.85	Newton	1.77
Columbia	1.90	Ouachita	1.88
Conway	1.94	Perry	1.80
Craighead	1.97	Phillips	1.97
Crawford	1.75	Pike	1.80
Crittenden	1.97	Poinsett	1.97
Cross	1.97	Polk	1.79
Dallas	1.86	Pope	1.79
Desha	1.96	Prairie	1.97
Drew	1.90	Pulaski	1.96
Faulkner	1.95	Randolph	1.97
Franklin	1.76	St. Francis	1.97
Fulton	1.84	Saline	1.84
Garland	1.83	Scott	1.79
Grant	1.85	Searcy	1.77
Greene	1.97	Sebastian	1.78
Hempstead	1.89	Sevier	1.81
Hot Spring	1.84	Sharp	1.84
Howard	1.81	Stone	1.82
Independence	1.90	Union	1.90
Izard	1.81	Van Buren	1.87
Jackson	1.97	Washington	1.75
Jefferson	1.94	White	1.97
Johnson	1.78	Woodruff	1.97
Lafayette	1.90	Yell	1.79
Lawrence	1.96		

California

County	Rate per bushel	County	Rate per bushel
Alameda	$1.94	Placer	$1.92
Alpine	1.83	Plumas	1.83
Amador	1.94	Riverside	1.89
Butte	1.89	Sacramento	1.94
Calaveras	1.94	San Benito	1.90
Colusa	1.90	San Bernardino	1.92
Contra Costa	1.94	San Diego	1.87
El Dorado	1.91	San Joaquin	1.96
Fresno	1.90	San Luis Obispo	1.85
Glenn	1.87	San Mateo	1.95
Humboldt	1.77	Santa Barbara	1.87
Imperial	1.90	Santa Clara	1.94
Inyo	1.75	Santa Cruz	1.91
Kern	1.86	Shasta	1.81
Kings	1.89	Sierra	1.75
Lake	1.88	Siskiyou	1.81
Lassen	1.76	Solano	1.93
Los Angeles	1.93	Sonoma	1.93
Madera	1.91	Stanislaus	1.95
Marin	1.94	Sutter	1.91
Mariposa	1.92	Tehama	1.85
Mendocino	1.85	Tulare	1.89
Merced	1.93	Tuolumne	1.95
Modoc	1.81	Ventura	1.93
Mono	1.72	Yolo	1.92
Monterey	1.89	Yuba	1.91
Napa	1.93		
Orange	1.91		

Colorado

County	Rate per bushel	County	Rate per bushel
Adams	$1.71	Custer	$1.65
Alamosa	1.60	Delta	1.52
Arapahoe	1.71	Denver	1.71
Archuleta	1.52	Dolores	1.46
Baca	1.73	Douglas	1.71
Bent	1.72	Eagle	1.53
Boulder	1.71	Elbert	1.71
Chaffee	1.56	El Paso	1.71
Cheyenne	1.73	Fremont	1.66
Conejos	1.59	Garfield	1.52
Costilla	1.61	Grand	1.56
Crowley	1.71	Huerfano	1.68
Jackson	1.59	Ouray	1.52
Jefferson	1.71	Phillips	1.74
Kiowa	1.73	Pitkin	1.52
Kit Carson	1.73	Prowers	1.73
La Plata	1.52	Pueblo	1.71
Larimer	1.71	Rio Blanco	1.52
Las Animas	1.70	Rio Grande	1.59
Lincoln	1.71	Routt	1.52
Logan	1.71	Saguache	1.59
Mesa	1.52	San Miguel	1.49
Moffat	1.52	Sedgwick	1.74
Montezuma	1.46	Summit	1.56
Montrose	1.52	Washington	1.71
Morgan	1.71	Weld	1.71
Otero	1.71	Yuma	1.73

Connecticut

County	Rate per bushel
All counties	$1.49

Delaware

County	Rate per bushel	County	Rate per bushel
Kent	$2.04	Sussex	$2.03
New Castle	2.04		

Florida

County	Rate per bushel
All counties	$1.46

Georgia

County	Rate per bushel
All counties	$1.95

Idaho

County	Rate per bushel	County	Rate per bushel
Ada	$1.63	Gem	$1.63
Adams	1.61	Gooding	1.59
Bannock	1.59	Idaho	1.73
Bear Lake	1.57	Jefferson	1.57
Benewah	1.76	Jerome	1.59
Bingham	1.57	Kootenai	1.76
Blaine	1.57	Latah	1.76
Boise	1.62	Lemhi	1.57
Bonner	1.68	Lewis	1.78
Bonneville	1.57	Lincoln	1.59
Boundary	1.66	Madison	1.57
Butte	1.57	Minidoka	1.60
Camas	1.57	Nez Perce	1.76
Canyon	1.63	Oneida	1.59
Caribou	1.57	Owyhee	1.63
Cassia	1.61	Payette	1.64
Clark	1.56	Power	1.59
Clearwater	1.74	Shoshone	1.64
Custer	1.57	Teton	1.57
Elmore	1.61	Twin Falls	1.63
Franklin	1.59	Valley	1.61
Fremont	1.57	Washington	1.64

Illinois

County	Rate per bushel	County	Rate per bushel
Adams	$1.84	Franklin	$1.87
Alexander	1.87	Fulton	1.87
Bond	1.90	Gallatin	1.83
Boone	1.89	Greene	1.90
Brown	1.85	Grundy	1.90
Bureau	1.87	Hamilton	1.86
Calhoun	1.88	Hancock	1.84
Carroll	1.86	Hardin	1.79
Cass	1.87	Henderson	1.84
Champaign	1.89	Henry	1.86
Christian	1.87	Iroquois	1.91
Clark	1.87	Jackson	1.87
Clay	1.87	Jasper	1.86
Clinton	1.90	Jefferson	1.92
Coles	1.87	Jersey	1.90
Cook	1.94	Jo Daviess	1.86
Crawford	1.85	Johnson	1.83
Cumberland	1.87	Kane	1.92
De Kalb	1.90	Kankakee	1.92
DeWitt	1.87	Kendall	1.91
Douglas	1.89	Knox	1.86
DuPage	1.92	Lake	1.94
Edgar	1.87	LaSalle	1.89
Edwards	1.86	Lawrence	1.86
Effingham	1.87	Lee	1.89
Fayette	1.87	Livingston	1.88
Ford	1.87	Logan	1.87

Illinois—Continued

County	Rate per bushel	County	Rate per bushel
McDonough	$1.85	Randolph	$1.92
McHenry	1.90	Richland	1.86
McLean	1.87	Rock Island	1.86
Macon	1.87	Saint Clair	1.90
Macoupin	1.90	Saline	1.83
Madison	1.91	Sangamon	1.87
Marion	1.87	Schuyler	1.86
Marshall	1.87	Scott	1.87
Mason	1.87	Shelby	1.88
Massac	1.88	Stark	1.87
Menard	1.87	Stephenson	1.86
Mercer	1.85	Tazewell	1.87
Monroe	1.92	Union	1.87
Montgomery	1.89	Vermilion	1.91
Morgan	1.87	Wabash	1.84
Moultrie	1.89	Warren	1.86
Ogle	1.88	Washington	1.90
Peoria	1.87	Wayne	1.86
Perry	1.87	White	1.83
Piatt	1.87	Whiteside	1.86
Pike	1.86	Will	1.92
Pope	1.82	Williamson	1.87
Pulaski	1.87	Winnebago	1.87
Putnam	1.87	Woodford	1.87

Indiana

County	Rate per bushel	County	Rate per bushel
Adams	$1.83	Lawrence	$1.89
Allen	1.83	Madison	1.84
Bartholomew	1.88	Marion	1.85
Benton	1.86	Marshall	1.94
Blackford	1.85	Martin	1.83
Boone	1.84	Miami	1.88
Brown	1.85	Monroe	1.91
Carroll	1.86	Montgomery	1.85
Cass	1.89	Morgan	1.83
Clark	1.92	Newton	1.91
Clay	1.86	Noble	1.84
Clinton	1.85	Ohio	1.85
Crawford	1.89	Orange	1.91
Daviess	1.82	Owen	1.83
Dearborn	1.85	Parke	1.84
Decatur	1.87	Perry	1.85
De Kalb	1.83	Pike	1.83
Delaware	1.86	Posey	1.86
Dubois	1.88	Pulaski	1.92
Elkhart	1.85	Putnam	1.84
Fayette	1.92	Randolph	1.84
Floyd	1.84	Ripley	1.86
Fountain	1.85	Rush	1.85
Franklin	1.94	Saint Joseph	1.93
Fulton	1.86	Scott	1.89
Gibson	1.84	Shelby	1.85
Grant	1.83	Spencer	1.86
Greene	1.84	Starke	1.94
Hamilton	1.85	Steuben	1.83
Hancock	1.85	Sullivan	1.86
Harrison	1.85	Switzerland	1.86
Hendricks	1.85	Tippecanoe	1.86
Henry	1.86	Tipton	1.84
Howard	1.83	Union	1.85
Huntington	1.89	Vanderburgh	1.89
Jackson	1.93	Vermillion	1.91
Jasper	1.83	Vigo	1.91
Jay	1.86	Wabash	1.86
Jefferson	1.87	Warren	1.87
Jennings	1.85	Warrick	1.85
Johnson	1.84	Washington	1.91
Knox	1.88	Wayne	1.84
Kosciusko	1.84	Wells	1.83
Lagrange	1.93	White	1.91
Lake	1.94	Whitley	1.85
La Porte			

Iowa

County	Rate per bushel	County	Rate per bushel
Adair	$1.87	Cass	$1.89
Adams	1.89	Cedar	1.84
Allamakee	1.91	Cerro Gordo	1.92
Appanoose	1.83	Cherokee	1.88
Audubon	1.90	Chickasaw	1.91
Benton	1.89	Clarke	1.86
Black Hawk	1.90	Clay	1.90
Boone	1.88	Clayton	1.89
Bremer	1.90	Clinton	1.85
Buchanan	1.89	Crawford	1.90
Buena Vista	1.89	Dallas	1.86
Butler	1.90	Davis	1.82
Calhoun	1.89	Decatur	1.85
Carroll	1.89	Delaware	1.89
Des Moines	$1.83	Mills	$1.91
Dickinson	1.91	Mitchell	1.93
Dubuque	1.88	Monona	1.90
Emmet	1.92	Monroe	1.83
Fayette	1.90	Montgomery	1.91
Floyd	1.92	Muscatine	1.83
Franklin	1.90	O'Brien	1.90
Fremont	1.91	Osceola	1.90
Greene	1.88	Page	1.90
Grundy	1.90	Palo Alto	1.91
Guthrie	1.87	Plymouth	1.88
Hamilton	1.90	Pocahontas	1.90
Hancock	1.91	Polk	1.88
Hardin	1.90	Pottawattamie	1.91
Harrison	1.91	Poweshiek	1.87
Henry	1.82	Ringgold	1.86
Howard	1.92	Sac	1.88
Humbolt	1.90	Scott	1.85
Ida	1.87	Shelby	1.91
Iowa	1.87	Sioux	1.88
Jackson	1.84	Story	1.89
Jasper	1.88	Tama	1.89
Jefferson	1.81	Taylor	1.88
Johnson	1.87	Union	1.87
Jones	1.88	Van Buren	1.82
Keokuk	1.85	Wapello	1.82
Kossuth	1.91	Warren	1.88
Lee	1.84	Washington	1.85
Linn	1.89	Wayne	1.84
Louisa	1.83	Webster	1.90
Lucas	1.85	Winebago	1.93
Lyon	1.89	Wineshiek	1.91
Madison	1.86	Woodbury	1.88
Mahaska	1.86	Worth	1.93
Marion	1.85	Wright	1.90
Marshall	1.89		

Kansas

County	Rate per bushel	County	Rate per bushel
Allen	$1.87	Labette	$1.87
Anderson	1.89	Lane	1.78
Atchison	1.91	Leavenworth	1.91
Barber	1.80	Lincoln	1.82
Barton	1.80	Linn	1.90
Bourbon	1.89	Logan	1.77
Brown	1.90	Lyon	1.87
Butler	1.83	McPherson	1.82
Chase	1.85	Marion	1.83
Chautauqua	1.85	Marshall	1.87
Cherokee	1.87	Meade	1.77
Cheyenne	1.76	Miami	1.91
Clark	1.77	Mitchell	1.82
Clay	1.84	Montgomery	1.87
Cloud	1.83	Morris	1.85
Coffey	1.88	Morton	1.74
Comanche	1.78	Nemaha	1.88
Cowley	1.83	Neosho	1.87
Crawford	1.87	Ness	1.80
Decatur	1.78	Norton	1.80
Dickinson	1.83	Osage	1.88
Doniphan	1.91	Osborne	1.82
Douglas	1.91	Ottawa	1.83
Edwards	1.80	Pawnee	1.80
Elk	1.85	Phillips	1.81
Ellis	1.80	Pottawatomie	1.87
Ellsworth	1.82	Pratt	1.80
Finney	1.77	Rawlins	1.77
Ford	1.79	Reno	1.82
Franklin	1.91	Republic	1.83
Geary	1.85	Rice	1.82
Gove	1.78	Riley	1.87
Graham	1.80	Rooks	1.81
Grant	1.76	Rush	1.80
Gray	1.77	Russell	1.81
Greeley	1.76	Saline	1.83
Greenwood	1.86	Scott	1.77
Hamilton	1.76	Sedgwick	1.83
Harper	1.82	Seward	1.75
Harvey	1.83	Shawnee	1.89
Haskell	1.77	Sheridan	1.78
Hodgeman	1.80	Sherman	1.76
Jackson	1.89	Smith	1.82
Jefferson	1.91	Stafford	1.80
Jewell	1.83	Stanton	1.75
Johnson	1.91	Stevens	1.75
Kearny	1.76	Sumner	1.83
Kingman	1.82	Thomas	1.77
Kiowa	1.80	Trego	1.80
Wabaunsee	$1.87	Wilson	$1.87
Wallace	1.76	Woodson	1.87
Washington	1.84	Wyandotte	1.91
Wichita	1.76		

Kentucky

County	Rate per bushel	County	Rate per bushel
Adair	$1.90	Kenton	$1.90
Allen	1.89	Knox	1.90
Anderson	1.91	Larue	1.90
Ballard	1.87	Laurel	1.91
Barren	1.89	Lawrence	1.91
Bath	1.91	Lee	1.91
Bell	1.90	Lewis	1.92
Boone	1.90	Lincoln	1.92
Bourbon	1.92	Livingston	1.87
Boyd	1.92	Logan	1.88
Boyle	1.92	Lyon	1.88
Bracken	1.91	McCracken	1.87
Breathitt	1.90	McCreary	1.90
Breckenridge	1.88	McLean	1.87
Bullitt	1.90	Madison	1.92
Butler	1.88	Magoffin	1.90
Caldwell	1.88	Marion	1.91
Calloway	1.87	Marshall	1.87
Campbell	1.90	Mason	1.91
Carlisle	1.87	Meade	1.88
Carroll	1.90	Menifee	1.90
Carter	1.91	Mercer	1.92
Casey	1.91	Metcalfe	1.89
Christian	1.88	Monroe	1.90
Clark	1.92	Montgomery	1.91
Clay	1.90	Morgan	1.90
Clinton	1.91	Muhlenberg	1.88
Crittenden	1.87	Nelson	1.91
Cumberland	1.90	Nicholas	1.91
Daviess	1.87	Ohio	1.88
Edmonson	1.88	Oldham	1.90
Elliott	1.91	Owen	1.91
Estill	1.91	Owsley	1.90
Fayette	1.92	Pendleton	1.91
Fleming	1.91	Powell	1.91
Franklin	1.91	Pulaski	1.92
Fulton	1.87	Robertson	1.91
Gallatin	1.90	Rockcastle	1.92
Garrard	1.92	Rowan	1.92
Grant	1.91	Russell	1.90
Graves	1.87	Scott	1.91
Grayson	1.89	Shelby	1.90
Green	1.91	Simpson	1.89
Greenup	1.92	Spencer	1.90
Hancock	1.88	Taylor	1.91
Hardin	1.89	Todd	1.88
Harrison	1.91	Trigg	1.88
Hart	1.89	Trimble	1.90
Henderson	1.87	Union	1.87
Henry	1.90	Warren	1.88
Hickman	1.87	Washington	1.92
Hopkins	1.88	Wayne	1.91
Jackson	1.90	Webster	1.87
Jefferson	1.90	Whitley	1.90
Jessamine	1.92	Wolfe	1.90
Johnson	1.90	Woodford	1.92

Louisiana

County	Rate per bushel
All counties	$1.40

Maine

County	Rate per bushel
All counties	$1.46

Maryland

County	Rate per bushel	County	Rate per bushel
Allegany	$1.95	Howard	$2.06
Anne Arundel	2.03	Kent	2.04
Baltimore	2.03	Montgomery	2.02
Calvert	2.01	Prince Georges	2.02
Caroline	2.04	Queen Annes	2.04
Carroll	2.03	St. Marys	2.02
Cecil	2.03	Somerset	2.01
Charles	2.01	Talbot	2.04
Dorchester	2.03	Washington	1.99
Frederick	2.02	Wicomico	2.03
Garrett	1.94	Worcester	2.02
Harford	2.03		

Massachusetts

County	Rate per bushel
All counties	$1.48

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$1.69	Keweenaw	$1.83
Alger	1.81	Lake	1.76
Allegan	1.82	Lapeer	1.81
Alpena	1.68	Leelanau	1.69
Antrim	1.69	Lenawee	1.82
Arenac	1.74	Livingston	1.82
Baraga	1.88	Luce	1.69
Barry	1.82	Mackinac	1.69
Bay	1.79	Macomb	1.83
Benzie	1.79	Manistee	1.75
Berrien	1.89	Marquette	1.84
Branch	1.83	Mason	1.76
Calhoun	1.83	Mecosta	1.76
Cass	1.86	Menominee	1.81
Charlevoix	1.68	Midland	1.79
Cheboygan	1.67	Missaukee	1.75
Chippewa	1.69	Monroe	1.83
Clare	1.79	Montcalm	1.79
Clinton	1.81	Montmorency	1.68
Crawford	1.70	Muskegon	1.79
Delta	1.81	Newaygo	1.78
Dickinson	1.81	Oakland	1.81
Eaton	1.82	Oceana	1.76
Emmet	1.67	Ogemaw	1.77
Genesee	1.81	Ontonagon	1.82
Gladwin	1.77	Osceola	1.76
Gogebic	1.90	Oscoda	1.77
Grand Traverse	1.73	Otsego	1.68
Gratiot	1.81	Ottawa	1.82
Hillsdale	1.82	Presque Isle	1.67
Houghton	1.83	Roscommon	1.70
Huron	1.76	Saginaw	1.81
Ingham	1.82	Saint Clair	1.82
Ionia	1.81	Saint Joseph	1.85
Iosco	1.70	Sanilac	1.79
Iron	1.82	Schoolcraft	1.81
Isabella	1.78	Shiawassee	1.81
Jackson	1.82	Tuscola	1.78
Kalamazoo	1.85	Van Buren	1.84
Kalkaska	1.69	Washtenaw	1.82
Kent	1.81	Wayne	1.82
		Wexford	1.76

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.97	Lincoln	$1.91
Anoka	1.97	Lyon	1.92
Becker	1.90	McLeod	1.97
Beltrami	1.90	Mahnomen	1.89
Benton	1.96	Marshall	1.87
Big Stone	1.92	Martin	1.93
Blue Earth	1.95	Meeker	1.97
Brown	1.95	Mille Lacs	1.97
Carlton	1.98	Morrison	1.94
Carver	1.97	Mower	1.93
Cass	1.94	Murray	1.92
Chippewa	1.93	Nicollett	1.97
Chisago	1.97	Nobles	1.90
Clay	1.90	Norman	1.89
Clearwater	1.90	Olmsted	1.95
Cottonwood	1.93	Otter Tail	1.92
Crow Wing	1.94	Pennington	1.87
Dakota	1.97	Pine	1.96
Dodge	1.95	Pipestone	1.91
Douglas	1.93	Polk	1.88
Faribault	1.93	Pope	1.94
Fillmore	1.92	Ramsey	1.97
Freeborn	1.95	Red Lake	1.89
Goodhue	1.96	Redwood	1.94
Grant	1.92	Renville	1.95
Hennepin	1.97	Rice	1.97
Houston	1.92	Rock	1.90
Hubbard	1.91	Roseau	1.87
Isanti	1.97	Saint Louis	1.95
Itasca	1.95	Scott	1.97
Jackson	1.92	Sherburne	1.97
Kanabec	1.96	Sibley	1.97
Kandiyohi	1.96	Stearns	1.96
Kittson	1.85	Steele	1.95
Koochiching	1.87	Stevens	1.93
Lac Qui Parle	1.91	Swift	1.93
Lake of the Woods	1.88	Todd	1.94
Le Sueur	1.97	Traverse	1.92
		Wabasha	1.96

Minnesota—Continued

County	Rate per bushel	County	Rate per bushel
Wadena	$1.93	Winona	$1.95
Waseca	1.95	Wright	1.97
Washington	1.97	Yellow Medicine	1.93
Watonwan	1.94		
Wilkin	1.91		

Mississippi

County	Rate per bushel
All counties	$1.86

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$1.83	Livingston	$1.89
Andrew	1.91	McDonald	1.85
Atchison	1.90	Macon	1.84
Audrain	1.86	Madison	1.87
Barry	1.85	Maries	1.87
Barton	1.87	Marion	1.86
Bates	1.90	Mercer	1.86
Benton	1.88	Miller	1.83
Bollinger	1.86	Mississippi	1.96
Boone	1.86	Moniteau	1.86
Buchanan	1.91	Monroe	1.85
Butler	1.96	Montgomery	1.88
Caldwell	1.90	Morgan	1.86
Callaway	1.86	New Madrid	1.97
Camden	1.83	Newton	1.85
Cape Girardeau	1.93	Nodaway	1.89
Carroll	1.89	Oregon	1.84
Carter	1.85	Osage	1.86
Cass	1.91	Ozark	1.79
Cedar	1.89	Pemiscot	1.97
Chariton	1.88	Perry	1.87
Christian	1.85	Pettis	1.88
Clark	1.85	Phelps	1.86
Clay	1.91	Pike	1.87
Clinton	1.91	Platte	1.91
Cole	1.84	Polk	1.87
Cooper	1.87	Pulaski	1.84
Crawford	1.88	Putnam	1.86
Dade	1.87	Ralls	1.86
Dallas	1.84	Randolph	1.85
Daviess	1.90	Ray	1.90
De Kalb	1.91	Reynolds	1.83
Dent	1.85	Ripley	1.92
Douglas	1.82	Saint Charles	1.92
Dunklin	1.97	Saint Clair	1.89
Franklin	1.91	Sainte Genevieve	1.89
Gasconade	1.87	Saint Francois	1.88
Gentry	1.90	Saint Louis	1.92
Greene	1.85	Saline	1.89
Grundy	1.88	Schuyler	1.83
Harrison	1.88	Scotland	1.84
Henry	1.89	Scott	1.95
Hickory	1.87	Shannon	1.82
Holt	1.91	Shelby	1.85
Howard	1.86	Stoddard	1.95
Howell	1.80	Stone	1.84
Iron	1.87	Sullivan	1.86
Jackson	1.91	Taney	1.83
Jasper	1.87	Texas	1.82
Jefferson	1.92	Vernon	1.89
Johnson	1.90	Warren	1.91
Knox	1.84	Washington	1.89
Laclede	1.82	Wayne	1.85
Lafayette	1.90	Webster	1.83
Lawrence	1.85	Worth	1.89
Lewis	1.85	Wright	1.82
Lincoln	1.91		
Linn	1.87		

Montana

County	Rate per bushel	County	Rate per bushel
Beaverhead	$1.49	Fergus	$1.58
Big Horn	1.54	Flathead	1.56
Blaine	1.60	Gallatin	1.58
Broadwater	1.58	Garfield	1.68
Carbon	1.58	Glacier	1.58
Carter	1.71	Golden Valley	1.58
Cascade	1.58	Granite	1.58
Chouteau	1.58	Hill	1.58
Custer	1.69	Jefferson	1.55
Daniels	1.66	Judith Basin	1.58
Dawson	1.70	Lake	1.60
Deer Lodge	1.55		
Fallon	1.71		

Montana—Continued

County	Rate per bushel	County	Rate per bushel
Lewis and Clark	$1.58	Ravalli	$1.89
Liberty	1.58	Richland	1.70
Lincoln	1.56	Roosevelt	1.71
McCone	1.69	Rosebud	1.64
Madison	1.56	Sanders	1.62
Meagher	1.58	Sheridan	1.69
Mineral	1.62	Silver Bow	1.55
Missoula	1.62	Stillwater	1.58
Musselshell	1.61	Sweet Grass	1.58
Park	1.58	Teton	1.58
Petroleum	1.58	Toole	1.58
Phillips	1.63	Treasure	1.63
Pondera	1.58	Valley	1.66
Powder River	1.67	Wheatland	1.58
Powell	1.57	Wibaux	1.72
Prairie	1.69	Yellowstone	1.58

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$1.85	Jefferson	$1.87
Antelope	1.86	Johnson	1.89
Arthur	1.76	Kearney	1.89
Banner	1.71	Keith	1.76
Blaine	1.80	Keya Paha	1.89
Boone	1.87	Kimball	1.71
Box Butte	1.75	Knox	1.84
Boyd	1.83	Lancaster	1.91
Brown	1.80	Lincoln	1.79
Buffalo	1.85	Logan	1.89
Burt	1.91	Loup	1.83
Butler	1.91	McPherson	1.89
Cass	1.91	Madison	1.87
Cedar	1.85	Merrick	1.87
Chase	1.76	Morrill	1.74
Cherry	1.78	Nance	1.86
Cheyenne	1.72	Nemaha	1.89
Clay	1.85	Nuckolls	1.85
Colfax	1.91	Otoe	1.91
Cuming	1.90	Pawnee	1.88
Custer	1.82	Perkins	1.76
Dakota	1.88	Phelps	1.83
Dawes	1.72	Pierce	1.87
Dawson	1.83	Platte	1.89
Deuel	1.74	Polk	1.89
Dixon	1.87	Red Willow	1.90
Dodge	1.91	Richardson	1.88
Douglas	1.91	Rock	1.81
Dundy	1.76	Saline	1.89
Fillmore	1.87	Sarpy	1.91
Franklin	1.83	Saunders	1.91
Frontier	1.80	Scotts Bluff	1.73
Furnas	1.81	Seward	1.90
Gage	1.89	Sheridan	1.74
Garden	1.75	Sherman	1.85
Garfield	1.84	Sioux	1.71
Gosper	1.82	Stanton	1.88
Grant	1.76	Thayer	1.87
Greeley	1.86	Thomas	1.80
Hall	1.86	Thurston	1.89
Hamilton	1.87	Valley	1.94
Harlan	1.82	Washington	1.91
Hayes	1.77	Wayne	1.86
Hitchcock	1.78	Webster	1.84
Holt	1.84	Wheeler	1.87
Hooker	1.78	York	1.88
Howard	1.86		

Nevada

County	Rate per bushel	County	Rate per bushel
Churchill	$1.37	Lyon	$1.28
Clark	1.22	Mineral	1.14
Douglas	1.37	Nye	1.08
Elko	1.21	Ormsby	1.37
Esmeralda	1.08	Pershing	1.37
Eureka	1.21	Storey	1.37
Humboldt	1.28	Washoe	1.37
Lander	1.21	White Pine	.92
Lincoln	1.22		

New Hampshire

County	Rate per bushel
All counties	$1.48

New Jersey

County	Rate per bushel	County	Rate per bushel
Bergen	$2.03	Camden	$2.04
Burlington	2.03	Cape May	2.00

New Jersey—Continued

County	Rate per bushel	County	Rate per bushel
Cumberland	$2.03	Morris	$2.02
Essex	2.03	Ocean	2.02
Gloucester	2.04	Passaic	2.01
Hunterdon	2.01	Salem	2.04
Mercer	2.03	Somerset	2.02
Middlesex	$2.03	Sussex	2.02
Monmouth	2.02	Warren	2.00

New Mexico

County	Rate per bushel	County	Rate per bushel
Bernalillo	$1.68	Mora	$1.68
Catron	1.59	Otero	1.71
Chaves	1.74	Quay	1.77
Colfax	1.67	Rio Arriba	1.52
Curry	1.78	Roosevelt	1.76
De Baca	1.73	Sandoval	1.68
Dona Ana	1.68	San Juan	1.31
Eddy	1.73	San Miguel	1.68
Grant	1.53	Santa Fe	1.65
Guadalupe	1.73	Sierra	1.68
Harding	1.71	Socorro	1.68
Hidalgo	1.66	Taos	1.59
Lea	1.77	Torrance	1.71
Lincoln	1.71	Union	1.72
Luna	1.66	Valencia	1.63
McKinley	1.53		

New York

County	Rate per bushel	County	Rate per bushel
Albany	$2.05	Oneida	$2.00
Allegany	1.97	Onondaga	1.98
Broome	1.98	Ontario	1.98
Cattaraugus	1.94	Orange	2.01
Cayuga	1.98	Orleans	1.97
Chautauqua	1.90	Oswego	1.98
Chemung	1.98	Otsego	2.00
Chenango	1.98	Putnam	2.01
Clinton	1.95	Rensselaer	2.04
Columbia	2.03	Rockland	2.00
Cortland	1.98	Saratoga	2.03
Delaware	1.99	Schnectady	2.04
Dutchess	2.01	Schoharie	2.02
Erie	1.96	Schuyler	1.98
Essex	1.98	Seneca	1.98
Franklin	1.92	St. Lawrence	1.94
Fulton	1.99	Steuben	1.98
Genesee	1.98	Suffolk	1.97
Greene	2.02	Sullivan	1.96
Herkimer	2.01	Tioga	1.98
Jefferson	1.95	Tompkins	1.98
Lewis	1.96	Ulster	2.01
Livingston	1.98	Warren	2.01
Madison	1.98	Washington	2.02
Monroe	1.98	Wayne	1.98
Montgomery	2.04	Westchester	2.02
Nassau	1.99	Wyoming	1.98
Niagara	1.98	Yates	1.98

North Carolina

County	Rate per bushel
All counties	$1.97

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$1.77	McHenry	$1.80
Barnes	1.87	McIntosh	1.83
Benson	1.82	McKenzie	1.73
Billings	1.76	McLean	1.80
Bottineau	1.78	Mercer	1.78
Bowman	1.76	Morton	1.79
Burke	1.77	Mountrail	1.77
Burleigh	1.82	Nelson	1.84
Cass	1.88	Oliver	1.79
Cavalier	1.82	Pembina	1.84
Dickey	1.87	Pierce	1.81
Divide	1.75	Ramsey	1.83
Dunn	1.76	Ramson	1.87
Eddy	1.84	Renville	1.77
Emmons	1.82	Richland	1.91
Foster	1.85	Rolette	1.81
Golden Valley	1.73	Sargent	1.88
Grand Forks	1.87	Sheridan	1.82
Grant	1.77	Sioux	1.79
Griggs	1.86	Slope	1.73
Hettinger	1.77	Stark	1.77
Kidder	1.83	Steele	1.87
La Moure	1.85	Stutsman	1.85
Logan	1.83	Towner	1.82

North Dakota—Continued

County	Rate per bushel	County	Rate per bushel
Traill	$1.87	Wells	$1.83
Walsh	1.84	Williams	1.76
Ward	1.78		

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$1.82	Licking	$1.84
Allen	1.83	Logan	1.82
Ashland	1.85	Lorain	1.85
Ashtabula	1.88	Lucas	1.83
Athens	1.84	Madison	1.83
Auglaize	1.83	Mahoning	1.87
Belmont	1.85	Marion	1.84
Brown	1.82	Medina	1.85
Butler	1.82	Meigs	1.82
Carroll	1.85	Mercer	1.83
Champaign	1.82	Miami	1.83
Clark	1.82	Monroe	1.85
Clermont	1.82	Montgomery	1.82
Clinton	1.82	Morgan	1.85
Columbiana	1.86	Morrow	1.84
Coshocton	1.85	Muskingum	1.85
Crawford	1.84	Noble	1.85
Cuyahoga	1.85	Ottawa	1.84
Darke	1.85	Paulding	1.83
Defiance	1.82	Perry	1.84
Delaware	1.84	Pickaway	1.83
Erie	1.84	Pike	1.82
Fairfield	1.84	Portage	1.85
Fayette	1.82	Preble	1.82
Franklin	1.84	Putnam	1.83
Fulton	1.82	Richland	1.85
Gallia	1.82	Ross	1.83
Geauga	1.88	Sandusky	1.84
Greene	1.82	Scioto	1.82
Guernsey	1.85	Seneca	1.84
Hamilton	1.82	Shelby	1.83
Hancock	1.84	Stark	1.85
Hardin	1.84	Summit	1.85
Harrison	1.85	Trumbull	1.88
Henry	1.82	Tuscarawas	1.85
Highland	1.82	Union	1.84
Hocking	1.84	Van Wert	1.83
Holmes	1.85	Vinton	1.84
Huron	1.84	Warren	1.82
Jackson	1.82	Washington	1.85
Jefferson	1.86	Wayne	1.85
Knox	1.84	Williams	1.83
Lake	1.86	Wood	1.84
Lawrence	1.82	Wyandot	1.84

Oklahoma

County	Rate per bushel	County	Rate per bushel
Adair	$1.80	Kingfisher	$1.80
Alfalfa	1.80	Kiowa	1.80
Atoka	1.80	Latimer	1.80
Beaver	1.77	Le Flore	1.80
Beckham	1.80	Lincoln	1.80
Blaine	1.80	Logan	1.80
Bryan	1.80	Love	1.80
Caddo	1.80	McClain	1.80
Canadian	1.80	McCurtain	1.80
Carter	1.80	McIntosh	1.80
Cherokee	1.82	Major	1.80
Choctaw	1.80	Marshall	1.80
Cimarron	1.75	Mayes	1.84
Cleveland	1.80	Murray	1.80
Coal	1.80	Muskogee	1.80
Comanche	1.80	Noble	1.80
Cotton	1.80	Nowata	1.86
Craig	1.86	Okfuskee	1.80
Creek	1.80	Oklahoma	1.80
Custer	1.80	Okmulgee	1.80
Delaware	1.85	Osage	1.82
Dewey	1.79	Ottawa	1.86
Ellis	1.78	Pawnee	1.80
Garfield	1.80	Payne	1.80
Garvin	1.80	Pittsburg	1.80
Grady	1.80	Pontotoc	1.80
Grant	1.80	Pottawatomie	1.80
Greer	1.80	Pushmataha	1.80
Harmon	1.80	Roger Mills	1.79
Harper	1.77	Rogers	1.84
Haskell	1.80	Seminole	1.80
Hughes	1.80	Sequoyah	1.80
Jackson	1.80	Stephens	1.80
Jefferson	1.80	Texas	1.77
Johnston	1.80	Tillman	1.80
Kay	1.81	Tulsa	1.83

Oklahoma—Continued

County	Rate per bushel	County	Rate per bushel
Wagoner	$1.83	Woods	$1.79
Washington	1.86	Woodward	1.78
Washita	1.80		

Oregon

County	Rate per bushel	County	Rate per bushel
Baker	$1.76	Lake	$1.80
Benton	1.79	Lane	1.76
Clackamas	1.83	Lincoln	1.73
Clatsop	1.79	Linn	1.80
Columbia	1.81	Malheur	1.64
Coos	1.69	Marion	1.83
Crook	1.82	Morrow	1.83
Curry	1.68	Multnomah	1.86
Deschutes	1.82	Polk	1.81
Douglas	1.71	Sherman	1.85
Gilliam	1.84	Tillamook	1.85
Grant	1.82	Umatilla	1.82
Harney	1.59	Union	1.77
Hood River	1.85	Wallowa	1.74
Jackson	1.67	Wasco	1.88
Jefferson	1.85	Washington	1.85
Josephine	1.65	Wheeler	1.82
Klamath	1.81	Yamhill	1.83

Pennsylvania

County	Rate per bushel	County	Rate per bushel
Adams	$2.01	Lackawanna	$1.97
Allegheny	1.90	Lancaster	2.01
Armstrong	1.92	Lawrence	1.89
Beaver	1.89	Lebanon	1.99
Bedford	1.94	Lehigh	2.01
Berks	2.01	Luzerne	1.97
Blair	1.98	Lycoming	1.95
Bradford	1.97	McKean	1.93
Bucks	2.03	Mercer	1.88
Butler	1.91	Mifflin	1.96
Cambria	1.92	Monroe	1.99
Carbon	1.99	Montgomery	2.03
Centre	1.94	Montour	1.96
Chester	2.02	Northampton	2.01
Clarion	1.90	Northumberland	1.96
Clearfield	1.92	Perry	1.98
Clinton	1.94	Pike	1.95
Columbia	1.98	Potter	1.92
Crawford	1.88	Schuylkill	1.98
Cumberland	1.99	Snyder	1.96
Dauphin	1.98	Somerset	1.89
Delaware	2.03	Sullivan	1.93
Elk	1.93	Susquehanna	1.98
Erie	1.88	Tioga	1.97
Fayette	1.92	Union	1.96
Forest	1.89	Venango	1.98
Franklin	1.99	Warren	1.88
Fulton	1.97	Washington	1.89
Greene	1.90	Wayne	1.96
Huntingdon	1.95	Westmoreland	1.91
Indiana	1.92	Wyoming	1.98
Jefferson	1.92	York	2.01
Juniata	1.96		

Rhode Island

County	Rate per bushel
All counties	$1.49

South Carolina

County	Rate per bushel
All counties	$1.95

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$1.82	Douglas	$1.83
Beadle	1.88	Edmunds	1.85
Bennett	1.76	Fall River	1.70
Bon Homme	1.84	Faulk	1.85
Brookings	1.90	Grant	1.90
Brown	1.87	Gregory	1.82
Brule	1.80	Haakon	1.77
Buffalo	1.80	Hamlin	1.90
Butte	1.71	Hand	1.86
Campbell	1.82	Hanson	1.87
Charles Mix	1.82	Harding	1.76
Clark	1.89	Hughes	1.83
Clay	1.88	Hutchinson	1.84
Codington	1.90	Hyde	1.84
Corson	1.79	Jackson	1.76
Custer	1.71	Jerauld	1.87
Davison	1.86	Jones	1.76
Day	1.88	Kingsbury	1.89
Deuel	1.90	Lake	1.89
Dewey	1.78	Lawrence	1.71

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$1.88	Sanborn	$1.87
Lyman	1.78	Shannon	1.74
McCook	1.88	Spink	1.87
McPherson	1.85	Stanley	1.83
Marshall	1.88	Sully	1.81
Meade	1.74	Todd	1.79
Mellette	1.79	Tripp	1.80
Miner	1.88	Turner	1.88
Minnehaha	1.89	Union	1.88
Moody	1.90	Walworth	1.83
Pennington	1.74	Washabaugh	1.76
Perkins	1.77	Yankton	1.86
Potter	1.82	Ziebach	1.76
Roberts	1.90		

TENNESSEE

Anderson	$1.95	Lauderdale	$1.87
Bedford	1.92	Lawrence	1.91
Benton	1.89	Lewis	1.91
Bledsoe	1.93	Lincoln	1.93
Blount	1.96	Loudon	1.95
Bradley	1.95	McMinn	1.95
Campbell	1.95	McNairy	1.88
Cannon	1.91	Macon	1.90
Carroll	1.88	Madison	1.87
Carter	1.98	Marion	1.93
Cheatham	1.90	Marshall	1.92
Chester	1.88	Maury	1.91
Claiborne	1.97	Meigs	1.94
Clay	1.91	Monroe	1.96
Cocke	1.96	Montgomery	1.89
Coffey	1.92	Moore	1.92
Crockett	1.87	Morgan	1.94
Cumberland	1.93	Obion	1.87
Davidson	1.90	Overton	1.92
Decatur	1.89	Perry	1.90
DeKalb	1.91	Pickett	1.92
Dickson	1.90	Polk	1.96
Dyer	1.87	Putnam	1.92
Fayette	1.87	Rhea	1.94
Fentress	1.93	Roane	1.94
Franklin	1.93	Robertson	1.89
Gibson	1.87	Rutherford	1.91
Giles	1.92	Scott	1.94
Grainger	1.96	Sequatchie	1.93
Greene	1.97	Sevier	1.96
Grundy	1.92	Shelby	1.87
Hamblen	1.97	Smith	1.91
Hamilton	1.94	Stewart	1.89
Hancock	1.96	Sullivan	1.99
Hardeman	1.88	Sumner	1.89
Hardin	1.89	Tipton	1.87
Hawkins	1.99	Trousdale	1.90
Haywood	1.87	Unicoi	1.97
Henderson	1.89	Union	1.96
Henry	1.88	Van Buren	1.92
Hickman	1.90	Warren	1.92
Houston	1.89	Washington	1.98
Humphreys	1.89	Wayne	1.90
Jackson	1.91	Weakley	1.87
Jefferson	1.96	White	1.92
Johnson	1.98	Williamson	1.91
Knox	1.96	Wilson	1.90
Lake	1.87		

TEXAS

Andrews	$1.79	Carson	$1.80
Archer	1.80	Castro	1.80
Armstrong	1.80	Chambers	1.99
Atascosa	1.91	Cherokee	1.94
Bailey	1.80	Childress	1.80
Bandera	1.89	Clay	1.82
Bastrop	1.93	Cochran	1.80
Baylor	1.80	Coke	1.80
Bee	1.91	Coleman	1.86
Bell	1.93	Collin	1.89
Bexar	1.92	Collingsworth	1.80
Blanco	1.92	Comal	1.93
Borden	1.80	Comanche	1.83
Bosque	1.91	Concho	1.86
Bowie	1.84	Cooke	1.84
Briscoe	1.80	Coryell	1.89
Brown	1.89	Cottle	1.80
Burleson	1.96	Crosby	1.80
Burnet	1.89	Culberson	1.72
Caldwell	1.93	Dallam	1.75
Calhoun	1.93	Dallas	1.89
Callahan	1.80	Dawson	1.80

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Deaf Smith	$1.80	Lubbock	$1.80
Delta	1.87	Lynn	1.80
Denton	1.89	McCulloch	1.88
DeWitt	1.93	McLennan	1.93
Dickens	1.80	Martin	1.79
Dimmit	1.82	Mason	1.89
Donley	1.80	Maverick	1.78
Eastland	1.81	Medina	1.91
Edwards	1.80	Menard	1.86
Ellis	1.91	Midland	1.78
El Paso	1.70	Milam	1.95
Erath	1.85	Mills	1.89
Falls	1.93	Mitchell	1.80
Fannin	1.84	Montague	1.84
Fisher	1.80	Moore	1.78
Floyd	1.80	Motley	1.80
Foard	1.80	Navarro	1.92
Gaines	1.80	Nolan	1.80
Galveston	2.40	Ochiltree	1.78
Garza	1.80	Oldham	1.80
Gillespie	1.88	Palo Pinto	1.84
Glasscock	1.80	Parker	1.87
Goliad	1.93	Parmer	1.80
Gray	1.79	Pecos	1.72
Grayson	1.84	Potter	1.80
Guadalupe	1.93	Presidio	1.70
Hale	1.80	Randall	1.80
Hall	1.80	Real	1.86
Hamilton	1.85	Reeves	1.73
Hansford	1.77	Refugio	1.93
Hardeman	1.80	Roberts	1.78
Harris	2.09	Robertson	1.93
Hartley	1.78	Rockwall	1.89
Haskell	1.80	Runnels	1.84
Hays	1.93	San Saba	1.89
Hemphill	1.78	Schleicher	1.78
Hill	1.92	Scurry	1.80
Hockley	1.80	Shackelford	1.80
Hood	1.88	Sherman	1.77
Howard	1.80	Somervell	1.89
Hudspeth	1.71	Stephens	1.84
Hunt	1.88	Sterling	1.80
Hutchinson	1.78	Stonewall	1.80
Irion	1.77	Sutton	1.76
Jack	1.84	Swisher	1.80
Jackson	1.96	Tarrant	1.90
Jeff Davis	1.71	Taylor	1.82
Johnson	1.91	Terry	1.80
Jones	1.80	Throckmorton	1.82
Karnes	1.91	Tom Green	1.80
Kaufman	1.90	Travis	1.93
Kendall	1.89	Uvalde	1.86
Kent	1.80	Van Zandt	1.89
Kerr	1.88	Victoria	1.93
Kimble	1.87	Waller	2.07
King	1.80	Ward	1.75
Kinney	1.81	Wharton	2.04
Knox	1.80	Wheeler	1.79
Lamar	1.84	Wichita	1.80
Lamb	1.80	Wilbarger	1.80
Lampasas	1.89	Williamson	1.93
Limestone	1.93	Wilson	1.91
Lipscomb	1.78	Wise	1.86
Live Oak	1.91	Yoakum	1.80
Llano	1.89	Young	1.84
Loving	1.73	Zavala	1.82

UTAH

Beaver	$1.66	Piute	$1.47
Box Elder	1.59	Rich	1.52
Cache	1.59	Salt Lake	1.61
Carbon	1.52	San Juan	1.47
Daggett	1.52	San Pete	1.48
Davis	1.61	Sevier	1.47
Duchesne	1.52	Summit	1.60
Emery	1.52	Tooele	1.61
Garfield	1.47	Uintah	1.52
Grand	1.52	Utah	1.60
Iron	1.66	Wasatch	1.52
Juab	1.60	Washington	1.66
Kane	1.47	Wayne	1.47
Millard	1.62	Weber	1.61
Morgan	1.60		

VERMONT

County	Rate per bushel
All counties	$1.48

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.98	Louisa	$1.97
Albermarle	1.97	Lunenburg	1.98
Alleghany	1.95	Madison	1.97
Amelia	1.98	Mathews	1.98
Amherst	1.97	Mecklenburg	1.97
Appomattox	1.98	Middlesex	1.98
Arlington	1.97	Montgomery	1.96
Augusta	1.97	Nansemond	1.97
Bath	1.95	Nelson	1.97
Bedford	1.97	New Kent	1.98
Bland	1.95	Norfolk	1.97
Botetourt	1.96	Northampton	1.98
Brunswick	1.97	Northumberland	1.98
Buchanan	1.95	Nottaway	1.98
Buckingham	1.98	Orange	1.97
Campbell	1.97	Page	1.98
Caroline	1.96	Patrick	1.97
Carroll	1.96	Pittsylvania	1.98
Charles City	1.98	Powhatan	1.97
Charlotte	1.98	Prince Edward	1.98
Chesterfield	1.98	Prince George	1.98
Clarke	1.97	Prince William	1.98
Craig	1.95	Princess Anne	1.97
Culpeper	1.97	Pulaski	1.98
Cumberland	1.98	Rappahannock	1.97
Dickenson	1.95	Richmond	1.98
Dinwiddie	1.98	Roanoke	1.98
Elizabeth City	1.98	Rockbridge	1.97
Essex	1.98	Rockingham	1.97
Fairfax	1.97	Russell	1.98
Fauquier	1.97	Scott	1.98
Floyd	1.96	Shenandoah	1.97
Fluvanna	1.97	Smyth	1.98
Franklin	1.96	Southampton	1.97
Frederick	1.97	Spotsylvania	1.98
Giles	1.95	Stafford	1.98
Gloucester	1.98	Surry	1.97
Goochland	1.98	Sussex	1.97
Grayson	1.96	Tazewell	1.98
Greene	1.97	Warren	1.97
Greensville	1.97	Warwick	1.98
Halifax	1.97	Washington	1.98
Hanover	1.98	Westmoreland	1.98
Henrico	1.98	Wise	1.96
Henry	1.96	Wythe	1.96
Highland	1.95	York	1.98
Isle of Wight	1.97		
James City	1.98		
King and Queen	1.98		
King George	1.98		
King William	1.98		
Lancaster	1.98		
Lee	1.96		
Loudoun	1.97		

WASHINGTON

Adams	$1.80	Lewis	$1.70
Asotin	1.76	Lincoln	1.70
Benton	1.83	Mason	1.78
Chelan	1.82	Okanogan	1.70
Clallam	1.70	Pacific	1.78
Clark	1.85	Pend Oreille	1.64
Columbia	1.81	Pierce	1.85
Cowlitz	1.83	San Juan	1.81
Douglas	1.80	Skagit	1.81
Ferry	1.55	Skamania	1.85
Franklin	1.82	Snohomish	1.83
Garfield	1.79	Spokane	1.76
Grant	1.81	Stevens	1.70
Grays Harbor	1.78	Thurston	1.80
Island	1.81	Wahkiakum	1.83
Jefferson	1.72	Walla Walla	1.82
King	1.86	Whatcom	1.80
Kitsap	1.76	Whitman	1.77
Kittitas	1.88	Yakima	1.82
Klickitat	1.85		

WEST VIRGINIA

Barbour	$1.92	Doddridge	$1.89
Berkeley	1.96	Fayette	1.98
Boone	1.91	Gilmer	1.90
Braxton	1.91	Grant	1.94
Brooke	1.89	Greenbrier	1.96
Cabell	1.89	Hampshire	1.96
Calhoun	1.90	Hancock	1.89
Clay	1.91	Hardy	1.96

WEST VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
Harrison	$1.91	Pleasants	$1.88
Jackson	1.88	Pocahontas	1.95
Jackson	1.88	Preston	1.92
Kanawha	1.90	Putnam	1.89
Lewis	1.91	Raleigh	1.92
Lincoln	1.90	Randolph	1.94
Logan	1.91	Ritchie	1.89
McDowell	1.93	Roane	1.89
Marion	1.90	Summers	1.95
Marshall	1.89	Taylor	1.92
Mason	1.89	Tucker	1.94
Mercer	1.94	Tyler	1.88
Mineral	1.94	Upshur	1.92
Mingo	1.91	Wayne	1.90
Monongalia	1.90	Webster	1.93
Monroe	1.94	Wetzel	1.89
Morgan	1.95	Wirt	1.89
Nicholas	1.93	Wood	1.88
Ohio	1.89	Wyoming	1.92
Pendleton	1.95		

WISCONSIN

Adams	$1.88	Marathon	$1.90
Ashland	1.93	Marinette	1.82
Barron	1.94	Marquette	1.87
Bayfield	1.94	Milwaukee	1.92
Brown	1.83	Monroe	1.90
Buffalo	1.94	Oconto	1.81
Burnett	1.97	Oneida	1.85
Calumet	1.84	Outagamie	1.83
Chippewa	1.93	Ozaukee	1.86
Clark	1.90	Pepin	1.96
Columbia	1.86	Pierce	1.97
Crawford	1.90	Polk	1.97
Dane	1.86	Portage	1.88
Dodge	1.85	Price	1.91
Door	1.79	Racine	1.92
Douglas	1.98	Richland	1.85
Dunn	1.95	Rock	1.87
Eau Claire	1.94	Rusk	1.93
Florence	1.84	Saint Croix	1.97
Fond du Lac	1.85	Sauk	1.86
Forest	1.88	Sawyer	1.94
Grant	1.84	Shawano	1.85
Green	1.86	Sheboygan	1.85
Green Lake	1.83	Taylor	1.91
Iowa	1.82	Trempeleau	1.93
Iron	1.91	Vernon	1.90
Jackson	1.92	Vilas	1.85
Jefferson	1.87	Walworth	1.88
Juneau	1.89	Washburn	1.95
Kenosha	1.92	Washington	1.86
Kewaunee	1.80	Waukesha	1.87
LaCrosse	1.91	Waupaca	1.86
LaFayette	1.83	Waushara	1.86
Langlade	1.85	Winnebago	1.84
Lincoln	1.85	Wood	1.90
Manitowoc	1.84		

WYOMING

Albany	$1.65	Natrona	$1.57
Big Horn	1.54	Niobrara	1.67
Campbell	1.62	Park	1.54
Carbon	1.59	Platte	1.71
Converse	1.63	Sheridan	1.59
Crook	1.64	Sublette	1.52
Fremont	1.54	Sweetwater	1.52
Goshen	1.71	Teton	1.57
Hot Springs	1.54	Uinta	1.52
Johnson	1.60	Washakie	1.54
Laramie	1.71	Weston	1.66
Lincoln	1.52		

(c) Discounts and premiums for class, grade, variety and protein content.

	Cents per bushel
(1) Class premiums and discounts:	
(i) Premiums:	
Hard Amber Durum [1]	+10
Amber Durum	+5
(ii) Discounts:	
Red Durum	−20
Mixed Wheats (do not apply more than 1 of the Mixed Wheat discounts):	
Mixed Wheat (including Mixed Wheat containing less than 5 percent of wheats of the classes Durum and/or Red Durum)	−2
Mixed Wheat (containing from 5 percent to 10 percent of wheat of the classes Durum and/or Red Durum)	−6
Mixed Wheat (containing more than 10 percent of wheats of the classes Durum and/or Red Durum)	−15
(2) Grade premium and discount:	
(i) Premium:	
No. 1 Heavy (Hard Red Spring)	+1
(ii) Discounts:	
No. 2	−1
No. 3	−3
No. 4 on basis of test weight	−6
No. 5 on basis of test weight	−9
No. 4 or No. 5 because of containing Durum and/or Red Durum [2] [3]	−6
Smut—Degree basis:	
Light Smutty	−2
Smutty	−6
Smut—Percentage basis:	
One-half of 1 percent	−1
One percent or over	−3
Garlic—Degree basis:	
Light Garlicky	−6
Garlicky	−15
(3) Variety discount	−20

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

The following varieties listed by class will be subject to discount. This discount is in addition to any other applicable discount:

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket	C.T. 231	Golden Ball	Fifty-Fold	Kanqueen.
Cache [3]	Gasser	Pelissa	Florence	Kawvale.
Chiefkan	Henry [1]	Pentad	Greeson	Nured.
Cimarron	Kenney		Rex	Seabreeze.
Early Blackhull	Premier		Sonora	
Kanking	Progress			
Kharkof M C 22	Russell [1]			
New Chief	Spinkcota			
Pawnee Sel. 33	Sturgeon			
Purkof				
Red Chief				
Red Hull				
Red Jacket				
Stafford				
Wasatch [4]				
Yogo				

[2] These discounts are in addition to any other applicable numerical grade discount.

[3] Not applicable to any of the mixed wheats or Red Durum. For discounts applicable to mixed wheat containing Durum and/or Red Durum, see subparagraph (1) (ii) above.

[1] Except in Oregon, Washington, and Wisconsin.
[2] Except in Wisconsin.
[3] Except in Idaho and Utah.
[4] Except in Colorado, Idaho, and Utah.

(4) Protein Premiums: [1]

Protein content (percent)	Hard Red Winter (Cents per bushel)	Hard Red Spring (Cents per bushel)	Hard White wheat of the varieties Baart, Bluestem, and Burr (Cents per bushel)
10.0–10.9	0	0	1
11.0–11.9	0	1	2
12.0–12.9	1	2	3
13.0–13.9	2	3	4
14.0–14.4	3	4	5
14.5–14.9	4	5	6
15.0–15.4	5	6	7
15.5–15.9	6	7	8
16.0–16.4	7	8	9
16.5–16.9	8	10	11
17.0–17.4	9	12	13
Over 17.4	(*)	(*)	(*)

*2 cents for each ½ percent of protein over 17.4 percent.

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., July 20, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-6947; Filed, July 26, 1961; 8:45 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rye Loan and Purchase Agreement Program

SUPPORT RATES

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Rye (26 F.R. 5738), containing specific requirements applicable to price support operations on the 1961 rye crop. These regulations are further supplemented as follows.

§ 421.487 **Support rates.**

Basic support rates for rye placed under loan or delivered under purchase agreements are set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal Market and Rate per Bushel	
Omaha, Nebr.	$1.24
Sioux City, Iowa	1.24
Duluth, Minn.	1.24
Minneapolis, Minn.	1.24
Saint Paul, Minn.	1.24
Superior, Wis.	1.24
Atchison, Kans.	1.27
Kansas City, Mo.	1.27
St. Joseph, Mo.	1.27
Chicago, Ill.	1.31
Milwaukee, Wis.	1.31
Memphis, Tenn.	1.32
St. Louis, Mo.	1.32
Galveston, Tex.	1.31
Houston, Tex.	1.31
Port Arthur, Tex.	1.31
Long Beach, Calif.	1.34
Los Angeles, Calif.	1.34
Oakland, Calif.	1.34
San Francisco, Calif.	1.34
Stockton, Calif.	1.34
Wilmington, Calif.	1.34
Astoria, Oreg.	1.32
Kalama, Wash.	1.32
Longview, Wash.	1.32
Portland, Oreg.	1.32
Seattle, Wash.	1.32
Tacoma, Wash.	1.32
Vancouver, Wash.	1.32
Albany, N.Y.	1.45
Baltimore, Md.	1.45
New York, N.Y.	1.45
Norfolk, Va.	1.45
Philadelphia, Pa.	1.45

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Farm-storage loans and country warehouse storage loans, except as otherwise provided in § 421.483(b), will be based on the support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	*Rate per bushel*
All counties	$1.16

ARIZONA

All counties	$1.06

ARKANSAS

All counties	$1.04

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Colusa	$1.17	Plumas	$1.11
Contra Costa	1.22	Riverside	1.16
Glenn	1.15	San Joaquin	1.23
Kern	1.14	Shasta	1.09
Lassen	1.05	Sierra	1.03
Marin	1.22	Siskiyou	1.09
Merced	1.20	Sonoma	1.20
Modac	1.09	Stanislaus	1.22
Mono	1.01	Yuba	1.18

COLORADO

Baca	$0.92	Phillips	$0.93
Bent	.92	Prowers	.93
Cheyenne	.93	Sedgwick	.93
Kiowa	.93	Yuma	.93
Kit Carson	.93	All other counties	.91
Las Animas	.90		

CONNECTICUT

County	*Rate per bushel*
All counties	$1.15

DELAWARE

All counties	$1.15

FLORIDA

All counties	$1.21

GEORGIA

All counties	$1.21

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.97	Gem	$0.98
Adams	.95	Gooding	.94
Bannock	.89	Idaho	1.06
Bear Lake	.90	Jefferson	.88
Benewah	1.10	Jerome	.93
Bingham	.88	Kootenai	1.09
Blaine	.91	Latah	1.10
Boise	.97	Lemhi	.88
Bonner	1.02	Lewis	1.07
Bonneville	.88	Lincoln	.92
Boundary	1.00	Madison	.88
Butte	.88	Minidoka	.92
Camas	.91	Nez Perce	1.10
Canyon	.98	Oneida	.88
Caribou	.90	Owyhee	.97
Cassia	.91	Payette	.99
Clark	.86	Power	.91
Clearwater	1.08	Shoshone	.99
Custer	.88	Teton	.88
Elmore	.96	Twin Falls	.91
Franklin	.88	Valley	.96
Fremont	.88	Washington	.99

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$1.09	Lee	$1.11
Alexander	1.11	Livingston	1.11
Bond	1.14	Logan	1.11
Boone	1.12	McDonough	1.08
Brown	1.09	McHenry	1.13
Bureau	1.10	McLean	1.11
Calhoun	1.12	Macon	1.11
Carroll	1.10	Macoupin	1.14
Cass	1.11	Madison	1.15
Champaign	1.12	Marion	1.11
Christian	1.11	Marshall	1.10
Clark	1.11	Mason	1.11
Clay	1.11	Massac	1.11
Clinton	1.14	Menard	1.11
Coles	1.11	Mercer	1.08
Cook	1.17	Monroe	1.14
Crawford	1.08	Montgomery	1.13
Cumberland	1.11	Morgan	1.11
De Kalb	1.13	Moultrie	1.12
De Witt	1.11	Ogle	1.11
Douglas	1.12	Peoria	1.10
Du Page	1.15	Perry	1.11
Edgar	1.11	Piatt	1.11
Edwards	1.10	Pike	1.11
Effingham	1.11	Pope	1.07
Fayette	1.11	Pulaski	1.11
Ford	1.11	Putnam	1.10
Franklin	1.11	Randolph	1.11
Fulton	1.11	Richland	1.10
Gallatin	1.07	Rock Island	1.09
Greene	1.14	Saint Clair	1.14
Grundy	1.13	Saline	1.07
Hamilton	1.11	Sangamon	1.11
Hancock	1.08	Schuyler	1.11
Hardin	1.04	Scott	1.11
Henderson	1.08	Shelby	1.11
Henry	1.09	Stark	1.10
Iroquois	1.14	Stephenson	1.10
Jackson	1.11	Tazewell	1.11
Jasper	1.10	Union	1.11
Jefferson	1.11	Vermilion	1.14
Jersey	1.14	Wabash	1.08
Jo Daviess	1.09	Warren	1.09
Johnson	1.06	Washington	1.12
Kane	1.15	Wayne	1.10
Kankakee	1.15	White	1.08
Kendall	1.14	Whiteside	1.10
Knox	1.09	Will	1.15
Lake	1.17	Williamson	1.11
La Salle	1.12	Winnebago	1.10
Lawrence	1.11	Woodford	1.11

INDIANA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$1.06	Lawrence	$1.04
Allen	1.06	Madison	1.07
Bartholomew	1.03	Marion	1.08
Benton	1.09	Marshall	1.08
Blackford	1.08	Martin	1.03
Boone	1.06	Miami	1.03
Brown	1.03	Monroe	1.04
Carroll	1.09	Montgomery	1.06
Cass	1.09	Morgan	1.04
Clark	1.01	Newton	1.11
Clay	1.09	Noble	1.07
Clinton	1.08	Ohio	1.01
Crawford	1.01	Orange	1.01
Daviess	1.04	Owen	1.04
Dearborn	1.04	Parke	1.07
Decatur	1.04	Perry	.97
De Kalb	1.07	Pike	.97
Delaware	1.06	Porter	1.08
Dubois	1.01	Posey	1.13
Elkhart	1.09	Pulaski	1.09
Fayette	1.06	Putnam	1.11
Floyd	1.01	Randolph	1.06
Fountain	1.07	Ripley	1.07
Franklin	1.07	Rush	1.08
Fulton	1.10	Saint Joseph	1.08
Gibson	1.09	Scott	1.09
Grant	1.08	Shelby	1.01
Greene	1.04	Spencer	1.04
Hamilton	1.06	Starke	.97
Hancock	1.06	Steuben	1.10
Harrison	1.01	Sullivan	1.08
Hendricks	1.06	Switzerland	.98
Henry	1.07	Tippecanoe	1.08
Howard	1.09	Tipton	1.08
Huntington	1.07	Union	1.08
Jackson	1.03	Vanderburgh	1.12
Jasper	1.13	Vermillion	1.14
Jay	1.07	Vigo	1.14
Jefferson	1.01	Wabash	1.08
Jennings	1.02	Warren	1.10
Johnson	1.04	Warrick	1.08
Knox	1.07	Washington	1.01
Kosciusko	1.08	Wayne	1.08
Lagrange	1.07	Wells	1.06
Lake	1.14	White	1.12
La Porte	1.11	Whitley	1.08

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$1.03	Hamilton	$1.01
Adams	1.05	Hancock	1.00
Allamakee	1.04	Hardin	1.02
Appanoose	1.06	Harrison	1.07
Audubon	1.06	Henry	1.08
Benton	1.05	Howard	1.03
Black Hawk	1.03	Humboldt	1.00
Boone	1.02	Ida	1.04
Bremer	1.03	Iowa	1.04
Buchanan	1.04	Jackson	1.00
Buena Vista	1.01	Jasper	1.02
Butler	1.01	Jefferson	1.05
Calhoun	1.03	Johnson	1.08
Carroll	1.05	Jones	1.07
Cass	1.05	Keokuk	1.04
Cedar	1.07	Kosauth	1.00
Cerro Gordo	1.01	Lee	1.08
Cherokee	1.02	Linn	1.08
Chickasaw	1.02	Louisa	1.06
Clarke	1.02	Lucas	1.03
Clay	1.01	Lyon	1.01
Clayton	1.05	Madison	1.02
Clinton	1.08	Mahaska	1.04
Crawford	1.06	Marion	1.03
Dallas	1.02	Marshall	1.03
Davis	1.06	Mills	1.07
Decatur	1.02	Mitchell	1.02
Delaware	1.05	Monona	1.06
Des Moines	1.08	Monroe	1.05
Dickinson	1.00	Montgomery	1.07
Dubuque	1.06	Muscatine	1.07
Emmet	1.02	O'Brien	1.02
Fayette	1.04	Osceola	1.01
Floyd	1.01	Page	1.06
Franklin	1.01	Palo Alto	1.00
Fremont	1.07	Plymouth	1.04
Greene	1.03	Pocahontas	1.01
Grundy	1.03	Polk	1.02
Guthrie	1.04	Pottawattamie	1.07

IOWA—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Poweshiek	$1.03	Wapello	$1.05
Ringgold	1.01	Warren	1.02
Sac	1.03	Washington	1.05
Scott	1.08	Wayne	1.04
Shelby	1.07	Webster	1.02
Sioux	1.03	Winnebago	1.02
Story	1.02	Winneshiek	1.03
Tama	1.04	Woodbury	1.04
Taylor	1.04	Worth	1.02
Union	1.03	Wright	1.00
Van Buren	1.06		

KANSAS

Allen	$1.06	Linn	$1.09
Anderson	1.08	Logan	.96
Atchison	1.10	Lyon	1.06
Barber	1.00	McPherson	1.02
Barton	1.00	Marion	1.02
Bourbon	1.08	Marshall	1.06
Brown	1.08	Meade	.96
Butler	1.02	Miami	1.10
Chase	1.04	Mitchell	1.02
Chautauqua	1.04	Montgomery	1.06
Cherokee	1.06	Morris	1.04
Cheyenne	.95	Morton	.93
Clark	.97	Memaha	1.06
Clay	1.03	Neosho	1.06
Cloud	1.03	Ness	.99
Coffey	1.07	Norton	1.00
Comanche	.98	Osage	1.07
Cowley	1.02	Osborne	1.01
Crawford	1.07	Ottawa	1.02
Decatur	.98	Pawnee	1.00
Dickinson	1.02	Phillips	1.00
Doniphan	1.08	Pottawatomie	1.06
Douglas	1.10	Pratt	1.00
Edwards	1.00	Rawlins	.96
Elk	1.04	Reno	1.01
Ellis	1.00	Republic	1.03
Ellsworth	1.01	Rice	1.01
Finney	.96	Riley	1.06
Ford	.99	Rooks	1.00
Franklin	1.09	Rush	1.00
Geary	1.04	Russell	1.00
Gove	.97	Saline	1.02
Graham	1.00	Scott	.96
Grant	.95	Sedgwick	1.02
Gray	.97	Seward	.95
Greeley	.95	Shawnee	1.08
Greenwood	1.05	Sheridan	.97
Hamilton	.95	Sherman	.95
Harper	1.01	Smith	1.01
Harvey	1.02	Stafford	1.00
Haskell	.96	Stanton	.94
Hodgeman	.99	Stevens	.95
Jackson	1.08	Sumner	1.02
Jefferson	1.09	Thomas	.96
Jewell	1.02	Trego	1.00
Johnson	1.10	Wabaunsee	1.06
Kearny	.95	Wallace	.95
Kingman	1.02	Washington	1.04
Kiowa	1.00	Wichita	.95
Labette	1.06	Wilson	1.06
Lane	.97	Woodson	1.06
Leavenworth	1.10	Wyandotte	1.10
Lincoln	1.01		

KENTUCKY

County	*Rate per bushel*
All counties	$1.15

LOUISIANA

All counties	$1.06

MAINE

All counties	$1.15

MARYLAND

All counties	$1.15

MASSACHUSETTS

All counties	$1.15

MICHIGAN

County	*Rate per bushel*	*County*	*Rate per bushel*
Alcona	$0.96	Allegan	$1.05
Alger	.98	Alpena	.95

MICHIGAN—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Arenac	$0.98	Lewanee	$1.08
Baraga	.97	Livingston	1.06
Barry	1.05	Macomb	1.09
Bay	1.02	Manistee	.99
Benzie	1.03	Marquette	.98
Berrien	1.12	Mason	1.03
Branch	1.06	Mecosta	1.03
Calhoun	1.06	Menominee	1.02
Cass	1.09	Midland	1.03
Clare	1.03	Missaukee	.99
Clinton	1.04	Monroe	1.09
Crawford	.97	Montcalm	1.02
Delta	.99	Montmorency	.95
Dickinson	1.00	Muskegon	1.02
Eaton	1.05	Newaygo	1.01
Genesee	1.06	Oakland	1.07
Gladwin	1.00	Oceana	1.03
Gogebic	.99	Ogemaw	1.00
Grand Traverse	.97	Ontonagon	.97
Gratiot	1.04	Osceola	1.03
Hillsdale	1.06	Oscoda	1.00
Huron	1.03	Ottawa	1.05
Ingham	1.05	Roscommon	.97
Ionia	1.04	Saginaw	1.04
Iosco	.97	Saint Clair	1.08
Iron	.98	Saint Joseph	1.08
Isabella	1.03	Sanilac	1.06
Jackson	1.05	Shiawassee	1.05
Kalamazoo	1.08	Tuscola	1.05
Kalkaska	.95	Van Buren	1.07
Kent	1.04	Washtenaw	1.08
Lake	1.03	Wayne	1.08
Lapeer	1.06	Wexford	1.01
Leelanau	.95	All other counties	.94

MINNESOTA

Aitkin	$1.06	Marshall	$0.97
Anoka	1.06	Martin	1.02
Becker	1.00	Meeker	1.06
Beltrami	1.00	Mille Lacs	1.06
Benton	1.05	Morrison	1.04
Big Stone	1.01	Mower	1.03
Blue Earth	1.04	Murray	1.01
Brown	1.04	Nicollet	1.06
Carlton	1.07	Nobles	1.00
Carver	1.06	Norman	.98
Cass	1.03	Olmsted	1.04
Chippewa	1.02	Otter Tail	1.02
Chisago	1.06	Pennington	.97
Clay	.99	Pine	1.05
Clearwater	.99	Pipestone	1.00
Cottonwood	1.02	Polk	.97
Crow Wing	1.04	Pope	1.03
Dakota	1.06	Ramsey	1.06
Dodge	1.04	Red Lake	.98
Douglas	1.03	Redwood	1.03
Faribault	1.02	Renville	1.04
Fillmore	1.01	Rice	1.06
Freeborn	1.04	Rock	.99
Goodhue	1.05	Roseau	.96
Grant	1.01	Saint Louis	1.04
Hennepin	1.06	Scott	1.06
Houston	1.01	Sherburne	1.06
Hubbard	1.01	Sibley	1.06
Isanti	1.06	Stearns	1.05
Itasca	1.04	Steele	1.04
Jackson	1.01	Stevens	1.02
Kanabec	1.05	Swift	1.03
Kandiyohi	1.05	Todd	1.03
Kittson	.94	Traverse	1.01
Koochiching	.96	Wabasha	1.05
Lac Qui Parle	1.01	Wadena	1.03
Lake of the Woods	.97	Waseca	1.04
Le Sueur	1.06	Washington	1.06
Lincoln	1.01	Watonwan	1.03
Lyon	1.02	Wilkin	1.00
McLeod	1.06	Winona	1.04
Mahnomen	.98	Wright	1.06
		Yellow Medicine	1.02

MISSISSIPPI

County	*Rate per bushel*
All counties	$1.15

MISSOURI

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$1.07	Linn	$1.07
Andrew	1.09	Livingston	1.08
Atchison	1.06	McDonald	1.04
Audrain	1.10	Macon	1.08
Barry	1.04	Madison	1.11
Barton	1.06	Maries	1.11
Bates	1.09	Marion	1.10
Benton	1.07	Mercer	1.05
Bollinger	1.10	Miller	1.07
Boone	1.10	Mississippi	1.06
Buchanan	1.09	Moniteau	1.08
Butler	1.08	Monroe	1.09
Caldwell	1.09	Montgomery	1.12
Callaway	1.10	Morgan	1.07
Camden	1.07	New Madrid	1.07
Cape Girardeau	1.09	Newton	1.04
Carroll	1.08	Nodaway	1.06
Carter	.99	Oregon	.99
Cass	1.10	Osage	1.10
Cedar	1.08	Ozark	1.00
Charlton	1.07	Pemiscot	1.06
Christian	1.04	Perry	1.11
Clark	1.09	Pettis	1.07
Clay	1.10	Phelps	1.10
Clinton	1.09	Pike	1.11
Cole	1.09	Platte	1.10
Cooper	1.08	Polk	1.06
Crawford	1.12	Pulaski	1.08
Dade	1.06	Putnam	1.05
Dallas	1.04	Ralls	1.10
Daviess	1.08	Randolph	1.09
De Kalb	1.09	Ray	1.09
Dent	1.09	Reynolds	1.07
Douglas	1.01	Ripley	1.07
Dunklin	1.06	Saint Charles	1.16
Franklin	1.14	Saint Clair	1.08
Gasconade	1.12	Saint Francois	1.12
Gentry	1.07	Sainte Genevieve	1.13
Greene	1.04	Saint Louis	1.16
Grundy	1.07	Saline	1.08
Harrison	1.06	Schuyler	1.07
Henry	1.08	Scotland	1.08
Hickory	1.06	Scott	1.08
Holt	1.07	Shannon	.99
Howard	1.09	Shelby	1.09
Howell	.99	Stoddard	1.08
Iron	1.11	Stone	1.03
Jackson	1.10	Sullivan	1.05
Jasper	1.06	Taney	1.02
Jefferson	1.16	Texas	1.01
Johnson	1.09	Vernon	1.08
Knox	1.08	Warren	1.15
Laclede	1.07	Washington	1.13
Lafayette	1.09	Wayne	1.09
Lawrence	1.04	Webster	1.05
Lewis	1.10	Worth	1.06
Lincoln	1.14	Wright	1.01

MONTANA

Beaverhead	$0.84	Liberty	$0.80
Big Horn	.73	Lincoln	.91
Blaine	.76	McCone	.80
Broadwater	.88	Madison	.89
Carbon	.77	Meagher	.80
Carter	.82	Mineral	.97
Cascade	.80	Missoula	.97
Chouteau	.80	Musselshell	.79
Custer	.80	Park	.80
Daniels	.77	Petroleum	.80
Dawson	.81	Phillips	.74
Deer Lodge	.91	Pondera	.80
Fallon	.81	Powder River	.78
Fergus	.80	Powell	.92
Flathead	.91	Prairie	.80
Gallatin	.88	Ravalli	.94
Garfield	.79	Richland	.81
Glacier	.81	Roosevelt	.81
Golden Valley	.79	Rosebud	.75
Granite	.93	Sanders	.97
Hill	.80	Sheridan	.80
Jefferson	.91	Silver Bow	.91
Judith Basin	.80	Stillwater	.79
Lake	.95	Sweet Grass	.80
Lewis and Clark	.80	Teton	.80
		Toole	.80

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Treasure	$0.74	Wibaux	$0.82
Valley	.77	Yellowstone	.79
Wheatland	.80		

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.02	Jefferson	$1.05
Antelope	1.02	Johnson	1.05
Arthur	.94	Kearney	1.01
Banner	.89	Keith	.94
Blaine	.97	Keya Paha	.97
Boone	1.03	Kimball	.91
Box Butte	.92	Knox	1.00
Boyd	.99	Lancaster	1.07
Brown	.97	Lincoln	.96
Buffalo	1.01	Logan	.97
Burt	1.07	Loup	1.00
Butler	1.06	McPherson	.96
Cass	1.07	Madison	1.03
Cedar	1.01	Merrick	1.03
Chase	.94	Morrill	.91
Cherry	.94	Nance	1.04
Cheyenne	.91	Nemaha	1.05
Clay	1.02	Nuckolls	1.02
Colfax	1.06	Otoe	1.07
Cuming	1.06	Pawnee	1.06
Custer	.99	Perkins	.94
Dakota	1.04	Phelps	1.00
Dawes	.90	Pierce	1.03
Dawson	.99	Platte	1.05
Deuel	.93	Polk	1.05
Dixon	1.03	Red Willow	.98
Dodge	1.07	Richardson	1.06
Douglas	1.07	Rock	.97
Dundy	.94	Saline	1.05
Fillmore	1.04	Sarpy	1.07
Franklin	1.00	Saunders	1.07
Frontier	.98	Scotts Bluff	.89
Furnas	1.00	Seward	1.06
Gage	1.05	Sheridan	.91
Garden	.92	Sherman	1.01
Garfield	1.00	Sioux	.88
Gosper	1.00	Stanton	1.04
Grant	.93	Thayer	1.04
Greeley	1.02	Thomas	.96
Hall	1.02	Thurston	1.05
Hamilton	1.08	Valley	1.00
Harlan	1.00	Washington	1.07
Hayes	.94	Wayne	1.02
Hitchcock	.96	Webster	1.01
Holt	1.00	Wheeler	1.03
Hooker	.94	York	1.04
Howard	1.02		

NEVADA

County	Rate per bushel
All counties	$0.96

NEW HAMPSHIRE

County	Rate per bushel
All counties	$1.15

NEW JERSEY

County	Rate per bushel
All counties	$1.15

NEW MEXICO

County	Rate per bushel
All counties	$0.91

NEW YORK

County	Rate per bushel
All counties	$1.16

NORTH CAROLINA

County	Rate per bushel
All counties	$1.19

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.87	Emmons	$0.92
Barnes	.96	Foster	.94
Benson	.92	Golden Valley	.83
Billings	.87	Grand Forks	.96
Bottineau	.88	Grant	.87
Bowman	.86	Griggs	.96
Burke	.87	Hettinger	.87
Burleigh	.92	Kidder	.93
Cass	.96	La Moure	.95
Cavalier	.92	Logan	.93
Dickey	.96	McHenry	.90
Divide	.86	McIntosh	.93
Dunn	.87	McKenzie	.84
Eddy	.93	McLean	.90

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Mercer	$0.89	Sheridan	$0.92
Morton	.89	Sioux	.89
Mountrail	.87	Slope	.84
Nelson	.94	Stark	.87
Oliver	.89	Steele	.97
Pembina	.93	Stutsman	.95
Pierce	.91	Towner	.92
Ramsey	.93	Traill	.97
Ransom	.97	Walsh	.94
Renville	.87	Ward	.88
Richland	1.00	Wells	.93
Rolette	.91	Williams	.86
Sargent	.97		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$1.08	Licking	$1.10
Allen	1.09	Logan	1.09
Ashland	1.11	Lorain	1.11
Ashtabula	1.13	Lucas	1.09
Athens	1.10	Madison	1.09
Auglaize	1.08	Mahoning	1.13
Belmont	1.11	Marion	1.10
Brown	1.06	Medina	1.11
Butler	1.08	Meigs	1.08
Carroll	1.11	Mercer	1.08
Champaign	1.08	Miami	1.08
Clark	1.08	Monroe	1.11
Clermont	1.08	Montgomery	1.08
Clinton	1.08	Morgan	1.11
Columbiana	1.12	Morrow	1.10
Coshocton	1.11	Muskingum	1.11
Crawford	1.10	Noble	1.11
Cuyahoga	1.11	Ottawa	1.10
Darke	1.08	Paulding	1.08
Defiance	1.08	Perry	1.10
Delaware	1.10	Pickaway	1.09
Erie	1.10	Pike	1.08
Fairfield	1.10	Portage	1.11
Fayette	1.08	Preble	1.08
Franklin	1.10	Putnam	1.09
Fulton	1.08	Richland	1.11
Gallia	1.08	Ross	1.09
Geauga	1.13	Sandusky	1.10
Greene	1.08	Scioto	1.08
Guernsey	1.11	Seneca	1.10
Hamilton	1.08	Shelby	1.08
Hancock	1.10	Stark	1.11
Hardin	1.10	Summit	1.11
Harrison	1.11	Trumbull	1.13
Henry	1.08	Tuscarawas	1.11
Highland	1.08	Union	1.10
Hocking	1.10	Van Wert	1.08
Holmes	1.11	Vinton	1.10
Huron	1.10	Warren	1.08
Jackson	1.08	Washington	1.11
Jefferson	1.12	Wayne	1.11
Knox	1.10	Williams	1.08
Lake	1.12	Wood	1.10
Lawrence	1.08	Wyandot	1.10

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$1.00	Grant	$1.00
Alfalfa	1.00	Greer	.89
Atoka	.92	Harmon	.89
Beaver	.93	Harper	.94
Beckham	.90	Haskell	.97
Blaine	.93	Hughes	.96
Bryan	.89	Jackson	.89
Caddo	.91	Jefferson	.89
Canadian	.93	Johnston	.91
Carter	.90	Kay	1.01
Cherokee	1.01	Kingfisher	.95
Choctaw	.89	Kiowa	.90
Cimarron	.92	Latimer	.95
Cleveland	.92	Le Flore	.95
Coal	.92	Lincoln	.95
Comanche	.90	Logan	.96
Cotton	.89	Love	.89
Craig	1.05	McClain	.91
Creek	1.00	McCurtain	.88
Custer	.91	McIntosh	.99
Delaware	1.04	Major	.95
Dewey	.91	Marshall	.90
Ellis	.92	Mayes	1.03
Garfield	.99	Murray	.90
Garvin	.91	Muskogee	1.00
Grady	.91	Noble	1.00

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Nowata	$1.05	Rogers	$1.00
Okfuskee	.96	Seminole	.94
Oklahoma	.93	Sequoyah	.89
Okmulgee	1.00	Stephens	.89
Osage	1.02	Texas	.93
Ottawa	1.05	Tillman	.93
Pawnee	1.00	Tulsa	1.02
Payne	.96	Wagoner	1.02
Pittsburg	.95	Washington	1.06
Pontotoc	.93	Washita	.91
Pottawatomie	.93	Woods	.99
Pushmataha	.92	Woodward	.94
Roger Mills	.90		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$1.09	Lake	$1.08
Benton	1.13	Lane	1.10
Clackamas	1.16	Lincoln	1.07
Clatsop	1.13	Linn	1.13
Columbia	1.15	Malheur	.90
Coos	1.04	Marion	1.16
Crook	1.16	Morrow	1.17
Curry	1.02	Multnomah	1.19
Deschutes	1.16	Polk	1.15
Douglas	1.06	Sherman	1.18
Gilliam	1.18	Tillamook	1.18
Grant	1.16	Umatilla	1.16
Harney	.94	Union	1.11
Hood River	1.18	Wallowa	1.08
Jackson	.99	Wasco	1.21
Jefferson	1.18	Washington	1.18
Josephine	.99	Wheeler	1.16
Klamath	1.09	Yamhill	1.17

PENNSYLVANIA

County	Rate per bushel
All counties	$1.16

RHODE ISLAND

County	Rate per bushel
All counties	$1.15

SOUTH CAROLINA

County	Rate per bushel
All counties	$1.21

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.97	Jackson	$0.90
Beadle	.97	Jerauld	.97
Bennett	.92	Jones	.91
Bon Homme	1.00	Kingsbury	.90
Brookings	.99	Lake	.99
Brown	.97	Lawrence	.95
Brule	.96	Lincoln	1.01
Buffalo	.96	Lyman	.96
Butte	.85	McCook	1.00
Campbell	.92	McPherson	.95
Charles Mix	.96	Marshall	.97
Clark	.98	Meade	.94
Clay	1.03	Mellette	.96
Codington	.99	Miner	.90
Corson	.89	Minnehaha	1.00
Custer	.87	Moody	.99
Davison	.99	Pennington	.95
Day	.98	Perkins	.87
Deuel	.99	Potter	.93
Dewey	.88	Roberts	.99
Douglas	.99	Sanborn	.97
Edmunds	.95	Shannon	.91
Fall River	.87	Spink	.97
Faulk	.95	Stanley	.92
Grant	1.00	Sully	.91
Gregory	.98	Todd	.96
Haakon	.87	Tripp	.97
Hamlin	.99	Turner	1.01
Hand	.96	Union	1.03
Hanson	.99	Walworth	.99
Harding	.86	Washabaugh	.89
Hughes	.93	Yankton	1.01
Hutchinson	1.00	Ziebach	.89
Hyde	.94		

TENNESSEE

County	Rate per bushel
All counties	$1.16

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.01	Jones	$1.01
Bosque	1.10	Karnes	1.13
Bowie	1.05	Lampasas	1.10
Brown	1.06	Limestone	1.14
Callahan	1.03	Lipscomb	.97
Cass	1.06	McCulloch	1.05
Clay	1.03	McLennan	1.12
Collin	1.08	Mason	1.06
Comanche	1.06	Montague	1.04
Concho	1.04	Moore	.98
Coryell	1.11	Ochiltree	.96
Dallam	.97	Palo Pinto	1.05
Denton	1.06	Parker	1.07
Eastland	1.05	Reeves	.91
Fannin	1.05	Roberts	.99
Fisher	1.01	Runnels	1.03
Gillespie	1.08	San Saba	1.06
Grayson	1.05	Sherman	.97
Hamilton	1.08	Smith	1.11
Hansford	.97	Tarrant	1.09
Hartley	.98	Taylor	1.02
Hemphill	.98	Wichita	1.02
Hood	1.06	Wise	1.06
Hunt	1.06	Young	1.04
Jack	1.04	All other counties	1.00
Johnson	1.09		

UTAH

County	Rate per bushel
All counties	$0.91

VERMONT

County	Rate per bushel
All counties	$1.15

VIRGINIA

County	Rate per bushel
All counties	$1.15

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.14	Lewis	$1.13
Asotin	1.10	Lincoln	1.12
Benton	1.16	Mason	1.12
Chelan	1.15	Okanogan	1.13
Clallam	1.04	Pacific	1.12
Clark	1.18	Pend Oreille	.99
Columbia	1.14	Pierce	1.18
Cowlitz	1.17	San Juan	1.14
Douglas	1.14	Skagit	1.14
Ferry	.90	Skamania	1.18
Franklin	1.16	Snohomish	1.16
Garfield	1.13	Spokane	1.10
Grant	1.15	Stevens	1.04
Grays Harbor	1.12	Thurston	1.13
Island	1.16	Wahkiakum	1.17
Jefferson	1.06	Walla Walla	1.16
King	1.18	Whatcom	1.14
Kitsap	1.10	Whitman	1.11
Kittitas	1.19	Yakima	1.16
Klickitat	1.18		

WEST VIRGINIA

County	Rate per bushel
All counties	$1.15

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	Fond du Lac	$1.08
Ashland	1.02	Forest	1.01
Barron	1.03	Grant	1.05
Bayfield	1.03	Green	1.09
Brown	1.06	Green Lake	1.07
Buffalo	1.03	Iowa	1.06
Burnett	1.06	Iron	1.00
Calumet	1.07	Jackson	1.04
Chippewa	1.02	Jefferson	1.10
Clark	1.02	Juneau	1.06
Columbia	1.07	Kenosha	1.15
Crawford	1.04	Kewaunee	1.04
Dane	1.09	La Crosse	1.04
Dodge	1.08	Lafayette	1.06
Door	1.03	Langlade	1.03
Douglas	1.07	Lincoln	1.02
Dunn	1.04	Manitowac	1.07
Eau Claire	1.03	Marathon	1.03
Florence	1.01	Marinette	1.02

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Marquette	$1.06	Sauk	$1.06
Milwaukee	1.14	Sawyer	1.03
Monroe	1.05	Shawano	1.05
Oconto	1.04	Sheboygan	1.08
Oneida	1.01	Taylor	1.00
Outagamie	1.06	Trempealeau	1.02
Ozaukee	1.09	Vernon	1.04
Pepin	1.05	Vilas	.98
Pierce	1.06	Walworth	1.11
Polk	1.06	Washburn	1.04
Portage	1.05	Washington	1.09
Price	1.00	Waukesha	1.10
Racine	1.15	Waupaca	1.05
Richland	1.06	Waushara	1.06
Rock	1.10	Winnebago	1.07
Rusk	1.02	Wood	1.05
Saint Croix	1.06		

WYOMING

County	Rate per bushel
All counties	$0.91

(c) *Discount for ergot.* Rye containing more than 3/10 of 1 percent ergot, but not more than 1 percent ergot shall be discounted as follows:

Ergot content (percent):	Discount (cents per bushel)
0.31 to 0.40	1
0.41 to 0.50	2
0.51 to 0.60	3
0.61 to 0.70	4
0.71 to 0.80	5
0.81 to 0.90	6
0.91 to 1.00	7

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed in Washington, D.C., July 20, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-6946; Filed, July 26, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Notice of the proposed issuance of amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70) was published in the FEDERAL REGISTER on June 2, 1961 (26 F.R. 4889). The amendments hereinafter promulgated are issued pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

The amendments clarify the authority of the Administrator to issue instructions with respect to rendition of service under the regulations; require proper facilities for the performance of grading or inspection service on a resident basis; limit discoloration due to improper freezing and storage in A and B quality; require poultry to have been examined in an unfrozen state for quality factors if the consumer grade designations are to be applied; and make other minor changes, many of which are for the purpose of conforming Part 70 with the requirements of the poultry inspection regulations set forth in Part 81.

The amendments are essentially the same as proposed in the aforesaid notice of rule-making with the exception that the proposed requirement relating to the holding of turkeys in an unfrozen state for 12 hours if they are to be designated as Grade A has been withdrawn, and the proposal allowing designation of poultry carcasses and parts as U.S. Grade A only if they were graded and identified in an unfrozen state has been clarified to apply to all the consumer grade designations. It does not appear that further public participation in rule-making on these deviations from the original proposal would make additional information available to this Department. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule-making procedure on the amendments is unnecessary.

After consideration of all relevant material, the regulations in 7 CFR Part 70, as amended, are hereby further amended as follows:

1. Section 70.13 is changed to read:

§ 70.13 Supervision.

All grading service and all inspection service shall be subject to supervision at all times by the responsible station supervisor, State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered in accordance with instructions issued by the Administrator where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 70.14 [Amendment]

2. Section 70.14 is changed by deleting the first sentence and substituting therefor, "Except as otherwise provided in this section, dressed poultry may be graded or inspected under the regulations in this part only if it was processed in an official plant in accordance with

the regulations in this part, or in Part 81 of this chapter, or was imported from a country with an inspection system approved by the Administrator."

3. Section 70.20 is deleted and a new § 70.20 is added to read:

§ 70.20 Facilities to be furnished for use of graders and inspectors in performing service on a resident basis.

Facilities for proper sampling, weighing, and examination of poultry, products, and other articles under the regulations in this part shall be furnished by the official plant for use of inspectors and/or graders in the performance of their duties under the regulations.

§ 70.93 [Amendment]

4. Section 70.93(b)(3) is changed to read:

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of immediate containers which do not bear the net weight: *Provided*, That the retailer or distributor supplying the retailer agrees in writing to the Administrator to mark the true net weight on the label prior to display and sale thereof: *Provided further*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container shall be marked on such container. The net weight marked on immediate containers of edible products shall be the net weight of the edible products and shall not include the weights of the wet or dry packaging materials and giblets wrapping materials.

5. Section 70.93(f) is changed by adding at the end thereof the following: "Deviations from the form of labeling required under the regulations in this part may be approved by the Administrator: *Provided*, That the proposed labeling accords to the specifications of the foreign purchaser, that it is not in conflict with the laws of the country to which it is intended for export, and that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations in this part shall apply."

§ 70.353 [Amendment]

6. Section 70.353(h) is changed to read:

(h) *Freezing defects.* The carcass or part is practically free of defects resulting from freezing. Slight darkening of the flesh over the back and drumsticks is permitted provided the frozen bird has a generally bright appearance. Occasional pockmarks due to drying of the inner layer of skin (derma) may be present, provided that none exceeds the area of a circle ⅛ inch in diameter on chickens, guineas, ducks, and pigeons, and ¼ inch in diameter on turkeys and geese.

§ 70.354 [Amendment]

7. Section 70.354(h) is changed to read:

(h) *Freezing defects.* The carcass or part may have moderate defects resulting from freezing. The skin and flesh shall have a sound appearance but may lack brightness. The carcass or part may have a few pockmarks due to drying of the inner layer of skin (derma), provided that no single area of overlapping pockmarks exceeds that of a circle ½ inch in diameter.

§ 70.356 [Amendment]

8. Section 70.356(a) is changed to read:

(a) The United States consumer grades for ready-to-cook poultry are applicable to poultry of the kinds and classes set forth in §§ 70.300 to 70.306, except as provided in paragraph (c) of this section, when each carcass or part has been graded by a grader in accordance with § 70.30 on an individual basis.

9. A new § 70.356(c) is added to read:

(c) Poultry carcasses and parts may be designated in accordance with the United States Consumer Grades for ready-to-cook poultry, only if they were graded and identified in an unfrozen state.

§ 70.360 [Amendment]

10. Section 70.360(a) is changed to read:

(a) The United States Wholesale Grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when graded as a lot by a grader in accordance with § 70.30 on the basis of an examination of each carcass in the lot or each carcass in a representative sample thereof and are based upon the United States standards for quality set forth in §§ 70.350 to 70.355.

§ 70.364 [Amendment]

11. Section 70.364(a) is changed to read:

(a) The United States Procurement Grades for ready-to-cook poultry are applicable to carcasses of ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when graded as a lot by a grader in accordance with § 70.30 on the basis of an examination of each carcass in the lot or each carcass in a representative sample thereof.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, as amended; 7 U.S.C. 1622)

Issued at Washington, D.C., the 24th day of July 1961, to become effective 30 days after publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-7063; Filed, July 26, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-75]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway; Change of Effective Date

On March 19, 1960, there was published in the FEDERAL REGISTER (25 F.R. 2360) an amendment to § 600.6139 of the regulations of the Administrator. This amendment, originally to be effective January 12, 1961, altered VOR Federal airway No. 139 between Providence, R.I., and Boston, Mass., concurrently with the commissioning of a VOR near Whitman, Mass. Subsequent to publication of this amendment, a "Modification of Amendments—Change of Effective Date" was published on December 1, 1960 (25 F.R. 12286) changing the effective date to September 21, 1961, due to a postponement of the commissioning date of the Whitman VOR.

The commissioning date of the Whitman VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendment until February 8, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with Section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-75 is hereby modified as follows: "effective 0001 e.s.t. September 21, 1961" is deleted and "effective 0001 e.s.t. February 8, 1962" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7025; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 60-AN-26]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Area; Change of Effective Date

On November 29, 1960, there were published in the FEDERAL REGISTER (25 F.R. 12172) amendments to Parts 600 and 601

of the regulations of the Administrator. These amendments, originally to be effective February 9, 1961, designated VOR Federal airway No. 504 and associated control area from Nenana, Alaska, to Fairbanks, Alaska, concurrently with the commissioning of a VOR near Fairbanks. Subsequent to the publication of these amendments, a "Modification of Amendments—Change of Effective Date" was published on January 25, 1961 (26 F.R. 712) changing the effective date to August 24, 1961, due to a postponement of the commissioning date of the Fairbanks VOR.

The commissioning date of the Fairbanks VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until February 8, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-AN-26 is hereby modified as follows: "effective 0001 e.s.t. August 24, 1961." is deleted and "effective 0001 e.s.t. February 8, 1962." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7022; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-150]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway

On February 11, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1226) stating that the Federal Aviation Agency proposed to revoke Blue Federal airway No. 40 in its entirety, its associated control area and reporting points.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

In Parts 600 and 601 (14 CFR Parts 600 and 601) the following sections are revoked:

1. Section 600.640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.)

2. Section 601.640 Blue Federal airway No. 40 control areas (Lebanon, N.H., to Burlington, Vt.)

3. Section 601.4640 Blue Federal airway No. 40 (Lebanon, N.H., to Burlington, Vt.)

These amendments shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7023; Filed, July 26, 1961; 8:46 a.m.]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Area; Change of Effective Date

On March 22, 1961, there were published in the FEDERAL REGISTER (25 F.R. 2387) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, originally to be effective January 12, 1961, designated VOR Federal airway No. 451 and its associated control area from New Bedford, Mass., to Boston, Mass., concurrently with the commissioning of a VOR near Whitman, Mass. Subsequent to publication of these amendments, a "Modification of Amendments—Change of Effective Date" was published on November 30, 1960 (25 F.R. 12235) changing the effective date to September 21, 1961, due to a postponement of the commissioning date of the Whitman VOR.

The commissioning date of the Whitman VOR has again been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until February 8, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 59-WA-104 is hereby modified as follows: "effective 0001 e.s.t. September 21, 1961" is deleted and "effective 0001 e.s.t. February 8, 1962" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7024; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-84]

PART 601—SPECIAL USE AIRSPACE

Alteration of Control Zone

On March 4, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1921) stating that the Federal Aviation Agency proposed to alter the San Juan, P.R., control zone.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Puerto Rico Ports Authority concurred with the proposed alteration of the San Juan control zone but requested that consideration be given to defining the control zone in simpler terms by use of an 8-mile radius circle centered on a geographical reference point with extensions. It is the policy of the Federal Aviation Agency to designate only that airspace required to efficiently contain the functions and procedures for which the airspace is intended. This often results in descriptions that may appear to be complex. The alteration of the present San Juan 8-mile control zone represents the minimum airspace considered necessary for a control zone at San Juan.

The Air Transport Association of America and the Department of the Air Force offered no objections. No other comments were received within the allotted time.

A review of the requirements for the east control zone extension indicates that this extension should be based on the San Juan VOR 087° True radial in lieu of the 088° True radial and action is taken herein to reflect this change.

Subsequent to the publication of the Notice, the Wave, Ocean and Tide intersections have been revoked, thereby eliminating the requirements for control zone extensions serving instrument approaches from these intersections. Therefore, no action is taken herein to designate extensions based on the San Juan VOR 334° and 352° True radials.

Although the notice referred to the San Juan International Airport (Isla Verde) and the Isla Grande Airport in the description of the control zone, the names of these airports are being corrected to Puerto Rico International Airport and San Juan Air Terminal (Isla Grande) respectively.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following action is taken:

Section 601.2215 (14 CFR 601.2215) is amended to read:

§ 601.2215 San Juan, P.R., control zone.

Within a 5-mile radius of the Puerto Rico International Airport (Lat. 18°26'

40'' N., Long. 66°00'20'' W.), and within a 3-mile radius of the San Juan Air Terminal (Isla Grande) (Lat. 18°27'30'' N., Long. 66°05'50'' W.); within 2 miles either side of the 067° and the 281° bearings from the San Pat, P.R., RBN extending from the 5-mile radius zone to 12 miles W of the RBN, and within 2 miles either side of the 058° and 087° radials of the San Juan VOR extending from the 5-mile radius zone to 12 miles NE and E of the VOR.

This amendment shall become effective 0001 e.s.t. September 21, 1961.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7021; Filed, July 26, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-117]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Revocation of Reporting Points

The purpose of these amendments to § 601.7001 of the regulations of the Administrator is to revoke the Pacific, Calif., intersection as a low altitude VOR reporting point, and to designate the Nottingham, Md., VOR, Priest, Calif., VOR, Fellows, Calif., VOR, and Fallon, Nev., VOR as low altitude VOR reporting points.

Flight progress reports over designated locations, automatically initiated by pilots, facilitate air traffic management and assist the controller in the performance of his duties. However, due to continuous modernization of the airway structure, the need for reporting points at particular locations is constantly being revised. The actions taken herein reflect this changing need on the part of air traffic management.

Since these amendments are of a procedural nature and do not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than thirty days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

In § 601.7001 (14 CFR 601.7001, 26 F.R. 4052), the following changes are made;

(a) In the text delete:

Pacific INT: The INT of the Mission Bay, Calif., VOR 320° and the Oceanside, Calif., VORTAC 279° radials.

(b) In the text add:

Nottingham, Md., VOR.
Priest, Calif., VOR.
Fellows, Calif., VOR.
Fallon, Nev., VOR.

These amendments shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 20, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7026; Filed, July 26, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

ZOALENE WITH OLEANDOMYCIN

I. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the following amendment to the food additive regulations with respect to the food additive zoalene in combination with oleandomycin in chicken feed should issue. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.206 and 121.207 (21 CFR 121.206, 121.207; 26 F.R. 3246, 5369) are amended in the following respects:

1. Section 121.206 is amended as follows:

a. Paragraph (a) is amended by adding thereto the following new subparagraph (3):

§ 121.206 Oleandomycin.

* * * * * * *

(a) * * *

(3) In chicken feed in combination with zoalene in accordance with the conditions prescribed in § 121.207.

b. Paragraph (b) is changed to read as follows:

(b) The oleandomycin activity may be adsorbed upon a suitable carrier vehicle that is not a food additive or which is specifically provided for by regulation in this chapter.

c. Paragraph (d)(3) is amended to read as follows:

(3) If the additive is to be used as prescribed in paragraph (a)(1) of this section, the label and labeling shall also include a statement that the preparation is not to be fed to laying hens.

d. Paragraph (d) is further amended by deleting subparagraph (4).

2. Section 121.207 is amended as follows:

a. The introduction to paragraph (a) is changed to read:

§ 121.207 Zoalene.

* * * * * * *

(a) It is used or intended for use in the prevention and control of coccidiosis in chickens caused by Eimeria acervulina, Eimeria brunetti, Eimeria maxima, Eimeria necatrix, or Eimeria tenella, in an amount not more than 125 parts per million (0.0125 percent) nor less than 63 parts per million (0.0063 percent), to be fed as prescribed in § 146.26(b)(45) of this chapter, and may be used in combinations as follows:

b. Paragraph (a)(1) is amended by adding thereto a new subdivision (iii):

(iii) Oleandomycin: Not less than 1 gram per ton (1.1 part per million, 0.00011 percent) nor more than 2 grams per ton (2.2 parts per million, 0.00022 percent) of the finished feed.

c. Paragraph (b) is amended by adding thereto the following new subparagraph (8):

(8) A statement of the conditions for which the additive is to be used.

II. Based upon an evaluation of the data before him and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), the Commissioner of Food and Drugs has further concluded that additional data have demonstrated that the tolerance of 2 parts per million for residues of zoalene in the muscle meat of chickens might on occasion be exceeded. A tolerance of 3 parts per million having been established as the maximum residue likely to occur when zoalene is fed in accordance with § 121.207 and 3 parts per million having been established as safe, § 121.1013 is amended in the following respects:

1. Paragraph (a) is amended by deleting the words "muscle meat and".

2. A new paragraph is inserted between paragraphs (a) and (b).

As amended, § 121.1013 reads as follows:

§ 121.1013 Tolerances for residues of zoalene (3,5-dinitro-o-toluamide) and its metabolite 3-amino-5-nitro-o-toluamide.

Tolerances are established as follows for residues of zoalene (3,5-dinitro-o-toluamide) and its metabolite 3-amino-5-nitro-o-toluamide in the edible tissues of chickens that have received medicated feed containing the food additive.

(a) 2 parts per million (0.0002 percent) in the uncooked fat of chickens.

(b) 3 parts per million (0.0003 percent) in the uncooked muscle meat of chickens.

(c) 6 parts per million (0.0006 percent) in the uncooked liver and kidneys of chickens.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: July 14, 1961.

(Sec. 409(c)(1), (4); 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7039; Filed, July 26, 1961; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55434]

PART 1—CUSTOMS DISTRICTS, PORTS AND STATIONS

Headquarters of Appraisers of Merchandise

The offices of the appraisers of merchandise in the following customs collection districts have been removed from the administrative jurisdiction of the respective collectors of customs and established as independent principal field offices effective on July 1, 1961:

District No.	Name of district	District No.	Name of district
47	Colorado.	19	Mobile.
34	Dakota.	15	North Carolina.
40	Indiana.	16	South Carolina.
42	Kentucky.	43	Tennessee.
1	Maine and New Hampshire.		

In order to reflect this change and to correct the addresses for district numbers 18, 24, and 25, the entries for the following districts in the list showing the locations of the headquarters of the appraisers of merchandise in § 1.6 of the Customs Regulations are amended to read as follows:

District No.	Name of district	Location of headquarters	Address of appraiser of merchandise
47	Colorado	Denver 2, Colo	Room 24, New Customhouse.
34	Dakota	Pembina, N. Dak	Federal Bldg.
24	El Paso	El Paso, Tex	1317 South El Paso St.
18	Florida	Miami 32, Fla	811 NW. First Ave.
40	Indiana	Indianapolis 4, Ind	Room 32, Federal Bldg.
42	Kentucky	Louisville 2, Ky	Federal Bldg.
1	Maine and New Hampshire	Portland 3, Maine	312 Fore St.
19	Mobile	Mobile 4, Ala	Rm 144, U.S. Court House and Customhouse.
15	North Carolina	Wilmington, N.C.	P.O. Box 780.
25	San Diego	San Diego 1, Calif	1418 Sixth Ave.
16	South Carolina	Charleston 8, S.C.	200 East Bay St.
43	Tennessee	Memphis 3, Tenn	Room 249, Customhouse.

(R.S. 161, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 20, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7015; Filed, July 26, 1961; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 new section headings are added to the Table of Contents and § 200.78 is renumbered as § 200.81 as follows:

Sec.
200.78 Accounts Officer and Deputies.
200.79 Insurance Officer and Deputy.
200.80 Fiscal Officer and Deputy.
200.81 Assistant Commissioner for Property Disposition and Deputy.

Section 200.77 is amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

To the position of Assistant Commissioner-Comptroller, and under his general supervision to the position of Deputy Assistant Commissioner-Comptroller, there is delegated the following basic authority and functions:

(a) To be responsible to the Commissioner for coordination and general supervision of the Procedures Branch, Financial Reports Branch, the Accounting Branch, the Insurance Branch, and the Fiscal Branch.

(b) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(c) To be responsible to the Commissioner to devise and establish insurance fiscal servicing, accounting and fiscal procedures and to administer the fiscal policies and activities of FHA; and to provide or cause to be provided under his direction, technical advice, and guidance to all organizational elements of the FHA in the fields of accounting, electronic data processing, insurance fiscal servicing and fiscal matters.

(d) To be responsible to the Commissioner for the establishment and maintenance of appropriate accounting, fiscal and mortgage insurance controls and for the safeguarding of cash, notes, mortgages, negotiable instruments, checks, securities, debentures, contracts and properties.

(e) To develop and recommend policies, rules and procedures covering all phases of the settlement of Title I claims and the liquidation of defaulted Title I loans acquired in connection therewith.

(f) To exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the settlement of claims under section 2 of Title I of the National Housing Act and the liquidation of defaulted Title I loans acquired in connection therewith, including (1) the acceptance and execution of compromise agreements in the settlement of such claims; (2) the chargeoff of any amounts due FHA where the account has been compromised, or it is determined that the account is uncollectible or unrecoverable; (3) the execution of documents necessary to transfer title in and to any debt, contract claim, property, or security; (4) proofs of claim against bankrupt, insolvent or decedent estates; (5) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (6) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full.

(g) To direct and supervise periodic portfolio examinations of institutions insured under the provisions of section 2 of Title I of the National Housing Act.

(h) To recommend investments for the insurance funds of FHA, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of fiscal proposals.

(i) To certify financial statements.

(j) To designate certifying officers and to revoke such designation, to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, and perform all functions pertaining to the bonding of FHA employees, pursuant to applicable stat-

utes, regulations, and the standards and procedures of the Secretary of the Treasury thereunder.

(k) To submit to the Treasury Department (1) authorizations for (i) purchase of U.S. Government securities, pursuant to agreements between mortgagors or other depositors and FHA and (ii) sale and disposition of U.S. Government securities purchased for mortgagors or other depositors, received as a result of assignment of insured mortgages or as a result of other agreements; (2) for safekeeping, U.S. Government securities deposited in accordance with mortgagor corporate charters, regulatory or special agreements and; (3) requests for withdrawal of U.S. Government securities.

(l) To provide or cause to be provided under his direction an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(m) To develop and maintain or cause to be developed and maintained under his direction a program for the fiscal servicing of all Commissioner-held home and project mortgages; to execute or cause to be executed under his direction all vouchers for expenditures from mortgagor's escrow accounts, for payment of taxes on home and project properties where title is vested in the Commissioner and, with respect to home properties acquired by the Commissioner, vouchers for payment of excess proceeds to effect final settlement on certificates of claim; and to execute and receipt or cause to be executed and receipted under his direction applications and receipts for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired by the Commissioner under the provisions of the National Housing Act.

(n) To keep or cause to be kept under his direction the seal of the Administration and to employ the seal in the execution of Certificates of Claim issued to mortgagees; to certify as to delegations of authority by the Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of FHA; to prepare and execute notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Commissioner-held mortgages at foreclosure trials; and to maintain the Archives files of FHA.

(o) To recommend to the Commissioner (1) the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees, (2) upon approval of the recommendation makes offers for the sale of such mortgages and assigned notes, and (3) executes in the name of the Commissioner acceptance of such offers.

(p) To execute satisfactions of Commissioner-held mortgages when the mortgage indebtedness has been paid in full.

(q) To endorse checks or other negotiable instruments for deposit or collection and loss drafts relating to insurance coverage on Commissioner-held home and project mortgages.

(r) To approve or cause to be approved under his direction all expenditures and to receipt or cause to be receipted under his direction all vouchers necessary to carry out the provisions of the National Housing Act.

(s) To certify or cause to be certified under his direction that all required documents, information and approvals respecting each transaction are present; verify or cause to be verified under his direction the accuracy of the computations, the consistency of the information included in the various documents and determine or cause to be determined under his direction that the transactions are in strict accordance with all applicable regulations, decisions and laws.

(t) To approve or disapprove or cause to be approved or disapproved under his direction amounts claimed by mortgagees in their claim for debentures and certificate of claim, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner; to execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures; to certify vouchers for cash settlement of claims; and to approve or disapprove the purchase of debentures submitted by mortgagees in connection with mortgage insurance premium payments.

(u) To extend or cause to be extended under his direction the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(v) To maintain or cause to be maintained under his direction liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting, insurance fiscal servicing and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

(w) To cancel or cause to be cancelled under his direction insurance endorsement on insured mortgages where a joint request for termination is made by the mortgagor and mortgagee, or where the insurance endorsement is otherwise to be cancelled.

(x) To take any action authorized to be taken by any branch or office within his jurisdiction.

Section 200.78 is amended to read as follows:

§ 200.78 Accounts Officer and Deputies.

To the position of Accounts Officer, and under his general supervision to the positions of Deputy Accounts Officer for General Accounting and Deputy Accounts Officer for Mortgage Note and Property Accounting, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Branch.

(b) To devise and establish accounting procedures and policies and to maintain official accounting records for all activities of the Administration.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the field of accounting.

(d) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting matters and to collaborate with such departments and agencies in the formation of accounting programs.

(e) To provide an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(f) To develop and maintain a program for the fiscal servicing of Commissioner-held home mortgages including the execution of vouchers for all related expenditures from mortgagors' escrow accounts.

(g) To execute vouchers for payment of taxes, insurance and repairs on home properties where title is vested in the Commissioner and for payments of excess proceeds to effect final settlement with mortgagees on certificates of claim and to mortgagors under provisions of the National Housing Act.

(h) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic accounting policy.

Part 200 is amended by adding a new § 200.79 as follows:

§ 200.79 Insurance Officer and Deputy.

To the position of Insurance Officer, and under his general supervision to the position of Deputy Insurance Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Insurance Branch.

(b) To devise and maintain procedures relating to the establishment of mortgage insurance records, the modification and termination of such insurance for home and project mortgages and to register Title I loans reported for insurance.

(c) To provide fiscal and technical advice and guidance with respect to mortgage modifications prior to administrative approval.

(d) To cancel insurance endorsement on insured mortgages when a joint request for termination is made by the mortgagor and mortgagee, or when the insurance endorsement is otherwise to be cancelled.

(e) To ascertain sufficiency of renewal and adjusted premium collections with respect to termination of insurance; authorize refund of unearned premiums collected or institute billing for the collection of premiums due.

(f) To authorize payment of earned distributive shares in the Participation Reserve Account of the Mutual Mortgage Insurance Fund to the rightful recipients thereof.

(g) To devise and maintain procedures relating to the fiscal servicing of Commissioner-held project mortgages and to execute vouchers for payment of all expenditures from mortgagor escrow accounts relating thereto.

(h) To develop and maintain fiscal procedures for the operation of Commissioner-owned project properties by agents of the Commissioner under contract for the management of such properties; to provide advice and guidance to those agents with respect to such fiscal procedures, and to execute vouchers for payment of real estate taxes, special assessments, hazard insurance, and repairs relating to such properties.

(i) To certify vouchers in payment of Title I claims in amounts representing the insurable loss sustained and to refund to the remitter of record any collection obtained in excess of the established indebtedness.

(j) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic insurance fiscal servicing policy.

Part 200 is amended by adding a new § 200.80 as follows:

§ 200.80 Fiscal Officer and Deputy.

To the position of Fiscal Officer, and under his general supervision to the position of Deputy Fiscal Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Fiscal Branch.

(b) To devise and establish fiscal procedures and to administer the fiscal policies and activities of the Administration.

(c) To approve all operating and property expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act upon his determination that they are in accordance with applicable regulations, decisions and laws.

(d) To certify that all required documents, information and approvals respecting operating and property expense and debenture transactions are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transactions are in strict accordance with all applicable regulations, decisions and law.

(e) To approve or disapprove amounts claimed by mortgagees in debentures or cash settlements, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner.

(f) To extend the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(g) To execute in the Commissioner's name, in connection with Section 2 of Title I of the National Housing Act, (1) documents necessary to transfer title in and to any debt, contract claim, property, or security; (2) proofs of claim against bankrupt, insolvent or decedent estates; (3) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (4) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full; and to employ the seal of the Administration to certify as to the truth or accuracy of such documents, proofs, or releases.

(h) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on fiscal matters and to collaborate with such departments and agencies in the formation of fiscal programs.

(i) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic fiscal policy.

§ 200.81 [Renumbered]

Section 200.78 is renumbered as § 200.81.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 807, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 24, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-7071; Filed, July 26, 1961; 8:52 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

On page 5398 of the FEDERAL REGISTER of June 16, 1961, Vol. 26, No. 115, there was published a notice of intention to amend § 221.13a, 221.13b, and 221.13c of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season of 1962 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are included in the irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendments. No written communications were received. The amended regulations are adopted as set forth below.

1. Section 221.13a is amended to read as follows:

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

2. Section 221.13b is amended to read as follows:

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents ($0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by subetitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

3. Section 221.13c is amended to read as follows:

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $3.10 per acre is hereby fixed for the season of 1962 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the

Interior on June 28, 1951, notice is hereby given that an assessment of fifteen cents ($0.15) per acre is hereby fixed for the season of 1962 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

REINHOLT BRUST,
Acting Area Director.

[F.R. Doc. 61-7041; Filed, July 26, 1961; 8:48 a.m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Miscellaneous Amendments

On page 2799 of the FEDERAL REGISTER of April 4, 1961, there was published a notice and text of proposed amendments of §§ 301.3, 301.5, and 301.9 of Title 30, Code of Federal Regulations. Section 301.3 is amended to add bismuth, gold, iron ore, silver, sulphur, and tellurium to the list of mineral commodities eligible for exploration assistance. Section 301.5 is amended to include Hawaii with the States comprising Region II. Section 301.9 remains unchanged.

Interested persons were given 30 days to submit written comments, suggestions, or objections to the proposed amendments. Sixty responses were received, of which all but three favored the proposed changes. Several correspondents requested the addition of boron and alunite to the list of minerals, but since neither of these minerals meet the criteria used in determining eligibility they will not be added to the list.

That portion of the proposed change in § 301.3 which would have allowed the Government to pay 75 percent of the cost authorized in exploration assistance contracts for 18 of the mineral commodities is withdrawn in response to the views expressed by the Appropriation Committees of the Congress in their reports on the 1962 appropriation bill (H.R. 6345). In commenting on this proposal the Appropriation Committee of the House of Representatives stated in part in its report No. 233, "• • • Considering that repayment of the loan is not required unless the exploration is successful and then only after the mineral is actually produced, the Committee believes that the present Government contribution (50%) represents a fair share and is adequate to attract responsible individuals to the program • • • ". Furthermore, the Appropriation Committee of the Senate stated in part in its report No. 294 that the opinion expressed in the conference report on the 1959 supplemental appropriations bill (H.R. 13450), expressing opposition to Government participation in excess of 50 percent has not changed in the ensuing period.

The need for changing § 301.9 is eliminated by the withdrawal of the proposed provision for 75 percent Government participation.

The amendments as set forth below shall become effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 20, 1961.

1. Section 301.3 is amended to read as follows:

§ 301.3 Eligible minerals or mineral products.

The following are eligible for Government financial assistance:

Antimony.	Mercury.
Asbestos.	Mica (strategic).
Bauxite.	Molybdenum.
Beryllium.	Monazite.
Bismuth.	Nickel.
Cadmium.	Platinum Group Metals.
Chromite.	Quartz Crystal (piezoelectric).
Cobalt.	Rare Earths.
Columbium.	Rutile.
Copper.	Selenium.
Corundum.	Silver.
Diamond (industrial).	Sulphur.
Fluorspar.	Talc (block steatite).
Gold.	Tantalum.
Graphite (crucible flake).	Tellurium.
Iron Ore.	Thorium.
Kyanite (strategic).	Tin.
Lead.	Uranium.
Manganese.	Zinc.

§ 301.5 [Amendment]

2. The description of Region II in § 301.5 is amended to read as follows:

Region II—California, Hawaii, and Nevada—Office of Minerals Exploration, 113 Custom House, 555 Battery Street, San Francisco 11, California.

[F.R. Doc. 61-7054; Filed, July 26, 1961; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter I—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 41 is amended as set forth below:

PART 1-1—GENERAL

1. The table of contents of Part 1-1 is amended by adding a reference to § 1-1.710, as follows:

Sec.
1-1.710 Subcontracting with small business concerns and labor surplus area concerns.
1-1.710-1 General.
1-1.710-2 Small business and labor surplus area subcontracting program.
1-1.710-3 Required clauses.
1-1.710-4 Responsibility for reviewing subcontracting program.

AUTHORITY: §§ 1-1.710 through 1-1.710-4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1-1.7—Small Business Concerns

2. New § 1-1.710 is added as follows:

§ 1-1.710 Subcontracting with small business concerns and labor surplus area concerns.

§ 1-1.710-1 General.

It is the policy of the Government that small business and labor surplus area concerns be afforded an equitable opportunity to compete for subcontracts within their capabilities. To further this subcontracting policy, contract clauses and procedures for their use are prescribed in this section.

§ 1-1.710-2 Small business and labor surplus area subcontracting program.

Each contractor having a prime contract which contains the clause set forth hereafter in § 1-1.710-3(b) shall be required to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program" to include the following:

(a) Designate a liaison officer who will (1) maintain liaison with the procuring activity and SBA on small business matters and with duly authorized representatives of the Government on labor surplus area matters, (2) supervise compliance with the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses, and (3) administer the contractor's "Small Business and Labor Surplus Area Subcontracting Program." (If deemed necessary, separate liaison officers may be appointed for small business matters and for labor surplus area matters.)

(b) Provide adequate and timely consideration of the potentialities of small business concerns and labor surplus area concerns in all "make-or-buy" decisions.

(c) Assure that small business concerns and labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns and labor surplus area concerns.

(d) Maintain records showing (1) whether each prospective subcontractor is a small business concern, and (2) procedures which have been adopted to comply with the small business and labor surplus area policies set forth in this paragraph.

(e) Include the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses in subcontracts which offer substantial small business or labor surplus area subcontracting opportunities.

(f) Require subcontractors having subcontracts in excess of $1,000,000 which contain the clauses entitled "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program."

(g) Submit such information on subcontracting to small business concerns and labor surplus area concerns as is called for by the contracting officer.

§ 1-1.710-3 Required clauses.

(a) The clauses (1) "Utilization of Small Business Concerns" set forth below, and (2) "Utilization of Concerns in Labor Surplus Areas" set forth in § 1-1.805-2, shall be included in all contracts in amounts exceeding $5,000 except contracts which, including all subcontracts thereunder, are to be performed outside the United States, its possessions, and Puerto Rico.

(1) *Utilization of small business concerns.*

UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

[End of Clause]

(2) *Utilization of concerns in labor surplus areas.* (For text of clause Utilization of Concerns in Labor Surplus Areas see § 1-1.805-2.)

(b) The clause "Small Business and Labor Surplus Area Subcontracting Program," set forth below, shall be included in all contracts (except negotiated contracts with foreign concerns) in excess of $1,000,000 which contain the clauses required by § 1-1.710-3(a) above and which, in the opinion of the procuring activity, offer substantial subcontracting possibilities; except that this clause shall not be included in contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property. Prime contractors to be awarded contracts not in excess of $1,000,000, which in the opinion of the procuring activity offer substantial subcontracting possibilities, shall be urged to establish and conduct a "Small Business and Labor Surplus Area Subcontracting Program," to accept the following clause, and to follow the program described in § 1-1.710-2.

SMALL BUSINESS AND LABOR SURPLUS AREA SUBCONTRACTING PROGRAM

(a) The Contractor agrees to establish and conduct a program to afford small business concerns and labor surplus area concerns an equitable opportunity to compete for subcontracts within their capabilities. In this connection, the Contractor shall—

(1) Designate a liaison officer, who will (i) maintain liaison with the procuring activity and SBA on small business matters and with duly authorized representatives of the Government on labor surplus area matters, (ii) supervise compliance with the "Utilization of Small Business Concerns," and "Utilization of Concerns in Labor Surplus Areas" clauses, and (iii) administer the Contractor's Small Business and Labor Surplus Area Program. (If deemed necessary, separate liaison officers may be appointed for small business matters and for labor surplus area matters);

(2) Provide adequate and timely consideration of the potentialities of small business concerns and labor surplus area concerns in all "make-or-buy" decisions;

(3) Assure that small business concerns and labor surplus area concerns will have an equitable opportunity to compete for subcontracts, particularly by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of small business concerns and labor surplus area concerns;

(4) Maintain records showing (i) whether each prospective subcontractor is a small business concern and (ii) procedures which have been adopted to comply with the policies set forth in this clause;

(5) Include the "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" clauses in subcontracts which offer substantial small business or labor surplus area subcontracting opportunities; and

(6) Submit such information on subcontracting to small business concerns and labor surplus area concerns as is called for by the Contracting Officer.

(b) A "small business concern" is a concern that (1) is certified as a small business concern by the Small Business Administration, or (2) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees.

(c) A "labor surplus area concern" is a concern which will perform, or cause to be performed, a substantial proportion of any contract awarded to it in "Areas of Substantial Labor Surplus" (also called "Areas of Substantial Unemployment"), so designated by the Department of Labor. A concern shall be deemed to perform a substantial proportion of a contract in a labor surplus area if the costs that the concern will incur on account of manufacturing or production performed in persistent or substantial labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the price of such contract.

(d) The Contractor further agrees to insert in any subcontract hereunder which is in excess of $1,000,000 and which contains the clauses entitled "Utilization of Small Business Concerns" and "Utilization of Concerns in Labor Surplus Areas" provisions which shall conform substantially to the language of this clause, including this paragraph (d).

[End of Clause]

§ 1-1.710-4 Responsibility for reviewing subcontracting program.

The adequacy of the contractor's "Small Business and Labor Surplus Area Subcontracting Program" shall be reviewed by the procuring agency concerned, and any deficiencies shall be brought to the attention of the contractor's appropriately designated liaison officer with a request for corrective action.

3. The table of contents is amended to include new Subpart 1-1.8, as follows:

Subpart 1-1.8—Labor Surplus Area Concerns

Sec.
1-1.800 Scope of subpart.
1-1.801 Definitions.
1-1.801-1 Labor surplus area concern.
1-1.801-2 Labor surplus area.
1-1.801-3 Small business concern.
1-1.802 Labor surplus area policies.
1-1.802-1 General policy.
1-1.802-2 Specific policies.
1-1.802-3 Buy American Act.
1-1.803 [Reserved].
1-1.804 Partial set-asides for labor surplus area concerns.
1-1.804-1 General.
1-1.804-2 Notice to bidders or offerors.
1-1.804-3 Award procedures.
1-1.804-4 Withdrawal of set-asides.
1-1.804-5 Contract authority.
1-1.805 Subcontracting.
1-1.805-1 General.
1-1.805-2 Required clause.
1-1.806 Depressed industries.
1-1.806-1 General.
1-1.806-2 Apparel industry (Notification No. 53).
1-1.806-3 Petroleum and petroleum products industry (Notification No. 58).
1-1.806-4 Shipbuilding industry (Notification No. 57).
1-1.806-5 Textile industry (Notification No. 38).
1-1.807 Report on preference procurement in labor surplus areas.

AUTHORITY: §§ 1-1.800 through 1-1.807 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Defense Manpower Policy No. 4 (Revised), 25 F.R. 5283, 32A CFR Ch. I.

4. New Subpart 1-1.8 is added as follows:

Subpart 1-1.8—Labor Surplus Area Concerns

§ 1-1.800 Scope of subpart.

This subpart sets forth policies and procedures with respect to the placement of contracts in order to aid persistent or substantial labor surplus areas in the United States, its possessions, and Puerto Rico. This subpart implements Defense Manpower Policy No. 4 (Revised), June 6, 1960 (32A CFR Ch. I; 25 F.R. 5283).

§ 1-1.801 Definitions.

§ 1-1.801-1 Labor surplus area concern.

The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(a) "Persistent labor surplus area concern" means a concern which will perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(b) "Substantial labor surplus area concern" means a concern which will perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

§ 1–1.801–2 Labor surplus area.

The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(a) "Persistent labor surplus area" means an area which (1) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (2) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(b) "Substantial labor surplus area" means an area which (1) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (2) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

§ 1–1.801–3 Small business concern.

For definition of small business concern, see Subpart 1–1.7.

§ 1–1.802 Labor surplus area policies.

§ 1–1.802–1 General policy.

It is the policy of the Government to aid labor surplus areas by placing contracts with labor surplus area concerns, to the extent consistent with procurement objectives and where such contracts can be awarded at prices no higher than those obtainable from other concerns, and by encouraging prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in labor surplus areas.

§ 1–1.802–2 Specific policies.

To further the general policy, the following specific policies shall be applied:

(a) Best efforts shall be used to award negotiated contracts to labor surplus area concerns. However, in no case may price differentials be paid for the purpose of carrying out this policy.

(b) Procurements shall be set aside for award to labor surplus area concerns in accordance with § 1–1.804.

(1) Where either a partial labor surplus area set-aside or a partial small business set-aside can be appropriately made for any given procurement, the set-aside shall be made for labor surplus area concerns.

(2) In order to accommodate both labor surplus area and small business policies, labor surplus area set-aside awards shall be made in accordance with the following order of priority: (i) Persistent labor surplus area concerns which are also small business concerns; (ii) other persistent labor surplus area concerns; (iii) substantial labor surplus area concerns which are also small business concerns; (iv) other substantial labor surplus area concerns; and (v) small business concerns which are not labor surplus area concerns.

(c) Procurement agencies shall disseminate promptly to appropriate procurement personnel available publications and other information identifying labor surplus areas and production capabilities therein.

(d) The classification and certification of labor surplus areas by the Department of Labor shall be considered conclusive with respect to the particular procurement concerned.

(e) Concerns located in labor surplus areas, which are on appropriate bidders lists, shall be given the opportunity to submit bids or proposals on all procurements for which they are qualified, except where the procurement has been set aside in its entirety for a specific class of firms, such as small business concerns. Where less than a complete bidders list is to be used, pursuant to § 1–2.205–4, all prospective contractors in labor surplus areas shall be solicited, except that only a pro rata number of prospective labor surplus area concerns need be solicited when the bidders list is composed predominantly of labor surplus area concerns and the estimated award is not expected to be more than $25,000.

(f) Subcontracting with concerns in labor surplus areas shall be encouraged in accordance with § 1–1.805.

(g) In the event of equal low bids, preference shall be given to labor surplus area concerns in accordance with § 1–2.407–6.

(h) Depressed industries shall be assisted in accordance with § 1–1.806.

(i) Procurement agencies shall cooperate with the Departments of Labor and Commerce, the Small Business Administration, and the Office of Civil and Defense Mobilization to achieve the objectives of this subpart.

(j) Procurement placed in labor surplus areas as a result of preference procedures shall be reported in accordance with § 1–1.807.

§ 1–1.802–3 Buy American Act.

Any preference under the "Buy American Act" due to performance in labor surplus areas (see section 3(c) of Executive Order No. 10582 of December 17, 1954, which prescribes uniform procedures for certain determinations under the Buy American Act) shall be in addition to the assistance accorded pursuant to this subpart.

§ 1–1.803 [Reserved]

§ 1–1.804 Partial set-asides for labor surplus area concerns.

§ 1–1.804–1 General.

(a) In accordance with the policies set forth in § 1–1.802, a portion (total set-asides shall not be made) of each procurement which is estimated to exceed $10,000 shall be set aside by the contracting officer for labor surplus area concerns if:

(1) The procurement is severable into two or more economic production runs or reasonable lots; and

(2) One or more labor surplus area concerns, having the technical competency and productive capacity to furnish a severable portion of the procurement at a reasonable price, is expected to submit bids or offers.

(b) If deemed practicable by the contracting officer, procurements between $2,500 and $10,000 may be partially set aside for labor surplus area concerns.

(c) In furtherance of the policy to assure that a fair proportion of the total purchases and contracts are placed with small business concerns, each labor surplus area set-aside shall provide that, in addition to labor surplus area concerns, small business concerns not performing in such areas are also eligible for award of any set-aside quantities not awarded to labor surplus area concerns (see § 1–1.804–2).

(d) None of the following is, in itself, sufficient cause for not making a labor surplus area set-aside:

(1) A large part of previous procurements of the item in question has been placed with labor surplus area concerns;

(2) The item to be purchased is on an established planning list under the Industrial Readiness Planning Program;

(3) The item to be purchased is on a Qualified Products List;

(4) A period of less than thirty days from the date of issuance of invitations for bids or requests for proposals is prescribed for the submission of bids or proposals; or

(5) The procurement is classified.

(e) Where it is determined that a portion of a procurement is to be set aside for labor surplus areas, the procurement shall be divided into a non-set-aside portion and a set-aside portion. Insofar as practical, the set-aside portion will be such as to make the maximum use of the capacity of labor surplus area concerns. Delivery terms and other terms applicable to the set-aside portion of an item and those applicable to the non-set-aside portion of that item shall be comparable.

§ 1–1.804–2 Notice to bidders or offerors.

(a) Invitations for bids or requests for proposals, involving set-asides pursuant to this subpart, shall contain a notice substantially as set forth in either paragraph (b) or (c) below. Where the definition of a small business concern for a given industry differs from that set forth in the prescribed notices, the notice used shall be appropriately modified to reflect such definition. The notice used shall be made a part of each contract under the set-aside portion of the procurement.

(b) *Short-form notice.*

NOTICE OF LABOR SURPLUS AREA SET ASIDE

(a) *General.* A portion of this procurement, as identified elsewhere in the Schedule, has been set aside for award only to one or more labor surplus area concerns, and, to a limited extent, to small business concerns which do not qualify as labor surplus area concerns. Negotiations for award of the set-aside portion will be conducted only with responsible labor surplus area concerns (and small business concerns to the extent indicated below) which have submitted responsive bids or proposals on the non-set-aside portion at a unit price no greater than 120 percent of the highest award made on the non-set-aside portion. Negotiations for the set-aside portion will be conducted with such bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.
Group 2. Other persistent labor surplus area concerns.
Group 3. Substantial labor surplus area concerns which are also small business concerns.
Group 4. Other substantial labor surplus area concerns.
Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations with such concerns will be in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, the Government reserves the right not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(b) *Definitions.*

(1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below:

(i) "Persistent labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial labor surplus area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided that this additional requirement does not apply in connection with construction or service contracts.

(c) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. If the Department of Labor classification of any such area changes after the bidder has submitted his bid, the bidder may change the areas in which he proposes to perform, *provided* that he so notifies the Contracting Officer before award of the set-aside portion. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(d) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

[End of Notice]

(c) *Long-form notice.* Where it is anticipated that bids may be received which appear designed to take unfair advantage of other bidders, by devices such as unrealistically low bids on mere token quantities, the notice set forth below may be used instead of the short-form notice in paragraph (b) above.

NOTICE OF LABOR SURPLUS AREA SET ASIDE

(a) *General.* This procurement has been divided into two parts. All concerns, whether labor surplus area concerns or not, may participate, in accordance with customary procedures, in that portion of this procurement herein called the "non-set-aside portion." The quantities of the non-set-aside portion are set forth elsewhere in this Schedule. The other portion of the Items to be procured has been set aside for participation (1) by labor surplus area concerns, and (2) to a limited extent, by small business concerns which do not qualify as labor surplus area concerns. This is called the "set-aside portion" and awards therefor are made in accordance with special procedures set forth in paragraph (c) of this notice. Definitions of labor surplus area, labor surplus area concern, and small business concern are set forth in paragraph (d) of this notice.

(b) *Non-Set-Aside Portion and Award Procedure.*

(1) A bidder which is not a labor surplus area concern or is not a small business concern shall submit a bid *only* for the non-set-aside portion of the procurement. Award thereof will be made in accordance with customary procedures.

(2) A bidder which is a labor surplus area concern or a small business concern and is interested in receiving an award for a quantity of an Item not exceeding the quantity set forth in the non-set-aside portion of this procurement, should submit a bid in the same manner as other concerns bidding only on the non-set-aside portion. If such a bidder is interested in receiving an award for a quantity of an Item in addition to the quantity set forth in the non-set-aside portion, he *must* bid the *entire* quantity of the non-set-aside portion of the Item, and indicate such additional quantity of the Item as he desires to furnish by so specifying on the Bidder's Statement of Set-Aside Quantity Desired. Thus, the Bidder's Statement of Set-Aside Quantity Desired is not to be used unless the bidder has bid the *entire* quantity of an Item under the non-set-aside portion. However, a labor surplus area concern or small business concern which receives no award, or receives an award for less than the total quantity of an Item for which it submitted a bid under the non-set-aside portion, may be eligible for an award of the quantity it bid, or the unawarded quantity thereof, under the following procedure governing the set-aside portion:

(c) *Set-Aside Portion and Award Procedure.* Award of the set-aside portion of this procurement will be made after award has been completed on the non-set-aside portion. Award will be made only to labor surplus area or small business concerns which are found to be eligible in accordance with (1) below; on the basis of priorities for award set forth in (2) below; for quantities as provided in (3) below; and at prices determined in accordance with (4) below.

(1) *Eligibility.* To be eligible for consideration for the set-aside portion of an Item, the labor surplus area concern or small business concern must have submitted a responsive bid on such Item in accordance with the requirements of (b)(2) above at a unit price no greater than 120 percent of the highest unit price for such Item awarded under the non-set-aside portion. However, see (5) below when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(2) *Priorities.* Negotiations for the set-aside portion will be conducted with eligible bidders in the following order of priority:

Group 1. Persistent labor surplus area concerns which are also small business concerns.
Group 2. Other persistent labor surplus area concerns.
Group 3. Substantial labor surplus area concerns which are also small business concerns.
Group 4. Other substantial labor surplus area concerns.
Group 5. Small business concerns which are not labor surplus area concerns.

Within each of the above groups, negotiations for each Item will be conducted with eligible concerns in the order of their bids on the non-set-aside portion, beginning with the lowest responsive bid. However, see (5) below for the method of determining the bid when separate quantities are offered at different prices and see (6) below when separate quantities are offered at tie-in prices.

(3) *Quality.* The quantity of the set-aside portion of an Item which may be awarded to an eligible concern shall be as follows:

(i) Where a concern *has not* specified a quantity of the Item on the Bidder's State-

ment of Set-Aside Quantity Desired, the quantity shall be no greater than the quantity of such concern's bid on the non-set-aside portion of that Item, *less* the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(ii) Where a concern *has* specified a quantity of the Item on the Bidder's Statement of Set-Aside Quantity Desired, the quantity shall be no greater than the total of the entire non-set-aside portion of the Item and the quantity thereof specified on the Bidder's Statement of Set-Aside Quantity Desired, *less* the quantity, if any, of that Item awarded to that concern under the non-set-aside portion.

(4) *Price.* The set-aside portion shall be awarded at the highest unit price awarded on the non-set-aside portion, adjusted to reflect transportation and other cost factors which were considered in evaluating bids on the non-set-aside portion. However, see (6) and (7) below for the highest unit price when the highest award is made as a result of tie-in bids or all-or-none type of qualification.

(5) *Separate Quantities at Different Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, without conditioning the Government's right to accept one or more such quantities upon its concurrent acceptance of another quantity of the Item, each separate quantity shall be considered as a separate bid for the purpose of determining the eligibility of the concern with respect to the 120 percent limit prescribed in (c)(1) above, and for the purpose of determining under (c)(2) above the standing of that bid in the order of negotiations for the set-aside portion of that Item.

(6) *Separate Quantities at Tie-in-Prices.* Where a concern has submitted a bid for separate quantities of the non-set-aside portion of an Item at different prices, and has conditioned the Government's right to accept any one or more of such quantities upon its concurrent acceptance of another quantity of the Item, the weighted average of the prices for such conditioned quantities shall be considered the unit price for the purpose of determining, with respect to such conditioned quantities, (i) the eligibility of the firm with respect to the 120 percent limit of (c)(1) above, (ii) the priority status of the firm under (c)(2) above, and (iii) the highest unit price for awards under (c)(4) above if the highest award on the non-set-aside portion was made on such conditioned bid.

(7) *All or None Bids.* Where a concern has submitted an "all or none" bid for more than one Item and thereby has conditioned the Government's right to award any Item upon its concurrent award of another Item, the unit prices bid for each Item on an "all or none" basis shall be considered independent unit prices for the purpose of determining the eligibility and priority status of the concern for the set-aside portion of each Item. In no event will a set-aside award be made for an Item to such bidder at a higher unit price than his "all or none" unit price bid for the Item on the non-set-aside portion.

(d) *Definitions.*

(1) The term "labor surplus area" means a geographical area which is a persistent labor surplus area or a substantial labor surplus area, or both, as defined below.

(i) "Persistent Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial and Persistent Labor Surplus" (also called "Area of Substantial and Persistent Unemployment") and is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial and persistent labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(ii) "Substantial Labor Surplus Area" means an area which (A) is classified by the Department of Labor as an "Area of Substantial Labor Surplus" (also called "Area of Substantial Unemployment") and which is listed as such by that Department in conjunction with its publication "Area Labor Market Trends," or (B) is certified as an area of substantial labor surplus by the Department of Labor pursuant to a request by a prospective contractor.

(2) The term "labor surplus area concern" includes persistent labor surplus area concerns and substantial labor surplus area concerns as defined below:

(i) "Persistent labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in persistent labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in persistent labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in such areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(ii) "Substantial labor surplus area concern" means a concern that agrees to perform, or cause to be performed, a substantial proportion of a contract in substantial labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in substantial labor surplus areas if the costs that the concern will incur on account of manufacturing or production performed in substantial labor surplus areas or in substantial and persistent labor surplus areas (by itself or its first-tier subcontractors) amount to more than 50 percent of the contract price.

(3) A "small business concern" is a concern that (i) is certified as a small business concern by the Small Business Administration, or (ii) is independently owned and operated, is not dominant in its field of operation and, with its affiliates, employs either not more than 500 employees or, if the concern qualifies as a labor surplus area concern, not more than 625 employees. In addition to meeting these criteria, a manufacturer or regular dealer submitting bids or proposals in his own name must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, or Puerto Rico, by small business concerns; provided that this additional requirement does not apply in connection with construction or services contracts.

(e) *Identification of Areas of Performance.* Each bidder desiring to be considered for award as a labor surplus area concern on the set-aside portion of this procurement shall identify in his bid the geographical areas in which he proposes to perform, or cause to be performed, a substantial proportion of the production of the contract. The bidder shall notify the contracting officer if he changes, prior to award, such proposed geographical areas for performance. Priority for negotiation will be based upon the labor surplus classification of the designated production areas as of the time of the proposed award.

(f) *Agreement.* The bidder agrees that, if awarded a contract as a persistent labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as persistent labor surplus areas; and that if awarded a contract as a substantial labor surplus area concern under the set-aside portion of this procurement, he will perform, or cause to be performed, a substantial proportion of the production in areas classified at the time of award, or at the time of performance of the contract, as substantial or persistent labor surplus areas.

(g) *Token Bids.* Notwithstanding the provisions of this Notice, the Government reserves the right, in determining eligibility or priority for set-aside negotiations, not to consider token bids or other devices designed to secure an unfair advantage over other bidders eligible for the set-aside portion.

(h) *Instruction for Indicating Portion of Set-Aside Quantity Desired.* The quantity of each Item which has been set aside is set forth on the attached Bidder's Statement of Set-Aside Quantity Desired, which is to be filled in only by labor surplus area concerns and small business concerns, as provided in (b)(2) above. Furthermore, it is to be used by such a bidder only when (1) he has submitted a bid for the entire non-set-aside quantity of an Item, and (2) he desires a total quantity in excess of the non-set-aside quantity thereof. Whether or not a labor surplus area concern or small business concern may participate in the set-aside portion is dependent on its eligibility in accordance with (c) above. It should be noted, however, that to be eligible for the set-aside portion the bidder need not have filled in the Bidder's Statement of Set-Aside Quantity Desired. The latter should only be filled in where the bidder desires a quantity in excess of the non-set-aside quantity.

BIDDER'S STATEMENT OF SET-ASIDE QUANTITY DESIRED

1 Item No.	2 Set-aside quantity	3 Portion of set-aside quantity desired

[Columns numbered 1 and 2 will be filled in by the issuing office. Column No. 3 will be left blank for the bidder or offeror to fill in.]

[End of Notice]

§ 1–1.804–3 Award procedures.

(a) *Awarding the non-set-aside portion.* Awards on the non-set-aside portion shall be made in accordance with normal procurement procedures.

(b) *Awarding the set-aside portion.*

(1) After all awards have been made on the non-set-aside portion, award of the set-aside portion shall be effected by negotiation with eligible concerns as provided in the applicable Notice used. To determine whether a concern is eligible for preferential consideration as a labor surplus area concern the area classification of the Department of Labor in effect at the time of the award shall be used. Contracts for the set-aside portion shall specify the preferential status of the bidder or offeror on which the award was based.

(2) If equal low bids were received on the non-set-aside portion from concerns which are eligible for the set-aside portion, the concern which is awarded the non-set-aside portion (under the equal low bid procedures of § 1–2.407–6) shall have the first priority with respect to negotiations for the set-aside portion.

(c) *Non-awarded set-aside portion.* If any part of the set-aside quantity cannot be awarded by the method described in this § 1–1.804, any unawarded portion may be procured by advertising or negotiation, as appropriate, in accordance with existing regulations. A record of the reasons for failure to award the set-aside portion to labor surplus area concerns shall be included in the contract file.

§ 1–1.804–4 Withdrawal of set-asides.

If, prior to the award of a contract involving a labor surplus set-aside, the contracting officer considers that the set-aside is detrimental to the public interest, e.g., because of unreasonable prices, the contracting officer shall withdraw the set-aside and complete the procurement by advertising or negotiation, as appropriate, in accordance with existing regulations. A record of the reasons for the withdrawal of any set-aside shall be made and included in the contract file.

§ 1–1.804–5 Contract authority.

Contracts for set-asides made under this subpart shall cite as legal authority for negotiation section 302(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(1)), the revised Armed Services Procurement Act of 1947 (10 U.S.C. 2304(a)(1)), or other applicable proper authority (see § 1–3.201).

§ 1–1.805 Subcontracting.

§ 1–1.805–1 General.

In furtherance of the general policy stated in § 1–1.802, executive agencies shall encourage prime contractors to place subcontracts with concerns which will perform a substantial proportion of the production in areas of persistent or substantial labor surplus, in the order of priority described in § 1–1.802, where this can be done, consistent with efficient performance of contracts, at prices no higher than are obtainable elsewhere. (See § 1–1.710, Subcontracting with Small Business Concerns and Labor Surplus Area Concerns.)

§ 1–1.805–2 Required clause.

Executive agencies shall insert the following clause in all contracts in amounts exceeding $5,000, except contracts which, including all subcontracts thereunder, are to be performed outside the United States, its possessions, and Puerto Rico:

UTILIZATION OF CONCERNS IN LABOR SURPLUS AREAS

It is the policy of the Government to place contracts with concerns which will perform such contracts substantially in areas of persistent or substantial labor surplus where this can be done, consistent with the efficient performance of the contract, at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy. In complying with the foregoing and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) persistent labor surplus area concerns which are also small business concerns; (2) other persistent labor surplus area concerns; (3) substantial labor surplus area concerns which are also small business concerns; (4) other substantial labor surplus area concerns; and (5) small business concerns which are not labor surplus area concerns.

[End of Clause]

§ 1–1.806 Depressed industries.

§ 1–1.806–1 General.

When an entire industry is depressed, the Director of Civil and Defense Mobilization may, under Defense Manpower Policy No. 4, establish appropriate measures on an industry-wide, rather than on an area, basis. Designations of such industries are made by Office of Civil and Defense Mobilization Notifications, and such industries will be given special treatment as specified therein. Sections 1–1.806–2 through 1–1.806–5 reflect pertinent requirements of such Notifications with respect to the industries indicated. No price differentials will be paid to carry out policies of these Notifications. Executive agencies shall report on procurement from these industries in accordance with § 1–1.807.

§ 1–1.806–2 Apparel industry (Notification No. 53).

(a) Notification No. 53, concerning the apparel industry, was issued July 19, 1952 (17 F.R. 6675). As used in this section, the term "apparel industry" means all of the industry identified in the "Standard Industrial Classification Manual," 1957 edition, issued by the Bureau of the Budget, under Major Group 23, except Group No. 239.

(b) There shall be no labor surplus area set-asides in this industry. Where feasible, under the same invitation, bids should be requested for jackets or coats and trousers as separate items so that bidders may bid in combinations of units, and if requirements warrant, at least an equal quantity of trousers should be included.

§ 1–1.806–3 Petroleum and petroleum products industry (Notification No. 58).

Notification No. 58, concerning placement of procurement contracts with the petroleum and petroleum products industry, was issued October 10, 1952 (17 F.R. 9053), and exempts the petroleum and petroleum products industry from the application of Defense Manpower Policy No. 4. Accordingly, there shall be no labor surplus area set-asides in this industry.

§ 1–1.806–4 Shipbuilding industry (Notification No. 57).

(a) Notification No. 57, concerning placement of procurement contracts with the shipbuilding industry, was issued August 28, 1952 (17 F.R. 7868) in the interest of preserving the skills and maintaining the productive facilities of the shipbuilding industry. As used in this paragraph, the "shipbuilding industry" includes establishments primarily engaged in building all types of ships, barges, canal boats and lighters of five gross tons and over, whether propelled by sail or motor power or towed by other craft. Establishments primarily engaged in fabricating structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not included.

(b) There shall be no labor surplus area set-asides in this industry. In placing shipbuilding contracts, preference shall be given, where practicable, to contractors which can perform the contracts without substantial use of overtime labor and without constructing new facilities. Also, to spread work among a larger number of private yards, bids or proposals shall be invited, and contracts awarded, on a small-lot basis rather than on a large-lot basis, to the extent practicable.

§ 1–1.806–5 Textile industry (Notification No. 38).

(a) Notification No. 38, concerning placement of procurement contracts with the textile industry, was issued June 4, 1952 (17 F.R. 4993). As used in this section, the term "textile industry" means all of the industry identified in the "Standard Industrial Classification Manual" under Major Group 22 (Textile Mill Products) and Industry Nos. 2391 and 2392 (curtains and draperies, and house-furnishings), except that it does not include industry No. 2298 (cordage and twine).

(b) No preference shall be given to any area or city in placing contracts in this industry. For the purpose of maintaining the effective functioning of the textile industry as a whole, procuring activities shall try to place contracts with manufacturers whose weaving operations (in the case of weaving or integrated mills) or whose spinning operations (in the case of spinning mills) during the period of performance of such contracts will not exceed 80 hours per week (not including other supporting activities).

(c) In all procurements from the textile industry which are estimated to exceed $10,000, partial set-asides, exclusively for textile industry concerns whose "weaving" or "spinning" operations (as described in paragraph (b) above) will not exceed 80 hours per week, shall be made substantially in accordance with the procedures set forth in § 1–1.804, except that all "textile industry concerns whose weaving or spinning operations will not exceed 80 hours per week" will be treated as "labor surplus area concerns." The notice set forth in § 1–1.804–2 shall be designated "NOTICE OF 80-HOUR WEEK SET-ASIDE" and appropriately modified for use in accordance with this paragraph.

§ 1–1.807 Report on preference procurement in labor surplus areas.

(a) *Agencies required to report.* Each agency which places contracts to be performed in surplus labor areas under this Subpart 1–1.8 and § 1–2.407–6 shall report such procurement in accordance with this section. When procurement is performed by one agency for, and at the request of, another agency, the agency doing the procurement shall report.

(b) *Frequency and due date.* Reports shall be prepared quarterly and submitted, in triplicate, to the General Services Administration, Office of Administration, Systems and Procedures Division, General Services Building,

Washington 25, D.C., within 45 workdays after the close of each calendar quarter.

(c) *Preparation of report.*

(1) *Procurement to be reported.* Reports shall state the total dollar amount of procurement awards placed in labor surplus areas as a result of preference procedures under this Subpart 1–1.8 and § 1–2.407–6. Amendments and modifications shall be included to reflect the total value of such actions. Agencies entering into indefinite quantity contracts to be performed in labor surplus areas as a result of preference procedures shall estimate, in accordance with agency procedures, the total dollar amount of orders which will be placed thereunder and include such data in the report.

(2) *Report format.* No standard report form is prescribed. However, the data reported should be arranged in columns as follows:

Column 1: An alphabetical listing of the States (include for this purpose Puerto Rico and possessions) containing persistent or substantial labor surplus areas in which contracts awarded during the report period as the result of set-aside, tie-bid, or other preference procedure will be performed.

Column 2: An alphabetical listing, within each State, of persistent or substantial labor surplus areas in which such contracts will be performed. Underline the names of persistent labor surplus areas.

Column 3: For each area, the total dollar amount of such contract awards.

Total: Enter subtotal of all figures for persistent labor surplus areas and a grand total of Column 3.

(3) *Procurement from textile industry (Notification No. 38).* In addition to the requirements of subparagraph (2) above, any preference awards placed with the textile industry during the report period under the provisions of § 1–1.806–5, shall be reported as an addendum, and include the following information:

(i) Dollar amount of such awards placed with concerns which will perform in persistent or substantial labor surplus areas.

(ii) Dollar amount of such awards placed with concerns which will not perform in persistent or substantial labor surplus areas.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

1. Section 1–2.206 is revised as follows:

§ 1–2.206 Small business and labor surplus area set-asides.

See Subparts 1–1.7 and 1–1.8.

Subpart 1–2.4—Opening of Bids and Award of Contracts

2. Section 1–2.407–6 is revised as follows:

§ 1–2.407–6 Equal low bids.

(a) In furtherance of the small business and labor surplus area policies set forth in Subparts 1–1.7 and 1–1.8, award shall be made in accordance with the following order of priority when two or more low bids are equal in all respects (taking into consideration cost of transportation, cash discounts, and any other factors properly to be considered):

(1) Persistent labor surplus area concerns (as defined in section 1–1.801–1 (a)) that are also small business concerns (as defined in Subpart 1–1.7).

(2) Other persistent labor surplus area concerns.

(3) Substantial labor surplus area concerns (as defined in section 1–1.801–1 (b)) that are also small business concerns.

(4) Other substantial labor surplus area concerns.

(5) Small business concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a persistent labor surplus area at which the end items are either produced or available from stocks on hand.

(6) Other concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a persistent labor surplus area at which the end items are either produced or available from stocks on hand.

(7) Small business concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a substantial labor surplus area at which the end items are either produced or available from stocks on hand.

(8) Other concerns which do not qualify for any of the foregoing priorities but which will deliver the required end items to the Government from a plant, warehouse, or other establishment in a substantial labor surplus area at which the end items are either produced or available from stocks on hand.

(9) Other small business concerns.

(10) Any other concern.

(b) If the application of paragraph (a) above results in two or more bidders being eligible for award, the award shall be made by a drawing by lot limited to such bidders. If time permits, the bidders involved shall be given an opportunity to be present at the drawing by lot. Such drawing shall be witnessed by at least three persons and the contract file shall contain the names and addresses of those witnesses.

(c) In each award where preference is to be given under this section, the contracting officer shall, prior to award, obtain from such concern a written statement that it will perform, or cause to be performed, the contract in accordance with the circumstances justifying the priority.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.2—Circumstances Permitting Negotiation

Section 1–3.201 is revised as follows:

§ 1–3.201 National emergency.

(a) *Authority.* Section 302(c)(1) of the Act (41 U.S.C. 252(c)(1)) provides that purchases and contracts may be negotiated if "determined to be necessary in the public interest during the period of a national emergency declared by the President or by the Congress." At present, a state of national emergency exists by reason of Presidential Proclamation No. 2914 of December 16, 1950 (3 CFR).

(b) *Determination.* The Administrator of General Services has determined, pursuant to this section of the Act, that it is necessary in the public interest during this period of national emergency that contracts be negotiated by executive agencies to assist labor surplus areas and small business concerns as provided in paragraph (c) below.

(c) *Application.*

(1) The authority of this section of the Act shall be used, in accordance with the foregoing determination, to negotiate contracts in furtherance of the policies for assistance to labor surplus areas as are stated in the Office of Civil and Defense Mobilization Defense Manpower Policy No. 4 (Revised), June 6, 1960 (25 F.R. 5283). (See Subpart 1–1.8.)

(2) The authority of this section of the Act shall also be used, in accordance with the foregoing determination, to negotiate unilateral set-aside contracts with small business concerns, where small business joint set-aside determinations pursuant to Subpart 1–1.7 are not feasible, when it is determined by the contracting officer to be in the interest of (i) maintaining or mobilizing the Nation's full productive capacity, (ii) war or national defense programs, or (iii) assuring that a fair proportion of the total purchases and contracts for property and services for the Government are placed with small business concerns.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

PART 1–7—CONTRACT CLAUSES

Subpart 1–7.1—Fixed-Price Supply Contracts

1. Section 1–7.101–21 is revised as follows:

§ 1–7.101–21 Utilization of small business concerns.

Insert the clause set forth in section 1–1.710–3(a) under the conditions and in the manner prescribed in section 1–1.710–2.

2. The table of contents is amended to add the following:

Sec.
1–7.101–25 Utilization of concerns in labor surplus areas.
1–7.101–26 Small business and labor surplus area subcontracting program.

3. New § 1–7.101–25 is added as follows:

§ 1–7.101–25 Utilization of concerns in labor surplus areas.

Insert the clause set forth in section 1–1.805–2 under the conditions and in the manner prescribed in that section.

4. New § 1–7.101–26 is added as follows:

§ 1–7.101–26 Small business and labor surplus area subcontracting program.

Insert the clause set forth in section 1–1.710–3(b) under the conditions and in the manner prescribed in section 1–1.710–2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective September 1, 1961, but may be observed earlier.

Dated: July 21, 1961.

JOHN L. MOORE,
Administrator of General Services.

[F.R. Doc. 61–7061; Filed July 26, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2446]

[82695]

WYOMING

Revoking Executive Orders Pertaining to Fort D. A. Russell Target and Maneuver Reservation

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of November 4, 1879, reserving the following-described lands as a wood and timber reservation for use of the military posts of Forts Sanders and D. A. Russell and for Cheyenne Depot, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 15 N., R. 71 W.,
Secs. 20 and 30.

Containing 1280 acres.

2. The Executive order of February 25, 1880, adding the following-described lands to the reserve described in paragraph 1 hereof, is hereby revoked.

T. 15 N., R. 71 W.,
Secs. 28 and 32.

Containing 1280 acres.

3. The Executive order of October 9, 1903, as modified by Executive Order No. 1192 of April 19, 1910, transfering to the War Department as a military reservation, the following-described lands which had been set aside by Proclamation of October 10, 1900, as the Crow Creek Forest Reserve, is hereby revoked:

T. 14 N., R. 71 W.,
Secs. 1 to 30.
T. 15 N., R. 71 W.,
Secs. 1 to 36.
T. 14 N., R. 72 W.,
Secs. 1, 2, 11, and 12.
T. 15 N., R. 72 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15 incl.;
Secs. 22 to 27, incl.;
Secs. 34, 35, and 36.

Aggregating approximately 46,000 acres.

4. Proclamation No. 1259 of December 20, 1913, reserving the following-described lands for protection of the water supply of Fort D. A. Russell, is hereby revoked:

T. 13 N., R. 70 W.,
Sec. 2, N½;
Sec. 4, NW¼;
Sec. 6, lot 4 and S½;
Sec. 8, N½.
T. 14 N., R. 70 W.,
Sec. 2, E½E½, NW¼NE¼, SW¼SE¼, and SW¼;
Sec. 4, S½;
Sec. 6, N½SE¼, lots 1, 2, 3, 4, 6, and 7;
Sec. 8, E½E½, NW¼NE¼, NE¼NW¼, SW¼SE¼, SW¼;
Sec. 10, N½N½ and S½S½;
Sec. 12, NW¼;
Sec. 14, W½SW¼ and SE¼SW¼;
Sec. 18, lot 1;
Sec. 22, NE¼NE¼, S½N½, S½SE¼, and SE¼SW¼;
Sec. 24, SW¼;
Sec. 26, SE¼NE¼ and W½NW¼;
Sec. 28, N½N½;
Sec. 30, NW¼SE¼.
T. 15 N., R. 70 W.,
Sec. 20, N½S½, SE¼SE¼, and SW¼SW¼;
Sec. 22, SE¼, and S½SW¼;
Sec. 26, (NW¼ and E½);
Sec. 28, N½ and SW¼;
Sec. 30, lot 1, NE¼NW¼ and (SE¼SW¼);
Sec. 32;
Sec. 34, NE¼, N½NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, and E½SE¼.
T. 13 N., R. 71 W.,
Sec. 2, S½N½.
T. 14 N., R. 71 W.,
Sec. 32, S½N½;
Sec. 34.

5. Executive Orders Nos. 2257 of October 14, 1915, No. 2291 of December 27, 1915, No. 2497 of December 7, 1916, No. 2523 of January 30, 1917, and No. 3040 of February 25, 1919, reserving the following-described lands for protection of the water supply of Fort D. A. Russell and the City of Cheyenne, are hereby revoked:

T. 14 N., R. 70 W.,
Sec. 10, N½S½;
Sec. 26, (N½S½);
Sec. 28, S½N½ and SW¼.
T. 15 N., R. 70 W.,
Sec. 26, NW¼ and E½;
Sec. 32, N½N½.

6. Executive Order No. 5592 of April 3, 1931, transferring the following-described lands from the jurisdiction of the Secretary of the Interior to the Secretary of War, is hereby revoked; and the lands transferred to the control and administration of the Secretary of the Interior:

T. 13 N., R. 70 W.,
Sec. 2, (N½);
Sec. 4, (NW¼);
Sec. 6, lot 4 and S½;
Sec. 8, N½.
T. 14 N., R. 70 W.,
Sec. 2, E½E½, NW¼NE¼, SW¼SE¼, and SW¼;
Sec. 4, S½;
Sec. 6, lots 1, 2, 3, 4, 6, 7, and N½SE¼;
Sec. 8, N½NE¼, NE¼NW¼, S½S½, and N½SW¼;
Sec. 10, N½N½ and S½;
Sec. 12, NW¼;
Sec. 14, W½SW¼ and SE¼SW¼;
Sec. 18, lot 1;
Sec. 22, (NE¼NE¼, S½N½, S½SE¼, and SE¼SW¼);
Sec. 24, SW¼;
Sec. 26, (N½S½, SE¼NE¼, and W½NW¼);
Sec. 28, N½ and SW¼;
Sec. 30, NW¼SE¼.
T. 15 N., R. 70 W.,
Sec. 20, N½S½, SE¼SE¼, and SW¼SW¼;
Sec. 22, SE¼, and S½SW¼;
Sec. 26, (NW¼ and E½);
Sec. 28, N½ and SW¼;
Sec. 30, lot 1, NE¼NW¼ and (SE¼SW¼);
Sec. 32;
Sec. 34, NE¼, N½NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, and E½SE¼.
T. 13 N., R. 71 W.,
Sec. 2, S½N½.
T. 14 N., R. 71 W.,
Sec. 32, S½N½;
Sec. 34.

7. Executive Order No. 4245 of June 5, 1925, as amended by Public Land Order No. 1897 of July 10, 1959, establishing the Pole Mountain District of the Medicine Bow National Forest is hereby amended by deleting the last three paragraphs thereof pertaining to use of the lands by the War Department, and by adding thereto the following paragraph, "All lands of the United States in the Pole Mountain District of the Medicine Bow National Forest shall remain national forest lands and hereafter shall be subject to the laws, rules and regulations of the national forest of which they are a part."

8. Much of the land has been patented and a considerable area is a part of the Pole Mountain District of the Medicine Bow National Forest. The public lands affected by this order are those described in Paragraphs 5 and 6 hereof, except those included in brackets, which have been patented, and total 7,641.85 acres.

9. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any existing valid rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals, provided, that until 10:00 a.m. on January 19, 1962, the State of Wyoming shall have a preferred right to apply to select the lands in accordance with Subsection (c) of Section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The national forest lands, however, shall be open only to such forms of disposition as may by law be made of national forest lands beginning 10:00 a.m. on August 25, 1961.

10. The public lands released from withdrawal by this order other than national forest lands, shall be open to location under the mining laws and to applications and offers under the mineral leasing laws beginning 10:00 a.m. on January 19, 1961, subject to applicable law and regulations in 43 CFR.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JULY 20, 1961.

[F.R. Doc. 61–7063; Filed, July 26, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[AO–330]

ONIONS GROWN IN WESTERN OREGON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of onions grown in designated counties of Western Oregon, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) hereinafter called the "act."

Interested persons may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "proposed order") were formulated, was held at Brooks, Oregon, on May 17–18, 1961, pursuant to notice thereof which was published April 19, 1961 in the FEDERAL REGISTER (26 F.R. 3311). Such notice set forth the proposed marketing agreement and order sponsored by producers and handlers of onions in Western Oregon, as represented by the Western Oregon Onion Growers Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be covered by the proposed order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in the administration of the program;

(c) The authority to incur expenses and to levy assessments on onions handled;

(d) The authority for the establishment of onion marketing research and development projects;

(e) The authority for limiting the handling of onions grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The authority for establishing special regulations applicable to the handling of onions for specified purposes or to specified outlets including modifications of, or amendments to, grade, size, quality, and other regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulations in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements for handlers;

(k) The requirement of compliance with all provisions of the proposed order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in sections 82 through 95 of the notice of hearing published in the FEDERAL REGISTER (26 F.R. 3311) April 19, 1961, which are common to marketing agreements and marketing orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues are as follows:

(1) The Western Oregon production area, as that term is defined in the proposed order and as hereinafter used, is an important commercial producer of late summer crop onions. It includes the sections commonly referred to as Brooks-Labish, Gaston and Sherwood in the Willamette Valley of Oregon.

The major portion of the onions grown in this production area enter fresh market channels with the bulk of such movement going to destinations outside the production area in interstate and foreign commerce. It was testified that Western Oregon onions are marketed in many states of the Union. They are also exported to several countries, including Canada, Cuba, Central American countries, and the Netherlands. However, major markets for Western Oregon onions are the large terminal markets on the West Coast such as Los Angeles, San Francisco, San Diego, Portland, and Seattle, also the Hawaiian Islands and Canada, with many shipments going to such midwestern cities as Chicago, Kansas City, and Milwaukee.

Exhibit No. 7 contains a table giving rail unloads of onions in 100 U.S. and 5 Canadian cities during 1959. This table shows carlot unloads of Oregon onions, including onions grown in Western Oregon, in 89 of the 100 U.S. cities and in all 5 of the Canadian cities listed. The largest number of rail unloads in the order of volume were made in Los Angeles, New York, Philadelphia, and Chicago. Also, exhibit 7's table of truck unloads in 1959 shows the largest number of truck unloads of Oregon onions were made in San Francisco, Los Angeles, Portland, and Vancouver, British Columbia.

The chief competition to Western Oregon produced onions is from onions grown in Washington, California, and the Idaho-Eastern Oregon production areas. Additional competition is felt from onions produced in Utah, Colorado, and in other late summer producing areas. Onions from the production area as well as from these competing areas are marketed during the same period in the same markets. As a consequence of excessive supplies of onions generally, prices received for Western Oregon onions, as well as for other onions, tend to be depressed. Thus, Western Oregon onions directly burden and affect the supply of onions in interstate and foreign commerce and in turn onions produced in other states directly burden and affect the supply of onions in all markets including markets in Oregon.

Local markets within the production area receive substantial quantities of onions produced in Western Oregon as well as from competing areas such as Idaho, Washington, and California. For example, buyers of onions located in Portland, Oregon, including a chain store repacking plant, receive supplies of onions from the production area as well as from competing areas. These onions are sold and distributed to stores within the production area, the State of Oregon, and other states. Thus production area onions compete directly in intrastate as well as in interstate and foreign commerce with onions produced in other states. They burden the supply of onions in these markets and in turn are burdened by supplies from other states. Market prices, including shipping point prices, for Western Oregon onions are affected by supplies from competing states and in turn prices in competing states are affected by supplies from Western Oregon.

Handlers of Western Oregon onions maintain close communication with receiving markets both within the production area and outside the production area. Both shipping point sellers and terminal receivers exchange information as to supplies and prices. Prices at shipping points in the production area and at terminals outside the production area tend to move together around average price levels each day. Factors affecting supplies at shipping points are soon known and reflected in prices both at shipping points and receiving markets. Also, shifts in supplies at terminal markets, either in quantity or quality on hand, affect prices at terminals and, due to rapid, constant communication, such changes in supplies and prices are soon reflected in the offerings and bids between these buyers and sellers, and the resultant sales prices are reflected in prices to growers in the production area.

On the basis of the foregoing, it is hereby found and determined that all handling of onions grown in the production area, whether for distribution outside the production area or within the production area, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. The right to exercise Federal jurisdiction with respect to the proposed order for Western Oregon onions hereinafter set forth is therefore established.

(2) The need for the proposed marketing order for Western Oregon onions is supported by substantial evidence in the record of hearing.

The Western Oregon onion producing and marketing industry is an important factor in the economy of the Willamette Valley of Oregon, and particularly of that of the several communities in its producing districts. It also makes an important contribution to the economy of the State and the area as a whole.

About 1,800 acres of peat soil in this area are planted to onions each year. In addition, there is a small acreage of onions planted on mineral soil. The number of onion growers in the area ranges from 133 to 148, with the same farmers, as a rule, growing onions each year. From 80 to 90 percent of the producers receive the major portion of their income from onions including a large number who depend entirely on onions for their income. A large percentage of the land is rented or on shares. Land rental costs range from $100 to $150 per acre per year. The typical grower farms about 20 acres of onions a year deriving 75 to 90 percent of his income from onion production. Other crops grown in the area to a minor extent include strawberries, grain, and filberts.

Western Oregon's production in 1960 totaled approximately 1.3 million 50-pound sacks, compared to 1.7 million sacks in 1959 and a ten-year 1949–58 average of approximately 1.3 million 50-pound sacks.

Harvesting generally starts in August, with approximately 200 carloads, or about ten percent of the crop, moved to market at harvest time. Most of the onions are held in common storage until they are sold during the fall and winter. Common storage holdings are generally moved out by the middle of March. About 400 to 500 carloads, 20 to 25 percent of the corp, are placed in cold storage with movement out of cold storage generally completed early in May.

Prices of Western Oregon onions have varied widely from year to year with most crops returning less than the parity equivalent to producers. During the 10-year 1951–60 period, as shown in Exhibit 9, the gross returns to producers ranged from a low of $787,000 in 1959 to a high of $3,444,000 in 1952, and averaged $1,606,300. During this period the season average price to producers ranged from a low of $0.90 per hundredweight in 1959 to a high of $4.10 per hundredweight in 1952. Such prices returned less than parity equivalent in six years out of the ten, parity in one year, and more than parity equivalent in three years out of the ten. The 1960 crop returns to producers averaged 43 percent of parity equivalent and the 1959 crop price averaged only 34 percent of the parity equivalent.

Western Oregon onion producers, as represented by the proponent witnesses at the hearing, outlined their marketing problems together with proposals for solving them through marketing order regulations as follows.

The predominant onion variety produced in this area is the "Oregon Danver" which is peculiar to this particular area and no other. This onion variety is a locally selected and inbred strain of the Yellow Globe Danver which has been produced locally for several decades. It is a good keeping onion, classified by the trade as a hard onion and it stores extremely well compared to other varieties. Since the Oregon Danver is a separate and distinct variety peculiar to this area and for which a special demand has been established over the years, anything that can be done by the local industry to improve its reputation in the market by way of improving the quality, size, and appearance of the pack marketed, as well as restricting the marketing of certain sizes when they are in surplus, should be beneficial to the local producers regardless of what other areas may do with other varieties.

The most serious marketing problem in this area is that of undersize. The Oregon Danver variety does not tend to grow to large sizes. A typical breakdown by sizes includes the following: Cannery Boiler—1½ inches or less in diameter, 2–3 percent of the crop; Boiler—1½ inches to 2 inches in diameter, 13–15 percent; Medium—2 inches to 3 inches in diameter, 70–75 percent; and Jumbo—over 3 inches in diameter, 8–10 percent of the crop.

The bulk of onions marketed are sold as "medium" size. Onions of one inch to one and a half inches in diameter are mostly canned. However, "boilers", onions of 1½ inches to 2 inches in diameter, are normally sold in fresh market channels for which the demand is limited at a price that will return anything to the grower. Usually the supply of "boilers" exceeds such limited demand. When this condition exists growers receive little or nothing for their "boilers" and these small onions compete with, and depress the price of "medium" size onions. It is especially important, therefore, that these small onions be kept off the domestic fresh market in years when the possibility of any net profit is remote.

During the past two years voluntary attempts were made to remove these small onions from the market so as not to depress the price of medium size onions, however, these efforts were not very successful. As these small size onions substitute for and replace medium size onions, the price of medium size onions could be strengthened by limiting the shipment of boilers to certain non-competitive outlets, such as for export under safeguards, during periods of surplus supplies.

In seasons of bad weather conditions the onions are often stained by rain and sometimes they are affected by neck rot. These conditions tend to lower the quality and the appearance of the onions which in turn lowers the price received by the producers of such onions. By limiting the grade and quality of the onions permitted to be marketed under marketing order regulations, the quality of the onions marketed can be held to high standards and thereby maintain the production area's good reputation in the market. This in turn would mean better acceptance in the market and hence better prices to producers.

Another price depressing factor which is considered to be a serious marketing problem in this production area is the practice by some handlers and producer-handlers of packaging onions in used bags. Used bags are generally associated with poor quality. Onions packaged in used bags, whether they be used burlap potato bags or used mesh bags, do not present a good pack appearance and sell for a lower price than onions packed in new bags. The price discount for onions sold in used bags is generally more than the difference in price between the new and used bags. This in turn has a tendency to force the price of the better quality onions marketed in new bags down toward the price level of onions packed in used bags since market price reports do not generally specify "used bags" in reporting prices. More serious, however, is the fact that one handler will undercut the price of his competitor by packing in used bags. These practices tend to weaken and undermine a steady market and start a cycle of price declines. They also harm the reputation of production area onions. Witnesses testified that in some cases used bags might be permitted for shipments to export markets or to repackers with proper safeguards. However, if proper restrictions or pack regulations were made effective to limit the use of used bags to those outlets which would not seriously endanger the price structure for onions marketed in normal fresh market channels, one of the area's most serious marketing problems could be corrected.

For several years this area has had compulsory inspection. In this respect the change to a marketing order with compulsory inspection requirements would not be so drastic as in areas which have no compulsory inspection. However, there is an exemption of up to one ton which may presently be marketed at any time without inspection.

Testimony indicates that some No. 2's and other poor quality onions are handled by peddlers and by grower-handlers who transport onions to nearby markets, generally in used bags, which practice has also been detrimental to the reputation of the area's onions. It was indicated that most such handling of poor quality onions is permitted under the exemption from inspection of any shipment under one ton. Under a marketing order, if it is found that the one ton exemption is too big a loophole and damaging to the market price and the reputation of the area's onions, a tighter restriction could be issued. This could reduce the exemption to a smaller quantity and thus protect the normal market channels from poor quality, price depressing competition.

Onions are a commodity for which the demand is very stable, that is, inelastic. Excessive supplies cause sharp declines in price, and the reverse is also true. A decrease in supply will result in a more than proportionate increase in price. By having authority in the proposed order to regulate shipments of onions by grades, sizes and qualities, it will be possible to remove the lower grades, the small discounted sizes, and to permit the marketing of only the better quality and sizes, thereby establishing a reputation in the trade for consistently good quality onions. The withholding of poor grades and qualities, and small sizes of onions from markets also reduces the available supply of such onions. By reducing the quantity marketed, as well as by eliminating the discounted qualities and sizes, producers' prices for onions marketed should thereby be improved.

Finally, it was testified that it is impossible to know what problems lay ahead, as each season is often different from the one before. By having a committee of producers and handlers representing the production area, the members can meet together and work out solutions to these problems to the mutual benefit of onion producers and handlers. Also, if other onion producing areas should later adopt marketing order programs, as have two producing areas to date, this area's committee can meet and cooperate with other areas' committees to help solve their more serious problems.

(3) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

The term "onions" is defined to specify the commodity covered by the proposed order and with respect to which the terms and provisions of the proposed order are applicable. The agricultural commodity, botanically known as "Allium cepa," is commonly known to producers and handlers in the production area as "onions." Such term is defined to include all varieties of onions which are grown within the production area, but it does not include onion sets, green onions, and pickling onions as these do not compete with the commodity covered and are easily distinguishable from it by producers and handlers.

"Production area" is defined to include all the territory in the Counties of Multnomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington in the State of Oregon.

Commercial production of onions is concentrated in three sections of this production area but some onions are grown or potentially may be grown, in each of the counties listed. It is a logical geographical area comprising the northwestern portion of the State. This is a contiguous area in which the same varieties of onions are grown under similar conditions. Also, onions marketed from this area share in, and compete in, common markets during the same season. The boundary lines of this production area do not cut through any commercial onion producing section.

Two other onion producing sections are in the State of Oregon but they are not included in the proposed definition. One is Malheur County in Eastern Oregon where a different type of onion is produced and which is already included under a separate Federal marketing order. The other is in Southern Oregon, a considerable distance from this area and where a different type of onion is also produced. All territory included within the boundaries of the production area, as defined, constitutes the smallest regional production area which is practical and consistent with the policy of the act. Accordingly, the production area should be defined as including all 13 counties as hereinafter set forth in the proposed order.

(4) The terms "handler" and "shipper" are synonymous and they should be defined to identify the persons who handle onions in the manner described and set forth in the definition of "handle." The persons who are subject to the regulations and upon whom rest the obligations of complying with regulations authorized by the proposed order are identified and established under the definition of handler. Any person who is engaged in the act or acts of handling onions grown in the production area, or who causes such onions to be handled, is a handler. Such persons are responsible for the grade, size, and quality of the onions delivered to transportation agencies, or which are transported or sold in the current of commerce so as to directly burden, obstruct, or affect such commerce. The responsibility for handling often involves more than one person. Persons who make sales of onions are handlers. Also, any person who transports onions in the current of commerce within the production area or between the production area and any point outside thereof is a handler. Each party is subject to the definition of handler and is responsible for complying with regulations issued under the proposed order.

A common or contract carrier transporting onions which are owned by another person is performing a handling function. Such handling, however, should be exempted from the proposed order since such carriers are not responsible for the grade, size, quality or pack of the onions being transported. Neither are they the persons who cause the introduction of such onions into the stream of commerce. The only interest of a common or contract carrier in such onions is to transport them for a service charge to destinations given by others. The person or persons delivering onions to a common or contract carrier should be responsible for compliance under the proposed order. As defined, therefore, the term "handler" or "shipper" means any person, except a common or contract carrier of onions owned by another person, who handles onions or causes onions to be handled.

"Handle" and "ship" are synonymous and they should be defined in the proposed order to determine the particular marketing activities including selling and transporting, which place the onions in commerce within the production area or between the production area and any point outside thereof. Handling (transporting or selling) of onions under the proposed order would begin after the harvest of the onions and include each of the successive selling or transporting activities with respect to such onions. The term "handle" should not be limited to any one action or function, but should include any and all such activities and functions. It is desirable and appropriate that the definition of "handle" should include each of the marketing activities, except those specifically excluded, so that each person who performs, or causes to be performed, any such activity with respect to onions would be responsible for seeing to it that the onions are handled in accordance with requirements of the proposed order.

The record shows that usual harvest operations in this area begin with the pulling of the onions and placing them in windrows. A pulling machine is used for this operation. The onions are then left to cure while the outer scales and neck become dry. Frequently, because of rain, it is necessary to turn the onions during the curing period. After curing, the onions are loaded into tote boxes holding 1000 to 1200 pounds each. The filled tote boxes are generally carried on a truck to the storage shed where they are removed by a forklift truck and stacked for storage. Some growers still prefer to load the onions directly into trucks and then store them in large bins rather than in tote boxes. These operations are usually performed by producers. The act provides that no order shall be applicable to any producer in his capacity as a producer. Growing onions, that is, the planting and care of onions in the field through growth to harvesting, is a producer function within the above exception.

Most of the onions produced in Western Oregon, approximately 90 percent of the crop, are sold, field-run, by the growers to established packing house operators. There are six onion packing houses located in the Willamette Valley. Growers deliver field-run onions to packing houses and are paid for their onions on the basis of the packed-out weight of the various sizes.

The sale, transportation, or delivery of field-run onions to a packing house located in the production area for grading and packing, or to a storage for storing, should be excepted from the definition of "handle." Such onions have not yet been prepared for market nor are they in their existing condition being transported to market. Most sellers and buyers do not consider them as yet suitable or appropriate for commercial transactions in the commodity, and as such, they have not yet entered the stream of commerce.

The packing house operator performs the topping, sizing, grading and packaging. He is responsible for preparing the onions for market. He determines the grade, size, quality and container of the onions. He also sells the onions or consigns them, thus placing them in the current of commerce. He ships the onions, thus transporting them in the current of commerce. Each of these activities by itself is a handling operation and, as such, makes the person responsible for it a handler, subject to the rules and regulations issued under the order.

Approximately ten percent of the onions grown in the production area are topped, graded, sized, and packed by the producers of the onions. Such producers sometimes sell their onions to truckers who come into the production area to purchase onions, or they transport the onions to market either within the production area or outside the production area, and sell them. Each of these activities is a handling function and causes the person responsible for it to become a handler. When a grower performs a handling function he becomes a handler. The act of placing the onions in the current of commerce, either by sale or transportation, makes him a handler, subject to the rules and regulations issued under the order. If a trucker or peddler purchases onions within the production area, he too, becomes a handler and is also subject to the rules and regulations issued under the order.

With the exception of the activities which are specifically excepted, all sales and transportation of Western Oregon onions produced in the production area are included in the definition of "handle" as set forth in the proposed order, except sales at retail by a person in his capacity as a retailer. Handling may be performed or caused by one or more persons, such as a packing house operator or his agent, a producer in his capacity as a handler, a trucker, a broker, or any other person engaged in marketing onions. The failure of any one person to comply with marketing regulations does not relieve subsequent handlers from their responsibilities of compliance with such regulations.

(5) Certain terms and provisions of the proposed order should be defined and explained for the purpose of designating specifically their applicability and limitations whenever they are used.

(a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for such programs, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the appropriate legal citation for the statute pursuant to which the proposed regulatory program is to be operative.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as when used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of onions within the production area and who is producing such onions for market. The term is used in determining the eligibility of persons to vote for, and to serve as producer members or alternates on the committee.

Since a person is defined as an individual, partnership, corporation, association, or any other business unit, each such person establishes a legal entity. Each person, or legal entity, whether an individual, partnership, joint venture, or corporation, engaged in the production of onions for market, should be classified as a producer and he should be allowed to participate in the rights and privileges accorded a producer under the proposed order. The term producer should be limited to those who have an ownership interest in the onions which gives them title or authority to pass title to such onions.

"Grading" is defined as being synonymous with "preparation for market." It means the topping and separation of the onions into grades, sizes and packs for market purposes. Since it has been a long standing practice of onion growers in the Western Oregon area to store onions with the tops on, contrary to the practice in other areas, the steps necessary to prepare the onions for market begin with the topping. This is the operation of removing the tops completely from the onions and it is normally performed by a mechanical onion topper. After the onions have passed over the topper, they flow onto a sorting table where obviously damaged onions and foreign matter are removed by hand. From there the onions are conveyed onto a sizing machine which consists of a series of belts which separate the onions into distinct size ranges. Then the sized onions pass over a series of revolving brushes to give them a cleaner appearance and they are discharged onto a final sorting table where any defective onions are picked out by hand prior to packaging.

There are variations in the process of grading, but the essential features are the topping and separating of the onions into market classifications in accordance with trade demands, so that the onions which are to go to consumer markets will be separated from those which are considered generally unmarketable, or marketable in different outlets.

Definitions of "grade" and "size" are incorporated in the proposed order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. "Grade" and "size," the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned these terms in official United States Standards for onions issued by the United States Department of Agriculture, or in Oregon Standards for onions. Also, the definition includes modifications or amendments to such standards, and any variations from such standards which may be specified in regulations under the proposed order. Regulations can then incorporate such terms (grade and size) with the constant meaning assigned them in the standards.

The term "pack" is commonly used in the onion trade and refers to one or more of the factors relating to grade, size, quality, and type or condition of container, or a combination of all of these factors. For example, "U.S. No. 1 quality, 2 to 3 inches, 50-lb. sacks," is considered by the trade as a specific pack. In this case "sacks" is generally interpreted to mean "new mesh bags" since Western Oregon onions are mostly packed in new 50-pound mesh bags. However, some production area onions are shipped in other sizes and types of containers. In addition, the onions may be of different grades, or of different sizes. It is essential that the committee should have authority to recommend, and the Secretary to approve, regulations in terms of packs, and to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, and the type or condition of the container. The definition of the term "pack" should, therefore, be as set forth in the proposed order.

The term "container" should be defined in the proposed order to mean a sack, box, bag, crate, hamper, basket, package, or any other receptacle used in the packaging, transportation, sale, or other handling of onions. This definition would also include "master containers" which are sometimes used for packaging smaller containers. Thus, the definition of "container" should be sufficiently broad to include each of the various shipping receptacles in which Western Oregon onions are sold, or move to market, and for which different regulations could be applicable.

The term "varieties" is included in the proposed order so that the committee may consider the differences in the characteristics of onions in connection with its recommendations for regulations. The principal variety grown in the production area at the present time is the Oregon Yellow Globe Danver, commonly referred to as the Oregon Danver. In addition, about 8 percent of the acreage is planted to the variety Southport Red Globe and a few hybrid varieties which are being developed experimentally and in a minor way shipped commercially. These include such hybrids as Surprise and Empire. New varieties and hybrids may be introduced and may become commercially important. The definition of varieties as set forth in the proposed order is appropriate for determining the different varieties, or types of onions, grown in the production area so that a basis for regulating differently by different varieties, or regulating some and not regulating others, may be established.

The definition of "committee" is incorporated in the proposed order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Committee is defined to mean the Western Oregon Onion Marketing Committee. Such committee is authorized by the act and the definition thereof minimizes the use of words in referring to this administrative agency in the proposed order.

"Fiscal period" should be defined to mean the period beginning and ending on the dates recommended by the committee and approved by the Secretary. This definition provides authority for the committee and the Secretary to set the beginning of the fiscal period relatively close to the beginning of the shipping season. Such flexibility is essential in the event changes in the beginning date of the shipping season should take place in the future.

"District" should be defined in the proposed order to provide a basis for the nomination and selection of committee members. It means each of the geographic sections, or divisions of the production area, as initially established or as later re-established. The proposed division into districts is adequate and equitable and should provide a practical basis for the purpose intended.

The term "export" means shipment of onions to any destination which is not within the 48 contiguous States or the District of Columbia of the United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market. Therefore different or special regulations, or even no regulations, may be justified with respect to such shipments.

(b) The Western Oregon Onion Marketing Committee consisting of 9 members (6 producers and 3 handlers) is the administrative agency sponsored by the industry to aid the Secretary in administering the proposed order and in carrying out the declared policy of the act. A committee composed of 9 members, with a like number of alternates, will provide adequate industry representation and assure reasonable judgment and deliberation with respect to recommendations made to the Secretary, and in the discharge of other committee duties. More producers are on the proposed committee than handlers because marketing orders are intended primarily for the benefit of producers. However, restrictions under the proposed order will be at the handler level, so it is also appropriate for handlers to have representation on the committee. Handlers are usually in closer touch with the marketing situation, and their advice and counsel should be available to the committee.

The proposed order should provide that an alternate be selected for each member of the committee so that, in the event a member is sick or should otherwise be unable to attend a meeting, the district or group which he represents will have adequate representation on the committee. This provides a logical method for representation at all times. Also, alternates can relieve members by serving on subcommittees or performing other assigned tasks necessary for the administration of the program. Such alternates should have the same qualifications as members.

Each member and alternate selected to represent producers in a particular district should be an individual who is a producer, or an officer or employee of a corporate producer or other type of business unit engaged in producing onions in such district. Similarly, each member or alternate selected to represent handlers should be an individual who is a handler, or an officer or employee of a corporate handler or other type of business unit engaged in handling onions in the production area.

The term of office for committee members and alternates under the proposed program should be for two years. Terms of office should begin on July 1 and should end as of June 30, of the second year, except for initial committee membership. Terms of individual members should be so determined that about one-half of the committee would be selected each year so as to provide continuity of experience on the committee. Committee members and alternates should serve during the term of office for which they are selected and until their successors are selected and have qualified.

July 1 is an appropriate date for the beginning of a term of office because it is after the harvest and sale of one crop and prior to the beginning of a new marketing season. This date will allow time for the new committee to organize and observe the prospective crop before making any recommendations.

Three districts, each of which includes a well known producing section, are established in the proposed order to provide a geographical basis for the selection of committee membership. Producers and handlers within the production area commonly recognize and accept the districts as set forth and customarily consider onion supplies and marketing problems in terms of these districts.

Redistricting authority is necessary in the proposed order to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement may be made. Future shifts or other changes in onion production within the production area cannot be foreseen at the present time. Therefore, it is desirable to provide flexibility of operations so that if it would be in the best interests of the industry to readjust districts or reapportion membership, the committee may so recommend and the Secretary may approve such action.

The guides and limitations set forth in the proposed order which should be considered in making changes in districts or reapportionment of members are appropriate and desirable. Recommendations for such changes should be made well in advance of the intended effective date. Also, changes should not be made effective less than 30 days prior to the date on which terms of office begin. Also, no recommendations for redistricting or reapportionment should be made less than six months prior to the date the change is to be made. These safeguards are desirable so that producers and handlers may become well acquainted with any redistricting or reapportionment of members prior to the nominations.

The Secretary has the legal authority for the selection of the members and alternates of the committee, but the industry should have the responsibility for recommending proper and appropriate nominees to the Secretary so that he may select the membership from such nominees or from other eligible persons. The proposed order provides that the Secretary shall select three producer members and their alternates from District No. 1, two producer members and their alternates from District No. 2, and one producer member and his alternate from District No. 3. Three handlers and their alternates are to be selected from the production area at large. Proponents have given careful consideration to the proposed method of selection and they believe it will provide fair and adequate representation for each district in proportion to each districts' acreage and production of onions.

The nomination procedure outlined in the proposed order will provide a means of making available to the Secretary the names of prospective members and alternates desired by the industry to serve on the committee.

Since it will not be possible for the proposed program to be made effective much in advance of the 1961 marketing season, growers and handlers should be permitted to submit nominations for committee members and alternates in advance of the issuance of the order. Initial nomination meetings for this purpose may be sponsored by the United States Department of Agriculture or by any other agency or group requested by the Department.

The responsibility for calling subsequent nomination meetings should be with the committee as one of its administrative duties. The committee may call upon other existing organizations or agencies, such as the Extension Service, the Field Office of the Fruit and Vegetable Division, U.S. Department of Agriculture, or growers and shippers associations to assist in conducting such nomination meetings.

Meetings for nominating members of subsequent committees and their alternates should be held or caused to be held by the committee not later than June 1 of each year. Inasmuch as the term of office is proposed to begin as of July 1 of each year, nomination meetings should be held in sufficient time to assure that nominations for members and alternates will be supplied the Secretary in time for him to select members and alternates prior to the beginning of each new term of office. At least one nominee should be designated for each position which is to be filled.

Nominations should be supplied in such manner and form as the Secretary may prescribe. The industry, through the committee, should provide enough information about each nominee so the Secretary may be able to determine if such person is qualified for the particular position.

Only producers should participate in designating nominees for producer members and alternates, and only handlers may participate in designating handler nominees. Such persons should be actively engaged in the production or handling of onions in the district (in the case of a producer) or in the production area (in the case of a handler). If a person is engaged in producing onions in more than one district such person should elect the district within which he wishes to participate in electing producer nominees. Each producer will thereby have the same voice in the nomination of committee members.

Regardless of the number of districts in which a person produces or handles onions, as the case may be, each person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries and affiliates and representatives in nominating members and alternates for the committee. This provision is deemed necessary as an appropriate safeguard for the protection of all growers and handlers participating in their respective meetings irrespective of the size of an individual's operations. This limitation, however, is construed to mean that one vote may be cast for each position which is to be filled.

If a person is both a producer and a handler he may vote either as a producer or as a handler by selecting the group with which he wishes to participate. Such person may not vote both as a producer and a handler because to do so would enable him to participate in nominations to a greater degree than persons who are only producers or only handlers.

To provide an administrative agency at all times to administer the proposed order, the Secretary should be allowed to select committee members and alternates without regard to nominations if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should be on the basis of the representation provided in the proposed order to insure that all producers and handlers in the production area are fairly and adequately represented on the committee.

Each person selected by the Secretary as a committee member or alternate should qualify by promptly filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will have definite knowledge that the person appointed is willing to serve and that the position has been filled.

It is also desirable and necessary that the Secretary be authorized to fill vacancies on the committee without regard to nominations if the names of nominees to fill such vacancies are not made available to him within 30 days after such vacancy occurs. This requirement is necessary to maintain continuity of the committee operations and to insure that all portions of the production area are adequately represented in the conduct of committee business.

To insure that all portions of the production area are adequately represented in the conduct of the committee's business and that the continuity of operation is not interrupted, the proposed order should provide for alternate members on the committee. Each alternate should be authorized to act in the place and stead of the member during the member's temporary absence, or in the case of the death, removal, resignation, or disqualification of a member. The alternate should serve as member until a new member is selected and has qualified. In the event the member and his alternate are unable to attend a committee meeting, the member or the committee should designate any other alternate member from the same group (producer or handler) to serve in such member's place. This is an appropriate provision to assure adequate attendance of committee meetings.

The committee should be permitted to request the attendance of alternates at any or all meetings regardless of whether the members are present or not. This would be desirable at times especially when the committee is considering important matters and when it is necessary to have a greater expression of industry opinion.

The proposed order provides that seven of the nine committee members are necessary to constitute a quorum. This number would assure ample representation from the districts. If a lesser number is permitted to carry on committee business it is possible that some districts would not be represented and this would not be fair or equitable to those affected. Proponents testified that six concurring votes should be required to pass any motion or to approve any committee action. This would represent more than a simple majority of those voting and would result in greater assurance that action taken by the committee will reflect industry support.

The committee should be authorized to vote by telephone, telegraph, or other means of communication, as it may be necessary at times for the committee to act more promptly than a meeting in person would allow, or if the matter to be considered would not justify the expense of an assembled meeting. The chairman, or other persons delegated to conduct telephone, telegraph, or other similar meetings, should exhaust reasonable efforts to get in touch with each member or his alternate. Records of such meetings should show the extent and tenor of discussions with each member or alternate, and written confirmation of each vote cast. A unanimous vote of all members participating in such action should be required to properly protect the industry's interests.

At assembled meetings all votes should be cast in person. This would insure that a person voting on a motion or any committee action will have had an opportunity to participate in the committee's discussion and present the views of the producers or handlers he represents.

Committee members and alternates while on committee business will necessarily incur some expenses. Reasonable expenses, which may include travel and living expenses, should be reimbursed so as to avoid personal financial loss to members which might otherwise occur because of their service to the committee. Also, compensation of not to exceed $10.00 per day, or portion thereof, should be authorized in addition to the above, since committee members or alternates may incur additional expense with respect to their own affairs when attending to committee affairs. These provisions should also extend to alternate members and to members of a subcommittee when performing official duties.

The committee should be given those specific powers which are set forth in section 8c(7)(c) of the act because such powers are granted by the enabling statutory authority and they are necessary for an administrative agency, such as the Western Oregon Onion Marketing Committee, to carry out its proper functions.

The committee's duties as set forth in the proposed order are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under programs of this character. They are reasonable and necessary if the committee is to function in the manner prescribed under the act and the proposed order. It should be recognized that the duties specified are not necessarily all inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to, and not inconsistent with, these specified duties.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and legitimate expenses incidental to the proper administration of the proposed order. Authorized expenses should include such items as salaries for the committee manager, clerical help, field personnel, office equipment, supplies, maintenance, travel, expenses and compensation for committee members and alternates. The authority to incur expenses should not be confined to a predetermined list, but committee funds may not be used for other industry programs such as advertising.

Expenses incurred by the committee in operating the proposed order must, under the act, be borne by handlers. The fairest and most practical way of distributing the costs of the program among handlers is to require each handler who first handles onions to pay his pro rata share of such expenses on the basis of the ratio of his total onion shipments to the total shipments by all first handlers during each fiscal period. The first handler is most generally the person who is the applicant for inspection on each shipment. In addition, such person is usually the one who starts the commodity on its way to market. For onions which are not inspected, the handler responsible for assessment should continue to be the should be so designated by the committee. The requirement that first handlers pay assessments will preclude multiple assessments on onions that are handled more than once.

The committee should be required to prepare a budget at the beginning of each fiscal period showing estimates of income and expenditures necessary for the administration of the order for such period. The budget should be presented to the Secretary with an analysis of its

components and an explanation thereof in the form of a report. The committee should be authorized to recommend a rate of assessment to the Secretary which is designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. No increase should be made in the total budget without prior recommendation of the committee and approval of the Secretary. However, the committee should have authority to over-expend individual budget items so long as the total does not exceed the amount approved by the Secretary.

The rate of assessment should be established by the Secretary on the committee's recommendation, which should be based on estimated expenses and the volume of shipments during a fiscal period. Such rate should be applied on a fair and equitable unit basis, such as a 50-pound bag, hundredweight, carload or truckload.

Each handler, therefore, who ships onions as the first handler thereof, should pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro-rata share of the program's expenses, so that the committee may have adequate funds to carry on its operations on a current basis.

Should developments indicate that assessments collected, or to be collected, during any fiscal period will not provide sufficient income to cover committee expenses, the committee should be authorized to recommend that the Secretary approve an amended budget and fix an increased rate of assessment. If such a revised budget is approved, together with an increased rate of assessment, such increased rate should be retroactive to the beginning of the fiscal period, so as to avoid inequities among handlers.

Proponents testified that the committee should have authority to continue assessments for the maintenance and functioning of the committee even though grade, size, or other regulations may not be in effect for a certain period.

If, at the close of a fiscal period the committee has a carry-over of funds in excess of expenses, and such funds are not retained in a reserve, handlers should be entitled to a proportionate refund. Such refunds, calculated on the basis of assessments collected, should be credited to contributing handlers against their operations for the following fiscal period, unless payment should be demanded, in which event the proportionate refund should be paid.

Good business practice requires provision for contingencies. The committee should be authorized, with approval of the Secretary, to set aside excess funds in a reserve or reserves to be used for specified purposes. Such reserves could be used to allow the committee to function at the beginning of a season prior to the time assessment income is available; to cover any deficits during a fiscal period in which assessment income is not sufficient to cover expenses; or to pay any expenses incurred during any period when any or all of the provisions of the order are suspended or inoperative. A reserve fund would be especially needed in the event the order is ever terminated. If and when the committee should be required to liquidate its affairs, expenses will necessarily be involved. Funds may be set aside from year to year for reserves, provided they do not exceed approximately one year's expenses.

Any balance remaining after liquidation should be prorated, to the extent practical, to the persons from whom such funds were collected.

All funds received by the committee may be used only for administration of the proposed order. The committee should be required to maintain books and records clearly reflecting the true and up-to-date operations of its affairs, so that its administration may be subject to inspection at any time by the Secretary. This is merely a sound business practice.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting.

Whenever any person ceases to be a member or alternate of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be required to execute assignments or such other instruments as may be appropriate to vest in his successor, or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing order should be suspended, or if no regulations should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method for taking care of the committee's business affairs during periods of inactivity and would permit resumption of operations with a minimum of delay.

(d) One of the important functions of the committee would be to provide for marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of onions. The act, as amended, permits such projects and such authorization should be included in the proposed order.

Research into market development, transportation, containers, and methods of handling, are examples which the committee may deem worthy of investigation.

As the industry and the committee become more aware of the value of and need for marketing research and development, projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to budget for, and to recommend the approval of such projects which would improve or promote the marketing, distribution, or consumption of onions. After approval by the Secretary, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for onions, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of onion shipments as authorized in the proposed order provides a means of carrying out such policy.

The procedures and methods outlined in the proposed order for the development of marketing policies provide a practical basis for the committee to obtain appropriate and adequate information relating to onion marketing problems. As a prerequisite to making recommendations with respect to limitations of shipments in accordance with the proposed order, the committee should be required to consider and develop a marketing policy for the handling of onions.

A marketing policy should set forth the over-all plan of the committee for orderly marketing of onions during the ensuing season, including, to the extent practical, the kinds of regulations that may be desirable. Such marketing policy should be made known to producers and handlers in the production area as soon as possible at the beginning of each season in order to give them ample time to familiarize themselves with proposed regulations and to make any objections which they believe are necessary. It should also be made available to the Secretary to aid him in considering the recommendations of the committee for regulations.

The factors set forth in the proposed order which the committee should consider in developing its marketing policy are necessary for a proper evaluation of the market outlook. The committee should have available all of the latest crop, supply, and price information for its area and competing areas. It should know, from information available and from the informed members themselves the condition and quality of the crop in its area as well as in competing areas. The committee members themselves will be informed concerning problems peculiar to the area, such as weather conditions, disease, quality and maturity of the crop, and will be able to consider these factors in determining the marketing policy.

If the marketing policy statement should need amending or modification during a season due to changed conditions the committee should be authorized to do so and the Secretary should receive a report regarding the revised policy. The committee should give the same publicity to each revised policy

report as is given to the initial report for the season in order to notify producers and handlers of the changes.

The Western Oregon Onion Marketing Committee, as the local administrative agency under the proposed order should be authorized to recommend such grade, size, quality, and other regulations authorized by the proposed order, and amendments thereto, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the proposed marketing program that the committee should have such responsibility.

The Secretary should look to the committee, which reflects the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions in the interest of improving returns to producers. The committee should be responsible for determining the need for and the type of regulations for each season or period. The committee, on making recommendations to the Secretary, should utilize all information and experience at its command and should justify its recommendations with supporting facts, considerations, and conclusions.

Evidence introduced at the hearing shows that the proposed order should contain authority to regulate the grades, sizes, qualities, and packs of onions which may be handled in any or all portions of the production area during any period. Such regulations may be issued as a result of recommendations and information submitted by the committee, as aforementioned, or other information which may be available to the Secretary which indicates that such regulations would tend to effectuate the declared purpose of the act. Such regulations should apply to all onions handled unless shipped under modifications authorized by the proposed order.

The grade, size, quality, and pack of onions which are shipped to market at any particular time have a direct effect on returns to producers. It is a fact that poorer grades and less desirable sizes and packs of onions marketed return lower producer prices than do better grades, sizes, and packs. Shipments of immature, stained, or watersoaked onions, or onions damaged by neck rot, sunburn, or other defects, not only return little to the producer but depress prices received for good quality onions and harm the reputation of production area onions thus decreasing the demand therefor.

As previously indicated, supplies of "bollers," i.e., onions of 1½ to 2 inches in diameter, are quite often in surplus and difficult to dispose of at a profitable return to the growers. These small onions usually return little or nothing to the producer and they compete with and depress the prices of "medium" size onions which comprise the major portion of the crop marketed. Since size is such an important price factor in the marketing of onions, it is necessary that the proposed order should include authority for the regulation of the sizes of onions which may be marketed.

Barring unforeseen decreases in onion production, there is generally a sufficient volume of onions harvested in the production area so that the shipment of only the better grades, sizes, and qualities of onions to the fresh market could fill market demands. It is important, therefore, that the proposed order should provide authority for the committee to recommend, and the Secretary to issue, regulations governing the handling of onions so that only such grades, sizes, and qualities of onions may be shipped as could improve growers' returns. Maturity is a factor of grade and, as such, would be included within the authority to regulate by grades. The withholding of poor quality and undesirable sizes of onions also would reduce the supply available for market which in turn should increase the demand and price for the good quality and sizes marketed.

Adverse weather conditions may occur during a crop year in one portion of the production area and not in other portions of such area. Hail or heavy rain storms often affect one district more than another. Because of these circumstances, and in order to provide equity among producers and handlers, authority should be provided in the proposed order to permit regulation in any or all portions of the production area, as well as differently for different portions of the production area, of onions handled thereunder.

The proposed order should contain authority to regulate packs, and to regulate differently for different packs. This would assist the onion industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance its reputation in the trade. It is the usual practice in the production area to prepare specific packs for market. The most common pack in this area is referred to as: U.S. No. 1, 2 to 3 inches, new 50-pound sacks. Other packs include smaller sized onions packed in consumer size packages. Also, onions sold for export are often of different grades and sizes, and packed in different containers. Most of the 50-pound sacks are new onion mesh bags. However, as was previously mentioned, some handlers and producer-handlers have packed onions in used burlap and used mesh bags. Onions packed in used bags do not present a good appearance and sell for a lower price than onions packed in new bags. Such packs, when sold in normal fresh market channels, have a depressing effect on prices of all production area onions and are damaging to the reputation of production area onions. However, it was testified that used bags, when limited to shipments for special purposes, such as for export and to repackers, would not endanger the price structure for onions marketed in the usual wholesale channels and, therefore, shipments in used bags may be permitted to repackers and for export under safeguards.

The grade, size and quality of the onions are to be regulated under the proposed order so that only the better quality and preferred sizes will be offered to the trade. To pack such onions in used bags, whether they be used potato bags or used onion sacks, would be detrimental to the pack and would defeat the objectives of the grade and size regulations. Therefore, it is essential that the committee should have the authority to recommend, and the Secretary to issue, regulations in terms of packs and to define and establish such packs in terms of grades allowed, size ranges and tolerances, weight of contents, and the types and condition of containers. Such authority is considered to be necessary and incidental to effectuate the other provisions of the order.

Each variety of onions has its own distinguishing characteristics. While only a small percentage of the production in Western Oregon at the present time consists of varieties other than the Oregon Danver, new varieties and hybrids may become commercially important. Due to the fact that conditions, such as price, supply and demand vary at times for different varieties of onions, authority should be flexible enough to permit different grade and size regulations for different varieties during any period.

It is also important that the proposed order should provide authority for the committee to recommend, and the Secretary to fix, through rules and regulations, the size, weight, capacity, dimensions or pack of the containers which may be used in the packaging or handling of onions. If malpractices should develop, such as the use of off-size, or deceptive containers, or with respect to the net weights of containers, it is necessary that authority should be available for the committee, with the approval of the Secretary, to correct any abuses which may develop and to prohibit the use of undersirable or deceptive containers. This authority, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containrers which may be developed.

The proposed order should provide for prompt notification of the committee by the Secretary whenever he takes action with respect to regulations and the committee should promptly notify the industry of any such actions. This requirement is appropriate and necessary for the proper and efficient administration of the program.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any or all periods when onion prices reach the equivalent parity as will be in the public interest. Some onions are of such low quality and undesirable size that they do not give consumer satisfaction at any time and consumers do not receive proper value for their expenditures for such low quality onions even when prices are above parity so it would not be in the public interest either of producers or consumers to permit shipments of such poor quality onions irrespective of the price level. The proposed order, therefore, should contain authority for the establishment of such minimum standards of quality and maturity as will be in the public interest and such grading and inspection requirements as may be necessary to insure such minimum standards of quality and maturity are met. Proponents testified on the need for container and

pack regulations in above parity situations. Testimony indicated that eliminating pack and container regulations when prices are over parity would not assure consumers any additional quantities of onions. Rather, it would be in the public interest to offer consumers those grades, sizes and qualities of onions packed in preferred containers even when prices to growers are above parity.

The proposed order should provide for the amendment, modification, suspension or termination of regulations whenever such action is warranted upon recommendation of the committee or other available information. The need for this authority is obvious in that flexibility will oftentimes be required to adjust regulations to effectuate the declared policies of the act. Likewise, it is obvious that if regulations no longer tend to effectuate the declared policy of the act they should be terminated.

The proposed order is intended primarily to improve orderly marketing conditions with respect to commercial shipments, that is, carlots or truck lots of onions going into the markets. However, some smaller shipments are made which constitute a very minor percentage of the total movement and are much smaller in volume than what is normally considered a commercial shipment. It may be an accommodation sale which most handlers deal in from time to time, or they may give their product to friends. Such handling would be in a nuisance category insofar as requirements under the order would be concerned. Therefore, authority should be contained in the proposed order to relieve such shipments from regulations, assessments, or inspection, or any combination thereof, when such is in the best interest of the program.

(g) The Secretary should be authorized upon the basis of the recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of onions for purposes other than for disposition in normal trade channels. Onions moving to or serving such outlets are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of onions handled in commercial markets. The proposed order should provide authority for the committee to give appropriate consideration to the handling of onions for such purposes so that every opportunity may be taken to improve orderly marketing conditions for onions thereby tending to increase total returns to onion growers in the production area.

Such outlets would be for relief or for charity, experimental purposes, export, processing, or for other purposes which may become apparent in the future and which would be specified by the committee and approved by the Secretary. Most shipments intended for relief or for charity are usually by the way of donation and the committee should have authority to recommend waiving of the requirements in regard to these shipments in that they do not interfere with regular commercial movement. It is normal for some onions to be shipped within and outside the production area for processing, primarily canning and dehydration. Since commodities for canning or freezing are exempted from regulation by the act, onions cannot be restricted by grade, size, or similar limitations under the proposed order. However, requiring proper evidence that such onions are not diverted into fresh market channels may be necessary to protect the fresh market from shipments of grades and sizes otherwise excluded. Shipments of onions for dehydration could be subject to regulations under the order, but onions for dehydration frequently, if not usually, reflect a special demand for varieties, grade, or sizes not readily acceptable in fresh markets. Therefore, onions for dehydration should be accorded special consideration.

Shipments are sometimes made for experimental purposes. Since these experiments are intended to benefit the industry as a whole, no particular purpose would be served by the application of all the requirements of the proposed order to such shipments. Some export markets accept or prefer certain grades, sizes, and packs which normally are discounted for domestic markets. The proposed order should provide for appropriate modification, suspension, or termination of regulations with respect to movement of onions to export outlets so that these demands can be met and the sale of the onions grown in the production area will continue to such markets.

Other outlets or special purposes may develop that are not known at this time. The committee should be authorized, with approval of the Secretary, to provide special treatment through modification, suspension, or termination of regulations applicable to other special outlets with distinctive demand characteristics which may develop in the future.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering marketing channels contrary to provisions of such special regulations. Authority for the establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the proposed order.

(h) Inspection and certification of onions is a common practice in the production area since it is compulsory under State law. There is no other practical or feasible method of determining officially that onion shipments meet requirements of the order except through inspection and certification by the Federal-State Inspection Service. The Federal-State Inspection Service has operated in Western Oregon for a number of years and onion producers and handlers throughout the production area are well acquainted with the service and with the inspection which it offers on shipments of onions. The service is available throughout the entire production area and reasonably prompt inspection can be given at all shipping points. Inspection and certification requirements should apply to all onions shipped under the proposed order except when relieved therefrom pursuant to rules and regulations applicable to minimum quantities or special purpose shipments.

Inspection and certification requirements are necessary so that the shipper as well as subsequent handlers, the committee, and other interested parties may determine if shipments comply with the regulations in effect and applicable to such shipments. Effective regulation of the handling of onions grown in the production area requires evidence that each shipment is in compliance with regulations under the order and the provision for inspection and certification affords the practical means of establishing the fact that the shipments do comply and can be so identified.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated onions after they have been prepared for market since he is usually the person responsible for the grade, size, quality, pack, and container in which the onions are being shipped or handled. However, each handler, regardless of whether the first or subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Inspection and certification is essential to proper administration of the order so that a determination may be made as to whether each shipment accords with regulations issued thereunder. The handler who first handles onions should be required to obtain such inspection. Subsequent handlers should not be permitted to handle onions unless a properly issued inspection certificate, valid under the terms of the order, applies to such onions. If a handler should receive onions which have not been inspected he should be responsible for having them inspected before selling or transporting them. This procedure avoids the potential shift of responsibility which would be expected to occur in the absence of making each handler reponsible for inspection and certification of any uninspected onions handled by him. This requirement is also necessary so that the committee can obtain evidence in the form of inspection certificates to determine whether the requirements of regulations in effect are being met.

Whenever onions subject to regulation have been inspected, but are later dumped from the containers in which they were inspected, or the lot on which the inspection certificate was issued is broken up, such onions can no longer be specifically identified with reference to the inspection certificate. If any such lot of onions should thereafter be repacked, the repacked onions have a new identity. Any subsequent handling of such onions should be in compliance with regulations in effect. Otherwise, effective regulation will not be obtained. Therefore, the order should provide that the committee may require the person who handles onions after they have been repacked, resorted, or regraded, to have such onions reinspected and recertified prior to further handling so that the shipper thereof as well as subsequent handlers and the committee may determine that such repacked onions comply with regulations in effect.

The committee may prescribe rules and regulations, subject to approval by the Secretary, whereby any or all onions inspected shall be identified by appropriate seals, stamps, or tags affixed to the containers by the handler. In areas where warehouse or lot inspections are used, compliance problems under a marketing order program can be more difficult than in other areas where all lots are inspected at the time of loading. Also, in areas where truck movement is relatively important, compliance can be a problem. Both of these situations apply to the production area. The marking or stamping of containers could be used if it was found that uninspected lots were being substituted for inspected warehouse lots. It is concluded that the provision for identifying shipments or containers by marking or labeling under appropriate rules and regulations recommended by the committee and approved by the Secretary may be necessary and incidental to successful operation of the proposed order, and should be included therein.

The committee with the approval of the Secretary should be authorized to determine the length of time an inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement is appropriate and necessary especially with respect to warehouse lot inspections which might be administratively desirable to accommodate handlers and truckers, also with respect to onions placed in storage. Onions held in common storage will not keep as well or for as long a period as onions placed in refrigerated storage. For this reason authority should be granted to set different time limits on the validity of inspection certificates for different storage circumstances.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so it can discharge its administrative responsibilities under the program.

The committee should be authorized to recommend, and the Secretary to issue, regulations requiring that onions transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon or by other approved evidence of inspection. These requirements may include the surrender of such documents to such authority or agency as designated by the Secretary upon committee recommendation. The committee is authorized under the proposed order to administer its terms and provisions and this procedure enables the committee to enforce regulations in connection with the movement of onions by motor vehicles. Since an ever increasing percentage of onions produced in the production area move by truck, such authority is necessary to effectuate the other provisions of the proposed order.

(i) A producer, whose onions have been adversely affected by acts beyond his control or by acts beyond reasonable expectation, such as floods, hail or other weather hazards, and who, because of regulations issued under the order, would be prevented from shipping as large a proportion of his crop as the average for his area, should be permitted to apply for an exemption from such regulations in order to obtain equitable treatment. To provide equity among producers the committee should be given authority to issue exemption certificates to qualified applicants for exemption. The committee, by reason of its knowledge of conditions and problems applicable to production area onions, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted onions which an applicant may ship.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, and in appealing exemption determinations, are necessary to the orderly and equitable operation of the proposed order.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. Reports furnished to the committee should be submitted in such manner and at such times as the committee, with approval of the Secretary, may designate. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the order because changing conditions may warrant changes in the forms and methods of reporting. The right to approve, modify, change, or rescind, any requests by the committee for information should be retained by the Secretary in order to protect handlers from unreasonable requests for reports.

Since it is possible that a question may arise with respect to compliance with the proposed order, each handler should maintain complete records of his handling and disposition of onions for a period of not less than two years subsequent to the termination of each crop year.

Any or all reports and records submitted for committee use by handlers shall remain under appropriate protective classification and be disclosed to none other than persons authorized by the Secretary. Such reports would become part of the committee's and the Secretary's records. Any reported information released to the industry should be on a composite basis, and no such release of information should disclose either the identity of the handlers or their operations.

(k) Except as provided in the proposed order, no handler should be permitted to handle onions, the handling of which is prohibited by the proposed order or pursuant to regulations issued under the proposed order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of onions handled by him, would in any appreciable aggregate, tend to impair operation of the program and otherwise render it ineffective.

(l) The provisions of sections 82 through 95, as published in the FEDERAL REGISTER of April 19, 1961 (26 F.R. 3311), and as hereinafter set forth, are common to marketing agreements and orders now operating. Also, the provisions of sections 93 through 95, as hereinafter set forth, are included in other marketing agreements now operating. Each of these sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order. These provisions are incidental to, and not inconsistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the proposed order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing order hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish as prices to the producers thereof parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing order authorizes regulation of the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing order upon which a hearing has been held;

(3) The marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions as defined in the marketing order is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Production area.

"Production area" means the Counties of Multnomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington, in the State of Oregon.

Sec. 5. Onions.

"Onions" means all varieties of Allium cepa commonly known as onions, except onion sets, green onions and pickling onions.

Sec. 6. Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

Sec. 7. Handle.

"Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. (Such term shall not include the transportation, sale, or delivery of onions within the production area for grading or storing therein.)

Sec. 8. Producer.

"Producer" means any person engaged in a proprietary capacity in the production of onions for market.

Sec. 9. Grading.

"Grading" is synonymous with "preparation for market" and means the topping and separation of onions into grades, sizes, and packs for market purposes.

Sec. 10. Grade and size.

"Grade" means any of the established grades of onions, and "size" means any of the established sizes of onions as defined and set forth in:

(a) United States Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types) (§§ 51.2830 to 51.2850 of this title), or any other United States Standards for onions or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary; or

(b) Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

Sec. 11. Pack.

"Pack" means a quantity of onions specified by weight, grade, size, or numerical limits, or by type or condition of container, or any combination of these, recommended by the committee and approved by the Secretary.

Sec. 12. Container.

"Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

Sec. 13. Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

Sec. 14. Committee.

"Committee" means the Western Oregon Onion Marketing Committee, established pursuant to section 22.

Sec. 15. Fiscal period.

"Fiscal period" means the annual period begining and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

Sec. 16. District.

"District" means each of the geographic divisions of the production area initially established pursuant to section 24 or as re-established pursuant to section 25.

Sec. 17. Export.

"Export" means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

Sec. 22. Establishment and membership.

The Western Oregon Onion Marketing Committee, consisting of nine members, six of whom shall be producers and three of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

Sec. 23. Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of July 1 and end as of June 30. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

Sec. 24. Districts.

For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. Marion, Linn, Lane, Benton, Polk and Lincoln Counties, and that portion of Multnomah and Clackamas Counties lying East of the Willamatte River, in the State of Oregon.

District No. 2. That portion of Yamhill County lying West of Highway 219 and that portion of Washington County lying West and North of a line beginning at the junction of the southern boundary of Washington County and Highway 219, thence North along Highway 219, to its junction with Highway 210, thence Northeast along Highway 210 to its junction with Highway 10, and thence East along Highway 10 to the junction with the Western boundary of Multnomah County, and Tillamook, Clatsop and Columbia Counties in the State of Oregon.

District No. 3. Those portions of Yamhill and Washington Counties not included in District No. 2, and those portions of Multnomah and Clackamas Counties lying West of the Willamette River, in the State of Oregon.

Sec. 25. Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies resulting to producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

Sec. 26. Selection.

The Secretary shall select members and respective alternates from districts established pursuant to section 24 or 25. Initial selections shall be as follows:

District No. 1. Three producer members and alternates;

District No. 2. Two producer members and alternates;

District No. 3. One producer member and alternate.

Production area at large. Three handler members and alternates.

Sec. 27. Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to May 1, of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternative member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe not later than June 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

Sec. 28. Failure to nominate.

If nominations are not made within the time and in the manner specified in section 27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in sections 22 through 26.

Sec. 29. Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance promptly after being notified of such selection.

Sec. 30. Vacancies.

To fill any committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in section 27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in sections 24 to 26.

Sec. 31. Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same group (handler or grower) to serve in such member's place and stead.

Sec. 32. Procedure.

(a) Seven members of the committee shall be necessary to constitute a quorum. Six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote at such a meeting shall be promptly confirmed in writing. On such occasions unanimous vote of committee members voting will be required to approve any action.

Sec. 33. Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition, they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business.

Sec. 34. Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 35. Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman, other necessary officers, and subcommittees, and to adopt such rules and regulations for conduct of its business deemed advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds for employees;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary. At the end of each marketing season a statistical and historical annual report of operations shall be furnished to the Secretary.

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each such report shall be furnished the Secretary;

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and the objectives under this part.

EXPENSES AND ASSESSMENTS

Sec. 40. Expenses.

The committee is authorized to incur such expenses as the Secretary may find

are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the quantity of onions handled by all handlers as first handlers thereof during such fiscal period.

Sec. 41. Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

Sec. 42. Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles onions shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onion shipments handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

Sec. 43. Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal periods reserve funds equal to approximately one fiscal period's expenses. Such reserve funds may be used for all expenses authorized pursuant to section 40.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

Sec. 48. Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to section 42.

REGULATIONS

Sec. 50. Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on onion supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to onion supplies for the season, with special consideration to:

(1) Estimates of total supplies including grade, size and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Anticipated marketing problems;

(5) Level and trend of consumer income; and

(6) Other relevant factors.

Sec. 51. Recommendations for regulations.

Upon complying with the requirements of section 50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

Sec. 52. Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of onions grown within the production area by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, qualities, maturities, or packs of onions by varieties, or differently for different varieties, for different packs, for different containers, for different portions of the production area, or any combination of the foregoing, during any period.

(2) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, used in handling onions.

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section or any combination thereof, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

Sec. 53. Handling for special purposes.

Regulations in effect pursuant to section 42, 52, or 60 may be modified, suspended, or terminated to facilitate handling of onions for:

(a) Relief or charity;

(b) Experimental purposes;

(c) Export;

(d) Processing, and

(e) Other purposes which may be recommended by the committee, and approved by the Secretary.

Sec. 54. Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to section 53 were handled and used for the purpose stated.

Sec. 55. Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

Sec. 60. Inspection and certification.

(a) Whenever the handling of onions is regulated pursuant to section 52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle onions unless they are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to section 52(c) or section 54, or paragraph (b) of this section.

(b) Regarding, resorting, or repacking any lot of onions shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle onions after they have been regraded, resorted, or repacked unless such onions are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked onions may be modified, suspended, or terminated upon recommendation by the committee and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all onions so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master containers.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the Inspection Certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

EXEMPTIONS

Sec. 70. Policy.

Any producer whose onions have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to section 52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his onion crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

Sec. 71. Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages, and for such other procedures as may be necessary to carry out the provisions in this section and section 70.

Sec. 72. Granting exemptions.

The committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's onions have been adversely affected by those acts determined pursuant to section 71 to be beyond the applicant's control or by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to section 52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(c) Each certificate shall permit the person identified therein to ship or have shipped the onions described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

Sec. 73. Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

Sec. 74. Appeal.

If any applicant for exemption is dissatisfied with the committee's determination on his application, an appeal may be filed with the committee. Appeals must be taken promptly, within time limits under the rules, from the committee's determination. Applicant's appeals shall provide evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application within a reasonable time, as limited by rules. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

Sec. 80. Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Where necessary for determining compliance with regulations, the committee may request reports from individual handlers with respect to specific sales, transportation, or other handling of onions.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantitites of onions received by a handler; (2) the quantities disposed of by a handler segregated as to the respective quantities subject to particular regulations and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions, and (4) identification of the inspection certificates relating to the onions which were handled pursuant to section 52 or section 53, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employee thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received and of onions disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

Sec. 81. Compliance.

Except as provided in this subpart, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle onions except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

Sec. 82. Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall

be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 83. Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

Sec. 84. Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period produced for market more than fifty percent of the volume of such onions produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 85. Proceeding after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all of the funds and property then in the possession of or under control of the committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

Sec. 86. Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Sec. 87. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

Sec. 88. Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

Sec. 89. Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 90. Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 91. Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Sec. 92. Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Sec. 93. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

Sec. 94. Additional parties.

After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

Sec. 95. Order with marketing agreement.

Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of onions in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of recommended decision may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: July 24, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7064; Filed, July 26, 1961; 8:51 a.m.]

[1] Applicable only to the proposed agreement.

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-15]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6107 and 601.6107 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 107 is designated in part from the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 287° True radials; INT of the Long Beach VORTAC 287° and the Fillmore, Calif., VORTAC 163° True radials; to the Fillmore VORTAC. The Federal Aviation Agency is considering the redesignation of Victor 107 from the Los Angeles VOR via the INT of the Los Angeles VOR 282° and the Fillmore VORTAC 163° True radials; to the Fillmore VORTAC including a west alternate from the Los Angeles VOR to the Fillmore VORTAC via the INT of the Los Angeles VOR 282° and the Oxnard, Calif., VOR 107° True radials and the Oxnard VOR. The portions of this airway that would coincide with the Point Mugu, Calif., Restricted Areas R-2519 and R-2520 would be excluded.

(*Airspace Docket No. 61-LA-15*)

The control areas associated with the proposed segment of Victor 107 and the west alternate would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

The alteration of Victor 107 as proposed would provide an additional arrival route to the Los Angeles International Airport for traffic arriving from over the Fillmore VORTAC. The proposed Victor 107 west alternate would provide a route between Fillmore and Oxnard for traffic arriving or departing the Oxnard/Ventura area. It would also provide a route for aircraft operating between Los Angeles International Airport and airports in the Santa Barbara-Oxnard/Ventura areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 21, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7019; Filed, July 26, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-17]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-NY-17 on April 26, 1961 (26 F.R. 3572), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 149 proposed between Georgetown, N.Y., and Utica, N.Y., to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 149 should be deferred until such time as all control areas associated with the other airways in the vicinity of Georgetown and Utica can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the segment of Victor 149 from Georgetown to Utica extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-NY-17 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 21, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7020; Filed, July 26, 1961; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

INTERSTATE QUARANTINE

Drinking Water Standards

Notice is hereby given that the Surgeon General of the Public Health Service with the approval of the Secretary of Health, Education, and Welfare proposes to amend Subpart J and a related section as set out below.

This revison of the Drinking Water Standards has been undertaken in consultation with an advisory committee, whose membership included representatives of the State and Federal Governments, scientific associations, the public and industries. Recognizing the growing problems created by technological advances, the revision includes, for the first time, limiting concentrations on radioactivity and provides limits for several new chemicals as well as a gross limit for the concentration of some types of synthetic chemicals.

Interested persons may submit written data, views or arguments (in duplicate) in regard to the proposed regulations to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 30 days after the publication of this notice will be considered.

§ 72.1 [Amendment]

1. Section 72.1(1) would be amended to read:

(1) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards (see Subpart J of this part).

2. Subpart J would be amended to read as follows:

Subpart J—Drinking Water Standards

§ 72.201 Definitions of terms.

As used in this subpart, the following terms shall have the meanings set out below:

(a) "Adequate protection by natural means" involves one or more of the following processes of nature that produces water consistently meeting the requirements of these Standards: dilution, storage, sedimentation, sunlight, aeration, and the associated physical and biological processes which tend to accomplish natural purification in surface waters and, in the case of ground waters, the natural purification of water by infiltration through soil and percolation through underlying material and storage below the ground water table.

(b) "Adequate protection by treatment" means any one or any combination of the controlled processes of coagulation, sedimentation, absorption, filtration, disinfection, or other processes which produce a water consistently meeting the requirements of these Standards. This protection also includes processes which are appropriate to the source of supply; works which are of adequate capacity to meet maximum demands without creating health hazards, and which are located, designed, and constructed to eliminate or prevent pollution; and conscientious operation by well-trained and competent personnel whose qualifications are commensurate with the responsibilities of the position and acceptable to the reporting agency and the certifying authority.

(c) "Certifying Authority" means the Surgeon General of the United States

Public Health Service or his duly authorized representatives. Reference to the certifying authority is applicable only for those water supplies to be certified for use on carriers subject to this part.

(d) "The coliform group" includes all organisms considered in the coliform group as set forth in Standard Methods for the Examination of Water and Wastewater, current edition, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation.

(e) "Health hazards" mean any conditions, devices, or practices in the water supply system and its operation which create, or may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

(f) "Pollution", as used in these Standards, means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefullness of the water.

(g) "Reporting agencies" means the respective official State health agencies or their designated representatives.

(h) "The standard sample" for the bacteriological test shall consist of:

(1) For the bacteriological fermentation tube test, five (5) standard portions of either:

(i) Ten milliliters (10 ml)

(ii) One hundred milliliters (100 ml)

(2) For the membrane filter technique, not less than fifty milliliters (50 ml).

(i) "Water supply system" includes the works and auxiliaries for collection, treatment, storage, and distribution of the water from the sources of suply to the free-flowing outlet of the ultimate consumer.

§ 72.202 Source and protection.

(a) The water supply should be obtained from the most desirable source which is feasible, and effort should be made to prevent or control pollution of the source. If the source is not adequately protected by natural means, the supply shall be adequately protected by treatment.

(b) Frequent sanitary surveys shall be made of the water supply system to locate and identify health hazards which might exist in the system. The manner and frequency of making these surveys, and the rate at which discovered health hazards are to be removed shall be in accordance with a program approved by the reporting agency and the certifying authority.

(c) Approval of water supplies shall be dependent in part upon:

(1) Enforcement of rules and regulations to prevent development of health hazards;

(2) Adequate protection of the water quality throughout all parts of the system, as demonstrated by frequent surveys;

(3) Proper operation of the water supply system under the responsible charge of personnel whose qualifications are acceptable to the reporting agency and the certifying authority;

(4) Adequate capacity to meet peak demands without development of low pressures or other health hazards; and

(5) Record of laboratory examinations showing consistent compliance with the water quality requirements of these Standards.

(d) For the purpose of application of these Standards, responsibility for the conditions in the water supply system shall be considered to be held by:

(1) The water purveyor from the source of supply to the connection to the customer's service piping; and

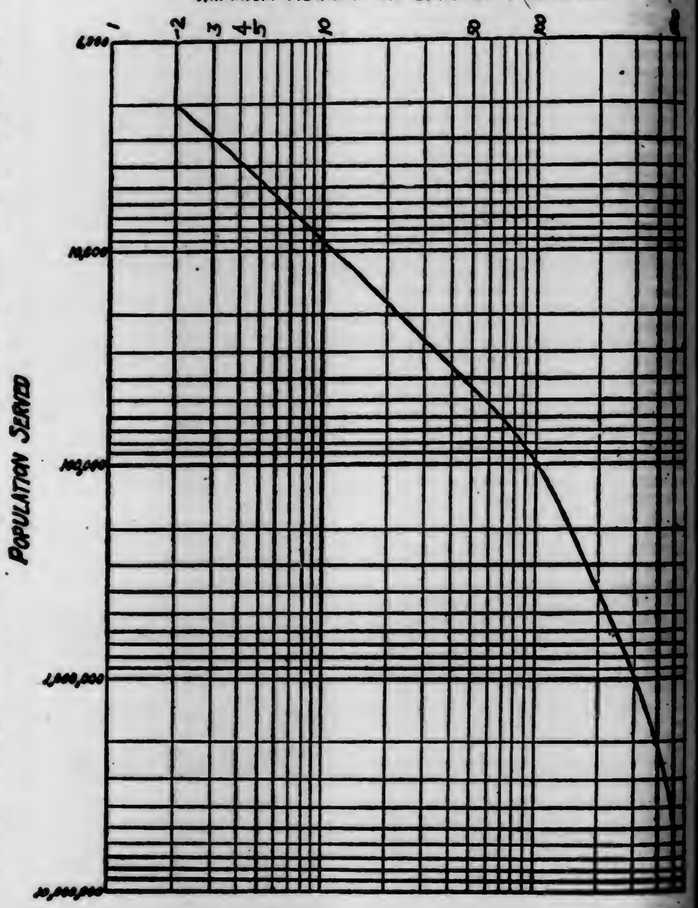
(2) The owner of the property served and the municipal, county, or other authority having legal jurisdiction from the point of connection to the customer's service piping to the free-flowing outlet of the ultimate consumer.

§ 72.203 Bacteriological quality.

(a) *Sampling.* (1) Compliance with the bacteriological requirements of these Standards shall be based on examinations of samples collected at representative points throughout the distribution system. The frequency of sampling and the location of sampling points shall be established jointly by the reporting agency and the certifying authority after investigation by either agency, or both, of the source, method of treatment, and protection of the water concerned.

(2) The minimum number of samples to be collected from the distribution system and examined each month should be in accordance with the number on the graph in Figure I, for the population served by the system. For the purpose of uniformity and simplicity in applica-

MINIMUM NUMBER OF SAMPLES PER MONTH



tion, the number determined from the graph should be in accordance with the following: For a population of 25,000 and under—to the nearest 1; 25,001 to 100,000—to the nearest 5; and over 100,000—to the nearest 10.

(3) In determining the number of samples examined monthly, the following samples may be included, provided all results are assembled and available for inspection and the laboratory methods and technical competence of the laboratory personnel are approved by the reporting agency and the certifying authority:

(i) Samples examined by the reporting agency.

(ii) Samples examined by local government laboratories.

(iii) Samples examined by the water works authority.

(iv) Samples examined by commercial laboratories.

(4) The laboratories in which these examinations are made and the methods used in making them shall be subject to inspection at any time by the designated representatives of the certifying authority and the reporting agency. Compliance with the specified procedures and the results obtained shall be used as a basis for certification of the supply.

(5) Daily samples collected following a bacteriological unsatisfactory sample as provided in paragraph (b)(1), (2), and (3) of this section shall be considered as special samples and shall not be included in the total number of samples examined. Neither shall such special samples be used as a basis for prohibiting the supply: *Provided*, That (i) when waters of unknown quality are being examined, simultaneous tests are made on multiple portions of a geometric series to determine a definitive coliform content, (ii) immediate and active efforts are made to locate the cause of pollution, (iii) immediate action is taken to eliminate the cause, and (iv) samples taken following such remedial action are satisfactory.

(b) *Limits.* The presence of organisms of the coliform group as indicated by samples examined shall not exceed the following limits:

(1) When 10 ml standard portions are examined, not more than 10 percent in any month shall show the presence of the coliform group. The presence of the coliform group in three or more 10 ml portions of a standard sample shall not be allowable if this occurs:

(i) In two consecutive samples;

(ii) In more than one sample per month when less than 20 are examined per month; or

(iii) In more than five percent of the samples when 20 or more are examined per month.

When organisms of the coliform group occur in three or more of the 10 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(2) When 100 ml standard portions are examined, not more than 60 percent in any month shall show the presence of the coliform group. The presence of the coliform group in all five of the 100 ml portions of a standard sample shall not be allowable if this occurs:

(i) In two consecutive samples;

(ii) In more than one sample per month when less than five are examined per month; or

(iii) In more than 20 percent of the samples when five or more are examined per month.

When organisms of the coliform group occur in all five of the 100 ml portions of a single standard sample, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

(3) When the membrane filter technique is used, the arithmetic mean coliform density of all standard samples examined per month shall not exceed one per 100 ml. Coliform colonies per standard sample shall not exceed 3/50 ml, 4/100 ml, 7/200 ml, or 13/500 ml in:

(i) Two consecutive samples;

(ii) More than one standard sample when less than 20 are examined per month; or

(iii) More than five percent of the standard samples when 20 or more are examined per month.

When coliform colonies in a single standard sample exceed the above values, daily samples from the same sampling point shall be collected promptly and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.

§ 72.204 Physical characteristics.

(a) *Sampling.* The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances samples should be collected one or more times per week from representative points in the distribution system and examined for turbidity, color, threshold odor, and taste.

(b) *Limits.* Drinking water should contain no impurity which would cause offense to the sense of sight, taste, or smell. Under general use, the following limits should not be exceeded:

Turbidity—5 units.
Color—15 units.
Threshold odor number—3.

§ 72.205 Chemical characteristics.

(a) *Sampling.* (1) The frequency and manner of sampling shall be determined by the reporting agency and the certifying authority. Under normal circumstances, analyses for substances listed below need be made only semi-annually. If, however, there is some presumption of unfitness because of the presence of undesirable elements, compounds, or materials, periodic determinations for the suspected toxicant or material should be made more frequently and an exhaustive sanitary survey should be made to determine the source of the pollution. Where the concentration of a substance is not expected to increase in processing and distribution, available and acceptable source water analyses performed in accordance with standard methods may be used as evidence of compliance with these Standards.

(2) Where experience, examination, and available evidence indicate that particular substances are consistently absent from a water supply or below levels of concern, semi-annual examinations for those substances may be omitted when approved by the reporting agency and the certifying authority.

(3) The burden of analysis may be reduced in many cases by using data from acceptable sources. Judgment concerning the quality of water supply and the need for performing specific local analyses may depend in part on information produced by such agencies as (i) the U.S. Geological Survey, which determines chemical quality of surface and ground waters of the United States and publishes these data in "Water Supply Papers" and other reports, and (ii) the U.S. Public Health Service which determines water quality related to pollution (or the absence of pollution) in the principal rivers of the Nation and publishes these data annually in "National Water Quality Network." Data on pollution of waters as measured by carbon chloroform extracts (CCE) may be found in the latter publication.

(b) *Limits.* Drinking water shall not contain impurities in concentrations which may be hazardous to the health of the consumers. It should not be excessively corrosive to the water supply system. Substances used in its treatment shall not remain in the water in concentrations greater than required by good practice. Substances which may have deleterious physiological effect, or for which physiological effects are not known, shall not be introduced into the system in a manner which would permit them to reach the consumer.

(1) The following chemical substances should not be present in a water supply in excess of the listed concentrations where, in the judgment of the reporting agency and the certifying authority, other more suitable supplies are or can be made available.

Substance	*Concentration in mg/l*
Alkyl Benzene Sulfonate (ABS)	0.5
Arsenic (As)	0.01
Chloride (Cl)	250
Copper (Cu)	1.0
Carbon Chloroform Extract (CCE)	0.2
Cyanide (CN)	0.01
Flouride (F)	(*).
Iron (Fe)	0.3
Manganese (Mn)	0.05
Nitrate[1] (NO_3)	45
Phenols	0.001
Sulfate (SO_4)	250
Total Dissolved Solids	500
Zinc (Zn)	5

* See 72.205(b)(3).

[1] In areas in which the nitrate content of water is known to be in excess of the listed concentration, the public should be warned of the potential dangers of using the water for infant feeding.

(2) The presence of the following substances in excess of the concentrations listed shall constitute grounds for rejection of the supply:

Substance	Concentration in mg/l
Arsenic (As)	0.05
Barium (Ba)	1.0
Cadmium (Cd)	0.01
Chromium (Hexavalent) (Cr+6)	0.5
Cyanide (CN)	0.2
Fluoride (F)	(*)
Lead (Pb)	0.05
Selenium (Se)	0.01
Silver (Ag)	0.05

* See 72.205(b)(3).

(3) (i) When fluoride is naturally present in drinking water, the concentration should not average more than the appropriate upper limit in Table I. Presence of fluoride in average concentrations greater than two times the optimum values in Table I shall constitute grounds for rejection of the supply.

(ii) Where fluoridation (supplementation of fluoride in drinking water) is practiced, the average fluoride concentration shall be kept within the upper and lower control limits in Table I.

TABLE I

Annual average of maximum daily air temperatures *	Recommended Control Limits (Fluoride concentrations in mg/l)		
	Lower	Optimum	Upper
50.0–53.7	0.9	1.2	1.7
53.8–58.3	0.8	1.1	1.5
58.4–63.8	0.8	1.0	1.3
63.9–70.6	0.7	0.9	1.2
70.7–79.2	0.7	0.8	1.0
79.3–90.5	0.6	0.7	0.8

* Based on temperature data obtained for a minimum of five years.

(iii) In addition to the sampling required by paragraph (a) of this section, fluoridated and defluoridated supplies shall be sampled with sufficient frequency to determine that the desired fluoride concentration is maintained.

§ 72.206 Radioactivity.

(a) *Sampling.* (1) The frequency of sampling and analysis for radioactivity shall be determined by the reporting agency and the certifying authority after consideration of the likelihood of significant amounts being present. Where concentrations of Ra^{226} or Sr^{90} may vary considerably, quarterly samples composited over a period of three months are recommended. Samples for determination of gross activity should be taken and analyzed more frequently.

(2) As indicated in § 72.205(a), data from acceptable sources may be used to indicate compliance with these requirements.

(b) *Limits.* (1) The effects of human radiation exposure are viewed as harmfull and any unnecessary exposure to ionizing radiation should be avoided. The concentrations of radioactivity specified below for drinking water are intended to limit intake of these substances by this route so that total radiation exposure of population groups does not exceed appropriate Radiation Protection Guides recommended by the Federal Radiation Council. Concentrations which exceed, on the average, the values presented below for a period of one year shall constitute grounds for rejection of the supply. Where the total intake of Ra^{226} and Sr^{90} from all sources has been determined, these limits may be adjusted by the reporting agency and the certifying authority so that the total intake of Ra^{226} and Sr^{90} will not exceed 7.3 $\mu\mu$c per day and 73 $\mu\mu$c per day respectively.

Radionuclides	Concentrations in uuc/liter
$Radium^{226}$	3
$Strontium^{90}$	10
Gross Beta Activity ($Strontium^{90}$ and alpha emitters absent [1])	1000

[1] Absent is taken here to mean a negligibly small fraction of the above specific limits, where the limit for unidentified alpha emitters is taken as the listed limit for Ra^{226}.

(2) When mixtures of $Radium^{226}$, $Strontium^{90}$, and other radionuclides are present, the above limiting values shall be modified to assure that the combined intake is not likely to result in radiation exposure in excess of the Radiation Protection Guides recommended by the Federal Radiation Council.

§ 72.207 Recommended analytical methods.

(a) Analytical methods to determine compliance with the requirements of these Standards shall be those specified in Standard Methods for the Examination of Water and Wastewater, Am. Pub. Health Assoc., current edition and those specified as follows:

(1) Barium: Methods for the Collection and Analyses of Water Samples, Water Supply Paper No. 1454, Rainwater, F. H. & Thatcher, L. L., U.S. Geological Survey, Washington, D.C.

(2) Carbon Chloroform Extract (CCE): Manual for Recovery and Identification of Organic Chemicals in Water, Middleton, F. M., Rosen, A. A., and Burttschell, R. H., Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio.

(3) Radioactivity: Laboratory Manual of Methodology, Radionuclide Analyses of Environmental Samples, Technical Report R59–6. Robert A. Taft Sanitary Engineering Center, PHS, Cincinnati, Ohio, and Methods of Radiochemical Analysis, Technical Report No. 173, Report of the Joint WHO–FAO Committee, 1959, World Health Organization.

(4) Selenium: Suggested Modified Method for Colorimetric Determination of Selenium in Natural Water, Magin, G. B., Thatcher, L. L., Rettig, S., and Levine, H., J. Am. Water Works Assoc. 52, 1199 (1960).

(b) *Organisms of the coliform group.* All of the details of techniques in the determination of bacteria of this group, including the selection and preparation of apparatus and media, the collection and handling of samples and the intervals and conditions of storage allowable between collection and examination of the water sample, shall be in accordance with Standard Methods for the Examination of Water and Wastewater, current edition, and the procedures shall be those specified therein for:

(1) The Membrane Filter Technique, Standard Test, or

(2) The Completed Test, or

(3) The Confirmed Test, procedure with brilliant green lactose bile broth,[1] or

(4) The Confirmed Test, procedure with Endo or eosin methylene blue agar plates.[1]

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interprets or applies sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: June 16, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: July 20, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61–6985; Filed, July 26, 1961; 8:45 a.m.]

[1] The Confirmed Test is allowed, provided the value of this test to determine the sanitary quality of the specific water supply being examined is established beyond reasonable doubt by comparisons with Completed Tests performed on the same water supply.

Notices

CIVIL AERONAUTICS BOARD

[Docket No. 11096]

SEVEN SEAS AIRLINES, INC.

Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the above matter previously set to be heard July 26, 1961, has been continued at the request of the Board's Bureau of Enforcement and respondent, and is now set to be heard October 2, 1961, at 10:00 a.m., e.d.s.t. in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., July 24, 1961.

[SEAL] RUSSELL A. POTTER,
Hearing Examiner.

[F.R. Doc. 61–7070; Filed, July 26, 1961; 8:52 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–31]

KAPOK OR FIBROUS GLASS BUOYANT VESTS, MODELS, AK, CKM, CKS, AF, CFM, AND CFS

Termination of Manufacturers' Approvals

1. Various items of lifesaving equipment used on certain motorboats and other pleasure craft are required by the act of April 25, 1940, as amended (46 U.S.C. 526–526u), other navigation and vessel inspection laws, and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals and the suspension, cancellation, termination, or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. With respect to kapok or fibrous glass buoyant vests, the Commandant revised the specification in 46 CFR 160.047 and in conjunction therewith terminated the manufacturers' approvals of kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS, for motorboats of classes A, 1, or 2 not carrying passengers for hire, effective July 1, 1961, which was published in the FEDERAL REGISTER of June 16, 1960 (25 F.R. 5392).

2. This document is to notify all concerned that Approval Nos. 160.047/1/0 through 160.047/285/0, for kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS, were terminated on July 1, 1961.

3. By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–32, dated September 23, 1958 (23 F.R. 7605), and R.S. 4405, as amended, 4462, as amended and secs. 6 and 17, 54 Stat. 164, as amended, 166, as amended (46 U.S.C. 375, 416, 526e, 526p), and implementing regulations in 46 CFR Chapter I, the following actions have been ordered:

a. All Approval Nos. 160.047/1/0 to 160.047/285/0, inclusive have been terminated effective July 1, 1961.

b. All items of equipment bearing Approval Nos. 160.047/1/0 to 160.047/285/0, inclusive, for kapok or fibrous glass buoyant vests, Models AK, CKM, CKS, AF, CFM, and CFS, manufactured prior to July 1, 1961, may be placed in service on motorboats of classes A, 1, or 2 not carrying passengers for hire and/or continued in use so long as such vests are in good and serviceable condition.

Dated: July 19, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 61–7013; Filed, July 26, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Amended Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 18, 1961.

The description of lands in Federal Register Document 61–3478, appearing on page 3328 of the issue for April 19, 1961, is amended to read as follows:

The lands affected by this notice are the public lands located in the following described sections:

MT. DIABLO MERIDIAN

T. 31 S., R. 44 E.,
Secs. 1–3, inclusive;
Secs. 10–15, inclusive;
Secs. 22–27, inclusive;
Secs. 34–36, inclusive.
T. 31 S., R. 45 E., partially surveyed,
Secs. 1–36, inclusive.
T. 31 S., R. 46 E.,
Secs. 3–10, inclusive;
Secs. 15–22, inclusive;
Secs. 27–34, inclusive.
T. 32 S., R. 44 E.,
Secs. 1–3, inclusive;
Secs. 10–15, inclusive;
Secs. 22–27, inclusive;
Secs. 34–36, inclusive.
T. 32 S., R. 45 E.,
Secs. 1–35, inclusive.
T. 32 S., R. 46 E.,
Secs. 3–10, inclusive;
Secs. 15–22, inclusive;
Secs. 27–30, inclusive.

GEORGE H. WHEATLEY,
Acting Manager, Land Office, Los Angeles, California.

[F.R. Doc. 61–7058; Filed, July 26, 1961; 8:50 a.m.]

CALIFORNIA

Redelegation of Authority by State Director for Certain Officers To Enter Into Contracts and Leases

JULY 17, 1961.

In accordance with authority contained in the Bureau of Land Management Order 679 of June 27, 1961, the following classes of employees are authorized to take action for and in behalf of the State Director in matters listed in section 1(a) of the above order when the amount in any such contract does not exceed that shown for the particular class of employee.

Working titles	Other Federal Agencies FSS Schedule or other approved contracts	Open market transactions			
		P.O. 4-140	P.O. SF 44	Credit card	Cash
State and District Administrative Assistants (Officers)	No limit	$2,000	$1,000	$50	xxxxx
District Managers	Do	2,000	1,000	50	xxxxx
Field Employees [1]	xxxxxxxxxxxxxxxxxxxxxxxxxxxx	xxxxx	[1] 100	50	xxxxx
Land Office Managers	$1,500	1,000	100	xxxxx	xxxxx
Field Cadastral Surveyors	$1,000	1,000	500	50	xxxxx
Imprest Fund Cashiers	xxxxxxxxxxxxxxxxxxxxxxxxxxxx	xxxxx	xxxxx	xxxxx	$50

[1] As specifically authorized by the State Director or District Manager.

To become effective upon publication. Authority delegated may not be redelegated.

NEAL D. NELSON,
State Director.

[F.R. Doc. 61–7042; Filed, July 26, 1961; 8:48 a.m.]

IDAHO

Delegation of Authority Regarding Contracts

JULY 20, 1961.

Pursuant to the authority contained in Order No. 679, of the Director, Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction up to $2,000, and supplies (including the rental of equipment) or services up to $2,500 and to make open market purchases up to $2,500.

Chief, Division of Administration, District Managers, Administrative Assistants.

The State Director may, in writing, further delegate authorization to make emergency purchases to any qualified employee of the Bureau of Land Management.

All contracts entered into under this authority must conform with applicable regulations and statutory requirements, and are subject to availability of appropriations.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-7044; Filed, July 26, 1961; 8:49 a.m.]

UTAH

Notice of Delegation of Purchasing Authority

JULY 19, 1961.

Pursuant to authority contained in Order No. 679 of Director, Bureau of Land Management dated June 27, 1961, I hereby redelegate to the following listed officers of the Bureau of Land Management for the State of Utah, effective this date, authority to enter into contracts for construction, supplies, services (including rental of equipment), and to make open market purchases within the limitation here indicated:

District Managers: Contracts for construction, services, and supplies, $2,000 per contract; Open Market Purchase, $1,000 per purchase.

State Administrative Officer: Open Market Purchase, $1,000 per purchase.

Land Office Manager: Open Market Purchase, $1,000 per purchase.

This authority shall be exercised in accordance to applicable limitations set forth in the Federal Property and Administration Services Act of 1949, as amended and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

R. D. NIELSON,
State Director.

[F.R. Doc. 61-7045; Filed, July 26, 1961; 8:49 a.m.]

[State Order No. 10]

WYOMING

Redelegation of Authority To Specified Classes of Employees

JULY 20, 1961.

Pursuant to the authority contained in Section One of Order No. 679 of the Associate Director of the Bureau of Land Management, the following are authorized to enter into contracts for supplies, or services (including rental of equipment), as provided above, when the amounts in any contract does not exceed amounts indicated below:

District Managers and State Administrative Officers:	
Construction	$2000
Equipment rental	2000
Supplies and materials	2500
State and District Administrative Assistants:	
Construction	1000
Equipment rental	1000
Supplies and materials	1000
District Clerks in those offices not staffed with Administrative Assistant, and Survey Party Crew Chiefs:	
Supplies and materials	500

The authority contained herein may not be redelegated.

ED PIERSON,
State Director.

[F.R. Doc. 61-7046; Filed, July 26, 1961; 8:49 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1961.

The Department of Agriculture has filed an application, Serial Number Idaho 012650 for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, except the Mineral Leasing Laws, subject to valid existing rights. The applicant desires the land for a campground.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Little Ramey Campground

Beginning at a point where Little Ramey Creek enters Big Creek, thence northwesterly along the north high water line of Big Creek for 10 chains; thence N. 28° E., for 5 chains; thence S. 63° E. for 11 chains to a point on Little Ramey Creek which is 5 chains upstream from its mouth; thence S. 63° E. for 13 chains; thence S. 22° W. to a point on the north bank of Big Creek; thence northwesterly along the high water line of Big Creek to the mouth of Little Ramey Creek, the point of beginning and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 21 N., R. 11 E.,
Sec. 7; E½NE¼, NE¼SE¼;
Sec. 8; SW¼NW¼, NW¼SW¼.

The area described aggregates 12 acres, more or less.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-7047; Filed, July 26, 1961; 8:49 a.m.]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1961.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number M-044185(SD) for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the General Mining Laws, subject to existing rights. The applicant desires the land for recreation purposes and the protection of administrative facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1345 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

LAWRENCE COUNTY, SOUTH DAKOTA

T. 3 N., R. 5 E.,
Sec. 27, Lot 7.
Total area: 24.73 acres.

PENNINGTON COUNTY, SOUTH DAKOTA

T. 1 S., R. 6 E.,
Sec. 12, Lots 4, 5, 6, 8, E½NW¼SE¼, E½W½NW¼SE¼;
Sec. 13, Lot 1.
Total area: 121.22 acres.

Total area described aggregates 145.95 acres.

GEORGE L. TUVCOTT,
Acting State Director.

[F.R. Doc. 61-7048; Filed, July 26, 1961; 8:49 a.m.]

[W-0150181]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JULY 19, 1961.

The Bureau of Reclamation, United States Department of Interior, has filed an application, Serial No. Wyoming 0150181, for the withdrawal of lands described below, from all forms of appropriation under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388).

Grazing administration will remain under the jurisdiction of the Bureau of Land Management until such time as the lands are actually required for reclamation purposes.

The applicant desires the land for the right-of-way of the Yellowtail Reservoir, Yellowtail Unit, Lower Bighorn Division, Missouri River Basin Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 94 W.,
Sec. 6, Lots 1, 2, SE¼NE¼.
T. 58 N., R. 94 W.,
Sec. 31, W½SE¼.

The above areas aggregate 200.6 acres.

THOMAS H. FLOYD, Jr.,
Land Office Manager.

[F.R. Doc. 61-7049; Filed, July 26, 1961; 8:49 a.m.]

[Document No. 253]

ARIZONA

Revocation of Small Tract Classification; Correction

Revocation of Small Tract Classification Order No. 25, dated October 27, 1953, as corrected.

Arizona Document No. 249, published July 3, 1961, Federal Register Document 61-6213, is hereby amended to correct the last paragraph to delete Sec. 14: Lots 1 thru 8, T. 15 S., R. 12 E., G&SRM, from the provisions of Public Land Order 317, as amended.

However, both Secs. 11 and 14 are included in Small Tract Classification Order No. 25, as corrected, and as stated in first paragraph of subject Document No. 249.

Dated: July 21, 1961.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 61-7051; Filed, July 26, 1961; 8:50 a.m.]

[Classification 67]

ARIZONA

Small Tract Classification; Amendment

In Federal Register Document 61-5652, appearing on page 5532 of the issue for June 21, 1961, the following changes should be made:

Paragraph 8 is hereby amended to read:

8. Any tracts not sold when offered in the course of bidding and on which no qualifying mailed bid has been received, will be offered at public auction upon the motion of any qualified bidder beginning at 10:30 a.m., on August 24, 1961 in the United States Land Office, Room 3204 (Third Floor), Federal Building, 230 North First Avenue, Phoenix 25, Arizona. The remaining tracts will continue subject to nomination and auction at that address each succeeding Thursday at 10:30 a.m. (except holidays) until all tracts are sold or until the auction is declared closed by the Manager, United States Land Office.

Dated: July 20, 1961.

RAYMOND C. CLEGHORN,
Acting State Director.

[F.R. Doc. 61-7050; Filed, July 26, 1961; 8:49 a.m.]

[Classification No. 34]

NEVADA

Small Tract Classification; Amendment

1. Effective July 21, 1961 Federal Register Document 49-4828 appearing in the issue of June 15, 1949, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 15 N., R. 20 E.,
Sec. 32, E½NW¼NW¼SW¼, NE¼NW¼SW¼, W½NW¼NE¼SW¼.

Containing 20 acres.

2. The lands included in this amendment are located in Ormsby County adjacent to Stewart, Nevada. The elevation is approximately 4,750 feet above sea level. The topography is gently rolling and the soil supports the usual growth of desert shrubs. The winters are cold and the summers are extremely hot with cool nights.

3. The lands have been re-examined and found proper for disposal to the Ormsby County School District for school site purposes under the Recreation and Public Purposes Act.

MAX W. BRIDGE,
Acting State Director, Nevada.

JULY 21, 1961.

[F.R. Doc. 61-7052; Filed, July 26, 1961; 8:50 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 050710 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for a recreation site in the National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

TAHOE NATIONAL FOREST

Sierra City Recreation Site

T. 20 N., R. 12 E.,
Sec. 27: That part of the S½N½SW¼ lying south of the North Yuba River, and S½SW¼.

The area described aggregates approximately 90 acres.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-7062; Filed, July 26, 1961; 8:51 a.m.]

Geological Survey

CERTAIN PRODUCING OIL AND GAS FIELDS

Definition of Known Geologic Structures

Former pargaraph (c) of § 227.0, Part 227, Title 30, Chapter II Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of defined structures effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(1) CALIFORNIA

McKittrick (Revision), May 16, 1961, 4,435.
Midway (Revision), May 19, 1961, 28,811.
Prado Dam, November 21, 1960, 200.

(2) COLORADO

Douglas Creek-Dragon Trail (Revision), December 10, 1960, 50,300.
North McCallum (Revision), November 28, 1960, 5,862.
South McCallum (Revision), October 28, 1960, 5,325.

(3) KANSAS

McKinney, October 20, 1960, 103,136.

(4) MONTANA

Flat Coulee, February 17, 1961, 1,600.
Pumpkin Creek, February 15, 1961, 6,608.
Whitlash (Revision), February 8, 1961, 14,678.

(4a) MISSISSIPPI

Pistol Ridge-Maxie (Revision), March 7, 1961, 25,879.
Roxie, July 12, 1960, 1,751.
Thompson Creek, October 31, 1960, 640.

(5) NEW MEXICO

El Mar (Revision), March 10, 1961, 3,200.
San Juan (Revision and Consolidation), May 9, 1961, 1,941,717.

(6) NORTH DAKOTA

Bear Den, January 2, 1961, 1,480.
Croff, January 17, 1961, 1,000.
Fryburg-Scoria, October 13, 1960, 12,791.
Lost Bridge, October 23, 1959, 480.
Rocky Ridge, February 6, 1961, 640.

(7) OKLAHOMA

Cheyenne Valley, November 4, 1960, 2,124.

(9) WYOMING

Desert Springs (Revision), November 4, 1960, 24,974.
Little Worm Creek, May 19, 1961, 920.
Lost Cabin, March 22, 1961, 1,680.
Mush Creek-Skull Creek (Revision), November 25, 1960, 21,108.
Nowood, May 9, 1960, 766.
Raven Creek, February 27, 1961, 1,600.
Red Springs, March 10, 1961, 80.
Roset (Revision), February 13, 1961, 6,238.
Slattery, March 8, 1961, 1,392.
South Elk Basin (Revision), June 7, 1960, 2,380.
State Line-Little Snake (Colorado and Wyoming), January 26, 1961, 13,668.
Timber Creek, March 8, 1961, 640.
Wertz Dome (Revision), November 13, 1960, 1,769.

ARTHUR A. BAKER,
Acting Director.

JULY 19, 1961.

[F.R. Doc. 61-7040; Filed, July 26, 1961; 8:48 a.m.]

National Park Service

[Order 3, Amdt. 8]

ASSISTANT REGIONAL DIRECTOR

Delegation of Authority Regarding Execution and Approval of Contracts for Construction, Supplies, Equipment and Services

Sections No. 4, 5, 6, 7, and 8 are hereby renumbered 5, 6, 7, 8, and 9 respectively.

A new section 4, and reading as follows is added:

SEC. 4. *Assistant Regional Director.* The Assistant Regional Director may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. This authority may be exercised by the Assistant Regional Director in behalf of any office or area for which the Region One Office serves as the field finance office.

(National Park Service Order No. 14 (19 F.R. 8824); 39 Stat. 535; 16 U.S.C., 1952 ed., sec. 2. Region One Order No. 3 (21 F.R. 1493))

Dated: May 29, 1961.

ELBERT COX,
Regional Director, Region One Office, Richmond, Virginia.

[F.R. Doc. 61-7055; Filed, July 26, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

INTERNATIONAL CHEMICAL CORP. ET AL.

Probation Export Denial Order

In the matter of International Chemical Corporation, Kleyman Export Corporation, Leslie Kleyman Corporation, 500 Fifth Avenue, New York, New York; Case No. 293.

The Director of the Investigation Staff, Bureau of Foreign Commerce, United States Department of Commerce, charged the International Chemical Corporation, Kleyman Export Corporation, and Leslie Kleyman Corporation, all of 500 Fifth Avenue, New York, New York (hereinafter collectively referred to as Kleyman, unless otherwise indicated), with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder by a charging letter dated February 28th, 1961. The charges set forth alleged violations in connection with the failure to place destination control notices on all copies of commercial invoices used by Kleyman in export transactions from the United States.

The respondents, represented by a single counsel for all three firms which have a basic identity of ownership, admitted the facts charged and discussed the issues with officials of the Bureau of Foreign Commerce (hereafter referred to as the BFC), and pursuant to § 382.10 of the export control regulations, by agreement with the Director, Investigation Staff, proposed that a consent order, substantially in the form of Parts I through IV hereof, be entered against them. The respondents in consenting to the issuance of such order admitted their failure to comply with the regulation requiring a destination control notice on their commercial invoices and all copies thereof, but maintained that their failure did not result from wilfulness.

The charging letter, respondents' answers and admissions, and their proposals, together with evidentiary and other supplementary data were presented to the Compliance Commissioner herein. The Compliance Commissioner, having carefully reviewed all of such materials, approved such proposals, and reported the facts of the case to the undersigned Director, Office of Export Supply, with his recommendations.

After reviewing and considering the entire record of this case and the Compliance Commissioner's report and recommendations, I hereby make the following findings of fact.

1. Since January 1957 investigators from the Investigation Staff, BFC, had called attention of the Kleyman group to the failure of their employees to include on commercial invoices, and all copies thereof, used for export transactions from the United States, the destination control notices required by § 379.10 of the Export Regulations.

2. Various misunderstandings about which documents in the firms' files were subject to this requirement resulted in further violations being uncovered by the Investigation Staff in the years 1958, 1959, and 1960.

3. In addition through error or inadvertence a substantial number of commercial invoices sent abroad in the course of exportations from the United States by the respondents also failed to contain the required destination control clauses.

4. While the absence of these control clauses is frequently given by foreign consignees and forwarders as an excuse in diversion cases, and is a most significant burden to the BFC in establishing unauthorized diversions, no such diversions occurred as a result of the errors and nonfeasance charged and admitted in this case.

Conclusions. And from the foregoing I have concluded:

(A) that the Kleyman respondents failed to place destination control notices on all commercial invoices used in exportations from the United States and on all copies thereon, in violation of Export Regulations, § 379.10(c); and

(B) that these failures were not with wilful intent to violate the regulation.

Now, after reading the record herein and giving careful consideration to the proposals and the report and recommendations of the Compliance Commissioner, and taking into consideration among other things the full and complete cooperation of the Kleyman group with the BFC in its investigation, its prompt revision of its procedures and forms so as to minimize the possibility of future export control violations, and being of the opinion that the proposed order is fair and necessary to achieve effective enforcement of the law: *It is hereby ordered,* That:

I. (1) The respondent corporations herein shall be denied all privileges of participating, directly or indirectly, in any manner or capacity in exportation of any commodity from the United States to any foreign destination for a period of two months from the date of this order, which period shall be held conditionally in abeyance upon the respondents' full compliance with the terms of this denial order and the export regulations during the period of five months from the date of this order. In the event, however, that it be found by the Director, Office of Export Supply, BFC, or such other official as may at that time be exercising his responsibility that the respondent corporations have knowingly violated the terms of this order or the export regulations during the said five months, the BFC may summarily and without giving notice to the respondents, at the time that it determines such violations have occurred, issue a supplemental order which shall deny to the respondents all privileges of participation in an exportation for the two months' period which had been conditionally held in abeyance, or for a lesser period, and shall revoke all validated licenses then outstanding as to which any of the respondents may be a party.

(2) Such action shall not thereby limit the Bureau of Foreign Commerce from taking such other and further action based on such violations as it shall deem warranted, as provided in § 382.16. In the event such supplemental order is issued, the respondents shall have the right of hearing and appeal therefrom as provided in the export regulations.

II. Without limitation of the generality of Part I., (1) and (2) hereof, participation in an exportation shall be deemed to include and prohibit the aforesaid respondents' participation, directly or indirectly in any manner or capacity (a) as a party or as a representative of a party to any export license application, (b) in the preparation or filing of any export license application or documents to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, using or disposing in any foreign country of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such exports from the United States.

III. The aforesaid denials of export privileges in Part I (1) at this time or in the future conditional upon the happening of future violations shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or any other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. During the respective periods of time when, and to the extent that the respondents herein are denied export privileges pursuant to this order, no person or business organization shall, without prior disclosure to and specific authorization from the BFC, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or re-exportation of any commodity or technical data, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation or re-exportation of any commodity or technical data exported or to be exported from the United States, or when any respondent herein may have any interest in, or may obtain any benefit from the transaction, directly or indirectly.

Dated: July 14, 1961.

FRANK W. SHEAFF,
Director, Office of Export Supply.

[F.R. Doc. 61-7038; Filed, July 26, 1961; 8:48 a.m.]

[DO 85 (Revised)]

Office of the Secretary

BUREAU OF THE CENSUS

Organization and Functions

JUNE 8, 1961.

The material appearing at 25 F.R. 9693–9695 of October 8, 1960, is amended by addition of this Appendix.

APPENDIX A

BUREAU OF THE CENSUS; REGIONAL OPERATING OFFICES

The location of the Regional Operating Offices of the Bureau of the Census and the areas over which they have jurisdiction are as follows:

Name of region and location of regional operating office

1. Boston Region, Boston, Mass.
2. New York City Region, New York, N.Y.
3. Philadelphia Region, Philadelphia, Pa.
4. Charlotte Region, Charlotte, N.C.
5. Atlanta Region, Atlanta, Ga.
6. Detroit Region, Detroit, Mich.
7. Chicago Region, Chicago, Ill.
8. St. Paul Region, St. Paul, Minn.
9. Kansas City Region, Kansas City, Mo.
10. Dallas Region, Dallas, Tex.
11. Denver Region, Denver, Colo.
12. Los Angeles Region, Los Angeles, Calif.
13. Seattle Region, Seattle, Wash.

Regional limits are established as follows:

1. *Boston Region.* The States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and the States of New York and Connecticut, excluding those counties assigned to the New York City Region.

2. *New York City Region.* New York City and adjacent counties in the States of New York, Connecticut, and New Jersey.

3. *Philadelphia Region.* The States of Pennsylvania, Maryland, Delaware, and the State of New Jersey, excluding those counties assigned to the New York City region.

4. *Charlotte Region.* The States of Virginia, West Virginia, North Carolina, South Carolina, Kentucky, and northeastern part of the State of Tennessee.

5. *Atlanta Region.* The States of Mississippi, Alabama, Georgia, Florida, and the State of Tennessee, excluding the northeastern part of the State assigned to the Charlotte Region.

6. *Detroit Region.* The States of Michigan and Ohio.

7. *Chicago Region.* The States of Illinois and Indiana.

8. *St. Paul Region.* The States of North Dakota, South Dakota, Minnesota, Wisconsin, and Iowa.

9. *Kansas City Region.* The States of Nebraska, Kansas, and Missouri.

10. *Dallas Region.* The States of Oklahoma, Arkansas, Texas, and Louisiana.

11. *Denver Region.* The States of Wyoming, Utah, Colorado, Arizona, New Mexico, and southern half of the State of Idaho.

12. *Los Angeles Region.* The States of California, Nevada, and Hawaii.

13. *Seattle Region.* The States of Washington, Oregon, Montana, Alaska, and northern part of the State of Idaho.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7066; Filed, July 26, 1961; 8:52 a.m.]

[DO 87 (Revised)]

COAST AND GEODETIC SURVEY

Organization and Functions

JUNE 21, 1961.

The material appearing at 25 F.R. 6991–6993 of July 22, 1960, is amended by addition of this Appendix.

APPENDIX A

COAST AND GEODETIC SURVEY; FIELD ORGANIZATIONS

Field organization and location

District offices—

Los Angeles District, Los Angeles, Calif.
San Francisco District, San Francisco, Calif.
Tampa District, Tampa, Fla.
Honolulu District, Honolulu, Hawaii.
New Orleans District, New Orleans, La.
Baltimore District, Baltimore, Md.
Boston District, Boston, Mass.
Kansas City District, Kansas City, Mo.
New York District, New York, N.Y.
Portland District, Portland, Oreg.
Fort Worth District, Fort Worth, Tex.
Norfolk District, Norfolk, Va.
Seattle District, Seattle, Wash.

Observatories—

Barrow Magnetic Observatory, Barrow, Alaska.
College Magnetic and Seismological Observatory, College, Alaska.
Sitka Magnetic and Seismological Observatory, Sitka, Alaska.
Byrd Station Magnetic and Seismological Observatory, Byrd Station, Antarctica.
South Pole Station Magnetic and Seismological Observatory, South Pole Station, Antarctica.
Tucson Magnetic and Seismological Observatory, Tucson, Ariz.
Ukiah Latitude Observatory, Ukiah, Calif.
Guam Magnetic and Seismological Observatory, Guam, Mariana Islands.
Honolulu Magnetic and Seismological Observatory, Ewa, Oahu, Hawaii.
Gaithersburg Latitude Observatory, Gaithersburg, Md.
San Juan Magnetic and Seismological Observatory, Santurce, P.R.
Fredericksburg Magnetic Observatory, Corbin, Va.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7067; Filed, July 26, 1961; 8:52 a.m.]

[DO 117 (Revised)]

FEDERAL MARITIME BOARD; MARITIME ADMINISTRATION

Organization and Functions

The material appearing at 25 F.R. 6934–6937 of July 21, 1960 is amended by addition of this Appendix.

APPENDIX A

FEDERAL MARITIME BOARD-MARITIME ADMINISTRATION; FIELD ORGANIZATIONS

Field organization and location

Atlantic Coast District (Headquarters), New York, N.Y.:
Area representatives:
Baltimore, Md.
Norfolk, Va.
Gulf Coast District (Headquarters), New Orleans, La.:
Area representatives:
Mobile, Ala.
Galveston, Tex.

Pacific Coast District (Headquarters), San Francisco, Calif.:
Area representatives:
Los Angeles (San Pedro), Calif.
Portland, Oreg.
Seattle, Wash.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7068; Filed, July 26, 1961; 8:52 a.m.]

[DO 91 (Revised)]

WEATHER BUREAU

Organization and Functions

JUNE 21, 1961.

The material apearing at 21 F.R. 5241 of July 13, 1956, as amended by 22 F.R. 3263 of May 9, 1957, is superseded, and the material appearing at 25 F.R. 4487 of May 20, 1960, is amended by this Appendix.

APPENDIX A

WEATHER BUREAU, FIELD ORGANIZATIONS

Field organization and location

The following abbreviations are used in this list:

DMO—District Meteorological Office.
NHRP—National Hurricane Research Project.
NSSP—National Severe Storms Project.
NWRC—National Weather Records Center.
WBAS—Weather Bureau Airport Station.
WBO—Weather Bureau Office.
WBSC—Weather Bureau State Climatologist.
WRPC—Weather Records Processing Center.
PSO—Pacific Supervisory Office.
RAO—Regional Administrative Office.
RFC—River Forecast Center.
WBAS, Abilene, Tex.
WBO, Agana, Guam, Mariana Islands.
WBAS, Akron, Ohio.
WBAS, Alamosa, Colo.
WBAS, WBO, Albany, N.Y.
WBAS, Albuquerque, N. Mex.
WBAS, Alexandria, La.
WBAS, Allentown, Pa.
WBAS, Alpena, Mich.
WBAS, Amarillo, Tex.
ROA, WBAS, Anchorage, Alaska.
WBAS, Annette, Alaska.
WBO, Apalachicola, Fla.
WBO, NWRC, Asheville, N.C.
WBAS, Astoria, Oreg.
WBAS, WBSC, Athens, Ga.
WBAS, Atlanta, Ga.
WBAS, Atlantic City, N.J.
WBAS, RFC, Augusta, Ga.
WBAS, Austin, Tex.
WBAS, Bakersfield, Calif.
WBAS, Baltimore, Md.
WBAS, Barrow, Alaska.
WBAS, Barter Island, Alaska.
WBAS, Baton Rouge, La.
WBAS, Bethel, Alaska.
WBAS, Billings, Mont.
WBAS, Binghamton, N.Y.
WBAS, Birmingham, Ala.
WBAS, Bishop, Calif.
WBAS, Bismarck, N. Dak.
WBAS, Block Island, R.I.
WBAS, Blue Canyon, Calif.
WBAS, Boise, Idaho.
WBAS, WBSC, Boston, Mass.
WBAS, Bridgeport, Conn.
WBAS, Bristol, Tenn.
WBAS, Brownsville, Tex.
WBAS, Buffalo, N.Y.
WBAS, Burbank, Calif.
WBAS, Burlington, Iowa.
WBAS, Burlington, Vt.
WBO, Burns, Oreg.
WBO, Burrwood, La.
WBO, Cairo, Ill.
WBSC, Champaign, Ill.
WBAS, Canton Island, Pacific.
WBO, Cape Hatteras, N.C.
WBO, Cape Henry, Va.
WBAS, Caribou, Maine.
WBAS, Casper, Wyo.
WBAS, Charleston, S.C.
WBAS, Charleston, W. Va.
WBAS, Charlotte, N.C.
WBAS, WRPC, Chattanooga, Tenn.
WBAS, Cheyenne, Wyo.
WBAS (Midway), Chicago, Ill.
WBAS (O'Hare), Chicago, Ill.
WBO (University), Chicago, Ill.
WBO (Downtown), Chicago, Ill.
WBAS, WBO, RFC, Cincinnati, Ohio.
WBAS, Clayton, N. Mex.
WBAS, Cleveland, Ohio.
WBAS, Cold Bay, Alaska.
WBAS, Colorado Springs, Colo.
WBAS, WBSC, Columbia, Mo.
WBAS, Columbia, S.C.
WBAS, Columbus, Ga.
WBAS, WBSC, Columbus, Ohio.
WBAS, Concord, N.H.
WBO, Concordia, Kans.
WBAS, Cordova, Alaska.
WBAS, Corpus Christi, Tex.
WBAS, Dallas, Tex.
WBAS, Dayton, Ohio.
WBAS, Daytona Beach, Fla.
WBO, Del Rio, Tex.
WBAS, WBSC, Denver, Colo.
WBAS, WBSC, Des Moines, Iowa.
WBAS (Willow Run), Detroit, Mich.
WBAS (Metropolitan), Detroit, Mich.
WBAS (City Airport), Detroit, Mich.
WBO, Devils Lake, N. Dak.
WBAS, Dodge City, Kans.
WBAS, Dubuque, Iowa.
WBAS, Duluth, Minn.
WBAS, Elko, Nev.
WBAS, El Paso, Tex.
WBAS, Ely, Nev.
WBAS, Erie, Pa.
WBO, Escanaba, Mich.
WBAS, Eugene, Oreg.
WBO, Eureka, Calif.
WBAS, Evansville, Ind.
WBAS, Fairbanks, Alaska.
WBAS, Fargo, N. Dak.
WBAS, Flagstaff, Ariz.
WBAS, Flint, Mich.
WBAS, Florence, S.C.
WBAS, Fort Myers, Fla.
WBAS, Fort Smith, Ark.
WBAS, Fort Wayne, Ind.
RAO, WBAS, Fort Worth, Tex.
WBAS, Frederick, Md.
WBAS, Fresno, Calif.
WBSC, Gainesville, Fla.
WBAS, WBO, Galveston, Tex.
WBAS, Glasgow, Mont.
WBAS, Goodland, Kans.
WBAS, Grand Island, Nebr.
WBAS, Grand Junction, Colo.
WBAS, Grand Rapids, Mich.
WBAS, Great Falls, Mont.
WBAS, Green Bay, Wis.
WBAS, Greensboro, N.C.
WBAS, Greenville, S.C.
WBAS, Harrisburg, Pa.
WBAS, RFC, Hartford, Conn.
WBAS, Havre, Mont.
WBAS, Helena, Mont.
WBAS, Hilo, Hawaii.
PSO, WBAS, Honolulu, Hawaii.
WBAS, WBO, Houston, Tex.
WBO, Huntington, W. Va.
WBAS, Huntsville, Ala.
WBAS, WBSC, Huron, S. Dak.
WBAS, Indianapolis, Ind.
WBAS, International Falls, Minn.
WBAS, Jackson, Miss.
WBAS, Jacksonville, Fla.
WBAS, Johnston Island, Pacific.
WBAS Juneau, Alaska.
WBAS, Kalispell, Mont.
RAO, DMO, WBAS, RFC, WRPC, NSSP, Kansas City, Mo.
WBAS, Key West, Fla.
WBAS, King Salmon, Alaska.
WBAS, Knoxville, Tenn.
WBO, Koror, Pacific.
WBAS, Kotzebue, Alaska.
WBAS, LaCrosse, Wis.
WBSC, Lafayette, Ind.
WBAS, Lake Charles, La.
WBO, Lakeland, Fla.
WBO, Lancaster, Pa.
WBAS, Lander, Wyo.
WBAS, WBSC, Lansing, Mich.
WBAS, Laredo, Tex.
WBAS, Las Vegas, Nev.
WBAS, Lewiston, Idaho.
WBAS, Lexington, Ky.
WBAS, Lihue, Hawaii.
WBO, Lincoln, Nebr.
WBAS, Little Rock, Ark.
WBAS, Long Beach, Calif.
WBAS, WBO, Los Angeles, Calif.
WBAS, Louisville, Ky.
WBAS, Lubbock, Tex.
WBAS, Lynchburg, Va.
WBAS, McGrath, Alaska.
WBAS, Macon, Ga.
WBAS, WBSC, Madison, Wis.
WBAS, Majuro, Pacific.
WBAS, Mansfield, Ohio.
WBO, Marquette, Mich.
WBAS, Meacham, Oreg.
WBAS, Medford, Oreg.
WBAS, WBO, Memphis, Tenn.
WBAS, Meridian, Miss.
DMO, WBAS, NHRP, Miami, Fla.
WBAS, Midland, Tex.
WBAS, Milford, Utah.
WBAS, Milwaukee, Wis.
WBAS, WBO, Minneapolis, Minn.
WBAS, Missoula, Mont.
WBAS, Mobile, Ala.
WBAS, Moline, Ill.
WBAS, Montgomery, Ala.
WBO, Mount Shasta, Calif.
WBAS, Muskegon, Mich.
WBAS, Nantucket, Mass.
WBAS, Nashville, Tenn.
WBAS, New Haven, Conn.
WBAS, WBO, New Orleans, La.
RAO, WBO, New York, N.Y.
WBAS (International), New York, N.Y.
WBAS (LaGuardia), New York, N.Y.
WBAS, Newark, N.J.
WBAS, Nome, Alaska.
WBAS, Norfolk, Nebr.
WBAS, Norfolk, Va.
WBAS, North Platte, Nebr.
WBAS, Oakland, Calif.
WBAS, Oklahoma City, Okla.
WBAS, Olympia, Wash.
WBAS, Omaha, Nebr.
WBAS, Orlando, Fla.
WBO, Parkersburg, W. Va.
WBAS, Pendleton, Oreg.
WBO, Pensacola, Fla.
WBAS, Peoria, Ill.
WBAS, Philadelphia, Pa.
WBAS, Phoenix, Ariz.
WBAS, WBO, Pittsburgh, Pa.
WBAS, Pittsfield, Mass.
WBAS, Pocatello, Idaho.
WBO, Pomona, Calif.
WBO, Ponape, Pacific.
WBAS, Port Arthur, Tex.
WBAS, Portland, Maine.
WBAS, WBO, RFC, Portland, Oreg.
WBAS, Prescott, Ariz.
WBAS, Providence, R.I.
WBAS, Pueblo, Colo.
WBAS, Raleigh, N.C.
WBAS, Rapid City, S. Dak.
WBAS, Raton, N. Mex.
WBO, Reading, Pa.
WBAS, Red Bluff, Calif.
WBAS, Reno, Nev.
WBAS, Richmond, Va.
WBAS, Roanoke, Va.
WBAS, Rochester, Minn.
WBAS, Rochester, N.Y.
WBAS, Rockford, Ill.
WBAS, Rome, Ga.
WBAS, Roseburg, Oreg.
WBAS, Roswell, N. Mex.
WBAS, WBO, Sacramento, Calif.

WBAS, St. Cloud, Minn.
WBAS, St. Joseph, Mo.
WBAS, RFC, St. Louis, Mo.
WBAS, St. Paul Island, Alaska.
WBAS, Salem, Oreg.
RAO, WBAS, Salt Lake City, Utah.
WBAS, San Angelo, Tex.
WBAS, San Antonio, Tex.
WBO, Sandberg, Calif.
WBAS, San Diego, Calif.
WBO, Sandusky, Ohio.
WBAS, WBSC, WRPC, San Francisco, Calif.
WBAS, WBSC, San Juan, P.R.
WBAS, Santa Maria, Calif.
WBAS, Sault Ste. Marie, Mich.
WBAS, Savannah, Ga.
WBAS, Scottsbluff, Nebr.
WBAS, Scranton, Pa.
WBAS (Boeing), Seattle, Wash.
WBAS (Seattle-Tacoma), WBO, Seattle, Wash.
WBO, Sexton Summit, Oreg.
WBAS, Shemya, Alaska.
WBAS, Sheridan, Wyo.
WBAS, Shreveport, La.
WBAS, Silver City, N. Mex.
WBAS, Sioux City, Iowa.
WBAS, Sioux Falls, S. Dak.
WBAS, South Bend, Ind.
WBAS, Spartanburg, S.C.
WBAS, Spokane, Wash.
WBAS, Springfield, Ill.
WBAS, Springfield, Mo.
WBO, Stampede Pass, Wash.
WBO, Stoneville, Miss.
WBO, Swan Island, West Indies.
WBAS, Syracuse, N.Y.
WBAS, Tallahassee, Fla.
WBAS, Tampa, Fla.
WBO, Taboosh Island, Wash.
WBAS, Texarkana, Ark.
WBO, Thomasville, Ga.
WBAS, Toledo, Ohio.
WBAS, WBSC, Topeka, Kans.
WBO, Trenton, N.J.
WBAS, Truk, Pacific.
WBAS, Tucson, Ariz.
WBAS, RFC, Tulsa, Okla.
WBAS, Valdosta, Ga.
WBAS, Valentine, Nebr.
WBO, Vicksburg, Miss.
WBAS, Victoria, Tex.
WBAS, Waco, Tex.
WBAS, Wake Island, Pacific.
WBO, Walla Walla, Wash.
DMO, Washington, D.C.
WBAS, Waterloo, Iowa.
WBO, Wenatchee, Wash.
WBAS, Wendover, Utah.
WBAS, West Palm Beach, Fla.
WBAS, Wichita, Kans.
WBAS, Wichita Falls, Tex.
WBAS, Williamsport, Pa.
WBO, Williston, N. Dak.
WBAS, Wilmington, Del.
WBAS, Wilmington, N.C.
WBAS, Winnemucca, Nev.
WBAS, Winslow, Ariz.
WBAS, Winston Salem, N.C.
WBAS, Worcester, Mass.
WBAS, Yakima, Wash.
WBAS, Yakutat, Alaska.
WBO, Yap, Pacific.
WBAS, Youngstown, Ohio.
WBAS, Yuma, Ariz.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7065; Filed, July 26, 1961; 8:52 a.m.]

[Dept. Order No. 172]

UNITED STATES TRAVEL SERVICE

Organization and Functions

SECTION 1. *Purpose.* The purpose of this order is to establish the United States Travel Service and to define its functions and responsibilities.

SEC. 2. *Establishment and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and the International Travel Act of 1961 (P.L. 87-63), there is hereby established as a primary organization unit of the Department of Commerce the United States Travel Service.

.02 The United States Travel Service shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate, who shall report and be responsible to the Secretary of Commerce. The Director shall be assisted by such staff as he may require to perform the functions and discharge the responsibilities set forth herein.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director, United States Travel Service, shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by the International Travel Act of 1961 (P.L. 87-63).

.02 The Director may redelegate any power or authority conferred on him by this order to such officers of the United States Travel Service as may be necessary in the performance of the functions assigned by this order.

SEC. 4. *Functions and responsibilities.* .01 The Director shall be responsible for administering the International Travel Act of 1961, and to carry out the purpose of the Act shall:

1. Develop, plan and carry out a comprehensive program designed to stimulate and encourage travel to the United States by residents of foreign countries for the purpose of study, culture, recreation, business, and other activities as a means of promoting friendly understanding and good will among peoples of foreign countries and of the United States;

2. Encourage the development of tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors;

3. Foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States consistent with sound economic principles;

4. Encourage the simplification, reduction, or elimination of barriers to travel, and the facilitation of international travel generally;

5. Collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism.

02. In the performance of these duties the Director—

1. Shall utilize the facilities and services of existing agencies of the Federal Government to the fullest extent possible;

2. May, as he deems appropriate, consult and cooperate with individuals, businessmen, and organizations engaged in or concerned with international travel, including local, State, Federal, and foreign governments and international agencies;

3. May, as he deems appropriate, obtain by contract or otherwise the advice and services of qualified professional organizations and personnel;

4. May, after consultation with the Secretary of State, establish such offices in foreign countries as he deems necessary and desirable.

.03 The Director shall provide secretarial services and staff for the Travel Advisory Committee and the Interdepartmental Travel Policy Committee.

SEC. 5. *Transfer of personnel, records, funds, and property.* .01. There are hereby transferred to the United States Travel Service all the personnel, records, funds, and property of the Bureau of Foreign Commerce heretofore allocated to international travel functions and activities.

.02 The Executive Assistant to the Secretary acting through appropriate offices of the Department shall determine and arrange for the transfer of personnel, funds, records, and equipment of the Bureau of Foreign Commerce as provided herein.

Effective date. July 1, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7069; Filed, July 26, 1961; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-189]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, Part 2), the Commission proposes to issue to American Radiator and Standard Sanitary Corporation, a construction permit substantially in the form annexed authorizing construction at Mountain View, California of a 15 watt (thermal) Argonaut-type nuclear research reactor.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility if it is found that the facility has been constructed in compliance with the terms and conditions contained in the construction permit and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in

accordance with the provisions of the Act.

Petitions for leave to intervene and requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendments thereto and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 21st day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated June 14, 1961, and amendments thereto dated June 29, 1961, and June 30, 1961 (hereinafter collectively referred to as "the application"), American Radiator and Standard Sanitary Corporation (hereinafter "American-Standard") requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation at American-Standard's site in Mountain View, California, of a nuclear reactor (hereinafter referred to as "the reactor") described as a 15 watt (thermal) graphite- and light water-moderated reactor, designated the "UTR Test Reactor" of the UTR–1 series.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. American-Standard is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. American-Standard is technically qualified to design and to construct the reactor.

E. American-Standard has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to American-Standard will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to American-Standard to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. The earliest date for the completion of the reactor is August 15, 1961. The latest date for completion of the reactor is November 15, 1961. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Mountain View, California, specified in the application.

4. Upon completion (as defined in paragraph "1" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the facility authorized has been constructed and will operate in conformity with the application, and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to American-Standard pursuant to section 104c of the Act, which license shall expire ten years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61–7016; Filed, July 26, 1961; 8:45 a.m.]

[Docket No. 50–187]

NORTHROP CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR–63 authorizing Northrop Corporation to construct a TRIGA Mark F nuclear reactor designed to operate at a thermal power of 100 kilowatts on its site in Hawthorne, California. Notice of the proposed action was published in the FEDERAL REGISTER on July 4, 1961, 26 F.R. 6004.

Dated at Germantown, Maryland, this 20th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–7017; Filed, July 26, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 832, 1852]

IDAHO

Correction of Vacation of Land Withdrawals

JULY 21, 1961.

Notice of vacation of withdrawals appearing in the FEDERAL REGISTER (26 F.R. 4409) issued Saturday, May 20, 1961, is corrected to read lot 5, SW¼NW¼ section 1, T. 13 N., R. 7 E., instead of lot 5, NW¼SW¼.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7027; Filed, July 26, 1961; 8:47 a.m.]

[Docket No. DA–4–Michigan]

MICHIGAN

Lands Withdrawn in Power Site Classification No. 318

JULY 21, 1961.

The Bureau of Land Management, United States Department of the Interior, has requested that the Commission give consideration to the restoration to entry of the following-described lands pursuant to the filing of an application, under serial No. BLM 042114, by the State of Michigan to acquire said lands, among others, under the exchange provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269):

MICHIGAN MERIDIAN, MICHIGAN

T. 44 N., R. 31 W.,
Sec. 23, lots 8 and 11.

The above-described lands are withdrawn in Power Site Classification No. 318, dated June 10, 1940, and that portion of the lands lying below the 1374-foot elevation was also reserved pursuant to the filing on September 13, 1940, of an application for a license for Project No. 1759.

The lands originally bordered the south shore of the Michigamme River, now backed up by construction of the dam for Project No. 1759 to form the project reservoir.

It appears that the power value of the lands is being fully utilized under the present operation.

The Commission finds:

(1) The power value of the above-described lands is fully protected by the reservation made in connection with Project No. 1759.

(2) It has no objection to the revocation by the Secretary of the Interior of Power Site Classification No. 318 insofar as such withdrawal pertains to the above-described lands.

(3) A determination under section 24 of the Federal Power Act as hereinafter provided is justified.

The Commission determines: The value of that portion of the above-described lands reserved in connection with Project No. 1759—being that portion lying below the 1374-foot elevation—will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended, subject to the prior rights of the licensee for Project No. 1759 and its successors to use said lands for project purposes as contemplated in the license issued therefor; and subject to the condition that the United States, its permittees or licensees will not be held liable for any damage to structures or improvements placed on said lands resulting from the operation or maintenance of the facilities in Project No. 1759.

The lands subject to this determination remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration, and no preference right to the lands is acquired by the filing of the request or by this action taken by the Commission with respect to the lands.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7028; Filed, July 26, 1961; 8:47 a.m.]

[Docket Nos. G–13055, etc.]

CARTER-JONES DRILLING CO.

Notice of Severance

JULY 21, 1961.

Notice is hereby given that the application filed by Anadarko Production Company, in Docket No. CI61–542 heretofore scheduled for a hearing to be held in Washington, D.C., on July 27, 1961, at 9:30 a.m., e.d.s.t., in the consolidated proceedings entitled Carter-Jones Drilling Company, Operator, et al., Docket Nos. G–13055, et al. is severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7029; Filed, July 26, 1961; 8:47 a.m.]

[Docket No. RP62–1]

CITIES SERVICE GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

JULY 21, 1961.

On June 21, 1961, Cities Service Gas Company (Cities Service) tendered for filing Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2,[1] to become effective July 23, 1961, proposing an annual increase in its rates and charges of $8,684,900 annually or 16.0 percent over the rates in effect for the year ended March 31, 1961, as adjusted.

In support of the proposed increase, Cities Service has submitted adjusted cost data for twelve months ended March 31, 1961. Operating expenses are adjusted for salary and wage increases (including a wage increase granted to employees effective May 21, 1961) and to normalize increased purchase gas costs during the period. Other major adjustments are the use of a 6¾ percent rate of return with associated income taxes and increased depreciation rates.

The supporting cost data submitted by Cities Service which may be questionable include, inter alia, (1) increased depreciation rates (2) 6¾ percent rate of return; (3) purchased gas costs, (4) classification of costs, (5) revenues from main line gasoline plant extraction, and (6) Federal income taxes.

The increased rates and charges provided for in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon an early public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 and that the above-designated tariff sheets, except Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16, which relate to industrial sales for resale only, be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act [18 CFR Ch. I], a public hearing shall be held on September 13, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service's FPC Gas Tariffs, Second Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by Sixth Revised Sheets Nos. 4, 5, 7, 8, 10, and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2.

(B) At the hearing hereinabove ordered, Cities Service shall present its direct case in this proceeding. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

(C) Pending such hearing and decision thereon Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; and Seventh Revised Sheet No. 12 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 be and they are each hereby suspended and the use thereof deferred until December 23, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(D) Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1, are hereby accepted for filing and are allowed to become effective July 23, 1961.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37 (f)) on or before September 5, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7030; Filed, July 26, 1961; 8:47 a.m.]

[Docket Nos. G–8925, G–14927]

HUMBLE OIL & REFINING CO.

Order Severing Proceeding and Granting and Denying Motions To Terminate Proceedings

JULY 7, 1961.

The above-named Respondent has heretofore tendered for filing proposed increased rates which were suspended and subsequently placed in effect subject to refund. Respondent has filed motions to terminate the proceedings in the above-listed docket numbers, stating as grounds therefor that the increased rates do not exceed the applicable area price levels as set forth in the Commission's Statement of General Policy No. 61–1. The changes are contained in the following rate schedules as supplemented:

Docket No.	Rate schedule No.	Supplement No.
G–8925	35	2
G–14927	12	14
G–14927	14	12
G–14927	22	13

The increased rate in Docket No. G–8925 is equal to or less than the applicable area price level established by the Statement of General Policy No. 61–1, issued September 28, 1960. In conformity with the Statement of General Policy No. 61–1, and for the reasons therein stated, the proceeding in Docket No. G–8925 should be terminated. Consistent with this action, the proceeding in

[1] In addition, the company filed revised copies of Table of Contents and Indices of Purchasers. Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 relate to the sale of gas for resale for industrial use only.

Docket No. G–8925 should be severed from the Area Rate Proceeding, et al., Docket No. AR61–2, et al., with which it was consolidated by order issued May 10, 1961.

In the Statement of General Policy No. 61–1, the Commission said that the price standards thereby established apply to pipeline quality gas as that term is generally understood in each area. The gas sold under Respondent's rate schedules indicated above, in Docket No. G–14927, is generally not of pipeline quality. When an adjustment is made for the processing charge to bring the gas up to pipeline quality, the rate exceeds the applicable area price level. Accordingly, Respondent's motion to terminate the proceeding in Docket No. G–14927 should be denied.

The Commission finds:

(1) It is appropriate and in the public interest to sever the proceeding in Docket No. G–8925, as hereinafter ordered.

(2) For the reason hereinabove stated, Respondent's obligation to refund in the proceeding in Docket No. G–8925 should be discharged.

(3) For the reasons hereinabove stated, Respondent's motion for termination in Docket No. G–14927 should be denied.

The Commission orders:

(A) The proceeding in Docket No. G–8925 is hereby severed from the Area Rate Proceeding, et al., Docket No. AR61–2, et al.

(B) The proceeding in Docket No. G–8925 is hereby terminated.

(C) Respondent's obligation to refund in Docket No. G–8925 is hereby discharged.

(D) Respondent's motion to terminate the proceeding in Docket No. G–14927 is hereby denied.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7031; Filed, July 26, 1961; 8:47 a.m.]

[Docket No. RI61–534—RI61–541]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 26, 1961.

Pan American Petroleum Corp. (Operator), et al., Docket No. RI61–534; Texaco Inc., Docket No. RI61–535; Texaco Inc. (Operator), et al., Docket No. RI61–536; Gulf Oil Corp., Docket No. RI61–537; Pan American Petroleum Corp., Docket No. RI61–538; Texaco Seaboard, Inc., Docket No. RI61–539; The British-American Oil Producing Co., Docket No. RI61–540; Columbian Fuel Corp., Docket No. RI61–541.

The above-named Respondents have tendered for filing proposed changes in presently-effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual change	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI61–534...	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	197	2	Phillips Petroleum Co., Fuhrman-Mascho Field, Andrews County, Tex.	$2,534	6–1–61	[2] 7–2–61	12–2–61	[4] 11.5	12.5	----------
RI61–535...	Texaco Inc., P.O. Box 2332, Houston, Tex.	88	14	Texas Eastern Transmission Corp.,[3] Rudman and West Cosden Fields, Bee County, Tex.	367	6–1–61	[2] 7–2–61	12–2–61	[4] 15.2778	15.6111	RI61–3
	do	89	16	Texas Eastern Transmission Corp.,[3] San Domingo Field, Bee County, Tex.	718	6–1–61	[2] 7–2–61	12–2–61	[4] 15.2778	15.6111	RI61–3
	do	90	13	do	334	6–1–61	[2] 7–2–61	12–2–61	[4] 15.2778	15.6111	RI61–3
	do	96	13	Texas Eastern Transmission Corp.,[3] Holzmark-Wilcox Field, Bee County, Tex.	1,368	6–1–61	[2] 7–2–61	12–2–61	[4] 15.2778	15.6111	RI61–3
RI61–536...	Texaco Inc. (Operator), et al.	97	17	Texas Eastern Transmission Corp.,[3] South Karon, Hostetter, North Hostetter, and South Cabeza Creek Fields, Bee, Goliad and McMullen Counties, Tex.	11,508	6–1–61	[2] 7–2–61	12–2–61	[4] 15.2778	15.6111	RI61–3
RI61–537...	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	43	4	Natural Gas Pipe Line Co. of America, Quindumo and Quindono North Fields, Roberts County, Tex.	36,503	6–1–61	[2] 7–18–61	12–18–61	[4] 12.0	13.0	----------
RI61–538...	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2, Okla.	19	9	Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex.	133	6–2–61	[2] 7–5–61	12–5–61	[4] 14.1344	14.6392	G–9979
RI61–539...	Texaco Seaboard Inc., P.O. Box 2332, Houston, Tex.	10	14	Texas Eastern Transmission Corp.,[3] North Karon Field, Live Oak County, Tex.	50	6–5–61	[2] 7–6–61	12–6–61	[4] 15.2778	15.6111	RI61–3
RI61–539...	Texas Seaboard Inc...	20	11	Texas Eastern Transmission Corp.,[3] Nordheim Field, DeWitt and Karnes Counties, Tex.	1,927	6–5–61	[2] 7–6–61	12–6–61	[4] 15.7778	16.1111	RI61–3
RI61–540...	The British-American Oil Producing Co., P.O. Box 749, Dallas 21, Tex.	17	3	American Louisiana Pipe Line Co., Cameron Field, Cameron Parish, La.	90,740	6–5–61	[2] 7–6–61	12–6–61	[4] 19.75	23.0	----------
RI61–541...	Columbian Fuel Corp., 330 Madison Avenue, New York 17, N.Y.	26	4	Northern Natural Gas Co., Hugoton Field, Morton, Seward, and Stevens Counties, Kans.	4,481	6–5–61	[2] 7–6–61	12–6–61	[4] 12.0	17.0	----------

[1] Texas Eastern has filed protests in the above-docketed proceedings, stating that the favored-nation provisions have not been triggered and that in each instance the rate filing is premature and improper and unjustified.

[2] The stated effective date in each instance is that requested by respondent.

[3] The stated effective date in each instance is the first day after expiration of the required statutory notice.

[4] The pressure base is 14.65 psia.

[5] The pressure base is 15.025 psia.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notice from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 25, 1961.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7033; Filed, July 26, 1961; 8:47 a.m.]

[Docket No. RI 60–92 etc.]

OHIO OIL CO. ET AL.

Order Granting Continuance of Hearing

JUNE 19, 1961.

The Ohio Oil Company, Docket Nos. RI60–92, G–12037, G–13465, G–13521, G–16688, G–16672, G–17275, G–17986, G–19763; The Ohio Oil Company, (Operator), et al., G–20185.

The Ohio Oil Company (Ohio) on June 7, 1961, filed a motion requesting that the hearings scheduled to reconvene herein on June 26, 1961, be postponed and continued until September 19, 1961. The resumption of hearings on June 26, 1961, has been fixed by our order issued herein March 28, 1961.

It now appears that due to the Commission staff's delay in serving part of its direct case, the time originally allowed Ohio for preparation to cross-examine the staff's case should now be extended.

The Commission finds: The postponement of hearings as requested by Ohio in the aforementioned motion is necessary and appropriate to the prompt and orderly disposition of these proceedings.

The Commission orders: Hearings now scheduled to resume in these consolidated proceedings are hereby postponed and continued and shall resume on September 19, 1961, at the same hour and place fixed by the Presiding Examiner.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7032; Filed, July 26, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MORGAN NEW YORK STATE CORP.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Morgan New York State Corporation, Albany, New York, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of 100 percent of the voting shares of Morgan Guaranty Trust Company of New York, New York, New York, Manufacturers and Traders Trust Company, Buffalo, New York, Lincoln Rochester Trust Company, Rochester, New York, First Trust & Deposit Company, Syracuse, New York, and the state banks or trust companies into which will be converted The National Commercial Bank and Trust Company of Albany, Albany, New York, The Oneida National Bank and Trust Company of Central New York, Utica, New York, and First-City National Bank of Binghamton, New York, Binghamton, New York.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 21st day of July 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61–7034; Filed, July 26, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37274: *Class rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 33), for itself, and interested carriers. Rates on various commodities moving on less-than-truckload and any quantity class rates, loaded in trailers and transported over joint motor-water, water-motor, and motor-water-motor routes of applicant motor carriers and Sea-Land Service, Inc., between points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, New Jersey, New York, Pennsylvania, Vermont, Virginia, and West Virginia, on the one hand, and points in Florida on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 34 to Sea-Land Service, Inc., tariff I.C.C. 278.

FSA No. 37275: *Salt from Kansas points to Minnesota points.* Filed by Western Trunk Line Committee, Agent (No. A–2199), for interested rail carriers. Rates on salt (not table salt), crushed, evaporated or screened, not further processed for human consumption, in bulk, in carloads; from specified points in Kansas, to specified points in Minnesota.

Grounds for relief: Market competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7059; Filed, July 26, 1961; 8:51 a.m.]

[Notice 524]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64099. By order of July 20, 1961, The Transfer Board approved the transfer to Milam Truck Line, Inc., Cameron, Tex., of Permits in Nos. MC 111008, MC 111008 Sub 3, MC 111008 Sub 4, MC 111008 Sub 5, MC 111008 Sub 8, and MC 111008 Sub 10, issued May 11, 1954, June 10, 1954, August 14, 1956, June 15, 1956, July 19, 1956, and September 17, 1959, respectively, to Jesse Kirk, Jr., doing business as Jesse Kirk, Jr., Truck Line, Palestine, Tex., authorizing the transportation of: Salt and salt products, and empty containers used in the transportation thereof, from, to or between specified points in Arkansas, Louisiana, New Mexico, and Texas. Emory B. Camp, Drawer 522, Cameron, Tex., attorney for applicants.

No. MC–FC 64187. By order of July 20, 1961, The Transfer Board approved the transfer to Raymond Bollinger,

Schuylkill Haven, Pa., of Certificate in No. MC 112449 Sub 1, issued April 8, 1958, to Douglas H. Mervine, doing business as Mervine Trucking Company, Schuylkill Haven, Pa., authorizing the transportation of: Coal, from points in Lackawanna, Luzerne, and Schuylkill Counties, Pa., to New Brunswick, N.J., and points in New Jersey within 35 miles of New Brunswick, with no transportation for compensation on return except as otherwise authorized. Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 64242. By order of July 20, 1961, The Transfer Board approved the transfer to Smith Transportation Company, Inc., 1045 Front Street, Evanston, Wyo., of Certificate No. MC 112062, issued June 3, 1957, to James G. Smith, doing business as Smith Transportation Company, Evanston, Wyo., authorizing the transportation of passengers and their baggage, during the season extending from June 1 to December 31, both inclusive, of each year, over regular route, between Salt Lake City, Utah, and Evanston, Wyo., serving all intermediate points between Salt Lake City and Mirror Lake Lodge, Utah, including Mirror Lake Lodge; and passengers and their baggage in the same vehicle with passengers, in charter operations, over irregular routes, from Evanston, Kemmerer, Mountain View, and Lyman, Wyo., and Woodruff and Randolph, Utah, to points within 300 miles of Evanston, Wyo., in Montana, Wyoming, Colorado, Utah, Nevada, and Idaho, and return.

No. MC–FC 64262. By order of July 20, 1961, The Transfer Board approved the transfer to Daniel Ralph Oxborrow, 14 Connors Court, Ely, Nevada, of Certificate No. MC 72543, issued November 26, 1951, to Ivan M. Lewis, Box 331, East Ely, Nevada, authorizing the transportation of: Livestock, over irregular routes, from points within 50 miles of Battle Mountain, Nev., to Battle Mountain, with no transportation for compensation on return except as otherwise authorized; ore and concentrates, and mining machinery, equipment, and supplies, over irregular routes, between points in Nevada within 100 miles of Battle Mountain, Nev., including Battle Mountain except that service is not authorized between points on U.S. Highway 40; and between points in Nevada within 150 miles of Ely, Nev., including Nev.

No. MC–FC 64308. By order of July 20, 1961, The Transfer Board approved the transfer to C. G. Todd Trucking Co., Inc., Dallas, Texas, of Certificate No. MC 108942, issued November 2, 1949, to C. G. Todd and Guy W. Todd, a partnership, doing business as C. G. Todd Trucking Company, Dallas, Texas, authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points and places in Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas 24, Tex., attorney for applicants.

No. MC–FC 64352. By order of July 20, 1961, The Transfer Board approved the transfer to John M. Hindman and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., of Certificate No. MC 47361, issued December 23, 1949, to George C. Hindman, John M. Hindman, and Ray H. Hindman, a partnership, doing business as Hindman Transfer, Butler, Pa., authorizing the transportation over irregular routes, of cooperage, from East Butler, Pa., to Cleveland, Ohio; silicate, from Cleveland, Ohio, to East Butler, Pa.; general commodities, excluding household goods and commodities in bulk, between Butler, Pa., on the one hand, and, on the other, points in Pennsylvania within 15 miles of Butler; breeding cattle and race and show horses, between points in Butler County, Pa., on the one hand, and, on the other, Louisville, Ky., and points in New York and Ohio; and household goods between points in that part of Pennsylvania south of U.S. Highway 322, west of Pennsylvania Highway 28, and north of U.S. Highway 30, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Masachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Virginia, and West Virginia. J. Campbell Brandon, Savings & Trust Building, Butler, Pa., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7060; Filed, July 26, 1961; 8:51 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

H. BURKE HORTON

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

3,000 shares, $1.00 par, Teletrak Corp.

This amends statement published February 8, 1961 (26 F.R. 1146).

Dated: July 14, 1961.

H. BURKE HORTON.

[F.R. Doc. 61–7018; Filed, July 26, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

JULY 21, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 15(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange is summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 23, 1961, to August 1, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–7056; Filed, July 26, 1961; 8:50 a.m.]

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(As of January 1, 1961)

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THE UNIVERSITY OF MICHIGAN
AUG 7 1961
MAIN READING ROOM

Pages 6757–6795

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 26 NUMBER 144

Washington, Friday, July 28, 1961

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1961–62 Edition

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[Revised as of June 1, 1961]

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Title 3—THE PRESIDENT

Proclamation 3422

AMERICAN EDUCATION WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS wide knowledge and the free interchange of thought are essential to the growth and vitality of our Nation; and

WHEREAS our political and social institutions depend for their perpetuation and strength upon an informed, responsible, and confident people; and

WHEREAS we are at a time of growth in our country which gives us not only greater means for the satisfaction of our material needs but also more opportunities for the cultivation of learning and wisdom; and

WHEREAS it is appropriate that a special period be set aside each year to mark the importance of education and the continuing need to improve and strengthen it:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 5 through November 11, 1961, as American Education Week.

I urge that all of us during that week take part, through school and community, in observances to focus attention upon the force for good which education has been and must continue to be in our national life; and that we honor our teachers and school officials for whom every week is education week.

The education of our people should be a lifelong process by which we continue to feed new vigor into the lifestream of the Nation through intelligent, reasoned decisions. Let us not think of education only in terms of its costs, but rather in terms of the infinite potential of the human mind that can be realized through education. Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of July in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-7149; Filed, July 26, 1961; 12:56 p.m.]

Executive Order 10954

AMENDMENT OF EXECUTIVE ORDER NO. 10906,[1] AUTHORIZING INSPECTION OF CERTAIN TAX RETURNS

By virtue of the authority vested in me by sections 6103(a) and 6106 of the Internal Revenue Code of 1954 (68A Stat. 753, 756; 26 U.S.C. 6103(a), 6106), it is hereby ordered that the last paragraph of Executive Order No. 10906 of January 17, 1961, entitled "Inspection by Certain Classes of Persons and State and Federal Government Establishments of Returns Made in Respect of Certain Taxes Imposed by the Internal Revenue Code of 1954," be, and it is hereby, amended to read as follows:

"This order shall become effective upon its filing for publication in the FEDERAL REGISTER, and shall on that date supersede Executive Order No. 10738 of November 15, 1957, to the extent that such order is applicable to inspection by State tax officials after the effective date of this order of estate and gift-tax returns made under the Internal Revenue Code of 1954."

This order shall be effective as of January 18, 1961.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 26, 1961.

[F.R. Doc. 61-7161; Filed, July 26, 1961; 4:33 p.m.]

[1] 26 F.R. 508.

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 102—GRAIN WAREHOUSES

Miscellaneous Amendments

On June 6, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5008) a notice of proposed amendments of the regulations relating to grain warehouses (7 CFR Part 102) under the United States Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters presented and under authority of section 28 of said Act (7 U.S.C. 268), said regulations are hereby amended as follows:

1. Section 102.57 is amended to read:

§ 102.57 License fees.

There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license or amendment thereto issued to an inspector and/or weigher, except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the United States Grain Standards Act and regulations thereunder to inspect and grade any grain and to certificate the grade thereof.

§ 102.65 [Amendment]

2. Section 102.65 (a) is amended to read:

(a) Except as provided in paragraph (b) of this section, each inspection certificate issued under the act by an inspector shall be in a form approved for the purpose by the Department, and shall embody the following information within its written or printed terms: (1) The caption "United States Warehouse Act, Grain Inspection Certificate", (2) whether it is an original, a duplicate, or other copy, and that it is not negotiable, (3) the name and location of the warehouse in which the grain is or is to be stored, (4) a statement showing whether the inspection covers grain moving into or out of the warehouse, (5) the date of the certificate, (6) the consecutive number of the certificate, (7) the approximate amount of grain covered by the certificate, (8) the kind of grain covered by the certificate, (9) the grade of the grain, as determined by such licensed inspector, in accordance with Section 102.76, and, in the case of grain for which no official grain standards of the United States are in effect, the standard or description in accordance with which such grain is graded, (10) a statement that the certificate is issued by an inspector licensed under the United States Warehouse Act and the regulations thereunder, (11) a statement conspicuously placed to the effect that the certificate is not valid for the purposes of the United States Grain Standards Act, and (12) the signature of the inspector who inspected and graded the grain. In addition, the inspection certificate may include any other matter not inconsistent with the act or the regulations in this part, provided the approval of the Service is first secured.

3. Section 102.67 is amended to read:

§ 102.67 Weight certificate.

Each weight certificate issued under the act by a weigher shall be in a form approved for the purpose by the Service, and shall embody the following information within its written or printed terms: (a) The caption "United States Warehouse Act, Grain Weight Certificate", (b) whether it is an original, a duplicate, or other copy, and that it is not negotiable, (c) the name and location of the warehouse in which the grain is or is to be stored, (d) whether the grain is weighed into or out of the warehouse, (e) the date of the certificate, (f) the consecutive number of the certificate, (g) the net weight, including dockage, if any, of the grain, (h) a statement that the certificate is issued by a weigher licensed under the United States Warehouse Act and the regulations thereunder, and (i) the signature of the weigher. In addition, the weight certificate may include any other matter not inconsistent with the act or the regulations in this part provided the approval of the Service is first secured.

The United States Grain Standards Act (7 U.S.C. 71 et seq.) authorizes the Secretary of Agriculture to issue a license to any person to inspect and grade grain and to certificate the grade thereof for shipment or delivery for shipment in interstate or foreign commerce under the act. Under the United States Warehouse Act (7 U.S.C. 252) the Secretary may issue a license to any person, upon satisfactory proof of competency, to inspect and grade grain and to certificate the grade thereof for purposes of that act. Further, the United States Warehouse Act (7 U.S.C. 256) provides that fungible agricultural products stored in a warehouse licensed under the act shall be inspected and graded by a person duly licensed under said act. Therefore, for inspection and grade certificates issued by an inspector licensed under the Grain Standards Act to be valid for purposes of the Warehouse Act the inspector must also be licensed under the latter act. Regulations under the Warehouse Act (7 CFR 102.61(c)) provide that a license may be issued to an inspector who holds an effective license under the Grain Standards Act without further proof of competency. Since further examination and investigation as to competency is waived by the regulations, there is ample justification for issuance of such licenses in these circumstances without assessing and collecting fees.

The amendments add a requirement to §§ 102.65(a) and 102.67 that certificates indicate whether the grain inspected or weighed was moved into or out of the warehouse. They also add a provision to § 102.67 that weight certificates be consecutively numbered. The primary purpose of those amendments is to simplify recordkeeping, auditing and the issuance of warehouse receipts. Inspection and weight certificates form the basis for maintaining warehouse stock and storage records and for the issuance of warehouse receipts. For these purposes, it is imperative to know whether the grain covered by a certificate moved into or out of the warehouse. This information can be obtained, in most instances, by referring to other documents, but this is cumbersome and causes difficulty when auditing warehouse records. The consecutive numbering of certificates is necessary for proper record control. There is a requirement in the regulations that inspection certificates be so numbered but there has been no such specific requirement with respect to weight certificates. Certificates used by many warehouseman show the above specified information even though it has not heretofore been specifically required by regulation.

The foregoing amendments shall become effective on August 28, 1961.

Done at Washington, D.C. this 25th day of July 1961.

GEORGE A. DICE,
Director, Special Services Division, Agricultural Marketing Service.

[F.R. Doc. 61-7111; Filed, July 27, 1961; 8:50 a.m.]

PART 109—DRIED FRUIT WAREHOUSES

PART 114—CHERRIES IN SULPHUR DIOXIDE BRINE WAREHOUSES

Revocation

On June 6, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5009) a notice of proposed revocation of the regulations relating to Dried Fruit Warehouses (7 CFR Part 109) and the regulations relating to Cherries in Sulphur Dioxide Brine Warehouses (7 CFR Part 114) under the United States Warehouse Act, as amended (7 U.S.C. 241 et seq.). After due consideration of all relevant matters presented and under authority of Section 28 of said Act (7 U.S.C. 268), said regulations are hereby revoked.

The regulations relating to Dried Fruit Warehouses were originally promulgated under the Act on October 14, 1924 as Service and Regulatory Announcement No. 88. A total of only 13 applications for licensing under these regulations has been received, the last being in 1936. The last license thereunder was canceled in 1944 at the request of the warehouseman. There has been no licensing activity under these regulations since that date.

The regulations relating to Cherries in Sulphur Dioxide Brine Warehouses were originally promulgated under the Act on May 3, 1932 as Service and Regulatory Announcement No. 134. A total of only 9 applications for licensing under these regulations has been received, the last being in 1939. The last license thereunder was canceled on March 25, 1960 at the request of the warehouseman. There has been no licensing activity under these regulations since that date.

These two sets of regulations are being revoked because of their limited use, and apparent lack of future interest by warehousemen in them.

The foregoing revocations shall become effective on August 28, 1961.

Done at Washington, D.C. this 25th day of July 1961.

GEORGE A. DICE,
Director, Special Services Division, Agricultural Marketing Service.

[F.R. Doc. 61-7110; Filed, July 27, 1961; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

PART 775—FEED GRAIN

Subpart—1961 Feed Grain Program Regulations

Amendment 1

Section 775.5(b)(4) of the 1961 Feed Grain Program Regulations, 26 F.R. 5356, is amended to read as follows:

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the normal conserving acreage for the farm is the average of the cropland acreage devoted in 1959 and 1960 to the approved conservation uses specified in § 775.6, as adjusted by the county committee to correct for abnormal factors if the county committee considers that such acreage is not representative of normal farming operations due to an unusually high percentage of land having been devoted to conserving uses in such years. The normal conserving acreage for the farm shall not be adjusted below the average which the county committee considers normal for the community. Notwithstanding the foregoing, in counties designated by the State committee, the normal conserving acreage required to be devoted to an approved conservation use may be adjusted downward by the county committee upon request of the producer to the extent that the conserving use on such acreage is destroyed in 1961 by flood, drought, insects, or other natural causes.

(Sec. 16(c), 49 Stat. 1151, as amended; 16 U.S.C. 590p)

Issued at Washington, D.C., this 25th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7114; Filed, July 27, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 28]

PART 928—MILK IN THE NEOSHO VALLEY MARKETING AREA

Order Amending Order

§ 928.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, was issued June 23, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued July 17, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that, on and after the effective date hereof, the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 928.51(b) and substitute therefor the following:

(b) *Class II milk.* The price per hundredweight for Class II milk shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) The average price reported by the Department for the current month for milk used in the manufacture of American cheese, evaporated milk, and butter and by-products, f.o.b. plant, United States, adjusted to 4.0 percent butterfat test by direct ratio; or

(2) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat con-

tent received from farmers during the month at the following plants for which prices have been reported to the market administrator or the Department plus 20 cents:

Present operator and location

Pet Milk Co., Neosho, Mo.
Pet Milk Co., Iola, Kans.
Carnation Co., Mt. Vernon, Mo.
Carnation Co., Girard, Kans.
Kraft Cheese Co., Oswego, Kans.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 24, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–7096; Filed, July 27, 1961; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lee, Madison, Marshall, Morgan, and Randolph Counties;

Arizona. The entire State;

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Shelby, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Audubon, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Sac, Scott, Wapello, and Warren Counties;

Kansas. Cheyenne, Clark, Decatur, Franklin, Geary, Gray, Greeley, Harper, Haskell, Jefferson, Johnson, Kearny, Leavenworth, Marshall, Nemaha, Osborne, Rawlins, Reno, Sheridan, Sherman, Smith, Thomas, Wallace, and Wyandotte Counties;

Kentucky. Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Edmonson, Elliott, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Greenup, Harrison, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Larue, Lawrence, Lincoln, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Meade, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, Whitley, and Wolfe Counties;

Louisiana. Assumption, Claiborne, St. Helena, St. John the Baptist, St. Landry, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Clay, Desoto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lincoln, Linn, Livingston, McDonald, Macon, Maries, Marion, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Ponders, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Cuyahoga, Darke, Defiance, Delaware, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, and Mayes Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Jasper, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Sumter, Union, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Miner, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Ector, El Paso, Fisher, Gillespie, Glascock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Lampasas, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mitchell, Motley, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. Accomack, Alleghany, Amelia, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Caroline, Carroll, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Dickenson, Dinwiddie, Essex, Fairfax, Fluvanna, Franklin, Frederick, Giles, Gloucester, Greene, Greensville, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Loudoun, Louisa, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Pittsylvania, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, Wise, Wythe, and York Counties; City of Hampton, and City of Newport News;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico. The entire area;

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Escambia County in Alabama; Ashley, Lee, and Pulaski Counties in Arkansas; San Luis Obispo and Ventura Counties in California; Rock Island and Wayne Counties in Illinois; Carroll, Clinton, O'Brien, Osceola, Palo Alto, Scott, and Wapello Counties in Iowa; Clark, Gray, Greeley, Harper, Haskell, Kearny, Leavenworth, and Marshall Counties in Kansas; Carroll, Grant, Kenton, and Magoffin Counties in Kentucky; St. Helena Parish in Louisiana; Tallahatchie County in Mississippi; Camden, Cedar, Howard, and Scotland Counties in Missouri; Hitchcock County in Nebraska; Sargent County in North Dakota; Delaware, Franklin, Licking, and Perry Counties in Ohio; Choctaw and Cimarron Counties in Oklahoma; Miner County in South Dakota; Baylor, Brown, Concho, Cottle, El Paso, Fisher, King, Martin, Nolan, and Taylor Counties in Texas; and Frederick County in Virginia.

The amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Gibson County in Indiana; Franklin Parish in Louisiana; Lawrence County in Missouri; and Hocking County in Ohio.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July, 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61–7112; Filed, July 27, 1961; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation No. ER–335]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT NOTICE MILITARY CONTRACTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July 1961.

On February 21, 1961, the Board issued a Notice of Proposed Rule Making, Docket 12148, EDR–24 (26 F.R. 1731), proposing a new Part 288 of the Board's Economic Regulations which would exempt air carriers, subject to certain conditions, limitations, and requirements from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958, and certain Board regulations to enable such air carriers to perform services for the military establishment called for on notice too short to permit application to the Board for individual authorization. After consideration of all relevant matter presented by interested persons, the Board has decided to adopt the regulation as published in the Notice, except for clarifying the geographical applicability of the part and certain minor changes. In the Notice there was no provision defining the geographical limitations of the part, although experience indicates that MATS short notice military charters involve only operations conducted in foreign, or overseas air transportation, and between the 48 contiguous States on the one hand and the States of Alaska and Hawaii on the other hand. In order to leave no doubt as to the geographical applicability of this part we have added the geographical limitations to the definition of "short notice" MATS charter service.

The Department of Defense advises that to assure efficient fulfillment of its transportation needs it requires access to all air carriers operating large aircraft which are parties to CRAF standby contracts, and the Board therefore finds that the public interest requires conferment of operating authority on all such air carriers to perform short notice charter services for the Military Air Transport Service, (MATS). The exemption authority herein granted merely takes the place of the individual exemptions which the Board has been granting for these types of services for the military establishment but which are creating problems because of the short notice involved. These transportation services are affected by unusual circumstances in that they are required on short notice. Further, authorization of such services is confined to emergency situations and even there is keyed to individual charter flights, or groups of such flights, for the military within a short period. These circumstances make it impossible for the carriers to obtain certificate authority for, or to file tariffs covering, such services beforehand. Enforcement of sections 401 and 403 of the Act would therefore make such operations impossible, would thus constitute an undue burden on the carriers because of both the limited extent of, and the unusual circumstances affecting their operations, and would stand in the way of the development of an air transportation system properly adapted to the needs of the national defense (section 102(a) of the Act).

Since this regulation does not impose a burden or restriction on any person and since it will relieve the continuing burden on the air carriers and the Board of making and processing individual applications for the operations encompassed therein, the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

Accordingly, the Board hereby adopts a new Part 288 effective July 28, 1961, to read as follows:

Subpart A—General

Sec.
288.1 Definitions.
288.2 Applicability.

Subpart B—Exemption, Conditions, and Requirements

288.5 Exemption.
288.6 Scope of exemption.
288.7 Reasonable level of compensation.
288.8 Filing of reports.

Subpart C—Enforcement

288.15 Violations.

Subpart D—Duration

288.18 Expiration.

AUTHORITY: §§ 288.1 to 288.18 issued under secs. 204(a), 407 and 416 of Federal Aviation Act of 1958; 72 Stat. 743, 766, 771; 49 U.S.C. 1324, 1377, 1386.

Subpart A—General

§ 288.1 Definitions.

As used in this part,

Act means the Federal Aviation Act of 1958, as amended.

Air carrier means a citizen of the United States holding economic operating authority to engage in air transportation as a direct air carrier with large aircraft, other than the authority conferred by this Part.

Large aircraft means an aircraft of more than 12,500 lbs. certificated maximum take-off weight.

MATS means the Military Air Transport Service.

Short notice MATS charter service means foreign and overseas air transportation, and air transportation between the 48 contiguous states on the one hand and the states of Hawaii or Alaska on the other hand in planeload lots of persons and/or property pursuant to civil augmentation contracts with MATS whereunder the first flight under an award occurs not more than three weeks after the date established by MATS for the submission of proposals by the air carriers and all flights are to be performed within 30 days of the first flight: *Provided*, That MATS traffic only is carried on such flights.

All terms defined in the Act and not otherwise defined in this part are used in the sense of their statutory definitions.

§ 288.2 Applicability.

This part applies to short notice MATS charter service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft which are parties to CRAF standby contracts: *Provided*, That the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

Subpart B—Exemption, Conditions and Requirements

§ 288.5 Exemption.

Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which are parties to CRAF standby contracts are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's Economic Regulations:

Section 401(a) of the Act;
Section 403 of the Act;
Part 202 of the Regulations;
Part 207 of the Regulations;
Part 221 of the Regulations.

§ 288.6 Scope of exemption.

The exemptions granted in § 288.5 of this part extend only to transportation of persons and/or property under agreements for short notice MATS charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by thisc Part that the level of compensation for transportation provided for short notice MATS charter service shall not be uneconomically low. In the absence of specific Board approval, the compensation for such service shall not be less than the following:

(a) *Minimum charges.*

(1) For round-trip passenger services—2.9 cents per passenger-mile.

(2) For round-trip cargo services—13.75 cents per cargo ton-mile.

(3) For one-way passenger services—4.2 cents per passenger-mile.

(4) For one-way cargo services—22.5 cents per cargo ton-mile.

Provided, That a minimum of 16.5 cents per cargo ton-mile shall apply to segments of round-trips on which cargo is carried, in cases where passengers are carried on one or more other segments of the round-trip.

(b) *Minimum utilization of aircraft.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads.

Aircraft type	Number of passengers	Tons of cargo for convertible aircraft	Tons of cargo for all-cargo aircraft
DC-6A	83	9	13
DC-6C	83	9	13
DC-7C	95	15	18
DC-7CF	95	15	18
L-1049H	95	15	18

(c) *Round-trip services defined.* For the purposes of this section, round-trip services are those services where passengers or cargo are transported on two or more successive revenue flights under contract to MATS, and where the last such revenue flight terminates at the point of origin of the first such revenue flight, and the scheduling permits departures within four hours of arrival from each point on route except at one point where the aircraft may be scheduled for departure within 72 hours of arrival. If the trip otherwise meets the requirements of this definition, it shall be deemed a round-trip although passengers are carried on one or more segments thereof, and cargo on one or more other segments.

(d) *Passenger-miles and cargo ton-miles defined.* For the purpose of this section, passenger-miles and cargo ton-miles shall be based on the airport-to-airport statute miles from the point of origin of the revenue flight to the point of destination of the revenue flight computed via each intermediate stop.

NOTE: In cases where aircraft types not listed in paragraph (b) of this section are used, or the compensation provisions otherwise do not fall within the scope of this section, the exemptions of this part do not apply and individual applications for operating authority must be filed with the Board as provided in § 288.9, infra.

§ 288.8 Filing of reports.

(a) *Contents of reports.* Within 10 days of the last flight under each award performed pursuant to authorization granted by this part, air carriers shall file with the Board reports covering such operations and containing the following information:

(1) A true copy of the award;

(2) Number of trips, and date each trip originated;

(3) Origin point, intermediate points (operational and traffic), and destination point of each trip;

(4) Type of aircraft used for each trip;

(5) Aircraft miles (statute) flown on each trip;

(6) Number of passengers and/or tons of cargo carried on each segment of each trip; and

(7) Contract price per passenger and/or ton of cargo.

(b) *Filing.* Three copies of the reports shall be filed with the Office of Carrier Accounts and Statistics of the Board.

§ 288.9 Applications for other relief.

Air carriers may make timely applications for authority to engage in air transportation for the military establishment not covered by this part, including relief from any limitation or requirement imposed by this part. Such applications shall be governed by the provisions contained in Part 302, Subparts A and D of this chapter.

Subpart C—Enforcement

§ 288.15 Violations.

Operations by any carrier for the military establishment which are not within the scope of such carrier's basic authority or of this part or of other authority granted by the Board prior to the time such operations are undertaken, or noncompliance with any applicable requirements, conditions or limitations in this part constitute violations of the Federal Aviation Act of 1958 and will render the offending air carrier subject to imposition of lawful sanction, including in proper cases criminal prosecution under section 902(a) of the Act.

Subpart D—Duration

§ 288.18 Expiration.

(a) This part shall expire June 30, 1962, unless rescinded by the Board at an earlier date. The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(b) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-7108; Filed, July 27, 1961; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8253 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Monumental Engineering, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.35 *Condition of goods;* § 13.130 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Monumental Engineering Inc. (Glen Burnie, Md.), et al., Docket 8253, June 13, 1961]

In the Matter of Monumental Engineering Inc., a Corporation, and Richard A. Brown, Thomas A. Brown, and James D. Brown, Individually and as Officers of Said Corporation, and Monumental Homes Corporation, a Corporation

Consent order requiring two associated concerns in Glen Burnie, Md., and Norfolk, Va., engaged in selling prefabricated shell houses consisting only of foundation, exterior walls, roof, and studs for interior partitions, to cease representing falsely in newspaper advertising and in illustrated promotional literature that their said homes were finished and inhabitable by purchasers.

The order to cease and desist is as follows:

It is ordered, That respondents Monumental Engineering, Inc., a corporation, and its officers, and Richard A. Brown, Thomas A. Brown and James D. Brown, individually and as officers of said Monumental Engineering, Inc., and Monumental Homes Corporation, a corporation, and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of houses or other buildings or structures in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly, that said products are constructed, finished or completed to any degree or extent greater than is the fact or include any parts or components not actually included therein.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7083; Filed, July 27, 1961; 8:47 a.m.]

[Docket 7641 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Smith Grain Co., Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers;* § 13.822 *Lowered price to buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Smith Grain Company, Inc. (Limestone, Tenn.), et al., Docket 7641, June 8, 1961]

In the Matter of Smith Grain Company, Inc., a Corporation; Alexander-Smith, Inc., a Corporation; Heard-Kinard-Smith, Inc., a Corporation, and William F. Smith, Individually and as President and Treasurer of Both Smith Grain Company, Inc., and Alexander-Smith, Inc., and Individually and as President of Heard-Kinard-Smith, Inc.; and James J. Smith, Individually and as Vice President and Secretary of Smith Grain Company, Inc.

Consent order requiring wholesale distributors of a variety of products including grain, animal feed ingredients, citrus fruit products, sugar, and phosphate, with office in Limestone, Tenn., to cease violating section 2(c) of the Clayton Act, by such practices as accepting illegal allowances on direct purchases of citrus fruit products from Southern Fruit Distributors, Inc., of Orlando, Fla., on which they received "trade discounts" or price reductions in lieu of brokerage of 2% to 3% or more and totaling over $8,000; and requiring said wholesalers and their two controlled corporate brokers in Tampa, Fla., and Atlanta, Ga., respectively, to cease receiving from sellers commissions on transactions where said brokers were acting for the buyer respondents.

The order to cease and desist is as follows:

It is ordered, That respondents, Smith Grain Company, Inc., a corporation, and its officers, agents, representatives and employees, and William F. Smith and James J. Smith, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase or sale of any products or commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with the purchase of any product or commodities for their own account, or on purchases where the broker respondents, Alexander-Smith, Inc., or Heard-Kinard-Sales Company, Inc. (the name to which corporate respondent Heard-Kinard-Smith, Inc., has been changed by charter amendment); or any other brokerage concern, are the agents, representatives or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of the buyer respondents.

It is further ordered, That respondents Alexander-Smith, Inc., a corporation, and Heard-Kinard Sales Company, Inc., a corporation (the name to which corporate respondent Heard-Kinard-Smith, Inc., has been changed by charter amendment), and their officers, agents, representatives and employees, directly or through any corporate or other device; and William F. Smith, individually and as an officer of Alexander-Smith, Inc., and James J. Smith, individually, in connection with the purchase or sale of any products or commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of any products or commodities for their own account, or by or for the account of Smith Grain Company, Inc., so long as any relationship exists, either through ownership or control, between Smith Grain Company, Inc., or William F. Smith, or James J. Smith, as buyers; and Alexander-Smith, Inc., or Heard-Kinard Sales Company, Inc. (the name to which corporate respondent Heard-Kinard-Smith, Inc., has been changed by charter amendment), or William F. Smith or James J. Smith, as brokers; or receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of any products or any commodities made by any other buyer where the respondents

are the agents, representatives or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of such buyer.

It is further ordered, That the complaint be, and it hereby is, dismissed as to William F. Smith as President of Heard-Kinard-Smith, Inc. (now known as Heard-Kinard Sales Company, Inc.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That all of the respondents herein, except William F. Smith as President of Heard-Kinard-Smith, Inc. (now known as Heard-Kinard Sales Company, Inc.), shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7084; Filed, July 27, 1961; 8:47 a.m.]

[Docket 8314 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Valmeline Imports, Ltd., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition: § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Valmeline Imports, Ltd., et al., New York, N.Y., Docket 8314, June 13, 1961]

In the Matter of Valmeline Imports, Ltd., a Corporation, and Walter Bauer, Curt Speer, Eugene J. Nelkens, and Werner Galleski, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease violating the Wool Products Labeling Act by tagging as "1 side 100 percent Wool", ladies' and men's reversible coats which contained substantially less wool than was thus represented; and by failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Valmeline Imports, Ltd., a corporation, and its officers, and Walter Bauer, Curt Speer, Eugene J. Nelkens and Werner Galleski, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939, of woolen coats or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7085; Filed, July 27, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55436]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 6—AIR COMMERCE REGULATIONS

Correction of Manifest

Customs Form 5931, Report of Discrepancies in Inward Foreign Manifest as Shown by Discharging Inspectors' Return, has been revised to consolidate therein the information presently completed on customs Form 3249, Certificate of Master or Agent of Vessel as to Cargo Short Shipped, etc., and customs Form 3257, Post Entry. Consequently, customs Forms 3249 and 3257 are abolished. To effect the consolidation of the forms involved and the resulting simplification made possible thereby, the Customs Regulations are hereby amended as follows:

1. Section 4.12 is amended to read:

§ 4.12 Correction of manifest.

(a) Collectors of customs shall notify masters or agents of vessels of overages or shortages of merchandise on customs Form 5931. The discrepancies shall be resolved promptly by the master or agent and the customs Form 5931 shall be returned to the collector with the completion thereon of a shortage certificate,[25] a post entry,[24] or other suitable explanation of the corrective action taken (see § 4.34). Unless the collector is satisfied that the discrepancies were the result of clerical error or other mistake and that there has been no loss to the revenue, applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed, and the facts shall be reported to the collector for the port where the vessel's bond was filed for any necessary action against the bond. For the purpose of assessing such penalties, the value of the merchandise shall be computed as prescribed in § 23.12 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(b) A correction in the manifest shall not be required in the case of bulk merchandise if the collector is satisfied that the difference between the manifested quantity and the quantity unladen, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of lading, or other similar reason. A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantity and description of the merchandise in such packages are correctly given.

(Secs. 440, 584, 46 Stat. 712, as amended, 748, as amended; 19 U.S.C. 1440, 1584)

(R.S. 161, as amended, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 3)

§ 6.7 [Amendment]

2. Because of the consolidation of customs Forms 3249 and 3257 with customs Form 5931, it is necessary to amend § 6.7(h) of the Customs Regulations.

Accordingly, in order to prescribe the acceptable, appropriate use of customs Form 5931 in connection with inward cargo manifests for aircraft, and to delete the references to the abolished customs Forms 3249 and 3257, § 6.7(h) is amended to read as follows:

(h) The provisions of section 440[26] and 584,[25] Tariff Act of 1930, as amended, relate respectively to post entry for correction of and to penalties for falsity or lack of a manifest. Those provisions are applicable to aircraft arriving from a place outside the United States with merchandise and unaccompanied baggage. An incorrect cargo manifest shall be corrected promptly. Post entry to add to a manifest any merchandise or unaccompanied baggage omitted from or which does not agree with the manifest may be made by the airline on a separate copy of the cargo manifest form marked or stamped "Post Entry." If not made on such a copy, a post entry shall be prepared by the airline on customs Form 5931, appropriately modified including deletion of the application to make post entry. A post entry shall be signed by the aircraft commander or an authorized person. Correction of a manifest to delete merchandise and unaccompanied baggage not on board the aircraft at the time of arrival may be made by submission of a separate copy of the cargo manifest form listing the merchandise and unaccompanied baggage not found, together with the reasons for the shortage. If not made on such a copy, an appropriately modified Form 5931 shall be used by the airline to make such corrections. The copy of the cargo manifest form or modified Form 5931 shall bear a signed declaration of the aircraft commander or an authorized person reading, "I declare to the best of my knowledge and belief that the shortage of merchandise described herein was not landed at this port for the reasons stated."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

In order to insure availability of revised customs Form 5931, U.S. Customs Discrepancy Report, the amendments set forth above shall be effective 90 days from date of publication in the FEDERAL REGISTER.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

Approved: July 20, 1961.

A. GILMORE FLUES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 61-7100; Filed, July 27, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Duty Periods

In § 3.6(c), subparagraph (3) is amended to read as follows:

§ 3.6 Duty periods.

* * * * * * *

(c) *"Active duty for training.* * * *

(3) Full-time duty performed by members of the National Guard or Air National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law (where entitlement to disability benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959); or full-time duty by such members while participating in the reenactment of the Battle of First Manassas in July 1961; and

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 28, 1961.

[SEAL] W. J. DRIVER, *Deputy Administrator.*

[F.R. Doc. 61-7099; Filed, July 27, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Lima Beans; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of June 15, 1961 (26 F.R. 5369) with regard to the addition of trace amounts of specified calcium salts to lima beans. Accordingly, the amendment promulgated by that order will become effective August 14, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 21, 1961.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-7093; Filed, July 27, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Sodium o-Phenylphenate

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues from postharvest use of sodium o-phenylphenate, expressed as o-phenylphenol in or on cherries at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.129; 26 F.R. 5004) are amended by adding cherries to the list of raw agricultural commodities for which tolerances have been established. As amended, the item beginning "5 parts per million" is changed to read as follows:

§ 120.129 Tolerances for residues of sodium o-phenylphenate.

* * * * * * *

5 parts per million in or on cherries, nectarines.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 21, 1961.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-7094; Filed, July 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COLLOIDAL SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Cabot Corporation, 125 High Street, Boston 10, Massachusetts, and other relevant material, has concluded that the following regulation should issue with respect to the food additive colloidal silicon dioxide. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act

(sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1058 Colloidal silicon dioxide.

The food additive colloidal silicon dioxide may be safely used in the foods specified in this section in accordance with the following prescribed conditions:

(a) The food additive is manufactured by vapor phase hydrolysis whereby the additive is produced in particles less than one micron in size.

(b) It is used or intended for use as the sole anticaking agent in salt, seasoned salt, and sodium bicarbonate whereby the maximum amount added does not exceed 1 percent by weight.

(c) To assure safe use, the label of the additive shall bear, in addition to the other information required by the act:

(1) The name of the additive, colloidal silicon dioxide.

(2) Adequate directions for use to insure a final product that complies with the limitation prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 21, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7095; Filed, July 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-BUTANE-1 COPOLYMER

Correction

In F.R. Doc. 61-6935, appearing at page 6620 of the issue for Tuesday, July 25, 1961, the word "refluing" in § 121.2508(d)(3)(i) should read "refluxing".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE

Notice of Proposed Rule Making

Provisions relating to permission for foreign aircraft to proceed from the airport of first arrival to one or more airports in the United States do not specifically indicate the requirements for aircraft of foreign origin registered in the United States. It is necessary to include such requirements for arrivals of aircraft of foreign origin registered in the United States on which duty has at one time been paid and which are subsequently used in international traffic and for arrivals of such aircraft on which duty has not been paid.

Notice is hereby given that, pursuant to the authority contained in section 161, as amended, and 251 of the Revised Statutes, sections 322 and 624 of the Tariff Act of 1930, as amended, and section 1109 of the Federal Aviation Act of 1958 (5 U.S.C. 22, 19 U.S.C. 66, 1322 and 1624, and 49 U.S.C. 1509), it is proposed to amend §§ 6.2(d)(3) and 6.3(b), Customs Regulations (19 CFR 6.2(d)(3), 6.3(b)), to provide for such requirements.

The terms of the proposed amendment in tentative form, are as follows:

Section 6.2(d)(3) is amended to read as follows:

(3) Civil aircraft of domestic origin registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established. Civil aircraft of foreign origin registered in the United States and arriving from a foreign country in international traffic shall be subject to the following provisions:

(i) If such aircraft has been entered as an imported article and duty has been paid on a previous arrival, it may be permitted to proceed otherwise than as an imported article upon a declaration by the aircraft commander identifying the port, date, and number of the duty-paid entry filed upon such previous arrival.

(ii) If such aircraft has not been entered as an imported article subject to duty, in addition to any other documents required in connection with a flight in continuation of the international traffic, it shall proceed under a permit on customs Form 4449 which shall specifically identify the aircraft number, country of manufacture, name of the manufacturer, flight number, port, and date of arrival for the flight on which it arrived in the United States, and action shall be taken thereon as specified in subparagraphs (1) and (2) of this paragraph. It shall proceed without being treated as an imported article only if it is in continuous use solely in international traffic or use incidental thereto and will depart from the United States to a destination outside thereof in international traffic or in ballast. If such aircraft which has not been entered as an imported article is withdrawn from international traffic or diverted in the United States to a use other than international traffic or use incidental thereto, it shall be subject to entry as an imported article and dutiable at the rate in effect at the time of withdrawal or diversion.[1]

The following citation of authority for § 6.2 is added:

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

Section 6.3(b) is amended by changing the footnote reference "1" in the first sentence to "1a".

Part 6 is amended by redesignating footnote "1" as "1a" and by adding a new footnote 1 reading as follows:

[1] The Bureau of Customs made the following ruling on the status of foreign aircraft wrecked while engaged in international traffic: "If the accident results in substantial demolition of the aircraft, no entry is required and no duty accrues with respect to any portion of the wreckage. If the accident does not result in substantial demolition of the aircraft, and all salvageable portions and parts of the wrecked aircraft are exported, the aircraft is not considered to have been withdrawn from international traffic so as to subject the aircraft as a whole or any portion or part thereof to regular customs entry and duty as imported merchandise. However, if the accident does not result in substantial demolition of the aircraft and the wrecked aircraft or any salvageable portion or part thereof is not exported, an entry is required for the retained damaged aircraft, or salvageable portion or part, as the case may be, and duties will be assessed thereon in accordance with its condition immediately after the casualty." T.D. 55063(1), March 4, 1960.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 20, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7101; Filed, July 27, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-255 A1]

IRISH POTATOES GROWN IN MAINE

Notice of Hearing With Respect to Amendments to Marketing Agreement Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate Marketing Agreements and Marketing Orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Northeastland Hotel, Presque Isle, Maine, beginning at 9:30 a.m., e.d.t., August 4, 1961, with respect to proposed amendments to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish Potatoes grown in the State of Maine. The proposed amendments have not received the approval of the Secretary of Agriculture.

The Maine Potato Administrative Committee has proposed the amendments to said marketing agreement and order and has requested a hearing thereon. The proposed amendment contemplates the addition of labeling, container, and maturity regulating authority, modification of authority to consider special market outlets; a revision of certain operating procedures as well as a revision of certain "definitions," and other incidental revisions all of which are designed to provide flexibility of operation, in accordance with current industry needs.

The public hearing is for the purpose of receiving evidence with respect to the provisions of the proposed amendments.

The proposed amendments to Marketing Order No. 70, are as set forth below.

1. Amend § 970.7 *Ship or handle* to read as follows:

§ 970.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area and any one or more points outside thereof.

2. Amend § 970.11 *Marketing committee* to read as follows:

§ 970.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to §§ 970.25 to 970.27, inclusive.

3. Delete § 970.12 *Administrative committee.*

4. Renumber §§ 970.13 *Fiscal period,* 970.14 *Varieties,* 970.15 *Seed potatoes,*

970.16 *Tablestock potatoes*, 970.18 *Export*, and 970.19 *District;* to 970.12 *Fiscal period*, 970.13 *Varieties*, 970.14 *Seed potatoes*, 970.15 *Tablestock potatoes*, 970.17 *Export*, and 970.18 *District*, and amend and renumber § 970.17 *Pack* to read as follows:

§ 970.16 Pack.

"Pack" means a quantity of potatoes specified by weight, grade, size, or numerical limits, or by type of container, or any combination of these, recommended by the committee and approved by the Secretary.

5. Add §§ 970.19, 970.20, and 970.21 to read as follows:

§ 970.19 Container.

"Container" means a sack, bag, crate, box, basket, barrel, or bulk load, or any other unit used in packaging, transportation, or sale of potatoes.

§ 970.20 Label.

"Label" means to mark, brand, or otherwise designate on containers the grade, or size, or both of potatoes therein.

§ 970.21 Maturity.

"Maturity" means the stage of development or condition of the outer skin (epidermis) of the potato determined according to skinning classifications defined by the United States Standards for Potatoes (§§ 51.1540 to 51.1559, inclusive of this title).

6. Delete §§ 970.22, 970.23, 970.24, and amend § 970.25 to read as follows:

§ 970.25 Establishment and membership.

(a) The Maine Potato Marketing Committee, consisting of 20 members, 15 of whom shall be producers and 5 shall be handlers, is hereby established.

7. Amend § 970.31 *Nominations* paragraph (c) to read as follows:

§ 970.31 Nominations.

* * * * *

(c) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee and eligible voters may ballot to indicate the ranking of their choice for each nominee.

* * * * *

8. Amend § 970.39 *Duties* to read as follows:

§ 970.39 Duties.

It shall be the duty of the committee:

(a) To meet prior to the beginning of the marketing season each year, to organize, to select from among its membership a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable.

(b) To prepare a marketing policy;

(c) To recommend marketing regulations to the Secretary;

(d) To recommend rules and procedures for, and to make determinations in connection with, issuance of Certificates of Privilege or exemptions, or both;

(e) To establish a subcommittee or subcommittees with assigned duties, which may include committee duties except recommending marketing order regulations.

(f) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies, and to cooperate, and exchange information, in connection with all proper activities and objectives of such committee under this part.

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To furnish to the Secretary such available information as he may request;

(i) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(j) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, as may be necessary for administration of this part;

(k) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(l) To make available to producers and handlers committee voting records on recommended regulations and on other matters of policy;

(m) At the beginning of each fiscal period, and as may be requested by the Secretary, to prepare a budget of its expenses and a proposed rate or rates of assessment for such fiscal period;

(n) To cause the books of the committee to be audited by a competent accountant at least once each year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(o) To investigate an applicant's claim for exemption under § 970.70.

9. Amend § 970.47 *Refunds* to read as follows:

§ 970.47 Refunds.

At the end of each fiscal period, if assessments collected are in excess of expenditures incurred such excess shall be accounted for as follows:

(a) Except as provided in subparagraphs (b) and (c) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(b) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal periods an operating monetary reserve in an amount not to exceed approximately one fiscal period's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for any purposes authorized pursuant to this part.

(c) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

10. Amend § 970.50 *Marketing policy*, to read as follows:

§ 970.50 Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on potato supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to potato supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Estimates of supplies of competing commodities;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

11. Amend § 970.51 *Recommendation for regulations* to read as follows:

§ 970.51 Recommendations for regulations.

Upon complying with the requirements of § 970.50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

12. Amend § 970.52 *Issuance of grade, size, and quality regulations* to read as follows:

§ 970.52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs, or any combination thereof, of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(2) Limit the handling of particular grades, sizes, or qualities, of potatoes differently, for different varieties, for tablestock and for seed, for different portions of the production area, for different markets, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes;

(4) Require that containers for potatoes handled hereunder shall be labeled to show the official grade, or size, or both, thereof; or

(5) Limit the handling of potatoes when parity prices have been established, by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes.

12a. Amend § 970.53(h) to read as follows:

(h) For other purposes which may be specified, including chipping.

13. Amend § 970.65 *Inspection* to read as follows:

§ 970.65 Inspection and certification.

(a) During any period in which shipments of potatoes are regulated pursuant to §§ 970.45, 970.52, or 970.53, or any combination thereof, or during any period recommended by the committee and approved by the Secretary, no handler shall ship potatoes unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 970.53 or § 970.54, or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship potatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each shipment of such potatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of potatoes by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(f) Upon recommendation of the committee, and approval of the Secretary, all potatoes inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the container by the handler under the direction and supervision of the Federal, or Federal-State Inspection Service, or the committee. Master containers may bear the identification instead of the individual container within said master container.

14. Amend § 970.80 *Reports* to read as follows:

§ 970.80 Reports.

Upon request of the committee, made with the approval of the Secretary, handlers shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Where necessary for determining compliance with regulations, the committee may request reports from individual handlers with respect to specific sales, transportation, or other handling of potatoes.

(a) Such reports may include, but are not necessarily limited to the following: (1) the volume of potatoes handled by a handler; (2) the quantities of potatoes disposed of by a handler segregated as to respective quantities subject to particular regulations and not subject to regulations; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificate relating to the potatoes handled pursuant to § 970.52 or 970.53.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employee thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received, and of potatoes disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

15. Such other matters as may be necessary in considering the above and as may be necessary to conform other sections of the marketing agreement and order to proposed amendments.

Copies of this notice may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or may be there inspected.

Dated: July 24, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7043; Filed, July 27, 1961; 8:45 a.m.]

Agricultural Research Service

[7 CFR Part 319]

IMPORTATION OF PINE MATERIAL FROM CANADA

Foreign Quarantine Notice

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Director of the Plant Quarantine Division, pursuant to sections 1, 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 160, 162), is considering the issuance of administrative instructions to be designated as § 319.37-24a, to read as follows:

§ 319.37-24a Administrative instructions concerning importation of certain pine material from Canada.

(a) In accordance with § 319.37-24 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37-24), the Director of the Plant Quarantine Division has determined that the States of Idaho, Montana, Oregon, Utah, and Washington have taken action to suppress the European pine shoot moth, Rhyacionia buoliana Schiff, and have promulgated quarantines providing that trees with or without roots, and tree twigs or branches, of all Pinus species, native or introduced, shall not be moved from specified areas in the United States into the States of Montana, Oregon, Utah, and Washington, and shall not be moved from specified areas in the United States into the State of Idaho unless accompanied by a certificate issued by a duly authorized inspector of the state of origin stating that the material has been so treated as to eliminate European pine shoot moth infestation. It has also been determined that the European pine shoot moth is established in Canada and that this pest may be imported with such trees, twigs, and branches. There is at the present time no known treatment that will completely eliminate European pine shoot moth infestation without probable injury to pine material. Further, the States of Idaho, Montana, Oregon, Utah, and Washington have requested that the United States Department of Agriculture cooperate in the enforcement of their quarantines by restricting the importation from Canada of such pine material.

(b) Pending the development of a treatment that will satisfactorily eliminate European pine shoot moth infestation from pine material, and under authority of § 319.37–24, notice is hereby given that import permits will be refused for trees with or without roots, and tree twigs or branches, of all Pinus species heretofore allowed importation from Canada, when destined for importation into the States of Idaho, Montana, Oregon, Utah, and Washington.

(Secs. 1, 5, 7, 9, 37 Stat. 315–318, as amended; 7 U.S.C. 154, 159, 160, 162; 7 CFR 319.37–24)

The purpose of these proposed administrative instructions is to cooperate with the States of Idaho, Montana, Oregon, Utah, and Washington by denying the entry into these States of certain pine material from Canada. This is in furtherance of action already taken by these States to suppress the European pine shoot moth.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of July 1961.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 61–7113; Filed, July 27, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

STATEMENT OF ORGANIZATION AND FUNCTIONS

Description of Central and Field Agencies

Section 1 of the Statement of Organization and Functions, Department of the Army, are revised to read as follows:

SECTION 1. *Description of central and field agencies.*

(a) *General*—(1) *Scope.* This section sets forth the organization and functions of the Department of the Army, and the general responsibilities of the heads and commanding generals of its major elements.

(2) *Definitions.* (i) "Department of the Army" means the executive part of the department, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. (Section 101(5), title 10, United States Code.)

(ii) "Headquarters, Department of the Army" means the executive part of the Department of the Army at the seat of government. It exercises directive and supervisory functions over the Department of the Army. It is not restricted to agencies and personnel located in the District of Columbia, but includes dispersed agencies and personnel performing "national headquarters" functions, as distinguished from "field" or "local" functions.

(iii) "Army field commands" means all of the Department of the Army exclusive of that part defined as Headquarters, Department of the Army by subdivision (ii) of this subparagraph. Army field commands includes all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the Army.

(3) *Objective.* The objective of the Army is set forth in section 3062 (a) and (b), title 10, United States Code, which states:

(a) It is the intent of the Congress to provide an Army that is capable, in conjunction with the other armed forces, of

(1) preserving the peace and security and providing for the defense, of the United States, the Territories, Commonwealths, and possession, and any areas occupied by the United States;

(2) supporting the national policies;

(3) implementing the national objectives; and

(4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) In general, the Army, within the Department of the Army, includes land combat and service forces and such aviation and water transport as may be organic therein. It shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations on land. It is responsible for the preparation of land forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Army to meet the needs of war.

(b) *Headquarters, Department of the Army*—(1) *Office of the Secretary of the Army.* The Office of the Secretary of the Army is composed of the Secretary, Under Secretary, three Assistant Secretaries, the General Counsel, the Chief of Legislative Liaison, the Chief of Public Information, the Administrative Assistant, and such staff as may be required.

(2) *Secretary of the Army.* The powers and duties of the Secretary of the Army are set forth in section 3012 (b), (c), (d), (e), (f), and (g), title 10, United States Code, which states:

(b) The Secretary is responsible for and has the authority necessary to conduct all affairs of the Department of the Army, including:

(1) functions necessary or appropriate for the training, operations, administration, logistical support and maintenance, welfare, preparedness, and effectiveness of the Army, including research and development; and

(2) such other activities as may be prescribed by the President or the Secretary of Defense as authorized by law. He shall perform such other duties relating to Army affairs, and conduct the business of the Department in such manner, as the President or the Secretary of Defense may prescribe.

(c) The Secretary may assign such of his duties as he considers appropriate to the Under Secretary of the Army and to the Assistant Secretaries of the Army. Officers of the Army shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or an Assistant Secretary.

(d) The Secretary or, as he may prescribe, the Under Secretary or an Assistant Secretary shall supervise all matters relating to:

(1) the procurement activities of the Department of the Army; and

(2) planning for the mobilization of materials and industrial organizations essential to the wartime needs of the Army.

(e) The Secretary, as he considers appropriate, may assign, detail, and prescribe the duties of members of the Army and civilian personnel of the Department of the Army.

(f) The Secretary may change the title of any other officer, or of any activity, of the Department of the Army.

(g) The Secretary may prescribe regulations to carry out his functions, powers, and duties under this title.

(3) *Authority of the Under and Assistant Secretaries and the General Counsel.* Subject to the direction and control of the Secretary of the Army, the Under Secretary of the Army, the Assistant Secretaries of the Army, and the General Counsel are authorized and directed to act for the Secretary of the Army within their respective fields of responsibility as set forth in Department of the Army General Orders 10, 1961, and restated herein, and as further directed by the Secretary. This authority extends not only to actions within the Department of the Army but also to relationships and transactions with the Congress and other governmental and nongovernmental organizations and individuals. The principal duties of these officials include the establishment of objectives, the evaluation of methods, and the appraisal of performance in their respective areas; and the exercise of direction and supervision over all matters pertaining to the formulation, execution, and review of Army policies, plans, and programs as hereafter defined.

(4) *Under Secretary of the Army.* The Under Secretary of the Army acts as deputy to the Secretary of the Army, and is his principal civilian assistant. His responsibilities embrace the following:

(i) Manpower and personnel to include reserve components and ROTC.

(ii) Stationing of units and activities.

(iii) Disciplinary barracks and custody of military prisoners.

(iv) Security matters other than physical security of industrial plants.

(v) Health, morale, safety, and welfare matters.

(vi) Military history.

(vii) Continental defense, continuity of Government operations, and Army participation in Federal civil defense program.

(viii) Canal Zone Government and Panama Canal Company affairs.

(ix) Matters pertaining to the National Board for the Promotion of Rifle Practice.

(x) Matters pertaining to the U.S. Soldiers' Home.

(xi) International monetary and security matters, National Security Council, and intelligence.

(xii) Staff support of the Army Policy Council, and of secretarial participation in the Armed Forces Policy Council, and the joint secretaries.

(5) *Assistant Secretary of the Army (Financial Management).* The responsibilities of the Assistant Secretary of the Army (Financial Management) embrace the following:

(i) Budgeting and funding.

(ii) Development and evaluation of accounting systems, auditing, financial assistance to private contractors, and other financial activities.

(iii) Management engineering policy and programs, and automatic data processing systems for business type application.

(iv) Claims, reports of survey, and matters pertaining to loss of funds.

(v) Civil functions of the Department of the Army.

(vi) Civil aviation affairs.

(6) *Assistant Secretary of the Army (Installations and Logistics).* The responsibilities of the Assistant Secretary of the Army (Installations and Logistics) embrace the following:

(i) Procurement and production including procurement policy. Procure-

ment policy which affects research and development will be coordinated with the Assistant Secretary of the Army (Research and Development); application of such policy to research, development, test, and evaluation (RDTE) procurement will be the responsibility of the Assistant Secretary of the Army (Research and Development).

(ii) Logistical single manager activities and materiel management including storage, distribution, maintenance, and disposition.

(iii) Communications, medical, transportation, and other service activities of the technical services.

(iv) Materiel and materials requirements and industrial mobilization.

(v) Military Assistance Program (exclusive of financial management).

(vi) Industrial labor relations.

(vii) Construction, subject to coordination with the Assistant Secretary of the Army (Research and Development) for all RDTE aspects.

(viii) Command, industrial and civil real property.

(ix) Management and engineering at industrial facilities and logistical installations.

(x) Physical security of industrial facilities.

(xi) Alaska Communications System.

(xii) Housing and public quarters.

(7) *Assistant Secretary of the Army (Research and Development).* The responsibilities of the Assistant Secretary of the Army (Research and Development) embrace the following:

(i) Research, development, test, and evaluation.

(ii) RDTE procurement including the application of procurement policy thereto.

(iii) Coordination of RDTE matters with the Department of Defense, Department of Navy, Department of Air Force, and other agencies outside of the Department of Defense.

(iv) Monitorship of RDTE budget and funding programs, to include development, execution, review, and analysis.

(v) Coordination with the Assistant Secretary of the Army (Installations and Logistics) on RDTE aspects of construction.

(8) *The General Counsel.* The General Counsel is directly responsible to the Secretary of the Army. He serves as civilian legal adviser to the Secretary. In addition, he provides legal advice and assistance to the Under Secretary of the Army and the Assistant Secretaries of the Army.

(9) *Chief of Legislative Liaison.* The Chief of Legislative Liaison is directly responsible to the Secretary of the Army, and is responsive to the requirements of the Chief of Staff, for liaison with members and committees of the Congress (other than appropriations committees). The Office of the Chief of Legislative Liaison is the sole agency of the Army authorized to conduct liaison with the Congress, except in areas affecting budgets, appropriations, and related financial matters. Specifically, the Chief of Legislative Liaison is responsible for:

(i) Providing advice and assistance to the Secretary of the Army and to the Chief of Staff on Legislative aspects of Department of the Army policies, plans, and programs.

(ii) Coordinating and supervising the Department of the Army's legislative program.

(iii) Maintaining liaison with members and committees of the Congress on legislative matters of interest to, or assigned to, the Department of the Army, on investigations of Army activities, and on Army matters of interest to members and committees of the Congress.

(iv) Providing a central point for Department of the Army contact with members and committees of the Congress.

(v) Maintaining liaison with other agencies of the Department of Defense, and with other governmental agencies, on legislative and related matters of concern to the Army.

(vi) Preparing, clearing, and/or insuring coordination of Department of the Army correspondence and reports to be sent to members and committees of the Congress (except for functional and periodic reports submitted pursuant to law).

(vii) Assisting in the arrangement of travel for members and committees of the Congress when such travel relates to activities of the Department of the Army.

(viii) Coordinating the testimony of representatives of the Army when such testimony relates to legislation or investigations of interest or concern to the Army, including the furnishing of data, comments, and witnesses.

(ix) Supervising the preparation and maintenance of legislative files and drafts of bills, executive orders, and proclamations other than those required for inclusion in the Emergency Legislative Program of the Department of the Army.

(10) *Chief of Public Information.* The Chief of Public Information is directly responsible to the Secretary of the Army and is responsive to the requirements of the Chief of Staff in public information matters. Specifically, he is responsible for:

(i) Formulating Army public information policies.

(ii) Advising the Secretary of the Army, the Chief of Staff, and agencies of the Department of Defense on public information matters relating to public understanding and support of the Army.

(iii) Advising and assisting the Secretary of Defense, through the Assistant Secretary of Defense (Public Affairs) in the development and accomplishment of Department of Defense information objectives, as requested.

(iv) Coordination and supervision of the worldwide implementation of public information policies and programs of the Department of the Army.

(v) Supervision of the Army's public information security review program in the field.

(vi) Conducting a continuing review of the implementation of section 18 of Executive Order 10501 (18 F.R. 7049), within the Department of the Army, to insure that no information is withheld which the people of the United States have a right to know.

(11) *The Administrative Assistant.* The Administrative Assistant is directly responsible to the Secretary of the Army. He serves as an assistant to the Secretary in matters pertaining to the administration of the Office of the Secretary of the Army and the Headquarters, Department of the Army. Specifically, he is responsible for:

(i) Acting for the Secretary of the Army in an extensive variety of day-to-day matters, when consistent with known attitudes of the Secretary, oral delegations, or precedents of long standing. Conducts studies and analyses as directed.

(ii) Acting for the Secretary of the Army on policy matters relating to administrative services by and for the Headquarters, Department of the Army; and supervising control of general purpose space in the Washington area, centralized aspects of civilian personnel administration for the Headquarters, and the operations of the Defense Telephone Service—Washington and the Defense Supply Service—Washington.

(iii) Administering, pursuant to the policy direction of the Under Secretary of the Army, the Department of the Army civilian personnel security program.

(iv) Acting for the Secretary of the Army on employee grievances arising in the Department of the Army and assuring, as Employment Policy Officer, conformity by the Department of the Army with Federal policy.

(v) Providing effective administration of the Office, Secretary of the Army, including comprehensive management programs, coordination of Secretarial level actions, personnel administration, and correspondence and records administration.

(12) *Army Staff.* (i) The Army Staff is that portion of the staff of the Secretary of the Army at the seat of government, which is presided over by the Chief of Staff. It includes the agencies defined hereinafter.

(ii) The duties of the Army Staff are set forth in section 3032 (a) and (b), title 10, United States Code, as amended, which states:

"(a) The Army Staff shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army.

(b) Under the direction and control of the Secretary, the Army Staff shall:

(1) prepare for such employment of the Army, and for such recruiting, organizing, supplying, training, serving, mobilizing, and demobilizing of the Army, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

(2) investigate and report upon the efficiency of the Army and its preparation for military operations;

(3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;

(4) act as agent of the Secretary and the Chief of Staff in coordinating the action of all organizations of the Department of the Army; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary."

(iii) The Army Staff is organized on a functional basis. Each of its members is charged with performing specifically identified functions which, together, embrace all elements of the mission of the Army. Each represents the Chief of Staff within his functional area and is responsible through prescribed channels to the Chief of Staff and the Secretary of the Army for his activities. Collectively, the Army Staff acts as the agent of the Secretary and the Chief of Staff in harmonizing the plans, duties, and operations of all organizations of the Army. Individually, each of its members either directly or indirectly is concerned with all Army affairs. Interchange of information and integration of staff actions among members are essential to its effective functioning as a single coordinating unit.

(13) *Army General Staff.* (i) The Army General Staff consists of designated officers assigned to the Office of the Chief of Staff, Offices of the Deputy Chiefs of Staff, Office of the Chief of Research and Development, Office of the Comptroller of the Army, Offices of the Assistant Chiefs of Staff, Office of the Chief of Civil Affairs, the General Staff Committees on Army National Guard and Army Reserve Policy (to include resident members only), and such other offices as may be designated by the Secretary of the Army. These offices are termed General Staff agencies.

(ii) Under the direction of the Chief of Staff, the Army General Staff renders professional advice and assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Army, in developing and providing broad basic policies, plans, and programs for the guidance of the Department of the Army. The Army General Staff specifically assists the Secretary of the Army in the preparation and issuance of directives and programs to implement such plans and policies, and in the supervision of the execution and implementation of these directives and programs.

(14) *Office of the Chief of Staff.* The Office of the Chief of Staff is composed of the Chief of Staff, Vice Chief of Staff, Secretary of the General Staff, and such staff as may be required.

(15) *Chief of Staff.* The duties of the Chief of Staff are set forth in section 3034 (c) and (d), title 10, United States Code, as amended, as follows:

"(c) Except as otherwise prescribed by law and subject to section 3012 (c) and (d) of this title, the Chief of Staff performs his duties under the direction of the Secretary of the Army, and is directly responsible to the Secretary for the efficiency of the Army, its preparedness for military operations, and plans therefor.

"(d) The Chief of Staff shall:

(1) preside over the Army Staff;

(2) send the plans and recommendations of the Army Staff to the Secretary and advise him with regard thereto;

(3) after approval of the plans or recommendations of the Army Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision over such of the members and organizations of the Army as the Secretary of the Army determines.[1] Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders pursuant to section 202(j) of the National Security Act of 1947, as amended;

(5) perform the duties described for him by sections 141 and 171[2] of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President."

(16) *Vice Chief of Staff.* The Vice Chief of Staff is the principal assistant and adviser to the Chief of Staff. By delegation of the Chief of Staff, the Vice Chief of Staff has authority to perform any statutory or other duties which the Chief of Staff is required or authorized to perform with respect to the Department of the Army. In the performance of his duties, the Vice Chief of Staff is responsible for effective administration and management in the Army Staff and insures coordination of the Deputy Chiefs of Staff and the heads of Army Staff agencies reporting to the Chief of Staff.

(17) *General Staff Committees on National Guard and Army Reserve Policy (section 3033, title 10, United States Code).* The General Staff Committees on National Guard and Army Reserve Policy are responsible for formulating and/or reviewing all policies affecting the National Guard and the Army Reserve; for submitting recommendations thereon to the Secretary of the Army, through the Chief of Staff; and for reviewing regulations designed to carry such policies into effect.

(18) *Secretary of the General Staff.* The Secretary of the General Staff is the principal administrative assistant to the Chief of Staff and the Vice Chief of Staff and takes action for them on matters not requiring their personal attention. In addition, he supervises the activities of the Chief of the Coordination Group, the Chief of the Programs and Analysis Group, and the Deputy Secretary of the General Staff.

(19) *Deputy Chief of Staff for Military Operations.* (i) The Deputy Chief of Staff for Military Operations is responsible to the Chief of Staff for:

(*a*) Directing, supervising, and coordinating preparation of all Army plans (including Army aspects of joint plans) and of the troop basis for major units and deployments.

(*b*) Directing, supervising, and coordinating the execution of approved Army plans in all military operational activities, and coordinating implementing plans therefor.

(*c*) Advising the Chief of Staff on Joint Chiefs of Staff matters.

(*d*) Reviewing, coordinating, and recommending the Army position on National Security Council and Operations Coordinating Board matters.

(*e*) Directing, supervising, and coordinating the Army's preparation for military operations and reporting on its readiness to execute approved operational plans.

(*f*) Preparing and coordinating the Army position on international politico-military matters.

(*g*) Determining overall priorities which provide guidance to the Army Staff for distribution and allocation of resources.

(ii) The Deputy Chief of Staff for Military Operations is the Army Operations Deputy for the Joint Chiefs of Staff.

(iii) The Deputy Chief of Staff for Military Operations has Army Staff responsibility for:

(*a*) All strategic, tactical, military organization and training matters and activities of the Department of the Army and the formulation of policies related thereto.

(*b*) Overall staff supervision and coordination of the functions of the Army related to cold war activities.

(*c*) Overall staff supervision and coordination of combat developments and related policy in conjunction with those research and development functions assigned to the Chief of Research and Development.

(*d*) Organization and training programs for tables of organization and equipment units.

(*e*) Overall staff supervision and coordination of functions of the Army relating to Army aviation, special use airspace, and formulation of related policy.

(*f*) Formulation, execution, and review and analysis of programs and budget functions related to training activities and operation of tactical forces.

(*g*) Overall staff supervision and coordination of functions of the Army related to psychological operations and unconventional warfare, and formulation of related policy.

(*h*) Overall staff responsibility for mobilization planning and the implementation of mobilization as authorized. Other staff agencies, as appropriate, will assist and support these functions when requested.

(*i*) Overall staff supervision and coordination of matters relating to the interests and role of the Army in space.

(*j*) Determination of operational and training requirements for Army facilities, worldwide.

(*k*) Overall roles and missions of the Army.

(*l*) Development and monitorship of Department of the Army policies, plans, and procedures pertaining to vulnerability analysis, nuclear damage assessment and protective construction criteria and supervision of the Army participation in DoD and joint projects in the same areas. Other staff agencies will assist and support these activities.

(*m*) International nonmateriel standardization programs.

(*n*) Correlates the timing of the varied actions pertaining to the integra-

[1] The Chief of Staff is authorized by the Secretary of the Army to supervise the members and the organizations of the Army.

[2] These sections respectively show membership of the Chief of Staff on the Joint Chiefs of Staff and the Armed Forces Policy Council.

tion of new materiel into the Army in order to coordinate them with activation and deployment schedules.

(o) Development of basic plans, policies, and force objectives and supervision of training and operational support of Military Assistance Programs.

(p) Overall monitorship of Department of the Army policy and planning pertaining to emergency military support to civil authorities in domestic emergencies (natural disasters, civil disturbances, and civil defense).

(q) Determination of the relative strategic importance of highways.

(iv) The Deputy Chief of Staff for Military Operations has principal Army Staff responsibility for the following weapons matters with respect to functions stated above:

(a) Nuclear weapons.
(b) Guided missiles.
(c) Chemical biological, and radiological weapons.
(d) Electronic warfare.

(v) In addition to the foregoing, the Deputy Chief of Staff for Military Operations exercises direct supervision and control of the following, to include their organization and functions:

(a) The Chief of Civil Affairs.
(b) The Chief of Military History.
(c) The Superintendent, United States Military Academy.
(d) The Commandant, United States Army War College.

(20) *Deputy Chief of Staff for Personnel.* (i) The Deputy Chief of Staff for Personnel is responsible to the Chief of Staff for planning, coordination, formulation of policy, supervision and execution of:

(a) The Troop Program except for those specific segments assigned to other Headquarters, Department of the Army Staff agencies.

(b) Actions, in consonance with Army program decisions and budgetary limitations, to program planned military and civilian manpower strengths by function for budget estimates and program planning; allocation and control of bulk military and civilian manpower authorizations to major commands and agencies; development of criteria for utilization of manpower; appraisal of utilization of manpower; the monitorship of manpower surveys primarily in the tables of distribution area; staffing guides and tables of distribution; and procurement and distribution of personnel.

(c) Development and administration of a system of decentralized civilian personnel management throughout the Department of the Army, to include central policy, program, and regulatory control and direction, evaluation at all echelons, and representation of Headquarters, Department of the Army on civilian personnel matters to Government and outside agencies.

(d) Development and administration of a system of decentalized safety management throughout the Department of the Army, to include central policy, program control and direction, evaluation at all echelons, and representation of Headquarters, Department of the Army on safety matters to Government and outside agencies.

(e) Worldwide assignment of officers and warrant officers in consonance with the Army's missions and in accordance with valid requirements; development, implementation, and administration of career planning policies and programs for officers and warrant officers; development of professional capacities of officers through planned schooling and progressive assignments; control of utilization of officers trained in specialized fields; and maintenance of a plan for effecting appropriate assignments in the event of mobilization.

(ii) The Deputy Chief of Staff for Personnel is also responsible to the Chief of Staff for planning, programming, coordination, formulation of policy, and supervising the execution of:

(a) Personnel management; promotion; general educational development; welfare activities; effective utilization; and separation of military personnel for all components of the Department of the Army.

(b) Administrative, protective, and chaplain services for the Army.

(iii) Except where specific responsibilities have been assigned to other Headquarters, Department of the Army Staff agencies, the responsibilities of the Deputy Chief of Staff for Personnel outlined in subdivisions (i) and (ii) of this subparagraph are applicable to all components of the Army.

(iv) In addition to the foregoing, the Deputy Chief of Staff for Personnel is responsible to the Chief of Staff for budget formulation and execution related to military personnel on active duty and to other designated activities.

(v) The Deputy Chief of Staff for Personnel exercises direct supervision and control of the following to include their organization and functions:

(a) The Adjutant General.
(b) The Chief of Chaplains.
(c) The Provost Marshal General.

(vi) The Director of the Women's Army Corps advises the Secretary of the Army and the Chief of Staff on matters relating to the Women's Army Corps. The Office of the Director, U.S. Women's Army Corps, is assigned to the Office of the Chief of Staff and is attached for administrative purposes to the Office of the Deputy Chief of Staff for Personnel.

(21) *Deputy Chief of Staff for Logistics.* The Deputy Chief of Staff for Logistics, under the functional supervision of the Assistant Secretary of the Army (Installations and Logistics), is responsible to the Chief of Staff, and

(i) Has Army Staff responsibility for:

(a) Development and supervision of the Army Logistics organization and system, including all control over policies, doctrine, procedures, standards, funds, materiel, facilities, manpower and personnel (within overall Deputy Chief of Staff for Personnel policies on manpower and personnel), and training (within overall Deputy Chief of Staff for Military Operations policies on training), which are essential to the discharge of this responsibility.

(b) Logistics planning and operations.

(c) Formulation and execution of policies and the evaluation of results in matters of logistics requirements, procurement, supply, materiel maintenance, and materiel activities and services.

(d) Development and supervision of the logistics programs; and within the budget policies developed by the Comptroller of the Army, formulation and execution of those portions of the annual military budget of the Army which pertain to the logistics programs.

(e) Within policy and standards developed by the Comptroller of the Army, development and supervision of financial inventory accounting, stock funds, and industrial funds, and performance analysis in connection with logistics activities; and such applications of the Army Command Management System as involve logistics installations.

(f) The coordinated development of logistics policies, plans, and programs for, and supervision of, the acquisition, activation, utilization, inactivation, maintenance and disposition of Army facilities (including real estate), worldwide, to include class I installations in the United States.

(g) Within policy and standards developed by the Assistant Secretary of Defense (International Security Affairs), development and supervision of Army logistical support of the Military Assistance Program and the supervision of the NATO Weapons Production Program.

(h) Supervising Army participation in the development and ratification of international materiel standardization agreements.

(i) Supervision within the Department of the Army of interservice support programs.

(j) Single manager activities including implementation of single manager assignments to the Department of the Army.

(ii) Within overall Department of the Army policies, directs and controls the technical staffs and services in all matters covered by subdivision (i) of this subparagraph; and also:

(a) Prescribes the missions, organization, and procedures of the technical services.

(b) Develops and supervises the Logistics Officer Program, an integrated career system for selected officer personnel which will fit them for top logistics positions throughout the Army and other positions of high responsibility requiring officers with logistics training and background.

(c) Exercises manpower control over military and civilian personnel of the technical services.

(d) Develops and supervises the civilian personnel management program of the technical services.

(e) Assures the establishment and direction of adequate safety programs by the technical services, as well as the development of safe practices and physical standards applicable to logistic materiel, facilities, and equipment.

(f) Develops and supervises budgeting, funding (including allotting of funds and allocation of personnel ceilings), accounting, other financial and fiscal activities, performance analysis, progress and statistical reporting, program review and analysis, and reports control of the technical services.

(g) Supervises and correlates financial management and financial operations in the technical services.

(h) Develops policies for and supervises industrial and labor relations in the technical services.

(i) Supervises and directs the technical services in the implementation of public information policy promulgated by the Chief of Information.

(iii) On routine administrative and operational Military Assistance Program matters, except those of a financial management nature, the Deputy Chief of Staff for Logistics has direct access to the Assistant Secretary of Defense (International Security Affairs).

(iv) The responsibilities herein assigned do not extend to the civil functions of the Chief of Engineers and The Quartermaster General; nor, except for subdivision (ii) (d) and (e) of this subparagraph and as qualified by subparagraph (23) (ii) (e) of this paragraph, to the research and development activities of the technical services.

(v) The Deputy Chief of Staff for Logistics will obtain the concurrence of the Chief of Research and Development before issuing to the technical services any directives affecting research and development matters.

(22) *Comptroller of the Army.* (i) The Comptroller of the Army is under the direction and supervision of, and is directly responsible to, the Assistant Secretary of the Army (Financial Management), by delegation of the Secretary of the Army. The Comptroller of the Army is concurrently responsible to the Chief of Staff. The Comptroller of the Army is responsible for integration of the review and analysis of Army programs, the formulation, coordination and supervision of accounting, fiscal, audit, budgetary, progress and statistical reporting, reports control and management engineering activities of the Army, including the supervision of legislative policies and programs pertaining to appropriation acts. The Comptroller of the Army is also responsible for staff supervision over the Army-wide punched card machine program and the application of automatic data processing equipment to the business-type operations of the Army. Within his scope of responsibility, the Comptroller's relationship to the Chief of Staff and the Army Staff corresponds to that of a Deputy Chief of Staff. The audit functions of the Comptroller of the Army are discharged through the United States Army Audit Agency as prescribed in Army regulations.

(ii) In addition to the foregoing, the Comptroller of the Army exercises direct supervision and control of the Chief of Finance, and the Chief of the United States Army Audit Agency, to include their organization and functions.

(23) *Chief of Research and Development.* The Chief of Research and Development, under the functional policy supervision of the Assistant Secretary of the Army (Research and Development), and responsible to the Chief of Staff:

(i) Has Army Staff responsibility for:

(a) Planning, coordinating, directing, and supervising all Army research, development, test, and evaluation (RDTE) including all controls over research and development policies, funds, and manpower (within overall Deputy Chief of Staff for Personnel policies on manpower) which are essential to the discharge of this responsibility.

(b) RDTE plans and programs.

(c) RDTE projects and tasks and priorities relating thereto.

(d) Military characteristics of new items.

(e) Qualitative materiel requirements.

(f) Supervision of the ABC Army and Air Standardization Program, the U.S.-Canadian Development Sharing Program, the Mutual Weapons Development Program, the research and development aspects of the NATO Multilateral Research, Development and Production Programs, research and development functions of the Army Board, NATO Military Agency for Standardization, and the research and development aspects of other international military cooperation programs.

(g) Formulation and supervision of execution of those portions of the annual military budget for the Army which pertain to the RDTE program, within the overall budget policies developed by the Comptroller of the Army.

(ii) Within overall Department of the Army policies, directs and controls the RDTE effort of the technical staffs and services in all matters covered in subdivision (i) of this subparagraph, and also:

(a) Assigns RDTE responsibilities and undertakings.

(b) Designates RDTE objectives.

(c) Exercises manpower control over military and civilian personnel spaces of the technical services engaged in RDTE activities.

(d) Determines the distribution and utilization of RDTE funds.

(e) Determines requirements, screens nominations, and reviews salaries for Public Law 313, (80th Congress) positions.

(iii) Has responsibility for determining requirements and priorites for combat and technical intelligence to support research and development activities and for insuring that this intelligence is utilized in the research and development of weapons systems, material and equipment for the U.S. Army.

(iv) Within his area of staff responsibility and within governing procurement policies and procedures of the Department of Defense and Department of the Army, the Chief of Research and Development has the authority to procure supplies and services as necessary to effectuate the Army Research Program.

(v) Within his scope of responsibility, the Chief of Research and Development's relationship to the Chief of Staff and the Army Staff corresponds to that of a Deputy Chief of Staff. In the fulfillment of his responsibilities, he directs and controls the technical staffs and services under a line of responsibility and authority in matters pertaining to research, development, test and evaluation parallel to the line of responsibility and authority existing from the Deputy Chief of Staff for Logistics to the technical services.

(24) *Assistant Chief of Staff for Intelligence.* (i) The Assistant Chief of Staff for Intelligence is responsible to the Chief of Staff for:

(a) Planning, coordination, and supervision of the collection and evaluation of information and the production, maintenance, and dissemination of intelligence required to provide security, to insure early warning against enemy actions, to support Army cold war planning and operations and to support mobilization and war plans of the Army, and to support research and development activities.

(b) Planning, coordination, direction, and supervision of Department of the Army participation in the oversea internal security program so far as such participation involves intelligence and security matters.

(c) Coordination of the Army's Industrial Security Program to include Army Staff supervision of facility and personnel security clearances, visitor control, and protection of classified information in the hands of industry.

(d) Formulation of plans, policies, and procedures for safeguarding classified defense information.

(e) Developing broad policy guidance on intelligence doctrine and organizational and operational concepts, and supervising and coordinating the implementation of these policies to include training and troop testing review of training literature, materiel requirements, and operational procedures within his scope of responsibility.

(f) As Department of Defense agent, for the development of plans and preparations for postal and travelers' censorship, as an element of national censorship, and for the operation, when so directed, of national postal and travelers' censorship.

(ii) The Assistant Chief of Staff for Intelligence has Army Staff responsibility for:

(a) The security clearance program within Headquarters, Department of the Army.

(b) Investigative aspects of the military personnel security program.

(c) Headquarters, Department of the Army civilian employee security program.

(d) Counterintelligence activities.
(e) Military mapping and geodesy.
(f) Coordination of weather matters.
(g) Army cryptologic functions.

(h) Combat intelligence, to include combat surveillance and target acquisition activities and the allocation of combat surveillance and target acquisition equipment.

(i) Preparation of pertinent training manuals.

(j) Conduct of training and school activities as may be assigned.

(k) Formulation, execution, and review and analysis of program and budget functions relating to intelligence activities and operations.

(iii) He supervises the procurement and assignment of intelligence personnel (within overall Deputy Chief of Staff

for Personnel policies on manpower and personnel) and intelligence training (within overall Deputy Chief of Staff for Military Operations policies on training).

(iv) He exercises General Staff supervision over the communications intelligence, electronic intelligence, communications security, and electronic security responsibilities originating within or placed upon the Army.

(v) He is the official channel of liaison between the Army and foreign military personnel in the United States.

(vi) The Assistant Chief of Staff for Intelligence directs the following to include their organization and functions:

(1) United States Army Attaché System.

(2) United States Army Intelligence Center.

(3) United States Army Intelligence Reserve.

(4) Intelligence Corps, United States Army.

(vii) The Assistant Chief of Staff for Intelligence monitors projects of intelligence interest in the Research and Development Program, provides user guidance in the field of combat intelligence, and exercises General Staff direction and supervision of the intelligence activities of Army Staff elements and technical services dealing directly with them on matters relating to intelligence activities.

(viii) In addition to the foregoing, he provides intelligence to meet requirements of Army psychological warfare plans and operations and unconventional warfare plans and operations in coordination with those agencies within the intelligence community having primary responsibility for certain categories of intelligence required for support of special warfare plans and operations.

(25) *Assistant Chief of Staff for Reserve Components.* (i) The Assistant Chief of Staff for Reserve Components is directly responsible for reserve affairs to the Chief of Staff. He is responsible for:

(*a*) Development and supervision of the Reserve Components Control Program.

(*b*) Initiation of, participation in, and monitoring of other policies and plans which affect the reserve components and the Reserve Officers' Training Corps.

(*c*) Direct supervision and control of the Chief, Army Reserve and ROTC Affairs.

(ii) The reserve components of the Army are the Army National Guard of the United States and the Army Reserve (section 261, title 10, United States Code).

(iii) This subparagraph does not affect the functions of the Chief of the National Guard Bureau (section 264(c), title 10, United States Code).

(26) *Chief of Civil Affairs.* (i) The Chief of Civil Affairs, under the direct supervision and control of the Deputy Chief of Staff for Military Operations, provides advice for the Secretary of the Army, the Chief of Staff, the Army Staff, the Joint Chiefs of Staff, and agencies of the Department of Defense on civil affairs matters, formulates and develops civil affairs plans and programs for the Army in consonance with established policy, and recommends policy for, and exercises General Staff supervision of, the conduct of Department of the Army activities and matters in this field. In this capacity he is responsible for:

(*a*) Relationships, derived from implied or explicit intergovernmental agreements, between the United States Armed Forces and the government and people of countries in which United States Armed Forces are or may be employed.

(*b*) The assumption of authority in areas occupied by United States Armed Forces.

(*c*) The planning and readiness measures requisite to the United States Army's conduct of civil affairs.

(*d*) The implementation of those civil affairs policies and programs which are the responsibilities of the Department of the Army on matters having economic, political, and social implications.

(*e*) The civil administration of certain foreign areas.

(ii) In addition, he provides policy guidance (within overall Department of the Army policy) relative to career planning and training of members of the Civil Affairs branch, United States Army Reserve.

(27) *Chief of Information.* The Chief of Information is directly responsible to the Chief of Staff on all matters pertaining to public and troop information. He prepares plans and policies for, and coordinates and supervises, Army public and troop information activities in accordance with policies established by the Secretary of Defense and the Secretary of the Army; develops and coordinates Headquarters, Department of the Army information plans and programs in support of Army basic plans and programs; and advises the Secretary of the Army, the Chief of Staff, and agencies of Headquarters, Department of the Army on policy matters pertaining to public and troop information.

(28) *The Inspector General.* The Inspector General, as a confidential representative of the Secretary of the Army and the Chief of Staff, inquires into and reports upon matters affecting the performance of mission and the state of discipline, efficiency, and economy of the Department of the Army, and performs such additional duties as may be prescribed by the Secretary of the Army or the Chief of Staff, or as required by law.

(29) *The Judge Advocate General.* The Judge Advocate General is the legal adviser of the Secretary of the Army and of all officers and agencies of Headquarters, Department of the Army, and performs such additional duties as may be prescribed by the Secretary of the Army or as required by law. He administers a system of military justice throughout the Army and furnishes general legal service. He maintains liaison with the Department of Justice and other Federal and State agencies in legal matters affecting the Department of the Army. He serves as chief of The Judge Advocate General's Corps. He commands assigned activities and in this connection, performs the normal functions of command. In addition he exercises career management authority, within overall Department of the Army policy, over members of his branch.

(30) *Chief, National Guard Bureau.* The National Guard Bureau is a Joint Bureau of the Department of the Army and the Department of the Air Force headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communications between the departments concerned and the several States, Puerto Rico, and the District of Columbia on matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States (section 3015, title 10, United States Code).

(i) The Chief National Guard Bureau participates with other Army Staff agencies in the formulation and development of Department of the Army policies affecting the Army National Guard and the Army National Guard of the United States.

(ii) The Chief, National Guard Bureau is directly responsible to the Army Chief of Staff for all matters pertaining to the development and maintenance of the Army National Guard and the Army National Guard of the United States. In this capacity, the Chief, National Guard Bureau operates within established departmental policies and maintains necessary coordination and liaison with Army Staff agencies having primary interest.

(iii) The Chief, National Guard Bureau has staff responsibility for the Army National Guard segment of the Reserve Components Control Program under coordination of the Assistant Chief of Staff for Reserve Components.

(31) *Chief, Army Reserve and ROTC Affairs.* The Chief, Army Reserve and ROTC Affairs, under the direct supervision and control of the Assistant Chief of Staff for Reserve Components, participates with other agencies of the Army Staff in the formulation of the program for the development and maintenance of the Army Reserve and Reserve Officers' Training Corps. He is responsible for the implementation and execution of approved plans, policies, and programs pertaining to the Army Reserve and Reserve Officers' Training Corps.

(32) *The Adjutant General.* The Adjutant General, under the direct supervision and control of the Deputy Chief of Staff for Personnel:

(i) Implements the military personnel management system of the Army in connection with procurement, classification, assignment, General Educational Development Program, promotion, transfer, and separation of military personnel; individual training of enlisted personnel (except for conduct of such training); personnel research; welfare, emolument, casualty reporting, decorations and awards, and other personal affairs matters for the Active Army and Army Reserve.

(ii) Exercises staff supervision over the Army statistical and accounting system, Army records administration program, Army publications system, and the Army special services program; supervises operation of the Army-Air Force Postal Services Headquarters and the provision of Army-wide postal services; provides administrative and operational supervision of the Armed Forces Courier Service, jointly with the Department of the Navy and Air Force, and supervises the provisions of Army-wide courier services; exercises staff and technical supervision over the Army Recruiting Service, Armed Forces examining and induction stations, and Army and Air Force recruiting processing units in procurement of volunteer accessions for the Regular Army and Reserve components, including determination of the acceptability of accessions to the Armed Forces.

(iii) Serves as chief of The Adjutant General's Corps; commands assigned troops, activities, and installations, and, in this connection, performs the normal functions of command; exercises career management authority, within overall Department of the Army policy, over members of his branch; and is responsible for combat developments system design and field testing of administrative procedures which pertain to TAG operations in the field.

(33) *Chief of Chaplains.* (i) The Chief of Chaplains, under the direct supervision and control of the Deputy Chief of Staff for Personnel, advises the Secretary of the Army, the Chief of Staff and other staff agencies on religious, moral, and morale matters.

(ii) The Chief of Chaplains develops and monitors plans, programs, and policies for the spiritual and moral welfare of military and civilian personel of the Army and their dependents; for religious ministrations and religious education in the Army; for character guidance instruction and orientation for military personnel; for mobilization procurement and allocation of chaplains for the Army. He establishes professional qualifications for chaplains; determines denominational quotas; procures (through the cooperation of religious agencies) qualified clergymen to serve as chaplains; maintains liaison with ecclesiastical and staff agencies to ascertain that an accurate appraisal is given to the public of religious and moral conditions in the Army; maintains permanent records of rites performed by Army chaplains for the purpose of issuing certified statements relating thereto. He develops standards, determines requirements for, and monitors distribution of ecclesiastical supplies and church furniture; determines requirements for chapel construction, and approves chapel design.

(iii) The Chief of Chaplains serves as chief of the Chaplain's branch, and exercises career management authority over members of his branch. He exercises operational control and supervision over such activities as may be assigned to him.

(34) *Chief of Finance.* The Chief of Finance, under the direct supervision and control of the Comptroller of the Army, formulates, coordinates, and supervises the execution of plans and policies concerning Army finance service, and, in addition, provides such Army-wide financial services as may be required. He serves as chief of the Finance Corps. He commands assigned troops, activities, and installations and, in this connection, performs the normal functions of command. In addition he exercises career management authority, within overall Department of the Army policy, over members of his branch.

(35) *Chief of Military History.* The Chief of Military History, under the direct supervision and control of the Deputy Chief of Staff for Military Operations, advises the Chief of Staff on historical matters; prepares plans and policies for, and initiates, coordinates, and supervises all Army historical matters; provides historical material for uses approved by Headquarters, Department of the Army; and provides historical background and precedent for the development of military plans, doctrine, and technique.

(36) *The Provost Marshal General.* The Provost Marshal General, under the direct supervision and control of the Deputy Chief of Staff for Personnel, performs such duties as are prescribed by the Secretary of the Army, the Chief of Staff, or by law. He formulates, coordinates, and supervises the execution of plans, policies, and procedures pertaining to provost marshal activities; military police activities; criminal investigations, preservation of order and crime prevention; motor vehicle accident investigation and traffic law enforcement; apprehension of absentees; physical security; the Army Correction Program to include restoration; clemency, and parole for military prisoners; prisoners of war and civilian internees. He provides advice and assistance to all elements of the Army Staff on Provost Marshal General functions and activities. He advises the Deputy Chief of Staff for Logistics on the Industrial Defense Program and conducts specialized training for selected personnel in industrial defense activities. He coordinates direct with the Assistant Chief of Staff for Intelligence on physical security matters relating to intelligence and counterintelligence activities. He acts as chief of the Military Police Corps. He commands assigned troops, activities, and installations and, in this connection, performs the normal functions of command. In addition, he exercises career management authority, within overall Department of the Army policy, over members of his branch.

(37) *Technical staff and services.* (i) The technical staff is composed of the offices of:

(*a*) The Chief Chemical Officer.
(*b*) The Chief of Engineers.
(*c*) The Chief of Ordnance.
(*d*) The Quartermaster General.
(*e*) The Chief Signal Officer.
(*f*) The Surgeon General.
(*g*) The Chief of Transportation.

(ii) The heads of technical staff agencies provide advice and assistance to the Secretary of the Army, the Chief of Staff, other members of the Army Staff, and to all other elements of the Department of the Army on technical matters for which they have been assigned responsibility. As staff officers of Headquarters, Department of the Army, they are responsible for the preparation of plans, estimates, and orders, reviewed of technical doctrine, and the coordination of their technical, administrative, and operational plans and activities with other agencies of the Army Staff.

(iii) The heads of the technical staff are also chiefs of the technical services, in which capacity they command such troops, organizations, activities, and installations as from time to time may be assigned. As chiefs of services, they perform the usual functions of command. (The two functions of staff and command, although vested in a single head, are separate and distinct in that each involves different responsibilities and duties; the exercise of one is not to be confused with the exercise of the other.) Within overall Department of the Army policy, the heads of the technical staff develop personnel requirements and exercise career management authority over members of their respective branches, as follows: Chemical Corps; Corps of Engineers; Ordnance Corps; Quartermaster Corps; Signal Corps; Army Medical Service (Medical, Dental, Veterinary, Medical Service, Army Nurse, and Medical Specialist Corps); and Transportation Corps.

(iv) The Corps of Engineers and the Signal Corps are classified as arms as well as services in that Engineer and Signal units also perform combat and combat support missions.

(v) Except for functions specifically excluded, the technical staff and services are under the direction and control of the Deputy Chief of Staff for Logistics in all matters pertaining to logistics, and under the direction and control of the Chief of Research and Development in all matters pertaining to research, development, test, and evaluation.

(vi) The chiefs of the technical services are uniformly responsible for planning, executing and reporting their respective portions of the Military Assistance Program to include developing, providing, and servicing materiel in accordance with approved Military Assistance Programs.

(38) *Chief Chemical Officer.* The Chief Chemical Officer studies and investigates chemical, biological, and radiological agents, weapons, means of employment, defense and countermeasures; develops, provides and services Chemical Corps materiel and equipment required by the Army and, as assigned, for the Navy and Air Force; coordinates in detail the Army, Navy, Marine Corps, and Air Force research and development effort in the chemical and biological fields; and performs toxicological investigations for the Department of Defense as assigned.

(39) *Chief of Engineers.* The Chief of Engineers plans, directs, and supervises an engineering, construction, and real estate service for the Army and the Air Force (including military engineering support), and for other Government agencies as assigned; plans, directs, and exercises technical staff supervision over the maintenance and repair of real property and operation of utilities plants and systems and other repairs and utilities activities at Army installations as prescribed by AR 420–10; develops, provides, and services the engineer materiel required by the Army and, as assigned for the Navy and Air Force, and is responsible through designated command channels to the Secretary of the Army for operation of the Military Construc-

tion Supply Agency; is responsible for development of nuclear powerplants required to produce electrical and mechanical power for land use in support of Army field operations and as required by the three military services; provides and directs Army mapping services; and under the functional supervision of the Assistant Secretary of the Army (Financial Management), administers all matters relating to construction, operation and maintenance, and real estate necessary for the improvement of rivers, harbors, and waterways for navigation, flood control, and related purposes, including shore protection projects and administers the laws for the protection and preservation of the navigable waters of the United States.

(40) *Chief of Ordnance.* The Chief of Ordnance develops, provides, and services ordnance materiel required by the Army and, as assigned, for the Navy, the Air Force and other agencies of the Government. He is responsible through designated command channels to the Secretary of the Army for operation of the Military Automotive Supply Agency and for the National Range, White Sands Missile Range.

(41) *The Quartermaster General.* The Quartermaster General develops and provides subsistence, clothing and textiles, petroleum, air delivery equipment, and other Quartermaster materiel for the Army and, as assigned, for the Navy and the Air Force; provides Quartermaster services (including surplus personal property disposal) for the Army and, as assigned, for the Navy and Air Force; provides for the care and disposition of remains and personal effects of deceased personnel of the Army, and as directed or agreed upon, of the Navy and the Air Force, for the operation of national cemeteries, and for the procurement of Government headstones and markers. He is responsible through designated command channels to the Secretary of the Army for operation of the Military Subsistence Supply Agency, the Military Clothing and Textile Supply Agency, and for the Military General Supply Agency.

(42) *Chief Signal Officer.* The Chief Signal Officer plans, directs, and supervises signal communications and electronic systems, pictorial, crytologistic, and Army aviation flight information activities; develops services and materiel for communications, pictorial, communications security systems and electronic systems (except as otherwise assigned); provides signal support for the Army missile and satellite programs; provides and services signal materiel, communications and communications security devices, electronic devices (including those for Army aviation, electronic warfare, combat surveillance, and outer space communication and tracking), pictorial equipment and devices, and meteorological devices and related activities; administers and operates the United States Army Alaska Communications System.

(43) *The Surgeon General.* The Surgeon General plans, directs, and supervises health services for the Army and, as directed, for other services, agencies and organizations; he commands class II Army Medical Service installations and activities and exercises technical staff supervision over all other medical facilities and units of the Army; he establishes health standards applicable to personnel of the Army; he develops and supervises the execution of coordinated plans and programs designed to provide the best possible medical service in war and peace within available resources. On health and medical matters, including the duty utilization of Army Medical Service professional personnel, The Surgeon General has direct access to the Secretary of the Army and the Chief of Staff.

(44) *Chief of Transportation.* The Chief of Transportation provides or assures the provision of transportation and transportation services required for the movement of persons and things for the Army and, as assigned, for the Navy, Air Force, and other governmental agencies; develops and provides, and coordinates systems management for, procurement, supply and maintenance support for Army aircraft, rail equipment, floating and amphibious equipment required by the Army, and as assigned, for the Navy and Air Force; exercises management control over administrative motor transportation and over Army use of over-ocean transportation (air and surface) worldwide; exercises technical control over Army transportation movements worldwide; provides transportation engineering services; assures the provision of traffic management services within the continental United States through the Military Traffic Management Agency; provides program management for requirements and funds, stock control and accountability, depot storage and issue (distribution and redistribution) and technical control over maintenance of all commercial design motor vehicles in FSC Class 2300; is responsible through designated command channels to the Secretary of the Army for operation of the Military Traffic Management Agency; is the designated Army agent to implement the Department of Defense Engineering for Transportability Programs; and administers Department of Defense activities pertaining to Highways for National Defense.

(45) *Agencies of the Army Staff.* From time to time certain agencies which are designated to carry out functions outside of the seat of government are placed under the direct control and supervision of the Army Staff. Examples of these agencies are the United States Army Audit Agency and the Army Attaché System.

(46) *Class II Installations and activities.* Class II installations and activities are under the command of the heads of certain Army Staff agencies. They perform missions and functions as assigned.

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7074; Filed, July 27, 1961; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

AMENDMENTS TO THE STATEMENT OF ORGANIZATION OF THE IMMIGRATION AND NATURALIZATION SERVICE

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Imigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

1. The introductory material and paragraph (a) of section 1.51 are amended and a paragraph (d) is added to read as follows:

SEC. 1.51 *Field Service.* The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, suboffices, and Border Patrol sectors as follows:

(a) *Regional Offices.* The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23 and Border Patrol sectors 1, 2, 3, and 4. The Southeast Regional Office, located in Richmond, Virginia, has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28 and Border Patrol sectors 21 and 22. The Northwest Regional Office, located in St. Paul, Minnesota, has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32 and Border Patrol sectors 5, 6, 7, 8, and 9. The Southwest Regional Office, located in San Pedro, California, has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, and 20 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

* * * * *

(d) *Border Patrol Sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

SECTOR NO. 1—HOULTON, MAINE

Calais, Maine.
Fort Fairfield, Maine.
Houlton, Maine.
Jackman, Maine.
Lincoln, Maine.
Van Buren, Maine.

SECTOR NO. 2—ST. ALBANS, VT.

Beecher Falls, Vt.
Newport, Vt.
Richford, Vt.
Rouses Point, N.Y.
Swanton, Vt.
Whitehall, N.Y.

SECTOR NO. 3—OGDENSBURG, N.Y.

Malone, N.Y.
Massena, N.Y.
Ogdensburg, N.Y.
Watertown, N.Y.

SECTOR NO. 4—BUFFALO, N.Y.

Buffalo, N.Y.
Niagara Falls, N.Y.

SECTOR NO. 5—DETROIT, MICH.

Detroit, Mich.
Port Huron, Mich.
Sault Ste. Marie, Mich.
Trenton, Mich.

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Grand Forks, N. Dak.
Grand Marais, Minn.
International Falls, Minn.
Minot, N. Dak.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.
Havre, Mont.
Malta, Mont.
Shelby, Mont.
Sweetgrass, Mont.
Wolf Point, Mont.

SECTOR NO. 8—SPOKANE, WASH.

Bonners Ferry, Idaho.
Kettle Falls, Wash.
Oroville, Wash.
Spokane, Wash.
White Fish, Mont.

SECTOR NO. 9—BLAINE, WASH.

Bellingham, Wash.
Blaine, Wash.
Lynden, Wash.
Sumas, Wash.

SECTOR NO. 10—LIVERMORE, CALIF.

Fresno, Calif.
Livermore, Calif.
Sacramento, Calif.
Salinas, Calif.
Stockton, Calif.

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.
Chula Vista, Calif.
El Cajon, Calif.
Oceanside, Calif.
Temecula, Calif.

SECTOR NO. 12—EL CENTRO, CALIF.

Calexico, Calif.
El Centro, Calif.
Indio, Calif.

SECTOR NO. 13—YUMA, ARIZ.

Blythe, Calif.
Wellton, Ariz.
Yuma, Ariz.

SECTOR NO. 14—TUCSON, ARIZ.

Casa Grande, Ariz.
Douglas, Ariz.
Gila Bend, Ariz.
Nogales, Ariz.
Phoenix, Ariz.
Tucson, Ariz.
Willcox, Ariz.

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Columbus, N. Mex.
El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.
Ysleta, Tex.

SECTOR NO. 16—MARFA, TEX.

Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.

SECTOR NO. 17—DEL RIO, TEX.

Brackettville, Tex.
Carrizo Springs, Tex.
Comstock, Tex.
Del Rio, Tex.
Eagle Pass, Tex.
Ozona, Tex.
Sonora, Tex.
Uvalde, Tex.

SECTOR NO. 18—LAREDO, TEX.

Cotulla, Tex.
Hebbronville, Tex.
Laredo, Tex.
Zapata, Tex.

SECTOR NO. 19—MCALLEN, TEX.

Falfurrias, Tex.
McAllen, Tex.
Mercedes, Tex.
Rio Grande City, Tex.

SECTOR NO. 20—PORT ISABEL, TEX.

Brownsville, Tex.
Corpus Christi, Tex.
Galveston, Tex.
Harlingen, Tex.
Kingsville, Tex.

SECTOR NO. 21—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.

SECTOR NO. 22—MIAMI, FLA.

Birmingham, Ala.
Charleston, S.C.
Daytona Beach, Fla.
Dothan, Ala.
Ft. Lauderdale, Fla.
Fort Myers, Fla.
Fort Pierce, Fla.
Gainesville, Fla.
Homestead, Fla.
Jacksonville, Fla.
Key West, Fla.
Lake Wales, Fla.
Marathon, Fla.
Melbourne, Fla.
Miami, Fla.
Orlando, Fla.
Savannah, Ga.
Tallahassee, Fla.
Tampa, Fla.
West Palm Beach, Fla.

2. The list of Class C ports of entry in District No. 5—Baltimore, Md., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by adding in alphabetical sequence "Salisbury, Md."

3. The list of Class A ports of entry in District No. 30—Helena, Mont., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by deleting "*Babb, Mont." and by adding in alphabetical sequence "*Piegan, Mont."

Dated: July 24, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-7098; Filed, July 27, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 20, 1961.

The United State Department of Agriculture has filed an application, Serial Number Sacramento 066798 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for the Kaspian Recreation Area and the Indian Valley Campground Annex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Kaspian Recreation Area

T. 15 N., R. 16 E.,
Sec. 25: Lot 4 (SW¼SE¼) except the following parts of Lot 4: S½NE¼SW¼, SE¼NW¼SW¼, E½SW¼SW¼, SE¼SW¼, W½W½SW¼SE¼, W½SW¼NW¼SE¼; and S½SW¼.

Indian Valley Campground Annex

T. 19 N., R. 9 E.,
Sec. 16: NW¼NW¼SW¼.

The areas described aggregate 118.91 acres of Federal Land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 61-7086; Filed, July 27, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DAVIS RANCH SALES PAVILION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and

Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Davis Ranch Sales Pavilion, Fort Morgan, Colo.
Southern Tier Livestock Market, Apulia, N.Y.
Shawnee Sale Barn, Shawnee, Okla.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-7109; Filed, July 27, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

WHEAT

Notice of Referendum for Marketing Quotas, 1962-63

The Secretary of Agriculture has duly proclaimed pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year beginning July 1, 1962. Said Act requires the Secretary to conduct a referendum between the date of said proclamation and July 25, 1961, of farmers who will be subject to such quota in order to determine whether such farmers favor or oppose such quota. Public notice was given (26 F.R. 3723) that the Secretary had under consideration the establishment of the date for holding the referendum. No views, data, or recommendations were received pursuant to such notice with respect to the date for such referendum.

By Public Law 87-104, approved July 25, 1961, the time for conducting the referendum on the 1962 crop of wheat was extended to not later than August 26, 1961. In view of the limited time between the approval of said public law and the last date for holding the referendum and the necessity of giving public notice of the date of the referendum a reasonable time in advance thereof, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest.

It is hereby determined that such referendum shall be held on August 24, 1961.

Effective date: Upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7115; Filed, July 27, 1961; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 952]

INVESTIGATION OF TARIFF FILING PRACTICES OF CARRIERS BETWEEN CONTIGUOUS STATES OF THE UNITED STATES AND ALASKA

Notice of Investigation and of Hearing

On July 10, 1961, the Federal Maritime Board entered the following order:

It appearing, that the following named persons may have been engaged in the carriage of cargoes between the contiguous states of the United States and the State of Alaska as common carriers during all or part of the period January 1, 1955 to date:

Ketchikan Merchants Cooperative Association, Inc.,
Alaska Outport Transportation Association,
Dan Starkweather and/or Alaska Towing Co., Inc.,
William Shimmel,
Kimbrell-Lawrence Transportation, Inc.,
Alfred C. Ghezzi, dba. Ghezzi Towing Co., and/or Ghezzi Barge Co.,

and

It further appearing that none of the foregoing persons have on file with the Federal Maritime Board tariffs stating rates, fares, charges, rules and regulations for or in connection with such transportation, as required by the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.) and

It further appearing that said persons may have been and/or are now operating in violation of section 2 of said Act.

Now therefore, it is ordered, That the Board institute a proceeding of investigation to determine whether the persons named above have conducted common carrier operations without tariffs on file with the Board in violation of the provisions of the Intercoastal Shipping Act, 1933, as amended, and

It is further ordered, That all persons named above be made respondents in this proceeding which is to be set for hearing before an examiner from the Office of Hearing Examiners at a time and place to be announced, and

It is further ordered, That a copy of this order be served on each of the respondents and published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7105; Filed, July 27, 1961; 8:50 a.m.]

Maritime Administration

TRADE ROUTE NO. 6

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has adopted as final the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 6 as published in the FEDERAL REGISTER issue of June 30, 1961, (26 F.R. 5904).

Dated: July 24, 1961.

By Order of the Maritime Administrator.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7104; Filed, July 27, 1961; 8:50 a.m.]

Office of the Secretary

TIMOTHY A. LYNCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Cockshutt Farm Equipment, Ltd.

B. Additions: Western Natural Gas Company.

This statement is made as of July 11, 1961.

TIMOTHY A. LYNCH.

JULY 17, 1961.

[F.R. Doc. 61-7102; Filed, July 27, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12817]

NEW YORK-JAMAICA NONSTOP CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 4, 1961 at 10 a.m. (eastern daylight saving time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., July 25, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7106; Filed, July 27, 1961; 8:50 a.m.]

[Docket 11908 etc.]

TRANSATLANTIC CHARTER INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 18, 1961, at 10 a.m. (eastern daylight saving time) in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

All motions, requests for evidence, and suggested procedural dates should be served on all parties and Examiner Keith on or before August 8, 1961.

Dated at Washington, D.C., July 24, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7107; Filed, July 27, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-43]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The First Alabama Corporation, Columbia, South Carolina, proposes to construct a television antenna structure near Montgomery, Alabama, at latitude 32°21'39" north, longitude 86°12'50" west. The overall height of the structure would be 709 feet above mean sea level (419 feet above ground).

This determination is issued under the authority of Part 626 of the Regulations of the Administrator (26 F.R. 5287). However, the aeronautical study by the Agency was accomplished prior to the effective date of Part 626, July 15, 1961, by the application of basic criteria and policies previously in effect.

No aeronautical objections were made in response to the circularization. The proposed structure would be located 8.8 miles east-southeast of Maxwell Air Force Base, Montgomery, Alabama, and 5 miles northeast of the center of the Allenport Airport, Montgomery, Alabama. The aeronautical study by this Agency disclosed that the structure would penetrate the outer horizontal surface of the Department of the Air Force AFB 86-8 criteria, as applied to Maxwell AFB, by 43 feet, and would penetrate the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to the Allenport Airport, by 52 feet. However, the study also revealed that these factors would not adversely affect aeronautical operations at the Maxwell AFB and the Allenport Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33, 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable rules and standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted.

Issued in Washington, D.C., on July 21, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7075; Filed, July 27, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14210; FCC 61-909]

WARREN G. HOLLEMAN

Order Designating Application for Hearing on Stated Issues

In re application of Warren G. Holleman, 1302 Slade Run Drive, Falls Church, Virginia, Docket No. 14210, File No. 3987-LC-61; for authorization for a Class D station in the Citizens Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 19th day of July 1961;

The Commission, having under consideration the application of Warren G. Holleman, filed January 5, 1961, for authorization in the Citizens Radio Service (Class D);

It appearing that the applicant has been the licensee of a citizens radio station since November 13, 1959, and has operated such station under the call signs 4W0656 and 4W0898, which were assigned on the basis of applications filed by him while he was a resident of Alexandria, Virginia; and

It further appearing that the applicant is currently authorized to operate a Class D radio station using the call sign 4Q0173 under special temporary authority, expiring on September 22, 1961, issued on the basis of his request therefor, which was made subsequent to his change of address from Alexandria, Virginia, to Falls Church, Virginia; and

It further appearing that at various times between August 2, 1960, and June 30, 1961, the applicant has:

(a) used his citizens radio station primarily to inter-communicate with units of other stations in the Citizens Radio Service other than when necessary for the exchange of substantive messages related to the business or personal activities of the individuals concerned, in violation of § 19.61(a) of the Commission's rules;

(b) used his citizens radio station for the purpose of transmitting profane language, contrary to the provisions of Title 18, United States Code, Section 1464, in violation of § 19.61(b) of the Commission's rules;

(c) used his citizens radio station for the transmission of communications concerning the business activities or personal affairs of persons other than the licensee of the station, in violation of § 19.61(c) of the Commission's rules;

(d) failed to restrict the communications made by means of his citizens radio station to the minimum practicable transmission time, in violation of § 19.61(e) of the Commission's rules;

(e) failed to restrict the communications between his citizens radio station and other stations to five consecutive minutes, in violation of § 19.61(f) of the Commission's rules;

(f) failed to provide a silent period of at least two minutes after communications between his citizens radio station and other radio stations, in violation of § 19.61(f) of the Commission's rules;

(g) used his citizens radio station for the transmission of communications which were not addressed to specific persons or stations within the direct groundwave coverage range of his station, in violation of § 19.61(g) of the Commisison's rules; and

It further appearing that between November 13, 1959, and June 30, 1961, the Commission has issued four Official Notices of Violation (FCC Form 793) to the applicant alleging the improper operation of his citizens radio station; and

It further appearing that for the foregoing reasons, the Commission is unable to find that the public interest, convenience and necessity would be served by the grant of the subject application;

It is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the captioned

application is designated for hearing, at a time and place to be specified by a subsequent order, upon the following issues:

1. To determine whether, at various times between August 2, 1960, and June 30, 1961, the applicant Warren G. Holleman, has operated his citizens radio station in violation of §§ 19.61 (a), (b), (c), (e), (f) and (g) of the Commission's rules;

2. To determine for what purposes, and in what manner, the radio facilities operated by the applicant have been used;

3. To determine for what purposes, and in what manner, the radio facilities proposed to be operated by the applicant will be used;

4. To determine whether, in the light of the evidence adduced under the foregoing issues, the applicant, Warren G. Holleman, possesses the requisite character qualifications to be, and may be relied upon to carry out his responsibilities and obligations as, a licensee in the Citizens Radio Service; and

5. To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by the grant of the subject application.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall, pursuant to § 1.140(c) of the Commission's rules, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the Order; and

It is further ordered, That, the Special Temporary Authorization issued to the applicant, Warren G. Holleman, authorizing the operation of three units in the Citizens Radio Service (Class D) is herewith extended until the conclusion of the proceeding on the subject application without prejudice to any action which may be taken in such proceeding.

Released: July 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7117; Filed, July 27, 1961; 8:51 a.m.]

[Docket No. 14203; FCC 61-924]

KPSR, INC.

Order To Show Cause

In the matter of revocation of License of KPSR, Inc. for FM Broadcast Station KPSR, Palm Springs, California, Docket No. 14203.

There being under consideration the matter of certain alleged violations of the Communications Act of 1934, as amended, and the Commission's rules and regulations in connection with the operation of the above-captioned station;

It appearing that on April 3, 1957 the Commission granted a construction permit (File No. BPH-2177) for an FM broadcast station at Palm Springs, California, to Richard T. Sampson; and

It further appearing that by telegram dated November 13, 1958 the Commission authorized Richard T. Sampson to commence program tests over Station KPSR; and

It further appearing that on December 1, 1959 the Commission granted the first license for Station KPSR to Richard T. Sampson as individual licensee; and

It further appearing that Richard T. Sampson continued to be the individual licensee of said station until July 7, 1960, when the Commission granted an assignment of said license to KPSR, Inc.; and

It further appearing that stock certificates Nos. 5 for 30 shares, 6 for 20 shares and 7, 8 and 9 for 16⅔ shares, each were issued by KPSR, Inc. on November 10, 1959, to Howard Morris, Richard T. Sampson, George Shane, Hyman Shane and Maxwell Shane, respectively; and

It further appearing that said corporation was activated under the laws of the State of California during November 1959, for the purpose of conducting a background music service; and

It further appearing that the officers, directors and stockholders of KPSR, Inc. exceeded the express purpose and intent of activation on December 7, 1959, when a contract was executed with Peter E. Kohler and Chester A. Humbert by said corporation; and

It further appearing that on December 7, 1959, KPSR, Inc., a corporation, incorporated under the laws of the State of California, in which Richard T. Sampson was vice-president, director and a 20% stockholder, by contract dated December 7, 1959, granted to Peter E. Kohler and Chester A. Humbert of San Bernardino, California, the right as joint general managers for management and operation of the main channel of Station KPSR for a period of three years, reserving the right of the sub-channel, background music business to KPSR, Inc.; and

It further appearing that Peter E. Kohler and Chester A. Humbert did, on December 7, 1959 take over the operation and management of the main channel of Station KPSR and continued to operate said station under the terms of said contract for a period ending on or about July 8, 1960; and

It further appearing that on or about December 7, 1959, when KPSR, Inc. entered into said contract with Peter E. Kohler and Chester A. Humbert, it had assumed responsibility for the operation of Station KPSR in violation of the provisions of sections 301 and 310(b) of the Communications Act of 1934, as amended; and

It further appearing that at least on April 25, 1960, when the applications for assignment (File Nos. BAPLH-23 and BASCA-42) were filed under oath with the Commission, the officers, directors and stockholders of KPSR, Inc. were well aware of the requirements of section 310(b), supra, but failed to disclose said violation to the Commission at that time; and

It further appearing that although Richard T. Sampson the individual licensee of Station KPSR had knowledge of said contract, supra, dated December 7, 1959, he failed to file a copy thereof with the Commission within 30 days from the execution date; and

It further appearing that approximately from the date that program test was authorized by the Commission, November 13, 1958 to the date said station was authorized to remain silent, December 29, 1960, the permittee and licensee, Richard T. Sampson posted his first-class radiotelephone operator's license at the transmitter of said station and held himself out to be the first-class radiotelephone operator in regular full-time employment at the station, whose primary duties were to effect and insure the proper functioning of the transmitting equipment, when in fact he lived in Colton, California, approximately 50 miles from Palm Springs, California, and was engaged in consulting engineering and other gainful employment; and

It further appearing that in view of the foregoing, Richard T. Sampson while permittee and licensee of Station KPSR, Palm Springs, California, violated the provisions of section 310(b) of the Communications Act of 1934, as amended, and §§ 1.342 and 3.565(c) of the Commission's rules and regulations;

It is ordered, This 19th day of July, 1961, pursuant to the provisions of section 312(a)(2), 312(a)(4) and 312(c) of the Communications Act of 1934, as amended, that KPSR, Inc. show cause why the license of Station KPSR, Palm Springs, California, should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified in a subsequent order; and

It is further ordered, That the Acting Secretary send a copy of the order by Certified Mail—Return Receipt Requested to the said licensee.

Released: July 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7118; Filed, July 27, 1961; 8:51 a.m.]

[1] Section 1.77 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. In the event that it would be impossible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing, is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Hearing Examiner will issue an order certifying the case to the Commission. The Commission will then determine on the basis of all of the information available to it from any source, which may include statements filed by the respondent, recommendations from the Commission's staff, respondent's past violation record, etc. or such further proceeding as may be warranted, whether a revocation order and/or a cease and desist order should be issued or whether the matter should be dismissed.

[Docket No. 14201; FCC 61-892]

RADIO SPECIALISTS CO.

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Radio Specialists Co., Docket No. 14201, File Nos. 2087-C1-P-60, 2088-C1-P-60, for construction permits to establish stations in the Point-to-Point Microwave Radio Service between a point near Golden, Colorado, and a point near Eastonville, Colorado.

1. The Mountain States Telephone and Telegraph Company (hereinafter called Mountain States) and Eastern Slope Rural Telephone Association, Inc. (hereinafter called Eastern Slope), on January 12, 1961 and January 30, 1961, respectively, timely filed petitions to deny, pursuant to section 309(d) of the Communications Act of 1934, as amended, the subject applications of Radio Specialists Company (hereinafter called applicant) filed on February 23, 1960 and subsequently amended on June 1, June 28, July 15, and October 21, 1960. The contested applications are for construction permits to establish stations in the Point-to-Point Microwave Radio Service at a point near Golden, Colorado and a point near Eastonville, Colorado, for the purpose of providing inter-city audio and control communication circuits. The applicant, on January 23, 1961, and on February 7, 1961, respectively, timely filed its opposition to each of the aforementioned petitions to deny.

THE PRE-GRANT PROTEST

2. In support of their respective pre-grant protests, Mountain States and Eastern Slope assert that they are each parties in interest, within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, in that they are established and certificated telephone common carriers offering intra-state and inter-state communication facilities and services, generally, in the area concerned and that both carriers are ready, willing, and able to provide, at tariff rates, the common carrier communications service proposed in the applications.

3. Mountain States alleges that there is no showing, in the subject applications, that the applicant has applied for, or obtained, a certificate of public convenience and necessity from the Colorado Public Utilities Commission to provide a point-to-point microwave service. Mountain States and Eastern Slope allege that the grant of the applications would result in a needless and wasteful duplication of common carrier facilities in the areas involved, and, therefore, request that the applications be denied.

OPPOSITION TO THE PROTEST

4. The applicant asserts that the affidavit attached to the Mountain States petition does not comply with the requirements of 309(d) of the Communications Act of 1934, as amended, in so far as Petitioner attempts to support statements in the petition other than on the basis of Petitioner's personal knowledge. It is also asserted that both petitions to deny contain neither sufficient specific allegations of fact to establish that Mountain States or Eastern Slope are parties in interest within the meaning of section 309(d) of the Act, nor that a grant of the applications would be prima facie inconsistent with section 309(a) of the Act. The applicant admits that it has not applied to the Colorado Public Utilities Commission for authority to provide the proposed service, but asserts that it is shown in the applications that such authority is not required from the State Commission. The applicant also alleges that Mountain States does not, and cannot, provide communications service between the two terminals proposed, that Eastern Slope has not constructed the necessary facilities for such service, and that, in any event, the provision of the proposed service at the existing tariff rates of Mountain States and Eastern Slope would make the service economically prohibitive to the proposed users.

DISPOSITION OF THE PROTEST

5. Section 309(d)(1) of the Communications Act of 1934, as amended, requires that all allegations of fact in support of a petition to deny must be supported "by affidavit of person or persons with personal knowledge thereof". The House Report on the 1960 amendments to the Communications Act states, in part: "Section 309(d)(1) * * * requires further that such allegations of fact * * * shall be supported by affidavit of person or persons with personal knowledge thereof. In the judgment of this Committee this provision is a marked improvement over the existing statutory provision contained in section 309(c) which has been interpreted by the Commission to permit allegations to be made on information and belief. This practice has resulted in serious and disruptive procedural abuses". (1 Pike and Fisher R.R. 413, 416). Section 309(d)(1), therefore, was designed to preclude the filing of petitions to deny containing allegations based on information and belief, which was permitted under the old protest provisions of section 309(c) of the Communications Act. The portions of the Mountain States petition to deny, therefore, which relate to Eastern Slope and are stated on information and belief, rather than on the personal knowledge of the affiant, have not been considered in the disposition of the said protest.[1]

6. The applications contain correspondence, dated May 10, 1960, from the Colorado Public Utilities Commission, in which the view is expressed that the proposed service would not be subject to that Commission's jurisdiction. Moreover, it appears from the applicant's supplement to Exhibit P (received October 21, 1960 as an amendment to the subject applications) that the applicant reiterated the fact that no franchise is necessary for the proposed service. Therefore, it appears that there is sufficient information on file to establish that no state franchise is necessary as a prerequisite for the applicant's furnishing the service proposed and an issue on this question would serve no useful purpose.

7. We find and conclude that Mountain States and Eastern Slope are parties in interest. Both are established and certificated telephone common carriers offering intra-state and inter-state communications facilities, generally, in the area concerned and both carriers state they are ready, willing, and able to provide, at tariff rates, the common carrier communications facilities and services proposed in the subject applications.

8. Mountain States and Eastern Slope have submitted facts, in their respective petitions to deny, which would tend to show, if established at a hearing, that a grant of the applications would not serve the public interest, convenience and necessity. Accordingly, we are unable to conclude that a grant would serve the public interest, convenience or necessity, and it is necessary to resolve this matter upon an evidentiary hearing.

9. Since applicant has made a prima facie showing of its legal, technical and financial qualifications to be a licensee in the Point-to-Point Microwave Radio Service, no issue on this subject will be required.

10. *Accordingly, it is ordered,* Pursuant to section 309(d)(2) of the Communications Act of 1934, as amended, that the subject applications are designated for hearing, on the following issues:

(a) To determine the nature and extent of the facilities and services proposed by Radio Specialists Company, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto;

(b) To determine the area and persons which may be expected to receive service from the proposed facilities of Radio Specialists Company, the need for such service, and the nature and extent of any benefits to the public which would accrue as a result of authorizing Radio Specialists Company's proposed facilities and services;

(c) To determine the nature, extent and availability of the facilities and

[1] It is to be noted that, while the information regarding Eastern Slope, as contained in the Mountain States petition to deny, has not been considered, such information is incorporated in the Eastern Slope petition to deny and has been considered in connection therewith.

services rendered by The Mountain States Telephone and Telegraph Company and Eastern Slope Rural Telephone Association, Inc., respectively, in the areas and between the points Radio Specialists Company proposes to serve, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto;

(d) To determine the extent to which duplication or harmful competition may result from the establishment of the proposed facilities;

(e) To determine whether, and to what extent, any disadvantages may accrue to the public if the proposed facilities and services are authorized;

(f) To determine, in the light of the evidence adduced on all the foregoing issues, whether a grant of the subject applications would serve the public interest, convenience or necessity.

It is further ordered, That the hearing on the issues specified above shall be held at the Commission's offices in Washington, D.C., on a date, and before an Examiner, to be announced in a subsequent order; and

It is further ordered, That the burden of proof on issues (a), (b) and (f) is placed on Radio Specialists Company and the burden of proof on issues (c), (d) and (e) is placed on The Mountain States Telephone and Telegraph Company and Eastern Slope Rural Telephone Association, Inc.; and

It is further ordered, That The Mountain States Telephone and Telegraph Company, Eastern Slope Rural Telephone Association, Inc. and the Chief, Common Carrier Bureau are each made parties to the proceedings herein; and

It is further ordered, That the parties desiring to participate herein shall file their respective appearances on or before the time specified in § 1.140 of our rules.

Adopted: July 19, 1961.

Released: July 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7119; Filed, July 27, 1961; 8:51 a.m.]

[Docket No. 14202; FCC 61-920]

REA RADIO AND ELECTRONIC CO.

Order Designating Application for Hearing on Stated Issues

In re application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869, For Renewal of License of Station WREA, East Palatka, Florida.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 19th day of July 1961;

The Commission having under consideration (1) the above-captioned and described application; (2) the Commission's letters of February 13 and March 20, 1961 to the applicant; (3) the applicant's reply thereto of March 23, 1961; and (4) the report of the Commission's inquiry into the affairs of Station WREA; and

It appearing that the Commission, in its letters, advised the applicant of its failure to respond adequately to paragraphs 2(b), 3(a), 3(b), 4(a), and 4(b) of section IV of the application for renewal of license; the improbable readings in the composite week's operating logs which show no variation between the last stage plate voltage, plate current, and antenna current readings, all of which raise a question as to whether or not the operators on duty read the indicating instruments; the financial questions raised by the applicant's balance sheet which reveal an excess of current liabilities over current assets and an outstanding mortgage, the terms of payment of which are undisclosed; and of information indicating a possible unauthorized transfer of control and/or an abandonment of the station by the licensee arising out of the execution of a lease of the station equipment, land and license by the licensee to a Mr. Paul Yates, Jr.; and

It further appearing that the applicant filed a reply to the aforementioned letters, which reply has not, however, entirely eliminated the questions raised in the Commission's letters; and

It further appearing that Station WREA ceased operation on or about February 7, 1961 and has since remained inoperative, all of which was without prior notification to the Commission or prior Commission approval; that the WREA transmitter has been repossessed and that the antenna tower has been dismanteled; and

It further appearing that on February 10, 1961, an inspection of the station was made by the Field Engineering and Monitoring Bureau and it was noted that there was an insufficient supply of spare tower lamps, in apparent violation of § 17.41 of the Commission's rules; that daily observations of the tower lights had not been entered in the station's logs since February 7, 1961, in apparent violation of § 17.39 of the Commission's rules; that the required equipment performance measurements were not available for inspection, in apparent violation of § 3.47 of the Commission's rules; and that the required records of all political broadcasts were not available for inspection, in apparent violation of § 3.120(d) of the Commission's rules; and

It further appearing that after consideration of all of the foregoing the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience and necessity; and that, therefore, said application must be designated for hearing;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing at or near East Palatka, Florida at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the applicant has failed to furnish the information required by the application form and/or has failed to prosecute its application for renewal of license of Station WREA, in violation of §§ 1.304 and/or 1.312 of the Commission's rules.

2. To determine whether the applicant is financially qualified to operate Station WREA.

3. To determine whether, in connection with its technical operations, the licensee during the period from June 27, 1960 through February 10, 1961, inclusive, violated the following sections of the Commission's rules and regulations: §§ 3.111 (b) and (c), 3.113, 3.114, 17.37, 17.38, 17.41, 3.47, 3.71, 3.73, 3.82, and 3.91.

4. To determine whether the applicant is technically qualified to operate Station WREA.

5. To determine whether, in connection with its programming operations, the licensee, during the period from June 27, 1960 through February 10, 1961, inclusive, violated the following sections of the Commission's rules and regulations: §§ 3.120(d), 3.111(a), 3.113, 3.114, 3.119 (a), (c) and (e), and 1.342(b).

6. To determine whether the licensee transferred control of the licensee and Station WREA without obtaining the Commission's prior consent as required by section 310(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies promulgated thereunder.

7. To determine whether the licensee abandoned the broadcast facility which it is licensed to operate.

8. To determine whether, in light of the evidence adduced with respect to the foregoing issues, the applicant possesses the requisite qualifications to be a licensee of the Commission.

9. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: July 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7120; Filed, July 27, 1961; 8:51 a.m.]

[Docket No. 14024; FCC 61-927]

AUTHORIZATION OF COMMERCIALLY OPERABLE SPACE COMMUNICATIONS SYSTEMS

Administrative and Regulatory Problems; Supplemental Notice of Inquiry

In the matter of an inquiry into the administrative and regulatory problems relating to the authorization of commercially operable space communications systems.

1. The Commission has under consideration (a) its First Report herein in which the Commission stated that a joint venture of international telephone and telegraph common carriers deserved exploration as a means of promoting the prompt and orderly effectuation of a commercially operable satellite communications system; (b) the record of the conference held on June 5, 1961, herein, pursuant to the First Report, at which suggestions were made as to plans and procedures whereby such exploration may best go forward; and (c) the Memorandum Opinion and Order adopted today with respect to petitions for reconsideration requesting the Commission to modify the First Report in certain respects.

2. The Commission is now prepared to set forth a plan of procedure to govern future discussions by the international common carriers, hereinafter specified, through a committee referred to herein as the Ad Hoc Carrier Committee, looking toward their joint formulation of a plan of organization or joint venture for the development, construction, ownership, operation, management, and use of a commercially operable satellite communications system. This plan of procedure has been determined with a view to avoiding possible violations of the anti-trust laws that such discussions might otherwise engender.

3. The Commission feels that the results of the proposed discussions by the international carriers will furnish to the Commission significant information which, together with all other information and proposals, will provide the basis on which the Commission may take such further steps as are necessary, in accordance with the public interest and requirements of law, to achieve the establishment of a commercially operable satellite communications system at the earliest practicable date.

4. It is to be emphasized at the outset that the Commission intends to provide an officer to preside at all discussions of the Ad Hoc Carrier Committee, but only for the purpose of insuring that such discussions are conducted with strict adherence to an agenda approved in advance by the Commission or its representative designated to preside. It is also expected that complete minutes shall be made of the principal content of all such discussions, and the accuracy of all such minutes shall be certified by the Commission's representative.

5. The agenda shall be initially formulated by the ad hoc committee meeting under the supervision of the Commission's designated representative. There shall be no departure from the approved agenda without first securing from the Commission, or its representative, approval of the proposed modification, deletion or addition. Subject to the consent and approval of the Commission's representative, the agenda may be taken up in such order as may be agreed to by a majority of the participants on the ad hoc committee who are present at a duly constituted meeting of such committee. There shall be no discussions of any kind between any carrier participants regarding any subject matter related to the approved agenda except within the committee itself and in the presence of the Commission's representative who shall designate the time and place for all committee discussions. The Commission's representative shall have authority to terminate any discussion or adjourn any meeting whenever he considers such action to be in the public interest.

6. As the agenda subject matter may warrant, representatives of interested government agencies and industry may be invited by the Ad Hoc Carrier Committee to participate in discussions for the purpose of furnishing the committee advice or assistance regarding matters within their competence or concern. It is the Commission's desire that the Ad Hoc Carrier Committee call upon and obtain the views of other sources wherever it appears that they can make a contribution. For example, representatives of interested government agencies and industry groups clearly would have an interest in several aspects of subsection (f), par. 8, infra. Therefore, we would expect that they would be permitted to make their contribution to the formulation of the plans concerning these aspects. We wish to make clear, however, that at this stage we leave the extent and nature of participation by such groups to the Ad Hoc Carrier Committee.

7. Representatives of the following international common carriers are invited to participate as members of the Ad Hoc Carrier Committee:

American Cable and Radio Corporation (Mackay Radio, Inc., The Commercial Cable Company, All America Cables and Radio, Inc., and Globe Wireless Ltd.).
American Telephone and Telegraph Company.
Hawaiian Telephone Company.
Press Wireless, Inc.
Radio Corporation of Puerto Rico.
RCA Communications, Inc.
South Porto Rico Sugar Company.
Tropical Radio Telegraph Company.
United States-Liberia Radio Corporation.
The Western Union Telegraph Company.

8. The ad hoc committee should give full regard to the following public interest objectives which the plan of organization and operation of any joint venture will be expected to satisfy and accommodate:

(a) A commercially operable communications satellite system will be expected to provide the potential means for global coverage.

(b) Ownership of the satellite portion of the system will be shared with interested foreign governments or communications agencies.

(c) All such foreign governments or communications agencies, whether or not participating in ownership of the satellite portion of the system, will be entitled to access to the system on an equitable basis and on reasonable terms.

(d) Any joint venture of international common carriers shall be so arranged or structured (1) to prevent any single participating carrier from being in a position to dominate or control the development, construction, management, operation or use of the communications satellite system to the detriment of any other common carrier whether or not such other common carrier or carriers participate in the joint venture as an owner thereof, and (2) to permit future ownership participation by any international common carrier that may subsequently be created, or any existing international common carrier which subsequently may desire ownership participation.

(e) The plan of organization and operation of any joint venture must make clear and definite provision to insure that existing and future international common carriers, whether or not any such carrier participates through ownership in the joint venture, will have equitable access to, and non-discriminatory use of, the satellite system under fair and reasonable terms, for the purpose of obtaining communications facilities in the system to serve overseas points with the types of services for which they are or may be licensed or authorized by the Commission.

(f) The plan of organization and operation of any joint venture shall make adequate and effective provision, such as competitive bidding, to insure that there will be no favoritism in the procurement of communications equipment required for the construction, operation and maintenance of the satellite system and to foster opportunity for continued research and development activity by all enterprises seeking to compete in furnishing such equipment for the satellite system.

(g) The accounting and records maintained by any joint venture shall be of such a nature and detail as to reflect fully its investments, expenses, taxes, revenues, assets and liabilities and to comply with all applicable governmental regulations with respect to such matters.

9. It is to be understood that the aforementioned objectives are not intended to be all inclusive of the public interest objectives against which any proposed joint venture will be tested.

10. The Commission regards the establishment of a communications satellite system of the greatest urgency and national importance. Therefore, in order to avoid delay in achieving this national objective, the ad hoc committee shall complete its work with the greatest possible expedition. Upon completion of the discussions by the ad hoc committee, but in any event no later than October 13, 1961, the committee shall submit for the record herein a full written description and explanation of the organization and operation of any proposed joint venture that it may formulate, giving particular regard to the aforementioned objectives. Such statement shall also include information on behalf of each participant as to the capital contributions it is committed to make to the joint venture and the extent to which such participant or any of its corporate affiliates proposes or intends to furnish or offer to furnish to the joint venture any equipment, apparatus, supplies or services of any kind. In addition, with respect to paragraph 8(e) above, the statement shall include, on behalf of each participant which also owns, operates or controls common carrier communication facilities used to furnish service between points within the continental United States, a full description of all policies and practices which such participant proposes to apply with respect to the interconnection of those facilities with the facilities of any international common carrier for rendering those services licensed or authorized by the Commission. The ad hoc committee shall duly serve its report upon all respondents herein, who are hereby authorized to submit written comments thereon to the Commission within 15 days following such service.

Adopted: July 21, 1961.

Released: July 25, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7121; Filed, July 27, 1961; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI62-1—RI62-6]

BARBARA OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Change To Become Effective Subject to Refund

JULY 21, 1961.

Barbara Oil Company, Docket No. RI62-1; Pan American Petroleum Corporation, Docket No. RI62-2; Cabot Corporation (SW), Docket No. RI62-3; Gulf Oil Corporation, Docket No. RI62-4; Baker & Taylor Drilling Company, Docket No. RI62-5; Shell Oil Company, Docket No. RI62-6.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules, for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.65 psia.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI62-1	Barbara Oil Co., 33 South Clark St., Chicago 3, Ill.	1	5	Zenith Gas System, Inc., (Medicine Lodge Field, Barber County, Kans.).	$8,000	6-23-61	7-24-61	12-24-61	11.0	[2] 12.0	----------
RI62-2	Pan American Petroleum Corp., P.O. Box 591, Tulsa 2 Okla.	221	3	Panhandle Eastern Pipe Line Co. (Enns Camrick Field, Texas County, Okla.).	1,200	6-26-61	7-27-61	12-27-61	16.4	[3] 16.6	RI61
RI62-3	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	25	1	Hugoton Plains Gas and Oil Co. (Hugoton Field, Texas County), Okla.).	1,914	6-27-61	7-28-61	7-29-61	8.26	[3] 18.92	----------
RI62-4	Gulf Oil Corp., P.O. Drawer 2100, Houston 1, Tex.	51	1	Panhandle Eastern Pipe Line Co. (Forgan Field, Beaver County, Okla.).	1,192	6-27-61	8-1-61	1-1-62	15.0	[3] 16.0	----------
RI62-5	Baker & Taylor Drilling Co., First National Bank Bldg., Amarillo, Tex.	3	2	Northern Natural Gas Co. (Hansford County, Tex.) (R.R. Dist. No. 10).	17,179	7-3-61	10-1-61	3-1-62	15.5	[3] 16.5	----------
RI62-6	Shell Oil Co., 50 West 50th St., New York 20, N.Y.	4	17	Texas Eastern Transmission Corp. (Gohlke Field, De Witt and Victoria Counties, Tex.) (R.R. Dist. No. 2).	2,211	[4] 7-3-61	8-3-61	1-3-62	15.7778	[4] 16.1111	RI61-10

[1] The stated effective date is the first day after expiration of the required statutory notice or, if later, the date requested by Respondent.
[2] Periodic increase by contract.
[3] Revenue-sharing increase by contract; rate corrected for supercompressibility.
[4] Favored-nation increase. Proposed increased rate includes 0.5 cent per Mcf for dehydration and central point delivery carged by seller.
[5] On July 12, 1961, Texas Eastern Transmission Corp. filed a "Protest" to the filing requesting that the filing be rejected, or, in the alternative, that the proposed change in rate be suspended.

The proposed increased rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61-1, issued September 28, 1960, and the amendments thereto. The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereby deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however*, That Supplement No. 1 to Cabot Corporation (SW)'s FPC Gas Rate Schedule No. 25 shall become effective on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Cabot Corporation (SW) shall execute and file under Docket No. RI62-3 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon the purchaser under the rate schedule involved. Unless Cabot Corporation (SW) is advised to the contrary within 15 days after the filing of such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

until these proceedings have been disposed of or until the periods of suspension have expired unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7076; Filed, July 27, 1961; 8:46 a.m.]

[Docket No. CP60-32]

CITIES SERVICE GAS CO.

Notice of Motion To Amend Order Issuing Certificate of Public Convenience and Necessity and Date of Hearing

JULY 24, 1961.

Take notice that on April 18, 1961, Cities Service Gas Company (Applicant), of Oklahoma City, Oklahoma, filed a motion to amend the certificate of public convenience and necessity issued in the above-numbered docket on December 27, 1960.

In said order Applicant was authorized to construct and operate the following facilities, among others, hereinafter set out by paragraphs in the same way as said facilities are described in said order:

"ALDEN STORAGE PROJECT"

"(e) In 1961, construct a 1350 horsepower addition to Applicant's Lyons Compressor Station and replace present station piping with high pressure pipe and related fittings."

"INCREASE CAPACITY KANSAS-HUGOTON 26"

"(a) In 1960, construct a 3600 horsepower compressor station near Montezuma, Kansas, located in the Northwest Quarter (NW¼) of Section 25, Township 28 South, Range 29 West, Gray County, Kansas. Also construct an 1800 horsepower addition to this station in 1961.

"(b) In 1960, construct a 3600 horsepower compressor station near Stafford, Kansas, located in the Northwest Quarter (NW¼) of Section 19, Township 25 South, Range 11 West, Stafford County, Kansas; and construct an 1800 horsepower addition to this station in 1961.

"(c) In 1960, install turbocharging equipment on one existing 1350 horsepower unit thus increasing the rating of this engine to 1800 horsepower at Applicant's existing Ulysses Compressor Station located in the Southwest Quarter (SW¼) Section 28, Township 28 South, Range 38 West, Grant County, Kansas. Also construct an 1800 horsepower addition in 1961.

"(d) In 1960, install turbocharging equipment to the present 1350 horsepower unit to increase the rating to 1800 horsepower, at Applicant's Sublette Compressor Station, located in the Northeast Quarter (NE¼) of Section 2, Township 29 South, Range 33 West, Haskell County, Kansas. Also construct a 1350 horsepower addition to this station in 1962.

"(e) Construct an 1800 horsepower addition to Applicant's Hugoton Compressor Station, located in the Northeast Quarter (NE¼) of Section 3, Township 29 South, Range 35 West, Grant County, Kansas, in 1961.

"(f) In 1961, construct a new compressor station of 800 horsepower to compress the gas received from United Producing Company, located approximately in the Southeast Quarter (SE¼) of Section 27, Township 29 South, Range 35 West, Grant County, Kansas.

"(g) In 1961, loop Applicant's existing 26" pipeline with 2.7 miles of 26" pipeline on the discharge side of the proposed Montezuma Station extending from the proposed station in the Northwest Quarter (NW¼) of Section 25, Township 29 South, Range 29 West, thence East, paralleling the present 26" line to the Northeast Quarter (NE¼) of Section 29, Township 29 South, Range 28 West, all in Gray County, Kansas.

"(h) In 1961, construct an 1800 horsepower addition and turbocharge the present 6-1100 horsepower units to a rating of 1350 horsepower each, at Applicant's Hesston Compressor Station located in the Southwest Quarter (SW¼) of Section 8, Township 22 South, Range 1 West, Harvey County, Kansas.

"(i) In 1961, construct a 5400 horsepower compressor station near the town of Americus, Kansas, located in the Northwest Quarter (NW¼) of Section 23, Township 18 South, Range 10 East, Lyon County, Kansas. Also construct an 1800 horsepower addition to this station in 1962.

"ALVA COMPRESSOR STATION"

"(a) In 1960, construct an 1800 horsepower addition to Applicant's Alva Compressor Station, located in the Northeast Quarter (NE¼) of Section 36, Township 28 North, Range 14 West, Woods County, Oklahoma."

Applicant requests that said certificate be amended to grant Applicant authority to construct and operate the following facilities instead of those described above. The facilities hereinafter listed are listed in comparable paragraphs to those set out above, and are in substitution, paragraph for paragraph. Additional new facilities are so indicated.

ALDEN STORAGE PROJECT

(e) In 1961, construct a 2400 horsepower addition to Applicant's Lyons Compressor Station.

INCREASE CAPACITY KANSAS-HUGOTON 26"

(a) In 1960, construct a 4000 horsepower compressor station near Montezuma, Kansas, located in the Northwest Quarter (NW ¼) of Section 25, Township 28 South, Range 29 West, Gray County, Kansas. Also construct a 2000 horsepower addition to this station in 1961.

(b) In 1960, construct a 4000 horsepower compressor station near Stafford, Kansas, located in the Northwest Quarter (NW¼) of Section 19, Township 25 South, Range 11 West, Stafford County, Kansas; and construct a 2000 horsepower addition to this station in 1961.

(c) In 1960, install turbocharging equipment on one existing 1350 horsepower unit thus increasing the rating of this engine to 1800 horsepower at Applicant's existing Ulysses Compressor Station located in the Southwest Quarter (SW¼) Section 28, Township 28 South, Range 38 West, Grant County, Kansas. Also construct a 2000 horsepower addition to this station in 1961.

(d) In 1960, install turbocharging equipment to the present 1350 horsepower unit to increase the rating to 1800 horsepower, at Applicant's Sublette Compressor Station, located in the Northeast Quarter (NE¼) of Section 2, Township 29 South, Range 33 West, Haskell County, Kansas.

(e) In 1961, construct 4.82 miles of 30", looping present 26", beginning at the end of present 30" in the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of Section 2, Township 29 South, Range 36 West, thence East to the intake of Applicant's Hugoton Compressor Station in the Northeast Quarter (NE¼) of Section 3, Township 29 South, Range 35 West, all in Grant County, Kansas.

(f) In 1961, construct a new 1100 horsepower compressor station to compress the gas received from United Producing Company, located on the present Hugoton Compressor Station site in the Northeast Quarter (NE¼) of Section 3, Township 29 South, Range 35 West, Grant County, Kansas.

(g) In 1961, loop Applicant's existing 26" pipeline with 10 miles of 26" pipeline on the discharge of the proposed Montezuma Compressor Station extending from the proposed station in the Northwest Quarter (NW¼) of Section 25, Township 28 South, Range 29 West, thence East paralleling the present 26" pipeline to the Southeast Quarter (SE¼) of Section 21, Township 28 South, Range 27 West, all in Gray County, Kansas.

(h) In 1961, construct a 4000 horsepower addition to Applicant's Hesston Compressor Station located in the Southwest Quarter (SW¼) of Section 8, Township 22 South, Range 1 West, Harvey County, Kansas. Also turbocharge the present 6-1100 horsepower units to a rating of 1350 horsepower each in 1962.

(i) In 1961, construct a 6000 horsepower compressor station near the town of Americus, Kansas, located in the Northwest Quarter (NW¼) of Section 23, Township 18 South, Range 10 East, Lyon County, Kansas.

(j) In 1961, install additional dehydration facilities at Applicant's Hugoton Compressor Station located in the Northeast Quarter (NE¼) of Section 3, Township 29 South, Range 35 West, Grant County, Kansas. [These dehydration facilities are additional facilities and are not in substitution of prior requested facilities.]

ALVA COMPRESSOR STATION

(a) In 1961, construct a 2400 horsepower addition to Applicant's Alva Compressor Station, located in the Northeast Quarter (NE¼) of Section 36, Township 28 North, Range 14 West, Woods County, Oklahoma.

Applicant states that in connection with the Alden Storage Project it was discovered that certain needed equipment was unavailable because of the age of the original installation and that the cost of such additional high-pressure facilities would exceed the cost of installing a new 2400 horsepower unit at the Lyons Station.

The changes in compressor horsepower are necessitated, according to the allegations of said motion, primarily because the manufacturer of most of the units involved and Applicant agreed, after experimenting, that the units should be rated at higher horsepower than that at which they were originally rated.

The estimated cost of the entire project as revised will be $10,855,700. The changes proposed by said motion to amend will increase the cost by $362,900 over the presently certificated facilities, and will result, Applicant states, in an increase in the daily capacity of 25,000 Mcf per day.

A copy of said motion to amend is on file with the Commission and open for public inspection.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulation, and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and pro-

cedure, a hearing will be held on August 15, 1961, at 9:30 a.m., e.d.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said motion to amend; *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 11, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7077; Filed, July 27, 1961; 8:46 a.m.]

[Docket No. RP62-1]

CITIES SERVICE GAS CO.

Order Suspending Proposed Revised Tariff Sheets and Providing for Hearing

JULY 21, 1961.

On June 21, 1961, Cities Service Gas Company (Cities Service) tendered for filing Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to its FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 2,[1] to become effective July 23, 1961, proposing an annual increase in its rates and charges of $8,684,900 annually or 16.0 percent over the rates in effect for the year ended March 31, 1961, as adjusted.

In support of the proposed increase, Cities Service has submitted adjusted cost data for twelve months ended March 31, 1961. Operating expenses are adjusted for salary and wage increases (including a wage increase granted to employees effective May 21, 1961) and to normalize increased purchase gas costs during the period. Other major adjustments are the use of a 6¾ percent rate of return with associated income taxes and increased depreciation rates.

The supporting cost data submitted by Cities Service which may be questionable include, inter alia, (1) increased depreciation rates, (2) 6¾ percent rate of return; (3) purchased gas costs, (4) classification of costs, (5) revenues from main line gasoline plant extraction, and (6) federal income taxes.

The increased rates and charges provided for in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon an early public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 and that the above-designated tariff sheets, except Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16, which relate to industrial sales for resale only, be suspended and the use thereof be deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch I), a public hearing shall be held on September 13, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service's FPC Gas Tariffs, Second Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended by Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; Seventh Revised Sheets Nos. 12 and 14; and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2.

(B) At the hearing hereinabove ordered, Cities Service shall present its direct case in this proceeding. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

(C) Pending such hearing and decision thereon Sixth Revised Sheets Nos. 4, 5, 7, 8, 10 and 19; and Seventh Revised Sheet No. 12 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1 and Sixth Revised Sheet No. 27 to Cities Service's FPC Gas Tariff, Original Volume No. 2 be and they are each hereby suspended and the use thereof deferred until December 23, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(D) Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 to Cities Service's FPC Gas Tariff, Second Revised Volume No. 1, are hereby accepted for filing and are allowed to become effective July 23, 1961.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before September 5, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7078; Filed, July 27, 1961; 8:46 a.m.]

[Docket No. G-2409 etc.]

NORTHERN NATURAL GAS CO.

Notice Severing Proceedings and Denying Motion To Consolidate Proceedings

JULY 21, 1961.

Northern Natural Gas Company, Docket Nos. G-2409, G-17485, G-17486, G-19040.

Upon further consideration of the motion filed July 10, 1961 by Fuels Research Council, Inc., et al. to consolidate proceedings in Docket No. G-19040 with the proceeding in Docket Nos. G-2409, G-17485 and G-17486 and the answers to said motion, and the amendment to petition to amend filed July 11, 1961 by Northern Natural Gas Company;

The motion to consolidate the proceeding in Docket No. G-2409 with the rate proceeding in Docket No. G-19040 is hereby denied. The proceedings in Docket Nos. G-17485 and G-17486 are hereby severed from the proceeding in Docket No. G-2409.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7079; Filed, July 27, 1961; 8:46 a.m.]

[Project No. 1413]

POND'S LODGE, INC.

Notice of Application for License

JULY 21, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pond's Lodge, Inc., of Island Park, Idaho, for a new license for constructed Project No. 1413, located on the Buffalo River, tributary to Henrys Fork of Snake River, in Fremont County, Idaho, and affecting lands of the United States within the Targhee National Forest.

The project consists of a reservoir created by a rock-fill dam about 10 feet high and 140 feet long with a concrete spillway and fishway; a penstock; a wooden powerhouse containing a turbine connected to a generator with a capacity of 250 kva; a transmission line; and appurtenant electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 7, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7080; Filed, July 27, 1961; 8:46 a.m.]

[Docket Nos. DA-558, DA-559—Idaho]

IDAHO

Lands Withdrawn in Certain Power Site Reserves

JULY 21, 1961.

Lands withdrawn in Power Site Reserves Nos. 21, 206 and 724 and Project Nos. 406 and 466; Docket No. DA-558—Idaho, Mrs. Pearl Kennedy; Docket No. DA-559—Idaho, Bureau of Land Management, United States Department of the Interior.

Findings of the Commission and determination and vacation of withdrawals under section 24 of the Federal Power Act.

The following application and request have been filed for the restoration of lands:

(1) An application, designated Docket No. DA-558—Idaho, was filed by Delana and Delana, attorneys at law, of Boise, Idaho, on behalf of Mrs. Pearl Kennedy, of Boise, Idaho, for release from power withdrawal of the following-described lands:

BOISE MERIDIAN, IDAHO

T. 7 N., R. 2 E.,
Sec. 28, SW¼NE¼, NW¼SW¼.

and

(2) A request, designated Docket No. DA-559—Idaho, has been received from the Bureau of Land Management, United States Department of the Interior, for the revocation of the power withdrawal with respect to the following-described land or for a determination under section 24 of the Federal Power Act with respect thereto:

BOISE MERIDIAN, IDAHO

T. 7 N., R. 2 E.,
Sec. 33, lot 2.

The above-described lands are located on or near the right bank of the Payette River just downstream from the town of Horseshoe Bend. The land in the NW¼SW¼ of sec. 28 is withdrawn in Power Site Reserve No. 206, dated October 2, 1911; the land in the SW¼NE¼ of sec. 28 is withdrawn in Power Site Reserve No. 724, dated December 6, 1919; and the land in lot 2 of sec. 33 is withdrawn in Power Site Reserve No. 21, dated July 2, 1910, based on Temporary Power Site Withdrawal of June 10, 1909.

A determination under section 24 of the Federal Water Power Act was made by the Commission on June 6, 1921 (Docket No. DA-12—Idaho) with respect to the land in the NW¼SW¼ of sec. 28.

A portion of the lands in the SW¼NE¼ of sec. 28 and in lot 2 of sec. 33 is also further reserved for conduit and transmission line location pursuant to the filing on January 9, 1924, of an application for a license for Project No. 466.

An application filed May 21, 1928, for amendment of the license for Project No. 466 reserved a portion of the lands in lots 1 and 2 in the NW¼NE¼ of sec. 33, T. 7 N., R. 2 E., Boise meridian, Idaho, for transmission-line purposes—which lands were described in the Commission's June 13, 1928 withdrawal notification letter.

An application filed April 16, 1923, for a license for Project No. 406 reserved portions of the following-described lands—which lands were described in the Commission's May 24, 1923 withdrawal notification letter as:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 1 E.,
Sec. 12, lots 1, 3, 5, 6, S½SW¼ (except patented mineral land);
Sec. 14, N½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼ (except patented mineral land);
Sec. 15, N½S½, SW¼NW¼ (except patented mineral land).
T. 6 N., R. 2 E.,
Sec. 6, lot 2 (except patented mineral land), lots 3, 6, 19, 20, SE¼NW¼, NE¼SW¼;
Sec. 7, lots 3, 4, 9, 10.
T. 7 N., R. 2 E.,
Sec. 30, lot 4;
Sec. 31, lots 1, 5, 8, 9, E½SE¼, SW¼SE¼;
Sec. 32, lot 3, NW¼SW¼.

The lines occupying the above-described lands reserved pursuant to the filing of the application for a license for Project No. 406 were subsequently licensed as part of Project No. 466. Surrender of the license for Project No. 466 was accepted effective as of November 17, 1960, by Commission order issued February 10, 1961. Authority for the continued occupancy of lands of the United States by the existing transmission lines was obtained from the Department of the Interior.

Some of the lands occupied for transmission-line purposes are also withdrawn in Power Site Reserve No. 21 and may at some future time be used in the ultimate development of the water resources of the Payette River. The lands lie within the potential flowage area of the reservoir which would be created by the suggested development of the Rock Creek damsite located in sec. 31, T. 7 N., R. 2 E., Boise meridian, Idaho. However, development appears to be remote since it would necessitate the relocation of a primary highway and tracks of the Union Pacific Railroad which closely follow the river.

The only development in the Payette River drainage given active consideration in the past several years is the Garden Valley site, located at the junction of the Middle and South Forks, about 23 miles upstream from the above-described lands, which has been proposed by the Bureau of Reclamation.

The Commission finds:

(1) Inasmuch as the above-described lands in the SW¼NE¼ and the NW¼SW¼ of sec. 28 and in lot 2 of sec. 33, T. 7 N., R. 2 E., Boise meridian, Idaho, are valuable for power purposes, the power withdrawal with respect thereto should not be revoked.

(2) The Commission's above-mentioned determination of June 6, 1921 (Docket No. DA-12-Idaho) with respect to the land in the NW¼SW¼ of sec. 28, T. 7 N., R. 2 E., Boise meridian, Idaho, should remain unchanged.

(3) Inasmuch as power development does not appear imminent and use of the above-described lands in the SW¼NE¼ of sec. 28 and in lot 2 of sec. 33, T. 7 N., R. 2 E., Boise meridian, Idaho, in the meantime for other purposes will not injure materially their power value, a determination as hereinafter provided with respect thereto is justified.

(4) The existing power withdrawals of record under section 24 of the Federal Power Act pertaining to lands reserved in connection with Project No. 466 serve no useful purpose and vacation of said withdrawals in their entirety is appropriate.

(5) The existing power withdrawal under section 24 of the Federal Power Act pertaining to the following-described lands pursuant to the filing of the April 16, 1923 application for a license for Project No. 406 serves no useful purpose and vacation of the withdrawal is appropriate:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 1 E.,
Sec. 12, lots 1, 3, 5, 6, S½SW¼ (except patented mineral land);
Sec. 14, N½NE¼, NE¼NW¼, S½NW¼, NW¼SW¼ (except patented mineral land);
Sec. 15, N½S½, SW¼NW¼ (except patented mineral land).
T. 6 N., R. 2 E.,
Sec. 6, lot 2 (except patented mineral land), lots 3, 6, 19, 20, SE¼NW¼, NE¼SW¼;
Sec. 7, lots 3, 4, 9, 10.
T. 7 N., R. 2 E.,
Sec. 30, lot 4;
Sec. 31, lots 1, 5, 8, 9, E½SE¼, SW¼SE¼;
Sec. 32, lot 3, NW¼SW¼.

The Commission determines: The value of the lands in the SW¼NE¼ of sec. 28 and in lot 2 of sec. 33, T. 7 N., R. 2 E., Boise meridian, Idaho, will not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of Section 24 of the Federal Power Act, as amended.

The lands subject to this determination remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order of restoration and no preference right to the lands is acquired by the filing of the above-mentioned application and request or by this action taken by the Commission with respect to the lands.

The Commission orders:

(A) The existing power withdrawals of record pertaining to lands under section 24 of the Federal Power Act pursuant to the filing of applications in connection with Project No. 466 are vacated in their entirety.

(B) The existing power withdrawal of record pertaining to the lands described in finding (5) herein is vacated.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7081; Filed, July 27, 1961; 8:46 a.m.]

[1] In addition, the company filed revised copies of Table of Contents and Indices of Purchasers. Seventh Revised Sheet No. 14 and Eighth Revised Sheet No. 16 relate to the sale of gas for resale for industrial use only.

FEDERAL RESERVE SYSTEM

WHITNEY HOLDING CORP.

Notice of Receipt of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by Whitney Holding Corporation, New Orleans, Louisiana, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), for the Board's prior approval of action to become a bank holding company through acquisition by that corporation of all of the voting shares to be issued by Crescent City National Bank, New Orleans, Louisiana (into which would be consolidated the existing Whitney National Bank of New Orleans under the title of the latter bank), and Whitney National Bank in Jefferson Parish, Louisiana.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the banks concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 24th day of July 1961.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 61-7062; Filed, July 27, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 25, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37276: *Pulverized blast furnace slag from and to points in WTL southwestern and Illinois territories.* Filed by Western Trunk Line Committee, Agent (No. A-2198), for interested rail carriers. Rates on pulverized blast furnace slag (cement supplement), in carloads, from and to points in western trunk-line, southwestern, and Illinois territories.

Grounds for relief: Short-line distance formula and grouping.

Tariffs: Supplements 39 and 21 to Western Trunk Line Committee tariffs I.C.C. A-4308 and A-4309.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-7097; Filed, July 27, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

MINOR S. JAMESON, JR.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Savanna Creek Gas & Oil Limited.

This amends statement published February 7, 1961 (26 F.R. 1122).

Dated: July 12, 1961.

MINOR S. JAMESON, Jr.

[F.R. Doc. 61-7072; Filed, July 27, 1961; 8:45 a.m.]

RICHARD O. LANG

Employment Without Compensation and Statement of Business Interests

Pursuant to section 710(b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Richard O. Lang, International Administrator, S. C. Johnson and Son, Inc., as a Consultant (Member, Regional Economic Stabilization Board) in the Office of Civil and Defense Mobilization, June 27, 1961.

Statement of his business interests appears below.

Dated: March 21, 1961.

FRANK B. ELLIS, *Director.*

APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

S. C. Johnson & Son, Inc.
ITEK, Inc.
The Chemical Fund
Riddle Airlines, Inc.

Dated: June 27, 1961.

RICHARD O. LANG.

[F.R. Doc. 61-7073; Filed; July 27, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4252]

UNITED INDUSTRIAL CORP.

Order Summarily Suspending Trading

JULY 24, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 25, 1961 to August 3, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7087; Filed, July 27, 1961; 8:47 a.m.]

TARIFF COMMISSION

[AA 1921-22]

PORTLAND GRAY CEMENT FROM PORTUGAL

Notice of Investigation

Having received advice from the Treasury Department on July 20, 1961, that Portland gray cement from Portugal is being, or is likely to be, sold in the United States at less than fair value, the United States Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

No hearing in connection with this investigation has been ordered. If a hearing is ordered, due notice of the time and place will be given. In this connection, interested parties are referred to § 208.4 of the Commission's rules of practice and procedure (19 CFR 208.4) which provides that interested parties may, within 15 days after the date of publication of this notice in the FEDERAL REGISTER, request that a public hearing be held, stating reasons for the request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Fifteen clear copies of such statement should be submitted. Information which an interested party desires to submit in confidence should be submitted on separate pages each clearly marked "Submitted in Confidence". Written statements must be filed not later than August 24, 1961.

Issued: July 24, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7090; Filed, July 27, 1961; 8:47 a.m.]

TOWELING OF FLAX, HEMP, OR RAMIE

Reports to the President

JULY 25, 1961.

The U.S. Tariff Commission today submitted to the President its fourth periodic report on the developments in the trade in toweling of flax, hemp, or ramie since the "escape clause" action effective July 25, 1956, withdrawing the concession granted in the General Agreement on Tariffs and Trade on such toweling classifiable under paragraph 1010 of the Tariff Act of 1930. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic toweling had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of the order. This means that, in the Commission's view, the developments in the trade in toweling of flax, hemp, or ramie do not warrant a formal inquiry into the question of whether a reduction in the duty on such toweling could be made without causing or threatening serious injury to the domestic industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7091; Filed, July 27, 1961; 8:47 a.m.]

WATCH MOVEMENTS

Reports to the President

JULY 25, 1961.

The U.S. Tariff Commission today submitted to the President its sixth periodic report on the developments in the trade in watch movements since the "escape clause" action, on July 27, 1954, modifying the concession thereon granted in the trade agreement with Switzerland signed January 9, 1936. This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952. That order prescribes procedures for the periodic review of escape-clause actions. Such review is limited to the determination of whether a concession that has been modified or withdrawn can be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned.

In submitting this report, the Commission advised the President that the conditions of competition between imported and domestic watch movements had not so changed as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401. This means that, in the Commission's view, the developments in the trade in watch movements do not warrant a formal inquiry into the question of whether a reduction in the duties on watch movements could be made without resulting in serious injury to the domestic watch industry.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7092; Filed, July 27, 1961; 8:48 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3423

WINEMA NATIONAL FOREST—OREGON

By the President of the United States of America

A Proclamation

WHEREAS certain former tribal lands of the Klamath Indian Reservation in Oregon have been acquired by the United States pursuant to the act of August 13, 1954, 68 Stat. 718, as amended by the act of August 23, 1958, 72 Stat. 816, and are now national-forest lands subject to the laws applicable to lands acquired pursuant to the act of March 1, 1911, 36 Stat. 961; and

WHEREAS it is desirable in the interest of effective management that a part of such lands be designated as the Winema National Forest, and that a part thereof be administered as a portion of the Fremont National Forest; and

WHEREAS it is desirable in the interest of effective administration of the national forests that parts of the Rogue River, Deschutes, and Fremont National Forests be transferred to and administered as parts of the Winema National Forest:

NOW, THEREFORE, I, JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103 (16 U.S.C. 471), by section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S.C. 473), and by section 11 of the aforesaid act of March 1, 1911, and upon recommendation of the Secretary of Agriculture, do hereby proclaim as follows:

1. The following-described lands are designated as the Winema National Forest, and all of such lands which are subject to the laws applicable to lands acquired by the United States pursuant to the aforesaid act of March 1, 1911, as amended, or which are hereafter acquired by the United States pursuant to that act shall be administered as the Winema National Forest:

WILLAMETTE MERIDIAN

T. 30 S., R. 7 E.,
sec. 16, lots 1 to 4, inclusive, S½NE¼, E½W½, SE¼;
sec. 21;
sec. 22, W½;
sec. 27, W½;
secs. 28 and 33.
T. 31 S., R. 7 E.,
sec. 4, lots 3 and 4, S½NW¼, SW¼;
sec. 5;
sec. 6, lots 1 to 4, inclusive;
sec. 7, lot 1;
sec. 8, NW¼NE¼, N½NW¼.
T. 33 S., R. 7 E.,
sec. 2, lots 1 and 2, S½NE¼, SE¼;
sec. 6, lots 11 to 14, inclusive;
sec. 7, lots 9 to 12, inclusive;
sec. 10, NE¼NE¼, S½NE¼, SW¼;
sec. 11, W½NE¼, NW¼, SE¼SW¼;
sec. 14, W½;
sec. 15, W½, SE¼;
sec. 16, NE¼, S½S½NW¼, S½;
sec. 18, lots 7 to 10, inclusive, NE¼NE¼, S½NE¼;
sec. 19, lots 1 to 4, inclusive, SE¼NW¼, E½SW¼;
sec. 20, N½NE¼, E½NW¼;
secs. 21 and 22;
sec. 23, NW¼, W½SW¼;
sec. 24, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
sec. 25, N½NW¼, SW¼NW¼;
sec. 26, S½NE¼, SE¼;
secs. 27 and 28;
sec. 29, S½;
sec. 30, lots 1 to 4, inclusive, E½W½, SE¼;
secs. 31 and 32;
sec. 33, N½, SW¼;
sec. 34, N½, N½S½;
sec. 35, N½NE¼, N½SW¼NE¼, SE¼NE¼, S½NW¼.
T. 34 S., R. 7 E.,
sec. 2, lots 3 and 4, S½NW¼, W½SW¼;
sec. 3;
sec. 4, S½SW¼, W½SW¼SE¼;
sec. 5;
sec. 6, lots 1 to 5, inclusive, lot 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
secs. 7 and 8;
sec. 9, W½NW¼NE¼, NW¼, W½NE¼SW¼, W½SW¼;
sec. 10, lots 1, 2, 5, 6, and 7, NW¼NE¼, NE¼NW¼, E½NW¼NW¼;
sec. 11, W½NW¼, NW¼SW¼;
sec. 12, E½SW¼, E½SW¼SW¼, SE¼;
sec. 13, E½, NE¼NW¼, E½NW¼NW¼, E½SE¼NW¼, W½SW¼, SE¼SW¼;
sec. 14, E½SW¼NW¼, NE¼NW¼SW¼, S½NE¼SW¼, SE¼SW¼SW¼, SE¼SW¼, S½N½SE¼, S½SE¼;
sec. 16, W½NE¼, NW¼, W½E½E½SW¼, W½E½SW¼, W½SW¼;
sec. 17;
sec. 18, lots 1, 2, and 3, E½W½, E½;
sec. 19, lots 2, 3, and 6, NE¼, E½W½;
sec. 20, N½, NE¼SW¼, N½N½SW¼SW¼, N½SE¼;
sec. 21, NW¼, N½SW¼, SE¼SW¼, SE¼;
sec. 23, E½, E½W½, E½NW¼NW¼, N½N½NW¼SW¼, E½E½SW¼SW¼;
secs. 24 and 25;
sec. 26, E½, E½W½;
sec. 28, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
sec. 29, S½N½, S½N½SE¼, S½SE¼;
sec. 31, NE¼SE¼, N½N½SE¼SE¼;
sec. 32, N½, E½NE¼SW¼, N½SE¼, SW¼SE¼;
sec. 33, N½NW¼NE¼, W½;
sec. 35, E½W½, SE¼NW¼NW¼, E½;
sec. 36.
T. 35 S., R. 7 E.,
secs. 1 and 2;
sec. 3, E½W½ and E½ of lot 17, lots 18, 21, 22, 23 and 24, SW¼SE¼;
sec. 10, E½, E½W½, E½W½W½;
secs. 11 to 14, inclusive;
sec. 15, E½, E½W½, E½W½W½;
sec. 22, E½, NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼;
secs. 23 to 26, inclusive;
sec. 27, E½, E½NW¼, NE¼SW¼, N½SE¼SW¼;
sec. 34, E½;
secs. 35 and 36.
T. 36 S., R. 7 E.,
secs. 1 and 2;
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sec. 10, E½
secs. 11 to 14, inclusive;
sec. 15, E½E½, E½W½NE¼, E½NW¼SE¼;
sec. 22, lots 1, 2, and 3, E½NE¼;
sec. 23, lot 1, N½, N½SW¼, SE¼SW¼, SE¼;
secs. 24 and 25;
sec. 26, lots 1 to 7, inclusive, N½NE¼, SE¼NE¼;
sec. 36, lots 2 to 7, inclusive, NE¼, NE¼NW¼, NE¼NW¼NW¼, NE¼SE¼.
T. 33 S., R. 7½ E.,
secs. 13 and 14, that portion of the S½ lying south of the Klamath Indian Reservation boundary according to GLO plats dated May 19, 1873, and February 1, 1888;
sec. 15, that portion of the N½S½ and SW¼SW¼ lying easterly of the Wood River and southerly of the Klamath Indian Reservation boundary according to GLO plats dated May 19, 1873, and September 3, 1898, SE¼SE¼;
sec. 22, that portion of the N½NW¼NW¼ lying northerly of Wood River according to GLO plat dated September 3, 1898, E½NE¼;
sec. 23, N½, E½SE¼;
sec. 24, all;
sec. 25, N½, E½SW¼, SE¼;
sec. 26, N½NE¼, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, E½W½SE¼;
sec. 35, NE¼NE¼, N½SE¼NE¼;
sec. 36, NE¼, W½E½SW¼, NW¼SW¼, E½SW¼SW¼, N½SE¼.
T. 34 S., R. 7½ E.,
sec. 1, E½NW¼NE¼, S½NE¼, E½SE¼NW¼, E½W½SE¼NW¼, W½W½SE¼, W½E½W½SE¼;
sec. 12, E½NE¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼, E½E½NE¼SE¼.
T. 31 S., R. 8 E.,
sec. 34, SE¼SW¼, S½SE¼;
sec. 35, S½SW¼.
T. 32 S., R. 8 E.,
sec. 1, lots 4, 5, 6, and 14, SW¼SW¼, SE¼SE¼;
sec. 2, lots 3 and 4, W½SW¼NE¼, S½NW¼, S½;
sec. 3, lot 1, SE¼NE¼, E½SE¼;
sec. 10, E½NE¼, SE¼;
secs. 11 to 15, inclusive;
sec. 16, SE¼;
sec. 21, NE¼, E½NW¼;
secs. 22 to 26, inclusive;
sec. 27, N½NE¼, SW¼NE¼, NW¼, NW¼SE¼;
sec. 35, NE¼, NE¼SE¼;
sec. 36, N½, N½SW¼, NW¼SE¼.
T. 34 S., R. 8 E.,
sec. 7, lots 3 and 4, E½SW¼, SE¼;
sec. 8, S½;
sec. 9, S½;
sec. 10, W½SW¼;
sec. 15, W½NW¼NW¼, SW¼NW¼;
secs. 16 to 18, inclusive;
sec. 19, lots 1 to 4, inclusive, NE¼, E½NW¼, N½N½SE¼, S½S½SE¼;
sec. 20, N½;
sec. 21, NW¼NE¼, NW¼;
sec. 28, W½NE¼SW¼, W½SW¼, SE¼SW¼, W½SE¼;
secs. 29 to 32, inclusive;
sec. 33, N½, SW¼, W½SE¼;
sec. 34, SE¼SE¼.
T. 35 S., R. 8 E.,
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sec. 2, lot 4, SW¼NW¼, NW¼SW¼, S½S½;
sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
sec. 4, lots 2, 3, and 4, N½SW¼NE¼, SW¼NW¼, W½SE¼NW¼, NE¼SE¼NW¼, SW¼, S½SW¼SE¼;
secs. 5 to 8, inclusive;

sec. 9, W½E½, W½;
sec. 10, E½, E½W½;
sec. 11;
sec. 12, W½NE¼, SE¼NE¼, W½, SE¼;
secs. 13 and 14;
sec. 15, NE¼, E½NW¼, SW¼NW¼, S½;
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T. 36 S., R. 8 E.

T. 37 S., R. 8 E.,
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sec. 12;
sec. 13, N½, E½SW¼, SE¼;
sec. 15, W½NE¼NE¼, N½SW¼NE¼, N½NE¼NW¼, W½NW¼NW¼, SW¼NW¼, NW¼SW¼;
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sec. 36, lots 3 and 4, NE¼, N½SE¼.

T. 30 S., R. 9 E.,
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sec. 13, E½NE¼;
sec. 27, S½;
sec. 28, SE¼;
sec. 33, lot 6, N½NE¼, E½SW¼NE¼, SE¼NE¼, NE¼SE¼, E½NW¼SE¼;
sec. 34;
sec. 35, lots 1 to 4, inclusive, S½NE¼, NW¼, N½S½;
sec. 36, lots 1 to 4, inclusive, S½S½NE¼, S½NW¼, N½S½.

T. 31 S., R. 9 E.,
secs. 1 to 3, inclusive;
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sec. 10, E½, E¼NW¼, W¼NE¼SW¼;
secs. 11 to 14, inclusive;
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secs. 29 to 33, inclusive;
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sec. 36.

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sec. 11, NE¼;
sec. 12;
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sec. 20, SW¼, W½SE¼, W½E½SE¼;
sec. 21, E½, NE¼SW¼;
sec. 22;
sec. 23, W½SW¼NE¼, W½, S½NE¼SE¼, W½SE¼, SE¼SE¼;
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sec. 31, lots 1 to 6, inclusive, and lot 9, E½NW¼, NE¼SW¼, NW¼SE¼;
sec. 32, lots 1 to 4, inclusive, E½NE¼, E½E½W½NE¼, N½S½;
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secs. 12 to 14, inclusive;
sec. 15, E½;
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secs. 23 to 25, inclusive;
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T. 33 S., R. 10 E.,
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T. 30 S., R. 11 E.,
secs. 1 to 6, inclusive;
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secs. 8 to 17, inclusive;
sec. 18, NE¼;
sec. 19, E½, SE¼SW¼;
secs. 20 to 29, inclusive;
sec. 30, lots 1 and 2, E½, E½W½;
secs. 31 to 36, inclusive.

T. 31 S., R. 11 E.,
secs. 1 and 2;
sec. 3, lots 1 to 4, inclusive, S½N½;
sec. 6, lots 3 to 6, inclusive;
sec. 7, E½NW¼NE¼;
sec. 20, W½SE¼;
sec. 29, W½E½, SE¼SW¼SW¼, E½SW¼;
sec. 31, lots 2, 3, and 4, S½NE¼, S½SE¼, SE¼NW¼, E½SW¼;
sec. 32, W½E½, SE¼NW¼, SW¼.

T. 32 S., R. 11 E.,
sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, N½SW¼, N½S½SW¼, W½SE¼;
sec. 6, lots 3 to 6, inclusive, and 7, SE¼NW¼, E½SW¼, W½NW¼SE¼, SW¼SE¼;
sec. 7, lots 1 to 4, inclusive, S½NE¼NE¼, W½NE¼, SE¼NE¼, E½W½, N½SE¼, SW¼SE¼, W½SE¼SE¼;
sec. 8, W½E½, W½SW¼;
sec. 18, lots 1 to 4, inclusive, NW¼NE¼, W½SW¼NE¼, E½SE¼NE¼, E½NW¼, E½SW¼, E½SE¼;
sec. 19, lots 1 to 4, inclusive, NE¼NE¼, S½NE¼, E½NW¼, E½SW¼, SE¼;
sec. 30;
sec. 31, lots 1, 3, and 4, SE¼NE¼, E½SW¼, SE¼, N½NW¼NE¼, N½NE¼NW¼.

T. 33 S., R. 11 E.,
secs. 1 to 3, inclusive;
sec. 4, lots 1 to 4, inclusive, S½N½, E½SW¼, SE¼;
sec. 5, SW¼NW¼, SW¼;
secs. 6 and 7;
sec. 8, NW¼;
sec. 9, NE¼, E½NW¼, E½SW¼, S½NW¼SW¼, SW¼SW¼, N½SE¼;
secs. 10 to 15, inclusive;
sec. 16, SW¼, S½SE¼;
sec. 20, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
secs. 21 to 29, inclusive;
sec. 30, lots 3 and 4, E½NE¼, E½SW¼, SE¼;
secs. 31 to 36, inclusive.

T. 34 S., R. 11 E.,
That portion of the township lying west of the Sykan River.

T. 35 S., R. 11 E.,
sec. 3, lot 4, SW¼NW¼, W½SW¼;
secs. 4 to 8, inclusive;

sec. 9, N½, SW¼, N½SE¼;
sec. 10, W½NW¼.

T. 36 S., R. 11 E.,
sec. 19, SE¼SW¼, S½SE¼;
sec. 27, W½SE¼;
secs. 28 to 33, inclusive;
sec. 34, E½;
sec. 35, W½W½.

T. 37 S., R. 11 E.,
sec. 2, lots 1 and 2, S½NE¼, S½;
secs. 3 to 11, inclusive.

T. 37 S., R. 11½ E.,
secs. 1 to 6, inclusive;
sec. 12.

T. 33 S., R. 12 E.,
That portion of the township lying north of the Sykan River.

T. 34 S., R. 12 E.,
secs. 5, 6, 18, 19, 30 and 31, those portions lying north or west of the Sykan River.

T. 33 S., R. 13 E.,
sec. 4, lot 4, SW¼NW¼;
secs. 5 to 9, inclusive;
sec. 10, that portion of the SW¼ lying north of the Sykan River;
secs. 15, 16, and 17, that portion lying north and west of the Sykan River;
secs. 18 to 20, inclusive.

2. The lands described in Attachment No. I affixed hereto and made a part hereof are designated as a part of the Fremont National Forest, and all of such lands which are subject to the laws applicable to lands acquired pursuant to the aforesaid act of March 1, 1911, as amended, or which are hereafter acquired pursuant to that act shall be administered as part of the Fremont National Forest.

3. The lands described in Attachments Nos. II, III, and IV affixed hereto and made a part hereof are transferred from the Rogue River National Forest, the Deschutes National Forest, and the Fremont National Forest, respectively, to the Winema National Forest and shall be administered as parts of the Winema National Forest; and the boundaries of the Rogue River, Deschutes, and Fremont National Forests are modified accordingly.

It is not intended by this proclamation to give national-forest status to any publicly-owned lands which have not heretofore had such status or to alter the status of any publicly-owned lands which now have national-forest status.

This proclamation shall become effective on July 1, 1961.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of July in the year of our Lord nineteen hundred and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

ATTACHMENT NO. I

LANDS TO BE ADMINISTERED AS PART OF THE FREMONT NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 34 S., R. 11 E.,
secs. 1, 12, 13, and 24, that portion lying east of the Sykan River.

T. 37 S., R. 11 E.,
Sec. 1, lot 1, S½NE¼, SW¼SW¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
sec. 12, E½NE¼, E½W½NE¼, SW¼SW¼NE¼, W½NW¼NW¼, SE¼SW¼NW¼, S½SE¼NW¼, S½;
secs. 13 and 24.

T. 31 S., R. 12 E.,
secs 1 to 6, inclusive.

T. 33 S., R. 12 E.,
secs. 22 to 27, inclusive, and secs. 32 to 34, inclusive, that portion lying south of the Sykan River;
sec. 35;
sec. 36, NE¼, W½, W½SE¼.

T. 34 S., R. 12 E.,
sec. 1, N½N½NW¼;
secs. 2 to 4, inclusive;
secs. 5 and 6 that part lying south of Sykan River;
secs. 7 to 17, inclusive;
secs. 18 and 19 that part lying east of Sykan River;
secs. 20 to 27, inclusive;
sec. 28, N½, SE¼;
sec. 29;
secs. 30 and 31 that part lying east of the Sykan River;
sec. 32, lots 1 and 2, NW¼, N½SW¼;
sec. 33, lots 1 to 4, inclusive, NE¼, N½S½;
secs. 34 to 36, inclusive.

T. 35 S., R. 12 E.,
sec. 3;

T. 37 S., R. 12 E.,
sec. 1, lots 1, 2, and 4, S½N½, S½;
sec. 2, lots 1, 2, and 5, S½NE¼, E½SE¼NW¼, SE¼;
sec. 4, E½SE¼, SW¼SE¼;
sec. 6, lots 6 and 7, SE¼SW¼, SE¼;
secs. 7 to 9, inclusive;
sec. 10, W½E½NW¼, W½NW¼, W½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, NW¼SE¼SW¼;
sec. 11, N½, N½SW¼, E½SW¼SW¼, SE¼SW¼, SE¼;
secs. 12 to 14, inclusive;
sec. 15, E½, E½SW¼, SW¼SW¼;
sec. 16, W½NE¼, W½, S½SE¼;
secs. 17 to 24, inclusive.

T. 31 S., R. 13 E.,
secs. 1 to 4, inclusive;
secs. 9 to 16, inclusive;
secs. 21 and 22;
sec. 23, NW¼, W½SW¼;
sec. 24, lots 1 and 2, W½NE¼, S½NW¼;
sec. 27, N½;
secs. 28 and 33;
sec. 34, NW¼.

T. 32 S., R. 13 E.,
sec. 4, SW¼, S½SE¼;
secs. 9, 16, and 21;
sec. 28, W½;
secs. 29 to 32, inclusive;
sec. 33, W½E½, W½.

T. 33 S., R. 13 E.,
sec. 1, S½N½SW¼, S½SW¼;
sec. 2, E½SE¼;
sec. 10, that portion of the SW¼ lying south of the Sykan River;
sec. 11, NE¼, S½;
sec. 12, W½;
sec. 14, W½E½, W½;
secs. 15, 16, and 17 that portion lying south and east of the Sykan River;
sec. 21, N½, N½S½;
sec. 22, N½, N½S½;
sec. 23, NW¼NE¼, NW¼, N½SW¼;
sec. 25, E½E½, S½SW¼, SW¼SE¼;
sec. 26, S½S½;
sec. 34, E½NE¼, NE¼SE¼;
sec. 35, N½, N½S½, SE¼SE¼;
sec. 36, W½.

T. 34 S., R. 13 E.,
sec. 1;
sec. 2, lots 1 and 2, S½NE¼, S½;
sec. 3, E½W½SW¼, E½SW¼, SE¼;
sec. 4, lot 7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
sec. 5, S½N½, S½;
sec. 6, lots 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
secs. 7 to 36, inclusive.

T. 35 S., R. 13 E.,
secs. 1 to 17, inclusive;
sec. 18, E½, E½W½;
sec. 20, N½NE¼, E½SW¼NE¼, SE¼NE¼, N½NW¼, NE¼SE¼, E½NW¼SE¼, N½SE¼SE¼;
secs. 21 to 24, inclusive.

T. 36 S., R. 13 E.,
sec. 19, SE¼NE¼, E½SE¼, SW¼SE¼;
sec. 20, S½N½, S½;
sec. 21, S½N½, S½;
sec. 22, SE¼NW¼, S½;
sec. 23, S½NE¼, S½;
sec. 24, SW¼, S½SE¼;
secs. 25 to 36, inclusive.

T. 37 S., R. 13 E.,
sec. 1, lots 3 and 4, that portion of S½NW¼ and SW¼ lying northwesterly of the Klamath Indian Reservation boundary according to GLO plat dated February 1, 1888;
sec. 2, lots 1 to 4, inclusive, S½N½, SW¼, that portion of SE¼ lying northwest of the Klamath Indian Reservation boundary according to GLO plat dated February 1, 1888;
secs. 3 to 10, inclusive;
sec. 11, that portion lying northwest of the Klamath Indian Reservation boundary according to GLO plat dated February 1, 1888;
secs. 18 and 19.

ATTACHMENT NO. II

LANDS TRANSFERRED FROM THE ROGUE RIVER NATIONAL FOREST TO THE WINEMA NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 32 S., R. 5 E., unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide and not within the Crater Lake National Park.

T. 33 S., R. 5 E., unsurveyed,
That portion of the township lying east or south of the summit of the Cascade Mountain Divide.

T. 34 S., R. 5 E., unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide.

T. 35 S., R. 5 E., partly unsurveyed,
secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; secs. 31 to 33; secs. 34 to 36, inclusive; secs. 4, 9, 16, 21, 28, 29, and 30 that portion lying south and east of the summit of the Cascade Mountain Divide.

T. 36 S., R. 5 E.

T. 37 S., R. 5 E.,
secs. 1 to 6, inclusive; secs. 9 to 15, inclusive; secs. 22 to 27, inclusive; secs. 33 to 36, inclusive;
secs. 7, 8, 16, 21, 28, 29, and 32 that portion lying easterly of a line beginning at the NW corner of sec. 7, thence easterly over the top of Brown Mountain continuing easterly and southerly along the summit of the Cascade Mountain Divide and ending at the SW corner of sec. 32.

T. 38 S., R. 5 E.,
secs. 1 to 5, inclusive;
secs. 8 to 12, inclusive;
sec. 35, E½NE¼, NE¼SE¼.

T. 28 S., R. 6 E., unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide.

T. 29 S., R. 6 E., unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide and not within the Crater Lake National Park.

T. 32 S., R. 6 E., unsurveyed,
That portion of the township not within the Crater Lake National Park.

T. 33 S., R. 6 E., partly surveyed,
secs. 1 to 11, inclusive;
sec. 12, W½;
sec. 13, W½;
secs. 14 to 23, inclusive; secs. 26 to 34, inclusive;
sec. 35, W½.
T. 34 S., R. 6 E.,
secs. 2 to 5, inclusive;
sec. 6, that portion lying east of the summit of the Cascade Mountain;
secs. 7 to 11, inclusive;
sec. 13, S½;
secs. 14 to 24, inclusive;
sec. 26, W½;
secs. 27 to 34, inclusive;
sec. 35, W½.
T. 35 S., R. 6 E.,
sec. 2, W½;
secs. 3 to 11, inclusive; secs. 14 to 23, inclusive; secs. 26 to 34, inclusive;
sec. 35, W½.
T. 36 S., R. 6 E.,
sec. 3, W½;
secs. 4 to 10, inclusive;
sec. 11, NW¼;
secs. 15 to 36, inclusive.
T. 37 S., R. 6 E.
T. 38 S., R. 6 E.,
secs. 1 to 18, inclusive;
sec. 23, E½E½;
sec. 25, N½, SE¼;
sec. 31.
T. 28 S., R. 7½ E., unsurveyed,
That portion of the township lying south of a line beginning at the summit of Mt. Thielsen and running southeasterly along Cottonwood Creek to the approximate north line of sec. 36.
Tps. 29 and 30 S., R. 7½ E., unsurveyed,
Those portions of the townships not within the Crater Lake National Park.
T. 31 S., R. 7½ E.,
That portion of the township not within the Crater Lake National Park.
T. 32 S., R. 7½ E.,
secs. 1 to 3, inclusive;
secs. 4 and 9, those portions not within the Crater Lake National Park;
secs. 10 to 15, inclusive; secs. 22 to 25, inclusive;
sec. 26, N½.
T. 28 S., R. 7 E.,
secs. 31 and 32.
T. 29 S., R. 7 E.,
secs. 4 to 8, inclusive; secs. 17 to 20, inclusive; secs. 29 to 32, inclusive.
T. 30 S., R. 7 E., unsurveyed,
secs. 5 to 8, inclusive; secs. 17 to 20, inclusive; secs. 29 to 32, inclusive.
Tps. 31 and 32 S., R. 7 E.,
secs. 6, 7, 18, 19, 30, and 31, those portions that are within the proclaimed boundary of the Rogue River National Forest.

ATTACHMENT NO. III

LANDS TRANSFERRED FROM THE DESCHUTES NATIONAL FOREST TO THE WINEMA NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 27 S., R. 6 E.,
sec. 36, that portion lying east of the summit of the Cascade Mountain Divide.
T. 28 S., R. 6 E.,
secs. 12 and 13, those portions lying east of the summit of the Cascade Mountain Divide.
T. 27 S., R. 6½ E., partly unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide.
T. 27 S., R. 7 E., partly unsurveyed,
secs. 1 to 35, inclusive.
T. 28 S., R. 7 E., partly unsurveyed,
secs. 4 to 9, inclusive;
sec. 12, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼, unsurveyed;
secs. 16 to 21, inclusive;
secs. 28 to 30, inclusive;
sec. 33.
T. 28 S., R. 6½ E., unsurveyed,
That portion of the township lying east of the summit of the Cascade Mountain Divide and north of a line running from the top of Mt. Thielsen southeasterly along Cottonwood Creek to the south boundary of sec. 25.
T. 27 S., R. 8 E.,
secs. 1 to 30, inclusive;
sec. 31, E½E½, NE¼NW¼;
sec. 33, E½SE¼.
T. 28 S., R. 8 E.,
sec. 5, N½, N½SE¼.

ATTACHMENT NO. IV

LANDS TRANSFERRED FROM THE FREMONT NATIONAL FOREST TO THE WINEMA NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 27 S., R. 8 E.,
secs. 34 to 36, inclusive.
T. 28 S., R. 8 E.,
secs. 1 to 3, inclusive;
secs. 10 to 14, inclusive;
secs. 24, 25, 35, and 36.
T. 29 S., R. 8 E.,
sec. 1.
T. 25 S., R. 9 E.,
secs. 24 to 27, inclusive;
secs. 33 to 36, inclusive.
T. 26 S., R. 9 E.,
secs. 1 to 5, inclusive;
secs. 7 to 36, inclusive.
Tps. 27 and 28 S., R. 9 E.
T. 29 S., R. 9 E.,
secs. 1 to 6, inclusive.
T. 25 S., R. 10 E.,
secs. 13 to 36, inclusive.
Tps. 26, 27 and 28 S., R. 10 E.
T. 29 S., R. 10 E.,
secs. 1 to 6, inclusive.

[F.R. Doc. 61-7231; Filed, July 27, 1961; 4:42 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (e)(1) of § 6.112 is amended as set out below.

§ 6.112 Department of Commerce.

* * * * * *

(e) *National Bureau of Standards.* (1) Scientific and professional research associate positions when filled on a temporary or intermittent basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to the appointee and the Bureau. Total employment under this provision may not exceed 20 new appointments each fiscal year, including those at the headquarters and at the Boulder, Colorado, Laboratories of the Bureau. Employment under this provision shall not exceed one year in any individual case; *Provided,* That such employment may, with the approval of the Commission, be extended for not to exceed an additional year. Such extensions shall not be included against the quota of 20 new appointments as stated above.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7162; Filed, July 26, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders) Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Valencia Orange Reg. 238]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.538 Valencia Orange Regulation 238.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 30, 1961, and ending at 12:01 a.m., P.s.t., August 6, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7260; Filed, July 28, 1961; 11:18 a.m.]

[Milk Order 31]

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area (7 CFR Part 931), it is hereby found and determined that:

(a) The following provision of the order, no longer tends to effectuate the declared policy of the Act: In § 931.10(d) the first proviso which reads "That the total quantities of producer milk received from members of the cooperative association at pool plants during the month is not less than 50 percent of the total pounds of producer milk received at all pool plants during the month".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The pool status of producer milk historically received from members of the cooperative association is jeopardized by milk entering pool plants from new producers. This suspension will provide for the continued pool status of producer milk historically associated with the market.

(4) This suspension action is based on a request from the cooperative association which represents about 80 percent of the producers in the market. The association has also petitioned for

a public hearing to amend the order. However, this suspension is necessary to maintain orderly marketing in the months of July and August.

Therefore, good cause exists for making this order effective July 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective July 1, 1961, for the period July 1, 1961, through August 31, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 26, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–7178; Filed, July 28, 1961; 8:52 a.m.]

[Pear Reg. 12]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Regulation by Grades and Sizes

§ 939.312 Pear Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1961. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendation as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 13, 1961, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; shipments of the current crop of such pears are expected to begin on or about the effective time hereof, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., July 31, 1961, and ending at 12:01 a.m., P.s.t., July 1, 1962, no handler shall ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 195 size: *Provided*, That Beurre D'Anjou pears may be shipped when bearing unhealed broken skin punctures measuring not to exceed three-sixteenth (3/16) of one inch in diameter or depth, as the case may be, if they otherwise grade at least U.S. No. 1, and are of a size not smaller than the 135 size;

(ii) Any Beurre Bosc pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size;

(iii) Any Doyenne du Comice pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 180 size;

(iv) Any Winter Nelis pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 225 size;

(v) Any Beurre Easter pears unless such pears grade at least U.S. No. 2 and are of a size not smaller than the 165 size.

(2) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (§§ 51.1300–51.1323 of this title); "135 size," "165 size," "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 135, 165, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep), and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7159; Filed, July 28, 1961; 8:51 a.m.]

[Peach Reg. 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO

Regulation by Grades and Sizes

§ 940.313 Peach regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1961. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 20, 1961; recommendations as to the need for, and the extent of, regulation of shipments of such peaches were made by said committee on July 20, 1961, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendations and supporting information were submitted to the Department, and made available to growers and handlers; shipments of some of the early varieties of the current crop of peaches have begun in light volume, and shipments in heavy volume are expected to begin shortly, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., M.s.t., August 1, 1961, and ending at 12:01 a.m., M.s.t., October 21, 1961, no handler shall ship:

(i) Any peaches of any variety which do not grade at least U.S. No. 1;

(ii) Any peaches of the Early Elberta, Gleason Elberta, Sullivan Elberta, Red Haven, Starking Delicious, or Golden Jubilee varieties which are of a size smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or

(iii) Any varieties of peaches other than the Early Elberta, Gleason Elberta, Sullivan Elberta, Red Haven, Starking Delicious, and Golden Jubilee varieties which are of a size smaller than 2⅛ inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter; and (*b*) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(3) *Definitions.* As used herein, "peaches," "handler," "ship," and "varieties" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1," "diameter," and "count" shall have the same meaning as when used in the United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7158; Filed, July 28, 1961; 8:51 a.m.]

[Lemon Reg. 910]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1017 Lemon Regulation 910.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 25, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 30, 1961, and ending at 12:01 a.m., P.s.t., August 6, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[F.R. Doc. 61–7191; Filed, July 28, 1961; 8:53 a.m.]

[Lime Reg. 12; Lime Reg. 11 Terminated]

PART 1001—LIMES GROWN IN FLORIDA

Quality and Size Regulation

§ 1001.312 Lime Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 101, as amended (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1961. Shipments of Florida limes are currently subject to quality and size limitations pursuant to Lime Regulation 11 (26 F.R. 4146) and, unless terminated, will continue to be so regulated; determinations as to the need for, and extent of, the continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to July 30, 1961, and in the manner herein provided, were promptly submitted to the Department after a meeting of the Florida Lime Administrative Committee on July 25, 1961, held to consider recommendations for regulation; the provisions of this regulation are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective as hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Lime Regulation 11 (26 F.R. 4146) is hereby terminated at 12:01 a.m., e.s.t., July 31, 1961.

(2) During the period beginning at 12:01 a.m., e.s.t., July 31, 1961, and end-

ing at 12:01 a.m. e.s.t., April 30, 1962, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. No. 1, Mixed Color with not less than 75 percent, by count of the limes in each container thereof grading at least U.S. No. 1; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement.

(3) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division Agricultural Marketing Service.

[F.R. Doc. 61–7192; Filed, July 28, 1961; 8:53 a.m.]

[Milk Order 127]

PART 1027—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Order Amending Order

§ 1027.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, was issued June 23, 1961, and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued July 19, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That, on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended:

In § 1027.50(a), delete the language preceding the headings of the Class I price adjustment schedule and substitute the following:

Class I price. During the period beginning with August 1961, and through and including September 1962, the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey, and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 26, 1961, to be effective on and after the 1st day of August 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–7179; Filed, July 26, 1961; 8:52 a.m.]

[Prune Reg. 1]

PART 1029—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

§ 1029.302 Prune Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 129 (7 CFR Part 1029), regulating the handling of fresh prunes grown in designated counties in Washington, and in Umatilla County, Oregon, effective July 7, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 31, 1961. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 20, 1961; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 20, 1961, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about July 31, 1961, and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., P.s.t., July 31, 1961, and ending at 12:01 a.m., P.s.t., November 1, 1961, no handler shall handle any lot of prunes to any destination other than export (as defined in § 1029.15) unless:

(1) Such prunes grade at least U.S. No. 1, except that any prunes having not less than two-thirds (⅔) of the surface purplish color may be shipped if they otherwise grade at least U.S. No. 1; and

(2) Such prunes, in addition to meeting the other requirements of maturity as defined in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title), contain not less than fourteen (14) percent soluble solids.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 1029.41 and 1029.55.

(4) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954); and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7157; Filed, July 28, 1961; 8:51 a.m.]

[Grapefruit Reg. 15]

PART 1031—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

§ 1031.328 Grapefruit Regulation 15.

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 131 (7 CFR Part 1031), regulating the handling of oranges and grapefruit grown in the lower Rio Grande Valley in Texas, effective September 22, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades, pack, and sizes, pursuant to the marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Texas Valley Citrus Committee on July 24, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective terms in said marketing agreement and order; and terms relating to grade, diameter, and pack (including standard pack), when used herein, shall have the same meaning as is given to the respective terms in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.658 of this title) for grapefruit packed in a 1⅔ bushel box.

(2) During the period beginning at 12:01 a.m., c.s.t., August 1, 1961, and ending at 12:01 a.m. c.s.t., September 1, 1961, no handler shall, except as otherwise provided, handle:

(i) Any container of grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. Combination, with not less than 60 percent, by count, of the grapefruit in each container thereof grading at least U.S. No. 1 grade; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown as aforesaid, which are of a size smaller than 2 1/16 inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 2 1/16 inches in diameter;

(iii) Any grapefruit of any variety, grown as aforesaid, in any box or carton having inside dimensions other than those specified in subdivision (iv) unless (*a*) the grapefruit are packed in accordance with the requirements of standard pack; or (*b*) are of a diameter within the diameter limits specified for one of the following pack sizes except that not more than 10 percent, by count, of the grapefruit in such container may be outside of such diameter limits:

Pack size	Diameter limits in inches	
	Minimum	Maximum
40	4 31/32	5
150	2 13/16	3 1/16

(iv) Any grapefruit of any variety, grown as aforesaid, in a container having inside dimensions of 19¾ x 13½ x 13½ inches unless such container is packed in accordance with one of the following pack sizes and contains the applicable number of grapefruit that are within the diameter limits specified for the particular pack size, except that not more than 10 percent, by count, of such grapefruit in such container may be outside such diameter limits:

Pack size:	*Number of grapefruit*
48	48
54 or 56	56
64	64
70 or 72	72
80	80
96	96
112 or 113	112
125 or 126	125
150	150

(v) The provisions of subdivisions (iii) and (iv) of this subparagraph shall not

apply to the grapefruit in any gift package of fruit.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container regulations which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7156; Filed, July 28, 1961; 8:51 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Lime Reg. No. 6, Amdt. 1]

PART 1069—LIMES

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) the provisions of paragraph (a) of § 1069.6 (Lime Regulation 6; 26 F.R. 4327) are hereby amended to read as follows:

(a) On and after the effective time hereof, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least the U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) meet the requirements of at least the U.S. No. 1, Mixed Color, grade with not less than 75 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1;

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the limes in any container may fail to meet this requirement; and

(4) Each such importation is made in conformance with the General Regulation (7 CFR Part 1060) applicable to the importation of listed commodities and the requirements of this regulation: *Provided*, That the provisions of § 1060.4 (e) of the General Regulations shall not apply.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the grade, size, and quality restrictions being made applicable to the shipment of limes grown in Florida under Lime Regulation 12 (§ 1001.312) which becomes effective July 31, 1961; (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, July 27, 1961, to become effective at 12:01 a.m., e.s.t., August 2, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7193; Filed, July 28, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–336]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS [1]

Mechanization of Use-It or Lose-It Reporting and Subsidy Billing Support

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1961.

In the course of developing the Board's current program of mechanizing data processing, it was found that the information required for the Local Service Use-it or Lose-it Program may be reported and processed on an integrated basis with information needed for the administration of subsidy billings of the Local Service Carriers. Such a system would result in great savings in time and work for the carriers and the Board.

This amendment relates to the methods and mechanics of reporting and not to the substance of data presently required by the Board. The more sophisticated techniques introduced herein will, however, permit discontinuance of reporting on CAB Form 41 Schedules T–5 "Passenger Loads by Segment—Local Service Air Carriers" and T–6 "Passenger Loads by Flights—Local Service Air Carriers," heretofore required under the Use-it or Lose-it Program, and discontinuance of the machine listings presently submitted for subsidy billing purposes. In lieu thereof, each Local Service Carrier will submit monthly to the Board a deck of accounting machine punch cards and a listing thereof which summarizes by flight stages the operations performed each month. In addition, a machine listing (but no cards) will be submitted providing daily information for each flight stage of each flight. All of this information is presently reflected in the listings required for subsidy billing purposes and/or Schedules T–5 and T–6 of Form 41. Even now this information is submitted by several carriers in the form of machine listings. The accounting machine listings are to be prepared in prescribed formats with appropriate column headings in such manner as to make the data included in the deck of punch cards understandable and readily available to all users of the CAB Form 41 reports.

The reporting procedures prescribed hereby are available to and may be implemented without burden by all Local Service Air Carriers possessing accounting machine punch card equipment. While specific formats are prescribed for the required listings of information, the carriers may use their preprinted forms already on hand until supplies are exhausted provided that the prescribed information is clearly identified. Should any carrier affected hereby not have punch card equipment available to it, the Board will provide an alternative method for reporting the required information upon request therefor.

The mechanics of the revised procedures have been informally reviewed by the Board's staff with representatives of Local Service Air Carriers. A number of the carriers have urged the implementation of these procedures as of July 1, 1961. Since a July 1 effective date would require the retroactive recasting of information by some carriers, an August 1, 1961, effective date is prescribed herein. However, should all of the Local Service Carriers desire earlier implementation, the Board will entertain an appropriate request for waiver.

Since this amendment involves only a change in the manner of reporting information to the Board and does not impose an additional reporting requirement or other burden upon any person, the Board finds that notice and public procedure hereon are unnecessary and not in the public interest, and that these amendments may be made effective less than thirty days from the date of their publication.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective August 1, 1961, as follows:

1. By deleting from the table in paragraph (a) of § 241.22 *General reporting instructions*, the following lines:

T–5____Passenger Loads by Segment____Local Service Air Carriers____Monthly____30
T–6____Passenger Loads by Flight____Local Service Air Carriers____Monthly____30

and inserting in lieu thereof, the following line and note to the table:

T–5____Passenger Loads____Local Service Air Carriers____Monthly____[2]

[1] The deck of machine accounting punch cards, Listing T–5(a)—Monthly Listing of Daily Passenger Loads by Flight Stages—Local Service Air Carriers and Listing T–5(b) Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers shall be filed simultaneously with the submission of CAB Form 545 "Air Carrier's Claim for Subsidy".

2. By deleting, from § 241.25 *Traffic and capacity elements*, "Schedule T–5—Passenger Loads by Segment—Local Service Air Carriers," "Schedule T–6—Passenger Loads by Flight—Local Service Air Carriers," and the reporting instructions related thereto, and inserting in lieu thereof a schedule and reporting instructions reading:

SCHEDULE T–5—PASSENGER LOADS—LOCAL SERVICE AIR CARRIERS

(a) This schedule shall be filed by each local service air carrier. The schedule shall consist of two tabular machine accounting listings of information prescribed in paragraphs (c) and (d) of these instructions and one deck of 80-column machine accounting punch cards with the information required by paragraph (b) of these instructions punched in the prescribed card columns.

(b) The deck of machine accounting punch cards shall include the required information for all revenue flights operated during the month. An individual card containing monthly summaries of the information below shall be included for each common flight stage and each common aircraft type of each flight. Each card shall be punched by columns as follows:

Card column	Item	Description
1–2	Carrier	The two-letter name code as required for reporting the CAB Origin and Destination Survey data.
3–7:	Date:	
3–4	Day	Leave blank.
5–6	Month	The month of year covered by the card, numbering each month consecutively "01" through "12" beginning with January.
7	Year	The last digit only of the current year shall be used.
8	Scheduled, extra section, or exempted trips.	Flight stages on each revenue trip operated pursuant to flight schedules filed with the Board shall be zero punched, except that: (1) flight stages operated as extra sections shall be punched X(11) and, (2) flight stages operated without authority to transport mail or on a nonsubsidy basis as well as flight stages (exempted trips) operated over route segments or in serving a point where suspension has been authorized shall be punched R(12).
9–12	Flight number	The flight number pursuant to flight schedules filed with the Board. As needed the flight number shall be preceded with zeros (thus 0001). Extra sections shall be indicated by punching in card column 9 for each successive section operated the digits 1, 2, 3, etc., or any numeric digit (no alpha) currently in use by the reporting carrier.
13–16:	Aircraft:	
13–14	Type code	The aircraft type code as set forth in paragraph (e) of these instructions.
15–16	Standard seats	The standard number of seats for each aircraft type as set forth in paragraph (e) of these instructions. These columns may be left blank at the carrier's option. (This option in no way alters the prescribed seats to be used for determining subsidy pursuant to Order E–10485).
17–18	Blank	Leave blank.
19	Card No.	Emit a "1".
20–35:	Flight Stage:	
20–22	From	The three-letter alpha code used in the Origin-Destination Survey.
23–25	To	The three-letter alpha code used in the Origin-Destination Survey.
26–33	Aircraft Miles	The total revenue aircraft miles flown during the month for the flight stage identified in card columns 20–25.
34–37	Monthly total Passenger load.	The total number of revenue passengers during the month carried on the flight stage identified in card columns 20–25.
38–39	Trips operated	The total number of trips operated during the month for the flight stage identified in card columns 20–25.
40–43	Airports served	The average number of airports served during the month, carried to one decimal place, computed pursuant to paragraph I–C of Order E–10485. As needed the number of airports served shall be preceded with zeros.
44–45	Days in month	The number of calendar days in the reporting month.
46–80	Blank	MUST BE LEFT BLANK (for CAB calculations only).

(c) *Listing T–5 (a)—Monthly Listing of Daily Passenger Loads by Flight Stages—Local Service Air Carriers* shall be filed monthly by each local service air carrier upon its own machine accounting forms simultaneously with the submission of CAB Form 545 "Air Carrier's Claim for Subsidy".

(1) The carrier's name, month and year of the report, page number and number of pages shall be shown (in handwriting if desired), at the upper right of each page of the listing. The full prescribed name for each column shall be shown as either a heading or a footing strip, unless forms are preprinted.

(2) Data for each flight operated by day of operation shall be reflected in Columns 1 through 14 of the listing pursuant to paragraph (4) of this instruction.

(3) In tabulating, a line shall be skipped before and after each summary total. A new page shall be started for each change in flight number. Minor control totals shall be shown wherever there is a change from a regular flight to an extra section or to an exempted trip, a change in flight stages, or a change in aircraft type; an intermediate total shall be shown wherever there is a change in flight number; and major totals will be shown for each aircraft type for the entire tabulation. Do not add into major control totals values which reflect extra sections or exempted trips.

(4) Prescribed column headings are set forth in subparagraphs (1) through (xi) of this paragraph.

(i) Column 1 "Carrier" shall reflect the name code for the reporting air carrier as required for reporting the Origin and Destination Survey data.

(ii) Column 2 "Day", Column 3 "Month", and Column 4 "Year" shall reflect the date of operation for each flight. The year shall be identified by the last digit thereof.

(iii) Column 5 "Flight Number" shall reflect the flight number set forth in the carrier's flight schedules filed with the Board.

(iv) Column 6 "Aircraft Type" shall reflect the type code for each aircraft type operated as set forth in paragraph (e) of these instructions.

(v) Column 7 "Standard Seats" shall reflect the standard number of seats for each aircraft type established by the Board under the local service class rate order as set forth in paragraph (e) of these instructions. This column may be left blank at the carrier's option.

(vi) Column 8 "From" and Column 9 "To" shall reflect the alpha city codes for each flight stage operated.

(vii) Column 10 "Distance" shall reflect the mileage for each flight stage listed in Columns 8 and 9 pursuant to Part 247 of the Economic Regulations.

(viii) Column 11 "Number of Passengers" shall reflect for each flight stage the number of passengers carried between points listed in Columns 8 and 9.

(ix) Column 12 "Trips Operated" shall reflect the total number of trips operated for each flight each month.

(x) Column 13 "Days in Month" shall reflect the number of days in the month being reported.

(xi) Column 14 "Number of Airports Served" shall reflect the number of airports served computed pursuant to paragraph I–C of Order E–16485 dated March 7, 1961. The computations shall be carried to one decimal place.

(d) *Listing T–5(b)—Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers* shall be filed monthly by each local service air carrier upon its own machine accounting forms simultaneously with the submission of CAB Form 545 "Air Carrier's Chain for Subsidy."

(1) The carrier's name, month and year of the report, page number and number of pages shall be shown (in handwriting if desired) at the upper right of each page of the listing. The full prescribed name for each column heading shall be shown as either a heading or footing strip, unless forms are preprinted.

(2) The prescribed column headings for this listing shall be the same as those set forth in paragraph (c)(4) of these instructions for Listing T–5(a); provided that column 2 "Day" shall remain blank and column 10 shall be headed "Revenue Aircraft Miles Flown."

(3) This listing shall be a tabulation of the deck of machine accounting cards required to be filed with the Board by paragraph (a) and described in paragraph (b) of these instructions. Prior to tabulation, the cards shall be sorted into regular trip sequence within aircraft type code (columns 13–14), within "zero", "X(11)", or "R(12)" (column 8), within flight number (columns 9–12). In tabulating, a line shall be skipped before and after each summary total and tabulation shall be continuous without regard to such totals. Minor control totals shall be shown wherever there is a change from a regular flight to an extra section or to an exempted flight (column 8), a change in points served (columns 20–25), or a change in aircraft type (columns 13–14); an intermediate total shall be shown wherever there is a change in flight number (columns 9–12); and major totals shall be shown for each aircraft type (columns 13–14) for the entire tabulation. Cards with an "X(11)" or "R(12)" in column 8 shall be listed; however, they shall not be added into major control totals.

(e) The aircraft type codes and the standard number of seats for each aircraft type to be used for reporting on this schedule shall be as follows:

[1] This is Amendment No. 1 to Part 241, reissued, effective June 1, 1961 (Reg. ER–327), printed in the FEDERAL REGISTER of May 16, 1961 (26 F.R. 4222).

Aircraft types	Aircraft type codes	Standard number of seats
Convair:		
CV-240	25	40
CV-340/440	26	44
CV-540	28	52
Douglas DC-3	37	24
Fairchild F-27	48	40
Martin:		
M-202	69	40
M-404	70	44

(f) Revenue aircraft miles for all aircraft types shall agree with revenue aircraft miles reported for Item 5886, Schedule T-1.

3. By repealing the formats for "Schedule T-5 Passenger Loads by Segment—Local Service Air Carriers" and "Schedule T-6 Passenger Loads by Flight—Local Service Air Carriers" and in lieu thereof adopting the following formats[1] which are incorporated herein by reference, for:

Accounting Machine Cards for Listing T-5 (b)—Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers.

Listing T-5(a)—Monthly Listing of Daily Passenger Loads by Flight Stages—Local Service Air Carriers.

Listing T-5(b)—Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers.

NOTE: Formats for Listing T-5(a) and T-5(b),[1] include hypothetical data for the purpose of better illustrating their use.

(Sec. 204(a), 72 Stat. 743, 49 U.S.C. 1324; interpret or apply sec. 407, 72 Stat. 766, 49 U.S.C. 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-7153; Filed, July 28, 1961; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 769; Amdt. 314]

PART 507—AIRWORTHINESS DIRECTIVES

Piper PA-24 and PA-24"250" Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the fuel selector valve shaft of aircraft equipped with Brittain wing tip fuel tanks was published in 26 F.R. 5270.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

[1] Filed as part of the original document.

PIPER. Applies to all PA-24 and PA-24"250" aircraft modified to incorporate Brittain wing tip fuel tanks (Supplemental Type Certificates No. SA4-1235 and SA4-1351).

Compliance required within the next 150 hours' time in service after the effective date or at the next disassembly of fuel selector valves, whichever occurs first.

The fuel selector valve handles of aircraft equipped with Brittain wing tip fuel tanks can easily be reinstalled with incorrect indexing after the valves have been disassembled for servicing and lubrication. Incorrect indexing can cause serious fuel system malfunctioning and one accident resulting from this condition has been reported. To preclude future incorrect indexing of the fuel selector valve handles, the following must be accomplished:

(a) Remove any valve shafts with four flat sides at the handle end and replace with Brittain P/N4018-15 shafts, or equivalent. The Brittain P/N 4018-15 shaft is identical to the original except that one of the four sides at the handle end has been modified to a convex shape.

(b) After reassembly and reinstallation of the selector valves, determine that the valve handles are properly indexed with respect to the selector valve placard.

(Brittain Aircraft Enterprises Service Letter No. 4000-1 dated April 26, 1961, covers this same subject.)

This amendment shall become effective August 31, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July July 24, 1961.

GEORGE C. PRILL, *Director, Flight Standards Service.*

[F.R. Doc. 61-7123; Filed, July 28, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-122]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways and Associated Control Areas

In Airspace Docket No. 60-NY-112, published in the FEDERAL REGISTER on April 22, 1961 (26 F.R. 3462), the Federal Aviation Agency adopted amendments to Parts 600 and 601 of the regulations of the Administrator which, among other actions, altered low altitude VOR Federal airways Nos. 123, 157 and 276 and their associated control areas. It is now indicated that certain minor corrections to the descriptions of these airways are necessary in the interest of consistency and conformity.

Victor airways 123 and 157 require a change of one degree in alignment in order to conform with a coincident airway segment. Victor 276 requires a change of one degree in the description of its terminal point in order to terminate on the centerline of Victor 16.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In §600.6123 (14 CFR 600.6123, 26 F.R. 3462) "New Castle, Del., VORTAC 260° radials;" is deleted and "New Castle, Del., VORTAC 261° radials;" is substituted therefor.

2. In § 600.6157 (14 CFR 600.6157, 26 F.R. 573, 1754, 2344, 3462) "New Castle, Del., VORTAC 260° radials;" is deleted and "New Castle, Del., VORTAC 261° radials;" is substituted therefor.

3. In § 600.6276 (14 CFR 600.6276, 26 F.R. 3462) "Coyle, N.J., VOR 058° radials." is deleted and "Coyle, N.J., VOR 057° radials." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 21, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 61-7130; Filed, July 28, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-88]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On November 4, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10578) stating that the Federal Aviation Agency (FAA) proposed to alter the Martha's Vineyard, Mass., control zone.

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Objections to the proposal were submitted by the State of Massachusetts Aeronautics Commission, Aircraft Owners and Pilots Association (AOPA), and the Airspace Representative for the Aircraft Owners and Pilots Association-National Aviation Trades Association (AOPA-NATA). The objections were generally concerned with the restriction to VFR flight operations when the weather conditions go below basic VFR minimums and reports of frequent unsatisfactory communications and weather reporting service at the Martha's Vineyard Airport.

The expansion of the control zone to a 5-mile radius is required in order to provide protection for departing aircraft until they reach 1,000 feet above the surface. The dimensions of the present zone afford this protection only to lighter type aircraft. Additionally, the Otis AFB, Mass., RAPCON is capable of providing direct air-ground communications service for this control zone down to and including the runway surface at Martha's Vineyard Airport. Therefore, aircraft should contact Otis RAPCON for clearance to transit this control zone. The Otis RAPCON communications frequencies are listed in the Airman's Guide in the Radar and Air Navigation Radio Aids sections. Furthermore, weather reporting service is furnished by Northeast Airlines personnel who have been certified by the United States Weather Bureau and the control zone is being designated as a part-time zone so as to conform to the hours for which weather reporting service is available.

Although the notice stated that the control zone would be designated from 0630 to 2400 hours daily, weather reporting service is not available during this entire period. Northeast Airlines will furnish weather reporting service from 0630 to 2300 hours Eastern Standard Time, daily, June 23 through September 4 and 0630 to 2130 hours Eastern Standard Time, daily, September 5 through June 22. Therefore, the control zone is being designated to conform to the hours for which weather reporting service is available. This change is reflected in the action taken herein.

Regarding the comments concerning Draft Release 60-8 and the establishment of floors for control zones, Draft Release 60-8 resulted in the issuance of Civil Air Regulations Amendment No. 60-21 (26 F.R. 570) which became effective February 21, 1961. This amendment to Part 60 of the Regulations of the Administrator does not provide for the establishment of floors for control zones. Therefore, the Martha's Vineyard control zone is being designated from the surface, as defined in CAR Amendment No. 60-21.

The revocation of Restricted Area R-79 has eliminated the interference to the instrument approach procedure to runway 24. Consequently, the approach procedure to runway 33 is no longer required, thus eliminating the requirement for the proposed control zone extension to the southeast. The control zone is also being designated so as to exclude an area within a 1.5-mile radius of the center of the Edgartown (Katama) Airpark. This will provide for uncontrolled ingress to and egress from this airport. These changes are reflected in the action taken herein.

The Department of the Air Force, the Air Line Pilots Association, and the Air Transport Association of America interposed no objection to the Proposal. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, § 601.2326 (14 CFR 601.2326) is amended to read:

§ 601.2326 Martha's Vineyard, Mass., control zone.

Within a 5-mile radius of the Martha's Vineyard Airport (Lat. 41°23'35" N, Long. 70°36'56" W); within 2 miles either side of the 040° bearing of the Martha's Vineyard RBN extending from the 5-mile radius zone to 12 miles NE of the RBN; within 2 miles either side of the 052° radial of the Martha's Vineyard VOR extending from the 5-mile radius zone to 12 miles NE of the VOR, excluding the portion that coincides with the Falmouth, Mass., control zone (Section 601.2254) and excluding the portion within a 1.5-mile radius of the Katama Airpark (Lat. 41°21'45" N, Long. 70°31'30" W). This control zone is to be effective during the hours 0630 to 2300 Eastern Standard Time, daily, June 23 through September 4, and 0630 to 2130 Eastern Standard Time, daily, September 5 through June 22, annually.

This amendment shall become effective 0001 e.s.t. September 21, 1961.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510, E.O. No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 21, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 61-7126; Filed, July 28, 1961; 8:45 a.m.]

[Airspace Docket No. 61-FW-4]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On May 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4457) stating that the Federal Aviation Agency proposed to alter the Greensboro, N.C., control zone.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.2144 (14 CFR 601.2144) is amended to read:

§ 601.2144 Greensboro, N.C., control zone.

Within a 5-mile radius of the Greensboro-High Point Airport (latitude 36°-05'36" N., longitude 79°56'34" W.), and within 2 miles either side of the Greensboro VOR 207° radial extending from the 5-mile radius zone to 12 miles SW of the VOR excluding the portion which coincides with the Winston-Salem, N.C. control zone (§ 601.2171).

This amendment shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 21, 1961.

D. D. THOMAS, *Director, Air Traffic Service.*

[F.R. Doc. 61-7127; Filed, July 28, 1961 8:45 a.m.]

[Airspace Docket No. 61-FW-8]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Redefinition of Control Zone and Control Area Extension

The purpose of these amendments to §§ 601.2155 and 601.1018 of the Regulations of the Administrator is to redefine the Meridian, Miss., control zone and the Meridian control area extension.

The Meridian control zone is presently designated as the airspace within a 5-mile radius of Key Field, Meridian, within 2 miles either side of the northwest course of the Meridian radio range extending from the radio range to a point 12 miles northwest, within 2 miles either side of the 314° True radial of the Meridian VORTAC extending from the VORTAC to a point 12 miles northwest and within 2 miles either side of the Meridian ILS localizer south course extending from the 5-mile radius zone to the outer marker. The Meridian control area extension is partially designated as extending 5 miles either side of the north course of the Meridian radio range extending from the radio range station to a point 20 miles north. The Federal Aviation Agency has determined that the portions of the Meridian control zone and control area extension based on the northwest course of the Meridian radio range station are no longer required for air traffic management purposes and may be revoked. Therefore, such action is taken herein.

Since the changes effected by these amendments are less restrictive in nature than present requirements, and impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), §§ 601.2155 (14 CFR 601.2155) and 601.1018 (14 CFR 601.1018) are amended to read:

§ 601.2155 Meridian, Miss., control zone.

Within a 5-mile radius of Key Field (latitude 32°19'55" N., longitude 88°-44'55" W.), within 2 miles either side of the 314° radial of the Meridian VORTAC extending from the VORTAC to a point 12 miles NW and within 2 miles either side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the ILS OM.

§ 601.1018 Control area extension (Meridian, Miss.).

Within 5 miles either side of the Meridian ILS localizer S course extending from the localizer to a point 30 miles S, and within 5 miles either side of the 314° radial of the Meridian VORTAC extending from the VORTAC to a point 20 miles NW.

These amendments shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 21, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7129; Filed, July 26, 1961; 8:45 a.m.]

[Airspace Docket No. 61-AN-9]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.22 of the regulations of the Administrator is to alter the Shemya, Alaska, Restricted Area R-2204.

Following a re-evaluation of its needs for restricted airspace in the vicinity of Shemya, Alaska, the Department of the Air Force has informed the Federal Aviation Agency of a need for an adjustment of the dimensions of R-2204. The Air Force indicated that the size of R-2204 can be reduced by approximately 80 percent and the ceiling lowered by 500 feet. Although this modification results in an over-all reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R-2204 of a small amount of airspace bordering the southern edge of the present area. This additional area constitutes less than one square mile and would not affect current aeronautical operations.

Since this amendment reduces a burden on the public, compliance with the Notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary and it may be made effective upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.22 Alaska (26 F.R. 873), R-2204 Shemya, Alaska, is amended to read:

R-2204 Shemya, Alaska:

Boundaries. Beginning at Lat. 52°44'48" N., Long 174°07'06" E., to Lat. 52°43'42" N., Long. 174°07'06" E., to Lat. 52°43'42" N., Long. 174°05'16" E., to Lat. 52°44'48" N., Long. 174°05'16" E., to point of beginning.

Designated altitudes. Surface to 2,500 feet MSL.

Time of Designation. Continuous.

Using Agency. Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 21, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7128; Filed, July 28, 1961; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 the pertinent section heading in the Table of Contents is amended to read as follows:

Sec.
200.53 General Counsel and Associate General Counsel.

Section 200.52 is amended to read as follows:

§ 200.52 Deputy Commissioner.

To the position of Deputy Commissioner there is delegated the basic authority and functions to assist and to act with and for the Commissioner in the general administration of the Federal Housing Administration, in the determination of basic policy and in the general supervision, direction and coordination of all operations, activities and functions of the Federal Housing Administration, with full authority at all times to make any decision which the Commissioner is authorized to make and to issue any order which the Commissioner is authorized to issue.

In § 200.53 the introductory text is amended as follows:

§ 200.53 General Counsel and Associate General Counsel.

To the position of General Counsel and under his general supervision to the position of Associate General Counsel there is delegated the following basic authority and functions:

Section 200.68 is amended by adding paragraph (h) as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(h) To develop, review, evaluate and recommend to the Commissioner organizational structure, delegations of authority, and distribution of functions.

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Multifamily Housing Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; and Assistant Commissioner for Property Disposition.

In § 200.90 paragraph (a) is amended to read as follows:

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller, and the Associate General Counsel.

Section 200.101 is amended to read as follows:

§ 200.101 Division Directors and their superiors, the General Counsel, Field Office Directors and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director, and to each of them, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61 as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., July 25, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-7151; Filed, July 28, 1961; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2429]

[Idaho 011638]

IDAHO

Revocation of Stock Driveway Withdrawals, Wholly or in Part

Correction

In F.R. Doc. 61-6596, appearing at page 6303 of the issue for Friday, July 14, 1961, the first line of the land description under item 1 should read as follows: "T. 4 N., R. 46 E.,".

[Public Land Order 2447]

[New Mexico 061544]

NEW MEXICO

Withdrawing Public Lands for Air Force Use

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Department of the Air Force for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 25 E.,
Sec. 24, E½E½SW¼SE¼; SE¼SE¼.
T. 10 S., R. 26 E.,
Sec. 16, E½SE¼SE¼SW¼, S½SW¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 19, SW¼NE¼NE¼NE¼, W½SE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, N½SW¼NE¼, N½S½SW¼NE¼, SW¼SW¼SW¼NE¼, NW¼SE¼NE¼, NW¼NE¼SE¼NE¼, E½NE¼NW¼, NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, S½SE¼NW¼, SE¼SE¼SW¼NW¼, NE¼NE¼NE¼SW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼, NE¼SW¼NE¼SW¼, W½SW¼NE¼SW¼, NE¼NE¼NW¼SW¼, NE¼SW¼NW¼SW¼, S½SW¼NW¼SW¼, SE¼NW¼SW¼, NE¼NE¼SW¼SW¼, W½NE¼SW¼SW¼, W½SW¼SW¼;
Sec. 30: NW¼NW¼NW¼NW¼.

The area described aggregates 325 acres more or less. The Bureau of Land Management will manage the grazing resources of the lands consistent with the requirements of the Department of the Air Force.

JOHN M. KELLY,
Assistant Secretary of the Interior.

JULY 25, 1961.

[F.R. Doc. 61-7140; Filed, July 28, 1961; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Publication and Public Inspection

This part as filed with the FEDERAL REGISTER on June 29, 1955, and as last amended on December 28, 1960, is further amended by revising paragraph (b) (1) (ii) of § 601.702 to read as follows:

§ 601.702 Publication and public inspection.

* * * * *

(b) *Final opinions and orders.* * * *

(1) *Accepted offers in compromise.* * * *

(ii) *Liquors.* For each offer in compromise submitted and accepted on or after August 1, 1961, pursuant to section 7122 of the Code in any case arising under chapter 51 of the Code, or pursuant to section 7 of the Federal Alcohol Administration Act in any case arising under that Act, a copy of the abstract and statement relating to the offer shall be available for public inspection for a period of one year from the date of acceptance. Copies of abstracts and statements covering offers accepted pursuant to the Code may be inspected in the office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer or in the office of the district director for the internal revenue district in which the offer was submitted. Copies of abstracts and statements covering offers accepted pursuant to the Federal Alcohol Administration Act may be inspected in the office of the assistant regional commissioner (alcohol and tobacco tax) who received the offer. Information, however, is not disclosed concerning any trade secrets, processes, operations, style of work, or apparatus, or confidential data, amount or source of income, profits, losses, or expenditures, or any other matter within the prohibition of section 1905 of Title 18 of the United States Code.

(R.S. 161; 5 U.S.C. 22)

[SEAL] JOHN W. S. LITTLETON,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 61-7211; Filed, July 28, 1961; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

CIVIL AIRCRAFT ARRIVING IN UNITED STATES FROM PLACES OUTSIDE THEREOF AND FOR MERCHANDISE CARRIED THEREON

Designation of Airports of Entry

JULY 24, 1961.

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, under the authority of section 1109(b) of the Act of August 23, 1958 (49 U.S.C. 1509(b)), it is proposed to put in effect a new policy for designating ports of entry for civil aircraft arriving in the United States from places outside thereof and for merchandise carried on such aircraft and for the detailing to ports of entry officers and employees of the Customs Service.

Under present regulations only a limited number of airports have been designated as "International Airports" (airports of entry). Most of these are located on the Canadian and Mexican borders, for the convenience of private flyers between contiguous countries. As a result of the tremendous increase in commercial and private international flights, particularly from overseas foreign countries, the present policy for designation of international airports and the granting of landing rights for arriving aircraft is no longer suitable. The Bureau is studying the practicability of a revision of our present policy for international airports in order to meet present day air commerce needs.

It is now contemplated that several classes of international airports would be established. These would be determined on the basis of the type of existing traffic (i.e., scheduled flights, private aircraft, etc.), the suitability of facilities for proper processing of arriving passengers, and the availability of necessary staffing. Realistic requirements for obtaining landing rights and giving advance notice of arrival would be established. It is possible that a large number of additional international airports would be established although many of these would be restricted to private aircraft. There is set forth below the proposed new policy for designation of airports of entry.

Data, views and arguments pertaining to the proposal may be submitted in writing to the Commissioner of Customs, Washington 25, D.C. To asure consideration they should be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

Proposed new policy for designation of international airports:

DEFINITIONS

Scheduled aircraft. An aircraft operated by a scheduled airline which is engaged in the carriage of passengers and merchandise to or from the United States on a specific route and with a regular schedule under authority issued by the Civil Aeronautics Board.

Non-scheduled aircraft. An aircraft having a gross certificated take-off weight greater than 12,500 pounds operated on a one-time or non-scheduled or intermittent basis to or from the United States pursuant to authority issued by the Civil Aeronautics Board.

Charter aircraft. An aircraft of which the entire capacity has been engaged for the movement of persons or cargo on a time, mileage, or trip basis by a person for his own use or by a representative of a group for the use of such group. (For customs purposes this will include only aircraft having a certified weight greater than 12,500 pounds.)

Air taxi aircraft. An aircraft having a gross certificated weight of 12,500 pounds or less, engaged in carriage of passengers or cargo for hire to or from the United States pursuant to authority issued by the Civil Aeronautics Board.

Private aircraft. A privately-owned aircraft engaged in personal or business flights to or from the United States and which is not carrying passengers or cargo for hire.

Landing rights. Landing rights are required before an aircraft may land at an airport which has not been designated for the entry of the particular category of aircraft desiring to land. Landing rights are permission to land at a specified airport which is granted by the appropriate customs officer with the concurrence of the appropriate officers of the Immigration and Naturalization Service, the Public Health Service, and the Department of Agriculture.

Landing rights granted to a scheduled airline are for scheduled aircraft, including extra sections, operating on a specified route authorized by the Civil Aeronautics Board and remain in effect so long as the particular authority exists, unless otherwise revoked. Such landing rights must be obtained for each new separate route and do not cover non-scheduled or charter flights operated by the scheduled airline. Landing rights are required at the initial airport of landing and at each subsequent airport where passengers requiring Federal inspection will be discharged, unless such airports have been designated for the entry of scheduled aircraft.

Landing rights for a non-scheduled or charter aircraft cover only a single flight or series of flights conducted as a single operation.

Landing rights for private aircraft or air taxi aircraft may be for a single flight or at the discretion of the collector of customs may be blanket landing rights for a specified period of time.

International airports. International Airports are airports designated by the Secretary of the Treasury as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, by the Attorney General as a port of entry for aliens arriving on such aircraft, and, except as specified, by the Secretary of Health, Education, and Welfare as a place for quarantine inspection. The Department of Agriculture has authorities for specifying airports for the entry of articles subject to agricultural quarantine. Landings at international airports are subject to any requirements or restrictions imposed by the Civil Aeronautics Board, the Federal Aviation Agency, or state, local, or municipal authority. The types of international airports are:

Class 1. An airport designated by the Secretary of the Treasury at which any category of aircraft arriving from outside the United States may land. An airport of this type must be located at or near an existing customs port of entry and must have approved inspectional facilities satisfactory to all the interested inspection agencies for the processing of large commercial passenger type aircraft. No charge will be made for customs inspectional service except for overtime charges under the customs overtime laws.

Scheduled aircraft must provide 30 days' advance notice to the collector of customs before commencing a new route and 14 days' advance notice for a change of schedule, either of which involve flights requiring Federal inspection.

Non-scheduled and charter aircraft carrying passengers for hire must provide 48 hours' advance notice of proposed arrival at the airport.

Air taxi and private aircraft must give at least 1 hour advance notice of arrival at the airport.

The following airports and possibly others would be classed as Class 1 airports if they have suitable facilities:

Detroit Metropolitan (Wayne County), Detroit, Mich.
Monolulu International, Honolulu, Hawaii.
Houston International, Houston, Tex.
Logan International, Boston, Mass.
Los Angeles International, Los Angeles, Calif.
Miami International, Miami, Fla.
Moisant International, New Orleans, La.
New York International (Idlewild), New York, N.Y.
O'Hare Field, Chicago, Ill.
Puerto Rico International, San Juan, P.R.
San Antonio International, San Antonio, Tex.
San Francisco International, San Francisco, Calif.
Seattle-Tacoma International, Seattle, Wash.

Class 2. An airport designated by the Secretary of the Treasury for the entry of private aircraft arriving from outside the United States. An airport of this type must be located at or near an existing customs port of entry or designated customs station and must have approved office space and facilities for processing private flights. Federal Aviation Agency communication facilities are desirable but not necessary for airports located on the Canadian and Mexican border if other approved methods are available for giving advance notice of arrival. Inspectional service will be provided from 8 a.m., to 5 p.m., Monday through Saturday. No charge will be made for customs inspectional service except for charges under the customs overtime laws.

Scheduled aircraft carrying passengers desiring to commence operations to a Class 2 airport must obtain landing rights from the Bureau of Customs which will obtain concurrence of the other interested agencies. This permission should be requested after the Civil Aeronautics Board approval for the route has been obtained and at least 30 days in advance of the date when it is desired to commence operations.

Precleared aircraft or scheduled aircraft desiring to land for refueling only or carrying cargo only, whether or not to be discharged, may obtain landing rights from the collector of customs or local customs officer, who will obtain the concurrence of the other interested agencies.

Certain of these airports will have facilities suitable for processing of large passenger aircraft on an occasional basis and these can be identified for alternate landing purposes when a scheduled aircraft cannot land at its regular airport because of bad weather, etc. In such cases they must give as much advance notice of arrival as possible.

Non-scheduled or charter aircraft carrying either passengers or cargo must obtain landing rights from local customs authorities with the approval of the other agencies but these must be requested at least 48 hours in advance of the arrival.

Air taxi and private aircraft must give at least 1 hour advance notice of arrival at the airport.

Class 3. An airport of entry designated by the Secretary of the Treasury for the entry of private aircraft if arriving only from a quarantine exempt area and not carrying passengers requiring the attention of a Public Health Service representative. Landing rights, privileges, and requirements for private and other aircraft at these airports would be similar to Class 2 airports, but would be restricted to flights for which the services of a Public Health Service representative are not required.

Class 4. Landing rights airports. These are airports located at or near a customs port of entry or customs station at which landing rights for private aircraft or air taxi aircraft may be obtained from the collector of customs or other local customs official with the concurrence of the other interested agencies. Permission to land must be obtained in advance of arrival at these airports and cannot be obtained through the Federal Aviation Agency communication facilities. A charge for travel and subsistence of the officer involved would be made. No scheduled, non-scheduled, or charter flights would be permitted unless specifically authorized by the Bureau of Customs.

[F.R. Doc. 61-7150; Filed, July 28, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 516) has been filed by Glassine & Greaseproof Manufacturers Association, 122 East Forty-second Street, New York 17, N.Y., proposing the issuance of a regulation to provide for the safe use of sodium nitrate as a component of a plasticizer in the manufacture of glassine and greaseproof paper and paperboard for the packaging of dry food.

Dated: July 24, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7144; Filed, July 28, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 958]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.237 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1962, will amount to $11,113.20.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97, as amended, and this part shall be $0.002205 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (25 F.R. 7092).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7155; Filed, July 28, 1961; 8:50 a.m.]

[7 CFR Part 958]

[Area 1]

IRISH POTATOES GROWN IN COLORADO

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado and issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.238 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and

amended order, during the fiscal period ending May 31, 1962, will amount to $750.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 26, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7154; Filed, July 28, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 906, 986]

[Docket Nos. AO-210-A13-RO1, AO-298-A1-RO1]

MILK IN OKLAHOMA METROPOLITAN AND RED RIVER VALLEY MARKETING AREAS

Notice of Reopening of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a reopening of a public hearing held at Oklahoma City, Oklahoma, on May 23–25, 1961, pursuant to notice thereof which was issued May 9, 1961 (26 F.R. 4110), with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Oklahoma Metropolitan and Red River Valley marketing areas.

Such public hearing will be reopened in the Pioneer Room, Tulsa Hotel, Tulsa, Oklahoma, beginning at 10:00 a.m., local time, on August 8, 1961.

The reopened public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Central Oklahoma Milk Producers Association and the Pure Milk Producers Association of Eastern Oklahoma:

Proposal No. 1. Maintain the present provisions of § 906.51(a) (1), (2), and (3), but review and realign seasonally the minimum and maximum standard utilization percentages and limit the maximum monthly change in the adjustment to five cents.

Proposal No. 2. Delete the provisions of § 906.50 and substitute therefor the following: "The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the delivery period: *Provided*, That such reported price shall be adjusted to a 4.0 percent butterfat basis by the butterfat differential computed pursuant to § 906.82 and rounded to the nearest full cent."

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of reopening of hearing and the order may be procured from the Market Administrator, Richard E. Arnold, P.O. Box 4568, Tulsa 14, Oklahoma, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., July 25, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7160; Filed, July 28, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-3]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-KC-3 on May 2, 1961 (26 F.R. 3780), it was stated that the Federal Aviation Agency proposed to designate the control areas associated with the following airways to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established:

1. The proposed segment of low altitude VOR Federal airway No. 193 from the Pullman, Mich., VORTAC to the intersection of the Pullman VORTAC 243° and the South Bend, Ind., VORTAC 310° True radials.

2. The altered segment of low altitude VOR Federal airway No. 172 between Chicago, Ill., and South Bend.

3. The altered segment of low altitude VOR Federal airway No. 51 between the Chicago O'Hare VORTAC and the Chicago Heights, VORTAC.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60, of the Civil Air Regulations to the control area associated with these segments of Victors 193, 172, and 51 should be deferred until such time as all control areas associated with the other airways in the Chicago, Pullman and South Bend areas can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with these proposed alterations to Victors 193, 172 and 51 extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-KC-3 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

This amendment is proposed under Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7133; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-47]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-47 on April 25, 1961 (26 F.R. 3538), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 494 proposed between Elko, Nev., and Malad City, Idaho, to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 494 should be deferred until such time as all control areas associated with the other airways in the vicinity of Elko and Malad City can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed segment of Victor 494 from Elko to Malad City extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-47 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7134; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-40]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-40 on April 25, 1961 (26 F.R. 3540), it was stated that the Federal Aviation Agency proposed to designate the control area associated with low altitude VOR Federal airway No. 524 proposed between Laramie, Wyo. and Scottsbluff, Nebr., to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with Victor 524 should be deferred until such time as all control area associated with the other airways in the vicinity of Laramie and Scottsbluff can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed Victor 524 from Laramie to Scottsbluff extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-40 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7135; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-35]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-35 on April 25, 1961 (26 F.R. 3538), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 181 proposed from Grand Forks, N. Dak., to the United States/Canadian border to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed segment of Victor 181 should be deferred until such time as all control areas in the vicinity of Grand Forks can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed segment of Victor 181 from Grand Forks to the United States/Canadian border extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-35 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7136; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-46]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-46 on April 25, 1961 (26 F.R. 3541), it was stated that the Federal Aviation Agency proposed to designate the control area associated with low altitude VOR Federal airway No. 507 proposed between Lovelock, Nev., and Boise, Idaho, to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with Victor 507 should be deferred until such time as all control areas associated with the other airways in the vicinity of Lovelock and Boise can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed Victor 507 from Lovelock to Boise extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-46 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7137; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–WA–42]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 61–WA–42 on April 25, 1961 (26 F.R. 3539), it was stated that the Federal Aviation Agency proposed to designate the control area associated with low altitude VOR Federal airway No. 503 proposed from the Goffs, Calif., VOR to the Beatty, Nev., VOR, to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the notice, it has been determined that the application of Amendment 60–21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed Victor 503 should be deferred until such time as all control areas associated with the other airways in the vicinity of Goffs can be altered by applying Amendment 60–21. Accordingly, action is hereby taken to alter the original notice by proposing that the control area associated with the proposed Victor 503 from Goffs to Beatty extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–WA–42 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7138; Filed, July 28, 1961; 8:47 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–LA–28]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The FAA is considering the designation of a control zone within a 3-mile radius of the Troutdale Airport, Troutdale, Oreg. (latitude 45°33'00" N., longitude 122°23'50" W.) excluding the portion which would coincide with the Portland International Airport, Restricted Area/Military Climb Corridor (R–5703). This control zone would be effective during period from 0600 to 2200 hours daily P.s.t., and would provide protection for aircraft departing and arriving the Troutdale Airport during the hours weather reporting service and communications are available. This service will be provided by the Troutdale control tower, which is scheduled to be commissioned during October 1961.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7131; Filed, July 28, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61–FW–55]

CODED JET ROUTES

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.540 of the regulations of the Administrator, the substance of which is stated below.

VOR/VORTAC jet route No. 40 presently extends from Montgomery, Ala., VORTAC via the Columbus, Ga., VOR to the Charleston, S.C., VORTAC. The Federal Aviation Agency has under consideration a proposal by the Department of the Air Force to redesignate Jet Route 40V from Montgomery VORTAC via the intersection of the Montgomery VORTAC 071° and the Macon, Ga., VORTAC 267° True radials; the Macon VORTAC to the Charleston VORTAC. Jet route J–40–V would then be based on VORTAC facilities which would assist military aircraft that are only equipped with TACAN to navigate between Montgomery and Charleston. The Federal Aviation Agency proposes to alter this proposal slightly by redesignating Jet Route 40V via the Montgomery VORTAC 068° and the Macon VORTAC 268° True radials in lieu of the Montgomery VORTAC 071° and the Macon VORTAC 267° True radials. This would provide adequate lateral separation between Jet Route 40V and the Fort Benning, Ga., Restricted Area R–3002.

If this action is taken VOR/VORTAC jet route No. 40 would be redesignated from the Montgomery, Ala., VORTAC via the intersection of the Montgomery VORTAC 068° and the Macon, Ga., VORTAC 268° True radials; the Macon VORTAC to the Charleston, S.C., VORTAC.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 24, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7132; Filed, July 28, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2508, Amdt. 46]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Paragraph (k) of section 11 of Order No. 2508, as amended (14 F.R. 258; 16 F.R. 473, 11620; 17 F.R. 1570; 19 F.R. 34, 4585; 20 F.R. 167; 22 F.R. 646, 1263; 24 F.R. 2282; 25 F.R. 831), is amended to read as follows:

SEC. 11. *Funds and fiscal matters.* • • •

(k) The approval of applications by individuals, cooperative associations, credit associations, and incorporated and unincorporated tribes and bands, and groups of Indians, for loans pursuant to 25 CFR Part 91; the issuance of commitment orders; the approval of modifications of loan agreements; the approval of interest rates and the terms and conditions of loans to encourage industry; and the approval of articles of association and bylaws of cooperative and credit associations; and determination of the acceptability of the form of organization of groups of Indians applying for loans to encourage industry.

STEWART L. UDALL,
Secretary of the Interior.

JULY 22, 1961.

[F.R. Doc. 61–7139; Filed, July 28, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181 (25 F.R. 5863) the following table lists the establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which were officially reported on July 1, 1961, as humanely slaughtering and handling on that date the species of livestock respectively designated for such establishments in the table. Establishments reported after July 1, as using humane methods on July 1, or a later date in July will be listed in a supplemental list. Previously published lists represented establishments reported in June or July 1961 as humanely slaughtering and handling the designated species of livestock on June 1 or some later date in June 1961 (26 F.R. 5765 and 6277). The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AD	○	*			*	
Do.	2AT	○		○			
Do.	2AU	○	*			○	
Do.	2B	○		○		○	
Do.	2C	○		○			
Do.	2E	○			*		
Do.	2F	○	○	○		*	
Do.	2H	○					
Do.	2LT	○				○	
Do.	2WN	○	○				
Do.	3A	○	○	*		○	
Swift and Co.	3AC	○					
Do.	3AE	○	○			○	
Do.	3AF	○					
Do.	3AN	○	○				
Do.	3B	○		○		○	
Do.	3C	○	○				
Do.	3CC	○		○			
Do.	3D	○	○			○	
Do.	3E	○		○			
Do.	3F	○	○		*	○	
Do.	3FF	○		○			
Do.	3L	○				○	
Do.	3NN	○	*				
Do.	3R	○	○			○	
Do.	3S						
Do.	3T	○	○				
Do.	3UU	○	○	*		○	
Do.	3W	○					
Do.	3Z	○	○			○	
Do.	6C	○		*			
Lykes Bros., Inc.	8	○				○	
Do.	8B	○					
Pauly Packing Co., Inc.	10	○	○				
Hygrade Food Products Corp.	12	○		*		○	
Do.	12A	○	○				
Do.	12C	○		*		○	
Do.	12D	○					
Do.	12G	○	*				
Do.	12P	○				○	
Mickelberrys Food Products Co.	16						
John Morrell and Co.	17	○				○	
Do.	17A	○				○	
C. Finkbeine, Inc.	18	○				○	
The Cudahy Packing Co.	19	○		*		○	
The Cudahy Packing Co. of Nebraska	19E	○	○				
Wilson and Co., Inc.	20A	○		*		○	
Do.	20N	○	○				
Do.	20Q	○		○		○	
Do.	20Y	○	○	○			
Swift and Co.	23	○					
Brander Meat Co.	25	○	○				
American Packing Co.	26	○		*		○	
The Sperry and Barnes Co.	27C						
Patrick Cudahy, Inc.	28	○					
Kreinberg and Krasny, Inc.	30	○					
Roegelein Provision Co.	32	○	○	*		○	
Valleydale Packers, Inc.	34	○				○	
Armour and Co.	35	○					
Montana Packing Co., Inc.	37	○	○	○			
Armour and Co.	40	○				○	
Sunnyland Packing Co.	43	○					
Stark Wetzel and Co., Inc.	44	○					
Do.	44A					*	
Consolidated Dressed Beef Co., Inc.	47	○	*	*			
Lackawanna Beef and Provision Co.	49	○					
Nevada Meat Packing Co.	52	○	*	○		*	
Midwestern Beef, Inc.	53	○					
Sunnyland Packing Co., of Alabama	56	○					
Glover Packing Co. of Amarillo	60	○					
Glover Packing Co.	60A					○	
Weiland Packing Co., Inc.	61					○	
The Quaker Oats Co.	67E						○
Minchs Wholesale Meats, Inc.	72	○	○	○		*	
Armour and Co.	75	○	○		*		
City Packing Co.	80	○	○				
The Cudahy Packing Co.	81					*	
Hill Packing Co.	83E		*				○
Edgar Packing Co.	84	○					
Excel Packing Co., Inc.	86	○	*	*		*	
The E. Kahns Sons Co.	89	○					
Hygrade Food Products Corp.	90	○				*	
Sugardale Provision Co.	92	○					
Shonyo Packing Co.	93	○	○	○	*	*	
The Val Decker Packing Co.	95	○	○	○			
Wm. G. Rehns Sons	96	○				*	
John Engelhorn and Sons	97	○					
A. Kochs Sons	98	○	○				
Armour and Co.	100	○	○	*			
Liberty Packing Co.	101	○	○				
H. Graver Co.	103	○	○	○		○	
Swift and Co.	104	○	○	○		*	
J. Lynn Cornell, Inc.	107	○					

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Wilson and Co., Inc.	111	(*)	(*)	(*)		(*)	
Hoffman Packing Co., Inc.	112	(*)					
Morris Packing Co.	113	(*)					
West Coast Meat Co., Inc.	117	(*)					
Wilson and Co., Inc.	119	(*)	(*)	(*)			
Marhoefer Packing Co., Inc.	121	(*)	(*)				
E. J. Arehle and Sons, Inc.	122	(*)				(*)	
City Dressed Beef	125	(*)					
Peyton Packing Co., Inc.	126	(*)					
Superior Packing Co.	127	(*)	(*)	(*)	(*)	(*)	
John R th nd Son, Inc.	130	(*)					
Tobin Packing Co., Inc.	133						
Ottawa Packing Co	135					(*)	
Armour and Co	136	(*)					
Edward J. Kluener, Inc.	142	(*)	(*)	(*)			
R. B. Rice Sausage Co., Inc.	144		(*)				
Siegel Weller Packing Co.	153					(*)	
Kansas City Dressed Beef Co.	156	(*)					
Missouri Farmers Association Packing Division.	159	(*)	(*)			(*)	
Joel E. Harrell and Son, Inc.	162	(*)					
Swift and Co.	166A	(*)				(*)	
Camp Packing Co., Inc.	174	(*)	(*)	(*)	(*)	(*)	
Armour and Co.	177	(*)	(*)				
Peerless Packing Co.	180						
Montrose Beef Co.	181					(*)	
The Rath Packing Co.	186	(*)					
Do.	186C	(*)	(*)	(*)		(*)	
Do.	186F						
Fort Dodge Packing Co., Inc.	187					(*)	
Standard Packing Co.	188	(*)					
Seattle Packing Co.	191	(*)	(*)				
Krey Packing Co.	192	(*)		(*)		(*)	
Hynes Packing Co.	197	(*)	(*)				
United Fryer and Stillman, Inc.	198	(*)					
George A. Hormel and Co.	199	(*)	(*)				
Do.	199A	(*)					
Do.	1991						
Do.	199N					(*)	
Cudahy Packing Co.	202	(*)				(*)	
Central Packing Co., Inc.	208	(*)				(*)	
Heinzs Riverside Abattoir, Inc.	210	(*)					
S. Adams Packing Co.	211	(*)					
Penn Packing Co.	212						
Elburn Packing Co.	213					(*)	
Fred Dold and Sons Packing Co.	214	(*)	(*)				
Lincoln Meat Co.	217	(*)					
York Packing Co., Inc.	220						
Gwaltney, Inc.	221A					(*)	
Armour and Co.	222	(*)				(*)	
Hygrade Food Products Corp.	224	(*)				(*)	
Do.	224B	(*)	(*)	(*)		(*)	
Gold Merit Packing Co., Inc.	232	(*)					
Walti Schilling and Co., Inc.	235	(*)	(*)	(*)			
Armour and Co.	238			(*)			
P. D. and J. Meats	240	(*)				(*)	
Greenwood Packing Plant	242	(*)	(*)				
Iowa Beef Packers, Inc.	245	(*)	(*)	(*)		(*)	
John Morrell and Co.	246	(*)					
The Danahy Packing Co.	247	(*)				(*)	
Swift and Co.	249	(*)				(*)	
Frosty Morn Meats, Inc.	250	(*)				(*)	
Balentine Packing Co., Inc.	258	(*)				(*)	
The Jones Dairy Farm	263		(*)			(*)	
Pacific Meat Co., Inc.	267					(*)	
Houston Packing Co.	271	(*)	(*)			(*)	
Elliott Packing Co.	274	(*)	(*)			(*)	
Wilson and Co., Inc.	275	(*)		(*)		(*)	
American Stores Co.	279	(*)					
Bookey Packing Co.	281	(*)		(*)			
Agar Packing Co., Inc.	282						
Figge and Hutzwelker Co.	283					(*)	
Roessler Packing Co. of Erie	286	(*)	(*)	(*)		(*)	
Western Packing Co.	288	(*)				(*)	
Arborgast and Bastian Co.	289	(*)	(*)	(*)			
The H. H. Meyer Packing Co.	290					(*)	
Sioux City Dressed Pork, Inc.	292					(*)	
Gus Juengling and Son, Inc.	298	(*)	(*)				
Waldock Packing Co.	299					(*)	
Great Falls Meat Co.	301	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Commercial Packing Co., Inc.	302	(*)					
Union Packing Co.	305	(*)					
Do.	305A	(*)					
Star Packing Co.	306	(*)					
Surwall Packing Co.	307	(*)					
Melton Provision Co.	311	(*)					
Ideal Packing Co., Inc.	312	(*)	(*)	(*)	(*)		
Webb Packing Co.	316	(*)					
Greater New York Packing Co., Inc.	317A						
Estes Packing Co.	319					(*)	
Stadler Packing Co., Inc.	320	(*)	(*)				
Frisco Packing Co.	327	(*)				(*)	
C and M Meat Packing Corp.	329	(*)					
Royal Packing Co.	331	(*)					
Sokolik Packing Co.	331A	(*)					
Shapiro Packing Co., Inc.	332	(*)					
Great Western Packing Co., Inc.	334	(*)	(*)				
Nobles Independent Meat Co.	335	(*)					
Midland Empire Packing Co., Inc.	339	(*)					
Des Moines Packing Co.	340	(*)					
Peters Packing Co., Inc.	341	(*)					
State Packing Co., Inc.	344	(*)				(*)	
Anza Packing Co.	345	(*)	(*)				
Union Packing Co.	351	(*)					
Samuels E. Tex Packing Co.	353	(*)					
Fresno Meat Packing Co.	354	(*)					
McCandless Packing Co., Inc.	355	(*)					
Heil Packing Co.	357					(*)	
Marks Meat Co.	362	(*)				(*)	
Meyers Packing Co.	363	(*)					
United Dressed Beef Co.	364	(*)					
James Allan and Sons.	365	(*)	(*)	(*)	(*)	(*)	
Westport Packing Corp.	369	(*)					
The John Hillberg and Sons Co.	375	(*)	(*)				
Cross Bros. Meat Packers, Inc.	376	(*)	(*)				
EMGE Packing Co., Inc.	380	(*)				(*)	
Smithfield Packing Co., Inc.	382					(*)	
American Stores Co.	384	(*)					
Liebmann Packing Co.	386	(*)					
Dugdale Packing Co.	390	(*)					
Oldhams Farm Sausage Co., Inc.	392					(*)	
Roth Packing Co.	394	(*)					
The Jacob Schlachters Sons Co.	395	(*)	(*)				
Dubuque Packing Co.	396	(*)	(*)	(*)		(*)	
Logan Packing Co.	397	(*)					
Watsonville Dressed Beef, Inc.	398	(*)					
Superior Packing Co.	399	(*)					
Los Banos Abattoir	400	(*)					
Ceebee Packing Co.	404	(*)	(*)	(*)			
Neuhoff Bros.	406	(*)				(*)	
Endlich Packing Co., Inc.	410	(*)					
Alpine Packing Co.	412	(*)	(*)	(*)		(*)	
The Lundy Packing Co.	413					(*)	
Frosty Morn Meats	414	(*)	(*)	(*)		(*)	
Philadelphia Boneless Beef Co.	418	(*)					
Murray Packing Co., Inc.	421	(*)					
E. W. Kneip, Inc. of Iowa	422	(*)					
The Collins Packing Co.	423	(*)				(*)	
Hebron Packing Co., Inc.	424						
Lone Star Packing Co.	425	(*)	(*)				
Monarch Meat Packing Co.	433	(*)	(*)				
Queen Packing Corp.	435	(*)					
Schneider Packing Co.	436	(*)					
Omaha Dressed Beef Co., Inc.	439	(*)					
Prime Packing Co., Inc.	441	(*)					
Peerless Packing Co., Inc.	443	(*)					
Midwest Packing Co.	448	(*)					
Dewitt Packing Corp.	451	(*)	(*)				
Swift and Co.	456	(*)					
Morris Rifkin and Sons, Inc.	459					(*)	
Pioneer Provision Co.	460	(*)					
Lancaster Packing Co.	461	(*)					
Litvak Packing Co.	462	(*)					
Beewar Packing Co.	465	(*)					
Corn Husker Packing Co.	467	(*)	(*)			(*)	
Eckert Packing Co.	468	(*)					
Eidridge Packing Co.	471	(*)				(*)	
Middletown Beef Co., Inc.	478	(*)					
St. Cloud Meat Packing Co.	483	(*)					
East Tennessee Packing Co.	485	(*)					
	487	(*)	(*)			(*)	

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Memphis Butchers Asso., Inc.	488	(*)	(*)	(*)		(*)	
Nebraska Beef Co.	489	(*)					
Goldring Packing Co., Inc.	490	(*)		(*)			
Mid State Packers, Inc.	494	(*)	(*)				
Triangle Meat Distributors, Inc.	497	(*)				(*)	
Heim Brothers Packing Co.	499	(*)					
Swift and Co.	505	(*)					
B. Rothschild and Co.	506	(*)					
Frosty Morn Meats	507	(*)	(*)				
Gruensfelder Packing Co.	508	(*)		(*)			
Armour and Co.	509	(*)	(*)			(*)	
The Hull and Dillon Packing Co.	510	(*)				(*)	
Shen Valley Meat Packers, Inc.	511	(*)	(*)	(*)			
Capitol Packing Co.	513	(*)				(*)	
The Ohio Provision Co.	515					(*)	
Charles Miller and Co.	517						
Illinois Packing Co.	521	(*)					
Pearl Packing Co., Inc.	524	(*)	(*)	(*)	(*)	(*)	
Armour and Co.	528	(*)	(*)				
Smallwood Packing Co., Inc.	529	(*)					
Omaha Packing Co.	532	(*)				(*)	
Pepper Packing Co.	536	(*)				(*)	
Oscar Mayer and Co., Inc.	537A	(*)	(*)	(*)		(*)	
Do.	537C						
Midwest Packing Co.	538	(*)					
Greendell Packing Corp.	542	(*)				(*)	
United Dressed Meats, Inc.	546	(*)	(*)			(*)	
Swift and Co.	548	(*)					
Pride Packing Co., Inc.	549	(*)	(*)				
Piute Packing Co.	550	(*)					
Salter Packing Co.	551	(*)					
Black Hills Packing Co.	554	(*)				(*)	
Springfield Rendering Co.	555D	(*)	(*)	(*)	(*)		
The Cudahy Packing Co.	559	(*)				(*)	
D and W Packing Co.	560	(*)					
Emery Land Co.	561	(*)					
Packerland Packing Co., Inc.	562	(*)	(*)				
John Morrell and Co.	564					(*)	
Texas Meat Packers, Inc.	565	(*)					
Elmer Binder & Son, Inc.	569		(*)				
Perretta Packing Co., Inc.	571	(*)		(*)			
Frosty Morn Meats, Inc.	576	(*)	(*)			(*)	
Armour and Co.	579	(*)				(*)	
Stahl Meyer, Inc.	583						
Andrew Peterman Co., Inc.	583						
Coffeyville Packing Co., Inc.	583						
F. A. Ferris & Co., Inc.	583						
Peoria Packing Co., Inc.	583	(*)					
Empire Packing Co., Inc.	586	(*)					
City of Austin Municipal Abattoir	590	(*)	(*)				
Swift and Co.	591	(*)		(*)		(*)	
Harman Packing Co.	596	(*)					
San Antonio Packing Co.	602	(*)	(*)	(*)	(*)		
New York Central Packing Co.	606	(*)	(*)				
Midtown Veal and Mutton Co., Inc.	612	(*)		(*)			
National Tea Co.	613	(*)				(*)	
Donner Packing Co.	614	(*)					
Kummer Packing Co.	617	(*)	(*)	(*)		(*)	
Acme Meat Co., Inc.	618	(*)					
Big Foot Packing Co., Inc.	627	(*)	(*)				
E. A. Miller and Sons Packing Co., Inc.	628	(*)					
General Meat Co.	632	(*)					
Ebner Bros. Packers	633	(*)	(*)			(*)	
Zipron Bro. Inc.	635	(*)					
Auburn Packing Co., Inc.	636	(*)					
R and C Packing Co.	645	(*)				(*)	
Bird Provision Co.	647	(*)					
Spencer Packing Co.	648						
Wm. Schluderberg-T. J. Kurdle Co.	649	(*)	(*)	(*)		(*)	
John Morrell and Co.	650	(*)					
Nagle Packing Co.	653	(*)	(*)	(*)			
Milwaukee Dressed Beef Co.	654	(*)					
Wilson and Co., Inc.	655	(*)		(*)			
Baums Bologna, Inc.	657	(*)					
St. Louis Dressed Beef Co.	659	(*)					
McCook Packing Corp.	660	(*)					
Quality Meat Packing Co.	661	(*)	(*)				
Globe Packing Co.	663	(*)					
Scottsbluff Packing Co.	667	(*)		(*)			
Crown Dressed Beef Co.	671	(*)					
E. S. Read and Sons, Inc.	672	(*)	(*)				

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Union Packing Co.	673	(*)					
Theede Packing Co.	674	(*)					
Jacob Bauers Sons, Inc.	678	(*)	(*)				
Armour and Co.	680	(*)		(*)		(*)	
Cascade Meats, Inc.	681	(*)					
Haas Davis Packing Co., Inc.	682	(*)	(*)	(*)		(*)	
Nations Brothers Packing Co.	684	(*)	(*)			(*)	
The William Fockes Sons Co.	685	(*)	(*)	(*)	(*)	(*)	
The Sucher Packing Co.	689	(*)				(*)	
Pierce Packing Co., Inc.	691	(*)					
Marco Packing Co.	692	(*)	(*)				
Bryan Meat Co.	693	(*)					
Kramer Beef Co.	695	(*)					
Dana Packing Co.	706	(*)				(*)	
Central Nebraska Packing Co.	713E						(*)
Davenport Packing Co., Inc.	716	(*)					
Crawford County Packing Co.	717					(*)	
The Joseph N. Rice Co.	719	(*)	(*)				
Coast Packing Co.	724	(*)					
Swift and Co.	726	(*)	(*)	(*)		(*)	
Decker and Son	727						
The Quaker Oats Co.	734E						(*)
Jacob Schlachters Sons Co.	739	(*)		(*)			
Howard Pancero and Co.	747	(*)	(*)				
Ruchti Bros.	749	(*)					
Luck Brothers Cooperative Packing Co.	753	(*)					
Monroe Packing Co., Inc.	755	(*)				(*)	
Seitz Packing Co., Inc.	756A	(*)					
Philadelphia Dressed Beef Co.	758	(*)					
The American Meat Packing Corp.	760	(*)					
Schaake Packing Co., Inc.	761	(*)					
Sheridan Meat Co., Inc.	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc.	770	(*)					
Cadwell Martin Meat Co.	773	(*)	(*)				
Modern Meat Packing Co.	774	(*)					
Atlas Packing Co.	775	(*)					
Dale Packing Co., Inc.	777	(*)				(*)	
The Cudahy Packing Co.	779	(*)	(*)				
Diamond Meat Co., Inc.	783	(*)					
Aurora Packing Co., Inc.	788	(*)					
Baums Meat Packing	792	(*)					
Max Bauer Meat Packer	800	(*)	(*)				
Acces Meat Co., Inc.	809	(*)					
The G. Erhardt Sons, Inc	810	(*)	(*)	(*)		(*)	
McFarland, Inc.	811	(*)					
Midwest Packing Co., Inc.	812	(*)					
William N. Peters, Inc.	813	(*)					
Rochester Independent Packer, Inc.	817	(*)					
Henry Meyers Sons, Inc.	822	(*)	(*)			(*)	
Home Packing Co.	823	(*)					
Hibbs Packing Co.	825	(*)	(*)				
Penford Packing Co.	827	(*)					
Bristol Packing Co.	828	(*)					
Berchems Meat Co.	830	(*)					
Norman Peters Packing Co.	834	(*)					
John Morrell and Co.	836	(*)				(*)	
Nat Buring Packing Co. of Ark., Inc.	837B	(*)					
Frederick County Products, Inc.	838	(*)	(*)				
Herman Kempers Sons	839	(*)	(*)			(*)	
Reelfoot Packing Co.	840	(*)					
G. Bartusch Packing Co.	843	(*)					
Sioux City Dressed Beef, Inc.	857	(*)					
Siouxland Dressed Beef Co., Division of NEEDB.	857F	(*)					
Jordan Meat Co.	858	(*)	(*)	(*)		(*)	
Sam McDaniel and Sons, Inc.	859	(*)					
Sierra Meat Co.	862	(*)					
Gunsberg Beef Co.	867	(*)					
Genesee Packing Co.	868	(*)					
Pahler Packing Corp.	880	(*)					
Vermont Dressed Beef Co., Inc.	883	(*)					
Walden Packing Co., Inc.	886	(*)				(*)	
William Davies Co., Inc.	888A	(*)					
O'Neill Packing Co.	889	(*)					
Sambol Packing Co.	892	(*)				(*)	
Tobin Packing Co., Inc.	893	(*)					
Vernon Calhoun Packing Co.	897	(*)	(*)				
Meats, Inc.	899	(*)					
Sigman Meat Co., Inc.	901	(*)				(*)	
Hoosier Veterinary Laboratories, Inc.	912			(*)			
Chiapetti Packing Co.	916						

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
National Meat Packers, Inc.	917	(*)	(*)			(*)	
Valleydale Packers Inc. of Bristol	922	(*)	(*)			(*)	
South Philadelphia Willowbrook, Inc.	923	(*)	(*)				
Wisconsin Packing Co.	924	(*)					
Peoples Packing Co.	925	(*)	(*)	(*)		(*)	
Kerber Packing Co.	929	(*)					
Tarpoff Packing Co.	931	(*)					
McKenney Meat Co.	932	(*)	(*)				
E. B. Manning and Son	934	(*)					
Volz Packing Co.	938	(*)					
Cappellino Abattoir, Inc.	939	(*)					
Wilson and Co., Inc.	940	(*)	(*)			(*)	
Delrich Meat Packers, Inc.	944			(*)	(*)	(*)	
Whitehall Packing Co.	946	(*)	(*)				
M. Brizer & Co.	948	(*)					
Joe Doctorman and Son Packing Co., Inc.	949	(*)	(*)	(*)			
Greater Omaha Packing Co., Inc.	960	(*)					
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Earl Flick Wholesale Meats, Inc.	965	(*)	(*)				
T. L. Lay Packing Co.	967	(*)				(*)	
Greeley Capitol Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd.	970	(*)	(*)	(*)			
Perlin Packing Co., Inc.	974	(*)	(*)	(*)	(*)		
National Food Stores, Inc.	981	(*)					
Reitz Meat Products Co.	983	(*)				(*)	
Hospers Packing Co.	985	(*)					
Eagle Packing Co.	987	(*)					
Everett C. Horlein and Son, Inc.	988	(*)					
Klarer Dixie, Inc.	905D	(*)	(*)				
Valley Meat Co.	1009	(*)	(*)	(*)			
Armour and Co.	1065	(*)	(*)				
Browns Packing House	1154	(*)	(*)	(*)		(*)	
Landy Packing Co.	1171	(*)					
The Harris Packing Co.	1175					(*)	
A. F. Moyer and Sons, Inc.	1311	(*)	(*)	(*)			
McCabe Packing Plant	1312	(*)	(*)	(*)			
Samuels and Co., Inc.	1313	(*)					
H and H Packing Co.	1315	(*)	(*)				
Nebraska Iowa Dressed Beef Co.	1316	(*)					

Done at Washington, D.C., this 25th day of July 1961.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-7146; Filed, July 28, 1961; 8:48 a.m.]

POST OFFICE DEPARTMENT

RESEARCH AND ENGINEERING CONTRACTS

Designations of Contracting Officers

The following is an order of the Director, Office of Research and Engineering, dated June 30, 1961:

Whereas, by Order of the Director, Office of Research and Engineering, dated February 8, 1960, the Manager, Programming and Control, was designated as Contracting Officer for the Office of Research and Engineering under Headquarters Circular No. 60-3 (now 61-1, Part (I-G)); and

Whereas, the functions formerly performed by the Manager, Programming and Control, are now performed by the Assistant Director, Programming and Control:

Now, Therefore, pursuant to the authority of paragraphs 3b and 3c(1) of Headquarters Circular 61-1, Part (I-G), I hereby confirm the appointment of the Assistant Director, Programming and Control, as the designee of the Director, Office of Research and Engineering, to serve as Contracting Officer, and, do hereby ratify his exercise of the functions as such Contracting Officer from the date of his appointment as Assistant Director.

I, further, confirm the designation, in the Order of the Director, dated February 8, 1960, of the Assistant Managers, Programming and Control, as alternate Contracting Officers.

(R.S. 161, as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-7141; Filed, July 28, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8686, between American Export Lines Inc., American President Lines, Ltd., Costa Giacomo Fu Andrea-Societa in Nome Collettivo, Italia Societa di Navigazione S.p.A. and "Villain & Fassio E Compagnia Internazionale Di Genova-Societa Riunite di Navigazione S.p.A. (all presently members of the West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference (Agreement Number 2846, as amended)), covers an arrangement for the division of revenues on cargo loaded at all ports of the West Coast of Italy between Ventimiglia and Reggio Calabrai (both ports included), to Boston, New York, Philadelphia, Baltimore, and Hampton Roads, or any other United States North Atlantic Port North of Cape Hatteras.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7143; Filed, July 28, 1961; 8:47 a.m.]

[Docket No. 940]

PUGET SOUND-ALASKA VAN LINES, DIVISION OF PUGET SOUND TUG & BARGE CO.

Investigation of Increased Rates on Piling, Pipe, Etc.; Notice of Order To Discontinue Proceeding

On July 5, 1961, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board by Puget Sound-Alaska Van Lines, Division of Puget Sound Tug & Barge Company, new tariff schedules setting forth amended rules, regulations, or practices resulting in increased rates and charges on certain designated commodities between ports in the States of California and Washington and ports in the State of Alaska to become effective April 29, 1961, designated as follows:

Original page 14-A, first revised page 21, and first revised page 23, to Puget Sound-Alaska Van Lines Tariff No. 2, FMB-F No. 2;

It further appearing that the Federal Maritime Board by order dated April 28, 1961, suspended the operation of the above designated schedules and deferred the use thereof to and including August 28, 1961, unless otherwise authorized by the Board; and

It further appearing that the Board having found good cause therefor has on June 8, 1961, granted Puget Sound-Alaska Van Lines, Division of Puget Sound Tug & Barge Company special permission to cancel such schedules on not less than one day's notice under Special Permission No. 3928 and pursuant to such permission, each schedule has been properly cancelled;

Now therefore, it is ordered, That this proceeding be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of Regulations, Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: July 25, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7142; Filed, July 28, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-188]

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Notice of Proposed Issuance of Construction Permit

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter I, CFR, Part 2), the Commission proposes to issue to Kansas State University of Agriculture and Applied Science, a construction permit substantially in the form annexed authorizing construction at Manhattan, Kansas of a 100 kilowatts (thermal) TRIGA Mark II nuclear reactor. Petitions for leave to intervene and requests for formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendments thereto and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 25th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated April 7, 1961, and amendments thereto dated April 24, 1961 and June 9, 1961 (hereinafter collectively referred to as "the application"), Kansas State University of Agriculture and Applied Science (hereinafter referred to as "Kansas State University") requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities" Title 10, Chapter I, CFR, authorizing construction and operation on the Kansas State University campus in Manhattan, Kansas, of a 100 kilowatt (thermal) TRIGA Mark II nuclear reactor (hereinafter referred to as "the reactor").

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. Kansas State University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Kansas State University and its contractor General Atomic Division of General Dynamics Corporation are technically qualified to design, construct and operate the reactor.

E. Kansas State University has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Kansas State University will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Kansas State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is September 1, 1961. The latest date for completion of the reactor is December 31, 1962. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location on the campus of Kansas State University in Manhattan, Kansas, specified in the application.

4. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless Kansas State University has submitted to the Commission (by amendment of the application) additional data required to complete the hazards analysis of operating the proposed facility and the Commission has found the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

5. Upon completion (as defined in paragraph "3.A." above) of the construction of the reactor in accordance with the terms and conditions of this permit, upon filing of the additional information needed to bring the original application up-to-date, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Act and of the rules and regulation of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Kansas State University pursuant to section 104c of the Act, which license shall expire forty (40) years after the date of this construction permit.

Date of issuance: ————

For the Atomic Energy Commission.

[F.R. Doc. 61-7122; Filed, July 28, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879, Agreement C.A.B. 14827, R-49 through R-53]

TRAFFIC CONFERENCE 1 OF INTERNATIONAL AIR TRANSPORT ASSOCIATION

Adoption of Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of July 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement amends certain specific commodity rates and names a number of additional rates. The proposed rates are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

C.A.B. 14827:	*IATA Memorandum*
R-49	TC1/Rates 1246
R-50	TC1/Rates 1247
R-51	TC1/Rates 1244
R-52	TC1/Rates 1243
R-53	TC1/Rates 1245

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-49 through R-53, is approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 61-7152; Filed, July 28, 1961; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 26, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37277: *Substituted service—IC for Roadway Express, Inc. (a Delaware corporation).* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 61), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago and East St. Louis, Ill., on the one hand, and Birmingham, Ala., and Memphis, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Central and Southern Motor Freight Tariff Association, Incorporated, tariff MF-I.C.C. 228.

FSA No. 37278: *Clay from the south to southwestern territory.* Filed by O. W. South, Jr., Agent (No. A4117), for interested rail carriers. Rates on clay, noibn, as described in the application, in carloads, from producing points in Alabama, Kentucky, Mississippi, and Tennessee, to points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Southern Freight Association tariff I.C.C. S-206.

FSA No. 37279: *Clay, kaolin or pyrophyllite from the south to southwestern territory.* Filed by O. W. South, Jr., Agent (No. A4118), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, as described in the application, in carloads, from producing points in Alabama (Hackleburg only), Florida, Georgia, North Carolina and South Carolina, to points in southwestern territory.

Grounds for relief: Modified short-line distance formula and grouping.

Tariff: Southern Freight Association tariff I.C.C. S-206.

FSA No. 37280: *Substituted service—SP, et al., for Ashworth Transfer, Inc., et al.* Filed by William M. Larimore, Agent (No. 2), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars, between rail interchange points named in the application in Arizona, California, Nevada, Oregon, Texas and Utah, on the one hand, and rail interchange points named in the application in Arizona, California, Nevada, Oregon, Texas, and Utah, on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

FSA No. 37281: *Linseed or soybean cake or meal to southern ports.* Filed by Southern Ports Foreign Freight Committee, Agent (No. 60), for interested rail carriers. Rates on linseed cake or meal, also soybean cake or meal, in carloads, subject to multiple car-lot minimum weights, as described in the application, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, to Gulf, south Florida and south Atlantic ports (for export).

Grounds for relief: Foreign market competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-7147; Filed, July 28, 1961; 8:48 a.m.]

[Notice 525]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64249. By order of July 21, 1961, The Transfer Board approved the transfer to Thames Valley Transportation, Inc., Norwich, Conn., of portions of Certificates in Nos. MC 78374 and MC 78374 Sub 1, issued November 17, 1942 and May 26, 1939, respectively, to The Connecticut Company, a corporation, New Haven, Conn., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in New London County, Conn., to points in Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virginia; and passengers and their baggage, restricted to traffic originating and terminating at the points indicated, in special operations on round-trip sightseeing or pleasure tours, over irregular routes, from points in New London County, Conn., to points in Delaware, District of Columbia, Maine, Maryland and Virginia; from Norwich and New London, Conn., to points in that part of New York bounded by a line beginning at Troy and extending in an easterly direction along New York Highway 2 to the New York-Massachusetts State Line, thence south along the New York-Massachusetts State line and the New York-Connecticut State line to Long Island Sound, thence in a southeasterly direction to the southernmost tip of Manhattan Island, and thence north along the east bank of the Hudson River to Troy, including points on Long Island, and those in that part of Massachusetts west of the Connecticut River, and return. Linwood C. Major, Jr., Turney, Major, Markham & Sherfy, 2001 Massachusetts Avenue NW., Washington 6, D.C., attorney for applicants.

No. MC-FC 64312. By order of July 21, 1961, The Transfer Board approved the transfer to P.M.T. Transportation Co., Inc., Hoboken, N.J., of a portion of Certificate No. MC 43274 issued March 17, 1958, amended March 28, 1958, to show the trade name, Sardo's Express Co., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between Bloomfield, Hoboken and Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J. Robert B. Pepper, 880 Bergen Avenue, Jersey City 6, N.J., representative for applicants.

No. MC-FC 64313. By order of July 24, 1961, The Transfer Board approved the transfer to Connecticut Limousine Service, Inc., 156 Humphrey St., New Haven, 11, Conn., of Certificate in No. MC 119432, issued May 26, 1961, to Edward Di Lauro, Jr., doing business as Connecticut Limousine Service, 156 Hamphrey St., New Haven 11, Conn., authorizing the transportation of: Passengers and their baggage, having an immediately prior on an immediately subsequent movement by aircraft, between New Haven, Conn., and La Guardia Airport, and New York International Airport, Idlewild, N.Y., and between Fairfield, Conn., and the named airports.

No. MC-FC 64315. By order of July 24, 1961, The Transfer Board approved the transfer to Carl Hoover, Clark, Pa., of Permits Nos. MC 26115 and MC 26115 Sub 1, both issued October 25, 1950, to A. F. Chisholm, Jr., doing business as Chisholm Trucking Company, Sharpsville, Pa., authorizing the transportation of road building materials, over irregular routes, from Youngstown, Ohio, to points in Mercer, Lawrence, Butler, Crawford, and Venango Counties, Pa.; from Sharps-Mahoning Counties, Ohio; return with no transportation for compensation except as otherwise authorized, to Sharpsville and Youngstown; road building materials, over irregular routes, from Hubbard, Ohio, and points within 5 miles thereof to points in Mercer, Lawrence, Butler, Crawford, and Venango Counties, Pa.; and rejected shipments of the above-specified commodities, over irregular routes, on return. Leo Luchette, 1 Valley View Drive, Brookfield, Ohio, attorney for applicants.

No. MC-FC 64316. By order of July 21, 1961, The Transfer Board approved the transfer to Umthun Trucking Co., a Corporation, Eagle Grove, Iowa, of Certificates in Nos. MC 118468 and MC 118468 Sub 2, issued May 19, 1961 and March 2, 1961 to Joe Umthun and Virgil Umthun, a partnership, doing business as Umthun Trucking Co., Eagle Grove, Iowa, authorizing the transportation of: Animal and poultry feed and feed ingredients, from Eagle Grove, Iowa, to DeKalb and Sycamore, Ill., with restrictions; animal and poultry feed and feed ingredients (except liquid molasses in bulk) from Eagle Grove, Iowa, to points in that part of Illinois on and north of U.S. Highway 24, and on and west of U.S. Highway 51, that part of South Dakota on and south of U.S. Highway 14 and east of the Missouri River, and points in Missouri, Nebraska, Minnesota and Wisconsin, with certain restrictions; and dry fertilizer, in hopper type self-unloading equipment, in bulk, and in bags when moving in combination with bulk movements, from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Iowa. William A. Landau, P.O. Box 1634, Des Moines, Iowa, representative for applicants.

No. MC-FC 64324. By order of July 21, 1961, The Transfer Board approved the transfer to D. M. Layman, Inc., Goldendale, Wash., of Certificates in Nos. MC 72227, MC 72227 Sub 1 and MC 72227 Sub 2, issued May 17, 1941, October 14, 1941 and December 9, 1942, to D. M. Layman, authorizing the transportation of: Household goods and livestock, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Oregon; agricultural commodities, agricultural machinery, building materials and fuel woods between points in Klickitat County, Wash., on the one hand, and, on the other, points in Multnomah, Hood River, Wasco and Sherman Counties, Oreg., household goods, between points in Klickitat County, Wash., on the one hand, and, on the other, points in California and Idaho; household goods, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Montana, emigrant movables, between points in Klickitat County, Wash., on the one hand, and, on the other, points in California, Idaho and Montana; emigrant movables, except livestock, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Oregon; livestock between points in Klickitat County, Wash., on the one hand, and, on the other, points in California, Idaho, and Montana, machinery, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Idaho, and Montana, and those in Oregon except points in Multnomah, Hood River, Wasco and Sherman Counties, Oreg.; and machinery, except agricultural machinery, between points in Klickitat County, Wash., on the one hand, and, on the other, points in Multnomah, Hood River, Wasco and Sherman Counties, Oreg. James T. Johnson, 609 Norton Building, Seattle, Wash., attorney for applicants.

No. MC-FC 64334. By order of July 21, 1961, The Transfer Board approved the transfer to Fred Zarillo, doing business as Oriental Movers, Brooklyn, N.Y., of Certificate No. MC 80625, issued January 8, 1951, to Edward A. Bloomquist, New York, N.Y., acquired by Joseph DiMella, doing business as Daystar Van Co., pursuant to order entered April 17, 1961, in Docket No. MC-FC 63993, authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut. Morris Honig, 150 Broadway, New York 38, N.Y., attorney for applicants.

No. MC-FC 64341. By order of July 21, 1961, The Transfer Board approved the transfer to Richard L. Doren and Floyd R. Doren, a partnership, doing business as Ponca Motor Express, Ponca, Nebr., of Certificate in No. MC 839, issued June 9, 1960, to Glenn L. Stephenson and Floyd R. Doren, a partnership, doing business as Ponca Motor Express, Ponca, Nebr., authorizing the transportation of: General commodities, except household goods, commodities in bulk, and other specified commodities, between Sioux City, Iowa, and Ponca, Nebr., serving all intermediate points. Phyllis M. Verzani, P.O. Box 194, Ponca, Nebr., attorney for applicants.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-7148; Filed, July 28, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 346]

WEST VIRGINIA

Declaration of Disaster Area

Whereas it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located ir Kanawha County in the State of West Virginia;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from a flood and accompanying conditions occurring on or about July 19, 1961.

Offices—

Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va.

Small Business Administration Sub-Office, 922 Quarrier Street, Charleston, W. Va.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1962.

Dated: July 21, 1961.

IRVING MANESS, *Deputy Administrator.*

[F.R. Doc. 61-7257; Filed, July 28, 1961; 11:18 a.m.]

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THE UNIVERSITY OF MICHIGAN
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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE

Designation of Modified Accredited Areas

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Branch County in Michigan.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon issuance.

The amendment adds Dewey County in the State of South Dakota to the areas designated as modified accredited areas because it has been determined that such County meets the qualifications of such an area as set out in § 77.3

The amendment relieves certain restrictions presently imposed, and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of July 1961.

F. J. MULHERN,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-7215; Filed, July 31, 1961; 8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

Components of Rubber and Rubber Products Used for Food-Handling Equipment[1]

Product	Specified uses or restrictions	Effective date of statute extended to—
Acrylonitrile-butadiene polymer	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Jan. 1, 1963
Aluminum hydrate	Filler	Do.
Aluminum silicate	do	Do.
Aluminum sulfate		Do.
Amydecyl phthalate	Plasticizer	Do.
2,5-di-*tert*-Amylhydroquinone	Antioxidant and/or antiozonant as protective agent.	Do.
Aromatic amine resin from phenyl betanaphthylamine and acetone, average mol. wt. 600; nitrogen content 5.3%.	do	Do.
Azodicarbonamide		Do.
Barium sulfate	Filler	Do.
2-Benzothiazyl-*N,N*-diethylthiocarbamylsulfide	Accelerator in vulcanization	Do.
2-Benzothiazyl disulfide	do	Do.
Benzoyl peroxide	do	Do.
Bismuth dimethyldithiocarbamate	do	Do.
Butadiene-acrylonitrile-methacrylic acid	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Do.
Butylacetyl ricinoleate	Plasticizer	Do.
Butylated hydroxytoluene	Antioxidant and/or antiozonant as protective agent.	Do.
n-tert-Butyl-2-benzothiazolesulfenamide	Accelerator in vulcanization	Do.
4,4'-Butylidene bis (6-*tert*-butyl-*m*-cresol)	Antioxidant and/or antiozonant as protective agent.	Do.
Butyl laurate	Plasticizer	Do.
di-*tert*-Butyl-4-methylphenol	Antioxidant and/or antiozonant as protective agent.	Do.
Butyl oleate	Plasticizer	Do.
tert-Butylperacetate		Do.
di-*tert*-Butylparacresol	Accelerator in vulcanization	Do.
di-*tert*-Butylperoxide	Plasticizer	Do.
Butylstearate	Accelerator in vulcanization	Do.
Butyraldehyde-aniline resin, iodine number 670–705.		Do.
Cadmium sulfide (red)	Color	Do.
Cadmium sulfide (yellow)	do	Do.
Calcium oxide	Filler	Do.
Calcium silicate	do	Do.
Calcium stearate	Plasticizer	Do.
Calcium sulfate (white)	Color	Do.
Carbon black, produced by channel or impingement process.	Filler	Do.
Carnauba wax	Plasticizer	Do.
Casein	Filler	Do.
Castor oil	Plasticizer	Do.
Chloroprene polymer	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers or miscellaneous substances listed in this section.	Do.
Chrome oxide (green)	Color	Do.
Clays	Filler	Do.
Copper dimethyldithiocarbamate	Accelerator in vulcanization	Do.
Copper phthalocyanine (blue)	Color	Do.
Coumarone-indene resins	Plasticizer	Do.
N-Cyclohexyl-2-benzothiazole sulfenamide	Accelerator in vulcanization	Do.
N-Cyclohexyl-*N'*-phenylphenylenediamine	Antioxidant and/or antiozonant as protective agent.	Do.
p,p'-Diamine diphenylmethane	do	Do.

[1] Progress report for the list of items included under this heading required by Jan. 1, 1962.

Components of Rubber and Rubber Products Used for Food-Handling Equipment 1—Continued

Product	Specified uses or restrictions	Effective date of statute extended to—
Magnesium carbonate	Activator in vulcanization	Jan. 1, 1963
Do	Filler	Do.
Magnesium oxide, light and heavy	Activator in vulcanization	Do.
Maleic acid	...do	Do.
2-Mercaptobenzothiazole	Accelerator in vulcanization	Do.
2-Mercaptoimidazoline	...do	Do.
2-Mercaptothiazaline	...do	Do.
2-Mercapto-4,4,6-trimethyldihydropyrimidine	...do	Do.
di-p-Methoxydiphenylamine	Antioxidant and/or antiozonant as protective agent.	Do.
2,2-Methylene bis(4-methyl-6-nonylphenol)	...do	Do.
2,2-Methylene bis(4-methyl-6-tert-butylphenol)	...do	Do.
4-Methyl-6-tert-butylphenol	...do	Do.
Mica	Filler	Do.
Mineral oil as previously described in this section.	Plasticizer	Do.
Mixture of monooctyl and dioctyl diphenylamines	Antioxidants and/or antiozonants as protective agents.	Do.
Montan wax	Plasticizer	Do.
2-Naphthalenethiol	Antioxidant and/or antiozonant in protective agents.	Do.
di-β-Naphthyl-p-phenylenediamine	Antioxidant and/or antiozonant as protective agent.	Do.
N-Nitroso diphenylamine	Retarder in vulcanization	Do.
tri-(Nonylphenyl) phosphite	Antioxidant and/or antiozonant as protective agent.	Do.
Nylon (floc, fibers, fabric)	Filler	Do.
Octyldecyl adipate	Plasticizer	Do.
Octyldecyl phthalate	...do	Do.
Oleic acid (red oil)	...do	Do.
N,N'-Octadiethylene-benzothiazole-2-sulfenamide	Accelerator in vulcanization	Do.
N-Octadiethylene-2-benzothiazole sulfenamide	...do	Do.
4,4'-Oxybis (benzenesulfonyl hydraide)		Do.
Paramenthane hydroperoxide		Do.
Petrolatum	Plasticizer	Do.
Petroleum oil, sulfonated (paraffinic, naphthenic)	...do	Do.
Phenol-formaldehyde resins	Antioxidant and/or antiozonant as protective agent.	Do.
Phenyl-α-naphthylamine	...do	Do.
Phenyl-β-naphthylamine	...do	Do.
o- and p-Phenylphenol	Retarder in vulcanization	Do.
Phthalic anhydride	Color	Do.
Phthalocyanine (green)	Accelerator in vulcanization	Do.
Polycadmium pentamethylene-dithiocarbamate	Plasticizer in vulcanization	Do.
Polybutylated 4,4'-isopropylidenediphenol	Antioxidant and/or antiozonant as protective agent.	Do.
Polyethylene glycol (mol. wt. 6,000)		Do.
Potassium and pentamethylene-dithiocarbamate	Accelerator in vulcanization	Do.
Potassium persulfate		Do.
Propylene glycol monoricinoleic acid ester (rosin acid is disproportionated dehydroabietic acid).	Emulsifier	Do.
Propylene glycol	Plasticizer in vulcanization	Do.
p-Quinone dioxime	Accelerator in vulcanization	Do.
Pyrazolone (red) (Color Index 21120)	Color	Do.
Rosin oil	Plasticizer	Do.
Rosin wood and derivatives		Do.
Rubber, natural	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Do.
Salicylic acid	Retarder in vulcanization	Do.
Silica	Filler	Do.
Silicone basic polymer	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Do.
Sodium acetate	Activator in vulcanization	Do.
Sodium dibutyldithiocarbamate	Accelerator in vulcanization	Do.
Sodium diethyldithiocarbamate	...do	Do.
Sodium dodecyl benzen sulfonate		Do.
Sodium isopropyl xanthate sulfonylate		Do.
Sodium lauryl sulfate	Emulsifier	Do.
Sodium nitrite		Do.
Sodium pentachlorophenate	Antioxidant and/or antiozonant as protective agent.	Do.
Sodium polysulfide	Emulsifier	Jan. 1, 1963
Sodium rosin acid soap (rosin acid is disproportionated dehydroabietic acid).		Do.
Sodium salt of ethylenediamine tetraacetic acid and glycine.	Lubricant	Do.
Sodium stearate		Do.
Sodium sulfide		Do.
Sodium thiosulfate	Activator in vulcanization	Do.
Soybean lecithin-p-triethanolamine	Plasticizer	
Soybean oil vulcanized with rubber makers' sulfur	Activator in vulcanization	Do.
Stannous chloride	Antioxidant and/or antiozonant as protective agent.	Do.
Styrenated phenol	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Do.
Styrene-butadiene polymer		Do.
Styrene monomer	Vulcanizing agent	Do.
Sulfur, ground	Filler	Do.
Talc	Emulsifier	Do.
Tall oil mixed soap (calcium, sodium, and potassium).	Activator in vulcanization	Do.
Tall oil fatty acids	Vulcanizing agent	Do.
Tellurium	Accelerator in vulcanization	Do.
Tellurium diethyldithiocarbamate	Plasticizer	Do.
Terpene resins	Accelerator in vulcanization	Do.
Tetrabutyl thiurammonosulfide	...do	Do.
Tetraethyl thiuramdisulfide	...do	Do.
Tetramethyl thiuramdisulfide	...do	Do.
Tetramethyl thiurammonosulfide	Antioxidant and/or antiozonant as protective agent.	Do.
Thiobis (di-sec-amylphenol)	...do	Do.
4,4'-Thiobis-(6-tert-butyl-m-cresol)	Filler	Do.
Titanium dioxide	Antioxidant and/or antiozonant as protective agent.	Do.
2,4-Toluenediamine	...do	Do.
m-Toluenediamine	...do	Do.
di-o-Tolyl ethylenediamine	...do	Do.
N-o-Tolyl-N'-phenyl-p-phenylenediamine	...do	Do.
o-(o-Tolyl sulfanilamide) diphenylamine	Activator in vulcanization	Do.
Triethanolamine	Accelerator in vulcanization	Do.
Triethylene tetramine	...do	Do.
Triethyl-trimethyltriamine	...do	Do.
Triethyl-trimethylenetriamine	Antioxidant and/or antiozonant as protective agent.	Do.
Trimeric aromatic amine resin from diphenylamine and acetone, average mol. wt. 500, 6.7% nitrogen.		Do.
2,2,4-Trimethyldihydroquinoline	Accelerator in vulcanization	Do.
Triphenylguanidine	Color	Do.
Ultramarine blue (double silicate of sodium and aluminum with sodium sulfide).	Plasticizer	Do.
Wax, microcrystalline and paraffin, types I and II as described in this section.	Filler	Do.
Wood flour	...do	Do.
Zinc carbonate	Color	Do.
Zinc chromate (yellow)	Accelerator in vulcanization	Do.
Zinc dibutyldithiocarbamate	...do	Do.
Zinc diethyldithiocarbamate	...do	Do.
Zinc dimethyldithiocarbamate	...do	Do.
Zinc-2-mercaptobenzothiazole	Filler and activator in vulcanization	Do.
Zinc oxide	Activator in vulcanization	Do.
Zinc salt of fatty acids	...do	Do.
Zinc stearate	Filler	Do.
Zinc sulfide		

Components of Rubber and Rubber Products Used for Food-Handling Equipment 1—Continued

Product	Specified uses or restrictions	Effective date of statute extended to—
Dibenzoyl-p-quinone dioxime	Accelerator in vulcanization	Jan. 1, 1963
Dibenzyl adipate	Plasticizer	Do.
Dibenzylamine	Accelerator in vulcanization	Do.
Dibutoxy-ethoxy-ethyl adipate	Plasticizer	Do.
Dibutyl-ammonium oleate	Accelerator in vulcanization	Do.
Dibutyl phthalate	Plasticizer	Do.
Dibutyl sebacate	Plasticizer	Do.
2,4-Dichlorobenzoyl peroxide	...do	Do.
Dicumyl peroxide	Accelerator in vulcanization	Do.
Didecyl adipate	...do	Do.
Didecyl phthalate	Plasticizer	Do.
Diethylamine	...do	Do.
1,2-Dihydro-2,2,4-trimethyl-6-phenylquinoline	Activator in vulcanization	Do.
1,2-Dihydro-2,2,4-trimethyl-quinoline, polymerized	Antioxidant and/or antiozonant as protective agent.	Do.
Diisodecyl adipate	...do	Do.
Diisodecyl phthalate	Plasticizer	Do.
Diisooctyl adipate	...do	Do.
Diisooctyl sebacate	...do	Do.
2,4-Dimethoxy diphenylamine	...do	Do.
4,4'-Dimethyl morpholine thiobenzothiazole	Antioxidant and/or antiozonant as protective agent.	Do.
Dioctyl adipate	Accelerator in vulcanization	Do.
4,4'-Dioctyldiphenylamine	Plasticizer	Do.
	Antioxidant and/or antiozonant as protective agent.	Do.
Dioctylphenylenediamine	...do	Do.
Dioctylphthalate	Plasticizer	Do.
Dioctylsebacate	...do	Do.
N,N'-Di-ortho-tolyl guanidine	...do	Do.
Di-ortho-tolyl guanidine salt of pyrocatechol borate	...do	Do.
Dipentamethylene thiuram tetrasulfide	...do	Do.
Diphenylamine acetone resin containing 20% diphenylamine, 20% p-isopropyldiphenylamine, 15–20% dimethyl acridan, average mol. wt. 1,000, 4.5% nitrogen.	Antioxidant and/or antiozonant as protective agent.	Do.
Diphenylamine-aldehyde resin	...do	Do.
Diphenylguanidine	Accelerator in vulcanization	Do.
Diphenylguanidine phthalate	...do	Do.
Diphenylketone	Plasticizer	Do.
N,N'-Diphenyl-p-phenylenediamine	Antioxidant and/or antiozonant as protective agent.	Do.
N,N'-Disalicylal propylenediamine	...do	Do.
4,4'-Dithiodimorpholine	Accelerator in vulcanization	Do.
tert-Dodecyl mercaptan	...do	Do.
Dodecylmercaptan	Accelerator in vulcanization	Do.
n-Dodecylmercaptan	...do	Do.
6-Dodecyl-2,2,4-trimethyl-1,2-dihydroquinoline	...do	Do.
6-Ethoxy-1,2-dihydro-2,2,4-trimethylquinoline	Antioxidant and/or antiozonant as protective agent.	Do.
Ethylenediamine carbamate	Accelerator in vulcanization	Do.
Fatty acid amines, mixed	Activator in vulcanization	Do.
Fatty acids	Plasticizer	Do.
Fatty acids, hydrogenated	...do	Do.
Glue, animal or vegetable	...do	Do.
Hexaldehyde-aniline resin, iodine number 430–465	Accelerator in vulcanization	Do.
Hexamethylene tetramine	...do	Do.
Hydrated lime	Activator in vulcanization	Do.
Hydroquinone monobenzyl ether	Antioxidant and/or antiozonant as protective agent.	Do.
Iron oxide (red)	Color	Do.
Iron oxide (yellow)	...do	Do.
Isobutylene-isoprene polymer	Elastomer containing any of the vulcanization materials, protective agents, plasticizers, emulsifiers, or miscellaneous substances listed in this section.	Do.
Isopropoxy diphenylamine	Antioxidant and/or antiozonant as protective agent.	Do.
N-Isopropyl-N'-phenyl-p-phenylenediamine	Antioxidant and/or antiozonant as protective agent.	Do.
Lanolin	Plasticizer	Do.
Lauric acid	Activator	Do.
Do	Plasticizer	Do.

[1] Progress report for the list of items included under this heading required by Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: July 25, 1961.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61–7145; Filed, July 31, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 10, 1960 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective April 29, 1961 (26 F.R. 3671) prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by deleting "Cape Canaveral, Fla. (served from West Palm Beach)" and "Patrick Air Force Base, Fla. (served from West Palm Beach)" from the "Three Hour" list therein; and by adding "Canaveral—Patrick Air Force Base, Fla." to the "One Hour" list therein.

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective August 1, 1961.

Done at Washington, D.C., this 27th day of July 1961.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 61–7216; Filed, July 31, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 6]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area (7 CFR Part 906), it is hereby found and determined that:

(a) Section 906.51(a)(3)(ii) and (iii) will not tend to effectuate the declared policy of the Act during August and September 1961.

(b) A notice of proposed suspension of the cited provisions was issued on July 20, 1961, by H. L. Forest, Director, Milk Marketing Orders Division (26 F.R. 6593; F.R. Doc. 61–6943). Interested parties were given opportunity to submit data, views and arguments with respect to the proposed suspension. No opposition to the proposed suspension was expressed.

(c) 30 days notice of effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension order was requested by Central Oklahoma Milk Producers Association and Pure Milk Producers Association of Eastern Oklahoma which represent a majority of producers who supply milk to the Oklahoma Metropolitan marketing area.

(4) This suspension will lessen the amount of minus adjustment to the Class I price pending a decision based on data submitted at a public hearing to be held on proposed amendments to the Class I pricing provisions of the order.

Therefore, good cause exists for making this order effective August 1, 1961.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective August 1, 1961, for the months of August and September 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7232; Filed, July 31, 1961; 8:53 a.m.]

[Milk Order No. 11]

PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Texas Panhandle marketing area (7 CFR Part 911), it is hereby found and determined that:

(a) The following provision of the order appearing in § 911.7(b)(2) does not tend to effectuate the declared policy of the Act during the months of August and September, 1961: "on not more than 15 days"

(b) By notice of proposed rule making issued on July 20, 1961 (26 F.R. 6593; F.R. Doc. 61-6944), by H. L. Forest, Director, Milk Marketing Orders Division, interested parties were advised that this action was under consideration, and were given opportunity to submit written views, data and arguments with respect thereto. No opposition to the proposed suspension was expressed.

(c) Thirty days notice of effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will ease the disposal of milk surplus to the fluid needs of the market during a period of unusually heavy supplies of producer milk.

Therefore, good cause exists for making this order effective August 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective August 1, 1961, for the period August 1 through September 30, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7233; Filed, July 31, 1961; 8:53 a.m.]

[Peach Reg. 1, Amdt. 1]

PART 934—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Fresh Peach Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments regulation, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of fresh peaches grown in Washington.

Order. In § 943.302 (Peach Regulation 1, 26 F.R. 5953) delete subparagraphs (1) and (3) of paragraph (b) and substitute in lieu thereof new subparagraphs (1) and (3) as set forth below.

§ 934.302 Peach Regulation 1.

* * * * *

(b) * * *

(1) *Minimum grade requirement.* Such peaches shall grade at least U.S. No. 1: *Provided*, That peaches of any variety which are damaged but not seriously damaged by hail injury, healed open seams, or rough suture growth may be shipped if they otherwise grade at least U.S. No. 1: *And, provided further*, That peaches of any variety which are damaged by stem pulls, or stem punctures affecting only the shoulder area of the peach but otherwise meet the grade requirements of this subparagraph may be shipped if such peaches measure at least 2¾ inches in diameter and are place packed in a container of a capacity for only one layer of such peaches.

* * * * *

(3) *Minimum size requirements.* Such peaches shall measure at least 2⅜ inches in diameter: *Provided*, That any lot of peaches shall be deemed to meet such minimum diameter requirement if (i) not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅜ inches in diameter, or (ii) such peaches are not smaller than a size that will pack, in accordance with the requirements prescribed for standard pack, 65 peaches in a standard peach box, 70 peaches in a cascade lug box, or 72 peaches in a L.A. lug box, or other containers of a capacity at least equivalent to the L.A. lug box.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 27, 1961, to be effective on and after 12:01 a.m., P.s.t., July 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7213; Filed, July 31, 1961; 8:51 a.m.]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Approval of Limitation of Shipments

Marketing Agreement No. 135 and Order No. 38 (7 CFR 938), effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 938.1 through 938.89, inclusive, of the order. The Red River Valley Potato Committee established pursuant to § 938.25 of the order, has recommended that regulations limiting the handling of 1961 crop potatoes should be issued. Notice of rule making with respect to the proposed limitation of shipments was published in the FEDERAL REGISTER, July 20,1961 (26 F.R. 6521).

This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto within five days after publication. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

Findings. It is hereby found that good cause exists for not postponing the

effective date of § 938.303 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) handling of Irish potatoes grown in the production area is about to begin, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of Irish potatoes in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) notice has been given of the proposed limitation of shipments set forth in this section through publicity in news media in the production area and by publication in the FEDERAL REGISTER of July 20, 1961 (26 F.R. 6521).

§ 938.303 Limitation of shipments.

During the period of August 7, 1961, through June 30, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2 or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade 2 inches minimum diameter, or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Minimum maturity requirements.* All varieties, "moderately skinned"—until November 1, 1961, when this requirement shall terminate.

(c) *Special purpose shipments.* (1) Chipping: U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) Prior to September 15, 1961, shipments of round white varieties (Cobblers, Kennebecs, Cherokees, Early Ohio, and similar types) for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such maturity requirements.

(3) On and after September 15, 1961, with respect to round white varieties, and after the effective date hereof with respect to all other varieties, shipments for potato chips failing to meet the maturity requirements of paragraph (b) of this section may be handled without regard to such requirements if handlers thereof comply with the safeguard requirements of paragraph (e) of this section.

(d) *Exempted shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, if a copy of the applicable seed inspection certificate is furnished the committee.

(2) Canning or freezing, subject to compliance with the applicable provisions of paragraph (e) of this section.

(e) *Safeguards.* (1) Each handler making special purpose shipments authorized by pargaraph (c) of this section requiring compliance with the provisions of this paragraph, and

(2) Each handler making special purpose shipments, other than seed, shall comply with the following safeguards:

(i) Prior to making shipment, apply for and obtain from the committee an approved Certificate of Privilege, pursuant to § 938.120;

(ii) Obtain inspection and pay assessments on such shipments, except shipments for canning or freezing;

(iii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(iv) Bill each shipment directly to the applicable processor or receiver.

(3) Compliance with the requirements of this section shall not excuse failure to comply with State laws or regulations requiring inspection of potatoes handled for canning or freezing and the payment of State taxes or assessments thereon.

(f) *Minimum quantities.* Pursuant to § 938.53, each handler may handle up to, but not to exceed, 30 hundredweight of tablestock potatoes, in the aggregate, per shipment free from requirements effective pursuant to § 938.42 (assessments) and § 938.60 (inspection). This exemption shall not apply to any portion of a shipment of over 30 hundredweight of such potatoes.

(g) *Inspection.* (1) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 938.60, that each inspection certificate for tablestock potatoes shall be valid for a period not to exceed 5 days, except that inspection certificates issued to registered handlers of potatoes for chipping (§ 938.140) on potatoes for special use as potato chips shall be valid for a period not to exceed 75 days. The valid period begins at the end of the day (midnight) on which inspection is completed as shown in the certificate.

(2) Except as provided in paragraph (f) of this section, no handler shall transport or cause the transportation of any shipment of tablestock potatoes by motor vehicle, unless such shipment is accompanied by a copy of the inspection certificate applicable thereto.

(h) *Definitions.* The terms "moderately skinned," "U.S. No. 1," "U.S. No. 2," and "Size B" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 135 and Order No. 38.

(i) *Applicability to imports.* Pursuant to § 608e of the Act and § 1066.1, "Import regulations" (25 F.R. 2659, 7 CFR Part 1066), red skinned round type Irish potatoes, except certified seed potatoes, imported into the United States during the period October 1, 1961, through June 30, 1962, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section for such varieties.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1961; to become effective August 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7212; Filed, July 31, 1961; 8:51 a.m.]

[Milk Order No. 43]

PART 943—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 943), it is hereby found and determined that:

(a) For the months of August and September all of the provisions of § 943.51(a) except the provision "The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June and plus $2.25 for all other months subject to a supply-demand adjustment", the provision "the same", the provision "as", and the provision "for the month immediately preceding", as such provision appear in that sequence, do not tend to effectuate the declared policy of the Act.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will hold the action of the supply-demand adjustor on the Class I price to a minus 26 cents for the months of August and September pending amendatory action with respect to the supply-demand adjustor.

(4) Suspension action is based on evidence presented at a hearing held at Dallas, Texas, on July 24, 1961, and a request by the Texas Milk Producers Federation, the member cooperative associations of which represent producers supplying more than 90 percent of the milk for North Texas, Central West Texas, Austin-Waco, San Antonio, and Corpus Christi Federal order markets, the Class I prices of which are each affected by the North Texas supply-demand adjustor.

Therefore, good cause exists for making this order effective August 1, 1961 for the months of August and September 1961.

It is therefore ordered, That all of the provisions of § 943.51(a) except the pro-

vision "The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June and plus $2.25 for all other months subject to a supply-demand adjustment", the provision "the same", the provision "as", and the provision "for the month immediately preceding", as such provisions appear in that sequence, are hereby suspended for the months of August and September, 1961, effective August 1, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 27, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7234; Filed, July 31, 1961; 8:53 a.m.]

[Lemon Reg. 909, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.1016 (Lemon Regulation 909; 26 F.R. 6582) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 27, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7214; Filed, July 31, 1961; 8:51 a.m.]

[Milk Order No. 46]

PART 946—MILK IN LOUISVILLE-LEXINGTON, KENTUCKY, MARKETING AREA

Order Amending Order

§ 946.0 **Findings and determinations.**

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, was issued June 23, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued July 18, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville-Lexington, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

§ 946.50 [Amendment]

1. In § 946.50 delete paragraph (b), redesignate paragraph (c) as paragraph (b), and delete the language following the section title and preceding paragraph (a) and substitute the following:

The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and subparagraph (1) of § 946.51(c).

§ 946.51 [Amendment]

2. In § 946.51(a) delete the language preceding subparagraph (1) and substitute the following:

Class I milk. The price of Class I milk shall be the basic formula price for the preceding month, rounded to the nearest tenth of a cent, plus $1.25 and plus or minus a supply-demand adjustment computed pursuant to subparagraphs (1) through (6) of this paragraph: *Provided,* That for each of the months of August through December 1961 the Class I price shall not be less than the Class I price for the month of June 1961.

3. In § 946.51(a) delete subparagraph (6) and substitute the following:

(6) If the net deviation percentage computed pursuant to subparagraph (5) of this paragraph is a minus value, add to the Class I price, or if such net deviation percentage is a plus value, subtract from the Class I price an amount which is two-thirds of the total number of cents (rounding any fraction to the nearest tenth of a cent) computed pursuant to subdivisions (i), (ii) and (iii) of this subparagraph: *Provided,* That any such supply-demand adjustment shall not exceed 50 cents.

(i) One cent times each such percentage point of net deviation; plus

(ii) One cent times the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding; plus

(iii) One cent times the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (5) of this paragraph for the second preceding month.

4. In § 946.51 delete paragraph (b) and substitute the following:

(b) *Class II milk.* The price for Class II milk shall be the highest of the basic formula price pursuant to § 946.50 or those prices computed pursuant to subparagraphs (1) and (2) of this paragraph, rounded to the nearest tenth of a cent.

(1) The price per hundredweight resulting from the following formula:

(i) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("cheddars", f.o.b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(ii) Add 0.902 times the Chicago butter price for the month;

(iii) Subtract 34.3 cents; and

(iv) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 3.

(2) The price per hundredweight resulting from adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply the Chicago butter price by 4.56.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray process for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 26, 1961, to be effective on and after the 1st day of August 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7194; Filed, July 31, 1961; 8:48 a.m.]

[Milk Order No. 49]

PART 949—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the order regulating the handling of milk in the San Antonio, Texas, marketing area (7 CFR Part 949), it is hereby found and determined:

(a) The provisions of § 949.7 except the provision "'Supply plant' means all of the buildings, premises, and facilities of a plant equipped to either receive or cool milk, which is approved by the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area, and", the provision "which", the provision "qualified as a pool plant", the provision "for each of the months of", the provision "February", the provision "through June" and the provision ", except that if the operator of each plant files a written request with the market administrator, supply plant status shall be terminated as of the first of the following month", no longer tend to effectuate the declared policy of the Act.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) There has been an unanticipated, abrupt and significant change in the available outlet for surplus milk in the local market which seriously threatens the continued stability of the local market. This suspension action is necessary pending development of alternative outlets for surplus milk to assure the orderly disposition of the markets total reserve supply. Under the suspension order country plant milk which otherwise would need be shipped to the market to maintain pool status may be held back and processed into manufactured products while nearby producer receipts are used almost entirely in Class I.

(4) The suspension action was requested by Producers Creamery Company of Springfield, Missouri, and by the Producers Association of San Antonio, Inc., which represent nearly 90 percent of all producers in the market and is generally supported by the proprietary handlers in the market.

Therefore, good cause exists for making this order effective for the months of July and August, 1961.

It Is Therefore Ordered, That the aforesaid provisions of the order are hereby suspended effective July 1, 1961, for the months of July and August, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 26, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7196; Filed, July 31, 1961; 8:49 a.m.]

[Milk Order No. 63]

PART 963—MILK IN GREAT BASIN MARKETING AREA

Order Amending Order

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AUTHORITY: §§ 963.0 to 963.111 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 963.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to each hundredweight of butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding step of § 963.44 (b), and (iii) the respective applicable quantity specified in § 963.62(a)(2) or (b)(2).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued April 18, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued June 23, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

DEFINITIONS

§ 963.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 963.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 963.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions specified herein.

§ 963.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.5 Cooperative association.

"Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 19, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and (c) to have its entire activities under the control of its members.

§ 963.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all territory, including all government reservations and installations and all municipalities, within the counties of Box Elder, Davis, Morgan, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah, and the counties of Elko and White Pine in the State of Nevada, and the town of Evanston in Uinta County, Wyoming.

§ 963.7 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer under another Federal milk order) who produces milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption (as used in this subpart, compliance with inspection requirements shall include production of milk acceptable for fluid consumption to agencies of the United States Government located in the marketing area) which milk is delivered to a pool plant on one or more days during the month.

§ 963.8 Producer-handler.

"Producer-handler" means an individual, or a partnership or corporation for which written articles of partnership or incorporation are furnished the market administrator, which:

(a) Produces milk and operates an approved plant described in § 963.10(a);

(b) Receives, either at such plant or for disposition on routes only milk from (1) his own farm production, and (2) from pool plants in an amount during the month not in excess of the larger of 3,000 pounds or five percent of such person's Class I sales; and

(c) The operation of the milk production, processing, and distributing facilities are under the complete and exclusive control of such person and at his sole risk.

§ 963.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more approved plants;

(b) Any cooperative association with respect to milk diverted for its account as described in § 963.13; and

(c) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case the milk is received from producers by the cooperative association.

§ 963.10 Approved plant.

"Approved plant" means (a) a plant in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) a milk receiving or processing plant not described pursuant to paragraph (a) of this section from which milk or skim milk qualified for distribution for fluid consumption is shipped during the month to a plant described in paragraph (a) of this section.

§ 963.11 Pool plant.

"Pool plant" means:

(a) An approved plant, except the plant of a producer-handler as described in § 963.8, from which during the month there is disposed of on routes fluid milk products equal to not less than 50 percent in the months of August through March and 40 percent in other months of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes: *Provided*, That if a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator: *And provided further*, That any approved plant from which the total route disposition of fluid milk products is to inidividuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

(b) An approved plant from which during the month fluid milk products equal to not less than 50 percent of the total of receipts at the plant from dairy farmers meeting the inspection requirements described in § 963.7, milk diverted pursuant to § 963.13 by the handler operating the plant and other fluid milk products qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) of this section: *Provided*, That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 963.12 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 963.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers (in amount determined by weights and measurements for individual producers, as taken at the farm in the case of milk moved from the farm in a tank truck) which is:

(a) Received from producers at a pool plant but not including producers for which another person is the handler pursuant to § 963.9(c);

(b) Diverted by a handler (not as the operator of a nonpool plant) from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant, in an amount for any producer equal to not more than 200 percent of the quantity of milk received from such producer at pool plants (exclusive of milk diverted) during the month: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk; and

(c) Received by a cooperative association which is defined as a handler pursuant to § 963.9(c).

§ 963.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, (3) milk received from a cooperative association for which the cooperative association is a handler pursuant to § 963.9(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 963.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour) except frozen cream, concentrated milk (fresh or frozen), fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

§ 963.16 Route.

"Route" means any disposition of fluid milk products (including through a vendor or disposition from a plant or plant store) in a form designated as Class I milk pursuant to § 963.41(a) except in bulk form to approved plants and except Class II and Class III milk disposition to plants which are not approved plants.

§ 963.17 Butter price.

"Butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of 92-score bulk creamery butter at Chicago, as reported by the Department for the month.

§ 963.18 Base milk.

"Base milk" means the quantity of producer milk delivered by a producer each month which is not in excess of his daily base computed pursuant to § 963.65 multiplied by the number of days in the month, less any days such producer was degraded.

§ 963.19 Excess milk.

"Excess milk" means producer milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 963.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by the Secretary and shall be subject to removal at his discretion.

§ 963.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 963.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 963.86:

(1) The cost of his bond and the bonds of his employees;

(2) His own compensation; and

(3) All other expenses except those incurred under § 963.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or made available records and facilities pursuant to § 963.30 through § 963.33, or payments pursuant to § 963.80 through § 963.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk received by each handler from members of the association. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk of each handler;

(i) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information which do not reveal confidential information; and

(k) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and mail to each handler at his last known address, a notice of each of the following:

(1) The 6th day of each month, the Class I price and butterfat differential for the month, computed pursuant to §§ 963.50 and 963.52, respectively;

(2) The 6th day of each month, the Class II and Class III prices and the butterfat differentials for the preceding month, computed pursuant to §§ 963.50 and 963.52, respectively; and

(3) The 12th day of each month, the uniform prices for base milk and excess milk computed pursuant to § 963.71 and the butterfat differential computed pursuant to § 963.72, all for the preceding month.

REPORTS, RECORDS AND ACCOUNTING

§ 963.30 Reports of sources and utilization.

(a) On or before the 7th day after the end of each month, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Producer milk received at the plant or diverted therefrom by the handler and, unless payment for such milk is to be made pursuant to § 963.80(b), the aggregate quantities of base milk and excess milk, respectively;

(ii) Milk received from a cooperative association which is a handler for such milk pursuant to § 963.9(c);

(iii) Fluid milk products received from other pool plants;

(iv) Other source milk;

(v) Inventories of fluid milk products on hand at the beginning of the month;

(2) The utilization of all skim milk and butterfat required to be reported pursuant to subparagraph (1) of this paragraph, including separate statements as to the disposition of Class I milk on routes entirely outside the marketing area, and inventories of fluid milk products on hand at the end of the month; and

(b) On or before the 7th day after the end of each month, each cooperative association shall report the following:

(1) The quantities of skim milk and butterfat in producer milk which the cooperative association diverted from pool plants of other handlers to nonpool plants, and the classification thereof;

(2) The quantities of skim milk and butterfat in producer milk which the cooperative association received pursuant to § 963.9(c); and

(3) The aggregate quantities of base milk and excess milk involved.

§ 963.31 Other reports.

(a) On or before the 7th day after the end of the month, each handler, except a producer-handler, who operates a nonpool plant from which fluid milk products are disposed of during the month on routes in the marketing area shall report to the market administrator in the detail and on forms prescribed by the market administrator the quantities of skim milk and butterfat so disposed of, and shall make such other reports with respect to receipts of milk and utilization thereof as are requested by the market administrator.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 963.32 Payroll reports.

Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 20th day after the end of the month, his producer payroll for that month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The plant at which such milk was received or delivered to;

(4) The days for which milk was received from such producer;

(5) The average butterfat content of such milk; and

(6) The net amount of the handler's payment to the producer, together with the price paid and the amount and nature of any deductions;

(b) Such other information with respect to his sources and utilization of butterfat and skim milk, and at such times as the market administrator shall prescribe.

§ 963.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month, including, but not limited to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 963.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding

under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 963.40 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk unless the handler who first received (or diverted) such skim milk and butterfat establishes that it should be classified otherwise.

§ 963.41 Classes of utilization.

Subject to the conditions set forth in § 963.42 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of from a plant in the form of fluid milk products except those classified pursuant to subparagraphs (c)(3) and (4) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage cheese;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) Contained in inventories of fluid milk products on hand at the end of the month;

(3) Disposed of for livestock feed (skim milk portion only);

(4) Dumped (skim milk portion only) if with the prior approval of the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 963.45(b)(2) not to exceed the following: Two percent of producer milk (except diverted milk), plus 1½ percent of milk received from pool plants of other handlers in bulk tank lots, plus 1½ percent of milk received from a cooperative association which is the handler for such milk pursuant to § 963.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent), less 1½ percent of milk disposed of in bulk tank lots to pool plants of other handlers (except when the preceding exception hereof applies, the applicable percentage shall be two percent);

(6) In shrinkage allocated to other source milk pursuant to § 963.45(b)(1); and

(7) Used to produce frozen cream.

§ 963.42 Transfers.

Skim milk and butterfat transferred from the pool plant of a handler or by a cooperative association in its capacity as a handler pursuant to § 963.9(c), including diverted milk, shall be classified as follows:

(a) If transferred to a pool plant of another handler as fluid milk products in bulk form shall be classified as Class I milk unless the operators of both plants claim utilization thereof in another class in their reports submitted pursuant to § 963.30: *Provided*, That the skim milk or butterfat so assigned to Class II or Class III shall be limited to the respective amounts thereof remaining at the pool plants of the transferee handler after the subtractions pursuant to § 963.44(a) (1), (2), (3), (4), and (5) and the corresponding steps in § 963.44(b): *And provided further*, That the classification of skim milk and butterfat so transferred results in the classification at both plants which returns the highest valued class utilization to milk of producers at both plants;

(b) If transferred to the plant of a producer-handler in the form of fluid milk products shall be classified as Class I milk; and

(c) If transferred in bulk form as milk, skim milk, or cream to a nonpool plant which is not the plant of a producer-handler shall be classified as Class I milk unless:

(1) The transferee plant is located less than 525 miles from the City Hall in Salt Lake City, Utah, by the shortest hard-surfaced highway distance as determined by the market administrator;

(2) The transferring handler claims classification in another class in his report;

(3) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and

(4) Utilization in the nonpool plant in higher priced uses than that claimed by the transferring handler do not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers who deliver Grade A milk not priced under any Federal order directly from farms to such plant. If higher priced utilization exceeds such receipts, the skim milk and butterfat transferred or diverted shall be allocated to the highest use remaining after subtracting such receipts from dairy farmers, in series beginning with Class I milk, except that when transfers or diversions are made during the month to such nonpool plant from other plants subject to the classification and pricing provisions of this part or other orders issued pursuant to the Act, the skim milk and butterfat so assigned at the pool plant shall be not less than that obtained by prorating the assignable milk at the transferee plant over all such receipts at such nonpool plant.

§ 963.43 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 963.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk at the pool plants of each handler, in producer milk diverted, and in milk for which a cooperative association is a handler pursuant to § 963.9(c): *Provided*, That the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 963.44 Allocation of skim milk and butterfat at pool plants.

(a) The pounds of skim milk remaining in each class after making the following computations with respect to the pool plants of each handler shall be the pounds of skim milk in such class allocated to the producer milk received at such plant, or diverted therefrom by the plant operator, during the month:

(1) Subtract from the total pounds of skim milk in Class III milk the shrinkage of skim milk classified as Class III milk pursuant to § 963.41(c)(5);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk received as other source milk not in the form of fluid milk products;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in other source milk in the form of fluid milk products except that to be subtracted pursuant to subparagraph (4) of this paragraph;

(4) Subtract the pounds of skim milk in fluid milk products received from plants regulated under another order issued pursuant to the Act, as specified:

(i) Subtract, if sour cream was not processed or packaged in the pool plant during the month, from the pounds of skim milk in Class I milk the pounds of skim milk in sour cream packaged in consumer or institutional size packages, classified and priced as Class II milk pursuant to Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area (Part 941 of this chapter), and disposed of in the same packages in which it is received;

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products received from plants regulated under another order(s) issued pursuant to the Act, and classified and priced as Class I milk pursuant to such other order(s).

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers and from a cooperative association which is the handler for that milk pursuant to § 963.9(c), from the pounds of skim milk remaining in the class to which assigned, pursuant to §§ 963.41 and 963.42;

(7) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this section; and

(8) If the pounds of skim milk remaining exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in series beginning with Class III milk. Any amount so subtracted shall be called "overage";

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

§ 963.45 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) For each handler prorate the resulting amounts between (1) the pounds of skim milk and butterfat in other source milk received in bulk form as fluid milk products, and (2) the pounds of skim milk and butterfat in other fluid milk products received in bulk form (excluding diverted milk).

MINIMUM PRICES

§ 963.50 Class prices.

Subject to the provisions of §§ 963.52 and 963.53, the class prices per hundredweight of milk to be paid by each handler shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month, plus $2.05, plus or minus the "supply-demand adjustment," with the total rounded to the nearest cent. The supply-demand adjustment shall be not more than 50 cents computed as follows:

(1) Divide the total receipts of producer milk in the second and third months preceding by the total gross volume of Class I milk (excluding interhandler transfers that would result in the same milk being accounted for a second time as Class I milk) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage"; and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
Jan.	Oct.-Nov.	140	146
Feb.	Nov.-Dec.	142	148
Mar.	Dec.-Jan.	144	150
Apr.	Jan.-Feb.	147	153
May	Feb.-Mar.	148	154
June	Mar.-Apr.	150	156
July	Apr.-May	159	165
Aug.	May-June	168	174
Sept.	June-July	168	174
Oct.	July-Aug.	159	165
Nov.	Aug.-Sept.	146	152
Dec.	Sept.-Oct.	139	145

(3) For a "minus net deviation" the Class I price shall be increased and for a "plus net deviation" the Class I price shall be decreased as follows:

(i) One-half cent for each such percentage point of net deviation; plus

(ii) One-half cent for the lesser of:

(*a*) Each such percentage point of net deviation; or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computation of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One-half cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk price.* The price for Class II milk per hundredweight shall be the Class III price for the month, plus 15 cents.

(c) *Class III milk price.* The price for Class III milk per hundredweight shall be computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph, subtracting 55 cents and rounding to the nearest cent:

(1) Multiply the butter price by 4.03;

(2) Multiply by 8.2 the carlot price per pound of nonfat dry milk, spray process, for human consumption, at manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 963.51 Basic formula price.

The basic formula price shall be the higher of the amounts computed pursuant to paragraph (a) or (b) of this section:

(a) The average of the basic or field prices paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location

Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price subtract 3 cents, add 20 percent thereof, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 963.52 Butterfat differentials to handlers.

For each class of milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 963.50 shall be increased or decreased, respectively, for each one-tenth percent of butterfat by an amount computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 1.35 divide the result by 10, and round to the nearest one-tenth cent.

(b) *Class II and Class III milk.* Multiply the butter price for the current month by 1.15, divide the result by 10, and round to the nearest one-tenth cent.

§ 963.53 Location differentials to handlers.

For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 963.9(c) to a pool plant and which is classified as Class I milk, the price computed pursuant to § 963.50(a) shall be reduced at the rate in the following schedule:

Distance (miles)	Rate per hundredweight (cents)
100 but not more than 110	15.0
For each additional 10 miles or fraction thereof in excess of 110	1.5

Such distance to be measured from the plant to the nearest of the city halls in Ogden, Price, Richfield, or Vernal, all in Utah, or Elko, Nevada: *Provided*, That for the purpose of calculating such location credit to the handler, transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds the receipts from producers at such plants, such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in the sequence beginning with the plant at which the lowest location differential credit would apply.

§ 963.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 963.60 Producer-handler.

Sections 963.70 through 963.74 and §§ 963.80 through 963.86 shall not apply to a producer-handler.

§ 963.61 Plants where other Federal orders may apply.

Any plant described by paragraph (a) or (b) of this section shall be exempt from § 963.11, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part.

(a) Any plant which does not dispose of a greater volume of Class I milk on routes in the Great Basin marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of § 963.11(b).

§ 963.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to § 963.80 through § 963.85, each handler who operates during the month a nonpool plant from which Class I milk is disposed of in the marketing area on a route(s), but which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, is not the plant of a producer-handler, and is not described pursuant to the second proviso of § 963.11(a), shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to paragraph (a) of this section with respect to operations of such plant unless the handler elects at the time of reporting pursuant to § 963.31(a) to have his obligations computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund any plus amount remaining after deducting from the value that would have been computed pursuant to § 963.70, if such handler had operated a pool plant, the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant; and

(2) As his share of the expense of administration, the rate provided in § 963.86 with respect to an amount of milk equal to that which would have applied had such plant been a pool plant; and

(b) The following amounts:

(1) To the producer-settlement fund an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class III price; and

(2) As his share of the expense of administration, the rate provided in § 963.86 with respect to Class I milk so disposed of in the marketing area.

§ 963.63 Obligations of pool handlers on other source milk.

For any month during which the total producer milk received by all handlers is less than 110 percent of the net Class I milk to be accounted for by such handlers, the obligations pursuant to § 963.70(b) (1) and (2) and (d)(3) shall not apply.

DETERMINATION OF BASE

§ 963.65 Computation of producer bases.

Subject to the rules set forth in § 963.66 the market administrator shall compute bases for producers as follows:

(a) (1) A daily base shall be computed for each producer delivering 90 days or more milk production during the months of August through December of each year by dividing the total producer milk delivered during this period by such producer by the number of days' production delivered, the number of days from the date of first delivery during the period through December 31, or 120, whichever is greatest. Such base shall be effective for the 12-month period beginning the following February 1.

(2) Any dairy farmer for whom information concerning deliveries during the base earning period is available to the market administrator and who becomes a producer as a result of (i) the plant to which his milk was delivered during the base earning period subsequently qualifying as a pool plant, or (ii) relinquishment of status as a producer-handler, shall have a daily base computed pursuant to this paragraph.

(b) Any producer for whom no base can be computed pursuant to paragraph (a) of this section, or any producer who chooses to relinquish such base pursuant to § 963.66(b) shall have a monthly base computed by multiplying his deliveries to handlers during the month by the appropriate monthly percentage in the following table, except that no such monthly base shall be computed if such producer or a member of his immediate family has transferred a base pursuant to § 963.66(a) (1) or (2) within the preceding twelve months:

January	70	July	55
February	65	August	65
March	60	September	80
April	55	October	80
May	45	November	80
June	50	December	80

§ 963.66 Base rules.

The following rules shall be observed in determination of base:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer but under the following circumstances only: If a producer who earned a base pursuant to § 963.65(a) sells, leases, or otherwise conveys his herd to another person who is or becomes a producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to § 963.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all producer milk delivered to a handler(s) between August 1 and the last day of the period as specified in § 963.65(a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to § 963.65(a).

(3) The burden shall be upon the transferee and transferor to establish to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraph (1) of this paragraph but in compliance with subparagraphs (2) and (3) of this paragraph;

(i) A base, whether earned pursuant to § 963.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 963.65 (a) by the baseholder or by a member of his immediate family may be further transferred to another person: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to another person.

(b) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 963.65(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 963.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 963.65(a), for which such base was computed.

(c) As soon as bases computed by the market administrator are allotted notice of the amount of each producers' base shall be given by the market administrator to the handler receiving such producer's milk and the producer or the cooperative association of which the producer is a member.

(d) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only producers as defined in § 963.7 may establish or earn a base pursuant to the provisions of § 963.65 and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and/or equipment used are jointly owned or operated.

DETERMINATION OF PRICES TO PRODUCERS

§ 963.70 Computation of the obligation of each handler.

For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to

§§ 963.40 through 963.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location credit allowance required pursuant to the proviso of § 963.53;

(b) Add the amounts computed in subparagraphs (1) and (2) of this paragraph:

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (2) and (b) by the difference between the Class III price and the Class I price, each adjusted by the respective butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44 (a) (3) and (b) by the difference between the Class III price, adjusted for butterfat differential, and the Class I price adjusted for butterfat differential and adjusted for location of the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 963.44 (a) (8) and (b) by the applicable class price; and

(d) Add the amounts computed under subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply the difference between the applicable Class III price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 963.44(a) (5) and the corresponding step of (b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 963.44(a) (5) and the corresponding step of (b) for the month, whichever is less;

(2) Multiply the difference between the applicable Class III price for the preceding month and the Class II price for the month by the pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 963.44(a) (5) and the corresponding step of (b) for the preceding month, less that subtracted from Class I pursuant to § 963.44(a) (5) and the corresponding step of (b), or the pounds of skim milk and butterfat subtracted from Class II milk pursuant to § 963.44(a) (5) and the corresponding step of (b) for the month, whichever is less; and

(3) An amount computed by multiplying the difference between the Class III price adjusted for butterfat differential and the Class I price adjusted for butterfat differential and location by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 963.44 (a) (5) and the corresponding step of (b), which are in excess of the sum of (i) the pounds of skim milk and butterfat, respectively, on which a payment is applicable pursuant to subparagraph (1) of this § 963.70(d), and (ii) the pounds of skim milk and butterfat assigned in the preceding month to Class III pursuant to § 963.44(a) (4) and the corresponding step of § 963.44(b).

§ 963.71 Computation of uniform prices.

The market administrator shall compute the uniform price per hundredweight of base milk and of excess milk, each of 3.5 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 963.70 for the producer milk of all handlers who submitted reports prescribed in § 963.30 and who are not in default of payments pursuant to § 963.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 963.72 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 963.73;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund from prior periods;

(e) Compute the total value on a 3.5 percent butterfat basis of excess milk included in these computations by assigning such milk in series beginning with the lowest priced utilization, multiplying the quantity so assigned to each use classification by the applicable class price, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk received from producers;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk included in these computations; and

(i) Subtract not less than 5 cents nor more than 6 cents from the rate pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for base milk.

§ 963.72 Butterfat differential to producers.

The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differentials for such class as determined by § 963.82, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 963.73 Location differentials to producers.

The applicable uniform prices to be paid for base milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 963.53.

§ 963.74 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform prices computed pursuant to § 963.71 and the producer butterfat differential computed pursuant to § 963.72;

(c) The amounts to be paid by such handler pursuant to §§ 963.80(b) (2), 963.82, 963.85 and 963.86, and the amount due such handler pursuant to § 963.83.

PAYMENTS

§ 963.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) or (e) of this section, each handler shall make payment to each producer from whom milk is received as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 17th day of the following month, for producer milk received during the month, at not less than the uniform prices pursuant to § 963.71 adjusted by the butterfat and location differentials to producers, subject to the following adjustments:

(i) Less marketing service deductions made pursuant to § 963.85;

(ii) Less the payment made pursuant to subparagraph (1) of this paragraph;

(iii) Plus or minus adjustments for errors made in previous payments to such producer and proper deductions authorized in writing by such producer; and

(iv) If by the date specified, such handler has not received full payment from the market administrator pursuant to § 963.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator.

(b) In the case of a cooperative association which is authorized by its members to collect payment for their milk and which has requested such payment from any handler in writing and has so notified the market administrator, payment for milk received during the month by such handler(s) from producer-members of such association shall be accomplished as follows:

(1) On or before the third from the last day of each month such handler shall pay to such cooperative association not less than 1.2 times the Class III price for the preceding month for the hundredweight of such milk received during the first fifteen days of the month;

(2) In determination of payments pursuant to §§ 963.82 and 963.83, only the value of milk received by such handler from producers who are not members of any such association shall be computed at the appropriate uniform prices, to which shall be added the amount of all payments made pursuant to subparagraph (1) of this paragraph and the amount of proper deductions authorized in writing by such producer members before comparison with the total value of producer milk computed pursuant to § 963.70;

(3) On or before the 16th day of the following month the market administrator shall pay to such cooperative association the sum of the payments computed at the appropriate uniform prices with respect to deliveries by producer-members of such association to handlers from whom payments have been requested, less the amounts of payments made to such association pursuant to subparagraph (1) of this paragraph, and less the amount retained by handlers as authorized deductions.

(c) Each handler who received milk from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association and to the market administrator on or before the 7th day of the following month, as follows:

(1) The total pounds of milk received during the month, and if requested, the pounds received from each member-producer;

(2) The amount of payment made pursuant to subparagraph (b) (1) of this section and the quantity of milk to which such payment applied; and

(3) The amount or rate and nature of any proper deductions authorized to be made from payments;

(d) Each cooperative association to which payment is made pursuant to paragraph (b) of this section shall report for each member-producer to the market administrator on or before the 7th day of the following month as follows:

(1) The total pounds of milk delivered by such producer to each handler during the month; and

(2) The pounds of base milk and excess milk.

(e) Each handler shall pay a cooperative association for milk received by him from such cooperative association for which the association is the handler as follows:

(1) On or before the second day prior to the end of each month, for milk received during the first 15 days of the month an amount per hundredweight not less than 1.2 times the Class III price for the preceding month; and

(2) On or before the 15th day of the following month for milk received during the month, not less than an amount computed by multiplying the minimum prices for milk in each class subject to the applicable location adjustment provided in § 963.53 and the butterfat differential provided by § 963.52, by the hundredweight of milk in each class pursuant to § 963.44, such amount to be reduced in the amount of the payment made pursuant to subparagraph (1) of this paragraph.

§ 963.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 963.62, 963.82 and 963.84 and out of which he shall make all payments pursuant to §§ 963.83 and 963.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 963.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 963.70 is greater than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 963.71, adjusted by the producer butterfat and location differentials.

§ 963.83 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 963.70, is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 963.84 Adjustment of accounts.

Whenever audit by the market administrator of any reports, books, records, or accounts or other verification discloses errors resulting in moneys due (a) the market administrator from a handler; (b) a handler from the market administrator; or (c) any producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 963.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk pursuant to § 963.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 14th day after the end of the month. Such money will be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members. On or before the 15th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 963.86 Expense of administration.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in:

(a) Producer milk;

(b) Other source milk allocated to Class I milk pursuant to § 963.44(a) (2) and (3) and the corresponding steps of § 963.44(b); and

(c) The respective applicable quantity specified in § 963.62 (a) (2) or (b) (2).

§ 963.87 Termination of obligations.

The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this sec-

tion, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 963.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 963.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 963.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 963.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., July 27, 1961, to be effective on and after the 1st day of August 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7235; Filed, July 31, 1961; 8:53 a.m.]

[Milk Order No. 90]

PART 990—MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

Order Amending Order

§ 990.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeastern New England marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Stabilization and Conservation Service was issued June 23, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 19, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1961, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 6c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southeastern New England marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 990.4(e) and substitute:

(e) "Fluid milk products" means milk, skim milk, flavored milk or flavored skim milk (including that marketed as a dietary weight control product), cultured skim milk, buttermilk, concentrated milk in fluid form, and any mixture in fluid form of milk, skim milk and cream containing less than 10 percent of butterfat (except eggnog, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products in hermetically sealed containers).

2. Delete § 990.4(h)(1) and substitute the following:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined into another product during the month, including any disappearance of nonfat milk products not otherwise accounted for, and

3. Delete the proviso in § 990.24(a) and substitute the following: *"Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, or any other product condensed from milk or skim milk, are utilized or unaccounted for by the handler, the total pounds of skim milk computed shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that for dietary weight control products and milk, skim milk or buttermilk fortified, the actual weight of any such products shall be included in computing the total product weight."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 27, 1961, to be effective on and after the 1st day of August 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7236; Filed, July 31, 1961; 8:53 a.m.]

[Milk Order No. 124]

PART 1024—MILK IN OHIO VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ohio Valley marketing area (7 CFR Part 1024), it is hereby found and determined that:

(a) The following provision of the order does not tend to effectuate the declared policy of the Act for the months of August and September 1961:

The phrase in the first proviso of § 1024.13, which reads: "or (2) a cooperative association for more than one-half of the days of delivery during the months of August through March:"

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order is necessary to facilitate the disposal of reserve milk supplies of the Ohio Valley market.

Therefore, good cause exists for making this order effective August 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended effective August 1, 1961, for the period August 1, 1961, through September 30, 1961.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., July 26, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7195; Filed, July 31, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-104]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Federal Airway and Associated Control Area; Change of Effective Date

Correction

In F.R. Doc. 61-7024, appearing at page 6709 of the issue for Thursday, July 27, 1961, the bracket in the heading should appear as set forth above.

[Airspace Docket No. 60-HO-7]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On May 10, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4019) stating that the Federal Aviation Agency proposed to alter the Guam Island control area extension (§ 601.1383).

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.1383 (14 CFR 601.1383) is amended to read:

§ 601.1383 Control Area Extension (Guam, Island).

That airspace within a 100-nautical mile radius of the Guam VOR (Lat. 13°27'11" N, Long. 144°43'51" E), excluding the portion which coincides with R-7201 and W-517.

This amendment shall become effective 0001, e.s.t., September 21, 1961.

(Secs. 307(a) and 1110, 72 Stat. 749, and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 25, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7165; Filed, July 31, 1961; 8:45 a.m.]

[Airspace Docket No. 61-NY-46]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension and Control Zone

The purpose of these amendments to §§ 601.1297 and 601.2306 of the regulations of the Administrator is to alter the Paducah, Ky., control area extension and the Paducah control zone.

The Paducah control area extension and the Paducah control zone are designated in part upon the Paducah radio beacon.

The Federal Aviation Agency no longer has a requirement for the Paducah radio beacon in the management of air traffic. However, the present controlled airspace based on this facility is still utilized by aircraft executing prescribed VOR instrument approach procedures. Accordingly action is taken herein to substitute the Paducah Municipal Airport (Barkley Field) for the Paducah radio beacon in the descriptions of the Paducah control area extension and control zone.

Since these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 601.2306 (14 CFR 601.2306) is amended to read:

§ 601.2306 Paducah, Ky., control zone.

Within a 5-mile radius of the Paducah Municipal Airport (Lat. 37°03'40" N.,

Long. 88°46'20'' W.), and within 2 miles either side of a line bearing 220° from the airport extending from the 5-mile radius zone to 10 miles SW of the airport.

2. Section 601.1297 (14 CFR 601.1297) is amended to read:

§ 601.1297 Control area extension (Paducah, Ky.).

Within 5 miles either side of a line bearing 220° from the Paducah Municipal Airport (Lat. 37°03'40'' N., Long. 88°46'20'' W.) extending from the airport to 20 miles SW.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7166; Filed, July 31, 1961; 8:45 a.m.]

[Airspace Docket No. 60-KC-90]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 487) stating that the Federal Aviation Agency proposed to alter the Grosse Ile, Mich., control zone.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the notice, § 601.2361 (14 CFR 601.2361) is amended to read:

§ 601.2361 Grosse Ile, Mich., control zone.

Within a 5-mile radius of the Grosse Ile, Naval Air Station (Lat. 42°05'55'' N., Long. 83°09'40'' W.), excluding that portion outside of the United States.

This amendment shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 25, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7167; Filed, July 31, 1961; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Civil and Defense Mobilization

PART 1712—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

1. Section 1712.3 is revised to read as follows:

§ 1712.3 Project applications.

Each project application, submitted to the Office of Civil and Defense Mobilization by a State, involving construction work financed with the assistance of any contribution of Federal funds shall include as a condition thereof, the following provisions, verbatim:

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), by the Office of Civil and Defense Mobilization regulations, and by the Office of Civil and Defense Mobilization manuals and instructions, as now or hereafter provided. The obligations of the State include without limitation the requirement that the State include, verbatim in each contract involving construction work, and cause to be included, verbatim in each subcontract thereunder, the provisions set forth in § 1712.4(a) or § 1712.4(b), whichever is applicable of Office of Civil and Defense Mobilization Regulations, Part 1712, and the labor standards requirements, including compliance provisions, set forth in Office of Civil and Defense Mobilization Regulations, Part 1712.

(b) The State hereby agrees to and represents, as a condition of this project application, the following:

(1) Prior to entering into a contract involving construction work in excess of $2000, a United States Department of Labor Form DB-11, requesting the Secretary of Labor to issue a wage determination decision in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), for the project, shall be duly executed by the authorized official on behalf of the State (or political subdivision where applicable) and shall be submitted to the Office of Civil and Defense Mobilization in accordance with the procedures established by that Office, including any amendments thereto, for transmittal to the Department of Labor.

(2) Each advertisement of an invitation to bid shall indicate expressly that, if the construction phase of the contract exceeds $2000, all laborers and mechanics employed by contractors or subcontractors in performance of the construction work shall be paid wages at rates not less than those determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), and that regardless of the amount of the construction phase of the contract, every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be, as provided in section 201 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281), and in addition, the bid specifications shall contain the applicable labor standards provisions set forth in section 1712.4 and, where one is required, shall have attached thereto the wage determination decision of the Secretary of Labor issued for the project.

(c) The State hereby agrees that the Office of Civil and Defense Mobilization shall withhold from the amount of any contributions otherwise due the State a sum sufficient to cover the amount of any restitution due laborers and mechanics employed by a contractor or subcontractors. Further, the maximum estimated total under payments may be withheld from any advance or interim or final payment which otherwise would be due the State, pending the investigation and definite ascertainment of the amount. This provision shall in nowise reduce the efficacy of subsection 401(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2253), and regulations issued in furtherance thereof, as now or hereafter provided.

2. Section 1712.4 is revised to read as follows:

§ 1712.4 Contract provisions.

(a) Each contract involving construction work of $2000 or less and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, verbatim:

(1) The contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Copeland Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(2) Every laborer or mechanic employed by the contractor or subcontractor in the performance of construction work hereunder shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be.

(3) The contractor will insert verbatim in each of his subcontracts the provisions set forth in stipulations (1) through (4) hereof, and such other stipulations as the Office of Civil and Defense Mobilization may by appropriate instructions require.

(4) A breach of stipulation (1), (2), or (3) may be grounds for termination of the contract.

(b) Each contract involving construction work in excess of $2000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except such payroll deductions as are permitted by the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(2) The State* of _____ may, after written notice to the contractor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic empolyed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the State* of _____ may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(3) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working on the construction of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the State* of _____ for transmission by or through the State to the Office of Civil and Defense Mobilization. The statement will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the State of _____, the _____ of _____, the Office of Civil and Defense Mobilization and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(5) The contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Copeland Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all the subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(6) Every laborer or mechanic employed by the contractor or subcontractor in the performance of construction work hereunder shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be.

(7) The contractor will insert verbatim in each of his subcontracts the provisions set forth in stipulations (1) through (8) hereof, and such other stipulations as the Office of Civil and Defense Mobilization may by appropriate instructions require.

(8) A breach of any of the stipulations, (1) through (7), may be grounds for termination of the contract.

(c) Each contract involving construction work in excess of $2000 and all subcontracts thereunder shall have attached thereto and made a part thereof the applicable wage determination decision of the Secretary of Labor.

(d) Each contract involving construction work, regardless of amount, and all subcontracts thereunder shall have attached thereto the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3).

3. Section 1712.6 is revised to read as follows:

§ 1712.6 Examination of payrolls.

In cases where the contract involves construction work in excess of $2000, a certified copy of all payrolls shall be submitted weekly to the Office of Civil and Defense Mobilization by or through the State. All payrolls will be checked by the State or political subdivision, where applicable, against the applicable wage determination decision of the Secretary of Labor to verify labor standards compliance and to ascertain the following:

(a) That the rates paid to various classifications of employees are in conformity with the applicable wage determination decision.

(b) That the ratio of apprentices to journeymen is not disproportionate.

(c) That the ratio of laborers to journeymen is not disproportionate.

(d) That the ratio of helpers to journeymen is not disproportionate.

(e) That each classification shown in the payrolls is a classification for which a rate was predetermined in the applicable wage determination decision.

(f) That there are included in the payrolls those classifications of workers who would logically perform the work performed during the weeks in question.

4. Section 1712.7 is revised to read as follows:

§ 1712.7 Investigations.

(a) All indications, including but not limited to all complaints, of alleged violations of labor standards brought to its attention shall be investigated by the State, and the State shall require that all such indications brought to the attention of a political subdivision shall be forthwith brought to the attention of the State. In cases where the contract involves construction work in excess of $2,000, the State shall make an "on the site" labor standards check, at least once during the project and at least every six months on projects of long duration, including without limitation the following:

(1) Interviewing of a representative number of employees including but not necessarily limited to one employee in each classification or craft to ascertain what work the employee is doing and his regular rate of pay. This information shall be checked against the payrolls and the applicable wage determination decision to verify compliance or noncompliance.

(2) Checking of the registration of all apprentices.

(b) In conducting investigations, including those of complaints of alleged violations, all statements, written or oral made by an employee are to be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

(Sec. 401, 64 Stat. 1254, 72 Stat. 1799, 23 F.R. 4991, 72 Stat. 861, 3 CFR 1958 Supp.; 50 U.S.C. App. 2253, 5 U.S.C. 1333—15 E.O. 10773, 23 F.R. 5061, E.O. 10782, 23 F.R. 6971, 3 CFR 1958 Supp.)

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 28th day of July 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-7263; Filed, July 31, 1961; 8:53 a.m.]

* Where a city, county, or other political subdivision contracts with the contractor for construction of a project, substitute (or add, as the case may be) the correct name of the city, county, or other political subdivision.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-952; Docket 13953]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 9—AVIATION SERVICES

PART 10—PUBLIC SAFETY RADIO SERVICES

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

Frequency Pairing; Channel Available to Public Safety Radio Licensees for Omnidirectional Operations

In the matter of amendment of Parts 7, 8, 9, 10, 11 and 16 of the Commission's rules to provide for Frequency Pairing in the 952–960 Mc Frequency Band, and to make the channel 952.5 Mc available to Public Safety Radio Licensees for Omnidirectional Operations; report and order.

1. The Commission issued a notice of proposed rule making in the above-entitled matter, duly published in the FEDERAL REGISTER 26 F.R. 1532, February 22, 1961, inviting comments in support of or in opposition to the proposals contained therein. The date for submitting such comments has passed; those which were received have been carefully considered by the Commission in arriv-

ing at the determinations set forth below.

2. There were two proposals at issue in this proceeding which would affect the parts of the rules enumerated above: (a) Should the frequencies between 952 Mc and 960 Mc be paired in the manner proposed by the Commission so as to create channels with a channel separation of 3.6 Mc? The proposal would incorporate the present informal pairing policy now followed by the Commission; and (b) Assuming that the proposed method of pairing was adopted, what disposition should be made of the seven remaining unpaired frequencies: 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, 952.7 Mc? It was proposed for the reasons set forth in paragraph 7 of the notice of proposed rule making that the frequency 952.5 Mc be made available to Public Safety (Part 10) licensees for omnidirectional operations, and comments were specifically invited on whether the Commission should "• • • make some, or all, of the remaining six frequencies available for omnidirectional use by these Part 10 licensees or by any other group which satisfactorily demonstrates a similar need." It should be noted that with the exception of a comment received from the American Association of Railroads, all those filing were Part 10 or Part 11 licensees, or were representing such users. However, the interests of all Safety and Special Radio Services users have been considered in reaching the conclusions herein.

3. The comments were unanimous in supporting the channel-pairing proposed by the Commission. The National Committee for Utilities Radio (NCUR) while generally favoring the proposal suggested certain additional departures. NCUR proposed that:

a. There should be "an amortization period of eight years for those systems now authorized, with unlimited extensions as long as applicants for new systems in the area can be accommodated without interference."

b. Where individual conditions warrant, the Commission should allow "• • • the allocation of adjacent pairs to permit 500F9 emission, or at least 300F9 emission."

c. Voice circuits should be permitted where such operation "• • • would occupy only a 100 kc channel bandwidth."

d. In instances where topography precludes the usage of higher frequencies, permit these 952–960 Mc frequencies to be used "• • • for 'spurs' from extended microwave systems • • •"

4. Consideration of these proposals would raise issues which go beyond the scope of the questions involved in the Notice of Proposed Rule Making (see paragraph 2, supra). Further, these matters have already been treated in previous proceedings (see Dockets No. 11866 and No. 13083), and determinations made therein will continue to be applied unless or until a change is made as a result of an appropriate future proceeding. Accordingly, since it does not appear that there is any objection to the channel pairing scheme as such, it is being adopted as proposed subject to certain modifications set forth in paragraph 12 infra.

5. NCUR further pointed out that certain licensees were authorized to operate on frequency pairs in this band which are not in accord with the pairing adopted herein. Thus, while such licensees may be utilizing 100 kc channels, their systems do not have the requisite channel separation. The Commission agrees with NCUR's proposal that such licensees should be permitted to continue to operate provided that no interference is caused to systems utilizing channels in accordance with the plan for frequency pairing. An appropriate proviso will be included in the various rules governing the various service parts.

6. The main thrust of the comments was directed toward the disposition of the seven remaining unpaired frequencies. In the main, those commenting in behalf of Part 10 users contended that all seven frequencies should be made available exclusively for Public Safety omni-directional operations, particularly for traffic control systems. The Associated Public Communications Officers, Inc., representing Public Safety users in Northern California, points out that in addition to traffic light control, Part 10 users could employ these frequencies to establish radio teletype systems in large metropolitan areas such as Los Angeles. The comment states: "Even though it might be possible to operate a number of different functions on one microwave channel through the application of frequency division multiplex techniques (carrier), it is logical to assume that in the metropolitan areas there will be numerous governmental entities which will in the future become interested in one or more of the functions possible in this type of systems.

"APCO therefore recommends that all seven of the unpaired frequencies be made available for use with omnidirectional antannae and further that these seven frequencies be assigned for exclusive use under Part 10 of the Commission's rules."

7. Central Station Electrical Protection Association and Controlled Companies, American District Telegraph Company (ADT) request that three frequencies be made exclusively available for "• • • fire, burglar and other protective services." The comment contends that this industry cannot share its frequencies with other services because of the possibility of interference. It points out that its operations are analogous to a public safety organization in that ADT is involved in the protection of life and property, and that the need for its services is spreading from its central offices into suburban areas. ADT also requested that some interim eligibility be provided for protection services to permit immediate use of these frequencies by this industry.

8. NCUR set forth reasons why these seven frequencies should be made available for omnidirectional usage by licensees in the Power Radio Service; utility companies could employ this type of operation to control street lights; gas companies could then regulate line valves, control existing gas supplies; and water companies could control the amount of water, regulate the chlorination and filtering process. It concludes that all Safety and Special Radio Services should share in the usage of these frequencies.

9. The comments from the remaining user groups, most of whom operate under Part 11 of the Commission's rules, advocated that these seven frequencies be shared among all the Land-Mobile Services, i.e., Parts 10, 11, and 16. The Forest Industries Radio Communications recommended that each Part should have one or two frequencies available and that the users within each Part would share in the usage for omnidirectional operation. The American Petroleum Institute, however, suggested that "• • • these unpaired frequencies be made available on the same basis as the paired frequencies in this band." This would mean that all services could share in the use of all seven frequencies with no exclusive allocations to any user group. This latter position was supported by General Electric Company except that it would restrict the sharing to Parts 10, 11, and 16.

10. Motorola, Inc. submitted the most detailed comment of potential omnidirectional frequency usage using the New York City area which is considered to extend from Hartford, Connecticut to Northern New Jersey as its example. It concluded that to cover the omnidirectional traffic light needs only of this region, six frequencies would be required. The comment concedes that in most metropolitan areas four frequencies would suffice. Therefore, it recommends that the frequencies 952.2, 952.3, 952.4, and 952.5 Mc be made available to Part 10 licensees for their omnidirectional needs. The three remaining frequencies would be available "for general omnidirectional uses, including traffic control, which can demonstrate a similar need."

11. Among the several parties who expressed an interest in omnidirectional use of microwave frequencies there were varying degrees of specificity. The comments regarding traffic signal uses were the most detailed, apparently because actual operations have enabled an evaluation of the needs and benefits of omnidirectional frequencies for this purpose. The other omnidirectional uses of the frequencies to which the comments refer are prospective in varying degrees although it is conceded that the regulatory background which inhibited developmental operation may have contributed to the lack of operational experience in some of these services. In any event the facts needed to establish relative priorities among these services are not available at this time. Hence, the action taken herein will in effect recognize a priority and extent of need of the traffic signal users by making available therefor three exclusive frequencies for omnidirectional operations.

12. There is some reason to believe that the other services, if provided an opportunity to engage in omnidirectional operations, might also be able to demonstrate a need similar to that of the traffic signal control users. Because of the lack of data which can only be accumulated by experience, there is doubt as to whether the ultimate needs of some of these services, particularly the commercial protection service, are for simplex, as opposed to duplex, omnidirectional usage. In order to ascertain what these needs, if any, are, the Commission is making the following determinations:

a. The remaining four frequencies will be shared equally by the remaining services including the protection service for omnidirectional uses on a developmental only basis.

b. Four frequency pairs will also be available to these remaining services on a developmental basis for possible duplex omnidirectional usage.

If subsequent facts warrant, the Commission may in a later proceeding propose to accommodate on a regular basis those who are able to establish a sufficient requirement for either simplex or duplex omnidirectional operation. The latter may ultimately provide an answer for the omnidirectional needs of the commercial protection services. Of course, should future events disclose that any or all of these frequencies are not needed for omnidirectional usage, they can subsequently be made available for other purposes.

13. The Commission wishes to caution affected users that this "developmental" program will be controlled so as to preclude the granting of a large number of authorizations which might inhibit the Commission's future flexibility. The question of whether any given application for a developmental authorization will be granted will depend on whether the applicant's proposal would significantly increase the Commission's understanding of omnidirectional operations. The traffic light control users have established that their omnidirectional usage of microwave frequencies represents a technically more efficient usage of such frequencies than directional usage and also that their functions are so uniquely adapted thereto that such usage is in the public interest. These will be the criteria which the Commission will employ in determining whether any developmental program should be permitted to progress to a point at which regular grants could be made.

14. It should be noted that one of the issues involved in the Commission's notice of proposed rule making in Docket No. 13847 is whether or not a specific radio service should be established for those engaged in a commercial protection service. Presently, the Business Radio Service, under which these users now claim their sole eligibility does not provide for other than control and repeater usage on the frequencies in the 952–960 Mc band. However, since the operations of ADT and others in this field utilize narrow bandwidth, it appears that the frequencies to be made available for developmental operation under consideration herein might suit their needs. Hence, it would seem logical to permit those engaged in this service to participate equally in this developmental program with users other than those engaged in traffic signal control. Part 11 will be so amended, and if as a result of Docket No. 13847 a separate service is created, further appropriate amendments can be instituted to reflect this change. As stated previously, it may turn out that this service can be better accommodated by the utilization of the paired frequencies being set aside on a developmental basis for duplex omnidirectional operations. Whatever the case, the action taken herein will enable this group to acquire the operational experience necessary to determine the future course it should follow in meeting its needs.

15. Based upon the foregoing, it is the Commission's opinion that the frequencies 952.5, 952.6, and 952.7 Mc should be made available on an exclusive basis to Part 10 for omnidirectional usage for traffic signal control. The frequencies 952.1, 952.2, 952.3, and 952.4 Mc should be made available for developmental operation only on a shared basis to Parts 7, 8, 9, 10, 11, and 16; in the case of Part 10 the applicant's proposed usage must be for other than to control traffic signals. Certain frequency pairs set out infra should also be made available for the services referred to previously for developmental operation only.

16. Included in the comments were suggestions that the permissible power output for systems in the 952–960 Mc band which use omnidirectional antennae be raised from the present 30 watt limit. The specific request by Motorola, Inc., for an increase in output power from 30 watts to 100 watts appears reasonable and is hereby granted. The 30 watt limitation (as adopted in the Commission's Report and Order in Docket No. 13083) was predicated upon the use of a directional antenna with maximum beamwidth in the horizontal plane of 20°, and the increase to 100 watts output power would provide comparable signal strength in the area to be served by an omnidirectional antenna system.

17. It is the Commission's view that this 952–960 Mc band can ultimately be split into channels having a bandwidth of 50 kc. It is true that the assignment of 50 kc wide channels would require very careful geographical separation to avoid the danger of destructive interference. However, the benefits which would thus accrue in terms of the creation of additional assignable channels warrant immediate study by the Commission and the affected user groups. It can be anticipated that the Commission will initiate a proceeding to provide for 50 kc channels in this band, subject, of course, to appropriate geographical separation between assignments on these frequencies.

Therefore, in view of the foregoing: *It is ordered*, This 26th day of July 1961, that, effective September 1, 1961, Parts 7, 8, 9, 10, 11, and 16 are amended so as to provide the following:

1. The frequencies between 952 and 960 Mc are assigned as follows:

Paired frequencies

959.9----956.3	958.1----954.5
959.8----956.2	958.0----954.4
959.7----956.1	957.9----954.3
959.6----956.0	957.8----954.2
959.5----955.9	957.7----954.1
959.4----955.8	957.6----954.0
959.3----955.7	957.5----953.9
959.2----955.6	957.4----953.8
959.1----955.5	957.3----953.7
959.0----955.4	957.2----953.6
958.9----955.3	957.1----953.5
958.8----955.2	957.0----953.4
958.7----955.1	956.9----953.3
958.6----955.0	956.8----953.2
958.5----954.9	956.7----953.1
958.4----954.8	956.6----953.0
958.3----954.7	956.5----952.9
958.2----954.6	956.4----952.8

Unpaired frequencies

952.7	952.5	952.3	952.1
952.6	952.4	952.2	

2. Operation on frequency pairs authorized prior to July 20, 1961, which are not in accordance with the above plan of frequency pairing may continue provided interference is not caused to the operation of systems which are utilizing channels in accordance with that plan.

3. The frequencies 952.5, 952.6, and 952.7 Mc are available for assignment solely under the provisions of Part 10 and then only for omnidirectional usage to control traffic signals.

4. The frequencies 952.1, 952.2, 952.3, and 952.4 Mc are available for assignment on a developmental basis only under the provisions of Parts 7, 8, 9, 10, 11, and 16 for omnidirectional operation; in the case of Part 10, such operation must be other than for the control of traffic signals. With respect to Part 11, Subpart L—Business Radio Service, these frequencies are available only to those organizations rendering a central station commercial protection service.

5. The frequency pairs 959.9–956.3; 959.8–956.2; 956.5–952.9; and 956.4–952.8 Mc are available for assignment on a developmental basis only under the provisions of Parts 7, 8, 9, 10, 11, and 16 for omnidirectional operation; in the case of Part 10, such operation must be other than for the control of traffic signals. With respect to Part 11, Subpart L—Business Radio Service, these frequencies are available only to those organizations rendering a central station commercial protection service.

6. The maximum rated power output of transmitters for omnidirectional operations authorized to operate on the frequencies 952.1, 952.2, 952.3, 952.4, 952.5, 952.6, and 952.7 Mc is 100 watts.

The formal codification of the changes described above in each of the service parts concerned will be accomplished by subsequent orders of the Commission.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 26, 1961.

Released: July 27, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7220; Filed, July 31, 1961; 8:52 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2448]

[1381268]

[Anchorage 049231]

ALASKA

Revoking Executive Order No. 5364 of June 5, 1930 (Unalaska Island)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5364 of June 5, 1930, withdrawing certain public lands on Unalaska Island, Alaska, for use of the Department of the Navy, which was revoked in part by Public Land Order No. 1087 of March 8, 1955, is hereby revoked in its entirety. The following-described lands are released from withdrawal by this order:

UNALASKA ISLAND

All lands lying between 53°49' North Latitude and 53°51' North Latitude and between 166°34' West Longitude and 166°38' West Longitude, containing approximately 4,199 acres.

2. The State of Alaska has waived its preference rights to select the lands.

3. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including location under the United States mining laws for nonmetalliferous minerals, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals. They have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JULY 26, 1961.

[F.R. Doc. 61-7201; Filed, July 31, 1961; 8:49 a.m.]

[Public Land Order 2449]

[Montana 044168 (SD)]

SOUTH DAKOTA

Withdrawing Lands for Use of the Department of the Air Force for Military Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Department of the Air Force for military purposes:

BLACK HILLS MERIDIAN

T. 9 N., R. 1 E.,
Sec. 12, E½SW¼SW¼.
T. 12 N., R. 2 E.,
Sec. 4, N½SW¼NE¼ and N½S½SW¼NE¼.
T. 11 N., R. 1 E.,
Sec. 13, SE¼NE¼NE¼ and NE¼SE¼NE¼.
T. 12 N., R. 3 E.
Sec. 29, SE¼SE¼NE¼.
T. 10 N., R. 8 E.,
Sec. 18, SE¼NW¼NW¼, W½SW¼NE¼-NW¼, and NW¼NW¼SE¼NW¼.

Containing 97.50 acres.

JULY 26, 1961.

KENNETH HOLUM,
Assistant Secretary of the Interior.

[F.R. Doc. 61-7202; Filed, July 31, 1961; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC-58]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Form for Designation of Agent for Service of Process by Motor Carriers and Brokers

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 1, held at its office in Washington, D.C. on the 20th day of July A.D. 1961.

The matter of revision of Form BMC 3, Designation of Agent for Service of Notices, Orders, and Process, required to be filed by motor carriers and brokers subject to part II of the Act, being under consideration; and

It appearing that Form BMC 3 should be revised to implement the rules and regulations governing designation of process agents by motor carriers and brokers prescribed pursuant to the order of the Commission, Division 1, entered January 28, 1960, and published in the FEDERAL REGISTER on February 10, 1960 (25 F.R. 1160), the effective date of which order was indefinitely postponed following the receipt of petitions seeking certain relief in respect thereto, which petitions were generally denied and the order of January 28, 1960, was reinstated and its effective date fixed as August 11, 1961, pursuant to the Commission's order of June 21, 1961;

It is ordered, That 49 CFR 7.3 B.M.C. 3 be deleted in its entirety and that the following section be substituted in lieu thereof:

§ 7.3 B.M.C. 3.

Designation of agent for service of notices, orders and process. Sections 221(a) and 221(c) of the Interstate Commerce Act. This form is required to be filed with all applications for authority to operate under the Act on Forms BMC 4, 5, and 78.

It is further ordered, That Form BMC 3 (49 CFR 7.3) Designation of Agent for Service of Notices, Orders, and Process, which was adopted and prescribed pursuant to the minutes of the Commission dated October 8, 1935, and revised in 1956, be, and it is hereby, revised in accordance with the specimen of such form which is attached hereto and made a part hereof,[1] and its hereby adopted and prescribed for use by motor carriers and brokers subject to part II of the Act.

It is further ordered, That the Form BMC 3 (49 CFR 7.3) prescribed and adopted October 8, 1935 as revised in 1956, be, and it is hereby, canceled.

It is further ordered, That this order shall be effective October 31, 1961, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of Federal Register.

(Secs. 204(a), 221(a) and 221(c), 49 Stat. 546, 563, as amended; 49 U.S.C. 304, 321)

By the Commission, Motor Carrier Board No. 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-7200; Filed, July 31, 1961; 8:49 a.m.]

[1] Filed as part of the original document.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 161]

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315, 315a–315r), as amended and supplemented, it is proposed to amend and revise the regulations issued under the said act as set forth below. The main purpose for these changes is to provide regulations to guide the apportionment of increased grazing capacity by amending § 161.6(g). In addition, certain technical defects are corrected by amendments involving §§ 161.6(e)(9)(i), 161.7(a)(1), 161.8(c), 161.10 (a), (g), and (k). Also paragraph (a), subparagraph (4) and paragraphs (b) and (c) of § 161.9 are amended to describe present procedures followed in acting on grazing applications. § 161.17 is amended to provide for delegation of authority to the district manager to accept contributions under section 9 of the act.

It is the policy of the Department whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Paragraph (e)(9), subdivision (i), and paragraph (g) of § 161.6 are revised as follows:

§ 161.6 Issuance of licenses and permits.

* * * * *

(e) *Terms and conditions.* * * *

(9) Base property qualifications, in whole or in part, will be lost upon the failure for any two consecutive years:

(i) To include in an application for a license or permit or renewal thereof, the entire base property qualifications for active, nonuse, or combination of active and nonuse, except where the base property qualifications are included in an outstanding current term permit, or where the allowable use has been reduced under paragraph (f)(1)(iii), and (3) of this section, or § 161.12(e).

* * * * *

(g) *Allotments; agreements; increases.* (1) Allotments of Federal range will be made to licensees or permittees when conditions warrant. Division of the range by agreement or former practice will be followed where practicable, provided such division is in substantial conformity with the qualifications for grazing privileges of the respective applicants and the agreement is reduced to writing and approved by the district manager.

(2) Increases in grazing capacity, when conditions warrant, and after recommendation of the advisory board and approval of the district manager, will be apportioned in a manner that will assist in the stabilization of livestock operations controlling qualified base property, with emphasis being given to the restoration of reductions that have been imposed to reach the grazing capacity of a particular allotment or range area, and to allocation of increased grazing capacity to operators or interests whose efforts were responsible for such increases.

2. Paragraph (a)(1) of § 161.7 is revised as follows:

§ 161.7 Transfers of base property; base property qualifications; relinquishments.

(a) *Transfer of base property; effect.* (1) A transfer of a base property or part thereof, whether by agreement, operation of law, or testamentary disposition, will entitle the transferee, if qualified under § 161.3(a), to so much of the grazing privileges as are based thereon. Except as otherwise herein provided, the existing license or permit and the grazing privileges thereunder shall automatically and without further notice be terminated or decreased by such transfer to the extent of the grazing privileges attaching to the transferred base property; except that further grazing under the license or permit may be temporarily extended pursuant to request and notification filed in accordance with § 161.6(e)(8)(i); except, also, where the transfer arises as a result of testamentary disposition the existing license or permit may continue in effect until the end of the current grazing season. Thereafter applications for renewal of a license or permit shall be filed by the heirs, devisees, executor, administrator, or personal representative, as the case may be.

3. Paragraph (c) of § 161.8 is revised as follows:

§ 161.8 Fees; time of payment; refunds.

* * * * *

(c) *Crossing permits.* Upon application filed with the district manager by any person showing the necessity for crossing the Federal range with livestock for proper and lawful purposes, a crossing permit may be issued to him at a charge, payable in advance, of one cent per head per day for cattle, two cents per head per day for horses, and one-fifth cent per head per day for sheep and goats. A minimum charge of $5 will be made for each crossing permit, except that no fee will be charged where the trail to be used is so limited and defined that no substantial amount of forage will be consumed in transit.

4. Paragraph (a), subparagraph (4), and paragraphs (b) and (c) of § 161.9 are revised as follows:

§ 161.9 Procedure in applications; protests.

(a) *Filing and consideration of applications; interdistrict agreements; recommendations; service of notice.* * * *

(4) The advisory board will make its recommendation to the district manager and, if such recommendation is to any extent adverse, it shall set forth the reasons therefor. If such recommendation is favorable and the district manager approves, he will notify the applicant by ordinary mail, which notice may be the fee billing. If the advisory board recommendation is favorable but the district manager disagrees, notice will be served on the applicant in person or by certified mail sent to his address of record, setting forth the recommendation of the advisory board and the manager's disapproval, together with the reason or reasons for a prospective adverse decision, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a date, not less than ten days thereafter, on or before which oral or written protest may be presented to the district manager. If the recommendation of the board is to any extent adverse, notice will be served on the applicant in person or by certified mail sent to his address of record, setting out the reason or reasons given by the advisory board for the adverse recommendation, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts in which the application is deficient, and naming a place and date, not less than ten days thereafter, when protest against the recommendation will be heard. The district manager may also serve notice on any other applicant or applicants who may be directly affected by the adoption of the advisory board recommendation or the prospective decision of the manager which will allow an appropriate protest. In any case where consideration of an application involves only issues previously adjudicated involving the same applicant or his predecessors in interest, the same base property and the same area of use, the advisory board may recommend that a protest meeting not be held, whereupon the district manager may accept the recommendation of the board as its final consideration.

(b) *Protests; reconsideration by advisory board; service of notice.* At the time and place fixed for the protest meeting, any licensee, permittee, or applicant may appear, in person or by attorney or other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and will make a final recommendation to the district manager. If such recommendation is fa-

vorable to the protestant, and the district manager approves, he will notify the protestant thereof by ordinary mail, which notice may be the fee billing. If the recommendation is to any extent adverse, and the district manager approves, a notice giving the reason or reasons therefor will be served on the protestant in person or by certified mail, including a reference to the pertinent sections or provisions of the Federal Range Code for Grazing Districts that serve as controlling factors. Such notice will constitute the district manager's final decision for purposes of appeal.

(c) *Allowance or rejection of application; modification; service of notice.* The district manager, in the light of all facts and circumstances and after reference to the advisory board, may issue or refuse to issue a grazing license or permit. When the district manager takes an adverse action on any application, a notice including a recital of the specific reasons for the action taken will be served on the applicant in person or by certified mail. The notice will advise the applicant of his privilege to appeal to an examiner.

5. A new subparagraph (2) is added to paragraph (a) of § 161.10 as follows, and the present subparagraph (2) is renumbered (3). The present subparagraph (3) is revised and is renumbered (4). Paragraphs (g) and (k) of this section are revised as set forth below.

§ 161.10 Appeals and hearings.

(a) *Appeal to examiner; motion to dismiss.* • • •

(2) Any applicant for a grazing license or permit or any other person who, after proper notification, fails to protest or appeal a decision of the district manager within the period prescribed in the decision, shall be barred thereafter from challenging the matters adjudicated in such final decision.

• • • • •

(4) The district manager will promptly forward the appeal to the State Director. Within thirty days after his receipt of the appeal the State Director may file on behalf of the district manager a written motion, serving a copy thereof upon the appellant, requesting that the appeal be dismissed for the reason that it is frivolous, the appeal was filed late, the errors are not clearly and concisely stated, the issues are immaterial, the issue or issues were included in a prior final decision from which no timely appeal was made, or all issues involved therein have been previously adjudicated in an appeal involving the same privileges, the same parties or their predecessors in interest. The appellant may file a written answer within twenty days after service of the motion upon him. The appeal, motion, the proofs of service, and the answers will be transmitted to the examiner, who shall rule on the motion, and, if the motion is sustained, dismiss the appeal by written order.

• • • • •

(g) *Appeals to the Director.* An appeal from any decision of the examiner shall be filed in the Office of the Director, Bureau of Land Management, Department of the Interior, Washington 25, D.C., together with any brief in support thereof, within thirty days after date of receipt of the transcript of testimony, or, if the transcript is not requested, within thirty days after receipt of the examiner's decision. Within the same period a copy of the appeal and of any brief must be served on each party named in the examiner's decision, and upon the State Director, either personally or by certified mail. Any party, including the State Director, opposing the appeal will be allowed twenty days from date of receipt of the copy of the appeal and brief within which to file in the Office of the Director a reply brief, a copy of which must be served on the appellant(s) in the same manner and the same period. The appeal in other respects shall be made in accordance with the rules of practice (Part 221 of this chapter).

• • • • •

(k) *Notice and proof of service.* Any notice or other document required to be served under this section shall be served in person or by certified mail sent to the last address of record. In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client, and service of any document upon such attorney relating to the proceedings will be deemed to be service upon the party he represents. Proof of such service shall be filed in the same office where the notice or document was filed within fifteen days after such service, unless filed with the notice or document. Proof of service shall consist of the affidavit of the person making the personal service, signed acknowledgment of the person served, or the certified mail receipt.

6. Section 161.17 is revised as follows:

§ 161.17 Contributions for administration, protection, and improvement of public lands.

The district manager may accept contributions under section 9 of the act, of labor, materials, equipment, or money, toward any of the Bureau's functions in administering, protecting, and improving public lands under its jurisdiction in the States.

(a) Any individual, association, corporation, grazing district advisory board, State or local body or private group, may enter into an agreement with the district manager with respect to such contribution. Where the contribution is to include money, the contributor should execute forms 4–1268 or 4–1269 as requested by the district manager.

(b) Contributions may be conditioned upon their use for specific projects or in specific localities.

(c) Upon written request of the contributor, the district manager may authorize refund of any amounts deposited in excess of the contributor's proper share of the expense incident to the purpose for which the contribution was made.

KENNETH HOLUM,
Assistant Secretary of the Interior.

JULY 26, 1961.

[F.R. Doc. 61–7187; Filed, July 31, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 902]

[Docket No. AO–293–A5]

MILK IN WASHINGTON, D.C., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Presidential Arms, Cotillion Room, 1320 G Street NW., Washington, D.C., beginning at 10:00 a.m., local time, on August 7, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Washington, D.C., marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Sealtest Foods Division, National Dairy Products Corporation, Washington District:

Proposal No. 1. Amend § 902.9(c) to read as follows:

(c) Any plant from which any Class I product (as defined in § 902.41(a)) is shipped to plants which are pool plants pursuant to paragraph (a)(1) of this section if such plant receives milk from:

(1) Dairy farmers all of whom are members of a cooperative association of which 70 percent or more of the members are qualified producers whose milk is regularly received during the month at other plants which are pool plants pursuant to paragraph (a) of this section; or

(2) Dairy farmers or dairy farmers for other markets who, during the current month, qualify as producers under another order issued pursuant to the Act.

Proposal No. 2. Amend § 902.15(a) by adding a comma after the words "producer-handler" and add immediately following, the words: "a dairy farmer who during the current month qualifies as a producer under another order issued pursuant to the Act,".

Proposal No. 3. Amend § 902.41(a) by deleting the words: "or fortified skim."

Proposal No. 4. Amend § 902.41(b) by changing the period at the end of the paragraph to a semicolon and adding the following: "and (7) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product."

Proposal No. 5. Amend § 902.46(a) by redesignating subparagraphs (6), (7) and (b) as (7), (8) and (9), respectively, and adding a new subparagraph (6) in the following language:

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another order issued pursuant to the Act;".

Proposed by the Maryland and Virginia Milk Producers Association, Inc.:

Proposal No. 6. Amend § 902.15 *Producer* as follows:

Delete § 902.15(a) and substitute the following:

(a) Any dairy farmer, except a producer-handler or a dairy farmer for other markets, who produces milk which is approved by a duly constituted health authority for fluid disposition and which is received at a pool plant or is diverted to a nonpool plant pursuant to subparagraphs (1), (2), or (3) of this paragraph: *Provided,* That the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location from which it was diverted: *And provided further,* That the criterion for determination of qualification under this paragraph for a dairy farmer delivering milk to a pool plant qualified under § 902.9(b) shall be the holding of a valid farm inspection permit issued by the applicable health authority having jurisdiction in the marketing area: *Provided also,* That the definition of producer pursuant to this paragraph shall not include any dairy farmer whose milk is diverted during the month on more than the number of days specified in subparagraph (1) of this paragraph:

(1) Diverted to a nonpool plant during any month(s) of March through September or on not more than 8 days (4 days in the case of ever-other-day delivery) during any month(s) of October through February; or

(2) Diverted to a nonpool plant(s) as the milk of a member of a cooperative association the total milk of whose members is not more than 10 percent so diverted (either by the cooperative association or other handlers) during the month; or

(3) Diverted to a nonpool plant(s) by a handler in his capacity as an operator of a pool plant from which not more than 10 percent of the producer milk there received by such handler is so diverted; or

Proposal No. 7. Amend § 902.44 *Transfers* as follows:

Delete that portion of § 902.44(d) which reads "located less than 300 miles from the zero milestone in Washington, D.C.;".

Delete all of § 902.44(e).

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 8. In § 902.6 correct the designation "Maryland State Highway 507" to read "Stoakley Road".

Proposal No. 9. Make the following corrections:

In § 902.22(j)(2) correct for an omission by inserting after the reference "§ 902.71" the reference "or § 902.72".

In the proviso under § 902.52 correct for a typographical error by deleting the reference to "§ 92.46(b)" and substituting the reference "§ 902.46(b)".

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Edward L. St. Clair, 1801 North Moore Street, Arlington 9, Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., July 27, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–7217; Filed, July 31, 1961; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 205, 231]

[Docket No. 12854]

TEMPORARY SUSPENSION OF SCHEDULED ROUTE SERVICE AUTHORIZED BY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; TRANSPORTATION OF MAIL; MAIL SCHEDULES

Notice of Proposed Rule Making

JULY 25, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed revision of Part 205 to clarify procedures for obtaining Board authorization for temporary suspension of service authorized and required pursuant to a certificate of public convenience and necessity, and to provide for notice to the Board of involuntary interruptions of such service. Notice is further given that the Board has under consideration a concurrent amendment to Part 231 to require immediate notice to the Board and the filing of new schedule pages when such service is interrupted by a strike, and upon the resumption of service following a strike.

The revision of Part 205 is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743; 49 U.S.C. 1324 and would interpret or apply sections 401 and 404, 72 Stat. 754, 760; 49 U.S.C. 1371, 1374).

The amendment of Part 231 is proposed under the authority of section 204(a) of the Federal Aviation Act of 1958 (72 Stat. 743; 49 U.S.C. 1324 and would interpret or apply section 405(b), 72 Stat. 760; 49 U.S.C. 1375).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 1, 1961 will be considered by the Board before taking final action on the proposed rule. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

EXPLANATORY STATEMENT

Part 205. Part 205 of the Board's Economic Regulations contains the requirements for Board approval of temporary suspensions of service to points authorized in a carrier's certificate of public convenience and necessity or in an approved service plan.

In its present form, Part 205 has proved to be inadequate in certain respects, and there has developed some uncertainty on the part of the carriers as to their rights and obligations, particularly concerning procedural requirements. The proposed revision is designed to eliminate problems heretofore experienced in the handling of suspensions, to unify and clarify procedural requirements and to expedite and simplify the work of the Board and the carriers.

As presently framed, Part 205 applies to certificated air carriers. By definition, this would include most of the supplemental air carriers in interstate service, an effect not contemplated when Part 205 was promulgated. The proposed revision, in § 205.1(a) specifically excludes supplemental air carriers, thus making it clear that their certification does not bring them within the governance of Part 205, and that they need not be served with route carriers' applications for suspension of service.

Section 401(f) of the Act provides that when service authorized in a certificate of public convenience and necessity is not inaugurated within such period, not less than 90 days, after the date of the authorization as shall be fixed by the Board, or if, for a period fixed by the Board, any such service is not operated, the Board may, after notice and hearing, order that the certificate shall cease to

be effective to the extent of such service. The proposed revision (§ 205.2(a)) provides that a carrier shall inaugurate service within 90 days unless the Board has fixed a different period. At the conclusion of such period, the Board may direct the carrier to inaugurate service or may take action under section 401(f).

Section 205.7 currently provides that temporary interruptions of service caused by weather conditions or other deemed temporary suspensions within the purvier of the Part. There is no reporting requirement. The proposed revision (§ 205.8) confers automatic suspension authority of the carriers in cases of involuntary interruptions of service due to vis major in order to eliminate unnecessary paper work by the carriers and the Board. Interruptions resulting from action of the Administrator of the Federal Aviation Agency or of a foreign government are specifically brought within the scope of § 205.8. Borderline cases may be examined by the Board pursuant to § 205.9. The new provision requires prompt reporting to the Board of such interruption of service of more than three days' duration, with the further requirement that in the case of an interruption due to a strike, the Board shall be notified by wire, and revised schedule pages filed (§ 231.6).

Part 205 in its present form does not make clear the right of interested persons to file memoranda opposing or endorsing applications for permission temporarily to suspend service, althought there is provision for notice to such persons. Sections 205.4 and 205.7 specifically authorize the filing of such memoranda and permit petitions for reconsideration of the Board's action in such matters.

Other provisions require the filing of an original and 19 copies of any pleading; provide for service upon the Postmaster General as requested by the Post Office Department; authorize service of notices by certified as well as by registered mail; and provide for notice of applications to carriers which are potential nonstop competitors. The reference to "grandfather" certificates in § 205.6(a)(2)(i) is elliminated as superseded by events. There are other minor revisions dealing with procedure.

Part 231. Part 231 of the Board's Economic Regulations contains the requirements for filing schedules with the Board. The proposed amendment, as new § 231.6, provides for the filing of new schedule pages and immediate notice to the Board in the event of a strike and also upon resumption of service after a strike.

This amendment is proposed as a means by which Board records will be properly and currently maintained during the emergency caused by a strike involving a certificated route air carrier.

It is hence proposed to revise Part 205, and to amend Part 231 by inserting a new § 231.6 and renumbering §§ 231.6 and 231.7 as §§ 231.7 and 231.8, respectively as set forth below.

§ 205.1 Applicability.

(a) This part shall apply to all air carriers holding currently effective certificates of public convenience and necessity authorizing scheduled route service between designated points (hereinafter referred to as certificates) issued by the Board pursuant to section 401 of the Act with respect to

(1) Inauguration of new service pursuant to certificate awards;

(2) Applications to the Board for authority to temporarily suspend service to or from any point named in a certificate or included in an approved service plan designating points which may be served in a general area named in such certificate;

(3) Notice to the Board when any service pursuant to a certificate shall have been interrupted or inauguration delayed because of circumstances or events beyond the carrier's control as provided in § 205.8(a); and

(4) Termination of suspension of service.

(b) Sections 205.2(a) and 205.10 shall not apply to the operations of certificated air carriers to or from points authorized for service in their certificates pursuant to section 401(e) of the Civil Aeronautics Act, 49 U.S.C. 481, but never regularly served. This part does not relieve any carriers from the obligation to file schedules pursuant to the requirement of Part 231 of this chapter.

§ 205.2 Board authorization required for delayed inauguration or temporary suspensions of service.

(a) *Inauguration of service.* Any service authorized by a certificate shall be inaugurated within 90 days after the date of the authorization unless the Board has fixed a longer period. If the recipient of a certificate award authorizing scheduled route service between designated points desires to postpone inauguration of service thereunder beyond the 90-day period or such other period as the Board may have fixed, he shall, not later than 45 days prior to expiration of such period, file an application for postponement of the date of required inauguration of service. For the purposes of this part, "date of authorization" shall mean the effective date of the new or amended certificate.

(b) *Temporary suspension of service.* No service to or from any point, authorized in a certificate or included in an approved service plan, shall be suspended by an air carrier except in accordance with the provisions of this part.

§ 205.3 Applications pursuant to § 205.2.

The application shall contain a specific statement of the relief requested and of the facts relied upon to establish that there is good cause for the postponement of inauguration or that the temporary suspension of service for which application is made is in the public interest, a statement of economic data or other matters which it is desired that the Board officially notice, and affidavits establishing such other facts as are relied upon. The application shall also contain a list of the persons upon whom copies thereof were served and a statement that any interested person may file a memorandum in opposition to or in support of the application within twenty (20) days after the filing of the application. An executed original and 19 copies of such application shall be filed with the Docket Section of the Civil Aeronautics Board, Washington 25, D.C. Applications which are incomplete or which fail to comply with the requirements of this part will be dismissed.

§ 205.4 Answers by interested persons.

Any interested person may file and serve upon the applicant a written answer in opposition to or in support of, an application made pursuant to § 205.3 within twenty (20) days of the filing thereof. Such answer shall set forth in detail the reasons why the postponement of inauguration of service or temporary suspension of service should be denied or authorized, with a statement of economic data and other matters which it is desired that the Board shall officially notice, and affidavits stating such other facts as are relied upon. An executed original and 19 copies of such answer shall be filed with the Docket Section. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

§ 205.5 Service.

(a) A copy of each application made and each memorandum addressed thereto pursuant to §§ 205.3 and 205.4 shall be served personally or by registered or certified mail upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) Each certificated route air carrier which serves any point for which postponement of inauguration or suspension of service is sought;

(2) The chief executive of the city, town or other unit of local government at any such point located in the United States or any possession thereof;

(3) The State Commission or agency having jurisdiction of transportation by air in the State wherein any such point is located, or if there be no such commission or agency, the chief executive of such State;

(4) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the United States or any possession thereof;

(5) The Postmaster General (marked for the attention of the Assistant Postmaster General—Bureau of Transportation) if the applicant's certificate authorizes the transportation of United States mail to or from such point;

(6) The manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed.

(b) Local service carriers shall serve such applications also on each certificated route air carrier which provides or is authorized to provide nonstop service between points between which the applicant could provide nonstop service if the application were granted.

§ 205.6 Disposition.

An order may be issued authorizing such postponement or temporary suspension for such term and upon such conditions as the Board may find to be in the public interest and shall be subject to revocation or amendment by the Board, in its discretion, at any time without hearing. Where the public interest so requires, the Board may act on applications without waiting for answers thereto.

§ 205.7 Petition for reconsideration.

A petition for reconsideration of the Board's determination under § 205.6 may be filed by any interested person within twenty (20) days after the date of service thereof. Except for the time of filing, such petitions shall conform to the provisions of Section 37 of Part 302 of the Procedural Regulations. Any interested person may file a memorandum in opposition to, or in support of, the petition within ten (10) days after it is filed. An executed original and 19 copies of such petition for reconsideration or memorandum shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in § 205.5.

§ 205.8 Automatic suspension authority for involuntary postponement of inauguration or involuntary interruption of service.

(a) The holder of a certificate shall not be required to file an application under § 205.2 if the postponement of inauguration of new service or interruption of service to or from a point named in a certificate, or included in the holder's approved service plan is caused by conditions or events which the holder cannot reasonably be expected to foresee or control, such as rules, standards or other action of the Administrator of the Federal Aviation Agency or of a foreign government, strikes, weather conditions, construction work on airports, or disasters: *Provided*, That the provisions of this paragraph shall apply to interruptions due to airport inadequacies only if the holder is unable to serve the certificated point through any airport convenient thereto with the type of equipment last regularly used to serve such point.

(b) In the case of delayed inauguration or an interruption of service caused by a strike, the holder shall give notice of such interruption to the Board (marked for the attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation) by wire and by filing revised schedule pages as provided in § 231.6 of this chapter. The holder shall also give immediate notice to the chief executive of any city located in the United States or possession thereof, service to which is thus delayed or interrupted.

(c) If service at a point is interrupted or inauguration delayed for more than three (3) consecutive days for reasons beyond the certificate holder's control other than a strike, the holder shall give notice to the Board (marked for the attention of Chief, Routes and Agreements Division, Bureau of Economic Regulation) within three (3) days following the date of required inauguration of service or suspension, setting forth the date of suspension, the actual or estimated duration of delay of service or suspension, and a full and complete statement of the reasons therefor. The holder shall also give immediate notice of the interruption or delay and the actual or estimated duration thereof to the chief executive of any city located in the United States or possession thereof, service to which is thus delayed or interrupted.

NOTE: See also the reporting requirements of § 241.24, Schedule P-2(d) of Part 241 of the Board's Regulations.

§ 205.9 Re-examination of suspension authority.

Authority to postpone inauguration or to suspend service, granted pursuant to § 205.6 or § 205.8, may be modified, conditioned or terminated by the Board at any time upon notice but without hearing where the public interest so requires.

§ 205.10 Effect of failure to provide service.

In the absence of circumstances excusing involuntary postponement or suspension of service (§ 205.8), if for a period of ninety (90) days (or such longer specific period as may have been designated by the Board) any service authorized by a certificate has not been inaugurated, or if for a period of 90 days such a service has not been operated, the Board may direct the carrier to inaugurate or resume service or may, as authorized by section 401(f) of the Act, by order entered after notice and hearing, direct that the holder's certificate shall cease to be effective to the extent of such service.

§ 205.11 Institution of service after suspension or postponement of inauguration: notice to the Board.

When service is inaugurated following postponement of inauguration, or resumed following suspension under either express or automatic authority, written notice thereof shall be given to the Board (marked for attention of the Chief, Routes and Agreements Division, Bureau of Economic Regulation) within three days, stating the time when service was inaugurated or resumed. Such notice may be submitted with the filing of schedules where required by Part 231 of this chapter.

Insert new § 231.6 to read as follows:

§ 231.6 Strikes.

(a) A change in a schedule page to show a cessation of service caused by a strike shall be effected by reproducing the entire page. Such changed schedule page shall be designated a revised page and shall cancel the former page, and shall clearly indicate the date of the cessation of service of each flight and the reason therefor. For example, when a strike causes cessation of all services of an air carrier, such air carrier shall file a revised page to cancel each former page, and such revised page, properly designated as in the example of § 231.5, shall otherwise be blank except for a brief reference to the cessation of service, the date of such cessation, and the reason therefor.

(b) In addition to the revised page filed pursuant to paragraph (a) of this section, such air carrier shall give immediate notification by wire to the Board (marked for the attention of Chief, Routes and Agreements Division, Bureau of Economic Regulation) of the first date of cessation of any service due to a strike and the first date of total cessation. Upon the restoration of service, the Board shall be similarly notified, and revised schedule pages, reflecting the restored service, shall be filed within three (3) days of the date thereof.

Renumber present §§ 231.6 and 231.7 as §§ 231.7 and 231.8, respectively.

[F.R. Doc. 61-7210; Filed, July 31, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-WA-102]

FEDERAL AIRWAYS

Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 600 and § 600.1543 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1543 extends in part from the Truth or Consequences, N. Mex., VOR to the intersection of the Truth or Consequences VOR 017° and the Albuquerque VOR, 160° True radials; the Albuquerque VOR; the Sante Fe, N. Mex., VOR; thence a 10-mile wide airway to the intersection of the Sante Fe VOR 010° and the Las Vegas, N. Mex., VOR 299° True radials; thence a 16-mile wide airway via the intersection of the Santa Fe VOR 010° and the Alamosa, Colo. VOR 183° True radials; to the Alamosa VOR. The Federal Aviation Agency is considering the realignment of VOR Federal airway No. 1543 in part from the Truth or Consequences VOR, via the Socorro VOR, the intersection of the Socorro VOR 015° and the Albuquerque VOR 160° True radials; the Albuquerque VOR; the Santa Fe VOR, the Taos, N. Mex., VOR; to the Alamosa VOR. The realignment of Victor 1543 via the Socorro VOR and the Taos VOR would provide more precise navigational guidance for aircraft utilizing this airway.

Concurrently with this action the Federal Aviation Agency is considering the designation of intermediate altitude airway No. 1756 from the Zuni, N. Mex., VOR as a 16-mile wide airway via the intersection of the Socorro VOR 289° and the Albuquerque VOR 229° True radials; thence as a 10-mile airway to the Socorro VOR. The designation of this airway would provide an intermediate altitude route between Zuni and Socorro. The airway width reduction from 16 to 10 miles west of the Socorro VOR would provide adequate separation from the heavy concentration of military jet aircraft traffic in the vicinity of Albuquerque and would also provide for adequate clearance from the White Sands, N. Mex., Restricted Area R-5108.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7174; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-90]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1510, 1512, 1551, 1553, 1654 and 1738 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1510 is designated in part from the San Francisco, Calif., VOR; as a 16-mile wide airway via the intersection of the San Francisco VOR 304° and the Sacramento, Calif., VOR 233° True radials; the Sacramento VOR; thence as a 10-mile wide airway to the intersection of the Sacramento VOR 055° and the Reno, Nev., VOR 223° True radials; thence as a 16-mile wide airway to the Reno VOR; thence as a 10-mile wide airway to the Lovelock, Nev., VOR; thence as a 16-mile wide airway to the Battle Mountain, Nev., VOR; thence as a 10-mile wide airway via the intersection of the Battle Mountain VOR 062° and the Wells, Nev., VOR 256° True radials; the Wells VOR; the Lucin, Utah, VOR; to the Ogden, Utah, VOR. The Federal Aviation Agency has under consideration the redesignation of this segment of Victor 1510 from the San Francisco VOR; as a 10-mile wide airway to the intersection of the San Francisco VOR 304° and the Sacramento VOR 233° True radials; thence as a 16-mile wide airway to the intersection of the Sacramento VOR 233° and the Linden, Calif., VOR 269° True radials; thence as an 8-mile wide airway to the Sacramento VOR; thence as a 10-mile wide airway to the intersection of the Sacramento VOR 038° and the Lake Tahoe, Calif., VOR 261° True radials; thence as a 16-mile wide airway to the intersection of the Sacramento VOR 038° and the Reno VOR 257° True radials; thence as a 10-mile airway via the Reno VOR; the Lovelock VOR; the Battle Mountain VOR; intersection of the Battle Mountain VOR 062° and the Wells VOR 256° True radials; the Wells VOR; Lucin, Utah, VOR; to the Ogden, Utah, VOR.

Intermediate altitude VOR Federal airway No. 1738 is designated from the Sacramento VOR, as a 16-mile wide airway via the intersection of the Sacramento VOR 040° and the Reno VOR 257° True radials; to the Reno VOR. It is proposed to realign and extend Victor 1738 from Sacramento VOR, as a 10-mile wide airway via the intersection of the Sacramento VOR 038° and the Lake Tahoe VOR 249° True radials; the Lake Tahoe VOR; intersection of the Lake Tahoe VOR 078° and the Fallon, Nev., VOR 244° True radials; the Fallon VOR; the Mount Moses, Nev., VOR; to the Elko, Nev., VOR. The proposed realignment and extension of Victor 1738 would provide dual airway capabilities between the San Francisco/Oakland, Calif., and the Salt Lake City, Utah, terminal areas.

Intermediate altitude VOR Federal airway No. 1551 is designated in part from the Lovelock VOR, as a 16-mile wide airway; to the Battle Mountain VOR. It is proposed to reduce the airway width on this segment of Victor 1551 from 16 miles to 10 miles.

Intermediate altitude VOR Federal airway No. 1512 is designated in part from the intersection of the Sacramento VOR 232° and the Linden VOR 269° True radials to the Battle Mountain VOR. It is proposed to extend Victor 1512 from the intersection of the Sacramento VOR 233° and the Linden VOR 269° True radials; as a 16-mile wide airway via the intersection of the Sacramento VOR 233° and the San Francisco VOR 304° True radials; thence as a 10-mile wide airway to the San Francisco VOR. It is also proposed to reduce the airway width from 16 miles to 10 miles on the segment of Victor 1512 from the Lovelock VOR to the Battle Mountain VOR. The extension of Victor 1512 would provide continuity in the intermediate altitude airway structure and would facilitate flight planning by providing a single numbered airway between the San Francisco/Oakland terminal area and the Salt Lake City terminal area.

Intermediate altitude VOR Federal airway No. 1553 is designated in part from the Sacramento VOR to the Reno VOR. It is proposed to realign and extend Victor 1553 from the Oakland VOR as an 8-mile wide airway via the intersection of the Oakland VOR 039° and the Sacramento VOR 212° True radials; the Sacramento VOR; thence as a 10-mile wide airway via the Lake Tahoe VOR; to the Reno VOR. The extension of Victor 1553 from Sacramento to Oakland would provide continuity in the intermediate altitude airway structure. Realigning the airway via the Lake Tahoe VOR would provide better navigational guidance along the airway.

Intermediate altitude VOR Federal airway No. 1654 is designated in part from the Williams, Calif., VOR, as a 16-mile wide airway, to the Reno VOR. It is proposed to redesignate this segment of Victor 1654 from the Williams VOR as a 16-mile wide airway to the intersection of the Sacramento VOR 038° and the Reno VOR 257° True radials; thence as a 10-mile wide airway to the Reno VOR.

The reduced airway widths from 16 miles to 8 and 10 miles would facilitate the separation of air traffic arriving and departing the San Francisco terminal area and traffic operating on adjacent airways.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency Officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7170; Filed, July 31, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-AN-4]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6440 and 601.6440 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 440 presently extends in part from the Anchorage, Alaska, VOR to the Skwentna, Alaska, radio range. The portion of this airway which lies within the Anchorage (Elmendorf AFB), Alaska, Restricted Area/Military Climb Corridor R-2201 is used only after obtaining prior approval from the controlling agency.

The Federal Aviation Agency has under consideration the alteration of the segment of Victor 440 and its associated control area from Anchorage to Skwentna by redesignating them from the Anchorage VOR via the 309° True radial of the Anchorage VOR to the Puntilla Lake, Alaska, radio beacon. In addition, it is proposed to designate a north alternate to this redesignated segment of Victor 440 to extend from the Anchorage VOR via the 330° True radial of the Anchorage VOR to the Skwentna radio range, thence via the 280° True bearing from the Skwentna radio range to the Puntilla Lake, radio beacon. The portion of this airway that coincides with the Anchorage (Elmendorf AFB), Alaska, Restricted Area/Military Climb Corridor R-2201 would be used only after obtaining prior approval from the appropriate authority. The proposed realignment of VOR Federal airway No. 440 and the designation of a north alternate would reduce the route mileage and would facilitate the management of air traffic between Anchorage and Puntilla Lake by providing a direct route and alternate route for aircraft operating between these points. The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7169; Filed, July 31, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-AN-5]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Federal Airways, Associated Control Areas and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6438, 601.6438 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 438 presently extends from the intersection of the southeast course of the Kenai, Alaska, radio range with the Anchorage, Alaska VOR 199° True radial (Skilak Intersection) via the Anchorage VOR, to the Talkeetna, Alaska, radio beacon. In an amendment to the Regulations of the Administrator published in the FEDERAL REGISTER as Airspace Docket No. 60-AN-22 (26 F.R. 4488) effective July 27, 1961, VOR Federal airway No. 438 and its associated control areas was extended southward from the Anchorage VOR via the intersection of the Anchorage VOR 198° and the Homer, Alaska, VOR 027° True radials and the Homer VOR, to the Shuyak, Alaska, RBN.

The Federal Aviation Agency has under consideration the alteration of the segment of VOR Federal airway No. 438 and its associated control areas from Anchorage to Talkeetna, by realigning and extending it from the Anchorage VOR via the intersection of the Anchorage to Nenana, Alaska, VOR en route radial and the Fairbanks, Alaska, ILS localizer southwest course; to the Fairbanks ILS localizer; including a west alternate from the intersection of the Anchorage to Nenana en route radial and the Fairbanks ILS localizer southwest course; to the Fairbanks ILS localizer, via the Nenana VOR. The portion of this airway from Anchorage to the Fairbanks ILS localizer, including the west alternate, would include the area within 16 miles either side of the centerline at and above 24,000 feet MSL. This proposed airway extension would provide a routing for VOR-equipped aircraft operating from Anchorage to Fairbanks and would facilitate transition to a straight-in back course ILS approach to the Fairbanks Airport. Expansion of the airway width to 16 miles either side of the centerline at and above 24,000 feet MSL would provide control area protection for high altitude turbojet aircraft operations on this proposed airway segment from Anchorage to Fairbanks. The portion of this airway which would coincide with Restricted Areas R-2203 and R-2206 would be excluded. The portion of this airway which would coincide with the Anchorage, Alaska (Elmendorf AFB) Restricted Area/Military Climb Corridor R-2201 would be used only after obtaining prior approval from the controlling agency. The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

In addition, it is proposed to amend § 601.7001 to include the following Domestic VOR reporting points:

a. Fielding Intersection: Intersectioin of the Anchorage, Alaska, VOR 008° True radial and a 057° True bearing from the Talkeetna, Alaska, radio beacon. (This would be a compulsory reporting point below 24,000 feet only.)

b. Glacier Intersection: Intersection of the Nenana, Alaska, VOR 189° True radial, and the Summit, Alaska, radio range northwest course. (This would be a compulsory reporting point below 24,000 feet only.)

c. Fairbanks, Alaska, ILS localizer.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for

Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7171; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-9]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-KC-9 on April 26, 1961 (26 F.R. 3572), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 479 proposed between the Wind Lake, Wis., intersection and Northbrook, Ill., to extend upward from 1200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 479 should be deferred until such time as all control areas associated with the other airways in the vicinity of Milwaukee, Wis., and Chicago, Ill., can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed segment of Victor 479 from Wind Lake to Northbrook extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-KC-9 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7172; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-LA-13]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation and Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 and §§ 600.1613 and 600.6442 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of low altitude VOR Federal airway No. 538 from the Twentynine Palms, Calif., VORTAC via the intersection of the Twentynine Palms VORTAC 043° and the Goffs, Calif., VOR 200° True radials, the Goffs VOR; to the Las Vegas, Nev., VORTAC. The portion of this airway which would coincide with the Bullion Mountains, Calif., Restricted Area R-2501 would be excluded. The control areas associated with this proposed airway would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated, on an area basis, to implement Amendment 60-21 to Part 60 of the Civil Air Regulations. This airway would provide a more direct route for air traffic operating between Palm Springs, Calif., and Las Vegas.

Intermediate altitude VOR Federal airway No. 1613 is designated from the Mission Bay, Calif., VOR to the Las Vegas, Nev., VOR. It is proposed to redesignate Victor 1613 from the Mission Bay VOR, as a 10-mile wide airway via the intersection of the Mission Bay VOR 001° and the Julian, Calif., VOR 257° True radials; the Julian VOR; the Thermal, Calif., VOR; the Twentynine Palms, Calif., VOR; thence as an 8-mile wide airway to the intersection of the Twentynine Palms VOR 043° and the Goffs, Calif., VOR 200° True radials; thence as a 16-mile wide airway via the Goffs VOR; to the Las Vegas VOR. The realignment of Victor 1613 and the reduced airway width from 16 to 8 and 10 miles would preclude the airway infringing upon airspace used extensively by a high volume of jet traffic operating to and from NAS Miramar, Calif., and the Bullion Mountains, Calif., Restricted Area R-2501.

Low altitude VOR Federal airway No. 442 is designated from the Hector, Calif., VORTAC via the intersection of the Hector VORTAC 091° and the Rice, Calif., VORTAC 320° True radials; to the Rice VORTAC. It is proposed to realign this airway from the Hector VORTAC via the Hector VORTAC 091° and the Rice VORTAC 322° True radials; to the Rice VORTAC. This realignment would provide a common intersection of low altitude VOR Federal airway No. 12, Victor 442 and the proposed Victor 538 at the Clipper Intersection. The control areas associated with Victor 442 are so designated that they would automatically conform to the realigned airway. Accordingly, no action relating to these control areas would be necessary.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7173; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-41]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-41 on April 25, 1961, (26 F.R. 3540), it was stated that the Federal Aviation Agency proposed to designate the control area associated with low altitude VOR Federal airway No. 526 proposed between Winslow, Ariz., and Taos, N. Mex., to extend upward from 1200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with Victor 526 should be deferred until such time as all control areas associated with the other airways in the vicinity of Winslow and Taos can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed Victor 526 from Winslow to Taos extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-41 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7175; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-43]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-43 on April 25, 1961, (26 F.R. 3539), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 264 proposed between Prescott, Ariz., and Socorro, N. Mex., to extend upward from 1200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with this segment of Victor 264 should be deferred until such time as all control areas associated with the other airways in the vicinity of Prescott and Socorro can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed segment of Victor 264, from Prescott to Socorro extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-43 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7176; Filed, July 31, 1961; 8:46 a.m.

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-WA-44]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-WA-44 on April 25, 1961 (26 F.R. 3541), it was stated that the Federal Aviation Agency proposed to designate the control area associated with low altitude VOR Federal airway No. 530 from the Texico, N. Mex., VOR to the Childress, Texas, VOR, to extend upward from 1,200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum en route altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with the proposed Victor 530 should be deferred until such time as all control areas associated with the other airways in the vicinity of Texico and Childress can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed Victor 530 from Texico to Childress extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61-WA-44 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7177; Filed, July 31, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 60-WA-249]

CODED JET ROUTES

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60-WA-249 on October 29, 1960 (25 F.R. 10439), it was stated that the Federal Aviation Agency proposed to alter the segment of VOR/VORTAC jet route No. 4 from Phoenix, Ariz., to El Paso, Texas.

Subsequent to the publication of this proposal in the FEDERAL REGISTER, it has been determined that the proposed alignment of J-4-V from the Phoenix VORTAC to the San Simon, Ariz., VOR via the intersection of the Phoenix VORTAC 161° and the San Simon VOR 286° True radials would not provide sufficient lateral separation between aircraft enroute on J-4-V and aircraft executing jet penetration procedures at Williams AFB, Phoenix, Ariz. In addition, the Federal Aviation Agency is considering the realignment of J-4-V between Los Angeles, Calif., and El Paso, Texas, to improve the route structure and decrease the over-all distance of J-4-V between these points. The realignment of J-4-V from Los Angeles to El Paso would also require alteration of VOR/VORTAC jet route No. 65 between Phoenix and Palmdale, Calif., to overlie J-4-V and provide a common route segment in the vicinity of Thermal, Calif. The proximity of J-4-V to J-65-V east of Thermal makes simultaneous use of these routes at the same altitude impossible. Accordingly, the original notice is hereby amended as follows:

1. Alter the segment of J–4–V from Phoenix to El Paso and in addition the segment of J–4–V which is presently designated from Los Angeles, Calif., to Phoenix via the intersection of the Los Angeles VOR 098° and the Blythe, Calif., VOR 283° True radials; and the Blythe, Calif., VOR. It is proposed to realign J–4–V from the Los Angeles VOR via the Thermal, Calif., VOR; intersection of the Thermal VOR 088° and the Gila Bend, Ariz., VOR 315° True radials; Gila Bend VOR; intersection of the Gila Bend VOR 098° and the San Simon, Ariz., VOR 286° True radials; San Simon VOR to the El Paso VOR. This proposed alteration would provide a more direct route for turbojet aircraft operating between Los Angeles and El Paso. In addition, the realignment would permit enroute jet traffic to bypass south of the Phoenix terminal area and would provide adequate lateral separation from aircraft executing jet penetrations at Williams AFB.

2. Alter the segment of VOR/VORTAC jet route No. 65 which is presently designated from the Phoenix VORTAC to the Palmdale, Calif., VOR via the Blythe, Calif., VOR; and the intersection of the Blythe VOR 283° and the Palmdale VOR 118° True radials. It is proposed to realign this jet route segment from the Phoenix VORTAC via the intersection of the Phoenix VORTAC 280° and the Thermal, Calif., VORTAC 088° True radials; Thermal VORTAC to the Palmdale VOR. This alteration of J–65–V from Phoenix to Palmdale would cause the proposed segment of J–4–V to be coexistent with J–65–V in the vicinity of Thermal.

It is anticipated that radar flight advisory service would be provided on these altered route segments. In addition, the altered segments of J–4–V and J–65–V would not coincide with any high altitude refueling areas.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to September 15, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 60–WA–249 is extended to September 15, 1961. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 25, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7168; Filed, July 31, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

PETHIDINE (MEPERIDINE)

Application for License To Manufacture

Notice is hereby given pursuant to the provisions of section 8 of the Narcotics Manufacturing Act of 1960 (74 Stat. 62) and 21 CFR 307.93 that an application for a license to manufacture the narcotic drug Pethidine (meperidine), basic class No. 20, has been submitted by S. B. Penick & Company, 100 Church Street, New York 8, New York, and that such application is being favorably considered.

Within twenty days from the date of publication of this notice in the FEDERAL REGISTER, any interested person may file a written protest with both the Commissioner of Narcotics and the applicant, S. B. Penick & Company, against favorable consideration of the application. Any such protest shall specify with particularity the facts relied upon as showing that a license if granted to the applicant would not be in the public interest. Such interested person at the time of filing may request a hearing as to his protest.

If no written notice of a desire to be heard shall be received within twenty days from the date of publication of this notice in the FEDERAL REGISTER, no hearing shall be held.

[SEAL] HENRY L. GIORDANO,
Acting Commissioner of Narcotics.

Approved: July 26, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–7024; Filed, July 31, 1961; 8:50 a.m.]

Office of the Secretary

[AA 643.3–W]

RAYON STAPLE FIBER FROM JAPAN

Determination of No Sales at Less Than Fair Value

JULY 25, 1961.

A complaint was received that rayon staple fiber from Japan was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The quantity of rayon staple fiber sold for home consumption in Japan of a type comparable with that sold to the United States by two of the exporters involved was adequate to form a basis for a fair value comparison. These exporters sold apparel-type fiber to the United States. As to the third exporter involved, only one shipment consisting of a relatively minor quantity of carpet-type fiber was received during the entire period under consideration. The information disclosed that neither the exporter nor the manufacturer sold carpet-type fiber for home consumption, and that if other manufacturers sold carpet-type fiber for home consumption, such sales, if any, were not in quantities adequate to furnish a basis for a fair value determination. Third country price, therefore, was used in the calculation for the purpose of the fair value comparison in the case of the one importation of a carpet-type fiber.

All sales to the United States were outright sales to purchasers not related to the manufacturer or exporter within the meaning of section 207 of the Antidumping Act. The comparison for fair value purposes, therefore, was between purchase price and adjusted home market price as to the imported apparel-type fiber and between purchase price and adjusted third country price as to the imported carpet-type fiber.

Purchase price of the apparel-type fiber was computed on the basis of the price to the United States purchasers, c.i.f. as to one and delivered purchaser's mill as to the other. From these prices there were deducted, as applicable, inland freight in the United States, brokerage charges, duty, ocean freight and insurance, and Japanese inland freight and forwarding charges. The purchase price of the carpet-type fiber was taken to be the ex-godown price as all charges beyond that point, whether to the United States or to third countries, were built up on such price to arrive at the ultimate price whether c.i.f. or delivered mill in the country of destination.

The adjusted home market price of the apparel-type fiber was based on the weighted-average delivered price per pound to unrelated purchasers. Deductions were made for interest on credit extended, delivery costs, technical assistance and advertising, and for the additional poundage packed to compensate for the lower moisture regain factor in the home market production. In the case of one firm, home market commission was also deducted because no commission was included in the price to the United States. In this case, selling expenses in the United States were added as an adjusting factor. Also added were the difference in commission as to the other firm, interest cost on credit extended to the United States purchasers, and as to one firm, the difference in packing costs.

From the weighted-average, ex-godown price to third countries there was deducted a differential due to the cost of high-pressure packing used in third country shipments. The moisture regain differential based on 13 percent moisture regain in the third country shipments was added.

Purchase price was found to be not lower than the weighted-average adjusted home market price or third country price, as applicable.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–7205; Filed, July 31, 1961; 8:50 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Departmental Compensation Division

The statement of the Department's Organization and Administration as published in the FEDERAL REGISTER of July 12, 1960, at pages 6526 through 6545, and amended by 26 F.R. 626–627, and 26 F.R. 3726, is further amended by revising section 824.55 to show the authority of the Compensation Division, Bureau of Personnel, to rank certain postal field service positions. As so amended section 824.55 reads as follows:

824.5 ASSISTANT POSTMASTER GENERAL, BUREAU OF PERSONNEL

* * * * *

.55 *Compensation Division.*

a. Develops and maintains a system for evaluating and classifying all positions in the postal field service. Ranks authorized standard and individual positions except those in salary levels PFS–17, –18, –19, and –20 and such other positions as the Assistant Postmaster General, Bureau of Personnel, may specify.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops and maintains procedures for hearing appeals and for conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, uniform allowances, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

e. Develops and administers policies and procedures, except for accounting procedures, on Civil Service retirement, social security, Federal employees group

life insurance, and unemployment compensation.

f. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

(R.S. 161, as amended, sec. 1(b), 63 Stat. 1066; 5 U.S.C. 22, 133z-15, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-7206; Filed, July 31, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 954]

RATES AND PRACTICES IN THE ATLANTIC-GULF/PUERTO RICO TRADE

Notice of Investigation and of Hearing

On July 17, 1961, the Federal Maritime Board entered the following order:

It appearing that A. H. Bull Steamship Company (Bull) on June 5 and June 19, 1961, filed with the Federal Maritime Board (the Board) revisions of certain of its tariff schedules reducing, to the level currently charged by American Union Transport, Inc. (AUT), the Bull rates on specified commodities, viz., electric light bulbs, fluorescent lamp tubes, electric fans, sewing machines, air conditioning or filtering machines and parts, phonographs, stoves and parts, and also reducing the Bull rate on refrigerators, under certain conditions, in the trade from ports on the east coast of the United States to Puerto Rico, the said schedules being designated as follows:

First revised pages 37, 44, 61, 68, 72, and 78 to Bull Outward Freight Tariff No. 1, FMB-F No. 1;

It further appearing that Sea-Land of Puerto, Division of Sea-Land Services, Inc. (Sea-Land), on June 15, 1961, filed with the Board revisions of certain of its tariff schedules reducing its rates on the said commodities when offered in container and trailer load quantities to approximately the level currently charged, regardless of quantity offered, by AUT, which said reductions Sea-Land offered to cancel voluntarily if the other reductions herein described were suspended, the said schedules being designated as follows:

Fourth revised page 39, sixth revised page 51, fifth revised page 75, first revised pages 87 and 105, and seventh revised page 93 to Sea-Land Outward Freight Tariff No. 2, FMB-F No. 3;

It further appearing that Alcoa Steamship Company, Inc. (Alcoa), on June 19 and June 29, 1961, filed with the Board revisions of certain of its tariff schedules reducing its rates on most of the said commodities below the level currently charged by AUT, and reducing its rates on beans, dried, in bags, refrigerators, and certain piling or piling shells, the said schedules being designated as follows:

First revised pages 41, 43, 62, 67, 74, 78, and 83 and second revised page 51, all the said pages being revisions of Alcoa Outward Freight Tariff No. 2, FMB-F No. 2;

It further appearing that protests were filed by TMT Trailer Ferry, Inc. (TMT), requesting suspension and investigation of rate reductions filed by Bull, Sea-Land, and Alcoa, and that protests were filed by AUT and by Sea-Land requesting suspension and investigation, and by the Commonwealth of Puerto Rico requesting investigation, of rate reductions filed by Bull and Alcoa; and

It further appearing that the aforementioned rate reductions or revisions indicate the existence of unstable conditions in the aforementioned trade, which said conditions may result not only from the said rate reductions or revisions but also from the rates charged by all carriers in the aforementioned trade for transportation of the aforementioned commodities;

Now therefore, it is ordered, That, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant, the Board enter upon an investigation of, and a hearing concerning, the lawfulness under the aforementioned acts of the rates, rate reductions or revisions, rules, conditions, charges, tariffs, regulations, or practices stated in the aforesaid schedules, as well as those stated with respect to the aforementioned commodities in the schedules heretofore filed on various dates AUT, TMT, Bull, Alcoa, Sea-Land, Lykes Bros. Steamship Company (Lykes), and Waterman Steamship Company of Puerto Rico (Waterman) as follows:

Original page 28, first revised page 42, second revised pages 20 and 38, third revised page 31, fourth revised pages 22 and 35, and fifth revised page 19 to AUT Southbound Freight Tariff No. 6, FMB-F No. 6; and

Original page 114-C, first revised page 82, second revised pages 52, 65, and 127, and fifth revised pages 95 and 109 to TMT Freight Tariff No. 3, FMB-F No. 3; and

Original page 56 and first revised page 35 to Bull Outward Freight Tariff No. 1, FMB-F No. 1; and

Fourth revised page 36 and fifth revised page 64 to Sea-Land Outward Freight Tariff No. 2, FMB-F No. 3; and

Original pages 44, 47, 54, 65A, 70, 75, 81, and 88 to the United States Atlantic and Gulf-Puerto Rico Outward Freight Tariff No. 1, FMB-F No. 1 issued by Richard Kinsella, agent, Lykes and Waterman being participating carriers named therein;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That (1) the investigation herein ordered be assigned for public hearing before an examiner of the Board's Office of Hearing Examiners, at a date and place to be determined and announced by the Chief Examiner, to receive evidence which will provide an adequate record for proper disposition of the issues and that an initial decision be issued; (II) Bull, Alcoa, Sea-Land AUT, TMT, Waterman, and Lykes be, and they are hereby, named respondents in this proceeding; (III) a copy of this order be forthwith served upon all respondents and protestants; (IV) the respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7276; Filed, July 31, 1961; 8:54 a.m.]

Office of the Secretary

WILLIAM C. DOUCE

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: William C. Douce.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: July 10, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Chemical and Rubber Division.

5. Name of private employer: Phillips Chemical Co., Bartlesville, Okla.

June 28, 1961.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

1. Phillips Petroleum Co.
2. Bank deposits.

Dated: July 20, 1961.

WILLIAM C. DOUCE.

[F.R. Doc. 61-7190; Filed, July 31, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Angelica Uniform Co., Eminence, Mo.; effective 6-9-61 to 6-8-62 (women's and men's washable service uniforms).

Angelica Uniform Co., Marquand, Mo.; effective 6-18-61 to 6-17-62 (men's washable cotton pants).

Angelica Uniform Co., Summersville, Mo.; effective 6-12-61 to 6-11-62 (women's washable service uniforms).

C & D Sportswear Corp., Adel, Ga.; effective 6-6-61 to 6-5-62 (sport shirts).

Carwood Manufacturing Co., Division of Chadbourn Gotham, Inc., Winder, Ga.; effective 6-28-61 to 6-27-62 (men's and boys' cotton work pants).

Central Apparel Corp., 2409 North Main Street, Danville, Va.; effective 6-16-61 to 6-15-62 (children's outerwear).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa.; effective 6-19-61 to 6-18-62 (men's and boys' sport jackets, and men's work clothing).

Kent Uniforms, Inc., Burkesville, Ky.; effective 6-30-61 to 6-29-62 (nurses' and waitresses' uniforms).

Leisure Lads, Inc., Hedrick and Brenner Streets, Salisbury, N.C.; effective 6-14-61 to 6-13-62 (children's jackets, coats, and pants).

Lock Haven Garment Co., 921 Third Street, Lock Haven, Pa.; effective 6-13-61 to 6-12-62 (ladies' blouses).

Mid-South Industries, Inc., Hackleburg, Ala.; effective 6-27-61 to 6-26-62 (boys' sport shirts).

Morley Shirt Co., Route 23, Franklin, N.J.; effective 6-12-61 to 6-11-62 (men's custom dress and sport shirts and ladies' blouses).

Phillips-Van Heusen Corp., Barnesboro, Pa.; effective 6-26-61 to 6-25-62 (sport shirts).

Rival Dress Co., Inc., 110 West Blaine Street, McAdoo, Pa.; effective 6-16-61 to 6-15-62 (ladies' washable dresses and robes).

Henry I. Siegel Co., Inc., Gleason, Tenn.; effective 6-23-61 to 6-22-62 (men's and boys' single pants).

Stein-Way Clothing Co., Inc., 711 West Walnut Street, Johnson City, Tenn.; effective 6-7-61 to 6-6-62 (men's cotton and wool trousers, and shorts for Air Force, Navy and Army).

Thomson Co., O'Neal Street, Thomson, Ga.; effective 6-12-61 to 6-11-62 (women's, men's, and boys' slacks).

Warsaw Manufacturing Co., Warsaw Road, Kingstree, S.C.; effective 6-19-61 to 6-18-62 (children's shorts, pedal pushers, and slacks).

Wilson County Garment Co., Watertown, Tenn.; effective 6-16-61 to 6-15-62 (sport shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

C & M Sportswear Manufacturing Corp., Meshoppen, Pa.; effective 6-13-61 to 6-12-62; five learners (men's and boys' suburban coats).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 6-16-61 to 6-15-62; 10 learners (girls' dresses).

Hartselle Manufacturing Co., Hartselle, Ala.; effective 6-7-61 to 6-6-62; 10 learners (men's work pants and jackets).

Hunter Brothers Co., Inc., Statesville, N.C.; effective 6-6-61 to 6-5-62; 10 learners (sport shirts).

Jean's Sportswear, Inc., Leonardtown, Md.; effective 6-16-61 to 6-15-62; 10 learners (infants' wear).

Jo-Jac Shirt Co., Inc., Pulaski, Tenn.; effective 6-20-61 to 6-19-62; 10 learners (boys' sport shirts).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-12-61 to 6-11-62; 10 learners (jackets and carcoats).

Montgomery Sylvania Manufacturing Co., Inc., 22 East Houston Avenue, Montgomery, Pa.; effective 6-13-61 to 6-12-62; 10 learners (ladies' sportswear).

Nast Manufacturing Co., Plant No. 2, Bonner Springs, Kans.; effective 6-12-61 to 12-7-61; five learners (men's bowling shirts) (replacement certificate).

Sportswear Unlimited Inc., Antreville, S.C.,; effective 6-29-61 to 6-28-62; 10 learners (blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Blue Bell, Inc., Ada, Okla.; effective 6-12-61 to 12-11-61; 20 learners (men's, boys', ladies' and girls' dungarees).

Colonial Corp. of America, Woodbury, Tenn.; effective 6-13-61 to 12-12-61; 100 learners (men's and boys' dress and sport shirts).

Ridgely Manufacturing Co., Ridgely, Tenn.; effective 6-13-61 to 12-12-61; 20 learners (outdoor jackets for boys, men, women, girls and kiddies).

Rowan Industries, Inc., Rockwell, N.C.; 6-12-61 to 12-11-61; 25 learners (ladies' and girls' pajamas).

Jack Winter Manufacturing Corp., Marianna, Ark.; 6-6-61 to 12-5-61; 40 learners (men's and ladies' slacks).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Boss Manufacturing Co., 3012 South Adams Street, Peoria 2, Ill.; effective 6-13-61 to 6-12-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Ideal Glove Co., Inc., Maben, Mississippi; effective 6-15-61 to 6-14-62; five learners for normal labor turnover purposes (combination leather and fabric work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 6-16-61 to 6-15-62; 10 learners for normal labor turnover purposes (cotton work gloves).

Marso and Rodenborn Manufacturing Co., Fort Dodge, Iowa; effective 6-12-61 to 3-17-62; 10 learners for normal labor turnover purposes (replacement certificate) (canton flannel work gloves).

Riegel Textile Corp., Brundidge, Ala.; effective 6-8-61 to 6-7-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Riegel Textile Corp., Greenville, Ala.; effective 6-8-61 to 6-7-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Kayser-Roth Hosiery Co., Inc., Hickory Knitting Div., Hickory, N.C.; effective 6-20-61 to 12-19-61; 20 learners for plant expansion purposes (men's half hose).

Unique Knitting Co., Acworth, Ga.; effective 6-16-61 to 6-15-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Hunter Bros. Co., Inc., Statesville, N.C.; effective 6-6-61 to 6-5-62; five learners for normal labor turnover purposes in the production of woven undershorts and ladies' blouses (men's cotton woven shorts).

Mars Hosiery Co., Inc., Johnston School Rd., West Asheville, N.C.; effective 6-6-61 to 12-5-61; 10 learners for plant expansion purposes (men's, ladies', and children's tights, knit-beach and swim wear).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 6-6-61 to 6-5-62; five learners for normal labor turnover purposes (ladies' lingerie).

Sherman Underwear Mills, Inc., Hawley, Pa.; effective 6-12-61 to 6-11-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's panties).

Tower Hosiery Mills, Inc., Broad Street, Burlington, N.C.; effective 6-14-61 to 6-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (leotards).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated

therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of July 1961.

ROBERT GORDON GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-7188; Filed, July 31, 1961; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132]

AIR CARGO EXPRESS, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held on August 18, 1961 before Examiner Richard A. Walsh in the Reopened Large Irregular Case, Docket 5132, to consider the application of Air Cargo Express, Inc. remanded by the United States Court of Appeals for the District of Columbia on February 24, 1961. This conference will begin at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., July 27, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7209; Filed, July 31, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-47]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southwestern States Telephone Company, Brownwood, Texas, proposes to construct a microwave radio antenna tower in Welsh, Louisiana, at latitude 30°14'18" north, longitude 92°49'18" west. The overall height of the structure would be 197 feet above mean sea level (178 feet above ground).

No substantial objections were made in response to the circularization. The Agency's aeronautical study disclosed that the structure would be located approximately 2600 feet southeast of the Welsh, Louisiana, Airport, and would exceed horizontal surface criteria of this Agency's TSO-N18 and of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 28 feet. However, the Agency study revealed that these factors would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7163; Filed, July 31, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-55]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Western Union Telegraph Company, New York, New York, proposes to construct a radio antenna structure near Amboy, Nebraska, at latitude 40°07'42" north, longitude 98°25'36" west. The overall height of the structure would be 2168 feet above mean sea level (323 feet above ground).

No objections were made in response to the circularization. The proposed structure would be located 2.5 miles east-northeast of the center of the Red Cloud Municipal Airport, Red Cloud, Nebraska. The aeronautical study by this Agency disclosed that the structure would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria as applied to the Red Cloud Municipal Airport, by 116 feet. However, the aeronautical study also disclosed that the proposed structure would not adversely affect aeronautical operations or procedures at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33, 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 25, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7164; Filed, July 31, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14195-14197; FCC 61M-1240]

FRANK S. BARC, JR., ET AL.

Order Scheduling Hearing

In re application of Frank S. Barc, Jr., Mesa, Arizona, Docket No. 14195, File No. BP-13568; Maricopa County Broadcasters, Inc., Mesa, Arizona, Docket No. 14196, File No. BP-14391; Maryvale Broadcasting Company, Mesa, Arizona, Docket No. 14197, File No. BP-14574; for construction permits.

It is ordered, this 18th day of July 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 3, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 20, 1961.

Released: July 19, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7221; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 13257; FCC 61M-1271]

CATSKILLS BROADCASTING CO. ET AL.

Order Scheduling Hearing

In re applications of Harry G. Borwick, David Levinson, Seymour D. Lubin, Henry L. Shipp, Joseph K. Schwartz and Phillip Slutsky, d/b as Catskills Broadcasting Company, Ellenville, New York, Docket No. 13257, File No. BP-12266; et al., Docket Nos. 13258, 13272; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on July 25, 1961 regarding date for hearing;

It is ordered, This 25th day of July, 1961, that a hearing is scheduled herein for November 1, 1961, at 10:00 a.m.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7222; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14103; FCC 61M-1281]

ISADORE PAUL GILLENSON

Order Continuing Hearing

In the matter of Isadore Paul Gillenson, Burbank, California, Docket No. 14103; suspension of Amateur Radio Operator License (WA6KCI).

It is ordered, This 26th day of July 1961, that the order released in the above-entitled proceeding on July 20, 1961 (FCC 61M-1248; Mimeo. No. 8059), is amended to provide that hearing in the said proceeding will commence on October 17, 1961 in lieu of October 4, 1961.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7223; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14210; FCC 61M-1280]

WARREN G. HOLLEMAN

Order Scheduling Hearing

In re application of Warren G. Holleman, 1302 Slade Run Drive, Falls Church, Virginia, Docket No. 14210, File No. 3987-Lc-61; for authorization for a Class D Station in the Citizens Radio Service.

It is ordered, This 26th day of July 1961, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1961, in Washington, D.C.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7224; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14203; FCC 61M-1279]

KPSR, INC.

Order Scheduling Hearing

In the matter of revocation of License of KPSR, INC. for FM Broadcast Station KPSR, Palm Springs, California, Docket No. 14203.

It is ordered, This 26th day of July 1961, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 24, 1961, in Palm Springs, California.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7225; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14104; FCC 61M-1282]

BERNARD KIRSCHNER

Order Continuing Hearing

In the matter of Bernard Kirschner, Los Angeles, California, Docket No. 14104; suspension of Amateur Radio Operator License (K2HMP).

It is ordered, This 26th day of July 1961, that the order released in the above-entitled proceeding on July 20, 1961 (FCC 61M-1249; Mimeo. No 8060), is amended to provide that hearing in the said proceeding will commence on October 18, 1961 in lieu of October 5, 1961.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7226; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14202; FCC 61M-1278]

REA RADIO AND ELECTRONIC LABORATORY

Order Scheduling Hearing

In re application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869; for renewal of License of Station WREA, East Palatka, Florida.

It is ordered, This 26th day of July 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 10, 1961, in Palatka, Florida.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7229; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14175-14177; FCC 61M-1252]

LAKESHORE BROADCASTING CORP., INC., ET AL.

Order Continuing Hearing

In re applications of Lakeshore Broadcasting Corporation, Inc., Racine, Wisconsin, Docket No. 14175, File No. BPH-3264; Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14176, File No. BPH-3313; Ruth M. Crawford, Executrix of estate of Percy B. Crawford (WYCA), Hammond, Indiana, Docket No. 14177, File No. BPH-3382; for construction permits.

The Hearing Examiner having under consideration the rescheduling of the date for commencement of hearing;

It appearing that a prehearing conference was held on July 20, 1961, at which time a schedule was determined for exchange of exhibits and other matters which must be disposed of prior to hearing and that the currently scheduled date of September 15 for hearing cannot be met;

It is ordered, This 20th day of July 1961, that the hearing scheduled for September 15 is rescheduled to commence on October 9, 1961.

Released: July 21, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7227; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14201; FCC 61M-1277]

RADIO SPECIALISTS CO.

Order Scheduling Hearing

In re applications of Radio Specialists Co., Docket No. 14201, File Nos. 2087-C1-P-60, 2088-C1-P-60; for construction permits to establish stations in the Point-to-Point Microwave Radio Service between a point near Golden, Colorado, and a point near Eastonville, Colorado.

It is ordered, This 26th day of July 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, September 5, 1961.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7228; Filed, July 31, 1961; 8:52 a.m.]

[Docket No. 14074; FCC 61M-1276]

STRAFFORD BROADCASTING CORP. (WWNH)

Order Advancing Hearing

In re application of Strafford Broadcasting Corporation (WWNH), Rochester, New Hampshire, Docket No. 14074, File No. BP-13053; for construction permit.

Upon oral request of counsel for the Broadcast Bureau and with the consent of the other party, *it is ordered,* this 26th day of July 1961, that the hearing in the above-entitled matter presently scheduled for September 27, 1961, be,

and the same is, hereby advanced to September 18, 1961.

Released: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7230; Filed, July 31, 1961; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP62-2]

BALTIC OPERATING CO.

Order Providing for Hearing on and Suspension of Proposed Revised Tariff Sheets

JULY 25, 1961.

On June 30, 1961, Baltic Operating Company (Baltic) tendered for filing Sixth Revised Sheets Nos. 4, 8 and 9, and Seventh Revised Sheet No. 6, to its FPC Gas Tariff, First Revised Volume No. 1, proposing an annual increase in its rates and charges of $4,718, or 12.8 percent, for sales of natural gas to its two affiliate customers, United Gas Service Company and Baxter Springs Gas Company, based on sales for the year ended March 31, 1961. The increased rates are proposed to become effective as of July 23, 1961, the effective date proposed by Cities Service Gas Company (Cities Service) for its rate increase filed on June 21, 1961.

In support of its proposed increased rates, Baltic states that Cities Service, its sole supplier, filed increased rates and that Baltic in turn must increase its rates. Cities Service's proposed rate would increase charges to Baltic by $4,648 per year and has been suspended by the Commission's order issued July 21, 1961, in Docket No. RP62-1, until December 23, 1961.

The rates, charges, classifications, and services contained in the above-designated revised tariff sheets tendered by Baltic on June 30, 1961, may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Sixth Revised Sheets Nos. 4, 8 and 9, and Seventh Revised Sheet No. 6, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in Baltic's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by the foregoing tendered revised tariff sheets.

(B) Pending such hearing and decision thereon Baltic's Sixth Revised Sheets Nos. 4, 8 and 9, and Seventh Revised Sheet No. 6, to its FPC Gas Tariff, First Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until December 23, 1961, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 4, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7180; Filed, July 31, 1961; 8:47 a.m.]

[Docket No. E-7004]

PENNSYLVANIA ELECTRIC CO. AND PENNSYLVANIA POWER CO.

Notice of Application

JULY 25, 1961.

Take notice that on July 14, 1961, a joint application was filed with the Federal Power Commission pursuant to Section 203 of the Federal Power Act by the Pennsylvania Electric Company (hereinafter referred to as "Penelec") and the Pennsylvania Power Company (hereinafter referred to as "Penn Power") for authorization to purchase the electric distribution properties of Carpenter Light and Power Company (hereinafter referred to as "Carpenter"). Penelec is a public utility incorporated under the laws of the Commonwealth of Pennsylvania engaged in the business of production, purchase, transmission, distribution and sale of electricity in western, northern and south central Pennsylvania extending from the Maryland-Pennsylvania state line northerly to the New York state line. Its principal business office is at Johnstown, Pennsylvania. Penn Power is a public utility company incorporated under the laws of the Commonwealth of Pennsylvania, furnishing electric service in 136 communities, as well as in rural areas in five counties of Pennsylvania. Its principal business office is in New Castle, Pennsylvania. Carpenter is a public utility incorporated under the Commonwealth of Pennsylvania with its principal business office at Meadville, Pennsylvania engaged in the business of furnishing electric service in four western and northwestern Pennsylvania counties. Carpenter presently purchases its entire energy requirements from Penelec. The consideration for the proposed acquisition by Penelec is $1,053,750 and the consideration for the proposed acquisition by Penn Power is $1,096,250. By an agreement dated March 31, 1961, entered into by and between the joint Applicants and Carpenter, Carpenter has agreed to sell all of its property, real, personal and mixed to Penelec and Penn Power for $2,150,000. Under the provisions of the aforesaid agreement, Penelec will continue to supply the requirements of Penn Power for that portion of Carpenter's property which it acquires until Penn Power completes the building of a transmission line or lines connecting the service area of Carpenter to be acquired with the present service area of Penn Power and Penn Power's facilities.

The present service areas of Carpenter to be acquired by Penn Power will then be served from Penn Power's own facilities. Applicants represent that the addition of this load will have no effect upon any contract for the purchase, sale or interchange of electric energy of Penn Power. Applicants further represent that the acquisition of the respective portions of the property of Carpenter by Penelec and Penn Power will provide in each case a larger operating organization which should result in better service to the customers served by the facilities being acquired. In addition, Applicants state that the greater financial strength of the respective companies, as well as the opportunity for them and for their parent corporations to obtain financing for additions and improvements to the respective systems at lower cost will be beneficial to the customers served by such systems. Penn Power further represents in respect to that portion of the property to be acquired by it, that it plans to put into effect rate schedules which will reduce the amount of electric revenue collected as compared with the amount being collected under the rate schedules of Carpenter.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 14th day of August 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7181; Filed, July 31, 1961; 8:47 a.m.]

[Docket No. G-13643 etc.]

TEXAS PACIFIC COAL AND OIL CO. ET AL.

Notice of Applications and Date of Hearing

JULY 25, 1961.

Texas Pacific Coal and Oil Company, Docket No. G-13643; Texas Pacific Coal and Oil Company, Docket No. G-13669; Cities Service Petroleum Company, Docket No. G-16143; C. S. Connolly 36 Gas Company, Docket No. CI60-733; J. S. Stalnaker Gas Company, Docket No. CI60-734; C. S. Connolly 75 Gas Company, Docket No. CI60-790; Socony Mobil Oil Company, Inc., Docket No. CI60-833; Hunt Oil Company, Docket No. CI60-1262; Socony Mobil Oil Company, Inc., CI61-1287; Skelly Oil Company, Docket No. CI61-1512; Marion F. Johnson, Docket No. CI61-1539; Lana Sharon Gas Company, Docket No. CI61-1556.

Take notice that each of the above applicants, except in Docket No. G-13643, seeks permission and approval to abandon natural gas service, pursuant to section 7(b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications herein, which are on file with the Commission and open to public inspection.

Docket No.; Field and Location; Purchaser; and Docket No. In Which Sale Was Authorized
G-13669; Cottingham, Payne County, Okla.; R. M. Tuttle Pipe Line; G-13643.
G-16143 [1]; Brillhard A-1 Unit, Hansford County, Tex.; Natural Gas Pipeline Co. of America; G-16143.
CI60-733; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-5609.
CI60-734; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-2650.
CI60-790; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; G-5613.
CI61-833; Atlantic-Theis No. 5, Clark County, Kans.; Northern Natural Gas Co.; G-18388.
CI61-1262; Triumph, Plaquemines, Parish, La.; Southern Natural Gas Co.; G-15146.
CI61-1287; Lesikar Estate and Amalia Wangler Lease, Austin County, Tex.; Tennessee Gas Transmission Co.; G-11933.
CI61-1512; Harper, Harper County, Kans.; Cities Service Gas Co.; G-16850.
CI61-1539; Sardis District, Harrison County, W. Va.; Hope Natural Gas Co.; G-5457.
GI61-1556; Triadelphia District, Logan County, W. Va.; Hope Natural Gas Co.; G-13784.

Texas Pacific Coal and Oil Company (Texas Pacific) filed the application in Docket No. G-13643 pursuant to section 7(c) of the Natural Gas Act, for a certificate to render the service for which it now seeks permission and approval to abandon in Docket No. G-13669. The certificate application in Docket No. G-13643 is now pending and apparently the subject service was commenced without proper authority.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice nad procedure (18 CFR 1.8 or 1.10) on or before August 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7182; Filed, July 31, 1961; 8:47 a.m.]

[1] Cities Service Petroleum Company filed an amendment to its pending certificate application in Docket No. G-16143 for permission and approval to abandon service commenced pursuant to temporary authority granted September 12, 1958.

[Docket No. G-14986 etc.]

TIDEWATER OIL CO. ET AL.

Notice of Applications and Date of Hearing

JULY 25, 1961.

Tidewater Oil Company, Docket No. G-14986; Graridge Corporation, et al., Docket No. G-19245; Tidewater Oil Company, Docket No. CI60-19; L. S. Chism, Operator, et al., Docket No. CI60-220; Toto Gas Company, Operator, et al., Docket No. CI60-240; Toto Gas Company, Operator, et al., Docket No. CI60-251; Crest Petroleum, Inc., Operator for Ralph Humphrey, et al., Docket No. CI60-253; Dal-Rock Production Company, Docket No. CI60-273; Stelbar Oil Corporation, Inc., Operator, et al., Docket No. CI60-296; F. E. Davis, Operator, Docket No. CI60-562; The Pure Oil Company, Docket No. CI60-717; Olsen Oils, Inc., Docket No. CI60-740; Tri-Ess Corporation, Operator, and Agent, et al., Docket No. CI61-20; Odessa Natural Gasoline Co., Docket No. CI61-109; O. A. Phillips, Docket No. CI61-113; Dale Cattrill, Agent for Dale Cattrill and Leon Beaver, d.b.a., Catrill and Beaver and Claude C. Cattrill, Docket No. CI61-124; Service Drilling Company, Operator, et al., Docket No. CI61-130; R. L. Kirkwood, Operator, et al., Docket No. CI61-131; Prior Oil Company, Docket No. CI61-140; Prior Oil Company, Docket No. CI61-141; Glen A. Martin, Operator, et al., Docket No. CI61-142; George Jackson, Docket No. CI61-149; J. R. Butler, et al., Docket No. CI61-150; Shell Oil Company, Operator, et al., Docket No. CI61-151; Humble Oil & Refining Company, Docket No. CI61-158; C. I. West Virginia Company & Glenn W. Roberts, Docket No. CI61-160; Olsen Oils, Inc., Docket No. CI61-216; Ray Nixon, et al., Docket No. CI61-362; Toto Gas Company, Operator, et al., CI61-544; J. H. Wagner Drilling Company, Operator, Docket No. CI61-555; A. M. Carlson, d.b.a., Tower Service Company, Docket No. CI61-562; W. C. Feazel, et al., Docket No. CI61-563; Bower Hall and Wetzel, Docket No. CI61-565; C. L. McMahon, Inc., Docket No. CI61-583; Raymond Oil Company, Inc., Operator, et al., Docket No. CI61-589; Raymond Oil Company, Inc., Operator, et al., Docket No. CI61-590; Crescent Oil & Gas Corporation, Docket No. CI61-592. Jas. F. Smith, Operator, et al., Docket No. CI61-593; Monsanto Chemical Company, Docket No. CI61-604; The British-American Oil Producing Company, Docket No. CI61-607; D. F. Cox, A-111, Well No. 1, Docket No. CI61-611; P. D. Morris, Operator, et al., Docket No. CI61-612; William M. Raymond, Operator, et al., Docket No. CI61-615; Texaco, Inc., Docket No. CI61-616; C. H. Radford & Victor M. Sinn, Docket No. CI61-620; Pan American Petroleum Corporation, Docket No. CI61-623; Hamilton Brothers, Ltd., Docket No. CI61-625; John W. Pace, Operator, et al., Docket No. CI61-633; La Gloria Oil and Gas Company, Docket No. CI61-635; Chesley Pruet, Docket No. CI61-640; E. L. Erickson, Docket No. CI61-641; Baker & Taylor Drilling Company, Operator, et al., Docket No. CI61-642; J. H. Bartley, et al., Docket No. CI61-653; Sun Oil Company, Docket No. CI61-657; Hundred Gas Company, Docket No. CI61-658; The Atlantic Refining Company, Operator, Docket No. CI61-660; Columbian Fuel Corporation, Docket No. CI61-671; Leonard Fowler, et al., Docket No. CI61-679; Stonestreet Lands Company, Docket No. CI61-680; Central Gas Company, et al., Docket No. CI61-682; Anadarko Production Company, Operator, Docket No. CI61-683; Drilling and Exploration Company, Inc., Operator, et al., Docket No. CI61-686; Appalachian Land and Development Company, Docket No. CI61-687; Alphenia Oil and Gas Company, Docket No. CI61-690; W. E. Bakke, Operator, Docket No. CI61-693; Anadarko Production Company, CI61-700; Williams Oil and Gas Company, Docket No. CI61-719; Humble Oil & Refining Company, Docket No. CI61-723; G.M.K. Oil Company, Docket No. CI61-739; The Waverly Oil Works Company, Docket No. CI61-741; Cecil G. Lalicker, Docket No. CI61-744; Ashland Oil & Refining Company, Docket No. CI61-749; Trident Corporation, Operator, et al., Docket No. CI61-750; The Ohio Oil Company, Operator, et al., Docket No. CI61-753; Sun Oil Company, Docket No. CI61-754; Sun Oil Company, Docket No. CI61-755; Hildago Gas Production Corporation, Docket No. CI61-760; Texaco Inc., Docket No. CI61-763; Stuarco Oil Company, Inc., Operator, Docket No. CI61-764; Cecil Meadows, et al., Docket No. CI61-772; Baker Oil and Gas Company, Docket No. CI61-773; G. & H. Drilling Company, Docket No. CI61-774.

Robert L. Wolff, Docket No. CI61-776; James G. Brown & Associates, Docket No. CI61-777; James G. Brown & Associates, Operator, et al., Docket No. CI61-778; Juniper Oil and Mining Company, Operator, et al., Docket No. CI61-796; Leo Clymore, et al., Docket No. CI61-797; Felmont Oil Corporation, Docket No. CI61-799; J. S. Cullinan II, Operator, et al., Docket No. CI61-802; Trice Production Company, Docket No. CI61-803; Alfred D. McKelvey, Operator, Docket No. CI61-806; The Superior Oil Company, Docket No. CI61-809; Pel-Tex Petroleum Company, Inc., Operator, et al., Docket No. CI61-810; La Plata Gathering System, Inc., Docket No. CI61-812; A. N. Brown, Operator, et al., Docket No. CI61-815; A. N. Brown, Operator, et al., Docket No. CI61-816; Joseph Freeman No. 1, Docket No. CI61-822; John Allen

Company, Inc., Docket No. CI61–824; McKinney No. 1, Docket No. CI61–825; Socony Mobil Oil Company, Inc., Docket No. CI61–832; Stonetex Oil Corp., Docket No. CI61–836; McWood Corporation, Docket No. CI61–839; Laurel Fork Oil and Gas Company, Docket No. CI61–840; R. H. Siegfried, Inc., Operator, et al., Docket No. CI61–842; Mid-Penn Oil and Gas Company, Docket No. CI61–843; Conrad Oil and Gas Company, Docket No. CI61–847; Trio Oil and Gas Company, Inc., Docket No. CI61–848; C. H. Coalgate Gas Company, Docket No. CI61–850; Queen Gas Company, Docket No. CI61–853; Bowser Gas and Oil Company, Docket No. CI61–854; Cora A. Groves Lease, Docket No. CI61–855; Stonestreet Lands Company, Docket No. CI61–856; Nathan Schnittman, Docket No. CI61–857; Prior Oil & Gas Company, Docket No. CI61–859; David W. Law, et al., Docket No. CI61–860; Prior Oil & Gas Company, Docket No. CI61–861; Anadarko Production Company, Docket No. CI61–865; Stephen H. Kinney, Docket No. CI61–866; Anadarko Production Company, Docket No. CI61–872; Anadarko Production Company, Docket No. CI61–873; Barnwell, Inc., Docket No. CI61–874; Monsanto Chemical Company, Docket No. CI61–876; Texas National Petroleum Co., Operator, Docket No. CI61–881; Pan American Petroleum Corporation, Docket No. CI61–883; Joe Goff Oil and Gas Company, Docket No. CI61–889; A. M. Carlson, d.b.a., Tower Service Company, Docket No. CI61–892.

Wayne No. 1 (By Clyde A. Yeater, Agent) Docket No. CI61–894; Sam Trant, et al., Docket No. CI61–898; Sam Trant, Operator, et al., Docket No. CI61–899; A. O. Olson, d.b.a., Olson Oil Company, Docket No. CI61–900; B. Reagan McLemore, et al., Docket No. CI61–946; Woods Petroleum Corporation, et al., Docket No. CI61–1031; Toto Gas Company, Docket No. CI61–1122; Peake Petroleum Company, Docket No. CI61–1166; Toto Gas Company, Docket No. CI61–1204; Athens Oil and Gas Company, Docket No. CI61–1211; John S. Wold, Docket No. CI61–1247; Humble Oil & Refining Company, Docket No. CI61–1254; Floyd Oil Company, Operator, et al., Docket No. CI61–1256; Delfern Oil Company, Docket No. CI61–1259; Clark Fuel Producing Company, Operator, Docket No. CI61–1279; Kay Kimbell, Oil Properties, Operator, Docket No. CI61–1286; William T. Parks, et al., Docket No. CI61–1288; Wiseman Oil and Gas Company, Docket No. CI61–1342; Mid-Penn Oil and Gas Company, Docket No. CI61–1348; Willard E. Ferrell, Docket No. CI61–1353; Continental Oil Company, Docket No. CI61–1354; Republic Natural Gas Company, Docket No. CI61–1398; Texas Pacific Coal and Oil Company, Docket No. CI61–1425; Texas Pacific Coal and Oil Company, Docket No. CI61–1429; The Atlantic Refining Company, Docket No. CI61–1434; Marvin J. Coles, et al., Docket No. CI61–1443; D. J. Houchins, d.b.a., Houchins Drilling Company, Docket No. CI61–1468; Toto Gas Company, Docket No. CI61–1497; Davisson A. Benson, Jr., Docket No. CI61–1595; Cities Service Gas Company, Docket No. CP61–183.

Take notice that each of the above Applicants has filed an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the construction and operation of facilities and the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the respective applications, amendments and supplements thereto, which are on file with the Commission and open to public inspection.

Cities Service Gas Company filed an application on January 5, 1961, in Docket No. CP61–183, as supplemented February 7, 13 and 16, 1961 for a certificate authorizing the construction and operation of 15 miles of 12-inch pipeline, 4 miles of 4-inch and 6-inch field lines, a dehydration plant, and appurtenant meter and regulator facilities in Comanche County, Oklahoma. The proposed facilities will enable Cities Service Gas Company to receive, dehydrate and transport natural gas produced by Applicants herein in Docket Nos. CI61–1031, CI61–1166, CI61–1354, and CI61–1398. The estimated cost of the proposed facilities is $533,000.

The remaining Applicants herein produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket Nos.; Field and Location; Purchaser; and Price Per Mcf

G–14986; Ramirena, Jim Wells and Duval Counties, Tex.; Natural Gas Pipeline Co. of America; 14.5 cents at 14.65 psia.

G–19245; Greta, Refugio County, Tex.; Transcontinental Gas Pipe Line Corp.; predecessor's authorized rate.

CI60–19; Elms, Live Oak County, Tex.; Natural Gas Pipeline Co. of America; 14.5 cents at 14.65 psia.

CI60–220; S. E. Outwine, Kay County, Okla.; Wunderlich Development Co.; 8.5 cents at 14.65 psia.

CI61–240; North Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI60–251; North Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI60–253; S. W. Winfield, Cowley County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.40 psia.

CI60–273; East Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI60–296; Acreage in Cowley County, Kans; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI60–562; South Clara Driscoll Area, Nueces County, Tex.; Banquete Gas Company, Inc.; 6.0 cents at 14.65 psia.

CI60–717; Ponca City, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI60–740; Justis-Blinebry, Justis-Drinkard and Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 13.45 psia.

CI61–20; Peters Ranch Area, Duval County, Tex.; Southern Coast Corp.; 8.28 cents at 14.65 psia.

CI61–109; Fradean Area, Upton County, Tex.; Phillips Petroleum Co.; 12.0 cents at 14.65 psia.

CI61–113; Calhoun Field Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.

CI61–124; West Union Independent District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–130; Acreage in Carson County, Tex.; Natural Gas Pipeline Co., of America; 13.2 cents at 14.65 psia.

CI61–131; Wyrick, Refugio County, Tex.; United Gas Pipe Line Co., 12.1536 cents at 14.65 psia.

CI61–140; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–141; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–142; Minoak, Bee County, Tex.; Texas Eastern Transmission Corp.; 11.4 cents at 14.65 psia.

CI61–149; Skin Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–150; Sugar Creek, Claiborne and Lincoln Parishes, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI61–151; Mantiel, Wood County, Tex.; Arkansas Louisiana Gas Co.; 12.10985 cents at 14.65 psia.

CI61–158; North Magnolia City, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 17.2434 cents at 14.65 psia.

CI61–160; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–216; Justis-Blinebry and Justis-Drinkard, Lea County, N. Mex.; El Paso Natural Gas Co.; 6.5 cents at 13.54 psia.

CI61–362; Union District Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–544; Southeast Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI61–555; Acreage in Cowley County, Kans.; Wunderlich Development Co.; 6.2 cents at 16.40 psia.

CI61–562; Freemans Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–563; Terryville-Ruston Area, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–565; Freemans Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–583; S. E. Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI61–589; S. E. Autwine, Kay County, Okla.; Wunderlich Development Co.; 8.5 cents at 14.65 psia.

CI61–590; S. E. Autwine, Kay County, Okla.; Wunderlich Development Co.; 8.5 cents at 14.65 psia.

CI61–592; West Palmer, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–593; N. W. Elmwood Smith-Perryton Cree-Flowers, Beaver County, Oklahoma, Ochiltree and Roberts Counties, Tex.; Transwestern Pipeline Co.; 17.0 cent at 14.65 psia.

CI61–604; Hico-Knowles and Bernice, Lincoln and Union Parishes, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI61–601; West Kutz Canyon, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–611; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–612; Acreage in Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI61–615; S. E. Autwine, Kay County, Okla.; Wunderlich Development Co.; 6.2 cents at 14.65 psia.

CI61–616; Monument McKee, Lea County, N. Mex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61–620; Acreage in Washington County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–623; Devils Fork Gallup, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI61–625; No. Hansford Tonkawa, Hansford County, Tex.; Panhandle Eastern Pipe Line Co.; 16.5 cents at 14.65 psia.

CI61–633; North Laward, Jackson County, Tex.; United Gas Pipe Line Co.; 14.1792 cents at 14.65 psia.

CI61–635; South El Toro, Jackson County, Tex.; United Gas Pipe Line Co.; 15.192 cents at 14.65 psia.

CI61–640; North Colquitt, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 13.003 cents at 15.025 psia.

CI61–641; East Haynesville, Claiborne Parish, La.; Arkansas Louisiana Gas Co.; 13.003 cents at 15.025 psia.

CI61–642; Eva, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–653; Spraberry Trend Area, Regan County, Tex.; El Paso Natural Gas Co.; 10.096 cents at 14.65 psia.

CI61–657; Seeligson, Jim Wells County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–658; Proctor & Meade Districts, Wetzel and Marshall Counties, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–660; Terryville, Lincoln Parish, La.; Texas Gas Transmission Corp.; 18.75 cents at 15.025 psia.

CI61–671; Hugoton, Grant County, Kans.; Panhandle Eastern Pipe Line Co.; 14.0 cents at 14.65 psia.

CI61–679; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–680; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–682; Freeman's Creek District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–683; Southeast Boyd, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.8 cents at 14.65 psia.

CI61–686; West Medicine Lodge, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–687; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–690; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–693; Acreage in La Plata County, Colo.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–700; Eva Area, Texas County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–719; Porto Rico Cave District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–723; Northwest Dower, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 16.8 cents at 14.65 psia.

CI61–739; Worsham, Reeves County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61–741; Otter District, Braxton County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–744; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–749; Acreage in Pike County, Ky.; United Fuel Gas Co.; 23.0 cents at 15.325 psia.

CI61–750; Reynolds, Jim Wells County, Tex.; Trunkline Gas Co.; 13.3556 cents at 14.65 psia.

CI61–753; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Co.; 11.26876 cents at 15.025 psia.

CI61–754; Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–755; Shepherd, Hidalgo County, Tex.; Tennessee Gas Transmission Co.; 17.24347 at 14.65 psia.

CI61–760; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–763; N. W. Dower, Beaver County, Okla.; Natural Gas Pipeline Co. of America; 17.0 cents at 14.65 psia.

CI61–764; Armstrong, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 14.0 cents at 16.4 psia.

CI61–772; Troy District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–773; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–774; Clay District, Ritchie County, W. Va., Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–776; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–777; West Ross, Starr County, Tex.; Tennessee Gas Transmission Co.; 13.5 cents at 14.65 psia.

CI61–778; Seven Sisters, Duval County, Tex.; Tennessee Gas Transmission Co., 13.5 cents at 14.65 psia.

CI61–796; Cotton Valley, Weld County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.; 12.0 cents at 16.4 psia.

CI61–797; East Plymouth, San Patricio County, Tex.; Tennessee Gas Transmission Co.; 13.0 cents at 14.65 psia.

CI61–799; Rockton, Clearfield County, Pa.; The Sylvania Corp.; 27.5 cents at 15.325 psia.

CI61–802; El Camro West, Wharton County, Tex.; Tennessee Gas Transmission Co.; 14.0 cents at 14.65 psia.

CI61–803; North Norman, Cleveland County, Okla.; Cities Service Gas Co.; 12.0 cents at 14.65 psia.

CI61–806; Hugoton, Finney County, Kans.; Kansas-Nebraska Natural Gas Co., Inc.; 11.0 cents at 14.65 psia.

CI61–809; Ewing, San Patricio County, Tex.; United Gas Pipe Line Co.; 10.128 cents at 14.65 psia.

CI61–810; Trull, Matagorda County, Tex.; Tennessee Gas Transmission Co.; 16.16947 cents at 14.65 psia.

CI61–812; Undesignated (Dakota) and Blanco (Messaverde), Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–815; Angel Peak, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–816; Angel's Peak (Dakota), San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–822; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–824; Johns Creek, Floyd County, Ky.; Kentucky West Virginia Gas Co.; 18.0 cents at 15.225 psia.

CI61–825; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–832; Worsham, Reeves County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.

CI61–836; Taft (West), San Patricio County, Tex.; Tennessee Gas Transmission Co.; 13.0 cents at 14.65 psia.

CI61–839; Potrero Lopena, Kennedy County, Tex.; Tennessee Gas Transmision Co.; 17.24347 cents at 14.65 psia.

CI61–840; Murphy District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–842; Keystone Reservoir, Creek County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–843; Court House District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–847; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–848; West Union District, Doddridge County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–850; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–853; Collins Settlement District, Lewis County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–854; Center District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–855; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–856; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.

CI61–857; Straight Creek, Burning Springs District, Wirt County, W. Va.; Cabot Corp.; 14.98 cents at 15.325 psia.

CI61–859; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–860; Hackers Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–861; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–865; Perryton, Ochiltree County, Tex.; Northern Natural Gas Co.; 16.5 cents at 14.65 psia.

CI61–866; South Blanco, San Juan County, N. Mex.; El Paso Natural Gas Co.; 11.0 cents at 15.025 psia.

CI61–872; Mocane, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–873; Greenwood, Morton County, Kans.; Panhandle Eastern Pipe Line Co.; 16.0 cents at 14.65 psia.

CI61–874; Minden Webster Parish, La.; Texas Gas Transmission Corp.; 18.25 cents at 15.025 psia.

CI61–876; El Ebanito Area, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24347 cents at 14.65 psia.

CI61–881; San Juan Basin, San Juan County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.

CI61–883; Calhoun, Ouachita Parish, La.; Arkansas Louisiana Gas Co.; 18.75 cents at 15.025 psia.

CI61–892; Court House District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–889; Murphy District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–894; Central District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

CI61–898; Willow Springs, Gregg County, Tex.; United Gas Pipeline Co.; 9.6216 cents at 14.65 psia.

CI61–899; Willow Springs, Gregg County, Tex.; United Gas Pipeline Co.; 9.6216 cents at 14.65 psia.

CI61–900; West Palmer, Barber County, Kans.; Cities Service Gas Co.; 13.0 cents at 14.65 psia.

CI61–948; Willow Springs, Gregg County, Tex.; United Gas Pipeline Co.; 9.6216 cents at 14.65 psia.

CI61–1031; S. E. Sterling, West Marlow and Briscoe Fields, Comanche and Stephens Counties, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI61–1122; Lucien, Nobel County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–1166; S. E. Sterling, Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.

CI61–1204; Meridian, Logan County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.

CI61–1211; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1247; Acreage in Converse County, Wyo.; North Central Gas Co.; 10.0 cents at 15.025 psia.
CI61–1254; N. W. Berclair & Theis (Wilcox), Goliad and Bee Counties, Tex.; Texas Eastern Transmission Corp.; 11.4 cents at 14.65 psia.
CI61–1256; West Nona Mills Area, Hardin County, Tex.; Trunkline Gas Co.; 15.0 cents at 14.65 psia.
CI61–1259; Waha, Reeves and Pecos Counties, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI61–1279; El Puerto, Starr County, Tex.; Tennessee Gas Transmission Co.; 17.24 cents at 14.65 psia.
CI61–1286; Basin Pool Area, Rio Arriba County, N. Mex.; El Paso Natural Gas Co.; 12.0 cents at 15.025 psia.
CI61–1288; Murphy District, Ritchie County, W. Va.; South Penn Natural Gas Co.; 13.0 cents at 15.325 psia.
CI61–1342; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1348; Glenville District, Gilmer County, W. Va.; Hope Natural Gas Co.; 25.0 cents at 15.325 psia.
CI61–1353; Spruce Creek, Union District, Ritchie County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1354; South Sterling Area, Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.
CI61–1396; Sterling Area, Comanche County, Okla.; Cities Service Gas Co.; 15.0 cents at 14.65 psia.
CI61–1425; as hereinafter indicated; El Paso Natural Gas Co.; predecessor's authorized rate.
CI61–1429; as hereinafter indicated; El Paso Natural Gas Co. and Texas Eastern Transmission Corp.; predecessor's authorized rate.
CI61–1434; Kermit, Winkler County, Tex.; Transwestern Pipeline Co.; 16.0 cents at 14.65 psia.
CI61–1443; Velma, Stephens County, Okla.; Lone Star Gas Co.; 14.0 cents at 14.65 psia.
CI61–1468; West Union District, Doddridge County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.
CI61–1497; East Billings, Nobel County, Okla.; Cities Service Gas Co.; 11.0 cents at 14.65 psia.
CI61–1595; Otter District, Clay County, W. Va.; Equitable Gas Co.; 25.0 cents at 15.325 psia.

Texas Pacific Coal and Oil Company (Texas Pacific) filed its application in Docket No. CI61–1425 to succeed to and continue all sales previously authorized to be made by Jal Oil Company, Inc., (Jal) in Docket Nos. G–15895, G–17004, G–19194, G–19304, G–19353, G–19354, G–19355, G–19375, G–19403, G–19404, G–19405 and G–19406.

In Docket No. CI61–1429 Texas Pacific seeks authorization to succeed to and continue sales previously authorized to be made by Olsen Oils, Inc. (Olsen) in Docket Nos. G–13133, G–18640, G–19444, G–19446, G–19447, G–19468, G–19469, G–19470, G–19471, G–19501, G–19502, G–19503, G–19507, G–19513, G–19519, G–19520 and G–19836.

On June 13, 1960 and August 11, 1960, Olsen filed two certificate applications in Docket Nos. CI60–740 and CI61–216 covering proposed sales to El Paso under two amendatory agreements dated May 12, 1960 and July 27, 1960, respectively adding acreage to the basic gas sales contract dated September 24, 1959, which contract is the subject of certificate authorization issued to Olsen in Docket No. G–19836. Temporary authorization, pursuant to § 157.28 of the Commission's regulations, covering said additional sales was issued in airmail letters dated September 13 and 12, 1960, respectively.

Concurrently with Texas Pacific's certificate applications, Jal and Olsen filed motions to rescind their above-mentioned previous authorizations, citing as reason therefor conveyance of all involved acreage to Texas Pacific by the same instrument of assignment dated January 20, 1961.

There remains on file with the Commission one docket (Docket No. G–19445) wherein Olsen received certificate authorization to make a particular sale to El Paso for which no succession filing has been made by Texas Pacific, although the acreage involved therein was conveyed under the aforesaid assignment. This docket covers a sale under a February 6, 1940 contract, which contract has been superseded by an amendatory agreement dated January 24, 1958 adding said sale to a December 1, 1949 basic contract. Olsen received authorization in Docket No. G–19444 covering sales under the December 1, 1949 basic contract. It appears that Olsen interpreted the authorization in Docket No. G–19444 to cover sales under the amendatory agreement as well as under the contract. In view of the assignment of the related acreage to Texas Pacific and the dedication thereof under the January 24, 1958 amendatory agreement, it appears that any certificate issued in Docket No. CI61–1429 to Texas Pacific should include such sale and the certificate issued to Olsen in Docket No. G–19445 should be vacated.

The public convenience and necessity require that these matters be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1961 at 9:30 a.m. (e.d.s.t.) in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30(c)(1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 17, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene, or notice of intervention be timely filed in any of the above dockets, the above hearing date as to that docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(b)(2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7183; Filed, July 31, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JULY 27, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37282: *Lime from southwestern points to Ohio points.* Filed by Southwestern Freight Bureau, Agent (No. B–8057), for interested rail carriers. Rates on lime, common, hydrated, quick or slaked, in carloads, from specified points in Arkansas, Missouri, Oklahoma, and Texas, to Congress Run Pit, Oil Spring, and Waterford, Ohio.

Grounds for relief: Market competition.

Tariff: Supplement 85 to Southwestern Freight Bureau tariff I.C.C. 4021.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7198; Filed, July 31, 1961; 8:49 a.m.]

[Notice 526]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 27, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64349. By order of July 24, 1961, The Transfer Board approved the transfer to Russell Transfer Company, A Corporation, Charlotte, N.C., of Certificates Nos. MC 93021, MC 93021 Sub 1 and MC 93021 Sub 2, issued March 18, 1941, May 25, 1950 and September 2, 1947, in the name of G. L. Russell, doing business as Russell Transfer, Charlotte, N.C., authorizing the transportation of: Household goods, as defined by the Commission, between Charlotte, N.C., on the one hand, and, on the other, points in South Carolina; between Gastonia, N.C., and points within 25 miles of Gastonia, on the one hand, and, on the other, points in Georgia, South Carolina, North Carolina, Tennessee and Virginia; uncrated store, office, bank, restaurant, school, or hospital furniture, fixtures, and equipment, over irregular routes, from Charlotte, N.C., to points in South Carolina, Georgia, Tennessee, and Virginia, and used or rejected shipments of the last described commodities, over irregular routes, from above-specified destination points to Charlotte, N.C. Joseph W. Grier, Jr., 400 Law Building, Charlotte 2, N.C., Attorney for applicants.

No. MC–FC 64356. By order of July 24, 1961, The Transfer Board approved the transfer to Hallmark Van Lines, Inc., Agawam, Mass., of Permit No. MC 113665 Sub 1, issued February 12, 1953, to West Springfield Deliveries, Inc., 1 Wellington Ave., South Hadley Falls, Mass., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, from Springfield, Mass., to points in Connecticut and Massachusetts within 25 miles of Springfield, with no transportation for compensation on return except as otherwise authorized. Francis E. Barrett, Professional Bldg., 25 Bryant Avenue, E. Milton, (Boston), Mass., Attorney for transferee.

No. MC–FC 64357. By order of July 24, 1961, The Transfer Board approved the transfer to Cold-Way Express, Inc., Morton, Ill., of Certificate No. MC 107983, issued to William H. Fawcett, doing business as Ohio Valley Creamery Company, Herrin, Ill., authorizing the transportation of: Butter, cheese, condensed milk, ice cream mix, raw milk and cream, in containers, and empty dairy product containers, over irregular routes, between Arthur, Danville, Farina, Pana, Peoria, and St. Peter, Ill., on the one hand, and, on the other, various points in Alabama, Arkansas, Florida, Georgia, Indiana, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. Grover C. Hoff, Clinton, Ill., Attorney for applicants.

No. MC–FC 64367. By order of July 24, 1961, The Transfer Board approved the transfer to Meadville Moving & Storage, Inc., Meadville, Pa., of Certificate No. MC 67198, issued April 1, 1955, to Mary L. Betts and Katherine C. Betts, a partnership, doing business as S. C. Betts Storage and Carting Company, Meadville, Pa., authorizing the transportation over irregular routes of compressed gases, in cylinders, from Buffalo, N.Y., to Meadville, Pa., and empty containers for compressed gases on return, machinery and machine parts, between Meadville, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U.S. Highway 21 and those in that part of New York on and west of New York Highway 2; and household goods, between points in Crawford County, Pa., on the one hand, and, on the other, points in Indiana, Maryland, New Jersey, Ohio, New York, Illinois and West Virginia. Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa., Attorney for applicants.

No. MC–FC 64371. By order of July 24, 1961, The Transfer Board approved the transfer to Robert J. Dukin, Hanover, N.J., of Certificate No. MC 75650 issued September 19, 1940, to Joseph Raaser, Belleville, N.J., authorizing the transportation of household goods, over irregular routes, between points in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland, Delaware, and the District of Columbia. George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J., Representative for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7199; Filed, July 31, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

NATIONAL ADVISORY COUNCIL ON RURAL CIVIL AND DEFENSE MOBILIZATION

Abolishment

The National Advisory Council on Rural Civil and Defense Mobilization, established by the Director, Office of Civil and Defense Mobilization on October 2, 1959 (24 F.R. 8311), is hereby abolished.

Dated: July 20, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61–7208; Filed, July 31, 1961; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–VIII–1 (Revision 2), Amdt. 1]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administration

Delegation of Authority No. 30–VIII–1 (Revision 2) is hereby amended by:

1. Deleting subsection I.A. 8 in its entirety and substituting the following in lieu thereof:

8. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant; and

(e) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

2. Deleting subsection I.A. 9 in its entirety and substituting the following in lieu thereof:

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; and

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

3. Adding subsection I. A. 10 as follows:

10. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulation, as amended, except, you are not authorized to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license, or other contractual agreements, unless otherwise authorized. This authority is limited to the Financial Assistance program.

4. Deleting Part II in its entirety and substituting the following in lieu thereof:

II. The specific authority delegated in subsection I. A. 10 may not be redelegated.

Effective date: June 23, 1961.

ROBERT C. ALM,
Regional Director,
Minneapolis Regional Office.

[F.R. Doc. 61-7189; Filed, July 31, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 24, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 066779 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for the Beaver Creek Fireman Station.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

T. 48 N., R. 8 W.,
Sec. 21: NW¼SE¼, N½SW¼SE¼.

The area described aggregates 60 acres of Federal land.

WALTER E. BECK,
Manager, Land Office,
Sacramento.

[F.R. Doc. 61-7185; Filed, July 31, 1961; 8:47 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 24, 1961.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial Number M-042782 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land to facilitate administration of the adjoining National Forest Lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 6 S., R. 16 W.,
Sec. 1: Lot 4, W½SW¼.

The lands described above contain an area of 127.25 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 61-7186; Filed, July 31, 1961; 8:48 a.m.]

[Administrative Field Office Order No. 1]

COLORADO

Delegation of Authority To Enter Into Contracts

Pursuant to the authority contained in section 1(d) of Order No. 679 of the Director of the Bureau of Land Management, the following are authorized to enter into contracts for construction, equipment, supplies or services, including equipment rental, and leases for space, in the following amounts:

Administrative Services Officer	Unlimited
Procurement Officer	$2,500.00

The above delegations are effective July 1, 1961.

J. E. BECKERLEY,
Field Administrative Officer.

JULY 14, 1961.

[F.R. Doc. 61-7184; Filed, July 31, 1961; 8:47 a.m.]

PACIFIC COAST AREA OFF OREGON AND WASHINGTON

Outer Continental Shelf; Geological and Geophysical Explorations

Notice of proposed authorization for geological and geophysical explorations in that part of the Outer Continental Shelf off the States of Oregon and Washington appeared in the FEDERAL REGISTER of June 28, 1961 (26 F.R. 5765). Interested persons were given 30 days within which to submit written comments, suggestions or objections. No comments, suggestions or objections have been received.

In consideration of the foregoing the proposed authorization is hereby adopted as set forth below. In view of the desirability of completing currently proposed explorations before the season during which rough seas should be encountered, this authorization shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

(Sec. 11, 67 Stat. 469; 43 U.S.C. 1340)

Dated July 28, 1961.

STEWART L. UDALL,
Secretary of the Interior.

Notice is hereby given that any person, as defined in section 2(d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the Outer Continental Shelf seaward of the submerged lands of Oregon and Washington upon condition (1) that he obtain a permit for such operations from the Regional Oil and Gas Supervisor of the United States Geological Survey, Los Angeles, California, (2) that his operations shall be confined to such area or areas as may be designated in the permit, and (3) that for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor his stipulation agreeing to comply with such requirements governing the methods of and restrictions upon geological and geophysical explorations in the designated area or areas as are acceptable to the Regional Oil and Gas Supervisor.

The Regional Oil and Gas Supervisor is authorized to cooperate with the State authorities and to utilize State inspection services for the protection of aquatic life should such inspection services be made available.

This general authorization to conduct geological and geophysical explorations does not include the right to conduct core or other exploratory drilling and is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER. The authorization to conduct such explorations may be terminated as to any person upon reasonable notice. Any party conducting this type of exploration obtains no preference to an oil and gas lease.

[F.R. Doc. 61-7317; Filed, July 31, 1961; 11:20 a.m.]

Bureau of Reclamation

HUNTLEY AND POMPEYS PILLAR TOWNSITES, HUNTLEY PROJECT, MONTANA

Sale of Tracts, Blocks and Lots

1. *Statutory authority.* Certain tracts, blocks, and lots in the townsites of Huntley and Pompeys Pillar, Montana, identified in the Schedule of Appraisal shown below, will be disposed of in accordance with the acts of April 16 and June 27, 1906 (34 Stat. 116, 519), and June 11, 1910 (36 Stat. 465).

2. *Description, area, and appraised value.* The descriptions, areas, and appraised values of the tracts, blocks and lots to be sold are shown in the Schedule of Appraisal below.

3. *Public sale.* On August 26, 1961, at 2:00 p.m., at the Project Office, Huntley Project Irrigation District, Ballantine, Montana, said tracts, blocks and lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. The owner of any crops located on any of the tracts, blocks or lots may remove the same up to but not later than December 31, 1961, and the owner of any improvements other than crops may remove the same up to but not later than December 31, 1962. F. Duffy Murry, Irrigation Division, Regional Office, Bureau of Reclamation, Billings, Montana, has been designated as superintendent of sale and as auctioneer.

4. *Terms of sale.* Full payment for the tracts, blocks and lots must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any tract, block or lot and to suspend, adjourn, and postpone the sale of any tract, block or lot to such time and place as he may deem proper. After all the tracts, blocks and lots have been offered, the superintendent will close the sale. Any tract, block or lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, Billings, Montana, excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any tract, block or lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

SCHEDULE OF APPRAISAL

Huntley Townsite

(Secs. 24 and 25, T. 2 N., R. 27 E., M.P.M.)

Tract or block	Lot	Area (Acres)	Appraised value
Tract 124 of sec. 24		4.04	$200
Tract 122 of sec. 25		1.13	280
Tract 125 of sec. 25		2.89	140
S½ of Block 12		1.85	460
Block 14		0.59	150
Block 81	8	0.19	15
	9	0.11	15
Block 82	9	0.21	15
	10	0.13	15

Pompeys Pillar Townsite

(Sec. 23, T. 3 N., R. 30 E., M.P.M.)

Block:			
11	14, 15	50 ft. x 140 ft.[1]	[1] $15
16	1	50 ft. x 140 ft.	15
18	6	2.48 acres	50
20	2, 3, 14	50 ft. x 140 ft.[1]	[1] 15
22	14, 15, 16	50 ft. x 140 ft.[1]	[1] 15
25	All	1.00 acre	100

[1] Each lot.

Approved: July 7, 1961.

BRUCE JOHNSON,
Regional Director.

[F.R. Doc. 61-7207; Filed, July 31, 1961; 8:50 a.m.]

Office of the Secretary

PROPERTY OF CALIFORNIA RANCHERIAS AND OF INDIVIDUAL MEMBERS THEREOF

Termination of Federal Supervision

Notice is hereby given that the Indians named under the Rancherias listed below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians, and all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Title to the lands on these Rancherias has passed from the United States Government under the distribution plan of each Rancheria.

Alexander Valley Rancheria, 54 acres in Sec. 18 and 19, T. 9 N., R. 8 W., M.D.M., Sonoma County, Calif.

Name	Date of birth	Address
James R. Adams	11-18-88	5975 Soda Rock Lane, Healdsburg, Calif.
Fred Adams	4- 7-39	Do.
Janette S. Adams	7- 3-40	Do.
James Adams, Jr.	7-21-41	Do.
Louie D. Adams	2- 5-43	Do.
Lillian L. Adams	9-25-44	Do.
Elaine P. Adams	11-25-45	Do.
Donald L. Adams	3- 3-49	Do.
Rickey L. Adams	3- 2-54	Do.
William McCloud	3-17-28	2567 Mark West Station Rd., Windsor, Calif.
Helen McCloud	4-26-37	Do.

Chicken Ranch Rancheria, 40 acres, E½ E½, NE¼ of Sec. 20, T. 2 N., R. 14 E., M.D.M., Tuolumne County, Calif.

Ida B. Connolly	2-5-04	Jamestown, Calif.
Hazel Connolly	1-2-40	Do.
Arrestina Connolly	8-28-41	Do.
Pansy Jacobs	12-19-10	Do.
Walter Edwards	4-14-01	Do.
Inez E. Mathieson	12-22-20	P.O. Box 501, Jamestown, Calif.
Lloyd R. Mathieson	5-8-40	Do.
Loren W. Mathieson	8-7-44	Do.
Clois L. Mathieson	9-25-48	Do.
Carl D. Mathieson	12-1-49	Do.
Jack Bean	2-24-22	Box 313, Sonora, Calif.
Anna Louise Bean	2-11-45	Do.
Marlene Esther Bean	7-28-46	Do.
Sam Rhoan	8-12-1900	Box 415, Jamestown, Calif.
Maude Rhoan	5-30-03	Do.
John Kelly	10-2-81	Box 313, Sonora, Calif.

Lyttou Rancheria, 50 acres in Sec. 4, T. 9 N., R. 9 W., M.D.M., Sonoma County, Calif.

Romeo F. Steele	11-1-21	725 Hudspeth St., Santa Rosa Calif.
Daniel T. Steele	2-10-20	561 Alexander Valley Rd., Healdsburg, Calif.
Carol Joyce Steele	1-15-32	Do.
Sharon James Steele	3-10-53	Do.
Daniel Thomas Steele, Jr.	6-16-54	Do.
Janice Elaine Steele	8-24-56	Do.
Bert Steele	7-22-57	Do.
Sarah Gonzales	11-7-23	311 Boyce St., Santa Rosa, Calif.
Donald Gonzales	5-2-45	Do.
Angelia Gonzales	12-10-46	Do.
Donna Gonzales	12-24-49	Do.
Kenneth Gonzales	1-13-51	Do.
Henry Gonzales	8-9-52	Do.
Mary Steele	4-14-94	725 Hudspeth St., Santa Rosa, Calif.
Edward Steele	9-17-59	Do.
Roseline Madera Qunino	2-28-18	1511 West Side Rd., Healdsburg, Calif.
Frank T. Madera	10-4-41	Do.
Paloma Madera	12-30-44	Do.
Branda Qunino	6-13-58	Do.
Charlotte Qunino	8-23-58	Do.
Eleanor Lopez	1-7-34	Rt. 1, Box 81-A, Calistoga, Calif.
Julie Andrea Billy	9-8-51	Do.
Candice Lynn Billy	12-19-52	Do.
Gloria Sue Lopez	5-2-26	Do.
Valerie Gale Lopez	10-1-57	Do.
Nannette Rose Lopez	9-30-58	Do.
Doris Miller	4-3-27	Box 103, Healdsburg, Calif.
Calvin Miller	5-10-44	Do.
Mary Miller	6-12-49	Do.
Delores Meyers	4-18-09	515 Alexander Valley Rd., Healdsburg, Calif.
Nadine A. James	12-18-40	Do.
James E. Meyers	12-12-31	Do.
James J. Meyers	9-2-52	Do.

Mooretown Rancheria, 80 acres, N½ NE¼, Sec. 22, T. 20 N., R. 6 E., M.D.B.&M., Butte County, Calif.

Robert Jackson	4-15-82	Feather Falls, Star Route, Oroville, Calif.
Ina Jackson	8-14-76	Do.
Katie Archuleta	2-17-99	Feather Falls, Calif.
Fred Taylor	12-16-81	Do.

Potter Valley Rancheria, 16 acres in Sec. 19, T. 17 N., R. 11 W., M.D.M., Mendocino County, California. 80 acres, NW¼ SE¼ and SE¼ NW¼, Sec. 35, T. 18 N., R. 12 W., M.D.M., Mendocino County, Calif.

Geraldine M. Reeves.	5-17-14	General Delivery, Ukiah, Calif.
Norma Mitchell	3-11-37	Do.
Millard Anderson	4- 3-19	Box 75, Potter Valley, Calif.
Mandy Anderson	8-25-11	Do.
James Mitchell	11-30-34	Do.
Frank Williams	1888	Potter Valley, Calif.
Helena Anderson	11-26-26	Do.
Mack Williams	1884	Do.
Sarah Williams	1884	Do.
Paul Anderson	5-11-34	Do.
Edna Guererro	4- 7-07	Box 23, Potter Valley, Calif.

Redwood Valley Rancheria, 80 acres in Sec. 32, T. 17 N., R. 12 W., M.D.M., Mendocino County, Calif.

Annie Lake	1-1-23	Rt. 1, Box 219, Redwood Valley, Calif.
Carl Fred	4-30-13	Box 221, Redwood Valley, Calif.
Florenda Hansen	8-20-04	Box 11, Redwood Valley, Calif.
Ernest Hansen	1-13-42	Do.
Elizabeth Hansen	3-28-44	Do.
Joseph Hansen	4-12-46	Do.
Agnes Boston	7-23-06	Rt. 1, Redwood Valley, Calif.
Raymond Jack	3-2-43	Box 221, Redwood Valley, Calif.
Esther Ramires	3-15-26	Box 225, Redwood Valley, Calif.
Deborah Ramirez	3-10-56	Do.
Gloria Ramirez	5-28-58	Do.
Irene LaFrenchi	3-25-24	Do.
Stella LaFrenchi	5-11-58	Do.
Stella Tooley	4-22-04	Do.
Woodrow Duncan	11-23-16	Box 225, Redwood Valley, Calif.
Evangeline Duncan.	6-2-28	Do.
Hazel Smith	11-24-91	Box 57, Calpella, Calif.
DeHavilland R. Smith.	11-11-36	Do.
Clorene Hernandez.	8-31-23	Box 220, Redwood Valley, Calif.
Barbara Hernandez.	9-1-48	Do.
Carol Hernandez	5-10-53	Do.
George Hansen	10-23-34	Do.
Otis Hansen	6-2-33	Box 11, Redwood Valley, Calif.
Bert Hansen	8-20-95	Box 220, Redwood Valley, Calif.
Eva Hansen	3-30-1900	Do.
David Hansen	3-10-40	Do.
Gordon Hansen	3-24-30	Do.

This notice is issued pursuant to the Act of August 18, 1958 (72 Stat. 619), and becomes effective as of the date of publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 26, 1961.

[F.R. Doc. 61-7203; Filed, July 31, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

July 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the Commodity Credit Monthly Sales List for July 1961 is amended as set forth below.

The July 1961 Monthly Sales List notwithstanding, rye and oats are not eligible for export sale under the CCC Export Credit Sales Program. Rye and oats are also deleted from the list of commodities eligible for barter and for the feed grain export payment-in-kind program. The entire sections of the list relating to barley, rye and to corn and oats are deleted and replaced with the following:

Commodity	Sales price or method of sale
Barley, rye bulk	Domestic, unrestricted use: Basis in store at 105 percent of the applicable 1961 support price [1] for the class, grade, and quality of the grain plus the respective amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Barley: Bushel	4	2	Minneapolis	No. 2 or better	$1.23
Rye: Do	5	2	do	No. 2 or better (or No. 3 on TW only).	1.33

As available, Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices. Barley stored in CCC bin sites in designated emergency areas is available for sale only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry.

Export:
Barley, bulk:
Under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales.
Available Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices.

Corn and Oats, bulk — Domestic, unrestricted use: Basis in store,[3] at the 1960 applicable support price for corn, and at 105 percent [2] of the applicable 1961 support price for the class, grade, and quality of oats; plus the respective amount shown below.[4] For grain in store at other than the point of production the rail freight from point of production to the present point of storage must also be added. Oats will not be available for sale by the Minneapolis ASCS Commodity Office except for sales under the Livestock Feed Program.

Unit	In store at—		Examples of minimum prices		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Corn: Bushel	18	21	Chicago	No. 2 yellow, 13.3% moisture, 1.4% f.m.	[5] $1.46¼
			Minneapolis		[6] 1.28½
Oats: Do	3	5	Chicago	No. 3	[6] 1.80½

Nonstorable corn, unrestricted use (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the Commodity Offices.
Export:
Corn:
Under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales and under Announcement GR-368 (Revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program.
Available Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Corn but no oats available at Minneapolis ASCS Commodity Office.

[1] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight to grain stored outside area of production.
[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements.
[3] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown above and any applicable freight.
[4] Corn and oats stored in CCC bin sites in designated emergency areas are available for sale only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry.
[5] Includes average paid in freight from Woodford County, Ill.
[6] Includes average paid in freight from Redwood County, Minn.

Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427.

Signed at Washington, D.C., on July 26, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7218; Filed, July 31, 1961; 8:51 a.m.]

Office of the Secretary

NORTH CAROLINA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Craven County, North Carolina, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7219; Filed, July 31, 1961; 8:51 a.m.]

WISCONSIN

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Vernon County, Wisconsin, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7197; Filed, July 31, 1961; 8:49 a.m.]

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Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP–1962]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1962 [1]

Productive soil, adequate water, and well-managed woodland are the very foundation of American agriculture. The agricultural conservation program is the means through which all our people, including farmers, share the costs of conserving these essential national resources. This program increases the rate of application of the research, education, technical, credit, and other services of the Department of Agriculture in actual accomplishment of essential conservation work on the land.

Let all farmers, and particularly those not now carrying out sound conservation practices, use the 1962 agricultural conservation program to increase conservation accomplishments on their lands.

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[1] The regulations of the national agricultural conservation programs for the years prior to 1962 were applicable to the States in the continental United States, excluding Alaska, and separate agricultural conservation program regulations were issued for Puerto Rico, Virgin Islands, Alaska, and Hawaii. The national program regulations were contained in Part 1101 and those for Puerto Rico, Virgin Islands, Alaska, and Hawaii in Parts 1102, 1103, 1104, and 1105, respectively, of Chapter XI of this title. Beginning with the 1962 program year, all of these regulations are combined. Part 701 of Chapter VII contains regulations formerly in Parts 1101, 1102, 1103, 1104, and 1105, which were transferred to Parts 701, 702, 703, 704, and 705, respectively, of Chapter VII at 26 F.R. 5788.

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AUTHORITY: §§ 701.1 to 701.93 issued under sec. 4, 49 Stat. 164, secs. 7–17, 49 Stat. 1148, as amended, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 75 Stat. 225; 16 U.S.C. 590d, 590g–590q.

INTRODUCTION AND GENERAL PROGRAM PRINCIPLES

§ 701.1 Introduction and general program principles.

(a) *Introduction.* (1) Through the 1962 agricultural conservation program (referred to in this subpart as the "1962 program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the United States, Puerto Rico, and the Virgin Islands the cost of carrying out approved soil-building and soil and water conservation practices, including related wildlife conservation practices, in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(2) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

(b) *General program principles.* The 1962 national agricultural conservation program has been developed and is to be carried out on the basis of the following general principles:

(1) The national program contains broad authorities to help meet the varied conservation problems of the Nation. State and county committees and participating agencies shall design a program for each State and county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the State or county.

(2) The State and county programs should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1962 on the lands where they are to be applied.

(3) Costs will be shared with a farmer or rancher only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(4) Costs should be shared only on conservation practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. In no event should costs be shared on practices except those which are over and above those farmers or ranchers would be compelled to perform in order to secure a crop.

(5) The rates of cost-sharing in a county or State are to be the minimum required to result in substantially increased performance of needed conservation practices within the limits prescribed in the national program.

(6) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. The program is not applicable to the development of new or additional farmland by measures such as drainage, irrigation, and land clearing.

(7) If the Federal Government shares the cost of conservation practices, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices throughout their lifespans.

DISTRIBUTION OF FUNDS

§ 701.2 State funds.

(a) Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1961 distribution. The basic allocation of funds among the States is as follows:

Alabama	$6,102,000
Alaska	64,000
Arizona	1,576,000
Arkansas	4,908,000
California	5,851,000
Colorado	3,186,000
Connecticut	478,000
Delaware	323,000
Florida	2,785,000
Georgia	7,332,000
Hawaii	178,000
Idaho	1,821,000
Illinois	8,793,000
Indiana	5,721,000
Iowa	9,627,000
Kansas	6,323,000
Kentucky	7,113,000
Louisiana	4,312,000
Maine	973,000
Maryland	1,254,000
Massachusetts	557,000
Michigan	5,120,000
Minnesota	6,201,000
Mississippi	6,566,000
Missouri	9,034,000
Montana	3,862,000
Nebraska	6,408,000
Nevada	389,000
New Hampshire	536,000
New Jersey	697,000
New Mexico	1,929,000
New York	4,547,000
North Carolina	6,549,000
North Dakota	4,373,000

Ohio	6,057,000
Oklahoma	7,290,000
Oregon	2,283,000
Pennsylvania	4,827,000
Puerto Rico	862,000
Rhode Island	80,000
South Carolina	3,623,000
South Dakota	4,556,000
Tennessee	5,140,000
Texas	20,112,000
Utah	1,368,000
Vermont	1,107,000
Virgin Islands	13,000
Virginia	4,545,000
Washington	2,436,000
West Virginia	1,520,000
Wisconsin	5,562,000
Wyoming	2,131,000

(b) The apportionment shown in paragraph (a) of this section does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 701.28, and the amount set aside for the Naval Stores Conservation Program.

§ 701.3 County funds.

The State committee will allocate the funds available for conservation practices among the counties within the State consistent with the needs for enduring conservation in the counties within the State and will give particular consideration to the furtherance of watershed conservation programs sponsored by local people and organizations.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 701.4 Agencies to participate in development of State programs.

(a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State ACP development group, which shall consist of the State committee (including the State director of extension), the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The president of the land-grant college and the State director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The chairman of the State committee shall invite representatives of the State soil conservation committee (board or commission), the State agricultural extension service, and other State and Federal agricultural agencies, and may invite others with conservation interests, to participate in the deliberations on the State program.

(b) The program for the State shall be that recommended by the State ACP development group and approved by the Deputy Administrator, Conservation, ASCS, after obtaining the recommendations of the Soil Conservation Service and the Forest Service.

§ 701.5 Agencies to participate in development of county programs.

(a) A county agricultural conservation program (referred to in this subpart as "county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county program shall be developed by the county ACP development group, which shall consist of the county committee, the designated representative of the Soil Conservation Service in the county, and the Federal Forest Service representative having jurisdiction of farm forestry in the county. The county ACP development group, working with the community committeemen, the governing body of the soil conservation district, the farm forestry representatives of the State, the county agricultural extension agent for the county (if he is not included in the foregoing group as ex officio member of the county committee), the county supervisor of the Farmers Home Administration, and others with conservation interests, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the county ACP development group in consultation with the governing body of the soil conservation district on the overall conservation problems in the county and, especially, on the work plans of the soil conservation district and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State ACP development group. The program for the county shall be that recommended by the county ACP development group and approved by the State ACP development group: *Provided, however,* That notwithstanding other provisions of the 1962 national or State program, no change shall be made in the 1962 program for the county which will have the effect of restricting eligibility requirements or cost-sharing on practices included in either the 1958 or 1959 program for the county, unless such change shall have been recommended by the county committee and approved by the State committee. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the soil conservation district, if any, or shall state that the governing body was invited to participate in developing the program but did not accept.

§ 701.6 Selection of practices.

Practices to be included in the State program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out.

§ 701.7 Adaptation of practices.

(a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the county.

§ 701.8 Practice specifications.

(a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where appropriate, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations and inoculation, and other steps essential to the successful establishment or improvement of the vegetative cover. Eligible seeds and mixtures shall include a legume or legumes where recommended for inclusion by the State experiment station or the State extension service. For mechanical or construction type practices, the specifications shall include, where appropriate, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits of performance for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

§ 701.9 Use of liming materials and commercial fertilizers for vegetative cover.

(a) For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application were applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State ACP development group determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis

shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State ACP development group in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, in rock phosphate, or in basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

§ 701.10 Responsibility for technical phases of practices.

(a) The Soil Conservation Service is responsible for the technical phases of practices A–8, B–7, and C–4 to C–16 (§§ 701.52, 701.59, and 701.67 to 701.79). This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance for all requirements of the practice except those for which a certification by the farmer or rancher is to be accepted in accordance with instructions issued by the Deputy Administrator, Conservation, ASCS. For practice C–1 (§ 701.64), the Soil Conservation Service is responsible (i) for determining that the practice is needed and practicable on the farm, and (ii) for necessary site selection, other preliminary work, and layout work of the practice. For practices B–6, B–8, and C–3 (§§ 701.58, 701.60, and 701.66), the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities. These assigned responsibilities will not apply in counties with respect to which the Deputy Administrator, Conservation, ASCS, and the Administrator, SCS, agree that it would not be administratively practicable for the Soil Conservation Service to discharge these responsibilities. In such counties, these responsibilities shall be assumed by the county committees. The Soil Conservation Service will utilize to the full extent available resources of the State forestry agencies in carrying out its assigned responsibilities for practice A–8 (§ 701.52).

(b) The Forest Service is responsible for the technical phases of practices A–7 and B–10 (§§ 701.51 and 701.62). This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications. The Forest Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities, but services of State forestry agencies will be utilized to the full extent such services are available.

§ 701.11 Rates of cost-sharing.

(a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice, but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that:

(1) For practices A–5 to A–8, B–10, C–1, C–2, C–4 to C–7, and C–16 (§§ 701.49 to 701.52, 701.62, 701.64, 701.65, 701.67 to 701.70, and 701.79), which have long lasting conservation benefits and from which the returns to the farmer or rancher are remote, the State ACP development group may establish rates of cost-sharing in excess of 50 percent of the average cost of performing the practices.

(2) Upon justification by the State ACP development group and approval of the Deputy Administrator, Conservation, ASCS, rates of cost-sharing in excess of 50 percent of the average cost of performing the practices may be established for other practices having long lasting conservation benefits and from which the returns to the farmer or rancher are remote.

(3) Upon justification by the State and county ACP development groups, the Deputy Administrator, Conservation, ASCS, may approve a rate of cost-sharing for one or more additional practices in a county in excess of 50 percent of the average cost of performing the practice, but only if the increased rate of cost-sharing is essential to introduce a greatly needed new conservation practice into the county or to bring about a greatly needed increase in the extent to which the practice otherwise would be carried out.

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 701.12 Items of cost on which rates of cost-sharing may be based.

Except as otherwise provided by the wording of the practices or elsewhere in this subpart, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 701.13 State handbooks, bulletins, instructions, and forms.

The Deputy Administrator, Conservation, ASCS, is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1962 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1962 program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

APPROVAL OF CONSERVATION PRACTICES ON INDIVIDUAL FARMS OR RANCHES

§ 701.14 Opportunity for requesting cost-sharing.

Each farmer or rancher shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 701.15 Prior request for cost-sharing.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farmer or rancher before performance thereof is started, except that for practices E–3, F–3, and F–4 (§§ 701.87, 701.91, and 701.92), the Deputy Administrator, Conservation, ASCS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started. For practices for which (a) approval was given under the 1961 agricultural conservation program, (b) performance was started but not completed during the 1961 program year, and (c) the county committee believes the extension of the approval to the 1962 program is justified under the 1962 program regulations and provisions, the filing of the request for cost-sharing under the 1961 program may be regarded as meeting the requirement of the 1962 program that a request for cost-sharing be filed before performance of the practice is started.

§ 701.16 Method and extent of approval.

The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1962. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started. No practice may be approved for cost-sharing except as authorized by the national, State, or county program, or in accordance with procedures incorporated therein. Available funds for cost-sharing shall not be allocated on a farm or acreage-quota basis, but shall be directed to the accomplishment of the most enduring conservation benefits attainable.

§ 701.17 Establishment or installation of practices.

Federal cost-sharing may be authorized under the 1962 program only for the establishment or installation of the practices contained in this subpart. The establishment or installation of a practice, for the purposes of the 1962 program, shall be deemed to include the replacement, enlargement, or restoration of practices for which cost-sharing has been allowed under the 1954 or a subsequent program if the practice has served for its normal lifespan, or if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with other practices for which cost-sharing has not been allowed under a previous program.

§ 701.18 Repair, upkeep, and maintenance of practices.

Federal cost-sharing is not authorized for repairs or for normal upkeep or maintenance of any practice.

§ 701.19 Pooling agreements.

Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which, by conserving or improving the agricultural resources of the community, will solve a mutual conservation problem on the farms or ranches of the participants. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

PRACTICE COMPLETION REQUIREMENTS

§ 701.20 Completion of practices.

Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 701.21 to 701.23, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 701.21 Practices substantially completed during program year.

Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1962 program year, if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions, except as provided in § 701.22.

§ 701.22 Practices requiring more than one program year for completion.

Cost-shares approved under the 1962 program will not be considered as earned until all components of the approved practices are completed in accordance with all applicable specifications and program provisions. Cost-shares for completed components may be paid only after the practice is substantially completed, and only on the condition that the farmer or rancher will complete the remaining components of the practice within the time prescribed by the county committee which will afford the farmer or rancher a fair and reasonable opportunity to complete them, unless prevented from doing so for reasons beyond his control and regardless of whether cost-sharing therefor is offered, or refund the cost-shares paid to him.

§ 701.23 Practices involving the establishment or improvement of vegetative cover.

Costs for practices involving the establishment or improvement of vegetative cover, including trees, may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or replanted, or that other needed protective measures be carried out. Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved to the extent such measures are needed to assure a good stand even though less than that required by the applicable practice wording for initial approvals.

§ 701.24 Failure to meet minimum requirements.

Notwithstanding other provisions of the 1962 program, costs may be shared for performance actually rendered even though the minimum requirements for a practice are not met, if the farmer or rancher establishes to the satisfaction of the county committee, the State committee or its designee, and the State and county representatives of any other agency having responsibility for technical phases of the practice (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

FEDERAL COST-SHARES

§ 701.25 Conservation materials and services.

(a) *Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the debt record maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to set-off in order to permit the furnishing of materials and services.

(b) *Cost to farmer or rancher.* The farmer or rancher will be responsible for paying that part of the cost of the material or service which is in excess of the amount to be advanced toward the purchase of the material or service. The maximum amount which may be advanced toward the purchase of the material or service is the Federal cost-share attributable to the use of the material or service, or, upon request by the farmer or rancher and approval by the county committee, the Federal cost-share for all components of the practice which likely will be completed during the program year, plus any applicable small cost-share increase, but not in excess of the cost of the material or service.

(c) *Responsibility for materials and services.* (1) If the material or service is properly used in carrying out the practice with respect to which it was furnished, recovery of the amount advanced toward the purchase of the material or service will be made from the persons who share in the cost-share payment for the practice, in the proportion in which they share in the cost-share payment. If the material or service is not used for the purpose for which it was furnished, the person to whom it was furnished shall be indebted to the Federal Government for the amount advanced toward the cost of the material or service.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Deputy Administrator, Conservation, ASCS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 701.26 Practices carried out with State or Federal aid.

The total extent of any practice performed shall be reduced for the purpose of computing cost-shares by the percentage of the total cost of the items of performance on which costs are shared which the county committee determines was furnished by a State or Federal agency. Materials or services furnished through the 1962 program, materials or services furnished by any agency of a State to another agency of the same State, or materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 701.27 Division of Federal cost-shares.

(a) *Federal cost-shares.* The Federal cost-share for a practice shall be credited to the person who carried out the practice. If more than one person contributed to the carrying out of a practice, the Federal cost-share for the practice shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practice. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of the practice, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. Advances toward the cost of materials or services under § 701.25, the furnishing of land, and the furnishing of the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 707 of this chapter).

§ 701.28 Increase in small Federal cost-shares.

For practices other than practice F–4 (§ 701.92), the sum of the Federal cost-shares computed for any person with respect to any farm or ranch under the agricultural conservation program and the naval stores conservation program shall be increased as follows:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	Increase in cost-share
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	[1]
$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 701.29 Maximum Federal cost-share limitation.

(a) For practices other than practice F–4 (§ 701.92), the total of all Federal cost-shares under the 1962 program to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1962 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 701.30 Persons eligible to file application for payment of Federal cost-shares.

Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 701.31 Time and manner of filing application and required information.

(a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, 1963, or such earlier date as is prescribed by the Deputy Administrator, Conservation, ASCS. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 701.32 Appeals.

(a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Deputy Administrator, Conservation, ASCS, to review the decision of the State committee. The decision of the Deputy Administrator, Conservation, ASCS, shall be final. All appeals shall be considered as soon as practicable after they are filed, and prompt written notice of the decision shall be given to the appellant. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Secretary may allow cost-shares for performance not meeting all program requirements, where not prohibited by statute, if in his judgment such action is needed to permit a proper disposition of the appeal. Such action may be taken only where the farmer or rancher, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the conservation purpose of the practice. The amount of the cost-share in such cases shall be computed on the actual performance and shall not exceed the amount to which the farmer or rancher would have been entitled if the performance rendered had met all requirements for the practice.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 701.33 Compliance with regulatory measures.

Persons who carry out conservation practices under the 1962 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 701.34 Maintenance and use of practices.

The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1962 program will be subject to the condition that the person with whom the costs are shared will maintain and use such practices for the conservation purposes for which cost-sharing was authorized throughout their normal lifespans as long as the land on which they are carried out is under his control, unless the State or county committee determines that good farming practice does not require such maintenance and use or that the failure to so maintain and use the practices was due to conditions beyond his control.

§ 701.35 Practices defeating purposes of programs.

If the county committee finds with the concurrence of the State committee, or if the State committee finds, that any person has adopted or participated in any practice during the 1962 program year which tends to defeat the purposes of the 1962 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1962 program.

§ 701.36 Depriving others of Federal cost-share.

If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1962 program.

§ 701.37 Filing of false claims.

If the State committee finds that any person has knowingly supplied false information, or has knowingly filed a false claim, including a claim for payment of the Federal cost-share under the program for practices not carried out or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-share under the 1962 program and shall refund all amounts that may have been paid to him under the 1962 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.38 Misuse of purchase orders.

If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-share under the 1962 program and shall refund all amounts that may have been paid to him under the 1962 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.39 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 701.40, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 13 of this title)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 701.40 Assignments.

Any person who may be entitled to any Federal cost-share under the 1962 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1962, including the carrying out of conservation practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter).

DEFINITIONS

§ 701.41 Definitions.

For the purposes of the 1962 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Deputy Administrator, Conservation, ASCS," means the Deputy Administrator, Conservation, Agricultural Stabilization and Conservation Service.

(c) "State" means any one of the United States, Puerto Rico, and the Virgin Islands.

(d) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that, for Puerto Rico and the Virgin Islands, State committee means the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico.

(e) "County" means a political subdivision of a State identified as a county or parish, or, in Alaska and Hawaii, such area as is designated by the State committee as a county with the concurrence of the Deputy Administrator, Conservation, ASCS.

(f) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, except that, for Puerto Rico and the Virgin Islands, county committee means the Caribbean Area Agricultural Stabilization and Conservation Service Office, San Juan, Puerto Rico.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(h) "Farm" or "ranch" means that area of land considered as a farm under the current definition of farm applicable

to marketing quota and acreage allotment programs (Part 718 of this title), except that, for Hawaii, Puerto Rico, and the Virgin Islands, farm or ranch means that area of land considered as a farm under the current definition of farm applicable to the sugar program (Parts 826, 827, and 828 of this title).

(i) "Cropland" means that land considered as cropland under the current definition of cropland applicable to marketing quota and acreage allotment programs (Part 718 of this title).

(j) "Program year" means the period, designated in the State handbook, during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year may begin on or after July 1, 1961, and end not later than December 31, 1962.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 701.42 Authority.

The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U.S.C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1962.

§ 701.43 Availability of funds.

(a) The provisions of the 1962 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1962 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1963.

§ 701.44 Applicability.

(a) The provisions of the 1962 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (b)(7) of this section; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the U.S. Department of Defense, or by any other Government agency designated by the Deputy Administrator, Conservation, ASCS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations; and (7) noncropland owned by the United States for performance by private persons of conservation practices which directly conserve or benefit nearby or adjoining privately owned lands of such persons who maintain and use such federally owned noncropland under agreement with the Federal agency having jurisdiction thereof.

CONSERVATION PRACTICES WITH ENDURING BENEFITS—WHERE PROPERLY APPLIED AND MAINTAINED

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 701.45 Practice A–1: Establishment of a permanent vegetative cover in orchards and vineyards for control of erosion.

§ 701.46 Practice A–2: Establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.

This practice is applicable only to land which should be established in permanent vegetative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. No Federal cost-sharing will be allowed under this practice for clearing land occupied by a merchantable stand of timber or pulpwood, or for clearing land which, if cleared, would be suitable for continued production of cultivated crops. Federal cost-sharing for fences shall be limited to permanent fences needed to protect the seeded area from grazing, excluding boundary and road fences.

§ 701.47 Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.

This practice is applicable only to land which needs such cover to retard erosion or to improve soil structure, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what would be the normal plantings of eligible crops on the farm in 1962 under the normal crop rotation for the farm. In making this determination, consideration should be given to the need for this practice on cropland which the farmer or rancher intends to divert from the production of crops for which allotments are established for the farm for 1962.

§ 701.48 Practice A–4: Treatment of farmland to permit the use of legumes and grasses for soil improvement and protection.

This practice is applicable only to farmland devoted in 1962 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses not later than a date specified in the State program. Federal cost-sharing will be limited to the application of liming materials, rock phosphate, and gypsum or other sulphur-bearing materials. Other forms of phosphate materials are eligible for cost-sharing under other practices involving the establishment or improvement of vegetative cover. Cost-shares paid or advanced for materials applied under this practice will not be considered as earned unless the land is devoted to eligible grasses and legumes at the time the materials are applied or is seeded to eligible grasses and legumes by the time specified in the State program, unless the farmer is prevented from seeding the eligible grasses and legumes within such period because of conditions beyond his control.

§ 701.49 Practice A–5: Establishment of contour stripcropping to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 701.50 Practice A–6: Establishment of field stripcropping to protect soil from wind or water erosion.

The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective field stripcropping system.

§ 701.51 Practice A–7: Establishment of a stand of trees or shrubs on farmland for purposes other than the prevention of wind or water erosion.

No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from destructive fire and destructive grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

§ 701.52 Practice A–8: Establishment of a stand of trees or shrubs on farmland to prevent wind or water erosion.

Prevention of wind or water erosion on farmland is defined as the use of (a) windbreaks, (b) shelterbelts, (c) gully stabilization, and (d) stabilization of streambanks. The use of this practice should include considerations of enhancement to wildlife habitat. No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. Plantings must be protected from fire and grazing. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 701.53 Practice B–1: Improvement of an established vegetative cover for soil or watershed protection.

This practice is applicable only to land in permanent vegetative cover which needs more than normal maintenance measures in order to provide adequate soil or watershed protection. The improvement measures approved for cost-sharing shall be those which will extend materially the life of the vegetative cover. Federal cost-sharing may not be approved for normal maintenance measures such as annual topdressings with fertilizer or other mineral elements. This practice is not applicable to land on which the needed improvement measures will constitute complete reestablishment of the vegetative cover.

§ 701.54 Practice B–2: Improvement or protection of vegetative cover on rangeland by artificial reseeding, deferred grazing, or firebreaks.

No Federal cost-sharing will be allowed if it is determined that any area seeded is grazed before the stand is well established or that any rangeland in the unit is overgrazed.

§ 701.55 Practice B–3: Controlling competitive shrubs to permit growth of adequate desirable vegetative cover for soil protection on range or pasture land.

On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 701.56 Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.

The operation must be performed as nearly as practicable on the contour.

§ 701.57 Practice B–5: Constructing wells for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The wells must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells and for water storage facilities.

§ 701.58 Practice B–6: Developing springs or seeps for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The springs or seeps must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 701.59 Practice B–7: Constructing or sealing dams, pits, or ponds as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The dams, pits, or ponds must be at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 701.60 Practice B–8: Installing pipelines, supplemental water storage, cisterns, and artificial watersheds for livestock water as a means of protecting vegetative cover or to make practicable the utilization of the land for vegetative cover.

The installations must provide water at locations which will bring about the desired protection of vegetative cover through proper distribution of grazing or better grassland management or make practicable the utilization of the land for vegetative cover.

§ 701.61 Practice B–9: Constructing permanent fences as a means of protecting vegetative cover.

This practice may be approved only where fencing will contribute to better distribution of livestock and seasonal use of the forage. Fences between pasture and other land will not qualify for cost-sharing.

§ 701.62 Practice B–10: Improvement of a stand of forest trees on farmland.

Federal cost-sharing may be allowed for any of the following measures: (a) Thinning, (b) pruning crop trees, (c) release of desirable seedlings and young trees by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, (f) erosion control measures on logging roads and trails, (g) firebreaks for woodland protection, and (h) ponds for woodland protection. The area must be protected from destructive fire. Where seedlings are present or needed, the area must be protected from destructive grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

§ 701.63 Practice B–11: Constructing stock trails through brush, rock, or other natural barriers as a means of protecting established vegetative cover.

This practice may be approved only where stock trails will contribute to the protection of vegetative cover through proper distribution of grazing or better grassland management. No Federal cost-sharing will be allowed if the grazing land made accessible to livestock by the stock trails is overgrazed.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 701.64 Practice C–1: Establishment of permanent sod waterways to dispose of excess water without causing erosion.

§ 701.65 Practice C–2: Establishment of permanent vegetation as protection against erosion.

Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditchbanks, farm roadsides, filter stips, field borders, and similar problem areas. Consideration should be given to choice of plants favorable to wildlife.

§ 701.66 Practice C–3: Establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.

All cultural operations must be performed as nearly as practicable on the contour.

§ 701.67 Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.

Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment

of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 701.68 Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.

Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 701.69 Practice C–6: Constructing erosion control, detention, or sediment retention dams, pits, or ponds to prevent or heal gullying or to retard or reduce runoff of water.

§ 701.70 Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.

§ 701.71 Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.

This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 701.72 Practice C–9: Constructing permanent open drainage systems to dispose of excess water.

Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way. Federal cost-sharing may be authorized for the spreading of spoil banks where this is necessary for the effective utilization of the drainage system. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. No Federal cost-shares are allowable for cleaning a ditch, installing crossing structures, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 701.73 Practice C–10: Installing underground drainage systems to dispose of excess water.

No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring new land into agricultural production. This practice is not applicable to land other than that devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife habitat.

§ 701.74 Practice C–11: Shaping or land grading to permit effective surface drainage.

No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops. No Federal cost-sharing will be allowed for shaping or land grading on land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years.

§ 701.75 Practice C–12: Reorganizing irrigation systems to conserve water and prevent erosion.

The practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe. No Federal cost-sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation, or for reorganizing a system which was not in use during at least 2 of the last 5 years.

§ 701.76 Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.

No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops, crops normally seeded for hay or pasture in the area, or mountain meadow during at least 2 of the last 5 years. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 701.77 Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.

No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years, except where the water will be used for the establishment or improvement of permanent vegetative cover for soil protection.

§ 701.78 Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.

No Federal cost-sharing will be allowed for lining irrigation ditches if the primary purpose is to bring additional land under irrigation, or for lining ditches in a system which was not in use during at least 2 of the last 5 years.

§ 701.79 Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.

§ 701.80 Practice C–17: Subsoiling to improve water penetration and retard runoff to control erosion.

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION—GENERALLY REQUIRING PERIODIC REPETITION

PRACTICES PRIMARILY FOR ESTABLISHING TEMPORARY PROTECTIVE VEGETATIVE COVER

§ 701.81 Practice D–1: Establishment of vegetative cover for winter protection from erosion.

A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter of 1961 or 1962 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 701.82 Practice D–2: Establishment of vegetative cover for summer protection from erosion.

A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 701.83 Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.

Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the 1962 program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. Volunteer stands will not qualify for cost-sharing. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 701.84 Practice D–4: Establishment of vegetative cover to protect cropland throughout the 1962 crop year.

This practice is applicable only to cropland which is being shifted for the entire 1962 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1962. No annual crop seeded in the fall of 1962 may be harvested for seed in 1963 if such seeding is one of the two required seedings of such annual crops. No crop may be harvested for hay or silage in 1962, and no annual crop seeded in the fall of 1962 may be harvested for hay or silage in 1963 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

PRACTICES PRIMARILY FOR THE TEMPORARY PROTECTION OF SOIL FROM WIND AND WATER EROSION

§ 701.85 Practice E–1: Stubble mulching to improve soil permeability and to protect soil from wind and water erosion.

Tillage operations must be such as to leave sufficient crop or weed residue on the surface or mixed in the upper part of the soil to provide protection against wind and water erosion.

§ 701.86 Practice E–2: Establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.

All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under practice A–5 (§ 701.49). Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 701.87 Practice E–3: Wind erosion control operations.

Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

§ 701.88 Practice E–4: Mulching to control wind and water erosion and to improve soil structure and permeability.

Federal cost-sharing shall be limited to mulching material hauled onto the land. Mulching material containing manure will not qualify for cost-sharing.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

PRACTICES TO MEET SPECIAL COUNTY CONSERVATION NEEDS

§ 701.89 Practice F–1: Special conservation practices.

Consistent with the principles set forth in paragraph (b) of § 701.1, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to review by the Deputy Administrator, Conservation, ASCS, as to compliance with the provisions contained in this subpart.

§ 701.90 Practice F–2: County conservation practices.

Consistent with the principles set forth in paragraph (b) of § 701.1, the Deputy Administrator, Conservation, ASCS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the proposed practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed practice is one on which the offering of financial assistance is fully justified as being in the public interest, and (g) that the proposed practice meets the standards and requirements of comparable practices contained in this subpart.

§ 701.91 Practice F–3: Practices to meet new conservation problems.

Consistent with the principles set forth in paragraph (b) of § 701.1, the Deputy Administrator, Conservation, ASCS, may approve for use in a county, practices for the treatment of critical conservation problems, primarily those which have arisen subsequent to the initiation of the program in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed without Federal cost-sharing, (e) that the offering of Federal cost-sharing for the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

§ 701.92 Practice F–4: Emergency conservation measures to restore to productive use land damaged by natural disasters.

(a) This practice is applicable only in counties designated by the Secretary as counties in which wind erosion, floods, hurricanes, or other natural disasters have created new conservation problems which (1) if not treated will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage which is unusual in character and, except for wind erosion, is not of the type which would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is required to return the land to productive agricultural use.

(b) Emergency conservation practices may be approved by the Deputy Administrator, Conservation, ASCS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county. Cost-sharing may be offered under this practice only for replacing a practice or restoring the land to its normal productive capacity and may not be offered for the solution of conservation problems existing prior to the disaster involved.

(c) The cost-share computed for any person for this practice shall not be increased in accordance with § 701.28, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 701.29. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any

one county shall not exceed the sum of $2,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(d) Costs for this practice will be shared only for eligible measures carried out during the period July 1, 1961, to December 31, 1962, inclusive, and only if cost-sharing is requested by the farm or ranch operator within 30 days after the practice is approved for use in the county or before the date on which performance of the eligible measures is started, whichever is the later. With the approval of the county committee, costs of performing the practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

CONSERVATION PRACTICES WITH BENEFITS PRIMARILY TO WILDLIFE

§ 701.93 Practice C: Wildlife conservation practices with soil and water conservation benefits.

Consistent with the principles set forth in paragraph (b) of § 701.1, the Deputy Administrator, Conservation, ASCS, may approve wildlife conservation practices for inclusion in the State program upon recommendation of the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level, or for inclusion in county programs upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels. Such practices may include the restoration or development of marshlands and cropland into wetland areas on farmlands for wildlife, the construction on farmland of water facilities for wildlife habitat or protection, the establishment of vegetative cover on farmland to provide habitat, food, or shelter for wildlife, and other wildlife practices with substantial soil and water conservation values as well as wildlife benefits to the farmlands of the persons who carry them out. Wildlife practices shall be subject to the same conditions as other practices in the program, shall meet the standards and requirements of comparable practices in this subpart, and shall specify the eligible measures on which Federal cost-sharing may be approved. Proposed practices shall be developed in consultation with the State agency having responsibility for wildlife conservation.

Signed at Washington, D.C., on July 28, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7288; Filed, Aug. 1, 1961; 8:53 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1961 Crop of Upland Cotton

TRANSFER OF FARM ALLOTMENTS IN DESIGNATED COUNTIES WHICH HAVE FLOODS OR EXCESSIVE RAINFALL

The purpose of this amendment is to list an additional county affected by excessive rainfall which prevented timely planting or replanting of a substantial portion of 1961 farm allotments. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

It is essential that this amendment be made effective as soon as possible with respect to transfers of farm allotments. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.417(k)(2) of the regulations pertaining to acreage allotments for the 1961 crop of upland cotton, as amended (25 F.R. 9987, 10332, 12393, 12809, 12987, 26 F.R. 4630, 4714, 5364) is hereby amended by adding to the list of counties designated thereunder the following:

TILLMAN COUNTY, OKLAHOMA

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 344(n), 72 Stat. 166, as amended; 7 U.S.C. 1344(n))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 26, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7289; Filed, Aug. 1, 1961; 8:53 a.m.]

PART 728—WHEAT

Subpart—1962–63 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1962 CROP OF WHEAT

§ 728.1206 Basis and purpose.

The county acreage allotments for 1962 crop wheat contained herein have been determined under section 334 of the Agricultural Adjustment Act of 1938, as amended. The purpose is to apportion among the counties of each State the respective State wheat acreage allotments for 1962 as established by the proclamation dated May 10, 1961 (26 F.R. 4141).

Section 334(b) of the Agricultural Adjustment Act of 1938, as amended, provides that the State acreage allotments for wheat, less a reserve of not to exceed 3 per centum thereof for apportionment to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made, shall be apportioned among the counties in the State on the basis of the acreage seeded for the production of wheat during the 10 calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such period and for the promotion of soil-conservation practices. The applicable 10-year period used in apportioning the 1962 State wheat acreage allotments among the counties in the respective States included the years 1951 to 1960 inclusive.

Section 301(c) of the Act requires that the latest available statistics of the Federal Government be used in making the apportionments required to be made under the Act. Estimates of county annual seeded acreage made by the Statistical Reporting Service of the Department of Agriculture do not meet the definitions of wheat acreage as contained in the regulations pertaining to 1962 wheat acreage allotments and marketing quotas. Such regulations provide that: (1) Wheat seeded in mixtures with other small grains will be counted as wheat acreage if the harvested mixture is classified as wheat or as mixed grain under the official grain standards; (2) wheat used for cover crop will not be counted as wheat acreage in any county; and (3) the transferring of farm records of wheat acreage across county lines will be permitted for administrative purposes. For these reasons acreage data obtained from farm surveys by ASC county committees and farm acreage reports in the years 1953 through 1960 were used as basic data in lieu of Statistical Reporting Service estimates. It was necessary to adjust the total seeded acreage of wheat for 1954 in the States of Minnesota, Montana, North Dakota, and South Dakota in order that the acreage seeded to durum wheat in excess of the official farm acreage allotments under the provisions of Public Law 290, 83d Congress, for 1954, would not be considered in establishing future State, county, and farm acreage allotments. For 1955, 1956 and 1957, the data compiled by the farm survey excluded the acreage of durum wheat seeded in excess of the regular allotment under the provisions of Public Law 8, 84th Congress, for 1955, Public Law 431, 84th Congress, for 1956, and Public Law 85–13 for 1957. Therefore, no further adjustment was necessary for this factor for these years.

The 1953 Agricultural Stabilization and Conservation Service survey compiled 1951–53 wheat acreage seeded for grain, the acreage of mixtures of wheat and other small grains, and the acreage used for cover crop as separate items. Such items were included or excluded as required to conform to the wheat acreage definition set forth in the regulations. Since the change in definition for wheat mixtures applicable to the 1960 crop was not effective for the crops prior to 1960, no change was made by reason of such change in determining history acreage for the 1959 and prior crops. The farm acreage reports for 1954 through 1958 compiled wheat acreage according to definition, so data for those years were used as compiled.

Credit for acreage diverted from wheat under previous agricultural adjustment and conservation programs was determined for each applicable county for the year 1951. No diversion credit was determined under the 1951 program for counties in which only spring wheat was seeded because wheat acreage allotments for that year were suspended before spring wheat was seeded. For counties in which only winter wheat was seeded, diversion credit for 1951 was computed by subtracting from the county base acreage of wheat established under the 1951 wheat allotment program the larger of (1) the total wheat acreage seeded in the county for 1951 or (2) the county wheat acreage allotment for 1951, except that no diversion credit was allowed where the total acreage in the county exceeded the county base acreage of wheat. For counties in which both winter and spring wheat were seeded, diversion credit for 1951 was determined in the same manner as for counties in which only winter wheat was seeded except that the respective results were adjusted by supplying a decimal factor which was obtained by dividing the total winter wheat acreage seeded in the county during the preceding three years by the total acreage of all wheat in the county during the same year.

Credit for wheat diversion in 1954 and 1955 was computed on a farm basis rather than on a county basis and was determined as follows: For each year, if the farm wheat acreage allotment was exceeded, no credit for diversion was allowed. If the allotment was not knowingly exceeded and the wheat acreage was 90 per centum or more of the farm allotment, the diversion credit allowed was the difference between the base acreage and the wheat acreage. If the wheat acreage was less than 90 per centum of the allotment, the maximum diversion credit for the farm was determined by dividing the wheat acreage by 90 per centum of the county scaling factor and subtracting from this result the wheat acreage.

Credit for wheat diversion in 1956 was computed on a farm basis in a similar manner as for 1954 and 1955, except that 75 per centum was used in all computations instead of 90 per centum.

For 1954, the sum of all such computed diversion credits were totaled to obtain the county diversion credit for wheat. For the States of Minnesota, Montana, North Dakota, and South Dakota, the acreages of Durum Wheat (Class II) grown within the allotment increases made for 1954 under Public Law 290, 83rd Congress, were subtracted from the 1954 wheat acreage adjusted as described above so as to conform to language in this Act providing that such acreage shall not be considered in the determination of future allotments.

The acreages for 1955 and 1956, including diversion credit on a farm basis, were totaled from the 1960 record of farm data. The acreage thus used for 1955 and 1956 included the following as wheat acreage: (1) Acreage actually seeded on the farm and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 8, 84th Congress and Public Law 431, 84th Congress; (2) the acreage diverted from the production of wheat on complying farms; and (3) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary.

Adjustments for abnormal weather conditions in county wheat acreage estimates were considered only for those counties for which the ASC State committees had determined that the wheat acreage seeded and diverted for any year of the 10-year period except 1957, 1958 and 1959, was below normal due to abnormal weather conditions and the Director of the Grain Division had approved such determinations. Counties thus approved which had wheat acreage plus diverted acreage for the year in question lower than the level represented by 90 percent of the most recent previous normal year's acreage or 110 percent of the previous 10-year average wheat acreage plus diverted acreage, whichever was less, were increased to such level as an adjustment for abnormal weather. Determinations of such adjusted acreages made for years prior to 1957 were not revised even though minor revisions were made in acreages of the "normal" years as a result of census revisions.

The 1957 wheat acreage data as compiled from ASCS statistics included the following as wheat acreage: (1) Acreage actually seeded on the farms and classified as wheat under marketing quota regulations, less the acreage of Durum Wheat (Class II) grown within the allotment increases under Public Law 85–13; (2) the amount by which the acreage on a farm was less than the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; (3) the acreage diverted from the production of wheat on complying farms; and (4) the acreage released and reapportioned to farms under regulations for temporary release and reapportionment of such acreage issued by the Secretary. Use of this 1957 acreage data precluded the necessity of making any adjustments for abnormal weather conditions.

Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 85–203, to add the following: "Notwithstanding any other provision of law, no acreage in the commercial wheat-producing area seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments shall be considered in establishing future State and county acreage allotments except as prescribed in the provisos to the first sentence of subsections (a) and (b), respectively, of this section."

Under the provisions of this amendment, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded. The 1958 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded;

(2) The wheat base acreage on all farms complying with the wheat acreage allotment, except those farms underplanting the allotment for the purpose of depleting stored excess; and

(3) For those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under marketing quota regulations, plus the diversion credit determined by multiplying the acreage seeded by the reciprocal of the county scaling factor. Section 334 of the Agricultural Adjustment Act of 1938, as amended, was amended by Public Law 86–419, to add the following:

(d) For the purpose of subsections (a), (b) and (c) of this section, any farm (1) to which a wheat marketing quota is applicable; (2) on which the acreage planted to wheat exceeds the farm wheat acreage allotment; and (3) on which the marketing excess is zero, shall be regarded as a farm on which the entire amount of the farm marketing excess has been delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone the payment of the penalty. This subsection shall be applicable in establishing the acreage seeded and diverted and the past acreage of wheat for 1959 and subsequent years in apportionment of allotments beginning with the 1961 crop of wheat. For the purpose of clause (1) of this subsection, a farm with respect to which an exemption has been granted under section 335(f) for any year shall not be regarded as a farm to which a wheat marketing quota is applicable for such year, even though such exemption should become null and void because of a violation of the conditions of the exemption.

Under the provisions of this amendment and under the exception as prescribed in the provisos to Public Law 85–203, only the allotment can be counted as wheat acreage history on any farm on which the allotment is overseeded, unless the entire amount of the marketing quota excess is stored or delivered to the Secretary to avoid or postpone the payment of penalty, and none of such excess has been depleted, or the excess has been adjusted to zero because of underproduction.

The 1959 and 1960 wheat acreage data compiled from Agricultural Stabilization and Conservation Service statistics was the sum of the following:

(1) The wheat acreage allotment for all farms on which the allotment was overseeded, except those farms on which the entire amount of the marketing excess was stored or delivered to the Sec-

retary to avoid or postpone the payment of penalty, and none of such stored excess has been depleted, or the marketing excess was adjusted to zero because of underproduction;

(2) The wheat base acreage on all farms on which the allotment was overseeded and on which the entire amount of the marketing excess was stored or delivered to the Secretary to avoid or postpone payment of penalty and none of such stored excess has been depleted, or the farm marketing excess was adjusted to zero because of underproduction;

(3) The wheat base acreage on all farms complying with the wheat acreage allotment except those farms underplanting the allotment for the purpose of depleting stored excess of a prior crop and except for 1960 those farms other than federally owned farms on which the acreage classified as wheat acreage was less than 75 per centum of the farm wheat acreage allotment for each of the years 1958, 1959 and 1960;

(4) For 1959 those farms underplanting the allotment for the purpose of depleting stored excess, the acreage actually classified as wheat under 1959 marketing quota regulations in this part, multiplied by the reciprocal of the county allotment apportionment factor; and

(5) For 1960 for any old farm other than a federally owned farm on which less than 75 per centum of the farm acreage allotment for each of the years 1958, 1959, and 1960 was actually planted to wheat or regarded as planted to wheat under the Soil Bank Act and the Great Plains program, the smaller of the farm base acreage for 1960 or the acreage obtained by multiplying the wheat acreage for 1960 by the 1960 county wheat diversion factor, which will be the reciprocal of a decimal fraction which is 75 per centum of the 1960 county proration factor.

To determine for each county the acreage seeded for the production of wheat during the ten calendar years immediately preceding the year 1961, in addition to the foregoing adjustments for diverted acres and abnormal weather, the following additional adjustments for trends, abnormal weather and promotion of soil conservation practices were made:

(1) The simple average of the annual county wheat acreage estimates, adjusted as described above, for the 10-year period, 1951–60 inclusive, was determined.

(2) The simple average of the annual wheat acreage estimates, adjusted as described above, for the 5-year period, 1956–60, was determined.

(3) A simple average of the 10-year average and the 5-year average was determined giving equal weight to each. This acreage became the preliminary adjusted county base acreage of wheat.

(4) A preliminary adjustment for trend was made by deducting from the county wheat acreage history, as computed in accordance with the preceding paragraphs, the wheat acreage history for the years 1955 through 1958 for those farms which have been removed from agricultural production due to the encroachment of urban and industrial development. Such adjustments were not made for 1959 and 1960 because the farm data for these years reflected such adjustments.

(5) As a further adjustment for trend and to give greater effect to the sharp changes in county seeded acreages of wheat during recent years, the preliminary adjusted county base acreages were limited to an acreage of not less than 80 percent nor more than 120 percent of the 4-year (1957–60) average acreage.

(6) In those counties in which the trend adjustment as described above was not adequate to reflect the rapid downward trend in the county, a further adjustment was made by limiting the preliminary adjusted county base acres to 120 percent of the 5-year (1956–60) county average history.

Since the farm data for the years 1955 through 1960 as currently constituted on the farm record cards was used in determining the county base acres, no further adjustment was necessary for transfers of farms into or out of the county.

If the sum of the county base acreages thus established differed from the State base established for the apportionment of the national allotment to States, all preliminary county base acres were factored pro rata so that the sum of the county base acres equaled the State base acres.

The resultant preliminary 1962 county base acreages as further adjusted for trend were reviewed by the respective State Agricultural Stabilization and Conservation Committee and appropriate adjustments made for the promotion of soil conservation practices. In determining the preliminary county base acreage, no consideration was given to the effect on the seeding of wheat of abnormal weather which might have been unusually favorable for the production of wheat and other small grains. During the extended drought period of the past few years, the reduction of rainfall in the more humid area of the Wheat Belt has resulted in some shifting of hay crops and row crops to the production of wheat and other small grains. If the State committee determined that the acreage of wheat in any county had increased in recent years due to abnormal weather conditions, the committee was permitted to make a downward adjustment in the county base acreage subject to the approval of the Director of the Grain Division. The maximum acceptable adjustment was an upward adjustment of five percent or downward adjustment of five percent from the preliminary base acreage. All county base acres were factored pro rata so that the sum of the county base acres after such adjustments were the same as prior to the adjustments. The resultant figure was the final 1962 county wheat base acreage.

The county wheat acreage allotments for 1962 were determined by apportioning pro rata to the counties on the basis of the final 1962 county base acreages, the 1962 State wheat acreage allotment less (1) a reserve acreage for new farms in an amount not to exceed three per centum of the State acreage allotment, and (2) a reserve acreage for missed farms, appeals and corrections of errors.

Section 334(a) of the Agricultural Adjustment Act of 1938, as amended, states in part, "The national acreage allotment for wheat, less a reserve of not to exceed one per centum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the several States * * *. The reserve acreage set aside herein for apportionment by the Secretary shall be used to make allotments to counties, in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotment because of reclamation and other new areas coming into the production of wheat during the ten calendar years ending with the calendar year in which the national acreage allotment is proclaimed."

A reserve acreage of 30,000 acres was withheld for this purpose. In order for a county located in the 1958 commercial wheat-producing area to receive an additional allotment under this provision the State committee was required to establish that a definite delineable area of the county which had not been producing wheat prior to 1951 has gone into the production of wheat during the past ten years. The amount of additional allotment apportioned to counties under this provision was the sum of the acreages determined on the basis of the computation set forth in subparagraphs (1) and (2) below, but in no case was the amount of the apportionment less than an amount obtained by subtracting the regular 1962 county allotment from 50 percent of the figure obtained by averaging the 4-year (1955–58) average county history with the 1959 and 1960 county history, giving 60 percent weight to the 4-year average history and 20 percent weight to each of the years of 1959 and 1960 history acreage.

(1) The sum of the acreages apportioned by the State committee from the State reserve for new farm acreages in the delineable area for the 1961 crop year.

(2) The amount by which the 1962 regular county allotment was less than the 1961 final county allotment adjusted to give compensating effect to the loss of county wheat acreage history in 1960 which was reflected in the 1962 regular county allotment. Such adjustment was made by deducting from the 1961 final county allotment the product of 15 percent (the weight applicable to each of the last five years in the 10-year base period) of the acreage by which the 1960 county wheat acreage history was less than the 1959 county wheat acreage history multiplied by the 1962 State allotment apportionment factor.

In the two States, Alabama and Mississippi, which were added to the commercial wheat-producing area in 1959, and in Arizona which was added to the commercial wheat area in 1960, the above-mentioned apportionment procedure cannot be used because county allotments were not established for any year between 1954 and the year the State reentered the commercial wheat-producing area. Since in each of these three States it was determined that virtually every county now producing wheat has come into the production of wheat during the past ten years, all counties were treated alike. Sufficient acreage out of the national reserve was set aside to bring the total acres apportioned to Alabama and Mississippi to an amount obtained by applying the national allotment adjustment factor of .67731 to an adjusted base acreage determined by averaging the four year (1955–58) average historical base acreage with the 1959 and 1960 history, giving 60 percent weight to the four year average and 20 percent weight to each of the 1959 and 1960 histories. In Arizona, which was brought into the commercial area in 1960, the reserve acreage set aside was sufficient to bring the total allotment for the State up to an amount obtained by applying the national allotment factor to an adjusted base acreage determined by averaging the four year (1955–58) average historical base acreage with the 1959 and 1960 average history, giving 80 percent weight to the four year average and 20 percent weight to the 1959–60 average. Additional acreage allotment was apportioned to counties from such reserve acreage in an amount necessary to equal a county allotment computed for each county following the same formula as described above for the determination of the total apportionment to each of these States. No apportionment from the national reserve was made in those counties in which the regular allotment exceeded the allotment computed in accordance with these formulae.

The total apportioned from the national reserve was 16,404 acres. The balance of the reserve is being held for possible future requirements.

The tables which are a part of the regulations show the county base acreage, and the apportionment of the 1962 State wheat acreage allotments and the national reserve among the counties. The reserve acreage for new farms and the reserve acreage for missed farms, appeals and corrections of errors withheld from the State allotment are listed at the end of the allotment tabulation for each State. The reserve acreage withheld for appeals and corrections by the county committee in apportioning the county allotment to individual farms is indicated in the appropriate column on the tabulation.

Prior to determinations of county acreage allotment for 1962 crop wheat, public notice (26 F.R. 3723) was given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining to the determination of county acreage allotments for 1962 crop wheat were submitted pursuant to such notice. For farm wheat acreage allotments, which are based upon the county allotments herein, to be determined and farmers notified thereof prior to the wheat marketing quota referendum, as required by law, it will be impracticable to publish these county allotments 30 days in advance of their effective date. Accordingly, the county allotments herein shall become effective upon filing with the Director, Office of the Federal Register.

§ 728.1207 Wheat acreage apportioned to counties for 1962.

Wheat Acreage Apportioned to Counties for 1962

ALABAMA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Autauga	1,265	852		291	197
Baldwin	9,140	6,155		1,916	1,298
Barbour	80	54			
Bibb	50	34		9	6
Blount	105	71		25	17
Bullock	33	22		3	2
Calhoun	153	103		37	25
Chambers	585	394		20	14
Cherokee	1,410	950		276	187
Chilton	27	18		9	6
Clarke	152	102		19	13
Clay	69	46		31	21
Cleburne	189	127		40	27
Coffee	179	121		61	41
Colbert	10,638	7,163		1,820	1,233
Conecuh	152	102		27	18
Coosa	19	13		7	5
Covington	213	143		65	44
Crenshaw	32	22		12	8
Cullman	56	38		19	13
Dale	335	226		123	83
Dallas	798	537		139	94
De Kalb	181	122		27	18
Elmore	640	431		31	21
Escambia	1,402	944		258	175
Etowah	85	57			
Fayette	96	65		9	6
Franklin	681	459		99	67
Geneva	910	613		171	116
Greene	20	13			
Hale	375	253		61	41
Henry	363	244		89	60
Houston	1,114	750		233	158
Jackson	497	335		58	39
Jefferson	104	70		38	26
Lamar	69	46		31	21
Lauderdale	11,796	7,943		1,132	767
Lawrence	6,091	4,102		254	172
Lee	293	197		37	25
Limestone	3,371	2,270		489	331
Lowndes	406	273		124	84
Macon	279	188		44	30
Madison	3,980	2,680		366	248
Marengo	46	31			
Marion	208	140		28	19
Marshall	138	93		15	10
Mobile	426	287		24	16
Monroe	61	41		1	1
Montgomery	1,253	844			
Morgan	1,255	845		235	159
Perry	251	169			
Pickens	265	178		74	50
Pike	182	123		93	63
Randolph	206	139		75	51
Russell	47	32			
St. Clair	38	26		19	13
Shelby	130	88		3	•2
Sumter	90	61		18	12
Talladega	374	252		66	45
Tallapoosa	77	52		27	18
Tuscaloosa	76	51		15	10
Walker	115	77		37	25
Washington	401	270		3	2
Wilcox	52	35		4	3
Reserve new farms		125			
Reserve appeals and corrections		125			
Total	64,124	43,432		9,237	6,256

ARIZONA

Apache	205	136		16	11
Cochise	1,133	765		37	25
Coconino	3,110	2,101		229	155
Graham	61	41		13	9
Greenlee	65	44		22	15
Maricopa	18,016	12,169		250	172
Mohave	543	367		45	30
Navajo	1,825	1,233		305	206
Pima	478	323		94	63
Pinal	12,966	8,758		2,370	1,603
Santa Cruz	23	15			
Yavapai	1,966	1,328		148	100
Yuma	13,212	8,924		1,063	720
Reserve new farms		100			
Reserve appeals and corrections		0			
Total	53,603	36,306		4,592	3,109

ARKANSAS

Arkansas	1,115	754			
Ashley	87	59			
Baxter	162	110			
Benton	3,930	2,658			
Boone	257	174			
Carroll	228	154			

Wheat Acreage Apportioned to Counties for 1962—Continued

ARKANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Chicot	1,098	743		44	30
Clay	8,306	5,617			
Cleburne	42	28			
Conway	2,424	1,639			
Craighead	1,300	879			
Crawford	2,916	1,972			
Crittenden	8,197	5,544		492	333
Cross	3,690	2,496		72	49
Desha	412	279			
Drew	68	46			
Faulkner	375	254			
Franklin	517	350			
Fulton	197	133			
Garland	46	31			
Greene	1,744	1,179			
Hempstead	12	8			
Hot Spring	30	20			
Independence	6,633	4,487		129	87
Izard	30	20			
Jackson	2,477	1,675			
Jefferson	204	138			
Johnson	1,415	957			
Lafayette	13	9			
Lawrence	1,935	1,309		117	79
Lee	2,528	1,710		7	5
Lincoln	126	85			
Little River	38	26			
Logan	2,226	1,505			
Lonoke	891	603			
Madison	499	337			
Marion	63	43			
Miller	17	11			
Mississippi	16,363	11,026			
Monroe	410	277			
Montgomery	47	32			
Newton	4	3			
Perry	480	325		34	23
Phillips	3,299	2,231		84	57
Poinsett	2,072	1,401			
Polk	15	10			
Pope	1,803	1,219		158	107
Prairie	613	415		1	1
Pulaski	3,786	2,560		572	387
Randolph	2,066	1,397			
St. Francis	5,577	3,772			
Saline	9	6			
Searcy	274	185			
Sebastian	597	404		75	51
Sevier	2	1			
Sharp	153	103			
Stone	346	234			
Van Buren	42	28			
Washington	1,052	711			
White	1,004	679			
Woodruff	2,255	1,525		53	35
Yell	1,089	736			
Reserve new farms		20			
Reserve appeals and corrections		82			
Total	99,548	67,424		1,837	1,244

CALIFORNIA

Alameda	2,341	1,581			
Alpine	16	11			
Amador	398	269			
Butte	11,689	7,896			
Colusa	9,928	6,707			
Contra Costa	2,070	1,398			
El Dorado	1	1			
Fresno	23,521	15,890			
Glenn	8,323	5,566			

Wheat Acreage Apportioned to Counties for 1962—Continued

CALIFORNIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Imperial	3,012	2,035			
Inyo	20	13			
Kern	57,035	38,530			
Kings	1,556	1,051			
Lake	429	290			
Lassen	11,907	8,044			
Los Angeles	39,516	26,695			
Madera	15,821	10,688			
Marin	627	424			
Mariposa	166	112			
Mendocino	1,319	891			
Merced	4,581	3,095			
Modoc	24,075	16,264			
Mono	17	11			
Monterey	24,515	16,629			
Napa	2,075	1,402			
Orange	764	516			
Placer	15,982	10,797			
Plumas	1,088	735			
Riverside	29,451	19,896			
Sacramento	26,394	17,834			
San Benito	2,493	1,684			
San Bernardino	245	165			
San Diego	1,290	871			
San Joaquin	14,102	9,527			
San Luis Obispo	136,879	92,468			
San Mateo	64	43			
Santa Barbara	12,915	8,725			
Santa Clara	160	108			
Shasta	2,242	1,515			
Sierra	547	369			
Siskiyou	29,526	19,946		309	209
Solano	19,659	13,281			
Sonoma	849	574			
Stanislaus	1,059	715			
Sutter	24,779	16,739			
Tehama	3,107	2,099			
Tulare	42,001	28,374			
Tuolumne	31	21			
Ventura	1,097	741			
Yolo	15,732	10,628			
Yuba	2,104	1,421			
Reserve new farms		500			
Reserve appeals and corrections		500			
Total	626,608	424,405		309	209

COLORADO

Adams	190,430	128,931			
Alamosa	1,259	852			
Arapahoe	92,122	62,371			
Arcahuleta	2,404	1,628			
Baca	372,792	252,399			
Bent	42,855	29,015			
Boulder	16,189	10,961			
Chaffee	314	213			
Cheyenne	207,298	140,351			
Conejos	2,344	1,587			
Costilla	1,542	1,044			
Crowley	15,379	10,412			
Custer	469	317			
Delta	1,719	1,164			
Dolores	40,277	27,269			
Douglas	15,863	10,740			
Eagle	472	320			
Elbert	96,396	65,263			
El Paso	23,062	15,618			
Fremont	850	575			
Garfield	7,294	4,938			
Grand	1,648	1,116			
Huerfano	7,122	4,822			

Wheat Acreage Apportioned to Counties for 1962—Continued

COLORADO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jackson	688	466			
Jefferson	12,141	8,220			
Kiowa	328,770	222,594			
Kit Carson	356,282	241,221			
La Plata	29,127	19,720			
Larimer	32,564	22,047			
Las Animas	28,543	19,325			
Lincoln	200,514	135,758			
Logan	200,260	135,586			
Mesa	2,142	1,450			
Moffat	48,792	33,035			
Montezuma	30,785	20,843			
Montrose	7,140	4,834			
Morgan	89,144	60,355			
Otero	3,039	2,057			
Ouray	1,141	773			
Phillips	160,541	108,694			
Pitkin	286	194			
Prowers	231,921	157,022			
Pueblo	23,922	16,196			
Rio Blanco	8,941	6,053			
Rio Grande	4,183	2,832			
Routt	35,167	23,810			
Saguache	1,017	689			
San Miguel	4,803	3,252			
Sedgwick	91,881	62,208			
Teller	28	19			
Washington	344,345	233,139			
Weld	277,312	188,093			
Yuma	208,461	141,138			
Reserve new farms		400			
Reserve appeals and corrections		600			
Total	3,904,500	2,644,541			

DELAWARE

Kent	20,010	13,509	50		
New Castle	16,118	10,881	25		
Sussex	9,251	6,245	25		
Reserve new farms		100			
Reserve appeals and corrections		0			
Total	45,379	30,735	100		

GEORGIA

Appling	59	40			
Bacon	6	4			
Baker	190	128			
Baldwin	79	53			
Banks	1,574	1,064			
Barrow	1,411	954			
Bartow	3,029	2,047			
Ben Hill	46	31			
Berrien	5	3		3	2
Bibb	945	639			
Bleckley	571	386			
Brooks	72	49			
Bryan	13	9			
Bulloch	358	242			
Burke	1,876	1,268			
Butts	1,696	1,146			
Calhoun	166	112			
Candler	74	50			
Carroll	1,245	841			
Catoosa	368	249			
Chatham	7	5			
Chattooga	246	166			
Cherokee	209	141			

Wheat Acreage Apportioned to Counties for 1962—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Clarke	2,603	1,759			
Clay	187	126			
Clayton	414	280			
Cobb	190	128			
Coffee	137	93			
Colquitt	7	5			
Columbia	323	218			
Coweta	416	281			
Crawford	1,670	1,129			
Crisp	892	603			
Dade	135	91			
Dawson	305	206			
Decatur	42	28			
De Kalb	276	187			
Dodge	264	178			
Dooly	3,471	2,346			
Dougherty	980	662			
Douglas	229	155			
Early	1,268	857			
Effingham	69	46			
Elbert	3,920	2,649			
Emanuel	941	636			
Evans	75	51			
Fannin	29	20			
Fayette	700	473			
Floyd	899	608			
Forsyth	681	460			
Franklin	5,724	3,868			
Fulton	514	347			
Gilmer	28	19			
Glascock	737	498			
Gordon	788	532			
Grady	268	181			
Greene	561	379			
Gwinnett	1,998	1,350			
Habersham	218	147			
Hall	936	633			
Hancock	418	282			
Haralson	367	248			
Harris	184	125			
Hart	7,961	5,380			
Heard	760	514			
Henry	2,451	1,656			
Houston	7,263	4,908			
Irwin	12	8			
Jackson	4,379	2,959			
Jasper	679	459			
Jeff Davis	2	1			
Jefferson	15,256	10,309			
Jenkins	466	315			
Johnson	1,048	708			
Jones	114	77			
Lamar	700	473			
Laurens	2,600	1,757			
Lee	710	480			
Lincoln	425	287			
Lowndes	44	30			
Lumpkin	70	47			
McDuffie	454	307			
Macon	3,117	2,106			
Madison	12,419	8,392			
Marion	271	183			
Meriwether	953	644			
Miller	350	237			
Mitchell	29	20			
Monroe	367	248			
Montgomery	58	39			
Morgan	1,243	840			
Murray	1,504	1,016			
Muscogee	1	1			
Newton	762	515			
Oconee	3,785	2,558			
Oglethorpe	7,981	5,393			
Paulding	371	251			

Wheat Acreage Apportioned to Counties for 1962—Continued

GEORGIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Peach	3,368	2,276			
Pickens	159	107			
Pike	1,502	1,015			
Polk	1,327	897			
Pulaski	1,069	723			
Putnam	230	155			
Quitman	21	14			
Rabun	23	16			
Randolph	469	317			
Richmond	1,061	717			
Rockdale	362	245			
Schley	366	247			
Screven	466	315			
Seminole	352	238			
Spalding	1,763	1,191			
Stephens	597	404			
Stewart	97	66			
Sumter	3,519	2,378			
Talbot	200	135			
Taliaferro	249	168			
Tattnall	51	34			
Taylor	340	230			
Telfair	44	30			
Terrell	522	353			
Thomas	127	86			
Tift	45	30			
Toombs	110	74			
Towns	131	89			
Treutlen	81	55			
Troup	85	58			
Turner	324	219			
Twiggs	109	74			
Union	309	209			
Upson	554	374			
Walker	879	594			
Walton	2,789	1,885			
Warren	2,171	1,467			
Washington	5,516	3,728			
Webster	163	110			
Wheeler	1,289	871			
White	98	66			
Whitfield	1,480	1,000			
Wilcox	403	272			
Wilkes	1,103	745			
Wilkinson	234	158			
Worth	199	134			
Reserve new farms		50			
Reserve appeals and corrections		200			
Total	163,070	110,448		3	2

IDAHO

Ada	8,432	5,702			
Adams	1,508	1,020			
Bannock	74,777	50,568			
Bear Lake	33,124	22,400			
Benewah	29,400	19,882			
Bingham	77,509	52,415		623	421
Blaine	10,895	7,368			
Boise	640	433			
Bonner	2,286	1,546		287	194
Bonneville	135,857	91,873			
Boundary	12,882	8,711			
Butte	14,610	9,880			
Camas	48,918	33,081			
Canyon	24,392	16,495			
Caribou	75,315	50,932			
Cassia	93,956	63,538		256	173
Clark	7,847	5,306		78	51
Clearwater	11,471	7,757			

Wheat Acreage Apportioned to Counties for 1962—Continued

IDAHO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Custer	2,868	1,939			
Elmore	11,222	7,589			
Franklin	51,957	35,136			
Fremont	71,882	48,610			
Gem	2,812	1,902			
Gooding	10,832	7,325			
Idaho	88,724	59,996			
Jefferson	41,681	28,187			
Jerome	18,899	12,780		4	3
Kootenai	36,742	24,847			
Latah	98,755	66,783			
Lemhi	1,951	1,319			
Lewis	60,968	41,230			
Lincoln	14,483	9,794			
Madison	72,711	49,171			
Minidoka	33,600	22,722		583	394
Nez Perce	94,844	64,138			
Oneida	101,922	68,925			
Owyhee	7,340	4,964			
Payette	7,182	4,857			
Power	135,714	91,776			
Teton	43,476	29,401			
Twin Falls	49,606	33,546			
Valley	780	527			
Washington	26,308	17,791			
Reserve new farms		650			
Reserve appeals and corrections		1,200			
Total	1,751,078	1,186,015		1,828	1,236

ILLINOIS

Adams	49,209	33,306	100		
Alexander	6,930	4,600	5		
Bond	25,274	17,106	100		
Boone	534	361	3		
Brown	10,147	6,868	50		
Bureau	2,724	1,844	20		
Calhoun	6,527	4,418	25		
Carroll	417	282	6		
Cass	28,062	18,993	25		
Champaign	44,221	29,930	100		
Christian	69,879	47,297	50		
Clark	33,782	22,845	50		
Clay	18,439	12,480	25		
Clinton	45,963	31,123	75		
Coles	33,837	22,902	35		
Cook	2,967	2,008	10		
Crawford	23,312	15,778	40		
Cumberland	20,235	13,696	40		
DeKalb	910	616	3		
DeWitt	8,169	5,529	50		
Douglas	25,843	17,491	50		
DuPage	4,435	3,002	20		
Edgar	38,748	26,226	100		
Edwards	16,174	10,947	40		
Effingham	26,524	17,952	40		
Fayette	34,353	23,251	60		
Ford	1,010	684	25		
Franklin	26,865	18,183	50		
Fulton	23,447	15,870	75		
Gallatin	11,312	7,656	30		
Greene	33,420	22,620	40		
Grundy	1,011	684	10		
Hamilton	17,015	11,922	50		
Hancock	33,783	22,866	75		
Hardin	243	164	5		
Henderson	6,094	4,125	16		
Henry	1,240	839	15		
Iroquois	17,701	11,981	50		
Jackson	28,292	17,119	60		
Jasper	28,826	20,187	40		

Wheat Acreage Apportioned to Counties for 1962—Continued

ILLINOIS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Jefferson	27,327	18,496	40		
Jersey	26,676	18,055	75		
Jo Daviess	46	31	2		
Johnson	2,802	1,896	15		
Kane	3,153	2,134	12		
Kankakee	11,024	7,461	20		
Kendall	1,239	839	20		
Knox	4,014	2,717	20		
Lake	5,104	3,455	13		
La Salle	2,885	1,953	20		
Lawrence	28,059	18,991	100		
Lee	4,444	3,008	30		
Livingston	1,179	798	35		
Logan	29,095	19,693	25		
McDonough	16,202	10,966	75		
McHenry	2,345	1,587	10		
McLean	5,900	3,993	20		
Macon	29,212	19,772	80		
Macoupin	61,826	41,846	60		
Madison	76,063	51,482	150		
Marion	29,080	19,682	50		
Marshall	4,275	2,893	15		
Mason	46,232	31,291	100		
Massac	4,622	3,128	12		
Menard	22,077	14,942	50		
Mercer	2,039	1,380	12		
Monroe	49,423	33,451	75		
Montgomery	56,926	38,462	50		
Morgan	42,786	28,959	50		
Moultrie	23,469	15,885	50		
Ogle	1,474	998	5		
Peoria	12,879	8,717	25		
Perry	25,586	17,317	25		
Piatt	22,554	15,265	50		
Pike	33,246	22,502	25		
Pope	2,776	1,879	10		
Pulaski	5,559	3,763	10		
Putnam	2,409	1,630	10		
Randolph	48,481	32,814	25		
Richland	16,984	11,495	60		
Rock Island	1,187	803	10		
St. Clair	82,905	56,113	75		
Saline	17,950	12,149	80		
Sangamon	58,044	39,286	100		
Schuyler	20,871	14,126	125		
Scott	20,506	13,879	50		
Shelby	48,678	32,947	50		
Stark	888	601	20		
Stephenson	249	169	5		
Tazewell	26,804	18,142	50		
Union	9,368	6,341	15		
Vermilion	57,977	39,241	100		
Wabash	19,702	13,335	50		
Warren	1,654	1,119	15		
Washington	71,858	48,636	100		
Wayne	23,126	15,652	50		
White	34,813	23,568	200		
Whiteside	5,546	3,754	20		
Will	10,616	7,185	75		
Williamson	8,061	5,456	15		
Winnebago	1,721	1,165	10		
Woodford	4,196	2,840	15		
Reserve new farms		500			
Reserve appeals and corrections		505			
Total	2,124,556	1,438,974	4,424		

INDIANA

Adams	18,571	12,573	70		
Allen	39,375	26,657	150		
Bartholomew	31,126	21,072	105		

Wheat Acreage Apportioned to Counties for 1962—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Benton	17,567	11,893	60		
Blackford	4,431	3,000	15		
Boone	11,991	8,118	50		
Brown	492	333	15		
Carroll	18,237	12,346	62		
Cass	16,461	11,144	60		
Clark	9,626	6,517	33		
Clay	21,412	14,496	74		
Clinton	23,758	16,084	80		
Crawford	3,252	2,202	15		
Daviess	27,031	18,300	91		
Dearborn	8,314	5,628	29		
Decatur	36,733	24,868	124		
DeKalb	25,137	17,018	86		
Delaware	15,997	10,830	80		
DuBois	18,887	12,786	64		
Elkhart	26,613	18,017	91		
Fayette	14,379	9,735	49		
Floyd	2,346	1,588	15		
Fountain	23,801	16,113	81		
Franklin	20,390	13,797	75		
Fulton	16,015	10,842	54		
Gibson	31,976	21,648	108		
Grant	16,533	11,193	56		
Greene	15,843	10,726	100		
Hamilton	15,193	10,286	100		
Hancock	15,121	10,237	51		
Harrison	10,856	7,350	37		
Hendricks	14,420	9,762	50		
Henry	15,617	10,573	53		
Howard	16,039	10,858	55		
Huntington	16,561	11,212	57		
Jackson	22,982	15,559	78		
Jasper	21,424	14,504	72		
Jay	15,173	10,272	55		
Jefferson	9,070	6,140	31		
Jennings	12,900	8,774	44		
Johnson	18,443	12,486	65		
Knox	46,097	31,208	156		
Kosciusko	26,027	17,620	100		
Lagrange	22,726	15,385	100		
Lake	15,894	10,760	54		
La Porte	44,182	29,911	200		
Lawrence	4,264	2,887	15		
Madison	20,209	13,682	68		
Marion	9,781	6,622	35		
Marshall	21,918	14,839	75		
Martin	3,027	2,049	15		
Miami	15,625	10,578	53		
Monroe	1,696	1,148	15		
Montgomery	22,884	15,493	78		
Morgan	11,326	7,668	50		
Newton	13,202	8,938	45		
Noble	21,088	14,277	100		
Ohio	1,688	1,143	15		
Orange	5,117	3,464	35		
Owen	5,336	3,612	25		
Parke	18,658	12,632	65		
Perry	6,950	4,705	24		
Pike	10,844	7,341	50		
Porter	26,207	17,742	89		
Posey	34,774	23,542	118		
Pulaski	21,072	14,266	72		
Putnam	12,884	8,722	44		
Randolph	20,268	13,721	69		
Ripley	23,348	15,807	79		
Rush	33,016	22,352	112		
St. Joseph	28,695	19,427	98		
Scott	5,984	4,051	21		
Shelby	30,290	20,506	103		
Spencer	20,030	13,560	68		
Starke	14,211	9,621	50		
Steuben	15,703	10,631	53		
Sullivan	27,986	18,947	100		

Wheat Acreage Apportioned to Counties for 1962—Continued

INDIANA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Switzerland	3,583	2,426	27		
Tippecanoe	29,451	19,938	100		
Tipton	13,579	9,193	46		
Union	15,379	10,411	53		
Vanderburgh	16,341	11,063	63		
Vermillion	14,533	9,839	50		
Vigo	19,110	12,938	65		
Wabash	21,377	14,472	72		
Warren	19,334	13,089	66		
Warrick	13,370	9,051	45		
Washington	13,814	9,352	50		
Wayne	21,403	14,490	72		
Wells	15,841	10,724	54		
White	19,010	12,870	65		
Whitley	16,795	11,370	58		
Reserve new farms		250			
Reserve appeals and corrections		250			
Total	1,636,070	1,108,120	5,975		

IOWA

Adair	447	301	10		
Adams	2,271	1,529	25		
Allamakee	16	11	0		
Appanoose	1,159	780	15		
Audubon	97	65	1		
Benton	426	287	5		
Black Hawk	54	36	1		
Boone	63	42	0		
Bremer	8	5	0		
Buchanan	135	91	3		
Calhoun	50	34	0		
Carroll	44	30	0		
Cass	1,935	1,303	16		
Cedar	113	76	2		
Cerro Gordo	84	57	0		
Chickasaw	22	15	1		
Clarke	392	264	5		
Clayton	4	3	0		
Clinton	135	91	4		
Crawford	495	333	5		
Dallas	622	419	15		
Davis	2,010	1,353	20		
Decatur	1,096	738	7		
Delaware	7	5	0		
Des Moines	5,215	3,511	40		
Dickinson	4	3	0		
Dubuque	101	68	0		
Floyd	14	9	0		
Fremont	15,624	10,518	100		
Greene	30	20	0		
Guthrie	677	456	10		
Hamilton	43	29	0		
Hancock	34	23	0		
Harrison	22,725	15,298	80		
Henry	1,548	1,042	20		
Ida	62	42	0		
Iowa	198	133	5		
Jackson	4	3	0		
Jasper	1,092	735	25		
Jefferson	1,604	1,080	10		
Johnson	138	93	3		
Jones	77	52	0		
Keokuk	271	182	15		
Kossuth	4	3	0		
Lee	10,205	6,870	100		
Linn	166	112	0		
Louisa	1,818	1,224	5		
Lucas	1,040	700	12		
Lyon	51	34	0		
Madison	2,640	1,777	10		

Wheat Acreage Apportioned to Counties for 1962—Continued

IOWA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Mahaska	790	532	15		
Marion	1,523	1,025	25		
Marshall	129	87	6		
Mills	13,892	9,352	65		
Monona	23,236	15,644	55		
Monroe	1,084	730	5		
Montgomery	6,193	4,169	55		
Muscatine	1,363	918	5		
Osceola	28	19	0		
Page	11,453	7,710	75		
Palo Alto	14	9	1		
Plymouth	1,219	821	15		
Pocahontas	31	21	0		
Polk	2,965	1,996	10		
Pottawattamie	10,470	7,048	95		
Poweshiek	96	65	2		
Ringgold	3,196	2,152	15		
Sac	23	15	0		
Scott	416	280	4		
Shelby	253	170	7		
Sioux	26	18	2		
Story	178	120	5		
Tama	89	60	0		
Taylor	4,989	3,359	25		
Union	519	349	10		
Van Buren	3,624	2,440	40		
Wapello	2,266	1,525	30		
Warren	4,897	3,297	20		
Washington	458	308	5		
Wayne	386	260	15		
Winnebago	50	34	0		
Woodbury	8,943	6,020	20		
Worth	92	62	3		
Wright	31	21	0		
Reserve new farms		500			
Reserve appeals and corrections		245			
Total	181,994	123,266	1,200		

KANSAS

Allen	36,313	24,590	25		
Anderson	40,715	27,571	50		
Atchison	40,930	27,717	40		
Barber	181,486	122,898	50		
Barton	356,492	241,409	50		
Bourbon	27,612	18,698	75		
Brown	52,444	35,514	75		
Butler	91,848	62,198	50		
Chase	28,107	19,033	30		
Chautauqua	18,973	12,848	10		
Cherokee	89,498	60,606	50		
Cheyenne	172,516	116,824	50		
Clark	148,917	100,843	30		
Clay	139,425	94,416	50		
Cloud	177,036	119,885	100		
Coffey	39,222	26,560	30		
Comanche	148,444	100,523	50		
Cowley	147,044	99,575	50		
Crawford	48,227	32,658	30		
Decatur	145,505	98,533	50		
Dickinson	211,143	142,982	150		
Doniphan	20,932	14,175	50		
Douglas	42,354	28,681	50		
Edwards	222,992	151,005	50		
Elk	17,794	12,050	25		
Ellis	225,455	152,673	50		
Ellsworth	173,124	117,236	25		
Finney	277,727	188,071	50		
Ford	392,632	265,882	50		
Franklin	35,539	24,066	25		
Geary	42,305	28,648	25		

Wheat Acreage Apportioned to Counties for 1962—Continued

KANSAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Gove	173,692	117,621	50		
Graham	175,154	118,611	50		
Grant	130,506	88,376	80		
Gray	301,846	204,404	50		
Greeley	205,237	138,982	50		
Greenwood	27,042	18,312	50		
Hamilton	209,251	141,700	50		
Harper	290,014	196,391	50		
Harvey	149,335	101,127	75		
Haskell	212,659	144,008	100		
Hodgeman	228,879	154,992	40		
Jackson	49,165	33,293	40		
Jefferson	46,011	31,158	25		
Jewell	177,367	120,109	100		
Johnson	34,059	23,064	50		
Kearny	151,335	102,481	50		
Kingman	254,352	172,242	50		
Kiowa	174,873	118,420	50		
Labette	84,731	57,392	35		
Lane	173,138	117,245	50		
Leavenworth	33,578	22,711	50		
Lincoln	171,674	116,254	100		
Linn	33,111	22,422	50		
Logan	166,348	112,647	50		
Lyon	51,902	35,147	100		
McPherson	299,277	202,664	150		
Marion	178,548	120,909	50		
Marshall	113,998	77,997	90		
Meade	239,309	162,055	50		
Miami	38,654	26,176	75		
Mitchell	258,288	174,907	100		
Montgomery	64,481	43,665	25		
Morris	62,818	42,539	50		
Morton	124,608	84,382	50		
Nemaha	47,038	31,853	50		
Neosho	60,914	41,250	25		
Ness	294,638	199,523	100		
Norton	127,806	86,548	50		
Osage	36,788	24,912	50		
Osborne	209,997	142,206	75		
Ottawa	171,756	116,310	50		
Pawnee	301,275	204,017	50		
Phillips	141,260	95,658	50		
Pottawatomie	56,753	38,432	25		
Pratt	261,399	177,014	50		
Rawlins	182,538	123,611	50		
Reno	418,308	283,269	150		
Republic	136,992	92,768	100		
Rice	245,474	166,230	75		
Riley	47,107	31,900	50		
Rooks	211,396	143,153	50		
Rush	276,998	187,577	50		
Russell	227,195	153,852	50		
Saline	186,809	126,503	100		
Scott	174,759	118,343	50		
Sedgwick	281,304	190,493	100		
Seward	149,504	101,241	50		
Shawnee	51,212	34,680	75		
Sheridan	175,525	118,862	25		
Sherman	223,024	151,027	50		
Smith	164,483	111,384	50		
Stafford	247,689	167,730	50		
Stanton	186,366	126,203	50		
Stevens	149,872	101,490	50		
Sumner	433,194	293,350	200		
Thomas	285,388	193,259	50		
Trego	189,716	128,472	50		
Wabaunsee	39,748	26,917	50		
Wallace	123,640	83,726	40		
Washington	126,797	85,864	30		
Wichita	166,771	112,934	60		
Wilson	64,143	43,436	30		
Woodson	21,036	14,245	25		

Wyandotte	4,031	2,730	20		
Reserve new farms		1,203			
Reserve appeals and corrections		800			
Total	15,778,614	10,686,946	5,935		

KENTUCKY

Adair	1,841	1,245	5		
Allen	2,740	1,852	8		
Anderson	477	322	5		
Ballard	1,673	1,131	10		
Barren	2,511	1,697	10		
Bath	1,791	1,211	20		
Boone	1,360	919	30		
Bourbon	7,111	4,807	30		
Boyd	31	21			
Boyle	3,110	2,102	1		
Bracken	1,546	1,045	5		
Breckinridge	7,239	4,894	10		
Bullitt	2,018	1,364	25		
Butler	1,138	769	2		
Caldwell	2,683	1,814	2		
Calloway	6,504	4,397	10		
Campbell	776	525	5		
Carlisle	1,009	682	10		
Carroll	391	264	10		
Carter	142	96	5		
Casey	828	560			
Christian	25,995	17,573	25		
Clark	952	644	10		
Clinton	1,201	812	5		
Crittenden	1,983	1,341			
Cumberland	197	133	5		
Daviess	8,141	5,503	20		
Edmonson	599	405	5		
Fayette	2,809	1,899	10		
Fleming	1,887	1,276	5		
Franklin	716	484	5		
Fulton	3,938	2,662	5		
Gallatin	316	214	2		
Garrard	1,436	971	5		
Grant	427	289	5		
Graves	6,113	4,132	5		
Grayson	4,766	3,222	2		
Green	1,712	1,157	5		
Greenup	127	86	4		
Hancock	1,920	1,298			
Hardin	5,315	3,593	20		
Harrison	3,122	2,110	10		
Hart	435	294	10		
Henderson	5,792	3,915	20		
Henry	1,895	1,281	5		
Hickman	5,684	3,842	15		
Hopkins	6,095	4,120	10		
Jackson	113	76			
Jefferson	2,898	1,959	10		
Jessamine	1,456	984	10		
Kenton	208	141	3		
Knox	60	41			
Larue	2,258	1,526	3		
Laurel	46	31			
Lee	16	11			
Lewis	729	493	5		
Lincoln	2,417	1,634	10		
Livingston	995	673	10		
Logan	21,980	14,859	150		
Lyon	1,541	1,042			
McCracken	1,014	685	3		
McLean	3,215	2,173	15		
Madison	844	571	5		

Wheat Acreage Apportioned to Counties for 1962—Continued

KENTUCKY—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Marion	2,022	1,367			
Marshall	1,899	1,284	4		
Mason	5,548	3,750	10		
Meade	5,312	3,591	20		
Mercer	2,547	1,722	15		
Metcalfe	709	479	2		
Monroe	1,893	1,280	10		
Montgomery	1,217	823	7		
Morgan	50	34			
Muhlenberg	3,881	2,624	15		
Nelson	5,086	3,438	15		
Nicholas	1,545	1,044	3		
Ohio	1,717	1,161	5		
Oldham	2,479	1,676	10		
Owen	355	240	5		
Pendleton	1,314	888	10		
Powell	64	43			
Pulaski	1,921	1,299	5		
Robertson	522	353	5		
Rockcastle	195	132	6		
Rowan	177	120	3		
Russell	618	418	10		
Scott	3,268	2,209	15		
Shelby	4,790	3,238	5		
Simpson	15,809	10,687	15		
Spencer	1,346	910	5		
Taylor	4,858	3,284	25		
Todd	14,718	9,949	75		
Trigg	8,472	5,727	10		
Trimble	1,841	1,245	5		
Union	11,229	7,591	25		
Warren	4,683	3,166	10		
Washington	2,397	1,620	5		
Wayne	1,384	936	15		
Webster	7,323	4,950	50		
Whitley	1	1			
Wolfe	7	5			
Woodford	3,307	2,236			
Reserve new farms		300			
Reserve appeals and corrections		96			
Total	306,786	207,788	1,060		

MARYLAND

Allegany	1,552	1,050	10		
Anne Arundel	2,490	1,684	10		
Baltimore	8,732	5,906	25		
Calvert	1,421	961	10		
Caroline	17,132	11,587	50		
Carroll	24,966	16,885	50		
Cecil	12,308	8,324	50		
Charles	6,056	4,096	12		
Dorchester	15,732	10,640	50		
Frederick	30,782	20,818	50		
Garrett	2,357	1,594	10		
Harford	5,476	3,703	25		
Howard	7,382	4,993	20		
Kent	17,607	11,908	50		
Montgomery	12,414	8,396	40		
Prince Georges	4,383	2,964	2		
Queen Annes	25,193	17,038	25		
St. Marys	7,724	5,224	15		
Somerset	799	540	10		
Talbot	23,080	15,609	20		
Washington	22,578	15,270	50		
Wicomico	665	450	5		
Worcester	1,875	1,268	15		
Reserve new farms		200			
Reserve appeals and corrections		50			
Total	282,704	171,158	604		

Wheat Acreage Apportioned to Counties for 1962—Continued

MICHIGAN

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Alcona	2,734	1,850	25		
Alger	11	7			
Allegan	31,534	21,341	150		
Alpena	6,720	4,548	25		
Antrim	1,041	705	20		
Arenac	6,302	4,265	50		
Baraga	13	9			
Barry	29,234	19,785	75		
Bay	27,201	18,409	25		
Benzie	282	191	10		
Berrien	18,364	12,428	100		
Branch	32,274	21,842	125		
Calhoun	42,038	28,450	30		
Cass	22,792	15,425	100		
Charlevoix	1,697	1,148	25		
Cheboygan	1,159	784	5		
Chippewa	666	451	28		
Clare	3,609	2,442	20		
Clinton	46,979	31,794	50		
Crawford	4	3			
Delta	181	122	2		
Dickinson	7	5			
Eaton	44,581	30,171	50		
Emmet	1,019	690	10		
Genesee	36,015	24,374	50		
Gladwin	4,898	3,315	30		
Grand Traverse	2,655	1,797	15		
Gratiot	41,200	27,883	40		
Hillsdale	33,979	22,996	150		
Houghton	47	32	2		
Huron	73,025	49,421	125		
Ingham	35,338	23,916	125		
Ionia	43,899	29,710	100		
Iosco	2,068	1,400	15		
Isabella	24,995	16,916	25		
Jackson	28,118	19,030	125		
Kalamazoo	34,176	23,129	100		
Kalkaska	379	256	2		
Kent	25,656	17,363	100		
Lake	840	568	10		
Lapeer	31,737	21,479	50		
Leelanau	1,161	786	10		
Lenawee	59,506	40,272	200		
Livingston	29,931	20,257	75		
Luce	59	40	1		
Mackinac	87	59	9		
Macomb	19,752	13,368	100		
Manistee	1,031	698	10		
Mason	7,080	4,792	15		
Mecosta	8,547	5,784	50		
Menominee	341	231	10		
Midland	11,681	7,905	20		
Missaukee	2,449	1,657	10		
Monroe	45,926	31,082	150		
Montcalm	27,151	18,375	150		
Montmorency	1,623	1,098	2		
Muskegon	5,996	4,058	25		
Newaygo	7,176	4,857	50		
Oakland	17,137	11,598	75		
Oceana	4,960	3,357	15		
Ogemaw	2,648	1,792	20		
Ontonagon	93	63	5		
Osceola	4,786	3,239	10		
Oscoda	142	96	1		
Otsego	392	265	5		
Ottawa	22,276	15,076	30		
Presque Isle	4,523	3,061	20		
Roscommon	87	59	2		
Saginaw	60,468	40,923	50		
St. Clair	39,981	27,058	75		
St. Joseph	32,151	21,759	150		
Sanilac	72,071	48,776	75		
Schoolcraft	39	26	2		
Shiawassee	47,690	32,269	50		

Wheat Acreage Apportioned to Counties for 1962—Continued

MICHIGAN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Tuscola	64,173	43,431	125		
Van Buren	16,524	11,183	50		
Washtenaw	38,264	25,896	100		
Wayne	10,731	7,262	75		
Wexford	1,132	766	7		
Reserve new farms		500			
Reserve appeals and corrections		250			
Total	1,409,222	954,474	3,836		

MINNESOTA

Aitkin	373	252	5		
Anoka	199	135	5		
Becker	22,985	15,561	50		
Beltrami	1,849	1,252	15		
Benton	348	236	2		
Big Stone	16,628	11,257	25		
Blue Earth	5,563	3,766	10		
Brown	1,202	814	5		
Carlton	2	1	1		
Carver	1,135	768	5		
Cass	62	42	5		
Chippewa	2,273	1,539	20		
Chisago	165	112	5		
Clay	109,575	74,185	75		
Clearwater	5,042	3,413	10		
Cottonwood	1,162	787	10		
Crow Wing	83	56	2		
Dakota	7,234	4,898	25		
Dodge	376	254	5		
Douglas	8,141	5,512	25		
Faribault	1,521	1,030	5		
Fillmore	393	266	5		
Freeborn	769	521	5		
Goodhue	5,550	3,757	20		
Grant	10,259	6,946	25		
Hennepin	416	282	10		
Houston	300	203	5		
Hubbard	733	496	3		
Isanti	1,267	858	5		
Itasca	225	152	5		
Jackson	360	244	10		
Kanabec	81	57	5		
Kandiyohi	1,832	1,240	15		
Kittson	131,577	89,081	50		
Koochiching	1,601	1,084	15		
Lac qui Parle	8,122	5,499	25		
Lake of the Woods	6,212	4,206	25		
Le Sueur	6,106	4,134	20		
Lincoln	2,519	1,705	10		
Lyon	2,477	1,677	10		
McLeod	4,058	2,747	20		
Mahomen	15,820	10,711	10		
Marshall	144,432	97,784	50		
Martin	159	108	4		
Meeker	3,099	2,098	25		
Mille Lacs	360	244	5		
Morrison	1,258	852	5		
Mower	599	405	5		
Murray	248	168	5		
Nicollet	2,712	1,836	20		
Nobles	108	73	5		
Norman	68,706	46,516	25		
Olmsted	1,139	771	5		
Otter Tail	37,097	25,116	35		
Pennington	13,980	9,465	20		
Pine	129	87	5		
Pipestone	69	47	3		
Polk	190,242	128,799	135		
Pope	6,476	4,384	25		
Ramsey	16	11	2		
Red Lake	12,654	8,567	20		

Wheat Acreage Apportioned to Counties for 1962—Continued

MINNESOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Redwood	2,926	1,981	20		
Renville	6,330	4,286	25		
Rice	2,698	1,827	6		
Rock	46	31	2		
Roseau	38,795	26,265	50		
St. Louis	308	209	10		
Scott	2,506	1,697	10		
Sherburne	1,099	744	2		
Sibley	5,585	3,781	25		
Stearns	3,884	2,630	50		
Steele	475	321	5		
Stevens	11,376	7,702	50		
Swift	5,300	3,588	20		
Todd	1,510	1,022	20		
Traverse	28,099	19,024	30		
Wabasha	1,350	914	10		
Wadena	473	320	10		
Waseca	2,554	1,729	10		
Washington	982	665	15		
Watonwan	346	234	5		
Wilkin	74,030	50,120	30		
Winona	905	545	5		
Wright	2,802	1,897	20		
Yellow Medicine	5,706	3,863	20		
Reserve new farms		200			
Reserve appeals and corrections		100			
Total	1,070,066	724,762	1,457		

MISSISSIPPI

Adams	27	18			
Alcorn	92	62			
Attala	31	21		1	1
Benton	70	47		19	13
Bolivar	10,148	6,843		325	220
Calhoun	6	4		1	1
Carroll	248	167		87	59
Chickasaw	77	52		3	2
Claiborne	35	24		10	7
Clay	211	142		58	39
Coahoma	7,615	5,135		614	416
Copiah	28	20		9	6
Covington	49	33		12	8
DeSoto	4,537	3,060		901	610
George	26	18		6	4
Greene	3	2			
Grenada	21	14		3	2
Hinds	146	98		35	24
Holmes	145	98		7	5
Humphreys	2,624	1,769		58	39
Issaquena	1,227	827		124	84
Itawamba	75	51		4	3
Jackson	16	11		1	1
Jefferson	76	51		1	1
Jefferson Davis	12	8			
Jones	30	20		6	4
Kemper	21	14		3	2
Lafayette	5	3		6	4
Lawrence	94	64		32	22
Lee	1,344	906		223	151
Leflore	1,083	730		275	186
Lowndes	199	134		35	24
Madison	186	125		41	28
Marshall	120	81		19	13
Monroe	31	21		7	5
Montgomery	7	5		3	2
Neshoba	208	140		15	10
Noxubee	49	33		13	9
Oktibbeha	934	630		140	95
Panola	7	5		1	1
Perry					

Wheat Acreage Apportioned to Counties for 1962—Continued

MISSISSIPPI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pontotoc	464	313		158	107
Prentiss	2	1		1	1
Quitman	3,398	2,291			
Sharkey	2,422	1,633		350	237
Simpson	13	10			
Sunflower	3,070	2,070		4	3
Tallahatchie	4,015	2,707		601	407
Tate	278	187		66	45
Tippah	21	14		1	1
Tishomingo	126	85		43	29
Tunica	12,643	8,525			
Union	80	54		75	51
Warren	69	47			
Washington	3,949	2,663		534	362
Webster	62	42		10	7
Wilkinson	30	20		1	1
Yalobusha	41	28		13	9
Yazoo	4,465	3,011		1,261	854
Reserve new farms		200			
Reserve appeals and corrections		0			
Total	67,035	45,403		6,216	4,215

MISSOURI

Adair	8,932	6,046			
Andrew	13,936	9,433			
Atchison	16,985	11,497			
Audrain	28,161	19,062			
Barry	10,728	7,262			
Barton	56,202	38,043			
Bates	43,415	29,388			
Benton	13,832	9,376			
Bollinger	9,072	6,141			
Boone	20,256	13,711			
Buchanan	29,037	19,655			
Butler	13,863	9,384			
Caldwell	17,576	11,897			
Callaway	21,456	14,524			
Camden	1,736	1,175			
Cape Girardeau	20,673	13,994			
Carroll	54,839	37,121			
Carter	573	388			
Cass	25,089	16,983			
Cedar	18,030	12,205			
Chariton	36,207	24,509			
Christian	8,040	5,442			
Clark	15,203	10,291			
Clay	15,117	10,233			
Clinton	13,402	9,072			
Cole	14,452	9,783			
Cooper	27,116	18,355			
Crawford	3,456	2,339			
Dade	31,151	21,086			
Dallas	6,854	4,640			
Daviess	26,451	17,905			
De Kalb	16,515	11,179			
Dent	3,081	2,086			
Douglas	3,417	2,313			
Dunklin	13,351	9,037			
Franklin	28,056	18,991			
Gasconade	17,370	11,758			
Gentry	16,512	11,177			
Greene	16,932	11,461			
Grundy	8,350	5,652			
Harrison	17,486	11,836			
Henry	31,212	21,128			
Hickory	6,818	4,615			
Holt	24,616	16,663			
Howard	21,549	14,587			
Howell	4,218	2,853			

Wheat Acreage Apportioned to Counties for 1962—Continued

MISSOURI—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Iron	812	550			
Jackson	20,502	13,878			
Jasper	57,169	38,696			
Jefferson	8,498	5,752			
Johnson	24,706	16,724			
Knox	14,208	9,617			
Laclede	7,622	5,159			
Lafayette	36,540	24,734			
Lawrence	29,335	19,857			
Lewis	25,918	17,544			
Lincoln	30,159	20,415			
Linn	12,499	8,461			
Livingston	19,612	13,275			
McDonald	5,258	3,559			
Macon	15,327	10,375			
Madison	2,450	1,658			
Maries	8,422	5,701			
Marion	25,163	17,033			
Mercer	6,405	4,336			
Miller	10,210	6,911			
Mississippi	21,132	14,304			
Moniteau	16,331	11,055			
Monroe	26,815	18,151			
Montgomery	23,935	16,202			
Morgan	11,289	7,642			
New Madrid	27,396	18,545			
Newton	27,067	18,322			
Nodaway	16,720	11,318			
Oregon	2,474	1,675			
Osage	15,461	10,466			
Ozark	1,734	1,174			
Pemiscot	5,443	3,684			
Perry	22,963	15,544			
Pettis	29,994	20,303			
Phelps	5,060	3,696			
Pike	24,525	16,601			
Platte	38,878	26,317			
Polk	18,825	12,743			
Pulaski	2,092	1,416			
Putnam	1,932	1,308			
Ralls	20,122	13,621			
Randolph	15,938	10,789			
Ray	32,978	22,323			
Reynolds	1,112	753			
Ripley	3,446	2,333			
St. Charles	51,186	34,645			
St. Clair	24,868	16,833			
St. Francois	3,910	2,647			
St. Louis	25,200	17,058			
Ste. Genevieve	7,314	4,951			
Saline	44,701	30,258			
Schuyler	2,245	1,520			
Scotland	7,845	5,310			
Scott	30,518	20,658			
Shannon	1,330	900			
Shelby	24,440	16,544			
Stoddard	41,886	28,353			
Stone	2,106	1,426			
Sullivan	5,152	3,487			
Taney	228	154			
Texas	9,289	6,288			
Vernon	45,984	31,127			
Warren	21,064	14,258			
Washington	2,203	1,491			
Wayne	2,517	1,704			
Webster	9,256	6,265			
Worth	6,922	4,686			
Wright	5,093	3,447			
Reserve new farms		300			
Reserve appeals and corrections		499			
Total	2,001,474	1,355,610			

Wheat Acreage Apportioned to Counties for 1962—Continued

MONTANA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Beaverhead	14,171	9,596	15		
Big Horn	101,253	68,561	50		
Blaine	120,130	81,344	100		
Broadwater	38,436	26,026	15		
Carbon	44,602	30,201	10		
Carter	40,991	27,755	40		
Cascade	188,978	127,963	200		
Chouteau	497,426	336,822	150		
Custer	31,939	21,627	50		
Daniels	288,271	195,197	50		
Dawson	189,793	128,514	100		
Deer Lodge	1,542	1,044	1		
Fallon	123,255	83,460	50		
Fergus	227,439	154,006	25		
Flathead	38,693	26,200	20		
Gallatin	95,823	64,885	50		
Garfield	63,705	43,137	50		
Glacier	73,249	49,599	50		
Golden Valley	27,048	18,315	20		
Granite	1,755	1,188	5		
Hill	450,074	304,758	350		
Jefferson	13,848	9,377	10		
Judith Basin	117,286	79,418	65		
Lake	28,851	19,536	30		
Lewis and Clark	22,675	15,354	15		
Liberty	237,040	160,507	100		
Lincoln	1,174	795	10		
McCone	242,932	164,510	75		
Madison	16,247	11,001	15		
Meagher	6,110	4,137	15		
Mineral	1,323	896	7		
Missoula	12,615	8,542	15		
Musselshell	25,085	16,986	25		
Park	33,661	22,793	30		
Petroleum	9,840	6,663	15		
Phillips	132,790	89,916	40		
Pondera	218,746	148,119	100		
Powder River	44,090	29,855	25		
Powell	7,560	5,119	15		
Prairie	52,601	35,618	35		
Ravalli	10,483	7,098	20		
Richland	204,137	138,227	75		
Roosevelt	375,201	254,060	50		
Rosebud	36,344	24,610	25		
Sanders	10,223	6,922	10		
Sheridan	314,022	212,634	100		
Silver Bow	96	65	0		
Stillwater	88,208	59,728	50		
Sweet Grass	17,032	11,533	20		
Teton	238,042	161,185	100		
Toole	221,994	150,251	190		
Treasure	8,615	5,833	15		
Valley	332,854	225,385	50		
Wheatland	14,788	10,013	30		
Wibaux	78,365	53,063	75		
Yellowstone	122,488	82,940	50		
Reserve new farms		800			
Reserve appeals and corrections		250			
Total	5,955,859	4,033,938	2,903		

NEBRASKA

Adams	133,600	90,474	100		
Antelope	8,336	5,645	30		
Arthur	13	9			
Banner	77,753	52,654	30		
Blaine	7	5			
Boone	15,740	10,659	60		
Box Butte	139,367	94,379	125		
Boyd	2,167	1,467	14		
Brown	3,041	2,059	5		

Wheat Acreage Apportioned to Counties for 1962—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Buffalo	64,208	43,482	50		
Burt	12,604	8,535	45		
Butler	68,917	46,670	80		
Cass	39,594	26,813	50		
Cedar	403	273	3		
Chase	109,169	73,929	75		
Cherry	1,713	1,160	6		
Cheyenne	233,290	157,984	200		
Clay	127,411	86,283	100		
Colfax	27,450	18,589	50		
Cuming	2,023	1,370	25		
Custer	72,030	48,779	75		
Dakota	368	249	2		
Dawes	64,712	43,823	50		
Dawson	27,531	18,644	50		
Deuel	95,299	64,536	65		
Dixon	155	105	5		
Dodge	36,912	24,997	75		
Douglas	3,715	2,516	20		
Dundy	45,130	30,562	50		
Fillmore	125,534	85,011	150		
Franklin	66,533	45,056	50		
Frontier	80,890	54,779	50		
Furnas	90,074	60,998	20		
Gage	121,137	82,034	100		
Garden	60,187	40,759	50		
Garfield	233	158	1		
Gosper	45,540	30,840	50		
Greeley	15,685	10,622	75		
Hall	47,236	31,988	100		
Hamilton	88,848	60,168	125		
Harlan	79,452	53,805	50		
Hayes	62,168	42,100	75		
Hitchcock	102,168	69,188	50		
Holt	9,194	6,226	40		
Hooker	7	5			
Howard	38,241	25,897	50		
Jefferson	88,172	59,710	50		
Johnson	35,252	23,873	100		
Kearney	102,777	69,600	100		
Keith	101,379	68,654	100		
Keya Paha	1,502	1,017	3		
Kimball	188,503	127,654	65		
Knox	4,677	3,167	5		
Lancaster	104,510	70,774	150		
Lincoln	82,591	55,931	125		
Logan	10,295	6,972	5		
Loup	219	148	1		
McPherson	115	78			
Madison	7,253	4,912	25		
Merrick	34,151	23,127	50		
Morrill	52,100	35,282	50		
Nance	31,488	21,324	53		
Nemaha	35,342	23,934	75		
Nuckolls	75,804	51,334	50		
Otoe	56,570	38,309	100		
Pawnee	23,078	15,628	40		
Perkins	194,566	131,760	100		
Phelps	81,634	55,282	75		
Pierce	2,076	1,406	8		
Platte	30,320	20,533	100		
Polk	51,605	34,947	150		
Redwillow	94,193	63,787	125		
Richardson	38,785	26,262	50		
Rock	55	37	1		
Saline	113,052	76,559	150		
Sarpy	6,186	4,189	20		
Saunders	47,942	32,466	50		
Scotts Bluff	24,388	16,516	25		
Seward	84,423	57,175	150		
Sheridan	82,873	56,121	60		
Sherman	24,223	16,727	40		
Sioux	12,187	8,253	10		
Stanton	1,991	1,348	10		

Wheat Acreage Apportioned to Counties for 1962—Continued

NEBRASKA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserva	
				Equivalent base acreage	Acreage apportioned
Thayer	111,337	75,397	100		
Thomas	5	3			
Thurston	563	381	10		
Valley	24,239	16,415	35		
Washington	12,585	8,523	50		
Wayne	413	280	2		
Webster	67,005	45,376	100		
Wheeler	129	87	1		
York	78,713	53,304	100		
Reserve new farms		250			
Reserve appeals and corrections		247			
Total	4,666,036	3,160,333	5,145		

NEW JERSEY

Atlantic	10	7			
Burlington	4,766	3,222			
Camden	583	394			
Cape May	109	74			
Cumberland	1,358	918			
Gloucester	874	591			
Hunterdon	12,611	8,524			
Mercer	13,489	9,118			
Middlesex	9,631	6,510			
Monmouth	15,152	10,242			
Morris	902	610			
Ocean	330	223			
Passaic	1	1			
Salem	3,911	2,644			
Somerset	6,338	4,284			
Sussex	308	208			
Union	34	23			
Warren	3,970	2,683			
Reserve new farms		50			
Reserve appeals and corrections		50			
Total	74,377	50,376			

NEW MEXICO

Bernalillo	2,031	1,374			
Catron	360	244			
Chaves	700	474	0.5		
Colfax	12,289	8,315	10.0		
Curry	295,009	199,598	100.0		
DeBaca	473	320	.5		
Eddy	24	16	.3		
Grant	178	120			
Guadalupe	133	90			
Harding	35,356	23,921	5.0		
Hidalgo	16	11			
Lea	1,217	823	1.0		
Lincoln	378	256	1.0		
McKinley	389	263	2.0		
Mora	2,277	1,541	5.0		
Otero	112	76			
Quay	182,576	123,528	100.0		
Rio Arriba	11,689	7,909	5.0		
Roosevelt	84,475	57,154	50.0		
Sandoval	1,566	1,060	4.0		
San Juan	1,202	813	15.0		
San Miguel	2,008	1,359			
Santa Fe	5,754	3,893	4.0		
Sierra	67	45			
Socorro	5,567	3,767	3.0		
Taos	2,518	1,704	5.0		
Torrance	27,182	18,397	15.0		

Wheat Acreage Apportioned to Counties for 1962—Continued

NEW MEXICO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Union	12,131	8,208	10.0		
Valencia	6,557	4,436	15.0		
Reserve new farms		400			
Reserve appeals and corrections		100			
Total	694,184	470,175	351.3		

NEW YORK

Albany	2,825	1,906			
Allegany	5,882	3,970			
Broome	313	211			
Cattaraugus	1,957	1,321			
Cayuga	31,035	20,944			
Chautauqua	4,354	2,938			
Chemung	3,320	2,241			
Chenango	1,050	709			
Clinton	27	18			
Columbia	2,925	1,974			
Cortland	943	636			
Delaware	152	103			
Dutchess	1,031	696			
Erie	17,507	11,815			
Essex	583	393			
Franklin	6	4			
Fulton	235	159			
Genesee	33,369	22,519			
Greene	1,970	1,329			
Herkimer	1,434	968			
Jefferson	3,626	2,447			
Lewis	107	72			
Livingston	43,615	29,434			
Madison	3,993	2,695			
Monroe	42,212	28,487			
Montgomery	2,891	1,951			
Nassau	407	275			
Niagara	29,714	20,053			
Oneida	3,247	2,191			
Onondaga	14,563	9,828			
Ontario	41,945	28,307			
Orange	405	273			
Orleans	25,272	17,055			
Oswego	3,398	2,293			
Otsego	978	660			
Putnam	6	4			
Rensselaer	2,256	1,522			
Rockland	21	14			
St. Lawrence	259	175			
Saratoga	1,436	969			
Schenectady	516	348			
Schoharie	2,645	1,785			
Schuyler	8,340	5,628			
Seneca	25,624	17,293			
Steuben	20,000	13,497			
Suffolk	2,607	1,759			
Sullivan	54	36			
Tioga	2,567	1,732			
Tompkins	10,502	7,087			
Ulster	1,984	1,339			
Washington	928	626			
Wayne	24,994	16,867			
Westchester	76	51			
Wyoming	18,015	12,158			
Yates	20,081	13,552			
Reserve new farms		100			
Reserve appeals and corrections		1,054			
Total	470,202	318,471			

Wheat Acreage Apportioned to Counties for 1962—Continued

NORTH CAROLINA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Alamance	10,208	6,906	25.0		
Alexander	4,963	3,357	10.0		
Alleghany	237	160	3.0		
Anson	8,963	6,063	15.0		
Ashe	48	33	2.0		
Avery	20	14			
Beaufort	665	450	1.0		
Bertie	49	33	1.5		
Bladen	2,029	1,373	4.0		
Brunswick	388	263	1.0		
Buncombe	488	330	2.0		
Burke	3,362	2,274	10.0		
Cabarrus	11,353	7,680	10.0		
Caldwell	2,189	1,481	6.0		
Camden	224	152	5.0		
Carteret	253	171	1.0		
Caswell	8,043	5,441	25.0		
Catawba	18,383	12,436	15.0		
Chatham	7,017	4,747	20.0		
Cherokee	71	48			
Chowan	95	64	5.0		
Clay	49	33			
Cleveland	18,010	12,184	50.0		
Columbus	1,431	968	3.0		
Craven	874	591	3.0		
Cumberland	8,953	6,057	10.0		
Currituck	228	154	1.0		
Davidson	12,556	8,494	25.0		
Davie	5,476	3,704	20.0		
Duplin	2,112	1,429	15.0		
Durham	1,820	1,231	40.0		
Edgecombe	1,560	1,055	5.0		
Forsyth	6,651	4,499	15.0		
Franklin	5,186	3,508	5.0		
Gaston	9,685	6,552	15.0		
Gates	342	231	2.0		
Granville	3,570	2,415	10.0		
Greene	673	455	5.0		
Guilford	12,873	8,712	25.0		
Halifax	2,759	1,866	5.0		
Harnett	7,286	4,929	5.0		
Haywood	73	49	2.0		
Henderson	263	178	2.0		
Hertford	154	104	1.0		
Hoke	3,873	2,620	10.0		
Hyde	182	123	1.0		
Iredell	22,082	14,938	70.0		
Jackson	28	19			
Johnston	6,783	4,589	25.0		
Jones	315	213	3.0		
Lee	2,944	1,992	15.0		
Lenoir	1,638	1,108	2.0		
Lincoln	14,810	10,019	15.0		
McDowell	1,009	683	7.0		
Macon	84	57	3.0		
Madison	299	202	1.0		
Martin	158	107	3.0		
Mecklenburg	8,272	5,596	25.0		
Mitchell	1	1			
Montgomery	3,709	2,509	5.0		
Moore	5,941	3,951	10.0		
Nash	4,673	3,161	5.0		
New Hanover	87	59			
Northampton	1,314	889	5.0		
Onslow	148	100	1.0		
Orange	4,555	3,081	25.0		
Pamlico	540	365	1.0		
Pasquotank	719	486	5.0		
Pender	952	644	10.0		
Perquimans	382	258	5.0		
Person	6,279	4,248	20.0		
Pitt	1,025	693	3.0		
Polk	1,114	754	10.0		

Wheat Acreage Apportioned to Counties for 1962—Continued

NORTH CAROLINA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Randolph	13,788	9,327	35.0		
Richmond	5,421	3,667	5.0		
Robeson	7,108	4,809	10.0		
Rockingham	9,208	6,229	30.0		
Rowan	21,757	14,718	10.0		
Rutherford	7,460	5,047	10.0		
Sampson	5,241	3,546	15.0		
Scotland	1,957	1,324	10.0		
Stanly	20,617	13,947	15.0		
Stokes	3,082	2,085	15.0		
Surry	3,028	2,048	10.0		
Swain	2	1			
Transylvania	33	22	0.5		
Tyrrell	384	260	2.0		
Union	17,629	11,926	20.0		
Vance	2,575	1,742	10.0		
Wake	7,603	5,143	15.0		
Warren	4,995	3,379	12.0		
Washington	430	291	3.0		
Watauga	101	68	5.0		
Wayne	3,878	2,623	10.0		
Wilkes	3,683	2,492	10.0		
Wilson	2,833	1,917	2.0		
Yadkin	7,733	5,231	15.0		
Yancey	7	5			
Reserve new farms		200			
Reserve appeals and corrections		150			
Total	426,006	288,536	980.0		

NORTH DAKOTA

Adams	216,630	146,695	200		
Barnes	266,556	180,504	200		
Benson	282,343	191,194	350		
Billings	54,697	37,039	25		
Bottineau	373,808	253,131	500		
Bowman	183,178	124,043	100		
Burke	206,948	140,139	300		
Burleigh	146,160	98,975	200		
Cass	286,029	193,690	200		
Cavalier	315,176	213,428	300		
Dickey	103,666	70,199	40		
Divide	264,410	179,050	225		
Dunn	193,197	130,827	200		
Eddy	84,476	57,205	250		
Emmons	197,050	133,436	200		
Foster	102,068	69,117	200		
Golden Valley	112,335	76,070			
Grand Forks	256,937	173,990	400		
Grant	203,936	138,099	170		
Griggs	99,592	67,508	200		
Hettinger	295,464	200,079	250		
Kidder	117,628	79,654	125		
La Moure	196,845	133,297	250		
Logan	148,112	100,297	225		
McHenry	285,469	193,311	200		
McIntosh	172,110	116,548	200		
McKenzie	231,116	156,505	200		
McLean	402,816	272,775	400		
Mercer	144,874	98,104	200		
Morton	224,835	152,251	250		
Mountrail	318,031	215,361	300		
Nelson	172,399	116,743	200		
Oliver	85,530	58,595	145		
Pembina	254,208	172,142	250		
Pierce	220,139	149,071	300		
Ramsey	288,761	195,540	300		
Ransom	97,944	66,325	100		
Renville	185,925	125,903	250		
Richland	123,734	83,789	130		

Wheat Acreage Apportioned to Counties for 1962—Continued

NORTH DAKOTA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Rolette	153,197	103,740	200		
Sargent	105,454	71,410	50		
Sheridan	162,977	110,363	150		
Sioux	64,255	43,512	125		
Slope	149,842	101,468	250		
Stark	237,058	160,528	150		
Steele	116,284	78,744	195		
Stutsman	365,266	247,347	500		
Towner	265,719	179,937	310		
Traill	147,994	100,217	125		
Walsh	275,370	186,472	275		
Ward	386,699	261,861	300		
Wells	251,302	170,174	425		
Williams	394,923	267,430	300		
Reserve new farms		1,000			
Reserve appeals and corrections		501			
Total	10,992,572	7,445,333	11,890		

OHIO

Adams	17,225	11,660	35		
Allen	30,769	20,829	200		
Ashland	27,946	18,918	70		
Ashtabula	17,876	12,101	10		
Athens	2,095	1,418	60		
Auglaize	30,309	20,518	100		
Belmont	5,262	3,562	40		
Brown	21,983	14,881	50		
Butler	25,965	17,577	150		
Carroll	9,689	6,559	30		
Champaign	33,602	22,747	100		
Clark	31,945	21,625	50		
Clermont	12,451	8,429	50		
Clinton	44,689	30,252	100		
Columbiana	18,246	12,352	50		
Coshocton	17,206	11,648	50		
Crawford	34,357	23,258	50		
Cuyahoga	1,432	969	25		
Darke	44,809	30,333	150		
Defiance	36,938	25,005	150		
Delaware	26,226	17,754	125		
Erie	20,735	14,036	80		
Fairfield	46,634	31,162	50		
Fayette	49,782	33,700	100		
Franklin	34,341	23,247	100		
Fulton	35,245	23,859	100		
Gallia	2,704	1,830	40		
Geauga	6,866	4,648	25		
Greene	39,296	26,601	100		
Guernsey	6,285	4,255	50		
Hamilton	4,605	3,117	25		
Hancock	53,737	36,377	125		
Hardin	33,957	22,987	100		
Harrison	4,059	2,748	40		
Henry	45,907	31,076	100		
Highland	44,360	30,029	50		
Hocking	5,603	3,793	75		
Holmes	23,597	15,974	40		
Huron	38,723	26,213	25		
Jackson	3,498	2,368	20		
Jefferson	4,919	3,330	20		
Knox	34,195	23,148	100		
Lake	2,486	1,683	15		
Lawrence	825	559	5		
Licking	37,402	25,319	25		
Logan	26,720	18,088	75		
Lorain	20,596	13,942	75		
Lucas	18,878	12,779	75		
Madison	46,102	31,208	100		
Mahoning	13,531	9,160	60		
Marion	28,840	19,523	200		

Wheat Acreage Apportioned to Counties for 1962—Continued

OHIO—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Medina	20,860	14,121	60		
Meigs	3,146	2,130	25		
Mercer	34,504	23,357	225		
Miami	38,207	25,864	75		
Monroe	2,863	1,938	40		
Montgomery	29,560	20,010	40		
Morgan	4,175	2,826	25		
Morrow	23,049	15,603	100		
Muskingum	14,053	9,513	40		
Noble	1,879	1,272	50		
Ottawa	23,998	16,245	150		
Paulding	38,355	25,964	100		
Perry	13,930	9,430	60		
Pickaway	63,149	42,748	150		
Pike	6,451	4,367	25		
Portage	16,574	11,220	35		
Preble	35,375	23,947	150		
Putnam	54,330	36,778	50		
Richland	30,147	20,408	100		
Ross	45,566	30,846	50		
Sandusky	40,283	27,269	100		
Scioto	5,632	3,813	50		
Seneca	57,681	39,047	150		
Shelby	30,444	20,609	125		
Stark	27,346	18,512	50		
Summit	6,660	4,508	150		
Trumbull	12,516	8,473	50		
Tuscarawas	17,619	11,927	25		
Union	29,441	19,930	100		
Van Wert	37,706	25,525	150		
Vinton	1,876	1,270	20		
Warren	25,922	17,548	75		
Washington	5,660	3,831	25		
Wayne	45,337	30,691	20		
Williams	34,915	23,636	60		
Wood	72,735	49,238	300		
Wyandot	40,442	27,377	100		
Reserve new farms		300			
Reserve appeals and corrections		500			
Total	2,217,234	1,501,745	6,740		

OKLAHOMA

Adair	979	663			
Alfalfa	325,399	220,349			
Atoka	203	137			
Beaver	392,135	265,541			
Beckham	65,450	44,321			
Blaine	232,706	157,581			
Bryan	5,880	3,982			
Caddo	133,935	90,696			
Canadian	203,903	138,117			
Carter	845	572			
Cherokee	1,678	1,136			
Choctaw	372	252		15	10
Cimarron	279,367	189,178			
Cleveland	13,130	8,891			
Coal	527	357			
Comanche	82,594	55,930			
Cotton	153,947	104,248			
Craig	25,571	17,316			
Creek	2,369	1,604			
Custer	239,709	162,323			
Delaware	10,190	6,900			
Dewey	165,000	111,733			
Ellis	174,473	118,147			
Garfield	403,793	273,435			
Garvin	10,891	7,172			
Grady	70,797	47,941			
Grant	406,081	275,319			
Greer	95,988	64,797			

Wheat Acreage Apportioned to Counties for 1962—Continued

OKLAHOMA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Harmon	88,093	59,654			
Harper	195,082	132,103			
Haskell	2,478	1,678			
Hughes	717	485			
Jackson	195,293	132,246			
Jefferson	10,681	7,233			
Johnston	744	504			
Kay	275,342	186,452			
Kingfisher	310,847	210,495			
Kiowa	275,307	186,429			
Latimer	14	9			
LeFlore	5,565	3,768			
Lincoln	13,619	9,222			
Logan	104,133	70,515			
Love	786	532			
McClain	14,900	10,090			
McCurtain	41	28			
McIntosh	2,795	1,893			
Major	203,933	138,097			
Marshall	1,252	848			
Mayes	12,801	8,668			
Murray	2,906	1,968			
Muskogee	13,567	9,187			
Noble	161,885	109,623			
Nowata	15,056	10,195			
Okfuskee	2,183	1,478			
Oklahoma	33,800	22,888			
Okmulgee	1,472	997			
Osage	34,897	23,631			
Ottawa	32,564	22,051			
Pawnee	24,022	16,267			
Payne	28,219	19,109			
Pittsburg	1,780	1,205			
Pontotoc	1,094	741			
Pottawatomie	14,596	9,884			
Roger Mills	76,581	51,858			
Rogers	14,619	9,899			
Seminole	1,853	1,255			
Sequoyah	7,210	4,950			
Stephens	20,750	14,051			
Texas	586,884	397,418			
Tillman	243,196	164,684			
Tulsa	9,179	6,216			
Wagoner	16,828	11,395			
Washington	8,103	5,488			
Washita	235,989	159,804			
Woods	257,902	174,643			
Woodward	152,648	103,368			
Reserve new farms		300			
Reserve appeals and corrections		706			
Total	7,213,738	4,885,906		15	10

OREGON

Baker	23,348	15,795	100		
Benton	8,092	5,474	35		
Clackamas	11,012	7,450	20		
Columbia	326	221	5		
Crook	5,649	3,822	20		
Deschutes	2,082	1,408	15		
Douglas	1,528	1,034	20		
Gilliam	137,388	92,944	200		
Grant	2,853	1,906	15		
Harney	4,222	2,856	50		
Hood River	3	2			
Jackson	1,947	1,317	20		
Jefferson	42,038	28,439	250		
Josephine	163	110	10		
Klamath	16,798	11,364	50		
Lake	25,672	17,367	75		
Lane	7,514	5,083	50		

Wheat Acreage Apportioned to Counties for 1962—Continued

OREGON—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Linn	11,556	7,818	50		
Malheur	22,477	15,206	50		
Marion	27,481	18,591	60		
Morrow	176,719	119,552	200		
Multnomah	621	420	2		
Polk	19,678	13,312	100		
Sherman	144,084	97,474	100		
Umatilla	301,708	204,108	500		
Union	64,989	43,966	25		
Wallowa	37,039	25,057	100		
Wasco	98,568	66,682	200		
Washington	22,728	15,376	35		
Wheeler	9,379	6,345	50		
Yamhill	25,468	17,229	75		
Reserve new farms		500			
Reserve appeals and corrections		500			
Total	1,253,230	848,820	2,482		

PENNSYLVANIA

Adams	24,746	16,755	35		
Allegheny	3,673	2,487	10		
Armstrong	12,108	8,198	40		
Beaver	5,878	3,980	10		
Bedford	13,963	9,454	10		
Berks	38,970	26,386	50		
Blair	8,242	5,581	10		
Bradford	4,486	3,037	50		
Bucks	22,695	15,366	15		
Butler	14,918	10,101	20		
Cambria	7,097	4,805	25		
Cameron	32	22			
Carbon	3,859	2,613	15		
Centre	21,000	14,219	40		
Chester	18,012	12,196	50		
Clarion	11,118	7,528	25		
Clearfield	4,128	2,795	25		
Clinton	6,165	4,174	15		
Columbia	20,956	14,189	15		
Crawford	12,474	8,446	25		
Cumberland	30,608	20,724	20		
Dauphin	16,180	10,955	25		
Delaware	646	437	15		
Elk	463	313	5		
Erie	12,244	8,290	25		
Fayette	5,447	3,688	25		
Forest	343	232	5		
Franklin	42,310	28,648	75		
Fulton	9,972	6,752	20		
Greene	1,801	1,219	15		
Huntingdon	11,656	7,892	10		
Indiana	14,180	9,601	50		
Jefferson	7,489	5,071	20		
Juniata	11,783	7,978	50		
Lackawanna	167	113	5		
Lancaster	64,612	43,748	75		
Lawrence	11,251	7,618	50		
Lebanon	17,507	11,854	30		
Lehigh	19,741	13,366	40		
Luzerne	5,565	3,768	10		
Lycoming	16,535	11,399	25		
McKean	183	124	5		
Mercer	14,069	9,526	25		
Mifflin	10,226	6,992	15		
Monroe	3,359	2,274	25		
Montgomery	14,435	9,774	40		
Montour	9,030	6,114	10		
Northampton	12,975	8,785	20		
Northumberland	20,530	13,901	20		
Perry	16,391	11,098	15		
Philadelphia	488	330	5		

Wheat Acreage Apportioned to Counties for 1962—Continued

PENNSYLVANIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Pike	86	58	2		
Potter	1,115	755	20		
Schuylkill	13,073	8,852	20		
Snyder	13,906	9,416	25		
Somerset	8,647	5,855	10		
Sullivan	365	247	15		
Susquehanna	417	282	5		
Tioga	2,714	1,838	10		
Union	11,951	8,092	10		
Venango	4,266	2,888	5		
Warren	1,494	1,012	10		
Washington	8,872	6,007	10		
Wayne	86	58	3		
Westmoreland	15,039	10,183	25		
Wyoming	1,234	836	15		
York	58,351	39,509	50		
Reserve new farms		100			
Reserve appeals and corrections		75			
Total	798,722	540,979	1,495		

SOUTH CAROLINA

Abbeville	6,941	4,695	10		
Aiken	6,013	4,067	10		
Allendale	3,700	2,502	5		
Anderson	28,112	19,014	35		
Bamberg	2,595	1,755	5		
Barnwell	2,345	1,586	10		
Berkeley	211	143			
Calhoun	8,518	5,761	5		
Charleston	211	143			
Cherokee	7,076	4,786	15		
Chester	2,421	1,637	5		
Chesterfield	3,614	2,444	5		
Clarendon	2,378	1,608	10		
Colleton	535	362	3		
Darlington	8,356	5,652	10		
Dillon	1,975	1,336	7		
Doerster	228	154	2		
Edgefield	3,382	2,287	10		
Fairfield	907	613	5		
Florence	5,389	3,645	4		
Georgetown	224	152	2		
Greenville	10,636	7,194	20		
Greenwood	3,226	2,182	11		
Hampton	2,351	1,590	10		
Horry	1,046	707	5		
Jasper	48	32			
Kershaw	3,308	2,237	8		
Lancaster	2,009	1,359	4		
Laurens	10,542	7,130	10		
Lee	5,434	3,675	10		
Lexington	3,791	2,564	10		
McCormick	745	504	4		
Marion	608	411	2		
Marlboro	2,508	1,696	10		
Newberry	5,347	3,616	15		
Oconee	6,075	4,109	10		
Orangeburg	8,214	5,556	10		
Pickens	4,869	3,293	10		
Richland	5,091	3,443	10		
Saluda	4,235	2,864	20		
Spartanburg	19,602	13,258	35		
Sumter	6,485	4,386	5		
Union	2,026	1,370	10		
Williamsburg	1,206	816	3		
York	4,980	3,368	12		
Reserve new farms		100			
Reserve appeals and corrections		102			
Total	209,513	141,904	402		

Wheat Acreage Apportioned to Counties for 1962—Continued

SOUTH DAKOTA

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Aurora	16,176	10,944	15		
Beadle	121,328	82,086	50		
Bennett	70,179	47,490	25		
Bon Homme	3,026	2,047	25		
Brookings	2,493	1,687	15		
Brown	277,986	188,076	50		
Brule	18,388	12,441	35		
Buffalo	7,881	5,332	20		
Butte	24,998	16,913	35		
Campbell	127,931	86,534	50		
Charles Mix	43,654	29,535	50		
Clark	95,119	64,354	50		
Clay	6,508	4,403	25		
Codington	43,744	29,596	25		
Corson	169,229	114,495	50		
Custer	5,813	3,933	15		
Davison	2,383	1,612	20		
Day	111,745	75,603	40		
Deuel	2,714	1,836	10		
Dewey	91,701	62,042	50		
Douglas	5,087	3,442	30		
Edmunds	189,461	128,183	30		
Fall River	24,587	16,635	15		
Faulk	125,218	84,718	75		
Grant	19,616	13,272	30		
Gregory	23,305	15,767	50		
Haakon	54,037	36,560	15		
Hamlin	10,581	7,159	20		
Hand	105,284	71,231	50		
Hanson	1,516	1,026	10		
Harding	62,329	42,170	25		
Hughes	69,094	47,153	100		
Hutchinson	7,420	5,020	15		
Hyde	30,528	20,654	50		
Jackson	21,056	14,246	25		
Jerauld	31,862	21,557	25		
Jones	70,610	47,772	20		
Kingsbury	38,276	25,896	50		
Lake	873	591	10		
Lawrence	7,885	5,335	25		
Lincoln	270	183	10		
Lyman	132,595	89,709	50		
McCook	1,451	982	10		
McPherson	137,748	93,196	30		
Marshall	80,097	54,191	25		
Meade	84,748	57,338	40		
Mellette	41,071	27,787	20		
Miner	7,832	5,299	25		
Minnehaha	179	121	5		
Moody	303	205	2		
Pennington	68,398	46,276	50		
Perkins	212,648	143,870	100		
Potter	142,191	96,202	100		
Roberts	70,267	47,540	50		
Sanborn	6,681	4,520	25		
Shannon	29,614	20,036	15		
Spink	348,935	236,078	100		
Stanley	41,845	28,108	50		
Sully	160,401	108,522	100		
Todd	15,517	10,498	25		
Tripp	112,459	76,086	50		
Turner	1,111	752	15		
Union	13,222	8,946	25		
Walworth	126,179	85,368	50		
Washabaugh	22,573	15,272	25		
Yankton	2,513	1,700	20		
Ziebach	53,782	36,387	40		
Reserve new farms		1,997			
Reserve appeals and corrections		1,000			
Total	4,066,550	2,747,825	2,382		

Wheat Acreage Apportioned to Counties for 1962—Continued

TENNESSEE

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Anderson	154	104	10		
Bedford	8,274	5,599	2		
Benton	1,037	715	5		
Bledsoe	1,149	777	7		
Blount	4,627	3,131	5		
Bradley	1,454	984	2		
Campbell	376	254	10		
Cannon	767	519	2		
Carroll	1,534	1,038	2		
Carter	535	362	10		
Cheatham	2,698	1,826	10		
Chester	152	103	1		
Claiborne	4,292	2,904	12		
Clay	968	655	5		
Cocke	2,869	1,941	1		
Coffee	4,546	3,076	1		
Crockett	329	223	5		
Cumberland	358	242	8		
Davidson	1,772	1,199	5		
Decatur	99	67	3		
DeKalb	1,503	1,017	9		
Dickson	1,953	1,322	10		
Dyer	3,173	2,147	5		
Fayette	41	28			
Fentress	800	541	10		
Franklin	9,464	6,404	6		
Gibson	2,147	1,453	12		
Giles	5,705	3,860	5		
Grainger	2,671	1,807	5		
Greene	10,760	7,281	25		
Grundy	833	564	1		
Hamblen	5,470	3,701	10		
Hamilton	669	453	8		
Hancock	1,390	941	10		
Hardeman	259	175	2		
Hardin	1,224	828	20		
Hawkins	6,958	4,708	25		
Haywood	405	274	5		
Henderson	103	70	2		
Henry	3,677	2,488	5		
Hickman	876	593	2		
Houston	781	528	5		
Humphreys	1,682	1,138	5		
Jackson	393	266	6		
Jefferson	7,678	5,198	5		
Johnson	895	606	3		
Knox	1,852	1,253	15		
Lake	711	481	5		
Lauderdale	323	219	3		
Lawrence	7,551	5,109	10		
Lewis	173	117			
Lincoln	6,533	4,421	4		
Loudon	3,977	2,691	5		
Madison	2,079	1,407	20		
McMinn	42	28	2		
McNairy	1,545	1,045	10		
Macon	377	255	3		
Marion	659	445	2		
Marshall	5,516	3,732	5		
Maury	14,172	9,590	5		
Meigs	1,431	968	2		
Monroe	4,906	3,320	5		
Montgomery	9,303	6,295	15		
Moore	553	374	1		
Morgan	215	145			
Obion	8,560	5,792	10		
Overton	2,077	1,405	10		
Perry	408	276	3		
Pickett	895	606	12		
Polk	750	507	5		
Putnam	1,881	1,273	10		
Rhea	1,244	842	2		
Roane	1,020	690	1		
Robertson	28,119	19,027	35		

Wheat Acreage Apportioned to Counties for 1962—Continued

TENNESSEE—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Rutherford	5,719	3,870	2		
Sequatchie	307	208	1		
Sevier	4,492	3,040	10		
Shelby	524	355	5		
Smith	858	581	5		
Stewart	674	456	3		
Sullivan	3,426	2,318	5		
Sumner	6,919	4,682	25		
Tipton	1,373	929	5		
Trousdale	493	334	4		
Unicoi	140	95	1		
Union	500	338	5		
Van Buren	224	152	5		
Warren	3,616	2,447	15		
Washington	5,449	3,687	5		
Wayne	955	646	5		
Weakley	5,114	3,460	5		
White	2,574	1,742	20		
Williamson	8,687	5,878	5		
Wilson	2,877	1,947	10		
Reserve new farms		100			
Reserve appeals and corrections		75			
Total	271,312	183,761	648		

TEXAS

Anderson	9	6			
Archer	44,344	30,027	10.0		
Armstrong	125,984	85,308	58.0		
Atascosa	372	252	1.0		
Austin	4	3			
Bailey	24,716	16,736	25.0		
Bandera	61	41	.4		
Bastrop	28	19			
Baylor	97,713	66,165	5.0		
Bee	18	12			
Bell	7,672	5,195	4.0		
Bexar	1,916	1,297	3.0		
Blanco	703	476	3.0		
Borden	2,425	1,642	5.0		
Bosque	5,123	3,469	10.0		
Bowie	176	119			
Brazos	13	9			
Briscoe	75,590	51,185	20.0		
Brown	24,442	16,551	12.0		
Burnet	1,753	1,187	10.0		
Caldwell	19	13			
Callahan	28,669	19,413	5.0		
Carson	224,064	151,722	30.0		
Castro	148,829	100,778	80.0		
Cherokee	8	5			
Childress	65,136	44,106	16.0		
Clay	44,392	30,059	25.0		
Cochran	3,238	2,193	10.0		
Coke	3,096	2,096	2.0		
Coleman	37,136	25,146	20.0		
Collin	61,961	41,956	20.0		
Collingsworth	36,917	24,998	5.0		
Comal	399	270	1.0		
Comanche	2,528	1,712	5.0		
Concho	34,469	23,340	10.0		
Cooke	31,895	21,597	30.0		
Coryell	12,332	8,354	10.0		
Cottle	38,249	25,900	2.0		
Crosby	49,192	33,310	25.0		
Culberson	17	12			
Dallam	97,910	66,298	50.0		
Dallas	32,915	22,288	15.0		
Dawson	1,326	898	20.0		
Deaf Smith	282,948	191,595	50.0		
Delta	1,455	985	5.0		

Wheat Acreage Apportioned to Counties for 1962—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reservefor appeals and corrections	Apportionment from tbe national reserve	
				Equivalent base acreage	Acreage apportioned
Denton	47,846	32,398	15.0		
DeWitt	4	3			
Dickens	34,532	23,383	10.0		
Donley	24,110	16,326	2.0		
Eastland	7,397	5,009	15.0		
Edwards	45	30			
Ellis	14,884	10,078	15.0		
Erath	1,731	1,172	4.0		
Falls	373	253	2.0		
Fannin	17,575	11,901	10.0		
Fisher	42,649	28,879	3.0		
Floyd	188,652	127,743	20.0		
Foard	101,643	68,826	5.0		
Frio	26	18		34	23
Gaines	3,198	2,165	5.0		
Garza	2,472	1,674	25.0		
Gillespie	8,212	5,561	10.0		
Glasscock	425	288			
Gonzales	22	15			
Gray	125,280	84,832	5.0		
Grayson	65,192	44,144	15.0		
Guadalupe	465	315	3.0		
Hale	87,302	59,156	10.0		
Hall	18,865	12,774	10.0		
Hamilton	6,181	4,185	10.0		
Hansford	331,158	224,239	100.0		
Hardeman	128,501	87,013	10.0		
Harris	12	8			
Hartley	128,012	86,682	25.0		
Haskell	72,419	49,038	10.0		
Hays	99	67	5.0		
Hemphill	51,630	34,961	15.0		
Henderson	66	45	.4		
Hill	3,025	2,048	7.0		
Hockley	626	424			
Hood	264	179	2.0		
Hopkins	99	67			
Houston	8	5			
Howard	3,041	2,059	25.0		
Hudspeth	16	11			
Hunt	6,388	4,326	10.0		
Hutchinson	96,406	65,280	50.0		
Irion	64	43			
Jack	5,550	3,758	10.0		
Jackson	171	116			
Johnson	2,839	1,922	10.0		
Jones	85,636	57,987	15.0		
Karnes	551	373			
Kaufman	2,518	1,705	5.0		
Kendall	2,500	1,693	3.0		
Kent	7,715	5,224	5.0		
Kerr	2,101	1,423	5.0		
Kimble	384	260	1.0		
King	8,095	5,481	1.0		
Knox	74,341	50,339	10.0		
Lamar	4,154	2,813	6.0		
Lamb	7,995	5,414	10.0		
Lampasas	2,166	1,467	5.0		
Leon	18	12			
Limestone	51	35	1.0		
Lipscomb	160,488	108,672	15.0		
Live Oak	155	105			
Llano	147	100	1.0		
Lubbock	5,540	3,751	6.0		
Lynn	1,522	1,031	5.0		
McCulloch	20,543	13,910	10.0		
McLennan	9,472	6,414	4.0		
Martin	254	172	2.0		
Mason	74	50	.5		
Maverick	199	135			
Medina	384	260	1.0		
Menard	1,992	1,085			

Wheat Acreage Apportioned to Counties for 1962—Continued

TEXAS—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Midland	1	1			
Milam	233	158	1.0		
Mills	3,401	2,303	2.0		
Mitchell	10,600	7,178	10.0		
Montague	3,651	2,472	10.0		
Moore	208,924	141,470	35.0		
Morris	113	77		69	47
Motley	15,701	10,632	10.0		
Navarro	740	501	5.0		
Nolan	21,266	14,400	25.0		
Ochiltree	361,859	245,028	100.0		
Oldham	86,943	58,872	25.0		
Palo Pinto	3,931	2,662	12.0		
Parker	674	456	3.0		
Parmer	154,843	104,850	15.0		
Potter	48,754	33,013	13.0		
Presidio	16	11			
Rains	16	11			
Randall	194,410	131,642	12.0		
Red River	584	395	2.0	68	46
Reeves	28	19			
Roberts	43,708	29,596	25.0		
Rockwall	5,094	3,449	3.0		
Runnels	52,504	35,552	10.0		
San Saba	3,179	2,153	5.0		
Schleicher	934	632	2.0		
Scurry	16,735	11,332	3.0		
Shackelford	24,244	16,416	15.0		
Sherman	261,879	177,328	20.0		
Somervell	89	60	1.0		
Stephens	18,995	12,862	10.0		
Sterling	431	292	0.3		
Stonewall	31,998	21,667	15.0		
Swisher	174,993	118,494	10.0		
Tarrant	3,378	2,287	15.0		
Taylor	92,056	62,335	20.0		
Terry	15,204	10,295	10.0		
Throckmorton	48,063	32,545	5.0		
Titus	9	6			
Tom Green	3,029	2,051	5.0		
Travis	129	87	1.0		
Uvalde	297	201	1.0		
Van Zandt	298	202			
Victoria	11	7			
Walker	6	4			
Waller	42	28			
Wharton	83	56			
Wheeler	32,970	22,325	10.0		
Wichita	83,347	56,437	25.0		
Wilbarger	128,794	87,211	6.0		
Williamson	1,912	1,295	5.0		
Wilson	344	233	2.0		
Wise	6,499	4,401	10.0		
Wood	10	7			
Yoakum	3,675	2,488	21.0		
Young	72,302	48,958	20.0		
Zavala	153	104			
Reserve new farms		850			
Reserve appeals and corrections		153			
Total	5,924,404	4,012,633	1,712.6	171	116

UTAH

Beaver	2,597	1,755			
Box Elder	141,720	95,798			
Cache	47,629	32,196			
Carbon	1,929	1,304			
Daggett	49	33			
Davis	4,907	3,317			

Wheat Acreage Apportioned to Counties for 1962—Continued

UTAH—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Duchesne	3,604	2,436			
Emery	3,975	2,687			
Garfield	1,810	1,223			
Grand	543	367			
Iron	8,938	6,042			
Juab	29,819	20,157			
Kane	1,326	896			
Millard	41,254	27,886			
Morgan	2,970	2,008			
Piute	227	153			
Rich	5,253	3,551			
Salt Lake	27,462	18,563			
San Juan	47,190	31,899			
Sanpete	17,239	11,653			
Sevier	3,871	2,617			
Summit	1,597	1,080			
Tooele	10,142	6,856			
Uintah	4,750	3,211			
Utah	24,018	16,235			
Wasatch	335	226			
Washington	9,834	6,647			
Wayne	381	258			
Weber	3,728	2,520			
Reserve new farms		200			
Reserve appeals and corrections		402			
Total	449,097	304,176			

VIRGINIA

Accomac	684	462			
Albemarle	2,200	1,486			
Alleghany	172	116			
Amelia	7,856	5,110			
Amherst	2,858	1,893			
Appomattox	7,289	4,923			
Augusta	14,450	9,759			
Bath	474	320			
Bedford	8,359	5,645			
Bland	1,427	964			
Botetourt	2,107	1,423			
Brunswick	4,764	3,217			
Buchanan	18	12			
Buckingham	6,183	4,176			
Campbell	9,936	6,711			
Caroline	7,650	5,167			
Carroll	1,014	685			
Charles City	3,989	2,694			
Charlotte	6,299	4,254			
Chesterfield	1,865	1,260			
Clarke	4,721	3,188			
Craig	717	484			
Culpeper	2,867	1,936			
Cumberland	4,724	3,190			
Dinwiddie	3,360	2,269			
Hampton	114	77			
Essex	8,670	5,856			
Fairfax	2,103	1,420			
Fauquier	7,771	5,248			
Floyd	1,965	1,327			
Fluvanna	2,243	1,515			
Franklin	6,938	4,686			
Frederick	5,764	3,893			
Giles	622	420			
Gloucester	951	642			
Goochland	2,492	1,683			
Grayson	733	495			
Greene	1,752	1,183			
Greensville	291	197			
Halifax	11,762	7,937			
Hanover	9,535	6,440			
Henrico	2,406	1,625			

Wheat Acreage Apportioned to Counties for 1962—Continued

VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve	
				Equivalent base acreage	Acreage apportioned
Henry	1,343	907			
Highland	347	234			
Isle of Wight	104	70			
James City	1,145	773			
King and Queen	3,898	2,633			
King George	3,503	2,366			
King William	3,704	2,502			
Lancaster	1,438	971			
Lee	2,463	1,663			
Loudoun	12,558	8,481			
Louisa	5,130	3,465			
Lunenburg	3,749	2,532			
Madison	3,006	2,030			
Mathews	380	257			
Mecklenburg	8,986	6,069			
Middlesex	2,147	1,450			
Montgomery	1,725	1,165			
Nansemond	482	326			
Nelson	1,986	1,341			
New Kent	1,997	1,349			
Norfolk	2,245	1,516			
Northampton	167	113			
Northumberland	4,630	3,127			
Nottoway	2,978	2,011			
Orange	3,411	2,304			
Page	4,996	3,376			
Patrick	612	413			
Pittsylvania	20,392	13,772			
Powhatan	1,733	1,170			
Prince Edward	7,309	4,936			
Prince George	2,120	1,432			
Prince William	2,960	1,999			
Princess Anne	1,806	1,220			
Pulaski	1,532	1,035			
Rappahannock	1,196	808			
Richmond	5,275	3,563			
Roanoke	1,547	1,045			
Rockbridge	4,691	3,168			
Rockingham	14,913	10,072			
Russell	2,888	1,950			
Scott	2,641	1,784			
Shenandoah	7,288	4,922			
Smyth	2,437	1,646			
Southampton	651	440			
Spotsylvania	2,790	1,884			
Stafford	1,729	1,168			
Surry	512	346			
Sussex	843	569			
Tazewell	2,293	1,549			
Warren	2,267	1,531			
Newport News	6	4			
Washington	6,289	4,247			
Westmoreland	8,671	5,856			
Wise	19	13			
Wythe	4,874	3,292			
York	310	209			
Reserve new farms		200			
Reserve appeals and corrections		500			
Total	362,410	245,462			

WASHINGTON

Adams	405,443	274,473	300		
Asotin	42,571	28,819	70		
Benton	154,641	104,688	105		
Chelan	6,794	4,599	15		
Clallam	100	68	4		
Clark	643	435	10		
Columbia	103,623	70,150	150		
Cowlitz	40	27			
Douglas	253,241	171,437	250		

Wheat Acreage Apportioned to Counties for 1962—Continued

WEST VIRGINIA—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Upshur	102	102	4		
Wayne	32	21			
Webster	4	3			
Wetzel	46	31			
Wirt	54	34			
Wood	766	516	20		
Reserve new farms		100			
Reserve appeals and corrections		200	300		
Total	49,971	33,846			

WISCONSIN

Adams	356	240			
Ashland	30	30			
Barron	54	36			
Bayfield	291	199			
Brown	451	303			
Buffalo	819	551			
Burnett	90	61			
Calumet	813	547			
Chippewa	132	89			
Clark	333	224			
Columbia	2,449	1,648			
Crawford	161	108			
Dane	1,977	1,263			
Dodge	1,875	1,262			
Door	1,787	1,203			
Douglas	178	120			
Dunn	536	361			
Eau Claire	334	225			
Florence	15	10			
Fond du Lac	877	590			
Forest	59	40			
Grant	494	326			
Green	215	145			
Green Lake	854	581			
Iowa	420	283			
Iron	7	5			
Jackson	446	300			
Jefferson	1,163	783			
Jerseu	265	178			
Kenosha	2,349	1,582			
Kewaunee	1,360	916			
La Crosse	312	210			
Lafayette	186	125			
Langlade	367	247			
Lincoln	121	81			
Manitowoc	1,066	717			
Marathon	849	571			
Marinette	752	506			
Marquette	780	525			
Milwaukee	1,036	697			
Monroe	228	153			
Oconto	517	348			
Oneida	142	96			
Outagamie	449	302			
Ozaukee	1,036	699			
Pepin	178	120			
Pierce	2,862	1,926			
Polk	361	243			
Portage	580	390			
Price	31	21			
Racine	7,103	4,782			
Richland	311	209			
Rock	2,518	1,694			
Rusk	5	3			
St. Croix	905	609			
Sauk	1,764	1,188			
Sawyer	475	322			
Shawano	1,058	699			
Sheboygan					

WASHINGTON—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Ferry	5,934	4,017	100		
Franklin	151,215	102,388	100		
Garfield	99,905	67,634	60		
Grant	196,113	132,763	500		
Grays Harbor	158	107			
Island	1,511	1,023	10		
Jefferson	67	45			
Kittitas	13,056	8,839	50		
Klickitat	83,668	56,650	150		
Lewis	4,372	2,960	10		
Lincoln	413,556	280,237	500		
Mason	6	4			
Okanogan	41,264	27,946	100		
Pacific	1,420	961			
Pend Oreille	32	22			
Pierce	139	106			
San Juan	1,393	944			
Skagit	241	163			
Snohomish	168,190	113,853	200		
Spokane	28,665	19,405	100		
Stevens	708	479			
Walla Walla	264,663	179,143	300		
Whatcom	466	315			
Whitman	516,392	349,583	340		
Yakima	33,191	22,469	100		
Reserve new farms		500			
Reserve appeals and corrections		500	3,430		
Total	2,968,221	2,027,326			

WEST VIRGINIA

Barbour	267	179	10		
Berkeley	5,226	3,508	15		
Braxton	1	1			
Brooke	511	343	5		
Cabell	111	75			
Doddridge	1	1			
Fayette	128	86	3		
Grant	1,989	1,335	3		
Greenbrier	2,451	1,632	20		
Hampshire	2,699	1,796	10		
Hancock	552	371	10		
Hardy	2,738	1,838	15		
Harrison	24	16	1		
Jackson	314	211	50		
Jefferson	12,287	8,248	1		
Lewis	26	17	5		
Lincoln	8	5	13		
Marion	29	19	553		
Marshall	824	533	15		
Mason	2,326	1,561	5		
Mercer	588	395	3		
Mineral	1,106	743	1		
Monongalia	158	106	20		
Monroe	4,334	2,910	5		
Morgan	2,134	1,432	10		
Nicholas	443	297	5		
Ohio	478	321	20		
Pendleton	3,046	2,045			
Pleasants	26	18	20		
Pocahontas	655	447	10		
Preston	1,575	1,057	10		
Putnam	107	72	1		
Raleigh	285	191			
Randolph	18	12			
Ritchie	21	14			
Roane	515	346	5		
Summers	86	58	3		
Taylor	49	33			
Tucker	63	43			
Tyler					

Wheat Acreage Apportioned to Counties for 1962—Continued

WISCONSIN—Continued

Counties	County wheat base acreage	Acreage apportioned to counties from State allotments	County reserve for appeals and corrections	Apportionment from the national reserve: Equivalent base acreage	Apportionment from the national reserve: Acreage apportioned
Taylor	77	52			
Trempealeau	797	536			
Vernon	90	61			
Vilas	2	1			
Walworth	1,738	1,170			
Washburn	44	30			
Washington	2,100	1,413			
Waukesha	2,367	1,593			
Waupaca	313	211			
Waushara	549	369			
Winnebago	896	603			
Wood	67	45			
Reserve new farms		50			
Reserve appeals and corrections		198			
Total	57,586	39,003			

WYOMING

Albany	305	206			
Big Horn	2,254	1,525	15		
Campbell	45,817	31,000	75		
Carbon	16,796	11,364	25		
Converse	8,731	5,907	7		
Crook	39,883	26,985	85		
Fremont	3,967	2,684	25		
Goshen	85,637	57,942	25		
Hot Springs	253	171			
Johnson	8,437	5,708	15		
Laramie	99,227	67,137	25		
Lincoln	5,505	3,725			
Natrona	403	273			
Niobrara	13,626	9,219	25		
Park	3,882	2,627	13	10	7
Platte	56,831	38,452	35		
Sheridan	18,597	12,583	25		
Sublette	5	3			
Sweetwater	12	8			
Teton	1,007	681			
Uinta	180	122			
Washakie	225	152			
Weston	13,106	8,868	5		
Reserve new farms		200			
Reserve appeals and corrections		100			
Total	424,686	287,642	400	10	7
Total, commercial States	81,097,341	54,927,697		24,218	16,404
Total, noncommercial States (not apportioned)		42,303			13,596
National reserve (not apportioned)					
Total United States	81,097,341	54,970,000		24,218	30,000

(Secs. 334, 375, 52 Stat. 54, 66, 67 Stat. 151; 7 U.S.C. 1334, 1375)

Effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 25th, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7116; Filed, Aug. 1, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8200 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Montgomery Ward & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* §13.155–40 *Exaggerated as regular and customary;* § 13.155–60 *List or catalog as regular selling.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Montgomery Ward & Co., Inc., Chicago, Ill., Docket 8200, June 14, 1961]

Consent order requiring a large Chicago mail order retailer to cease making deceptive price and savings claims for its automobile tires, parts, and accessories through such practices as setting out as "list prices" in newspaper advertisements, amounts substantially in excess of actual retail prices, and representing the difference between such "list prices" and the advertised sale prices as savings for the buyer.

The order to cease and desist is as follows:

It is ordered, That respondent Montgomery Ward & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of automobile tires, automotive parts and automotive accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any amount is respondent's usual and customary retail price of said products when such amount is in excess of the price at which said products have been usually and customarily sold at retail by respondent in the recent regular course of its business.

2. Representing, directly or by implication, that any saving is afforded in the purchase of said products unless the price at which they are offered constitutes a reduction from the price at which such products have been usually and customarily sold by respondent in the recent regular course of its business.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondent's said products, or the amount by which the price of said products is reduced from the price at which said products have been regularly and customarily sold by respondent in the recent regular course of business.

4. Using the word "list" in connection with the price of said products unless it is the price at which said products have been usually and customarily sold by respondent in the recent regular course of its business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7249; Filed, Aug. 1, 1961; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

Miscellaneous Amendments

1. Section 333.3(d), Title 6, Code of Federal Regulations (25 F.R. 5076), is revoked and § 333.3(a), Title 6, Code of Federal Regulations (25 F.R. 5076), is revised to prescribe conditions under which a direct loan may be made to an insured loan borrower, and to read as follows:

§ 333.3 Subsequent direct loans.

(a) *Direct loan to insured loan borrower.* A direct Farm Ownership loan may be made to an insured Farm Owner-

ship loan borrower without refinancing the insured Farm Ownership loan when the borrower's only indebtedness secured by liens on the farm will be the insured and direct Farm Ownership loans. Farm Ownership borrowers indebted for an insured Farm Ownership loan secured by a first mortgage and a direct Farm Ownership loan secured by a second mortgage may be made a subsequent direct Farm Ownership loan if the only liens on the farm will be the liens securing the insured and direct loans.

(1) When a subsequent direct Farm Ownership loan is made to an insured Farm Ownership loan borrower, the amount of the subsequent loan, plus the outstanding balance of the Farm Ownership loan, may not exceed 90 percent of the fair and reasonable value of the farm.

(2) A direct Farm Ownership loan will not be made to refinance an insured Farm Ownership loan without prior approval of the National Office unless the refinancing of the insured loan is necessary to obtain a second lien on the farm as security for the subsequent direct loan. Generally, the loan to be refinanced will be the one which will require the least amount of direct Farm Ownership loan funds.

(Sec. 12, 60 Stat. 1076, as amended; 7 U.S.C. 1005b)

2. The introductory paragraph of § 333.4(a), Title 6, Code of Federal Regulations (25 F.R. 5076), is revised to permit making a subsequent insured loan under certain conditions to a borrower without refinancing the existing indebtedness, and to read as follows:

§ 333.4 Subsequent insured loan to a person indebted for a direct or insured Farm Ownership loan.

(a) *General.* When a subsequent insured loan is made, the existing direct or insured loan ordinarily will be refinanced and the entire amount of the subsequent insured Farm Ownership note will bear 5 percent interest. (When a Farm Ownership borrower's subsequent credit needs can advantageously be met with an insured loan without refinancing the existing Farm Ownership loan, such a loan may be made with prior consent of the National Office on an individual case basis. If the State Director determines that a loan should be made without refinancing the initial loan, he will report the circumstances to the National Office, and if consent is given, the National Office will issue specific instructions for making and closing the loan.)

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: July 25, 1961.

J. V. HIGHFILL,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 61-7290; Filed, Aug. 1, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-118]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 602—ESTABLISHMENT OF CODED JET ROUTES AND NAVIGATIONAL AIDS IN THE CONTINENTAL CONTROL AREA

Alteration of Federal Airways and Associated Control Areas, Reporting Points, and Coded Jet Routes

The purpose of these amendments to §§ 600.6135, 600.6264, 600.6432, 600.6442, 600.1617, 600.1624, 601.6432, 601.6442, 601.7001, 602.510, and 602.578 of the Regulations of the Administrator is to change the name of the Rice, Calif., VORTAC to the Parker, Calif., VORTAC, because of misunderstandings due to the similarity in sound between "Rice" and "Blythe".

This name change will require an alteration in the description of low altitude VOR Federal airways Nos. 135, 264, 432, 442; intermediate altitude VOR Federal airways Nos. 1617 and 1624; and VOR/VORTAC jet routes Nos. 10 and 78. Additionally, it will require the substitution of Parker, Calif., VORTAC for Rice, Calif., VORTAC as a low altitude VOR reporting point. Such action is taken herein.

Since these changes are editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.6135 [Amendment]

1. In the text of § 600.6135 (14 CFR 600.6135) "Rice, Calif., VOR;" is deleted and "Parker, Calif., VORTAC;" is substituted therefor.

2. Section 600.6264 (14 CFR 600.6264) is amended to read:

§ 600.6264 VOR Federal airway No. 264 (Los Angeles, Calif., to Prescott, Ariz.).

From the Los Angeles, Calif., VOR via the Ontario, Calif., VOR; INT of the Ontario VOR 091 and the Twentynine Palms, Calif., VORTAC 244° radials; Twentynine Palms VORTAC; Parker, Calif., VORTAC; to the Prescott, Ariz., VORTAC.

3. Section 600.6432 (14 CFR 600.6432) is amended to read:

§ 600.6432 VOR Federal airway No. 432 (Thermal, Calif., to Parker, Calif.).

From the Thermal, Calif., VORTAC to the Parker, Calif., VORTAC.

§ 600.1617 [Amendment]

4. In the text of § 600.1617 (26 F.R. 1079) "Rice, Calif., VOR;" is deleted and "Parker, Calif., VOR;" is substituted therefor.

§ 600.1624 [Amendment]

5. In the text of §600.1624 (26 F.R. 1079) "via the Rice, Calif., VOR;" is deleted and "via the Parker, Calif., VOR;" is substituted therefor.

6. Section 600.6442 (14 CFR 600.6442) is amended to read:

§ 600.6442 VOR Federal airway No. 442 (Hector, Calif., to Parker, Calif.).

From the Hector, Calif., VORTAC via the INT of the Hector VORTAC 091° and the Parker, Calif., VORTAC 320° radials; to the Parker VORTAC.

7. Section 601.6432 (14 CFR 601.6432) is amended to read:

§ 601.6432 VOR Federal airway No. 432 Control areas (Thermal, Calif., to Parker, Calif.).

All of VOR Federal airway No. 432.

8. Section 601.6442 (14 CFR 601.6442) is amended to read:

§ 601.6442 VOR Federal airway No. 442 Control areas (Hector, Calif., to Parker, Calif.).

All of VOR Federal airway No. 442.

§ 601.7001 [Amendment]

9. In the text of § 601.7001 (14 CFR 601.7001) "Rice, Calif., VOR." is deleted and "Parker, Calif., VORTAC." is substituted therefor.

10. Section 602.510 (26 F.R. 576) is amended to read:

§ 602.510 VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to Denver, Colo.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles 089° and the Parker, Calif., VORTAC 258° radials; Parker VORTAC; Prescott, Ariz., VORTAC; Farmington, N. Mex., VORTAC to the Denver, Colo., VORTAC.

11. Section 602.578 (14 CFR 602.578) is amended to read:

§ 602.578 VOR/VORTAC jet route No. 78 (Los Angeles, Calif., to New York, N.Y.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 089° and the Parker, Calif., VORTAC 258° radials; Parker VORTAC; Prescott, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; Amarillo, Tex., VORTAC; INT of the Amarillo VORTAC 082° and the Tulsa, Okla., VORTAC 257° radials; Tulsa VORTAC; Farmington, Mo., VORTAC; Louisville, Ky., VORTAC; Charleston, W. Va., VORTAC; Philipsburg, Pa., VORTAC; Allentown, Pa., VORTAC; to the Idlewild, N.Y., VORTAC.

These amendments shall become effective 0001 e.s.t., Sept. 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 26, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7240; Filed, Aug. 1, 1961; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart B—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission has amended and revised its Regulation Concerning Conduct of Members and Employees and Former Members and Employees (Part 200, Subpart B) published in the FEDERAL REGISTER of July 15, 1960, 25 F.R. 6723. The purposes of the amendments and revisions are to (1) incorporate by reference the prohibitions in Executive Order 10939 of May 5, 1961, "To Provide a Guide on Ethical Standards to Government Officials"; (2) make it clear that the anti-speculative provisions of Rule 3 (§ 200.33) apply to all securities including those referred to in Rule 3(n) (§ 200.33(n)); and (3) make it clear that members and employees may not have a beneficial interest of any kind in broker-dealers and investment advisers.

The Commission deems these amendments to be included within the exception in section 4(a) of the Administrative Procedure Act applicable, among other things, to "rules of agency organization, procedure, or practice" and deems notice and public procedures of the character specified in that section to be unnecessary, and that the amendments are not subject to the provision of section 4(c) of that Act relating to the effective date of substantive rules.

Statutory basis. These amendments are adopted pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19(a) of the Securities Act of 1933; section 23(a) of the Securities Exchange Act of 1934; section 20(a) of the Public Utility Holding Company Act of 1935; section 319 of the Trust Indenture Act of 1939; section 38(a) of the Investment Company Act of 1940; and section 211(a) of the Investment Advisers Act of 1940.

Text of amendments. I. Footnote 1 of § 200.31 is amended to read as follows:

[1] Members of the Commission are subject also to the following prohibition in section 4(a) of the Securities Exchange Act of 1934: "• • • No Commissioner shall engage in any other business, vocation, or employment than that of serving as commissioner, nor shall any commissioner participate, directly or indirectly, in any stock-market operations or transactions of a character subject to regulation by the Commission pursuant to this title • • •"

In addition, Members of the Commission are subject to the prohibitions set forth in Executive Order 10939 of May 5, 1961, "To Provide a Guide on Ethical Standards to Government Officials."

Detailed provisions regarding outside or private employment and transactions in securities and commodities are set forth in §§ 200.32 and 200.33. Further provisions regarding use and disclosure of confidential information are set forth in paragraph (d) of this section and in the note appended thereto.

§ 200.33 [Amendment]

II. Section 200.33 is amended by redesignating paragraphs (i), (j), (k), (l), (m), (n), and (o) as paragraphs (j), (k), (l), (m), (n), (o), and (p) respectively.

III. Section 200.33 is amended by adding a new paragraph (i) to read as follows:

(i) No member or employee shall have a beneficial interest in any broker-dealer or investment adviser, through ownership of securities or otherwise.

IV. Section 200.33 is further amended by amending redesignated paragraph (o) to read as follows:

(o) Paragraphs (b), (m), and (n) of this section do not apply to personal notes, individual real estate mortgages, United States Government securities, and securities issued by building and loan associations or cooperatives.

V. In § 200.33, redesignated paragraph (p) is amended by changing the reference in line 4 from "paragraph (n)" to "paragraph (o)". As amended, redesignated paragraph (p) reads as follows:

(p) Any member or employee who is a trustee or other fiduciary or a beneficiary of a trust or estate holding securities not exempted by paragraph (o) of this section shall report the existence and nature of such trust or estate to the Director of Personnel. The transactions of such trust or estate shall be subject to all the provisions of this section except in situations where the member or employee is solely a beneficiary and has no power to control, and does not in fact control or advise with respect to, the investments of the trust or estate, and except to the extent that the Commission shall otherwise direct in view of the circumstances of the particular case.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 20, 1961.

[F.R. Doc. 61-7256; Filed, Aug. 1, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed or Animal-Feed Supplements

DEMETON; PESTICIDE AND FOOD ADDITIVE RESIDUES

A. A petition was filed with the Food and Drug Administration by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, requesting the establishment of tolerances for residues of demeton (a mixture of *O,O*-diethyl *O*(*and S*)-2-(ethylthio) ethyl phosphorothioates) in or on sugar beet tops at 5 parts per million and in or on sugar beets at 0.5 part per million. Available evidence shows that residues in sugar beets will carry over and be concentrated in dehydrated sugar beet pulp for livestock feed made from this raw agricultural commodity but that the feeding of such pulp to livestock will not result in residues in meat or milk.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3; 120.105) are amended as set forth below:

1. Section 120.3 is amended by designating the present text of paragraph (d) as subparagraph (1) and by adding to the paragraph a new subparagraph (2). As amended, § 120.3(d) reads as follows:

§ 120.3 Tolerances for related pesticide chemicals.

• • • • •

(d)(1) Where tolerances are established for both calcium cyanide and hydrogen cyanide on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as hydrogen cyanide.

(2) Where tolerances are established for residues of both *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate and demeton (a mixture of *O,O*-diethyl

O(and *S*)-2-(ethylthio) ethyl phosphorothioates) on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the larger of the two tolerances, calculated as demeton.

2. Section 120.105 is amended by adding thereto tolerances for residues of demeton in or on sugar beet tops and sugar beets. As amended § 120.105 reads as follows:

§ 120.105 Tolerances for residues of demeton.

Tolerances for residues of demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio) ethyl phosphorothioates) are established as follows:

12 parts per million in or on alfalfa hay, clover hay.

5 parts per million in or on almond hulls, fresh alfalfa, fresh clover, sugar beet tops.

1.25 parts per million in or on grapes, hops.

0.75 part per million in or on almonds, apples, apricots, broccoli, brussels sprouts, cabbage, cauliflower, celery, cottonseed, grapefruit, lemons, lettuce, muskmelons, oranges, peaches, pears, peas, pecans, peppers, plums (fresh prunes), potatoes, strawberries, tomatoes, walnuts.

0.5 part per million in or on sugar beets.

0.3 part per million in or on beans.

B. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Chemagro Corporation, P.O. Box 4913, Kansas City 20, Missouri, and other relevant material, has concluded that the following regulation should issue with respect to residues of the food additive demeton present in dehydrated sugar beet pulp. Such residues have been shown to occur from application of the pesticide to sugar beets under agricultural uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.221 Demeton.

A tolerance of 5 parts per million is established for residues of demeton (a mixture of *0,0*-diethyl *0*(and *S*)-2-(ethylthio)ethyl phosphorothioates) in dehydrated sugar beet pulp for livestock feed when present therein as a result of the application of the pesticide in the production of sugar beets, provided that if residues of *0,0*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate are also present, the total of both residues shall not exceed 5 parts per million.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quantuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408(d)(2), 409(c)(4); 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(4))

Dated: July 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7270; Filed, Aug. 1, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal Feed Supplements

O,O-DIETHYL *S*-2-(ETHYLTHIO) ETHYL PHOSPHORODITHIOATE

Pursuant to sections 409 and 701 of the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.215 of the food additive regulations (26 F.R. 2595) is revised to read as follows:

§ 121.215 *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

A tolerance of 5 parts per million is established for residues of *O,O*-diethyl *S*-2-(ethylthio)ethyl phosphorodithioate, calculated as demeton, in dehydrated sugar beet pulp for livestock feed when present therein as a result of the application of the pesticide to the growing agricultural crop, provided that, if residues of demeton are also present, the total of both residues shall not exceed 5 parts per million.

This amendment does not require notice and public procedure since it is made for the purpose of bringing § 121.215 into conformity with the pesticide regulations.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409, 701; 52 Stat. 1055, 72 Stat. 1785; 21 U.S.C. 348, 371)

Dated: July 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7272; Filed, Aug. 1, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COMBUSTION PRODUCT GAS

The Commissioner of Food and Drugs, having evaluated the data submitted by the Vitagen Corporation, 354 South Spring Street, Los Angeles 13, California, and other relevant material, has concluded that the following food additive regulation should issue with respect to the food additive combustion product gas used for the displacing and removal of oxygen in processing and packing of food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121) are amended by adding to Subpart D the following new section:

§ 121.1060 Combustion product gas.

The food additive combustion product gas may be safely used in the processing and packaging of the foods designated in paragraph (c) of this section for the purpose of removing and displacing oxygen in accordance with the following prescribed conditions:

(a) The food additive is manufactured by the controlled combustion in air of butane, propane, or natural gas. The combustion equipment shall be provided with an absorption-type filter capable of removing possible toxic impurities, through which all gas used in the treatment of food shall pass; and with suitable controls to insure that any combustion products failing to meet the specifications provided in this section will be prevented from reaching the food being treated.

(b) The food additive meets the following specifications:

(1) Carbon monoxide content not to exceed 4.5 percent by volume.

(2) The ultraviolet absorbance in isooctane solution in the range 255 millimicrons to 310 millimicrons not to exceed one-third of the standard reference absorbance when tested as described in paragraph (e) of this section.

(c) It is used or intended for use to displace or remove oxygen in the processing, storage, or packaging of citrus products, vegetable fats and vegetable oils, coffee, and wine.

(d) To assure safe use of the additive, in addition to the other information required by the act, the label or labeling of the combustion device shall bear adequate directions for use to provide a combustion product gas that complies with the limitations prescribed in paragraph (b) of this section, including instructions to assure proper filtration.

(e) The food additive is tested for compliance with paragraph (b)(2) by the following empirical method:

Spectrophotometric measurements. All measurements are made in an ultraviolet spectrophotometer in optical cells of 5 centimeters in length, and in the range of 255 millimicrons to 310 millimicrons, under the same instrumental conditions. The standard reference absorbance is the absorbance at 275 millimicrons of a standard reference solution of naphthalene (National Bureau of Standards Material No. 577 or equivalent in purity) containing a concentration of 1.4 milligrams per liter in purified isooctane, measured against isooctane of the same spectral purity in 5-centimeter cells. (This absorbance will be approximately 0.30.)

Solvent. The solvent used is pure grade isooctane having an ultraviolet absorbance not to exceed 0.05 measured against distilled water as a reference. Upon passage of purified inert gas through some isooctane under the identical conditions of the test, a lowering of the absorbance value has been observed. The absorbance of isooctane to be used in this procedure shall not be more than 0.02 lower in the range 255 millimicrons to 310 millimicrons, inclusive, than that of the untreated solvent as measured in a 5-centimeter cell. If necessary to obtain the prescribed purities, the isooctane may be passed through activated silica gel.

Apparatus. To assure reproducible results, the additive is passed into the isooctane solution through a gas-absorption train consisting of the following components and necessary connections:

1. A gas flow meter with a range up to 30 liters per hour provided with a constant differential relay or other device to maintain a constant flow rate independent of the input pressure.

2. An absorbtion apparatus consisting of an inlet gas dispersion tube inserted to the bottom of a covered cylindrical vessel with a suitable outlet on the vessel for effluent gas. The dimensions and arrangement of tube and vessel are such that the inlet tube introduces the gas at a point not above 5¼ inches below the surface of the solvent through a sintered glass outlet. The dimensions of the vessel are such, and both inlet and vessel are so designed, that the gas can be bubbled through 60 milliliters of isooctane solvent at a rate up to 30 liters per hour without mechanical loss of solvent. The level corresponding to 60 milliliters should be marked on the vessel.

3. A cooling bath containing crushed ice and water to permit immersion of the absorption vessel at least to the solvent level mark.

Caution. The various parts of the absorption train must be connected by gastight tubing and joints composed of materials which will neither remove components from nor add components to the gas stream. The gas source is connected in series to the flow-rate device, the flow meter, and the absorption apparatus in that order. Ventilation should be provided for the effluent gases which may contain carbon monoxide.

Sampling procedure. Immerse the gas-absorption appartus containing 60 milliliters of isooctane in the coolant bath so that the solvent is completely immersed. Cool for at least 15 minutes and then pass 120 liters of the test gas through the absorption train at a rate of 30 liters per hour or less. Maintain the coolant bath at 0° C. throughout. Remove the absorption vessel from the bath, disconnect, and warm to room temperature. Add isooctane to bring the contents of the absorption vessel to 60 milliliters, and mix. Determine the absorbance of the solution in the 5-centimeter cell in the range 255 millimicrons to 310 millimicrons, inclusive, compared to isooctane. The absorbance of the solution of combustion product gas shall not exceed that of the isooctane solvent at any wavelength in the specified range by more than one-third of the standard reference absorbance.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 26, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7271; Filed, Aug. 1, 1961; 8:50 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

In § 221.82 paragraph (c)(1) is amended to read as follows:

§ 221.82 Use of proceeds.

* * * * * * *

(c) * * *

(1) Constitute a structure which is used or will be used, upon completion of the improvements, primarily for residential purposes by not more than four families; and

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

In § 222.184 the introductory text and paragraph (a) are amended to read as follows:

§ 222.184 Sale or disposition of insured mortgage to other than approved mortgagee.

No mortgagee, investing mortgagee or sponsoring mortgagee shall sell or otherwise dispose of any insured mortgage, group of insured mortgages, or any partial interest in an insured mortgage or group of insured mortgages to anyone other than an approved mortgagee by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) except under the following conditions:

(a) *Information to be filed with Commissioner.* That the mortgagee, investing mortgagee or sponsoring mortgagee file with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commissioner may require; and

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

In § 232.19 the introductory text to paragraph (f)(5) is amended to read as follows:

§ 232.19 Required supervision of private mortgagors.

* * * * * *

(f) *Methods of operation.*

* * * * * *

(5) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured or held by the Commissioner the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner, and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audits as they may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

Section 232.22 is amended to read as follows:

§ 232.22 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the

execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In § 237.31 paragraph (a) is amended to read as follows:

§ 237.31 Increased mortgage amounts.

(a) *High cost areas.* If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct a project without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(Sec. 11, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE AND SUPPLEMENTARY COOPERATIVE LOANS

In Part 241 the part heading is amended as set forth above, the center headings preceding §§ 241.6 and 241.39 are amended and the pertinent portions of the Table of Contents are amended as follows:

ELIGIBLE MORTGAGES AND SUPPLEMENTARY LOANS

Sec.
241.6 Mortgage and supplementary loan provisions.
241.7 Maximum insurable amounts.

ELIGIBLE MORTGAGEES AND LENDERS

241.39 Qualifications.

In § 241.1 new paragraphs (l), (m) and (n) are added to read as follows:

§ 241.1 Definitions.

* * * * *

(l) "Borrower" means the mortgagor of a Management Project which receives and becomes primarily obligated for the payment or a supplementary loan.

(m) "Supplementary Loan" means an advance of funds or credit evidenced by a note pursuant to section 213(j) of the Act.

(n) "Lender" means a financial institution meeting the requirements of §§ 221.51 through 221.54 of this chapter.

ELIGIBLE MORTGAGES AND SUPPLEMENTARY LOANS

Section 241.6 is amended by adding a new paragraph (d) as follows:

§ 241.6 Mortgage and supplementary loan provisions.

* * * * *

(d) *Supplementary loans.* The lender shall obtain and present for insurance a note in a form acceptable to the Commissioner which is valid and enforceable against the borrower. In addition to the customary provisions the note shall contain the following:

(1) An acceleration clause, which at the option of the holder, operates to make the entire amount of the note due and payable in the event any installment of interest and principal is not paid within 30 days after it becomes due.

(2) On the reverse side, an endorsement panel in the form set forth in § 242.16 and § 242.18 of this chapter.

In § 241.7 the section heading is amended to read as follows:

§ 241.7 Maximum insurable amounts.

In § 241.7 new paragraphs (l) and (m) are added to read as follows:

§ 241.7 Maximum insurable amounts.

* * * * *

(l) *Supplementary loans.* The maximum amount of supplementary loan shall not exceed the lesser of the following:

(1) The Commissioner's estimate of the cost of the improvements, repairs, or community facilities; or

(2) An amount which, when added to the total unpaid balance of all insured mortgages or loans insured by the Commissioner on the property, creates a total outstanding indebtedness equal to the original principal obligation of the mortgage; or

(3) The actual cost, as approved by the Commissioner, of the improvements, repairs, or community facilities.

(m) *Reduction of supplementary loan.* If the supplementary loan exceeds the prescribed maximum amount, the loan shall be reduced by the amount of such excess prior to final endorsement.

Section 241.8 is amended to read as follows:

§ 241.8 Amortization period.

The mortgage or supplementary loan shall have a maturity and shall contain amortization provisions satisfactory to the Commissioner. Mortgage maturity shall not exceed 40 years from the date of the beginning of amortization of the mortgage. With respect to applications for a Sales Project received on or after July 5, 1961, mortgage maturity shall not exceed 35 years from the date of the beginning of amortization of the mortgage. Supplementary loan maturity shall not exceed the remaining term of the mortgage covering the Management Project.

Section 2410.10 is amended to read as follows:

§ 241.10 Maximum interest rate.

The mortgage or a supplementary loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, or the lender and the borrower. The interest rate for a mortgage shall not exceed 5¼ percent and for a supplementary loan shall not exceed 6 percent. Interest shall be payable in monthly installments on the principal then outstanding.

In § 241.27 paragraph (e) is amended to read as follows:

§ 241.27 Assurances of completion.

* * * * *

(e) For a supplementary loan, the Commissioner may require such assurance of completion of the improvements, repairs or community facility as he deems necessary, and the supplementary loan may be required to be secured in a manner satisfactory to the Commissioner, including but not limited to, collateral security, modification of existing instruments, and title evidence.

In § 241.28 paragraphs (g) and (h) are revoked as follows:

§ 241.28 Labor standards and prevailing wage requirements.

* * * * *

(g) [Revoked].

(h) [Revoked].

In § 241.30 paragraph (g) is amended to read as follows:

§ 241.30 Methods of operation.

* * * * *

(g) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the corporation will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner, will be in such form as to permit a speedy and effective audit, and, as may otherwise be prescribed by the Commissioner, will be maintained for such periods of time as may be prescribed by the Commissioner and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audits as they may desire to make. The corporation shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the corporation as the Commissioner may designate and in such form as prescribed by the Commissioner:

* * * * *

Section 241.31 is amended by adding new paragraphs (e), (f), (g), (h) and (i) as follows:

§ 241.31 Exceptions and special provisions.

* * * * *

(e) The provisions of § 241.27 shall apply to the mortgage covering Existing Construction only where Commissioner required or approved repairs, improvements, alterations, and additions are involved and insured advances are to be made. In such cases, assurance of completion of the project shall be deemed to refer to assurance of completion of such repairs, improvements, alterations, and additions.

(f) The provisions of § 241.28 shall apply to the mortgage covering Existing Construction only to the extent that Commissioner required or approved repairs, improvements, alterations, and additions are involved and reference therein relating to contracts, subcontracts, and the construction of the project shall be deemed to refer to the construction of such repairs, improvements, alterations, and additions.

(g) The provisions of § 241.28 shall not apply to a mortgage covering Existing Construction which does not involve Commissioner required or approved repairs, improvements, alterations, and additions, except that as to such Existing Construction where the construction of the project or projects was commenced after September 23, 1959, inspection by the Commissioner and compliance with the provisions of section 212 of the Act relating to prevailing wage requirements shall be a prerequisite of mortgage insurance.

(h) The provisions of § 241.28 shall not apply to a supplementary loan covering the purchase of an existing community facility.

(i) Part 241 sections and portions of sections applicable to supplementary loans are: §§ 241.1 (a), (b), (f), (l), (m), and (n); 241.2; 241.3; 241.4; 241.6(d); 241.7 (l), and (m); 241.8; 241.9(a); 241.10; 241.18 (a), (b)(1), and (c); 241.27(e); 241.28 (a) through (f); and 241.39.

In the foregoing provisions, unless otherwise indicated:

(1) "mortgage" shall mean "supplementary loan."

(2) "mortgagee" shall mean "lender."

(3) "mortgagor" shall mean "borrower."

(4) "project" shall mean "improvements, repairs, or community facilities."

Section 241.39 and the heading of § 241.39 are amended to read as follows:

ELIGIBLE MORTGAGEES AND LENDERS

§ 241.39 Qualifications.

The provisions of §§ 221.1 to 221.8 and §§ 221.51 through 221.54 shall apply and govern the eligibility, qualifications, and requirements of mortgagees and lenders under this part.

§ 241.40 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage, except as otherwise provided in this part.

PART 242—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE AND LENDER UNDER INSURANCE CONTRACT; PROJECT MORTGAGES; SUPPLEMENTARY COOPERATIVE LOANS

In Part 242 the headings in the Table of Contents are amended and added to as follows:

Sec.
242.3 Mortgage premiums upon initial endorsement and premiums for consolidated supplementary loans.
242.7 Premiums; purchasing cooperatives; Existing Construction; supplementary loans to purchase existing community facility.
242.11 Termination of mortgage insurance; adjusted premium and termination charge.
242.14 Contract termination.
242.15 Refund upon prepayment in full or voluntary termination.
242.19 Endorsement of supplementary loans.
242.20 Supplementary loans; election of action; claims; debentures.

Section 242.1 is amended by adding new paragraphs (c) and (d) to read as follows:

§ 242.1 Incorporation by reference.

* * * * *

(c) The provisions of §§ 233.5, 233.6, 233.7, 233.11, 233.12 and 233.13 of this chapter shall apply to supplementary loans insured under section 213(j) of the Act. In connection with the foregoing provisions the terms "mortgagor", "mortgagee", "mortgage" shall be construed to mean "borrower", "lender", and "supplementary loan, including required security instrument".

(d) Where the provisions of this part are applicable to supplementary loans, the terms "mortgagor", "mortgagee", "mortgage", shall be construed to mean "borrower", "lender", and "supplementary loan, including required security instrument".

In § 242.3 the section heading is amended and a new paragraph (d) is added to read as follows:

§ 242.3 Mortgage premiums upon initial endorsement and premiums for consolidated supplementary loans.

* * * * *

(d) *Supplementary loan; exception.* The provisions of paragraph (a) of this section shall apply to any supplementary loan except a supplementary loan to finance the acquisition of an existing community facility.

Section 242.4 is amended by adding a new paragraph (d) to read as follows:

§ 242.4 Premiums where first principal payment more than one year after initial endorsement.

* * * * *

(d) *Supplementary loan; insurance of advances.* The provisions of paragraph (a) of this section shall apply to any supplementary loan involving insurance of advances.

Section 242.5 is amended by adding a new section (d) as follows:

§ 242.5 Premiums where first principal payment one year or less after initial endorsement.

* * * * *

(d) *Supplementary loan; insurance of advances.* The provisions of paragraph (a) of this section shall apply to a supplementary loan involving insurance of advances.

Section 242.6 is amended by adding a new paragraph (d) to read as follows:

§ 242.6 Premiums; insurance upon completion.

* * * * *

(d) *Supplementary loan; Commitment to Insure Upon Completion.* The provisions of paragraphs (a) and (b) of this section shall apply to a supplementary loan endorsed for insurance pursuant to a Commitment to Insure Upon Completion.

Section 242.7 is amended to read as follows:

§ 242.7 Premiums; purchasing cooperatives; Existing Construction; supplementary loans to purchase existing community facility.

(a) Where a mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsor Project or covers Existing Construction not involving Commissioner approved or required repairs, improvements, alterations and additions, the mortgagee, on the date of the insurance endorsement, shall pay a first premium equal to one-half of one percent of the principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment. On the anniversary of the first principal payment, this first premium shall be adjusted to equal one-half of one percent of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(b) The premium provisions of paragraph (a) of this section shall apply to a supplementary loan to purchase an existing community facility.

Section 242.8 is amended to read as follows:

§ 242.8 Subsequent annual premiums.

(a) Until the mortgage is paid in full, or until an application for debentures is received by the Commissioner or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee, on each

anniversary of the due date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(b) The provisions of paragraph (a) of this section shall apply to supplementary loans.

In § 242.11 paragraphs (a) (1) (iii) (*a*) and (b) are amended to read as follows:

§ 242.11 Termination of mortgage insurance; adjusted premium and termination charge.

(a) • • •
(1) • • •
(iii) • • •

(*a*) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property; or

• • • • • •

(b) *Exceptions; Sales Projects, Investor Sponsor and supplementary loans.* No adjusted premium shall be collected where a mortgage is paid in full prior to maturity as a result of the release of individual properties of a Sales Project Mortgage or the sale of an Investor Sponsor Project to a Purchasing Cooperative, or where a supplementary loan is paid in full or terminated prior to maturity with the consent of the Commissioner.

Section 242.14 is amended to read as follows:

§ 242.14 Contract termination.

In the event the principal obligation of any mortgage or supplementary loan is paid in full or terminated prior to maturity with the consent of the Commissioner the contract of insurance shall terminate.

In § 242.15 the section heading and paragraph (a) are amended to read as follows:

§ 242.15 Refunds upon prepayment in full or voluntary termination.

(a) At the time of prepayment or voluntary termination of the mortgage or supplementary loan insurance contract, the Commissioner shall refund to the mortgagee or lender for the account of the mortgagor or borrower an amount equal to the pro rata portion of the current annual mortgage or supplementary loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of (1) prepayment, or (2) receipt by the Commissioner of a request for voluntary termination.

Part 242 is amended by adding new §§ 242.19 and 242.20 to read as follows:

§ 242.19 Endorsement of supplementary loans.

The provisions of §§ 242.16, 242.17, and 242.18 shall apply to supplementary loans.

§ 242.20 Supplementary loans; election of action; claims; debentures.

(a) *Election of action.* Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of this section, the lender may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

(b) *Maximum claim period.* Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

(c) *Items to be filed on submitting claim.* Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall file with the Commissioner:

(1) The fiscal data pertaining to the loan transaction;

(2) Receipts covering all disbursements as required by the fiscal data form;

(3) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired and validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counter-claims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(4) All hazard insurance policies held on property serving as security for the loan or other evidence of insurance coverage acceptable to the Commissioner, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security instrument;

(5) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default, and all claims of the lender against the borrower or others arising out of the loan transaction;

(6) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and the security instrument or instruments to the Commissioner:

(7) Any balance of the loan not advanced to the borrower;

(8) Any cash or property held by the lender or its agents or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principal obligation under the note and security instrument or instruments;

(9) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(10) Any additional information or data which the Commissioner may require.

(d) *Claim computation.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in debentures of the Housing Insurance Fund an amount equal to the unpaid principal balance of the supplementary loan plus:

(1) Any accrued interest due on the supplementary loan;

(2) Any advance made previously under the provisions of the loan instrument and approved by the Commissioner;

(3) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(e) *Debenture interest.* The debentures shall bear interest as provided in § 233.9(a) (1) (vii) of this chapter.

(f) *Maturity of debentures.* Debentures shall mature 20 years from the date of issue.

(g) *Registration of debentures.* Debentures shall be registered as to principal and interest.

(h) *Denomination of debentures.* Debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the lender is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the lender.

(i) *Redemption of debentures.* Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(j) *Issue date of debentures.* The debentures shall be issued as of the date of the execution of the assignment of the supplementary loan in accordance with the requirements of paragraph (c) (3) of this section.

PART 252—MORTGAGE INSURANCE FOR EXPERIMENTAL HOUSING; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING ONE-TO FOUR-FAMILY DWELLINGS

Section 252.10 is amended to read as follows:

§ 252.10 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 222.90 of this chapter, are not sufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the insurance benefits shall include an allowance for uncollected interest accrued during the period of such forbearance.

In § 252.11 paragraph (e) is amended to read as follows:

§ 252.11 Application for insurance benefits and fiscal data.

• • • • •

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

Section 252.28 is amended to read as follows:

§ 252.28 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 252.26 and 252.27 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 171b. Interpret or apply sec. 233, 75 Stat. 159, as amended)

PART 254—MULTIFAMILY EXPERIMENTAL HOUSING; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In § 254.10 paragraph (a) is amended to read as follows:

§ 254.10 Payment of insurance benefits.

(a) In lieu of issuing debentures and making a cash adjustment as provided in § 233.9 of this chapter, the Commissioner shall pay to the mortgagee in cash of the Experimental Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided in § 233.9 of this chapter; and

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 233, 75 Stat. 159, as amended)

SUBCHAPTER F—URBAN RENEWAL AND NEIGHBORHOOD CONSERVATION HOUSING INSURANCE

PART 261—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE-TO ELEVEN-FAMILY DWELLINGS

In § 261.100 there is added to the listed provisions the following:

§ 261.100 Incorporation by reference.

• • •

Sec.
221.94 Economic soundness.

Section 261.200 is amended to read as follows:

§ 261.200 Effective date.

Unless otherwise specified the provisions of this part shall be effective as to all loans and mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

PART 263—URBAN RENEWAL INSURANCE; ELIGIBILITY REQUIREMENTS OF MULTIFAMILY PROJECT MORTGAGE

In § 263.50 paragraph (g) is amended to read as follows:

§ 263.50 Definitions.

• • • • •

(g) "Outstanding indebtedness relating to the property" means the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property and outstanding mortgages or obligations constituting liens on the title to the property to be improved.

Section 263.70 is amended to read as follows:

§ 263.70 Loan multiples.

If the loan is not in excess of $10,000, it shall be in multiples of $50. If the loan exceeds $10,000, it shall be in multiples of $100.

In § 263.101 paragraph (c) is amended to read as follows:

§ 263.101 Use of proceeds.

• • • • •

(c) The structure in connection with which the improvements are to be made shall:

(1) Constitute a structure which is used or will be used, upon completion of the improvements, primarily for residential purposes by five or more families; and

(2) Be located in one of the urban renewal areas specified in § 263.2; and

(3) Have been constructed not less than ten years prior to the date of the application for commitment unless, as determined by the Commissioner, the proceeds of the loan are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm or other casualty.

PART 264—URBAN RENEWAL INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER MULTIFAMILY PROJECT INSURANCE CONTRACT

In § 264.2 paragraph (a) is amended to read as follows:

§ 264.2 Payment of insurance benefits.

• • • • •

(a) In lieu of issuing debentures and making a cash adjustment as provided in § 233.9 of this chapter, the Commissioner shall pay to the mortgagee in cash of the section 220 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 233.9 of this chapter; and

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

In § 268.18 paragraph (b) is amended to read as follows:

§ 268.18 Maximum interest rate.

• • • • •

(b) In the case of a mortgage executed by other than a private mortgagor as defined in § 268.10(e), the Commissioner may, in his discretion, provide that such mortgage shall bear interest at a rate not to exceed 5¼ percent per annum up to and including the date of the final endorsement by the Commissioner at which time the rate of interest shall be lowered to the rate determined by the Secretary of the Treasury pursuant to section 221(d)(5) of the Act. Such rate has been fixed at 3⅛ percent per annum.

In § 268.30 paragraph (e) is amended to read as follows:

§ 268.30 Supervision applicable to all mortgagors.

• • • • •

(e) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that, so long as the mortgage is insured or held by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner; and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audit as they may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

PART 269—MULTIFAMILY RELOCATION INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

In § 269.15 paragraph (b) (1) is amended to read as follows:

§ 269.15 Payment of insurance.

* * * * * * *

(b) * * *

(1) In lieu of issuing debentures and making a cash adjustment, as provided in § 233.9, the Commissioner shall pay to the mortgagee in cash of the Section 221 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 233.9; and

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

In Chapter II a new Subchapter P and New Parts 298 and 299 are added as follows:

SUBCHAPTER P—MORTGAGE INSURANCE FOR INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES

PART 298—INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES; ELIGIBILITY REQUIREMENTS

DEFINITIONS

Sec.
298.1 Definitions used in this part.

APPROVAL OF MORTGAGEES

298.5 Qualification of lenders.

APPLICATION AND COMMITMENT

298.10 Submission of application.
298.11 Form of application.
298.12 Approval and commitment.
298.13 Application fee.
298.14 Certification of appraisal amount.
298.15 Certificate and contract regarding use of dwelling for transient or hotel purposes.

ELIGIBLE MORTGAGES

298.25 Mortgage provisions.
298.26 Eligibility—family unit, multifamily structure, and plan of apartment-ownership.
298.27 Maximum mortgage amounts.
298.28 Mortgagor's minimum investment.
298.29 Maximum interest rate.
298.30 to 298.35 [Reserved]
298.36 Amortization provisions.
298.37 Payment of insurance premiums or charges; adjusted mortgage insurance premiums.
298.38 Mortgage provisions for additional payments.
298.39 Application of payments.
298.40 to 298.45 [Reserved]
298.46 Late charge.
298.47 Mortgagor's payments when mortgage is executed.
298.48 Maximum charges, fees or discounts.
298.49 Eligible mortgages in Alaska, Guam, or Hawaii.
298.50 Racial restriction covenant.
298.51 Owner-occupancy in military service cases.

ELIGIBLE MORTGAGORS

298.55 Mortgage lien.
298.56 Relationship of income to mortgage payments.
298.57 Credit standing.
298.58 Racial restrictions certificate.
298.59 Certificate and contract regarding use of family units for transient or hotel purposes.

ELIGIBLE PROPERTIES

298.65 Nature of title.
298.66 Racial restrictions on property.
298.67 Rental properties.

OPEN-END ADVANCES

298.70 Eligibility of open-end advances.

EFFECTIVE DATE

298.100 Effective date.

DEFINITIONS

§ 298.1 Definitions used in this part.

As used in this part, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means a first lien covering a fee interest, or eligible leasehold interest, in a one family unit in a multifamily structure, including an undivided interest in, or share in cooperative ownership of, the common areas and facilities serving the multifamily structure, and such restricted common areas and facilities as may be designated.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Insured mortgage" means a mortgage which has been insured as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(h) "Project mortgage" means a mortgage insured under any section, other than section 213, of the FHA multifamily housing programs covering a multifamily structure.

(i) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(j) "Family unit" means a one family unit including the undivided interest in, or share in cooperative ownership of, the common areas and facilities, and such restricted common areas and facilities as may be designated.

(k) "Multifamily structure" is a structure containing 5 or more one family units which is or has been covered by a project mortgage insured under the Act.

(l) "Common areas and facilities" means those areas of the structure and of the property upon which it is located that are for the use and enjoyment of the owners of family units located in the structure, which areas may include but are not limited to the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, community and commercial facilities.

(m) "Restricted common areas and facilities" means those areas and facilities restricted to a particular family unit or number of family units.

APPROVAL OF MORTGAGEES

§ 298.5 Qualification of lenders.

The provisions of §§ 221.1 to 221.8, inclusive, of this chapter, shall govern the eligibility, qualifications and requirements of mortgagees under this part.

APPLICATION AND COMMITMENT

§ 298.10 Submission of application.

Any approved mortgagee may submit an application for insurance of a mortgage under this part.

§ 298.11 Form of application.

An application for insurance shall be made upon a standard form prescribed by the Commissioner.

§ 298.12 Approval and commitment.

Upon approval of an application, acceptance of the mortgage for insurance shall be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 298.13 Application fee.

(a) Applications filed for a commitment shall be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing.

(b) The application fee will be returned:

(1) If an application is refused as a result of preliminary examination;

(2) If the application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, and the Commissioner finds that the collection of such fee would be inequitable under the circumstances of the transaction. For the purposes of this chapter the word veteran shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955;

(3) In such other instances as the Commissioner may determine.

§ 298.14 Certification of appraisal amount.

An application for insurance shall be accompanied by an agreement satisfactory to the Commissioner, executed by the seller or such other person as may be required by the Commissioner whereby such person agrees that prior to any sale of the dwelling he will deliver to the purchaser of the property a written statement in form satisfactory to the Commissioner setting forth the amount of the appraised value of the property as determined by the Commissioner.

§ 298.15 Certificate and contract regarding use of dwelling for transient or hotel purposes.

An application for insurance of a mortgage on a family unit which is one of a group of 5 or more family units owned by the same mortgagor shall be accompanied by a contract, in form satisfactory to the Commissioner, signed by the proposed mortgagor covenanting and agreeing that so long as the proposed mortgage is insured by the Commissioner the mortgagor will not rent the housing or any part thereof covered by the mortgage for transient or hotel purposes, together with the mortgagor's certification under oath that the housing or any part thereof covered by the proposed mortgage will not be rented for transient or hotel purposes. For the purpose of this subchapter rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days; or (b) any rental if the occupants of the unit are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ELIGIBLE MORTGAGES

§ 298.25 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in $100 multiples. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, or 30 years may be in $50 multiples.

(c) *Payments and maturity dates.* The mortgage shall:

(1) Come due on the first of a month;

(2) Have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 30 years from the date of the beginning of amortization of the mortgage or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser;

(3) Have an amortization period of either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

(4) Provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

§ 298.26 Eligibility—family unit, multifamily structure, and plan of apartment-ownership.

No mortgage shall be eligible for insurance unless the following requirements are met:

(a) *Location of family unit.* The family unit shall be located in a multifamily structure which is or has been covered by a project mortgage insured by the FHA.

(b) *Plan of apartment ownership.* The multifamily structure in which the family unit is located shall have been committed to a plan of apartment-ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Commissioner prior to its execution, and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the multifamily structure is located. The plan of apartment ownership, as recorded, shall include the following:

(1) Description of land and the multifamily structure describing their respective areas.

(2) Description and number of each family unit expressing its measurements, location, rooms, main entrance door, and immediate place with which it communicates, and any other data necessary for its identification.

(3) Description of the common areas and facilities.

(4) Clear expression of the purpose to which the multifamily structure and each of the family units are destined, in particular designating the family units destined to be sold by the original owner subject to all of the provisions of the plan and stating that as of the date the multifamily structure is committed to apartment-ownership the original owner is likewise subject to the provisions of the plan.

(5) Basic value, not in excess of the FHA appraised value, of the multifamily structure and each family unit, and, according to these basic values, the percentage appertaining to each owner in the expenses and profits of, the rights in, the common areas and facilities.

(6) Everything relative to the administration of the property by an Association or a Cooperative of Owners in particular but not limited to, (i) provisions requiring each owner of a family unit and his successors to pay to the Association or a Cooperative of Owners in proportionate share in the common expenses at such times as the Association or the Cooperative shall require on the basis of the basic value of each family unit to the total value of all family units in the structure, and permitting each owner the proportionate representation determined on the same basis for voting purposes in the Association or Cooperative Owners but providing that regardless of the value or number of units owned, no owner shall be entitled to more than an FHA approved percentage for voting purposes except that such restriction shall not apply to the FHA or the mortgagee, (ii) provisions establishing that each owner of a family unit and his successors is automatically a member of the Association or Cooperative of Owners and that membership terminates upon the sale or other transfer of the family unit to a new member who thereby automatically becomes a member of the Association or Cooperative of Owners, and (iii) provisions incorporating by reference the charter of, if any, by-laws of, the Association or Cooperative, and the Administrative Regulations for the management of the property.

(7) Provision requiring that the plan for apartment-ownership and the provisions relating to the administration of the property cannot be changed without prior approval by the FHA.

(c) *FHA conversion and release plans.* The initial conversion of the multifamily structure to apartment-ownership shall be required to comply with an FHA-approved conversion plan. The conversion plan shall require:

(1) The termination of the FHA insurance contract for any FHA-insured project mortgage covering the multifamily structure by the payment in full of such project mortgage or by voluntary termination as approved by the Commissioner;

(2) The release of each family unit from any existing project mortgage or mortgages covering the multifamily structure pursuant to a release plan approved by the FHA which provides for a payment to be made on the outstanding balance of such project mortgage or mortgages in an amount equal to the share of such balance determined by the FHA to be attributable to the family unit;

(3) The conveyance to FHA approved owners of family units equal in value to at least 80 percent of the total value of all of the family units.

(d) *Certificates by mortgagee.* The mortgagee shall certify that:

(1) The individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment-ownership; and

(2) The mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on same; and

(3) Property taxes in the jurisdiction where the family units are located are assessed and levied against each family unit as a taxable entity and are not assessed and levied against the multifamily structure.

(e) *Mortgagor limitations.* The family unit to be covered by an insured mortgage shall be for the use and occupancy of the mortgagor or the mortgagor shall be the owner of another family unit covered by an insured mortgage for such use and occupancy. The mortgagor may not own more than four family units covered by insured mortgages, one of which shall be for his own use and occupancy.

(f) *FHA controls for consumer and public interest.* The Commissioner may require such conditions and provisions as he deems necessary for the protection of the consumer and public interest, including but not limited to the execution of a regulatory agreement between the Owners and the Commissioner which shall be made applicable to the Association or Cooperative of Owners or to any subsequent owner of a family unit.

§ 298.27 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the unit shall not exceed the lesser of the following:

(1) $25,000;

(2) 97 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $13,500 but not in excess of $18,000, and 70 percent of such value in excess of $18,000;

(3) $2,500 per room (or $9,000 per family unit, if the number of rooms is less than four per family unit) for such

part of the family unit as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner).

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room, and the limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations by an amount not to exceed $1,250 per room without regard to the number of rooms being four, less than four, or more than four;

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as the Commissioner finds may be necessary to compensate for such costs, but not to exceed, in any event, the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the unit shall not exceed:

(1) 85 percent of any amount computed under this section; or

(2) The full amount computed under this section if the mortgage covers a unit and the Commissioner is furnished with certificates indicating that:

(i) The mortgagor will not rent (except for a rental term of not less than 30 days and not more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(ii) Not less than 15 percent of the original principal amount of the mortgage proceeds has been deposited in an escrow, trust, or special account;

(iii) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account shall be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(iv) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of debentures to which the mortgagee would otherwise be entitled if a claim for debentures is filed.

§ 298.28 Mortgagor's minimum investment.

(a) At the time the mortgage is insured the mortgagor shall have paid on account of the family unit at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

(b) A mortgagor who is 62 years of age or older as of the date the mortgage is accepted for insurance may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this section, plus settlement costs which may include initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage. The aggregate amount of the insured mortgage and the loan referred to in this section shall not exceed an amount equal to the Commissioner's estimate of the appraised value of the property, plus an amount equal to the initial payments for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses as determined by the Commissioner.

§ 298.29 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments of the principal then outstanding.

§§ 298.30 to 298.35 [Reserved]

§ 298.36 Amortization provisions.

The mortgage shall contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 298.37 Payment of insurance premiums or charges; adjusted mortgage insurance premiums.

(a) The mortgage shall provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage shall provide for a monthly payment by the mortgagor of an amount equal to one-twelfth of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted mortgage insurance premium referred to in this subchapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 298.38 Mortgage provisions for additional payments.

The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize any ground or lease rents and the estimated amount of any taxes, special assessments and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which such charges become delinquent. Where the foregoing expenses or any other expenses are to be paid by the Association or Cooperative of Owners by special assessments levied against the owner of the family unit, the mortgage may provide for such equal monthly payments by the mortgagor as will amortize such special assessments, within a period ending one month prior to the date on which the assessments become delinquent. The mortgage shall further provide that payments shall be held by the mortgagee for the benefit and account of the mortgagor in a manner satisfactory to the Commissioner, for the purpose of paying ground rents, taxes, assessments and insurance premiums before they become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof paid by the mortgagor.

§ 298.39 Application of payments.

(a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the aggregate payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance, including insurance charges for open-end advances;

(2) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(3) Service charge, if any;

(4) Interest on the mortgage;

(5) Amortization of the principal of the mortgage; and

(6) Any deficiency in the amount of any aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next aggregate payment, constitute a default under the mortgage.

§§ 298.40 to 298.45 [Reserved].

§ 298.46 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 298.47 Mortgagor's payments when mortgage is executed.

The mortgagor shall pay to the mortgagee, upon the execution of the mortgage, a sum sufficient to pay any ground rents and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an amount sufficient to pay the mortgage insurance premium from the date of the closing of the loan to the date of the first monthly payment.

§ 298.48 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

(1) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater;

(2) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(b) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it, from the mortgagor, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(c) Nothing in this section shall be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

§ 298.49 Eligible mortgages in Alaska, Guam, or Hawaii.

If the Alaska Housing Authority or the Government of Guam or Hawaii or any agency or instrumentality thereof is the mortgagor or mortgagee, or if the mortgagor is regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rental and sales prices and a reasonable return on the investment, any mortgage otherwise eligible for insurance under this part, may be insured without regard to any requirement that the mortgagor:

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property; or

(3) Certify that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) Economic soundness shall not be applicable to mortgages covering property located in Alaska or in Guam or in Hawaii, but the Commissioner shall find that the property is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam, or in Hawaii.

§ 298.50 Racial restriction covenant.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 298.51 Owner-occupancy in military service cases.

Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

ELIGIBLE MORTGAGORS

§ 298.55 Mortgage lien.

A mortgagor shall establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 298.56 Relationship of income to mortgage payments.

A mortgagor shall establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 298.57 Credit standing.

A mortgagor shall have a general credit standing satisfactory to the Commissioner.

§ 298.58 Racial restrictions certificate.

A mortgagor shall certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

§ 298.59 Certificate and contract regarding use of family units for transient or hotel purposes.

A mortgagor under a mortgage covering a one-family unit which is one of a group of five or more one-family units held by the same mortgagor shall certify under oath that until the mortgage is paid in full or the contract of insurance otherwise terminated, the mortgagor shall not rent, permit the rental, or permit the offering for rental of the housing units, or any part thereof, covered by such mortgage for transient or hotel purposes. The mortgagor shall further execute a contract with the Commissioner providing that so long as the said mortgage is insured he will not rent such housing or any part thereof, for transient or hotel purposes as defined in § 298.15.

ELIGIBLE PROPERTIES

§ 298.65 Nature of title.

A mortgage to be eligible for insurance shall be on a fee interest in, or on the leasehold interest in, a one-family unit in a multifamily structure including an undivided interest in, or a share in the cooperative ownership of, the common areas and facilities, and such restricted common areas and facilities as may be designated. To be eligible, a leasehold interest shall be under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 298.66 Racial restrictions on property.

A mortgage must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance.

§ 298.67 Rental properties.

No family unit in a multifamily structure which has been committed to a plan of apartment ownership shall be rented or offered for rent for transient or hotel purposes as defined in § 298.15 so long as such family unit in such structure is subject to an FHA insured mortgage.

OPEN END ADVANCES

§ 298.70 Eligibility of open-end advances.

Any approved mortgagee may make advances, referred to in these rules as

"open-end" advances, in connection with the mortgages previously insured under this subchapter or insured after the effective date of this part, subject to compliance with the requirements of this section.

(a) The proceeds of any open-end advance shall be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in Part 299 of this subchapter. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the advance will be insured.

(f) The amount of an advance for insurance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall:

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any advance for insurance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of §§ 298.27 and 298.49.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open-end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disapprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee shall have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

EFFECTIVE DATE

§ 298.100 Effective date.

Unless otherwise specified the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after July 27, 1961.

PART 299—INDIVIDUALLY OWNED UNITS IN MULTIFAMILY STRUCTURES; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Sec.
299.1 Definitions.
299.5 Incorporation by reference.
299.10 Assignment of mortgage and certificate by mortgagee.
299.15 Contents of deed and supporting documents.
299.20 Condition of the multifamily structure.
299.25 Certificate of condition.
299.30 Cancellation of hazard insurance.
299.35 Waived title objections.
299.40 Certificate of claim.
299.100 Effective date.

§ 299.1 Definitions.

The definitions contained in § 222.1 of subchapter C and § 298.1 of this subchapter shall apply to this part.

§ 299.5 Incorporation by reference.

(a) *Provisions.* All of the provisions of Part 222 of Subchapter C of this chapter covering mortgages insured under section 203 of the National Housing Act shall apply to mortgages insured under section 234 of the National Housing Act except the following provisions:

Sec.
222.129 Adjustment for fire, flood, earthquake, or tornado damage.
222.130 Certificate of property condition.
222.139 Waived title objections.
222.165 Delivery of certificate of claim.
222.170 Nature of Mutual Mortgage Insurance Fund.
222.171 Allocation of Mutual Mortgage Insurance Fund income or loss.
222.172 Right and liability under Mutual Mortgage Insurance Fund.
222.173 Distribution of distributive shares.
222.174 Maximum amount of distributive shares.
222.175 Finality of determination.
222.185 Form of assignment to investing mortgagee.
222.190 through 222.243, inclusive.

(b) *References.* For the purpose of this part all references in Part 222 of this chapter to section 203 of the Act, one to four-family, and the Mutual Mortgage Insurance Fund, shall be construed to refer to section 234, one-family unit, and the Apartment Unit Insurance Fund. The term "property" or "each family dwelling unit" as used in Part 222 of this chapter shall be construed to include "the one family unit and the undivided interest in, or share of cooperative ownership of, the common areas and facilities".

§ 299.10 Assignment of mortgage and certificate by mortgagee.

In addition to the requirements of § 222.102 and § 222.103 of this chapter incorporated by reference, the mortgagee shall certify as to any changes in the plan of apartment ownership including the administration of the property. Any changes shall require FHA approval.

§ 299.15 Contents of deed and supporting documents.

In addition to the requirements of § 222.117 of this chapter, incorporated by reference, the deed shall comply with the plan of apartment ownership. Any changes therein, including the administration of the property, shall require FHA approval.

§ 299.20 Condition of the multifamily structure.

When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit shall be undamaged by fire, earthquake or tornado, or such damage shall be repaired prior to the conveyance of the family unit to the Commissioner, except the family unit may be conveyed to the Commissioner or the mortgage assigned to him and he shall deduct his estimate of the decrease in value of the family unit from the debentures or the mortgagee's fire and other hazard insurance recovery, whichever is the greater.

§ 299.25 Certificate of condition.

The mortgagee shall either certify that as of the date of the filing for record of the deed or assignment of the mortgage to the Commissioner, the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit were undamaged by fire, flood, earthquake, tornado or shall describe the damage to the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit resulting from such hazards as of such date. In the absence of evidence to the contrary, the mortagee's certificate or description of the damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit as of such date. Such certificate shall also relate to waste in the family unit to be transferred or assignment of mortgage covering same.

§ 299.30 Cancellation of hazard insurance.

The provisions of § 222.132 of this chapter incorporated by reference shall apply to hazard insurance policies carried solely for the family unit.

§ 299.35 Waived title objections.

The Commissioner shall not object to title by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the violation existing on the date the property is conveyed to the Commissioner.

(b) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property;

(c) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property;

(d) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(e) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 299.40 Certificate of claim.

In addition to the debentures and the cash adjustment check, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(b) of the Act, except that any excess remaining referred to in section 204(b)(1) shall be retained by the Commissioner and credited to the Apartment Unit Insurance Fund.

§ 299.100 Effective date.

Unless otherwise specified the provisions of this part are effective as to all mortgages on which a commitment to insure is issued on or after July 27, 1961.

Issued at Washington, D.C., July 27, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-7273; Filed, Aug. 1, 1961; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 137—STANDARDS OF CONDUCT

The Deputy Secretary of Defense approved the following on July 15, 1961. Part 137, published at 26 F.R. 5037, is hereby superseded.

Sec.
137.1 Purpose and scope.
137.2 Definition.
137.3 Conflicts of interest.
137.4 Dealing with present and former military and civilian personnel.
137.5 Retired regular officers.
137.6 Reserve personnel.
137.7 Enrollment.
137.8 Gratuities.
137.9 Official representation funds.
137.10 Use of government facilities, property, and manpower.
137.11 Prohibition of contributions or presents to superiors.
137.12 Use of civilian and military titles in connection with commercial enterprises.
137.13 Civilian employment of military personnel.
137.14 Effective date.
137.15 Executive Order 10939, "To provide a guide on ethical standards to government officials."
137.16 House concurrent Resolution 175, 85th Congress, 2d Session.
137.17 Digest of Statutory provisions.
137.18 Retired officers statement of employment.

AUTHORITY: §§ 137.1 to 137.18 issued under R.S. 161, 5 U.S.C. 22.

§ 137.1 Purpose and scope.

(a) This Part 137 prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all military and civilian DoD personnel, regardless of assignment. Close adherence to these principles, it is believed will insure compliance with the high ethical standards demanded of all public servants.

(b) Executive Order 10939 of May 5, 1961 (26 F.R. 3951), which prescribes special standards applicable to Presidential appointees and others is shown in § 137.15

(c) This part is also intended to insure that DoD personnel do not knowingly transact business with persons who are within statutory prohibitions or under circumstances where there may be a possible conflict of interest between governmental duties and private affairs. It is in consonance with the Code of Ethics for Government Service contained in House Concurrent Resolution 175, 85th Congress, which is applicable to all DoD personnel. (See § 137.16)

§ 137.2 Definition.

The term DoD personnel as used in this Part 137, unless the context indicates otherwise, means all civilian officers and employees of all the offices, agencies, and departments in the Department of Defense, and all officers, warrant officers and enlisted members of the Army, Navy, Air Force, and Marine Corps.

§ 137.3 Conflicts of interest.

(a) *General.* All DoD personnel are bound to refrain from any private business or professional activity which would place them in a position where there is a conflict between their private interests and the public interest of the United States. DoD personnel will not engage in any private activity which involves the improper use of information gained through a DoD position. DoD personnel must not use the prerogatives of their official positions for their personal benefit or on behalf of relatives or friends who have business dealings with the DoD. Even though a technical conflict of interest, as set forth in the statutes cited in § 137.17 may not exist, it is desirable to avoid the appearance of such a conflict from a public confidence point of view.

(b) *Disqualifying financial interest.* In any case where DoD personnel have any financial interest in any business entity, or have arranged or are negotiating for their subsequent employment by such entity, they are disqualified from representing the DoD in dealings of any kind with such entity.

(c) *Disqualification procedure.* (1) In any matter where, in accordance with paragraph (b) of this section, DoD personnel believe that they should be disqualified from taking action in a particular matter, they will so inform an appropriate superior and will thereupon be relieved of their duty and responsibility in that particular matter. In addition, where a superior thinks anyone responsible to him may have a disqualifying interest, he will discuss the matter with that person, and, if he finds such an interest does exist, he will relieve the person of duty and responsibility in the particular matter. In cases of disqualification under this paragraph, the matter will be reassigned for decision and action to someone else who is not subordinate to the disqualified person.

(2) Appropriate officials in the office of the Secretary of each military department shall be designated as responsible for proper coordination and disposition of all problems relating to conflict of interest, in accordance with regulations to be prescribed by the respective Secretaries. In the Office of the Secretary of Defense the General Counsel, or his designee, will handle these matters.

(3) Membership in a Reserve component of the armed forces or in the National Guard does not, in itself, prevent a person from practicing his civilian profession or occupation before, or in connection with, any department (5 U.S.C. 30r (c), (d)).

(d) *Criminal and other statutes applicable to conflict of interests.* See § 137.17.

§ 137.4 Dealing with present and former military and civilian personnel.

DoD personnel will not knowingly deal with military or civilian personnel, or former military or civilian personnel of the Government, if such action will result in a violation of a statute or policy set forth in this Directive.

§ 137.5 Retired regular officers.

(a) Prosecution of claims. A regular retired officer of the armed forces may not, within two years of his retirement, act as agent or attorney for prosecuting any claim against the Government, or assist in the prosecution of such a claim or receive any gratuity or any share of or interest in such claim in consideration for having assisted in the prosecution of such a claim, if such claim involves the DoD. Nor may a regular retired officer at any time act as an agent or attorney for prosecuting any claim against the Government or assist in prosecution of such claim, or receive any gratuity or any share of or interest in such a claim in consideration for having assisted in the prosecution of such claim, if such claim involves any subject matter with which he was directly connected while on active duty.

(b) *Selling or contracting for sale.* No regular retired officer of the Armed Forces will sell, contract for the sale of, or negotiate for the sale of anything to the military department in which he has retired status in violation of applicable statutory restrictions. Retired pay of a regular retired officer is subject to forfeiture during any period within two years of his retirement if he sells for himself or another any supplies or war materials to the Department of Defense, Coast Guard, Coast and Geodetic Survey, or the Public Health Service. For the purpose of this paragraph (b), selling means (1) signing a bid, proposal, or contract, (2) negotiating a contract, or (3) contacting an officer or employee of the Department of Defense for the purpose of (i) obtaining or negotiating contracts, (ii) negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or (iii) settling disputes concerning performance of a contract, (4) any other liaison activity with a view toward the ultimate consummation of a sale even though the actual contract therefor is subsequently negotiated by another person. However, it is not the intent of this Part 137 to preclude a retired officer from accepting employment with private industry solely because his employer is a contractor with the Government.

§ 137.6 Reserve personnel.

(a) Members of the reserve components of the Armed Forces who are on active duty other than for training are "officers" or "employees" of the United States for the purpose of bringing them within the statutes cited in paragraph A of § 137.17. When members are released from active duty, they become former personnel for the purpose of bringing them within paragraph B of § 137.17.

(b) Members of the reserve components, whether in the Ready, Standby or Retired Reserve, who are not on active duty are not, solely because of their status as Reserves, considered to be officers of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B of § 137.17.

(c) Receipt of retired pay by Reserves or former Reserves does not, in itself, make such personnel officers or employees, or former officers or employees, of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B of § 137.17. Paragraph C of § 137.17 does not apply to retired Reserves.

(d) Reserves who are on active duty for training do not become officers or employees of the United States for the purpose of bringing them within the statutes cited in paragraphs A and B of § 137.17 solely because they are on active duty for training. While they are on active duty for training, however, Reserves are subject to the policies prescribed in this Part 137.

§ 137.7 Enrollment.

(a) An officer of the armed forces having served at least eight years on active duty shall, after retirement and/or release from active duty, and upon engaging for a consideration to sell, or to aid or assist in selling either for himself or another to the Department of Defense or any of the armed forces of the United States, within 30 days therefrom file a statement to that effect with the Secretary of the Department with which he proposed to negotiate. The statement shall contain substantially the information required on the sample format (§ 137.18). Such officer after filing shall notify the Secretary of the Department concerned of any change in his employment status.

(b) The Secretaries of the military departments shall prescribe such regulations as they deem appropriate with regard to the use and disposition of these statements.

§ 137.8 Gratuities.

(a) DoD personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which has engaged, is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the DoD, where such favor, gratuity, or entertainment might affect, or might reasonably be interpreted as affecting, the impartiality of such personnel. If they believe that an offer of a favor, gratuity, or entertainment may constitute attempted bribery, they will promptly report the offer to their immediate superior, who, if he believes the offer may constitute an attempted bribe, will report it promptly, pursuant to departmental procedures. Any question or doubt on the part of the immediate superior will be resolved in favor of reporting the matter.

(b) Gifts from foreign governments shall be handled in accordance with DoD Directive 1005.3, Decorations, Awards, and Gifts from Foreign Governments.

§ 137.9 Official representation funds.

Use of official representation funds shall be subject to the approval of the Secretary of Defense, the Deputy Secretary of Defense or the Secretaries of the military departments. Funds are to be utilized only for official entertainment to maintain the standing and prestige of the United States by extending official courtesies to certain officials and dignitaries of the United States and foreign countries.

§ 137.10 Use of government facilities, property, and manpower.

(a) Government facilities, property, and manpower, such as stenographic and typing assistance, mimeograph services, and chauffeur services, shall be used only for official government business. This section is not intended to preclude the use of Government facilities for activities which would further military-community relations provided they do not interfere with the military missions.

(b) Special mission aircraft shall be used only for official purposes and such use shall be approved by the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Chiefs of Staff, Army and Air Force, the Chief of Naval Operations, or the Commandant of the Marine Corps.

(c) Motor vehicles:

(1) Full-time assignment of official vehicles to officials of the Department of Defense at the Seat of Government shall be subject to the approval of the Secretary of Defense or the Deputy Secretary of Defense. Full-time assignments at field installations will be subject to approval of the Secretary of the military department concerned.

(2) Defense personnel authorized full-time use of official vehicles shall not use such vehicles for other than the actual performance of official duties. Vehicles authorized on a full-time basis shall not be reassigned to others not entitled to such use.

(3) Other administrative use of motor vehicles shall be authorized only when official transportation is essential to the successful operation of activities of the Government.

(4) Use of motor vehicles, whether authorized on a full-time or trip basis, is not authorized for the official concerned, members of his family, or others, for private business or personal social engagements. Questions with regard to the official nature of a particular use shall be resolved in favor of strict compliance with statutory restrictions.

§ 137.11 Prohibition of contributions or presents to superiors.

No officer or employee in the United States Government employ shall at any time solicit contributions from other officers or employees in the Government service for a gift or present to those in a superior official position; nor shall any such officials or superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or employee make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ (R.S. 1784; 5 U.S.C. 113).

§ 137.12 Use of civilian and military titles in connection with commercial enterprises.

(a) All civilian and regular military personnel, including retired and reserve component personnel on extended active duty, are prohibited from using their civilian and military title or position in connection with any commercial enterprise or in endorsing any commercial product. (The foregoing shall not be deemed to preclude publication by such personnel of books, articles, etc., which identify them as author by reference to their military title or position, provided that publication of such material by such personnel has been authorized by, and the material itself has been cleared by the Office of the Secretary of Defense under existing DoD procedures.)

(b) All retired personnel and all members of reserve components, not on active duty, are permitted to use their military titles in connection with commercial enterprises. Such use of military titles shall in no way cast discredit on the military services or the Department of Defense. Such use is prohibited in connection with commercial enterprises when such use, with or without the intent to mislead, gives rise to any appearance of sponsorship, sanction, endorsement, or approval by the military services or the Department of Defense. The military departments may restrict retired personnel and members of reserve components, not on active duty, from using their military titles in connection with public appearances in overseas areas.

§ 137.13 Civilian employment of military personnel.

(a) No DoD personnel on active duty may accept outside employment if that employment requires him to be separated from his unit or organization or interferes with the performance of his official duties.

(b) No enlisted member of the DoD on active duty may be ordered or permitted to leave his post to engage in a civilian pursuit or business, or a performance in civil life, for emolument, hire, or otherwise, if the pursuit, business, or performance interferes with the customary or regular employment of local civilians in their art, trade, or profession.

§ 137.14 Effective date.

This part shall be effective immediately, except that § 137.7 shall be effective three months from the date of issuance of this part. Implementing regulations of the military departments will be submitted to the Office of the Secretary of Defense for approval prior to promulgation.

§ 137.15 Executive Order 10939, "To provide a guide on ethical standards to government officials".[1]

Whereas the maintenance of high ethical and moral standards in the conduct of the functions of the Federal Government is a matter of continuing concern; and

Where as it is incumbent upon those who occupy positions of the highest responsibility and authority to set an impeccable example:

Now, therefore, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. This Order shall apply to all heads and assistant heads of departments and agencies, full-time members of boards and commissions appointed by the President, and members of the White House Staff.

2. No such official shall engage in any outside employment or other outside activity not compatible with the full and proper discharge of the responsibilities of his office or position. It shall be deemed incompatible with such discharge of responsibilities for any such official to accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, resulting in:

(a) Use of public office for private gain;

(b) An undertaking to give preferential treatment to any person;

(c) Impeding government efficiency or economy;

(d) Any loss of complete independence or impartiality;

(e) The making of a Government decision outside official channels; or

(f) Any adverse effect on the confidence of the public in the integrity of the Government.

3. No such official shall receive compensation or anything of monetary value, other than that to which he is duly entitled from the Government, for the performance of any activity during his services as such official and within the scope of his official responsibilities.

4. No such official shall receive compensation or anything of monetary value for any consultation, lecture, discussion, writing or appearance the subject matter of which (a) is devoted substantially to the responsibilities, programs or operations of the official's department or agency, or (b) draws substantially upon official data or ideas which have not become part of the body of public information.

5. Paragraphs 3 and 4 of this Order shall not preclude

(a) Receipt of bona fide reimbursement, to the extent permitted by law, for actual expenses for travel and such other necessary subsistence as is compatible with this directive and in which no government payment or reimbursement is made; provided, however, that there shall be no reimbursement or payment on behalf of the official for entertainment, gifts, excessive personal living expenses, or other personal benefits;

(b) Participation in the affairs of charitable, religious, non-profit educational, public service or civic organizations, or the activities of national or state political parties not proscribed by law;

(c) Awards for meritorious public contribution given by public service or civic organizations.

6. Each department and agency head shall review or issue internal directives appropriate to his department or agency to assure the maintenance of high ethical and moral standards therein.

7. Nothing in this Order shall be construed to supersede, alter, or interpret any existing law or regulation.

JOHN F. KENNEDY

THE WHITE HOUSE
MAY 5, 1961.

§ 137.16 House concurrent resolution 175, 85th Congress, 2d session.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

§ 137.17 Digest of statutory provisions.

A. *Criminal Statutes Relating to Department of Defense Personnel.* The following activities may subject DoD personnel to criminal penalty under the statutes cited:

1. Asking, accepting, or agreeing to receive as a bribe or graft, directly or indirectly, any money, contract or other thing of value, either (a) with the intent to have any of their official decisions or actions influenced thereby, or (b) for giving to or procuring or aiding to procure for any person a Government contract (18 U.S.C. 202 and 216).

2. Receiving or agreeing to receive, directly or indirectly, compensation for services rendered by themselves or another in relation to any proceeding, contract, or claim before any department or agency where the United States is directly or indirectly interested (18 U.S.C. 281).

3. Acting as agent or attorney in prosecuting any claim against the Government or assisting in the prosecution of any such claim otherwise than in the proper discharge of official duties (18 U.S.C. 283).

4. Transacting business as officers or agents of the United States with any corporation, firm, or partnership in the profits of which they are directly or indirectly interested (18 U.S.C. 434).

5. Receiving from any source other than the Federal or any local Government any compensation in connection with their Government services (18 U.S.C. 1914). However, any Reserve officer ordered to active duty, and any person who is inducted into the armed forces under the Universal Military Training and Service Act, who, before being ordered to active duty or inducted, was receiving compensation from any person may, while serving on active duty, receive compensation from that person (10 U.S.C. 1033, and sec. 4(f), Universal Military Training and Service Act, as amended, 50 U.S.C. App. 454(f)).

6. Soliciting, accepting, or offering to accept any commission, payment, or gift in connection with the procurement of equipment, materials, commodities, or services under the Mutual Security Act of 1954, as amended, in connection with which procurement such personnel are or were employed

[1] 26 F.R. 3951.

or performed duty or took any action during such employment (sec. 512, Act of August 26, 1954, 22 U.S.C. 1764).

B. *Statutes Relating Specifically to Former Personnel.* 1. It is unlawful for former DoD personnel, within two years after their incumbency, to prosecute or act as counsel, attorney, or agent for prosecuting any claim against the United States which involves any subject matter directly connected with which such personnel were employed or performed duty (18 U.S.C. 284). The Attorney General has construed 18 U.S.C. 284 to mean that every person who has been employed in any Government agency, including commissioned officers assigned to duty in such agencies, is prohibited for a period of two years after such employment or service has ceased from representing in any manner or capacity any interest opposed to the United States in any matter with which such person was directly connected during the time he was in Government service. "Claim against the U.S." in section 284 has been judicially "limited to demands against the government for money or for property." However, the Department of Justice has also advised that the statute was not designed to go beyond specific matters or cases upon which a person worked or concerning which he gained information while employed by the Government. Where a person acquires or expands his professional knowledge in some particular field while in Government service, he is entitled to use that professional knowledge in pursuing his livelihood after he leaves Government service, so long as he does not employ that knowledge in connection with a specific matter with which he became directly connected while in Government service.

2. Section 113 of the Renegotiation Act, as amended, prohibits any person who has been employed in the Department from prosecuting at any time any claim against the United States involving any subject matter directly connected with which such person was so employed (sec. 113, Act of March 23, 1951, as amended, 50 U.S.C. App. 1223). Although this statute does not prescribe any criminal penalty for violation of this provision, it constitutes a Congressional policy that former personnel should not prosecute any such claims at any time.

3. It is unlawful for former DoD personnel, within two years after termination of their employment or service, to solicit, accept, or offer to accept any commission, payment, or gift in connection with the procurement or equipment, materials, commodities, or services under the Mutual Security Act of 1954 in connection with which procurement such former personnel were employed or performed duty or took any action during such employment as an officer or employee of the Government (sec. 512, Act of August 26, 1954, 22 U.S.C. 1764).

C. *Statutory Provisions Specifically Applying to Regular Retired Officers.* 1. Except as set forth in paragraphs a and b below, Regular retired officers are "officers of the United States" for the purpose of bringing them within the statutes cited in paragraph A above. However, 18 U.S.C. 434 relates to representing the Government in transacting business with a private concern, and 18 U.S.C. 1914 relates to receiving compensation from a private source in connection with services performed for the Government. Therefore, neither 18 U.S.C. 434 nor 18 U.S.C. 1914 applies to a Regular retired officer who is not representing or performing services for the United States. In addition, 18 U.S.C. 202 and the first paragraph of 18 U.S.C. 216 (see paragraph A 1(b) above) do not apply to Regular retired officers who are not representing or performing services for the United States.

a. 18 U.S.C. 281 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from representing any person in the sale of anything to the Government through the Department in whose service he holds a retired status.

b. 18 U.S.C. 283 exempts retired officers not on active duty from its application, but it prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, within two years after his retirement, involving the Department in which he holds a retired status. It also prohibits a Regular retired officer from acting as agent or attorney for prosecuting or assisting in the prosecution of any claim against the Government, at any time, involving any subject matter with which he was directly connected, while on active duty.

2. No payment from appropriated funds may be made to any officer on the retired list of the Regular Army, Navy, Marine Corps, or Air Force for a period of two years after his retirement, who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of any supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service (sec. 1309, Act of August 7, 1953, 5 U.S.C. 59c).

3. A retired officer of the Regular Navy or Regular Marine Corps is not entitled to any payment from the United States while he is engaged for himself or others in selling, or contracting or negotiating to sell, naval supplies or war materials to the Department of the Navy (10 U.S.C. 6112(b)).

D. *Regular Navy and Regular Marine Corps Officers.* An officer of the Regular Navy or the Regular Marine Corps, other than a retired officer, may not be employed by any person furnishing naval supplies or war materials to the United States. If such an officer is so employed, he is not entitled to any payment from the United States during that employment (10 U.S.C. 6112(a)).

E. *Reserves Not on Active Duty or on Active Duty for Training.* A Reserve who is not on active duty, and a Reserve who is on active duty for training, is not considered to be an "officer of the United States" for the purposes of the foregoing statutes solely because of his Reserve status or because of his being on active duty for training.

F. *Other Related Criminal Statutes Applicable to Conflict of Interests.* The following activities may subject present and former DoD personnel to criminal penalties:

1. Aiding, abetting, counseling, commanding, inducing, or procuring another to commit a crime under the criminal statues cited above.

2. Concealing or failing to report to proper authorities the commission of a felony under any of the criminal statutes cited above if such personnel know of the actual commission of the crime (18 U.S.C. 4).

3. Conspiring with one or more other persons to commit a crime under any of the criminal statutes cited above or to defraud the United States, if any party to the conspiracy does any act to effect the object of the conspiracy (18 U.S.C. 371).

§ 137.18 Retired Officers Statement of Employment.

_____,
(First name) (Middle Initial) (Last Name)
residing at _____
(Street) (RFD No.) (City)
_____
(Zone No.) (County) (State)

states that the following information, submitted in connection with a report on employment under (The appropriate military departmental regulation), is true to the best of his knowledge and belief:

1. EMPLOYER (If more than one employer, list complete information for each employer.)

a. Employer's Name _____

b. Address (Street, City, Zone No., State) _____

c. Products or services, if any, for Sale to the DoD _____

d. Position Title and Duties (State whether you will be engaged in administrative or engineering liaison, contractual negotiation, a combination thereof, or otherwise). (Contract negotiation is considered as that activity which involves the settlement of contract arrangements and requirements, such as price, delivery, quality, etc., between the DoD and the Employer (Employers) represented by the affiant.)

_____

2. GOVERNMENT SERVICE

a. I am in a retired status from

(1) Branch of Service_____

(2) Chronological list of assignments for eight years prior to retirement. (Include job title, office, location, dates of assignments and brief description of your former positions.)

_____

(3) Date of Separation_____

b. I (have) (have not) had civilian service with the United States Government. (If affirmative, complete the following.)

(1) Department or Agency_____

(2) Chronological list of assignments for eight years prior to date of separation. (Include job title, office, location, dates of assignments and a brief description of your former position.)

_____

(3) Date of Separation_____

3. STATUS WITH REGARD TO FORMER GOVERNMENT SERVICE

a. My duties while in Government service (did) (did not) relate to subject matter involved in my representation(s) as outlined in paragraph 1 d. above.

b. While I was connected with the Government, as above, the subject matter involved in my representation(s) (was), (was not) pending. I (gave) (did not give) personal consideration to it. I (gained) (did not gain) personal knowledge of the subject matter while so connected.

c. I (am) (am not) associated in my representation with any person who has personally considered the subject matter or who gained knowledge of the facts thereof while he was connected with the Government.

d. I will neither engage in contractual negotiations, nor represent my employer on those matters considered by me, on which I gained specific knowledge within my area of responsibility while employed by the Government.

e. I will not prosecute, or assist in the prosecution of, claims against the Government in violation of the claims statutes cited in the referenced (appropriate military departmental document), or otherwise violate these statutes, which are applicable to me.

4. I will promptly notify the appropriate office of any change in the foregoing.

_____
(Date)

_____
(Signature)

_____
(Name, Printed or Typed)

_____
(Complete Mailing Address)

_____

_____

_____

Any false, fictitious or fraudulent statements or representations on this form shall render the person making such statements or representations subject to prosecution under section 1001 of title 18 of the United States Code.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-7259; Filed, Aug. 1, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-992]

PART 1—PRACTICE AND PROCEDURE

Local Notice of Filing and Designation for Hearing of Broadcast Applications

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 26th day of July 1961;

The Commission having under consideration the provisions of §§ 1.359 and 1.362 of its rules relating to the giving of local notice of the filing of broadcast applications, or major amendments thereto, and the designation for hearing of such applications;

It appearing that in those instances where no daily newspaper of general circulation is published in the community in which the station is located or is proposed to be located, but one or more weekly newspapers of general circulation is published in such community, local notice can most appropriately be accomplished by publication in such a weekly newspaper; and

It further appearing that where the station in question is the only operating station in its broadcast service in the community involved, adequate local notice will be provided if the required notice is broadcast over that station without publication in a newspaper; and

It further appearing that the time periods during which notices must be broadcast should be revised in the interests of providing more adequate notice; and

It further appearing that in the case of renewal applications, a further statement should be required in the notice informing members of the general public of their rights to submit facts for Commission consideration, or in the case of designation of renewals for hearing, of their rights to appear and present evidence; and

It further appearing that it would be in the public interest to amend the rules to effectuate the changes in local notice requirements set forth above; and

It further appearing that these amendments to the rules are procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the promulgation of these amendments to the rules is contained in sections 4(i), 303(r) and 311 of the Communications Act of 1934, as amended;

It is ordered, That effective August 10, 1961, §§ 1.359 and 1.362 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 311, 48 Stat. 1082, 1086; 47 U.S.C. 303, 311)

Released: July 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 1.359, paragraph (c) is amended, paragraph (d) is redesignated as paragraph (g), paragraph (e) is amended and redesignated as paragraph (h), paragraphs (f), (g), and (h) are redesignated as paragraphs (i), (j), and (k), and new paragraphs (d), (e), and (f) are added, as follows:

§ 1.359 **Pre-grant procedures.**

* * * * *

(c) Except as provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto, which is subject to the provisions of this section (except for applications for stations in the international broadcast service and for television translator stations) shall cause to be published a notice of such filing as follows: Notice shall be published at least twice a week for the two weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the two weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for the three weeks immediately following the tendering for filing of such application or amendment, or once a week for the three weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358;

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for the two weeks immediately following the tendering for filing of such application or amendment, or at least twice a week for the two weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358, in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for the two weeks immediately following the tendering for filing of such application, or at least twice a week for the two weeks immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358, in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station.

(d) If the application seeks modification, assignment, transfer, or renewal of an operating broadcast station, the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on four days in the week immediately following the tendering for filing of such application, or in the week immediately following notification by the Commission pursuant to §§ 1.354, 1.355, 1.356, 1.357, or 1.358. Such notice shall be broadcast during the following periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.;

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m.

(e) If the station in question is the only operating station in its broadcast service which is located in the community involved, publication of the notice, in a newspaper, as provided in paragraph (c) of this section, is not required, and publication by broadcast over that station as provided in paragraph (d), shall be deemed sufficient to meet the requirements of paragraphs (c) and (d) of this section.

(f) The notice required by paragraphs (c) and (d) of this section shall state:

(1) The name of the applicant, if the applicant is an individual; the names of all partners, if the applicant is a partnership; or the names of all officers and directors and of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association (in the case of applications for assignment or transfer of control, information should be included for all parties to the application).

(2) The purpose for which the application was filed, (i.e., construction permit, modification, transfer or assignment of control, renewal, etc.).

(3) The date when the application or amendment was filed with the Commission.

(4) The call letters, if any, of the station, and the frequency or channel on which the station is operating or proposes to operate.

(5) In the case of an application for construction permit for a new station, the facilities sought, including type and class of station, power, location of studios, transmitter site and antenna height.

(6) In the case of an application for modification of a construction permit or

license, the exact nature of the modification sought.

(7) In the case of an amendment to an application, the exact nature of the amendment.

(8) In the case of applications for a permit pursuant to section 325(b) of the Communications Act, the call letters and location of the foreign radio broadcast station, the frequency or channel on which it operates and a description of the programs to be transmitted over the station.

(9) In the case of an application for renewal of license, as follows:

The application of this station for a renewal of its license to operate this station in the public interest was filed with the Federal Communications Commission on ---------- Members of the public who desire to bring to the Commission's attention facts concerning the operation of the station should write to the Federal Communications Commission, Washington 25, D.C., before ---------- Letters should set forth in detail the specific facts which the writer wishes the Commission to consider in passing on this application.

* * * * *

(h) Within 5 days of the last day of publication or broadcast of the notice required by paragraphs (c), (d), or (g) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the dates and times that the notice was broadcast. When public notice is given by other means, as provided in paragraph (g) of this section, the applicant shall file, within 5 days of the giving of such notice, the text of the notice, the means by which it was accomplished and the date thereof.

2. In § 1.362, paragraph (b) is amended, paragraph (c) is amended and redesignated as paragraph (g), paragraph (d) is redesignated as paragraph (h), and new paragraphs (c), (d), (e), and (f) are added as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

* * * * *

(b) Except as provided in paragraph (d) of this section, when an application subject to the provisions of § 1.359 is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least twice a week for the two weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for the three weeks immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing;

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for the two weeks immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located.

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for the two weeks immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station.

(c) When an application which is subject to the provisions of § 1.359 and which seeks modification, assignment, transfer, or renewal of an operating broadcast station is designated for hearing, the applicant shall, in addition to publishing a notice of such designation as provided in paragraph (b) of this section cause the same notice to be broadcast over that station at least once daily on four days in the week immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing. Such notice shall be broadcast during the following time periods:

(1) For television broadcast stations, between 7:00 p.m. and 10:00 p.m.

(2) For standard and FM broadcast stations, between 7:00 a.m. and 10:00 a.m.

(d) Where the station in question is the only operating station in its broadcast service which is located in the community involved, publication of the notice in a newspaper as provided in paragraph (b) of this section is not required, and publication by broadcast over that station as provided in paragraph (c) of this section shall be deemed sufficient to meet the requirements of paragraphs (b) and (c) of this section.

(e) The notice required by paragraphs (b) and (c) of this section shall set forth:

(1) The name of the applicant or applicants designated for hearing.

(2) The call letters, if any, of the station or stations involved, and the frequencies or channels on which the station or stations are operating or proposed to operate.

(3) The time and place of the hearing.

(4) The issues in the hearing as listed in the Commission's order of designation for hearing.

(f) When an application for renewal of license is designated for hearing, the notice shall contain the following additional statements:

(1) Immediately preceding the listing of the issues in the hearing:

The application of this station for a renewal of its license to operate this station in the public interest was filed with the Federal Communications Commission on ---------- After considering this application, the Commission has determined that it is necessary to hold a hearing to decide the following questions.

(2) Immediately following the listing of the issues in the hearing:

The hearing will be held at ----------, commencing at ----------, on -------, 19--. Members of the public who desire to give evidence or testimony concerning the foregoing issues should write to the Federal Communications Commission, Washington 25, D.C., before ---------- Letters should set forth in detail the specific facts of the evidence or testimony which the writer wishes to give. If the Commission's staff believes that the evidence or testimony is legally competent, material, and relevant to the issues, it will contact the person in question.

(g) Within 5 days of the last day of publication or broadcast of the notice required by paragraphs (b) and (c) of this section, the applicant shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the newspaper in which the notice was published, the text of the notice, and/or, where applicable, the date and time the notice was broadcast.

[F.R. Doc. 61-7284; Filed, Aug. 1, 1961; 8:53 a.m.]

[Docket No. 14095; FCC 61-930]

PART 9—AVIATION SERVICES

Additional Frequency for Civil Air Patrol Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July, 1961;

The Commission having under consideration the amendment of § 9.912, Part 9—Aviation Services to make available the frequency 4602.5 kc for assignment to land and mobile stations of the Civil Air Patrol in the States of Wisconsin, Illinois, Michigan, Ohio, Indiana, and Kentucky; and

It appearing that a need exists for this additional frequency; and

It further appearing, that notice of proposed rule making in the above-entitled matter was released on April 28, 1961; and

It further appearing that the notice, which made provision for filing comments by June 5, 1961, was duly published in the FEDERAL REGISTER on May 4, 1961 (26 F.R. 3897); and

It further appearing that no comments were received in this proceeding; and

It further appearing that the authority for the issuance of this order is contained in section 303 (c), (d), (f), (h), and (r) of the Communications Act of 1934, as amended;

It is ordered, That Part 9 of the Commission's rules be amended effective September 5, 1961, as set forth below; and

It is further ordered, That the proceedings in Docket No. 14095 are hereby terminated.

Released: July 28, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 9.912 is amended to read as follows:

§ 9.912 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this section.

(a) 2374 kc, A-1, A-2, A-3 emission, 400 watts maximum power.

(b) 4467.5 kc, A-1, A-2, A-3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	Massachusetts.
Connecticut.	Mississippi.
Delaware.	New Hampshire.
Florida.	New Jersey.
Georgia.	New York.
Maine.	North Carolina.
Maryland.	Pennsylvania.
Rhode Island.	Vermont.
South Carolina.	Virginia.
Tennessee.	West Virginia.

(c) 4507.5 kc, A-1, A-2, A-3 emission, 400 watts maximum power. This frequency is available for assignment to stations in all areas of the continental United States (excluding Alaska), except those listed in paragraph (b) of this section.

(d) 4585 kc, A-1, A-2, A-3 emission, 400 watts maximum power.

(e) 4602.5 kc, A-1, F-1, A-3 emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following States:

Wisconsin.	Ohio.
Illinois.	Indiana.
Michigan.	Kentucky.

(f) 26620 kc, A-1, A-2, A-3 emission, 250 watts maximum power. Assignment of this frequency is limited to stations in the State of Hawaii.

(g) 143.91 Mc, A-1, A-2, A-3 emission, 10 watts maximum power. Assignment of this frequency is limited to stations in the continental United States (excluding Alaska).

(h) 148.14 Mc, A-2, A-3 emission, 50 watts maximum power.

[F.R. Doc. 61-7285; Filed, Aug. 1, 1961; 8:53 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

United States Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering the amendment of United States Standards for Grades of Table Grapes (European or vinifera type) (7 CFR, §§ 51.880 to 51.911) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

Statement of considerations leading to the proposed amendment. The present standards were developed for grapes packed almost exclusively in lug boxes containing from 24 to 32 pounds. During recent years an increasing amount of grapes have been packed in consumer size cartons, most of which contain from 1½ to 2 pounds. In packing grapes in these small packages it is necessary to include a sufficient amount of small bunches to fill open spaces in the corners of the packages and between larger bunches in order to have a properly filled package. As a result grapes packed in consumer size packages usually fail to meet the requirements of any of the U.S. grades for table grapes because of an excessive percentage of bunches under the minimum size.

This problem has become important to grape pre-packagers and industry representatives have requested amendment of the grade standards for table grapes to make them applicable to grapes packed in small packages. Specifically they asked that the U.S. No. 1 grade permit consumer size packages to have only 75 percent of bunches which weigh one-fourth pound or more. The proposed amendment would provide in each grade a tolerance of 25 percent for bunches under the minimum size when in packages containing 5 pounds or less. The application of tolerances provision would permit one and one-half times this amount or 37½ percent undersize bunches in individual packages, provided the average for the entire lot was not over 25 percent. The present U.S. No. 1 grade requires each bunch to weigh not less than one-fourth pound.

In addition, they asked that maturity determinations be based on the master shipping container, holding from 12 to 16 individual packages, instead of on the individual packages.

The following arguments have been presented in justification of the proposed amendment:

(1) There are no grade standards applicable to the packing of grapes in small consumer size packages. Consequently grapes packed in consumer size packages which fail to grade U.S. No. 1 Table Grapes because of the bunch size requirement cannot be shipped to Canada unless an exception is granted by Canadian authorities.

(2) The size of bunches is not of prime importance in consumer size packages. Consumers buy pre-packaged grapes to eat rather than to display in the fruit bowl. Small bunches and even individual berries are frequently more desirable than large bunches for eating out of hand.

(3) The requested change to base the maturity determination on the master container is necessary because the definitions of "Well matured" and "Mature" are not applicable to the small quantity of grapes in a consumer size package. The least mature 10 percent of the grapes in a 1½ to 2 pound package would not furnish sufficient juice for the specified hydrometer test to determine the percentage of soluble solids.

All persons who produce or market table grapes are requested to give careful consideration to the proposed amendment and to submit their comments in regard thereto within the period set forth in this notice.

The standards are proposed to be amended in the following respects:

§ 51.880 [Amendment]

Section 51.880(d) would be deleted and the following substituted in lieu thereof:

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) (i) 5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

(ii) 5 percent for bunches which weigh less than one-half pound except that when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-half pound;

(iii) 10 percent for bunches which fail to meet the color requirements;

(iv) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems; and,

(v) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 [Amendment]

Section 51.881(d) would be deleted and the following substituted in lieu thereof:

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) (i) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(ii) 10 percent for bunches which fail to meet the color requirements;

(iii) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage; and,

(iv) 8 percent for bunches which weigh less than one-fourth pound, and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay: *And Provided further*, That when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-fourth pound.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 [Amendment]

Section 51.882(c) would be deleted and the following substituted in lieu thereof:

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) (i) 10 percent for bunches which fail to meet the color requirements; and,

(ii) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay: *And Provided further*, That when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-fourth pound.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

The following new section would be added:

§ 51.912 Container.

"Container" as used in §§ 51.880(d)(1), 51.881(d)(1), 51.882(c)(1), 51.887 and 51.907 shall, for the purpose of determining maturity of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment; for determining other factors of grade it shall mean the individual package.

Dated: July 28, 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61–7261; Filed, Aug. 1, 1961; 8:48 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State Laws and regulations.

[7 CFR Part 52]

PROCESSED RAISINS

United States Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Processed Raisins (7 CFR 52.1841–52.1852) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). The amendment as hereinafter set forth redefines "Select" size and "Small" (or "midget") size in Thompson Seedless Raisins.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

Delete § 52.1843 in its entirety and change to read:

§ 52.1843 Sizes of Thompson Seedless Raisins.

The sizes of Thompson Seedless Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The size designations and measurement requirements for the respective sizes are:

(a) "Select" size raisins means that not more than 60 percent, by weight, of all the raisins will pass through round perforations 22/64 inch in diameter, but not more than 10 percent, by weight, of all the raisins may pass through round perforations 20/64 inch in diameter.

(b) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations 24/64 inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations 22/64 inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet either the requirements for "Select" size or for "Small" (or "midget") size.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: July 28, 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61–7262; Filed, Aug. 1, 1961; 8:48 a.m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

[7 CFR Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Notice of Proposed Rule Making With Respect to Expenses and Fixing of Rate of Assessment for 1961–62 Fiscal Period

Consideration is being given to the following proposals which were submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $35,201 are likely to be incurred by said committee during the fiscal period beginning July 1, 1961, and ending June 30, 1962, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles pears shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid period, the rate of assessment at eight and one-half mills ($0.0085) per standard western pear box of pears or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

Consideration will be given to written data, views, or arguments submitted in connection with the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7287; Filed, Aug. 1, 1961; 8:53 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 1008]

[Docket No. AO–275–A6]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Spokane, Washington, on July 11, 1961, pursuant to notice thereof which was issued June 30, 1961 (26 F.R. 6029).

The material issues on the record of the hearing relate to:

1. Deletion of the base-excess plan; and

2. Adoption of a "take-out and pay-back" plan.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Base-excess plan.* The base-excess plan for distributing payments to producers should be deleted from the order.

The order provides that bases be established for individual producers on the basis of their deliveries of milk during the months of September through January, and the bases thus established are effective for the twelve-month period beginning with March. Producers are paid a uniform base price for that portion of their deliveries which does not exceed their base and a uniform excess price for the remainder of their milk. The price paid for excess milk is the Class II price and the base price is determined by deducting the aggregate value of excess milk from the total pool value and dividing by the hundredweight of base milk.

Two producer associations which represent 75 percent of the producers on the market proposed that the base-excess plan be deleted from the order. Association witnesses contended that the plan has tended to overstimulate milk production beyond the needs of the market.

The base-excess plan has been in use since the promulgation of the order in April 1956. Its basic purpose is, by means of a price incentive, to reduce the seasonal variation in milk production to conform to the relatively uniform pattern of Class I sales. Market experience with the base-excess plan shows that there has been a reduction in the degree of seasonality of production, but that there has also been a significant increase in total producer receipts. Class I utilization in the market has remained steady since the outset of the order. Producer receipts have increased from 154.9 million pounds in 1957 to 164.6 million pounds in 1960. During the some period base milk has increased from 132.1 million pounds to 146.9 million pounds. Producer milk in Class I was 115.9 million pounds in 1957 and 118.4 million pounds in 1960. The increased amount of base milk which is in excess of the market requirements has depressed the price of base milk. During 1957 the base price averaged 20 cents below the Class I price while in 1960 it averaged 40 cents lower. During the first two years of the order, average daily deliveries per producer decreased each month from May to December. During the last two years, average daily deliveries have decreased from May to August then increased beginning in September which is the first month of the base forming period. Producers have reacted to the base-excess plan by substantially increasing production during the base making period. Although this has reduced the seasonal variation in production, it has also resulted in a substantial building of production beyond the Class I needs of the market. A different type of plan, recommended hereinafter, for distributing returns to producers would be more feasible in light of the overproduction in the market which has been brought forth by the base-excess plan. Accordingly, the base-excess plan should be deleted.

Proponents recommended that the base paying provision be kept in effect until March 1, 1962. They suggested that it would be equitable since producers earned bases during the period of September 1960 through January 1961 in anticipation that they would be effective during the period of March 1961 through February 1962. Since the proponents propose that in the future producers should share in returns of the market on the basis of their current deliveries through deletion of the base-excess plan, it is concluded that this change should be made effective as soon as amendment procedures can be completed.

2. *Take-out and pay-back plan.* The order should provide for a take-out and pay-back incentive payment plan whereby 30 cents per hundredweight is withheld from the pool in each of the months of April, May and June and one-third of the total amount withheld is added back to the pool during each of the months of September, October and November.

The proponent producer association proposed that a take-out and pay-back plan be substituted for the base-excess plan now provided in the order. The take-out and pay-back plan would continue to provide an incentive for a more even production pattern throughout the year. This incentive plan would discourage production in the spring months by lowering the uniform producer price 30 cents per hundredweight. It would encourage production only during the three-month period of lowest supplies on the market. However, association witnesses contended that the take-out and pay-back plan would not encourage production throughout the year since producers would not be striving to build a larger base each year.

During 1960 the weighted average uniform price in the market for the period of April–June was $4.70 and for the period of September–November $5.05. Under the plan recommended herein the minimum average blend prices to producers would have been $4.40 and $5.37 for the respective periods.

The new plan will provide the needed seasonal variation in the producer returns without changing the Class I price. Thus, the price at the consumer level and the relationship of the Class I price to other markets will not be affected.

The change from a base-excess to a take-out and pay-back plan will necessitate conforming changes in the location and butterfat differentials to producers. Under the present provisions the location differential applies only to base milk and butterfat differentials are different for base and excess milk. Under the new incentive plan there will just be one uniform price to producers rather than separate uniform prices for base and excess milk. Accordingly, the location adjustment should apply to all of a producer's milk and the butterfat differential should be the weighted average of the butterfat differential to handlers.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by an interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are suplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recomended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 1008.12 [Amendment]

1. In the first proviso of § 1008.12 delete the phrase "(or from a producer who previously held such producer's base)."

§§ 1008.17, 1008.18 and 1008.19 [Deletion]

2. Delete §§ 1008.17, 1008.18 and 1008.19.

§ 1008.22 [Amendment]

3. Delete § 1008.22(j)(1)(iii) and substitute therefor the following:

(iii) The uniform price.

§ 1008.22 [Amendment]

4. In § 1008.22(k)(2) change the words "price(s)" and "differential(s)" to "price" and "differential", respectively.

§ 1008.30 [Amendment]

5. Delete paragraph (f) of § 1008.30 and redesignate paragraph (g) as paragraph (f).

§ 1008.31 [Amendment]

6. In § 1008.31(a) delete the phrase "base milk and the total pounds of excess".

§ 1008.32 [Amendment]

7. In § 1008.32 delete paragraph (c) and redesignate paragraph (d) as paragraph (c).

§ 1008.35 [Amendment]

8. In § 1008.35(a)(2) delete the phrase "the pounds of base and excess milk," and in § 1008.35(a)(3) and (4) change "rate(s)" to "rate".

§§ 1008.60 and 1008.61 [Deletion]

9. Delete §§ 1008.60 and 1008.61.

10. Delete § 1008.71 and substitute therefor the following:

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1008.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1008.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1008.80 [Amendment]

11. In § 1008.80 delete that portion of paragraph (a) which precedes the first proviso and substitute therefor the following:

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer for milk received at his plant from such producer during such month at not less than the uniform price for the quantity of milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82:

§ 1008.80 [Amendment]

12. In § 1008.80(a) delete subparagraphs (1) and (2).

§ 1008.81 [Amendment]

13. In § 1008.81 delete the word "base."

14. Delete § 1008.82 and substitute therefor the following:

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1008.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1008.84 [Amendment]

15. In § 1008.84 change "prices" to "price."

§ 1008.85 [Amendment]

16. In § 1008.85 change "prices" to "price."

Issued at Washington, D.C., July 28, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7292; Filed, Aug. 1, 1961; 8:54 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order 555]

INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYEES

Names of Public and Employee Members

By virtue of Administrative Order No. 551 published in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6127), Industry Committees NC 1, 2, 3, and 4 were appointed pursuant to Proviso (2) of subsection 6(c) of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30) to recommend, in accordance with the standards prescribed by section 8 of the Act (29 U.S.C. 208), the minimum wage rate or rates payable to each employee in Puerto Rico to whom subsection 6(b) of the Act, as amended by the aforesaid Amendments, would otherwise apply; i.e. to employees in Puerto Rico entitled to its minimum wage benefits for the first time by reason of the aforesaid Amendments. Administrative Order No. 551 advised that names of the members of the Industry Committees would be published at a later date.

The names of the public and employer members were published in Administrative Order No. 553 appearing in the FEDERAL REGISTER on July 14, 1961 (26 F.R. 6305). Vacancies have occurred with respect to members designated to represent the public by the resignation from all committees of Jose R. Noguera and Rafael Pico of San Juan, Puerto Rico. In accordance with 29 CFR 511.5, I hereby appoint to all committees Pablo J. Lopez Castro of San Juan, Puerto Rico, and Ramon Gelabert of Rio Piedras, Puerto Rico, to serve as representatives of the public in their stead.

Further, as provided in Administrative Order No. 551, I hereby appoint the following committee members to represent the employees on Industry Committees NC 1, 2, 3, and 4:

Ben B. Seligman, Washington, D.C. (for all committees).
James L. Rhodes, Indianapolis, Indiana (for Industry Committees NC 1 and 2).
Osiris R. Sanchez-Vazquez, Puerta de Tierra, Puerto Rico (for Industry Committees NC 1 and 2).
Prudencio Rivera-Martinez, San Juan, Puerto Rico (for Industry Committees NC 3 and 4).
John M. Elliott, Washington, D.C. (for Industry Committees NC 3 and 4).

Signed at Washington, D.C., this 28th day of July 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-7286; Filed, Aug. 1, 1961; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61–WA–93]

FEDERAL AIRWAYS

Designation and Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 600 and § 600.1704 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1704 is designated, in part, from the Redmond, Oreg., VOR to the Baker, Oreg., VOR. The FAA has under consideration the alteration of this airway segment via a VOR to be installed approximately July 25, 1961, near John Day, Oreg., at Lat. 44°38'53" N, Long. 119°42'37" W. This would provide for more precise navigational guidance between Redmond and Baker and would provide for a lower minimum en route altitude between these points. In addition, the FAA has under consideration the designation of intermediate altitude VOR Federal Airway No. 1755 from the John Day VOR via The Dalles, Oreg., VOR; the intersection of The Dalles VOR 352° and the Seattle, Wash., VOR 125° True radials to the Seattle VOR. The portion of this airway north of The Dalles would provide for the transition of aircraft operating between the low altitude airway structure and VOR/VORTAC jet route No. 5 while arriving and departing the Seattle terminal area. The portion southeast of The Dalles would provide an additional intermediate altitude airway for eastbound traffic from the Portland, Oreg., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–7245; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR PARTS 600, 601]

[Airspace Docket No. 61–LA–17]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration and Revocation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6023, 601.6023, 600.6287, and 601.6287 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed actions:

1. VOR Federal Airway No. 23 extends in part from the Portland, Oreg., VOR–TAC to the Seattle, Wash., VORTAC, including a west alternate from Portland to Seattle, via the intersection of the Portland VORTAC 353° and the Olympia, Wash., VOR 165° True radials; Olympia VOR; intersection of the Olympia VOR 337° and the Seattle VOR 247° True radials, to the Seattle VOR–TAC. The Federal Aviation Agency is considering the alteration of Victor 23 by revoking the west alternate and its associated control areas between Portland and Seattle. This alternate airway is seldom used in the routing of traffic. The majority of the airway lies within the Tacoma, Wash., control area extension (§ 601.1331) and the remaining portion coincides with Victor 23 and proposed Victor 287. Therefore, it appears that this airway segment is an unnecessary assignment of airspace and should be revoked.

2. VOR Federal Airway No. 287 extends from the North Bend, Oreg., VOR to the Portland, Oreg., VORTAC. It is proposed to extend Victor 287 and its associated control areas northward from the Portland VORTAC; via the intersection of the Portland VORTAC 353° and the Olympia, Wash., VOR 165° True radials: the Olympia VOR; the intersection of the Olympia VOR 010° and the Seattle, Wash., VORTAC 322° True radials; the intersection of the Seattle VORTAC 322° and the Port Angeles, Wash., VOR 090° True radials; the Port Angeles VOR; to the Neah Bay, Wash., radio range, excluding the portions outside the United States and the portion which would coincide with Restricted Area R–6705. The portion which would coincide with the McChord AFB Restricted Area/Military Climb Corridor, R–6711 would be used only after obtaining prior approval from the controlling agency. The extension of this airway would facilitate air traffic control service in the Seattle terminal areas by providing a by-pass route to the west of Seattle. In addition, it would simplify the routing of aircraft operating between Neah Bay and Portland.

The control area associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate action would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–7244; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–WA–21]

FEDERAL AIRWAYS

Withdrawal of Proposal to Designate a Federal Airway and Associated Control Areas

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61–WA–21 on April 25, 1961 (26 F.R. 3538), it was stated that the Federal Aviation Agency proposed to designate low altitude VOR Federal airway No. 522 and its associated control areas from Sheridan, Wyo., to Watertown, S. Dak., via Dupree, S. Dak.

Subsequent to publication of the Notice, it has been determined that the route as proposed would have an unusually high minimum en route altitude and that intermediate altitude VOR Federal airway No. 1504 adequately serves the small amount of traffic activity in the area.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61–WA–21 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–7247; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR PART 601]

[Airspace Docket No. 61–FW–66]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2165 of the regulations of the Administrator, the substance of which is stated below.

The Savannah, Ga., control zone is designated in part "within 2 miles either side of the northwest and southeast courses of the Savannah radio range extending from the Travis Field control zone to a point 10 miles southeast of the radio range station."

The Federal Aviation Agency is considering the alteration of this control zone by revoking the control zone extension based on the northwest and southeast courses of the Savannah radio range. This control zone extension would no longer be required for the protection of aircraft as the Savannah range is scheduled to be decommissioned in the near future in accordance with the Federal Aviation Agency L/MF decommissioning program. Non-rule making procedures proposing discontinuance of the Savannah range will be initiated in accordance with current Agency practice. These procedures afford interested persons an opportunity to comment on such action. The prescribed instrument approaches based on the Savannah range would be cancelled concurrently with discontinuance of this facility.

The Federal Aviation Agency is presently conducting an evaluation on an area basis of the controlled airspace requirements relating to implementation of Amendment 60–21 to Civil Air Regulations; Part 60, Air Traffic Rules. Upon completion of this evaluation, further alternation of the Savannah control zone may be required. If this appears necessary, a new proposal will be initiated.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–7241; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61–WA–50]

CONTROLLED AIRSPACE

Withdrawal of Proposal to Alter Control Area

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61–WA–50 on April 26, 1961 (26 F.R. 3573) it was stated that the Federal Aviation Agency proposed to implement, in part, Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60–21 (26 F.R. 570) by designating the control areas associated with the segment of Low Altitude VOR Federal airway No. 195 between the Tomhead, Calif., Intersection and the Yager, Calif., Intersection, to extend upward from at least 1,200 feet above the surface or if appropriate, 500 feet below the minimum IFR enroute altitude.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60–21 to the control area associated with this segment of Victor 195 should be deferred until such time as the control area associated with Victor 195 between Fortuna, Calif., and Red Bluff, Calif., can be altered by applying Amendment 60–21.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the proposal contained in Airspace Docket No. 61–WA–50 is withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61–7246; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR PART 601]

[Airspace Docket No. 61–WA–130]

CONTROLLED AIRSPACE

Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Reno, Nev., (Stead Air Force Base and Reno Airport) control zones are designated within a 5-mile radius of the respective airports. The Federal Aviation Agency is considering the alteration of the Reno Airport control zone by redesignating it within a 5-mile radius of the Reno Airport (latitude 39°30'02" N., longitude 119°46'07" W.) and within 2 miles either side of the Reno ILS localizer north course extending from the 5-mile radius zone to the Sparks, Nev., radio beacon. The present Reno radio beacon, commonly referred to as the Ace radio beacon and located near the Bingo Intersection north of Reno, is being renamed Sparks radio beacon. Thus, protection would be provided aircraft executing the prescribed instrument approach procedure based on the ILS localizer north course. Concurrently with this action, the Reno (Stead AFB) control zone would be redescribed to exclude

the portion which would coincide with the altered Reno Airport control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Field Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7242; Filed, Aug. 1, 1961; 8:46 a.m.]

[14 CFR PART 601]

[Airspace Docket No. 61-FW-69]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Plainview, Texas. The proposed control zone would be designated within a 3-mile radius of Hale County Airport (latitude 34°10'10" N, longitude 101°43'00" W). This control zone would provide protection for aircraft arriving and departing Hale County Airport. Communications service will be provided for aircraft operating within the proposed control zone by the Federal Aviation Agency control tower scheduled to be commissioned at Hale County Airport approximately September 15, 1961. Weather reporting service is scheduled to be implemented by the control tower on or about November 15, 1961. If this proposal is adopted, the control zone would not be made effective prior to the time communications and weather service are available.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Filed Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on July 26, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7243; Filed, Aug. 1, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

[Docket No. 955]

FREE TIME AND DEMURRAGE APPLICABLE DURING SEAMEN'S STRIKE

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 17 of the Shipping Act, 1916, as amended (46 U.S.C. 816), section 204 of the Merchant Marine Act, 1936 (46 U.S.C. 1114), and section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the Federal Maritime Board is considering adopting the rules enumerated below relating to common carriers by water and to persons engaged in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water within the United States and its territories and possessions.

Because of the undue burden that is placed on cargo as a result of a seamen's strike and since such a strike is through no fault of shippers, owners, or consignees of cargo, it is in the public interest that the following rules be adopted.

1. Where movement of cargo off terminal facilities, either by delivery to a consignee on inbound cargo or by loading on a vessel on outbound cargo, is prevented by a strike of seamen, and so long as the strike continues to prevent such movement, the following will be applicable:

a. On cargo which was on free time at the commencement of the strike, free time must be extended so long as movement of the cargo is prevented by the strike.

b. On cargo which was on demurrage or storage at the commencement of the strike, no additional demurrage or storage charges shall be assessed on that cargo so long as movement of the cargo is prevented by the strike.

All persons interested in the foregoing proposed rules may file with the Secretary, Federal Maritime Board, Washington 25, D.C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER written data, views, or arguments thereon, for consideration by the Board.

Dated: July 31, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7329; Filed, Aug. 1, 1961; 8:54 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[Delegation Order No. 5]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

Order of Succession to Act as Comptroller

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency, during the absence or disability of the Comptroller of the Currency, or when there is a vacancy in such office:

(1) Hollis S. Haggard, First Deputy Comptroller of the Currency.
(2) William M. Taylor, Deputy Comptroller of the Currency.
(3) Griffith W. Garwood, Deputy Comptroller of the Currency.
(4) Chapman C. Fleming, Deputy Comptroller of the Currency.
(5) Chief National Bank Examiner.
(6) District Chief National Bank Examiner at Richmond, Va.
(7) District Chief National Bank Examiner at Philadelphia, Pa.
(8) District Chief National Bank Examiner at New York, N.Y.
(9) District Chief National Bank Examiner at Cleveland, Ohio.
(10) District Chief National Bank Examiner at Atlanta, Ga.
(11) District Chief National Bank Examiner at Boston, Mass.
(12) District Chief National Bank Examiner at Chicago, Ill.
(13) District Chief National Bank Examiner at St. Louis, Mo.
(14) District Chief National Bank Examiner at Kansas City, Mo.
(15) District Chief National Bank Examiner at Minneapolis, Minn.
(16) District Chief National Bank Examiner at Dallas, Tex.
(17) District Chief National Bank Examiner at San Francisco, Calif.

2. In the event of an enemy attack on the continental United States, all District Chief National Bank Examiners, including any Acting District Chief National Bank Examiners, are authorized in their respective districts to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

3. Delegation Order 4 is hereby repealed.

Dated: July 27, 1961.

[SEAL] RAY M. GIDNEY,
Comptroller of the Currency.

[F.R. Doc. 61-7268; Filed, Aug. 1, 1961; 8:49 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1961 Rev. Supp. No. 6]

AMERICAN AND FOREIGN INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

JULY 27, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,153,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in Which Incorporated, Name of Company and Location of Principal Executive Office

New York, American and Foreign Insurance Company, New York, N.Y.

[SEAL] ROBERT V. ROOSA,
Under Secretary for Monetary Affairs.

[F.R. Doc. 61-7269; Filed, Aug. 1, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Plat of Survey

JULY 25, 1961.

Plat of survey of the land described below will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on August 29, 1961:

HUMBOLDT MERIDIAN

T. 7 N., R. 5 E.,
Sec. 6;
Sec. 7.

This survey represents a dependent survey and extension survey. The lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

The areas described aggregate 412.61 acres. Plat of survey accepted June 5, 1961.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 61-7250; Filed, Aug. 1, 1961; 8:47 a.m.]

CALIFORNIA

Notice of Filing of Plat of Survey

JULY 25, 1961.

Plats of survey of the land described below will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on August 29, 1961:

MOUNT DIABLO MERIDIAN

Tps. 10 N., Rs. 21 and 22 E.

These surveys represent dependent surveys and extension surveys embracing Federal lands lying between the California-Nevada State boundary. The lands will not be subject to disposition under the public land laws unless and until it is so provided by order of an authorized officer of the Bureau of Land Management.

The areas described aggregate 549.21 acres. Plats of survey accepted June 14, 1961.

WALTER E. BECK,
Manager,
Land Office, Sacramento.

[F.R. Doc. 61-7251; Filed, Aug. 1, 1961; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 24, 1961.

The Bureau of Reclamation, United States Department of the Interior, has filed an application, Serial Number Sacramento 067444, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws, subject to existing valid claims. The applicant desires the land for Management of Shasta Dam and Reservoir of the Central Valley Project, California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, Fourth and J Streets, Sacramento 14, Calif.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 3 W.,
Sec. 8: W½W½NW¼, W½SW¼.

The above described aggregates 120.00 acres of Federal land in the Shasta National Forest.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-7252; Filed, Aug. 1, 1961; 8:47 a.m.]

Office of the Secretary

FINISHED PRODUCTS OTHER THAN RESIDUAL FUEL OIL TO BE USED AS FUEL

Adjustments in Maximum Level of Imports; Puerto Rico

The maximum level of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, established by Presidential Proclamation 3279, as amended, is modified pursuant to paragraph (d) of section 2 of the Proclamation to permit, during the period July 1, 1961 through December 31, 1961, an increase of 1,902 barrels per day in the imports of light virgin naphtha, 408 barrels per day in the imports of asphalt, and 22 barrels per day of Stoddard Solvent, to meet the increased demand in Puerto Rico.

All non-Governmental holders of allocations of imports of finished products, other than residual fuel oil to be used as fuel, into Puerto Rico, have been canvassed with respect to their interest in supplying the increased requirements. Some holders have stated that they have no interest. Accordingly, the allocations made for the period mentioned above to the Shell Oil Companies and to Standard Oil Company (New Jersey) will be increased to permit them, respectively, to import into Puerto Rico 673 barrels daily and 1,229 barrels daily of light virgin naphtha. The allocation made to Shell Oil Companies will also be increased to permit them to import into Puerto Rico 408 barrels daily of asphalt and 22 barrels daily to Stoddard Solvent.

STEWART L. UDALL,
Secretary of the Interior.

JULY 27, 1961.

[F.R. Doc. 61-7253; Filed, Aug. 1, 1961; 8:47 a.m.]

[Order No. 2508, Amdt. 47]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

Section 30 of Order No. 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272; 25 F.R. 436, 575, 729, 1385, 1994, 4655, 7192, 8892), is further amended by addition of a new subparagraph to read as follows:

SEC. 30 *Authority under specific acts.* (a) • • •

(19) The Acts of June 29, 1960 (P.L. 86-539; 74 Stat. 252); June 29, 1960 (P.L. 86-543; 74 Stat. 254); and June 29, 1960 (P.L. 86-544; 74 Stat. 254).

STEWART L. UDALL,
Secretary of the Interior.

JULY 26, 1961.

[F.R. Doc. 61-7254; Filed, Aug. 1, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA AND WASHINGTON

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2 (a)), as amended, it has been determined that in Beaufort County, North Carolina, and Okanogan County, Washington, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of July, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7291; Filed, Aug. 1, 1961; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

CHEUNG KAM KEE TRADING CO. AND CHEUNG YUK LEUNG

Order Terminating Order of Denial of Export Privileges

In the matter of Cheung Kam Kee Trading Company, Cheung Yuk Leung, 10 Wing Kut Street, Hong Kong, Respondents; Case No. 202.

An order heretofore, on the 12th day of December 1955, having been entered by the Bureau of Foreign Commerce of the U.S. Department of Commerce (20 F.R. 9431, December 15, 1955) whereby all privileges of participating in any manner in exportations from the United States were denied to Cheung Kam Kee Trading Company and Cheung Yuk Leung and any person, firm, corporation or other business organization with which they might be related, as more particularly set forth in said order; and

Said respondents having applied for a termination of said order, representing in part therein that the said Cheung Kam Kee Trading Company has ceased doing business and that the individual who operated and controlled said firm has died, and having submitted evidence in support thereof; and

Said application and supporting evidence having been referred to the undersigned Director, Office of Export Supply, without opposition from the Investigation Staff;

I now find, after careful consideration of the application, all evidence submitted in support thereof, other evidence independently obtained, and the entire record prior to and since the entry of said order, that the public interest and effective enforcement of the Export Control Act of 1949, as amended, do not require that the said order as it affects said respondent, be continued in effect;

And it is therefore ordered, That the denial order of the 12th of December, 1955, insofar as it affects the United States export privileges of Cheung Kam Kee Trading Company and Cheung Yuk Leung of Hong Kong, is hereby terminated upon condition that neither respondent violates the Export Control Act or any regulations issued thereunder so long as such law and regulations are in effect.

Dated: July 24, 1961.

FORREST D. HOCKERSMITH,
Acting Director,
Office of Export Supply.

[F.R. Doc. 61-7258; Filed, Aug. 1, 1961; 8:48 a.m.]

Federal Maritime Board

[Docket Nos. 946, 953]

GRACE LINE, INC., ET AL.

Notice of Order to Show Cause, Investigation and Hearing

Grace Line, Inc., and Skips a/s Viking Line, et al., and section 19, Merchant Marine Act, 1920 Investigation of Practices of Viking Line.

On July 17, 1961, the Federal Maritime Board entered the following order:

Whereas, Complainant has filed a Complaint and a Motion for Order to Show Cause, docketed as No. 946, seeking relief from alleged practices and activities of respondents and, in support thereof, has filed five affidavits; and

Whereas, Respondents have responded thereto with a Motion for Extension of Time, and have filed an affidavit in support thereof; and

Whereas, The Board has considered said documents, and good cause appearing, now therefore

It is ordered, That respondents in this proceeding show cause on or before August 1, 1961, why there should not be issued an order directing respondents and each of them to cease and desist from carrying out their alleged joint service, the Viking Line, in the United States Atlantic/Venezuela and Netherlands Antilles trade (a) pending hearing and final determination of the complaint herein, or (b) in the alternative, pending the filing and approval by the Board, in accordance with section 15 of the Shipping Act, 1916, of any agreements between respondents, or any of them, concerning the alleged joint service of Viking Line.

Affidavits of fact and memoranda of law may be submitted to the Board on or before the close of business on July 27, 1961, and oral argument of the parties will be heard by the Board in Room 4519, 441 G Street NW., Washington, D.C., at 9:30 a.m., e.d.s.t., on August 1, 1961; and

It is further ordered, That pursuant to section 19, Merchant Marine Act, 1920, an investigation be and it hereby is instituted to determine whether Viking Line is cutting rates differentially below conference levels, charging nonremunerative rates, or paying excessive brokerage fees; whether need exists for issuing rules to prevent such practices; and what the substance of such rules should be; and

It is further ordered, That respondents in this complaint proceeding be named respondents in the Board's investigation instituted herein; that the said investigation be styled Docket No. 953; that the complaint proceeding and investigation be consolidated for hearing; and assigned for public hearing before an examiner of the Board's Office of Hearing Examiners at a date and place to be determined and announced by the Chief Examiner to receive evidence which will provide an adequate record for proper disposition of the issues; that an initial decision be issued; that a copy of this order shall forthwith be served upon complainant and respondents herein who shall be duly notified of the time and place of the hearing herein ordered; and that this order and notice of the said hearing be published in the FEDERAL REGISTER.

Notice is hereby given that the hearing in the proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7277; Filed, Aug. 1, 1961; 8:51 a.m.]

[Docket No. 941]

HAWAIIAN RATES, TEN PERCENT INCREASE (1961)

Notice of Supplemental Order

On July 10, 1961, the Federal Maritime Board entered the following Third Supplemental Order to the original Order in this proceeding dated April 13, 1961:

It appearing that by the Second Supplemental Order in Docket 941 served May 18, 1961, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, rules, regulations and practices stated in Atlantic and Gulf/Hawaii Conference, Walter R. Greiner, Agent, Freight Tariff No. 14, FMB-F No. 21 from Atlantic and Gulf ports to Hawaii and suspended said Tariff to and including September 21, 1961; and

It further appearing that said Supplemental Order provides in part that no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension or any extension thereof has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Board; and

It further appearing that on June 26, 1961, the Atlantic and Gulf/Hawaii Conference filed Special Permission Application No. 24 seeking authority to file consecutively numbered revised pages to Freight Tariff No. 13, FMB-F No. 20, in order to amend certain provisions therein in the following manner:

1. Item No. 1545:

(a) Presently reads:

	Basis	Group A	Group B
Refrigerator showcases, including units.	W/M	39.41	36.56

(b) Changed to read:

	Basis	Group A	Group B
Refrigerator showcases and walk-in type cooling boxes, with or without units.	W/M	39.41	36.56

2. Item No. 1485:

(a) Presently reads:

	Basis	Group A	Group B
Powder, baking	W/M	36.06	33.76

(b) Changed to read:

	Basis	Group A	Group B
Powder, baking compounds, bread making salt, acid.	W/M	36.06	33.76

3. Rule 14:

(a) Presently reads:

Rule 14—Method of Measurement.

(A) Weight or measurement shall be assessed on accurate measurement calculated when cargo is delivered to carrier, in accordance with the following regulations:

All fractions under ½ inch are dropped.

Where there is a fraction of ½ inch in one dimension of a package, same shall be included as a full inch.

Where there are fractions of ½ inch on two dimensions of a package, one shall be included as a full inch and the other dropped.

Where there are fractions of ½ inch on three dimensions of a package, two shall be included as full inches and the other dropped.

When giving and taking fractions where same occur on two dimensions, the one on the small dimension shall be included.

When giving and taking fractions where same occur on three dimensions, the one on the largest and smallest dimension shall be included and the other dropped.

All fractions exceeding ½ inch shall be included as full inches.

(B) Pipe. In measuring pipe, the extreme outside measurement of the largest end must also be used. Fractions less than ½ inch may be dropped; ½ inch or more to count as full inch.

(b) Changed to read:

Rule 14—Method of Measurement.

(A) (1) All cargo shall be measured on the overall measurements of the individual packages, unless otherwise specified.

(2) In arriving at the total cubic feet of any piece or package, the individual overall individual measurement of each piece or package shall be taken in feet and inches but the total cubic feet per piece or package shall be shown in cubic feet and decimals thereof (as per Tweed's Accurate Cubic Tables) and not in cubic feet and inches.

(B) Weight or measurement shall be assessed on accurate measurement calculated when cargo is delivered to carrier, in accordance with the following regulations:

All fractions under ½ inch are dropped.

Where there is a fraction of ½ inch in one dimension of a package, shall be included as a full inch.

Where there are fractions of ½ inch on two dimensions of a package, one shall be included as a full inch and the other dropped.

Where there are fractions of ½ inch on three dimensions of a package, two shall be included as full inches and the other dropped.

When giving and taking fractions where same occur on two dimensions, the one on the small dimension shall be included.

When giving and taking fractions where same occur on three dimensions, the one on the largest and smallest dimension shall be included and the other dropped.

All fractions exceeding ½ inch shall be included as full inches.

When measurement has been obtained in accordance with the above, cubic measurement of the shipment must be obtained from and ocean freight charge billed in accordance with Tweed's Accurate Cubic Tables.

Where cargo is assessed on a measurement basis, it shall be permissible in computing freight charges on total measurement of a shipment to drop a fraction of a cubic foot, when such fraction is less than ½ cubic foot, but an additional cubic foot shall be assessed when the fraction is ½ cubic foot or over.

When measurement has been obtained in accordance with the above, cubic measurement of the shipment must be obtained from and ocean freight charge billed in accordance with Tweed's Accurate Cubic Tables.

Where cargo is assessed on a measurement basis, it shall be permissible in computing freight charges on total measurement of a shipment to drop a fraction of a cubic foot, when such fraction is less than ½ cubic foot, but an additional cubic foot shall be assessed when the fraction is ½ cubic foot or over.

(C) Pipe. In measuring pipe, the extreme outside measurement of the largest end must always be used. Fractions less than ½ inch may be dropped; ½ inch or more to count as full inch.

4. Item No. 745:

(a) Presently reads:

	Basis	Group A	Group B
Floor covering, viz: Asphalt, Linoleum and linoleum substitute, Adhesive or cement for above	W/M	33.16	33.16

(b) Changed to read:

	Basis	Group A	Group B
Floor covering, viz: Asphalt, Felt base floor covering, Linoleum and linoleum substitute, Adhesive or cement for above	W/M	33.16	33.16

5. Item No. 995; Iron and Steel Articles:

(a) Presently reads:

	Basis	Group A	Group B
Iron and steel articles, viz: Balls grinding, Chain, Conductor pipe, Conduit pipe, Decking, not prepared, Fencing, Forms fabricated for concrete, Gutters, Gates, Highway guard rails, Lamp posts and parts (including cast iron), Lath, Netting, Plates, curved or bent, Piling, hollow (except cast iron) including tarred and felt coated, Rail fittings, Rail frogs, Rail switches, Ridge rolls, Roofing, not crated, not prepared, Somastic coated and rubber lined steel pipe, Rough castings, Rough forgings, Sheets, curved or bent, plain or corrugated, Staples, Structural, Tanks, K.D, Tubular, including boiler tubes, Wire rope and wire strand	W/M	29.96	29.96

(b) Changed to read:

	Basis	Group A	Group B
Iron and steel articles, viz: Balls grinding, Chain, Conductor pipe, Conduit pipe, Decking, not prepared, Fencing, Forms or shapes, fabricated, Gutters, Gates, Highway guard rails, Lamp posts and parts (including cast iron), Lath, Netting, Plates, curved or bent, Piling, hollow, Pipe (except cast iron) including tarred and felt coated also somastic coated and rubber lined steel pipe, Rail fittings, Rail frogs, Rail switches, Ridge rolls, Roofing, not crated, not prepared, Rough castings, Rough forgings, Seals or sleeves, box straps, Sheets, curved or bent, plain or corrugated, Staples, Straps or strapping, box, Structural, Tanks, K.D, Tubular, including boiler tubes, Wire rope and wire strand	W/M	29.96	29.96

6. Add new items:
Item No. 226

	Basis	Group A	Group B
Buildings, prefabricated, metal (not stainless steel) K.D., complete, without heating, plumbing or electrical fixtures, door and windows unglazed	W/M	32.00	32.00

It further appearing that the Board having found good cause therefor has on July 10, 1961, granted special permission to publish such changes on not less than thirty days' notice under Special Permission No. 3931; said special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion;

Now therefore it is ordered, That the Second Supplemental Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by Special Permission No. 3931; and

It is further ordered, That any rates, charges, classifications, rules, regulations, and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, classifications, rules, regulations, tariffs or practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of Regulations of the Federal Maritime Board; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents and protestants herein; and that this Order shall be published in the FEDERAL REGISTER.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7278; Filed, Aug. 1, 1961; 8:51 a.m.]

[Docket No. 951]

CERTAIN RATE PRACTICES OF THREE CONFERENCES FOR TRAFFIC FROM GREAT LAKES TO EUROPE

Notice of Investigation and of Hearing

On July 6, 1961, the Federal Maritime Board entered the following order:

It appearing that there is reason to question the propriety and legality of certain practices described below by the U.S. Great Lakes, Scandinavian and Baltic Eastbound Conference (Agreement No. 8180) and its members, the United States Great Lakes—Bordeaux/Hamburg Range Eastbound Conference (Agreement No. 7820) and its members, and the Great Lakes—United Kingdom Eastbound Conference (Agreement No. 8130) and its members; now therefore,

It is ordered, That there is hereby instituted an investigation to determine:

1. Whether the rules of the Conferences named above or their members, making rates from Cleveland applicable to cargo moving from Erie, Buffalo, Rochester, Oswego, or Ogdensburg are unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors or operate to the detriment of the commerce of the United States.

2. Whether said Conferences or their members charge higher rates for cargo moving from Erie, Buffalo, Rochester, Oswego, or Ogdensburg than are being charged cargo moving from Toronto or Hamilton, and if so, whether such is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors or operates to the detriment of commerce of the United States.

3. Whether the practices described in paragraphs 1 and 2 above:

(a) Are unjustly discriminatory between shippers or ports or unjustly prejudicial to exporters of the United States as compared with their foreign competitors, or

(b) Make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The Conferences named above and their members are made respondents in this proceeding and copy hereof is to be served on each of them and published in the FEDERAL REGISTER. This proceeding is to be heard before an examiner from the Hearing Examiners Office at a time and place to be announced.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7279; Filed, Aug. 1, 1961; 8:52 a.m.]

PACIFIC COAST EUROPEAN CONFERENCE ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 5200-20, between the member lines of the Pacific Coast European Conference, modifies the basic agreement of that Conference, Agreement Numbered 5200, as amended, which covers the trade from ports in the states of Alaska, Washington, Oregon, and California to ports in the United Kingdom of Great Britain and Northern Ireland, Ireland, the Scandinavian Peninsula, Continental Europe, including ports on and in the Baltic and Mediterranean Seas, as well as the seas bordering thereon, and French Morocco and to the Atlantic Islands of the Azores, Madeira, Canary and Cape Verdes, and by transhipment at the aforementioned ports to ports in West, South and East Africa. The purpose of the modification is to change the voting provisions of the conference agreement.

Agreement Numbered 7623-5, between the carriers comprising the Knutsen Line joint service, modifies the approved Agreement of that joint service (Numbered 7623, as amended), which presently covers various worldwide trades. The purpose of this modification is to revise the scope of the agreement to cover the trades (1) between ports in Scandinavia, European Continent and ports in Venezuela, Colombia (Atlantic), Caribbean Sea, Canal Zone, Colombia (Pacific), Ecuador, Peru and Chile; and (2) between ports on the Pacific Coast of the United States and Canada and ports in the Philippines, China, Japan and the Ryukyu Islands, Taiwan, Hong Kong, Indo-China, Thailand, The Malay Peninsula with adjacent islands, Singapore, Indonesia, British Borneo and Australia and with the liberty to tranship cargo to and from all destinations at the ports referred to above.

Agreement Numbered 7840-46, between the member lines of the Atlantic Passenger Steamship Conference, modifies paragraph 4(B) of Annex 1 of the basic agreement of that Conference (Numbered 7840, as amended) which provides that agents, responsible clerks of general agents, their wives and dependent children may be granted a reduction of 75 percent off the minimum one-way or round-trip rate of the ship by which he travels. The purpose of this modification is to add a provision that in connection with the thirty-first annual convention of the American Society of Travel Agents to be held in Cannes, France, from October 8 to 13, 1961, the reduction referred to above may be granted Eastbound and Westbound to the accompanying husband of a qualified female agent or of a qualified female responsible clerk, provided such agent or clerk is registered for attendance at said convention. Under such provision departure from Europe on the westbound voyage must take place on or before December 31, 1961, after which date this commentary becomes void.

Agreement Numbered 8675, between the carriers comprising the Knutsen Line and Maersk Line joint services, provides for a through billing arrangement in the trade from Fremantle, Australia to U.S. Atlantic ports with transhipment at Singapore.

Agreement Numbered 8694, between American President Lines, Ltd. and Lykes Bros. Steamship Co. Inc., covers a through billing arrangement in the trade from ports of call of American President Lines East of Suez to ports of call of Lykes at U.S. South Atlantic and Gulf ports, with transhipment at ports of call of both parties in Italy.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7280; Filed, Aug. 1, 1961; 8:52 a.m.]

AMERICAN PRESIDENT LINES, LTD., ET AL.

Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8658, between American President Lines, Ltd. and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Japan, China (including Hong Kong), Philippines, India, Federation of Malaya, Colony of Singapore and Indonesia to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8658, upon approval, will supersede and cancel approved Agreement Numbered 8268, as amended, between American President Lines, Ltd. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8657, between American President Lines, Ltd. and A. H. Bull Steamship Co., covers a through billing arrangement on cargo, exclusive of refrigerated cargo, garlic and other perishables or semiperishables, in the trade from France, Italy and North Africa to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8657, upon approval, will supersede and cancel approved Agreement Numbered 8396, between American President Lines, Ltd. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8691, between the carriers comprising the M.A.N.Z. Line joint service (operating under approved Agreement Numbered 7814, as amended) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade Commonwealth of Australia (including Tasmania), the Dominion of New Zealand, Cook Islands, Fiji Islands, New Caledonia, Australian Mandated New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Island, Tonga Islands, and Gilbert and Ellice Islands to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8691, upon approval, will supersede and cancel approved Agreement Numbered 8383, between the M.A.N.Z. Line joint service and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8696, between American President Lines, Ltd. and Alcoa Steamship Company, Inc., covers a through billing arrangement in the trade from Japan, China (including Hong Kong), Philippines, India, Federation of Malaya, Colony of Singapore and Indonesia to Puerto Rico, with transhipment at New York or Baltimore. Agreement Numbered 8696, upon approval, will supersede and cancel approved Agreement Numbered 8216, between the same carriers in the same trade.

Agreement Numbered 8697, between American President Lines, Ltd. and Alcoa Steamship Company, Inc., covers

a through billing arrangement on cargo, exclusive of refrigerated cargo, garlic and other perishables or semi-perishables, in the trade from France, Italy and North Africa to Puerto Rico, with transhipment at New York or Baltimore. Agreement Numbered 8697, upon approval, will supersede and cancel approved Agreement Numbered 8013, between the same carriers in the trade from France to Puerto Rico.

Agreement Numbered 8698, between Booth Steamship Co., Ltd. and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Brazil and Peru to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8698, upon approval, will supersede and cancel approved Agreement Numbered 8252, as amended, between Booth Steamship Co., Ltd. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8699, between Lamport & Holt Line, Ltd. and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Argentina, Brazil, Peru and Uruguay to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8699, upon approval, will supersede and cancel approved Agreement Numbered 8253, as amended, between Lamport & Holt Line, Ltd., and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 28, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7261; Filed, Aug. 1, 1961; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12476]

BOARD OF COUNTY COMMISSIONERS, BROWARD COUNTY, FLORIDA AND NATIONAL AIRLINES, INC.

Notice of Hearing

In the matter of the complaint of the Board of County Commissioners, Broward County, Florida v. National Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled matter is assigned to be held on August 15, 1961 at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., July 28, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7274; Filed, Aug. 1, 1961; 8:51 a.m.]

[Docket 12867]

EASTERN AIR LINES, INC.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of July 1961.

In the matter of the amendment of the certificate of public convenience and necessity of Eastern Air Lines, Inc., for route 10.

On February 19, 1944, in the Colonial Airlines, Inc., et al. Atlantic Seaboard Operation Case, Docket 445, 4 C.A.B. 552 (1944), the certificate of Eastern Air Lines, Inc. (Eastern) for route 40 (now route 10), was amended to authorize air service between Tampa and Miami, Florida, subject to the condition that flights serving these two points shall originate or terminate at Atlanta, Ga. or Birmingham, Ala. or points north thereof. This condition is now numbered (3) in Eastern's certificate for its route 10. The original purpose of this authorization for service between Tampa and Miami was to permit the provision of long-haul air service which required the imposition of such condition.

In the New York-Florida Case, Docket 3051 et al., 24 C.A.B. 94 (1956), Eastern was relieved of the condition prohibiting turn-around service between Miami, on the one hand, and Tampa and St. Petersburg-Clearwater, on the other hand, and its certificate for route 6 was amended so as to make such operations possible. At the time of the issuance of the amended certificate for Eastern's route 6, no change was made in the condition prohibiting such turn-around service on route 10.

Further, in the Southern Transcontinental Service Case, Docket 7984 et al., the Board, in Order E-16500, March 13, 1961, granted Eastern new authority between the terminals Miami, Fla., and Fort Worth, Texas, which also permits the operation of unrestricted service between Miami and Tampa-St. Petersburg-Clearwater.

Upon consideration of the foregoing, we tentatively find and conclude that, since Eastern possesses authority between Miami, on the one hand, and Tampa and/or St. Petersburg-Clearwater, on the other hand, which permits turn-around service, the public convenience and necessity require that condition number (3), which now states, "Except with respect to flights operated over segment 6, flights between Tampa and/or St. Petersburg-Clearwater, Fla., on the one hand, and Miami, Fla., on the other hand, shall originate or terminate at Atlanta, Ga., or Birmingham, Ala., or points north of either thereof" should be deleted from Eastern's certificate of public convenience and necessity for route 10.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein to delete condition number (3) from Eastern's certificate of public convenience and necessity for route 10;

2. That any interested person having objection to the issuance of an order making final the findings and conclusions herein, shall, within 15 days from the date hereof, file with the Board and serve upon all persons hereafter made parties written notice of objection;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That, if objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That copies of this order shall be served on Eastern Air Lines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Mackey Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Airlines, Inc. and the Cities and Chambers of Commerce of Tampa, St. Petersburg, Clearwater and Miami, Fla., which are hereby made parties to this proceeding.

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7275; Filed, Aug. 1, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-LA-13]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The KLIX Corporation, Twin Falls, Idaho, proposes to erect a television antenna structure near Jerome, Idaho, at latitude 42°43'48" north, longitude 114°24'52" west. The overall height of the structure would be 4,971 feet above mean sea level (668 feet above ground). The sponsor stated that the existing antenna tower, 4,553 feet above mean sea level (250 feet above ground), at the same location would be dismantled if the proposed structure is erected.

In response to the circularization, objections were made by the Air Line Pilots Association on the basis that the structure would exceed the Joint Industry/Government Tall Structures Committee criteria as applied to the Jerome County Airport, and by the Director of the Idaho Department of Aeronautics on the basis that the structure would adversely affect Visual Flight Rules operations along VOR Federal airway No. 4. No objections were made at either the FAA Regional or Washington Informal Airspace Meetings. The objection by the Air Line Pilots Association was withdrawn at the Washington Meeting.

The proposed structure would be located approximately .7 mile south of the centerline of VOR Federal airway No. 4 and would not affect the current instrument flight rules minimum en route altitude or minimum obstruction clearance altitude along this airway. Agency records disclosed that during fiscal year 1960, there were approximately 600 VFR flight plans filed between the Boise Air Terminal, Boise, Idaho, and the Burley Airport, Burley, Idaho. Of these flight plans, 320 specified a direct route, which lies 5 miles northeast of the proposed structure, 180 specified a route via airways and 100 did not specify a route. Approximately 3 percent of the total VFR flight plans filed specified an altitude below 600 feet MSL. In view of the above, the proposed structure would have no substantial adverse effect upon VFR operations.

The structure would be located 2 miles east/northeast of the center of the Jerome County Airport, Jerome, Idaho, and would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 720 feet. However, the Agency study revealed that this factor would adversely affect aeronautical operations at the Jerome County Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules. This study was conducted and determination reached on the basis that the existing structure will be dismantled if the proposed structure is erected.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7237; Filed, Aug. 1, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-37]

PROPOSED CEMENT LOADING TOWER

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Lock Joint Pipe Company, Ada, Oklahoma, proposes to construct a cement loading tower in Ada, Oklahoma, at latitude 34°47'16" north, longitude 96°40'25" west. The overall height of the structure would be 1060 feet above mean sea level (80 feet above ground). The proponent stated the structure would be temporary and would be removed within three years.

The structure would be located 2996 feet south of the south end of the Ada Municipal Airport runway 35, and 532 feet west of the extended runway centerline.

Aeronautical objections were made in response to the circularization based upon the conclusion of the objectors that the structure would be within the approach area to Ada Municipal Airport, runway 35, and would penetrate a 1 to 50 approach slope for the runway.

The aeronautical study by this Agency confirmed the above and disclosed that the structure would penetrate the 1 to 50 approach surface of this Agency's TSO-N18 criteria, as applied to the Ada Municipal Airport, runway 35, by 19 feet. However, the Agency study also disclosed this factor would have no substantial adverse effect upon aeronautical operations or procedures. All aeronautical objections were withdrawn at the Washington Informal Airspace Meeting.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 21, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7238; Filed, Aug. 1, 1961; 8:45 a.m.]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Mountain States Telephone and Telegraph Co., Denver, Colorado, proposes to construct a microwave radio antenna structure in Cortez, Colorado, at latitude 37°21'00" north, longitude 108°34'48" west. The overall height of the structure would be 6,320 feet above mean sea level (140 feet above ground).

No objections were made in response to the circularization. The Agency's aeronautical study disclosed that the structure would be located approximately 4 miles northeast of the Cortez-Montezuma County Airport, and would exceed the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 61 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33, 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 24, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7239; Filed, Aug. 1, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 24]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JULY 28, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on September 5, 1961, the standard broadcast applications listed in below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b)(1) and 1.361(b) of the Commission rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on September 1, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on September 1, 1961 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(f) of the Commission rules for provisions governing the time of filing and othe requirements relating to such pleadings.

Adopted: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Applications from the top of the processing line:

BP-11400 WPIK, Alexandria, Va.
Potomac Broadcasting Corp.
Has: 730 kc, 1 kw, Day.
Req: 730 kc, 5 kw, Day.

BP-11436 KPDQ, Portland, Oreg.
KPDQ, Inc.
Has: 800 kc, 1 kw, Day.
Req: 800 kc, 5 kw, Day.

BP-13893 WBUX, Doylestown, Pa.
WBUX Broadcasting Co.
Has: 1570 kc, 1 kw, DA, Day.
Req: 1570 kc, 5 kw, DA, Day.

BP-14070 WWWW, Rio Piedras, P.R.
Abacoa Radio Corp.
Has: 1520 kc, 250 w, U.
Req: 1190 kc, 500 w, U.

BP-14106 NEW, Milford, Conn.
Milford Broadcasting Co.
Req: 1500 kc, 5 kw, DA, Day.

BP-14107 NEW, Paramus, N.J.
Bergen Broadcasting Corp.
Req: 1530 kc, 10 kw, DA, Day.

BP-14110 NEW, Centreville, Ala.
Voice of the Mid-South.
Req: 1590 kc, 1 kw, Day.

BP-14113 NEW, Hayward, Calif.
Bay Shore Broadcasting Co.
Req: 1340 kc, 100 w, U.

BP-14115 WTEL, Philadelphia, Pa.
WTEL, Inc.
Has: 860 kc, 250 w, Day.
Req: 860 kc, 10 kw, DA, Day.

BP-14116 NEW, Lubbock, Tex.
La Fiesta Broadcasting Co.
Req: 1420 kc, 500 w, Day.

BP-14117 NEW, Fort Campbell, Ky.
Fort Campbell Broadcasting Co.
Req: 1370 kc, 500 w, Day.

BP-14118 NEW, Sykesville, Md.
Patapsco Broadcasting Corp.
Req: 1520 kc, 250 w, Day.

BP-14122 NEW, New Roads, La.
Avoyelles Broadcasting Corp.
Req: 1500 kc, 1 kw, Day.

BP-14123 NEW, Moncks Corner, S.C.
Lord Berkeley Broadcasting Co., Inc.
Req. 950 kc, 500 w, Day.

BP-14129 NEW, Sikeston, Mo.
Semo Broadcasting Corp.
Req: 1520 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14130 NEW, Oakland Park, Fla.
Broward County Broadcasting.
Req: 1520 kc, 1 kw, Day.

BP-14131 WDNG, Anniston, Ala.
Potts Broadcasting Co., Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14132 NEW, Pearsall, Tex.
McKinley-Pilant Broadcasting Co.
Req: 1280 kc, 500 w, Day.

BP-14133 NEW, Decatur, Ga.
DeKalb Broadcasting Co.
Req: 1310 kc, 500 w, Day.

BP-14134 WEKY, Richmond, Ky.
WEKY, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14135 WTIX, New Orleans, La.
Storz Broadcasting Co.
Has: 690 kc, 5 kw, DA-2, U.
Req: 690 kc, 5 kw, 10 kw-LS, U.

BP-14136 KCAL, Redlands, Calif.
Southwest Broadcasting Co., Inc.
Has: 1410 kc, 1 kw, Day.
Req: 1410 kc, 500 w, 5 kw-LS, DA-2, U.

BP-14137 NEW, Collierville, Tenn.
Collierville, Broadcasting Co.
Req: 1590 kc, 500 w, Day.

BP-14143 NEW, Benton, Ark.
Bridges Broadcasting Service.
Req: 1600 kc, 1 kw, Day.

BP-14145 NEW, Brownsville, Tenn.
Brownsville Broadcasting Co.
Req: 1520 kc, 250 w, Day.

BP-14148 KVLV, Fallon, Nev.
Lahontan Valley Broadcasting Co.
Has: 1250 kc, 1 kw, Day.
Req: 980 kc, 5 kw, Day.

BP-14149 KGST, Fresno, Calif.
Juan Mercado
Has: 1600 kc, 1 kw, Day.
Req: 1600 kc, 5 kw, Day.

BP-14156 NEW, Lincoln, Nebr.
Modern Air Communicative Electronics, Inc.
Req: 1530 kc, 1 kw, 500 w (CH), Day.

BP-14157 KCAP, Helena, Mont.
KCAP Broadcasters, Inc.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14158 NEW, Kennett, Mo.
Bootheel Broadcasting Co.
Req: 1540 kc, 1 kw, 250 w (CH), Day.

BP-14159 KHFH, Sierra Vista, Ariz.
Carleton W. Morris.
Has: 1420 kc, 1 kw, Day.
Req: 1420 kc, 500 w, 1 kw-LS, DA-N, U.

BP-14161 NEW, Edna, Tex.
Coastal Broadcasting Co.
Req: 1240 kc, 250 w, U.

BP-14164 NEW, Dalton, Ga.
Union Broadcasting Co.
Req: 1530 kc, 250 w, Day.

BP-14168 NEW, Nashville, Tenn.
Second Thursday Corp.
Req: 1560 kc, 10 kw, DA, Day.

BP-14178 NEW, Matawan-Keyport, N.J.
Jupiter Associates, Inc.
Req: 1530 kc, 500 w, DA, Day.

BP-14180 NEW, Mayfield, Ky.
Mayfield Broadcasting Co.
Req: 1500 kc, 1 kw, Day.

BP-14182 NEW, Tahoe Valley, Calif.
Harrold Broadcasting Co.
Req: 590 kc, 1 kw, DA, Day.

BP-14183 KWKY, Des Moines, Iowa.
General Broadcasting Services of Iowa, Inc.
Has: 1150 kc, 1 kw, DA-2, U.
Req: 1150 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14184 NEW, Riverton, Wyo.
Hugh Jordan Stock.
Req: 740 kc, 1 kw, Day.

BP-14185 NEW, Butler, Mo.
Bates County Broadcasting Co.
Req: 1530 kc, 250 w, Day.

BP-14189 KDSN, Denison, Iowa.
The Denison Broadcasting Co.
Has: 1580 kc, 500 w, DA, Day.
Req: 1530 kc, 500 w, Day.

BP-14190 KCOW, Alliance, Nebr.
Sandhills Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14191 WCEF, Parkersburg, W. Va.
Franklin Broadcasting Co.
Has: 1050 kc, 1 kw, Day.
Req: 1050 kc, 5 kw, Day.

BP-14192 WDXE, Lawrenceburg, Tenn.
Lawrenceburg Broadcasting Co.
Has: 1370 kc, 1 kw, Day.
Req: 1370 kc, 5 kw, DA, Day.

BP-14193 NEW, Burlington, Iowa.
Des Moines County Broadcasting Co.
Req: 1150 kc, 500 w, DA, Day.

BP-14194 NEW, Lovell, Wyo.
BGH Corp.
Req: 1050 kc, 250 w, Day.

BP-14195 NEW, Utica, N.Y.
Fusco Broadcasting Corp.
Req: 1550 kc, 1 kw, Day.

BP-14196 WGLI, Babylon, N.Y.
WGLI, Inc.
Has: 1290 kc, 1 kw, DA-1, U.
Req: 1290 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14197 WAOV, Vincennes, Ind.
Vincennes Sun Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14198 NEW, Colorado Springs, Colo.
William S. Cook.
Req: 1530 kc, 1 kw, Day.

[F.R. Doc. 61-7283; Filed, Aug. 1, 1961; 8:52 a.m.]

[Mexican List No. 222]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MAY 20, 1961.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in Assignments of Mexican Broadcast Stations Modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		860 kilocycles				
XEOF (delete assignment).	Mexico, D.F.	1 kw	ND	U	III	5-20-61.
New (delete assignment)	Toluca, Mexico	1 kw	ND	U	III	5-20-61.
XEOC (previously notified on 710 kc—Provisional operation with 500 w, ND, U—Assignment of call letters).	Mexico, D.F.	1 kw	ND	U	III	5-20-61.
		710 kilocycles				
New (delete assignment—Vide 560 kc).	Mexico, D.F.	1 kw D/0.5 kw N.	ND	U	II	5-20-61.
		730 kilocycles				
XEX (change in location from Leon, Guanajuato).	(1)	150 kw	ND	U	I	5-20-61.

[1] FCC NOTE: The proposed location of this Class I-A priority was omitted from the list received by the Commission.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7282; Filed, Aug. 1, 1961; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-278]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

JULY 26, 1961.

Take notice that on April 21, 1961, as supplemented on June 15, 1961, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP61-278 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 2.61 miles of 12-inch pipeline extending from the terminus of Applicant's existing Line No. 5 at Port Homer to Yellow Creek, together with a regulating and measuring station at the latter point, all in Saline Township, Jefferson County, Ohio, to enable Applicant to sell and deliver natural gas to The Ohio Valley Gas Company (Ohio Valley), an existing affiliated customer, for resale and local distribution in the vicinity of Yellow Creek, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The estimated gas requirements for the Yellow Creek area, including three large volume industrial customers, two schools and the local residential and commercial load, for the first three full years of operation are:

	Mcf at 14.73 psia		
	1st year	2d year	3d year
Peak day	5,229	5,626	5,636
Annual	1,009,375	1,025,309	1,026,495

The estimated total capital cost of the proposed facilities is $215,000, which will be financed by the issuance and sale of promissory notes to The Columbia Gas System, Inc., parent company of both Applicant and Ohio Valley.

Ohio Valley will purchase the subject gas under its existing service agreement with Applicant and Applicant's FPC Gas Tariff, Fourth Revised Volume No. 1, Rate Schedule CDS-1 will apply.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 29, 1961, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 18, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7248; Filed, Aug. 1, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 170]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 28, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 23), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed July 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 69 and U.S. City 69, approximately 8 miles south of Crowder, Okla., thence over U.S. Highway 69 to junction of U.S. Highway 69 and U.S. City 69, approximately 5 miles north of Savanna, Okla., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highways 66 and 69, over U.S. Highway 69 to junction U.S. Highway 69 and U.S. City 69, thence over U.S. City 69 to junction U.S. City 69 and U.S. Highway 69, thence over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Houston, Tex., and return over the same route.

No. MC-22167 (Deviation No. 3), CONSOLIDATED COPPERSTATE LINES, SUNSET MOTOR LINES DIVISION, P.O. Box 35245, Dallas 35, Tex., filed July 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex.,

over U.S. Highway 77 to junction Texas Highway 24, thence over Texas Highway 24 to junction Texas Highway 199, thence over Texas Highway 199 to junction U.S. Highway 82, thence over U.S. Highway 82 to Lubbock, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, over U.S. Highway 80 to Colorado City, Tex., thence over Texas Highway 208 to Snyder, Tex., thence over U.S. Highway 84 to Lubbock, and return over the same route.

No. MC–35320 (Deviation No. 5), T.I.M.E. FREIGHT, INC., P. O. Box 1120, Lubbock, Tex., filed July 20, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., across the Mississippi River, over U.S. Highway 61 to Cape Girardeau, Mo., thence across the Mississippi River, over Illinois Highway 146 to junction Illinois Highway 3, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis, over U.S. Highway 70 to Milan, Tenn., thence over U.S. Highway 45–E to Fulton, Ky., thence over U.S. Highway 51 to Cairo, Ill., thence over Illinois Highway 3 to junction Illinois Highway 3 and Illinois Highway 146, and return over the same route.

No. MC–50201 (Deviation No. 1), DOUGLAS TRUCKING LINES, INC., Owosso, Mich., filed July 17, 1961. Attorney William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (A) From Detroit, Mich., over Interstate Highway 94, to Stevensville, Mich.; and, (B) From Bay City, Mich., over Michigan Highway 20 to junction Michigan Highway 30, thence over Michigan Highway 30 to junction Michigan Highway 46, thence over Michigan Highway 46 to junction Michigan Highway 66, thence over Michigan Highway 66 to junction Michigan Highway 50, thence over Michigan Highway 50 to junction U.S. Highway 27, thence over U.S. Highway 27 to Marshall, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 12 to Detroit; From Bay City over U.S. Highway 23 to Saginaw, Mich., thence over U.S. Highway 10 to Detroit; and from Flint, Mich., over U.S. Highway 23 to Ann Arbor, Mich., and return over the same routes.

No. MC–69274 (Deviation No. 3), M & R TRANSPORTATION CO., INC., 147 Park Street, Akron 9, Ohio, filed July 18, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 95 and Rhode Island Highway 3, over Interstate Highway 95, to junction of Interstate Highway 95 and Rhode Island Highway 2, thence over Rhode Island Highway 2 to the junction of Rhode Island Highway 2 and Rhode Island Highway 3, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to Westerly, R.I., thence over Rhode Island Highway 3 to Providence, R.I., and thence over U.S. Highway 1 to Boston, and return over the same route.

No. MC–70451 (Deviation No. 8), WATSON BROS. TRANSPORATION CO., INC., 1910 Harney Street, Omaha 2, Nebr., filed July 24, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Flagstaff, Ariz., over Interstate Highway No. 17, to Phoenix, Ariz., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Phoenix over U.S. Highway 89 to Ashfork, Ariz., thence over U.S. Highway 66 to Flagstaff (also from junction U.S. Highway 89 and Alternate U.S. Highway 89 over U.S. Highway 89 to Flagstaff), and return over the same route.

No. MC–76032 (Deviation No. 3), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed June 12, 1961. Attorney O. Russell Jones, 142 West Palace Avenue, Santa Fe, N. Mex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 66 (Interstate Highway 55) to Springfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 40 at or near Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over Alternate U.S. Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, and return over the same route.

No. MC–76032 (Deviation No. 4), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed June 12, 1961. Attorney O. Russell Jones, 142 West Palace Avenue, Santa Fe, N. Mex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City Mo., over U.S. Highway 24 to junction U.S. Highway 36 at or near Monroe City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, over Alternate U.S. Highway 30 to Sterling, Ill., thence over Illinois Highway 2 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction U.S. Highway 24, thence over U.S. Highway 24 to Monroe City, thence over U.S. Highway 36 to Cameron, Mo., thence over U.S. Highway 69 to Kansas City, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7264; Filed, Aug. 1, 1961; 8:48 a.m.]

[Notice 390]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 28, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and all of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing September 28, 1961, at the Missouri Hotel, Jefferson City, Mo. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special Rules of Procedure for hearing. (A) Applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application.

(B) Testimony adduced by applicant's company witnesses shall be subject to the Special Rules of Procedure for Hearing.

(1) All of the Testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements if permissible.

No. MC 123643, (REPUBLICATION), filed May 31, 1961, published FEDERAL REGISTER, issue of June 28, 1961. Applicant: C. J. BLICKHAN, doing business as BLICK'S TRUCK SERVICE, 12th and Hampshire, Quincy, Ill. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in dump vehicles, between Quincy, Ill., and points in Marion, Lewis, Clark, Shelby, Monroe, and Knox Counties, Mo.

HEARING: Reassigned for September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 123709, (REPUBLICATION), filed May 31, 1961, published FEDERAL REGISTER, issue of June 28, 1961. Applicant: ALVIN J. JANSEN, Rural Route #3, Quincy, Ill. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in dump vehicles, between Quincy, Ill., and points in Marion, Lewis, Clark, Shelby, Monroe, and Knox Counties, Mo.

HEARING: Reassigned for September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135.

No. MC 123803, filed July 14, 1961. Applicant: LEONARD CULLIFER, Lakenan, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials*, and *building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and Hancock, Adams, and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123804, filed July 14, 1961. Applicant: LEO O'LAUGHLIN, Shelbina, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials*, and *building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and Hancock, Adams, and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123805, filed July 14, 1961. Applicant: G. H. LOMAX, Rural Route #1, Hannibal, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials*, and *building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and Hancock, Adams, and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123806, filed July 14, 1961. Applicant: DALLAS POORE, Shelbina, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials*, and *building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and Hancock, Adams, and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123807, filed July 14, 1961. Applicant: RENNOLDS POTTERFIELD, Monroe City, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Road construction materials*, and *building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and Hancock, Adams, and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123808, filed July 14, 1961. Applicant: GEORGE C. POTTERFIELD, Monroe City, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials and building materials*, in bulk, in dump vehicles, (1) between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Hancock, Adams and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams, and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

No. MC 123809, filed July 14, 1961. Applicant: EDWARD NEIL PROVORSE, Lakenan, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction materials and building materials* in bulk, in dump vehicles, (1) between points in Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Hancock, Adams and Pike Counties, Ill., and (2) between points in Lee County, Iowa, on the one hand, and, on the other, points in Hancock, Adams and Pike Counties, Ill.

HEARING: September 28, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 46.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7265; Filed, Aug. 1, 1961; 8:49 a.m.]

[Notice 391]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 28, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carrier of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States Standard Time (or 9:30 o'clock a.m., local Daylight Saving Time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 7) (AMENDMENT), filed March 27, 1961, published issue July 6, 1961, republished as amended this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fats, lards, tallows, greases, oils, and blends thereof;* (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application; and (3) *rejected and contaminated shipments*, between points in Nebraska, South Dakota, Iowa, Kansas, points in Colorado on and east of the Continental Divide, and those in Wyoming on and east of U.S. Highway 85.

HEARING: Remains as assigned September 12, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 1074 (Sub No. 5), filed June 8, 1961. Applicant: ALLEGHENY FREIGHT LINES, INCORPORATED, P.O. Box 601, Valley Pike, Winchester, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Cockeysville, Md., as an off-route point in connection with applicants presently authorized regular route operations to and from Baltimore, Md.

HEARING: October 2, 1961, at Room 709 U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 1641 (Sub No. 49), filed March 27, 1961. Applicant: PEAKE TRANSPORT SERVICE, INC., Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, fertilizer, fertilizer solutions and compounds*, liquid, in bulk, in tank vehicles, from the site of the Consumers Cooperative Association, located at Hastings, Nebr., or within ten (10) miles thereof, to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, and *damaged and rejected shipments*, on return.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 2392 (Sub No. 23), filed May 1, 1961. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, fertilizers, mixed fertilizer solutions* and *other fertilizer solutions*, in bulk, in tank vehicles, from Hastings, Nebr. and points within ten (10) miles thereof, to points in Colorado, Wyoming, Kansas, South Dakota, Iowa, and North Dakota and *damaged and rejected shipments* of the above-specified commodities, on return.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 2542 (Sub No. 7), filed June 14, 1961. Applicant: THE ADLEY EXPRESS COMPANY, a Corporation, 216 Crown Street, New Haven, Conn. Applicant's attorney: Howard T. Gillis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving the off-route point of Cockeysville, Md., in connection with applicant's authorized regular-route operations between Suffolk, Va. and Baltimore, Md., Alexandria, Va. and New York, N.Y., and Washington, D.C. and New York, N.Y., in Certificate No. 2542 (Sub No. 4).

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Store Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 2962 (Sub No. 26), filed July 21, 1961. Applicant: A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 4941 (Sub No. 10), filed June 1, 1961. Applicant: QUINN FREIGHT LINES, INC., 1093 No. Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with applicant's authorized regular route operations from and to Baltimore, Md.

HEARING: October 2, 1961, at Room 709 U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 13692 (Sub No. 8), filed June 19, 1961. Applicant: E. J. SCANNELL, INC., 151 Linwood Street, Somerville 43, Mass. Applicant's attorney: Raymond E. Bernard, 15 Dearborn Street, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C., 467, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Cockeysville, Md., as an off-route point in connection with carrier's authorized regular-route operations between Boston, Mass., Baltimore, Md., and Washington, District of Columbia; under its Certificate MC 13692.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 122, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 17778 (Sub No. 34), filed May 31, 1961. Applicant: YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y. Applicant's attorney: Herbert Burstein, 160 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Cockeysville, Md., an off-route point in connection with carrier's authorized regular-route operations from and to Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 23939 (Sub-No. 96), (REPUBLICATION), filed October 18, 1960, published FEDERAL REGISTER issue of November 2, 1960, amended at hearing, republished as amended this issue. Applicant: ASBURY TRANSPORTATION CO., A corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. By application (Form BMC 78) filed October 18, 1960, applicant sought authority, notice of which, setting forth with particularity the operations proposed, was given by publication in the FEDERAL REGISTER issue of November 2, 1961. A Decision and Order of the Commission, Division 1, dated June 19, 1961, and served June 30, 1961, finds that the recommendations of the Hearing Examiner contained in her report and order served February 9, 1961, to the extent the grant involved Franklin and Grand Isle Counties, Vt., and Wilbarger County, Tex., is broader in territorial scope than indicated in the notice previously published, and provides for the republication of this notice setting out the complete scope of the authority granted, which is as follows:

SERVICE AUTHORIZED: Operation as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of liquid oxygen and liquid nitrogen, in bulk, in tank vehicles, (1) from the site of the Dyess Air Force Base, at or near Abilene, Tex., and from Abilene, Tex. to points in Jones, Callahan, Taylor, Nolan, Shackelford, and Runnels Counties, Tex.; (2) from the site of the Walker Air Force Base at or near Roswell, N. Mex., and from Roswell, N. Mex. to points in Chaves and Lincoln Counties, N. Mex.; (3) from the site of the Altus Air Force Base at near Altus, Okla., and from Altus, Okla. to points in Kiowa, Comanche, Tillman, Jackson, Harmon, and Greer Counties, Okla., and Wilbarger County, Tex.; and (4) from the site of the Plattsburg Air Force Base at or near Plattsburg, N.Y., and from Plattsburg, N.Y., to points in Clinton and Essex Counties, N.Y., and Franklin and Grande Isle Counties, Vt.

Any person or persons who may be affected by the broadened territorial scope may, within 30 days of the date of this republication in the FEDERAL REGISTER file an appropriate pleading.

No. MC 29647 (Sub No. 30), filed June 2, 1961. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except livestock, Classes A and B explosives, coin and currency, household goods in truckloads, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, coal, sand, crushed stone, and lime), serving Cockeysville, Md., as an off-route point in connection with applicant's presently authorized regular route operations between Baltimore and Frederick, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 30887 (Sub No. 109), filed May 23, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from New York, N.Y., to Michigan City and Sullivan, Ind., Elkton, Md., St. Louis, Mo., and Lynchburg, Va.

HEARING: September 7, 1961, at 346 Broadway, New York, N.Y., before Alton R. Smith.

No. MC 31237 (Sub No. 2), filed June 1, 1961. Applicant: JOSEPH M. DIGNAN & SON, INC., 3141 Washington Boulevard, Baltimore 30, Md. Applicant's attorney: James J. Doherty, 733 Title Building, Baltimore 2, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with carrier's authorized regular-route operations from and to Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 31389 (Sub-No. 49), filed July 11, 1961. Applicant: McLEAN TRUCKING COMPANY, a Corporation, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading):

(A) between Richmond, Va., and Wilmington, N.C.; from Richmond over U.S. Highway 301 to its junction with U.S. Highway 117 south of Wilson, N.C., thence over U.S. Highway 117 through Faison, N.C. to Wilmington, and return over the same route, serving all intermediate points between Rocky Mount, N.C. and junction U.S. Highways 301 and 117 south of Wilson, inclusive, and between Goldsboro and Warsaw, N.C., inclusive, intermediate points from Warsaw to Wallace, N.C., including Wallace, for delivery only, and serving all off-route points within 100 miles of High Point, N.C. in North Carolina. (A–1) Between Wilson, N.C. and Kinston, N.C.; from Wilson over North Carolina Highway 58 to Kinston, and return over the same route, serving no intermediate points. (A–2) Between Kinston, N.C. and Wallace, N.C.; from Kinston over North Carolina Highway 11 to Pink Hill, N.C., thence over North Carolina Highway 47 to Wallace, and return over the same route, serving no intermediate points. (A–3) Between Kinston, N.C. and Wilmington, N.C.; from Kinston over U.S. Highway 258 to Jacksonville, N.C., thence over U.S. Highway 17 to Wilmington, and return over the same route, serving all intermediate points between Kinston and Jacksonville inclusive, and the off-route points of Bentonville, Kenansville, Pink Hill, Maysville, Pollocksville, and Camp Lejuene, N.C., for delivery only. (A–4) Between Kinston, N.C. and Warsaw, N.C.; from Kinston over North Carolina Highway 11 to Kenansville, thence over North Carolina Highway 24 to Warsaw, and return over the same route, serving no intermediate points.

(B) Between Richmond, Va. and Charleston, S.C.; from Richmond over U.S. Highway 301 to its junction with U.S. Highway 117 south of Wilson, N.C., thence over U.S. Highway 117 to Faison, N.C., thence over North Carolina Highway 403 to junction U.S. Highway 701 near Clinton, N.C., thence over U.S. Highway 701 to Charleston, and return over the same route, serving the intermediate points of Clinton, Elizabethtown and Whiteville, N.C., and all off-route points in North Carolina within 100 miles of High Point, N.C., and serving Tabor City, N.C. for joinder only. (B–1) Between Lumberton, N.C. and Tabor City, N.C.; from Lumberton over U.S. Highway 74 to Chadbourn, N.C., thence over North Carolina Highway 410 to Tabor City, and return over the same route, serving no intermediate points, and serving Tabor City for joinder only. (B–2) Between Wilmington, N.C. and Charleston, S.C.; from Wilmington over U.S. Highway 17 to Charleston, and return over the same route, serving no intermediate points.

(C) Between Richmond, Va. and Savannah, Ga.; from Richmond over U.S. Highway 1 to junction North Carolina Highway 77 south of Marston, N.C., thence over North Carolina Highway 77 to the North Carolina-South Carolina State line, thence over South Carolina Highway 77 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to Cheraw, S.C., thence over U.S. Highway 1 to Patrick, S.C., thence over South Carolina Highway 102 to Hartsville, S.C., thence over U.S. Highway 15 to Walterboro, S.C., thence over Alternate U.S. Highway 17 to its junction with U.S. Highway 17 south of Yemassee, S.C., thence over U.S. Highway 17 to Savannah, and return over the same route, serving all intermediate and off-route points in North Carolina within 100 miles of High Point, N.C., and all intermediate and off-route points in South Carolina within 40 miles of Hartsville, S.C., the intermediate point of Rosinville, S.C., unrestricted, and the intermediate point of Wells, S.C., for joinder only. (C–1) Between Charleston, S.C. and Savannah, Ga.; from Charleston over U.S. Highway 17 to Savannah, and return over the same route, serving no intermediate points. (C–2) Between Charleston, S.C. and Wells, S.C.; from Charleston over U.S. Highway 176 to Wells, and return over the same route, serving Wells for joinder only, and serving all intermediate points between Charleston and Goose Creek, S.C., inclusive.

(D) Between Richmond, Va. and Augusta, Ga.; from Richmond over U.S. Highway 1 to junction North Carolina Highway 77 south of Marston, N.C., thence over North Carolina Highway 77

to the North Carolina-South Carolina State line, thence over South Carolina Highway 77 to junction South Carolina Highway 9, thence over South Carolina Highway 9 to Cheraw, S.C., thence over U.S. Highway 1 to Patrick, S.C., thence over U.S. Highway 1 to Augusta, and return over the same route, serving all intermediate and off-route points in North Carolina within 100 miles of High Point, N.C., and all intermediate and off-route points in South Carolina within 40 miles of Hartsville, S.C., and the intermediate point of Columbia, S.C. (D–1) Between Camden, S.C. and Sumter, S.C.; from Camden over U.S. Highway 521 to Sumter, and return over the same route, serving no intermediate points. (E) Between Richmond, Va., on the one hand, and, on the other, points in South Carolina (Except Whitmore, S.C., points in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Anderson, Laurens, Union, Chester, Abbeville, and Greenwood Counties, S.C., and that part of Lancaster County, S.C. more than 40 miles from Hartsville, S.C.); those in that part of Georgia north and east of a line beginning at Savannah, Ga., and extending along U.S. Highway 80 to Swainsboro, thence along U.S. Highway 1 to Louisville, Ga., thence along Georgia Highway 24 to Eatonton, Ga., thence along U.S. Highway 29 to the Georgia-South Carolina State line, and those in that part of North Carolina south of U.S. Highway 74 and east of U.S. Highway 25, including points on the indicated portions of the Highways specified and points within the Commercial Zones thereof. RESTRICTIONS: Route (A): Service at intermediate and off-route points and at Wilmington, N.C. is restricted to shipments transported to, from or through Richmond, Va. Route (B): Service at intermediate and off-route points and at Charleston, S.C. is restricted to shipments transported to, from or through Richmond, Va. Routes (B–1 and B–2): Service over these routes is restricted to shipments transported to, from or through Richmond, Va. Route (C): Service at the intermediate and off-route points and at Savannah, Ga. is restricted to shipments transported to, from or through Richmond, Va. Routes (C–1 and C–2): Service over these routes is restricted to shipments transported to, from or through Richmond, Va. Routes (D and D–1): Service at the intermediate and off-route points and at Augusta, Ga. is restricted to shipments transported to, from, or through Richmond, Va.

NOTE: (1) Applicant states that this application does not seek any additional points of service but rather seeks authority for the use of substitute regular routes and additional gateway points with respect to existing off-route point and irregular-route authorities in order to shorten its required routes of movement in connection with its existing operations between Richmond, Va., and terminal points beyond, on the one hand, and, on the other, presently authorized points in portions of North Carolina, South Carolina and Georgia now served through its terminals located at Rocky Mount, Kinston, Fayetteville and Wilmington, N.C., Hartsville, Columbia and Charleston, S.C., and Savannah and Augusta, Ga. Applicant states that it proposes to change the location of its break-bulk and operational relay point on such traffic from Winston-Salem, N.C., to Richmond to achieve mileage savings in the handling of its existing traffic. (2) Applicant further states the authority herein sought to the extent that it duplicates any heretofore granted to the carrier shall not be construed as conferring more than one operating right.

HEARING: September 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 35469 (Sub No. 24), filed April 21, 1961. Applicant: MODERN TRANSFER CO., INC., Hanover Avenue and Maxwell Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Cockeysville, Md. as an off-route point in connection with applicant's presently authorized regular routes from and to Baltimore, Md.

NOTE: Applicant has pending contract carrier application in MC 116836, therefore, dual operations may be involved.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its rights to participate, before Examiner Gordon M. Callow.

No. MC 42329 (Sub-No. 150) (AMENDMENT), filed July 6, 1961, published issue of July 26, 1961, and republished as amended this issue. Applicant: HAYES FREIGHT LINES, INC., 617 Waughton Street, P.O. Box 213, Winston-Salem, N.C. Applicant's attorney: David G. Macdonald, Commonwealth Building, 1625 "K" Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: OVER REGULAR ROUTES: (1) *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between Pittsburgh, Pa., Wheeling, W. Va., from Pittsburgh over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Wheeling, and return over the same route, serving no intermediate points, but serving Wheeling, W. Va., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (b) Between Wheeling, W. Va., and Uniontown, Pa., over U.S. Highway 40, serving no intermediate points, but serving Uniontown, Pa., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (2) *General commodities*, including *Classes A and B explosives* (but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between Mitchellsville, Ill., and Dixon Springs, Ill., over Illinois Highway 145, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (b) Between Mount Vernon, Ind., and junction U.S. Highway 45 and Illinois Highway 141, from Mount Vernon over Indiana Highway 62 to the Indiana-Illinois State line, thence over Illinois Highway 141 to junction U.S. Highway 45, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; AND OVER IRREGULLAR ROUTES: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wheeling, and Weirton, W. Va., on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, near New Bedford, Pa., and extending along U.S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to point of beginning, including points on the indicated portions of the highways specified.

NOTE: Applicant proposes to serve Wheeling and Weirton, W. Va., for joinder only. Applicant states it now holds authority under MC 42329 (Sub-No. 113) to transport the commodities named between Chester, W. Va. and an adjacent area, on the one hand, and, on the other, the same Pennsylvania area described above. Applicant further states that by this application it seeks authority to use these additional gateways for use in connection with its regular routes extending west from Wheeling and from Weirton to reduce highway mileage on traffic presently being transported. Common control may be involved. NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned September 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 44932 (Sub-No. 11), filed July 10, 1961. Applicant: W. W. YOUNG & SON, INC., 11437 Cottage Grove Avenue, Chicago 28, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, (except cement), loose and in bulk, in dump, hopper-type and self-unloading vehicles, between Chicago, Ill. and points in Illinois on the north of U.S. Highway 36, on the one hand, and, on the other, points in Indiana in and north of Parke, Putnam, Hendricks, Marion, Hancock, Henry, and

Wayne Counties, Ind., and points in Berrien, Cass, St. Joseph, Branch, Calhoun, Kalamazoo, Van Buren, Allegan, Ottawa, Kent, and Muskegon Counties, Mich.

HEARING: September 18, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 59264 (Sub No. 26), filed May 31, 1961. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a Corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Cockeysville, Md., on the one hand, and, on the other, those points in the States of Maryland, New Jersey, New York, and Pennsylvania, and Washington, D.C., authorized to be served in Certificate No. MC 59264.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Gordon M. Callow.

No. MC 60785 (Sub No. 9), filed May 29, 1961. Applicant: RODGERS MOTOR LINES, INC., Gilligan Street and South Avenue, Scranton, Pa. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Cockeysville, Md., on the one hand, and, on the other, points in that part of Pennsylvania north of a line beginning at the Pennsylvania-New Jersey State line, and extending through Stroudsburg, Pa., to Hazleton, Pa., and thence along Pennsylvania Highway 29 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway to Berwick, Pa., and east of a line beginning at Berwick and extending along Pennsylvania Highway 487 to Red Rock, Pa., thence along Pennsylvania Highway 415 to junction Pennsylvania Highway 29 to Tunkhannock, Pa., thence along U.S. Highway 309 to the New York-Pennsylvania State line, including points on the indicated portions of the highways and lines specified.

HEARING: October 2, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Gordon M. Callow.

No. MC 61396 (Sub No. 84), filed May 15, 1961. Applicant: HERMAN BROS., INC., 229 W.O.W. Building, P.O. Box 189, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, aqua ammonia, fertilizer, fertilizer solution and compounds*, liquid, in bulk, in tank vehicles, from the site of Consumers Cooperative Association plant near Hastings, Nebr., to points in Iowa, Colorado, Kansas, Wyoming, North Dakota, South Dakota, and Missouri, and (2) *rejected and returned shipments* of the above-specified commodities, from points in Iowa, Colorado, Kansas, Wyoming, North Dakota, South Dakota, and Missouri, to the site of Consumers Cooperative Association plant near Hastings, Nebr.

NOTE: Applicant has a pending contract carrier application in No. MC 119128. Dual operations may be involved.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 64994 (Sub No. 34), filed April 28, 1961. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 "E" Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in North Carolina, South Carolina, and Georgia, on the one hand, and, on the other, Cockeysville, Md.

HEARING: October 2, 1961, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Examiner Gordon M. Callow.

No. MC 66129 (Sub No. 1), filed June 1, 1961. Applicant: HUGHES BROS. TRANSPORTATION COMPANY, INC., 113 Metropolitan Avenue, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from the plant site of the Interchemical Corporation, located at Lodi, N.J., to Philadelphia, Pa., New York, N.Y., and Glen Burnie, Md., and *returned, refused or rejected shipments*, on return.

HEARING: September 14, 1961, at 346 Broadway, New York, N.Y., before Examiner Alter R. Smith.

No. MC 69116 (Sub No. 62), filed May 15, 1961. Applicant: SPECTOR FREIGHT SYSTEM, INC., 3100 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Cockeysville, Md. as an off-route point in connection with applicant's presently authorized regular routes to and from Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 73262 (Sub-No. 18), filed July 24, 1961. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 386, dated June 30, 1961.

HEARING: July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 102295 (Sub-No. 6), filed July 7, 1961. Applicant: GUY HEAVENER, INC., Harleysville, Pa. Applicant's attorneys: V. Baker Smith, 226 South 16th Street, Philadelphia 2, Pa., *and* Robert H. Shertz, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, lime, limestone, limestone products, fly-ash* and *bituminous concrete*, from Plymouth Meeting, Pa., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: September 27, 1961, at Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 106456 (Sub No. 33), filed May 26, 1961. Applicant: SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Box 180, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and those requiring special equipment); serving Cockeysville, Md., as an off-route point in connection with applicant's presently authorized regular routes from and to Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 107010 (Sub No. 8), filed June 14, 1961. Applicant: RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, fertilizer, mixed fertilizer solutions* and *other fertilizer solutions*, in bulk, in tank vehicles, from Hastings, Nebr., and points within ten miles thereof to points in Colorado, Wyoming, Kansas, South Dakota, Iowa, and Missouri, and *damaged* and *rejected* shipments.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 107496 (Sub No. 189), filed April 26, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, fertilizer, fertilizer solution, and compounds*, liquid, in bulk, in tank vehicles; from the plant site of Consumers Cooperative Association, at or near Hastings, Nebr., to points in Iowa, Colorado, Kansas, Wyoming, North Dakota, South Dakota, and Missouri.

NOTE: (1) Applicant holds contract authority in MC 119136 TA and Subs, dual operations may be involved. (2) Common control may be involved.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 108053 (Sub-No. 27), filed July 19, 1961. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 310, Fremont, Nebr. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat by-products;* from Portland, Oreg., Seattle and Spokane, Wash., Nampa and Twin Falls, Idaho, and Dixon, Calif., to Washington, D.C., Norfolk, Va., Baltimore, Md., Philadelphia and Pittsburgh, Pa., Albany and New York, N.Y., Boston, Mass., Waterbury, Conn., Providence, R.I., and points in Illinois (except Chicago), points in Indiana, Ohio and Michigan, and *meat hooks and meat racks*, used in the transportation of meats, meat products and meat by-products, on return.

NOTE: Common control may be involved.

HEARING: October 20, 1961, at the New Mint Building, 133 Hermann St., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 109834 (Sub No. 17), filed June 7, 1961. Applicant: NOVICK TRANSFER CO., INC., 700 North Cameron Street, P.O. Box 499, Winchester, Va. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Cockeysville, Md., as an off-route point in connection with applicant's presently authorized regular route operations to and from Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its rights to participate, before Examiner Gordon M. Callow.

No. MC 110191 (Sub No. 14), filed April 24, 1961. Applicant: TURNER'S EXPRESS, INCORPORATED, P.O. Box 1006, 1300 Shelton Avenue, Norfolk, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and except lumber), between Baltimore, Md. and Cockeysville, Md.; from Baltimore over U.S. Highway 111 to Cockeysville, and return over the same route, serving no intermediate points.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 110683 (Sub No. 15), filed June 21, 1961. Applicant: SMITH'S TRANSFER CORPORATION, OF STAUNTON, VIRGINIA, P.O. Box 1000, Staunton, Va. Applicant's attorney Francis W. McInerny, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cockeysville, Md., as an off-route point in connection with applicant's authorized regular route operations to and from Baltimore, Md.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 111624 (Sub-No. 10), filed July 24, 1961. Applicant: SCHWERMAN CO. OF PA., INC., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the site of the Lone Star Cement Corporation plant in or near Nazareth, Pa., to points in Connecticut (except Fairfield County).

NOTE: Common control may be involved.

HEARING: September 29, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank R. Saltzman.

No. MC 114067 (Sub-No. 22), filed July 19, 1961. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal fats and oils*, in bulk, (1) from points in Jackson and Klamath Counties, Oreg., to points in the Stockton, Calif., Commercial Zone, as defined by the Commission, and Sacramento, Calif., (2) from points in Canyon, Payette and Ada Counties, Idaho, to points in the Stockton, Calif., Commercial Zone, as defined by the Commission, and Sacramento, Calif., and (3) from points in Washoe and Lyon Counties, Nev., to points in the Stockton, Calif., Commercial Zone, as defined by the Commission.

HEARING: October 19, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 115557 (Sub-No. 5), filed July 18, 1961. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio parts*, from points in Redbank Township, Clarion County, Pa., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Vermont, Rhode Island, West Virginia, District of Columbia, Ohio, Indiana, Illinois, Wisconsin, Minnesota, and Iowa, and *refused and rejected merchandise*, on return.

HEARING: September 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heinemann.

No. MC 117591 (Sub-No. 1), filed July 18, 1961. Applicant: MARJORIE SEYFRIED, 101 Bridge Street, West Catasauqua, Pa. Applicant's attorney: William J. Wilcox, Sixth Floor, Commonwealth Building, Allentown, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile wastes, scrap materials and cuttings of cotton, wool, silk or synthetics*, between Allentown, Pa., and points in the States of Connecticut, Massachusetts and Rhode Island.

HEARING: September 22, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 119005 (Sub-No. 1), filed July 20, 1961. Applicant: PAUL GREENFIELD, doing business as PAUL'S TOWING SERVICE, 8606 Lanier Drive, Silver Spring, Md. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, and *replacement truck-tractors*, by use of wrecker equipment only, between points in North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia.

HEARING: September 27, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 119539 (Sub No. 2), filed June 21, 1961. Applicant: BEVERAGE TRANSPORT, INC., East Bloomfield, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt Beverages*, from Philadelphia, Pa., to points in Albany, Broome, Cayuga, Erie, Genesee, Monroe, Niagara, Oneida, Onondaga, Saratoga, and Schenectady Counties, N.Y., and *empty malt beverage containers*, on return.

HEARING: September 27, 1961, at Room 300, U.S. Custom House & Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 119777 (Sub-No. 3), filed July 20, 1961. Applicant: ARNOLD LIGON, doing business as ARNOLD LIGON SPECIALIZED HAULER, P.O. Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochrome, ferrochrome silicon, ferrosilicon, silico-manganese, ferromanganese, siliconmetal, scrap iron* and *steel* for remelting purposes only, in bulk, on flat bed trailers and in dump vehicles, between points in Marshall County, Ky., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: September 26, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 123213 (REPUBLICATION), filed November 15, 1960, published in the FEDERAL REGISTER issue of December 29, 1960, republished as amended this issue. Applicant: JAMES L. MILLER, 414 Euclid Street, Peoria Heights, Ill. Applicant's attorney: Don B. Pioletti, Nickel Building, Eureka, Ill. By application (Form BMC 78) originally published in the FEDERAL REGISTER issue of December 29, 1960, applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed dairy products*, from Peoria, Ill. to Kentland, Logansport, Kokomo, Lafayette, West Lafayette and Peru, Ind., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities, on return.

A report and Order served June 22, 1961, recommended by Joint Board No. 21, composed of the Honorable Albert D. Robertson of Illinois and Ira L. Haymaker of Indiana (The State of Indiana waived participation) finds that operation in interstate or foreign commerce, by applicant as a contract carrier by motor vehicle, over irregular routes, under a continuing contract with the Sealtest Foods Division of National Dairy Products Corporation, of (1) dairy products as listed in Part B of Appendix I to the report in Ex Parte MC-45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except eggs, poultry, and rabbits), and, (2) orange juice, lemonade, and grape juice, from the plant site of said Sealtest Foods Division at Peoria, Ill., to Kentland, Logansport, Kokomo, Lafayette, and Peru, Ind., will be consistent with the public interest and the national transportation policy.

Any person or persons who might have been prejudiced by the allowance of the commodities named in item (2), and the change of the type of authority granted as contract carriage in lieu of common carriage as filed, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123519 (REPUBLICATION), filed March 20, 1961, published issue of May 3, 1961. Applicant: FRANK BROGNANO, doing business as FRANK'S LIMOUSINE SERVICE, 327 Ridge Street, Rome, N.Y. Applicant's attorney: John P. Gualtieri, 400 North Washington Street, Rome, N.Y. The application as originally filed and noticed by publication in the FEDERAL REGISTER, sought authority as a contract carrier, over irregular routes, transporting: Airplane parts and accessories used in repairing aircraft, from the Oneida County Airport, Rome, N.Y., to various specified cities in New York, Massachusetts, New Hampshire, Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, Michigan, and Vermont. Hearing was held on June 19, 1961, at Syracuse, N.Y., Hearing Examiner Harold P. Boss presiding. At the hearing it developed that the shipper desired applicant to transport on return to Oneida County Airport, certain commodities used in the repair of its airplanes. Accordingly, an amendment to the application was allowed. In a Report and Order, served July 24, 1961, the Examiner authorizes operation in interstate or foreign commerce, by applicant as a contract carrier by motor vehicle, under a continuing contract with Mohawk Airlines, Inc., for the transportation, over irregular routes, (1) of airplane propellers, airplane engines, airplane parts, airframe parts (but not including wings or fuselages), and such tools, staging, and scaffolding as may be necessary to repair the aircraft, from the Oneida County Airport, near Rome, N.Y., to the airports used by Mohawk Airlines, Inc., at or near Hartford, Conn., Boston and Worcester, Mass., Detroit, Mich., Keene, N.H., Newark, N.J., Cleveland, Ohio, Erie, Pa., Providence, R.I., and Burlington and Rutland, Vt., and to points within 1 mile of the airport at or near Hartford, Conn., and (2) of defective equipment and such tools, staging, and scaffolding as may be necessary to repair the aircraft on return from the airports heretofore described in Connecticut, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, and Vermont to the Oneida County Airport, near Rome, N.Y., and provides for the issuance of a Permit authorizing such operation after the elapse of 30 days from the date of this republication in the FEDERAL REGISTER. The purpose of this republication is to advise that any person or persons who may have been prejudiced by the allowance of the amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 123695, filed May 25, 1961. Applicant: TRUCK LEASE, INC., One Brownstone Avenue, Portland, Conn. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland, Conn., to Springfield, Ludlow, and Blandford, Mass., Providence, R.I., and Mahopac, N.Y.

NOTE: Applicant states that service will be from the site of the Cities Service Oil Company in Portland, Conn., to customers and service stations located in the above destination points.

HEARING: September 7, 1961, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 123696, filed May 26, 1961. Applicant: JOHN A. GRIFFIN, doing business as JOHN A. GRIFFIN & SON, 160 Trenton Avenue, White Plains, N.Y. Applicant's attorney: Brodsky and Lieberman, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, piano parts, organ parts and accessories*, from points in Westchester County, N.Y., to points in Connecticut and New Jersey, and *returned, refused, rejected, damaged or traded-in shipments*, of commodities specified above, on return.

HEARING: September 14, 1961, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 123698, filed May 25, 1961. Applicant: SAV A DRIVE AUTO TRANSPORT, INC., 85–22 Fourth Avenue, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, with drivers*, between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in the United States.

HEARING: September 13, 1961, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 31), filed July 14, 1961. Applicant: HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) Between Ramsey, N.J., and Ridgewood, N.J, as follows: from junction South Franklin

Turnpike and Lake Street, in Ramsey, over Lake Street to junction East Crescent Avenue, thence over East Crescent Avenue to junction Lake Street, thence over Lake Street to junction East Saddle River Road in Upper Saddle River, N.J., thence over East Saddle River Road to junction East Allendale Avenue in Saddle River, N.J., thence over East Allendale Avenue to junction East Saddle River Road, thence over East Saddle River Road to junction New Jersey Highway 17 in Ridgewood, and return over the same route, serving all intermediate points; and (2) Between Upper Saddle River, N.J., and Waldwick, N.J., as follows: from junction Lake Street and West Saddle River Road in Upper Saddle River, over West Saddle River Road to junction Sheridan Avenue in Waldwick and Saddle River, N.J., thence over Sheridan Avenue to junction New Jersey Highway 17 in Waldwick, and return over the same route, serving all intermediate points.

HEARING: September 22, 1961, at Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 119.

No. MC 123678 (AMENDMENT), filed May 22, 1961, published issue of June 21, 1961, amended July 20, 1961, and republished as amended this issue. Applicant: DEERFIELD - HIGHLAND PARK TRANSIT, INC., 745 Waukegan Road, Deerfield, Ill. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, between Deerfield, Highland Park, Waukegan, Mundelein, and Libertyville, Ill., on the one hand, and, on the other, points in Wisconsin and Indiana.

NOTE: The purpose of this republication is to broaden the origin point.

HEARING: Remains as assigned September 20, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 17.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29130 (Sub-No. 93), filed July 24, 1961. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a Corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines, Iowa. Applicant's attorneys: A. B. Howland *and* J. H. Martin, 500 Bankers Trust Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mason City, Iowa and junction of U.S. Highways 18 and 69 west of Garner, Iowa; from Mason City over U.S. Highway 18 to junction U.S. Highways 18 and 69 west of Garner, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: (1) Applicant states it consents that the proposed operations may be restricted for the protection of other carriers by providing: "No traffic shall be handled over this route which is received from connecting motor lines at either Garner or Mason City, Iowa destined to Garner or Forest City, Iowa." (2) Common control may be involved.

No. MC 55811 (Sub-No. 72), filed July 18, 1961. Applicant: CRAIG TRUCKING, INC. Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, scrap paper, straw and mixtures of scrap paper and straw* and *solid fiber boxes*, from Godfrey, Ill., to Battle Creek, Mich.

No. MC 87857 (Sub-No. 53), filed July 21, 1961. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, bonds*, and *securities*, between Kansas City, Mo., on the one hand, and, on the other, points in Smith, Osborn, Russell, Barton, Stafford, Pratt, Barber, Jewell, Lincoln, Mitchell, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgewick, Sumner, Washington, Clay, Dickinson, Marion, Butler, Cowley, Marshall, Riley, Pottawatomie, Geary, Wabaunsee, Lyon, Morris, Chase, Greenwood, Elk, Chautauqua, Nemaha, Jackson, Shawnee, Osage, Coffey, Woodson, Wilson, Montgomery, Brown, Doniphan, Atchinson, Leavenworth, Jefferson, Johnson, Wyandotte, Douglas, Franklin, Miami, Anderson, Linn, Allen, Bourbon, Neosho, Crawford, Labette, and Cherokee Counties, Kans.

No. MC 107002 (Sub-No. 165), filed July 24, 1961. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard (P.O. Box 547), Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene, toluene, xylene* and *naphtha*, in bulk, in tank vehicles; from Chalmette, La., to points in Alabama (except Baldwin and Mobile Counties), Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi (except points on and south of U.S. Highway 80), North Carolina, South Carolina and Tennessee.

No. MC 112750 (Sub-No. 66), filed July 21, 1961. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222–17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, Sundial House—1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), and (2) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between Fair Lawn, N.J., on the one hand, and, on the other, points in Suffolk, Dutchess, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., and La Guardia Airport and International (Idlewild) Airport, N.Y.

No. MC 117465 (Sub-No. 10), filed July 3, 1961. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1618 Texas, Woodward, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives), moving in express service, (1) Between junction U.S. Highways 270 and 283, approximately six (6) miles south of Laverne, Okla., and junction U.S. Highway 283 and Oklahoma Highway 15, over U.S. Highway 283, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; (2) Between Arnett, Okla. and Gage, Okla., over Oklahoma Highway 46, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations; and (3) Between Elmwood (Beaver County), Okla., and Guymon, Okla., over Oklahoma Highway 3, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: Applicant states he proposes to tack the above with his existing operations at all named points.

No. MC 123797 (Sub-No. 1), filed July 25, 1961. Applicant: THEODORE PACHIOS, doing business as MAIL DELIVERY SERVICE, 433 Main Street, Stamford, Conn. Applicant's attorney: Paul J. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Documents, letters*, and *packages not exceeding 50 pounds;* in shipments not to exceed 100 pounds (excluding nonnegotiable instruments, commercial papers, cash letters and checks moved therewith on behalf of banks and banking institutions; and excluding negotiable instruments, currency or bullion), between Stamford, Norwalk, Darien and Greenwich, Conn., and points in Massachusetts, New Jersey, Rhode Island, the District of Columbia, and points in New York East of U.S. Highway 15 and points in Pennsylvania East of U.S. Highway 15.

NOTE: The proposed service will be rendered by Express Messenger Delivery Service.

NOTICE OF FILING OF PETITION

No. MC 65088 (PETITION FOR CONSIDERATION AND MODIFICATION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), DATED July 5, 1961. Petitioner: O. K. TRANSFER & STORAGE COMPANY, INC., Gulfport, Miss. Petitioner's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Petitioner holds Certificate No. MC 65088 dated April 12, 1961, which Certificate superseded Corrected Certificate No. MC 65088, issued January 30, 1950, and was acquired by petitioner pursuant to the proceedings in MC–FC 63376. The subject certificate authorizes, among other things, transportation, over irregular routes, as follows: "General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Between Gulfport, Miss., on the one hand, and, on the other, New Orleans, La., Mobile and Bayou La Batre, Ala., and points in Mississippi within 15 miles of Gulfport. Between points in Gulfport, Miss." The instant petition, dated July 5, 1961, seeks issuance of a corrected certificate setting forth the operation territorially, as follows: (1) "Between Gulfport, Miss., on the one hand, and New Orleans, La., and Mobile and Bayou La Batre, Ala., on the other; also (2) "Between Gulfport, Miss., on the one hand, and points and places in Mississippi within 15 miles thereof, on the other and (3) "Between points and places in Gulfport, Miss." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition or other appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property of passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–7924. Authority sought for purchase by WARREN TRUCKING CO., INC., 316 Weber Avenue, Compton, Calif., of the operating rights of 20th CENTURY DELIVERY SERVICE, INC., 1301 South San Pedro St., Los Angeles 15, Calif., and for acquisition by EDSON W. WARREN, MAY E. WARREN, both of 9734 Shellyfield Rd., Downey, Calif., and CALVIN I. WARREN, 13616 Dalmatian, La Mirada, Calif., of control of such rights through the purchase. Applicants' attorney: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, cotton in bales, cigarettes, steel, pipe, livestock, lumber, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Los Angeles Harbor and Long Beach Harbor, Calif., on the one hand, and Los Angeles, Calif., on the other, and between points in Los Angeles, Calif., Commercial Zone, as defined by the Commission in 3 M.C.C. 248. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7926. Authority sought for purchase by NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind., of the operating rights of FORT SMITH FURNITURE TRANSPORTATION COMPANY, 408 North B Street, Fort Smith. Ark., and for acquisition by THE J. M. BARBE CO., ET AL., of control of such rights through the purchase. Applicants' attorney: G. Zan Golden, Asst. General Counsel, North American Van Lines, Inc., P.O. Box 988, Fort Wayne, Ind. Operating rights sought to be transferred: *Automobile parts and accessories*, as a *common carrier* over irregular routes from Tulsa, Okla., to Fort Smith, Ark., *baled cotton*, from points in Oklahoma to points in Arkansas, *furniture*, from Fort Smith, Ark., to Memphis, Tenn., and points in Oklahoma, Texas, Kansas, Missouri, Arkansas, and Louisiana, *fibreboard and shooks*, in truckload lots, from Sand Springs, Okla., to Fort Smith, Ark., *glass jars*, from Ada, Okla., to Fort Smith, Ark., *peanuts*, from Durant, Okla., to Fort Smith, Ark., *toilet preparations and building paper*, from Dallas, Texas, to Fort Smith, Ark., *furniture springs units*, from Carthage, Mo., to Fort Smith, Ark., and *excelsior and excelsior pads*, from Little Rock and Donaldson, Ark., to Fort Smith, Ark. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7927. Authority sought for control and merger by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24–50 Wright Avenue, Auburn, N.Y., of the operating rights and property of KORTEN KARRIER, INC., 12 Dock Street, Mount Vernon, N.Y., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of such rights and property through the transaction. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N.Y., and points in Dutchess, Putnam, and Westchester Counties, N.Y., Fairfield County, Conn., and Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., and between New York, N.Y., and points in Essex and Hudson Counties, N.J., on the one hand, and, on the other, points in Orange, Rockland, and Ulster Counties, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–7928. Authority sought for purchase by FLEET TRANSPORT CO. OF KY., INC., 3601 South Seventh Street Road, Louisville 16, Ky., of a portion of the operating rights of SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky., and for acquisition by CALVIN HOUGHLAND, P.O. Box 1243, Nashville, Tenn., and CLARENCE L. HUFF, 3601 South Seventh Street Road, Louisville, Ky., of control of such rights through the purchase. Applicants' attorney: Ollie L. Merchant, Suite 202, 140 South 5th Street, Louisville 2, Ky. Operating rights sought to be transferred: *Gasoline and petroleum and petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Nashville, Tenn., to Fort Campbell, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Ohio, Arkansas, Mississippi, North Carolina, South Carolina, Tennessee, West Virginia, Michigan, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7929. Authority sought for control and merger by POINT EXPRESS, INC., 3535 Seventh Avenue, Charleston, W. Va., of the operating rights and property of PINSON TRANSFER COMPANY, INC., 119–20th Street, Huntington, W. Va., and for acquisition by PAUL F. YOUNGBLOOD, 3535 Seventh Ave., Charleston, W. Va., of control of such rights and property through the transaction. Applicants' attorneys: Francis W. McInerny, 403 Commonwealth Bldg., 1625 K Street NW., Washington 6, D.C., and Robert M. Pearce, 221½ St. Clair Street, Frankfort, Ky. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Huntington, W. Va., and Welch, W. Va., serving all intermediate points and certain off-route points, *livestock* on northbound traffic from Williamson, W. Va., to Huntington, W. Va., over U.S. Highway 52, serving all intermediate points, *general commodities*, with the exceptions listed above, between West Liberty, Ky., and Huntington, W. Va.; between Kermit, W. Va., and Paintsville, Ky; between Jenkins, Ky., and Vicco, Ky., serving all intermediate and certain off-route points, restricted against the pickup and delivery of traffic originating at, destined to, or interchanged at Lexington, Ky., or Louisville, Ky.; between junction Kentucky Highway 80 and U.S. Highway 23 near Allen, Ky., and junction Kentucky Highway 122 and U.S. Highway 119, near Virgie, Ky.; between Pikesville, Ky., and Jenkins, Ky.; between Paintsville, Ky., and Williamson, W. Va., serving all intermediate and certain off-route points, restricted to westbound movements; between Louisa, Ky., and junction West Virginia Highway 37 and U.S. Highway 52; between junction U.S. Highway 119 and Kentucky Highway 80, and the Kentucky-Virginia State line; between Regina, Ky., and Ashcamp, Ky.; between Ashcamp, Ky., and Elkhorn City, Ky.; between junction Kentucky Highway 80 and U.S. Highway 460 and the Kentucky-Virginia State line; between Nigh, Ky., and Majestic, Ky.; between Phelps, Ky., and junction Kentucky Highway 199 and U.S. Highway

119; between junction U.S. Highway 23 and Kentucky Highway 80, and the Perry-Knott County line, Ky., serving all intermediate and certain off-route points, restricted against the pickup and delivery of traffic originating at, destined to, or interchanged at Lexington or Louisville, Ky.; between junction U.S. Highway 119 and Kentucky Highway 15, near Whitesburg, Ky., and Harlan, Ky.; between Lackey, Ky., and Neon, Ky., serving all intermediate and certain off-route points with the same restriction listed above; between specified points in Kentucky; between Welch, W. Va., and Bluefield, Va.; between Lexington, Ky., and West Liberty, Ky.; between Hazel Green, Ky., and Index, Ky.; between Cincinnati, Ohio, and Morehead, Ky.; between Morehead, Ky., and West Liberty, Ky.; between Grayson, Ky., and junction Kentucky Highways 7 and 32; between junction Kentucky Highways 32 and 173, and junction Kentucky Highways 173 and 7; between Mt. Sterling, Ky., and Ashland Ky., and over an alternate route for operating convenience only; *general commodities*, except household goods as defined by the Commission, between Jenkins, Ky., and Big Stone Gap, Va., serving all intermediate points; *packing-house products*, from Huntington, W. Va., to the Kentucky-Virginia State line, serving all intermediate and certain off-route points; *carbide*, in truckloads, from Jenkins, Ky., to Oneida, Tenn., serving no intermediate points, but serving the off-route point of Harlan, Ky., for delivery only; *corn meal* and *flour mill products*, from Charleston, W. Va., to Pikeville, Ky., serving no intermediate points; *carbide*, from Ivanhoe, Va., to Pikeville, Ky., serving certain intermediate and off-route points; *malt beverages*, from Cincinnati, Ohio, to Pikeville, Ky., from Marion, Ind., to Pikeville, Ky., from Evansville, Ind., to Pikeville, Ky., serving no intermediate points, and from St. Louis, Mo., to Pikeville, Ky., serving the intermediate point of Louisville, Ky.; *empty malt beverage containers*, from Pikeville, Ky., to Cincinnati, Ohio, Marion and Evansville, Ind., serving no intermedfate points, and from Pikeville, Ky., to St. Louis, Mo., serving the intermediate point of Louisville, Ky.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes between Pikeville, Ky., and Williamson, W. Va., on the one hand, and, on the other, points in Kentucky and Virginia; *canned goods* and *pottery*, from points in Ohio to Pikeville, Ky., and *coal mining machinery*, between Franklin, Pa., on the one hand, and, on the other, points in Kentucky. POINT EXPRESS, INC., is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, Pennsylvania, Indiana and Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE: Applicants' attorney, Francis W. McInerny will provide any interested party with copies of the applications or other pertinent information.

No. MC-F-7930. Authority sought for purchase by HARRY ANDERSON TRANSFER CO., INC., 875 Webster Street, Shelbyville, Ind., of a portion of the operating rights of CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind., and for acquisition by LETA (ANDERSON) JUSTICE, HARRY ANDERSON, JR., JOHN S. ANDERSON, all of 875 Webster St., Shelbyville, Ind., UNICE JOHNSON (CHARLES D. CAMPBELL, ATTORNEY IN FACT), 417 Live Oak Road, Vero Beach, Fla., and FRANCES FODOR, 5306 East 180th Street, Seattle, Wash., of control of such rights through the purchase. Applicants' attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Operating rights sought to be transferred: *Mineral wool* (glass wool), plain or saturated, in batts or other than batts, with or without paper backing or wrapping, as a *contract carrier*, over irregular routes, from Shelbyville, Ind., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Ohio, and those in the lower peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in Kentucky, Ohio, Missouri, Indiana, Illinois, and Michigan. Application has not been filed for temporary authority under section 210a(b). A proceeding under section 212(c), No. MC-34865 (Sub-35), has been instituted which may result in the conversion of vendor from a contract to a common carrier.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7266; Filed, Aug. 1, 1961; 8:49 a.m.]

[Notice 527]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 28, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64322. By order of July 26, 1961, The Transfer Board approved the transfer to Vermont Moving & Storage Corp., Brooklyn, N.Y., of Certificates Nos. MC 66632 and MC 66632 Sub 1, issued August 4, 1954, and April 22, 1957, respectively, to Jack Lurie and Sid Lurie, a Partnership, doing business as Vermont Moving & Storage, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and between New York, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Morris Honig, 150 Broadway, New York 38, N.Y., Applicants' Attorney.

No. MC-FC 64333. By order of July 26, 1961, The Transfer Board approved the transfer to W. Williams Moving & Storage, Inc., 1445 Fulton Street, Brooklyn, N.Y., of Certificates Nos. MC 95021 and MC 95021 Sub 1, issued October 8, 1954 and June 13, 1960, respectively, to Bay Ridge Vans, Inc., Brooklyn, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, Pennsylvania and Delaware. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, New York, Attorney for transferee.

No. MC-FC 64363. By order of July 26, 1961, The Transfer Board approved the transfer to Glen Kyttle, doing business as Shore Line Moving and Storage, of Certificate No. MC 30285, issued June 27, 1956, to Robert R. Stalsburg, doing business as Stalsburg Express, Deep River, Conn., authorizing the transportation, over irregular routes, of household goods, between Deep River, Conn., and points in Connecticut within 15 miles of Deep River, on the one hand, and, on the other, points in New York, Massachusetts, and Rhode Island. Sidney L. Goldstein, 109 Church Street, New Haven, Conn., applicants' attorney.

No. MC-FC 64379. By order of July 26, 1961, The Transfer Board approved the transfer to Graves Transfer Co., A Corporation, Georgetown, Del., of Certificate No. MC 118876 Sub 2, issued October 11, 1960, to Henry G. Graves, Charles L. Graves and Wm. E. Graves, a Partnership, doing business as Graves Transfer, Georgetown, Del., authorizing the transportation, over irregular routes, of fish oil and fish solubles, in bulk, in tank vehicles, and fish scrap and fish meal, in bulk, for use and consumption only in animal and poultry feeds and in fertilizer, from Lewes, Del., to Denton and Hagerstown, Md., Rohrerstown, Allentown and York, Pa., Romney, W. Va., Cartersville, Ga., Akron and Wooster, Ohio, and Lakewood, N.J. H. James Conaway, Jr., Bank of Delaware Building, Wilmington, Delaware, applicants' attorney.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7267; Filed, Aug. 1, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2155—7-2175]

AEROQUIP CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 27, 1961.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File
Aeroquip Corporation	7-2155
American Machine & Foundry Company	7-2156
Ampex Corporation	7-2157
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Upon receipt of a request, on or before August 11, 1961 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7255; Filed, Aug. 1, 1961; 8:47 a.m.]

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Title 3—THE PRESIDENT

Executive Order 10450

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Correction of Error in CFR Reprint

EDITORIAL NOTE: The text of paragraph (iii) of section 8(a)(1) of Executive Order 10450 as reprinted in the Code of Federal Regulations (1953 Supplement and 1949–1953 Compilation) is corrected by deleting the phrase "financial irresponsibility" and transposing the conjunction "or" so that paragraph (iii) reads as follows:

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

It should be noted that the text of paragraph (iii) was published correctly in the FEDERAL REGISTER of April 29, 1953 (18 F.R. 2491).

Executive Order 10955

ADMINISTRATION OF ASSISTANCE IN THE DEVELOPMENT OF LATIN AMERICA AND IN THE RECONSTRUCTION OF CHILE

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Delegation of functions.* There are hereby delegated to the Secretary of State the functions conferred upon the President by sections 2 and 3 of the Act of September 8, 1960, entitled "An Act to provide for assistance in the development of Latin America and in the reconstruction of Chile and for other purposes" (74 Stat. 870; 22 U.S.C. 1943, 1944).

SEC. 2. *Allocation of funds.* Funds appropriated to the President in pursuance of the provisions of the said sections 2 and 3 shall be deemed to be allocated to the Secretary of State, or to such of his subordinates as he may designate, without any further action of the President.

JOHN F. KENNEDY

THE WHITE HOUSE,
July 31, 1961.

[F.R. Doc. 61-7411; Filed, Aug. 2, 1961; 11:23 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

ADMINISTRATIVE INSTRUCTIONS LISTING GENERA OR SPECIES OF PLANTS HAVING UNDERGROUND PORTIONS CONFORMING TO DEFINITION OF BULBS

On June 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5317), a notice of rule making relating to the proposed issuance of administrative instructions to be designated as 7 CFR 319.37–1a, supplementary to § 319.37–1 (h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–1(h)). After due consideration of all relevant matters presented, and pursuant to § 319.37–1(h), under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), administrative instructions designated as § 319.37–1a are hereby issued to read as follows:

§ 319.37–1a Administrative instructions listing genera or species of plants having underground portions conforming to the definition of bulbs in § 319.37–1(h).

(a) Most or all of the species of the genera listed in this paragraph, and all of the species listed in this paragraph, have underground parts that conform to the definition of bulbs contained in § 319.37–1(h):

Achimenes (Gesner.).
Acidanthera (Irid.).
Agapanthus (Lil.).
Albuca (Lil.).
Allium (Lil.).
Alstroemeria (Amar.).
Amarcrinum = Crinodonna.
Amaryllis (Amar.).
Amianthium (Lil.).
Ammocharis (Amar.).
Anapalina (Irid.).
Androcymbium (Lil.).
Androstephium (Lil.).
Anemone (Ranun.) (Anemone is prohibited entry from Germany.).
Anomatheca = Lapeirousia.
Anthericum (Lil.).
Antholyza (Irid.).
Arum (Ar.).
Babiana (Irid.).
Begonia (Begon.).
Bellevalia = Hyacinthus.
Bessera (Lil.).
Bletia (Orch.).
Bletilla (Orch.).
Bloomeria (Lil.).
Bongardia chrysogonum (Berber.).
Boophane (Amar.).
Bottionea (Lil.).
Bowiea (Lil.).
Bravoa (Amar.).
Brevoortia (Lil.).
Brodiaea (Lil.).
Brunsdonna (Amar.).
Brunsvigia (Amar.).
Bulbocodium (Lil.).
Buphane = Boophane.
Calla=Zantedeschia.
Caliphruria (Amar.).
Calochortus (Lil.).
Calostemma (Amar.).
Camassia (Lil.).
Canna (Cann.).
Chasmanthe (Irid.).
Chionodoxa (Lil.).
Chlidanthus (Amar.).
Chorogalum (Lil.).
Cipura (Irid.).
Clivia (Lil.).
Colchicum (Lil.).
Convallaria (Lil.).
Cooperanthes (Amar.).
Cooperia (Amar.).
Corydalis (Fumar.).
Crinodonna (Amar.).
Crinum (Amar.).
Crocosmia (Irid.).
Crocus (Irid.).
Curtonus (Irid.).
Cyclamen (Prim.).
Cyclobothra = Calochortus.
Cypella (Irid.).
Cyrtanthus (Amar.).
Dahlia (Compos.).
Dicentra (Fumar.).
Dielytra=Dicentra.
Dierama (Irid.).
Dipcadi (Lil.).
Dipidax (Lil.).
Drimia (Lil.).
Drymophila (Lil.).
Elisena (Amar.).
Eranthis (Ranun.).
Eremurus (Lil.).
Erythronium (Lil.).
Eucharis (Amar.).
Eucomis (Lil.).
Eurycles (Amar.).
Eustephia (Amar.).
Eustylis (Irid.).
Ferraria (Irid.).
Freesia (Irid.).
Fritillaria (Lil.).
Gagea (Lil.).
Galanthus (Amar.).
Galtonia (Lil.).
Geissorhiza (Irid.).
Geranium tuberosum (Geran.).
Gesneria (Gesner.).
Gladiolus (Irid.) (Gladiolus is prohibited entry from African sources.).
Gloriosa (Lil.).
Gloxinia=Sinningia.
Griffinia (Amar.).
Habranthus (Amar.).
Haemanthus (Amar.).
Hastingsia (Lil.).
Helonias (Lil.).
Heloniopsis (Lil.).
Hemerocallis (Lil.).
Herbertia (Irid.).
Hermodactylus (Irid.).
Hesperantha (Irid.).
Hesperocallis (Lil.).
Hessea (Amar.).
Hexaglottis (Irid.).
Hippeastrum (Amar.).
Homeria (Irid.).
Homoglossum (Irid.).
Hosta (Lil.).
Hyacinthus (Lil.).
Hydrotaenia (Irid.).
Hyline (Amar.).
Hymenocallis (Amar.).
Hypoxis (Amar.).
Incarvillea (Gignon.).
Ipheion (Lil.).
Iris (Irid.).
Ismene (Amar.).
Isoloma (Gesner.).
Ixia (Irid.).
Ixiolirion (Amar.).
Kohleria (Gesner.).
Lachenalia (Lil.).
Lapeirousia (Irid.).
Lapeyrousia=Lapeirousia.
Leucocoryne (Lil.).
Leucojum (Amar.).
Liatris (Compos.).
Lilium (Lil.).
Littonia (Lil.).
Lloydia (Lil.).
Lycoris (Amar.).
Manfreda (Amar.).
Massonia (Lil.).
Melasphaerula (Irid.).
Merendera (Lil.).
Mertensia (Borag.).
Milla (Lil.).
Montbretia=Tritonia.
Moraea (Irid.).
Muilla (Lil.).
Muscari (Lil.).
Naegelia (Gesner.).
Narcissus (Amar.).
Nemastylis (Irid.).
Nerine (Amar.).
Nomocharis (Lil.).
Notholirion (Lil.).
Nothoscordum (Lil.).
Ornithogalum (Lil).
Ostrowskia magnifica (Campan.).
Oxalis (Oxal.).
Paeonia (Ranun.).
Pamianthe (Amar.).
Pancratium (Amar.).
Papaver (Pavaver.).
Pasithea (Lil.).
Phaedranassa (Amar.).
Placea (Amar.).
Polianthes (Amar.).
Polyanthes=Polianthes.
Polyanthus=Polianthes.
Prochnyanthes (Amar.).
Pulsatilla=Anemone (Anemone is prohibited entry from Germany.).
Puschkinia (Lil.).
Pyrolirion (Amar.).
Quamasia=Camassia.
Ranunculus (Ranun.).
Rechsteineria (Gesner.).
Rhodohypoxis (Amar.).
Rhodophiala (Amar.).
Rigidella (Irid.).
Romulea (Irid.).
Salpingostylis (Irid.).
Sandersonia (Lil.).
Sauromatum (Ar.).
Schizobasopeis=Bowiea.
Schizostylis (Irid.).
Scilla (Lil.).
Sinningia: the "Gloxinia" of florists (Gesner.).
Sparaxis (Irid.).
Spiloxene (Amar.).
Sprekelia (Amar.).
Stenanthium (Lil.).
Stenomesson (Amar.)
Sternbergia (Amar.).
Streptanthera (Irid.).
Synnotia (Irid.).
Tecophilaea cyanocrocus (Amar.).
Tigridia (Irid.).
Trimeza (Irid.).
Tristagma (Lil.).
Triteleia=Brodiaea.
Tritonia (Irid.).
Tulbaghia (Lil.).
Tulipa (Lil.).
Tydaea (Gesner.).
Urceocharis (Amar.).
Urceolina (Amar.).
Urginea (Lil.).
Vagaria (Amar.).
Vallota (Amar.).
Veltheimia (Lil.).
Watsonia (Irid.).
Zantedeschia (Ar.): the calla of gardeners.
Zephyranthes (Amar.).
Zigadenus (Lil.).
Zingiber (Zingiber.).
Zygadenus=Zigadenus.

In the list in this paragraph the correct botanical name follows the equal sign after each synonym. Botanical family abbreviations are in parentheses and have the following meanings: (Amar.) Amaryllidaceae; (Ar.) Araceae; (Begon.) Begoniaceae; (Berber.) Berberideae; (Bignon.) Bignoniaceae; (Borag.) Boraginaceae; (Campan.) Campanulaceae; (Cann.) Cannaceae; (Compos.) Compositae; (Fumar.) Fumariaceae; (Geran.) Geraniaceae; (Gesner.) Gesneriaceae; (Irid.) Iridaceae; (Lil.) Liliaceae; (Orch.) Orchidaceae; (Oxal.) Oxalidaceae; (Papaver.) Papaveraceae; (Prim.) Primulaceae; (Ranun.) Ranunculaceae; (Zingiber.) Zingiberaceae.

(b) A determination as to whether a particular shipment of plant material qualifies as bulbs will be made at the time of offer for entry.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162; 7 CFR 319.37–1(h))

The foregoing administrative instructions shall become effective September 2, 1961.

These instructions list genera and species of plants having underground portions that conform to the definition of bulbs in § 319.37–1(h) and are commodities of importance in international trade. A few nonsubstantive changes have been made in the list as proposed. These changes correct typographical errors in spelling, add a few synonymous names to those already included, and in one instance, clarify botanical nomenclature. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further public rule making procedure is unnecessary.

Done at Washington, D.C., this 28th day of July 1961.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F.R. Doc. 61–7332; Filed, Aug. 2, 1961; 8:50 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

DEFINITION OF BULBS

On June 14, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5317), a notice of proposed rule making relating to the amendment of § 319.37–1(h) of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–1(h)). After due consideration of all relevant matters presented, and pursuant to the provisions of sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), § 319.37–1(h) is hereby amended to read as follows:

§ 319.37–1 Definitions.

* * * * *

(h) *Bulbs.* The underground portions of plants commonly known as bulbs, corms, rhizomes, tubers, and pips, and including fleshy roots or other underground fleshy growths, a unit of which produces an individual plant. The Director of the Division shall, to the extent practicable, identify in administrative instructions the genera or species of plants having underground portions that conform to the definition of bulbs contained in this paragraph.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

This amendment shall become effective September 2, 1961.

This amendment provides more uniform entry requirements for bulbous plant items and adds several genera and/or species to the items enterable as bulbs. When the original definition of bulbs became effective on January 1, 1949, it was anticipated that practically all of the items of trade coming within this category would be covered by naming certain specific genera and plant families. Approximately 90 percent of all bulb importations still fall within the groups originally named. However, there are genera and species in additional botanical families having underground plant parts that should be included within the definition of bulbs.

It is believed these additional genera and species represent no more of a plant pest risk than the items previously included in the bulb definition. For this reason they are now being allowed entry under the same conditions as plant items previously defined as bulbs.

Done at Washington, D.C., this 28th day of July 1961.

[SEAL] B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 61–7333; Filed, Aug. 2, 1961; 8:50 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Area Deficits and Adjusted Quotas, 1961

Basis and purpose. The purpose of this amendment to Sugar Regulation 811 is to determine and prorate deficits in quotas for domestic areas pursuant to the provisions of the Sugar Act of 1948, as amended, and as further amended by Public Law 87–15 approved March 31, 1961. By Proclamation No. 3401 effective April 6, 1961 (26 F.R. 2849), the President of the United States delegated to the Secretary of Agriculture the authority vested in the President by section 408(b)(2) and section 408(b)(3) of the Act, such authority to be exercised with the concurrence of the Secretary of State. By virtue of such delegation of authority, and pursuant to section 204(a) and section 408(b)(2) of the Act, the deficits of domestic areas determined herein totaling 476,275 short tons, raw value, are allocated to other domestic areas. The portion of such deficits which would be allocable to Cuba is 69,542 short tons, raw value. By virtue of the determination by the President of the quota for Cuba in Proclamation No. 3401 such 69,542 short tons, raw value are not allocable to Cuba and, with the concurrence of the Secretary of State, are allocated by this regulation to Domestic areas pursuant to section 408(b)(2) of the Act. Of the total of such deficits, 406,733 short tons, raw value, are prorated to other domestic areas pursuant to section 204(a) of the Act.

The Act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (26 F.R. 2774). To permit areas for which larger quotas or prorations are hereby established to plan to market and to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 928, as amended), and the Proclamation of the President of the United States No. 3401 (26 F.R. 2849), Sugar Regulation 811 (25 F.R. 13211; 26 F.R. 2774) is hereby amended by adding § 811.4 to read as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined pursuant to section 204(a) of the Act, that for the calendar year 1961 Hawaii and Puerto Rico will be unable by 185,410 and 290,865 short tons, raw value of sugar, respectively, to market the quota established for such areas in § 811.2.

(b) *Proration of deficits and quotas in effect.* The total of the deficits in the quotas determined in paragraph (a) of this section amounting to 476,275 short tons, raw value, are hereby allocated pursuant to sections 204(a) and 408(b) of the Act to other domestic areas with due recognition of the ability of each of such areas to supply sugar in addition to the quantity provided by the quotas established in § 811.2 of this part. The quotas for such areas shall be those es-

tablished in § 811.2 plus the quantities allocated herein, as follows:

SHORT TONS, RAW VALUE

	Allocated herein (1)	Quotas including prorations herein (2)
Area:		
Domestic beet sugar	431,397	2,609,170
Mainland cane sugar	44,878	715,000
Hawaii	0	1,215,410
Puerto Rico	0	1,270,865
Virgin Islands	0	17,330

Statement of bases and considerations. Deficits in the quotas for Hawaii and Puerto Rico are determined in section 811.4(a) on the basis of the quotas for these areas as established in § 811.2 and the expectation that the total supply of sugar available for marketing in the continental United States from Hawaii and Puerto Rico will not exceed 1,030,000 and 980,000 short tons, raw value, respectively. In Hawaii the production of sugar from the current crop is estimated at 1,075,000 tons and harvesting of the crop will continue until late in the calendar year. In Puerto Rico, the production of sugar from the current crop will approximate 1,100,000 tons and harvesting of the crop has been substantially completed. The Mainland Cane Sugar Area is not expected to market sugar in excess of 715,000 tons in 1961. The Virgin Islands is not expected to be able to market more than the quota for that area of 17,330 short tons, raw value. Accordingly, none of the deficits is prorated to the Virgin Islands, the deficit proration to the Mainland Cane Sugar Area has been limited to 44,878 tons and the remainder of 431,397 tons has been allocated to the Domestic Beet Sugar Area.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 202; 61 Stat. 924; U.S.C. 1112. Pub. Law 87-15; Proclamation No. 3401, 26 F.R. 2849)

Done at Washington, D.C., this 28th day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

Concurred in for the Secretary of State by:

(Signed) EDWIN M. MARTIN,
Assistant Secretary of State.

[F.R. Doc. 61-7334; Filed, Aug. 2, 1961; 8:51 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.470]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Section 22.1 *Tariff of fees, Foreign Service of the United States of America,* (a) of Title 22 of the Code of Federal Regulations is amended in part in the tariff schedule by deleting from item No. 5 the words "or card of identification for use on the Mexican border". The item as amended shall read as follows:

PASSPORT AND CITIZENSHIP SERVICES

Item No.	
5.	Issuance of certificate or card of identity and registration.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedures Act (60 Stat. 238, 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the provisions thereof involve foreign affairs functions of the United States.

For the Secretary of State.

/s/ ROGER W. JONES,
Deputy Under Secretary for Administration.

JULY 1, 1961.

[F.R. Doc. 61-7318; Filed, Aug. 2, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

Correction

In F.R. Doc. 61-7145 appearing at page 6831 of the issue for Tuesday, August 1, 1961, the effective date in the third column of the table appearing at page 6833 which presently reads "Jan. 1, 1961", is corrected to read "Jan. 1, 1963".

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6565]

PART 301—PROCEDURE AND ADMINISTRATION

Publicity of Information Required From Certain Exempt Organizations and Certain Trusts, to Permit the Furnishing of Copies of Certain Documents

The regulations under section 6104 of the Internal Revenue Code of 1954, relating to publicity of information required from certain exempt organizations and certain trusts, are hereby amended as follows:

PARAGRAPH 1. Paragraph (e)(3) of § 301.6104-1 is revised to read as follows:

§ 301.6104-1 Public inspection of applications for tax exemption.

* * * * *

(e) *Procedure for public inspection of applications for exemption.* * * *

(3) *Copies.* Notes may be taken of the material opened for inspection under this section, and copies may be made manually but not photographically. Copies of such material will be furnished by the Internal Revenue Service to any person making request therefor. Requests for such copies shall be made in the same manner as requests for inspection (see subparagraph (1) of this paragraph) to the office of the Internal Revenue Service in which such material is available for inspection as provided in paragraph (d) of this section. If made at the time of inspection, the request for copies need not be in writing. Any copies furnished will be certified upon request. The Commissioner may prescribe a reasonable fee for furnishing copies of applications and supporting documents pursuant to this section.

PAR. 2. Paragraph (b) of § 301.6104-2 is revised to read as follows:

§ 301.6104-2 Publicity of information on certain information returns.

* * * * *

(b) *Copies.* Notes may be taken of the material opened for inspection under this section, and copies may be made manually but not photographically. Copies of such material will be furnished by the Internal Revenue Service to any person making request therefor. The request shall adequately identify the return and shall be addressed to the district director in whose office the return is available for inspection. The request shall be in writing unless it is made at the time of inspection. Any copies furnished will be certified upon request. The Commissioner may prescribe a reasonable fee for furnishing copies of material available for inspection pursuant to this section.

Because this Treasury decision makes only procedural changes, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHN W. S. LITTLETON,
Acting Commissioner of Internal Revenue.

Approved: July 28, 1961.

DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-7325; Filed, Aug. 2, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 819; Amdt. 315]

PART 507—AIRWORTHINESS DIRECTIVES

Armstrong Whitworth AW-650 Aircraft

Amendment 258 (26 F.R. 1854) as amended by amendment 278 (26 F.R. 3635) required accomplishment of certain modifications and repetitive inspections for defects in the elevators, rudders, fins and flaps on Armstrong Whitworth Model AW-650 aircraft. The manufacturer has developed new modifications which will increase the life of the affected parts. When these modifications are incorporated the repetitive inspections are no longer necessary. The manufacturer will incorporate the modifications of the superseded AD, as well as the new modifications in all aircraft manufactured subsequent to Serial Number 6660. Accordingly, Amendment 258 and 278 are being superseded by this directive providing for the new modifications and deleting the modifications previously required by the superseded AD. In addition, the applicability paragraph has been revised to correctly reflect those aircraft on which the modifications of the superseded AD have already been accomplished but on which repetitive inspections must be continued until such time as the new modifications are accomplished. Since this amendment affords an alternative method of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and since the amendment relieves a restriction it may become effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

ARMSTRONG WHITWORTH. Applies to the following Model AW-650 Argosy Series 101 aircraft only: Serial Numbers 6655, 6656, 6657, 6659, and 6660.

Compliance required as indicated.

Because of service defects found on the elevators, rudders, fins and flaps, the following is required:

(a) Prior to every flight, visually inspect the following areas for loose rivets, cracks and damaged skin:

(1) Top and bottom surface of both elevators including horn balances.

(2) Inboard and outboard sides of left and right fins.

(3) Entire surface of left and right rudders including tabs.

(4) Undersurface of inboard flaps.

(b) If loose rivets or damaged skin is found an FAA approved repair must be accomplished prior to further flight.

(c) If cracks are found, the following action must be taken:

(1) If cracks between adjacent rivets or cracks at least one inch long are found, the internal structure in that location must be inspected. If no internal damage is found, an FAA approved repair must be made to the skin prior to the next flight. If any internal damage is found the component must either be replaced or an FAA approved repair incorporated prior to next flight.

(2) If cracks less than one inch long and less than twelve inches apart are found, they must be repaired prior to the next flight. Cracks less than one inch long which are twelve inches or more apart must either be stopped by drilling or repaired prior to next flight.

(d) The special inspections in (a), (b), and (c) are no longer required when AWA modifications 650/686, 650/687, 650/688, 650/689, and 650/690 are all incorporated.

This supersedes Amendment 256, 26 F.R. 1834, and Amendment 278, 26 F.R. 3635.

This amendment shall become effective August 3, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 27, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-7297; Filed, Aug. 2, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-65]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREA

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4891), stating that the Federal Aviation Agency proposed to revoke low altitude Red Federal airway No. 113 in its entirety, its associated control areas and reporting points.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.313 Red Federal airway No. 113 (Hawaiian Islands).

2. Section 601.313 Red Federal airway No. 113 control areas (Hawaiian Islands).

3. Section 601.4313 Red Federal airway No. 113 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7301; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-64]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airway, Associated Control Areas and Reporting Points

On June 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4890), stating that the Federal Aviation Agency proposed to revoke low altitude Amber Federal airway No. 10 in its entirety, its associated control areas and reporting points.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.110 Amber Federal airway No. 10 (Hawaiian Islands).

2. Section 601.110 Amber Federal airway No. 10 control areas (Hawaiian Islands).

3. Section 601.4110 Amber Federal airway No. 10 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7302; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-185]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Federal Airways, Associated Control Areas and Reporting Points

On February 15, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 1311), stating that the Federal Aviation Agency (FAA) proposed to alter low altitude Green Federal airway No. 9 (Hawaiian Islands) and low altitude Amber Federal airway No. 13 (Hawaiian Islands).

On June 15, 1961, an alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 5374) stating that the FAA proposed to revoke Green 9 and Amber 13.

No comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Alteration of Proposal, Parts 600 and 601 (14 CFR Parts 600, 601) are amended by revoking the following sections:

1. Section 600.19 Green Federal airway No. 9 (Hawaiian Islands).
2. Section 600.113 Amber Federal airway No. 13 (Hawaiian Islands).
3. Section 601.19 Green Federal airway No. 9 control areas (Hawaiian Islands).
4. Section 601.113 Amber Federal airway No. 13 control areas (Hawaiian Islands).
5. Section 601.4019 Green Federal airway No. 9 (Hawaiian Islands).
6. Section 601.4113 Amber Federal airway No. 13 (Hawaiian Islands).

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7303; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-105]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2442 of the regulations of the Administrator is to alter the Renton, Wash., Renton Airport control zone by redesignating it as a part-time control zone.

On August 1, 1961, the Federal Aviation Agency (FAA) proposes to assume operation of the Renton Airport Control Tower. This facility will have adequate landline and air/ground communications systems, and weather reporting service to meet the requirements for designation of a part-time control zone. The hours of operation of the tower will be 0700 to 2300 hours, local standard time, daily.

Therefore, the time of designation of the Renton control zone is being changed from continuous to 0700 to 2300 hours, local standard time, daily.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2442 (14 CFR 601.2442) is amended to read:

§ 601.2442 Renton, Wash., control zone (Renton Airport).

That airspace bounded by a line beginning at Lat. 47°31'55" N., Long. 122°11'40" W., thence clockwise via the circumference of a circle 3 miles in radius centered on Renton Airport (Lat. 47°29'35" N., Long. 122°12'50" W.) to Lat. 47°27'00" N., Long. 122°11'50" W., to Lat. 47°28'20" N., Long. 122°13'50" W., to Lat. 47°30'45" N., Long. 122°13'50" W., to the point of beginning, from 0700 to 2300 hours local standard time, daily.

This amendment shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7299; Filed, Aug. 2, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-136]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment is to change the name of Ladd Air Force Base to Wainwright Army Airfield in the description of the Fairbanks, Alaska control zone in order to correctly reflect the name of this facility. Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2228 (14 CFR 601.2228) is amended to read:

§ 601.2228 Fairbanks, Alaska, control zone.

Within a 5-mile radius of the Fairbanks International Airport (Lat. 64°-49'09" N., Long. 147°51'14" W.), within a 5-mile radius of Wainwright Army Airfield (Lat. 64°50'22" N., Long. 147°-38'05" W.), within 2 miles either side of the NE and SW courses of the Fairbanks International Airport ILS localizer extending from the Fairbanks International Airport 5-mile radius zone to the ILS OM and from the 5-mile radius zone to 6 miles SW of the ILS localizer.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 28, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7300; Filed, Aug. 2, 1961; 8:46 a.m.]

[Reg. Docket No. 790; Amdt. 228]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with Standard Instrument Approach Procedure as shown on current USAF approach and landing chart, AL-1196-RNO published by the USAF Aeronautical Chart and Information Center.
Closed to all civil air traffic except in emergency or when given special authorization by USAF. See Alaska Airman's Guide for Authorizing Organizations.
CAUTION: Radio tower 384' 2 miles East of airport.

City, Anchorage; State, Alaska; Airport Name, Elmendorf AF Base; Elev., 212'; Fac. Class., SBRAZ; Ident., AC; Procedure No. 1, Amdt. 10; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 9; Dated, 26 Jan. 57

Augusta VOR	AU-LFR	Direct	2000	T-d	400-1	400-1	400-1
				T-n	500-1	500-1	500-1
				C-d	600-1	600-1	600-1½
				C-n	600-1½	600-1½	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn S side SW crs, 226° Outbnd, 046° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 080°—1.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 2000' on NE crs within 15 mi.
This procedure not approved for ADF approach.
AIR CARRIER NOTE: Night operations restricted to Runways 17-35.

City, Augusta; State, Maine; Airport Name, State Airport; Elev., 357'; Fac. Class., BMRLZ; Ident., AU; Procedure No. 1, Amdt. 6; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 5; Dated, 15 Mar. 58

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Instrument approach to be conducted in accordance with USAF AL-115-RNG.
Major change: Straight-in cancelled because of decommissioning of North/South runway.

City, Denver; State, Colo.; Airport Name, Lowry AFB; Elev., 5420'; Fac. Class., SBMRAZ; Ident., DN; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 10 Oct. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1½	500-1½
				S-dn-18	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn West side of final approach crs, 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 180°—4.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, make a climbing left turn, proceed direct to APN "H" at 2000'.
CAUTION: No control area from August 20 to July 1. Pilots using this facility shall, as soon as practicable, advise Alpena Unicom of their position, altitude, ETA, and intentions and thereafter determine that adequate separation exists from other reported users of this facility. Maintain 1000' above previously reported traffic until advised that aircraft making approach has landed. Keep Unicom advised at all times of changes in altitude and position in order that other aircraft may also receive this information.
NOTES: (1) This procedure is effective from 1200 Z—2200 Z only. (2) Runway lights on N-S runway only. Prior coordination necessary for runway lights.

City, Alpena; State, Mich.; Airport Name, Phelps-Collins; Elev., 689'; Fac. Class., MH; Ident., APN; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-16	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn West side of crs, 341° Outbnd, 161° Inbnd, 1800' within 10 mi.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 161°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make a left climbing turn to 1800', returning to the LOM.

City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23'; Fac. Class., LOM; Ident., PII; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 1 July 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Erie VOR	ERI Rbn	061°—10.8	2000	T–dn	300–1	300–1	200–½
Harborcreek Int	ERI Rbn	Direct	2300	C–dn	500–1	500–1	500–1½
Hammett Int	ERI RBn	Direct	2300	S–dn–24	500–1	500–1	500–1
Wattsburg Int	ERI RBn	Direct	3100	A–dn	800–2	800–2	800–2
Corry Int	ERI RBn	Direct	3100				

Procedure turn North side of crs, 059° Outbnd, 239° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 239°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 mi after passing ERI RBn, make a right climbing turn to 3000′ and return to ERI RBn. Hold NE on 059° bearing of Erie RBn, one minute, right turns.
AIR CARRIER NOTE: Sliding scale for takeoff and reduction in takeoff minimums authorized only on Runway 6–24.

City, Erie; State, Pa.; Airport Name, Port Erie; Elev., 732′; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 24 June 61

Fort Myers VOR	FMY–RBn	Direct	1100	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–d–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side crs, 220° Outbnd, 040° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 040°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 1300′ on crs of 057° from FMY RBn within 20 miles.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BH; Ident., FMY; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 13 Jan. 56

TPA–LFR	PI RBn	Direct	1500	T–dn	300–1	300–1	200–½
PIE VOR	PI RBn	Direct	1300	C–dn	*400–1	*500–1	*500–1½
Radar terminal area transition altitude	Radar Site	Within 25 mi	#1500	S–dn–17	*400–1	*400–1	*400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, 800′; over Harbor FM, 600′.
Crs and distance, facility to airport, 169°—4.3 mi; Harbor FM to airport, 169°—2.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 mi, turn right, climbing to 1500′ on course of 270°, intercept and proceed out 220° brng from PI RBn within 20 miles.
*If Harbor FM not received on final, descent below 600′ NA.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 mi ESE and 1135′ MSL 23 mi ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg Clearwater International; Elev., 10′; Fac. Class., MH; Ident., PI; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 25 Mar. 61

SCK–VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Woodward Int	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
Tracy Int	LOM	Direct	2000	S–dn–29R	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 1500′ within 10 miles of LOM. NA beyond 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 291°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM, make left climbing turn and climb to 2000′ on 233° crs from the LOM within 15 miles or, when directed by ATC, make left climbing turn and climb to 2000′ on R–229 of the SCK–VOR within 15 mi.

City, Stockton; State, Calif.; Airport Name, Stockton County; Elev., 27′; Fac. Class., LOM; Ident., SC; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OOD–VOR	Swedesboro Int (Final)#	Direct	1000	T–dn	300–1	300–1	200–½
				C–dn*	600–1	600–1	600–1½
				S–dn–34*	600–1	600–1	600–1
				A–dn	1000–2	1000–2	1000–2

Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 001°—9.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.5 mi after passing OOD–VOR, make a right climbing turn to 1600′, returning to the OOD–VOR. Hold South, one minute, right pattern.
#Swedesboro Int: Int OOD–VOR R–001 and EWT–VOR R–083.
*Maintain 1000′ until passing Swedesboro Intersection. If Swedesboro Int not received, ceiling minimum of 1000′ is applicable for landing.

City, Bridgeport; State, N.J.; Airport Name, Bridgeport; Elev., 23′; Fac. Class., BVOR; Ident., OOD; Procedure No. 1, Amdt. 1; Eff. Date, 5 Aug. 61; Sup. Amdt. No. Orig.; Dated, 1 July 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	600–2
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi, make left climbing turn, climb to 3500′ on R–160 within 10 mi.

City, Crescent City; State, Calif.; Airport Name, Del Norte County; Elev., 56′; Fac. Class., BVOR; Ident., CEC; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 31 Aug. 54

Fort Myers RBn	FMY–VOR	Direct	1100	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–d–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 042°—3.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles, climb to 1300′ on R–057 within 20 miles.

City, Fort Myers; State, Fla.; Airport Name, Page Field; Elev., 17′; Fac. Class., BVOR; Ident., FMY; Procedure No. 1, Amdt. 8; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 7; Dated, 25 Jan. 58

				T–dn	300–1		
				C–dn	600–1		
				A–dn	NA		

Procedure turn South side of crs, 287° Outbnd, 107° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 107°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make a left climbing turn and return to the Franklin VOR at 1300′. Hold on R–107, right turns, within 10 miles.
NOTE: Instrument takeoff not authorized from Runway 22. Right turn after takeoff from Runway 14 not authorized.
CAUTION: 277′ smoke stacks 0.9 mile SW of airport. 322′ antenna 1.7 mi West of airport.

City, Franklin; State, Va.; Airport Name, Franklin Municipal; Elev., 37′; Fac. Class., BVOR–NSME; Ident., FKN; Procedure No. 1, Amdt. 2; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 1; Dated, 6 Aug. 60

Alden VOR	SKY–VOR	Direct	2000	T–d	300–1	300–1	NA
				C–d	600–1	600–1	NA
				S–d–36	600–1	600–1	NA
				A–dn	NA	NA	NA

Procedure turn East side of crs, 209° Outbnd, 029° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 029°—5.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles, make climbing right turn to 2000′, proceed direct to Sandusky VOR. Hold SW on R–209.

City, Sandusky; State, Ohio; Airport Name, Sky Tours, Inc.; Elev., 574′; Fac. Class., BVORTAC; Ident., SKY; Procedure No. 1, Amdt. Orig.; Eff. Date, 5 Aug. 61

Linden VOR	Stockton VOR	Direct	1500	T–dn	300–1	300–1	200–½
Orange Int	Stockton VOR	Direct	1500	C–dn	500–1	600–1	600–1½
Woodward Int	Stockton VOR	Direct	2000	S–dn–29	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn South side of crs, 123° Outbnd, 303° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 304°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, make a left climbing turn and climb to 2000′ on R–229 of the SCK–VOR within 15 miles or, when directed by ATC, make left climbing turn and climb to 2000′ on 233° crs from the SCK–LOM within 15 miles.

City, Stockton; State, Calif.; Airport Name, Stockton Municipal; Elev., 27′; Fac. Class., BVORTAC; Ident., SCK; Procedure No. 1, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 22 July 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Fayetteville VOR	Simmons VOR	Direct	1500	T-dn	300–1	300–1	300–1
Fayetteville MHW	Simmons VOR	Direct	1500	C-dn	400–1	500–1	500–1½
Pope VOR	Simmons VOR	Direct	1500	S-dn-27	400–1	400–1	400–1
Pope HW	Simmons VOR	Direct	1500	A-dn	800–2	800–2	800–2

Radar terminal transition altitude 2500′ within 15 miles of Simmons AAF. (Raleigh Approach Control.)
Procedure turn North side of crs, 089° Outbnd, 269° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to airport, 269°—0.6 mi (considered on airport).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left turn climbing to 2000′ and proceed direct to FAY MHW, or when directed by ATC, turn left, climb to 2000′ and proceed to FAY–VOR via R–348 of FAY–VOR.
NOTE: Prior arrangements for landing required for civil aircraft not on official business.

City, Fort Bragg; State, N.C.; Airport Name, Simmons AAF; Elev., 242′; Fac. Class., TerVOR; Ident., FBG; Procedure No. TerVOR-27, Amdt. Orig.; Eff. Date, 5 Aug. 61

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	300–1
Manakin RBn	RIC VOR	Direct	2000	C-dn*	500–1	500–1	500–1½
Hopewell VOR	RIC VOR	Direct	1500	S-dn-6*	400–1	400–1	400–1
Chester FM	RIC VOR	Direct	1500	A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 236° Outbnd, 056° Inbnd, 1500′ within 10 mi of RIC VOR.
Minimum altitude until over Stack Int# on final approach crs, 900′.
Crs and distance, breakoff point to approach end of runway, 063°—0.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIC VOR, climb to 1500′ on R-056 of RIC VOR within 10 miles or, when directed by ATC, make left climbing turn to 1500′ on the N crs of RC–LFR within 10 miles.
*If Stack Int not received, maintain 900′ over RIC–VOR (minimums of 700–1 will apply).
#Int R–236 RIC–VOR and NW crs RC–LFR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-6, Amdt. 3; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 2; Dated, 1 July 61

Flat Rock VOR	RIC VOR	Direct	2000	T-dn	300–1	300–1	300–1
Chester FM	RIC VOR	Direct	1500	C-dn	700–1	700–1	700–1½
Manakin RBn	RIC VOR	Direct	2000	S-dn-15	700–1	700–1	700–1
Biltmore Int*	RIC VOR (Final)	Direct	**900	A-dn	800–2	800–2	800–2

Procedure turn North side of crs, 347° Outbnd, 167° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2000′ on R–158 RIC–VOR within 10 miles.
*Biltmore Int: Int R–065 Flat Rock VOR and R–347 Richmond VOR.
**Do not descend below 1400′ until after passing Biltmore Int. inbnd.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 5; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 4; Dated, 19 Nov. 60

TPA–LFR	PIE–VOR	Direct	1500	T-dn	300–1	300–1	300–1
Radar Terminal Area Transition Altitudes.	Radar Site	Within 25 mi	#1500	C-dn	*400–1	*500–1	*500–1½
				S-dn-17	*400–1	*400–1	*400–1
				A-dn	800–2	800–2	800–1

Procedure turn W side of crs, 342° Outbnd, 162° Inbnd, 1300′ within 10 mi.
Minimum altitude over Harbor FM on final approach crs, 700′; over VOR, *400′.
Crs and distance, Harbor FM to breakoff point, 162°—1.8 mi.
Crs and distance, breakoff point to app end rny 17, 170°—0.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mi after passing PIE–VOR turn right, climb to 1500′ on R–270 within 20 mi or, when directed by ATC, turn right, climb to 1500′ on R–225 within 20 mi.
*If Harbor FM not received on final, descent below 700′ NA.
#Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of radio towers 861′ MSL 19.5 miles ESE and 1135′ MSL 23 miles ESE of airport.

City, St. Petersburg; State, Fla.; Airport Name, St. Petersburg-Clearwater International; Elev., 10′; Fac. Class., BVORTAC; Ident., PIE; Procedure No. TerVOR-17, Amdt. 4; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 3; Dated, 16 May 59

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedures, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Greenville LFR	LOM	Direct	2300	T-dn	200–1	200–1	200–½
Tigerville Int**	LOM	Direct	3200	C-dn	500–1	500–1	500–1½
Reese Int	LOM (Final)	Direct	2200	S-dn-36*	300–¾	300–¾	300–¾
				A-dn	600–2	600–2	600–2

Procedure turn W side S crs, 182° Outbnd, 002° Inbnd, 2200′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2200′.
Altitude of G.S. and distance to appr end of rny at OM 2188—3.6, at MM 1213—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4000′ on N crs GRL–LFR and hold south of **Tigerville Int, one-minute, right turns.
CAUTION: Maximum angle glide slope, heavily obstructed missed approach area.
*No approach lights. 400–¾ required when glide slope not utilized.
**Tigerville Int: Int AVL–VOR R–190 and SPA–VOR R–270.

City, Greenville; State, S.C.; Airport Name, Greenville Municipal; Elev., 1047′; Fac. Class., ILS; Ident., I-GRL; Procedure No. ILS-36, Amdt. 7; Eff. Date, 5 Aug. 61; Sup. Amdt. No. 6; Dated, 3 June 61

SP–LOM	Sherman Int*	Direct	2000	T-dn	300–1	300–1	200–½
SPI–LFR	Sherman Int*	Direct	2000	C-dn	400–1	500–1	500–1½
				S-dn	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side of crs, 038° Outbnd, 218° Inbnd, 1900′ within 10 miles of Sherman Int.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 218°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles of Sherman Int, climb to 2000′ and proceed to SP–LOM.
NOTE: ILS procedure not authorized unless aircraft equipped to receive ILS/VOR simultaneously.
*Sherman Int: Int back crs SPI–ILS and R–128 SPI–VOR.

City, Springfield; State, Ill.; Airport Name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-22, Amdt. Orig.; Eff. Date, 5 Aug. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on June 30, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6399; Filed, Aug. 2, 1961; 8:45 a.m.]

[Reg. Docket No. 813; Amdt. 77]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is adequate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.102 *Amber Federal airway 2* is amended to read:

From Snag, Y.T., Canada, LFR; to Northway, Alaska, LFR; MEA 6,400.
From Northway, Alaska, LFR; to Big Delta, Alaska, LFR, MEA 8,000.
From Big Delta, Alaska, LFR; to Chena INT, Alaska, MEA 5,000.
From Chena INT, Alaska, to Fairbanks, Alaska, LFR; MEA 2,400.
From Fairbanks, Alaska, LFR; to Beetles, Alaska, LFR; MEA 5,500.

Section 610.216 *Red Federal airway 16* is deleted:

Section 610.658 *Red Federal airway 58* is deleted:

Section 610.604 *Blue Federal airway 4* is deleted:

Section 610.1001 *Direct routes—U.S.* is amended by adding:

From Dulac INT, La.; to Tibby, La., VOR; MEA *2,400. *1,400—MOCA.
From Tibby, La., VOR; to Gary INT, La.; MEA 1,300.
From Forbing INT, La., to Barksdale, La., LF/RBN; MEA 1,800.
From Barksdale, La., LF/RBN; to Int. 094 M rad Shreveport VOR and 055 M brg from Barksdale LF/RBN; MEA 1,800.
From Bethel INT, Tenn., to Huntsville, Ala., VOR; MEA 2,400.

Section 610.1001 *Direct routes—U.S.* is amended to delete:

From Cardwell INT, Fla.; to W. Palm Beach, Fla., LFR; MEA 1,200.
From Key West, Fla., LFR; to Tampa, Fla., VOR (via Control 1228); MEA 1,300.
From Kissimee INT, Fla.; to Vero Beach, Fla., VOR; MEA 1,500.
From Bowling Green, Ky., LFR; to Nashville, Tenn., VOR; MEA 2,300.
From Sanger INT, Tex.; to Myra INT, Tex.; MEA *2,500. *2,000—MOCA.
From Tyler, Tex., LF/RBN; to Quitman, Tex., VOR; MEA 1,700.
From Quitman, Tex., VOR; to Int. 101 M Quitman VOR and 058 M rads, Gregg Co.; MEA *2,200. *1,700—MOCA.
From Oklahoma City, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,700.
From Myra INT, Tex.; to Butcher INT, Tex.; MEA 4,500.
From McAlester, Okla., VOR; to Quitman, Tex., VOR; MEA 3,500.
From Waco, Tex., LFR; to Trinity Fork INT, Tex.; MEA 1,800.

Section 610.1001 *Direct routes—U.S.* is amended to read in part:

From Egmont Key, Fla., LF/RBN, via Control 1226; to Grand Isle, La., LF/RBN; MEA 1,200.
From Key West, Fla., LFR via Control 1228; to Tampa, Fla., LFR; MEA 1,300.
From Key West, Fla., LFR via Control 1434; to Tamiami, Fla., LF/RBN; MEA 1,300.
From Lakeland, Fla. VOR; to Bailey INT, Fla.; MEA 1,500.
From Marathon, Fla., LF/RBN, via Control 1234; to Tamiami, Fla., LF/RBN; MEA 1,100.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Minneapolis, Minn., VOR via N alter.; to Hugo INT, Minn., via N alter.; MEA 2,500.

From Hugo INT, Minn., via N alter.; to Elmo INT, Minn., via N alter.; MEA *2,500. *2,300—MOCA.

From Elmo INT, Minn., via N alter.; to *River Falls INT, Wis., via N alter.; MEA 2,500. *2,600—MRA.

From Milwaukee, Wis., VOR via S alter.; to *Sunfish INT, Wis., via S alter.; MEA 2,700. *2,700—MRA.

Section 610.6002 *VOR Federal airway 2* is amended to delete:

From East Pembroke, N.Y., FM; to Buffalo, N.Y., VOR westbound only; MEA 1,900.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Biscayne Bay, Fla., VOR via E alter.; to Martin INT, Fla., via E alter.; MEA 1,400.

From Martin INT, Fla., via E alter.; to Blake INT, Fla., via E alter.; MEA 1,000.

From Blake INT, Fla., via E alter.; to Delray INT, Fla., via E alter.; MEA 1,200.

From Delray INT, Fla., via E alter.; to West Palm Beach, Fla., VOR via E alter.; MEA 1,400.

From West Palm Beach, Fla., VOR via E alter.; to Willy INT, Fla., via E alter.; MEA 1,600.

From Willy INT, Fla., via E alter.; to Stuart INT, Fla., via E alter.; MEA 1,700.

From Oak Hill INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,800.

From Daytona Beach, Fla., VOR; to *Bunnel INT, Fla.; MEA **1,800. *3,000—MRA. **1,400—MOCA.

From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,800. *1,400—MOCA.

From Daytona Beach, Fla., VOR via E alter.; to *Croaker INT, Fla., via E alter.; MEA **1,800. *3,500—MRA. **1,100—MOCA.

From Croaker INT, Fla., via E alter.; to Marion INT, Fla., via E alter.; MEA *1,800. *1,100—MOCA.

From Marion INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *1,800. *1,300—MOCA.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Louisville, Ky., VOR; to New Liberty INT, Ky.; MEA 2,400.

From New Liberty INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000.

From Tarboro INT, Fla., via E alter.; to Dixie INT, Fla., via E alter.; MEA *2,500. *1,400—MOCA.

From Wayside INT, Ga., via E alter.; to McDonough, Ga., VOR via E alter.; MEA 2,000.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Bunker INT, Fla.; to Corkscrew INT, Fla.; MEA 1,300. *1,500—MRA.

From Corkscrew INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Naperville, Ill., VOR via N alter.; to *Beacon INT, Ill., via N alter.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill., via N alter.; to Neptune INT, Mich., via N alter.; MEA, 2,000.

From Burlington, Iowa, VOR via N alter; to Bradford, Ill., VOR via N alter.; MEA 2,100.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Rago INT, Kans., via N alter; to Wichita, Kans., VOR via N alter.; MEA 3,400.

From Wichita, Kans., VOR via N alter.; to Whitewater INT, Kans., via N alter.; MEA 3,400.

From Whitewater INT, Kans., via N alter; to Emporia, Kans., VOR via N alter.; MEA 3,000.

From *Milton INT, Kans.; to Wichita, Kans., VOR; MEA 3,400. *3,000—MRA.

From Dayton, Ohio, VOR; to *Plain City INT, Ohio; MEA 2,500. *4,000—MRA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From *Whiteface INT, Tex., via S alter.; to Lubbock, Tex., VOR via S alter.; MEA 4,900. *7,500—MRA.

From Neosho, Mo., VOR via N alter.; to Miller INT, Mo., via N alter.; MEA *2,900. *2,400—MOCA.

Section 610.6015 *VOR Federal airway 15* is amended to read in part:

From Sioux Falls, S. Dak., VOR via W alter.; to Canova INT, S. Dak., via W alter.; MEA 3,000.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

From Selmer INT, Tenn., via S alter.; to Scotts Hill INT, Tenn., via S alter.; MEA *3,200. *2,000—MOCA.

From Scotts Hill INT, Tenn., via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.

From *White Pine INT, Tenn.; to **Ottway INT, Tenn.; MEA 4,000. *5,000—MRA. **7,000—MRA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From *Georgetown INT, Tex.; to Waco, Tex., VOR; MEA 2,000. *3,200—MRA.

Section 610.6019 *VOR Federal airway 19* is amended to read in part:

From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,800. *9,500—MRA.

Section 610.6020 *VOR Federal airway 20* is amended to read in part:

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,500.

From *Woodsboro INT, via N alter.; to Palacios, Tex., VOR via N alter.; MEA 1,500. *1,800—MRA.

Section 610.6022 *VOR Federal airway 22* is amended to read in part:

From *Reno INT, Ga., via N alter.; to Quitman INT, Ga., via N alter.; MEA **4,500. *4,500—MRA. **1,300—MOCA.

From Quitman INT, Ga., via N alter.; to Greenville INT, Ga., via N alter.; MEA *4,000. *1,200—MOCA.

Section 610.6023 *VOR Federal airway 23* is amended to read in part:

From Lake Hughes, Calif., VOR; to Whitman INT, Calif., MEA 9,000.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Albacore INT, Calif.; to Hermosa INT, Calif.; MEA 3,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Elk INT, S. Dak.; to *Keystone INT, S.C.; MEA 9,200. *8,600—MCA Keystone INT, westbound.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From Miami, Fla., VOR; to *Chester INT, Fla.; MEA 1,100. *2,800—MRA.

From Chester INT, Fla.; to *Pine INT, Fla.; MEA 1,100. *2,500—MRA.

From Pine INT, Fla.; to *Copeland INT, Fla.; MEA **1,200. *2,500—MRA. **1,100—MOCA.

From Copeland INT, Fla.; to Hickory INT Fla.; MEA *2,500. *1,100—MOCA.

From Hickory INT, Fla.; to Ft. Myers, Fla.; VOR; MEA 1,400.

From *Richey INT, Fla.; to Eddy INT, Fla.; MEA **1,800. *2,000—MRA. **1,000—MOCA.

From Eddy INT, Fla.; to Cedar INT, Fla.; MEA *1,800. *1,100—MOCA.

From Cedar INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.

From *Hartsfield INT, Ga., via E alter.; to **Sale INT, Ga., via E alter.; MEA 1,600. *2,000—MRA. **1,800—MRA.

From Sale INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,600.

Section 610.6047 *VOR Federal airway 47* is amended to read in part:

From Nabb, Ind., VOR; to Cincinnati, Ohio, VOR; MEA 2,200.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Oak Hill INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,800. *1,400—MOCA.

From Daytona Beach, Fla., VOR; to *Bushnell INT, Fla.; MEA **1,800. *3,000—MRA. **1,400—MOCA.

From Bushnell INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,800. *1,400—MOCA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Ottumwa, Iowa, VOR; to Luray INT, Mo.; MEA 2,100.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From Bonneville INT, Miss., via S alter.; to *Maud INT, Ala., via S alter.; MEA **2,700. *4,000—MRA. **1,800—MOCA.

From Rossville INT, Tenn.; to Iuka INT, Ala.; MEA *4,000. *2,000—MOCA.

From Iuka INT, Ala.; to Muscle Shoals, Ala., VOR; MEA *3,000. *2,000—MOCA.

Section 610.6062 *VOR Federal airway 62* is amended to read in part:

From Cornville INT, Ariz.; to Rim Rock INT, Ariz.; MEA *12,000. *10,000—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *El Centro, Calif., VOR; to Yuma, Ariz., VOR; MEA 3,000. *4,000—MCA El Centro VOR, westbound.

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

Section 610.6067 *VOR Federal airway 67* is amended to read in part:

From Austin INT, Minn., via W alter.; to Rochester, Minn., VOR via W alter.; MEA 2,700.

Section 610.6069 *VOR Federal airway 69* is amended to read in part:

From Biscoe INT, Ark.; to Hillemann INT, Ark.; MEA *3,000. *1,500—MOCA.

Section 610.6070 *VOR Federal airway 70* is amended to read in part:

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,500.

Section 610.6081 *VOR Federal airway 81* is amended to read in part:

From *Hale INT, Tex.; to **Plainview INT, Tex.; MEA 4,500. *8,000—MRA. **9,500—MRA.

From Lubbock, Tex., VOR via E alter.; to Amarillo, Tex., VOR via E alter.; MEA *5,500. *4,700—MOCA.

Section 610.6088 *VOR Federal airway 88* is amended to read in part:

From *Waco INT, Mo.; to **Miller INT, Mo.; MEA ***2,900. *2,900—MRA. *6,500—MCA Waco INT, southwestbound. **3,000—MRA. ***2,400—MOCA.

Section 610.6094 *VOR Federal airway 94* is amended to read in part:

From Canton INT, Tex.; to Mt. Sylvan INT, Tex.; MEA *3,000. *1,800—MOCA.

Section 610.6102 *VOR Federal airway 102* is amended to read in part:

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA 10,500. *7,500—MRA.

Section 610.6114 *VOR Federal airway 114* is amended to read in part:

From Dallas, Tex., VOR via S alter.; to Mt. Sylvan INT, Tex., via S alter.; MEA *3,000. *1,800—MOCA.

Section 610.6116 *VOR Federal airway 116* is amended to read in part:

From Naperville, Ill., VOR; to *Beacon INT, Ill.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

Section 610.6120 *VOR Federal airway 120* is amended to read in part:

From Stephan INT, S. Dak.; to Canova INT, S. Dak.; MEA *5,800. *3,000—MOCA.

From Canova INT, S. Dak.; to Sioux Falls, S. Dak., VOR; MEA 3,000.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From *Waco INT, Mo., via S alter.; to **Miller INT, Mo., via S alter.; MEA ***2,900 *2,900—MRA. **3,000—MRA. ***2,400—MOCA.

Section 610.6152 *VOR Federal airway 152* is amended to read in part:

From *Lake Helen INT, Fla.; to Daytona Beach, Fla., VOR; MEA **1,800. *2,500—MRA. **1,400—MOCA.

From Woodruff INT, Fla., via N alter.; to Daytona Beach, Fla., VOR via N alter.; MEA *1,800. *1,400—MOCA.

From Oak Hills INT, Fla., via S alter.; to Daytona Beach, Fla., VOR via S alter.; MEA *1,800. *1,400—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Gainesville, Fla., VOR; to Taylor, Fla., VOR; MEA 1,700.

Section 610.6176 *VOR Federal airway 176* is amended to read in part:

From Bonneville INT, Miss., via N alter.; to *Maud INT, Ala., via N alter.; MEA **2,700. *4,000—MRA. **1,800—MOCA.

Section 610.6185 *VOR Federal airway 185* is amended to read in part:

From Weaverville INT, N.C., via E alter.; to *Ottway INT, Tenn., via E alter.; MEA 7,000. *7,000—MRA.

Section 610.6190 *VOR Federal airway 190* is amended to read in part:

From *Waco INT, Mo.; to **Miller INT, Mo.; MEA ***2,900. *2,900—MRA. **3,000—MRA. ***2,400—MOCA.

Section 610.6198 *VOR Federal airway 198* is amended to read in part:

From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,800. *9,500—MRA.

Section 610.6210 *VOR Federal airway 210* is amended to read in part:

From Alamosa, Colo., VOR via S alter.; to *Walsenburg INT, Colo., via S alter., Walsenburg INT, westbound; MEA 14,000. *13,400—MCA.

From Walsenburg INT, Colo., via S alter.; to *Pueblo, Colo., VOR via S alter.; northeastbound, MEA 8,400; southwestbound, MEA 13,000. *10,000—MCA Pueblo VOR, southwestbound.

Section 610.6216 *VOR Federal airway 216* is amended to read in part:

From Peck, Mich., VOR; to U.S. Canadian Border; MEA 2,100.

Section 610.6218 *VOR Federal airway 218* is amended to read in part:

From Naperville, Ill., VOR; to *Beacon INT, Ill.; MEA 2,500. *2,500—MCA Beacon INT, southwestbound.

From Beacon INT, Ill.; to Keeler, Mich., VOR; MEA 2,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Peoria, Ill., VOR; to *Dunlap INT, Ill.; MEA 2,100. *2,500—MRA.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Lake Helen INT, Fla., via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA **1,800. *2,500—MRA. **1,400—MOCA.

From *Roy INT, Fla.; to Blue Jacket INT, Fla.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

From *Roy INT, Fla., via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA **2,000. *3,000—MRA. **1,200—MOCA.

Section 610.6270 *VOR Federal airway 270* is amended to read in part:

From DeLancey, N.Y., VOR; to *Catskill INT, N.Y.; MEA 6,000. *4,400—MCA Catskill INT, westbound.

From Catskill INT, N.Y.; to Chester, Pa., VOR; MEA 4,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Caprock INT, N. Mex.; to Dora INT, N. Mex.; MEA 10,500. *7,500—MRA.

Section 610.6289 *VOR Federal airway 289* is amended to read in part:

From Dierks INT, Tex.; to *Greenwood INT, Ark.; MEA 3,800. *4,500—MRA.

Section 610.6436 *VOR Federal airway 436* is amended to read in part:

From Beluga INT, Alaska; to Peters Creek INT, Alaska; MEA 3,000.

Section 610.6437 *VOR Federal airway 437* is amended to delete:

From Savannah, Ga., VOR; to Charleston, S.C., VOR; MEA 5,000.

Section 610.6438 *VOR Federal airway 438* is amended to read in part:

From Willow INT, Alaska; to *Talkeetna, Alaska, LF/RBN; MEA 3,500. *6,400—MCA Talkeetna LF/RBN, northbound.

Section 610.6440 *VOR Federal airway 440* is amended to read in part:

From *Anchorage, Alaska, VOR; to **Alexander INT, Alaska; MEA 1,500. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.

Section 610.6462 *VOR Federal airway 462* is amended to read in part:

From Houghton, Mich., VOR; to Off Shore INT, Mich.; MEA *3,000. *2,500—MOCA.

From Off Shore INT, Mich.; to Whitefish, Mich., VOR; MEA 2,500.

Section 610.6470 *VOR Federal airway 470* is amended to read in part:

From Marquette, Mich., VOR; to Williams INT, Mich.; MEA 4,300.

From Williams INT, Mich.; to Off Shore INT, Mich.; MEA *3,000. *2,500—MOCA.

From Off Shore INT, Mich.; to Whitefish, Mich., VOR; MEA 2,500.

Section 610.6485 *VOR Federal airway 485* is amended to read in part:

From Priest, Calif., VOR; to *Rancho INT, Calif.; MEA **8,500. *8,500—MCA Rancho INT, southeastbound. **7,000—MOCA.

From Rancho INT, Calif.; to Mt. Hamilton INT, Calif.; MEA 7,000.

Section 610.6497 *VOR Federal airway 497* is added to read:

From John Day, Oreg. VOR; to The Dalles, Oreg., VOR; MEA 7,000.

Section 610.6500 *VOR Federal airway 500* is added to read:

From Portland, Oreg., VOR; to Newberg, Oreg., VOR; MEA 4,000.

From Newberg, Oreg., VOR; to Gladstone INT, Oreg.; MEA *5,000. *3,500—MOCA.

From *Gladstone INT, Oreg.; to **Gateway INT, Oreg.; MEA ***11,000. *5,500—MCA Gladstone INT, eastbound. **11,000—MRA. ***8,000—MOCA.

From Gateway INT, Oreg.; to John Day, Oreg., VOR; MEA *11,000. *8,000—MOCA.

From John Day, Oreg., VOR; to Boise, Idaho, VOR; MEA 11,000.

From *Boise, Idaho, VOR; to Corral INT, Idaho, eastbound; MEA **14,000. *8,000—MCA Boise VOR. **10,000—MOCA.

From Corral INT, Idaho; to Bear Trap INT, Idaho; MEA *14,000. *9,000—MOCA.

From Bear Trap INT, Idaho; to *Pocatello, Idaho, VOR; MEA 8,000. *9,300—MCA Pocatello VOR, eastbound.

From Pocatello, Idaho, VOR; to *Big Piney, Wyo., VOR; MEA **15,000. *12,500—MCA Big Piney VOR, westbound. **13,500—MOCA.

From Big Piney, Wyo., VOR; to South Pass INT, Wyo.; MEA 11,000.

From South Pass INT, Wyo.; to Cherokee, Wyo., VOR; MEA *10,000. *9,000—MOCA.

From Cherokee, Wyo., VOR; to Snowy Range INT, Wyo.; MEA 14,000.

From Snowy Range INT, Wyo.; to *Laramie, Wyo., VOR, westbound, MEA 14,000; eastbound, MEA 11,000. *12,500—MCA Laramie VOR, westbound. *10,000—MCA Laramie VOR, southeastbound.

From Laramie, Wyo., VOR; to Loveland INT, Colo.; MEA 11,500.

From Loveland INT, Colo.; to *Longmont INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *13,000—MRA.

From Longmont INT, Colo.; to *Dacona INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *8,000—MCA Dacona INT, northwestbound.

From Dacona INT, Colo.; to Denver, Colo., VOR; MEA 7,500.

Section 610.6504 *VOR Federal airway 504* is added to read:

From Nenana, Alaska, VOR; to Fairbanks, Alaska, VOR; MEA 3,900.

Section 610.6837 *VOR Federal airway 837* is amended to read in part:

From Mastic INT, N.Y.; to Beach INT, N.Y.; MEA *11,000. *1,500—MOCA.

From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From Fort Myers, Fla., VOR; to Hickory INT, Fla.; MEA 1,400.
From Hickory INT, Fla.; to *Copeland INT, Fla.; MEA **2,500. *2,500—MOCA. **1,100—MOCA.
From Copeland INT, Fla.; to *Pine INT, Fla.; MEA **1,200. *2,500—MRA. **1,100—MOCA.
From Pine INT, Fla.; to *Chester INT, Fla.; MEA 1,100. *2,800—MRA.
From Chester INT, Fla.; to Miami, Fla., VOR; MEA 1,100.

Section 610.6846 *VOR Federal airway 846* is amended by adding:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000.

Section 610.6854 *VOR Federal airway 854* is amended to read in part:

From Bay Point INT, Calif.; to College INT, Calif.; MEA 5,000.
From College INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

Section 610.6854 *VOR Federal airway 854* is amended by adding:

From Malta INT, Ill.; to Polo, Ill., VOR; MEA 2,000.

Section 610.6859 *VOR Federal airway 859* is added to read:

From Joliet, Ill., VOR; to Roberts, Ill., VOR; MEA 2,100.
From Roberts, Ill., VOR; to Decatur, Ill., VOR; MEA 2,700.
From Decatur, Ill., VOR; to Palmer INT, Ill.; MEA 2,300.
From Palmer INT, Ill.; to Gillespie INT, Ill.; MEA *4,000. *2,000—MOCA.
From Gillespie INT, Ill.; to St. Louis, Mo., VOR; MEA 2,000.
From St. Louis, Mo., VOR; to Vichy, Mo., VOR; MEA 2,200.
From Vichy, Mo., VOR; to Conway INT, Mo.; MEA 2,600.
From Conway INT, Mo.; to Springfield, Mo., VOR; MEA 2,500.
From Springfield, Mo., VOR; to Neosho, Mo., VOR; MEA 2,500.
From Neosho, Mo., VOR; to Pryor INT, Okla.; MEA 2,500.
From Pryor INT, Okla.; to Okmulgee, Okla., VOR; MEA 2,700.
From Okmulgee, Okla., VOR; to Pharoah INT, Okla., MEA *2,500. *2,100—MOCA.
From Pharoah INT, Okla.; to Ardmore, Okla., VOR; MEA *5,000. *2,700—MOCA.
From Ardmore, Okla., VOR; to *Gainesville INT, Tex.; MEA 2,200. *2,500—MRA.
From Gainesville INT, Tex.; to Dallas, Tex., VOR; MEA *2,500. *2,100—MOCA.

Section 610.6880 *VOR Federal airway 880* is added to read:

From Joliet, Ill., VOR; to Bradford, Ill., VOR; MEA 2,100.
From Bradford, Ill., VOR; to Burlington, Iowa, VOR; MEA 2,100.
From Burlington, Iowa, VOR; to Kirksville, Mo., VOR; MEA 2,100.
From Kirksville, Mo., VOR; to *Chillicothe INT, Mo.; MEA **3,400. *4,000—MRA. **2,400—MOCA.
From Chillicothe INT, Mo.; to Lawson INT, Mo.; MEA *3,400. *2,400—MOCA.
From Lawson INT, Mo.; to Kansas City, Mo., VOR; MEA 2,400.

Section 610.6885 *VOR Federal airway 885* is amended to read in part:

From Mastic INT, N.Y.; to Beach INT, N.Y.; MEA *11,000. *1,500—MOCA.
From Beach INT, N.Y.; to Hampton, N.Y., VOR; MEA 5,000.

Section 610.1502 *VOR Federal airway 1502* is amended to read in part:

From Mullan Pass, Idaho, VOR; to *Alfa INT, Mont.; MEA 14,500; MAA 24,000.
From Alfa INT, Mont.; to Great Falls, Mont., VOR; MEA 14,500; MAA 24,000. *17,000—MRA.

Section 610.1504 *VOR Federal airway 1504* is amended to read in part:

From Sheridan, Wyo., VOR; to *Fox Trot INT, Wyo.; MEA 14,500; MAA 24,000. *19,000—MRA.
From Fox Trot INT, Wyo.; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Wells, Nev., VOR; to *Bravo INT, Utah; MEA 19,000; MAA 24,000. *19,000—MRA.
From Bravo INT, Utah; to Ogden, Utah, VOR; MEA 19,000; MAA 24,000.
From Rock Springs, Wyo., VOR; to *Delta INT, Wyo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Delta INT, Wyo.; to Laramie, Wyo., VOR; MEA 17,000; MAA 24,000.

Section 610.1512 *VOR Federal airway 1512* is amended to read in part:

From Kremmling, Colo., VOR; to *Hotel INT, Colo.; MEA 16,500; MAA 24,000. *16,500—MRA.
From Hotel INT, Colo.; to Akron, Colo., VOR; MEA 16,500; MAA 24,000.

Section 610.1528 *VOR Federal airway 1528* is amended to read in part:

From Dove Creek, Colo., VOR; to *Golf INT, Colo.; MEA 20,500; MAA 24,000. *20,500—MRA.
From Golf INT, Colo.; to Alamosa, Colo., VOR; MEA 20,500; MAA 24,000.
From Alamosa, Colo., VOR; to *India INT, Colo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to *Juliet INT, Colo.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Juliet INT, N. Mex.; to Clayton, N. Mex., VOR; MEA 17,000; MAA 24,000.

Section 610.1529 *VOR Federal airway 1529* is amended to read in part:

From Denver, Colo., VOR; to *Hotel INT, Colo.; MEA 14,500; MAA 24,000. *16,500—MRA.
From Hotel INT, Colo.; to Laramie, Wyo., VOR; MEA 14,500; MAA 24,000.

Section 610.1530 *VOR Federal airway 1530* is amended to read in part:

From Farmington, N. Mex., VOR; to *Kilo INT, N. Mex.; MEA 20,000; MAA 24,000. *20,000—MRA.
From Kilo INT, N. Mex.; to Cimarron, N. Mex., VOR; MEA 20,000; MAA 24,000.

Section 610.1538 *VOR Federal airway 1538* is amended to delete:

From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 14,500; MAA 24,000.
From Allentown, Pa., VOR; to Solberg, N.J., VOR; MEA 14,500; MAA 24,000.
From Solberg, N.J., VOR; to INT Solberg, N.J., VOR 086 T rad and Robbinsville, N.J., VOR 040 T rad; MEA 14,500; MAA 24,000.

Section 610.1542 *VOR Federal airway 1542* is amended to read in part:

From Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 14,500; MAA 24,000.
From Cochise, Ariz., VOR; to Columbus, N. Mex., VOR; MEA 14,500; MAA 24,000.

Section 610.1543 *VOR Federal airway 1543* is amended to read in part:

From Santa Fe, N. Mex., VOR; to *Kilo INT, N. Mex.; MEA 15,500; MAA 24,000.
From Kilo INT, N. Mex.; to Alamosa, N. Mex., VOR; MEA 15,500; MAA 24,000.

Section 610.1547 *VOR Federal airway 1547* is amended to read in part:

From Myton, Utah, VOR; to *Delta INT, Wyo.; MEA 14,500; MAA 24,000. *17,000—MRA.
From Delta INT, Wyo.; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR to *Fox Trot INT, Wyo.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Fox Trot INT, Wyo.; to *Echo INT, S. Dak.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Echo INT, S. Dak.; to Dickinson, N. Dak., VOR; MEA 19,000; MAA 24,000.

Section 610.1553 *VOR Federal airway 1553* is amended to read in part:

From Missoula, Mont., VOR; to *Alfa INT, Mont.; MEA 17,000; MAA 24,000. *17,000—MRA.
From Alfa INT, Mont.; to Cut Bank, Mont., VOR; MEA 17,000; MAA 24,000.

Section 610.1621 *VOR Federal airway 1621* is amended to read in part:

From Bonneville, Utah, VOR; to *Bravo INT, Utah; MEA 14,500; MAA 24,000. *19,000—MRA.
From Bravo INT, Utah; to Burley, Idaho, VOR; MEA 14,500; MAA 24,000.

Section 610.1625 *VOR Federal airway 1625* is amended to read in part:

From Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 14,500; MAA 24,000.
From Cochise, Ariz., VOR; to San Simon, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1627 *VOR Federal airway 1627* is amended to read in part:

From Myton, Utah, VOR; to *Delta INT, Wyo.; MEA 14,500; MAA 24,000. *17,000—MRA.
From Delta INT, Wyo.; to Cherokee, Wyo., VOR; MEA 14,500; MAA 24,000.
From Casper, Wyo., VOR to *Fox Trot INT, Wyo.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Fox Trot INT, Wyo.; to *Echo INT, S. Dak.; MEA 19,000; MAA 24,000. *19,000—MRA.
From Echo INT, S. Dak.; to Dickinson, N. Dak., VOR; MEA 19,000; MAA 24,000.

Section 610.1629 *VOR Federal airway 1629* is amended to read in part:

From Rock Springs, Wyo., VOR; to *Charley INT, Wyo.; MEA 14,500; MAA 24,000. *16,000—MRA.
From Charley INT, Wyo.; to Boysen Reservoir, Wyo., VOR; MEA 14,500; MAA 24,000.

Section 610.1635 *VOR Federal airway 1635* is amended to read in part:

From Cimarron, N. Mex., VOR; to *India INT, Colo.; MEA 14,500; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to Pueblo, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1645 *VOR Federal airway 1645* is amended to read in part:

From Las Vegas, N. Mex., VOR; to *Juliet INT, N. Mex.; MEA 14,500; MAA 24,000. *17,000—MRA.
From Juliet INT, N. Mex.; to Tobe, Colo., VOR; MEA 14,500; MAA 24,000.

Section 610.1662 *VOR Federal airway 1662* is amended to read in part:

From Big Piney, Wyo., VOR; to *Charley INT, Wyo.; MEA 16,000; MAA 24,000. *16,000—MRA.
From Charley INT, Wyo.; to Casper, Wyo., VOR; MEA 16,000; MAA 24,000.

Section 610.1671 *VOR Federal airway 1671* is amended to read in part:

From Pittsburgh, Pa., VOR; to *Lima INT, Pa.; MEA 14,500; MAA 24,000. *18,000—MRA.
From Lima INT, Pa.; to Akron, Ohio, VOR; MEA 14,500; MAA 24,000.

Section 610.1706 *VOR Federal airway 1706* is amended to read in part:

From Miles City, Mont., VOR; to *Echo INT, S. Dak.; MEA 14,500; MAA 24,000. *19,000—MRA.
From Echo INT, S. Dak.; to Dupree, S. Dak., VOR; MEA 14,500; MAA 24,000.

Section 610.1725 *VOR Federal airway 1725* is amended to read in part:

From Tiverton, Ohio, VOR; to *Lima INT, Pa.; MEA 14,500; MAA 24,000. *18,000—MRA.
From Lima INT, Pa.; to Clarion, Pa., VOR; MEA 14,500; MAA 24,000.

Section 610.1730 *VOR Federal airway 1730* is amended to read in part:

From Taos, N. Mex., VOR; to *India INT, Colo.; MEA 16,700; MAA 24,000. *17,000—MRA.
From India INT, Colo.; to Tobe, Colo., VOR; MEA 16,700; MAA 24,000.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c)).

These rules shall become effective August 24, 1961.

Issued in Washington, D.C., on July 24, 1961.

A. L. COULTER,
Acting Director,
Bureau of Flight Standards.

[F.R. Doc. 61-7124; Filed, Aug. 2, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8288 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Acme Sparkler & Specialty Co. et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* 13.1325-70 *Place:* 13.1325-70(g) *Imported product or parts as domestic.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin:* 13.1900-35 Foreign product as domestic.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Acme Sparkler & Specialty Company et al., River Grove, Ill., Docket 8288, June 14, 1961.]

In the Matter of Acme Sparkler & Specialty Company, a Corporation, and Harry Callen and Lawrence Callen, Individually and as Officers of Said Corporation; Also Doing Business as Acme Specialties Corporation

Consent order requiring a River Grove, Ill., distributor of fireworks to cease representing falsely that foreign-made products were domestic, through such practices as packaging a Japanese import known as "Black Python Snake" in cartons either printed with the words "Made in U.S.A." or not adequately marked to inform purchasers of the foreign origin.

The order to cease and desist is as follows:

It is ordered, That respondents Acme Sparkler & Specialty Company, a corporation, trading and doing business under its own name or under the name of Acme Specialties Corporation, or under any other name, and its officers, and Harry Callen and Lawrence Callen, individually and as officers of said Acme Sparkler & Specialty Company, and respondents' representatives, agents and employees, directly or through any corporate or other devices, in connection with the offering for sale, sale or distribution of fireworks, or of any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, in advertising or in labeling that products manufactured in Japan or in any other foreign country are manufactured in the United States.

2. Offering for sale or selling products which are, in whole or in substantial part, of foreign origin, without clearly and conspicuously disclosing on such products and, if the products are enclosed in a package or carton, on said package or carton, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

3. Furnishing or otherwise placing in the hands of retailers or dealers in said products the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7304; Filed, Aug. 2, 1961; 8:46 a.m.]

[Docket 7954 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

American Contact Lens Laboratories, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Contact Lens Laboratories, Inc. (Detroit, Mich.) et al., Docket 7954, June 14, 1961.]

In the Matter of American Contact Lens Laboratories, Inc., a Corporation, and Eli Shapiro, Earl W. Bartlett, Philip Nolish, and Arthur Shapiro, Individually and as Officers of Said Corporation

Consent order requiring sellers of contact lenses in Detroit, Mich., to cease representing falsely in advertising in newspapers, by television, and otherwise, that their contact lenses could be worn all day without discomfort by anyone needing visual correction, that they would correct all defects of vision, and that eyeglasses could be discarded upon their purchase.

The order to cease and desist is as follows:

It is ordered, That respondents American Contact Lens Laboratories, Inc., a corporation, and its officers, and Earl W. Bartlett, individually and as an officer of said corporation, and Philip Nolish, individually, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that:

(a) All persons in need of visual correction can successfully wear respondents' contact lenses.

(b) Their contact lenses will correct all defects in vision.

(c) Their contact lenses will correct defects in vision in all cases which require bifocal lenses.

(d) There is no discomfort in wearing said lenses.

(e) All persons can wear said lenses all day without discomfort; or that any person can wear said lenses all day without discomfort except after that person has become fully adjusted thereto.

(f) Eyeglasses can always be discarded upon the purchase of respondents' lenses.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph 1 above.

It is further ordered, That respondents Eli Shapiro and Arthur Shapiro, individually, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of contact lenses, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission

Act, which advertisement represents, directly or by implication, that their contact lenses will correct defects in vision in all cases which require bifocal lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains the representation prohibited in Paragraph 1 above.

It is further ordered, That the complaint, except as to Paragraph Four 2, as it relates to respondents Eli Shapiro and Arthur Shapiro, individually and as officers of the corporate respondent and as to Paragraph Four 2, as officers of the corporate respondents, be and the same hereby is, dismissed and that the complaint insofar as it relates to respondent Philip Nolish as an officer of the corporate respondent, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7305; Filed, Aug. 2, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55439]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Package Specification as a Part of Invoice

In order that specifications as to contents of each package will be contained in the customs invoice or furnished as an official part of such invoice, § 8.13(a), Customs Regulations, is amended to read as follows:

(a) Every special customs invoice of merchandise to be imported into the United States shall set forth the information required by section 481(a), Tariff Act of 1930 [19] and shall state in adequate detail what merchandise is contained in each individual package. Such information shall be included in or attached to the special customs invoice.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624.)

These requirements shall become effective as to articles imported on and after a date 60 days from the publication of this Treasury Decision in the FEDERAL REGISTER.

Notice of the proposed issuance of requirements for a detailed description of importations was published in the FEDERAL REGISTER on June 9, 1961 (26 F.R. 5184). No objections thereto were received, but in order to affirmatively state that submission of the required information in the form of packing lists or other attachments to the special customs invoice was satisfactory, the final sentence in the above stated amendment has been added to the text published on June 9, 1961.

[SEAL] PHILIP NICHOLS JR., *Commissioner of Customs.*

Approved: July 27, 1961.

A. GILMORE FLUES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 61-7324; Filed, Aug. 2, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Caloosahatchee River, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.462 is hereby prescribed to govern the operation of the Florida State Road Department bridge across Caloosahatchee River at Fort Myers, Florida, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.462 Caloosahatchee River, Fla.; Florida State Road Department bridge (Edison Bridge) at Fort Myers.

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, the owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 4:30 p.m., and 5:30 p.m., daily except on Sundays and the following legal holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(b) The regulations in this section shall not apply to vessels owned or operated by the United States. All such vessels shall be passed without delay through the draw of the bridge at any time on giving the usual signal.

(c) The draw of the bridge shall be opened at any time for the passage of a tow or of a vessel in an emergency involving danger of life or property. Such an emergency shall be indicated by four blasts of a whistle, horn, or megaphone.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that they can easily be read at any time, signs setting forth the salient features of the regulations in this section.

[Regs., 17 July 1961, 285/91 (Caloosahatchee River, Fla.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

R. V. LEE, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 61-7296; Filed, Aug. 2, 1961; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Foss Dam and Reservoir, Washita River, Oklahoma

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following regulations are hereby prescribed to govern the use of the flood control storage above elevation 1652.0 in Foss Reservoir on the Washita River, and the operation of the Foss Dam for flood control purposes, effective upon publication in the FEDERAL REGISTER.

§ 208.28 Foss Dam and Reservoir, Washita River, Oklahoma.

The Bureau of Reclamation shall operate the Foss Dam and Reservoir in the interest of flood control as follows:

(a) Whenever the reservoir level is between elevation 1652.0, top of conservation pool, and elevation 1668.6, top of flood control pool, the flood control discharge facilities shall be operated under the direction of the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, so as to reduce as much as practicable the flood damage below the reservoir. All flood control releases shall be made in amounts which, when combined with local inflow below the dam, will not produce flows in excess of bankfull on the Washita River downstream of the reservoir. In order to accomplish this purpose, flows shall not exceed an 18.0 foot stage (3,000 c.f.s.) on the USGS gage on the Washita River near Clinton, Oklahoma, river mile 447.4, or an 18.0 foot stage (6,000 c.f.s.) on the USGS gage on the Washita River near Carnegie, Oklahoma, river mile 353.9.

(b) When the reservoir level exceeds elevation 1668.6, top of flood control pool, releases shall be made at the maximum rate possible through the river outlet works and uncontrolled spillway and continued until the pool elevation recedes to elevation 1668.6 when releases shall be made to equal inflow or the maximum release permissible under paragraph (a) of this section, whichever is greater.

(c) The representative of the Bureau of Reclamation in immediate charge of operation of the Foss Dam shall furnish daily to the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, on forms provided by the District Engineer for this purpose, a report, showing the elevation of the reservoir level; number of river outlet works gates in operation with their respective openings and releases; canal outlet works, municipal outlet works and uncontrolled spillway releases; storage; tailwater elevation; reservoir inflow; available evaporation data; and precipitation in inches. Normally, one reading at 8:00 a.m. shall be shown for each day. Readings of all items except evaporation shall be shown for at least three observations a day when the reservoir level is above elevation 1652.0. Whenever the reservoir level rises to elevation 1652.0 and releases for flood regulation are necessary or appear imminent, the Bureau representative shall report at once to the District Engineer by telephone or telegraph and, unless otherwise instructed, shall report once daily thereafter in that manner until the reservoir level recedes to elevation 1652.0. These latter reports shall reach the District Engineer by 9:00 a.m., each day.

(d) The regulations of this section insofar as they govern use of the flood control storage capacity above elevation 1652.0 are subject to temporary modification in time of flood by the District Engineer if found desirable on the basis of conditions at the time. Such desired modifications shall be communicated to the representative of the Bureau of Reclamation in immediate charge of operations of the Foss Dam by any available means of communication and shall be confirmed in writing under date of the same day to the Regional Director in charge of the locality, with a copy to the representative in charge of the Foss Dam.

(e) Flood control operation shall not restrict releases necessary for municipal-industrial and irrigation uses.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with emergency requirements for protecting the dam and reservoir from major damage or inconsistent with safe routing of the inflow design flood.

(g) All elevations stated in this section are at Foss Dam and are referred to the datum in use at that location.

[Regs., 6 July 1961, ENGCW-EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

R. V. LEE, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 61-7295; Filed, Aug. 2, 1961; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Appellant's Brief

The following amendment is made, to take effect on publication in the FEDERAL REGISTER. Notice and public procedure, and deferment of the time of taking effect, are deemed unnecessary in view of the nature of the amendment, which is procedural only.

The purpose of this change is to expedite the handling of requests for extensions of time for filing appeal briefs by providing that short extensions may be handled by the Board of Appeals, instead of by the Commissioner. Any extension to a date more than sixty days from the original expiration date must still be sought from the Commissioner, by request brought prior to the expiration of the time sought to be extended. Failure to file either the brief or an appropriate request for extension within the allotted time results in the appeal standing dismissed (37 CFR 1.192(b)) with the consequent abandonment of the application if no claim stands allowed (37 CFR 1.197(c)).

Paragraph (a) is amended by adding the following sentences at the end thereof:

§ 1.192 Appellant's brief.

(a) * * * The Board of Appeals may, for sufficient cause shown, extend the time for filing the brief to a date not later than sixty days after the original expiration date. Any longer or further extension must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

(Sec. 1, 66 Stat. 793; 35 U.S.C. Interprets or applies sec. 1, 66 Stat. 801; 35 U.S.C. 134)

Dated: July 28, 1961.

DAVID L. LADD, *Commissioner of Patents.*

Approved:

HICKMAN PRICE, JR. *Assistant Secretary of Commerce for Domestic Affairs.*

[F.R. Doc. 61-7326; Filed, Aug. 2, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR PART 1026]

[Docket No. AO–332]

CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Decision With Respect To Proposed Marketing Agreement and Order; and Referendum Order

Pursuant to the applicable provisions of Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fresno, California, May 22–24, 27, and 29–31, 1961, pursuant to notice thereof which was published in the FEDERAL REGISTER (26 F.R. 3644) on a proposed marketing agreement and order regulating the handling of Central California grapes for crushing.

On the basis of evidence adduced at the aforesaid hearing and the record thereof, a recommended decision in this proceeding was filed on July 3, 1961, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published July 7, 1961, in the FEDERAL REGISTER (F.R. Doc. 61–6383; 26 F.R. 6085). The time for filing exceptions was thereafter extended (F.R. Doc. 61–6726; 26 F.R. 6367) from July 17, 1961 to receipt in the office of the Hearing Clerk no later than 5 p.m., e.d.t., July 21, 1961.

Material issues, findings and conclusions. The material issues, findings and conclusions, rulings and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–6383; 26 F.R. 6085) are, as hereinafter modified, hereby approved and adopted as the material issues, findings and conclusions, rulings and general findings of this decision as if set forth in full herein.

Modification. The term "producer" is defined in the recommended decision to mean any person engaged within the area, in a proprietary capacity, in the production and sale, whether directly or indirectly, of grapes for crushing. It might be asserted that the phrase "in the production and sale" is to be interpreted as excluding from definition coverage any person who produces grapes for crushing when he "handles" such grapes of his own production. This interpretation may be conceivable because such a grower-handler might not be considered as engaged in the "sale" of such grapes to himself as a handler, even though in the latter capacity he receives and uses the grapes he produces. This meaning and undesirable result as to who is a producer are not intended. The record evidence discloses the existence in the industry of a number of such grower-handlers and that all such persons should be included within the definition of the term "producer". Moreover, there is no basis in the evidence of record to exclude such a grower-handler from the scope of the term "producer" merely because such person handles grapes for crushing of his own production and there may be no "sale" of such grapes to the handler. Therefore, it is concluded that such persons should be covered by the definition of the term "producer". To assure such coverage, the discussion in the recommended decision (appearing at 26 F.R. 6087–6088) relating to the definition of "producer" is modified accordingly; and definition of the term "producer" in § 1026.6 of the recommended marketing agreement and order is modified.

To assure committee action on marketing policy for the initial crop year, § 1026.47 should be modified as set forth in the annexed order to authorize such action later than August 15 of such year.

One other modification appears in the rulings on exceptions.

Rulings. On June 29, 1961, subsequent to the time fixed for the filing of proposed findings and conclusions and written arguments or briefs with respect to this proceeding, the National Association of Wine Bottlers, Inc., filed with the Hearing Clerk certain motions requesting that this proceeding be terminated, that a new hearing be called, that the record herein be reopened for submission of additional evidence, and for other relief. On July 18, 1961, United Vintners, Inc. and Allied Grape Growers, by telegram, requested that any referendum to be held in this proceeding be postponed. Substantially similar motions, requests, and supporting reasons were contained in briefs filed and considered in this proceeding. The aforesaid motions and requests are denied in view of the considerations set forth in the recommended decision of July 3, 1961, and this decision and for the further reason that an opportunity to vote on the effectuation of this program should be extended to all producers.

Within the time prescribed therefor, exceptions to the recommended decision were filed by: (1) George Kaufman; (2) California Grape Products Corporation; (3) United Vinters, Inc. and Allied Grape Growers; (4) Eugene Neuharth; (5) James A. Lauchland, Jr.; (6) Alice Lauchland; (7) James R. Lauchland and Carol Ann Lauchland; (8) Dan Bava; (9) Acampo Winery and Distilleries, Bear Creek Vineyard Association, Cherokee Vineyard Association, Del Rio Winery, East Side Winery, Guild Wine Company, Lockeford Winery, Lodi Grape Products Company, Lodi Winery, Woodbridge Vineyard Association, and Lodi District Grape Growers Association; (10) Fred J. Sangeunetti; (11) Winery Grape Stabilization Program Committee; (12) California Wine Association; (13) National Association of Wine Bottlers, Inc.; and (14) Kasser Distillers Products Corp.

Each of these exceptions has been considered carefully and fully in conjunction with the record evidence and the recommended decision pertaining thereto in arriving at the findings and conclusions set forth in this decision. To the extent that any such exception is not specifically ruled upon and is at variance with the findings, conclusions, and actions decided upon in this decision, such exception is denied.

Exceptions and the rulings thereon are as follows:

Exception was taken to the failure of the recommended marketing agreement and order (also referred to hereinafter collectively as the "order") to state that producers may substitute, for setaside, low priced grapes for high priced varieties in the same manner as the handlers. If permitted, this would give the producer more equality with the handler and encourage the growing of wine varieties. In regard to this exception, it should be noted that the order is also silent on handlers substituting grapes, although it authorizes the substitution of products. Being silent on substitution of grapes, and since this would not violate the purposes of the program, it must be concluded that such substitution is permitted both on the part of the producer and the handler. However, since this involves an area of producer and handler relations, their sales contracts and buying arrangements, it is appropriate that this remain outside the scope of the order as now constructed.

An exception proposed that the powers of the committee include the right to bargain with processors or handlers as is permitted by section 6 of the Clayton Act. Since this proposal is outside the scope of the notice of hearing in this proceeding, it must be denied.

Exception was taken to the definition of "producer" and the manner of recognizing that the actual sale of grapes for crushing could occur indirectly through a middleman. It is proposed the definition be limited to direct deliveries but include middlemen for the purposes of §§ 1026.55, 1026.57, and 1026.62. However, to so limit the definition, would result in a portion of the "grapes for crushing" not having any producer. In other words, a portion of the grapes, whether fresh or dried, received and used by handlers would be without referable producers and the total tonnage of such grapes could not, due to a definition, be voted in a referendum. Since such a limitation would interfere with the rights of some producers, this exception is denied.

Exception was also taken to the definition of "normal outlets" as it appears in § 1026.62(b) and it was suggested that if any handler has established a market for any of the specified products in a geographic area, that area shall be regarded as a normal outlet. The exceptor's discussion does not indicate that he has considered the possible desirability of himself using surplus, at surplus prices, to more easily or more quickly expand in a geographical area. Moreover, there will be opportunity to set forth the limitations of this provision in administrative rules and regulations prior to the sale of any surplus. In view of these considerations, the exception is not adopted as part of the order.

Producer exceptors requested the Lodi area (San Joaquin county) or wine varieties of grapes be excluded on the basis that such grapes are not in surplus, the wine grape producing acreage is declining, Thompson seedless grapes are causing the surplus, some producers of wine varieties should not be under the program while producers in outside counties are not, producers of table and raisin varieties will be able to satisfy their setaside with culls but the wine variety producer will not have culls, and the order is unworkable because it would favor production and product sales expansion in outside counties, attract imports and give no assurance of more money to producers within the nine counties. These arguments also appear in the hearing record and were considered in the recommended decision. Exclusion of the county is not feasible because such would remove from regulation in excess of 20 percent of the tonnage of grapes in the nine-county area and almost half of the 20 percent is table varieties. Moreover, the so-called wine varieties include grapes in high demand as well as grapes which fill no special need. Two possibilities under the program would tend to correct the problems of the wine variety producers: (1) As indicated in the first exception, arrangements may be made to substitute lower priced grapes for the setaside on wine varieties in high demand, and (2) the administrative committee would need, in each season, to determine which varieties may be appropriately exempt from volume regulation without jeopardizing the objectives of the program. Proponents of the program proposed the exemption provision at the hearing and hence it would appear there is general recognition of the problems posed by these exceptors and a desire to make necessary exemptions in the course of administering the program. In view of these considerations, the requests for exclusion are denied. The points on the order being unworkable are considered hereinafter.

Handler exceptors of the Lodi area also indicated that wine variety grapes should receive special consideration and excepted to a statement in the recommended decision comparing prices of wine varieties in San Joaquin County with prices of raisin varieties crushed. Since the comparison is of data in the hearing record, it is of San Joaquin County wine varieties against raisin varieties crushed in all counties. Also, both price series are understood to be largely reflective of cash prices paid and are substantiated by comparing levels of weekly prices reported by the Federal-State Market News Service. Hence it is concluded that there is no material difference of view with the exceptors as to the meaning of the statement and that it accurately states the relationship of the price series in question.

These same handlers excepted to the definitions of "producer" and "grapes for crushing" in that neither limited producers to those with some material proportion of their production being utilized in the crushing outlet and they construed the words "whether directly or indirectly" in § 1026.6 to permit participation whether or not producers delivered grapes in previous years. The matter of requiring producers to deliver some material proportion of their grapes for crushing, to qualify as producers, was not resolved at the hearing. Since it involves questions on the appropriateness of applying, as an example, a 50 percent requirement to a producer of two tons and likewise a producer of 1,000 tons, hence qualifying one producer on the basis of one ton but requiring the other to so deliver 500 tons, the proposal requires substantially more exploration than is supplied by stating the generalization. As to the other issue, the recommended decision is clear as to the intent to provide for all forms of delivery. The phrase excepted to is not concerned with the question of "when." In view of these considerations, the exceptions are denied.

Exceptions were taken in the nature of proposals to require the committee to be elected annually to make it more responsive to the will of the board, and to permit the board to veto the budget and rate of expenses of the committee. The first proposal is not in accordance with the preponderance of evidence in the record and the second proposal would materially alter the duties of the board from those proposed and discussed at the hearing and hence is beyond the scope of the current proceeding. Consequently, both are denied.

Exception was taken to inclusion of § 1026.36 permitting research and development projects on the basis that such is already conducted by a board established under a State of California marketing order. However, inclusion of the section in the Federal order was stated in the recommended decision to be for the purpose of improving the committee's ability to make marketing determinations and to dispose of setaside. Neither of such functions are covered by the California board and hence the exception is denied.

Exception was taken to the need for each winery to set aside its share of the surplus as it may not have crushed any of "the surplus" and may have customers for its entire crush. However, the act requires that the burden of eliminating or controlling a surplus be equalized among the handlers of the commodity. Moreover, the order contains provisions so that handlers may obtain their setaside requirements from others and thus free their entire production for sale. The evidence is to the effect that independent handlers, as well as cooperatives, will be faced with the same problem. Independent handlers buying grapes for cash do not necessarily buy in excess of their sales and inventory requirements. The reduction of the salable portions of each winery is basic to economic action to stabilize or improve market prices. Hence this exception is denied.

The cooperative handlers also excepted to the right of producers to transfer equities in setaside to a third party and to the right to set aside products from grapes other than those grapes upon which the producer's pool interest is based. These provisions in combination are foreseen as providing an unfair business advantage to a commercial winery to the detriment of the cooperative wineries who will be unable to provide setaside products other than those derived from producer deliveries. Analysis of this problem, however, indicates that it arises not from the operational practices of cooperative versus independent but rather from the lesser flexibility of wineries crushing few varieties and producing few products versus those crushing many varieties and producing many products. The large, multiple grape variety, multiple product cooperatives will be able to set aside products which are surplus to them and not alter significantly their method of making pool returns to producers. Both the small, few grape variety, few product, independent and cooperative handlers may need to rely more heavily on the provisions as to obtaining setaside elsewhere and on the exemption of high demand varieties from the setaside requirement. The latter may materially relieve the exceptor handlers from the problems envisioned. Moreover, to the extent that a basic problem in flexibility of such handlers arises from the low prices of products, and the program improves the price level, there can simultaneously be expected an improvement in the capability of the handlers to meet the obligations of the program. The foreseen problems appear to be correctable under operation of the program. Therefore; the exception is denied.

A further exception is addressed to the need for relief from a mandatory sugar test due to not having the necessary platform (for sampling), testing equipment or trained employees to do the testing. This need for relief is based on the outcome of the referendum on issuance of the order not being known before the end of August and the wineries starting crushing by the first week in September. In this matter, sugar determinations would be made by inspectors of a designated State-wide organization who would have the simpler equipment. The results of the referendum, in the absence of abnormal delays, may be known some days earlier than the exceptors anticipated. Also, the program would be inoperable in the absence of sugar determinations. In view of these considerations it is concluded that no modification of the order for this exception is advisable and the exception is denied.

Exception was taken to § 1026.54 in that the unqualified use of the word "liens" failed to recognize that a lien is imposed, in certain instances, under Federal tax provisions preceding withdrawal

for use or shipment. Since the presence of any such lien does not create a significant problem in committee control and disposition of the product, such a lien should be permitted. Accordingly, the exception is granted and the first sentence of § 1026.54 modified by inserting after "liens," the words "other than those resulting from Federal gallonage tax provisions,".

Exception was taken to § 1026.62(b) on the basis that this paragraph (b) may not necessarily limit sales into normal outlets to handlers and to the price set forth. However, the second and concluding sentences thereof definitely restrict such sales to handlers and the third sentence fixes a single price per proof gallon equivalent. Hence it is concluded that the addition of the sentence proposed by the exceptors would merely be repetitious and the exception is denied:

Exception was also taken to the reduction of the price in § 1026.62(b) from the $1.70 contained in the notice of hearing to the $1.50 per proof gallon equivalent in the recommended decision. The basis for excepting was that there should be a good return to the grower for setaside coming into normal channels. However, the evidence in the record indicates substantial difference of opinion on this price and it is concluded that the reasoning of the recommended decision should prevail and the exception is denied.

Exception was taken to the distribution of proceeds in § 1026.62(d) in that all dispositions should "be deemed to have been on a first-in, first-out basis, with each crop year being considered a separate pool". It was stated that any other order of liquidation would be grossly unfair. An effort to foresee the probable disposition problems indicates, however, that initially substantial flexibility may be required until the pattern of both handler setaside and disposition outlets becomes reasonably clear. It is agreed that the setaside of each crop year should be a separate pool as it would be unnecessarily burdensome administratively, under varying annual surplus percentages, to combine setasides and fairly maintain the interests of equity holders. It does not follow, however, in view of the separate pools being composed of three different products, that no disposition of a later pool shall occur until all the products of an earlier pool have been disposed of: In lieu of attempting to resolve the complexity of this matter within the order, it is concluded that an appropriate policy should be adopted in administrative rules and regulations and hence the exception is denied.

A handler exceptor held that the recommended decision did not touch upon the basic issues of: (1) A very large price increase causing a forfeiture of markets to competitive beverages or producers, (2) safeguards and escape provisions (presumably against continuation of regulations adverse or unduly burdensome to the industry), (3) protection of the channels of distribution, and (4) protecting the interest of the small vintner. However, in response to this exceptor, it should be noted that a program to effectuate the declared policy of the act cannot be unmindful of the issues he raises. At the same time, a marketing order, which is essentially enabling administrative law, does not, generally, attempt to resolve these issues by being replete with all the permissive and prohibited actions thereunder. Normally, such will be resolved by administrative rules and regulations to be recommended by the committee and by rulings of the Secretary, or his authorized representatives, on the basis of the enabling act and Departmental policies and procedures. The function of this program must be not to forfeit markets but to gain markets, not to adversely affect producers and handlers but to promote their economic well-being, and, lastly, not to determine the processing-distribution structure but rather to set up some "rules of the game" wherein each may find his own niche. In lieu, therefore, of attempting to comply with the wishes of the exceptor, it is concluded that the program should have a normal development and growth of documentation and decisions based on the needs and conditions arising under the order.

The exceptor also stated that: (1) The sole right to vote upon and administer the program is denied (the vintner and) the grower delivering a major portion of his grapes to the winery, and (2) the price of wine grapes and inventories is undermined by permitting unlimited quantities of raisin sweepings to come into the winery. As elsewhere stated in the recommended decision and this decision, it would be inappropriate to declare many producers of grapes for crushing ineligible and thereby fix the sole right for the producer so delivering grapes. However, if producers in general desire to be represented only by producers sending a major portion of their tonnage to the winery, such is possible within the nominating procedures of the order. In the second instance, the order, as the enabling law, states the restriction and, if made effective, will need to be implemented by an administrative regulation which will establish a formula determining the weight of raisin residue from processing which handlers may receive. Thus the approximate objective of the exceptor, of fixing the weight, will be realized. In view of this, the exceptions are denied.

Exceptions were taken to the reasons for not releasing setaside whenever a vintner would pay an established price, to the basis of producer representation on the board, to the basis for permitting equities to be determined without regard to the field price, to the reasoning on term of office and why a proposed maximum assessment rate was not adopted, and to the mention of good sanitation for the raisin packer as a factor in permitting established practices to continue. Although the exceptor may not have found the reasoning persuasive on issues for which he favored a different findings, the reasons provide the considerations underlying the order provisions and hence the exceptions are denied. In one instance, that of the optional use of the field price as a factor in determining producer equity in the setaside, a fuller explanation would be that the evidence of the hearing as a whole indicates that there would probably be some submission of low priced grapes by producers for setaside or that handlers would make the substitution for the producer. If this were widespread, crediting each producer on the basis of the variety first delivered could be generally inconsistent with the facts surrounding his setaside. Hence, in lieu of providing a rigid method, which subsequent determinations may prove to be unworkable, the provision is made flexible. The record also contains evidence that in some seasons, the prices paid for the several varieties were substantially the same and this raises the possibility of no need to recognize price differentials as to grapes harvested for direct winery delivery. Moreover, the high priced wine grapes may be exempt from setaside, thereby resolving the problem of their price differential. It must be concluded that it is advisable to leave this matter to future action in lieu of fixing the method in the order.

The handler exceptor further contended that the recommended decision had no finding on five modifications proposed in his brief filed after the hearing. These modifications were for the purpose of: (1) Causing the burden to be different on various categories of handlers, (2) restricting the use of an agricultural commodity, sugar, not subject to the act, (3) permitting brandy producers to obtain their supplies from the setaside at $1.15 per proof gallon of finished brandy, (4) terminating or suspending the order when the effect is to restrict sales or accelerate the current rate of disappearance of California vintners or wine bottlers, and (5) providing for unfair trade practices. The first two modifications, in the form presented, are subject to legal question and the latter three are without adequate support in the record. However, all are proposals not the subject of due notice to persons likely to be affected and, as stated in the recommended decision, are not necessarily precluded from being appropriate subjects for notice in any future hearing. Accordingly, the exception is denied.

The National Association of Wine Bottlers, Inc. excepted to the preliminary statement of the recommended decision, to the findings and conclusions on each material issue, to rulings on proposed findings and conclusions, to the right of the Acting Director, Fruit and Vegetable Division, to rule on motions contained in briefs, to each general finding, to all parts and definitions (except §§ 1026.1, 1026.2, and 1026.3) of the recommended decision, and to the denial of an oral request for a further extension of time (after one had been granted) for filing briefs.

The exception to the preliminary statement was that members of the drafting committee proposing the program were solely vintners who do not qualify as producers or handlers, hence are not qualified under the act and the Secretary did not have sufficient reason to initiate the proceeding which is therefore illegal. However, the act does not treat of who may propose a marketing order. This is covered by § 900.3 of the

General Regulations of the Department (7 CFR Part 900) which states that it may be proposed by the Secretary or by any other person. Accordingly, it is concluded that the proceeding is legal and the exception is denied.

The nine exceptions to findings on material issue (1), are largely a repetition of proposals already considered and denied in the recommended decision. In other words, the conclusion has been correctly reached that the order would restrict the commodity grapes available for free use by handlers; that there is a "surplus" of grapes in this outlet consistent with the economic meaning of this word; that orderly marketing (as it exists under the raisin marketing order) does not exist in the crushing outlet; that the issue of being in interstate commerce does not require that it be grapes as received from producers; that wineries and distillers are handlers of grapes for crushing within the meaning of the act; that wine is a product of grapes (there appears to be no argument that seed, stems, juice are products and wine is basically the juice with its sugar permitted to become alcohol); that application of the controls is on the grapes; that provisions should be included which permit the development of outlets for surplus; and that the surplus should be permitted to be treated as a reserve, should a short crop year occur. Accordingly, the exceptions to material issue (1) are denied.

The seven exceptions to findings on material issue (2) are of the same nature as those to (1) and again conclusions have been correctly reached that returns to producers, at first delivery point, in the crushing outlet are below those of other outlets; the cost determination of $41 per ton of Thompson Seedless grapes is a reasonable approach as it is based on an eight ton yield per acre, the average yield in the State is approximately eight tons per acre and in excess of 550,000 tons of such grapes are delivered fresh to wineries annually; the disparity between prices within the area and outside (due to differing usages and demand) are adequately appreciated and a basis for excluding the outside counties; there is factual evidence supporting the downward trend of returns in the crushing outlet relative to other outlets; the analysis of the exceptor as to parity expresses similar views to those underlying the decision; a reasonable restriction of grapes for crushing could improve earnings of producers over the long run; and finally, the proceeding is not concerned with production control but rather with the marketing of whatever supply is produced. Accordingly, the exceptions on material issue (2) are denied.

The exceptions to findings on material issue (3), the program provisions, are in the form of further assertions as to lack of authority, do not tend to effectuate, will benefit solely vintners, conclusions have been improperly drawn or show a disregard for economic factors and that the authority sought is outside the case law on the subject. In a subsequent exception, it is questioned whether careful consideration was given to the briefs and it is asserted that recommendations by parties other than proponents were completely ignored. Most of these issues are considered in the recommended decision and elsewhere in this decision and there is no doubt that the Department is operating within existing authority, consistent with the act and with the due regard normal to marketing order promulgation. It has been ascertained that the Department officials responsible for drafting the recommended decision did read and consider each and every brief filed subsequent to the hearing. Also several recommendations by persons other than proponents were adopted or recognized in the provision changes over those appearing in the notice of hearing: The handler and producer representation on the board, the composition of the committee, and several details of operating provisions are altered from those contained in basic testimony of proponents. Between the time of issuance of a notice of hearing and the actual hearing, of course, the proponents adopted several changes in response to issues raised by other industry members. In view of these findings, the exceptions are denied.

Exception is taken to the further rulings as to the effect of burn damage on the potential grape for crushing surplus, on the need for a surplus in each season, on the alleged prejudgment of the issues by Department officials, on the right of Assistant Secretary James T. Ralph to sign the notice of hearing on April 25, 1961, and on the authority of G. R. Grange, as Acting Director of the Fruit and Vegetable Division, to rule on a motion reserved for the Secretary. The actions complained of were all proper and undertaken by duly authorized officials. The rulings, by appearing in the recommended decision, were tentative and are herein adopted. Hence, the exceptions are denied.

The July 1, 1961, estimate of the Federal-State Crop Reporting Service, which estimated a 1961 total California grape crop of about 2,850,000 tons of grapes including about 500,000 tons of wine grapes, was cited in support of exceptions filed in opposition to issuance of the proposed order. On July 28, 1961, motions were filed by exceptors, asserting that the August 1 estimate will be substantially reduced and requesting that final decision herein be delayed until the August 1 estimate becomes available. However, the July 1 estimate of 2,850,000 tons represents an above average crop. The August 1, 1961, estimate will not be available until at least August 10, 1961. To defer this final decision until that time, or later, would not be in the public interest. Such timing would for all practical purposes defeat or impair regulation for this crop year if there is a need for regulation. As more fully stated in the recommended decision, damage to the 1961 crop could result in greater use for crushing and, in any event, such information could and would be considered, if the order becomes effective, in formulating a marketing policy for the crop year. The motions and exceptions accordingly are denied.

Exception was taken to each of the general findings on such grounds as not effectuating, not regulating grapes but wine, not smallest area, and commodity not being in interstate commerce. Exception was taken to the order itself as being ineffectually drawn and inoperable to effectuate the declared policy of the act. However, the conclusions to which exceptions are taken are properly stated in the recommended decision and such conclusions have been amplified herein. Consequently these exceptions are denied.

The final exception was to the denial of an oral request for an extension of the time for filing briefs beyond the limits of the already extended time. In this regard, the hearing officer, at the conclusion of the hearing on May 31, 1961, fixed the time for filing briefs, proposing findings and conclusions, as June 19, 1961. Upon request of the National Association of Wine Bottlers, Inc., for a 14-day extension of such time and, in recognition of the counter consideration of an undue time extension precluding the possibility of making a program effective in time to apply to the oncoming crop, the time for filing briefs was extended to and including June 23, 1961. On that day a request of the same Association for a further extension of time was orally made and denied. In effect, the reasonableness, in view of all the considerations, of any extension of time had already been ruled upon. Moreover, an oportunity to submit exceptions was to follow the issuance of the recommended decision. This recommended decision was published in the FEDERAL REGISTER on July 7 and, an exception filing period established through July 17, subsequently extended on request of certain vintners to receipt not later than 5:00 p.m., e.d.t., July 21, 1961. In view of these considerations and the presence and participation of the Association representatives throughout the public hearing from May 22 through May 31, in Fresno, California, including the placement in the record, on the final day of such hearing, of many of the arguments subsequently placed in briefs, it is concluded that reasonable opportunity has been afforded the exceptor to present his views and therefore the exception is denied.

Exceptions by an individual bottler exceptor are similarly addressed to all material issues of the recommended decision and are based on reasoning comparable to that of the Association and one handler exceptor. These exceptions have already been considered herein and are similarly, as applicable, recognized or denied.

After the time for receiving exceptions expired some communications were received in the office of the Hearing Clerk covering substantially the same subject matter as considered and ruled upon in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Central California Grapes for Crushing" and "Order Regulating the Handling of Central California

Grapes for Crushing" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period July 1, 1960, through June 30, 1961 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged, within the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, or Kern in the State of California in the production for market of grapes for crushing as defined in the order annexed to this decision and referendum order, to determine whether such producers approve or favor the issuance of the annexed order. Producers eligible to participate in the referendum are those who were engaged, in a proprietary capacity, within said counties, in the production and use or sale, whether directly or indirectly, of said grapes for crushing.

W. Allmendinger, Dower T. Mohun, David B. Fitz, and Joseph C. Genske, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176), except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer shall submit, with the ballot, evidence of his authority to cast such ballot, which evidence in the case of a corporation or a cooperative association shall be in the form of a certified copy of a resolution of the Board of Directors: *Provided*, That corporations, other than cooperative associations, casting a ballot in such referendum, need not furnish the aforesaid resolution if the person signing said ballot on behalf of the corporation executes the following certification: "I hereby certify that I am an officer or employee of the corporate producer for whom this ballot is cast, and that I have authority to take such action on its behalf."

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this decision and referendum order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Any producer entitled to vote in the referendum who does not receive a copy of the annexed order, voting instructions, or a ballot or other necessary forms may obtain same from any of the County Directors of Agricultural Extension in the indicated nine counties of the production area, or from W. Allmendinger, Berkeley Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 416, Mercantile Building, 2082 Center Street, Berkeley 4, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3525 East Tulare Street, Fresno 2, California.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 31, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Regulating the Handling of Central California Grapes for Crushing

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AUTHORITY: §§ 1026.0 to 1026.85, inclusive, issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1026.0 Findings and determinations.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at Fresno, California, May 22–24, 27, and 29–31, 1961, on a proposed marketing agreement and order regulating the handling of Central California grapes for crushing. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of grapes for crushing produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of grapes for crushing produced in the area and of the products thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof the handling of Central California grapes for crushing shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

§ 1026.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

§ 1026.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1026.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1026.4 Area.

"Area" means the nine central California Valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

§ 1026.5 Grapes for crushing.

"Grapes for crushing" means any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate.

§ 1026.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and use or sale, whether directly or indirectly, of grapes for crushing.

§ 1026.7 Handle.

"Handle" means to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing or to store, treat, sell, transport or ship into channels of trade, except as a common or contract carrier, the products of such grapes.

§ 1026.8 Handler.

"Handler" means any person within the State of California who handles and includes, but is not limited to, any vintner, distiller or processor.

§ 1026.9 Wine.

"Wine" means the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent of alcohol by volume but not in excess of 24 percent, shall be known as "dessert wine."

§ 1026.10 High proof.

"High proof" means wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy.

§ 1026.11 Concentrate.

"Concentrate" means unfermented grape juice from which the major portion of the original water content has been removed.

§ 1026.12 Brandy.

"Brandy" means wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof.

§ 1026.13 Setaside equivalent.

"Setaside equivalent" means the alcohol equivalent, in proof gallons, of the sugar content of grapes for crushing received by handlers and required to be set aside pursuant to a volume regulation.

§ 1026.14 Proof gallon.

"Proof gallon" means a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof.

§ 1026.15 Crop year.

"Crop year" means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 1026.16 Cooperative association.

"Cooperative association" means a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof.

§ 1026.17 Part and subpart.

"Part" means the order regulating the handling of Central California grapes for crushing and all rules, regulations and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE CRUSH ADVISORY BOARD

§ 1026.20 Establishment and membership.

A Grape Crush Advisory Board (herein referred to as board) is hereby established consisting of 78 members of whom 48 shall represent producers and 30 shall represent handlers. The producer members shall be selected in accordance with the following numbers and districts: (a) Seven members for District No. 1: all of Sacramento County and that portion of San Joaquin County north of State Highway number 4; (b) two members for District No. 2: that portion of San Joaquin County south of State Highway number 4; (c) four members for District No. 3: Stanislaus County; (d) three members for District No. 4: Merced County; (e) three members for District No. 5: Madera County; (f) sixteen members for District No. 6: Fresno County; (g) two members for District No. 7: Kings County; (h) five members for District No. 8: Tulare County; and (i) six members for District No. 9: Kern County. For the initial board, the handler members shall be selected on the basis of one member for each handler of the twenty-two largest tonnages crushed in the 1960–61 crop year and eight to represent the remaining tonnage crushed. The representation of the eight members shall be apportioned so that four members represent approximately one-half of the remaining tonnages and those handlers crushing the larger tonnages whereas the other four shall represent the balance but handlers of the lesser tonnages. Subsequent handler members shall be selected to represent tonnages crushed in the crop year of nomination. For each member there shall be an alternate member.

§ 1026.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members on the board, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any tonnage category. In making any such changes, consideration shall be given to such factors as changes in the total number of producers or handlers, the volumes crushed, similarity in interests, or geographical shifts in the numbers of producers, handlers, grape acreages, or the crushing of grapes.

§ 1026.22 Eligibility.

Each producer member of the board, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected or in an adjoining district and, except for producer members of cooperative associations, shall not be engaged in the handling of grapes for crushing either in a proprietary capacity or as a director, officer, or employee. Each handler member of the board, and his alternate, shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and shall throughout his term of office so continue to be a handler. However, if a producer fails to deliver grapes for crushing or a handler crushes outside his tonnage category, in any crop year, he may fulfill his term of office in the position for which originally selected.

§ 1026.23 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on April 30, the initial term ending on April 30, 1964, but each such

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

member and alternate shall serve until his successor is selected and has qualified.

§ 1026.24 Nomination.

Producers and handlers specified in § 1026.20, or as such may be changed pursuant to § 1026.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or tonnage category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve on the board shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the board to the Secretary no later than April 5 immediately preceding the commencement of the term of office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee and the board.

§ 1026.25 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of such nominations to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy and the consideration of such other operational matters as it deems proper or as the committee may request.

GRAPE CRUSH ADMINISTRATIVE COMMITTEE

§ 1026.29 Establishment and membership.

A Grape Crush Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 31 members of whom 18 shall represent producers, 12 shall represent handlers, and the 31st member shall be the chairman of the board and also the chairman of the committee. The producer representation shall be two members from each of the nine districts. The handler representation shall be one member for each of the handlers of the six largest tonnages crushed, four members for handlers of all other tonnages of the twenty-two largest tonnages, and one member from each of the remaining board categories of handler representation. For each member there shall be an alternate member.

§ 1026.30 Changes in representation.

The Secretary, on recommendation of the committee, may change the number of members on the committee or the numbers to represent producers, handlers, districts or tonnage categories. In making any such changes consideration shall be given to the same factors as are set forth in § 1026.21.

§ 1026.31 Eligibility.

No person shall be selected or continue to serve as a producer or handler member or alternate member of the committee unless he is serving as a member or alternate member of the board representing the same district or tonnage category or is awaiting the selection and qualification of his successor.

§ 1026.32 Term of office.

Members and alternate members of the committee shall serve for terms of three years ending on May 31, the initial term ending on May 31, 1964, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1026.33 Nomination.

The producer and handler members of the board respectively, including alternate members acting as members, shall nominate from among the producer members and producer alternate members of the board, the required number of persons to serve as producer members and alternate members of the committee and from the handler members and handler alternate members of the board, the required number of persons to serve as handler members and alternates on the committee. All such nominations shall be made by producers and handlers acting for their respective districts or tonnage categories. Nominations for the committee shall be certified by the board to the Secretary within 30 days following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary shall consider nominations made by nominees for board membership.

§ 1026.34 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1026.35 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes for crushing and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and grapes for crushing and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 1026.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes for crushing or the products of such grapes. The expense of such projects shall be paid from funds collected pursuant to § 1026.72, but the expense of any projects involving setaside items may be allocated if appropriate, in whole or in part, to funds obtained from setaside disposition.

BOARD AND COMMITTEE

§ 1026.39 Selection.

The Secretary shall select producer and handler members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other eligible producers and handlers.

§ 1026.40 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 1026.41 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 1026.42 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1026.43 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 1026.44 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 1026.45 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than 25 producer members and 16 handler members. A quorum for the committee shall consist of not less than 12 producer members and eight handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 1026.21 or § 1026.30. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

MARKETING POLICY

§ 1026.47 Marketing policy.

Prior to August 15 of each crop year, or in the initial crop year as soon as practicable, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) With respect to wine, high proof, concentrate, brandy and such other grape products as the committee may determine: The reported June 30 carryover, the anticipated trade demand for the crop year, the desirable carryout, the resultant total handler need to produce such products, and the conversion of the total product need to grape tonnage of a specified sugar content (degrees Brix or Balling equivalent);

(b) The estimated production of grapes and the desirability of exempting any variety pursuant to § 1026.58(b); and

(c) The recommendation to the Secretary as to the tonnage of grapes for crushing, of a specified sugar content, which handlers may freely acquire and use for the crop year (hereinafter to be referred to as the "desirable free tonnage").

§ 1026.48 Establishment.

If on the basis of the committee recommendation or other information, the Secretary concurs on the likely need for volume regulation, he shall establish the desirable free tonnage at specified sugar content which handlers may freely acquire and use in the crop year.

RECEIVING REGULATION

§ 1026.50 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided*, That sweepings or other residual material from raisin processing may be received from any packer of raisins, directly or indirectly, and used to the extent of the approximate raisin weight of the industry-wide normal residual material from processing standard raisins. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 89, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The terms "sweepings" or "residual material" mean any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing.

VOLUME REGULATION

§ 1026.53 Percentages.

Whenever the committee concludes, which shall occur, unless the Secretary otherwise directs, no earlier than September 15 nor later than September 18 of the crop year, that the tonnage of grapes to be crushed during such year materially exceeds the desirable free tonnage, established by the Secretary, and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If, on the basis of the committee recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent. On or about January 15 of a crop year in which percentages are established, the committee shall determine the actual volume crushed and the average sugar content of the total crush and if either is materially lower than the earlier determinations, recommend new percentages for the crop year. If the Secretary concurs as to the need for a change, appropriate new percentages shall be established: *Provided*, That no such new percentages shall increase the surplus percentage.

§ 1026.54 Setaside.

Whenever free and surplus percentages for grapes for crushing have been established for a crop year by the Secretary, each handler shall set aside and hold in storage, within the State of California, for the account of the committee, free and clear of all liens, other than those resulting from Federal gallonage tax provisions, proof gallons of products, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises within the State of California controlled or operated by him. By January 31 the setaside equivalent shall be in the form, at the handler's option, of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, concentrate of not less than 68 degrees Brix, or such other items as the committee may establish with the approval of the Secretary. All items setaside shall be of marketable quality, shall be stored to preserve their quality, and shall meet the standards of identity, quality, and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this part by the committee with the approval of the Secretary. On any approved item, the committee, in its discretion, may permit storage, in adequate volumes, at less than specified levels of alcohol or sugar concentration, if the handler so desiring to store undertakes in writing to deliver, on demand, at the specified levels. In determining his gallonage setaside, each handler shall use conversion factors established by the committee.

with the approval of the Secretary. Upon establishing the January 31 setaside, a handler may substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside: *Provided*, That the right to substitute may be suspended by the committee to facilitate disposition of setaside. Setaside items need not be in containers separate and apart from other like products held by the handler but each container with setaside shall be such as will maintain the condition of the item, shall be so labelled or marked as the committee may direct, and no withdrawals therefrom shall be made below the handler's effective setaside obligation. A handler shall commence delivery to the committee or its designee, upon five days' notice of any or all setaside items held for the account of the committee and at such rate as may be practicable. Setaside obligations shall be adjusted from time to time to recognize such normal shrinkage or loss as the committee may determine with the approval of the Secretary. Handlers shall use good commercial practices in caring for setaside items and be liable for losses of setaside resulting from lack of due care.

§ 1026.55 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total setaside, each handler who receives grapes for crushing shall determine, or cause to be determined, the variety, weight and sugar content of each lot of grapes received, the name and address of the producer or successor in interest, place of production, and shall cause these to be certified to the committee. Each weight determination shall be made by an official weighmaster of the State of California and each sugar content determination shall be made by the Federal-State inspection service of the State of California or such other service as may be recommended by the committee and approved by the Secretary.

§ 1026.56 Off-premise setaside.

No handler may transfer a setaside obligation but any handler may, upon notification to the committee, arrange to hold setaside, of his own production or which he has purchased, on the premises of another handler within California in the same manner as though the setaside were on his own premises.

§ 1026.57 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the setaside as the committee may deem to be appropriate, in accordance with charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such payments shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the committee to remove setaside from his premises upon expiration of prepaid storage charges or the refund of unearned charges, and the committee shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell setaside items and such share shall be allocated to the successor storing handler.

§ 1026.58 Exemption.

(a) The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes for crushing which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

(b) The committee may exempt from volume regulation, with the approval of the Secretary, any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand that the exemption would not tend to affect adversely the attainment of the purposes of this part.

DISPOSITION

§ 1026.61 Prohibition.

Except as provided in §§ 1026.54 and 1026.62, the setaside shall not be used or disposed of by any handler.

§ 1026.62 Disposition.

(a) *General.* The committee shall have the power and authority to sell or dispose of any and all setaside upon the best terms and at the highest return obtainable consistent with the provisions and objectives of this part, including the encouragement of new uses or new geographical outlets. If on any January 31 the total setaside from all crop years is in excess of the equivalent of the shipments of dessert wine for the preceding six months ending December 31, the committee shall, in the absence of foreseeable sales of such excess in normal outlets pursuant to paragraph (b) of this section, dispose of the excess by June 30 in non-normal outlets.

(b) *Normal outlets.* For the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar: *Provided*, That the committee, with the approval of the Secretary, may add other outlets and by administrative rules define the limits of any normal outlets to effectuate other provisions of this part. Sales of setaside to handlers shall be made whenever, due to a small grape production or other cause, it is necessary to add setaside to the actual crush to make available a crush equal to the desirable free tonnage. Such sales of setaside shall be made on the basis of $1.50 per proof gallon equivalent. No offer by the committee to sell such setaside to handlers for resale into free tonnage outlets shall become effective until the lapse of five days subsequent to notification of the Secretary of such offer or until the receipt of a notice from the Secretary that he does not disapprove the making of such offer. In any such offer, each handler holding setaside for the account of the committee shall have the first option to purchase such setaside to the extent of his pro rata share, based on holdings, of such offer.

(c) *Non-normal outlets.* The committee may sell or dispose of setaside in the non-normal outlets (those other than normal), including industrial alcohol, in a manner to achieve the general objectives of this part, and may make such sales to any handler or handlers, selling in or engaged in developing such outlets, without regard to pro rata participation by handlers: *Provided*, That, when such sale or disposition is for the purpose of reducing total inventories to the maximum permitted level, the withdrawal shall be made, insofar as practical, pro rata based on holdings, from all handlers.

(d) *Net proceeds.* The proceeds from the disposition of any setaside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the setaside weighted by sugar content and, when determined to be appropriate for any varieties, by the season average field price of each variety. The distribution of proceeds to producer members of cooperative associations shall be made to the appropriate association.

REPORTS AND RECORDS

§ 1026.65 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file with the committee a certified report, showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other products of grapes for crushing which were held by him on June 30 and December 31 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, sugar content, place of production, and equity holder's name and address.

(c) *Setaside.* Each handler shall, upon request of the committee, file with the committee a certified report showing the setaside held for the account of the committee by items, the quantity of each being held, the proof gallon equivalent of each, and the premises at which held.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 1026.66 Records.

Each handler shall maintain such records pertaining to all grapes used, whether fresh or dried, and items setaside as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the crop year to which such records relate or for such lesser period as the committee may direct.

§ 1026.67 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation and where setaside items are held and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, including setaside items, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1026.68 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

EXPENSES AND ASSESSMENTS

§ 1026.71 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and board and for such other purposes, other than expenses incurred in receiving, handling, holding or disposing of setaside, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 1026.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee and the board may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of four months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) *Sugar determinations.* The committee may enter into an agreement with the inspection service regarding determination of the sugar content pursuant to § 1026.55, the cost thereof, and the payment by handlers of their pro rata shares of such cost based on the tonnage received and used.

MISCELLANEOUS PROVISIONS

§ 1026.75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 1026.76 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 1026.77 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1026.78 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1026.79 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1026.80 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1026.81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 1026.82.

§ 1026.82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers in the period July 1–July 15, 1963, to determine whether they favor termination at the end of the third crop year, and after the first referendum shall hold one for the same purpose between July 1 and July 15 of any third year, if the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum. The results of any such referendum shall be announced by the Secretary by August 15 of the crop year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 1026.83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the con-

currence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 1026.84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 1026.85 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

[F.R. Doc. 61-7331; Filed, Aug. 2, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 290, 377]

[Docket No. 12864]

OPERATIONS PURSUANT TO EXEMPTION AUTHORITY AND CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Notice of Proposed Rule Making

JULY 28, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed revision, as well as a change in the present part number, heading and subchapter of Part 290 of the Economic Regulations. This notice supersedes the earlier notice of proposed rule making (DR 106, 24 F.R. 436) on this subject. As revised, Part 290 is Part 377 of the Special Regulations.

The principal features of the proposed regulation are explained below in the Explanatory Statement and the proposed amendment is set forth below. This rule-making action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481) and under the authority of sections 9(b) and 12 of the Administrative Procedure Act (60 Stat. 242, 244; 5 U.S.C. 1008, 1011).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 1, 1961, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 9(b) of the Administrative Procedure Act provides in pertinent part that where the holder of a license with reference to an activity of a continuing nature has, in accordance with agency rules, made timely and sufficient application for a renewal thereof, the license shall not expire until the renewal application has been finally determined by the agency. Part 290 contains the Board's rules implementing these provisions of section 9(b) in respect of exemptions granted under section 416(b) of the Federal Aviation Act of 1958, as amended.

The proposed rule would further implement those provisions by expanding the scope of the regulation to include temporary authorizations granted under sections 101(3), 401, 408, 409, and 412 of the Act.

The instant proposal would require applications for renewal of temporary authorizations intended to invoke the referenced provisions of section 9(b) to be filed at least 60 days, and in the case of section 401 certificates six months, in advance of the expiration date thereof. Experience demonstrates that such a period of advance notice to the Board is necessary to expedite the final disposition of such applications. Requests for a Board interpretation as to whether any expiring temporary authorization will be extended under section 9(b) would have to be filed 60 days before the latest date for filing renewal applications, thus 120 days, or in the case of section 401 authorizations, 240 days before the expiration date of the authorization. The purpose of this provision is to enable the Board to render the interpretation before a renewal application would have to be filed under this regulation. Under the new rule, the Board would notify applicants whose renewal applications are found defective, and it would permit them to cure the deficiency as a matter of right at any time prior to the latest date specified for the filing of a timely renewal application.

The proposed rule would also prescribe the substantive contents of renewal applications intended to invoke section 9(b) rights. Thus, it would specifically provide that each such application shall identify the authorization or authorizations involved and indicate the applicant's intention to rely upon the provisions of that section.

Present § 290.1(c) defines a "sufficient" application for renewal of an exemption or for a new exemption granting the same authority as one "which does not seek substantially greater or different authority than that in the existing exemption." However, one of the purposes of renewal proceedings concerned with authority to furnish air transportation services is to enable the Board to modify the routes established by an expiring temporary authorization[1] in order to eliminate uneconomical service and create more efficient service. On the other hand, a carrier cannot, by omitting unwanted points from its renewal application for a route (as defined in the proposed rule), unilaterally amend an expired route authorization for the period during which it is continued by operation of law. For, the only "license" which can be so continued under section 9(b) is the expired temporary authorization as it is. Therefore, the proposed regulation provides that applications for renewal of route authority which invoke the provisions of section 9(b) must, as a minimum, request renewed operating authority between the terminals of any separate route which was designated in the expiring authorization. However, applicants need not request renewed authority for other separate routes, contained in the expiring authorization, which they do not wish to renew. The continuing duty of the applicant to render adequate service to each point named in an expired authorization, which is extended by section 9(b), is spelled out in the regulation.

Finally, it appeals to the Board that the heading of this part should be changed to reflect the expanded scope which has been proposed therefor, and that the part should be renumbered as Part 377 of the Special Regulations.

Proposed rule. It is proposed to rescind Part 290 of the Economic Regulations (14 CFR Part 290) and to issue a new Part 377 of the Special Regulations (14 CFR Part 377) to read as follows:

[1] These would be approved service plans in the case of certificates subject to the provisions of Part 203 of the Economic Regulations.

PART 377—CONTINUANCE OF EXPIRED AUTHORIZATIONS BY OPERATION OF LAW PENDING FINAL DETERMINATION OF APPLICATIONS FOR RENEWAL THEREOF

Subpart A—General Provisions

§ 377.1 Definitions.

As used in this part:

Act means the Federal Aviation Act of 1958, as amended.

Authorization means any agency certificate, approval, statutory exemption or other form of permission granted pursuant to sections 101(3), 401, 408, 409, 412, and 416 of the Federal Aviation Act of 1958, as amended. Where any operating authorization creates more than one separate route, each of these shall be deemed a separate authorization for the purposes of this part.

Renewal application means any application filed in conformity with the requirements of this part which requests either a renewal or a new license and is intended to invoke the provisions of the last sentence of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

Route means an authorization which permits an air carrier to render unlimited regularly scheduled service between a specifically designated pair of terminal points and intermediate points, if any.

§ 377.2 Applicability of part.

This part contains the Board's rules implementing the provisions of the last sentence of section 9(b) of the Administrative Procedure Act[1] with regard to applications for renewal of temporary authorizations granted pursuant to sections 101(3), 401, 408, 409, 412, and 416 of the Federal Aviation Act of 1958, as amended. *Provided*, That nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any authorization or any extension thereof, or as a determination that any given authorization is a license with reference to any activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act.

§ 377.3 Authorizations not licenses with reference to an activity of a continuing nature.

The Board hereby determines that the following authorizations are not "licenses with reference to any activity of a continuing nature" within the meaning of section 9(b) of the Administrative Procedure Act:

(1) Authorizations granted for a specified period of 180 days or less;

(2) Authorizations other than those granted pursuant to section 401 of the Act which by their terms are subject to termination at an uncertain date upon the happening of an event, including fulfillment of a condition subsequent or occurrence of a contingency. When such an authorization by its terms terminates alternatively upon the happening of an event or the arrival of a specified date, the occurrence of the event prior to the specified date ends the authorization and no previously or subsequently filed renewal application shall be effective to extend such authorization.

[1] "In any case in which the licensee has, in accordance with agency rules, made timely and sufficent application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

§ 377.4 Procedure to obtain Board interpretation.

In any case not expressly provided for by these rules, the Board will determine upon written request by the holder of a temporary authorization or by any competitively affected air carrier or upon its own initiative, whether under section 9(b) of the Administrative Procedure Act any authority granted would be continued in force beyond the expiration date therein specified until final determination of a timely and sufficient renewal application. Written requests for such a determination shall be filed at least 60 days prior to the date herein prescribed for the timely filing of applications for renewal. *Provided*, That filing of such written request shall not affect the requirements for timeliness of renewal applications contained in this Part or other applicable Board regulation or order.

§ 377.5 Effective date.

This part shall become effective 30 days after the date of its publication in the FEDERAL REGISTER and its provisions shall be applicable to all temporary authorizations which are outstanding and scheduled to expire by their terms within 120 days of the effective date of this regulation or, in the case of certificates of public convenience and necessity issued under section 401, within 240 days thereof, and to all such temporary authorizations thereafter granted.

Subpart B—Renewal Applications and Procedure Thereon

§ 377.10 Requirements for, and effect of, renewal applications.

(a) *Identification of authorization covered by renewal application.* Each renewal application shall identify the authorization or authorizations to which it is intended to relate. The application shall indicate the applicant's intention to rely upon section 9(b) of the Administrative Procedure Act as implemented by this part. In case of applications for renewal of an authorization for route service, the renewal application shall specifically identify the separate routes which the applicant proposes to continue serving pursuant to the expiring authorization, pending final determination of the renewal application.

(b) *Contents of renewal application.* The application must contain all the information required by law and the Board's regulations, and meet the requirements thereof as to form. The new authorization sought need not be of the same duration as the expiring authorization. If the application relates to renewal of route authority, it must contain, as a minimum, a request for renewed authority to render route service between the terminals named in each separate route for which renewal is requested.

(c) *Timeliness.* The application must be filed and served in compliance with applicable provisions of law and the Board's regulations not later than 60 days before the expiration date of the outstanding temporary authorization to which it relates. In the case of certificates of public convenience and necessity issued under section 401, it must be filed not later than 180 days before the expiration date thereof. *Provided*, That nothing herein shall supersede a requirement for earlier filing in any provision of law or of the Board's regulations. *Provided further*, That where an authorization pursuant to section 401 of the Act terminates by its terms upon the happening of an event which could not be foreseen, a renewal application filed within 30 days from the time the carrier has notice that the event will occur, or has occurred, shall be deemed timely.

(d) *Effect.* In the case of authorizations which constitute licenses with reference to activities of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, the filing of an application complying in all respects with the requirements of paragraphs (a) through (c) of this section shall extend the authorization to which it relates as then outstanding in its entirety, together with all applicable terms, conditions and limitations, until the application has been finally determined by the Board. In the case of routes granted under section 401 of the Act, the duty to render adequate service continues to attach to every point as provided in the expired authorization which is extended pursuant to this provision. The date of final determination of the application shall be the date when the final order determining the application takes effect, or when the applicable period for filing of petitions for rehearing, re-argument or reconsideration expires, or when a timely filed petition therefor is denied, whichever occurs latest.

§ 377.11 Processing of defective renewal applications.

When the Board determines that a renewal application does not comply with the requirements of this part, or that it does not relate to a license with reference to an activity of a continuing nature, it will so notify the applicant. The applicant may amend his application to cure the deficiency as a matter of right at any time prior to the date when the application was due pursuant to § 377.10(c).

[F.R. Doc. 61-7335; Filed, Aug. 2, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.6]

VITAMIN B–12 (CYANOCOBALAMIN)

Tariff Classification

JULY 27, 1961.

The Bureau of Customs published in the FEDERAL REGISTER of May 23, 1961 (26 F.R. 4431), notice that it had under review the existing practice of classifying all vitamin B–12 (cyanocobalamin) under paragraph 5, Tariff Act of 1930, dutiable at the reduced rate of 10½ percent ad valorem; the medicinal grade as a vitamin medicinal preparation, not specially provided for, and the nonmedicinal grade as a chemical compound, not specially provided for.

The Bureau, by letter dated July 27, 1961, addressed to the collector of customs, New York, New York, held that vitamin B–12 manufactured with the use of a coal-tar product in such a way that the coal-tar product becomes an integral part of the vitamin B–12 molecule, if of medicinal grade, is classifiable under paragraph 28(a) as a medicinal, obtained, derived, or manufactured in part from any product provided for in paragraph 27 or 1651 and dutiable at the reduced rate of 3½ cents per pound and 25 percent ad valorem or, if not of medicinal grade, classifiable under paragraph 27(a)(3)(5) as a product obtained, derived, or manufactured in any part from any product provided for in paragraph 27 or 1651 dutiable at the reduced rate of 3½ cents per pound and 25 percent ad valorem. Other vitamin B–12 remains classifiable under paragraph 5.

Insofar as this decision results in the assessment of duty at a rate of duty higher than that which has been assessed under a uniform and established practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61–7323; Filed, Aug. 2, 1961; 8:48 a.m.]

Office of the Secretary

[Treasury Department Order No. 170–9]

ADMINISTRATIVE ASSISTANT SECRETARY

Transfer of Responsibilities

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Administrative Assistant Secretary from the Fiscal Assistant Secretary and the Commissioner of Accounts such of their respective responsibilities as relate to the development of regulations to be observed in the several bureaus and the general administration of (1) fiscal internal auditing pursuant to Department Circular No. 924, dated June 24, 1953, and (2) administrative accounting for appropriations and funds.

Such personnel, records, equipment, and funds as are mutually determined by the Commissioner of Accounts and the Administrative Assistant Secretary to be related to the performance of these functions are hereby ordered transferred from the Bureau of Accounts to the Office of the Administrative Assistant Secretary.

The functions herein transferred may be reassigned by the Administrative Assistant Secretary to subordinates in such manner as he shall direct.

This order shall become effective immediately. Any previous orders in conflict with the provisions of this order are hereby amended accordingly, including Treasury Department Order No. 164, dated December 12, 1952.

Dated: July 28, 1961.

[SEAL] DOUGLAS DILLON,
Secretary.

[F.R. Doc. 61–7326; Filed, Aug. 2, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

N.V. ADMINISTRATIEKANTOOR "ERGO"

Notice of Intention to Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

N.V. Administratiekantoor "ERGO" Amsterdam, The Netherlands; $5,141.95 in the Treasury of the United States.
Vesting Order No. 18488; Claim No. 62342.

Executed at Washington, D.C., on July 28, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61–7321; Filed, Aug. 2, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Director's Order No. 5]

COLORADO

Delegation of Authority; Contracts

JULY 24, 1961.

Pursuant to the authority contained in section 1(d) of Order No. 679 of the Director of the Bureau of Land Management, the following classes of employees are authorized to enter into contracts for construction or services, including equipment rental, not to exceed $2,500.00. Any one purchase order of materials or supplies is not to exceed $500.00.

District Manager, Craig, Colo.
District Manager, Denver, Colo.
District Manager, Montrose, Colo.
District Manager, Durango, Colo.
District Manager, Canon City, Colo.
District Manager, Grand Junction, Colo.

Authority to make individual purchases of materials or supplies not to exceed $500.00 is delegated to the following classes of employees:

District Administrative Assistants for Colorado.
Supervisory Cadastral Surveyors for Colorado (Party Chiefs).

Individual purchases of office furniture or equipment of any kind are limited to $500.00 for all classes of employees referred to above.

This order revokes Colorado State Director's Order No. 2 and Amendment No. 1, and all previous delegations of authority for open market purchases and contracts.

LOWELL M. PUCKETT,
State Director,
Colorado State Office.

[F.R. Doc. 61–7307; Filed, Aug. 2, 1961; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and and Reservation of Lands

JULY 26, 1961.

The Bureau of Indian Affairs has filed an application, Serial Number NM 0175794 (Okla.) for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for Indian school purpose (the Jones Academy).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

INDIAN MERIDIAN

T. 5 N., R. 17 E.,
Sec. 21: E½SW¼SW¼, SE¼SW¼;
Sec. 28: W½E½, W½.

The area described aggregates 540 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61–7308; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62–2]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 26, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 010194, for the withdrawal of the National Forest lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws including the general mining laws, but excepting the mineral leasing laws.

The purpose of the withdrawal is to segregate lands in public recreation areas for continued public enjoyment.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay Street, Portland 12, Oreg.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

ROGUE RIVER NATIONAL FOREST

Applegate Campground

Jackson County

T. 40 S., R. 3 W.,
Sec. 5: SW¼SW¼—40 acres.

SISKIYOU NATIONAL FOREST

Lower Rogue River Recreation Area

Curry County

T. 33 S., R. 10 W.,
Sec. 17: Lots 3 and 7, SW¼NE¼, SE¼NW¼, NW¼SE¼—185.16 acres.

Bolan Lake Recreation Area

Josephine County

T. 41 S., R. 6 W.,
Sec. 6: Lot 4, SE¼SW¼;
Sec. 7: Lots 1, 2, 3, 4, E½W½.

T. 41 S., R. 7 W.,
Sec. 1: SE¼SE¼;
Sec. 12: E½NE¼, NE¼SE¼—599.68 acres.

The lands described aggregate 824.84 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61–7309; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62–1]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 21, 1961.

The Department of the Army, Corps of Engineers, has filed an application, Serial No. Oregon 011235, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including mining locations under the general mining laws, and mineral leasing under the mineral leasing laws.

The applicant desires the land for the construction and operation of the Green Peter Reservoir Project on the Middle Santiam River in Linn County, Oregon, which is being constructed for watershed protection, flood control and power development benefits. Essentially all of the lands withdrawn will be inundated or subject to inundation.

The Bureau of Land Management will continue to manage, consistent with the objectives of the Green Peter Project, all other resource values of the lands involved.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay Street, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 3 E.,
Sec. 20: SW¼SW¼SW¼, S½SE¼SW¼;
Sec. 27: SE¼NW¼SE¼, SW¼SE¼;
Sec. 28: N½SW¼NW¼;
Sec. 30: E½E½NE¼.

The areas described aggregate 140 acres of public domain lands.

T. 12 S., R. 3 E.,
Sec. 9: NE¼NE¼SE¼, S½NE¼SE¼, S½NW¼SE¼, SW¼SE¼;
Sec. 10: N½NW¼SW¼;
Sec. 17: E½SW¼SE¼, SE¼SE¼;
Sec. 19: SE¼SE¼SE¼;
Sec. 21: NW¼NE¼NW¼, W½NW¼, SW¼SE¼NW¼, W½W½SW¼, NE¼SW¼SW¼, W½NE¼SW¼;
Sec. 29: N½NE¼, N½SE¼NE¼, NE¼SW¼NE¼, NE¼SE¼NW¼, W½SE¼NW¼, SW¼NE¼SW¼, SW¼SW¼;
Sec. 31: NW¼NE¼NE¼, NE¼NW¼NE¼, W½NW¼NE¼;
Sec. 32: SE¼NE¼, S½SW¼NE¼, SW¼SE¼NW¼;
Sec. 33: S½NW¼.

The areas described aggregate 730 acres of O&C lands.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61–7310; Filed, Aug. 2, 1961; 8:47 a.m.]

[No. 62–3]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JULY 26, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 011646, for the withdrawal of the National Forest lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the general mining laws but excepting the mineral leasing laws.

The purpose of the withdrawal is to segregate lands in public recreation areas for continued public enjoyment.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay Street, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

OLIVE LAKE RECREATION AREA

(*Umatilla National Forest*)

T. 9 S., R. 34 E.,
Sec. 15: SW¼NE¼, NE¼SW¼, S½SW¼;
Sec. 22: Lot 2, SW¼NE¼, NE¼SW¼, S½SW¼, W½SE¼—435.70 acres.

PANTHER CREEK CAMPGROUND

(*Siskiyou National Forest*)

T. 33 S., R. 13 W.,
Sec. 18: N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 19: E½NE¼NE¼;
Sec. 20: W½NW¼NW¼—70.00 acres.

BUTLER BAR CAMPGROUND

(*Siskiyou National Forest*)

T. 33 S., R. 13 W.,
Sec. 17: W½NE¼—80 acres.

MCGRIBBLE CAMPGROUND

(*Siskiyou National Forest*)

T. 38 S., R. 14 W.,
Sec. 20: SE¼NW¼—40 acres.

WILDHORSE CAMPGROUND

(*Siskiyou National Forest*)

T. 36 S., R. 12 W. (unsurveyed),
Sec. 18: S½NE¼NW¼, SE¼NW¼, N½NE¼SW¼, NE¼NW¼SW¼ E½SW¼NW¼—110 acres.

ELKO SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 13 W. (unsurveyed),
Sec. 10: SW¼NE¼—40 acres.

PINE POINT CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 12 W. (unsurveyed),
Sec. 18: S½SW¼NE¼, NW¼SE¼—60 acres.

HUNTLEY SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 12 W., (unsureyed),
Sec. 20: NW¼SW¼, SW¼NW¼—80 acres.

FLYCATCHER SPRING CAMPGROUND

(*Siskiyou National Forest*)

T. 37 S., R. 13 W. (unsurveyed),
Sec. 19: S½NE¼SW¼, SE¼SW¼—60.00 acres.

The above described areas aggregate 975.70 acres.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-7311; Filed, Aug. 2, 1961; 8:47 a.m.]

[State Order 12]

WYOMING

Redelegation of Authority by State Director to Chief, Division of Engineering

JULY 25, 1961.

Pursuant to authority contained in Bureau Order 541, Amendment No. 17, dated April 21, 1961, authority is hereby redelegated to the Chief, Division of Engineering, to take action for the State Director in all matters listed in section 2.4:

(1) Perform all functions pertaining to the survey and resurvey of public lands under his jurisdiction pursuant to 43 U.S.C. sec. 2, except the acceptance of plats of survey and resurvey and the approval of protracted survey diagrams.

(2) Recommend to the Director for appointment mineral surveyors found to be competent pursuant to 30 U.S.C. sec. 39.

(3) Approval of plats and field notes mineral surveyors and the certification as to expenditures pursuant to 43 CFR 185.43.

This order to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

ED PIERSON,
State Director.

[F.R. Doc. 61-7312; Filed, Aug. 2, 1961; 8:47 a.m.]

OREGON

Redelegation of Authority

JULY 25, 1961.

Pursuant to the authority contained in section 3, Bureau of Land Management Order 680 of June 29, 1961, the Property and Supply Officer is authorized to take action for and in behalf of the Field Administrative Officer with respect to the assignment, transfer and disposition of real property and related personal property.

To become effective upon publication. Authority delegated may not be redelegated.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7313; Filed, Aug. 2, 1961; 8:47 a.m.]

OREGON

Redelegation of Authority to Dispose of and to Transfer Personal Property

JULY 25, 1961.

Pursuant to the authority contained in section 2, Bureau of Land Management Order 681 of June 30, 1961, the Property and Supply Officer and the Property Management Officer are authorized to take action for and in behalf of the Field Administrative Officer in all matters listed in section 1.

To become effective upon publication. Authority delegated may not be redelegated.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7314; Filed, Aug. 2, 1961; 8:48 a.m.]

OREGON

Redelegation of Procurement Authority

JULY 25, 1961.

Pursuant to the authority contained in section 1(d), Bureau of Land Management Order No. 679 of June 27, 1961, the Property and Supply Officer is authorized to (1) make open market purchases up to $2,500; (2) enter into leases for real estate, enter into equipment rental agreements, enter into contracts for construction, supplies, equipment or services and to make emergency purchases irrespective of amount provided all such transactions conform to applicable statutory requirements, regulations, limitations and controls existent at the time of procurement action.

GARTH H. RUDD,
Field Administrative Officer.

[F.R. Doc. 61-7315; Filed, Aug. 2, 1961; 8:48 a.m.]

NEVADA

Authority of Certain Offices to Enter Into Contracts and Leases

JULY 26, 1961.

A. Pursuant to the authority contained in Bureau Order 679 of the Director of the Bureau of Land Management, the State Administrative Assistant is authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amounts; make open market purchases up to $2,500, and enter into leases for leases of space in real estate as provided in those sections.

B. The District Managers of the offices in Elko, Winnemucca, Carson City, Ely, Las Vegas and Battle Mountain, Nevada, are authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

C. Contracts and leases entered into under this authority must conform with the applicable regulations and statutory requirements and are subject to the availability of the appropriations.

MAX W. BRIDGE,
Acting State Director, Post Office Box 1551, Reno, Nevada.

[F.R. Doc. 61-7316; Filed, Aug. 2, 1961; 8:48 a.m.]

IDAHO

Notice of Filing of Plats of Survey

JULY 25, 1961.

Plats of survey of the lands described below were officially filed at the Land Office, Boise, Idaho, effective at 10:00 a.m., on July 25, 1961.

BOISE MERIDIAN

T. 2 S., R. 35 E.,
Sec. 12: Lots 7, 8, 9, 10, 11;
Sec. 13: Lots 6, 7, 8, 9, 10;
Sec. 14: Lots 4, 5, 6;
Sec. 23: Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18;
Sec. 24: Lots 4, 5, NW¼NW¼;
Sec. 26: Lot 2;
Sec. 27: Lots 8, 9, 10, 11, 12, 13, 14, 15, 16;
Sec. 28: Lots 4, 5, 6;
Sec. 32: Lot 3;
Sec. 33: Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, NE¼NE¼;
Sec. 34: Lots 4, 5, 6, 7, 8, 9, 10, NE¼NW¼.
T. 3 S., R. 35 E.,
Sec. 5: Lots 10, 11, 12, 13, 14, 15, 16;
Sec. 7: Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, NE¼SW¼;
Sec. 8: Lots 16, 17, 18, 19.

The area described aggregates 2,096.90 acres.

The lands are islands in the Snake River and other lands which were omitted from the previous survey. The lands have been subject to operation of the United States mining laws and mineral leasing laws at all times. All of the lands are nearly level with a smooth surface. The soil is of an alluvial formation. The vegetative cover is mainly willows, briars, and brush with an understory of grass. A portion of the lands has been reclaimed and cultivated. The lands are typical of other lands adjoining the Snake River in this area.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

DONALD I. BAILEY,
Manager, Land Office.

[F.R. Doc. 61-7320; Filed, Aug. 2, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 945]

INVESTIGATION OF INCREASED COMMODITY RATES ON MILK, DRY, POWDERED; SEA-LAND OF PUERTO RICO, DIVISION OF SEA-LAND SERVICE, INC.

Notice of Order to Discontinue Proceeding

On July 26, 1961, the Federal Maritime Board entered the following Order:

It appearing that there has been filed with the Federal Maritime Board by Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., a new tariff schedule setting forth increased commodity rates on Milk, Dry, Powdered from United States Atlantic ports to ports in Puerto Rico to become effective May 19, 1961 designated as follows: Eighteenth revised page 77 to Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., Outward Freight Tariff No. 2, FMB-F No. 3 (Pan-Atlantic Steamship Corporation FMB-F Series); and

It further appearing that the Federal Maritime Board by Order dated May 17, 1961, suspended the operation of the above designated schedule and deferred the use thereof to and including September 18, 1961, unless otherwise authorized by the Board; and

It having appearing that the Board having found good cause therefor has on July 13, 1961, granted Sea-Land of Puerto Rico, Division of Sea-Land Service, Inc., special permission to cancel such schedule on not less than one day's notice under Special Permission No. 3935 and pursuant to such special permission, the suspended schedule has been properly cancelled;

Now therefore, it is ordered, That this proceeding be, and it is hereby discontinued; and

It is further ordered, That copies of this order shall be filed with said tariff schedule in the Office of Regulations, Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: July 31, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7330; Filed, Aug. 2, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-157]

CORNELL UNIVERSITY

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the United States Atomic Energy Commission by the applicant or in the case of an intervener a petition for leave to intervene and a request for hearing is filed as provided by the Commission's rules of practice (Title 10, Chapter 1, Part 2), the Commission proposes to issue to Cornell University, a facility license substantially in the form annexed authorizing the possession and operation of a nuclear reactor at power levels up to 100 kilowatts (thermal). Prior to issuance of the license the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-58. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Staff of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 27th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

PROPOSED FACILITY LICENSE

1. This license applies to the TRIGA nuclear reactor (hereinafter referred to as "the reactor") which is owned by Cornell University and located on the University's campus in Ithaca, New York, and described in the University's application for license dated March 3, 1960, and amendment thereto dated June 2, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-58 issued to Cornell University.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-58 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Cornell University is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Cornell University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Cornell University is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Cornell University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Ithaca, New York, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 2.500 kilograms of contained uranium 235 for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50, and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. (1) Cornell University shall not operate the reactor at power levels in excess of 100 kilowatts (thermal) without prior written authorization from the Commission.

(2) Cornell University shall not conduct any experiments whose reactivity worth is greater than 1.5% delta k/k without prior written authorization from the Commission.

B. Cornell University shall comply with the shutdown procedures and precautions described in its application as amended, and the following additional limitations:

(1) Cornell University shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

(2) Cornell University shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

C. Cornell University shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequent to initial criticality any of the operating conditions or characteristics of the reactor, including those described in 4.D. below and the application as amended, which might affect nuclear safety, is observed to vary significantly from its predicted value.

D. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, Cornell University shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the facility, not including the worth of control rods or other control devices such as burnable

poison strips or soluble poison, or any experiments;.

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

E. In addition to those otherwise required under this license and applicable regulations, Cornell University shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Cornell University as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

F. Cornell University shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight June 29, 1980.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-7293; Filed, Aug. 2, 1961; 8:45 a.m.]

[Docket No. 50-135]

WALTER REED ARMY INSTITUTE OF RESEARCH

Notice of Issuance of Amendment to Construction Permit

Please take notice that the Atomic Energy Commission having received a request from Walter Reed Army Institute of Research for extension of the latest completion date specified in Construction Permit No. CPRR-48, and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations has issued Amendment No. 1 to Construction Permit No. CPRR-48 which extends the latest completion date to December 1, 1961.

Dated at Germantown, Md., this 27th day of July 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7294; Filed, Aug. 2, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-53]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Capital Broadcasting Company (WJTV-TV), Jackson, Mississippi, proposes to erect a television antenna structure near Raymond, Mississippi, at latitude 32°-14'25.59" north, longitude 90°24'15.05" west. The overall height of the structure would be 1,949 feet above mean sea level (1,639 feet above ground). WJTV-TV is presently utilizing an antenna tower near Jackson, Mississippi, at latitude 32°17'02" north, longitude 90°15'52.5" west with an overall height of 1,051 feet MSL. The proponent agreed to reduce the height of this existing tower to 795 feet above MSL if the proposed tower is constructed.

Capital Broadcasting Company formerly proposed an antenna structure at latitude 32°17'34" north, longitude 90°20'02" west with an overall height of 2049 feet MSL (1,600 feet above ground). The Fort Worth Regional Subcommittee of the Air Coordinating Committee at Atlanta Meeting No. 143, on October 6, 1960, recommended disapproval of this proposal because of its effect on aeronautical operations and further recommended that the applicant relocate within a two mile radius of the existing WLBT-TV tower at latitude 32°12'46" north, longitude 90°22'54" west with an overall height of 1949 feet MSL (1,529 feet above ground). As a consequence, the above proposal which specifies a location 2.36 statute miles southeast of the WLBT-TV structure, was submitted by the sponsor.

An objection was made by the Aircraft Owners and Pilots Association in response to the circularization, and at the FAA Regional Informal Airspace Meeting on the basis that the height of the structure would present a hazard to aviation. At the FAA Washington Informal Airspace Meeting, the Aircraft Owners and Pilots Association, the National Association of State Aviation Officials and the National Aviation Trades Association made objections on the basis that the proposed structure would exceed a height of 1,000 feet above ground. No other objections were made.

The proposed structure would be located approximately 4.4 statute miles south of the John Bell Williams Airport, Raymond, Mississippi, and 12.7 miles southwest of Hawkins Field, Jackson, Mississippi. The structure would penetrate the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to John Bell Williams Airport, by 1,304 feet, and the outer conical surface of the above criteria, as applied to Hawkins Field, by 720 feet. The WLBT-TV structure penetrates the outer conical surface of JIGTSC criteria, as applied to these airports, by 1,141 feet and 720 feet, respectively. Therefore, the proposed structure would, in effect, be shielded by an existing structure of a permanent and substantial character, and the penetration of the conical surface would not adversely affect air traffic operations at these airports.

The aeronautical study revealed that, even though the overall height of the proposed structure would exceed 1,000 feet above ground level, it would have no substantial adverse effect upon VFR aeronautical operations since the Agency's records reflect no substantial volume of VFR flight activity in proximity to the proposed structure site.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33, 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7298; Filed, Aug. 2, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

JULY 28, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, July 30, 1961 to August 8, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-7319; Filed, Aug. 2, 1961; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 528]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64067. By order of July 27, 1961. The Transfer Board approved the transfer to Harry A. Sieren, doing business as St. Lawrence Wrecker Service, 1946 St. Lawrence Ave., Beloit, Wis., of Certificate No. MC 114270, issued January 11, 1955, to Russell Duane Porter, doing business as St. Lawrence Auto Body, 1946 St. Lawrence Ave., Beloit, Wis., authorizing the transportation of: wrecked or disabled automobiles, between Beloit, Wis., on the one hand, and, on the other, specified Illinois Counties.

No. MC-FC 64071. By order of July 27, 1961, The Transfer Board approved the transfer to Ruhl Transportation Co., a Corporation, Salem, N.J., of Certificates in Nos. MC 1769, and MC 1769 Sub 4, issued June 6, 1949, and August 12, 1949, respectively, to Stuart C. Ruhl, doing business as Ruhl Transportation Co., Salem, N.J., authorizing the transportation of: Felt base carpeting and materials and supplies used or useful in the manufacture thereof, felt base and linoleum carpets, mats and rugs, and linoleum paste, and refused or damaged shipments thereof, lumber, piling, fire clay, fire brick, fertilizer, oil and grease in containers, and empty oil containers, blue slate powder, calcite grit, machinery and machine parts, glass containers, and composition wall covering, from, to, or between specified points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia. Matthew Aaron, Esq., Feinstein Building, Commerce and Laurel Streets, Bridgeton, N.J., attorney for applicants.

No. MC-FC 64115. By order of July 27, 1961, The Transfer Board approved the transfer to Sven Johanson, doing business as Johanson and Carbis, Oil Field Trucking and Moving, P.O. Box 1008, Newcastle, Wyo., of Certificate in No. MC 112575, issued August 31, 1955, to Sven Johanson and Claude Carbis, a partnership, doing business as Johanson and Carbis Oilfield Trucking & Moving, P.O. Box 1008, Newcastle, Wyo., authorizing the transportation of: commodities similar to those in the Mercer description and commodities, which, because of size or weight, require the use of special equipment, between points in Weston County, Wyo., on the one hand, and, on the other, points in a specified part of Nebraska and South Dakota.

No. MC-FC 64232. By order of July 24, 1961, The Transfer Board approved the transfer to Columbia Van Lines Moving & Storage Co., Inc., Washington, D.C., of a portion of Certificate No. MC 107229, issued July 27, 1950, to Nationwide Van Lines, Inc., amended May 16, 1961, to read Intercontinental Moving & Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, over irregular routes, between points in Maryland, and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia. Herbert Burstein, 160 Broadway, New York 38, N.Y., attorney at law for applicants.

No. MC-FC 64339. By order of July 27, 1961, The Transfer Board approved the transfer to Perillo's Express, Inc., New Providence, N.J., of portion of Certificate No. MC 77081, issued March 13, 1941, to Paterson Trucking Company, Inc., Paterson, N.J., authorizing the transportation, over irregular routes, of general commodities, with specified exceptions, between New York, and points in Nassau and Westchester Counties, N.Y., to points in Morris County, N.J. John M. Zachara, P.O. Box 2860, Paterson, N.J., applicants' attorney.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7322; Filed, Aug. 2, 1961; 8:48 a.m.]

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Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following books are now available:

Title 14 (Parts 1–199) (Revised) $3.75

Title 26 (Parts 170–299) (Revised) $6.25

Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); (Parts 40–169) (Revised) ($4.50); Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); (Parts 600 to end) (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

THE UNIVERSITY OF MICHIGAN
AUG 7 1961

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Washington, Friday, August 4, 1961

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

Home Leave

Effective the first day of the first pay period after September 6, 1960, § 30.603 is amended as set out below.

§ 30.603 Computation of creditable service.

Creditable service begins with the date of the employee's arrival at a post of duty outside the United States, or on the date of his entrance on duty if recruited abroad, and ends on the date of the employee's departure from the post for separation or for assignment in the United States, or upon his separation from duty in case of separation abroad. Full credit shall be given for the day of arrival and the day of departure. Creditable service includes: (a) Absence in a nonpay status up to a maximum of two workweeks within each 12 months of service abroad; (b) authorized leave with pay; (c) time spent in the Armed Forces of the United States which interrupts otherwise creditable service; and (d) any period of detail.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7337; Filed, Aug. 3, 1961; 8:45 a.m.]

Chapter III—Foreign and Territorial Compensation

PART 350—DIFFERENTIALS AND COST-OF-LIVING ALLOWANCES PAYABLE IN NON-FOREIGN AREAS

Effective September 3, 1961, Part 350 is amended as set out below.

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350.2 Employees and agencies covered.
350.3 Exclusion of certain employees.
350.4 Areas covered.
350.5 Eligibility for differential.
350.6 Payment of differentials and allowances.
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350.9 Establishment of rates for additional places.
350.10 Places and rates at which differentials shall be paid.
350.11 Places and rates at which allowances shall be paid.
350.12 Deductions from allowances.

AUTHORITY: §§ 350.1 to 350.12 issued under sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 202, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1948 Supp.; E.O. 10,636, 20 F.R. 7025, 3 CFR, 1955 Supp.

§ 350.1 Definitions.

As used in this part, the following terms have the meanings stated:

(a) "Act" means section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948 (Public Law 491, 80th Cong.), as amended by section 104 of the Supplemental Independent Offices Appropriation Act, approved June 30, 1948 (Public Law 862, 80th Cong.).

(b) "Contract" means a legally binding document specifying, for an employee whose rate of basic compensation is fixed by statute, the compensation to be paid during his employment in a non-foreign area. An employment agreement which does not include terms controlling payment of compensation due to service in a non-foreign area is not a contract as here defined.

(c) "Date of arrival" means the beginning of business on the workday of the employee's arrival at the post, or other place designated. When the employee's arrival is on a nonworkday, "date of arrival" means the beginning of business on the first workday following arrival.

(d) "Date of departure" means the close of business on the workday of the employee's departure from the post or other place designated. When the employee's departure is on a nonworkday, "date of departure" means the close of business on the last workday preceding departure.

(e) "Day" or "calendar day" means any day of the year. Fractional days shall be considered whole days.

(f) "Detail" means the temporary assignment or temporary duty of an employee away from his post of regular assignment, including all periods of leave while serving at the post of detail.

(g) "Non-foreign allowance" or "allowance" is a cost-of-living allowance payable under authority of the Act at a post in a non-foreign area where living costs are substantially higher than in the District of Columbia.

(h) "Non-foreign area" means the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, territories of the United States, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of Part II of Executive Order 10,000, as amended, and as listed in Part 326 of this chapter.

(i) "Non-foreign differential" or "differential" is additional compensation payable under authority of the Act at a post in a non-foreign area when conditions of environment differ substantially from conditions of environment in the States and warrant additional compensation as a recruitment incentive.

(j) "On assignment" or "on transfer" at a post of duty means officially occupying a position located at the post, geographically and organizationally, and having official headquarters at the post for travel and other administrative purposes.

(k) "Rate of basic compensation" means the rate of compensation fixed by law for the position held by an individual, before any deductions and exclusive of additional compensation of any kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances or differentials.

§ 350.2 Employees and agencies covered.

(a) The Act, Part II of Executive Order 10,000, as amended, and the regulations in this part apply to civilian employees of the United States Government whose rates of basic compensation are fixed by statute. They do not apply to employees in the Panama Canal Zone whose rates of basic compensation are fixed by statute, or to any other groups of employees for whom additional compensation or salary differentials for service outside the continental United States or in Alaska are otherwise specifically authorized by law.

(b) Subject to the provisions of the Act, Part II of Executive Order 10,000, as amended, and the regulations in this part, every executive department, independent establishment, and wholly owned Government corporation shall pay (1) a differential to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which a differential has been established, and who is otherwise eligible to receive differential payments, and (2) an allowance to each of its employees whose rate of basic compensation is fixed by statute, who is located at a place for which an allowance has been established, and who is otherwise eligible to receive allowance payments.

§ 350.3 Exclusion of certain employees.

(a) *Governors of territories.* No differential or allowance shall be paid to Governors of territories in non-foreign areas, except that upon specific request of the department or agency concerned, the Commission may authorize the payment of a differential to any Governor whose compensation is fixed under the provisions of the Classification Act of 1949, as amended, if he is otherwise eligible to receive a differential and the Commission determines that payment is warranted in the circumstances.

(b) *Contract employees.* No differential or allowance shall be paid during

the period of his contract to any employee serving under a contract, as defined in § 350.1(b), on the effective date of the regulations in this part. Any employee serving under a contract shall be compensated according to the terms of the contract for the period thereof.

§ 350.4 Areas covered.

The following areas are subject to the regulations in this part:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich).
Hawaii (including Ocean or Kure Island).
Puerto Rico.
Virgin Islands of the United States.
American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island).
Guam.
Kingman Reef.
Johnston or Cornwallis Island, and Sand Island.
Midway Islands.
Palmyra Island.
Wake Island.
Howland, Baker and Jarvis Islands.
Navassa Island.
Swan Islands.
Canton and Enderbury Islands.
Any small guano islands, rocks, or keys which, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as appertaining to the United States.
Any other islands to which the United States Government reserves claim, such as Christmas Island.

§ 350.5 Eligibility for differential.

(a) In order for an employee to be eligible to receive a differential, (1) he shall be a citizen or national of the United States, (2) his residence in the area to which the differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence in the area over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests or organizations.

(b) Subject to the provisions of paragraph (a) of this section, the classes of persons eligible to receive differentials include but are not limited to:

(1) Persons recruited or transferred from outside the area to which the differential concerned is applicable, except that the department or agency concerned shall exclude from those eligible to receive a differential the spouse of an individual who is stationed, employed, or resident in the differential area when the department or agency determines that the spouse is there primarily to be near the individual.

(2) Persons employed in the area to which the differential concerned is applicable but (i) who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the United States Government participates, and whose conditions of employment provide for their return transportation to places outside the differential area concerned; or (ii) who were at the time of employment temporarily present in the differential area concerned for purposes of travel or formal study and maintained residence outside the area during the period so present.

(3) Persons who are not normally residents of the area to which the differential concerned is applicable and who are discharged from the military service of the United States in the area to accept employment therein with an agency of the Federal Government.

(c) Eligibility to receive a differential of any person not included in a class enumerated in paragraph (b) of this section is to be determined by the department or agency concerned in accordance with the provisions of paragraph (a) of this section.

§ 350.6 Payment of differentials and allowances.

(a) Additional compensation paid under authority of the Act and these regulations shall not exceed in any instance 25 percent of the rate of basic compensation.

(b)(1) *Post of regular assignment.* Payment of allowances and differentials shall begin as of the date of arrival at the post of duty on regular assignment or transfer, or on the date of entrance on duty in the case of local recruitment. Where an employee is en route to, or returning from, his post of regular assignment, and he is required to perform work in an area where payment of allowances or differentials is authorized, he shall be paid the allowances or differentials for his post of regular assignment while he is performing such work. Payment of allowances and differentials shall cease upon separation, or as of the date of departure on transfer to a new post of regular assignment.

(2) *Leave.* Payment of allowances at the rate prescribed for the post of regular assignment shall continue for all periods of absence from the post on leave, including transit time. Payment of differentials at the rate prescribed for the post of regular assignment shall continue for the first 42 consecutive days of absence from the post on leave, including transit time. Payment of allowances and differentials under this subparagraph is authorized only if the employee returns to a post of regular assignment in a foreign or non-foreign area.

(3) *Detail.* An allowance at the rate prescribed for the post of regular assignment shall continue to be paid for all periods of detail, including transit time. A differential shall continue to be paid to an employee for the first 42 consecutive calendar days on detail from his post of regular assignment, including transit time. When an employee during a period of detail has aggregated 42 days in a pay status at a differential post, he shall thereafter be paid the differential prescribed for each post of detail in a non-foreign area or in a foreign area while serving at each post of detail, but not for any time in transit. In any case, the total amount of additional compensation payable under these regulations is restricted to 25 percent of the employee's rate of basic compensation as specified in the Act, paragraph (a) of this section, and § 350.7.

(4) *Leave and detail.* When an employee is temporarily absent from his post of regular assignment on leave and detail, payment of the differential for his post of regular assignment is limited to the first 42 consecutive calendar days of the temporary absence, including transit time.

(c) Payments to employees serving on a part-time basis shall be prorated to cover only those periods of time for which the employees receive basic compensation.

(d) Payment shall not be made for any time for which an employee does not receive basic compensation.

(e) Neither a differential nor an allowance shall be included in the base used in computing overtime pay, night differential, holiday pay, retirement deductions, or any other additional compensation, allowance, or pay differential.

(f) Payment of a differential or allowance shall not be construed to be an "equivalent increase" in compensation within the meaning of the Classification Act of 1949, as amended.

§ 350.7 Coordination of differentials and allowances.

At any post for which both a differential and an allowance have been established, each employee eligible to receive an allowance shall receive the full allowance otherwise payable to him under the regulations in this part. When both an allowance and a differential are authorized at one post; the eligible employee shall be paid the full allowance first and in addition, so much of the differential as will not cause the compensation for allowances and differentials to exceed a combined rate of 25 percent of his rate of basic compensation.

§ 350.8 Periodic review.

The Commission will from time to time, but at least annually, review the places designated, the rates fixed, and the regulations in this part, which are prescribed for payment of differentials and allowances, with a view to making those changes therein as will insure that payment of additional compensation shall continue only during the continuance of conditions justifying payment of differentials and allowances, and shall not in any instance exceed the amount justified.

§ 350.9 Establishment of rates for additional places.

Requests for the establishment of rates of differentials or allowances for places for which differentials or allowances have not been established by the regulations in this part should be submitted in writing to the Commission by the departments or agencies concerned.

§ 350.10 Places and rates at which differentials shall be paid.

In accordance with the Act and section 202 of Executive Order 10,000, and based on (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions, differentials are established at the following places and rates:

American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoan group east of longitude 171 degrees west of Greenwich, together with Swains Island): 25 percent of rate of basic compensation.
Guam: 25 percent of rate of basic compensation.
Johnston or Cornwallis Island, and Sand Island: 25 percent of rate of basic compensation.
Midway Islands: 25 percent of rate of basic compensation.
Wake Island: 25 percent of rate of basic compensation.
Swan Islands: 25 percent of rate of basic compensation.
Canton Island: 25 percent of rate of basic compensation.

§ 350.11 Places and rates at which allowances shall be paid.

In accordance with the Act and section 205 of Executive Order 10,000, as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.
Hawaii (excluding Ocean or Kure Island): 17½ percent of rate of basic compensation.
Puerto Rico: 12½ percent of rate of basic compensation.
Virgin Islands of the United States: 17½ percent of rate of basic compensation.

§ 350.12 Deductions from allowances.

In accordance with the provisions of section 205(b)(2) of Executive Order 10,000, deductions from allowances of the following classes of employees shall be made at the following places and rates: None.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7338; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY; DETERMINATION OF QUANTITY

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 5195 and 5565, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

1. Section 421.178(c)(1) is amended to make barley grading No. 5 eligible for price support so that the amended subparagraph reads as follows:

§ 421.178 Eligible barley.

* * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

2. Section 421.180(c) is amended by extending the schedule therein to apply to barley testing as low as 36 pounds per bushel so that the amended paragraph reads as follows:

§ 421.180 Determination of quantity.

* * * * *

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined for barley having a different test weight shall be adjusted by the applicable percentage in the following table:

For barley testing:	Percent
50 pounds or over	104
49 pounds or over, but less than 50 pounds	102
48 pounds or over, but less than 49 pounds	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 46 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83
39 pounds or over, but less than 40 pounds	81
38 pounds or over, but less than 39 pounds	79
37 pounds or over, but less than 38 pounds	77
36 pounds or over, but less than 37 pounds	75

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 1, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7385; Filed, Aug. 3, 1961; 8:52 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 5193 and 5565, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.187(c) is amended to provide a discount for barley grading No. 5 so that the amended paragraph reads as follows:

§ 421.187 Support rates.

* * * * *

(c) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, for No. 4, 6 cents per bushel, and for No. 5, 15 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the classes Barley and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: August 1, 1961.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7384; Filed, Aug. 3, 1961; 8:51 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Oats Loan and Purchase Agreement Program

ELIGIBLE OATS

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 4591 and 4595, and containing the specific requirements for the 1961-crop oats price support program are hereby amended as follows:

Section 421.378(c)(1) is amended to make oats grading No. 4 because of being "Badly Stained or Materially Weathered" eligible for price support so that the amended subparagraph reads as follows:

§ 421.378 **Eligible oats.**

* * * * * * *

(c) * * *

(1) The oats must grade No. 3 or better or No. 4 because of test weight or because of being "Badly Stained or Materially Weathered" but otherwise No. 3 or better under the revised Official Grain Standards of the United States for Oats. Oats of the special grade "Garlicky" which otherwise meet these requirements shall also be eligible.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Issued at Washington, D.C., on August 1, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7382; Filed, Aug. 3, 1961; 8:51 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Oats Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 4591 and 4595, and containing the specific requirements for the 1961-crop oats price support program are hereby amended as follows:

Section 421.387(b)(3) is amended to provide a discount for oats grading No. 4 because of being "Badly Stained or Materially Weathered" so that the amended subparagraph reads as follows:

§ 421.387 **Support rates.**

* * * * * * *

(b) * * *

(3) *Schedule of premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts: [2]	
Grade No. 4 on the factor of test weight only but otherwise No. 3 or better	1
Garlicky	3
Grade No. 4 because of being "Badly stained or materially weathered"	7

[1] Applicable premiums shall be cumulative. Premiums, however, are not applicable to oats grading No. 4 because of being "Badly Stained or Materially Weathered."

[2] Applicable discounts shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c; 7 U.S.C. 1421, 1441, 1442)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on: August 1, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7383; Filed Aug. 3, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments; Area No. 3

Findings. (a) Marketing Order No. 58, as amended (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 through 958.92. Area No. 3 Committee, pursuant to § 958.21, has recommended regulations limiting the handling of 1961 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 958.336 **Limitation of shipments.**

During the period from August 7, 1961, through June 30, 1962, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the following requirements.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements.* (1) All varieties: Not more than "slightly skinned."

(2) Not to exceed a total of 100 hundredweight of such potatoes may be shipped for any producer without regard to the aforesaid maturity requirements if the handler thereof reports to the area committee for Area No. 3, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(3) For the purpose of determining who shall be entitled to the exception set forth in subparagraph (2) of this paragraph, "Producer" means any individual, partnership, corporation, association, landlord-tenant relationship, community property ownership, or any other business unit engaged in the production of potatoes for market, and it is intended that such exception shall apply separately to each farm of a producer and only to the potatoes grown on such farm.

(c) *Special purpose shipments.* (1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Charity.

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for the following purposes:

(i) Chipping; and

(ii) Prepeeling.

(3) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for seed (§ 958.6) but such shipments shall be subject to assessments.

(d) *Safeguards.* (1) Each handler making shipments of potatoes for chipping or prepeeling pursuant to paragraph (c) of this section shall:

(i) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee,

(ii) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(iii) Bill each shipment directly to the applicable processor or receiver.

(2) Potatoes shipped for livestock feed pursuant to paragraph (c) of this section shall be mutilated so as to render them unfit for commercial table stock markets.

(e) *Definitions.* The terms "U.S. No. 2", and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). Other terms used in the this section shall have the same meaning as when used in Marketing Order No. 58, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated August 1, 1961, to become effective August 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7380; Filed Aug. 3, 1961; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 821; Special Civil Air Reg. SR 448]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Special Civil Air Regulation; Precautions To Prevent Hijacking of Air Carrier Aircraft and Interference With Crewmembers in Performance of Duties

The recent hijackings of air carrier aircraft have highlighted a necessity to provide additional controls over the conduct of passengers in order to avoid a serious threat to the safety of flights and persons aboard them. The Federal Aviation Agency has the responsibility to see that air carriers take such steps as are possible to prevent such occurrences. We have requested the air carriers to take every practicable precaution to prevent passengers from having access to the pilot compartment. In addition, we are adopting a regulation which will prohibit any person, except one who is specifically authorized to carry arms, from carrying on or about his person while aboard an air carrier aircraft a concealed deadly or dangerous weapon. The regulation being adopted will also make it a violation of the CARs for any person to assault, threaten, intimidate, or interfere with a crewmember in the performance of his or her duties aboard an air carrier aircraft or to attempt to or cause a flight crewmember to divert the flight from its intended course or destination. Because of the emergency nature of the situation and the present threat to safety of persons being carried in air transportation, I find that compliance with the notice, procedures, and effective date provisions of the Administrative Procedure Act would be impracticable and contrary to the public interest. Therefore good cause exists for making this Special Regulation effective immediately.

In consideration of the foregoing, the following Special Civil Air Regulation is hereby adopted and is effective immediately:

1. No person shall assault, threaten, intimidate, or interfere with a crewmember in the performance of his duties aboard an aircraft being operated in air transportation; nor shall any person attempt to or cause the flight crew of such aircraft to divert its flight from its intended course or destination.

2. Except for employees or officials of municipal, State or Federal Governments who are authorized or required to carry arms and except for such other persons as may be authorized by an air carrier, no person, while a passenger aboard an aircraft being operated by an air carrier in air transportation, shall carry on or about his person a concealed deadly or dangerous weapon.

(Secs. 313, 601; 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on July 28, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-7350; Filed, Aug. 3, 1961; 8:47 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 824; Amdt. 316]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC-8 Series Aircraft

As a result of further investigation of failures of the clevis on the rudder lockout cylinder of Douglas DC-8 aircraft, Amendment 267, 26 F.R. 2285, is being amended to include service information covered by the manufacturer's latest service bulletin. This includes references to kits for installation of parts specified by the directive as well as an alternative compliance method for the placard requirements of paragraph (4).

Since the amendment affords an alternative method of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and since the amendment relieves a restriction it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 267, Douglas DC-8 Series aircraft, 26 F.R. 2285, is amended as follows:

1. Change the last sentence of paragraph (1) to read: "Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031 (Kit A of Douglas Service Bulletin 27-100) or FAA approved equivalent, prior to further flight."

2. Change the third sentence of paragraph (2) to read: "Cracked clevis must be replaced with a new clevis, P/N 2619862 or P/N 2772031 (Kit A of Douglas Service Bulletin 27-100) or FAA approved equivalent, prior to further flight."

3. Change the last sentence of paragraph (3) and add an additional sentence to read: "The adjustment and creep rate check is to be accomplished in accordance with Supplement No. 1 dated February 27, 1961, to Douglas Alert Service Bulletin A27-100. Installation of new connecting rod assembly P/N 4772143-1 is optional (Kit B or Kit C of Douglas Service Bulletin 27-100)."

4. Change paragraph (4) to read:

(4) Within the next 20 hours' time in service, unless already accomplished, install a placard adjacent to the rudder reversion light to read: "When light comes on, shut off rudder hydraulic power immediately"; or, install warning placard in accordance with Kit D or Kit E of Douglas Service Bulletin 27-100.

5. Change the parenthetical reference statement to read: "(Supplement No. 1 dated February 27, 1961, to Douglas Alert Service Bulletin A27-100 and Service Bulletin 27-100 dated May 12, 1961, covers this subject.)"

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7346; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 825; Amdt. 317]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B-2 Helicopters

Three accidents involving Brantly B-2 helicopters have resulted from restriction of the collective control caused by the seat sliding forward and interfering with the collective control movement. Since this condition is likely to exist in other Model B-2 helicopters prior to Serial Number 104, it is necessary to incorporate seat safety brackets to minimize the possibility of restriction to the collective control by the seat.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all B-2 helicopters prior to Serial No. 104.

Compliance required within the next 25 hours' time in service after the effective date of this AD.

Three accidents have resulted from the restriction of collective control due to interference by the seat. This interference is caused by improper seat installation which allows the seat to slide forward of its normal position. To minimize the possibility of restriction to the collective control by the seat, all Brantly B–2 helicopters prior to Serial No. 104 shall have the left hand seat angle at the rear of each seat modified to incorporate seat safety brackets, Brantly P/N 163–22 or equivalent.

(Brantly Service Bulletin No. 13, dated June 8, 1961, pertains to this same subject.)

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7347; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 826; Amdt. 318]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–3 Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Douglas DC–3 aircraft in complying with AD 39–24–1, 21 F.R. 9449, as amended by Amendment 18, 24 F.R. 3754. Accordingly, AD 39–24–1 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 39–24–1 (21 F.R. 9449), as amended by Amendment 18 (24 F.R. 3754), is further amended by adding paragraph D. as follows:

D. Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 4, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7348; Filed, Aug. 3, 1961; 8:46 a.m.]

[Reg. Docket No. 827; Amdt. 319]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

Failures of the right forward mount lug of the upper transmission case have occurred on three Brantly B–2 helicopters. These failures are fatigue in nature and apparently are associated with an undesirable pre-stress in the mount lug introduced during assembly procedures. Since this condition is likely to exist in other such aircraft, it is necessary to require modifications of the forward mount transmission structure.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to Model B–2 helicopters as indicated.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

Failures of the right forward mount lug of the upper transmission case have occurred on three Brantly B–2 helicopters. These failures are fatigue in nature and apparently are associated with an undesirable pre-stress in the mount lug introduced during assembly procedures. Since this condition is likely to exist in other such aircraft, it is necessary to require the following modifications:

(a) Applies to all Model B–2 helicopters prior to Serial Number 56 except Serial Numbers 16, 31, 44, 51, 52, and 53.

(1) Remove the main rotor and transmission and the three vertical control rods which protrude through the steel plate at the top of the forward firewall.

(2) Rework the upper surface of the left and right forward transmission mount pads as follows: Insert a 5/16-inch diameter bolt downward through an AN 960–516 washer into the transmission mount bolt hole. File approximately 0.015 inch from the top surface of the mount pad except where protected by the washer. Remove bolt and washer.

(3) Rework the lower surface of the left and right forward transmission mount pads as follows: Enlarge the lower ¼ inch of the 5/16-inch diameter transmission mount bolt hole by drilling upward with a 21/64-inch drill. Use of a drill stop is strongly recommended to avoid exceeding the ¼-inch depth of this rework.

(4) Apply zinc chromate finish to reworked areas and reinstall transmission, rotor assembly, and control rods in accordance with Brantly Maintenance Manual procedures.

(Brantly Service Bulletin No. 9 covers this same subject.)

(b) Applies to all Model B–2 helicopters prior to Serial Number 103 except those with 0.375-inch thick mount lugs on P/N B2–104–2 upper transmission case.

(1) Remove the NAS 145–22 bolt through the right forward transmission mount lug and the two AN 3–24A bolts through the upper transmission case (P/N B2–104–2) immediately inboard of the mount lug.

(2) Install transmission bracket P/N B2–151–19 on top of the right forward transmission case mount lug and attach with new bolts and nuts through mating holes in transmission case previously exposed by (b)(1). These parts are furnished by Brantly Helicopter Corporation as their Modification Kit No. 20.

(3) Insure a close fit of faying surfaces between the upper transmission case and bracket P/N B2–151–19 by accomplishing the following steps: Break sharp edges of the upper transmission case ledge to avoid interference with the inner radii of the new bracket; remove material from the upper transmission case ledge or from the lower surface of the bracket in contact with the case lug, as necessary. Failure to insure proper fit of this bracket will introduce undesirable pre-stress into the transmission mount lug.

(Brantly Service Bulletin No. 14 covers this same subject.)

This amendment shall become effective August 14, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61–7349; Filed, Aug. 3, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8142 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Meredith Milling Co. et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Jack M. Rawlings, Jr., trading as Meredith Milling Company, etc., McComb, Miss., Docket 8142, June 15, 1961.]

In the Matter of Jack M. Rawlings, Jr., Trading as Meredith Milling Company and as J. M. Rawlings, Jr., Broker

Consent order requiring an individual proprietor of a feed mill at McComb, Miss., a substantial factor in the animal feed business in Mississippi and Louisiana, and also engaged as a broker in the sale of cottonseed meal and hulls, soybean meal, and related products, to cease

receiving illegal brokerage fees in violation of section 2(c) of the Clayton Act by making, in his milling capacity, substantial purchases of said products on which he received, as broker, a percentage of the net sales price as commission.

The order to cease and desist is as follows:

It is ordered, That respondent Jack M. Rawlings, Jr., an individual trading as Meredith Milling Company and as J. M. Rawlings, Jr., Broker, or under any other name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of cottonseed meal, cottonseed hulls, soybean meal, or any other products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of such products for respondent's own account, or where respondent is the agent, representative or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: June 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7360; Filed, Aug. 3, 1961; 8:48 a.m.]

[Docket 8126 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

National Tube Corp. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Tube Corporation et al., South Norwalk, Conn., Docket 8126, June 16, 1961.]

In the Matter of National Tube Corporation, a Corporation, and Ernest Kochies, Frank Cooke, and Milton Mitchell, Individually and as Officers of Said Corporation

Consent order requiring South Norwalk, Conn., distributors to cease selling to dealers television tubes which were reactivated, reconditioned, or rebuilt containing used parts, without disclosing clearly on the tubes, on the carton containers, and on invoices that such was the case.

The order to cease and desist is as follows:

It is ordered, That respondents, National Tube Corporation, a corporation, and its officers, and Ernest Kochies, Frank Cooke and Milton Mitchell, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of television picture tubes which have been reactivated or reconditioned, or rebuilt containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices, and in advertising, that said tubes are reactivated or reconditioned, or rebuilt and contain used parts, as the case may be.

2. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7361; Filed, Aug. 3, 1961; 8:48 a.m.]

[Docket 8329 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pratt Furniture Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Richard C. Pratt, Inc., doing business as Pratt Furniture Company et al., Spokane, Wash., Docket 8329, June 15, 1961.]

In the Matter of Richard C. Pratt, Inc., a Corporation, Doing Business as Pratt Furniture Company, and Richard C. Pratt, Individually and as an Officer of Said Corporation

Consent order requiring a Spokane, Wash., furniture dealer to cease advertising falsely in newspapers and on attached labels that excessive amounts were their usual retail prices and the customary prices in their trade area for mattresses and that the sale price afforded substantial savings; that the mattresses were guaranteed for 15 years, and were "Custom crafted".

The order to cease and desist is as follows:

It is ordered, That Richard C. Pratt, Inc., a corporation, and its officers, doing business as Pratt Furniture Company or under any other trade name or names, and Richard C. Pratt, individually or as an officer of said corporation, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of furniture products including mattresses and bedding, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is respondents' usual or regular retail price of merchandise when it is in excess of the price at which said merchandise has been usually or regularly sold by respondents in the recent regular course of their business.

(b) Any amount is the price of merchandise in respondents' trade area when it is in excess of the price at which said merchandise has been usually or regularly sold in said trade area.

(c) Any amount set forth in labels or price tickets attached to merchandise, or in depictions of such merchandise, or set forth in any other manner, is the usual or regular retail price of such merchandise, when such amount is in excess of the price at which such merchandise has been usually or regularly sold at retail in the trade area or areas where the representations are made.

(d) Any savings will be afforded, to purchasers of such merchandise, from respondents' advertised price unless such price constitutes a reduction from the price at which such merchandise has been usually or regularly sold by respondents in the recent regular course of their business.

(e) Any saving is afforded in the purchase of merchandise from the price in respondents' trade area unless the price at which such merchandise is offered constitutes a reduction from the price at which such merchandise has been usually or regularly sold in said trade area.

2. Representing, directly or by implication, that guarantees are unlimited or unconditional, or from utilizing the term "guarantee" or words of similar import, unless there are set forth conspicuously and in immediate conjunction therewith the nature and extent of the guarantee, the name of the guarantor, and the manner of the guarantor's performance thereunder.

3. Representing, through the use of the term "custom crafted" or other terms of similar import, that such products were manufactured pursuant to specifications and designs furnished by respondents or their customers to the manufacturer thereof prior to manufacture.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 15, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7362; Filed, Aug. 3, 1961; 8:48 a.m.]

Chapter I—Federal Trade Commission

[File No. 21-533]

PART 56—PLEASURE BOAT INDUSTRY

Promulgation of Trade Practice Rules

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of August 4, 1961.

Statement by the Commission. Trade practice rules for the Pleasure Boat Industry, as hereinafter set forth are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which trade practice rules are established consists of persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consist of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet, and equipment therefor, such as, engines, propellers, rigging and tanks, which are installed on such boats when the boats are sold or offered for sale. Such equipment, when not installed on pleasure boats is not to be considered a product of the industry for which the following rules are promulgated.

Proceedings for the establishment of these rules were instituted upon joint application of the Outboard Boating Club of America and the National Association of Engine and Boat Manufacturers. A general industry conference was held under Commission auspices in Chicago, Illinois, on October 7, 1960, at which proposals for rules were submitted for consideration by the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in New York, New York, on January 17, 1961, and all matters there presented or otherwise received in the proceeding, were considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules, as approved, become operative thirty (30) days after the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The practices prohibited by the provisions of these rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

56.0 The industry and its products defined.
56.1 Deception (general).
56.2 Deception as to length.
56.3 Deceptive speed claims.
56.4 Deception as to maintenance.
56.5 Deceptive use of wood names.
56.6 Deceptive pricing.
56.7 Guarantees, warranties, etc.
56.8 Exclusive deals.
56.9 Prohibited forms of trade restraints (unlawful price fixing, etc.)
56.10 Defamation of competitors or false disparagement of their products.
56.11 Prohibited discrimination.

AUTHORITY: §§ 56.0 to 56.11 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.

§ 56.0 The industry and its products defined.

Members of this industry are persons, firms, corporations, and organizations engaged in the manufacture, sale or distribution of pleasure boats. Products of the industry consists of pleasure boats of all types (row boats, motor boats, sail boats, etc.), the length of which does not exceed 65 feet, and equipment therefor, such as engines, propellers, rigging and tanks, which are installed on such boats when the boats are sold or offered for sale. Such equipment, when not installed on pleasure boats is not to be considered a product of the industry.

§ 56.1 Deception (general).

Boats, and equipment thereof, shall not be sold or offered for sale by an industry member under any representation or circumstance (including failure to adequately disclose relevant facts) having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to size, weight, accommodations, load capacity, speed, horsepower, durability, maintenance, construction, proof against, or resistance to, leakage, resistance or immunity to fire or flame, flotation, safety, or fuel consumption; or having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any other material respect.

NOTE: Among the practices to which the prohibitions of this section are applicable, are pictorial and other representations, either direct or indirect, which create a false impression as to the safe passenger and/or property load capacity of a boat, and/or the maximum weight and horsepower of motor or motors with which it may be safely equipped.

[Rule 1]

§ 56.2 Deception as to length.

Any representation as to the length of a boat, either direct, or indirect as by the use of model numbers suggesting length, or otherwise, must state the exact distance measured end to end over the deck of such boat, excluding sheer. If in addition a representation of the length of a boat measured by any other method (as for example at the water line or on the gunwale) is made, the nature of such measurement must be conspicuously disclosed. [Rule 2]

§ 56.3 Deceptive speed claims.

(a) Claims that a boat is capable of a specified speed by the use of such terms as "up to X miles per hour" or by similar representation, shall not be used unless such boat will attain the specified speed under usual conditions or as represented. If a boat is capable of attaining the claimed specified speed only under conditions such as when not having usual tools, or a reasonable quantity of water or fuel on board or under ideal water or weather conditions such as with a favorable wind or current, such speed claims shall be accompanied by conspicuous disclosure of the conditions which must be present to achieve the claimed speed.

(b) In the case of speed claims made for boats which are not equipped with engines, such claims shall be accompanied by conspicuous disclosure of the horsepower of the engine which must be used in such boat to customarily achieve the claimed speed. [Rule 3]

§ 56.4 Deception as to maintenance.

(a) No representation to the effect that a boat is "maintenance free" shall be used unless the boat so described, including installed components such as its propulsion machinery, sails, etc., will not rot, rust or otherwise deteriorate during the expected life of such boat, and will require no sanding, scraping, painting, patching, or other repair, except for accidental damage sustained, and will require no replacement of a part or parts as a result of wear during the life expectancy of such boat.

(b) When equipped with a motor or engine, which will need replacement of a part or parts such as spark plugs, etc., the boat shall not be represented as "maintenance free" unless such motor is clearly excepted from the representation.

NOTE: It is the consensus of the industry that no boat of present manufacture is completely maintenance free under all normal conditions of use.

[Rule 4]

§ 56.5 Deceptive use of wood names.

(a) No representation to the effect that a boat is "(name of wood)" shall be used unless the boat so described is throughout, except for minor braces, etc., solidly of the named wood. When a representation regarding the wood composition of a boat is properly applicable to only certain portions of the boat, such fact shall be clearly stated, e.g., "solid cypress planking," "teak decks."

(b) The word "Mahogany" shall not be used unqualifiedly to describe any wood other than genuine mahogany (Swietenia). However, the non-mahogany Philippine woods Tanguile, Red Lauan, White Lauan, Tiaong, Almon, Mayapis, and Bagtikan may be called "Philippine Mahogany," and the wood of the genus Khaya may be called "African Mahogany." [Rule 5]

§ 56.6 Deceptive pricing.

(a) Members of the industry shall not make any direct or indirect representation concerning the price at which a boat is offered for sale which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect.

(b) When advertisements picture a boat with equipment (such as engine, anchor, sails, etc.) installed or attached thereto, there shall be clear and conspicuous explanation as to whether such price applies only to the boat, or the boat and only a part of the equipment shown, when such is the case.

(c) Industry members shall not make any statement or representation which has the capacity and tendency or effect of creating a false impression in the minds of purchasers or prospective purchasers that the price at which they are offering to sell a product constitutes a reduction or saving either with respect to their former usual and customary price for the product in their recent, regular course of business, or with respect to the usual and customary retail price of the product in the trade area or areas where the statement or representation is made.

(d) When a retailer compares his selling price to a higher price and the higher price is described as being a "manufacturer's list price" or a "manufacturer's suggested retail price" such higher price shall be the current and customary retail price of the product in the trade area or areas where the representation is made. He may, however, compare his selling price with a higher price which has been his usual and customary price for the product in the recent and usual and regular course of his business, and describe such higher price as a "list price" when, in immediate conjunction with such term, there is a clear explanation that such "list price" is his own and not that of the manufacturer, wholesaler or other party.

(e) Members of the industry shall not make or publish any false, misleading, or deceptive representation, through advertising, or otherwise, concerning installment sales contracts to be used in the sale of boats, the terms or conditions of such contracts, the down payment to be required, the rate of interest or the financing cost to be charged, or respecting any other matters relative to such contracts. [Rule 6]

§ 56.7 Guarantees, warranties, etc.

(a) Advertising of products shall not contain representations that a product is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor.

(b) Representations that a product is "guaranteed for life" or has a "lifetime guarantee" in addition to meeting the above requirements, shall contain a conjunctive and conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

(c) Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as to have the capacity and tendency of misleading purchasers or prospective purchasers into the belief that the product so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact. [Rule 7]

§ 56.8 Exclusive deals.

Members of the industry shall not contract to sell or sell industry products or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 8]

§ 56.9 Prohibited forms of trade restraints (unlawful price fixing, etc.).[1]

Members of the industry, either directly or indirectly, shall not engage in any planned common course of action, or enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any industry products or otherwise unlawfully to restrain trade; or use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or become a party to any such understanding, agreement, combination, or conspiracy. [Rule 9]

§ 56.10 Defamation of competitors or false disparagement of their products.

Members of the industry shall not defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, nor shall such members falsely disparage the products of competitors in any respect, nor their business methods, selling prices, values, credit terms, policies or services. [Rule 10]

§ 56.11 Prohibited discrimination.[2]

(a) *Prohibited discriminatory prices, rebates, refunds, discounts, etc., which effect unlawful price discrimination.* No member of the industry engaged in commerce, in the course of such commerce, shall grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any of commerce, or to injure, destroy, or prevent competition with any person who either grants or

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[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under subparagraph (2) of this paragraph depends upon net savings in cost based on all facts relevant to the transactions under the terms of such subparagraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade:

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor.

NOTE: Subsection (b) of section 2 of the Clayton Act, as amended, reads as follows: "Upon proof being made, at any hearing on a complaint under this section, that there has been discrimination in price or services or facilities furnished, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged with a violation of this section, and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services of facilities furnished by a competitor."

(b) *Prohibited brokerage and commissions.* No member of the industry engaged in commerce, in the course of such commerce, shall pay or grant, or receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* No member of the industry engaged in commerce shall pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* No member of the industry engaged in commerce shall discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities including, but not limited to, displays, exhibits, and promotional material connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

NOTE: See subsection (b) of section 2 of the Clayton Act, as amended, which is set forth in the note concluding paragraph (a) of this section.

(e) *Inducing or receiving an illegal discrimination in price.* No member of the industry engaged in commerce, in the course of such commerce, shall knowingly induce or receive a discrimination in price which is prohibited by the foregoing provisions of paragraphs (a) to (e) of this section. [Rule 11]

Issued: August 3, 1961.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7327; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER H—SUPPLIES AND EQUIPMENT

PART 621—LOAN OF PROPERTY

Loans To Veterans Organizations

Subparagraph (25) is added to § 621.1 (b), as follows:

§ 621.1 Loan of Army-owned property to recognized veterans' organizations for use at National and State conventions.

* * * * *

(b) *Recognized organizations.* * * *

(25) Italian American War Veterans of the United States, Inc.

[Cl, AR 725-56, 18 July 1961] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply sec. 2541, 70A Stat. 142; 10 U.S.C. 2541)

R. V. LEE, *Major General, U.S. Army; The Adjutant General.*

[F.R. Doc. 61-7340; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Definitions and Standards of Identity; Temporary Permits for Interstate Shipment of Foods Varying From Legal Requirements

Following a review of the temporary permits, issued pursant to § 3.12, for the interstate shipment of experimental packs of foods varying from the requirements of definitions and standards of identity established in this chapter, the Commissioner of Food and Drugs has concluded that since the formal standard of identity for a food is a public document, any authority granted for the marketing of articles that do not conform with such standard should also be a matter of public record. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 3.12 (21 CFR 3.12) is amended by adding thereto a new paragraph (j), as follows:

§ 3.12 Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity.

* * * * *

(j) Notice of the granting or revocation of any permit shall be published in the FEDERAL REGISTER.

NOTE: These notices will appear in future daily issues of the FEDERAL REGISTER, in the Notices Section.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371(a))

Dated: July 28, 1961.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-7371; Filed, Aug. 3, 1961; 8:49 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico Southeast of Corpus Christi Bay, Texas

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.165 establishing and governing the use and navigation of danger zones in the Gulf of Mexico southeast of Corpus Christi Bay, Texas, is hereby revoked, effective on publication in the FEDERAL REGISTER since the areas are no longer needed, as follows:

§ 204.165 Gulf of Mexico southeast of Corpus Christi Bay; bombing, machine gunnery, and rocket firing range, Naval Air Station, Corpus Christi, Tex. [Revoked]

[Regs., 21 July 1961, 285/91 (Gulf of Mexico, Tex.)-ENGCW-ON] (40 Stat. 266, 892; 33 U.S.C. 1, 3)

R. V. LEE, *Major General, U.S. Army, The Adjutant General.*

[F.R. Doc. 61-7341; Filed, Aug. 3, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 18—National Aeronautics and Space Administration

PART 18-7—CONTRACT CLAUSES

NASA Subcontracting Small Business Program; Correction

Section 18-7.101-3(g) appearing at 26 F.R. 3810 is hereby changed to § 18-7.150-3(g).

ALBERT F. SIEPERT, *Director of Administration.*

[F.R. Doc. 61-7378; Filed, Aug. 3, 1961; 8:51 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2450]

GRAZING DISTRICTS

Modification

By virtue of the authority vested in the Secretary of the Interior by section 1 of the act of June 28, 1934, as amended, it is ordered that all public lands under the jurisdiction of the Secretary of the Interior and administered by the Bureau of Land Management are, to the extent not previously provided for, hereby added to grazing districts when such lands are located within the exterior boundaries of such districts. This order includes, but is not limited to, public lands withdrawn under the act of December 29, 1916 (39 Stat. 862; 43 U.S.C. 300) for stock driveways, and the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), as amended, for public watering purposes, for classification or in aid of legislation, and power site reserves. All lands added to grazing districts by this order are hereby made subject to use, regulation, and administration in accordance with the applicable provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315-315m, 315n-315o-1), as amended, and the Federal Range Code for Grazing Districts (43 C.F.R. 161), to the extent that the primary purpose for which the withdrawals were made is not adversely affected by such use, regulation, and administration and not contrary to any express conditions or limitations in the withdrawal order.

KENNETH HOLUM, *Assistant Secretary of the Interior.*

JULY 28, 1961.

[F.R. Doc. 61-7364; Filed, Aug. 3, 1961; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-19]

PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods

Upon consideration of the record in the above-entitled proceeding, and of joint petition of Movers Conference of America, Household Goods Carriers' Bureau, and Movers' and Warehouseman's Association of America, Inc., filed July 27, 1961, for postponement of the effective date; and good cause appearing therefor:

It is ordered, That the date on which the rules prescribed in the order of June 19, 1961, shall become effective be, and it is hereby, postponed from August 7, 1961, to August 31, 1961.

(49 Stat. 546, as amended; 49 U.S.C. 304, Interpret or apply 49 Stat. 558, as amended, 560 as amended; 49 U.S.C. 316, 317)

Dated at Washington, D.C., this 28th day of July A.D. 1961.

By the Commission, Acting Chairman Freas.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-7368; Filed, Aug. 3, 1961; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 828]

AIRWORTHINESS DIRECTIVES

Piper Model PA 24 "250" Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and reinforcement to prevent further incidents of cracks or deterioration occurring in the exhaust stack assembly of Piper PA-24 "250" aircraft. Such failures can result in loss of power and fire damage to adjacent fuel and electrical lines.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316 1711 New York Avenue NW., Washington 25, D.C. All comunications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

PIPER. Applies to Model PA-24"250" aircraft Serial Numbers 24-103 to 24-1629 inclusive, which do not have a reinforcing plate welded to the stack in the area where the rear engine cylinder stack is welded to the exhaust stack assembly. Compliance required as indicated.

Due to incidents of cracks occurring in the exhaust stack assembly, right side, P/N 21664-03, the following inspections and reinforcement must be accomplished:

(a) Within 25 hours' time in service after effective date of this AD, remove the carburetor heat shroud assembly and inspect the exhaust stack assembly, P/N 21664-03, for any indication of cracks or deterioration particularly in the area where the rear engine cylinder exhaust stack is welded to the exhaust stack assembly. If evidence of cracks or deterioration is noted, the assembly must be replaced with a new assembly prior to further flight. The provisions of this paragraph shall be reaccomplished at intervals of 50 hours' time in service until such time as the installation in paragraph (b) is accomplished.

(b) Within 100 hours' time in service after initial compliance with paragraph (a), a clamp-on reinforcement Piper Kit No. 754396 or equivalent, shall be installed on the exhaust stack assembly, P/N 21664-03. After installation of the clamp-on reinforcement, the provisions of paragraph (a) are no longer applicable.

(Piper Service Bulletin 202 dated May 22, 1961, applies to this subject.)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7351; Filed, Aug. 3, 1961; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 829]

Curtiss-Wright C-46 Series Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator by amending airworthiness directive 52-17-2 (21 F.R. 9517), pertaining to tailwheel rework on Curtiss-Wright C-46 Series aircraft. It is proposed to establish an inspection time interval based on time in service rather than at each No. 3 inspection as presently required. It has been found that because of the differences between the maintenance practices of air carriers and general operators and the ambiguity of the term "No. 3 inspection", the desired degree of compliance with this AD has not been achieved. Accordingly, the proposed amendment will establish the inspection time interval for all operators at each 400 hours' time in service.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. All communications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), as follows:

Airworthiness directive 52-17-2, (21 F.R. 9517), is amended by changing the first sentence in paragraph 1. to read as follows: "1. The original compliance date set was not later than December 1, 1952, and at each No. 3 inspection thereafter, however, in order to convert the inspection interval to time in service, the following inspection shall be accomplished within 400 hours' time in service after the effective date of this amendment. Subsequent compliance required at each 400 hours' time in service after initial compliance."

Issued in Washington, D.C., on July 31, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7352; Filed, Aug. 3, 1961; 8:47 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 830]

AIRWORTHINESS DIRECTIVES

Russell Manufacturing Co. Safety Belt

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of Russell Model RM23, P/N SB1709, safety belts equipped with D-832B buckles, manufactured from October 1959, through June 1960 which do not meet the tensile load test in the proposed directive. Since numerous service difficulties involving slippage in these belt assemblies have been reported, it is necessary to determine the airworthiness of belts of this model and date of manufacture.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 4, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

RUSSELL MANUFACTURING COMPANY SAFETY BELT. Applies to all aircraft equipped with Rusco Model RM23 P/N SB1709 safety belts manufactured from October 1959, through June 1960, and equipped with D-832B buckles.

Compliance required within the next 25 hours' time in service after the effective date of this directive.

Service difficulties with Rusco Model RM23, P/N SB1709, safety belt assemblies manufactured from October 1959, through June 1960, have been reported wherein the buckle cam does not securely grip the webbing thereby causing the assembly to slip. In order to determine the airworthiness of these belts, a minimum tensil load of 100 pounds must be applied to the belt assembly. If the webbing slips through the buckle as a result of this test, the belt must be considered unairworthy and replaced with an airworthy belt assembly conforming to TSO-C22 standards prior to further flight.

(Russell Manufacturing Company Bulletin No. 61-5 covers this same subject.)

Issued in Washington, D.C., on July 28, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7353; Filed, Aug. 3, 1961; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Propionate; Notice of Proposal to Exempt from Requirement of Tolerance When Used as Preservative on Raw Agricultural Commodities for Salads

The Commissioner of Food and Drugs has concluded that sodium propionate applied to salad greens and vegetables, subsequent to harvest, as a preservative and fungicide, does not constitute a hazard to the public health. Therefore the Commissioner, on his own initiative and under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), vested in the Secretary of Health, Education, and Welfare and delegated to the Commissioner (25 F.R. 8625), proposes that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.185, 26 F.R. 2593) be amended to read as follows:

§ 120.185 Sodium propionate; exemption from the requirement of a tolerance for residues.

Sodium propionate is exempted from the requirement of a tolerance for residues when used as follows:

(a) As a fungicide in the production of garlic.

(b) From postharvest application as a preservative on salad greens and vegetables intended for consumption as salads.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sodium propionate may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: July 28, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7376; Filed, Aug. 3, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice was given in the FEDERAL REGISTER of May 24, 1961 (26 F.R. 4454) that a petition (FAP 302) had been filed by the American Petroleum Institute, 1271 Avenue of the Americas, New York 20, New York, proposing the issuance of a regulation to provide for the safe use of white mineral oil in foods from certain uses.

In accordance with the information included in the petition, it has been filed to provide also for the following uses:

(6) In plastic film.

(7) Impregnated paper.

(8) As a sealing liquid in fermentation vats.

Dated: July 28, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7377; Filed, Aug. 3, 1961; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 513) has been filed by Morton Salt Company, 110 Wacker Drive, Chicago 6, Illinois, to establish a tolerance of 25 parts per million (0.0025 percent) for yellow prussiate of soda when used to change the crystal structure of sodium chloride for human and animal use.

Dated: July 27, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7372; Filed, Aug. 3, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of expenses and rate of assessment, hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113, and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 992.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending on May 31, 1962, will amount to $22,863.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 1, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7381; Filed, Aug. 3, 1961; 8:51 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 520]

STUDENT-LEARNERS

Minimum Wage Rates

In consideration of the new minimum wage provisions contained in the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30), and pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6, of 1950 (3 CFR 1949–53 Comp. p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend the current 75 cent an hour minimum wage rate for student-learners (29 CFR 520.6(b)) as hereinbelow set out.

Any person interested in this proposal may file a written statement of data, views or argument regarding it with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 10 days after this notice is published in the FEDERAL REGISTER.

If and when this proposal is made effective, it is my intention to make an order which shall provide for the continuation of present "student-learner" certificates until the date of their expiration with no change in the wage rate, and which will serve as a certificate authorizing temporary continuation of "student-learner" programs, at minimum wages conforming to those hereby proposed, which will require certification for the first time on September 3, 1961.

§ 520.6 Terms and conditions of employment under special student-learner certificates.

* * * * *

(b) The subminimum wage rate shall be not less than 75 per centum of the applicable minimum under section 6 of the Act.

(52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 31st day of July 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–7379; Filed, Aug. 3, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. Order No. 190]

SUPERVISION OF BUREAUS AND PERFORMANCE OF FUNCTIONS IN THE TREASURY DEPARTMENT

1. The following bureaus, offices, and staff assistants shall be under the direct supervision of the Secretary and the Under Secretary:

Internal Revenue Service.
Assistant to the Secretary (Congressional Relations).
Assistant to the Secretary (Public Relations).
Special Assistants to the Secretary.
Director, Executive Secretariat.

2. The following bureaus, offices, and other organizational units shall be under the general supervision of the Secretary and the Under Secretary and under the direct supervision of the officials indicated:

Under Secretary for Monetary Affairs

The Assistant Secretary (International Finance) and the Fiscal Assistant Secretary to the extent of their responsibilities for international and domestic monetary and fiscal policies.
Assistant to the Secretary (Debt Management) Office of Debt Analysis.
Assistant to the Secretary (Financial Analysis) Office of Financial Analysis.
Office of the Comptroller of the Currency.
United States Savings Bonds Division.

General Counsel

Legal Division.

Assistant Secretary

Bureau of Customs.
Bureau of Engraving and Printing.
Bureau of the Mint.
Bureau of Narcotics.
Office of Law Enforcement Coordination.
United States Coast Guard.
United States Secret Service.

Assistant Secretary (International Finance)

Office of International Finance (including Foreign Assets Control).

Assistant Secretary (Tax Policy)

Office of Tax Legislation.
Office of Tax Analysis.
Office of International Tax Affairs.

Fiscal Assistant Secretary

Bureau of Accounts.
Bureau of the Public Debt.
Office of the Treasurer of the United States.
Office of Defense Lending.

Administrative Assistant Secretary

Office of Administrative Services.
Office of Budget.
Office of Management and Organization.
Office of Personnel.
Office of Security.

3. The Under Secretary, the Under Secretary for Monetary Affairs, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which action should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

4. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

(1) Under Secretary.
(2) Under Secretary for Monetary Affairs.
(3) General Counsel.
(4) Presidentially appointed Assistant Secretaries in the order in which they took the oath of office as Assistant Secretary.

5. Treasury Department Orders No. 148, 183, and 183–2 are rescinded.

Dated: July 28, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–7373; Filed, Aug. 3, 1961; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA AND MINNESOTA

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arizona and Minnesota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Arizona

Entire State of Arizona.

Minnesota

Clay. Wilkin.
Grant.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 31st day of July 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7370; Filed, Aug. 3, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

NEGOTIATED CONTRACTS WITHIN LABOR SURPLUS AREAS

Redelegation of Authority

The Redelegations of Authority published in the FEDERAL REGISTER May 3, 1961 (26 F.R. 3823), are hereby amended by adding a new section 15 thereto as follows:

15. *Negotiated contracts within labor surplus areas.* a. The Chief of Supply may exercise the authority delegated to the Secretary of the Interior by the Administrator of General Services (24 F.R. 1921) and redelegated to the Bonneville Power Administrator by 205 DM 11.4A (26 F.R. 5584) to negotiate contracts without advertising under section 302(c)(1) of the Federal Property and Services Act of 1949, as amended, when the amount of the contract does not exceed $25,000.

b. The authority delegated by subsection a. shall be exercised in accordance with the provisions of 205 DM 11.4A(2) (26 F.R. 5584).

c. The authority delegated by subsection a. may not be redelegated.

(205 DM 11.4A)

Dated: July 28, 1961.

CHARLES F. LUCE,
Administrator.

[F.R. Doc. 61–7363; Filed, Aug. 3, 1961; 8:48 a.m.]

Office of the Secretary

NEGOTIATED CONTRACTS

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

PART 205—GENERAL DELEGATIONS

CHAPTER 11—PROCUREMENT AND CONTRACTING

205.11.4 *Negotiated contracts.*

* * * * *

C. *Negotiated contracts under section 302(c)(14) of the Federal Property and*

Administrative Services Act of 1949—(1) *Delegation.* The head of each bureau, other Departmental office, and the Director of Administrative Services for the Office of the Secretary are authorized, subject to 205 DM 11.4C(2), to exercise the authority delegated by the Administrator of General Services to the Secretary of the Interior (24 F.R. 1921) to negotiate contracts without advertising under section 302(c)(14) of the Federal Property and Administrative Services Act of 1949, as amended.

(2) *Limitation.* The authority delegated by 205 DM 11.4C(1) shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and the Department of the Interior. The authority shall not be exercised in instances where a single successful bidder can be determined in accordance with preferences prescribed by Federal Procurement Regulations with respect to labor surplus areas and small business without the drawing of lots. However, with approval of the head of the bureau, awards based on such preferences will not be made in those instances where similar or identical bids indicate collusive bidding, follow-the-leader pricing, rotated low bids, uniform estimating systems, refusal by bidders to classify the Government as other than a retail buyer regardless of the quantity purchased, or similar practices.

STEWART L. UDALL,
Secretary of the Interior.

JULY 28, 1961.

[F.R. Doc. 61-7365; Filed, Aug. 3, 1961; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

EXPORTS OF PRODUCTS MANUFACTURED IN 1960

Notice of Determination for Survey

Pursuant to the Act of Congress approved August 31, 1954, Title 13, United States Code, Sections 181, 224, and 225 and due notice having been published on July 4, 1961 (26 F.R. 6004), I have determined that a survey should be conducted by the Census Bureau in which manufacturers will be requested to report the volume of products manufactured in 1960 which were exported. Total figures are to be reported for each plant. The data are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public.

The data will provide important information on the relationship of the economy of States and other geographic areas to foreign trade and are not publicly available from nongovernmental or other governmental sources.

Report forms will be furnished to firms included in the survey and additional copies are available on request to the Director, Bureau of the Census, Washington 25, D.C.

I have therefore directed that a survey be conducted for the purpose of collecting these data.

[SEAL] RICHARD M. SCAMMON,
Director,
Bureau of the Census.

[F.R. Doc. 61-7339; Filed, Aug. 3, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11238 et al.]

SHULMAN, INC., ET AL.

International Airfreight Forwarder Investigation; Notice of Hearing

In the matter of applications of Shulman, Inc., and Consolidated Air Freight, Inc., for operating authorizations as international airfreight forwarders, and an application of Benjamin Shulman et al., for approval of certain control and interlocking relationships.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on August 15, 1961, at 10:00 a.m., e.d.s.t., in Room 3082, U.S. Court House, 9th and Market Streets, Philadelphia, Pa., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served July 11, 1961, Board order E-16934, adopted June 13, 1961, and all other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 31, 1961.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[F.R. Doc. 61-7386; Filed, Aug. 3, 1961; 8:52 a.m.]

[Docket No. 7723 et al.]

REOPENED TRANSPACIFIC ROUTE CASE (INTERNATIONAL PHASE)

Notice of Prehearing Conference

Notice is hereby given, pursuant to Order E-17230, that a prehearing conference in the above-entitled matter is assigned to be held on August 31, 1961 at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., August 1, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7387; Filed, Aug. 3, 1961; 8:52 a.m.]

[Docket No. 12093; Order No. E-17250]

SKY COURIER, INC., ET AL.

Order of Tentative Approval

In the matter of the joint application of Sky Courier, Inc., Cross Armored Carrier Corp., Aurthur DeBevoise, Alexander C. Allen, Merritt T. Kennedy, John Kevin Murphy, Docket No. 12093; for approval under sections 408(b) and 409(a) of the Federal Aviation Act of certain common control and interlocking relationships.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of July 1961.

By application filed February 6, 1961 as amended April 3, 1961, Sky Courier, Inc. (Sky), Cross Armored Carrier Corp. (Cross), Arthur DeBevoise (DeBevoise) request (1) approval, under section 408 (b) of the Federal Aviation Act of 1958, as amended (the Act), of the control of Sky by Cross as well as the common control by DeBevoise of Cross and certain other common carriers and (2) approval under section 409(a) of the Act of interlocking relationships resulting from DeBevoise, Alexander C. Allen (Allen), Merritt T. Kennedy (Kennedy) and John Kevin Murphy (Murphy) serving as officers and directors of some or all of the companies.[1]

Sky is an applicant for an operating authorization as a domestic air freight forwarder under Part 296 of the Board's Economic Regulations. It proposes to specialize in the transportation of currency, coin and negotiable securities. Cross, its owner, is engaged in the intrastate transportation of similar items by armored vehicle within the state of New York.

Involved in the system of affiliated companies are seven other intrastate motor carriers[2] six of whom are engaged in the transportation of commercial documents, while a seventh (New England) transports general commodities. Armored Carrier Corp. (Armored) is both an interstate[3] and intrastate motor carrier, transporting principally bank checks in process of collection. Armored is the sole owner of the Illinois intrastate operator ACC. The intrastate carrier New England is owned by Mr. DeBevoise's Pyrate Company which is not engaged in transportation.

Mr. DeBevoise is the sole owner of Cross and hence indirectly controls Sky. He is also the sole owner directly or indirectly of all of the affiliated companies. In addition to Mr. DeBevoise three other individual applicants (Messrs. Allen, Kennedy, and Murphy) seek approval of the interlocking relationships indicated in Appendix "A". However, none of them has a financial interest in any of the companies involved. The application requests that the above-named individuals be authorized to hold generally, in addition to the positions stated in the appendix, directorships and offices within the same system of affiliated and subsidiary companies, as provided in § 251.4 of the Board's Economic Regulations.

In support of their request for approval, applicants submit that the functions of the air freight forwarder, Sky, will be entirely different from, and essentially non-competitive with, its affiliated motor carriers in view of the nature of their operating authorities and the services they perform. Sky intends to specialize in the transportation of valuables, particularly negotiable securities. The applicants assert that the commercial document and general commodity services of the intrastate motor carriers would complement the services offered by Sky and would not be competitive. They also assert that the interstate operations of Armored which is limited to the movement of bank checks is essentially complementary to, and not competitive with, the services to be offered by Sky. Applicants maintain that in view of these different operations, common control of the motor carriers and the air carrier would present no conflict of interest in the generation or routing of traffic.

No objections to the application have been filed.

Upon consideration of the application the Board concludes that the control and interlocking relationships here under consideration are unlikely to subject the persons involved to conflicts of interest or unfairly affect other direct or indirect air carriers. Accordingly, the Board finds that Cross is a common carrier within the meaning of sections 408 and 409 of the Act and that the ownership of Sky by Cross and the common control of Sky and the other common carriers by Mr. DeBevoise is not adverse to the public interest, will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation and will not create a monopoly or tend to restrain competition, and that no person disclosing a substantial interest is currently requesting a hearing.

The Board also finds that a due showing has been made under section 409(a) that the interlocking relationships shown in the appendix are not adverse to the public interest. Approval of all such relationships therefore appears warranted. In addition, the Board intends to authorize the individual applicants to hold generally, such offices and directorships within the same system of affiliated companies to which they may be hereafter elected or appointed.

In view of the foregoing, the Board tentatively finds that the control relationships involved herein should be approved and intends to approve them without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[4]

Therefore, it is ordered:

1. That this order be published in the FEDERAL REGISTER.

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[5]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX A

	Arthur DeBevoise [1]	A. C. Allen	M. T. Kennedy	J. K. Murphy
Sky Courier [2]	Pres./Dir.	Sec.-Treas./Dir.	Vice-Pres./Dir.	Dir.
Cross Armored [2]	do	Treas.	do	Do.
Armored Carrier [4]	do	Treas./Dir.		Vice-Pres./Dir.
Ohio Couriers [3]	Dir.		Treas./Dir.	
Southern Couriers [3]	Pres./Dir.	Treas.		Vice-Pres./Dir.
Pyrate Sales [3]	do	do	Vice-Pres./Dir.	Dir.
City Dispatch [3]	do			Do.
Minnesota [3]	do	Treas.		Vice-Pres./Dir.
ACC Corp. [3]	do	do		Do.
Carolina-Virginia [3]	do	do		Do.
New England [5]	Dir.		Treas./Dir.	

[1] Mr. DeBevoise owns or controls all of the companies listed.
[2] Air freight forwarder owned by Cross, an intrastate motor carrier.
[3] Intrastate motor carriers—Cross, Ohio, Southern, City, Minnesota, Carolina-Virginia, New England, and ACC.
[4] An interstate motor carrier which owns ACC, an Illinois intrastate carrier.
[5] A sales company not directly engaged in transportation. However, it owns all of the stock of New England

[F.R. Doc. 61-7388; Filed, Aug. 3, 1961; 8:52 a.m.]

[1] The control and interlocking relationships for which approval is sought are specifically set forth in Attachment "A" hereto.

[2] ACC Corp. (ACC); City Dispatch Corp. (City); Ohio Couriers, Inc. (Ohio); New England Couriers, Inc. (New England); Carolina-Virginia Couriers, Inc. (Carolina); Minnesota Couriers, Inc. (Minnesota); Southern Couriers, Inc. (Southern).

[3] As authorized by the Interstate Commerce Commission.

[4] Further action on the interlocking relationships under section 409 will be deferred pending final decision of the control relationships which are subject to section 408.

[5] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL AVIATION AGENCY

[Agency Order 3 (Rev.)]

ORDER OF PRECEDENCE TO SERVE AS ACTING ADMINISTRATOR

1. *Purpose.* This order establishes the order of precedence governing service as Acting Administrator of the Federal Aviation Agency in the absence or disability of the Administrator.

2. *Order of precedence.* In the absence or disability of the Administrator, The Deputy Administrator serves as Acting Administrator. In the absence or disability of both the Administrator and The Deputy Administrator, the Deputy Administrator for Administration serves as Acting Administrator, and in the absence or disability of all the foregoing officials, the Deputy Administrator for Plans and Development serves as Acting Administrator.

3. *Effective date.* This order is effective July 28, 1961, superseding Agency Order 3 of February 16, 1959.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-7345; Filed, Aug. 3, 1961; 8:46 a.m.]

[OE Docket No. 61-FW-65]

PROPOSED TELEVISION RECEIVING ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Western Communications Service, San Angelo, Texas, purposes to construct a television receiving antenna structure near Kerrville, Texas, at latitude 30°03' 45" north, longitude 99°08'23" west. The overall height of the structure would be 2,310 feet above mean sea level (400 feet above ground).

An objection was made in response to the circularization on the basis that the proposed structure would interfere with the use of standard broadcast station KERV as a homing device by aircraft landing at the Kerrville Municipal Airport. Objections were made at the Regional Informal Airspace Meeting based on the height of the structure above the Kerrville Municipal Airport. No objections were made at the Washington Informal Airspace Meeting.

The structure would be located approximately 6.5 miles northwest of the Kerrville Municipal Airport, Kerrville, Texas, and would exceed the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 161 feet. However, the Agency study revealed that this factor would have no substantial adverse effect upon aeronautical operations at this airport. There are no FAA approved Instrument Flight Rules Procedures utilizing standard broadcast station KERV, and the proposed antenna structure would have no adverse effect on the utilization of this station as a VFR homing facility.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7342; Filed, Aug. 3, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-19]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Star Broadcasting Corporation, Fredericksburg, Virginia, proposes to construct a radio antenna structure near Fredericksburg, Virginia, at latitude 38°18'47" north, longitude 77°26'20" west. The overall height of the structure would be 544 feet above mean sea level (354 feet above ground).

No objections were made in response to the circularization. The structure would be approximately 3.2 miles north of the Shannon Airport, Fredericksburg, Virginia, and would exceed the outer conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 135 feet. However, the agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation: *Provided,* That the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7343; Filed, Aug. 3, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-27]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Rockford Damor Industrial Equipment Company, Aurora, Illinois, proposes to increase by 40 feet the overall height of an existing radio antenna structure in Rockford, Illinois, at latitude 42°16'33" north, longitude 89°08'04" west. The new overall height of the structure would be 935 feet above mean sea level (135 feet above ground).

The circularization of this proposal specified a site location of latitude 42°16'10" north, longitude 89°08'46" west. Subsequent to the circularization, it was determined that the correct geographical coordinates of the structure are latitude 42°16'33" north, longitude 89°08'04" west. It is located 4,550 feet south of the south end of the Cottonwood Airport north-south runway and 375 feet east of the extended runway centerline.

Aeronautical objection was made in response to the circularization on the basis that the structure would exceed Joint Industry/Government Tall Structures Committee criteria as applied to Cottonwood Airport, and would adversely affect aircraft operations in the vicinity of this airport. The proposed structure would exceed the JIGTSC runway approach surface and horizontal surface criteria, as applied to this airport, by 126 feet and 40 feet, respectively. However, the Agency study revealed that this factor would have no substantial adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed increase in structure height.

Therefore, pursuant to the authority delegated to me by the Administrator (§626.33; 26 F.R. 5292), it is concluded that the proposed increase in structure height, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this proposed increase in structure height would not be a hazard to air navigation, provided the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7344; Filed, Aug. 3, 1961; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-308]

CITY OF ADAIRSVILLE, GEORGIA

Notice of Application

JULY 28, 1961.

Take notice that on June 1, 1961, the City of Adairsville, Georgia (Applicant), filed an application in Docket No. CP61-308 for an order, pursuant to section 7(a) of the Natural Gas Act, directing Southern Natural Gas Company (Southern) to establish physical connection of its gas transportation facilities with Applicant's proposed distribution system and to sell natural gas to Applicant for resale and distribution in the City and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct, own and operate a transmission line of 10 miles of 3-inch and 7.5 miles of 2⅞-inch pipeline connecting with Southern's transmission line near Rome, Georgia, approximately 20 miles southwest of Applicant, and to construct and operate a distribution system in the City and environs.

Applicant shows the following estimate peak day and annual natural gas requirements:

(Mcf)	1st year	2d year	3d year
Annual requirements	49,510	55,495	61,225
Peak day requirements	364	423	480

The total estimated cost of the proposed system is $310,000, which cost is to be financed by the issuance of natural gas revenue certificates.

On June 16, 1961, Southern filed an answer consenting to the application and stating no objection to a Commission order directing the sale.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7354; Filed, Aug. 3, 1961; 8:47 a.m.]

[Docket Nos. RI61-555, RI61-556]

SUN OIL CO. ET AL.

Correction

JULY 12, 1961.

Sun Oil Company, Docket No. RI61-555; Sun Oil Company (Operator), et al., Docket No. RI61-556.

In the Order Providing For Hearings On And Suspension Of Proposed Changes In Rates And Allowing Rates To Become Effective Subject To Refund, issued July 3, 1961, and published in the FEDERAL REGISTER on July 8, 1961 (F.R. Doc. 61-6403; 26 F.R. 6149): In the first paragraph change "Rate Schedule No. 2" to read "Rate Schedule No. 80."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7355; Filed, Aug. 3, 1961; 8:47 a.m.]

[Docket Nos. CP61-300, CI61-1605]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND NORTH CENTRAL OIL CORP.

Notice of Applications and Date of Hearing

JULY 27, 1961.

Transcontinental Gas Pipe Line Corporation, Docket No. CP61-300; North Central Oil Corporation, Operator, Docket No. CI61-1605.

Take notice that on May 26, 1961, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 296, Houston 1, Texas, filed an application as supplemented on June 21, 1961, in Docket No. CP61-300, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to operate certain existing facilities in order to transport for Trunkline Gas Company (Trunkline), on a firm basis, up to 3,000 Mcf per day of natural gas which the latter proposes to purchase from North Central Oil Corporation, et al., in the Sabine Pass area of Jefferson County, Texas.

Take further notice that on May 5, 1961, North Central Oil Corporation, Operator (North Central), 608 Fannin Street, Houston 2, Texas, filed an application in Docket No. CI61-1605, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to sell natural gas, produced from its properties in the Sabine Pass area, to Trunkline.

The proposals of Transco and North Central are more fully set forth in the respective applications on file with the Commission and open to public inspection.

Transco states that no new facilities will be required to render the proposed transportation service since North Central's gas will be received, transported and delivered to Trunkline through existing facilities of Transco. North Central will deliver Trunkline's gas into Transco's Block 10 lateral which traverses the Sabine Pass area.[1] Transco will transport the gas through its supply lateral and mainline facilities to the interconnection with Trunkline's facilities in Beauregard Parish, Louisiana.

Pursuant to an agreement, dated May 9, 1961, between Transco and Trunkline, Trunkline will pay 2.5 cents per Mcf at 15.025 psia for all gas delivered.

Pursuant to a gas purchase contract, dated March 6, 1961, between Trunkline and North Central, et al., Trunkline will pay an initial base price of 16.25 cents per Mcf of natural gas at 14.65 psia.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7356; Filed, Aug. 3, 1961; 8:47 a.m.]

[1] A portion of this lateral (all of which Transco owns) is leased to Socony Mobil Oil Company, Inc. (Socony), which uses it to transport its gas from sources in the offshore Texas area for sale and delivery to Transco in Cameron Parish, Louisiana. By the terms of the lease agreement, Transco may require Socony to transport gas acquired from producers along the line if capacity is available. Transco states that North Central will pay Mobil $75.00 per month and ¼ cent per Mcf for use of the separation facilities.

[Docket No. CP61-291]

WESTERN LEWIS-RECTORVILLE WATER DISTRICT

Notice of Application

JULY 31, 1961.

Take notice that Western Lewis-Rectorville Water District (Applicant) Mason County, Kentucky, filed an application on May 16, 1961, as supplemented on June 12 and June 21, 1961, for an order pursuant to section 7(a) of the Natural Gas Act to direct Kentucky Gas Transmission Corporation (Kentucky Gas) to establish physical connection of its transmission facilities at two points in Mason County, Kentucky with the system proposed to be constructed by Applicant and to sell and deliver natural gas to it for resale in rural areas in Mason and Lewis Counties, Kentucky as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 12 miles of distribution system consisting of two 4-inch pipe approximately 200 meters and services and gas metering station. The system will be built in two sections each separate from the other and both crossing the Kentucky Gas 20-inch transmission line at two points in Mason County. One near Kentucky Highway 10 and the other near Mt. Carmel Road. Applicant states that a meter station will be required at each of the two connections with Kentucky Gas. One station to be built by Kentucky Gas and one to be built by the applicant.

The annual and peak day requirements of applicant are estimated to be the following for residential and commercial service:

	Peak day (Mcf)	Annual (Mcf)
First year	350	25,300
Second year	385	32,025
Third year	420	36,855

The total cost of construction of the proposed gas transmission and distribution system is estimated to be $143,800 which will be paid for by funds raised by a bond issue by the Applicant.

The Applicant states that the county courts in Lewis and Mason Counties have found the Applicant's proposal necessary and in the public interest.

On June 15, 1961 Kentucky Gas filed an answer to the application stating that it could render the proposed service without adverse effect on its existing customers.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7357; Filed, Aug. 3, 1961; 8:47 a.m.]

[Project No 2290]

CALIFORNIA

Notice of Land Withdrawal

JULY 31, 1960.

In the matter of Kern River No. 3 Project Southern California Edison Company, Project No. 2290.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1036), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States are included in power Project No. 2290 (Kern River No. 3 Project) for which completed application for license was filed January 6, 1961, by the Southern California Edison Company, 601 West Fifth Street, Los Angeles, California. Under said section 24 these lands are from date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

All portions of the following described subdivisions lying within the project boundaries as depicted on K map exhibits (sheets 4 through 29) submitted to the Federal Power Commission on January 6, 1961 (FPC Nos. 2290–4 through 2290–29). Those lands reserved for transmission line purposes only are subject to the Commission's general determination of April 17, 1922 (2nd Ann. Rept. 126):

PUBLIC LANDS

T. 25 S., R. 29 E.,
Sec. 18: SE¼NE¼.
T. 25 S., R. 31 E.,
Sec. 23: N½N½;
Sec. 24: NE¼, N½NW¼;
Sec. 29: SW¼NW¼;
Sec. 30: E½SE¼NE¼.
T. 23 S., R. 32 E.,
Sec. 12: SW¼NE¼, E½NW¼, SE¼SW¼, W½SE¼;
Sec. 13: NW¼NW¼NE¼, E½NW¼, N½SW¼, SE¼SW¼;
Sec. 14: E½SE¼;
Sec. 23: E½NE¼;
Sec. 24: E½W½, SW¼NW¼, NW¼SW¼, SW¼SE¼;
Sec. 25: N½NE¼, SE¼NE¼.
T. 25 S., R. 32 E.,
Sec. 19: Lot 2, S½NE¼, NE¼NW¼;
Sec. 20: S½NW¼, N½SW¼, NW¼SE¼;
Sec. 21: NW¼SW¼, S½SW¼;
Sec. 25: S½SW¼, SW¼SE¼;
Sec. 26: N½S½, NE¼SE¼SW¼, SE¼SE¼;
Sec. 27: S½NE¼, S½NW¼, NW¼NW¼, NE¼SE¼;
Sec. 28: NE¼NE¼;
Sec. 36: N½NE¼.
T. 26 S., R. 32 E.,
Sec. 24: E½SE¼;
Sec. 36: SE¼SE¼.
T. 27 S., R. 32 E.,
Sec. 1: Lot 1, SW¼NE¼, NW¼SE¼;
Sec. 10: E½SE¼, E½SW¼SE¼;
Sec. 11: Unpatented portion S½NE¼, S½NW¼, N½SW¼, NE¼SE¼;
Sec. 12: NE¼NW¼, S½NW¼, NW¼NW¼SW¼.
T. 23 S., R. 33 E.,
Sec. 30: Lots 1, 2, 3, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 31: NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 32: W½SW¼, SW¼SE¼SW¼.
T. 24 S., R. 33 E.,
Sec. 5: Lots 3 and 4, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 8: W½NE¼, SW¼SE¼NE¼, E½NW¼, Unpatented portion SW¼, SE¼;
Sec. 9: SW¼SW¼;
Sec. 16: W¼NW¼;
Sec. 17: N½N½, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, E½SE¼;
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Sec. 20: N½N½, SW¼NE¼, SE¼SE¼SW¼, W½SE¼;
Sec. 29: E½NW¼, N½SW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 30: Unpatented portions W½NE¼, and SW¼SW¼SE¼NE¼, E½SE¼;
Sec. 31: NE¼NE¼;
Sec. 32: NE¼NE¼, W½W½, SE¼SW¼, S½SE¼;
Sec. 33: W½NW¼, SE¼NW¼, SW¼.
T. 25 S., R. 33 E.,
Sec. 3: Lot 4, SW¼NW¼, W½SW¼;
Sec. 4: Lots 1, 2, 3, S½NE¼, SE¼NW¼, SE¼;
Sec. 9: NE¼NE¼, SE¼SE¼;
Sec. 10: SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 16: N½NE¼NE¼NE¼, S½SE¼SE¼NE¼, E½NE¼SE¼, E½SW¼NE¼SE¼, SE¼SE¼;
Sec. 21: NE¼NE¼, S½NE¼, SE¼SW¼SW¼, SE¼SW¼, W½SE¼;
Sec. 28: NW¼NE¼NW¼, NW¼NW¼, SE¼SE¼;
Sec. 29: SE¼NW¼NE¼, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 30: S½SE¼;
Sec. 33: Lots 1, 3, 5.
T. 26 S., R. 33 E.,
Sec. 8: SW¼SW¼;
Sec. 17: NW¼NW¼NW¼;
Sec. 18: E½E½, SW¼SE¼;
Sec. 30: Lots 1 and 2, SE¼NW¼;
Sec. 31: Lots 2 and 3.

Acquired Lands

T. 25 S., R. 33 E.,
Sec. 22: N½NE¼, SW¼NE¼, SE¼NW¼;
Sec. 27: NW¼SW¼;
Sec. 28: SE¼NE¼SE¼;
Sec. 33: N½NE¼.
T. 26 S., R. 33 E.,
Sec. 19: Lots 1, 2, 3, and 4, NW¼NW¼NE¼, NE¼NW¼.

The area reserved by the filing of this application is approximately 427.87 acres, of which approximately 8.30 acres are acquired lands and 419.57 acres are public lands. Approximately 300.46 acres have been previously reserved by Forest Service special use permits, Bureau of Land Management rights-of-way permits, or contract with the Corps of Engineers or withdrawn by Power Site Classification Nos. 45, 80, 240, 267, or 655 or Project Nos. 174, 382, 550, 564, 722, 930, 1009, or 1499. Approximately 307.04 acres are within the boundaries of the Sequoia National Forest.

Copies of the J and K map exhibits (FPC Nos. 2290–1 through 2290–29) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service, and Corps of Engineers.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7358; Filed, Aug. 3, 1961; 8:47 a.m.]

[Project No. 2111]

WASHINGTON

Modification of Notice of Land Withdrawal

JULY 31, 1961.

In the matter of Swift No. 1 Hydroelectric Project Pacific Power and Light Company, Project No. 2111.

By letter of November 25, 1952, this Commission gave notice to the Director, Bureau of Land Management, of the reservation of approximately 70.25 acres of United States land for Project No. 2111, pursuant to the filing of an application for a preliminary permit on July 14, 1952, by the Pacific Power and Light Company, Public Service Building, Portland 4, Oregon.

By modification notice of November 6, 1959, this Commission gave notice that on December 30, 1955, the Pacific Power and Light Company had filed an application for license for the Swift Nos. 1 and 2 hydroelectric developments on the Lewis River, Washington, and that this application was amended on August 7, 1956, to eliminate the Swift No. 2 development from the project. The approximately 872.93 acres of United States lands included in the November 6, 1959, modified withdrawal notice were based on revised map exhibit "K" (F.P.C. No. 2111–12) filed October 2, 1956, delimiting the lands occupied by the Swift No. 1 development in Skamania County, Washington.

On March 30, 1961, the applicant filed Exhibit "F" and revised "K" map exhibits, sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40) to be included by amendment in the license issued December 21, 1956, which depict the project area as finally adopted.

Therefore in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project, and are, from the date of filing of maps of definite location on March 30, 1961, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

WILLAMETTE MERIDIAN

All portions of the following described subdivisions lying within the project boundary as delimited on maps designated as Exhibit "K", sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40), entitled (Project No. 2111 Washington, Pacific Power & Light Company, Swift No. 1 H. E. Development, Project Area & Project Boundary."

T. 7 N., R. 5 E.,
Sec. 26: Lot 7;
Sec. 28: SE¼NE¼.
T. 6 N., R. 6 E.,
Sec. 4: Lot 4, SW¼NW¼;
Sec. 5: Lots 1 and 2, S½NE¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 6: Lots 4 and 5;
Sec. 8: NW¼NE¼, NE¼NW¼.
T. 7 N., R. 6 E.,
Sec. 26: Lots 4, 7, 8, United States portions of Lots 5, 6, SW¼SW¼.

This notice supersedes those given November 25, 1952, and November 6, 1959, in connection with Project No. 2111.

The area reserved pursuant to the filing of this notice is approximately 359.23 acres (a reduction of approximately 513.70 acres), of which approximately 203.24 acres have been previously reserved for power purposes in connection with Project Nos. 264, 935, or 2111 or Power Site Reserve No. 74. Approximately 262.83 acres are within the Gifford Pinchot National Forest.

Copies of Map Exhibit "K", sheets 1 through 9 (F.P.C. Nos. 2111–32 through 2111–40), have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7359; Filed, Aug. 3, 1961; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION

Extension to Niagara River Remedial Works

AUGUST 1, 1961.

Notice is hereby given that the International Joint Commission will hold a public hearing in Niagara Falls, Ontario, August 11, 1961. The hearing will be held in the Council Chambers of the City Hall beginning at 9:30 a.m., August 11, 1961.

This notice is given pursuant to Applications dated July 21, 1961, from the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario seeking approval of the International Joint Commission of a proposal to carry out the works recommended by the Commission in its Interim Report to the Governments of Canada and the United States dated June 23, 1961, and described as follows:

"(i) The extension of the control structure in the Niagara River, which was constructed pursuant to the recommendations of the International Joint Commission Report of May 5, 1953, by the addition of five sluices identical to those in the existing structure.

"(ii) The construction of a training wall generally parallel to the Canadian shore, extending from a point about 1,700 feet upstream from Pier No. 4 of the Control structure to a point about 2,000 feet downstream from that pier, to provide a high velocity channel for transporting ice past the Sir Adam Beck Plant intakes and through the control structure to the Cascades; together with a concrete weir across the channel at the downstream end of the training wall.

"(iii) The removal of the top of the submerged weir which is located about 250 feet upstream from the control structure to elevation 552.5 feet, which is one foot lower than the sill of the control structure, to eliminate the risk of ice collecting on the weir and the resultant difficulties of winter operation."

At the hearing all interested parties will be given opportunity to present their views regarding the proposed works.

Copies of the Reference to the International Joint Commission dated 5 May 1961, the Commission's Interim Report in reply to this Reference dated 23 June 1961, and the Applications of the Power Authority of the State of New York and the Hydro-Electric Power Commission of Ontario are available for inspection at the following places:

Buffalo—
Office of the Commissioner of Public Works, Room 502, City Hall.
Office of the District Engineer, U.S. Army Engineer District Buffalo, Foot of Bridge Street, Buffalo 7, N.Y.
Buffalo and Erie County Public Library, Lafayette Square, Buffalo 3, N.Y.
Lewiston—
Lewiston Free Library, Lewiston, N.Y.
Niagara Falls—
Mr. James E. Collins, City Clerk, Niagara Falls, N.Y.
Office of the Niagara Frontier State Parks Commission, Niagara Falls, N.Y.
Office of the Power Authority of the State of New York, 2640 Main Street, Niagara Falls, N.Y.
Niagara Falls Public Library, 1022 Main Street, Niagara Falls, N.Y.

HARRY J. DONOHUE,
Secretary,
International Joint Commission.

[F.R. Doc. 61–7406; Filed, Aug. 3, 1961; 8:53 a.m.]

INTERSTATE COMMERCE COMMISSION

[Drouth Order No. 59; Amdt. 1]

CERTAIN COUNTIES IN ARIZONA AND WYOMING

Drouth Order

In the matter of relief under section 22 of the Interstate Commerce Act.

Present: Everett Hutchinson, Chairman, to whom the above-entitled matter has been assigned for action thereon.

It appearing that due to the drouth conditions existing in the States of Idaho, Michigan, Minnesota, Montana, Nevada, North Dakota, and South Dakota the Commission issued its Drouth Order No. 59 under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates.

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to four additional Counties.

It is ordered, That the appendix to Drouth Order No. 59 is hereby amended by adding thereto the following counties:

Arizona, 2 counties viz: Mohave, Yavapai.
Wyoming, two counties viz: Campbell, Converse.

It is further ordered, That in all other respects Drouth Order No. 59 shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 31st day of July 1961.

By the Commission, Chairman Hutchinson.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7367; Filed, Aug. 3, 1961; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 1, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37283: *Scrap iron or steel from Holland, Mich., to Hamilton, Ont.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2584), for interested rail carriers. Rates on scrap iron or steel (not copper clad), as described in the application, in carloads, from Holland, Mich., to Hamilton, Ont., Canada.

Grounds for relief: Water competition.

Tariff: Supplement 125 to The Chesapeake and Ohio Railway tariff I.C.C. 13487.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7366; Filed, Aug. 3, 1961; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3979]

JERSEY CENTRAL POWER & LIGHT CO., AND GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks and Proposed Issuance and Sale of Common Stock of Subsidiary Company to Parent

JULY 28, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), New York, N.Y., a registered holding company, and its public-utility subsidiary company, Jersey Central Power & Light Company ("Jersey Central"), Morristown, N.J., have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections

6(b), 9(a), and 10 of the Act as applicable to the proposed transactions.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Under the applicable provisions of section 6(b) of the Act the issue and sale of short-term notes of a maturity not exceeding nine months and in an amount not exceeding 5 percent of the principal amount and par value of the other securities of Jersey Central then outstanding, is exempt from the requirements of section 6(a) of the Act. Jersey Central proposes that, for the period commencing upon the date this application is granted and ending on December 31, 1962, the exempted amount of short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of the other securities of Jersey Central then outstanding. Each such note will bear interest at the prime rate (presently 4½ percent per annum) for commercial borrowing in New York at the date of issuance of the note. The application states that the granting of the application would permit Jersey Central to have outstanding an aggregate of $18,850,000 face amount of notes maturing not more than nine months after the date of issuance of such notes.

At the date of this application, Jersey Central has outstanding unsecured notes maturing within nine months from the date of issuance thereof, in an aggregate face amount of $7,695,000 (of which $5,695,000 face amount was outstanding at May 31, 1961). If this application is granted, Jersey Central expects from time to time to issue similar unsecured notes to banks.

The application states that although no commitments or agreements for such borrowings have been made, Jersey Central expects that, as and to the extent that its construction program requires the issuance and sale of its unsecured notes, borrowings will be effected from the following banks up to the maximum amounts shown:

Irving Trust Co., New York, N.Y.	$6,500,000
Chemical Bank New York Trust Co., New York, N.Y.	4,705,000
Chase Manhattan Bank, New York, N.Y.	3,000,000
Fidelity Union Trust Co., Newark, N.J.	2,000,000
Trust Company of Morris County, Morristown, N.J.	400,000
First National Iron Bank, Morristown, N.J.	300,000
Summit Trust Co., Summit, N.J.	250,000
National State Bank, Newark, N.J.	200,000
Monmouth County National Bank, Red Bank, N.J.	200,000
Asbury Park—Ocean Grove Bank, Asbury Park, N.J.	200,000
National Union Bank, Dover, N.J.	220,000
National State Bank of Elizabeth, Summit, N.J.	200,000
Central Jersey Bank & Trust Co., Freehold, N.J.	400,000
Asbury Park—Manasquan National Bank, Asbury Park, N.J.	275,000
Total	18,850,000

The net proceeds from any long-term debt financing effected prior to the maturity of all short-term notes issued and outstanding under this application will be applied by Jersey Central in reduction of, or in total payment of such outstanding notes, and the maximum amount of indebtedness which may be incurred by Jersey Central under this application will be reduced by the amount of the net proceeds of any such long-term debt financing.

Jersey Central also proposes to issue and sell to GPU, from time to time, during 1961, and GPU proposes to purchase from Jersey Central an aggregate of 200,000 additional shares of Jersey Central's $10 par value common stock at the par value thereof or an aggregate of $2,000,000.

Jersey Central proposes to utilize $7,900,000 of the total proceeds realized from the issuance and sale of the short-term notes to banks and the issuance and sale of the 200,000 shares of common stock to reimburse its treasury for construction expenditures previously incurred and, out of the treasury funds as thus reimbursed, to pay when due $5,695,000 principal amount of notes outstanding at May 31, 1961. The balance ($12,950,000) of such proceeds will be applied to the cost of Jersey Central's post-1960 construction program.

The application states that the Board of Public Utility Commissioners of the State of New Jersey has jurisdiction with respect to Jersey Central's proposed issuance and sale of the additional shares of its common stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the expenses of Jersey Central in connection with the proposed transactions will be approximately $6,700 including legal fees of Berlack, Israels & Liberman of $2,250, legal fees of A. A. Rochester of $750, Federal Issue Tax of $2,000 and State commission filing fees of $989. The expenses of GPU will be approximately $1,000.

Notice is further given that any interested person may, not later than August 16, 1961, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after such date, the application, as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7369; Filed, Aug. 3, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last statement, dated January 9, 1961 (26 F.R. 3394).

Dated: July 9, 1961.

SAM M. EWING.

[F.R. Doc. 61-7336; Filed, Aug. 3, 1961; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-22]

PORTLAND GRAY CEMENT FROM PORTUGAL

Notice of Hearing

Notice is hereby given that the United States Tariff Commission, on August 1, 1961, ordered a public hearing held in connection with the investigation instituted under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), with respect to Portland Gray Cement from Portugal. Notice of the institution of the investigation was published in the FEDERAL REGISTER on July 28, 1961 (26 F.R. 6792).

The hearing will be held in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on September 14, 1961. Interested parties desiring to appear and to be heard at such hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date set for the hearing.

Issued: August 1, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7374; Filed, Aug. 3, 1961; 8:50 a.m.]

[337-18]

SELF-CLOSING CONTAINERS

Notice of Postponement of Public Hearing

The United States Tariff Commission, on August 1, 1961, ordered that the public hearing in the investigation instituted under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) with respect to certain foreign-manufactured, self-closing containers (also known as squeeze-type coin purses), heretofore scheduled for September 12, 1961 (26 F.R. 5482), be postponed to 10 a.m., e.d.s.t., October 3, 1961.

The hearing will be held in the Hearing Room on the third floor of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

Interested parties desiring to be present, to produce evidence, and to be heard at the hearing should notify the Secretary of the Commission in writing at least five days in advance of the opening date of the hearing.

Issued: August 1, 1961.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7375; Filed, Aug. 3, 1961; 8:50 a.m.]

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1961–62 Edition

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3424

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1961

By the President of the United States of America

A Proclamation

WHEREAS equality of opportunity has long been one of our most cherished ideals; and

WHEREAS equality of opportunity for employment should not be denied any qualified person because of a physical handicap; and

WHEREAS the physically handicapped of our country have amply demonstrated their productive capacity when employed in positions suited to their special skills and talents; and

WHEREAS there are in this Nation today those who are physically handicapped but are otherwise qualified for useful work who have not yet achieved equality of opportunity for employment; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week and has requested the President to issue a suitable procamlation each year:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 1, 1961, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in furthering equality of opportunity for employment of the physically handicapped.

I also urge the Governors of States, mayors of cities, and other public officials, as well as leaders of industry, educational and religious groups, labor, civic, veterans', agricultural, women's, scientific, professional, and fraternal organizations, and all other interested organizations and individuals, including the handicapped themselves, to participate actively in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of August in the year of our Lord nineteen hundred and [SEAL] sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-7463; Filed, Aug. 3, 1961; 1:41 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 239]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.539 Valencia Orange Regulation 239.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 3, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 6, 1961, and ending at 12:01 a.m., P.s.t., August 13, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7517; Filed, Aug. 4, 1961; 11:18 a.m.]

[Lemon Reg. 911]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1018 Lemon Regulation 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 1, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 6, 1961, and ending at 12:01 a.m., P.s.t., August 13, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 2, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7458; Filed, Aug. 4, 1961; 8:53 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 838; Amdt. 321]

PART 507—AIRWORTHINESS DIRECTIVES

Alouette II SE 3130 Helicopters

As a result of low time main rotor hubs on two Alouette II SE 3130 helicopters being found cracked, it is necessary to insure safety in flight by limiting the service lives of the hubs on all helicopters of like design to 660 hours' time in service.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

SUD AVIATION. Applies to all Alouette II SE 3130 helicopters.

Compliance required as indicated.

As a result of two cases of cracks in the main rotor hubs, all main rotor hubs P/N 3130.S12.20.001 must be retired from service upon accumulation of 660 hours' time in service, except that main rotor hubs which have already accumulated 650 or more hours' time in service on the effective date of this directive must be retired from service within the next 10 hours' time in service.

(Sud Aviation Helicopters Service Alouette II SE 3130 No. AL 12.11.204 covers this subject.)

This amendment shall become effective August 5, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 1, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–7438; Filed, Aug. 4, 1961; 8:52 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–LA–81]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Federal Airway and Associated Control Areas; Modification

On June 21, 1960, there were published in the FEDERAL REGISTER (25 F.R. 5568) amendments to Parts 600 and 601 of the regulations of the Administrator. These amendments, to be effective December 15, 1960, designated VOR Federal airway No. 500 and its associated control areas from Portland, Oreg., to Denver, Colo., concurrently with the commissioning of a VOR near John Day, Oreg.

On November 9, 1960, due to a delay in the commissioning date of the John Day VOR, a modification of amendments changing the effective date of these actions to March 9, 1961, was published in the FEDERAL REGISTER (25 F.R. 10698).

On January 27, 1961, because of further delay, another modification of amendments changing the effective date of these actions to August 24, 1961, was published in the FEDERAL REGISTER (26 F.R. 714).

On February 4, 1961, Airspace Docket No. 60–WA–53 was published in the FEDERAL REGISTER (26 F.R. 1079) which established a low altitude airway system and an intermediate altitude airway system. A ceiling of up to, but not including 14,500 feet MSL, was placed on the low altitude airway system of which Victor 500 would be a part.

On various segments of the proposed Victor 500 from Boise, Idaho, to Cherokee, Wyo., the minimum en route altitudes which have been established are at 14,000 feet MSL and above, making these segments unusable in the low altitude airway system. Additionally, the segment of the proposed Victor 500 from Cherokee to Denver would coincide with low altitude VOR Federal airway No. 4 and would result in dual designation of the airspace.

Therefore, the Federal Aviation Agency considers that the designation of Victor 500 from Boise to Denver is unjustified as an assignment of airspace and is modifying this docket accordingly.

Since this action imposes no additional burden on any person, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, the text of Airspace Docket No. 59–LA–81 is amended to read:

§ 600.500 VOR Federal airway No. 500 (Portland, Oreg., to Boise, Idaho).

From the Portland, Oreg., VORTAC via the Newberg, Oreg., VOR; John Day, Oreg., VOR; to the Boise, Idaho, VORTAC.

§ 601.500 VOR Federal airway No. 500 control areas (Portland, Oreg., to Boise, Idaho).

All of VOR Federal airway No. 500.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 31, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7395; Filed, Aug. 4, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–273]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation, Designation and Alteration of Restricted Areas; Designation of Control Zone; Revocation and Alteration of Control Area Extensions; Alteration of Federal Airway

On December 31, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 14046) stating that the Federal Aviation Agency (FAA) proposed to revoke the Jacksonville, Fla., Restricted Areas R–161A, R–161B, R–161C, and R–161D (since publication of the notice renumbered R–2903, R–2904, R–2905, and R–2906 respectively); designate the Stevens Lake, Putnam and Switzerland, Fla., Restricted Areas; alter Pinecastle, Fla., Restricted Area R–165 (renumbered R–2910); designate a control zone southwest of Jacksonville, Fla.; alter the Jacksonville, Fla., control area extension; revoke the Ocala and the Gainesville, Fla., control area extensions; and alter low altitude VOR Federal airway No. 267.

The Department of the Air Force, Air Transport Association of America, Aircraft Owners and Pilots Association, and the Florida Development Commission offered no objection to the proposals contained in the notice.

The Department of the Navy objected in detail to the proposals concerning special use areas contained in the notice. Predominantly, the basis for these objections were: The proposed reduction of restricted airspace is not compatible with the increase in training activity in the Jacksonville area; the reduction of restricted airspace forces high performance Navy aircraft to operate in the same area with slower civil aircraft, thereby creating a possible collision hazard; and the accelerated tempo of training with less airspace to accomplish such activity jeopardizes the Navy readiness program.

Additionally, the Department of the Navy submitted requirements for additional restricted airspace to encompass a target complex, now under construction (Rodman target area) southeast of Gainesville, Fla.; to encompass new targets at Townsend, Ga., and to increase the restricted airspace at the Pinecastle, Fla., target area.

The Department of Defense objected on the basis that the proposed changes would restrict activity essential to national defense requirements.

The purpose of the notice of proposed rule making concerning these restricted areas was to propose the release to general aviation of currently designated restricted airspace which was believed to be in excess of the amount necessary to contain the hazardous activities con-

ducted in the area. This proposal was the result of exhaustive research and study.

Although the notice stated that it is contrary to the policy of the Federal Aviation Agency and to the public interest to designate segments of restricted airspace to protect terminal area flight operations which are not hazardous to non-participating aircraft and routine flight training activities from interference and air traffic delays which are caused by the transit of the navigable airspace by other users, no action is taken at this time to alter the airspace set aside for this purpose. The actions contained herein are an interim step arrived at through a series of conferences with Department of the Navy personnel held in Washington, D.C., and NAS Jacksonville. The Federal Aviation Agency deems it advisable to release a substantial amount of airspace for public use immediately. Accordingly, the airspace set aside for the purposes stated above will be the subject of future review and possible action.

After a review of objections and recommendations submitted by the Department of the Navy, the Federal Aviation Agency is proceeding with the following actions:

1. Revoke the present Jacksonville, Fla., Restricted Areas R–2903, R–2904, R–2905, and R–2906 and designate four separate joint use areas, R–2903A, B, C, and D, as follows:

(a) R–2903A will be named the Jacksonville East Restricted Area and will be that portion of the present R–2903 which lies east of Long. 82°02'00" W. and south of Lat. 30°15'30" N., but will not include the Stevens Lake and Putnam target areas. The designated altitudes will be from the surface to Flight Level 600 and the time of designation, continuous.

(b) R–2903B will be named the Stevens Lake, Fla., Restricted Area, and will be designated beginning at Lat. 29°56'-20" N., Long. 82°00'00" W.; to Lat. 30°02'05" N., Long. 81°54'45" W.; to Lat. 30°00'15" N., Long. 81°52'05" W.; to Lat. 29°53'50" N., Long. 81°57'50" W.; to Lat. 29°50'45" N., Long. 81°49'15" W.; to Lat. 29°47'55" N., Long. 81°50'30" W.; to Lat. 29°50'55" N., Long. 81°58'20" W.; thence clockwise along an arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to the point of beginning, excluding that area 1 nautical mile either side of a 220° True bearing from, and more than 1⅔ nautical miles from Lat. 29°53'20" N., Long. 82°00'25" W. The designated altitudes will be from the surface to flight level 600 and the time of designation will be continuous.

(c) R–2903C will be named the Putnam Target, Fla., Restricted Area and will be designated as the area within a 3-nautical mile radius of Lat. 29°47'00" N., Long. 81°41'00" W. The designated altitudes for R–2903C will be from the surface to flight level 600, and the time of designation, continuous.

(d) R–2903D will be named the Jacksonville West Restricted Area and will be the western portion of the present R–2903 and the northeast portion of the present R–2904. The designated altitudes for R–2903D will be from the surface to flight level 600 excluding the area below 5,000 feet MSL in the southern portion of the area (the portion of R–2904 being absorbed in the designation of R–2903D). A notice of proposed rule making is being issued which will propose the inclusion of the airspace below 5,000 feet MSL within R–2903D. Since the Navy's requirement is based upon anticipated need, the area will be designated as continuous until December 31, 1962. Continued designation of this restricted area beyond December 31, 1962, will be predicated upon Federal Aviation Agency analysis of the amount of hazardous activities performed in the area.

The controlling agency for the above restricted areas will be the FAA Jacksonville, Fla, ARTC Center.

The Federal Aviation Agency, to promote efficient utilization of airspace, deems it advisable to establish four separate joint use areas. Establishment of the separate joint use areas would release portions of the restricted airspace not being used for purposes designated for transit by all aircraft.

Additionally, when R–2903B or R–2903C are being utilized, but R–2903A has been released, the joint use letter of procedures will specify the following: The using agency will release to the controlling agency that portion of R–2903B above 14,000 feet MSL within a 3-nautical mile radius of Lat. 29°53'20" N., Long. 82°00'25" W., and those portions of the area above 6000 feet MSL extending beyond the 3-nautical mile radius; R–2903C all altitudes above 14,000 feet MSL.

2. Designate the FAA, Jacksonville, Fla., ARTC Center as the controlling agency of the Lake George, Fla., Restricted Area R–2907.

3. Redesignate the Jacksonville, Fla., control area extension as proposed in the Notice. The control area extension would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated at a later date to implement Amendment 60–21 to Part 60 of the Civil Air Regulations.

4. Designate the Jacksonville, Fla., control zone to serve NAS Jacksonville and NAS Cecil as proposed in the Notice, but excluding that portion which lies within 1 mile of Herlong Airport Lat. 36°16'30" N., Long. 81°48'20" W.

5. Alter the description of low altitude VOR Federal airway No. 267 to update the reference to restricted airspace appearing therein.

6. Include R–2903A, R–2903B, R–2903C, and R–2903D in the continental control area.

In the notice, it was proposed to alter the Pinecastle, Fla., Restricted Area R–2910 and to designate the Switzerland, Fla., Restricted Area. Since the publication of the notice, the Navy has requested the designation of a larger area at Pinecastle to accommodate the several targets in this area. This request will be the subject of a new Notice of Proposed Rule Making which will also include a proposal for a restricted area at Townsend, Fla. The Switzerland area, which is a temporary target, is contained within R–2903A as designated herein. Therefore, no action is taken herein to alter the Pinecastle Restricted Area and to designate a separate restricted area for the Switzerland target.

As stated in the notice, upon completion of construction by the Navy of a target complex (Rodman target area) southeast of Gainesville. Fla., restricted airspace for the Switzerland Target no longer will be needed. Also, with the establishment of a restricted area for Rodman, a reduction in the size of R–2903A and in the ceiling of R–2903C would be possible. Therefore, a notice of proposed rule making is being issued proposing a restricted area for the Rodman Target, the simultaneous realignment of the eastern boundary of R–2903A along the west bank of the St. Johns River and the redesignation of R–2903C from the surface to 14,000 feet MSL.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice, the following actions are taken:

1. Section 600.6267 (14 CFR 600.6267) is amended to read:

§ 600.6267 VOR Federal airway No. 267 (Miami, Fla., to Knoxville, Tenn.).

From the Miami, Fla., VORTAC via the Pahokee, Fla., VORTAC; Orlando, Fla., VOR; Jacksonville, Fla., VORTAC, including an E. alternate from the Orlando VOR to the Jacksonville VORTAC via the Daytona Beach, Fla., VOR and the INT of the Daytona Beach VOR 308° and the Jacksonville VORTAC 174° radials; INT of the Jacksonville VORTAC 334° and the Dublin, Ga., VOR 137° radials; Dublin VOR; Norcross, Ga., VORTAC; INT of the Norcross VORTAC 011° and the Knoxville, Tenn., VORTAC 181° radials; Knoxville VORTAC, including an E. alternate. The portion of this airway that coincides with R–2903A shall be used only after obtaining prior approval from appropriate authority.

2. Section 601.1005 (26 F.R. 869) is amended to read:

§ 601.1005 Control area extension (Jacksonville, Fla.).

Within 5 miles either side of the 064° radial of the Jacksonville VORTAC extending from the VORTAC to 20 miles NE. and that airspace SW. of Jacksonville bounded on the N. by VOR Federal airway No. 22, on the E. by VOR Federal airway No. 267, on the S. and W. by a line beginning at Lat. 29°25'25" N., Long. 81°31'25" W., extending NW. to Lat. 29°33'50" N., Long. 81°47'50" W., thence SW. to Lat. 29°20'50" N., Long. 81°57'00" W., thence S. along Long. 81°57'00" W. to the northern boundary of VOR Federal airway No. 159, thence along the northern boundary of Victor

159 to its intersection with VOR Federal airway No. 157 at Ocala, Fla., thence via the eastern boundary of VOR Federal airway No. 157 to its intersection with Victor 22. The portions of the Jacksonville control area extension which coincide with R–2903A, R–2903B, R–2903C and R–2903D would be used only after obtaining prior approval from the controlling agency.

§ 601.1428 [Revoked]

3. Section 601.1428 (14 CFR 601.1428) control area extension (Gainesville, Fla.) is revoked.

§ 601.1431 [Revocation]

4. Section 601.1431 (14 CFR 601.1431) control area extension (Ocala, Fla.) is revoked.

5. Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.2481 Jacksonville, Fla., (NAS Jacksonville and Cecil) control zone.

Within a 5-mile radius of Jacksonville NAS (Lat. 30°14'00" N., Long. 81°41'00" W.), within a 5-mile radius of Cecil, Fla., NAS (Lat. 30°13'00" N., Long. 81°52'45" W.), within 2 miles either side of the 271° radial of the Cecil VOR extending from the Cecil NAS 5-mile radius zone to 12 miles W. of the VOR, within 2 miles either side of the 181° radial of the Cecil VOR extending from the Cecil NAS 5-mile radius zone to 12 miles S. of the VOR, within 2 miles either side of the 084° radial of the Cecil VOR extending from the Cecil NAS 5-mile radius zone to the Jacksonville NAS 5-mile radius zone, within 2 miles either side of the 271° radial of the Jacksonville NAS TACAN extending from the Jacksonville NAS 5-mile radius zone to the Cecil NAS 5-mile radius zone, within 2 miles either side of the 097°, 127° and 231° radials of the Jacksonville NAS TACAN extending from the Jacksonville NAS 5-mile radius zone to 6 miles E., SE. and SW. of the TACAN, excluding the portion which lies within 1 mile of Herlong Airport (Lat. 36°16'30" N., Long. 81°48'20" W.).

§ 601.7101 [Amendment]

6. Section 601.7101 (26 F.R. 1399) is amended by adding the following:

R–2903A Jacksonville East, Fla.
R–2903B Stevens Lake, Fla.
R–2903C Putnam Target, Fla.
R–2903D Jacksonville West, Fla.

§ 608.29 [Amendment]

7. In § 608.29 (26 F.R. 877) the following changes are made:

(a) R–2903 Jacksonville, Fla., is revoked.

(b) R–2904 Jacksonville, Fla., is revoked.

(c) R–2905 Jacksonville, Fla., is revoked.

(d) R–2906 Jacksonville, Fla., is revoked.

(e) Jacksonville East, Fla., Restricted Area R–2903A is added.

R–2903A Jacksonville East, Fla.
Boundaries. Beginning at Lat. 30°15'30" N., Long. 81°43'25" W.; clockwise along the arc of a 2.5-nautical mile radius centered at Lat. 30°14'00" N., Long. 81°41'00" W.; to Lat. 30°14'00" N., Long. 81°38'00" W.; to Lat. 30°14'00" N., Long. 81°36'00" W.; to Lat. 30°10'45" N., Long. 81°35'00" W.; to Lat. 29°44'30" N., Long. 81°35'00" W.; to Lat. 29°44'30" N., Long. 81°39'05" W.; thence counter clockwise along the arc of a circle with a 3-nautical mile radius centered at Lat. 29°47'00" N., Long. 81°41'00" W.; to Lat. 29°45'15" N., Long. 81°43'40" W.; to Lat. 29°47'55" N., Long. 81°50'30" W.; to Lat. 29°50'45" N., Long. 81°49'15" W.; to Lat. 29°53'50" N., Long. 81°57'50" W.; to Lat. 30°00'15" N., Long. 81°52'05" W.; to Lat. 30°02'05" N., Long. 81°54'45" W.; to Lat. 29°56'20" N., Long. 82°00'00" W.; thence counter clockwise along the arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to Lat. 29°56'00" N., Long. 82°02'00" W.; to Lat. 30°15'30" N., Long. 82°02'00" W.; to point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(f) Stevens Lake, Fla., Restricted Area R–2903B is added.

R–2903B Stevens Lake, Fla.
Boundaries. Beginning at Lat. 29°56'20" N., Long. 82°00'00" W.; to Lat. 30°02'05" N., Long. 81°54'45" W.; to Lat. 30°00'15" N., Long. 81°52'05" W.; to Lat. 29°53'50" N., Long. 81°57'50" W.; to Lat. 29°50'45" N., Long. 81°49'15" W.; to Lat. 29°47'55" N., Long. 81°50'30" W.; to Lat. 29°50'55" N., Long. 81°58'20" W.; thence clockwise along an arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to the point of beginning, excluding that area 1 nautical mile either side of a 220° True bearing from, and more than 1⅔ nautical miles from, Lat. 29°53'20" N., Long. 82°00'25" W.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(g) Putnam Target, Fla., Restricted Area R–2903C is added.

R–2903C Putnam Target, Fla.
Boundaries. The area within a 3-nautical mile radius of Lat. 29°47'00" N., Long. 81°-41'00" W.
Designated altitudes. Surface to flight level 600.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(h) Jacksonville West, Fla., Restricted Area R–2903D is added.

R–2903D Jacksonville West, Fla.
Boundaries. Beginning at Lat. 30°15'30" N., Long. 81°50'00" W.; to Lat. 30°15'30" N., Long. 82°02'00" W.; to Lat. 29°56'00" N., Long. 82°02'00" W.; thence counter clockwise along the arc of a circle with a 3-nautical mile radius centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to Lat. 29°53'30" N., Long. 82°04'00" W.; to Lat. 30°00'00" N., Long. 82°19'30" W.; to Lat. 30°03'00" N., Long. 82°20'00" W.; to Lat. 30°22'00" N., Long. 82°20'00" W.; to Lat. 30°21'20" N., Long. 81°55'45" W.; to point of beginning.
Designated altitudes. Surface to flight level 600, excluding the area below 5,000 feet MSL beginning at Lat. 30°00'00" N., Long. 82°02'00" W.; to Lat. 29°56'00" N., Long. 82°02'00" W.; thence counterclockwise along the arc of a circle 3-nautical mile radius centered at Lat. 29°53'20" N., Long. 82°00'-25" W.; to Lat. 29°53'30" N., Long. 82°04'00" W.; to Lat. 30°00'00" N., Long. 82°19'30" W.; to point of beginning.
Time of designation. Continuous, September 21, 1961, to December 31, 1962.
Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

(i) Lake George, Fla., Restricted Area R–2907 is amended to read.

R–2907 Lake George, Fla.
Boundaries. Beginning at Lat. 29°23'00" N., Long. 81°31'15" W.; to Lat. 29°12'30" N., Long. 81°30'00" W.; to Lat. 29°12'30" N., Long. 81°40'00" W.; to Lat. 29°23'00" N., Long. 81°40'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Jacksonville, ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 31, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7396; Filed, Aug. 4, 1961; 8:46 a.m.]

[Airspace Docket No. 61–LA–9]

PART 601—CONTROLLED AIRSPACE

Designation of Control Zone

On May 3, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3818) stating that the Federal Aviation Agency proposed to designate a control zone at Akron, Colo.

No adverse comments were received regarding this proposal.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2482 Akron, Colo., control zone.

Within a 5-mile radius of the Akron-Washington County Airport (Lat. 40°10'-30" N., Long. 103°12'45" W.) and within 2 miles either side of the Akron VOR 123° radial extending from the 5-mile radius zone to 12 miles SE. of the VOR.

This amendment shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7394; Filed, Aug. 4, 1961; 8:45 a.m.]

[Reg. Docket No. 803; Amdt. 229]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grand Isle FM (Final)	BR-LFR	Direct	1000	T-dn	300-1	300-1	200-½
				C-dn	500-1	600-1	600-1½
				S-dn-15*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side NW crs, 349° Outbnd, 169° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 155—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing BR-LFR, make climbing right turn to 4500′ and proceed direct to the Burlington LFR.
Hold NW, left turns, one-minute pattern, 169° inbnd.
NOTE: LFR climb-out procedure SE bound. Climb most direct route to the Burlington LFR. Continue to climb to 3500′ within 10 miles on the NW crs of Burlington LFR (Secs or N crs when directed by ATC). Minimum departure altitude SE bound from facility 3500′.
*CAUTION: Standard clearance not provided over obstructions (525′ and 635′) W of airport for landing min. Rate of descent for straight-in landing minimums exceeds standard.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., SBRAZ; Ident., BR; Procedure No. 1, Amdt. 9; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 8; Dated, 3 Sept. 55

Dacona Int	DN-LFR	Direct	6600	T-dn	300-1	300-1	200-½
Henderson FM	DN-LFR (Final)	Direct	5900	C-dn*	400-1	500-1	500-1½
Parker Int	DN-LFR	Direct	7700	S-dn-17	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side N crs, 348° Outbnd, 168° Inbnd, 6600′ within 10 mi. (Nonstandard due to terrain.)
Minimum altitude over facility on final approach crs, 5900′.
Crs and distance, facility to airport, 162°—2.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles, climb to 8000′ on S crs within 20 miles or, when directed to ATC, climb to 6600′ on E crs DN-LFR within 20 miles.
SHUTTLE: On N crs within 20 miles or, when directed by ATC, on S crs LFR between range and Aurora HW or on E crs DN-LFR.
CAUTION: 5911′ MSL radio tower 4.5 mi E-SE of airport.
*500-1 required for circling South of airport due 5521′ tower 1.5 mi South of airport.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 533′; Fac. Class., SBMRAZ; Ident., DN; Procedure No. 1, Amdt. 11; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 10; Dated, 15 May 54

PROCEDURE CANCELLED, EFFECTIVE 12 AUGUST 1961, OR UPON DECOMMISSIONING OF ENGLEWOOD FM.

City, Denver; State, Colo.; Airport Name, Stapleton Airfield; Elev., 5325′; Fac. Class., SBMRAZ; Ident., DEN; Procedure No. 2, Amdt. 10; Eff. Date, 20 Mar. 57; Sup. Amdt. No. 9; Dated, 15 May 54

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn S* or N side NE crs, 058° Outbnd, 238° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 238—2.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, make a climbing right turn to 1500′, returning to LFR. Hold one-minute, right turns, inbound crs 238°.
NOTE: ADF procedure not authorized.
*Nonstandard to provide lateral separation with Willow Grove, Pa., and McGuire AFB. The direction of procedure turn to be specified during approach clearance.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120′; Fac. Class., MLWZ; Ident., PF; Procedure No. 1, Amdt. 9; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 8; Dated, 1 Nov. 58

West Point Int	PU-LFR (Final)	Direct	2200	T-dn	300-1		
				C-dn	600-1½		
				A-dn	800-2		

Procedure turn E side S crs*, 208° Outbnd, 028° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 002—4.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 3000′ on N crs within 20 miles.
*Shuttle to 3000′ on N crs within 20 miles.
AIR CARRIER NOTE: Use of airport restricted to 65 K or less, 2-engine or less aircraft.
CAUTION: Procedure not authorized when R-93 in use.

City, Poughkeepsie; State, N.Y.; Airport Name, Dutchess County; Elev., 165′; Fac. Class., SBRAZ; Ident., PU; Procedure No. 1, Amdt. 9; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 8; Dated, 23 Mar. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BC-LFR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
BFL-VOR	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
Maricopa Int	LOM	Direct	3000	S-dn-30	400-1	400-1	400-1
Grapevine Int	LOM	Direct	5000	A-dn	800-2	800-2	800-2
Wheeler Ridge Int	LOM	Direct	6000				
Whitman Int	LOM	Direct	5000				

Procedure turn South* side of crs, 119° Outbnd, 299° Inbnd, 2000′ within 10 mi of LOM. Beyond 10 mi NA.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 299°—4.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NW crs of the BC-LFR within 20 miles or, when directed by ATC, (1) climb to 2000′ on R-227 BFL-VOR within 15 miles; (2) climb to 2000′ on SW crs BC-LFR within 15 miles.
CAUTION: Numerous unlighted TV receiving antennas in approach zones to Runway 34.
*Procedure turn South side of crs for more favorable terrain.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 1; Eff. Date, 12 Aug. 61; Sup. Amdt. No. Orig.; Dated, 27 May 61

Wolcottsville FM	BUF RBn	Direct	1300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 050° Outbnd, 230° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 214°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mile, climb to 2000′ on crs of 230°, turn left and return to BUF MHW. Hold BUF MHW, right turns, one-minute, 230° inbnd.
CAUTION: 1349′ TV tower 5 miles WNW of airport.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., MHW; Ident., BUF; Procedure No. 2, Amdt. Orig.; Eff. Date, 12 Aug. 61

Angola FM	Cheektowaga FM (Final)*	Direct	1500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-5	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 230° Outbnd, 050° Inbnd, 2000′ within 10 miles of Cheektowaga FM.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 055°—2.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing Cheektowaga FM, proceed direct to BUF MHW at 2000′. Hold BUF MHW, right turns, one minute, 230° inbound.
*Do not descend below 2000′ until 7 miles past Angola FM.

City, Buffalo; State, N.Y.; Airport Name, Greater Buffalo International; Elev., 711′; Fac. Class., MHW; Ident., BUF; Procedure No. 3, Amdt. Orig.; Eff. Date, 12 Aug. 61

Burlington LOM	BT LOM	Direct	1500	T-dn	300-1	300-1	200-½
Plattsburg VOR	BT LOM	Direct	1500	C-dn	600-1	600-1	600-1½
Vergennes FM	BT LOM	Direct	2000	S-dn-15	600-1	600-1	600-1
Causeway Int*	BT LOM	Direct	1800	A-dn	800-2	800-2	800-2

Procedure turn North side of crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles. Nonstandard due to terrain.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 146°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM, make climbing right turn to 2500′ and proceed direct to Burlington LOM. Hold NW of LOM, left turns, one-minute pattern, 146° inbnd.
*Causeway Int: Int FLB-VOR R-180 and NW crs ILS or brng 146° to LOM.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., LOM; Ident., BT; Procedure No. 1, Amdt. 5; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 4 (ADF portion Comb. ILS-ADF); Dated, 3 Sept. 55

CID-VOR	LOM	Direct	2100	T-dn	300-1	300-1	200-½
IOW-VOR	LOM	Direct	2100	C-dn	400-1	500-1	500-1½
Watkins Int*	LOM (Final)	Direct	2000	S-dn-8	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 265° Outbnd, 085° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 085°—3.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2200′ on crs 085° within 15 miles or, when directed by ATC, make right climbing turn to 2100′ and proceed to LOM.
*Watkins Int; Int CID-VOR R-260 and IOW-VOR R-320.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., LOM; Ident., CI; Procedure No. 4, Amdt. Orig.; Eff. Date, 12 Aug. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Cleveland LFR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Fairview Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Berea Int	LOM	Direct	2200	S-dn-5R	400-1	400-1	400-1
CLE-VOR	LOM	Via R-102 to 054° brng to LOM.	2200	A-dn	800-2	800-2	800-2
Int CLE-VOR R-102 and 054° brng to LOM.	LOM (Final)	Direct	1700				

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 234° Outbnd, 054° Inbnd, 2200′ within 10 mi.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 055°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, make a right climbing turn, climb to 3000′ on North side of East crs Cleveland LFR to Parkman Int.
CAUTION: 1970′ TV towers approximately 6 miles ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Hopkins; Elev., 789′; Fac. Class., LOM; Ident., CL; Procedure No. 3, Amdt. Orig.; Eff. Date, 12 Aug. 61

BVL VOR	DPG RBn	Direct	7500	T-dn	600-1	600-1	600-1½
Vernon Int	DPG RBn	Direct	11,100	C-dn	600-1	600-1	600-1½
DTA VOR	DPG RBn	Direct	10,500	S-dn	NA	NA	NA
DT LFR	DPG RBn	Direct	10,500	A-dn	NA	NA	NA

Procedure turn S side of crs, 272° Outbnd, 092° Inbnd, 6700′ within 10 mi.
Minimum altitude over facility on final approach crs, 4900′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn right, climb to 8000′ on crs. 147° Outbnd within 15 miles, reverse crs to the West and return on crs 327° inbnd to the DPG RBn at 9000′. Hold South 147° Outbnd, 327° Inbnd, all turns to the left.
CAUTION: 5533′ terrain 4 miles SE of airport. 7066′ terrain 16 miles SW of airport.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.

City, Dugway; State Utah; Airport Name, Michael AAF; Elev., 4349′; Fac. Class., MH; Ident., DPG; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Aug. 61

Malibu Int	Trout Int* (Final)	Direct	1500	T-dn	300-1	300-1	200-½
LAX LOM	Trout Int*	Direct	2000	C-dn	500-1	600-1	600-1½
				S-dn-7R/L	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar vectoring to final approach crs authorized.
Procedure turn South side of crs, 248° Outbnd, 068° Inbnd, 2000′ within 10.0 mi of Trout Int*.
Minimum altitude over Trout Int* on final approach crs, **1500′.
Crs and distance, Trout Int* to Runway 7R–L, 068°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after crossing Trout Int*, climb to 2000′ on crs of 068° no farther east than Downey FM/RBn.
*Trout Int: Int 068° brng to Los Angeles LMM and R–337 SXC-VOR or 334° brng to CSW RBn.
**Descend to airport minimums after passing Trout Int*

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126′; Fac. Class., LMM; Ident., AX; Procedure No. 2, Amdt. 2; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 1; Dated, 19 Mar. 60

Valley Int	LYS RBn	Direct	3500	T-d	300-1	300-1	200-½
Angelica Int	LYS RBn	Direct	3200	C-d	500-1	500-1	500-1½
Wellsville VOR	LYS RBn	Direct	3500	S-d-22	500-1	500-1	500-1
				A-d*	NA	NA	NA

Procedure turn East side of crs, 037° Outbnd, 217° Inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 217°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 mi after passing MHW, make immediate left climbing turn to Olean RBn at 3200′. Hold on LYS RBn, left turns, one-minute pattern, 217° inbnd.
NOTE: This procedure authorized only during hours of operation from 0600 to sunset local time.
Facility owned and operated by City of Olean.
*Alternate minimums of 800–2 authorized for those who have previous arrangement for weather service at airport.

City, Olean; State, N.Y.; Airport Name, Olean Municipal; Elev., 2118′; Fac. Class., MHW; Ident., LYS; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Aug. 61

Oceanside RBn	LOM	Direct	2500	T-dn#	300-1	300-1	200-½
Miramar RBn	LOM	Direct	3000	C-dn	800-2	800-2	800-2
Sargo Int	LOM (Final)	Direct	1000	S-dn-9	600-1	600-1	600-1
Lemon Grove Int	LOM	Direct	2500	A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn South side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1000′.
CAUTION: 281′ trees and terrain between LOM and LMM. Crs and distance, facility to airport, 091°—2.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, make immediate left climbing turn to 1500′ on a 271° crs from LOM within 10 miles or, when directed by ATC, make immediate left climbing turn to 2500′ on a 328° crs to OCN RBn or turn right, climb to 2000′ on 135° crs from LMM within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi East of airport.
#500-1 required on Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., SLOM; Ident., SA; Procedure No. 1, Amdt. 4; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 3; Dated, 17 Dec. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d	2000-1	2000-1	2000-1
				C-d	2000-2	2000-2	2000-2
				A-d	2000-2	2000-2	2000-2

Procedure turn S side of crs, 065° Outbnd, 245° Inbnd, 5500′ within 10 mi.
Minimum altitude over facility on final approach crs, 5000′; over Hendersonville Int, 4200′.*
Crs and distance, facility to airport, VOR to Hendersonville Int 245—7.6.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.6 mi turn left, climb SE to 5000′ on R–310 of the Spartanburg VOR within 20 mi of Hendersonville Int Night Operation NA.
AIR CARRIER NOTES: No reduction in landing or takeoff minima.
NOTE: Hendersonville Int: Int SPA-VOR R–310 and AVL-VOR R–245.
*From Hendersonville Int proceed to airport VFR via crs of 310°.

City, Asheville; State, N.C.; Airport Name, Asheville-Municipal; Elev., 2161′; Fac. Class., BVORTAC; Ident., AVL; Procedure No. 1, Amdt. 5; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 4; Dated, 10 June 61

				T-d*	1000-2	1000-2
				T-n*	2000-3 or BCOB	2000-3 or BCOB
				C-d*	1000-3	1000-3
				C-n*#	1000-2	1000-2
					2000-3 or BCOB	2000-3 or BCOB
				A-d*	1000-3	1000-3
				A-n*#	1000-3	1000-3
					2000-3 or BCOB	2000-3 or BCOB
					1000-3	1000-3

*Any circling for landing or turn after takeoff must be made to the South of airport—circling North of airport NA because of high terrain.
#Landing to the West at night NA.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
Crs from facility to missed approach point, 185°. Descend to 1000′ on crs 185° within 5 mi, then proceed NE VFR to airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished if unable to proceed VFR to airport upon descent to 1000′, turn left and climb to 2600′ on R–162 within 20 miles of STT–VOR.

City, Charlotte Amalie; State, St. Thomas, Virgin Island; Airport Name, Harry S. Truman; Elev., 10′; Fac. Class., BVOR; Ident., STT; Procedure No. 1, Amdt. 3; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 2; Dated, 30 Oct. 59

GGG-VOR	ASL-VOR	Direct	1700	T-dn	300-1	NA	NA
Shreveport VOR	ASL-VOR	Direct	2400	C-dn	500-1	NA	NA
				S-dn-34	400-1	NA	NA
				A-dn*	800-2	NA	NA

Procedure turn West side of crs, 134° Outbnd, 314° Inbnd, 1500′ within 10 mi.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 314°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing VOR, climb to 1700′ on R–314 ASL-VOR within 20 miles.
NOTES: 1. All pilots using this procedure requested to close IFR flight plan immediately upon completion of approach with Gregg County Radio or commercial facilities. 2. Public IFR departure clearance and flight plan must be approved and filed with Fort Worth ARTC through Gregg County Radio prior to takeoff or remain VFR. 3. Public weather service not available.
CAUTION: 732′ radio tower 1.9 mi NW of airport. 520′ water tower 1.0 mi N of airport.
*Alternate authorized only for those carriers having approval of their arrangements for weather and communication service at this airport.

City, Marshall; State, Tex.; Airport Name, Harrison County; Elev., 357′; Fac. Class., VOR; Ident., ASL; Procedure No. 1, Amdt. Orig.; Eff. Date, 12 Aug. 61

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CQ–LFR	CHS–VOR	Direct	1400	T–dn	300–1	300–1	200–½
				C–dn	*400–1	500–1	500–1½
				S–dn–15	*400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn West side of crs, 334° Outbnd, 154° Inbnd, 1300′ within 10 mi, not to be started until abeam LOM outbnd.
Minimum altitude over facility on final approach crs, 800′.*
Facility on airport.
Distance from final approach fix (Int CHS R–334 and brng 244° to LOM), 4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished prior to passing CHS–VOR, climb to 2000′ on R–154 within 15 miles or, when directed by ATC, turn left, climb to 1300′ on R–334 of VOR within 20 mi.
CAUTION: Radio towers 428′ m.s.l. 6 mi SE; 1049′ m.s.l. 10 mi SE.
*Descent below 800′ MSL NA unless final approach fix (Int CHS R–334 and brng 244° to LOM) is received.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR–15, Amdt. 4; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 3; Dated, 1 July 61

Bradley Int	CLT–VOR	Direct	2900	T–dn	300–1	300–1	200–½
Weddington Int	CLT–VOR	Direct	2100	C–dn#	600–1	600–1	600–1½
Bethany Int	CLT–VOR	Direct	2200	S–dn–23#	600–1	600–1	600–1
Waco Int	CLT–VOR	Direct	2900	A–dn	800–2	800–2	800–2
Stanley Int	CLT–VOR	Direct	2900				

Procedure turn North side of crs, 060° Outbnd, 240° Inbnd, 2900′ within 10 mi of Parks Int.*
Minimum altitude over Parks Int* on final approach crs, 1600′.#
Crs and distance, Parks Int* to airport, 240°—4.2 mi.
Crs and distance, breakoff point to end of runway, 230°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles of Parks Int,* climb to 2100′, turn left and proceed to FML–VOR via FML R–007.
*Parks Int: Int R–060 CLT–VOR and R–018 FML–VOR.
#If Parks Int not identified on final approach, descent below 1600′ MSL not authorized.

City, Charlotte; State, N.C.; Airport Name, Douglas Municipal; Elev., 748′; Fac. Class., BVORTAC; Ident., CLT; Procedure No. TerVOR–23, Amdt. 1; Eff. Date, 12 Aug. 61; Sup. Amdt. No. Orig.; Dated, 8 July 61

				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn East* or West side of crs, 049° Outbnd, 229° Inbnd, 1500′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, breakoff point to approach end of Runway 24, 238°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make a right climbing turn to 1500′ on R–049 within 10 miles, then return to VOR, hold one-minute right turns, inbnd crs 229°.
*Procedure turn nonstandard to provide lateral separation with Willow Grove, Pa. and McGuire AFB. The direction of procedure turn to be issued in approach clearance.

City, Philadelphia; State, Pa.; Airport Name, North Philadelphia; Elev., 120′; Fac. Class., VOR; Ident., PNE; Procedure No. TerVOR (R–229), Amdt. 1; Eff. Date, 12 Aug. 61; Sup. Amdt. No. Orig.; Dated, 21 Nov. 59

Sargo Int	ILS OM (Final)	Direct	700	T–dn#	300–1	300–1	200–½
La Jolla FM/Mt Dad Int	SAN–VOR R–272	190°—6.0	1500	C–dn	800–2	800–2	800–2
Lemon Grove Int	SAN–VOR	Direct	2600	S–dn–9**	600–1	600–1	600–1
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 1500′ within 10 miles.
Minimum altitude until abeam ILS OM**, 1000′; over VOR, 600′.
CAUTION: 281′ trees and terrain between ILS OM and MM.
Crs and distance, breakoff point to approach end Runwy 9, 092°—1.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at SAN–VOR, make immediate left climbing turn to 2500′ on SAN–VOR R–327 to Mt. Dad Int or, when directed by ATC, make right climbing turn to 2000′ on SAN–VOR R–135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi East of airport.
#500–1 required for takeoff on Runway 9.
*On La Jolla transition recommended that aircraft cross final approach radial on 190° heading, then execute approximately 270° clockwise turn to Inbnd crs of 092°.
**If ADF or FM receiver not used, landing ceiling minimums of 1000′ are applicable.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., L–VOR; Ident., SAN; Procedure No. TerVOR–9, Amdt. 6; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 5; Dated, 10 Dec. 60

5. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR–DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
10 mi fix R–277	0 mi fix R–277	Direct	2300	T–dn	300–1	300–1	300–1
0 mi fix R–040	8.1 mi fix R–040 (Final Arpt)	Direct	1900	C–dn	600–1	600–1	600–1½
*Radar terminal area transition altitudes:		Within*:		A–dn	NA	NA	NA
000	090	25 mi	2400				
090	180	25 mi	2500				
180	230	25 mi	2700				
230	295	35 mi	2500				
295	350	25 mi	#2700				

Procedure turn S side crs 277° Outbnd, 097° Inbnd, 2500′ within 10 miles. Procedure authorized without DME, but procedure turn required.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 040°—8.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.1 mi turn left, climb to 3000′ on N crs OKC–ILS within 20 miles or, when directed by ATC, climb to 3000′, turn left, proceed to OKC–VOR via R–087.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2400′ orbiting altitude to position aircraft for a final approach, with elimination of procedure turn.
This procedure not approved for air carrier.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of towers 2127′ MSL and 2726′ MSL 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Tulakes; Elev., 1302′; Fac. Class., BVORTAC; Ident., OKC; Procedure No. VOR–DME–Arpt #1, Amdt. 2; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 1; Dated, 20 Aug. 60

6. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BC LFR	LOM	Direct	2300	T–dn	300–1	300–1	200–½
BFL VOR	LOM	Direct	2300	C–dn	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	S–dn–30#	200–½	200–½	200–½
Grapevine Int	LOM	Direct	5000	A–dn	600–2	600–2	600–2
Wheeler Ridge Int	LOM	Direct	6000				
Whitman Int	LOM	Direct	5000				

Procedure turn *S side SE crs, 119° Outbnd, 299° Inbnd, 2000′ within 10 mi of OM. Beyond 10 mi NA.
Minimum altitude at G.S. int inbnd, 2000′.
Altitude of glide slope and distance to approach end of Runway at OM, 1985′—4.5 mi; at MM, 713′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000′ on NW crs ILS within 20 miles or, when directed by ATC, (1) climb to 2000′ on R–227 BFL within 15 mi; (2) climb to 2000′ on SW crs BC LFR within 15 mi; (3) climb to 2500′ on NW crs BC LFR within 20 mi.
CAUTION: Numerous unlighted TV receiving antennas in approach areas to runway 34.
*Procedure turn S side for more favorable terrain.
#400–¾ required with glide slope inoperative.

City, Bakersfield; State, Calif.; Airport Name, Meadows Field; Elev., 515′; Fac. Class., ILS; Ident., I–BFL; Procedure No. ILS–30, Amdt. 11; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 10; Dated, 27 Aug. 60

Burlington LFR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Plattsburgh VOR	LOM	Direct	1500	C–dn	600–1	600–1	600–1½
Vergennes FM	LOM	Direct	2000	S–dn–15#	300–¾	300–¾	300–¾
Causeway Int*	LOM (Final)	Direct	1800	A–dn ILS	600–2	600–2	600–2

Procedure turn N side NW crs, 326° Outbnd, 146° Inbnd, 1800′ within 10 miles. Nonstandard due to terrain.
Minimum altitude at G.S. interception inbnd, 1800′.
Altitude of G.S. and distance to approach end of rny at OM 1755—4.9, at MM 600—0.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, make climbing right turn to 2600′ and proceed direct to Burlington LOM. Hold NW of LOM on Burlington ILS localizer course, left turns, one-minute pattern, 146° inbound.
NOTE: IFR climb-out procedure SE bnd, climb most direct route to the Burlington LFR. Continue to climb to 3500′ within 10 mi on the NW crs of Burlington LFR (8 crs or N crs when directed by ATC).
NOTE: Minimum departure altitude SE bnd from facility 3500′.
#400–1 required with glide slope inoperative.
*Int PLB R–180 and NW crs ILS or brng 146° to LOM.

City, Burlington; State, Vt.; Airport Name, Municipal; Elev., 335′; Fac. Class., ILS; Ident., I–BTV; Procedure No. ILS–15, Amdt. 4; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 4 (ILS portion Comb. ILS–ADF); Dated, 3 Sept. 55

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CID-VOR	LOM	Direct	2100	T-dn	300–1	300–1	200–½
IOW-VOR	LOM	Direct	2100	C-dn	400–1	500–1	500–1½
Watkins Int*	ILS localizer (Final)	025°—1 mi	2100	S-dn-8	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn South side of crs, 265° Outbnd, 085° Inbnd, 2100′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2000′.
Crs and distance, LOM to airport, 085°—3.8 mi.
This procedure not premised on use of glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200′ on 085° brng from LOM within 15 miles or, when directed by ATC, make right climbing turn to 2100′ and proceed to LOM.
NOTE: No approach lights.
*Watkins Int: Int CID-VOR R-260 and IOW-VOR R-320.

City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863′; Fac. Class., ILS; Ident., I-CID; Procedure No. ILS-8, Amdt. Orig.; Eff. Date, 12 Aug. 61

Black Forest Int**	LOM	Direct	8200	T-dn#	300–1	300–1	200–½
Midway Int%	LOM	Direct	7300	C-dn	600–1	600–1	600–1½
Hanover Int	LOM	Direct	7300	S-dn-35*	200–½	200–½	200–½
COS-VOR	LOM	Direct	8200	A-dn	600–2	600–2	600–2
Fountain FM	LOM (Final)	Direct	7300				

Procedure turn E side S crs, 166° Outbnd, 346° Inbnd, 7300′ within 10 mi.%
Minimum altitude at G.S. int inbnd, 7300′.
Altitude of G.S. and distance to approach end of rny at OM, 7240—3.8; at MM 6325—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn to 8000′ on crs 074° from LMM within 15 miles or, when directed by ATC, make right climbing turn and climb to 8000′ on COS-VOR R-152 within 20 mi of VOR.
NOTES: Radar vectoring authorized in accordance with approved radar patterns. Narrow Localizer crs—4°.
CAUTION: 7190′ tower 8 miles North of airport; 7922′ tower 14 miles North of airport; sharply rising terrain West of airport.
#400–1 required for takeoff on Runways 30 and 35.
*Provisions for inoperative ILS components not applicable. 400–1 required with glide slope inoperative.
%Restricted area 3 miles West.
**Black Forest Int: Int N crs ILS and COS-VOR R-270.

City, Colorado Springs; State, Colo.; Airport Name, Peterson Field; Elev., 6172′; Fac. Class., ILS; Ident., I-COS; Procedure No. ILS-35, Amdt. 11; Eff. Date, 12 Aug. 61; Sup Amdt. No. 10; Dated, 12 Sept. 59

GRB VOR	LOM	Direct	2200	T-dn	300–1	300–1	200–½
Sherwood Int	LOM	Direct	2200	C-dn	400–1	500–1	500–1½
Stadium Int*	LOM	Direct	2300	S-dn-6	200–½	200–½	200–½
Int OSH R-045 and GRB R-164	LOM	Direct	2200	A-dn	600–2	600–2	600–2
Int OSH R-045 and GRB R-130	LOM	Direct	3000				
Int GRB R-204 and SW crs ILS	LOM	Direct	2100				

Procedure turn South side of crs, 239° Outbnd, 059° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2200′.
Altitude of glide slope and distance to approach end of Runway at OM, 2124′—5.0 mi; at MM, 678′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left climbing turn to 2000′, proceed direct to LOM or, when directed by ATC, (1) Make left climbing turn to 2100′, proceed direct to GRB-VOR or (2) Climb to 2300′ on NE crs GRB ILS within 20 miles.
CAUTION: 1916′ MSL tower 7 mi SW of airport. 1722′ MSL tower 10 miles N of airport.
*Stadium Int: Int GRB-VOR R-115 and 238° brng to Green Bay, Wis. MHW.

City, Green Bay; State, Wis.; Airport Name, Austin-Straubel; Elev., 604′; Fac. Class., ILS; Ident., I-GRB; Procedure No. ILS-6, Amdt. Orig.; Eff. Date, 12 Aug. 61

Malibu Int	Trout Int* (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Los Angeles LOM	Trout Int*	Direct	2000	C-dn	500–1	600–1	600–1½
				S-dn-7R/L	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized.
Procedure turn South side of W crs, 248° Outbnd, 068° Inbnd, 2000′ within 10.0 mi of Trout Int.*
Minimum altitude over Trout Int* on final approach crs, 1500′**.
Crs and distance, Trout Int* to Airport, 068°—5.0 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after crossing Trout Int*, climb to 2000′ on East crs LAX ILS localizer no farther east than Downey FM/RBn.
NOTE: Narrow localizer course—4°.
*Trout Int: Int LAX ILS localizer W crs and R-337 SXC-VOR or 334° brng to CSW RBn.
**Descend to airport minimums after passing Trout Int.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126′; Fac. Class., ILS; Ident., I-LAX; Procedure No. ILS-7R/L, Amdt. 1; Eff. Date, 12 Aug. 61; Sup. Amdt. No. Orig.; Dated, 10 Mar. 60

Oklahoma City LFR	TWO RBn	Direct	2500	T-dn	300–1	300–1	200–½
Oklahoma City VOR	TWO RBn	Direct	2500	C-dn	400–1	500–1	500–1½
Oklahoma City LOM	TWO RBn	Direct	2400	S-dn-17	300–1	300–1	300–1
Mustang FM	TWO RBn	Direct	2500	A-dn	800–2	800–2	800–2
Bethany Int	TWO RBn (Final)	Direct	2300				
Edmond Int	TWO RBn (Final)	Direct	2300				
Radar terminal area transition altitudes:*		within*:					
000	090	25 mi	2400				
090	180	26 mi	2500				
180	230	25 mi	2700				
230	295	35 mi	2500				
295#	360	25 mi	#2700				

Procedure turn W side crs, 350° Outbnd, 170° Inbnd, 2500′ within 10 mi. Beyond 10 mi NA.
No glide slope. Altitude over TWO RBn on final, 2300′.
Bearing and distance, TWO RBn to Rnwy 17, 170°—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2400′ on S crs ILS within 20 mi or on crs 170° from TWO within 20 mi, or when directed by ATO, make immediate right turn, climb to 2500′ and proceed direct to OKO-VOR.
*Azimuths and distances are from antenna site progressing clockwise.
#Radar Control will provide 1000′ vertical clearance within a 3-mi. radius or 500′ vertical clearance within a 3–5 mi. (inclusive) radius of towers 2127′ MSL and 2726′ MSL 9 mi NW of antenna site.

City, Oklahoma City; State, Okla.; Airport Name, Will Rogers Field; Elev., 1284′; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS-17, Amdt. 6; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 5; Dated, 27 Aug. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Serpa Int	LOM (Final)	Direct	1000	T-dn*	300–1	300–1	200–½
Lemon Grove Int	LOM	Direct	2500	C-dn	800–2	800–2	800–2
La Jolla FM/Mt. Dad Int	LOM	Direct	1500	S-dn-9	600–1	600–1	600–1
				A-dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 1500′ within 10 mi.
Minimum altitude over LOM on final approach crs, 1000′.
Crs and distance, LOM to airport, 091°—2.7 mi.
No glide slope. Descent to landing minimums authorized after passing LOM.
CAUTION: 261′ trees and terrain between LOM and LMM.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished at LMM, make immediate left climbing turn to 2500′ on SAN-VOR R-327 or 330° crs from LMM to Mt Dad Int or, when directed by ATC, make a right climbing turn to 2000′ on SAN-VOR R-135 within 10 miles.
CAUTION: Buildings and terrain 472′ MSL 0.5 mi East of airport.
*800–1 required for Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-9, Amdt. 1; Eff. Date, 12 Aug. 61; Sup. Amdt. No. Orig.; Dated, 17 Dec. 60

PIE-VOR	LOM	Direct	1300	T-dn	300–1	300–1	*200–½
Tampa LFR	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
				S-dn-15**	200–½	200–½	200–½
All directions	Radar Site	Within	1500	A-dn	600–2	600–2	600–2

Radar control must provide 1000 ft. clearance when within 3 miles or 500 ft. clearance when between 3–5 miles of radio antenna towers 861′ MSL 12 mi SE and 1135′ MSL 16 mi SE of airport.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1300′ within 10 mi.
Minimum altitude at glide slope interception Inbnd, 1300′.
Altitude of G.S. and distance to appr end of rny at LOM, 1220—4.0; at MM, 220—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to 225°, climb to 1500′ on R-080/R-260 PIE-VOR within 20 miles or, when directed by ATC, climb to 1500′ on S crs of ILS or 181° crs from LOM within 20 miles.
AIR CARRIER NOTES: 200–½ absolute minimum for takeoff Runway 27. Runway 14–32 closed to all air carrier operations.
CAUTION: 210′ radio tower 1 mile WSW of airport.
Major change: Deletes transition from Int PIE-VOR R-038 and N crs ILS.
*1 mile visibility required all operations Runway 14–32.
**400–¾ required when glide slope not utilized.

City, Tampa; State, Fla.; Airport Name, International; Elev., 27′; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-18, Amdt. 14; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 13; Dated, 3 June 61

ACT-VOR	Turner Int*	Direct	2000	T-dn	300–1	300–1	200–½
Bruceville Int	Turner Int* (final)	Direct	1500	C-dn	400–1	500–1	500–1½
TPL-VOR	Lambert Int#	Via TPL-VOR R-020	2500	S-dn-36	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2
Lambert Int#	Turner Int* (Final)	Direct	1500				

Radar terminal maneuvering area 2000′ within 20 mi of radar site (James Connally AFB).
Procedure turn East side of crs, 183° Outbnd, 003° Inbnd, 2500′ within 10 mi of Turner Int.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, Turner Int* to airport, 005°—4.0 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Turner Int*, climb to 2000′ on N crs ILS to LOM or, when directed by ATC, turn left, climb to 2000′ and proceed to Brazos Int via ACT-VOR R-321.
CAUTION: 710′ stacks 7.5 mi SSE and 1049′ tower 4.6 mi SE.
#Lambert Int: Int S crs ACT ILS and 240° brng from Connally RBn.
*Turner Int: Int S crs ACT ILS and 274° brng from Connally RBn.

City, Waco; State, Tex.; Airport Name, Municipal; Elev., 515′; Fac. Class., ILS; Ident., I-ACT; Procedure No. ILS-36, Amdt. Orig.; Eff. Date, 12 Aug. 61

7. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
				Surveillance approach			
		Within:		Rnwys 7, 15, 33, 25°			
342°——	007°——	30 mi——	7000	T–dn——	300–1	300–1	300–1
007°——	080°——	30 mi——	10, 500	C–dn——	900–1½	900–1½	900–1½
080°——	210°——	30 mi——	3000	C–n——	900–2	900–2	900–2
210°——	270°——	30 mi——	4000	S–dn——	500–1	500–1	500–1
270°——	342°——	30 mi——	6000	A–dn——	900–2	900–2	900–2

Radar transitions and vectoring using Burbank Radar authorized in accordance with approved patterns.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make immediate right climbing turn, climb on W crs BUR-ILS to 5000' within 10 miles W of LOM or, when directed by ATO, (1) climb via SE crs BUR–LFR to 3000', turn right, return to BUR–LFR, climbing to 5000', or (2) climb via SE crs BUR–LFR to 4000' at El Monte Int.
CAUTION: 3000' terrain 2.2 miles NE of airport rising to 3126' approximately 3.5 mi ENE of airport.
AIR CARRIER NOTE: Sliding scale below ¾ mile prohibited for takeoffs on Runways 7, 15, 33 and for straight-in landing minimums. Sliding scale not authorized for circling minimums.
*200–½ authorized for takeoff on Runway 25 only.
#Maneuvering NE and E not authorized. High terrain.

City, Burbank; State, Calif.; Airport Name, Lockheed Air Terminal; Elev., 775'; Fac. Class., Burbank; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 2; Dated, 24 Aug. 57

				Surveillance approach			
All directions——	Radar Site——	Within 20 mi——	*1500	T–dn——	300–1	300–1	300–1
				C–dn——	500–1	500–1	500–1½
				S–dn–7, 13, 25, 31.	500–1	500–1	500–1
				A–dn——	800–2	800–2	800–2

*Radar control will provide 1000' vertical clearance within a 3-mile radius of 749' tower 6.5 miles WSW, 687' tower 3.7 mi W, and 620' tower 6.5 mi WNW of airport. Surveillance approaches straight-in to Runways 18 and 36 NA.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 7 and 13: Climb to 2000' on ORL–VOR R–308 within 20 miles. Runways 25 and 31: Climb to 1700' on ORL–VOR R–308 within 20 miles of airport.
CAUTION: Radio tower 687' MSL 3.7 mi West of airport.

City, Orlando; State, Fla.; Airport Name, Herndon; Elev., 113'; Fac. Class., Orlando; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 2; Dated 22 July 61

000°——	360°——	Within 30 mi——	6000				
				Precision approach			
				T–dn°——	300–1	300–1	#200–½
				C–dn°——	700–1	700–1	700–1½
				S–dn–10R##——	200–½	200–½	200–½
				A–dn–All——	700–2	700–2	800–2
				Surveillance approach			
				T–dn°——	300–1	300–1	200–½
				C–dn°——	700–1	700–1	700–1½
				S–dn–28R——	700–1	700–1	700–1
				A–dn–All——	800–2	800–2	800–2

Radar transitions and vectoring utilizing Portland Radar authorized in accordance with approved Radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished.
Runway 10R: Climb to 2100' on SE crs PDX ILS localizer 098° to Gresham Int.
Runway 28R: Climb to 3200' on NW crs PDX–ILS localizer 278° to Sauvies Island RBn.
Alternate Missed Approach—All Runways: Climb to 3000' direct to RO–LFR or PDX–VOR.
*200–½ authorized on Runways 10R–L, 28R–L only. 700–2 required on Runway 20.
##Runway visual range 2600' also authorized for landing on runway 10R; provided that all components of the PAR, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators, and all related airborne equipment are in satisfactory operating condition. Descent below 223' MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2600' also authorized for takeoff on Runway 10R providing high intensity runway lights are operational.

City, Portland; State, Oreg.; Airport Name, Portland International; Elev., 23'; Fac. Class., Portland; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 12 Aug. 61; Sup. Amdt. No. 1; Dated, 15 Apr. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 10, 1961.

GEORGE C. PRILL,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–6712; Filed, Aug. 4, 1961; 8:45 a.m.]

[Reg. Docket No. 807; Amdt. 230]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
					2-engine or less		More than 2-engine, more than 65 knots
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots	
PROCEDURE CANCELLED AUGUST 19, 1961, OR UPON DECOMMISSIONING OF LFR.							

City, Altoona, Martinsburg; State, Pa.; Airport Name, Blair County; Elev., 1493'; Fac. Class., SBMRAZ; Ident., AOO; Procedure No. 1, Amdt. 5; Eff. Date, 11 June 55; Sup. Amdt. No. 4; Dated, 1 Apr. 54

Elyria FM——	CO–LFR (Final)——	Direct——	1400	T–dn——	300–1	300–1	200–½
				C–dn——	400–1	500–1	500–1½
				A–dn——	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn S side W crs, 276° Outbnd, 096° Inbnd, 2000' within 10 mi.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 070°—0.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 3000' on N side of E crs of Cleveland LFR to Parkman Int.
CAUTION: 1971' television towers approximately 6 mi ESE of airport.

City, Cleveland; State, Ohio; Airport Name, Cleveland-Hopkins; Elev., 789'; Fac. Class., SBRAZ; Ident., CO; Procedure No. 1, Amdt. 11; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 10; Dated, 30 June 60

Concord VOR——	CN–LFR——	Direct——	2500	T–dn——	300–1	300–1	300–1
Boscawen FM——	CN–LFR——	Direct——	3000	C–dn——	700–1	700–1	700–1½
				A–dn——	800–2	800–2	800–2

Procedure turn E side of crs, 164° Outbnd, 344° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 321°—1.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 3000' on NW crs CN–LFR within 10 miles. Return to CN–LFR. Hold NW right turns, one minute pattern, 153° inbnd.
NOTE: ADF approach not authorized.

City, Concord; State, N.H.; Airport Name, Municipal; Elev., 345'; Fac. Class., BMRLZ; Ident., CN; Procedure No. 1, Amdt. 8; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 7; Dated, 19 Oct. 57

Dickinson VOR——	DK–LFR——	Direct——	4100	T–dn——	300–1	300–1	200–½
				C–d——	500–1	600–1	600–1½
				C–n——	500–1½	600–1½	600–1½
				A–dn——	800–2	800–2	800–2

Procedure turn W side N crs, 345° Outbnd, 165° Inbnd, 4100' within 10 mi.
Minimum altitude over facility on final approach crs, 3600'.
Crs and distance, facility to airport, 168°—1.8.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 mi, climb to 4200' on S crs within 20 mi, then make left turn and return to LFR.
AIR CARRIER NOTE: Night take-offs and landings authorized NW–SE runway only.
CAUTION: KDIX tower 2751' MSL 3.9 mi North of DK–LFR. Tower 3062' MSL 3.5 mi NE of VOR.

City, Dickinson; State, N. Dak.; Airport Name, Dickinson; Elev., 2589'; Fac. Class., SBMRAZ; Ident., DK; Procedure No. 1, Amdt. 8; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 7; Dated, 19 Oct. 57

PROCEDURE CANCELLED EFFECTIVE AUGUST 19, 1961, OR UPON DECOMMISSIONING OF LFR.

City, Philadelphia; State, Pa.; Airport Name, Philadelphia International; Elev., 10'; Fac. Class., SBMRAZ; Ident., PHL; Procedure No. 1, Amdt. 8; Eff. Date, 24 Jan. 59; Sup. Amdt. No. 7; Dated, 13 Dec. 58

				T–dn——	4000–2	4000–2	4000–2
				C–dn——	4000–2	4000–2	4000–2
				S–dn——	NA	NA	NA
				A–dn——	4000–2	4000–2	4000–2

SHUTTLE: On S crs 175° outbnd 355° inbnd to 8600' within 10 miles. All turns to left.
Procedure turn W side of S crs, 175° Outbnd, 355° Inbnd, 7600' within 10 miles. (Nonstandard.)
Minimum altitude over facility on final approach crs, 6700'.
Crs and distance, facility to airport, 031°—1.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, turn right, climb to 10,000' on S crs (175°) within 20 miles, making all turns on W side of crs.
NOTE: Sliding scale NA.
CAUTION: Precipitous mountainous terrain all sides of airport.

City, Summit; State, Alaska; Airport Name, Summit; Elev., 2409'; Fac. Class., SBRAZ; Ident., UMM; Procedure No. 1, Amdt. 5; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 4; Dated, 13 Aug. 56

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED, EFFECTIVE 19 AUGUST 1961. AIRPORT CLOSED.							
City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class., SBRAZ; Ident., TII; Procedure No. 1, Amdt. 12; Eff. Date, 1 Oct. 60; Sup. Amdt. No. 11; Dated, 20 Dec. 58							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED EFFECTIVE AUGUST 19, 1961, OR UPON DECOMMISSIONING OF MHW.							
City, Johnstown: State, Pa.; Airport Name, Cambria County: Elev., 2284'; Fac. Class., MHW; Ident., JST; Procedure No. 1, Amdt. 2; Eff. Date, 8 July 61; Sup. Amdt. No. 1; Dated, 25 June 54							
Ontario VOR	Riverside LFR or Edgemont Int	Direct	4200	T–dn	300–1	300–1	200–½
Edgemont Int	Colton RBn	Direct	4200	C–dn	500–1	500–1	500–1½
RV LFR	Colton RBn	Direct	4200	S–dn–25	400–1	400–1	400–1
Colton RBn	LOM (Final)	Direct	2800	A–dn	800–2	800–2	800–2
Moreno Int	Colton RBN	Direct	4200				
Radar transitions and vectoring utilizing March Radar are authorized in accordance with approved Radar patterns. Procedure turn not authorized. Aircraft must be vectored to final approach by radar or proceed via the Colton RBn in accordance with approved transitions. Minimum altitude over Colton RBn, 4200'. Crs and distance, facility to airport, 255°—6.2 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 mi after passing LOM, climb to 3000' on crs of 259° within 8 mi.							
City, Ontario; State, Calif; Airport Name, Ontario International; Elev., 952'; Fac. Class., LOM; Ident., ON; Procedure No. 1, Amdt. 13; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 12, Dated, 25 Mar. 61							
PROCEDURE CANCELLED EFFECTIVE AUGUST 19, 1961, OR UPON DECOMMISSIONING OF PUK RBn.							
City, Paducah; State, Ky.; Airport Name, Barkley; Elev., 405'; Fac. Class., BMH; Ident., PUK; Procedure No. 1, Amdt. 1; Eff. Date, 25 June 54; Sup. Amdt. No. Orig.; Dated, 30 Jan 51.							
Boothwyn FM	LOM (Final)	Direct	1400	T–dn	300–1	300–1	200–½
Philadelphia LFR	LOM	Direct	1800	C–dn	500–1	500–1	500–1½
				S–dn–9	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
Radar transitions and vectoring authorized in accordance with approved radar patterns. Procedure turn South side W crs, 265° Outbnd, 085° Inbnd, 1800' within 10 miles of LOM. Minimum altitude over facility on final approach crs, 1400'. Crs and distance, facility to airport, 085°—5.9 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing LOM, climb to 1800' on West Chester VOR R-104 to Bebelon Int. CAUTION: Water tower 180' MSL 2.0 mi West of approach end of Runway 9, 360' tower 0.8 mi East 1.4 mi North of OM.							
City, Philadelphia; State, Pa.; Airport Name, Philadelphia International; Elev., 14'; Fac. Class., LOM; Ident, PH; Procedure No. 1, Amdt. 14; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 13; Dated 21 Jan. 61							
Portland LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Kennebunk VOR	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
				S–dn–11	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2
Procedure turn South side of crs, 292° Outbnd, 112° Inbnd, 2000 within 10 mi of LOM. Beyond 10 mi NA. Minimum altitude over facility on final approach crs, 1700 Crs and distance, facility to airport, 112°—5.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 mi of Portland LOM, climb to 1000' on 112° crs from LOM, then make a climbing right turn to 2000' and return to LOM. Hold at LOM, one-minute, right turns, 112° Inbnd.							
City, Portland; State, Maine; Airport Name, Municipal; Elev., 66'; Fac. Class., LOM; Ident., PW; Procedure No. 1, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. Orig. (ADF portion Comb. ILS–ADF); Dated 22 Feb. 58							
Rush VHF Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Fishers Int	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
Rochester VOR	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Marion Int	LOM	Direct	2000				
Procedure turn N side of E crs 097° Outbnd, 277° Inbnd, 2000' within 10 mi. of LOM. Minimum altitude over facility on final approach crs, 1500'; over MM, 1300'. Crs and distance, facility to airport 277°—4.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2000' on R-298 Rochester VOR. Hold West, one minute pattern, 118° Inbnd.							
City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., LOM; Ident., RO; Procedure No. 1, Amdt 8; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 7 (ADF portion, comb. ADF–ILS); Dated, 27 May 61							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PROCEDURE CANCELLED EFFECTIVE 19 AUGUST 1961. AIRPORT CLOSED.							
City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class., LOM; Ident., TL; Procedure No. 1, Amdt 13; Eff. Date, 1 Nov. 58; Sup. Amdt. No. 12 (ADF portion of Comb ILS–ADF); Dated, 31 Dec. 55.							

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dickinson LFR	DIK–VOR	Direct	4100	T–dn	300–1	300–1	200–½
				C–dn	500–1	600–1	600–1½
				C–n	500–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2
Procedure turn W side N crs, 359° Outbnd, 179° Inbnd, 4100' within 10 mi.. Minimum altitude over facility on final approach crs, 3600'. Crs and distance, facility to airport, 179°—3.6 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make left turn climb to 4200' on R–173 DIK–VOR within 20 miles, then make left turn and return to VOR. AIR CARRIER NOTE: Night take-offs and landings authorized NW–SE Runway only. CAUTION: KDIX tower 3.9 mi. N DK–LFR 2751' MSL. Tower 3062' MSL 3.5 mi NE of VOR.							
City, Dickinson; State, N. Dak.; Airport Name, Dickinson; Elev., 2589'; Fac. Clas., BVOR; Ident., DIK; Procedure No. 1, Amdt. 5; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 4 Dated, 19 Oct. 57							
				T–dn	300–1	300–1	NA
				C–dn	600–1½	600–1½	NA
				S–dn–24	600–1	600–1	NA
				A–dn	800–2	800–2	NA
Procedure turn West side of crs, 037° Outbnd, 217° Inbnd, 2500' within 10 mi. Minimum altitude over facility on final approach crs, 1500'. Crs and distance, facility to airport, 242°—3.3 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 mi. after passing VOR, make immediate right climbing turn, returning to the Clermont VOR at 2500'. Hold on R–037, one-minute pattern, right turns, 217° Inbnd.							
City, Poughkeepsie; State, N.Y.; Airport Name, Dutchess County; Elev., 165'; Fac. Class., BVOR; Ident., CET; Procedure No. 1, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. Orig.; Dated, 15 July 61							
PROCEDURE CANCELLED, EFFECTIVE 19 AUGUST 1961.							
City. Seattle; State, Wash.; Airport Name, Boeing Field; Elev., 17'; Fac. Class., BVOR; Ident, SEA; Procedure No. 2, Amdt. 1; Eff. Date, 5 May 56; Sup. Amdt. No. Orig. Dated, 26 Nov. 55							
PROCEDURE CANCELLED, EFFECTIVE 19 AUGUST 1961. AIRPORT CLOSED.							
City, Tallahassee: State, Fla.; Airport Name, Dale Mabry; Elev., 70'; Fac. Class., BVOR; Ident, TLH; Procedure No. 1, Amdt. 7; Eff. Date, 15 Nov. 58; Sup. Amdt. No. 6; Dated, 15 Nov. 58							

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Dayton VOR via R–163 DAY–VOR	MGY–VOR	Direct	3000	T–dn	300–1	300–1	200–1
Gladstone Int	MGY–VOR	Direct	2500	C–dn#	700–1	700–1	700–1½
Camden Int	MGY–VOR	Direct	2400	A–dn	NA	NA	NA
Mt Holly Int (Final)#	MGY–VOR	Direct	2400				
Radar transitions and vectoring authorized in accordance with approved radar patterns. Procedure turn East side crs, 146° Outbnd, 326° Inbnd, 2400' within 10 mi. Facility on airport. Minimum altitude over facility on final approach crs, 1700'*. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished after passing MGY–VOR, make climbing right turn to 2400', hold SE on R–146 MGY–VOR, one minute, right turns. NOTE: No weather service available. #Descent to 1700' authorized after passing South crs FP–LFR or 5-mile radar fix. If FP–LFR South crs not received or radar inoperative, maintain 1800'.							
City, Dayton; State, Ohio; Airport Name, Montgomery County; Elev., 960'; Fac. Class., VOR; Ident., MGY; Procedure No. 1, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 1 Orig.; Dated, 27 May 61							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rush VHF Int	ROC-VOR	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1*	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn East side of crs, 177° Outbnd. 357° Inbnd, 200′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, break-off point to approach end of Rnwy 1, 007°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R-357 within 10 miles or, when directed by ATO, make a left climbing turn, return to Rush Int at 2000′.
AIR CARRIER NOTE: Takeoff on Rnwy 12 and landing on Rnwy 30 NA.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. Orig.; Dated, 5 Mar. 60

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-10	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 289° Outbnd, 109° Inbnd, 1900′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, breakoff point to approach end Rnwy 10, 097°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 2000′ on R-109 within 10 miles.
AIR CARRIER NOTE: Takeoff on Rnwy 12 and landing on Rnwy 30 not authorized.
Major Change; Deletes transitions.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-10, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. Orig.; Dated, 5 Mar. 60

				T-d	400-1		
				C-d	700-2		
				S-d-2	700-2		
				A-d	NA		

Procedure turn East side of crs, 196° Outbnd, 016° Inbnd, 1300′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Facility on airport.
Crs and distance, breakoff point to approach end of Rnwy 2, 022°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1300′ on R-016 within 10 miles, then make right (East) turn, returning to the Millville VOR at 1300′.

City, Vineland; State, N.J.; Airport Name, Downstown; Elev., 116′; Fac. Class., BVOR; Ident., MIV; Procedure No. TerVOR-2, Amdt. Orig.; Eff. Date, 19 Aug 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Albuquerque LFR	LOM	Direct	7000	T-dn	300-1	300-1	200-½
Albuquerque VOR	LOM	Direct	7000	C-dn	400-1	500-1	500-1½
Aden Int	LOM	Direct	8000	S-dn-35*	200-½	200-½	500-1½
Luna Int**	LOM (Final)	Direct	6400	A-dn	600-2	600-2	600-2
Bacaville VOR	Luna Int	Direct	7000				
Becker Int (via S crs ABQ loc.)	Luna Int	Direct	7000				
Coyote Int	LOM	Direct	9000				
Mooney Int (via R-129 ABQ-VOR)	Luna Int	Direct	7000				
North Int	LOM	Direct	7000				
Sandia Int	LOM	Direct	7000				
Dalies Int	LOM	Direct	9000				

Radar transitions and vectoring using Albuquerque Radar authorized in accordance with approved radar patterns.
Procedure turn W side S crs, 170° Outbnd, 350° Inbnd, 7000′ within 10 mi.
Minimum altitude at G.S. int inbnd 6400.
Altitude of G.S. and distance to appr end of rny at OM 6400—3.8, at MM 5530—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a left climbing turn, climb to 8000′ on 260° crs direct to ABQ-VOR or, when directed by ATC, turn left and climb to 9000′ on W crs AQ-LFR within 20 miles.
CAUTION: Terrain exceeding 8000′ E of ILS localizer—all turns to be made W of localizer crs.
*Runway 17-35 currently limited to aircraft of 33,000 pounds or less gross weight. Check NOTAMS.
**Maintain 7000′ until after passing Luna Int, start descent at glide slope interception. Glide slope must be operative for this transition.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun; Elev., 5352′; Fac. Class., ILS; Ident., I-ABQ; Procedure No. ILS-35, Amdt. 20; Eff. Date, 19 Aug. 61 Sup. Amdt. No. 19; Dated, 1 Apr. 61

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-dn	600-2	600-2	600-2
				S-dn	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Instrument approach to be conducted in accordance with USAF Chart AL-1196-ILS-RWY-5.
NOTE: Closed to all civil air traffic except in emergency or when given special authorization by United States Air Force. See Airman's Guide for authorizing organizations.

City, Anchorage; State, Alaska; Airport Name, Elmendorf AFB; Elev., 212′: Fac. Class., ILS; Ident., IEDF; Procedure No. ILS-5, Amdt. Orig; Eff. Date, 19 Aug. 61

BHM LFR	LOM	Direct	2800	T-dn ##	300-1	300-1	**200-½
BHM VOR	LOM	Direct	2800	C-dn	800-1	900-1	900-1½
Chelsea Int	LOM	Direct	2800	S-dn-5 #	200-½	200-½	200-½
Bessemer Int	LOM (Final)	Direct	2000	A-dn	900-2	900-2	900-2
Leeds Int	LOM	Direct	2800				

Radar terminal area transition altitudes: 0-360° within 15 miles, 2500′; 0-360° within 15-25 miles, 3500′. Radar control will provide 1000′ vertical clearance within a 3-mile radius or 500′ vertical clearance within a 3- to 5-mile (inclusive) radius of 1802′ MSL tower located 4 miles SW of airport.
Procedure turn N side of SW crs, 232° Outbnd, 052° Inbnd, 2000′ within 10 mi. (Nonstandard to avoid obstructions.)
Minimum altitude at G.S. int Inbnd, 2000′.
Altitude of G.S. and distance to approach end of rny at OM, 2000′—4.5 mi; at MM, 815′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′, turn right and proceed to Leeds Int via BHM VOR R-115 or, when directed by ATC, turn left, climb to 2000′ and proceed to BHM VOR or climb to 2500′ on crs of 052° from LOM within 15 mi.
AIR CARRIER NOTE: Sliding scale NA.
*400-¾ required when Glide Slope inoperative.
**Runway 5/23 only.
#Runway visual range 2600′ also authorized for landing on Runway 5; *Provided*, That all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 843′ msl shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2600′ also authorized for takeoff on Runway 5 in lieu of 200-½ when 200-½ authorized; providing high-intensity runway lights are operational.

City, Birmingham; State, Ala.; Airport Name, Municipal; Elev., 643′; Fac. Class., ILS; Ident., I-BHM; Procedure No. ILS-5, Amdt. 16; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 15; Dated, 4 June 60

Greensboro VOR	Rebel Fix	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-32	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes: 0-360° within 15 miles, #2300′; 330-310° within 15-25 miles, 2500′; 310-330° within 15-25 miles, 3600′. #Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1549′ MSL tower located 8 miles E of Greensboro-High Point Airport or maintain 2500′. All bearings and distances are from radar site on Greensboro-High Point Airport with sector azimuths progressing clockwise.
Procedure turn East side of crs, 138° Outbnd, 318° Inbnd, 2500′ within 10 miles of Rebel Int.
Minimum altitude over Rebel Int on final approach crs, 1900′.
Crs and distance, Rebel Int to airport, 318°—3.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles, climb to 2500′ on NW crs of ILS within 20 miles or, when directed by ATC, turn right, climb to 2500′ on R-054 GSO-VOR within 20 miles or turn right, climb to 2500′ and return to Rebel Int via ILS localizer crs.
NOTE: This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.

City, Greensboro; State, N.C.; Airport Name, Greensboro-High Point; Elev., 923′; Fac. Class., ILS-IGSO; Ident., VOR-GSO; Procedure No. ILS-32, Amdt. 2; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 1; Dated, 29 July 61

Int FQT-VOR R-291 and SW crs ILS	Snelling Int*	Direct	2500	T-dn	300-1	300-1	200-½
Ball Club Int**	Snelling Int*	Direct	2500	C-dn	500-1	500-1	500-1½
Hugo Int***	Snelling Int* (Final)	Direct	2000	S-dn-22	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar transitions to final approach course authorized according to approved patterns. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles NE of Snelling Int.*
Procedure turn North side of crs, 039° Outbnd, 219° Inbnd, 2500′ within 10 miles.
No glide slope or markers.
Minimum altitude over Snelling Int* on final approach crs, 2000′; over Highland Int**** on final approach crs, 1500′.
Crs and distance, Snelling Int* to airport, 219°—5.3 mi; Highland Int**** to airport, 219°—2.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles of Snelling Int*, climb to 2200′ on SW crs of ILS to AP LOM or, when directed by ATC, make left climbing turn to 2500′ and proceed to Snelling Int*.
NOTES: (1) This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously. (2) Aircraft on missed approach may be radar controlled after radar identification.
*Snelling Int: Int NE crs ILS and MSP-VOR R-131.
**Ball Club Int: Int SW crs ILS and MPS-VOR R-182.
***Hugo Int: Int NE crs ILS and MPS-VOR R-142.
****Highland Int: Int NE crs ILS and MSP-VOR R-142.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International; Elev., 840′; Fac. Class., ILS; Ident., I-APL; Procedure No. ILS-22, Amdt. Orig.; Eff. Date, 19 Aug. 61.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
New Alexandria VHF Int	Hudson Int	Direct	3000	T–dn**	300–1	300–1	200–½
Butler RBn	River RBn	Direct	3000	C–dn	500–1	500–1	500–1½
McKeesport RBn	ILS crs (Final)	320–11	3000	S–dn–28° %	200–½	200–½	200–½
Pittsburgh LFR	River RBn	Direct	3000	A–dn	600–2	600–2	600–2
Pittsburgh VOR	River RBn	Direct	3000				
Cecil RBn	River RBn	Direct	3000				
Clinton RBn	River RBn	Direct	3000				
Hudson Int	River RBn (Final)	Direct	3000				
Tarentum Int	ILS crs (Final)	245–13.5	3000				
Radar Terminal Area Transition Altitudes	Radar Site	All sectors within: 10 mi	#2500				
		10–40 mi	†3000				

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 3000′ within 10 miles of River RBn. NA beyond 10 mi.
Minimum altitude at G.S. int inbnd, 3000′.
Altitude of G.S. and distance to appr end of rnwy at OM, 3000′—5.6 mi; at MM, 1390′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on West crs of ILS to Clinton RBn.
NOTES: Center line modified type B approach lighting. Radar may be used to position aircraft to final approach course inbound within 10 miles of LOM (River RBn) with the elimination of a procedure turn.
†MEA when lower.
#Radar control must provide 1000′ clearance when within three miles or 500′ clearance when 3–5 miles of antenna towers reaching 2049′ MSL in area 9 to 15 miles East of airport.
*400–¾ required with glide slope inoperative.
%Runway Visual Range 2600′ also authorized for landing on Rnwy 28, provided all components of the ILS, high intensity runway lights, approach lights, condenser discharge flashers, middle and outer compass locators and all related airborne equipment are in satisfactory operating condition. Descent below 1368′ MSL shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway Visual Range 2600′ also authorized for takeoff on Runway 28 in lieu of 200–½ when 200–½ is authorized, providing high intensity runway lights are operational.

City, Pittsburgh; State, Pa.; Airport Name, Greater Pittsburgh; Elev., 1168′; Fac. Class., ILS; Ident., I-GPB; Procedure No. ILS–28, Amdt. 5; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 4; Dated, 8 Aug. 59

Portland LFR	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Kennebunk VOR	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
				S–dn–11**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

**500–¾ required with glide slope inoperative.
Procedure turn South side of crs, 292° Outbnd, 112° Inbnd, *2000′ within 10 miles.
Minimum altitude at G.S. int inbnd, 1700′ ILS; over LOM inbnd final, 1700′ ADF.
Altitude of G.S. and distance to approach end of runway at OM, 1703′—5.4; MM, 273′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1000′ on East crs of ILS, then make 180° right climbing turn to return to LOM at 2000′ and hold at LOM one-minute right turns, 112° inbnd.
CAUTION: *Procedure turn not authorized beyond 10 miles of LOM account of high terrain.

City, Portland; State, Maine; Airport Name, Municipal; Elev., 66′; Fac. Class., ILS; Ident, I-PWM; Procedure No. ILS-11, Amdt. 1; Eff. Date, 19 Aug. 61; Sup. Amdt. No. Orig. (ILS portion comb. ILS–ADF); Dated, 22 Feb. 58

Rush VFH Int	LOM	Direct	2000	T–dn	300–1	300–1	200–½
Fishers Int	LOM	Direct	2000	C–dn**	500–1	600–1	600–1½
Fishers Int	ILS E crs (Final)	Via crs 348°		S–dn–28°	300–¾	300–¾	200–¾
Rochester VOR	LOM	Direct	2000	A–dn#	600–2	600–2	600–2
Marion Int	LOM	Direct	2000				

Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000′ within 10 mi of LOM.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 mi; at MM, 780′**—0.5 mi; at MHW, 990′—1.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 2000′ on R-204 Rochester VOR.
NOTE: Glide slope provides approximately 183′ clearance over smoke spier 756′ MSL located 3.2 mi W of the LOM.
AIR CARRIER NOTE: Take-off on Runway 12 and landing on Runway 30 not authorized.
*Circling minimums applicable with glide slope inoperative.
**Minimum altitude 1300′ over MM with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800–2 apply.

City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560′; Fac. Class., ILS; Ident., I-ROC; Procedure No. ILS–28, Amdt. 8; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 7 (ILS portion Comb. ILS–ADF); Dated, 27 May 61

PROCEDURE CANCELLED, EFFECTIVE 19 AUGUST 1961. AIRPORT CLOSED.

City, Tallahassee; State, Fla.; Airport Name, Dale Mabry; Elev., 70′; Fac. Class., ILS; Ident., ITLH; Procedure No. ILS–30, Amdt. 13; Eff. Date, 1 Nov. 58; Sup. Amdt. No. 12 (ILS portion of Comb. ILS–ADF); Dated, 31 Dec. 55

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
000	360	Within 30 mi	12,000	T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–35, 17, 8 and 3	400–1	400–1	500–1½
					400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
				Precision approach			
				S–dn–35	200–½	200–½	500–1½
				A–dn	600–2	600–2	600–2

Radar transitions and vectoring utilizing Albuquerque Radar authorized in accordance with approved radar patterns and sector altitudes.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:
Runways 35, 8, and 3: Turn left and climb to 8000′ on 260° crs direct to ABQ–VOR or, when directed by ATC, turn left and climb to 8000′ on W crs AQ–LFR within 20 miles.
Runway 17: Climb straight ahead to AQ–LFR to 7000′ or, when directed by ATC, (1) turn right, climb to 8000′ on W crs AQ–LFR within 20 mi; (2) make right climbing turn, climb to 8000′ on 260° crs direct to ABQ–VOR.
CAUTION: Terrain exceeding 8000′ in E quadrants AQ–LFR; all turns to be made West of North and South courses of LFR.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun; Elev. 5352′; Fac. Class., Kirtland; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 19 Aug. 61; Sup. Amdt. No. 3; Dated, 10 Sept. 60

		Within:		Surveillance approach			
North Quadrant PHL LFR		20 mi	2400	T–dn	300–1	300–1	200–½
North Quadrant PHL LFR		10 mi	*1800	C–dn#	500–1	500–1	500–1½
NW Quadrant PHL LFR		20 mi	2000	C–dn–4, 22	600–1	600–1	600–1½
NW Quadrant PHL LFR		10 mi	1800	S–dn#	500–1	500–1	500–1
SW and SE Quadrant PHL LFR		20 mi	*1800	A–dn	800–2	800–2	800–2
				Precision approach			
				S–dn–9	200–½	200–½	200–½
				A–dn–9	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ or higher altitude when requested by ATC, proceed to Mt Holly Int or, when directed by ATC, (1) climb to 1800′ and proceed to LOM, (2) climb to 1800′ on Westchester VOR R–104 to Eachelon Int.
*Radar control must provide 1000′ clearance when within 3 miles or 500′ clearance when between 3–5 miles of towers 1369′ MSL 9 miles North and 1049′ MSL 10 miles SE of airport.
#Runways 9, 17, 27, 35.

City, Philadelphia; State, Pa.; Airport Name, Philadelphia International; Elev., 14′; Fac. Class., Philadelphia; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. Date, 19. Aug. 61; Sup. Amdt. No. 3; Dated, 15 Apr. 61

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 17, 1961.

A. L. COULTER,
Acting Deputy Director, Bureau of Flight Standards.

[F.R. Doc. 61–6831; Filed, Aug. 4, 1961; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,815]

PART 545—OPERATIONS

Loans in Excess of Eighty Percent of Value

JULY 28, 1961.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amendment of subparagraph (4) of paragraph (a) of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(a)(4)) so as to liberalize the terms of said subparagraph as hereinafter set forth, and for the purpose of effecting such liberalization, hereby amends said subparagraph (4) of paragraph (a) of § 545.6–1, effective August 5, 1961, to read as follows:

(4) *Loans in excess of 80 percent of value.* The limitation of 25 years set forth in subparagraph (1) of this paragraph shall be 30 years and the limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 90 percent of so much of such value as does not exceed $25,000 plus 80 percent of so much of such value as exceeds $25,000 in the case of any loan which is made in an amount not in excess of $26,500 and with respect to which the following requirements are met:

(i) The association, at the time it makes or invests its funds in the loan, has general reserves and surplus equal to at least 3 percent of the association's assets;

(ii) Except as provided in subdivision (x) of this subparagraph (4), the loan is made upon the security of a first lien upon real estate upon which there is located a structure designed for residential use for one family, the construction of which has been completed prior to the date on which the security instrument securing the loan is executed and prior to the date on which any disbursement on the loan is made, and upon which there is not located any other structure designed or used in whole or in part as a dwelling or any structure designed or used in whole or in part for any business purpose or for any purpose not ancillary to the residential use aforesaid;

(iii) The principal obligation of the loan is specified in the security instrument securing the loan and does not

exceed (a) $26,500, (b) 90 percent of so much of the value of the real estate as does not exceed $25,000 plus 80 percent of so much of such value as exceeds $25,000, or, if the loan is made to finance the purchase of the real estate, (c) 90 percent of so much of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph as does not exceed $25,000 plus 80 percent of so much of such purchase price as exceeds $25,000, whichever is lowest;

(iv) The loan contract requires that, in addition to interest and principal payments on the loan, the equivalent of one-twelfth of the estimated annual taxes, assessments, and insurance premiums on the real estate security be paid monthly in advance to the association;

(v) The borrower, including a purchaser defined as a borrower in the proviso clause of subdivision (x) of this subparagraph (4), has executed, not earlier than the date on which the security instrument securing the loan is executed and, except as provided by subdivision (x) of this subparagraph (4), not later than the date on which any disbursement on the loan is made, a certification in writing to the association stating (a) the purpose for which the loan is sought and, if for the purpose of enabling the borrower to purchase the security property, the name of the vendor or vendors; (b) that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed; and (c) that the borrower is actually occupying the property as a dwelling or that the borrower in good faith intends to do so;

(vi) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the vendor or vendors have executed, not earlier nor later than the dates specified in subdivision (v) of this subparagraph, a certification in writing to the association stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(vii) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the purchaser and the vendor or vendors have jointly executed, prior to approval of the loan, a certification in writing to the association stating (a) the purchase price of the security property and the items comprising such price and (b) that there is outstanding a contract or agreement between the vendor or vendors and the purchaser that the security property will be conveyed to the purchaser;

(viii) The association has made or obtained, prior to approval of the loan, a written report on the credit standing of the borrower, as described in subdivision (v) of this subparagraph (4), and the financial ability of such borrower to undertake and pay off the obligation involved in the loan;

(ix) (a) The resulting aggregate of the principal amount of such loan as specified in accordance with subdivision (iii) of this subparagraph and of the association's investment in the principal amount of all other loans made under this subparagraph, exclusive of any such loan with respect to which the unpaid principal balance has been reduced to an amount not in excess of 80 percent of the value of the property according to the appraisal on which such loan was made (or 80 percent of the purchase price set forth in the certification specified in subdivision (vii) of this subparagraph, if such purchase price is less than such value), does not, at the time the association makes or invests its funds in such loan, exceed 20 percent of the association's assets;

(b) The record of each such loan shall show the date and amount of the appraisal on which the loan was made and the date of approval of the loan, and the association shall, so long as the loan is outstanding and in any event for a period of at least three years from the date of any disbursement on the loan, retain in its record of the loan the foregoing data and all reports and certifications referred to in this subparagraph; and

(x) Notwithstanding the requirements of subdivision (ii) of this subparagraph, a loan under this subparagraph (4) may be made to finance the construction of a structure as described in subdivision (ii) of this subparagraph, but the amount by which such a loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale, the amount by which such loan exceeds 80 percent of the value of the real estate shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan, and there is compliance with all of the provisions of this subparagraph (4) except as specifically waived in this subdivision (x): *Provided*, That, for the purpose of such compliance the unpaid balance of the loan at the date of execution of the said assumption agreement shall be deemed to be the principal obligation of the loan; the date of execution of the said assumption agreement shall be deemed to be the date of approval of the loan, of the purchase of the property, of the execution of the security instrument, and of disbursement of the loan; the person or concern to whom the loan was made to finance construction shall be deemed to be the vendor; and the purchaser shall be deemed to be the borrower.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, as said amendments only relieve restriction, the Board hereby finds that notice and public procedure thereon are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) or section 4(a) of the Administrative Procedure Act and, as said amendments relieve restriction, deferment of the effective date thereof is not required under section 4(c) of said Act.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61-7435; Filed, Aug. 4, 1961; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8265 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Revillon Wholesale, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-45 Fictitious marking. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Revillon Wholesale, Inc., et al., New York, N.Y., Docket 8265, June 27, 1961]

In the Matter of Revillon Wholesale, Inc., a Corporation, and Emil Wendling, Abraham Grauer, Herman Grauer, Jacques Haran, Marty Weinstein, and Peter Wensel, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by setting forth on invoices and in advertising fictitious prices for fur products; by failing to keep adequate records on which pricing and value claims were based; by failing in other respects to comply with invoicing and advertising requirements; and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, and falsely advertised.

The order to cease and desist is as follows:

It is ordered, That respondents Revillon Wholesale, Inc., a corporation, and its officers, and Abraham Grauer, Herman Grauer, Jacques Haran, Marty Weinstein and Peter Wensel, individually and as officers of said corporation, and respondents' respresentatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale, transportation or distribution in commerce of fur products; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act;

2. Representing, directly or by implication, on invoices that the former or regular price of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such products in the recent regular course of business;

B. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised, when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce;

C. Falsely or deceptively advertising fur products through the use of any advertisement, respresentation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Represents, directly or by implication, that respondents' usual and customary price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold in such products in the recent regular course of business;

2. Misrepresents in any manner the savings available to purchasers of respondents' fur products;

D. Making claims and representations respecting prices and values of fur products unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Emil Wendling, individually and as an officer of said corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Revillon Wholesale, Inc., a corporation, and Abraham Grauer, Herman Grauer, Jacques Haran, Marty Weinstein, and Peter Wensel, erroneously named in the complaint as Peter Wenzel, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7399; Filed, Aug. 4, 1961; 8:46 a.m.]

[Docket 8170 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Stephen F. Singer and Star-Crest Recording Company

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature; 13.15-235 *Producer status of dealer or seller:* 13.15-235(m) Manufacturer; § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.155 *Prices;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stephen F. Singer trading as Star-Crest Recording Company, Los Angeles, Calif., Docket 8170, June 30, 1961]

In the Matter of Stephen F. Singer, Individually and Trading as Star-Crest Recording Company

Consent order requiring an individual in Los Angeles, Calif., engaged in soliciting contracts and fees for recording songs for writers and in the sale of records containing the songs, to cease using false royalty claims and other deception to obtain fees from song writers, in advertisements in magazines and newspapers, form letters, and otherwise, as in the order below specified.

The order to cease and desist is as follows:

It is ordered, That respondent Stephen F. Singer, an individual trading as Star-Crest Recording Company, or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of contracts or fees for the recording of songs for writers or prospective writers, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Song writers who contract with respondent will receive substantial sums of money;

2. Any payment received by song writers who contract with respondent, arising out of the sale of records, is a "royalty", unless and until the amount paid to respondent has been fully repaid;

3. Respondent's primary interest in the recording of song writers' songs is in the sale of records of said songs;

4. There is a regular scale of charges for test recording or that the charge of $96.20, or any other amount charged by respondent, is any percent of such a charge;

5. The songs for which respondent contracts will be recorded on an album with current song hits, unless current song hits are actually recorded therein;

6. The songs for which respondent contracts will be sung by outstanding Hollywood stars;

7. The demand for songs is greater than can be supplied by the professional song writers;

8. Respondent owns facilities for the manufacture of albums;

9. Respondent does not make a charge for including a song writer's song in an album.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Stephen F. Singer, individually and trading as Star-Crest Recording Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he had complied with the order to cease and desist.

Issued: June 30, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7400; Filed, Aug. 4, 1961; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-6606]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Application for Review of Disciplinary Action

The Securities and Exchange Commission has announced that it has amended Rule 15ag-1 (§ 240.15ag-1) under the Securities Exchange Act of 1934 effective September 1, 1961. This rule sets out the procedures to be followed in connection with a review by the Commission of disciplinary action, or denial of membership, by a national securities association where such review is on the application of a person aggrieved by such action or denial. The amendments are designed to facilitate and expedite the handling of such appeals and to avoid unnecessary delays.

The amendments make it mandatory for the applicant to file a brief or statement in support of his application within a specified period. The applicant's brief must specify the basis of the appeal and the relief sought. The amendments authorize summary dismissal of an application where a timely brief in compli-

ance with the rule is not filed by the applicant. An answering brief by the association is optional as is the applicant's reply to such an answering brief. The amendments also provide that oral argument will be heard only with special Commission permission. Earlier provisions providing for oral argument in all cases resulting in uncertainty and undue delay where an applicant failed to appear or it was not possible to obtain a waiver of oral argument.

Statutory basis. Section 240.15ag–1 is hereby amended as set forth below pursuant to the Securities Exchange Act of 1934, particularly sections 15A and 23(a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out its functions under the Act.

The text of § 240.15ag–1, as amended is as follows:

§ 240.15ag–1 Application pursuant to section 15A(g) of the act for review of disciplinary action or denial of membership by a registered Securities association.

(a) Proceedings on an application under Section 15A(g) of the Act to review disciplinary action taken by a registered securities association or the action of such an association in denying admission to any broker or dealer seeking membership therein shall be governed by this rule. If the action complained of was based on the provisions of section 15A(b)(4) of the Act or on any effective rule of such association adopted under such section or under section 15A(b)(3) of the Act, application for relief should ordinarily be filed under § 240.15ab–1 and not under this section, and any such application filed under this section will be dismissed summarily unless it plainly alleges, with supporting detail, that the specific grounds on which the association's action was based did not exist in fact or were not valid under section 15A(b)(4) of the Act or under any effective rule of the association adopted under such section or under section 15A(b)(3) of the Act.

(b) An original and two copies of an application pursuant to section 15A(g) of the Act for review of action taken by a registered securities association shall be filed with the Commission within 60 days after such action has been taken. The Secretary will serve a copy of the application on the association, which shall, within 10 days after receipt of the copy of the application, certify and file with the Commission the original, or one copy, of the record upon which the order complained of was entered, together with 3 copies of an index to such record. The Secretary will serve upon the parties copies of such index and any papers subsequently filed.

(c) Within 20 days after receipt of a copy of the index, the applicant shall file seven copies of a brief or other statement in support of his application which shall state the specific grounds on which the application is based, the particular findings of the association to which he objects, and the relief sought. Any application not perfected by such a timely brief or statement covering at least the points mentioned above may be dismissed as abandoned.

(d) Within 20 days after receipt of applicant's brief or statement the association may file seven copies of an answer to the applicant's brief or statement and within 10 days of receipt of any such answer the applicant may file seven copies of a reply thereto. Any such papers not filed within the time provided will not be received except upon special permission of the Commission.

(e) On its own motion, the Commission may direct that the record under review be supplemented with such additional evidence as it may deem relevant. However, the association and persons who may be aggrieved by its action shall be obliged to adduce all evidence that they deem relevant in the proceedings before the association, and no such person shall be entitled to adduce additional evidence unless he shows to the satisfaction of the Commission that such additional evidence is material and that there were reasonable grounds for his failure to adduce such evidence in the hearings before the association. Any request for leave to adduce additional evidence shall be filed promptly so as not to delay the disposition of the proceeding.

(f) Oral argument before the Commission may be requested by the applicant or the association as follows: (1) By the association, with its answer, or on or before the date such answer would be required to be filed; or (2) by the applicant, within 10 days after receipt of the association's answer, or if no such answer is filed, within 30 days after the date on which the applicant filed his brief or statement. The Commission in its discretion may grant or deny any such request, and where it deems it appropriate to do so the Commission will grant or deny an application on the basis of the papers filed by the parties, without oral argument.

(g) The Rules of Practice (Part 201 of this chapter) shall apply to review proceedings under section 15A(g) and (h) of the Act to the extent that they are not inconsistent with this section.

The Commission finds that the foregoing amendments relate to matters of procedure and practice and that compliance with sections 4 (a), (b), and (c) of the Administrative Procedure Act is unnecessary. Such amendments shall be and hereby are declared effective on September 1, 1961, and shall apply to all such appeals filed on or after such date.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 26, 1961.

[F.R. Doc. 61–7409; Filed, Aug. 4, 1961; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations No. 4, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

General Definitions; General Provisions

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. The heading of Part 404 is revised as set forth above.

2. Subpart A of this Part 404 is amended by revising the heading to this subpart to read "Introduction, General Definitions, and General Provisions," revising §§ 404.1 and 404.2, and adding new § 404.3. As so amended, Subpart A of this Part 404 reads as follows:

Subpart A—Introduction, General Definitions and General Provisions

Sec.
404.1 Introduction.
404.2 General definitions and use of terms.
404.3 General provisions.

AUTHORITY: §§ 404.1 to 404.3 and § 404.1026 (a)(9) issued under sections 205 and 1102, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18; 42 U.S.C. 405, 1302. Additional authority is cited in parentheses following the sections affected.

§ 404.1 Introduction.

The regulations in this Part 404 (Regulations No. 4 of the Social Security Administration) relate to the provisions of Title II of the Social Security Act as amended on August 28, 1950, and as further amended thereafter. The regulations in this part are divided into 16 subparts:

(a) Subpart A contains provisions relating to general definitions and use of terms.

(b) Subpart B relates to quarters of coverage and insured status requirements.

(c) Subpart C relates to basic computation, recomputation, and recalculation of benefits and lump sums.

(d) Subpart D relates to the requirements for entitlement to monthly benefits and to the lump-sum death payment, duration of entitlement and benefit rates.

(e) Subpart E contains provisions relating to the reduction and increase of insurance benefits and to deductions from benefits and lump-sum death payments.

(f) Subpart F relates to overpayments, underpayments, waiver of adjustment or recovery of overpayments and liability of certifying officers.

(g) Subpart G relates to filing of applications and other forms.

(h) Subpart H relates to evidentiary requirements for establishing an initial and continuing right to monthly benefits and for establishing a right to lump-sum death payment. (Evidentiary requirements relating to disability are contained in Subpart P.)

(i) Subpart I relates to maintenace and revision of records of wages and self-employment income.

(j) Subpart I relates to maintenance determining and reviewing entitlement to and payment of benefits and lump sums, determining and reviewing rights with respect to the establishment and continuance of a period of disability, the revision of earnings records, and the representation of parties.

(k) Subpart K relates to employment, wages, self-employment and self-employment income.

(l) Subpart L relates to determinations of relationship of a claimant to the individual on whose earnings the application is based.

(m) Subpart M relates to coverage of employees of State and local Governments.

(n) Subpart N relates to benefits in cases involving veterans.

(o) Subpart O relates to the interrelationship of the old-age, survivors and disability insurance program with the railroad retirement program.

(p) Subpart P relates to rights and benefits based on disability.

§ 404.2 General definitions and use of terms.

(a) *Terms relating to acts and regulations.* (1) "The act" means the Social Security Act, as amended, as in effect July 1, 1961.

(2) "Social Security Act" means the act approved August 14, 1935 (49 Stat. 620).

(3) "Social Security Act Amendments of 1950" means the act approved August 28, 1950 (64 Stat. 477).

(4) "Social Security Act Amendments of 1952" means the act approved July 18, 1952 (66 Stat. 767).

(5) "Social Security Amendments of 1954" means the act approved September 1, 1954 (68 Stat. 1052).

(6) "Social Security Amendments of 1956" means the act approved August 1, 1956 (70 Stat. 807).

(7) "Social Security Amendments of 1958" means the act approved August 28, 1958 (72 Stat. 1013).

(8) "Social Security Amendments of 1960" means the act approved September 13, 1960 (74 Stat. 924).

(9) "Social Security Amendments of 1961" means the act approved June 30, 1961 (75 Stat. 131).

(10) "Regulations 2" (20 CFR, 1938 ed. Part 402) means the regulations approved July 20, 1937, as amended from time to time, relating to Federal old-age benefits under title II of the Social Security Act and amendments to such title effective prior to January 1, 1940.

(11) "Regulations 3" (Part 403 of this chapter) means the regulations approved May 21, 1940, as amended and supplemented from time to time, relating to Federal old-age and survivors benefits under title II of the Social Security Act and amendments to such title effective prior to January 1, 1951.

(12) "Internal Revenue Code of 1939" means the act approved February 10, 1939 (53 Stat. Part 1), as amended.

(13) "Internal Revenue Code of 1954" means the act approved August 16, 1954 (68A Stat. 1), as amended.

(14) "Railroad Retirement Act" means the Railroad Retirement Act of 1937 (50 Stat. 307), as amended.

(15) "Section" means a section of the regulations in Part 404 of this chapter unless the context indicates otherwise.

(b) *Secretary; Commissioner; Administration; Appeals Council; Hearing Examiner; Bureau defined.* (1) "Secretary" means the Secretary of Health, Education, and Welfare.

(2) "Commissioner" means the Commissioner of Social Security.

(3) "Administration," except where the context clearly indicates otherwise, means the Social Security Administration in the Department of Health, Education, and Welfare.

(4) "Appeals Council" means the Appeals Council of the Office of Hearings and Appeals in the Social Security Administration or such member or members thereof as may be designated by the Chairman.

(5) "Hearing Examiner" (formerly designated "referee"), means a hearing examiner in the Office of Hearings and Appeals of the Social Security Administration.

(6) "Bureau" means the Bureau of Old-Age and Survivors Insurance of the Social Security Administration.

(c) *Miscellaneous.* (1) "Certify," when used in connection with the duty imposed on the Secretary by section 205 (i) of the act, means that action taken by the Administration in the form of a written statement addressed to the Managing Trustee, setting forth the name and address of the person to whom payment of a benefit or lump sum, or any part thereof, is to be made, the amount to be paid, and the time at which payment should be made.

(2) "Benefit" means an old-age insurance benefit, disability insurance benefit, wife's insurance benefit, husband's insurance benefit, child's insurance benefit, widow's insurance benefit, widower's insurance benefit, mother's insurance benefit, or parent's insurance benefit under title II of the act. (Lump sums, which are death payments under title II of the act, are excluded from the term "benefit" as defined in this part to permit greater clarity in the regulations.)

(3) "Lump sum" means a lump-sum death payment under title II of the act or any person's share of such a payment.

(4) "Attainment of age." An individual attains a given age on the first moment of the day preceding the anniversary of his birth corresponding to such age.

(5) "State," unless otherwise indicated, includes (i) the District of Columbia, (ii) the Virgin Islands, (iii) the Commonwealth of Puerto Rico effective January 1, 1951, (iv) Guam and American Samoa, effective September 13, 1960, generally, and for purposes of sections 210(a) and 211 of the act effective after 1960 with respect to service performed after 1960, and effective for taxable years beginning after 1960 with respect to crediting net earining from self-employment and self-employment income, and (v) the Territories of Alaska and Hawaii prior to January 3, 1959, and August 21, 1959, respectively when those territories acquired statehood.

(6) "United States," when used in a geographical sense, includes, unless otherwise indicated, (i) the States, (ii) the Territories of Alaska and Hawaii prior to January 3, 1959, and August 21, 1959, respectively, when they acquired statehood, (iii) the District of Columbia, (iv) the Virgin Islands, (v) the Commonwealth of Puerto Rico effective January 1, 1951, and (vi) Guam and American Samoa, effective September 13, 1960, generally, and for purposes of sections 210(a) and 211 of the act, effective after 1960 with respect to service performed after 1960, and effective for taxable years beginning after 1960 with respect to crediting net earnings from self-employed and self-employment income.

(7) Masculine gender includes the feminine, unless otherwise indicated.

(8) The terms defined in sections 209, 210, and 211 of the act shall have the meanings therein assigned to them.

(Sec. 210, 74 Stat. 936 to 942, 42 U.S.C. 410)

§ 404.3 General provisions.

(a) *Extent to which Part 403 of this chapter (Regulations No. 3 of the Social Security Administration) remains in effect.* Part 403 of this chapter (Regulations No. 3 of the Social Security Administration) continues in effect with respect to old-age and survivors insurance benefits under title II of the act for months prior to September 1950 (except with respect to additional deductions from such benefits under section 203(g) of the act in effect prior to the Social Security Act Amendments of 1950); to lump-sum death payments under that title with respect to deaths after 1939 and before September 1950; and to whether, under that title, services performed before 1951 constitute employment and whether remuneration paid befor 1951 for employment constitutes wages. Except as provided in this section or as specifically incorporated in this Part 404 by reference, Part 403 of this chapter (Regulations No. 3 of the Social Security Administration) is superseded by the regulations in this Part 404.

(b) *Effect of cross references.* The cross references in the regulations in this Part 404 to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

(c) *Periods of limitation ending on nonwork days.* Pursuant to the provisions of section 216(j) of the act, effective September 13, 1960, where any pro-

vision of title II, or any provision of another law of the United States (other than the Internal Revenue Code of 1954) relating to or changing the effect of title II, or any regulation of the Secretary issued under title II, provides for a period within which an act is required to be done which affects eligibility for or the amount of any benefit or payment under this title or is necessary to establish or protect any rights under this title, and such period ends on a Saturday, Sunday, or Federal legal holiday or on any other day all or part of which is declared to be a nonwork day for Federal employees by statute or Executive Order, then such act shall be considered as done within such period if it is done on the first day thereafter which is not a Saturday, Sunday, or legal holiday or any other day all or part of which is declared to be a nonwork day for Federal employees either by statute or Executive Order. For purposes of this paragraph, the day on which a period ends shall include the final day of any extended period where such extension is authorized by law or by the Secretary pursuant to law. Such extension of any period of limitation does not apply to periods during which benefits may be paid for months prior to the month an application for such benefits is filed pursuant to § 404.607, or to periods during which an application for benefits may be accepted as such pursuant to § 404.606.

(Sec. 216, 74 Stat. 994, 42 U.S.C. 416)

3. The heading of Subpart K of Part 404 is revised to read as follows:

Subpart K—Employment—Wages—Self - Employment — Self - Employment Income

§ 404.1001 [Deletion]

4. Section 404.1001 is deleted and pertinent material therein, except for paragraph (1), is incorporated in the revised § 404.2 issued herewith.

5. Section 404.1026(a) is amended by adding after subparagraph (8) thereof former paragraph (1) of §404.1001 as new subparagraph (9):

§ 404.1026 Wages.

(a) *In general.* • • •

(9) The term "wages paid" means wages actually or constructively paid. Wages are constructively paid when they may be drawn upon by the employee at any time although not then actually reduced to possession. In such a case, a constructive payment can be found to have been made only where (i) the wages have been credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made and are available to him so that they may be drawn at any time, and their receipt brought within his own control and disposition or (ii) there is an intention by the employer to pay or to set apart or credit, and ability to pay wages when due, and failure of the employer to credit or set apart the wages is due to clerical error or inadvertence in the mechanics of payment and because of such clerical error or inadvertence, the wages are not actually available at that time. However, where the employee has authority to withhold wages from himself in the interest of the employer, his failure to reduce any of his wages to his possession shall be deemed to be in the interest of his employer and to establish the employer's intent not to pay such wages, unless there is a clear showing that such withholding was exclusively in the employe's interest.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved: August 1, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-7428; Filed, Aug. 4, 1961; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

PART 46—RURAL SERVICE

PART 48—UNDELIVERABLE MAIL

PART 56—SPECIAL DELIVERY

PART 61—MONEY ORDERS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. Section 41.5 is amended to show that official election notices issued by State or local governments may be placed on post office premises. As so amended, § 41.5 reads as follows:

§ 41.5 Unauthorized use of premises.

Advertisements, circulars, or notices relating to any private business or having a political character shall not be placed on any portion of post office notices issued by State or local governpremises, except that official elections may be displayed.

NOTE: The corresponding Postal Manual section is 151.5.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2209)

§ 46.5 [Amendment]

II. In section 46.5 *Rural boxes*, amend subparagraph (4) of paragraph (a) by inserting "Leigh Building Products, Coopersville, Mich." in the proper alphabetical listing of authorized manufacturers of rural mail boxes therein.

NOTE: The corresponding Postal Manual section is 156.514.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6005)

III. In section 48.3 paragraph (b) is amended for the purpose of clarification to read as follows:

§ 48.3 Return address required.

• • • • • •

(b) The sender may in his return address request that mail (other than registered, insured, and certified) be held for not less than 3 days or more than 30 days. (See § 48.5 for registered, insured, and certified mail retention periods). Examples:

Return in 3 days to:
Frank B. White,
2416 Front Street,
St. Louis, 25, Mo.

Return in 30 days to:
Frank B. White,
2416 Front Street,
St. Louis 25, Mo.
Return Postage Guaranteed.

NOTE: The corresponding Postal Manual section is 158.3b.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101, 4103)

IV. In Part 56—Special Delivery—as amended by 26 F.R. 5128, make the following changes:

A. Section 56.1 is amended to clarify the special delivery area at post offices stated in paragraph (a), and to insert "certified" in the last sentence of paragraph (b) therein. As so amended, § 56.1 reads as follows:

§ 56.1 Description of special delivery.

(a) *Points of delivery.* Special-delivery mail is given immediate delivery at the office of address during prescribed hours to:

(1) Points within a radius of 1 mile of any post office, station, or branch (except contract station or branch and rural station).

(2) Points within the delivery limits of any post office having letter carrier service.

(3) Points within one-half mile of a rural route by rural carrier on his regular trip, if there is a passable road leading to the addressee's dwelling or place of business.

(b) *Transporting and delivering.* Special-delivery mail is handled and transported in the same manner and with the same expedition as first-class mail. Payment of a special-delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should also be registered. Insured, certified, and COD mail may be sent special delivery.

NOTE: The corresponding Postal Manual section is 166.1.

B. In § 56.3, paragraph (a) is amended to indicate the proper hours for the carriage of special deliveries on weekdays. As so amended, paragraph (a) reads as follows:

§ 56.3 Hours of delivery.

(a) *Weekdays.* Normally, special delivery is made at city delivery offices from 7 a.m., to 11 p.m., and at all other post offices from 7 a.m., until the closing hour but not later than 9 p.m. Later hours for delivery may be fixed in particular cases.

• • • • • •

NOTE: The corresponding Postal Manual section is 166.31.

C. In § 56.4, paragraph (c) is amended for the purpose of clarification to read as follows:

§ 56.4 Delivery procedures.

• • • • • •

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, the notice Form 3955, left on the doorknob or handle, under the door or in the receptacle, will state where the special delivery mail is being held, the name of the addressee, the messenger's number, the date, and whether it is registered, insured, COD, certified, or marked or known to be perishable.

NOTE: The corresponding Postal Manual section is 166.43.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 6006)

§ 61.3 [Amendment]

V. In § 61.3, paragraph (g), as amended by 26 F.R. 1856, is further amended to permit the cashing of money orders without credentials, if payee is known personally. As so amended, paragraph (g) reads as follows:

(g) *Identification of payee.* If the payee presenting the money order is not personally known to the postal employee, he must prove his identity. Social security cards are not acceptable. Driver's rity cards are not acceptable. Drivers' permits, military identification cards, or other credentials showing signature of bearer and having serial numbers or other indicia which can be traced to the holder are helpful in identification. The owner must sign the money order in the presence of the postal employee. The postal employee shall compare signature with identification, if possible; shall enter on the back of the order the license or serial number and full description of the identification, including street address, city, and State; and shall also initial the back of the order. This will aid in apprehending persons attempting forgery or other wrong payment. If the postal employee has exercised proper care under the circumstances, the Department will recommend that he be relieved of financial responsibility in cases of wrong payment. This procedure must be followed carefully in the case of endorsed money orders, as they might bear a forged endorsement and be in the hands of the wrong person.

NOTE: The corresponding Postal Manual section is 171.37.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5104)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-7410; Filed, Aug. 4, 1961; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 71—FOREIGN QUARANTINE

Importation of Psittacine Birds

A proposal to amend subparagraphs (3) and (4) of § 71.152(b) of the Public Health Service Regulations (42 CFR Part 71) relating to the importation of psittacine birds was published in the FEDREAL REGISTER on May 2, 1961 (26 F.R. 3779). The 30-day period specified in the notice has expired and no objections to the proposed amendments have been received.

1. Subparagraph (3) of § 71.152(b) is amended to read as follows:

(3) *Pets.* (i) A maximum of two psittacine birds may be imported by the owner thereof provided (*a*) the birds appear to the quarantine officer to be in good health; (*b*) they are not intended for sale or trade in the United States; (*c*) not more than two birds are brought in by members of a family comprising a single household; (*d*) neither the owner nor any member of his family within his household has imported any other birds under this paragraph in the preceding twelve months; and (*e*) the birds have been in the owner's possession and personal custody for the four months preceding arrival, except for any period occasioned by arrival of the owner and birds on separate conveyances or as provided in subdivision (ii) of this subparagraph.

(ii) A maximum of two psittacine birds that have been in the owner's possession and personal custody immediately before arrival, but for less than four months, may be admitted provided (*a*) other requirements of subdivision (i) of this subparagraph are met and (*b*) upon admission, for a period beginning with their arrival and ending four months after they first came into the owner's possession and personal custody the birds are confined in detention facilities, either at the port of arrival or elsewhere, at the owner's expense and under such arrangements approved by the quarantine officer at the port of arrival as will reasonably assure against transmission of psittacosis.[1] If the owner does not make the necessary detention arrangements before arrival of the birds, they may be excluded unless he arranges for such detention immediately upon their arrival.

2. Subparagraph (4) of § 71.152(b) is amended to read as follows:

(4) *Return to the United States.* Psittacine birds taken out of the United States may be admitted upon their return if either of the following conditions is met:

(i) *Without a permit.* The birds may be admitted without a permit upon their return on one or more occasions, if the requirements of subparagraph (3) of this paragraph are complied with on each occasion.

(ii) *With a permit.* If the requirements of subparagraph (3) of this paragraph are not fully complied with, they may be admitted provided (*a*) they are accompanied by a permit for return issued by the Surgeon General, (*b*) the owner submits a statement certifying his compliance with the terms of the permit and such other information as the Surgeon General may require, and (*c*) the birds appear to the quarantine officer to be in good health. Application for such a permit may be denied unless the owner of the birds applies for such permit prior to their departure from the United States and the application includes a statement as to the itinerary, the number and description of the birds, and such other information as the Surgeon General may require.

These amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply secs. 361-369, 58 Stat. 703-706, 42 U.S.C. 264-272)

Dated: July 24, 1961.

LUTHER L. TERRY,
Surgeon General.

Approved: August 1, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-7427; Filed, Aug. 4, 1961; 8:50 a.m.]

[1] Instructions for making detention arrangements may be obtained from the Surgeon General of the Public Health Service, Washington 25, D.C., Attention: Chief, Division of Foreign Quarantine; or from Public Health Service quarantine stations at United States ports.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER on April 29, 1961 (26 F.R. 3713), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, hunting methods, shooting hours, transportation and importation controls, and bag and possession limits for migratory game birds for the 1961-62 hunting seasons.

In this connection the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., on or before June 29,

1961, and thus participate in the preparation of amendments to Part 10, Title 50, Code of Federal Regulations.

Subsequently, after due consideration of data obtained through investigations conducted by personnel of the Bureau of Sport Fisheries and Wildlife, State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1961–62 seasons on band-tailed pigeons, gallinules, mourning doves, rails, white-winged doves, Wilson's snipe, woodcock, and on waterfowl, coots, and little brown cranes in Alaska. The State game departments were also invited to submit recommendations for hunting seasons in the respective States on the applicable species; such hunting seasons to conform to the shooting hours and season lengths, and to fall within a framework of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it has been determined that Part 10 shall be amended as set forth below.

The taking of migratory game birds is presently prohibited. The following amendments will permit the taking of designated species of such birds within specified periods of time beginning as early as September 1, as has been the case in prescribing hunting seasons in past years. The hunting public has over the years become accustomed to a September 1 opening date in many areas on certain species of migratory game birds and many hunters make hunting reservations well in advance of such date. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), if hunting is to be permitted on September 1 and the public to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication and since these amendments serve to relieve existing restrictions, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act are hereby invoked and the amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1961, and January 15, 1962, as follows:

(a) Mourning doves—Eastern Management Unit.

Daily bag limit	12
Possession limit	[1] 24
Shooting hours	(2)
Seasons in:	
Alabama [3]	Sept. 30–Oct. 28. and Dec. 4–Jan. 13.
Connecticut	Closed season.
Delaware	Sept. 15–Nov. 11. and Nov. 17–Nov. 28.
District of Columbia	Closed season.
Florida	Oct. 7–Oct. 29. and Nov. 23–Jan. 8.
Georgia	Sept. 15–Oct. 14. and Dec. 7–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31. and Nov. 16–Nov. 24.
Louisiana	Sept. 2–Sept. 17. and Nov. 11–Jan. 3.
Maine	Closed season.
Maryland	Sept. 12–Oct. 31. and Dec. 18–Jan. 6.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 9–Oct. 3. and Nov. 23–Jan. 6.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 9–Oct. 14. and Dec. 13–Jan. 15.
Ohio	Closed season.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Nov. 1–Dec. 31.
South Carolina	Sept. 15–Oct. 7. and Nov. 28–Jan. 13.
Tennessee	Sept. 1–Oct. 25. and Dec. 18–Jan. 1.
Vermont	Closed season.
Virginia	Sept. 15–Nov. 23.
West Virginia	Oct. 14–Dec. 22.
Wisconsin	Closed season.

[1] Shooting hours are from 12 o'clock noon until sunset (Standard time).

[2] In Alabama the possession limit on mourning doves is 12.

(b) Mourning doves—Central Management Unit.

Daily bag limit	[1] 15
Possession limit	[1] 30
Shooting hours	(2)
Seasons in:	
Arkansas	Sept. 1–Oct. 8. and Dec. 20–Jan. 10.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10. and Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Do.
New Mexico [3]	Sept. 1–Oct. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Closed season.
Texas [2] [3]	(4)
Wyoming	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in all States except Texas. In Texas, shooting hours are 12 o'clock noon until sunset (Standard time) on all days in all counties: Except, in those counties having an open season on white-winged doves the shooting hours on September 8, 9, and 10 will be from 2 p.m. until sunset (Standard time).

[2] In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Dexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1–Oct. 30; in the rest of the State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 7–Dec. 5, in these latter counties Sept. 8, 9, and 10 and Oct. 7–Dec. 2.

(c) Mourning doves—Western Management Unit.

Daily bag limit	[1] 10
Possession limit	[1] 20
Shooting hours	(2)
Seasons in:	
Arizona [3]	Sept. 1–Sept. 24. and Dec. 9–Jan. 3.
California [3]	Sept. 2–Oct. 1.
Idaho	Sept. 1–Sept. 15.
Nevada [3]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30.
Utah	Sept. 1–Sept. 24.
Washington	Sept. 1–Sept. 30.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

[2] In Arizona the daily bag and possession limit is 10 mourning doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In Clark County, Nevada, the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20, singly or in the aggregate of both kinds.

(d) White-winged doves.

Daily bag and possession limits	(1)
Shooting hours	(1)
Seasons in:	
Arizona [2]	Sept. 1–Sept. 24. and Dec. 9–Jan. 3.
California: [2]	
Counties of Imperial, Riverside, and San Bernardino	Sept. 2–Oct. 1.
Remainder of State	Closed season.
Nevada: [2]	
Clark County	Sept. 1–Oct. 20.
Remainder of State	Closed season.
New Mexico [2]	Sept. 1–Oct. 30.
Texas: [2]	
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata	Sept. 8, 9, and 10.
Remainder of State	Closed season.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time) in Arizona, New Mexico, and the open counties in California and Nevada. In the open counties in Texas, the shooting hours are from 2 p.m. until sunset (Standard time).

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, the daily bag and possession limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds. In Nevada the daily bag limit on mourning and white-winged doves is 10, singly or in the aggregate of both kinds, and the possession limit is 20, singly or in the aggregate of both kinds. In New Mexico, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 20 may be white-winged doves. In Texas, the daily bag limit on mourning and white-winged doves is 15, in the aggregate of both kinds, of which not more than 10 may be white-winged doves, and the possession limit is 30, in the aggregate of both kinds, of which not more than 10 may be white-winged doves.

(e) Band-tailed pigeons.

Daily bag limit	3
Possession limit	6
Shooting hours	(1)
Seasons in:	
California:	
Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity	Sept. 30–Oct. 29.
Remainder of State	Dec. 16–Jan. 14.
Oregon	Sept. 1–Sept. 30.
Washington	Do.

[1] Shooting hours are from one-half hour before sunrise until sunset (Standard time).

2. Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on gallinules, rails, woodcock, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1961 and January 15, 1962 as follows:

(c) Central Flyway States.

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Colorado	Sept. 1-Nov. 9		Oct. 21-Nov. 29	Sept. 1-Sept. 30.
Kansas	do		Nov. 17-Dec. 26	Sept. 15-Oct. 14.
Montana	Closed season		Closed season	Closed season.
Nebraska	Sept. 28-Nov. 26		Dec. 16-Jan. 14	Oct. 1-Nov. 5.
New Mexico	Oct. 7-Jan. 15		Do	Oct. 1-Nov. 30.
North Dakota	Sept. 2-Dec. 9		Oct. 2-Nov. 10	Oct. 7-Nov. 5.
Oklahoma	Sept. 1-Oct. 20		Nov. 15-Dec. 24	Nov. 20-Dec. 19.
South Dakota	Sept. 1-Nov 9		Sept. 20-Nov. 28	Sept. 1-Sept. 30.
Wyoming	do		Oct. 1-Nov. 9	Oct. 1-Oct. 30.
Texas [1]	do		Oct. 16-Nov. 24	Oct. 1-Nov. 9
	do		Nov. 23-Jan. 1	Oct. 4-Nov. 7.
	Sept. 29-Nov. 28		Oct. 2-Oct. 31	Nov. 28-Dec. 22.
	Nov. 1-Nov. 9		Nov. 1-Nov. 30	Oct. 2-Oct. 31.
	Sept. 20-Nov. 28		Dec. 15-Jan. 13	Nov. 1-Nov. 30.
	Sept. 1-Nov. 9		Oct. 1-Oct. 30	Dec. 15-Jan. 13.
	Oct. 1-Nov. 9		Nov. 20-Dec. 29	Oct. 1-Oct. 30.
	Oct. 14-Dec. 22.		Oct. 14-Nov. 22.	Nov. 1-Nov. 12.

[1] In New York, shooting hours on the opening day of the woodcock season are from 9:00 a.m., until 5:00 p.m., e.d.t.

(d) Pacific Flyway States.

	Gallinules	Wilson's Snipe
Daily bag limit	25 [1]	8.
Possession limit	25 [1]	8.
Shooting hours	Sunrise until sunset (Standard time) on all species.	
Seasons in:		
Arizona	(2)	Dec. 9–Jan. 7.
California	(2)	Dec. 2–Jan. 31.
Idaho	(2)	Nov. 1–Nov. 30.
Nevada	(2)	Do.
Oregon	(2)	Oct. 28–Nov. 26.
Utah	(2)	Oct. 14–Nov. 12.
Washington	(2)	Oct. 28–Nov. 26.

[1] The daily bag and possession limit on gallinules and coots is 25, singly or in the aggregate of both kinds.

[2] Closed to hunting or open season dates for taking gallinules and coots.

	Ducks	Geese	Coots	Brant	Wilson's snipe	Little brown crane
Daily bag limit	1 5	1 6	15	3	8	2
Possession limit	1 10	[2] 12	15	3	8	4
Season dates	Sept. 1–Dec. 14				Sept. 1–Oct. 15	Sept. 1–Sept. 30.
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.					

[1] Ducks: No open season is prescribed on canvasback and redhead ducks. In addition to the daily bag and possession limits prescribed in the above table, a daily bag limit of 15, and a possession limit of 30, singly or in the aggregate of the following species is permitted: pintail, scoter, eider, harlequin, old-squaw, and American and red-breasted mergansers.

[2] Geese: The daily bag limit of 6 and the possession limit of 12 may not include more than 3 daily, singly or in the aggregate, nor more than 6 in possession, singly or in the aggregate, of white-fronted geese and Canada geese or subspecies of Canada geese or white-fronted geese.

(a) Atlantic Flyway States.

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	30	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Connecticut	Sept. 1-Nov. 9		Oct. 21-Nov. 29	Oct. 21-Nov. 19.
Delaware	do		Nov. 17-Dec. 26	Nov. 1-Dec. 16.
District of Columbia	Closed season		Closed season	Closed season.
Florida	Sept. 28-Nov. 26		Dec. 16-Jan. 14	Dec. 16-Jan. 14.
Georgia	Oct. 7-Jan. 15		Do	Do.
Maine	Sept. 2-Dec. 9		Oct. 2-Nov. 10	Oct. 2-Oct. 31.
Maryland	Sept. 1-Oct. 20		Nov. 15-Dec. 24	Nov. 20-Dec. 19.
Massachusetts	do		Oct. 1-Nov. 9	Sept. 1-Sept. 30.
New Hampshire	do		Oct. 16-Nov. 24	Oct. 1-Oct. 30.
New Jersey	do		Nov. 23-Jan. 1	Oct. 4-Nov. 7.
New York [1]	do		Nov. 23-Jan. 1	Nov. 28-Dec. 22.
North Carolina	Sept. 29-Nov. 28		Oct. 14-Nov 22	Oct. 2-Oct. 31.
Pennsylvania	Nov. 1-Nov. 9		Nov. 1-Nov. 10	Nov. 1-Nov. 30.
Rhode Island	Nov. 1-Dec. 31		Dec. 5-Jan. 13	Dec. 15-Jan. 13.
South Carolina	Sept. 20-Nov. 28		Oct. 1-Nov. 9	Oct. 1-Oct. 30.
Vermont	Sept. 1-Nov. 9		Nov. 20-Dec. 29	Nov. 1-Nov. 19.
Virginia	Sept. 1-Oct. 31		Oct. 14-Nov. 22	Oct. 14-Nov. 12.
West Virginia	Oct. 14-Dec. 22.			

[1] In New York, shooting hours on the opening day of the woodcock season are from 9:00 a.m., until 5:00 p.m., e.d.t.

(b) Mississippi Flyway States.

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
Alabama	Nov. 27-Jan. 15		Dec. 7-Jan. 15	Dec. 15-Jan. 13.
Arkansas	Sept. 1-Oct. 20		Dec. 1-Jan. 9	Dec. 17-Jan. 10.
Illinois [1]	Closed season		Nov. 18-Dec. 27	Oct. 28-Nov. 26.
Indiana	Sept. 1-Oct. 20		Oct. 17-Nov. 25	Oct. 17-Nov. 15.
Iowa	Closed season		Closed season	Oct. 16-Nov. 13.
Kentucky	Nov. 16-Jan. 4		Nov. 16-Dec. 25	Nov. 2-Dec. 31.
Louisiana	Oct. 7-Nov. 25		Dec. 7-Jan. 15	Dec. 2-Dec. 31.
Michigan	(2)		(2)	(2).
Zone 1 and 2			Oct. 1-Nov. 9	
Zone 3			Oct. 20-Nov. 9	
Minnesota	Sept. 23-Nov. 11		Sept. 23-Nov. 1	Sept. 23-Oct. 22.
Mississippi	Oct. 2-Nov. 20		Nov. 23-Jan. 1	Dec. 16-Jan. 14.
Missouri	Sept. 1-Oct. 20		Nov. 10-Dec. 19	Oct. 1-Oct. 30.
Ohio	Sept. 2-Oct. 21		Oct. 2-Nov. 11	Nov. 1-Nov. 30.
Tennessee	Nov. 20-Jan. 8		Nov. 28-Jan. 6	Dec. 1-Dec. 30.
Wisconsin	(2)		Oct. 1-Nov. 9	(2).

[1] In Illinois on the opening day of the woodcock season the shooting hours are from 12 o'clock noon until sunset (Standard time).

[2] Open season dates on rails, gallinules, and Wilson's snipe in the States of Michigan and Wisconsin will be prescribed when the waterfowl seasons are selected.

(b) Elder, old-squaw, and scoter ducks—Atlantic Flyway.

Daily bag limit	7 (Singly or in the aggregate, in addition to other ducks.[2]
Possession limit	14
Shooting hours: Sunrise until sunset (Standard time).	
Special season in open coastal waters beyond outer harbor lines only, in:[1] Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island	Oct. 1–Jan. 8.[1]

[1] In the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island, the season for taking elder, old-squaw, and scoter ducks beyond outer harbor lines is from October 1 through January 8. In areas other than those beyond outer harbor lines in these States, and in all other States in the Atlantic Flyway, elder, old-squaw, and scoter ducks may be taken only during the open season for other ducks.

[2] During the open season in all States in the Atlantic Flyway, in addition to the bag limit on other ducks, a daily bag limit of 7 and a possession limit of 14 elder, old-squaw, and scoter ducks, singly or in the aggregate of these species, are permitted.

(Sec. 3, 40 Stat. 775, as amended; 16 U.S.C. 704; R.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

STEWART L. UDALL,
Secretary of the Interior.

JULY 28, 1961.

[F.R. Doc. 61–7306; Filed, Aug. 4, 1961; 8:45 a.m.]

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 25—GENERAL PROVISIONS

PART 32—HUNTING

Waterfowl Production Areas

On page 5718 of the FEDERAL REGISTER of June 27, 1961, there was published a notice of proposed amendments to §§ 25.1 and 32.1 of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide for public hunting on waterfowl production areas as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions or objections with respect to the proposed amendments. No comments, suggestions or objections have been received. The proposed amendments are hereby adopted without change and additionally, the citations of authority for Parts 25 and 32 are amended to read as follows:

PART 25

AUTHORITY: § 25.1 to 25.5 issued under R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 4, 48 Stat. 451, as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 22, 16 U.S.C. 685, 725, 690d, 715i, 718d, 664; 43 U.S.C. 315a.

PART 32

AUTHORITY: § 32.1 to 32.32 issued render R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, Sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, Sec. 4, 48 Stat. 451, as amended, Sec. 2, 48 Stat. 1270; 5 U.S.C. 22; 16 U.S.C. 685, 725, 690d, 715i, 718d, 664; 43 U.S.C. 315a.

These amendments will become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 1, 1961.

1. Section 25.1 is amended by the addition of a definition for "waterfowl production area" and the changing of the definition for "wildlife refuge area" to include waterfowl production areas. As so amended, the two definitions read as follows:

§ 25.1 Definitions.

* * * * *

"Waterfowl production area" means any small wetland or pothole area acquired pursuant to section 3 of the amended Migratory Bird Hunting Stamp Act (72 Stat. 487; 16 U.S.C. 718b), owned or controlled by the United States and administered by the Bureau of Sport Fisheries and Wildlife as a part of the National Wildlife Refuge System. "Wildlife refuge area" means any national wildlife refuge, game range, or waterfowl production area.

2. Section 32.1 is amended by adding to the existing text the following:

§ 32.1 Opening of wildlife refuge areas to hunting.

* * * * *

Lands acquired as "waterfowl production areas" shall annually be open to the hunting of migratory game birds, upland game, and big-game subject to the provisions of State law and regulations and the pertinent provisions of Parts 25 through 31 of this subchapter: *Provided*, That all forms of hunting or entry on all or any part of individual areas may be temporarily suspended by posting upon occasions of unusual or critical conditions of, or affecting land, water, vegetation, or wildlife populations.

[F.R. Doc. 61–7403; Filed, Aug. 4, 1961; 8:46 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 256—FISHING VESSEL CONSTRUCTION

Added Definition of Fishery

On page 5267 of the FEDERAL REGISTER of June 13, 1961, there was published a notice and text of a proposed amendment of § 256.2(d). The purpose of the amendment is to provide in the definition of a fishery, permission to use either volume or value of the catch in determining eligibility for a subsidy.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below.

Paragraph (d) of § 256.2 is amended to read as follows:

§ 256.2 Definitions.

* * * * *

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish and shellfish. To be considered as operating in a fishery, the catch of species in that fishery, must amount to at least fifty-one percent (51%) (at the option of the owner by ex-vessel weight or ex-vessel value) of the total catch of the vessel during the calendar year.

This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 1, 1961.

[F.R. Doc. 61–7404; Filed, Aug. 4, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4A47) has been filed by E. I. du Pont de Nemours and Company, Wilmington 98, Delaware, proposing the issuance of a regulation to provide for the safe use of polyurethane coatings on the interior of containers used for holding and transporting dry bulk food.

Dated: August 1, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–7424; Filed, Aug. 4, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 202]

[Docket No. 12868]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS AIR TRANSPORTATION

Notice of Proposed Rule Making

JULY 31, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 202 of the Economic Regulations which would amend and clarify the provisions relating to airport notices and applications for permission to use an airport and for change of service pattern.

The principal features of the proposed regulation are explained below in the Explanatory Statement and the proposed amendments are set forth below. This regulation is proposed under authority of sections 204(a), 401 and 1001 of the Federal Aviation Act of 1958 (72 Stat. 743, 754, 788; 49 U.S.C. 1324, 1371, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 5, 1961, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 202 of the Board's Economic Regulations contains terms, conditions and limitations of certificates of public convenience and necessity for interstate and overseas scheduled route service. Among other matters, it requires notices by air carriers of intention to use airports not theretofore used for serving an authorized point (§ 202.3), and requires applications by local service carriers for permission to change their service patterns (§ 202.4). It appears to the Board that in the interest of efficient administration these provisions should be made more specific in respect of their procedural aspects. The instant amendments are being adopted for this purpose.

The requirement of airport notices would not apply to Alaskan air carriers and helicopter operators. The requirement of service on other scheduled air carriers (present § 202.3(b)(2)) would be eliminated, the number of copies to be filed with the Board reduced from ten to four (§ 202.5), and a format suggested. In the case of applications of local service carriers for service pattern changes and for permission to use an airport following Board objection to an Airport Notice, the number of copies to be filed would be increased from ten to twenty, in conformity with the general rule of § 302.3(c) of the Procedural Regulations, to meet the needs of the Board. Additional data would be required in applications for permission to use an airport and for service pattern changes. Service by certified mail would be permitted, and standard provisions for participation of interested persons prescribed.

The last sentence of § 202.3(a) would be amended to make clear that the prohibition against receiving traffic at one airport and discharging it at another airport serving the same point applies to both passengers and cargo, and further extends not only to purely local inter-airport traffic, but also to through traffic which the carrier providing the inter-airport service receives from, or transfers to, some other carrier at one of the two airports. The prohibition would not apply to the carriage between airports of through traffic which the carrier performing the inter-airport service receives from, or transfers to, one of its own flights.

The title and applicability provision would be amended to make clear that this part applies only to route air carriers. Pen and ink corrections would be made in §§ 202.2, 202.4, 202.6, 202.7, and 202.8 of Part 202.

Proposed rule. It is proposed to make the following amendments in Part 202 of the Economic Regulations (14 CFR Part 202), as amended:

1. Amend the title to read "Part 202—Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity; Interstate and Overseas Route Air Transportation."

2. Amend § 202.1 to read:

§ 202.1 Applicability.

Unless a certificate or the order authorizing the issuance of such certificate shall otherwise provide, there shall be attached to the exercise of the privileges granted by each certificate (other than a certificate for supplemental air transportation) authorizing an air carrier * * * (remainder unchanged).

§ 202.2 [Amendment]

3. In § 202.2, change the reference to the Act from "section 405(e)" to "section 405(b)."

4. Amend § 202.3 to read as follows:

§ 202.3 Airport authorization.

(a) *Airport notice.* An airport notice is required if the holder of a certificate desires to serve regularly a point named in his certificate or which he is otherwise authorized to serve regularly, through an airport the use of which by such holder for serving this point has not theretofore been authorized by the Board or which theretofore had not been regularly used by such holder to serve such point, pursuant to this regulation or a predecessor regulation. Airport notices are not required of Alaskan air carriers and holders of certificates and related exemptions authorizing only helicopter and community center and interairport service. When an airport notice is required hereunder, the certificate holder shall file it with the Board at least 30 days prior to the proposed date of inauguration of the use of the airport. Such notice shall be conspicuously entitled Airport Notice; shall describe such airport by name and, if it is not an airport already being used by an air carrier subject to the provisions of this part, state its location; shall state the date of intended inauguration of service and whether a waiver of the 30-day notice provision is requested; and shall contain a notice to the persons served that they may, within 10 days, file and serve memoranda in support of or in opposition to the notice. A recommended format of Airport Notice is set forth below as Appendix A. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, upon application filed by the holder pursuant to paragraph (b) of this section, that the public in-

terest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the Airport Notice whenever the circumstances warrant such action. In no event shall the provisions of this section be construed as authorizing an air carrier to receive at one airport and discharge at any other airport serving the same point passengers or property moving locally between the two airports, or passengers or property moving as part of a through journey to or from some other point which such carrier receives from, or transfers to, another air carrier at one of the two airports.

(b) *Application for permission to use an airport.* Following notification by the Board that the use of an airport proposed in an airport notice may adversely affect the public interest, the air carrier may file an application for permission to use such airport. Such applications shall, in addition to the information required in the airport notice, set forth the facts relied upon to establish that the proposed airport use is in the public interest, a statement of economic data or other matters which it is desired that the Board officially notice, and affidavits establishing such other facts as are relied upon.

(c) *Persons to be served.* A copy of each Airport Notice or application for permission to use an airport shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for attention of Assistant Postmaster General—Bureau of Transportation;

(2) The chief executives of the city (or other political subdivision) and of the State, in which are located the currently used airport, the proposed airport, and the point to be served, respectively. (If there be a State commission or agency having jurisdiction of transportation by air, notice shall be served on such commission or agency rather than on the chief executive of the State.)

§ 202.4 [Amendment]

5. In § 202.4(b), replace the period at the end of the second sentence with a comma and add the words: "a statement of economic data or other matters which it is desired that the Board officially notice, and affidavits establishing such other facts as are relied upon. The application shall also contain a notice to the persons served, indicating their right to file and serve memoranda in support of, or in opposition to, the application (see form of notice in Appendix A)."

6. In § 202.4(c)(1), replace the words "Second Assistant Postmaster General" by "Assistant Postmaster General—Bureau of Transportation."

7. Amend § 202.5 to read as follows:

§ 202.5 Filing and service of airport notices and applications for change in service pattern and permission to use an airport; procedure thereon.

(a) *Number of copies and certificate of service.* An original and three copies of each Airport Notice and an original and nineteen copies of each Application for Change in Service Pattern or application for permission to use an airport shall be filed with the Board, each setting forth the names and addresses of the persons required to be served and stating that service has been made on all such persons by personal service or by registered or certified mail, and the date of such service. In the case of service by mail, the date of mailing shall be considered the date of service. Each copy of a notice or application served pursuant to this Part shall state that such service is made pursuant to Part 202 of the Board's Regulations.

(b) *Pleadings by interested persons.* Any interested person may file and serve upon the air carrier a memorandum in opposition to, or in support of, the airport notice or application for permission to use an airport or for change in service pattern within 10 days of the filing thereof. Such memoranda shall set forth in detail the reasons for the position therein taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice, and affidavits stating such other facts as are relied upon. An executed original and three copies in the case of airport notices, nineteen copies in the case of applications for permission to use an airport or change of service pattern, shall be filed with the Docket Section of the Board. In the case of airport notices, such memoranda shall be marked for the attention of the Chief, Routes and Agreements Division. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

(c) *Petitions for reconsideration.* A petition for reconsideration of the Board's determination on an application for permission to use an airport or change in service pattern may be filed by any interested person within ten days after the date thereof. Except for the date of filing, such petitions shall conform to the provisions of section 37 of Part 302 of the Procedural Regulations. Any interested person may file a memorandum in opposition to, or in suport of, the petition within ten days after it is filed. An executed original and nineteen copies of such petition for reconsideration or memorandum shall be filed with the Docket Section, and copies thereof shall be served upon the persons described in §§ 202.3(c) or 202.4(c), as the case may be. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

§ 202.6 [Amendment]

8. In § 202.6(c), correct "gage" to "gauge."

§ 202.7 [Amendment]

9. In § 202.7, change the reference to the Act from "section 401(h)" to "section 401(g)."

§ 202.8 [Amendment]

10. In § 202.8(d), change the reference to the Act from "Civil Aeronautics Act" to "Federal Aviation Act."

APPENDIX A

RECOMMENDED AIRPORT NOTICE FORM

Date_____

To: Chief, Routes and Agreements Division,
Bureau of Economic Regulation,
Civil Aeronautics Board,
Washington 25, D.C.

Re: Airport Notice filed pursuant to Part 202 of Economic Regulations

DEAR SIR: Transmitted herewith are an original and three copies of this notice to advise that _____(air carrier) intends to inaugurate service to the following points through the following airports:

Point _____

Airport _____

Service to be inaugurated on or after_____

Give exact longitude and latitude of the airport to be served_____

Indicate whether waiver of 30-day provision is requested_____

NOTICE: The regulations of the Civil Aeronautics Board provide that memoranda in support of or in opposition to this airport notice may be filed with the addressee above within 10 days of the date of filing hereof. Such memoranda shall be served on the applicant carrier and the persons on whom this notice has been served.

_____
(Signature)

_____
(Title)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Assistant Postmaster General, Bureau of Transportation; the Mayor or Chief Executive of the cities of _____(address), and the Governor of the State of _____(address) (or the State Commission or agency having jurisdiction of transportation by air within the State of _____(address).

_____
(Signature)

_____
(Title)

[F.R. Doc. 61-7437; Filed, Aug. 4, 1961; 8:52 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

[Administrative Order No. 556]

NEWLY COVERED EMPLOYEES IN PUERTO RICO

Industry Committees

A vacancy has occurred on Industry Committees Nos. NC–1 and NC–2, appointed by Administrative Order No. 555 because of the resignation of Osiris R. Sanchez-Vazquez of Puerta de Tierra, Puerto Rico, as a representative of the employees.

Now, therefore, pursuant to authority contained in the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et. seq.), and

Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR, 1949–1953 Comp., p. 1004), and in accordance with 29 CFR 511.5, I hereby appoint Mr. Robert E. Montminy of Santurce, Puerto Rico, as a representative of the employees on Industry Committees Nos. NC–1, and NC–2.

Signed at Washington, D.C., this 1st day of August 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-7434; Filed, Aug. 4, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

COMMERCIAL INDIAN FISHING IN ALASKA

Notice of Delegation of Authority to Region 5 Director to Enforce Regulations

The regulations issued herein are based on authority of the Director, Bureau of Commercial Fisheries, to issue such regulations. The requirements herein set forth apply as a portion of the directives system of the Bureau. Such material follows the format of the Bureau's Manual and is to be included therein.

SERIES 5000—RESOURCE DEVELOPMENT

* * * * *

5491. *Commercial Indian Fishing in Alaska.*

5491.1. *Delegation of Authority.* The authority included in the FEDERAL REGISTER of July 25, 1961 to enforce regulations for commercial Indian fishing in Alaska, is hereby delegated to the Regional Director, Region 5, Bureau of Commercial Fisheries, Juneau, Alaska.

Dated at Washington, D.C., July 26, 1961.

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 61-7402; Filed, Aug. 4, 1961; 8:46 a.m.]

Office of the Secretary

[Order No. 2508, Amdt. 48]

BUREAU OF INDIAN AFFAIRS

Delegation of Authority

JULY 29, 1961.

Section 15 of Order 2508, as amended (14 F.R. 258, 16 F.R. 473, 24 F.R. 3653), is amended by the addition of a new paragraph (f) to read as follows:

SEC. 15. *Irrigation matters.*

* * * * *

(f) The granting of concessions, business, agricultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone Irrigation Projects, pursuant to 25 CFR Part 203.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 61-7405; Filed, Aug. 4, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-32]

AEROJET-GENERAL NUCLEONICS

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 6, set forth below, to Facility License No. R-10. The license authorizes Aerojet-General Nucleonics to operate its nuclear reactor Model AGN-201, Serial No. 103, located on its site in San Ramon, California. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated January 17, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Wasington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961, to Aerojet-General Nucleonics and (b) the licensee's reply dated January 17, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-10; Amdt. No. 6]

License No. R-10, which authorizes Aerojet-General Nucleonics to operate its nuclear reactor Model AGN-201, Serial No. 103, located on its site in San Ramon, California is hereby amended by adding the following additional conditions thereto:

1. Aerojet-General Nucleonics shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 17, 1961.

2. Aerojet-General Nucleonics shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: August 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7413; Filed, Aug. 4, 1961; 8:47 a.m.]

[Docket No. 50-80]

COLORADO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-26. The license authorizes Colorado State University to operate its nuclear reactor Model AGN-201, Serial No. 109 located on its campus in Fort Collins, Colorado. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed Colorado State University's submission dated January 31, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961 to Colorado State University and (b) the University's reply dated January 31, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-26; Amdt. No. 3]

License No. R-26, which authorizes Colorado State University to operate its nuclear reactor Model AGN-201, Serial No. 109, located on Colorado State University's campus in Fort Collins, Colorado, is hereby amended by adding the following additional conditions thereto:

1. Colorado State University shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 31, 1961.

2. Colorado State University shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: August 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7414; Filed, Aug. 4, 1961; 8:48 a.m.]

[Docket No. 50-60]

BETHESDA NAVAL HOSPITAL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-27. The license authorizes Bethesda Naval Hospital to operate its nuclear reactor Model AGN-201, Serial No. 105, located on its site in Bethesda, Maryland. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission has requested that each utilization facility licensee sumbit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submissions dated March 13, 1961, and May 11, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's letter dated February 14, 1961, to Bethesda Naval Hospital and (b) the licensee's submissions to the Commission dated March 13, 1961, and May 11, 1961, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-27; Amdt. No. 4]

License No. R-27, which authorizes Bethesda Naval Hospital to operate its nuclear reactor Model AGN-201, Serial No. 105, located on its site in Bethesda, Maryland, is hereby amended by adding the following additional conditions thereto:

1. Bethesda Naval Hospital shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letters to the Commission dated March 13, 1961, and May 11, 1961.

2. Bethesda Naval Hospital shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: August 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7415; Filed, Aug. 4, 1961; 8:48 a.m.]

[Docket No. 50-185]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the filing of notice of proposed action with the Office of the Federal Register on June 19, 1961, the Atomic Energy Commission has issued Construction Permit No. CPRR-62 authorizing National Aeronautics and Space Administration to construct the Mock Up Reactor (MUR) facility on the grounds of the Plum Brook Ordnance Works situated approximately three miles south southeast of Sandusky, Ohio. Notice of the proposed action was published in the FEDERAL REGISTER on June 20, 1961, 26 F.R. 5475.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7416; Filed, Aug. 4, 1961; 8:48 a.m.]

[Docket No. 27-20]

OCEAN TRANSPORT CO.

Notice of Issuance of an Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that no requests for a formal hearing having been filed following filing of notice of the proposed amendment of License No. 4-5668-1 held by Ocean Transport Company, with offices at No. 1 Drumm Street, San Francisco 11, California, the Atomic Energy Commission has this date issued Amendment No. 8 to License No. 4-5668-1. This amendment is substantially in the form set forth in the Notice of Proposed Amendment filed with the Federal Register Division June 13, 1961, and published in the FEDERAL REGISTER June 14, 1961, 26 F.R. 5333.

The amended license as issued differs in content in one respect from the Notice of Proposed Amendment published June 14, 1961. That notice inferred that the licensee was relocating its packaging and storage site from "Berth C Terminal" to the "Parr-Canal Area" described in the Notice of Proposed Amendment. In fact, the licensee wishes to utilize both sites. The Commission has found that no safety considerations other than those previously evaluated exist and accordingly no further notice is required.

The radiation safety factors considered regarding the "Berth C, Bulk Terminal" site and the original issuance of the license were the subject of the Notice of Proposed Issuance of a License dated September 9, 1959, and published in the FEDERAL REGISTER September 16, 1959, 24 F.R. 7472.

Dated at Germantown, Md., August 1, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-7417; Filed, Aug. 4, 1961; 8:48 a.m.]

[Docket No. 50-58]

OKLAHOMA STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-22. The license authorizes Oklahoma State University of Agriculture and Applied Science to operate its nuclear reactor Model AGN-201, Serial No. 102, located on its campus in Stillwater, Oklahoma. The amendment adds conditions to the license regarding: (1) procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submissions dated January 27, 1961 and May 9, 1961, and believed that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously authorized operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961, to the licensee and (b) the licensee's submissions dated January 27, 1961, and May 9, 1961, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-22; Amdt. No. 4]

License No. R-22, which authorizes Oklahoma State University of Agriculture and Applied Science to operate its nuclear reactor Model AGN-201, Serial No. 102, located on its campus in Stillwater, Oklahoma, is hereby amended by adding the following additional conditions thereto:

1. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its submissions to the Commission dated January 27, 1961, and May 9, 1961.

2. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: August 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7418; Filed, Aug. 4, 1961; 8:48 a.m.]

[Docket No. 50-156]

REGENTS OF UNIVERSITY OF WISCONSIN

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R-74. The license authorizes The Regents of the University of Wisconsin to operate the pool-type nuclear reactor located on The University of Wisconsin's campus in Madison, Wisconsin. The amendment adds conditions to the license regarding: (1) procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the University of Wisconsin's submission dated May 15, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary

in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's letter dated January 18, 1961 to the licensee and (b) the licensee's reply dated May 15, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-74; Amdt. No. 3]

License No. R-74, which authorizes The Regents of the University of Wisconsin to operate their pool-type nuclear reactor, located on the University of Wisconsin's campus in Madison, Wisconsin, is hereby amended by adding the following additional conditions thereto:

1. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated May 15, 1961.

2. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7419; Filed, Aug. 4, 1961; 8:49 a.m.]

[Docket No. 50-59]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-23. The license authorizes the Texas Agricultural and Mechanical College System to operate its nuclear reactor Model AGN-201, Serial No. 106 located on its campus in College Station, Texas. The amendment adds conditions to the license regarding: (1) procedures which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission during January 1961 requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated January 20, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 11, 1961 to the licensee and (b) the licensee's reply dated January 20, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 1st day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch Division of Licensing and Regulation.

[License No. R-23; Amdt. No. 4]

License No. R-23, which authorizes the Texas Agricultural and Mechanical College System to operate its nuclear reactor Model AGN-201, Serial No. 106, located on its campus in College Station, Texas, is hereby amended by adding the following additional conditions thereto:

1. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated January 20, 1961.

2. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance: August 1, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7420; Filed, Aug. 4, 1961; 8:49 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Hearing on Provisional Operating License for Nuclear Facility

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Part 2, 10 CFR "Rules of Practice", notice is hereby given that a hearing will be held at 10:00 a.m. on September 6, 1961, in the auditorium of the Atomic Energy Commission Headquarters in Germantown, Maryland, to consider the issuance of a provisional facility operating license for a period not to exceed 18 months to the above named applicant under Section 104b of the Atomic Energy Act of 1954, as amended. The facility is a light water-moderated and -cooled pressurized nuclear reactor located at the Saxton Station of the Pennsylvania Electric Company situated approximately twenty miles southeast of Altoona, Pennsylvania. The application and the record of prior proceedings in this matter are available for public inspection at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

The issues to be considered at the hearing will be the following:

1. Whether the technical information omitted from and required to complete the application filed by the applicant has been submitted;

2. Whether the construction of the facility has proceeded, and there is reasonable assurance that the facility will be completed, in conformity with the construction permit and the application, as amended, the provisions of the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance that the activities authorized by the provisional operating license can be conducted without endangering the

health and safety of the public, and that such activities will be conducted in compliance with the Atomic Energy Act of 1954, as amended, and the rules and regulations of the Commission;

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the provisional operating license in accordance with the rules and regulations of the Commission;

5. Whether the applicant has furnished to the Commission proof of financial protection in accordance with 10 CFR Part 140 "Finanical Protection Requirements and Indemnity Agreements";

6. Whether there is reasonable assurance that the facility will be ready for initial loading with nuclear fuel within ninety days from the date of issuance of a provisional license; and

7. Whether issuance of a provisional license to operate the facility under the terms and conditions proposed will be inimical to the common defense and security or to the health and safety of the public.

Notice is hereby given that the report of the AEC's Advisory Committee on Reactor Safeguards dated July 8, 1961, in this matter is available for public inspection at the AEC's Public Document Room. Copies of this report may be obtained by request to the Director, Division of Licensing and Regulation, United States Atomic Energy Commission, Washington 25, D.C.

Petitions for leave to intervene must be received in the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or in the AEC Public Document Room, 1717 H Street NW., Washington 25, D.C., not later than thirty days after publication of this notice in the FEDERAL REGISTER or, in the event of a postponement of the hearing date specified above, at such time as the Presiding Officer may provide.

Answers to this notice pursuant to § 2.736 of the Commission's rules of practice shall be filed on or before August 25, 1961, by the applicant.

Papers required to be filed with the AEC in this proceeding shall be filed by mailing to the Secretary, Atomic Energy Commission, Washington 25, D.C., or may be filed in person at the Office of the Secretary, Atomic Energy Commission, Germantown, Maryland, or at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Presiding Officer, parties shall file twenty copies of each such paper with the AEC and where service of papers is required on other parties shall file five copies of each.

The hearing will be conducted by a presiding officer to be designated by the Chief Hearing Examiner.

Dated at Germantown, Md., this 3d day of August 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-7491; Filed, Aug. 4, 1961; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12874; Order No. E-17265]

TRANS-CANADA AIR LINES

Permit Cancellation Case; Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of August 1961.

Trans-Canada Air Lines (TCA) was granted a foreign air carrier permit pursuant to Order E-637, approved by the President of the United States on June 18, 1947, authorizing air transportation of persons, property and mail between the terminal point Winnipeg, Manitoba, Canada, and the intermediate points Fort William, Ontario, Canada and Sault Ste. Marie, Michigan, and the terminal point Toronto, Ontario, Canada.

By letter dated June 16, 1961, TCA advised the Board that it intends to transfer its operations from Kincheloe Air Force Base (formerly known as Kinross Field) Sault Ste. Marie, Michigan, to a new airport at Sault Ste. Marie, Ontario, Canada,[1] effective August 1, 1961, and to discontinue its service at Sault Ste. Marie, Michigan, effective July 31, 1961. The Secretary of the Air Force of the United States has been notified of the proposed airport change as has the Canadian Air Transport Board. No objections have been received.

The Board finds that the service proposed will encompass domestic Canadian points only and thus appears to eliminate the necessity for the subject 402 permit.

In view of the foregoing the Board tentatively finds that the cancellation of the foreign air carrier permit issued to TCA pursuant to Order E-637 would be in the public interest. *Accordingly, it is ordered:*

1. That TCA be and it hereby is ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and canceling the foreign air carrier permit issued to TCA pursuant to Order E-637;

2. That TCA or any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, and canceling the TCA permit referred to in ordering paragraph (1) above, shall file a statement of objections within fifteen days of the date of this order;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter submitted to the Board for decision;

4. That, if objections are filed, further consideration will be accorded any issues raised by the objections, before further action is taken by the Board;

5. That copies of this order shall be served upon TCA, the Department of State, and the Canadian Ambassador; and

6. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7436; Filed, Aug. 4, 1961; 8:51 a.m.]

[1] Sault Ste. Marie, Mich., and Sault Ste. Marie, Ontario, are 4 miles apart.

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KO-50]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: O'Reilly Automotive, Incorporated, Springfield, Missouri, proposes to construct a radio antenna structure in Springfield, Missouri, at Lat. 37°13'30" N., Long. 93° 17'04" W. The overall height of the structure would be 1,510 feet above mean sea level (230 feet above ground).

No aeronautical objections were made in response to the circularization. The Agency's aeronautical study disclosed that the structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 27, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7389; Filed, Aug. 4, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-63]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Public Service Company of Indiana, Inc., Plainfield, Indiana, proposes to construct a radio antenna structure in New Castle, Indiana, at Lat. 39°55'01" N., Long. 85°21'12" W. The overall height of the structure would be 1,283 feet above mean sea level (203 feet above ground).

No substantial objections were made in response to the circularization. The structure would be located approximately 1.5 miles southwest of the center of the New Castle Municipal Airport and would exceed the horizontal surface and runway approach transitional surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 53 feet and 64 feet, respectively. However, the Agency study revealed that these factors would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 27, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7390; Filed, Aug. 4, 1961; 8:45 a.m.]

[OE Docket No. 61-LA-21]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Copper Broadcasting Co., Salt Lake City, Utah, proposes to construct a television antenna structure near Butte, Montana, at Lat. 46°01'54" N., Long. 112°31'36" W. The overall height of the structure would be 6,795 feet above mean sea level (485 feet above ground).

No objections were made in response to the circularization. The proposed structure would be approximately 4.6 miles north/northwest of the Silver Bow County Airport, Butte, Montana, and would exceed the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 814 feet. The terrain at the proposed site exceeds the above criteria by 329 feet. The agency study revealed that the penetration of JIGTSC criteria by the proposed tower would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 28, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7391; Filed, Aug. 4, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-9]

CONSTRUCTION OF CONCRETE SMOKESTACK

Supplemental Notice of No Airspace Objection

In a Notice of Airspace Objection published in the FEDERAL REGISTER as OE Docket 61-KC-9 on April 15, 1961 (26 F.R. 3256), it was stated that the Federal Aviation Agency objected to the proposal of the Commonwealth Edison Company, Lockport, Illinois, to erect a concrete smokestack having an overall height of 1086 feet above mean sea level (500 feet above ground) near Lockport, Illinois, at Lat. 41°38'00" N., Long. 88°03'49" W., on the grounds that it would have substantial adverse effect upon aeronautical operations, procedures and minimum flight altitudes.

The Federal Aviation Agency has reviewed its study of the proposed structure on the basis of planned changes in the flow of Instrument Flight Rules traffic in this area. Although, these changes are still in the planning stage, it appears that, upon their implementation, the IFR minimum en route flight altitudes in the area will necessarily be increased by at least one hundred feet. This will revise the basis upon which the previous Determination was made, by removing the objections to increasing the IFR minimum en route flight altitudes on the segments of VOR Federal airways Nos. 69 and 262 between the Joliet, Illinois, VOR and the Big Run, Illinois, intersection, and on the segments of VOR Federal airways Nos. 173 and 191 between the Manteno, Illinois, intersection and the Big Run intersection.

There remains, therefore, in the area of conflict with current IFR procedures only the initial approach altitude of the standard instrument approach to the Joliet Airport utilizing the Joliet VOR, and the minimum holding altitude of the Big Run holding pattern. While the necessary adjustments to accommodate the proposed smokestack will result in some inconvenience to aviation operations, no hazard would result in the necessary changes to minimum flight altitudes.

The potential hazard to VFR flight operations has also been analyzed. The proposed structure site is located in the Des Plaines River Valley. There are numerous highway and railroad bridge crossings over the Des Plaines River in the general area of the proposed structure, and there are a number of industrial plants, refineries, etc., located in the vicinity. At the proposed site itself are two steel stacks, each having an overall height of 935 feet above mean sea level, and one other concrete smokestack which is 49 feet lower than the proposed structure. Considering these factors, it is felt that the proposed structure would result in no significant increase in hazard to VFR flight operations.

Therefore, the previous objection of the Federal Aviation Agency to the proposed structure is hereby withdrawn; and, in the light of the aviation adjustments contemplated in this area, I now find that this structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes and conclude that no objection thereto from an airspace utilization standpoint be interposed by this Agency, provided that the structure be obstruction marked and lighted in accordance with applicable standards.

This finding will be effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on July 31, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7392; Filed, Aug. 4, 1961; 8:45 a.m.]

[OE Docket No. 61-FW-63]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Texas Key Broadcasters, Incorporated (KPAR-TV), Abilene, Texas, proposes to construct a television antenna structure near Merkel, Texas, at Lat. 32°24'47.7" N., Long. 100°06'24.8" W. The overall height of the structure would be 3,048 feet above mean sea level (568 feet above ground).

No objections were made in response to the circularization. The Agency's aeronautical study disclosed that the proposed structure would require an increase in the minimum obstruction clearance altitude on the south alternate of VOR Federal airway No. 16 from 3,600 feet MSL to 4,000 feet MSL between the Abilene, Texas, VOR and the Lazy X Intersection. The Instrument Flight Rules minimum en route altitude along this airway segment is presently 4,000 feet MSL. In addition, the proposed structure would require an increase in the IFR minimum en route altitude on VOR Federal airway No. 16 from 3,800 feet MSL to 4,000 feet MSL between the Abilene, Texas, VOR and the Loraine Intersection. However, these increases in minimum altitudes would have no substantial adverse effect upon aeronautical operations as the primarily important "cardinal" altitude of 4,000 feet MSL would be retained.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 26, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7393; Filed, Aug. 4, 1961; 8:45 a.m.]

[OE Docket No. 61-LA-18]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

Correction

In F.R. Doc. 61-7237, appearing at page 6948 of the issue for Wednesday, August 2, 1961, the following corrections are made:

1. In the third paragraph, the phrase "600 feet MSL" should read "6000 feet MSL".

2. In the fourth paragraph, the phrase "this factor would adversely affect" should read "this paragraph would not adversely affect".

[OE Docket No. 61-LA-19]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

Correction

In F.R. Doc. 61-7239, appearing at page 6949 of the issue for Wednesday, August 2, 1961, a bracket should appear in the heading, as set forth above.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13341-13344; FCC 61M-1304]

CREEK COUNTY BROADCASTING CO. ET AL.

Order After Prehearing Conference

In re application of: T. M. Raburn, Jr., tr/as Creek County Broadcasting Co., Sapulpa, Oklahoma, Docket No. 13341, File No. BP-11605; Tinker Area Broadcasting Co., Midwest City, Oklahoma, Docket No. 13342, File No. BP-12410; Sapulpa Broadcasting Corporation, Sapulpa, Oklahoma, Docket No. 13343, File No. BP-12595; M. W. Cooper, Midwest City, Oklahoma, Docket No. 13344, File No. BP-12887; for construction permits.

The Hearing Examiner having under consideration the proceedings during prehearing conference in the above-entitled proceeding held July 28, 1961;

It is ordered, This 28th day of July 1961, that the following procedural dates shall govern:

(1) *August 21, 1961.* Filing of petitions to amend, if any, and exchange of exhibits in support of affirmative, direct cases;

(2) *September 11, 1961.* Exchange of exhibit material of a rebuttal nature;

(3) *September 25, 1961.* Notification informally by each counsel of his adversaries concerning production of witnesses for cross-examination;

(4) *October 2, 1961.* Commencement of hearing at 10:00 a.m., at the Commission's offices, Washington, D.C.

It is ordered further, That all agreements and understandings on procedural matters, as approved by the Hearing Examiner, are constituted as set forth in the transcript of the prehearing conference which is hereby incorporated by reference herein to the same force and effect as if it were set forth verbatim.

Released: July 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7429; Filed, Aug. 4, 1961; 8:51 a.m.]

[Docket No. 14202; FCC 61M-1295]

REA RADIO AND ELECTRONIC LABORATORY

Order Scheduling Prehearing Conference

In re Application of Peter Corrado, Concetta Corrado and Anthony Corrado, d/b as Rea Radio and Electronic Laboratory, East Palatka, Florida, Docket No. 14202, File No. BR-3869; for Renewal of License of station WREA East Palatka, Florida.

It is ordered, This 27th day of July 1961, that a prehearing conference is scheduled for Thursday, September 7, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: July 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7431; Filed, Aug. 4, 1961; 8:51 a.m.]

[Docket Nos. 14166-14171; FCC 61M-1313]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Continuing Hearing

In re applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Peter Taylor, E. C. Kip Finch, C. Carroll Bagley and John A. McGuire, d/b as Stratford Broadcasting Company, Stratford, Connecticut, Docket No. 14170, File No. BP-14140; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, A Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

A prehearing conference having been held on July 31, 1961, and it appearing from the record made therein that certain agreements were reached which properly should be formalized by order;

It is ordered, This 31st day of July 1961 that:

(1) Preliminary drafts of the applicants' technical engineering exhibits shall be exchanged among the parties on or before September 22, 1961;

(2) All exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on October 16, 1961;

(3) A further prehearing conference is scheduled to be held on October 23, 1961, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

It is further ordered, That the hearing herein presently scheduled to commence on September 15, 1961, is continued to October 30, 1961, commencing at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: August 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7430; Filed, Aug. 4, 1961; 8:51 a.m.]

[Docket Nos. 14163, 14164; FCC 61M-1303]

ROLLINS BROADCASTING OF DELAWARE, INC., ET AL.

Order Continuing Hearing

In re Applications of Rollins Broadcasting of Delaware, Inc., Wilmington, Delaware, Docket No. 14163, File No. BPH-3314; HOWARD F. REBER AND FRANK A. FRANCO, Reading, Pennsylvania, Docket No. 14164, File No. BPH-3327; for construction permits.

The Hearing Examiner having under consideration agreement of parties participating at prehearing conference on July 28, 1961, regarding date for hearing.

It is ordered, This 28th day of July 1961, that the hearing now scheduled for September 12, 1961 is continued to October 4, 1961, at 10:00 a.m.

Released: July 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7432; Filed, Aug. 4, 1961; 8:51 a.m.]

[Docket No. 14165; FCC 61M-1298]

WAEB BROADCASTERS, INC. (WAEB)

Order Advancing Hearing Date

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, Docket No. 14165, File No. BP-12918; for construction permit.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 27th day of July 1961, that the hearing presently scheduled for September 15, 1961, is advanced to September 8, 1961, at 10 a.m., in Washington, D.C.

Released: July 28, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7433; Filed, Aug. 4, 1961; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-301]

KEOKUK GAS SERVICES CO.

Notice of Application

AUGUST 1, 1961.

Take notice that Keokuk Service Company (Applicant) 428 Main Street, Keokuk, Iowa filed an application on May 29, 1961, as supplemented on June 22, 1961 for an order pursuant to section 7(a) of the Natural Gas Act directing Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) to establish physical connection of its facilities with those which applicant proposes to construct and to sell and deliver gas to Applicant for resale and distribution in the community of Montrose, Iowa, as hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the necessary distribution facilities in Montrose and request the Commission to direct Michigan-Wisconsin to install a meter station and the necessary facilities and to provide city gate facilities.

Applicant estimates the requirements of the community of Montrose as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1	137	15,442
2	192	21,715
3	243	27,030

Applicant will use this gas for residential and commercial purposes and contemplates future service for industrial purposes to the Port Lee area just north of Montrose.

Applicant estimates the cost of constructing its facilities at $60,134. It will finance this cost by issuing First Mortgage Bonds or Notes with the Lincoln National Line Insurance Company and prospective customers of Montrose are expected to contribute $8,520.

Applicant states that the town of Montrose has granted it a franchise to construct and operate a distribution system.

On June 20, 1961, Michigan-Wisconsin filed an answer to the application stating that it had no objection to a Commission order directing the sale and that such sale will not place a burden on its present system and deliveries to its present customers.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7421; Filed, Aug. 4, 1961; 8:49 a.m.]

[Docket No. CP61-306]

NORTH CENTRAL PUBLIC SERVICE CO.

Notice of Application

JULY 31, 1961.

Take notice that North Central Public Service Company (Applicant) 1725 Carroll Ave., St. Paul 4, Minnesota filed an application on June 5, 1961, as supplemented on June 29, 1961, for an order pursuant to section 7(a) of the Natural Gas Act, directing Midwestern Gas Transmission Company to establish physical connection between its existing transmission facilities and certain proposed facilities of Applicant, and the sale and delivery of natural gas to Applicant for resale in the Village of Milaca, Minnesota, as hereinafter described, all as more fully described in the application herein.

Applicant proposes to construct and operate approximately 1.55 miles of 4-inch lateral from its proposed Milaca District Regulator Station in the Village to connect with Midwestern's main line from Canada which crosses the State of Minnesota near Milaca.

The application states that Applicant is incorporated under the laws of the State of Iowa and is engaged in the business of distributing natural gas in the counties of Princeton, Cambridge, Elk River, Anoka, Coon Rapids, Blaine, Spring Lake Park, and Lexington, all within the state of Minnesota. Gas for these areas is purchased from Northern Natural Gas Company.

Based on its experience in this area Applicant estimates its gas requirements for the Village of Milaca as follows:

	Years		
	1962	1963	1964
Annual (Mcf):			
Requirements	202,820	210,790	215,840
Curtailments	45,170	43,990	41,130
Sales and losses	157,650	166,800	174,710
	1961-62	1962-63	1963-64
Peak day (Mcf)	250	300	350

Applicant estimates its total cost of construction at the end of the third year for it's proposed distribution system to be approximately $109,222.

Applicant proposes to finance its construction by the use of Current funds and earnings.

On June 5, 1961, Midwestern Gas Transmission Company filed an answer to the application stating that it had no objection to a Commission order directing the sale and that such sale would not place a burden on its present system and deliveries to its present customers.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 21, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7422; Filed, Aug. 4, 1961; 8:49 a.m.]

[Docket Nos. RP61-13, G-19087]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND NEW YORK STATE NATURAL GAS CORP.

Order Accepting for Filing and Making Effective Proposed Tariff Sheets

JULY 31, 1961.

On April 12 and May 5, 1961, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing its Storage Service Rate Schedule GSS, reflecting a change in present storage service, together with certain other related tariff modifications, and on July 7, 1961, New York State Natural Gas Corporation (New York) filed its Storage Gas Rate Schedule GSS-1, representing an initial rate schedule, together with certain related tariff changes, and an agreement providing services to Transco.

Transco's Rate Schedule GSS provides rates identical to its LS rates and is similar to its Rate Schedule LS, as approved by the Commission in Order No. 315, issued September 4, 1958; however, Transco will also sell daily excess gas under Rate Schedule GSS for 71.8 cents per Mcf if gas is from system supply and for 40.5 cents per Mcf if it is from the customer's balance in storage. The present LS Schedule does not provide for excess sales such as these. New York's service will be rendered under its proposed Rate Schedule GSS-1 which is substantially similar to Transco's Rate Schedule LS, but sets forth different rate levels. Transco and New York both request an effective date of April 1, 1961. In view of these filings and their possible effect upon Transco's and New York's service tendered under their presently-effective rate schedules, it is appropriate that the Commission consider the justness and reasonableness of the changes set forth in said filings and that such changes be incorporated for purposes of hearing with the respective proceedings in Docket Nos: G-19087 and RP61-13.

The Commission finds: Good cause has been shown for accepting for filing in Docket No. RP61-13, Original Sheets Nos. 17-P through 17-U, 55-X3 through 55-X7, Second Revised Sheet No. 7, Fourth Revised Sheet No. 14, Third Revised Sheet No. 17-D, and Fifth Revised Sheets Nos. 39 and 40 to Transco's FPC Gas Tariff, Original Volume No. 1, as filed April 12, 1961; and Original Sheets Nos. 17-V through 17-X to said Tariff filed May 5, 1961; and for accepting for filing in Docket No. G-19087, Original Sheets Nos. 20-A through 20-L, and 32-A through 32-H to New York's FPC Gas Tariff Third Revised Volume No. 1 and Service Agreement filed July 7, 1961, all to be effective as of April 1, 1961.

The Commission orders: (A) Original Sheets Nos. 17-P through 17-U, 55-X3 through 55-X7, Second Revised Sheet No. 7, Fourth Revised Sheet No. 14, Third Revised Sheet No. 17-D and Fifth Revised Sheets Nos. 39 and 40 to Transco's FPC Gas Tariff Original Volume No. 1, as filed April 12, 1961, and Original Sheets Nos. 17-V through 17-X, 55-X3 Tariff filed May 5, 1961, shall be accepted for filing to be effective April 1, 1961, and Original Sheets Nos. 20-A through 20-L and 32-A through 32-H to New York's FPC Gas Tariff. Third Revised Volume No. 1 and Service Agreement filed July 7, 1961, shall be acepted for filing to be effective April 1, 1961.

(B) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, or practice affecting such service or rate, nor shall this order be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate.

(C) This order is without prejudice to any finding or order that may hereinafter be issued by this Commission in any proceeding now pending or hereinafter instituted by or against Transcontinental Gas Pipe Line Corporation or New York State Natural Gas Corporation.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7423; Filed, Aug. 4, 1961; 8:49 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATION OF FINAL AUTHORITY

Deletion of Title "Assistant Commissioner for Management"

Section II, Delegation of Final Authority, is amended as follows:

1. By deleting from paragraph C3 the title "Assistant Commissioner for Management."

Approved: July 31, 1961.

[SEAL] FRANCIS X. SERVAITES,
Acting Commissioner.

[F.R. Doc. 61-7401; Filed, Aug. 4, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 2, 1961.

Protests to the granting of application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37284: *Flour, tapioca and starch to Krannert, Macon, and Rome, Ga.* Filed by O. W. South, Jr., Agent (No. A4119), for interested rail carriers. Rates on flour, tapioca and starch, in carloads, from Mobile, Ala., Pensacola, Fla., Gulfport, Pascagoula, Miss., and New Orleans, La. (Import), to Krannert, Macon and Rome, Ga.

Grounds for relief: Port relationships.

Tariff: Supplement 97 to Southern Freight Association tariff I.C.C. S-87.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7412; Filed, Aug. 4, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 1, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 2, 1961 to August 11, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-7407; Filed, Aug. 4, 1961; 8:47 a.m.]

[File No. 811-323]

PENN INVESTMENT CO.

Notice of Application for Order Declaring that Company Has Ceased To Be an Investment Company

JULY 31, 1961.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of

1940 for an order of the Commission declaring that Penn Investment Company, Philadelphia, Pa. ("Applicant"), a registered closed-end investment company, has ceased to be an investment company.

Applicant was organized under the laws of Delaware on December 18, 1928. The application states that pursuant to a proper resolution of the Board of Directors, a majority of the Board on July 11, 1960, authorized the dissolution of the company.

The stockholders of the Applicant at an annual meeting on December 5, 1960 approved and adopted a resolution of dissolution by an affirmative vote of more than two-thirds of the total number of voting shares outstanding.

In accordance with the adoption of the resolution by the stockholders, the designated corporate officers of the applicant executed a certificate of dissolution on December 20, 1960. The said certificate was filed with the office of the Secretary of State at Dover, Delaware on December 31, 1960.

Applicant further states that it had actually ceased carrying on business prior to December 31, 1960, and that as of this date there is only one stockholder.

Section 8(f) of the Act provides, in relevant part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than August 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-7408; Filed, Aug. 4, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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VOLUME 26 NUMBER 151

Washington, Tuesday, August 8, 1961

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

Price: $8.75

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 340, Amdt. 1]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit during the period August 7–14, 1961.

(b) It is, therefore, ordered that the provisions of Grapefruit Regulation No. 340 (26 F.R. 4633) are hereby amended by deleting the date August 7, 1961, whenever it appears in paragraph (b) (3) and (4) and substituting therefor the date August 14, 1961.

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 7, 1961.

Dated: August 3, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7461; Filed, Aug. 7, 1961; 8:48 a.m.]

[Lemon Reg. 910, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.1017 (Lemon Regulation 910; 26 F.R. 6805) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 3, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7459; Filed, Aug. 7, 1961; 8:48 a.m.]

[Grapefruit Reg. No. 3]

PART 1068—GRAPEFRUIT

Prohibition of Importation

§ 1068.3 **Grapefruit Regulation No. 3.**

(a) On and after 12:01 a.m., e.s.t., August 14, 1961, the importation into the United States of any grapefruit is prohibited unless such grapefruit meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1, and be of a size not smaller than $4\frac{3}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 1, and be of a size not smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; and

(3) Each such importation is made in conformance with the General Regulations (7 CFR Part 1060; 19 F.R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this regulation.

(b) Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit pursuant to § 1060.3 *Eligible imports* of the aforesaid General Regulations.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the container;

(7) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: "Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937."

(f) Notwithstanding any other provision of this regulation, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirement set

forth in this section are the same as those in effect for grapefruit grown in Florida (Grapefruit Regulation 340; § 933.1059, 26 F.R. 4633).

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) The terms "U.S. No. 1," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit, 7 CFR 51.750–51.790 (standard nailed box—inside dimensions 12 by 12 by 24 inches). All other terms shall have the same meaning as when used in the general regulations.

(j) Termination of Grapefruit Regulation No. 2: Grapefruit Regulation No. 2 (21 F.R. 6085) is hereby terminated at the effective time hereof.

On July 13, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6274) regarding proposed restrictions on the importation of grapefruit into the United States. Such notice afforded interested parties an opportunity to submit data, views, or arguments for consideration in connection with the proposed action. No data, views, or arguments were received.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the grade and size requirements of this import regulation are the same as those in effect on domestic shipments of grapefruit under Grapefruit Regulation 340 (§ 933.1059, 26 F.R. 4633); (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of July 13, 1961 (26 F.R. 6274), and interested parties were afforded an opportunity to submit written data, views, or arguments for consideration in connection therewith; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: August 3, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7460; Filed, Aug. 7, 1961; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

Correction

In F.R. Doc. 61–6947, appearing at page 6697 of the issue for Thursday, July 27, 1961, in the tabular material of § 421.147(b)(2), the second entry for Jackson County, W. Va., should be replaced with the entry "Jefferson.... 1.97".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 837; Amdt. 320]

PART 507—AIRWORTHINESS DIRECTIVES

Aeronca Model 15 Series Aircraft

Cracks have been found in the wing lift strut fittings on Aeronca Model 15 Series aircraft. As this condition is likely to occur on other such aircraft, to prevent failure of the fittings and possible loss of the wing an airworthiness directive is being issued requiring inspection of the fittings and replacement of defective parts.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

AERONCA. Applies to all Model 15 Series aircraft.

Compliance required as indicated.

As a result of cracks found on the wing lift strut fittings, P/N 5–463–2, the following inspection shall be accomplished. For those aircraft with 1,000 or more hours' time in service, the inspection shall be accomplished within 25 hours' time in service after the effective date of this AD, unless accomplished within the last 25 hours' time in service, and at each periodic inspection thereafter. For those aircraft with less than 1,000 hours' time in service, the inspection shall be accomplished at the next periodic inspection after the effective date of this AD, and at each periodic inspection thereafter.

(a) Detach the wing lift strut assembly and remove the upper and lower 1½-inch diameter, 2024 tubular fittings, P/N 5–463–2. Clean, remove the paint and polish lightly with crocus cloth so as to increase the contrast for inspection. Using the dye penetrant method and a 10-power glass, or equivalent, inspect for cracks on the inside and outside of the fitting surfaces, particularly in the area of the bolt holes and 90 degrees to the centerline of the bolt holes. All cracked tubes and all tubes with an outside diameter exceeding 1.515 inches at any point must be replaced prior to further flight.

(b) Fittings being reinstalled shall be finished with the following or equivalent: Two coats of zinc chromate primer on the inside and outside of the fitting and finish enamel on the outside of the fitting. The ¼-inch bolts attaching the fitting to the strut and the ½-inch bolt attaching the strut assembly to the airplane shall be torqued only enough to bring the respective parts into contact. The fitting must not be forced out of round.

This amendment shall become effective August 18, 1961.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 1, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61–7439; Filed, Aug. 7, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–136]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Reporting Point

The purpose of this amendment to § 601.5001 of the regulations of the Administrator is to redescribe the Smelt Intersection.

The Smelt Intersection is described in part with reference to the Charleston, S.C., radio range. The Federal Aviation Agency is converting the Charleston radio range to a nondirectional radio beacon. Therefore, action is taken herein to substitute the Charleston radio beacon for the radio range station in the description of the Smelt Intersection.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken:

In the text of § 601.5001 (14 CFR 601.5001), Smelt Intersection is amended to read:

Smelt INT: The INT of the 109° bearing from the Charleston, S.C., RBN and the western boundary of the New York Oceanic control area.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7441; Filed, Aug. 7, 1961; 8:45 a.m.]

[Airspace Docket No. 60–WA–34, etc.]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Revision

On April 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER as Airspace Docket No. 60–WA–34 (26 F.R. 3157), stating that the Federal Aviation Agency (FAA) was considering the revision of Part 602 of the regulations of the Administrator. A supplemental notice of proposed rule making was published in the FEDERAL REGISTER on June 1, 1961 (26 F.R. 4855), which extended the time for comment on the proposed revision to June 15, 1961.

Comments were submitted by the Air Transport Association of America (ATA), the Department of the Air Force and the Department of the Navy.

The ATA recommended that the language appearing in Paragraph No. 2 of Special Civil Air Regulation No. SR–444 be adopted in § 602.50 of Part 602 to describe the extent of jet advisory areas. The FAA recognizes that the descriptive language appearing in the two regulations varies to a certain degree, but considers it desirable to adopt a more detailed description in Part 602 in order to make more clear the particular manner in which the various categories of jet advisory areas are designated in this part. Such action is taken herein.

The Department of the Air Force concurred with the proposed designation of nonradar jet advisory areas as outlined in § 602.50 provided action is not taken procedurally to deny the use of these areas to altitude reservation operations. It is the policy of the FAA to accommodate altitude reservation requests to meet the requirements of the Department of Defense and at the same time to assure that adequate flight levels are available for the normal requirements of other users.

The Department of the Navy expressed its agreement with the designation of jet routes and jet advisory areas outside the continental control area provided such designations are applicable only to the sovereign airspace of the United States. The Navy expressed its concern over the danger of an infringement upon the universal right of free transit through international airspace resulting from the expansion of air traffic control procedures of individual states beyond the limits of their territorial waters.

In the notice, it was proposed that designations of jet advisory areas be confined to the continental control area in consonance with SR–444. With respect to jet routes, however, the intention of the Agency was not only to provide for the future designation of such routes outside the continental control area within airspace overlying United States territory, but also to make provision for such designations within airspace overlying certain offshore areas pursuant to section 1110 of the Federal Aviation Act and Executive Order 10854 (24 F.R. 9565) and in implementation of the International Civil Aviation Organization recommendations that certain member states extend domestic air traffic rules and air traffic control procedures into airspace adjacent to oceanic control areas. Individual proposals to designate jet routes outside the United States will be processed in accordance with established Agency procedures which are consistent with the requirements of Executive Order No. 10854.

In separate notices of proposed rule making published in the FEDERAL REGISTER as Airspace Dockets Nos. 61–WA–49 (26 F.R. 3542), 61–WA–54 (26 F.R. 3930) and 61–WA–61 (26 F.R. 4368), it was proposed to extend VOR/VORTAC jet route No. 64 from Joliet, Ill., to Idlewild, N.Y., and designate VOR/VORTAC jet routes Nos. 96 and 515 and en route radar jet advisory areas from Seattle, Wash., to the United States/Canadian Border and from Pembina, N. Dak., to the United States/Canadian Border. No adverse comments were received regarding these proposals. Therefore, they are being incorporated in the rule making action below to revise Part 602.

The notice (60–WA–34) contained a listing of the proposed en route and terminal jet advisory areas. Several of the jet routes upon which these advisory areas are based have been altered by individual airspace actions since the publication of the notice. Accordingly, the actions taken herein reflect these changes. Additional revisions, editorial in nature, and which do not involve the designation of airspace have been made to the index and subparts of Part 602. For the purpose of brevity, separate section numbers and the terminology "VOR/VORTAC" for each jet route and en route jet advisory area have been eliminated. Jet routes and en route jet advisory areas are listed in numerical sequence. Terminal jet advisory areas are listed in alphabetical order. In the description of each jet route and jet advisory area, the place name appearing in the description indicates the VOR/VORTAC facilities identified by such names unless otherwise specified.

Interested person have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 602 of the regulations of the Administrator is amended to read:

Subpart A—Introduction

Sec.
602.1 Basis and purpose.
602.2 Explanation of terms.
602.3 Direction of jet routes.
602.9 Designation of high altitude navigational aids.
602.10 Designation of jet routes.
602.50 Extent of jet advisory areas.
602.60 Designation of jet advisory areas.

Subpart B—Jet Routes

602.100 Jet routes.

Subpart C—Jet Advisory Areas

602.200 En route jet advisory areas.
602.300 Terminal jet advisory areas.

AUTHORITY: §§ 602.1 to 602.300 issued under secs. 307(a), 1110, 72 Stat. 749, 800; U.S.C. 1348, 1510.

Subpart A—Introduction

§ 602.1 Basis and purpose.

The basis of this part is found in section 307 and section 1110 of the Federal Aviation Act of 1958. The purpose of this part is to designate jet routes between high altitude navigational aids or intersections of their signals, along which aircraft may be operated at and above flight level 240; and to designate jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control area extensions, or in the vicinity of specified geographical locations.

§ 602.2 Explanation of terms.

As used in this part terms shall be defined as follows:

"Bearings" and "radials" are True and from the point of origin.

"CONSOLAN" means low frequency long-range navigational aid.

"Continental Control Area." The Continental Control Area consists of the airspace of the continental United States at and above 14,500 feet MSL but excludes: (1) the State of Alaska, (2) the airspace less than 1,500 feet above terrain, and (3) prohibited and restricted areas except those restricted areas specified in Subpart H of Part 601 of this title.

"E" means east.

"FL" means Flight Level, a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in digits representing hundreds of feet, for example, FL 250 is equivalent to an altimeter indication of 25,000 feet and FL 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection of two or more courses or radials formed by signals emanating from the navigational aids used to describe jet routes.

"Jet Advisory Area" means the airspace within the continental control area designated in Subpart C of this part, within which the air traffic rules contained in Special Civil Air Regulation No. SR–444 apply. Jet advisory areas

are categorized as "Radar" and "Non radar". Radar jet advisory areas (enroute and terminal) are defined areas in which jet advisory service is provided by use of radar. Non radar jet advisory areas are defined areas in which service is provided on a procedural basis without the use of radar.

"JR" means jet route, direct courses for navigation of aircraft at and above Flight Level 240 between the respective navigational aids and intersections specified for such routes.

"Lat." means latitude.

"L/MF" means low or medium frequency navigational aids.

"Long." means longitude.

"Mile" means statute mile unless otherwise specified.

"MM" means instrument landing system middle marker.

"N" means north.

"Navigational Aid" means the navigational facilities designated under § 602.9 for the navigation of aircraft at and above FL 240.

"NE" means northeast.

"NW" means northwest.

"nmi" means nautical mile.

"OM" means instrument landing system outer marker.

"RBN" means radio beacon.

"RR" means low frequency or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"SW" means southwest.

"TACAN" means a military tactical air navigational aid.

United States means the several States, the District of Columbia and the several Territories and Possessions of the United States, including the territorial waters and the overlying airspace thereof.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

§ 602.3 Direction of jet routes.

(a) Even numbers are normally assigned to jet routes designated in a westerly to easterly direction between the initial and final points of such routes, even though portions of such routes may deviate from the westerly to easterly direction between any two or more designated intermediate points.

(b) Odd numbers are normally assigned to jet routes designated in a southerly to northerly direction between the initial and final points of such routes, even though portions of such routes may deviate from the southerly to northerly direction between any two or more designated intermediate points.

§ 602.9 Designation of high altitude navigational aids.

All of the navigational facilities used in the jet route descriptions in Subpart B of this part are designated as high altitude navigational aids. In addition, the navigational aids listed below are designated as additional high altitude navigational aids.

(a) Nantucket, Mass., CONSOLAN.

(b) Newark, N.J., RR.

(c) Wilmington, N.C. (Carolina Beach), RBN.

(d) Marathon, Fla., RBN.

(e) Galveston, Tex., RBN.

(f) Grand Isle, La., RBN.

(g) Egmont Key, Fla., RBN.

(h) Miami, Fla., RBN.

(i) Pensacola, Fla., RR.

(j) Millville, N.J., RR.

(k) Boston, Mass., RR.

(l) Squantum, Mass., RR.

§ 602.10 Designation of jet routes.

The direct courses between the navigational aids and intersections described in Subpart B of this part are designated as jet routes.

§ 602.50 Extent of jet advisory areas.

Unless otherwise designated in Subpart C of this part, jet advisory areas shall extend within the continental control area from flight level 240 to flight level 390 and shall be subdivided into two parts, "Enroute" and "Terminal" jet advisory areas. Unless otherwise designated, enroute jet advisory areas include the area within 16 miles either side of jet route segments. Unless otherwise designated, terminal jet advisory areas include the area within 16 miles either side of jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control area extensions. Unless otherwise designated, non radar jet advisory areas shall extend from flight level 270 to flight level 310 inclusive, and from flight level 370 to flight level 390 inclusive. Jet advisory areas exclude the airspace within prohibited areas or restricted areas except those restricted areas specified in Subpart H of Part 601 of this title.

§ 602.60 Designation of jet advisory areas.

The areas within the continental control area along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, centerlines of control area extensions, or in the vicinity of specified geographical areas as described in Subpart C of this part are designated as jet advisory areas. Those jet advisory areas predicated on jet routes are identified by the associated jet route number. Those jet advisory areas predicated on jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, centerlines of control area extensions, or in the vicinity of geographical locations are identified by geographical names.

Subpart B—Jet Routes

§ 602.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 1 (Mission Bay, Calif., to Seattle, Wash.). From Mission Bay, Calif., via Oceanside, Calif.; Los Angeles, Calif.; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 (Mission Bay, Calif., to Jacksonville, Fla.). From Mission Bay, Calif., via Yuma, Ariz.; INT of the Yuma 067° and the Gila Bend, Ariz., 261° radials; Gila Bend; INT of the Gila Bend 098° and the San Simon, Ariz., 286° radials; San Simon; El Paso, Tex.; Fort Stockton, Tex.; San Antonio, Tex.; Houston, Tex.; Lake Charles, La.; New Orleans, La.; INT of the New Orleans 071° and the Crestview, Fla., 259° radials; Crestview; Marianna, Fla.; Tallahassee, Fla., to Jacksonville, Fla.

Jet Route No. 3 (Mission Bay, Calif., to Kimberly, British Columbia, Canada). From Mission Bay, Calif., via Oceanside, Calif.; Los Angeles, Calif.; INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Oakland, Calif.; Red Bluff, Calif.; Lakeview, Oreg.; Pendleton, Oreg.; Spokane, Wash., to the Kimberly, British Columbia, Canada, RR, excluding the portion that lies over Canadian territory.

Jet Route No. 4 (Los Angeles, Calif., to Florence, S.C.). From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Blythe, Calif., 283° radials; Blythe; Phoenix, Ariz.; Tucson, Ariz.; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Dallas, Tex.; Shreveport, La.; Jackson, Miss.; Montgomery, Ala.; Augusta, Ga.; Columbia, S.C., to Florence, S.C.

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.). From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; The Dalles, Oreg.; INT of The Dalles 352° and the Seattle, Wash., 124° radials, to Seattle.

Jet Route No. 6 (Palmdale, Calif., to Idlewild, N.Y.). From Palmdale, Calif., via Hector, Calif.; Prescott, Ariz.; Grants, N. Mex.; Albuquerque, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N.Y.

Jet Route No. 7 (Oakland, Calif., to Great Falls, Mont.). From Oakland, Calif., via Red Bluff, Calif., Rome, Oreg.; Boise, Idaho; Dillon, Mont., to Great Falls, Mont.

Jet Route No. 8 (Oklahoma City, Okla., to Idlewild, N.Y.). From Oklahoma City, Okla., via Tulsa, Okla.; Springfield, Mo.; Vichy, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N.Y.

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont). From Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; Milford, Utah; Utah Lake, Utah; Salt Lake City, Utah; Ogden, Utah; Du Bois, Idaho; Dillon, Mont., to Great Falls, Mont.

Jet Route No. 10 (Los Angeles, Calif., to Denver, Colo.). From Los Angeles, Calif., via the INT of the Los Angeles 089° and the Parker, Calif., 258° radials; Rice; Prescott, Ariz.; Farmington, N. Mex., to Denver, Colo.

Jet Route No. 11 (Phoenix, Ariz., to Salt Lake City, Utah). From Phoenix, Ariz., via Prescott, Ariz.; Bryce Canyon, Utah; Utah Lake, Utah, to Salt Lake City, Utah.

Jet Route No. 12 (Pittsburgh, Pa., to Baltimore, Md.). From Pittsburgh, Pa., to Baltimore, Md.

Jet Route No. 13 (El Paso, Tex., to Great Falls, Mont.). From El Paso, Tex., via the INT of the El Paso 282° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences; INT of the Truth or Consequences 021° and the Albuquerque, N. Mex., 169° radials; Albuquerque; Las Vegas, N. Mex. Pueblo, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo., Billings, Mont., to Great Falls, Mont.

Jet Route No. 15 (San Antonio, Tex., to Boise, Idaho). From San Antonio, Tex., via Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Grand Junction, Colo.; Salt Lake City, Utah; Ogden, Utah, to Boise, Idaho.

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.). From Portland, Oreg., via the INT of the Portland 098° and the Pendleton, Oreg., 256° radials; Pendleton; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 110° and the Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N.Y., via the Buffalo 274° radial; Albany, N.Y., to Boston, Mass.

Jet Route No. 17 (San Antonio, Tex., to Rapid City, S. Dak.). From San Antonio, Tex., via Abilene, Tex.; Amarillo, Tex.; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 (Seattle, Wash., to Duluth, Minn.). From Seattle, Wash., via Ephrata, Wash.; Spokane, Wash.; Great Falls, Mont.; Lewistown, Mont.; Dickinson, N. Dak.; Fargo, N. Dak., to Duluth, Minn.

Jet Route No. 19 (Lake Charles, La., to Omaha, Nebr.). From Lake Charles, La., via Dallas, Tex., Wichita Falls, Tex.; Garden City, Kans., to Omaha, Nebr.

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.). From Seattle, Wash. via Yakima, Wash.; Pendleton, Oreg.; Boise, Idaho; Malad City, Idaho; Rock Springs, Wyo.; Denver, Colo.; Garden City, Kans.; Oklahoma City, Okla.; Shreveport, La.; Jackson, Miss.; Crestview, Fla.; Marianna, Fla.; Tallahassee, Fla.; Orlando, Fla., to the INT of the Orlando 118° and the Vero Beach, Fla., 339° radials.

Jet Route No. 21 (Laredo, Tex., to Duluth, Minn.). From Laredo, Tex., via San Antonio, Tex.; Austin, Tex.; Dallas, Tex.; Oklahoma City, Okla.; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn., to Duluth, Minn.

Jet Route No. 22 (Laredo, Tex., to Gordonsville, Va.). From Laredo, Tex., via the INT of the Laredo 086° and the Palacios, Tex., 234° radials; Palacios; Lake Charles, La.; Jackson, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va., to Gordonsville, Va.

Jet Route No. 23 (San Antonio, Tex., to Cheyenne, Wyo.). From San Antonio, Tex., via Wichita Falls, Tex.; INT of the Wichita Falls 028° and the Oklahoma City, Okla., 202° radials; Oklahoma City; Wichita, Kans.; Hill City, Kans., to Cheyenne, Wyo.

Jet Route No. 24 (Gila Bend, Ariz., to Flat Rock, Va.). From Gila Bend, Ariz., via Phoenix, Ariz.; Grants, N. Mex.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; INT of the Garden City 066° and the Salina, Kans., 257° radials; Salina; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 120° and the Charleston, W. Va., 284° radials; Charleston, to Flat Rock, Va.

Jet Route No. 25 (Brownsville, Tex., to Minneapolis, Minn.). From Brownsville, Tex., via the INT of the Brownsville 337° and the San Antonio, Tex., 172° radials; San Antonio; Austin, Tex.; Dallas, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa, to Minneapolis, Minn.

Jet Route No. 26 (El Paso, Tex., to Gordonsville, Va.). From El Paso, Tex., via the INT of the El Paso 089° and the Roswell, N. Mex., 213° radials; Roswell; Amarillo, Tex.; Wichita, Kans.; Kansas City, Mo.; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va.

Jet Route No. 27 (San Antonio, Tex., to St. Louis, Mo.). From San Antonio, Tex., via Lufkin, Tex., Shreveport, La.; Little Rock, Ark., to St. Louis, Mo.

Jet Route No. 28 (Hector, Calif., to Wichita, Kans.). From Hector, Calif., via Peach Springs, Ariz.; Farmington, N. Mex.; Pueblo, Colo.; Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 (Brownsville, Tex., to Presque Isle, Maine). From Brownsville, Tex., via the INT of the Brownsville 337° and the Palacios, Tex., 234° radials; Palacios; Houston, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn., Evansville, Ill.; INT of the Evansville 052° and the Dayton, Ohio, 231° radials; Dayton; Cleveland, Ohio; Erie, Pa.; Syracuse, N.Y.; Plattsburgh, N.Y.; Bangor, Maine, to Presque Isle, Maine.

Jet Route No. 30 (Denver, Colo., to Gordonsville, Va.). From Denver, Colo., via O'Neil, Nebr.; Sioux Falls, S. Dak.; Minneapolis, Minn.; Nodine, Minn.; Joliet, Ill.; Appleton, Ohio, to Gordonsville, Va.

Jet Route No. 31 (Dallas, Tex., to Northbrook, Ill.). From Dallas, Tex., via Texarkana, Ark.; Flippin, Ark.; St. Louis, Mo.; Springfield, Ill.; INT of the Springfield 036° and the Joliet, Ill., 205° radials; Joliet, to Northbrook, Ill.

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.). From Oakland Calif., via Sacramento, Calif.; Reno, Nev.; INT of the Reno 060° and the Elko, Nev., 255° radials; Elko; Malad City, Idaho; Crazy Woman, Wyo.; Dupree, S. Dak.; Aberdeen, S. Dak.; INT of the Aberdeen 067° and the Duluth, Minn., 258° radials; Duluth; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 (Lake Charles, La., to Kansas City, Mo.). From Lake Charles, La., via the INT of Lake Charles 343° and the Shreveport 176° radials; Shreveport, La.; Springfield, Mo., to Kansas City, Mo.

Jet Route No. 34 (Dickinson, N. Dak., to Herndon, Va.). From Dickinson, N. Dak., via Aberdeen, S. Dak.; Minneapolis, Minn.; La Crosse, Wis.; Milwaukee, Wis.; Pullman, Mich.; INT of the Pullman 118° and the Cleveland, Ohio, 274° radials; Cleveland; Pittsburgh, Pa., to Herndon, Va.

Jet Route No. 35 (New Orleans, La., to Naperville, Ill.). From New Orleans, La., via Jackson, Miss.; Memphis, Tenn.; St. Louis, Mo., to Naperville, Ill.

Jet Route No. 36 (Fargo, N. Dak., to Peck, Mich.). From Fargo, N. Dak., via Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of the Milwaukee, Wis., 088° and the Peck, Mich., 269° radials, to Peck.

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border). From New Orleans, La., via Mobile, Ala.; Montgomery, Ala.; Atlanta, Ga.; Spartanburg, S.C.; Gordonsville, Va.; INT of the Gordonsville 059° and the Coyle, N.J., 235° radials; Coyle; Idlewild, N.Y.; Albany, N.Y.; Plattsburgh, N.Y.; to the INT of the Plattsburgh 341° radial and the United States/Canadian Border.

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.). From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Kenora, Ontario, via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 (Crestview, Fla., to Dayton, Ohio). From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala.; INT of the Birmingham 360° and the Nashville, Tenn., 191° radials; Nashville; Louisville, Ky., to Dayton, Ohio.

Jet Route No. 40 (Montgomery, Ala., to Charleston, S.C.). From Montgomery, Ala., via Columbus, Ga., to Charleston, S.C.

Jet Route No. 41 (Miami, Fla., to Omaha, Nebr.). From Miami, Fla., via Tampa, Fla.; Tallahassee, Fla.; Marianna, Fla.; Montgomery, Ala.; Memphis, Tenn.; Springfield, Mo.; Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 (Dallas, Tex., to Idlewild, N.Y.). From Dallas, Tex., via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Charleston, W. Va.; Front Royal, Va., to Idlewild, N.Y.

Jet Route No. 43 (Key West, Fla., to Wayne, Mich.). From Key West, Fla., via Tampa, Fla.; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Lexington, Ky.; Dayton, Ohio; to the INT of the Dayton direct radial to Peck, Mich., and the Windsor, Ontario, 278° radial.

Jet Route No. 44 (Las Vegas, Nev., to Prescott, Ariz.). From Las Vegas, Nev., to Prescott, Ariz.

Jet Route No. 45 (Jacksonville, Fla., to Des Moines, Iowa). From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; INT of the Nashville 316° and the St. Louis, Mo., 129° radials; St. Louis to Des Moines, Iowa.

Jet Route No. 46 (Tampa, Fla., to West Palm Beach, Fla.). From Tampa, Fla., to West Palm Beach, Fla.

Jet Route No. 47 (Charleston, S.C., to Dayton, Ohio). From Charleston, S.C., via Columbia, S.C.; Spartanburg, S.C.; Lexington, Ky., to Dayton, Ohio.

Jet Route No. 49 (Pittsburgh, Pa., to Presque Isle, Maine). From Pittsburgh, Pa., via Philipsburg, Pa.; Albany, N.Y.; Bangor, Maine, to Presque Isle, Maine.

Jet Route No. 50 (El Paso, Tex., to Crestview, Fla.). From El Paso, Tex., via Wink, Tex.; San Angelo, Tex.; Waco, Tex.; Lufkin, Tex.; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

Jet Route No. 51 (Jacksonville, Fla., to Raleigh, N.C.). From Jacksonville, Fla., via Savannah, Ga.; Columbia, S.C., to Raleigh, N.C.

Jet Route No. 52 (Dallas, Tex., to Florence, S.C.). From Dallas, Tex., via Texarkana, Ark.; Greenwood, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S.C., to Florence, S.C.

Jet Route No. 53 (Key West, Fla., to Toronto, Ontario, Canada). That airspace over United States territory from Key West, Fla., via the INT of the Key West 054° and the Miami, Fla., 214° radials; Miami; West Palm Beach, Fla.; Vero Beach, Fla.; INT of the Vero Beach 339° and the Jacksonville, Fla., 163° radials; Jacksonville; INT of the Jacksonville 343° and the Augusta, Ga., 180° radials; Augusta; Spartanburg, S.C.; Pulaski, Va.; Pittsburgh, Pa.; Erie, Pa., to Toronto, Ontario, Canada.

Jet Route No. 54 (Garden City, Kans., to Springfield, Mo.). From Garden City, Kans., via Ponca City, Okla., to Springfield, Mo.

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border). From Jacksonville, Fla., via Savannah, Ga.; Charleston, S.C.; Florence, S.C.; INT of the Florence 007° and the Raleigh, N.C., 224° radials; Raleigh, Flat Rock, Va.; INT of the Flat Rock 029° and the Gordonsville, Va., 059° radials; INT of the Gordonsville 059° and the Coyle, N.J., 235° radials; Coyle; Idlewild, N.Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor; Presque Isle, Maine; to the INT of the Presque Isle 357° radial and the United States/Canadian Border.

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.). From Salt Lake City, Utah, via Kremmling, Colo., to Denver, Colo.

Jet Route No. 57 (Raleigh, N.C., to Charleston, W. Va.). From Raleigh, N.C., via Pulaski, Va., to Charleston, W. Va.

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.). From Oakland, Calif., via Stockton, Calif.; Tonopah, Nev.; INT of the Tonopah 083° and Bryce Canyon, Utah, 289° radials; Bryce Canyon; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Tex.; Dallas, Tex.; Alexandria, La., to New Orleans, La.

Jet Route No. 59 (Charleston, W. Va., to Syracuse, N.Y.). From Charleston, W. Va., via Philipsburg, Pa., to Syracuse, N.Y.

Jet Route No. 60 (Los Angeles, Calif., to Idlewild, N.Y.). From Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; INT of the Las Vegas 044° and the Bryce Canyon, Utah, 247° radials; Bryce Canyon; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Wolbach, Nebr.; Des Moines, Iowa; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N.Y.

Jet Route No. 61 (Baltimore, Md., to Buffalo, N.Y.). From Baltimore, Md., via Philipsburg, Pa., to Buffalo, N.Y.

Jet Route No. 62 (Idlewild, N.Y., to Nantucket, Mass.). From Idlewild, N.Y., via the INT of the Idlewild 075° and the Albany, N.Y., 149° and the Nantucket, Mass., 259° radials to Nantucket.

Jet Route No. 63 (Idlewild, N.Y., to Syracuse, N.Y.). From Idlewild, N.Y., to Syracuse, N.Y.

Jet Route No. 64 (Los Angeles, Calif., to Idlewild, N.Y.). From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Bradford, Ill., Joliet, Ill., Cleveland, Ohio; Pittsburgh, Pa.; Coyle, N.J., to Idlewild, N.Y.

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.). From Phoenix, Ariz., via Blythe, Calif.; INT of the Blythe 283° and the Palmdale, Calif., 118° radials; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif., to Red Bluff, Calif.

Jet Route No. 68 (Providence, R.I., to Nantucket, Mass.). From the INT of the Providence, R.I., 270° and the Boston, Mass., 231° radials via Providence, to Nantucket, Mass.

Jet Route No. 70 (Seattle, Wash., to Idlewild, N.Y.). From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; INT of the Pullman 091° and the Windsor, Ont., 278° radials; via the Windsor 278° radial to the United States/Canadian Border. From the INT of the United States/Canadian Border and the Erie, Pa., 278° radial via Erie; Thornhurst, Pa., to Idlewild, N.Y.

Jet Route No. 71 (Appleton, Ohio, to Front Royal, Va.). From Appleton, Ohio, to Front Royal, Va.

Jet Route No. 75 (Miami, Fla., to the United States/Canadian Border). From Miami, Fla., via the INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville; INT of the Gainesville 354° and the Alma, Ga., 179° radials; Alma; Allendale, S.C.; Columbia S.C.; Gordonsville, Va.; Allentown, Pa.; Albany, N.Y.; Plattsburgh, N.Y., to the INT of the Plattsburgh 341° radial and the United States/Canadian Border.

Jet Route No. 77 (Miami, Fla., to the United States/Canadian Border). From Miami, Fla., to West Palm Beach, Fla. From Wilmington, N. C., via Gordonsville, Va.; Allentown, Pa.; Idlewild, N.Y.; Boston, Mass.; INT of the Boston 014° and the Bangor, Maine, 225° radials; Bangor, to the INT of the Bangor 058° radial and the United States/Canadian Border.

Jet Route No. 78 (Los Angeles, Calif., to Idlewild, N.Y.). From Los Angeles, Calif., via the INT of the Los Angeles 069° and the Parker, Calif., 258° radials; Rice; Prescott, Ariz.; Albuquerque, N. Mex.; Amarillo, Tex., INT of the Amarillo 082° and the Tulsa, Okla., 257° radials; Tulsa; Farmington, Mo.; Louisville, Ky.; Charleston, W. Va.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N.Y.

Jet Route No. 79 (Miami, Fla., to Idlewild, N.Y.). From Miami, Fla., to West Palm Beach, Fla. From Wilmington, N.C., via the INT of the Wilmington 012° and the Norfolk, Va., 229° radials; Norfolk; INT of the Norfolk 023° and the Coyle, N.J., 208° radials; Coyle, to Idlewild, N.Y.

Jet Route No. 80 (Oakland, Calif., to Idlewild, N.Y.). From Oakland, Calif., via Stockton, Calif., Tonopah, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Hill City, Kans.; Salina, Kans.; Kansas City, Mo.; St. Louis, Mo.; Indianapolis, Ind.; INT of the Indianapolis 073° and the Appleton, Ohio, 273° radials; Appleton; Pittsburgh, Pa.; Philipsburg, Pa.; Allentown, Pa., to Idlewild, N.Y.

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT). From Miami, Fla., via Orlando, Fla., to the point of INT of the Orlando 071° and the West Palm Beach, Fla., 014° radials.

Jet Route No. 82 (Joliet, Ill., to Boston, Mass.). From Joliet, Ill., via Cleveland, Ohio; Erie, Pa.; Albany, N.Y.; INT of the Albany 084° and the Boston, Mass., 325° radials to Boston.

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.). From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; INT of the Reno 060° and the Elko, Nev., 255° radials; Elko; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; Wolbach, Nebr.; Des Moines, Iowa; INT of the Des Moines 067° and the Northbrook, Ill., 276° radials, to Northbrook.

Jet Route No. 85 (Miami, Fla., to the United States/Canadian Border). From Miami, Fla., via the INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville; INT of the Gainesville 353° and the Alma, Ga., 179° radials; Alma; Spartanburg, S.C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland, to the INT of the Cleveland 328° radial and the United States/Canadian Border.

Jet Route No. 87 (Houston, Tex., to Northbrook, Ill.). From Houston, Tex., via Dallas, Tex.; INT of the Dallas 339° and the Tulsa, Okla., 211° radials; Tulsa; Butler, Mo.; INT of the Butler 009° and the Kansas City, Mo., 060° radials; INT of the Kansas City 060° and the Bradford, Ill., 247° radials; Bradford; Joliet, Ill., to Northbrook, Ill.

Jet Route No. 88 (Santa Barbara, Calif., to Los Angeles, Calif.). From Santa Barbara, Calif., to Los Angeles, Calif.

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.). From Miami, Fla., via the INT of the Miami 316° and the Gainesville, Fla., 167° radials; Gainesville; INT of the Gainesville 353° and the Alma, Ga., 179° radials; Alma; Atlanta, Ga.; Louisville, Ky.; INT of the Louisville 334° and the Northbrook, Ill., 159° radials; Northbrook; Milwaukee, Wis., to Duluth, Minn.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.). From Seattle, Wash., via the INT of the Seattle 091° and the Mullan Pass, Idaho, 269° radials; Mullan Pass; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; INT of the Mason City 110° and the Northbrook, Ill., 276° radials, to Northbrook.

Jet Route No. 91 (Atlanta, Ga., to the United States/Canadian Border). From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; Cleveland; to the INT of the Cleveland 328° radial and the United States/Canadian Border.

Jet Route No. 92 (Oakland, Calif., to Tucson, Ariz.). From Oakland, Calif., via Stockton, Calif.; INT of the Stockton 085° and the Tonopah, Nev., 268° and the Beatty, Nev., 326° radials; Beatty; INT of the Beatty 142° and the Las Vegas, Nev., 266° radials; Las Vegas; Prescott, Ariz.; Phoenix, Ariz., to Tucson, Ariz.

Jet Route No. 93 (Newport, Oreg., to Seattle, Wash.). From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland; INT of the Portland 353° and the Seattle, Wash., 197° radials, to Seattle.

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.). From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; INT of the Reno 060° and the Elko, Nev., 255° radials; Elko; Bonneville, Utah; Salt Lake City, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neil, Nebr.; Mason City, Iowa; Milwaukee, Wis.; INT of the Milwaukee 088° and the Peck, Mich., 269° radials; Peck, to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N.Y., 274° radial via Buffalo; Albany, N.Y., to Boston, Mass.

Jet Route No. 95 (Idlewild, N.Y., to the United States/Canadian Border). From Idlewild, N.Y., via Thornhurst, Pa., Buffalo, N.Y.; to the INT of the Buffalo 312° radial and the United States/Canadian Border.

Jet Route No. 96 (Seattle, Wash., to the United States/Canadian Border). From the Seattle, Wash., via the Seattle 061° radial to the United States/Canadian Border.

Jet Route No. 97 (Boston, Mass., to the United States/Canadian Border). From Boston, Mass., via Plattsburgh, N.Y.; to the INT of the Plattsburgh 341° radial and the United States/Canadian Border.

Jet Route No. 101 (Houston, Tex., to Northbrook, Ill.). From Houston, Tex., via Lufkin, Tex., Shreveport, La.; Flippin, Ark.; St. Louis, Mo.; Springfield, Ill.; INT of the Springfield 036° and the Joliet, Ill., 306° radials; Joliet, to Northbrook, Ill.

Jet Route No. 103 (St. Petersburg, Fla., to Orlando, Fla.). From St. Petersburg, Fla., to Orlando, Fla.

Jet Route No. 104 (Tucson, Ariz., to Grants, N. Mex.). From Tucson, Ariz., via San Simon, Ariz., to Grants, N. Mex.

Jet Route No. 105 (Dallas, Tex., to Milwaukee, Wis.). From Dallas, Tex., via Springfield, Mo.; Moline, Ill.; INT of the Moline 042° and the Milwaukee, Wis., 228° radials, to Milwaukee.

Jet Route No. 106 (Minneapolis, Minn., to Green Bay, Wis.). From Minneapolis, Minn., to Green Bay, Wis.

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada). That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Las Vegas, Nev.; Milford, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., RR to Kenora, Ontario, Canada.

Jet Route No. 500 (Lakehead, Ontario, to Millinocket, Maine). That airspace over United States territory from the Lakehead, Ontario, RR via Sault Ste. Marie, Mich.; Gore Bay, Ontario, RR; Killaloe, Ontario, RR; Ottawa, Ontario; Montreal, Quebec; Megantic, Quebec, RR; Millinocket, Maine, RR, to the INT of the E course of the Millinocket RR with the United States/Canadian Border.

Jet Route No. 515 (Pembina, N. Dak., to the United States/Canadian Border). From the Pembina, N. Dak., RR to the INT of the direct course from Pembina RR to Winnepeg, Manitoba, and the United States/Canadian Border.

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border). From Peck, Mich., to the INT of the Peck 076° radial with the United States/Canadian Border.

Subpart C—Jet Advisory Areas

§ 602.200 Enroute jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 1 jet advisory area. Radar—Mission Bay, Calif., to Seattle, Wash.

Jet Route No. 2 jet advisory area. Radar—El Paso, Tex., to Tallahassee, Fla.

Jet Route No. 3 jet advisory area. Radar—Oakland, Calif., to United States/Canadian Border.

Jet Route No. 4 jet advisory area. Radar—Los Angeles, Calif., to Dallas, Tex.

Jet Route No. 5 jet advisory area. Radar—Los Angeles, Calif., to Seattle, Wash., excluding the portion below FL 280 from 50 nmi S. of Reno, Nev., to 50 nmi N. of Reno.

Jet Route No. 6 jet advisory area. Radar—Hector, Calif., to Prescott, Ariz.

Jet Route No. 8 jet advisory area. Radar—Tulsa, Okla., to Idlewild, N.Y.

Jet Route No. 9 jet advisory area. Radar—Los Angeles, Calif., to 40 nmi SW. of Milford, Utah; from 30 nmi NE. of Milford to Salt Lake City, Utah. Nonradar—From 40 nmi SW. of Milford, Utah, to 30 nmi NE. of Milford.

Jet Route No. 10 jet advisory area. Radar—Los Angeles, Calif., to 40 nmi NE. of Farmington, N. Mex., from 150 nmi NE. of Farmington to Denver, Colo. Nonradar—From 40 nmi NE. of Farmington, N. Mex., to 150 nmi NE. of Farmington.

Jet Route No. 12 jet advisory area. Radar—Baltimore, Md., to Pittsburgh, Pa.

Jet Route No. 16 jet advisory area. Radar—Portland, Oreg., to Boston, Mass., excluding the portion below FL 310 from 75 nmi W. of Whitehall, Mont., to 97 nmi E. of Whitehall.

Jet Route No. 19 jet advisory area. Radar—Omaha, Nebr., to the INT of Jet Routes Nos. 19 and 64.

Jet Route No. 20 jet advisory area. Radar—Seattle, Wash., to Boise, Idaho; from 100 nmi NW. of Malad City, Idaho, to 45 nmi SE. of Rock Springs, Wyo.; from 107 nmi NW. of Denver, Colo., to 120 nmi SE. of Denver; from Garden City, Kans., to Oklahoma City, Okla. Nonradar—From Boise, Idaho, to 100 nmi NW. of Malad City, Idaho; from 45 nmi SE. of Rock Springs, Wyo., to 107 nmi NW. of Denver, Colo.; from 120 nmi SE. of Denver to Garden City, Kans.

Jet Route No. 21 jet advisory area. Radar—Laredo, Tex., to Oklahoma City, Okla.

Jet Route No. 22 jet advisory area. Radar—Lake Charles, La., to Gordonsville, Va.

Jet Route No. 24 jet advisory area. Radar—Phoenix, Ariz., to Albuquerque, N. Mex.; from Indianapolis, Ind., to Charleston, W. Va.

Jet Route No. 25 jet advisory area. Radar—Brownsville, Tex., to Minneapolis, Minn.

Jet Route No. 26 jet advisory area. Radar—El Paso, Tex., to Appleton, Ohio.

Jet Route No. 29 jet advisory area. Radar—Brownsville, Tex., to Cleveland, Ohio.

Jet Route No. 30 jet advisory area. Radar—Denver, Colo., to 160 nmi NE. of Denver; from 40 nmi SW. of O'Neil, Nebr., to Joliet, Ill. Nonradar—From 160 nmi NE. of Denver, Colo., to 40 nmi SW. of O'Neil, Nebr.

Jet Route No. 31 jet advisory area. Radar—Dallas, Tex., to Northbrook, Ill.

Jet Route No. 32 jet advisory area. Radar—Oakland, Calif., to 150 nmi NE. of Malad City, Idaho; form 10 nmi NE. of Crazy Woman, Wyo., to the United States/Canadian Border. Nonradar—From 150 nmi NE. of Malad City, Idaho, to 10 nmi NE. of Crazy Woman, Wyo.

Jet Route No. 34 jet advisory area. Radar—Cleveland, Ohio, to Pittsburgh, Pa.

Jet Route No. 35 jet advisory area. Radar—New Orleans, La., to St. Louis, Mo.

Jet Route No. 37 jet advisory area. Radar—New Orleans, La., to the United States/Canadian Border.

Jet Route No. 38 jet advisory area. Radar—From the United States/Canadian Border NW. of Duluth, Minn., to Peck, Mich.

Jet Route No. 41 jet advisory area. Radar—Miami, Fla., to Omaha, Nebr.

Jet Route No. 42 jet advisory area. Radar—Dallas, Tex., to Idlewild, N. Y.

Jet Route No. 43 jet advisory area. Radar—St. Petersburg, Fla., to INT of Jet Routes Nos., 43 and 70 near Windsor, Ontario, Canada.

Jet Route No. 45 jet advisory area. Radar—Alma, Ga., to St. Louis, Mo.

Jet Route No. 49 jet advisory area. Radar—Philipsburg, Pa., to Albany, N. Y.

Jet Route No. 52 jet advisory area. Radar—Dallas, Tex., to Atlanta, Ga.

Jet Route No. 53 jet advisory area. Radar—Key West, Fla., to INT of Jet Routes Nos. 53 and 81; from Spartanburg, S.C., to the United States/Canadian Border.

Jet Route No. 55 jet advisory area. Radar—Idlewild, N.Y., to the United States/Canadian Border.

Jet Route No. 56 jet advisory area. Radar—Salt Lake City, Utah, to 163 nmi E. of Salt Lake City; from 19 nmi W. of Kremmling, Colo., to Denver, Colo. Nonradar—From 163 nmi E. of Salt Lake City, Utah, to 19 nmi W. of Kremmling, Colo.

Jet Route No. 58 jet advisory area. Radar—Oakland, Calif., to 140 nmi E. of Tonopah, Nev.; from 20 nmi SE. of Bryce Canyon, Utah, to New Orleans, La. Nonradar—From 140 nmi E. of Tonopah, Nev., to 20 nmi SE. of Bryce Canyon, Utah.

Jet Route No. 60 jet advisory area. Radar—Los Angeles, Calif., to 25 nmi SW. of Bryce Canyon, Utah; from 70 nmi WSW. of Denver, Colo., to 160° nmi ENE. of Denver; from 50 nmi WSW. of Wolbach, Nebr., to Idlewild, N.Y. Nonradar—From 25 nmi SW. of Bryce Canyon, Utah, to 70 nmi WSW. of Denver, Colo.; from 160° nmi ENE. of Denver to 50 nmi WSW. of Wolbach, Nebr.

Jet Route No. 62 jet advisory area. Radar—Idlewild, N.Y., to Nantucket, Mass.

Jet Route No. 64 jet advisory area. Radar—Los Angeles, Calif., to 20 nmi SW. of Alamosa, Colo.; from 25 nmi SW. of Hill City, Kans., to Idlewild, N.Y. Nonradar—From 20 nmi SW. of Alamosa, Colo., to 25 nmi SW. of Hill City, Kans.

Jet Route No. 65 jet advisory area. Radar—Phoenix, Ariz., to INT to Jet Routes Nos. 65 and 78.

Jet Route No. 68 jet advisory area. Radar—Nantucket, Mass., to INT of Jet Routes Nos., 68 and 55.

Jet Route No. 70 jet advisory area. Radar—Seattle, Wash., to Idlewild, N.Y.

Jet Route No. 71 jet advisory area. Radar—Appleton, Ohio, to Front Royal, Va.

Jet Route No. 75 jet advisory area. Radar—Miami, Fla., to the United States/Canadian Border.

Jet Route No. 77 jet advisory area. Radar—Miami, Fla., to West Palm Beach, Fla. Wilmington, N.C., to the United States/Canadian Border.

Jet Route No. 78 jet advisory area. Radar—Los Angeles, Calif., to Idlewild, N.Y.

Jet Route No. 79 jet advisory area. Radar—Miami, Fla., to West Palm Beach, Fla. Wilmington, N.C., to Idlewild, N.Y.

Jet Route No. 80 jet advisory area. Radar—Oakland, Calif., to 145 nmi E. of Tonopah, Nev.; from 70 nmi WSW. of Denver, Colo., to 120 nmi ESE. of Denver; from 25 mi W. of Hill City, Kans., to Idlewild, N.Y. Nonradar—From 145 nmi E. of Tonopah, Nev., to 70 nmi WSW. of Denver, Colo.; from 120 nmi ESE. of Denver to 25 nmi W. of Hill City, Kans.

Jet Route No. 81 jet advisory area. Radar—Miami, Fla., to Barracuda INT.

Jet Route No. 82 jet advisory area. Radar—Joliet, Ill., to Boston, Mass.

Jet Route No. 84 jet advisory area. Radar—Wyo.; from 150 nmi E. of Rock Springs, to 40 nmi E. of Scottsbluff; Nebr.; from 50 nmi W. of Wolbach, Nebr., to Northbrook, Ill., excluding the portion below FL-270 from 100 nmi W. of Scottsbluff to 40 nmi E. of Scottsbluff. Nonradar—From 50 nmi E. of Rock Springs, Wyo., to 150 nmi E. of Rock Springs; from 40 nmi E. of Scottsbluff, Nebr., to 50 nmi W. of Wolbach, Nebr.

Jet Route No. 85 jet advisory area. Radar—Miami, Fla., to the United States/Canadian Border.

Jet Route No. 87 jet advisory area. Radar—Houston, Tex., to Northbrook, Ill.

Jet Route No. 89 jet advisory area. Radar—Miami, Fla., to Duluth, Minn.

Jet Route No. 90 jet advisory area. Radar—Seattle, Wash., to Northbrook, Ill.

Jet Route No. 92 jet advisory area. Radar—Oakland, Calif., to Tucson, Ariz.

Jet Route No. 93 jet advisory area. Radar—From the INT of Medford, Oreg., 339° and Portland Oreg., 222° radials, to Seattle, Wash.

Jet Route No. 94 jet advisory area. Radar—Oakland, Calif., to 50 nmi E. of Rock Springs, Wyo.; from 150 nmi E. of Rock Springs to 40 nmi NE. of Scottsbluff, Nebr.; from 20 nmi SW. of O'Neil, Nebr., to Boston, Mass., excluding the portion below FL 270 from 100 nmi W. of Scottsbluff to 40 nmi E. of Scottsbluff. Nonradar from 50 nmi E. or Rock Springs, Wyo., to 150 nmi E. of Rock Springs; from 40 nmi NE. of Scottsbluff, Nebr., to 20 nmi SW. of O'Neil, Nebr.

Jet Route No. 95 jet advisory area. Radar—Idlewild, N.Y., to the United States/Canadian Border.

Jet Route No. 96 jet advisory area. Radar—Seattle, Wash., to the United States/Canadian Border.

Jet Route No. 97 jet advisory area. Radar—Boston, Mass., to the United States/Canadian Border.

Jet Route No. 101 jet advisory area. Radar—Houston, Tex., to Northbrook, Ill.

Jet Route No. 103 jet advisory area. Radar—St. Petersburg, Fla., to Orlando, Fla.

Jet Route No. 104 jet advisory area. Radar—Tucson, Ariz., to Grants, N. Mex.

Jet Route No. 105 jet advisory area. Radar—Dallas, Tex., to Milwaukee, Wis.

Jet Route No. 106 jet advisory area. Radar—Minneapolis, Minn., to Green Bay, Wis.

Jet Route No. 107 jet advisory area. Radar—Los Angeles, Calif., to 40 nmi SW. of Milford, Utah; from 50 nmi NE. of Milford to 40 nmi NE. of Rock Springs, Wyo.; from 10 nmi NE. of Crazy Woman, Wyo., to the United States/Canadian Border. Nonradar—From 40 nmi SW. of Milford, Utah, to 50 nmi NE. of Milford; from 40 nmi NE. of Rock Springs, Wyo., to 10 nmi NE. of Crazy Woman, Wyo.

Jet Route No. 500 jet advisory area. Radar—From the United States/Canadian Border SE. of Lakehead, Ontario, Canada, RR to the United States/Canadian Border E. of Sault Ste. Marie, Mich.; from the United States/Canadian Border W. of Millinocket, Maine, RR to the United States/Canadian Border NE. of Millinocket RR.

Jet Route No. 515 jet advisory area. Radar—Pembina, N. Dak., RR to the United States/Canadian Border.

Jet Route No. 546 jet advisory area. Radar—Peck, Mich., to the United States/Canadian Border.

§ 602.300 Terminal jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Atlanta, Ga., jet advisory area—Radar:

a. Nashville, Tenn., to Crossville, Tenn.

b. Spartanburg, S.C., via INT of Spartanburg 249° and Norcross, Ga., 054° radials to Norcross.

c. McDonough, Ga., via INT of McDonough 063° and Spartanburg, S.C., 187° radials to Spartanburg.

d. That area NW. of Atlanta, Ga., bounded on the NE. by Jet Route No. 45, on the S. by Jet Route No. 52; and on the NW. by Jet Route No. 22.

Baltimore, Md., jet advisory area—Radar:

a. Baltimore, Md., via Harrisburg, Pa., to Philipsburg, Pa.

b. Baltimore, Md., via Idlewild, N.Y.; Salisbury, Md.; to Baltimore; and including the area encompassed by this line.

c. Millville, N.J., RR via Control Area Extension 1148 to the boundary of the Continental Control Area.

Boston, Mass., jet advisory area—Radar:

a. Nantucket, Mass., CONSOLAN via Control Area Extension 1143 to boundary of the Continental Control Area.

b. Nantucket, Mass., CONSOLAN via Control Area Extension 1144 to boundary of the Continental Control Area.

c. Nantucket, Mass., CONSOLAN via Control Area Extension 1145 to boundary of the Continental Control Area.

d. Direct course between Boston, Mass., and East Boston INT (INT of SE. course of Boston, Mass., RR and NE. course of Squantum, Mass., RR).

Chicago, Ill., jet advisory area—Radar:

a. Des Moines, Iowa, via INT of Des Moines 067° and Northbrook, Ill., 276° radials; Northbrook; Pullman, Mich.; Waterville, Ohio; Joliet, Ill.; to Des Moines; including the area encompassed by this line.

Cleveland, Ohio, jet advisory area—Radar:

a. Cleveland, Ohio, via INT of Cleveland 024° radial with the United States/Canadian Border.

Dallas, Tex., jet advisory area—Radar:

a. Wichita Falls, Tex., via Bridgeport, Tex., to Dallas, Tex.

b. Texarkana, Ark., via INT of Texarkana 271° and Dallas 061° radials to Dallas Tex.

c. Dallas, Tex., via Quitman, Tex., to Texarkana, Ark.

d. Dallas, Tex., via INT of Dallas 239° and Waco, Tex., 353° radials; to Waco.

e. Dallas, Tex., via INT of Dallas 187° and Waco, Tex., 037° radials; to Waco.

f. Abilene, Tex., to Bridgeport, Tex.

g. Abilene, Tex., via INT of Abilene 096° and Britton, Tex., 264° radials; to Britton.

Denver, Colo., jet advisory area—Radar:

a. Denver, Colo., via Denver 045° radial for a distance of 100 nmi NE.

b. Denver, Colo., via INT of Denver 183° and Kiowa, Colo., 268° radials; Kiowa; to Thurman, Colo.; thence via Thurman 041° radial for a distance of 68 nmi.

c. Kiowa, Colo., to Pueblo, Colo.; thence via Jet Route No. 13 for a distance of 21 nmi.

d. Roggen, Colo., INT (INT of Denver, Colo., 045° and Akron, Colo., 272° radials) via INT of Akron 272° and Kremmling, Colo., 081° radials to Kremmling.

e. Kiowa, Colo., via the direct route between Kiowa and Grand Junction, Colo., to a point 80 nmi W. of Kiowa.

f. Kremmling, Colo., via the direct route between Kremmling and Grand Junction, Colo., to a point 25 nmi SW. of Kremmling.

Nonradar:

a. Grand Junction, Colo., via the direct route between Grand Junction and Kiowa, Colo., to a point 80 nmi W. of Kiowa.

b. Grand Junction, Colo., via the direct route between Grand Junction and Kremmling, Colo., to a point 25 nmi SW. of Kremmling.

Detroit, Mich., jet advisory area—Radar:

a. Pullman, Mich., via Lansing, Mich.; Salem, Mich.; to INT of Salem 106° radial with the United States/Canadian Border, including the area bounded on the N. by this advisory area, on the SE. by Jet Route No. 43, and on the SW. by Jet Route No. 34.

El Paso, Tex., jet advisory area—Radar:

a. Hudspeth, Tex., via INT of Hudspeth 242° radial with the 162° bearing from Clint, Tex., RBN; Clint RBN; El Paso, Tex.; Deming, N. Mex., to Tucson, Ariz.

b. El Paso, Tex., via El Paso 138° radial to the United States/Mexican Border.

c. El Paso, Tex., via El Paso 140° radial to the United States/Mexican Border.

Grand Isle, La., jet advisory area—Radar:

a. Grand Isle, La., RBN via Control Area Extension 1226 to Egmont Key, Fla., RBN.

Houston, Tex., jet advisory area—Radar:

a. Houston, Tex., via INT of Houston 044° and Lake Charles, La., 273° radials to Lake Charles.

b. Houston, Tex., via INT of Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass; to Lake Charles, La.

c. Houston, Tex., via INT of Houston 314° and Leona, Tex., 173° radials to Leona.

d. Houston, Tex., via INT of Houston 353° and Leona, Tex., 140° radials to Leona.

e. Houston, Tex., to Galveston, Tex., RBN.

f. Galveston, Tex., via Eagle Lake, Tex., to Smithfield, Tex., INT (INT of San Antonio, Tex., 074° and Eagle Lake 291° radials).

Kansas City, Kans., jet advisory area—Radar:

a. Wolbach, Nebr., to Pawnee City, Nebr.

b. Butler, Mo., to Springfield, Mo.

Los Angeles, Calif., jet advisory area—Radar:

a. Los Angeles, Calif., via INT of Los Angeles 185° and Long Beach, Calif., 223° radials; thence via Control Area Extension 1177 to boundary of the Continental Control Area.

b. Los Angeles, Calif., via Control Area Extension 1316 to boundary of the Continental Control Area.

c. Los Angeles, Calif., to Santa Barbara, Calif.; thence via Control Area Extension 1176 to boundary of the Continental Control Area.

d. Los Angeles, Calif., via INT of Los Angeles 185° and Santa Catalina, Calif., 355° radials; Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif.; to Rice, Calif.

e. Los Angeles, Calif., via Palmdale, Calif., to Hector, Calif.

f. Los Angeles, Calif., via INT of Los Angeles 338° and Palmdale, Calif., 280° radials; thence via Palmdale 280° radial to its INT with Jet Route No. 1.

g. Los Angeles, Calif., via INT of Los Angeles 257° and Oxnard, Calif., 155° radials; Oxnard; INT of Oxnard 331° and Santa Barbara, Calif., 109° radials; to Santa Barbara; thence via Santa Barbara 352° radial to its INT with Jet Route No. 1.

h. Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 091° and Twentynine Palms, Calif., 244° radials; Twentynine Palms; to Peach Springs, Ariz.

Miami, Fla., jet advisory area—Radar:

a. Lakehead, Fla., via Ft. Myers, Fla.; INT of Ft. Myers 134° and Biscayne Bay, Fla., 262° radials; to Biscayne Bay.

b. Copeland, Fla., INT (INT of Fort Myers, Fla., 134° and Miami, Fla., 269° radials) to Miami.

c. West Palm Beach, Fla., to Biscayne Bay, Fla.

d. Miami, Fla., via Marathon, Fla., RBN; thence via Control Area Extension 1234 to boundary of the Continental Control Area.

e. Miami, Fla., via Miami 119° radial to boundary of Continental Control Area.

f. Biscayne Bay, Fla., via the Biscayne Bay 087° radial to boundary of Continental Control Area.

g. Biscayne Bay, Fla., via the Biscayne Bay 051° radial to boundary of Continental Control Area.

Minneapolis, Minn., jet advisory area—Radar:

a. Watertown, S. Dak., via Darwin, Minn.; to Minneapolis, Minn.

b. Aberdeen, S. Dak.; via Watertown, S. Dak.; Redwood Falls, Minn.; Farmington, Minn.; INT Farmington 124° and Nodine, Minn., 298° radials; to Nodine.

c. Mason City, Iowa, via Farmington, Minn.; Grantsburg, Minn.; to Duluth, Minn.

New Orleans, La., jet advisory area—Radar:

a. New Orleans, La., via INT of New Orleans 326° and Alexandria, La., 105° radials; to Alexandria.

b. New Orleans, La., via Picayune, Miss., to McComb, Miss.

c. McComb, Miss., via McComb 228° radial to Clinton, La., INT (INT of McComb, Miss., 228° and New Orleans, La., 326° radials).

d. New Orleans, La., via INT of New Orleans 100° and Mobile, Ala., 224° radials to Mobile.

e. Picayune, Miss., to Mobile, Ala.

f. Alexandria, La., to Baton Rouge, La.

g. New Orleans, La., via INT of New Orleans 275° and Baton Rouge, La., 132° radials; to Baton Rouge.

h. New Orleans, La., to Grand Isle, La., RBN.

i. New Orleans, La., via Tibby, La., to Lafayette, La.

j. New Orleans, La., via INT of New Orleans 100° and Picayune, Miss., 171° radials; to INT of Picayune 161° radial with Grand Isle, La., Control Area Extension 1226.

k. INT of Picayune, Miss., 161° and New Orleans, La., 122° radials to INT of New Orleans 122° radial with Grand Isle, La., Control Area Extension 1226.

l. New Orleans, La., via New Orleans, La., 214° radial to boundary of the Continental Control Area.

New York, N.Y., jet advisory area—Radar:

a. Bridgeport, Conn., via Poughkeepsie, N.Y. to Albany, N.Y.

b. Idlewild, N.Y., via Huguenot, N.Y.; Wilkes-Barre, Pa.; to Philipsburg, Pa.

c. Newark, N.J., RR via Control Area Extension 1147 to boundary of the Continental Control Area.

Portland, Oreg., jet advisory area—Radar:

a. Portland, Oreg., via Newberg, Oreg.; INT of Newberg 204° and Eugene, Oreg., 346° radials; to Eugene, thence via Eugene 157° radial to INT with Jet Route No. 1.

b. Newport, Oreg., via Control Area Extension 1419 to boundary of the Continental Control Area.

Salt Lake City, Utah, jet advisory area—Radar:

a. Malad City, Idaho, via Ogden, Utah; Salt Lake City, Utah, to Provo, Utah.

b. Burley, Idaho, to Ogden, Utah.

c. Fort Bridger, Wyo., via Ogden, Utah; Lucin, Utah; Wells, Nev.; to Elko, Nev.

d. Provo, Utah, via Provo 315° radial to INT with Jet Route No. 84.

e. Provo, Utah, to Myton, Utah; thence via Myton 069° radial to INT with Jet Route No. 56.

San Antonio, Texas, jet advisory area—Radar:

a. San Antonio, Tex., via INT of San Antonio 057° and Austin, Tex., 198° radials; to Austin.

b. San Antonio, Tex., via INT of San Antonio 002° and Austin, Tex., 257° radials; to Austin.

c. Fort Stockton, Tex., via Junction, Tex.; INT of Junction 112° and San Antonio, Tex., 334° radials; San Antonio; to Smithville, Tex., (INT of San Antonio 074° and Eagle Lake, Tex., 291° radials).

San Francisco/Oakland, Calif., jet advisory area—Radar:

a. Oakland, Calif., via Oakland 295° radial to boundary of Continental Control Area.

b. Oakland, Calif., via Oakland 307° radial to boundary of Continental Control Area.

c. Oakland, Calif., via INT of Oakland 001° and Linden, Calif., 269° radials; Linden; thence via Linden 117° radial to INT with Jet Route No. 58.

d. San Francisco, Calif., via INT of San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; to Red Bluff, Calif.

e. Oakland, Calif., via INT of Oakland 221° and Point Reyes, Calif., 161° radials; INT of Point Reyes 161° and Big Sur, Calif., 325° radials; INT of Big Sur 325° and Salinas, Calif., 281° radials; to Salinas; thence via Salinas 119° radial to INT with Jet Route No. 1.

Seattle, Wash., jet advisory area—Radar:

a. Seattle, Wash., via Seattle 330° radial to INT with the United States/Canadian Border.

St. Louis, Mo., jet advisory area—Radar:

a. INT of Jet Route No. 80 and Terre Haute, Ind., 270° radial, via INT of Terre Haute 270° and St. Louis, Mo., 062° radials; to St. Louis.

b. St. Louis, Mo., via Troy, Ill., to Bible Grove, Ill.; thence via Bible Grove 049° radial to INT with Jet Route No. 80.

c. Maryland Heights, Mo., to Readsville, Mo.; thence via Readsville 308° radial to INT with Jet Route No. 80.

d. Springfield, Ill., via Springfield 191° radial to Gillespie, Ill., INT (INT of Troy, Mo., 011° and St. Louis, Mo., 062° radials).

e. Marion, Ill., INT (INT of Centralia, Ill., 169° and Farmington, Mo., 082° radials); via Centralia; Troy, Ill., to St. Louis, Mo.

Tampa, Fla., jet advisory area—Radar:

a. St. Petersburg, Fla., to Orlando, Fla.

b. St. Petersburg, Fla., via INT St. Petersburg 069° and Orlando, Fla., 256° radials; to Orlando.

c. St. Petersburg, Fla., via Lakeland, Fla., to Orlando, Fla.

d. St. Petersburg, Fla., to INT of St. Petersburg 275° radial with Grand Isle, La., Control Area Extension 1226.

e. Egmont Key, Fla., RBN direct to INT of Jet Routes Nos. 41 and 85.

f. Fort Meyers, Fla., via St. Petersburg, Fla., to Eddy, Fla., INT (INT of St. Petersburg 350° and Ocala, Fla., 234° radials).

g. Ocala, Fla., to INT of Ocala 234° and Cross City, Fla., 185° radials.

h. St. Petersburg, Fla., via INT of St. Petersburg 290° and Cross City, Fla., 185° radials; to the INT of Cross City 185° and Ocala, Fla., 234° radials.

Wilmington, N.C., jet advisory area—Radar: a. Wilmington, N.C., via Wilmington Control Area Extension 1150, to boundary of the Continental Control Area.

This amendment shall become effective 0001, September 21, 1961.

Issued in Washington, D.C. on August 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7510; Filed, Aug. 7, 1961; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8345 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

English Sportswear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(a) *Domestic product as imported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 69) [Cease and desist order, English Sportswear, Inc., et al., New York, N.Y., Docket 8345, July 7, 1961]

In the Matter of English Sportswear, Inc., a Corporation and Manny Zisser, and Perry Zousmer, Individually and as Officers of Said Corporation

Consent order requiring manufacturers in New York City to cease violating the Wool Products Labeling Act by labeling as "English Sports Coat", products manufactured in the United States.

The order to cease and desist is as follows:

It is ordered, That respondents English Sportswear, Inc., a corporation, and its officers, and Manny Zisser and Perry Zousmer, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' clothing or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in advertising, offering for sale or selling products designed and manufactured in the United States as "English Sportswear".

2. Misrepresenting in any manner the place of origin or manufacture of respondents' clothing.

It is further ordered, That said respondents English Sportswear, Inc., a corporation, and its officers, and Manny Zisser and Perry Zousmer, individually and as officers of said corporation, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, of wearing apparel, or other wool products, as such products are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding said products by: Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products, either directly or by implication, as to the country of origin.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

Issued: July 7, 1961.

[F.R. Doc. 61-7449; Filed, Aug. 7, 1961; 8:47 a.m.]

[Docket 8115 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Illinois Men's Apparel Club, Inc., et al.

Subpart—Boycotting seller-suppliers: § 13.302 *Boycotting seller - suppliers.* Subpart—Coercing and intimidating: § 13.375 *Suppliers of competitors.* Subpart—Combining or conspiring: § 13.397 *To boycott seller-suppliers;* § 13.397 *To cut off competitor's supplies.* Subpart—Controlling, unfairly, seller-suppliers: § 13.530 *Controlling, unfairly, seller - suppliers.* Subpart—Cutting off supplies or service: § 13.610 *Cutting off supplies or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Illinois Men's Apparel Club, Inc. (Chicago, Ill.), et al., Docket 8115, June 28, 1961.]

In the Matter of Illinois Men's Apparel Club, Inc., a Corporation, et al.

Consent order requiring an association of over 300 sales representatives of manufacturers and distributors, and more than 300 retailers, of men's and boys' clothing, and a second nationwide association of over 2,000 retailers of the same products, to cease their planned common course of action to discourage sales of branded products to catalog and discount houses, in pursuance of which they held meetings to discuss ways and means; maintained surveillance of all catalog and discount houses to detect the appearance of branded products; reported and publicized to the membership names of manufacturers or distributors whose branded products were thus detected; sent letters to said manufacturers or distributors requesting information as to their policy regarding such sales; and urged retailer members to threaten such manufacturers and distributors with discontinuance of their patronage unless the sales were discontinued; with the result that the manufacturers and distributors discontinued sales of branded products to catalog and discount houses and competition was unreasonably lessened.

The order to cease and desist is as follows:

It is ordered, That respondent Illinois Men's Apparel Club, Inc., a corporation, its officers, representatives, agents, employees, successors and assigns; respondent Pauline Day, individually and as Executive Secretary of Illinois MAC, her successors and assigns; and respondents:

Officers: Joseph D. Grundwag, President; Nathan Jonas, Retail Vice President; Jack M. Dreyfus, Salesman Vice President; Myles Spaulding, Treasurer; William J. Bork, Secretary, and Ed Freeman, Chairman of the Board; Directors: George Benson; Morley Bernhardt; Henry W. Bolt; Jimmy Finkel; Frank A. Herbert; Jack Hodnett; Leo Hyman; Joe Miller; David Peppercorn; Ernest O. Reaugh; Dick Roberts; Stanley Salzenstein; Joseph J. Farber; Perry Franks; Herbert Johnson; John Paul Jones; Gene Judd; Wally Koranda; Mac Lewis; Vince McDonald; Robert D. Newell; Irving Rosenthal; Al Sobel; Jerry Solomon; William J. Bork; Bill Doran; Ed Farrell; Michael G. Gottlieb; Albert Myers; "Deke" Ridenour; Ed Ryan; Frank Scharfenberg; Sol S. Schneider; Myles Spaulding, and Harry J. Tickner, acting in their individual capacities, or as members, officers or directors of Illinois MAC, their successors and assigns, or each and all of them, acting by or through officers, agents, employees or members of Illinois MAC; respondent National Association of Retail Clothiers and Furnishers, a corporation, its officers, representatives, agents, employees, successors and assigns; respondent Louis Rothschild, individually and as Executive Director of National Association of Retail Clothiers and Furnishers, his successors and assigns; and respondents:

Officers: Harry Clarke, President; Herman Rapoport, Vice President; John

W. Swanson, Vice President; Gerald D. Grosner, Treasurer; Harry C. O'Brien, Regional Vice President; B. C. Stephany, Regional Vice President; Will H. Melet, Regional Vice President; Mervin A. Blach, Regional Vice President; John P. Heavenrich, Regional Vice President, and Henry S. Loeb, Regional Vice President; Directors: H. M. Bacon; Oby T. Brewer; Robert Brill; R. E. Collons; Albert N. Elmer; George M. Epstein; Robert E. Feineman; Jerome K. Harris; Samuel B. Hirshowitz; Otis C. Johnston, Jr.; Samuel Levy; Charles R. Linville; Robert Margolis; Albert M. Myers; Lawson H. Riley; Herman Stern; Richard Stockton; Jackson C. Stromberg; Robert B. Underwood; Bernard Wien, and James K. Wilson, Jr., acting in their individual capacities, or as members, officers or directors of N.A.R.C.F., their successors and assigns, or each and all of them acting by or through officers, agents, employees or members of N.A.R.C.F. and respondent Larry J. Piras, individually and as Secretary and Manager, N. W. Buyers and Jobbers, Incorporated, his successors and assigns, directly or indirectly, or through any corporate or other device, in or in connection with the offering for sale, sale and distribution by sellers to catalog houses or to any other customer or class of customers of products, branded or otherwise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, doing, performing, continuing, cooperating, participating or engaging in or carrying out any understanding, agreement, or combination to restrain trade, competition and interstate commerce, or a planned common course of action between or among any two or more of said respondents, or between any one or more of them and another or others not parties hereto, to do or perform any of the following acts or practices:

1. Holding meetings to discuss ways and means to force sellers to discontinue sales of branded or any products to catalog houses or any other customer or class of customers specified by respondents.

2. Policing the selling practices of sellers by maintaining surveillance of the places of business, catalogs or other literature, of customers of said sellers, or in any other manner, for the purpose or with the effect of boycotting or threatening to boycott those sellers who offer to sell, sell, or refuse to discontinue sales to catalog houses, or any other customer or class of customers specified by the respondents.

3. Recording, publishing, or disseminating or causing the recording, publication or dissemination to members of the respondent associations or other retailers, wholesalers or manufacturers, the names of sellers who sell branded or any other products to catalog houses, or any other customer or class of customers not approved by the respondents, for the purpose or with the effect of blacklisting said sellers.

4. Influencing, or attempting to influence, sellers of branded or any other products in their sales to, attempts to sell to, or other business negotiations with, catalog houses, or any other customer or class of customers specified by respondents.

5. Boycotting, or threatening to boycott, sellers of branded or other products who sell, or fail or refuse to cease selling, to catalog houses or to any other customer or class of customers, or who fail or refuse to adhere to sales policies recommended, urged or dictated by respondents.

6. Preventing, or attempting to prevent, catalog houses or any other customer or class of customers from purchasing their requirements of branded or other products in interstate commerce from sellers thereof.

7. Eliminating, lessening, suppressing, or attempting to eliminate, lessen or suppress, competition between the retailer members of respondent associations and catalog houses, or any other customer or class of customers, in the sale at retail, or otherwise, of branded or other products, of said sellers.

8. Engaging in any act or practice which deprives a seller of its right to independently choose to sell to, or otherwise negotiate with, catalog houses, or any other customer or class of customers, prospective or otherwise, or to form its own sales policies.

9. Depriving or attempting to deprive consumers of their choice of source of supply of branded or other products by foreclosing or attempting to foreclose catalog houses, or any other customer or class of customers, from purchasing their supplies from sellers thereof.

It is further ordered, That the complaint be dismissed as to the individual respondents in their alleged capacities as representatives of the entire membership and as representatives of other officers and directors of the respective corporate respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents named in the order to cease and desist contained in said initial decision shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with said order to cease and desist.

Issued: June 28, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7450; Filed, Aug. 7, 1961; 8:47 a.m.]

[Docket 8162 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pierre Marche, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Preticketing merchandise misleadingly.* Subpart—Misbranding or mislabeling: § 13.1280 *Price;* § 13.1325 *Source or origin:* § 13.1325–70 *Place:* § 13.1325–70(a) *Domestic product as imported.* Subpart—Misrepresenting oneself and goods—Business Status, Advantages Or Connections: § 13.1420 *Foreign status branches operations, etc.;* [Misrepresenting oneself and goods]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pierre Marche, Inc., et al., St. Louis, Mo., Docket 8162, July 7, 1961.]

In the Matter of Pierre Marche, Inc., a Corporation, and Fred M. Malorrus, Individually and as an Officer of Said Corporation, and Hallmark Distributors, Inc., a Corporation, and Jack Yawitz, Individually and as an Officer of Said Corporation.

Consent order requiring a corporate manufacturer of perfumes, toilet waters, cosmetics, and other items, in St. Louis, Mo., and its corporate successor at the same address, to cease representing falsely on packages, containers, and labels that certain of their perfumes were made in France; that an excessive price was the usual retail selling price; and that they operated places of business in Paris and New York.

The order to cease and desist is as follows:

It is ordered, That respondents Pierre Marche, Inc., a corporation, and its officers, and Fred M. Malorrus, individually and as an officer of said Pierre Marche, Inc., and Hallmark Distributors, Inc., a corporation, and its officers, and Jack Yawitz, as a former officer of said Hallmark Distributors, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of perfumes, toilet waters, cosmetics, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, by preticketing or by any other means, that a certain amount is the customary or usual retail price of such merchandise, when said amount is in excess of the price at which such merchandise is customarily and usually sold at retail in the recent regular course of business in the trade area in which offered for sale.

2. Using pictorial depictions of a French character, or the expression "Contains fine imported essential oils" or the words "French", "French Masters", "Parfums Chernier", "Paris" or any other words, terms or pictures, either singly or in combination in any manner so as to represent, directly or indirectly, that said merchandise, manufactured or compounded in the United States or in any country other than France, was manufactured or compounded in France.

3. Using any words, terms or pictures either singly or in combination in any manner so as to represent, directly or indirectly, that said merchandise was manufactured, compounded or originated in a certain country or geographical region unless such is the fact.

4. Representing, directly or indirectly, that respondents operate places of business in Paris or New York; or that respondents operate places of business in any other locality or place unless such is the fact.

5. Furnishing or placing in the hands of retailers or dealers in said merchandise the means and instrumentalities by and through which they may mislead or deceive the public in the manner or as to the things hereinabove inhibited.

It is further ordered, That the complaint be and the same hereby is dismissed as to Jack Yawitz in his individual capacity.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondents Pierre Marche, Inc., a corporation, Fred M. Malorrus, individually and as an officer of said corporation, Hallmark Distributors, Inc., a corporation, and Jack Yawitz, as a former officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7451; Filed, Aug. 7, 1961; 8:47 a.m.]

[Docket 8279 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Textile Mills Company et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30–75 *Textile Fiber Products Identification Act.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act.*[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Textile Mills Company et al., Chicago, Ill., Docket 8279, July 8, 1961]

In the Matter of Textile Mills Company, a corporation, and Kurt Goldsmith and John H. Niebuhr, Individually and as Officers of Said Corporation

Consent order requiring Chicago manufacturers of textile fiber products to cease violating the Textile Fiber Products Identification Act by falsely identifying ironing board covers on labels, invoices, and in advertising, as "50% Asbestos, balance 44% cotton, 6% rayon", when the covers contained substantially less asbestos and more cotton and rayon than so represented; by failing to label certain textile fiber products as required; and by furnishing false guaranties that their products were not misbranded.

[1] New.

The order to cease and desist is as follows:

It is ordered, That respondents Textile Mills Company, a corporation, and its officers, and Kurt Goldsmith, as an officer of said corporation, and John H. Niebuhr, individually and as an officer of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising and offering for sale, in commerce, and in the transportation or causing to be transported in commerce, and the importation into the United States of textile fiber products; selling, offering for sale, advertising, delivering, transporting, or causing to be transported, textile fiber products which have been advertised or offered for sale in commerce, and with selling, offering for sale, advertising, delivering, transporting, and causing to be transported, after shipment in commerce, textile fiber products, either in their original state or which have been made of other textile fiber products shipped in commerce, as the term "commerce" is defined in the Textile Fiber Products Identification Act, of ironing board covers or other "textile fiber products", as such products are defined in and subject to the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely and deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Furnishing false guaranties that textile fiber products are not misbranded under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the complaint be dismissed as to Kurt Goldsmith individually, but not as an officer of said corporate respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Textile Mills Company, a corporation, Kurt Goldsmith, as an officer of said corporation, and John H. Niebuhr, individually and as an officer of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7452; Filed, Aug. 7, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following item:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Resinous and polymeric coatings prepared from optional substances as identified in § 121.2514.	Continuous film on the food-contact surface of a nonmetallic article used in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food.	[1] July 1, 1963

[1] Progress report required by January 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. note under sec. 342)

Dated: August 1, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7425; Filed, Aug. 7, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

In the matter of establishing regulations for the safe use of food additives derived from resinous and polymeric coatings in linings of food containers:

Petitions in the above-identified matter have been filed by the following persons:

Can Manufacturers Institute, Inc., 821 Fifteenth Street NW., Washington 5, D.C.
Benjamin Moore and Co., 511 Canal Street, New York 13, N.Y.
Harry Miller Corp., Fourth and Bristol Streets, Philadelphia 40, Pa.
Dewey and Almy Ltd., Elveden Road, Park Royal, London N.W. 10, England.
Allegheny Refining Co., Plum Street, Verona, Pa.
Japan Chemical Research and Industries, Ltd., No. 5, 1-Chome, Kyobashi, Chuo-Ku, Tokyo, Japan.
Cook Paint and Varnish Co., Post-Office Box 389, Kansas City 41, Mo.
Lilly Varnish Co., 666 South California Street, Indianapolis 7, Ind.
W.R. Grace and Co., Cambridge 40, Mass.
Chemical Products Corp., King Philip Road, East Providence 14, R.I.
The Glidden Co., 900 Union Commerce Building, Cleveland 14, Ohio.

The Commissioner of Food and Drugs has evaluated the data submitted in these petitions and other relevant material, and has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the container components listed in this order. Therefore, pursuant to provisions of the act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2514 Resinous and polymeric coatings.

Resinous and polymeric coatings may be safely used as the food-contact surface of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, in accordance with the following prescribed conditions:

(a) The coating is applied as a continuous film or enamel over a metal substrate and is characterized by one of the following descriptions:

(1) Coatings cured by oxidation.

(2) Coatings cured by polymerization, condensation, and/or cross-linking without oxidation.

(3) Coatings prepared from prepolymerized substances.

(b) The coatings are formulated from optional substances that may include:

(1) Substances generally recognized as safe in food.

(2) Substances the use of which is permitted by regulations in this part or which are permitted by prior sanction or approval and employed under the specific conditions, if any, of the prior sanction or approval.

(3) Any optional substances listed in this section covered by a specific food additive regulation must meet any specifications in that regulation. Any substance not covered by a regulation shall meet specifications, if any, set forth in an order that has been issued extending the effective date of the statute for the substance. Substances named in this section and further identified as required:

(i) Drying oils, including the triglycerides or fatty acids derived therefrom.

Beechnut.
Candlenut.
Caster (including dehydrated).
Chinawood (tung).
Coconut.
Corn.
Cottonseed.
Fish (refined).
Hempseed.
Linseed.
Oiticia.
Perilla.
Poppyseed.
Pumpkinseed.
Safflower.
Sesame.
Soybean.
Sunflower.
Tall oil.
Walnut.

The oils may be raw, heat-bodied, or blown. They may be refined by filtration, degumming, acid or alkali washing, bleaching, distillation, partial dehydration, partial polymerization, or solvent extraction, or modified by combination with maleic anhydride.

(ii) Reconstituted oils from triglycerides or fatty acids derived from the oils listed in subdivision (i) of this subparagraph to form esters with:

Butylene glycol.
Ethylene glycol.
Pentaerythritol.
Polyethylene glycol.
Polypropylene glycol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(iii) Synthetic drying oils, as the basic polymer:

Butadiene and methylstyrene copolymer.
Butadiene and styrene copolymer.
Maleic anhydride adduct of butadiene styrene.
Polybutadiene.

(iv) Natural fossil resins, as the basic resin:

Copal.
Damar.
Elemi.
Gilsonite.
Glycerol ester of damar, copal, elemi, and sandarac.
Sandarac.
Shellac.
Utah coal resin.

(v) Rosin and rosin derivatives modified by polymerization, isomerization, incidental decarboxylation, hydrogenation, and the methyl ester of hydrogenated rosin:

(*a*) Rosin esters formed by reaction of rosin with:

Bisphenol-epichlorohydrin (epoxy).
Diethylene glycol.
Ethylene glycol.
Glycerol.
Methanol.
Pentaerythritol.

(*b*) Rosin esters (v)(*a*)) modified by reaction with:

Maleic anhydride.
o-, *m*-, and *p*-substituted phenol-formaldehydes listed in subdivision (vi) of this subparagraph.
Phenol-formaldehyde.

(*c*) (*1*) Calcium resinate (limed rosin).
(*2*) Zinc rosinate.

(vi) Phenolic resins as the basic polymer formed by reaction of formaldehyde with alkylated phenols (methyl, ethyl, propyl, isopropyl, butyl):

Bisphenol.
p-tert-Amylphenol.
p-tert-Butylphenol.
o-, *m*-, and *p*-Cresol.
p-Cyclohexylphenol.
p-Nonylphenol.
p-Octylphenol.
Phenol.
Phenyl o-cresol.
p-Phenylphenol.
Xylenol.

(vii) Polyester resins (including alkyd-type), as the basic polymers, formed as ester of acids listed in (*a*) and (*b*) of this subdivision by reaction with polyhydric alcohols in (c) of this subdivision:

(*a*) Polybasic acids:

Adipic.
Dimerized fatty acids derived from oils listed in subdivision (i) of this subparagraph.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Rosin-maleic acid adduct.
Sebacic.
Terephthalic.
Trimellitic.

(*b*) Monobasic acids:

Benzoic acid.
tert-Butyl benzoic acid.
Fatty acids derived from oils listed in subdivision (i) of this subparagraph.
Rosin and rosin acids.

(*c*) Polyhydric alcohols:

Butylene glycol.
Diethylene glycol.
Ethylene glycol.
Glycerol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(viii) Epoxy resins, catalysts, and adjuncts:

(*a*) Epoxy resins, as the basic polymer:

Bisphenol-epichlorohydrin.
Bisphenol-epichlorohydrin reacted with drying oils or fatty acids listed in subdivision (i) of this subparagraph.
Bisphenol-epichlorohydrin chemically treated with:
Allyl ether of mono-, di-, or trimethylol phenol.
Bisphenol-formaldehyde.
Melamine-formaldehyde.
Phenol formaldehyde.
Urea-formaldehyde.

(*b*) Catalysts for epoxy resins:

Diphenylamine.
Diethylenetriamine.
Ethylenediamine.
Tetraethylenepentamine.
Triethylenetetramine.

(*c*) Adjuncts for epoxy resins:

Polyamides from dimerized vegetable oils and the amine catalysts listed in (*b*) of this subdivision, as the basic polymer.

(ix) Coumarone-indene resin, as the basic polymer.

(x) Petroleum hydrocarbon resin (cyclopentadiene type), as the basic polymer.

(xi) Terpene resin, as the basic polymer:

α-Pinene.
β-Pinene.

(xii) Urea-formaldehyde, as the basic polymer:

Urea-formaldehyde.
Urea-formaldehyde chemically modified with the amine catalysts listed in subdivision (viii) of this subparagraph.
Urea-formaldehyde chemically modified with methyl, ethyl, butyl, propyl, isopropyl, or isobutyl alcohol.

(xiii) Triazine-formaldehyde resins, as the basic polymer:

Benzoguanamine.
Melamine modified with ethyl, methyl, butyl, propyl, isopropyl, or isobutyl alcohol.

(xiv) Modifiers (for oils and alkyds, including polyesters), as the basic polymer:

Butyl methacrylate.
Cyclopentadiene.
Methyl, ethyl, butyl, or octyl esters of acrylic acid.
Methyl methacrylate.
Styrene.
Vinyl toluene.

(xv) Vinyl resinous substance, as the basic polymers:

Polyvinyl acetate.
Polyvinyl alcohol.
Polyvinyl butyral.
Polyvinyl chloride.
Polyvinyl formal.
Polyvinylidene chloride.
Polyvinyl pyrrolidone.
Polyvinyl stearate.
Vinyl chloride-acetate, hydroxyl-modified copolymer.
Vinyl chloride-acetate, maleic-acid-modified copolymer.
Vinyl chloride copolymerized with one or more of the following:
Acrylonitrile.
Maleic acid ester of glycerol.
Vinyl acetate.
Vinylidene chloride.

(xvi) Cellulosics, as the basic polymers:

Carboxymethylcellulose.
Cellulose acetate.
Cellulose acetate-butyrate.
Cellulose acetate-propionate.
Ethylcellulose.
Ethyl hydroxyethylcellulose.
Hydroxypropyl methylcellulose.
Methylcellulose.
Nitrocellulose.

(xvii) Styrene polymers, as the basic polymer:

Polystyrene.
α-Methyl styrene polymer.
Styrene copolymerized with one or more of the following:
Acrylonitrile.
α-Methyl-styrene.

(xviii) Polyethylene.

(xix) Polypropylene.

(xx) Acrylics and their copolymers, as the basic polymer:

Acrylamide with ethylacrylate and/or styrene and/or methacrylic acid, subsequently reacted with formaldehyde and butanol.
Acrylic acid and the following esters thereof:
Ethyl.
Methyl.
Methacrylic acid and the following esters thereof:
Butyl.
Ethyl.
Methyl.
Methacrylic acid or its ethyl and methyl esters copolymerized with one or more of the following:
Acrylic acid.
Ethyl acrylate.
Methyl acrylate.

(xxi) Elastomers, as the basic polymer:

Butadiene-acrylonitrile copolymer.
Butadiene-acrylonitrile-styrene copolymer.
Butadiene-styrene copolymer.
Butyl rubber.
Chlorinated rubber.
2-Chloro-1,3-butadiene (neoprene).
Polyisobutylene.
Rubber hydrochloride.
Styrene-isobutylene copolymer.

(xxii) Driers made by reaction of a metal from (*a*) of this subdivision with acid, to form the salt listed in (*b*) of this subdivision:

(*a*) Metals:

Aluminum.
Calcium.
Cobalt.
Iron.
Magnesium.
Manganese.
Zinc.
Zirconium.

(*b*) Salts:

Caprate.
Caprylate.
Linoleate.
Naphthenate.
Octoate (2-ethylhexoate).
Oleate.
Palmitate.
Resinate.
Ricinoleate.
Soyate.
Stearate.
Tallate.

(xxiii) Waxes:

Paraffin, Type I.
Paraffin, Type II.
Polyethylene.
Sperm oil.
Spermaceti.

(xxiv) Plasticizers:

Acetyl tributyl citrate.
Acetyl triethyl citrate.
Butyl phthalyl butyl glycolate.
Butyl stearate.
p-tert-Butyl phenyl salicylate.
Dibutyl sebacate.
Diethyl phthalate.
Diisobutyl adipate.
Diisooctyl phthalate.
Epoxidized soybean oil (iodine number maximum 14; oxirane oxygen content 6% minimum), as the basic polymer.
Ethyl phthalyl ethyl glycolate.
2-Ethylhexyl diphenyl phosphate.
di-2-Ethylhexyl phthalate.
Glycerol.
Glyceryl monooleate.
Glyceryl triacetate.
Monoisopropyl citrate.
Propylene glycol.
Sorbitol.
Mono-, di-, and tristearyl citrate.
Triethyl citrate.
Triethylene glycol.
3(2-Xenoxyl)-1,2-epoxypropane.

(xxv) Release agents, as the basic polymer, when applicable:

N,N'-Distearyl ethylenediamine.
Linoleic acid amide.
Oleic acid amide.
Palmitic acid amide.
Petrolatum.
Polyethylene glycol (mol. wt. greater than 300).
Polyethylene wax.
Polyoxyethylene glycol monooleate (mol. wt. of the polyoxyethylene glycol moiety greater than 300).
Polytetrafluoroethylene.
Silicones (not less than 300 centistokes viscosity: Polysiloxanes containing dimethyl- and/or methyl-phenyl groups on the silicon atom.

(xxvi) Pigments and colorants:

Aluminum.
Aluminum hydrate.
Aluminum and potassium silicate (mica).
Aluminum mono-, di-, tristearate.
Aluminum silicate (china clay).
Barium sulfate.
Bentonite.
Bentonite, modified with dimethyl dioctadecyl ammonium ion.
Burnt umber.
Calcium carbonate.
Calcium silicate.
Calcium sulfate.
Carbon black (channel process).
Iron oxides.
Magnesium oxide.
Magnesium silicate (talc).
Raw sienna.
Silica.
Tartrazine lake (certified FDC Yellow No. 5 only).
Titanium dioxide.
Titanium dioxide-barium sulfate.
Titanium dioxide-magnesium silicate.
Zinc oxide.

(xxvii) Surface lubricants:

Cottonseed oil and other edible oils.
Dibutyl sebacate.
Dioctyl sebacate.
Glyceryl monostearate.
Mineral oil, white.
Palm oil.
Paraffin, Type I.
Paraffin, Type II.
Petrolatum.
Stearic acid.

(xxviii) Silicones, as the basic polymers:

Methyl hydrogen polysiloxane.
Dimethyl polysiloxane.
Methylphenyl polysiloxane.

(xxix) Surface active agents:

Sodium dioctylsulfosuccinate.
Sodium dodecyl benzenesulfonate.
Sodium lauryl sulfate.

(xxx) Antioxidants:

Butylated hydroxyanisole.
Butylated hydroxytoluene.
Gum guaiac.
Dilauryl thiodipropionate.
Nordihydroguaiaretic acid.
Propyl gallate.
Distearyl thiodipropionate.
Thiodipropionic acid.
2,4,5-Trihydroxybutyrophenone.

(xxxi) *Can end cements (sealing compounds used for sealing can ends only).* In addition to the substances listed in subdivisions (i) to (xxx), inclusive, of this subparagraph, the following may be used:

Dibenzamido phenyl disulfide.
di-β-Naphthyl phenylenediamine.
di-Pentamethylene thiuram disulfide.
Sodium phenylphenate.
Zinc dibutyldithiocarbamate.

(xxxii) *Side seam cements.* In addition to the substances listed in subdivisions (i) to (xxx), inclusive, of this subparagraph, the following may be used:

p-tert-Butyl perbenzoate as a catalyst for epoxy resin.
Ethyl toluene sulfonamide catalyst.
Polyamides derived from dimerized vegetable oil acids and the following amines:
Diethylenetriamine.
Diphenylamine.
Ethylenediamine.
Tetraethylenepentamine.
Triethylenetetramine.
Toluene sulfonamide formaldehyde resin (basic polymer).

(xxxiii) Miscellaneous materials:

Ammonium citrate.
Ammonium potassium phosphate.
Calcium acetate.
Calcium ethyl acetoacetate.
Calcium glycerophosphate.
Calcium, sodium, and potassium oleates.
Calcium, sodium, and potassium ricinoleates.
Calcium, sodium, and potassium stearates.
Cetyl alcohol.
Disodium hydrogen phosphate.
Lauryl alcohol.
Lecithin.
Magnesium, sodium, and potassium citrate.
Magnesium glycerophosphate.
Magnesium stearate.
Mono-, di-, and tricalcium phosphate.
Mono-, di-, and trimagnesium phosphate.
Phosphoric acid.
Sodium pyrophosphate.
Stearyl alcohol.
Tetrasodium pyrophosphate.
Tin stearate.

(c) The coating in the finished form in which it is to contact food, when extracted with the solvent or solvents characterizing the type of food, and under conditions of time and temperature characterizing the conditions of its intended use as determined from Tables 1 and 2 of paragraph (d) of this section, shall yield extractables not to exceed the following, when tested by the analytical methods prescribed in paragraph (e) of this section:

(1) From containers having a capacity up to and including 1 gallon, not to exceed 50 parts per million by weight of the water capacity of the container as determined by the method prescribed in § 10.2(a) of this chapter or 0.5 milligram per square inch of the food-contact surface.

(2) From containers having a capacity in excess of 1 gallon and intended for one-time use, not to exceed 50 parts per million by weight of the water capacity of the container or 1.8 milligrams per square inch of the food-contact surface.

(3) From containers designed for repeated use or continuous serivce, not to exceed 50 parts per million by weight of the water capacity of the container or 18 milligrams per square inch of food-contact surface.

(4) From coated surfaces of articles (other than containers) intended for repeated use or continuous service, not to exceed 50 parts per million by weight of the food exposed to the coated surface or 18 milligrams per square inch of food-contact surface.

(d) Tables:

TABLE 1.—*Types of food*

I. Nonacid, aqueous products; may contain salt or sugar or both (pH above 5.0).
II. Acidic, aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low or high fat content.
III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low or high fat content.
IV. Dairy products and modifications:
A. Water-in-oil emulsion, high or low fat.
B. Oil-in-water emulsion, high or low fat.
V. Low moisture fats and oils.
VI. Beverages:
A. Containing alcohol.
B. Nonalcoholic.
VII. Bakery products.
VIII. Dry solids (no end test required).

TABLE 2.—Test procedures with time-temperature conditions for determining amount of extractables from resinous or polymeric coatings, using solvents simulating types of foods and beverages

Condition of use	Types of food (see table 1)	Extractant		
		Water	Heptane [1] [2]	8% alcohol
		Time and temperature	*Time and temperature*	*Time and temperature*
A. High temperature heat-sterilized (e.g., over 212° F.).	I, IV–B	250° F., 2 hr.		
	III, IV–A, VII	250° F., 2 hr.	150° F., 2 hr.	
	II	212° F., 30 min.		
B. Boiling water sterilized	III, VII	212° F., 30 min.	120° F., 30 min.	
C. Hot filled or pasteurized above 150° F.	II, IV–B	Fill boiling, cool to 100° F.		
	III, IV–A	Fill boiling, cool to 100° F.	120° F., 15 min.	
	V		120° F., 15 min.	
D. Hot filled or pasteurized below 150° F.	II, IV–B, VI–B	150° F., 2 hr.		
	III, IV–A	150° F., 2 hr.	100° F., 30 min.	
	V		100° F., 30 min.	
	VI–A			150° F., 2 hr.
E. Room temperature filled and stored (no thermal treatment in the container).	II, IV–B, VI–B	120° F., 24 hr.		
	III, IV–A	120° F., 24 hr.	70° F., 30 min.	
	V, VII		70° F., 30 min.	
	VI–A			120° F., 24 hr.
F. Refrigerated storage (no thermal treatment in the container).	I, II, III, IV–A, IV–B, VI–B, VII.	70° F., 48 hr.		
	VI–A			70° F., 48 hr.
G. Frozen storage (no thermal treatment in the container).	I, II, III, IV–B, VII.	70° F., 24 hr.		
H. Frozen storage: Ready-prepared foods intended to be reheated in container at time of use:				
1. Aqueous or oil in water emulsion of high or low fat.	I, II, IV–B	212° F., 30 min.		
2. Aqueous, high or low free oil or fat.	III, IV–A, VII	212° F., 30 min.	120° F., 30 min.	

[1] Heptane extractant not to be used on wax-lined containers.
[2] Heptane extractability results must be divided by a factor of five in arriving at the extractability for a food product having water-in-oil emulsions or free oil or fat.

(e) *Analytical methods*—(1) *Selection of extractability conditions.* First ascertain the type of food product (Table 1, paragraph (d) of this section) that is being packed commercially in the test container and the normal conditions of thermal treatment used in packaging the type of food involved. Using Table 2 (paragraph (d) of this section), select the food-simulating solvent or solvents (demineralized distilled water, heptane, and/or 8 percent ethyl alcohol) and the time-temperature exaggerations of the container-use conditions. Aqueous products (types I, II, IV–B, and VI–B) require only a water-extractability test at the temperature and time conditions shown for the most severe "conditions of use." Aqueous products with free oil or fat and water-oil emulsions (types III, IV–A, and VII) will require determinations of both water extractability and heptane extractability. Low-moisture fats and oils (type V with no free water) require only the heptane extractability. Alcoholic beverages (type VI-A) require only the 8 percent alcohol extractant. Having selected the appropriate extractant or extractants simulating various types of foods and beverages and the time-temperature exaggerations over normal use, follow the applicable extraction procedure. Adapt the procedure, when necessary, for containers having a capacity of over 1 gallon.

(2) *Selection of coated-container samples.* For consumer-sized containers up to 1 gallon, quadruplicate samples of representative containers (using for each replicate sample the number of containers nearest to an area of 100 square inches) should be selected from the lot to be examined.

(3) *Cleaning procedure preliminary to determining the amount of extractables from coated containers.* Quadruplicate samples of representative containers should be selected from the lot to be examined and must be carefully rinsed to remove extraneous material prior to the actual extraction procedure. Soda fountain pressure-type hot water rinsing equipment, consisting in its simplest form of a ⅛-inch x ¼-inch internal diameter metal tube attached to a hot water line and bent so as to direct a stream of water upward, may be used. Be sure hot water has reached a temperature of 190° F.–200° F. before starting to rinse the container. Invert the container over the top of the fountain and direct a strong stream of hot water against the bottom and all sides for 1 minute, drain, and allow to dry.

(4) *Exposure conditions*—(i) *Water (250° F. for 2 hours), simulating high-temperature heat sterilization.* Fill the container within ¼-inch of the top with a measured volume of demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker. Add a small amount of demineralized distilled water to the pressure cooker, but do not allow the water to touch the bottom of the container. Close the cooker securely and start to heat over a suitable burner. When a steady stream of steam emerges from the vent, close the vent and allow the pressure to rise to 15 pounds per square inch (250° F.) and continue to maintain this pressure for 2 hours. Slowly release the pressure, open the pressure cooker when the pressure reads zero, and composite the water of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(ii) *Water (212° F. for 30 minutes), simulating boiling water sterilization.* Fill the container within ¾-inch of the top with a measured volume of boiling, demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker in which a small amount of demineralized distilled water is boiling. Do not close the pressure vent, but operate at atmospheric pressure so that there is a continuous escape of a small amount of steam. Continue to heat for 30 minutes, then remove the test container and composite the contents of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(iii) *Water (from boiling to 100° F.), simulating hot fill or pasteurization above 150° F.* Fill the container within ¼-inch of the top with a measured volume of boiling, demineralized distilled water. Insert a thermometer in the water and allow the uncovered container to stand in a room at 70° F.–85° F. When the temperature reads 100° F., composite the water from each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(iv) *Water (150° F. for 2 hours), simulating hot fill or pasteurization below 150° F.* Preheat demineralized distilled water to 150° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 150° F. water and cover with clean aluminum foil. Place the test container in an oven maintained at 150° F. After 2 hours, remove the test container from the oven and immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(v) *Water (120° F. for 24 hours), simulating room temperature filling and storage.* Preheat demineralized distilled water to 120° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 120° F. water and cover with clean aluminum foil. Place the test container in an incubator or oven maintained at 120° F. After 24 hours, remove the test container from the incubator and immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(vi) *Water (70° F. for 48 hours), simulating refrigerated storage.* Bring demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 70° F. water, and cover with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 48 hours, immediately composite the water of each replicate in a clean Pyrex flask or baker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(vii) *Water (70° F. for 24 hours), simulating frozen storage.* Bring demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the container within ¼-inch of the top with a measured volume of the 70° F. water and cover with clean aluminum foil. Place the container in a suitable room maintained at 70° F. After 24 hours, immediately composite the water of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(viii) *Water (212° F. for 30 minutes), simulating frozen foods reheated in the container.* Fill the container to within ¼-inch of the top with a measured volume of boiling demineralized distilled water. Cover the container with clean aluminum foil and place the container on a rack in a pressure cooker in which a small amount of demineralized distilled water is boiling. Do not close the pressure vent, but operate at atmospheric pressure so that there is a continuous escape of a small amount of steam. Continue to heat for 30 minutes, then remove the test container and composite the contents of each replicate immediately in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(ix) *Heptane (150° F. for 2 hours), simulating high-temperature heat sterilization for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 150° F. At the same time, preheat a pressure cooker or equivalent to 150° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 150° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 150° F. incubator. After 2 hours, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(x) *Heptane (120° F. for 30 minutes), simulating boiling water sterilization of fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker or equivalent to 120° F. in an incubator. This pressure cooker is to serve only as a vented container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xi) *Heptane (120° F. for 15 minutes), simulating hot fill or pasteurization above 150° F. for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker or equivalent to 120° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 15 minutes, remove the pressure cooker from the incubator, open the assembly, and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the

method described in subparagraph (5) of this paragraph.

(xii) *Heptane (100° F. for 30 minutes), simulating hot fill or pasteurization below 150° F. for fatty foods only.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or nonsparking hot plate in a well-ventilated hood to 100° F. At the same time, preheat a pressure cooker or equivalent to 100° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 100° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 100° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly and immediately composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xiii) *Heptane (70° F. for 30 minutes), simulating room temperature filling and storage of fatty foods only.* Fill the test container within ¼-inch of the top with a measured volume of the 70° F. heptane and cover with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 30 minutes, composite the heptane of each replicate in a clean Pyrex flask or beaker. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xiv) *Heptane (120° F. for 30 minutes), simulating frozen fatty foods reheated in the container.* Preheat redistilled reagent-grade heptane (boiling point 208° F.) carefully in a clean Pyrex flask on a water bath or hot plate in a well-ventilated hood to 120° F. At the same time, preheat a pressure cooker to 120° F. in an incubator. This pressure cooker is to serve only as a container for the heptane-containing test package inside the incubator in order to minimize the danger of explosion. Fill the test container within ¼-inch of the top with a measured volume of the 120° F. heptane and cover with clean aluminum foil. Place the test container in the preheated pressure cooker and then put the assembly into a 120° F. incubator. After 30 minutes, remove the pressure cooker from the incubator, open the assembly and immediately composite the heptane from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xv) *Alcohol—8 percent (150° F. for 2 hours), simulating alcoholic beverages hot filled or pasteurized below 150° F.* Preheat 8 percent (by volume) ethyl alcohol in demineralized distilled water to 150° F. in a clean Pyrex flask. Fill the test container with within ¼-inch of the top with a measured volume of the 8 percent alcohol. Cover the container with clean aluminum foil and place in an oven maintained at 150° F. After 2 hours, remove the container from the oven and immediately composite the alcohol from each replicate in a clean Pyrex flask. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xvi) *Alcohol—8 percent (120° F. for 24 hours), simulating alcoholic beverages room-temperature filled and stored.* Preheat 8 percent (by volume) ethyl alcohol in demineralized distilled water to 120° F. in a clean Pyrex flask. Fill the test container within ¼-inch of the top with a measured volume of the 8 percent alcohol, cover the container with clean aluminum foil and place in an oven or incubator maintained at 120° F. After 24 hours, remove the container from the oven or incubator and immediately composite the alcohol from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(xvii) *Alcohol—8 percent (70° F. for 48 hours), simulating alcoholic beverages in refrigerated storage.* Bring 8 percent (by volume) ethyl alcohol in demineralized distilled water to 70° F. in a clean Pyrex flask. Fill the test container within ¼-inch of the top with a measured volume of the 8 percent alcohol. Cover the container with clean aluminum foil. Place the test container in a suitable room maintained at 70° F. After 48 hours, immediately composite the alcohol from each replicate into a clean Pyrex flask. Proceed with the determination of the amount of extractables by the method described in subparagraph (5) of this paragraph.

(5) *Determination of amount of extractables.*—(i) *Total residues.* Evaporate the food-simulating solvents from subdivisions (i) to (xvii), inclusive, of subparagraph (4) of this paragraph down to about 100 milliliters in the Pyrex flask and transfer to a clean, tared platinum dish, washing the flask three times with solvent, and evaporate to a few milliliters on a nonsparking low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at a temperature of 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh to the nearest 0.1-milligram. Calculate the extractables in milligrams per square inch and in parts per million for the particular size of container being tested and for the specific food-simulating solvent used.

(*a*) Water and 8 percent alcohol:

$$\text{Milligrams extractables per square inch} = \frac{e}{s}.$$

$$\text{Total extractables residues} = Ex = \frac{(e)\,(a)\,(1000)}{(c)\,(5)}.$$

(*b*) Heptane:

$$\text{Milligrams extractables per square inch} = \frac{e}{(s)\,(F)}.$$

$$\text{Total extractables residues} = Ex = \frac{(e)\,(a)\,(1000)}{(c)\,(s)\,(F)},$$

Where:

Ex = Total extractables residue in parts per million for any container size.
e = Milligrams extractables per sample tested.
a = Total coated area, including closure, in square inches.
c = Water capacity of container, in grams.
s = Surface of coated area tested, in square inches.
F = Five, the ratio of the amount of extractables removed from a coated container by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil from a container tested under exaggerated conditions of thermal sterilization and use.

If the concentration of total extractables (Ex) exceeds 50 parts per million or the extractables in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed to subdivision (ii) of this subparagraph (method for determining the amount of chloroform-soluble residue).

(ii) *Chloroform-soluble residue.* Add 50 milliliters of chloroform (freshly distilled reagent-grade or a grade having an established, consistently low blank) to the dried and weighed residue in the platinum dish, obtained in subdivision (i) of this subparagraph. Warm carefully, and filter through Whatman No. 41 filter paper in a Pyrex funnel, collecting the filtrate in a clean, tared platinum dish. Repeat the chloroform extraction, washing the filter paper with this second portion of chloroform. Add this filtrate to the original filtrate and evaporate the total down to a few milliliters on a low-temperature hotplate. The last few milliliters should be evaporated in an oven maintained at 212° F. Cool the platinum dish in a desiccator for 30 minutes and weigh to the nearest 0.1-milligram to get the chloroform-soluble extractables residue (e'). The chloroform-soluble extractables residue is substituted for e' in the formulas in (*a*) and (*b*) of this subdivision. If the concentration of extractables (E'x) exceeds 50 parts per million or the extractables in milligrams per square inch exceed the limitations prescribed in paragraph (c) of this section for the particular container size, proceed as follows to correct for zinc extractables ("C" enamels only): Ash the residue in the platinum dish by heating gently over a Meker-type burner to destroy organic matter and hold at red heat for about 1 minute. Cool in the air for 3 minutes, and place the platinum dish in the desiccator for 30 minutes and weigh to the nearest 0.1-milligram. Analyze this ash for zinc by standard

Association of Official Agricultural Chemists methods or equivalent. Calculate the zinc in the ash as zinc oleate, and subtract from the weight of chloroform-soluble extractables residues (ee') to obtain the corrected net chloroform extractables for substitution in the formulas in (*a*) and (*b*) of this subdivision. Calculate the net chloroform-soluble extractables in milligrams per square inch and in parts per million for the particular size of container being tested and for the specific food-simulating solvent used.

(*a*) Water and 8 percent alcohol:

$$\text{Milligrams chloroform-soluble extractables per square inch} = \frac{e'}{s}.$$

$$\text{Net chloroform-soluble extractables} = E'x = \frac{(e')\,(a)\,(1000)}{(c)\,(s)}.$$

(*b*) Heptane:

$$\text{Milligrams chloroform-soluble extractables per square inch} = \frac{e'}{(s)\,(F)}.$$

$$\text{Net chloroform-soluble extractables} = E'x = \frac{(e')\,(a)\,(1000)}{(c)\,(s)\,(F)}.$$

Where:

$E'x$ = Net chloroform-soluble residue in parts per million for any container size.
e' = Milligrams of net chloroform-soluble extractables.
a = Total coated area, including closure, in square inches.
c = Water capacity of container, in grams.
s = Surface of coated area tested, in square inches.
F = Five, the ratio of the amount of extractables removed from a coated container by heptane under exaggerated time-temperature test conditions compared to the amount extracted by a fat or oil from a container tested under exaggerated conditions of thermal sterilization and use.

To comply with the limitations prescribed in paragraph (c) of this section, the net chloroform-soluble extractables ($E'x$) (but after correction for zinc extractables in case of "C" enamels) must not exceed 50 parts per million, and the net chloroform-soluble extractables in milligrams per square inch must not exceed the limitations for the particular article.

(f) *Equipment and reagent requirements*—(1) *Equipment.*

Rinsing equipment, soda fountain pressure-type hot water, consisting in simplest form of a ⅛-inch–¼-inch inside diameter metal tube attached to a hot water line delivering 190° F.–200° F. water and bent so as to direct a stream of water upward.

Pressure cooker, 21-quart capacity with pressure gage, safety release, and removable rack, 12.5 inches inside diameter x 11 inches inside height, 20 pounds per square inch safe operating pressure.

Oven, mechanical convection, range to include 120° F.–212° F. explosion-proof, inside dimensions (minimum), 19" x 19" x 19", constant temperature to ±2° F. (water bath may be substituted).

Incubator, inside dimensions (minimum) 19" x 19" x 19" for use at 100° F.±2° F. explosion proof (water bath may be substituted).

Constant-temperature room or chamber 70° F.±2° F., minimum inside dimensions 19" x 19" x 19".

Hot plate, nonsparking (explosion proof), top 12" x 20", 2,500 watts, with temperature control.

Platinum dish, 100-milliliter capacity minimum.

All glass, Pyrex or equivalent.

(2) Reagents:

Water, all water used in extraction procedure should be freshly demineralized (deionized) distilled water.

Heptane, reagent grade, freshly redistilled before use, using only material boiling at 208° F.

Alcohol, 8 percent (by volume), prepared from undenatured 95 percent ethyl alcohol diluted with demineralized or distilled water.

Chloroform, reagent grade, freshly redistilled before use, or a grade having an established, consistently low blank.

Filter paper, Whatman No. 41 or equivalent.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objecitons may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7426; Filed, Aug. 7, 1961; 8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—CREDIT ACTIVITIES

PART 91—GENERAL CREDIT TO INDIANS

Reduction of Interest Rates

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), and by section 161 of the Revised Statutes (5 U.S.C. 22), §§ 91.6 and 91.16 of 25 CFR are amended as set forth below. The purpose of the amendments is to reduce the interest rates or the amount of interest presently charged Indians and Indian organizations on certain loans.

Notice and public procedure on these amendments have been deemed unnecessary. Since the amendments are of a beneficial nature to the Indians, they shall become effective at the beginning of the calendar day on which they are published in the FEDERAL REGISTER.

1. Section 91.6 is amended to read as follows:

§ 91.6 Interest.

On loans by the United States, borrowers shall pay interest at the rate specified in the loan agreement, which shall be two percent per annum, except that the rate on loans to finance corporate or tribal enterprises and cooperatives shall be not less than two nor more than five percent per annum, and the rate on loans made to individuals for other than educational purposes shall be not less than four nor more than five percent per annum.

2. Section 91.16 is amended to read as follows:

§ 91.16 Educational loans.

(a) Loans for educational purposes may be made under the regulations in this part. The interest rate on loans by the United States shall be three percent per annum. Interest shall start on the first day of the month following one year from the date of completion of the educational course for which the loan was made, or, in the event of noncompletion of the course, on the first day of the month following the date the borrower drops out of school. Interest calculations shall be suspended during periods when borrowers are enrolled in schools of higher learning, and during periods of service in the armed forces of the United States.

(b) The rate on loans by Indian organizations shall be not less than two percent per annum, and may not exceed the rate charged borrowers on loans for other purposes. Organizations which adopt the same rate and follow the same procedure in calculating interest as is followed on loans made by the United States will not be charged interest on

loans from the United States on the amount outstanding on educational loans during the period the organization is not charging its borrowers interest.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 2, 1961.

[F.R. Doc. 61-7454; Filed, Aug. 7, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2451]

ALASKA

Withdrawing Lands for Use of the Federal Aviation Agency in the Maintenance of Air Navigation Facilities; Revoking Public Land Order No. 103; Partly Revoking Air Navigation Site No. 176

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and by virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency in the maintenance of air navigation facilities as additions to Air Navigation Site Withdrawal No. 176:

a. Anchorage 031573

Beginning at a point at mean sea level of Cold Bay at approximately 55°14' N., latitude and 162°43' W. longitude, thence
West, 3,000 feet to a point on east line of Air Navigation Site No. 176;
South, 12,000 feet to southeast corner of said Air Navigation Site No. 176;
S. 24°57'30" E., 4,600 feet to a point;
East, 6,000 feet to a point;
North, 2,600 feet, approximately, to a point on mean sea level of Cold Bay;
Northwesterly, 7,500 feet, approximately, to a point on the mean sea level of Cold Bay at approximately 55°12'38.46" N. latitude and 162°42'39.14" W. longitude;
South, 850 feet to a point;
West, 800 feet to a point;
North, 698.44 feet to a point identified by a stamped brass shell-case set in concrete and situated at 55°12'36.96" N. latitude and 162°42'52.93" W. longitude;
North, 90 feet, approximately, to a point on mean sea level;
Northerly, 12,500 feet, approximately, along mean sea level of Cold Bay to the point of beginning.
Containing approximately 1601.47 acres.

b. Anchorage 042225

From the Northwest corner of Air Navigation Site Withdrawal No. 176, Cold Bay, Alaska, go N. 8°43'55" W., 15,549.50 feet to the point of beginning, which point is identical to the termination point of a certain 400 foot wide right-of-way for an access road and power and communication lines; thence
S. 68°27'14" W., 200 feet;
N. 21°32'46" W., 400 feet;
N. 68°27'14" E., 400 feet;
S. 21°32'46" E., 400 feet;
S. 68°27'14" W., 200 feet to point of beginning.
Containing 3.67 acres.

c. Anchorage 046732

From the point of beginning of Air Navigation Site No. 176, situated at Cold Bay, Alaska, go N. 24°57'30" W. 22,530 feet to the Northwest corner thereof and the point of beginning; thence
N. 24°57'30" W., 3,827.95 feet;
North, 3,517.29 feet;
East, 5,000.00 feet;
South, 6,987.77 feet to the North Boundary of said Air Navigation Site No. 176;
West, 3,384.76 feet, approximately along said boundary to the point of beginning.
Containing approximately 800 acres.

2. Public Land Order No. 103 of March 27, 1943, which was revoked in part by Public Land Order No. 1001 of September 2, 1954, and which withdrew lands for use of the War Department for military purposes, is hereby revoked in its entirety. The following-described lands are affected by this order:

Anchorage 053418

A tract of land on the Alaska Peninsula lying between latitude 55°06' N. and Izembek Bay, an arm of the Bering Sea; and between longitudes 162°40'30" W. and 162°50' W., containing approximately 49,070 acres.

3. The Departmental order January 19, 1942, which established Air Navigation Site Withdrawal No. 176, as amended, is hereby revoked so far as it affects the following-described lands:

Anchorage 031573

From the northeast corner of Air Navigation Site Withdrawal No. 176, established January 19, 1942 (F.R. Doc. 42-749) as the point of beginning; thence
West, 4,274.7 feet;
S. 26°53'58" E., 9,448.39 feet;
North, 8,426.1 feet to point of beginning.
Containing 413.44 acres.

4. The withdrawals made by paragraphs 1b and 1c of this order shall take precedence over but not otherwise affect the existing reservation of the lands for the Izembek National Wildlife Range, established by Public Land Order No. 2216 of December 6, 1960. Personnel of the United States Fish and Wildlife Service shall have access to the lands for management of their wildlife resources.

5. With exception of approximately 16,737 acres, the lands released from withdrawal by paragraphs 2 and 3, hereof, are withdrawn for other purposes. The lands are situated within the area delineated in section 10(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

6. Until 10:00 a.m. on August 3, 1962, the State of Alaska shall have a preferred right to select the approximately 16,737 acres referred to in paragraph 5, above, in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), subsections (b) and (g) of section 6, of the said Alaska Statehood Act of July 7, 1958, and the regulations in 43 CFR Part 76.

7. Beginning at 10:00 a.m. on August 3, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

KENNETH HOLUM,
Assistant Secretary of the Interior.

AUGUST 2, 1961.

[F.R. Doc. 61-7456; Filed, Aug. 7, 1961; 8:48 a.m.]

[Public Land Order 2446]

[82695]

WYOMING

Revoking Executive Orders Pertaining to Fort D. A. Russell Target and Maneuver Area

Correction

In F.R. Doc. 61-7053, appearing at page 6721 of the issue for Thursday, July 27, 1961, the date in paragraph 10 should read "January 19, 1962" instead of "January 19, 1961".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wheeler National Wildlife Refuge, Alabama

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special Regulations; Upland Game; For Individual Wildlife Refuge Areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Wheeler National Wildlife Refuge, Alabama is permitted only on the area designated by signs as open to hunting. This open area, comprising 41,000 acres or 100% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray squirrels, rabbits, foxes and crows.

(b) Open season: October 16, 1961 through October 21, 1961.

(c) Daily bag limits: Gray squirrel 6; rabbit 6; fox, no limit; crow, no limit.

(d) Methods of hunting:

(1) Weapons: shotguns limited to total capacity of 3 shells and .22 rimfire rifles.

(2) Dogs: No dogs will be allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama, starting October 9, 1961.

(3) The provisions of this special regulation are effective to October 22, 1961.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7453; Filed, Aug. 7, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Proposed Rule Making with Respect to Expenses of Prune Administrative Committee for 1961–62 Crop Year and Rate of Assessment for Such Crop Year

Notice is hereby given that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), there are under consideration proposed expenses of the Prune Administrative Committee, established under the order, for the 1961–62 crop year and a rate of assessment for that crop year, as unanimously recommended by the committee and hereinafter set forth.

Consideration will be given to any data, views or arguments pertaining to the proposals which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received not later than the close of business on the seventh day after publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 993.312 Expenses of the Prune Administrative Committee and rate of assessment for the 1961–62 crop year.

(a) *Expenses.* Expenses in the amount of $68,250 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1961, and ending July 31, 1962, for its maintenance and functioning, and for such purposes as the Secretary may pursuant to the provisions of this part determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.81(a) (Marketing Agreement No. 110, as amended, and Order No. 93, as amended), as such handler's pro rata share of the aforesaid expenses, an assessment of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1961, and ending July 31, 1962; and such rate of assessment is hereby fixed for such crop year.

Dated: August 3, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7492; Filed, Aug. 7, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 935, 1013]

[Docket Nos. AO-86-A11, AO-279-A2]

MILK IN OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBRASKA, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreements, and orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Omaha, Nebraska, on March 7–10, 1961, pursuant to notice thereof which was issued February 8, 1961 (26 F.R. 1219).

The material issues on the record of the hearing relate to:

1. Combining the orders into a single order.
2. Expansion of the marketing area.
3. Provisions of the expanded order with respect to:
   (a) Milk to be priced and pooled;
   (b) Classification and allocation of milk;
   (c) Class prices;
   (d) Payments on unpriced milk disposed of in the marketing area from nonpool plants; and
   (e) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Merger of regulation.* Order No. 113, regulating the handling of milk in the Platte Valley marketing area and Order No. 35, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area should be merged into a single regulation.

The pricing provisions of these orders presently recognize that there is substantial competition in procurement and sales between dealers regulated by the Platte Valley order and those subject to the Omaha-Lincoln-Council Bluffs order. The Platte Valley order specifies that both Class I and Class II prices for milk of 3.5 percent butterfat content be identical with prices for these classes and tests under Order No. 35. While Order No. 35 establishes class prices separately for butterfat and skim milk and computes producers' prices at a 3.8 percent basic butterfat test, these differences do not provide substantial differences in handler costs or in producer returns.

More than 95 percent of the 1,697 producers supplying the two markets now belong to a single cooperative association, the Nebraska-Iowa Non-Stock Cooperative Milk Association. This association reblends among its members the returns from the sales to handlers so that all but a few producers now receive returns equivalent to those that would result from a single pool under a combined order.

There is substantial sales competition between handlers in the two markets. A large handler who formerly operated plants in Omaha, Lincoln and Grand Island has closed the Grand Island plant that was regulated under the Platte Valley order and is now serving his customers in the Platte Valley area from his Order No. 35 plants. A chain grocery organization operates a plant in Omaha ffom which it serves its stores throughout the Platte Valley area. Other dealers operating plants in both markets transfer fluid milk products processed and packaged in their Order No. 35 plants to their Platte Valley plants for distribution. In a recent month the total of milk priced as Class I under Order No. 35 so distributed in the Platte Valley area or through Platte Valley plants exceeded 1.25 million pounds, a quantity equal to almost 20 percent of the volume of producer milk priced as Class I under the Platte Valley order.

As a result of transfers of sales from Platte Valley plants to Omaha and Lincoln plants, the cooperative association moves to Order No. 35 plants a substantial volume of milk pooled in the Platte Valley order, and assembled at its nonpool plant at Grand Island. This has exceeded 2 million pounds in a single month, approximately 25 percent of producer receipts for that month.

In view of these facts a single regulation (an amended Order No. 35) should replace the separate orders. A single marketwide pool will thus return to all producers uniform prices reflecting the class use of milk in what has become a common sales and supply area. The combined marketing area, including the additional territory hereinafter discussed, may appropriately be designated the "Nebraska-Western Iowa marketing area".

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in administrative and producer-settlement funds under the Platte Valley order should be merged with assets in similar funds under the Omaha-Lincoln-Council Bluffs order and any liabilities of such funds of the individual orders should be paid from the new funds so created. To distribute such funds under one order to producers and handlers under that order would unduly burden the producers and handlers now regulated by the other order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

2. *Marketing area.* The marketing area to which the merged regulation will apply should be expanded to include 52 counties in Nebraska and two counties and 16 townships in Iowa.

The Marketing area of Order No. 35 is presently limited to the cities of Omaha, Lincoln and Council Bluffs, four Iowa townships adjacent to Council Bluffs, 17 precincts in Douglas and Sarpy Counties, Nebraska, in the vicinity of Omaha and one precinct and the Veterans' Administration Hospital adjacent to Lincoln. The Order No. 113 marketing area is limited to the cities of Grand Island, Hastings, Holdrege, Kearney, Lexington and North Platte and the Naval Ammunition Depot near Hastings, all in Nebraska.

The Nebraska-Iowa Non-Stock Cooperative Milk Association proposed that the marketing area of the merged regulation include 53 counties in Nebraska and eight counties in Iowa. One such county, Richardson County, Nebraska, had likewise been proposed for inclusion in the marketing area of a proposed St. Joseph, Missouri, order. Evidence with respect to both proposals was received at a subsequent hearing, and the decision with respect to regulation of Richardson County, Nebraska, is to be made on the basis of the record of that hearing. The Elkhorn Valley Non-Stock Cooperative Milk Association, representing the 52 producers supplying two presently unregulated plants located at Norfolk, Nebraska, proposed inclusion of four counties, two of which had also been proposed by the other association. In all, the notice of hearing opened for consideration regulation in 54 counties in Nebraska and eight in Iowa.

Handlers regulated under both orders have substantial sales beyond the defined marketing areas. Platte Valley handlers dispose of from 60 to 65 percent of their Class I sales outside the marketing area of that order. For 1960, 34 percent of the sales of Order No. 35 handlers was outside the Order No. 35 marketing area. These out-of-area sales cover a wide area.

Regulated handlers sell a substantial majority of the milk in almost all the counties proposed for regulation. The record contains county-by-county data for 53 counties showing total sales in July 1960 by regulated handlers with the exception of one Platte Valley handler. For nine additional counties, sales of regulated handlers were combined with those of two Norfolk handlers supplied by the Elkhorn Valley Association.

Based on such data and field surveys of sales by other handlers the proponent cooperative claimed that regulated handlers sell 90 percent or more of all milk in 37 counties, from 70 to 89 percent in 13 more counties and 50 to 69 percent in five counties. In only four counties was it estimated that handlers presently regulated sell less than 50 percent of all milk. In one such Nebraska county, Cuming, the principal distributor not under regulation purchases his entire supply from pool sources. The other three counties are those in which the presently unregulated Norfolk handlers have substantial distribution.

In the eight Iowa counties proposed, Grade A milk is also distributed by five totally unregulated handlers, with plants located in the proposed area and by two handlers now partially regulated under the order for the Des Moines, Iowa, area, whose plants are located outside both the proposed area and the Des Moines marketing area. There is also distribution from two St. Joseph, Missouri, plants now partially regulated under the Kansas City order, but to be subject to full regulation in the event an order is issued for the St. Joseph area as a result of the hearing already held. Milk of two fully regulated Des Moines handlers and one fully regulated Kansas City handler is also sold in these counties.

Sales of Omaha and Council Bluffs dealers in the additional Iowa area proposed are most substantial in Harrison and Mills Counties. In Cass, Montgomery and Fremont Counties both the total volume of sales and estimated proportion of the total claimed are considerably less than in Harrison and Mills Counties. Due to the geographical location of Page and Shelby Counties and the sales made in these counties by handlers with plants located in Cass and Montgomery Counties, it would not be practicable to include Page and Shelby Counties in the marketing area if Cass, Montgomery and Fremont Counties are not likewise included. It is concluded that the marketing area should not be extended to include these five counties at this time. Neither should the eastern portion of Pottawattamie County that lies between Shelby and Montgomery Counties be included; marketing conditions in the 13 townships comprising this eastern portion of Pottawattamie County are similar to those of the adjoining counties. The remainder of the county should be included by increasing from four to 16 the number of townships named in the area, and Harrison and Mills Counties should likewise be included. No plant engaged in the fluid trade is located in this area and sales by handlers not presently regulated by Order No. 35 are of limited nature. It is doubtful if additional plants will be fully regulated by reason of sales in the Iowa territory added to the marketing area.

The sole controversy with respect to Nebraska counties related to inclusion of Madison, Stanton, Wayne and Dixon Counties. These are the four counties included in the proposal submitted for the notice of hearing by the Elkhorn Valley Cooperative. Madison and Stanton Counties were also proposed by the Nebraska-Iowa Association. At the hearing the Elkhorn Valley Association reported that, subsequent to submission of the proposal, its membership failed to support it, and accordingly no supporting testimony was offered on behalf of the Elkhorn Valley Association. Individual members of the association, however, participated in the hearing and expressed their support of regulation for these counties after hearing evidence concerning the provisions of the order. Of the two handlers supplied by this association one strongly supported the proposal and the other opposed it unless the marketing area was enlarged far beyond the scope provided in the notice of hearing. If Madison County, in which plants of these two handlers are located, is not included in the area it is probable that one of these plants will be fully regulated and the other partially regulated. The handler whose plant would be fully regulated would have the option of transferring approximately 13 percent of the Norfolk plant's Class I sales to his Lincoln plant, which would adversely affect the market for Elkhorn Valley milk. Omaha and Lincoln handlers have sales in Madison and Stanton Counties but not in Wayne and Dixon. The sales of the Norfolk handlers in Wayne County support its inclusion if Madison and Stanton are regulated, but this does not appear true for Dixon County. The competition of Norfolk handlers in areas not under consideration is largely from handlers regulated under the Sioux City, Iowa, and Sioux Falls-Mitchell orders. It is concluded that the marketing area should include Madison, Stanton and Wayne Counties, Nebraska.

Sales in Pawnee County, Nebraska, are rather evenly divided between regulated handlers and those who would be regulated by the proposed order for the St. Joseph, Missouri, area. Pawnee County adjoins Richardson County. In a companion decision based on the record of the St. Joseph hearing it is concluded that the evidence in that record does not justify inclusion of Richardson County in either the St. Joseph or Nebraska-Western Iowa marketing areas. Milk

sold in the proposed area at Nebraska City, in Otoe County, is processed at the only plant located in Richardson County. This plant will thus be subject to regulation. In view of its location and the even division of sales with St. Joseph handlers it is concluded that Pawnee County should not be included in the area on the basis of this record.

3. *Provisions of the expanded order.* Marketing conditions in the proposed marketing area are similar to the conditions which exist in the marketing areas as presently defined in the Platte Valley and Omaha-Lincoln-Council Bluffs orders. The principal provisions of these orders which have been found to be appropriate for regulating the handling of milk in these areas are therefore appropriate for regulating the handling of milk in the proposed expanded area. The provisions in which there are substantive differences in the two orders or those for which changes were considered, are discussed below.

(a) *Milk to be priced and pooled.* The Omaha-Lincoln-Council Bluffs order presently limits milk to be priced and pooled under it largely on the basis of Grade A dairy farm permits or ratings issued to individual producers by health authorities of the marketing area. Plants supplied by dairy farmers with such permits or ratings may pool their receipts upon any route disposition of Class I milk in the marketing area. Plants without route disposition may qualify as supply plants only if under the routine inspection of local health authorities and regularly supplying milk to route operating plants. There is provision, however, for nonpool receipts of Grade A milk to be exempt from compensatory payments as "emergency milk" in shortage periods determined by the market administrator.

The Platte Valley order prices and pools receipts of all route operating plants selling over 600 pounds of Class I milk daily in the marketing area and limits producer status only by requiring Grade A approval of any duly constituted health authority. There is no provision for supply plants under that order.

Under both orders milk acceptable to Federal agencies for use in an installation in the marketing area is priced and pooled when received at a plant serving such an installation.

Merger of the two regulations into a single order for a substantially enlarged marketing area requires more specific delineation of the milk to be priced and pooled. This may be accomplished by redefining "producer", "pool plant", "handler", "other source milk" and other terms of the order. Producers who will share in the marketwide pool should be those producing Grade A milk in compliance with the requirements of any duly constituted health authority whose milk is received at plants having specific association with the fluid milk trade in the area.

Considerable evidence was offered concerning the regulation of non-Grade A milk. Order No. 35 presently regulates only Grade A milk, but in plants permitted to process both Grade A and non-Grade A milk, the order allocates non-Grade A other source milk to Class I in an amount equal to sales of non-Grade A milk outside the marketing area. The expanded marketing area will include the present out-of-area territory in which one presently regulated handler makes some such sales.

A law under which Nebraska authorities sought to require all fluid milk sold in the State to be Grade A was found to be unconstitutional. Such law has now been replaced by one containing standards for milk to be labeled Grade A and permitting sale of non-Grade A milk labeled as "ungraded". Handlers presently regulated argued that under the new statute sales of non-Grade A milk would become a serious competitive factor unless such milk were subject to minimum class pricing. Proposals for separate pricing of such milk and separate treatment outside the marketwide pool were offered.

Non-Grade A milk may be sold in unincorporated portions of many marketing areas established under Federal orders. There is evidence that some non-Grade A milk is being sold in the Iowa counties to be included in the marketing area and that it might be sold in unincorporated portions of the nearby Des Moines marketing area. The requirements under the Nebraska statute will be essentially the same as in many other marketing areas. Until there is evidence that sales of non-Grade A milk become a more substantial competitive factor than shown on this record it is concluded that regulation should be confined to plants handling Grade A milk. The provision for assignment of sales of non-Grade A milk outside the marketing area to ungraded other source milk is made unnecessary by the change in marketing area and should be deleted.

Segregated processing facilities using ungraded milk for processing or manufacturing should not, however, be considered part of a regulated plant if physically apart from the Grade A portion, and if they are operated separately and are not approved for handling Grade A milk. The volume of any pool milk moved to such nonpool facilities should be established by acceptable methods of measurement.

It should not be required that producers be limited to those dairy farmers whose permits or ratings are issued by health authorities of the marketing area. The specific performance requirements established herein for plants to qualify as pool plants provide a standard of association with the market sufficient to identify the dairy farmers who supply such plants with Grade A milk as qualified to participate in the marketwide pool. Provision should be made, however, to limit the period during which a dairy farmer may retain producer status while his milk is diverted by a handler or cooperative association to a nonpool plant. Except for the flush production months of March through June, when milk supplies are greatest in relation to fluid needs and there is more need for movements of milk to nonpool plants for manufacturing uses, diversion should be limited to 16 days production of each producer and milk diverted in excess of this limit should not be pooled.

Separate pool qualification standards should be established for distributing plants which process and package fluid milk disposed of on routes in the area and for supply plants which move milk in bulk to distributing plants.

In order to qualify its receipts as part of the pool a distributing plant should dispose of, on routes, at least 50 percent of its Grade A milk from dairy farmers and from supply plants and at least 15 percent of such receipts should be disposed of on routes in the marketing area. The 50 percent total route disposition requirement provides a basis for determining which plants may qualify as pool distributing plants, as distinguished from those plants that must qualify as supply plants. The 15 percent requirement establishes association with the marketing area. These percentages will insure that the distributing plant is primarily engaged in the fluid milk business and that a sufficient portion of its total business is in the marketing area to justify inclusion of its receipts in the pool. It is expected that all plants presently regulated under the two orders and 11 additional Nebraska plants will qualify as pool distributing plants under these standards. Should an order become effective for the St. Joseph area it is probable that the only plants now doing business in the area that might not qualify under these standards would be ones with extremely limited sales in the Iowa portion of the marketing area.

Supply plants from which a major portion of their dairy farm supply of Grade A milk is regularly shipped to pooled distributing plants are clearly associated with the market and their producers should participate in the pool. A supply plant should be considered a regular source of supply for the market in any month that 50 percent or more of its dairy farm supply of Grade A milk is shipped to pool distributing plants. Those plants which qualify as pool plants during each month of August through December should be allowed to maintain pool status during the following months of January through July even though shipments in such months are less than the minimum percentage. This recognizes the seasonality of demand for milk from supply plants to supplement producer receipts at distributing plants.

It was proposed that provision should also be made for pool status of a plant operated by a cooperative association on a basis different from that applicable to supply plants. The Nebraska-Iowa Non-Stock Milk Association operates a plant at Grand Island, Nebraska, from which shipments to plants which will be pool distributing plants under the merged and enlarged order have consistently been substantially greater than those established for supply pool plants.

Since operations of this plant have been such as to pool its receipts under the supply plant standards provided, it is not necessary to provide separate standards for cooperative association plants at this time.

"Handler" should be defined to include (a) persons operating pool plants, (b) persons operating nonpool plants distributing Grade A milk on routes in the marketing area, and (c) cooperative associations with respect to milk of their members that they divert to nonpool plants or that they deliver to pool plants in tank trucks they own or operate or have under contract, if the market administrator and the operator of the pool plant are given prior notice by the association of its intention to be the handler for such milk.

Under Order No. 35, a cooperative association is presently the handler with respect to milk it causes to be delivered from a producer to a regulated plant. Milk of all producers who are members of the association is handled in bulk tanks. The association did not propose to be the handler for its member milk in the merged order. Handlers proposed that the association be the handler for milk it delivers in bulk tanks under its control. It is concluded that a cooperative should be given the option of becoming the handler for such milk. In settling with the cooperative association for any such milk and for any moved from the cooperative's supply plant, the handlers operating pool plants should pay the uniform producer price to the cooperative association and make settlement for pool equalization with the market administrator. Based on contrasting experience between the two orders, in one of which (No. 35) the principal association collects class prices and in the other (No. 113) collects uniform prices, the association expressed preference for collection at uniform prices. This system has the merit that any adjustments in classification found on audit of a handler's records will be made directly with such handler.

Operators of nonpool distributing plants should be defined as handlers in order that they may be required to report their operations and pay the obligations established with respect to them.

"Other source milk" is defined to include milk received at a pool plant from nonpool sources and nonfluid (Class II) products from any source that are reprocessed or converted to another product in a pool plant during the month. It would also include milk distributed in the marketing area from nonpool plants.

"Route" is defined in order that the distribution that qualifies distributing plants as pool plants may be specific. The term includes any delivery to wholesale or retail outlets in fluid form of the products included as Class I milk (defined as fluid milk products) except delivery to a milk plant or to a food processing plant under specified conditions. Deliveries by vendors, or through distribution points and sales from plant stores are included in route delivery.

(b) *Classification and allocation of milk.* Products classified as Class I milk are substantially the same under both orders. Eggnog, which is a Class I product under Order No. 35 but not under Order No. 113, should be classified as Class II milk. This product is essentially the same as ice cream mix and can be made from products held in storage so that a regular supply of fresh milk is not needed for its production. Concentrated milk, which is a Class I product under Order No. 35, should continue to be so defined. For convenient reference in other sections of the order, products classified as Class I milk are defined as "fluid milk products".

The order should continue to account for concentrated and reconstituted milk on the basis of original volume, including all the water originally associated with the solids. Such products compete for the same sales as whole milk or skim milk and could displace producer milk available for the same purpose. With respect to products fortified with added milk solids, including "diet foods", however, the water associated with such solids cannot be shown to be displacing producer milk in this market. To maintain proper accounting for such items the nonfat milk solids added should continue, as presently provided in both orders, to be accounted for at their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II.

The provision for classifying milk disposed of for livestock feed in Class II now in the Platte Valley order should be included in the consolidated order. Fluid milk products such as chocolate milk and homogenized milk, when returned from stores, have no feasible use other than for livestock feed. Such classification should be based upon specific records showing the amounts of skim milk and butterfat so disposed of which are made available to the market administrator for verification.

Handlers proposed that Class II use also be assigned to milk which is disposed of in bulk to a commercial food processing establishment for use in food products prepared for consumption off the premises. Soup and candy manufacturers and bakeries are not required to use Grade A milk for the food products they make. Hence, fluid milk products for such use have a value equivalent to that of ungraded milk used for manufactured dairy products. Such use of milk represents an alternative outlet for milk which would otherwise be made into manufactured dairy products. Accordingly, it is provided that such use be assigned to Class II. Such classification would facilitate the disposal of any surplus milk in the market by affording handlers an outlet for such milk other than in manufactured dairy products.

The inventory classification and accounting provisions of the Platte Valley order are similar to those of most Federal orders and should be included in the revised order, with certain minor modifications.

Both of the orders provide for a shrinkage allowance of not more than two percent on receipts of producer milk. Handlers proposed that such shrinkage allowance be divided between the receiving and other operations when performed by different handlers. Such division of shrinkage would allow a certain amount of shrinkage to be associated with the receiving of milk from farms and the remainder of the shrinkage allowance would be associated with the processing, packaging and distribution of the milk. Milk may be received at a pool plant in tank trucks from other pool plants and from cooperative associations as a handler. In such instances the shipping plant or cooperative association should be allowed 0.5 percent shrinkage leaving 1.5 percent allowable shrinkage for the pool plant which may process, package, and/or distribute the milk. However, if a handler regularly accepts bulk tank milk for which a cooperative association is a handler on the basis of the weights taken at the farm, he should be allowed the full two percent shrinkage. This option shall be afforded a handler only if he notifies the market administrator in advance that he is purchasing such milk from the cooperative association on the basis of farm weights.

In view of this division of shrinkage the proration of total shrinkage between pool milk and other source milk received at a pool plant should utilize a volume of pool milk equivalent to that for which a maximum shrinkage allowance of two percent would apply. Otherwise a disproportionate share of the total shrinkage could be assigned to pool milk.

Producers and handlers proposed some modification in the mileage limits within which transfers to nonpool plants would be classified on the basis of actual use. The mileage limits in the Platte Valley and Omaha-Lincoln-Council Bluffs orders are 300 and 150 miles, respectively, from the marketing area. For the combined order, producers proposed a limit of 150 miles from the nearest point in the marketing area, while handlers proposed a limit of 200 miles plus 50 miles from a pool plant.

The purpose of such mileage limits is to establish an area within which sufficient facilities are available for the disposal of surplus milk and that such disposition can be verified by the market administrator without undue expense.

The mileage limit provided in the combined order is 200 miles from the nearer of Omaha or North Platte, Nebraska, or within 50 miles from a pool plant. These mileage limits would encompass all nonpool plants to which surplus supplies are regularly transferred as well as provide for orderly disposal of surplus milk from supply plants located beyond 200 miles from Omaha or North Platte.

Additional proposed changes with respect to classification of transfers to nonpool plants which should be adopted are that assignable Class I milk should be that in excess of receipts of Grade A milk from dairy farmers at such plant, rather than the volume of transfers in excess of Class II use at the plant, that shipments of ungraded cream from such nonpool plants should not be considered as part of the disposal of fluid milk products from such plant, and that any assignable Class I use on transfers to such plants should be prorated among the receipts of all plants subject to the classification and pricing provision of this and other orders issued pursuant to the Act.

A more refined allocation procedure than is provided in the two orders should be adopted to maintain the general principle that producer milk should be given priority in assignment to Class I use. Accordingly, other types of milk

receipts should be subtracted first from Class II utilization of a pool plant. In the subtraction of other source milk, distinction should be made between nonfluid forms of milk products as compared with fluid forms. The distinction is needed to recognize that nonfluid milk products may originate within the plant and enter into the accounting only because they are reprocessed or converted to another product during the month. It follows that if such products are used in Class I disposition, there would be no basis for application of Class I location allowance thereon. A further distinction should be made between other source milk which originates at plants regulated under another order and other source milk which originates at plants not regulated by any order. This should be done so as to give limited priority in Class I assignment to milk which has been priced under another order. Such a priority is provided in the Platte Valley order.

The Platte Valley order has an allocation provision which assigns to Class I the fluid milk products received in packaged form which were priced as Class I under other orders. While the record presents no evidence of present receipts of packaged milk at plants which would be subject to regulation under the proposed merged order, there is evidence of direct distribution from plants subject to other orders. The provision is retained. No evidence was offered in support of a proposal to assign to Class I packaged sour cream priced as Class II milk under Order No. 41, for the Chicago, Illinois, marketing area.

(c) *Class prices.—Class I price.* The price for Class I milk throughout the combined market should continue at the level of the Class I price presently prevailing in the Omaha-Lincoln-Council Bluffs and Platte Valley order markets. Considering the combined receipts and sales in the two markets the present level of Class I prices appear to be in accord with local supply-demand conditions. The record shows that total supplies of fluid milk for both Order No. 113 and Order No. 35 markets have been in reasonable balance with the combined Class I sales. Producer milk under the two orders was equal to 124 percent of such milk sold as Class I during the years 1958 and 1960, and 123 percent during 1959. Handlers in the two markets, to a large extent, are relieved of the need to carry a reserve supply of fluid milk in their plants to allow for changes in sales and production because of the operation of the cooperative association in balancing supplies with needs in both markets.

The proponent producer association proposed a Class I price which would be calculated on substantially the same basis as the present Order No. 35 pricing formula. They did, however, propose a 15-cent per hundredweight increase to such price for milk delivered to plants located in the proposed marketing area west of an indefinite extension of the eastern boundary of Dawson County, Nebraska. Plants located in North Platte, Ogalalla and McCook, Nebraska, would be affected by the proposed 15-cent increase in the Class I price.

The zone pricing should not be adopted. Class I prices in recent years have been the same in both the Platte Valley and the Omaha-Lincoln-Council Bluffs markets. Producer numbers and the average daily production per producer in the counties from which milk is supplied the principal North Platte handler have been increasing in recent years at the prices prevailing in that market. Prices which have prevailed in the area proposed for a 15-cent per hundredweight increase in the Class I price have attracted an adequate supply of milk.

One handler proposed seasonal Class I pricing for the combined order with a seasonally variable Class I differential which would average $1.40 on an annual basis. This annual level corresponds to the differential now effective for each month during the year. The proponent's principal contention was that the seasonal pricing plan under the Des Moines order (Order No. 123) would provide handlers regulated under that order a substantial price advantage during certain months of flush production over handlers located in the western Iowa portion of the proposed marketing area. The months of surplus production in the Des Moines market during which there is any substantial difference in Class I price from that of the Omaha-Lincoln-Council Bluffs order are generally limited to about three months of the year. Des Moines has not, from a historical standpoint, been a surplus supply area for other nearby markets on a year-round basis. Except for the proponent handler, there were no other dealers or producers in support of such a proposal and one handler with substantial sales throughout the proposed marketing area and the principal producer cooperative association, opposed seasonal pricing for Class I milk.

The Class I price of the two orders averaged 42 cents higher than that of the Des Moines order for 1959, for which the Des Moines ratio of receipts to sales was identical with that for the combined orders. Amendment of the Des Moines pricing provisions effective September 1959 reduced the annual average difference in prices to 27 cents for 1960, with producer receipts in that market being 128 percent of Class I sales, compared with 124 percent for the combined markets.

The Class I price of the Kansas City market, from which there is sales competition at points outside the marketing area herein provided, was 13 cents less in 1959 and 11 cents less in 1960 than that of the two orders. In Kansas City producer receipts were 138 percent of Class I sales in 1959 and 142 percent in 1960. On the record of a public hearing held June 2, 1961, the Secretary of Agriculture found in a decision issued June 23, 1961 (26 F.R. 5804), of which official notice is hereby taken, that for the first half of 1960 the Kansas City price was reduced an average of 16 cents due to supply-demand adjustment, as compared with a five-cent average reduction in 1960. The maximum supply-demand adjustment for the Kansas City order has been limited to 30 cents for the remainder of 1961. It is evident that for the near future the difference between Class I prices for these orders and the Kansas City order will be somewhat greater than in 1960. The Kansas City price has a seasonal variation.

Official notice is also taken of the pricing provisions of the recommended decision issued July 6, 1961 (26 F.R. 6301), with respect to the proposed order for the Greater St. Joseph area. A Class I price 10 cents less than the Kansas City price is recommended for that area.

These price differentials have existed since the issuance of the Des Moines order and for a considerably longer period of time with respect to Kansas City and St. Joseph, where negotiated prices have followed the Kansas City pattern. Despite these differences producer supplies in the combined markets have in recent years been barely adequate. At the same time, regulated handlers have extended their sales as outlined heretofore in this decision with respect to the extent of the marketing area. It is therefore concluded that the Class I price should be continued at approximately the present level at this time. Consideration of seasonality of the Class I price and any other changes such as automatic adjustment on the basis of the supply-sales relationships may be deferred to a time when data are available to appraise the pricing mechanism in light of experience gained in operation of the order for the combined and enlarged area. A Class I price fixed at $1.40 per hundredweight for all months over a basic formula price substantially the same as presently provided in Order No. 35 is appropriate at this time.

Class II price. Class II milk under the consolidated order should be priced on the basis of a "butter-powder" formula and at a somewhat higher level than that presently prevailing in the Omaha-Lincoln-Council Bluffs and Platte Valley markets.

The Omaha-Lincoln-Council Bluffs Class II price is presently determined from a butter-powder formula. The Platte Valley Class II price is the Omaha Class II price for the months April through June and increased by ten cents for all other months of the year. During 1960 the Platte Valley Class II price for milk of 3.5 percent butterfat content ranged from $2.80 to $3.11 and averaged $2.96 for the year. The Omaha-Lincoln-Council Bluffs Class II price computed on a comparable butterfat basis ranged from $2.80 to $3.00 and averaged $2.86 for the year. Annual average prices for ungraded manufacturing milk of 3.5 percent butterfat content at seven manufacturing plants which are primarily engaged in the manufacture of butter and powder and which represent outlets for the market's Grade A surplus milk ranged from $2.91 to $3.20 during 1960. The 1960 annual average of prices at these seven plants was $3.03 per hundredweight, seven cents more than Order No. 113 Class II prices and 14 cents over the Order No. 35 price.

The proponent producer association proposed a Class II price as the higher of a butter-powder formula price or a condensery pay price based upon the same manufacturing plants presently specified in Order No. 35 (the basic formula price included herein). During 1960 this would have resulted in an annual average price of $3.20 per hundredweight for 3.5 percent milk. At the hearing, however, this association supported use of only the butter-powder formula price. Under this the Class II price per hundredweight on a 3.5 percent butterfat basis would be determined by adding the product of the Chicago 92-score butter price times 4.24 to the product of 8.2 times the Chicago area spray powder price and from the resulting sum subtracting 60 cents. The use of this proposed formula during 1960 would have resulted in an annual average Class II price at 3.5 percent butterfat at $3.01.

This level of price is more nearly in line with the $3.03 average price paid at the seven butter-powder plants during 1960. This butter-powder formula should result in a level of Class II prices which will prevent undue encouragement to handlers for acquiring milk primarily for manufacturing and should therefore be adopted. There was no opposition from handlers or producers to the proposal which would increase the cost of Class II milk by approximately 15 cents per hundredweight.

The combined order should provide for accounting on a hundredweight basis of milk containing 3.5 percent butterfat, with appropriate butterfat differentials. Under the present Omaha-Lincoln-Council Bluffs order, hundredweight class prices are announced separately for skim milk and butterfat on a 3.8 percent basis.

Milk prices in most of the Federal order markets are quoted on a whole milk basis with butterfat differentials. This procedure provides an allocation of values between skim milk and butterfat such as provided by the fat-skim method of pricing presently used in the Omaha-Lincoln-Council Bluffs order but with much simpler accounting procedures through the application of the butterfat differentials.

The determination of prices for milk testing 3.5 percent butterfat will facilitate price comparisons between the combined order and other nearby markets, most of which are on the same 3.5 percent hundredweight accounting basis. The 3.5 basic test is also more nearly aligned with the average butterfat content of milk in these markets. The average test of producer milk in 1960 was 3.59 percent for the Platte Valley market and 3.64 percent for the Omaha-Lincoln-Council Bluffs market.

Butterfat differentials. Appropriate butterfat differentials are necessary to adjust Class I and Class II prices to the average butterfat for the class, and uniform prices to the tests of milk delivered by producers, to reflect differences in value due to variations in butterfat content from the 3.5 basic test. Because of the fat-skim system of pricing in the Omaha-Lincoln-Council Bluffs order class butterfat differentials have not been necessary; separate prices are computed for milk fat and skim milk contained in each use class. The Platte Valley order, on the other hand, provides for adjustment of prices for fluid milk in Class I by a differential equal to the preceding month's Class II butterfat differential plus 2.1 cents, and for Class II the Chicago butter price multiplied by 0.120.

Proponent producers proposed that class butterfat differentials for the combined market be determined by multiplying the Chicago 92-score butter price by 0.125 for Class I milk and by 0.115 for Class II milk. The proposed Class I butterfat differential will result in somewhat lower butterfat value than that provided for under the present Platte Valley and Omaha-Lincoln-Council Bluffs orders. This reduced emphasis on butterfat in Class I conforms to the trend in the market toward a lower percentage of butterfat in total Class I use. It is concluded that these differentials should be adopted. The differentials in conjunction with other changes heretofore set forth in these findings appear to provide an appropriate basis for adjusting Class I and Class II prices for variation in butterfat content and will be in reasonable alignment with those in orders regulating the handling of milk in nearby Federal order markets.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should be the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II.

Producer butterfat differentials under the present Omaha-Lincoln-Council Bluffs order are the product of the Chicago butter price multiplied by 0.120. The proposed formula is identical to the producer differential computation under the present Platte Valley order. This formula follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handler's Class I and Class II utilization and it is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent. No producer or handler opposition was expressed concerning the butter fat differentials proposed herein.

Location adjustments. Producers proposed that location adjustments on the Class I and uniform prices paid by handlers be computed from the nearest point in the marketing area. It would be more feasible to base such adjustments on the distance from the major population centers in the market since the purpose of such adjustments is to recognize the cost of moving milk to the market. The present uniformity of price at the principal population centers now included in the two marketing areas should be continued and be extended to include the Norfolk area. The Platte Valley order presently provides location adjustments at plants located more than 80 miles from the nearer of Grand Island or North Platte. Use of additional basing points at Columbus, Lincoln and Omaha will make the present Platte Valley provisions appropriate for the expanded area. The adjustment rate of 12 cents for distances of from 80 to 90 miles with an additional 1.5 cents for each additional 10 miles approximates the cost of moving milk and should be continued.

(d) *Provisions with respect to unpriced milk.* The Omaha-Lincoln-Council Bluffs order presently requires compensation payments on other source milk allocated to Class I. During periods that the market administrator determines the producer milk supply to be inadequate, provision is made for nonpool Grade A receipts to be treated as "emergency milk". Utilization up to 107 percent of a handler's Class I sales is then prorated between receipts of producer milk and "emergency milk" without such "emergency milk" being subject to payments.

The pooling standards adopted herein provide opportunity for adequate supplies of milk to be included in the pool on the basis of shipments from supply plants to the market. Provision is made in the allocation procedure to distinguish receipts of other source milk priced as Class I under other orders from receipts for which no minimum class prices are applicable. With these modifications, order provisions rather than an administrative determination of the market administrator should determine when compensatory payments are applicable to unpriced receipts.

It is concluded that such payments should be required with respect to other source milk from unpriced sources allocated to Class I use whenever the supply of producer milk is 110 percent or more of the total Class I sales of pool plants. Producers proposed that the required level of supply be 107 percent. The 107 percent level presently applicable with respect to "emergency milk" applies only on a plant-by-plant basis after the market administrator has determined the need for use of the emergency provisions on some other basis. Use of a marketwide level of supply is necessary to provide uniform application of the payment provisions. Otherwise, a handler could avoid payments by refusing to accept producer milk available in the market.

The rate presently provided, the difference between the Class I and Class II prices, is an appropriate rate for use for computation of payments to the producer-settlement fund. Unpriced milk purchased from unregulated sources will usually represent Grade A milk that is in excess of the demand for distribution in another market. As surplus, its value in the other market is less than the value of milk used for Class I purposes. If pool plant operators could purchase such milk for Class I use without any additional obligation, those doing so would have a competitive advantage over handlers paying order prices for producer milk. There would thus be incentive for handlers to replace producer milk with surplus from another market. Its value as surplus milk in the other market approximates the Class II price of the order, so that the rate presently provided properly reflects the general difference in value between such milk and producer milk used for Class I purposes.

In the computation of compensatory payments the location of the plan from which the milk was received should be considered with respect to receipts in

fluid form and the Class I price used in the determination should be that which would be applicable at a pool plant similarly situated. Location adjustments should not affect the rate computed with respect to other source milk in the form of nonfat dry milk, condensed skim milk or in other nonfluid forms. It is frequently impossible to identify the location at which the milk contained in such products was received from dairy farmers, and transportation costs are relatively minor.

No compensatory payment should be required on milk classified and priced as Class I under another order. Price alignment between orders precludes opportunity for any substantial competitive advantage to Nebraska-Western Iowa handlers purchasing such milk. Likewise, handlers subject to other orders who have route disposition in the marketing area of this order should not be required to make any payments to either the administrative or producer-settlement funds. The present requirement of Order No. 35 that such handlers pay any amount by which the value of Class I milk so disposed of is less under the other order than under Order No. 35 should be deleted.

Another category of unpriced milk is that distributed on routes in the marketing area from nonpool distributing plants. Such milk is other source milk due to the nature of the plant operations which cause the plant to fail to qualify for pool status. Route sales from such plants are normally on a regular basis whereas purchase of other source milk by pool plants usually occurs only when producer milk is not available or when its purchase appears to offer a temporary competitive advantage.

Provision should be made to avoid any price advantage to the operator of a plant distributing Class I milk in the marketing area without qualifying as a pool plant. The provisions adopted, common to many orders, would require that the operator of such a plant pay into the pool any amount by which the classified value of his milk receipts from dairy farmers exceeded his gross payments to such dairy farmers, and that he pay the same administrative expense as though his plant were fully regulated. Recognition would be given to payments made to the producer-settlement and administrative funds of any other order under which the plant may also be subject to partial regulation. In addition, the nonpool handler would also be given the option of having his obligations computed on the volume of his distribution in the marketing area, at the rate of compensatory payment presently provided in the order, adjusted for location of the plant. Under this option, for which comprehensive audits are not required, expense of administration would likewise be computed on the volume of sales in the marketing area.

Such provisions will avoid competitive procurement advantage over fully regulated handlers in this market. Handlers using the first option will have their obligations computed on exactly the same basis as fully regulated handlers. The obligations under the second option will be the same as that incurred when a pool plant uses unpriced other source milk for Class I purposes. Plants whose distribution in the Nebraska-Western Iowa area fail to qualify their receipts for pool status under the standards herein incorporated will be either local plants with utilization far below the market average or outside plants whose procurement areas do not overlap those of fully regulated handlers to any substantial extent. The full use value of their milk that such handlers may pay to the dairy farmers supplying them will not be competitive with the market blend price paid producers by pool handlers.

(e) *Administrative and miscellaneous provisions.* The consolidation and expansion of the two markets will require some revision in the dates for the filing of reports, announcement of prices and making payments from that presently required under Order No. 35 and Order No. 113.

Under the pricing provisions proposed for the combined order, the Class I price for the current month will be based on the preceding month's basic formula price. This will provide the market administrator time in which to compute and announce the Class I price for the current month during the first few days of such month. Under the present provisions of Orders No. 35 and No. 113, the Class I prices for the month are announced on or before the 3rd and 5th day, respectively, following the end of such month. Under this system, handlers do not know their cost of milk until it has been sold. The proposed advance announcement of the Class I price for the month, on the other hand, will permit handlers and producers more time to adjust and plan their operations on the basis of price. It is concluded that the market administrator should announce the Class I price and butterfat differential for the current month and the Class II price and butterfat differential for the preceding month on or before the 5th day of each month.

Handlers under both orders are required to file their reports of receipts and utilization to the market administrator on or before the 7th day following the delivery period. This filing date should also be incorporated under the proposed order. A provision should be made, however, that holidays will be excluded in computing the date for the filing of these reports.

Additional time from that allowed in the present orders should be provided the market administrator for computation of the pool, announcement of uniform price, and notification to handlers of their pool obligations. Because of the greater distances involved in the expanded marketing area, more time will be required for transmission of reports from handlers to the market administrator's office. Taking this and the allowance to handlers of an extra day for filing when holidays are involved into account, it is concluded that the market administrator should announce the uniform price and notify handlers of their pool obligations on or before the 12th day following the end of the month. The additional time required for pool computations and clearance will necessitate deferring the required date of payments to producers from the 12th to the 15th day of the month.

Handlers' payroll reports are required to be filed on the 7th and 20th day following the end of the month in Orders No. 35 and No. 113, respectively. It is concluded that the 20th day after the end of the month will provide the handler sufficient time in which to file this report. In addition to the data presently required to be filed in this report, handlers under the proposed order will be required to furnish certain data with respect to the number of days of diversion of producer milk and the plant location to which such milk was diverted.

Handlers regulated under Order No. 35 are presently required to report to the market administrator the pounds of milk received from producers and associations of producers during the first 15 days of the delivery period. This report would serve no useful purpose under the combined order and should not, therefore, be included in the proposed order. However, the advance payment for producer milk received during the first 15 days of the month should be included in the merged order.

The proponent producer association proposed that handlers be required to report to each cooperative association the amount and class utilization of receipts by such handlers from producer members of the cooperative. As previously stated in these findings, the proponent producer cooperative association has to a large extent operated in both markets to balance supplies with the needs of handlers, thereby relieving handlers of much of the need to carry reserve supplies of fluid milk in their plants. This proposal that handlers report to the cooperative association the class usage of receipts from member producers each month will permit the association to allocate more equitably the supplies of producer milk among the handlers in the market and should be adopted.

Marketing services. Provision should be made for the dissemination of market information to producers, for the verification of weights, and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. The proponent cooperative association, presently the primary supplier of fluid milk to handlers in both markets, has been performing these marketing services for its members in both the Order No. 35 and Order No. 113 markets. In the proposed expanded market, however, there will be a number of distributing plants subject to regulation which procure milk from independent producers. These producers would not be provided with similar services unless performed by the market administrator. The order should provide that six cents per hundredweight, or such lesser amount as the Secretary may determine, be deducted from payments to such producer for use of the market administrator in financing the services. For producers for whom a cooperative association is rendering these services, the handler should pay to the cooperative association the amount of deduction which the producer has authorized the cooperative to collect. These payments by the handler would be in lieu of those required to be made to the market administrator. In view of the small number of non-member producers involved and the distances between plants to which their milk is delivered, this rate is required in the Nebraska-Western Iowa market.

Administrative assessments. The rate of administrative assessment should be not more than three cents per hundredweight to apply to receipts of producer milk, other source milk (except other source milk classified and priced under another Federal milk order) and Class I milk distributed on routes in the market by a nonpool plant not subject to another order. The present rate of assessment under Order No. 35 is two cents per hundredweight while Order No. 113 provides a four-cent charge.

A maximum rate of three cents per hundredweight should be sufficient to provide the market administrator adequate funds for administration of the merged order. If payment of expenses of administration at the rate of three cent per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate payment from time to time.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the amended order, as hereby proposed:

DEFINITIONS

§ 935.1 Act.

"Act" mean Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 935.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 935.3 Department.

"Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 935.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 935.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 935.6 Nebraska-Western Iowa marketing area.

"Nebraska-Western Iowa marketing area", hereinafter called the "marketing area" means all of the territory within the counties of Harrison and Mills, and the townships of Boomer, Crescent, Garner, Hardin, Hazel Dell, Kane, Keg Creek, Lake, Lewis, Minden, Neola, Norwalk, Rockford, Silver Creek, Washington and York in Pottawattamie County, in the State of Iowa; and the counties of Adams, Boone, Buffalo, Burt, Butler, Cass, Clay, Colfax, Cuming, Custer, Dawson, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Kearney, Keith, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Phelps, Otoe, Platte, Polk, Red Willow, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Washington, Wayne, Webster, Valley and York, in the State of Nebraska; including territory within the boundaries of such counties which is occupied by Government (municipal, state, or Federal) reservations, installations, institutions, or other establishments.

§ 935.7 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 935.14.

§ 935.8 Handler.

"Handler" means:

(a) Any person who operates a pool plant. In case a corporation with recognized divisions which are operated as separate business units operates two or more pool plants, each such division shall be the handler with respect to the pool plants it operates;

(b) Any person who operates a nonpool plant from which fluid milk products labeled Grade A are distributed on routes in the marketing area;

(c) Any cooperative association with respect to milk of its member producers diverted from a pool plant to a nonpool plant for the account of such association; and

(d) A cooperative association with respect to milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator and the handler to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it wishes to be the handler for the milk. In this case, the milk is received from producers by the cooperative association at the location of the plant to which it is delivered.

§ 935.9 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and the operator of a distributing plant, and who meets the qualifications specified in paragraphs (a) and (b) of this section:

(a) Receipts of fluid milk products at his plant are solely milk of his own production and from pool plants of other handlers; and

(b) The maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and dis-

tribution of the milk are the personal enterprise and the personal risk of such person.

§ 935.10 Distributing plant.

"Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes in the marketing area.

§ 935.11 Supply plant.

"Supply plant" means a plant from which milk, skim milk, or cream, acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label, is shipped during the month to a pool plant qualified pursuant to § 935.12.

§ 935.12 Pool plant.

"Pool plant" means a plant other than that of a producer-handler or a handler partially exempt pursuant to § 935.61, described in paragraph (a) or (b) of this section. If a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which a volume of Class I milk not less than 50 percent of the Grade A milk received at such plant from dairy farmers, supply plants (exclusive of plants qualifying as pool plants pursuant to this paragraph), and cooperative associations pursuant to § 935.8(d), is disposed of during the month on routes and not less than 15 percent of such receipts are so disposed of in the marketing area; and

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is not less than 50 percent of the Grade A milk received at such plant from dairy farmers and cooperative associations pursuant to § 935.8(d) during such month. A supply plant that qualifies as a pool plant each of the immediately preceding months of August through December, shall be a pool plant for the succeeding months of January through July, unless the plant operator requests the market administrator, in writing, that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 935.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 935.14 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 935.44(e);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 935.8(c), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 935.8(d);

(c) With respect to diversions to nonpool plants pursuant to (a)(2) and (b)(1) of this section:

(1) Such diversions may be without limit during the months of March through June, but not be for more than 16 days production of any producer during any other month and milk diverted in excess of this limit shall not be producer milk; and

(2) For the purpose of location adjustments pursuant to §§ 935.53 and 935.73, milk so diverted shall be priced at the location of the plant to which diverted.

§ 935.15 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 935.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, yogurt, milk drinks (plain or flavored), concentrated milk (frozen or fresh, except evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers), cream, cultured sour cream, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen desert mix, aerated cream products and eggnog).

§ 935.17 Route.

"Route" means any delivery (including delivery by a vendor or through a distribution point, or sale from a plant store) of a fluid milk product to retail or wholesale outlets other than a delivery (a) in bulk to a milk plant, or (b) a food processing plant pursuant to § 935.41(b)(3).

§ 935.18 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92–score) bulk creamery butter at Chicago as reported by the Department during the month.

Market Administrator

§ 935.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 935.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 935.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 935.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under § 935.85, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports or payments required by this part;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records and facilities of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) On or before the 12th day after the end of the month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class; and

(k) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month the Class I milk price pursuant to § 935.51(a) and the Class I butterfat differential pursuant to § 935.52(a) for the current month, and the Class II milk price pursuant to § 935.51(b) and the Class II butterfat differential pursuant to § 935.52(b) for the preceding month, and (2) the 12th day after the end of each month, the uniform price pursuant to § 935.71, and the butterfat differential to be paid pursuant to § 935.72.

Reports, Records and Facilities

§ 935.30 Reports of receipts and utilization.

On or before the 7th day, excluding holidays, after the end of the month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler operating pool plants shall report the quantities of skim milk or butterfat in:

(1) Receipts at each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 935.44(e);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported; and

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each handler specified in § 935.8(b) shall report as required in paragraph (a) of this section except that receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 935.8 (c) or (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 935.8(c);

(3) The quantities delivered to each pool plant of another handler pursuant to § 935.8(d); and

(4) Such other information as the market administrator may require.

§ 935.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 935.61 or one making payments pursuant to § 935.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 935.62(a), his payroll for dairy farmers delivering Grade A milk) which shall show for each producer and for each cooperative association to which payment is made pursuant to § 935.80(d):

(a) The name and address of the producer, dairy farmer or cooperative association;

(b) The total pounds of milk received and the average butterfat content thereof;

(c) The location at which received, and for each producer whose milk was diverted to a nonpool plant, the number of days production diverted and the location of the nonpool plant; and

(d) The price, amount and date of payment with the nature and amount of any deductions.

§ 935.32 Other reports.

Each producer-handler and each handler exempt from regulation pursuant to § 935.61 and § 935.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 935.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 935.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 935.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification

§ 935.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 935.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 935.41 through 935.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 935.41 Classes of utilization.

Subject to the conditions set forth in §§ 935.43 through 935.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any product fortified with added solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) As classified pursuant to paragraph (b)(2) and (3) of this section; or

(2) Not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Disposed of in bulk to a commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Used to produce frozen cream;

(5) Contained in inventory of fluid milk products on hand at the end of the month;

(6) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 935.42(b)(1), but not to exceed the following: Two percent of milk received directly from producers, plus 1½ percent of milk received from pool plants of other handlers in bulk tank lots, plus 1½ percent of milk received from a cooperative association which is the handler for such milk pursuant to § 935.8(d), (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent) less 1½ percent of milk disposed of in bulk tank lots to other plants (except when the preceding exception hereof applies, the applicable percentage shall be two percent); and

(8) In shrinkage of other source milk.

§ 935.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between (1) producer milk and fluid milk products in bulk tanks from pool plants of other handlers, and (2) other source milk in the form of a fluid milk product in the ratio that 50 times the maximum quantity of skim milk and butterfat, respectively, pursuant to § 935.41 (b) (7) bears to that in such other source milk.

§ 935.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who receives such skim milk or butterfat from producers or cooperative associations can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 935.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (e) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk after the subtraction of other source milk and beginning inventory of fluid milk products pursuant to § 935.46; and

(2) If other source milk was received at either or both plants the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk at the two plants;

(b) As Class I milk, if transferred from a pool plant to a producer-handler in the form of a fluid milk product;

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product to a nonpool plant located more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the City Halls of Omaha or North Platte, Nebraska, and more than 50 miles from the pool plant from which transferred or diverted;

(d) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant located not more than 200 miles, by the shortest highway distance as determined by the market administrator from the nearer of the City Halls of Omaha or North Platte, Nebraska, or within 50 miles of the pool plant from which transferred or diverted, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 935.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in the fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant. If such disposition exceeds such receipts, the skim milk and butterfat so moved shall be Class I milk to an extent of not less than a pro rata share of such excess to the receipts at such nonpool plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act; and

(e) That milk transferred in bulk by a cooperative association from its pool plant to a pool plant of another handler and that delivered pursuant to § 935.8 (d) shall be deducted from the producer milk to be classified as that of the cooperative association and shall be included in producer milk classified at the plant of the transferee handler.

§ 935.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 935.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 935.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 935.41 (b) (7);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(4) Subtract the pounds of skim milk in other source milk received in the form of a fluid milk product which is classified and priced as Class I milk under another order issued pursuant to the Act, as follows:

(i) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk contained in fluid milk products received in packaged form and disposed of in the same form as received; and

(ii) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the remaining pounds of skim milk in such other source milk.

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants to be classified pursuant to § 935.44(a), according to such classification; and

(8) If the remaining pounds of skim milk in all classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 935.50 Basic formula price.

The higher of the prices computed pursuant to paragraphs (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pecatonica, Ill.
Oatman Brothers, Inc., Amboy, Ill.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(b) The price computed for the month pursuant to § 935.51(b).

§ 935.51 Class prices.

Subject to the provisions of §§ 935.52 and 935.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic formula price for the preceding month, plus $1.40; and

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.5 percent butterfat shall be determined by the market administrator as follows:

(1) Multiply the butter price by 4.24;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month;

(3) Add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and

(4) Subtract 60 cents therefrom.

§ 935.52 Butterfat differentials to handlers.

If the average butterfat content of the milk received from producers classified, respectively, in Class I or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from the respective class price computed pursuant to § 935.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential rounded to the nearest one-tenth cent computed as follows:

(a) *Class I milk.* Multiply the butter price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply the butter price for the current month by 0.115.

§ 935.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant (or diverted to a nonpool plant) located more than 80 miles by shortest highway distance as measured by the market administrator, from the nearest of the City Halls in Columbus, Grand Island, Lincoln, North Platte and Omaha, Nebraska, and disposed of as Class I milk or assigned to Class I pursuant to paragraph (b) of this section, the price computed pursuant to § 935.51 shall be reduced by 12 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles; and

(b) For purposes of calculating this differential transfers between pool plants shall be assigned to Class I in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts at such plant from producers and cooperative associations pursuant to § 935.8(d), such assignment to be made first to transferor plants at which no differential credit is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 935.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 935.60 Producer-handler.

Sections 935.40 through 935.46, 935.50 through 935.53, 935.70 through 935.73, and 935.80 through 935.87 shall not apply to a producer-handler.

§ 935.61 Plants subject to other Federal orders.

Except for §§ 935.32 through 935.34 the provisions of this part shall not apply to a handler with respect to the operation of plants described as follows:

(a) A plant qualified pursuant to § 935.12(a) from which a lesser volume of fluid milk products is disposed of in the Nebraska-Western Iowa marketing area than in the marketing area of another marketing agreement or order issued pursuant to the Act and which is fully subject to the classification and pricing provisions of such other agreement or order; and

(b) Any plant qualified pursuant to § 935.12(b) for any portion of the period of January through July, inclusive, that producer milk at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act.

§ 935.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 935.80 and 935.86, each handler, other than a producer-handler or a handler exempt pursuant to § 935.61, who operates a nonpool plant during the month, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 935.30, to pay amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 935.80 if such handler had operated a pool plant the sum of (i) the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant, and (ii) any payments with respect to operations of the same month to the producer-settlement funds of other orders issued pursuant to the Act due to the nonpool plant being a partially regulated plant under such other orders; and

(2) As his share of the expense of administration, an amount equal to that which would have been computed pursuant to § 935.86 had such plant been a pool plant, except that if such plant is also partially regulated under another order issued pursuant to the Act, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payment under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount obtained by multiplying the hundredweight of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area by the rate applicable at the location of such handler's plant, pursuant to § 935.63(b); and

(2) As his share of the expense of administration, the rate specified in § 935.86 with respect to Class I milk so disposed of in the marketing area.

§ 935.63 Rate of payment on other source milk.

The following shall be rates of payment on other source milk. They shall be effective pursuant to § 935.70 only in months when the total receipts of producer milk are 110 percent or more of the total amount from all sources classified as Class I at pool plants, but shall be effective in all months pursuant to § 935.62(b)(1):

(a) On other source milk received other than in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential; and

(b) On other source milk received in the form of fluid milk products, subtract the Class II price adjusted by the Class II butterfat differential from the Class I price adjusted by the Class I butterfat differential, and adjust such difference by the location differential applicable at a pool plant of the same location as the nonpool plant supplying such other source milk. Such adjustments are to be made first at the nonpool plant at which no location differential applies and then in sequence at the plants at which the lowest location differential would apply.

DETERMINATION OF PRICES TO PRODUCERS

§ 935.70 Computation of the value of producer milk.

The value of producer milk received by each handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 935.46(c), by the applicable class prices (adjusted pursuant to §§ 935.52 and 935.53);

(b) Add the amount obtained in multiplying the pounds of overage deducted from each class pursuant to § 935.46(a)(8) and the corresponding step of § 935.46(b) by the applicable class prices;

(c) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 935.46(a)(2) and the corresponding step of § 935.46(b) by the rate determined pursuant to § 935.63(a);

(d) Add the amount obtained in multiplying the difference between the Class II price for the preceding month

and the Class I price for the current month by the lesser of:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 935.46(a)(5) and the corresponding step of § 935.46(b); or

(2) The hundredweight of skim milk and butterfat remaining in Class II after the calculation pursuant to § 935.46(a)(5) and the corresponding step of § 935.46(b) in the preceding month;

(e) Add the amount obtained in multiplying the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 935.46(a)(3) and the corresponding step of § 935.46(b) by the rate determined pursuant to § 935.63(b); and

(f) Add the amount obtained in multiplying the rate pursuant to § 935.63 (a) or (b), as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 935.46(a)(5) and the corresponding step of § 935.46(b) which is in excess of the sum of:

(1) The quantity for which payment is computed pursuant to paragraph (d) of this section; and

(2) The quantity subtracted from Class II pursuant to § 935.46(a)(4) and the corresponding step of § 935.46(b) in the preceding month.

§ 935.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 935.70 for all handlers who filed the reports prescribed by § 935.30 and who made the payments pursuant to §§ 935.80 and 935.82;

(b) Subtract during each of the months of April, May and June, an amount equal to eight percent of the resulting sum;

(c) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total value of the location differentials computed pursuant to § 935.73;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 935.72 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 935.72 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 935.46 by the respective butterfat differentials for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resulting figure to the nearest one-tenth cent.

§ 935.73 Location differentials to producers.

The applicable uniform prices to be paid for producer milk received at a pool plant shall be reduced according to the location of the pool plant at the rates set forth in § 935.53.

§ 935.74 Notification of handlers.

On or before the 12th day of each month the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 935.46 and 935.70;

(b) The uniform price computed pursuant to § 935.71;

(c) The amount, if any, due such handler from the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 935.82, 935.85 and 935.86.

PAYMENTS

§ 935.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price pursuant to §§ 935.71, 935.72 and 935.73 and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 935.85, and (3) any deductions authorized by the producer: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 935.83, he may reduce his total payment to all producers uniformly but not less than the amount of reduction in payment from the market administrator, the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler, an advance payment with respect to milk received from such producer during the first 15 days of the month an amount per hundredweight not to be less than the uniform price for the preceding month;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 26th day of the month, an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (b) of this section, less any deductions authorized in writing by such cooperative association;

(2) On or before the 14th day after the end of each month an amount not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less proper deductions authorized in writing by such cooperative association;

(d) To a cooperative association with respect to receipts of milk from such cooperative association classified pursuant to § 935.44(e) as follows:

(1) On or before the 26th day of the month, for milk received during the first 15 days of the month an amount per hundredweight not less than the uniform price for the preceding month; and

(2) On or before the 14th day after the end of each month not less than the value of such milk at the applicable uniform price pursuant to §§ 935.71, 935.72 and 935.73, less the amount of the payment made pursuant to subparagraph (1) of this paragraph;

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 935.71, 935.72 and 935.73;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 935.85 together with a description of the respective deductions; and

(6) The net amount of payment to the producer; and

(f) Nothing in this section shall abrogate the right of a cooperative association to make payments to its member producers in accordance with the payment plan of such cooperative association.

§ 935.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 935.62 (a)(1) and (b)(1), 935.82 and 935.84 and out of which he shall make all payments to handlers pursuant to §§ 935.83 and 935.84.

§ 935.82 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month each handler shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 935.70 (plus, in the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 935.80(d)) is greater than the value of such handler's producer milk at the applicable uniform prices specified in § 935.80.

§ 935.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 935.70 (plus, in the case of a cooperative association that is a handler, the minimum amount due from other handlers pursuant to § 935.80 (d)) is less than the value of such handler's producer milk at the applicable uniform prices specified in § 935.80: *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 935.84 Adjustment of accounts.

Adjustments of accounts shall be made as follows:

(a) Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 935.82 and 935.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within five days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within five days, make such payment to such handler; and

(b) Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 935.80, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 935.80 shall deduct six cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to producer milk received by such handler (except such handler's own farm production) during the month and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 935.86 Expense of administration.

As his pro rata share of the expense of administration of the order each handler shall pay to the market administrator three cents per hundredweight or such lesser amount as the Secretary may prescribe.

(a) On or before the 14th day after the end of the month with respect to (1) receipts at a pool plant of (i) producer milk (including that classified pursuant to § 935.44(e) and (ii) other source milk allocated to Class I pursuant to § 935.46(a) (2) or (3) and the corresponding steps of (b), and (2) producer milk for which a cooperative association is the handler in excess of that delivered to the pool plants of other handlers; and

(b) The quantities of milk at handlers' nonpool plants and at the time as specified in § 935.62.

§ 935.87 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies the handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction of setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 935.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 935.91.

§ 935.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 935.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 935.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such dispo-

sition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 935.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 935.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., August 3, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7493; Filed, Aug. 7, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

MINIMUM WAGE DETERMINATIONS

Adjustment To Conform to Fair Labor Standards Amendments of 1961

Some of the prevailing minimum wage determinations for particular industries currently in effect under section 1(b) of the Walsh-Healey Public Contracts Act as amended (41 U.S.C. 35 et seq.) provide minimum wages higher than $1.15 per hour. Other such determinations, based on evidence now substantially outdated, provide minimum wages of less than $1.15 per hour (41 CFR 50-202). There are also groups of industries which manufacture or furnish materials, supplies, articles, or equipment used in the performance of contracts subject to the Act in which there is no minimum wage protection of the type contemplated by the Act, because no wage determination has been made.

Effective September 3, 1961, the Fair Labor Standards Amendments of 1961 (P.L. 87-30, 87th Cong., May 5, 1961) require the payment of a minimum wage of not less than $1.15 an hour by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce (as those terms are broadly defined in that Act) who does not come within one of its specific exceptions from that requirement. Based upon legal and economic data obtained in over twenty-two years of investigation and litigation, including administration and enforcement of four previous statutory minimum wage increases under the Fair Labor Standards Act of 1938, economic studies, statutory reports to the Congress, and testimony, findings, and reports in administrative and legislative proceedings, I do hereby take official notice, under section 7(d) of the Administrative Procedure Act (5 U.S.C. 1006(d)), that the application of, and compliance with, this requirement is such as to raise to $1.15 per hour any level of lower minimum wages prevailing in any of the groups of industries currently operating in any locality in which materials, supplies, articles, or equipment are to be manufactured or furnished under any contracts subject to the Walsh-Healey Public Contracts Act.

Accordingly, I propose to make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) for effect as to all contracts subject to the Public Contracts Act, bids for which are invited, offers for which are solicited, or negotiations otherwise commenced on or after September 3, 1961, that the prevailing minimum wage is $1.15 per hour in all those groups of industries currently operating in each locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than $1.15 per hour will have been made. Under this proposal, provision will be made for the employment of learners at lesser rates to the same extent such employment is permitted under the Fair Labor Standards Act. Appropriate editorial revision of 41 CFR Part 50-202 will also be made. This proposal is not intended as a substitute for, or a replacement of, any portion of the program for making separate minimum wage determinations for particular or similar industries upon evidence of prevailing minimum wages separately prepared for each.

Any person adversely affected or aggrieved by this proposal (who shall be deemed to include any manufacturer of, or regular dealer in, materials, supplies, articles, or equipment purchased or to be purchased by the Government from any source, who is in any industry to which this proposal is applicable, and any employee or representative of employees of any such person) shall have a hearing, as provided in section 10(b) of the Act (41 U.S.C. 43a(b)), and an opportunity to make a showing contrary to the facts herein officially noticed, as provided in section 7(d) of the Administrative Procedure Act (5 U.S.C. 1006(d)) upon timely application as herein provided.

Such application must be in writing, filed in quadruplicate with the Chief Hearing Examiner, U.S. Department of Labor, Washington 25, D.C., within twenty days after this notice is filed for publication with the Office of the Federal Register. It shall define precisely each industry and each locality in such industry as to which the applicant will make such a showing and state the minimum wages he will show to be prevailing there. Each copy of such application shall have attached a copy of each document the applicant intends to introduce in evidence at the hearing, an identification of each witness he intends to call, a summary of the testimony he expects to develop from each such witness, the name and address of the person selected to present such evidence, and his estimate of the time such presentation will require. The issues at any such hearing shall be limited to those presented in any such application or applications. The time and place of hearing will be published in the FEDERAL REGISTER, if, and after, applications are received. The procedure will be governed by sections 7 and 8 of the Administrative Procedure Act (5 U.S.C. 1006 and 1007), 41 CFR Part 50-203, Subpart C, and the applicable provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.).

Signed at Washington, D.C., this 2d day of June 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-7518; Filed, Aug. 4, 1961; 1:01 p.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

ORGANIZATIONAL STATEMENT

The following organizational statement has been approved by the Deputy Secretary of Defense:

Assistant Secretary of Defense (Public Affairs) (DoD Directive 5122.5)

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of the National Security Act of 1947, as amended, including the Department of Defense Reorganization Act of 1958, one of the positions of Assistant Secretary of Defense authorized by the Act is hereby designated the Assistant Secretary of Defense (Public Affairs with responsibilities, functions, and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Public Affairs) is the principal staff assistant to the Secretary of Defense for public information and community relations. He is responsible within the Department of Defense for an integrated DoD public affairs program which will:

1. Provide the American people with maximum information about the Department of Defense consistent with national security.

2. Initiate and support activities contributing to good relations between the Department of Defense and all segments of the public at home and abroad. These activities will be carried out in overseas areas in collaboration with the Department of State and the United States Information Agency.

3. Plan for Department of Defense censorship activities during a declared National Emergency.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Public Affairs) shall perform the following functions in his assigned fields of responsibility:

1. Provide policy guidance to the Department of Defense on public affairs matters and approve public affairs aspects of actions which have national or international significance in the fields of public information and community relations.

2. Develop public affairs plans, policies and programs in support of DoD activities, and approve public affairs actions which have significance to DoD plans, policies and programs.

3. Provide for security review under the provisions of Executive Order 10501 of all material for public release and publication originated by the DoD, including testimony before Congressional Committees, or by its contractors, departmental personnel as individuals, and material submitted by sources outside the Department for such review.

4. Provide for review of official speeches, press releases, photographs, films, and other information originated within the DoD for public release, or similar material submitted for review by other Executive agencies of the Government. This review will be for conflict with established policies or programs of the DoD or of the national Government.

5. Provide news analysis and clipping service to the Secretary of Defense, Office of the Secretary of Defense, Joint Chiefs of Staff, and Military Departments, as required.

6. Supervise the Department of Defense Information Declassification Program.

7. Evaluate and approve requests for DoD cooperation in programs involving relations with the public.

8. Administer a DoD program for the accreditation of news media representatives to the Department and prescribe attendant policies and procedures.

9. Provide for approval of travel in military carriers of news media representatives, and of other non-Defense personnel, for public affairs purposes.

10. Provide the sole representation of the DoD with regard to formulation or implementation of Government-wide plans, policies, and programs concerning public affairs.

11. Coordinate public affairs in the DoD with those of other departments and agencies of the Government.

12. Provide for the receipt and evaluation of requests for speakers received by the DoD, and, when required, assist in scheduling, programming, and drafting speeches for the participation of qualified personnel.

13. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. The Secretaries of the Military Departments and their military and civilian staffs shall exchange information and cooperate fully with the Assistant Secretary of Defense (Public Affairs) and his staff in a continuous effort to achieve efficient and economical administration of the public affairs activities of the Department of Defense.

B. Commanders of the unified and specified commands established by the Secretary of Defense shall similarly cooperate with the Assistant Secretary of Defense (Public Affairs) to insure that public affairs activities throughout all echelons of their commands properly reflect efficient and economical administration of public affairs activities as directed by the Secretary of Defense. The channel of communication for direction and guidance in public affairs matters shall be directly between those commands and the Secretary of Defense. As to such matters, the ASD(PA) is authorized to communicate directly with commanders of unified and specified commands, coordinating on operational matters with the Joint Chiefs of Staff and, as appropriate, with the military departments.

C. All major components of the Department of Defense shall secure the advice of the Assistant Secretary of Defense (Public Affairs) through established command channels before taking actions which have significant public affairs implications.

D. All major components of the Department of Defense shall provide pertinent information to the Office of the Assistant Secretary of Defense (Public Affairs) to enable concurrent planning to the end that maximum information within the limits of national security can be made available to the public.

E. The Assistant Secretary of Defense (Public Affairs) shall coordinate actions, as appropriate, with the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Office of the Secretary of Defense, and other agencies of the Department to insure responsive fulfillment of his responsibilities.

F. The Assistant Secretary of Defense (Public Affairs) shall, in the performance of his functions:

1. Maintain liaison with and provide appropriate assistance to all information media with respect to matters relating to the activities of the Department of Defense.

2. Maintain liaison with and assist private organizations with respect to matters relating to the activities of the DoD.

V. *Authorities.* A. The Assistant Secretary of Defense (Public Affairs), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities, in accordance with DoD Directive 5025.1. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Through channels established by statute, provide policy guidance to the commands and other organizational entities established by the Secretary of Defense for all public affairs activities, including the release of official information for publication through any form of information media, and the conduct of any informational programs directed in whole or in part to the general public.

3. Obtain such reports and information (in accordance with the provisions of DoD Directives 7700.1 and 5158.1) and assistance from the military departments and other DoD agencies as may be necessary to the performance of his assigned functions.

4. Act as the sole DoD agency at the Seat of Government for the release of official information for dissemination through any form of public information media.

5. Assure the implementation of all public affairs policies and procedures of the DoD, and the integration of all De-

partment of Defense Public Affairs plans, programs, and related activities.

6. Establish the criteria and be the approving and issuing authority for all credentials required by the United States or foreign news gathering media representatives traveling in or outside the United States in connection with coverage of official DoD activities.

7. Approve military participation in public exhibitions, demonstrations, and ceremonies of national or international significance.

8. Make use, as he deems necessary for carrying out his assigned responsibilities and functions, of established facilities in the Office of the Secretary of Defense, military departments, and other DoD agencies.

9. Act as the sole agency of the Department of Defense for coordination of all matters covered by this Directive with other departments and agencies of the Government, as appropriate.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Public Affairs) will be referenced in an enclosure to this Directive.

VI. *Defense Public Affairs Working Group.* There shall be a Defense Public Affairs Working Group to advise and assist the Assistant Secretary of Defense (Public Affairs) in implementing the provisions of this Directive. The Group shall consist of the Assistant Secretary of Defense (Public Affairs), as Chairman, the Deputy Assistant Secretary of Defense (Public Affairs), and the Chiefs of Information of the Army, Navy, Air Force, and Marine Corps.

Assistant Secretary of Defense (Public Affairs) (DoD Directive 5122.5), published at 24 F.R. 6102, is hereby superseded and cancelled.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-7445; Filed, Aug. 7, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-0153858]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JULY 31, 1961.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 0153858, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for a roadside zone.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BRIDGER NATIONAL FOREST

Greys River-LaBarge Creek (Forest Development Road No. 100.1) Roadside Zone

A strip of land 200 feet on each side of the centerline of Greys River-LaBarge Creek Road No. 100.1 through the following legal subdivisions:

T. 28 N., R. 115 W.,
Sec. 31, Lots 7, 8.
T. 29 N., R. 115 W.,
Sec. 31, Lot 2, SE¼NW¼, E½SW¼, SW¼SE¼;
T. 28 N., R. 116 W.,
Sec. 2, Lot 8, SW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 11, E½NW¼, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, W½W½;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, W½NW¼, SE¼NW¼, E½SW¼;
Sec. 25, E½NW¼, SW¼NE¼, W½SE¼, NE¼SW¼;
Sec. 36, N½NE¼, SE¼NE¼, E½SE¼.
T. 29 N., R. 116 W.,
Sec. 5, W½W½;
Sec. 6, SE¼NE¼, E½SE¼;
Sec. 7, E½NE¼;
Sec. 8, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 16, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 17, N½NE¼, NE¼NW¼;
Sec. 21, N½NE¼;
Sec. 22, W½NW¼, SE¼NW¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 23, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 25, SW¼NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 26, E½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 36, N½NE¼, SE¼NE¼.
T. 30 N., 116 W. (unsurveyed),
Sec. 4, E½NW¼, SW¼NW¼, SW¼;
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼, SW¼NE¼, W½SE¼, E½SW¼;
Sec. 17, E½NW¼, SW¼NW¼, SW¼;
Sec. 20, E½NW¼, SW¼NE¼, W½SE¼, E½SW¼;
Sec. 29, E½NW¼, SW¼NW¼, W½SW¼;
Sec. 32, W½W½.
T. 31, N., R. 116 W. (unsurveyed),
Sec. 5, W½NE¼, NE¼NW¼, SE¼;
Sec. 8, N½NE¼, SE¼NE¼;
Sec. 9, SW¼NW¼, W½SW¼;
Sec. 16, W½W½;
Sec. 17, E½SE¼;
Sec. 20, NE¼, NE¼SE¼;
Sec. 21, N½SW¼, SE¼SW¼;
Sec. 28, E½W½;
Sec. 33, E½W½.
T. 32 N., R. 116 W. (unsurveyed),
Sec. 5, S½SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 8, SW¼NE¼, N½NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 17, E½NE¼, NW¼NE¼, E½SE¼, SW¼SE¼;
Sec. 20, E½SW¼, W½E½;
Sec. 29, E½NW¼, NE¼SW¼, W½SE¼;
Sec. 32, W½E½, E½W½.
T. 33 N., R. 116 W.,
Sec. 4, SW¼SW¼;
Sec. 5, Lot 1, SE¼NE¼, E½SE¼;
Sec. 8, NE¼NE¼;
Sec. 9, W½NW¼, SE¼NW¼; E½SW¼;
Sec. 16, E½W½, W½SE¼;
Sec. 21, W½E½, E½NW¼;
Sec. 28, W½E½;
Sec. 33, W½E½, SE¼NE¼, E½SE¼.
T. 34 N., R. 116 W.,
Sec. 6, Lots 2, 3, 4, 6, SW¼NE¼;
Sec. 8, Lot 1, SW¼NW¼, W½SW¼;
Sec. 17, Lots 1, 2, 3, 4, E½NW¼, SW¼SE¼;
Sec. 20, Lots 1, 5, E½SW¼, W½SE¼;
Sec. 29, W½NE¼, SE¼, E½W½;
Sec. 32, Lot 4, NE¼, NE¼SE¼.
T. 34 N., R. 117 W.,
Sec. 1, Lots 5, 6, 7, 8, S½NW¼, SW¼NE¼;
Sec. 2, Lots 1, 2, 8.
T. 35 N., R. 117 W.,
Sec. 4, SW¼NW¼, W½SW¼;
Sec. 5, Lot 1, SE¼NE¼;
Sec. 9, W½W½, E½SW¼;
Sec. 16, W½E½, E½W½;
Sec. 21, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 22, W½SW¼, SE¼SW¼;
Sec. 26, W½SW¼;
Sec. 27, S½NE¼, NW¼NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 35, NW¼, N½SW¼, SE¼SW¼.
T. 36 N., R. 117 W.,
Sec. 7, Lots 6, 7, SE¼SW¼;
Sec. 18, Lots 1, 2, 3, E½W½;
Sec. 19, W½SE¼, E½W½;
Sec. 29, SW¼SW¼;
Sec. 30, NE¼, E½SE¼;
Sec. 32, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼, NW¼.
T. 37 N., R. 117 W.,
Sec. 27, NE¼NW¼, S½NW¼, E½SW¼, NW¼SW¼, W½SE¼;
Sec. 28, N½SE¼; SW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 29, S½SE¼, SW¼;
Sec. 30, SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, N½NW¼;
Sec. 34, W½E½, NE¼NW¼.
T. 36 N., R. 118 W.,
Sec. 12, Lots 1, 2, S½NE¼, N½SE¼.
T. 37 N., R. 118 W.,
Sec. 28, SE¼SW¼;
Sec. 33, NE¼NW¼, NW¼NE¼, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 34, S½ (unsurveyed);
Sec. 35, S½ (unsurveyed);
Sec. 36, S½ (unsurveyed).

Total area 17,096.54 acres, more or less.

DAVID B. MORGAN,
Acting Land Office Manager.

[F.R. Doc. 61-7455; Filed, Aug. 7, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

July Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the CCC Monthly Sales List for July 1961 as amended is further amended as set forth below:

The entire section of the Sales List relating to Grain Sorghums is deleted and replaced with the following:

Grain Sorghums

Domestic: unrestricted use:
Storable: Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality, and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of grain authorized for such redemption, at any location whenever such action is deemed necessary.
Available: Through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable—(as available): At not less than market price, as determined by CCC, through the ASCS Commodity Offices indicated above.
Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales. Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

The following is added to the section Dry Edible Beans.

Class	Price per hundredweight	Area of production
Red Kidney	$8.04	Calif.

Available Portland ASCS Commodity Office.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on August 2, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7462; Filed, Aug. 7, 1961; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JAMES A. BRANDT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Bowmar Instrument Corp., Minnesota Mining & Manufacturing Co., Republic Steel Corp., Sealright-Oswego Falls Corp.

This statement is made as of July 27, 1961.

JAMES A. BRANDT.

JULY 27, 1961.

[F.R. Doc. 61-7464; Filed, Aug. 7, 1961; 8:49 a.m.]

JAMES P. WHITLOCK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1961.

JAMES P. WHITLOCK.

JULY 30, 1961.

[F.R. Doc. 61-7465; Filed, Aug. 7, 1961; 8:49 a.m.]

TARIFF COMMISSION

CARPETS AND RUGS

"Escape Clause" Report

AUGUST 3, 1961.

The Tariff Commission today made public a report of its finding and conclusion in "escape clause" investigation No. 104, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered Wilton, velvet, and similar floor coverings dutiable under paragraph 1117(a) of the Tariff Act of 1930. Under that act, such carpets and rugs valued at not more than 40 cents per square foot were originally dutiable at 40 percent ad valorem and those valued at more than 40 cents per square foot, at 60 percent ad valorem. All such floor coverings are now dutiable, pursuant to concessions granted in the General Agreement on Tariffs and Trade, at the rate of 21 percent ad valorem regardless of type or value.

The Commission found that these carpets and rugs are being imported into the United States in such increased quantities, both actual and relative (to domestic production), as to cause serious injury to the domestic industry producing like products. The Commission also found that in order to remedy the serious injury it is necessary that the duty on Wilton, velvet, and similar carpets and rugs dutiable under paragraph 1117(a) be increased to 40 percent ad valorem.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 61-7466; Filed, Aug. 7, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-64]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Great Western Drilling Co., through Communications Engineering Co., Dallas, Texas, proposes to construct a radio antenna structure near McCamey, Texas, at latitude 31°13'40" north, longitude 102°13'26" west. The overall height of the structure would be 3,488 feet above mean sea level (370 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 7 miles north of the Upton County Airport, McCamey, Texas, and would exceed the outer conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 463 feet. The Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 28, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7442; Filed, Aug. 7, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-17]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Board of Chosen Freeholders, County of Passaic, Paterson, New Jersey, proposes to construct a radio antenna tower near Paterson, New Jersey, at latitude 40°56'-02" north, longitude 74°12'01" west. The overall height of the structure would be 817 feet above mean sea level (300 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 3 miles northeast of the Totowa-Wayne Airport, Patterson, New Jersey, and would exceed the inner conical surface criteria of the Joint Industry/Government Tall Struc-

tures Committee, as applied to this airport, by 284 feet. It would be located approximately 5.4 miles northeast of the Caldwell-Wright Airport, Paterson, New Jersey, and would exceed the outer conical surface of JIGTSC criteria, as applied to this airport, by 141 feet. However, the Agency study revealed that these factors would have no adverse effect upon the aeronautical operations at these airports.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 28, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7443; Filed, Aug. 7, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-18]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Radio Station WAND, Pittsburgh, Pennsylvania, proposes to increase by 30 feet the overall height of an existing radio antenna structure in Pittsburgh, Pennsylvania, at latitude 40°26'28" north, longitude 80°01'32" west. The new overall height of the structure would be 1,616 feet above mean sea level (456 feet above ground).

No objections were made in response to the circularization. The structure is located approximately .8 mile south southeast of the Gateway Sea Plane Base, Pittsburgh, Pennsylvania, and would exceed the horizontal surface criteria of the Agency's TSO-N18, as applied to this base, by 751 feet. The Agency study revealed that the proposed increase in structure height would have no adverse effect upon aeronautical operations at this base.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed increase in structure height to the mean sea level elevation specified herein would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 31, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7444; Filed, Aug. 7, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR 61-1 etc.]

AREA RATE PROCEEDING ET AL.

Order Requiring Certain Data Be Filed in Proper Form and Presented in Evidence

AUGUST 2, 1961.

Area Rate Proceeding, Docket No. AR61-1; Claude E. Aikman, Docket No. G-18466, et al.; North Central Oil Corporation (Operator), et al., Docket No. CI60-435, et al.

On December 23, 1960, in these consolidated proceedings, the Commission issued an order "Instituting Area Rate Hearing, Consolidating Proceedings and Prescribing Preliminary Procedures" which, among other things, provided that a pre-hearing conference be held for effectuation of the purposes specifically mentioned in § 1.18 of the rules of practice and procedure, with particular emphasis on expediting the Commission's hearing proceedings as set forth in Order No. 217. Pursuant to the aforementioned order, the presiding examiner on May 26, 1961, filed a summary report of such conference. This report points out the complexity of the substantive and procedural issues present in these proceedings. The report, together with certain motions and comments, which have been filed herein, suggest certain further procedures to expedite the proceedings. Therefore, after considering the full record of the afore-mentioned conference, the presiding examiner's report thereon, and the aforementioned filings, we believe it is in the public interest to now set these matters for hearing and to prescribe certain procedures to expedite the proceedings.

In our Statement of General Policy No. 61-1,[1] we stated that among the factors to be considered in determining just and reasonable rate standards for gas sold in the areas therein delineated, are (1) Existing and historical price structures; (2) pricing trends; (3) history and trends in gas production; (4) history of and trends in exploration and development; (5) available markets for gas; (6) trends in demands for gas; and (7) certain cost data. With respect to Items 1 through 6, it appears that the parties to the proceeding propose to present comprehensive data of an economic nature on an industry-wide basis. To the extent that similar data may be available for the Permian Basin area,[2] we believe that they should be compiled and introduced in the formal record of these proceedings. To this end, we shall require the Commission staff to compile such data as may be available from Commission records with respect to jurisdictional sales in the Permian Basin area, and shall require the respondents herein to check such data; to indicate actual conditions of delivery and similar data for each jurisdictional sale; and to furnish additional data set forth in Appendix A attached hereto.[3] Appendix A requires, inter alia, the submission of data with respect to natural gas reserves of the respondents for a period of years. These data shall not be incorporated in the record in these proceedings pending further order of the Commission herein.

The record of the prehearing conference and the presiding examiner's report thereon indicate the preparation and presentation of cost data by the producers present two problems: (1) Uncertainty whether the sample of producer costs will be representative; and (2) whether access would be granted all parties to the data underlying a cost presentation by the producers. We are of the opinion that in this, the first area rate proceeding, it is desirable that cost data be included in the record with respect to the operations of all producers in the area and these data, of course, should be made available to all parties to the proceedings. We stated in our order of April 5, 1961 herein that we recognized the problems of small independent producers in assembling cost data and that data required from such producers must be fitted to their type of operations. We shall, therefore, at this time, require each respondent having company-wide, jurisdictional sales of more than 2,000,000 Mcf of natural gas during the year 1960 to submit appropriate cost data for that year of the character discussed in our order of April 5, 1961. We shall subsequently issue a further order requiring respondents having jurisdictional sales of 2,000,000 Mcf or less during the year 1960 to submit cost data which we deem appropriate for producers in that category.

Cost data to be submitted by each respondent having company-wide, jurisdictional sales of more than 2,000,000 Mcf during the year 1960 shall be those required by Appendix B attached hereto.[3] The basic data required by Appendix B are set forth in 23 schedules, part of such schedules being applicable only to producers having gathering or processing operations. Appendix B also consists of explanations and instructions concerning the items of cost data required in the schedules. Both the schedules and the explanatory material are derived in great part from the questionnaires proposed by the producers at the time of the prehearing conference and it is anticipated that the explanatory material will assist in the preparation of the cost data and will minimize the questions which will be raised in connection therewith. We shall direct the Commission staff to compile cost data required by this order in such manner as to be available for introduction in the formal record in these proceedings.

The presiding examiner has certified to us for consideration a renewal of the motion by Slade, Inc., filed in these proceedings on January 9, 1961, and denied by our order of February 3, 1961, herein, without prejudice to future consideration by the Commission. The motion generally proposes that after the determination of the appropriate level of rates on an area basis, the individual producer be given the opportunity to demonstrate the reasonableness of particular rate or rates of such producer. We stated in our Statement of General Policy No. 61-1 that "our determination will be in the nature of setting a price for the gas itself from any source questioned and not necessarily a price applicable solely to the party proposing some other price." We have further stated in our order of April 5, 1961, herein, that cost data should be developed on a group basis. In view of the purpose of this hearing, not only is it inappropriate to permit in the hearing presentations to demonstrate the reasonableness of particular rate or rates of individual producers, but it would appear that such presentations subsequent to the issuance of a general rate order would vitiate the purpose of the hearing. However, a ruling on the Slade motion at this time would be premature since the record in these proceedings has not been made and, therefore, action on the motion should be deferred until we have had an opportunity to review that record and consider all the information contained therein.

On June 28, 1961, Sun Oil Company, a respondent in these proceedings, filed an appeal from the presiding examiner's report of the pre-hearing conference. Our rules make no provision for such an appeal nor has the presiding examiner ruled on any matters which would properly be the subject of an appeal at this time. The appeal of Sun Oil Company will therefore be denied.

Because of the large number of parties involved in these proceedings the provisions as to service, as set out in § 1.17 of the Commission's rules of practice and procedure[4] may be onerous. Therefore, it would be in the public interest to waive those provisions of the rules and in lieu thereof provide that each party who desires to be served with copies of filings made by other parties to these proceedings, shall file an original and three copies of a request to be so served with the Secretary on or before September 1, 1961, with an attached certificate of service showing service of such request on all parties to these proceedings. On and after September 2, 1961, service of filings by the parties hereto shall be required only on those parties who have so indicated and on staff counsel. Notices, orders or decisions of the presiding examiner or the Commission shall continue to be served on all parties to the proceedings.

At the initial session of the hearing hereinafter ordered, and as directed by the presiding examiner, the respondents shall be afforded the opportunity to offer such relevant exhibits and testimony as they may desire to offer with respect to the economic aspects of the finding, producing, gathering, processing and sale of natural gas. In this initial session, as in all others, the presiding examiner, exercising all the powers of his office, is explicitly empowered to invoke the benefits resulting from the aforementioned pre-hearing conference to expedite these proceedings, where possible and proper and without derogation of the rights of any party, by grouping parties of common interests and thereby limiting the number of persons individually and actively participating, the number of witnesses that may be heard upon any specific issue raised in these proceedings and the number of attorneys who may be permitted to examine or cross-examine on any such issue. In addition, the presiding examiner is explicitly empowered to take such other steps as appear necessary and proper to further expedite these proceedings.

The Commission finds: (1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, particularly sections 4, 5, 7, 8, 10, 14 and 16 thereof, that the respondents herein be required to furnish certain data to the Commission, the Commission staff be directed to compile data, a date be set for the hearing herein, and procedures be prescribed for such hearing, all as hereinafter ordered.

(2) Action on the motion by Slade, Inc., should be deferred and the appeal of Sun Oil Company should be denied.

(3) It is appropriate and in the public interest that the Commission waive the provisions of § 1.17(b) of the Commission's rules of practice and procedure with respect to service of documents in this proceeding to the extent hereinafter ordered.

The Commission orders:

(A) The Commission staff shall compile data with respect to each rate schedule on file with the Commission for the jurisdictional sale of gas from the Permian Basin area and shall, not later than September 11, 1961, forward to each respondent the data compiled with respect to such respondent's rate schedules. Each respondent shall, not later than October 12, 1961, return such compiled data to the Secretary of the Commission with its comments concerning the accuracy of the data and shall furnish at the same time information regarding the actual conditions of delivery and similar data under each such rate schedule.

(B) All respondents to these consolidated proceedings shall complete and on or before October 12, 1961, shall file with the Secretary of the Commission three copies of the data required by Appendix A entitled "Operating Data."

(C) All respondents to these consolidated proceedings having company-wide jurisdictional sales of more than 2,000,000 Mcf of natural gas during the year 1960, shall complete and on or before December 29, 1961, shall file with the Secretary of the Commission three copies of the data required by Appendix B entitled "Costs and Statistics Pertaining To Oil and Gas Production, Exploration, Gas Gathering and Products Extraction Operations, Year 1960".

(D) The data furnished in compliance with paragraphs (A), (B), and (C) hereof shall be compiled in composite form by the Commission staff for introduction in these proceedings. Such data furnished by the respondents as ordered herein shall not be available to any party other than the Commission or its staff until the data in composite form have been introduced in evidence in these proceedings.

(E) Action on the motion by Slade, Inc., is hereby deferred and the appeal of Sun Oil Company is hereby denied.

(F) All parties to these proceedings desiring to receive copies of filings made herein by other parties shall, on or before September 1, 1961, so notify the Secretary of the Commission by filing an original and three copies of a notice to that effect, with a certificate of service showing that a copy thereof has been properly served on all parties to these proceedings. On and after September 2, 1961, the service required by § 1.17(b) of the Commission's rules of practice and procedure shall be made on the parties filing the notices required by this paragraph and on staff counsel.

(G) A public hearing shall be held commencing on October 3, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the just and reasonable rate or rates for the gas sold in the area hereinbefore set out.

(H) At such hearing, the respondents shall present their direct case with respect to the economic issues in these proceedings.

(I) Thereafter the presiding examiner shall control the progress of the hearing and shall, within the requirements of due process, take such action in connection with the presentation of evidence and the examination and cross-examina-

[1] 18 CFR 2.56; 25 F.R. 13969 and 26 F.R. 3066.

[2] Chaves, Eddy, and Lea Counties, N. Mex., Texas Railroad Commission District Nos. 7-c and 8.

[3] Filed as part of original document.

[4] 18 CFR 1.17.

tion of witnesses, as will prevent repetitious testimony or questioning and will otherwise expedite these proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-7446; Filed, Aug. 7, 1961; 8:46 a.m.]

[Docket No. G-11980]

TENNESSEE GAS TRANSMISSION CO.

Order Fixing Date for Oral Reargument

AUGUST 1, 1961.

On February 13, 1961, the Presiding Examiner issued a decision in the above-designated proceeding. Exceptions thereto were filed and several of the parties requested an opportunity to present oral argument before the Commission in support of their exceptions.

Pursuant to order issued April 7, 1961, the Commission heard oral argument in this proceeding on May 9, 1961. No decision has been rendered in this proceeding.

Because of the changes in membership of this Commission, it is desirable that another oral argument be had in this proceeding on these matters.

The Commission finds: It is appropriate and in the public interest that another oral argument be had before the Commission in these matters as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on September 22, 1961, at 10:00 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's decision herein.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before September 11, 1961, of such intention and of the time required for presentation of their argument.

By the Commission.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-7447; Filed, Aug. 7, 1961; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC NATIONAL BANK OF JACKSONVILLE AND ATLANTIC TRUST CO.

Order Approving Applications

In the matter of the applications of The Atlantic National Bank of Jacksonville and Atlantic Trust Company for prior approval of acquisition of voting shares of the Lake Shore Atlantic Bank, Jacksonville, Florida.

There having come before the Board of Governors pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and section 4(a)(2) of the Board's Regulation Y (12 CFR 222.4(a)(2)), applications by The Atlantic National Bank of Jacksonville and Atlantic Trust Company, both of Jacksonville, Florida, for the Board's prior approval of the acquisition of up to 39,400 of the 40,000 shares of a proposed bank, the Lake Shore Atlantic Bank, Jacksonville, Florida; a Notice of Receipt of Applications having been published in the FEDERAL REGISTER on May 9, 1961 (26 F.R. 4006), which provided interested persons an opportunity to submit comments and views regarding the proposed acquisition; and the time for filing such comments and views having expired and no such comments or views having been filed;

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date that the said applications be and hereby are granted, and the acquisition by The Atlantic National Bank of Jacksonville and Atlantic Trust Company of up to 39,400 of the 40,000 shares of Lake Shore Atlantic Bank, Jacksonville, Florida, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated at Washington, D.C., this 2d day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON, *Assistant Secretary.*

[F.R. Doc. 61-7448; Filed, Aug. 7, 1961; 8:47 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Atlanta.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 3, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37285: *Soda ash from Saltville, Va., to Hapeville and Forest Park, Ga.* Filed by O. W. South, Jr., Agent (No. A4120), for interested rail carriers. Rates on soda ash, dense, in bulk, in carloads, from Saltville, Va., to Forest Park and Hapeville, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 180 to Southern Freight Association tariff I.C.C. 1538.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7457; Filed, Aug. 7, 1961; 8:48 a.m.]

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Washington, Wednesday, August 9, 1961

THE UNIVERSITY OF MICHIGAN
AUG 14 1961
MAIN READING ROOM

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—FARM OWNERSHIP LOANS

[FHA Instruction 443.1, Administration Letter 703 (440)]

PART 331—POLICIES AND AUTHORITIES

Miscellaneous Amendments

1. Section 331.4, Title 6, Code of Federal Regulations (21 F.R. 10444), is superseded by § 331.2, Title 6, Code of Federal Regulations (21 F.R. 10443), which is revised to read as follows:

§ 331.2 Objectives.

The basic objectives of Farm Ownership loans are to enable farm families to become soundly established in a successful system of farming and to qualify for credit from other sources within a reasonable period, to promote more secure occupancy of farms and farm homes, and to correct economic instability resulting from changing conditions and some forms of farm tenancy. Primary emphasis will be given to assisting farm families who will conduct a family-type farming operation. Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government in accordance with Part 302 of this chapter. These objectives will be accomplished by extending credit and supervisory assistance to:

(a) Individuals who will be owner-operators of family-type farms that will provide adequate income to meet living and operating expenses and amounts due on their loans.

(b) Disabled veterans who will be owner-operators of less than family-type farms that, together with their pensions, will provide adequate income to meet living and operating expenses and amounts due on their loans.

(c) Individuals who are established bona fide farmers and owner-operators of less than family-type farms that, with income from other sources, will enable the family to meet living and operating expenses and amounts due on their loans.

(Secs. 1, 41, 50 Stat. 522, as amended, 528, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1001, 1015, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

2. Section 331.3, Title 6, Code of Federal Regulations (21 F.R. 10443, 24 F.R. 10042), is revised to delete the definition of "income," delete the limitation of land includable within the term "farm," modify the definition of a less than family-type farm, and prescribe the use of a new County Committee certification form. The section as revised reads as follows:

§ 331.3 Definitions.

(a) *Family-type farm.* A family-type farm is defined as a farm (1) that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living, pay operating expenses, including maintenance of necessary livestock, farm and home equipment, land and buildings, pay their debts, and have a reasonable reserve to meet unforseen emergencies, (2) for which the management is furnished by the operator and his immediate family, and (3) for which the labor is furnished primarily by such operator and family except during seasonal peakload periods. It is not intended to include in this definition farms which require large amounts of seasonal hired labor.

(b) *Less than family-type farm.* A less than family-type farm is defined as a farm on which the applicant's income from the land he owns will be insufficient to meet the requirements of a family-type farm as defined in paragraph (a) of this section. In any case, to be suitable for a Farm Ownership loan, a less than family-type farm is one (1) that will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, (2) that will provide farm income which together with any income from other sources, including income from rented land or grazing permits, will enable the family to have a reasonable standard of living, pay operating expenses, pay their debts, and have a reasonable reserve for unforeseen emergencies, (3) on which the management is furnished by the operator and his immediate family, (4) for which the labor is furnished primarily by the operator and his immediate family except during seasonable peak-load periods, and (5) that will be recognized in the community as a farm rather than a rural residence. It is not intended to include in this definition farms which require large amounts of seasonal hired labor.

(c) *Farm.* The word "farm" as used in regulations relating to Farm Ownership loans includes the land, buildings, fences, water, water stock, water facilities, and other improvements which customarily pass with the farm in the change of ownership.

(1) In some states, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvement or appurtenances, the County Supervisor, with the advice of the designated attorney, title insurance company, or the Office of the General Counsel, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by a first real estate or chattel mortgage.

(2) In some areas, facilities or improvement items not generally considered to be a part of the real estate, however, ordinarily do pass with the land when such a farm changes ownership. If it is administratively determined that certain such items customarily do pass with the land in the area, Farm Ownership loan funds may be included for the acquisition of such items necessary to the efficient operation of the farm. The advice of the designated attorney, title insurance company, or the Office of the General Counsel should be obtained in such cases. Where such facilities or improvement items do not commonly pass with the land when such a farm changes ownership, Farm Ownership loan funds will not be used for acquisition of the facilities even though such facilities may be necessary to the efficient operation of the farm.

(d) *Average value.* The term "average value" for a county, parish, or locality means the average value of efficient family-type farm-management units situated in the county or parish as shown in § 331.17 of this part.

(e) *Fair and reasonable value.* The term "fair and reasonable value of the farm" means the amount certified by the County Committee on Form FHA 440-2, "County Committee Certification," to be the value of the farm after planned improvements are made.

(Secs. 1, 2, 3, 41, 50 Stat. 522, as amended, 523, as amended, 528, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1001, 1002, 1003, 1015, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

3. Subparagraph (4) of § 331.5(a), Title 6, Code of Federal Regulations (25 F.R. 1905), is revised to delete the provision relating to applicants who spend a major portion of their time in off-farm employment, and to read as follows:

§ 331.5 Eligibility and preference.

(a) • • •

(4) If he is applying for a loan on a less than family-type farm, be (i) an owner-operator who is an established bona fide farmer conducting substantial farming operations and who, for a substantial portion of his life, has resided on a farm and depended on a farm income for his livelihood, or (ii) a disabled veteran with a pensionable disability and who has previous farming experience or training.

(Secs. 1, 3, 41, 50 Stat. 522, as amended, 523, as amended, 528, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1001, 1003, 1015, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

4. Subparagraph (1) of § 331.6(b), Title 6, Code of Federal Regulations (25

F.R. 1905), is revised to amend the exceptions pertaining to land purchase; paragraph (c) of § 331.6, Title 6, Code of Federal Regulations (22 F.R. 7629), also is revised to modify the scope of eligible poultry enterprises. Paragraphs (b) (1) and (c) read as follows:

§ 331.6 Loan purposes.

* * * * *

(b) Farm Ownership loans may not be made for the purpose of:

(1) Purchasing land when (i) the farm will be "less than family-type farm," as defined in § 331.(b) of this part, except for a qualified disabled veteran, (ii) the applicant will be spending a substantial portion of his time during the year in off-farm employment, (iii) the applicant will be renting land which will be a substantial part of his total farming operation, or (iv) a major portion of the income-producing acreage will be in the conservation reserve under the Soil Bank Program. However, if the land under a conservation reserve contract will be available for use by the first full crop year after the date of loan approval, the land may be purchased with loan funds.

* * * * *

(c) Within the policies and regulations applicable to the making of Farmerns Home Administration loans, the following will be observed in considering applications for loans involving poultry production:

(1) Farmers Home Administration loans will not be made to establish new operators in large commercial poultry enterprises for the production of meat birds or eggs.

(2) Farmers Home Administration loans may be made to establish or expand small poultry enterprises needed to supplement farming operations, provided the total poultry enterprise will not exceed a 10,000-broiler capacity or a 1,500-layer capacity. For other types of poultry enterprises, the labor requirements should not be greater than that required for 10,000 broilers or 1,500 layers.

(3) Farmers Home Administration loans may be made to established family-type farmers who are primarily engaged in the production of meat birds or eggs or whose poultry enterprise constitutes a substantial part of their farming systems to finance such enterprise, including the making of adjustments as necessary for a sound operation, provided they have a good record of operations, have the managerial ability to successfully carry on the proposed operations, and the total farming operations will not exceed family-type.

(4) Farmers Home Administration loans may be made to established poultry producers, other than those referred to in subparagraphs (2) and (3) of this paragraph, but who are otherwise eligible, to finance their customary level of poultry operations provided they have a good record of operations.

(5) The above policies do not prohibit the making of Farmers Home Administration loans to poultry producers for purposes other than the production of poultry.

(Secs. 1, 2, 3, 41, 44, 50 Stat. 522, as amended, 523, as amended, 528, as amended, 530, as amended, sec. 17, 70 Stat. 802, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1001, 1002, 1003, 1015, 1018, 1006d, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

5. Section 331.14, Title 6, Code of Federal Regulations (22 F.R. 2503), is revised to restrict the loan approval authority of State Office officials and to read as follows:

§ 331.14 Loan approval authority.

The State Director is authorized to approve or disapprove Farm Ownership loans in accordance with this chapter. However, no initial or subsequent Farm Ownership loan may be approved by the State Director without prior consent of the National Office if the amount of the proposed Farm Ownership loan plus the principal amount of any real estate liens of the applicant will exceed $50,000 when the loan is closed, or if the proposed Farm Ownership loan, together with the principal balance owed on other Farmers Home Administration loans, would cause the total indebtedness to Farmers Home Administration to exceed $50,000. The loan docket and the State Director's recommendation should be submitted with any request for authority to approve a loan in excess of these limitations. The State Director may redelegate loan approval authority in writing to qualified State Office employees other than Area Supervisors.

(Sec. 41, 50 Stat. 528, as amended, sec. 18, 72 Stat. 840; 7 U.S.C. 1015, 1006e; Order of Acting Sec. of Agr., 19 F.R. 74, 22 F.R. 8188)

Dated: August 3, 1961.

HOWARD BERTSCH,
Administrator.
Farmers Home Administration.

[F.R. Doc. 61-7528; Filed, Aug. 8, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler Tobacco, Cigar-Binder Tobacco and Cigar-Filler and Binder Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

Correction

In F.R. Doc. 61-6724, appearing at page 6414 of the issue for Tuesday, July 18, 1961, the phrase "and labor, and equipment available for the production of tobacco;" in the third sentence of § 723.1326(a), should read "land, labor, and equipment available for the production of tobacco;".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 832; Amdt. 43-14]

PART 43—GENERAL OPERATION RULES

Use of Private Pilots in Charity Airlifts

Section 43.60 of the Civil Air Regulations provides that a private pilot shall not pilot aircraft for compensation or hire. However, this regulation also provides that a private pilot may pilot aircraft in connection with a business if the flight is merely incidental thereto; and that an aircraft salesman holding a private pilot certificate may demonstrate aircraft in flight to a prospective purchaser if he has logged 200 hours of pilot flight time.

For many years charitable organizations used the "Charity Airlift" as a means of raising funds. In such an airlift, the charitable organization offered an airplane ride in exchange for a personal donation. Many of the rides were given in aircraft furnished and operated by private pilots who provided their services without compensation. The money donated by the passengers was retained by the charitable organization, and no payment for the service rendered was made to the pilot or aircraft owner; however, in some cases the organization paid for or supplied the fuel and oil consumed during the flights.

Shortly before the Federal Aviation Agency was established, Civil Aeronautics Board Examiners rendered several opinions on violation cases involving private pilots who had donated their services for fund-raising flights. The Examiners concluded that § 43.60 required pilots engaging in such flights to hold commercial pilot certificates. For some time thereafter, the Federal Aviation Agency permitted the operation of charity airlifts using private pilots, by issuing an individual exemption to the sponsor of each airlift. These exemptions specified safety requirements believed necessary for the particular airlift being conducted. This procedure was discontinued in June 1960 on the premise that passengers who receive rides because of charitable donations are entitled to fly with pilots who meet commercial pilot standards.

In May of 1961, the National Foundation (March of Dimes) petitioned the Federal Aviation Agency to reconsider the matter of charity airlifts involving private pilot participation. The Foundation pointed out that the prohibition against the use of private pilots for such airlifts had adversely affected fund-raising efforts and that the practical effect had been to reduce pilot participation in the 1961 March of Dimes airlifts by nearly 75 percent. They suggested an amendment to the regulations, with the incorporation of special provisions as necessary, which would permit private pilots to participate in charity airlifts.

Consideration has been given to their petition. We have determined that (1) the use of private pilots operating under reasonable restrictions and with adequate supervision should provide a level of safety comparable to that expected of a commercial operation; (2) the heavy administrative burden formerly associated with the issuance of specific exemptions would be eliminated by an appropriate amendment to Part 43 of the Civil Air Regulations; and (3) private pilot participation in charity airlifts, with suitable safety provisions, is in the public interest.

Since this amendment relieves a restriction and delay in extending such relief would impose an unnecessary burden on certain persons, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted, and that this amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, § 43.60 of Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is hereby amended to read as follows, effective August 9, 1961.

§ 43.60 Private pilot.

A private pilot shall not pilot aircraft for compensation or hire, except as provided in paragraphs (a) through (c) of this section.

(a) A private pilot may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire.

(b) An aircraft salesman holding a private pilot certificate may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 20 of this chapter.

(c) Subject to the provisions of subparagraphs (1) through (6) of this paragraph, a private pilot may pilot an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, where the passengers make a donation to the organization for such carriage.

NOTE: For the purpose of this regulation, charitable organizations are those listed in Publication No. 78 of the U.S. Treasury Department entitled "Cumulative List, Organizations Described in section 170(c) of the Internal Revenue Code of 1954," and additions thereto. This list is compiled by the Internal Revenue Service and is issued by the Superintendent of Documents, Government Printing Office, Washington 25, D.C., and is available for reference at District Offices of the Internal Revenue Service.

(1) The sponsor of the airlift shall notify the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days in advance, and shall furnish that office with any essential information regarding the airlift, on request.

(2) All flights shall be conducted from public airports adequate for the aircraft used, or from other airports that have been approved for the operation by an FAA inspector.

(3) Each participating private pilot shall have logged at least 200 hours of flight time credited in accordance with the provisions of Part 20 of this chapter.

(4) No acrobatic or formation flights shall be conducted.

(5) Each aircraft used shall be certificated in the standard category, and shall comply with the 100-hour inspection requirement of § 43.22.

(6) All flights shall be conducted in conformity with visual flight rules and during daylight hours.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

Issued in Washington, D.C., on August 1, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-7440; Filed, Aug. 8, 1961; 8:45 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

[Regulatory Docket No. 842]

PART 571—DULLES INTERNATIONAL AIRPORT

The Dulles International Airport is presently under construction by the Federal Aviation Agency. Persons have been entering the airport without authority and using the land and facilities thereof, particularly when construction operations are not in progress. In order to protect the airport and prevent possible damage resulting from such entry and use, it is necessary to adopt the following regulation which prohibits any unauthorized entry upon or use of the Dulles International Airport. Any person violating this regulation shall be guilty of a misdemeanor punishable by a fine of not more than $500, or not more than six months imprisonment, or both.

This is the first regulation issued covering Dulles International Airport. As construction proceeds additional regulations will be issued and included in this part.

Inasmuch as this regulation relates to the management of public property, compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

Acting pursuant to the authority vested in me by the Act of September 7, 1950 (64 Stat. 770), as amended by the Act of August 23, 1958 (72 Stat. 731), a new Part 571 of the regulations of the Administrator is adopted to read as follows:

Sec.
571.1 Unauthorized entry upon and use of airport
571.2 Penalties

AUTHORITY: §§ 571.1 and 571.2 issued under Sections 4 and 10 of the Act of September 7, 1950 (64 Stat. 771, 772), as amended by the Act of August 23, 1958 (72 Stat. 731).

§ 571.1 Unauthorized entry upon and use of airport.

No person shall come upon or use the Dulles International Airport except a person authorized by the Administrator of the Federal Aviation Agency or his authorized representative. As used in this part, the Dulles International Airport includes the land, and the buildings and facilities now under construction thereon, located in Fairfax and Loudoun Counties, Virginia, the land being that acquired in Civil No. 1638M, United States District Court for the Eastern District of Virginia, Alexandria Division.

§ 571.2 Penalties.

Any person who knowingly and willfully violates this part shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $500, or imprisoned not more than six months, or both.

This part shall become effective August 9, 1961.

Issued in Washington, D.C., on August 7, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-7566; Filed, Aug. 8, 1961; 8:54 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

On May 3, 1961, notice of proposed amendments of rules governing the form and content of financial statements filed by insurance companies other than life and title insurance companies was published in the FEDERAL REGISTER (26 F.R. 3819).

This revision reflects changes in requirements of the Annual Statement filed with state regulatory authorities and developments in insurance reporting since these articles were originally adopted.

As a result of the reluctance on the part of independent public accountants to express an opinion in respect of the financial statements included in the Annual Statement and the accounting principles and practices reflected therein as required by § 210.2-02(c) without taking exception to certain insurance accounting practices, there has grown up the practice of reconciling the statutory capital share equity and net income or loss with capital share equity and net income or loss as determined in accordance with generally accepted accounting principles and practices.

Special note 2 of § 210.7–05 gives recognition to this practice where such differences are deemed to be material, the principal differences being in the accounting for nonadmitted assets and commissions and expenses incurred in writing insurance.

After consideration of all such relevant matter as was presented by interested persons regarding the rule changes proposed, the amendments so published are hereby adopted, subject to the changes set forth below.

1. In § 210.7–05, clause (b) of paragraph 2 is changed.

2. In § 210.7–05, paragraph 5 is amended.

3. The authority citation is amended.

The revised sections shall be effective with respect to financial statements for any fiscal year ending on or after December 31, 1960, filed as part of any registration statement, application for registration or report. However, if a registrant so elects, the revised sections may be applied to financial statements filed prior to that date.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 26, 1961.

I. Section 210.7–01 is amended to read as follows:

§ 210.7–01 Application of §§ 210.7–01 to 210.7–06.

These sections shall be applicable to financial statements filed for insurance companies other than life and title insurance companies. (Title insurance companies shall comply with the requirements of §§ 210.5–01 to 210.5–04.)

II. Sections 210.7–03 to 210.7–06 are amended to read as follows:

§ 210.7–03 Balance sheets.

Balance sheets filed for insurance companies other than life and title insurance companies shall comply with the following provisions:

ADMITTED ASSETS

1. *Bonds.*
2. *Investments in stocks other than stocks of affiliates.* State separately: (a) preferred stocks and (b) common stocks.
3. *Investments in stocks of affiliates.*

(a) *In insurance companies.* Include only stocks of insurance companies under this subcaption.

(b) *In other affiliates.* Include under this subcaption stocks of other affiliates. If any such "other affiliate" controls insurance companies the stock of such "other affiliate" shall be included under this subcaption, and the fact of such control shall be stated in a note to the balance sheet.

4. *Mortgage loans on real estate.* State separately (a) first liens and (b) other than first liens.
5. *Real estate.* State parenthetically the amount of encumbrances deducted.
6. *Cash and cash items.* State separately (a) cash on hand, demand deposits, and time deposits and (b) call loans.
7. *Agents' balances and/or gross premiums in course of collection.* State parenthetically the amount of ceded reinsurance balances payable deducted, if material.
8. *Due from other insurance companies.* Include reinsurances recoverable on losses paid, etc.; do not include premium balances.
9. *Interest, dividends and real estate income due and accrued.*
10. *Other assets.* State separately any significant items.

LIABILITIES, CAPITAL SHARES AND SURPLUS

11. *Losses and claims.*
12. *Loss adjustment expenses.*
13. *Unearned premiums.*
14. *Dividends declared and upaid.* State separately amounts payable to (a) policyholders and (b) stockholders.
15. *Borrowed money.* State here or in a note as to each loan (a) from whom borrowed, (b) date of loan, (c) repayment terms and other conditions governing each loan, (d) due date, (e) extensions granted, (f) original amount, and (g) interest rate.
16. *Other liabilities.* State separately any significant items.
17. *Commitments and contingent liabilities.* See §§ 210.3–18, 210.3–19(g) and 210.7–05–4.
18. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.
19. *Surplus.* (a) Separate captions shall be shown for (1) paid-in surplus, (2) surplus arising from revaluation of assets, (3) other capital surplus, and (4) earned surplus (i) appropriated and (ii) unappropriated. There shall be included under earned surplus, appropriated, all reserves and segregations of surplus, mandatory or voluntary, which are general contingency reserves whose purposes are not specific, or reserves for indefinite possible future losses, such as, for example, for future decline in value of investments or for contingencies.

(b) If undistributed earnings of subsidiaries are included, state the amount thereof parenthetically or otherwise. However, in a consolidated statement the preceding sentence shall have reference only to the undistributed earnings of subsidiaries not consolidated in such statement.

(c) An analysis of such surplus account setting forth the information prescribed in § 210.11–02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, *Other additions to surplus,* shall be subdivided to show (1) unrealized gain on bonds and stocks from change in market values (2) unrealized gain on other investments from change in market values, and (3) all others, designating clearly the nature thereof. Likewise, caption 4, *Deductions from surplus other than dividends,* shall be subdivided to show (A) unrealized loss on bonds and stocks from change in market values (B) unrealized loss on other investments from change in market values, and (C) all others, designating clearly the nature thereof.

(d) If separate balances are not shown in the accounts for the divisions of surplus in (a) above other than for earned surplus appropriated, i.e., if the company has not, up to the opening of the period of report, differentiated in its accounting for surplus as indicated, then the unsegregated surplus may be stated in one amount, and, in lieu of such segregation, there shall be given as a note an analysis of surplus since organization. Such analysis shall show (1) total net income after income taxes, (2) aggregate dividends paid (A) in cash, and (B) in capital stock, (3) total paid-in surplus, (4) unrealized gain or loss from change in market values, (5) aggregate transfers to reserves, (6) change in nonadmitted assets, and (7) other additions or deductions of material amount, indicating clearly the nature of the item.

§ 210.7–04 Profit and loss or income statements.

Profit and loss or income statements filed for insurance companies other than life and title insurance companies shall comply with the following provisions:

UNDERWRITING PROFIT OR LOSS

1. *Net premiums written.* State premiums written including reinsurance assumed less reinsurance ceded.
2. *Increase or decrease in unearned premium reserve.*
3. *Premiums earned.*
4. *Losses incurred.*
5. *Loss expense incurred.*
6. *Balance.*
7. *Commissions and brokerage.* State commissions and brokerage less amount received on return premiums and reinsurance.
8. *Salaries and other compensation.* State the total amount paid to directors, officers, employees and agents not paid by commission other than amounts allocable to loss and investment expense.
9. *Taxes, licenses and fees.* State the total amount excluding income taxes.
10. *All other underwriting expenses.* Include hereunder all other underwriting expenses not included above. State separately any material amount. Do not include investment expense under this caption.
11. *Other underwriting profit or loss.* Include the income or loss from unusual or nonrecurring contingent profits or reinsurance agreements, pools and other miscellaneous contracts, licenses and agreements, etc. Give in a note a brief explanation of any items included in this account.
12. *Profit or loss from underwriting.*

INVESTMENT INCOME OR LOSS

13. *Interest on bonds.*
14. *Dividends.* State separately dividends from (a) unaffiliated companies and (b) affiliated companies.
15. *Interest on mortgage loans.*
16. *Real estate income.*
17. *Other investment income.* State separately any material amount.
18. *Total investment income.*
19. *Investment expense.* Include interest on encumbrances, real estate expense, supervisory service, other fees, salaries, administrative expenses, etc. State separately any material amounts.
20. *Net investment income.* Realized gains or losses on investments shall be reported in caption 26 below. Unrealized gains or losses resulting from change in market values shall be reported in the appropriate surplus account.
21. *Total income and profit or loss from underwriting and investment.*
22. *Dividends to policy holders.*
23. *Net income or loss before provision for income taxes.*
24. *Provision for income taxes.* State separately (a) Federal normal income tax and surtax, and (b) other income taxes. Amounts allocable to realized gains or losses on investments shall be reported in caption 26 below.
25. *Net income or loss.*
26. *Realized gains or losses on investments.* State parenthetically or otherwise the amount of income taxes deducted.
27. *Net income or loss and realized gains or losses on investments.*

§ 210.7–05 Special notes to financial statements.

1. Assets shall be set forth in the balance sheet at admitted asset values. Book values of assets included under captions 1, 2, 3(a), 3(b), 4, and 5 shall be shown parenthetically or in a note.

The total amount of non-admitted assets shall be stated in a note, and if such amount exceeds one percent of the total admitted assets then a separate statement shall be presented showing the details of such assets. State in a note or otherwise the amount of assets charged to income or surplus immediately upon acquisition during the period, if significant.

There shall also be added as a note to the financial statements the following:

"The term 'admitted assets' means the assets stated at values at which they are permitted to be reported to the respective domiciliary State regulatory authority for balance sheet purposes in the annual report in accordance with the rules and regulations of such regulatory authority.

"The term 'non-admitted assets' means 'assets' other than assets which are so permitted to be reported."

2. State in tabular form in a note or otherwise, together with appropriate explanation, a reconciliation of material differences between (a) capital share equity as reported on the balance sheet and capital share equity as determined in accordance with generally accepted accounting principles and practices, and (b) net income or loss as reported on the profit and loss or income statement and net income or loss as determined in accordance with generally accepted accounting principles and practices.

3. State in a note the amount of surplus not available for payment of dividends to stockholders. See § 210.3–19(f).

4. Explain in a note the basis of determining the unearned premiums and the estimated liability for losses and claims and state the amounts deducted in respect of reinsurance carried with other companies.

5. If the company wrote mortgage guaranty surety bonds during the period of report, state the amount of liability in force therefor as of the date of the balance sheet.

§ 210.7–06 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form:

(1) The schedules specified below in this section as schedules I, II, III, IV, V, VI, VIII, and IX shall be filed as of the date of the most recent balance sheet filed for each person or group. Such schedules shall be certified if the related balance sheet is certified.

(2) All other schedules specified below in this section shall be filed for each period for which a profit and loss statement is filed. Such schedules shall be certified if the related profit and loss statement is certified.

(b) Reference to the schedule shall be made against the appropriate captions of the balance sheet and the profit and loss statement.

(c) If the information required by any schedule (including the footnotes thereto) may be shown in the related balance sheet or profit and loss statement without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

Schedule I—Bonds. The schedule prescribed by § 210.12–23 shall be filed in support of caption 1 of each balance sheet.

Schedule II—Stocks—Other than stocks of affiliates. The schedule prescribed by § 210.12–24 shall be filed in support of caption 2 of each balance sheet.

Schedule III—Mortgage loans on real estate. The schedule prescribed by § 210.12–25 shall be filed in support of caption 4 of each balance sheet.

Schedule IV—Real Estate. The schedule prescribed by § 210.12–26 shall be filed in support of caption 5 of each balance sheet.

Schedule V—Summary of investments in securities—Other than securities of affiliates. The summary schedule prescribed by § 210.12–27 shall be filed in conjunction with Schedules I and II.

Schedule VI—Investments in stocks of affiliates. The schedule prescribed by § 210.12–28 shall be filed in support of caption 3 of each balance sheet.

Schedule VII—Premiums, losses and underwriting expense. The schedule prescribed by § 210.12–29 shall be filed in support of caption 13 of each balance sheet and captions 1, 3, 4, 5, 7, 8, 9, and 10 of each profit and loss statement.

Schedule VIII—Capital shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 18 of each balance sheet.

Schedule IX—Other securities. If there are any classes of securities not included in Schedule VII, set forth in this schedule information concerning such securities corresponding to that required for the securities in such schedule. If the securities required to be reported on the schedules prescribed by §§ 210.12–10, 210.12–12 or 210.12–15 are present, those schedules should be used. Information need not be set forth, however, as to notes, drafts, bills of exchange or bankers' acceptances having a maturity at the time of issuance of not exceeding one year.

Schedule X—Income from dividends—Equity in net profit and loss of affiliates. The schedule prescribed by § 210.12–17 shall be filed in support of caption 14(b) of each profit and loss statement.

Schedule XI—Summary of realized gains or losses on sale or maturity of investment. The schedule prescribed by § 210.12–30 shall be filed in support of caption 26 of each profit and loss statement.

III. The subcaption immediately preceding § 210.12–23 is amended to read: "For Insurance Companies".

IV. Sections 210.12–23 to 210.12–30 are amended to read:

§ 210.12–23 Bonds.[1]

(For insurance companies.)

Column A. Name of issuer and title of issue.[2]
Column B. Principal amount of bonds and notes.
Column C. Actual cost (excluding accrued interest).
Column D. Book value.[3]
Column E. Market value.[4]
Column F. Amortized or investment value.[5]
Column G. Admitted asset value.[6]

[1] (a) In lieu of this schedule there may be filed Schedule D, Part 1, of the annual statement filed with the respective domiciliary State regulatory authority. In such case the method of determining market value shown in Column 7 of that schedule shall be stated in a note.

(b) All money columns shall be totaled.

[2] (a) Bonds shall be grouped in accordance with the classification required under § 210.12–27 and listed alphabetically in each group.

(b) Indicate by appropriate symbol those bonds which are non-income producing or in default as to principal or interest.

[3] State the basis of determining the amount.

[4] State the method of determining market value.

[5] Indicate by a symbol whether amortized or estimated value. State the basis of determining estimated value.

[6] If admitted asset value is different from the amount shown in either Column C, D, E, or F, state the basis of determining such value.

§ 210.12–24 Stocks—other than stocks of affiliates.[1]

(For insurance companies.)

Column A. Name of issuer and title of issue.[2]
Column B. Number of shares.
Column C. Actual cost.
Column D. Book value.[3]
Column E. Market or estimated value.[4]
Column F. Admitted asset value.[5]

[1] (a) In lieu of this schedule there may be filed Schedule D, Part 2, of the annual statement filed with the respective State domiciliary regulatory authority. *Provided,* (1) That from the totals of the proper columns there be deducted the amounts represented by the investment in stocks of affiliates called for in the schedule prescribed by § 210.12–28; and (2) the method of determining market value shown in column 6 of Schedule D, Part 2, be stated.

(b) All money columns shall be totaled.

[2] (a) Stocks shall be grouped in accordance with the classification required under § 210.12–27 and listed alphabetically in each group.

(b) Indicates by appropriate symbol those stocks which are non-income producing.

[3] State the basis of determining the amount.

[4] Indicate by a symbol whether market or estimated value. State the basis of determining such value.

[5] If admitted asset value is different from the amount shown in either Column C, D, or E, state the basis of determining such value.

§ 210.12–25 Mortgage loans on real estate.[1]

(For insurance companies.)

Column A. Summarize by State and classification indicated below.[2]

Name of State

Farm mortgages—insured (total).
Farm mortgages—other (total).
City mortgages—insured (total).
City mortgages—other (total).
Total.
Total, all States.

Column B. Amount of principal indebtedness.
Column C. Book value of mortgages.
Column D. Admitted asset value.[3]
Column E. Appraised value of land and buildings.

[1] All money columns shall be totaled.

[2] (a) Mortgage loans shall be grouped by States and in accordance with the classifications indicated in Column A above.

(b) Mortgage loans other than first lien loans shall be listed separately in a like manner.

(c) State in a note the amount of mortgage loans in each State and classification (1) upon which interest is overdue more than three months; and (2) which are in the process of foreclosure.

[3] If admitted asset value is different from the amount shown in either Column B or C, state the basis of determining such value.

§ 210.12–26 Real estate owned.[1]

(For insurance companies.)

Column A. Summarize by State and classification of property as indicated below.

Name of State

Farms (total).
Residential (total).
Apartments and business (total).
Unimproved (total).
Total.
Total, all States.
Column B. Amount of encumbrances.
Column C. Actual cost.
Column D. Book value less encumbrances.
Column E. Market or fair value less encumbrances.[2]
Column F. Admitted asset value.[3]

[1] All money columns shall be totaled.
[2] State the basis of determining such value.
[3] If admitted asset value is different from the amount shown in either Column C, D, or E, state the basis of determining such value.

§ 210.12–27 Summary of investments in securities—other than securities of affiliates.[1]

(For insurance companies.)

Column A. Type of security.

1. Bonds and Notes

(a) Government.
(b) States, territories, and possessions.
(c) Political subdivisions of States, territories and possessions.
(d) Government agencies and authorities.
(e) Railroads.
(f) Public utilities.
(g) Industrial and miscellaneous.
Total bonds and notes.

2. Stocks

Preferred stocks

(h) Railroad.
(i) Public utilities.
(j) Banks, trust and insurance companies.
(k) Industrial and miscellaneous.
Total preferred stocks.

Common stocks

(l) Railroad.
(m) Public utilities.
(n) Banks, trust and insurance companies.
(o) Industrial and miscellaneous.
Total common stocks.
Total stocks.

Total investments in securities other than securities of affiliates.
Column B. Actual cost.
Column C. Book value.
Column D. Market value.
Column E. Amortized or investment value of bonds and notes.
Column F. Admitted asset value.

[1] All money columns shall be totaled.

§ 210.12–28 Investments in stocks of affiliates.[1]

(For insurance companies.)

Column A. Name of issuer and title of issue.[2]
Column B. Number of shares.
Column C. Actual cost.
Column D. Book value.[3]
Column E. Market or estimated value.[4]
Column F. Admitted asset value.[5]

[1] All money columns shall be totaled.
[2] Group separately (a) stocks of insurance companies and (b) stocks of other affiliates. Within group (b) classify according to type of business. Give totals for each group and class.
[3] State the basis of determining the amount.
[4] Indicate by a symbol whether market or estimated value. State the basis of determining such value.
[5] If admitted asset value is different from the amount shown in either Column C, D, or E, state the basis of determining such value.

§ 210.12–29 Premiums, Losses, and Underwriting Expense.[1]

(For insurance companies other than life and title insurance companies.)

Part 1—Premiums

Column A. Line of insurance.
Column B. Unearned premiums beginning of period.
Column C. Net premiums written.
Column D. Unearned premiums end of period.
Column E. Premiums earned during period.

Part 2—Losses and Underwriting Expenses.[2]

Column F. Losses incurred during period.
Column G. Loss expense incurred during period.
Column H. Commissions and brokerage incurred during period.
Column I. Other underwriting expense incurred during period.[3]

[1] All money columns shall be totaled.
[2] Fire insurance companies may furnish information under Columns G, H, and I by totals only, if the information required by such columns is not available by lines of insurance.
[3] Include in this column all amounts set forth in the related profit and loss statement under captions 8, 9, and 10.

§ 210.12–30 Summary of realized gains or losses on sale or maturity of investments.[1]

(For insurance companies).

Column A. Type of security.
Bonds.
Stocks—other than stocks of affiliates.
Stocks—affiliates.
Mortgage loans.
Real estate.
Other.
Total.
Income taxes allocable to realized gains.
Net realized gains or losses.
Column B. Aggregate cost.
Column C. Aggregate proceeds.
Column D. Gain or loss.

[1] All money columns shall be totaled.

§ 210.12–31 [Revocation]

V. Section 210.12–31, *Profit and loss on sale or maturity of investments,* is revoked.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 85–19, 75 Stat. 42; 7 U.S.C. 135)

Dated: August 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7511; Filed, Aug. 8, 1961; 8:47 a.m.]

(Secs. 6, 7, 8, 10, and 19(a) of the Securities Act of 1933, as amended, 48 Stat. 78, 79, 81, and 85, 15 U.S.C. 77f to 77h, 77j and 77r; secs. 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934, as amended, 48 Stat. 892, 894, 895, and 901, 15 U.S.C. 78l, 78m, 78o, and 78w; secs. 5(b), 14, and 20(a) of the Public Utility Holding Company Act of 1935, 49 Stat. 812, 827, and 833, 15 U.S.C. 79e, 79n, and 79t; secs. 8, 30, 31(c), and 38(a) of the Investment Company Act of 1940, as amended, 54 Stat. 803, 836, 838, and 841, 15 U.S.C. 80a–29, 80a–30, and 80a–37)

[F.R. Doc. 61–7509; Filed, Aug. 8, 1961; 8:53 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extensions of Effective Date of Public Law 86–139 as It Affects Section 408 of Federal Food, Drug, and Cosmetic Act

Under the provisions of Public Law 86–139 (73 Stat. 388, as amended 75 Stat. 42; 7 U.S.C. 135 et seq.), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published on § 120.37 (21 CFR 120.37; 26 F.R. 5920) is amended by adding thereto the following new items:

§ 120.37 Further extensions of effective date of Public Law 86–139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

• • • • •

Product	Specified uses or restrictions	Effective date of statute extended to—
p-Chlorophenoxyacetic acid	On cane berries and grapes to produce larger fruit	Jan. 1, 1964
Do	On figs to produce large seedless fruit	Do.
Methyl ester of naphthaleneacetic acid	On potatoes to inhibit sprouting	Jan. 1, 1963
Pentachlorophenol	On cotton and soybeans as a defoliant	Do.
Sodium salt of beta-naphthoxyacetic acid	On pineapples to delay maturation	July 1, 1963
2,4,5-Trichlorophenoxyacetic acid or its butyl ester.	On grapefruit to increase size and control fruit drop	Do.
2,4,5-Trichlorophenoxyacetic acid or its triethylamine salt.	On apricots to improve color and control fruit drop	Jan. 1, 1963

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7512; Filed, Aug. 28, 1961; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Sodium Dehydroacetate

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance of 30 parts per million for residues of sodium dehydroacetate, expressed as dehydroacetic acid, in or on bananas from post-harvest use, of which residue not more than 10 parts per million should be in the edible portion.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.159 (21 CFR 120.159) a tolerance for residues of sodium dehydroacetic acid on bananas. As amended, § 120.159 reads as follows:

§ 120.159 Tolerances for residues of sodium dehydroacetate.

Tolerances are established for residues of sodium dehydroacetate, expressed as dehydroacetic acid, from postharvest application in or on raw agricultural commodities, as follows:

65 parts per million in or on strawberries.
30 parts per million in or on bananas, of which residue not more than 10 parts per million shall be in the pulp after peel is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7512; Filed, Aug. 28, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SORBITOL

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Germantown Manufacturing Company, 5100 Lancaster Avenue, Philadelphia 31, Pennsylvania, and other relevant material has concluded that the following regulation should issue in conformity with section 409 of the Federal Food, Drug, and Cosmetic Act, with respect to the food additive sorbitol in nonstandardized frozen desserts for special dietary use. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), Subpart D of the food additive regulations (21 CFR Part 121) is amended by adding thereto the following new section:

§ 121.1053 Sorbitol.

The food additive sorbitol may be safely used in food in accordance with the following prescribed conditions:

(a) It is used or intended for use in nonstandardized frozen desserts for special dietary use as a stabilizer and nutritive sweetener in such amount that the average serving of such food will not contain in excess of 15 grams of the additive, nor will the daily consumption of the additive in such food exceed 40 grams.

(b) To assure safe use of the additive, in addition to the other information required by the act:

(1) The label of the additive and any intermediate premix shall bear:

(i) The name of the additive.

(ii) A statement of the concentration or strength of the additive in any intermediate premixes.

(2) The label or labeling of the additive shall also include:

(i) Adequate directions to provide a final product that complies with the limitations prescribed in paragraph (a) of this section.

(ii) Adequate labeling directions to provide a finished food labeled as provided in paragraph (c) of this section.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label on the market package shall comply with the following: If the amount of a food that may reasonably be consumed as an average serving contains 5 grams or more of sorbitol, the label shall bear a statement of the number of grams of sorbitol in an average serving of the food. The average serving shall be expressed in terms of a convenient unit or units of such food or as a convenient unit of measure that can be readily understood and utilized by purchasers of such food. The label shall also bear a statement that the consumption of more than 15 grams of sorbitol at one time or more than 40 grams of sorbitol per day may have laxative effects.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7513; Filed, Aug. 8, 1961; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BHT (BUTYLATED HYDROXYTOLUENE) AND BHA (BUTYLATED HYDROXYANISOLE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Kellogg Company, 235 Porter Street, Battle Creek, Michigan, and other relevant material, has concluded that the following amendments to the food additive regulations should issue with respect to BHT (butylated hydroxytoluene) and BHA (butylated hydroxyanisole) as antioxidants in dry breakfast cereals. Therefore, pursuant to the provisions of the act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), §§ 121.1034 and 121.1035 (21 CFR 121.1034, 121.1035; 26 F.R. 1053, 1984) of the food additive regulations are amended as set forth below:

1. Section 121.1034(b) is amended by adding thereto a new subparagraph (2):

§ 121.1034 BHT (butylated hydroxytoluene) as an antioxidant.

* * * * *

(b) * * *

(2) In dry breakfast cereals, alone or in combination with BHA (butylated hydroxyanisole), whereby the maximum amount of the additives, alone or in combination, does not exceed 50 parts per million (0.005 percent) of the weight of the dry cereal.

2. Section 121.1035(b) is amended by adding thereto a new subparagraph (4):

§ 121.1035 BHA (butylated hydroxyanisole) as an antioxidant.

* * * * *

(b) * * *

(4) In dry breakfast cereals, alone or in combination with BHT (butylated hydroxytoluene), whereby the maximum amount of the additives, alone or in combination, does not exceed 50 parts per million (0.005 percent) of the weight of the dry cereal.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 2, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7514; Filed, Aug. 8, 1961; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Bureau of Public Assistance, Social Security Administration, Department of Health, Education, and Welfare

PART 211—CARE AND TREATMENT OF MENTALLY ILL NATIONALS OF THE UNITED STATES, RETURNED FROM FOREIGN COUNTRIES

Chapter II of Title 45 of the Code of Federal Regulations, is amended by adding Part 211, as follows:

Sec.
211.1 General definitions.
211.2 General.
211.3 Certificates.
211.4 Notification to legal guardian, spouse, next of kin, or interested persons.
211.5 Action under State law; appointment of guardian.
211.6 Reception; temporary care, treatment, and assistance.
211.7 Transfer and release of eligible person.
211.8 Continuing hospitalization.
211.9 Examination and reexamination.
211.10 Termination of hospitalization.
211.11 Request for release from hospitalization.
211.12 Federal payments.
211.13 Financial responsibility of the eligible person; collections, compromise, or waiver of payment.
211.14 Disclosure of information.

AUTHORITY: §§ 211.1 to 211.14 issued under sections 1-11, 74 Stat. 308-310; 24 U.S.C. 321-329.

§ 211.1 General definitions.

When used in this part:

(a) "Act" means Public Law 86-571, approved July 5, 1960, 74 Stat. 308, entitled "An act to provide for the hospitalization, at St. Elizabeths Hospital in the District of Columbia or elsewhere, of certain nationals of the United States adjudged insane or otherwise found mentally ill in foreign countries, and for other purposes";

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare;

(c) The term "Department" means the Department of Health, Education, and Welfare;

(d) The term "Director" means the Director of the Bureau of Public Assistance of the Social Security Administration, Department of Health, Education, and Welfare;

(e) The term "eligible person" means an individual with respect to whom the certificates referred to in § 211.3 are furnished to the Director in connection with the reception of an individual arriving from a foreign country;

(f) The term "Public Health Service" means the Public Health Service in the Department of Health, Education, and Welfare;

(g) The term "agency" means an appropriate State or local public or nonprofit agency with which the Bureau has entered into arrangements for the provision of care, treatment, and assistance pursuant to the Act;

(h) The term "State" means a State or Territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia;

(i) The term "residence" means residence as determined under the applicable law or regulations of a State or political subdivision for the purpose of determining the eligibility of an individual for hospitalization in a public mental hospital.

(j) The term "legal guardian" means a guardian, appointed by a court, whose powers, duties, and responsibilities include the powers, duties, and responsibilities of guardianship of the person.

§ 211.2 General.

The Director shall make suitable arrangements with agencies to the end that any eligible person will be received, upon request of the Secretary of State, at the port of entry or debarkation upon arrival in the United States from a foreign country and be provided, to the extent necessary, with temporary care, treatment, and assistance, pending transfer and release or hospitalization pursuant to the Act. The Director shall also make suitable arrangements with appropriate divisions of the Public Health Service, Bureau of Medical Services, with Saint Elizabeths Hospital in the District of Columbia, with Federal hospitals outside of the Department, or with other public or private hospitals to provide the eligible person with care and treatment in a hospital. The Director shall maintain a roster setting forth the name and address of each eligible person currently receiving care and treatment, or assistance, pursuant to the Act.

§ 211.3 Certificates.

The following certificates are necessary to establish that an individual is an eligible person:

(a) *Certificates as to nationality.* A certificate issued by an authorized official of the Department of State, stating that the individual is a national of the United States.

(b) *Certificate as to mental condition.* Either (1) a certificate obtained or transmitted by an authorized official of the Department of State that the individual has been legally adjudged insane in a named foreign country; or (2) a certificate of an appropriate authority or person stating that at the time of such certification the individual was in a named foreign country and was in need of care and treatment in a mental hospital. A statement shall, if possible, be incorporated into or attached to the certificate furnished under this paragraph setting forth all available medical and other pertinent information concerning the individual.

(c) *Appropriate authority or person.* For the purpose of paragraph (b)(2) of this section a medical officer of the Public Health Service or of another agency of the United States, or a medical practitioner legally authorized to provide care or treatment of mentally ill persons in the foreign country, is an "appropriate authority or person", and shall be so identified in his execution of the certificate. If such a medical officer or practitioner is unavailable, an authorized official of the Department of State may serve as an "appropriate authority or person," and shall, in the execution of the certificate, identify himself as serving as such person due to the unavailability of a suitable medical officer or practitioner.

§ 211.4 Notification to legal guardian, spouse, next of kin, or interested persons.

(a) Whenever an eligible person arrives in the United States from a foreign country, or when such person is transferred from one State to another, the Director shall, upon such arrival or transfer (or in advance thereof, if possible), provide for notification of his legal guardian, or in the absence of such a guardian, of his spouse or next of kin, or in the absence of any of these, of one or more interested persons, if known.

(b) Whenever an eligible person is admitted to a hospital pursuant to the Act, the Director shall provide for immediate notification of his legal guardian, spouse, or next of kin, if known.

§ 211.5 Action under State law; appointment of guardian.

Whenever an eligible person is incapable of giving his consent to care and treatment in a hospital, either because of his mental condition or because he is a minor, the agency will take appropriate action under State law, including, if necessary, procuring the appointment of a legal guardian, to ensure the proper planning for and provision of such care and treatment.

§ 211.6 Reception; temporary care, treatment, and assistance.

(a) *Reception.* The agency will meet the eligible person at the port of entry or debarkation, will arrange for appropriate medical examination, and will plan with him, in cooperation with his legal guardian, or, in the absence of such a guardian, with other interested persons, if any, for needed temporary care and treatment.

(b) *Temporary care, treatment, and assistance.* The agency will provide for temporary care, treatment, and assistance, as reasonably required for the health and welfare of the eligible person. Such care, treatment, and assistance may be provided in the form of hospitalization and other medical and remedial care (including services of necessary attendants), food and lodging, money payments, transportation, or other goods and services. The agency will utilize the Public Health Service General Hospital nearest to the port of entry or debarkation or any other suitable public or private hospital, in providing hospitalization and medical care, including diagnostic service as needed, pending other appropriate arrangements for serving the eligible person.

§ 211.7 Transfer and release of eligible person.

(a) *Transfer and release to relative.* If at the time of arrival from a foreign country or any time during temporary or continuing care and treatment the Director finds that the best interests of the eligible person will be served thereby, and a relative, having been fully informed of his condition, agrees in writing to assume responsibility for his care and treatment, the Director shall transfer and release him to such relative. In determining whether his best interests will be served by such transfer and release, due weight shall be given to the relationship of the individuals involved, the financial ability of the relative to provide for such person, and the accessibility to necessary medical facilities.

(b) *Transfer and release to appropriate State authorities, or agency of the United States.* If appropriate arrangements cannot be accomplished under paragraph (a) of this section, and if no other agency of the United States is responsible for the care and treatment of the eligible person, the Director shall endeavor to arrange with the appropriate State mental health authorities of the eligible person's State of residence or legal domicile, if any, for the assumption of responsibility for the care and treatment of the eligible person by such authorities and shall, upon the making of such arrangements in writing, transfer and release him to such authorities. If any other agency of the United States is responsible for the care and treatment of the eligible person, the Director shall make arrangements for his transfer and release to that agency.

§ 211.8 Continuing hospitalization.

(a) *Authorization and arrangements.* In the event that appropriate arrangements for an eligible person in need of continuing care and treatment in a hospital cannot be accomplished under § 211.7, or until such arrangements can be made, care and treatment shall be provided by the Director in Saint Elizabeths Hospital in the District of Columbia, in an appropriate Public Health Service Hospital, or in such other suitable public or private hospital as the Director determines is in the best interests of such person.

(b) *Transfer to other hospital.* At any time during continuing hospitalization, when the Director deems it to be in the interest of the eligible person or of the hospital affected, the Director shall authorize the transfer of such person from one hospital to another and, where necessary to that end, the Director shall authorize the initiation of judicial proceedings for the purpose of obtaining a commitment of such person to the Secretary.

(c) *Place of hospitalization.* In determining the placement or transfer of an eligible person for purposes of hospitalization, due weight shall be given to such factors as the location of the eligible person's legal guardian or family, the character of his illness and the probable duration thereof, and the facilities of the hospital to provide care and treatment for the particular health needs of such person.

§ 211.9 Examination and reexamination.

Following admission of an eligible person to a hospital for temporary or continuing care and treatment, he shall be examined by qualified members of the medical staff as soon as practicable, but not later than the fifth day after his admission. Each such person shall be reexamined at least once within each six month period beginning with the month following the month in which he was first examined.

§ 211.10 Termination of hospitalization.

(a) *Discharge or conditional release.* If, following any examination, the head of the hospital finds that the eligible person hospitalized for mental illness (whether or not pursuant to a judicial commitment) is not in need of such hospitalization, he shall be discharged. In the case where hospitalization was pursuant to a judicial commitment, the head of the hospital may, in accordance with laws governing hospitalization for mental illness as may be in force and generally applicable in the State in which the hospital is located, conditionally release him if he finds that this is in his best interests.

(b) *Notification to committing court.* In the case of any person hospitalized under § 211.8 who has been judicially committed to the custody of the Secretary, the Secretary will notify the committing court in writing of the discharge or conditional release of such person under this section or of his transfer and release under § 211.7.

§ 211.11 Request for release from hospitalization.

If an eligible person who is hospitalized pursuant to the Act, or his legal guardian, spouse, or adult next of kin, requests his release, such request shall be granted by the Director if his best interests will be served thereby, or by the head of the hospital if he is found not to be in need of hospitalization by reason of mental illness. The right of the Director, or the head of the hospital, to refuse such request and to detain him for care and treatment shall be determined in accordance with laws governing the detention, for care and treatment, of persons alleged to be mentally ill as may be in force and applicable generally in the State in which such hospital is located, but in no event shall the patient be detained more than forty-eight hours (excluding any period of time falling on a Sunday or a legal holiday observed by the courts of the State in which such hospital is located) after the receipt of such request unless within such time (a) judicial proceedings for such hospitalization are commenced or (b) a judicial extension of such time is obtained, for a period of not more than five days, for the commencement of such proceedings.

§ 211.12 Federal payments.

The arrangements made by the Director with an agency or hospital for carrying out the purposes of the Act shall provide for payments to such agency or hospital, either in advance or by way of reimbursement, of the costs of reception, temporary care, treatment, and assistance, continuing care and treatment, and transportation, pursuant to the Act, and payments for other expenditures necessarily and reasonably related to providing the same. Such arrangements shall include the methods and procedures for determining the amounts of the advances or reimbursements, and for remittance and adjustment thereof.

§ 211.13 Financial responsibility of the eligible person; collections, compromise, or waiver of payment.

(a) *For temporary care and treatment.* If an eligible person receiving temporary care, treatment, and assistance, pursuant to the Act, has financial resources available to pay all or part of the costs of such care, the Director shall require him to pay for such costs, either in advance or by way of reimbursement, unless in his judgment it would be inequitable or impracticable to require such payment.

(b) *For continuing care and treatment.* Any eligible person receiving continuing care and treatment in a hospital, or his estate, shall be liable to pay or contribute toward the payment of the costs or charges therefor, to the same extent as such person would, if a resident of the District of Columbia, be liable to pay, under the laws of the District of Columbia, for his care and maintenance in a hospital for the mentally ill in that jurisdiction.

(c) *Collections, compromise, or waiver of payment.* The Director may, in his discretion, where in his judgment substantial justice will be best served thereby or the probable recovery will not warrant the expense of collection, compromise, or waive the whole or any portion of, any claim for continuing care and treatment, and assistance, and in the process of arriving at such decision, the Director may make or cause to be made such investigations as may be necessary to determine the ability of the patient to pay or contribute toward the cost of his continuing care and treatment in a hospital.

§ 211.14 Disclosure of information.

(a) All certificates, records, reports, or other papers, or any information received at any time by the Secretary or by an officer or employee of the Department in the course of discharging the duties under the Act, and that are not otherwise a matter of public record, shall be kept confidential and shall not be disclosed except insofar:

(1) As the eligible person or his legal guardian, if any (or, if he is a minor, his parent or legal guardian), shall consent, or

(2) As disclosure may be necessary to carry out any functions of the Secretary under the Act, or

(3) As disclosure may be directed by the order of a court of competent jurisdiction.

(b) Where arrangements are made with an agency or hospital for care, treatment, and assistance pursuant to the Act, provisions shall be made to assure that no voluntary disclosure shall be made of any information received by such agency or hospital in the course of discharging the duties under such arrangement except as provided in paragraph (a) of this section.

(c) Nothing in this section shall preclude disclosure, upon proper inquiry, of information as to the presence of an eligible person in a hospital, or as to his general condition and progress.

Effective date. This part shall become effective on the effective date of the Act appropriating funds for the administration of Public Law 86–571.

Dated: July 20, 1961.

[SEAL] WILLIAM L. MITCHELL,
Commissioner of Social Security.

Approved: August 1, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61–7516; Filed, Aug. 8, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13913; FCC 61–1021]

PART 1—PRACTICE AND PROCEDURE

Agreements Between Parties for Amendment or Dismissal of, or Failure to Prosecute Broadcast Applications

1. The Commission has before it for consideration its notice of proposed rule making released January 13, 1961, wherein amendments to § 1.316 of the Commission's rules were proposed so as to implement sections 311(c) and 307(b) of the Communications Act of 1934. Section 311(c) provides, inter alia, that it shall be unlawful for any applicants for broadcast facilities to effectuate by agreement the removal of any mutually exclusive application without the approval of the Commission, and that the Commission shall approve such agreement only if it finds it to be consistent with the public interest, convenience, or necessity. Section 311 further provides that the Commission may not find an agreement to be in the public interest if (unless it contemplates a merger) it contemplates the making of a payment to a party for the withdrawal of his application which is in excess of his legitimately expended and to be expended costs in connection with the preparation, filing, and advocacy of the grant of the application. Section 307(b) enjoins the Commission "to provide a fair, efficient, and equitable distribution of radio service . . . among the several States and communities."

2. On January 11, 1961, the Commission adopted amendments to § 1.316 of the Rules to implement the above provisions of section 311 and to enable the Commission to ascertain the facts where an agreement has been entered into between conflicting applicants. The same day we adopted the notice of proposed rule making which is the subject of this Report and Order. The notice expressed the Commission's concern over those cases in which a section 307(b) issue was initially presented by mutually exclusive applications but which disappeared upon withdrawal of an application pursuant to an agreement between the parties. In such cases, instead of a Commission determination that one community rather than another should receive a grant of broadcast facilities, as contemplated by section 307(b), the conflict between the parties was resolved solely on the basis of their private interests. It was proposed therefore that the commission

• • • consider approval of an agreement for the withdrawal of the only application in a community in a section 307(b) case only after other persons have been afforded an opportunity to apply for a station on the same frequency, in the same community and with substantially the same engineering characteristics as the application to be withdrawn, and thus succeed to the demand for service which is to be removed by the agreement between the parties.

3. Comments in response to the Commission's proposal have been filed by American Broadcasting-Paramount Theatres, Inc. (ABC), Radio Carmichael (an applicant), the Federal Communications Bar Association, Coastal Broadcasting, Inc. (an applicant), Harve Musicasters (an applicant), Cal-Coast Broadcasters (licensee of standard broadcast station KSEE, Santa Maria, California), and Kern County Broadcasting Co. (licensee of KLYD, KLYD–FM, and KLYD–TV, Bakersfield, Calif.).

4. Enactment of section 311(c) by the Communications Act Amendments, 1960 articulated Congressional recognition of the problems attendant to so-called "pay-offs" in the prosecution of mutually exclusive broadcast applications before the Commission. Congress therein conditioned Commission approval of agreements which would cause an applicant to withdraw upon certain findings with respect to the amount to be paid to the withdrawing applicant and with respect to whether the agreement was otherwise in the public interest. While these provisions of section 311(c) and § 1.316 of the rules, as now written, give the Commission some control over agreements to withdraw where a section 307(b) issue is present, they fail to provide us with completely adequate means to carry out our statutory mandate under section 307(b). For it is the view of the Commission that before a determination is made whether particular withdrawal agreements, which resolve the 307(b) issue according to the private interests of the applicants, are in the public interest, opportunity should be afforded to other interested parties to succeed to the facilities sought to be withdrawn.

5. This can be accomplished through the proposed rule as, in substance, it suspends the operation of the "cut-off" rules, thus enabling the Commission to accept additional applications for the facilities sought to be withdrawn. Should another application be filed, the Commission can then evaluate the relative needs of the communities concerned, instead of having the 307(b) issue precluded by an agreement between the applicants which results in the withdrawal of one applicant with no opportunity for other interested persons to apply for the same facilities.

6. The necessity to make this opportunity available is particularly pressing when a 307(b) issue is presented, for the grant of the remaining application may totally preclude the establishment of facilities in the community which the withdrawing applicant had sought to serve. Although it is not uncommon for the grant of broadcast facilities (particularly for standard broadcast stations) to preclude the establishment of further service in other communities, and though much of the distribution of facilities has thus been made on a random demand basis, the situation with which we are here concerned is different. For the proposed rule is not directed to the situation where there is but one application before us, but touches only those cases wherein there has been demand for broadcast facilities in a particular community, expressed in an application, and where

that application is then proposed to be withdrawn via an agreement between competing parties. In these circumstances, we make the considered judgment that our statutory responsibility under section 307(b) will be met and the public interest best served by protecting the broadcasting needs of particular communities for which broadcast facilities have been proposed, and then withdrawn, by providing, by rule, for further opportunity where appropriate for other persons to apply for the facilities sought to be withdrawn.

7. In its direct operation, then, the rule will serve the public interest by providing further opportunity in certain cases for interested persons to apply for the facilities sought to be withdrawn when there is a 307(b) issue present. Benefit can also be expected, however, in this situation, insofar as the rule acts to deter those who would use our processes for their private gain. For those who now file applications with the expectation that they will be able to bring about the withdrawal of competing applicants for other communities through a merger, or those who file an application in the expectation that they can extract a merger with a more favorable competing application as the price for the withdrawal of their application will be confronted with the fact that no such agreement can be entered into without the possibility of other parties coming in and succeeding to the application sought to be withdrawn. Section 311(c) of the Act now operates in much the same manner in the area of pay-offs as no agreements may be approved by the Commission which contemplate the payment of more than the legitimately expended and to be expended costs in connection with the filing and advocacy of the application to be withdrawn. The Commission does not expect, however, that the deterrent aspect of the rules will discourage bona fide applicants from filing for broadcasting facilities but we do expect that our responsibility under section 307(b) will be more fully met.

8. The additional time which would be allowed for filing further applications under the rule (two weeks for publication plus 30 days), plus the added delay necessitated by a hearing should further applications be filed, has been criticized by commenting parties as unfairly adding to the time that a party must wait before his application can be acted on by the Commission, and which time would be eliminated if agreements were approved and the rule not in effect. ABC in particular has noted that the rule may seriously lengthen the time within which badly needed service can be brought to the public in two areas—the "clear channel" and Docket 13340 proceedings—by discouraging consolidation of interests between competing applicants for clear channel frequencies and additional television stations in major markets (when the Commission acts in these areas) and forcing them to conduct protracted hearings. Our considered judgment is that in all cases where 307(b) issues arise our responsibility under that section can best be discharged through adoption of the rule as set out below. While the prompt disposal of all matters before us is desired, speed as a goal in the administrative process cannot be pursued irrespective of the results achieved.

9. Objection to the rule has also been raised on the ground that situations will arise where, because of a fundamental engineering defect in an application or because of intervening grants by the Commission or other changed circumstances, an applicant may have good cause to enter into an agreement to withdraw, and that in these cases inviting further applications which face the same obstacles is not warranted. We are not persuaded, however, that this possibility negates the utility of the proposed rule. It calls for the elapse of a brief period and public notice to provide opportunity for the filing of a substitute application to serve the same principal city only in cases where the previous applicant withdraws pursuant to agreement with a party with opposed interests who undertakes to give consideration for the withdrawal. Whether in these circumstances an alleged or apparent defect is curable may properly be left for adjudication of any substitute application which may be filed. Moreover, even if in some cases withdrawal is in fact induced by changed circumstances warranting such decision on the part of the previous applicant, we do not discern therein reasons for failing to provide opportunity for the same community to obtain service through a substitute application.

10. As originally proposed the requirements of the Rule for publication of the fact of a proposed withdrawal and the subsequent acceptance of new applications would be imposed whenever a withdrawal agreement was entered into and a section 307(b) issue was present. It is apparent, however, that certain agreements between competing applicants may by the withdrawal of a particular application actually accomplish the fair, efficient and equitable distribution of service which is our goal. It is not the purpose of the Commission to discourage such a result and we have, accordingly, amended the rule to provide that further opportunity for new persons to apply for the facilities sought to be withdrawn will be accorded only when withdrawal of an application through an agreement would unduly impede that distribution of radio service which is required by section 307(b) of the Communications Act.

11. ABC in its comments has expressed doubts about the legal authority to support adoption of the rule. Although section 311 does not explicitly provide for the rule, we think it clear that our broad authority and responsibility under section 307(b) provide a fully adequate basis for the course here adopted.

12. The Rule (as set out below) has been clarified to indicate that where more than 30 days is otherwise available to file a new application, the time within which new applications must be filed is not limited to 30 days after the required publication is completed. Similarly, no less than 30 days will be permitted to file a new application after publication of the notice notwithstanding the provisions of other rules. Local notice of the time within which new applications may be filed must also be given by the withdrawing applicant.

13. Rule changes are not normally effective until 30 days after publication in the FEDERAL REGISTER. However, the Commission is of the opinion that good cause is present to make the rule effective immediately upon publication in the FEDERAL REGISTER. Delay in the processing of applications now before us to which the rule may be applicable otherwise will be encountered. The Commission is of the opinion that the public interest would be served by avoiding such delay and making the rule effective upon publication in the FEDERAL REGISTER. Pursuant, therefore, to § 1.219 of the rules and section 4(c) of the Administrative Procedure Act, the rule changes adopted herein will become effective August 15, 1961.

14. In view of the foregoing the Commission is of the opinion that the public interest would be served by adoption of the rule as set forth below. *It is therefore ordered*, Pursuant to the authority of sections 4 (i) and (j), 303(r), 307(b), and 311(c) of the Communications Act of 1934, as amended, that effective August 15, 1961, Part 1 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: August 1, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.316 is amended by redesignating paragraphs (b), (c) and (d) as paragraphs (c), (d) and (e), and adding a new paragraph (b) as follows:

§ 1.316 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.

• • • • •

(b)(1) Whenever two or more conflicting applications for construction permits for broadcast stations pending before the Commission involve a determination of fair, efficient and equitable distribution of service pursuant to section 307(b) of the Communications Act, and an agreement is entered into to procure the withdrawal (by amendment to specify a different community or by dismissal pursuant to § 1.312) of the only application or applications seeking the same facilities for one of the communities involved, all parties thereto shall file the joint request and affidavits specified in paragraph (a) of this section. If upon examination of the proposed agreement the Commission or the Chief Hearing Examiner (where he has jurisdiction under section 0.224(b)(10) of the Commission's Statement of Organization, Delegations of Authority and Other Information) finds that withdrawal of one of the applications would unduly impede achievement of a fair, efficient and

equitable distribution of radio service among the several States and communities, then the Commission or Chief Hearing Examiner shall order that further opportunity be afforded for other persons to apply for the facilities specified in the application or applications to be withdrawn before acting upon the pending request for approval of the agreement.

(2) Upon issuance of an order under subparagraph (1) of this paragraph, any party proposing to withdraw its application shall cause to be published a notice of such proposed withdrawal twice a week for the two weeks immediately following issuance of the order in a daily newspaper of general circulation published in the community in which it was proposed to locate the station, or, if there is no such daily newspaper published in the community, then in the daily newspaper having the greatest general circulation in the community.

(i) The notice shall set forth the name of the applicant; the location, frequency and power of the facilities proposed in the application; the location of the station or stations proposed in the applications with which it is in conflict; the fact that the applicant proposes to withdraw the application; and the date upon which the last day of publication shall take place.

(ii) Such notice shall additionally include a statement that new applications for a broadcast station on the same frequency, in the same community, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn, timely filed pursuant to the Commission's rules, or filed, in any event, within 30 days from the last date of publication of the notice (notwithstanding any provisions of the rules normally requiring earlier filing of a competing application), will be entitled to comparative consideration with other pending mutually exclusive applications.

(iii) Within 5 days of the last day of publication of the notice, the applicant proposing to withdraw shall file a statement in triplicate with the Commission, setting forth the dates on which the notice was published, the text of the notice and the newspapers in which the notice was published.

(3) Where the Commission or Chief Hearing Examiner orders that further opportunity be afforded for other persons to apply for the facilities sought to be withdrawn, no application of any party to the agreement will be acted upon by the Commission less than 30 days from the last day of publication of the notice specified in subparagraph (2) of this paragraph. Any applications for a broadcast station on the same frequency in the same community, with substantially the same engineering characteristics and proposing to serve substantially the same service area as the application sought to be withdrawn, filed within the 30 day period following the last date of publication of the notice (notwithstanding any provisions of this Chapter normally requiring earlier filing of a competing application) or otherwise timely filed pursuant to the provisions of this chapter will be entitled to comparative consideration with other pending mutually exclusive applications. If the application of any party to which the new application may be in conflict has been designated for hearing, any such new application will be entitled to consolidation in the proceeding.

[F.R. Doc. 61-7530; Filed, Aug. 8, 1961; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 190—GENERAL

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held in Washington, D.C., on the 25th day of July A.D. 1961.

The matter of field offices designated for filing of reports under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended by orders of March 25, 1953, and April 21, and October 28, 1958, being under consideration; and

It appearing that more efficient and expeditious handling of Commission business warrants modification of § 190.40(b) of the Code of Federal Regulations (49 CFR 190.40(b)) only to the extent of designating where motor carriers domiciled in the state of Chihuahua, Mexico, shall file accident and hours of service reports and good cause appearing therefor;

It further appearing that this modification concerns only the designation of a place where motor carriers located in the state of Chihuahua, Mexico, shall file with the Commission reports required by the Motor Carrier Safety Regulations, and is an agency procedure, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That in paragraph (b) of § 190.40 of the Code of Federal Regulations (49 CFR 190.40(b)), the territory included in District No. 12, under the sub heading Mexico, be and it is hereby, amended to read "Those in all other Mexican states except the state of Chihuahua," and the territory included in District No. 13 be, and it is hereby, amended to read "state of Chihuahua." As so amended § 190.40(b) reads as follows:

§ 190.40 Accident and hours of service reports.

* * * * *

(b) *Reports by foreign carriers, where filed.* Motor carriers having their principal place of business outside the borders of the United States shall file the reports required by §§ 194.5, 194.7, 194.9, and 195.9 of this subchapter at district offices as follows:

	District
Canada:	
That part of Canada east of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border	1
That part of Canada west of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border; and east of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border	2
That part of Canada on the west of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border; and on the east of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border	8
That part of Canada west of Highway 11 from Nipigon to Macdiarmid and thence a straight line due north to the Canadian border; and on and east of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border	9
That part of Canada west of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border, and all of the Province of Alberta	13
All of the Province of British Columbia	15
Mexico:	
Baja California and Sonora	16
Those in all other Mexican States except the State of Chihuahua	12
State of Chihuahua	13

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall be effective August 15, 1961, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7523; Filed, Aug. 8, 1961; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Wheeler National Wildlife Refuge, Alabama

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Wheeler National Wildlife Refuge, Alabama, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres or 60% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Rabbit, crow, fox.

(b) Open season: 8:00 a.m. to 5:00 p.m. (Standard Time), February 12, 1962 through February 17, 1962.

(c) Daily bag limits: Rabbits 6; crow, no limit; fox, no limit.

(d) Methods of hunting:

(1) Weapons: Shotguns only, with maximum capacity of three (3) shells.

(2) Dogs: The use of dogs is permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Wheeler National Wildlife Refuge, Decatur, Alabama, starting February 5, 1962.

(3) The provisions of this special regulation are effective to February 18, 1962.

WALTER A. GRESH, *Regional Director, Bureau of Sport Fisheries and Wildlife.*

[F.R. Doc. 61-7504; Filed, Aug. 8, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Phoenix Gems, Inc., 1701 East Elwood Street, Phoenix, Arizona, proposing the establishment of an exemption from the requirement of a tolerance for residues of diatomaceous earth when used as a post harvest treatment for barley, buckwheat, corn, oats, rice, rye, sorghum grain (milo), and wheat.

The analytical method proposed in the petition for determining residues of diatomaceous earth is based on microscopic examination of the grain.

Dated: August 1, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-7515; Filed, Aug. 8, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 319]

ENTRY INTO GUAM OF FRUITS AND VEGETABLES

Leafy Vegetables, Celery, Potatoes, and Mangos, from Philippine Islands

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that, pursuant to the proviso in the Fruit and Vegetable Quarantine (7 CFR 319.56) and § 319.56-2 of the regulations supplemental to the said quarantine (7 CFR 319.56-2) under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), it is proposed to amend § 319.56a(a)(4) of administrative instructions appearing as 7 CFR 319.56a(a) to read as follows:

§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.

(a) • • •

(4) Leafy vegetables, celery, potatoes, and mangoes, from the Philippine Islands.

(Sec. 9, 37 Stat. 318, 7 U.S.C. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159)

This amendment would allow the importation of mangoes into Guam from the Philippine Islands, a movement now prohibited. Mango-fruit-infesting insects known to exist in the Philippine Islands also occur in Guam. Such imports would be subject to treatment should economically important insects unknown in Guam be observed on the fruit.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of August 1961.

[SEAL] E. P. REAGAN,
Director, Plant Quarantine Division.

[F.R. Doc. 61-7527; Filed, Aug. 8, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 941]

[Docket No. AO-101-A24]

MILK IN CHICAGO, ILL., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on April 4 to April 7, 1961, pursuant to notice thereof issued March 13, 1961 (26 F.R. 2314).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 9, 1961 (26 F.R. 5318; F.R. Doc. 61-5499), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Classification and pricing of milk used for manufacturing purposes.

2. Changing the requirements for a shipping plant to qualify as a pool plant.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The utilization now designated as Class III, Class III(a) and Class IV should be included in one class (Class III) and priced at the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota as reported by the United States Department of Agriculture.

Under the present provisions of the order, Class IV includes all milk and milk products the butterfat from which is contained in butter and cheese, except cottage cheese. Class III(a) is milk and milk products the butterfat from which is used principally in condensed milk and skim milk, evaporated milk, whole milk powder, nonfat dry milk and malted milk. Class III includes all milk and milk products the butterfat from which is contained in any manufactured product not named in the other order classifications or excluded from the other classes under specified conditions.

A number of proposals were made to change the present pricing provisions relating to milk utilized in Class III, Class III(a) and Class IV. These included (besides the price for manufacturing grade milk in Minnesota and Wisconsin) adjusting the make allowance in the present Class IV price formula, and use of (1) the Midwest condensery price, (2) a separate pricing formula for American cheese, (3) prices paid dairy farmers for manufacturing grade milk at various types of manufacturing plants in Wisconsin, and (4) the prices paid dairy farmers for manufacturing grade milk at plants operated by Order 41 handlers.

A number of Chicago handlers operate facilities for handling both Grade A and ungraded milk. Thirty-two such handlers receive manufacturing grade milk at 47 locations where regulated and unregulated milk is received or processed into manufactured products on the same premises. During 1959, 988 million pounds of ungraded milk were received at 30 of these plants. The 30 plants also handled 1,080 million pounds of milk, skim milk and cream regulated by the order. This involved 48 million pounds of butterfat, representing 59 percent of the butterfat utilized in the Classes III, III(a) and IV.

Order 41 milk is commingled with the other milk and milk products and processed into many manufactured dairy products. Some plants specialize and produce only one product. Other plants have multiple operations and use the commingled milk in more than one product, which may or may not be in different classes. Handlers can and do shift the utilization of their milk from one classification to another over a period of time. The operators of flexible plants can do this within their own operations by changing the amount of milk used from one product to another, or by allocating the milk handled in a manner

which results in a different classification. In the latter instance there need not be any changes in the over-all production of various products in the plant but rather changes in the method of operating. Other handlers can shift milk classification by shipping milk to other plants engaged in processing different products.

In recent years there has been an increased use of milk in Class IV products. While the total order milk available for manufacturing uses has increased, the quantity used in Class III(a) has dropped sharply and the proportion used in Class III use has declined significantly.

The shifts in classification are related in part to changes in relationships between order class prices and the competitive prices paid to dairy farmers for manufacturing grade milk used in the same products. Several measures of these latter prices were presented; one of these is the midwestern condensery pay price, which is the Class III(a) price. Another is the average of prices paid farmers for manufacturing grade milk testing 3.5 percent butterfat delivered in cans to plants, ranging in number from 27 to 47, operated by Order 41 handlers.

During the earlier years there were times, 1953 and 1954, when the Class III(a) price was lower than or equal to the Class IV price. During six of the last nine years there was at least one month when the Class III(a) price was lower than the Class IV price. The number of such months, by years, were 3 in 1952, 12 in 1953, 3 in 1954, 4 in 1955, and 1 in 1957 and 1959. During the first four of these years, the proportion of Class III(a) milk remained fairly constant, with some increase in 1955. Since then, the proportion of Class III(a) milk has steadily declined. This has been accompanied by a widening disparity between the Class III(a) price and the Class IV price. While the annual average Class III(a) price was only six cents higher for 1955, this difference was 10 cents for 1956 and 1957, 13 cents for 1958, 14 cents for 1959, and 29 cents for 1960. Similarly, the amounts by which the prices paid by Chicago handlers for manufacturing grade milk exceeded the Class IV prices changed from 6 cents for 1955 to 7 cents for 1956, 8 cents for 1957, 12 cents for 1958, 15 cents for 1959, and 32 cents for 1960. Obviously, if a handler with Order 41 milk and ungraded milk were producing both Class III(a) and Class IV milk products, it would be to his advantage to find a way of having the Order 41 milk classified as Class IV milk rather than Class III(a) milk. A handler with excess milk would have an incentive to find a purchaser who would use the milk in Class IV products and would pay approximately the same price for the milk as a Class III(a) milk user.

The separate classification and pricing of various manufactured products has tended to favor the processors of some products in recent years. This is an unavoidable result of classifying and pricing milk for manufacturing purposes into separate classes according to products. The greater the disparity between individual class prices and the competitive level of manufacturing grade milk for the same uses, the more incentive there is to shift products into the lower priced class uses because of wider operating margins. As a result, producers' incomes are adversely affected through lower prices for their milk.

A separate classification and pricing formula for specific manufactured products or groups of products, such as the proposals pertaining to American cheese, would tend to assure handlers whose milk goes into these segregated uses, an operating margin, regardless of market fluctuations in the specific product prices in relationship to other manufactured dairy product prices. Supporters of a formula based upon yields, product prices and make allowances for pricing milk used in American cheese pointed out that during some months of 1960 the demand for cheese was strong and, consequently, prices were favorable relative to other dairy product prices. If the proposed classification and pricing for American cheese had been in effect during 1960, producers would have received more money from the use of milk in American cheese manufacture.

During each month of 1960, the proposed cheese formula price would have been higher than the Class IV price; these differences ranged from 1.1 cents in June to 43.9 cents in December. However, during 1960, prices which producers would have received under the proposed cheese formula were consistently lower than the prices paid to farmers for manufacturing grade milk. These differences, as reported by one proponent association, ranged from a low of 12 cents for January, February and March to 23 cents for August and averaged over 17 cents. This association paid a bulk tank premium of 10 cents per hundredweight on all Grade A milk, which represented approximately two-thirds of the milk received directly from farmers. A hauling subsidy of approximately 5 cents per hundredweight was paid on ungraded milk. At the end of the year an undisclosed amount of money was available for distribution to patrons.

Another proponent association testified that the average price it paid dairy farmers for ungraded milk during 1960 was $3.22 per hundredweight of 3.5 percent milk. This is 15 cents above the average monthly prices determined under the proposed cheese formula. This association paid a bulk tank premium amounting to 15.7 cents per hundredweight on all Grade A milk, which represented approximately 45 percent of total milk receipts from farmers. A hauling subsidy amounting to 2.5 cents per hundredweight was paid on all milk, and earnings of 12 cents per hundredweight were allocated to all member patrons.

The average monthly prices per hundredweight paid farmers for manufacturing grade milk delivered in cans to 14 plants operated by Chicago handlers and used primarily in cheese manufacture were consistently higher in 1960 than the proposed cheese formula price. These differences ranged from seven cents in September to 26 cents in May, June and July.

During eight months of 1959, the cheese formula would have resulted in prices ranging from two to 23 cents lower than the Class IV prices. In each month of 1959, the proposed cheese formula prices would have been lower than prices paid for manufacturing grade milk at the 14 plants operated by Chicago handlers by 14 to 26 cents. The proposed cheese price formula would guarantee handlers a substantial margin for milk used in American cheese, regardless of the relationship of cheese prices to other manufactured product prices. No incentive would be provided for handlers to seek the higher-valued outlets unless operating margins in other classes were more favorable. Thus, producers would not receive the highest use value for their milk. Further, the relatively lower order price for milk used in American cheese would attract additional unregulated milk supplies to the pool which would further disadvantage regular producers for the Chicago market.

The total milk used in the production of American cheese under the order, while substantial, has not been proportionately as large as milk used in some other products. The amount of reserve milk used in butter ranged from a low of 73 million pounds in 1955 to a high of 131 million pounds per month in 1958, 60 percent and 71 percent, respectively, of the total reserve supply classifications (Class III, III(a) and IV).

Separate classification and pricing for reserve milk used in individual products or groups of products tend to eliminate the incentive for handlers to seek the higher-valued uses for reserve milk. A degree of rigidity would be introduced by the various pricing formulas required to establish the different order prices, which would tend to adversely affect diversified product handlers and handlers specializing in different single product manufacture.

The consolidation of all reserve milk into one class would encourage handlers to utilize their excess milk in the higher-valued uses. At the present time order milk for manufacture tends to be used in the lowest-priced class. This is because many handlers under the order also receive ungraded as well as regulated milk and the competitive price situation demands that the ungraded and unregulated milk be used in manufacture of products in the higher priced uses. Otherwise, the price they could pay dairy farmers for ungraded milk would be lower than their competitors' prices. Regulated milk at the order price has no such competition.

One reserve class recognizes that prices for manufacturing grade milk tend to be reasonably uniform, regardless of the use made of the milk. Over 70 percent of the Chicago milk supply is produced in Wisconsin. Hundreds of plants in the area compete for milk supplies with the result that prices paid for milk in the several alternative uses tend to be equated in the long run period at one level representative of prices for all manufacturing grade milk in the aggregate.

The two methods now used to determine reserve milk prices under the order are the "midwest condensery price" and a "butter-powder formula".

The former is a measure of prices paid for manufacturing grade milk testing 3.5 percent butterfat at ten plant locations in Wisconsin and Michigan. The latter method assumes yield factors for butter and nonfat dry milk production which are multiplied by the respective current product prices. From the sum of these computations, a specified figure is deducted which is referred to as a "processing allowance".

There are five components of the present butter-powder price—two yield factors, two price series and the manufacturing or processing allowance. Each of these affects the price resulting from the formula's application. If a well operated plant were using all of its milk in the manufacture of butter and creamery by-products, the management could readily ascertain its average yields of butter, nonfat dry milk solids, and buttermilk powder per hundredweight of milk of average test. Figures would be available also on the average price received per pound of each product.

Under the current conditions existing, however, the problem is complicated by additional cost factors not susceptible of accurate appraisal or precise measurement.

The pooling requirements of the order require that some milk, skim milk, or cream be shipped from plants to the market during the year. Shipments from country plants vary from day-to-day and from plant to plant. Shipments affect, to some degree, the yields and prices of manufactured products produced from reserve milk. There is some question as to how entrainment losses should be taken into account in computing yields of butter and powder when part of the plant receipts are shipped to the market.

The fact that all milk received by a handler is not used in butter and powder production necessarily means that some allocation of costs must be made to various operations. Some handlers presented general data on the cost of utilizing 100 pounds of 3.5 percent milk in butter and powder. In most instances a single-cost figure was presented without an explanation of the method used or factors considered in arriving at this figure. The major proponents of the retention and expansion of the formula method of pricing presented a figure of 70.1 cents as the cost of processing a hundredweight of 3.5 percent milk into butter and powder. This figure represented the cost experience during 1960 of 11 cooperatives that handled more than 40 percent of the Class IV milk in the pool during the year. No explanation of the cost allocation method used, the variation in cost among plants, or the proportion of Class IV milk handled at these plants was offered.

The problem of securing specific data to properly determine the appropriate components of the formula is only one of the shortcomings of this method of pricing milk for manufacturing purposes under current conditions in the Chicago milkshed. Another is that formula prices, because they are tied directly to specific products, are not consistently aligned with prices for manufacturing grade milk.

Another shortcoming of the present Class IV formula is the lag in its adjustment to cost and technological changes. Changes in labor costs could be responsible for a needed adjustment in the formula. Changes in technology, which may reduce costs of assembling, processing, packaging or merchandising milk and milk products, would not be reflected in changes in formula prices until order amendments were made. Apparently technological changes have resulted in some significant cost reductions during the past ten years, since despite the increases in labor costs the cooperatives which presented the data stated their total costs per hunderdweight of milk were about five cents below the Class IV handling allowance. The shift from the use of drums to bags in packaging nonfat dry milk solids reduced costs of handling Class IV milk approximately seven cents per hundredweight. Although this change occurred some time ago, a corresponding change in the Order 41 Class IV price has not been made to date.

The use of the competitive pay price method of pricing milk is based upon the premise that in a highly competitive economy dairy concerns will tend to purchase milk at prices commensurate with the more efficient concerns' ability to pay for the product. As shifts occur in the relationship between finished product prices, one group of processors may be able to pay higher prices. The other processors must meet or approximate these prices or lose their supplies. If a dairy concern fails to make the necessary adjustments, it will in time be forced out of business. Increasing labor and other costs will tend to reduce prices paid for milk. On the other hand, the use of new assembling, processing, packaging and marketing techniques which reduce costs or increase product returns will tend to increase prices paid for milk. These upward or downward adjustments in costs would be automatically reflected in reserve milk prices by using the competitive pay prices method of pricing.

The major part of the Chicago milkshed is in Wisconsin, a highly competitive market for manufacturing grade milk. Prices to farmers in the area are sensitive to changes in product prices and costs. Opponents of a competitive pay price method of pricing reserve milk contended that these prices were maintained only by the use of compensating devices, including "test errors", and the use of abnormally high yields of product for milk received. Therefore, the reliability of prices received by dairy farmers delivering to these plants was questioned. The average of prices paid by Order 41 handlers for manufacturing grade milk, a price series discussed earlier, was higher than prices in other series with the exception of prices paid by condenseries. Prices paid by some of the handlers who voiced concern over the reliability of competitive pay prices were included in this series. Three cooperatives of the 11 supporting formula pricing introduced the prices paid their farmers for ungraded milk during 1960. The annual averages were $3.21, $3.215 and $3.22 per hundredweight of 3.5 percent milk, compared with a $3.18 average for the Order 41 handlers included in the series. All three of these associations paid some hauling subsidies and bulk tank premiums; further, they all had earnings to distribute or allocate to member patrons at the end of the year.

The other objection to the competitive pay price was that it would not assure handlers of reserve supplies of milk that they would "come out on a break-even basis". The reasons for not guaranteeing handlers an operating margin on any product they want to produce, regardless of the price relationships of the various dairy products, are set forth elsewhere in this discussion.

Proponents for retaining the butter-powder formula recommended an increase in the Class IV price of 5.6 cents per hundredweight. However, their data on yields, prices and costs were for 1960, and the net result of figures would be a 7.7 cent increase in the Class IV formula price. The average of the Class IV prices for 1960 was $2.86. Presumably the break-even point for butter-powder operations of these 11 cooperatives would have permitted them to pay around $2.94 for 1960. However, three of these proponent associations paid about 28 cents a hundredweight more for ungraded milk during that year, plus some premiums, hauling subsidies and patronage credits.

The Midwest condensery price is the competitive pay price series now used in the order. Currently, prices from only 10 plants are included in this series—three are located in Michigan and seven in Wisconsin. Originally, there were 18 plants or places reporting prices, but the number has gradually dwindled over the years to the point where consideration of another measure of manufacturing prices is deemed advisable.

The Midwest condensery price should continue, however, for the present as an alternative to the Minnesota-Wisconsin price for manufacturing grade milk for the purpose of determining the basic formula price under the order. The condensery pay price has been the effective basic price formula at most times during the past several years. This will effectuate the orderly transition to the Wisconsin and Minnesota price series herein recommended for such purpose as well as providing a method for pricing reserve milk in Class III.

The data used in compiling the series of prices paid by Order 41 handlers for ungraded milk were assembled by the market administrator after the prices were paid. Data for this series are not being assembled on a current basis. Using these prices as the basis for pricing reserve milk under the order would place handlers in a difficult position. Their price-making decisions with respect to their ungraded milk would affect not only these supplies but also their margins on handling of order reserve milk. If the resulting average price should fall below other measures of ungraded milk prices, these handlers would be subject to accusation that price manipulation had reduced returns to producers for the market.

Information on the prices paid at manufacturing plants in Wisconsin and Minnesota is assembled by the State-

Federal Crop Reporting Service. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content and total dollars paid to dairy farmers for such milk, f.o.b. plant. These prices are available on a current month basis and can be announced on or before the fifth day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two states weighted by the proportionate amount of manufacturing milk produced in each state. This series is based upon a large sample of plants located in the two large remaining areas of predominantly manufacturing grade milk in the country. Approximately 50 percent of the total manufacturing grade milk sold off farms in the U.S. is produced in these two states. In Minnesota, about 75 percent of the milk sold off farms is manufacturing grade milk, and in Wisconsin 45 percent is manufacturing grade. Competition for this milk is strong in both states. Consequently, no individual company, or group of companies, can have a significant influence upon the level of prices.

The average Class IV price in the six-year period 1955-60 was $2.94, by far the lowest of the prices quoted for milk for manufacturing purposes. The Midwest condensery pay price (Class III(a)) for the six years averaged $3.08, the same as the average paid by 30 Order 41 handlers for ungraded milk received at their plants from dairy farmers. The price for manufacturing grade milk f.o.b. plants in Wisconsin, as reported by the United States Department of Agriculture, and the Minnesota-Wisconsin price series, each averaged $3.03 for the six-year period.

During 1960 the average of each of these price series per hundredweight of 3.5 percent milk was: Class IV $2.86, Midwest condensery $3.15, 30 Order 41 plants for ungraded milk $3.18, manufacturing grade milk in Wisconsin $3.12 and the Minnesota-Wisconsin manufacturing grade milk price $3.10.

The spread in the highest and lowest prices in these price series was greater in 1960 than in the preceding 5 years. This was because of the abnormal price spread among the various price series in the last three months of 1960. Representative of the situation that prevailed during that period was the spread in December of 50 cents between the Midwest condensery price ($3.44) and the Class IV price ($2.94).

The average of the prices paid farmers in the various states for manufacturing grade milk, as reported by the United States Department of Agriculture, is at the weighted average butterfat test of milk received at these plants. Since Order 41 prices are announced on a 3.5 percent butterfat basis, it is necessary that the announced Minnesota-Wisconsin prices for manufacturing grade milk be adjusted to this basis. The Order 41 producer butterfat differential should be used in making this adjustment. This is an appropriate and representative measure of butterfat value in the area.

The order price for milk for manufacturing purposes applicable at each plant should not be based on the percentage of milk received at such plant which was used for manufacturing purposes.

A varying Class IV price, based upon the percentage of milk received at the plant which was used as Class IV milk, was proposed. The higher the percentage of receipts at the plant used in Class IV milk, the higher would be the Class IV price. As the percentage of receipts at the plant used in Class IV milk decreased, the Class IV price would decrease also. The point was made that a plant handling surplus milk incidental to a fluid milk operation has higher costs per hundredweight of milk handled than a plant engaged primarily in manufacturing operations. This is because most of the time the milk supply is used as fluid milk, but on certain days, and at certain times of the year, milk must be disposed of for manufacturing purposes. This type of operation, it was claimed, is more costly because of idle labor and equipment that must be maintained to handle the excess when it becomes necessary.

Handlers who are primarily fluid milk operators may purchase all of their supply directly from producers and handle their own daily and seasonal excess milk, or purchase all of their supply from other handlers—operators of county plants—who have the responsibility of handling the daily and seasonal reserves incidental to the fluid milk operation. For this service the fluid milk operator pays a plant charge for the supply he gets from the country plant. These charges vary depending upon the services performed. The lowest plant charges apply to a given volume of milk which the fluid milk operator takes every day. The charges are higher if he varies his volume from day-to-day or buys milk only on certain days during the week; and the highest plant charges apply to spot purchases, generally during the fall months, to supplement the fluid milk operator's regular supply.

Plant charges vary according to the type of plant delivering the milk and are lower at receiving stations with no manufacturing facilities. The milk supply in these plants moves to the market most of the time. Plant charges are considerably higher in plants equipped to manufacture the milk into various milk products. The milk from these plants generally moves to the market only during certain seasons of the year. The higher plant charges are made by manufacturing plants to compensate for idle labor facilities that must be maintained and available when the milk is left in the plant for manufacturing purposes. The way the fluid milk business operates makes it necessary for these manufacturing plants to manufacture all milk received on certain days of the week and part of their milk receipts on practically all days of the week. This in-and-out manufacturing operation is costly and accounts for the relatively high plant charge at manufacturing plants as compared with receiving station costs.

A fluid milk operator who buys his milk supply from receiving stations and stand-by manufacturing plants pays a plant charge to the operator of these facilities. This plant charge represents the costs of receiving milk and operating these facilities for handling the daily and seasonal reserve supplies not needed by the fluid milk operator. The plant charge he pays for this service is added to the Class I price to determine the cost of his fluid milk supply.

A fluid milk operator who buys milk from producers and handles his own daily and seasonal reserve supplies has additional costs which are not covered by the order prices for milk for manufacturing purposes. These costs must be added to the Class I price in order to determine the cost of his fluid milk supply. These costs tend to offset the costs his competitor has to add to his Class I price when he pays a plant charge to others for services performed by them.

2. July through February should replace August through October as the months in which a country plant must ship a specified percentage of its receipts from dairy farmers to pool plants to earn pool plant status for the months of seasonally low production.

As now provided in the order, a country plant may attain pool plant status during any single month by shipping at least 30 percent of the butterfat in, or 30 percent of the volume of, milk received from dairy farmers to pool plants bottling and distributing Class I or Class II milk in the marketing area. If a country plant ships at least 40 percent of its receipts from dairy farmers during August through October, while shipping at least 30 percent of its receipts during each of these three months, it is accorded pool plant status for the following nine months of November through July.

A producer association marketing the milk of its own plants and of a number of country plants under the order, proposed that the monthly shipping requirement percentages for country plants to become pool plants be changed from 30 percent for all months to 40 percent for each month of August through November and remain at 30 percent for each of the remaining eight months. Under another proposal offered it would extend the period during which a country plant shall ship a specified percentage of its receipts in order to be accorded pool plant status for the remaining months by replacing August through October with July through February and have the following shipping requirement percentages apply for each of these eight months: July, 25 percent; August through November, 40 percent each month; December, 30 percent; January and February, 15 percent each month. A country plant meeting these shipping standards would be accorded pool plant status for the following four months of March through June.

Immediately before and following the three-month qualifying period of last year handlers engaged in bottling and distributing operations in the Chicago area experienced considerable difficulty in obtaining sufficient milk from the country plants to meet their fluid milk requirements. Efforts on many occasions by the city plants and by proponent associations, who service many of the Chicago area distributing plants with

their fluid supplies, resulted in the supply plants' urging that the request for milk be taken elsewhere and that other sources of supply be explored. Although milk seemed to be available, some of the country plants appeared to be reluctant to release any of it for fluid use in the market. All these country plants have manufacturing facilities and it was claimed that they were adverse to shipping their milk to the market and were using the milk in their manufacturing operations.

Performance standards should not be so high that they force milk into the marketing area if such milk is not needed to supply fluid milk outlets. At the same time, an appropriate minimum standard is necessary to avoid the possibility that plants will refrain from supplying the market when such withholding might be beneficial to the plant itself but would result in disadvantage to the market.

Opposition to the proposed change in performance requirements for pool plant qualification indicated concern that it would force some plants and producers off the market, result in uneconomical shipments of milk to the market and reduce the blend price, and benefit nearby producers at the expense of those more distant. It was also contended that milk from distant zones was made available to the market when needed and that the obligation to service the market is one that initially should be met by the close-in plants. None of the plants referred to by these parties had experienced any back hauls in recent years and several of them shipped sufficient amounts of producer milk to the market each year as to create no problem for them to qualify as pool plants under the proposed performance standards.

Pool milk in Class I and Class II has been at least 50 percent of total producer receipts in January and February and well above this percentage in July, November and December. On the assumption that in these five months milk received at pool plants located within 100 miles from Chicago was needed to supply the Class I and Class II uses, then of the milk received at plants in the remaining zones, at least 28 percent in January and in February, 1960, 34 percent in July, 40 percent in November, 37 percent in December and 26 percent in January, 1961, would have been required to fulfill total Class I and Class II needs. The need for milk to supply Class I and Class II utilization from plants in zones 4–21 would be still higher if, as is likely, plants in the first three zones could not achieve full utilization in Class I and Class II of all milk received from producers. Plants located within 100 miles of Chicago are within the first three zones. If these computations included only plants located in the first two zones, the need for milk from the remaining zones would be considerably greater.

It might be econcmically more feasible to meet the needs of the market for Class I and Class II purposes from those farms and plants nearest the market. However, nearby plants have no greater obligation under the order to supply the market than those in the more distant zones. If milk is needed, it is the responsibility of all plants on the market, wherever located to meet that need. It is inappropriate to include in the pool, to receive the benefit of uniform prices, those plants which are not a regular or dependable part of the market supply. Plants in which the principal operation is the manufacture of milk products may be attracted to the pool primarily to participate in the higher utilization of the fluid milk market, without acceptance of responsibility for making supplies available to meet the Class I and Class II requirements of the market. Assurance of a regular and constant supply of milk for the market by the Chicago area pool plants is accentuated by the dating ordinance in effect in the City of Chicago.

A plant which may be considered an integral part of the market supply should be able to meet these requirements without difficulty under foreseeable circumstances. These standards, which are reasonable and will emphasize the responsibility of plants associated with the market, would require that a country plant, shipping at least the following percentages of its receipts of milk from dairy farmers to pool plants: 30 percent in July and December, 40 percent in each month of August through November, and 15 percent in January and February, will be allowed pool plant status for January and February and for the following months of March through June. Because September 1961 is the first month for which any change in the order would be effective, provision should be made for January through June 1962 pooling for country plants on the basis of shipments in the preceding short production months. Accordingly, a country plant which was a pool plant in August 1961 and continues to meet the specified shipping requirements under the order during September 1961 through February 1962 should be accorded pool plant status in each month of January through June 1962.

The provision that a country plant may qualify as a pool plant during any single month by shipping at least 30 percent of its receipts to a pool plant should not be changed. The revision recommended in this decision to require a country plant to meet shipping standards during an 8-month period to earn pool plant status at a shipping rate less than 30 percent during 6 months of the year provides a suitable standard for plants having a continuing association with the market. The testimony presented was focused primarily on this type of plant. It was not shown that the 30 percent shipping requirement for a plant to qualify in any individual month is inappropriate under present conditions in the market.

Proposals were offered which would qualify plants on a handler instead of on an individual plant basis. That is, a handler would qualify his plants collectively on the basis of the percentage that the aggregate shipments from them were of their aggregate receipts. The recommended decision did not provide for such unit qualification of supply plants. However, exceptions to the recommended decision submitted by handlers and cooperatives indicated that unit pooling of supply plants will tend to minimize uneconomic and unnecessary transportation and receiving costs which might be incurred by a handler to assure pool status for each of his supply plants on an individual basis. In view of this, provision should be made to permit unit qualification of plants supplying regulated distributing plants.

A proposal was made to require that milk shipped from a country plant to a city plant be used for Class I or Class II purposes. The need for such a provision in the order was not established. Neither was it shown that it would be administratively feasible under current conditions in the Chicago market. Accordingly, the proposal to require a specified utilization for milk shipped from a country plant to a city plant should be denied.

That portion of the pool plant provisions which grants relief from the effects of a labor dispute should not be changed. It was proposed that if, during the qualifying period, a handler notifies the market administrator that a plant is unable to meet the established performance requirements because of a labor dispute, the market administrator, upon verification of the claim, shall credit the plant with minimum compliance for every day such condition exists. As now provided in the order, when the inability of the plant to perform is because of a work stoppage due to a labor dispute between employer and employee, the receipts and utilization of milk at the plant during the work stoppage are not included in determining the percentage of milk or butterfat shipped.

Proponents contend the present provision is too restrictive in prescribing that a work stoppage must occur, in specifying the type of dispute upon which relief may be predicated, and in the granting of relief. Eliminating the requirements for work stoppage could offer opportunities for evasion of order obligations not present under the precise and specific language now used. The varieties of situations, any one of which might be termed a labor dispute, which could conceivably under the proposal affect a plant's ability to meet performance standards, are many. They could be of a direct and positive nature, or even indirect and remote, and could occur at places far distant from the plant itself or the market. Cases involving jurisdictional disputes between rival labor groups, disputes between haulers and their employees, organizational disputes, picket lines for any reason, and disputes in city plants to which the milk is shipped or in equipment factories are only a few of the many that might apply.

The change in type of relief which is requested is such as would enable a plant to attain pool plant status under the performance standards even though it had not shipped any milk to the market during the entire qualifying period. The plant would likewise have to be credited with full compliance, although it may not have shipped any milk during any of the preceding months when there had not been a labor dispute. Thus, a plant could be a pool plant for the entire year, sharing in the pool, without having serviced the market at any time, regardless of the market's needs. If this occurred at other plants at the same time, it could become necessary to expand the market in order to replace the lost supply of milk that would continue to be pooled.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Chicago, Illinois Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Chicago, Illinois marketing area is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1960 is hereby determined to be the representative period for the conduct of such referendum.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., August 4, 1961.

JAMES T. RALPH,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Chicago, Illinois Marketing Area

§ 941.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Replace § 941.16 with the following:

§ 941.16 Other source milk.

"Other source milk" means any milk or milk products (except those milk products covered by the Class III milk definition which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers, or (c) plants where milk is priced under a marketing agreement or order issued pursuant to the Act for any other milk marketing area.

§ 941.40 [Amendment]

2. In § 941.40(c) delete "Class III(a) milk", "Class IV milk", and "Class III(a) milk and Class IV milk", wherever they appear.

§ 941.41 [Amendment]

3. In § 941.41(a)(3)(ii) replace "Class II milk, Class III milk, Class III(a) milk, and Class IV milk" with "Class II milk and Class III milk".

4. Replace § 941.41 (c) and (d) with the following:

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk, malted milk, condensed skim milk, butter, cheese (except cottage cheese), inventory variations and products lost in transit by a handler;

(2) Any other product not included in Class I milk or Class II milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

to the exceptions in paragraphs (a) and (b)(1) of this section;

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b)(2) of this section;

(5) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.44 [Amendment]

5. In § 941.44(c)(3) replace "(d)(2), (e)(2), and (f)(7)" with "(d)(2) and (e)(7)".

6. Replace § 941.44 (e), (f), and (g) with the following:

(e) Determine the total pounds in Class III milk as follows:

(1) Multiply the actual weight of each of the several items of Class III milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraphs (1) and (2) of this paragraph;

(4) Add to the total pounds of butterfat computed pursuant to paragraphs (c)(2) and (d)(2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to subparagraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class III milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amount determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by 0.035; and

(f) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (e)(4) of this section are greater than the pounds of butter computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by 0.035.

§ 941.45 [Amendment]

7. In § 941.45(e) delete "Class III(a) milk, or Class IV milk".

8. In § 941.45(j) replace "Class II, III, III(a) and IV" with "Class II and III".

9. Replace § 941.50 with the following:

§ 941.50 Basic formula price.

The basic formula price to be used in computing the prices for Class I and Class II milk for each delivery period shall be the higher of the prices, rounded to the nearest cent, as follows:

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for the delivery period next preceding, to farmers for milk containing 3.5 percent butterfat delivered at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The Class III price pursuant to § 941.52(c) for the delivery period next preceding.

§ 941.52 [Amendment]

10. Replace § 941.52 (c) and (d) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the delivery period: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 941.82 and rounded to the nearest full cent.

§ 941.61 [Amendment]

11. In § 941.61(c)(1) delete ", Class III(a) and Class IV".

§ 941.64 [Amendment]

12. In § 941.64(c)(2) replace "Class II milk, Class III milk, Class III(a) milk, and Class IV milk" with "Class II milk and Class III milk".

§ 941.66 [Amendment]

13. In § 941.66(b)(2) and (3) replace "August, September, and October" with "July through February".

14. Replace § 941.66(b)(4) with the following:

(4) Any plant which during the period of July through February ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of at least 30 percent in July and December, 40 percent in each month of August through November, and 15 percent in January and February of the pounds of butterfat in, or at least the same percentages of the volume of milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form to (and is physically received in) plants which operate in the manner described in paragraph (a) of this section, irrespective of whether or not such plants receive milk from dairy farmers, shall be a pool plant beginning with March and continuing through June, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period in which the pool plant requirements under this paragraph are fulfilled:

Provided, That a plant which ships (or is credited with shipments of) at least 30 percent in July and December and 40 percent in each month of August through November pursuant to this subparagraph (4) shall be a pool plant in each of the following months of January and February if it ships (or is credited with shipments of) at least 15 percent of the pounds of butterfat in or the volume of milk received from dairy farmers at such plants, in the forms and in the manner specified in this subparagraph (4) to the plants which operate in the manner described in paragraph (a) of this section.

15. Add a new § 941.66(b)(5) as follows:

(5) Two or more plants shall be considered a unit for the purpose of this paragraph (b) if the following conditions are met:

(i) The plants included in a unit are owned and operated by a handler or are under his control with respect to the marketing of milk, skim milk, and cream pursuant to a written contractual agreement submitted to the market administrator;

(ii) The handler establishing a unit notifies the market administrator in writing of the plants to be included therein prior to July 1 of each year (or within 30 days of the effective date of this subparagraph (5) for a unit to be operative from the effective date hereof until July 1, 1962) and no additional plants shall be added to the unit prior to July 1 of the following year; and

(iii) The notification pursuant to this subparagraph (5)(ii) shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be made in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

16. Add a new § 941.66(b)(6) as follows:

(6) Any plant which during the period of August 1961 through February 1962 ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of at least 30 percent in August and December, 40 percent in each month of September through November, and 15 percent in January and February of the pounds of butterfat in, or at least the same percentages of the volume of milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form to (and is physically received in) plants which operate in the manner described in paragraph (a) of this section, irrespective of whether or not such plants received milk from dairy farmers, shall be a pool plant beginning with March and continuing through June 1962, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period in which the pool plant requirements under this paragraph are fulfilled: *Provided*, That a plant which ships (or is credited with shipments of) at least 30 percent in August and December and 40 percent in each month of September through November pursuant to this subparagraph (6) shall be a pool plant in each of the following months of January and February 1962 if it ships (or is credited with shipments of) at least 15 percent of the pounds of butterfat in or the volume of milk received from dairy farmers at such plants, in the forms and in the manner specified in this subparagraph (6) to the plants which operate in the manner described in paragraph (a) of this section.

[F.R. Doc. 61-7526; Filed, Aug. 8, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor-Management Reports

[29 CFR Part 406]

REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS, CERTAIN AGREEMENTS WITH EMPLOYERS

Notice of Proposed Rule Making

Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 433(b)) requires various reports to be filed by persons who arrange with employers to persuade employees in matters relating to their rights to organize, or advise employers concerning the activities of their employees and labor organizations in labor disputes. In order to prescribe forms for reporting and to otherwise implement this provision of the statute, and pursuant to authority in section 208 of the Act (29 U.S.C. 438), I hereby propose to revise 29 CFR, Part 406 to read as hereinbelow set out.

Any interested person may file a written statement of data, views or arguments in regard to this proposal with the Secretary of Labor, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

Copies of the forms and accompanying instructions referred to in this proposal are available upon request from the Bureau of Labor-Management Reports, at the above address.

PART 406—REPORTING BY LABOR RELATIONS CONSULTANTS AND OTHER PERSONS; CERTAIN AGREEMENTS WITH EMPLOYERS

Sec.
406.1 Definitions
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AUTHORITY: §§ 406.1 through 406.10 issued under sec. 208, 733 Stat. 529; 29 U.S.C. 438; Interpret or apply sec 203(b), 73 Stat. 527; 29 U.S.C. 433, and sec. 207(b), 73 Stat. 529; 29 U.S.C. 437.

§ 406.1 Definitions.

As used in this part, the term:

(a) "Corresponding principal officers" means any person or persons performing, or authorized to perform, principal executive functions corresponding to those of president and treasurer of any entity engaged in whole or in part in the performance of the activities described in section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 527; 29 U.S.C. 433).

(b)(1) "Fiscal year" means the calendar year or other period of 12 consecutive calendar months, on the basis of which financial accounts are kept by a person. Where a person designated a new fiscal year period prior to the expiration of a previously established fiscal year period, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order constitute the fiscal years.

(2) A person who is subject to section 203(b) of the Act for only a portion of his fiscal year because the date of enactment of the Act (September 14, 1959) occurred during such fiscal year or because such person otherwise first becomes subject to the Act during such fiscal year, may consider such portion as the entire fiscal year in making his report under this part.

(c) "Undertake" means not only the performing of activities, but also the agreeing to perform them or to have them performed.

(d) "A direct or indirect party to an agreement or arrangement" includes persons who have secured the services of another or of others in connection with an agreement or arrangement of the type referred to in § 406.2 as well as persons who have undertaken activities at the behest of another or of others with knowledge or reason to believe that they are undertaken as a result of an agreement or arrangement between an employer and any other person, except bona fide regular officers, supervisors or employees of their employer to the extent to which they undertook to perform services as such bona fide regular officers, supervisors or employees of their employer.

§ 406.2 Agreements and activities report.

(a) Every person who as a direct or indirect party to any agreement or arrangement with an employer undertakes, pursuant to such agreement or arrangement, any activities where an object thereof is, directly or indirectly, (1) to persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing; or, (2) to supply an employer with information concerning the activities of employees of a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding; shall, as prescribed by the regulations in this part, file a report with the Commissioner, Bureau of Labor-Management Reports, United States Department of Labor, Washington 25, D.C., and one copy thereof, on Form LM-30 entitled "Agreements and Activities Report (persons, including labor relations consultants and other individuals and organizations)" in the detail required by such form and the instructions accompanying such form and constituting a part thereof. The report shall be filed within 30 days after entering into an agreement or arrangement of the type described herein. If there is any change in the information reported (other than that required by Item C, 11, (c) of the Form), it must be filed on a report clearly marked "Amended Report" within 30 days of the change.

(b) The report shall be signed by the president and treasurer or corresponding principal officers of the reporting person. If the report is filed by an individual in his own behalf, it need only bear his signature.

§ 406.3 Receipts and disbursements report.

(a) Every person who, as a direct or indirect party to any agreement or arrangement, undertakes any activities of the type described in 29 CFR 406.2 pursuant to such agreement or arrange-

ment and who, as a result of such agreement or arrangement made or received any payment during his fiscal year, shall, as prescribed by the regulations in this part, file a report and one copy thereof, with the said Commissioner Bureau of Labor-Management Reports, on Forms LM–21 entitled receipts and Disbursements Report (persons, including labor relations consultants, other individuals and organizations)", and LM–21A entitled "Schedule of Receipts and Disbursements", in the detail required by such forms and the instructions accompanying such forms and constituting part thereof. The report shall be filed within 90 days after the end of such person's fiscal year during which payments were made or received as a result of such an agreement or arrangement.

(b) The report shall be signed by the president and treasurer or corresponding principal officers of the reporting person. If the report is filed by an individual in his own behalf, it need only bear his signature.

§ 406.4 Status report.

(a) Every person who, as a direct or indirect party to an agreement or arrangement of the type referred to in § 406.2, undertakes any activities of the type described therein pursuant to such agreement or arrangement and who made or received no payment as a result of any such agreement or arrangement during his fiscal year, shall, as prescribed by the regulations in this part, file a report, and one copy thereof, with the said Commissioner, Bureau of Labor-Management Reports, on Form LM–22 entitled "Status Report (persons, including labor relations consultants, other individuals and organizations)" in the detail required by such form and the instructions accompanying such form and constituting a part thereof. The report shall be filed within 90 days after the end of such person's fiscal year.

(b) The report shall be signed by the president and treasurer or corresponding principal officers of the reporting organization. If the report is filed by an individual in his own behalf, it need only bear his signature.

§ 406.5 Terminal report.

(a) Every person required to file a report pursuant to the provisions of this part who during his fiscal year loses his identity as a reporting entity through merger, consolidation, dissolution, or otherwise, shall within 30 days of the effective date thereof or of the effective date of this section, whichever is later, file a terminal report, and one copy thereof, with the said Commissioner, Bureau of Labor-Management Reports, on Form LM–21 together with Form LM–21 A or Form LM–22, as is appropriate, signed by the President and Treasurer or corresponding principal officers immediately prior to the time of the person's loss of reporting identity (or by the person himself if he is an individual), together with a statement of the effective date of termination or loss of reporting identity, and if the latter, the name and mailing address of the entity into which the person reporting has been merged, consolidated or otherwise absorbed.

(b) For purposes of the report referred to by paragraph (a) of this section, the period covered thereby shall be the portion of the reporting person's fiscal year ending on the effective date of the termination or loss of identity.

§ 406.6 Persons excepted from filing reports.

Nothing contained in this part shall be construed to require:

(a) Any person to file a report under this part unless he was a direct or indirect party to an agreement or arrangement of the kind described in § 406.2;

(b) Any person to file a report covering the services of such person by reason of his (1) giving or agreeing to give advice to an employer; or (2) representing or agreeing to represent an employer before any court, administrative agency, or tribunal of arbitration; or (3) engaging or agreeing to engage in collective bargaining on behalf of an employer with respect to wages, hours, or other terms or conditions of employment or the negotiation of an agreement or any question arising thereunder;

(c) Any regular officer, or employee of an employer to file a report in connection with services rendered as such regular officer, supervisor or employee to such employer;

(d) An attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of this part any information which was lawfully communicated to such attorney by any of his clients in the course of a legitimate attorney-client relationship.

§ 406.7 Relation of section 8(c) of the National Labor Relations Act to this part.

While nothing contained in section 203 of the Act shall be construed as an amendment to, or modification of the rights protected by, section 8(c) of the National Labor Relations Act, as amended (61 Stat. 142; 29 U.S.C. 158(c)), activities protected by such section of the said Act are not for that reason exempted from the reporting requirements of this Part and, if otherwise subject to such reporting requirements, are required to be reported. Consequently, information required to be included in Forms LM–20, 21, 21A and 22 must be reported regardless of whether that information relates to activities which are protected by section 8(c) of the National Labor Relations Act, as amended.

§ 406.8 Personal responsibility of signatories of reports.

Each individual required to file a report under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 406.9 Maintenance and retention of records.

Every person required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 406.10 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by this part, and the furnishing by the Bureau of copies thereof to any person requesting them shall be governed by Part 407 of this chapter.

Signed at Washington, D.C., this 3d day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7506; Filed, Aug. 8, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Statement of Considerations

The Commission's regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," were amended effective January 1, 1961, to incorporate recent recommendations of the Federal Radiation Council and the National Committee on Radiation Protection. In addition, Appendix "B" to Part 20, entitled "Concentrations in Water and Air Above Natural Background," was substantially revised to reflect these recommendations.

A note to Appendix "B", paragraphs 2 and 3, establishes concentration limits for certain mixtures of radionuclides if either the identity or the concentration of any radionuclide in the mixture is not known but it is known that specified radionuclides are not present in the mixture. It has come to the attention of the Commission that the limits for mixtures specified in paragraphs 2 and 3 of the Note are not sufficiently comprehensive for all mixtures of radionuclides encountered in licensed operations. For example, in reactor air effluents where the radionuclides in the mixture may consist primarily of noble gases, the values specified in paragraphs 2 and 3 of the Appendix "B" Note may be unnecessarily restrictive. The following proposed amendment to the Appendix "B" Note would provide an additional standard for deriving a concentration limit for any mixture of radionuclides (1) where the identity of each radionuclide in the mixture is known but the concentration of each radionuclide in the mixture is not known, or (2) where the identity of each radionuclide in the mixture is not known but where it can be demonstrated by a physical assay or by the process of elimination that radionuclides other than those presently specified in the Note are not present.

The amendment also specifies for purpose of Appendix "B", Note, criteria for determining conditions under which radionuclides may be considered as not present in a mixture. These criteria are set forth in the new paragraph 5 to be added to the Appendix "B" Note. Under the amendment a licensee may demonstrate that a radionuclide is not present in a mixture by appropriate physical assay of the mixture or by the process of elimination when it is known, because of the nature of the licensed operations, that certain radionuclides are not present.

Notice is hereby given that adoption of the following amendment to 10 CFR Part 20, "Standards for Protection Against Radiation," is contemplated. All interested persons desiring to submit written comments and suggestions for consideration in connection with the proposed amendment should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER.

Part 20 is amended as follows:

1. Revise paragraph 3 of the Appendix "B" Note to read:

3. If any of the conditions specified below are met, the corresponding values specified below may be used in lieu of those specified in paragraph 2 above.

a. If the identity of each radionuclide in the mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the concentration limit for the mixture is the limit specified in Appendix "B" for the radionuclide in the mixture having the lowest concentration limit; or

b. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in Appendix "B" are not present in the mixture, the concentration limit for the mixture is the lowest concentration limit specified in Appendix "B" for any radionuclide which is not known to be absent from the mixture; or

c. Element (atomic number) and isotope	Table I		Table II	
	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)	Column 1 Air (μc/ml)	Column 2 Water (μc/ml)
If it is known that Sr 90, I 129, Pb 210, Po 210, At 211, Ra 223, Ra 224, Ra 226, Ac 227, Ra 228, Th 230, Pa 231, Th 232, and Th-nat are not present		9×10^{-1}		3×10^{-4}
If it is known that Sr 90, I 129, Pb 210, Po 210, Ra 223, Ra 224, Ra 228, Pa 231, and Th-nat are not present		6×10^{-1}		2×10^{-4}
If it is known that Sr 90, Pb 210, Ra 226 and Ra 228 are not present		2×10^{-1}		6×10^{-7}
If it is known that Ra 226 and Ra 228 are not present		3×10^{-4}		1×10^{-7}
If it is known that alpha-emitters and Sr 90, I 129, Pb 210, Ac 227, Ra 228, Pa 230, Pu 241 and Bk 249 are not present	3×10^{-9}		1×10^{-16}	
If it is known that alpha-emitters and Pb 210, Ac 227, Ra 228, and Pu 241 are not present	3×10^{-10}		1×10^{-11}	
If it is known that alpha-emitters and Ac 227 are not present	3×10^{-11}		1×10^{-12}	
If it is known that Ac 227, Th 230, Pa 231, Pu 238, Pu 239, Pu 240, Pu 242, and Cf 249 are not present	3×10^{-12}		1×10^{-13}	
If Pu 241, Pu 230, Pu 240, Pu 242 and Cf 249 are not present	2×10^{-13}		7×10^{-14}	

2. Add the following paragraph 5 to the Appendix "B" Note:

5. For purposes of this note, a radionuclide may be considered as not present in a mixture if (a) the ratio of the concentration of that radionuclide in the mixture (C_A) to the concentration limit for that radionuclide specified in Table II of Appendix "B" (MPC_A) does not exceed 1/10, (i.e. $\frac{C_A}{MPC_A} \leqq \frac{1}{10}$) and (b) the sum of such ratios for all the radionuclides considered as not present in the mixture does not exceed 1/4 i.e.

$$\frac{C_A}{MPC_A} + \frac{C_B}{MPC_B} + \cdots \leqq \frac{1}{4}).$$

Dated at Germantown, Md., this 3d day of August 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–7495; Filed, Aug. 8, 1961; 8:45 a.m.]

[10 CFR Part 40]

LICENSING OF SOURCE MATERIAL

Notice of Proposed Rule-Making

The principal proposed amendments set forth below are designed to (1) relieve persons exporting, to countries other than those listed in 10 CFR § 40.90, uranium in the form of aircraft counterweights installed in aircraft from the necessity of obtaining a specific license from the Atomic Energy Commission, (2) extend the present exemption from domestic licensing requirements for uranium aircraft counterweights to include storage, installation, removal, and incidental handling, and (3) exempt from domestic licensing requirements certain shipping casks made of or incorporating uranium as a shielding material.

The Commission regulation currently exempts from domestic licensing requirements uranium contained in counterweights installed in aircraft. The proposed amendment set forth below would extend this exemption to include not only the counterweights when installed in aircraft, but also exempt the storage and handling of such counterweights in connection with the installation or removal of the counterweights in or from aircraft.

It is highly unlikely that any individual would be exposed to a radiation dose in excess of one-tenth the occupational dose limits of 10 CFR Part 20. The radiation dose rate at the surface of the counterweight is about 130 mr/hr of beta-gamma radiation, of which the gamma component contributes only 2.7 mr/hr. Film badge data and handling time studies indicate that it is probable that the yearly dose to the hands would not exceed about 5 rems, from handling incident to storage, installation and removal of counterweights in aircraft. Ten percent of the Part 20 limit for exposure to the hands and forearms of individuals in a restricted area is 7.5 rem per year. The whole body dose is unlikely to exceed a small fraction of the dose limit for individuals in unrestricted areas.

Shipping casks made of uranium, or incorporating uranium as a shielding material, are frequently used to ship byproduct material. In addition to a byproduct material license, the receiver of such shipments also must have a source material license in order to receive the uranium in the shipping cask. This proposed amendment would exempt from the domestic source material licensing requirements such shipping casks made of or incorporating uranium as a shielding material, provided such casks meet the specifications for containers of radioactive materials prescribed by regulations of the Interstate Commerce Commission (49 CFR 78.250).

Notice is hereby given that the Commission proposes to adopt the following amendments to Part 40, CFR, "Licensing of Source Material." All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed amendments should send them to the Secretary, United States Atomic Energy Commission, Attention: Director, Division of Licensing and Regulation, Washington 25, D.C., within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except to comments filed within the period specified.

a. Add the following new § 40.23(c):

(c) A general license designated AEC–GRO–SMC is hereby issued authorizing the export from the United States to any foreign country or destination, except countries or destinations listed in § 40.90, of uranium in the form of counterweights installed in aircraft, provided that such counterweights have been manufactured under a specific license issued by the Commission and have been impressed with a statement, clearly legible after plating, which states, "CAUTION-RADIOACTIVE MATERIAL–URANIUM."

b. Redesignate § 40.13(c)(5)(i) as § 40.13(c)(5) and amend it to read:

(5) Uranium contained in counterweights installed in aircraft and stored or handled in connection with installation or removal of such counterweights in or from aircraft; provided that such counterweights are manufactured in accordance with a specific license issued by the Commission and that each such counterweight has been impressed with a statement, clearly legible after plating, which states, "CAUTION-RADIOACTIVE MATERIAL–URANIUM," and that there is no removal or penetration of the plating on such counterweights.

c. Add the following new § 40.13(c)(6) to read:

(6) Uranium used as shielding constituting part of any shipping cask which is conspicuously and legibly impressed with the legend "CAUTION-RADIOACTIVE SHIELDING-URANIUM," and which meets the specifications for containers for radioactive materials prescribed by § 78.250, Specification 55, Part 78 of the regulations of the Interstate Commerce Commission (49 CFR 78.250).

d. Redesignate § 40.13(c)(5)(ii) as § 40.13(c)(7) and revise it to read as follows:

(7) The exemptions in this paragraph (c) do not authorize the manufacture of any of the products described.

Dated at Germantown, Md., this 3d day of August 1961.

For the Atomic Energy Commission.

WOODFORD B. McCOOL,
Secretary.

[F.R. Doc. 61-7497; Filed, Aug. 8, 1961; 8:45 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 89]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Notice of Proposed Rule-Making

Notice is hereby given that under authority of the Act of September 28, 1959, as amended, 5 U.S.C. 3001 et seq., it is proposed to revise Part 89 of Title 5 of the Code of Federal Regulations to read as hereinafter set forth.

A preliminary draft of this revision was previously circulated to Federal agencies, employee organizations, health benefits carriers and others. As a result of their comments, the draft was further revised and expanded. The draft regulations are proposed to become effective November 1, 1961.

Interested persons may submit written comments, suggestions, or objections to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart A—Enrollment

Sec.
89.1 Definitions.
89.2 Coverage.
89.3 Enrollment.
89.4 Effective date of enrollment.
89.5 Continuation of enrollment.
89.6 Cancellation of enrollment.
89.7 Termination and suspension of enrollment.
89.8 Temporary extension of coverage for conversion.

Subpart B—Approval of Plans and Carriers

89.11 Minimum standards for health benefits plans.
89.12 Minimum standards for health benefits carriers.
89.13 Application for approval of health benefits plans.
89.14 Withdrawal of approval of health benefits plans.

Subpart C—Administrative Provisions

89.21 Contributions.
89.22 Withholding.
89.23 Reserves.
89.24 Certificates of dependency.
89.25 Employee appeals.
89.26 Legal actions.

AUTHORITY: §§ 89.1 to 89.26 issued under sec. 10, 73 Stat. 715, 5 U.S.C. 3009.

Subpart A—Enrollment

§ 89.1 Definitions.

For the purposes of this part:

(a) Terms defined by section 2 of the Federal Employees Health Benefits Act of 1959 have the meanings there set forth.

(b) "Cancellation" means the act of filing a Health Benefits Registration Form terminating enrollment in a health benefits plan and electing not to be enrolled for the future by an enrolled employee or annuitant who is eligible to continue enrollment.

(c) "Change of enrollment" means the registration of an enrolled employee or annuitant to be enrolled for another plan or option, or for a different type of coverage (self only or self and family), from that for which then enrolled. It does not include changes in amount of Government contribution for female employees enrolled for self and family which are caused by the gain or loss of a nondependent husband.

(d) "Eligible" means eligible under the law and this part to be enrolled.

(e) "Employing office" means any office of an agency to which jurisdiction and responsibility for health benefits actions for the employee concerned have been delegated. For enrolled annuitants who are not also eligible employees, the office which has authority to approve payment of annuity or workmen's compensation for the annuitant concerned is the employing office.

(f) "Immediate annuity" means an annuity which begins to accrue not later than one month after the date enrollment under a health benefits plan would cease for an employee or member of family if he were not entitled to continue enrollment as an annuitant. Notwithstanding the foregoing, an annuity which commences on the birth of the posthumous child of an employee or annuitant is an immediate annuity.

(g) "Option" means a level of benefits. It does not include distinctions as to the members of the family covered.

(h) "Pay period" means the biweekly pay period established pursuant to the Federal Employees Pay Act of 1945 for the employees to whom that Act applies; the regular pay period for employees not covered by that Act; and the period for which a single installment of annuity is customarily paid for annuitants.

(i) "Register" means to file with the employing office a properly completed Health Benefits Registration Form, either electing to be enrolled in a health benefits plan or electing not to be enrolled. "Register to be enrolled" means to register an election to be enrolled. "Enrolled" means to be enrolled in a health benefits plan approved by the Commission under this part.

(j) "Regular tour of duty" means a work schedule, prescribed in advance to continue indefinitely or for at least six months, of a certain number of hours or other time units in a day, week, biweekly pay period, month, or year.

(k) Whenever, in this part, a period of time is stated as a number of days or a number of days from an event, the period shall be computed in calendar days, excluding the day of the event.

§ 89.2 Coverage.

(a) Each employee, other than those excluded by paragraph (b) of this section, is eligible to be enrolled in a health benefits plan at the time and under the conditions prescribed in this part.

(b) Employees in the following groups are not eligible:

(1) Employees serving under appointments limited to one year or less, except acting postmasters.

(2) Employees whose employment is of uncertain or purely temporary duration, or who are employed for brief periods at intervals, or who are expected to work less than six months in each year.

(3) Employees in the postal field service serving under temporary appointments pending establishment of a register.

(4) Employees having no regular tour of duty because appointed for irregular part-time, when-actually-employed, or other intermittent employment.

(5) Employees whose salary, pay, or compensation on an annual basis is $350 a year or less.

(6) Beneficiary or patient employees in Government hospitals or homes.

(7) Employees paid on a contract or fee basis.

(8) Employees paid on a piecework basis, except those whose work schedule provides for full-time service or part-time service with a regular tour of duty.

(c) Employees and annuitants enrolled under this part who move, without a break in service or after a separation of three days or less, to an employment in which they are excluded by paragraph (b) of this section shall continue to be enrolled so long as they are employed full-time, or part-time with a regular tour of duty, unless excluded by subparagraphs (4), (5), (6), (7), or (8) of paragraph (b) of this section.

(d) The Commission shall make final determinations of the applicability of this section to specific employees or groups of employees.

§ 89.3 Enrollment.

(a) *Initial enrollment.* Except as otherwise provided in this part, each employee who becomes eligible must register within 31 days after becoming eligible, except that a substitute in the postal field service must register within 31 days after completing six consecutive pay periods in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding of the amount necessary for his share of the cost of the health benefits plan he selects.

(b) *Belated enrollment.* Upon a determination by the employing office that an employee was unable, for cause beyond his control, to register to be enrolled or to change his enrollment within the time limits prescribed by this section, the employing office shall accept his registration within 31 days after the employing office advises him that it has determined that he was unable, for cause beyond his control, to register within the time limits prescribed.

(c) *Re-registration.* An employee whose enrollment was terminated because of his completion of 365 days in a nonpay status, because he had a break in service of more than three days, or because he was furloughed by reason of reduction in force, must register within 31 days after his return to pay status.

(d) *Enrollment of cooperating employees.* An employee who serves in cooperation with non-Federal agencies and is paid in whole or in part from non-Federal funds may register to be enrolled within the period prescribed by the Commission for the group of which the employee is a member following approval by the Commission of arrangements providing (1) that the required withholdings and contributions will be made from Federally-controlled funds and timely deposited into the Employees Health Benefits Fund, or (2) that the cooperating non-Federal agency will, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and will transmit them for timely deposit into the Employees Health Benefits Fund.

(e) *Open season.* Not less often than once every three years, the Commission will by regulation provide every employee an opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

(f) *Change in family status.* (1) An enrolled employee or annuitant may register to change his enrollment from himself alone to himself and family, and an employee, if registered not to be enrolled, may register to be enrolled, at any time during the period beginning 31 days before a change in marital status and ending 60 days after the change in marital status. An enrolled employee or annuitant may change his enrollment from himself alone to himself and family within 60 days after any other change in family status.

(2) An employee or annuitant may at any time register to change his enrollment from self and family to self alone.

(3) An employee who is not enrolled, but is covered by Medicare or by enrollment, under this part, of a spouse, may register to be enrolled within 31 days after termination of Medicare or the spouse's enrollment, other than by death or cancellation, and within 60 days after termination, by death, of Medicare or the spouse's enrollment. An employee who is not enrolled, but is covered by Medicare or by the enrollment, under this part, of a parent, may register to be enrolled within 31 days after the termination of his coverage. An employee or annuitant who is covered by enrollment of another under this part may register to be enrolled within 31 days after a registration to change the covering enrollment under subparagraph (2) of this paragraph has been filed.

(g) *Termination by comprehensive medical plan or employee organization plan.* (1) An employee or annuitant who is enrolled in a comprehensive medical plan, and who moves outside the geographic area to which enrollment in that plan is limited, may, within 31 days after the move, register to be enrolled in another health benefits plan, but may not change his enrollment from himself alone to himself and family. If a comprehensive plan does not limit enrollment to a geographic area, but limits full services to a geographic area, an employee or annuitant enrolled in that plan who moves outside the full service area, or if already living outside the full service area, moves farther from the nearest office of the plan may, within 31 days after the move, register to be enrolled in another health benefits plan, but may change his enrollment from himself alone to himself and family.

(2) An employee or annuitant who is enrolled in a health benefits plan sponsored or underwritten by an employee organization and whose membership in the employee organization is terminated, may, if the plan terminates his enrollment, register, within 31 days after termination of his enrollment in the employee organization plan, to be enrolled in another health benefits plan, but may not change his enrollment from himself alone to himself and family.

(h) *Overseas posts of duty.* An employee who is transferred from a post of duty within the several States and the District of Columbia to a post of duty outside the several States and the District of Columbia, or the reverse, may register to be enrolled or change his enrollment with respect to whether his family is covered, the health benefits plan in which he is enrolled, which of the options he selects, or any combination of these, within the period beginning 31 days before the date he leaves the old post of duty and ending 31 days after he arrives at the new post of duty. An annuitant who is eligible to continue health benefits may register to change enrollment with respect to the health benefits plan, or option, in which enrolled within 60 days after retirement, or the death of the employee on whose service title to annuity is based, if the employee is stationed at a post of duty outside the several States and the District of Columbia at the time of his retirement or death, as the case may be.

(i) *Termination of plan.* An employee or annuitant who is enrolled in a health benefits plan and whose enrollment is terminated by the discontinuance of the plan in whole or in part may register to be enrolled in another plan within the time set by the Commission, but may not change his enrollment from himself alone to himself and family. This paragraph does not apply to termination of a contract at the end of a contract period immediately preceded by an open season.

(j) *Sole survivor.* When an employee or annuitant enrolled for himself and family dies, leaving a survivor annuitant who is entitled to continue the enrollment in a health benefits plan, and it is apparent from available records that the survivor annuitant is the sole survivor entitled to continue enrollment in the health benefits plan, the office of the retirement system which is acting as employing office shall change the enrollment from family to individual enrollment, effective on the commencing date of annuity for the survivor annuitant. Upon request of the survivor annuitant made within 31 days after the first installment of annuity is paid, this action shall be rescinded retroactive to the effective date of the action, with corresponding adjustment in withholdings and contributions.

(k) *Coverage of family enrollment.* An employee or annuitant who enrolls for self and family includes in his enrollment all members of his family who are eligible to be covered by his enrollment, but no person may be covered by two enrollments.

(l) *Enrollment by proxy.* In the discretion of the employing office, a representative of the employee or annuitant having a written authorization to do so may register for him.

§ 89.4 Effective date of enrollment.

(a) *Termination of plan.* The effective date of change of enrollment under § 89.3(i) is the first day of the first pay period after the employee's or annuitant's Health Benefits Registration Form is received by his employing office.

(b) *Sole survivor.* If a change in family status results in the enrolled employee having no surviving family member, the effective date of his change in enrollment under § 89.3(f) is the first day of the first pay period after the Health Benefits Registration Form is received by the employing office.

(c) *Generally.* The effective date of other enrollments or changes of enrollment is the first day of the first pay period which begins after the Health Benefits Registration Form is received by the employing office and which follows:

(1) A pay period during any part of which the employee, if not a substitute in the postal field service, or annuitant is in pay or annuity status, or

(2) If the employee is a substitute in the postal field service, the sixth consecutive pay period in which he was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding the amount necessary for his share of the cost of the health benefits plan he selects.

§ 89.5 Continuation of enrollment.

(a) *Upon transfer.* Except as otherwise provided by this part, the registration of an employee or annuitant eligible to continue enrollment continues without change when he (1) moves from one employing office to another, without a break in service of more than three days, whether the personnel action is designated as a transfer or not, or (2) changes from one employing office to another by reason of reemployment, if he is an annuitant, or by reason of retirement under conditions making him eligible to continue enrollment. For the purposes of this part, an employee shall be considered to have enrolled at his first op-

portunity if he registered to be enrolled during the first of the periods set forth in § 89.3 in which he was eligible to register or was covered at that time by the enrollment of another employee.

(b) *Upon death.* The enrollment of a deceased employee or annuitant who is enrolled for self and family is transferred automatically to his eligible survivor annuitants. The enrollment will be considered to be that of the survivor annuitant from whose annuity all or the greatest portion of the withholding for health benefits is made. It covers members of the family of the deceased employee or annuitant. A remarried spouse is not a member of the family of the deceased employee or annuitant.

§ 89.6 Cancellation of enrollment.

An enrolled employee or annuitant may at any time register to cancel his enrollment by filing with his employing office a properly completed Health Benefits Registration Form. The cancellation becomes effective on the last day of the pay period following the pay period in which the Health Benefits Registration Form cancelling his enrollment is received by his employing office. He and the members of his family are not entitled to the temporary extension of coverage for conversion or to convert to an individual contract for health benefits.

§ 89.7 Termination and suspension of enrollment.

(a) *Of employees.* An employee's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the earliest of the following dates:

(1) The last day of the pay period in which he is (i) furloughed by reason of reduction in force, or (ii) separted from the service other than by retirement under conditions entitling him to continue his enrollment.

(2) The last day of the pay period in which his employment status changes so that he is excluded from enrollment.

(3) The last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant.

(4) The 365th day of continuous nonpay status.

(5) For substitutes in the postal field service whose enrollment is not terminated as otherwise provided in this section, the last day of the 13th consecutive pay period, exclusive of periods of approved leave without pay of six months or more, during which his pay was not sufficient to permit withholding of the amount necessary for his share of the cost of the health benefits plan in which he is enrolled.

(b) *On entering a uniformed service.* (1) Enrollment and coverage of an employee or annuitant who enters on active duty or active duty for training in one of the uniformed services (i) for a period of time which is not limited to 30 days or less, and (ii) under conditions which entitle him to reemployment in his civilian position, and the coverage of the members of his family, are suspended on the date of entry. His enrollment is reinstated without change when he returns to active duty in his civilian position. He may register to change his enrollment within 31 days after his return to active duty in his civilian position with reemployment rights. However, if he returns to active duty in a civilian position under conditions which do not entitle him to exercise his reemployment rights, he must register as provided in § 89.3(a) for new employees.

(2) An eligible employee who is covered by another employee's enrollment may, within 31 days before or after suspension, register to be enrolled. Enrollment made pursuant to this paragraph becomes effective in accordance with § 89.4, but not before the effective date of suspension, and terminates, without temporary extension of coverage, upon reinstatement of the suspended enrollment.

(c) *Of annuitants.* An annuitant's enrollment ceases, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which he dies, unless he leaves a member of the family entitled to continue enrollment as a survivor annuitant, or, if his enrollment is not terminated by death, at midnight of the earlier of the following dates:

(1) The last day of the last pay period for which he is entitled to annuity, unless he is eligible for continued enrollment as an employee, in which case his enrollment continues without change;

(2) The last day of the pay period in which his title to compensation under the Federal Employees Compensation Act, as amended, terminates, or in which he is held by the Secretary of Labor to be able to return to duty, unless he is eligible for continued enrollment as an employee or as an annuitant under a retirement system for civilian employees, in which cases his enrollment continues without change.

(d) *Of members of the family.* The coverage of a member of the family of an enrolled employee or annuitant ceases, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which he ceases to be a member of the family.

(2) The day the employee or annuitant ceases to be enrolled, unless the member is entitled, as a survivor annuitant, to continued enrollment.

§ 89.8 Temporary extension of coverage for conversion.

An employee or annuitant whose enrollment is terminated other than by cancellation, and a member of the family whose coverage is terminated other than by cancellation of the enrollment under which he is covered, is entitled to a 31-day extension of coverage for himself, or himself and family, as the case may be, without contributions by the enrolled person or the Government, during which he is entitled to exercise the right of conversion provided for by this part. The 31-day extension of coverage and the right of conversion for any person ends upon the effective date of a new enrollment under this part which covers the person.

Subpart B—Approval of Plans and Carriers

§ 89.11 Minimum standards for health benefits plans.

(a) To be qualified to be approved by the Commission, a health benefits plan must:

(1) Comply with the Federal Employees Health Benefits Act of 1959 and this part, as amended from time to time.

(2) Accept enrollment, in accordance with this part, and without regard to age, race, sex, health status, or hazardous nature of employment, of all eligible employees or annuitants except that plans which are sponsored or underwritten by employee organizations may not accept enrollment of persons who are not members of the organization, but may not limit membership in the organization on account of these prohibited factors. The enrollment of an employee or of an annuitant other than a survivor annuitant in a health benefits plan sponsored or underwritten by an employee organization may be terminated by the carrier on account of termination of membership in the organization. A comprehensive medical plan need not enroll employees and annuitants residing outside geographic areas specified by the plan and may terminate the enrollment of employees and annuitants who move outside the geographic areas.

(3) Provide for coverage of enrolled employees and annuitants and covered members of their families wherever they may be.

(4) Provide for conversion to a contract for health benefits regularly offered by the carrier, or an appropriate affiliate, for group conversion purposes, which must, at the option of the employee, annuitant, or member of the family, as the case may be, be guaranteed renewable, subject to such amendments as apply to all contracts of this class, except that it may be cancelled for fraud, over-insurance, or nonpayment of periodic charges. Conversion must be permitted within the time allowed by the temporary extensions of coverage provided under § 89.8 for each employee, annuitant, and member of family entitled to convert; but, if an employee is given written notice by his employing office of his privilege of conversion, conversion must be permitted at any time before (i) fifteen days after the date of the notice or (ii) seventy-five days after his enrollment is terminated, whichever is earlier; and if the Commission requests an extension of time for conversion because of delayed determination of ineligibility for immediate annuity, conversion must be permitted until the date specified by the Commission in its request for extension. The contract shall, upon conversion, become effective as of the day following the last day of the temporary extension, and the employee, annuitant, or member of the family, as the case may be, shall pay the entire cost thereof directly to the carrier. The non-group contract may not deny or delay an obstetrical or other benefit covered by the contract for a

person converting from a plan approved under this part, except to the extent that benefits are continued under the health benefits plan from which he converts.

(5) (i) Provide that any person who has been granted a temporary extension of coverage in accordance with § 89.9 and who, on the 31st day of the temporary extension, is confined in a hospital or other institution for care or treatment shall be granted continuation of the benefits of the plan during the continuance of the confinement but not beyond the 90th day following the end of the temporary extension.

(ii) Provide that any person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, and who is confined in a hospital or other institution on the last day of enrollment under the prior plan or option shall be granted a continuation of the benefits of the prior plan or option during the continuance of the confinement, but not beyond the 91st day following the last day of enrollment in the prior plan or option; and that the plan or option to which enrollment has been changed shall not pay benefits with respect to that person while that person is entitled to continuance of benefits under the prior plan or option.

(6) Provide that each employee and annuitant who enrolls in the plan receive a brochure, in a form to be approved by the Commission, summarizing the conditions of the plan, including, but not limited to, those concerning benefits, claims, and payment of claims, and an identification card or cards evidencing his enrollment.

(7) Provide a standard rate structure which contains, for each option, one standard individual rate, and one standard family rate, without geographical or other variations.

(8) Maintain statistical records regarding the plan, separately from those of any other activities or benefits conducted or offered by the carrier sponsoring or underwriting the plan.

(9) Provide for return to the Employees Health Benefits Fund, at the end of each contract period, of so much of the subscription charges and other income attributable to the plan as exceeds the sum incurred for benefit payments, premium and other taxes attributable to the plan, and other expenses; the risk charge or retention authorized by the Commission for the plan; and a special reserve which shall not exceed the latest three calendar months' subscription charges paid from the Fund, except with the express approval of the Commission. Amounts returned shall be credited to the contingency reserve for that plan. Amounts retained by the carrier as reserves for the plan must be accounted for separately from reserves maintained by the carrier for other plans. The special reserve shall be invested and income derived from investment of the special reserve, or an interest rate agreed upon in advance, shall be credited to the reserve. In the event the contract is terminated or approval of the plan is withdrawn, the special reserve shall be returned to the Employees Health Benefits Fund. However, contracts with group-practice plans shall be community-rated, and the carrier shall, instead of the foregoing provisions of this paragraph, agree to furnish such financial and accounting reports, and to follow such recording procedures, as shall be mutually agreed upon by the carrier and the Commission.

(b) To be qualified to be approved by the Commission, a health benefits plan must not:

(1) Deny any covered person a benefit provided by the plan for a service rendered on or after the effective date of coverage solely because of a pre-existing physical or mental condition, except that a plan may provide benefits for dentistry or cosmetic surgery, or both, limited to conditions arising after the effective date of coverage; or require a waiting period for any covered person for benefits which it provides, except that a plan may, with the approval of the Commission, limit benefits for services rendered to a person, other than a person changing from a discontinued health benefits plan or option to another, who, on the effective date of enrollment, is confined in a hospital or other institution, so long as the person is continuously confined therein. For the purposes of this subparagraph, "continuous confinement" means one or more periods of confinement without a break of 31 consecutive days between actual confinements, except that a carrier may, by agreement with the Commission, provide that a shorter break shall terminate a continuous confinement.

(2) Have more than two options.

(3) Have an initiation, service, enrollment, or other fee or charge in addition to the rate charged for the plan, except that, notwithstanding subparagraph (1) of this paragraph, comprehensive medical plans may impose an additional charge to be paid directly by the employee or annuitant for certain medical supplies and services, if the supplies and services on which additional charges are imposed are clearly set forth in advance and are applicable to all employees and annuitants. This subparagraph does not apply to charges for membership in employee organizations sponsoring or underwriting plans.

§ 89.12 Minimum standards for health benefits carriers.

A health benefits plan will not be approved by the Commission unless the carrier of the plan meets, in addition to the requirements of the Federal Employees Health Benefits Act of 1959, the following requirements:

(a) It must be lawfully engaged in the business of supplying health benefits.

(b) It must have, in the judgment of the Commission, the financial resources and experience in the field of health benefits to carry out its obligations under the plan.

(c) It must agree to keep such reasonable financial and statistical records and furnish such reasonable financial and statistical reports with respect to the plan as may be requested by the Commission.

(d) It must agree to permit representatives of the Commission and of the General Accounting Office to audit and examine its records and accounts which pertain, directly or indirectly, to the plan at such reasonable times and places as may be designated by the Commission or the General Accounting Office.

(e) It must agree not to advertise a plan approved under the Federal Employees Health Benefits Program, or its participation in the Program, to employees, or solicit enrollment of employees in a plan approved under the Program, other than in accordance with the instructions of the Commission.

(f) It must agree to accept, subject to adjustment for error or fraud, in payment of its charges for health benefits for all employees and annuitants enrolled in its plan, the enrollment charges received by the Employees Health Benefits Fund less the amounts set aside for the administrative and contingency reserves prescribed by this part. The Commission will pay over the amounts due each carrier at such times as are agreed upon by the carrier and the Commission.

(g) A carrier which is an employee organization must agree to continue coverage, without requirement of membership, of any eligible survivor annuitants of member employees and of annuitants.

§ 89.13 Application for approval of health benefits plans.

Application for approval of comprehensive medical plans may be made by letter to the United States Civil Service Commission, Washington 25, D.C. Approval of a plan will become effective on a date to be set by the Commission for the plan.

§ 89.14 Withdrawal of approval of health benefits plans.

(a) The Commissioners may, on application of a carrier or on their own motion, withdraw their approval of a health benefits plan.

(b) Before withdrawing approval of the plan, the Commissioners shall cause to be sent, by certified mail, a notice to the carrier stating that they intend to withdraw their approval, and giving the reasons therefor. The carrier is entitled to reply in writing within 15 days of its receipt of the notice, stating the reasons why approval should not be withdrawn.

(c) On receipt of the reply, or in the absence of a timely reply, the Commissioners shall set a time and place for hearing. The Commissioners shall conduct the hearing or designate a representative to do so. The carrier shall be given notice thereof, by certified mail, at least 15 days in advance of the hearing. The carrier is entitled to appear by representative and present oral and written evidence and argument in opposition to the proposed action.

(d) The Commissioners shall make their decision on the record and communicate it to the carrier by certified mail. The Commissioners may set a future effective date for withdrawal of their approval.

(e) The Commissioners may, in their discretion reinstate approval of a plan upon a finding that the reasons for withdrawing approval no longer exist.

Subpart C—Administrative Provisions

§ 89.21 Contributions.

(a) The Government contribution for all plans, except those for which another contribution is set by paragraph (b) of this section, for each enrolled employee who is paid biweekly is as follows:

For an employee enrolled for self alone	$1.30
For an employee enrolled for self and family	3.12
For a female employee enrolled for self and a family which includes a nondependent husband	1.82

(b) The biweekly Government contribution for each employee or annuitant enrolled in a plan whose total enrollment charge is less than twice the appropriate contribution listed in paragraph (a) of this section is 50 percent of the enrollment charge, except that the Government contribution for a female employee who is enrolled for herself and a family including a nondependent husband is 30 percent of the enrollment charge.

(c) The Government contribution for annuitants and for employees who are not paid biweekly is a percentage of that fixed by paragraphs (a) and (b) of this section proportionate to the length of the pay period, rounding fractions of a cent to the nearest cent.

(d) The Government contribution for employees whose annual salary is paid during a period shorter than 52 work weeks shall be determined on an annual basis and pro-rated over the number of installments of pay regularly paid during the year.

(e) The Government does not make a contribution for an employee or annuitant for periods for which withholding is not made.

§ 89.22 Withholdings.

(a) The witholdings required from enrolled survivor annuitants shall be taken from the annuity of the surviving spouse, if any. If that annuity is less than the withholding required, the annuity of the youngest child shall be withheld to the extent necessary, and, if necessary, the annuity of each next older child, in succession, until the witholding is satisfied.

(b) If the annuity of an annuitant or of all annuitants in a family is not sufficient to pay the withholdings for the plan in which the annuitants are enrolled, the employing office shall notify the annuitant of the plans available at a cost not in excess of the annuity. The annuitant may register to be enrolled in another plan whose cost is no greater than his annuity. If the annuitant does not, or cannot, elect a plan at a cost to him not in excess of the annuity, the enrollment of the annuitant shall cease, effective as of the end of the last period for which withholding was made. Each annuitant whose enrollment is so terminated is entitled to a 31-day extension of coverage for conversion.

(c) Whenever annuity or compensation are entirely waived or suspended, the annuitant's enrollment continues for not more than three months (not more than 12 weeks for annuitants whose compensation under the Federal Employees' Compensation Act is paid each four weeks). When the waiver or suspension expires, the withholding for the period of suspension or waiver during which enrollment was continued will be made. If the waiver or suspension continues beyond the period during which enrollment is continued by this paragraph, the annuitant's enrollment will be suspended, subject to the temporary extension of coverage for conversion, effective at the end of the period of continuation of enrollment provided by this paragraph. If suspension of annuity or compensation is because of employment, withholding will be currently made by the employing office, and enrollment will continue during employment. A suspended enrollment is automatically reinstated when payment of annuity or compensation is resumed.

(d) The Government does not withhold from an employee who is in nonpay status, or from an annuitant for periods for which he does not receive annuity.

§ 289.23 Reserves.

(a) The enrollment charge consists of the rate approved by the Commission for payment to the plan for each employee or annuitant enrolled, plus four percent, of which one part is for an administrative reserve and three parts are for a contingency reserve for the plan.

(b) The administrative reserve shall be credited with (1) the one one-hundred-and-fourth of the enrollment charge set aside for the administrative reserve, and (2) income from investment of the reserve. The administrative reserve is available for payment of administrative expenses of the Commission incurred under this part.

(c) The contingency reserve for each plan shall be credited with (1) the three one-hundred-and-fourths of the enrollment charge set aside for the contingency reserve from the enrollment charges for employees and annuitants enrolled for that plan, (2) income from investment of the reserve, and (3) all dividends, rate adjustments, or other refunds made by the plan.

§ 89.24 Certificates of dependency.

(a) When an employee or annuitant enrolls for a family which includes a dependent husband, the employing office shall require a certificate of a physician that the husband is incapable of self-support because of a physical or mental disability that can be expected to continue for more than one year. The certificate must include a statement of the name of the husband, the nature of his impairment, the period of time it has existed, and its probable future course and duration. The certificate must be signed by the physician and show his office address.

(b) When an employee or annuitant enrolls for a family which includes a child incapable of self-support who has reached the age of 19, the employing office shall require a certificate of the physician that the child is incapable of self-support because of a physical or mental incapacity which existed before the child became 19, and can be expected to continue for more than one year. The certificate must include a statement of the name of the child, the nature of his impairment, the period of time it has existed, and its probable future course and duration. The certificate must be signed by the physician and show his office address. When an employee or annuitant is enrolled for a family which includes a child under 19 who is incapable of self-support because of a physical or mental incapacity, the certificate must be filed with the employing office on or before the child's 19th birthday, except that the employing office may accept otherwise satisfactory evidence of incapacity not timely filed.

(c) A certificate of incapacity must be renewed upon the expiration of the minimum period of disability certified.

(d) Determinations of incapacity shall be made by the employing office.

§ 89.25 Employee appeals.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement and Insurance, United States Civil Service Commission, Washington 25, D.C.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement and Insurance to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Board of Appeals and Review, United States Civil Service Commission, Washington 25, D.C.

(c) The employing office may make, and the Commission may order, prospective correction of administrative errors as to enrollment at any time.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

§ 89.26 Legal actions.

Actions to compel enrollment of an employee or annuitant not excluded by § 89.2 should be brought against the employing office. Actions to recover on a claim for health benefits should be brought against the carrier of the health benefits plan. Actions to review the legality of the Commission's regulations or a decision made by the Commission should be brought against the United States Civil Service Commissioners, whose address is Eighth and F Streets NW., Washington 25, D.C.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7529; Filed, Aug. 8, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-39]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 600.1546 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1546 is designated in part from the Cofield, N.C., VOR as a 10-mile wide airway to the intersection of the Cofield VOR 046° and the Cape Charles, Va., VOR 200° True radials. The FAA is considering the redesignation of this segment of Victor 1546 as a 10-mile wide airway to the intersection of the Cofield VOR 101° and the Cape Charles VOR 188° True radials. This redesignation would provide a segment of intermediate altitude airway structure connecting with Oceanic control area extension 1181 to facilitate the transitioning of air traffic between the continental control area and the off-shore area. The reduced airway width from 16 to 10 miles would provide additional airspace for jet aircraft operating in the vicinity of NAS Oceana, Va.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 2, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7498; Filed, Aug. 8, 1961; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-NY-48]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 600.1698 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1698 is presently designated in part as a 16-mile wide airway from the Binghamton, N.Y., VOR to the Wilton, Conn., VOR. The FAA has under consideration alteration of this segment of airway by redesignating it from the Binghamton VOR via the Huguenot, N.Y., VOR to the Wilton VOR. The segment of Victor 1698 between Binghamton and Wilton is unusable for the reason that the Wilton VOR radial on which this segment is based may not be adjusted within tolerances. Additionally, this alteration would align Victor 1698 to overlie low altitude VOR Federal airway No. 252 between Binghamton and Huguenot and facilitate the transition of aircraft between the low and intermediate altitude airways systems.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 2, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7499; Filed, Aug. 8, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-NY-40]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 423 from the Ithaca, N.Y., VOR to the Syracuse, N.Y., VOR via the intersection of the Ithaca VOR 001° True radial and the enroute radial between the Watkins Glen, N.Y., and Syracuse VOR's. This would provide continuity in the low altitude airway structure and provide a more direct low altitude route for VOR equipped aircraft operating between Ithaca and Syracuse.

The control area associated with this proposed airway segment would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be

changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 2, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7500; Filed, Aug. 8, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 4]

[Docket No. 14227; FCC 61-987]

AM, FM AND TV (AURAL) STL AND INTERCITY RELAY STATIONS

Combine Into Single Categories and Permit Multiplex Operation to Provide Program Circuits for More Than One Class of Broadcast Station Operated by the Same Licensee

1. Present Commission rules provide for the operation of STL stations (studio-transmitter link) by the licensees of standard, FM and television broadcast stations and intercity relay stations by the licensees of FM and television broadcast stations. STL stations are used to provide a program circuit by radio between the main studio or an auxiliary studio of a broadcast station, to its transmitter site, and intercity relay stations are used to transmit programs between stations for network operation. Certain frequencies between 942 and 952 Mc may be used for the transmission of aural program material and frequencies in the vicinity of 2,000, 7,000, and 13,000 Mc are available on an exclusive basis for the transmission of video program material. If desired, the accompanying aural program may be multiplexed on the video STL circuit.

2. When these rules were first adopted, FM broadcast STL and intercity relay stations were allocated frequencies in the band 940–952 Mc, AM (standard) broadcast STL stations were restricted to the upper portion of the 890–940 Mc band and TV broadcast (aural) STL and intercity relay stations were restricted to the lower portion of that band. A subsequent reallocation (Docket No. 12404) transferred aural STL and intercity relay operation to the band 942–952 Mc with provisions for existing AM and TV STL and TV intercity relay stations operating in the band 890–940 Mc to continue there on a non-interference basis to Government use of that band.

3. In taking a new look at the situation in the light of developments up to this time, we find that many licensees operate their FM and TV broadcast stations and sometimes the AM broadcast station at a common transmitter site and have their AM, FM, and TV studios at a common location. Thus we may have three separate radio circuits delivering program material from a common studio location to a common transmitter location. This is not only wasteful of spectrum but also adds to the installation and operating costs of the licensee. Where these two or three program circuits can be feasibly combined on a single radio circuit, a substantial saving in spectrum and cost would result. Improvements in multiplexing techniques appear to make it possible to transmit more than one aural program over a single radio circuit and within the bandwidths now assigned to STL and intercity relay stations, without serious degradation of the aural program quality. Although specific technical performance standards are not established for STL and intercity relay circuits, the rules governing the various classes of broadcast stations contain overall performance requirements for the entire system from the microphone input to the antenna output of the transmitter and the STL circuit cannot contribute too much degradation if these overall requirements are to be met.

4. Therefore, we invite comments on a proposal to amend Parts 2 and 4 of the Commission rules to do away with the present separate classifications of standard broadcast, FM broadcast and television broadcast (aural) STL stations and to combine them into a single category to be called Aural Broadcast STL stations. Such stations could be used to serve any one or all classes of broadcast stations operated by a single licensee at a common transmitter site. We also propose to amend the TV auxiliary rules to permit a TV (video) STL station to carry one or more aural program circuits to serve other classes of broadcast stations operated by the same licensee at the TV transmitter site. We also propose to combine the present FM and TV (aural) intercity relay stations into a single category called aural broadcast intercity relay stations and by adding provisions for standard broadcast intercity relay operations, make it available to standard, FM and television station licensees. We also propose to include specific provision for the transmission of operational communications directly related to the operation of the broadcast station and non-broadcast material which is to be transmitted by an FM broadcast station pursuant to a Subsidiary Communications Authorization. However, STL or intercity relay stations will not be authorized to be used solely for such non-broadcast or operational communications. In all cases where an STL is used, the periodic performance measurements which the broadcast station is required to make, shall be made with the STL circuit operating in the same manner as it operates during regular operation, i.e., if more than one aural channel is normally used, the measurements shall be made with all such channels in use. Other amendments are made to conform Part 2 and Subpart E and F of Part 4 of the rules.

5. Authority for the adoption of the Amendments proposed herein is contained in sections 4, and 303 of the Communitcations Act of 1934, as amended.

6. The proposed amendments are set forth below.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before August 25, 1961, and reply comments on or before September 11, 1961. In reaching its decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 26, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Parts 2 and 4 of the Commission rules are proposed to be amended in the following respects:

1. Section 2.1 is amended by deleting the definitions "FM broadcast STL station" and "FM intercity relay stations", and inserting the following new definitions in the appropriate alphabetical order:

§ 2.1 Definitions.

* * * * *

Aural broadcast STL station. A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

Aural broadcast intercity relay station. A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

2. In § 2.104(a)(5), the table of frequency allocations is amended by changing the entries in Column 9 for the band 942–952 Mc and footnote NG 14 is amended to read as follows:

§ 2.104 Frequency allocations.

(a) *Table of frequency allocations.* * * *

(5) * * *

Band (Mc)	Service	Class of station	Frequency (Mc)	Nature of services
7	8	9	10	11
*	*	*	*	*
942-952 (NG12) (NG13) (NG101)	Fixed	a. Aural broadcast STL.		
		b. International aeronautical fixed (Alaska, Hawaii and U.S. Possessions only).		
		c. International fixed public (Alaska, Hawaii and U.S. Possessions only).		
*	*	*	*	*

NG14 Aural broadcast intercity relay stations may be authorized to use the band 942-952 Mc on the condition that harmful interference will not be caused to other classes of stations operating in accordance with the Table of Frequency Allocations.

3. The title of Subpart E of Part 4, is changed to read as follows:

Subpart E—Aural Broadcast STL and Intercity Relay Stations

4. Section 4.501 is amended to read as follows:

§ 4.501 Classes of stations.

(a) *Aural broadcast STL station.* A fixed station utilizing telephony for the transmission of aural program material between a studio and the transmitter of a broadcasting station other than an international broadcasting station, for simultaneous or delayed broadcast.

(b) *Aural broadcast intercity relay station.* A fixed station utilizing telephony for the transmission of aural program material between broadcasting stations other than international broadcasting stations, for simultaneous or delayed broadcast.

NOTE 1: The abbreviation "STL" is derived from "studio-transmitter link".

5. Section 4.502 is amended to read as follows:

§ 4.502 Frequency assignment.

(a) An aural broadcast STL or intercity relay station may be assigned one of the following frequencies:

Mc	Mc	Mc	Mc
942.5	945.0	947.5	950.0
943.0	945.5	948.0	950.5
943.5	946.0	948.5	951.0
944.0	946.5	949.0	951.5
944.5	947.0	949.5	

(b) The use of the frequencies listed in paragraph (a) of this section by aural broadcast intercity relay stations, is subject to the condition that no harmful interference is caused to other classes of stations operating in accordance with the Table of Frequency Allocations contained in § 2.104 of this chapter.

(c) Any aural broadcast STL or intercity relay station for which there was outstanding a valid construction permit or license on April 16, 1958, specifying operation on any frequency between 890 Mc and 942 Mc, may continue to be operated on such frequencies for the remainder of the term specified in such authorization and may upon appropriate application therefor, be granted a renewal of such license, subject to the condition that no harmful interference shall be caused to the radiolocation service operating in the band 890–942 Mc and subject to the further condition that the licensee must accept any interference which may be caused by the operation of radiolocation stations in the band 890–942 Mc and industrial, scientific, and medical (ISM) equipment in the band 890–940 Mc.

6. Section 4.531 is amended to read as follows:

§ 4.531 Permissible service.

(a) An aural broadcast STL station is authorized to transmit aural program material between the studio and transmitter location of a broadcasting station, except an international broadcasting station, for simultaneous or delayed broadcast.

(b) An aural broadcast intercity relay station is authorized to transmit aural program material between broadcasting stations except international broadcasting stations, for simultaneous or delayed broadcast.

(c) Multiplexing may be used to provide additional channels on an aural broadcast STL station for the transmission of aural programs destined for other classes of broadcasting stations operated by the licensee of the STL station at a common transmitter location. Such additional aural channels may also be used for the transmission of operational communications or in the case of an FM broadcast station, subsidiary communications which will be transmitted over the FM broadcast station pursuant to a valid Subsidiary Communications Authorization issued by the Commission. An aural broadcast STL station may not be used solely for the transmission of operational or subsidiary communications. Operational communications include cues, orders, and other communications related to the operation of the broadcasting station as well as special signals used for telemetry or the control of apparatus used in conjunction with the broadcasting operation.

(d) Multiplexing may be used to provide additional channels on an aural broadcast intercity relay station for the transmission of operational communications.

(e) In any case where multiplexing is employed on an aural broadcast STL station for the simultaneous transmission of more than one aural channel, the STL transmitter must be capable of transmitting the multiple channels within the channel on which the STL station is authorized to operate and with adequate technical quality so that each broadcast station utilizing the circuit can meet the technical performance standards stipulated in the rules governing that class of broadcasting station. If multiplex operation is employed during the regular operation of the STL station, the additional circuits shall be in operation at the time that the required periodic performance measurements are made of the overall broadcasting system from the studio microphone input circuit to the broadcast transmitter output circuit.

7. Section 4.532 is amended to read as follows:

§ 4.532 Licensing requirements.

(a) An aural broadcast STL or intercity relay station will be licensed only to the licensee of a broadcasting station other than an international broadcasting station.

(b) More than one aural broadcast STL or intercity relay station may be licensed to a single licensee upon a satisfactory showing that the additional stations are needed to provide different program circuits to more than one broadcast station, to provide program circuits from other studios, or to provide one or more intermediate relay stations over a path which cannot be covered with a single station due to terrain or distance.

(c) If more than one broadcast station or class of broadcast station is proposed to be served by a single STL or intercity relay station, this information shall be clearly set forth in the application for construction permit or license.

(d) Each aural broadcast STL or intercity relay station will be licensed at a specified transmitter location to communicate with a specified receiving location and the direction of the main radiation lobe of the transmitting antenna will be one of the terms of the license.

8. Section 4.533(b) is amended to read as follows:

§ 4.533 Remote control and unattended operation.

* * * * *

(b) In cases where intermediate relay stations are employed in aural broadcast STL or intercity relay systems, such intermediate relay stations may be

operated unattended if the following requirements are met:

(1) The transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment.

(3) The transmitter installation shall be adequately protected against tampering by unauthorized persons.

(4) Whenever an intermediate relay station is in operation, appropriate observations shall be made at the receiving end of the STL or intercity relay circuits at intervals not exceeding one hour by a person holding a valid first or second class radiotelephone operator license, who shall take immedate steps to correct any condition of improper operation that may be observed.

(5) It shall be the responsibility of the licensee to insure that any repairs or adjustments that may be necessary are made by a person technically qualified to do so.

9. Section 4.535 is amended to read as follows:

§ 4.535 Emission and bandwidth.

(a) Aural broadcast STL and intercity relay stations normally will be authorized to employ frequency modulation only. The maximum frequency excursion of the carrier resulting from modulation, shall not exceed 200 kc/s above or below the assigned frequency.

(b) If multiplexing by means of one or more sub-carriers, is employed, the maximum sub-carrier frequency used shall be such that $2M + 2D$ does not exceed 500 kc/s, where M is the maximum modulating frequency in cycles per second and 2D equals the total carrier frequency excursion as the result of modulation, expressed in cycles per second.

(c) The channels assigned to aural broadcast STL and intercity relay stations are 500 kc/s in width, the assigned frequency being at the center of the channel. Emissions appearing outside the assigned channel shall be attenuated as follows:

(1) Any emission appearing on a frequency removed from the assigned frequency by between 250 and 500 kc/s kilocycles shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with this specification will be deemed to show the occupied bandwidth to be 500 kc/s or less.

(2) Any emission appearing on a frequency removed from the assigned frequency by more than 500 kc/s and up to and including 750 kc/s shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency removed from the assigned frequency by more than 750 kc/s shall be attenuated at least $43 + 10 \log_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier.

10. Section 4.551 is amended to read as follows:

§ 4.551 Equipment changes.

(a) Prior Commission approval, upon appropriate application (FCC Form 313) therefor, is required for any of the following changes:

(1) A change in the transmitter as a whole (except replacement with an identical transmitter), or a change in power output.

(2) A change of frequency assignment.

(3) A change in the location of the STL transmitter (except relocation of the equipment within the same building).

(4) Any change in the antenna system which will increase the height of the antenna above the natural formation or man-made structure upon which it is mounted, by more than 20 feet or will result in an overall height above ground of more than 170 feet (except where the antenna is mounted below the top of an existing structure which is more than 170 feet high).

(5) Any change in the direction of the main radiation lobe of the transmitting antenna.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee provided that the Engineer-in-charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing upon the completion of such changes and provided that the changes are set forth in the next application for renewal of license. Where such changes include the installation of multiplex equipment to provide additional aural channels, the purpose for which these added channels will be used shall be stated.

§§ 4.533(a), 4.534, 4.536, 4.561, 4.562, 4.563 and 4.581 [Amendment]

11. The expression "Broadcast STL or FM intercity relay station" is changed to "Aural broadcast STL and intercity relay stations" in §§ 4.533(a), 4.536, 4.561, 4.562, 4.563 and 4.581.

12. Section 4.582 is amended to read as follows:

§ 4.582 Station identification.

(a) Each aural broadcast STL or intercity relay station shall transmit its call sign at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either transmit its call sign or the call sign of the broadcast station with which it is associated. In cases when an unattended intercity relay system is operated as an "off-the-air" pickup and relay, the transmission of the call sign of the broadcast station which it is relaying will satisfy the hourly identification requirement.

(b) Station identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or other such productions. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one aural broadcast STL or intercity relay station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all of the stations in the relay system.

(d) Voice transmissions shall normally be employed for station identification. However, other methods of station identification may be permitted or required by the Commission.

13. Section 4.603(b) is amended to read as follows:

§ 4.603 Sound channels.

* * * * *

(b) The aural portion of television broadcast program material may be transmitted over an aural broadcast STL or intercity relay station licensed under the provisions of Subpart E of this part.

14. In § 4.631 the title and paragraphs (b) and (c) are amended to read as follows:

§ 4.631 Permissible service.

* * * * *

(b) A television broadcast STL station is authorized to transmit visual program material between the studio and transmitter location of a television broadcast station. Multiplexing equipment may be employed to add one or more aural channels to a television broadcast STL station. These aural channels may be used to carry the sound program associated with the visual program material, operational communications related to the operation of the associated television broadcast station, and aural program material destined for any class of aural broadcasting station operated by the licensee of the television broadcast station and located at the television broadcast transmitter site. Operational communications may include voice transmissions of cues and orders as well as special signals used to actuate apparatus associated with the broadcasting operation and for the purpose of telemetry. In any case where multiplexing is employed to add aural channels to a television broadcast STL station, the transmitter must be capable of conveying the additional channels within the authorized channel without appreciably degrading the technical quality of the visual program material, and with adequate technical quality so as to permit the associated broadcast station to meet the overall performance requirements stipulated in the rules governing the class of broadcast station using the circuit. If such multiple circuits are operated simultaneously during the regular operation of the stations, these channels shall be in operation at the time the required periodic performance measurements are made of the overall broadcasting system.

(c) A television intercity relay station is authorized to transmit visual program material between television broadcast stations for simultaneous or delayed broadcast by such stations. Multiplexing equipment may be employed to add one or more aural channels to a television intercity relay station. Such aural channels may be employed to carry the sound program accompanying the visual program material and for the transmission of operational communications. When multiplexing is employed, care should be exercised to minimize impairment of the quality of the visual program material.

15. Section 4.637 is amended to read as follows:

§ 4.637 Emission and bandwidth.

(a) Television broadcast auxiliary stations operating on frequencies above 1000 Mc/s may be authorized to employ any type of emission suitable for the transmission of the visual and such accompanying aural signals as may be permitted under the rules of this subpart.

(b) The channels assigned to television broadcast auxiliary stations are designated by upper and lower frequency limits. Emissions outside of these frequency limits shall be attenuated as follows:

(1) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between zero and 50 percent of the assigned channel width, shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with this specification will be deemed to show that the occupied bandwidth is no greater than the assigned channel width.

(2) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by between 50 percent and 150 percent of the assigned channel width, shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width, shall be attenuated at least $43 + 10 \log_{10}$ (Power, in watts) decibels below the level of the unmodulated carrier.

16. Section 4.651 is amended by adding a new paragraph (c) to read as follows:

§ 4.651 Equipment changes.

* * * * *

(c) Multiplexing equipment may be installed on any licensed television broadcast STL or intercity relay station without further authority of the Commission, provided that the Engineer-in-charge of the radio district in which the station is located and the Commission in Washington, D.C., are promptly notified in writing of such addition and the use which will be made of the additional aural circuits, and that the changes are shown in the next application for renewal of license for the station.

[F.R. Doc. 61-7531; Filed, Aug. 8, 1961; 8:51 a.m.]

[47 CFR Part 15]

[Docket No. 14178]

ELECTRONIC INDUSTRIES ASSOCIATION

Order Extending Time for Filing Comments

The Commission has before it for consideration a request from the Electronic Industries Association (EIA) to extend the time for filing comments in the above proceeding to September 29, 1961.

It appearing that the proposed rule affects many different segments of EIA's membership, and that additional time is required to coordinate comments of the several segments; and

It further appearing that the views of EIA and other interested parties will be useful to the Commission in its consideration of the proposal; that the extension requested may be granted without adversely affecting other interests or interfering with the orderly consideration of the proposal; and hence that the public interest will be served by granting the additional time requested;

It is ordered, This 3d day of August 1961, pursuant to section 0.322(b) of the Commission's Statement of Organization, Delegations of Authority, and Other Information, That the time for filing comments in this proceeding is extended to September 29, 1961, and the time for filing reply comments is extended to October 9, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7532; Filed, Aug. 8, 1961; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–M]

RAYON STAPLE FIBER FROM SPAIN

Determination of No Sales at Less Than Fair Value

AUGUST 2, 1961.

A complaint was received that rayon staple fiber from Spain was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Spain is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. There have been no importations of rayon staple fiber from Spain since June 1960. During the calendar year 1960 total importations of rayon staple fiber from Spain amounted to approximately 15,000 pounds. Although it appears from the information available that the price to the United States of this fiber sold and offered for sale was less than the price at which the fiber was sold for home consumption in Spain, the quantity involved during the period under consideration is considered to be not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–7524; Filed, August 8, 1961; 8:49 a.m.]

[Treasury Department Order 191]

DESIGNATION OF DEPUTIES

1. In addition to their other assignments, the following are designated to serve, at the pleasure of the Secretary, as the respective deputies of the principals indicated:

Principal	*Deputy*
Under Secretary for Monetary Affairs—Assistant to the Secretary (Debt Management).	
General Counsel—Senior Assistant General Counsel.	
Assistant Secretary—Deputy to the Assistant Secretary.	
Assistant Secretary (International Finance)—Deputy Assistant Secretary (International Finance).	
Fiscal Assistant Secretary—Assistant to the Fiscal Assistant Secretary.	
Administrative Assistant Secretary—Deputy Administrative Assistant Secretary.	

2. Each deputy shall have authority to perform, during the absence of his principal, any function his principal is authorized to perform.

Dated: August 2, 1961.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61–7525; Filed, August 8, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 1, 1961.

The Bureau of Reclamation, Department of the Interior has filed an application, Serial Number M–044786 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and general mining laws, including the mineral leasing laws. The applicant desires the land for the right-of-way of Canyon Ferry Reservoir as the existing reservoir inundates a portion of the lands.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN MONTANA

T. 10 N., R. 1 W.
Sec. 35: NE¼NE¼

Containing 40 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 61–7505; Filed, Aug. 8, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 956]

[Agreement No. 3103–16]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Hearing

On July 31, 1961, the Federal Maritime Board entered the following order:

It appearing that there is currently in effect Japan-Atlantic and Gulf Freight Conference Agreement No. 3103, which was approved pursuant to section 15 of the Shipping Act, 1916, on June 25, 1934, and subsequent amendments which have been approved pursuant to said section, the last approved being on June 8, 1961. The agreement as amended to date covers the trade from Japan, Korea, and Okinawa, to United States Gulf ports and Atlantic Coast ports of North America; and

It further appearing that a modification (Agreement No. 3103–16), providing for the inclusion in the trading area "United States and Canadian ports of the St. Lawrence River and Great Lakes", has been filed for approval pursuant to section 15 of the Shipping Act, 1916; and

It further appearing that a method of calculating rates for cargoes moving to ports on the St. Lawrence and the Great Lakes differentially higher than rates to ports now served and limitations of transshipment of cargoes have been agreed to by the members of the Conference, to become effective on approval of said modification; and

It further appearing that Marchessini Lines, joint service of Compania Maritima San Basilio, S.A., and Sociedad Maritima San Nicholas, S.A., have filed a protest against approval of the said Agreement No. 3103–16, in which it is alleged (1) that the modification and the arrangements for port differentials and prohibitions against joint rates to be effectuated thereunder should be disapproved because the scheme will be unjustly discriminatory and unfair as between carriers, shippers and ports, will operate to the detriment of the commerce of the United States, and will be in violation of sections 16, and 17 of the Shipping Act, 1916, and section 205 of the Merchant Marine Act, 1936, and (2) that the modification and unfiled rate regulations should be disapproved, and requests that a hearing be had;

Now therefore it is ordered, That the request of Marchessini Lines for a hearing be, and the same is hereby granted to determine whether the modification and rate regulations described above should be disapproved; and

It is further ordered, That the Japan-Atlantic and Gulf Freight Conference and each of the members of said Conference, except Marchessini Lines, be and they are hereby made respondents in this proceeding; and

It is further ordered, That this order be published in the FEDERAL REGISTER and that a copy of such order be served upon each respondent herein; and

It is further ordered, That this proceeding be set for hearing before an examiner of the Board's Hearing Examiners Office at a place and date to be announced.

Notice is hereby given that the hearing in this proceeding will be held before an examiner of the Board's Office of Hearing Examiners at a date and place hereafter to be announced. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of said rules.

By order of the Federal Maritime Board.

Dated: August 7, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–7601; Filed, Aug. 8, 1961; 8:54 a.m.]

STATES MARINE LINES, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8682, between the carriers comprising the States Marine Lines joint service, Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation (American Flag Carriers), and Nippon Yusen Kaisha, Kawasaki Kisen Kaisha, Ltd., Mitsui Steamship Co., Ltd., Shinnihon Steamship Company, Ltd., Osaka Shosen Kaisha, Ltd., and Mitsubishi Kaiun Kaisha, Ltd. (Japanese Flag Carriers), all members of the Far East Conference (Agreement Numbered 17, as amended), covers an arrangement for the division of revenues on raw cotton loaded at U.S. Gulf ports for transportation to Japan.

Agreement Numbered 8681, between States Marine Lines, Inc., Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corporation, which are also parties to Agreement Numbered 8682, described above, covers the understanding of said carriers that upon commencement of operations by States Marine and Waterman under their operating-differential subsidy contracts, presently under consideration, the participation of States Marine, Lykes and Waterman in the fifty per cent allocated to these American Flag carriers under Agreement Numbered 8682 shall be equitably adjusted consistent with the number of sailings authorized by the operating-differential subsidy contracts of the American Flag carriers.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 7, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61–7602; Filed, Aug. 8, 1961; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–LA–22]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Mountain States Telephone and Telegraph Co., Denver, Colorado, proposes to erect a radio antenna structure near Idaho Falls, Idaho, at latitude 43°32'33" north, longitude 111°53'05" west. The overall height of the structure would be 5,635 feet above mean sea level (80 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 9.2 miles east/northeast of Fanning Field Airport, Idaho Falls, Idaho, and would exceed the outer conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 196 feet. The terrain at the proposed site exceeds the above criteria by 116 feet. However, the Agency study revealed that the penetration of JIGTSC criteria by the proposed structure would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 31, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61–7496; Filed, Aug. 8, 1961; 8:45 a.m.]

[OE Docket No. 61–NY–21]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Western Union Telegraph Co., New York, New York, proposes to construct a microwave radio antenna structure near Warwick, New York, at latitude 41°12'32" north, longitude 74°21'22" west. The overall height of the structure would be 1,773 feet above mean sea level (293 feet above ground).

No objections were made in response to the circularization.

The structure would be located approximately 2.3 miles northwest of the Greenwood Lake Sea Plane Base, West Milford, New Jersey, and would penetrate the horizontal surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this base, by 973 feet. The terrain at the proposed site exceeds this criteria by 680 feet. The Agency study revealed that the penetration of JIGTSC criteria by this structure would not adversely affect aeronautical operations at this base.

The structure would require an increase from 2,500 feet MSL to 2,800 feet MSL in the Instrument Flight Rules minimum en route altitude on the segment of VOR Federal airway No. 252 between the Huguenot, New York, VORTAC and the Paterson, New Jersey, Radio Beacon. However, this increase in minimum en route altitude would have no substantial adverse effect upon aeronautical operations as the primarily important "cardinal" altitude of 3000 feet MSL would be retained.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on July 31, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7497; Filed, Aug. 8, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

BURLINGTON BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP-12580; Burlington County Broadcasting Company, Mount Holly, New Jersey, Docket No. 13932, File No. BP-13871; John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company, Mount Holly, New Jersey, Docket No. 13933, File No. BP-13952; for construction permits.

1. The Commission has before it for consideration (a) a petition for review of adverse ruling of Hearing Examiner filed May 29, 1961, by John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company (Farina), Mount Holly, New Jersey; (b) an opposition filed June 9, 1961, by Burlington County Broadcasting Company, Mount Holly, New Jersey; (c) an opposition filed June 12, 1961, by William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company (Halpern and Seltzer), Burlington, New Jersey; (d) an opposition filed June 12, 1961, by the Broadcast Bureau; (e) a reply of Mt. Holly-Burlington Broadcasting Company filed June 16, 1961; (f) a petition to dismiss the application of Mt. Holly-Burlington Broadcasting Company filed May 29, 1961, by O'Keefe Broadcasting Company (WBCB) (O'Keefe), Levittown-Fairless Hills, Pennsylvania; (g) an opposition of Mt. Holly-Burlington Broadcasting Company filed June 12, 1961; (h) a reply of Broadcast Bureau filed June 12, 1961; and (i) a reply of O'Keefe Broadcasting Company filed June 20, 1961.

2. Based on the engineering exhibit of Halpern and Seltzer which indicated that Farina's proposed 25 mv/m contour would overlap the 25 mv/m contour of the authorized one kilowatt operation of Station WBCB, Levittown-Fairless Hills, Pennsylvania, Farina sought to reduce the radiation of signal in the critical direction by modifying his directional antenna design. On May 22, 1961, the Hearing Examiner denied the petition, stating that the proffered amendment would to a degree change the engineering design of Mt. Holly-Burlington; that in the event there is a violation of § 3.37 of the rules, Mt. Holly-Burlington could be conceivably disqualified unless the section is waived; and that there is nothing to indicate that the question now posed is something which petitioner could not have reasonably foreseen and corrected before its application was designated for hearing. Farina now petitions for review of the Examiner's ruling on the grounds that he relied on the showing made based on the ground conductivity map (Fig. M-3); that he is not required to take measurements in every direction in order to insure that no overlap problems are present; that he had absolutely no basis to have reasonably foreseen this problem; and that since Halpern and Seltzer have seen fit to raise the problem, he is merely seeking to simplify and expedite the proceeding by effecting a minimal amendment to its proposal in order to forestall the slightest possibility of any overlap. Farina contends that he submitted his petition for leave to amend diligently and that a permission to amend his proposal will neither require the addition of any new parties nor the enlargement of the issues.

3. Concomitant with the petition for review is a petition to dismiss the Farina application or, in the alternative, to enlarge the issues filed by O'Keefe Broadcasting Company, licensee of Station WBCB.[1] The request made in this petition by O'Keefe to dismiss the Farina application was withdrawn subsequent to the filing of the Broadcast Bureau's reply in which the Bureau proposed the addition of the issue adopted below. O'Keefe's request that an overlap issue be added remains for consideration.

4. It is clear that the applicant upon making an allocation study based on the ground conductivity map should have been aware that the two 25 mv/m contours with narrow separation might be shown to overlap if the measurements were made. We therefore do not agree with the petitioner that he had no basis to have reasonably foreseen this problem, as required by the provisions of § 1.311(b) of our rules as a prerequisite to the filing of this type of amendment after designation for hearing. We will affirm the Examiner's denial of the request for leave to amend. See Frederick County Broadcasters (Docket Nos. 13624-25; FCC 61-490).

5. As to the petition to dismiss or enlarge the issues, there are two sets of measurements, one contradicting the other as to the existence of overlap of 25 mv/m contours. We cannot at this point resolve the difference without additional information, and believe that this matter can be satisfactorily resolved only on the basis of a record made at an evidentiary hearing. Thus, we will enlarge the issues as urged by the Broadcast Bureau.

Accordingly it is ordered, That the petition of John J. Farina, tr/as Mt. Holly-Burlington Broadcasting Company for review of adverse ruling of Hearing Examiner filed May 29, 1961, is denied; and

It is further ordered, That the petition of O'Keefe Broadcasting Company to dismiss the application of Mt. Holly-Burlington Broadcasting Company, or, in the alternative, to enlarge the issues is granted only to the extent indicated below and is denied in all other respects; that the present issues Nos. 7, 8, 9 and 10 are renumbered Nos. 8, 9, 10 and 11, respectively; and that the issues are enlarged to include as Issue 7 the following: To determine whether the 25 mv/m contour of the station proposed by John J. Farina tr/as Mt. Holly-Burlington Broadcasting Company would overlap the 25 mv/m contour of Station WBCB at Levittown-Fairless Hills, Pennsylvania, in violation of § 3.37 of the Commission's rules and, if so, whether circumstances exist warranting a waiver of such section of the rules.

Adopted: July 26, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7533; Filed, Aug. 8, 1961; 8:51 a.m.]

[1] By Order released June 13, 1961 (FCC 61M-1024), Chief Hearing Examiner granted the petition of O'Keefe Broadcasting Company to be made a party to the proceeding with respect to the Farina application.

[Docket No. 14205]

HEYWARD J. GAINEY

Order to Show Cause

In the matter of Heyward J. Gainey, Route 2, Box 114-C, Kannapolis, North Carolina, docket No. 14205; order to show cause why there should not be revoked the license for Radio Station 5Q0036 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Commission letter dated May 10, 1961, alleging that on April 2, 1961, subject radio station was observed in violation of § 19.61(g) of the Commission rules governing the Citizens Radio Service which requires that radio transmissions shall be addressed to specific persons or stations located within the direct groundwave coverage of the radio station and prohibits transmissions which depend primarily upon skywave reflection or which are designed to elicit a response from random or unknown stations, such as by use of the general call sign "CQ".

It further appearing that the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated June 12, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 97095), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, on June 13, 1961, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 3d day of August 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7534; Filed, Aug. 8, 1961; 8:51 a.m.]

[Docket No. 14207; FCC 61-955]

FRANKLIN BROADCASTING CO. AND TEDESCO, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Franklin Broadcasting Company, Assignor, and Tedesco, Inc., Assignee, Docket No. 14207, File No. BAPL-232; for assignment of license and construction permit for Station WMIN, St. Paul, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July 1961:

The Commission having under consideration the above-entitled application to assign the license and construction permit for Station WMIN, St. Paul, Minnesota, filed with the Commission on March 15, 1961; and

It appearing that the assignor and the assignee, and/or their corporate officers, directors, stockholders and subsidiary corporations have acquired and disposed of interests in numerous broadcast licenses and permits; and

It further appearing that in view of the pattern of conduct with respect to the buying, selling and exchanging of broadcast properties on the part of the aforementioned individuals, partners, corporations and/or corporate officers, directors and stockholders, the Commission is unable to find that a grant of the above-entitled application would serve the public interest, convenience and necessity; and that the application must, therefore, be designated for hearing;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, in light of (a) the facts in the above-captioned application and (b) the acquisitions and dispositions of interests in broadcast stations by the applicants, and/or their principals and subsidiaries, whether a grant of the above-captioned application would be consistent with the Commission's policy against "trafficking" in broadcast licenses and construction permits.

2. To determine on the basis of the evidence adduced with respect to the foregoing issue, whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to § 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7535; Filed, Aug. 8, 1961; 8:51 a.m.]

[Docket No. 14207; FCC 61M-1328]

FRANKLIN BROADCASTING CO. AND TEDESCO, INC.

Order Scheduling Hearing

In re application of Franklin Broadcasting Company, Assignor, and Tedesco, Inc., Assignee, Docket No. 14207, File No. BAPL-232; for assignment of license and construction permit for Station WMIN, St. Paul, Minnesota.

It is ordered, This 3d day of August 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 27, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 1:15 p.m., Tuesday, September 5, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7536; Filed, Aug. 8, 1961; 8:51 a.m.]

[Docket No. 14076 etc.; FCC 61-943]

KENT-RAVENNA BROADCASTING CO. ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Kent-Ravenna Broadcasting Co., Kent, Ohio, Docket No. 14076, File No. BP-13749; Speidel Broadcasting Corporation of Ohio, Kettering, Ohio, Docket No. 14079, File No. BP-13834; R. Roy Stoneburner, Paul W. Stoneburner and Vernon H. Baker, d/b as Greene County Radio, Xenia, Ohio, Docket No. 14083, File No. BP-13841; et al., etc., for construction permits.

1. The Commission has before it for consideration (1) the petition to enlarge issues, filed May 15, 1961, by Greene County Radio; and (2) the Broadcast Bureau's reply, filed June 19, 1961, supporting petitioner's request.

2. By Order released April 25, 1961 (FCC 61-533), the applications of Speidel Broadcasting Corporation of Ohio, and of Greene County Radio were designated for hearing in the above-entitled multiparty proceeding. Speidel is an applicant for a construction permit for a new Class II station at Kettering, Ohio, to operate on 1510 kilocycles daytime with a power of 10 kilowatts, utilizing a directional antenna. Greene County Radio is an applicant for a construction permit for a new Class II station at Xenia, Ohio, to operate on 1500 kilocycles, daytime only, with a power of 500 watts. Among the issues designated for hearing is the standard comparative issue directed to these two applications.

3. Petitioner submits that although Kettering acquired its city charter in 1955 and has a city government independent of Dayton, Ohio, its community, social and business interests are strongly tied to Dayton, and that it is part of the Dayton Urbanized Area established by the 1960 United States Census. Petitioner therefore requests that the issues in this proceeding be enlarged to determine whether Kettering is a separate community for purposes of 307(b) of the Act. The Bureau supports petitioner's request, and, in addition, proposes an issue to determine whether any of the existing Dayton stations are presently acting as a local transmission facility for Kettering.

4. The petitioner has alleged sufficient facts to warrant the inclusion of an issue to determine whether Kettering is a separate community. A companion issue will also be added to resolve the question raised by the Bureau.

Accordingly, it is ordered, This 26th day of July 1961, That the petition to enlarge issues, filed May 15, 1961, by Greene County Radio, is granted, and

It is further ordered. That present issues Nos. 15, 16, and 17 be renumbered as Nos. 17, 18, and 19, respectively, and that the following new issues be added:

15. To determine, in the light of its location and urban and industrial characteristics and other relevant factors, whether Kettering, Ohio, is a separate community with respect to Dayton, Ohio, for the purposes of section 307 (b) of the Communications Act of 1934, as amended.

16. To determine, in the event it is concluded that Kettering, Ohio is a separate community from Dayton, Ohio, for the purposes of section 307(b) of the Communications Act of 1934, as amended, the type and character of the programming service now available to Kettering, Ohio, from licensed standard broadcast stations in Dayton, Ohio, and whether the programming needs of Kettering, Ohio, are met by such programming.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7537; Filed, Aug. 8, 1961; 8:51 a.m.]

[Docket Nos. 13798-13801; FCC 61M-1322]

OKLAHOMA BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, Docket No. 13798, File No. BP-12403; Ira E. Courtney, tr/as Courtney Broadcasting Co., Winfield, Kansas, Docket No. 13799, File No. BP-12407; Lloyd Clinton McKenney, tr/as Winfield Broadcasting Company, Winfield, Kansas, Docket No. 13800, File No. BP-12756; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, Docket No. 13801, File No. BP-12876; for construction permits.

The Hearing Examiner having under consideration the agreements reached by the parties in a prehearing conference on July 28, 1961 regarding further proceedings in this matter;

It is ordered, This 2d day of August, 1961, that the hearing presently scheduled for September 8, 1961, be, and the same is, hereby continued to October 11, 1961, and that the following dates shall govern proceedings preliminary thereto:

September 15, 1961—Preliminary engineering exhibits exchanged;
September 21, 1961—Informal engineering conference and exchange of all non-engineering exhibits, except those relating to the 307(b) issue;
September 26, 1961—Further prehearing conference; and
October 5, 1961—Notification of witnesses.

Released: August 2, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7538; Filed, Aug. 8, 1961; 8:51 a.m.]

[Docket No. 14215-14224; FCC 61-980]

PLAINS RADIO BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Plains Radio Broadcasting Company; For additional time to construct radio station KRKY, Denver, Colorado, Docket No. 14215, File No. BMPH-6458; For additional time to construct radio station WFFM, Cincinnati, Ohio, Docket No. 14216, File No. BMPH-6459; For additional time to construct radio station KFMV, Minneapolis, Minnesota, Docket No. 14217, File No. BMPH-6460; For additional time to construct radio station KFMC, Portland, Oregon, Docket No. 14218, File No. BMPH-6461; For additional time to construct radio station KPRN, Seattle, Washington, Docket No. 14219, File No. BMPH-6463; For consent to assignment of construction permit for radio station KRKY, Denver, Colorado to United Communications, Inc., Docket No. 14220, File No. BAPH-222; For consent to assignment of construction permit for radio station WFFM, Cincinnati, Ohio to United Communications, Inc., Docket No. 14221, File No. BAPH-223; For consent to assignment of construction permit for radio station KFMV, Minneapolis, Minnesota to United Communications, Inc., Docket No. 14222, File No. BAPH-224; For consent to assignment of construction permit for radio station KFMC, Portland, Oregon to United Communications, Inc., Docket No. 14223, File No. BAPH-225; For consent to assignment of construction permit for radio station KPRN, Seattle, Washington to United Communications, Inc., Docket No. 14224, File No. BAPH-226.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July 1961:

The Commission having under consideration the above-entitled applications for additional time to construct the proposed stations and for consent to the voluntary assignment of the construction permits for the proposed stations;

It appearing that with respect to the above-entitled applications for consent to assignment of construction permits, the Commission, on August 2, 1960, sent (pursuant to former section 309(b) of the Communications Act) a pre-hearing letter addressed jointly to Plains Radio Broadcasting Company and United Communications, Inc., which letter is available for public inspection and is incorporated herein by reference; and that replies to the above-mentioned letter were received from Plains Radio Broadcasting Company on August 12, 1960, and from United Communications, Inc., on September 6, 1960; and

It further appearing that the construction permits proposed to be assigned expired by their own terms on November 16, 1960, but that the above-entitled applications for additional time to construct the proposed stations were timely filed on October 17, 1960; and that Plains Radio Broadcasting Company incorporated by reference in such applications its reply to the Commission's letter of August 2, 1960, as well as the representations made by it in the above-entitled applications for consent to assignment of its construction permits; and

It further appearing that the permittee, in its applications and in its response to the Commission's 309(b) letter, indicated that at the time the construction permits were applied for, the availability of Mr. Jack D. Liston, a director of the permittee company and General Manager of its Amarillo, Texas, broadcast stations, was among the determining factors in the decision to seek the construction permits, that Mr. Liston subsequently resigned, and that, in view of his resignation, the permittee deemed it improvident to attempt construction and operation of the proposed stations; and

It further appearing that although Mr. Liston apparently resigned from the permittee company on February 16, 1960, and the applications for construction permits were not granted by the Commission until March 16, 1960, the permittee did not advise the Commission either of Mr. Liston's resignation or of its principal reliance upon him to construct and operate the proposed stations; and

It further appearing that the permittee has not alleged, either in its applications or in its reply to the Commission's prehearing letter, that it made any attempt before or after its applications were granted to take measures, in the light of Mr. Liston's resignation, which would enable it to construct and operate the proposed stations; and

It further appearing that examination of the Commission's records fails to indicate that a supplemental ownership report (Form 323) has been filed, as required by § 1.343(c) of the rules, to reflect Mr. Liston's resignation as a director of Plains Radio Broadcasting Company; and

It further appearing that the foregoing matters raise questions of good faith, diligence, and intention to construct the proposed stations on the part of Plains Radio Broadcasting Company, and that, therefore, the Commission is unable to determine, without hearing, that grant of the above-entitled applications for additional time to construct the proposed stations would be in the public interest; and

It further appearing that the proposed assignee has made no independent attempt to discover and fulfill the tastes, needs and desires of the communities proposed to be served, but has retained Mr. Liston as a consultant and has indicated primary reliance upon the judgment of its consultant, and whatever efforts he made as a director of Plains Radio Broadcasting Company; that the original applications of Plains Radio do not indicate that an attempt was made to survey community or area needs; that the programing proposed by the proposed assignee is the same as that originally proposed; and that the programing proposed is identical for each of the five cities involved; and

It further appearing that the proposed selling price apparently includes the cost of preparing, filing and prosecuting an application for an FM broadcast station at Detroit, Michigan (File No. BPH-2824) which was subsequently dismissed at the request of Plains Radio Broadcasting Company; and

It further appearing that the foregoing matters raise questions with respect to the above-entitled applications for consent to assignment of construction permits, and that, therefore, the Commission is also unable to determine, without hearing, that a grant of such applications would be in the public interest.

It is ordered, That, pursuant to section 319(b) and to former 309(b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for consolidated hearing at a time and place to be specified by subsequent Order, upon the following issues:

1. To determine why Plains Radio Broadcasting Company did not file a supplemental ownership report pursuant to § 1.343(c) of the Commission's rules reflecting Mr. Liston's resignation as a director of the company.

2. To determine whether Plains Radio Broadcasting Company, in continuing to prosecute its applications for construction permits for the above-described FM broadcast facilities after the resignation of Mr. Jack D. Liston as a director of its company on February 15, 1960, and by failing to advise the Commission of such resignation and of its primary reliance upon the services of Mr. Liston prior to Commission action on its applications on March 16, 1960, failed to exercise good faith and proper diligence in its dealings with the Commission.

3. To determine whether Plains Radio Broadcasting Company still intended to construct and operate the proposed stations at the time the Commission granted the applications for construction permits.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the reasons advanced by Plains Radio Broadcasting Company in support of its requests for extension of completion date constitute a showing that failure to complete construction was due to causes not under its control, or constitute a showing of other matters sufficient to warrant an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.323(a) of the Commission's rules.

5. To determine whether and to what extent the proposed assignee has made any attempt to ascertain and fulfill the programming needs and desires of the communities proposed to be served.

6. To determine whether the programming proposed by the proposed assignee will meet the needs and interests of the communities concerned.

7. To determine whether the reported selling price includes the cost of preparing, filing and prosecuting an application for a sixth FM broadcast station at Detroit, Michigan (File No. BPH-2824), dismissed April 15, 1960, and, if so, whether grant of the above-entitled assignment applications would be consistent with the Commission's policy against "trafficking" in construction permits.

8. To determine whether, on the basis of the evidence adduced with respect to the foregoing issues, grant of the above-entitled applications would serve the public interest, convenience and necessity.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7539; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket Nos. 14211, 14212; FCC 61-974]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Putnam Broadcasting Corporation, Brewster, New York, requests 1590 kc, 1 kw, DA-D, III, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, requests 1590 kc, 1 kw, DA-2. U. Docket No. 14212, File No. BP-14572; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of July 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the instant proposals; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. Simultaneous operation of the instant proposals would result in mutually destructive interference.

2. A substantial question obtains as to whether adequate nighttime protection will be afforded by the proposal for Port Chester to the service areas of Stations WBRY, Waterbury, Connecticut, and WEEZ, Chester, Pennsylvania.

3. The proposal for Port Chester will cause daytime interference to the existing operations of Stations WERA, Plainfield, New Jersey, and WWRL, New York, New York.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant applicants and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and the interference that each of the instant proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals.

3. To determine whether the instant proposal of Port Chester Broadcasting Company would cause objectionable nighttime interference to Stations WBRY, Waterbury, Connecticut and WEEZ, Chester, Pennsylvania, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Port Chester would cause objectionable daytime interference to Stations WERA, Plainfield, New Jersey, and WWRL, New York, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the antenna system proposed by Port Chester Broadcasting Company can be adjusted and maintained as proposed, and whether a satisfactory proof-of-performance can be made in view of water areas involved, especially along bearings through null areas of the radiation pattern.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That WBRY Broadcasting Corporation, WDRF, Inc., Tri-County Broadcasting Corporation and Long Island Broadcasting Corporation, Licensees of Stations WBRY, WEEZ, WERA and WWRL, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7540; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket Nos. 13965-13967; FCC 61-944]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967 File No. BP-14401; for construction permits.

1. The Commission has before it for consideration (1) the petition to enlarge issues, filed June 20, 1961, by Carl H. Meyer (WCMY); (2) comment of Broadcast Bureau; filed June 29, 1961; and (3) statement with respect to petition to enlarge issues, filed July 3, 1961, by Rockford Broadcasters, Incorporated (WROK).

2. Carl H. Meyer is the licensee of Class III Station WCMY, Ottawa, Illinois, which operates on the frequency of 1430 kc with 500 watts power, non-directional, daytime only. Rockford Broadcasters, Incorporated, is the licensee of Class III Station WROK, 1440 kc, Rockford, Illinois, and in the subject proceeding is seeking authority to increase from 1 kw to 5 kw the daytime power of WROK. The Rockford (WROK) application was designated for hearing in the above-entitled proceeding by Commission Order (FCC 61-246), released February 28, 1961. The issues set forth in the Order do not include an issue as to the interference which the proposed operation of WROK would cause to WCMY or any other existing station, and Carl H. Meyer, licensee of Station WCMY, was not named as a party to the proceeding. Meyer's petition for leave to intervene was granted by Order of the Acting Chief Hearing Examiner (FCC 61M-1155), released July 5, 1961.

3. Petitioner submits field strength measurement data, taken on the WCMY signal, to show that existing WROK causes more than 3% interference to WCMY and that proposed WROK will cause interference totalling approximately 7% to WCMY. The showing thus made by it suffices to warrant the inclusion of an issue to consider the effect of the proposed operation of WROK on Station WCMY and the areas and populations it presently serves, and the issues in this proceeding will be enlarged to include such an issue.

Accordingly, it is ordered, This 26th day of July 1961, that the petition to enlarge issues, filed June 20, 1961, by Carl H. Meyer (WCMY) is granted; and

It is further ordered, That present issues Nos. 5 through 9 be renumbered 6 through 10, and that the following new issue be added:

5. To determine whether the instant proposal of Rockford Broadcasters, Incorporated, would cause objectionable interference to Station WCMY, Ottawa, Illinois, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7541; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket No. 14209; FCC 61-968]

ROUNSAVILLE OF LOUISVILLE, INC. (WLOU)

Order Designating Application for Hearing on Stated Issues

In reapplication of Rounsaville of Louisville, Inc. (WLOU), Louisville, Kentucky, has 1350 kc, 5 kw, Day. Req. 1350 kc, 5 kw, DA-N, U, Class III-A, Docket No. 14209, File No. BP-13545; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of July 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing, that the applicant states that the present nighttime RSS limitation of Station WEZY, Cocoa, Florida is 15.92 mv/m and is made up of individual limitations from WSMB, New Orleans, Louisiana (11.78 mv/m) WAVY, Portsmouth, Virginia (7.93 mv/m) and WADC, Akron, Ohio (7.17 mv/m); that if the instant application of WLOU is granted, the nighttime RSS of WEZY will be decreased from 15.92 mv/m to 15.88 mv/m since the limitations from WAVY and WADC would be excluded by the "50% method" and the new RSS of WLOU would be composed only of the limitations from the instant proposal (10.65 mv/m) and WSMB; that only slight interference would be caused to the eastern part of the WEZY nighttime service area by the proposed WLOU operation; but that in accordance with the provisions of § 3.182(c)(4) of the Commission rules we find that the proposed nighttime limitation of 10.65 mv/m to WEZY must be included in the nighttime RSS of WEZY without excluding the limitations from Stations WAVY and WADC. As a result, the RSS of WEZY will be increased to approximately 19.0 mv/m.

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WLOU and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable nighttime interference to Station WEZY, Cocoa, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That WEZY, Inc., licensee of Station WEZY, Cocoa, Florida, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7542; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket No. 14209; FCC 61M-1329]

ROUNSAVILLE OF LOUISVILLE, INC. (WLOU)

Order Scheduling Hearing

In re application of Rounsaville of Louisville, Inc. (WLOU), Louisville, Kentucky, Docket No. 14209, File No. BP-13545; for construction permit.

It is ordered, This 3d day of August 1961, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 9, 1961, in Washington, D.C.; *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 1:15 p.m., Thursday, September 7, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7543; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket Nos. 14213, 14214; FCC 61-977]

SEWARD BROADCASTING CO., INC., AND SALTVILLE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of The Seward Broadcasting Company, Incorporated, Marion, Virginia, requests 1330 kc, 1 kw, Day, Class III, Docket No. 14213, File No. BP-13803; Saltville Broadcasting Corporation, Saltville, Virginia, requests 1330 kc, 1 kw, Day, Class III, Docket No. 14214, File No. BP-14611; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July 1961;

The Commission having under consideration the above-captioned and described applications;

It appearing that each of the applicants is in all respects qualified to construct and operate its proposal, except as to the matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The two applicants propose one-kilowatt, co-channel operations approximately 15 miles apart and are therefore mutually exclusive.

2. Mountain Empire Broadcasting Corporation, controlling stockholder in the Saltville application, is the licensee of Station WMEV (and WMEV-FM), in Marion, Virginia. Standard broadcast station WMEV operates on a frequency of 1010 kc, with a power of one kilowatt, daytime only. Extensive overlap would exist between the service contours of WMEV and the Saltville proposed operation. Accordingly, a substantial question exists as to whether or not a grant of the Saltville proposal would contravene the provisions of § 3.35(a) of the Commission's rules.

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the instant proposal of Saltville Broadcasting Corporation would be in contravention of the provisions of § 3.35(a) of the Commission rules with respect to multiple ownership of standard broadcast stations.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if either of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7544; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket No. 14208; FCC 61-961]

WMOZ, INC. (WMOZ)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of WMOZ, Inc., Mobile, Alabama, Docket No. 14208, File No. BR-2797; For Renewal of License of Station WMOZ, Mobile, Alabama.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July, 1961;

The Commission having under consideration (a) the above-captioned application for renewal of license; (b) a report of an inspection of Station WMOZ; and (c) the report of the Com-

mission's inquiry into the affairs of said station; and

It appearing that the above licensee has made certain written representations to the Commission in the above-captioned application for renewal of license with respect to its programming and its operations which representations, with other information before the Commission, raise questions as to whether the licensee of Station WMOZ has submitted false reports to the Commission with particular reference to the Annual Financial Report (Form 324); has submitted false and forged programming logs; has submitted false and misleading information in the renewal application particularly with respect to the policy of broadcasting news and public service programs; has interrupted the station's program service in a way and to a degree so as to cause a deterioration in said service contrary to the public interest; has failed to provide the opportunity for local self-expression consistent with operation in the public interest; has met in its past and will meet in its proposed over-all program service the needs and interests of the community it serves; has with reference to certain programs broadcast material allegedly vulgar, suggestive, and susceptible of indecent double meanings; has misrepresented facts to the Commission or was lacking in candor; has maintained adequate control or supervision of programming material broadcast over the station; and has engaged in activities bearing adversely on its character qualifications; and

It further appearing, that, after consideration of all of the foregoing, the Commission is unable to find that a grant of the above-captioned application would serve the public interest; that, therefore, said application must be designated for hearing; and that except as indicated by the issues specified below, the applicant is legally, technically and financially qualified to operate said station;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing in Mobile, Alabama, at a time and location to be specified in a subsequent Order, upon the following issues:

1. To determine whether, in connection with the above-captioned application, the licensee submitted falsified and forged program logs and false and misleading information to the Commission;

2. To determine whether the licensee prepared and maintained its program logs for Station WMOZ in violation of §§ 3.111–3.115, inclusive, of the Commission's rules;

3. To determine whether, during the past license term, the station's program logs were altered with the intent and purpose of deceiving the Commission;

4. To determine whether in its above-captioned renewal application and its Annual Financial Report for 1960 (Form 324) the licensee made misrepresentations to the Commission and/or was lacking in candor;

5. To determine whether the licensee permitted program material to be broadcast over Station WMOZ which was coarse, vulgar, suggestive and susceptible of indecent double meanings;

6. To determine, in light of the concentration and number of commercial spot announcements, whether during the past license period the station's program service was interrupted in a manner and to a degree so as to cause a deterioration in said service contrary to the public interest;

7. To determine whether, during the past license period, the applicant has provided opportunities for local self-expression consistent with operation in the public interest;

8. To determine whether the station's past and proposed overall program service was and is designed to meet the needs and interests of the community it serves;

9. To determine whether the licensee maintained adequate control or supervision of programming material broadcast over its station during the past license period;

10. To determine whether, in light of the evidence adduced with respect to the foregoing issues, the licensee possesses the requisite qualifications to be a licensee of the Commission;

11. To determine whether, in light of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience or necessity;

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order;

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7545; Filed, Aug. 8, 1961; 8:52 a.m.]

[Docket No. 14228; FCC 61–988]

EDWIN H. ESTES

Order to Show Cause

In the matter of revocation of License of Edwin H. Estes for Standard Broadcast Station WPFA, Pensacola, Florida, Docket No. 14228.

The Commission having under consideration the character qualifications of Edwin H. Estes as the licensee of a broadcast station; and

It appearing that Edwin H. Estes is the individual licensee of Station WPFA, Pensacola, Florida, and the President and owner of 99 percent of the stock of WMOZ, Incorporated, licensee of Station WMOZ, Mobile, Alabama; and

It further appearing that the application for renewal of license for Station WMOZ was executed by Edwin H. Estes as President of WMOZ, Incorporated, and that on this day the Commission has designated for hearing the said application; and

It further appearing that the Commission's consideration of the application for renewal of license for Station WMOZ has raised serious questions as to the qualifications of Edwin H. Estes to be a licensee of the Commission, since it appears that (1) false and forged program logs for days of the required composite week were knowingly and wilfully submitted to the Commission with the WMOZ renewal application; (2) the Annual Financial Report (Form 324) for 1960 contained misrepresentations with respect to the gross revenue of the station; (3) the WMOZ renewal application contained false and misleading information particularly with respect to the broadcast of news and public service programs which were not in fact presented; and (4) Edwin H. Estes has engaged in activities bearing adversely on his character qualifications in that he compelled employees to violate Commission Rules under threat of dismissal; and

It further appearing that the application for renewal of license for Station WPFA for the period beginning February 1, 1961, was granted without hearing, but that such action would not have been taken if the information presently available as to the qualifications of Edwin H. Estes had been at hand at the time of grant; and

It further appearing that the evidence to be submitted in the hearing on the application for renewal of license for Station WMOZ would to a substantial degree be pertinent to the question as to the qualifications of Edwin H. Estes as licensee of Station WPFA:

It is ordered, This 26th day of July 1961, pursuant to the provisions of sections 312(a)(2) and 312(c) of the Communications Act of 1934, as amended, that Edwin H. Estes show cause why the license for Station WPFA, Pensacola, Florida, should not be revoked, and appear and give evidence in respect thereto at a hearing[1] to be held in Mobile, Alabama at a time and place to be specified in a subsequent order; and

It is further ordered, That the hearing on this Order to Show Cause be consolidated with the hearing on the application for renewal of license for Station WMOZ (Docket No. 14208); and

It is further ordered, That the Acting Secretary send a copy of this Order and the Order designating the WMOZ renewal application for hearing by Certified Mail—Return Receipt Requested to Edwin H. Estes.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7546; Filed, Aug. 8, 1961; 8:53 a.m.]

[1] Section 1.77 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. In the event that it would be impossible for respondent to appear for hearing in the proceeding if scheduled to be held in Mobile, Alabama, he should advise the Commission of the reasons for such inability within five days of the receipt of this Order. The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Hearing Examiner will issue an order certifying the case to the Commission. The Commission will then determine on the basis of all the information available to it from any source, which may include statements filed by the respondent, recommendations from the Commission's staff, respondent's past violation record, etc. or such further proceeding as may be warranted, whether a revocation order and/or a cease and desist order should be issued or whether the matter should be dismissed.

[Docket Nos. 6584, 14225; FCC 61–981]

KSTP, INC. (KOB) AND AMERICAN BROADCASTING - PARAMOUNT THEATRES, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: KSTP, Inc. (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP–1738, for Modification of Construction Permit; American Broadcasting-Paramount Theatres, Inc. (WABC & Aux.), New York, New York, has 770 kc, 50 kw, U, requests renewal of existing license, Docket No. 14225, File No. BR–167.

1. The Commission has before it for consideration (1) the above-captioned applications; (2) a "Petition to Consolidate Applications for Hearing", filed on September 19, 1960, by KSTP, Inc. (KSTP); (3) Oppositions to the above Petition, filed on September 20 and October 3, 1960, by American Broadcasting-Paramount Theatres, Inc. (WABC); and (4) a reply thereto, filed on October 13, 1960, by KSTP.

2. Since the complete background of the proceedings in Docket Nos. 6584 and 6585 has been set forth in detail in Appendix A of the Commission's decision of September 3, 1958 (In re Albuquerque Broadcasting Co., 16 RR 765, Pg. 883) it need not again be restated. However, for the purpose of better understanding the nature of the pleadings now before us, we will summarize what has transpired subsequent to the decision of September, 1958 and bring this portion of the history to date. The decision to which we refer above, concluded that Class I–A channel 770 kilocycles could best be utilized by the employment of two Class I stations thereon; and that both WABC and KOB would be permitted to operate on that frequency with 50 kilowatts of power, each employing a directional antenna designed to protect the other, with said directional antennas designed in accordance with the parameters specified in paragraph 22 of the findings of fact contained therein. Accordingly, KSTP was granted leave to amend its application for Albuquerque, New Mexico (File No. BMP–1738), and WABC was granted leave to file an application for authority to make changes in its existing operation, both applications to specify the type operation contemplated by the above decision. In addition, WABC was directed to file its application for renewal of license, which was to expire on June 1, 1960, no later than July 1, 1959. WABC's Petition for Reconsideration of this action was denied by the Commission on September 8, 1959. In re Albuquerque Broadcasting Co., 16 RR 895, and on May 27, 1960, the United States Court of Appeals for the District of Columbia Circuit, on an appeal taken by WABC, affirmed the Commission's Decision of September 3, 1958, American Broadcasting-Paramount Theatres v. F.C.C., 20 RR 2001. On March 11, 1959, the KSTP application for Albuquerque, New Mexico was amended in accordance with the decision of September, 1958, supra. WABC, however, filed an application for renewal of its license (File No. BR–167) requesting the continuance of its existing operation.

3. On February 24, 1960, KSTP filed an application requesting authority to construct a new standard broadcast station to operate on 770 kilocycles at New York City (File No. BP–13932). This proposal specifies the type operation contemplated by the Commission in its decision of September 3, 1958. On August 22, 1960, WABC and KSTP were advised, pursuant to the then existing notice provisions of section 309(b) of the Communications Act of 1934, as amended, that since their applications were mutually exclusive (both requesting the same facilities) both could not be granted and accordingly, it was necessary that they be designated for comparative hearing to determine which proposal, if either, would better serve the public interest, convenience and necessity. In reply to this letter, KSTP filed its "Petition to Consolidate Applications for Hearing."

4. In its petition, KSTP contends that its application for Albuquerque (File No. BMP–1738) should also be consolidated in the above proceeding; that the application of WABC, requesting renewal of its 50 kilowatt non-directional operation on 770 kilocycles, will result in "ruinous interference" to its proposed directional operation as a Class I station at Albuquerque and that in view thereof, the above three referenced applications should be consolidated for hearing with a single "307(b)" issue scheduled for consideration.

5. WABC, by oppositions filed on September 20 and October 3, 1960, contends that the course of action proposed by KSTP is contrary to the Commission's rules; to applicable precedent, and to the recent admonition of the Court of Appeals; that the holding of the United States Supreme Court in Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327, should not be construed in a manner which compels the Commission to give a mutually exclusive applicant comparative consideration with an existing licensee seeking renewal of its license, if it can be found that but for the existence of said new application, the public interest, convenience and necessity would be served by its renewal; that, moreover, said comparative consideration need no longer be afforded in view of the deletion in 1952 of the language in section 307(d) of the Act which, in effect, stated that renewals be treated as original applications filed pursuant to section 308(a) and also in view of the language added thereto, in 1952, indicating that existing licensees, absent a serious breach of the public trust, should be granted renewals almost as of course;[1] that further, the Commission's decision of September 1958, makes clear that the KOB proceeding had not been terminated thereby; that it had only decided two Class I stations may be assigned on 770 kilocycles and tentatively arrived at the proposed pattern of dual operation by KOB and WABC on that channel; that the Court of Appeals, on May 27, 1960, in passing upon the Commission's decision of September 1958, also saw the necessity of further proceedings in this matter by stating that the position of ABC, as a network, should not be permanently prejudiced by forcing it to share a channel if other networks are given full use of clear channels and that failure by the Commission to give due consideration to WABC's claim for treatment comparable to that accorded other networks may be brought to the Court for review; that in view thereof, WABC argues, it has "cut-off protection" by reason of the unfinished aspects of the KOB proceeding and this fact necessarily precludes comparative consideration, at this time, of the KSTP application for its facilities; that

[1] The language deleted by the 1952 amendment to section 307(d) of the Act is as follows:

"• • • but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

The pertinent language added to section 307 (d) of the Act by the 1952 amendment and to which petitioner refers above, is as follows:

"• • • In order to expedite action on applications for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings."

moreover, any consideration given the KSTP application requesting operation on 770 kilocycles at New York City, would violate the Commission's Order of August 9, 1946 (1 RR 53:905), which provides in substance that applications requesting operation on 770 kilocycles will be placed in the pending files until conclusion of the proceedings in Docket No. 6741 (Clear Channel proceeding).

6. KSTP's reply, filed on October 13, 1960, controverts, categorically, all of the above arguments asserted by WABC. In substance it replies that the 1952 amendments to the Communications Act did not affect an applicant's right to have its proposal considered comparatively with an application for renewal when it is mutually exclusive therewith; that no further proceedings remain in the KOB-WABC matter which provides "cut-off protection" to the WABC renewal application; and that the "admonition" of the Court of Appeals, to which WABC refers, cannot be construed to mean that the Commission must hear the claims of WABC with respect to its network position before any further action can be taken in accordance with the Commission's decision of September 1958. In view of the above, KSTP again requests that its applications for New York City and Albuquerque be consolidated for hearing with the renewal application of WABC.

7. In view of the doctrine expressed by the United States Supreme Court in Ashbacker Radio Corp. v. Federal Communications Commission (supra), we have consistently held that an application for renewal of a broadcast license must be designated for comparative hearing with any other mutually exclusive applications then pending before the Commission, In re Hearst Radio, Inc. (WBAL), 3 Pike & Fischer RR 731 (1947); Robert E. Bollinger, 13 Pike & Fischer RR 881 (1957); Wabash Valley Broadcasting Co. (WTHI-TV), 18 Pike & Fischer RR 562 (1959); Radio Voice of New Hampshire, Inc. (WMUR-TV), Order of May 1, 1957 (FCC 57-433); Oroville Broadcasters (KMOR), Order of November 5, 1958 (FCC 58-1041). WABC claims, however, that because of the 1952 amendments to the Communications Act, comparative consideration need no longer be afforded a mutually exclusive applicant in a license renewal hearing. (See Par. 5, supra.)[2] We do not agree that the 1952 amendments to the Act intended or accomplished such a result. Section 301 of the Communications Act provides that no license shall be construed to create any right beyond the terms, conditions and periods of the license; while section 304 requires that a prospective licensee sign a waiver of any claim to the use of a particular frequency because of the previous use of the same, before such license may be granted. Thus, it appears clear that the Act intends no person to have anything in the nature of a property right as a result of the grant of a license; that broadcast licenses are limited to a maximum of three years duration and may be revoked at any time for good cause shown; that before such license can be renewed, it must be determined, pursuant to section 307(d) of the Act, that the public interest, convenience and necessity would be served thereby and that if, after a hearing on such application for renewal, said finding cannot be made, the frequency presently occupied remains free for a new assignment to another licensee in the interest of the listening public. See Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008, p. 2011. To refuse, then, a mutually exclusive applicant at this stage of a proceeding, the opportunity to show that its proposal would better serve the public interest, would be a denial of the rights afforded such applicants by the Communications Act of 1934, as amended, as well as a violation of the Commission's duty to determine, as among all available applicants requesting the same facilities, whose proposal would best serve the public interest, convenience and necessity. To illustrate further the fallaciousness of the instant argument advanced by WABC, we observe that the Court of Appeals, in its decision of May 27, 1960, also recognizes this right afforded applicants for broadcast facilities, for therein, in discussing WABC's right to raise the claim regarding its network position vis a vis the other networks, the Court states:

> It may be that ABC can raise its claim in this regard by filing competitive applications when present licensees on other frequencies seek renewal or by seeking modification of existing licenses held by others. (See 20 RR p. 2006.)

8. Nor can we accept WABC's argument that its renewal application has "cut-off protection" by virtue of the fact that the decision of September 3, 1958, in Docket Nos. 6584 and 6585 (16 RR 765, supra), did not conclude the KOB matter. A similar contention was raised by WABC in its petition for rehearing, filed on October 6, 1958. Therein it was requested, inter alia, that the Commission modify its decision of September 3, 1958 to make it clear that the conclusions there reached are "tentative" only. In reply thereto, the Commission stated as follows:

> The conclusions set forth in the decision under review constitute our considered judgment. In the sense that any Commission decision or action may be modified when changed conditions and the public good require it, the instant decision is tentative. In the sense that the Commission at present contemplates no further evidentiary hearing on the decision reached herein, the decision is final. (16 RR 895, para. 12, September 8, 1959.)

In view of the foregoing language, no useful purpose would be served herein by further entertaining the claim that the September 3, 1958 decision in Docket Nos. 6584 and 6585 was not considered final.

9. Moreover, WABC's assertion that the Commission's Order of August 9, 1946 (1 RR 53:905), precludes consideration of the KSTP application for New York City at this time, is also without merit. This order, providing, in substance, that applications requesting operation on 1030 or 770 kilocycles, be placed in the pending files until resolution of the Clear Channel proceeding (Docket No. 6741), was instituted to insure the status quo of these frequencies, by precluding additional assignments thereon which would further aggravate the "anomalous situation" which then existed on 770 and 1030 kc, and thereby render more difficult a satisfactory solution of the matter. However, the KSTP application does not request an additional assignment on 770 kilocycles. Its application requests those facilities presently utilized by WABC; only one can be granted, and regardless of which may be favored in a hearing, the status quo with respect to the location and number of standard broadcast stations on 770 kc will be maintained. Thus, the order of August 9, 1946 is not applicable to the KSTP application requesting operation on 770 kilocycles in New York City.

10. WABC further contends that the "admonition" of the Court of Appeals in its opinion of May 27, 1960 also precludes the consolidation of the KSTP application with its renewal application. The Court in its opinion did concern itself with the possible adverse effects on ABC as a network, and it was stated therein that the Commission should "• • • give due consideration to ABC's claims for treatment comparable to that accorded other networks • • •" However, nowhere in its opinion did the Court indicate, as contended by WABC, that until it is afforded these opportunities, the present utilization of 770 kilocycles must remain unchanged. Rather, it upheld the Commission's decision of September 3, 1958, which concluded that the mandate of section 307(b) of the Act would best be served by permitting Station KOB, Albuquerque, to operate with 50 kilowatts, directional antenna, night and by the amendment of § 3.25(a) of the rules to provide that the Commission may authorize the operation of two Class I stations on 770 kilocycles.

11. Although WABC's pending application requests continuance of its nondirectional operation on 770 kilocycles,[3] the Commission's decision of September 3, 1958, concluded, as indicated supra, that the frequency 770 kilocycles would best be utilized by permitting WABC and KOB to operate with 50 kilowatts of power, unlimited time, each employing a directional antenna designed to protect the other. The findings of fact and the conclusions of law reached therein are final and conclusive on the question concerning what type operation on the frequency 770 kilocycles would best effectuate the mandate of section 307(b) of the Act; See In re Albuquerque Broadcasting Co., 16 RR 895, Para. 12, supra. However, the Commission feels, in view of the language contained in the opinion rendered by the United States Court of Appeals on May 27, 1960, that it would be appropriate at this time to reopen the record in Docket No. 6584 in order to consider any additional evidence to be presented by WABC with respect to its network position on the frequency 770 kilocycles and to determine in the light of such evidence whether the issue is such that it overrides the 307(b) determination previously rendered by the Commission in its decision of September 3, 1958. Therefore, we propose to consolidate WABC's application (File No. BR-167) for renewal of license for hearing with KSTP's amended application (File No. BMP-1738) for Albuquerque, New Mexico, and to reopen the record in that proceeding for such limited purpose, and for that purpose alone. No additional evidence will be permitted to be adduced under issue 1, infra, since, as stated above, our findings of fact and conclusions of law previously reached with respect to section 307(b) of the Act are final and conclusive. The purpose of including this issue and issue 3 is simply to permit the Commission to take appropriate action upon the above-captioned applications in the light of the additional evidence to be adduced pursuant to issue 2.

12. We do not deem it appropriate to consolidate KSTP's application (BP-13932) for New York City for hearing at this time, since after the hearing ordered herein has been completed a comparative hearing with WABC's application for renewal may prove to be unnecessary. We wish to make it absolutely clear, however, that our action herein in no way impairs KSTP's right to a comparative hearing with WABC, if WABC's renewal application is not denied after this hearing. Furthermore, the possibility exists that the Commission may deny WABC's renewal application, but, in its discretion, as a consequence of the evidence adduced pursuant to issue 2, below, find it in the public interest to afford WABC a final opportunity to file an application for authority to make changes in the operation of Station WABC in the manner specified in Paragraph 22 of our September, 1958 decision in this proceeding. Should these findings be made, and should WABC choose to file such an application, the comparative hearing would then be between KSTP's pending proposal for New York City and WABC's new application.[4] If the Commission's decision on the first two issues below indicates grant of the KOB application for modification of construction permit (BMP-1738), but such further proceedings are also found to be necessary, the KOB application will be granted, a construction permit will be issued to KOB immediately and operation will be authorized in regular course, inasmuch as those actions cannot be affected by the outcome of the subsequent proceedings.

In view of the foregoing: *It is ordered*, That the "Petition to Consolidate Applications for Hearing" filed by KSTP, Inc. is granted to the extent provided for below, and is denied in all other respects and that pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, the above-captioned and described applications are designated for consolidated hearing on the following issues:

1. To determine in view of our findings and conclusions in Docket No. 6584 with respect to KOB's proposal and section 307(b) of the Communications Act of 1934, as amended, whether the public interest would be served by a grant of WABC's application (BR-167) for renewal of license for its present facilities, or the application of KSTP, Inc. (BMP-1738) for Albuquerque, New Mexico.

2. To determine whether the consideration of providing facilities to the ABC Network in New York on a basis which is fair and equitable in comparison with other radio networks should vary the conclusion with respect to issue 1, above.

3. To determine, in the light of our findings and conclusions in Docket No. 6584 and the evidence adduced pursuant to issue 2 above, which of the above-captioned and described applications should be granted.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to issue "2" above shall be on the American Broadcasting-Paramount Theatres, Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That further action on KSTP, Inc.'s application (BP-13932) for New York, New York, will be withheld pending a final decision in the hearing herein ordered.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the Commission's rules.

Adopted: July 26, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7547; Filed, Aug. 8, 1961; 8:50 a.m.]

[2] WABC further argues that since the Commission does not afford this opportunity to mutually exclusive applicants in transfer and assignment situations under section 310(b) of the Act, which section in turn makes reference to section 308, it need not afford these rights under the provisions of section 307(d) of the Act. This contention can be answered by the language of section 310(b) itself. Therein it is stated "• • • but in acting thereon the Commission may not consider whether the public interest, convenience and necessity might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee."

[3] Favorable consideration on the above renewal application of WABC would seriously prejudice a grant of the pending KOB proposal, since the WABC 0.25-10 percent skywave interfering contour would substantially reduce the nighttime coverage area of KOB's proposed operation.

[4] It should be noted that KSTP's application (BP-12932) for New York City appeared on the "cut-off" list of July 6, 1961, with a "cut-off" date of August 14, 1961. Obviously, should the situation described above eventuate, the Commission will waive §1.354(c) to permit comparative consideration of WABC's application.

FEDERAL POWER COMMISSION

[Docket No. CP61-313]

CITY OF GRANBY, MO.

Notice of Application

AUGUST 2, 1961.

Take notice that on June 8, 1961, the City of Granby, Newton County, Missouri, (Applicant) filed in Docket No. CP61-313 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities Service) to establish physical connection of its facilities with certain facilities which Applicant proposes to construct, and to sell and deliver natural gas to Applicant for resale in said City and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Cities Service's main transmission pipeline passes within approximately 6.5 miles north of the City of Granby. Applicant proposes to construct the necessary connecting line and appurtenances, and the distribution facilities in the city and environs at an estimated total cost of $280,000, which construction will be financed by the issuance of gas revenue bonds.

The estimated natural gas requirements of the City of Granby and environs, having a population of approximately 2,050, are as follows:

	Requirements in Mcf		
	1st year	2d year	3d year
Annual	50,580	59,652	68,724
Peak day	700	828	955

Service to Applicant by Cities Service would be within the total volumes of natural gas sales as limited by the Commission's order issued December 27, 1960, in Docket No. CP60-32.

On July 6, 1961, Cities Service filed with the Commission its verified letter advising that it will comply with the Commission's decision in the matter.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7501; Filed, Aug. 8, 1961; 8:46 a.m.]

[Docket No. CP61-343]

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Application and Date of Hearing

AUGUST 2, 1961.

Take notice that on June 28, 1961, Kentucky West Virginia Gas Company (Applicant), Second National Bank Building, Ashland, Kentucky, filed an application in Docket No. CP61-343, pur-

suant to section 7(b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas to Inland Gas Company (Inland) under Applicant's Rate Schedule X–4, all as more fully set forth in the aplication on file with the Commission and open to public inspection.

Applicant presently delivers gas to Inland under two rate schedules. Under Rate Schedule X–4, Applicant sells to Inland natural gas produced from wells in Magoffin County, Kentucky, which wells are not connected to Applicant's system but deliver directly from the field into the facilities of Inland. Under Rate Schedule X–2, Applicant delivers gas to Inland at other locations in Johnson, Knott and Floyd Counties, Kentucky, under a gas-for-gas exchange agreement. However, Applicant states that due to a decline in production from its wells dedicated to the X–2 exchange agreement, it has not been able to deliver to Inland equivalent volumes to those received by it from Inland. The application shows that as a result of this imbalance, Inland has had to suspend exchange deliveries on its part from time to time in order to enable Applicant to correct the deficiency.

Therefore, Applicant proposes herein to abandon the sale under Rate Schedule X–4 and instead to continue to deliver gas to Inland from the wells dedicated to the subject Rate Schedule as part of the X–2 exchange agreement. Thus, Applicant states, Inland would continue to receive, under Rate Schedule X–2, the same amount of gas now being delivered by Applicant under both Rate Schedules X–2 and X–4. Applicant states further that it would also benefit by receiving from Inland volumes of gas equivalent to that produced from the Magoffin County wells, which production is otherwise unavailable to Applicant without additional investment for connecting facilities.

Inland has agreed to the proposed abandonment.

No additional facilities will be required as the proposed re-arranged deliveries will be made through existing delivery points.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 7, 1961 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 28, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7502; Filed, Aug. 8, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–2176—7–2179]

FOXBORO CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 3, 1961.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Foxboro Company, File 7–2176
General Mills, Inc., File 7–2177
Ronson Corporation, File 7–2178
Spiegel, Incorporated, File 7–2179

Upon receipt of a request, on or before August 17, 1961 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–7507; Filed, Aug. 8, 1961; 8:46 a.m.]

[File No. 1–4252]

UNITED INDUSTRIAL CORP. (DELAWARE)

Order Summarily Suspending Trading

AUGUST 3, 1961.

In the matter of trading on The American Stock Exchange, The Detroit Stock Exchange, The New York Stock Exchange, and The Pacific Coast Stock Exchange in Common Stock, $1 Par Value Series A Convertible Preferred Stock, $8.50 Par Value, Warrants to Purchase Common Stock of United Industrial Corporation (Delaware).

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 4, 1961 to August 13, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61–7506; Filed, Aug. 8, 1961; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

MARINE CORP.

Order Granting Petition for Reconsideration

In the matter of the application of The Marine Corporation for prior approval of acquisition of voting shares of Wisconsin State Bank, Milwaukee, Wisconsin.

Whereas, the Board of Governors on June 29, 1961, entered an order denying the application of The Marine Corporation ("Marine") pursuant to the Bank Holding Company Act of 1956 for prior approval of the acquisition of stock of Wisconsin State Bank, Milwaukee, Wisconsin:

Whereas, on July 25, 1961, Marine filed with the Board a "Petition for Rehearing" in this matter, which petition, in the absence of any previous hearing, is herein regarded as a "Petition for Reconsideration";

Whereas, in connection with such petition, Marine has requested that the Board stay the effective date of its order of June 29, 1961, and, further, that counsel for Marine be granted the privilege of presenting oral argument before the Board;

It is hereby ordered, (1) That the Petition for Reconsideration is granted; (2) that Marine may present its views before the Board of Governors in a nonpublic proceeding at the Offices of the Board in Washington, D.C., on August 9, 1961, at 10 a.m.; and (3) that Marine's request that the Board stay the effective date of its order of June 29, 1961, is denied.

Dated at Washington, D.C., this 3d day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61–7503; Filed, Aug. 8, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 171]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 4, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–2202 (Deviation No. 24), ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio, filed July 28, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From McKinney, Tex., over U.S. Highway 75 to Richardson, Tex., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From McKinney, over Texas State Route 5, to Richardson, and return over the same route.

No. MC–29130 (Deviation No. 1), ROCK ISLAND MOTOR TRANSIT COMPANY, 919 Walnut Street, Des Moines, Iowa, filed July 31, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Iowa Highway 150 and U.S. Highway 6 at Davenport, Iowa, over Iowa Highway 150 to junction U.S. Highway 30 near Stanwood, Iowa, thence over U.S. Highway 30 to junction U.S. Highway 218 near Cedar Rapids, Iowa, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Silvis, Ill., over Illinois Highway 92 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, Nebr.; From Iowa City, Iowa, over U.S. Highway 218 to Cedar Rapids, Iowa, and return over the same routes.

No. MC–31444 (Deviation No. 1), SCHREIBER TRUCKING COMPANY, INC., 1315–1399 Washington Blvd., Pittsburgh 6, Pa., filed July 31, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bel Air, Md., over U.S. Highway 1 to junction Pennsylvania Highway 52, thence over Pennsylvania Highway 52 to junction U.S. Highway 202, thence over U.S. Highway 202 to the Valley Forge, Pa., Interchange of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike and the Delaware River Turnpike Bridge to the New Jersey Turnpike, thence over the New Jersey Turnpike to junction U.S. Highway 1 near New Jersey Turnpike Interchange No. 15, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over Maryland Highways 26 and 71 to Frederick, Md., thence over U.S. Highway 40 to Hancock, Md., thence over U.S. Highway 522 to Warfordsburg, Pa., thence over Pennsylvania Highway 126 to Breezewood, Pa., thence over U.S. Highway 30 to Chambersburg, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC–39406 (Deviation No. 1), CENTRAL MOTOR LINES, INC., P.O. Box 1067, Charlotte 1, N.C., filed July 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 70 and Interstate Highway 40 near Hildebran, N.C., over Interstate Highway 40 to junction North Carolina Highway 226, thence over North Carolina Highway 226 to junction U.S. Highway 221, thence over U.S. Highway 221 to junction U.S. Highway 70 in Marion, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Hickory, N.C., over U.S. Highway 70 to Asheville, N.C., and return over the same route.

No. MC–67818 (Deviation No. 1), MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 5, Mich., filed August 2, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (A) From Detroit, Mich., over Interstate Highway 94 to junction Indiana Highway 212 east of Michigan City, Indiana, and (B) From the junction of Interstate Highway 96 and U.S. Highway 16 at Detroit, over Interstate Highway 96 to junction Interstate Highway 196 at or near Grand Rapids, Mich., thence over Interstate Highway 196 to Muskegon, Mich., and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Chicago, Ill., over U.S. Highway 12 to Marshall, Mich.; From Muskegon, over U.S. Highway 31 to junction Michigan Highway 104, thence over Michigan Highway 104 to junction U.S. Highway 16, thence over U.S. Highway 16 to Grand Rapids, thence over Michigan Highway 37 to Battle Creek, Mich., thence over U.S. Highway 12 to Ann Arbor, Mich., thence over Michigan Highway 17 to Detroit, and return over the same routes.

No. MC–80504 (Deviation No. 1), SHEIN'S EXPRESS, Calhoun and Beakes Streets, Trenton 8, N.J., filed July 26, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over the New York Thruway, to Suffern, N.Y., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently au-

thorized to transport the same commodities over pertinent service routes as follows: From Buffalo over New York Highway 5 to Batavia, N.Y. (also from Buffalo over New York Highway 33 to Batavia), thence over New York Highway 5 to Syracuse, N.Y. (also from Batavia over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to junction New York Highway 57, thence over New York Highway 57 to Syracuse; also from Rochester over New York Highway 96 to Waterloo, N.Y., thence over New York Highway 5 to Syracuse), thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New York, N.Y.; From Buffalo to Albany as specified above, thence over U.S. Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to junction New York Highway 17, thence over New York Highway 17 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to Harrison, N.J., thence over city streets and connecting highways via Newark and Jersey City, N.J., and the Holland Tunnel to New York, and return over the same routes.

No. MC–107457 (Deviation No. 5), DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnnati 3, Ohio, filed August 2, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 70 and Interstate Highway 40, near Old Fort, S.C., over Interstate Highway 40 to Statesville, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Asheville, N.C., over U.S. Highway 70 to Statesville, and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7520; Filed, Aug. 8, 1961; 8:49 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice 392]

AUGUST 4, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carrier of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 623 (Sub-No. 46) (CORRECTION), filed May 25, 1961, published issue July 26, 1961, republished as corrected this issue. Applicant: H. MESSICK, INC., P.O. Box 214, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruss Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B and C explosives, blasting agents, blasting supplies and materials, materials used in the manufacture of said commodities* and *empty containers*, for the specified commodities, between Ishpeming, Mich., and Virginia, Minn., and points within 15 miles of each, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, North Dakota, South Dakota, Nebraska, Wisconsin, and Wyoming.

NOTE: The purpose of this republication is to add C to Classes A, and B explosives, which was inadvertently omitted.

HEARING: Remains as assigned, September 27, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 2202 (Sub No. 213), filed June 5, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operates as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Painesville, Ohio and junction of Ohio Highway 44 and U.S. Highway 422; from Painesville over Ohio Highway 44 to the junction of Ohio Highway 44 and U.S. Highway 422, and return over the same route, serving no intermediate or off-route points, with service at the junction of Ohio Highway 44 and U.S. Highway 422 for the purpose of joinder only.

HEARING: November 2, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2202 (Sub No. 214), filed June 15, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, Ohio and Junction Indiana Highway 13 and U.S. Highway 131 at the Indiana-Michigan State line; from Cincinnati over U.S. Highway 27 to Fort Wayne, thence over U.S. Highway 33 to junction of U.S. Highway 33 and Indiana Highway 13, thence over Indiana Highway 13 and U.S. Highway 131 at the Indiana-Michigan State line, and return over the same route serving no intermediate points, and with service at the junction of U.S. Highway 131 at the Indiana-Michigan State line for purposes of joinder only.

HEARING: November 1, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 10761 (Sub-No. 108), filed July 17, 1961. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Room 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Loose aluminum scrap borings*, in bulk, from Flint, Mich., over Highway 78 to Battle Creek, Mich., thence over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 30 to Aurora, Ill., serving no intermediate points, and *refused and rejected shipments*, of the above specified commodities, on return.

HEARING: October 19, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 73.

No. MC 17379 (Sub No. 7), filed June 16, 1961. Applicant: M & M TRUCKING CO., 1103 East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and packages, from Bessemer, Pa., to points in Noble, Washington, Morgan, Athens, and Meigs Counties, Ohio, and *empty containers*, on return.

HEARING: November 3, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 27.

No. MC 19778 (Sub-No. 44), filed July 3, 1961. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission), (1) between Portage, Wis. and Madison, Wis.; from Portage over U.S. Highway 16 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 151, thence over U.S. Highway 151 to Madison, and return over the same route, serving all intermediate points which are stations on the rail lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. (2) Between Milwaukee, Wis. and Green Bay, Wis.; from Milwaukee over Wisconsin Highway 57 to Green Bay, and return over the same route, serving all intermediate points which are stations on the rail lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, and the off-route points of Random Lake, Adell, Waldo and Hayton, Wis. RESTRICTIONS: The service to be performed shall be limited to service which is auxiliary to, or supplemental of rail service of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, hereinafter called the Railroad. Carrier shall not serve any points not stations on the rail lines of the Railroad, except as otherwise authorized. That under the authority sought in (1) above, no shipment shall be transported by carrier between the following points, or through, or to, or from more than one of said points: Portage, La Crosse and Milwaukee, Wis. That under the authority sought in (2) above, no shipment shall be transported by carrier between any of the following points, or through, or to, or from more than one of said points: Milwaukee, Green Bay, Wis. and Channing, Mich. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service of the Railroad.

NOTE: (1) Applicant states the purpose of this application is to remove the key point at Plymouth, Wis. and at Madison, Wis. Such key points have already been removed in the carrier's intrastate certificate and in order to effect certain economies, it is necessary that they be removed in the interstate certificates of the carriers. (2) Applicant further states it is a wholly-owned subsidiary of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

HEARING: October 23, 1961, at the Wisconsin Public Service Commission, Madison, Wisconsin, before Joint Board No. 96.

No. MC 19778 (Sub-No. 45), filed July 3, 1961. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a Corporation, 516 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: Robert F. Munsell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission), (1) between New Lisbon, Wis. and Woodruff, Wis.; from New Lisbon over Wisconsin Highway 80 to its junction with Wisconsin Highway 54, thence over Wisconsin Highway 54 to junction Wisconsin Highway 34, thence over Wisconsin Highway 34 to its junction with U.S. Highway 51 near Knowlton, Wis., thence over U.S. Highway 51 to Woodruff, and return over the same route, serving all intermediate points which are stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad, and the off-route points of Brokaw Heights, Otis, and Harshaw, Wis. (2) Between Wisconsin Rapids, Wis. and Knowlton, Wis.; from Wisconsin Rapids over Wisconsin Highway 54 to its junction with U.S. Highway 51 (at Plover, Wis.), thence over U.S. Highway 51 to Knowlton, Wis., and return over the same route, serving no intermediate points, as an alternate route for convenience only. (3) Between Wisconsin Dells, Wis. and Wisconsin Rapids, Wis.; from Wisconsin Dells over Wisconsin Highway 13 to Wisconsin Rapids, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. RESTRICTIONS: The service to be performed shall be limited to service which is auxiliary to, or supplemental of rail service of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, hereinafter called the Railroad. Carrier shall not serve any points not stations on the rail lines of the Railroad, except as otherwise authorized. No shipments shall be transported by said carrier as a common carrier by motor vehicle over the routes proposed above or any presently authorized routes between any of the following points, or through, or to, or from more than one of said points: Milwaukee, Portage and La Crosse, Wis. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplemental of, rail service of the Railroad.

NOTE: Applicant states the purpose of route (2) above is to by-pass a bridge restricted to 10 ton limit located on Wisconsin Highway 34 between Dancy and Knowlton, Wis. (2) Applicant states it is a wholly-owned subsidiary of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

HEARING: October 23, 1961, at the Wisconsin Public Service Commission, Madison, Wisconsin, before Joint Board No. 96.

No. MC 21571 (Sub-No. 24), filed July 27, 1961. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in LaSalle County, Ill., to points in Kentucky, Iowa, Minnesota, Missouri, Ohio, Indiana, and Wisconsin.

NOTE: Applicant holds contract authority under MC 115738, therefore, dual operations may be involved.

HEARING: October 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 25798 (Sub-No. 47), filed July 1, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, from Orlando, Fla., to points in South Carolina subject to the restriction that service at South Carolina points is limited to the delivery of part of a shipment, the ultimate destination of which is to an already authorized point in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

HEARING: September 12, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 354.

No. MC 26739 (Sub-No. 28), (CORRECTION), filed May 3, 1961, published issue of July 26, 1961, and republished as corrected this issue. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Route (3) of the subject application as previously published in the FEDERAL REGISTER omitted reference to U.S. Highway 52 in the first portion of the route description in that section. Correctly stated, the portion referred to should read "from Chicago over U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51 * * *"

HEARING: Remains as assigned September 25, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Raymond V. Sar.

No. MC 38170 (Sub No. 20), filed June 15, 1961. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment); between Detroit, Flint, Pontiac, Flat Rock, Monroe, Gibralter, and Willow Run, Mich., and points located on U.S. Highway 10 between Detroit and Pontiac, Mich.; those in that part of Wayne, Oakland, and Macomb Counties, Mich., within eight (8) miles of Detroit, Mich.; the site of plants of Packard Motor Car Company north of Utica, Mich. and of Chrysler Corporation north of Detroit, Mich., and west of Michigan Highway 53; the site of Ford Motor Company plant located at the northeast intersection of Mound Road and 17 Mile Road in Sterling Township, Macomb County, Mich.; the site of the Ford Motor Company plant located at the intersection of Michigan Highway 218 (Wixon Road) and unnumbered highway (West Lake Drive) north of U.S. Highway 16 in Novi Township, Oakland County, Mich.; and the site of Kelsey-Hayes Company plant located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., on the one hand, and, on the other, points in that part of Ohio east and north of a line beginning at the Ohio-Michigan State Line and extending along U.S. Highway 25 to Findlay, Ohio; thence along U.S. Highway 68 to Williamstown, Ohio; thence along U.S. Highway 30N to Mansfield, Ohio and thence along U.S. Highway 30 to the Ohio-West Virginia State line, including points on the indicated portions of the highways specified.

NOTE: Applicant states it presently holds authority to provide service between all of the above points and territory over irregular routes in truckload quantities and also has authority to transport truckload and less than truckload shipments between numerous points in the described territory over its many regular routes. This application is being filed to enable applicant to provide in

addition to the above presently authorized service a less truckload service between all points in the territory it is authorized to serve, thus enabling applicant a complete service for all shippers in its presently authorized territory.

HEARING: October 18, 1961, at Room 214, Federal Building, Lansing, Michigan, before Joint Board No. 57.

No. MC 41347 (Sub-No. 3), filed July 10, 1961. Applicant: DE BACK CARTAGE COMPANY, INC., 4841 West Burnham Street, Milwaukee 19, Wis. Applicant's attorney: William C. Dineen, 746 Empire Building, 710 North Plankinton Avenue, Milwaukee 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bridge railings*, from Milwaukee, Wis., to points in Illinois, and *damaged and rejected shipments*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with RTC Milwaukee Iron Works, Milwaukee, Wis.

HEARING: October 27, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 13.

No. MC 42487 (Sub-No. 512), filed July 24, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Eugene T. Liipfert, 801 National Garage Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy*, in bulk, in tank vehicles, from points in California to New Brunswick, N.J.

NOTE: Common control may be involved.

HEARING: September 29, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 58273 (Sub-No. 4), filed July 5, 1961. Applicant: GREEN BAY AND WESTERN RAILROAD COMPANY, a corporation, Station A, P.O. Box 1307, Green Bay, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. Authority to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between the Neenah-Menasha, Wis. station of the Soo Line Railroad, on the one hand, and, on the other, the Green Bay, New London and Black Creek, Wis. stations of applicant; (1) from Neenah-Menasha over U.S. Highway 41 to Green Bay, and return over the same route, serving no intermediate points; (2) from Neenah-Menasha over U.S. Highway 41 to junction Wisconsin Highway 76, thence over Wisconsin Highway 76 to its south junction with U.S. Highway 45, and thence over U.S. Highway 45 to New London, and return over the same route, serving no intermediate points; and (3) from Neenah-Menasha over U.S. Highway 41 to junction Wisconsin Highway 47, and thence over Wisconsin Highway 47 to Black Creek, and return over the same route serving no intermediate points.

NOTE: Applicant states service proposed is to be limited to interchange with Soo Line Railroad of traffic moving as Trailer-on-Flat-Car on rail bill of lading which originates or terminates at points which are stations of Green Bay and Western Railroad Company and Kewaunee, Green Bay and Western Railroad Company. Common control may be involved.

HEARING: October 27, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 70451 (Sub No. 226), filed January 30, 1961. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: Carl A. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives*, and *shipper-owned compressed gas trailers* (excluding articles, which because of size or weight require special equipment, and household goods as defined by the Commission), serving military missile testing and launching sites, and supply points therefor, located in Reno, Sumner, Cowley, Jefferson, Coffey, Kingman, Sedgwick, Butler, Jackson, Douglas, Osage, Lyon, Wabaunsee, Pottawatomie, Dickinson, Ellsworth, Ottawa, Marion, McPherson, Lincoln, Cloud and Rice Counties, Kans.; Saunders, Washington Gage, Saline, Seward, Otoe, Johnson, York, Butler and Cass Counties, Nebr.; and points in Harrison and Pottawatomie Counties, Iowa, as off-route points in connection with applicant's authorized regular-route operations.

HEARING: October 4, 1961, at the Hotel Pick-Kansan, Topeka, Kans., before Joint Board No. 139, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 72140 (Sub No. 43), filed June 23, 1961. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) Serving West Unity, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Fort Wayne, Ind., and Detroit, Mich., as authorized in Certificate No. MC 72140; (2) Between West Unity, Ohio and junction U.S. Highways 20 and 127, over U.S. Highway 127, serving no intermediate points, but serving U.S. Highway 20 as a point of joinder only; and (3) Between West Unity, Ohio and junction Alternate U.S. Highway 20 and U.S. Highway 20, over Alternate U.S. Highway 20, serving no intermediate points, but serving U.S. Highway 20 as a point of joinder only.

NOTE: Applicant states it is authorized to serve between Elkhart, Ind., and Toledo, Ohio, over U.S. Highway 20, with no service to intermediate points, as authorized in Certificate No. MC 72140.

HEARING: October 30, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 76032 (Sub No. 162), filed June 12, 1961. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, heavy machinery, livestock, fresh fish, coal, ore, sand, gravel, and household goods as defined by the Commission), (1) between Chicago, Ill., and Kansas City, Mo., from Chicago over U.S. Highway 66 (Interstate Highway 55) to Springfield, Ill., thence over U.S. Highway 54 to junction U.S. Highway 40 at or near Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Kansas City, Mo.; and (2) between junction U.S. Highways 24 and 36 at or near Monroe City, Mo., and Kansas City, Mo., over U.S. Highway 24, serving no intermediate points, but serving junction U.S. Highways 24 and 36 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill., and Kansas City, Mo.

NOTE: Common control may be involved.

HEARING: September 26, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 94430 (Sub No. 18), filed June 20, 1961. Applicant: WEISS TRUCKING COMPANY, INC., Mongo, Ind. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from points in Lucas County, Ohio to points in Rush, Fayette, Union, Johnson, and Shelby Counties, Ind.; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, and *damaged, rejected, and refused shipments* of cement, from points in Rush, Fayette, Union, Johnson, and Shelby Counties, Ind., to points in Lucas County, Ohio.

HEARING: November 1, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 60.

No. MC 97629 (Sub No. 4) (REASSIGNMENT OF HEARING DATE), filed March 3, 1961, published in the FEDERAL REGISTER, issue of July 26, 1961. Applicant: HILLER TRUCK LINES, INC., P.O. Box 1012, Jasper, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham 3, Ala. Notice of the filing of the subject application setting forth with particularity the authority sought was published in the FEDERAL REGISTER, issue of July 26, 1961, and assigned the application for hearing October 2, 1961. The application has been *reassigned for hearing on September 11, 1961*, and remains as assigned at the Federal Building, Jasper, Ala., before Examiner Dallas B. Russell.

No. MC 103993 (Sub No. 150), filed June 14, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Illinois (except Chicago, Galva, Dixon, Memence, and Aurora) to points in the United States (except Hawaii).

HEARING: September 21, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Raymond V. Sar.

No. MC 105886 (Sub No. 4), filed June 16, 1961. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in packages, from Bessemer, Pa., to points in that part of West Virginia on and north of U.S. Highway 33, and to points in Portage County, Ohio, and *empty containers*, on return.

HEARING: November 2, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 107002 (Sub-No. 166), filed July 31, 1961. Applicant: W. M. CHAMBERS TRUCK LINE, INC., 920 Louisiana Boulevard, P.O. Box 547, Kenner, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from terminals of the Dixie Pipe Line Company's Pipe Line in Alabama to points in Mississippi, Alabama, Florida, Georgia and Tennessee.

HEARING: September 11, 1961, at 680 West Peachtree St., N.W., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 107107 (Sub-No. 177), filed July 27, 1961. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorneys: Daniel B. Johnson and Frank B. Hand, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and tubing*, (2) *fittings* therefore, and (3) *bonding cement*, in containers, from High Springs, Fla. to points in Delaware, New Jersey, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia.

HEARING: October 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 107403 (Sub-No. 348), filed July 27, 1961. Applicant: E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving compounds*, in bulk, in tank vehicles, from Whippany, N.J., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant holds contract authority under MC 117637 and Subs thereunder, therefore, dual operations may be involved.

HEARING: October 2, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 107403 (Sub-No. 349), filed July 28, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes, and Shertz, Suite 601, 226 S. 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, (1) from points in Allegheny County, Pa., to points in Allegany and Garrett Counties, Md., Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, Trumbull, and Washington Counties, Ohio and points in West Virginia, and (2) from Norristown, Pa., to points in Delaware (except Wilmington), Carolina, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester Counties, Md., and points in Accomack and Northampton Counties, Va.

NOTE: Common control may be involved.

HEARING: October 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 108106 (Sub-No. 10), filed July 26, 1961. Applicant: ARMELLINI EXPRESS LINES, a Corporation, Oak and Brewster Roads, Vineland, N.J. Applicant's attorney: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, boxes, crates and hampers*, used in packing and shipping fruits and vegetables, (1) from Murfreesboro, N.C., to Fort Valley, Ga., points within 75 miles of Fort Valley, Ga., and points in Florida (except those within 50 miles of Delray Beach, Fla., including Delray Beach), and (2) from Portsmouth, Va., to Fort Valley, Ga., points within 75 miles of Fort Valley, Ga., and points in Florida, and *rejected, refused, returned and damaged shipments* of the above commodities, in connection with routes (1) and (2) above, on return.

HEARING: September 29, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 108449 (Sub-No. 126), filed July 28, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags, packages and blocks, palletized and unpalletized, from Duluth, Minn. and Superior, Wis., to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, and *pallets* used in outbound movement and *rejected and returned shipments* of salt, on return.

HEARING: October 3, 1961, in Room 393, Federal Building and Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 109708 (Sub-No. 13) (AMENDMENT), filed June 16, 1961, published issue of July 8, 1961, and republished this issue. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 4524 Reisterstown Road, Baltimore, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Timberville, Waynesboro, and Winchester, Va., and Martinsburg, W. Va., to points in Alabama, Florida and Georgia.

NOTE: The purpose of this amendment is to broaden the territory to be served.

HEARING: Remains as assigned, September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 110420 (Sub No. 283) (SECOND CORRECTION), filed May 4, 1961, published issue of July 6, 1961, republished as corrected this issue. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Notice of the filing of the subject application was republished in the FEDERAL REGISTER, issue of July 26, 1961, to correct an omission and add a phrase "in bulk, in tank vehicles," to correctly describe the proposed operations. The hearing information appended to that publication indicated that the Hearing remains as assigned September 3, 1961, in error. The application is assigned for hearing on the *thirteenth day of September, 1961, at the Midland* Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110525 (Sub-No. 453), filed July 28, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and cleaning compounds*, in bulk, from Fernald, Ohio, to points in Illinois, Indiana, Michigan, Wisconsin, St. Paul, Minn., and Vandalia, Mo., and *rejected shipments* of the above-specified commodities, on return.

NOTE: Applicant holds contract authority in MC 117507, therefore, dual operations may

be involved. Common control may be involved.

HEARING: October 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 110698 (Sub-No. 159) (AMENDMENT), filed June 16, 1961, published issue of July 26, 1961, republished as amended this issue. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Charleston, S.C., and points in New Jersey, Pennsylvania, and Texas to Rome, Ga.

NOTE: The purpose of this republication is to add Charleston, S.C., as an origin point.

HEARING: Remains as assigned, September 21, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner Dallas B. Russell.

No. MC 111310 (Sub-No. 1), filed July 3, 1961. Applicant: BEER TRANSIT, INC., RFD No. 1, Hartland, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cases of beer, containers of beer, keg beer*, and *empty beer containers*, and *kegs*, (1) between Menomonie, Wis. and Milwaukee and Hartland, Wis., (2) between Milwaukee and Hartland, Wis. and St. Paul, Minn., and (3) between Menomonie, and Tomah, Wis.

HEARING: October 25, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 112030 (Sub No. 10), filed June 23, 1961. Applicant: PAUL W. WILLS, INC., 9107 South Telegraph, Taylor, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bags and other containers, in dump equipment, when moving in mixed shipments with salt in bulk, from Detroit, Mich. to points in Ohio.

NOTE: Applicant states that it already has authority to transport salt in bulk from Detroit, Mich., to Ohio, and by this application seeks authority to handle packaged salt in mixed shipments with the bulk salt.

HEARING: October 17, 1961, at Room 214, Federal Building, Lansing, Mich., before Joint Board No. 57.

No. MC 112991 (Sub-No. 3), filed July 21, 1961. Applicant: MERRIFIELD TRANSPORT COMPANY, LIMITED, 458 Josephine Avenue, Windsor, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the site of the Kelsey-Hayes Company plant located at the intersection of Northline Road and Huron River Drive, Romulus Township, Wayne County, Mich., on the one hand, and, on the other, the boundary of the United States and Canada at Detroit, Mich.

HEARING: October 16, 1961, at 1:00 o'clock p.m., United States standard time (or 1:00 o'clock p.m., local daylight saving time, if that time is observed), in Room 214, Federal Building, Lansing, Mich., before Joint Board No. 163.

No. MC 113410 (Sub-No. 30), filed July 31, 1961. Applicant: DAHLEN TRANSPORT INC., 875 North Prior Avenue, St. Paul 4, Minn. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the pipeline terminals of the Mid-America Pipeline Co., located in Iowa (other than Sanborn and Iowa City) to points in Minnesota, South Dakota, Nebraska, and Wisconsin and *rejected shipments* of the above-specified commodity, on return.

NOTE: Common control may be involved.

HEARING: September 20, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Warren C. White.

No. MC 113855 (Sub-No. 56), filed July 31, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement conduit pipe, with asbestos fibre*, and *fittings and bonding mortar* for cement conduit pipe, when transported with said pipe, from St. Louis, Mo. and points within 5 miles thereof, to points in Montana, Idaho and Wyoming.

HEARING: October 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 113855 (Sub-No. 57), filed July 31, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Bartonville, Ill., and Crawfordsville, Ind., to points in Montana, Wyoming, and Idaho.

HEARING: October 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114004 (Sub-No. 39), filed August 2, 1961. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passengers automobile in haul-away service in initial movement, from points in Crittington County, Ark., to points in the United States, including Alaska, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: September 14, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 114123 (Sub-No. 24) (AMENDMENT), filed June 15, 1961, published issue July 26, 1961, and republished as amended, this issue. Applicant: HERMAN R. EWELL, INC., East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, 222 North Third Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup*, and *mixtures of liquid and invert sugar* and *corn syrup*, in bulk, in tank vehicles, from New York City, N.Y. (including Yonkers) and Bayonne, N.J., to the District of Columbia and Virginia.

NOTE: *Fresh milk and cream* (as exempt agricultural commodities), on return. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 118661 and subs thereunder, therefore dual operations may be involved. Duplicating authority to be eliminated. As originally filed service was not proposed to Alexandria, Va.

HEARING: Remains as assigned September 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 114767 (Sub No. 1), filed June 29, 1959. Applicant: PACIFIC INLAND EXPRESS LTD., P.O. Box 2004, Vancouver, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *commodities requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, (A) Between Chicago, Ill., and Duluth, Minn., (1) from Chicago over U.S. Highway 14 to Madison, Wis., thence over U.S. Highway 12 to Eau Claire, Wis., thence over U.S. Highway 53 to Duluth, and (2) from Chicago over U.S. Highway 14 to Madison, thence over U.S. Highway 12 to Minneapolis-St. Paul, Minn., thence over U.S. Highway 61 to Duluth, and return over the same routes, serving no intermediate points; (B) Between Duluth, Minn., and the International Boundary line between the United States and Canada at or near Noyes, Minn., (1) from Duluth over U.S. Highway 2 to Crookston, Minn., thence over U.S. Highway 75 to port of entry on the International Boundary line between the United States and Canada at or near Noyes, (2) from Duluth over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., thence over U.S. Highway 2 to Crookston, Minn., thence over U.S. Highway 75 to port of entry on the International Boundary line between the United States and Canada at or near Noyes, (3) from Duluth over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Moorhead, Minn., thence over U.S. Highway 75 to port of entry on the International Boundary line between the United States and Canada at or near Noyes, and (4) from Duluth over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Fargo, N. Dak., thence over U.S. Highway 81 eastward to port of entry on the International Boundary line between the United States and Canada at or near Noyes, and return over the same routes, serving no intermediate points; and (C) Between Duluth, Minn., and the International Boundary line between the United States and Canada at or near Portal, N. Dak., (1) from Duluth over U.S. Highway 2 to Minot, N. Dak., thence over U.S. Highway 52 to port of entry on the International Boundary line between the United States and Canada at or near Portal, (2) from Duluth over U.S. Highway 2 to Grand Forks, N. Dak., thence over U.S. Highway 81 to junction North Dakota Highway 5, thence over North Dakota Highway 5 westwardly to junction U.S. Highway 52, thence over U.S. Highway 52 to port of entry on the International Boundary line between the United States and Canada at or near Portal, (3) from Duluth over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Jamestown, N. Dak., thence over U.S. Highway 52 to port of entry on the International Boundary line between the United States and Canada at or near Portal, and (4) from Duluth over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., thence over U.S. Highway 2 to Minot, N. Dak., thence over U.S. Highway 52 to port of entry on the International Boundary line between the United States and Canada at or near Portal, and return over the same routes, serving no intermediate points.

NOTE: Applicant does not propose service to intermediate points on any of the above-described routes.

HEARING: October 23, 1961, at the Midland Hotel, Chicago, Ill., before Examiner James C. Cheseldine.

No. MC 117025 (Sub-No. 10), filed July 27, 1961. Applicant: LE ROY HILT, 3751 Sumner, Lincoln, Nebr. Applicant's attorney: J. Max Harding, I B M Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, lards, tallows, greases, oils, and blends thereof*, in bulk, in tank vehicles, (1) between points in Nebraska, South Dakota, North Dakota and Iowa, (2) from points in Nebraska, South Dakota, North Dakota and Iowa to Sioux City, Iowa, Omaha, Nebr., Nebraska City, Nebr. and Kansas City, Kans. and (3) from points in North Dakota, Iowa, and Mitchell, S. Dak., to Kansas City, Kans., and *rejected or contaminated shipments*, on return.

HEARING: September 12, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Warren C. White.

No. MC 118831 (Sub-No. 17), filed July 31, 1961. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals of the Dixie Pipe Line Co. in South Carolina, to points in North Carolina, and (2) from terminals on the Dixie Pipe Line Co. in North Carolina, to points in North Carolina, South Carolina, and Virginia.

HEARING: September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Joint Board No. 196, or if the Joint Board waives its right to participate before Examiner C. Evans Brooks.

No. MC 119449 (Sub-No. 2), (REPUBLICATION), filed May 3, 1961, published FEDERAL REGISTER, issue of May 17, 1961, amended at hearing, republished as amended this issue. Applicant: ANTHONY H. SANTIAGO AND MARIO CECCHINI, doing business as BISON CITY CARTAGE CO., 500 Niagara Frontier Food Terminal, Buffalo 6, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. As originally filed applicant sought authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *packing-house products*, from Buffalo, N.Y., to Oneida, New Haven, and Utica, N.Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return. At the hearing held June 29, 1961, at Buffalo, N.Y., Hearing Examiner Harold P. Boss, presiding, the application was amended to change the destination point of New Haven, N.Y., to New Hartford, N.Y. A report and order served August 1, 1961, authorizes transportation as follows: "Over Irregular Routes, *Meats, meat products and meat byproducts*, and *dairy products* as described in sections A and B of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 61 M.C.C. 766, from Buffalo, N.Y., to New Hartford, Oneida, and Utica, N.Y.", and provides that the issuance of a certificate authorizing the above-described operations be withheld until the elapse of 30 days from the date of this republication in the FEDERAL REGISTER in order to allow anyone who may be adversely effected by the enlargement of the issues to petition for further hearing or other relief.

No. MC 119924 (Sub-No. 1), filed July 12, 1961. Applicant: EMERY RAHM, Colby, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feeds, oil meal*, and *bran*, from Hastings and Red Wing, Minn., to points in Clark, Taylor, and Wood Counties, Wis.

HEARING: October 24, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 123190 (Sub No. 30), filed June 8, 1961. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic*, in bulk, in tank vehicles, from Wyandotte, Mich., to points in Ohio, and *rejected shipments* of liquid caustic, on return.

HEARING: October 31, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 123192 (Sub-No. 1), filed July 7, 1961. Applicant: HAROLD SCHAK, Tyler, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Sioux City, Iowa to points in Lincoln County, Minn., on and south of Minnesota Highway 19, and to points in Shelburne and Coon Creek Townships in Lyon County, Minn.

HEARING: September 26, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Broad No. 146.

No. MC 123676, filed May 22, 1961. Applicant: HORACE W. JOHNSON, RFD #1, Nevada, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients* and *chicken grits*, in bulk and in bags, from Houston, Sabine Pass, and Texas City, Tex., and New Orleans, Empire, and Holmewood, La., to points in New Mexico, Colorado, Wyoming, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Mississippi, Alabama, Georgia, Tennessee, North Carolina, Virginia, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan, and *exempt commodities*, on return.

HEARING: September 25, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 123734, filed June 9, 1961. Applicant: MASON COAL SALES, INC., 446 Cambridge Road, Coshocton, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus, 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Linton Township, Coshocton County, Ohio, to Erie Township, Monroe County, Mich., and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

NOTE: Applicant states the proposed operation will be under continuing contract with Mason & Sons Coal Co., Inc., Coshocton, Ohio.

HEARING: October 31, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 57.

No. MC 123834, filed July 25, 1961. Applicant: J. T. NEWMAN, Meherrin, Va. Applicant's attorney: John C. Goddin, Insurance Building, 10 South Tenth Street, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden mattress and sofa frames*, from Blackstone, Va. to Washington, D.C., Baltimore, Md. and Philadelphia, Pa.

HEARING: October 2, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 123841, filed July 27, 1961. Applicant: DAVID TESONE, doing business as DAVID TESONE TRUCKING, Box 35, Wildwood, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal and coke*, in dump vehicles and which may be unloaded by dumping, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ohio, and (2) *slag, limestone*, and *lime*, in dump vehicles and which may be unloaded by dumping, from points in Ohio to points in Allegheny County, Pa.

HEARING: October 2, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O'D. Moran.

MOTOR CARRIERS OF PASSENGERS

No. MC 123791, filed July 10, 1961. Applicant: MARQUARDT BUS SERVICE, INC., Highway C and Formart Road, P.O. Box 165, Cedarburg, Wis. Applicant's attorney: Ralph J. Jeka, 3905 West Vliet Street, Milwaukee 8, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in charter operations, beginning and ending at points in Milwaukee, Ozaukee, Washington, Waukesha, Sheboygan, and Racine Counties, Wis., and extending to points in Illinois and the Upper Peninsula of Michigan.

HEARING: October 26, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 162.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 504 (Sub-No. 42), filed July 27, 1961. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 1375 Peachtree Street NE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Athens and Eatonton, Ga.; from Athens over Georgia Highway 15 to Watkinsville, thence over U.S. Highway 129–441 (Ga. Hwy. 24), to Eatonton, and return over the same route, serving all intermediate points from Athens to Madison (except with no right to serve Madison and points between Madison and Eatonton, (2) between Monroe and Bishop, Ga.; over Georgia Highways 186 and 83, and return over the same route, serving all intermediate points, and (3) between Good Hope and Madison, Ga.; over Georgia Highway 83, and return over the same route, serving all intermediate points (but without the right to serve Madison, except for the purpose of joinder with other authorized routes).

No. MC 730 (Sub-No. 196), filed July 28, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland 4, Calif. Applicant's representative: Earl J. Brooks, P.I.E. Building, 14th and Clay Streets, P.O. Box 958, Oakland 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highways 40 and 287 east of Kit Carson, Colo., and junction U.S. Highways 50 and 287 west of Lamar, Colo.; from junction U.S. Highways 40 and 287 east of Kit Carson, south over U.S. Highway 287 to junction U.S. Highways 50 and 287, and return over the same route, serving no intermediate or off-route points, and with service at the termini points for the purpose of joinder with applicant's otherwise authorized regular-routes, as an alternate route for operating convenience only.

NOTES: Common control may be involved.

No. MC 3009 (Sub-No. 42), filed July 26, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious and contaminating to other lading), (1) Between Puckett and Prentiss, Miss., over Mississippi Highway 13, and return over the same route, serving all intermediate points, (2) between Georgetown and Magee, Miss., over Mississippi Highway 28, and return over the same route, serving all intermediate points, (3) between Columbia and Raleigh, Miss., over Mississippi Highway 35, and return over the same route, serving all intermediate points, (4) between Mt. Olive, Miss., and junction Mississippi Highway 532 and U.S. Highway 84, eight miles east of Collins, Miss., over Mississippi Highway 532, and return over the same route, serving all intermediate points, (5) between Bay Springs, Miss., and junction Mississippi Highway 37 and U.S. Highway 84, six miles east of Collins, Miss., over Mississippi Highways 531 and 37, and return over the same route, serving all intermediate points, (6) between Taylorsville and Raleigh, Miss., over Mississippi Highways 37 and 35, and return over the same route, serving all intermediate points, (7) between Magee, Miss., and junction Mississippi Highways 541 and 18, three miles east of Puckett over Mississippi Highway 541, and return over the same route, serving all intermediate points, (8) between Georgetown, Miss., and Mississippi-Louisiana State line over Mississippi Highway 27, and return over the same route, serving all intermediate points, (9) between Columbia, Miss., and junction Mississippi Highway 13 and U.S. Highway 49, nine miles north of Wiggins, Miss., over Mississippi Highway 13, and return over the same route, serving all intermediate points, (10) between Prentiss, Miss., and junction Mississippi Highway 42 and U.S. Highway 49, approximately ten miles north of Hattiesburg over Mississippi Highway 42, and return over the same route, serving all intermediate points, (11) between Columbia and Sumrall, Miss., over Mississippi Highway 44, and return over the same route, serving all intermediate points, (12) between Purvis and Seminary, Miss., over Mississippi Highway 589, and return over the same route, serving all intermediate points, (13) between Lyman and Poplarville, Miss., over Mississippi Highway 53, and return over the same route, serving all intermediate points, (14) between Biloxi and Saucier, Miss., over Mississippi Highway 67, and return over the same route, serving all intermediate points, (15) between Lucedale and Pascagoula, Miss., over Mississippi Highways 613 and 63, and return over the same route, serving all intermediate points, (16) between Biloxi and Beaumont, Miss., over Mississippi Highway 15, and return over the same route, serving all intermediate points, (17) between Wiggins and Ellisville, Miss., over Mississippi Highway 29, and return over the same route, serving all intermediate points, (18) between Lucedale, Miss., and junction Mississippi Highway 615 and U.S. Highway 45, three miles north of State Line, Miss., over Mississippi Highways 63 and 615, and return over the same route, serving all intermediate points, (10) between Leakesville and Richton, Miss., over Mississippi Highways 63 and 42, and return over the same route, serving all intermediate points, (20) between Waynesboro, Miss., and junction Mississippi Highway 42, eleven miles east of Richton, Miss., over Mississippi Highway 63, and return over the same route, serving all intermediate points, (21) between junction U.S. Highway 98 and Mississippi Highway 594 and Mississippi-Alabama State line over Mississippi Highway 594, and return over the same route, serving all intermediate points, (22) between Tylertown and Brookhaven, Miss., over Mississippi Highway 583, and return over the same route, serving all intermediate points, (23) between Picayune and Columbia, Miss., over Mississippi Highways 13 and 43, and return over the same route, serving all intermediate points, (24) between Florence, Miss., and junction Mississippi Highways 469 and 28, six miles east of Georgetown, Miss., over Mississippi Highway 469, and return over the same route, serving all intermediate points, (25) between junction of Mississippi Highways 53 and 603, nineteen miles south of Poplarville and junction Mississippi Highway 603 and U.S. Highway 90, approximately five miles west of Bay St. Louis, Miss., and return over the same route, serving all intermediate points, and (26) between junction Mississippi Highway 42 and U.S. Highway 45, one mile east of State line, Miss., and Mississippi Highways 42 and 63 approximately 21 miles north of Leakesville, Miss., over Mississippi Highway 42, and return over the same route, serving all

intermediate points, (27) between Semmary, Miss., and junction Mississippi Highway 590 and U.S. Highway 11, one mile south of Ellisville, Miss., over Mississippi Highway 590, and return over the same route, serving all intermediate points, (28) between Ellisville, and Semmary, Miss., over Mississippi Highways 588 and 535, and return over the same route, serving all intermediate points, (29) between junction Mississippi Highways 588 and 535, five miles northeast of Seminary, and junction Mississippi Highways 532 and 539, five miles east of Mt. Olive, Miss., over Mississippi Highway 539, and return over the same route, serving all intermediate points, (30) between Raleigh and Mendenhall, Miss., over Mississippi Highway 540 and U.S. Highway 49, and return over the same route, serving all intermediate points, (31) between Mobile, Ala., and Hurley, Miss., over Alabama Highway 56 and Mississippi Highway 614, and return over the same route, serving all intermediate points, (32) between Mobile, Ala., and Harleston, Miss., over Alabama Highway 70 to Mississippi-Alabama State line, thence over unnumbered road from Mississippi-Alabama State line to Harleston, and return over the same route, serving all intermediate points, (33) between junction Mississippi Highways 533 and 15, nine miles south of Bay Springs, Miss., and junction Mississippi Highways 29 and 588, one mile west of Ellisville, Miss., over Mississippi Highways 533 and 29, and return over the same route, serving all intermediate points, (34) between New Hebron, Miss., and junction Mississippi Highways 43 and 13, eleven miles south of Prentiss, Miss., over Mississippi Highway 43, and return over the same route, serving all intermediate points, and (35)(a) between Pachuta and Paulding, Miss., over Mississippi Highway 512, and return over the same route, serving all intermediate points; and (b) between junction Mississippi Highways 18 and 503, approximately 17 miles northeast of Bay Springs and junction Mississippi Highways 503 and 528, approximately three miles northwest of Heidelberg, over Mississippi Highway 503, and return over the same route, serving all intermediate points.

No. MC 23441 (Sub-No. 2), filed July 28, 1961. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. Applicant's representative: M. A. Wilson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hay crushers and conditioners*, and *parts* for the implements named when moving in the same vehicle or in separate shipments; from La Porte, Ind., to points in Indiana, Michigan, Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Mississippi, Ohio and Pennsylvania. RESTRICTION: The transportation service sought herein is subject to the restriction that operations to points in Illinois, Iowa, Missouri, Mississippi, Kentucky, Tennessee, and Pennsylvania shall be limited to the transportation of shipments originating at La Porte, Ind.

No. MC 108358 (Sub-No. 7), filed July 28, 1961. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin at Mohawk, Buffalo as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Town of Hamburg (Erie County), N.Y., to points in Cameron, Crawford, Elk, Erie, Forest, McKean, Mercer, Potter, Tioga, Venango and Warren Counties, Pa., and *returned, refused and rejected, shipments* of cement, on return.

NOTE: Applicant states the purpose of this application is to secure authority to transport cement to the entire destination area without restriction as to the type of containers or vehicles in which it is transported. No duplicating authority is sought.

No. MC 123224 (Sub-No. 1), filed August 1, 1961. Applicant: JOSEPH S. ROSENFELDT AND LEON ROSENFELDT, a Partnership, doing business as CARRIER CARTAGE COMPANY 1037 Magnolia Avenue, Camden, N.J. Applicant's representative: Harry C. Maxwell, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses;* from Camden, N.J., to New York, N.Y., Washington, D.C., points in Fairfield, Hartford and New Haven Counties, Conn., Albany, Columbia, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Schenectady, Schoharie, Suffolk, Sullivan, Ulster and Westchester Counties, N.Y., and those in Delaware, Maryland, New Jersey and Pennsylvania. RESTRICTION: The service sought herein shall be limited to retail delivery service and that no service shall be rendered as the transportation of any shipment weighing in excess of 50 pounds; and for the purpose of this restriction, a package or group of packages from a single consignor to a single consignee at a single destination shall be considered a shipment.

NOTE: (1) Applicant states the above-described operation embraces authority now held by applicant. If the authority sought is granted, or any part of it, applicant requests concurrent cancellation of its presently held authority to the extent that there would be duplication. (2) Common control may be involved.

No. MC 123836, filed July 27, 1961. Applicant: FRANK WALDRAN AND EFFIE WALDRAN, a Partnership doing business as BEST BEER COMPANY, P.O. Box 809, 302 Ferris Street, Lawton, Okla. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer*, from the site of the Oklahoma Distributing Company warehouses located at Milwaukee, Wis., Kansas City, Mo., Omaha, Nebr., and Chicago, Belleville, and Peoria, Ill., to Ardmore, Lawton, Oklahoma City, and Shawnee, Okla., and (2) *empty beer bottles, empty beer cases* and *empty kegs returned to breweries*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 29861 (Sub-No. 2), filed July 31, 1961. Applicant: GRAY COACH LINES, LIMITED, 1900 Yonge Street, Toronto 7, Ontario, Canada. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at the International Boundary line between the United States and Canada and extending through the Ports of Entry in Minnesota, North Dakota, Montana, Idaho and Washington to points in the United States, not including Hawaii and Alaska.

NOTE: Applicant states the service to be performed will be restricted to movements originating in the Province of Ontario served by it.

No. MC 123835, filed July 26, 1961. Applicant: GARLAND L. GORDON, doing business as APPALACHIAN COACH COMPANY, 201 North Jefferson Street, Galax, Va., Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Shouns, and Johnson City, Tenn.; from Shouns, over U.S. Highway 421 to Mountain City, Tenn., thence over Tennessee Highway 67 to Elizabethton, Tenn., thence over Tennessee Highway 91 to Johnson City, and return over the same route, serving all intermediate points.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12757, filed June 12, 1961. Applicant: SUGARBUSH VALLEY EXPRESS ASSOCIATES, No. 2 Washington Square Village, 16L, New York 12, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers, skis and other such baggage of passengers*, both as individuals and groups, in charter operations, beginning and ending at New York, N.Y., and extending to ski areas at or near Warren and Waitsfield, Vt.

NOTICE OF FILING OF PETITION

No. MC 79695 (Sub-No. 5) and MC 79695 (Sub-No. 17), (PETITION FOR (1) WAIVER OF RULE 1.101(e); (2) REOPENING, (3) RECONSIDERATION, OR (4) CLARIFICATION AND/OR MODIFICATION), dated July 19, 1961. Petitioner: STEEL TRANSPORTATION COMPANY, INC., 4000 Cline Avenue, East Chicago, Ind. Petitioner's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis 4, Ind. Petitioner holds authority, as is here pertinent, as follows: (1) No. MC–79695 (Sub-No. 5), irregular routes, authorizing the transportation of, Iron and steel articles, which because of their size, shape or weight require specialised

handling or rigging or the use of special equipment and iron and steel articles which are integrally a part of a shipment requiring specialized handling or special equipment, from Chicago, Ill., points in the Chicago, Ill., Commercial Zone, 1 M.C.C. 673, and Chicago Heights, Ill., to Henderson, Louisville, Owensboro and Paducah, Ky., St. Louis, Mo., points in Iowa on and east of U.S. Highway 218 from Keokuk to Cedar Rapids and on and east of Iowa Highway 13 from Cedar Rapids to Marquette, points in Ohio on and west of U.S. Highway 23 from Toledo to Columbus, on and west of U.S. Highway 62 from Columbus to Washington Court House, and on and west of U.S. Highway 22 from Washington Court House to Cincinnati, Ohio, including points in the commercial zone of Cincinnati as defined in Cincinnati, Ohio, Commercial Zone, 26 M.C.C. 49, and points in Wisconsin in the counties of Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Iowa, Jefferson, Lafayette, Kenosha Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha, except points in Kenosha and Racine Counties on and east of U.S. Highway 41, and return with returned or rejected shipments, and (2) Certificate No. MC 79695 (Sub-No. 17), irregular routes, authorizing the transportation of, Nonferrous metals, when moving in the same vehicle at the same time with iron and steel articles, which because of their size, shape or weight require specialized handling or rigging or the use of special equipment, and/or iron and steel articles which are integrally a part of a shipment requiring specialized handling or special equipment, from Chicago, Ill., to Cincinnati, Ohio, with no transportation for compensation on return except as otherwise authorized. Petitioner requests the Commission clarify and/or modify Certificate No. MC–79695 (Sub-No. 5) and Certificate No. MC–79695 (Sub No. 17), so as to read in the Sub No. 5 Certificate *"Iron and steel articles as described in Appendix V, Description in Motor Carrier Certificates, Ex Parte MC–45"* and with regard to Sub-No. 17 Certificate so that it reads: "nonferrous metals when moving in the same vehicle at the same time with *iron and steel articles as described in Appendix V*, Description in Motor Carrier Certificate, Ex Parte MC–45." Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition, or other appropriate pleading.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property of passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–7929. (POINT EXPRESS, INC.—CONTROL AND MERGER—PINSON TRANSFER CO., INC.), published in the August 2, 1961, issue of the FEDERAL REGISTER. Supplement filed July 28, 1961, to show joinder of HARLEY HARTLEY, VITUS HARTLEY, SR., WILLIAM P. FINNERAN, VITUS HARTLEY, JR., and WILLIAM H. HANKS, all of 3535 Seventh Avenue, Charleston, W. Va., as additional persons in control of POINT EXPRESS, INC.

No. MC–F 7931. Authority sought for control by LONG TRANSPORTATION COMPANY, 3755 Central Ave., Detroit, Mich., of BOAT HAULING CORPORATION, 25 Bryant Ave., East Milton 86, Mass., and for acquisition by W. E. LONG, 155 Lothrop, Grosse Pointe Farms, Mich., and STEVEN DARCEY, for the estate of FLORENCE L. McCALE, 46250 W. Nine Mile, Novi, Mich., of control of BOAT HAULING CORPORATION through the acquisition by LONG TRANSPORTATION COMPANY. Applicants' attorneys: Bowes & Millner, 1060 Broad St., Newark 2, N.J., and Barrett, Barrett and Barrett, 25 Bryant Ave., East Milton 86, Mich. Operating rights sought to be controlled: *Boats* and *boat accessories*, as a *common carrier* over irregular routes between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, and New Jersey. LONG TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Ohio, Indiana, Michigan, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7932. Authority sought for control and merger by KRAMER BROS. FREIGHT LINES, INC., 4195 Central Ave., Detroit 10, Mich., of the operating rights and property of CONSOLIDATED FREIGHT COMPANY, 321 S. Franklin St., Saginaw, Mich., and for acquisition by EDWARD S. KRAMER, 4901 North Dixboro Road, Ann Arbor, Mich., of control of such rights and property through the transaction. Applicants' attorney: Roland Rice, 618 Perpetual Bldg., Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Chicago, Ill., and Detroit, Mich.; between Chicago, Ill., and Saginaw, Mich.; between Edmore, Mich., and Rockford, Mich., between junction U.S. Highway 16 and Michigan Highway 91, and Belding, Mich., between Chicago, Ill., and junction U.S. Highway 112 and Michigan Highway 205, between Constantine, Mich., and Lansing, Mich., between Somerset, Mich., and Saginaw, Mich., between Battle Creek, Mich., and Flint, Mich., between Grand Haven, Mich., and Flint, Mich., between Saginaw, Mich., and Lansing, Mich., between Jackson, Mich., and Pontiac, Mich., between Bay City, Mich., and Midland, Mich., between Detroit, Mich., and Bay City, Mich., between junction Michigan Highway 24 and unnumbered highway east of Oakwood. Mich., and Ortonville, Mich., between Detroit, Mich., and Clare, Mich., between Goodrich, Mich., and Grand Blanc, Mich., between Davison, Mich., and Flint, Mich., between Saginaw, Mich., and Roscommon, Mich., between Detroit, Mich., and Trenton, Mich., serving certain intermediate and off-route points; between Chicago, Ill., and Joliet, Ill., between Niles, Mich., and Paw Paw, Mich., between Toledo, Ohio and Bay City, Mich., between Toledo, Ohio and Somerset, Mich., between Toledo, Ohio, and Detroit, Mich., between Wyandotte, Mich., and Pontiac, Mich., between Detroit, Mich., and Lansing, Mich., and between Detroit, Mich., and the Ford Willow Run Plant located approximately four miles east of Ypsilanti, Mich., serving no intermediate points, and over an alternate route for operating convenience only; *general commodities*, with exceptions as specified above, over regular and irregular routes between Lansing, Mich., and Akron and Kent, Ohio, serving certain intermediate and off-route points. KRAMER BROS. FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, West Virginia, New Jersey, Delaware, Maryland and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7933. Authority sought for purchase by E. & L. TRANSPORT COMPANY, 14201 Prospect Ave., Dearborn, Mich., of a portion of the operating rights and certain property of DEALERS TRANSPORT COMPANY, 1368 Riverside Blvd., Memphis, Tenn., and for acquisition by TRANSCO, INC., and in turn by DONALD C. HAYDEN, both of 14201 Prospect Ave., Dearborn, Mich., of control of such rights and property through the purchase. Applicants' attorneys: George S. Dixon, 2150 Guardian Bldg., Detroit 26, Mich., and Charles H. Hudson, Jr., 206 Broadway National Bank Bldg., Nashville 3, Tenn. Operating rights sought to be transferred: *Automobiles, trucks* and *buses*, in initial movements, in driveaway and truckaway services, and *parts* and *accessories* thereof moving at the same time and with the vehicles of which they are a part and on which they are to be installed, as a *common carrier* over irregular routes from points in Lorain County, Ohio, to points in the United States; and *damaged or returned shipments* of the above-described commodities on return. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7934. Authority sought for purchase by CONTINENTAL TRANSPORTATION LINES, INC., Continental Square, Graham St., McKees Rocks, Pa., of the operating rights and property of MARIANELLI MOTOR LINES, INC., Locust St., and Remington Ave., Scranton, Pa., and for acquisition by MILTON E. HARRIS and RUTH K. HARRIS, both of Continental Square, McKees Rocks, Pa., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Shertz, 226 South 16th St., Philadelphia 2, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Pittsburgh, Pa., and points in Pennsylvania within 35 miles of Pittsburgh, on the one hand, and, on the other, Scranton, Pa., and points in Pennsylvania within 35 miles of Scranton. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, Maryland, West Virginia, New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7935. Authority sought for purchase by PETTAPIECE CARTAGE & BUILDERS' SUPPLIES, LTD., 39 Oak St., West, Seacliffe Drive, Leamington, Ontario, Canada, of a portion of the operating rights of HOGUE FREIGHT LINES, INC., 4840 Wyoming Ave., Dearborn 2, Mich., and for acquisition by R. C. PETTAPIECE, 39 Oak St., West, Seacliffe Drive, Leamington, Ontario, Canada, and BENJAMIN C. BATTRAM, 25 Fader, Leamington, Ontario, Canada, of control of such rights through the purchase. Applicants' attorney: William B. Elmer, 1800 Buhl Bldg., Detroit 26, Mich. Operating rights sought to be transferred: *Sand*, as a *common carrier* over irregular routes, from points within the Lower Peninsula of Michigan, to the International Boundary Line between Detroit, Mich., and Windsor, Ontario, Canada. Vendee is authorized to operate as a *common carrier* in Ohio and Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7936. Authority sought for purchase by LIBERTY FAST FREIGHT CO., INC., Route 17, Rochelle Park, N.J., of the operating rights of GOLD STAR FREIGHT LINES, INC., 440 Tenth Ave., New York City, N.Y., and for acquisition by WILLIAM R. BREIDENTHALL, 780 Pine St., Emmaus, Pa., of control of such rights through the purchase. Applicants' attorneys: Arthur J Piken, 160–16 Jamaica Ave., Jamaica 32, N.Y., and Harry Ames, Jr., Transportation Bldg., Washington 6, D.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7937. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids 8, Mich., of the operating rights and property of CLIFTON M. DENMAN, an individual, doing business as C. M. DENMAN, 2026 Lapeer Street, Port Huron, Mich., and for acquisition by BERT GLUPKER, LOUIS CAIN, BRUCE GLUPKER, all of 200 Colrain Street, W. W., Grand Rapids, Mich., DOROTHY PERKINS, 640 South Pine Street, Arlington Heights, Ill., and MARILYN DeVREE, 7666 Chickadee Drive, Jenison, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. Operating rights sought to be transferred: *Copper, brass and bronze products, equipment, materials*, and *supplies* used in, or incidental to, the manufacture of these products, and *office supplies and equipment*, as a *contract carrier* over irregular routes between Port Huron, Mich., on the one hand, and, on the other, points in Ohio, between Port Huron, Mich., on the one hand, and points in Indiana, and the CHICAGO, ILL. COMMERCIAL ZONE, on the other; *brass, bronze, copper and aluminum articles*, and *scrap, equipment, materials*, and *supplies*, used in, or incidental to the manufacture of such products, between St. Louis, Mo., and Port Huron, Mich., traversing Illinois, Indiana, and Ohio for operating convenience only; and, *plastic articles*, and *materials*, other than bulk liquids, used in the manufacture of plastic articles, between Port Huron, Mich., on the one hand, and, on the other, Chicago, Ill., St. Louis, Mo., and points in Indiana and Ohio, RESTRICTED to a transportation service to be performed under a continuing contract, or contracts, with Mueller Brass Company, Port Huron, Mich. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Ohio, Indiana, Iowa, Wisconsin, Minnesota, Missouri, West Virginia, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F 7938. Authority sought for control and merger by BLACK BALL FREIGHT SERVICE, Pier 53, Seattle, Wash., of the operating rights and property of SEXTON-CLARKE AUTO FREIGHT, INC., 1206 Sheldon Blvd., Bremerton, Wash., and for acquisition by R. J. ACHESON, Pier 53, Seattle, Wash., of control of such rights and property through the transaction. Applicants' attorney: William B. Adams, 624 Pacific Bldg., Portland 4, Oreg. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Tacoma, Wash., and Bremerton, Wash., serving certain intermediate and off-route points without restriction, except the off-route points in Kitsap County, Wash., (except Bangor and Keyport, Wash., and points on Bainbridge Island, Wash.) restricted to the condition that those which lie north of Bremerton and north of Washington Highway 21 and the junction of Washington Highway 21 with unnumbered highway between Bremerton and Holly, Wash., through Crosby, Wash., and north of such unnumbered highway, shall not be tacked or combined with any authority now held or hereafter obtained authorizing service between Seattle and Bremerton, Wash.; between Seattle, Wash., and Bremerton, Wash., serving all intermediate and certain off-route points, and over an alternate route for operating convenience only. BLACK BALL FREIGHT SERVICE is authorized to operate as a *common carrier* in Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F 7939. Authority sought for purchase by AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Mass. Ave., Indianapolis, Ind., of a portion of the operating rights of JOHN WALLS, an individual, doing business as NEW WAY TRANSFER, 2021 Forest Ave., Kansas City, Mo. Applicants' attorney: James L. Beattey, 130 East Washington St., 1021, Indianapolis, Ind. Operating rights sought to be transferred: *Uncrated new furniture and new store fixtures and equipment*, as a *common carrier* over irregular routes from Omaha, Nebr., Burlington, Iowa, and points in the *Chicago, Ill., Commercial Zone*, to Kansas City, Mo.-Kans., *damaged or rejected shipments* of the above-specified commodities, from the above-specified destination points to the above-designated origin points; *uncrated physicians', dentists' and hospital equipment*, between Kansas City, Mo.-Kans., and points within 25 miles thereof, on the one hand, and, on the other, Chicago, Ill., Detroit, Mich., Philadelphia, Pa., and points in Kansas, Nebraska, Iowa, Missouri, Wisconsin, Ohio and New York, *coin-operated vending machines*, uncrated, between Kansas City, Mo., on the one hand, and, on the other, points in Minnesota and those in all States east of a line beginning at Lake Superior and extending along the western boundary of Wisconsin to the Mississippi River and thence along the east bank of the Mississippi River to the Gulf of Mexico, *new and used store fixtures*, uncrated, between Kansas City, Mo., on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Idaho, Louisiana, Maryland, Mississippi, Montana, Nevada, New Jersey, North Carolina, Oregon, South Carolina, Utah, Virginia, Washington, Wyoming, and the District of Columbia; *dentists' equipment*, uncrated, between Kansas City, Mo., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Colorado, North Dakota, South Dakota, Oklahoma, Texas, Minnesota, Louisiana, California, and Utah, *school annuals*, uncrated and unboxed, from Kansas City, Mo., to points in Kansas, Oklahoma, and Texas; *furniture, pianos, electric organs and other musical instruments, home appliances, radios, carpets and rugs*, and *office and store fixtures and appliances*, all uncrated, except such of the named commodities as are included in the term household goods as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Kansas; *new furniture, new household and office appliances, new store fixtures and appliances* and *new floor coverings*, uncrated, between points in the Kansas City, Mo.-Kansas City, Kans., commercial zone and points within 25 miles thereof, on the one hand, and, one the other, points in Arizona, California, Colorado, Kentucky, Minnesota, New Mexico, North Dakota, South Dakota, Tennessee, Texas and West Virginia, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone and points within 25 miles thereof, to points in Illinois, Indiana, Michigan, New

York, Ohio, Pennsylvania, and Wisconsin; *new floor coverings*, uncrated, between points in the Kansas City, Mo.-Kansas City, Kans., commercial zone and points within 25 miles thereof, on the one hand, and, on the other, points in Arkansas, Iowa, Nebraska, and Oklahoma; and *new furniture, new household and office appliances*, uncrated, and *new store fixtures and appliances*, uncrated, between points in the commercial zone described above, on the one hand, and, on the other, points in Missouri, Arkansas, Oklahoma, Kansas, Nebraska, and Iowa. Vendee is authorized to operate as a *common carrier* in all states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7519; Filed, Aug. 8, 1961; 8:49 a.m.]

[Notice 529]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 4, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 63927. By order of July 31, 1961, The Transfer Board approved the transfer to Norman E. Pike, doing business as Pike's Express, Palmyra, N.J., of Certificate No. MC 131, issued December 7, 1943, to Walter E. Pike, doing business as Pike's Express, Palmyra, N.J., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between Philadelphia, Pa., and Bordentown, N.J. John B. Mathews, Broad and Garfield, Palmyra, N.J., Attorney for applicants.

No. MC-FC 64064. By order of July 28, 1961, The Transfer Board approved the transfer to Stroud Brothers Trucking, Inc., Kilgore, Texas, of Certificates Nos. MC 108585 and MC 108585 Sub 3, issued December 19, 1956, and June 25, 1956, respectively, to J. C. Stroud and W. V. Stroud, doing business as Stroud Brothers, Joinerville, Texas, authorizing the transportation of: Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking-up thereof; machinery and equipment used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant sites or storage sites; and machinery, equipment, materials, and supplies used in, or in connection with, the drilling of water wells; between points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas, as specified. Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex., attorney for applicants.

No. MC-FC 64095. By order of July 31, 1961, The Transfer Board approved the transfer to Expressway Trucking, Inc., Long Island City, N.Y., of Certificate No. MC 76447, issued December 7, 1949, to Frank Alexander, doing business as MacCarthys Express, New York, N.Y., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y. Arthur J. Piken, 160-16 Jamaica Ave., Jamaica 32, N.Y., attorney for applicants, and Charles H. Trayford, 220 East 42d Street, New York, N.Y., Representative for applicants.

No. MC-FC 64272. By order of July 31, 1961, The Transfer Board approved the transfer to Food Haulers, Inc., Elizabeth, N.J., of Permit No. MC 2179, issued September 25, 1947, to Meyer Satsky Trucking Co., a Corporation, Elberson, N.J., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in a described portion of New Jersey and in Richmond County, on Staten Island, N.Y., and between points in the above-specified territory, on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, and Nassau Counties, N.Y., Paterson, Hawthorne, and Edgewater, N.J., and of fruits, vegetables, farm products, poultry, and sea food, in the respective seasons of their production, from points in a described portion of New Jersey to points in the above-specified territory. Bert Collins, 140 Cedar Street, New York 6, N.Y., Representative for applicants.

No. MC-FC 64320. By order of July 31, 1961, The Transfer Board approved the transfer to J. C. Stanley, doing business as New Hardware & Furniture Company, Clintwood, Va., of Certificate No. MC 119100, issued November 18, 1960, to J. C. Stanley and Theril Reedy, a partnership, doing business as New Hardware & Furniture Company, Clintwood, Va., authorizing the transportation of: Hardware, electrical appliances, and furniture, from Hazard, Ky., to Dungannon, Va., and points in Wise, Dickenson, Buchanan, and Russell Counties, Va.

No. MC-FC 64336. By order of July 31, 1961, The Transfer Board approved the transfer to Dominick Mazzaferro, doing business as Violette Trucking Co., New York, N.Y., of Certificate No. MC 117595, issued March 5, 1959, to Four L Furniture Transport, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of uncrated new furniture, from New York, N.Y., to points in New Jersey, and New York within 80 miles of Columbus Circle, New York, N.Y. Morris Honig, 150 Broadway, New York 38, N.Y., Attorney for applicants.

No MC-FC 64340. By order of July 28, 1961, The Transfer Board approved the transfer to Kulp Service, Inc., Souderton, Pa., of Certificate No. MC 67330, issued April 6, 1949, to Andrew J. Moyer, doing business as Moyer's Express, Shamokin, Pa., authorizing the transportation of general commodities, including household goods and commodities in bulk, over irregular routes, between points in Pennsylvania within ten miles of Shamokin, including Shamokin. John W. Frame, 603 North Front Street, Harrisburg, Pa., Representative for applicants.

No. MC-FC 64347. By order of July 31, 1961, The Transfer Board approved the transfer to Donald Webster and Harold Jorgenson, a Partnership, doing business as D and J Transfer Company, Jackson, Minn., of Permit No. MC 114734, issued September 7, 1955, to Adam H. Loos, doing business as Loos Trucking, Sherburn, Minn., authorizing the transportation, over irregular routes, of fresh meats, in carcasses, or part carcasses, and in packages, from Spencer, Iowa, to Minneapolis, Minn., Decatur, Rockford, and Elgin, Ill., and Madison and Milwaukee, Wis. J. W. Flynn, Luedke Building, Fairmont, Minn., Attorney for applicants.

No. MC-FC 64351. By order of July 31, 1961, The Transfer Board approved the transfer to William R. Elden, Altoona, Pa., of Certificate No. MC 70947, issued June 7, 1941, to L. B. Park, Altoona, Pa., authorizing the transportation of household goods, over irregular routes, between points in nine specified counties in Pennsylvania, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Missouri, Michigan, Illinois, Connecticut, Delaware, Massachusetts, Maryland, North Carolina, Indiana, West Virginia, South Carolina, Virginia, Wisconsin, and the District of Columbia. Alexander A. Notopoulos, 203 Central Trust Building, Attorney for applicants.

No. MC-FC 64366. By order of July 31, 1961, The Transfer Board approved the transfer to Monk's Express, Inc., Binghamton, N.Y., of Certificate No. MC 58738 Sub 1, issued April 4, 1950, to Cecil C. Knapp, doing business as Monk's Express, Binghamton, N.Y., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Endicott, N.Y., and Homer, N.Y., and between Endicott, N.Y., and Binghamton, N.Y. David G. Stearns, 53 Front Street, Binghamton, N.Y., Attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7521; Filed, Aug. 8, 1961; 8:49 a.m.]

[Ex Parte No. MC-37]

PETITION TO CLARIFY AND/OR DEFINE THE COMMERCIAL ZONE OF DETROIT, MICHIGAN, FOR PURPOSE OF SECTION 203(b)(8) OF THE INTERSTATE COMMERCE ACT

AUGUST 4, 1961.

Petitioners: FEDERAL EXPRESS, INC., DENVER CHICAGO TRUCKING COMPANY, INC., SAGINAW TRANSFER COMPANY, INC., JONES MOTOR CO., INC., CUSHMAN MOTOR DELIVERY CO., SHIPPERS DISPATCH, INC., KRAMER BROS. FREIGHT LINES, INC., YELLOW TRANSIT FREIGHT LINES, INC., MICHIGAN EXPRESS, INC., INTERSTATE MOTOR FREIGHT SYSTEM, EXPRESS FREIGHT LINES, INC., ASSOCIATED TRUCK LINES, INC., THE LIBERTY HIGHWAY CO., SUBURBAN MOTOR FREIGHT, INC., NORWALK TRUCK LINES, INC., THE NATIONAL TRANSIT CORPORATION, GREAT LAKES EXPRESS, ELLIS TRUCKING COMPANY, INC., INTER-CITY TRUCKING SERVICE, INC., JOHN WAHL CARTAGE, INC., BONDY CARTAGE LIMITED, COCHOIS INTERNATIONAL LTD., CONSOLIDATED TRUCK LINES LIMITED, DIRECT WINTERS TRANSPORT LIMITED, GREAT LAKES TRUCKING LTD., C. HINTON & CO., LIMITED, HUSBAND INTERNATIONAL TRANSPORT (ONTARIO) LIMITED, INTER-CITY TRUCK LINES LTD., INTERNATIONAL CARTAGE LIMITED, JONES TRANSPORT COMPANY LTD., KINGSWAY TRANSPORTS LTD., McKINLAY TRANSPORT LTD., MERRIFIELD TRANSPORT CO., LIMITED, MORRICE CARTAGE LTD., OGDEN & MOFFETT COMPANY, THE OVERLAND EXPRESS LIMITED, PARENT CARTAGE, THIBODEAU EXPRESS LIMITED, THE WINDSOR TRUCK & STORAGE CO., LTD. Petitioners' attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich.

The subject petition, filed July 28, 1961, states: (1) that each of the thirty-nine Petitioners named above is a motor carrier operating in interstate commerce under appropriate authority issued by the Interstate Commerce Commission; that each of said Petitioners is authorized under its Certificate of Public Convenience and Necessity to serve Detroit, Mich., in connection with traffic moving in interstate and foreign commerce to and from other points in the United States or the International Boundary between the United States and Canada; and (2) that the purpose of this Petition is to clarify and/or define the Commercial Zone of the City of Detroit insofar as the inclusion or non-inclusion of the City of Windsor, Ontario, Canada, within such zone is concerned.

NOTE: The Detroit, Mich., Commercial Zone is defined specifically in 48 M.C.C. 95, 97.

Persons supporting or opposing changes in the present zone limit who desire to participate in future proceedings on this petition or be notified of any action taken thereon should notify the Commission and petitioners' attorney of their desire on or before 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7522; Filed, Aug. 8, 1961; 8:49 a.m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a) of § 6.114 is amended as set out below.

§ 6.114 Department of Health, Education, and Welfare.

(a) *St. Elizabeths Hospital.* * * *

(5) Not to exceed 15 Psychodrama Interns who possess B.A. or M.S. degrees for appointment not to exceed one year. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of section 3 of Public Law 330, Eightieth Congress.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7582; Filed, Aug. 9, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Farm Storage Facility Loan Bulletin]

PART 474—FARM STORAGE FACILITIES

Subpart—Farm Storage Facility Loan Program

The terms and conditions of the Farm Storage Facility Loan Program (25 F.R. 9803), as amended (26 F.R. 2384), are reissued as Revision 3, as follows:

This bulletin contains the regulations governing the Farm-Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS").

Sec.
474.721 Administration.
474.722 Availability of loans.
474.723 Loans made by CCC.
474.724 Eligible borrowers.
474.725 Eligible structures.
474.726 Terms and conditions of loans.
474.727 Disbursement of loan.
474.728 Service charge.
474.729 Sale or conveyance of security.

AUTHORITY: §§ 474.721 to 474.729 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1072, 15 U.S.C. 714c.

§ 474.721 Administration.

The program will be administered by ASCS under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by the State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees). State and county committees or their employees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart. Employees of County ASC Committees shall execute instruments in accordance with delegations of authority published in 21 F.R. 2957.

§ 474.722 Availability of loans.

(a) *Area.* Loans will be available in any State of the United States.

(b) *Time.* Loan applications may be submitted pursuant to §§ 474.721 to 474.729 beginning with the date of publication hereof and continuing until termination of the program.

(c) *Applications for loans.* Any application for a loan shall be submitted to the county committee which will be responsible for obtaining appropriate review. Approved forms and documents will be made available through the offices of county committees. Disbursements of loans will be made by drafts drawn on CCC by the county office.

§ 474.723 Loans made by CCC.

All loans under this program will be direct loans made by CCC, except that a loan may be made by an approved lending agency if requested by the borrower upon specific approval of the Executive Vice President, CCC, or the Deputy Administrator, Management, ASCS. An approved lending agency shall be any bank, corporation, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans on the form prescribed by CCC.

§ 474.724 Eligible borrowers.

Loans will be made only to eligible borrowers. An eligible borrower shall be any person who as tenant, sharelandlord, or landowner-operator (a) produces one or more of the price support commodities, corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, peanuts and cottonseed, and (b) establishes a need for the proposed facility for the storage of such price support commodities. The term "person" shall mean an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. If two or more eligible borrowers join together in the purchase and erection or construction of an eligible structure, each such eligible borrower shall sign all documents and shall be liable jointly and severally with respect to the loan. In considering the need for the facility, consideration shall be confined solely to the storage of the above designated price support commodities produced by the borrower on the particular land with respect to which the application for a loan is made and shall be calculated on the basis of the acreage of price support commodities produced on such land and the average yield from such acreage. Storage capacity to store one year's crop shall be considered sufficient for cottonseed and storage capacity to store one year's crop plus one year's carryover shall be considered sufficient for all other price support commodities.

§ 474.725 Eligible structures.

(a) *General.* Loans will be made only for the purchase or construction of movable or immovable storage facilities which qualify as eligible structures. The term "movable storage facility" means a storage facility which can be dismantled and moved without demolishing it and which it is practicable to dismantle, move, and reconstruct on another site. All other storage facilities shall be considered to be "immovable." The term "storage facility" includes the operating equipment which the county committee determines is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) *Eligibility.* A storage facility shall qualify as an eligible structure if all the following requirements are met:

(1) The facility must be either (i) a new farm storage facility of movable or immovable type (including any addition to an existing immovable facility) which meets the requirements for eligible storage under the CCC price support loan programs, or (ii) a used farm storage facility which CCC has acquired by foreclosure or other means under this program. Unless approved by the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, a loan shall not be approved or disbursed if the facility has been purchased or erected prior to the date of application for loan, or for the purchase of a second-hand facility, except as specifically provided in this subpart. A downpayment will not be deemed to be a purchase nor will the installation of the foundation be deemed an erection requiring such approval.

(2) The structure must be for use solely for the storage of the price support commodities named in § 474.724, which are produced by an eligible bor-

rower on the particular land with respect to which the application for a loan is made.

(3) If the structure is an immovable facility for the storage of cottonseed, soybeans, dry edible beans, peanuts, or flaxseed, it must be located in an area in which the State committee determines that existing commercial storage facilities for such commodity or commodities are not adequate.

(4) The county committee must have determined that the storage facility is needed by, and that the bushel capacity proposed is in keeping with the additional farm storage requirements of, the producer for the storage of the price support commodities taking into consideration existing permanent storage facilities of the producer.

(5) It must not appear because of the type of construction, design, size, equipment, location or otherwise, that the structure may be attached to, or become part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, dryers and processing plants. Any facility which is located in working proximity to any commercial operation shall be deemed to be a part of such operation for the purpose of this program.

(c) *Loan not available.* A loan shall not be approved or disbursed to repair, remodel, or for maintenance of existing facilities. A loan shall not be available to provide storage facilities for commodities which the borrower intends to purchase or store for others.

§ 474.726 Terms and conditions of loans.

(a) *Term of loan.* The maximum term of the loan will be five years from the date of the disbursement of the loan, except that the term of an individual loan may be extended and re-extended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Such extensions, as authorized in this paragraph, shall merely defer the date upon which each of the respective payments shall become due and payable. Loans will be secured (1) by chattel mortgages on the storage facility which shall constitute the sole lien on such facility, or (2) by a first lien in the form of a real estate mortgage, deed of trust, or other security instrument, approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on such acreage of the farm as will, in the judgment of the county committee, (i) make the site easily accessible for use of other farmers in the area, and (ii) constitute a salable unit. A first lien on the real estate will be required in connection with all loans relating to immovable facilities, except that applications for loans for immovable facilities to be located on railroad-owned property may be considered subject to the following conditions: (a) Each such application, regardless of the amount of the proposed loan must be approved by the Executive Vice President, CCC, or the Deputy Administrator, Management, ASCS, before the application and the loan commitment is approved by the county committee; (b) the applicant must obtain an assignable lease on the railroad-owned property and the written consent of the lessor to construct the facility and to remove the same; (c) the loan must be secured (1) by a real estate mortgage, a deed of trust, or an assignment in escrow, covering the leasehold interest, and (2) by a first lien on the facility; (d) the application and note shall provide that if, at any time during the life of the loan, the facility is used for the storage or handling of commodities owned by others, or for commodities purchased by the borrower, or, if all or any part of such facility is leased to others, or becomes a part of, or is made use of in connection with any commercial operation, the full unpaid amount of the loan plus interest shall be subject to immediate call by CCC; and (e) the applicant shall comply with such other conditions as the Executive Vice President, CCC, or the Deputy Administrator, Management, ASCS, at the time he considers the application deems warranted in order to protect the interest of CCC under any special circumstances affecting the loan. A first lien on real estate may also be required in connection with any other loan at the discretion of the person authorized by CCC to approve the loan: *Provided, however,* That such first lien may be obtained through a subordination agreement where the real estate is subject to any other lien. In case of chattel mortgage loans, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which the structure will be placed, except that a severance agreement will not be required if the storage structure is movable, is not attached to a permanent foundation, and (1) is not in excess of 2,500 bushels capacity, or (2) in the case of a structure for the storage of cottonseed, is not in excess of 60 tons. The cost of recording or filing all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void four months after the date of commitment, unless, on or before that date, the commitment action has been extended in writing by the county committee. Unless approved by the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS, a loan shall not be approved or disbursed subsequent to the expiration date of the loan commitment. Every application for a farm storage facility loan secured by a chattel mortgage shall be accompanied by an instrument, duly acknowledged for recording purposes, under which the owner of the premises on which the facility is to be located consents that if the farm storage facility is acquired by CCC through foreclosure or other means, such facility may, at the option of CCC, remain on the property for a period not to exceed six months at no expense to CCC. Such covenant may be included in a severance agreement or in such other instrument as may be approved by the Regional Attorney or the Attorney in Charge, in cases where the severance agreement is not required.

(b) *Amount of loan.* (1) The amount to be loaned on any new storage facility shall not exceed the maximum amount authorized by the State committee. In establishing such maximum amounts, the State committee shall not authorize loans in excess of amounts computed as follows: (i) The maximum amount to be loaned on any new farm storage facility costing 40 cents or less per bushel capacity shall be 95 percent of the actual out-of-pocket cost of such facility; (ii) the maximum amount to be loaned on any new farm storage facility costing more than 40 cents per bushel capacity shall be 80 percent of the actual out-of-pocket cost of such facility or an amount equal to 95 percent of 40 cents times the bushel capacity of the facility, whichever is greater: *Provided, however,* That the maximum amount to be loaned on any new farm storage facility shall not exceed an amount equal to 50 cents times the bushel capacity of the facility. The out-of-pocket cost shall include the cost for the purchase, delivery and erection of the facility, and the cost of that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the price support commodity to be stored and without which the facility cannot be operated. In computing the out-of-pocket cost, the labor performed by the applicant and other farm labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of foundations for movable facilities shall be excluded. Before the loan is disbursed the borrower shall furnish Form CCC 414, Certifications for a Farm Storage Facility Loan or a Mobile Dryer Loan. In addition, receipted bills in support of Form CCC 414 may also be required in the discretion of the county office prior to the disbursement of the loan.

(2) The county committee may approve loan applications, issue loan commitments, and make disbursement of loans without prior approval of the State committee, except as specifically provided herein, of any loan in an amount less than $2,500. Any loan in an amount of $2,500 or over must be approved by the State committee or designated employee of the State committee prior to the issuance of the loan commitment. Each application for a loan on a movable storage facility in an amount of $15,000 or over, and each application for a loan on an immovable storage facility in an amount of $25,000 or over, shall be forwarded by the county committee, together with its recommendations, to the State committee and the State committee shall forward such applications with its recommendations to the Deputy Administrator, Management, ASCS. All applications for loans in an amount of $15,000 or more for movable facilities or in an amount of $25,000 or more for immovable facilities must be approved by the Executive Vice President, CCC, or the Deputy Administrator, Management, ASCS, before the loan application and the loan commitment is approved by the county committee. If more than one application for loan is filed by the same person or in connection with the same farm operation, the aggregate amount of such loan applications, together with the outstanding balance of any prior loan to such person or in connection with such farm operation shall be considered as one application for the purposes of determining the foregoing amounts which may be approved.

(3) The maximum amount loaned on any farm storage facility which CCC has previously acquired by foreclosure or other means under the program shall not exceed the maximum amount authorized by the State committee and in no event shall exceed eighty percent of the price of purchase from CCC unless a loan in a larger amount is approved by the Executive Vice President, CCC, or the Deputy Administrator, State and County Operations, ASCS.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest at four percent per annum on the unpaid balance. The first installment including interest shall be payable during the twelve-month period beginning on the first anniversary date of the first disbursement of the loan out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Such payment shall be obtained by deduction from such price support proceeds except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve-month pay period, and upon failure to pay any installment by the thirtieth day after the end of such period the loan may be declared delinquent and at the option of the county committee upon authorization of the State committee the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture utilizing CCC funds when the loan is held by a lending agency, or utilizing any funds available to the Department when the loan is held by CCC. Any payment for storage of commodities in farm storage structures under a price support or reseal program due from CCC to a borrower shall be applied (1) to any delinquent amount, and (2) to the borrower's storage facility loan installment which is due and payable when the storage payment is due, each including interest. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under §§ 474.721 to 474.729, or under the mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the facility is used in connection with any commercial operation including but not limited to elevators, warehouses, dryers, or processing plants, during the life of the loan, the holder at his option may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debts which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committee should be requested by the borrower to release or obtain the release of such instruments of record. The chairman of each county committee or the county office manager is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested by the borrower to release or obtain the release of such instrument or instruments.

(d) *Renegotiation.* The term "renegotiation," as used herein, means any extension of the time for repayment of the loan or any installment thereof (other than a simple extension under paragraph (a) of this section) or any change in the amount of installment payment.

(1) The security position of CCC with regard to any lien securing the original note shall not be impaired. To assure that this condition is met and that all renegotiation instruments are legally sufficient, such instruments shall be submitted by the State committee to the Regional Attorney or the Attorney in Charge for review.

(2) Renegotiation of a loan shall be authorized by the State committee if it determines, upon review of data satisfactory to the State committee (such data shall be provided through the county committee and shall show in addition to any other information desired by the State committee, the information required for consideration of subdivisions (i) through (vii) of this subparagraph), that renegotiation of the loan is in the best interest of CCC, taking into consideration (i) the financial position of the borrower, (ii) the prospective income of the borrower, particularly under price support programs, (iii) prior efforts in good faith to repay the loan, (iv) whether the borrower has maintained the facility in good condition, (v) whether the facility has been used for any purpose other than the storage of the price support commodities named in § 474.724, (vi) probable net return from foreclosure and resale of bin, (vii) whether CCC price support programs would be benefited by such renegotiation.

(3) The amount of a renegotiated loan shall be the unpaid balance of the original note plus accrued interest and expenses paid by CCC which are chargeable to the borrower, as of the date of renegotiation.

(4) The renegotiated loan shall be payable in equal annual installments and shall bear interest at the rate of 4 percent per annum on the unpaid balance.

(5) A loan may be renegotiated for such period, in the light of information obtained under subparagraph (2) (i) and (iii) of this paragraph, as is deemed reasonably necessary to effect repayment but in no event shall the maturity date of the renegotiated loan be extended beyond 5 years following the maturity date of the original loan: *Provided, however,* That notwithstanding this 5-year limitation, a loan may be renegotiated for a longer period when such renegotiation is approved by the Executive Vice President, CCC, as being in the best financial interest of CCC.

(6) The insurance requirements specified in paragraph (e) of this section shall be applicable to loans renegotiated in accordance with the regulations in this subpart.

(7) A renegotiated loan must be approved also by the Executive Vice President, CCC, or by the Deputy Administrator, Management, ASCS, if the renegotiated loan balance is in excess of (i) $15,000 for movable facilities and (ii) $25,000 for immovable facilities.

(e) *Insurance.* Insurance shall be maintained on all immovable storage facility loans, regardless of the amount of the loan, and with coverage for fire and other hazards existent in the area. Such insurance shall also be maintained on all movable facility loans on which the amount loaned was $1,000 or more, and on loans under $1,000 when required by the State committee of any State. All insurance shall be maintained during the life of the loan and for the face value of the loan, and the cost shall be borne by the borrower. The policy shall contain a clause making any loss thereunder payable to CCC and to any other holder of the note secured by the storage facility as their interests may appear. If any insurance is not in effect at any time during the life of the loan, the loan shall be called immediately unless such lapse is due to the failure of the effective date of the insurance to coincide with the date of disbursement.

(f) *Taxes.* The borrower must covenant to pay all personal property taxes and all taxes that become due and payable on the real estate covered by the mortgage securing the note evidencing the loan. CCC, if it deems it desirable for the purpose of protecting its interests, may pay any unpaid taxes and add the amount of such payments to the borrower's indebtedness and may provide in the loan instruments for increasing the lien on the facility by the amount of such payments.

(g) *Maintaining storage facility.* The borrower shall be required to maintain the facility in condition and available for the storage of the price support commodities named in § 474.724 until the loan is paid in full.

§ 474.727 Disbursement of loan.

Disbursement will be made in full when construction of the facility has been completed and the facility has been in-

spected and approved by the county committee or the designated employee of the county committee, except that disbursement of the loan proceeds will not be made in any case until the borrower furnishes satisfactory evidence of the payment of all debts on the facility in excess of the amount of the loan.

§ 474.728 Service charge.

There shall be paid by the applicant on the date the application is filed with the county office, a service charge of $5.00 or one (1) percent of the loan, whichever is greater, but in no case shall the charge be less than $5.00. If the loan is rejected or is not completed, the minimum charge of $5.00 shall be retained by the county committee and the balance shall be refunded in accordance with the county Administrative Handbook.

§ 474.729 Sale or conveyance of security.

When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Effective date: Date of publication.

Signed at Washington, D.C., on August 4, 1961.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7597; Filed, Aug. 9, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 940—PEACHES GROWN IN MESA COUNTY, COLORADO

Determination Relative to Expenses and Fixing Rate of Assessment for 1961–62 Fiscal Year

Pursuant to amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Administrative Committee (established pursuant to said amended marketing agreement and order, as amended), it is hereby found and determined that:

§ 940.213 Expenses and rate of assessment for the 1961–62 fiscal year.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning March 1, 1961, and ending February 28, 1962, will amount to $12,100.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eleven mills ($0.011) per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of the current crop of peaches from Mesa County, Colorado, are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable peaches from the beginning of such year; and (3) the current fiscal year began March 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 7, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7596; Filed, Aug. 9, 1961; 8:51 a.m.]

[Prune Reg. 1]

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Shipments

§ 1030.302 Prune Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho, and in Malheur County, Oregon, effective July 21, 1960, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 11, 1961. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee until August 3, 1961; recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on August 3, 1961, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such prunes will begin on or about August 11, 1961, and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* During the period beginning at 12:01 a.m., M.s.t., August 11, 1961, and ending at 12:01 a.m., M.s.t., January 1, 1962, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade requirement.* Such prunes grade at least U.S. No. 1: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Minimum size requirement.* Such prunes shall measure at least 1⅛ inches in diameter: *Provided,* That any lot of prunes shall be deemed to meet such minimum diameter requirement if (1) not more than 10 percent of the prunes in such lot are smaller than 1⅛ inches in diameter; and (2) if not more than 15 percent of the prunes contained in any individual container in such lot are smaller than 1⅛ inches in diameter.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 150 pounds net weight may be handled without regard to the restrictions specified in this paragraph (b) or in §§ 1030.41 (Assessment) and 1030.55 (Inspection and certification) of this part.

(4) The terms "U.S. No. 1," "diameter," and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537) of this title; and terms used in the marketing agreement and order shall, when used herein have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7624; Filed, Aug. 9, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-124]

PART 608—SPECIAL USE AIRSPACE

Revision of Part

The purpose of this action is to revise Part 608 of the regulations of the Administrator.

This revision is issued in order to update and standardize the descriptions of boundaries, times of designation and designated altitudes of all restricted areas.

Geographical coordinates have been used, where practicable, in order to eliminate reference to other designated airspace, navigational aids, un-named roads and creeks, and other insignificant land marks. Some minor adjustments have been made in the boundaries of a few restricted areas in order to define these areas more clearly. These adjustments have been coordinated with the using agencies concerned and concurrence obtained. The amount of airspace involved in these changes is not significant.

The upper levels of all restricted areas designated for use by the Departments of the Air Force and Navy which penetrate the flight level strata, are expressed in flight levels. The Air Force and Navy concur with these changes.

The times of designation of those restricted areas, wherein specific hours are designated, are altered in order to identify the time zone on which the time of designation is based. These times are expressed in terms of the 24-hour clock and normally reflect standard time. Times previously expressed as "daylight hours" or "days" have been revised to "sunrise to sunset". "Continuous" is used to indicate full time areas. In R–5108 and R–5109, the reference to the release of these areas by the using agency to the ARTC Center, as stated in the time of designation, is deleted. As stated in § 608.12, no person shall operate an aircraft within a restricted area unless prior permission has been issued by the appropriate authority. Appropriate authority is defined in § 608.3 as either the using agency or the controlling agency. Therefore, it is not considered necessary to elaborate on these requirements in the descriptions of individual restricted areas.

Military climb corridors are designated from a specific reference point, generally expressed by geographical coordinates. This reference point in some instances, is a navigational aid.

A study of the utilization reports submitted to the Federal Aviation Agency as required by § 608.15 indicates that some using agencies have misinterpreted the requirements of § 608.15(e). Some have interpreted it as requiring only the average number of hours the area is actually used per day while others have interpreted it to require only the total aircraft hours of actual use. Accordingly, the language of § 608.15(e) is revised herein to remove any possible basis for misinterpretation of the requirement that both the average number of hours the area is actually used per day and the total aircraft hours of actual use per reporting period must be included in the annual utilization report.

Other editorial changes have been made in order to eliminate unnecessary verbiage and to standardize certain phrases.

Since the changes effected by this amendment are minor or editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 608 of the regulations of the Administrator is amended as follows:

Subpart A—Introduction

Sec.
608.1 Basis.
608.2 Purpose.
608.3 Explanation of terms.

Subpart B—Restricted Areas

608.11 Purpose.
608.12 Restriction.
608.13 Using agency.
608.14 Controlling agency.
608.15 Utilization report.

STATES AND POSSESSIONS

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608.22 Alaska.
608.23 Arizona.
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608.72 Guam.

Subpart A—Introduction

§ 608.1 Basis.

This part is issued pursuant to sections 307 of the Federal Aviation Act of 1958, as amended (72 Stat. 749, 49 U.S.C. 1348) and § 60.13 of this title.

§ 608.2 Purpose.

This part is issued in order to designate special use airspace and to prescribe requirements in connection with the use thereof.

§ 608.3 Explanation of terms.

As used in this part, terms are defined as follows:

"Appropriate Authority" means either the using agency or the controlling agency.

"Bearings and radials" are true and outbound from the point of origin.

"Boundaries" mean the horizontal limits of the special use area as described by geographical coordinates or other appropriate references to clearly define the perimeter of the area.

"Continental United States" means all of the States of the United States (excluding Alaska and Hawaii), the District of Columbia, the territorial waters and the overlying airspace thereof.

"Controlling Agency" means that FAA facility designated in Subpart B which may authorize transit of a restricted area in accordance with a letter of joint use procedures.

"Designated Altitudes" means those altitudes designated as the floor(s) and

ceiling(s) of a special use area. Altitudes will be expressed in terms of flight levels or as feet above mean sea level.

"E" means east.

"Federal Airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

"Flight Level" means a level of constant atmospheric pressure related to a reference datum of 29.92 inches of mercury expressed in digits representing hundreds of feet. For example, flight level 250 is equivalent to an altimeter indication of 25,000 feet and flight level 265 to 26,500 feet.

"FM" means fan marker.

"ILS" means instrument landing system.

"INT" means intersection.

"Joint Use" means use of a restricted area by the using agency and by the controlling agency as set forth in a letter of joint use procedures which outlines terms and procedures to be followed by the using agency and by the controlling agency.

"Lat." means latitude.

"Long." means longitude.

"Mile" means statute mile unless otherwise specified.

"MM" means instrument landing system middle marker.

"MSL" means "mean sea level."

"N" means north.

"NE" means northeast.

"NW" means northwest.

"OM" means instrument landing system outer marker.

"RBN" means radio beacon.

"Restricted Area" means that special use airspace designated in Subpart B of this part wherein the flight of aircraft is limited in accordance with § 608.12 of this part.

"RR" means low or medium frequency radio range station.

"S" means south.

"SE" means southeast.

"Special Use Airspace" means that airspace of defined dimensions identified by an area on the surface of the earth designated by the Administrator wherein the activity being conducted must be confined because of its nature and/or wherein limitations are imposed upon aircraft operations not a part of such activity. The dimensions are limited in time ("Time of Designation"), vertical extent ("Designated Altitudes"), and horizontal extent ("Boundaries").

"Sunset" and "Sunrise" mean the official sunset and sunrise at the location of the special use area.

"SW" means southwest.

"TACAN" means military tactical air navigation aid.

"Time of Designation" means the period or periods of time during which the special use area is in effect.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

"Using Agency" means that agency, organization, or military command designated in Subpart B whose activity within the restricted area necessitated the area being so designated; except that, in the case of those Restricted Area/Military Climb Corridors which do not have a designated controlling agency, the using agency is a military air traffic control facility which may be contacted for transit through the climb corridor.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange station.

"VORTAC" means collocated VOR and TACAN.

"W" means west.

Subpart B—Restricted Areas

§ 608.11 Purpose.

The purpose of this subpart is to designate restricted areas. All activities conducted in a restricted area in accordance with the purpose for which it was designated must be contained therein. In addition, limitations are imposed upon the operation of aircraft within designated restricted areas in accordance with § 608.12.

§ 608.12 Restriction.

No person shall operate an aircraft within any area named and described in this subpart, between the designated altitudes, during the time of designation, unless prior permission for such operation has been issued by the appropriate authority.

§ 608.13 Using agency.

The using agency shall submit an annual Utilization Report as prescribed in § 608.15 on each restricted area for which it has been designated "Using Agency" provided, however, that annual Utilization Reports need not be submitted on restricted areas established for climb corridors; shall execute upon request of the Federal Aviation Agency a letter establishing procedures for joint use of the restricted area wherein the using agency would notify the controlling agency whenever permission may be granted by the controlling agency for transit of or flight within the restricted area in accordance with the terms of such a letter; schedule activities in the restricted area; and shall authorize transit of or flight within the restricted area as feasible.

§ 608.14 Controlling agency.

The controlling agency, where feasible, may clear and authorize air traffic for transit of or flight within a restricted area as set forth in a letter of joint use procedures between the using agency and the controlling agency.

§ 608.15 Utilization report.

The following data are to be submitted annually for the 12-month period October 1 through September 30 inclusive. Such data will be forwarded in duplicate by the Using Agency each year so as to reach the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D.C., not later than January 31 of the year following the reporting period.

(a) Designated name and number of the area as published in regulations of the Administrator, Part 608—Special Use Airspace.

(b) Period covered by the report.

(c) A detailed list of the activities carried on in the restricted area by all organizations utilizing the area for the restricted area purposes.

(d) Time daily operations normally are scheduled to begin and end.

(e) Average number of hours the area is actually used per day. In addition, in the case of restricted areas utilized for aircraft operations, the total aircraft hours of actual use per reporting period.

(f) Number days per week, weeks per month, months per year (as appropriate) the area is used for actual operations.

(g) A statement (affirmative or negative) as to whether radar is utilized during operations.

(h) Number and type of aircraft, if any, normally involved in performing activities for which the restricted area is designated.

(i) Altitudes used in daily operations of aircraft. Include for each activity, the altitudes utilized and the number of hours at each such altitude.

(j) A chart of the restricted area (of optional scale and design) depicting the following applicable items:

(1) Approximate location (and/or representative pattern) of firing and/or bombing runs, if any, showing, if appropriate, where run begins, where firing, if any, commences and ends, and release point and pull up.

(2) Location of impact areas, if any.

(k) Maximum ordinate or surface firing (expressed in feet, mean sea level altitude) used to execute required operations.

(l) Number of hours and/or minutes (daily) maximum ordinate altitudes are normally utilized in surface to surface firing operations.

(m) Altitudes normally used for daily surface to surface firing operations.

(n) A chart of the restricted area (of optional scale and design) depicting the following:

(1) Location of firing points and impact areas, if any.

(2) Perimeter of the firing fan for each weapon utilized, if any.

(o) A brief resume outlining any other pertinent facts concerning the present use of the restricted area and requirement for continued use of the area or any part of it.

States and Possessions

§ 608.21 Alabama.

R-2102. Fort McClellan, Ala.

Boundaries. Beginning at Lat. 33°45'32" N., Long. 86°01'12" W.; to Lat. 33°45'40" N., Long. 85°54'00" W.; to Lat. 33°41'55" N., Long. 85°52'45" W.; to Lat. 33°40'15" N., Long. 85°54'00" W.; to Lat. 33°41'00" N., Long. 85°55'45" W.; to Lat. 33°41'00" N., Long. 85°57'18" W.; to Lat. 33°41'18" N., Long. 85°59'00" W.; to Lat. 33°40'40" N., Long. 85°59'00" W.; to Lat. 33°40'40" N., Long. 86°00'00" W.; to Lat. 33°41'18" N., Long. 86°00'00" W.; to Lat. 33°41'18" N., Long. 86°01'12" W.; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Fort McClellan, Ala.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at Lat. 31°26'55" N., Long. 85°47'45" W.

Designated altitudes. Surface to 24,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, U.S. Army Aviation Center, Fort Rucker, Ala.

R-2104 Huntsville, Ala.

Boundaries. Beginning at Lat. 34°39'21" N., Long. 86°35'30" W.; to Lat. 34°35'11" N., Long. 86°35'51" W.; to Lat. 34°35'26" N., Long. 86°42'01" W.; to Lat. 34°42'00" N., Long. 86°44'30" W.; to Lat. 34°42'00" N., Long. 86°41'30" W.; to Lat. 34°39'36" N., Long. 86°41'40" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Memphis ARTC Center.

Using agency. Commanding General, United States Army Ordnance Missile Command, Huntsville, Ala.

§ 608.22 Alaska.

R-2201 Anchorage, Alaska (Elmendorf AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 296° radial of the Elmendorf AFB TACAN, extending from 3 miles from the W. end of Elmendorf AFB runway 23 to 25 miles from the W. end of runway 23, and having a width of 2.145 miles at the beginning and expanding uniformly to a width of 4.3 miles at the outer extremity.

Designated altitudes.

3,000 feet MSL to flight level 270 from 3 miles W. of the W. end of runway 23 to 5 miles W. of the W. end of runway 23.

5,000 feet MSL to flight level 270 from 5 to 7 miles W. of the W. end of runway 23.

7,000 feet MSL to flight level 270 from 7 to 12 miles W. of the W. end of runway 23.

10,000 feet MSL to flight level 270 from 12 to 17 miles W. of the W. end of runway 23.

13,000 feet MSL to flight level 270 from 17 to 22 miles W. of the W. end of runway 23.

16,000 feet MSL to flight level 270 from 22 to 25 miles W. of the W. end of runway 23.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Anchorage Approach Control.

Using agency. Commander, Elmendorf AFB, Alaska.

R-2202 Big Delta, Alaska.

Boundaries. Beginning at Lat. 63°59'-00" N., Long. 145°55'00" W.; to Lat. 63°41'-00" N., Long. 146°01'00" W.; to Lat. 63°47'-00" N., Long. 147°04'00" W.; to Lat. 64°15'-00" N., Long. 146°44'00" W.; to the point of beginning.

Designated altitudes. Surface to 60,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. President, United States Army Arctic Test Board, Fort Greely, Alaska.

R-2203 Eagle River, Alaska.

Boundaries. Beginning at Lat. 61°27'15" N., Long. 149°44'00" W.; to Lat. 61°16'48" N., Long. 149°43'30" W.; to Lat. 61°17'36" N., Long. 149°35'36" W.; to Lat. 61°22'10" N., Long. 149°33'48" W.; to Lat. 61°24'40" N., Long. 149°33'48" W.; to Lat. 61°25'24" N., Long. 149°30'00" W.; to Lat. 61°29'30" N., Long. 149°30'00" W.; to the point of beginning.

Designated altitudes. Surface to 50,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, United States Army Alaska, Fort Richardson, Alaska.

R-2204 Shemya, Alaska.

Boundaries. Beginning at Lat. 52°44'48" N., Long. 174°07'06" E.; to Lat. 52°43'42" N., Long. 174°07'06" E.; to Lat. 52°43'42" N., Long. 174°05'16" E.; to Lat. 52°44'48" N., Long. 174°05'16" E.; to the point of beginning.

Designated altitudes. Surface to 2,500 feet MSL.

Time of designation. Continuous.

Using agency. Commander, 5040th Air Base Squadron, Shemya AFB, Alaska.

R-2205 Yukon, Alaska.

Boundaries. Beginning at Lat. 64°45'30" N., Long. 146°47'20" W.; counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N., Long. 147°-36'46" W. to Lat. 64°46'12" N., Long. 146°-46'40" W.; to Lat. 64°46'10" N., Long. 146°-11'15" W.; to Lat. 64°35'18" N., Long. 146°-11'15" W.; to Lat. 64°33'24" N., Long. 146°-18'30" W.; to Lat. 64°33'25" N., Long. 146°-25'00" W.; to the point of beginning.

Designated altitudes. Surface to 80,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, United States Army Alaska, Fort Richardson, Alaska.

R-2206. Clear, Alaska.

Boundaries. The airspace within a radius of 30,000 feet of Lat. 64°17'16" N., Long. 149°-10'58" W., extending clockwise from a bearing of 235° to a bearing of 005° and within a radius of 500 feet, extending clockwise from a bearing of 005° to a bearing of 235°.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous, January 1, 1961, to December 31, 1961.

Using agency. Commander, Alaskan Air Command, Elmendorf AFB, Alaska.

R-2207 Fairbanks, Alaska (Eielson AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 016° radial of the Eielson AFB TACAN extending from 5 miles N. of the airbase (Lat. 64°40'00" N., Long. 147°06'00" W.) to 32 miles N. of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

3,500 feet MSL to 15,000 feet MSL from 5 miles N. of the airbase to 6 miles N. of the airbase.

3,500 feet MSL to flight level 240 from 6 to 7 miles N. of the airbase.

5,500 feet MSL to flight level 270 from 7 to 9 miles N. of the airbase.

7,000 feet MSL to flight level 270 from 9 to 15 miles N. of the airbase.

10,000 feet MSL to flight level 270 from 15 to 20 miles N. of the airbase.

13,000 feet MSL to flight level 270 from 20 to 25 miles N. of the airbase.

16,000 feet MSL to flight level 270 from 25 to 32 miles N. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Fairbanks Approach Control.

Using agency. Commander, Eielson AFB, Alaska.

§ 608.23 Arizona.

R-2301 Ajo, Ariz.

Boundaries. Beginning at Lat. 32°50'25" N., Long. 112°49'00" W.; to Lat. 32°11'30" N., Long. 112°56'45" W.; to Lat. 32°11'30" N., Long. 113°05'30" W.; along the United States-Mexican border to Lat. 32°23'45" N., Long. 114°28'30" W.; to Lat. 32°30'00" N., Long. 114°28'30" W.; to Lat. 32°30'00" N., Long. 114°31'00" W.; to Lat. 32°35'00" N., Long. 114°31'00" W.; to Lat. 32°35'00" N., Long. 114°28'30" W.; to Lat. 32°39'40" N., Long. 114°28'30" W.; to Lat. 32°40'45" N., Long. 114°18'29" W.; along the Southern Pacific Railroad and U.S. Highway No. 80 to Lat. 32°45'30" N., Long. 113°37'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Using agency. Commander, Luke AFB, Ariz.

R-2302 Flagstaff, Ariz.

Boundaries. Beginning at Lat. 35°12'00" N., Long. 111°46'00" W.; to Lat. 35°10'00" N., Long. 111°46'00" W.; to Lat. 35°10'00" N., Long. 111°48'00" W.; to Lat. 35°09'00" N., Long. 111°48'00" W.; to Lat. 35°09'00" N., Long. 111°55'00" W.; to Lat. 35°15'00" N., Long. 111°55'00" W.; along the Santa Fe Railroad to the point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

Time of designation. 0800 to 2400 MST, Monday through Saturday.

Using agency. Commanding Officer, Navajo Ordnance Depot, Flagstaff, Ariz.

R-2303 Fort Huachuca, Ariz.

Boundaries. Beginning at Lat. 31°34'40" N., Long. 110°00'00" W.; to Lat. 31°29'00" N., Long. 110°00'00" W.; to Lat. 31°29'00" N., Long. 110°18'00" W.; to Lat. 31°23'45" N., Long. 110°18'00" W.; to Lat. 31°23'45" N., Long. 110°39'00" W.; to Lat. 31°38'30" N., Long. 110°46'10" W.; to Lat. 31°38'30" N., Long. 110°39'30" W.; to Lat. 31°41'00" N., Long. 110°33'30" W.; to Lat. 31°41'00" N., Long. 110°16'30" W.; to Lat. 31°41'40" N., Long. 110°15'00" W.; to Lat. 31°41'40" N., Long. 110°13'30" W.; to the point of beginning.

Designated altitudes. Surface to 35,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, United States Army Electronic Proving Ground, Fort Huachuca, Ariz.

R-2304 Gila Bend, Ariz.

Boundaries. Beginning at Lat. 32°38'30" N., Long. 112°18'00" W.; to Lat. 32°26'40" N., Long. 112°18'00" W.; to Lat. 32°26'40" N., Long. 112°43'30" W.; to Lat. 32°49'00" N., Long. 112°39'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Sunrise to sunset, Monday through Friday, VFR.

Using agency. Commander, Luke AFB, Ariz.

R-2305 Gila Bend, Ariz.

Boundaries. Beginning at Lat. 32°50'25" N., Long. 112°49'00" W.; to Lat. 32°50'52" N., Long. 112°42'53" W.; to Lat. 32°49'00" N., Long. 112°39'00" W.; to Lat. 32°29'00" N., Long. 112°43'00" W.; to Lat. 32°29'00" N., Long. 112°53'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Sunrise to sunset.

Using agency. Commander, Luke AFB, Ariz.

R-2306 Sahuarita, Ariz.

Boundaries. Beginning at Lat. 32°02'00" N., Long. 110°51'00" W.; to Lat. 31°54'00 N., Long. 110°50'00" W.; to Lat. 31°54'00" N., Long. 110°57'00" W.; to Lat. 32°02'00" N., Long. 110°57'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Sunrise to sunset.

Using agency. Commander, Davis-Monthan AFB, Ariz.

R–2307 Yuma, Ariz.

Boundaries. Beginning at Lat. 32°52'00" N., Long. 114°00'00" W.; to Lat. 32°52'50" N., Long. 113°50'10" W.; to Lat. 32°58'00" N., Long. 113°37'20" W.; to Lat. 33°02'00" N., Long. 113°37'20" W.; to Lat. 33°02'00" N., Long. 113°56'30" W.; to Lat. 33°00'00" N., Long. 114°11'00" W.; to Lat. 33°00'00" N., Long. 114°31'00" W.; to Lat. 32°51'15" N., Long. 114°31'00" W.; to Lat. 32°52'30" N., Long. 114°21'00" W.; to Lat. 32°51'15" N., Long. 114°21'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commanding Officer, Yuma Test Station, Yuma, Ariz.

§ 608.24 Arkansas.

R–2401 Fort Chaffee, Ark.

Boundaries. Beginning at Lat. 35°17'30" N., Long. 94°12'17" W.; to Lat. 35°14'30" N., Long. 94°12'15" W.; to Lat. 35°14'00" N., Long 94°13'00" W.; to Lat. 35°14'00" N., Long 94°15'00" W.; to Lat. 35°14'45" N., Long 94°16'30" W.; to Lat. 35°18'15" N., Long. 94°17'00" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. 0500 to 2200 CST, Monday through Saturday, July 1 through August 31; and 0500 to 1800 CST, Saturday and Sunday, September 1 through June 30.

Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

R–2402 Fort Chaffee, Ark.

Boundaries. Beginning at Lat. 35°17'30" N., Long 94°12'17" W.; to Lat. 35°16'00" N., Long. 94°01'30" W.; to Lat. 35°11'30" N., Long. 94°01'30" W.; to Lat. 35°11'30" N., Long. 94°10'00" W.; to Lat. 35°14'00" N., Long 94°10'00" W.; to Lat. 35°14'00" N., Long., 94°13'00" W.; to Lat. 35°14'30" N., Long. 94°12'15" W.; to the point of beginning.

Designated altitudes. Surface to 26,000 feet MSL.

Time of designation. 0500 to 2200 CST, Monday through Saturday, July 1 through August 31; and 0500 to 1800 CST, Saturday and Sunday, September 1 through June 30.

Controlling agency. Federal Aviation Agency, St. Louis ARTC Center.

Using agency. Commanding General, Fort Sill, Okla.

R–2403 Little Rock, Ark.

Boundaries. Beginning at Lat. 34°57'00" N., Long. 92°15'00" W.; to Lat. 34°52'00" N., Long. 92°15'00" W.; to Lat. 34°52'00" N., Long. 92°19'30" W.; to Lat. 34°57'00" N., Long 92°19'30" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. 0700 Saturday through 1700 Sunday CST, September 1 through May 31; and 0600 to 2400 CST, daily, June 1 through August 31.

Using agency. Adjutant General, State of Arkansas, Little Rock, Ark.

§ 608.25 California.

R–2501 Bullion Mountains, Calif.

Boundaries. Beginning at Lat. 34°41'00" N., Long. 116°03'00" W.; to Lat. 34°35'30" N., Long. 115°58'00" W.; to Lat. 34°33'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°30'00" N., Long. 116°26'30" W.; to Lat. 34°40'30" N., Long. 116°29'40" W.; to Lat. 34°43'00" N., Long. 116°26'20" W.; to Lat. 34°43'00" N., Long. 116°17'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R–2502 Camp Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N., Long. 116°29'40" W.; to Lat. 35°34'30" N., Long. 116°29'40" W.; to Lat. 35°34'30" N., Long. 116°23'30" W.; to Lat. 35°28'35" N., Long. 116°18'45" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; along the boundary of Amber Federal airway No. 2 to Lat. 35°07'00" N., Long. 116°34'00" W.; to Lat. 35°07'00" N., Long. 116°47'45" W.; to Lat. 35°10'00" N., Long. 116°49'00" W.; to Lat. 35°19'00" N., Long. 116°49'00" W.; to Lat. 35°19'00" N., Long. 116°55'20" W.; to Lat. 35°37'45" N., Long. 116°55'20" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Camp Irwin, Calif.

R–2503 Camp Pendleton, Calif.

Boundaries. Beginning at Lat. 33°24'23" N., Long. 117°15'15" W.; to Lat. 33°18'00" N., Long. 117°16'08" W.; to Lat. 33°17'30" N., Long. 117°16'40" W.; to Lat. 33°18'20" N., Long. 117°21'48" W.; to Lat. 33°27'48" N., Long. 117°33'15" W.; to Lat. 33°30'13" N., Long. 117°29'13" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commanding General, Camp Pendleton, Calif.

R–2504 Camp Roberts, Calif.

Boundaries. Beginning at Lat. 35°49'45" N., Long. 120°49'00" W.; to Lat. 35°43'45" N., Long. 120°45'30" W.; to Lat. 35°43'45" N., Long. 120°48'45" W.; to Lat. 35°46'30" N., Long. 120°52'00" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Camp Roberts, Calif.

R–2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N., Long. 117°53'00" W.; to Lat. 36°14'00" N., Long. 117°25'00" W.; to Lat. 35°40'30" N., Long. 117°25'00" W.; to Lat. 35°37'30" N., Long. 117°35'30" W.; to Lat. 35°37'30" N., Long. 117°47'30" W.; to Lat. 35°54'00" N., Long. 117°53'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2506 China Lake South, Calif.

Boundaries. Beginning at Lat. 35°37'30" N., Long. 117°41'30" W.; to Lat. 35°24'00" N., Long. 117°40'30" W.; to Lat. 35°24'00" N., Long. 117°46'30" W.; to Lat. 35°37'30" N., Long. 117°47'30" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Using agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2507 Chocolate Mountains, Calif.

Boundaries. Beginning at Lat. 33°32'45" N., Long. 115°33'50" W.; to Lat. 33°31'30" N., Long. 115°32'00" W.; to Lat. 33°31'15" N., Long. 115°26'45" W.; to Lat. 33°20'00" N., Long. 115°20'00" W.; to Lat. 33°25'50" N., Long. 115°14'30" W.; to Lat. 33°24'15" N., Long. 115°17'00" W.; to Lat. 33°21'40" N., Long. 115°12'00" W.; to Lat. 33°22'50" N., Long. 115°09'58" W.; to Lat. 33°08'45" N., Long. 114°56'40" W.; to Lat. 33°01'00" N., Long. 115°06'00" W.; to Lat. 33°28'30" N., Long. 115°42'10" W.; to the point of beginnig, excluding the portion that would coincide with VOR Federal airway No. 117.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous.

Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N., Long. 117°20'00" W.; to Lat. 35°34'00" N., Long 116°23'00" W.; to Lat. 35°28'35" N., Long. 116°18'45" W.; to Lat. 35°18'45" N., Long. 116°18'45" W.; along Amber Federal airway No. 2 to Lat. 35°07'00" N., Long. 116°34'00" W.; to Lat. 35°07'00" N., Long. 116°47'45" W.; to Lat. 35°08'50" N., Long. 116°48'40" W.; to Lat. 35°06'30" N., Long. 116°58'40" W.; to Lat. 34°53'30" N., Long. 117°11'50" W.; to Lat. 34°50'20" N., Long. 117°32'00" W.; to Lat. 34°48'30" N., Long. 117°32'00" W.; along Green Federal airway No. 4 to Lat. 34°48'00" N., Long. 117°35'00" W.; to Lat. 34°48'00" N., Long. 118°01'00" W.; to Lat. 34°49'40" N., Long. 118°05'45" W.; to Lat. 34°51'30" N., Long. 118°08'45" W.; to Lat. 34°56'00" N., Long. 118°21'00" W.; to Lat. 35°15'00" N., Long. 118°35'00" W.; to Lat. 37°12'00" N., Long. 118°35'00" W.; to the point of beginning.

Designated altitudes. 20,000 feet MSL to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N., Long. 117°26'00" W.; to Lat. 35°26'00" N., Long. 117°16'52" W.; to Lat. 35°15'56" N., Long. 117°26'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous VFR.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, George AFB, Calif.

R–2510 El Centro, Calif.

Boundaries. Beginning at Lat. 32°50'35" N., Long. 115°43'30" W.; to Lat. 32°52'40" N., Long. 115°43'30" W.; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 32°49'20" N., Long. 115°46'15" W. to Lat. 32°50'05" N., Long. 115°45'20" W.; to Lat. 32°50'05" N., Long. 115°55'00" W.; to Lat. 32°55'50" N., Long. 115°55'00" W.; to Lat. 33°01'20" N., Long. 116°02'15" W.; to Lat. 33°06'35" N., Long. 115°56'50" W.; to Lat. 33°06'35" N., Long. 115°51'12" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2511 Fort Ord, Calif.

Boundaries. Beginning at Lat. 36°41'15" N., Long. 121°47'40" W.; to Lat. 36°39'40" N., Long. 121°43'20" W.; to Lat. 36°37'35" N., Long. 121°41'17" W.; to Lat 36°34'54" N., Long. 121°43'01" W.; to Lat. 36°34'30" N., Long. 121°47'40" W.; counter clockwise along the arc of a 3-mile radius circle centered at Lat. 36°35'30" N., Long. 121°50'30" W., to Lat. 36°38'00" N., Long. 121°50'20" W.; to Lat. 36°38'15" N., Long. 121°51'45" W.; to Lat. 36°42'00" N., Long. 121°49'45" W.; to Lat. 36°40'59" N., Long. 121°48'49" W.; to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Ord, Calif.

R–2512 Holtville, Calif.

Boundaries. Beginning at Lat. 33°05'00" N., Long. 115°17'30" W.; to Lat. 33°00'00" N., Long. 115°18'30" W.; to Lat. 32°51'00" N., Long. 115°05'30" W.; to Lat. 32°51'00" N., Long. 115°17'00" W.; to Lat. 32°58'00" N., Long. 115°17'30" W.; to Lat. 33°05'00" N., Long. 115°20'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. Continuous.

Using agency. Commanding Officer, Marine Corps Auxiliary Air Station, Yuma, Ariz.

R–2513 Hunter-Liggett, Calif.

Boundaries. Beginning at Lat. 36°03'30" N., Long. 121°16'30" W.; to Lat. 35°54'45" N., Long. 121°05'00" W.; to Lat. 35°51'45" N., Long. 121°07'45" W.; to Lat. 35°49'45" N., Long. 121°21'00" W.; to Lat. 35°53'00" N., Long. 121°24'45" W.; to Lat. 36°01'00" N., Long. 121°24'45" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Hunter-Liggett Military Reservation, Calif.

R–2514 Merced, Calif. (Castle AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the NW. course of the Castle AFB ILS localizer, extending from 5 miles NW. of the airbase (Lat. 37°22'45" N., Long. 120°34'00" W.) to 32 miles NW. of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,200 feet MSL to 15,200 feet MSL from 5 miles NW. of the airbase to 6 miles NW. of the airbase.

2,200 feet MSL to flight level 242 from 6 to 7 miles NW. of the airbase.

2,200 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

6,200 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

10,200 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

15,200 feet MSL to flight level to 270 from 20 to 25 miles NW. of the airbase.

19,200 feet MSL to flight level 270 from 25 to 32 miles NW. of the airbase.

Time of designation. Continuous.

Using agency. Castle AFB Approach Control.

R–2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N., Long. 116°49'00" W.; to Lat. 35°10'00" N., Long. 116°49'00" W.; to Lat. 35°08'50" N., Long. 116°48'40" W; to Lat. 35°06'30" N., Long. 116°58'40" W.; to Lat. 34°53'30" N., Long. 117°11'50" W.; to Lat. 34°50'20" N., Long. 117°32'00" W.; to Lat. 34°48'30" N., Long. 117°32'00" W.; to Lat. 34°48'00" N., Long. 117°35'00" W.; to Lat. 34°48'00" N., Long. 118°01'00" W.; to Lat. 34°49'40" N., Long. 118°05'45" W.; to Lat. 35°01'00" N., Long. 118°05'45" W.; to Lat. 35°27'40" N., Long. 117°26'00" W.; to Lat. 35°15'56" N., Long. 117°26'00" W.; to Lat. 35°15'56" N., Long. 116°55'20" W.; to Lat. 35°19'00" N., Long. 116°55'20" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Edwards AFB, Calif.

R–2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°56'30" N., Long. 120°43'30" W.; to Lat. 34°55'40" N., Long. 120°39'40" W.; to Lat. 34°49'00" N., Long. 120°27'15" W.; to Lat. 34°46'15" N., Long. 120°26'40" W.; to Lat. 34°39'50" N., Long. 120°31'15" W.; to Lat. 34°35'00" N., Long. 120°31'40" W.; to Lat. 34°34'52" N., Long. 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R–2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at Lat. 34°34'52" N., Long. 120°42'57" W.; to Lat. 34°35'00" N., Long. 120°30'00" W.; to Lat. 34°24'00" N., Long. 120°30'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R–2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N., Long. 118°36'47" W.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, 11th Naval District, San Diego, Calif.

R–2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N., Long. 119°07'00" W.; to Lat. 34°04'15" N., Long. 119°03'40" W.; to Lat. 34°02'15" N., Long. 119°04'20" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N., Long. 119°13'00" W.; to Lat. 34°05'55" N., Long. 119°11'15" W.; to Lat. 34°07'08" N., Long. 119°09'32" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R–2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N., Long. 119°06'10" W.; to Lat. 34°07'00" N., Long. 119°05'00" W.; to Lat. 34°06'15" N., Long. 119°05'25" W; to Lat. 34°07'00" N., Long. 119°07'00" W.; to Lat. 34°07'07" N., Long. 119°09'00" W.; to Lat. 34°06'30" N., Long. 119°07'40" W.; to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R–2521 Salton Sea, Calif.

Boundaries. Beginning at Lat. 33°18'00" N., Long. 115°44'00" W.; to Lat. 33°10'40" N., Long. 115°44'00" W.; to Lat. 33°10'40" N., Long. 115°49'50" W.; to Lat. 33°23'15" N., Long. 115°58'40" W.; to Lat. 33°26'15" N., Long. 115°54'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission Sandia Area Office, Albuquerque, N. Mex.

R–2522 San Rafael, Calif. (Hamilton AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Hamilton VOR extending from 7 miles NW. of the airbase Lat. 38°03'-35" N., Long. 122°30'30" W. to 34 miles NW. of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 7 miles NW. of the airbase to 8 miles NW. of the airbase.

2,000 feet MSL to flight level 240 from 8 to 9 miles NW. of the airbase.

2,000 feet MSL to flight level 270 from 9 to 12 miles NW. of the airbase.

6,000 feet MSL to flight level 270 from 12 to 17 miles NW. of the airbase.

10,000 feet MSL to flight level 270 from 17 to 22 miles NW. of the airbase.

15,000 feet MSL to flight level 270 from 22 to 27 miles NW. of the airbase.

19,000 feet MSL to flight level 270 from 27 to 34 miles NW. of the airbase.

Time of designation. Continuous.

Using agency. Hamilton AFB Approach Control.

R–2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N., Long. 116°55'20" W.; to Lat. 35°15'56" N., Long. 116°55'20" W.; to Lat. 35°15'-56" N., Long. 117°16'52" W.; to Lat. 35°25'-00" N., Long. 117°16'52" W.; to Lat. 35°25'00" N., Long. 117°26'00" W.; to Lat. 35°36'00" N., Long. 117°26'00" W.; to Lat. 35°36'00" N., Long. 117°16'52" W.; to Lat 35°47'46" N., Long. 117°16'52" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.

Using agency. Commander, Naval Ordnance Test Center, China Lake, Calif.

R–2525 Vernalis, Calif.

Boundaries. Beginning at lat. 37°37'00" N., Long. 121°11'10" W.; to Lat. 37°27'00" N., Long. 121°07'45" W.; counter-clockwise along the arc of a 3-miles radius circle centered at Lat. 37°24'30" N., Long. 121°06'-30" W.; to Lat. 37°22'00" N., Long. 121°-06'00" W.; to Lat. 37°10'45" N., Long. 121°01'50" W.; to Lat. 37°18'55" N., Long. 121°27'30" W.; to Lat. 37°37'00" N., Long. 121°32'40" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. 0500 to 2400 PST, Monday through Friday.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–2526 Victorville, Calif. (George AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 242° radial of the George AFB VOR extending from 5 miles W. of the airbase (Lat. 34°35'45" N., Long. 117°22'55" W.) to 30 miles W. of the airbase with a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

4,900 feet MSL to 17,900 feet MSL from 5 miles W. of the airbase to 6 miles W. of the airbase.

4,900 feet MSL to flight level 269 from 6 to 7 miles W. of the airbase.

5,900 feet MSL to flight level 270 from 7 to 8 miles W. of the airbase.

6,900 feet MSL to flight level 270 from 8 to 9 miles W. of the airbase.
7,900 feet MSL to flight level 270 from 9 to 10 miles W. of the airbase.
8,900 feet MSL to flight level 270 from 10 to 11 miles W. of the airbase.
9,900 feet MSL to flight level 270 from 11 to 12 miles W. of the airbase.
10,900 feet MSL to flight level 270 from 12 to 13 miles W. of the airbase.
11,900 feet MSL to flight level 270 from 13 to 15 miles W. of the airbase.
12,900 feet MSL to flight level 270 from 15 to 20 miles W. of the airbase.
17,900 feet MSL to flight level 270 from 20 to 25 miles W. of the airbase.
21,900 feet MSL to flight level 270 from 25 to 30 miles W. of the airbase.

Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Palmdale Approach Control.
Using agency. Commander, George AFB, Calif.

R-2527 Oxnard, Calif. (Oxnard AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the Oxnard AFB TACAN 270° radial and the Oxnard AFB ILS localiser W. course bounded by a line beginning at Lat. 34°13'45" N., Long. 119°12'55" W.; to Lat. 34°11'55" N., Long. 119°12'55" W.; to Lat. 34°11'30" N., Long. 119°18'45" W.; along the continental limits of the United States to Lat. 34°13'55" N., Long. 119°19'40" W.; to the point of beginning.

Designated altitudes.
2,100 feet MSL to 15,100 feet MSL from 7 miles W. of the TACAN to 8 miles W. of the TACAN.
2,100 feet MSL to flight level 240 from 8 to 9 miles W. of the TACAN.
2,100 feet MSL to flight level 270 from 9 to 12 miles W. of the TACAN.
6,100 feet MSL to flight level 270 from 12 miles W. of the TACAN to the continental limits of the United States.

Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Ventura Approach Control.
Using agency. Commander, Oxnard AFB, Calif.

§ 608.26 Colorado.

R-2601 Fort Carson, Colo.

Boundaries. Beginning at Lat. 38°32'06" N., Long. 104°49'18" W.; to Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°45'00" N., Long. 104°45'50" W.; to Lat. 38°46'05" N., Long. 104°46'50" W.; to Lat. 38°46'05" N., Long. 104°48'48" W.; along State Highway No. 115 to Lat. 38°39'00" N., Long. 104°51'40" W.; to Lat. 38°36'20" N., Long. 104°51'40" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Carson, Colo.

§ 608.27 Connecticut.

§ 608.28 Delaware.

R-2801 Bethany Beach, Del.

Boundaries. Beginning at Lat. 38°31'15" N., Long. 75°03'10" W.; to Lat. 38°33'45" N., Long. 74°59'33" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 38°26'45" N., Long. 74°59'15" W.; to Lat. 38°29'03" N., Long. 75°03'00" W.; to the point of beginning.

Designated altitudes. Surface to 36,000 feet MSL.
Time of designation. 0800 to 2000 EST, Monday through Friday, July 1 through August 31.
Using agency. Commanding General, Second U.S. Army, Fort Meade, Md.

R-2803 Dover, Del. (Dover AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 184° radials of the Dover AFB VOR and the Dover AFB TACAN extending from 5 miles S. of the airbase (Lat. 39°07'45" N., Long. 75°27'-50" W.) to 32 miles S. of the airbase having a width at the beginning from 1 mile W. of the TACAN 184° radial to 2.3 miles E. of the VOR 184° radial and expanding uniformly to a width at the outer extremity from 2.3 miles W. of the TACAN 184° radial to 2.3 miles E. of the VOR 184° radial.

Designated altitudes.
2,000 feet MSL to 15,000 feet MSL from 5 miles S. of the airbase to 6 miles S. of the airbase.
2,000 feet MSL to flight level 240 from 6 to 7 miles S. of the airbase.
2,000 feet MSL to flight level 270 from 7 to 10 miles S. of the airbase.
6,000 feet MSL to flight level 270 from 10 to 15 miles S. of the airbase.
10,000 feet MSL to flight level 270 from 15 to 20 miles S. of the airbase.
15,000 feet MSL to flight level 270 from 20 to 25 miles S. of the airbase.
19,000 feet MSL to flight level 270 from 25 to 32 miles S. of the airbase.

Time of designation. Continuous.
Using agency. Dover AFB Approach Control.

§ 608.29 Florida.

R-2901 Avon Park, Fla.

Boundaries. Beginning at Lat. 27°44'27" N., Long. 81°15'19" W.; to Lat. 27°40'50" N., Long. 81°11'12" W.; to Lat. 27°40'15" N., Long. 81°11'12" W.; to Lat. 27°40'15" N., Long. 81°10'13" W.; to Lat. 27°38'28" N., Long. 81°10'13" W.; to Lat. 27°38'28" N., Long. 81°08'22" W.; along the Kissimmee River to Lat. 27°3229" N., Long. 81°11'50" W.; to Lat. 27°32'29" N., Long. 81°20'50" W.; along Arbuckle Creek to Lake Arbuckle and along the E. and N. shore of Lake Arbuckle to Lat. 27°42'21" N., Long. 81°25'20" W.; to Lat. 27°42'36" N., Long. 81°26'09" W.; to Lat. 27°-42'59" N., Long. 81°26'09" W.; to Lat. 27°42'-59" N., Long. 81°26'24" W.; to Lat. 27°43'12" N., Long. 81°26'24" W., to Lat. 27°43'12" N., Long. 81°26'39" W.; to Lat. 27°44'27" N., Long. 81°26'39" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Using agency. Commander, MacDill AFB, Fla.

R-2902 Banana River, Fla.

Boundaries. Beginning at Lat. 28°50'00" N., Long. 80°50'00" W.; to Lat. 28°50'00" N., Long. 80°41'35" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 28°22'00" N., Long. 80°38'00" W.; to Lat. 28°-22'00" N., Long. 80°38'00" W.; to the point of beginning.

Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Miami ARTC Center.
Using agency. Commander, Air Force Missile Test Center, Patrick AFB, Fla.

R-2903 Jacksonville, Fla.

Boundaries. Beginning at Lat. 30°21'20" N., Long. 81°55'45" W.; to Lat. 30°16'45" N., Long. 81°50'25" W.; to Lat 30°16'45" N., Long. 81°40'00" W.; clockwise along the arc of a 3-mile radius circle centered at Lat. 30°14'00" N., Long. 81°40'00" W.; to Lat. 30°14'00" N., Long. 81°37'00" W.; to Lat. 30°14'00" N., Long. 81°36'00" W.; to Lat. 30°10'45" N., Long. 81°35'00" W.; to Lat. 29°44'30" N., Long. 81°35'00" W.; to Lat. 29°44'30" N., Long. 81°42'00" W.; to Lat. 29°50'00" N., Long. 81°57'00" W.; clockwise along the arc of a 5-mile radius circle centered at Lat. 29°53'20" N., Long 82°00'25" W.; to Lat. 29°57'30" N., Long. 82°02'00" W. excluding the area 1 mile on either side of a 220° bearing from, and more than 2 miles from Lat. 29°53'20" N., Long. 82°00'25" W.; to Lat. 30°00'00" N., Long. 82°02'00" W.; to Lat. 30°00'00" N., Long. 82°19'30" W.; to Lat. 30°03'00" N., Long. 82°20'00" W.; to Lat. 30°22'00" N., Long. 82°20'00" W.; to the point of beginning.

Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2904 Jacksonville, Fla.

Boundaries. Beginning at Lat. 30°00'00" N., Long. 82°02'00" W.; to Lat. 29°57'30" N., Long. 82°02'00" W.; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to Lat. 29°53'30" N., Long. 82°05'30" W.; to Lat. 29°53'30" N., Long. 82°18'00" W.; to Lat. 30°00'00" N., Long. 82°19'30" W.; to the point of beginning.

Designated altitudes. From 5,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2905 Jacksonville, Fla.

Boundaries. Beginning at Lat. 29°44'30" N., Long. 81°42'00" W.; to Lat. 29°44'30" N., Long. 82°00'00" W.; to Lat. 29°49'00" N., Long. 82°00'00" W.; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 29°53'20" N., Long. 82°00'25" W. to Lat. 29°50'00" N., Long. 81°57'00" W.; to the point of beginning.

Designated altitudes. From 8,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Jacksonville, Fla.

Boundaries. Beginning at Lat. 29°44'30" N., Long. 81°35'00" W.; to Lat. 29°23'00" N., Long. 81°40'00" W.; to Lat. 29°21'30" N., Long. 81°40'00" W.; to Lat. 29°21'30" N., Long. 82°01'30" W.; to Lat. 29°33'00" N., Long. 82°13'00" W.; to Lat. 29°42'00" N., Long. 82°14'00" W.; to Lat. 29°53'30" N., Long. 82°18'00" W.; to Lat. 29°53'30" N., Long. 82°05'30" W.; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 29°53'20" N., Long. 82°00'25" W. to Lat. 29°50'35" N., Long. 82°04'30" W.; to Lat. 29°52'50" N., Long. 82°02'25" W.; counterclockwise along the arc of a 2-mile radius circle centered at Lat. 29°53'20" N., Long. 82°00'25" W. to Lat. 29°51'35" N., Long 82°01'15" W.; to Lat. 29°49'35" N., Long. 82°03'00" W.; counterclockwise along the arc of a 5-mile radius circle centered at Lat. 29°53'20" N., Long. 82°00'25" W. to Lat. 29°49'00" N., Long. 82°00'00" W.; to Lat. 29°44'30" N., Long. 82°00'00" W.; to the point of beginning.

Designated altitudes. 15,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.

Boundaries. Beginning at Lat. 29°23'00" N., Long. 81°31'15" W.; to Lat. 29°12'30" N., Long. 81°30'00" W.; to Lat. 29°12'30" N., Long. 81°40'00" W.; to Lat. 29°23'00" N., Long. 81°40'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N. by the Alabama-Florida shoreline; on the E. by a line extending from Lat. 30°15'00" N., Long. 87°41'00" W.; to Lat. 30°11'20" N., Long. 87°-44'15" W.; on the S. by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W. by Long. 88°01'30" W.

Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N. by the Florida shoreline; on the E. by Long. 86°48'-00" W.; on the S. by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W. by a line extending from Lat. 30°18'20" N., Long. 87°00'00" W.; to Lat. 30°21'15" N., Long. 87°00'50" W.

Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

R-2910 Pinecastle, Fla.

Boundaries. A circular area with a radius of 6 miles centered at Lat. 29°06'52" N., Long. 81°42'55" W.

Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2911 Port St. Joe, Fla.

Boundaries. Beginning at Lat. 29°52'24" N., Long. 85°23'24" W.; to Lat. 29°50'30" N., Long. 85°23'12" W.; to Lat. 29°50'30" N., Long. 85°22'30" W.; to Lat. 29°42'00" N., Long. 85°20'30" W.; to Lat. 29°41'48" N., Long. 85°21'48" W.; to Lat. 29°40'00" N., Long. 85°21'36" W.; to Lat. 29°39'30" N., Long. 85°25'25" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 29°-50'10" N., Long. 85°28'40" W.; to the point of beginning.

Designated altitudes. Unlimited.
Time of designation. 0630 to 1700 CST, Monday through Saturday.
Using agency. Commander, Tyndall AFB, Fla.

R-2912 Panama City, Fla.

Boundaries. Beginning at Lat. 30°43'00" N., Long. 85°14'00" W.; to Lat. 29°55'00" N., Long. 84°32'00" W.; to Lat. 29°47'00" N., Long. 84°40'00" W.; to Lat. 29°43'45" N., Long. 84°39'00" W.; to Lat. 29°40'00" N., Long. 85°21'36" W.; to Lat. 29°41'48" N., Long. 85°21'48" W.; to Lat. 29°42'00" N., Long. 85°20'30" W.; to Lat. 29°50'30" N., Long. 85°22'30" W.; to Lat. 29°50'30" N., Long. 85°23'12" W.; to Lat. 29°52'24" N., Long. 85°23'24" W.; to Lat. 29°50'10" N., Long. 85°28'40" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°04'20" N., Long. 85°45'45" W.; to Lat. 30°42'00" N., Long. 86°06'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.
Time of designation. Continuous, sunset to sunrise. Only during Instrument Flight Rule conditions from sunrise to sunset.
Using Agency. Commander, Tyndall AFB, Fla.

R-2913 Panama City, Fla.

Boundaries. Beginning at Lat. 31°10'20" N., Long. 86°18'00" W.; clockwise along the arc of a 90-mile radius circle centered at Lat. 30°02'30" N., Long. 85°32'15" W. to Lat. 30°03'00" N., Long. 84°02'00" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 29°36'30" N., Long. 85°16'00" W.; to Lat. 30°02'30" N., Long. 85°32'15" W.; to the point of beginning, excluding the portions that coincide with R-2912 and R-2916.

Designated altitudes. Flight level 350 to unlimited.

Time of designation. Sunset to sunrise.
Using agency. Commander, Tyndall AFB, Fla.

R-2914 Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°43'10" N., Long. 86°27'37" W.; to Lat. 30°43'45" N., Long. 86°10'30" W.; to Lat. 30°41'00" N., Long. 86°05'30" W.; to Lat. 30°04'20" N., Long. 85°45'45" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°19'45" N., Long. 86°23'45" W.; to Lat. 30°25'00" N., Long. 86°22'26" W.; to Lat. 30°25'00" N., Long. 86°25'00" W.; to Lat. 30°33'00" N., Long. 86°25'00" W.; to Lat. 30°33'00" N., Long. 86°25'30" W.; to Lat. 30°37'00" N., Long. 86°27'37" W.; to the 30°37'00" N., Long. 86°27'37" W.; to the point of beginning.

Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

R-2915 Valparaiso, Fla.

Boundaries. Beginning at Lat. 30°33'40" N., Long. 86°55'00" W.; to Lat. 30°38'45" N., Long. 86°55'00" W.; along the L and N Railroad to Lat. 30°42'45" N., Long. 86°45'45" W.; to Lat. 30°42'50" N., Long. 86°38'02" W.; to Lat. 30°29'01" N., Long. 86°38'02" W.; to Lat. 30°29'01" N., Long. 86°42'55" W.; to Lat. 30°26'40" N., Long. 86°45'38" W.; to Lat. 30°20'30" N., Long. 86°45'38" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 30°20'15" N., Long. 86°48'-00" W.; to Lat. 30°25'00" N., Long. 86°48'00" W.; along U.S. Highway 98 to Lat. 30°24'15" N., Long. 86°52'00" W.; along the Navarre-Milton Highway to the point of beginning.

Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Proving Ground, Eglin AFB, Fla.

R-2916 Apalachicola, Fla.

Boundaries. Beginning at Lat. 29°39'30" N., Long. 85°25'25" W.; to Lat. 29°40'00" N., Long. 85°21'36" W.; to Lat. 29°43'45" N., Long. 84°39'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Using agency. Commander, Tyndall AFB, Fla.

§ 608.30 Georgia.

R-3001 Dawsonville, Ga.

Boundaries. A circular area with a 2.5-mile radius centered at Lat. 34°22'00" N., Long. 84°10'00" W.

Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Air Force Systems Command, Andrews AFB, Md.

R-3002 Fort Benning, Ga.

Boundaries. Beginning at Lat. 32°32'15" N., Long. 84°37'30" W.; to Lat. 32°18'00" N., Long. 84°37'30" W.; along the Central of Georgia Railroad to Lat. 32°20'45" N., Long. 84°47'00" W.; along the road to Lat. 32°18'-00" N., Long 84°46'30" W.; along U.S. Highway 27 to Lat. 32°15'30" N., Long. 84°47'30" W.; to Lat. 32°15'30" N., Long. 84°53'30" W.; along the Chattahoochee River to Lat. 32°-14'45" N., Long. 84°55'00" W.; to Lat. 32°14'-45" N., Long. 84°57'30" W.; to Lat. 32°18'30" N., Long. 84°57'45" W.; along the N. bank of the Chattahoochee River to Lat. 32°18'45" N., Long. 84°58'30" W.; to Lat. 32°20'16" N., Long. 84°58'30" W.; to Lat. 32°21'10" N., Long. 84°56'45" W.; to Lat. 32°22'30" N., Long. 84°56'45" W.; along Upatoi Creek to Lat. 32°24'14" N., Long. 84°53'21" W.; to Lat. 32°28'10" N., Long. 84°52'20" W.; to Lat. 32°30'50" N., Long. 84°52'20" W.; along the Central of Georgia Railroad to the point of beginning.

Designated altitudes. Surface to 32,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°23'35" N., Long. 82°08'30" W.; to Lat. 33°22'15" N., Long. 82°08'18" W.; to Lat. 33°21'35" N., Long. 82°09'10" W.; to Lat. 33°22'15" N., Long. 82°17'00" W.; to Lat. 33°25'00" N., Long. 82°12'00" W.; to the point of beginning.

Designated altitudes. Surface to 5,500 feet MSL.
Time of designation. 0700 to 1900 EST, Monday through Saturday.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at Lat. 33°21'35" N., Long. 82°09'10" W.; to Lat. 33°16'20" N., Long. 82°18'00" W.; to Lat. 33°17'29" N., Long. 82°23'00" W.; to Lat. 33°21'15" N., Long. 82°18'47" W.; to Lat. 33°22'15" N., Long. 82°17'00" W.; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Fort Gordon, Ga.

R-3005 Fort Stewart, Ga.

Boundaries. Beginning at Lat. 32°04'15" N., Long. 81°22'30" W.; along the Ogeechee River to Lat. 32°00'30" N., Long. 81°19'30" W.; to Lat. 31°58'45" N., Long. 81°19'45" W.; to Lat. 31°56'15" N., Long. 81°23'00" W.; to Lat. 31°51'20" N., Long. 81°36'00" W.; to Lat. 31°55'30" N., Long. 81°53'00" W.; to Lat. 31°57'00" N., Long. 81°53'15" W.; to Lat. 31°59'45" N., Long. 81°51'06" W.; to Lat. 32°04'40" N., Long. 81°50'00" W.; to Lat. 32°07'00" N., Long. 81°43'30" W.; to Lat. 32°06'15" N., Long. 81°31'30" W.; to Lat. 32°05'30" N., Long. 81°31'30" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Stewart, Ga.

§ 608.31 Hawaii.

R-3101 Bonham, Hawaii

Boundaries. Beginning at Lat. 22°12'45" N., Long. 159°43'00" W.; to Lat. 22°09'20" N., Long. 159°43'00" W.; counterclockwise along the shoreline of the Island of Kauai to Lat. 21°58'00" N., Long. 159°43'00" W.; to Lat. 21°55'00" N., Long. 159°43'00" W.; clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3102 Dillingham, Hawaii

Boundaries. Beginning at Lat. 21°34'45" N., Long. 158°17'20" W.; to Lat. 21°35'20" N., Long. 158°19'40" W.; thence 3 miles from and parallel to the shoreline of Oahu to Lat. 21°37'50" N., Long. 158°08'50" W.; to Lat. 21°35'30" N., Long. 158°11'30" W.; to Lat. 21°35'15" N., Long. 158°14'30" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. As published in NOTAMS (Firing Notices) from 0700 to 1700 Hawaiian Standard Time.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3103 Humuula, Hawaii

Boundaries. Beginning at Lat. 19°48'45" N., Long. 155°38'00" W.; to Lat. 19°45'15" N., Long. 155°32'00" W.; to Lat. 19°39'00" N., Long. 155°26'30" W.; to Lat. 19°32'00" N., Long. 155°42'00" W.; to Lat. 19°38'00" N., Long. 155°45'10" W.; to Lat. 19°41'00" N., Long. 155°44'00" W.; to Lat. 19°47'00" N., Long. 155°38'00" W.; to the point of beginning.

Designated altitudes. Surface to 36,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Hilo Combined Station/Tower.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3104 Island of Kahoolawe, Hawaii.

Boundaries. Beginning at Lat. 20°35'20" N., Long. 156°31'45" W., clockwise 1 mile from and parallel to the shoreline to Lat. 20°37'00" N., Long. 156°35'15" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3106 Kahuku Point, Oahu, Hawaii.

Boundaries. A circular area with a 1.5-nautical mile radius centered at Lat. 21°43'-00" N., Long. 157°56'30" W.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. As published in NOTAMS.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107 Kaula Rock, Hawaii.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'-30" N., Long. 160°32'30" W.

Designated altitudes. Surface to flight level 300.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3108 Kauna Point, Hawaii.

Boundaries. Beginning at Lat. 19°15'00" N., Long. 155°56'00" W.; to Lat. 18°58'43" N., Long. 155°47'30" W.; to Lat. 18°56'22" N., Long. 155°47'30" W.; thence 3 nautical miles from and parallel to the shoreline of the Island of Hawaii to Lat. 19°14'35" N., Long. 155°57'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Sunrise to sunset, Monday through Friday.

Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3109 Makua, Oahu, Hawaii.

Boundaries. Beginning at Lat. 21°35'30" N., Long. 158°11'30" W.; to Lat. 21°31'00" N., Long. 158°10'00" W.; to Lat. 21°30'30" N., Long. 158°12'30" W.; to Lat. 21°31'00" N., Long. 158°14'00" W.; to Lat. 21°32'30" N., Long. 158°14'30" W.; to Lat. 21°33'30" N., Long. 158°15'30" W.; to Lat. 21°34'45" N., Long. 158°17'20" W.; to Lat. 21°35'15" N., Long. 158°14'30" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. As published in NOTAMS.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

R-3110 Schofield, Oahu, Hawaii.

Boundaries. Beginning at Lat. 21°31'06" N., Long. 158°04'45" W.; to Lat. 21°31'40" N., Long. 158°05'30" W.; to Lat. 21°35'30" N., Long. 158°11'30" W.; to Lat. 21°31'00" N., Long. 158°10'00" W.; to Lat. 21°30'30" N., Long. 158°12'30" W.; to Lat. 21°29'11" N., Long. 158°07'33" W.; to Lat. 21°30'00" N., Long. 158°04'33" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. As published in NOTAMS.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

§ 608.32 Idaho.

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N., Long. 112°43'50" W.; to Lat. 43°50'20" N., Long. 112°30'00" W.; to Lat. 43°32'00" N., Long. 112°35'00" W.; to Lat. 43°27'00" N., Long. 113°03'00" W.; to Lat. 43°34'30" N., Long. 113°11'50" W.; to Lat. 43°48'40" N., Long. 112°49'40" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho.

Boundaries. Beginning at Lat. 42°51'00" N., Long. 115°40'00" W.; to Lat. 42°51'00" N., Long. 115°35'00" W.; to Lat. 42°45'00" N., Long. 115°35'00" W.; to Lat. 42°45'00" N., Long. 115°10'00" W.; to Lat. 42°33'00" N., Long. 115°10'00" W.; to Lat. 42°33'00" N., Long. 115°40'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commander, Mountain Home AFB, Idaho.

§ 608.33 Illinois.

R-3301 Havana, Ill.

Boundaries. A circular area with a 2-mile radius centered at Lat. 40°13'16" N., Long. 90°01'23" W.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at Lat. 42°13'15" N., Long. 90°21'24" W.

Designated altitudes. Surface to 1,900 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Savanna Ordnance Depot, Savanna, Ill.

§ 608.34 Indiana.

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N., Long. 86°06'00" W.; to Lat. 39°21'30" N., Long. 85°59'30" W.; to Lat. 39°13'00" N., Long. 85°59'30" W.; to Lat. 39°13'00" N., Long. 86°06'00" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commanding Officer, Camp Atterbury, Ind.

R-3402 Bunker Hill AFB, Ind., Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 256° radial of the Bunker Hill AFB, Ind., TACAN extending from 5 miles W. of the TACAN to 32 miles W. of the TACAN, having a width at the point of beginning of 1 mile N. and 1 miles S. of the 256° radial and a width of 2.3 miles either side of the 256° radial at the outer extremity.

Designated altitudes.

2,800 feet MSL to 15,800 feet MSL from 5 miles W. of the TACAN to 6 miles W. of the TACAN.

2,800 feet MSL to flight level 248 from 6 to 7 miles W. of the TACAN.

2,800 feet MSL to flight level 270 from 7 to 10 miles W. of the TACAN.

6,800 feet MSL to flight level 270 from 10 to 15 miles W. of the TACAN.

10,800 feet MSL to flight level 270 from 15 to 20 miles W. of the TACAN.

15,800 feet MSL to flight level 270 from 20 to 25 miles W. of the TACAN.

19,800 feet MSL to flight level 270 from 25 to 32 miles W. of the TACAN.

Time of designation. Continuous.

Using Agency. Bunker Hill AFB Approach Control.

§ 608.35 Iowa.

§ 608.36 Kansas.

R-3601 Brookville, Kans.

Boundaries. Beginning at Lat. 38°45'20" N., Long. 97°43'55" W.; to Lat. 38°43'00" N., Long. 97°43'55" W.; along the Missouri Pacific Railroad to Lat. 38°38'20" N., Long. 97°47'30" W.; to Lat. 38°38'20" N., Long. 97°53'22" W.; to Lat. 38°45'20" N., Long. 97°53'22" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Sunrise to sunset.

Using agency. Commander, 802d Air Division, Schilling AFB, Kans.

R-3602 Manhattan, Kans.

Boundaries. Beginning at Lat. 39°13'00" N., Long. 96°49'42" W.; to Lat. 39°13'00" N., Long. 96°42'35" W.; to Lat. 39°12'17" N., Long. 96°40'55" W.; to Lat. 39°10'43" N., Long. 96°40'55" W.; to Lat. 39°09'23" N., Long. 96°43'00" W.; to Lat. 39°06'20" N., Long. 96°43'00" W.; to Lat. 39°04'24" N., Long. 96°47'30" W.; to Lat. 39°04'24" N., Long. 96°52'22" W.; to Lat. 39°07'54" N., Long. 96°49'42" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Riley, Kans.

§ 608.37 Kentucky.

R-3701 Camp Breckinridge, Ky.

Boundaries. Beginning at Lat. 37°30'20" N., Long. 87°52'20" W.; to Lat. 37°40'20" N., Long. 87°51'10" W.; to Lat. 37°40'20" N., Long. 87°49'40" W.; to Lat. 37°42'20" N., Long. 87°49'40" W.; to Lat. 37°42'45" N., Long. 87°47'30" W.; to Lat. 37°38'35" N., Long. 87°42'00" W.; to Lat. 37°36'40" N., Long. 87°42'00" W.; to Lat. 37°37'30" N., Long. 87°45'00" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. June 1 through August 31.

Using agency. Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at Lat. 36°44'00" N., Long. 87°40'00" W.; to Lat. 36°39'17" N., Long. 87°40'00" W.; to Lat. 36°39'17" N., Long. 87°30'14" W.; to Lat. 36°36'36" N., Long. 87°25'22" W.; to Lat. 36°32'00" N., Long. 87°23'00" W.; to Lat. 36°32'00" N., Long. 87°50'00" W.; to Lat. 36°44'00" N., Long. 87°50'00" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at Lat. 36°39'17" N., Long. 87°30'14" W.; to Lat. 36°39'17" N., Long. 87°29'38" W.; to Lat. 36°41'00" N., Long. 87°27'30" W.; to Lat. 36°36'36" N., Long. 87°25'22" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N., Long. 85°45'00" W.; to Lat. 37°47'30" N., Long. 85°45'00" W.; to Lat. 37°47'30" N., Long. 85°55'30" W.; along U.S. Highway 31-W to Lat. 37°50'45" N., Long. 85°57'00" W.; along Wilson Road to Lat. 37°55'17" N., Long. 85°56'46" W.; to Lat. 37°55'17" N., Long. 85°57'15" W.; to Lat. 37°56'04" N., Long. 85°57'33" W.; to Lat. 37°56'23" N., Long. 85°57'00" W.; along Wilson Road to Lat. 37°58'00" N., Long. 85°57'45" W.; along the Illinois Central Railroad to Lat. 37°59'00" N., Long. 85°57'00" W.; to Lat. 38°01'00" N., Long. 85°54'30" W.; along Kentucky Route 44 to Lat. 38°00'30" N., Long. 85°52'00" W.; to Lat. 37°59'00" N., Long. 85°52'00" W.; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Standiford Control Tower, Louisville, Ky.

Using agency. Commanding General, U.S. Army Armor Center, Fort Knox, Ky.

§ 608.38 Louisiana.

R-3801 Camp Claiborne, La.

Boundaries. Beginning at Lat. 31°05'10" N., Long. 92°30'40" W.; to Lat. 31°01'53" N., Long. 92°34'17" W.; to Lat. 31°07'30" N., Long. 92°40'45" W.; to Lat. 31°11'07" N., Long. 92°36'35" W.; to the point of beginning.

Designated altitudes. Surface to flight level 300.

Time of designation. 0600 to 1800 CST, only during VFR weather conditions.

Controlling agency. Federal Aviation Agency, New Orleans ARTC Center.

Using agency. Commander, England AFB, La.

R-3803 Fort Polk, La.

Boundaries. Beginning at Lat. 31°24'00" N., Long. 93°10'00" W.; to Lat. 31°19'30" N., Long. 93°10'00" W.; to Lat. 31°19'30" N., Long. 93°20'30" W.; to Lat. 31°24'00" N., Long. 93°20'30" W.; to the point of beginning.

Designated altitudes. Surface to 50,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Hood, Tex.

R-3804 Fort Polk, La.

Boundaries. Beginning at Lat. 31°10'00" N., Long. 92°51'30" W.; to Lat. 31°01'00" N., Long. 92°51'30" W.; to Lat. 31°01'00" N., Long. 93°12'30" W.; to Lat. 31°10'00" N., Long. 93°12'30" W.; to the point of beginning.

Designated altitudes. Surface to 50,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Hood, Tex.

§ 608.39 Maine.

R-3901 De Blois, Maine.

Boundaries. Beginning at Lat. 44°40'00" N., Long. 67°42'00" W.; to Lat. 44°40'00" N., Long. 67°42'00" W.; to Lat. 44°40'00" N., Long. 67°56'00" W.; to Lat. 44°50'00" N., Long. 67°56'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 390.

Time of designation. 1000 to 2400 EST, Monday through Friday.

Using agency. Commander, Dow AFB, Maine.

R-3902 Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 358° radial of the Loring AFB TACAN extending from 5 miles N. of the airbase (Lat. 46°57'05" N., Long. 67°53'10" W.) to 32 miles N. of the airbase having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity, excluding the portion which lies outside of the United States.

Designated altitudes.

2,750 feet MSL to 15,750 feet MSL from 5 miles N. of the airbase to 6 miles N. of the airbase.

2,750 feet MSL to flight level 247 from 6 to 7 miles N. of the airbase.

2,750 feet MSL to flight level 270 from 7 to 10 miles N. of the airbase.

6,750 feet MSL to flight level 270 from 10 to 15 miles N. of the airbase, excluding the portion which lies outside of the United States.

10,750 feet MSL to flight level 270 from 15 miles N. of the airbase to the United States-Canadian Border.

Time of designation. Continuous.

Using agency. Loring AFB Approach Control.

R-3903 Bangor, Maine (Dow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 310° radial of the Bangor VORTAC extending from 5.8 miles NW. of the VORTAC to 32.8 miles NW. of the VORTAC, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,200 feet MSL to 15,200 feet MSL from 5.8 miles NW. of the VORTAC to 6.8 miles NW. of the VORTAC.

2,200 feet MSL to flight level 240 from 6.8 to 7.8 miles NW. of the VORTAC.

2,200 feet MSL to flight level 270 from 7.8 to 10.8 miles NW. of the VORTAC.

6,200 feet MSL to flight level 270 from 10.8 to 15.8 miles NW. of the VORTAC.

10,200 feet MSL to flight level 270 from 15.8 to 20.8 miles NW. of the VORTAC.

15,200 feet MSL to flight level 270 from 20.8 to 25.8 miles NW. of the VORTAC.

19,200 feet MSL to flight level 270 from 25.8 to 32.8 miles NW. of the VORTAC.

Time of designation. Continuous.

Using agency. Dow AFB Approach Control.

§ 608.40 Maryland.

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N., Long. 76°10'00" W.; to Lat. 39°29'00" N., Long. 76°08'00" W.; to Lat. 39°29'30" N., Long. 76°05'00" W.; to Lat. 39°27'00" N., Long. 76°00'30" W.; to Lat. 39°19'47" N., Long. 76°11'34" W.; to Lat. 39°12'10" N., Long. 76°16'30" W.; to Lat. 39°12'45" N., Long. 76°22'30" W.; to Lat. 39°17'30" N., Long. 76°19'45" W.; to Lat. 39°18'30" N., Long. 76°22'00" W.; to Lat. 39°22'00" N., Long. 76°22'00" W.; to Lat. 39°23'28" N., Long. 76°20'40" W.; to Lat. 39°26'10" N., Long. 76°14'50" W.; to Lat. 39°27'00" N., Long. 76°12'30" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°08'50" W.; to Lat. 38°13'00" N., Long. 76°11'20" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Amphibious Training Forces Atlantic, U.S. Amphibious Base, Little Creek, Va.

R-4003 Camp Springs, Md. (Andrews AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 053° radial of the Andrews AFB VOR, extending from 5 miles NE. of the airbase (Lat. 38°49'-40" N., Long. 76°52'05" W.) to 32 miles NE. of the airbase, having a width of 1 mile SE. and 2.3 miles NW. of the 053° radial at the beginning and a width of 2.3 miles either side of the 053° radial at the outer extremity.

Designated altitudes.

2,280 feet MSL to 15,280 feet MSL from 5 miles NE. of the airbase to 6 miles NE. of the airbase.

2,280 feet MSL to flight level 243 from 6 to 7 miles NE. of the airbase.

2,280 feet MSL to flight level 270 from 7 to 10 miles NE. of the airbase.

6,280 feet MSL to flight level 270 from 10 to 15 miles NE. of the airbase.

10,280 feet MSL to flight level 270 from 15 to 20 miles NE. of the airbase.

15,280 feet MSL to flight level 270 from 20 to 25 miles NE. of the airbase.

19,280 feet MSL to flight level 270 from 25 to 32 miles NE. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Andrews Approach Control.

Using agency. Commander, Andrews AFB, Md.

R-4004 Chesapeake Bay, Md.

Boundaries. Within a radius of 17,600 yards of Lat. 38°39'30" N., Long. 76°34'30" W., extending clockwise from a bearing of 031° to 122°, excluding the portion which coincides with Federal airways.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, U.S. Naval Research Laboratory, Chesapeake Bay Annex, Md.

Boundaries. Beginning at Lat. 38°18'26" N., Long. 76°14'30" W.; to Lat. 38°13'00" N., Long. 76°11'20" W.; to Lat. 38°13'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°00'00" W.; to Lat. 38°08'00" N., Long. 76°08'00" W.; to Lat. 37°55'15" N., Long. 76°02'30" W.; to Lat. 37°52'45" N., Long. 76°11'03" W.; to Lat. 38°02'20" N., Long. 76°17'24" W.; to Lat. 38°07'41" N., Long. 76°17'24" W.; to Lat. 38°15'00" N., Long. 76°20'50" W.; to Lat. 38°18'20" N., Long. 76°17'05" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent, Md.

Boundaries. Beginning at Lat. 38°41'15" N., Long. 75°46'00" W.; to Lat. 38°32'30" N., Long. 75°43'45" W.; to Lat. 38°19'00" N., Long. 75°37'00" W.; along the Pennsylvania Railroad to Lat. 38°12'30" N., Long. 75°41'30"

W.; to Lat. 38°02'30" N., Long. 75°52'30" W.; to Lat. 37°55'00" N., Long. 75°52'30" W.; to Lat. 37°46'30" N., Long. 75°57'45" W.; thence counterclockwise along the circumference of R-6609 to Lat. 37°45'00" N., Long. 76°08'51" W.; to Lat. 37°45'00" N., Long. 76°23'30" W.; to Lat. 37°50'30" N., Long. 76°32'00" W.; to Lat. 38°05'10" N., Long. 76°34'15" W.; to Lat. 38°11'10" N., Long. 76°25'10" W.; to Lat. 38°30'00" N., Long. 76°04'00" W.; to Lat. 38°36'00" N., Long. 75°55'30" W.; thence along the Pennsylvania Railroad to the point of beginning.

NOTE: From 3,500 feet MSL to an unlimited altitude excluding R-4005, R-4002, and R-6607.

Designated altitudes. From 3,500 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4007 Patuxent, Md.

Boundaries. Beginning at Lat. 38°21'00" N., Long. 76°14'00" W.; to Lat. 38°11'10" N., Long. 76°25'10" W.; to Lat. 38°05'10" N., Long. 76°34'05" W.; to Lat. 38°15'00" N., Long. 76°36'35" W.; to Lat. 38°17'25" N., Long. 76°33'00" W.; to Lat. 38°25'40" N., Long. 76°23'35" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, NAS Patuxent River, Md.

§ 608.41 Massachusetts.

R-4101 Camp Edwards, Mass.

Boundaries. The area within a 3-mile radius of Lat. 41°43'30" N., Long. 70°32'30" W., excluding the portion of SE. of a line between Lat. 41°40'54" N., Long. 70°32'52" W. and Lat. 41°44'17" N., Long. 70°29'11" W.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commanding Officer, Camp Edwards, Mass.

R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Otis AFB VOR extending from 5 miles NE. of the airbase (Lat. 41°38'54" N., Long. 70°31'12" W.) to 32 miles NE. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,130 feet MSL to 15,130 feet MSL from 5 miles NE. of the airbase to 6 miles NE. of the airbase.

2,130 feet MSL to flight level 241 from 6 to 7 miles NE. of the airbase.

2,130 feet MSL to flight level 270 from 7 to 10 miles NE. of the airbase.

6,130 feet MSL to flight level 270 from 10 to 15 miles NE. of the airbase.

10,130 feet MSL to flight level 270 from 15 to 20 miles NE. of the airbase.

15,130 feet MSL to flight level 270 from 20 to 25 miles NE. of the airbase.

19,130 feet MSL to flight level 270 from 25 to 32 miles NE. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commander, Otis AFB, Mass.

R-4104 Nashawena, Mass.

Boundaries. A circular area with a 1.5 nautical mile radius centered at Lat. 41°27'-06" N., Long. 70°54'10" W.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. 0700 to 2400 EST.

Controlling agency. Federal Aviation Agency, Quonset Approach Control.

Using Agency. Commander, Fleet Air Quonset, NAS Quonset Point, R.I.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N., Long. 70°48'40" W.

Designated altitudes. Surface to flight level 240.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Quonset Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R.I.

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N., Long. 70°03'00" W.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Otis Approach Control.

Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R.I.

R-4107 South Wellfleet, Mass.

Boundaries. Beginning at Lat. 42°05'55" N., Long. 70°02'10" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 41°48'30" N., Long. 69°51'50" W.; NW. to the town of North Eastham, Mass.; along the New York, New Haven and Hartford Railroad to the town of South Wellfleet, Mass.; thence to the point of beginning.

Designated altitudes and time of designation. Surface to 42,000 feet MSL, May 1 through September 30, from 0730 to 1800 EST; and surface to 25,000 feet MSL, October 1 through April 30, from 0800 to 2000 EST.

Controlling agency. Federal Aviation Agency, Otis Approach Control, Mass.

Using agency. Commanding General, First United States Army, Governor's Island, New York, N.Y.

R-4108 Chicopee Falls, Mass. (Westover AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 046° radial of the Westover AFB TACAN, extending from 5 miles NE. of the airbase (Lat. 42°11'40" N., Long. 72°32'15" W., to 32 miles NE of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,200 feet MSL to 15,200 feet MSL from 5 miles NE. or the airbase to 6 miles NE. of the airbase.

2,200 feet MSL to flight level 240 from 6 to 7 miles NE. of the airbase.

2,200 feet MSL to flight level 270 from 7 to 10 miles NE. of the airbase.

6,200 feet MSL to flight level 270 from 10 to 15 miles NE. of the airbase.

10,200 feet MSL to flight level 270 from 15 to 20 miles NE. of the airbase.

15,200 feet MSL to flight level 270 from 20 to 25 miles NE. of the airbase.

19,200 feet MSL to flight level 270 from 25 to 32 miles NE. of the airbase.

Time of designation. Continuous.

Using agency. Westover AFB Approach Control.

§ 608.42 Michigan.

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N., Long. 84°31'00" W.; to Lat. 44°41'00" N., Long. to 84°31'00" W.; to Lat. 44°41'00" N., Long. 84°40'00" W.; to Lat. 44°54'00" N., Long. 84°40'00" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. April 1 through October 30.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at Lat. 44°41'00" N., Long. 84°46'00" W.; to Lat. 44°36'00" N., Long. 84°46'00" W.; to Lat. 44°36'00" N., Long. 84°53'00" W.; to Lat. 44°41'00"N., Long. 84°53'00" W.; to the point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. April 1 through October 30.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4203 Mount Clemens, Mich. (Selfridge AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 336° radial of the Selfridge AFB VOR extending from 5 miles NW. of the airbase (Lat. 42°36'-50" N., Long. 82°50'05" W.) to 32 miles NW. of the airbase, having a width of 1 mile W. and 3 miles E. of the 336° radial at the beginning and a width of 2.3 miles on either side of 336° radial at the outer extremity.

Designated altitudes.

2,600 feet MSL to 15,600 feet MSL from 5 miles NW. of the airbase to 6 miles NW. of the airbase.

2,600 feet MSL to flight level 246 from 6 to 7 miles NW. of the airbase.

2,600 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

6,600 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

10,600 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

15,600 feet MSL to flight level 270 from 20 to 25 miles NW. of the airbase.

19,600 feet MSL to flight level 270 from 25 to 32 miles NW. of the airbase.

Time of designation. Continuous.

Using agency. Selfridge AFB Approach Control.

R-4204 Oscoda, Mich. (Wurtsmith AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 360° radial of the Wurtsmith AFB VOR, extending from 5 miles W. of the airbase (Lat 44°27'05" N., Long. 83°23'40" W.) to 32 miles W. of the airbase, having a width of 1 mile N. and 2.3 miles S. of the 266° radial at the beginning and a width of 2.3 miles on either side of the 266° radial at the outer extremity.

Designated altitudes.

2,600 feet MSL to 15,600 feet MSL from 5 miles W. of the airbase to 6 miles W. of the airbase.

2,600 feet MSL to flight level 246 from 6 to 7 miles W. of the airbase.

2,600 feet MSL to flight level 270 from 7 to 10 miles W. of the airbase.

6,600 feet MSL to flight level 270 from 10 to 15 miles W. of the airbase.

10,600 feet MSL to flight level 270 from 15 to 20 miles W. of the airbase.

15,600 feet MSL to flight level 270 from 20 to 25 miles W. of the airbase.

19,600 feet MSL to flight level 270 from 25 to 32 miles W. of the airbase.

Time of designation. Continuous.

Using agency. Wurtsmith AFB Approach Control.

R-4205 Sault Ste. Marie, Mich. (Kincheloe AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 149° radial of the Kincheloe AFB VOR, extending from 7 miles SE. of the VOR to 34 miles SE. of the VOR, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,800 feet MSL to 15,000 feet MSL from 7 miles SE. of the VOR to 8 miles SE. of the VOR.

2,800 feet MSL to flight level 248 from 8 to 9 miles SE. of the VOR.

2,800 feet MSL to flight level 270 from 9 to 12 miles SE. of the VOR.

6,800 feet MSL to flight level 270 from 12 to 17 miles SE. of the VOR.

10,800 feet MSL to flight level 270 from 17 to 22 miles SE. of the VOR.

15,800 feet MSL to flight level 270 from 22 to 27 miles SE. of the VOR.

19,800 feet MSL to flight level 270 from 27 to 34 miles SE. of the VOR.

Time of designation. Continuous.

Using agency. Kincheloe AFB Control Tower.

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at Lat. 45°17'00" N., Long. 83°10'00" W.; to Lat. 45°17'00" N., Long. 82°30'30" W.; to Lat. 44°07'00" N., Long. 82°14'45" W.; to Lat. 44°07'00" N., Long. 83°01'00" W.; to Lat. 44°30'00" N., Long. 82°51'00" W.; to Lat. 44°45'00" N., Long. 82°50'00" W.; to Lat. 44°55'00" N., Long. 83°10'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Sunrise to sunset.

Using agency. Commander, Wurtsmith AFB, Mich.

§ 608.43 Minnesota.

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at Lat. 46°17'00" N., Long. 94°20'00" W.; to Lat. 46°05'00" N., Long. 94°20'00" W.; to Lat. 46°05'00" N., Long. 94°27'00" W.; to Lat. 46°08'00" N., Long. 94°27'00" W.; to Lat 46°08'00" N., Long. 94°30'00" W.; to Lat. 46°17'00" N., Long. 94°30'00" W.; to the point of beginning.

Designated altitudes. Surface to 27,000 feet MSL.

Time of designation. May 1 through November 1.

Using agency. Adjutant General, State of Minnesota, Minneapolis, Minn.

R-4302 Duluth Municipal Airport, Minn., Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 004° radial of the Duluth TACAN, extending from 5 miles N. of the airport (Lat. 46°15'30" N., Long. 92°11'30" W.) to 32 miles N. of the airport, having a width of 2.5 miles E. and 1.5 miles W. of the 004° radial at the beginning and a width of 2.3 miles on either side of the 004° radial at the outer extremity.

Designated altitudes.

3,400 feet MSL to 16,400 feet MSL from 5 miles N. of the airport to 6 miles N. of the airport.

3,400 feet MSL to flight level 254 from 6 to 7 miles N. of the airport.

3,400 feet MSL to flight level 270 from 7 to 10 miles N. of the airport.

7,400 feet MSL to flight level 270 from 10 to 15 miles N. of the airport.

11,400 feet MSL to flight level 270 from 15 to 20 miles N. of the airport.

16,400 feet MSL to flight level 270 from 20 to 25 miles N. of the airport.

20,400 feet MSL to flight level 270 from 25 to 32 miles N. of the airport.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Duluth Control Tower.

Using agency. Commander, 11th Fighter Intercepter Squadron, Duluth, Minn.

R-4304 Upper Red Lake, Minn.

Boundaries. Beginning at Lat. 48°23'00" N., Long. 94°40'00" W.; to Lat. 48°13'00" N., Long. 94°40'00" W.; to Lat. 48°13'00" N., Long. 95°00'00" W.; to Lat. 48°23'00" N., Long. 95°00'00" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Sunrise to sunset, May 16 through October 14, and sunrise Saturday to sunset Sunday, October 15 through May 15.

Using agency. Commanding Officer, NAS, Minneapolis, Minn.

§ 608.44 Mississippi.

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at Lat. 31°12'54" N., Long. 89°11'03" W.; to Lat. 31°11'48" N., Long. 89°00'00" W.; to Lat. 31°04'36" N., Long. 89°00'00" W.; to Lat. 31°04'36" N., Long. 89°11'03" W.; to the point of beginning.

Designated altitudes. Surface to 13,000 feet MSL.

Time of designation. 0700 to 2300 CST, Monday through Friday, June 1 through August 31.

Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Pearl River, Miss.

Boundaries. A circular area with a 5-mile radius centered at Lat. 30°28'00" N., Long. 89°34'00" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. 0800 to 1800 CST.

Using agency. Commanding Officer, NAS, New Orleans, La.

§ 608.45 Missouri.

R-4501 Fort Leonard Wood, Mo.

Boundaries. Beginning at Lat. 37°48'15" N., Long. 92°02'00" W.; to Lat. 37°43'00" N., Long. 92°02'00" W.; to Lat. 37°42'00" N., Long. 92°06'00" W.; to Lat. 37°38'30" N., Long. 92°06'00" W.; to Lat. 37°36'30" N., Long. 92°11'00" W.; to Lat. 37°36'15" N., Long., 92°15'30" W.; to Lat. 37°40'30" N., Long. 92°15'30" W.; to Lat. 37°42'00" N., Long. 92°14'30" W.; to Lat. 37°48'15" N., Long. 92°04'00" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4502 Grandview, Mo. (Richards-Gebaur AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the Richards-Gebaur AFB ILS localizer S course, extending from 5 miles S. of the airbase (Lat. 38°50'50" N., Long. 94°33'20" W.) to 32 miles S. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

3,100 feet MSL to 16,100 feet MSL from 5 miles S. of the airbase to 6 miles S. of the airbase.

3,100 feet MSL to flight level 270 from to 7 miles S. of the airbase.

3,100 feet MSL to flight level 270 from 7 to 10 miles S. of the airbase.

7,100 feet MSL to flight level 270 from 10 to 15 miles S. of the airbase.

11,100 feet MSL to flight level 270 from 15 to 20 miles S. of the airbase.

16,100 feet MSL to flight level 270 from 20 to 25 miles S. of the airbase.

20,100 feet MSL to flight level 270 from 25 to 32 miles S. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Olathe Approach Control, Olathe, Kans.

Using agency. Commander, Richards-Gebaur AFB, Mo.

§ 608.46 Montana.

R-4601 Glasgow, Mont. (Glasgow AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 299° radial of the Glasgow AFB TACAN, extending from 5 miles NW. of the airbase (Lat. 48°25'10" N., Long. 106°31'30" W.) to 30 miles NW. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

4,800 feet MSL to 17,800 feet MSL from 5 miles NW. of the airbase to 6 miles NW. of the airbase.

4,800 feet MSL to flight level 268 from 6 to 7 miles NW. of the airbase.

4,800 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

8,800 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

12,800 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

17,800 feet MSL to flight level 270 from 20 to 25 miles NW. of the airbase.

21,800 feet MSL to flight level 270 from 25 to 30 miles NW. of the airbase.

Time of designation. Continuous.

Using agency. Glasgow AFB Approach Control.

§ 608.47 Nebraska.

§ 608.48 Nevada.

R-4801 Black Rock Desert, Nev.

Boundaries. Beginning at Lat. 41°25'00" N., Long. 118°40'00" W.; to Lat. 41°23'30" N., Long. 118°40'00" W.; to Lat. 41°23'30" N., Long. 118°39'30" W.; to Lat. 41°12'00" N., Long. 118°39'30" W.; to Lat. 41°12'00" N., Long. 118°42'30" W.; to Lat. 40°57'30" N., Long. 118°43'00" W.; to Lat. 40°57'30" N., Long. 118°47'00" W.; to Lat. 40°55'00" N., Long. 118°47'00" W.; to Lat. 40°54'00" N., Long. 118°55'00" W.; to Lat. 40°47'00" N., Long. 119°11'30" W.; to Lat. 40°57'30" N., Long. 119°11'30" W.; to Lat. 40°57'30" N., Long. 119°04'00" W.; to Lat. 41°25'00" N., Long. 118°45'30" W.; to the point of beginning.

Designated altitudes and time of designation. Surface to flight level 600, from 1 hour prior to sunrise to 1 hour after sunset, except Sunday; and surface to 15,000 feet MSL, from 1 hour after sunset to 0100 P.s.t., except Sunday.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N., Long. 118°20'47" W.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. Monday through Saturday.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R-4803 Fallon, Nev.

Boundaries. Beginning at Lat. 39°24'00" N., Long. 119°00'00" W.; to Lat. 39°24'00" N., Long. 118°55'30" W.; to Lat. 39°16'30" N., Long. 118°37'00" W.; to Lat. 39°11'30" N., Long. 118°32'00" W.; to Lat. 39°02'00" N., Long. 118°32'00" W.; to Lat. 39°02'00" N., Long. 118°51'20" W.; to Lat. 39°10'30" N., Long. 119°06'00" W.; to Lat. 39°15'00" N., Long. 119°06'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 300.

Time of designation. Monday through Saturday.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4804 Fallon, Nev.

Boundaries. Beginning at Lat. 39°09'00" N., Long. 118°13'45" W.; to Lat. 39°19'00" N., Long. 118°24'30" W.; to Lat. 39°19'00" N., Long. 118°07'00" W.; to Lat. 39°09'00" N., Long. 118°07'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 300.

Time of designation. Monday through Saturday.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4805 Sahwave Mountains, Nev.

Boundaries. Beginning at Lat. 40°40'00" N., Long. 118°49'00" W.; to Lat. 40°04'00" N., Long. 118°49'00" W.; to Lat. 40°00'00" N., Long. 118°57'00" W.; to Lat. 40°00'00" N., Long. 119°13'00" W.; to Lat. 40°40'00" N., Long. 119°13'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif.

R–4806 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N., Long. 116°11'00" W.; to Lat. 37°42'00" N., Long. 116°11'00" W.; to Lat. 37°42'00" N., Long. 115°53'00" W.; to Lat. 37°33'00" N., Long. 115°53'00" W.; to Lat. 37°33'00" N., Long. 115°48'00" W.; to Lat. 37°17'00" N., Long. 115°48'00" W.; to Lat. 37°17'00" N., Long. 115°18'00" W.; to Lat. 36°26'00" N., Long. 115°18'00" W.; to Lat. 36°26'00" N., Long. 115°23'00" W.; to Lat. 36°35'00" N., Long. 115°37'00" W.; to Lat. 36°35'00" N., Long. 115°42'00" W.; to Lat. 36°41'00" N., Long. 115°42'00" W.; to Lat. 36°41'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°26'30" W.; to Lat. 36°51'00" N., Long. 116°34'00" W.; to Lat. 37°26'30" N., Long. 117°04'30" W.; to Lat. 37°53'00" N., Long. 117°01'00" W.; to the point of beginning, excluding Prohibited Area P–276.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Nellis AFB, Nev.

§ 608.49 New Hampshire.

R–4901 Isle of Shoals, N.H.

Boundaries. Beginning at Lat. 42°59'54" N., Long. 70°38'21" W.; to Lat. 43°02'21" N., Long. 70°37'14" W.; to Lat. 43°01'30" N., Long. 70°33'49" W.; to Lat. 42°59'03" N., Long. 70°35'00" W.; to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Detachment, NAS Brunswick, Maine.

§ 608.50 New Jersey.

R–5001 Fort Dix, N.J.

Boundaries. Beginning at Lat. 40°02'45" N., Long. 74°27'00" W.; to Lat. 39°58'45" N., Long. 74°25'40" W.; to Lat. 39°58'45" N., Long. 74°33'30" W.; to Lat. 40°02'45" N., Long. 74°33'30" W.; to the point of beginning.

Designated altitudes. Surface to 3,000 feet MSL through February 8, 1962; surface to 4,000 feet MSL thereafter.

Time of designation. Continuous.

Using agency. Commanding General, First United States Army, Governor's Island, N.Y.

R–5002 Warren Grove, N.J.

Boundaries. Beginning at Lat. 39°46'10" N., Long. 74°20'14" W.; to Lat. 39°43'25" N., Long. 74°17'37" W.; to Lat. 39°38'36" N., Long. 74°23'27" W.; to Lat. 39°39'50" N., Long. 74°25'52" W.; to Lat. 39°43'58" N., Long. 74°24'13" W.; to the point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0700 to 1700 e.s.t., daily, June 1 through August 31; and 0800 to 1800 e.s.t., Friday, Saturday and Sunday, September 1 through May 31.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N.J.

R–5003 Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 226° radial of the McGuire VOR, extending from 5 miles SW. of the airbase (Lat. 40°-00'55" N., Long. 74°35'25" W.) to 32 miles SW. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,100 feet MSL to 15,100 feet MSL from 5 miles SW. of the airbase to 6 miles SW. of the airbase.

2,100 feet MSL to flight level 241 from 6 to 7 miles SW. of the airbase.

2,100 feet MSL to flight level 270 from 7 to 10 miles SW. of the airbase.

6,100 feet MSL to flight level 270 from 10 to 15 miles SW. of the airbase.

10,100 feet MSL to flight level 270 from 15 to 20 miles SW. of the airbase.

15,100 feet MSL to flight level 270 from 20 to 25 miles SW. of the airbase.

19,100 feet MSL to flight level 270 from 25 to 32 miles SW. of the airbase.

Time of designation. Continuous.

Using agency. McGuire AFB Approach Control.

§ 608.51 New Mexico.

R–5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N., Long. 106°15'12" W.; to Lat. 35°50'03" N., Long. 106°21'36" W.; to Lat. 35°52'22" N., Long. 106°20'42" W.; to Lat. 35°52'52" N., Long. 106°16'48" W.; to Lat. 35°52'30" N., Long. 106°14'48" W.; to Lat. 35°48'35" N., Long. 106°14'48" W.; to Lat. 35°47'05" N., Long. 106°12'06" W.; to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R–5102 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°52'53" N., Long. 106°14'06" W.; to Lat. 35°53'03" N., Long. 106°16'09" W.; to Lat. 35°54'45" N., Long. 106°16'09" W.; thence clockwise along the arc of a circle with a radius of 10,000 feet centered at Lat. 35°53'03" N., Long. 106°16'-09" W. to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Continuous.

Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R–5103 McGregor, N. Mex.

Boundaries. Beginning at Lat. 32°27'40" N., Long. 106°00'00" W.; to Lat. 32°36'00" N., Long. 106°00'00" W.; to Lat. 32°45'00" N., Long. 105°59'00" W.; to Lat. 32°45'00" N., Long. 105°30'00" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°00'00" N., Long. 105°57'00" W.; to Lat. 32°00'00" N., Long. 106°10'30" W.; to Lat. 32°05'20" N., Long. 106°09'20" W.; to Lat. 32°06'00" N., Long. 106°15'30" W.; along the Southern Pacific Railroad to Lat. 32°28'00" N., Long. 106°02'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bliss, Tex.

R–5104 Melrose, N. Mex.

Boundaries. Beginning at Lat. 34°28'00" N., Long. 103°43'15" W.; to Lat. 34°25'25" N., Long. 103°40'00" W.; to Lat. 34°10'00" N., Long. 103°40'00" W.; to Lat. 34°10'00" N., Long. 103°55'00" W.; to Lat. 34°28'00" N., Long. 103°55'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Sunrise to sunset.

Using agency. Commander, Cannon AFB, N. Mex.

R–5105 Melrose, N. Mex.

Boundaries. Beginning at Lat. 34°39'00" N., Long. 103°55'00" W.; to Lat. 34°39'00" N., Long 103°40'00" W.; to Lat. 34°25'25" N., Long. 103°40'00" W.; to Lat. 34°28'00" N., Long. 103°43'15" W.; to Lat. 34°28'00" N., Long. 103°55'00" W.; to the point of beginning.

NOTE: The area will be used only when the ceiling is more than 3,000 feet and visibility greater than 5 miles.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Cannon AFB N. Mex.

R–5106 Orogrande, N. Mex.

Boundaries. Beginning at Lat. 32°36'00" N., Long. 106°00'00" W.; to Lat. 32°27'40" N., Long. 106°00'00" W.; to Lat. 32°28'00" N., Long. 106°02'00" W.; along the Southern Pacific Railroad to Lat. 32°22'00" N., Long. 106°05'00" W.; to Lat. 32°06'15" N., Long. 106°15'15" W.; to Lat. 32°06'30" N., Long. 106°17'15" W.; to Lat. 32°23'00" N., Long. 106°07'00" W.; to Lat. 32°25'00" N., Long. 106°06'00" W.; to Lat. 32°36'00" N., Long. 106°06'00" W.; to the point of beginning.

Designated altitudes. From 4,000 feet above the surface to unlimited.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bliss, Tex.

R–5107 White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at Lat. 34°15'45" N., Long. 106°40'30" W.; to Lat. 34°17'00" N., Long. 106°12'00" W.; to Lat. 34°17'00" N., Long. 106°04'00" W.; to Lat. 32°50'00" N., Long. 106°04'00" W.; to Lat. 32°36'00" N., Long. 106°06'00" W.; to Lat. 32°25'00" N., Long. 106°06'00" W.; to Lat. 32°00'00" N., Long. 106°21'00" W.; to Lat. 32°00'00" N., Long. 106°34'00" W.; to Lat. 32°18'00" N., Long. 106°34'00" W.; to Lat. 32°18'00" N., Long. 106°39'00" W.; to Lat. 33°13'00" N., Long. 106°52'00" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Holloman AFB, N. Mex.

R–5108 White Sands, N. Mex.

Boundaries. A circular area with a 33.5 mile radius centered at Lat. 33°46'45" N., Long 106°46'00" W., excluding the portion E of a line extending from Lat. 34°15'45" N., Long. 106°40'30" W. to Lat. 33°13'00" N., Long. 106°52'00" W.

Designated altitudes. From 20,000 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commander, Holloman AFB, N. Mex.

R–5109 White Sands, N. Mex.

Boundaries. Beginning at Lat. 34°17'00" N., Long. 106°04'00" W.; to Lat. 34°17'00" N., Long. 105°51'00" W.; to Lat. 33°57'00" N., Long. 105°27'00" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to Lat. 32°45'00" N., Long. 105°59'00" W.; to Lat. 32°36'00" N., Long. 106°00'00" W.; to Lat. 32°50'00" N., Long. 106°06'00" W.; to Lat. 32°50'00" N., Long. 106°04'00" W.; to the point of beginning.

Designated altitudes. From 16,000 feet MSL to unlimited.

Time of designation. Continuous.

Using agency. Commander, Holloman AFB, N. Mex.

§ 608.52 New York.

R–5201 Camp Drum, N.Y.

Boundaries. Beginning at Lat. 44°15'00" N., Long. 75°31'30" W.; to Lat. 44°11'15" N., Long. 75°25'00" W.; to Lat. 44°03'00" N., Long. 75°33'30" W.; to Lat. 44°03'15" N., Long. 75°37'39" W.; to Lat. 44°06'44" N., Long. 75°43'54" W.; to the point of beginning.

Designated altitudes. Surface to 23,000 feet MSL, May 1 through October 31; surface to 20,000 feet MSL, November 1 through April 30.

Time of designation. Continuous.

Using agency. Commanding General, First United States Army, Governor's Island, New York, N.Y.

R–5202 Gardiner's Island, N.Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N., Long. 72°08'50" W.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. 0800 to 1800 e.s.t., Sunday through Friday, and 0800 to 2300 e.s.t., Saturday, April 15 through October 31; 0800 to 2300 e.s.t., Saturday and Sunday, November 1 through April 14.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commanding Officer, NAS New York, N.Y.

R–5203 Oswego, N.Y.

Boundaries. Beginning at Lat. 43°37'00" N., Long. 76°45'00" W.; to Lat. 43°24'00" N., Long. 76°45'00" W.; to Lat. 43°24'00" N., Long. 76°00'00" W.; to Lat. 43°37'00" N., Long. 76°00'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 230.

Time of designation. Sunrise to sunset, March 30 through November 30.

Using agency. Commander, Air National Guard, Permanent Training Site, Hancock Field, Syracuse, N.Y.

R–5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor

Boundaries. The area based on the 138° and 318° radials of the Griffiss AFB VOR and the 318° radial of the Griffiss AFB TACAN, extending from 5 miles NW. of the airbase (Lat. 43°14'00" N., Long. 75°24'10" W.) to 32 miles NW. of the airbase, having a width of 1 mile SW. of the 138° radial of the VOR and 1 mile NE. of the 318° radial of the TACAN at the beginning, expanding uniformly to a width of 2.3 miles SW. of the 318° radial of the VOR and 2.3 miles NE. of the 318° radial of the TACAN at the outer extremity.

Designated altitudes.

2,500 feet MSL to 15,500 feet MSL from 5 miles NW. of the airbase to 6 miles NW of the airbase.

2,500 feet MSL to flight level 245 from 6 to 7 miles NW. of the airbase.

2,500 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

6,500 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

10,500 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

15,500 feet MSL to flight level 270 from 20 to 25 miles NW. of the airbase.

19,500 feet MSL to flight level 270 from 25 to 32 miles NW. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Griffiss Approach Control.

Using agency. Commander, Griffiss AFB, N.Y.

R–5205 Westhampton Beach, N.Y. (Suffolk AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 039° radial of the Suffolk AFB VOR extending from 5 miles NE. of the airbase (Lat. 40°50'40" N., Long. 72°37'45" W.) to 32 miles NE. of the airbase having a width of 2 miles at the beginning, expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,100 feet MSL to 15,100 feet MSL from 5 miles NE. of the airbase to 6 miles NE. of the airbase.

2,100 feet MSL to flight level 241 from 6 to 7 miles NE. of the airbase.

2,100 feet MSL to flight level 270 from 7 to 10 miles NE. of the airbase.

6,100 feet MSL to flight level 270 from 10 to 15 miles NE. of the airbase.

10,100 feet MSL to flight level 270 from 15 to 20 miles NE. of the airbase.

15,100 feet MSL to flight level 270 from 20 to 25 miles NE. of the airbase.

19,100 feet MSL to flight level 270 from 25 to 32 miles NE. of the airbase.

Time of designation. Continuous.

Using agency. Suffolk AFB Approach Control.

R–5206 West Point, N.Y.

Boundaries. Beginning at Lat. 41°19'40" N., Long. 74°03'33" W.; to Lat. 41°19'40" N., Long. 74°00'26" W.; to Lat. 41°20'40" N., Long. 74°00'26" W.; to Lat. 41°20'40" N., Long. 73°58'58" W.; to Lat. 41°22'40" N., Long. 73°58'58" W.; along U.S. Highway No. 9W to Lat. 41°23'08" N., Long. 73°59'42" W.; to Lat. 41°23'08" N., Long. 74°00'00" W.; along New York State Highway No. 293 to Lat. 41°20'40" N., Long. 74°03'33" W.; to the point of beginning.

Designated altitudes. Surface to 7,000 feet MSL.

Time of designation. 0600 to 1600 EST, Monday through Saturday, May 1 through August 31.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Superintendent, United States Military Academy, West Point, N.Y.

§ 608.53 North Carolina.

R–5301 Albermarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°03'30" N., Long. 76°20'00" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5302 Albermarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°58'44" N., Long. 76°21'34" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5303 Albermarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°59'16" N., Long. 76°15'58" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5304 Albermarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'05" N., Long. 76°10'54" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5305 Albemarle Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°00'33" N., Long. 76°05'58" W.

Designated altitudes. Surface to 20,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5306 Cherry Point, N.C.

Boundaries. Beginning at Lat. 35°46'30" N., Long. 76°47'00" W.; clockwise along the arc of a 60-mile radius circle centered at Lat. 34°54'30" N., Long. 76°53'00" W., to Lat. 35°05'50" N., Long. 75°51'05" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°17'40" N., Long. 77°37'-45" W.; thence clockwise along the arc of the 60-mile radius circle to Lat. 34°21'40" N., Long. 77°41'30" W.; to Lat. 35°03'00" N., Long. 76°57'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 550.

Time of designation. Continuous.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

R–5307 Cherry Point, N.C.

Boundaries. Beginning at Lat. 35°46'30" N., Long. 76°47'00" W.; to Lat. 35°03'00" N., Long. 76°57'00" W.; to Lat. 34°21'40" N., Long. 77°41'30" W.; clockwise along the arc of a 60-mile radius circle centered at Lat. 34°54'30" N., Long. 76°53'00" W., to Lat. 34°25'50" N.; Long. 77°45'45" W.; to Lat. 35°20'30" N., Long. 77°28'45" W.; to Lat. 35°44'06" N., Long. 77°12'35" W.; along the arc of the 60-mile radius circle to the point of beginning.

Designated altitudes. 6,000 feet MSL to flight level 550.

Time of designation. Sunset to sunrise.

Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N.C.

R–5308 Currituck Sound, N.C.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 36°12'15" N., Long. 75°45'57" W.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5309 Currituck Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°25'24" N., Long. 75°50'09" W.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5310 Currituck Sound, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 36°10'22" N., Long. 75°45'04" W.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–5311 Fort Bragg, N.C.

Boundaries. Beginning at Lat. 35°10'46" N., Long. 79°01'56" W.; to Lat. 35°08'47" N.,

Long. 79°02'00" W.; to Lat. 35°07'00" N., Long. 79°02'30" W.; to Lat. 35°03'00" N., Long. 79°02'30" W.; to Lat. 35°03'00" N., Long. 79°15'09" W.; to Lat. 35°06'50" N., Long. 79°24'00" W.; to Lat. 35°09'00" N., Long. 79°23'11" W.; thence along Little River to the point of beginning.

Designated altitudes. Surface to 35,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Bragg, N.C.

R-5312 Goldsboro, N.C. (Seymour-Johnson AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 228° radial of the Seymour-Johnson AFB TACAN extending from 5 miles SW. of the TACAN to 32 miles SW. of the TACAN, having a width of 1 mile SE. and 2.3 miles NW. of the 228° radial at the beginning and a width of 2.3 miles either side of the 228° radial at the outer extremity.

Designated altitudes.

2,100 feet MSL to 15,000 feet MSL from 5 miles SW. of the TACAN to 6 miles SW. of the TACAN.

2,100 feet MSL to flight level 240 from 6 to 7 miles SW. of the TACAN.

2,100 feet MSL to flight level 270 from 7 to 10 miles SW. of the TACAN.

6,100 feet MSL to flight level 270 from 10 to 15 miles SW. of the TACAN.

10,100 feet MSL to flight level 270 from 15 to 20 miles SW. of the TACAN.

15,100 feet MSL to flight level 270 from 20 to 25 miles SW. of the TACAN.

19,100 feet MSL to flight level 270 from 25 to 32 miles SW. of the TACAN.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Raleigh-Durham, N.C., Approach Control.

Using agency. Commander, Seymour-Johnson AFB, N.C.

R-5313 Long Shoal Point, N.C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N., Long. 75°41'26" W.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

§ 608.54 North Dakota.

R-5402 Grand Forks, N. Dak. (Grand Forks AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 001° radial of the Grand Forks AFB TACAN extending from 5 miles N. of the airbase (Lat. 47°57'40 N., Long. 97°24'05" W.) to 32 miles N. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,900 feet MSL to 15,900 feet MSL from 5 miles N. of the airbase to 6 miles N. of the airbase.

2,900 feet MSL to flight level 249 from 6 to 7 miles N. of the airbase.

2,900 feet MSL to flight level 270 from 7 to 10 miles N. of the airbase.

6,900 feet MSL to flight level 270 from 10 to 15 miles N. of the airbase.

10,900 feet MSL to flight level 270 from 15 to 20 miles N. of the airbase.

15,900 feet MSL to flight level 270 from 20 to 25 miles N. of the airbase.

19,900 feet MSL to flight level 270 from 25 to 32 miles N. of the airbase.

Time of designation. Continuous.

Using agency. Grand Forks AFB Approach Control.

R-5403 Minot, N. Dak. (Minot AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 308° radial of the Minot AFB TACAN extending from 5 miles NW. of the airbase (Lat. 48°25'18" N., Long. 101°22'08" W.) to 32 miles NW. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

3,650 feet MSL to 16,650 feet MSL from 5 miles NW. of the airbase to 6 miles NW. of the airbase.

3,650 feet MSL to flight level 257 from 6 to 7 miles NW. of the airbase.

3,650 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

7,650 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

11,650 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

16,650 feet MSL to flight level 270 from 20 to 25 miles NW. of the airbase.

20,650 feet MSL to flight level 270 from 25 to 32 miles NW. of the airbase.

Time of designation. Continuous.

Using agency. Minot AFB Approach Control.

§ 608.55 Ohio.

R-5501 Columbus, Ohio (Lockbourne AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 218° radial of the Appleton, Ohio, VORTAC extending from 5 miles SW. of Lockbourne AFB (Lat. 39°48'51" N., Long. 82°55'56" W.) to 32 miles SW. of the airbase, having a width of 5.1 miles at the beginning and expanding uniformly to a width of 8.6 miles at the outer extremity.

Designated altitudes.

2,750 feet MSL to 15,750 feet MSL from 5 miles SW. of the airbase to 6 miles SW. of the airbase.

2,750 feet MSL to flight level 248 from 6 to 7 miles SW. of the airbase.

2,750 feet MSL to flight level 270 from 7 to 10 miles SW. of the airbase.

6,750 feet MSL to flight level 270 from 10 to 15 miles SW. of the airbase.

10,750 feet MSL to flight level 270 from 15 to 20 miles SW. of the airbase.

15,750 feet MSL to flight level 270 from 20 to 25 miles SW. of the airbase.

19,750 feet MSL to flight level 270 from 25 to 32 miles SW. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Columbus Approach Control.

Using agency. Commander, Lockbourne AFB, Ohio.

R-5502 Lacarne, Ohio.

Boundaries. Beginning at Lat. 41°50'39" N., Long. 83°08'47" W.; to Lat. 41°35'41" N., Long. 82°54'24" W.; to Lat. 41°31'39" N., Long. 83°01'30" W.; to Lat. 41°31'40" N., Long. 83°03'00" W.; to Lat. 41°37'38" N., Long. 83°11'12" W.; to Lat. 41°39'30" N., Long. 83°15'15" W.; to Lat. 41°45'30" N., Long. 83°19'45" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commanding Officer, Erie Ordnance Depot, Lacarne, Ohio.

R-5503 Wilmington, Ohio.

Boundaries. Beginning at Lat. 39°08'20" N., Long. 83°02'00" W.; to Lat. 38°48'30" N., Long. 83°02'00" W.; to Lat. 38°58'30" N., Long. 84°05'00" W.; to Lat. 39°12'30" N., Long. 84°05'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. 0800 to 2200 e.s.t., Monday through Saturday.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio.

Boundaries. Beginning at Lat. 39°30'00" N., Long. 83°02'00" W.; to Lat. 39°08'20" N., Long. 83°02'00" W.; to Lat. 39°12'30" N., Long. 84°05'00" W.; to Lat. 39°15'45" N., Long. 84°05'00" W.; to Lat. 39°30'00" N., Long. 83°47'00" W.; to the point of beginning, excluding the portion that coincides with R-5501.

Designated altitudes. 3,000 feet MSL to flight level 600.

Time of designation. 0800 to 2200 e.s.t., Monday through Saturday.

Controlling agency. Federal Aviation Agency, Indianapolis ARTC Center.

Using agency. Commander, Wright Air Development Center, Wright-Patterson AFB, Ohio.

§ 608.56 Oklahoma.

R-5601 Fort Sill, Okla.

Boundaries. Beginning at Lat. 34°47'00" N., Long. 98°17'00 W.; to Lat. 34°38'00" N., Long. 98°17'00" W.; to Lat. 34°36'00" N., Long. 98°46'00" W.; to Lat. 34°47'00" N., Long. 98°46'00" W.; to Lat. 34°47'00" N., Long. 98°38'00" W.; to Lat. 34°44'00" N., Long. 98°38'00" W.; to Lat. 34°44'00" N., Long. 98°36'00" W.; to Lat. 34°43'00" N., Long. 98°36'00" W.; to Lat. 34°43'00" N., Long. 98°22'00" W.; to Lat. 34°44'00" N., Long. 98°21'00" W.; to Lat. 34°47'00" N., Long. 98°21'00" W.; to the point of beginning.

Designated altitudes. Surface to 65,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Sill, Okla.

§ 608.57 Oregon.

R-5701 Boardman, Oreg.

Boundaries. Beginning at Lat. 45°50'08" N., Long. 119°37'26" W.; to Lat. 45°39'15" N., Long. 119°37'26" W.; to Lat. 45°37'45" N., Long. 119°46'00" W.; to Lat. 45°37'58" N., Long. 119°52'32" W.; to Lat. 45°50'08" N., Long. 119°52'32" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R-5702 Klamath Falls, Oreg. (Kingsley Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 325° radial of the Klamath Falls VORTAC extending from 10 miles NW. of the airport (Lat. 42°09'25" N., Long. 121°43'55" W.) to 32.5 miles NW. of the airport, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 4.5 miles at the outer extremity.

Designated Altitudes.

6,100 feet MSL to 19,100 MSL from 10 miles NW. of the airport to 11 miles NW. of the airport.

6,100 feet MSL to flight level 270 from 11 to 15 miles NW. of the airport.

10,100 feet MSL to flight level 270 from 15 to 20 miles NW. of the airport.

14,100 feet MSL to flight level 270 from 20 to 25 miles NW. of the airport.

19,100 feet MSL to flight level 270 from 25 to 30 miles NW. of the airport.

23,100 feet MSL to flight level 270 from 30 to 32.5 miles NW. of the airport.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Klamath Falls Approach Control.

Using agency. Commander, 322nd Fighter Interceptor Squadron, Kingsley Field Oreg.

R-5703 Portland, Oreg. (Portland International Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the back course of the Portland ILS localizer, extending from 5 miles SE. of the airport (Lat. 45°35'11" N., Long. 122°35'53" W.) to 23 miles SE. of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 5 miles SE. of the airport to 6 miles SE. of the airport.

2,000 feet MSL to flight level 240 from 6 to 7 miles SE. of the airport.

2,000 feet MSL to flight level 270 from 7 to 10 miles SE. of the airport.

6,000 feet MSL to flight level 270 from 10 to 15 miles SE. of the airport.

10,000 feet MSL to flight level 270 from 15 to 20 miles SE. of the airport.

15,000 feet MSL to flight level 270 from 20 to 25 miles SE. of the airport.

19,000 feet MSL to flight level 270 from 25 to 32 miles SE. of the airport.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Portland Approach Control.

Using agency. Commander, 406th Fighter Interceptor Squadron, Portland, Oreg.

§ 608.58 Pennsylvania.

R-5801 Chambersburg, Pa.

Boundaries. Beginning at Lat. 40°01'00" N., Long. 77°47'00" W.; to Lat. 39°59'30" N., Long. 77°47'00" W.; to Lat. 39°59'30" N., Long. 77°49'00" W.; to Lat. 40°01'00" N., Long. 77°49'00" W.; to the point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0800 to 1600 EST, Monday through Friday.

Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at Lat. 40°28'45" N., Long. 76°35'30" W.; to Lat. 40°26'05" N., Long. 76°35'30" W.; to Lat. 40°24'55" N., Long. 76°36'55" W.; to Lat. 40°23'45" N., Long. 76°43'11" W.; to Lat. 40°24'20" N., Long. 76°44'40" W.; to Lat. 40°28'45" N., Long. 76°37'40" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. Continuous, June 1 through August 31; 0800 to 1800 EST., Saturday and Sunday March 1 through May 31 and 0800 to 1800 EST., Saturday and Sunday September 1 through November 30.

Controlling agency. Federal Aviation Agency, New York ARTC Center.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

§ 608.59 Rhode Island.

§ 608.60 South Carolina.

R-6001 Fort Jackson, S.C.

Boundaries. Beginning at Lat. 34°03'51" N., Long. 80°42'12" W.; to Lat. 34°01'40" N., Long. 80°42'15" W.; to Lat. 34°01'50" N., Long. 80°55'15" W.; to Lat. 34°02'21" N., Long. 80°56'02" W.; to Lat. 34°04'45" N., Long. 80°53'02" W.; to Lat. 34°06'19" N., Long. 80°48'47" W.; to Lat. 34°05'58" N., Long. 80°46'05" W.; to the point of beginning.

Designated altitudes. Surface to 24,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Jackson, S.C.

R-6002 Poinsett-Sumter, S.C.

Boundaries. Beginning at Lat. 33°52'30" N., Long. 80°26'00" W.; to Lat. 33°45'50" N., Long. 80°25'00" W.; to Lat. 33°44'15" N., Long. 80°33'15" W.; to Lat. 33°48'00" N., Long. 80°34'00" W.; to Lat. 33°52'30" N., Long. 80°30'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 250.

Time of designation. Sunrise to sunset, when ceilings of at least 3,000 feet and visibility of at least 3 miles exist.

Using agency. Commander, Shaw AFB, S.C.

R-6003 Charleston, S.C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 147° radial of the Charleston VORTAC extending from 10 miles SE. of the VORTAC to 35 miles SE. of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.5 miles at the outer extremity, excluding the portion which lies outside of the continental United States.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 10 miles SE. of the VORTAC to 11 miles SE. of the VORTAC.

2,000 feet MSL to flight level 240 from 11 to 12 miles SE. of the VORTAC.

2,000 feet MSL to flight level 270 from 12 to 15 miles SE. of the VORTAC.

6,000 feet MSL to flight level 270 from 15 to 20 miles SE. of the VORTAC.

10,000 feet MSL to flight level 270 from 20 miles SE. of the VORTAC to the continental limits of the United States.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Charleston Approach Control.

Using agency. Commander, Charleston AFB, S.C.

§ 608.61 South Dakota.

R-6101 Igloo, S. Dak.

Boundaries. Beginning at Lat. 43°12'57" N., Long. 103°58'00" W.; to Lat. 43°12'57" N., Long. 103°52'45" W.; to Lat. 43°09'11" N., Long. 103°52'45" W.; to Lat. 43°09'11" N., Long. 103°53'10" W.; to Lat. 43°08'08" N., Long. 103°53'10" W.; to Lat. 43°08'08" N., Long. 103°58'00" W.; to the point of beginning.

Designated altitudes. Surface to 6,000 feet MSL.

Time of designation. 0700 to 1900 MST, Monday through Friday.

Using agency. Commanding Officer, Black Hills Ordnance Depot, Igloo, S. Dak.

R-6102 Scenic, S. Dak.

Boundaries. Beginning at Lat. 43°41'00" N., Long. 102°01'00" W.; to Lat. 43°30'00" N., Long. 102°01'00" W.; to Lat. 43°30'00" N., Long. 102°50'00" W.; to Lat. 43°41'00" N., Long. 102°50'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous.

Using agency. Commander, Ellsworth AFB, S. Dak.

§ 608.62 Tennessee.

§ 608.63 Texas.

R-6301 Corpus Christi, Tex.

Boundaries. Beginning at Lat. 27°49'20" N., Long. 97°00'00" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 26°15'00" N., Long. 97°07'20" W.; to Lat. 26°15'00" N., Long. 97°26'00" W.; to Lat. 26°30'30" N., Long. 97°31'30" W.; to Lat. 26°31'30" N., Long. 97°27'30" W.; counterclockwise along the arc of a 3-mile radius circle centered at Lat. 26°33'35" N., Long. 97°25'40" W., to Lat. 26°33'35" N., Long. 97°28'30" W.; to Lat. 26°33'00" N., Long. 97°32'20" W.; to Lat. 27°17'30" N., Long. 97°48'30" W.; to Lat. 27°16'30" N., Long. 97°51'15" W.; to Lat. 27°29'00" N., Long. 97°55'15" W.; to Lat. 27°30'00" N., Long. 97°52'00" W.; counterclockwise along the arc of a 2-mile radius circle centered at Lat. 27°31'30" N., Long. 97°52'45" W., to Lat. 27°32'40" N., Long. 97°51'00" W.; to Lat. 27°33'12" N., Long. 97°51'40" W.; to Lat. 27°42'18" N., Long. 97°33'30" W.; counterclockwise along the arc of a 3-mile radius circle centered at Lat. 27°43'15" N., Long. 97°30'30" W., to Lat. 27°40'30" N., Long. 97°29'40" W.; to Lat. 27°47'00" N., Long. 97°20'00" W.; to Lat. 27°49'30" N., Long. 97°07'30" W.; counterclockwise along the arc of a 3-mile radius circle centered at Lat. 27°49'45" N., Long. 97°04'30" W., to Lat. 27°49'30" N., Long. 97°01'30" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. Continuous.

Using agency. Chief of Naval Air Advanced Training, NAS Corpus Christi, Tex.

R-6302 Fort Hood, Tex.

Boundaries. Beginning at Lat. 31°06'07" N., Long. 97°32'45" W.; to Lat. 31°09'00" N., Long. 97°41'15" W.; to Lat. 31°09'45" N., Long. 97°41'15" W.; to Lat. 31°09'45" N., Long. 97°43'15" W.; to Lat. 31°08'45" N., Long. 97°43'30" W.; to Lat. 31°08'45" N., Long. 97°47'15" W.; to Lat. 31°15'00" N., Long. 97°50'45" W.; to Lat. 31°19'15" N., Long. 97°50'45" W.; to Lat. 31°23'25" N., Long. 97°47'40" W.; to Lat. 31°22'30" N., Long. 97°42'45" W.; to Lat. 31°12'45" N., Long. 97°30'45" W.; to the point of beginning.

Designated altitudes. Surface to flight level 330.

Time of designation. Continuous.

Using agency. Commanding General, Fort Hood, Tex.

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at Lat. 28°15'20" N., Long. 96°26'50" W.; to Lat. 28°18'55" N., Long 96°27'45" W.; to Lat. 28°20'55" N., Long. 96°29'15" W.; to Lat. 28°12'00" N., Long. 96°46'00" W.; to Lat. 28°07'00" N., Long. 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Using agency. Commander, Second Air Force, Barksdale AFB, La.

R-6304 Reese AFB, Tex.

Boundaries. Beginning at Lat. 33°49'50" N., Long. 102°25'15" W.; to Lat. 33°53'25" N., Long. 103°02'45" W.; to Lat. 34°01'15" N., Long. 103°02'45" W.; counterclockwise along the arc of a 30-mile radius circle centered at Lat. 34°23'01" N., Long. 103°18'58" W. to Lat. 34°23'20" N., Long. 102°47'45" W.; to Lat. 34°00'45" N., Long 102°04'50" W.; counterclockwise along the arc of a 25-mile radius circle centered at Lat. 33°39'05" N., Long. 102°02'05" W. to the point of beginning.

Designated altitudes. From 12,000 feet MSL to flight level 260.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commander, Reese AFB, Tex.

R–6305 Reese AFB, Tex.

Boundaries. Beginning at Lat. 33°38'50" N., Long. 102°00'45" W.; to Lat. 33°01'00" N., Long. 102°06'50" W.; to Lat. 32°55'35" N., Long. 102°34'00" W.; to Lat. 32°57'00" N., Long. 102°50'00" W.; to Lat. 33°00'00" N., Long. 103°34'30" W.; to Lat. 33°05'30" N., Long. 103°48'00" W.; to Lat. 33°23'00" N., Long. 103°48'00" W.; to Lat. 33°24'10" N., Long. 103°41'30" W.; to Lat. 33°46'30" N., Long. 103°22'00" W.; to the point of beginning.

Designated altitudes. From 12,000 feet MSL to flight level 260.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commander, Reese AFB, Tex.

R–6306 Webb AFB, Tex.

Boundaries. Beginning at Lat. 31°30'00" N., Long. 101°00'00" W.; to Lat. 31°09'30" N., Long 101°00'00" W.; to Lat. 30°52'30" N., Long. 101°30'00" W.; to Lat. 31°01'25" N., Long. 102°54'30" W.; to Lat. 31°24'00" N., Long. 103°01'00" W.; to Lat. 31°34'15" N., Long. 102°39'00" W.; to Lat. 31°31'30" N., Long. 102°11'45" W.; to Lat. 31°46'20" N., Long. 101°44'45" W.; to the point of beginning.

Designated altitudes. From 10,000 feet MSL to flight level 260.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commander, Webb AFB, Tex.

R–6307 Webb AFB, Tex.

Boundaries Beginning at Lat. 32°16'10" N., Long. 102°24'30" W.; to Lat. 32°20'25" N., Long. 102°13'30" W.; to Lat. 32°51'50" N., Long. 102°08'15" W.; to Lat. 32°44'45" N., Long. 102°46'15" W.; to Lat. 32°36'15" N., Long. 102°46'15" W.; to the point of beginning.

Designated altitudes. From 12,000 feet MSL to flight level 260.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commander, Webb AFB, Tex.

R–6308 Webb AFB, Tex.

Boundaries. Beginning at Lat. 32°31'15" N., Long. 100°28'00" W.; to Lat. 32°28'40" N., Long. 101°12'40" W.; counterclockwise along the arc of a circle with a 15-nautical mile radius centered on the Big Spring, Tex., VOR to Lat. 32°31'30" N., Long. 101°43'45" W.; to Lat. 32°37'40" N., Long. 102°00'30" W.; to Lat. 33°27'00" N., Long. 101°52'15" W.; to Lat. 33°26'30" N., Long. 101°39'00" W.; to Lat. 33°32'40" N., Long. 101°21'30" W.; to Lat. 33°26'00" N., Long. 100°42'10" W.; to Lat. 33°08'00" N., Long. 100°28'00" W.; to the point of beginning.

Designated altitudes. From 12,000 feet MSL to flight level 260.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, El Paso ARTC Center.

Using agency. Commander, Webb AFB, Tex.

R–6309 Big Spring, Tex. (Webb AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 151° radial of the Webb AFB TACAN extending from 14.5 miles SE. of the TACAN to 41.5 miles SE. of the TACAN, having a width of 3 miles at the beginning and expanding uniformly to a width of 6 miles at the outer extremity.

Designated altitudes.

4,600 feet MSL to 15,600 feet MSL from 14.5 miles SE. of the TACAN to 15.5 miles SE. of the TACAN.

4,800 feet MSL to flight level 246 from 15.5 to 16.5 miles SE. of the TACAN.

4,600 feet MSL to flight level 270 from 16.5 to 19.5 miles SE. of the TACAN.

8,600 feet MSL to flight level 270 from 19.5 to 24.5 miles SE. of the TACAN.

12,600 feet MSL to flight level 270 from 24.5 to 29.5 miles SE. of the TACAN.

17,600 feet MSL to flight level 270 from 29.5 to 34.5 miles SE. of the TACAN.

21,600 feet MSL to flight level 270 from 34.5 to 41.5 miles SE. of the TACAN.

Time of designation. Continuous.

Using agency. Webb AFB Approach Control.

R–6310 Houston, Tex. (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 223° radial of the Ellington AFB TACAN extending 8 miles SW. of the TACAN to 35 miles SW. of the TACAN, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5 miles at the outer extremity.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 8 miles SW. of the TACAN to 9 miles SW. of the TACAN.

2,000 feet MSL to flight level 240 from 9 to 10 miles SW. of the TACAN.

2,000 feet MSL to flight level 270 from 10 to 13 miles SW. of the TACAN.

6,000 feet MSL to flight level 270 from 13 to 18 miles SW. of the TACAN.

10,000 feet MSL to flight level 270 from 18 to 23 miles SW. of the TACAN.

15,000 feet MSL to flight level 270 from 23 to 28 miles SW. of the TACAN.

19,000 feet MSL to flight level 270 from 28 to 35 miles SW. of the TACAN.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Houston Approach Control.

Using agency. Commander, Ellington AFB, Tex.

§ 608.64 Utah.

R–6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N., Long. 112°18'43" W.; to Lat. 40°15'42" N., Long. 112°18'43" W.; to Lat. 40°15'42" N., Long. 112°21'01" W.; to Lat. 40°16'27" N., Long. 112°21'01" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R–6402 Dugway Proving Ground, Tooele, Utah.

Boundaries. Beginning at Lat. 40°25'00" N., Long. 112°53'00" W.; to Lat. 40°15'00" N., Long. 112°53'00" W.; to Lat. 40°15'00" N., Long. 112°46'20" W.; to Lat. 40°08'00" N., Long. 112°46'20" W.; to Lat. 40°08'00" N., Long. 112°43'00" W.; to Lat. 40°03'00" N., Long. 112°45'20" W.; to Lat. 40°01'00" N., Long. 112°45'20" W.; to Lat. 40°01'00" N., Long. 112°46'30" W.; to Lat. 40°02'00" N., Long 112°46'30" W.; to Lat. 40°02'00" N., Long. 113°14'00" W.; to Lat. 40°04'15" N., Long. 113°14'00" W.; to Lat. 40°04'15" N., Long. 113°20'30" W.; to Lat. 40°15'00" N., Long. 113°20'30" W.; to Lat. 40°15'00" N., Long. 113°14'00" W.; to Lat. 40°20'20" N. Long. 113°14'00" W.; to Lat. 40°20'20" N., Long. 113°07'00" W.; to Lat. 40°25'00" N., Long. 113°07'00" W.; to the point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, Dugway Proving Ground, Tooele, Utah.

R–6403 Tooele, Utah.

Boundaries. Beginning at Lat. 40°32'-00" N., Long. 112°27'00" W.; to Lat. 40°30'00" N., Long. 112°27'00" W.; to Lat. 40°30'00" N., Long. 112°29'00" W.; to Lat. 40°32'00" N., Long. 112°29'00" W.; to the point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R–6404 Wendover, Utah.

Boundaries. Beginning at Lat. 41°10'40" N., Long. 112°45'00" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 41°00'00" N., Long. 112°56'30" W.; to Lat. 40°51'30" N., Long. 113°40'00" W.; to Lat. 40°48'30" N., Long. 113°43'50" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Using agency. Commander, Ogden Air Materiel Area, Ogden, Utah.

R–6405 Wendover, Utah.

Boundaries. Beginning at Lat. 39°55'00" N., Long. 112°40'00" W.; to Lat. 39°45'00" N., Long. 112°40'00" W.; to Lat. 39°45'00" N., Long. 112°48'00" W.; to Lat. 39°19'00" N., Long. 112°48'00" W.; to Lat. 39°18'20" N., Long. 113°01'30" W.; to Lat. 39°14'30" N., Long. 113°22'30" W.; to Lat. 39°20'40" N., Long. 113°37'30" W.; to Lat. 39°17'00" N., Long. 113°48'00" W.; to Lat. 39°55'00" N., Long. 113°48'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Sunrise to sunset.

Using agency. Commander, Hill AFB, Utah.

R–6406 Wendover, Utah.

Boundaries. Beginning at Lat. 40°40'30" N., Long. 113°00'00" W.; to Lat. 40°25'00" N., Long. 113°00'00" W.; to Lat. 40°25'00" N., Long 112°53'00" W.; to Lat. 40°20'00" N., Long. 112°53'00" W.; to Lat. 40°20'00 N., Long. 112°40'00" W.; to Lat. 39°55'00" N., Long. 112°40'00" W.; to Lat. 39°55'00" N., Long. 113°48'00' W.; to Lat. 40°00'00' N., Long. 113°48'00' W.; to Lat. 40°00'00" N., Long. 114°00'00" W.; to Lat. 40°20'00" N., Long. 114°00'00" W.; to Lat. 40°20'00" N., Long. 114°08'00" W.; to Lat. 40°26'00" N., Long. 114°08'00" W.; to Lat. 40°26'00" N., Long. 114°00'00" W.; to Lat. 40°38'30" N., Long. 114°00'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous.

Using agency. Commanding Officer, Hill AFB, Utah.

R–6407 Wendover, Utah.

Boundaries. Beginning at Lat. 40°36'30" N., Long. 114°14'00" W.; to Lat. 40°38'00" N., Long. 114°07'40" W.; to Lat. 40°38'00" N., Long. 114°00'00" W.; to Lat. 40°28'00" N., Long. 114°00'00" W.; to Lat. 40°26'00" N., Long. 114°08'00" W.; to Lat. 40°20'00" N., Long. 114°08'00" W.; to Lat. 40°20'00" N., Long. 114°18'00" W.; to the point of beginning.

Designated altitudes. 15,000 feet MSL to flight level 350.

Time of designation. Sunrise to sunset, Monday through Saturday.

Using agency. Commander, Ogden Air Materiel Area, Ogden, Utah.

§ 608.65 Vermont.

R–6501 Underhill, Vt.

Boundaries. Beginning at Lat. 44°30'15" N., Long. 72°51'30" W.; to Lat. 44°27'00" N., Long. 72°50'00" W.; to Lat. 44°27'30" N., Long. 72°53'15" W.; to Lat. 44°28'30" N., Long. 72°58'50" W.; to Lat. 44°30'00" N., Long. 72°56'30" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 608.66 Virginia.

R–6601 Camp A. P. Hill, Va.

Boundaries. Beginning at Lat. 38°07'30" N., Long. 77°07'00" W.; to Lat. 38°02'50" N., Long. 77°08'00" W.; along the county road to Lat. 38°00'25" N., Long. 77°16'30" W.; to Lat. 38°01'30" N., Long. 77°16'50" W.; to Lat. 38°08'40" N., Long. 77°17'25" W.; to Lat. 38°10'40" N., Long. 77°16'20" W.; along U.S. Highway 17 to the point of beginning.

Designated altitudes. Surface to 22,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

R–6602 Camp Pickett, Va.

Boundaries. Beginning at Lat. 37°04'30" N., Long. 77°54'00" W.; along State Highway No. 40 to Lat. 37°03'30" N., Long. 77°50'00" W.; to Lat. 37°01'00" N., Long. 77°50'00" W.; to Lat. 36°59'30" N., Long. 77°51'30" W.; along the Nottoway River to Lat. 36°59'00" N., Long. 77°55'30" W.; to Lat. 37°02'15" N., Long. 77°55'30" W.; counterclockwise along the arc of a 3-mile radius circle centered at Lat. 37°04'00" N., Long. 77°57'30" W. to the point of beginning.

Designated altitudes. Surface to 22,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Second United States Army, Fort Meade, Md.

R–6603 Chesapeake Bay, Va.

Boundaries. Beginning at Lat. 37°43'33" N., Long. 76°03'55" W.; to Lat. 37°33'00" N., Long. 76°09'48" W.; to Lat. 37°45'00" N., Long. 76°08'51" W.; counterclockwise along the arc of a circle with a radius of 5 nautical miles centered at Lat. 37°47'54" N., Long. 76°03'48" W. to the point of beginning.

Designated altitudes. Surface to flight level 300.

Time of designation. Continuous.

Using agency. Coordinator, Virginia Capes Operating Area, Naval Base, Norfolk, Va.

R–6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N., Long. 75°27'30" W.; to Lat. 37°51'30" N., Long. 75°17'15" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N., Long. 75°31'20" W.; to Lat. 37°50'24" N., Long. 75°31'20" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R–6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N., Long. 75°54'40" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N., Long. 75°48'40" W.; to Lat. 36°45'03" N., Long. 75°56'12" W.; to Lat. 36°44'45" N., Long. 75°57'05" W.; to Lat. 36°44'39" N., Long. 75°58'00" W.; to Lat. 36°47'00" N., Long. 75°58'45" W.; to Lat. 36°47'18" N., Long. 75°58'54" W.; to the point of beginnning.

Designated altitudes. Unlimited.

Time of designation. 0800 to 1700 EST, Monday through Friday.

Using agency. Commanding Officer, U.S. Fleet Air Defense Training Center, Dam Neck, Va.

R–6607 Potomac River, Va.

Boundaries. Beginning at Lat. 38°07'00" N., Long. 76°24'30" W.; to Lat. 37°53'10" N., Long. 76°14'00" W.; thence along the S. shore of the Potomac River to Lat. 37°59'20" N., Long. 76°26'30" W.; to Lat. 38°05'40" N., Long. 76°33'32" W.; to Lat. 38°07'25" N., Long. 76°30'45" W.; to Lat. 38°07'00" N., Long. 76°28'30" W.; to the point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commanding Officer, Naval Air Test Center, Patuxent River, Md.

R–6608 Quantico, Va.

Boundaries. Beginning at Lat. 38°33'00" N., Long. 77°20'00" W.; to Lat. 38°29'00" N., Long. 77°28'45" W.; to Lat. 38°31'20" N., Long. 77°34'07" W.; to Lat. 38°37'00" N., Long. 77°34'07" W.; to Lat. 38°38'47" N., Long. 77°30'00" W.; to Lat. 38°38'00" N., Long. 77°26'15" W.; to Lat. 38°34'00" N., Long. 77°24'00" W.; to the point of beginning.

Designated altitudes. Surface to 15,000 feet MSL.

Time of designation. Continuous.

Using agency. Commander, Marine Corps Air Station, Quantico, Va.

R–6609 Tangier Island, Va.

Boundaries. A circular area with a 5-nautical mile radius centered at Lat. 37°47'54" N., Long. 76°03'48" W.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R–6610 Hampton Roads, Va. (Langley AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area based on the 011° radial of the Langley AFB VOR extending from 5 miles N. of the airbase (Lat. 37°05'05" N., Long. 76°21'40" W.) to 32 miles N. of the airbase, having a width of 1 mile W. and 2 miles E. of the 011° radial at the beginning. The W. boundary expands uniformly to a width of 2.3 miles W. of the 011° radial at the outer extremity. The E. boundary decreases to a width of 1.5 miles 10 miles from the point of beginning, then expands to a width of 2.3 miles E. of the 011° radial at the outer extremity.

Designated altitudes.

2,000 feet MSL to 15,000 feet MSL from 5 miles N. of the airbase to 6 miles N. of the airbase.

2,000 feet MSL to flight level 240 from 6 to 7 miles N. of the airbase.

2,000 feet MSL to flight level 270 from 7 to 10 miles N. of the airbase.

6,000 feet MSL to flight level 270 from 10 to 15 miles N. of the airbase.

10,000 feet MSL to flight level 270 from 15 to 20 miles N. of the airbase.

15,000 feet MSL to flight level 270 from 20 to 25 miles N. of the airbase.

19,000 feet MSL to flight level 270 from 25 to 32 miles N. of the airbase.

Time of designation. Continuous.

Using agency. Langley AFB Approach Control.

R–6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N., Long. 77°01'15" W.; to Lat. 38°17'30" N., Long. 76°56'00" W.; to Lat. 38°15'45" N., Long. 76°52'00" W.; to Lat. 38°13'00" N., Long. 76°54'35" W.; to Lat. 38°19'15" N., Long. 77°02'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. 0800 to 1700 EST, Monday through Friday.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R–6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N., Long. 77°02'15" W., and Lat. 38°18'23" N., Long. 77°02'57" W.

Designated altitudes. Surface to 7,000 feet MSL.

Time of designation. 0800 to 1700 EST, Monday through Friday.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R–6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N., Long. 76°52'00" W.; to Lat. 38°13'30" N., Long. 76°46'35" W.; to Lat. 38°10'00" N., Long. 76°50'00" W.; to Lat. 38°13'00" N., Long. 76°54'35" W.; to the point of beginning.

Designated altitudes. Surface to flight level 400.

Time of designation. 0800 to 1700 EST, Monday through Friday.

Controlling agency. Federal Aviation Agency, Washington ARTC Center.

Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

§ 608.67 Washington.

R–6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N., Long. 122°34'48" W.; to Lat. 48°05'45" N., Long. 122°31'30" W.; to Lat. 48°06'06" N., Long. 122°41'12" W.; to Lat. 48°10'00" N., Long. 122°40'56" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Sunrise to sunset.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R–6703 Fort Lewis, Wash.

Boundaries. Beginning at Lat. 47°03'10" N., Long. 122°31'25" W.; along the Northern Pacific Railroad to Lat. 47°02'30" N., Long. 122°31'40" W.; to Lat. 47°02'30" N., Long. 122°31'00" W.; to Lat. 47°00'50" N., Long. 122°31'25" W.; to Lat. 47°00'50" N., Long. 122°32'10" W.; along the Northern Pacific Railroad to Lat. 46°54'30" N., Long. 122°39'-30" W.; to Lat. 47°04'25" N., Long. 122°35'-15" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Lewis, Wash.

R–6704 Fort Lewis, Wash.

Boundaries. Beginning at Lat. 47°05'25" N., Long. 122°38'10" W.; to Lat. 47°04'25" N., Long. 122°35'15" W.; to Lat. 46°54'30" N., Long. 122°39'20" W.; along the Northern Pacific Railroad to Lat. 46°53'12" N., Long. 122°41'15" W.; along the road to Lat. 46°57'-12" N., Long. 122°46'47" W.; to Lat. 46°59'-52" N., Long. 122°46'47" W.; along the Northern Pacific Railroad to Lat. 47°05'00" N., Long. 122°40'04" W.; thence along U.S. Highway 99 to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Lewis, Wash.

R–6705 Juan De Fuca, Wash.

Boundaries. Beginning at Lat. 48°14'30" N., Long. 123°42'00" W.; to Lat. 48°10'30" N., Long. 123°42'00" W.; thence one-half

mile N. of and parallel to the N. coast of Washington to Lat. 48°18'35" N., Long. 124°-25'00" W.; to Lat. 48°24'30" N., Long. 124°-25'00" W.; thence along the United States-Canadian border to the point of beginning.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R-6707 Queets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N., Long. 124°25'00" W.; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N., Long. 124°24'15" W. to Lat. 47°24'25" N., Long. 124°24'30" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Sunrise to sunset.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R-6708 Rosario Strait, Wash.

Boundaries. A circular area with a 1 nautical mile radius centered at Lat. 48°29'06" N., Long. 122°45'42" W.

Designated altitudes. Surface to 1,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R-6710 Spokane, Wash. (International Airport), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 351° radial of the Spokane VORTAC extending from 8.55 miles N. of the VORTAC to 33.55 miles N. of the VORTAC, having a width of 2.5 miles at the beginning and expanding uniformly to a width of 5.8 miles at the outer extremity.

Designated altitudes.

4,500 feet MSL to 17,500 feet MSL from 8.55 miles N. of the VORTAC to 9.55 miles N. of the VORTAC.

4,500 feet MSL to flight level 265 from 9.55 to 10.55 miles N. of the VORTAC.

4,500 feet MSL to flight level 270 from 10.55 to 13.55 miles N. of the VORTAC.

8,500 feet MSL to flight level 270 from 13.55 to 18.55 miles N. of the VORTAC.

12,500 feet MSL to flight level 270 from 18.55 to 23.55 miles N. of the VORTAC.

17,500 feet MSL to flight level 270 from 23.55 to 28.55 miles N. of the VORTAC.

21,500 feet MSL to flight level 270 from 28.55 to 33.55 miles N. of the VORTAC.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Spokane Approach Control.

Using agency. Commander, 116th Fighter Interceptor Squadron, Spokane, Wash.

R-6711 Tacoma, Wash. (McChord AFB), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 316° radial of the McChord AFB VOR extending from 5 miles NW. of the airbase (Lat. 47°08'20" N., Long. 122°28'05" W.) to 32 miles NW. of the airbase, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,300 feet MSL to 15,300 feet MSL from 5 miles NW. of the airbase to 6 miles NW. of the airbase.

2,300 feet MSL to flight level 243 from 6 to 7 miles NW. of the airbase.

2,300 feet MSL to flight level 270 from 7 to 10 miles NW. of the airbase.

6,300 feet MSL to flight level 270 from 10 to 15 miles NW. of the airbase.

10,300 feet MSL to flight level 270 from 15 to 20 miles NW. of the airbase.

15,300 feet MSL to flight level 270 from 20 to 25 miles NW. of the airbase.

19,300 feet MSL to flight level 270 from 25 to 32 miles NW. of the airbase.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, McChord Approach Control.

Using agency. Commander, McChord AFB, Wash.

R-6713 Whidbey Island, Wash.

Boundaries. Beginning at Lat. 48°25'00" N., Long. 123°05'00" W.; to Lat. 48°23'00" N., Long. 123°06'00" W.; to Lat. 48°16'30" N., Long. 123°03'00" W.; to Lat. 48°16'30" N., Long. 122°55'30" W.; to Lat. 48°19'45" N., Long. 122°46'30" W.; to Lat. 48°25'00" N., Long. 122°53'30" W.; to the point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. 0700 to 2400 PST.

Controlling agency. Federal Aviation Agency, Seattle ARTC Center.

Using agency. Commanding Officer, NAS Whidbey Island, Wash.

R-6714 Yakima, Wash.

Boundaries. Beginning at Lat. 46°51'00" N., Long. 119°58'00" W.; along the W. shore of the Columbia River to Lat. 46°39'00" N., Long 119°55'30" W.; to Lat. 46°33'00" N., Long. 119°55'30" W.; to Lat 46°33'00" N., Long. 120°13'45" W.; to Lat. 46°39'00" N, Long. 120°26'38" W.; to Lat. 46°43'00" N., Long. 120°26'38" W.; to Lat. 46°51'00" N., Long. 120°21'30" W.; to Lat. 46°51'00" N., Long. 120°16'30" W.; to Lat. 46°54'30" N., Long. 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at Lat. 46°44'45" N., Long. 120°20'00" W.; to Lat. 46°51'00" N., Long. 120°08'30" W.; to the point of beginning.

Designated altitudes. Surface to 65,000 feet MSL.

Time of designation. Continuous.

Using agency. Commanding General, Fort Lewis, Wash.

§ 608.68 West Virginia.

§ 608.69 Wisconsin.

R-6901 Camp McCoy, Wis.

Boundaries. Beginning at Lat. 44°10'00" N., Long. 90°46'00" W.; to Lat. 44°10'00" N., Long. 90°35'00" W.; to Lat. 43°54'00" N., Long. 90°35'00" W.; to Lat. 43°54'00" N., Long. 90°46'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 250.

Time of designation. May 23 through September 5.

Using agency. Commanding Officer, Camp McCoy, Wis.

R-6902 Sheboygan, Wis.

Boundaries. Beginning at Lat. 43°45'00" N., Long. 87°10'00" W.; to Lat. 43°20'00" N., Long. 86°30'00" W.; to Lat. 43°16'00" N., Long. 86°30'00" W.; to Lat. 43°15'15" N., Long. 87°09'00" W.; to the point of beginning.

Designated altitudes. Surface to flight level 650.

Time of designation. 0730 to 1700 CST.

Using agency. Commanding Officer, NAS, Glenview, Ill.

R-6903 Sheboygan, Wis.

Boundaries. Beginning at Lat. 43°45'00" N., Long. 87°10'00" W.; to Lat. 43°15'15" N., Long. 87°09'00" W.; to Lat. 43°14'20" N., Long. 87°44'30" W.; to Lat. 43°45'00" N., Long. 87°39'20" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.

Time of designation. 0730 to 1700 CST.

Using agency. Commander, 128th Fighter Group, Wisconsin Air National Guard, Milwaukee, Wis.

R-6904 Volk Field, Wis.

Boundaries. Beginning at Lat. 44°16'00" N., Long. 89°59'00" W.; to Lat. 44°12'00" N., Long. 89°59'00" W.; to Lat. 44°12'00" N., Long. 90°07'00" W.; to Lat. 44°16'00" N., Long. 90°07'00" W.; to the point of beginning.

Designated altitudes. Surface to 12,000 feet MSL.

Time of designation. Sunrise to sunset, June 1 through August 31; sunrise to sunset, Friday, Saturday, and Sunday, September 1 through May 31, excepting January and February.

Using agency. Adjutant General, State of Wisconsin, Madison, Wis.

R-6905 Madison, Wis. (Truax Field), Restricted Area/Military Climb Corridor.

Boundaries. The area centered on the 003° radial of the Truax VOR extending from 5 miles N. of the airport (Lat. 43°08'15" N., Long. 89°20'10" W.) to 32 miles N. of the airport, having a width of 2 miles at the beginning and expanding uniformly to a width of 4.6 miles at the outer extremity.

Designated altitudes.

2,900 feet MSL to 15,900 feet MSL from 5 miles N. of the airport to 6 miles N. of the airport.

2,900 feet MSL to flight level 249 from 6 to 7 miles N. of the airport.

2,900 feet MSL to flight level 270 from 7 to 10 miles N. of the airport.

6,900 feet MSL to flight level 270 from 10 to 15 miles N. of the airport.

10,900 feet MSL to flight level 270 from 15 to 20 miles N. of the airport.

15,900 feet MSL to flight level 270 from 20 to 25 miles N. of the airport.

19,900 feet MSL to flight level 270 from 25 to 32 miles N. of the airport.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Madison Approach Control.

Using agency. Commander, 325th Fighter Interceptor Squadron, Truax Field, Madison, Wis.

§ 608.70 Wyoming.

§ 608.71 Puerto Rico.

R-7101 Culebra Island, P.R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical mile limit from the shoreline.

Designated altitudes. Surface to flight level 500.

Time of designation. During VFR weather conditions, and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.

Using agency. Commander, Caribbean Sea Frontier, San Juan, P.R.

R-7102 Punta Figuras, P.R.

Boundaries. Beginning at Lat. 17°58'22" N., Long. 65°58'50" W.; to Lat. 17°55'35" N., Long. 65°57'10" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 17°51'55" N., Long. 66°14'10" W.; clockwise along the arc of a 25,000 yard radius circle centered at Lat. 17°57'48" N., Long. 66°02'54" W.; to Lat. 17°53'05" N., Long. 66°14'50" W.; to Lat. 17°57'23" N., Long. 66°05'06" W.; to the point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Sunrise to sunset during periods of unrestricted visibility and only after issuance of NOTAMS by the Commandant, 10th Naval District at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.

Using agency. Commanding General, U.S. Army Caribbean, San Juan, P.R.

R-7103 Salinas, P.R.

Boundaries. Beginning at Lat. 18°03'03" N., Long. 66°14'26" W.; to Lat. 18°00'12" N., Long. 66°15'10" W.; to Lat. 17°59'07" N., Long. 66°17'32" W.; to Lat. 18°01'40" N., Long. 66°20'15" W.; to Lat. 18°04'22" N., Long. 66°17'05" W.; to Lat. 18°03'55" N., Long. 66°15'25" W.; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Sunrise to sunset, June 15 through August 15; and sunrise to sunset, Saturday and Sunday, August 16 through June 14.

Using agency. Commanding General, U.S. Army Caribbean, San Juan, P.R.

R-7104 Vieques Island, P.R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3 nautical mile limit from the shoreline.

Designated altitudes. Surface to flight level 500.

Time of designation. Continuous, but only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS to contain information concerning time of cessation of firing.

Using agency. Commander, Caribbean Sea Frontier, San Juan, P.R.

§ 608.72 Guam.

R-7201 Nafatan Rock, Guam.

Boundaries. The area within a 5-nautical mile radius of Lat. 14°50'00" N., Long. 145°-32'00" E., excluding the portion which lies 3 nautical miles beyond the shoreline.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous.

Using agency. Commanding Officer NAS Agana, Guam.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 1, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7397; Filed, Aug. 9, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7863 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Marado Trading Corp. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-30 *Foreign origin;* § 13.1900 *Source or origin:* § 13.-1900-35 *Foreign product as domestic.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Marado Trading Corporation et al., New York, N.Y., Docket 7863, July 13, 1961]

In the Matter of Marado Trading Corporation, a Corporation, and Adolph Shefts, and Marte Previti, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease selling sunglasses imported from Japan with no markings to show the country of origin or with markings so indistinct or so easily obliterated in ordinary handling as to constitute inadequate disclosure of their foreign manufacture.

The order to cease and desist is as follows:

It is ordered, That the respondents, Marado Trading Corporation, a corporation, and its officers, and Adolph Shefts and Marte Previti, individually and as officers of said corporation, and respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sun-glasses or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Offering for sale or selling any product which is in whole or substantial part of foreign origin, without clearly and conspicuously disclosing on such product, or in immediate connection therewith, and, if such product is enclosed in a package or container, on the package or container, in such a manner that it will not be hidden or readily obliterated, the country of origin of the product or part thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision, as amended.

Issued: July 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7572; Filed, Aug. 9, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 713—NAVAL RESERVE AND MARINE CORPS RESERVE

Subpart B—Marine Corps Reserve

Part 713 is amended by changing its caption to read as indicated above, by inserting the caption "Subpart A—Naval Reserve" as caption of §§ 713.1 through 713.544, by changing the existing "Subpart A" through "Subpart D" captions to undesignated centerheads, and by adding new Subpart B as follows:

PERSONNEL MANAGEMENT

Sec.
713.601 Reserve personnel policies.
713.602 Uniform of the Marine Corps Reserve.
713.603 Procurement of military personnel.
713.604 Officer procurement.
713.605 Enlisted recruiting; term of enlistments.
713.606 Recall of members of the Marine Corps Reserve.
713.607 Jurisdiction over reservists.
713.608 Marine Corps Reserve and recruiting service activities.
713.609 Civil readjustment; responsibilities.

TRAINING

713.611 Enlisted training; basic military training for male Marines.
713.612 Inactive duty training.
713.613 Active duty for training.

AUTHORITY: §§ 713.601 to 713.613 issued under R.S. 161, secs. 280, 5031, 70A Stat. 14, 278, as amended; 5 U.S.C. 22, 10 U.S.C. 280, 5031.

PERSONNEL MANAGEMENT

§ 713.601 Reserve personnel policies.

(a) *General.* (1) Rules for members of the regular component on active duty generally apply to reservists on active duty.

(2) A reservist serving on active duty has authority and responsibility equal to that of a regular Marine of the same grade. When he is not on active duty, or when he is on active duty for training, a reservist is not considered to be an officer or employee of the United States or a person holding an office of trust or profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity. This limitation on the status of a reservist shall not be construed to impair his responsibility and authority, during periods of inactive duty training and active duty for training, to execute orders and perform assigned duties.

(b) *Civilian employment.* (1) Members of the Marine Corps Reserve on inactive duty are authorized to accept civil employment including employment in any civil branch of the public service. While so employed they may receive pay and allowances to which they may be entitled as members of the Reserve.

(2) A member of the Marine Corps Reserve not on active duty who desires to accept employment with a foreign government, or a concern which is controlled in whole or in part by a foreign government, shall submit a request for permission to accept such employment to the Commandant of the Marine Corps.

(i) Requests for this permission normally will be approved, except:

(*a*) When it is known that employment contemplated will be in violation of a statute of the United States; or

(*b*) When the nature of the anticipated employment may reasonably be expected to be inimical to the security or best interest of the United States.

(ii) When permission to accept such employment has been given and it is later determined that the employment is in violation of law or is inimical to the security or best interest of the United States, the authority for accepting such employment will be withdrawn by the Commandant of the Marine Corps.

(iii) Should a member accept or continue in such employment after approval has been refused or withdrawn, action to effect the separation of that member from the Marine Corps Reserve shall be initiated by the Commander, Marine Air Reserve Training, district director, or commanding officer as appropriate.

(iv) A member who serves as a representative, official, or employee of a foreign government, firm, corporation, or individual shall, from a security viewpoint, be considered as a foreign national when acting in such capacity. This fact will be taken into consideration on any request made by the reservist for active duty, active duty for training, or inactive duty training which involves access to classified matter.

(c) *Military leave of absence.* Officers and employees of the Federal Government or the District of Columbia who are members of the Marine Corps Reserve are entitled by law to a military leave of absence from their respective duties to attend active duty for training for periods not to exceed fifteen days in any one fiscal year. While on such duty, personnel concerned are not subject to any loss of seniority, status, pay, and vacation.

§ 713.602 Uniform of the Marine Corps Reserve.

(a) The uniform for personnel of the Marine Corps Reserve shall be the same as that prescribed for personnel of the regular establishment.

(b) Members of the Marine Corps Reserve shall wear the uniform when participating in regular drills and when on active duty or active duty for training, except when civilian clothing is worn in conformity with local regulations.

§ 713.603 Procurement of military personnel.

(a) *Responsibility of Directors of Marine Corps reserve and recruitment districts.* Directors of Marine Corps reserve and recruitment districts are responsible for the external procurement of applicants, including applicants for officer candidate programs, for service in the Regular Marine Corps Reserve, except for aviation units of the Marine Corps Reserve.

(b) *Responsibility of the Commander, Marine Air Reserve Training.* The Commander, Marine Air Reserve Training is responsible for the procurement of applicants for service in aviation units of the Marine Corps Reserve.

§ 713.604 Officer procurement.

(a) Appointments to officer grade in the Regular Marine Corps or Marine Corps Reserve are made only by the President of the United States or the Secretary of the Navy.

(b) Candidates for appointment to commissioned grade in the Regular Marine Corps and Marine Corps Reserve must be citizens of the United States and must be mentally, morally, physically, and professionally qualified in accordance with the requirements established by the Secretary of the Navy and the Commandant of the Marine Corps.

(c) The mental, moral, age, and professional requirements for a commission in the Regular Marine Corps or Marine Corps Reserve are contained in current directives dealing with the specific sources from which officers are procured.

(d) The physical requirements for a commission in the Regular Marine Corps or Marine Corps Reserve are contained in the Manual of the Medical Department. Except as may be authorized by the Commandant of the Marine Corps, upon the recommendation of the Chief of the Bureau of Medicine and Surgery, no person shall be appointed who does not meet the physical standards prescribed.

(e) Marine Corps Reserve officers may be appointed in the Regular Marine Corps when vacancies exist, under programs authorized by the Secretary of the Navy and established by the Commandant of the Marine Corps.

§ 713.605 Enlisted recruiting; term of enlistments.

(a) Unless required by law to be for a longer period, enlistments in the Regular Marine Corps and the Marine Corps Reserve may be for terms of two, three, four, or six years, as may be authorized by the Commandant of the Marine Corps.

(b) Under regulations prescribed by the Commandant of the Marine Corps, applicants may be enlisted in officer candidate programs, or other special programs for the length of the program. These enlistments may be made subject to a condition that the contract will not be binding unless the applicant is finally accepted for the program concerned.

(c) All terms of enlistment are subject to:

(1) Extension in time of war or in time of national emergency declared by the President.

(2) Laws requiring completion of periods of obligated service in the reserve component.

§ 713.606 Recall of members of the Marine Corps Reserve.

The Commandant of the Marine Corps, or a commander designated by him, may order members of the Marine Corps Reserve to active duty or active duty for training as authorized below:

(a) In time of national emergency proclaimed by the President or when otherwise authorized by law, any member of the Ready Reserve without his consent, may be ordered to and required to perform active duty for a period not to exceed twenty-four months.

(b) In time of war or national emergency declared by the Congress, or when otherwise authorized by law, any member of the Ready Reserve, without his consent, may be ordered to and required to perform active duty for the duration of the war or national emergency and for six months thereafter.

(c) Orders to active duty may be issued to members of the Ready Reserve in time of peace for execution in time of war or national emergency or when otherwise authorized by law. Determinations as to the members to be so ordered to active duty and the priority in which they will be ordered will be made in accordance with policies and procedures prescribed by the Commandant of the Marine Corps.

(d) In time of war or national emergency declared by Congress, or when otherwise authorized by law, any member of the Standby Reserve may be ordered to and required to perform active duty for the duration of the war or national emergency and for six months thereafter. However, no member of the Standby Reserve may be ordered to active duty without his consent until the Director of Selective Service has determined that such member is available for active service, and no member of the inactive status list of the Standby Reserve shall be ordered to active duty without his consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members in an active status are not readily available.

(e) In time of war or national emergency declared by Congress, or when otherwise authorized by law, any member of the Retired Reserve may be ordered to and required to perform active duty for the duration of the war or national emergency and for six months thereafter. However, no member of the Retired Reserve may be ordered to active duty without his consent unless the Secretary of the Navy, with the approval of the Secretary of Defense, determines that adequate numbers of qualified members in an active status are not readily available.

(f) A member of the Marine Corps Reserve in an active status may be ordered to and required to perform active duty or active duty for training, without his consent for a period not to exceed fifteen days annually.

(g) A member of the Ready Reserve who is required by law and regulations to participate satisfactorily in reserve training and who in any year fails to perform such training duty satisfactorily, may be ordered without his consent to perform additional active duty for training for not more than forty-five days.

(h) A member of the Ready, Standby, or Retired Reserve may be ordered to active duty or active duty for training at any time with his consent, subject to such policies, programs, and conditions as are approved by the Commandant of the Marine Corps.

§ 713.607 Jurisdiction over reservists.

(a) *Active duty.* Members of the Marine Corps Reserve lawfully called or ordered to active duty or active duty for training are subject to the Uniform Code of Military Justice from the date they are required to obey the call or order.

(b) *Inactive duty training.* A member of the Marine Corps Reserve is subject to the Uniform Code of Military Justice while performing inactive duty training only when such training is authorized by written orders specifying that the reservist is subject to the Code and the orders have been voluntarily accepted by him. Such orders shall be tendered to all reservists prior to the time they enter upon the performance of the following types of inactive duty training:

(1) Regular drills and equivalent instruction or duty.

(2) Volunteer training unit meetings.

(3) Associate duty with a unit of a reserve component of another armed force, when it is the policy of the host armed force.

(4) Associate duty with Organized Marine Corps Reserve units.

§ 713.608 Marine Corps reserve and recruiting service activities.

(a) Marine Corps reserve and recruiting service activities are those activities which:

(1) Have a primary mission to support the Marine Corps Reserve.

(2) Have a primary mission to administer the Marine Corps recruiting program.

(3) Have a dual mission of supporting the Reserve and administering the recruiting program.

(b) Marine Corps Reserve activities shall be organized to enlist, administer, train, and otherwise support individuals and units of the Marine Corps Reserve as specified in their individual missions assigned by the Commandant of the Marine Corps.

(c) Marine Corps reserve and recruitment districts are established by the Commandant of Marine Corps. Each district is commanded by a director who is responsible to the Commandant for all reserve and recruiting service matters within his assigned area.

§ 713.609 Civil readjustment; responsibilities.

The director of each Marine Corps reserve and recruitment district shall maintain a Veterans Contact Service to aid Marine Corps veterans who request assistance on matters falling within the scope of the civil readjustment program.

TRAINING

§ 713.611 Enlisted training; basic military training for male Marines.

The basic training of enlisted Marines shall be accomplished in recruit and individual combat training. All enlistees, including Marine Corps reservists who have not previously completed recruit training and enlistees with prior experience in another service or the reserve of another service, shall undergo basic military training upon reporting for active duty.

§ 713.612 Inactive duty training.

(a) *Definition.* (1) Inactive duty training is duty or training prescribed for reservists and performed while not on active duty or active duty for training.

(2) Inactive duty training includes regular drills, equivalent instruction or duty, administrative duty, associate duty, appropriate duty, approved correspondence courses, and volunteer training unit participation.

(b) *Responsibility.* (1) Participation in and conduct of inactive duty training programs shall be only as authorized or directed by the Commandant of the Marine Corps. Specific responsibility for implementation and administration of such programs shall be as follows:

(i) Inactive duty training conducted by or in connection with an Organized Marine Corps Reserve unit or a Marine Corps Reserve volunteer training unit, shall be the responsibility of the commanding officer of the unit. For aviation reserve units, such responsibility shall be exercised under the supervision and control of the Commander, Marine Air Reserve Training. For ground reserve units, such responsibility shall be exercised under the supervision and control of the director of the Marine Corps reserve and recruitment district or the Marine Corps Reserve district in which the unit is located.

(ii) All other inactive duty training programs shall be implemented and administered by the Commander, Marine Air Reserve Training and the directors of the Marine Corps reserve district and Marine Corps reserve and recruitment districts.

(2) Marine Corps reservists may be authorized to perform inactive duty training with or under the cognizance of an organization of the regular establishment, as authorized or directed by the Commandant of the Marine Corps. During the course of such training, reservists so assigned shall be subject to the supervision, direction, and control of the commander of the organization with which the training or duty is performed.

(3) Marine Corps reservists may participate in inactive duty training with regular and reserve organizations of other military services and with certain other agencies. Assignment of personnel to such training shall be only as authorized or directed by the Commandant of the Marine Corps, and such assignments must be concurred in by the service or agency with which the training or duty is to be performed. Responsibility for the conduct of such inactive duty training and for the direction, supervision, and control of Marine Corps reservists assigned thereto, shall be as stipulated by the service or agency with which the training or duty is performed.

(4) When so authorized or directed by competent authority members of the reserve components of other military services may participate in inactive duty training with regular or reserve organizations of the Marine Corps. The commander of the organization with which such training or duty is performed shall be responsible for the conduct of the training, and for the direction, supervision, and control of reservists assigned thereto.

§ 713.613 Active duty for training.

(a) *Definition.* (1) Active duty for training means full time duty for training purposes in the active military service of the United States.

(2) Active duty for training includes annual training duty, individual tours of active duty for training, and repeated training duty.

(b) *Annual training duty.* Annual training duty by Organized Marine Corps Reserve units shall be conducted only in accordance with such training programs, at such places, and during such times as the Commandant of the Marine Corps may authorize or direct.

(1) During the course of annual training duty at regular Marine Corps activities, Organized Marine Corps Reserve units shall be given such assistance, and shall be subject to such direction, supervision, and control by the commander of the activity to which assigned, as may be specified by the Commandant of the Marine Corps.

(2) A member of a reserve component of another military service may perform annual training duty with an Organized Marine Corps Reserve unit provided he is a full time member specifically assigned to a table of organization billet in the unit with which he desires to perform such duty. Orders must be issued by the reservist's own service, and reservists so assigned shall be subject to the same direction, supervision, and control as Marine Corps reservists who are members of the unit.

(3) Marine Corps reservists who are serving with reserve components of the other military services or with certain other agencies, may be issued orders to perform annual training duty with the organization to which attached. These orders shall be issued only by the Commandant of the Marine Corps or by a subordinate commander who has been specifically authorized by the Commandant to issue such orders. During performance of annual training duty with a non-Marine Corps organization, a Marine Corps reservists shall be subject to such direction, supervision, and control as may be stipulated by the service or agency with which he is performing duty.

(c) *Individual training tours.* (1) Marine Corps reservists and members of the reserve components of the other military services may be authorized or directed to perform individual tours of active duty for training at or with activities of the regular or reserve establishments of the Marine Corps. Orders to perform such training must be issued by competent authority. The supervision, direction, and control of reservists during the performance of such training shall be as authorized or directed by the Commandant of the Marine Corps.

(2) Marine Corps reservists may perform individual tours of active duty for training with regular and reserve establishments of other military services and with certain other agencies. Assignment of personnel for training shall be only as authorized or directed by the Commandant of the Marine Corps, and must be concurred in by the service or agency with which the training is to be performed. Responsibility for the conduct of such training and for the direction, supervision, and control of Marine Corps reservists assigned thereto, shall be as stipulated by the service or agency with which the training is performed.

(d) *Repeated training duty.* (1) The Commandant of the Marine Corps designates those specific duties for which repeated training duty orders may be issued. Such orders may be issued to Marine Corps reservists only as authorized or directed by the Commandant of the Marine Corps.

(2) When so authorized or directed by competent authority, members of the reserve components of other military services may participate in repeated training duty with regular or reserve organizations of the Marine Corps. The commander of the organization with which the training or duty is performed shall be responsible for the conduct of the training, and for the direction, supervision, and control of reservists assigned thereto.

Dated: August 3, 1961.

By direction of the Secretary of the Navy.

[SEAL] W. C. MOTT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 61-7567; Filed, Aug. 9, 1961; 8:46 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 803—APPREHENSION AND ARREST

Part 803 is revised to read as follows:

Sec.
803.1 Purpose.
803.2 Persons not subject to UCMJ.

AUTHORITY: §§ 803.1 and 803.2 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 111-12, June 23, 1961.

§ 803.1 Purpose.

This part informs Air Force members of their right, under certain circumstances, to apprehend persons not subject to the Uniform Code of Military Justice (UCMJ).

§ 803.2 Persons not subject to UCMJ.

(a) All Air Force members have the ordinary right of civilians to assist in maintaining the peace. Therefore, when a felony, or a misdemeanor amounting to a breach of the peace is committed, Air Force members usually have the right to apprehend the perpetrator, no matter what his status. However, the law of apprehension varies considerably from one locality to another, and action should not be taken before ascertaining the law of the particular jurisdiction, if possible.

(b) When persons not subject to military law are found within the limits of military jurisdiction in the act of committing a breach of regulations which does not amount to a felony or a breach of the peace, the commanding officer may order them removed therefrom and not to reenter. 18 U.S.C. 1382 states the penalty imposed for reentrance after ejection.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7559; Filed, Aug. 9, 1961; 8:46 a.m.]

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Releasing Information for Litigation, and Appearance of Witnesses Before Courts and Other Civil Tribunals

Sections 804.401 to 804.410 are rescinded and the following substituted therefor:

Sec.
804.401 Purpose.
804.402 Definitions.
804.403 Air Force policy.
804.404 Responsibilities.
804.405 Limitations.
804.406 Fees and charges.
804.407 Requests for interviews or statements.
804.408 Authentication of documents.
804.409 Release to the Department of Justice.
804.410 Release to Government contractors.
804.411 Compliance with subpoena.
804.412 Witnesses in private litigation.
804.413 Witnesses in suits involving the United States.
804.414 Depositions.

AUTHORITY: §§ 804.401 to 804.414 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 110-5, December 20, 1960.

§ 804.401 Purpose.

Sections 804.401 to 804.414 explain what types of official information may be released from Air Force files for litigation purposes; it also provides policies and procedures for the guidance of Air Force military and civilian personnel who are requested to appear as witnesses. It takes precedence over conflicting instructions in any other regulation.

§ 804.402 Definitions.

(a) *Official information.* All documents, files, records, or papers within the possession of the Department of the Air Force, its officers, agents, or employees, and all matters within the knowledge of such officers, agents, or employees obtained by them as a result of or in connection with the performance of their official duties.

(b) *Litigation.* Prospective or pending lawsuits, controversies, hearings, investigations, or other civil administrative proceedings in civilian courts, commissions, boards, or other tribunals.

§ 804.403 Air Force policy.

Official information will be made available for use in litigation, and military and civilian personnel will be permitted to testify concerning such information in its files if material and relevant to the litigation, unless the information is classified defense information, is privileged by law or regulation, or other valid reason exists for its nonrelease.

§ 804.404 Responsibilities.

(a) The Judge Advocate General, USAF, is responsible for:

(1) Authorizing the release of Air Force information for use in prospective or pending litigation.

(2) Prescribing the type of information which is releaseable, and the circumstances under which it may be released by custodians of the information or by persons appearing as witnesses before civilian courts or tribunals.

(b) Each person in the Air Force who has custody of written information desired for use in litigation, or who is requested to appear as a witness and testify, is primarily responsible for compliance with §§ 804.401 to 804.414.

(c) Provisions of §§ 804.401 to 804.414 do not apply when no Air Force documents or records are involved, and/or the desired testimony of the Air Force witness has no connection with his Air Force duties and the subject matter does not concern Air Force matters. In those cases, the witness is governed by the usual rules of law applicable to witnesses in the jurisdiction concerned. Paragraph 12 sets forth circumstances under which these persons can testify.

§ 804.405 Limitations.

When the United States is a party to the litigation in question, information will be released only after authorization by The Judge Advocate General, USAF, the Staff Judge Advocate of the major air command concerned, The Attorney General of the United States, or a United States Attorney.

(b) When disclosure of the requested information might aid in litigation or prosecution of a present or prospective claim against the United States, custodians of records and prospective witnesses will seek advice from their Staff Judge Advocate. The Staff Judge Advocate will refer the matter immediately, through channels, to The Judge Advocate General, USAF, or to the Staff Judge Advocate of the major air command concerned, who will notify The Judge Advocate General, USAF, immediately of the decision reached. The Staff Judge Advocate will take every precaution to insure that any authorized release of requested information is made by the custodian or prospective witness "in the proper discharge of official duties" and, therefore, not in violation of the Federal criminal statute (18 U.S.C. 283).

(c) When litigation is not pending, custodians of Air Force records should satisfy themselves that:

(1) The request for information is not frivolous or unreasonable.

(2) Litigation is actually contemplated.

(3) The person requesting the information has a need and the right to know it.

If these three tests are not met, the custodian should decline to divulge the information pending institution of the litigation.

(d) Information of a personal nature in Air Force files is treated "confidentially" and will not be released unless:

(1) A subpoena duces tecum—issued by a court or other body having such powers and in whose jurisdiction the custodian is located—is properly served on the custodian, or

(2) Authorized by the Staff Judge Advocate of the major air command concerned or The Judge Advocate General, USAF.

(e) Release of medical information from Air Force files is governed by AFR 160-35 (Administering Medical Treatment Facilities), and will not otherwise be released unless:

(1) A subpoena duces tecum—issued by a court or other body in whose jurisdiction the custodian is located—is properly served on the custodian, or

(2) Authorized by the Staff Judge Advocate of the major air command concerned or The Judge Advocate General, USAF.

(f) Classified defense information cannot be released to unauthorized persons or courts under any circumstances, unless the classification is removed. If classified information is properly subpoenaed and cannot be declassified, the documents, records, or files in question will be forwarded to The Judge Advocate General, USAF, for review of the decision by Headquarters, USAF. Pending this decision, the custodian on whom the subpoena duces tecum has been served will answer the subpoena, tell the court what action he has taken, and inform the court of the contents of §§ 804.401 to 804.414.

§ 804.406 Fees and charges.

Custodians or other persons who release information outside the Air Force under the provisions of §§ 804.401 to 804.414 are responsible for collection of fees and charges required by §§ 858.1 to 858.4 of this chapter.

§ 804.407 Requests for interviews or statements.

(a) Requests by parties to private controversies preliminary to actual litigation for permission to interview or to obtain statements from Air Force personnel concerning matters related to their official duties or concerning information obtained in their official capacity may be granted by commanders, on the advice of their Staff Judge Advocates, at appropriate times and places and under circumstances which will insure that the provisions of §§ 804.401 to 804.414 are not violated.

(b) Identical rules apply in taking depositions of Air Force personnel.

§ 804.408 Authentication of documents.

(a) Properly authenticated copies of Government records, papers, or documents are admissible in evidence in Federal courts (see 28 U.S.C. 1733).

(b) Most State courts and other tribunals will admit into evidence properly authenticated copies of Air Force records, papers, or documents without further identification by the custodian or other witness.

(c) The method of authentication is set out in Rule 44 of the Federal Rules of Civil Procedure (28 U.S.C. 2072), which is further implemented by AFR 110-10 (Authentication of Official Records for Use as Evidence).

(d) In appropriate cases, custodians of records, files, or documents are encouraged to release the requested information with a proper certificate; in many instances this will be satisfactory to the person requesting the information and avoid the necessary court appearance by the custodian.

§ 804.409 Release to the Department of Justice.

(a) Requests for official information received from local United States Attorneys should be honored by the custodian, if possible.

(b) When the requested information is classified defense information, consideration for its declassification and release should be given by persons having such authority under AFR 205-1 (safeguarding Military Information).

(1) If it is determined that declassification is not possible, the United States Attorney will be so informed promptly.

(2) Unless the subject matter is such that disclosure of classified defense information would adversely affect the security of the United States, the United States Attorney may be permitted to examine the documents, records, or files in question. If, after reviewing the material, the United States Attorney still requests release, he should be advised to forward his request for the information to the Department of Justice.

§ 804.410 Release to Government contractors.

Contracting officers receiving requests for information from Government contractors for use in contractor litigation should comply with those requests, provided that the provisions of §§ 804.401 to 804.414 are not violated.

§ 804.411 Compliance with subpoena.

(a) Subpoenas properly served on the prospective witness by a representative of the court or tribunal which has jurisdiction over the witness and the requested record, file, or document will be complied with, if not otherwise prohibited by §§ 804.401 to 804.414.

(1) When §§ 804.401 to 804.414 prevent the witness from testifying or producing the subpoenaed documents, the witness will appear at the time and place stated in the subpoena and respectfully advise the court or tribunal that Air Force regulations prevent him from testifying on the subject matter in question and/or producing the documents in question. If this does not satisfy the court or tribunal, the witness will furnish them a copy of §§ 804.401 to 804.414 and respectfully request leave of the court for time to submit the problem to The Judge Advocate General, USAF, for decision.

(b) In cases covered by this section, Staff Judge Advocates are authorized to accompany the subpoenaed witness to court and act as his counsel.

(c) If a subpoena has not been properly issued and served by a court or tribunal having the requisite jurisdiction over the prospective witness, it will be treated as a request for release of information and processed under the provisions of §§ 804.401 to 804.414.

(d) When §§ 804.401 to 804.414 prohibits release of documents or other information properly subpoenaed, the appropriate custodian or Staff Judge Advocate should consider the appropriateness of informally contacting legal counsel who caused the subpoena to issue. All aspects of the matter should be fully explained to him and releaseable information offered to him, in authenticated form if appropriate.

§ 804.412 Witnesses in private litigation.

(a) Air Force personnel who are requested to appear and testify in any litigation in which the Federal Government has no interest may be authorized to do so, provided that §§ 804.401 to 804.414 do not prohibit the release of the information desired, and no expense to the Government is involved.

(1) If there is any travel, subsistence, or other expense involved, it should be paid and arranged for in advance between the prospective witness and the person requesting him to testify.

(2) The witness must be willing to take official leave if his absence from duty will exceed his normal pass privileges. Civilian employees will obtain prior approval for annual leave under these circumstances. Commanders are encouraged to be liberal in granting passes or leave for this purpose.

(b) Persons who are requested to appear and testify in cases falling within the provisions of this section are encouraged to consult with their Staff Judge Advocates for advice and guidance.

§ 804.413 Witnesses in suits involving the United States.

(a) Arrangements for attendance of Air Force military or civilian personnel as witnesses in litigation in which the United States is a party generally are made in Washington between the Department of Justice and The Judge Advocate General, USAF. Local United States Attorneys may request that a witness be furnished them in Government litigation. This request may be honored, provided that no travel or temporary duty are involved. If either is involved, the United States Attorney should be advised to submit his request to the Administrative Division of the Department of Justice pursuant to instructions contained in title VII, page 120, of the United States Attorneys Manual. Headquarters USAF will then issue appropriate orders directing the travel.

(b) The Air Force is required by law to furnish witnesses on behalf of the United States. Travel and per diem expenses of such witnesses are borne by the Air Force "in any case involving" the Air Force (see 28 U.S.C. 1823(a)).

(c) The same procedures apply in cases not "involving" the Air Force, except that the Air Force is reimbursed by the Department of Justice or other Government department or agency for the amounts expended for the travel and temporary duty of the witness. In these cases, Headquarters USAF will issue complete instructions concerning recoupment of all funds expended by the Air Force for the travel and temporary duty of military or civilian personnel who appear as witnesses for the Government.

§ 804.414 Depositions.

All provisions of §§ 804.401 to 804.414 also apply to testimony given by military and civilian personnel in deposition form.

Individuals who are asked to testify by deposition are encouraged to consult with their Staff Judge Advocate before testifying.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7561; Filed, Aug. 9, 1961; 8:46 a.m.]

SUBCHAPTER S—AIRCRAFT

PART 823—PROVIDING WEATHER SERVICE TO NONMILITARY AGENCIES OR INDIVIDUALS

Part 823 is revised to read as follows:

Sec.
823.1 Purpose.
823.2 Responsibility.
823.3 Guidance for providing meteorological service.
823.4 Exchanges with national meteorological services.

AUTHORITY: §§ 823.1 to 823.4 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 105-9, April 6, 1961.

§ 823.1 Purpose.

This part prescribes the conditions under which the Air Force provides meteorological service to nonmilitary agencies or individuals.

§ 823.2 Responsibility.

A country's national meteorological service (in the United States, the Weather Bureau) is responsible for providing weather service to nonmilitary agencies or individuals. However, when a national meteorological service requests assistance in carrying out this responsibility, the Air Force, through the Air Weather Service, will make every effort to provide it. If help cannot be provided, the Air Force will explain why.

§ 823.3 Guidance for providing meteorological service.

(a) Aircraft pilots authorized to use an Air Force facility where an Air Weather Service detachment is located will, on request, be furnished local observations and weather information required for clearance purposes.

(b) Civilian airlines using Air Force bases where the Air Weather Service facility has been designated an International Civil Aviation Organization (ICAO) Main or Dependent meteorological station will be furnished local observations, clearance information, inflight service, and planning information in accordance with ICAO procedures.

(c) Other nonmilitary agencies or individuals will be furnished requested meteorological service provided that all of the following criteria have been satisfied:

(1) The national meteorological service normally responsible for the service has requested that the service be provided. Agencies or individuals who have not cleared their requests through the meteorological service will be asked to do so.

(2) Military mission accomplishment will not be impaired.

(3) Additional personnel and facilities will not be required.

(4) Recipient is advised that the Air Force can assume no legal, financial, or moral responsibility for the weather service provided.

(d) In an emergency, where immediate action is required to avert or lessen the loss of human life and property damage, service will be furnished without regard to the limitations described in paragraph (c) of this section. Moreover, major air commands, attache offices, and comparable agencies, will inform Headquarters USAF (AFOWX) whenever a particular situation arises in which they feel it would be in the national or Air Force interest to furnish meteorological service not otherwise authorized by this part.

§ 823.4 Exchanges with national meteorological services.

Sections 823.1 to 823.4 are not intended to affect or inhibit the normal exchange of meteorological data between the Air Force and civilian meteorological services.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7562; Filed, Aug. 9, 1961; 8:45 a.m.]

SUBCHAPTER C—CLAIMS AND ACCOUNTS

PART 837—CLAIMS IN FAVOR OF THE UNITED STATES

In Part 837, §§ 837.1 to 837.15 are inserted in lieu of former §§ 837.1 to 837.7. Therefore, §§ 837.11 to 837.16, although unchanged, are renumbered §§ 837.50 to 837.55 and are set forth herein. Part 837 now reads as follows:

TORT CLAIMS

Sec.
837.1 Purpose.
837.2 Definitions.
837.3 Cognizable claims.
837.4 Claims not cognizable.
837.5 Investigative procedure.
837.6 Report of claims officer.
837.7 Claims officer's responsibilities.
837.8 Commander's responsibilities.
837.9 Staff judge advocate's responsibilities.
837.10 Approving authority responsibilities.
837.11 Counter-claims.
837.12 When claims must be presented.
837.13 Applicable law.
837.14 Receipts.
837.15 Releases.

MARITIME CLAIMS

837.50 Purpose.
837.51 Claims included.
837.52 Claims exceeding $500,000.
837.53 Delegation of authority.
837.54 Demands.
837.55 Procedures.

TORT CLAIMS

AUTHORITY: §§ 837.1 to 837.15 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 42 Stat. 24; 31 U.S.C. 71.

SOURCE: AFR 112-9, October 21, 1960.

§ 837.1 Purpose.

Sections 837.1 to 837.15 outline procedures for administrative determination, assertion, and collection of claims for damage to or loss or destruction of Government property through a negligent act or omission.

§ 837.2 Definitions.

(Other terms used in §§ 837.1 to 837.15 are defined in §§ 836.200 to 836.220 of this subchapter.)

(a) *Debtor.* An individual, partnership, association, corporation, or governmental body, foreign or domestic, other than an instrumentality of the United States has a claim.

(b) *Government property.* Real or personal property in the possession, custody, or control of the Air Force and its nonappropriated fund activities, or personal property on loan to the Air National Guard (see 32 U.S.C. 702 and 710), the Civil Air Patrol (see 10 U.S.C. 9441), or Air Force contractor-held or furnished property (see § 837.4(a)).

§ 837.3 Cognizable claims.

Unless otherwise prescribed, cognizable claims comprise all tort claims for damage to or loss or destruction of Government property, including claims for damage caused by the negligent operation of privately owned vehicles by military or civilian personnel, for more than $50, and lesser amounts when the assertion thereof is considered in the interest of the Air Force.

§ 837.4 Claims not cognizable.

(a) Claims cognizable under contract, except when Air Force contract authorities determine that settlement cannot be made under the contract or such settlement would be too expensive.

(b) Claims cognizable under report of survey procedures.

(c) Claims cognizable under §§ 836.200 to 836.220 of this subchapter.

§ 837.5 Investigative procedure.

When Government property is damaged, lost, or destroyed under circumstances which may give rise to a tort claim under §§ 837.1 to 837.15, and investigation will be conducted in the manner provided in §§ 836.200 to 836.220 of this subchapter. The scope of the investigation will be commensurate with the nature and extent of the damage, loss, or destruction.

§ 837.6 Report of claims officer.

This report will be prepared on AF Form 1156, "Report of Claims Officer," as prescribed in §§ 836.200 to 836.220 of this subchapter, with the following additions:

(a) Attach a recommendation of the liability or nonliability of the debtor, amount of any damage, and reasons for recommendations.

(b) On claims arising in the United States, its Territories, possessions, or commonwealths, prepare the AF Form 1156 and all attachments in triplicate.

(c) If Government property has been or can be economically repaired, attach an itemized statement of the actual cost of repairs or an estimate of the cost of repairs, including a detailed listing of labor, materials, and amounts allowed for salvage or depreciation of parts.

(d) Attach names, grades, organizations, and expert qualifications of Air Force personnel, and names, addresses, occupations, and expert qualifications of other persons furnishing information required by paragraph (b) of this section.

(e) State whether the Government is indebted to the debtor (if available from local records), and, if so, the account from which and the finance officer through which such indebtedness is payable.

(f) State whether an offer of compromise has been made by the debtor. If an oral offer has been made state the terms thereof, or if a written offer has been made attach the original, and state whether the claims officer believes the offer is fair and reasonable under the circumstances. The claims officer ordinarily will not make any demand for payment, but will receive and attach to the report any check or money order (payable to the Treasurer of the United States) voluntarily submitted as payment or as a compromise offer, with a statement of the debtor's reasons for tendering less than full payment of the amount demanded.

(g) Identify each apparent debtor by name, address, and occupation.

(h) State the financial status of debtor, including nature and extent of any insurance coverage and name of insurance carrier, and whether a judgment, if obtained, would be collectible.

§ 837.7 Claims officer's responsibilities.

The claims officer will not make a demand for payment on a debtor without prior authority of the Staff Judge Advocate or commander appointing him, but will forward his report, together with any check or money order voluntarily tendered, to the commander.

§ 837.8 Commander's responsibilities.

(a) If he has a Staff Judge Advocate, the commander will refer the claims officer's report to him for action as indicated in § 837.9.

(b) If he does not have a Staff Judge Advocate, the commander will review the file and take any corrective action necessary to assure completeness of the file. He will then either approve the claims officer's recommendations or make new or additional recommendations of his own, provided the reason for such action is shown. The commander will not make a demand on the debtor, but will take further action as indicated in subparagraphs (1) and (2) of this paragraph:

(1) When voluntary payment in full accompanies the report, the commander will accept payment, deposit it with the nearest finance officer for credit to miscellaneous receipts account, and enter such fact in the report with his comments on the action taken. The commander will then forward the file through claims channels for disposition as provided in §§ 836.200 to 836.220 of this subchapter.

(2) When voluntary payment in full is not received, the commander will forward the claim file through channels to the next higher command which has a Staff Judge Advocate for action indicated in § 837.9.

§ 837.9 Staff judge advocate's responsibilities.

The Staff Judge Advocate will review the claim file and take any corrective action necessary to assure completeness of the file.

(a) When payment in full has not been tendered, the Staff Judge Advocate will make a written determination of the liability or nonliability of the debtor, amount of damage, and his reasons for such determination, and attach his determination to the report of claims officer.

(b) When voluntary payment in full has been made to the commander, the file will be disposed of as indicated in § 837.8(b)(1).

(c) When a voluntary offer of compromise or a compromise payment accompanies the report and such offer or payment is acceptable, the Staff Judge Advocate will recommend approval thereof and forward the claim file through claims channels to the approving authority.

(d) When the claim file is not accompanied by any offer of payment and the Staff Judge Advocate determines liability on behalf of the debtor, the Staff Judge Advocate will make a written demand on such debtor for payment in full of the amount determined to be due. A copy of the written demand and any response thereto will be attached to the claim file.

(1) If payments in full is received in response to the demand, the Staff Judge Advocate will dispose of the proceeds and the claim file as directed in § 837.8(b)(1).

(2) If the debtor fails to comply with the demand for payment within a reasonable time, or makes a compromise offer or payment, the Staff Judge Advocate will attach to his determination a written statement of debtor's failure to comply with the demand, or will recommend approval or disapproval of the compromise, as the case may be, and forward the claim as prescribed in paragraph (c) of this section.

§ 837.10 Approving authority responsibilities.

The approving authority will review all claim files received, and forward through claims channels to Headquarters USAF (AFCJA-13) each claim file, check, or money order, together with his recommendation of acceptance of any compromise offer or of the advisability of instituting suit.

Exception: Claims for $1,000 or less for damage to Government property other than ships and cargoes, and not involving personal injury, may be referred direct to the local United States Attorney by the approving authority when either a compromise offer is made, or a determination of legal liability is reached without a compromise offer by the debtor and the debtor is solvent. The approving authority may refer such claims to the local United States Attorney through the nearest Staff Judge Advocate.

§ 837.11 Counter-claims.

If a debtor or his insurer has presented a claim against the United States arising from the same incident which gave rise to the claim asserted against the debtor, both claims will be processed jointly as prescribed in §§ 836.200 to 836.220 of this subchapter. Disposition of the claim in favor of the Government will be consistent with the action on the claim against the United States.

§ 837.12 When claims must be presented.

Claims will be processed and asserted regardless of the passage of time from their accrual. Neither statutes of limitation nor laches are a defense in actions by the Government.

§ 837.13 Applicable law.

Liability and measure of damages will be determined by the law of the place where the act or omission occurred.

§ 837.14 Receipts.

The commander, his Staff Judge Advocate, or any officer designated by the commander may execute and deliver a receipt to a debtor who makes payment in full, or offers a compromise settlement, as follows:

RECEIPT

(Date)

Acknowledgment is hereby made of the receipt by the United States of America of a (check or money order) in the amount of $---------- payable to the order of the Treasurer of the United States as (full payment, offer of compromise, or settlement subject to approval by proper authority) by (name of debtor) under the provisions of AFR 112-9 of the amount due the United States by reason of (state nature of claim, date and place of incident, and identify property and debtor involved).

(Name, grade, and title)

§ 837.15 Releases.

When a debtor or his insurer tenders payment in full and demands a release, the commander or his Staff Judge Advocate is authorized to accept payment and execute a release, as follows:

GENERAL RELEASE

(Date)

The United States Air Force, in consideration of the payment of $---------- does hereby release and forever discharge (name of debtor) from all claims and demands for and by reason of damage to or loss or destruction of United States Government property arising out of an accident or incident occurring on or about (date) at (location).

Witnessed by:

UNITED STATES AIR FORCE,
By ----------
(Name, grade, and title)

MARITIME CLAIMS

AUTHORITY: §§ 837.50 to 837.55 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply sec. 1-6, 65 Stat. 524, 572, 573; sec. 1, 70A Stat. 591-593; 10 U.S.C. 1861-1866, 9801-9806.

SOURCE: AFR 112-12, April 14, 1958.

§ 837.50 Purpose.

Sections 837.50 to 837.55 prescribe the procedures for settling or compromising claims in favor of the United States, not the subject of pending litigation, which arise from marine accidents or incidents. It is published under the direction of the Secretary of Defense.

§ 837.51 Claims included.

(a) Section 2 of the Act of October 20, 1951 (65 Stat. 572; 10 U.S.C. 1862) and section 1 of the Act of August 10, 1956 (sec. 1, 70A Stat. 592; 10 U.S.C. 9803), provide for the settlement or compromise of claims of a kind that are within the admiralty jurisdiction of a district court of the United States and of claims for damage caused by a vessel or floating object to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damages, where the net amount payable to the United States does not exceed $500,000.

(b) Section 3 of the Act of October 20, 1951 (65 Stat. 573; 10 U.S.C. 1863) and Section 1 of the Act of August 10, 1956 (section 1, 70A Stat. 592; 10 U.S.C. 9804), provide for the settlement or compromise of claims in any amount for salvage services (including towage) performed by the Department of the Air Force for any vessel.

§ 837.52 Claims exceeding $500,000.

Claims in favor of the United States, except claims for salvage services, may not be settled or compromised under §§ 837.50 to 837.55 at a net amount exceeding $500,000 payable to the United States. However, all such claims otherwise within the scope of §§ 837.50 to 837.55 will be investigated and reported to The Judge Advocate General, Department of the Air Force.

§ 837.53 Delegation of authority.

Claims under §§ 837.50 to 837.55, except claims for salvage services, may be settled or compromised at a net amount not exceeding $1,000 by The Judge Advocate General, Department of the Air Force, or such other officers or persons as the Secretary of the Air Force may designate for that purpose.

§ 837.54 Demands.

Demand for the payment of claims in favor of the United States under §§ 837.50 to 837.55 may be made only by The Judge Advocate General, Department of the Air Force, or other designees of the Secretary of the Air Force.

§ 837.55 Procedures.

Claims arising within the purview of §§ 837.50 to 837.55, will be investigated and processed in accordance with the provisions of §§ 836.200 to 836.220 of this subchapter. However, in addition, immediate notice of every marine occurrence under §§ 837.50 to 837.55 will be submitted by rapid means directly to the Staff Judge Advocate of the command responsible for claims in that geographical area and to Chief, Claims Division, Office of The Judge Advocate General, Headquarters USAF, Washington 25, D.C., by the command responsible for the investigation. This notice will furnish the names of the vessels, description of other property, the vessel operators, if known, any damage, injury, or death, whether arrangements for a commercial marine survey should be made and a brief description of the facts and circumstances involved.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7563; Filed, Aug. 9, 1961; 8:46 a.m.]

SUBCHAPTER E—POST SERVICES

PART 856—PHOTOGRAPHY

SUBCHAPTER G—PERSONNEL

PART 875—APPOINTMENT TO THE UNITED STATES AIR FORCE ACADEMY

PART 889—CIVILIAN PERSONNEL SECURITY PROGRAM

Miscellaneous Amendments

1. In Part 856, § 856.7, the following Note is added:

§ 856.7 Collection of fees.

* * * * *

NOTE: Refunds will not be made because a regulation, directive, or fee schedule is changed after the service is performed, or for overpayments of one dollar or less.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.) [AFR 95-4, February 25, 1960]

2. In Part 875, the first sentence of § 875.4(a) is revised to read as follows:

§ 875.4 How appointment vacancies are allocated.

* * * * *

(a) The 537 United States Senators and Representatives; the Resident Commissioner of Puerto Rico; the Governor of the Panama Canal Zone; and the Commissioners of the District of Columbia.

3. In § 875.11, the word "Territory" is deleted from the heading; the first sentence is revised; and the second sentence is deleted, as follows:

§ 875.11 How to apply for nomination in State, District of Columbia, Puerto Rico, or Panama Canal Zone.

An individual who desires nomination to the Air Force Academy may apply to the Senators of his State of residence and/or the Representative of his district of residence.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 53-10A; June 6, 1960]

§§ 889.7, 889.8, and 889.9 [Deletion]

4. In Part 889, delete §§ 889.7, 889.8, and 889.9. [AFR 40-12A, March 8, 1960]

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7560; Filed, Aug. 9, 1961; 8:46 a.m.]

SUBCHAPTER F—RESERVE FORCES

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Deferment of Air Force ROTC Cadets

Sections 862.76 to 862.83 are rescinded and the following substituted therefor:

Sec.
862.76 Purpose.
862.77 Deferment policy.
862.78 Participating military colleges.
862.79 When cadet may be deferred.
862.80 Length of deferment.
862.81 Obligation of cadets.
862.82 Deferment agreement.
862.83 Cadet transfer procedure.
862.84 Enrollment of member of reserve as Air Force ROTC cadet.

AUTHORITY: §§ 862.76 to 862.84 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 50 U.S.C. App. 451-473.

SOURCE: AFR 45-52, September 17, 1960.

§ 862.76 Purpose.

Sections 862.76 to 862.84 state the policy and procedure by which cadets of the Air Force Reserve Officers' Training Corps (ROTC) may be deferred from induction in the Armed Forces under the Universal Military Training and Service Act, hereinafter referred to as "the Act."

§ 862.77 Deferment policy.

The sole purpose of the Air Force ROTC deferment procedure outlined in §§ 862.77 to 862.84 is to enable selected cadets to qualify for appointment as commissioned officers in a component of the Air Force through uninterrupted completion of academic and military courses. A cadet who cannot ultimately qualify for a commission through enrollment and training afforded by the Air Force ROTC or who evidences lack of desire to become an officer will not be selected for deferment.

§ 862.78 Participating military colleges.

Under section 6(a) of the Act, a student enrolled in the Air Force ROTC program at a military college—the curriculum of which has the approval of the Secretary of Defense—is not required to register under section 3 of the Act and is relieved from liability for training and service under Section 4 of the Act. In other words, the cadet need not be granted deferment. The following military colleges, approved and designated by the Secretary of Defense, participate in the Air Force ROTC program:

(a) The Citadel, Charleston, South Carolina.

(b) Virginia Military Institute, Lexington, Virginia.

(c) Agricultural and Mechanical College of Texas, College Station, Texas.

(d) Virginia Polytechnic Institute, Blacksburg, Virginia.

§ 862.79 When cadet may be deferred.

A selected cadet may be granted a deferment if he is in good standing in the institution and in the Air Force ROTC. He is considered to be in good standing when he meets or exceeds the minimum standards of the institution and is so certified by the registrar. Once a cadet's deferment is canceled, he may not again be eligible for deferment unless the Commandant, Air Force ROTC approves his deferment. Dates for deferment are as follows:

(a) Fall enrollee in Air Science I is not deferred until February 16th.

(b) Midyear enrollee in Air Science I is not deferred until he completes one academic semester or quarter at the institution.

§ 862.80 Length of deferment.

A cadet selected for deferment may be deferred until he completes both the Air Force ROTC course and the academic course required for a commission if he:

(a) Re-enrolls formally as an Air Force ROTC cadet at the beginning of each semester. Otherwise, his deferment is canceled by March 15th for the spring semester and October 15th for the fall semester.

(b) Remains in good standing in his academic courses.

(c) Attends classes regularly, except as follows:

(1) Scheduled vacation periods.

(2) Periods of sick leave authorized by the PAS.

(3) Periods of leave from the military course of instruction authorized by the Commandant, Air Force ROTC.

(4) Periods of scheduled on-the-job training under a cooperative plan.

(5) Periods after completion of the Air Force ROTC program and before completion of the academic course when authorized by the Commandant, Air Force ROTC.

(d) Will graduate within 12 months after completing the Air Science IV course (including the ROTC summer training). A cadet who postpones his summer training by authority of the Commandant, Air Force ROTC may be deferred if he completes this training during the summer following his graduation. Otherwise, his deferment is canceled.

(e) Will get his degree at the end of four years of study if he transfers from a five-year to a four-year course. Otherwise, his deferment is canceled.

(f) Is among the quota of graduating cadets offered and accepting a commission. Otherwise, his deferment is canceled within 60 days after graduation.

§ 862.81 Obligation of cadets.

The PAS (or his officer representative) will explain to Air Force ROTC cadets the obligation they assume in signing the deferment agreement (AF Form 1041) as follows:

(a) A cadet continued in a deferred status under section 6 of the Act remains liable for training and service in the Armed Forces until his 35th birthday:

(1) His deferment ceases when he enters on extended active duty under the six-year obligation and he is then exempt from induction while serving on extended active duty under section 6(a) of the Act. After he completes his required tour of extended active duty, he is exempt from induction under section 6(b)(3) of the Act.

(2) If he enters on active duty for training and incurs the eight-year obligation, he continues in a deferred status. After he completes the required tour of active duty for training, his deferment continues as long as he participates satisfactorily in a Ready Reserve unit or mobilization assignment position. After he completes a total period of eight years of required active duty for training and satisfactory participation in a Ready Reserve training program, his deferred status ceases. He is then exempt from induction.

(b) Upon being commissioned, a cadet assumes either a six-year or an eight-year obligation, as stated in the agreement. That obligation is distinct from any total-service obligation he may have incurred under other provisions of law, and the partial or entire discharge of that other obligation does not affect the one resulting from the Air Force ROTC appointment.

(c) Unless enrolled in the Air Force ROTC program at a military college, a cadet between the ages of 18 and 26 is not excused from registration and must register under section 3 of the Act on the day(s) proclaimed by the President.

§ 862.82 Deferment agreement.

Unless enrolled in a college specified in § 862.78, each cadet accepted for enrollment in the Air Force ROTC course must complete AF Form 1041, "Deferment Agreement," to be eligible for deferment: (a) At the time of enrollment, and (b) before signing an advanced course contract if he is liable for induction under the Act. AF Form 1041 states in part:

I . . . . hereby agree to complete the basic course, if enrolled therein; to enroll in and complete the advanced course at the proper time, if accepted therefor; upon completion or termination of the course of instruction therein, to accept a commission, if tendered; to serve on active duty in the Air Force for a period of not less than 2 years after receipt of such commission, subject to call by the Secretary of the Air Force; and to remain a member of a Regular or Reserve component of the Air Force until the sixth (6th) anniversary of the receipt of my commission; or, if the Air Force does not require my service on active duty for 2 years in fulfillment of my obligation, to serve on active duty for training with the Air Force for a period of 6 months after receipt of my commission and thereafter to remain a member of an appropriate Reserve unit until the eighth (8th) anniversary of the receipt of my commission.

A cadet who voluntarily signs AF Form 1041 while otherwise liable for induction is bound by the provisions of his deferment agreement and, upon failure or refusal to fulfill it, may be subject to the penalties stated in section 12 of the Act.

§ 862.83 Cadet transfer procedure.

(a) When a cadet plans to transfer to another institution which has an Air Force ROTC unit, he notifies his PAS.

(b) As soon as the cadet enrolls at the new institution, his new PAS notifies the former PAS of this fact and that a new DD Form 44 has been sent to the cadet's new local Selective Service board.

(c) The former PAS then drops the cadet from his records and sends a revised DD Form 44 to the cadet's former Selective Service board. On the revised form, he enters the cadet's new Air Force ROTC unit and requests that the previous form be rescinded.

§ 862.84 Enrollment of member of reserve as Air Force ROTC cadet.

(a) An enlisted man or warrant officer of the National Guard of the United States, the Air National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve may enroll in the basic course of the Air Force ROTC on the same basis as any other student if he is otherwise qualified and is not on active duty. He is not exempt, however, under other provisions of law from call to active military service as a member of a Reserve component.

(b) Before a member of a Reserve component of another Service or of the Air National Guard of the United States may formally enroll in the Air Force ROTC advanced course or be selected for deferment, he must be discharged from his component or transferred to the Air Force Reserve.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7564; Filed, Aug. 9, 1961; 8:46 a.m.]

SUBCHAPTER G—PERSONNEL

PART 887—APPOINTMENT OF OFFICER PERSONNEL

Appointment of Distinguished Air Force ROTC Graduates as Officers in the Regular Air Force

Sections 887.20 to 887.28 are deleted and the following substituted therefor:

Sec.
887.20 Purpose.
887.21 Recognition of outstanding cadets and graduates.
887.22 General eligibility requirements.
887.23 Selection of distinguished cadets.
887.24 Selection of distinguished graduates.
887.25 When cadets must apply.
887.26 Final selection.
887.27 Tender of appointment.
887.28 Probationary period.

AUTHORITY: §§ 887.20 to 887.28 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 507; 10 U.S.C. 8284.

SOURCE: AFR 36-54, August 5, 1960.

§ 887.20 Purpose.

Sections 887.20 to 887.28 set forth the general policy, eligibility requirements, and special criteria, for submission of applications for appointment in the Regular Air Force. They apply only to distinguished Air Force ROTC cadets and graduates.

§ 887.21 Recognition of outstanding cadets and graduates.

It is Air Force policy to recognize those persons who, during Air Force ROTC training, have distinguished themselves academically and have demonstrated outstanding qualities of leadership for service in the Air Force.

(a) Selection of distinguished Air Force ROTC cadets is first made by the Professor of Air Science on a best qualified basis; designated qualified graduates who apply and are selected will be offered Regular Air Force commissions.

(b) Final selections are made by a board of officers at Headquarters United States Air Force; its recommendations are final, except that the President of the United States may remove the name of any officer on the list selected by the board who, in his opinion, is not qualified for appointment.

(c) Distinguished graduates who do not apply for Regular appointment under §§ 887.20 to 887.28 will be given appropriate consideration when they become eligible and apply for Regular appointment.

§ 887.22 General eligibility requirements.

The following requirements must be met by each selected applicant at time of appointment.

(a) *Distinguished graduates.* Appointments will be tendered only to those selected applicants who have been designated as distinguished Air Force ROTC graduates.

(b) *Age.* At the time of application, an applicant may not be over 30 years of age by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States. An applicant may request, in writing, a waiver of the age limitation. Such waiver is subject to final approval by the Secretary of the Air Force. However, no person may be appointed if he will attain his 55th birthday prior to the time he completes 20 years of active Federal commissioned service. The Regular appointment of any person selected, who is under 21 years of age, will be withheld until after he has reached his 21st birthday.

(c) *Citizenship.* An applicant must be a citizen of the United States. If he is not a citizen by birth, he must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number ---------- (or certified copy of court order establishing citizenship) stating that ---------- was admitted to
(full name)
United States citizenship by the ----------
Court of ----------, ----------
(district or county) (state)
on ----------
(date)

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. The Act of June 25, 1948 (62 Stat. 767; 18 U.S.C. 1426(h)) provides that "whoever, without lawful authority, prints, photographs, makes, or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(d) *Medical.* After selection, physical qualification is a prerequisite to appointment. An applicant must be qualified in accordance with physical standards for commission.

(e) *Background.* (1) The a ppointee must be of such background, character, and reputation to insure that appointment into the Regular Air Force is clearly consistent with the best interests of the Air Force.

(2) Persons who resign, or are dismissed from an officer training program of the Army, Navy, or Air Force for reasons of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, are not eligible under §§ 887.20 to 887.28. However, superintendents of service academies and commanders of officer training programs may recommend waivers of this policy to the Secretary of the Air Force in exceptional cases which are worthy of consideration.

(f) *Dependents.* A male applicant is not restricted with regard to dependents.

§ 887.23 Selection of distinguished cadets.

(a) *Criteria.* In order to be selected as a distinguished Air Force ROTC cadet by the Professor of Air Science, an individual will meet the following requirements:

(1) Possess outstanding qualities of leadership and high moral character. He must possess definite aptitude for the military service.

(2) Clearly demonstrate leadership ability through his achievements while participating in recognized campus activities.

(3) Attain an academic standing in the upper one-third of his graduating class.

(4) Attain an academic standing in the upper one-third of his class in military subjects.

(5) Attain a standing in the upper one-third of all cadets at his Air Force ROTC summer training unit if he has attended the summer training unit prior to entry into Air Science IV.

(b) *Designation procedure.* A cadet will be tentatively designated a distinguished Air Force ROTC cadet not later than 15 days prior to his completion of Air Science III.

(1) He will not be officially designated as a distinguished cadet, however, until such designation is approved by the institution head or his representative.

(2) Official designation will be made by letter not later than 30 days after cadets begin Air Science IV. This designation may be withdrawn at any time prior to the date that the cadet becomes eligible for graduation.

(3) A qualified cadet who is scheduled to complete Air Science IV prior to academic graduation will be designated a distinguished Air Force ROTC cadet concurrently with those cadets who are scheduled to complete Air Science IV on the same date.

(4) A qualified cadet who is unable to attend Air Force ROTC summer training between the first and second year of the advanced course will be tentatively designated a distinguished Air Force ROTC cadet at completion of Air Science III and will be officially designated at the same time as other members of the Air Science IV class. He will be eligible to apply for a Regular Air Force commission concurrently with those persons who attended their normal Air Force ROTC summer training phase.

§ 887.24 Selection of distinguished graduates.

(a) *Criteria.* In order to be designated a distinguished graduate by the Professor of Air Science, a distinguished Air Force ROTC cadet will meet the following requirements:

(1) Designated by Professor of Air Science as a distinguished cadet.

(2) Maintain required standards between time of designation as a distinguished cadet and date of commissioning.

(3) Complete Air Science IV and Air Force ROTC summer training.

(4) Attain a standing in the upper one-third of all cadets at his Air Force ROTC training unit.

(5) Receive a baccalaureate degree.

(b) *Designation procedure.* When the criteria in paragraph (a) of this section have been met, a distinguished Air Force ROTC graduate will be designated by official letter as follows:

(1) When the distinguished Air Force cadet has successfully completed Air Science IV prior to graduation, and graduation is from an institution having no Air Force ROTC unit, the designation will be made by the Professor of Air Science of the Air Force ROTC unit at which his work was completed. The Professor of Air Science will assure that a cadet so designated has maintained the prescribed standards during the interim between completion of Air Science IV and graduation.

(2) A distinguished Air Force ROTC cadet will not be designated as a distinguished Air Force ROTC graduate until such designation is approved by the institution head or his representative.

(3) A distinguished Air Force ROTC cadet who does not apply for Regular appointment but completes the requirements under subparagraph (1) of this paragraph may be designated a distinguished Air Force ROTC graduate. Announcement of all cadets selected for designation as distinguished Air Force ROTC graduates will be made with appropriate ceremony at graduation exercises.

(4) When the cadet is to be commissioned at the summer training unit, the Professor of Air Science will furnish an undated letter of designation to the summer training unit commander for delivery upon commissioning, provided the cadet remains eligible.

§ 887.25 When cadets must apply.

Applicants will normally be notified of selection or nonselection approximately six months following close of the application period. This application period is as follows:

(a) Between October 1st and 31st annually, for those cadets who are qualified and graduate between May and August of the next calendar year.

(b) Between March 1st and 31st annually, for those cadets who are qualified and graduate between September of that calendar year and April of the next calendar year.

§ 887.26 Final selection.

Applicants will be notified through the Commander, Air University, of selection or non-selection.

§ 887.27 Tender of appointment.

Tender of appointment will be made by letter of appointment issued by the Department of the Air Force. The tender may be withdrawn, for cogent reasons, or declined at any time prior to actual acceptance.

§ 887.28 Probationary period.

The appointment of any person under §§ 887.20 to 887.28 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities, Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7565; Filed, Aug. 9, 1961; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast and Geodetic Survey, Department of Commerce

PART 303—CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Copies of Geodetic Control Data

Insofar as the Administrative Procedures Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rulemaking procedure, or postpone the effective date thereof.

Part 303 of Chapter III, Title 33, is revised as follows:

Renumber §§ 303.6, 303.7, 303.8, and 303.9 as §§ 303.7, 303.8, 303.9, and 303.10, respectively, and add the following new § 303.6.

§ 303.6 Copies of geodetic control data.

Charges for copies of geodetic control data:

Item	Unit	Cost
Diagrams	Each	$0.50
Horizontal Control Data:		
Quandrangles 30′ x 30′	(Each	2.00
	(Sheets	.06
Geographic Positions	Sheet	.06
Plane Coordinates	do	.06
Descriptions	do	.06
Unadjusted	do	.15
Individual States (data not published in quadrangle format):		
Alabama	State	21.00
Alaska	do	255.00
Arizona	do	42.00
Arkansas	do	30.00
California	do	144.00
Colorado	do	21.00
Connecticut	do	21.00
Delaware	do	9.00
District of Columbia	do	9.00
Florida	do	72.00
Georgia	do	30.00
Hawaii	do	9.00
Idaho	do	39.00
Iowa	do	21.00
Kansas	do	30.00
Louisiana	do	36.00
Maine	do	42.00
Maryland	do	60.00
Massachusetts	do	57.00
Michigan	do	36.00
Minnesota	do	45.00
Mississippi	do	39.00
Missouri	do	36.00
Montana	do	27.00
Nebraska	do	27.00
Nevada	do	48.00
New Hampshire	do	12.00
New Jersey	do	42.00
New Mexico	do	30.00
New York	do	75.00
North Carolina	do	51.00
North Dakota	do	24.00
Oklahoma	do	36.00
Oregon	do	81.00
Pennsylvania	do	51.00
Puerto Rico	do	12.00
Rhode Island	do	12.00
South Carolina	do	27.00
South Dakota	do	27.00
Texas	do	114.00
Utah	do	15.00
Vermont	do	9.00
Virginia	do	78.00
Washington	do	120.00
West Virginia	do	15.00
Wisconsin	do	39.00
Wyoming	do	15.00
Alaska P.C. Quads	Quad	.35
Vertical Control Data:		
Quadrangles 30′ x 30′	(Each	1.00
	(Sheets	.06
Lines	Line	.35
Individual States (data not published in quadrangle format):		
Alabama	State	40.00
Alaska	do	2.80
Arizona	do	20.00
Arkansas	do	4.00
Colorado	do	24.00
Connecticut	do	4.00
Delaware	do	4.00
District of Columbia	do	.35
Florida	do	20.00
Georgia	do	28.00
Hawaii	do	1.05
Idaho	do	28.00
Iowa	do	20.00
Kansas	do	24.00
Louisiana	do	20.00
Maine	do	12.00
Maryland	do	20.00
Massachusetts	do	12.00
Michigan	do	20.00
Minnesota	do	24.00
Mississippi	do	24.00
Missouri	do	24.00
Montana	do	28.00
Nebraska	do	28.00
Nevada	do	24.00
New Hampshire	do	8.00
New Jersey	do	8.00
New Mexico	do	28.00
New York	do	32.00
North Carolina	do	24.00
North Dakota	do	24.00
Oklahoma	do	20.00
Oregon	do	$32.00
Pennsylvania	do	12.00
Rhode Island	do	4.00
South Carolina	do	12.00
South Dakota	do	28.00
Texas	do	76.00
Utah	do	16.00
Vermont	do	8.00
Virginia	do	32.00
Washington	do	28.00
West Virginia	do	16.00
Wisconsin	do	16.00
Wyoming	do	16.00
C.W.A.	County	.35
Minimum charge per order, except automatic mailing list shipments		1.00
Automatic Mailing List—special service charge per shipment		.62

The effective date of this revision is August 1, 1961.

H. ARNOLD KARO,
Rear Admiral, Coast and Geodetic Survey Director.

[F.R. Doc. 61-7555; Filed, Aug. 9, 1961; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Pending Application Index; Access to Applications

The following amended rule is adopted, to take effect on publication. The text of this rule was, except in one particular, published in the FEDERAL REGISTER for May 20, 1961 (26 F.R. 4404), and all persons who desired were invited to submit written data, views, arugments or suggestions in connection with the proposed rule. The amended rule is adopted after consideration of all the material submitted. The rule departs from the published text in the particular addition in the final sentence of paragraph (a), after the word "Commissioner", of the words "and the Trademark Trial and Appeal Board". The added reference to said board is merely informational in character, and notes the significance its decisions have shared with those of the Commissioner since its establishment in accordance with the provisions of Public Law 85-609, approved August 8, 1958, 72 Stat. 540.

Section 2.27 is amended to read as follows:

§ 2.27 Pending application index; access to applications.

(a) An index of pending applications including the name and address of the applicant, a reproduction or description of the mark, the goods or services with which the mark is used, the class number, the dates of use, and the serial number and filing date of the application will be available for public inspection as soon as practicable after filing. Access to the file of a particular pending

trademark application will be permitted prior to publication under § 2.81 upon the showing in writing of good cause for such access. Decisions of the Commissioner and the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

(b) After a mark has been registered, or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; sec. 41, 60 Stat. 427, 440, 15 U.S.C. 1123)

DAVID L. LADD,
Commissioner of Patents.

Approved:

HICKMAN PRICE, JR.,
Assistant Secretary of Commerce for Domestic Affairs.

[F.R. Doc. 61-7556; Filed, Aug. 9, 1961; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Kuwait and Military APO Service

The regulations of the Post Office Department are amended as follows:

I. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas,* as amended by 26 F.R. 1856, and 26 F.R. 5454, under the column headed "Other Prohibited Items" add a reference to footnote 14 opposite military APO numbers 74, 98, and 928. Also, add a new footnote 14 immediately following the tabular information to read as follows:

[14] Parcel post packages will not be sent to personnel at the Dependent mail section of this APO.

The Department of Defense has advised that parcel post will no longer be delivered to personnel receiving mail through Dependent mail sections at these military APO numbers.

NOTE: The corresponding Postal Manual part is 127.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505, 706, 712.)

II. In § 168.5 *Individual country regulations* the country "Kuwait", as amended by 26 F.R. 5670–5672, under Postal Union Mail, is amended by respectively revising the items *Letter packages containing dutiable merchandise* and *Special delivery* to show that perishable biological materials and special delivery articles are accepted. As so amended, the items read as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted. See § 111.3(b)(5) of this chapter.

* * * * *

Special delivery. Yes. See § 168.3 for fees and other conditions.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-7592; Filed, Aug. 9, 1961; 8:50 a.m.]

PART 51—REGISTRY

PART 132—REGISTRATION

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Domestic and International Registry Fees

A notice of proposed changes in the domestic registry fees and regulations, effective August 15, 1961, was published in the FEDERAL REGISTER of July 6, 1961, at page 6029. Interested persons were given 30 days in which to submit written comments with respect to the proposal.

No comments have been received with respect to the proposed changes.

Therefore, the Department has reached the conclusion to adopt the proposal as so published, subject to certain minor editorial amendments which were made to correct cross references and to more clearly state existing regulations therein.

In addition, since domestic registry fees are applied to outgoing international registered mail in accordance with the indemnity limits imposed by the various postal conventions and agreements with countries, the international registry fees will be increased also, effective August 15, 1961, as a result of the domestic registry fee increase. Consequently, the new international registry fee for postal union mail will be 60 cents, except that to Canada the fees will be 60 cents for liability up to $10 and 75 cents for liability up to $100.

In view of the foregoing, the following regulations of the Post Office Department are hereby adopted effective August 15, 1961, to read as follows:

I. Amend Part 51 to read as follows:

Sec.
51.1 Why mail is registered.
51.2 Fees and liability.
51.3 Registration.
51.4 Declaration by sender.
51.5 Additional services and refunds.
51.6 Registration without prepayment.
51.7 Preparation for mailing.
51.8 Withdrawal or recall.
51.9 Delivery.

AUTHORITY: §§ 51.1 through 51.9 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5001–5006, 5009–5012.

§ 51.1 Why mail is registered.

Added protection for valuable and important mail and evidence of mailing and delivery may be obtained by having it registered.

§ 51.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $10.00	$0.60	$0.60
$10.01 to $100	.75	.75
$100.01 to $200	1.00	1.00
$200.01 to $400	1.25	1.25
$400.01 to $600	1.50	1.50
$600.01 to $800	1.75	1.75
$800.01 to $1,000	2.00	2.00
$1,000.01 to $2,000	2.25	
$2,000.01 to $3,000	2.50	
$3,000.01 to $4,000	2.75	
$4,000.01 to $5,000	3.00	
$5,000.01 to $6,000	3.25	
$6,000.01 to $7,000	3.50	
$7,000.01 to $8,000	3.75	$2.00 plus handling charge of 10¢ per $1,000 or fraction over first $1,000.
$8,000.01 to $9,000	4.00	
$9,000.01 to $10,000	4.25	
$10,000.01 to $1,000,000	$4.25 plus handling charge of 15¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.75 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.	$151.85 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES	Extra fee (cents)
C.O.D. (maximum amount collectible is $200)	40
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	35

(b) *Postal insurance liability*—(1) *Without other insurance.* Postal insurance covers the value up to the maximum of $10,000.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of $1,000. Whenever postal insurance and other insurance both apply to the first $1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated in accordance with the formula shown in Part 54 of this chapter.

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates may be registered.

(b) *Where to mail.* Registration may be obtained by presenting mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept mail of unusually high value only at the main office or the larger branches and stations.

(2) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued, or for any change placed in the box.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to post offices to which it cannot be transported with safety.

(3) Not properly prepared. See § 51.7

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

§ 51.4 Declaration by sender.

(a) *Value.* The sender is required by law to tell the postal clerk or to enter on the firm mailing bill if a firm mailer, the *full* value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined below:

Kind of Mail Matter	*Value to be declared*
Negotiable instruments: Instruments payable to bearer, and matured interest coupons.	Market value.
Nonnegotiable instruments: All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock, including those endorsed in blank, are considered nonnegotiable so far as declaration of value is concerned.	No value or replacement cost if postal insurance coverage is desired.
Money	Full value.
Jewelry, gems, precious metals	Market value or cost.
Merchandise	Market value or cost.

(b) *Fragile mail.* The sender is required to tell the postal clerk whether the mail is fragile and to describe how it is packed if requested to do so.

(c) *Official mail.* Government agencies or officials must declare the value of the matter presented, so that it may be given proper care.

(d) *Free registration.* A declaration of value is not required on mail registered free under the provisions of § 51.6 (d) and (e). No indemnity will be paid for any matter registered free.

(e) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

§ 51.5 Additional services and refunds.

(a) *COD service.* A combined registry and COD service is available. The regular registered mail fees apply plus a collection charge of 40 cents. The mail must conform with other registered mail requirements and also with Part 53 of this chapter, governing preparation for COD service.

(b) *Return receipts.* The sender may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions;

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air. The sender may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Airmail.

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named by him in writing. This service is available only for articles addressed to specific individuals by name. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 51.9(g).

(d) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

§ 51.6 Registration without prepayment.

(a) *Official Government mail.* Official mail of government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2(c) of this chapter.

(b) *Census mail.* All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office" may be sent by registered mail without payment of a registration fee.

(c) *Naturalization mail.* All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed Official Business.

(d) *Diplomatic mail.* Members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.5(a) of this chapter for preparation of such mail.

(e) *Consular mail.* Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.5(b) of this chapter for preparation of such mail.

(f) *Currency for redemption.* Currency sent to the Treasurer of the United States, Washington, D.C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be sent by registered mail without payment of registration fee, under the following conditions:

(1) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(2) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(3) The list must be left with the postmaster.

(4) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(g) *Civil Service mail.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(h) *Postal Service mail.* Official mail of the Postal Service which requires registration may be registered without payment of a fee.

§ 51.7 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue.

(c) *Registered COD.* Registered mail to be sent COD must conform to the conditions in Part 53 of this chapter also.

(d) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(e) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the sender may obtain free from the postmaster firm registration books, Form 3877 (Firm mailing book for registered, registered COD, and certified mail (20 entry)), which are to be used in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate. One copy of the bill will be retained by the post office and the other will be receipted and returned to the sender.

(f) *Return receipts and restricted delivery.* Firm mailers, are expected to complete and attach the return receipt card, Form 3811, Return receipt registered, insured and certified mail, to the mail, and to endorse the address side of the mail to show the required official endorsement. See § 51.5 (b) and (c). If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

§ 51.8 Withdrawal or recall.

The sender may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on the receipt Withdrawn before dispatch, and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by the sender.

§ 51.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with Part 44 of this chapter. Registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice. If the mail is not delivered by carrier, a notice of arrival will be issued through regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made unless the post office is requested to do so.

(e) *Rural delivery.* Rural carriers will deliver registered mail to the residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* The fee for this service must be paid at the time of mailing. The mail must be conspicuously endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order." The endorsement, if not placed by the mailer, will be entered by the employee accepting the mail. Restricted delivery service is subject to the following rules:

(1) Mail marked "Deliver to Addressee Only" will be delivered only to the addressee, except as provided in subparagraph (4) of this paragraph.

(2) Mail marked "Deliver to Addressee or Order" may be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When the mail is addressed jointly to two or more persons, the addressees will be notified to be present to accept delivery together, and the delivery receipt obtained, and the return receipt, if any, must be signed by all of the addressees. The registered article then may be delivered to any of the addressees unless the others object, in which case delivery will not be made until all of the addressees sign a statement designating the one to receive the mail.

(4) When the registered mail is addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States, or of the States and possessions, or to members of the diplomatic corps, delivery may be made either to the addressee or to the person he authorizes to receive his mail.

(h) *Bad condition.* If the addressee accepts a registered article that has been repaired with sealing stamps or reenclosed in a new envelope or wrapper, it must be opened in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

NOTE: The corresponding Postal Manual Part is 161.

II. Amend § 132.3 to read as follows:

§ 132.3 Fees.

For postal union mail the fee is 60 cents, except that to Canada the fees are 60 cents for liability up to $10 and 75 cents for liability up to $100. For parcel post registry fees, see individual country items in § 168.5 of the chapter. (See § 162.2 of this chapter for indemnity provisions.)

NOTE: The corresponding Postal Manual section is 242.3.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

§ 168.5 [Amendment]

III. In §168.5 *Individual country items*, as amended by 26 F.R. 5670–5672, make the following changes:

A. In the country "Canada," under Postal Union Mail, amend the item *Registration* to read as follows:

Registration. Fees, 60 cents (maximum indemnity $10); 75 cents (maximum indemnity $100).

B. Under Postal Union Mail, in each of the countries therein containing the item *Registration*, strike out "50 cents" where it appears therein and insert in lieu thereof "60 cents".

C. Under Parcel Post, in the following list of countries, strike out "50 cents" where it appears opposite "Registration" in the tabular information following the item *Air parcel rates* therein and insert in lieu thereof "60 cents."

Bermuda.
British Honduras.
Congo (Leopoldville).
Cuba.
Jamaica.
Trinidad and Tobago.
Turks Island.

D. In the countries "Cape Verde Islands, Ecuador, and Portuguese West Africa," under Parcel Post, amend the item *Registration and insurance* by striking out "50" where it appears therein opposite "Limit of Indemnity: Up to $10" and insert in lieu thereof "60 cents."

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–7668; Filed, Aug. 9, 1961; 9:11 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

EFFECTIVE DATES

In § 3.400, paragraph (e) and the headnote of paragraph (u) are amended to read as follows:

§ 3.400 General.

* * * * *

(e) *Apportionment (§§ 3.450 through 3.461).* On original claims, in accordance with the facts found. On other than original claims from:

(1) The first day of the month (in Philippine cases, the first day of the second month) following the month in which:

(i) Claim for apportionment of a veteran's award is received, or date of last payment where payments to him have been interrupted, whichever is the earlier; or

(ii) Notice is received that the child is not in the widow's custody, or date of last payment to the widow where payments to her have been interrupted, whichever is the earlier.

(2) The effective date of reduction of pension under 38 U.S.C. 3203(d).

* * * * *

(u) *Whereabouts now known (§ 3.158).* * * *

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 10, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–7630; Filed, Aug. 9, 1961; 8:53 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2452]

[Fairbanks 027728]

ALASKA

Revoking in Whole or in Part Certain Executive Orders and Public Land Orders

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described orders, to the extent that they affect the lands described, are hereby revoked:

a. Public Land Order No. 1380 of January 14, 1957, reserving Lot 10, U.S. Survey 3229 (Cantwell Area) for use of the Bureau of Public Roads. (59.048 acres)

b. Public Land Order No. 1530 of October 18, 1957, reserving U.S. Survey 2285 (Harding Lake Area) for use of Bureau of Public Roads. (12 acres)

c. Public Land Order No. 1618 of April 16, 1958, reserving, in the Birch Lake Area, T. 7 S., R. 5 E., Fairbanks Meridian, sec. 11, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼, and N½S½SW¼SE¼SE¼, for use of Bureau of Public Roads. (12.5 acres)

d. Public Land Order No. 1694 of July 25, 1958, reserving 7.56 acres by metes and bounds in the Black Rapids Area, for use of the Bureau of Public Roads.

e. Public Land Order No. 1516 of September 27, 1957, so far as it reserved 30.27 acres by metes and bounds in the Denali Highway-Susitna Area for use of the Bureau of Public Roads.

f. Public Land Order No. 1895 of July 8, 1959, reserving 6.72 acres by metes and bounds in the Denali Highway-McLaren River Area for use of the Bureau of Public Roads.

g. Public Land Order No. 1971 of September 1, 1959, reserving 67.3 acres in the vicinity of Mile Post 1253, Alaska Highway by metes and bounds for use of the Bureau of Public Roads.

h. Public Land Order No. 1389 of February 13, 1957, reserving 12.98 acres, by metes and bounds in the Tangle Lakes Area for use of the Bureau of Public Roads.

i. Public Land Order No. 1140 of April 28, 1955, reserving 2.06 acres by metes and bounds in the Eagle Townsite Area for use of the Alaska Road Commission.

j. Public Land Order No. 439 of January 20, 1948, reserving the following lands in the Big Delta Area for use of the Alaska Road Commission: T. 8 S., R. 9 E., Fairbanks Meridian, sec. 36, W½NW¼. (80 acres)

k. Executive Order No. 4342 of November 12, 1925, reserving 2.16 acres by metes and bounds in the Eagle Townsite Area for use of the Alaska Road Commission.

l. Public Land Order No. 574 of March 25, 1949, reserving U.S. Survey 2719 (39.45 acres) at Mile 1248, Alaska Highway in the Gardiner Creek Area, for use of the Alaska Road Commission.

m. Public Land Order No. 1075 of February 21, 1955, reserving the following-described lands in aid of legislation: T. 2 S., R. 3 E. (Fairbanks Meridian) sec. 28, SW¼NW¼ (unsurveyed). (40 acres)

n. Executive Order No. 5125 of March 23, 1929, reserving the following-described lands in the McKinley Park Area for use of the Alaska Railroad: (Fairbanks Meridian) T. 14 S., R. 7 W., sec. 4, S½SW¼NE¼ and S½SE¼NW¼. (40 acres)

o. Public Land Order No. 353 of February 18, 1947, reserving the following described lands for protection of water supplies, City of Fairbanks: (Fairbanks Meridian) T. 1 S., R. 1 W., sec. 26 E½NW¼ and NE¼SW¼. (120 acres)

p. Public Land Order No. 1387 of February 7, 1957, so far as it reserved 2.34 acres by metes and bounds in the Delta Junction Area for use of the Bureau of Public Roads.

q. Executive Order No. 8411 of May 16, 1940, reserving 2.62 acres by metes and bounds in the Candle Landing, Kuskokwim River Area, for use of the Alaska Road Commission.

r. Public Land Order No. 975 of June 18, 1954, so far as it reserved 231.64 acres in U.S. Survey 2722, T. 18 N., R. 13 E., Copper River Meridian, sec. 19, for use of the Alaska Road Commission.

This order describes a total of 768.648 acres, none of which are now public lands.

KENNETH HOLUM,
Assistant Secretary of the Interior.

AUGUST 4, 1961.

[F.R. Doc. 61–7580; Filed, Aug. 9, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Camas National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IDAHO

CAMAS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Camas National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,100 acres or 40 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Antelope.

(b) Open season: September 22, 23, 24, 1961, from one hour before sunrise to one hour after sunset.

(c) Daily bag limits: One antelope per season.

(d) Methods of hunting: Dogs may not be used in the hunting of antelope.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Hunters will be required to report at such checking stations as may be established when entering or leaving the refuge.

3. No camping will be permitted on the refuge.

4. A Federal permit is not required to enter the public hunting area. A State antelope permit is required.

5. The provisions of this special regulation are effective to September 25, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 2, 1961.

[F.R. Doc. 61–7573; Filed, Aug. 9, 1961; 8:47 a.m.]

PART 32—HUNTING

Deer Flat National Wildlife Refuge, Idaho

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Deer Flat National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. The open area, comprising 840 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mule deer.

(b) Open season: October 21, 1961, to November 5, 1961, inclusive. Bow and arrow season December 2, 1961, to December 17, 1961, inclusive. Shooting hours are one hour before sunrise to one hour after sunset.

(c) Daily bag limits: One deer of either sex per each season.

(d) Methods of hunting:

1. Shotguns only (first season) October 21, 1961, to November 5, 1961. Bow and arrow only (second season) December 2, 1961, to December 17, 1961, inclusive.

2. Dogs are not permitted in the hunting of deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping: Camping will be permitted in designated areas only.

3. Hunters must report at such checking stations as may be established when entering or leaving the area.

4. State Cooperation: State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting areas, and the state may promulgate such special regulations as may be necessary for these purposes.

5. A Federal permit is not required to enter the public hunting area.

6. The provisions of this special regulation are effective to December 18, 1961.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1961.

[F.R. Doc. 61-7574; Filed, Aug. 9, 1961; 8:48 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Public hunting of big game on the Hart Mountain National Antelope Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 151,000 acres of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: Regular season—September 23 and 24, 1961. Archery season—September 9 through 17, 1961. Shooting hours—one-half hour before sunrise to sunset.

(c) Daily bag limits: Rifle season—one deer per season. Sex to be stipulated on State deer tag. Archery season—one deer, either sex, per season.

(d) Methods of hunting:

1. Rifle and archery. Archery season—long bow and barbless, broadhead arrows only may be used.

2. Dogs may not be used for hunting deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking stations—Hunters, upon entering or leaving the hunting area, shall report at such checking stations as may be established for the purpose of regulating the hunting.

3. Camping—No camping is permitted except at designated campgrounds.

4. A Federal permit is not required to enter the public hunting area. A State deer tag will be required to hunt during the controlled deer season, September 23 and 24. Tags available at all State license agencies.

5. The provisions of this special regulation are effective to September 25, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1961.

[F.R. Doc. 61-7575; Filed, Aug. 9, 1961; 8:48 a.m.]

PART 32—HUNTING

Malheur National Wildlife Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

MALHEUR NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Malheur National Wildlife Refuge, Oregon, is permitted only on the area designated by signs as open to hunting. This open area, comprising 19,600 acres or 10.6 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: From one-half hour before sunrise to sunset on September 23 through September 25, 1961.

(c) Daily bag limits: One deer of either sex.

(d) Methods of hunting:

1. Weapons—bow and arrow only. The use of a crossbow is prohibited.

2. Hunting allowed on foot only.

3. Dogs are not permitted for hunting deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Hunters, upon entering or leaving the hunting area, must report at such checking station as may be established.

3. No fires are allowed except at designated campgrounds.

4. Smoking on the refuge is prohibited except on designated campgrounds.

5. Travel by vehicle is prohibited except on designated roads.

6. No camping is permitted except at designated campgrounds.

7. A Federal permit is not required to enter the public hunting area.

8. The provisions of this special regulation are effective to September 26, 1961.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 1, 1961.

[F.R. Doc. 61-7576; Filed, Aug. 9, 1961; 8:48 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 45]

CITY DELIVERY

Apartment House Receptacles

The Department proposes to amend the regulations in § 45.6 of Title 39, Code of Federal Regulations to provide requirements for horizontal-type apartment house receptacles and to include additional requirements for arrangement and location of the apartment house boxes. The proposed changes in § 45.6 are as follows:

1. Subparagraph (3) (iii) of paragraph (b) is added to specify the dimensions of individual doors on horizontal-type receptacles.

2. Subparagraph (4) (i) of paragraph (b) is amended to include requirements for master doors on horizontal-type installations.

3. Subparagraph (6) (ii) is revised to provide for name-card holders on individual receptacles in horizontal-type installations.

4. Paragraph (c) (1) is amended to specify detailed requirements for arrangement and location of apartment house boxes.

5. Paragraph (c) (2) is added to outline regulations concerning dimensions of individual boxes and mailrooms for rear-loading installations.

Although the proposed changes relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the Postal Service may have an opportunity to present written views concerning the proposed changes. Accordingly, such written views may be submitted to the Deputy Assistant Postmaster General, Bureau of Operations, Post Office Department, Washington 25, D.C., at any time prior to the expiration of thirty days from the date of publication of this document.

In addition to the aforementioned substantive amendments, editorial amendments are made in § 45.6 to incorporate the new changes, and paragraph (f) therein is amended to reflect the current list of manufacturers and distributors of apartment house mail receptacles. As so amended, the proposed § 45.6 reads as follows:

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing 3 or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, 1 for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of these regulations and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with these regulations.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles shal be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* The receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

(iii) The dimensions of the clear opening in the door of each horizontal-type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door shall be machined to accommodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees. Master doors for horizontal-type installations shall be hinged on the side only, and shall be not wider than 30 inches.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special-delivery notices.

(6) *Numbers and name cards.* (i) Mail receptacles must be satisfactory numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits.

(c) *Installation*—(1) *Arrangement and location.* (i) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable carriers to read addresses on mail and names on boxes without undue strain on their eyes, and

without interference from swinging or opening doors. In vertical-type installations the receptacles must be placed so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor, and the center of the barrel of the master lock of the lower tier will be not less than 30 inches from the floor. In horizontal-type installations, the distance from the finished floor to the tenant locks on the top tier of boxes will be not more than 66 inches; and to the bottom of the lowest tier of boxes, not less than 30 inches. Where a group of vertical receptacles tilts away from the wall to allow deposit of mail through the tops of the boxes, the distance from the finished floor to the center of the barrel of the master lock of the upper tier shall be not more than 56 inches.

(ii) Not more than two tiers of vertical-loaded boxes may be installed. They should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which 1 master lock may be attached is 3.

(iii) Vertical-type receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than 8 in a group, except where the number of apartments is less than 8 or where the number of boxes cannot be evenly divided into multiples of 8 or where telephone units are installed with the receptacles.

(2) *Horizontal-type receptacles*—(i) *Front-loading.* The unit shall have a solid back, and an unobstructed minimum depth to accommodate magazines 14¼ inches in length and 2½ inches in diameter when rolled. The width and height must accommodate envelopes 4½ inches wide.

(ii) *Rear loading.* Access to rear loading installations will be provided by a door fitted with an inside Arrow lock opening into a room having at least 3 feet of unobstructed work space from the rear of the units to the wall. The room must be adequately ventilated and lighted. The rear of the unit must have a screen or cover of plywood or other suitable material to prevent the removal of mail from adjacent boxes and to prevent mail from falling out the back. This cover must be securely fastened and easily opened by the carrier.

(3) *Installation with telephone units.* (i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the vertical-type receptacles may be placed in 2 tiers, or they may be installed in groups or batteries of less than 8 if required for the proper arrangement of the groups in the 2 tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric pushbuttons may be placed in the frame of the installation, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(d) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purposes, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a.m., and 11 p.m., and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special-delivery messenger on request.

(e) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, "Carrier's Report on Condition of House Numbers and Mail Receptacles", all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that inside letter-box arrow locks are properly accounted for when buildings are torn down or remodeled and that such defective locks are recovered.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office or carrier delivery unit serving the area if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in writing to the patrons and the owner or manager of the apartment building.

(5) The postmaster will investigate complaints of loss, theft, or injury of mail deposited by carrier in apartment house mail receptacles, and, when it is shown that some one has wilfully or maliciously injured, defaced, or destroyed mail deposited in receptacles, the postmaster will take action to have the matter investigated by a postal inspector.

(6) The United States Penal Code prescribes for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment houses mail receptacles the words "U.S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General," when the designs have been approved by the Post Office Department.

(f) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

VERTICAL-TYPE

Auth Electric Co., Inc., 34-20 45th Street, Long Island City 1, N.Y.

Boumer Spring Hinge Co., Inc., Landrum, S.C. (Keilson)

S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73-F)

Florence Manufacturing Co., Inc., 8008-18 South State Street, Chicago 19, Ill. (Fry-Proof, 13-F)

Jensen Industries, 159 South Anderson Street, Los Angeles 33, Calif.

Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 622 Watson Avenue, Saint Paul 2, Minn.

Perma-Bilt Steel Products Co., 8324 Graham Avenue, Los Angeles 1, Calif.

HORIZONTAL-TYPE

The American Hardware Corporation, Corbin Wood Products Div., New Britain, Conn.

NOTE: The corresponding Postal Manual section is 155.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-7593; Filed, Aug. 9, 1961; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Corn Meals; Calcium

Notice is given that a petition has been filed by American Corn Millers' Federation, 1000 Connecticut Avenue NW., Washington, D.C., proposing an amendment of the standard of identity for enriched corn meals, based upon a showing that the maximum limit for calcium set forth therein obviously could not be met in the case of enriched self-rising corn meal, because that food requires additional calcium salts in order to meet the standard of identity for self-rising corn meal. The amendment would be effected by changing the first sentence in paragraph (a) (3) of § 15.513 *Enriched corn meals; identity* to read:

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca): *Provided, however,* That enriched self-rising corn meals shall contain in each pound not more than 1,750 mg. of calcium (Ca). • • •

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 4, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7586; Filed, Aug. 9, 1961; 8:49 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 256) has been filed by Morton Salt Company, 110 North Wacker Drive, Chicago 6, Illinois, proposing the issuance of a regulation to provide for the safe use of sodium nitrate and sodium nitrite in curing salt for use on meat, including poultry and wild game.

Dated: August 3, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7588; Filed, Aug. 9, 1961; 8:50 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 523) has been filed by Rohm and Haas Company, Washington Square, Philadelphia 5, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of the sodium salt of naphthalenesulfonic acid condensed with formaldehyde as a dispersing agent in the manufacture of paper and paperboard for food packaging.

Dated: August 3, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7589; Filed, Aug. 9, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 40, 41, 42]

[Reg. Docket No. 839; Draft Release No. 61-16]

BOARDING OF AIR CARRIER AIRCRAFT BY PERSONS APPEARING INTOXICATED

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (14 CFR 405.27), notice is hereby given that there is under consideration a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 11, 1961, will be considered by the Administrator before taking action on the proposed rules. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons when the prescribed date for return of comments has expired.

There have been several incidents recently where intoxicated persons have been permitted to board air carrier aircraft. Due to their condition, they subsequently have created disturbances and even threatened to do bodily harm to crewmembers and to other persons aboard the aircraft. The Federal Aviation Agency adopted regulations in March 1960, which control the consumption and serving of alcoholic beverages to persons aboard air carrier aircraft. This regulation has served its purpose well, but it does not deal adequately with the problem that these recent occurrences have revealed.

Section 43.45 of the Civil Air Regulations currently provides that a pilot shall not permit any person to be carried in the aircraft who is obviously under the influence of intoxicating liquor. This provision has also served its purpose well. However, when applied to air carrier operations, this regulation has not been entirely effective to prevent incidents such as those which recently have taken place. Placing the responsibility on the pilot is not satisfactory in the case of air carrier operations since, under most conditions, the pilot is not present to observe the appearance and conduct of passengers as they board the aircraft, but is engaged elsewhere in essential duties regarding the flight.

The primary responsibility for preventing intoxicated persons from boarding air carrier aircraft must be placed on those who have an adequate opportunity to prevent the occurrence. The air carrier has both ground personnel and cabin attendants who are in a position to detect those persons who appear to be intoxicated and to refuse such persons permission to board the aircraft. Therefore, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations to place on the carrier the responsibility of not permitting any person to board its aircraft if such person appears to be intoxicated. Some air carriers have developed their own procedures and instructions to appropriate personnel in recognition of a responsibility in this area. This regulation will underline that responsibility and require all carriers to take steps more appropriate to existing conditions. In particular it will prevent exclusive reliance on the pilot as the carrier's sole agent for this purpose. It is not proposed to amend § 43.45 because it is always the responsibility of the pilot in command to refuse permission for the carriage of any person who is under the influence of intoxicating liquor regardless of the action taken by other airline employees if presence of such person is known to him.

This proposal also includes a requirement for each air carrier to notify the Administrator of incidents involving violations of this section, or any disturbance caused by intoxicated persons while boarding or aboard its aircraft. These reports will be monitored by the Agency to determine whether future changes in the rules are required to control the conduct of such passengers.

In consideration of the foregoing, it is proposed to amend Parts 40, 41, and 42 of the Civil Air Regulations by adding new paragraphs (c) and (d) to §§ 40.371, 41.135, and 42.65 *Drinking and serving of alcoholic beverages* respectively to read as follows:

(c) No air carrier shall permit any person to board an air carrier aircraft if such person appears to be intoxicated.

(d) An air carrier shall report to the Administrator within 24 hours any violation of paragraph (a) of this section by a person carried aboard its aircraft, or any disturbance caused by a person under the influence of alcoholic beverages while boarding or aboard its aircraft.

These amendments are proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

Issued in Washington, D.C., on August 4, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7585; Filed, Aug. 9, 1961; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 301]

FUR PRODUCTS NAME GUIDE

Foxes, Raccoons, and Opossums

Pursuant to the provisions of section 4 of the Administrative Procedure Act, notice is hereby given all interested parties that the Federal Trade Commission will, beginning at 10 a.m. on the 31st day of August, 1961, at its offices in the City of Washington, District of Columbia, hold public hearings under the provisions of the Fur Products Labeling Act and give consideration to amendments of the Fur Products Name Guide (§ 301.0) relating solely to the name, order, family, genus-species of foxes, raccoons and opossums.

Interested parties may participate by submitting to the Commission on or before such date, in writing, their views, arguments, or other data, or by offering their views, arguments, or other data, orally at the hearing. Written rebuttal may be submitted for a period of fifteen days after the public hearing is closed.

Such action is taken pursuant to the authority given to the Federal Trade Commission under section 7(b) of the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. 69) to "add to or delete from such register the name of any hair, fleece, or fur-bearing animal."

The matters to be considered are the proposals set out below, together with such pertinent amendments, deletions, and additions as may be submitted:

(1) Deletion of the present fox names and the addition of a single name "fox" in lieu thereof; or,

(2) Addition of the name "fox" to cover all genus and species leaving the various fox names as they now exist in the Fur Products Name Guide so as to provide an alternative to use of the single name "fox"; or,

(3) Addition of the name "fox" to be applied only to the genus and species of the red fox including all color phases thereof; or,

(4) Deletion of the present fox names and substitute in lieu therefor the following: Fox, Arctic (Alopoex lagopus), the blue and white foxes; Fox, Red (Vulpes species), the red, cross, platinum, silver, black, and golden amber; Fox, Kit (Vulpes macrotis, Vulpes velox), the swift foxes; Fox, Gray (Urocyon species) the several American species.

(5) Addition of the name "Raccoon, Asiatic" to identify fur products obtained from animals of the order Carnivora, family Canidae and genus-species Nyctereutes procyonoidos.

(6) Addition of the name "Opossum, South American" to identify fur products obtained from animals of the order Marsupialia, family Didelphiidae and genus-species Lutreolina crassicaudata.

Issued: August 9, 1961.

By direction of the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 61-7600; Filed, Aug. 9, 1961; 8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release 34-6607]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

Maintenance and Preservation of Books and Records

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its Rules 17a-3 and 17a-4 (§§ 240.17a-3 and 17a-4) under the Securities Exchange Act of 1934. Rule 17a-3 specifies the books and records which must be maintained by certain members of national securities exchanges and other broker-dealers. Rule 17a-4 requires the preservation of books and records by such broker-dealers and members for specified periods. The proposed amendment to Rule 17a-3 would require persons subject to the rule to maintain a questionnaire or application for employment containing specified information with regard to partners, officers and employees other than clerical employees, and the proposed amendment to Rule 17a-4 would require the preservation of such questionnaires or applications for three years.

There are two principal reasons for the proposed amendment. First, it would appear that good business practice would call for the obtaining and preservation of fairly detailed data concerning the experience and past records of salesmen and other employees of a securities firm as well as the partners or officers of the firm and, in the second place, the availability of such information in the offices of securities firms would be of value to the Commission in connection with broker-deal inspections and enforcement activities.

The National Association of Securities Dealers, Inc., and various national securities exchanges require that all personnel engaged in managing, supervising, soliciting or handling securities transactions be registered with, or approved by, the association or the exchange and, in this connection, the association and the exchange require the execution of applications for registration or for approval by such persons which contain rather detailed information concerning their experience and business records. Consequently, the proposed amendment would provide that retention of copies of applications made to the association or to specified securities exchanges shall constitute compliance with its requirements. This, persons subject to the proposed amendment who are members either of the National Association of Securities Dealers, Inc., or of the specified exchanges, would merely be required to maintain copies of all of such applications. It has been suggested that this would not be particularly burdensome and that, in most instances, copies of such applications will, in any event be retained.

The above action would be taken under the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof.

The text of the new subparagraph (12) to be added at the end of paragraph (a) of § 240.17a-3 is as follows:

(12) A questionnaire or application for employment executed by each partner, officer, trader, salesman and other employee of such member, broker or dealer, except clerical employees, which questionnaire or application shall be approved in writing by an authorized representative of such member, broker or dealer and shall contain at least the following information with respect to such partner, officer, trader, salesman or other employee:

(i) His name and address and the starting date of his employment;

(ii) His date of birth;

(iii) Educational institutions attended by him and whether or not he graduated therefrom;

(iv) A complete, consecutive statement of his business history for at least ten years, including his reason for leaving each prior employment, and whether the employment was part-time or full-time;

(v) A record of any disciplinary action taken, or sanction imposed, upon him, or any member, broker or dealer with which he was associated in any capacity at the time of such action, by any federal or state agency, or by any national securities exchange or national securities association, including any finding in any such action that he was a cause of such action or had violated any law;

(vi) A record of any permanent or temporary injunction entered against him or any member, broker or dealer with which he was associated in any capacity at the time such injunction was entered;

(vii) A record of any arrests, indictments or convictions for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject;

(viii) A record of any other name or names by which he has been known or which he has used;

Provided, however, That if such partner, officer, trader, salesman or other employee has been registered as a registered representative of such member, broker or dealer with, or his employment has been approved by, the National Association of Securities Dealers, Inc., or the American Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange or the Pacific Coast Stock Exchange, then retention of a full, correct, and complete copy of any and all applications for such registration or approval shall be deemed to satisfy the requirements of this subparagraph.

A new paragraph would be added to § 240.17a-4 to read substantially as follows:

Every such member, broker and dealer shall maintain and preserve in an easily accessible place all records required to be made pursuant to paragraph (a)(12) of § 240.17a-3 until at least three years after the termination of the employment and any other connection of such partner, officer, trader, salesman or other employee with such member, broker or dealer.

All interested persons are invited to submit their views and comments on the proposed amendments in writing to the Securities and Exchange Commission on or before September 1, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 26, 1961.

[F.R. Doc. 61-7581; Filed, Aug. 9, 1961; 8:49 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Paragraph (b) of section 1.51 *Field Service* is amended by revoking District No. 20 Dallas, Texas, amending District No. 14 San Antonio, Texas, and adding District No. 36 Port Isabel, Texas, to read as follows:

(b) *District Offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

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14. *San Antonio, Texas.* The district office in San Antonio, Texas, has jurisdiction over the State of Oklahoma and the following counties in the State of Texas: Anderson, Andrews, Archer, Armstrong, Atascosa, Baily, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brisco, Brooks, Brown, Burleson, Burnet, Caldwell, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Gallad, Garza, Gillespie, Glasscock, Gonzales, Gray, Grayson, Gregg, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Irion, Jack, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Marion, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Real, Red River, Regan, Roberts, Robertson, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant Terry, Taylor, Throckmorton, Titus, Tom Green, Travis, Upshur, Uvalde, Val Verde, Van Zandt, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, and Zavala.

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36. *Port Isabel, Texas.* The district office in Port Isabel, Texas, has jurisdiction over the following counties in Texas: Angelina, Aransas, Austin, Brazoria, Calboun, Cameron, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jackson, Jasper, Jefferson, Kenedy, Kleberg, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, and Willacy.

• • • • • •

2. Subparagraph (1) of paragraph (c) of section 1.51 *Field Service* is amended to read as follows:

(c) *Suboffices.* The following offices, in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2), indicated by an asterisk, are designated as suboffices:

(1) *Interior locations.*

Albany, N.Y.
Albuquerque, N. Mex.
Boise, Idaho.
Cincinnati, Ohio.
Dallas, Tex.
Fairbanks, Alaska.
Fresno, Calif.
Hammond, Ind.
Manchester, N.H.
Memphis, Tenn.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah.
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

3. Subparagraph (2) of paragraph (c) of section 1.51 *Field Service* is amended by revoking District No. 20 Dallas, Texas, amending District No. 14, San Antonio, Texas, and adding District No. 36, Port Isabel, Texas, to read as follows:

(2) *Ports of entry for aliens arriving by vessel or by land transportation.*

• • • • • •

DISTRICT NO. 14—SAN ANTONIO, TEX.

Class A

*Del Rio, Tex.
*Eagle Pass, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Laredo, Tex.
*Los Ebanos, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

Class B

San Ygnacio, Tex.

• • • • • •

DISTRICT NO. 36—PORT ISABEL, TEX.

Class A

Beaumont, Tex.
*Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island and Ingleside, Tex.).
Freeport, Tex.
*Galveston, Tex. (the port of Galveston includes among others, the port facilities at Port Bolivar and Texas City, Tex.).
*Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
*Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).

• • • • • •

4. Subparagraph (3) of paragraph (c) of section 1.51 *Field Service* is amended by amending District No. 14 San Antonio, Texas, and adding District No. 36 Port Isabel, Texas to read as follows:

(3) *Ports of entry for aliens arriving by aircraft.*

• • • • • •

DISTRICT NO. 14—SAN ANTONIO, TEX.

Eagle Pass, Tex., Eagle Pass Airport.
Laredo, Tex., Laredo Municipal Airport.
McAllen, Tex., Miller International Airport.

• • • • • •

DISTRICT NO. 36—PORT ISABEL, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.

• • • • • •

Dated: August 8, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-7641; Filed, Aug. 9, 1961; 8:54 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[California No. 614]

CALIFORNIA

Small Tract Classification; Partial Revocation and Order Providing for Opening of Public Land

AUGUST 1, 1961.

1. Effective immediately, the following described lands listed under Paragraph 1 of Federal Register Document 61-1127 appearing on pages 1170 and 1171 of the issue for February 9, 1961, are hereby revoked from the classification order.

MOUNT DIABLO MERIDIAN

T. 19 N., R. 6 E.,
Sec. 10: NE¼NE¼, excluding patented MS 5983;
W½NE¼ and SE¼NW¼, excluding patented M.E. 320;
N½NW¼, SW¼NW¼;
Lot 1, excluding patented 0.94 acre in NE¼ portion of Lot 1.
Containing approximately 312.49 acres.

2. The land is located near Forbestown in the Mother Lode area of the central Sierra Nevada mountains. The elevation is 3,000 feet. The land is fairly level and covered with young ponderosa pine and brush.

3. The lands have been classified for retention in the National Land Reserve for intensive multiple use management.

4. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining Laws beginning at 10:00 a.m., on September 4, 1961. Locations made prior thereto shall be invalid.

5. Inquiries shall be addressed to the Manager, Land Office, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

R. G. SPORLEDER,
Officer in Charge, Northern Field Group, Sacramento, California.

[F.R. Doc. 61-7577; Filed, Aug. 9, 1961; 8:48 a.m.]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 3, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial Number M-036030 for the withdrawal of the lands described below, from all forms of appropriation, including the general mining laws but not the mineral leasing laws nor the Act of July 31, 1947 (61 Stat. 681) 30 U.S.C. 601-604, as amended, subject to valid existing rights. The applicant desires the land for administrative, public service and recreation facilities.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior,

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

GALLATIN NATIONAL FOREST

Cooke Administrative Site

T. 9 S., R. 15 E.,
Sec. 29: NE¼NW¼NW¼.
Total area 10 acres.

Yankee Jim Camp and Picnic Area

T. 7 S., R. 7 E.,
Sec. 33: SW¼NW¼SW¼.
Total area 10 acres.

Montanapolis Mineral Springs Recreation Area

T. 6 S., R. 10 E., Unsurveyed, but when surveyed probably will be:
Sec. 29: NW¼NE¼NE¼.
Total area 10 acres.

Montanapolis Public Service Site

T. 6 S., R. 10 E., Unsurveyed, but when surveyed probably will be:
Sec. 29: N½SE¼NE¼, and NE¼SW¼NE¼.
Total area 30 acres.

Roadside Camp and Picnic Area

T. 9 S., R. 15 E.,
Sec. 20: SW¼SW¼.
Total area 40 acres.

Clarks Fork Camp and Picnic Area

T. 9 S., R. 15 E.,
Sec. 28: W½ Lot 6.
Total area 19.43 acres.

Chief Joseph Campground

T. 9 S., R. 15 E.,
Sec. 28: NW¼ Lot 7.
Total area 9.4 acres.

Soda Butte Campground

T. 9 S., R. 15 E.,
Sec. 30: S½ Lot 1.
Total area 20 acres.

CUSTER NATIONAL FOREST

Pine Grove Campground

T. 6 S., R. 17 E.,
Sec. 28: S½SW¼SW¼, SE¼SW¼, W½ Lot 9, SE¼ Lot 9, and SW¼ Lot 8;
Sec. 32: E½NE¼NE¼, NE¼SW¼NE¼, S½SW¼NE¼, SE¼NE¼, and NW¼NW¼SE¼;
Sec. 33: NE¼NE¼NW¼, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, and SW¼SW¼NW¼.
Total area 298 acres.

KANIKSU NATIONAL FOREST

Big Eddy Recreation Area

T. 27 N., R. 34 W.,
Sec. 25: NW¼SE¼SW¼SW¼, NE¼SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, S½NW¼SW¼SE¼SW¼, SW¼SW¼SE¼SW¼, SE¼SW¼SE¼SW¼, S½S½SE¼SE¼SW¼.
Containing 16.25 acres.

Willow Creek Recreation Area

T. 24 N., R. 29 W., unsurveyed,
What probably will be when surveyed:
Sec. 3: SW¼NW¼NW¼;
Sec. 4: SE¼NE¼NE¼.
Containing 20 acres.

E. I. ROWLAND,
State Director.

[F.R. Doc. 61-7578; Filed, Aug. 9, 1961; 8:48 a.m.]

[State Order No. 34]

OREGON

Redelegation of Authority by State Director

Pursuant to the authority contained in section 1(d) of the Bureau of Land Management Order No. 679, dated June 27, 1961, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment), or services in amounts not to exceed $2,000 and to make open market purchases up to $2,000;

District Managers; Land Office Managers; Officer-in-Charge, Spokane Field Group; Chief, Division of Administration; Administrative Officer, Oregon; District Administrative Assistants; and Administrative Assistant, Spokane Field Group.

Any field employee when away from headquarters is authorized to make open market purchases not to exceed $100.

Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

Dated: July 31, 1961.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-7579; Filed, Aug. 9, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA, NORTH CAROLINA, AND SOUTH DAKOTA

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Minnesota, North Carolina, and South Dakota, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Swift.

NORTH CAROLINA

Hoke.

SOUTH DAKOTA

Brown.
Campbell.
Edmunds.
Marshall.
McPherson.
Walworth.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7598; Filed, Aug. 9, 1961; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 295]

R. HAEUSLER & CO., K.G., ET AL.

Order Denying Export Privileges

In the matter of R. Haeusler & Co., K.G., Richard Haeusler, Rechbauerstrasse, 15, P O B 69, Graz, Austria, and "ELWE" Elecktrotechnische Erzeugnisse Lange & Co., K.G., Max Lange, Franz Huber, 19 Defreggerstrasse, Innsbruck, Austria, Case No. 295.

By charging letter dated November 8, 1960 the Director, Investigation Staff, Bureau of Foreign Commerce, Department of Commerce charged the respondents herein, R. Haeusler & Co., K.G.,

Richard Haeusler, and Justine Haeusler, all of Rechbauerstrasse, 15, P.O.B., Graz, Austria, (hereafter referred to collectively as Haeusler) and "ELWE" Electrotechnische Erzeugnisse Lange and Co., K.G., Max Lange and Franz Huber all of 19 Defreggerstrasse, Innsbruck, Austria (hereafter referred to collectively as ELWE), with violations of the export regulations issued under the authority of the United States Export Control Act of 1949, as amended.

The Haeusler respondents were charged with placing orders with a United States manufacturer of electronic equipment making representations that it was for consumption by ELWE in Austria under the authority of an Austrian import certificate and ELWE was charged with falsely representing to United States government officials that it was the ultimate consignee of the items to be delivered under this order. The items ordered were exported from the United States by the manufacturer, who received the order, to Austria to the account of Haeusler with the proper shipping documents and destination control notices but it was charged that both Haeusler and ELWE knew or should have known by this time that the ultimate destination and ultimate consumer for this equipment was not ELWE in Austria as represented, but was a consignee in and for the Sino Soviet bloc areas.

The respondents each answered the charging letter and requested oral hearings, but Haeusler eventually decided that the cost of attending the hearing in person or by attorney was too expensive and indicated it would neither appear nor be represented by attorney. ELWE though requesting a hearing failed to appear at the appointed time and was not represented by an attorney at the hearing. The case was referred to the Compliance Commissioner who held a hearing without participation by the respondents.

The Compliance Commissioner, having heard and considered the evidence and argument submitted in support of the charges and the answers submitted by the respondents in reply to the charging letter, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, United States Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that the several respondents with the exception of Justine Haeusler be denied export privileges in the manner and in accordance with the qualifications hereinafter set forth together with which report he has transmitted the record herein.

After reviewing and considering the entire record of this case and the Compliance Commissioner's report and recommendations, I make the following findings of fact:

(1) Haeusler ordered electronic equipment components in April 1959 from a United States producing company, representing that these items were for ultimate consumption by ELWE in Austria.

(2) ELWE falsely represented to representatives of the United States Government in Austria, that this order was for its own consumption in Austria.

(3) Exportation by the producer from the United States of the commodities ordered by Haeusler was carried out in July 1959 in reliance upon the representation made in the license application submitted to the Bureau of Foreign Commerce (hereafter referred to as BFC) by the United States producer, which was supported by the Austrian import certificate obtained by Haeusler.

(4) The commercial documents used in this export transaction had the restrictive destination control clause required by United States law, limiting the license for ultimate consumption in Austria with any diversion to other areas prohibited.

(5) Haeusler, at the time it placed these orders, knew or should have known, that the ultimate destination of the electronic instruments to be obtained would be a Sino Soviet bloc destination.

(6) ELWE as well as Haeusler knew or should have known that when these commodities were exported from the United States, the ultimate consignee would not be ELWE in Austria.

(7) The commodities covered in the shipments described above were diverted, transshipped, and reexported from Austria in violation of the United States law to a destination in the Sino Soviet bloc area.

(8) Justine Haeusler, as a limited partner in R. Haeusler & Co. was not personally involved in any of these transactions.

And from the foregoing I have reached the following conclusions:

(1) The respondent Richard Haeusler and R. Haeusler & Co., K.G. have knowingly:

(A) Directly and indirectly made false representations to, and concealed material facts from, the BFC at the time they ordered the electronic instruments, as to the true ultimate destination of the shipments, thereby violating § 381.5 of the Export Regulations.

(B) Acted in concert with ELWE to bring about a violation of the Export Regulations thereby violating § 381.3 of the Export Regulations.

(C) Caused the said electronic instruments to be diverted, transshipped and reexported from Austria to a Sino Soviet bloc destination in violation of §§ 381.2, 381.4, and 381.6 of the Export Regulations.

(2) The respondent ELWE has knowingly:

(A) Acted in concert with Haeusler to bring about a violation of the Export Regulations, thereby violating §§ 381.3 and 381.4 of the Export Regulations.

(B) Made false and misleading statements to, and concealed material facts from, the BFC and an official of the United States, in the course of an investigation instituted under the authority of the Export Control Act of 1949, as amended, thereby violating § 381.5 of the Export Regulations.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law, it is hereby ordered:

I. All outstanding validated export licenses in which R. Haeusler & Co., Richard Haeusler, its affiliate Samprod G.m.b.H., "ELWE" Elecktrotechnische Erzeugnisse & Co., K.G., Max Lange, and Franz Huber appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. So long as the export controls shall be in effect, the respondents Richard Haeusler, R. Haeusler & Co., and Samprod G.m.b.H. its affiliate, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed, except as qualified in Part IV hereof. For one year commencing on the day following the date hereof the respondents "ELWE" Elecktrotechnische Erzeugnisse Lange & Co., K.G. Max Lange, and Franz Huber hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed, except as qualified in Part V hereof. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any such respondent or related party, directly or indirectly, in any manner or capacity (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in the financing, transporting, or other servicing of such exports from the United States.

III. Such denials of export privileges to the extent that any respondent or related party may be affected hereby, shall extend not only to each of them but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connections in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Since Richard Haeusler, R. Haeusler & Co., K.G., and Samprod G.m.b.H. its affiliate, have already been temporarily suspended since November 25, 1960, their export privileges shall be restored four months from the date hereof, conditioned on their compliance with this order and all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder, for the duration of export controls.

V. Six months from the date hereof without further order of the Bureau of Foreign Commerce, "ELWE" Elecktrotechnische Erzeugnisse Lange & Co., K.G., Max Lange, and Franz Huber shall have their export privileges restored to them conditionally, the condition for such restoration being that during one year following the date hereof the said respondents shall comply in all respects with this order and with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

VI. The privileges so conditionally permitted to Richard Haeusler, R. Haeusler & Co., K.G., and Samprod G.m.b.H., and the ELWE respondents under Parts IV and V hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any of such parties has knowingly failed to comply with the conditions set forth therein, in which event Part II hereof shall be and become effective as to the party or parties found to have violated, without thereby precluding the Bureau of Foreign Commerce from taking such other and further action based on such violation or violations as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have the right to appeal therefrom, as provided in the Export Regulations.

VII. During any time when a respondent or any related party is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, or other business organization, whether in the United States or elsewhere, on behalf of or in any association with any such respondent or related party, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in any exportation from the United States. Nor shall any person, firm, corporation, or other business organization do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: July 14, 1961.

FRANK W. SHEAFFER,
Director, Office of Export Supply.

[F.R. Doc. 61-7583; Filed, Aug. 9, 1961; 8:49 a.m.]

Office of the Secretary

WALLACE H. ADAMSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 30, 1961.

Dated: July 31, 1961.

WALLACE H. ADAMSON.

[F.R. Doc. 61-7587; Filed, Aug. 9, 1961; 8:50 a.m.]

LOUIS A. SCHLUETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1961.

Dated: August 1, 1961.

LOUIS A. SCHLUETER.

[F.R. Doc. 61-7594; Filed, Aug. 9, 1961; 8:51 a.m.]

ARTHUR W. WINSTON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of July 29, 1961.

Dated: July 31, 1961.

ARTHUR W. WINSTON.

[F.R. Doc. 61-7595; Filed, Aug. 9, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Amended Construction Permit

Please take notice that the Atomic Energy Commission, pursuant to the Presiding Officer's Intermediate Decision dated June 30, 1961, has issued Amendment No. 3 to Construction Permit No. CPPR-1 issued to Consolidated Edison Company of New York, Inc. The amendment comprises a reissuance of the permit authorizing Consolidated to construct a 163,000 kilowatt (electrical) pressurized water nuclear reactor at Indian Point, New York, further amended to give approval (with the exception of the proposed use of precipitation hardened stainless steel (17-4 PH) in the control rod drive shafts), to the final design of the reactor. Copies of the amendment and the Intermediate Decision are on file in the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C.

Dated at Germantown, Md., this 4th day of August 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing & Regulation.

[F.R. Doc. 61-7553; Filed, Aug. 9, 1961; 8:45 a.m.]

[Docket No. 27-5]

WALKER TRUCKING CO.

Notice of Issuance of Amendment to Byproduct and Source Material License

Please take notice that pursuant to the "Decision" of the Atomic Energy Commission dated June 12, 1961, in the matter of The Walker Trucking Company, the Atomic Energy Commission has this date issued Amendment No. 1 to License No. 6-3627-1 authorizing The Walker Trucking Company to receive, package and store waste byproduct and source material for sea disposal, at facilities of the licensee located on Brownstone Avenue, Portland, Connecticut and 1283-1285 East Street, New Britain, Conn. under the direct supervisor of Mr. C. C. Thomas, Jr.

Dated at Germantown, Md., August 3, 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-7554; Filed, Aug. 9, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5132]

AIR CARGO EXPRESS, INC.

Notice of Reassignment of Prehearing Conference Date

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on August 18 is reassigned to August 17, 1961. This conference will be held at 10 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., August 4, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7548; Filed, Aug. 9, 1961; 8:45 a.m.]

[Docket 10240]

ARTHUR J. BROWN AND ABC FREIGHT FORWARDING CORP.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on August 10, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., August 4, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7549; Filed, Aug. 9, 1961; 8:45 a.m.]

[Docket 12876]

BRANIFF AIRWAYS, INC., AND CONTINENTAL AIR LINES, INC.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of August 1961.

In the case of Braniff Airways, Inc. et al. Route Consolidations, Docket 1154, 7 C.A.B. 831, March 19, 1947, Braniff's certificates of public convenience and necessity for routes 9, 15, and 50 were amended so as to consolidate said routes into single route 9, subject to a restriction, inter alia, that flights between Denver, Colo., and Tulsa, Okla., must stop at Amarillo, Texas, or shall make two stops one of which must be Oklahoma City, Okla. The purpose of the restriction was to protect Continental Air Lines, Inc. (Continental), from diversion of Tulsa-Denver traffic, which could result from a nonstop Braniff operation, and to retain the competitive balance that existed between Continental and Braniff prior to the route consolidation.

In Continental Air Lines, Inc. et al., Route Consolidation Case, Docket 576, 10 C.A.B. 657, July 28, 1949, Continental's certificate for routes 29, 43, and 60 were amended so as to consolidate them into single route 29. The new authority was restricted so as to require an intermediate stop at either Hutchinson or Wichita, Kansas, on all flights between Denver and Tulsa. The Board found that this restriction was required on Continental's route to protect Braniff from undue diversion, despite the fact that Continental had requested that the amended certificate allow nonstop service.

In the latter proceeding, Braniff's application in Docket 3109 for the elimination of its operating restrictions between Denver and Tulsa on route 9 was denied for the stated purpose of protecting Continental from undue diversion. In its opinion, the Board gave considerable weight to the dependence of the carriers on mail pay, recognizing that any losses due to diversion or uneconomic operations might increase the break-even requirements of both carriers and their need for increased mail pay.

In the Kansas-Oklahoma Service Case, Docket 5482 et al., Order E-15975, October 31, 1960, the Board amended the certificate of Continental so as to remove all points on the Denver-Tulsa segment of its route 29 except Wichita and Colorado Springs. In the same proceeding, the Board also removed Pueblo from Braniff's certificate for route 9. No local service carrier was given authority in this proceeding to provide a usable Denver-Tulsa service.

Although in 1949 the Denver-Tulsa segment of Continental's route represented as much as 7 percent of its system revenues, since that time, this carrier has received substantial route awards extending from Chicago to the west coast and from Houston to the west coast, and this segment is now considerably less important to the carrier's system total. The competitive need no longer exists to warrant the nonstop restriction in the Denver-Tulsa market. Nor is it necessary to choose between Braniff and Continental to provide the service. Nonstop operations would integrate well with the services of both carriers and would benefit local as well as beyond passengers.

Upon consideration of the foregoing, and in furtherance of our efforts to eliminate from the carriers' certificates all restrictions no longer considered necessary, we tentatively find and conclude that the public convenience and necessity no longer require restriction 4 in Braniff's certificate for route 9 which now states, "Flights between Tulsa, Okla., and Denver, Colo., shall stop either at Amarillo, Tex., or shall make at least two stops, of which one must be Oklahoma City, Okla."; or restriction 3 in Continental's certificate for route 29 which now states, "The holder shall stop at Pueblo, Colo., Wichita or Hutchinson, Kans., on flights serving both Denver, Colo., and Tulsa, Okla."; and that such restrictions should be deleted from the carriers' respective certificates.

Accordingly, it is ordered:

1. That all interested persons be and they hereby are ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein to delete condition 4 from Braniff's certificate of public convenience and necessity for route 9, and to delete condition 3 from Continental's certificate for route 29;

2. That any interested person having objection to the issuance of an order making final the findings and conclusions herein, shall, within 15 days from the date hereof, file with the Board and serve upon all persons made parties herein, written notice of objections;

3. That if no objections are filed, further procedural steps shall be deemed waived and th matter submitted to the Board for issuance of a final order;

4. That, if objections are filed, further consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. That copies of this order shall be served on Braniff Airways, Inc., Central Airlines, Inc., Continental Air Lines, Inc., and the Cities and Chambers of Commerce of Denver, Colo., and Tulsa, Okla., all of which are hereby made parties to this proceeding;

6. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7550; Filed, Aug. 9, 1961; 8:45 a.m.]

[Docket 12745, 12746]

LAKE CENTRAL AIRLINES, INC.

Order Granting Exemption and Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of August 1961.

On July 7, 1961, Lake Central Airlines, Inc. (LCA), filed an application (Docket 12746) seeking temporary exemption authority relieving that carrier from the requirement of Condition (10) of its certificate for route 88, as amended, effective August 6, 1961,[1] so as to permit LCA to serve Cincinnati and Indianapolis on the same flight subject only to the condition that LCA shall not operate shuttle service between the two points. LCA further requests that said exemption authority be made effective on or before August 6, 1961, and remain in effect until 60 days after the Board's final decision on LCA's application in Docket 12745, concurrently filed, for the amendment of its certificate so as to modify its restriction on Cincinnati-Indianapolis service in the same manner.

[1] The said amended certificate was issued pursuant to Order E-16908, June 7, 1961, the Board's decision in the LCA Temporary Intermediate Points Renewal Case.

On August 6, LCA for the first time will hold certificate authority to serve Indianapolis and Cincinnati on the same segment (number 1). However, LCA has held authority since 1954 to schedule nonstop flights between the two points by means of service over a combination of its segments 3 and 4, coupled with exemption authority to overfly the segment junction point Richmond, Indiana, subject only to the restriction that the carrier should not operate shuttle service between Indianapolis and Cincinnati.[2]

The junction point Richmond, Indiana, was temporarily certificated on both segments 3 and 4. By Order E-13242, December 5, 1958, the possible renewal of the point on either or both segments was placed in issue in the LCA Temporary Intermediate Points Renewal Case, Docket 10039. Subsequently, by Order E-15375, June 10, 1960, the Board consolidated LCA's application in Docket 11328 with the investigation in Docket 10039. In Docket 11328, LCA requested several amendments of its certificate, including the extension of its segment 1 beyond Indianapolis to Cincinnati. The Board ordered that the disposition of that particular amendment would be subject to a condition that " * * * Lake Central shall, on all flights scheduled to serve Indianapolis and Cincinnati on segment 1, schedule service to a point north of Indianapolis on segment 1."[3]

Pursuant to the Board's final decision in the Temporary Points Renewal Case, supra, an amended certificate was issued to LCA, effective August 6, 1961, which, inter alia, deleted Richmond from segment 4 and extended segment 1 from Indianapolis to Cincinnati.[4] Condition (10) of that amended certificate requires that "flights scheduled to serve Cincinnati, Ohio, and Indianapolis, Ind., shall also serve a point north of Indianapolis, Ind., on segment 1." LCA seeks relief from that condition by exemption in Docket 12746, and by certificate amendment in Docket 12745.

In support of its exemption application, LCA alleges, inter alia that: although the majority of its Indianapolis-Cincinnati nonstop flights have in the past also served a point north of Indianapolis on segment 1, LCA had on occasions prior to March 1, 1961, scheduled such nonstop flights beyond on segment 7 via the segment junction point Indianapolis; after March 1, 1961, when LCA inaugurated service over segment 14 (awarded in the Great Lakes Case, supra) between Cincinnati and Washington, D.C., and Baltimore, Md., flights operating nonstop between Indianapolis and Cincinnati were also operated over segment 14; pursuant to its temporary exemption authority (Order E-12921, supra) which remains outstanding until August 6, 1961, LCA in July 1961 scheduled Cincinnati-Indianapolis nonstop flights on four flights originating or terminating north of Indianapolis on segment 1, and on six flights originating or terminating east or west of the two cities on other segments; and, unless the requested exemption authority is granted, LCA will be unable on or after August 6, 1961, to operate the presently scheduled six flights which do not serve a point north of Indianapolis on segment 1.

No objections to grant of the exemption authority have been received.

Condition (10) in LCA's certificate, which will become effective August 6, 1961, provides in effect no more protection for other carriers in the Cincinnati-Indianapolis market than the restriction prohibiting shuttle service under which LCA has operated since 1954. The absence of any opposition to LCA's exemption application for relief from condition (10) attests to that fact. On the other hand, failure to receive the exemption authority requested would compel LCA to revise its schedule pattern and limit its flexibility of operation to and from points on its new route segments which we recently awarded in the Great Lakes Case, supra. Under these unusual circumstances, we believe that exercise of our exemption power is justified to prevent a disruption of LCA's service pattern and to preserve the desirable flexibility in its local service operations.

Upon consideration of the foregoing, the Board finds that the enforcement of the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate as effective August 6, 1961, insofar as they would otherwise prevent LCA from conducting the service hereinafter authorized, would be an undue burden on the carrier by reason of the limited extent of, or unusual circumstances affecting, its operations and is not in the public interest.

Further, we tentatively find and conclude that the proposed amendment of LCA's certificate for route 88, as effective August 6, 1961, will permit desirable operating and scheduling flexibility in that carrier's local service operations; that the proposed amendment will permit LCA to provide more convenient service for traffic flowing over its segments east, west, and south of Cincinnati than could be provided under condition (10) of its certificate as effective August 6, 1961, and should result in greater revenues to that carrier and possible subsidy savings; that the proposed amendment will not cause excessive diversion from any other air carrier; and consequently that the public convenience and necessity require the amendment of LCA's certificate for route 88, as effective August 6, 1961, by the deletion of condition (10) thereof and the substitution therefor of the following: "(10) The holder shall not operate shuttle service between Indianapolis, Ind., and Cincinnati, Ohio."

Accordingly, it is ordered:

1. That all interested persons be and they hereby are ordered to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of LCA for route 88, as effective August 6, 1961, so as to delete condition (10) thereof and substitute therefor the following: "(10) The holder shall not operate shuttle service between Indianapolis, Ind., and Cincinnati, Ohio.";

2. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein shall, within 15 days from the date hereof, file with the Board and serve upon all persons hereafter made parties written notice of objection;

3. That if no objections are filed, further precedural steps shall be deemed waived and the matter submitted to the Board for issuance of a final order;

4. That if objections are filed, further consideration will be accorded any matters or issues raised by the objections, before further action is taken by the Board;

5. That LCA be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions and limitations of its certificate as effective August 6, 1961, specifically Condition (10) thereof, insofar as they would otherwise prevent LCA from providing air transportation at Cincinnati and Indianapolis on the same flight, provided that LCA shall not operate shuttle service between Cincinnati and Indianapolis;

6. That the authority granted in ordering paragraph number 5 hereof shall continue until 60 days after final decision by the Board in Docket 12745;

7. That copies of this order shall be served on Lake Central Airlines, Inc., American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., the cities and Chambers of Commerce of Cincinnati, Ohio, and Indianapolis, Indiana, the Ohio Aviation Board, the Indiana Aeronautics Commission, and the Postmaster General of the United States, all hereby made parties to the proceeding in Docket 12745; and

8. That a copy of this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7551; Filed, Aug. 9, 1961; 8:45 a.m.]

[Public Notice PN-15]

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

This Public Notice contains a description of organization, including delegations of final authority and the places at which and methods whereby the public

[2] See Order E-8593, August 30, 1954, as restated in ordering paragraph 9(e) of Order E-9775, November 25, 1955; and Order E-12921, August 29, 1958. From 1954 to 1958, LCA's exemption authorized such nonstop service on all flights in excess of one round-trip daily, but the one round-trip requirement was eliminated by Order E-12921.

[3] This proposed condition was related to the factual circumstance that, during the period prior to issuance of Order E-15375, LCA had scheduled the majority of its flights operated nonstop between Cincinnati and Indianapolis so as also to serve points north of Indianapolis on segment 1.

[4] Prior thereto, in our decision in the Great Lakes Local Service Investigation, Order E-15695, August 25, 1960, we awarded authority to LCA to operate a number of new segments between Cincinnati and other cities to the north and east.

may secure information or make submittals or requests. Public Notice PN-14 Revised (25 F.R. 12918) is hereby superseded.

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GENERAL STATEMENT

SECTION 1.1 *Authority.* The Civil Aeronautics Board derives its authority from and is organized in accordance with the Federal Aviation Act of 1958. It is an independent Federal agency comprised of five members appointed for six-year terms by the President with the consent of the Senate, with no more than three members appointed from the same political party. Each year the President designates one member as chairman and another as vice chairman.

The Board exercises its powers independently. Its decisions are not subject to review by any executive department or agency, except for the approval of the President required in Board decisions granting or affecting certificates for overseas and foreign air transportation, and foreign air carrier permits.

SEC. 1.2 *Functions.* In general the Board performs three functions: regulation of the economic aspects of domestic and international United States air carrier operations and of the operations of foreign air carriers to and from the United States, participation in the establishment and development of international air transportation, and promotion of safety in civil aviation. These functions are described briefly in the following paragraphs.

(a) *Economic regulation.* The Board is responsible for granting authorizations to air carriers to engage in interstate and foreign air transportation. It issues permits to foreign air carriers authorizing them to engage in air transportation between the United States and foreign countries, and also authorizes the navigation of foreign civil aircraft in the United States for other purposes.

The Board has jurisdiction over tariffs, and the rates and fares charged the public for air transportation; it establishes rates for the carriage of mail by air carriers; and it authorizes and pays subsidy to certain air carriers where required for the development of an adequate air transportation system.

In the interest of maintaining regulated competition, the Board passes on mergers, acquisitions of control and interlocking relationships involving air carriers and passes on contracts for cooperative working arrangements between air carriers. The Board also has jurisdiction over unfair competitive practices of air carriers and ticket agents selling air transportation.

The Board regulates the accounting practices of air carriers and requires them to file regular financial and operating reports with the Board. Much of the information from these reports is published by the Board and thereby made available to other government agencies and to the general public.

Under Public Law 85-307 the Board guarantees loans to certain air carriers for the purchase of aircraft.

(b) *International Civil Aviation.* The Board consults with and assists the Department of State in the negotiation of agreements with foreign governments for the establishment or development of air routes and services.

(c) *Safety activities.* The Board investigates accidents involving civil aircraft and makes reports on the facts, circumstances and probable causes thereof; it makes such recommendations to the Administrator of the Federal Aviation Agency as will tend to prevent similar accidents in the future; makes such reports public as may be deemed by it to be in the public interest; and conducts special studies and investigations of aeronautical hazards to reduce aircraft accidents and prevent their recurrence.

Upon the request of aggrieved parties, the Board reviews in quasi-judicial proceedings, conducted pursuant to the Administrative Procedure Act, denials by the Administrator of the Federal Aviation Agency of applications for airman certificates and orders of the Administrator modifying, amending, suspending or revoking any air safety certificates. The Board also participates as an interested party in safety rulemaking proceedings conducted by the Administrator of the Federal Aviation Agency.

SEC. 1.3 *Offices.* (a) The central offices of the Civil Aeronautics Board are located in the Universal Building, 1825 Connecticut Avenue Northwest, Washington 25, D.C.

(b) The Bureau of Economic Regulation, the Bureau of Safety and the Office of Carrier Accounts and Statistics maintain field offices in selected cities throughout the country. The location of these offices and a description of their functions are included in sections of this notice describing the Office or Bureau of which the field offices are a part.

(c) Public hearings into the facts, conditions and circumstances surrounding an aircraft accident, public hearings on applications and petitions in both safety certificate and economic proceedings and oral arguments before the Board are held at the time and place announced in the notice thereof which is served on the parties to the proceeding and published in the FEDERAL REGISTER.

(d) The hours of business for Board offices are 8:30 a.m. to 5:00 p.m., local time, Monday through Friday, excluding legal holidays, unless otherwise provided by statute or Executive Order.

SEC. 1.4 *Formal submissions.* (a) All formal submissions required or permitted to be made in economic and safety certificate proceedings should be addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C., unless specifically provided otherwise in the provision requiring or permitting such submission. Requirements as to the form and content of such submissions are set forth in the Board's Procedural Regulations, codified in the Code of Federal Regulations, Title 14, Chapter II.

(b) Notification and reports of aircraft accidents and of missing aircraft required to be reported pursuant to Part 320 of the Board's Safety Investigation Regulations should be directed to the nearest Civil Aeronautics Board office or Federal Aviation Agency communications station or agent.

(c) Instructions concerning the use of forms, and the scope or content of material required or permitted to be filed or maintained are set forth in the Board's Economic, Safety Investigation, Special or Procedural Regulations codified in the Code of Federal Regulations, Title 14, Chapter II. If the form of any document required or permitted to be filed is not prescribed, such document shall be in letter form.

SEC. 1.5 *Release of information.* (a) The Public Information Officer, Office of Secretary, is the primary channel through which general inquiries from the public and press are answered. Persons seeking general information concerning the Board, its organization, functions, procedures or activities should communicate with that office.

(b) Persons seeking information concerning employment opportunities with the Board should communicate with the Personnel Section, Office of Administration.

(c) The Administrative Services Section, Office of Administration, periodically prepares a list of Board documents and publications which have been duplicated and are available to the public. Items offered for sale are available from the U.S. Government Printing Office or other indicated sources on payment of a charge therefor. A list of available publications and free items in limited quantity are available from the Administrative Services Section upon request. Mailing lists are maintained for the weekly Notice of Applications or Amendments Thereto and certain other free publications. Upon written request therefor, the Administrative Services Section will furnish for the remainder of the fiscal year, publications for which mailing lists are maintained.

SEC. 1.6 *Access to records.* (a) All records of the Board are in the custody of the Secretary of the Board subject to access by employees for purposes relating to their official duties.

(b) Public records, available for inspection or copying during office hours upon application to the Secretary include:

(1) Documents required or permitted to be filed with the Board by the Federal Aviation Act of 1958, as amended, or any other statute or by any rule or order of the Board. These include tariffs, general schedules, contracts and agreements affecting air carriers, undocketed applications and petitions, notices of intent, flight reports, mileage records, carriers' operating and financial reports, and operators' reports of aircraft accidents or of missing aircraft.

(2) The material of record filed in any adjudicatory, investigative or rulemaking procedure. These include applications, petitions, complaints, correspondence and related documents in connection with formal proceedings, transcripts of testimony, copies of depositions, exhibits, briefs, examiner's initial decisions, comments on proposed rules, orders and accompanying opinions, if any, the Board's official reports on the facts, conditions, circumstances and probable cause of aircraft accidents and Economic, Safety Investigation, Special and Procedural Regulations. Comments on proposed rules are available for public inspection after the date set forth in the Notice of Proposed Rule Making.

(3) Public Notices, compilations, tabulations, reports and other materials published by the Board or authorized by the Board for public release.

(4) Approved Minutes of Board meetings, except portions relating to pending matters. Minutes are available only to persons properly and directly concerned with the subject thereof.

(c) Not available for public inspection are matters classified in the interest of national defense pursuant to Executive Order 10501 or withheld from public disclosure by the Board under section 902 (f), 1001 or 1104 of the Federal Aviation Act of 1958, as amended, and section 302.39 of the Procedural Regulations.

(d) Not available for public inspection are other records, letters, memoranda, files and information created by or coming into the possession of, or within the knowledge of the Board or its staff in the discharge of their official duties, except that particular information may be disclosed in response to a request to perosns having a legitimate interest if the disclosure of such information is found by an authorized employee to be appropriate to the furtherance of the objectives of the Act or is approved by the Board upon good cause shown. Information ordered by the Board to be withheld may be disclosed only by direction of the Board.

(e) Copies of documents (other than duplicated publications described in section 1.5c above) which are available to the public will, upon written request to the Secretary specifying the number of copies desired, be provided at the expense of the requestor. Without fee, the Secretary, upon written request, will certify that copies are true and correct copies of the original, except that publications of the Board need not be certified, since they are competent evidence of the orders, decisions, rules, regulations and reports of the Board therein contained in all Federal and State courts without further proof or authentication, pursuant to section 204(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1324).

OFFICES OF BOARD MEMBERS

SEC. 2.1 *Functions of the Board Members.* The Board Members are charged with carrying out the duties and responsibilities of the Board under the Act and the statutes. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. Pursuant to Reorganization Plan No. 3 of 1961, the Board has the authority to delegate, by published order or rule, any of its functions to a division of the Board, an individual Board Member, a hearing examiner or an employee or employees board, provided there is no conflict with section 7(a) of the Administrative Procedure Act relating to presiding officers at hearings. The Board retains a discretionary right to review any action taken under delegated authority upon its own initiative or upon petition of a party or an intervenor in such action. The vote of a majority of the Board less one shall be sufficient to bring any such action before the Board for review. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see below), final action is taken by the Board.

SEC. 2.2 *Functions of the Chairman.* In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as Chairman, acts as spokesman for the Board before committees of Congress.

Pursuant to Reorganization Plan No. 13 of 1950, and subject to certain limitations stated therein, the Chairman is responsible for the executive and administrative functions of the Board.

Pursuant to Reorganization Plan No. 3 of 1961, the Board's function of assigning Board personnel, including Board Members, to perform such functions as may be delegated by the Board pursuant to Reorganization Plan No. 3 was transferred to the Chairman.

SEC. 2.3 *Functions of the Executive Director.* The Executive Director assists the Chairman to discharge his functions as executive and administrative head of the agency. Pursuant to authority delegated by the Chairman he coordinates and directs the activities of the staff and

recommends plans to achieve the Board's program objectives in the most efficient manner. Reporting directly to the Executive Director are:

(a) A Planning Officer who initiates, conducts or coordinates studies of Board operations and industry conditions in order to make recommendations of Board policies and programs designed to speed the Board's work, meet the needs of the aviation industry and serve the public interest;

(b) A Director of the Office of Community and Congressional Relations who represents the Board in dealing with representatives of State and local communities and civic groups, identifies community interests, develops recommendations of Board policies and actions relating thereto; and maintains liaison between the Board and Congress;

(c) A Secretary and Assistant Executive Director, see section 10; and

(d) A Chief, Office of Administration, see section 11.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Organization.* The Bureau of Hearing Examiners consists of the following components: Office of the Chief Examiner, the Hearing Examiners, Docket Section and Indices Section.

SEC. 3.2 *Functions of the Chief Examiner.* The Chief Examiner supervises the Bureau of Hearing Examiners, which is responsible for the conduct of all formal proceedings under Titles IV, VI, and X of the Federal Aviation Act of 1958 in accordance with the requirements of the Procedural Regulations.

SEC. 3.3 *Delegated authority of the Chief Examiner.* By delegation of authority from the Board, the Chief Examiner is authorized to:

(a) Approve or disapprove requests for changes in procedural requirements in economic cases for good cause shown, provided that an extension of time for filing documents shall not be granted within three days of the date originally set for the filing except in cases involving unusual hardship on the requesting party or parties.

(b) Subject to modification or reversal by the Board on its own motion or upon petition or application by any air carrier or other person affected by or having a substantial interest in his action, to grant or deny intervention in formal proceedings.

(c) Consolidate, upon recommendation of the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate), into one proceeding, cases involving the investigation of a tariff or of complaints concerned with related tariffs.

(d) With the concurrence of the Director, Bureau of Economic Regulation (or such staff member of the Bureau of Economic Regulation as he may designate): Dismiss applications or complaints (except those involving Part 302, Subpart B of the Procedural Regulations) when such dismissal is requested or consented to by the applicant or complainant, or where such party has failed to prosecute such application or complaint; consolidate into one proceeding for the purpose of hearing and decision, and approve applications for such consolidation, of cases arising under sections 401, 402, 408, 409, and 412 of the Federal Aviation Act; approve or deny any request for the severance of a previous application consolidated in accordance with the preceding authority; and dismiss proceedings upon his finding that the proceeding has become moot or that no further basis for continuation exists.

(e) The Chief Examiner also has all the authority delegated to Hearing Examiners generally as listed in section 3.8.

SEC. 3.4 *Redelegation of authority.* The Chief Examiner is authorized to redelegate the authorities cited in Subsections 3.3B and 3.3C above.

SEC. 3.5 *Functions of the Hearing Examiners.* Hearing Examiners are responsible for conducting proceedings involving the economic regulatory powers of the Board under Titles IV and X of the Federal Aviation Act, including issuance of certificates of public convenience and necessity concerning both domestic and foreign operations, issuance of foreign air carrier permits, mail, passenger and property rate cases, mergers, acquisitions of control, interlocking relationships, and enforcement cases; and safety enforcement proceedings under Title VI of the Act, including disciplinary proceedings involving suspension or revocation of airman certificates and appeals from action of the Administrator, Federal Aviation Agency, in refusing to issue airman certificates. In carrying out these proceedings examiners hold hearings, make initial decisions, and carry out the other requirements of the Administrative Procedure Act, the Board's Procedural Regulations, and the delegations of authority to examiners.

SEC. 3.6 *Functions of the Docket Section.* The Docket Section examines all applications, complaints and petitions for compliance with the requirements of the Procedural Regulations, advises and assists persons filing documents with respect to filing requirements; maintains the Official Docket binder on all formal proceedings and issues periodic reports on the status of docketed cases; maintains a copy of all dockets, financial and operational statistical reports, comments on proposed rules and similar material for public reference; and makes official service of notices, reports, decisions and rules on parties to proceedings.

SEC. 3.7 *Functions of the Indices Section.* The Indices Section devises and maintains the master subject index, selects orders and opinions and writes digests to cover points involving precedent for publication in the Civil Aeronautics Board Reports, and periodically prepares cumulative index-digests of Board decisions.

SEC. 3.8 *Delegated authority of Hearing Examiners.* By delegation of authority from the Board each Hearing Examiner is authorized to:

A. Give notice concerning and hold hearings.

B. Administer oaths.

C. Examine witnesses.

D. Issue subpoenas and take or cause depositions to be taken.

E. Rule upon offers of proof and receive relevant evidence.

F. Regulate the course and conduct of the hearing.

G. Hold conferences, before or during the hearing, for the settlement or simplification of issues.

H. Rule on motions and dispose of procedural requests or similar matters.

I. Within his discretion, or upon the direction of the Board, certify any question to the Board for its consideration and disposition.

J. Issue initial decisions in proceedings for the amendment, modification, suspension or revocation of airman or other safety certificates upon appeal from an order of the Administrator of the Federal Aviation Agency, and for the review of the Administrator's refusal to issue an airman certificate.

K. Render an initial decision orally on the record or in writing if, before the close of the hearing, any party so requests in cases relating to rates, fares or charges, classification rules or regulations or practices affecting such matters or value of service, or mail compensation.

L. Render a recommended decision orally on the record or in writing in cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the Federal Aviation Act of 1958.

M. Render an initial decision orally on the record or in writing in cases relating to economic proceedings other than those covered by paragraphs K and L above.

BUREAU OF ECONOMIC REGULATION

SEC. 4.1 *Organization.* The Bureau of Economic Regulation consists of the following organizational components: Office of the Director, Rates Division, Subsidy Division, Routes and Agreements Division, Alaska Liaison Office.

SEC. 4.2 *Functions of the Director.* The Director supervises the Bureau of Economic Regulation, which is responsible for the development and interpretation of economic data and for advising the Board regarding, and recommending action on individual matters involving, the policy and procedure to be followed in the economic regulation of the air transport industry.

SEC. 4.3 *Delegated authority of the Director.* By delegation of authority from the Board the Director, Bureau of Economic Regulation, is authorized to take the actions specified below.

A. To terminate or limit Bureau participation in adversary proceedings when full participation is found to be unnecessary. In those cases in which full participation is found unnecessary, the Director will immediately advise the parties to the proceedings and the Examiner of the nature and extent of future Bureau participation. When the Director finds that renewed participation of Bureau personnel is required in the public interest, he shall immediately so advise the parties.

B. To disapprove an application filed under Part 295 of the Economic Regulations by letter stating such disapproval and the reasons therefor and the options the applicant may exercise. If no option is exercised by the applicant within 15 days from the date of the letter, the application shall be considered withdrawn.

C. With respect to route matters he is authorized:

(1) To approve Airport Notices which indicate an intention to serve regularly a point through any airport not regularly used by a holder of a certificate of public convenience and necessity.

(2) To approve Nonstop Notices which indicate an intention to inaugurate a scheduled nonstop service between any two points nonconsecutively named in the certificate of public convenience and necessity.

(3) To approve interchange schedules which appear to conform to the service plan contemplated by the Board's orders approving the basic interchange agreements.

(4) To deny by letter applications of air carriers for exemptions permitting a carrier to serve a point certificated on one segment of its route in place of a point certificated on another segment of its route whenever no substantial competition to other lines will result or when no new policy is involved and permitting certificated carriers (other than supplemental air carriers) to perform single flights outside the authority contained in the certificate.

D. With respect to rates and tariffs, he is authorized:

(1) To reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Economic Regulations.

(2) To approve or disapprove any application for permission to make tariff changes upon less than statutory notice, filed pursuant to § 221.190 of the Economic Regulations, which (a) has as its only purpose the correction of mechanical, clerical, or administrative errors, or (b) does not involve new or substantial questions of policy.

(3) To permit cancellation of a tariff in instances when an investigation of a tariff is pending, or the tariff is under suspension, or when a complaint requesting investigation or suspension of a tariff has been filed.

(4) To aprpove or disapprove methods for indicating cancellation of an existing rate or rule in the publication of tariffs stating the new rate or rule in a manner other than that specifically required by Subpart H of Part 221 of the Economic Regulations.

(5) To determine the form and manner in which a supplement is to be prepared whenever the operation of any provision of a tariff, supplement or looseleaf page is suspended by the Board, in accordance with Subpart I of Part 221 of the Economic Regulations.

(6) To authorize the issuance of supplements to looseleaf tariffs in accordance with § 221.112 of the Economic Regulations.

(7) To approve or disapprove applications for waiver of the provisions of Part 221 of the Economic Regulations in accordance with § 221.201.

(8) To approve or disapprove applications filed under section 403(b) of the Act and § 223.8 of the Economic Regulations for permission to furnish free or reduced rate air transportation in overseas or foreign air transportation. If an application is denied the applicant may request Board review of the matter.

(9) To issue letters approving waivers of provisions in guaranteed loan agreements, in cases where it is believed that the grant of such approval will not adversely affect the obligations of the Board under the guaranty and will not increase the risk that the Board will have to make payment on the guaranty.

E. With respect to special authorities matters he is authorized:

(1) To approve applications for operating authority filed pursuant to Parts 296 and 297 of the Economic Regulations.

(2) To dismiss, by letter, applications for operating authority filed pursuant to Parts 296 and 297 of the Economic Regulations, provided that each applicant is given notice that his application will be dismissed if, in appropriate cases he does not, within 30 days, file information necessary to complete the processing of his application, or file a tariff.

(3) To approve relationships prohibited by §§ 296.45 and 297.36 of the Economic Regulations.

(4) To cancel an operating authority upon the filing by a domestic or international Air Freight Forwarder of a written notice with the Board indicating the discontinuance of common carrier activities.

(5) To issue foreign aircraft permits provided for in §§ 375.41, 375.42, and 375.70 of the Special Regulations if he finds that applications for such permits are in order and meet the requirements of the sections.

(6) To dispose, without action, of contracts and agreements which, prior to review thereof, have expired, have been terminated, or have been superseded.

(7) To approve, in whole or in part, or deny applications for authorization to conduct off-route charter trips filed pursuant to Part 212 of the Economic Regulations.

SEC. 4.4 *Redelegation of authority.* The Director, Bureau of Economic Regulation has the authority to redelegate all the authority listed in section 4.3 above except subsections 4.3A and 4.3C(4). He may also redelegate the recommendation authority cited in subsection 3.3C and the concurrence authority cited in subsection 3.3D.

SEC. 4.5 *Redelegations to the Deputy Director.* The Director of the Bureau of Economic Regulation has redelegated to the Deputy Director all the authority listed in section 4.3 above except subsections 4.3A and 4.3C(4).

SEC. 4.6 *Functions of the Rates Division.* The Rates Division is concerned with the economic and legal aspects of matters relating to the determination of service mail rates pursuant to Section 406 of the Federal Aviation Act of 1958, as amended, the regulation of commercial rates and tariffs pursuant to sections 403, 404, and 1002 of the Act, and the commercial aspects of resolutions of the International Air Transport Association.

SEC. 4.7 *Redelegations of authority to the Chief, Rates Division.* The Director, Bureau of Economic Regulation, has redelegated to the Chief, Rates Division, all the authority pertaining to rates and tariff matters cited in subsection 4.3D above except the authority cited in subsection 4.3D(9).

SEC. 4.8 *Functions of the Subsidy Division.* The Subsidy Division is concerned with the establishment of subsidy rates paid to the airlines by the Government and approval (or disapproval) of applications by air carriers for Government guaranty of loans to purchase aircraft and related flight equipment.

SEC. 4.9 *Redelegations of authority to the Chief, Subsidy Division.* The Director, Bureau of Economic Regulation, has redelegated to the Chief, Subsidy Division, the authority cited in subsection 4.3D(9).

SEC. 4.10 *Functions of the Routes and Agreements Division.* The Routes and Agreements Division is concerned with the economic and legal aspects of matters arising under sections 401, 402, 404, 405(b), 407 (a) through (c), 408, 409, 411, 412, 415, 416, 1002, and 1108(b) of the Federal Aviation Act, as amended, relating to all carrier operating authorizations and all carrier relationship matters.

SEC. 4.11 *Redelegation of authority to the Chief, Routes and Agreements Division.* The Director, Bureau of Economic Regulation, has redelegated to the Chief, Routes and Agreements Division, all the authority pertaining to route matters cited in subsection 4.3C, except the authority stated in subsection 4.3C (3) and all the authority pertaining to special authorities matters cited in 4.3E, except the authority cited in subsection 4.3E(5).

SEC. 4.12 *Bureau Counsel.* An attorney from the Bureau of Economic Regulation is designated as Bureau Counsel to present the Bureau position in formal proceedings before the Board arising under the Federal Aviation Act of 1958.

SEC. 4.13 *The Alaska Liaison Office.* The Alaska Liaison Office is a field office of the Bureau of Economic Regulation. It is located at Loussac-Sogn Building, Anchorage, Alaska (P.O. Box 2219). This office is concerned with the administration of the Act and the Economic Regulations as they relate to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

This office is responsible for posting and maintaining for inspection copies of applications, petitions, notices and com-

plaints submitted to the Board; copies of tariffs, statistical reports and other documents required to be filed with the Board; documents filed in connection with formal proceedings before the Board; and orders, opinions, rules or regulations issued by the Board; insofar as such matters relate to Alaskan air carriers, Alaskan air taxi operators or air transportation to, from, or within Alaska.

SEC. 4.14 *Redelegations of authority to Alaska Liaison Representative.* The Director, Bureau of Economic Regulation, has redelegated to the Alaska Liaison Representative, the authorities cited in subsections 4.3D(1), 4.3D(2), 4.3D(6), and 4.3D(7) insofar as they relate to Alaskan Air Carriers.

BUREAU OF SAFETY

SEC. 5.1 *Organization.* The Bureau of Safety consists of the following organizational components: Office of the Director, Safety Investigation Division, Operations Division, Engineering Division and Safety Analysis Division.

SEC. 5.2 *Functions of the Director.* The Director supervises the Bureau of Safety, which is responsible for the investigation and analysis of aircraft accidents occurring within the United States, and the investigation and analysis of accidents involving United States flag carriers occurring abroad in conjunction with the government of the country in which the accident occurred. This Bureau is also responsible for investigating aeronautical hazards, making recommendations for corrective action to prevent recurring accidents and for making appropriate recommendations to the Board regarding international aviation activities in the air safety area and in air safety matters considered by the interdepartmental Committees requiring Board action.

SEC. 5.3 *Delegated authority of the Director.* The Board has delegated to the Director, Bureau of Safety, the authority to:

A. Order an inquiry, by depositions, or otherwise, into the facts, conditions, circumstances and probable cause of all accidents involving civil aircraft, and to order a public hearing in accordance with the provisions of Part 303 of the Board's Procedural Regulations on the following types of accidents:

(1) Accidents in which unusual, nationwide public interest is demonstrated.

(2) Fatal air carrier accidents in air transportation.

(3) Accidents in air transportation involving an apparent serious departure from good operating practice or significant deficiency in design in which catastrophe is narrowly averted.

(4) Accidents which appear indicative of serious and widespread hazards in air commerce.

(5) Other accidents where the Director deems a public hearing necessary in the public interest.

B. Designate in writing a hearing officer and technical staff for public hearings in accordance with the provisions of Part 303 of the Board's Procedural Regulations; in cases where the Director, Bureau of Safety, will not personally serve on a Board of Inquiry, he may designate one of his staff to take his place.

C. Designate one or more hearing officials with authority to sign and issue subpoenas, administer oaths and affirmations, and to take depositions or cause them to be taken.

D. Order a special study or investigation on matters pertaining to safety in air navigation, and if necessary, designate a hearing officer in this connection who may be authorized to sign and issue subpoenas, administer oaths and affirmations, and take depositions or cause them to be taken.

SEC. 5.4 *Redelegations of authority to the Deputy Director.* The Director, Bureau of Safety, has redelegated all of the authorities listed in 5.3 above to the Deputy Director.

SEC. 5.5 *Functions of the Safety Investigation Division.* This Division is responsible for the development of accident investigation procedures and techniques, and for the administration of the accident investigation program. Through its field offices, described below, it conducts aircraft accident investigations. It is also responsible for conducting public accident inquiries to determine the facts, conditions, circumstances, and probable cause of aircraft accidents and prepares formal accident investigation reports for adoption by the Board. In addition, the Safety Investigation Division programs and directs special investigations, surveys, and studies relating to incidents, operational procedures and hazards capable of causing serious accidents in order to make recommendations to the Administrator of the Federal Aviation Agency for the implementation of accident prevention measures.

Field Offices of the Safety Investigation Division. Air Safety Investigators assigned to the Division's field offices conduct the accident investigations, special investigations, studies and surveys mentioned above. In the course of their accident investigations they maintain coordination with other interested government agencies and industry representatives. They also participate in public hearings and deposition taking, and prepare reports stating the facts, conditions and circumstances discovered during the investigation and the investigators' recommendation of what the finding of probable cause should be.

The Safety Investigation Division's field offices are located as follows:

Field Office Address and Territory

Federal Building, Room 101, New York International Airport, Jamaica, N.Y.—Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia.

P.O. Box 48-0931, Miami International Airport, Miami 48, Fla.—North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi.

Suite No. 206, 6525 West North Avenue, Oak Park, Ill.—Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.

912 East 63d Street, Kansas City, Mo.—Missouri, Iowa, South Dakota, Nebraska, and Kansas.

100 North University Drive, Room 219, University Plaza Building, Fort Worth 7, Tex.—Texas, Oklahoma, Arkansas, and Louisiana.

1725 Centinela Avenue, Inglewood, Calif.—Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°30', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

1549 Emporia Street, Aurora, Colo.—Wyoming, Colorado, New Mexico, and Utah.

P.O. Box 2386, Oakland Airport Station, Oakland 14, Calif.—The northern portion of Nevada and California north of Los Angeles office boundary.

Room 202, Administration Building, King County Airport, Seattle 8, Wash.—Washington, Oregon, Idaho, and Montana.

P.O. Box 2219, Anchorage, Alaska—Alaska.

SEC. 5.6 *Delegated authority of Presiding Officers and Hearing Officials.* Presiding Officers and Hearing Officials appointed by the Director, Bureau of Safety, pursuant to delegation of authority stated in subsections 5.3B and 5.3C have the authority to hold hearings, to sign and issue subpoenas, administer oaths and affirmations, examine witnesses, receive evidence and take or cause depositions to be taken.

SEC. 5.7 *Functions of the Operations Division.* The Operations Division is responsible for providing specialised staff services in the area of aircraft operations. Its specialists in air carrier, general aviation, helicopter and jet operations, meteorology and air traffic control, participate directly in aircraft accident investigations. They participate in public inquiries by testifying and questioning witnesses, and assist in the preparation of the Board's accident report. They also participate in special safety studies and investigations of aeronautical hazards and safety incidents and draft comments and recommendations for corrective action to be forwarded to the Administrator of the Federal Aviation Agency; and they draft comments on safety rules and standards proposed by the Federal Aviation Agency.

SEC. 5.8 *Functions of the Engineering Division.* This Division provides specialized staff services in the area of engineering and airworthiness. Division personnel participate in the investigation of aircraft accidents, assist in the conduct of public inquiries and prepare the technical portion of accident reports. The Division makes recommendations on engineering problems to further air safety and assist in eliminating aeronautical hazards, drafts comments and recommendations to the Administrator, Federal Aviation Agency, thereon, and represents the Board on committees wherein engineering and airworthiness problems are involved.

SEC. 5.9 *Functions of the Safety Analysis Division.* This Division is charged with the responsibility for the detailed analysis of all civil aircraft accidents, incidents and flight hazards, to determine all causal and contributory factors necessary for the recommendation of preventive measures; for the researching, collecting, digesting and indexing of technical studies and reports for application to Bureau technical or engineering problems, for preparing and maintaining comprehensive statistics of factors involved in aircraft accidents; for developing, assembling and disseminating recurrent and special statistical analyses reports.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 6.1 *Organization.* The Office of Carrier Accounts and Statistics consists of the following organizational components: Office of the Chief, Regulations and Reports Division, Field Audits Division, and the Research and Statistics Division.

SEC. 6.2 *Functions of the Chief.* The Chief supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical reporting programs and participating with the General Counsel in the formulation of such regulations; administering the Board accounting and reporting regulations; approving all accounting and economic statistical data prepared for release as an official publication; providing expert advice and assistance to the Board and staff on accounting, auditing and statistical matters; and representing the Board at interdepartmental, industry and international conferences at the direction of the Board.

SEC. 6.3 *Delegated authority.* Under delegated authority from the Board, the Chief, Office of Carrier Accounts and Statistics, is authorized to take any or all of the following actions in administering the accounting, reporting and record-retention requirements of Parts 234, 241, 242, 244, 248 and 249 of the Economic Regulations:

A. Waive any of the accounting, reporting and record-retention requirements as warranted, to meet temporary or local conditions.

B. Interpret the Board's accounting, reporting and record-retention requirements.

C. Require submission by carriers of special statements necessary to an explanation of any carrier accounting or reporting practices.

D. Establish detailed standard accounting, reporting and record-retention practices required to achieve conformance with regulations promulgated by the Board.

E. Grant or deny individual requests for extension of time for filing reports.

F. Dismiss, by letter, petitions for Board action when such dismissal is requested, or consented to, by petitioner.

G. Grant or deny by letter, with the concurrence of the General Counsel and the Director, Bureau of Economic Regulation, requests for confidential treatment of preliminary year-end financial reports.

H. Extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of records relating to errors, oversales, irregularities and delays in handling passengers (§ 249.11(f), Category No. 303(a) of the Schedule of Records to Part 249 of the Economic Regulations).

I. Grant or deny by letter, individual requests by air carriers for permission to use their own continuous-feed machine reporting forms, where Board approval for the use of such forms is required by the Economic Regulations.

J. Establish classification of aircraft types for reporting financial data and traffic capacity statistics.

K. Prescribe, in specific instances, different passenger weight standards to approximate variations in actual experience, for reporting passenger ton-miles and available ton-miles.

SEC. 6.4 *Redelegation of authority.* The Chief, Office of Carrier Accounts and Statistics has the power to redelegate all the authority recited in section 6.3 above except that recited in paragraph 6.3B.

SEC. 6.5 *Functions of the Regulations and Reports Division.* The Regulations and Reports Division develops and recommends uniform systems of periodic financial operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretations; recommends modifications or waiver of uniform requirements; provides expert advice and assistance on accounting matters; comments on prospectuses relating to the issuance of securities by air carriers when so requested by the Securities and Exchange Commission; conducts desk audits of carrier financial and statistical reports filed with the Board; and maintains liaison with accounting personnel in private, public or government practice.

SEC. 6.6 *Redelegations of authority to the Chief, Regulations and Reports Division.* The Chief, Office of Carrier Accounts and Statistics, has redelegated to the Chief, Regulations and Reports Division, the authority cited in subsections 6.3E, 6.3F and 6.3H.

SEC. 6.7 *Functions of the Field Audits Division.* The Field Audits Division conducts field examinations of accounts and records of air carriers to insure adherence to the accounting and reporting requirements; obtains correction by carriers of deficiencies in accounting and reporting practices as revealed by audit; collects data requested by other organizational units of the Board requiring access to carrier records, provides expert advice and assistance on auditing matters; and maintains liaison with auditing personnel in industry and other Federal agencies. The Field Audits Division maintains field offices at 2 Park Avenue, Room 2004, New York 16, New York; 207 2d Avenue, San Mateo, California; and Suite 201 International Building, 4471 NW. 36th Street, Miami Springs, Florida.

SEC. 6.8 *Functions of the Research and Statistics Division.* The Research and Statistics Division conducts comprehensive economic surveys and studies related to the development and regulation of civil air transportation; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements and maintains liaison with statistical personnel in industry and government.

OFFICE OF THE GENERAL COUNSEL

SEC. 7.1 *Organization.* The Office of the General Counsel consists of the following organizational components: The Immediate Office of the General Counsel, the Rules and Legislation Division, the Litigation and Research Division, and the Opinion Writing Division.

SEC. 7.2 *Functions of the General Counsel.* The General Counsel supervises the Office of the General Counsel which is responsible for advising the Board and its staff, industry representatives and the public on legal aspects (relating to domestic as well as international or foreign law) of the regulatory and accident investigation activities of the Board; furnishing substantive and technical advice in connection with projects affecting several areas of the Board's legal activities; assisting attorneys in other offices and bureaus as required; representing the Board in negotiations and at conferences where legal matters are involved; and representing the Board on governmental committees and committees of international organizations. In addition, the Office of the General Counsel performs the functions handled by its three Divisions as stated below.

SEC. 7.3 *Delegated authority of the General Counsel.* The Board has delegated to the General Counsel the authority to:

A. In accordance with the provisions of Part 311 of the Board's Procedural Regulations approve, disapprove, or request further information concerning requests for testimony of Board employees with respect to their participation in the investigation of aircraft accidents.

B. In safety enforcement proceedings the General Counsel is authorized to: approve or disapprove for good cause shown requests for changes in procedural requirements subsequent to the initial decision; grant or deny requests to file additional briefs pursuant to § 301.47 of the Procedural Regulations, raise on appeal any issue, the resolution of which he deems important to the proper disposition of proceedings under § 301.46 of the Procedural Regulations; dismiss appeals from initial decisions upon his finding that the appellant has failed to prosecute his appeal as required by § 301.46 and 301.47 of the Procedural Regulations, that the appellant has requested dismissal of the appeal, or that the matter has otherwise become moot.

C. Approve or disapprove for good cause shown requests to extend the time for filing comments on proposed new or amended regulations.

D. To grant or deny, by letter, any motion made by an air carrier association pursuant to § 263.3 of the Economic Regulations for leave to participate in a Board proceeding in which no formal hearing is held.

E. To issue revised Certificates of Public Convenience and Necessity and Foreign Air Permits when revisions thereof are made necessary due to a change in name of the carrier or of points specified in the certificate or permit, providing that no issue of substance concerning the operating authority of a carrier is involved.

F. To issue revised Certificates of Public Convenience and Necessity in cases where the Board has previously authorized a certain carrier to serve a particular point in substitution for another carrier, after proper showing has been made that such a transfer of service has or will be completed on a specified date.

G. To grant or deny by letter requests submitted under § 302.11(b) (i) and (ii) of the Procedural Regulations, by persons who have been formerly associated with the Board, for interpretations of facts under paragraph (i) and for leave to represent a party to a proceeding or matter before the Board under paragraph (ii).

SEC. 7.4 *Redelegation of authority.* The General Counsel is authorized to redelegate the authority recited in section 7.3 above.

SEC. 7.5 *Functions of the Rules and Legislation Division.* The Rules and Legislation Division examines legislative proposals of official interest to the Board and prepares comments and reports thereon; drafts proposed legislation; prepares, reviews and interprets regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on matters relating to defense mobilization and internal administration.

SEC. 7.6 *Redelegation of authority to Associate General Counsel, Rules and Legislation.* The General Counsel has redelegated to the Associate General Counsel, Rules and Legislation, the authority stated in subsections 7.3A, 7.3C, and 7.3D.

SEC. 7.7 *Functions of the Litigation and Research Division.* The Litigation and Research Division represents the Board in court actions to which the Board is a party, or is interested, except enforcement litigation handled by the Bureau of Enforcement, and performs legal research and renders legal opinions based thereon on matters relating to the Board's work.

SEC. 7.8 *Functions of the Opinion Writing Division.* The Opinion Writing Division provides technical assistance to the Board and individual Members in connection with the preparation of opinions and orders in economic proceedings. In particular categories of economic proceedings established by the Board, it drafts opinions, orders, certificates, and permits where the issues, whether substantive or procedural, warrant formal expression by the Board, in accordance with the instructions of the Board; and, in such cases, recommends to the Board appropriate action on motions or petitions filed subsequent to the issuance of the Examiner's Report. In cases of appeals to the Board from initial decisions of Examiners in safety enforcement proceedings, it reviews the record and recommends to the Board disposition of the appeal; drafting, in accordance with instructions of the Board, opinions, and orders for consideration and adoption by the Board. In addition, it recommends to the Board appropriate action on petitions for reconsideration of opinions and orders issued in the foregoing categories of cases.

SEC. 7.9 *Redelegations of authority to the Associate General Counsel, Opinion Writing.* The General Counsel has redelegated to the Associate General Counsel, Opinion Writing, the authority stated in subsection 7.3B, 7.3E, and 7.3F.

BUREAU OF ENFORCEMENT

SEC. 8.1 *Organization.* The Bureau of Enforcement consists of the following organizational components: The Office of the Director, the Legal Division, the Investigation Division and the Service Complaint Section.

SEC. 8.2 *Functions of the Director.* The Director supervises the Bureau of Enforcement which is responsible for the development and execution of a program to obtain compliance with the provisions of the Federal Aviation Act of 1958, and of regulations, orders and other requirements promulgated by the Board.

SEC. 8.3 *Delegated authority of the Director, Bureau of Enforcement.* The Board has delegated to the Director, Bureau of Enforcement, the authority to:

A. Institute an economic enforcement proceeding by docketing a petition for enforcement whenever, in his opinion, there are reasonable grounds to believe that any provision of the Act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that efforts to arrive at any adjustment or settlement have failed and that investigation of the alleged violation is in the public interest.

B. Advise the complainant in writing within a reasonable time after a formal complaint has been processed that no enforcement proceeding will be instituted with respect to his complaint and the reasons therefor; such letter shall be deemed an order of the Board dismissing the complaint unless complainant requests the Board to review the ruling.

C. Institute and prosecute in the proper court, as agent of the Board, all necessary proceedings for the enforcement of the provisions of the Act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof.

D. Determine, in accordance with Board policies, in each case where a relationship has been established illegally prior to Board approval required under Sections 408 and 409 of the Act, whether "exceptional circumstances" exist which would justify processing an application for approval of such relationship notwithstanding the existence of the violation.

E. Compromise civil penalties being imposed for violation of the Board's Safety Investigation Regulations, according to established Board policies and standards and when the penalty does not exceed $100.

F. Additional authority of the Director, Bureau of Enforcement is set forth in Subpart B of Part 302 of the Code of Federal Regulations.

SEC. 8.4 *Functions of the Legal Division.* The Legal Division negotiates with air carriers and ticket agents to obtain voluntary compliance with the Act or Board regulations. The Legal Division also institutes and prosecutes formal actions before the Board against air carriers and ticket agents alleged to have violated the Act or Board orders and regulations, seeking revocation or suspension of operating authority or entry of orders to cease and desist. This Division also institutes and prosecutes on behalf of the Board, through the Department of Justice and appropriate U.S. Attorneys, civil and criminal actions to obtain compliance with provisions of the Act or regulations of the Board; and represents the Board as amicus curiae or intervenor in litigation between private parties involving possible violations of the Act or regulations thereunder.

SEC. 8.5 *Functions of the Investigation Division.* The Investigation Division conducts investigations of alleged or suspected violations of the economic provisions of the Act and of the Board's Economic Regulations on its own initiative, by request of the Board or other Offices or Bureaus of the Board, or on the basis of complaints received from outside individuals, organizations or air carriers; makes reports on all investigations performed for use in considering or effecting compliance actions; testifies at Board hearings or in court cases; and performs field studies and other investigations as assigned.

SEC. 8.6 *Functions of the Service Complaint Section.* The Service Complaint Section conducts informal investigations of passenger and shipper complaints filed with the Board, seeking to obtain compliance with the economic provisions of the Act or Board regulations by informal means wherever apparent violations are uncovered.

BUREAU OF INTERNATIONAL AFFAIRS

SEC. 9.1 *Functions of the Bureau of International Affairs.* The Bureau of International Affairs advises the Board on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State and the Interagency Group on International Aviation; provides representation in connection with international conferences and bilateral and multilateral relations with foreign countries. In the discharge of these duties the Bureau of International Affairs analyzes economic data bearing on the problems to be dealt with.

OFFICE OF THE SECRETARY

SEC. 10.1 *The Secretary.* The Secretary is responsible for recording all formal actions of the Board; for processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Federal Aviation Act of 1958, the Secretary has legal custody of records and documents as specified therein. He is also responsible, through the Public Information Officer for keeping the public and the air transport industry advised of major actions of the Board and for serving as the primary channel through which inquiries from the public, the press or the industry are answered.

SEC. 10.2 *Delegations of authority.* The Secretary is authorized to certify as true and correct copies, transcripts of records required by section 1006(c) of the Federal Aviation Act to be filed with the Appellate Court.

OFFICE OF ADMINISTRATION

SEC. 11.1 *Organization.* The Office of Administration consists of the following organizational components: The Office of the Chief, the Budget and Finance Division, the Management Division, the Personnel Section, the Administrative Services Section and the Library.

SEC. 11.2 *Functions.* The Office of Administration is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) Developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing the appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers which involves among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) reporting on the amount and status of work pending throughout the organization; (f) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (g) provision for space, equipment, supplies, communications, duplicating and other resources and facilities.

PERSONS IN "ACTING" CAPACITY

SEC. 12.1 *Authority to designate.* The head of each Office and Bureau has the authority to designate a member of his staff to serve as acting head of the Office or Bureau in his absence or disability or to serve as the acting chief of any organizational component of the Office or Bureau in the absence or disability of the chief of such component.

SEC. 12.2 *Authority of person in acting capacity.* The person serving in an acting capacity may exercise all of the authority including delegated authority, which is vested in the officer for whom he serves.

GENERAL DELEGATIONS OF AUTHORITY

SEC. 13.1 *Special agents and auditors.* Special agents and auditors are authorized to inspect and examine lands, buildings, equipment, accounts, records and memoranda of air carriers and to make notes and copies thereof. The terms "special agent" and "Auditor" are respectively construed to mean (1) any employee of the Bureau of Enforcement, any employee of the Bureau of Safety and any other employee of the Board specifically designated by it or the Secretary of the Board; and (2) any employee of the Audits Division, Office of Carrier Accounts and Statistics.

SEC. 13.2 *Officers and employees.* All officers and employees of the Board are authorized to request such information from, or make such contact with, the public or agencies of Government as may be necessary to the proper discharge of assigned duties.

OPTIONS OF APPLICANT

SEC. 14.1 *Options of applicant where application is denied under delegated authority.* Whenever an application is denied by a staff official acting pursuant to a delegation of authority from the Board, the applicant has the following options: He may (a) withdraw his request, (b) modify and resubmit the request, (c) ask that the request be referred to the Board or (d) request a hearing before an examiner, as appropriate, for the particular case.

Effective: July 3, 1961.

[SEAL] MARVIN BERGSMAN,
Acting Chief,
Office of Administration.

[F.R. Doc. 61-7552; Filed, Aug. 9, 1961; 8:45 a.m.]

[Docket 11826]

QANTAS EMPIRE AIRWAYS LTD.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 6, 1961 at 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 7, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7599; Filed, Aug. 9, 1961; 8:51 a.m.]

FARM CREDIT ADMINISTRATION

[Order No. 690]

GOVERNOR

Authority of Officers To Act in His Stead

AUGUST 7, 1961.

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Harold T. Mason, Deputy Governor.

(2) Glenn E. Heltz, Deputy Governor and Director of Cooperative Bank Service.

(3) Don H. Bushnell, Deputy Governor and Director of Land Bank Service.

(4) F. Vernon Wright, Deputy Governor and Director of Short-Term Credit Service.

(5) Paul O. Ritter, General Counsel.

(6) Any Deputy Director of one of the above-named Services designated by the Governor.

2. This order shall be effective August 7, 1961, and supersedes Farm Credit Administration Order No. 687, dated January 28, 1961 (26 F.R. 1038).

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 61-7584; Filed, Aug. 9, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-NY-14]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The New England Telephone and Telegraph Co., Boston, Massachusetts, proposes to construct a radio antenna array near Marshfield, Massachusetts. The proposed array consists of four towers at the locations and heights specified below:

1. One at latitude 42°04'28" north, longitude 70°39'10" west with an overall height of 112 feet above mean sea level (105 feet above ground).

2. One at latitude 42°04'31" north, longitude 70°39'15" west with an overall height of 115 feet above mean sea level (105 feet above ground).

3. One at latitude 42°04'36" north, longitude 70°39'13" west with an overall

height of 213 feet above mean sea level (206 feet above ground).

4. One at latitude 42°04'33" north, longitude 70°39'21" west with an overall height of 216 feet above mean sea level (206 feet above ground).

No substantial aeronautical objections were made in response to the circularization. The proposed array would be located approximately 1.7 miles southeast of the Marshfield Airport, Marshfield, Massachusetts. The structures described in paragraphs numbered 3 and 4, above, would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 28 feet and 31 feet respectively. However, the Agency study disclosed that these factors would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed antenna array.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structures, at the locations and mean sea level elevations specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this antenna array would not be a hazard to air navigation, provided that the two structures described in paragraphs numbered 3 and 4, above, be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 1, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7568; Filed, Aug. 9, 1961; 8:47 a.m.]

[OE Docket No. 61-KC-65]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Chicago and North Western Railway Company, Chicago, Illinois, proposes to construct a radio antenna structure in West Chicago, Illinois, at latitude 41°52'50.7" north, longitude 88°11'57.1" west. The overall height of the structure would be 1,046 feet above mean sea level (280 feet above ground).

This proposal was originally circularized specifying a location at latitude 41°53'02" north, longitude 88°12'56" west and an overall height of 1,020 feet above mean sea level (260 feet above ground). The location circularized is approximately 13,800 feet southeast of the center of the Du Page County, Illinois, Airport.

Objections were made in response to the circularization, and at the Regional Informal Airspace Meeting, on the basis that the structure would adversely affect aeronautical operations at the Du Page County Airport. In view of these objections, the proponent revised the proposed location of the structure to latitude 41°52'50.7" north, longitude 88°-11'57.1" west and the overall height to 1,046 feet above mean sea level (280 feet above ground). This site is approximately 4,500 feet east-southeast of the original site and 17,700 feet southeast of the center of the Du Page County Airport. As a result of the relocation of the proposed structure site, all objections were withdrawn.

The structure would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to the Du Page County Airport, by 26 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 1, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7569; Filed, Aug. 9, 1961; 8:47 a.m.]

FEDERAL POWER COMMISSION

OHIO FUEL GAS CO.

[Docket No. CP61-235]

Notice of Application and Date of Hearing

AUGUST 2, 1961.

Take notice that on March 7, 1961, as supplemented on June 5, 1961, The Ohio Fuel Gas Company (Applicant), 99 North Front Street, Columbus 15, Ohio, filed in Docket No. CP61-235 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities to replace equivalent sections of certain existing lines with larger diameter pipe in order to provide increased capacity to assure adequate service during the winter of 1961-62 and thereafter to the markets served by the lines involved, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

The new facilities for which authorization is sought are:

(1) Approximately 5.7 miles of 30-inch O.D. transmission pipeline to replace in the same location an equal length of 12¾-inch O.D. line L-920, extending from the terminus of that section of L-920 built in 1960 to its junction with lines L-2360, L-2366, and L-2525 just north of Applicant's Medina Storage Pool. This proposed replacement, estimated to cost $375,000, will increase the peak day capacity of L-920 from the present 50,000 Mcf to approximately 80,800 Mcf for service at retail in the Grafton-Berea-Parma area in Lorain and Cuyahoga Counties, Ohio.

(2) Approximately 8.4 miles of 12¾-inch O.D. transmission pipeline to replace in the same locations five equal segments of 8-inch lines L-400, L-600, L-6015, and L-6033, extending eastward from the Holmes Storage Field to Alliance, Ohio. These proposed replacements, estimated to cost $375,000, will increase the present peak day capacity of this system from 21,700 Mcf to approximately 23,900 Mcf for service at retail in the Alliance-Waynesburg area in Wayne, Stark and Carroll Counties, Ohio.

(3) Approximately 4.5 miles of 12¾-inch O.D. transmission pipeline to replace in the same location an equal length of 8-inch Line "H", extending from Crawford Compressor Station to Zanesville, Ohio. This proposed replacement, estimated to cost $196,000, will increase the peak day capacity of Line "H" from 20,100 Mcf to approximately 23,600 Mcf for service at retail in the Crawford-Zanesville area in Perry and Muskingum Counties, Ohio.

The total estimated cost of the proposed replacement facilities is $946,000; estimated cost of retirement of facilities to be replaced is $48,000; estimated salvage value of facilities to be removed is $60,000; and estimated credit to fixed capital is $150,000.

The costs under this application will be financed as a part of Applicant's 1961 construction program, the necessary funds for which will be obtained by the issuance and sale of 25-year Installment Promissory Notes and Common Stocks to Applicant's parent company, The Columbia Gas System, Inc., subject to the approval of the Securities and Exchange Commission and of the Public Utilities Commission of Ohio.

Applicant shares in the pooled gas supply of the Columbia System. The projects proposed under this application would enable Applicant to carry more efficiently its share of the Columbia System supply to meet its market requirements in the 1961-62 winter season.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 31, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 25, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7571; Filed, Aug. 9, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 530]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64365. By order of July 28, 1961, The Transfer Board approved the transfer to Mineral Transport, Inc., Gettysburg, Pa., of Certificate No. MC 114930, issued December 9, 1954, to Leroy H. Moose, Littlestown, Pa., authorizing the transportation of: Sand in bulk, from points in Adams County, Pa., except the Borough of Gettysburg, to points in Carroll, Frederick, and Washington Counties, Md., and crushed stone, from points in Carroll County, Md., to points in Adams County, Pa., except the Borough of Gettysburg; from points in Adams County, Pa., except the Borough of Gettysburg, to points in Washington County, Md.; from points in Adams County, Pa., to points in Carroll and Frederick Counties, Md. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC-FC 64372. By order of July 31, 1961, The Transfer Board approved the transfer to Great Western Motor Lines, Inc., Odessa, Tex., of Certificates Nos. MC 119897 and MC 119897 Sub 1, issued February 3, 1961 and December 15, 1960, to O. C. Wofford, doing business as City Moving & Storage, Odessa, Tex., authorizing the transportation of: Mine and oil field machinery and supplies (except Class A and B explosives), between points in Missouri, Kansas, Oklahoma, and those in that part of Illinois within 150 miles of St. Louis, Mo.; and machinery, materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Louisiana and Texas, between Iowa Park, Tex., and points within 100 miles of Iowa Park, on the one hand, and, on the other, points in Oklahoma, and those in Lea and Eddy Counties, N. Mex. Rufus H. Lawson, P.O. Box 7342, Oklahoma City 12, Okla., attorney for applicants.

No MC-FC 64376. By order of July 31, 1961, The Transfer Board approved the transfer to Glen W. Cole, New Richmond, Wis., of a portion of the operating rights in Certificate No. MC 118767 Sub 2, issued June 29, 1959, to Hartmon Trucking, Inc., Burkhardt, Wis., authorizing the transportation of animal and poultry feeds, over irregular routes, from New Richmond, Wis., to points in Kossuth County, Minn. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., representative for applicants.

No. MC-FC 64377. By order of July 31, 1961, The Transfer Board approved the transfer to George Martens, Jr., Inc., 6120 Linden Street, Ridgewood 27, N.Y., of Certificate in No. MC 107219, issued May 27, 1957, to George Martens, Jr., Richmond Hill, Long Island, N.Y., authorizing the transportation of: Aromatic and medicinal chemicals, and oils used in the manufacture of perfume, soap, and flavoring extracts, in containers, between New York, N.Y., and points in New Jersey in the New York, N.Y., Commercial Zone, on the one hand, and, on the other, Carlstadt, Lodi, and Newark, N.J.

No. MC-FC 64383. By order of July 31, 1961, The Transfer Board approved the transfer to Edward H. Dudley, Holland C. Dudley, and Marvin D. Dudley, a partnership, doing business as Dudley Transfer, Lincoln, Nebr., of a portion of the operating rights in Certificate No. MC 94068, issued March 10, 1959, to H. Pom-Arleau, doing business as Pom-Arleau Transfer, Wenatchee, Wash., authorizing the transportation, over irregular routes, of household goods, between Wenatchee, Wash., on the one hand, and, on the other, points in Oregon, and between Wenatchee, Wash., on the one hand, and, on the other, points in Idaho and Montana. R. E. Powell, 1005-06 Germinal Building, Lincoln 8, Nebr., attorney for applicants.

No. MC-FC 64386. By order of July 31, 1961, The Transfer Board approved the transfer to Dorsey Owings, Incorporated, Ellicott City, Md., of Certificates Nos. MC 119699 and MC 119699 Sub 1, both issued November 14, 1960, to Dorsey Owings, Ellicott City, Md., authorizing the transportation of: Corrugated and fiber boxes, from Baltimore, Md., to Washington, D.C., and points in 9 counties in Pennsylvania, and New Castle County, Del.; paperboard, scrap metals and rags, paper and waste in bales between Baltimore and White Hall, Md., Halltown, W. Va., Harrisburg and York, Pa., and Washington, D.C.; paperboard, from Baltimore, Md., to New York, and Port Chester, N.Y., Washington, D.C., points in New Jersey and Pennsylvania; scrap paper and scrap paperboard, from Washington, D.C., and points in Pennsylvania, to Baltimore, Md.; sugar, from New York, N.Y., to Baltimore, Md.; between Baltimore, Md., and Philadelphia, Pa., from Baltimore, Md., to New York, N.Y., Alexandria, Rosslyn, and Quantico, Va., Delaware City, Lewes, and Rehoboth, Del., Harrisburg, Lewistown, and New Cumberland, Pa., and points in the District of Columbia; alum and wood pulp from Philadelphia, Pa., to Baltimore, Md; rosin size, from Easton, Pa., to Baltimore, Md., empty bags between Baltimore, Md., on the one hand, and, on the other, Philadelphia, Pa., and New York, N.Y.; sugar, invert sugar and liquid sugar, from Edgewater, N.J., to Baltimore, Md.; and empty containers, from Baltimore, Md., to Edgewater, N.J.; skids used in the transportation of paperboard from New York and Port Chester, N.Y., Washington, D.C., and points in New Jersey to Baltimore, Md. Francis J. Ortman, 1366 National Press Building, Washington, D.C., attorney for applicants.

No. MC-FC 64389. By order of July 31, 1961, The Transfer Board approved the transfer to Stanley W. Til, Conemaugh, Pa., of Permit No. MC 88248, issued January 9, 1940, to Clarence Moose, Johnstown, Pa., authorizing the transportation of: Such merchandise as is

dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between points in Pennsylvania, to Hancock, Md., thence in a southerly direction to Winchester, Va., thence in a westerly direction through Davis, W. Va., to Clarksburg, W. Va., thence in a northerly direction to New Castle, Pa., thence in a northeasterly direction through Franklin, Pa., to Kane, Pa., and thence in a southeasterly direction through Renovo, Pa., to Lock Haven and other points. Raymond A. Thistle, Jr., Shertz, Barnes & Shertz, 226 South 16th Street, Philadelphia, Pa., attorney for applicants.

No. MC–FC 64391. By order of July 31, 1961, The Transfer Board approved the transfer to Wayne G. Mosel, doing business as Mosel Truck Line, Plainview, Nebr., of Certificate No. MC 88889, issued October 19, 1949, to William H. Buss, Pierce, Nebr., authorizing the transportation, over irregular routes, of livestock, hay, grain, and emigrant movables, between Norfolk, Nebr., and points in Sherman Township, Wayne County, and those in Pierce County and Township No. 19, Cedar County, Nebr., south of the Chicago, Burlington and Quincy Railroad, on the one hand, and, on the other, points in Iowa on and west of U.S. Highway 65, binder twine and farm machinery and parts, between Pierce, Nebr., and Sioux City, Iowa, and commercial feed, farm machinery and parts, binder twine, building material, coal, coke, and petroleum products, in containers, from Sioux City, Iowa, to points in the above-described Nebraska territory. Wallace W. Huff, 314 Security Building, Sioux City 1, Iowa, attorney for applicants.

No. MC–FC 64401. By order of July 31, 1961, The Transfer Board approved the transfer to Hartmon Trucking, Inc., Burkhardt, Wis., of a portion of the operating rights set forth in Certificate No. MC 116817, issued by the Commission June 7, 1961, authorizing the transportation of animal and poultry feeds, over irregular routes, from New Richmond, Wis., to points in Yellow Medicine County and that portion of Blue Earth and Faribault Counties east of U.S. Highway No. 169 from Elmore to Mankato, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., representative for applicants.

No. MC–FC 64406. By order of August 1, 1961, The Transfer Board approved the transfer to Hillman Bulk Service, Inc., Rutherford, N.J., of Certificate No. MC 119725, issued June 8, 1960, to George Hillman Trucking Co., Incorporated, Rutherford, N.J., authorizing the transportation, over irregular routes, of castor beans, from Edgewater, N.J., to Philadelphia, Pa.; salt, fuller's earth, pumice, castor beans, linseed cake, and bags, from New York, N.Y., to Edgewater, N.J.; vegetable oils, in tank trucks, from Edgewater, N.J., to points in New York, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, and Maryland within 175 miles of Edgewater; vegetable oils, between Edgewater, N.J., on the one hand, and, on the other, points in New York on and south of U.S. Highway 202, and east of the Hudson River, and points in Pennsylvania on and east of U.S. Highway 122 south of a line beginning at Reading, Pa., and extending through Mount Penn and Bristol, Pa., to the Delaware River, including points named; vegetable oils, in bulk, in tank vehicles, from Edgewater, N.J., to Washington, D.C.; and damaged, defective or returned shipments of the commodities specified immediately above, on return. James J. Farrell, 201 Montague Place, South Orange, N.J., representative for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7591; Filed, Aug. 9, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 7, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37286: *Grain—Ex barge proportional rates to points in Louisiana.* Filed by Southwestern Freight Bureau, Agent (No. B–8060), for interested rail carriers. Rates on grain, in carloads, from New Orleans, La. (Ex barge), to points in Louisiana.

Grounds for relief: Rail competition.

Tariff: Supplement 3 to Southwestern Freight Bureau tariff I.C.C. 4413.

FSA No. 37287: *Grain—Ex barge proportional rates to points in southwestern and western trunk line territories.* Filed by Western Trunk Line Committee, Agent (No. A–2201), for interested rail carriers. Rates on grain, grain products and related articles, in carloads, from Illinois, Mississippi and Missouri River ports, also Duluth, Minn., and Milwaukee, Wis. (Ex barge), to points in southwestern and western trunk-line territories.

Grounds for relief: Rail competition.

Tariff: Supplement 115 to Western Trunk Line Committee tariff I.C.C. A–4179 and other schedules named in the application.

FSA No. 37288: *Perlite from, to, and between points in WTL territory.* Filed by Western Trunk Line Committee, Agent (No. A–2200), for interested rail carriers. Rates on Perlite, asbestos and clay combined, in carloads, between points in western trunk line territory; also between points in extended zone "C" territory, and between points in extended zone "C" territory, on the one hand, and points in Illinois territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 29 to Western Trunk Line Committee tariff I.C.C. A–4338.

FSA No. 37289: *Common salt to Port Wentworth, Savannah, and West Savannah, Ga.* Filed by Southwestern Freight Bureau, Agent (No. B–8058), for interested rail carriers. Rates on common salt (sodium chloride), in carloads, from Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks, and Winfield, La., to Port Wentworth, Savannah and West Savannah, Ga.

Grounds for relief: Rail-water and market competition.

Tariff: Supplement 1 to Southwestern Freight Bureau tariff I.C.C. 4431.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7590; Filed, Aug. 9, 1961; 8:50 a.m.]

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CFR SUPPLEMENTS

(As of January 1, 1961)

The following books are now available:

Title 14 (Parts 1–199) (Revised)
$3.75

Title 26 (Parts 170–299) (Revised)
$6.25

Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); (Parts 40–169) (Revised) ($4.50); Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); (Parts 600 to end) (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

FEDERAL REGISTER

Telephone WOrth 3-3261

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Washington, Friday, August 11, 1961

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Codification Guide

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

President's Committee on Fund-Raising Within the Federal Service

Effective upon publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 6.161 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7639; Filed, Aug. 10, 1961; 8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 3873 and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

1. Section 421.138(c)(1) is amended to also make wheat grading "Sample" because of test weight only but not less than 40 pounds per bushel eligible for price support if it otherwise grades No. 3 or better so that the amended subparagraph reads as follows:

§ 421.138 Eligible wheat.

* * * * * *

(c) * * *

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of any class grading No. 4, 5 or "Sample" on the factor of test weight only but otherwise meeting the requirements stated in subdivision (i) or (ii) of this subparagraph and having a test weight of not less than 40 pounds per bushel; or (iv) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii) or (iii) of this subparagraph provided such mixtures are the natural products of the field.

2. Section 421.140(c) is amended by extending the schedule therein to apply to wheat testing as low as 40 pounds per bushel so that the amended paragraph reads as follows:

§ 421.140 Determination of quantity.

* * * * * *

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83
49 pounds or over, but less than 50 pounds	82
48 pounds or over, but less than 49 pounds	80
47 pounds or over, but less than 48 pounds	78
46 pounds or over, but less than 47 pounds	77
45 pounds or over, but less than 46 pounds	75
44 pounds or over, but less than 45 pounds	73
43 pounds or over, but less than 44 pounds	72
42 pounds or over, but less than 43 pounds	70
41 pounds or over, but less than 42 pounds	68
40 pounds or over, but less than 41 pounds	67

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 1441, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7643; Filed, Aug. 10, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873 and 6697, containing the specific requirements of the 1961-crop wheat price support program are hereby amended to also provide discounts for wheat grading "Sample" on the factor of test weight only but having a test weight of not less than 40 pounds per bushel.

Section 421.147(c) is amended by the addition of a new subparagraph (5) as follows:

§ 421.147 Support rates.

* * * * * *

(c) *Discounts and premiums for class, grade, variety, and protein content.* * * *

(5) Special discounts for wheat grading "Sample" on the factor of test weight only:[4]

Test weight (pounds)	Discount for Hard Red Spring Wheat	Discount for wheat of all other classes
	Cents per bushel	*Cents per bushel*
50	0	4
49	4	8
48	8	12
47	12	16
46	16	20
45	20	24
44	26	30
43	32	36
42	38	42
41	44	48
40	50	54

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

[4] These discounts are in addition to the discount of 9 cents per bushel for wheat grading No. 5 on the basis of test weight only and in addition to any other applicable discounts.

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7644; Filed, Aug. 10, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

A price support program has been announced for the 1961 crop of corn. The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 is supplemented as follows:

Sec.
421.236 Purpose.
421.237 Availability of price support.
421.238 Eligible corn.
421.239 Warehouse receipts.
421.240 Determination of quantity.
421.241 Determination of quality.
421.242 Maturity of loans.
421.243 Determination of support rates.
421.244 Warehouse charges.
421.245 Inspection of corn under purchase agreements.
421.246 Settlement.

AUTHORITY: §§ 421.236 to 421.246 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, 1054, as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 421.236 Purpose.

Sections 421.236 to 421.246 state additional specific requirements which, together with the general regulations contained in the 1961 C.C.C. Grain Price Support Bulletin 1 (§§ 421.101 to 421.123), apply to loans and purchase agreements under the 1961-crop corn price support program.

§ 421.237 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1962: *Provided,* That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the office of the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.238 Eligible corn.

The corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements.

(a) The corn must be of the classes Yellow Corn, White Corn, or Mixed Corn and must have been produced in the United States in 1961 by an eligible producer who is in compliance with the applicable provisions of the 1961 C.C.C. Feed Grain Bulletin A, and any amendments thereto. The total quantity of corn on which price support may be received by an eligible producer shall not exceed the quantity specified in such 1961 C.C.C. Feed Grain Bulletin A.

(b) The corn must not contain mercurial compounds or other substances poisonous to man or animals.

(c) The corn must be ear or shelled corn: *Provided,* That the corn must be shelled before placed under a warehouse-storage loan or before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer. A producer who obtains a farm-storage loan on ear corn must obtain prior written approval from the ASC county committee if he elects to shell the corn and keep it under loan in storage on the farm.

(d) (1) The beneficial interest in the corn must be in the eligible producer tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested. Any producer who is in doubt as to whether his interest in the commodity complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(e) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better and must meet the following additional requirements:

(1) For ear corn placed under a farm-storage loan, the moisture content must not exceed 21.0 percent if the corn is tested for loan from time of harvest through February 1962; 19.5 percent if tested for loan during March 1962; 18.0 percent if tested for loan during April 1962; and 16.0 percent if tested for loan during May 1962.

(2) For shelled corn placed under a farm-storage loan, the moisture content must not exceed 14.0 percent irrespective of when the corn is tested for loan.

(3) Corn placed under loan must not grade "Weevily."

(f) Corn delivered to CCC under a purchase agreement must meet the following additional requirements:

(1) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(2) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 14.0 percent moisture and must not grade "Weevily."

(g) Corn shall not be eligible for a warehouse-storage loan or delivery from approved warehouse storage under a purchase agreement if it contains in excess of 14.0 percent moisture, except that corn represented by warehouse receipts which indicate that the corn is ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that corn of 14.0 percent moisture or less of an eligible grade and quality which meets the requirements of § 421.238 will be delivered. The certification shall be substantially as follows:

On Corn containing in excess of 14.0 percent moisture, delivery will be made of corn which grades No. — which contains not in excess of 14.0 percent moisture, which is otherwise of the same quality or better as the corn described on warehouse receipt No. ——, and which is the actual quantity obtained after drying the corn described in such receipt to not in excess of 14.0 percent moisture. No lien for precessing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(h) If offered as security for a farm-storage loan, shelled corn must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling and sealing unless otherwise approved by the State committee.

§ 421.239 Warehouse receipts.

Warehouse receipts representing corn in approved warehouse storage to be placed under a warehouse-storage loan, to be delivered in satisfaction of a farm-storage loan or to be acquired under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements must be issued in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or the receipts must be issued on warehouses approved by CCC for price support purposes operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. For the purpose of this subpart, the term "eastern common carriers" includes the Port of New York Authority.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) broken corn and foreign material, and (7) any other grading factor(s) when such factor(s) and not test weight or moisture determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) A separate warehouse receipt must be submitted for each grade and class of corn.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.244.

(e) If the warehouseman has furnished a statement as provided in § 421.238(g), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the corn to be delivered. Where the grade, grading factors and the quantity of the corn shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for grain of which the warehouseman is the producer and the owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own corn is not valid under State law and the warehouseman elects to deliver corn to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipt shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing grain stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the corn is insured, in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by eastern common carriers and representing corn to be placed under loan shall indicate that the corn is insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.240 Determination of quantity.

(a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of corn on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the net weight of the corn represented by the warehouse receipt or on the supplemental certificate, if applicable. If the warehouseman has made the certification provided in § 421.238(g), such quantity shall be the net weight obtained after drying the corn to not in excess of 14.0 percent moisture.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 16.0 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 16.0 percent in accordance with the following schedule:

Moisture content (percent):	Adjustment factor (percent)
16.1 to 17.0, both inclusive	98
17.1 to 18.0, both inclusive	96
18.1 to 19.0, both inclusive	94
19.1 to 20.0, both inclusive	92
20.1 to 21.0, both inclusive	90
Above 21.9—No loan.	

(c) When the quantity of shelled corn is determined by measurement, a bushel shall be 1.25 cubic feet of shelled corn testing 56 pounds per bushel. The quantity determined by measurement of shelled corn having a test weight of other than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For shelled corn testing:	Percent
60 pounds or over	107
59 pounds or over, but less than 60 pounds	105
58 pounds or over, but less than 59 pounds	104
57 pounds or over, but less than 58 pounds	102
56 pounds or over, but less than 57 pounds	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	88

(d) When the quantity is determined by weight, a bushel of shelled corn shall be 56 pounds. In determining the quantity of sacked corn by weight, a deduction of three-fourths of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.241 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn whether or not such determinations are made on the basis of an official inspection.

§ 421.242 Maturity of loans.

(a) Loans mature on demand but not later than July 31, 1962.

(b) Corn may be delivered in satisfaction of farm-storage loans after maturity in accordance with § 421.119(a). Corn may be delivered under purchase agreement after maturity in accordance with § 421.119(c)(1).

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.237(d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which any producer in such areas may voluntarily deliver corn which is held in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1962. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee at least 10 days prior to the date that he desires to deliver the corn.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.237(d)), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans; except that for individual cases and upon the approval by the State committee a producer may be permitted to keep his corn in farm storage until the regular loan maturity date provided (1) such corn is shelled, and (2) the producer has satisfactory storage facilities and is adequately equipped to properly care for the corn. Such earlier delivery period, if established,

shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1962.

§ 421.243 Determination of support rates.

(a) Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans and purchases under purchase agreements will be made on the basis of the rate established for the county in which the corn is produced.

(b) Where the State committee determines that State, district, or county weed control laws, as administered, affect the corn crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate unless the producer obtains a certificate from the appropriate weed control official indicating that the corn complies with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the corn is stored determines that State, district or county weed control laws, as administered, affect corn stored in approved warehouses, the rate shall be 10 cents below the applicable support rate unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the corn complies with the weed control laws, and in the case of a certificate from the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.244 Warehouse charges.

(a) (1) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before the applicable loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the loan maturity date.

For States having a maturity date not later than July 31, 1962—Date the storage charges start (all dates inclusive):

	Amount of deduction (cents per bushel)
Prior to Sept. 25, 1961	12
Sept. 25-Oct. 21, 1961	11
Oct. 22-Nov. 17, 1961	10
Nov. 18-Dec. 14, 1961	9
Dec. 15, 1961-Jan. 10, 1962	8
Jan. 11-Feb. 6, 1962	7
Feb. 7-Mar. 5, 1962	6
Mar. 6-Apr. 1, 1962	5
Apr. 2-Apr. 28, 1962	4
Apr. 29-May 25, 1962	3
May 26-June 21, 1962	2
June 22-July 31, 1962	1

(2) Notwithstanding the foregoing provisions of this paragraph, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date of loans for the commodity but subsequent to the date of deposit of the commodity in the warehouse, the deduction for storage in computing the amount of loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through the applicable maturity date to be determined in accordance with § 421.242.

(b) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided*, That the warehouseman shall not be entitled to satisfy the lien by sale of the commodity when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.242, unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the ASCS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.245 Inspection of corn under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the loan maturity date of his intent to sell his corn stored in other than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the corn prior to delivery of the corn. The primary importance of this inspection is to discuss with the producer the condition of his corn and the method for making settlement for corn delivered. This predelivery inspection shall not be used for settlement. If the corn, on the basis of predelivery inspection, is determined to be eligible for delivery to CCC in accordance with § 421.238 or if the corn appears to be ineligible for delivery and the producer insists upon making delivery, the county office shall issue delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. A predelivery inspection shall not be made on corn in warehouses not approved for storage which is stored commingled or which is stored so that the identity of the producer's corn is maintained but a predelivery inspection is not possible.

(b) *Inspection of corn stored by producer, after maturity date.* The producer may be required, without any cost to CCC, to retain corn under purchase agreement which is stored in other than approved warehouse storage for a period of 60 days after the loan maturity date. CCC will not assume any loss in quantity or quality of the corn covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances: If a producer has properly requested delivery instructions for corn which was determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the loan maturity date, the producer may notify the county office at any time after such 60-day period that the corn is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the corn is going out of condition or is in danger of going out of condition and that the corn cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.246 Settlement.

(a) *Settlement value*—(1) *Farm-storage loans.* Corn is eligible for delivery under farm-storage loan if it is covered by the loan documents and was eligible to be placed under loan at the time the loan was made. In the case of corn eligible for delivery under loan delivered to CCC from farm storage grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better and containing not in excess of 14 percent moisture, settlement shall be made at the applicable support rate for the county in which the corn was produced. The support rate so determined shall be for the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. The settlement value for other eligible corn delivered to CCC from farm storage shall be computed by using the price support premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn, to the extent they apply and, in addition, the amount of the market discounts, if any, as determined by the appropriate ASCS commodity office for the quality by which the commodity is lower than the quality for which such price support discounts are established: *Provided, however*, That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price. If, upon delivery to CCC, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, as determined by CCC as of the date of delivery if CCC is unable to sell such corn for such uses.

(2) *Warehouse-storage loans.* Settlement for eligible corn under warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the corn was produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for corn delivered to CCC from farm storage and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade, and other quality factors determined by a reinspection at the time of delivery. Settlement for eligible corn grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better and containing not in excess of 14 percent moisture, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate for the county where produced subject to the "Schedule of Premiums and Discounts" contained in the 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn. Settlement for eligible corn grading No. 3 or better, containing in excess of 14 percent moisture; for corn grading No. 4 on the basis of factors other than test weight; for eligible corn grading No. 5; and for eligible corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be computed by using the price support premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 2, Corn, to the extent they apply and, in addition, the amount of the market discounts, if any, as determined by the appropriate ASCS commodity office, for the quality by which the commodity is lower than the quality for which price support discounts are established: *Provided, however*, That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price. If, upon delivery to CCC, the corn contains mercurial compounds or other substances poisonous to man or animals, such corn shall be offered for sale for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, in which event the settlement value shall be the same as the sales price if so sold, or the settlement value shall be the market value, if any, as determined by CCC as of the date of delivery if CCC is unable to sell such corn for such uses.

(ii) *Delivery from approved warehouse storage.* In the case of eligible corn stored in an approved warehouse, the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of corn the producer elects to sell to CCC. Settlement for eligible corn delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the corn was produced.

(iii) *Delivery from unapproved warehouse storage.* Settlement for corn delivered to CCC which is stored in an unapproved warehouse, regardless of whether a predelivery inspection is performed, shall be the same as for corn delivered under a purchase agreement from farm storage as provided in subdivision (i) of this subparagraph.

(4) *Ineligible corn inadvertently accepted by CCC.* (i) In the absence of fraud on the part of the producer the settlement provisions of this subparagraph shall apply to the following categories of ineligible corn which is inadvertently accepted by CCC and which CCC determines it is not in a position to reject: (*a*) Corn under a purchase agreement which is delivered to CCC in excess of the maximum quantity stated in the purchase agreement; (*b*) corn in other than approved warehouse storage which, at the time of delivery, does not meet the eligibility requirements of § 421.238; and (*c*) corn which is delivered under a farm-storage loan or purchase agreement or on which CCC has acquired title in settlement of a warehouse-storage loan, and which has resulted or which otherwise would result in a producer receiving price support on a quantity of corn in excess of the total quantity on which price support may be received under the applicable provisions of 1961 C.C.C. Feed Grain Bulletin A; and (*d*) other ineligible corn delivered under a farm-storage loan or on which CCC has acquired title in settlement of a warehouse-storage loan or purchase agreement. The settlement value shall be the lower of the market price for the grade, quality, and quantity of such ineligible corn, as determined by CCC, or the applicable support price, if any: *Provided, however*, That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than the sales price: *Provided further*, That if, upon delivery, the corn contains mercurial compounds or other substances poisonous to man or animals, the corn shall be sold for seed (in accordance with applicable State seed laws and requirements), fuel or industrial uses where the end product will not be consumed by man or animals and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, as determined by CCC as of the date of delivery.

(ii) The making of any fraudulent representation by the producer, in connection with settlement or deliveries under a loan shall render the producer personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amounts paid to the producer on the commodity, and for all costs which the Corporation would not have incurred had it not been for the producer's fraudulent representation, together with interest at the rate of 6 percent per annum on such amounts from the date of disbursement. For the purpose of establishing any deficiency remaining due in the event the producer has made any such fraudulent representation, the value of the commodity acquired by the Corporation under the loan shall be the market value, as determined by the Corporation, on the date of delivery or removal in the case of farm-storage loans or the market value of the commodity as of the close of the market on the final date for repayment in the case of warehouse-storage loans, or in the case of both farm-storage and warehouse-storage loans the sales price if the commodity is sold by CCC in order to determine its market value. If the producer has made a fraudulent represen-

tation in a sale under a purchase agreement or in the purchase agreement documents, he shall be personally liable, aside from any additional liability under criminal or civil frauds statutes, for any loss which CCC sustains upon the commodity delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the commodity delivered under the purchase agreement plus all costs sustained by CCC in connection with the commodity, together with interest at the rate of 6 percent per annum from the date of disbursement, less the market value, as determined by CCC, of the commodity as of the close of the market on the date of delivery, or the sales price if the commodity is sold in order to determine its market value.

(5) Notwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.238(g), settlement for corn delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be based on the quality specified in such certification.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-storage corn under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date or such earlier delivery date as may be established by the State committee in accordance with § 421.242(d) except where it is necessary to call the loan by reason of fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves early delivery and determines such early delivery is solely for the convenience of the producer. In such cases storage charges shall be deducted for the period beginning on the date delivery was completed and ending on July 31, 1962, in accordance with the schedule of deductions for warehouse charges in § 421.244. Where an earlier delivery date is established by the State committee in accordance with § 421.242(d), storage charges shall be deducted for the period beginning on the date delivery was completed and ending on such earlier date established by the State committee in accordance with the schedule of charges provided in § 421.244 adjusted to such earlier delivery date.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible corn under loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an eastern common carrier charges the producer for the elevation charges on eligible corn under loan or purchase agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges as provided in § 421.244(c).

(d) *Storage payment where CCC is unable to take delivery of corn stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain corn under loan or purchase agreement which is stored in other than an approved warehouse for a period of 60 days after the maturity date without any cost to CCC. The producer shall be paid a storage payment upon delivery of the corn to CCC if CCC is unable to take delivery of such corn within the 60-day period after the maturity date and in the case of corn under purchase agreement if the producer has properly given notice of his intention to sell the corn to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00037 per bushel per day for the corn accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on price support corn delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his price support corn to a point a greater distance than to his customary delivery point he shall be allowed compensation (as determined by the ASC State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the corn the additional distance. The ASC State committee may, in determining the rates of payment for any excess haul, establish reasonable mileage minimums below which producers will not receive compensation for hauling the corn.

(g) *Method of payment under purchase agreement settlements.* When delivery of corn under purchase agreement is completed, payment will be made by sight draft on CCC by the county office. The producer shall direct, on Commodity Purchase Form 4, to whom payment of the proceeds shall be made.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7645; Filed, Aug. 10, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Grain Sorghums Loan and Purchase Agreement Program

The regulations issued by the Agricultural Stabilization and Conservation Service and Commodity Credit Corporation published in 26 F.R. 5107 and 5589, and containing the specific requirements for the 1961-crop grain sorghums price support program are hereby amended as follows:

Section 421.337(b) is amended by increasing the following basic county support rates:

KANSAS

County	Rate per hundredweight	
	From—	To—
Doniphan	$1.98	$1.98

TEXAS

Caldwell	2.13	2.13
Karnes	2.19	2.19

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7646; Filed, Aug. 10, 1961; 8:51 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

The 1961 C.C.C. Grain Price Support Bulletin 1 (26 F.R. 2106) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1961 was supplemented by 1961 C.C.C. Grain Price Support Bulletin 1, Supplement 1, Soybeans (26 F.R. 5743), containing specific requirements applicable to price support operations on the 1961 soybean crop.

These regulations are further supplemented as follows:

§ 421.537 Support rates.

Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* Basic county support rates per bushel for soybeans of the classes Green Soybeans and Yellow Soybeans grading No. 2, and containing from 13.8 to 14.0 percent moisture, are as follows:

ALABAMA

County	Rate per bushel
All counties	$2.26

ARIZONA

All counties	$2.16

ARKANSAS

All counties	$2.29

CALIFORNIA

All counties	$2.16

DELAWARE

All counties	$2.26

FLORIDA

All counties	$2.25

GEORGIA

All counties	$2.26

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$2.33	Lee	$2.33
Alexander	2.30	Livingston	2.36
Bond	2.35	Logan	2.36
Boone	2.34	McDonough	2.33
Brown	2.33	McHenry	2.35
Bureau	2.33	McLean	2.36
Calhoun	2.33	Macon	2.36
Carroll	2.33	Macoupin	2.35
Cass	2.34	Madison	2.34
Champaign	2.36	Marion	2.34
Christian	2.36	Marshall	2.35
Clark	2.35	Mason	2.34
Clay	2.34	Massac	2.31
Clinton	2.33	Menard	2.34
Coles	2.36	Mercer	2.33
Cook	2.37	Monroe	2.31
Crawford	2.34	Montgomery	2.35
Cumberland	2.36	Morgan	2.35
De Kalb	2.36	Moultrie	2.36
De Witt	2.36	Ogle	2.33
Douglas	2.36	Peoria	2.34
Du Page	2.36	Perry	2.31
Edgar	2.36	Piatt	2.36
Edwards	2.32	Pike	2.33
Effingham	2.36	Pope	2.31
Fayette	2.36	Pulaski	2.30
Ford	2.36	Putnam	2.33
Franklin	2.31	Randolph	2.31
Fulton	2.33	Richland	2.34
Gallatin	2.31	Rock Island	2.33
Greene	2.34	St. Clair	2.32
Grundy	2.36	Saline	2.31
Hamilton	2.32	Sangamon	2.36
Hancock	2.33	Schuyler	2.33
Hardin	2.31	Scott	2.34
Henderson	2.33	Shelby	2.36
Henry	2.33	Stark	2.34
Iroquois	2.36	Stephenson	2.33
Jackson	2.31	Tazewell	2.35
Jasper	2.35	Union	2.30
Jefferson	2.32	Vermilion	2.36
Jersey	2.33	Wabash	2.32
Jo Daviess	2.33	Warren	2.33
Johnson	2.30	Washington	2.32
Kane	2.36	Wayne	2.32
Kankakee	2.36	White	2.31
Kendall	2.36	Whiteside	2.33
Knox	2.34	Will	2.36
Lake	2.36	Williamson	2.31
La Salle	2.36	Winnebago	2.33
Lawrence	2.33	Woodford	2.35

INDIANA

Adams	$2.30	Blackford	$2.29
Allen	2.31	Boone	2.31
Bartholomew	2.29	Brown	2.29
Benton	2.35	Carroll	2.31
		Cass	2.30

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Clark	$2.28	Miami	$2.29
Clay	2.31	Monroe	2.30
Clinton	2.31	Montgomery	2.33
Crawford	2.28	Morgan	2.30
Daviess	2.30	Newton	2.35
Dearborn	2.28	Noble	2.31
Decatur	2.29	Ohio	2.28
De Kalb	2.31	Orange	2.29
Delaware	2.29	Owen	2.30
Dubois	2.29	Parke	2.32
Elkhart	2.30	Perry	2.28
Fayette	2.29	Pike	2.30
Floyd	2.28	Porter	2.34
Fountain	2.34	Posey	2.30
Franklin	2.29	Pulaski	2.32
Fulton	2.30	Putnam	2.31
Gibson	2.31	Randolph	2.29
Grant	2.29	Ripley	2.28
Greene	2.31	Rush	2.29
Hamilton	2.30	St. Joseph	2.31
Hancock	2.29	Scott	2.28
Harrison	2.28	Shelby	2.29
Hendricks	2.30	Spencer	2.28
Henry	2.29	Starke	2.32
Howard	2.30	Steuben	2.31
Huntington	2.30	Sullivan	2.32
Jackson	2.29	Switzerland	2.28
Jasper	2.33	Tippecanoe	2.33
Jay	2.29	Tipton	2.30
Jefferson	2.28	Union	2.29
Jennings	2.28	Vanderburgh	2.30
Johnson	2.29	Vermillion	2.34
Knox	2.31	Vigo	2.33
Kosciusko	2.30	Wabash	2.29
Lagrange	2.31	Warren	2.34
Lake	2.35	Warrick	2.29
La Porte	2.32	Washington	2.28
Lawrence	2.30	Wayne	2.29
Madison	2.29	Wells	2.30
Marion	2.30	White	2.33
Marshall	2.31	Whitley	2.31
Martin	2.30		

IOWA

Adair	$2.26	Henry	$2.29
Adams	2.25	Howard	2.25
Allamakee	2.27	Humboldt	2.26
Appanoose	2.27	Ida	2.25
Audubon	2.26	Iowa	2.30
Benton	2.30	Jackson	2.31
Black Hawk	2.28	Jasper	2.29
Boone	2.27	Jefferson	2.29
Bremer	2.27	Johnson	2.30
Buchanan	2.29	Jones	2.30
Buena Vista	2.25	Keokuk	2.29
Butler	2.27	Kossuth	2.25
Calhoun	2.26	Lee	2.30
Carroll	2.26	Linn	2.30
Cass	2.25	Louisa	2.30
Cedar	2.31	Lucas	2.27
Cerro Gordo	2.26	Lyon	2.23
Cherokee	2.24	Madison	2.26
Chickasaw	2.26	Mahaska	2.28
Clarke	2.26	Marion	2.28
Clay	2.25	Marshall	2.29
Clayton	2.28	Mills	2.24
Clinton	2.31	Mitchell	2.25
Crawford	2.25	Monona	2.24
Dallas	2.27	Monroe	2.27
Davis	2.28	Montgomery	2.24
Decatur	2.26	Muscatine	2.31
Delaware	2.29	O'Brien	2.24
Des Moines	2.30	Osceola	2.24
Dickinson	2.24	Page	2.24
Dubuque	2.29	Palo Alto	2.25
Emmet	2.24	Plymouth	2.23
Fayette	2.28	Pocahontas	2.25
Floyd	2.26	Polk	2.28
Franklin	2.27	Pottawattamie	2.24
Fremont	2.24	Poweshiek	2.29
Greene	2.26	Ringgold	2.25
Grundy	2.28	Sac	2.26
Guthrie	2.26	Scott	2.31
Hamilton	2.27	Shelby	2.25
Hancock	2.25	Sioux	2.23
Hardin	2.28	Story	2.28
Harrison	2.24	Tama	2.29

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Taylor	$2.25	Webster	$2.27
Union	2.25	Winnebago	2.24
Van Buren	2.29	Winneshiek	2.26
Wapello	2.28	Woodbury	2.24
Warren	2.27	Worth	2.25
Washington	2.29	Wright	2.27
Wayne	2.27		

KANSAS

Allen	$2.23	Lyon	$2.22
Anderson	2.24	McPherson	2.20
Atchison	2.24	Marion	2.21
Bourbon	2.23	Marshall	2.22
Brown	2.23	Miami	2.24
Butler	2.21	Mitchell	2.20
Chase	2.21	Montgomery	2.20
Chautauqua	2.20	Morris	2.22
Cherokee	2.22	Nemaha	2.23
Clay	2.22	Neosho	2.22
Cloud	2.21	Osage	2.23
Coffey	2.23	Osborne	2.19
Cowley	2.20	Ottawa	2.21
Crawford	2.22	Pottawatomie	2.22
Dickinson	2.21	Reno	2.19
Doniphan	2.24	Republic	2.21
Douglas	2.24	Rice	2.19
Elk	2.21	Riley	2.22
Ellsworth	2.19	Russell	2.19
Franklin	2.24	Saline	2.20
Geary	2.22	Sedgwick	2.20
Greenwood	2.22	Shawnee	2.24
Harper	2.19	Smith	2.19
Harvey	2.20	Sumner	2.19
Jackson	2.23	Wabaunsee	2.23
Jefferson	2.24	Washington	2.22
Jewell	2.20	Wilson	2.21
Johnson	2.24	Woodson	2.22
Kingman	2.19	Wyandotte	2.24
Labette	2.21	All other counties	2.18
Leavenworth	2.24		
Lincoln	2.20		
Linn	2.24		

KENTUCKY

County	Rate per bushel
All counties	$2.29

LOUISIANA

All counties	$2.29

MARYLAND

All counties	$2.26

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.25	Lapeer	$2.25
Arenac	2.23	Lenawee	2.29
Barry	2.25	Livingston	2.27
Bay	2.23	Macomb	2.27
Berrien	2.28	Mecosta	2.23
Branch	2.28	Midland	2.23
Calhoun	2.27	Monroe	2.29
Cass	2.27	Montcalm	2.24
Clare	2.23	Muskegon	2.23
Clinton	2.25	Newaygo	2.23
Eaton	2.26	Oakland	2.27
Genesee	2.25	Oceana	2.23
Gladwin	2.23	Ottawa	2.24
Gratiot	2.24	Saginaw	2.24
Hillsdale	2.29	St. Clair	2.26
Huron	2.23	St. Joseph	2.27
Ingham	2.27	Sanilac	2.24
Ionia	2.25	Shiawassee	2.25
Isabella	2.23	Tuscola	2.24
Jackson	2.28	Van Buren	2.26
Kalamazoo	2.26	Washtenaw	2.28
Kent	2.24	Wayne	2.28

MINNESOTA

Aitkin	$2.19	Carver	$2.32
Anoka	2.23	Cass	2.16
Becker	2.17	Chippewa	2.21
Benton	2.21	Chisago	2.23
Big Stone	2.20	Clay	2.17
Blue Earth	2.24	Clearwater	2.17
Brown	2.23	Cottonwood	2.23

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel	County	Rate per bushel	County	Rate per bushel
Crow Wing	$2.19	Olmsted	$2.25	St. Charles	$2.29	Stone	$2.24
Dakota	2.24	Otter Tail	2.17	St. Clair	2.25	Sullivan	2.27
Dodge	2.25	Pennington	2.17	St. Francois	2.28	Taney	2.25
Douglas	2.19	Pine	2.22	Ste. Genevieve	2.29	Texas	2.26
Faribault	2.24	Pipestone	2.21	St. Louis	2.22	Vernon	2.24
Fillmore	2.25	Polk	2.17	Saline	2.26	Warren	2.28
Freeborn	2.25	Pope	2.25	Schuyler	2.28	Washington	2.27
Goodhue	2.25	Ramsey	2.24	Scotland	2.29	Wayne	2.27
Grant	2.19	Red Lake	2.17	Scott	2.29	Webster	2.25
Hennepin	2.24	Redwood	2.22	Shannon	2.26	Worth	2.25
Houston	2.25	Renville	2.22	Shelby	2.29	Wright	2.25
Hubbard	2.17	Rice	2.25	Stoddard	2.29		
Isanti	2.23	Rock	2.16				
Jackson	2.22	Roseau	2.16	NEBRASKA			
Kanabec	2.22	Scott	2.24	Adams	$2.19	Merrick	$2.20
Kandiyohi	2.21	Sherburne	2.23	Antelope	2.20	Nance	2.20
Kittson	2.16	Sibley	2.23	Boone	2.20	Nemaha	2.23
Lac Qui Parle	2.21	Stearns	2.21	Boyd	2.19	Nuckolls	2.20
Le Sueur	2.24	Steele	2.25	Burt	2.23	Otoe	2.23
Lincoln	2.22	Stevens	2.20	Butler	2.23	Pawnee	2.23
Lyon	2.22	Swift	2.21	Cass	2.23	Perkins	2.20
McLeod	2.23	Todd	2.19	Cedar	2.21	Platte	2.21
Mahnomen	2.17	Traverse	2.19	Clay	2.20	Polk	2.21
Marshall	2.16	Wabasha	2.25	Colfax	2.22	Richardson	2.22
Martin	2.24	Wadena	2.18	Cuming	2.22	Saline	2.22
Meeker	2.22	Waseca	2.24	Dakota	2.22	Sarpy	2.22
Mille Lacs	2.21	Washington	2.24	Dixon	2.22	Saunders	2.23
Morrison	2.20	Watonwan	2.24	Dodge	2.23	Seward	2.23
Mower	2.25	Wilkin	2.18	Douglas	2.23	Stanton	2.23
Murray	2.22	Winona	2.25	Fillmore	2.21	Thayer	2.21
Nicollet	2.23	Wright	2.23	Gage	2.22	Thurston	2.23
Nobles	2.23	Yellow Medicine	2.21	Hall	2.19	Washington	2.23
Norman	2.17			Hamilton	2.20	Wayne	2.21
		MISSISSIPPI		Jefferson	2.22	Webster	2.19
			Rate per bushel	Johnson	2.23	York	2.21
County				Knox	2.20	All other counties	2.18
All counties			$2.29	Lancaster	2.23		
				Madison	2.20		

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.28	Howell	$2.26
Andrew	2.25	Iron	2.26
Atchison	2.25	Jackson	2.25
Audrain	2.29	Jasper	2.23
Barry	2.23	Jefferson	2.28
Barton	2.23	Johnson	2.29
Bates	2.23	Knox	2.29
Benton	2.25	Laclede	2.25
Bollinger	2.26	Lafayette	2.25
Boone	2.28	Lawrence	2.23
Buchanan	2.25	Lewis	2.30
Butler	2.29	Lincoln	2.29
Caldwell	2.25	Linn	2.27
Callaway	2.28	Livingston	2.26
Camden	2.26	McDonald	2.28
Cape Girardeau	2.29	Macon	2.28
Carroll	2.26	Madison	2.27
Carter	2.27	Marie	2.26
Cass	2.25	Marion	2.30
Cedar	2.24	Mercer	2.26
Charlton	2.27	Miesisippi	2.26
Christian	2.24	Monteau	2.27
Clark	2.30	Monroe	2.29
Clay	2.25	Montgomery	2.28
Clinton	2.25	Morgan	2.26
Cole	2.27	New Madrid	2.29
Cooper	2.27	Newton	2.23
Crawford	2.27	Nodaway	2.25
Dade	2.23	Oregon	2.26
Dallas	2.25	Osage	2.25
Daviess	2.25	Ozark	2.25
De Kalb	2.25	Pemiscot	2.29
Dent	2.28	Perry	2.28
Douglas	2.25	Pettis	2.26
Dunklin	2.29	Phelps	2.26
Franklin	2.28	Pike	2.30
Gasconade	2.27	Platte	2.25
Gentry	2.25	Polk	2.25
Greene	2.26	Pulaski	2.26
Grundy	2.26	Putnam	2.27
Harrison	2.25	Ralls	2.30
Henry	2.25	Randolph	2.28
Hickory	2.25	Ray	2.25
Holt	2.25	Reynolds	2.26
Howard	2.27	Ripley	2.27

OHIO—Continued

County	Rate per bushel	County	Rate per bushel	County	Rate per bushel	County	Rate per bushel
Meigs	$2.28	Ross	$2.28	Sandusky	2.30	Scioto	2.25
Mercer	2.27	Miami	2.25	Seneca	2.29	Shelby	2.28
Monroe	2.26	Montgomery	2.28	Stark	2.28	Summit	2.29
Morgan	2.28	Morrow	2.29	Trumbull	2.31	Tuscarawas	2.31
Muskingum	2.27	Noble	2.30	Union	2.29	Van Wert	2.32
Ottawa	2.25	Paulding	2.32	Vinton	2.30	Warren	2.29
Perry	2.25	Pickaway	2.30	Wayne	2.28	Washington	2.28
Pike	2.29	Portage	2.31	Williams	2.32	Wood	2.32
Putnam	2.32	Preble	2.31	Wyandot	2.31		
Richland	2.31						

OKLAHOMA

County	Rate per bushel
All counties	$2.21

PENNSYLVANIA

County	Rate per bushel
All counties	$2.25

SOUTH CAROLINA

County	Rate per bushel
All counties	$2.25

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.17	Jerauld	$2.17
Beadle	2.17	Kingsbury	2.18
Bon Homme	2.19	Lake	2.19
Brookings	2.19	Lincoln	2.19
Brule	2.17	McCook	2.19
Charles Mix	2.18	Miner	2.19
Clay	2.20	Minnehaha	2.19
Codington	2.17	Moody	2.19
Davison	2.18	Roberts	2.17
Deuel	2.18	Sanborn	2.18
Douglas	2.18	Turner	2.18
Grant	2.18	Union	2.18
Hamlin	2.17	Yankton	2.19
Hanson	2.18	All other counties	2.18
Hutchinson	2.19		

TENNESSEE

County	Rate per bushel
All counties	$2.21

TEXAS

County	Rate per bushel
All counties	$2.21

VIRGINIA

County	Rate per bushel
All counties	$2.26

WEST VIRGINIA

County	Rate per bushel
All counties	$2.25

WISCONSIN

County	Rate per bushel	County	Rate per bushel	County	Rate per bushel	County	Rate per bushel
Adams	$2.28	Dallas	$2.28	Adams	$2.27	Kewaunee	$2.25
Ashland	2.31	Dane	2.30	Barron	2.24	La Crosse	2.26
Athens	2.28	Dodge	2.31	Brown	2.26	Lafayette	2.30
Augusta	2.29	Door	2.25	Buffalo	2.25	Langlade	2.24
Belmont	2.29	Douglas	2.23	Burnett	2.25	Lincoln	2.23
Brown	2.28	Dunn	2.25	Calumet	2.27	Manitowoc	2.27
Butler	2.28	Eau Claire	2.24	Chippewa	2.30	Marathon	2.24
Carroll	2.28	Fond du Lac	2.25	Clark	2.24	Marinette	2.24
Champaign	2.29	Grant	2.29	Columbia	2.28	Marquette	2.28
Clark	2.28	Green	2.30	Crawford	2.29	Milwaukee	2.31
Clermont	2.28	Green Lake	2.31	Dane	2.30	Monroe	2.28
Clinton	2.28	Iowa	2.32	Dodge	2.31	Oconto	2.28
Columbiana	2.28	Jackson	2.28	Door	2.30	Oneida	2.25
Coshocton	2.30	Jefferson	2.30	Douglas	2.23	Outagamie	2.23
Crawford	2.30	Juneau	2.28	Dunn	2.30	Ozaukee	2.25
Cuyahoga	2.31	Kenosha	2.33	Eau Claire	2.25	Pepin	2.30
Darke	2.31	Knox	2.30	Florence	2.25	Pierce	2.25
Defiance	2.29	Lafayette	2.30	Fond du Lac	2.29	Polk	2.29
Delaware	2.32	Langlade	2.30	Grant	2.29	Portage	2.24
Erie	2.30	Lincoln	2.31	Green	2.31	Price	2.28
Fairfield	2.32	Manitowoc	2.32	Green Lake	2.28	Racine	2.25
Fayette	2.30	Marathon	2.29	Iowa	2.29	Richland	2.26
Franklin	2.28	Marinette	2.30	Jackson	2.26	Rock	2.29
Fulton	2.30	Marion	2.30	Jefferson	2.31	Rusk	2.27
Gallia	2.32	Medina	2.31	Juneau	2.27	St. Croix	2.33

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Sauk	2.28	Washburn	2.23
Sawyer	2.28	Washington	2.30
Shawano	2.25	Waukesha	2.31
Sheboygan	2.29	Waupaca	2.26
Taylor	2.23	Waushara	2.27
Trempealeau	2.25	Winnebago	2.27
Vernon	2.27	Wood	2.26
Walworth	2.33		

(b) *Application of discounts and premiums.* The cumulative discounts and premiums contained in paragraph (c) of this section shall be applied as follows:

(1) *Farm-storage loans.* In the case of eligible soybeans placed under farm-storage loans, the applicable discounts shall be applied to the basic rate at the time the loan is completed. Premiums shall be applied at the time of settlement on soybeans under loan delivered to CCC.

(2) *Warehouse-storage loans.* In the case of warehouse-storage loans, the applicable discounts and premiums shall be applied to the basic rate at the time the loan is completed.

(3) *Purchase agreements.* On eligible soybeans delivered from farm-storage under purchase agreements and on eligible soybeans represented by warehouse receipts tendered to CCC under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(c) *Discounts and premiums.* (1) Classification discount: The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) Discounts for test weight per bushel, splits, damaged kernels and foreign material:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels [2]		Discount	Foreign material	Discount
				Heat	Total			
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½	2.1–2.5	1
52.0–52.9	1	25.1–30.0	1	8–1.0	4.1–5.0	1	2.6–3.0	2
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5.1–6.0	1½	3.1–3.5	3
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2	3.6–4.0	4
49.0–49.9	2½			2.2–3.0	7.1–8.0	2½	4.1–4.5	5
							4.6–5.0	6

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(3) Premiums for low moisture content:

Moisture (percent)	*Premium (cents per bushel)*
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(4) Premium for low foreign material content: A premium of 2 cents per bushel shall be applicable to eligible soybeans containing 1.0 percent or less foreign material.

(5) The discounts and premiums contained in this paragraph (c) are cumulative and are applicable to all classes of soybeans.

(d) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse-storage, whenever the State committee of the State in which the soybeans are stored determined that State, district, or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

---------- (Signature)

---------- (Address)

---------- (Date)

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1446d, 1447, 1421)

Effective date. These regulations shall become effective upon the date of their publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 7th day of August 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7648; Filed, Aug. 10, 1961; 8:51 a.m.]

PART 430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

MISCELLANEOUS AMENDMENTS

The program heretofore announced to support prices to producers for milk and butterfat for the marketing year April 1961–March 1962 (26 F.R. 2822) is hereby amended as follows:

Section 430.230(b)(1) is amended by substituting the following schedule for the schedule of prices set forth therein:

Commodity and location	Price per pound: Produced before Sept. 17, 1960	Produced Sept. 17, 1960–Mar. 9, 1961	Produced Mar. 10, 1961–July 17, 1961	Produced on and after July 18, 1961
Butter:				
U.S. Grade A or higher:				
New York, N.Y., Jersey City and Newark, N.J.	$0.5875	$0.6125	$0.6125	$0.6125
Seattle, Wash., and San Francisco, Calif.	.5800	.6050	.6050	.6050
California, Alaska, Hawaii	.5800	.6050	.6050	.6050
Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine	.5875	.6125	.6125	.6125
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.5775	.6025	.6025	.6025
U.S. Grade B:	(1)	(1)	(1)	(1)
Cheddar cheese (standard moisture basis)	.3375	.3425	.3610	.3650
Nonfat dry milk:				
Spray process: Bags	.1340	.1390	.1590	.1640
Roller process: Bags	.1140	.1190	.1390	.1440

[1] $0.02 less than U.S. Grade A price.

§ 430.230(b)(3) is amended by substituting the following schedule for the schedule set forth therein:

Percent moisture	Produced before Sept. 17, 1960	Produced Sept. 17 1960–Mar. 9, 1961	Produced Mar. 10–July 17, 1961	Produced on and after July 18, 1961
37.8–39.0 [1]	$0.3275	$0.3425	$0.3610	$0.3650
37.3–37.7	.3356	.3509	.3699	.3740
36.8–37.2	.3382	.3537	.3728	.3770
36.3–36.7	.3409	.3565	.3758	.3800
35.8–36.2	.3436	.3593	.3788	.3830
35.3–35.7	.3463	.3622	.3817	.3859
34.8–35.2	.3490	.3650	.3847	.3889
34.3–34.7	.3517	.3678	.3876	.3919
33.8–34.2	.3543	.3706	.3906	.3949
33.3–33.7	.3570	.3734	.3935	.3979
32.8–33.2	.3597	.3762	.3965	.4009

[1] Standard moisture.

(Sec. 4, Stat. 1070, as amended; 15 U.S.C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, 15 U.S.C. 714c; sec. 201, 63 Stat. 1052, as amended and reenacted by 68 Stat. 899, and as amended by 70 Stat. 596 7 U.S.C. 1446)

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7647; Filed, Aug. 10, 1961; 8:51 a.m.]

[1961 CCC Cottonseed Bulletin 3]

PART 443—OILSEEDS

Subpart—1961 Cottonseed Oil Purchase Program Regulations

Sec.
443.1761 General statement.
443.1762 Administration.
443.1763 Crusher's patricipation in program.
443.1764 Purchases of cottonseed by crusher.
443.1765 Tender of oil.
443.1766 Purchase of cottonseed oil by CCC.
443.1767 Information release.
443.1768 Movement of cottonseed oil.
443.1769 Books and records.
443.1770 Consultation with other firms.
443.1771 Parent company.
443.1772 Benefits and contingent fees.

AUTHORITY: § 443.1761 to 443.1772 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; sec. 601, 70 Stat. 212; 15 U.S.C. 714c, 7 U.S.C. 1447, 1421, 1446d.

§ 443.1761 General statement.

As a part of the 1961 Cottonseed Price Support Program formulated by the Commodity Credit Corporation (referred to in this subpart as "CCC") and the Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS"), CCC hereby offers to purchase cottonseed oil from cottonseed crushers participating in the program under the terms and conditions stated in this subpart. No purchases will be made from crushers who do not participate in the program. The program will be carried out by ASCS under the general supervision and direction of the Executive Vice President, CCC.

§ 443.1762 Administration.

Except as specifically provided otherwise, operations under this subpart will be administered by the New Orleans ASCS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as "the ASCS Commodity Office"). CCC contracting officers in the ASCS Commodity Office will execute contract documents on behalf of CCC. Officials in the ASCS Commodity Office, ASC State Committees, and county ASC committees do not have authority to waive or modify any provisions of this subpart.

§ 443.1763 Crusher's participation in program.

(a) *Acceptance by crusher.* Any crusher who completes and forwards to the ASCS Commodity Office an original and copy of the 1961 Cottonseed Price Support Program Crusher Acceptance (Form CCC 912) (such crusher is hereinafter referred to as a "participating crusher") will be eligible to tender cottonseed oil to CCC. Such form must be filed not later than September 15, 1961: *Provided*, That, subject to approval of CCC, tenders may also be made by crushers who file such forms subsequent to September 15, 1961, but such crushers will be permitted to tender only the cottonseed oil equivalent of the seed purchased from participating ginners or producers subsequent to the date of filing the acceptance form, as provided in § 443.1766. If a crusher operates more than one cottonseed crushing mill, he must file an acceptance form for each mill for which he desires to accept this offer, and each such mill shall be treated as a separate unit for the purpose of determining the rights and obligations of the crusher with respect to cottonseed purchased by and cottonseed oil delivered from each such mill.

(b) *Withdrawal from Bulletin 3 contract.* A participating crusher may withdraw from the program at any time upon written notice to the ASCS Commodity Office and will not be obligated to pay the prices specified in § 443.1764 for cottonseed purchased after withdrawal. The crusher may continue to make tenders of cottonseed oil to CCC under this subpart after withdrawal, but cottonseed purchased by the crusher after withdrawal shall be excluded in computing the maximum quantity of oil CCC will purchase, and the maximum quantity of oil tendered after withdrawal shall not exceed the quantity of oil which the crusher can produce from the eligible cottonseed which he has on hand and has not crushed as of the date of withdrawal. A crusher who has withdrawn may re-enter the program only upon approval of CCC.

§ 443.1764 Purchases of cottonseed by crusher.

(a) *Price.* A participating crusher must pay for all 1961 crop cottonseed purchased from participating ginners (as defined in 1961 Cottonseed Bulletin 2 (26 F.R. 5861) not less than $49 per net ton basis grade (100) f.o.b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than the basis grade (100), except that the crusher shall use an average grade for the area in the case of purchases from gins located in any area designated by the Director, Oils and Peanut Division, ASCS, as an area in which the average grade for the area shall be used for this purpose. Cottonseed which is "below grade" or "off quality" as defined in the United States Official Standards for Grades of Cottonseed may be purchased at a price mutually agreeable to the crusher and the participating ginner. The crusher must pay for all 1961 crop cottonseed purchased from producers not less than the purchase price to be paid to producers by participating ginners under 1961 Cottonseed Bulletin 2.

(b) *Grades.* Unless otherwise approved by the Executive Vice President, CCC, or his designee, the grades of cottonseed purchased by the crusher from participating ginners under this subpart shall be determined in accordance with the United States Official Standards for Grades of Cottonseed by chemical analysis of samples drawn from the cottonseed by federally-licensed cottonseed samplers, or such other persons as are approved by CCC, and forwarded to and analyzed by federally-licensed cottonseed chemists: *Provided*, That if cottonseed delivered to the crusher is destroyed or damaged prior to sampling, the grade of such cottonseed shall be deemed to be the average grade of cottonseed in the area in which the cottonseed is acquired by the crusher, as determined by CCC: *And provided, further*, That the linter factor may be excluded in determining the grade if the crusher did not grade 1960 crop cottonseed in accordance with the U.S. Official Standards because of the linter factor: *And provided, further*, That in the case of purchases of cottonseed from ginners located in an area designated by the Director, Oils and Peanut Division, ASCS, as an area in which the average grade for the area shall be used, the average grade for the area shall be determined by CCC on the basis of the latest ASCS grade report for the area at the time of purchase based on samples drawn as stipulated by the Cotton Division of the Agricultural Marketing Service or such other method as the Executive Vice President, CCC, may approve. The cost of sampling and analyzing cottonseed shall be borne by the crusher.

(c) *Weight.* Purchases of cottonseed from participating ginners under this subpart shall be based upon weight at the crusher's mill after deduction of the weight of all foreign material in excess of 1 percent. The cost of weighing shall be borne by the crusher.

(d) *Receipts from gins owned by or under the same legal entity as the crusher.* Where the crusher and a ginner are a single legal entity or where the crusher owns a gin and is directly responsible for its management, cottonseed received by the crusher from such gin shall not have been purchased from producers at less than the purchase price to be paid to producers by participating ginners under 1961 Cottonseed Bulletin 2 and such cottonseed shall be graded by the crusher in accordance with paragraph (b) of this section.

§ 443.1765 Tender of oil.

(a) *Option to tender oil.* Subject to the other provisions of this subpart, a participating crusher shall have the option to tender crude cottonseed oil to CCC: *Provided*, That, if crude oil is not normally produced at the mill, the crusher may tender once-refined cottonseed oil: *And provided further*, That if the crusher can, at the same location, produce either crude or once-refined cottonseed oil, he may either tender crude oil alone or make a twofold tender of crude oil and once-refined oil. Tenders shall be sent to the ASCS Commodity Office and may be by letter transmitting a completed 1961 Cottonseed Price Support Program Crusher Tender Form (CCC Form 913) or by wire. If a tender is made by wire, a completed Crusher Tender Form shall promptly be mailed to the ASCS Commodity Office in confirmation. Each tender must be signed by the crusher or an employee of the crusher having contractual authority to sign for the crusher. The tender shall state the price at which the crusher offers to sell the oil to CCC, whether the crusher is tendering basis prime crude or prime bleachable summer yellow cottonseed oil or making a twofold tender, the quantity tendered, and the planned delivery schedule meeting the requirements of § 443.1766. A supplementary explanation and justification must accompany any tender contemplating delivery after August 31, 1962.

(b) *Time of tender.* The crusher may tender cottonseed oil as of 10:00 a.m. Central Standard Time on each Tuesday (or the next working day if Tuesday is a holiday) at the ASCS Commodity Office. No tenders will be considered by CCC unless received at the ASCS Commodity Office by the specified time and day. The crusher shall not tender any oil which, if accepted by CCC, would cause the total quantity of oil tendered to and accepted by CCC and not yet delivered to CCC to exceed (1) the capacity of the mill to produce during a 45-day period of normal operations or (2) the quantity of oil which can be produced from the cottonseed which he has on hand and has not crushed as of the date of tender. No tender shall be made later than July 31, 1962.

§ 443.1766 Purchase of cottonseed oil by CCC.

(a) *Consideration of tender and acceptance or rejection.* As soon as possible after the time for tender specified in § 443.1765, CCC will consider each tender of oil by a participating crusher under this subpart to determine whether the price stated in the tender is acceptable and whether the tender is otherwise acceptable. If the price stated in the tender is not acceptable, CCC may, at its option, make a counter offer. CCC will notify the crusher of acceptance or rejection of the crusher's tender and of any counter offer by wire filed by 4:30 p.m., c.s.t., on the tender date, if possible, but in any event not later than 4:30 p.m., c.s.t., on the next working day. If CCC makes a counter offer, the crusher's acceptance of the counter offer must be received by the ASCS Commodity Office within 48 hours after the filing of the wire containing the counter offer.

(b) *Contract of sale.* Each tender by the crusher and acceptance by CCC, and each tender by the crusher, counter offer by CCC, and acceptance by the crusher, shall constitute a separate contract for the sale of the cottonseed oil covered thereby in accordance with the terms and conditions of this subpart and in accordance with the applicable rules of the National Cottonseed Products Association (referred to in this subpart as "NCPA") in effect on the date of tender of such products except to the extent that such rules are inconsistent with this subpart and except as to periods specified in such rules for presentation of claims and the rules on arbitration.

(c) *Quantity.* The total quantity of oil which CCC will purchase from a participating crusher shall not exceed the amount of oil that can normally be produced by the crusher (based on 1960 crop outturn per ton of cottonseed) from the quantity of 1961 crop cottonseed produced in the United States and purchased by the crusher (1) from participating ginners during the period of said ginners' participation under 1961 Cottonseed Bulletin 2 and (2) from producers: *Provided*, That below grade or off quality cottonseed purchased by the crusher shall be excluded in computing the maximum quantity of oil which CCC will purchase: *And provided further*, That if the crusher's acceptance form is received subsequent to September 15, 1961, and is approved by CCC, cottonseed purchased by the crusher prior to the date of receipt of the acceptance form shall be excluded in computing the maximum amount of oil CCC will purchase.

(d) *Amendment of tender.* The ASCS Commodity Office and the crusher may, by mutual agreement, amend any contract of sale.

(e) *Delivery.* Each lot of cottonseed oil purchased by CCC shall be delivered by the crusher to CCC f.o.b. tank cars or tank trucks, made available without cost to the crusher at crusher's mill. The crusher shall deliver cottonseed oil crushed from 1961 crop cottonseed produced in the United States. Delivery will be in tank car lots in accordance with the delivery schedule specified in the tender, or any modification thereof mutually agreed to by the crusher and the ASCS Commodity Office, and in accordance with shipping instructions issued by the ASCS Commodity Office. In any event, however, at least 10 percent of the quantity sold shall be delivered within 30 days after the date of sale, at least 30 percent within 60 days, and at least 60 percent within 90 days and delivery shall be completed not later than 180 days after the date of sale. No deliveries shall be made after August 31, 1962, except by special arrangement with the Director of the ASCS Commodity Office. Title to the cottonseed oil shall pass to CCC upon delivery. In delivering oil under any contract of sale, a variation of one-half of one percent above or below the total quantity sold will be accepted as a good delivery as to weight.

(f) *Grade.* The cottonseed oil delivered by the crusher shall be basis prime crude cottonseed oil or prime bleachable summer yellow cottonseed oil (as specified in the tender), as defined in the rules of the NCPA: *Provided*, That if, on the basis of sampling and chemical analysis of cottonseed being crushed by the mill at the time for delivery, it is shown to the satisfaction of the ASCS Commodity Office that basis prime crude cottonseed oil or prime bleachable summer yellow oil cannot be produced, the crusher may deliver crude cottonseed oil of less than prime quality at the agreed sales price less discounts determined in accordance with the rules of the NCPA or once-refined cottonseed oil of prime summer yellow or summer yellow grade at a price mutually agreed upon by the crusher and CCC. The sales price of crude oil shall be adjusted for variance in quality in accordance with the rules of the NCPA.

(g) *Provisional payment.* When oil is delivered to CCC, the crusher may present to CCC for provisional payment an invoice, with shipping documents acceptable to CCC attached, for the value of the oil based on origin weights and the agreed sales price.

(h) *Final settlement.* Final settlement for oil delivered to CCC will be made upon the basis of the official analysis and the certified destination outturn weight of the oil, determined in accordance with the NCPA rules. The analysis and weighing will be arranged for by CCC at its expense.

§ 443.1767 Information release.

It is understood that CCC may make public names, quantities, locations and prices and such other information as it deems advisable with respect to tenders under this subpart and transactions developing therefrom.

§ 443.1768 Movement of cottonseed oil.

CCC shall not be responsible for any loss or injury caused the crusher by failure of CCC to move cottonseed oil promptly, and the crusher shall not be responsible for any failure to deliver or delay in delivery of cottonseed oil due to any cause without its fault or negligence, including, but not restricted to, acts of God or the public enemy, storms, floods, conflagrations, strikes, blockades, riots, embargoes, or priority, allocations, service, or other orders or directives issued by the Government or any other cause beyond the control of CCC or the crusher. Notwithstanding the foregoing provisions, if CCC fails for any reason to issue shipping instructions in accordance with the delivery schedule specified in the tender (or any modification mutually agreed to by the ASCS Commodity Office and the crusher), the crusher may have an official analysis or quality determination made and shall not be responsible for any subsequent loss or deterioration in quality except for any loss, deterioration or damage due to the fault or negligence of the crusher.

§ 443.1769 Books and records.

Each crusher filing an acceptance form under this subpart shall keep accurate books, records, and accounts with

respect to all purchases of cottonseed (including the name of seller, date of receipt, weight, and grade of each lot of cottonseed purchased) and all other transactions under this subpart for a period of at least three years from the last date any cottonseed oil is delivered by the crusher under this subpart, and shall furnish CCC such information and reports relating thereto as CCC may from time to time request. The crusher shall permit authorized employees of the United States Department of Agriculture, at any time during customary business hours, to inspect, examine, audit and make copies of such books, records, and accounts.

§ 443.1770 Consultation with other firms.

By submitting a tender under this subpart, the crusher warrants that the tender was prepared and submitted without consultation and agreement with any other firm or concern (except as between principal and his agent or broker) with respect to the prices stated in the tender.

§ 443.1771 Parent company.

Each crusher submitting a tender under this subpart shall state whether the crusher is owned or controlled by a parent company and, if so, shall state the name and principal office address of the parent company in the spaces provided. For the purposes of this subpart, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50%) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.

§ 443.1772 Benefits and contingent fees.

No Member of or Delegate to the Congress of the United States or Resident Commissioner shall be admitted to any share or part of any contract resulting from tenders of cottonseed oil under this subpart, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such a contract if made with a corporation for its general benefit, nor to prohibit the purchase of cottonseed from such a person in his capacity as a producer. Each crusher tendering oil under this subpart warrants that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement of understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the crusher for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or in its discretion to deduct from the contract price of the cottonseed oil the full amount of such commission, percentage, brokerage, or contingent fee.

Effective date. Date of signature.

Signed at Washington, D.C., on August 8, 1961.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-7649; Filed, Aug. 10, 1961; 8:51 a.m.]

Title 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, AS AMENDED, FISCAL YEAR 1962.

Pursuant to section 4 of the National School Lunch Act, as amended (42 U.S.C. 1751–1760) food assistance funds available for the fiscal year ending June 30, 1962, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,779,291	$2,681,651	$97,640
Alaska	91,702	91,702	
Arizona	806,999	737,280	69,719
Arkansas	1,582,251	1,540,710	41,541
California	6,142,989	6,142,989	
Colorado	873,218	794,029	79,189
Connecticut	925,997	925,997	
Delaware	158,850	128,546	30,304
Dist. of Columbia	215,436	215,436	
Florida	2,671,227	2,521,710	149,517
Georgia	2,987,561	2,987,561	
Guam	72,103	58,177	13,926
Hawaii	354,023	293,532	60,491
Idaho	464,916	444,369	20,547
Illinois	3,976,644	3,976,644	
Indiana	2,402,366	2,402,366	
Iowa	1,566,723	1,364,997	201,726
Kansas	1,161,269	1,161,269	
Kentucky	2,342,326	2,342,326	
Louisiana	2,500,569	2,500,569	
Maine	879,529	492,798	86,731
Maryland	1,455,024	1,206,519	248,505
Massachusetts	2,079,464	2,079,464	
Michigan	3,857,665	3,280,667	576,998
Minnesota	1,909,632	1,566,847	342,785
Mississippi	2,403,049	2,403,049	
Missouri	2,048,723	2,048,723	
Montana	405,616	358,783	46,828
Nebraska	734,089	627,200	106,889
Nevada	106,356	100,981	5,375
New Hampshire	312,557	312,557	
New Jersey	2,324,654	1,820,941	503,713
New Mexico	696,923	696,923	
New York	5,834,171	5,834,171	
North Carolina	3,597,907	3,597,907	
North Dakota	430,340	378,326	52,014
Ohio	4,569,413	3,844,217	725,196
Oklahoma	1,405,937	1,405,937	
Oregon	893,120	893,120	
Pennsylvania	5,256,674	4,092,397	1,164,277
Puerto Rico	3,690,208	3,690,208	
Rhode Island	394,568	394,568	
South Carolina	2,270,271	2,220,936	49,335
South Dakota	426,012	426,012	
Tennessee	2,685,985	2,587,606	98,379
Texas	5,820,295	5,466,483	353,812
Utah	603,503	589,981	13,522
Vermont	237,417	237,417	
Virginia	2,460,119	2,324,204	135,915
Virgin Islands	37,717	37,717	
Washington	1,392,298	1,286,831	105,467
West Virginia	1,365,676	1,323,161	42,515
Wisconsin	2,063,111	1,562,963	500,148
Wyoming	175,517	175,517	
Total	98,600,000	92,676,996	5,923,004

(Secs. 2–11, 60 Stat. 230–233, as amended; 42 U.S.C. 1751–1760)

Dated: August 8, 1961.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 61-7650; Filed, Aug. 10, 1961; 8:51 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Referendum Bulletin, Amdt. 3]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of amending § 717.3(a)(4) to comply with the provisions of Public Law 87–128 with respect to eligibility to vote in the referendum on the 1962 crop of wheat.

Since the referendum on whether marketing quotas shall be in effect for the 1962 crop of wheat will be held on August 24, 1961, and since it is important that wheat producers be informed of the provisions of this amendment a reasonable time in advance of the referendum, it is hereby found that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 717.3(a)(4) is amended by adding at the end thereof two new sentences to read as follows: "With respect to the referendum on wheat marketing quotas for the 1962–63 marketing year, the references to '15 acres' in the first sentence of this subparagraph and to 'fifteen acres' in the third sentence thereof shall be '13.5 acres.' Notwithstanding any other provision of this subparagraph, any person who has not been a producer on a farm with a wheat acreage for harvest as grain in at least one of the years 1959, 1960, or 1961 in excess of 13.5 acres shall not be eligible to vote in the referendum on wheat marketing quotas for the 1962–63 marketing year."

(Secs. 336, 375, 52 Stat. 55, as amended, 66, as amended, 75 Stat. 75–294; 7 U.S.C. 1336, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of August 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7670; Filed, Aug. 9, 1961; 10:45 a.m.]

PART 718—DETERMINATION OF ACREAGE AND PERFORMANCE

Miscellaneous Amendments

Basis and purpose. These amendments include provisions required to implement the feed grain program authorized by Public Law 87–5, approved March 22, 1961 (75 Stat. 6).

Since farmers are now engaged in farming operations directly related to the feed grain program, it is imperative that notice of these amendments be given as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Section 718.4 (24 F.R. 4223) is amended to read as follows:

§ 718.4 Identification of farms.

Land areas constituted as a farm, pursuant to Part 719 of this chapter, for which the State and county committees have program responsibility shall be identified by a farm number. All records pertaining to the measurement and determination of acreages for program purposes shall be identified by such number.

2. Section 718.5(e) (25 F.R. 5754 and 26 F.R. 2552) is amended by adding subparagraph (7) at the end thereof to read as follows:

§ 718.5 Methods of measurement.

* * * * * * *

(e) *Effect of planting pattern on determination of acreage.*

* * * * * * *

(7) *Areas diverted under the feed grain program.* The area(s) identified by the farm operator as being diverted from the production of corn and grain sorghums under the feed grain program must be whole fields or areas of reasonable size within fields for which the acreage can be readily determined. Strips in skip-row planting patterns will not qualify as diverted acreage.

3. Section 718.10(c) (24 F.R. 4223) is amended by inserting subparagraph (3) at the end thereof to read as follows:

§ 718.10 Notice to farm operators.

* * * * * * *

(c) *Administrative variances.* * * *

(3) *Feed grains*—(i) *Corn and grain sorghums.* If the acreage of corn and grain sorghums determined for the farm does not exceed the maximum permitted acreage of these crops for price support and payment purposes under the feed grain program by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre, the maximum permitted acreage shall be considered as the corn and grain sorghum acreage for the farm. If the acreage of corn and grain sorghums determined for the farm exceeds the maximum permitted acreage by more than this amount, the farm shall be considered in excess. If the producer elects to dispose of such excess acreage, the acreage disposed of shall not be less than the total excess computed for the farm in acres and tenths without regard to any administrative variance.

(ii) *Diverted acreage.* If the acreage in the areas identified as diverted from the production of corn and grain sorghums determined for the farm does not fall below the minimum required diversion to conservation use by more than the larger of one-tenth (0.1) acre or two percent not to exceed nine-tenths (0.9) acre, the minimum diversion required shall be considered as the diverted acreage for the farm. If the diverted acreage computed for the farm falls below the minimum acreage requirement by more than this amount, the farm shall be considered as deficient in diverted acreage. If the producer elects to designate additional eligible acreage to meet the diverted acreage minimum, the additional acreage designated shall not be less than the total diverted acreage deficiency computed for the farm in acres and tenths without regard to any administrative variance.

4. Section 718.13(a) (25 F.R. 12588) is amended by inserting subparagraph (6) at the end thereof to read as follows:

§ 718.13 Determination and adjustment of excess acreage.

* * * * * * *

(6) *Feed grains.* The adjustment of acreage under the feed grain program is permissive and is contingent upon a determination by the county committee that the producer concerned attempted in good faith to comply with the provisions of the program. Adjustments authorized shall be made within 15 days from the date of the notice and shall be subject to the following conditions:

(i) *Corn and grain sorghums.* If the producer elects to adjust an acreage of corn or grain sorghums by disposition, the farm shall be revisited for the purpose of determining the adjusted acreage upon timely receipt of a request and payment of the cost.

(ii) *Diverted acreage.* If the producer elects to adjust the acreage diverted from the production of corn or grain sorghums, the farm shall be revisited for the purpose of determining the adjusted acreage upon timely receipt of a request and payment of the cost.

(Sec. 16c, 49 Stat. 1151, as amended, sec. 105, 72 Stat. 994, as amended, secs. 374, 375, 52 Stat. 65, 66, sec. 401, 63 Stat. 1054, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198; 16 U.S.C. 590p, 7 U.S.C. 1441, 1374, 1375, 1421, 1153, 1812)

Done at Washington, D.C., this 7th day of August 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7651; Filed, Aug. 10, 1961; 8:51 a.m.]

[Amdt. 15]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to sections 375 (b) and 378 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375 (a) and 1378 (a)); section 16(c) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590 p (c)); and section 124 of the Soil Bank Act (7 U.S.C. 1812) for the purpose of: (1) Including rules for determining feed grain bases where the farm reconstitution is by division; (2) including rules for determining feed grain bases where the farm reconstitution is by combination; (3) providing for the temporary release and reapportionment of pooled allotments pursuant to Public Law 87–33, approved May 16, 1961; and (4) prescribing procedures to be followed when the displaced owner files a request for transfer of a pooled allotment during a year when all or part of the pooled allotment has been temporarily released to the county committee.

1. Section 719.8 (a) and (b) (2), (3), (4), and (6) (25 F.R. 1065) is amended to read as follows:

§ 719.8 Rules for determining feed grain bases, farm allotments, and farm history and soil bank base acreages where the reconstitution is by division.

(a) *Methods for reconstituting farm allotments and history acreages.* Allotment and history acreages for a farm which resulted from a combination that became effective during the six-year period immediately prior to the current year and which is being divided into two or more tracts shall be reconstituted under the contribution method of division where applicable. If the contribution method is not applicable, the county committee shall next apply the cropland method, if applicable, and finally if the contribution and cropland methods do not apply, the acreage shall be divided by the history method. Feed grain bases and soil bank base acreages shall be apportioned in accordance with paragraph (b) of this section. The provision for dividing a farm to settle an estate may be applied whenever appropriate. The sum of allotment and history acreages for the respective tracts of a division shall equal the respective crop acreages for the parent farm, subject to the provisions of § 719.7(e).

* * * * * * *

(b) *Methods for reconstituting feed grain bases and soil bank base acreages.* The feed grain or soil bank base for a farm which is being divided into two or more tracts shall be apportioned among such tracts which are being separated from the parent farm as follows:

* * * * * * *

(2) If a base was established for each component part of a parent farm prior to or at the time of combination, the base for each identical tract being separated from the parent farm shall be

the base established for such tract prior to or at the time of combination.

(3) If the parent farm which is being divided was not a result of a combination which became effective subsequent to the establishment of the applicable bases, or if the tract which is being divided involves a further division of an identical tract for which the base was apportioned under the provisions of subparagraph (2) of this paragraph, the feed grain base established for the parent farm, or the identical tract, and the history acreage in the soil bank base established for the parent farm, or the identical tract, equal to the acreage of non-allotment crops shall be apportioned among the tracts resulting from the division in the same proportion as the acreage of cropland for each tract bears to the cropland for the farm being divided: *Provided, however,* That the feed grain base and the non-allotment crop soil bank history acreage may be divided among the respective tracts on the basis of the feed grain acreage or the soil bank history acreage, as applicable, which is determined to be representative of the operations normally carried out on the tract when:

(i) The allotment and allotment crop history acreages for the parent farm are divided by the history method; or

(ii) The county committee determines that due to plantings carried out during the applicable base period or because of substantial physical differences in the soil, topography of the land, location of facilities, or cultural practices, division by the cropland method would result in acreages not representative of the operations normally carried out on each of the tracts.

(4) If a farm is to be divided among the heirs in settling an estate, the feed grain base and soil bank base acreage, upon approval of the county committee, may be apportioned among the tracts on the basis of a written agreement signed by all interested persons.

* * * * *

(6) In no event may the sum of the feed grain bases and the soil bank base acreages for the respective tracts of a division exceed the feed grain base and soil bank base acreages for the parent farm.

2. Section 719.9 (23 F.R. 6731) is amended to read as follows:

§ 719.9 Rules for determining feed grain bases, farm allotments, and farm history and soil bank base acreages where the reconstitution is by combination.

If two or more tracts which were operated as separate farms or parts of farms in the preceding year are combined and operated as a single farm for the current year, the current year's feed grain bases, allotments, and history and soil bank base acreages for the reconstituted farm shall be the sum of the current year's feed grain bases, allotments, and history and soil bank base acreages determined for each of the tracts comprising the combination subject to the provisions of § 719.7(e).

3. Section 719.12(d)(1) (24 F.R. 2642) and (25 F.R. 2880) and (d)(2) (26 F.R. 1396) is amended to read as follows:

§ 719.12 Pooling of farm acreage allotments where the farm owner is displaced by a Federal, State, or other agency having the right of eminent domain.

* * * * *

(d) *Where agency will not continue production of allotment crops*—(1) *Allotment pool.* If an agency acquires a farm and no notice is filed by the agency designating a particular allotment crop as one to be produced on the acquired farm pursuant to paragraph (c) of this section, the allotment for such commodity shall be placed in an allotment pool in accordance with subdivisions (i) or (ii) of this subparagraph. The allotment placed in a pool in accordance with these regulations shall be available only for use in providing equitable allotments for other farms owned or purchased by the displaced owner: *Provided, however,* That during any year of the 3-year period the allotment from the farm may remain in the allotment pool, the displaced owner may, in accordance with applicable commodity regulations, release for one year at a time any part or all of such farm allotment to the county committee for reapportionment to other farms in the county having allotments for such commodity on the basis of the past acreage of the commodity, land, labor, equipment available for the production of the commodity, crop rotation practices, and soil and other physical facilities affecting the production of the commodity; and the allotment reapportioned shall, for the purposes of establishing future farm allotments, not be regarded as planted on the farm to which the allotment was transferred. During the period of eligibility for establishing or increasing allotments for a displaced owner under the provisions of this section, acreage allotments shall be established for the agency-acquired farm in accordance with applicable commodity regulations for other farms and, for purposes of establishing future allotments, such allotments shall be considered to have been fully planted.

* * * * *

(2) *Transfer of allotment from the pool.* (i) Upon written application by the displaced owner by August 29, 1961 or within three years after such owner is displaced, whichever is later, to the county committee of the county in which the farm which is to receive allotment from the pool is located, the county committee shall determine whether the transaction by which the displaced owner claims to have acquired the farm to which it is requested that the allotment be transferred and the requested transfer is for the purpose of reestablishing the farming operations of the displaced owner or is a scheme or device to sell the allotment or to transfer the allotment for the benefit of some person other than the displaced owner. The application for transfer shall contain a certification by the applicant that he has made no side agreement with any person for the purpose of obtaining an allotment from the allotment pool for a person other than himself. Before an application is acted upon by the county committee the applicant shall personally appear before the county committee after reasonable notice and bring with him all pertinent documents for examination by the committee and answer all pertinent questions bearing on the proposed transfer, unless the State committee determines from facts presented to it on behalf of the applicant that the applicant would be unduly inconvenienced by such an appearance on account of illness or other good cause and that an appearance by the applicant before the county committee would serve no useful purpose. If an allotment is transferred hereunder and it is later determined by the county committee that the transfer was obtained by misrepresentation by or on behalf of the applicant, the allotment for the farm shall be reduced by the amount of the transfer for each year the transfer purportedly was in effect, and if the time for withdrawal from the pool has not expired, the amount of the reduction shall be returned to the pool. The action of the county committee in approving or disapproving an application or in reducing the allotment for misrepresentation shall be effective only upon approval of the State committee or its representative and the issuance of an appropriate allotment notice under the applicable commodity regulations. If the county committee determines that the transaction by which the displaced owner acquired the farm to which the allotment is to be transferred and the proposed transfer is for the bona fide purpose of reestablishing the farming operations of the displaced owner and is not a scheme or device to sell the allotment or to transfer the allotment for the benefit of some person other than the displaced owner, the county committee shall determine the allotment or increase of allotment to be transfered from the pool to such farm. The allotment to be transferred for a commodity shall be no greater than an amount required to establish an allotment comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity, taking into consideration the land, labor, and equipment available for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided, however,* That the acreage transferred from the pool shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. When all or a part of the allotment placed in the pool is transferred and used to establish or increase the allotment for other farms owned or purchased by the displaced owner, all or the proportionate part of the past acreage history for the farm from which the owner was displaced shall be transferred to and considered for purposes of future allotments to have been planted on the farm for which an allotment is established or increased under this section. If only a part of the available allotment is transferred from the pool, the remaining part of the allotment and past acreage history shall remain in the pool for transfer to other farms of the displaced owner until all such allotment acreage has been transferred or until the period of eligibility for establishing or increasing allotments under this section has expired.

(ii) Notwithstanding the provisions prescribed in subdivision (i) of this subparagraph, if the displaced owner files a request for the transfer of a pooled allotment within the prescribed period for filing such request but his request for transfer is filed during a year in which all or a part of the pooled allotment was released to the county committee pursuant to paragraph (a)(1) of this section, the application for transfer will be processed in the usual manner but action to effect the actual transfer of the allotment which is temporarily released shall be delayed until such time as the pooled allotment which was released for the current year is established for the succeeding year. When a request for transfer of a pooled allotment involves a transfer from one State to another, the receiving State office shall obtain information from the State office in the State in which the allotment is pooled as to whether any part of the allotment for which the transfer is required has been released to the county committee for the current year.

(Sec. 375, 52 Stat. 66, as amended, 378, 72 Stat. 986, 124, 70 Stat. 198, sec. 16(c), 75 Stat. 5; 7 U.S.C. 1375, 1378, 1812; 16 U.S.C. 590 p(c))

Effective date. Since these amendments expand regulations now in effect to include legislation enacted by the 87th Congress, Public Law 87–5, approved March 22, 1961 and Public Law 87–33, approved May 16, 1961, it is hereby determined that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that these amendments shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stablization and Conservation Service.

[F.R. Doc. 61–7652; Filed, Aug. 10, 1961; 8:52 a.m.]

[Amdt. 6]

PART 728—WHEAT

Subpart—1962–63 Marketing Year

COUNTY ACREAGE ALLOTMENT FOR 1962 CROP OF WHEAT

Correction

In F.R. Doc. 61–7116, appearing at page 6892 of the issue for Wednesday, August 2, 1961, the following corrections are made:

1. In the last sentence of the fifth paragraph, the word "supplying" should read "applying".

2. In the tabular material of § 728.1207:

a. For Lincoln County, Kans., the county wheat base acreage should read "33,538" instead of "33,578".

b. For Marshall County, Kans., the acreage apportioned to counties from State allotments should read "77,197" instead of "77,997".

c. For Bon Homme County, S. Dak., the county wheat base acreage should read "70,178" instead of "70,179".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 513; Amdt. 48]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO–C52a Flight Directors

A proposed amendment to § 514.51 establishing minimum performance standards for flight directors for use on civil aircraft of the United States was published in 25 F.R. 9224.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from one manufacturer concerning the alternatively prescribed method of integrity testing the sealing provisions incorporated in hermetically sealed indicators. If the suggestions were adopted as presented, additional technical problems would be encountered primarily because specific quantitative criteria were not developed. However, the objective is acomplished by deleting all reference to the alternative test and substituting a general provision which will permit alternative test methods that provide results equivalent to those achieved by the basic immersion test.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.51 is revised as follows:

§ 514.51 Flight directors—TSO–C52a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for flight directors which specifically are required to be approved for use on civil aircraft of the United States. New models of flight directors manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS–420A, "Flight Directors," revised November 15, 1959,[1] with exceptions and additions to the standards listed in subparagraph (2) of this paragraph.

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, N.Y.

(2) *Exceptions and additions.* (i) The following specifically numbered parts in AS–420A do not concern minimum performance and therefore are not essential to compliance with this section: parts: 3.1; 3.1.1; 3.1.2; 3.2(a), (b), (c), (d), (e); and 4.1.1.3.

(ii) In lieu of part 7, it is a requirement that flight directors covered by this section be capable of successfully passing the tests in parts 7.1 through 7.6.

(iii) Thermal shock: This test shall apply to any hermetically sealed components. The component shall be subjected to four cycles of exposure to water at 85°±2° C. and 5°±2° C. without evidence of moisture penetration or damage to coating or enclosure. Each cycle of the test shall consist of immersing the component in water at 85°±2° C. for a period of 30 minutes, and then within 5 seconds of removal from the bath, the component shall be immersed for a period of 30 minutes in the other bath maintained at 5°±2° C. This cycle shall be repeated continuously, one cycle following the other until four cycles have been completed. Following this test, the component shall be subjected to the Sealing test specified in subdivision (iv) of this subparagraph. No leakage shall occur as a result of this test.

(iv) Sealing: This performance test shall apply to each hermetically sealed instrument. The instrument shall be immersed in a suitable liquid, such as water. The absolute pressure of the air above the liquid shall then be reduced to approximately one inch of mercury (Hg) and maintained for one minute, or until air bubbles cease to be given off by the liquid, whichever is longer. The absolute pressure shall then be increased by 2½ inches Hg. Any bubbles coming from within the indicator case shall be considered as leakage and shall be cause for rejection. Bubbles which are the result of entrapped air in the various exterior parts of the case shall not be considered as leakage. Other test methods which provide evidence equal to the immersion test of the integrity of the instrument's seals may be used. If the instrument incorporates nonhermetically sealed appurtenances, such as a case extension, these appurtenances may be removed prior to the sealing test.

(v) In addition to paragraph 4.6.2, the indicating means shall be readily discernible under any lighting condition normally encountered in aircraft.

(b) *Marking.* In addition to the markings specified in § 514.3 range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) *Quality control* of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.:

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawings of major components or photographs showing exploded views of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation with the statement of conformance certifying that the instrument conforms to this section.

(iv) One copy of the manufacturer's test report.

(d) *Quality control.* Each flight director shall be produced under a quality control system, established by the manufacturer, which will assure that each flight director is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Flight directors approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

Effective date. September 15, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 7, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7609; Filed, Aug. 10, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-FW-101]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

On January 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 260) stating that the Federal Aviation Agency (FAA) proposed to alter the Milton, Fla., control zone.

The Aircraft Owners and Pilots Association (AOPA) objected to the Notice on the basis of continued use of the radio range for instrument approaches since VOR facilities are rapidly replacing low frequency aids. The AOPA suggested, if continued use of the radio range is necessary, that installation of a fan marker four or five miles from the runway would promote a more realistic program for reducing noise. They also suggested that a review be made of the TACAN approaches to determine the feasibility of establishing an additional gate which would allow aircraft on final approach to commence their descent below 1,000 feet above the surface closer to the airport.

It is the policy of the FAA to provide controlled airspace for aircraft executing instrument approach procedures based on low frequency aids until replaced by VOR facilities. Regarding the recommendation to install a fan marker, the FAA is of the opinion that the airspace saving that would be realized from this installation is not of sufficient magnitude to warrant the considerable expenditure involved.

Due to the immediate requirement to provide additional controlled airspace for the TACAN instrument approach, it is considered inappropriate to initiate a proposal to establish a TACAN gate closer to the airport than proposed in the Notice until such time as the review of the controlled airspace requirements relating to implementation of Amendment 60-21 to Civil Air Regulations, Part 60, Air Traffic Rules, presently being conducted on an area basis, is completed. Upon completion of this evaluation, further alteration of the Milton control zone may be required. If this appears necessary, a new proposal will be initiated.

The Air Transport Association of America and the Departments of the Air Force and the Army offered no objections to the proposals. No other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12482) and for the reasons stated herein and in the notice, section 601.2240 (14 CFR 601.2240) is amended to read:

§ 601.2240 Milton, Fla., control zone.

Within a 5-mile radius of Whiting, NAAS (North) (Lat. 30°43'15" N., Long. 87°01'45" W.), within 2 miles either side of the NW course of the Whiting RR extending from the 5-mile radius zone to 12 miles NW of the RR and within 2 miles either side of the Whiting TACAN 309° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7610; Filed, Aug. 10, 1961; 8:45 a.m.]

[Airspace Docket No. 60-LA-36]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zones

On October 20, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 10036) stating that the Federal Aviation Agency (FAA) proposed to alter the Miramar, Calif., and the San Diego, Calif., control zones.

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the Provisions of Executive Order No. 10854.

The Department of the Navy objected to the exclusion of the portion of the Miramar control zone that lies south of Lat. 32°49'30" N. This objection was based on an alleged hazard to air safety which would be created by a narrow corridor of uncontrolled airspace in proximity to jet aircraft operations at the Miramar Naval Air Station. Concern was expressed that transient pilots not familiar with the local area would have difficulty remaining in the narrow corridor between the Miramar and San Diego control zones. The Navy stated that "The Letter of Agreement now in effect permits the Montgomery Field pilot to operate with the same latitude he would have in the proposed uncontrolled airspace. The control zone requirements affect the transient pilot who is most apt to create the air conflict. The Navy therefore considers that the proposed NAS Miramar control zone must include that airspace within a five mile radius to the south to best assure air safety and effect efficient utilization of airspace." Further, the Navy requested additional alteration of the San Diego control zone to protect two additional instrument approach procedures to the North Island Naval Air Station.

The Department of the Air Force interposed no objection to the proposal but recommended that the Miramar control zone encompass Montgomery Field due to the proximity of jet operations at Miramar and that the letter of agreement now in effect be retained.

As a result of the comments submitted by the Navy and the Air Force, an Alteration of Proposal was published in the FEDERAL REGISTER (26 F.R. 1130) on February 8, 1961, which amended the original Proposal by deleting the portion of the San Diego 5-mile radius zone north of Lat. 32°47'00"N., and by adding two new extensions. The deletion of the portion of this control zone north of Lat. 32°47'00" N., would increase width of the corridor between the two control zones.

The Navy, in response to the amended Proposal, reiterated its previous position and stated further that widening the corridor between the control zones would not effectively segregate Miramar jet traffic and general aviation VFR traffic operating in IFR conditions. The Navy considers the inclusion of Montgomery Field within the confines of the Miramar control zone to be the most desirable and practical solution for air traffic control and air safety. Further, realizing that a route of ingress and egress to Montgomery Field to be highly desirable, the Navy suggested an alternate proposal to establish a corridor which would be identified by visual reference to landmarks.

The Air Force commented that its position remained as previously stated.

The Aircraft Owners and Pilots Association (AOPA) objected to the extension of the San Diego control zone based on the 287° True radial of the San Diego VOR since it could find no approach procedures that authorize descent below 1,000 feet beyond the outer marker.

The FAA does not concur with the Navy and Air Force suggestions that Montgomery Field remain in the Miramar control zone and continue to operate under the existing letter of agreement. This letter will be cancelled because some of the provisions contained therein are obsolete. One of these is the blanket authorization for departures from Montgomery. This blanket authorization can no longer be authorized under existing separation criteria. One of the primary reasons for proposing a modification to this control zone was to relieve Montgomery Field of control zone restrictions during periods when weather conditions are below basic VFR minimums. The Miramar RATCC is not in a position to handle VFR traffic at Montgomery operating under special VFR weather conditions without severely restricting operations at that airport. Montgomery Field is home base for approximately 150 general aviation aircraft and a large amount of activity is generated between Montgomery and Gillespie Field which is located 10 miles east of Montgomery. Approximately 300 aircraft are based at Gillespie Field. These aircraft operate principally between Montgomery and Gillespie Fields and between Gillespie and airports in the Los Angeles area. The Pacific Ocean coastline is used as a VFR flyway by practically all aircraft flying VFR between the Los Angeles and San Diego areas. The creation of a corridor between the Miramar and San Diego control zones will provide a much needed gateway between the Pacific Ocean shoreline and Gillespie Field for traffic desiring to fly clear of control zones and control areas when weather conditions are less than basic VFR. The widening of this corridor, by eliminating a portion of the San Diego control zone, will minimize the possibility of aircraft straying into the Miramar or San Diego control zones. The FAA is of the opinion that this corridor will enhance safety in the San Diego area rather than create a hazard as envisioned by the Navy. At the present time, traffic desiring to fly between Gillespie Field and the shoreline, clear of control zones, is forced to fly over mountainous terrain east of Gillespie Field or follow a circuitous route south of the North Island NAS which would take it 10 to 12 miles to sea at low altitude. The establishment of the corridor would encourage pilots to refrain from attempting unauthorized transit of the control zones in order to avoid the undesirable routes mentioned above. Further, the corridor will not be an area of uncontrolled airspace since this area is encompassed by control area. Consequently, traffic transiting the corridor in less than basic VFR weather conditions will be limited to an altitude below 700 feet above terrain unless an air traffic control clearance has been obtained. The deletion of these portions of the San Diego and Miramar control zones will not infringe on the established traffic patterns or instrument approach procedures at either Lindbergh Field or the Miramar NAS. An alternate proposal for a corridor as submitted by the Navy closely approximates the "free" area established by the modification of the two control zones and the terrain features mentioned will aid in the navigation of the corridor.

The AOPA contention that the extension of the San Diego control zone based on the 287° radial of the San Diego VOR is not justified is not valid. The VOR instrument approach procedure to the North Island NAS is based on this radial and authorizes descent below 1,000 feet above the terrain within 8 nautical miles of the VOR. However, this procedure requires an extension of only 10 miles in length to afford the necessary protection to the aircraft while flying at an altitude below 1,000 feet above terrain. The approach procedure which required an extension 12 miles in length on this radial has been cancelled. This change is reflected in the actions taken herein.

No other comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and Alteration of Proposal, the following actions are taken:

1. Section 601.2186 (14 CFR 601.2186) is amended to read:

§ 601.2186 San Diego, Calif., control zone.

Within a 5-mile radius of Lindbergh Field (Lat. 32°43'58" N, Long. 117°11'-14" W), within a 5-mile radius of the NAS North Island TACAN (Lat. 32°41'-41' N, Long. 117°13'21" W), within 2 miles either side of the San Diego-Lindbergh VOR 287° radial extending from the 5-mile radius zones to 10 miles NW of the VOR, and within 2 miles either side of the NAS North Island TACAN 120°, 185° and 235° radials extending from the 5-mile radius zones to 6 miles SE, S and SW of the TACAN, excluding the portion of the Lindbergh Field 5-mile radius zone N of Lat. 32°47'00" N, and the portion that would coincide with Warning Area (W-593).

2. Section 601.2388 (14 CFR 601.2388) is amended to read:

§ 601.2388 Miramar, Calif., control zone.

Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Secs. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 3, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7611; Filed, Aug. 10, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

Correction

In F.R. Doc. 61-7426, appearing at page 7088 of the issue for Tuesday, August 8, 1961, the amount "¾-inch" in the third line of § 121.2514(e)(4)(ii) should read "¼-inch".

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6567]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Determining the "Minimum Figure" for Purposes of Computing Declaration of Estimated Income Tax for the Taxable Year 1961

Section 819(b) of the Internal Revenue Code of 1954, as added by the Life Insurance Company Income Tax Act of 1959 (73 Stat. 136), provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign life insurance company described in section 819(a). Where this minimum figure exceeds the foreign life insurance company's surplus held in the United States, the amount of the "policy

and other contract liability requirements" (determined under section 805 without regard to section 819(b)), and the amount of the "required interest" (determined under section 809(a) without regard to section 819(b)), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). In view of the extensions granted to many domestic life insurance companies to file their 1960 returns, it will not be possible to compute the percentage required by section 819(b) prior to the expiration of the date for the filing of the declaration of estimated income tax for the taxable year 1961. Accordingly, it is hereby determined that for purposes of the declaration of estimated 1961 income tax and payments of installments thereof by foreign life insurance companies, a percentage of 14.3 (the percentage applicable for 1960) shall be used in determining the minimum figure under section 819(b). No additions to tax shall be made because of any underpayment of tax which results solely from the use of this percentage.

Because the public cannot effectively participate in the determination of the percentage announced in this Treasury decision, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

[SEAL] STANLEY S. SURREY,
Assistant Secretary of the Treasury.

AUGUST 8, 1961.

[F.R. Doc. 61-7666; Filed, Aug. 10, 1961; 8:53 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6566]

PART 240—WINE

Use of Premises and Removal of Excess Color From Wine

In order to implement the provisions of section 5361, Internal Revenue Code, and to liberalize the provisions of 26 CFR Part 240 with respect to the removal with activated carbon of excess color from white wine, 26 CFR Part 240 is amended as follows:

§ 240.130 [Amendment]

1. Section 240.130 is amended:

(A) By striking from the first sentence the phrase "and no materials," and inserting in lieu thereof the phrase "and, except in connection with other operations approved pursuant to § 240.134, no materials,"; and

(B) By changing the citation at the end of the section to read "(72 Stat. 1378, 1380; 26 U.S.C. 5351, 5361)."

2. A new section, reading as follows, is inserted immediately following § 240.133:

§ 240.134 Other operations.

(a) The proprietor of a bonded wine cellar may, under the provisions of this section, conduct on bonded wine cellar premises such other operations not specifically provided for in this part as the Director, Alcohol and Tobacco Tax Division, finds may be conducted in a manner that will not jeopardize the revenue, or conflict with wine operations, or be contrary to law.

(b) A proprietor desiring to conduct other operations as provided in paragraph (a) of this section shall file an application, in triplicate, with the assistant regional commissioner setting forth in detail the operation to be conducted and the building and equipment to be used. The proposed operation shall not be conducted until the Director, Alcohol and Tobacco Tax Division, has made his finding, as required by paragraph (a) of this section, and the assistant regional commissioner has approved the application. Where the Director, Alcohol and Tobacco Tax Division, has found that the conduct of such other operation will not jeopardize the revenue, or conflict with wine operations, or be contrary to law, the assistant regional commissioner may approve applications to conduct a similar type of operation, unless he finds there are particular conditions in respect of the applicant's premises or operations that would cause the conduct of such operation to be a jeopardy to the revenue or to conflict with wine operations.

(c) Operations authorized under this section shall be conducted with such degree of segregation from wine operations as may be required by the assistant regional commissioner under the provisions of § 240.131.

(d) The proprietor shall, with respect to each operation authorized under this section, keep records of the kind and quantity of materials received and used, the products produced, and the disposition of such products. If sugar is used in the production of such products, the receipt and use of the sugar so used will be shown on the sugar record required by § 240.914.

(72 Stat. 1380; 26 U.S.C. 5361)

§ 240.527 [Amendment]

3. Section 240.527 is amended:

(A) By striking from the first sentence the phrase "during its production or storage" and inserting in lieu thereof the phrase "during the production or storage of a particular lot or lots"; and

(B) By changing the citation at the end of the section to read "(72 Stat. 1383; 26 U.S.C. 5382)."

4. A new section, reading as follows, is inserted immediately following § 240.527:

§ 240.527a Continuing authority to use activated carbon.

(a) *Application.* A proprietor desiring to obtain continuing authority to use activated carbon to remove excess color from white wine (other than vermouth) shall file application, in duplicate, with the assistant regional commissioner. Such application shall contain all of the information required by § 240.527, except that the quantity of wine to be treated may be estimated, and shall also set forth:

(1) The range of color (Lovibond scale in a one-half inch cell) of the expressed juice before treatment with any material having a decolorant effect.

(2) The pounds of activated carbon to be used per 1,000 gallons of wine and/or juice and the length of time such carbon will be in contact with the wine and/or juice.

(3) The approximate temperature of the juice or wine during treatment.

(4) A description or explanation of any unusual factors of the treatment.

(b) *Conditions.* Proprietors authorized pursuant to application under paragraph (a) of this section to treat white wine with activated carbon shall conform with the following conditions:

(1) The vinous character of the product treated shall not be reduced.

(2) The quantity of activated carbon used per 1,000 gallons of wine, including any activated carbon used in the basic wine-producing material, shall not exceed 9 pounds.

(3) The wine treated with activated carbon shall have a color of not less than 0.6 Lovibond in a one-half inch cell; however, if a proprietor by using usual methods produces wine having a color of less than 0.6 Lovibond scale, without the use of carbon, such production is permitted.

(c) *Records.* Proprietors authorized pursuant to application under paragraph (a) of this section to treat white wine with activated carbon shall keep records showing, for each batch of wine or basic wine-producing material so treated, the exact details of such treatment, including the kind and quantity of juice (if grape, by grape variety), and the kind and quantity of activated carbon used. Such records shall also show the complete cellar treatment given the finished wine, such as the use of sulphur dioxide, and the length of time the activated carbon is in contact with the wine.

(d) *Transfers in bond.* Where wine has been treated under the provisions of this section and is later transferred in bond, the consignor proprietor shall record on Form 703 covering such transfer, and the consignee proprietor shall record in his records, the amount of activated carbon used in treating the wine before its transfer. The consignee proprietor may further treat such wine with activated carbon provided (1) he has received authority pursuant to application under paragraph (a) of this section to so treat wine, and (2) the total amount of activated carbon used before and after the transfer of the wine does not exceed 9 pounds per 1,000 gallons of wine, i.e., if 5 pounds of activated carbon per 1,000 gallons were used in the wine before its transfer, not more than 4 pounds of activated carbon per 1,000 gallons shall be used by the consignee proprietor in treating the same wine.

(72 Stat. 1383; 26 U.S.C. 5382)

Because this Treasury decision will liberalize these regulations by enabling proprietors (1) to conduct other operations on their bonded wine cellar premises, and (2) to obtain continuing authority to treat white wine with activated carbon, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act. Accordingly, this Treasury decision shall become effective on the date of its publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 8, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7667; Filed, Aug. 10, 1961; 8:53 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 524—EMPLOYMENT OF HANDICAPPED PERSONS

Terms of a Certificate

Paragraph (e) of 29 CFR 524.8 requires employers of handicapped persons to comply with the provisions of the Fair Labor Standards Act regarding the payment of overtime compensation (29 U.S.C. 207). Because these provisions have been amended by the Fair Labor Standards Amendments of 1961 (Sec. 6, Pub. Law 87-30), 29 CFR 524.8(e) should be amended to refer to the new overtime provisions of the act.

Now, therefore, pursuant to authority in section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6, of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R., 3290), I hereby amend 29 CFR 524.8(e) to read as hereinbelow set out.

In view of the fact that this amendment is necessary to conform an outstanding regulation to the terms of an amendatory statute, I find that notice and public procedure thereon are unnecessary. It shall become effective September 3, 1961, the effective date of the Fair Labor Standards Amendments of 1961.

§ 524.8 Terms of a certificate.

• • • • •

(e) The worker or trainee shall be paid not less than one and one-half times the regular rate at which he is employed for all hours worked in excess of the maximum workweek applicable to him under section 7 of the act.

(Sec. 14, 52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 7th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-7633; Filed, August 10, 1961; 8:49 a.m.]

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Piece-Rates for the Fabric and Leather Glove Industry

On June 17, 1961, I proposed to amend Schedule C of 29 CFR 545.13 (26 F.R. 5426) by increasing the minimum piece-rates for homeworkers in the fabric and leather glove industry in Puerto Rico commensurate with increases in the minimum hourly wage rates in that industry (26 F.R. 4287). Interested persons were given 15 days in which to file written statements of data, views or arguments in regard to this proposal and none were received. Accordingly, this proposed amendment is hereby adopted without change, effective September 10, 1961.

Signed at Washington, D.C., this 7th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

§ 545.13 Piece rates established in accordance with § 545.9

• • • • • •

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves	Leather gloves [2]		Unit of payment
			Ladies'	Men's	
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			60.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			80.000	Do.
					Per inch.
190	Crede stitch, 5 to 6 stitches per inch	0.339			Do.
191	Egyptian stitch, 5 to 6 stitches per inch		0.548		Do.
192	Feather stitch, 5 to 6 stitches per inch	.407	.699		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.494	Do.
194	Regular stitch, 5 to 6 stitches per inch	.266	.518	.494	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.173	.355	.355	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine		.355	.355	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.266	.518	.494	Do.
198	Whip stitch, 5 to 6 stitches per inch	.266	.518	.494	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing", see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

[F.R. Doc. 61-7634; Filed, Aug. 10, 1961; 8:49 a.m.]

PART 681—HOMEWORKERS IN CERTAIN INDUSTRIES IN PUERTO RICO

Piece Rates for the Leather, Leather Goods and Related Products Industry

On June 17, 1961, I proposed to amend 29 CFR 681.9(c) (26 F.R. 5426) in order to (1) increase the minimum piece-rates for homeworkers in Puerto Rico engaged in the hand-lacing of leather wallets, leather wallet covers, and plastic wallets with plastic lacing material commensurate with increases in the minimum hourly wage rates in the leather, leather goods, and related products industry in Puerto Rico (26 F.R. 4516), and (2) to delete from that paragraph the reference to single stitch hand-lacing of leather moccasin plugs with plastic lacing material, which is no longer performed as homework in Puerto Rico.

Interested persons were given 15 days in which to file written statements of data, views or arguments in regard to this proposal and none were received. Accordingly, this proposed amendment is hereby adopted without change.

This amendment shall become effective on September 10, 1961.

Signed at Washington, D.C., this 7th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

§ 681.9 Minimum piece rates prescribed by the Administrator.

• • • • • •

(c) *Piece rates for the hand-lacing of leather wallets, leather wallet covers, and plastic wallets.* A minimum piece rate of 7/100 of 1 cent per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers; a minimum piece rate of 18/100 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in the hand-lacing, double stitch, with plastic lacing material of leather wallets and leather wallet covers; and a minimum piece rate of 35/100 cents per dozen stitches shall be paid to homeworkers in Puerto Rico engaged in hand-lacing double stitch, with plastic lacing material, of plastic wallets.

(Sec. 6, 52 Stat. 1062, as amended; 29 U.S.C. 206)

[F.R. Doc. 61-7635; Filed, Aug. 10, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

APPORTIONMENTS

1. In § 3.450, paragraphs (b), (d), and (e) are amended to read as follows:

§ 3.450 General.

* * * * *

(b) Except as provided in § 3.458(e), no apportionment of disability or death benefits will be made or changed solely because a child has entered active duty with the air, military, or naval services of the United States.

* * * * *

(d) Any amounts payable for children under §§ 3.459, 3.460 and 3.461 will be equally divided among the children.

(e) The amount payable for any child or children in the widow's custody will be added to the widow's share.

2. Section 3.451 is revised to read as follows:

§ 3.451 Special apportionments.

Without regard to any other provision regarding apportionment where hardship is shown to exist, pension, compensation, emergency officers' retirement pay, or dependency and indemnity compensation may be specially apportioned between the veteran and his dependents or the widow and children on the basis of the facts in the individual case as long as it does not cause undue hardship to the other persons in interest, except as to those cases covered by § 3.458 (b) and (c). In determining the basis for special apportionment, consideration will be given such factors as: amount of Veterans Administration benefits payable; other resources and income of the veteran and those dependents in whose behalf apportionment is claimed; and special needs of the veteran, his dependents, and the apportionment claimants. The amount apportioned should generally be consistent with the total number of dependents involved. Ordinarily, apportionment of more than 50 percent of the veteran's benefits would constitute undue hardship on him, while apportionment of less than 20 percent of his benefits would not provide a reasonable amount for any apportionee.

3. In § 3.452, paragraph (a) is amended, paragraph (c) is revoked, the former paragraphs (d) and (e) are amended and redesignated (c) and (d) so that the section reads as follows:

§ 3.452 Veteran's benefits apportionable.

Veteran's benefits may be apportioned:

(a) If the veteran is not living with his wife by reason of estrangement or his children are not in his custody and a claim for apportionment is filed for or on behalf of the wife or children.

(b) Pending the appointment of a guardian or other fiduciary.

(c) Where a veteran with wife, child, or dependent parent is entitled to compensation or pension, and is incompetent and receiving institutional care by the United States or a political subdivision thereof, his compensation or pension unless paid to the wife ("as wife") for the use of the veteran and his dependents will be apportioned if otherwise in order.

(d) Where the veteran or his guardian neglects or refuses to contribute to the support of the parent in an amount equal to that which is payable on the parent's behalf, such additional compensation will be paid to the parent upon receipt of a claim therefor.

§ 3.453 [Amendment]

4. Immediately preceding § 3.453, the following cross references are added:

CROSS REFERENCES: Disappearance of veteran. See § 3.656. Reduction because of hospitalization. See § 3.551. Penal institutions. See § 3.666.

5. Section 3.453 is revised to read as follows:

§ 3.453 Veteran's compensation or service pension or retirement pay.

Rates of apportionment of disability compensation, service pension or retirement pay will be determined under § 3.451.

6. Section 3.454 is revised to read as follows:

§ 3.454 Veteran's disability pension.

Apportionment of pension for a veteran based on service in World War I or later war period will be as follows:

(a) Where a veteran with wife or child is incompetent and without legal fiduciary and is maintained in an institution by the United States or any political subdivision thereof, $10 monthly will be paid as an institutional award to the Manager of a Veterans Administration hospital or chief officer of a non-Veterans Administration institution for the use of the veteran; and the balance will be paid to the dependent or dependents. If he has no wife or child but has a dependent parent, apportionment will be in accordance with § 3.451.

(b) Where the pension of any veteran is reduced to $30 under the provisions of 38 U.S.C. 3203(d), an apportionment may be made to his wife and/or children. The amount of the apportionment generally will be the difference between $30 and the rate payable during the first 2 months of treatment or care. In the exceptional case where claims folder evidence clearly establishes materially reduced need on the part of wife or children (example—veteran is already contributing a reasonable amount for an estranged wife) no apportionment or apportionment in a reduced amount will be made in accordance with the facts found.

7. In § 3.458, paragraph (a) is amended, paragraphs (b) and (g) are revoked, former paragraphs (c), (d) and (i) are amended and redesignated (b), (c) and (g) and former paragraphs (e), (f), and (h) are redesignated (d), (e) and (f). The revised section reads as follows:

§ 3.458 Veteran's benefits not apportionable.

Veteran's benefits will not be apportioned:

(a) Where the total benefit payable to the disabled person does not permit payment of a reasonable amount to any apportionee.

(b) Where the wife of the disabled person has been found guilty of conjugal infidelity by a court having proper jurisdiction.

(c) For the purported or legal wife of the veteran if it has been determined that she has lived with another man in the reputed relationship of husband and wife, except where such relationship was entered into in good faith with a reasonable basis (for example trickery on the part of the veteran) for the wife believing that her marriage to the veteran was legally terminated. In such cases, payment will be made to the veteran as though there were no wife. No apportionment to the wife will thereafter be made unless there has been a reconciliation and later estrangement.

(d) Where the child of the disabled person has been legally adopted by another person, except the additional compensation payable for the child.

(e) Where a child enters the active military, air, or naval service, any additional amount will be paid to the veteran unless such child is included in an existing apportionment to an estranged wife. No adjustment in her award will be made based on the child's entry into service.

(f) For the wife, child, father, or mother of a disabled veteran, who is determined by the Veterans Administration to have been guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies.

(g) Until the estranged wife of a veteran files claim for an apportioned share. If there are any children of the veteran not in his custody an apportionment will not be authorized unless and until a claim for an apportioned share is filed in their behalf.

8. In § 3.460, the introductory portion preceding paragraph (a) is added and paragraph (c) is amended to read as follows:

§ 3.460 Death pension.

Death pension will be apportioned if the child or children of the deceased veteran are not in the custody of the widow, as follows:

* * * * *

(c) *World War I or later wartime service.* (1) On and after October 1, 1954, under the laws in effect prior to July 1, 1960 (38 U.S.C. 541), the widow's share will be:

$37.80—if there is only 1 child.
$31.50—if there are 2 or more children.

(2) On and after July 1, 1960, under 38 U.S.C. 541, the widow's share will be:

$45.00—if her annual income will not exceed $1,000.
$36.00—if her annual income will not exceed $2,000.
$24.00—if her annual income will not exceed $3,000.

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective August 11, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-7631; Filed, Aug. 10, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2247]

[New Mexico 061544]

NEW MEXICO

Withdrawing Public Lands for Air Force Use

Correction

In F.R. Doc. 61-7140, appearing at page 6813 of the issue for Saturday, July 29, 1961, the fifth line of the land description under "Sec. 19" for "T. 10 S., R. 26 E." is corrected to read as follows: "NE¼SE¼NE¼, E½NE¼NW¼".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13374, RM-126, RM-148, FCC 61-995]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Grand Rapids, Cadillac, Traverse City and Alpena, Michigan

1. This proceeding which was begun by Notice of Proposed Rule Making (FCC 60-56) adopted January 27, 1960, is part of our effort to provide additional badly needed competitive facilities for the nation's major markets—here, as stated in the Notice, Grand Rapids-Kalamazoo. At about the same time we instituted an over-all television allocation proceeding for the interim period, Docket No. 13340, concerning possible additional VHF assignments in such markets at mileage separations less than the minimum spacings now required by our Rules—in this area, 170 miles co-channel and 60 miles adjacent-channel.

The cities of Grand Rapids and Kalamazoo are about 48 miles apart, and are often considered in the television industry as one market. Each of these cities has one television station assigned, operating on the only VHF channel allocated to the community—WOOD-TV, Grand Rapids, Channel 8, and WKZO-TV, Kalamazoo, Channel 3. These stations have permits for sites in the same area about half way between the cities; both supply both cities with a principal-city signal. Closer to Grand Rapids, to the northwest, is the city of Muskegon, some 34 miles away which has no assigned television station. According to the 1960 Census, each of these three cities is in a separate standard metropolitan statistical area with population and national ranking as follows: Grand Rapids, 363,187, 67th; Kalamazoo, 169,712, 135th; Muskegon-Muskegon Heights, 149,943, 149th.

2. Four proposals were put forward for consideration herein—two (alternatives #1 and #2) proposing to put Channel 13 into Grand Rapids (#1 would involve short separation; #2 would not necessarily); one (alternative #3) proposing to put Channel 11 into Grade Rapids, at a short spacing; and a fourth educational proposal not relating to Grand Rapids but designed to secure an educational channel, Channel 9, for Cadillac, Michigan. The latter proposal conflicts with alternatives #1 and #2 but not with alternative #3. These alternatives are as follows:

(a) *Alternative #1* (as modified by a further Notice adopted herein February 17, 1960),[1] involves a shift of Station WWTV, Cadillac, from Channel 13 to Channel 7, shift of Station WPEN-TV, Traverse City, from Channel 7 to Channel 9, substitution of Channel 6 for Channel 9 at Alpena, Michigan, and assignment of Channel 13 to Grand Rapids. This plan would involve two changes in operating stations, restriction on the location of Channel 13 with respect to Grand Rapids and Kalamazoo just as in the case of Alternative #2 below (unless short separation is to be permitted in this situation), an additional short separation of about 14 miles between Channel 7 at Cadillac and at Detroit (assuming Stations WWTV and WXYZ-TV operate at their present sites), and conflict with the educational proposal. Thus, it has more disadvantages than any other plan, and no compensating advantages. In the comments and replies filed herein, this plan gained no support and incurred widespread opposition. For these reasons, we have decided that it does not warrant further study, and it will not be further considered herein.

(b) *Alternative #2*, initially proposed by Atlas Broadcasting Company, in a petition for rule making filed in 1959 seeking addition of another VHF channel to Grand Rapids, involves shifting WWTV, Cadillac, from Channel 13 to Channel 9, substituting Channel 13 for Channel 9 at Alpena[2], and assigning Channel 13 to Grand Rapids. If existing minimum separations are to be observed, with respect to Station WSPD-TV, Toledo, Ohio (Ch. 13), the Grand Rapids station will have to be located some 25 miles northwest of Grand Rapids; so located, it would not provide a principal-city signal to Kalamazoo. In the Notice herein we invited comments upon whether, in this case as in other situations falling within the general principles of Docket 13340, the mileage-separation requirement should be waived so as to permit a site closer to Grand Rapids and Kalamazoo.

(c) *Alternative #3*, not proposed by any party but included within the Notice as a possibility because it would not involve shift in any existing station, simply involves the additional assignment of Channel 11 to Grand Rapids, with a change in the offset of co-channel Station WLUK-TV, Green Bay, Wisconsin. This alternative proposal was selected because Channel 11 is the only channel which can be used to serve Grand Rapids and still maintain a minimum co-channel spacing of at least 120 miles and an adjacent channel spacing not less than 40 miles, without changing the channel assignments of existing stations. The significance of the 120 mile co-channel and 40 mile adjacent channel minimums is discussed in the Report and Order in Docket No. 13340. Assignment of this channel to Grand Rapids involves problems substantially greater than those relating to Channel 13, since Channel 11 is used not only at Toledo (by WTOL-TV) as is Channel 13, but it is also used in Green Bay (by WLUK-TV), and Chicago, Illinois (by WTTW), and the channel is also assigned to Alpena (about 175 miles northeast of Grand Rapids), reserved for education. Moreover, adjacent Channel 10 is assigned to and used at Onondaga, Michigan (by Station WLIX-TV). The area south of Grand Rapids where WKZO-TV and WOOD-TV will operate is slightly more than 120 miles from the sites of the Channel 11 Toledo and Chicago stations, and only 47 miles from the site of adjacent-channel Station WLIX-TV (a shortage of 13 miles). Any site north and west of Grand Rapids which would meet the minimum separation requirement of 60 miles with respect to WLIX-TV would necessarily involve an additional co-channel shortage with respect to WLUK-TV in Wisconsin. Thus, assignment of this channel at Grand Rapids necessarily involves at least two short separations, and, unless the site is located at a considerable distance from the city (greater than 25 miles), two or more.

(b) *The educational proposal* submitted by the Superintendent of Public Instruction of the State of Michigan, which as stated in the Notice we consider herein because it conflicts with the first two alternatives for Grand Rapids, is to put Channel 9 into Cadillac as an educational reservation, substituting Channel 6 for Channel 9 at Alpena. It does not include any additional assignment at Grand Rapids, and involves no separation problems or change in channels of existing stations.

[1] Alternative #1 as orginally proposed involved substitution of Channel 3 for Channel 9 at Alpena. It was then discovered that substitution, instead, of Channel 6 at Alpena would cause less interference in Canada to Canadian stations, and accordingly, the proposal was modified.

[2] Lake Huron Broadcasting Corporation, licensee of UHF station WKNX-TV, Saginaw, holds a construction permit for Channel 9 at Alpena. This construction permit is conditioned on whatever reassignment may be made as a result of this proceeding, and Lake Huron, which supports Alternative #2, states that it would like Channel 11 for commercial use. Location of the Grand Rapids station 25 miles northwest of that city, or at a point to the northwest closer to the city, would meet the minimum separation with respect to Alpena, which is about 175 miles from Grand Rapids.

3. Some 17 parties filed comments[1] and reply comments herein, all of which have been considered in reaching our decision. Most of the parties took positions supporting, or at least not opposing, Alternative #2, above. It was argued by several parties—including the Association of Maximum Service Telecasters, Inc. (AMST), Storer Broadcasting Company (licensee of WSPD–TV, Toledo, Channel 13), and WOOD Broadcasting, Inc. (licensee of WOOD–TV, Grand Rapids, Channel 8)—that, while short separations might conceivably be appropriate in some cases where absolutely necessary to achieve our allocations objectives, there is little or no justification for it here, where an additional VHF assignment can be made and used at standard spacing. Atlas, the original petitioner, and American Broadcasting Company, both favoring Plan #2, first urged that we assign Channel 13 to Grand Rapids and permit its use at or near the new sites of the two existing stations in the area, about 21 miles south of Grand Rapids toward Kalamazoo; AMST opposed this, pointing out that these parties were objecting to a requirement that the station be 25 miles northwest of the city and at the same time urging a location nearly as far south. Atlas and ABC thereupon withdrew their request for waiver of the separation rules, and support the assignment of Channel 13 to Grand Rapids with consideration of station location to await the outcome of Docket 13340. Peninsular Broadcasting Company, permittee of UHF Station WMCM, Grand Rapids (not in operation), supports Alternative #2 but also any other proposal which will bring an additional VHF channel to Grand Rapids.

4. The Kalamazoo County Chamber of Commerce in its letter pointed out that city's size and industrial, social and economic importance, and asserted that this city area, dependent for service on stations which are primarily CBS and NBC affiliates, receives few ABC programs. Aside from this and the ABC and Atlas comments mentioned above, there was no contention that the assignment should be made so as to serve Kalamazoo to the same extent as Grand Rapids—which, as mentioned, a Channel 13 assignment at normal spacing would not do since it would be located 25 miles northwest of Grand Rapids. Rather, many of the comments were to the contrary, some of them stressing the importance of service to the Muskegon area instead. Storer asserts that Kalamazoo does not need the service which would be provided by a Grand Rapids Channel 13 station located at short separation, since the city receives already the services of three stations, WKZO–TV (CBS), WOOD–TV (ABC–NBC), and WLIX–TV, Onondaga (ABC–NBC). WOOD and another party argue that in fact Kalamazoo and Grand Rapids are not a single market and have few common interests. WOOD and the City of Muskegon, Storer, and West Michigan Telecasters, Inc. all urge the importance of assigning the station so as to serve the Muskegon area, which can be done at standard separation; they assert that this area is growing in size and importance, now exceeding in size the Kalamazoo area, and that Muskegon is the state's second largest port. The city of Muskegon urges that Channel 13 be designated a Muskegon channel. West Michigan Telecasters contends that if any short spacing is to be permitted it should be in the direction of Muskegon, not south toward Kalamazoo. WOOD asserts that Grand Rapids–Muskegon is much more a single market than Grand Rapids-Kalamazoo. Location of the station 25 miles northwest of Grand Rapids would provide a principal-city signal to both Grand Rapids and Muskegon; so situated it would provide the first principal city-grade signal to the Muskegon area.

5. The major opposition to Alternative #2 came from Fetzer Television, Inc., licensee of WWTV, Channel 13, Cadillac, Michigan, which would be required to change channels, and from educational interests—the Superintendent of Public Education for the State of Michigan and the Joint Council on Educational Television (JCET) — because this plan would conflict with the proposal to place Channel 9 in Cadillac as an educational reservation. Fetzer's principal arguments are that it has spent the years it has been operating in creating the identity of WWTV with Channel 13, that the people within the service area have become accustomed to receiving WWTV on Channel 13 and that most receiving installations are designed around most favorable reception of Channel 13. It is alleged that much of this promotional time and money would be lost if WWTV is required to shift to Channel 9; and this is compounded in this case because a station which would serve a part of the area now served by WWTV, would be assigned Channel 13. Fetzer also claims that the cost of making the physical conversion to Channel 9 would amount to approximately $293,000 and that the loss of revenue during the period of conversion due to loss of time and operation with reduced facilities, plus the estimated value of the public image of WWTV, would amount to another $487,000, making the combined cost of losses and expenditures in excess of $780,000.

6. The Superintendent of Public Instruction, in supporting his proposal for Cadillac and opposing Alternatives #1 and #2 for Grand Rapids which compete with it, supplied details of the preliminary planning for statewide educational television in Michigan and the intention to ultimately submit plans to the people and the State Legislature for the purpose of obtaining funds to implement the plans. It is claimed that failure to make the assignment of Channel 9 to Cadillac as an educational reservation will adversely affect the development of any statewide plan and work against the educational interests of the State of Michigan. He also asserts that the future of educational television all over the country must depend to a large extent upon full use of UHF channels, and continued additions of VHF channels, through short separations, will retard and possibly defeat the development of UHF television. It is asserted that the State of Michigan is directly concerned because there is only one VHF educational reservation in Michigan at present, and even if the Commission adds Channel 9 to Cadillac as an educational reservation, the 2 VHF channels will not be sufficient and the statewide plan must depend upon the use of UHF channels. In reply comments, the Superintendent argues against suggestions that the channel be placed at Cadillac without an educational reservation or as a shared commercial-educational channel, so that both commercial and educational interests might vie for the assignment. It is feared that this would lead to a costly comparative hearing which would preclude educational interests from bidding for the channel. The Joint Council on Educational Television (JCET) supports the statements made by the Superintendent of Public Instruction, and says that the Commission should not succumb to the urgings of commercial interests to favor commercial assignments, treating educational needs on a left-over basis as a specialized minor problem. Fetzer indirectly supports the educational proposal, pointing out that Alternative #3 for Grand Rapids, which it supports as against Alternatives #1 and #2, would not conflict therewith. These were the only parties supporting the educational proposal. AMST stated that it does not oppose it as such (since no short spacings are involved), but it does oppose it if the Commission should grant it and thereby be forced to use Alternative #3 to provide a third VHF channel for Grand Rapids.

7. Support for Alternative #3 came from Fetzer, who preferred this as lesser than the evils of Alternatives #1 and #2 which would require it to give up its Channel 13 operation in Cadillac for another channel, but urged that we not adopt the short-separation principle here until the overall policy of Docket No. 13340 had been decided. South Bend Tribune, licensee of WSBT, Channel 22, South Bend, Indiana, favored Alternative #3 because it would require the Grand Rapids station on Channel 11 to reduce radiation in the direction of Chicago and Toledo, thus preventing it from invading the southern part of Michigan now served by UHF stations in South Bend, Fort Wayne, and elsewhere.

8. Opposition to Alternative #3 was widespread. AMST opposed it as an unnecessary short spacing. Community Broadcasting Company, licensee of WTOL–TV Channel 11, Toledo, Ohio and Chicago Educational Television Association, licensee of WTTW, Channel 11, Chicago, Illinois, were strongly opposed to the proposed short separation with those stations. They both argued that there would be an extensive loss of their service in Michigan, though the Channel 11 station at Grand Rapids reduced power to provide the equivalent protection of 170 mile separation.[4]

9. In our proposals herein with respect to Channel 13, we proposed it for Grand Rapids with the same minus offset it now has as assigned to Cadillac. Crosley Broadcasting Corporation, licensee of WLWI, Indianapolis, Channel 13 minus, states that assignment of the channel to Grand Rapids as proposed would result in non-offset co-channel Grand Rapids and Indianapolis operations at a distance of no more than 225 miles, which would create interference to the service of WLWI greater than that which would result from co-channel offset operation at the standard spacing of 170 miles. Crosley suggests certain changes to remedy this situation: make the Grand Rapids assignment Channel 13 plus, change the assignment of Station WREX–TV, Rockford, Illinois, from Channel 13 plus to 13 even, and change the assignment of Station WEAU–TV, Eau Claire, Wisconsin, from Channel 13 even to 13 plus. Although Crosley does not mention it, under this proposal it would also be appropriate to change the offset of Channel 13 at Marquette, Michigan—now unused—from plus to even.

10. We have carefully considered the comments and replies filed herein, and the merits of the various courses of action. For reasons already stated, Alternative #1 is not entitled to further consideration. This leaves us with three choices:

(1) Assign Channel 13 to Grand Rapids pursuant to Alternative #2, denying the educational proposal to add Channel 9 at Cadillac which is mutually exclusive with it.

(2) Assign Channel 11 to Grand Rapids pursuant to Alternative #3, and grant the educational proposal.

(3) Grant the educational proposal by itself, denying the assignment of either Channel 13 or Channel 11 to Grand Rapids.

11. Comparing the first and second courses of action listed, we conclude that as between them the public interest would be served by the first rather than the second. While in our decision in Docket 13340, adopted today, we have set forth criteria under which assignments may be made at short spacing on an equivalent protection basis, we must recognize that extensive and widespread deterioration of television service will result from making a large number of substandard assignments. As we have stated, such assignments will be made only where necessary to relieve the critical shortage of competitively equal facilities. We recognize that in deciding on the assignment of Channel 13 in preference to Channel 11 to Grand Rapids in fulfillment of our important interim objective, we preclude grant of the educational proposal as to Cadillac, and we require one existing station—WWTV, Cadillac—to change its channel. But—especially in view of the recent developments with respect to the Cadillac station's facilities, mentioned below—we cannot conclude that these two considerations, combined, justify the substantial deviation from standard separations with Chicago and Toledo which would be entailed by the assignment of Channel 11 to Grand Rapids. We therefore reject Alternative #3.

12. There remains for decision the question of which of the other two proposals—to assign Channel 13 to Grand Rapids, or to assign Channel 9 to Cadillac for education—should be adopted. We conclude that the public interest would be better served by the assignment of Channel 13 to Grand Rapids, in fulfillment of our objective of relieving the shortage of competitive facilities in important markets, of which this is one, even though this course of action involves the denial of a request for an educational assignment.

13. In reaching this conclusion, we have considered the needs of educational interests for television facilities, which we have recognized on many occasions. The provision of such facilities is important, not only to the State of Michigan but to the whole country. In reaching our decision, we do not ascribe greater importance to commercial than to educational television service; both are important to the present and future well being of our nation.

14. But we must take into account the differences in the practical operating problems and objectives of the two services. Commercial television stations are in sharp competition with each other; their very existence depends on attracting an adequate share of the audience in a particular market as compared to other commercial stations. It is this competitive situation which has led us, in Docket 13340, to undertake the provision of additional VHF assignments, even at short spacings, in order to provide a greater number of competitively comparable outlets where they are badly needed, in the major markets. Thereby, competitive conditions are made more nearly equal, the number of commercial stations which can exist is increased, and, because of the added competition, both the number and variety of services and the quality of programming may be expected to be increased.

15. As far as commercial television is concerned, a limitation upon the number of competitively equal channels operates, ipso facto, as a limitation upon the number of services available to the public, a fact painfully demonstrated by the frequent demise of UHF stations faced with multiple VHF competition. On the other hand, as to educational television the situation is not the same. Educational television stations are not faced with the same sharply competitive situation. It is, of course, desirable that, in an area predominately VHF, other things being equal an educational station be VHF also in order to reach the greatest number of viewers possible; but the station's very existence does not necessarily depend thereon. For some purposes—e.g., in-school viewing—a UHF educational station is approximately equal to a VHF outlet, even in a VHF area. Moreover, it is to be anticipated, at least to some extent, that viewers desiring the distinctive programming of an educational outlet will purchase UHF receivers for that purpose alone, whereas, to say the least, it is highly doubtful that a substantial number of viewers will purchase UHF receivers for the sole purpose of receiving a third commercial station. Experience demonstrates to the contrary.

16. The needs of education being broad and long-range, are more suitable for treatment in an over-all, basic, and permanent reallocation, on which steps have been undertaken in Docket No. 14229.

17. It is in recognition of these facts that we have in Docket 13340 decided to permit short spacings where necessary in order to provide badly needed competitive facilities, whereas we have not, and do not presently contemplate, such a course with respect to provision of additional VHF outlets for education. Although, for reasons already stated, no short spacing is involved here, the same considerations apply. Therefore, for the reasons stated, we adopt the proposal to assign Channel 13 to Grand Rapids—Alternative #2 above, with shift of the Cadillac VHF assignment from Channel 13 to Channel 9, and shift of the Alpena VHF assignment from Channel 9 to Channel 6—and we must, concomitantly, reject the educational proposal.

18. In deciding to assign Channel 13 to Grand Rapids, of course we do not pass upon the question of the exact location of the station. However, it should be observed that we have made this assignment on the basis that a station will be located at standard separations—roughly 25 miles northwest of Grand Rapids—and provide principal-city service to that city and also to the sizable metropolitan area of Muskegon. In other other words, we do not envisage use of the channel closer to, or south of, Grand Rapids, and therefore we do not expect that by our action herein we will provide a third station for the Kalamazoo market. We are persuaded that, on the basis of the comments herein and the 1960 Census data mentioned above, the public interest is better served by providing an assignment which will provide principal-city service to Grand Rapids and Muskegon, at standard separations, than by providing an assignment—necessarily at short spacings—which would serve Grand Rapids and Kalamazoo, as do the two stations now in the market. In this connection, we have taken into account the fact that the Muskegon area is now nearly as populous as the Kalamazoo area; the shorter distance from Grand Rapids to Muskegon than from Grand Rapids to Kalamazoo, which would indicate that Grand Rapids-Muskegon constitutes one "market", with common interests, at least to the same extent as Grand Rapids-Kalamazoo; and the fact that Kalamazoo and environs have or will shortly have available two television services of principal-city grade and an-

[1] We have also taken note of a number of letters filed by other persons and groups urging one or another of the proposals herein-assignment of another VHF channel to Grand Rapids, the educational reservation, or (by the Kalamazoo Chamber of Commerce) assignment of another VHF channel to the Kalamazoo area. Except for the last-mentioned letter, these parties expressed the same arguments as those urged in formal comments discussed in the text.

Several parties urged us not to consider short separations as long as the overall proceeding in Docket 13340 is pending. Since we have today adopted our Report and Order in that proceeding, this contention is now moot.

[4] Community also stated that such an action would constitute a modification of its license and that it would be entitled to a full hearing pursuant to Section 303 and 316 of the Communications Act. In view of our decision herein, we do not need to pass upon this question here.

other Grade B or better, whereas the Muskegon area now has available no service of principal-city grade and much of this area has available only two services of Grade B or better.

19. We have also considered the request of the City of Muskegon that Channel 13 be assigned in this area and designated a Muskegon channel. As stated above, the actions we are taking at this time are designed to alleviate the critical shortage of competitively comparable facilities in major markets, in this case Grand Rapids. In fulfillment of this objective it is more appropriate to designate the channel as a Grand Rapids channel, and therefore this request of the City of Muskegon is denied. We note in this connection that the Channel 13 assignment, located northwest of Grand Rapids, will provide the Muskegon area with a principal-city grade of service, and in this respect will serve the television needs of that community and area, even though not assigned as a Muskegon channel.

20. In sum, we conclude that the public interest requires the assignment of Channel 13 as a third VHF channel to Grand Rapids in order to relieve the critical shortage of competitively comparable facilities in that market, as in other major markets, for the reasons set forth in Docket 13340. The benefits flowing from such assignment outweigh the disadvantages entailed—denial of an educational reservation otherwise possible, and necessity of requiring Station WWTV, Cadillac, to change from Channel 13 to Channel 9. In the latter connection, here as elsewhere any change ordered in the channel assignment of an existing station is not to be taken lightly, because the public, accustomed to receiving a station on a particular channel and thinking of it by channel number rather than call sign, may be confused, and listening to the station may diminish temporarily. However, in the present situation there are ameliorating circumstances which make our choice herein less difficult than it would otherwise have been, though not necessarily different. These are that WWTV is the only station licensed to its city of assignment, Cadillac, and the number of other services available in its service area is not great, so that the competitive impact of any confusion as to channel number will be relatively small, and the public may be expected to find the new source of programs quickly. Therefore, simultaneously herewith, an order is being issued to Fetzer Television, Inc., to show cause why the current license and outstanding construction permit of Station WWTV, Cadillac, should not be modified to specify Channel 9 instead of Channel 13, and our rules are being amended to make this change in channel assignments at Cadillac.

21. There remains for consideration the arguments of Crosley Broadcasting Company relating to non-offset operations by its station on Channel 13 at Indianapolis (WLWI) and a Channel 13 station at Grand Rapids. These stations would be about 225 miles apart; it appears from Crosley's showing that interference to its existing coverage would result therefrom, though not to the extent of more than a few miles located at the northern edge of its coverage area, a small area receiving multiple services from stations at Fort Wayne and elsewhere. Operation on a non-offset basis by the two stations does not involve modification of Crosley's license. Nevertheless, our practice has generally been to provide that neighboring co-channel stations shall operate on an offset basis. Accordingly, to minimize whatever interference problems may exist, we will require Stations WREX-TV and WEAU-TV, Rockford, Illinois and Eau Claire, Wisconsin, operating on Channel 13, to change offsets, and we are amending § 3.606 of our rules as to these cities and also Marquette, Michigan; and the Grand Rapids assignment adopted herein will be Channel 13+. Nevertheless, we do not regard the situation which would prevail under non-offset operation as one necessarily contrary to the public interest, and we reserve the right, if circumstances require, to authorize the Grand Rapids Channel 13 operation on a non-offset basis with WLWI, Indianapolis.

22. In the Notice issued herein, we proposed to assign Channel 13 to Alpena as well as to Grand Rapids under Alternative #2. In Alternative #1, as modified, we proposed to assign Channel 6 to that city. Assignment of Channel 6 to Alpena is preferable to assignment of Channel 13, since, while both assignments conform to our rules concerning assignment of U.S. stations, Channel 6 presents fewer problems with relation to Canadian assignment (the nearest Canadian station to Alpena on Channel 13 is at Kitchener, Ontario, whereas the nearest Canadian Channel 6 station is at Toronto, further from Alpena than is Kitchener). Therefore, in amending our rules, herein, Channel 6 is assigned to Alpena replacing Channel 9, and will be reserved for education. The permit for Channel 9 will be modified to specify Channel 11.

23. We wish to point out that the changes adopted herein affect assignments within 250 miles of the Canada-USA border, and consequently fall within the purview of the Canada-USA Television Agreement. These changes have been negotiated with representatives of the Canadian Government which has stated that they are acceptable.

24. It is clearly desirable in the public interest that a station be placed in operation on Channel 13 with the least possible delay. Accordingly, the Commission will welcome and give attentive consideration to proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

25. Authority for the adoption of the amendments herein is contained in sections 1, 4 (i) and (j), 301, 303, and 307(b) of the Communications Act of 1934, as amended.

26. In view of the foregoing: *It is ordered*, That effective September 11, 1961, the Table of Assignments in § 3.606 of the Commission rules and regulations is amended insofar as the communities named are concerned, to read as follows:

City	Channel No.
Alpena, Mich.	*6, 11, 13–
Cadillac, Mich.	9, 13
Grand Rapids, Mich.	8+, 13+, *17+, 23–
Marquette, Mich.	6–, 12, 12, *29
Rockford, Ill.	13, 39+, *64+
Eau Claire, Wis.	18+, *164+, 34+

27. *It is further ordered*, That the petition of Atlas Broadcasting Company seeking the assignment of Channel 13 to Grand Rapids, filed November 5, 1960, is granted, to the extent indicated herein, and in other respects is denied; the petition of the Superintendent of Public Instruction for the State of Michigan, amended September 8, 1959, seeking addition of a VHF channel assignment at Cadillac, Michigan, reserved for educational use, is denied; and the other petitions and pleadings filed in this matter are granted to the extent they are consistent with the decision herein and in other respects are denied; and

28. *It is further ordered*, That the construction permit of Lake Huron Broadcasting Corporation for Station WLPA, Alpena, Michigan, is modified to specify Channel 11 instead of Channel 9+, subject to the condition that Lake Huron Broadcasting Corporation shall submit to the Commission by November 1, 1961, all necessary information for the preparation of modified permit for Channel 11.

29. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7467; Filed, Aug. 10, 1961; 8:45 a.m.]

[Docket No. 13859 (RM-71, RM-98, RM-104) FCC 61-1013]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Rochester, New York

1. The Commission has before it for consideration its Notice of Proposed Rule Making in Docket No. 13859 proposing to add VHF Channel 13 to Rochester, New York, as a "drop-in", and the comments and reply comments submitted in response thereto. Such allocation was made possible as part of the negotiations which led to adoption of a "Working Arrangement for Allocation of VHF Television Broadcast Stations under the Canada-U.S.A. Television Agreement of 1952." The station assigned to such channel would be limited to an antenna height of 500 feet above average terrain with maximum power of 25 dbk (316 kw). The antenna must be located no closer to Kitchener, Ontario, than the City of Rochester.[1]

2. No party has filed a comment opposing the assignment of Channel 13 to Rochester. No changes in present assignments are required in order to permit the assignment. No domestic short spacings are involved. There is much demand for the channel at Rochester and all parties support the assignment. Rochester, a city with a 1960 population of 318,611, a metropolitan area of 586,387, and among the top fifty markets in the country, has only two operating television stations—WROC–TV, Channel 5, and WVET–TV, Channel 10 (on a share-time basis with WHEC–TV). The Commission, for some time, has recognized the desirability of a third VHF television outlet for Rochester. We conclude that the allocation of Channel 13 to Rochester, New York, is clearly in the public interest. The sole remaining question in this proceeding is whether the channel should be reserved for noncommercial educational use. We have concluded that such reservation is not warranted.

COMMENTS FAVORING EDUCATIONAL RESERVATION

3. The New York State Educational Radio and Television Association submitted a resolution urging provision of a VHF channel in Rochester for noncommercial purposes as a next step in the future development of educational television in New York State and as making possible the immediate development of multi-county coverage of educational instruction throughout that area of New York State.

4. WNED–TV, Channel 17, Buffalo, New York State's only educational television station, commented that, in the light of the problems encountered by UHF stations in an intermixed market, it favors use of VHF "drop-in" channels for educational television.

5. The National Educational Television and Radio Center (NET) suggests that, although Channel 21 is reserved for educational use it is not a "usable" channel since there is practically no conversion to UHF in the area. It notes as significant that the New York State Board of Regents (permittee of WROH, Channel 21) has specifically endorsed the efforts of the Rochester Area Educational Television Association to secure Channel 13 as the most feasible means of bringing educational programming to the area.

6. Detailed comments supporting reservation of Channel 13 for noncommercial educational use have been filed by the Rochester Area Educational Television Association (RAETA), a non-profit educational corporation chartered March 28, 1958 by the Board of Regents of New York State to, among other things, construct, operate and maintain noncommercial television and radio stations in Monroe County, and to plan, prepare, provide, present, and broadcast noncommercial educational and cultural television and radio programs to a nine-county area. The Board of Trustees of RAETA comprises a 21 member group drawn from educational institutions, cultural groups, and business and industry in the Rochester area, so designated as to insure a wide and representative membership from the community at large.

7. RAETA traces the interest in educational television in Rochester since 1951 and shows that after our Vail Mills decision and the shift of Channel 13 from Utica to the Albany-Schenectady-Troy area (See Report and Order released September 9, 1957 in Docket No. 11751, FCC 57–961, 15 RR 1514a) made Channel 13 an eventual possibility for Rochester, RAETA was formed as the result of an "immediate and intense" interest both by educational and cultural groups and by the community at large.

8. The principal arguments advanced to support reservation of Channel 13 for noncommercial use are:

(a) That it would be consistent with the policy of the Sixth Report and Order—that where there are three television channels available in a community, one of them should be reserved for education. This would serve the original purpose of the educational channel reservations which was to preserve, as against commercial preemption, a reasonable portion of the television spectrum for educational use. This measure of protection was found to be necessary because, in the nature of things, it takes time to raise funds from philanthropic and public sources, persuade legislators to appropriate public funds, organize public institutions for control and operation, and bring about the numerous other public and private actions necessary to establish noncommercial educational television stations. Moreover, although much progress has been made in securing financial support for an educational station at Rochester (as detailed by RAETA in its reply comments), the present issue is one of reservation rather than determining financial capability. In any event, RAETA intends to file such an application at the earliest possible date.

(b) It is unrealistic to say that UHF in a VHF market will not suffice for commercial telecasting but is good enough for general educational use. The needs in Rochester for educational television are present needs and must be met by present means, i.e., VHF.

(c) Channel 13 as an educational station would bring a different type of programming to the Rochester area rather than simply greater amounts of the same types of programs.

(d) Reservation of Channel 13 at Rochester is the catalyst needed to assure that mounting area support (in the form of cash, pledges, large numbers of volunteer workers, support from school districts, financial support from area colleges, and from state and local governmental units) will culminate in the establishment of an operating educational station in Rochester. Reservation itself will substantially stimulate interest and financial assistance for educational television.

(e) Rochester's educational needs cannot be satisfied without a fully operating educational station, ready to offer both in-school and general adult programming in prime hours.

(f) Education should not be forced down the UHF path where a VHF is available. Converters are practically nonexistent in the Rochester area, so that immediate utilization of the reserved UHF channel is impracticable. This is confirmed by the experience of the commercial permittee of Channel 15, which was never able to implement the construction permit it possessed, and whose commercial authorization was terminated by the Commission in November, 1960.

COMMENTS OPPOSING EDUCATIONAL RESERVATION OR SUPPORTING COMMERCIAL USE

9. Not all the comments favoring educational television supported the use of Channel 13 for that purpose. A letter from the chairman of the "Committee for Educational Television on Channel 21" contends that those who wouldn't spend the money to convert their sets to UHF probably wouldn't watch educational programs anyway. He states that the Buffalo educational UHF station (WNED–TV Channel 17) is quite successful and that, while his group favors educational television for Rochester, it believes that the educators should utilize Channel 21 and bring some immediate service to Rochester rather than go through what might be years of litigation with doubtful chance of success in an effort to obtain Channel 13. It contends, moreover, that Rochester should have the programs of the third network and that this plan would give them three commercial stations plus an educational one.

10. Prospective commercial applicants for Channel 13 who filed comments are:

(a) Federal Broadcasting System, Inc., licensee of AM radio station WSAY, Rochester;

(b) Genesee Valley Television Company, Inc., a corporation formed for the purpose of applying for Channel 13 in Rochester;

(c) Star Broadcasting Company, Inc., formerly permittee of UHF Channel 15, Rochester (WCBF–TV).[2]

11. Other supporting Channel 13 for commercial use are:

(a) American Broadcasting Company;

(b) WHEC, Inc., licensee of WHEC–TV, Channel 10, Rochester (on a share-time basis with WVET, Veterans Broadcasting Co., Inc.);

(c) Transcontinent Television Corporation, licensee of Channel 5, Roches-

[1] The Canadian Government has stated that this assignment, so limited, is acceptable.

[2] Star's petition to accept comments, filed one day late due to a delay in the mails, is granted.

ter (WROC–TV) which "does not oppose" Channel 13 for Rochester.[3]

12. The principal arguments advanced to support commercial use of Channel 13 at Rochester are:

(a) Rochester is a major market deserving three station competitive service.

(b) No UHF station has ever operated in Rochester. The two outstanding construction permits were terminated November 1960. UHF set conversion in the area is negligible to non-existent.

(c) Although both Rochester stations carry some ABC programs, they are unable, on only two channels, to provide adequate outlets for all three television networks. Some 20 ABC programs are not carried in Rochester and the majority of those which are carried are not broadcast at their regular time.

(d) ABC recognizes the need for educational television in Rochester but says the showing made does not warrant reserving Channel 13 for educational use thereby excluding additional commercial service. It notes that some educational programs are carried by the two present stations and contends that a third commercial station would increase such coverage. It maintains that Channel 21 could be used at least for in-school educational programming.

(e) Federal Broadcasting System, Inc., suggests Channel 21 be used by the educators or as an alternative that, as it suggests in Docket No. 13340, all three commercial VHF stations devote one-third of their broadcast time to educational programming.

(f) The absence of at least three competitive outlets in many of the major markets does much more than merely deprive those communities of the same choice of television programming which is elsewhere available. By imposing artificial restraints upon competition between networks and other program suppliers it reduces the ability of the television industry to serve the public throughout the nation. The lack of sufficient competitive outlets has been recognized by congressional committees, the Commission, and the industry as being responsible for deficiencies which exist in the present television system.

13. A number of letters has been received from the general public—reflecting sentiment both for commercial and educational use.

[3] Transcontinent requests the Commission consent to assignment of WROC–TV's authorization on Channel 5 to Veterans Broadcasting Co., Inc. (BALCT–149) and Veterans share-time authorization for WVET on Channel 10 at Rochester to WHEC, Inc., its share-time partner on Channel 10 (BALCT–150). It also invites attention to the fact that it is not opposing a third VHF channel for Syracuse, even though it would require WROC–TV to shift from Channel 5 to Channel 8 and to incur substantial conversion expenses, provided WROC–TV is not required to cease operation on Channel 5 at Rochester before a construction permit is issued for the third commercial VHF at Syracuse. Consideration will be given these matters in other appropriate proceedings.

14. Our careful consideration of all arguments addressed on both sides of the question leads us to the conclusion that, on balance, there is at this stage greater need for a third competitive commercial service than for the VHF educational reservation. The demonstrated economics of intermixed service compel the conclusion that, were Channel 13 to be reserved for educational use, Rochester would for a long time be deprived of a third full network program service. On the other hand, commercial use of Channel 13 would not similarly frustrate practical possibilities for a non-commercial educational service on an available UHF channel. To the extent that such service were directed to in-class use, UHF is, for all practical purposes, as serviceable as VHF. While use of VHF would probably encourage wider patronage of a general educational broadcast service, VHF is not as critical to establishment of a non-commercial station at Rochester as to the provision of a third commercial service. In the circumstances, it is preferable to adopt the course which holds promise of bringing to Rochester both a third commercial service and a non-commercial, educational service.

15. We have concluded that in the circumstances before us the public interest would best be served by assigning Channel 13 to Rochester under the stated conditions, and without reserving it for educational use. We believe also that it would be strongly desirable in the public interest that an additional service be commenced on Channel 13 with the least possible delay. Accordingly, the Commission will welcome and give consideration to any acceptable proposals for commencement of operation on Channel 13 under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

16. Authority for the adoption of the amendment herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

17. In view of the foregoing: *It is ordered*, That effective September 11, 1961, the Table of Assignments contained in section 3.606 of the Commission's rules and regulations is amended, insofar as the community named is concerned, to read as follows:[4]

City	Channel No.
Rochester, N.Y.	8, 10+, 13—,[1] 15—, *21, 27+

[1] Subject to limitations under Canadian-U.S.A. Television Agreement of 1952.

[4] The amendment herein also reflects Commission action this day in Docket 13858 changing Channel 5 to Channel 8 in Rochester as well as the present action.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7468; Filed, Aug. 10, 1961; 8:45 a.m.]

[Docket No. 13858; FCC 61-1014]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Syracuse and Rochester, New York

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 60–1424) released December 5, 1960 and published in the FEDERAL REGISTER December 9, 1960 (25 F.R. 12624) wherein rule making was instituted in response to a petition of Daniel W. Casey, Sr., Robert J. Conan, T. Frank Dolan, Jr., and Richard N. Groves (the Syracuse Group, now incorporated as the W. R. G. Baker Radio and Television Corp.) requesting the assignment of a 3d VHF channel to Syracuse, New York. The following changes in the Commission's Table of Assignments, Television Broadcast Stations (Section 3.606 of the Rules) were proposed:

City	Channel No.	
	Present	Proposed
Syracuse, N.Y.	3—, 8, *43+	3—, 8—, *43+
Rochester, N.Y.	5—, 10+, 15—, *21, 27+	8, 10+, 13—, *21, 27+

INTRODUCTION

2. Since termination of the Elmira, New York Deintermixture proceedings (FCC 57–179, released March 1, 1957, 15 R.R. 15130), assignment of Channel 9 to Syracuse, New York, as a third VHF channel has been pending as a feasible proposal before the Commission. Utilization of Channel 9 in Syracuse was considered by the Commission in the Elmira proceeding and although no action was taken therein, the Commission specifically noted the availability of the channel for assignment to Syracuse. The instant petition of the Syracuse Group, filed April 18, 1958, as well as a petition[1] of the American Broadcasting Company, filed April 11, 1958 proposing another plan for the addition of a third VHF channel to Syracuse reflect the continuing interest in and need for a third VHF television service in Syracuse. No proceeding looking toward the assignment

[1] This petition was denied by the Commission at the same time as the instant Notice of Proposed Rule Making was issued as it proposed changes in Canadian assignments to which Canada would not agree.

of a third VHF channel in Syracuse could have been concluded, however, until Canadian assent to the proposed changes was obtained. Recently concluded negotiations with the Canadian Government have resulted in a "Working Arrangement for Allocation of VHF Television Broadcast Stations under the Canadian-U.S.A. Television Agreement of 1952" (released by the Commission March 29, 1961) and international obligations no longer bar the amendment of our Table of Assignments, as set out in the Notice of Proposed Rule Making, so as to add a third VHF channel to Syracuse. The Commission, therefore, is now prepared to conclude these proceedings.

PARTIES FILING COMMENTS AND REPLY COMMENTS

3. Comments and reply comments were filed by the American Broadcasting Company, Meredith Syracuse Television Corporation (licensee of WHEN–TV, Channel 8 in Syracuse), Rollins Telecasting, Inc. (licensee of WPTZ, Channel 5 in North Pole, N.Y.), Transcontinent Television Corporation (licensee of WROC–TV, Channel 5 in Rochester), and W. R. G. Baker Radio and Television Corporation. Comments were also filed by Syracuse Broadcasting Corporation (licensee of Standard Broadcast Station WNDR), the General Electric Company (licensee of WRGB, Channel 6, Schenectady, N.Y.), Genessee Valley Television Company, Inc., Veterans Broadcasting Company, Inc. (licensee of share-time operation on Channel 10 in Rochester), and WKBW–TV, Inc. (licensee of Channel 7, Buffalo, N.Y.). Reply comments were filed by the Association of Maximum Service Telecasters, Inc.

STATUS OF THE CHANNELS INVOLVED

4. Channels 3 and 8 in Syracuse are now licensed to Newhouse Broadcasting Corporation and Meredith Syracuse Television Corporation respectively. The University of the State of New York holds a construction permit for Channel 43 in Syracuse. Channel 10 in Rochester is licensed on a share-time basis to Veterans Broadcasting Company, Inc., and WHEC, Inc. Transcontinent Television Corporation is the licensee of Channel 5 in Rochester. The University of the State of New York also holds a construction permit on Channel 21 in Rochester. The station is not operating. There are no outstanding authorizations or applications on file for Channels 15 and 27 in Rochester.

DECISION OF THE COMMISSION

5. Upon careful consideration of the comments and reply comments filed in the proceeding, the Commission is of the opinion that the public interest would be served by the assignment of Channel 9 to Syracuse and the interchange of Channels 5 and 8 between Rochester and Syracuse, with Channels 5 and 9 subject to restrictions on their use as set out below.

NEED FOR ADDITIONAL VHF SERVICE IN SYRACUSE

6. Generally considered about the 50th ranking metropolitan market, the Syracuse area, among several others, has been a source of particular concern to the Commission due to the lack of available competitive television service for the region. With a 1960 population of 216,038 in the city of Syracuse, and a population of 423,028 for Onondaga County, the area clearly qualifies as an important television market, and one which is in need of and can support additional television service. At the present time there are only two VHF stations (WHEN–TV, Channel 8 and WSYR–TV, Channel 3) on the air. Other than these two stations, the nearest VHF television station is located in Utica, New York, some 50 miles from Syracuse. No data has been offered which would indicate that the Syracuse public watches or receives this station. No UHF stations are operating in the area nor are there measurable numbers of UHF television receivers in the hands of the Syracuse viewing public. Our stated policy of providing, where possible, a minimum of three competitive services in the major markets can best be fulfilled in this instance by the addition of a VHF channel to the area.[2] Almost without exception commenting parties have noted the desirability of providing three VHF assignments in Syracuse. The Commission is in complete agreement with this view. We entertain no doubts that the action taken herein comports fully with our statutory mandate under section 307(b) of the Communications Act and will best serve the public interest.

OBJECTIONS OF WKBW–TV

7. The addition of a third VHF channel to the Syracuse market, in the proposed manner, has been questioned, however, by WKBW–TV, licensee of Channel 7 in Buffalo, New York. WKBW–TV's position is that the operation of Channel 9 in Syracuse, Channel 8 in Rochester, and Channel 7 in Buffalo would result in "significant mutual adjacent channel interference" so that a substantial number of persons who now receive service from both WKBW–TV on Channel 7 in Buffalo and from WROC–TV on Channel 5 in Rochester will lose service from at least one of these stations should WROC–TV move to Channel 8. In addition WKBW–TV asserts that use of Channel 9 in Syracuse will result in additional adjacent channel interference to presently operating Channel 10 in Rochester and the proposed operation of Channel 8. Specifically, WKBW–TV claims that the operation of Channel 8 in Rochester would cause 28,936 persons within WKBW–TV's Grade A contour to lose its service and some 180,000 persons within its Grade B contour. Further, they claim that the shift of WROC–TV from Channel 5 to 8 will cause some 207,000 persons to lose its service, due to the shift to a high band frequency and because of interference from WKBW–TV in Buffalo and Channel 9 in Syracuse. Similarly, they claim that 59,567 persons will lose the service of Channel 10 in Rochester with the operation of Channel 9 in Syracuse.

8. Using these figures as the basis for their objections and stressing the fact that Rochester and Buffalo are both larger markets than Syracuse, WKBW–TV urges that the public interest would not be served by the addition of Channel 9 to Syracuse and the interchange of Channels 5 and 8 between Rochester and Syracuse, due to the degradation of existing service which will result in the Rochester and Buffalo area.

9. The Commission is cognizant of the fact that some adjacent channel interference[3] may be expected in the areas between Rochester and Buffalo, and Syracuse and Rochester; yet sites are available which meet the required 60-mile adjacent channel separations,[4] and other factors ignored by WKBW–TV persuade us that service to the public will not be diminished by the proposed changes. For no matter what quantity of interference may occur, it does not represent a total loss of service to the public but rather a substitution of service since the reception of at least one signal in the interference area will be possible. Furthermore, WKBW–TV's position ignores the addition of Channel 13 to Rochester which was proposed in Docket No. 13859 and which we have concluded this day in a separate Report and Order. With the advent of a third service in Rochester, those areas which now receive two services and which might be reduced to one service by adjacent channel interference and the shift of Channel 5 from Rochester to Syracuse will again have a choice of services. As the combined effect of our action herein and in Docket 13859 is to provide a third competitive service to a substantial number of persons in the Rochester and Syracuse markets and since the

[2] Although rule making has been instituted in Docket 13458 to add a UHF channel to Syracuse for commercial use, the Commission has not reached a decision on that proposal. While a UHF station would of course provide some additional service to the area, we do not believe the prospect of a UHF commercial station in Syracuse is a complete solution to the problem of providing the competitive service which Syracuse needs.

[3] Commission rules provide no method for computing adjacent channel interference between two stations. The propagation curves appearing in § 3.699 are statistical averages of a number of stations and purport to show only the probability that a given percentage of the receiver locations throughout the entire service area of a station will receive a signal of a stated level. It is impossible to use these curves to show precisely where such interference will occur or to estimate the number of people who will be affected by such interference. In any case, experiments and measurements have established the fact that objectionable interference does not occur when the desired signal strength is equal to and perhaps somewhat weaker than the signals of a station on an adjacent channel. Conversely, if either signal is equal to or stronger than the other, it may be received without serious interference from the others. Therefore, an adjacent channel operation provides a substitution of service rather than a loss of service.

[4] WKBW–TV's protection from interference is specifically limited by § 3.612 of the rules which provides that "The nature and extent of the protection from interference accorded to television broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart."

same number of services—albeit different services—will[1] be available in adjacent channel interference areas, it is clear to us that the proposed assignments will not have a deleterious impact on any segment of the public which now receives one or more services and will be of considerable benefit to those residents of the Syracuse and Rochester areas who will be given the choice of three services.

OBJECTIONS OF WPTZ

10. Rollins Telecasting, Inc., operating permittee of WPTZ, Channel 5, North Pole, New York, has filed comments herein with respect to the proposed operation of Channel 5 in Syracuse. Now operating from a site on Terry Mountain with power of 20 kw and an antenna height of 1205 feet above average terrain, WPTZ has an application on file (BMPCT-4667) to move its transmitter site to Whiteface Mountain and to specify Lake Placid, New York, as the station location. Rollins application to move from its present site was filed in the belief that the higher natural elevation of Whiteface Mountain will enable it to serve present "white area" to the west and to improve its competitive position vis-a-vis WCAX in Burlington, Vermont. However, the operation of a station on Channel 5 from the present site of Meredith Syracuse Television Corporation (WHEN-TV, now licensed on Channel 8 in Syracuse) would not comply with the minimum co-channel separation of 170 miles which is required of VHF stations in Zone I, with respect to the present site of WPTZ (by 4.5 miles) or its proposed site on Whiteface Mountain (by 22.5 miles). Meredith has indicated that it will consent to modification of its license to specify operation on Channel 5 at its present site in Syracuse but would not feel justified in shifting to Channel 9 or to Channel 5 at a new transmitter site. In its comments, Rollins objected to any allocation of Channel 5 to Syracuse which did not require maintenance of the minimum co-channel separation between either its present site or its proposed site.

11. The Commission has considered the contentions of Rollins regarding the increased service to the public which it could bring from Whiteface Mountain. And while other parties have insisted that with increased height and power at its present site Rollins could substantially equal the coverage to be expected from a new site at Whiteface Mountain, subsequent developments have obviated the necessity for us to render our decision upon the possibility of a change in site for Rollins. For a bill passed by the New York Legislature to permit WPTZ to erect a transmitter on Whiteface Mountain (State owned land) was vetoed by the Governor of New York. In its Reply Comments Rollins stated:

[S]ince the filing of the Comments it has become clear that the proposal to move to Whiteface Mountain does not provide the possibility of expeditious improvement of the service of WPTZ. Consequently, Rollins no longer requests the issuance of an immediate order by the Commission announcing that whatever may be determined herein concerning the allocation of Channel 5 to Syracuse, any such assignment will be without prejudice to the operation of WPTZ from Whiteface Mountain.

With respect to WPTZ, therefore, we have only to consider the shortage of 4.5 miles between its present site and the use of Channel 5 in Syracuse at the existing site of WHEN-TV.

12. Rollins has been joined by the Association of Maximum Service Telecasters, Inc., in objecting to the use of Channel 5 at Syracuse at less than the minimum separation of 170 miles to the present site of WPTZ. The basis for Maximum Service Telecaster's argument is that "protection from interference in television is now provided solely by the mileage separation system," and no party has shown that less than the required separations are necessary to effectuate the addition of a third VHF channel to Syracuse. They note that sites are available for Channel 5 which meet the 170 mile spacing, and if WHEN-TV is insistent upon remaining at its present location, it can do so by shifting its operation from Channel 8 to Channel 9, rather than to 5. Channel 9 may be utilized at the present site of WHEN-TV in compliance with all mileage separation requirements. The Commission has repeatedly stated and has reiterated in the Report and Order in Docket No. 13340 that it does not consider it desirable to permit substandard spacings except under the most compelling circumstances. After careful consideration, of the interests of the public to be served by the expeditious inauguration of a third competitive service in Syracuse and of the arguments presented by the parties, the Commission is of the opinion that the operation of Channel 5 from the present site of WHEN-TV, under the restrictions specified below, is in the public interest, notwithstanding the short separation which will result to WPTZ.

13. Commission consent to the shift of WHEN-TV at its present site from Channel 8 to Channel 5 presents the most satisfactory method whereby a third competitive service can be quickly brought to the Syracuse area. While the assignment of a third VHF channel to Syracuse has been unavoidably delayed in the past, we can perceive no reason why further obstacles should be erected at this time, when a reasonable accommodation of the interests of WHEN-TV and of WPTZ—with insignificant effect upon the eventual service rendered to the public—will promptly bring about the desired result. Not only will the expense and delay be avoided upon the question of whether WHEN-TV should move to a new site, but questions relative to the location of the new transmitter and attendant air hazard issues, will in all likelihood disappear. WHEN-TV and WSYR-TV are now transmitting from an antenna farm some 8 miles south of the city of Syracuse. Location of the new station at this site—in addition to obviating possible air hazard questions—is desirable as far as antenna orientation for the Syracuse public is concerned. And despite the fact that the availability of other suitable sites has been suggested, we are persuaded that the public interest would not be served by the delays to be expected in finding a site free of air hazards, convenient for the orientation of antennas, and from which a signal free of shadowing can be transmitted. As cogent reasons exist for the location of Channel 5 at the Syracuse antenna farm, the modification of WHEN-TV's license (to which they have consented) to specify operation on Channel 5 at its present site is in order. Moreover, since the public will gain from the operation of Channel 5 from the Syracuse antenna farm, we believe the most reasonable course is to allow WHEN-TV to shift to this channel, rather than to 9, upon which restrictions now exist due to the Canadian agreement, and to which WHEN-TV would not feel justified in moving.

14. We believe that the public will benefit from permitting WHEN-TV to operate on Channel 5 from its present site. Furthermore, in assessing the public interest and private equities here presented, the Commission cannot ignore the fact that modification of an operating television station's license to specify operation on a different channel is an expensive and difficult process for the affected licensee, that the benefits to be derived from the prompt commencement of a third VHF service in Syracuse through the consent given by WHEN-TV, and the resulting savings of time, money, and personnel to the Commission are of significant value to the public, and that the natural urge to withhold consent to the modification—often injurious to the public in the past—has not been invoked in this case.

15. While we permit the shift of WHEN-TV from Channel 8 to 5 at its present site at short spacing, the Commission is not unmindful of the need to assure due protection to the service of WPTZ. Accordingly, we are hereby requiring WHEN-TV to reduce its power in the direction of WPTZ so that the interference-free area of WPTZ will be maintained, assuming that WPTZ operated with maximum height and power (2,000 feet and 20 dbk in the direction of Syracuse) and a maximum facility co-channel operation were at Syracuse 170 miles removed from WPTZ. With maximum facilities at its present site, WPTZ's service contour[2] in the direction of Syracuse would be limited by interference to a distance of 55 miles were WHEN-TV operating on Channel 5 with an antenna 1,000 feet above average terrain and 20 dbk, 170 miles removed from WPTZ. With the suppression of power herein required of WHEN-TV in the direction of WPTZ, the theoretical interference limit to the service

[1] According to formulas employed in computing service and interference for the purpose of establishing a standard of minimum separations, interference is not considered to destroy acceptable service unless the ratio between the desired and the undesired signal is less than 28 db. At locations where this ratio is 28 db or greater, it may be said that the service of television stations is free of objectionable interference. The location of this ratio is commonly referred to as the interference limited service contour.

contour of WPTZ will be maintained at 55 miles in the direction of Syracuse if WPTZ employs maximum height and power. The equivalent protection thus afforded to the service area of WPTZ gives it no less than that to which it is now assured under the Rules.

ROLLINS REQUEST FOR A SECTION 316 HEARING

16. Rollins (WPTZ) has stated, however, that if the Commission decided to permit the operation of WHEN-TV on Channel 5 at WHEN-TV's present transmitter site, it would seek adjudication of the matter under section 316 of the Communications Act. That statutory provision, among other things, makes it mandatory for the Commission to afford licensees an opportunity to demonstrate in an evidentiary hearing why an order of modification of a license should not become final. It is not the Commission's understanding, however, that the intent of section 316 should apply in a case such as this one now before us. The rule amendments and subsequent licensing acts envisaged will not involve any change in the facilities of Rollins or its mode of operating WPTZ. The only other kind of circumstance in which it has been recognized that section 316 rights arise occurs when there is a de facto modification of a broadcast license through authorization to another station to radiate signals which create interference within the normally protected service area—as established by the Commission's rules—of the existing licensee. For television station licensees, the amount of interference to which it may be subjected in the normal course is prescribed in § 3.612 of the rules. Unlike the standard broadcast and FM rules on the subject, the television rule limits such interference by prescribing maximum powers and antenna height and minimum co-channel and adjacent channel separations. In television broadcasting the licensee is obliged to accept the degree of interference which results from the establishment of a station of maximum antenna heights and powers at the minimum indicated co-channel and adjacent channel separation.

17. Under the conditions now imposed upon the use of Channel 5 at the present site of WHEN-TV at Syracuse, that station will be limited to 18.5 dbk power (70.8 kw) at 1000 feet of antenna height in the direction of WPTZ. Should a station operate at Syracuse on Channel 5 with maximum height and power (100 kw at 1000 feet) at a transmitter site 170 miles removed from the transmitter of WPTZ, the latter station would on a theoretical basis with its present facilities render an interference-free service to 50 percent of the locations for 50 percent of the time out to a distance of about 39 miles from its transmitter. Beyond this point and in the direction of Syracuse, theoretical interference would be likely to occur at more than 50 percent of the locations for more than 50 percent of the time owing to the fact that the ratio between the desired and the undesired signal from WPTZ would fall below 28 DB.

18. As compared with this, a station operating on Channel 5 at the present transmitter site of WHEN-TV with the prescribed permissible antenna height of 1000 feet and power of 70.8 kw would create no more interference to service from WPTZ than if it were operating with maximum facilities at the standard spacing, since at the shorter spacing with reduced facilities the required ratio of desired to undesired signal would be maintained within the 39 mile service contour now enjoyed by WPTZ. Thus, the limitations imposed on the use of Channel 5 at WHEN-TV's present transmitter site afford protection to WPTZ equivalent to that which it would obtain if the standard spacing were maintained. And as we have indicated in paragraph 15, if WPTZ were authorized to operate with maximum facilities at its present site the distance to its theoretical service contour in the direction of WHEN-TV would of course increase, and would, in any event, be no less than that which could be expected were a maximum facility operation permitted on Channel 5 in Syracuse at standard spacing.

19. In these circumstances it is evident that WPTZ's license is not modified and that a right to a hearing under section 316 of the Communications Act does not exist.

USE OF CHANNEL 5 AT SYRACUSE

20. In order to provide equivalent protection to the operation of WPTZ at North Pole pursuant to the methods and curves adopted this day in the Report and Order in Docket No. 13340, WHEN-TV may not radiate more than 18.5 dbk (70.8 kw) towards North Pole with their present antenna height at their present site when the shift to Channel 5 is effected. If a directive transmitting antenna is employed to provide this suppression, the rate of change in the electric field of the radiation pattern shall not exceed ½ decibel per degree. Sections 3.610(a) and 3.685(e) of the rules are herein waived to permit WHEN-TV to operate on Channel 5 from their present site.

21. While the directional specifications here promulgated are primarily to protect WPTZ, we have considered the effect which the reduced power will have upon the service area of WHEN-TV. Operation of WHEN-TV on Channel 5 from its present site and antenna height with full power (20 dbk, 100 kw) would give WHEN-TV a theoretical interference limited service contour of about 49 miles with WPTZ operating at its present height and power. With WPTZ at maximum height and power at its present site (2000' and 20 dbk in the direction of Syracuse), WHEN-TV's theoretical interference limited service contour with full power would be 42 miles. Under the restrictions now placed on WHEN-TV, this contour in the direction of WPTZ will be 48 miles with WPTZ's use of its present facilities and 41 miles should WPTZ increase power to 20 dbk in the direction of Syracuse and height to 2000'. Since the difference between the theoretical service of WHEN-TV under unrestricted operation and suppressed operation is in the order of only 1 mile, and this only in the direction of WPTZ, we do not consider this to significantly impair the usefulness of Channel 5.

22. Given these circumstances, the Commission believes that the public interest dictates the course here pursued. Meredith Syracuse Television Corporation (WHEN-TV) has insisted that the prime problem facing the Commission in this proceeding is not investigation of the need for the addition of a third VHF channel to Syracuse or formulation of a feasible plan for the allocation of an additional channel. But "The principal remaining problem is to adopt a plan for effecting the necessary channel shift as soon as possible." (Meredith Reply Comments.) Elimination of the necessity to hold a hearing upon the question of modification of WPTZ's license through the equivalent protection now afforded to that station has accomplished this goal and with but de minimis diminution of the expected service to be rendered by WHEN-TV. We are satisfied, therefore, that the public interest is served by the restrictions imposed on the use of Channel 5 at Syracuse.

USE OF CHANNEL 9 IN SYRACUSE

23. Pursuant to the "Working Arrangement" now applicable between Canada and the United States for the allocation of VHF broadcast stations, the operation of a broadcast station on Channel 9 is limited to a maximum power of 20 dbk at a maximum antenna height of 1,000' above average terrain in the direction of the Canadian co-channel assignments. A directive transmitting antenna may be employed so as to permit higher power in other directions up to the maximum allowed by our Rules. The assignment of Channel 9 to Syracuse will not become effective until 30 days after publication in the FEDERAL REGISTER of this Report and Order but applications for authority to construct a broadcast station on the channel, subject to the above restrictions, may be filed prior to that date.

24. Of prime concern to the Commission throughout these proceedings has been the goal of achieving the prompt assignment of a third VHF channel to Syracuse. This is but the first step, however, toward the commencement of a third competitive service. Because, as we have indicated, we believe that the early commencement of service to the public on Channel 9 is of pressing importance and because the resolution of such proceedings as may be necessary to adjudicate between conflicting applicants for the channel has often been quite lengthy, we will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

EFFECTIVE DATE OF THE DECISION

25. Transcontinent Television Corporation, licensee of WROC-TV, Chan-

nel 5 in Rochester, has consented to modification of its license to specify operation on Channel 8, but requests that continued operation on Channel 5 be permitted until such time as a construction permit is issued for Channel 9 in Syracuse, at which time the interchange of channels between Rochester and Syracuse may be effected. We believe that the date of the issuance of a construction permit for Channel 9 in Syracuse is a convenient reference point by which to order Transcontinent to cease operation on Channel 5 and to order Meredith Broadcasting Company (WHEN-TV) in Syracuse to cease operation on Channel 8. As we look forward to an interim operation on Channel 9 pending any final decision on multiple applicants for the channel, the eventual interchange of 5 and 8 should not be unduly delayed.

26. The date by which Transcontinent and Meredith interchange channels is not crucial to our decision herein as long as the shift is accomplished prior to commencement of operation on Channel 9 in Syracuse. Accordingly, we will consider favorably any agreement between Transcontinent and Meredith by which they may effect the necessary changes according to their own timetable, but in any event the shift must be accomplished no later than 60 days after a construction permit is issued on Channel 9 either to a trustee or an applicant.

ORDER

27. Authority for the adoption of the amendments herein is contained in sections 4 (i) and (j), 303, 307(b), and 316 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

28. In view of the foregoing: *It is ordered*, That, effective September 11, 1961, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned as follows: [6]

City	Channel No.
Syracuse, N.Y.	3—, 5—, 9—[1], *43+
Rochester, N.Y.	8, 10+, 13—, 15—, *21, 27+

[1] Subject to limitations under Canadian-U.S.A. Television Agreement of 1952.

29. *It is further ordered*, That, effective September 11, 1961, pursuant to sections 303(f) and 316 of the Communications Act of 1934, as amended, the license of Transcontinent Television Corporation for operation of Station WROC-TV on Channel 5 at Rochester, New York IS MODIFIED to specify operation on Channel 8 at Rochester subject to the following conditions:

(a) Transcontinent may continue operation temporarily on Channel 5 in accordance with the terms and conditions of the current WROC-TV authorization until 60 days after the Commission authorizes the construction of a television station on Channel 9 at Syracuse, New York.

(b) The submission to the Commission by November 1, 1961, of all information necessary to comply with applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WROC-TV on Channel 8 at Rochester;

(c) Construction looking to a change to Channel 8 not to commence until specifically authorized by the Commission after the information requested in (b) above is submitted;

(d) Upon completion of construction of the Channel 8 facilities in accordance with the terms of the modified authorization, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on Channel 8 shall not be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data;

(e) Transcontinent Television Corporation should advise the Commission in writing by September 11, 1961, whether it accepts the modification of its license for operation of Station WROC-TV at Rochester, New York, subject to the conditions listed herein or desires a hearing pursuant to section 316(a).

30. *It is further ordered*, That, effective September 11, 1961, pursuant to Sections 303(f) and 316 of the Communications Act of 1934, as amended, the license of Meredith Syracuse Television Corporation for operation of Station WHEN-TV on Channel 8 at Syracuse, New York, is modified to specify operation on Channel 5— at Syracuse, New York, at its present transmitter site, subject to the following conditions:

(a) Meredith Syracuse may continue operation temporarily on Channel 8 in accordance with the terms and conditions of the current WHEN-TV authorization until 60 days after the Commission authorizes the construction of a television station on Channel 9 at Syracuse, New York;

(b) The submission to the Commission by November 1, 1961, of all information necessary to comply with applicable technical rules and the conditions specified in paragraph 20 of this Report and Order with respect to the suppression of power in the direction of WPTZ, North Pole, New York, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WHEN-TV on Channel 5— at Syracuse;

(c) Construction looking to a change to Channel 5— not to commence until specifically authorized by the Commission after the information in (b) above is submitted;

(d) Upon completion of construction of the Channel 5—facilities in accordance with the terms of the modified authorization, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the Rules of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on Channel 5—shall not be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data;

(e) Meredith Syracuse Television Corporation should advise the Commission in writing by September 11, 1961, whether it accepts the modification of its license for operation of Station WHEN-TV at Syracuse, New York, subject to the conditions listed herein or desires a hearing pursuant to Section 316(a).

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 303, 307, 316, 48 Stat. 1082, 1083; 66 Stat. 711; 47 U.S.C. 303, 307, 153)

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7469; Filed, Aug. 10, 1961; 8:45 a.m.]

[Docket No. 14109 (RM-244) FCC 61-1015]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Lexington and Richmond, Ky. and Bristol, Tenn.-Bristol, Va.

1. The Commission has before it for consideration the Notice of Proposed Rule Making released May 5, 1961 (FCC 61-604) in response to a petition of the National Educational Television and Radio Center requesting rule making so as to effectuate the assignment of UHF Channel 46, for noncommercial educational use, to Lexington, Kentucky, in the following manner: [1]

City	Channel No.	
	Present	Proposed
Lexington, Ky.	18+, 27—, 64, 70+	18+, 27—, *46+, 64, 70+
Bristol, Tenn.-Bristol, Va.	5+, 46—	5+, 75
Richmond, Ky.	60	80

2. The National Educational Television and Radio Center (NET) filed comments supporting its petition and letters, also in support, were received from the President and Provost of the University of Kentucky and from the Acting Head of the Radio-TV-Films Department at the University. There was no opposition to the addition of Channel 46 to Lexington.[2]

3. Commercial stations WLEX-TV, Channel 18 and WKYT, Channel 27 are in operation in Lexington. The other two Lexington assignments—Channels 64 and 70—are unoccupied and available for applications but petitioner prefers the addition of a lower band UHF channel which offers greater coverage and which would better serve the educational needs of Lexington and adjacent areas. Moreover, the University of Kentucky would prefer to operate a station on a channel which is nearer to the UHF stations now on the air.

4. The addition of Channel 46 to Lexington for noncommercial educational use will enable the University of Kentucky, which is located in Lexington, to build and operate an educational station. Planning is now under way for the development of a statewide educational television network and the assignment and reservation of Channel 46 in Lexington is looked upon as a first step towards that goal. Not only is Lexington located approximately in the center of the State, but as the home of the University of Kentucky, it is averred that it "has the greatest diversity of specialized talent, library equipment resources, and television production experience," to operate as the main production center for a proposed statewide educational television network. At the present time the only other educational reservation for the State of Kentucky is on Channel 15 in Louisville, upon which WFPK-TV is now operating.

5. In view of the fact that Channel 46 may be assigned to Lexington in full compliance with the Commission's rules and mileage separation requirements, that no existing authorizations would be affected or channels reassigned for which application has been made, and that the establishment of an educational station promises to provide a valuable service to the Lexington area and act as the central link in a statewide educational network, the Commission has concluded that the assignment of Channel 46 to Lexington and its reservation as a noncommercial educational channel is in the public interest and should be approved.

6. Authority for the adoption and the amendment herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In view of the foregoing: *it is ordered*, That effective September 11, 1961 the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned to read as follows:

City	Channel No.
Lexington, Ky.	18+, 27—, *46+, 64, 70+
Bristol, Tenn.-Bristol, Va.	5+, 75
Richmond, Ky.	80

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7470; Filed, Aug. 10, 1961; 8:45 a.m.]

[Docket No. 14131 (RM-242); FCC 61-1016]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Detroit, Ann Arbor and Port Huron, Michigan

1. The Commission has before it for consideration its Notice of Proposed Rule Making released May 22, 1961, in the above captioned docket looking toward amendment of the table of assignments, Television Broadcast Stations (§ 3.606 of the Commission's rules) to substitute Channel 20 for Channel 62 at Allen Park, Michigan, by replacing Channel 20 with Channel 66 at Ann Arbor, Michigan, and substituting Channel 62 for Channel 34 at Port Huron, Michigan. The Commission also has before it for consideration comments and reply comments filed by Robert M. Parr tr/as Triangle Broadcasting Company (Triangle), permittee of UHF television station WJMY (formerly WRMP-TV) authorized to operate on Channel 62 at Allen Park, supporting adoption of the proposal.

2. Comments in partial opposition to the proposal were filed by Stevens-Wismer Broadcasting Company, licensee of standard broadcast station WHLS, Port Huron, and former permittee of television station WHLS-TV in that city. Stevens-Wismer Broadcasting Company (Stevens-Wismer) does not oppose the substitution of Channel 20 for Channel 62 at Allen Park but objects to the deletion of Channel 34 from Port Huron, contending it is both undesirable and unnecessary. It contends that, despite the cancellation of its construction permit for Station WHLS-TV on February 24, 1961, it continues to be interested in bringing a local television service to Port Huron at the earliest possible date. In this connection it notes the superior technical advantages which a Channel 34 assignment at Port Huron would have over Channel 62.

3. Triangle, in replying to the comments of Stevens-Wismer, contends that the channel site for the use of Channel 34 at Port Huron could not be specified more than approximately 2.2 miles southwest of Port Huron toward Detroit. Moreover, it contends, retention of Channel 34 at Port Huron would limit maximum utilization of Channel 20 by Station WJMY at Allen Park. It states that if it should ever increase its antenna height and still comply with FAA and Metropolitan Airport regulations, WJMY would apparently need to move its site to the north and east in the general direction of Port Huron. Operation from either the Detroit "antenna farm" or the Maccabees Building—location of Station WTVS (Channel 56)—would have the advantage of orientation of receiving antennas to those locations. Both of these sites are within 56 miles of the former WHLS-TV site at Port Huron. It understands also that the two locations are less than 60 miles from the appropriate reference point at Port Huron. Triangle contends that, as a pioneer in UHF commercial television operation in the Detroit area, it should not face limitations at the outset on improvements of the station's facilities. Finally, it notes that Station WHLS-TV never constructed during the period of November 1956 to February 1961 when its construction permit was outstanding (File No. BMPCT-4743, Docket No. 13548). The permittee of Station WJMY does not object to assignment of some other channel at Port Huron which would not conflict with or otherwise limit the potential service of Station WJMY. It notes that with only three authorized UHF operations in the State of Michigan it would appear likely that any party interested in building a station at Port Huron could apply for rule making to secure a channel lower than 62.

4. No other comments were received. Triangle urges adoption of the proposal for substantially the same reasons set forth in its petition. It alleges that reception of Channel 20 would be far superior to that of Channel 62 and would aid in promoting UHF television service in the area as well as better enabling it to compete with VHF television reception available to viewers in the Allen Park area. The proposal meets all mile separations requirements of the Commission's Rules. Allen Park, located 12 miles from the center of Detroit, had a 1960 population of 37,052. The permittee of Station WJMY advises that it has installed all equipment except for the antenna and transmission line and that construction of the studios has been completed. It states that the transmission line is on hand and awaiting installation when the antenna is erected. Ordering and installation of the antenna awaits the outcome of this proceeding.

[6] The amendment herein also reflects Commission action this day in Docket 13859 adding Channel 13— to Rochester as well as the present action. The Canadian Government has stated that these assignments are acceptable, subject to limitation of a Syracuse station to a power of 20 dbk and an antenna height of 1,000 feet, at 170 miles from the transmitters of co-channel Canadian stations at Toronto and Ottawa.

[1] In its original petition, NET offered an alternative proposal whereby Channel 47 could be assigned to Lexington for education. Since the addition of Channel 47 to Lexington conflicted with a proposal then under consideration in Docket No. 14050 to add Channel 32 to Louisville, Ky., the Commission decided that rule making on this proposal was not desirable. NET in its comments stated that it had no objection to this decision as the addition of Channel 46 to Lexington will serve its purpose as well as the addition of Channel 47.

[2] In Docket No. 13906 the Commission is considering a proposal to add Channel 40 to Lexington for commercial operation. There is no conflict, however, between this proposal and the instant petition to add Channel 46 to Lexington.

5. No applications are pending for assignments on any of the channels affected by the proposal herein. The Commission is of the view that the public interest would be served by adopting the proposal. It is evident from the record that WJMY is in a position to bring an early additional service to the Allen Park area. The opposition of Stevens-Wismer, while reaffirming the interest in providing a television service to Port Huron which it has professed for some time, does not indicate that it is prepared to apply for a channel at Port Huron in the foreseeable future. Moreover, as Triangle points out, it would appear reasonable that a UHF channel lower than Channel 62 could be requested for assignment to Port Huron should a demand for the use of a channel later arise.

6. Triangle, in its petition, requested that it be ordered to show cause why its authorization for Channel 62 at Allen Park should not be modified to specify operation on Channel 20 at that location. In its comments, Triangle specifically consents to the requested modification and indicates that a show cause order is, therefore, unnecessary. The Commission is of the view that the public interest would be served by modifying WJMY's authorization as requested (Cf. Channel assignments in Columbia, South Carolina, FCC 61–176, February 8, 1961, 21 RR 1536).

7. Authority for the adoption of the amendments herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective September 11, 1961, the table of assignments contained in section 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Ann Arbor, Mich. Detroit, Mich.	*26–, 66– 2+, 4, 7–, 20+, 50–, *56
Port Huron, Mich.	62

9. *It is further ordered*, That effective September 11, 1961, pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding authorization held by Robert M. Parr tr/as Triangle Broadcasting Company is modified to specify operation in Allen Park, Michigan, on Channel 20† instead of Channel 62, subject to the following condition:

(a) Robert M. Parr tr/as Triangle Broadcasting Company shall submit to the Commission by August 16, 1961, all necessary information for the preparation of modified authorization to operate on Channel 20†.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 303, 307, 316, 48 Stat. 1082, 1083, 66 Stat. 711; 47 U.S.C. 303, 307, 153)

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7471; Filed, Aug. 10, 1961; 8:45 a.m.]

[Docket No. 13906 (RM–214) FCC 61–1022]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Lexington and Winchester, Kentucky

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making, released in this proceeding on December 27, 1960 (FCC 60–1554), to amend the television Table of Assignments by interchanging Channel 70 at Lexington, Kentucky, with Channel 37 at Winchester, Kentucky. The Commission also has before it the alternative substitute proposal set out in its Further Notice of Proposed Rule Making, released June 7, 1961, in this proceeding (FCC 61–724), proposing to assign Channel 40 instead of Channel 37 to Lexington by deleting Channel 40 from Campbellsville, Kentucky, substituting Chanel 70 for Channel 37 at Winchester, Kentucky, and deleting Channel 25 from Madison, Indiana.[1]

STATUS OF TV ASSIGNMENTS AT LEXINGTON AND OTHER COMMUNITIES INVOLVED

2. Television channels 18, 27, *46[2], 64 and 70 are assigned to Lexington. Station WLEX, licensed to WLEX–TV, Inc., operates on Channel 18. Station WKYT, licensed to Taft Broadcasting Company, operates on Channel 27. Channels 64 and 70 are unoccupied, and no applications are on file for them.

3. Only Channel 37 is assigned to Winchester and only Channel 40 to Campbellsville. They have not been utilized, and no applications for them are pending.

COMMENTS RECEIVED AND POSITIONS TAKEN BY PARTIES

4. Bluegrass Broadcasting Co., Inc., who requested rule making on the Channel 37 proposal for Lexington, filed comments and reply comments supporting it. It also filed comments on the substitute Channel 40 proposal, stating that while it would prefer to have Channel 37 assigned to Lexington because of antenna site considerations, it has no objection to the assignment of Channel 40 to Lexington instead. The University of Illinois filed comments urging that Channel 40 instead of Channel 37 be assigned to Lexington if the Commission determines that the public interest would be served by assigning a lower UHF channel for commercial use at Lexington than the two available high band UHF assignments.

5. Comments opposing the Channel 37 proposal for Lexington were filed by the licensees of the two Lexington stations, WLEX–TV, Inc., and Taft Broadcasting Company. Taft also filed reply comments. Neither filed comments on the Channel 40 proposal. The arguments contained in their oppositions to the Channel 37 proposal, however, are, for the most part, equally relevant to the Channel 40 proposal since they are basically directed against the assignment of any new, relatively low, UHF channel to Lexington for commercial use. We have therefore taken them into account in considering the Channel 40 proposal.

6. Bluegrass seeks the assignment of Channel 37 or Channel 40 to Lexington because it is interested in establishing a UHF television outlet in Lexington and believes that it would be economically and competitively more practicable to operate on a UHF channel which is lower in the UHF band than the two available high-band UHF assignments at Lexington, particularly since the two Lexington stations operate on channels in the lower portion of the UHF band. It states that if either Channel 37 or Channel 40 is assigned to Lexington, it will apply for its use.

7. The UHF licensees at Lexington oppose the assignment of a new, relatively low, UHF channel such as Channel 37 to Lexington essentially because they believe that it would facilitiate the entry of an "unneeded" third UHF station to the Lexington market and that this would not serve the public interest. They are of the view that the Lexington market cannot now or in the future support more than two local stations. They argue that the advent of a third local service would adversely affect the competitive television situation in the Lexington area and would subject the existing stations to severe economic hardship. The result, they contend, would be the deterioration and loss of existing television service to the public and no ultimate gain in the number of local services available to the public. WLEX–TV also contends that to substitute Channel 70 for the more desirable lower UHF channel assigned to Winchester (Channel 37) would stifle any possible future interest in the establishment of a local television outlet at Winchester and that it would not be in furtherance of a fair, efficient and equitable distribution of television facilities to disturb the Winchester assignment.

8. The University of Illinois takes no position on the merits of either proposal or the arguments of the parties. It does take the position, however, that if the Commission decides that Lexington should be provided with a third relatively-low UHF commercial assignment, Channel 40 rather than Channel 37 should be assigned. It opposes the assignment of Channel 37 to Lexington since this channel consists of the band of frequencies (608–614 mc) which it and other radio astronomy interests desire to have reserved for radio astronomical purposes.[3]

DECISION ON PROPOSALS

9. The Commission is aware that at the present stage of the art, some technical advantage continues to attach to the use of UHF channels in the lower ranges over those higher in the UHF television band. It is largely a matter of somewhat greater receiver sensitivity on the lower UHF channels. Even though such advantages are not such as to prevent successful operation and acceptable service on high-band UHF channels—experience has demonstrated otherwise—in the interests of heightening to the fullest extent possible the growth of UHF and expansion of service to the public, we have consented to the assignment of lower UHF channels to communities when the requested changes did not affect other authorizations. In a community such as Lexington, where the established stations are operating on relatively low UHF frequencies (Channels 18 and 27), there may also be some disadvantage to a new station operating on either of the available high band UHF channels and inconvenience to the public arising from not being in the same general position on the tuning dial of receivers. It appears from the record that all parties agree that the opportunities for the early establishment of a third UHF station in this area would be enhanced by the assignment of a UHF frequency nearer in frequency to those used by the existing Lexington stations, and we are in agreement with this view. We also believe that it would enable a third local station to compete on a more comparable basis with the other stations. Either Channel 37 or Channel 40 can be assigned to Lexington without affecting any authorizations by merely changing or deleting unused assignments in other communities where there appear to be little prospect for their utilization at this time. We are convinced, therefore, that the adoption of either proposal better serves the public interest and the objectives of the Communications Act, particularly section 307(b), than maintaining the status quo with respect to television assignments in these communities.

10. We find no merit in WLEX–TV's charge that to disturb Channel 37 at Winchester in order to improve allocations at Lexington would not comport with a fair, efficient and equitable distribution of television facilities. No evidence has been submitted of any interest in the utilization of Channel 37 at Winchester, even though it has been available for use there since 1952. The prospects for its use at Winchester in the future likewise appear remote in light of the proximity of this small community to the much larger City of Lexington and the service it receives from the Lexington UHF stations.[4] By assigning Channel 37 or 40 to Lexington, the residents of the Winchester area stand to gain a third comparable UHF television service at an early date.

11. Nor can we accept the view of the Lexington UHF broadcasters that it would be adverse to the public interest for us to take this action to heighten the possibility of the entry of a third comparable and competitive UHF station in the Lexington market. Their arguments that a third local service would fulfill no public need are not persuasive. A minimum of three local outlets is clearly desirable to promote effective local competition and to afford the public in the area a more varied and extensive choice of network and other program fare of local and national importance. Their charges that the Lexington market cannot support more than two local stations and that the establishment of a third UHF station in this area would not result in more service to the public and adversely affect available service are likewise not documented by facts or circumstances which we find compelling.

12. We believe it more reasonable to expect that if Lexington becomes a three station market it would strengthen the position of UHF in this area and increase the potential UHF audience and advertising revenues available to this market, thereby fostering improved opportunities for a greater number of UHF stations in the area to survive and prosper and to provide effective competitive television service to the public. In our judgment, the public interest would be disserved by maintaining the status quo with respect to television assignments at Lexington when a lower UHF channel can be provided which would remove one restraint on the growth and expansion of competitive and effective television service in this area. Even assuming, contrary to our expectation, that there is some risk of the consequences which the Lexington UHF broadcasters predict, we are persuaded on the present showing that such risk is more than counterbalanced by the gains to the public which a third competitive UHF service would provide.

13. We have decided that Channel 40 rather than Channel 37 should be assigned to Lexington. Except that antenna site choices are somewhat more limited on Channel 40 than on Channel 37 because of the unused Channel 40 assignment at Columbus, Ohio, there appears to be no other advantage of any significance in using Channel 37, and it does not appear that this advantage is critical. Under these circumstances, and considering that reallocation proposals involving the use of Channel 37 for radio astronomy are still before us, it is preferable, to meet the need of Lexington for a lower UHF assignment with Channel 40.

AUTHORITY AND ORDER

14. Authority for the adoption of the amendments herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

15. In view of the foregoing; *It is ordered*, That, effective September 12, 1961, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations, is amended, insofar as the communities named are concerned, to read as follows:

City	Channel No.
Lexington, Ky.	18+, 27–, 40+, *46+, 64 70+
Winchester, Ky.	

Delete the entry for Campbellsville, Kentucky.

Adopted: August 1, 1961.

Released: August 3, 1961.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U.S.C. 301, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7472; Filed, Aug. 10, 1961; 8:46 a.m.]

[FCC 61–1026]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service Studies

At a session of the Federal Communications Commission held at its offices in

[1] Channel 66 was substituted for Channel 25 at Madison, Indiana, in order to permit the assignment of Channel 32 to Louisville, Kentucky, by our Report and Order (FCC 61–802), adopted June 21, 1961, in Docket No. 14050. Channel 66 at Madison does not need to be changed in order to make Channel 40 available at Lexington.

[2] Channel 46 was assigned to Lexington for noncommercial educational use by our Report and Order (FCC 61–1015), July 27, 1961, in Docket No. 14109.

[3] The University requested rule making on May 6, 1960 (RM–180) on a proposal to delete Channel 37 (608–614 mc) from the television Table of Assignments and to make this radio frequency spectrum space available for radio astronomy. On March 8, 1961, we denied this request (Memorandum Opinion and Order, FCC 61–327, RM–180), holding it would be premature to consider the reallocation of this band of frequencies for the use of radio astronomy in rule making apart from the reallocation proposals and problems presented for consideration in Docket No. 11997 (concerning reallocation of frequencies between 25 and 890 megacycles) and prior to the conclusion of that proceeding. On April 11, 1961, the University filed a petition for reconsideration of our decision on its request which is supported in comments filed by Yale University, the Department of Terrestrial Magnetism of the Carnegie Institution of Washington and the University of Florida, and opposed by the Association of Maximum Service Telecasters, Inc. By letter dated May 4, 1961, the University of Illinois requested that action on its petition for reconsideration be withheld pending disposition of the proceedings in Docket 11997 and that it be considered in that proceeding. The letter also expressed the hope that, in the meantime, the Commission will not grant any television application for Channel 37. We have not yet acted on this petition for reconsideration.

[4] The U.S. Census Reports indicate that Winchester, which is only about 18 miles to the east of Lexington, had a 1960 population of 10,187 and that Clark County, in which it is located, had a 1960 population of 21,075. Lexington had a 1960 population of 62,810 and Fayette County, in which it is located, a population of 131,906.

Washington, D.C., on the 3d day of August 1961;

The Commission, having under consideration a letter dated June 6, 1961, from The Western Union Telegraph Company requesting that Section 64.221(a) of Subpart B of Part 64 of its rules and regulations governing domestic telegraph speed of service studies be amended, effective September 1, 1961, to delete Chattanooga, Tenn., Passaic, N.J., Peoria, Ill., Rockford, Ill., Springfield, Mass., Wilmington, Del., and Worcester, Mass., from the 75 cities listed therein at which Western Union is required to conduct daily studies of the domestic telegraph speed of service and to report monthly summaries thereof to the Commission, and to substitute, in lieu thereof, Austin, Tex., Little Rock, Ark., Mobile, Ala., Orlando, Fla., Pasadena, Calif., Shreveport, Pa., and Tucson, Ariz.; and also having under consideration a telegram of July 24, 1961, from the telegraph company requesting amendment of Section 64.221, effective September 1, 1961, so as to require the company to make traffic load studies every two years showing the 75 cities handling the largest volume of terminating messages;

It appearing that the cities presently specified in Section 64.221(a) of the Commission's Rules and Regulations, effective January 1, 1959, were selected on the basis of the 75 cities in the Western Union system handling the largest volume of terminating messages based on 1957 handlings;

It further appearing, that according to traffic data submitted by Western Union, revision of the list of cities as proposed would reflect the 75 cities handling the largest volume of terminating traffic on the basis of the average weekly received trunk load for the year ending April 30, 1961;

It further appearing that § 64.221 of the Commission's rules and regulations should be further amended so as to require Western Union to submit studies to the Commission every two years showing the 75 cities in the Western Union system handling the largest volume of terminating messages;

It further appearing that Western Union is the only person subject to the amended rules adopted herein; that such amended rules have been agreed to by Western Union; that Western Union has requested that such rules be made effective September 1, 1961; and, hence, that compliance with the public notice, procedural and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary;

It is ordered, That pursuant to sections 4(i), 201(b) and 218 of the Communications Act of 1934, as amended, § 64.221 of Subpart B of Part 64 is amended, effective September 1, 1961, in the following respects:

a. Section 64.221(a) is amended by deleting Chattanooga, Tenn., Passaic, N.J., Peoria, Ill., Rockford, Ill., Springfield, Mass., Wilmington, Del., and Worcester, Mass., from the list of cities specified therein and inserting in said list in alphabetical order Austin, Tex., Little Rock, Ark., Mobile, Ala., Orlando, Fla., Pasadena, Calif., Shreveport, La., and Tucson, Ariz.

b. A new paragraph (c) is added, to read as follows:

(c) For the purpose of determining such further revision by the Commission in the list of cities designated in paragraph (a) of this section, as may be warranted, The Western Union Telegraph Company shall conduct load studies for the year ending April 30, 1963, and for every second year thereafter ending on the same date, showing the 75 cities in its system handling the largest average weekly received trunk load for such years and shall submit such studies to the Commission by letter no later than June 1, 1963, and every two years thereafter.

(Sec. 48, 48 Stat. 1066, as amended, 47 U.S.C. 154. Interpret or apply secs. 201, 218, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218)

Released: August 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7653; Filed, Aug. 10, 1961; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Medicine Lake National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,240 acres or 7 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: White-tailed or mule deer only.

(b) Open season: One-half hour before sunrise until one-half hour after sunset, October 15 through October 17, 1961.

(c) Daily bag limits: One deer, either sex, per season.

(d) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. All persons must check in and out at designated checking stations.

3. No camping will be permitted on the area.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to October 18, 1961.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1961.

[F.R. Doc. 61-7618; Filed, Aug. 10, 1961; 8:47 a.m.]

PART 32—HUNTING

Little Pend Oreille National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Little Pend Oreille National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,827 acres of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and bear.

(b) Open season:

General buck season—October 14 through November 5, 1961.

Extended buck season—November 18 through December 3, 1961.

Either sex deer season—October 21 through November 5, 1961.

Bear season—September 1 through November 5, 1961.

(c) Daily bag limits:

Deer in buck seasons—1 buck with visible antler per season.

Deer in either sex season—1 deer either sex per season.

Bear—Two bear per season.

(d) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping—Camping will be permitted in designated areas only.

3. Checking stations—Hunters will report at such checking stations as may be established when entering or leaving the area.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to December 4, 1961.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1961.

[F.R. Doc. 61-7619; Filed, Aug. 10, 1961; 8:47 a.m.]

PART 32—HUNTING

Willapa National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Willapa National Wildlife Refuge, Washington, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres or 11% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer and bear.

(b) Open season: From one-half hour before sunrise to sunset, October 14 through October 29, 1961.

(c) Daily bag limits: One deer of either sex per season. Two bear per season.

(d) Methods of hunting:

1. Hunting is permitted by bow and arrow only.

2. Possession or use of firearms while hunting with bow and arrow is prohibited.

3. Dogs are not permitted for hunting.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Checking Stations—Hunters, upon entering or leaving the hunting area will be required to report at such checking stations as may be established for this purpose.

3. Camping—Camping is permitted in all areas except those posted as closed.

4. During open season hours specified in (b) above raccoons may be taken with bow and arrow, without regard to limits.

5. A Federal permit is not required to enter the public hunting area.

6. The provisions of this special regulation are effective to October 30, 1961.

HARRY A. GOODWIN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 3, 1961.

[F.R. Doc. 61-7620; Filed, Aug. 10, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

PERISHABLE AGRICULTURAL COMMODITIES

Extension of Time To Submit Data or Views

A notice was published in the FEDERAL REGISTER on May 19, 1961 (26 F.R. 4368), setting forth a proposed revision of the existing regulations, other than rules of practice (7 CFR 46.1–46.41), effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a, et seq.).

This revision dealt with a modification of the definition of suitable shipping condition, § 46.41(j), and proposed a Good Delivery Standard for lettuce.

In view of the comments received, additional time is necessary to study the proposed changes. Notice is hereby given of the extension of time until November 15, 1961, within which period written data, views, or arguments may be submitted by interested parties in connection with the proposed revision.

Done at Washington, D.C., this 7th day of August 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–7625; Filed, Aug. 10, 1961; 8:47 a.m.]

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Proposed Salable and Surplus Percentages for the 1961–62 Crop Year

Notice is hereby given that there is under consideration the proposed establishment of a salable percentage of 80 percent and surplus percentage of 20 percent for California almonds during the 1961–62 crop year which began July 1, 1961. The proposed percentages are based on recommendations of the Control Board and other available information and would be established under the provisions of amended Marketing Agreement No. 119 and Order No. 9 (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The proposed percentages are based upon the following estimates (in terms of kernel weight for the crop year beginning July 1, 1961:

(1) Production of 70 million pounds;

(2) Trade demand for domestic almonds of 55 million pounds which is based on a total trade demand of 57 million pounds less 2 million pounds of imported almonds;

(3) Handler carryover of 14.2 million pounds on July 1, 1961;

(4) Desirable handler carryover of 15.2 million pounds on June 30, 1962;

(5) Total trade demand and carryover requirements for 1961 crop almonds of 56 million pounds (items 2 plus 4 minus 3); and

(6) 14 million pounds of surplus almonds.

Consideration will be given to written data, views, and arguments pertaining thereto which are received by the Director, Fruit and Vegetable Division, Agricultural Market Service, United States Department of Agriculture, Washington 25, D. C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

Dated: August 8, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–7626; Filed, Aug. 10, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

MINIMUM PIECE RATES IN PUERTO RICO

Notice of Proposed Rule Making

Pursuant to authority in section 6(a)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(2)), Reorganization Plan No. 6 of 1950 (29 CFR, 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend 29 CFR 545.13 by adding operations to the piece rate schedule for the women's and children's underwear and women's blouse and neckwear industry and the children's dress and related products industry in Puerto Rico as hereinbelow set out. The proposed piece rates are a result of production time studies conducted in Puerto Rico with a representative group of homeworkers.

Any person interested in this proposal may file a written statement of data, views or arguments regarding it with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C., within 15 days after this notice is published in the FEDERAL REGISTER.

21.1 Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1 inch or more—1.61 cents per yard.

21.2 Hand cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline, around scallops measuring less than 1 inch—3.62 cents per yard.

22.2 Hand cutting material underneath straight or nearly straight outline—1.23 cents.

22.3 Hand cutting material underneath irregular outline—1.84 cents per yard.

(52 Stat. 1062, as amended; 29 U.S.C. 206)

Signed at Washington, D.C., this 7th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–7632; Filed, Aug. 10, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14229 FCC 61–993]

[47 CFR Part 3]

FOSTERING EXPANDED USE OF UHF TELEVISION CHANNELS

Notice of Proposed Rule Making

1. The merits and shortcomings of any system of spectrum usage can be assessed meaningfully only in terms of its objectives, and the degree to which the channel and station assignment principles foster the attainment of those objectives. The basic goal of the television allocation is to provide spectrum space adequate to the realization of a system of competitive nationwide and local television services reaching all parts of the country with the largest possible number of program choices and competing outlets of local expression.

2. Despite the notable achievement of bringing some television service within the range of almost all American homes, the television system has disappointed expectations held in 1952 when the Commission issued its Sixth Report and Order assigning 12 VHF and 70 UHF channels, providing for 1,875 commercial stations and 252 educational stations in over 1,200 communities throughout the nation. On June 3, 1961, 531 commercial and 56 noncommercial educational stations were operating in 282 communities. Although the VHF channels have been relatively heavily populated with stations, only 75 of the 1,543 UHF channel assignments are currently in use. Moreover, only 65 of the television markets in the United States are served by 3 or more competitive local

television outlets, and there is pressing need for additional outlets in numbers of markets now deprived of a third locally originated service.

3. The root cause for these serious shortcomings in the present system derives from the inability of UHF stations to thrive competitively side by side with VHF stations under present conditions. The reasons for this are familiar. Owing to the vast preponderance of VHF-only receivers and the consequent limitation on audiences for UHF broadcasts, both advertising sponsors and program suppliers have preferred VHF outlets. In addition, VHF stations, in the present state of the art, can achieve greater area coverage.

4. Yet the need for larger numbers of television stations cannot be met through the use of only 12 VHF channels plus a relatively few stations in the UHF band. Careful studies of the problem led to the Commission's announcement in April 1959, that it would be necessary to seek solutions among 5 alternative modes of allocating spectrum space to television. Three of these solutions contemplated expansion of the number of VHF channels allocated for television broadcasting. The fourth contemplated a 70-channel-UHF-only system, while the fifth looked toward more effective use of the present 82-channel VHF–UHF system. Negotiations were undertaken looking toward the possibility of obtaining additional frequencies in the VHF and lower UHF portions of the radio spectrum. It was concluded, however, by the Department of Defense and the Office of Civil Defense Mobilization that substantial reassignment of non-Government services now occupying portions of the spectrum which have been considered for a contiguous band of VHF channels would not only involve excessive costs but additionally would unduly disrupt Defense resources.

5. The announcement of that conclusion late last year made it clear that the fulfillment of the objectives of the Nation's television system can be achieved only through much fuller utilization of the UHF channels now allocated for television broadcasting.

It is not yet clear whether a nationwide, competitive system can be achieved through the use of the UHF channels only. Though this may eventually be found to be feasible, for the present our efforts must be concentrated upon developing a system involving greatly expanded use of the UHF channels in combination with the now virtually saturated 12 VHF channels. Thus, whatever the ultimate solution may be—an all-UHF or a combined system—it is clear that expanded efforts must now be made to encourage and facilitate fuller utilization of the UHF channels.

6. It is universally recognized that, apart from any other measures which can be invoked to bring about fuller use of UHF, it will be necessary to take effective steps regarding the root problem of receiver incompatibility. It is critically important that those who construct and operate UHF television stations should be able to reach an audience with receivers capable of using UHF signals. This holds not only for commercial operators but for educators as well.

7. Recognizing the importance of this aspect of the problem, the Commission has requested Congress to enact legislation giving it authority to prescribe standards for television receivers to be shipped in interstate or foreign commerce. It is expected that appropriate measures which could be taken under such new legislative powers, coupled with a series of other steps which we propose herein, would enhance the opportunities for successful use of UHF channels for television broadcasting.

8. The steps we propose hereafter in this Notice do not require changes in existing law, but may be taken through the exercise of regulatory powers already conferred upon the Commission. They constitute a multipronged program designed to lower the barriers which have stood in the way of progress in UHF telecasting. In summary, that program will consist of:

(1) Recognition and acceptance of the principle that the UHF TV spectrum is indispensable to the achievement of a nationwide fully competitive television service. This has already been emphasized above.

(2) Encouragement of the use of UHF facilities through the creation of all-UHF areas in markets where multiple services would probably develop if sufficient comparable facilities, not possible under present conditions, can thereby be made available. This involves an expanded program of deintermixture. (See paragraphs 9 and 10.)

(3) Confining interim assignment of additional VHF frequencies at substandard spacings to the most pressing cases of need for early competitive outlets in the major markets where there are already two VHF stations and where the addition of a third VHF station would not impinge significantly upon existing UHF service. (See paragraph 11.)

(4) Relaxation of some of the technical requirements for UHF broadcasting, thereby making possible the construction and operation of UHF stations at lower cost. (See paragraph 12.)

(5) Permitting VHF stations to operate parallel UHF outlets in the same community under waivers of the duopoly rule. This will involve earmarking for such dual operations enough UHF channels to provide a UHF outlet for each existing VHF station, as well as for all holders of VHF construction permits. This pool of channels for commercial use will be reserved for a period of three years from the effective date of legislation authorizing the Commission to fix standards for television receivers shipped in interstate or foreign commerce, if such be passed or until December 31, 1965, whichever date shall first occur. (See paragraphs 13–17.)

(6) Earmarking sufficient additional UHF channels to provide for educational needs, taking account of an updated assessment of those needs now being undertaken by educators. (See paragraph 15.)

(7) Elimination of the table of UHF channel assignments and substitution in its place of an assignment system under which anyone desiring to build a station in a particular community may apply for the lowest locally available UHF channel without antecedent rule making. (See paragraphs 17–20.)

(8) Eliminating comparative hearings for UHF channels to the end that a qualified applicant will be granted any channel for which he has applied before anyone else. Such construction permits shall be cancelled unless the station authorized is built within the time specified therein or any extension thereof granted for good cause shown. (See paragraph 21.)

(9) Employing UHF translators as the preferred means of bringing television service to any remaining white areas. (See paragraph 22.)

9. *Deintermixture.* First, the Commission believes that it is of prime importance to increase the number of communities where all television stations are confined to the UHF band. The elimination of VHF–UHF intermixture is most practicable at this stage in markets where there is only one VHF station operating in competition with one or more local UHF stations, and where considerable numbers of receivers in the hands of the public are capable of using UHF signals. Our review of the television markets throughout the United States indicates the desirability of initiating deintermixture proceedings in the following eight markets where the foregoing conditions exist, and where it appears that the UHF service areas of local stations would be sufficiently free from competition from outside VHF stations to promise meaningful improvement in the possibilities for enhanced UHF services through the removal of the local VHF channel assignments:

Madison, Wis.
Rockford, Ill.
Hartford, Conn.
Erie, Pa.
Binghamton, N.Y.
Champaign-Urbana-Danville-Springfield-Decatur, Ill.
Columbia, S.C.
Montgomery, Ala.

Simultaneously with the adoption of the instant notice we are initiating separate rule makings, inviting comments on the proposed deintermixture of the foregoing markets. The Commission attaches importance to making a start now by initiating proceedings in the above-named markets. It is contemplated that, as indicated by further studies and developing circumstances, and in response to further proposals, additional deintermixture proceedings will be initiated in further markets at a later time.

10. If Congress enacts the receiver legislation requested by the Commission as referred to above, the passage of time will bring an ever-increasing number of all-channel sets. If the achievement of set compatibility in itself is enough to provide incentive for the building of UHF stations and to permit their successful operation, then perhaps a satisfactory system of intermixed assignments can be achieved. Additionally, improvement which the legislation can bring about on the receiver incompati-

bility problem would, in time, make possible a more thoroughgoing reallocation of channel assignments looking toward providing substantially all-UHF assignments in certain areas of the country where population is dense and communities capable of supporting television stations are located close together. This will permit the employment of the VHF channels for an expanded, multi-channel all-VHF service in other areas, particularly those where terrain or sparseness of population make VHF service more appropriate. Unless it be found later that all television can be shifted to the UHF portion of the spectrum, such a regionally deintermixed system may permit the most effective possible use of the 82 channels now allocated to television. The impact of such widespread allocation changes will be mitigated not only by the wide dissemination of all-channel sets but also by a transition period in which existing VHF stations will be allowed to broadcast simultaneously on a UHF channel, as discussed below.

11. *Short spaced VHF assignments.* In proposing to embark on the foregoing approaches to alleviate the burdens hitherto experienced in conducting UHF operations, we do not overlook the central problem of competitive disparities between VHF and UHF operations and the consequent burden on the UHF operator of the presence of VHF signals in his service area. For reasons elaborated in the Report and Order adopted in Docket 13340, the Commission intends to limit to a very small number of special cases the assignment of additional VHF channels. This will be accomplished by waivers of the rule governing VHF channel spacings. In the cases where we propose to permit such new VHF assignments we have found special justification in the need for the earliest possible provision of the third competitive television outlet in some of the largest two station markets. Consistent with the announced criteria by which we proposed to evaluate such short spaced VHF assignments, we have confined them to markets where it does not appear they will exert a palpable adverse impact upon existing UHF operations in other communities.

12. *Relaxation of technical requirements*—(a) *Vestigial side band elimination.* We are proposing to eliminate the general requirement for the specified attenuation of the lower sideband. Lack of congestion in the UHF band minimizes the hazard of interference from this source. If interference does occur particularly as the band becomes more occupied the Commission may require corrective action. The lower side band filters used by TV stations are quite costly and their elimination should reduce to some extent the initial cost of installation.

(b) *Elimination of the restrictions on directional antennas.* Under the present rules the transmitting antenna directivity is limited to a ratio of 10 db between maximum and minimum radiation. In order to permit prospective operators the widest possible selection in the choice of antenna sites we are proposing to eliminate completely any restrictions on antenna directivity. As small stations increase their audience the trend will be toward less directivity and any inequities resulting from excessive directivity will be self correcting. If at a later time the Commission should find it desirable to reinsert the directivity requirement, consideration will be given to economic hardship in individual cases.

(c) *Remote control.* The present rules do not permit remote control of the transmitter. Under the new relaxed requirements proposed in the instant proceeding there may be many cases where remote control would be desirable. We are therefore proposing to permit remote control under the terms specified in Appendix I. Among other things, this will free the first class operator for additional duties at the studio.

(d) *Ratio of visual to aural power.* We propose to liberalize the permissible ratios of aural to visual power for UHF stations permitting aural powers as low as 10 percent of the visual power. This should result in a substantial saving in both initial investment and operating costs.

13. *Dual operation of UHF stations by VHF licensees.* One of the potentially significant means whereby UHF service may be introduced in communities which are now primarily or completely VHF would be the operation by VHF station licensees of an ancillary UHF outlet. A number of economies open to VHF operators could, in the Commission's view, facilitate such an undertaking. Existing studio and other related facilities would be available with little additional cost for UHF operation. In many instances it may be possible to place a UHF transmitting antenna on the same tower used for the existing VHF antenna. In many cases the present operating personnel could be used for both stations. We invite comments as to whether it would be desirable to permit program duplication, as preferable to require separate programming of the commonly-owned VHF and UHF stations.

14. In order to permit dual VHF and UHF operations by the same licensee it would be necessary to waive, to that extent, the present prohibition in the multiple ownership rule (§ 3.636) against the operation by a single licensee of two television stations serving the same population. In our considered judgment the objective of spurring and fostering the utilization of UHF channels, and the wider use of all-channel receivers, would amply justify such waivers which would permit dual VHF–UHF operation until such future time as developments would call for return to the present policy of limiting licensees to one TV station in any single market.

15. We must now provide sufficient UHF channels for dual operation by authorized VHF stations under waivers of the duopoly rule, and insure the continued reservation of adequate spectrum space for the further development of educational television. These two needs can be met—at least at this stage—by insuring that wherever a commercial VHF channel is assigned and wherever there is an authorized VHF educational TV station or an unused noncommercial educational channel assignment (whether VHF or UHF), there will remain available sufficient UHF spectrum space to accommodate an equivalent number of UHF stations. Although provision would thus be made only for enough reserved UHF channels to accommodate the number of non-commercial educational stations for which UHF and VHF channels are assigned in the present Table (§ 3.606), the Commission understands that studies are now being made of probable future spectrum needs for educational television, and that proposals for revisions in provisions now made for educational television may be submitted in the relatively near future. Any such proposal will receive attentive consideration in reaching our decision herein.

16. An applicant who is within the class of persons for whom the "pool" channels are earmarked (i.e. the holder of a local VHF authorization or an educator) may apply for any of the channels earmarked in the local "pool" which have not been previously applied for or any other channel which is locally available. In the latter case one of the earmarked channels will be dropped from the "pool". If any applicant for whom channels are not earmarked in a "pool" (i.e. anyone other than a holder of a local VHF authorization or an educator) wishes to apply for a channel earmarked in a "pool", or for a channel which because of short separations would conflict with an earmarked channel, he would be permitted to do so provided that when he applies, the applicant proposes an acceptable substitute channel for the earmarked pool. By this means it would be possible to avoid reducing the numbers of pooled channels below that required for the holders of VHF authorizations and educators, while at the same time avoiding preferential earmarking of particular channels for people entitled to participate in the pool as against other applicants prepared to go forward with the building and operation of the local UHF station. Similarly, if a holder of a VHF authorization or an educator (i.e. a person entitled to take up one of the channels earmarked in the local pool) preferred to apply for a UHF channel not so earmarked, he could apply for any other channel which is locally available.

17. The number of UHF channels so required for individual community "pools" are set out in Appendix II hereto. We do not propose to maintain indefinitely the pools of earmarked UHF channels for the benefit of commercial VHF licensees. They would be established now as a means of preserving desirable latitude in deciding later upon the most effective course for an evolving UHF television service. For present purposes we propose that the pooled channels remain earmarked, subject to substitutions as hereafter discussed, until three years from the effective date of legislation authorizing the Commission to fix standards for television sets shipped in interstate or foreign commerce, or until December 31, 1966, whichever date shall first occur. By that time it will be possible to make further decisions in the light of intervening experience including results obtained from the projected experimentation with UHF propagation and reception in New York City. The UHF channels reserved for educational use will continue in the pools until further action of the Commission.

Elimination of the table of UHF channel assignments. 18. Under the present system, applications are accepted for UHF stations only on channels assigned to named communities. Despite the fact that most of the assigned UHF channels are not taken up, any one interested in establishing a UHF station who seeks a channel lower than one presently assigned to the community must first secure a drop-in or reshuffle of UHF channels through an antecedent rule making proceeding. Depending upon channel availabilities, it may be necessary to propose and obtain consideration of a complex of collateral channel reassignments in neighboring communities.

19. At the present stage of the art some advantage continues to attach to the use of UHF channels in the lower ranges over those higher in the UHF television band. This disparity, while acknowledged, should not be overstressed or exaggerated, and will, it is hoped, be reduced as the technology advances. UHF translators occupying the uppermost 14 channels have operated with demonstrated success to provide service of acceptable quality to growing numbers of persons. In the interests of heightening to the fullest possible extent incentives for the building of additional UHF stations, it appears appropriate that we should facilitate access on the part of would-be UHF operators to the lowest available UHF channels.

20. We propose to do this, by amending the rules so as to enable a qualified applicant interested in establishing a UHF station in a given community to designate and apply for any UHF channel available for local assignment. No channel will be considered locally available which fails to meet the separations prescribed in §§ 3.610 and 3.698 of the rules with respect to all UHF channels on which there are outstanding construction permits or licenses, on which an application is pending, or which is earmarked in a "pool". Additionally, it is desirable to safeguard against the taking up of UHF channels in a manner which would result in ultimately inefficient distribution of UHF assignments and earlier saturation than would occur under the present system of fixed assignments. This could happen even though each new UHF assignment taken up individually met all required spacings. For example, it could happen that were a particular pair of co-channel assignments 300 miles apart separated by a little more distance, an additional assignment could be placed between them meeting the 155 mile minimum spacing toward each of them. Parties are invited to comment on methods and restrictions best suited to preserving the ultimate efficiency of nationwide assignments in the UHF band while permitting applications to be made without reference to a fixed table of assignments. One method which the Commission believes may have merit, and which it is studying, would be to arrange the UHF channels in groups and specify the manner in which individual channels could be selected. Our preliminary studies show that such grouping of channels for use in a specific city and the surrounding areas reduces the impact of the "taboo" channels and results in greater efficiency in the use of the 70 UHF channels. Furthermore, such grouping will help to preserve equitable distribution and avoid undue concentration of all the more desirable UHF assignments in the larger centers to the deprivation of smaller communities. We believe that such a system would retain the advantages of a fixed city-by-city Table of Assignments and at the same time provide the degree of flexibility needed to stimulate the development of UHF television by making low channels more easily available to early starters.

21. The first applicant for a locally available channel would pre-empt it as against subsequent applicants for the same channel or for a channel elsewhere which would conflict, provided, of course, the applicant is found to be legally, financially and technically qualified. The pre-emption would occur on a tentative basis upon filing and would be confirmed upon a grant based upon a finding that the applicant is qualified. The Commission would rigorously require applicants who so pre-empted a channel to build and start operating within the prescribed time. Extensions would be considered only for brief periods where good cause is amply shown. The opportunity so to pre-empt a channel by applying for it would be discontinued at such time as local availabilities approach saturation. The Commission would then recur to the traditional system of comparative hearings for mutually exclusive applications. This might be done on a city-to-city, regional, or nationwide basis depending upon the Commission's later assessment of the time at which and the manner in which it would be appropriate to discontinue the first-come-first-served process of assigning UHF channels to applicants.

22. *Use of UHF translators.* Finally, we recognize the possible need for supplementing service from major UHF stations through ancillary repeater devices such as translators or boosters, for which provision is made in our present rules. Consonant with our objectives herein we believe it preferable to foster the use of UHF channels for translator use. They are now confined to the upper UHF channels. While it would seem premature to make additional UHF channels available for translators until the pattern of major use of the UHF band emerges more clearly, we will be prepared, at a later stage, to consider doing so in a manner consistent with preservation of needed UHF spectrum space for full-fledged television stations.

23. It is believed that the foregoing actions by the Commission, coupled with the hoped for adoption of legislation proposed with respect to the crucial problem of receiver incompatibility can significantly spur a renewed resurgence of UHF station construction and operation.

24. The requisite authority for adoption of the rule amendments proposed in Appendix I hereto is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

25. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. In reaching its decision herein, the Commission will not be limited to consideration of comments of record, but will take into account all relevant information obtained in any manner from informed sources.

26. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX I

Amend Part 3, Subpart E as follows:

1. Add a new § 3.669 to read as follows:

§ 3.669 Remote control operation.

(a) Television broadcast stations operating on Channels 14–83 may be operated by remote control if the following requirements are met:

(1) The transmitting equipment and control equipment shall be adequately protected against tampering or activation by unauthorized persons.

(2) The control circuits shall include means for performing the following functions:

(i) Turning the transmitter on and off at will.

(ii) Determining the plate power input to the final radio frequency amplifier or the power delivered to the antenna.

(iii) Adjusting the power input to the final radio frequency amplifier to compensate for variations in line voltage.

(3) The control point shall be equipped with apparatus suitable for observing the waveform and other pertinent characteristics of the transmitted visual signal and the percent of modulation of the aural signal.

(4) The control circuits from the control point to the transmitter shall be such that open circuits, short circuits, accidental grounding, or other line faults will not activate the transmitting apparatus and any fault which results in loss of control of the transmitting apparatus will automatically remove the power from the transmitting antenna.

2. Section 3.682(a)(15) is amended to read as follows:

§ 3.682 Transmission standards and changes.

(a) * * *

(15) The effective radiated power of the aural transmitter of stations operat-

[1] Dissenting statement of Commissioner Cross filed as part of original document.

ing on Channels 2–13, shall not be less than 50 percent nor more than 70 percent of the peak radiated power of the visual transmitter. The effective radiated power of the aural transmitter of stations operating on Channels 14–83 shall not be less than 10 percent nor more than 70 percent of the peak radiated power of the visual transmitter.

3. Section 3.685(e) is amended to read as follows:

§ 3.685 Transmitter location and antenna system.

• • • • •

(e) An antenna designed or altered to produce a non-circular radiation pattern in the horizontal plane, is considered to be a directional antenna. Directional antennas may be employed for the purpose of improving service upon an appropriate showing of need. Stations operating on Channels 2–13 will not be permitted to employ a directional antenna having a ratio of maximum to minimum radiation in the horizontal plane, in excess of 10 decibels. Directional antennas employed by stations operating on Channels 14–83 are not limited as to the ratio of maximum to minimum radiation.

4. Section 3.687(a)(3) is amended to read as follows:

§ 3.687 Transmitters and associated equipment.

(a) • • •

(3) The radiated field strength of the lower sideband of stations operating on Channels 2–13 shall be at least 20 decibels below the nominal strength of the equivalent upper sideband component when the visual carrier is modulated with a frequency of 1.25 mc or greater. Stations operating on Channels 14–83 are not required to observe this requirement. When color signals are being transmitted on any channel the radiated field strength of the lower sideband of the color sub-carrier shall be at least 42 decibels below the strength of the equivalent upper sideband component. In the present state of the art, field strength measurements do not provide a reliable indication of compliance with the foregoing requirement. Therefore, measurements made in accordance with subparagraph (4) of this paragraph, shall be used to demonstrate compliance. However, if interference should occur to television stations operating on the lower adjacent channel (and to other radio stations operating immediately below Channel 14) the attenuation requirements which apply to stations operating on Channels 2–13 shall be met. For both monochrome and color and for stations operating on all television broadcast channels, the field strength or voltage of the upper sideband as radiated or dissipated and measured as described in subparagraph (4) of this paragraph shall not be greater than −20 db for a modulating frequency of 4.75 mc or greater.

5. In addition to the foregoing specific amendments, the Commission proposes to adopt rules implementing the policies and procedures outlined in subparagraphs (5) through (8) of Paragraph 8 of the Notice of Proposed Rule Making and discussed in greater detail in the subsequent paragraphs referenced therein.

APPENDIX II—*Pools of earmarked UHF channels* [1]

City	Numbers of earmarked UHF channels: Commercial [2]	Non-commercial educational [3]	Total
Alabama:			
Andalusia	0	2	2
Auburn	0	1	1
Birmingham	2	2	4
Demopolis	0	1	1
Dothan	1	1	2
Florence	0	1	1
Mobile	2	1	3
Montgomery	1	1	2
Munford	0	2	2
Opelika	0	1	1
Selma	1	0	1
Tuscaloosa	0	1	1
University	0	1	1
Alaska:			
Anchorage	3	1	4
Fairbanks	5	1	6
Juneau	2	1	3
Ketchikan	2	1	3
Seward	2	0	2
Sitka	1	0	1
Arizona:			
Douglas	1	0	1
Flagstaff	2	0	2
Kingman	1	0	1
Mesa	1	0	1
Phoenix	3	1	4
Tucson	3	1	4
Yuma	2	0	2
Arkansas:			
El Dorado	1	0	1
Fayetteville	0	1	1
Fort Smith	1	1	2
Hot Springs	1	0	1
Jonesboro	1	0	1
Little Rock	3	1	4
California:			
Alturas	1	0	1
Bakersfield	1	1	2
Chico	1	0	1
Eureka	3	0	3
Fresno	1	1	2
Los Angeles	7	1	8
Redding	2	0	2
Sacramento	2	1	3
Salinas-Monterey	1	0	1
San Bernardino	0	1	1
San Diego	2	1	3
San Francisco-Oakland	4	1	5
San Jose	1	1	2
San Luis Obispo	1	0	1
Santa Barbara	1	0	1
Stockton	1	1	2
Colorado:			
Alamosa	1	0	1
Boulder	0	1	1
Colorado Springs	2	1	3
Denver	4	1	5
Durango	1	0	1
Grand Junction	1	0	1
Lamar	1	0	1
Montrose	1	0	1
Pueblo	1	1	2
Sterling	1	0	1
Connecticut:			
Bridgeport	0	1	1
Hartford	1	0	1
New Haven	1	0	1
Delaware:			
Wilmington	1	1	2
District of Columbia:			
Washington	4	1	5
Florida:			
Daytona Beach	1	0	1
Fort Myers	1	0	1
Gainsville	1	0	1
Jacksonville	2	1	3
Miami	4	1	5
Orlando	2	1	3
Panama City	2	1	3
Pensacola	1	1	2
Tallahassee	0	1	1
Tampa-St. Petersburg	3	1	4
West Palm Beach	2	1	3
Georgia:			
Albany	1	0	1
Athens	1	0	1
Atlanta	3	1	4
Augusta	2	0	2
Columbus	2	1	3
Georgia—Continued			
Macon	1	1	2
Savannah	2	1	3
Thomasville	1	0	1
Waycross	1	0	1
Hawaii:			
Hilo, Hawaii	4	1	5
Honolulu, Oahu	4	1	5
Libue, Kauai	3	1	4
Wailuku, Maui	3	1	4
Idaho:			
Boise	2	1	3
Caldwell	1	0	1
Idaho Falls	2	0	2
Lewiston	1	0	1
Moscow	1	1	2
Nampa	2	0	2
Pocatello	2	0	2
Twin Falls	2	0	2
Illinois:			
Carbondale	0	1	1
Champaign-Urbana	1	1	2
Chicago	4	1	5
De Kalb	0	1	1
Harrisburg	1	0	1
Peoria	0	1	1
Quincy	1	0	1
Rockford	1	1	2
Springfield	0	1	1
Indiana:			
Bloomington	1	1	2
Evansville	1	1	2
Fort Wayne	0	1	1
Gary	0	1	1
Indianapolis	3	1	4
Lafayette	0	1	1
Muncie	0	1	1
South Bend-Elkhart	0	1	1
Terre Haute	2	1	3
Iowa:			
Ames	1	0	1
Cedar Rapids	2	1	3
Davenport-Rock Island-Moline, Ill.	3	1	4
Des Moines	2	1	3
Iowa City	0	1	1
Mason City	1	0	1
Sioux City	2	1	3
Waterloo	1	1	2
Kansas:			
Dodge City	1	0	1
Garden City	2	0	2
Goodland	1	0	1
Great Bend	1	0	1
Hays	1	0	1
Hutchinson	1	0	1
Laurence	0	1	1
Manhattan	0	1	1
Pittsburg	1	0	1
Topeka	1	1	2
Wichita	2	1	3
Kentucky:			
Bowling Green	1	0	1
Louisville	2	0	2
Paducah	1	0	1
Louisiana:			
Alexandria	1	0	1
Baton Rouge	2	1	3
Houma	1	0	1
Lafayette	1	0	1
Lafayette-Lake Charles	1	0	1
Lake Charles	1	1	2
Monroe	1	1	2
New Orleans	3	1	4
Shreveport	2	0	2
Maine:			
Augusta	1	0	1
Bangor	2	1	3
Calais	1	0	1
Lewiston	1	0	1
Orono	0	1	1
Portland	2	1	3
Presque Isle	2	0	2
Maryland:			
Baltimore	3	1	4
Massachusetts:			
Amherst	0	1	1
Boston	3	1	4
New Bedford	1	0	1
North Adams	0	1	1
Michigan:			
Alpena	1	0	1
Ann Arbor	0	1	1
Bay City	1	0	1
Cadillac	1	0	1
Calumet	1	0	1
Cheboygan	1	0	1
Detroit	3	1	4
Escanaba	1	0	1
Flint	1	1	2
Grand Rapids	1	1	2

See footnotes at end of table.

APPENDIX II—*Pools of earmarked UHF channels* [1]—Continued

City	Numbers of earmarked UHF channels: Commercial [2]	Non-commercial educational [3]	Total
Michigan—Continued			
Houghton	0	1	1
Iron Mountain	1	0	1
Ironwood	1	0	1
Kalamazoo	1	1	2
Lansing	1	0	1
Marquette	2	1	3
Mount Pleasant	0	1	1
Parma-Onodaga	1	0	1
Sault Ste. Marie	2	1	3
Traverse City	1	1	2
Minnesota:			
Alexandria	1	0	1
Appleton	0	1	1
Austin	1	0	1
Bemidji	1	0	1
Brainerd	1	0	1
Duluth-Superior, Wis.	3	1	4
Hibbing	1	0	1
International Falls	1	0	1
Mankato	1	0	1
Minneapolis-St. Paul	4	1	5
Rochester	1	0	1
Mississippi:			
Biloxi	1	1	2
Columbus	1	0	1
Greenwood	1	0	1
Jackson	2	1	3
Laurel-Pachuta	1	0	1
Meridian	1	1	2
State College	0	1	1
Tupelo	0	1	1
University	0	1	1
Missouri:			
Cape Girardeau	1	0	1
Columbia	1	0	1
Hannibal	1	0	1
Jefferson City	1	0	1
Joplin	1	0	1
Kansas City	3	0	3
Kirksville	1	0	1
St. Joseph	1	1	2
St. Louis	4	1	5
Sedalia	1	0	1
Springfield	2	1	3
Montana:			
Anaconda	1	0	1
Billings	2	1	3
Bozeman	0	1	1
Butte	2	1	3
Glendive	1	0	1
Great Falls	2	1	3
Havre	1	0	1
Helena	2	0	2
Kalispell	1	0	1
Lewiston	1	0	1
Miles City	2	1	3
Missoula	2	1	3
Nebraska:			
Alliance	1	0	1
Grand Island	1	0	1
Hastings	1	0	1
Hay Springs	1	0	1
Hayes Center	1	0	1
Kearney	1	0	1
Lincoln	1	1	2
McCook	1	0	1
North Platte	2	0	2
Omaha	3	1	4
Scottsbluff	1	0	1
Nevada:			
Boulder City	1	0	1
Elko	1	0	1
Ely	2	0	2
Goldfield	1	0	1
Henderson	1	0	1
Las Vegas	2	1	3
McGill	1	0	1
Reno	3	1	4
Tonopah	1	0	1
Winnemucca	1	0	1
New Hampshire:			
Durham	0	1	1
Hanover	0	1	1
Manchester	1	0	1
New Jersey:			
Andover	0	1	1
Camden	0	1	1
Freehold	0	1	1
Hammonton	0	1	1
Montclair	0	1	1
Newark	1	0	1
New Mexico:			
Albuquerque	3	1	4
Carlsbad	1	0	1
Clovis	1	0	1
Farmington	1	0	1
Gallup	2	1	3
New Mexico—Continued			
Raton	0	1	1
Roswell	2	1	3
Santa Fe	2	1	3
Silver City	1	1	2
New York:			
Albany-Schenectady-Troy	2	1	3
Binghamton	1	0	1
Buffalo-Niagara Falls	3	0	3
Carthage	1	0	1
Lake Placid	1	0	1
Malone	0	1	1
New York	6	0	6
Poughkeepsie	0	1	1
Rochester	2	0	2
Syracuse	2	0	2
Utica-Rome	1	1	2
Vail Mills	1	0	1
North Carolina:			
Asheville	1	1	2
Chapel Hill	0	1	1
Charlotte	2	1	3
Durham	1	1	2
Greensboro	1	1	2
Greensboro-High Point-Winston-Salem	1	0	1
Greenville	1	0	1
New Bern	1	0	1
Raleigh	1	1	2
Washington	1	0	1
Wilmington	2	1	3
Winston-Salem	1	1	2
North Dakota:			
Bismarck	2	1	3
Devils Lake	1	0	1
Dickinson	2	1	3
Fargo	2	2	4
Grand Forks	1	1	2
Jamestown	1	0	1
Minot	2	1	3
Pembina	1	0	1
Valley City	1	0	1
Williston	2	1	3
Ohio:			
Akron	0	1	1
Bowling Green	0	1	1
Cincinnati	3	0	3
Cleveland	3	1	4
Columbus	3	0	3
Dayton	2	1	3
Toledo	2	0	2
Oklahoma:			
Ada	1	0	1
Ardmore	1	0	1
Elk City	1	0	1
Enid	1	1	2
Lawton	1	1	2
Muskogee	0	1	1
Norman	0	1	1
Oklahoma City	2	1	3
Stillwater	0	1	1
Tulsa	3	1	4
Oregon:			
Brookings	1	0	1
Coos Bay	1	0	1
Corvallis	0	1	1
Eugene	2	0	2
Klamath Falls	1	0	1
La Grande	1	0	1
Medford	2	0	2
Portland	4	1	5
Roseburg	1	0	1
Salem	1	1	2
Pennsylvania:			
Altoona	1	0	1
Erie	1	1	2
Johnstown	1	0	1
Lancaster	1	0	1
Philadelphia	3	0	3
Pittsburgh	3	1	4
State College	2	0	2
Wilkes-Barre	2	1	3
Rhode Island: Providence	2	1	3
South Carolina:			
Charleston	3	1	4
Clemson	0	1	1
Columbia	1	1	2
Florence	1	0	1
Greenville	1	1	2
Spartanburg	1	0	1
South Dakota:			
Aberdeen	1	0	1
Brookings	0	1	1
Huron	1	0	1
Lead	1	0	1
Mitchell	1	0	1
Pierre	1	1	2
Rapid City	2	0	2
Reliance	1	0	1
Sioux Falls	2	1	3
Vermillion	0	1	1
Watertown	1	0	1
Tennessee:			
Bristol, Tenn.-Bristol, Va.	1	0	1
Chattanooga	3	1	4
Cookeville	0	1	1
Crossville	0	1	1
Jackson	1	0	1
Johnson City	1	0	1
Knoxville	2	1	3
Lexington	0	1	1
Memphis	3	1	4
Nashville	3	1	4
Sneedville	0	1	1
Texas:			
Abilene	1	0	1
Alpine	1	0	1
Amarillo	3	1	4
Austin	1	1	2
Beaumont-Port Arthur	3	1	4
Big Spring	1	0	1
Brownsville-Harlingen-Weslaco	2	0	2
Bryan-College Station	1	0	1
College Station	0	1	1
Corpus Christi	3	1	4
Dallas	2	1	3
Denton	0	1	1
El Paso	3	1	4
Fort Worth	2	1	3
Galveston	0	1	1
Houston	3	1	4
Laredo	2	1	3
Lubbock	2	1	3
Lufkin	1	0	1
Midland	1	0	1
Monahans	1	0	1
Odessa	1	0	1
San Angelo	2	1	3
San Antonio	3	1	4
Sweetwater	1	0	1
Temple	1	0	1
Texarkana	1	1	2
Tyler	1	0	1
Waco	1	1	2
Wichita Falls	2	1	3
Utah:			
Cedar City	1	0	1
Logan	1	1	2
Ogden	1	0	1
Price	1	0	1
Provo	1	1	2
Richfield	1	0	1
Salt Lake City	3	1	4
Vernal	1	0	1
Vermont:			
Burlington	1	1	2
Virginia:			
Blacksburg	0	1	1
Charlottesville	0	1	1
Harrisonburg	1	0	1
Lynchburg	1	0	1
Norfolk-Portsmouth-Newport News	3	1	4
Petersburg	1	0	1
Richmond	2	1	3
Roanoke	2	1	3
Washington:			
Bellingham	1	0	1
Ellensburg	0	1	1
Kennewick-Richland-Pasco	0	1	1
Omak-Okanogan	0	1	1
Pullman	0	1	1
Seattle	3	1	4
Spokane	3	1	4
Tacoma	2	1	3
Walla Walla	0	1	1
Wenatchee	0	1	1
Yakima	0	1	1
West Virginia:			
Beckley	1	0	1
Bluefield	1	0	1
Charleston	1	1	2
Clarksburg	1	0	1
Huntington	2	1	3
Morgantown	0	1	1
Weston	1	0	1
Wheeling	0	1	1
Wheeling-Steubenville, O.	2	0	2
Wisconsin:			
Adams	0	1	1
Chilton	0	1	1
Eau Claire	1	1	2
Green Bay	3	1	4
La Crosse	1	1	2
Madison	1	0	1
Marinette	0	1	1
Milwaukee	3	2	5
Park Falls	0	1	1
Richland Center	0	1	1
Shell Lake	0	1	1
Wausau	2	1	3

See footnotes at end of table.

APPENDIX II—*Pools of earmarked UHF channels* [1]—Continued

City	Numbers of earmarked UHF channels		
	Commercial [2]	Noncommercial educational [3]	Total
Wyoming:			
Casper	2	0	2
Cheyenne	1	0	1
Lander	1	0	1
Laramie	0	1	1
Rawlins	1	0	1
Riverton	1	0	1
Rock Springs	1	0	1
Sheridan	2	0	2
U.S. territories and possessions			
Guam:			
Agana	2	0	2
Puerto Rico:			
Arecibo-Aguadilla	1	0	1
Caguas	1	0	1
Fajardo	1	0	1
Mayaguez	2	0	2
Ponce	2	0	2
San Juan	2	1	3
Virgin Islands:			
Charlotte-Amalie	1	0	1
Christiansted	1	0	1

[1] (Specific channels corresponding with the numbers of channels shown opposite each city will be announced subsequently.)

[2] Earmarked (subject to substitution) for operation on UHF channels by commercial VHF stations.

[3] Earmarked (subject to substitution) for operation on UHF channels by noncommercial, educational VHF stations and for future UHF educational stations on channels now reserved in § 3.606 but not authorized.

[F.R. Doc. 61-7473; Filed, Aug. 10, 1961; 8:46 a.m.]

[47 CFR Part 3]

[Docket No. 13340; FCC 61-994]

INTERIM POLICY ON VHF TELEVISION CHANNEL ASSIGNMENTS; TELEVISION ENGINEERING STANDARDS

Report and Order

In the matter of interim policy on VHF television channel assignments, and amendment of Part 3 of the rules concerning television engineering standards; Docket No. 13340, RM-35, RM-111, RM-122, RM-128, RM-136, RM-161, RM-224, RM-246, RM-245, RM-247, RM-248.

1. This proceeding has been directed to two objectives: first, to assess proposals for introducing new VHF assignments not meeting the spacings prescribed in the rules; and second to consider revisions of standards for calculating coverage of television stations.

2. At the time the Commission issued its Notice of Proposed Rule Making on the above subject it was pursuing studies and negotiations needed to ascertain the practicability of five alternative approaches to the basic revision of television allocations. Three of these solutions contemplated an expansion in the number of VHF channels allocated for TV broadcasting. It has now been determined that substitution of additional VHF or lower UHF space for the present UHF space is not possible. Thus it is clear that if a fully competitive nationwide television system is to be created the UHF frequencies must be utilized.

3. Our decision in this proceeding must, accordingly, reflect the increased emphasis to be placed upon the utilization of UHF for television and must harmonize with the steps it is proposed to take to foster the expansion of UHF broadcasting. Our proposals in that regard are set out in a notice of proposed rule making adopted today in Docket 14229.

4. In this context such alleviation of the shortage of television outlets in major markets as may be attained through the assignment of additional VHF channels must be regarded as an interim measure, which while it may produce quicker local remedies than through use of UHF, is justifiable only insofar as it does not add to the burdens which already beset UHF operation and which it is our determined purpose to relieve wherever and however possible.

5. All the foregoing circumstances compel the conclusion that short spaced VHF assignments are justifiable at this stage only where there is the most pressing urgency for the addition of a third service in major markets. In making this judgment we have not neglected a painstaking evaluation of forceful arguments in behalf of a much wider use of short spaced VHF channel assignments. Entirely apart from the considerations already mentioned there is an additional and decisive factor which bars a more extended use of the "squeeze-in" technique than we contemplate herein. It is the inescapable fact that the introduction of new VHF assignments through substandard spacings progressively approaches a point of diminishing returns where the service gains become outweighed by the resultant service losses. This consequence was fully apparent during our previous television reallocation proceeding in 1955 and 1956 and formed the basis of our determination at that time (Report and Order adopted June 26, 1956 in Docket No. 11532) that the more wide-spread use of the 12 VHF channels through shortened separations would fail to approach a solution to the major TV allocation problem.

6. While we do not assert that the point of diminishing returns is reached with the short spaced assignments contemplated herein, it is our judgment that it would be senseless detraction from the major effort upon which we are now embarking i.e., to foster expanded use of UHF television, if we press the intensive use of VHF frequencies to the ultimate theoretical point where some smaller gains might be realized.

7. The basic issue is clear. Either the major stress henceforward will be placed upon an evolving UHF service, or the industry and the public will continue to face the prospect of a television service severely hampered by inadequate numbers of operating outlets in many cities where there is need and demand for added stations. In these circumstances we think there is undoubted warrant for confining the expanded use of VHF frequencies to those relatively few cases where the urgency for quick relief is so great that it clearly outweighs the preferred course of directing further expansion into the UHF band.

8. We turn next to the question of the basis upon which exceptional short spaced VHF assignments may best be considered within the context of the foregoing policy. We have evaluated and rejected the alternative of opening the way to the processing of short spaced assignments wherever they may be sought and have decided instead to make a pre-selection of those cities where, after careful review of the needs throughout the country, we have been able to find justification for this interim remedy. In selecting those cities where we are prepared to embark upon rule making proceedings looking toward "squeeze-in" VHF assignments we have taken due account of the criteria proposed in this proceeding. Since the proceeding was inaugurated it has become clear that there is no further prospect of the development of television through the allocation of additional VHF frequencies to television broadcasting.

9. With the major expansion of television indissolubly tied to UHF, we find it appropriate to set at this time the outermost limits of the use of new VHF channel assignments at substandard spacings. We thus find merit in those comments which urged that in order to limit effectively the numbers of additional VHF assignments to be made at substandard spacings the Commission should designate at one time all the places where it is prepared to consider that remedy.

10. A careful nationwide survey of those markets which we consider to have the greatest need has led us to the selection of the following 10 markets: Baton Rouge, La.; Dayton, Ohio.; Birmingham, Ala.; Jacksonville, Fla.; Knoxville, Tenn.; Johnstown, Pa.; Charlotte, N.C.; Oklahoma City, Okla.; Providence, R.I.; and Syracuse, N.Y.

11. In the selection of these cities consideration was given to all factors bearing on the local situation. The most important criteria were as follows:

1. That the market selected be included within the 75 major television markets of the country.[1]

2. That two VHF stations are already in operation in the market area.

3. That there be minimal dislocation to existing stations.

4. That the proposed assignment not have significant adverse effect on UHF stations assigned to other cities.

[1] It is recognized that there is no universally accepted criterion for ranking individual television markets, and that relative ranking of any individual market may vary from listing-to-listing depending on the particular criterion used. However, as among various criteria used for ranking of TV markets there is a concensus as to the large majority of markets to be included within the top 75 (although the relative ranking of specific markets will vary among these). In some instances, however, markets are included within the top 75 ranking by one criterion and not by another. It is our judgment that the inclusion of the cities listed in paragraph 10 among the top 75 markets best reflects the realities of television economics insofar as they affect a selection of limited numbers of places where, exceptionally, a short-spaced VHF assignment could be justified in the public interest.

5. That the potential gains in service from the new assignment outweigh the potential service areas lost.

6. That no assignments are made at less than 120 miles co-channel and 40 miles adjacent channel.

7. That the new assignments conform with international agreements.

12. The 10 cases do not include Louisville, Ky., where the third assignment of a VHF channel has for some time been the subject of a rule making and adjudicatory proceeding in Docket 11757. While there would be warrant for considering a short spaced assignment at Louisville, in view of the fact that observance of standard spacing on the proposed assignment of Channel 7 would require location of the transmitter about 33 miles outside the city, we avoid at this time any action which would delay the consummation of the aforementioned proceeding which has been pending for several years. When it is terminated, should it result in the assignment of Channel 7 to Louisville, we would be prepared to consider the possibility of permitting the Channel 7 transmitter to be located nearer the city, but our decision in this respect is now deferred. Similarly, we have considered suggestions that existing stations now required to operate from a transmitter location at a substantial distance from the city to which the channel is allocated, be permitted to move closer in. Such proposals are, however, beyond the scope of this proceeding, which is concerned with possibilities for new VHF assignments at substandard spacings to cities at which the channel could not be assigned at standard spacings.

13. We note also the need for an additional VHF outlet to serve the Providence, Rhode Island area. We have decided, for reasons stated in our Report and Order in Docket No. 13375, not to proceed at this time to assign a VHF channel to Providence at substandard spacings. We have, however, taken cognizance of possibilities for added service to the Providence area by a station operating on Channel 6 assigned to New Bedford, Mass. We do not herein decide or prejudice such action as may in the future be found to serve the public interest with respect to the location of the transmitter of such station possibly at less than standard spacings. There is under consideration, also, the possible reassignment of Channel 3 from Hartford to Providence.

14. Since short spaced assignments will be considered only in the exceptional cases above indicated we do not propose to reduce the co-channel or adjacent channel separations which are now provided for in § 3.610 of the rules and which will remain generally applicable. The exceptional cases will be handled through waivers of the minimum spacing set out in § 3.10 in cases where substandard spacings are authorized subject to provision for protection to co-channel stations equivalent to that to which they are entitled under § 3.612.

15. Our analysis of the comments supports the proposal to provide "equivalent protection" to existing stations by requiring any station authorized to operate at less than the minimum geographic separations specified in § 3.610 of the rules, from any existing co-channel station, to suppress radiation in the direction of such existing stations. Where appropriate, we may also require new stations, located more than the standard minimum separations from other co-channel stations, to suppress radiation in the direction of such existing stations if nominal carrier off-set cannot be employed. The suppression of radiation may be accomplished by reducing the effective radiated power, using a reduced antenna height, using a directional transmitting antenna, or by various combinations of these techniques.

16. The amount of suppression required will be sufficient to maintain a 28 db ratio between the estimated F(50, 50) value of the desired signal and the estimated F(50, 10) value of the undesired signal (45 db in the case of non-offset co-channel operation), at the same distance from the existing station as would occur if the stations were operating with the maximum permissible facilities at standard minimum separations. Both the 28 db ratio for nominal offset carrier operation and 45 db for non-offset carrier operation were established on the basis of subjective viewing tests during the proceedings which led to the Sixth Report and Order in Docket No. 8736, et al. An analysis of the data obtained by TASO in connection with its studies of precise offset carrier operation, shows these values to be in substantial agreement with their findings of the signal ratios needed to provide picture quality between "passable" and "fine" under conditions similar to nominal carrier offset and non-offset carrier operation. The estimated desired signal values are taken from the F(50, 50) Field Strength Charts in § 3.699 of the Commission rules. The estimated undesired signal values are taken from the F(50, 10) Field Strength Charts issued July 1, 1960, in a further notice of proposed rule making (FCC 60-766) in this proceeding. As indicated above, in order to ascertain the power and height permitted for a new station it is necessary to employ both service area propagation curves and long distance interference curves. Section 3.699 of the rules (which for reasons discussed below we do not contemplate amending at this time) contains curves which give the signal range through the service area. The present VHF allocation table, the maximum antenna heights and powers, and the minimum separations employed in constructing and amending that table were developed through the use of these curves and the interference curves published as Appendix B to the Sixth Report and Order. Data subsequently accrued from operating experience and studies by TASO and others disclose that truer depiction of interference may be derived by the use of modified interference curves which were announced in the further notice of proposed rule making adopted in this proceeding on May 4, 1960. These curves reflect further revision of similar curves previously proposed in this proceeding and take into account careful studies conducted by the Commission's Radio Propagation Advisory Committee. In order to assure uniform application of the curves, we have reduced the information in these curves to tabular form attached to this Report and Order, showing the maximum permissible powers for various distances (at 5-mile intervals) and various antenna heights (at 100-foot intervals). In using these Tables, where actual separations and antenna heights lie between the tabulated values, linear interpolation will be used to determine the permissible power. Resultant fractions will be rounded out to the next lower 0.1 dbk.

17. In the notice of proposed rule making in this proceeding, we proposed to permit the use of directive transmitting antennas with a maximum to minimum ratio of 20 db. On the basis of the comments filed in response to that Notice, we are persuaded that directive antenna radiation patterns with a maximum to minimum ratio in excess of 15 db may prove unreliable and may produce other undesirable effects. Consequently, under the program adopted herein, although directional transmitting antennas may be employed to suppress radiation in the direction of existing stations, the ratio of maximum to minimum radiation should not exceed 15 db.

18. The new assignments will not be required to suppress radiation in the direction of existing adjacent channel stations to provide "equivalent protection" to the existing 60 mile separation requirement.

19. Precise offset may be used to improve service to the extent possible. However, practical considerations involving the need for coordination between licensees as well as the maintenance of complex equipment preclude making the use of this method mandatory for obtaining the required protection to existing stations and use of this technique will not be an acceptable basis for obtaining the required protection. Although there were comments recommending that receiver antenna directivity be taken into account in computing protection to existing stations, the existence of such directivity would be a factor in service results at standard spacing, and thus does not furnish a basis for deviating from the equivalent protection requirements which we apply to substandard spacing.

20. In computing the equivalent protection to the service area of a station authorized previous to the adoption of this interim program it will be assumed that the authorized station is operating with the maximum permissible facilities and has a circular service area. For the new station at substandard spacing, the theoretical antenna radiation pattern will be used for computing service and interference. Comments were also invited on the desirability of and methods for establishing the operating radiation pattern and for protection of the service area of the new station. After carefully reviewing the comments directed to this issue, we are not specifying the exact procedure to insure proper operation of a directional antenna system but will

require the licensee to assure that the antenna is performing substantially in accordance with the specifications and initially and possibly at periodic intervals will be required to submit to the Commission the basis upon which such determinations are made. In the usual case it is expected that this will involve joint efforts by the licensee and manufacturer. If after commencement of operation there is evidence that the radiation of the transmitter is significantly at variance with the theoretical pattern, field measurements may be required.

21. Apart from matters relating to short spaced VHF assignments, comments were invited in this proceeding on several proposed changes in the television technical standards. They are (a) revision of the propagation curves, (b) increase in required city grade signal, (c) the substitution of a "normal service area" in lieu of the present Grade A and Grade B service area definitions and (d) reduced adjacent channel separation requirement. The comments directed to these proposed revisions indicated that there is substantial disagreement among reputable engineers over the technical data collected by TASO and others. Much of the raw data needed to support the proposed changes is limited in scope and thus subject to variable interpretation. The evaluation of the comments persuades us that it would be preferable, instead of proceeding at this time with the projected revisions, to leave the present standards unchanged. The proposals will remain under continuing review and further action respecting them will be taken at such time as it may appear appropriate.

22. In arriving at our decisions to proceed, on the basis discussed above, with consideration of a limited number of short spaced VHF channel assignments, we have attentively examined numerous comments which advocated variants of this approach, such as: allowing more (or less) radiation in the direction of the existing stations not employing maximum facilities: alternative methods for establishing the degree of protection toward existing stations; special provisions for establishing the protection of stations which are in a different zone from the interfering station; and other deviations from the formulas we here adopt. While in varying degree some of these proposals have merit, our study of the probable effects of invoking these other proposals persuades us that the simpler formulas we have elaborated above are preferable both in the interests of ease and speed of processing the new assignments and in the protection which our formula assures to existing stations. It has been helpful to have the benefit of the careful thought which was evidently devoted to these alternative proposals, but our consideration of them reinforces our view that the basis we herein adopt is preferable.

23. Consistent with the decisions reached herein, we are dismissing the following petitions for amendments to the Table of Assignments in § 3.606 to add short spaced VHF assignments in cities other than those we have decided to include in the interim program, or through the use of channels we find unacceptable.

RM No.	Petitioner	Short spaced VHF assignments proposed at—
[1] 111	Capitol TV Co.	Sacramento, Fresno, and Bakersfield, Calif.
122	Binghamton Press Co., Inc.	Binghamton, N.Y.
128	WHP, Inc.	Harrisburg, Pa.
136	Veterans Broadcasting Co.	Binghamton, N.Y.
161	Waco Broadcasting Corp.	Waco, Tex.
224	Pennsylvania State University.	State College, Pa.
246	WXIX, Inc.	Milwaukee, Wis.
245	Winnebago Television Corp.	Rockford, Ill.
247	Telecasting, Inc.	Pittsburgh, Pa.
248	Lester Kamin	Houston, Tex.

[1] Although this petition additionally invokes the proposal that the standard separation requirements be reduced for the entire State of California, its actual and intended effect is to open the way to short spaced assignments in the named cities. Its dismissal is, accordingly, appropriate and consistent with similar actions taken with respect to the other listed petitions for short spaced VHF channel assignments.

In addition, it is appropriate to dismiss those portions of RM 35 filed by American Broadcasting Company which seek short spaced assignments in a number of markets other than those designated herein for consideration.

24. In accordance with the decisions set out in this report and order: *It is ordered*, That the rule making petitions listed in paragraph 23 hereof are dismissed, except that RM 35 filed by American Broadcasting Company is dismissed in part, to the extent that it proposes short spaced assignments other than those contemplated in this report and order.

25. *It is further ordered*, That this proceeding is terminated.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX A

TABLE I

ZONE I—CHANNELS 2–6

Permissible power for spacings below 170 miles in dbk

Ant. height AAT-feet	Miles										
	120	125	130	135	140	145	150	155	160	165	170
100	9.5	10.5	12	13	14	15	16	17	18.5	19	20
200	8.5	10	11	12.5	13.5	14.5	16	17	18	19	20
300	8	9.5	10.5	12	13.5	14.5	15.5	17	18	19	20
400	7.5	9	10	11.5	12.5	14	15	16.5	17.5	19	20
500	7	8.5	9.5	11	12.5	14	15	16.5	17.5	19	20
600	6.5	8	9.5	11	12	13.5	15	16.5	17.5	18.5	20
700	6	7.5	9	10.5	12	13.5	15	16	17.5	18.5	20
800	5	7	8.5	10	11.5	13	14.5	16	17.5	18.5	20
900	4.5	6.5	8.5	10	11.5	13	14.5	16	17.5	18.5	20
1,000	4.5	6	8.5	10	11.5	13	14.5	16	17.5	18.5	20
1,100	4.5	5.5	8.5	9	11.5	13	14.5	16	17.5	18.5	20
1,200	3.5	4.5	8	8.5	11.5	12.5	14	16	17.5	17.5	19.5
1,300	2.5	4	7.5	8	11	12	13.5	15.5	16	16	18
1,400	1.5	3	6.5	7	10	11.5	13	15	15	15	17
1,500	0.5	2	5.5	6	9	11	12.5	14	14	14	16
1,600	(*)	1	4.5	5.5	8.5	10.5	12	13	13	13	15
1,700	(*)	0.5	3.5	5	8	10	11.5	12.5	12.5	12.5	14
1,800	(*)	(*)	2.5	4	7	9.5	11	11.5	11.5	11.5	13
1,900	(*)	(*)	1.5	3.5	6	9	11	11	11	11	12
2,000	(*)	(*)	0.5	3	5.5	8	10	10	10	10	12

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE IA

ZONE II—PROTECTION FROM ZONE I STATIONS—CHANNELS 2–6

PERMISSIBLE POWER FOR SPACINGS BELOW 170 MILES IN DBK

Ant. height AAT-feet	Miles										
	120	125	130	135	140	145	150	155	160	165	170
100	9.5	11	12.5	13.5	14	15.5	16.5	17.5	18.5	19.5	20
200	8.5	10	11.5	12.5	13.5	15	16	17	18.5	19.5	20
300	8	9.5	11	12	13	14.5	15.5	17	18	19.5	20
400	7.5	9	10.5	11.5	12.5	14	15	16.5	18	19.5	20
500	6.5	8.5	9.5	11.5	12.5	13.5	15	16.5	17.5	19	20
600	6	8	9.5	11	12	13.5	15	16.5	17.5	18	20
700	5	7.5	9	10.5	11.5	13	14.5	16	17.5	18	20
800	4.5	6.5	8.5	10	11.5	13	14.5	16	17.5	18	20
900	3.5	6	8	9.5	11	12.5	14	15.5	17	18.5	20
1,000	3	5	7.5	9	11	12.5	14	15.5	17	18.5	20
1,100	2	4	6.5	8.5	10	12	13.5	15.5	18.5	18.5	20
1,200	1	3	5.5	7.5	9.5	11.5	13.5	15.5	17.5	17.5	19.5
1,300	0.5	2	4.5	6.5	9	11	13	15	16	16	18
1,400	(*)	1	3.5	5.5	8	10	12	14.5	15	15	17
1,500	(*)	(*)	2.5	4.5	7	9	11	13.5	14	14	16
1,600	(*)	(*)	1.5	4	6	8	10.5	13	13	13	15
1,700	(*)	(*)	0.5	3	5.5	7.5	10	12.5	12.5	12.5	14
1,800	(*)	(*)	(*)	2.5	5	7	9.5	11.5	11.5	11.5	13
1,900	(*)	(*)	(*)	2	4	6.5	9	11	11	11	12
2,000	(*)	(*)	(*)	1	3	5.5	8	10	10	10	12

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE III

ZONE II—CHANNELS 2–6

Permissible power for spacings below 190 miles in dbk

Ant. height AAT-feet	Miles												
	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190
100	5.5	6	7	9.5	9.5	10.5	12	13.5	14	15	16	17.5	18	19.5	20
200	2.5	4	6.5	8.5	8.5	9.5	11.5	12.5	13.5	14.5	16	17	18	19	20
300	2	3.5	5.5	7.5	8	9	10.5	12	13	14	15.5	16	18	19	20
400	1	2.5	4.5	6.5	7.5	8.5	10	11.5	13	14	15.5	17	18	19	20
500	(*)	2	4	6	7.5	8.5	9.5	11.5	12.5	14	15.5	16.5	18	19	20
600	(*)	1.5	3.5	5.5	7	8.5	9.5	11	12.5	13.5	15.5	16.5	18	19	20
700	(*)	1	3	5	6.5	8	9	11	12	13.5	15	16.5	18	19	20
800	(*)	0.5	2.5	4.5	6.5	7.5	9	10.5	11.5	13.5	15	16.5	17.5	19	20
900	(*)	(*)	2	4	6	7	8.5	10	11.5	13	15	16.5	17.5	18.5	20
1,000	(*)	(*)	1.5	3.5	5.5	6.5	8	9.5	11	12.5	14.5	16	17.5	18.5	20
1,100	(*)	(*)	1	3	5	6.5	7.5	9	10.5	12	14	15.5	17.5	18.5	20
1,200	(*)	(*)	0.5	2.5	4.5	6	7.5	8.5	10.5	11.5	13.5	15	17.5	18.5	20
1,300	(*)	(*)	(*)	2	4	5.5	7	8.5	10	11.5	13.5	15	17.5	18.5	20
1,400	(*)	(*)	(*)	1.5	3.5	5.5	7	8.5	10	11.5	13.5	15	17.5	18.5	20
1,500	(*)	(*)	(*)	1	3	5	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20
1,600	(*)	(*)	(*)	0.5	2.5	4.5	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20
1,700	(*)	(*)	(*)	(*)	2	4	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20
1,800	(*)	(*)	(*)	(*)	1.5	3.5	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20
1,900	(*)	(*)	(*)	(*)	1	3	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20
2,000	(*)	(*)	(*)	(*)	0.5	2.5	6.5	8.5	10	11.5	13.5	15	17.5	18.5	20

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE IV

ZONE II—CHANNELS 7–13

Permissible power for spacings below 190 miles in dbk

Ant. height AAT-feet	Miles												
	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190
100	10	11.5	12.5	14	15.5	16.5	17.5	19	20	21.5	22.5	23.5	25	25	25
200	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22	24.5	25	25
300	8	9.5	11.5	12.5	14.5	16.5	17	18	19	20.5	21.5	22	24.5	25	25
400	8	9.5	11	13.5	15	16.5	17	18	19	20.5	21.5	22	24	25	25
500	7	9	10	13	14.5	16	17	18	18.5	20	21.5	22	24	25	25
600	6	8	9	12	14	15.5	16.5	17.5	18.5	20	21.5	22.5	24	25	25
700	6	7	8	11.5	13.5	15.5	16.5	17.5	18.5	20	21.5	22.5	24	25	25
800	5	7	8	10.5	13.5	15	16.5	17.5	18.5	19.5	21.5	22.5	24	25	25
900	4	6	7	9.5	12.5	14.5	16	17.5	18.5	19.5	21.5	22.5	24	25	25
1,000	2.5	5	6.5	8.5	11.5	14	15.5	17.5	18.5	19.5	21.5	22.5	24	25	25
1,100	2.5	4.5	6	8	11.5	13.5	15	17	18.5	19.5	21.5	22.5	24	25	25
1,200	1.5	3	5.5	7.5	10.5	13	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,300	0.5	2.5	5	7	10	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,400	0.5	2	4.5	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,500	(*)	1	4	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,600	(*)	0.5	3.5	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,700	(*)	(*)	3	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,800	(*)	(*)	2.5	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
1,900	(*)	(*)	2	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25
2,000	(*)	(*)	1.5	6.5	9.5	12.5	14.5	16.5	18.5	19.5	21.5	22.5	24	25	25

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE II

ZONE I—CHANNELS 7–13

Permissible power for spacings below 170 miles in dbk

Ant. height AAT-feet	Miles										
	120	125	130	135	140	145	150	155	160	165	170
100	14.5	15.5	17	18	19	20	21.5	22.5	24	25	25
200	14	15	16.5	17.5	19	20	21	23	23.5	25	25
300	13	14.5	16	17.5	18.5	20	21	22.5	23	24.5	25
400	12.5	14	15	17	18.5	19.5	20.5	21.5	23	24.5	25
500	12	13.5	15	16.5	18	19.5	20	21.5	22.5	24	25
600	11.5	13	14.5	16.5	17.5	19	20	21.5	22.5	24	25
700	11	12.5	14	16	17	18.5	20	21	22.5	24	25
800	10.5	12	13.5	15.5	16.5	18.5	19.5	21	22.5	24	25
900	10	11.5	13	15	16.5	17.5	19.5	21	22.5	24	25
1,000	9	11	12.5	14.5	16.5	17.5	19	20.5	22.5	24	25
1,100	8.5	10.5	12.5	14.5	16.5	17.5	19	20.5	22.5	24	25
1,200	7.5	10.5	12.5	14.5	16.5	17.5	19	20.5	22.5	24	25
1,300	6.5	9.5	12.5	14.5	16.5	17.5	19	20.5	22.5	24	25
1,400	6.5	8.5	11.5	13.5	16.5	17.5	19	20.5	22.5	24	25
1,500	5.5	7.5	10.5	13.5	16.5	17.5	19	20.5	22.5	24	25
1,600	4.5	6.5	9.5	13.5	16.5	17.5	19	20.5	22.5	24	25
1,700	3.5	5.5	8.5	13.5	16.5	17.5	19	20.5	22.5	24	25
1,800	2.5	4.5	7.5	13.5	16.5	17.5	19	20.5	22.5	24	25
1,900	1.5	3.5	6.5	13.5	16.5	17.5	19	20.5	22.5	24	25
2,000	0.5	2.5	5.5	13.5	16.5	17.5	19	20.5	22.5	24	25

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE IIA

ZONE II—CHANNELS 7–13

Protection from Zone I stations; permissible power for spacings below 170 miles in dbk

Ant. height AAT-feet	Miles										
	120	125	130	135	140	145	150	155	160	165	170
100	14	15.5	17	18	19	20.5	22	23	24	25	25
200	13	14.5	16	17.5	19	20	21	22.5	23.5	25	25
300	12	14	15	17	18.5	19.5	20.5	22	23	24.5	25
400	11.5	13.5	15	16.5	17.5	19	20	21.5	23	24.5	25
500	10.5	12.5	14	16.5	17	18.5	20	21.5	22.5	24	25
600	10	12	13	15.5	16.5	18	19.5	21.5	22.5	24	25
700	9	11	12	14	16	17.5	19.5	20.5	22.5	24	25
800	8.5	10.5	12	13.5	15.5	17	19	20.5	22.5	24	25
900	7.5	9.5	11.5	13.5	15	16.5	18.5	20.5	22.5	24	25
1,000	6.5	8.5	11	13	14.5	16.5	18.5	20.5	22.5	24	25
1,100	6.5	8	10.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,200	5.5	7.5	10.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,300	4.5	6.5	10.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,400	3.5	5.5	9.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,500	2.5	4.5	8.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,600	1.5	3.5	7.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,700	0.5	2.5	6.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,800	(*)	1.5	5.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
1,900	(*)	0.5	4.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25
2,000	(*)	(*)	3.5	12.5	14.5	16.5	18.5	20.5	22.5	24	25

*Combinations of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE V

ZONE III—CHANNELS 2-6

Permissible power for spacings below 220 miles in dbk

Ant. height AAT-feet	Miles																				
	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220
100	*	*	*	1.5	2.5	3.5	5	6	7	8.5	9.5	10.5	12	13	13.5	15	16	17	18	20	
200	*	*	*	*	1.5	3	4.5	5.5	7	8	9	10	11.5	12.5	13.5	15	16	17	18	19	
300	*	*	*	*	1	2	4	5	6.5	7.5	9	10	11.5	12.5	13.5	15	16	17	18	19	
400	*	*	*	*	0.5	1	3.5	4.5	6	7.5	8.5	9.5	11.5	12.5	13.5	14.5	16	17	18	19	
500	*	*	*	*	*	1.5	3	4	6	7	8.5	9.5	11.5	12.5	13.5	14.5	16	17	18	19	
600	*	*	*	*	*	1.5	2.5	4	5.5	7	8.5	9.5	11.5	12.5	13.5	14.5	16	17	18	19	
700	*	*	*	*	*	1	2	4	5	7	8	9	11	12.5	13.5	14.5	16	17	18	19	
800	*	*	*	*	*	1	1.5	3.5	5	6.5	8	9	11	12.5	13.5	14.5	16	17	18	19	
900	*	*	*	*	*	0.5	1	3	4.5	6.5	8	9	11	12.5	13.5	14.5	16	17	18	19	
1,000	*	*	*	*	*	*	1	2.5	4.5	6.5	8	9.5	11	12.5	13.5	14.5	16	17	18	19	
1,100	*	*	*	*	*	*	*	1.5	3.5	6	8	9.5	10.5	12.5	13	14.5	15.5	17	18	19	
1,200	*	*	*	*	*	*	*	0.5	3	5	8	9.5	10.5	12.5	13	14.5	15.5	17	18	19	
1,300	*	*	*	*	*	*	*	*	2.5	4	7.5	9	10.5	12.5	13	14.5	15.5	17	18	19	
1,400	*	*	*	*	*	*	*	*	1.5	3.5	7.5	9	10.5	12.5	13	14.5	15.5	17	18	19	
1,500	*	*	*	*	*	*	*	*	1	3	7	8.5	10.5	12.5	13	14.5	15.5	17	18	19	
1,600	*	*	*	*	*	*	*	*	0.5	2.5	7	8.5	10	12.5	12.5	14.5	15.5	17	18	19	
1,700	*	*	*	*	*	*	*	*	*	2	6.5	8.5	10	12.5	12.5	14.5	15.5	17	18	19	
1,800	*	*	*	*	*	*	*	*	*	1.5	6	8	10	12.5	12.5	14.5	15.5	17	18	19	
1,900	*	*	*	*	*	*	*	*	*	1	3.5	5.5	9	10	12.5	14	15.5	17	18	19	
2,000	*	*	*	*	*	*	*	*	*	0.5	3	5	7.5	10	12.5	14	15.5	16.5	18	19	

*Combination of antenna height and separation which result in permissible powers of 0 dbk or less will not be authorized.

TABLE VI

ZONE III—CHANNELS 7-13

Permissible power for spacings below 220 miles in dbk

Ant. height AAT-feet	Miles																				
	120	125	130	135	140	145	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220
100	2.5	4	5	6.5	8	9	10.5	11.5	13	14	15	16	17	18.5	19	20.5	21.5	23	24	26	
200	1	2.5	4	5.5	7	8.5	10	11.5	12.5	13.5	14.5	15.5	17	18	19	20	21.5	22.5	23.5	26	
300	*	1.5	3	4.5	6.5	8	9.5	11	12	13.5	14.5	15.5	16.5	18	19	20	21.5	22.5	23.5	26	
400	*	0.5	2.5	4	5.5	7.5	9	10.5	12	13	14	15	16.5	18	19	20	21.5	22.5	23.5	26	
500	*	*	1.5	3	5	7	8.5	10	11.5	12.5	14	15	16.5	17.5	18.5	20	21	22	23	24.5	
600	*	*	0.5	2	4.5	6.5	8	10	11	12.5	13.5	15	16	17.5	18.5	20	21	22	23	24.5	
700	*	*	*	1.5	3.5	6	7.5	9.5	10.5	12.5	13.5	15	16	17.5	18.5	20	21	22	23	24.5	
800	*	*	*	1	2.5	5	6.5	9	10.5	12.5	13.5	15	16	17.5	18.5	20	21	22	23	24.5	
900	*	*	*	*	2	5	6.5	9	10	12	13	15	16	17.5	18.5	20	21	22	23	24.5	
1,000	*	*	*	*	1	4	6	8.5	10	12	13	15	16	17.5	18.5	20	21	22	23	24.5	
1,100	*	*	*	*	0.5	3.5	5.5	8	9.5	11.5	12.5	14.5	16	17.5	18.5	20	21	22	23	24.5	
1,200	*	*	*	*	*	3	4.5	7	8.5	10.5	12.5	14.5	15.5	17	18.5	20	21	22	23	24.5	
1,300	*	*	*	*	*	2	3.5	6	8	10	12	14	15.5	17	18.5	20	21	22	23	24.5	
1,400	*	*	*	*	*	1	2.5	5	7.5	9.5	11.5	13.5	15	16.5	18	19.5	21	22	23	24.5	
1,500	*	*	*	*	*	*	2	4.5	6.5	8.5	11	12	14.5	16.5	18	19.5	21	22	23	24.5	
1,600	*	*	*	*	*	*	1	3.5	6	8	10.5	12.5	14.5	16	18	19.5	20.5	22	23	24.5	
1,700	*	*	*	*	*	*	*	2.5	5	7	10	12	14	16	17.5	19	20.5	22	23	24.5	
1,800	*	*	*	*	*	*	*	2	4.5	6.5	9.5	11.5	13.5	15.5	17.5	19	20.5	22	23	24.5	
1,900	*	*	*	*	*	*	*	1	3.5	6	9	11	13	15.5	17.5	19	20.5	22	23	24.5	
2,000	*	*	*	*	*	*	*	0.5	3	5.5	8	10.5	13	15.5	17	19	20	22	23	24.5	

*Combination of antenna height and separation which would result in permissible powers of 0 dbk or less will not be authorized.

TABLE VII

Permissible power for nonoffset operation in dbk—All antenna heights from 100–2000 ft.[1] (Note: For these distances the interference field varies less than 1 db with antenna height)

ZONE I—CHANNELS 2-6

Miles

170	175	180	185	190	195	200	205	210	215	220	225	230	235	240	245	250		
3.4	4.5	5.5	6.7	7.8	8.9	10	11	12	13	14	15	16	17	18	19	20		

CHANNELS 7-13

7.6	9.2	10.5	11.6	12.8	13.8	14.9	16	17	18	19	20	21	22	23	24	25		

ZONE II—CHANNELS 2-6

Miles

190	195	200	205	210	215	220	225	230	235	240	245	250	255	260	265	270	275	
3.4	4.4	5.5	6.6	7.6	8.7	9.7	10.8	11.8	13	14	15	16	17	18	19	19.5	20	

CHANNELS 7-13

9	10.2	11.3	12.5	13.6	14.8	16	17	18	19	20	21	22	23	24	25			

[1] For antenna heights above 1000' in Zone I, see figure 3, section 3.699, for limitation due to such heights.

TABLE VII—Continued

ZONE III—CHANNELS 2-6

Miles

220	225	230	235	240	245	250	255	260	265	270	275	280	285	290	295	300	305	310
3	4	5	6	7	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15	16	17	17.5	18.5	19.5	20

CHANNELS 7-13

8	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20	21	22	23	24	25		

[F.R. Doc. 61-7474; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14231; FCC 61-997]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO OKLAHOMA CITY, OKLA.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 5 even to Oklahoma City, Oklahoma and its deletion from Enid, Oklahoma, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket No. 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Oklahoma City on Channel 5 would be required to suppress radiation in the direction of the transmitter of KFSA-TV which is located at Fort Smith, Arkansas, less than 190 miles from Oklahoma City. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made part of this notice.

4. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 5 at Oklahoma City will not involve the modification of any co-channel VHF license.

5. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7475; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14232; FCC 61-998]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO JOHNSTOWN, PA.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 8+ to Johnstown, Pennsylvania, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket No. 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found to merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Johnstown on Channel 8 would be required to suppress radiation in the direction of the transmitter of WGAL-TV and WJW-TV which are located at Lancaster, Pa., and Cleveland, Ohio, respectively, less than 170 miles from the city of Johnstown. Such a station would also be required to suppress radiation in the direction of the transmitter site of Station WCHS-TV, Charleston, W. Va., in view of the fact that it would operate non-offset with this station at a distance below that required for the equivalent standard spacing for off-set operation. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made part of this notice.

4. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 8 at Johnstown will not involve the modification of any co-channel VHF license.

5. There are pending two petitions (RM 172 and RM 231) to make a third VHF Channel available to Johnstown by dropping in Channel 8+. Consideration will be given in this proceeding to comments interested parties may wish to submit on these proposals. A station assigned to this channel in Johnstown would be required to suppress radiation toward KYW-TV, Channel 3, Cleveland, Ohio, and WSVA-TV, Channel 3, Harrisonburg, Virginia, since the separation would be less than 170 miles. Channel 4 is assigned to WTAE, Pittsburgh, Pa. which transmitter site is less than 60 miles from Johnstown.

6. If, upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Johnstown, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 8 is assigned to Johnstown the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

7. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file com-

ments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7476; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14233; FCC 61-999]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO BATON ROUGE, LA.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 11 even to Baton Rouge, Louisiana and its deletion from Houma, Louisiana pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket No. 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Baton Rouge on Channel 11 would be required to suppress radiation in the direction of the transmitter of Station WTOK-TV which is located at Meridian, Miss., less than 220 miles from the city of Baton Rouge. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made part of this notice.

4. In view of the fact that the proposed assignment does not require any existing station to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 11 at Baton Rouge will not involve the modification of any outstanding co-channel VHF license.

5. The assignment of Channel 11 at Baton Rouge would result in a spacing some miles under the standard adjacent channel spacing to Station KLFY-TV on Channel 10 at Lafayette, Louisiana. The exact spacing would depend upon the selection of a site at Baton Rouge.

6. The inauguration of this proceeding disposes of the "Petition To Finalize" filed by St. Anthony Television Corporation on June 8, 1960, seeking action on a proposal previously put forward in Docket No. 12281 looking toward the use of Channel 11 at Baton Rouge.

7. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Baton Rouge, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 11 is assigned to Baton Rouge the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

8. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7477; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14234; FCC 61-1000]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO DAYTON, OHIO

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 11 to Dayton, Ohio, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket No. 13340.

2. This proposed channel assignment is one of nine special cases which, in the aforementioned document the Commission found merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Dayton on Channel 11 even would be required to suppress radiation in the direction of the transmitters of WHAS-TV and WTOL-TV which are located at Louisville, Kentucky, and Toledo, Ohio, respectively, less than 170 miles from the city of Dayton. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340, they need not be repeated herein. That document is incorporated in and made part of this notice.

4. In view of the fact that the proposed assignment does not require any existing station to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 11 at Dayton will not involve modification of any outstanding co-channel VHF license.

5. A station assignment at Dayton on Channel 11 would, however, be located some distance below the standard adjacent channel spacing from Station WKRC-TV at Cincinnati, Ohio, on Channel 12 the exact separation depending on the selection of a site at Dayton.

6. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Dayton, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 11 is assigned to Dayton the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

7. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934 as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F. R. Doc. 61-7478; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14235; FCC 61-1001]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO JACKSONVILLE, FLA.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 10+ to Jacksonville, Florida, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found to merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Jacksonville on Channel 10 would be required to suppress radiation in the direction of the transmitter of Station WALB-TV which is located at Albany, Ga. less than 220 miles from the city of Jacksonville. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made part of this notice.

4. We note additionally that a station on Channel 10 at Jacksonville would have to be located less than the standard applicable separation of 220 miles from any of the transmitter sites proposed by applicants for Channel 10 at Largo, Florida. There is pending a comparative hearing on those applications in Docket 12445 et al. Our engineering analysis discloses that the maximum combined service which could be provided by a Largo station and a Jacksonville station on Channel 10 in the direction of each other would be achievable with both stations operating at maximum facilities. Since no authorization has yet been granted for a station in either city on this channel, we find it appropriate to propose that the Jacksonville station not be required to suppress radiation in the direction of Largo but that the co-channel stations in both cities be free to radiate the maximum permissible energy in the direction of each other and accept such interference as may result from such operation.

5. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 10 at Jacksonville will not involve the modification of any co-channel VHF license.

6. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Jacksonville, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 10 is assigned to Jacksonville the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

7. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7479; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14236 (RM-258); FCC 61-1002]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO BIRMINGHAM, ALA.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 3— to Birmingham, Alabama,[1] pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found to merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Birmingham on Channel 3 would be required to suppress radiation in the direction of the transmitters of WRGP-TV and WRBL-TV which are located at Chattanooga, Tenn. and Columbus, Ga. respectively less than 190 miles from the city of Birmingham. Such a station would also be required to suppress radiation in the direction of the transmitter sites of Stations WREC-TV, and WEAR-TV located at Memphis, Tenn., and Pensacola, Fla., respectively, in view of the fact that it would operate non-offset with these stations at distances below that required for the equivalent standard spacings for off-set operation. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made part of this notice.

[1] Docket No. 12945, involving proposed rule making in the Birmingham area, will remain open pending final decision herein.

4. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 3 at Birmingham will not involve the modification of any co-channel VHF license.

5. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Birmingham, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event channel 3 is assigned to Birmingham the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

6. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7480; Filed, Aug. 10, 1961; 8:47 a.m.]

[47 CFR Part 3]

[Docket No. 14237 (RM-259); FCC 61-1003]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO KNOXVILLE, TENN.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 8— to Knoxville, Tennessee, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found to merit special consideration of a VHF channel assignment at sub-

standard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Knoxville on Channel 8 would be required to suppress radiation in the direction of the transmitters of WGVT, Athens, Georgia, and WSIX-TV, Nashville, Tennessee, which are located at less than 190 miles from the city of Knoxville. Additionally such a station would be operated non-offset from a proposed station at High Point or Greensboro, North Carolina, at a distance less than that equivalent of the standard off-set separation. There is pending a comparative hearing on applications for Greensboro and High Point in Docket 13672, et al. Our engineering analysis discloses that maximum combined service which could be provided by a Knoxville station and a High Point or Greensboro station on Channel 8 in the direction of each other would be achievable with both stations operating at maximum facilities. Since no authorization has yet been granted for a station in either city on this channel, we find it appropriate not to require any suppression in the direction of High Point or Winston-Salem. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made a part of this notice.

4. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 8 at Knoxville will not involve the modification of any co-channel VHF license.

5. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Knoxville, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 8 is assigned to Knoxville the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be found qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

6. Authority for the proposed amendment to § 3.606 of the rules is contained in sections 4(i) and 303 of the Communications Act of 1934 as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7481; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14238; FCC 61-1004]

ASSIGNMENT OF ADDITIONAL VHF CHANNEL TO CHARLOTTE, N.C.

Notice of Proposed Rule Making

1. Comments are invited on the proposed assignment of Channel 6 even to Charlotte, North Carolina, pursuant to decisions reached in the Report and Order (FCC 61-994) adopted today in Docket 13340.

2. This proposed channel assignment is one of nine special cases which in the aforementioned document the Commission found to merit special consideration of a VHF channel assignment at substandard spacing, it being impossible to provide a third VHF outlet to this market at standard co-channel spacings.

3. This proposal contemplates that a station assignment at Charlotte on Channel 6 would be required to suppress radiation in the direction of the transmitters of WECT, Wilmington, N.C., WJBF, Augusta, Georgia, WHIS-TV, Bluefield, W. Va., and WATE-TV, Knoxville, Tenn., which are located at less than 170 or 190 miles from the City of Charlotte. The pertinent requirements being set out in detail in the aforementioned Report and Order in Docket No. 13340 they need not be repeated herein. That document is incorporated in and made a part of this notice.

4. In view of the fact that the proposed assignment does not require any existing co-channel stations to change to a different channel, and since all existing co-channel stations will be afforded protection against interference at least equivalent to the protection to which they are entitled under the rules prescribing standard spacings, and maximum antenna heights and powers, the assignment and utilization of Channel 6 at Charlotte will not involve the modification of any co-channel VHF license. In order to obtain the most efficient utilization of Channel 6 at Charlotte it is proposed to change the off-set operation of Station WECT at Wilmington, N.C., from Channel 6 even to 6—.

5. If upon consideration of the comments and reply comments filed in this proceeding, the Commission concludes that the public interest would be served by adopting this proposal to assign a third VHF channel to Charlotte, it would be desirable in the public interest that a third VHF station be placed in operation with the least possible delay. Accordingly, notice is hereby given that in the event Channel 6 is assigned to Charlotte the Commission will welcome and give consideration to any acceptable proposals for commencement of operation under special temporary authorization to such persons as may be qualified. Authorization for such operation in the interim pending the completion of any comparative hearings which may be held on mutually exclusive applications for the channel would terminate upon the issuance of a regular authorization.

6. Authority for the proposed amendment to § 3.606 of the Rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested parties may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7482; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14239; FCC 61-1005]

DEINTERMIXTURE OF MADISON, WIS.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Madison, Wis. all UHF by deleting the assignment to Madison of VHF channel 3. UHF channel *33 is presently available and unoccupied at Madison.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7483; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14240; FCC 61-1006]

DEINTERMIXTURE OF ROCKFORD, ILL.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket No. 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Rockford, Illinois, all UHF by the following amendments to the Table of Assignments:

City	Channel No.	
	Present	Proposed
Rockford, Ill.	13+, 39+, *45+	17—, 39+, *45+
Portage, Wis.	17—	

We do not herein designate replacements for the UHF channel proposed to be deleted from Portage for the purpose of making a new UHF channel available to Rockford. We find it desirable in the public interest to defer action on making available a substitute UHF channel for Portage until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the Rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7484; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14241; FCC 61-1007]

DEINTERMIXTURE OF HARTFORD, CONN.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We accordingly propose herein to place all commercial channel assignments at Hartford in the UHF band, by replacing VHF Channel 3 with Channel 76.

3. Comments are invited as to whether, if we decide to remove Channel 3 from commercial use at Hartford, it would best serve the public interest to:

(a) Reserve Channel 3 for noncommercial, educational use at Hartford or elsewhere in Connecticut;

(b) Reassign Channel 3 to Providence, R.I., for commercial use; [1]

(c) Reassign Channel 3 to Providence, R.I., and reserve it for noncommercial educational use there; or

(d) Delete Channel 3 from Hartford and defer decision on possible alternative uses of this channel pending further developments which would give clearer indication of how Channel 3 might best be utilized.

4. Channel 76, here proposed for assignment to Hartford in lieu of Channel 3, can be made available without shifting any UHF channel on which there is an outstanding authorization. Its assignment to Hartford would, however, require its deletion from Concord, New Hampshire, as well as the deletion of Channel 61 from Easthampton, Massachusetts, and the deletion of Channel 83, now reserved for noncommercial educational use at Poughkeepsie, New York. We find it desirable in the public interest to defer consideration of steps to replace the channels thus deleted until decision in Docket No. 14229 with regard to the most desirable means of making UHF channels available for future commercial and noncommercial stations.

5. While the assignment of Channel 76 to Hartford under the foregoing approach would avoid dislocation of existing UHF stations, the Commission will consider such counterproposals as interested parties may wish to submit for the assignment of a different UHF channel to Hartford for commercial use there in lieu of Channel 3.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7485; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14242; FCC 61-1008]

DEINTERMIXTURE OF ERIE, PENN.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Erie, Pennsylvania, all UHF by the following amendments to the Table of Assignments:

[1] Pursuant to our Report and Order adopted July 6, 1961 (FCC 61-6824) in Docket 13375, the pleadings therein relating to counterproposals to reassign Channel 3 from Hartford to Providence will be considered in the instant proceeding. It should be noted that owing to air space problems there may be considerable difficulty in finding an acceptable transmitter site for a Channel 3 station assigned to Providence.

City	Channel No.	
	Present	Proposed
Erie, Pa.	12, 35+, *41−, 66+	35+, *41−, 54+ 66+
Sharon, Pa.	39+	
Olean, N.Y.	54+	

We do not herein designate replacements for the UHF channels proposed to be deleted from Sharon and Olean for the purpose of making new UHF channels available to Erie, Pa. We find it desirable in the public interest to defer action on making available substitute UHF channels for Sharon and Olean until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7486; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14243; FCC 61-1009]

DEINTERMIXTURE OF BINGHAMTON, N.Y.

Notice of Proposed kule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket No. 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Binghamton, New York, all UHF by the following amendments to the Table of Assignments:

City	Channel No.	
	Present	Proposed
Binghamton, N.Y.	12−, 40−, *46+, 56+	24−, 40−, *46+, 56+
Elmira, N.Y.	18+, 24−, 30	18+, 30

We do not herein designate replacements for the UHF channel proposed to be deleted from Elmira for the purpose of making a new UHF channel available to Binghamton. We find it desirable in the public interest to defer action on making available a substitute UHF channel for Elmira until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested person may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7487; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14244; FCC 61-1010]

DEINTERMIXTURE OF CHAMPAIGN, ILL.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmission.

2. We herein invite comments on our proposal to make Champaign, Ill., all UHF by deleting the assignment to Champaign of VHF channel 3. UHF channels 21 and 27 are presently available and unoccupied at Champaign.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7488; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14245; FCC 61-1011]

DEINTERMIXTURE OF COLUMBIA, S.C.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Columbia, South Carolina, all UHF by the following amendments to the Table of Assignments:

City	Channel No.	
	Present	Proposed
Columbia, S.C.	10−, 19+, 25−, *31−	19+, 25−, *31−, 43−
Marion, S.C.	43−	
Orangeburg, S.C.	44−	

We do not herein designate replacements for the UHF channels proposed to be deleted from Marion and Orangeburg for the purpose of making new UHF channels available to Columbia. We find it desirable in the public interest to defer action on making available substitute UHF channels for Marion and Orangeburg until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4(i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate readings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7489; Filed, Aug. 10, 1961; 8:48 a.m.]

[47 CFR Part 3]

[Docket No. 14246; FCC 61-1012]

DEINTERMIXTURE OF MONTGOMERY, ALA.

Notice of Proposed Rule Making

1. In a separate notice of proposed rule making (FCC 61-993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We herein invite comments on our proposal to make Montgomery, Alabama, all UHF by the following amendments to the Table of Assignments:

City	Channel No.	
	Present	Proposed
Montgomery, Ala.	12, 20, *26+, 32	20, *26+, 32, 38−
Troy, Ala.	38−	

We do not herein designate replacements for the UHF channel proposed to be deleted from Troy for the purpose of making a new UHF channel available to Montgomery. We find it desirable in the public interest to defer action on making available a substitute UHF channel for Troy until decisions are reached in Docket No. 14229 concerning the future methods of assigning stations on UHF channels.

3. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7490; Filed, Aug. 10, 1961; 8:49 a.m.]

[Docket No. 14119]

[47 CFR Part 3]

BROADCAST ANNOUNCEMENT OF FINANCIAL INTERESTS OF BROADCAST STATIONS AND NETWORKS AND THEIR PRINCIPALS AND EMPLOYEES IN SERVICE AND COMMODITIES RECEIVING BROADCAST PROMOTIONS

Order Extending Time for Filing Reply Comments

Preliminary review of the comments filed in this proceeding on July 31, 1961 indicates several lines along which it may be desirable to consider revisions or additions to the rule amendments proposed by the Commission in its notice of proposed rule making adopted May 11, 1961, herein.

It appears desirable to extend the last date for filing reply comments (hitherto scheduled for August 15, 1961) in order to afford all interested parties a longer opportunity to examine the comments which have been filed and to submit views to the Commission concerning them.

Accordingly, it is ordered, That the time for filing reply comments in the proceeding is extended to September 15, 1961.

Released: August 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7654; Filed, Aug. 10, 1961; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 527) has been filed by C. K. Williams and Company, 640 North 13th Street, Easton, Pennsylvania, proposing the issuance of a regulation to provide for the safe use of chromium oxide green as a colorant in articles intended for use in producing preparing manufacturing, processing, packing, packaging, transporting, or holding food.

Dated: August 4, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7623; Filed, Aug. 10, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 840]

AIRWORTHINESS DIRECTIVE

Lockheed Model 188 Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring removal of ganging bars on compass circuit breakers in Lockheed 188 aircraft, or installation of a protective guard to avoid inadvertent tripping of the ganging bar. Tripping of these breakers causes a loss of aircraft heading information.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 11, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED. Applies to all Model 188 aircraft.

Compliance required as indicated.

Several instances of inadvertent tripping of compass circuit breakers have occurred due to bumping the ganging bar by the occupant of the observers seat. Due to the effect of the loss of heading information upon operational safety, accomplishment of the following is required:

Within the next 100 hours' time in service after the effective date of this AD, inspect the pilot's and copilot's compass circuit breakers, and if the circuit breakers are ganged together, either remove the ganging bars, or install a protective guard which precludes inadvertent operation of the ganging bar. (These circuit breakers are located in the lowest circuit breaker panel beside the observers seat on the left side of the flight deck.)

Issued in Washington, D.C., on August 4, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F. R. Doc. 61-7612; Filed, Aug. 10, 1961; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 841]

AIRWORTHINESS DIRECTIVE

Auto Crat Manufacturing Company Safety Belt

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring replacement or rework of Model BN 1-1700 Series Auto Crat safety belts. It has been determined by static test that this model does not meet the minimum strength requirements of TSO-C22.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 11, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

AUTO CRAT MANUFACTURING COMPANY SAFETY BELT. Applies to all aircraft equipped with Auto Crat Model BN 1-1700 Series safety belts.

Compliance required within the next 25 hours' time in service after the effective date of this AD.

It has been determined by static test that the Auto Crat safety belt Model BN 1-1700 assemblies manufactured under Technical Standard Order C-22 standards do not meet the minimum strength requirements of this TSO. Accordingly, these belt assemblies must either be replaced with belt assemblies that conform to TSO-C22 standards, or be reworked to incorporate a steel frame buckle BN 1-2000AW supplied by Auto Crat, or equivalent. When this steel frame buckle is installed, the modified belt assembly becomes Model BN 1-2000, which meets the TSO requirements and shall be marked with the new model number.

(Auto Crat letters to various air carriers dated May 10, 1961, pertains to the same subject.)

Issued in Washington, D.C., on August 4, 1961.

GEORGE C. PRILL,
Director,
Flight Standards Service.

[F.R. Doc. 61-7613; Filed, August 10, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-AN-6]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Federal Airways and Associated Control Areas; Designation of VOR Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6508, 601.6508, and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 508 extends from the Middleton Island, Alaska, VOR to the Kenai, Alaska, VOR. The Federal Aviation Agency has under consideration the alteration of Victor 508 by extending it and its associated control areas from the Kenai VOR to the Bethel, Alaska, VOR, including the area within 16 miles either side of the centerline at and above 24,000 feet MSL. This proposed airway extension would provide a routing for VOR equipped aircraft operating from Anchorage, Alaska, via Kenai to Bethel. Expansion of the airway width to 16 miles either side of the centerline at and above 24,000 feet MSL would provide control area protection for high altitude turbojet aircraft operating along the proposed airway. The control areas associated with this proposed airway segment would extend upward from 700 feet above the surface. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

In addition, it is proposed to amend § 601.7001 to include the following Domestic VOR Reporting Points:

(a) Peak Intersection: intersection of the Kenai, Alaska, VOR 271° and the Homer, Alaska, VOR 330° True radials.

(b) Lake Intersection: intersection of the Kenai, Alaska, VOR 271° and the Homer, Alaska, VOR 313° True radials.

(c) Hood Intersection: intersection of the Bethel, Alaska, VOR 061° and the King Salmon, Alaska, VOR 342° True radials.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Alaskan Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 3, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7617; Filed, Aug. 10, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-FW-3]

CONTROLLED AIRSPACE

Alteration of Control Zone; Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.2367 of the regulations of the Administrator, the substance of which is stated below.

The Fort Bragg, N.C. (Pope Air Force Base), control zone is designated within a 5-mile radius of Pope Air Force Base, Fort Bragg, N.C., and within 2 miles either side of the 227° True and 047° True radials of the Pope AFB VOR extending from the 5-mile radius zone to 9 miles northeast of the VOR. The portion of this control zone which coincides with Restricted area R-5311 (formerly R-115) is excluded.

The Federal Aviation Agency is considering the redesignation of this control zone within a 5-mile radius of Pope Air Force Base, Fort Bragg, N.C. (Lat. 35°10'15" N., Long. 79°00'55" W.), within 2 miles either side of the Pope VOR 227° True radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the Pope TACAN 037° True radial extending from the 5-mile radius zone to 9 miles northeast of the TACAN, excluding that portion southeast of a line beginning at Lat. 35°11'55" N., Long. 78°56'05" W., extending southwest to Lat. 35°05'55" N., Long. 79°00'50" W., and excluding the portion which would coincide with Restricted area R-5311. These alterations would provide protection for aircraft executing the prescribed ADF, VOR, and TACAN instrument approach procedures at the Pope AFB.

In addition, the Federal Aviation Agency is considering the designation of a control zone within a 5-mile radius of the Simmons Army Airfield (Lat. 35°07'55" N., Long. 78°56'05" W.) excluding the portions which would coincide with the altered Fort Bragg, N.C., control zone (§ 601.2367), as proposed herein.

The proposed control zone would provide protection for aircraft arriving and departing the Simmons AAF during instrument flight rules conditions. The time of designation would be continuous. Weather reporting service would be provided by a United States Air Force weather detachment at Simmons AAF. Communications would be provided by the Simmons AAF control tower.

The Federal Aviation Agency is presently conducting an evaluation on an area basis of the controlled airspace requirements relating to implementation of Amendment 60-21 to Civil Air Regulations; Part 60, Air Traffic Rules. Upon completion of this evaluation, further alteration of these control zones may be required. If this appears necessary, a new proposal will be initiated.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 3, 1961.

J. R. BAILEY,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-7615; Filed, Aug. 10, 1961; 8:46 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 61-WA-120]

CONTROLLED AND SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 601.7101 and 608.29 of the regulations of the Administrator, the substance of which is stated below.

Airspace Docket No. 60-WA-273, published in the FEDERAL REGISTER August 5, 1961, with an effective date of September 21, 1961, modified the restricted areas in the vicinity of Jacksonville, Fla., by revoking the existing areas and designating new areas to best fit the requirements of the using agency and other aeronautical interests. Included in that docket were the designation of the Jacksonville East, Fla., Restricted Area R-2903A and the Putnam, Fla., Restricted Area R-2903C. It was further indicated that simultaneous alterations to R-2903A and R-2903C would be effected upon establishment of a new restricted area (Rodman, Fla., R-2906) requested by the Department of the Navy.

Accordingly, it is proposed herein to establish a restricted area southeast of Gainesville, Fla., to be identified as Rodman, Fla., Restricted Area R-2906; to realign the eastern boundary of R-2903A to generally conform to the west bank of the St. Johns River and to lower the ceiling of Putnam, Fla., Restricted Area R-2903C to 14,000 feet MSL as follows:

Jacksonville East, Fla., Restricted Area R-2903A.

Boundaries. Beginning at Lat. 30°15'30" N., Long. 81°43'25" W., clockwise along an arc of a circle 2½ nautical miles in radius centered at Lat. 30°14'00" N., Long. 81°41'00" W., to Lat. 30°11'25" N., Long. 81°41'00" W., to Lat. 29°49'50" N., Long. 81°41'00" W., counter clockwise along an arc of a circle 3 nautical miles in radius centered at Lat. 29°47'00" N., Long. 81°41'00" W., to Lat. 29°45'15" N., Long. 81°43'40" W., to Lat. 29°47'55" N., Long. 81°50'30" W., to Lat. 29°50'45" N., Long. 81°49'15" W., to Lat. 29°53'50" N., Long. 81°57'50" W., to Lat. 30°00'15" N., Long. 81°52'05" W., to Lat. 30°02'05" N., Long. 81°54'45" W., to Lat. 29°56'30" N., Long. 82°00'00" W., counter clockwise along an arc of a circle 3 nautical miles in radius centered at Lat. 29°53'20" N., Long. 82°00'25" W., to Lat. 29°56'00" N., Long. 82°02'00" W., to Lat. 30°15'30" N., Long. 82°02'00" W., to the point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

Putnam, Fla., Restricted Area R-2903C.

Designated altitudes. Surface to 14,000 feet MSL.

Rodman, Fla., Restricted Area R-2906.

Boundaries. Within a 3-nautical mile radius of Lat. 29°29'00" N., Long. 81°46'00" W., and within 1½ nautical miles either side of the 240° and 300° True bearings from the center extending from the 3-nautical mile radius to 10 nautical miles northwest and southwest of the center.

Designated altitudes. The 3-nautical mile radius, surface to 14,000 feet MSL; the extensions, surface to 6,000 feet MSL.

Time of designation. From sunrise to 2400 eastern standard time.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

Designation of Restricted Area R-2906 would provide special use airspace for hazardous bombing activities conducted by Navy aircraft operating from NAS Jacksonville. Alteration of Restricted Areas R-2903A and R-2903C would return to public use airspace no longer required to contain hazardous activities. The controlling agency would authorize aircraft to operate within these restricted areas when not in use by the using agency. Upon lowering the ceiling of R-2903C as proposed herein, this area would be deleted from the list of restricted areas included within the continental control area in § 601.7101.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 4, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7616; Filed, Aug. 10, 1961; 8:46 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61-WA-126]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.29 of the regulations of the Administrator, the substance of which is stated below.

Airspace Docket No. 60-WA-273, published in the FEDERAL REGISTER August 5, 1961, with an effective date of September 21, 1961, modified the restricted areas in the vicinity of Jacksonville, Fla., by revoking the existing areas and designating new areas to best suit the requirements of the using agency and other aeronautical interests. Included in that action was the designation of the Jacksonville West, Fla., Restricted Area R-2903D, which was made up of portions of R-2903 and R-2904. As previously designated, R-2904 did not include the airspace below 5,000 feet MSL. Thus, the base of R-2903D was established with two floors: one extending from the surface to fight level 600 and one extending from 5,000 feet to flight level 600. The Department of the Navy has indicated a need for this airspace below 5,000 feet MSL which was previously excluded.

It is proposed to alter the Jacksonville West, Fla., Restricted Area R-2903D as follows:

Jacksonville West, Fla., Restricted Area R-2903D.

Boundaries. Beginning at Lat. 30°15'30" N., Long. 81°50'00" W.; to Lat. 30°15'30" N., Long. 82°02'00" W.; to Lat. 29°56'00" N., Long. 82°02'00" W.; counter clockwise along an arc of a circle 3 nautical miles in radius centered at Lat. 29°53'20" N., Long. 82°00'25" W.; to Lat. 29°53'30" N., Long. 82°04'00" W.; to Lat. 30°00'00" N., Long. 82°19'30" W.; to Lat. 30°03'00" N., Long. 82°20'00" W.; to Lat. 30°22'00" N., Long. 82°20'00" W.; to Lat. 30°21'20" N., Long. 81°55'45" W.; to point of beginning.

Designated altitudes. Surface to flight level 600.

Time of designation. Continuous, to terminate December 31, 1962.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

This alteration would provide additional airspace to support a forthcoming requirement for qualifying pilots in the execution of terrain clearance radar penetration. The controlling agency of R-2903D would authorize transit of this restricted airspace by non-participating aircraft in accordance with a letter of joint use procedures.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 4, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7614; Filed, Aug. 10, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

SECRETARIAL OFFICERS AND THE SOLICITOR

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual. Material that relates solely to internal management has not been included.

Part 210 of the Departmental Manual has been amended by adding a new subdivision (5) to 210 DM 1.1A and a new subdivision (4) to 210 DM 1.2A (24 F.R. 1348) reading as follows:

PART 210—OFFICE OF THE SECRETARY

CHAPTER 1—SECRETARIAL OFFICERS

210.1.1 *Under Secretary.* A. The Under Secretary is authorized to:

• • • • • •

(5) Exercise the authority delegated to the Secretary by Executive Order 10950, relating to the approval of selections by the State of Alaska of public lands lying north and west of the national defense withdrawal line.

210.1.2 *Assistant Secretaries.* • • •

A. The Assistant Secretaries severally are authorized to:

• • • • • •

(4) Exercise the authority delegated to the Secretary by Executive Order 10950, relating to the approval of selections by the State of Alaska of public lands lying north and west of the national defense withdrawal line.

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 7, 1961.

[F.R. Doc. 61-7621; Filed, Aug. 10, 1961; 8:47 a.m.]

DEPARTMENT OF STATE

[Public Notice 193]

[Delegation of Authority No. 103]

DIRECTOR, INTERNATIONAL COOPERATION ADMINISTRATION

Delegation of Authority Relative to Latin American Development and Chilean Reconstruction Act

By virtue of the authority vested in me by the Executive Order of July 31, 1961, entitled "Administration of Assistance in the Development of Latin American and in the Reconstruction of Chile", and section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

SECTION 1. *Exercise of functions.* There are hereby delegated to the Director of the International Cooperation Administration so much of the functions conferred upon the Secretary of State by section 1 of the above mentioned Executive Order as relate to the use of the funds specified in section 2(a) below.

SEC. 2. *Reallocation of funds.* There are hereby reallocated to the Director of the International Cooperation Administration:

(a) $75,000,000 of the funds allocated to the Secretary of State from the appropriation entitled "Chilean Reconstruction and Rehabilitation Program"; and

(b) $394,000,000 of the funds allocated to the Secretary of State from the appropriation entitled "Inter-American Social and Economic Cooperation Program", which shall be suballocated to the Secretary of the Treasury within ten days after the date of signature of this Delegation of Authority.

SEC. 3. *General provisions.* (a) The Director of the International Cooperation Administration may, to the extent consistent with law, delegate or assign any of the functions delegated or assigned to him by this Delegation of Authority to his subordinates, and authorize any of such subordinates to whom functions are so delegated or assigned successively to redelgate or reassign any of such functions.

(b) The Director of the International Cooperation Administration may promulgate from time to time, to the extent consistent with law, such rules and regulations as may be necessary and proper to carry out any of the functions delegated or assigned to him by this Delegation of Authority.

[SEAL] DEAN RUSK,
Secretary of State.

AUGUST 2, 1961.

[F.R. Doc. 61-7622; Filed, Aug. 10, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

UNITED STATES LINES CO. AND COMPAGNIE GENERALE TRANSATLANTIQUE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8580, between United States Lines Company and Compagnie Generale Transatlantique (French Line), covers an arrangement for the scheduling of sailings of the "SS United States," of the United States Lines Company, and the "SS France," of the French Line, in the passenger trade between the ports of New York, Southampton and LeHavre.

Interested parties may inspect this agreement and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 8, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7640; Filed, Aug. 10, 1961; 8:50 a.m.]

[Docket No. S-128]

STATES STEAMSHIP CO.

Notice of Application and of Hearing

Notice is hereby given of the application of States Steamship Company for written permission of the Federal Maritime Board under section 805(a) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1223, to make 14 instead of 13 outbound calls at the Hawaiian Islands in the California/Hawaiian trade during the calendar year 1961. This application may be inspected by interested parties in the Hearing Examiners' Office, Federal Maritime Board/Maritime Administration.

A hearing on the application has been set for August 25, 1961, at 9:30 a.m., e.d.s.t., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington 25, D.C. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) must, before the close of business on August 21, 1961, notify the Secretary, Federal Maritime Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in Rule 5(n) of the rules of practice and procedure, Federal Maritime Board/Maritime Administration, petitions for leave to intervene received after the close of business on August 21, 1961, will not be granted in this proceeding.

Dated: August 8, 1961.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7637; Filed, Aug. 10, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-NY-15]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Power Authority of the State of New York proposes to construct a radio antenna structure near Fairport, New York, at latitude 43°02'-30" north, longitude 77°25'21" west. The overall height of the structure would be 930 feet above mean sea level (150 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 4.8 miles southeast of the Brizee-Harmon Airport, Pittsford, New York, and would exceed the outer conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 65 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 of this title (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 1, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7606; Filed, Aug. 10, 1961; 8:45 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

PUERTO RICO AND THE VIRGIN ISLANDS

Action Upon Applications for the Appointment of Review Committees

Notice is hereby given that pursuant to proviso (1)(C) of section 6(c) of the Fair Labor Standards Act of 1938, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), and in accordance with 29 CFR Part 512 published in the FEDERAL REGISTER on May 27, 1961 (26 F.R. 4636), the applications for the appointment of review committees to recommend the minimum rate or rates to be paid to employees in the following industries in Puerto Rico and the Virgin Islands in lieu of the rate or rates provided by proviso (1)(A) of the aforesaid section 6(c) of the Fair Labor Standards Act of 1938 have been approved:

Shoe and related products industry in Puerto Rico (29 CFR Part 601).
Sweater and knit swimwear industry in Puerto Rico (29 CFR Part 611).
Sugar manufacturing industry in Puerto Rico (29 CFR Part 689).
Tobacco industry in Puerto Rico (29 CFR Part 657).
Hosiery industry in Puerto Rico (29 CFR Part 687)
Miscellaneous industries in the Virgin Islands (29 CFR Part 604).
Textile and textile products industry in Puerto Rico (29 CFR Part 699).
Leather, leather goods, and related products industry in Puerto Rico (29 CFR Part 602).
Fabric and leather glove industry in Puerto Rico (29 CFR Part 603).
Handkerchief, square scarf, and art linen industry in Puerto Rico (29 CFR Part 608).
Women's and children's underwear and women's blouse and neckwear industry in Puerto Rico (29 CFR Part 609).

An application for the appointment of a review committee to recommend the minimum rate or rates to be paid to employees in the artificial flower, decoration, and party favor industry in Puerto Rico (29 CFR Part 688) has been denied because no reasonable cause has been shown for believing that compliance with the rates provided by proviso 1(A) of the aforesaid section 6(c) of the Act will substantially curtail employment in the industry.

Orders appointing review committees upon the basis of the approved applications shall be published in the FEDERAL REGISTER at a later date.

Signed at Washington, D.C., this 7th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-7636; Filed, Aug. 10, 1961; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879]

TRAFFIC CONFERENCE 1 OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590—Commodity Rates Board.

The agreement names two additional specific commodity rates. The proposed rates are consistent with the level of rates in effect to other points for the commodities in question.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement, which is incorporated in the following IATA Memoranda, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered:

C.A.B. 14827:	*IATA memorandum*
R-54	TC1/Rates 1300
R-55	TC1/Rates 1300

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-54 and R-55, is approved, provided that such approval shall not necessarily constitute approval of any specific commodity description contained therein for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7642; Filed, Aug. 10, 1961; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14211, 14212; FCC 61M-1339]

PUTNAM BROADCASTING CORP. AND PORT CHESTER BROADCASTING CO.

Order Scheduling Hearing

In re applications of Putnam Broadcasting Corporation, Brewster, New York, Docket No. 14211, File No. BP-13562; Nicholas J. Zaccagnino, tr/as Port Chester Broadcasting Co., Port Chester, New York, Docket No. 14212, File No. BP-14572; for construction permits.

It is ordered, This 3d day of August 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 1:15 p.m., Thursday, September 7, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7655; Filed, Aug. 10, 1961; 8:55 a.m.]

[Docket No. 14206; FCC 61M-1337]

HAROLD RAY CLAYPOOLE

Order Scheduling Hearing

In re application of Harold Ray Claypoole, P.O. Box 615, Midland, Ohio; Docket No. 14206; application for Conditional Class Amateur Radio Operator and Station License.

It is ordered, This 3d day of August 1961, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 2, 1961, in Washington, D.C.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7656; Filed, Aug. 10, 1961; 8:52 a.m.]

[Docket Nos. 14208, 14228; FCC 61M-1338]

WMOZ, INC.

Order Scheduling Hearing

In re application of WMOZ, Inc., Mobile, Alabama, For Renewal of License of Station WMOZ, Mobile, Alabama, Docket No. 14208 (File No. BR-2797; Revocation of License of Edwin H. Estes for Standard Broadcast Station WPFA, Pensacola, Florida, Docket No. 14228.

It is ordered, This 3d day of August 1961, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 17, 1961, in Mobile, Alabama; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Wednesday, September 6, 1961, in Washington, D.C.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7657; Filed, Aug. 10, 1961; 8:52 a.m.]

[Docket No. 14226; FCC 61M-1333]

KWTX BROADCASTING CO. (KWTX-TV)

Order Scheduling Hearing

In re application of KWTX Broadcasting Company (KWTX-TV) Waco, Texas, Docket No. 14226, File No. BPCT-2696; for construction permit.

It is ordered, This 3d day of August 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 1:15 p.m., Thursday, September 7, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7658; Filed, Aug. 10, 1961; 8:52 a.m.]

[Docket Nos. 14215-14224; FCC 61M-1332]

PLAINS RADIO BROADCASTING CO.

Order Scheduling Hearing

In re applications of Plains Radio Broadcasting Company, For Additional Time to Construct Radio Station KRKY, Denver, Colorado, Docket No. 14215, File No. BMPH-6458; for Additional Time to Construct Radio Station WFFM, Cincinnati, Ohio, Docket No. 14216, File No. BMPH-6459; for Additional Time to Construct Radio Station KFMV, Minneapolis, Minnesota, Docket No. 14217, File No. BMPH-6460; for Additional Time to Construct Radio Station KFMC, Portland, Oregon, Docket No. 14218, File No. BMPH-6461; for Additional Time to Construct Radio Station KPRN, Seattle, Washington, Docket No. 14219, File No. BMPH-6463; for Consent to Assignment of Construction Permit for Radio Station KRKY, Denver, Colorado to United Communications, Inc., Docket No. 14220, File No. BAPH-222; for Consent to Assignment of Construction Permit for Radio Station WFFM, Cincinnati, Ohio to United Communications, Inc., Docket No. 14221, File No. BAPH-223; for Consent to Assignment of Construction Permit for Radio Station KFMV, Minneapolis, Minnesota to United Communications, Inc., Docket No. 14222, File No. BAPH-224; for Consent to Assignment of Construction Permit for Radio Station KFMC, Portland, Oregon to United Communications, Inc., Docket No. 14223, File No. BAPH-225; for Consent to Assignment of Construction Permit for Radio Station KPRN, Seattle, Washington to United Communications, Inc., Docket No. 14224, File No. BAPH-226.

It is ordered, This 3d day of August 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1961, in Washington, D.C.; *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 10:00 a.m., Tuesday, September 5, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7659; Filed, Aug. 10, 1961; 8:52 a.m.]

[Docket Nos. 6584, 14225; FCC 61M-1330]

KSTP, INC. (KOB)

Order Scheduling Hearing

In re applications of KSTP, Inc. (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit, American Broadcasting-Paramount Theatres, Inc. (WABC), New York City, New York, Docket No. 14225, File No. BR-167.

It is ordered, This 3d day of August 1961, that Asher H. Ende will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 16, 1961, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 1:00 p.m., Friday, September 8, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7660; Filed, Aug. 10, 1961; 8:52 a.m.]

[Docket Nos. 14213, 14214; FCC 61M-1331]

SEWARD BROADCASTING CO., INC., AND SALTVILLE BROADCASTING CORP.

Order Scheduling Hearing

In re applications of The Seward Broadcasting Company, Incorporated, Marion, Virginia, Docket No. 14213, File No. BP-13803, Saltville Broadcasting Corporation, Saltville, Virginia, Docket No. 14214, File No. BP-14611; for construction permits.

It is ordered, This 3d day of August 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 11, 1961, in Washington, D.C.; *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 1:15 p.m., Monday, September 18, 1961.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7661; Filed, Aug. 10, 1961; 8:52 a.m.]

[FCC 61-929]

BOARD OF COMMISSIONERS

Delegation of Authority To Institute Investigations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July 1961;

The Commission having under consideration its announcement of June 7, 1961, regarding its plans for one meeting and no hearings or oral arguments in August 1961; planned summer absences

of its members; and the limitation on the delegation of authority to a Board of Commissioners, contained in section 0.213 of the Commission's Statement of Organization, Delegations of Authority and Other Information, whereby such Board cannot institute investigations;

It appearing that a quorum of the Commission may not be present at times during the period from August 2, 1961, to September 8, 1961, inclusive;

It further appearing that it is necessary to the proper functioning of the Commission and the prompt and orderly conduct of its business, that a Board of Commissioners be authorized to institute investigations whenever a quorum of the Commission is not present during the above-specified period;

It is ordered, That, pursuant to section 5(d)(1) of the Communications Act of 1934, as amended, during the period from August 2, 1961, to September 8, 1961, inclusive, there is delegated to a Board of Commissioners, to be composed of all Commissioners present and able to act during said period, authority to institute investigations whenever a quorum of the Commission is not present.

Released: August 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7662; Filed, Aug. 10, 1961; 8:53 a.m.]

[Docket No. 14226; FCC 61-983]

KWTX BROADCASTING CO. (KWTX-TV)

Order Designating Application for Hearing on Stated Issues

In re application of KWTX BROADCASTING COMPANY (KWTX-TV), Waco, Texas, Docket No. 14226, File No. BPCT-2866; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 26th day of July 1961;

The Commission having under consideration the above-captioned application of KWTX Broadcasting Company requesting a construction permit to increase visual effective radiated power from 107 kw to 225 kw, increase aural effective radiated power from 53.7 kw to 127.5 kw, change transmitter site eight miles to the south, change type of transmitter, make changes in antenna system, and increase antenna height from 520 feet to 1,140 feet above average terrain; and

It appearing that the LBJ Co., licensee of Television Broadcast Station KTBC-TV, Channel 7, Austin, Texas, owns 29.07 percent of the outstanding common stock of the applicant, KWTX Broadcasting Company (KWTX-TV), which, in turn, owns 50 percent of the outstanding common stock of Brazos Broadcasting Co., licensee of Television Broadcast Station KBTX-TV, Channel 3, Bryan, Texas; and that there is an existing overlap of coverage of Stations KTBC-TV, KWTX-TV and KBTX-TV; and

It further appearing that the applicant contends that its proposed move would not be inconsistent with the provisions of § 3.636 of the Commission's rules since, in fact, the operations of Stations KWTX-TV and KTBC-TV are wholly separate and the stations are not under common control within the meaning of § 3.636 of the rules; and

It further appearing that upon due consideration of the above-captioned application and the reasons adduced in support of its grant, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that KWTX Broadcasting Co., is legally, technically, financially and otherwise qualified to construct, own and operate Station KWTX-TV as proposed except with respect to issues "1", "2", and "3", and "4" below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of KWTX Broadcasting Company is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether Station KTBC-TV, Austin, Texas, and Station KWTX-TV, Waco, Texas, are licensed to parties under common control within the meaning of § 3.636 of the Commission's rules.

2. In the event issue 1 is answered affirmatively, to determine the extent of the increased overlap between Stations KTBC-TV and KWTX-TV, and whether a grant of the above-captioned application would be consistent with the provisions of § 3.636(a)(1) of the rules.

3. To determine the extent of the increased overlap between Stations KWTX-TV, Waco, and KBTX-TV, Bryan, Texas, and whether a grant of the above-captioned application would be consistent with the provisions of § 3.636(a)(1) of the rules.

4. To determine, in view of the connection between Stations KWTX-TV, KTBC-TV, and KBIX-TV, whether a grant of the above-captioned application would result in an undue concentration of control of television broadcasting contrary to the provisions of § 3.636(a)(2) of the Commission's rules.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That to avail itself of the opportunity to be heard KWTX Broadcasting Company, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: August 3, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7663; Filed, Aug. 10, 1961; 8:53 a.m.]

[Docket No. 14204]

OSCAR HERMANDY, JR., AND MAIN OIL LINE

Order to Show Cause

In the matter of Oscar Hermandy, Jr., dba Main Oil Line, Tampa, Florida, Docket No. 14204; order to show cause why there should not be revoked the license For Radio Station 7W3608 in the Citizens Radio Service.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: On March 24, 1961, an Official Notice of Violation (FCC Form 793) was mailed to the above-named licensee, alleging that on February 26, 1961, the above-referenced radio station was observed in violation of § 19.61 (a) and (c) of the Commission's rules Governing the Citizens Radio Service in that the communications being transmitted were not substantive to the business or personal activities of the licensee.

It further appearing that the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated April 26, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 877912), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Oscar Hermandy, Jr., on April 29, 1961, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 4th day of August 1961, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee, at 3701 15th Street, Tampa, Florida.

Released: August 7, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7664; Filed, Aug. 10, 1961; 8:53 a.m.]

[Docket No. 14206; FCC 61-932]

HAROLD RAY CLAYPOOLE

Order Designating Application for Hearing on Stated Issues

In re application of Harold Ray Claypoole, P. O. Box 615, Midland, Ohio, Docket No. 14206; application for Conditional Class Amateur Radio Operator and Station License.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of July 1961;

The Commission having under consideration the above-captioned application of Harold Ray Claypoole, P. O. Box 615, Midland, Ohio, for Amateur Radio Operator and Station License; and

It appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, Harold Ray Claypoole was advised by letter dated May 5, 1961, of the grounds and the reasons for the Commission's inability to make a finding that a grant of said application would serve the public interest, convenience and necessity; and

It further appearing that upon consideration of the reply thereto of Harold Ray Claypoole dated May 8, 1961, the Commission is still unable to make such a determination;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether, on or about December 17, 18 and 19, 1960, Harold Ray Claypoole operated an Amateur radio station without a license therefor, in violation of sections 301 and 318 of the Communications Act of 1934, as amended.

2. To determine whether, in the course of such unlicensed operation, Harold Ray Claypoole made transmissions of an indecent and obscene nature.

3. To determine whether, in the light of the evidence adduced under the foregoing issues, the applicant possesses the requisite character qualifications to be a licensee of the Commission.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, the grant of the captioned application would serve the public interest, convenience and necessity; and

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant, Harold Ray Claypoole, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty days of the mailing of this Order, file with the Commission a written appearance, in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: August 4, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7665; Filed, Aug. 10, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-339]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 4, 1961.

Take notice that on June 26, 1961, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago 3, Illinois, and Mississippi River Transmission Corporation (Transmission), 9900 Clayton Road, St. Louis 24, Missouri (sometimes hereinafter referred to jointly as Applicants), filed a joint application in Docket No. CP61-339, as supplemented on July 5, 1961 and July 10, 1961, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity seeking authorization to construct and operate an interconnection between their respective pipelines in Clinton County, Illinois, and to exchange natural gas with each other at said proposed interconnection, all as more fully set forth in the joint application, as supplemented, on file with the Commission and open to public inspection.

Applicants state that the purpose of the proposal is to permit them to make deliveries of natural gas to each other when such deliveries are desirable to insure continuity of service to their respective customers during periods of emergency.

The proposed exchange of gas will be made pursuant to an agreement between Applicants, dated May 29, 1961.

Applicants estimate the cost of the metering facilities to be $22,500, which cost will be shared equally by Natural and Transmission. The total estimated cost to Natural of the side tap on its existing pipeline is $2,800 which cost will be increased to an estimated $4,000 if such interconnection is made on the 30-inch pipeline proposed in Docket Nos. CP61-30 and CP61-185. The total estimated cost to Transmission of the side tap on its existing pipeline is $2,500. The cost of construction of all the facilities proposed will be financed by the respective Applicants from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 11, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) and (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 29, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7638; Filed, Aug. 10, 1961; 8:49 a.m.]

[Project No. 5]

MONTANA POWER CO. AND FLATHEAD HYDROELECTRIC PROJECT

Modification of Land Withdrawal

AUGUST 4, 1961.

Conformable to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1030), as amended, this Commission, on March 14, 1921, as supplemented by letter of May 24, 1921, gave notice of the reservation of approximately 19,201 acres of United States land pursuant to the filing on January 26, 1921, of an application for preliminary permit by the Rocky Mountain Power Company, predecessor to the Montana Power Company, for the Kerr Project (now identified as the Flathead Hydroelectric Development).

On December 12, 1930, the Commission gave notice of the elimination of ap-

proximately 1,200 acres of State owned school land inadvertently included in notice as United States land.

On August 1, 1942, further notice was given of the reservation of approximately 58 acres of United States land inadvertently omitted from the notice of March 14, 1921.

On December 2, 1947, notice was given of the vacation of the withdrawal of approximately 1,054.13 acres of the above-cited reserved lands.

Pursuant to Commission's Order dated August 15, 1946, authorizing the adjustment of the project boundary, for the most part along the 2,893-foot contour, a re-examination of the project lands, within the Flathead Hydroelectric Development, indicates the acreage now reserved for this project is far in excess to the area actually required for project purposes.

Therefore, in accordance with section 24 of the Federal Power Act of June 10, 1920, as amended, notice is hereby given that the notice of withdrawal dated March 14, 1921, as modified, is hereby further modified to include only the lands hereinafter described:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 21 W.,
Sec. 11, Lots 6, 7, 8, SW¼SE¼;
Sec. 12, Lots 1, 2, 3, 4, W½ Lot 5;
Sec. 13, Lots 2, 3, SE¼NW¼, W½W½NW¼ SE¼.

All portions of the following described subdivisions lying within the project boundary, being those lands lying below the 2,893 foot contour, as more accurately described on maps designated Exhibits K sheets 1 to 10 inclusive (F.P.C. Nos. 5–51 to 60 inclusive), filed in the Commission May 3, 1940, and Exhibits K sheets 11 to 15 inclusive (F.P.C. No. 5–97 to 101 inclusive), filed in the Commission January 2, 1946.

T. 2 N., R. 19 W.,
Sec. 6, Lot 2.

Within Baptist Villa

Block 2, Lots 1, 2, 3, 4;
Block 3, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Block 4, Lots 1, 2, 3, 4, 5, 6, 7.

T. 23 N., R. 19 W.,
Sec. 3.

Within Festou Villa

Block 8, Lots 4, 5;
Block 9, Lots 1, 2, 3;
Block 10, Lots 1, 2, 10, 11;
Block 11, Lots 5, 8, 9.
Sec. 7.

Within Finley Point Villa

Block 1, Lots 12, 13;
Block 2, Lots 1, 3, 4;
Block 3, Lot 1;
Block 6, Lots 1, 2, 3, 4.
Sec. 10.

Within Festou Villa

Block 12, Lots 1, 2, 4, 5, 6, 7.
Sec. 15.

Within Station Villa

Block 1, Lots 1, 2, 3.
Sec. 18.

Within Pollard Villa

Block 1, Lots 1, 2, 3, 4, 5, 6;
Block 4, Lots 1, 2, 3, 4, 5, 6, 7.
Sec. 19.
Lots 6, 7 (Old Lot 4).

Within Alson Villa

Block 1, Lot 4.
Sec. 20.

Within Alson Villa

Block 1, Lots 5 and 6;
Block 2, Lots 5, 6, 7.
Sec. 22: NW¼NW¼;
Sec. 28: SW¼SW¼;
Sec. 29: Lot 4;
Sec. 31.

Within Baptist Villa

Block 1, Lot 1.
Sec. 32: Lot 1;
Sec. 33: Lot 3.

T. 24 N., R. 19 W.,
Sec. 9.

Within Orchard Villa

Block 3, Lot 8;
Block 4, Lots 1, 2, 8.
Sec. 21: Lots 1, 2, 3;
Sec. 22: Lot 1.

Within Blue Grade Villa

Block 1, Lot 1.
Sec. 27.

Within Blue Grade Villa

Block 7, Lots 1, 2.
Sec. 34.

Within Festou Villa

Block 2, Lots 1, 2, 5;
Block 3, Lots 1, 2, 3, 4, 5, 6, 7;
Block 4, Lots 4 and 5.
T. 25 N., R. 19 W.,
Sec. 5: Lot 3.
T. 22 N., R. 20 W.,
Sec. 4, Lot 2.

Within Polson Townsite

Public Reserves No's. 1, 2, 3;
Block 1, Lot 6;
Block 2, Lot 1, 8, 11;
A triangular tract in northwest corner of Block 5;
Block 11, Lots 4A and 4B.
Sec. 5, Lots 5, 6, 7;
Sec. 7: SW¼SE¼;
Sec. 8, Lots 3, 4, 5, 7, 8, 9, 10, W½SE¼ SW¼;
Sec. 17, Lots 1, 2, 3;
Sec. 18, Lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 23 N., R. 20 W.,
Sec. 3: S½SW¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼, NW¼SW¼, SW¼ SE¼;
Sec. 5.

Within White Swan Villa

Block 10, Lots 1, 2, 3, 4;
Block 11, Lots 1, 2.
Sec. 10: NW¼NE¼.

Within Safety Bay Villa
(Secs. 2, 3, 10, 11, 15)

Block 2, Lots 1, 3, 4, 5;
Block 3, Lots 3, 4, 5, 6, 7, 8, 9, 10, 19;
Block 4, Lots 1, 2, 3, 9, 10, 11, 12, 16, 19, 20, 22, 23;
Block 5, Lots 1, 2, 3, 4, 5, 6;
Block 6, Part of Lot 1, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18;
Block 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11;
Block 8, Lots 1 and 4;
Block 9, Lots 2, 3, 4, 5, 6, 9, 10, 11, 12, 13;
Block 10, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10;
Block 11, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10;
Block 12, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Block 13, Lots 1, 2, 3;
Block 14, Lots 1, 2, 3, 4, 6, 7;
Block 15, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Block 16, Lots 1, 2, 3, 4, 5, 13, 14, 15, 16.
Sec. 12.

Within Narrows Villa

Block 1, Lots 1, 2, 3;
Block 2, Lot 1;
Block 3, Lot 1.
T. 24 N., R. 20 W.,
Secs. 7, 8, and 17.

Within Grouse Villa

Block 1, Lots 1, 2;
Block 2, Lot 4;
Block 3, Lots 2, 3;
Block 4, Lots 3, 5, 9;
Block 5, Lots 1, 2, 5;
Block 7, Lots 4, 6.
Sec. 18.

Within Wild Horse Villa

Block 2, Lots 1, 2, 3, 6, 7, Part of Lot 8.
Secs. 27, 28, 33 and 34.

Within Matterhorn Villa

Block 1, Lots 1, 2, 3, 4;
Block 2, Lots 3, 4, 5, 6, 7, 8;
Block 3, Lots 1, 2, 4, 5;
Block 4, Lot 6;
Block 5, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Block 6, Lots 1, 2, 3, 4, 5, 6;
Block 7, Lots 1, 3, 6, 7;
Block 8, Lots 1, 2, 3, 4, 5.
Secs. 29, 30, and 32.

Within White Swan Villa

Block 1, Lot 1;
Block 2, Lots 4, 5;
Block 3, Lots 5, 6, 8;
Block 4, Lots 1, 2, 3, 4, 7, 13, 14, 15, 16;
Block 5, Lots 1, 2, 3, 6, 7, 10, 11, 12;
Block 7, Lots 3, 4, 5;
Block 8, Lot 4;
Block 9, Lots 4, 5, 8.
Sec. 30.

Within Larches Villa

Block 2, Lots 2, 3, 4, 5.
Secs. 34 and 35.

Within Safety Bay Villa

Block 1, Lots 1, 2, 3, 4, 5, 6, 7;
Block 6, Part of Lot 1.
T. 26 N., R. 20 W.,
Sec. 3: Lot 1;
Sec. 4: Lot 8.
T. 27 N., R. 20 W.,
Sec. 22: Lot 5.
T. 28 N., R. 20 W.,
Sec. 30: Lot 9.
T. 22 N., R. 21 W.,
Sec. 13: Lots 1, 4, 5, E½NW¼SE¼, NE¼NE¼.
T. 24 N., R. 21 W.,
Sec. 1: Lots 1, 2, 3.
Sec. 3.

Within Dayton Townsite

Blocks 9 and 22.
Secs. 12, 13, and 14.

Within Daycrom Villa

Block 1, Lot 1;
Block 2, Lot 1;
Block 3, Lots 1, 2, 4, 7;
Block 4, Lots 1, 6, 7.
Sec. 13.

Within Wild Horse Villa

Block 1, Lots 1, 2, 3, 4, 5, 6, 7, 8;
Block 2, Part of Lot 8, Lots 10, 11, 13, 14, 15, 16, 17, 18, 21.
Sec. 15.

Within Cromwell Villa

Block 3, Lot 7;
Block 4, Lot 1;
Block 5, Lots 1, 2, 3, 5.
Sec. 19: Lot 2;
Secs. 24 and 25.

Within Wilgus Villa

Block 1, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.
Sec. 25.

Within Arlee Villa

Block 1, Lots 5, 7;
Block 2, Lots 1, 4;
Block 3, Lot 1.
Secs. 27 and 34.

Within Big Arm Villa

Block 3, Lots 1, 3, 4, 5;
Block 4, Lots 4, 5;
Block 7, Lots 1, 2;
Block 8, Lot 1;
Block 9, Lots 2, 3, 4.
Sec. 33.

Within Big Arm Townsite

Block 1, Lot 1;
Block 2, Lots 1, 2, 3, 4;
Block 3, Lot 6;
Block 4, Lots 1, 2, 3;
Block 5, Lots 1, 2, 3, 4, 5, 6;
Block 6, Lots 3, 4, 5, 6;
Block 7, Lots 3, 4.
T. 28 N., R 21 W.,
Sec. 22: NE¼SW¼.

Approximately 1,058.18 acres.

On April 20, 1953, the Montana Power Company filed an amendatory application for license, supplemented by maps filed May 4, 1954, and revised maps filed July 9, 1954, for the inclusion in the license of the Kerr-Thompson Falls "B" 100 kv transmission line.

Conformable to the provisions of section 24 of the Federal Power Act, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States, are included in the aforesaid power project. Under said section 24 these lands are from May 4, 1954, the date of completion of the application for amendment of license, reserved for transmission line right-of-way location only, and are in accordance with the Commission's general determination of April 17, 1922 (2d Rept. 128) disposable subject to the reservation of said section 24:

All portions of the following described subdivisions lying within a strip 80 feet wide (40 feet on each side of the center line survey) as delimited upon project maps designated Exhibits "K" sheets 1 to 6 inclusive (F.P.C. Nos. 5–113 to 118 inclusive) filed in the Commission May 4, 1954, of the Thompson Falls-Kerr "B" 100 kv transmission line.

T. 22 N., R. 21 W.,
Sec. 10: Lots 1, 2, SE¼SW¼, SW¼SE¼;
Sec. 11: Lots 4, 8, 9, SE¼SW¼, SW¼SE¼;
Sec. 16: E½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 19: Lots 3, 4, 5, 8, NE¼NE¼;
Sec. 20: Lot 3, NW¼NW¼.
T. 22 N., R. 22 W.,
Sec. 24: Lot 1, NE¼SE¼, SW¼SE¼;
Sec. 31: SE¼SE¼;
Sec. 32: N½SE¼, SW¼SE¼, S½SW¼;
Sec. 33: SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 34: NW¼NW¼.
T. 21 N., R. 24 W.,
Sec. 29: SE¼SW¼;
Sec. 31: Lots 2, 3, N½NE¼, SW¼NE¼, SE¼NW¼;
Sec. 32: NW¼NW¼.
T. 20 N., R. 25 W.,
Sec. 2: Lots 3, 4, NW¼SW¼;
Sec. 3: Lots 5, 6;
Sec. 4: Lot 10;
Sec. 5: NE¼SW¼, S½SW¼;
Sec. 6: SE¼SW¼, SW¼SE¼.
T. 20 N., R. 27 W.,
Sec. 2: Lots 4, 9.
T. 21 N., R. 27 W.,
Sec. 19: Lot 2;
Sec. 29: Lots 3, 5, 6;
Sec. 32: Lot 5;
Sec. 33: Lots 5, 7, SW¼NE¼, NW¼NW¼.
T. 21 N., R. 28 W.,
Sec. 15: Lot 1, SE¼NW¼;
Sec. 23: N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 24: SW¼NE¼, S½NW¼.
T. 21 N., R. 29 W.,
Sec. 5: S½S½.

Approximately 148.13 acres.

Italics denote lands acquired by Office of Indian Affairs for Tribal use. Approximately 31.26 acres.

The area reserved by this notice is approximately 1,206.31 acres, of which 64.46 acres are within the Flathead National Forest, 240.76 acres are tribal land within the Flathead Indian Reservation, 560.42 acres are United States land, 79.46 acres are patented subject to section 24 of Federal Water Power Act, 242.63 acres are patented subject to the special water power and irrigation Acts of March 3, 1911 and August 24, 1912, and 18.67 acres which fall within the purview of Acts of March 3, 1911 and August 24, 1912, and were patented without said reservations.

This notice supersedes and modifies the withdrawals given by the Commission on March 14, 1921, May 24, 1921, and August 1, 1942, in their entirety and the retention in the project of lands other than those described herein serves no useful purpose and are hereby vacated.

All of the land within this notice, except approximately 115 acres within the transmission line right-of-way, have been reserved for power purposes under withdrawals for this project (No. 5), Projects Nos. 1111, 1231, or 1407 for transmission line purposes only, Indian Power Site Reserve dated June 29, 1908, Power Site Reserves Nos. 25, 111; 151, 397 or reserved under Acts of March 3, 1911 or August 24, 1912.

Copies of the heretofore noted project maps have been transmitted to the Bureau of Land Management, Bureau of Indian Affairs, Forest Service, and Geological Survey.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7570; Filed, Aug. 9, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 8, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37290: *Substituted service—ACL, et al., for Clay Hyder Trucking Lines, Inc.* Filed by Motor Carriers Traffic Association, Inc., Agent (No. 2), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Lakeland, Orlando, Sanford and Tampa, Fla., on the one hand, and Alexandria, Va., Baltimore, Md., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Motor Carriers Traffic Association, Inc., tariff MF–I.C.C. 604.

FSA No. 37291: *Substituted service—SAL, et al., for Clay Hyder Trucking Lines, Inc.* Filed by Motor Carriers Traffic Association, Inc., Agent (No. 3), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Auburndale, Jacksonville, Lake Wales, Miami, Ocala, Orlando, Tallahassee, Tampa and West Palm Beach, Fla., on the one hand, and Alexandria, Va., Baltimore, Md., Kearney, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Motor Carriers Traffic Association, Inc., tariff MF–I.C.C. 604.

FSA No. 37292: *Grain—Ex-barge proportional rates to points in southern territory.* Filed by O. W. South, Jr., Agent (No. A4121), for interested rail carriers. Rates on grain, as described in the application, in carloads, from Decatur, Guntersville and Sheffield, Ala., New Orleans, La., also Ohio and Mississippi River crossings (ex barge), to points in southern territory.

Grounds for relief: Rail competition.

Tariff: Supplement 19 to Southern Freight Association tariff I.C.C. S–182.

FSA No. 37293: *Iron and steel articles from Georgia and Tennessee points.* Filed by Southwestern Freight Bureau, Agent (No. B–8061), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from specified points in Georgia and Tennessee, to specified points in Texas and Louisiana.

Grounds for relief: Market competition.

Tariff: Supplement 204 Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37294: *Iron and steel articles from southern points to Texas points.* Filed by Southwestern Freight Bureau, Agent (No. B–8062), for interested carriers. Rates on iron and steel articles, as described in the application, in carloads, from specified points in Alabama, Georgia, Kentucky, and Tennessee, to Clarkwood, Flour Bluff and Corpus Christi, Tex.

Grounds for relief: Market competition.

Tariff: Supplement 204 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37295: *Joint motor-rail rates—CRI&P and Knox Motor Service, Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 321), for interested carriers. Rates on wire and cable, as described in the application, moving on volume commodity rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad flat cars of the railroad, from Sycamore, Ill., to specified points in Arkansas, Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 93 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 346.

FSA No. 37296: *Substituted service—MP and T&P for Strickland Transportation Co., Inc.* Filed by Middlewest Motor Freight Bureau, Agent (No. 322), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between St. Louis, Mo., on the one hand, and Fort Worth, San Antonio, Tex., and Shreveport, La., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 13 to Middlewest Motor Freight Bureau tariff MF-I.C.C. 353.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7627; Filed, Aug. 10, 1961; 8:48 a.m.]

[Notice 531]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 8, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64227. By order of August 3, 1961, The Transfer Board approved the transfer to Wilbur Davis Trucking Company, Inc., El Dorado, Arkansas, of Certificate No. MC 85880 Sub 1, issued April 17, 1950, to William A Beebe, doing business as W. A. "Bill" Beebe, El Dorado, Arkansas, authorizing the transportation of machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products and machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main pipe lines, over irregular routes, between all points in six specified counties in Arkansas, on the one hand, and, on the other all points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. Ed E. Ashbaugh, Game & Fish Building, Little Rock, Ark., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-7628; Filed, Aug. 10, 1961; 8:48 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

RUSSELL C. McCARTHY

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 11, 1961 (26 F.R. 1234).

Dated: August 1, 1961.

RUSSELL C. McCARTHY.

[F.R. Doc. 61-7603; Filed, Aug 10, 1961; 8:45 a.m.]

PHILIP N. POWERS

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 11, 1960 (26 F.R. 1235).

Dated: August 1, 1961.

PHILIP N. POWERS.

[F.R. Doc. 61-7604; Filed, Aug. 10, 1961; 8:45 a.m.]

E. D. REEVES

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Business affiliations of E. D. Reeves:

Additions: Esso Research and Engineering Company—Director, P. O. Box 111, Linden, N.J. Stock owned by Standard Oil Company (New Jersey).

This amends statement published February 11, 1961 (26 F.R. 1235).

Dated: August 1, 1961.

E. D. REEVES.

[F.R. Doc. 61-7605; Filed, Aug. 10, 1961; 8:45 a.m.]

WILLIAM WEBSTER

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 11, 1961 (26 F.R. 1235).

Dated: August 1, 1961.

WILLIAM WEBSTER.

[F.R. Doc. 61-7606; Filed, Aug. 10, 1961; 8:45 a.m.]

R. CARTER WELLFORD

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 11, 1961 (26 F.R. 1235).

Dated: August 1, 1961.

R. CARTER WELLFORD.

[F.R. Doc. 61-7607; Filed, Aug. 10, 1961; 8:45 a.m.]

TARIFF COMMISSION

ALSIKE CLOVER SEED

"Escape Clause" Report

AUGUST 7, 1961.

The Tariff Commission today submitted a report to the President in connection with "escape clause" investigation No. 7-103 under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered alsike clover seed, dutiable under paragraph 763 of the Tariff Act of 1930, as modified, at 2 cents per pound. This rate is in effect pursuant to a concession granted by the United States in the General Agreement on Tariffs and Trade (GATT).

The four members of the Commission who participated in the investigation divided two to two in their findings. Commissioners Talbot and Dowling found that alsike clover seed is not being imported into the United States in such increased quantities, either actual or relative (to domestic production), as to cause or threaten serious injury to the domestic industry producing like or directly competitive products. These Commissioners, therefore, made no recommendation to the President for the modification or withdrawal of the concession applicable to this product.

Commissioners Schreiber and Sutton found that alsike clover seed is being imported into the United States in such increased quantities, both actual and relative (to domestic production), as to cause serious injury to the domestic industry producing the like product. They also found that in order to remedy the serious injury it was necessary that a duty of 4 cents per pound be imposed on imports of alsike clover seed during any 12-month period beginning July 1, 1961, and in subsequent years until 1½ million pounds have been so entered during any such period and that a duty of 6 cents per pound be imposed on imports of such seed in excess of 1½ million pounds; however, no increased duty would be applied retroactively.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 61-7629; Filed, Aug. 10, 1961; 8:48 a.m.]

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Volume 74

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[86th Cong., 2d Sess.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10956

AMENDMENT OF EXECUTIVE ORDER NO. 10841,[1] RELATING TO INTERNATIONAL COOPERATION UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

By virtue of the authority vested in me by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*), and section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Executive Order No. 10841 of September 30, 1959, entitled "Providing for the Carrying Out of Certain Provisions of the Atomic Energy Act of 1954, as Amended, Relating to International Cooperation," is hereby amended by changing the period at the end of paragraph (2) of section 2(a) thereof to a colon and adding to such paragraph the following: "*Provided*, that each determination made under this paragraph shall be referred to the President and, unless disapproved by him, shall become effective fifteen days after such referral or at such later time as may be specified in the determination."

JOHN F. KENNEDY

THE WHITE HOUSE,
August 10, 1961.

[F.R. Doc. 61-7747; Filed, Aug. 10, 1961; 3:44 p.m.]

Reorganization Plan No. 7 of 1961

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled June 12, 1961, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended[2]

MARITIME FUNCTIONS

PART I—FEDERAL MARITIME COMMISSION

SECTION 101. *Creation of Federal Maritime Commission.* (a) There is hereby established a Federal Maritime Commission, hereinafter referred to as the Commission.

(b) The Commission shall not be a part of any executive department or under the authority of the head of any executive department.

SEC. 102. *Composition of the Commission.* (a) The Commission shall be composed of five Commissioners, who shall be appointed by the President by and with the advice and consent of the Senate. Each Commissioner shall be removable by the President for inefficiency, neglect of duty, or malfeasance in office.

(b) The President shall from time to time designate one of the Commissioners to be the Chairman of the Commission.

(c) Of the first five Commissioners appointed hereunder, one shall be appointed for a term expiring on June 30, 1962, one for a term expiring on June 30, 1963, one for a term expiring on June 30, 1964, and two for terms expiring on June 30, 1965. Their successors shall be appointed for terms of four years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds. Not more than three of the Commissioners shall be appointed from the same political party. A vacancy in the office of any such Commissioner shall be filled in the same manner as the original appointment. The Chairman of the Commission shall receive a salary at the rate of $20,500 per annum, and each of the other Commissioners shall receive a salary at the rate of $20,000 per annum.

(d) A vacancy in the Commission, so long as there shall be three Commissioners in office, shall not impair the power of the Commission to execute its functions. Any three of the Commissioners in office shall constitute a quorum for the transaction of the business of the Commission and the affirmative votes of any three Commissioners shall be sufficient for the disposition of any matter which may come before the Commission.

SEC. 103. *Transfer of functions to Commission.* The following functions, which are now vested in the Federal Maritime Board under the provisions of Reorganization Plan No. 21 of 1950 (64 Stat. 1273), are hereby transferred from that Board to the Commission:

(a) All functions under the provisions of sections 14–20, inclusive, and sections 22–33, inclusive, of the Shipping Act, 1916, as amended (46 U.S.C. 812–819 and 821–832), including such functions with respect to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons.

(b) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843–848).

(c) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 876), exclusive of subsection (1)(a) thereof.

(d) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212(e) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1122(f)).

(e) To the extent that they relate to functions transferred to the Commission by the foregoing provisions of this section:

(1) The functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended (46 U.S.C. 820).

(2) The functions with respect to adopting rules and regulations, making reports and recommendations to Congress, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under the provisions of sections 204, 208, and 214 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1114, 1118, and 1124).

SEC. 104. *Transfer of functions to Chairman.* There are hereby transferred to the Chairman of the Commission:

(a) The functions of the Chairman of the Federal Maritime Board, including his functions derived from the provisions of Reorganization Plan No. 6 of 1949, to the extent that they relate to the functions transferred to the Commission by the provisions of section 103 of this reorganization plan.

(b) The functions of the Secretary of Commerce to the extent that they are necessary for, or incidental to, the administration of the functions transferred to the Commission by the provisions of section 103 of this reorganization plan.

SEC. 105. *Authority to delegate.* (a) The Commission shall have the authority to delegate, by published order or rule, any of its functions to a division of the Commission, an individual Commissioner, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided, however*, That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 241), as amended.

(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or

[1] 24 F.R. 7941; 3 CFR, 1959 Supp., p. 131.

[2] Effective August 12, 1961, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

employee board, upon its own initiative or upon petition of a party to or an intervenor in such action, within such time and in such manner as the Commission shall by rule prescribe: *Provided, however,* That the vote of a majority of the Commission less one member thereof shall be sufficient to bring any such action before the Commission for review.

(c) Should the right to exercise such discretionary review be declined, or should no such review be sought within the time stated in the rules promulgated by the Commission, then the action of any such division of the Commission, individual Commissioner, hearing examiner, employee or employee board, shall, for all purposes, including appeal or review thereof, be deemed to be the action of the Commission.

(d) There are hereby transferred to the Chairman of the Commission the functions with respect to the assignment of Commission personnel, including Commissioners, to perform such functions as may have been delegated by the Commission to Commission personnel, including Commissioners, pursuant to the foregoing subsections of this section.

PART II—DEPARTMENT OF COMMERCE

SECTION 201. *Maritime Administrator.* There shall be at the head of the Maritime Administration (established by the provisions of Part II of Reorganization Plan No. 21 of 1950) a Maritime Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, shall receive a salary at the rate of $20,000 per annum, and shall perform such duties as the Secretary of Commerce shall prescribe.

SEC. 202. *Functions of Secretary of Commerce.* (a) Except to the extent inconsistent with the provisions of sections 101(b) or 104(b) of this reorganization plan, there shall remain vested in the Secretary of Commerce all the functions conferred upon the Secretary by the provisions of Reorganization Plan No. 21 of 1950.

(b) There are hereby transferred to the Secretary of Commerce:

(1) All functions of the Federal Maritime Board under the provisions of section 105(1) to 105(3), inclusive, of Reorganization Plan No. 21 of 1950.

(2) Except to the extent transferred to the Commission by the provisions of section 103(e) of this reorganization plan, the functions described in the said section 103(e).

(3) Any other functions of the Federal Maritime Board not otherwise transferred by the provisions of Part I of this reorganization plan.

(4) Except to the extent transferred to the Chairman of the Commission by the provisions of Part I of this reorganization plan, the functions of the Chairman of the Federal Maritime Board.

SEC. 203. *Delegation of functions.* The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to all functions transferred to the Secretary of Commerce by, or remaining vested in him under, the provisions of this reorganization plan.

PART III—GENERAL PROVISIONS

SECTION 301. *Conflict of interest.* The provisions of the last sentence of section 201(b) of the Merchant Marine Act, 1936, as affected by the provisions of Reorganization Plan No. 21 of 1950 (46 U.S.C. 1111(b)) (prohibiting the members of the Federal Maritime Board and all officers and employees of that board or of the Maritime Administration from being in the employ of any other person, firm, or corporation, or from having any pecuniary interest in or holding any official relationship with any carrier by water, shipbuilder, contractor, or other person, firm, association, or corporation with whom the Federal Maritime Board or the Maritime Administration may have business relations) shall hereafter be applicable to the Commissioners composing the Commission and all officers and employees of the Commission and to the Maritime Administrator and all other officers and employees of the Maritime Administration.

SEC. 302. *Interim appointments.* Pending the initial appointment hereunder of the Commissioners composing the Commission and of the Maritime Administrator, but not for a period exceeding 90 days, such officers of the executive branch of the Government (including any person who is a member of the Federal Maritime Board or Deputy Maritime Administrator immediately prior to the taking effect of the provisions of this reorganization plan) as the President shall designate under the provisions of this section shall be Acting Commissioners of the Federal Maritime Commission or Acting Maritime Administrator. The President may designate one of such Acting Commissioners as Acting Chairman of the Commission. Any person who is not while serving under an interim appointment pursuant to the foregoing provisions of this section receiving compensation attached to another Federal office shall receive the compensation herein provided for the office wherein he serves in an interim capacity.

SEC. 303. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Commission or to the Chairman of the Commission by the provisions of Part I of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Subject to the foregoing provisions of this section, the Secretary of Commerce may transfer within the Department of Commerce personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions which were transferred to the Department of Commerce (including the Federal Maritime Board and the Chairman thereof) by the provisions of Reorganization Plan No. 21 of 1950.

SEC. 304. *Abolition of Federal Maritime Board.* The Federal Maritime Board, including the offices of the members of the Board, is hereby abolished, and the Secretary of Commerce shall provide for the termination of any outstanding affairs of the said Board not otherwise provided for in this reorganization plan.

SEC. 305. *Status of prior plan.* The following provisions of Reorganization Plan No. 21 of 1950 are hereby superseded:

(1) Part I.
(2) Section 202.
(3) Sections 302 to 307, inclusive.

[F.R. Doc. 61-7761; Filed, Aug. 11, 1961; 10:34 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (26 F.R. 5743) with respect to soybeans produced in 1961 which contained specific requirements for the 1961-crop soybean price support program are hereby amended as follows:

Section 421.527 *Availability of price support,* and § 421.528 *Eligible soybeans,* are amended to provide for the extension of soybean price support through warehouse-storage loans and/or purchase agreements to eligible cooperative marketing associations of soybean producers so that the amended sections read as follows:

§ 421.527 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that soybeans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support shall be made at the office of the county committee which keeps the farm program records for the farm except that, in the case of cooperative marketing associations, application for price support shall be made in the county where the main office of the cooperative marketing association of producers in the State is located or in such other county as the State committee determines the application can be more expeditiously handled. If the cooperative marketing association applies for price support on soybeans produced in more than one State, separate applications for the soybeans produced in each State to be placed under price support shall be made. Such applications shall be made in the State where the soybeans were produced. If the cooperative marketing association applies for price support on soybeans produced in a State with different county support rates, separate applications for the soybeans produced in each county to be placed under price support shall be made.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1962, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, and Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Cooperative marketing association.* (1) A cooperative marketing association which satisfies the requirements of this paragraph shall be deemed an eligible producer and shall be eligible for soybean price support through warehouse-storage loans and purchase agreements on eligible soybeans as defined in § 421.528: *Provided,* That warehouse-storage loans may be made to an association which tenders to CCC warehouse receipts issued by it on its own soybeans only in those States where the issuance and pledge of such warehouse receipts are valid under State law.

(2) The association must be a producer-owned cooperative marketing association of producers under the control of its producer-members. The association shall submit with its application a brief statement of its method of operations showing the manner in which producer-members have control of the association.

(3) The articles of incorporation or association, or bylaws, of the association must provide for (i) annual membership meeting at a location which will provide reasonable opportunity for all members to attend and to participate in such meeting, (ii) notice of all district, area, or annual meetings to be given all members affected by such meetings, (iii) membership in the association to be open to all farmer-producers of soybeans except former members whose membership in the association was terminated for violation of their membership contracts or agreements, (iv) voting on election of officers and directors to be by secret ballot, (v) each member to have only one vote regardless of the number of shares of stock owned or controlled by him, and (vi) a summary financial statement prepared by an independent accountant who made the annual audit of the association to be made available to each member of the association.

(4) The association must submit with its application for approval evidence demonstrating to the satisfaction of the Executive Vice President, CCC, that the association's operation is on a financially sound basis, and the association must have been in existence and conducted legitimate marketing operations for its producer-members for a period of not less than two years prior to the date of its application for approval as eligible for price support: *Provided, however,* If the association has been operating for less than two years, it must, in order to qualify, submit evidence that it is so organized and staffed that it will be able to provide effective marketing operations for its producer-members.

(5) The association must submit with its application for approval for price support a detailed report concerning all transactions for the year preceding the date of the application whereby any director, officer, or employee of the association and any of such person's close relatives, or any partnership in which such person and his close relatives are entitled to receive more than 5 percent of the profits, or any corporation in which any such person and his close relatives own more than 5 percent of the stock entered into a contract or agreement with the association, received fees for transacting business with or on behalf of the association, or where a director, officer or employee of the association was an agent, director, employee, or officer of a party to a contract or agreement with the association. A close relative shall be deemed to refer to a husband or a wife or a person related as child, parent, brother, or sister by blood, adoption, or marriage and shall include in-laws within such categories of relationship. The report shall include transactions involving purchases, sales, processing, handling, marketing, transportation, warehousing, insurance and related activities, but not transactions which are no different than those entered into by the association with its general membership. A statement must also be submitted indicating whether any such transactions as defined in this subparagraph are contemplated in the period between the date of the application and September 30, 1962, and if such transactions are contemplated, a detailed statement of the reasons therefor. The association shall not be eligible for price support unless it demonstrates to the satisfaction of the Executive Vice President of CCC that any such transactions in the year preceding the date of application or in the period beginning with the date of application and ending on September 30, 1962, have not and will not operate to the detriment of members of the association.

(6) All eligible soybeans delivered to the association by producer-members must be marketed through the association pursuant to a Uniform Marketing Agreement between the association and each of its producer-members who delivered such eligible soybeans.

(7) Not less than 80 percent of the soybeans marketed by the association must be soybeans produced by producer-members of the association.

(8) The association must have authority to obtain a loan on the security

of the soybeans and give a lien thereon as well as authority to sell such soybeans.

(9) The association must maintain a record of the quantity of soybeans eligible for price support under § 421.528, acquired by or delivered to the association from each source, and such record must show the disposition of the soybeans from each source. Similar records must be maintained for soybeans not eligible for price support under § 421.528. The association must keep in inventory at all times a quantity of soybeans equivalent in quality and quantity to the quality and quantity of the soybeans shown on its outstanding warehouse receipts. Price support may be obtained by the association only on the quantity of eligible soybeans which remains undisposed of in its inventory at the time of application for price support.

(10) Proceeds from the disposition of all soybeans eligible for price support, disposed of by marketing or by delivery to CCC under loan or purchase agreement, or both, shall be distributed only to the eligible producer-members who delivered such eligible soybeans to the association and only on the basis which results in the proceeds being distributed proportionally to such producer-members according to the quantity and quality of such eligible soybeans delivered by each eligible producer-member. Also, where different basic county support rates are involved, the association in distributing the proceeds, shall compute each producer-member's share of the proceeds derived from delivery of soybeans to CCC under loan or purchase agreement so that each producer-member receives full credit for such soybeans based on the applicable county support rate. This provision shall not be construed to prohibit the association from establishing separate pools and distributing the proceeds proportionally to the producer-members whose soybeans are included in each pool.

(11) Soybeans held by the association must be made available for inspection by CCC at all reasonable times so long as the association has soybeans under price support and the books and records of the association must be available to CCC for inspection at all reasonable times through May 1, 1967.

(12) Notwithstanding the requirements of subparagraph (2) of this paragraph that the association shall consist of producers, a cooperative marketing association, which includes in its membership other cooperative marketing associations composed of producer-members, shall be eligible for price support if its member associations meet the requirements for price support under this paragraph, except that the requirements in subparagraph (8) of this paragraph shall be deemed to be satisfied if such member associations have the right to deliver soybeans of their producer-members to the association applying for price support and to authorize such association to sell the soybeans and to obtain a loan on the security of the soybeans and to give a lien thereon. The association applying for price support shall (i) in its charter, by-laws, marketing contracts or by other legal means require that its member association meet such requirements for price support, (ii) submit the material and certifications required by subparagraphs (4) and (5) of this paragraph with respect to each member association, (iii) certify to CCC that its member associations are in fact eligible for price support under the requirements of this subparagraph, and (iv) except for the requirement that it consist of producers, otherwise qualify for price support under this paragraph.

(13) Determinations with respect to the eligibility of cooperative marketing associations of producers pursuant to this paragraph for either warehouse-storage loans or purchase agreements, or both, shall be made by the Executive Vice President, CCC.

(14) The Commodity Credit Corporation shall have the right at any time after application for approval as as eligible cooperative is received to examine the records of the cooperative and to make such other investigations as it deems necessary in order to determine whether the cooperative is operating in accordance with its articles of incorporation, by-laws, agreements with producers or member associations and with the representations made in its application for approval.

§ 421.528 Eligible soybeans.

Soybeans, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) (1) The soybeans must have been produced in the United States in 1961 by an eligible producer on a farm on which the total acreage of conserving and idle land in 1961 is not less than the 1959–60 average acreage of such conserving and idle land. The 1959–60 average acreage of conserving and idle land may be adjusted by the county committee for flood or abnormal weather conditions occurring in 1959–1960. In addition, in counties designated by the ASC State committees, further adjustments in the required acreage of conserving and idle land for the farm in 1961 may be made by the county committee for flood, abnormal weather conditions, insects, or any other natural disaster occurring in 1961. For the purpose of this special requirement, "conserving land" is farm land devoted to generally accepted conservation uses as determined by the county committee, and "idle land" is all other form land not devoted to crop production or to conservation uses. In making determinations under this paragraph all land on the farm is to be considered rather than crop land only. A producer shall not be deemed to have violated the requirements of this paragraph if he establishes to the satisfaction of the county committee that neither the operator nor any producer on the farm had actual knowledge of such requirements prior to the planting of soybeans or other crops on the farm which caused noncompliance with such requirements. Any producer in doubt as to whether he has met requirements for conserving and idle land on the farm shall make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support on soybeans produced on the farm. The term "farms" as used herein shall have the same meaning as defined in Part 719, Title 7, Chapter VII, Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages (23 F.R. 6731, as amended), without regard to special farm reconstitutions under the feed grain program.

(2) Each producer shall sign one of the following certifications, as applicable, for 1961 crop soybeans produced on each farm with respect to which he applies for price support:

(i) The undersigned producer certifies that the total acreage of conserving and idle land in 1961 on the farm identified above is not less than the 1959–60 average acreage of conserving and idle land on such farm, or

(ii) The undersigned producer certifies that the total acreage of conserving and idle land in 1961 on the farm identified above is not less than an acreage equivalent to the 1959–60 average acreage of conserving and idle land on such farm, as adjusted by the county committee for flood or abnormal weather conditions occurring in 1959–60, and in counties designated by the State committee, as adjusted by the county committee for flood, abnormal weather conditions, insects, or other natural disasters occurring in 1961 on such farm, or

(iii) The undersigned producer certifies that neither the operator nor any producer on the farm identified above had actual knowledge of the provisions of the 1961 crop soybean price support program with respect to the acreage of conserving and idle land required for the farm in 1961, prior to the planting of soybeans or other crops on the farm which caused noncompliance with such requirements.

(3) In the case of a cooperative marketing association applying for soybean price support under this paragraph, the association shall submit in behalf of each producer who produced the soybeans tendered by the association for price support a properly executed Form CCC–127 containing the certification required by subparagraph (2) of this paragraph and such additional information as required by such form. Where such producer or the association is in doubt as to whether such producer has met the requirements of subparagraph (1) of this paragraph, prior to signing the certification, the producer shall supply the county committee of the county in which his farm is located with necessary information for the county committee to determine if the producer has met such requirements. When the county committee has made its determination, a copy of such determination shall be attached to the Form CCC–127 executed by the producer. If the producer makes a false certification on the Form CCC–127, he shall be subject to the provisions of section 15(a) of the Commodity Credit Corporation Charter Act. If the association obtains price support on soybeans produced by a producer who does not meet the requirements regarding conserving and idle land on the farm as provided in this paragraph (a), the association shall be liable to CCC for any loss incurred by CCC on such soybeans and such loss shall be deemed to be the amount received by the association from CCC on such soybeans plus charges and interest, less the market price of such soybeans on the loan maturity date, as determined by CCC.

(b) (1) At the time the soybeans are placed under loan or delivered under a purchase agreement, the beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(2) In the case of cooperating marketing associations, the beneficial interest in the soybeans must have been in the eligible producer-member who delivered the soybeans to the association or the member association meeting the requirements of § 421.527(e)(12) and must have always have been in them and former producers whom they succeeded before the soybeans were harvested. Soybeans acquired by cooperative marketing associations shall not be eligible for price support if the producer-members who delivered the soybeans to the association or to a member association do not retain the right to share proportionately in the proceeds from the marketing of the soybeans as provided in § 421.527(e)(10). Soybeans acquired by the association other than from producer-members and other than from member associations are not eligible for price support.

(3) Any producer-member or association in doubt as to whether the requirements of this paragraph (b) have been fulfilled should make available to the county committee, prior to filling an application, all pertinent information which will permit a determination to be made by CCC as to the eligibility for price support.

(4) To meet the requirements of succession to a former producer, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the soybeans were produced shall be substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Soybeans, at the time they are placed under loan, and soybeans under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The soybeans must be soybeans of any class, grading No. 4 or better.

(2) Soybeans grading "Garlicky" or "Weevily," or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 14 percent moisture, shall not be eligible except that soybeans represented by warehouse receipts which indicate that the soybeans are ineligible solely because of containing in excess of 14 percent moisture will be eligible if the warehouseman certifies on the supplemental certification or on a statement attached to the warehouse receipt that soybeans of 14 percent moisture or less of an eligible grade and quality will be delivered. The certification shall be substantially as follows:

On soybeans containing in excess of 14 percent moisture delivery will be made of soybeans which grade No. __, which contain not in excess of 14 percent moisture, which are otherwise of the same quality or better as the soybeans described on warehouse receipt No. __, and which are the actual quantity obtained after drying the soybeans described in such receipt to not in excess of 14 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(3) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to their inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.535(a), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.535(a) and the soybeans on the basis of an inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

(Sec. 4, 62 Stat. 1070, as amended; sec. 562 (Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1446d, 1447, 1421)

Effective date. These regulations shall become effective upon the date of their publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 9, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61–7745; Filed, Aug. 11, 1961; 8:50 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY; DETERMINATION OF QUANTITY

Correction

In F.R. Doc. 61–7385, appearing at page 7007 of the issue for Friday, August 4, 1961, the following correction is made in the tabular material of § 421.180(c): The item for "44 pounds or over" should read "44 pounds or over, but less than 45 pounds".

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (a) of § 6.304 is amended as set out below.

§ 6.304 Department of Defense.

(a) *Office of the Secretary.* * * *

(11) Two Confidential Assistants to the Assistant Secretary of Defense (International Security Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–7699; Filed, Aug. 11, 1961; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 6.314 is amended as set out below.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(2) Two Confidential Assistants to the Secretary.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–7669; Filed, Aug. 11, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

[Bulletin NSCP–2601]

PART 706—NAVAL STORES CONSERVATION

Subpart G—1962

The purpose of the Naval Stores Conservation Program (hereinafter referred to as "this program") is to restrict turpentining to the more productive timber, to conserve the worked trees, to protect

and permit undisturbed growth of the uncupped trees and to conserve the soil, water and timber resources.

Through the 1962 program the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1958 season, except as provided under § 706.18.

The Naval Stores Program regulations were contained prior to 1962 in Part 1106 but beginning with the 1962 program year the regulations will appear in Part 706, respectively, in accordance with the changes in codification contained in F.R. Doc. 61-6061; Filed June 28, 1961, 26 F.R. 5788.

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CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

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706.15 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
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706.27 Persons eligible to file application for payment of Federal cost-shares.
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DEFINITIONS

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706.30 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

706.31 Authority.
706.32 Availability of funds.
706.33 Applicability.
706.34 Administration.

AUTHORITY: §§ 706.1 to 706.34 issued under sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended, 75 Stat. 225; 16 U.S.C. 590d, 590g-590q.

GENERAL PROVISIONS

§ 706.1 General requirements.

No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.15, 706.16, and 706.18. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.2 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1962 turpentine season. This requirement will not apply if the Forest Service determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the Forest Service may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1962 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *Dual cupping.* The installation of two cups on trees less than 14 inches d.b.h in any tract or drift cupped under the provisions of §§ 706.9, 706.10, 706.11, 706.12, or 706.14 may be approved by the Forest Service as meeting the requirements of these practices where the Forest Service has determined that such action conforms to sound conservation practice.

(d) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1962 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the Forest Service, or the tract or drift will be considered only for qualification for cost-shares under the next lower practice for which qualified.

(e) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1962 program to faces which were installed and met the eligible face requirements during the 1958, 1959, 1960, or 1961 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1962 and those installed in 1962 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(f) *Practices under § 706.9, § 706.10, § 706.11 § 706.12, § 706.13, § 706.14, § 706.15, or § 706.17 which require more than one year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the Forest Service, unless prevented from doing so by reasons beyond his control, or refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.3 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.4 Fire protection.

Each producer shall during the 1962 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.5 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1962 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1962. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.6 Inspection assistance.

Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector (Area Forester);

(c) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector (Area Forester) in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form NSCP-1) and other prescribed forms;

(f) Notifying the Forest Service promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the inspector (Area Forester) in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.9 Practice 1: Working only 9 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.2(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 9 inch d.b.h. or larger trees; 2 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; ½ cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.10 Practice 2: Working only 10 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.2(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 10 inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.11 Practice 3: Working only 11 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.2(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 11 inch d.b.h. or larger trees; 6 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.12 Practice 4: Working only 12 inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d.b.h. or larger trees over a period of two to five years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h., except as provided in § 706.2(c).

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of 12 inch d.b.h. or larger trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.13 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of two to five years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of faces on previously worked trees; 7 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 3 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.14 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of two to five years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* (1) Initial installation and first year working of selectively marked trees; 8 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 706.9, 706.10, 706.11, or 706.12.

(2) Working of faces for second, third, fourth, or fifth year; 4 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; ½ cent per face. This component is not applicable where § 706.15 is used.

§ 706.15 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.9, 706.10, 706.11, 706.12, 706.13, 706.14, and 706.17 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Component of practice and rate of cost-sharing.* (1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins; 2 cents per face.

(f) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1962 season or faces

upon which the cups and tins are elevated for the first time during the 1962 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.16 Practice 8: Removal of cups and tins from faces on small trees.

(a) *Purpose.* To encourage producers who have not participated in the 1960 or 1961 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1962 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the Forest Service to meet the eligible face requirements of § 706.9. Only producers who did not participate in the 1960 or 1961 programs are eligible for cost-sharing under this practice.

(d) *Component of practice and rate of cost-sharing.* (1) Removal of cups and tins on trees under 9 inches d.b.h. and on trees between 9 and 14 inches d.b.h. having more than one face; 8 cents per face. The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.9.

§ 706.17 Practice 9: Pilot plant tests of new methods and equipment.

(a) *Purpose.* To conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 706.9.

(2) Eleven cents per face for faces meeting the requirements of §§ 706.10, 706.11, 706.12, 706.13, and 706.14.

§ 706.18 Practice 10: Hardware removal.

(a) *Purpose.* To encourage producers to remove all hardware to conserve the worked section of the tree for use in other products.

(b) *Description of practice.* This practice consists of removing all cups, nails, and tins by the producer who last worked the face.

(c) *Eligible faces.* All faces last worked in 1961 or 1962 on which no subsequent work will be done and from which all hardware is removed by December 31, 1962.

(d) *Components of practice and rate of cost-sharing; 2 cents per eligible face.* Use of this practice is optional. To qualify for cost-shares under this component in tracts or drifts having in excess of 5 percent of back-faced timber, all hardware must also be removed from the old faces or all trees with such old faces must be cut out of the tracts or drifts. No cost-share will be approved for the removal of hardware in any tract or drift unless all hardware is removed from all remaining trees with eligible faces.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.19 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conservation Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	Increase in cost-shares
$1.00 to $1.99	$0.40
$2.00 to $2.99	0.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 706.20 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.2(e). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this or the 1958, 1959, 1960, or 1961 program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1958, 1959, 1960, 1961, or 1962 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—6 trees, 8 inches d.b.h.—9 trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1965.

(b) Raising cups and tins without double-headed nails. There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces. Such removal must be accomplished within 60 days of notification by the Forest Service.

(d) Failure to meet bark-bar requirement. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees less than 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1957 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1957 in the tracts or drifts in which such installation occurs.

§ 706.21 Practices defeating purposes of programs.

If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.2 (e) or § 706.20.

§ 706.22 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.23 and except for indebtedness to the United States subject to set-off under order issued by the Secretary (Part 13 of this title)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.23 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1962 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1962, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the regulations issued by the Secretary (Part 709 of this chapter), witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 706.24 Death, incompetency, or disappearance of producer.

In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 707 of this chapter).

§ 706.25 Maximum Federal cost-shares limitation.

The total of all cost-shares under the 1962 Naval Stores Conservation and the 1962 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

§ 706.26 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.25.

APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.27 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1962 turpentine season, which were installed during or after the 1958 season. If it is determined that two or more producers contributed to carrying out the practice the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.28 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1963, on the prescribed form (NSCP–1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.29 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester ir writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.30 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii Engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially

valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height; i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be 1⅜ inches; distance between heads a minimum of ¼ inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between 5/32 and ¼ inches and diameter of clinching head ¼ inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(t) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.31 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Related Agencies Appropriation Act, 1962.

§ 706.32 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1963.

(c) If the total estimated earnings under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably. Such reduction shall be made first from the cost-shares for practice 7 (§ 706.15).

§ 706.33 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Of the lands covered by subparagraph (3) of this paragraph only turpentine farms on lands meeting eligibility provisions of subparagraph (3) of this paragraph that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 706.34 Administration.

The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D.C., this 8th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7706; Filed, Aug. 11, 1961; 8:48 a.m.]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 16]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Miscellaneous Amendments

Basis and purpose. This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), and section 124 of the Soil Bank Act (7 U.S.C. 1812) for the purpose of: (1) expanding the definition of "allotment" to include reference to computation of allotment diversion credit and the preservation of allotment history; (2) including the definition of "representative of the State committee"; (3) removing definitions for "field" and "subdivision" which have been incorporated in Part 718, § 718.2 (25 F.R. 12166); (4) including reference to the planting of corn and grain sorghums on farms participating in the feed grain program as related to the time and effective date of reconstitutions; (5) adding a new § 719.13 to provide procedures for determining commodity allotment diversion credit for participation in the conservation reserve or Great Plains program; and (6) adding a new § 719.14 to provide procedures related to the preservation of history acreage for unused acreage allotments.

1. Section 719.2 (25 F.R. 1065, 26 F.R. 1753, and 26 F.R. 5034) is amended to read as follows:

§ 719.2 Definitions.

As used in the regulations in this part and in all instructions, forms, and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the text or subject matter otherwise requires:

(a) "Allotment" means an acreage of a specific crop established pursuant to the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made: *Provided, however,* That for the purposes of applying the provisions of §§ 719.13 and 719.14, "allotment" means the acreage established pursuant to the Agricultural Adjustment Act of 1938, as amended, minus the acreage released to the county committee and the amount of any reduction in the established allotment for violation of the marketing quota regulations in a prior year but before adding reapportioned acreage or the amount of any increase granted for a type of peanuts determined to be in short supply or the amount of any increase in the cotton allotment under the Choice (B) program in 1959 and 1960.

* * * * *

(n) "History acreage," with respect to any commodity or program, means the acreages determined in accordance with the applicable regulations to be considered in establishing acreage allotments and soil bank bases for the current year.

(o) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(q) "Photograph number" means the number assigned to the photograph for the purpose of identification and may be either the roll and exposure number or a number assigned by the county committee which is recognized in identifying the photographs for internal operations.

(r) "Preceding year" means the calendar year immediately preceding the year for which the allotments or soil bank bases are established.

(s) "Producer" means a person who, as owner, landlord, tenant, or sharecropper, shares in a sugar crop at time of harvest or is entitled to share in the other crops available for marketing from the farm or in the proceeds thereof and in the case of rice also means a person who furnishes water for a share of the crop.

(t) "Reconstitution" means the changing of the identity of a farm as it exists on county office records to a new identity approved by the county committee by process of "division" or "combination." The term shall also include the constitution and identification of land as a farm for the first time.

(u) "Representative of the State committee" means a member of the State committee or any employee of the State committee.

(v) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "Soil bank contract" means an acreage reserve agreement or conservation reserve contract, entered into pursuant to the Soil Bank Act (7 U.S.C. 1801 et seq.).

(x) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and to be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service State office, or the person acting in such capacity.

2. Section 719.11(f) (26 F.R. 2686) is amended to read as follows:

§ 719.11 Guidelines for applying farm definition.

* * * * *

(f) *Timing and effective date of reconstitutions.* Farms shall be reconstituted as soon as it is determined that the land areas are not properly constituted in accordance with the farm definition: *Provided, however,* That a reconstitution made after the planting of an allotment crop has been completed on the farm, or after the plantings of corn and grain sorghums have been completed on a farm which is participating in the feed grain program, shall not be effective for that crop for the current year unless the conditions supporting the reconstitution existed at the time such crop was planted on the farm and a change in operation had occurred prior to the beginning of such planting but had not been reported to the county office: *And provided further,* That a reconstitution shall not be effective with respect to the conservation reserve program for the current year if, at the time a reconstitution of the farm(s) is required, the action would cause noncompliance with the terms and conditions of the conservation reserve contract(s) for the current year. Notwithstanding this proviso, a reconstitution resulting from a division of a parent farm shall be effective for the current year for conservation reserve purposes unless (1) all of the persons having control of the land being subdivided are eligible and enter into a common modified contract covering the parent farm for the year in which loss of control occurs and (2) simultaneously with the execution of the common modified contract, individual contracts covering the reconstituted farms are entered into and approved to become effective on the following January 1. A reconstitution which does not become effective for the current year under the provisions of this paragraph shall become effective beginning with the next succeeding crop year (succeeding program year in case of the conservation reserve program).

3. A new § 719.13 is added to this part to read as follows:

§ 719.13 Determination of commodity allotment diversion credit for participation in the conservation reserve or Great Plains program.

(a) *General rules.* The acreage on any farm which is determined to have been diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out the provisions of a conservation reserve or Great Plains contract or in order to maintain, for the applicable period of extended protection, previously established permanent vegetation designated under the contract or any change in land use from cropland to permanent vegetative cover, including trees, carried out under the contract shall be considered as acreage devoted to the commodity for purposes of establishing future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended. The period of extended protection shall be a period after the expiration of the contract which is equal to the period of the contract: *Provided, however,* That, in the case of conservation reserve, if the contract is applicable to separate land areas on the farm for different periods of time, each such land area shall be considered separately in determining the period of extended protection. The period of extended protection for any given land area shall not apply if the contract applicable to that area is cancelled or terminated prior to the end of the period of years approved under the terms of the contract. In the determination of allotment crop history acreages for the farm(s) or tract(s) resulting from the division of a parent farm, the potential allotment history credit determined under provisions of this § 719.13 shall accrue to the farm(s) or tract(s) on which the permanent vegetation is physically located. The term "final acreage" when used in making apportionments under the provisions of paragraphs (d) and (e) of this § 719.13 shall be the acreage of the crop as finally determined for the farm except that such acreage shall be the planted acreage in case of cotton. The "final acreage" shall be the acreage determined for the farm prior to any adjustments for abnormal conditions affecting acreage.

(b) *Maximum diversion credit under provisions of a conservation reserve contract.* In determining maximum diversion credit for a conservation reserve farm, the maximum acreage which may be considered as diverted from the production of allotment crops shall be the acreage placed in the conservation reserve at the regular rate for areas for which the conservation reserve contract has not expired plus the acreage placed in the conservation reserve at the regular rate for areas for which the conservation reserve contract has expired but for which the period of extended protection of allotment history credit has not expired less any part of the acreage for which the period of extended protection is otherwise applicable but on which the permanent vegetation is not properly maintained.

(c) *Maximum diversion credit under provisions of a Great Plains contract—*
(1) *During the period of a contract.* The maximum acreage for the farm which may be considered as diverted from the production of allotment crops in order to carry out the provisions of a Great Plains contract currently in effect shall be the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop.

(2) *After expiration of a contract.* The maximum acreage which may be considered as diverted from the production of allotment crops after a contract has expired for the farm but before the period of extended protection has ended is the acreage designated by the pro-

ducer and a work unit conservationist representing the Soil Conservation Service as having been changed from cropland to permanent vegetation under the terms of the contract less any part of such acreage which is not being properly maintained: *Provided, however,* That such maximum shall not be greater than the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop.

(d) *Apportionment of diversion credits earned under a conservation reserve contract*—(1) *General rules.* Diversion credits earned for a farm under a conservation reserve contract shall be apportioned each year, beginning with 1960, to the various crops for which allotments are established for the farm. The apportionment shall be made in accordance with subparagraphs (2) and (3) of this paragraph (d).

(2) *Allotment established for only one crop.* When an allotment is established for only one crop on the farm, the acreage considered as diverted from the production of such crop under the provisions of a conservation reserve contract shall be the acreage determined pursuant to paragraph (b) of this § 719.13 not to exceed the amount by which the farm allotment exceeds the final acreage of the crop on the farm.

(3) *Allotments established for two or more crops.* (i) When allotments are established for two or more crops on the farm and the acreage determined pursuant to paragraph (b) of this § 719.13 equals or exceeds the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop on the farm, the acreage considered as diverted from the production of each crop shall be the amount by which the allotment for such crop exceeds the final acreage of such crop on the farm.

(ii) When allotments are established for two or more crops on the farm and the acreage determined pursuant to paragraph (b) of this § 719.13 is less than the sum of the amounts by which each underplanted crop allotment exceeds the final acreage of such crop on the farm, the acreage determined pursuant to paragraph (b) of this § 719.13 shall be considered as the acreage diverted from the production of all allotment crops on the farm. Such acreage shall be prorated among the allotment crops as follows: Determine the amount by which each underplanted crop allotment exceeds the final acreage of such crop on the farm and obtain the total of these amounts; divide the acreage determined pursuant to paragraph (b) of this § 719.13 by this total, carrying the result to four places beyond the decimal, to obtain the proration factor; multiply the amount by which the allotment for each underplanted crop exceeds the final acreage of such crop on the farm by the proration factor. The result obtained will be the acreage to be considered as diverted from the production of the crop under the provisions of the conservation reserve contract.

(4) *Use of diversion credit.* The diversion credit determined under the provisions of this paragraph (d) for each underplanted allotment crop shall be considered as the acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

(e) *Determination of diversion credits earned under a Great Plains contract*—(1) *During the period of a contract.* The acreage considered as diverted from the production of each allotment in order to carry out the provisions of a Great Plains contract currently in effect shall be determined by the county committee after consultation with the producer and a work unit conservationist representing the Soil Conservation Service. The acreage so determined for each allotment crop shall not exceed the amount by which the allotment for such crop exceeds the sum of the final acreage of such crop for the farm and the acreage considered as diverted from the production of the crop under the provisions of a conservation reserve contract.

(2) *After expiration of a contract.* After a Great Plains contract has expired for a farm, the county committee shall determine the acreage diverted from the production of each allotment crop in order to maintain a change in land use from cropland to permanent vegetation. If considered necessary, the county committee may consult with a work unit conservationist representing the Soil Conservation Service in making this determination. The acreage so determined for each allotment crop shall not exceed the amount by which the allotment for such crop exceeds the sum of the final acreage of such crop on the farm and the acreage considered as diverted from the production of the crop under the provisions of a conservation reserve contract. The acreage considered as diverted from the production of all allotment crops on the farm shall not exceed the acreage determined under the provisions of paragraph (c) (2) of this section.

(3) *Use of diversion credit.* The diversion credit determined for each underplanted allotment crop under the provisions of this paragraph (e) shall be considered as the acreage devoted to the crop and shall be utilized in the establishment of future State, county, and farm acreage allotments under the provisions of the Agricultural Adjustment Act of 1938, as amended.

4. A new § 719.14 is added to this chapter to read as follows:

§ 719.14 Preservation of history acreage for unused acreage allotments.

For 1960 and subsequent years, the farm acreage allotment established for a commodity shall be preserved as history acreage if, in the current year or in either of the two preceding years, an acreage equal to 75 percent or more of the farm acreage allotment for such year actually was planted or devoted to the commodity on the farm. In determining the acreage planted or devoted to the commodity, the acreage considered as diverted from the production of the commodity under the provision of the Soil Bank Act or the Great Plains program shall be included pursuant to the provisions of § 719.13. The current farm acreage allotment also shall be preserved as history acreage if the land is federally owned and a restrictive lease prohibiting the planting of the allotment crop on the federally-owned land is in effect. The provisions of this section do not apply to an acreage which is released to the county committee or to released acreage which the county committee reapportions to a farm. In the event an erroneous notice of allotment is not discovered and corrected prior to the time the commodity is planted on the farm for which such notice was issued, the 75 percent provision shall be applied to the smaller of the allotment of which the producer was notified or the correct allotment for the farm.

(Sec. 375, 52 Stat. 66, as amended; sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812. Interpret or apply sec. 377, 73 Stat. 393, 7 U.S.C. 1377)

Effective date. The constitution and reconstitution of farms is a continuous operation, reconstitutions which may result in changes in allotment and history acreages for the 1962 crop of wheat are currently being made, and allotment history diversion credits and the application of the provision for the automatic preservation of unused allotments for 1961 wheat and other allotment crops as related to the establishment of 1962 allotments are being determined. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that this amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington D.C., on August 7, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7707; Filed, Aug. 11, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 240]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.540 Valencia Orange Regulation 240.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that this limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 10, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 13, 1961, and ending at 12:01 a.m., P.s.t., August 20, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 11, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7812; Filed, Aug. 11, 1961; 11:37 a.m.]

[Lemon Reg. 912]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1019 Lemon Regulation 912.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 8, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 13, 1961, and ending at 12:01 a.m., P.s.t., August 20, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7741; Filed, Aug. 11, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-134]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Federal Airway Description; Correction

The purpose of this amendment to § 600.6059 of the regulations of the Administrator is to correct the errors in the description of low altitude VOR Federal airway No. 59.

In a previous amendment to Victor 59 the segment of the airway from Pulaski, Va., to Parkersburg, W. Va., was inadvertently omitted when the airway was redescribed. Although this segment was omitted in the description, it has continued to be depicted on charts and used by aircraft. Therefore, action is taken herein to correct the description of Victor 59.

Additionally, in the previous amendment to Victor 59 the radial of the Mansfield, Ohio, VOR which forms the intersection on Victor 59 between Newcomerstown, Ohio, and Cleveland, Ohio, was changed from 100° True to 104° True. However, in the annual reissue of Part 600 for the year 1958 this radial was incorrectly shown as 100° True and has been carried as such since that time. Action is taken herein to correct this error.

Since this correction is editorial in nature and imposes no additional burden on the public, compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12562), § 600.6059 (14 CFR 600.6059) is amended to read:

§ 600.6059 VOR Federal airway No. 59 (Pulaski, Va., to Cleveland, Ohio).

From the Pulaski, Va., VOR via the Beckley, W. Va., VOR; Parkersburg, W. Va., VOR; Newcomerstown, Ohio, VOR; INT of the Tiverton, Ohio, VOR direct radial to the Youngstown, Ohio,

VOR with the Mansfield, Ohio, VORTAC 104° radial; to the Cleveland, Ohio, VORTAC.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7673; Filed, Aug. 11, 1961; 8:45 a.m.]

[Airspace Docket No. 61-NY-10]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway

On March 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2375) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 1729 from Erie, Pa., to the United States/Canadian border.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

In the text of § 600.1729 (26 F.R. 1079) "thence to the Erie, Pa., VOR." is deleted and "thence to the Erie, Pa., VOR; thence 10 mile wide airway to the United States/Canadian border via the Erie, Pa., VOR 005° radial." is substituted therefor.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7675; Filed, Aug. 11, 1961; 8:45 a.m.]

[Airspace Docket No. 61-NY-12]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airways

On April 13, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3156) stating that the Federal Aviation Agency proposed to alter intermediate altitude VOR Federal airways Nos. 1503 and 1695.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. In the text of § 600.1503 (26 F.R. 1079) "to the Presque Isle, Me., VOR." is deleted and "Presque Isle, Maine, VOR; to the U.S./Canadian Border via the Presque Isle VOR 359° radials." is substituted therefor.

2. In the text of § 600.1695 (26 F.R. 1079) "Millinocket, Me., VOR; to the Presque Isle, Me., VOR." is deleted and "INT of the Bangor VOR 059° and the Millinocket, Me., VOR 185° radials; thence 16 mile wide airway to the U.S./Canadian Border via the Bangor VOR 059° radial." is substituted therefor.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 7, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7676; Filed, Aug. 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-166]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Control Area Extension

On December 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13726) stating that the Federal Aviation Agency (FAA) proposed to alter the Miami control area extension (§ 601.1408) and to revoke the Key West control area extension (§ 601.1434).

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

Subsequent to the publication of this notice, the FAA published Amendment 60-21 to the Civil Air Regulations, Part 60, Air Traffic Rules. However, implementation of the provisions of the amendment in this area is being deferred pending an evaluation of the controlled airspace requirements in the entire Miami Air Route Traffic Control Center area. Upon completion of this review, separate airspace action will be initiated to redesignate the Miami control area extension (§ 601.1408) as a transition area with appropriate controlled airspace floor assignments.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1408 (14 CFR 601.1408) is amended to read:

§ 601.1408 Control area extension (Miami, Fla.).

That airspace bounded on the N. by a line extending from Lat. 25°49'00" N., Long. 81°47'00" W.; to Lat. 25°48'40" N., Long. 81°09'15" W.; to Lat. 25°26'20" N., Long. 80°51'20" W.; to Lat. 25°24'00" N., Long. 80°25'00" W.; on the E. by Long. 80°25'00" W.; on the S. by VOR Federal airway No. 35; and on the W. by VOR Federal airway No. 225, excluding the portion below 2,000 feet MSL which lies outside the United States and that portion above 20,000 feet MSL which coincides with the Key West Warning Area (W-173).

§ 601.1434 [Amendment]

2. Section 601.1434 (14 CFR 601.1434) Control area extension (Key West, Fla.) is revoked.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 7, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7674; Filed, Aug. 11, 1961; 8:45 a.m.]

[Airspace Docket No. 60-WA-271]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation and Alteration of Control Area Extensions, Designation of Reporting Points

On March 31, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 2726) stating that the Federal Aviation Agency (FAA) proposed to alter the Key West, Fla., control area extension (§601.1233); alter the Marathon, Fla., control area extension (§ 601.1234); and designate a new control area extension and reporting points.

Since these actions involve the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1233 (14 CFR 601.1233) is amended to read:

§ 601.1233 Control area extension (Key West, Fla.).

That airspace bounded on the N. by the Key West, Fla., control area extension (§ 601.1319) and VOR Federal airway No. 35, on the E. by a line 5 miles E. of and parallel to the 187° bearing from the Key West RR, on the S. by the Havana, Cuba, control area and on the W. by a line 5 miles W. of and parallel to the SW. course of the Key West RR, excluding the portion below 2,000 feet MSL outside of the United States.

2. Section 601.1234 (14 CFR 601.1234) is amended to read:

§ 601.1234 Control area extension (Marathon, Fla.).

That airspace bounded on the N. by VOR Federal airway No. 35, on the E. by a line 5 miles E. of and parallel to the 209° bearing from the Marathon, Fla., RBN, on the S. by the Havana, Cuba, control area, and on the W. by a line 5 miles W. of and parallel to the 219° bearing from the Marathon RBN, excluding the portion below 2,000 feet MSL and excluding the portion which would coincide with the Key West, Fla., Warning Area (W-465).

3. Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.1475 Control area extension (Sombrero Key, Fla.).

Within 5 miles either side of the 186° bearing from the Marathon, Fla., RBN, extending from the RBN to the Havana, Cuba, control area excluding the portion below 2,000 feet MSL and excluding the portion which coincides with the Key West, Fla., Warning Area (W-465).

§ 601.5001 [Amendment]

4. In § 601.5001 (14 CFR 601.5001, 25 F.R. 12997) the following changes are made:

(a) In the text delete:

Balboa Intersection: INT of a line bearing 169° True from the Key West, Fla., RR and a line bearing 215° True from the Marathon, Fla., RBN.

(b) In the text add:

Sea Lion INT: INT of the SW. course of the Key West, Fla., RR with Lat. 24°00'00" N.
Fantail INT: INT of the 187° bearing from the Key West, Fla., RR with Lat. 24°00'00" N.
Whale INT: INT of the 209° bearing from the Marathon, Fla., RBN with Lat. 24°00'00" N.
Balboa INT: INT of the 219° bearing from the Marathon, Fla., RBN with Lat. 24°00'00" N.
Tadpole INT: INT of the 186° bearing from the Marathon, Fla., RBN with Lat. 24°00'00" N.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 7, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7678; Filed, Aug. 11, 1961; 8:46 a.m.]

[Airspace Docket No. 61-KC-15]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Part-Time Control Zone

On June 21, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5528) stating that the Federal Aviation Agency proposed to establish a part-time control zone at Pontiac, Mich.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2454 Pontiac, Mich., control zone.

Within a 5-mile radius of the Pontiac Municipal Airport, Pontiac, Mich., (Lat. 42°39'55" N., Long. 83°25'05" W.), and within 2 miles either side of the 116° radial of the Pontiac VOR extending from the 5-mile radius zone to the VOR, from 0600 to 2200 hours, local standard time, daily.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7679; Filed, Aug. 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-NY-133]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On December 31, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 14048), stating that the Federal Aviation Agency proposed to designate a control area extension at DuBois, Pa.

No adverse comments were received regarding the proposed amendments.

Since the publication of this notice, the Federal Aviation Agency has published Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), which provides in part for the designation of transition areas in lieu of control area extensions to extend upward from 700 feet above the surface when designated in conjunction with an airport with no control zone but for which an instrument approach procedure has been prescribed. Accordingly, the controlled airspace proposed in the notice will be designated as a transition area. However, the description will be altered, in part, to reduce the length of the northeast extension based on the 056° bearing from the DuBois, Pa., radio beacon from 17 miles to 12 miles northeast of the radio beacon. Re-evaluation of the controlled airspace requirements at DuBois indicates that the additional distance is not required to protect aircraft executing prescribed instrument approach procedures at DuBois-Jefferson County Airport.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10408 DuBois, Pa., transition area.

That airspace extending upward from 700 feet above the surface within 8 miles NW. and 5 miles SE. of the 056° bearing from the DuBois, Pa., RBN extending from the RBN to 12 miles NE.; within 5 miles either side of the 238° bearing from the DuBois RBN extending from the RBN to the northern boundary of VOR Federal airway No. 6; and within 5 miles either side of the 148° bearing from the DuBois RBN extending from the RBN to the northern boundary of VOR Federal airway No. 6.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7680; Filed, Aug. 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-FW-116]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Revocation of Control Area Extension; Designation of Transition Area; Alteration of Control Zone

On April 19, 1961, a notice of proposed rule making was published in the FEDERAL

REGISTER (26 F.R. 3316) stating that the Federal Aviation Agency proposed to alter the Asheville, N.C. control zone, revoke the Asheville control area extension, and designate the Asheville transition area.

No objections were offered by The Department of the Army, the Air Transport Association of America, or the Department of the Air Force. The Aircraft Owners and Pilots Association (AOPA) objected to the designation of controlled airspace east of Asheville in the area presently designated as the Asheville control area extension, because they found no stated need for this portion of the proposal. The AOPA stated further that if such a requirement exists, it is doubted that there is a need for designation of a transition area down to 1200 feet above the surface. This control area extension is presently providing protection for aircraft enroute between Asheville and Charlotte, N.C., inbound and outbound from both terminals. The route being used is via the Asheville VOR 090° and the Fort Mill VOR 348° radials. A floor higher than 1200 feet above the surface for the transition area is not considered suitable since transition between the adjoining airways would be impaired. Although not stated in the notice, the Federal Aviation Agency expects to have long range radar, located near Maiden, North Carolina, in operation by December 1961. This radar will be utilized by the Atlanta Air Route Traffic Control Center and will permit radar vectoring of aircraft in the proposed transition area to and from the Charlotte, Hickory, and Asheville, North Carolina and the Greenville and Spartanburg, South Carolina terminals.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12528) and for the reasons stated herein and in the notice, the following action is taken:

1. Section 601.2372 (14 CFR 601.2372) is amended to read:

§ 601.2372 Asheville, N.C., control zone.

Within a 5-mile radius of the Asheville Airport (Lat. 35°26'00" N., Long. 82°32'-25" W.), and within 2 miles either side of the 341° bearing from the Asheville RBN (Lat. 35°21'06" N., Long. 82°30'-16" W.), extending from the 5-mile radius zone to the RBN.

2. Part 601 (14 CFR Part 601) is amended as follows:

§ 601.1396 [Amendment].

Section 601.1396 Control area extension (Asheville, N.C.) is revoked.

Section 601.10007 is added to read:

§ 601.10007 Asheville, N.C., transition area.

The airspace E. of Asheville, N.C., extending upward from 1,200 feet above the surface bounded on the NW. by VOR Federal airway No. 222, on the E. by VOR Federal airway No. 259, on the SE. by VOR Federal airway No. 20, and on the SW. by VOR Federal airway No. 296; and the airspace W. of Asheville within a 30-mile radius of the Asheville VOR bounded on the NE. by VOR Federal airway No. 185 and on the SE. by VOR Federal airway No. 222.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7681; Filed, Aug. 11, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-87]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Control Zones; Designation of Transition Areas; Revocation of Control Area Extensions and Alteration of Restricted Areas

On May 27, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 4695) stating that the Federal Aviation Agency (FAA) proposed amendments to Part 601 and §§ 601.2285, 601.7101, and 608.25 of the regulations of the Administrator which would result in the following:

1. Designate the FAA, Los Angeles ARTC Center, as the controlling agency for R-2505 and R-2506.

2. Alter § 601.7101 *Designation of the continental control area* to include the following restricted areas: R-2502, R-2505, R-2508, R-2509, R-2515, and R-2524.

3. Designate a transition area at Palmdale, Calif.

4. Designate a transition area at Victorville, Calif.

5. Revoke the Edwards AFB, Calif., and the Daggett, Calif., control area extensions.

6. Revoke the Victorville, Calif., control area extension.

7. Designate a control zone at the NAF China Lake, Calif.

8. Designate a control zone at the Edwards AFB, Calif.

9. Redesignate the control zone at Victorville, Calif. (George AFB).

The Department of the Air Force concurred with the proposed amendments. No other comments were received within the period allotted for comments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12662) and for the reasons stated herein and in the notice, the following actions are taken:

§ 608.25 [Amendment]

1. In § 608.25 *California* (26 F.R. 874) the following changes are made:

(a) R-2505 China Lake, Calif., "Using Agency. Commander, Naval Ordnance Test Center, China Lake, Calif." is deleted and "Controlling Agency. Federal Aviation Agency, Los Angeles ARTC Center. Using Agency. Commander, Naval Ordnance Test Center, China Lake, Calif." is substituted therefor.

(b) R-2506 China Lake South, Calif. "Using Agency. Commander, Naval Ordnance Test Center, China Lake, Calif." is deleted and "Controlling Agency. Federal Aviation Agency, Los Angeles ARTC Center. Using Agency. Commander, Naval Ordnance Test Center, China Lake, Calif." is substituted therefor.

§ 601.7101 [Amendment]

2. In the text of § 601.7101 (26 F.R. 1399) the following are added:

(a) R-2502 Camp Irwin, Calif.
(b) R-2505 China Lake, Calif.
(c) R-2508 California Complex.
(d) R-2509 Cuddeback Dry Lake, Calif.
(e) R-2515 Muroc Lake, Calif.
(f) R-2524 Trona, Calif.

3. In Part 601 (14 CFR Part 601) the following sections are added:

§ 601.10006 Palmdale, Calif., transition area.

The area extending upward from 1,200 feet above the surface bounded by a line extending from Lat. 35°34'30" N., Long. 116°23'30" W., thence to Lat. 35°28'35" N., Long. 116°18'45" W., thence S. along Long. 116°18'45" W. to the NW. boundary of VOR Federal airway No. 8 N.; thence along the NW. boundary of VOR Federal airway No. 8 N.; the N. boundary of VOR Federal airway No. 12; the N. boundary of VOR Federal airway No. 137, and the E. boundary of VOR Federal airway No. 23 and VOR Federal airway No. 23 E. to Lat. 35°36'00" N., Long. 119°01'30" W., thence to Lat. 35°37'30" N., Long. 117°47'30" W., thence to Lat. 35°40'30" N., Long. 117°47'00" W., thence to Lat. 36°05'25" N., Long. 117°52'00" W., thence to Lat. 36°06'45" N., Long. 117°41'30" W., thence to Lat. 35°42'00" N., Long. 117°35'45" W., thence to Lat. 35°36'00" N., Long. 117°26'00" W., thence to Lat. 35°25'00" N., Long. 117°26'00" W., thence to Lat. 35°25'00" N., Long. 117°16'52" W., thence to Lat. 35°15'56" N., Long. 117°16'52" W., thence to Lat. 35°15'56" N., Long. 117°06'30" W., thence to Lat. 35°34'30" N., Long. 116°29'40" W., thence to point of beginning. The portions of this transition area that coincide with Restricted Areas R-2502, R-2505, R-2506, R-2509, R-2515 and R-3534 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.10010 Victorville, Calif., transition area.

The area extending upward from 1,200 feet above the surface bounded on the N. by VOR Federal airway No. 12, on the SE. by VOR Federal airway No. 8 and on the SW. by a line 5 miles SW. of and parallel to the 124° radial of the Palmdale VOR. The portion of this transition area that coincides with the Victorville (George AFB) Restricted Area/Military Climb Corridor (R-2526) shall be used only after obtaining prior approval from the appropriate authority.

§ 601.2483 China Lake, Calif. (NAF China Lake), control zone.

Within a 5-mile radius of NAF China Lake (Lat. 35°41'15" N., Long. 117°41'35" W.), within a one mile radius of Ridgecrest-Davis, Calif., Airport (Lat. 35°36'40" N., Long. 117°40'25" W.) and within 2 miles either side of the 350° and 148° radials of the NAF China Lake TACAN extending from the 5-mile radius zone to 3 miles N. and SE.

§ 601.2482 Edwards AFB, Calif., control zone.

Within a 5-mile radius of Edwards AFB (Lat. 34°54'20" N., Long. 117°52'55" W.), within a 3-mile radius of Edwards Air Force Auxiliary North Base (Lat. 34°59'11" N., Long. 117°51'41" W.) and within 2 miles either side of the Edwards AFB VOR 239° radial extending from the 5-mile radius zone to the VOR and within 2 miles either side of the Edwards VOR 239° radial extending from the 5-mile radius zone to 3 miles SW.

4. Section 601.2285 (14 CFR 601.2285) is amended to read:

§ 601.2285 Victorville, Calif., control zone.

Within a 5-mile radius of George AFB (Lat. 34°35'50" N., Long. 117°22'35" W.) and within 2 miles either side of the George AFB VOR 355° and 005° radials extending from the 5-mile radius zone to 11 miles N. of the VOR.

§§ 601.1085, 601.1189, 601.1030 [Revocations]

5. In Part 601 (14 CFR Part 601) the following sections are revoked:

(a) § 601.1085 Control Area Extension (Edwards AFB, Calif.).
(b) § 601.1189 Control Area Extension (Daggett, Calif.).
(c) § 601.1030 Control Area Extension (Victorville, Calif.).

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7677; Filed, Aug. 11, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Dockets 8342 c.o. and 8343 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Golden Press, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for Services or Facilities for Processing or Sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist orders: Golden Press, Inc., Poughkeepsie, N.Y., Docket 8342; and Grosset & Dunlap, Inc., et al., New York, N.Y., Docket 8343; both July 8, 1961]

In the Matters of: Golden Press, Inc., a Corporation; and Grosset & Dunlap, Inc., Wonder Books, Inc., Treasure Books, Inc., Corporations

Identical consent orders requiring publishers of children's books—one in Poughkeepsie, N.Y., and three in New York City—to cease violating section 2(d) of the Clayton Act by making payments for services furnished by some of their customers while not making such allowances available on proportionally equal terms to all competitors of the latter, such as paying favored retail customers for promoting and displaying their publications on newsstands and in retail outlets such as drug chains and department stores, and making such payments on the basis of individual negotiations and not on proportionally equal terms.

Identical orders to cease and desist, combining respondents in the two matters, are as follows:

It is ordered, That respondent Golden Press, Inc.; and each of the named respondents, Grosset & Dunlap, Inc., Wonder Books, Inc., Treasure Books, Inc.; their officers, agents, representatives or employees, directly or through any corporate or other device, in connection with the distribution, sale or offering for sale of children's books in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from paying or contracting for the payment of an allowance or anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, offering for sale, sale or distribution of any children's book published, sold or offered for sale by such respondent, unless such payment or consideration is affirmatively offered or otherwise made available on proportionally equal terms to all of its other customers competing with such favored customer in the distribution of such children's book.

By separate "Decision of the Commission", etc., in each of these two cases, reports of compliance (combining all respondents) were required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of these orders, file with the Commission reports in writing setting forth in detail the manner and form in which they have complied with the orders to cease and desist.

Issued: July 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7683; Filed, Aug. 11, 1961; 8:46 a.m.]

[Docket 8251]

PART 13—PROHIBITED TRADE PRACTICES

Nation-Wide Fur Storage and Cleaners et al.

Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Porducts Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Nation-Wide Fur Storage and Cleaners et al., Cleveland, Ohio, Docket 8251, July 14, 1961]

In the Matter of Nation-Wide Fur Storage and Cleaners, a Corporation, and Bernard Golden, Individually and as an Officer of Said Corporation

Order requiring furriers in Cleveland, Ohio, to cease violating the Fur Products Labeling Act by failing to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Nation-Wide Fur Storage and Cleaners, a corporation, and its officers, and Bernard Golden, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from misbranding fur products by:

A. Failing to affix labels showing in words and figures plainly legible all the information required to be disclosed by

each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

C. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal furs the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

D. Failing to set forth on labels the item number or mark assigned to a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Nation-Wide Fur Storage and Cleaners, a corporation, and Bernard Golden, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 14, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7684; Filed, Aug. 11, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHROMIUM (CR III) COMPLEX OF *N*-ETHYL-*N*-HEPTADECYLFLUORO-OCTANE SULFONYL GLYCINE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Minnesota Mining and Manufacturing Company, 900 Bush Avenue, St. Paul 6, Minnesota, and other relevant material, has concluded that the following regulation should issue with respect to the food additive chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine as an ingredient of coated papers used in packaging animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR 121) are amended by adding to Subpart F the following new section:

§ 121.2518 Chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine.

The chromium (Cr III) complex of *N*-ethyl-*N*-heptadecylfluoro-octane sulfonyl glycine may be safely used as a component of paper for packaging animal feed used in accordance with the following prescribed conditions:

(a) The fluorochemical complex is used as a component of paper in an amount not to exceed 0.5 percent by weight of the paper.

(b) The food contact surface of the paper is overcoated with a polymeric or resinous coating of at least one-third mil in thickness.

(c) The labeling shall contain adequate directions for the use of the additive to insure compliance with paragraphs (a) and (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 7, 1961.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-7700; Filed, Aug. 11, 1961; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Penicillin; Pyrogen Tests

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay for penicillin and penicillin-containing drugs are amended by revising § 141a.3 to read as follows:

§ 141a.3 Sodium penicillin, calcium penicillin, potassium penicillin; pyrogens.

(a) *Temperature recording.* Use an accurate clinical thermometer or any other temperature-recording device of equal sensitivity that has been tested to determine the time necessary to reach the maximum reading. Insert the temperature-recording device into the rectum of the test animal to a depth of not less than 7.5 centimeters and allow sufficient time to reach a maximum temperature, as previously determined, before taking the reading.

(b) *Test animal.* Use healthy, mature rabbits, each weighing not less than 1500 grams and which have maintained their weight on an antibiotic-free diet for at least 1 week under the environmental conditions specified in this section. House the animals individually in an area of uniform temperature (±3° C. (±5° F.)) and free from disturbances likely to excite them. Do not use animals for pyrogen tests more frequently than once every 48 hours or prior to 2 weeks following their having been given a test sample that was adjudged pyrogenic. One to 3 days before using an animal that has not been used for a test during the previous 2 weeks, condition it by conducting a sham test as directed under paragraph (c) of this section, omitting the injection.

(c) *Procedure.* Perform the test in an area where the animals are housed or under similar environmental conditions. On the day of the test, withhold all food from the animals being used until after completion of the test, except that access to water may be allowed, and determine the "control temperature" of each animal. In any one test use only those animals the control temperatures of which do not deviate by more than 1° C. from each other, and do not use any animal with a temperature exceeding 39.8° C. The control temperature recorded for each rabbit constitutes the temperature from which any subsequent rise following the injection of the material is calculated. Render the syringes, needles, and glassware free from pyrogens by heating at 250° C. for not less than 30 minutes or by any other suitable method. Warm the product to be tested to approximately 37° C. Dilute the sample with sterile, pyrogen-free distilled water to a concentration of 2,000 units per milliliter. Inject 1 milliliter per kilogram into an ear vein of each of three rabbits within 30 minutes subsequent to the control temperature reading. Record the temperature at 1, 2, and 3 hours subsequent to the injection. If no rabbit shows an individual rise in temperature of 0.6° C. or more above its respective control temperature, and if the sum of the three temperature rises does not exceed 1.4° C., the sample meets the requirements for the absence of pyrogens. If one or two rabbits show a temperature rise of 0.6° C. or more, or if the sum of the temperature rises exceeds 1.4° C., repeat the test, using five other rabbits. If not more than three of the eight rabbits show individual rises in temperature of 0.6° C. or more, and if the sum of the eight temperature rises does not exceed 3.7° C., the sample meets the requirements for the absence of pyrogens.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since in order to determine compliance with the standards of purity for penicillin and penicillin-containing drugs, section 507 of the Federal Food, Drug, and Cosmetic Act requires the promulgation of adequate tests and methods of assay for these drugs.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 7, 1961.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 61-7701; Filed, Aug. 11, 1961; 8:47 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Final Order

In response to the notice of proposed rule making published in the FEDERAL REGISTER of April 29, 1961 (26 F.R. 3705), extensive written comments were received. Subsequently, on July 13 and 14, 1961, an opportunity was afforded for the oral presentation of views on the proposed regulations. Following review of the comments received both in writing and at the oral presentation, and other relevant material, the Commissioner of Food and Drugs has concluded that the following regulations should issue with respect to hazardous substances pursuant to the provisions of the Federal Hazardous Substances Labeling Act (sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625):

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AUTHORITY: §§ 191.1 to 191.215 issued under sec. 10, 74 Stat. 378; 15 U.S.C.A. 1269. Additional authority is cited following section affected.

DEFINITIONS AND INTERPRETATIONS

§ 191.1 Definitions.

(a) *Act.* "Act" as used in this part means the Federal Hazardous Substances Labeling Act.

(b) *Commissioner.* "Commissioner" means the Commissioner of Food and Drugs, Food and Drug Administration, Department of Health, Education, and Welfare.

(c) *Containers.* "Container intended or suitable for household use" means any carton, bottle, can, bag, tube, or any other container which under any customary or reasonably foreseeable condition of purchase, storage, or use may be brought into or around a house, apartment, or other place where people dwell, or in or around any related building or shed, including but not limited to a garage, carport, barn, or storage shed. The term includes containers of such articles as polishes or cleaners designed primarily for professional use, but available in retail stores such as hobby shops for nonprofessional use. Also included are such items as antifreeze and radiator cleaners that, although principally for car use, may be stored in or around dwelling places. The term does not include industrial supplies that might be taken into a home by a serviceman. An article labeled as and marketed solely for industrial use does not become subject to this act because of the possibility that an industrial worker may misappropriate a supply for his own use. Size is not the only index of whether the container is "suitable for household use." The test shall be whether under any reasonably foreseeable condition of purchase, storage, or use the container may be found in or around a dwelling.

(d) *Prominently and conspicuously.* "Prominently" in section 2(p)(2) and "conspicuously" in section 2 (p)(1) and (p)(2) of the act means that, under customary conditions of purchase, storage, and use, the required information shall be visible, noticeable, and in clear and legible English. Some factors affecting a warning's prominence or conspicuousness are: Location, size of type, and contrast of printing against background. Also bearing on the effectiveness of a warning might be the effect of the package contents if spilled on the label. Unless impracticable because of the nature of the substance, the label shall be of such construction and finish as to withstand reasonably foreseeable spillage through foreseeable use. (See § 191.101.)

(e) *Highly toxic substances.* "Highly toxic" is any substance falling within any of the following categories:

(1) Any substance that produces death within 14 days in half or more than half of a group of white rats each weighing between 200 grams and 300 grams at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered.

(2) Any substance that produces death within 14 days in half or more than half of a group of white rats each weighing between 200 grams and 300 grams when inhaled continuously for a period of 1 hour or less in an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or 2 milligrams per liter by volume or less of mist or dust, provided that such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

(3) Any substance that produces death within 14 days in half or more than half of a group of rabbits weighing between 2.3 kilograms and 3.0 kilograms each, tested in a dosage of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less by the method described in § 191.10.

The number of animals tested shall be sufficient to give a statistically significant result and be in conformity with good pharmacological practices.

(4) Any substance determined by the Commissioner to be "highly toxic" on the basis of human experience.

(f) *Toxic substances.* "Toxic substances" is any substance falling within any of the following categories:

(1) Any substance that produces death within 14 days in one-half of a group of white rats each weighing between 200 grams and 300 grams, at a single dose of more than 50 milligrams per kilogram but not more than 5 grams per kilogram of body weight, when orally administered. Substances falling in the toxicity range between 500 milligrams and 5 grams per kilogram of body weight will be considered for exemption from some or all of the labeling requirements of the act, under section 191.62, upon a showing that, because of the physical form of the substances (solid, a thick plastic, emulsion, etc.), the size or closure of the container, human experience with the article, or any other relevant factors, such labeling is not needed.

(2) Any substance that produces death within 14 days in one-half of a group of white rats each weighing between 200 grams and 300 grams, when inhaled continuously for a period of 1 hour or less at an atmospheric concentration of more than 200 parts per million but not more than 20,000 parts per million by volume of gas or vapor or more than 2 milligrams but not more than 200 milligrams per liter by volume of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner.

(3) Any substance that produces death within 14 days in one-half of a group of rabbits weighing between 2.3 kilograms and 3.0 kilograms each, tested at a dosage of more than 200 milligrams per kilogram of body weight but not more than 2 grams per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours by the method described in § 191.10.

The number of animals tested shall be sufficient to give statistically significant results and be in conformity with good pharmacological practice.

(4) Any substance that is "toxic" (but not "highly toxic") on the basis of human experience.

(g) *Irritants.* The term "irritant" includes "primary irritant to the skin" as well as substances irritant to the eye or to mucous membranes.

(2) The term "primary irritant" means a substance that is not corrosive and that the available data of human experience indicate is a primary irritant; or which results in an empirical score of five or more when tested by the method described in § 191.11.

(3) *Eye irritants.* A substance is an irritant to the eye mucosa if the available data on human experience indicate that it is an irritant for the eye mucosa, or when tested by the method described in § 191.12 shows that there is at any of the readings made at 24, 48, and 72 hours discernible opacity or ulceration of the cornea or inflammation of the iris, or that such substance produces in the conjunctivae (excluding the cornea and iris) a diffuse deep-crimson red with individual vessels not easily discernible, or an obvious swelling with partial eversion of the lids.

(h) *Corrosive.* A "corrosive substance" is one that causes visible destruction or irreversible alterations in the tissue at the site of contact. A test for a corrosive substance is whether, by human experience, such tissue destruction occurs at the site of application. A substance would be considered corrosive to the skin, if when tested on the intact skin of the albino rabbit by the technique described in § 191.11 the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less. Other appropriate tests should be applied when contact of the substance with other than skin tissue is being considered.

(i) *Strong sensitizer.* A "strong allergic sensitizer" is a substance that produces an allergenic sensitization in a substantial number of persons who come into contact with it. An allergic sensitization develops by means of an "antibody mechanism" in contradistinction to a primary irritant reaction which does not arise because of the participation of an "antibody mechanism." An allergic reaction ordinarily does not develop on first contact because of necessity of prior exposure to the substance in question. The sensitized tissue exhibits a greatly increased capacity to react to subsequent exposures of the offending agent. Thus, subsequent exposures may produce severe reactions with little correlation to the amounts of excitant involved. A "photodynamic sensitizer" is a substance that causes an alteration in the skin or mucous membranes, in general, or to the skin or mucous membrane at the site to which it has been applied, so that when these areas are subsequently exposed to ordinary sunlight or equivalent radiant energy an inflammatory reaction will develop.

(j) *Extremely flammable and flammable substances*—(1) *Extremely flammable substances.* The term "extremely flammable" means any substance that has a flashpoint at or below 20° F., as determined by the method described in § 191.13.

(2) *Flammable substances.* The term "flammable" means any substance that has a flashpoint of above 20° F., to and including 80° F., as determined by the method described in § 191.13.

(k) *Extremely flammable and flammable solids*—(1) *Extremely flammable solids.* A solid substance is "extremely flammable" if it ignites and burns at an ambient temperature of 80° F. or less when subjected to friction, or to percussion, or to an electrical spark.

(2) *Flammable solids.* A solid substance is "flammable" if, when tested by the method described in § 191.14, it ignites and burns with a self-sustained flame at a rate greater than 1/10 of an inch per second along its major axis.

(l) *Extremely flammable and flammable contents of self-pressurized containers*—(1) *Extremely flammable contents.* Contents of self-pressurized containers are "extremely flammable" if when tested by the method prescribed in § 191.15, flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening and the flashpoint, when tested by the method described in § 191.16, is less than 20° F.

(2) *Flammable contents.* Contents of self-pressurized containers are "flammable" if when tested by the method described in § 191.15 a flame projection exceeding 18 inches is obtained at full valve opening or a flashback (a flame extending back to the dispenser) is obtained at any degree of valve opening.

(m) *Substances that generate pressure.* A substance is hazardous because it "generates pressure through decomposition, heat, or other means" if:

(1) It explodes when subjected to an electrical spark, or to percussion, or to the flame of a burning paraffin candle for 5 seconds or less; or

(2) It expels the closure of its container, or bursts its container, when held at or below 130° F. for 2 days or less; or

(3) It erupts from its opened container at a temperature of 130° F. or less, after having been held in the closed container at 130° F. for 2 days.

(n) *Radioactive substance.* The term "radioactive substance" means a substance which, because of nuclear instability, emits electromagnetic and/or particulate radiation that is capable of producing ions in its passage through matter. Source materials, special nuclear material, and byproduct materials described in section 2(f)(3) of the act are exempt.

(o) *"Accompanying literature".* "Accompanying literature" as used in section 2(n) of the act means any placard, pamphlet, booklet, book, sign, or other written, printed, or graphic matter or visual device which provides directions for use, written or otherwise, and is used in connection with the display, sale, demonstration, or merchandising of a hazardous substance in a container intended or suitable for household use.

(p) *Substantial personal injury or illness.* This term means any illness or injury of a significant nature. It need not be severe or serious. What is excluded by the word "substantial" is a wholly insignificant or negligible injury or illness.

(q) *Proximate result.* A proximate result is one that follows in the course of events without an unforeseeable, intervening, independent cause.

(r) *Reasonably foreseeable handling or use.* This includes the reasonably foreseeable accidental handling or use, not only by the purchaser or intended user of the product, but by all others in a household, especially children.

§ 191.2 Human experience with hazardous substances.

Reliable data on human experience with any substance should be taken into account in determining whether an article is a "hazardous substance" within the meaning of the act, and when such data give reliable results different from results with animal data, the human experience takes precedence. Experience may show that an article is more or less toxic, irritant, or corrosive to man than to test animals. Experience may also show other factors that are important in determining the degree of hazard to humans represented by the substance. For example, that radiator antifreeze is likely to be stored in the household or garage and likely to be ingested in significant quantities by some persons. Experience also indicates that a particular substance in liquid form is more likely to be ingested than is the same substance in a paste or a solid and that an aerosol is more likely to get into the eyes and the nasal passages than is a liquid.

§ 191.3 Hazardous mixtures.

For a mixture of substances, the determination of whether such mixture is "hazardous" as defined in section 2(f) of the act should be based on the physical, chemical, and pharmacological characteristics of the mixture. A mixture of substances may therefore be less hazardous or more hazardous than its components because of synergistic or antagonistic reactions. It may not be possible to reach a fully satisfactory decision concerning the toxic, irritant, corrosive, flammable, sensitizing, or pressure-generating properties of a substance from what is known about its components or ingredients. It is prudent to test the mixture itself.

§ 191.4 [Reserved]

§ 191.5 [Reserved]

§ 191.6 Listing of "strong sensitizer" substances.

The Commissioner of Food and Drugs, having considered the frequency of occurrence and the severity of reactions, finds the following substances to have a significant potential for causing hypersensitivity, and therefore they meet the definition for "strong sensitizer" as given in section 2(k) of the act.

(a) Paraphenylenediamine and products containing it.

(b) Powered orris root and products containing it.

(c) Epoxy resins systems containing in any concentration ethylenediamine, diethylenetriamine, and diglycidyl ethers of molecular weight of less than 200.

(d) Formaldehyde and products containing 1 percent or more of formaldehyde.

(e) Oil of bergamot and products containing 2 percent or more of oil of bergamot.

§ 191.7 Products requiring special labeling under section 3(b) of the act.

(a) Human experience as reported in the scientific literature and to the Poison Control Centers and the National Clearing House for Poison Control Centers establishes that the following substances are hazardous because of their toxicity and the frequency of their involvement in accidental ingestion:

(1) Carbon tetrachloride and mixtures containing it.

(2) Diethylene glycol including mixtures containing 10 percent or more by weight of diethylene glycol.

(3) Ethylene glycol including mixtures containing 10 percent or more by weight of ethylene glycol.

(4) Petroleum distillates such as kerosene, mineral seal oil, naphtha, gasoline, benzine, mineral spirits, paint thinner, Stoddard solvent, and related petroleum distillates and mixtures containing 10 percent or more by weight of such petroleum distillates.

(5) Methyl alcohol including mixtures containing 4 percent or more by weight of methyl alcohol.

(6) Turpentine including gum turpentine, gum spirits of turpentine, steam-distilled wood turpentine, sulfate wood turpentine and, destructively distilled wood turpentine and mixtures containing 10 percent or more by weight of such turpentine.

(b) The Commissioner finds that these substances present special hazards and that the labeling required by section 2(p)(1) of the act is not adequate for the protection of the public health. Under section 3(b) of the act the following specific label statements are deemed necessary to supplement the labeling required by section 2(p)(1) of the act:

(1) *Carbon tetrachloride.* Because of the general systemic poisoning that might result from the ingestion or breathing of vapors of carbon tetrachloride and mixtures containing it, the label shall include the signal word "danger," the additional word "poison," and the skull and crossbones symbol. The statement of hazard shall include "May be fatal if inhaled or swallowed," and "Avoid contact with flame or hot surface."

(2) *Methyl alcohol.* Because of death and blindness that might result from the ingestion of methyl alcohol, the label for this substance (including mixtures) within the percentages specified in paragraph (a)(5) of this section shall include the signal word "danger," the additional word "poison," and the skull and crossbones symbol. The statement of hazard shall include "Vapor harmful," "May be fatal or cause blindness if swallowed," and "Cannot be made nonpoisonous."

(3) *Turpentine and petroleum distillates.* Because these substances (including mixtures) within the percentages specified above, in addition to oral toxicity resulting in systemic poisoning are hazardous because of aspiration into the lungs with resulting chemical pneumonitis, pneumonia, and pulmonary edema, the signal word "danger" is specified, as well as the additional statements "Harmful or fatal if swallowed" and for kerosene and related petroleum distillates "Do not induce vomiting."

(4) *Ethylene glycol and diethylene glycol.* Because these substances (including mixtures) within the percentages specified above are commonly marketed, stored, and used in a manner increasing the possibility of accidental ingestion, the signal word "warning" is specified. In addition, for ethylene glycol the statement "Harmful or fatal if swallowed" and for diethylene glycol the statement "Harmful if swallowed" are required.

TESTING PROCEDURES FOR HAZARDOUS SUBSTANCES

§ 191.10 Method of testing toxic substances.

The method of testing the toxic substances named is § 191.1 (e)(3) and (f)(3) is as follows:

(a) *Acute dermal toxicity (single exposure).* In the acute exposures the agent is held in contact with the skin by means of a sleeve for periods varying up to 24 hours. The sleeve, made of rubber dam or other impervious material, is so constructed that the ends are reinforced with additional strips and should fit snugly around the trunk of the animal. The ends of the sleeve are tucked, permitting the central portion to "balloon" and furnish a reservoir for the dose. The reservoir must have sufficient capacity to contain the dose without pressure. In the following table are given the dimensions of sleeves and the approximate body surface exposed to the test substance. The sleeves may vary in size to accommodate smaller or larger subjects. In the testing of unctuous materials that adhere readily to the skin, mesh wire screen may be employed instead of the sleeve. The screen is padded and raised approximately 2 centimeters from the exposed skin. In the case of dry powder preparations, the skin and substance are moistened with physiological saline prior to exposure. The sleeve or screen is then slipped over the gauze which holds the dose applied to the skin. In the case of finely divided powders, the measured dose is evenly distributed on cotton gauze, which is then secured to the area of exposure.

DIMENSIONS OF SLEEVES FOR ACUTE DERMAL TOXICITY TEST

(Test Animal Rabbits)

Measurements in centimeters		Range of weight of animals (grams)	Average area of exposure (cm.²)	Average percentage of total body surface
Diameter at ends	Over-all length			
7.0	12.5	2,500–3,500	240	10.7

(b) *Preparation of test animals.* The animals are prepared by clipping the skin of the trunk free of hair. Approximately one-half of the animals are further prepared by making epidermal abrasions every 2 centimeters or 3 centimeters longitudinally over the area of exposure. The abrasions are sufficiently deep to penetrate the stratum corneum (horny layer of the epidermis), but not to disturb the derma—that is, not to obtain bleeding.

(c) *Procedures for testing.* The sleeve is slipped onto the animal, which is then placed in a comfortable but immobilized position in a multiple animal holder. Selected doses of liquids and solutions are introduced under the sleeve. If there is slight leakage from the sleeve, which may occur during the first few hours of exposure, it is collected and reapplied. Dosage levels are adjusted in subsequent exposures (if necessary) to enable a calculation of a dose that would be fatal

to 50 percent of the animals. This can be determined from mortality ratios obtained at various doses employed. At the end of 24 hours the sleeves or screens are removed, the volume of unabsorbed material, if any, is measured, and the skin reactions are noted. The subjects are cleaned by thorough wiping, observed for gross symptoms of poisoning, and then observed for 2 weeks.

§ 191.11 Method of testing primary irritant substances.

Primary irritation to the skin is measured by a patch-test technique on the abraded and intact skin of the albino rabbit, clipped free of hair. A minimum of six subjects are used in abraded and intact skin tests. Introduce under a square patch such as surgical gauze measuring 1 inch x 1 inch, two single layers thick, 0.5 milliliter (in case of liquids) or 0.5 gram (in the case of solids and semisolids) of the test substance. Dissolve solids in an appropriate solvent and apply the solution as for liquids. The animals are immobilized with patches secured in place by adhesive tape. The entire trunk of the animal is then wrapped with an impervious material such as rubberized cloth for the 24-hour period of exposure. This material aids in maintaining the test patches in position and retards the evaporation of volatile substances. After 24 hours of exposure, the patches are removed and the resulting reactions are evaluated on the basis of the designated values in the following table:

Evaluation of skin reactions	*Value* [1]
Erythema and eschar formation:	
No erythema	0
Very slight erythema (barely perceptible)	1
Well-defined erythema	2
Moderate to severe erythema	3
Severe erythema (beet redness) to slight eschar formation (injuries in depth)	4
Edema formation:	
No edema	0
Very slight edema (barely perceptible)	1
Slight edema (edges of area well defined by definite raising)	2
Moderate edema (raised approximately 1 millimeter)	3
Severe edema (raised more than 1 millimeter and extending beyond the area of exposure)	4

[1] The "value" recorded for each reading is the average value of the six or more animals subject to the test.

Readings are again made at the end of a total of 72 hours (48 hours after the first reading). An equal number of exposures are made on areas of skin that have been previously abraded. The abrasions are minor incisions through the stratum corneum, but not sufficiently deep to disturb the derma or to produce bleeding. Evaluate the reactions of the abraded skin at 24 hours and 72 hours, as described in this paragraph. Add the values for erythema and Eschar formation at 24 hours and at 72 hours for intact skin to the values on abraded skin at 24 hours and at 72 hours (four values). Similarly, add the values for edema formation at 24 hours and at 72 hours for intact and abraded skin (four values). The total of the eight values is divided by four to give the primary irritation score. Example:

	Exposure time	Exposure unit
	Hours	*Value*
Erythema and eschar formation:		
Intact skin	24	2
Do	72	1
Abraded skin	24	3
Do	72	2
Subtotal		8
Edema formation:		
Intact skin	24	0
Do	72	1
Abraded skin	24	1
Do	72	2
Subtotal		4
Total		12

Primary irritation score is 12÷4=3.

§ 191.12 Test for eye irritants.

Six albino rabbits are used for each substance tested. One-tenth of a milliliter of the test substance is instilled in one eye of each rabbit; the other eye, remaining untreated, serves as a control. The treated eyes are not washed following instillation. Ocular reactions are read either with the unaided eye or with the aid of a hand slit lamp. Readings are made at 24 hours, 48 hours, and 72 hours after treatment.

§ 191.13 Tentative method of test for flashpoint of volatile flammable materials by Tagliabue open-cup apparatus.[1] [2]

SCOPE

1. (a) This method describes a test procedure for the determination of open-cup flashpoints of volatile flammable materials having flashpoints below 175° F.

(b) This method, when applied to paints and resin solutions which tend to skin over or which are very viscous, gives less reproducible results than when applied to solvents.

OUTLINE OF METHOD

2. The sample is placed in the cup of a Tag Open Tester, and heated at a slow but constant rate. A small test flame is passed at a uniform rate across the cup at specified intervals. The flashpoint is taken as the lowest temperature at which application of the test flame causes the vapor at the surface of the liquid to flash, that is, ignite but not continue to burn.

APPARATUS

3. The Tag open-cup tester is illustrated in Fig. 1. It consists of the following parts, which must conform to the dimensions shown, and have the additional characteristics as noted:

(a) *Copper bath*, preferably equipped with a constant level overflow so placed as to maintain the bath liquid level ½ inch below the rim of the glass cup.

(b) *Thermometer holder.* Support firmly with ringstand and clamp.

(c) *Thermometer.* For flashpoints above 40° F., use the ASTM Tag Closed Tester Thermometer, range of +20 to +220° F. in 1° F. divisions, and conforming to thermometer 9F. of ASTM Standard E 1. For flashpoints from 20° F. to 40° F., use ASTM Tag Closed Tester, Low Range, Thermometer 97F. For flashpoints below 20° F., use ASTM Thermometer 33F. The original Tag Open-Cup (Paper Scale) Thermometer will be a permissible alternate until January 1, 1962. It is calibrated to −20° F.

(d) *Glass test cup.* Glass test cup (Fig. 2), of molded clear glass, annealed, heat-resistant, and free from surface defects.

(e) *Leveling device.* Leveling device or guide, for proper adjustment of the liquid level in the cup (Fig. 3). This shall be made of No. 18-gage polished aluminum, with a projection for adjusting the liquid level when the sample is added to exactly ⅛-inch below the level of the edge or rim of the cup.

(f) "Micro," or small gas burner of suitable dimensions for heating the bath. A screw clamp may be used to help regulate the gas. A small electric heater may be used.

(g) Ignition taper, which is a small straight, blow-pipe type gas burner. The test flame torch prescribed in the method of test for flash and fire points by Cleveland Open Cup (ASTM designation: D 92) is satisfactory.

(h) Alternative methods for maintaining the ignition taper in a fixed horizontal plane above the liquid may be used, as follows:

(1) Guide wire, 3/32-inch in diameter and 3½ inches in length, with a right-angle bend ½-inch from each end. This wire is placed snugly in holes drilled in the rim of the bath, so that the guide wire is ⅝-inch from the center of the cup and resting on the rim of the cup.

(2) Swivel-type taper holder, such as is used in ASTM METHOD D 92. The height and position of the taper are fixed by adjusting the holder on a suitable ringstand support adjacent to the flash cup.

(i) Draft shield, consisting of two rectangular sheets of noncombustible material, 24 inches x 28 inches, are fastened together along the 28-inch side, preferably by hinges. A triangular sheet, 24 inches x 24 inches x 24 inches is fastened by hinges to one of the lateral sheets (to form a top when shield is open). The interior of the draft shield shall be painted a flat black.

PROCEDURE

4. (a) Place the tester on a solid table free of vibration, in a location free of perceptible draft, and in a dim light.

(b) Run water, brine, or water-glycol solution into the bath to a predetermined level, which will fill the bath to ½-inch below the top when the cup is in place. An overflow is permissible for water-level control.

(c) Firmly support the thermometer vertically halfway between the center and edge of the cup on a diameter at right angles to the guide wire, or on a diameter passing through the center of the cup and the pivot of the taper. Place so that the bottom of the bulb is ¼-inch from the inner bottom surface of the cup. If the old Tagliabue thermometer is used, immerse to well cover the mercury bulb, but not the wide body of the thermometer.

(d) Fill the glass cup with the sample liquid to a depth just ⅛-inch below the edge, as determined by the leveling device.

(e) Place the guide wire or swivel device in position, and set the draft shield around the tester so that the sides form right angles with each other and the tester is well toward the back of the shield.

[1] The Food and Drug Administration has obtained permission from the American Society for Testing Materials, Philadelphia, Pa., to reprint this method in these regulations. The text has been slightly modified, for practical reasons.

[2] ASTM Designation: D 1310-59T, issued 1954; revised 1955, 1956, 1959. This tentative method has been approved by the sponsoring committee and accepted by the American Society for Testing Materials in accordance with established procedures, for use pending adoption as standard. Suggestions for revisions should be addressed to the Society at 1916 Race St., Philadelphia, Pa.

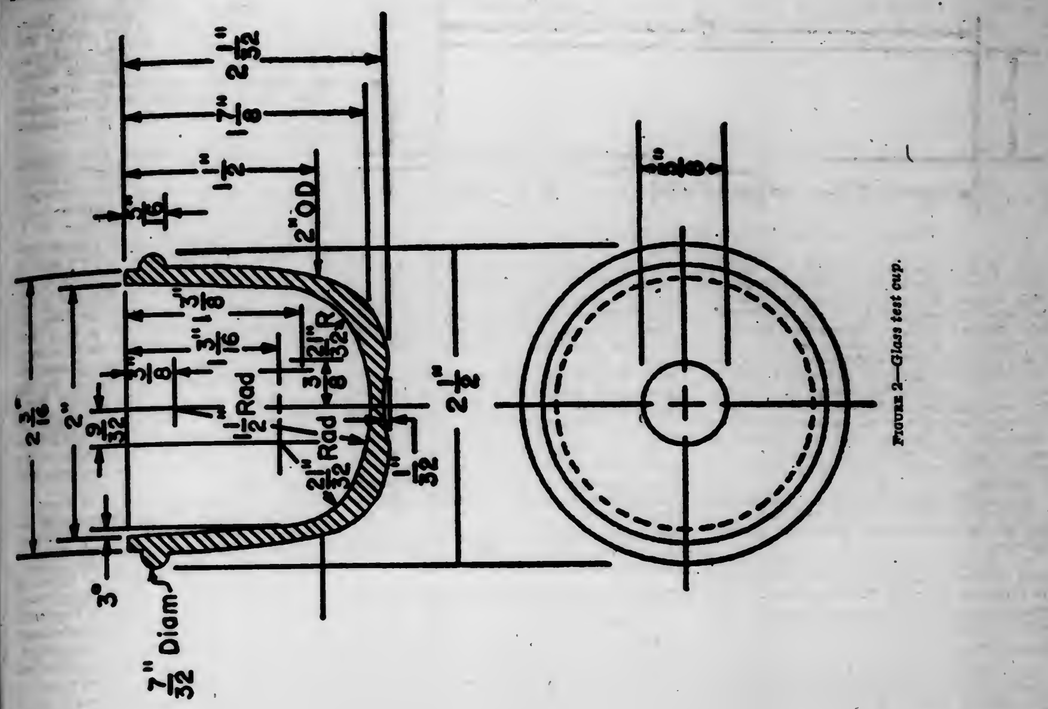


FIGURE 2—Glass test cup.

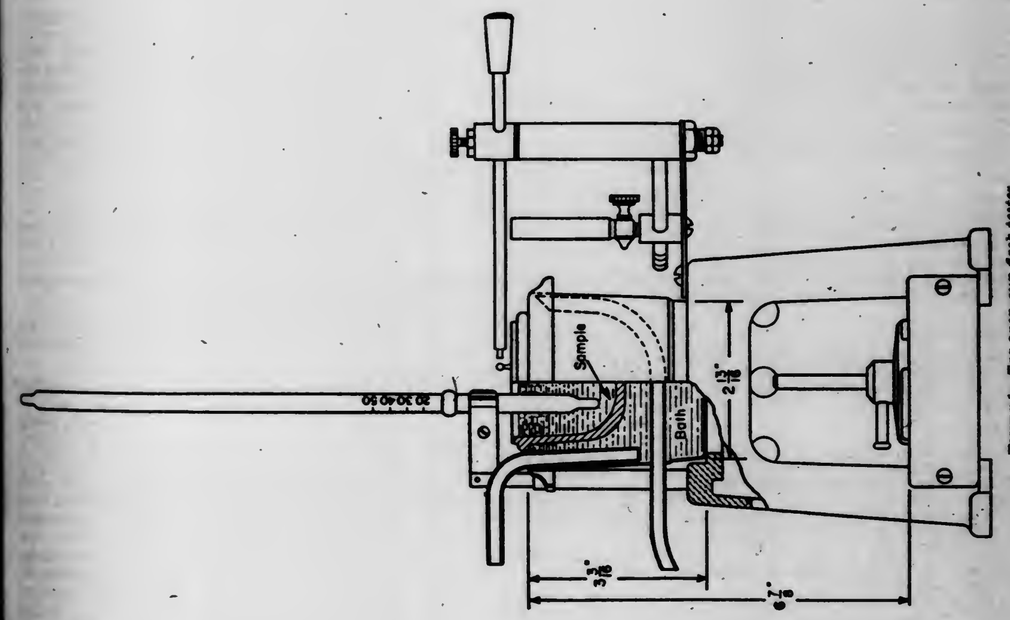


FIGURE 1—Tag open-cup flash tester.

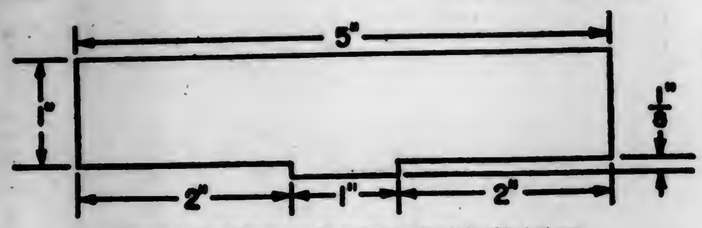


FIGURE 3—*Leveling device for adjusting liquid level in test cup.*

(f) If a guide wire is used, the taper, when passed, should rest lightly on the wire, with the end of the jet burner just clear of the edge of the guide wire. If the swivel-type holder is used, the horizontal and vertical positions of the jet are so adjusted that the jet passes on the circumference of a circle, having a radius of at least 6 inches, across the center of the cup at right angles to the diameter passing through the thermometer, and in a plane ⅛-inch above the upper edge of the cup. The taper should be kept in the "off" position, at one end or the other of the swing, except when the flame is applied.

(g) Light the ignition flame and adjust it to form a flame of spherical form matching in size the 5/32-inch sphere on the apparatus.

(h) Adjust heater source under bath so that the temperature of the sample increases at a rate of 2 ±0.5° F. per minute. With viscous materials this rate of heating cannot always be obtained.

INITIAL TEST

5. Determine an approximate flashpoint by passing the taper flame across the sample at intervals of 2° F. Each pass must be in one direction only. The time required to pass the ignition flame across the surface of the sample should be 1 second. Remove bubbles from the surface of the sample liquid before starting a determination. Meticulous attention to all details relating to the taper, size of taper flame, and rate of passing the taper is necessary for good results. When determining the flashpoint of viscous liquids and those liquids that tend to form a film of polymer, etc., on the surface, the surface film should be disturbed mechanically each time before the taper flame is passed.

RECORDED TESTS

6. Repeat the procedure by cooling a fresh portion of the sample, the glass cup, the bath solution, and the thermometer at least 20° F. below the approximate flashpoint. Resume heating, and pass the taper flame across the sample at two intervals of 5° F. and then at intervals of 2° F. until the flashpoint occurs.

REPORTING DATA

7. The average of not less than three recorded tests, other than the initial test, shall be used in determining the flashpoint and flammability of the substance.

STANDARDIZATION

8. (a) Make determinations in triplicate on the flashpoint of standard paraxylene and of standard isopropyl alcohol which meet the following specifications:

(1) *Specifications for p-xylene, flashpoint check grade.* p-Xylene shall conform to the following requirements:

Specific gravity: 15.56° C./15.56° C., 0.860 minimum, 0.866 maximum.

Boiling range: 2° C. maximum from start to dry point when tested in accordance with the method of test for distillation of industrial aromatic hydrocarbons (ASTM designation: D 850), or the method of test for distillation range of lacquer solvents and diluents (ASTM designation: D 1078). The range shall include the boiling point of pure p-xylene, which is 138.35° C. (281.03° F.).

Purity: 95 percent minimum, calculated in accordance with the method of test for determination of purity from freezing points of high-purity compounds (ASTM designation: D 1016), from the experimentally determined freezing point, measured by the method of test for measurement of freezing points of high-purity compounds for evaluation of purity (ASTM designation: D 1015).

(ii) *Specifications for isopropanol, flashpoint check grade.* Isopropanol shall conform to the following requirements:

Specific gravity: 0.8175 to 0.8185 at 20° C./20° C. as determined by means of a calibrated pycnometer.

Distillation range: Shall entirely distill within a 1.0° C. range which shall include the temperature 80.4° C. as determined by ASTM method D 1078.

Average these values for each compound. If the difference between the values for these two compounds is less than 15° F. (8.5° C.) or more than 27° F. (15° C.), repeat the determinations or obtain fresh standards.

(b) Calculate a correction factor as follows:

$$X = 92 - A$$
$$Y = 71 - B$$
$$\text{Correction} = \frac{X+Y}{2},$$

Where:

A = Observed flash of p-xylene, and
B = Observed flash of isopropyl alcohol.

Apply this correction of all determinations. Half units in correction shall be discarded.

PRECISION

9. (a) For hydrocarbon solvents having flashpoints between 60° F. and 110° F., repeatability is ±2° F. and the reproducibility is ±5° F.

(b) If results from two tests differ by more than 10° F., they shall be considered uncertain and should be checked. The calibration procedure provided in this method will cancel out the effect of barometric pressure if calibration and tests are run at the same pressure. Data supporting the precision are given in Appendix III of the 1956 Report of Committee D-1 on Paint, Varnish, Lacquers and Related Products, Proceedings, Am. Soc. Testing Mats., Vol. 56 (1956).

§ 191.14 Method for determining extremely flammable and flammable solids.

(a) *Preparation of sample*—(1) *Granules, powders, and pastes.* Pack the sample into a flat, rectangular metal boat with inner dimensions 6 inches long x 1 inch wide x one-fourth inch deep.

(2) *Rigid and pliable solids.* Measure the dimensions of the sample and support it by means of metal ringstands, clamps, rings, or other suitable devices as needed, so that the major axis is oriented horizontally and the maximum surface is freely exposed to the atmosphere.

(b) *Procedure.* Place the prepared sample in a draft-free area that can be ventilated and cleared after each test. The temperature of the sample at the time of testing shall be between 68° F. and 86° F. Hold a burning paraffin candle whose diameter is at least 1 inch, so that the flame is in contact with the surface of the sample at the end of the major axis for 5 seconds or until the sample ignites, whichever is less. Remove the candle. By means of a stopwatch, determine the time of combustion with self-sustained flame. Do not exceed 60 seconds. Extinguish flame with a CO_2 or similar nondestructive type extinguisher. Measure the dimensions of the burnt area and calculate the rate of burning along the major axis of the sample.

§ 191.15 Method for determining extremely flammable and flammable contents of self-pressurized containers.

(a) *Equipment required.* The test equipment consists of a base 8 inches wide, 2 feet long, marked in 6-inch intervals. A rule 2 feet long and marked in inches is supported horizontally on the side of the base and about 6 inches above it. A paraffin candle 1 inch or more in diameter, and of such height that the top third of the flame is at the height of the horizontal rule, is placed at the zero point in the base.

(b) *Procedure.* The test is conducted in a draft-free area that can be ventilated and cleared after each test. Place the self-pressurized container at a distance of 6 inches from the flame source. Spray for periods of 15 seconds to 30 seconds (one observer noting the extension of the flame and the other operating the container) through the top third of the flame and at a right angle to the flame. The height of the flame should be approximately 2 inches. Take three readings for each test, and average. As a precaution do not spray large quantities in a small, confined space. Free space of previously discharged material.

§ 191.16 Method for determining flashpoint of extremely flammable contents of self-pressurized containers.

The apparatus used is the Tagliabue Open-Cup Flashpoint Apparatus as described in § 191.13. Some means such as dry ice in an open container is used to chill the pressurized container. The container, the flash cup, and the bath solution of the apparatus (brine or glycol may be used) are chilled to a temperature of about 25° F. below zero. The chilled container is punctured to exhaust the propellant. The chilled formulation is transferred to the test apparatus and tested in accordance with the method described in § 194.13.

EXEMPTIONS

§ 191.61 Exemptions for food, drugs, cosmetics, and fuels.

(a) *Food, drugs, and cosmetics.* Substances subject to the Federal Food, Drug, and Cosmetic Act are exempted by section 2(f)(2) of the act; but where a food, drug, or cosmetic offers a substantial risk of injury or illness from any handling or use that is customary or usual it may be regarded as misbranded under the Federal Food, Drug, and Cosmetic Act because its label fails to reveal material facts with respect to consequences that may result from use of the article (21 U.S.C. 321(n)) when its label fails to bear information to alert the householder to this hazard.

(b) *Fuels.* A substance intended to be used as a fuel is exempt from the requirements of the act when in containers that are intended to be or are installed as part of the heating, cooling, or refrigeration system of a house. A portable container used for delivery or temporary or additional storage, and containing a substance that is a hazardous substance as defined in section 2(f) of the act, is not exempt from the labeling prescribed in section 2(p) of the act, even though it contains a fuel to be used in the heating, cooking, or refrigeration system of a house.

§ 191.62 Exemption from full labeling requirements.

(a) Any person who believes a particular hazardous substance in a container intended or suitable for household use should be exempted from full label compliance otherwise applicable under this act, because of the size of the package or because of the minor hazard presented by the substance, or for other good and sufficient reason, may submit to the Commissioner a request for exemption under section 3(c) of the act, presenting facts in support of the view that full compliance is impracticable or is not necessary for the protection of the public health. The Commissioner shall determine on the basis of the facts submitted and all other available information whether the requested exemption is consistent with adequate protection of the public health and safety. If he so finds, he shall detail the exemption granted and the reasons therefor by appropriate order published in the FEDERAL REGISTER.

(b) The Commissioner may, on his own initiative, determine on the basis of facts available to him that a particular hazardous substance in a container intended or suitable for household use should be exempted from full labeling compliance otherwise applicable under this act because of the size of the package, or because of the minor hazard presented by the substance, or for other good and sufficient reason. If he so finds, he shall detail the exemption granted and the reasons therefor by appropriate order in the FEDERAL REGISTER.

§ 191.63 Exemptions for small packages, minor hazards, and special circumstances.

The following exemptions are granted for the labeling of hazardous substances in containers suitable or intended for household use under the provisions of § 191.62(b):

(a) When the sole hazard from a substance in a self-pressurized container is that it generates pressure, the name of the component which contributes the hazard need not be stated.

(b) Common matches, including book matches, wooden matches, and so-called "safety" matches are exempted from the labeling requirements of section 2(p)(1) of the act insofar as they apply to the product being considered hazardous because of being "flammable" or "highly flammable" as defined in § 191.1(k).

(c) Paper items such as newspapers, wrapping papers, toilet and cleansing tissues, and paper writing supplies are exempted from the labeling requirements of section 2(p)(1) of the act insofar as they apply to the products being considered hazardous because of being "flammable" or "extremely flammable" as defined in § 191.1(k).

(d) Thread, string, twine, rope, cord, and similar materials are exempted from the labeling requirements of section 2(p)(1) of the act insofar as they apply to the products being considered hazardous because of being "flammable" or "extremely flammable" as defined in § 191.1(k).

LABELING REQUIREMENTS

§ 191.101 Placement, conspicuousness, contrast.

(a) The signal word, the statement of the principal hazard or hazards, and instructions to read carefully any cautionary information that may be placed elsewhere on the label shall appear together on the main panel of the label. Such information shall be placed together and distinctively apart from other wording or designs. The necessary prominence shall be achieved by placement within the borders of a square or rectangle with or without a borderline, and by use of suitable contrasts with the background achieved by distinctive typography or color, and by both color and typography when needed.

(b) If the product is "highly toxic" as defined in § 191.1(e) the labeling shall also include in conjunction with the word "poison," the skull and crossbones symbol.

(c) The signal word and statement of hazard shall be in capital letters. The size of the signal word (and the word "poison" if required) shall be of a size bearing a reasonable relationship to the other type on the main panel, but shall not be less than 18 point type, and the size of the statement of hazard shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary and in no event to a size smaller than 6 point type.

(d) All the items of label information required by section 2(p)(1) of the act (or by regulations prescribing additional information under section 3(b)) may appear on the main panel; but if they do not, all items except those required by paragraph (a) of this section to appear on the main panel, shall be placed together in a distinctive place with adequate contrast, achieved by typography, color, or layout, in proximity to the directions for use. The type size required for this additional information shall bear a reasonable relationship to the other type used and shall be no smaller than 10 point unless the available label space requires reductions, in which event it shall be reduced no smaller than necessary and in no event smaller than 6 point type unless because of small label space an exemption has been granted under section 3(c) of the act and § 191.63.

§ 191.103 Condensation of label information.

Whenever the statement of the principal hazard or hazards itself provides the precautionary measures to be followed or avoided, a clear statement of the principal hazard will satisfy both the provisions of section 2(p) (E) and (F) of the act. When the statement of precautionary measures in effect provides instruction for first-aid treatment, the statement of the precautionary measures will satisfy both section 2(p) (F) and (G) of the act.

§ 191.105 Labeling requirements for accompanying literature.

When any accompanying literature includes or bears any directions for use (by printed word, picture, design, or combination of such methods), such placard, pamphlet, booklet, book, sign, or other graphic or visual device shall bear all the information required by section 2(p) of the act.

§ 191.106 Substances determined to be "special hazards."

Whenever the Commissioner determines that for a particular hazardous substance in a container intended or suitable for household use, the requirements of section 2(p) of the act are not adequate for the protection of the public health and safety because of some special hazard, he shall by order publish in the FEDERAL REGISTER such reasonable variations or additional label requirements as he finds necessary for the protection of the public health and safety. Such order shall specify a date not less than 90 days after the order is published, unless emergency conditions stated in the order specify an earlier date, after which any container of such hazardous substance intended or suitable for household use which fails to bear a label in accordance with such order shall be deemed to be a misbranded package of a hazardous substance.

§ 191.107 Substances with multiple hazards.

(a) Any article that presents more than one type of hazard (for example, if the article is both "toxic" and "flammable") must be labeled with an affirmative statement of each such hazard; precautionary measures describing the action to be followed or avoided for each such hazard; instructions, when necessary or appropriate, for first-aid treatment of persons suffering from the ill

effects that may result from each such hazard; instructions for handling and storage of packages that require special care in handling and storage because of more than one type of hazard presented by the article, as well as the common or usual name (or the chemical name if there is no common or usual name) for each hazardous component present in the article.

(b) Label information referring to the possibility of one hazard may be combined with parallel information concerning any additional hazards presented by the article; *Provided*, That the resulting condensed label statement shall contain all of the information needed for dealing with each type of hazard presented by the article.

§ 191.108 Label comment.

The Commissioner will offer informal comment on any proposed label and accompanying literature involving a hazardous substance if he is furnished with:

(a) Complete labeling or proposed labeling, which may be in draft form.

(b) Complete quantitative formula.

(c) Adequate clinical pharmacological, toxicologicals, physical, and chemical data applicable to the possible hazard of the substance.

(d) Any other information available that would facilitate preparation of a suitable label, such as complaints of injuries resulting from the product's use, or other evidence that would furnish human-experience data.

§ 191.109 Substances named in the Federal Caustic Poison Act.

The Commissioner finds that for those substances covered by the Federal Caustic Poison Act (44 Stat. 1406), the requirement of section 2(p)(1) of the Federal Hazardous Substances Labeling Act are not adequate for the protection of the public health. Labeling for those substances, in the concentrations listed in the Federal Caustic Poison Act, were required to bear the signal word "poison." The Commissioner believes that the lack of the designation "poison" would indicate to the consumer a lesser hazard than heretofore and that such would not be in the interest of the public health. Under the authority granted in section 3(b) of the act, the Commissioner therefore finds that for the following substances, and at the following concentrations, the word "poison" is necessary instead of any signal word.

(a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of 10 percent or more.

(b) Sulfuric acid and any preparation containing free or chemically unneutralized sulfuric acid (H_2SO_4) in a concentration of 10 percent or more.

(c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO_3) in a concentration of 5 percent or more.

(d) Carbolic acid (C_6H_5OH), also known as phenol, and any preparation containing carbolic acid in a concentration of 5 percent or more.

(e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($H_2C_2O_4$) in a concentration of 10 percent or more.

(f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of 10 percent or more.

(g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ($HC_2H_3O_2$) in a concentration of 20 percent or more.

(h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration that will yield 10 percent or more by weight of available chlorine.

(i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and vienna paste (vienna caustic), in a concentration of 10 percent or more.

(j) Sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye in a concentration of 10 percent or more.

(k) Silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate ($AgNO_3$) in a concentration of 5 percent or more.

(l) Ammonia water and any preparation containing free or chemically uncombined ammonia (NH_3), including ammonium hydroxide and "hartshorn," in a concentration of 5 percent or more.

PROCEDURAL REGULATIONS

§ 191.201 Procedure for the issuance, amendment, or repeal of regulations declaring particular substances to be hazardous substances.

(a) The Commissioner may, upon his own initiative or upon the petition of any interested person, showing reasonable grounds therefor, propose the issuance, amendment, or repeal of any regulation provided for in section 3(a) of the act, declaring particular substances to be hazardous substances. The proposal shall be published in the FEDERAL REGISTER, with an invitation for written comments. As soon as practicable after the comments have been received, the Commissioner shall by order act upon the proposal to declare the substance to be a hazardous substance for purposes of the act, or to amend or repeal any regulation previously issued.

(b) Within 30 days after publication of such order, any person who will be adversely affected thereby, if placed in effect, may file objections and a request for a public hearing. The objections shall not be accepted for filing if they fail to establish that the objector will be adversely affected by the regulation, if the objections do not specify with particularity the provisions of the regulation to which objection is taken, or if the objections do not state reasonable grounds. Reasonable grounds are grounds from which it is reasonable to conclude that facts can be established by reliable evidence at the hearing which will call for changing the provisions specified in the objections. Whenever legally valid objections have been filed, a public hearing on the objections will be held.

(c) As soon as practicable after the time for filing objections has expired, the Commissioner shall publish a notice in the FEDERAL REGISTER specifying the parts of the order that have been stayed by proper objections, or, if no objections have been filed, stating that fact.

(d) The procedure at such public hearing shall follow as nearly as practicable procedure described in § 120.14 through § 120.28 of this chapter.

(e) The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom a copy of any petition for judicial review shall be served. Such officer shall be responsible for filing in court the record on which the order of the Commissioner is based in accordance with 28 U.S.C. 2112.

PROHIBITED ACTS AND PENALTIES

§ 191.210 General.

The provisions of these regulations with respect to the doing of any act shall be applicable also to the causing of such act to be done.

§ 191.211 Guaranty.

In case of the giving of a guaranty or undertaking referred to in section 5(b)(2) of the act, each person signing such guaranty or undertaking, or causing it to be signed, shall be considered to have given it. Each person causing a guaranty or undertaking to be false is chargeable with violations of section 4(d) of the act.

§ 191.212 Definition of guaranty; suggested forms.

(a) A guaranty or undertaking referred to in section 5(b)(2) of the act may be:

(1) Limited to a specific shipment or other delivery of an article, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery; or

(2) General and continuing; in which case, in its application to any shipment or other delivery of an article, it shall be considered to have been given at the date such article was shipped or delivered, or caused to be shipped or delivered, by the person who gives the guaranty or undertaking.

(b) The following are suggested forms of guaranty or undertaking each section 5(b)(2) of the act:

(1) *Limited form for use on invoice or bill of sale.*

(Name of person giving the guaranty or undertaking)

hereby guarantees that no article listed herein is in a misbranded package within the meaning of the Federal Hazardous Substances Labeling Act.

(Signature and post-office address of person giving the guaranty or undertaking)

(2) *General and continuing forms.*

The article comprising each shipment or other delivery hereafter made by ---------

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(Name of person giving the guaranty or undertaking)

to, or on the order of ---------

(Name and post-office address of person to whom the guaranty or undertaking is given)

is hereby guaranteed, as of the date of such shipment or delivery, to be, on such date, not in a misbranded package within the meaning of the Federal Hazardous Substances Labeling Act.

(Signature and post-office address of person giving the guaranty or undertaking)

(c) The application of a guaranty or undertaking referred to in section 5(b)(2) of the act to any shipment or other delivery of an article shall expire when such article, after shipment or delivery by the person who gave such guaranty or undertaking, becomes misbranded within the meaning of the act.

§ 191.213 Presentation of views under section 7 of the act.

(a) Presentation of views under section 7 of the act shall be private and informal. The views presented shall be confined to matters relevant to the contemplated proceeding. Such views may be presented by letter or in person by the person to whom the notice was given, or by his representative. In case such person holds a guaranty or undertaking referred to in section 5(b)(2) of the act applicable to the article on which such notice was based, such guaranty or undertaking or a verified copy thereof, shall be made a part of such presentation of views.

(b) Upon request, seasonably made, by the person to whom a notice appointing a time and place for the presentation of views under section 7 of the act has been given, or by his representative, such time or place, or both such time and place, may be changed if the request states reasonable grounds therefor. Such request shall be addressed to the office of the Food and Drug Administration that issued the notice.

(c) Any officer or employee of the Food and Drug Administration who is currently authorized to hold hearings under section 305 of the Federal Food, Drug, and Cosmetic Act is hereby authorized to hold hearings under section 7 of the Federal Hazardous Substances Labeling Act.

ADMINISTRATIVE

§ 191.214 Examinations and investigations; samples.

When any officer or employee of the Department collects a sample of a hazardous substance for analysis under the act, the sample shall be designated as an official sample if records or other evidence is obtained by him or any other officer or employee of the Department indicating that the shipment or other lot of the article from which such sample was collected was introduced or delivered for introduction into interstate commerce, or was in or was received in interstate commerce, or was manufactured within a Territory not organized with a legislative body. Only samples so designated by an officer or employee of the Department shall be considered to be official samples.

(a) For the purpose of determining whether or not a sample is collected for analysis, the term "analysis" includes examinations and tests.

(b) The owner of a hazardous substance of which an official sample is collected is the person who owns the shipment or other lot of the article from which the sample is collected.

§ 191.215 Transitional period for relabeling.

The Commissioner recognizes that relabeling will be required to bring products subject to the Federal Hazardous Substances Labeling Act into full compliance. Many such products are marketed in lithographed cans, some of which are pressurized containers. This introduces special problems of relabeling. While most hazardous household substances now carry some warning information, the regulations in this part require that the warnings be amplified, additional information included, and that the warnings and related information be displayed more prominently. In order to meet the February 1, 1962, effective date of the statute, manufacturers and shippers of hazardous substances in containers intended or suitable for household use may develop stick-on labels or other means to provide the required information.

(Sec. 16, 74 Stat. 380; 15 U.S.C. 1261 (note))

Effective date. This order shall be effective February 1, 1962.

Dated: August 8, 1961.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7693; Filed, Aug. 11, 1961; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

REVISION OF REGULATIONS

CROSS REFERENCE: For a complete reorganization and revision of Chapter II of Title 24 of the Code of Federal Regulations, see Part II of this issue.

Chapter III—Public Housing Administration, Housing and Home Finance Agency

REDESIGNATION OF PARTS

EDITORIAL NOTE: Parts 300, 320, and 330 of Chapter III of Title 24 of the Code of Federal Regulations are hereby redesignated as Parts 1500, 1520, and 1530, respectively.

Chapter IV—Federal National Mortgage Association, Housing and Home Finance Agency

REDESIGNATION OF PART

EDITORIAL NOTE: Part 400 of Chapter IV of Title 24 of the Code of Federal Regulations is hereby redesignated as Part 1600.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 41—SERVICE IN POST OFFICES

PART 61—MONEY ORDERS

Miscellaneous Amendments

Correction

In F.R. Doc. 61-7410, appearing at page 7056 of the issue for Saturday, August 5, 1961, the following corrections are made:

1. Section 41.5 should read as follows:

§ 41.5 Unauthorized use of premises.

Advertisements, circulars, or notices relating to any private business or having a political character shall not be placed on any portion of post office premises, except that official election notices issued by State or local governments may be displayed.

2. In § 61.3(g), the line which reads "rity cards are no acceptable. Drivers' " should be deleted.

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGIC PRODUCTS

Additional Standards: Packed Red Blood Cells (Human)

On March 8, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER proposing regulatory standards for the manufacture of Packed Red Blood Cells (Human).

Views and arguments respecting the proposed amendments were invited to be submitted within 60 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any amendments that were adopted effective 60 days after the date of publication of the adopted amendments.

After consideration of all comments submitted, the following amendment to Part 73 of the Public Health Service regulations is hereby adopted to become effective 60 days after the date of publication in the FEDERAL REGISTER.

Amend Part 73 of the Public Health Service regulations by inserting at the end thereof the following center heading and sections:

ADDITIONAL STANDARDS: PACKED RED BLOOD CELLS (HUMAN)

Sec.
73.320 Proper name and definition.
73.321 Manufacture.
73.322 Pilot samples.
73.323 Containers.
73.324 Labeling.
73.325 Expiration date.
73.326 Storage.
73.327 General requirements.

AUTHORITY: §§ 73.320 to 73.327 issued under sec. 215, 58 Stat. 690 as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262.

ADDITIONAL STANDARDS: PACKED RED BLOOD CELLS (HUMAN)

§ 73.320 Proper name and definition.

The proper name of this product shall be Packed Red Blood Cells (Human). The product is defined as red blood cells remaining after separating plasma from sedimented Citrated Whole Blood (Human) to attain an hematocrit reading of from 60 percent to 70 percent.

§ 73.321 Manufacture.

Packed Red Blood Cells (Human) shall be prepared from Citrated Whole Blood (Human) that meets the standards prescribed in §§ 73.301 through 73.304. Packed Red Blood Cells (Human) may be prepared either by centrifugation conducted no later than six days after the date of blood collection or by normal undisturbed sedimentation before the expiration date of the blood. Packed Red Blood Cells (Human) shall be maintained at a temperature between 1° and 10° C. during processing, all of which shall be conducted so as to maintain the sterility of the product. Surfaces of apparatus, including needles and tubing, that come in contact with the product during its processing shall be clean, sterile and pyrogen-free. If the method of processing involves a vented system, the vent shall be one that will exclude microorganisms and maintain a sterile system.

§ 73.322 Pilot samples.

Pilot samples shall meet the following standards:

(a) One or more pilot samples shall be provided with each unit of Packed Red Blood Cells (Human) when issued or reissued except as provided in § 73.304(e)(2).

(b) Pilot samples shall be either the original blood pilot sample or a sample of the Packed Red Blood Cells (Human) being processed.

(c) All containers of pilot samples accompanying a unit of Packed Red Blood Cells (Human) shall be filled at the time the blood is collected or at the time the final product is prepared, by the person performing the collection or preparation.

(d) All containers for all samples shall bear the donor's identification before they are filled.

(e) All containers for pilot samples accompanying a unit of cells shall be attached securely to the final container of Packed Red Blood Cells (Human) before the final container is filled, in a tamper-proof manner that will conspicuously indicate removal and reattachment.

§ 73.323 Containers.

Final containers used for Packed Red Blood Cells (Human) shall meet the requirements for blood containers prescribed in § 73.304(c) and may be either the original blood containers or different containers.

§ 73.324 Labeling.

Except for the proper name, "Citrated Whole Blood (Human)", labels for Packed Red Blood Cells (Human) shall bear the information required for the Citrated Whole Blood (Human) from which it is processed.

§ 73.325 Expiration date.

The dating period for Packed Red Blood Cells (Human) shall be no longer than 21 days after the date of bleeding the donor for the Citrated Whole Blood (Human) from which it was processed, except that if the hermetic seal is broken during processing the dating period shall be no longer than 24 hours after the seal was broken.

§ 73.326 Storage.

Immediately after processing, the cells shall be placed in storage and maintained within a 2° range between 1° and 6° C.

§ 73.327 General requirements.

Manufacturing responsibilities, periodic check on sterile technique, shipment, reissue and recordkeeping shall be carried out in all respects for Packed Red Blood Cells (Human) as prescribed in § 73.304 (a), (b), (d), (e), and (f) respectively for Whole Blood (Human).

Dated: August 2, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: August 8, 1961.

(*Signed*) ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-7702; Filed, Aug. 11, 1961; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666, Order No. 46]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte Nos. MC-13, MC-3]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Need for Establishing Reasonable Requirements To Promote Safety of Operation of Motor Vehicles Used in Transporting Property by Private Carriers

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 28th day of July A.D. 1961.

The matter of regulations governing the transportation of explosives and other dangerous articles by contract and private carriers by motor vehicle, formulated and prescribed by the Commission, being under consideration, and

It appearing that Notice No. 48, dated November 29, 1960, was published in the FEDERAL REGISTER on December 3, 1960 (25 F.R. 12420), pursuant to the provisions of section 4 of the Administrative Procedure Act, which notice proposed that the effective provisions of 49 CFR Parts 71 through 78, Explosives and Other Dangerous Articles, and of 49 CFR Part 197, Transportation of Explosives and Other Dangerous Articles by Motor Vehicle, insofar as they relate to contract carriers by motor vehicle and private carriers by motor vehicle and to shippers by such carriers, be prescribed under the Transportation of Explosives Act, as amended (18 U.S.C. 834), instead of under the Interstate Commerce Act, as amended (49 U.S.C. 304); that certain amendments be made in the authority statements and certain bracketed paragraphs contained in the said regulations in conformity with such prescription; that pursuant to said notice interested parties were given an opportunity to be heard; and that written views were submitted to the Commission with respect to the proposals;

It further appearing that four parties submitted their views; that National Tank Truck Carriers, Inc., favor the adoption of the proposed changes; and that American Petroleum Institute and Manufacturing Chemists' Association, Inc., do not oppose the adoption of the proposed changes, but, advocate study of the need for modification of certain of the regulations to recognize differences between private carrier and for-hire carrier operations;

It further appearing that the remaining party submitting views, Institute of Makers of Explosives, expressed the view that the Commission lacks authority to prescribe § 197.01(b) of 49 CFR Part 197 under the Transportation of Explosives Act, as amended (18 U.S.C. 834), and that changes and additions should be made in the regulations governing the transportation of explosives and other dangerous articles to recognize distinctive practices of private carriers, including the exemption from Part 73, when transported by private carriers, of products, articles, or devices in the process of development and research, when prepared so as to afford an equal or greater degree of safety than is prescribed in the regulations for items having like hazards;

It further appearing that the Commission has authority under section 834 of the Transportation of Explosives Act, as amended, to make all necessary regulations for the safe transportation of explosives and other dangerous articles; that the prescribing of § 197.01(b) of 49 CFR under the Transportation of Explosives Act, as amended, will have the effect of also prescribing under that Act the remainder of the safety and hours of service regulations, Parts 190 to 199, inclusive, as they apply to contract carriers by motor vehicle and private carriers by motor vehicle to the extent that they are engaged in the transportation of explosives and other dangerous articles; that the situation in this respect then will be the same for such contract carriers and private carriers as it now is for common carriers of such articles; and that this is a desirable effect.

It further appearing that the revisions referred to next above, as well as the other revisions outlined in the notice of proposed rule making are necessary and appropriate in the public interest; that they are within the Commission's authority under the Transportation of Explosives Act, as amended; and that they are in keeping with the legislative purpose in amending the Transportation of Explosives Act, effective September 6, 1960, one of which was to bring about uniform penalties for violations of regulations prescribed thereunder whether common, contract, or private carriage by motor vehicle be involved;

It further appearing that the changes and additions in the existing regulations sought by the interested parties to recognize differences between private carrier and for-hire carrier operations, including the change in Part 73 relating to items in the process of development and research, are not within the scope of this proceeding; that they may not be made upon the present record; but that consideration will be given to including certain of them in a future proceeding;

It further appearing that there are several explanatory references in the existing regulations in 49 CFR Parts 71 to 78, inclusive, to sections and language of the Transportation of Explosives Act which require revision to bring them in consonance with the provisions of the Act as amended; that revision of these references as hereafter set forth is necessary in the interest of clarity and effects no substantive change in the regulations; and therefore for good cause it is found that notice of proposed rule making covering such revisions is unnecessary;

It is ordered, That the provisions of Title 49 Code of Federal Regulations Parts 71 through 78, Explosives and Other Dangerous Articles, and of Title 49 Code of Federal Regulations Part 197, Transportation of Explosives and Other Dangerous Articles by Motor Vehicle, in effect on the effective date of this order, insofar as they relate to contract carriers by motor vehicle and private carriers of property by motor vehicle, and to shippers making shipments by such carriers, be and they are hereby prescribed under the Transportation of Explosives Act, as amended, (18 U.S.C. 834);

It is further ordered, That all orders of the Commission previously entered which under section 204 of the Interstate Commerce Act (49 U.S.C. 304) prescribed or amended the provisions of the regulations which by the paragraph next above are prescribed under the Transportation of Explosives Act, as amended, be and they are hereby superseded by this order on its effective date;

It is further ordered, That Parts 71 through 78 and Part 197 be and they are hereby amended by deleting from the authority citations preceding the texts thereof all that follows the words "issued under" and substituting in lieu thereof "62 Stat. 738, 74 Stat. 808, 18 U.S.C. 834".

It is further ordered, That Parts 73 and 77 be and they are hereby amended by deleting the two bracketed paragraphs following the authority citation in the former and the three bracketed paragraphs following the authority citation in the latter, without change in Note 1 thereto, and by substituting in lieu of the deleted material in each part the following:

[The regulations in Parts 71-78 of this chapter are applicable to every common and contract carrier by motor vehicle and every private carrier of property by motor vehicle subject to the regulatory provisions of Sections 831-835, 62 Stat. 738, 74 Stat. 808; 18 U.S.C. 831-835.

[Private carriers of property by motor vehicle subject to Parts 71-78 of this chapter are prohibited from transporting any explosive or other dangerous article unless the article is properly described by name in papers required by Parts 71-78 of this chapter to accompany every shipment of such article; and every such article must be packed and marked and in proper condition for transportation according to the regulations in Parts 71-78 of this chapter.]

It is further ordered, That Part 71 be and it is hereby amended in the following manner:

Amend § 71.2 to read as follows:

§ 71.2 Act of Congress.

(a) Section 833, Title 18 of the United States Code, approved September 6, 1960 (Pub. Law 710, 86th Congress), which amended the act approved June 25, 1948 (Pub. Law 772, 80th Congress) provides that "Any person who knowingly delivers to any carrier engaged in interstate or foreign commerce by land or water, and any person who knowingly carries on or in any car or vehicle of any description operated in the transportation of passengers or property by any carrier engaged in interstate or foreign commerce by land, any explosive, or other dangerous article, specified in or designated by the Interstate Commerce Commission pursuant to section 834 of this chapter, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or any person who so delivers any such article without informing such carrier in writing of the true character thereof, at the time such delivery is made, or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof, if such marking is required by regulations prescribed by the Interstate Commerce Commission, shall be fined" or imprisoned, as provided in the Act.

§ 71.3 [Amendment]

In § 71.3(a) amend the first two sentences to read as follows: "Section 834 of the act of September 6, 1960, authorizes the Commission to formulate regulations for the safe transportation of explosives and other dangerous articles and, either upon its own motion or upon application by any interested party, to make changes or modifications in such regulations made desirable by new information or altered conditions. It further provides that in the execution of sections 831-835 of the act the Commission may utilize the services of carrier and shipper associations, including the Bureau for the Safe Transportation of Explosives and other Dangerous Articles (hereafter called Bureau of Explosives)."

§ 71.6 [Amendment]

In § 71.6(a) change the words "The Act of June 25, 1948" to read "The Act of September 6, 1960".

§ 71.8 [Amendment]

Amend § 71.8(b) to read as follows:

(b) Section 832 of the act of September 6, 1960 provides that any person who knowingly transports certain explosives, or any radioactive materials, or etiologic agents, on or in any passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier engaged in interstate or foreign commerce, by land, shall be fined or imprisoned or both. It further provides that emergency movements and movements of small quantities of those commodities on or in any such car or vehicle may be made under such regulations as the Commission may prescribe. As used in Parts 71-78 of this chapter the term "passenger car or passenger vehicle of any description operated in the transportation of passengers by any for-hire carrier . . . by land" means any railroad car of a passenger train, or highway vehicle, with passengers for-hire in the same such railroad car or highway vehicle.

It is further ordered, That this order insofar as it relates to Parts 71 through 78 shall be issued under Docket 3666; that insofar as it relates to Part 197 shall be issued under Ex Parte MC-13; and that Ex Parte MC-3 be and it is hereby discontinued.

And it is further ordered, That this order shall become effective September 1, 1961, and shall remain in effect until further order of the Commission;

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(62 Stat. 738; 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-7696; Filed, Aug. 11, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2483]

[Arizona 030568]

ARIZONA

Modifying Reclamation Withdrawal to Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat.

388; 43 U.S.C. 416), it is ordered as follows:

1. The Departmental order of July 2, 1902, which withdrew lands in Arizona for reclamation purposes in the second form, in connection with the Salt River Project, and which was changed to the first form by order of the Bureau of Reclamation dated December 19, 1947, concurred in by the Bureau of Land Management on February 10, 1948, is hereby modified to the extent necessary to permit the grant of a right-of-way made by section 2477 of the United States Revised Statutes (43 U.S.C. 932) to become effective as to the following-described lands delineated on a map filed by the County of Maricopa, Arizona, designated "Map of Section 29, T. 1 N.—R. 2 E., Project FAS 239(5)," on file with the Bureau of Land Management in Arizona 030568:

GILA AND SALT RIVER BASE AND MERIDIAN

T. 1 N., R. 2 E.,
Sec. 29, NE¼NE¼ and N½SE¼NE¼, east 65 feet.

Containing approximately 3 acres.

2. The right-of-way shall be subject to the prior right of the United States, its successors and assigns, to use any of the lands to construct, reconstruct, operate and maintain dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, drainage works, flood channels, telephone and telegraph lines, electric transmission lines, roadways and appurtenant irrigation structures, without any payment by the United States, or its successors and assigns, for such right, with the agreement on the part of the County of Maricopa that if the construction or reconstruction of any or all of such dams, dikes, levees, reservoirs, canals, wastelands, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways or appurtenant irrigation structures across, over or upon said lands should be made more expensive by reason of the existence of improvements or workings of the County thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within 30 days after demand is made upon the County for payment of such sums, the County will make payment thereof to the United States, or its successors and assigns, constructing or reconstructing such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said lands. There is reserved to the United States the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing and protecting the rights reserved herein.

The United States, its officers, agents, employees and assigns, shall not be liable for any damage to the improvements or works of the County resulting from the construction, reconstruction, operation or maintenance of any of the works hereinabove enumerated.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

AUGUST 8, 1961.

[F.R. Doc. 61-7690; Filed, Aug. 11, 1961; 8:47 a.m.]

[Public Land Order 2454]

[New Mexico 075121]

NEW MEXICO

Revoking Executive Order No. 1262 of November 2, 1910, and No. 1510 of April 1, 1912, Which Withdrew Lands For Use of New Mexico National Guard

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 1262 and No. 1510 of November 2, 1910, and April 1, 1912, respectively, which withdrew the following described lands for use of the National Guard of the Territory of New Mexico as a rifle range, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 S., R. 17 E.,
Sec. 1;
Sec. 2, E½, NW¼, and E½SW¼;
Secs. 11 to 14, incl.;
Sec. 23, N½N½, SE¼NE¼, W½SW¼, NE¼SW¼, and SE¼;
Secs. 24 and 25;
Sec. 26, NE¼, S½NW¼, and S½;
Sec. 35.
T. 8 S., R. 17 E.,
Sec. 2, NE¼ and NE¼NW¼.

The area described aggregates 6927.95 acres, of which the NE¼ and NE¼NW¼, sec. 2, T. 8 S., R. 17 E., are national forest lands in the Lincoln National Forest.

2. The lands are located approximately 50 miles northwest of the City of Roswell, New Mexico. The topography varies from undulating on the north portion, to steeply rolling on the south portion. The elevation varies from 5400 to 5800 feet above sea level. The vegetative cover consists of grama grasses and tobosa on the undulating portions, and cedars, pinon-junipers, muhly, snakeweed, burro grass, yucca, and cactus on the steeply rolling portions. The soils vary from a moderately deep clay loam in the draws and drainages, to shallow, gravelly soils on ridges and knolls.

3. The State of New Mexico has waived the preference right granted to it by subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

4. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, including the mining laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, the national forest lands being hereby opened to such forms of disposition as may by law be made of national forest lands. The lands have been open to application and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 8, 1961.

[F.R. Doc. 61-7691; Filed, Aug. 11, 1961; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 per cent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrels, gray and fox; bobcats, woodchucks, crows, grey fox.

(b) Open season: September 11 through September 16.

(c) Daily bag limits: Squirrels—6; no bag limits on other species.

(d) Methods of hunting:

(1) Shotgun—any gauge but must be plugged to reduce capacity to three shells in magazine and chamber combined. No slugs or buckshot permitted.

(2) Rifles with caliber of less than .30 bore.

(3) No dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) Hunting during daylight hours only.

(3) A Federal permit is required to enter the public hunting area. A permit may be obtained at the Refuge Office during regular office hours.

(4) The provisions of this special regulation are effective to September 17, 1961.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7685; Filed, Aug. 11, 1961; 8:47 a.m.]

PART 32—HUNTING

Reelfoot National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Reelfoot National Wildlife Refuge, Tennessee is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,092 acres or 92 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: squirrel, crow, woodchuck, and gray fox.

(b) Open season: September 18, 1961 through September 23, 1961 and October 2, 1961 through October 7, 1961.

(c) Daily bag limits: squirrel—6; crow—no limit; woodchucks—no limit; gray fox—no limit.

(d) Methods of hunting:

(1) Rifles, 22 calibre or shotguns incapable of holding more than three shells may be used.

(2) Dogs: No dogs permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits may be obtained from the refuge manager, Reelfoot National Wildlife Refuge, Samburg, Tennessee, starting September 11, 1961.

(3) The provisions of this special regulation are effective to October 8, 1961.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7686; Filed, Aug. 11, 1961; 8:47 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of Big Game on the Noxubee National Wildlife Refuge, Mississippi is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,321 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: deer.

(b) Open season: November 20 through 25; December 26 through 30, 1961 and January 1, 1962.

(c) Daily bag limits: One (1) buck with antlers over 4 inches long per season. Not more than two deer per license year.

(d) Methods of hunting:

(1) Weapons: any type gun may be used, except 22 calibre rifles and shotguns less than 20 gauge. Shells with buckshot smaller than No. 1 prohibited.

(2) Dogs: No dogs will be allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the refuge manager, Noxubee National Wildlife Refuge, Brooksville, Mississippi starting November 10, 1961.

(7) The provisions of this special regulation are effective to January 2, 1962.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7687; Filed, Aug. 11, 1961; 8:47 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 43,321 acres or 97 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Squirrel, rabbit, bobcat, fox, crow and feral cats.

(b) Open season: October 2 through 7 and October 9 through 14, 1961.

(c) Daily bag limits: 5 per day—10 in possession for both squirrel and rabbit. No bag limit on other species.

(d) Methods of hunting:

(1) Weapons: any type of gun. Shotguns incapable of holding more than 3 shells only may be used.

(2) Dogs: No dogs will be allowed.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. Permits are obtainable from the refuge, manager, Noxubee National Wildlife Refuge, Brooksville, Mississippi starting September 20, 1961.

(3) The provisions of this special regulation are effective to October 15, 1961.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7688; Filed, Aug. 11, 1961; 8:47 a.m.]

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Noxubee National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 44,764 acres or 100 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Wild Turkey, bobcats, fox, crows, feral cats.

(b) Open season: March 31; and April 2 through 7, 1962.

(c) Daily bag limits: One (1) gobbler per season. Other species, no limit.

(d) Methods of hunting:

(1) Weapons: any type of gun may be used.

(2) Baiting, feeding and hunting with dogs or live decoys or electrically or mechanically operated calling or sounding devices are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge

areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is required to enter the public hunting area. A maximum of 400 permits will be issued for the entire hunt. Permits are obtainable from the refuge manager, Noxubee National Wildlife Refuge, Brooksville, Mississippi starting March 15, 1962.

(3) The provisions of this special regulation are effective to April 8, 1962.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7689; Filed, Aug. 11, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-333]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT OF FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900); notice is hereby given of a public hearing to be held in the Auditorium, Community Center, Vero Beach, Florida, beginning at 9:30 a.m., e.s.t., August 30, 1961, with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in the Indian River District of Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted, with a request for a public hearing thereon, by the Indian River Citrus League. (Sections identified with asterisks (* * *) apply to the proposed marketing agreement only):

DEFINITIONS

Section 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Sec. 3 Person.

"Person" means an individual, partnership, corporation, association, business trust, legal representative, or any organized group of individuals.

Sec. 4 Fruit or grapefruit.

"Fruit", or "grapefruit" means any or all varieties of Citrus grandis, Osbeck, grown in the Indian River District.

Sec. 5 Variety.

"Variety or Varieties" means any one or more of the following classifications or groupings of fruit: (a) Marsh and other seedless grapefruit, excluding pink or red grapefruit; (b) Duncan and other seeded grapefruit, excluding pink or red grapefruit; (c) Pink or Red seedless grapefruit; and (d) Pink or Red seeded grapefruit.

Sec. 6 Producer or grower.

"Producer" is synonymous with "grower" and means any person engaged in the production of grapefruit in the Indian River District.

Sec. 7 Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled.

Sec. 8 Handle or ship.

"Handle", or "ship" means to transport, sell, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof.

Sec. 9 Standard packed box.

"Standard packed box" means a unit of measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

Sec. 10 Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive.

Sec. 11 Committee.

"Committee" means Indian River Control Committee.

Sec. 12 Central Marketing Organization.

"Central Marketing Organization" means any organization which markets grapefruit for more than one handler pursuant to a written contract between such organization and each such handler.

Sec. 13 Regulation Area.

"Regulation Area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia Border, the Atlantic Ocean and the Gulf of Mexico.

Sec. 14 Production area.

"Production area" means the Indian River District.

Sec. 15 Indian River District.

"Indian River District", or "District", means that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 18 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

Sec. 16 Establishment and membership.

There is hereby established an Indian River Control Committee consisting of twelve members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six (6) of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Six (6) of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations.

Sec. 17

Except as provided in Section 23, the term of office of members and alternate members shall begin on the first day of August and continue for (1) year and until their successors are selected and have qualified. The consecutive terms

of office of a member shall be limited to three terms. The terms of office of alternate members shall not be so limited.

Sec. 18

The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending July 31, 1962, or until their successors are selected and have qualified.

Sec. 19 Nomination of grower members for the Indian River Control Committee.

(a) The Secretary shall give public notice of a meeting or meetings of producers to be held not later than July 10th of each year, for the purpose of making nominations for grower members and their alternates of the Indian River Control Committee.

(b) The Secretary shall prescribe uniform rules to govern such meeting or meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except as provided for in Section 23.

Sec. 20 Selection of grower members of the Indian River Control Committee.

In selecting the grower members and their alternates of the Indian River Control Committee, the Secretary shall select six (6) members and six (6) alternate members from the nominees. Three (3) such members and their alternate members shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three (3) such members and their alternates shall be selected from growers not affiliated with such bona fide cooperative fresh fruit marketing organizations.

Sec. 21 Nomination of handler members for the Indian River Control Committee.

(a) The Secretary shall give public notice of meetings of handlers to be held not later than July 10th of each year, for the purpose of making nominations for handler members and their alternates for the Indian River Control Committee. Separate meetings shall be held for bona fide cooperative marketing organizations and for other handlers.

(b) The Secretary shall prescribe uniform rules to govern such meetings and the balloting thereat. In voting for nominees each handler shall be entitled to cast but one vote, which shall be weighted by the volume of fruit shipped by such handler during the then current fiscal period except as provided for in Section 23 hereof. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated and the total number of votes cast for each, and the chairman and secretary of each such meeting shall transmit to the Secretary their certificate as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of July, except as provided for in Section 23.

Sec. 22 Selection of handler members of the Indian River Control Committee.

In selecting the handler members and their alternates of the Indian River Control Committee, the Secretary shall select six (6) members and six (6) alternate members from the nominees. Three (3) such members and their alternate members shall be affiliated with bona fide cooperative fresh fruit marketing organizations, and three (3) such members and their alternates shall be selected from handlers not affiliated with such bona fide cooperative fresh fruit marketing organizations.

Sec. 23 Nominations of initial members of the Indian River Control Committee.

The time and manner of nominating initial grower and handler members and alternate members of the committee and their respective terms of office shall be prescribed by the Secretary.

Sec. 24 Failure to nominate.

In the event nominations for a member or alternate member of the committee are not made pursuant to the provisions of Sections 19 and 21 the Secretary may select such member or alternate member without regard to nominations.

Sec. 25 Acceptance of membership.

Any person selected by the Secretary as a member or alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

Sec. 26 Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary. Such selection may be made without regard to the provisions of this subpart as to nominations.

Sec. 27 Powers of the Indian River Control Committee.

The committee, in addition to the power to administer the terms and provisions of this subpart, as herein specifically provided, shall have power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

Sec. 28 Duties of Indian River Control Committee.

It shall be the duty of the committee:

(a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and the producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

Sec. 29 Compensation and expenses of committee members.

The members of the committee, and alternate members when acting as members, shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this subpart.

Sec. 30 Procedure of committee.

(a) For the transaction of any business except a recommendation for regulations eight (8) members shall constitute a quorum and for any decision or action of the committee to be valid (except a recommendation for regulations) at least eight (8) concurring votes are necessary.

(b) Twelve (12) members shall constitute a quorum and twelve (12) concurring votes are necessary in order to make a valid recommendation for regulations during any portion of the fiscal period except as provided for in paragraph (c) of this section.

(c) For a valid recommendation for regulations to be effective in any season during any calendar week in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April, a minimum of eight (8) members shall constitute a quorum and eight (8) concurring votes

are necessary: *Provided, however*, That no recommendation is valid for any week immediately following three or more continuous weeks of regulation unless twelve (12) members are present and twelve (12) members concur by voting for such recommendation for regulation. The votes of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(d) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member selected by a majority of the committee present, may serve in the place and stead of the absent member and his alternate.

(e) The committee shall give to the Secretary the same notice of meetings of the committee as is given to the members thereof.

Sec. 31 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employees appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and upon his disapproval shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith.

Sec. 32 Funds.

(a) All funds received by the committee pursuant to any provision of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

Sec. 33 Expenses.

The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in section 34.

Sec. 34 Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for the maintenance and functioning, during each fiscal period, of the committee established under this subpart. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee established under Section 16, handlers may make advance payment of assessments.

(c) The Secretary shall determine the beginning date of the fiscal period in the initial season of operation.

Sec. 35 Handler's accounts.

If at the end of a fiscal period it shall be determined that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him.

REGULATION

Sec. 36 Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information: (1) The estimated available crop of grapefruit in the district, including estimated quality; (2) the estimated utilization of the crop that will be marketed in domestic, export and byproduct channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) the available supplies of competitive deciduous fruits in all producing areas of the United States; (5) level and trend in consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of Indian River grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 37 Recommendations for volume regulation.

(a) The committee may recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for grapefruit; (2) supply of grapefruit on track at, and enroute to, the principal markets; (3) supply, maturity, and condition of grapefruit in the area of production; (4) market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to Section 38, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

Sec. 38 Issuance of volume regulation.

Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided*, That the Secretary is precluded from the issuance of regulations which will in the aggregate exceed ten (10) weeks in any marketing season in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April. The quantity so fixed may be increased by the Secretary at any time during any week. The Secretary may terminate or suspend, upon the recommendation of the committee, or upon other available information, any regulation at any time.

Sec. 39 Prorate bases.

(a) Each person who has previously handled grapefruit, and who desires to handle grapefruit, shall submit at such time and in such manner, as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall have available a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall be the average weekly quantity of grapefruit shipped by him in all of the weeks in the period beginning with and including the second full calendar week in January and ending with and including the third full calendar week in April in the three (3) marketing seasons next preceding the season for which regulations are to be recommended. For handlers having only one or two seasons of past performance in seasons immediately preceding the season for which prorate bases are calculated, such handlers bases shall be a weekly average calculated in the same manner as described for handlers with three (3) seasons of past performance.

(e) If an applicant for a prorate base is a new handler, the committee shall compute a prorate base based upon his trade outlets and other factors which, in the judgment of the committee, are relevant and proper to be used in arriving at an equitable prorate base for such handler. Any person who has made no shipments in the season immediately preceding the season for which prorate bases are established shall be considered a new handler.

Sec. 40 Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled by each person during such week. The allotment for each applicant shall be that portion of the total quantity allotted to all such applicants which expressed in terms of percent shall be equal to the percentage that each such applicants allotment base is of the aggregate of the allotment bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

Sec. 41 Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment and is not required to reduce the quantity of grapefruit which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such grapefruit equivalent to 10 percent of his allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of such person's allotment, (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

Sec. 42 Undershipments.

If any person handles during any week a quantity of grapefruit covered by a regulation issued pursuant to Section 38, in an amount less than his allotment of grapefruit for such week, he may handle, in addition to his allotment for the next succeeding week only, a quantity of such grapefruit equivalent to such undershipment.

Sec. 43 Allotment loans.

(a) A person to whom allotments have been issued may lend such allotments to other persons to whom allotments have also been issued. Allotment loans shall be repayable the following week. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall specify that such loan is to be repaid from the borrower's allotment the next succeeding week, or that he will repay the allotment loan as soon thereafter as he has allotments available to him for that purpose.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made, and if such repayment of an allotment loan is for a week in which there is no volume regulation, such loan is deemed to be repaid.

(d) No allotment which has been loaned may again be loaned by the borrower, but may be reloaned by the lender after the repayment thereof.

Sec. 44 Priority of allotments.

During any week in which a person receives an allotment, and has the right to handle a quantity of grapefruit in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to Section 42; or (b) the repayment of a loaned allotment, pursuant to Section 43; or (c) a borrowed allotment, pursuant to Section 43; and such person handles a quantity of grapefruit which is less than the total quantity of such grapefruit which such person may handle during such week, the amount of such grapefruit handled shall first apply to such person's current weekly allotment including any quantity carried over from the previous week by reason of undershipment.

Sec. 45 Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to Section 38, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

Sec. 46 Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

Sec. 47 Fruit not subject to regulation.

Except as otherwise provided in this section, any person, may without regard to the provisions of Sections 37 and 38 and the regulations issued thereunder, ship any grapefruit for the following purposes: (a) To a charitable institution for consumption by such institution; (b) to a relief agency for distribution by such agency; (c) to a commercial processor for conversion by such processor into canned or frozen products or into a beverage base; (d) by parcel post; (e) in such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify; or (f) for export other than to Canada or Mexico. No assessment shall be levied on fruit so shipped. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

Sec. 48 Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to Section 38 is in effect, unless such grapefruit are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

Sec. 49 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 50 Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in Section 51.

Sec. 51 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who, during the preceding fiscal period, have been engaged in the production for market of fruit. *Provided*, That such majority have, during such period, produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

Sec. 52 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements, or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to Section 34, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

Sec. 53 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

Sec. 54 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 55 Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 56 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

Sec. 57 Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 58 Counterparts.

This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

Sec. 59 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

Sec. 60 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of grapefruit in the same manner as is provided for in this agreement. • • •

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D.C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 19, Lakeland, Florida.

Dated: August 10, 1961.

[F.R. Doc. 61-7757; Filed, Aug. 11, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1961 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq) and on the basis of information available to me, I do hereby find that the allotment of the 1961 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held in Washington, D.C., Room 6335 South Building, U.S. Department of Agriculture, on August 24, 1961, beginning at 10:00 a.m., e.d.t.

The preliminary finding made above is based upon the best information now available. The presently effective quota for the Domestic Beet Sugar Area is 2,609,170 short tons, raw value, equivalent to 48,769,533 cwt refined sugar. Effective inventories on January 1, 1961, were estimated to be 37,474,566 cwt. refined sugar. Thus, the maximum quantity of new-crop sugar that may be marketed within the quota is approximately 11,300,000 hundredweight. Production of sugar beets from the 1961-crop is

estimated at 18,577,000 tons or 13 percent above the previous year's crop from which sugar production totaled approximately 46,250,000 cwt. refined. Harvest will begin for the bulk of the beet acreage in October, thus making additional supplies of sugar available for marketing. Total marketings of beet sugar to date and the prospective supplies available for physical or constructive delivery during the remainder of 1961 indicate that total marketings could exceed the present quota for the Domestic Beet Sugar Area. Accordingly, allotment of the quota is found to be necessary in order to prevent disorderly marketing and to assure all processors an equitable opportunity to market sugar.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1961 among persons who process and market sugar produced from sugar beets grown in the Domestic Beet Sugar Area.

It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke the finding with respect to the need for allotment of the quota and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

It will also be appropriate at the hearing to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of any area quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 10th day of August, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7744; Filed, Aug. 11, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-202]

MISCELLANEOUS CHEMICAL PRODUCTS AND PREPARATIONS INDUSTRY

Tentative Minimum Wage Determination

A complete record of proceedings held under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43(a)) to determine the prevailing minimum wages for persons employed in the miscellaneous chemical products and preparations industry has been certified by the hearing examiner. A tentative decision, including a statement of findings and conclusions, as well as the reasons therefor, on all material issues of fact, law and discretion presented on the record, and any proposed wage determination is now appropriate under the applicable rules of practice (41 CFR 50-203.21(b)) and the Administrative Procedure Act (5 U.S.C. 1007(b)).

Definition. The notice of hearing tentatively defines the miscellaneous chemical products and preparations industry as follows:

> That industry which manufactures (including packaging) or furnishes: specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deodorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides); adhesives, glues, mucilage, cements and sizes; gelatin (except dessert preparations); household tints, dyes, and bleaches; bluings; writing inks; essential oils; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, waterproofing compounds, and chemical supplies for foundries); automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds); evaporated salt (except by-product salt); and pyrotechnics and fireworks except display (such as fuses, flares, signals, and railroad torpedoes).
>
> Products and preparations excluded from the definition are: basic industrial inorganic and organic chemicals including industrial gases and basic plastic materials; bone black, carbon black, and lamp black; cyclic coal tar crudes; display fireworks; explosives and ammunition; fatty acids; fertilizers; fissionable materials; floor and furniture waxes and polishes; gum and wood chemicals; inorganic color pigments; paint and varnish removers; paints, varnishes, lacquers, japans and enamels; perfumes, cosmetics, and toilet preparations; petroleum crudes; prepared photographic developers, fixers and toners; printing ink; soap, glycerin, and synthetic organic detergents for household and institutional use; cleansers, washing compounds and other cleaning agents and compounds containing any soap and/or synthetic organic detergents; synthetic fibers; synthetic rubber; whiting, putty and wood fibers; and solid fuel propellants.

The products covered by the notice definition are diverse, and are included in several four-digit Standard Industrial Classification (SIC) groupings. However, there is substantial flexibility as to industrial scope afforded by the Walsh-Healey Public Contracts Act (Tires and Related Products: proposed decision, March 27, 1959, 24 F.R. 2404), and, in the opinion of the Wage and Hour economist testifying at the hearing, the products involved are properly includible in the definition of one industry for the purpose of this proceeding. In essence, the reasons relied upon by that economist were, first, that all products were included under Major Group 28 of the Standard Industrial Classification (SIC) Manual, with the exception of synthetic base hydraulic fluids which are found in the four-digit grouping 2992; and, second, that nearly all of the products involved are covered by the current wage determinations for the cleaning and polishing preparations, insecticides, and fungicides, and miscellaneous chemicals branch of the Chemical and Related Products Industry (41 CFR 50-202.44(a)(2)) or the Fireworks Industry (41 CFR 50-202.20(a)).

Evaporated salt, however, was not among the products included under the current wage determinations referred to above. At the hearing, a representative of the Morton Salt Company asserted that salt is generally purchased by the Government along with seasoning and food items, and suggested that its inclusion in the noticed definition is inappropriate. However, he conceded that an administrative problem of classification arises because of the inclusion of salt in SIC 2899, one of the groupings covered by the noticed definition.

In view of the above and also the fact that no hardship appears to have resulted from the classification of the bulk of the products involved under current minimum wage determinations, I find that the noticed definition is appropriate here.

Product division. The wage survey conducted by the Bureau of Labor Statistics (BLS) for this industry (Government Exhibit 7) compiles minimum wage data for the industry as a whole and separately for each of three product groups. A fourth product group for solid fuel propellants had been considered after consultation with labor and management representatives. This group was not included in the tabulation because no establishment primarily engaged in the making of solid fuel propellants could be located. In connection with this non-inclusion, the Wage and Hour economist explained that the propellants are sold and packaged with a motor or part of a motor used for rockets. The three individual product groups included in the survey are defined as follows:

Product group 1—Specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deodorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); and agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides).

Product group 2—Adhesives, glues, mucilage, cements and sizes; gelatin (except dessert preparations); household tints, dyes, and bleaches; bluings; writing inks; essential oils; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, and waterproofing compounds, and chemical supplies for foundries); automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds); and evaporated salt (except by-product salt).

Product group 3—Pyrotechnics and fireworks except display (such as fuses, flares, signals, and railroad torpedoes).

Counsel for the Chemical Specialties Manufacturers Association, Inc. (CSMA), and the spokesman for District 50, United Mine Workers of America (UMWA), propose that separate minimum wage determinations be made for each of the three product groups. On the other hand, a spokesman for the International Chemical Workers Union (ICWU), the Oil, Chemical and Atomic Workers International Union (OCAWIU), and the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) proposes that only a single wage determination be made without product divisions. In support of the latter proposal, it was argued essentially that the subject matter of this wage determination involves a myriad of chemical products and that it is not administratively practicable to fix lines of demarcation. However, an analysis of the record reveals no significant overlap among establishments making products in the different divisions involved. Also, the BLS wage survey (Government Exhibit 7) shows considerable differences in the minimum wages paid by establishments in the three product divisions, and such differences have relevance as an indication of the existence of separate industrial groups. Cf. Paper and Paperboard Containers and Packaging Products Industry: final decision (January 4, 1961, 26 F.R. 7). In addition, the product divisions for the survey and the questionnaire used for the survey (Government Exhibit 6) were assembled after consultation with labor and management representatives at prehearing panel meetings as provided in 41 CFR 50-203.16. I find that the fixing of product divisions along the lines of demarcation indicated above is appropriate in this proceeding. However, for reasons to be discussed later, a deferment in any determination for Product Group 3 appears appropriate at this time.

Locality. Government Exhibit 4 shows on a regional basis the origin (place of manufacture) and destination contemplated by bids for Government contract awards exceeding $10,000 on invitations issued by procurement agencies for the fiscal year 1959. The geographic areas used were those requested by management representatives with the addition of the Border States, which were not included in the management request. There is testimony indicating that because of the wide distribution of bids and awards shown in tables 2, 3, and 4 of the exhibit with respect to origin and destination that a contracting officer inviting bids for products in the divisions of the industry would not be able to determine by the identity of the product and place of delivery where the place of manufacture would be. The areas of competition for Government contracts may therefore be said to include all regions wherein establishments in each of the divisions of the industry operate. In this connection, it is significant that neither the present minimum wage determinations for the cleaning and polishing preparations, insecticides and fungicides, and miscellaneous chemicals branch of the chemical and related products industry nor that for the fireworks industry, which together include nearly all products in the noticed definition, contain regional breakdowns. See 41 CFR 50-202.20(b) and 50-202.44(b)(2).

Upon the basis of the foregoing, I find that industrywide wage determinations for each of the divisions of the industry are appropriate and that the "locality" for each division embraces all regions in which the division operates. No party has proposed that determinations be narrower in geographic scope. As noted previously, however, for reasons to be discussed later, it has been decided to defer a determination for Product Group No. 3.

Probationary workers. No party proposes a tolerance for probationary workers, and none appears warranted under section 6 of the Walsh-Healey Public Contracts Act in the determinations involved. Table 9 of the BLS survey (Government Exhibit 7) indicates that less than a substantial portion of the establishments in the divisions for which determinations are to be made has a policy of hiring probationary workers. In Product Group 1, only about 14 percent of the establishments with about 22 percent of the covered employment had such a policy, and in Product Group 2, only about 21 percent of the establishments with about 39 percent of the covered employment had such a policy. Accordingly, no tolerance for probationary workers is provided.

Prevailing minimum wages. The most complete and significant wage data in the record is the BLS survey (Government Exhibit 7) showing minimum wages paid in the payroll period ending nearest June 15, 1959. All unions propose the use of Table 7 of that survey showing the lowest wages actually paid to covered workers (including probationary workers). There are no proposals urging the use of different tables showing lowest established job rates. Evidence of lowest wages actually paid has been considered reliable under the "persons employed" standard of the act. Therefore, the use of Table 7 is indeed appropriate.

Product Group 1. No single minimum wage in this group appears with such frequency that it may be fairly said on that ground alone to be the "prevailing minimum" wage "for persons employed" therein. A number of establishments are shown to have paid $1.00 as their minimum wage. However, those establishments represent only about 23.5 percent of those in the entire group and have only 19.3 percent of the covered employment. Moreover, it is of some significance that the table includes the minimum wages paid to probationary workers.

Under such circumstances, there is abundant precedent for using a statistical approach giving appropriate weight to the minimum wages paid by about one-half or more of the plants or production units involved and the minimum wages paid by one-half or more of the plants as weighted by their covered employment in finding the most representative minimum wage.

The spokesman for the International Chemical Workers Union, the Oil, Chemical and Atomic Workers International Union and the AFL-CIO proposes that only the minimum wages of plants weighted by their covered employment be considered to the exclusion of the minimum wages paid by plants without such weighting. However, I do not adopt this proposal because although plants having most of the employment in the industry necessarily have greater weight in influencing prevailing minimum wage practices in an industry, they do not have exclusive weight. Each production unit, regardless of size, offers some contribution to the minimum wage practices involved.

The Chemical Specialties Manufacturers Association, Inc., proposes that instead of a median approach the so-called "first quartile" method should be employed. There is no evidence in the record dealing with the suitability of this method in the industry under consideration. Further, this method was rejected in a recent determination on the ground that the requirements of the act are met more effectively by recognizing that the prevailing minimum wage lies close to the center of the several minimum wages paid in an industry. See Metal Business Furniture and Storage Equipment Industry: proposed decision. (Dec. 2, 1960, 25 F.R. 12963) I decline to employ the "first quartile" method here for the same reason.

As a consequence, I reject necessarily the proposal of the Chemical Specialties Manufacturers Association that $1.15 be determined as the prevailing minimum wage for Product Group 1 grounded upon that method. The proposal of the United Mine Workers of America relating to the prevailing minimum wage to be determined for Product Group 1 is coincident with that of the Association, and it is similarly rejected. The participating unions other than the United Mine Workers recommend a single minimum wage for the entire industry. However, as I propose to have separate determinations for the product groups involved, the recommendations of those unions need not be considered here.

In the payroll period covered by the BLS survey, a majority of the plants with a majority of the covered employment paid a minimum wage of $1.30 or more. In the range of the several minimum wages paid by establishments in this product grouping, the rate of $1.30 appears to be best representative and I find this minimum wage to be prevailing as of the survey date.

Product Group 2. As in the case of Product Group 1, no single minimum wage appears with such frequency that it may be fairly said on that ground alone to be the "prevailing minimum" wage for "persons employed" in the group.

The Chemical Specialties Manufacturers Association, Inc., proposes a minimum wage of $1.38 using a lower quartile

approach which has been discussed above and rejected. The United Mine Workers propose a minimum wage of $1.60, which rests at the plant median for the group as indicated below. The plant median, however, does not appear to offer the most representative minimum wage because no consideration is given to the employment in the plants involved.

Applying the same statistical approach employed with respect to Product Group 1, it is noted that 50.1 percent of the plants with 65.3 percent of the covered employment paid a minimum wage of $1.60 or more, and 51.3 percent of the plants weighted by their covered employment but comprising only 36.8 percent of the plants without such weighting paid a minimum wage of $1.74 or more. The most representative minimum wage appears to rest within the compass of these medians rather than at either of them. There, $1.67 appears to be most representative since 43.5 percent of the plants with 57.8 percent of the covered employment paid that minimum wage or more.

Product Group 3. Application to Product Group 3 of the same techniques employed with respect to Product Groups 1 and 2 discloses that $1.00 is clearly the minimum wage. This is the minimum wage payable under the present provisions of the Fair Labor Standards Act of 1938 (sec. 6, 52 Stat. 1062, 29 U.S.C. 206), which has been recently raised by the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30, 87th Cong., 1st Sess.) to $1.15, effective September 3, 1961. Because of these circumstances, I have decided that the determination of any minimum wage less than that prescribed by the Fair Labor Standards Amendments of 1961 is inappropriate at this time.

Post-BLS survey increases. There is considerable evidence in the record relating to the increases, which have occurred in the product groups of this industry subsequent to the payroll period covered by the BLS survey.

Government Exhibit 5 contains data regarding wage increases negotiated by collective bargaining in the industry as a whole and by product group designation. The document was prepared from reports on collective bargaining agreements which appeared in the Bureau of National Affairs (BNA) Daily Labor Reports and the newspapers published by the International Chemical Workers Union, the Oil, Chemical and Atomic Workers Union, and District 50 of the United Mine Workers Union. The wage increase data relate to the lowest wage employees in the various bargaining units. Although the exhibit does not show all or a substantial portion of the wage adjustments which have occurred in the industry since the survey period, it is described as being illustrative of such adjustments.

International Chemical Workers Exhibit 1 shows the increases in lowest rates since June 1959 in plants organized by that union. The names of the companies listed by letter on the exhibit were identified by the union's witness during his testimony. The union represents about 8 or 10 percent of the covered workers in the defined industry. Upon the basis of this exhibit, the union's witness recommends that a wage increase of not less than 12 cents per hour be found for the industry as a whole since the date of the survey.

District 50 of the United Mine Workers of America, representing about one-fifth of the employees in Product Group 2, recommends a post-BLS survey increase of 12 cents per hour for that product group upon the basis of wage increases negotiated by that union with certain establishments. No recommendations were made by this union's witness with respect to Product Group No. 1.

The Oil, Chemical, and Atomic Workers International Union witness testified concerning minimum wage increases averaging 14 cents in its bargaining units. The data may, however, contain some information beyond the limits of the defined industry. For example, a number of the plants are shown to manufacture wax, which may include those household waxes excluded from the definition.

Government Exhibit 8 contains straight-time hourly earnings compiled from the Bureau of Labor Statistics Monthly Series of Hours and Earnings, but which were not published in the Employment and Earning Series. The data showing "straight-time" average hourly earnings was compiled from the gross average hourly earnings shown in BLS's published data adjusted by factors that have been heretofore published by BLS. The first table of the exhibit covers four-digit Standard Industrial Classifications conforming generally to Product Group 1 and the second table covers Standard Industrial Classifications conforming generally to Product Group No. 2. The BLS expert economist testifying with reference to this exhibit indicated that the data both on the first and second tables was fairly representative of wage movements in Product Group 1 and Product Group 2. Government Exhibit 8 includes the earnings of production workers rather than solely workers covered by the Walsh-Healey Public Contracts Act, but according to expert testimony the broader coverage does not significantly alter the results. Also, on a cent-by-cent basis there is some spread between the wage increases shown therein and those shown on Government Exhibit 5. However, that exhibit is only illustrative and at best a rough gauge of wage movements in the industry. Moreover, it is significant that the percentage of increase in the average hourly earnings shown in the tables of Government Exhibit 8, when applied to the prevailing minimum wages as of the survey period proposed in this decision for Product Groups 1 and 2, show a close correspondence to the wage increases proposed by the participating unions. The first table of Government Exhibit 8 shows a 9 percent wage increase. A 9 percent increase in the prevailing minimum wage proposed for Product Group 1 as of the survey date would result in an increase of about 12½ cents. The second table of Government Exhibit 8 shows about an 8 percent wage increase. An 8 percent wage increase in the prevailing minimum wage proposed for Product Group 2 as of the survey date would result in an increase of about 13 cents. In view of these circumstances and the fact that all evidence relating to the question of post-BLS survey increases show the existence of substantial increases, I conclude that the record supports a post-survey increase of 12 cents for Product Group 1 and of 13 cents for Product Group 2.

Accordingly, upon the findings and conclusions stated herein, pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. 38), notice is hereby given that I propose to amend 41 CFR Part 50–202 by deleting from § 50–202.44 the present wage determination for the cleaning and polishing preparations, insecticides and fungicides and miscellaneous chemicals branch of the chemical and related products industry contained in subparagraph (2) of paragraphs (a) and (b) respectively, and subparagraph (3) of paragraph (c), renumbering the subparagraphs affected by the deletion and by adding a new section to the part, designated § 50–202.62, containing this tentative decision.

1. As amended, 41 CFR 50–202.44 would read as follows:

§ 50–202.44 Chemical and related products industry.

(a) *Definition.* (1) The industrial and refined basic chemical products branch of the chemical and related products industry is defined as that industry which manufactures (including packaging) or furnishes any of the following products: Basic industrial inorganic chemicals; industrial organic chemicals; plastics materials; and compressed and liquefied gases.

(2) *The bone black, carbon black, and lamp black branch.* The bone black, carbon black, and lamp black branch of the chemical and related products industry is defined as that industry which manufactures (including packaging) or furnishes any of the following products: Bone black, carbon black, and lamp black.

(3) *Exclusions.* Expressly excluded from the scope of the definition of the chemical and related products industry are: Cyclic coal tar crudes; prepared photographic developers, fixers and toners; petroleum gases; synthetic rubber; synthetic fibers; explosives, ammunition, and fireworks; drugs and medicines; soap, glycerin, and synthetic organic detergents for household and institutional use; paints, varnishes, lacquers, japans, and enamels; floor and furniture wax and polish, waterproofing compounds, and paint and varnish removers; inorganic color pigments; whiting, putty, and wood fillers; gum and wood chemicals; fertilizers; vegetable and animal oils and fats; printing ink; essential oils; perfumes, cosmetics, and other toilet preparations; gelatin; and salt.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products of the industrial and refined basic chemical products branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 per hour if arrived at either on a time or piece-rate basis in the States of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia, and the minimum wage shall be $1.15 per hour arrived at either on a time or piece-rate basis in the remaining States of the United States.

(2) The minimum wage for persons employed in the manufacture or furnishing of products of the bone black, carbon black, and lamp black branch of the chemical and related products industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.40 an hour arrived at either on a time or piece-rate basis.

(c) *Tolerances.* (1) Where $1.15 or $1.40 per hour is the minimum wage, beginners as defined in this paragraph may be employed for 320 hours at a rate not more than 5 cents an hour below the applicable minimum wages. A beginner for the purpose of this section is a person who has less than 320 hours of experience in the industry. Any previous employment in the industry must be subtracted from the 320-hour period during which beginners may be employed at rates below the minimum.

(2) Where $1.00 per hour is the minimum wage, learners and apprentices may be employed at wages less than $1.00 per hour upon the same terms and conditions as are prescribed for the employment of learners and apprentices by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 522 and 521, respectively), under section 14 of the Fair Labor Standards Act. The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of learners and apprentices in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* (1) The determination for the industrial and refined basic chemicals branch of this industry in the States of Maryland, Virginia, South Carolina, North Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia shall be effective, and the minimum wage therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after October 7, 1956.

(2) The determination for the industrial and refined basic chemicals branch of this industry in the remaining States of the United States and the determination for the bone black, carbon black, and lamp black branch of this industry shall be effective, and the minimum wages therein established shall apply, as to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after January 23, 1951.

2. The new § 50–202.62 would read as follows:

§ 50–202.62 Miscellaneous chemical products and preparations industry.

(a) *Definition.* The miscellaneous chemical products and preparations industry is defined as that industry which manufactures (including packaging) or furnishes the products in the following groups:

(1) *Product Group 1.* Specialty cleaning, polishing, and sanitation preparations (such as metal polishes, including automobile waxes; household, institutional and industrial plant insecticides, disinfectants and deordorants; and dry cleaning preparations); surface active agents, finishing agents, and sulfonated oils and assistants (such as wetting agents, emulsifiers, and penetrants); and agricultural chemicals (such as trace elements, soil conditioners, and ready-to-use agricultural pest control chemicals including insecticides, fungicides, and herbicides).

(2) *Products Group 2.* Adhesives, glues, mucilage, cements and sizes; gelatin (except desert preparations); household tints, dyes, and bleaches; bluings; writing inks; essential oils; industrial compounds (such as boiler and heat insulating compounds, metal, oil and water treating compounds, and waterproofing compounds, and chemical supplies for foundries); automotive chemicals (such as cooling system chemicals including antifreeze, synthetic base hydraulic fluids, and de-icing and defrosting compounds); and evaporated salt (except by-product salt).

(b) *Minimum wages*—(1) *Product Group 1.* The minimum wage for persons employed in the manufacture (including packaging) or furnishing of the products in Product Group 1 of the miscellaneous chemical products and preparations industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.42 per hour arrived at either on a time or piece-rate basis.

(2) *Product Group 2.* The minimum wage for persons employed in the manufacture (including packaging) or furnishing of the products of Product Group 2 of the miscellaneous chemical products and preparations industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.80 per hour arrived at either on a time or piece-rate basis.

(c) *Effect on other obligations.* Nothing in this section shall affect any other obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action described above. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 8th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7705; Filed, Aug. 11, 1961; 8:48 a.m.]

[41 CFR Part 50–202]

MINIMUM WAGE DETERMINATIONS

Adjustment To Conform to Fair Labor Standards Amendments of 1961

Correction

In F.R. Doc. 61–7518, appearing at page 7110 of the issue for Tuesday, August 8, 1961, the month in the last paragraph should read "August" instead of "June".

Wage and Hour Division

[29 CFR Part 522]

EMPLOYMENT OF LEARNERS IN SPECIFIED INDUSTRIES

Notice of Proposed Rule Making

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend 29 CFR Part 522 to adapt the policies there expressed to the statutory changes made by the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30).

The proposed amendments and statements explaining their nature and extent are published below. Interested persons may submit written data, views, and arguments regarding the proposed amendments to the administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days following the publication of this proposal in the FEDERAL REGISTER.

1. Paragraphs (a) and (c) of 29 CFR 522.23, dealing with the apparel industry, would be amended to substitute "three years" for the "two years" in connection with the previous experience of workers to be considered. As amended, § 522.23 would read as follows:

§ 522.23 Learner occupations and learning periods.

(a) Sewing machine operating, final pressing, hand-sewing, finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations; all other pressing and all other machine operating (except the "cutting room" operations of knife or die cutting, spreading and marking, wherever performed in the plant), a maximum learning period of 160 hours; but not more than a 320 hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous three years, the worker has had

160 hours or more of experience in another of these occupations in any division of the industry.

* * * * *

(c) If, within the previous three years, a worker has been employed in any division of the apparel industry, or in the manufacturing of men's and boys' underwear from any woven fabric in establishments in the knitted wear industry, in any authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment should be deducted from the applicable learning period.

2. Paragraph (a)(1), of 29 CFR 522.24, dealing with the apparel industry, would be amended, paragraph (a)(2) thereof deleted, and paragraph (a)(3) renumbered and amended, and paragraphs (b) and (c) would be amended to increase the special minimum rates by fifteen cents per hour for the women's apparel division of the apparel industry and by twenty cents per hour for the divisions of the apparel industry, defined in paragraphs (b) and (c) of § 522.21, so as to read as follows:

§ 522.24 Special minimum rates.

(a) * * *

(1) Not less than $1.00 per hour for the first 320 hours and not less than $1.05 per hour for the next 160 hours.

(2) An experienced worker in any one of the occupations shown in § 522.23(a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph having such a 480-hour maximum period, shall be paid at wage rates not less than $1.00 per hour for the first 160 hours and not less than $1.05 per hour for the next 160 hours.

(b) A learner employed in the occupation of final inspection of assembled garments shall be paid, during the authorized 160-hour learning period, not less than $1.05 per hour.

(c) A learner employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23(a) shall be paid not less than $1.00 per hour.

3. Paragraphs (b) and (c) of 29 CFR 522.34, dealing with the knitted wear industry, would be amended to substitute "three years" for "two years" in connection with the previous experience of workers to be considered. As amended, paragraphs (b) and (c) of § 522.34 would read as follows:

§ 522.34 Learning periods.

* * * * *

(b) If a worker who is being trained in any authorized learner occupation has been employed in that same occupation in the knitted wear industry within the previous three years, the hours of such previous employment shall be deducted from the authorized learning period.

(c) If a worker is employed in the manufacture of men's and boys' underwear from any woven fabric in the occupations of machine stitcher or presser, all hours of employment within the previous three years as a machine stitcher or presser in the apparel industry shall be deducted from the authorized learning period in the event such worker is subsequently employed in the same occupation.

4. Paragraph (a) of 29 CFR 522.35 would be amended to increase the 90-cent special minimum rate prescribed therein to $1.05, and would read as follows:

§ 522.35 Special minimum rates.

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than $1.05 per hour.

5. Paragraphs (a) and (d) of 29 CFR 522.43, dealing with the hosiery industry, would be amended to increase by 15 cents, the special minimum rates prescribed therein, and to adjust the authorized learning periods. The codification note following § 522.43(d) would be deleted. The revised paragraphs (a) and (d) would read as follows:

§ 522.43 Learner occupations, learning periods and special minimum rates.

(a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the occupations for the maximum number of hours and at the special rates set out in subparagraphs (1) through (9) of this paragraph.

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than $1.00 per hour for the first 480 hours and $1.07½ for the remaining 480 hours.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours, at not less than $1.00 per hour for the first 360 hours and $1.07½ for the remaining 360 hours.

(3) In the seamless branch, topping, welting, and mending (other than women's nylon), for 480 hours, at not less than $1.00 per hour.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than $1.00 per hour.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspecting, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than $1.00 per hour.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than $1.05 for the first 480 hours and $1.12½ for the remaining 480 hours.

(7) In the full-fashioned branch, pairing and mending, for 720 hours, at not less than $1.05 for the first 360 hours, and $1.12½ for the remaining 360 hours.

(8) In the full-fashioned branch, boarding and folding, for 360 hours, at not less than $1.05 per hour.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing—other than leg and foot), for 240 hours, at not less than $1.06 per hour.

(10) For purposes of subparagraphs (2) and (7) of this paragraph, the occupation of mending is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such machinery is an adjunct to the hand-mending process. For purposes of subparagraphs (6) and (9) of this paragraph, the occupation of seaming (leg and foot) is defined as the joining of the sides of full-fashioned fabric from toe to the top of the welt, to form the hosiery.

* * * * *

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for the occupation at not less than $1.07½ an hour in the seamless branch and not less than $1.12½ an hour in the full-fashioned branch. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than $1.07½ an hour in the seamless branch and not less than $1.12½ an hour in the full-fashioned branch; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable special minimum rates set forth in paragraph (a) of this section: *Provided, however,* That (1) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspection; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

6. Section 522.50 of 29 CFR Part 522 would be amended, to express a general denial policy, §§ 522.52 through 522.54 would be revoked and the section headnote and introductory text of § 522.51 would be amended to delete reference to the revoked sections. The amended typographical units would read as follows:

§ 522.50 General denial policy.

All applications for the employment of learners in the shoe manufacturing industry, as defined in § 522.51 at wages lower than $1.15 shall be denied.

§ 522.51 Applicability of § 522.50.

For the purpose of § 522.50, the shoe manufacturing industry is defined as follows:

7. Paragraph (a) of 29 CFR 522.65 would be amended to increase the special minimum wages prescribed therein, and would read as follows:

§ 522.65 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the glove industry shall be not less than $1.00 per hour for the first 320 hours and not less than $1.10 per hour for the remaining 160 hours in the leather glove, woven or knit fabric glove, and knitted glove branches of the industry, and not less than $1.00 per hour for the first 320 hours and not less than $1.05 per hour for the remaining 160 hours in the work glove branch of the industry.

8. In order to increase the special minimum rates presently prescribed therein by 15 cents an hour and to provide special minimum rates for workers newly covered by the Fair Labor Standards Amendments of 1961, 29 CFR 522.74, dealing with the independent telephone industry, would be amended to read as follows:

§ 522.74 Special minimum rates.

(a) For exchanges with 750 or less stations (where the independently owned company has more than 750 stations in one or more exchanges and thus the switchboard operators employed therein are not within the section 13(a)(11) exemption) the special minimum hourly rates to be provided in a special certificate for learners shall be not less than 85 cents an hour for the first 240 hours, and not less than 95 cents an hour for the remaining 240 hours of the learning period.

(b) For exchanges with more than 750 but less than 3,000 stations the special minimum hourly rates to be provided in special certificates for learners shall be not less than $1.00 per hour for the first 240 hours, and not less than $1.10 an hour for the remaining 240 hours of the learning period.

(c) For exchanges of 3,000 stations or more the special minimum hourly rate to be provided in a special certificate for learners shall be not less than $1.05 an hour for the entire 240-hour learning period.

(d) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized special minimum rates, in accordance with § 522.6(j).

9. Paragraph (b) of 29 CFR 522.84, dealing with the cigar industry, would be amended by changing "two years" to "three years" as the period of previous experience of workers to be considered in applying the specified learning periods and by adding a new paragraph, designated paragraph (c), to provide that no worker shall be employed as a learner at special minimum rates in more than two of the learner occupations authorized by § 522.83. As amended, paragraphs (b) and (c) of § 522.84 would read as follows:

§ 522.84 Learning periods.

* * * * *

(b) If a worker who is being trained in any machine occupation has been employed in that same occupation within the previous three years, the hours of such employment shall be deducted from the maximum learning period. If a worker who is being trained in any hand occupation has been employed in that same occupation within the previous five years, the hours of such employment shall be deducted from the maximum learning period for that occupation.

(c) No worker shall be employed as a learner at special minimum rates in more than two of the learner occupations authorized by § 522.83.

10. Paragraph (a) of 29 CFR 522.85 would be amended to increase by 15 cents per hour the special minimum wages prescribed therein, and as amended would read as follows:

§ 522.85 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than $1.00 per hour in the occupations of cigar machine operating and cigar packing; not less than $1.00 per hour for the first 480 hours and $1.07½ per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than $1.00 per hour for the first 320 hours and $1.07½ per hour for the second 320 hours in the occupation of hand making Italian stogies; and not less than $1.00 per hour in the occupations of hand stripping and machine stripping.

11. Amendments to 29 CFR 522.92 and 522.93, dealing with the luggage, small leather goods, and ladies' handbag industries, would be made to substitute "$1.15 per hour" for "$1.00 per hour". As amended, §§ 522.92 and 522.93 would read as follows:

§ 522.92 Issuance of learner certificates.

In the absence of extraordinary circumstances, applications for the employment of learners at wages lower than $1.15 per hour in these industries shall be denied.

§ 522.93 Learner certificates in extraordinary circumstances.

In those cases where extraordinary circumstances are shown to exist, learner certificates for the employment of learners at wages lower than $1.15 per hour shall be issued in accordance with the provisions of the general learner regulations (§§ 522.1 through 522.9) only after all interested parties have been given opportunity to present their views on the application pursuant to § 522.4.

12. An amendment to 29 CFR 522.102, dealing with the small electrical products industry, would be made to substitute "$1.15 per hour" for "$1.00 an hour", and would read as follows:

§ 522.102 Issuance of learner certificates.

In the absence of exceptional circumstances applications for the employment of learners at wages lower than $1.15 per hour in the small electrical products industry shall be denied.

13. 29 CFR 522.104, published in the FEDERAL REGISTER on February 3, 1961 (26 F.R. 1061), would be amended to substitute "$1.15 per hour" for "$1.00 an hour", and would read as follows:

§ 522.104 General denial policy.

All applications for the employment of learners at wages lower than $1.15 per hour in the men's and boys' clothing industry shall be denied. For the purpose of this section, the men's and boys' clothing industry is defined as the industry which manufactures men's, youths', and boys' suits, coats, and overcoats.

14. A new section, 29 CFR 522.25, would be added under the undesignated centerhead for the Apparel Industry declaring a general denial policy with respect to the rainwear, robes, and leather and sheep-lined divisions of that industry, and would read as follows:

§ 522.25 General denial policy.

All applications for the employment of learners at wages lower than $1.15 per hour in the rainwear, robes, and leather and sheep-lined clothing divisions of the apparel industry, as defined in paragraphs (d), (e), and (f) of § 522.21 shall be denied.

15. A new undesignated centerhead entitled "Office and Clerical Occupations in any Industry" and new section declaring a general denial policy relating the employment of learners in such occupations would be added to 29 CFR Part 522 and would read as follows:

OFFICE AND CLERICAL OCCUPATIONS IN ANY INDUSTRY

§ 522.105 General denial policy.

All applications for the employment of learners at wages lower than $1.15 per hour in office and clerical occupations in any industry shall be denied.

(Sec. 14, 52 Stat. 1068, as amended, sec. 14, Pub. Law 87-30; 29 U.S.C. 214)

Signed at Washington, D.C., this 9th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-7708; Filed, Aug. 11, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 95]

SAFEGUARDING OF RESTRICTED DATA

Notice of Proposed Rule Making

The Atomic Energy Commission proposes amendment to Atomic Energy Rules and Regulations Part 95—Safeguarding of Restricted Data (10 CFR Part 95).

The proposed Part 95, as amended, will revise certain requirements for the safeguarding and transmission of Secret and Confidential Restricted Data and will apply to all persons who receive such data under an Access Permit issued pursuant to the regulations of Part 25 "Permits for Access to Restricted Data" of this Chapter 10.

The changes vary in complexity and relate in general to the following matters: New terminology; new address for communications and reports; technical changes in right of access, termination thereof, and limitations thereon; clearance by other agencies under certain circumstances; marking of documents; provisions for accounting for Restricted Data upon expiration, suspension or revocation of an Access Permit; new reports, particularly year end reporting of use made of Access Permit and number of access authorizations received; and miscellaneous technical changes.

The proposed Part 95 as amended is printed in its entirety. Each paragraph in which a change appears or which is new is preceded by an asterisk (*).

The currently effective issue of this Part 95 which is to be superseded is identified as follows:

Sections 95.1–95.44 appear at 21 F.R. 718 Feb. 2, 1956;

Section 95.33(d) amended appears at 25 F.R. 3243 April 15, 1960.

Notice is hereby given that adoption of the following amended rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after the publication of this notice in the FEDERAL REGISTER.

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GENERAL PROVISIONS

§ 95.1 Purpose.

*The regulations in this part establish requirements for the safeguarding of Secret and Confidential Restricted Data received or developed under an Access Permit. This part does not apply to Top Secret Restricted Data.

§ 95.2 Scope.

The regulations in this part apply to all persons who receive access to Restricted Data under an Access Permit issued pursuant to the regulations in Part 25 of this chapter.

§ 95.3 Definitions.

As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

*(b) "Commission", "USAEC", or "AEC" means the United States Atomic Energy Commission or its duly authorized representatives;

(c) "Document" means any piece of recorded information regardless of its physical form or characteristics;

*(d) "DOD" means the Department of Defense;

*(e) "L(X) access authorization" means a determination by the AEC that an individual is eligible for access to Confidential Restricted Data under an Access Permit;

*(f) "NASA" means the National Aeronautics and Space Administration;

(g) "Permittee" means the holder of an Access Permit issued pursuant to the regulations in Part 25 of this chapter;

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

*(i) "Q(X) access authorization" means a determination by the AEC that an individual is eligible for access to Secret or Confidential Restricted Data under an Access Permit;

(j) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Act;

(k) "Security area" means a physically defined space, access to which is subject to security restrictions and control; and

(l) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, the Canal Zone and Puerto Rico.

§ 95.4 Communications.

*All communications concerning the regulations in this part should be addressed to the U.S. Atomic Energy Commission at the Commission Operations Office (listed in Appendix "B" of Part 25 of this chapter) administering Access Permits for the geographical area.

§ 95.5 Submission of procedures by Access Permit holder.

*No Permittee shall have access to Restricted Data until he shall have submitted to the Commission a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees and the Commission shall have determined and informed the Permittee that his procedures for the safeguarding of Restricted Data are in compliance with the regulations in this part and that his procedures for the security education of his employees are designed to assure that all his employees who will have access to Restricted Data are informed about and understand the regulations in this part.

§ 95.6 Specific waivers.

The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.7 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

PHYSICAL SECURITY

§ 95.21 Protection of Restricted Data in storage.

(a) Persons who possess Restricted Data pursuant to an Acess Permit shall store Secret and Confidential documents and material when not in use in accordance with one of the following methods:

(1) In a locked vault, safe or safe-type steel file cabinet having a 3-position dial-type combination lock; or

(2) In a dual key, Bank Safety Deposit Box; or

*(3) In a steel file cabinet secured by a steel lock bar and a 3-position dial-type changeable combination padlock; or

(4) In a locked steel file cabinet when located in a security area established under § 95.23 or when the cabinet or the place in with the cabinet is located is under Commission approved automatic alarm protection.

*(b) Changes of combination: Each permittee shall change the combinations on locks of his safekeeping equipment whenever such equipment is placed in use, whenever an individual knowing the combination no longer requires access to the repository as a result of change in duties or position in the Permittee's organization, or termination of employment with the Permittee, or whenever the combination has been subjected to compromise, and in any event at least once a year. Permittees shall classify records of combinations no lower than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

*(c) The lock on safekeeping equipment of the type specified in paragraph (a)(4) of this section shall be replaced immediately whenever a key is lost.

§ 95.22 Protection while in use.

While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately cleared individual and the Restricted Data shall be capable of being removed from sight immediately.

§ 95.23 Establishment of security areas.

(a) When, because of their nature or size, it is impracticable to safeguard documents and material containing Restricted Data in accordance with the provisions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established.

(b) The following controls shall apply to security areas:

*(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the Restricted Data within the areas, by unauthorized individuals.

(2) During working hours admittance shall be controlled by an appropriately cleared individual posted at each unlocked entrance.

(3) During nonworking hours admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds thirty.

§ 95.24 Special kinds of classified material.

When the Restricted Data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or similar factors, the Commission may authorize the permittee to provide such lesser protection than is otherwise required by §§ 95.21 to 95.23, inclusive, as the Commission determines to be commensurate with the difficulty of removing the material.

§ 95.25 Protective personnel.

Whenever protective personnel are required by § 95.23, such protective personnel shall:

*(a) Possess a "Q" or "L" security clearance or access authorization or "Q(X)" or "L(X)" access authorization if the Restricted Data being protected is classified Confidential or a "Q" security clearance or access authorization or "Q(X)" access authorization if the Restricted Data being protected is classified Secret.

(b) Be armed with side-arms of not less than .38 caliber.

§ 95.31 Access to Restricted Data.

*(a) Except as the Commission may authorize, no person subject to the regulations in this part who possesses Confidential Restricted Data shall permit any individual to have access to such information unless the individual who is to receive it has been granted a security clearance or an access authorization by AEC and obtains the information pursuant to an Access Permit or requires the information in the performance of his duties, or has been certified by the Department of Defense or National Aeronautics and Space Administration through the Commission to have access to the information.

*(b) Except as the Commission may authorize, no person subject to the regulations in this part who possesses Secret Restricted Data shall permit any individual to have access to such Restricted Data unless the individual has an appropriate Commission security clearance or access authorization or has been certified by DOD or NASA through the Commission and:

(1) the individual is authorized by his or another's Access Permit to receive Restricted Data in the categories involved and needs access to such Restricted Data in the course of his duties, or

(2) the individual needs such access in connection with his duties as a Commission employee or Commission contractor employee or as certified by DOD or NASA.

(c) Inquiries concerning the clearance status of individuals, the scope of Access Permits, or the nature of contracts should be addressed to the Commission Office administering the Access Permit or the contract.

§ 95.32 Classification and preparation of documents.

(a) *Classification.* Restricted Data originated by an Access Permit holder must be appropriately classified. OC DOC–54, "Classification Guide for Use in the Civilian Application Program," will be furnished each Permittee. In the event an Access Permit holder originates information within the definition of Restricted Data (Paragraph 95.3(j)) or information which he is not positive is not within that definition and OC DOC–54 does not provide positive classification guidance for such information he shall designate the information as Confidential, Restricted Data and request classification guidance from the USAEC through the Classification Officer at the Operations Office administering the Permit, who will refer the request to the Director, Division of Classification, U.S. Atomic Energy Commission, Washington 25, D.C., if he does not have authority to provide the guidance.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified Secret or Confidential according to its own content.

*(c) *Document which custodian believes improperly classified or lacking appropriate classification markings.* If a person receives a document which in his opinion is not properly classified, or omits the appropriate classification markings, he shall communicate with the sender and suggest the classification which he believes to be appropriate. Pending final determination of proper classification, such documents shall be safeguarded with the highest classification in question.

(d) *Classification markings.* Unless otherwise authorized below, the assigned classification of a document shall be conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional markings on the first page and on the front cover:

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(e) *Documentation.* (1) All Secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of ____ pages. Copy No. ____ of ____ Series ____.

(2) The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(f) *Letter of transmittal.* A letter transmitting Restricted Data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as ____.

*(g) *Permanently fastened documents.* Classified books or pamphlets the pages of which are permanently and securely fastened together shall be conspicuously marked or stamped with the assigned classification in letters at least one-fourth (¼) inch in height at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover. The additional markings referred to in paragraph (d) of this section shall be placed on the first page and on the front cover.

(h) *Physically connected documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one over-all classification, although pages, paragraphs, sections, or components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(i) *Attachment of security markings.* Documents which do not lend themselves to marking or stamping shall have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 External transmission of documents and material.

(a) *Restrictions.* *(1) Documents and material containing Restricted Data shall be transmitted only to persons who possess appropriate clearance or access authorization and are otherwise eligible for access under the requirements of § 95.31.

(2) In addition such documents and material shall be transmitted only to persons who possess facilities for their physical security consistent with this part. Any person subject to the regulation in this part who transmits such documents or material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(3) Documents and material containing Restricted Data shall not be exported from the United States without prior authorization of the Commission.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32 (d) shall be placed on the side bearing the address.

*(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking or other notation shall be affixed which indicates that the document enclosed therein contains classified information or Restricted Data.

(4) A receipt, which identifies the document, the date of transfer, the recipient and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a Secret document is transferred.

(c) *Preparation of material.* Material, other than documents, containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt which identifies the material, the date of shipment, the recipient, and the person transferring the material shall accompany the material and the recipient shall sign such receipt whenever the custody of Secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material shall be transported only by one of the following methods:

(i) Registered mail.

(ii) Railway or air express in "Armed Guard Service" or "Armed Surveillance Service."

*(iii) Individuals possessing appropriate AEC security clearance or access authorization who have been given written authority by their employers.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph or by one of the following methods:

(i) Certified or first-class mail, if approved by the Manager of Operations administering the Permit. Certified or first-class mail may not be used in any transmission of Confidential documents to Alaska, Hawaii, the Canal Zone, Puerto Rico, or any United States territory or possession.

(ii) Railway or air express "Protective Signature Service;" railway express "Recorded Tally Service;" airlines "Protective Signature Service", when available; rail or motor vehicles in sealed car or sealed van service; or services providing equivalent protection.

(iii) Material in less than carload, truckload, or planeload lots, by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked and sealed.

(e) *Transmission by cryptographic means.* Cryptographic systems shall not be used for the transmission of Restricted Data unless approved by the Commission.

*(f) *Telephone conversations.* No discussion of classified information is permitted during a telephone conversation.

§ 95.34 Accountability for Secret documents.

Each permittee possessing documents containing Secret Restricted Data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his custody at any time.

§ 95.35 Authority to reproduce.

Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by him. He shall not reproduce any other documents containing Secret Restricted Data without prior authorization from the Commission or from the originator of the document.

§ 95.36 Changes in classification.

*Documents containing Restricted Data shall not be downgraded to a lower classification or declassified except as authorized by the Commission. Requests for downgrading or declassification shall be submitted to the AEC's Operations Office administering the Permit; the U.S. Atomic Energy Commission, Declassification Branch, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee; or U.S. Atomic Energy Commission, Washington 25, D.C., Attention: Division of Classification. If the Commission approves a change of classification or declassification, the previous classification marking shall be cancelled and the following statement, properly completed, shall be placed on the first page of the document:

Classification cancelled (or changed to) _____ by authority of _____
(insert appropriate classification)
(person authorizing change in classification)
by _____
(signature of person making change and date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 Destruction of documents or material containing Restricted Data.

*(a) Documents containing Restricted Data may be destroyed only by shredding and burning, pulping, or by any other method that assures complete destruction of the information. If the document contains Secret Restricted Data, a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and copy number, and the date of destruction shall be signed by the person destroying the document and shall be maintained in the office of the last custodian.

(b) Restricted Data contained in material, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the Restricted Data.

§ 95.38 Suspension or revocation of access authorization.

*In any case where the access authorization of an individual subject to the regulations in this part is suspended or revoked in accordance with the procedures set forth in Part 10 of this chapter, such individual shall, upon due notice from the Commission of such suspension or revocation and demand by the Commission, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.39 Expiration, suspension or revocation of Access Permits.

*(a) Upon expiration of an Access Permit, the person to whom such Permit has been issued may, except as provided in paragraph (b) of this section (1) deliver all documents or materials in his possession containing Restricted Data to the Commission or to a person authorized to receive them and file with the Commission a certificate of non-possession of Restricted Data; (2) destroy them, and file with the Commission a certificate of non-possession; or (3) file with the Commission a certified inventory of Restricted Data attached to a request for approval of retention of such data. A person retaining Restricted Data must maintain an active Access Permit unless otherwise authorized by the Commission.

(b) In any case where an Access Permit has expired or has been suspended or revoked and the Commission has determined that further possession by the former Access Permit holder of documents or materials containing Restricted Data would endanger the common defense and security, such former Access Permit holder shall upon due notice from the Commission of such expiration, suspension, or revocation and of such determination, deliver to the Commission any and all documents or materials in his possession containing Restricted Data for safekeeping and such further disposition as the Commission determines to be just and proper.

§ 95.40 Termination of employment or change of duties.

*(a) Each Permittee shall furnish promptly to the Commission written notification of the termination of employment of each individual who possesses an access authorization under his Permit or whose duties are changed so that access to Restricted Data is no longer needed. Upon such notification, the Commission may (1) terminate the individual's access authorization or (2) transfer the individual's access authorization to the new employer of the individual to allow continued access to Restricted Data where authorized pursuant to Commission regulations.

*(b) Permittees shall also report to the cognizant AEC Operations Office at the end of each calendar year the use made of the Permit and access authorizations during the year, the number of "Q(X)" and "L(X)" access authorizations received or terminated during the year and the number remaining active at the end of the year and such other information requested by the Commission for determination of the use and continuing need of the Access Permit Program.

§ 95.41 Continued applicability of the regulations in this part.

The expiration, suspension, revocation or other termination of a security clearance or access authorization or Access Permit shall not relieve any person from compliance with the regulations in this part.

§ 95.42 Reports.

*Each Permittee shall report promptly to the Commission office administering the Access Permit all losses of Restricted Data documents or material and to that Commission office and the nearest office of the Federal Bureau of Investigation any alleged or suspected violation of the Atomic Energy Act or the Espionage Act.

§ 95.43 Inspection.

The Commission may make such inspections of the premises, activities, records, and procedures of any person subject to the regulations in this part as the Commission deems necessary to effectuate the purposes of the Act.

§ 95.44 Violations.

*An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates, attempts to violate or conspires to violate any provision of the Act or any regulation or order issued thereunder, including the provisions of this part, may be guilty of a crime and upon conviction may be punished by fine or imprisonment, or both, as provided by law.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Germantown, Maryland, this 8th day of August 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61-7697; Filed, Aug. 11, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

TERMINATION OF THE FEDERAL TRUST RELATIONSHIP TO THE PROPERTY OF THE KLAMATH TRIBE OF INDIANS LOCATED IN THE STATE OF OREGON, AND OF FEDERAL SUPERVISION OVER THE AFFAIRS OF THE INDIVIDUAL MEMBERS THEREOF

By the Secretary of the Interior of the United States of America

A Proclamation

Pursuant to the authority vested in me by section 18(a) of the Act of August 13, 1954 (68 Stat. 718; 25 USC 564(q)), as amended, I, James K. Carr, Acting Secretary of the Interior, do hereby proclaim that:

1. The Federal restrictions on the property of the Klamath Indian Tribe of Oregon and individual members thereof having been removed, the Federal trust relationship to the affairs of the tribe and its members is terminated, effective August 13, 1961.

2. Hereafter, individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in the Act of August 13, 1954, supra, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to members of the tribe, and the laws of the several states shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

3. Nothing in this proclamation shall affect the status of members of the Klamath Tribe as citizens of the United States.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 10th day of August 1961.

[SEAL] JAMES K. CARR,
Acting Secretary of the Interior.

[F.R. Doc. 61-7760; Filed, Aug. 11, 1961; 10:07 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND OREGON

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Kansas and Oregon a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Norton.

OREGON

Harney. Malheur.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 6th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7694; Filed, Aug. 11, 1961; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 182, Rev. 4]

SIGNING OF OFFICIAL PAPERS IN OFFICE OF THE TREASURY

Delegation of Authority

Pursuant to section 304 of the Revised Statutes, as amended (31 U.S.C. 144), and upon recommendation of the Treasurer of the United States, I hereby authorize the persons who occupy the positions identified below in the Office of the Treasurer of the United States to sign as Special Assistant Treasurer or under their official titles, when required by the Treasurer of the United States, checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office:

The Deputy Treasurer.
The Assistant Deputy Treasurer.
The Technical Assistant to the Deputy Treasurer.
The Administrative Officer.
The Personnel Officer.
The Chief, General Accounts Division.
The Chief, Electronic Data Processing Division.
The Assistant Chief, Electronic Data Processing Division.
The Chief, Check Accounting Division.
The Assistant Chief, Check Accounting Division.
The Chief, Check Claims Division.
The Assistant Chief, Check Claims Division.
The Technical Assistant Chief, Check Claims Division.
The Chief, Legal Examining and Accounts Branch, Check Claims Division.
The Chief, Adjudication Branch, Check Claims Division.
The Assistant Chief, Adjudication Branch, Check Claims Division.
The Chief, Securities Division.
The Chief, Currency Redemption Division.
The Assistant Chief, Currency Redemption Division.
The Administrative Assistant, Currency Redemption Division.

This order supersedes all prior authorizations to employees of the Treasurer's Office to sign checks, letters, telegrams, and other official documents in connection with the business of the Treasurer's Office.

Dated: August 9, 1961.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-7698; Filed, Aug. 11, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-67. The amendment provides an additional authorization to General Dynamics Corporation to conduct experiments in its TRIGA Mark F reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as requested in the Corporation's applications for license amendment dated June 5, 1961, and June 30, 1961, and adds certain new conditions to the license. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present any undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has reviewed the shutdown procedures submitted by the licensee on January 26, 1961. A condition has been added to the license requiring the licensee to comply with these procedures.

A condition has also been added to the license requiring the licensee to report deviations from predicted operating characteristics which might otherwise not be reported.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon

receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the applications for license amendment dated June 5, 1961, and June 30, 1961, submitted by General Dynamics Corporation, and (2) a hazards analysis of the proposed experiments prepared by the Test & Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 7th day of August 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-67, Amdt. 2]

AMENDMENT TO UTILIZATION FACILITY LICENSE

License No. R-67, as amended, issued to General Dynamics Corporation, is hereby amended in the following respects:

1. In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corporation is authorized to conduct experiments in its TRIGA Mark F reactor located at Torrey Pines Mesa, California, using certain thermoelectric devices containing special nuclear material as described in its applications for license amendment dated June 5, 1961, and June 30, 1961. The conduct of the experiments shall be in accordance with the procedures and subject to the limitations contained in License No. R-67, as amended, and in the applications for license amendment dated June 5, 1961, and June 30, 1961 and to the additional conditions set forth below:

A. The experiments shall be terminated upon the detection of any indication of possible failure, or abnormal behavior, of any of the capsules or fuel elements, or of any unusual reactor behavior. In such instance, a written report describing the results of the experiments shall be promptly submitted to the Commission and the experiments shall not be resumed until so authorized in writing by the Commission.

B. Except when performing the experiments described in the applications for license amendment dated June 5, 1961, and June 30, 1961 at power levels up to a maximum of 1500 kilowatts (thermal) General Dynamics Corporation shall not operate the reactor at power levels in excess of 1000 kilowatts (thermal).

2. Paragraph 4. of License No. R-67, as amended, is hereby amended to add new conditions 4.K. and 4.L. as follows:

4.K. General Dynamics Corporation shall comply with the shutdown procedures and precautions described in its submittal dated January 26, 1961, and the following additional limitations:

(1) General Dynamics Corporation shall maintain nuclear control instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the facility is shut down.

(2) General Dynamics Corporation shall conduct core loading changes and all other operations which could involve changes in core reactivity when the facility is shut down only under the direct and personal supervision of a technically qualified and designated supervisor.

4.L. General Dynamics Corporation shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance:

Date of issuance: August 7, 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7671; Filed, Aug. 11, 1961; 8:45 a.m.]

[Docket No. 50-182]

PURDUE UNIVERSITY

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following filing of notice of the proposed action with the Office of the Federal Register on July 19, 1961, the Atomic Energy Commission has issued Construction Permit No. CPRR-64 authorizing Purdue University to construct on its campus in West Lafayette, Indiana, a pool-type nuclear reactor designed to operate at a thermal power of one kilowatt. The permit is substantially as published in the FEDERAL REGISTER on July 20, 1961, 26 F.R. 6532.

Dated at Germantown, Md., this 7th day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7672; Filed, Aug. 11, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12895; Order No. E-17289]

UNITED STATES-SOUTH AMERICA ROUTE CASE

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of August 1961.

The Board has decided that it is appropriate at this time to institute a comprehensive review of the U.S. flag carrier route pattern between the United States and South America. The most recent extensive study of that route structure was undertaken in 1946, some 15 years ago. Since then considerable developments, hereinafter referred to, have taken place which affect these services and require the review here contemplated.

Three U.S. carriers are presently certificated to provide the major services to points in South America. Pan American World Airways, Inc. (Pan American), is authorized to provide service between San Francisco, Los Angeles, Houston, New Orleans, Washington, Philadelphia, and New York-Newark, on the one hand, and points on the north and east coasts of South America including Rio de Janeiro and Buenos Aires, on the other hand, via points in Central America and the Caribbean, on route 136. Pan American-Grace Airways, Inc. (Panagra) is authorized to provide service between Balboa, Guayaquil, Lima, Santiago and Buenos Aires, via intermediate points, primarily along the west coast of South America, on route 146. Braniff Airways, Inc. (Braniff) is authorized to provide service between Houston and Miami, on the one hand, and Havana, Balboa, Bogota, Guayaquil, Lima, Rio de Janeiro and Buenos Aires, on the other hand, via intermediate points, on route FAM-34.[1]

As previously indicated, the basic U.S. flag carrier route patterns between the United States and South America presently in effect were established some years ago in the Additional Service to Latin America Case, 6 C.A.B. 857 (1946). Matters involving service between the United States and South America were, however, further considered in the New York-Balboa Through Service Proceeding, Reopened, 18 C.A.B. 501 (1954), 20 C.A.B. 493 (1954), and certain through-service aircraft interchange agreements were approved as a result of the New York-Balboa case by Order E-9481, 21 C.A.B. 1005 (1955). Also, the certification of a Los Angeles/San Francisco-Guatemala City route, last considered in Order E-9514, August 3, 1955, permitted Pan American to operate between the west coast of the United States and points in South America.

Since the original establishment of the basic South America route structure, there have been basic changes in technology and patterns of service. Thus, in 1944, the range of aircraft was relatively limited and operational requirements, as well as economic considerations, required multiple stops on the long-haul service. Today, available aircraft can, and do, serve the most distant points on a nonstop basis. Of the relative attractiveness of nonstop to multi-stop service in comparable equipment

[1] Delta Air Lines, Inc. (Delta), is authorized to serve Caracas and certain Caribbean points on its Caribbean route 114 from Houston and New Orleans; and Aerovias Sud Americana, Inc. (ASA), is authorized to provide cargo and mail service (on a nonsubsidy basis) between Florida points and points in Central and South America. The only South American points presently served by ASA are Quito and Guayaquil, Ecuador.

there can be no question; consequently, the changed technology which has made nonstop services operationally feasible warrants a careful review of the economics of such service in relation to the existing and future route structure. Similarly, changes have taken place in the competitive picture. Prior to the decision in the Latin America Case, supra, Pan American and Panagra operated in competition with three foreign air carriers. Today, 19 South American foreign air carriers are authorized to serve the United States-South America market. There has also been an increase in service within South America by local carriers. Not only do these services rendered by non-U.S. flag carriers dilute the potential economic support for the services of the U.S. carriers, but also they bring into question the need for point-to-point duplication of such services. In this connection, we cannot be unmindful of the fact that the U.S. flag carriers' operations are marginal economically.

Our concern with the current South America route pattern is not a recent one. As long ago as 1954, the Board publicly suggested that the available traffic in South America did not warrant continuation of three United States flag services.[2] In the Interim Opinion in the New York-Balboa case, supra, it was noted that Braniff was not an effective competitor for South American traffic and that the public interest of the United States would be served by the establishment of a single independent carrier operation between Houston and Miami, on the one hand, and the points served on the combined routes of Panagra and Braniff, on the other hand. The Board then also voiced its interest in making such a route available to northeastern United States traffic. The hope then was that the carriers concerned would voluntarily seek to resolve the problem along the lines suggested.[3] In this connection, we were fully cognizant of the recent institution of a suit by the Attorney General against Pan American, Panagra, and W. R. Grace and Company, which, on antitrust grounds, sought divestiture by Pan American and Grace of their interest in Panagra. However, the principals did not come forward with a proposal. Instead, the suit was permitted to proceed to trial and judgment, and it is currently pending possible review by the United States Supreme Court.[4]

Assuming that the District Court's judgment, at least insofar as it ordered divestiture by Pan American of its interest in Panagra, is sustained,[5] it is clear that the Board will, in the near future, be called upon to consider further the consequences of divestiture with respect to U.S. flag services in South America. And in order for the Board to be able promptly and effectively to take such further steps as might be required in the circumstances, it would be well for it to have considered carefully the overall need for U.S. flag services in South America in the light of a litigated record.

Since the selection of carrier issues will remain somewhat clouded until final resolution of the pending antitrust suit, it appears appropriate and in the interest of a sound and orderly disposition of this proceeding to consider separately the appropriate route structure prior to consideration of selection of carrier matters. We recognize that factual matters relative to public convenience and necessity issues may also have their carrier selection aspects; similarly, we are not unmindful of the fact that, while the prescribed route pattern can be established in substantial part without regard to carrier selection, some adjustment in route pattern may be found necessary at the time we decide the carrier selection issues. We anticipate, however, the full cooperation of all concerned to facilitate an appropriate separation of these issues.

The Board intends that the scope of the proceeding instituted herein include issues with respect to authorization of services to new points, the deletion of presently certificated points, and the consolidation of separate routes into single routes.[6] Caribbean points will be considered only to the extent that they are in issue as possible intermediate points on United States-South America routes, and the proceeding will not examine services wholly within the Caribbean area, or between points in the United States and the Caribbean.

In its study of the South American route pattern, the Board has tentatively concluded that an east coast route and a west coast route are required. The details of the routes are set forth in the attached analysis. In addition, and because we have found that considerable route modifications are necessary to meet present needs and problems, we have compiled and attached hereto data which we believe will facilitate hearing and decision. The attached materials should serve as the focal point for the trial of this case, and we direct that the presentation of participants in the proceeding, unless otherwise ordered by the Board upon good cause shown therefor, be pointed to showing why and in what manner the conclusions derived from the study should be modified. Such an approach can restrict the hearing to relevant and material facts and otherwise minimize procedural delay.

In this regard, it is our intention to notice officially all reports, tariffs and schedules required to be filed with the Board by all air carriers, and all public Board reports based on these data; all published or prepared CAB Origination-Destination Airlines Traffic Surveys; all air traffic data published by IATA, ICAO and INS; all airline schedules published in the monthly editions of the Official Airline Guide; and all information and data contained in published editions of the Statesman's Yearbook. These materials need not be specially compiled by the parties for the record in this proceeding. Moreover, the data and information contained in the attached appendices [7] are taken from these sources and therefore are generally subject to challenge only in regard to the inferences and conclusions the Board has tentatively drawn therefrom. Any parties or interested persons wishing to challenge the factual correctness of these appendices will be expected to do so by submitting specific rebuttal data at the time set for filing exhibits.

Accordingly, it is ordered, 1. That an investigation be and it hereby is instituted to determine whether the public convenience and necessity require and the Board should order the alteration, amendment, modification, suspension or cancellation in whole, or in part, of the certificates of Pan American World Airways, Inc., for route 136; of Pan American-Grace Airways, Inc., for route 146; of Braniff Airways, Inc.; for route PAM-34; and of Delta Air Lines, Inc., for route 114, insofar as air transportation between the United States and South America is concerned, and whether the public convenience and necessity require and the Board should modify the certificate or certificates of all or any one of the named carriers in order to implement the route pattern set forth in the attached study;

2. That motions to modify the issues herein and to consolidate applications shall be filed within 20 days of the date of service of this order;

3. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place to be hereafter determined;

4. That this proceeding shall be conducted in two separate stages to be decided by the Board seriatim, the first dealing with the route pattern required by the public convenience and necessity, and the second dealing with the selection of a carrier or carriers to provide the required services;

5. That a copy of this order shall be served upon Pan American World Airways, Inc., Pan American-Grace Airways, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., the Department of State, the Department of Defense, and the Postmaster General who are hereby made parties to this proceeding;

6. That a copy of this order shall also be served upon Aerovias Sud Americana; and

7. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-7704; Filed, Aug. 11, 1961; 8:48 a.m.]

[2] Reopened New York-Balboa Through Service Case, 18 C.A.B. 501.

[3] The powers granted the Board in the Federal Aviation Act of 1958 and its predecessor, the Civil Aeronautics Act of 1938, do not include authority to compel merger, or to terminate the entire route of a carrier.

[4] The District Court for the Southern District of New York handed down a decision on May 8, 1961, U.S. v. Pan American World Airways, Inc., W. R. Grace and Company, and Pan American-Grace Airways, Inc., Civ. 90-259. Pan American filed a notice of appeal in the Supreme Court on May 11, 1961.

[5] The Attorney General had sought divestiture by both Grace and Pan American.

[6] Pending certificate applications involving service between the United States and South America will be considered for consolidation upon appropriate request submitted within 20 days of the date of service of this order. Applications not moved for consolidation will be subject to dismissal for lack of prosecution.

[7] Filed as part of original document.

FEDERAL POWER COMMISSION

[Docket Nos. G-13550, G-17513, G-18626, G-20512, RP61-5]

SOUTH GEORGIA NATURAL GAS CO.

Order Consolidating Proceedings, Fixing Date of Hearing, and Prescribing Procedure

AUGUST 7, 1961.

The proceedings in the above-captioned dockets involve increased rates and charges tendered for filing by South Georgia Natural Gas Company (South Georgia). In each of these proceedings the Commission has issued orders suspending the increased rates and charges aforesaid and provided for a hearing on the lawfulness of the tariffs as proposed to be amended by the changes filed in each docket.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate all of the above-designated proceedings for purpose of hearing and decision and that such hearing be held as hereinafter provided and ordered.

The Commission orders:

(A) The proceedings identified in the above caption of this order are consolidated for purposes of hearing and decision.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly Sections 4 and 15 thereof, and the Commission's Rules of Practice and Procedure, a public hearing shall be held commencing on October 24, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by the proceedings herein consolidated.

(C) Respondent shall serve the exhibits and prepared testimony constituting its case-in-chief in these consolidated proceedings upon all parties and the Commission staff (six copies) on or before September 15, 1961.

(D) At the hearing hereinabove ordered South Georgia shall present its direct case in each of the above-designated proceedings and shall be cross-examined thereon as required by the Presiding Examiner in accordance with the Commission's rules of practice and procedure.

(E) Any party now permitted to intervene in any of the above dockets shall be deemed an intervener in this consolidated proceeding, subject to the same conditions heretofore stated in the orders permitting the respective interventions.

(F) Petitions to intervene in these consolidated proceedings may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7682; Filed, Aug. 11, 1961; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from April 16, 1961, to July 15, 1961, inclusive.

These lists are supplementary to the lists of licensed establishments and products in effect on April 15, 1961, published on July 1, 1961, in 26 F.R. 5961.

ESTABLISHMENT LICENSES ISSUED

Establishment	License No.	Date
Interstate Blood Bank, Inc., St. Louis, Mo.	268	4-24-61
Eastern Blood Bank, Jersey City, N.J.	336	4-24-61
Armour Pharmaceutical Co., Chicago, Ill.	149	4-24-61
Wyeth Laboratories, Inc., Marietta, Pa.	3	5-16-61
Essex County Blood Bank, Inc., East Orange, N.J.	221	6- 6-61
Glaxo Laboratories Ltd., Greenford, Middlesex, England	337	6-20-61
Knickerbocker Biologicals, Inc., New York, N.Y.	164	6-21-61

PRODUCT LICENSES ISSUED

Product	Establishment	License No.	Date
Anti-K Serum (Anti-Kell)	Community Blood Bank and Serum Service.	295	4-24-61
Anti-Kp[a] Serum (Anti-Penney)	Knickerbocker Blood Bank, Inc.	164	4-24-61
Citrated Whole Blood (Human)	Eastern Blood Bank	336	4-24-61
Anti-Hemophilus Influenzae Type b Serum	Hyland Laboratories	140	4-28-61
Poison Ivy Extract, Alum Precipitated	Barry Laboratories, Inc.	119	5-16-61
Anti-Gr (V_w) Serum	Blood Grouping Laboratory of Boston, Inc.	159	5-4-61
Anti-s Serum	do		5-25-61
Tuberculin, Purified Protein Derivative	Glaxo Laboratories Ltd.	337	6-20-61

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE

Establishment	License No.	Date
Community Blood Service, Inc., St. Louis, Mo.	268	4-24-61
Armour Pharmaceutical Co., Division of Armour and Company of Chicago, Ill., Kankakee, Ill.	149	4-24-61
Wyeth Laboratories, Inc., Marietta, Pa.	144	5-16-61
Essex County Blood Bank, Inc., Newark N.J.	221	6-6-61
Knickerbocker Laboratories, Inc., Philadelphia, Pa.	324	6-23-61
Knickerbocker Blood Bank, Inc., New York, N.Y.	164	6-23-61

PRODUCT LICENSES REVOKED WITHOUT PREJUDICE

Product	Establishment	License No.	Date
Measles Immune Serum (Human)	Philadelphia Serum Exchange	139	4-5-61
Mumps Immune Serum (Human)	do		
Scarlet Fever Immune Serum (Human)	do		
Mumps Skin Test Antigen	do		
Measles Immune Serum (Human)	Milwaukee Blood Center, Inc.	187	4-28-61
Mumps Immune Serum (Human)	do		
Normal Human Serum	do		
Pertussis Immune Serum (Human)	do		
Poliomyelitis Immune Serum (Human)	do		
Scarlet Fever Immune Serum (Human)	do		
Anti-A,B Blood Grouping Serum	Jacksonville Blood Bank, Inc.	181	5-29-61
Citrated Whole Blood (Human)	Knickerbocker Laboratories, Inc.	324	6-23-61

[SEAL] RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

Approved:
J. STEWART HUNTER,
Assistant to the Surgeon General for Information, Public Health Service, Department of Health, Education, and Welfare.

[F.R. Doc. 61-7703; Filed, Aug. 11, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 532]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 9, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 63535. By order of August 7, 1961, The Transfer Board approved the transfer to Thomas W. Kidd, Jr., Inc., Point Road, Portsmouth, Rhode Island, of the operating rights authorized to Thomas W. Kidd, Jr., 144 Williston Street, Fall River, Mass., in Certificate No. MC 101527, issued August 5, 1941, authorizing the transportation of *such road-building commodities and excavated materials* as are transported in dump trucks and can be unloaded by dumping, and *road-building machinery* and *equipment*, in dump trucks, over irregular routes, between points in Bristol County, Mass., on the one hand, and, on the other, points in Bristol, Newport, and Providence Counties, R.I.

No. MC–FC 64203. By order of August 3, 1961, The Transfer Board approved the transfer to Downtown Movers, Inc., Brooklyn, N.Y., of Certificate No. MC 94926, issued April 3, 1941, to George H. Hocking, Yonkers, N.Y., authorizing the transportation of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island. David Brodsky, 1776 Broadway, New York, N.Y., attorney for Transferee. William D. Traub, 350–5th Ave., New York, N.Y., attorney for Transferor.

No. MC–FC 64350. By order of August 4, 1961, The Transfer Board approved the transfer to C. Lee Williams, doing business as Lee Williams Truck Service, Liberal, Kans., of Certificate No. MC 97830 Sub 2, issued May 10, 1955, to Harold Palmer, doing business as Palmer Truck Line, Tyrone, Texas; authorizing the transportation of: Commodities similar to those covered in the Mercer Description between points in Kansas, Oklahoma, and a specified portion of Texas. Dan Felts, P.O. Box 1117, Austin, Texas, attorney for applicants.

No. MC–FC 64364. By order of August 3, 1961, The Transfer Board approved the transfer to C. F. Schwartz, Inc., Dover, Del., of Certificates Nos. MC 11168, MC 11168 Sub 3, and MC 11168 Sub 6, issued March 20, 1942, April 21, 1950, and January 19, 1956, to Clarence F. Schwartz doing business as C. F. Schwartz, Dover, Del., authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, from Baltimore, Md., and Philadelphia, Pa., to Dover, Wyoming, and Georgetown, Del.; and from points in Pennsylvania, Maryland, and the District of Columbia within 90 miles of Wyoming, Del., to Wyoming, Del.; household goods, between points in Delaware, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia; canned goods, applebutter, ketchup and pickles, in containers, from points in Kent County, Del., to specified points in Virginia, Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia; lumber and shingles, from Elizabeth City, N.C., and Suffolk and Norfolk, Va., to Dover, Del.; coal, from specified points in Pennsylvania to points within 8 miles of Dover, Del., including Dover; and from Renova, Pa., to Dover, Pa.; tomato plants from specified points in Georgia to specified points in Delaware; agricultural commodities, from points in Kent and Sussex Counties, Del., and Allen, Md., to Baltimore, Md., Newark, N.J., Philadelphia, Pa., New York, N.Y., and Washington, D.C.; empty cartons from Delair, N.J., to Wyoming and Houston, Del.; concrete pipe, from Dover, Del., and Norfolk, Va., to specified counties in Virginia, Maryland and Delaware; concrete pipe and machinery and equipment used or useful in the manufacture of concrete pipe, between Dover, Del., and Norfolk, Va.; vinegar, from Biglersville, Pa., to Wyoming, Del.; insecticides and spray materials, from Philadelphia, Pa., and Baltimore, Md., to points in Kent and Sussex Counties, Del.; agricultural commodities, from points in Kent and Sussex Counties, Del., to Baltimore, Md., Philadelphia, Pa., and points in the District of Columbia; grain, from points in Kent County, Del., to Philadelphia, Pa., Ellicott City, and Baltimore, Md.; canned goods, from Frederica, Del., to Philadelphia, Pa., Baltimore, Perryville, and Aberdeen, Md., and points in the District of Columbia; lumber and fertilizer, from Baltimore, Md., to points in New Castle County, Del., except Wilmington, Del.; and radio cabinets, from Middletown, Del., to Philadelphia, Pa. Clarence F. Schwartz, MR 13, Dover, Delaware, representative for applicants.

No. MC–FC 64375. By order of August 7, 1961, The Transfer Board approved the transfer to La Greta Lowman Reely, doing business as Reely's Storage and Freight Terminal, Missoula, Mont., of Certificates Nos. MC 102649 and MC 102649 Sub 3, as amended, respectively, issued June 5, 1942, and May 21, 1945, to G. Evan Reely, doing business as Reely's Storage and Freight Terminal, authorizing the transportation of household goods, over irregular routes, between points in Montana, between points in Montana, on the one hand, and, on the other, points in Idaho, Oregon, Washington, California, and Nevada, and between points in Montana on and west of U.S. Highway 89, on the one hand, and, on the other, points in Wyoming, Colorado, Utah, Arizona, and North Dakota. Walter D. Matson, 1625 K Street NW., Washington 6, D.C., applicants' attorney.

No. MC–FC 64388. By order of August 4, 1961, The Transfer Board approved the transfer to John William Eldred, doing business as Conrad Transfer & Storage Company, 547 North 19th Street, Terre Haute, Ind., of Permit No. MC 109470, issued August 24, 1948, to Joseph A. Conrad, doing business as Conrad Transfer Company, 547 North 19th Street, Terre Haute, Ind., authorizing the transportation of such merchandise, as is dealt in by mail-order houses and their stores, over irregular routes, between Terre Haute, Ind., on the one hand, and, on the other, points in Illinois and Indiana within 50 miles of Terre Haute, Ind.

No. MC–FC 64428. By order of August 7, 1961, The Transfer Board approved the transfer to The A–Z Trucking Co., a Corporation, New Haven, Conn., of Certificate No. MC 109899 Sub 1, issued December 29, 1952, to Albert Zampiello doing business as A Z Trucking Company, East Haven, Conn., authorizing the transportation, over irregular routes of paper, paper articles, and wooden boxes, from New Haven, Conn., to points in New York and Massachusetts; electric fixtures, from New Haven, Conn., to points in Connecticut, New Jersey, and Massachusetts; wooden boxes, from points in Massachusetts to New Haven, Conn.; new furniture and materials and supplies used in the manufacture of new furniture,, between New Haven, Conn., on the one hand, and, on the other, points in Massachusetts, New York, New Jersey, Pennsylvania, Maryland, and the District of Columbia; and household goods, as defined by the Commission, between New Haven, Conn., and points within 30 miles thereof, on the one hand, and, on the other, points in Vermont, New Hampshire, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, and the District of Columbia. Ronald Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7695; Filed, Aug. 11, 1961; 8:47 a.m.]

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PART II

FEDERAL REGISTER

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FEDERAL HOUSING ADMINISTRATION

Revision of Regulations

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

REVISION OF REGULATIONS

Chapter II of Title 24 of the Code of Federal Regulations is reorganized and revised to read as set forth below. In this revision the parts have been renumbered and redesignated to correspond to the sections of the National Housing Act, as amended, except for the text of Subchapters A and B.

The following table lists the former part numbers and indicates their position in this revision of Chapter II.

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NEAL J. HARDY,
Federal Housing Commissioner.

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AUTHORITY: §§ 200.1 to 200.208 issued under sec. 2, 48 Stat. 1246, as amended, sec. 211, 52 Stat. 23, as amended, sec. 607, 55 Stat. 61, as amended, sec. 712, 62 Stat. 1281, as amended, sec. 907, 65 Stat. 301, as amended, sec. 807, 69 Stat. 651 as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f.

Subpart A—Origin and Establishment

§ 200.1 Creation.

The Federal Housing Administration (frequently referred to herein as the FHA) was created by the National Housing Act approved June 27, 1934 (48 Stat. 1246; 12 U.S.C. 1702) and amended by subsequent Acts of Congress.

§ 200.2 Status.

The Federal Housing Administration is a constituent agency of the Housing and Home Finance Agency pursuant to the provisions of Reorganization Plan No. 3 of 1947, effective July 27, 1947 (61 Stat. 954; 5 U.S.C. 133y–16 note).

§ 200.3 Purpose.

The Federal Housing Administration was established to encourage improvement in housing standards and conditions, to provide an adequate home financing system by insurance of housing mortgages and credit, and to exert a stabilizing influence on the mortgage market.

Subpart B—Functions and Programs

In General

§ 200.5 Scope of programs.

The Federal Housing Administration does not make loans or build housing but operates insurance programs under provisions of the National Housing Act. The FHA provides insurance against loss on home and housing project mortgages and property improvement loans made by private lending institutions and also insures yields on investments in rental housing for families of moderate income where no mortgage financing is involved. The various insurance programs are outlined in §§ 200.10 to 200.34, and more particularly described in other parts of this chapter.

§ 200.6 Application for lender approval.

An application for approval, as a mortgagee, as a loan correspondent or as a Title I lending institution is submitted on an appropriate form prescribed by the Commissioner. These forms may be obtained from any local FHA insuring office or from the Headquarters Office in Washington, D.C. When fully executed the form is submitted to the insuring office having jurisdiction for transmittal to the Headquarters Office, Washington, D.C.

Home Mortgage Insurance

§ 200.10 One- to four-family homes.

(a) The FHA insures mortgages on one- to four-family homes. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) The basic home mortgage insurance program is authorized under Title II, section 203(b) of the National Housing Act and governed by regulations contained in Part 203 of this chapter.

§ 200.11 Disaster damage to homes.

(a) The FHA insures mortgages given to finance the replacement of homes destroyed or extensively damaged by major disasters. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) This program is authorized under Title II, section 203(h) of the National Housing Act and governed by regulations contained in Part 203 of this chapter.

§ 200.12 Suburban and farm homes.

(a) The FHA insures mortgages on single-family owner-occupied homes located in outlying areas and small communities, and on farm homes located on plots of land 5 acres or more in size adjacent to public highways. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property.

(b) This program is authorized under Title II, section 203(i) of the National Housing Act and governed by regulations contained in Part 203 of this chapter.

§ 200.13 Homes for servicemen.

(a) The FHA insures mortgages on dwellings owned and occupied by servicemen on active duty with the Armed Forces or the Coast Guard. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property. Certification by the Secretary of Defense (or the Secretary of the Treasury, for Coast Guard personnel) is required to the effect that the serviceman requires housing and that he is and has been for more than 2 years on active duty.

(b) This program is authorized under Title II, section 222 of the National Housing Act and governed by regulations contained in Part 222 of this chapter.

§ 200.14 Homes for the elderly.

(a) The FHA assists persons 60 years of age or older who are seeking to purchase a home, by insuring mortgages on dwellings owned and occupied by such elderly persons. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the replacement cost of the property. Where the mortgagor is 60 years of age or over, a corporation or person other than the mortgagor may make the required downpayment and become a cosigner standing good for continuing payments.

(b) This program is authorized under Title II, section 203(b) of the National Housing Act and governed by regulations contained in Part 203 of this chapter.

§ 200.15 Homes for Armed Services civilian employees.

(a) The FHA insures mortgages covering sales of one- to four-family homes owned or occupied by civilian employees of the Armed Forces, or a contractor thereof, employed at military research and development installations. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the appraised value of the property. Certification by the Secretary of Defense is required regarding the status of the mortgagor as a civilian employee at the installation, the mortgagor's need for housing, the need for housing accommodations for civilian personnel at the installation and the permanency of the civilian personnel. The Secretary of Defense may be required to guarantee the insured mortgages if the Commissioner determines that the housing is not an acceptable risk.

(b) This program is authorized by Title VIII of the National Housing Act and governed by regulations contained in Parts 803 and 809 of this chapter.

§ 200.16 Other home mortgage assistance.

The FHA offers other types of home mortgage insurance assistance in connection with programs under other titles of the National Housing Act as indicated by §§ 200.30, 200.32, 200.33, and 200.34.

Project Mortgage Insurance

§ 200.20 Rental projects.

(a) The FHA insures mortgages, including advances made during construction, on rental projects of eight or more units. The mortgage may not exceed $12,500,000, except that it may be in an amount not to exceed $50,000,000 if the mortgagor is a public agency or a limited dividend, redevelopment or housing corporation, restricted by Federal or State laws or regulations of a State banking or insurance department. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the appraised value of the property.

(b) The basic rental housing project mortgage insurance program is authorized under section 207 of the National Housing Act. The regulations governing this activity are contained in Part 207 of this chapter.

§ 200.21 Rental housing for the elderly.

(a) The FHA assists in financing the construction or rehabilitation of rental housing for the elderly by nonprofit organizations approved by the FHA as to financial responsibility. Such organizations, including fraternal orders, church groups, labor organizations and retired teachers' associations, may obtain FHA insurance on mortgages to finance rental housing projects specially designed for use and occupancy of persons sixty years of age or over. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost of the property.

(b) This program is authorized under Title II, sections 207 (b) and (c) of the National Housing Act and governed by regulations contained in Part 207 of this chapter.

§ 200.22 Housing for Armed Services military personnel.

(a) The FHA insures mortgages on rental housing for military personnel of the armed forces including the Coast Guard, built under contract between the Secretary of Defense (or the Secretary of the Treasury for Coast Guard housing) and the builder on land owned or leased by the Government at or near military installations. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed the lowest of the following: replacement cost; an average of $16,500 per unit; or the amount of the successful bid.

(b) This program is authorized by Title VIII of the National Housing Act and governed by regulations contained in Parts 803 and 809 of this chapter.

§ 200.23 Investment insurance.

(a) In order to encourage investment in debt-free rental housing for families of moderate income the FHA insures the minimum amortization charge of 2 percent of the established investment (including all approved costs prior to initial occupancy) and a fixed annual return on the outstanding investment in an eligible project.

(b) This program is authorized under Title VII of the National Housing Act and governed by Parts 290 and 291 of this chapter.

§ 200.24 Other project mortgage assistance.

The FHA offers other types of project mortgage insurance in connection with programs under other titles of the National Housing Act as indicated by §§ 200.30, 200.31, 200.32, 200.33, and 200.34.

Cooperative Housing Insurance

§ 200.30 Cooperative projects.

(a) The FHA insures mortgages, including construction advances, on cooperative housing projects. The mortgagor may be a nonprofit cooperative ownership housing corporation or trust, the permanent occupancy of the dwellings being restricted to members of the corporation or beneficiaries of the trust (management-type project), or a nonprofit corporation or trust organized for the purpose of building homes for members (sales-type project) or a corporate investor that certifies to the FHA its intention of selling the project to a cooperative group within two years after completion (investor-sponsor project).

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage on project-type housing cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost of the property. In the case of sales-type projects, provision is made for the release of the individual properties from the blanket project mortgage, and the insurance of the individual mortgage covering the individual dwelling with the principal amount limited to the unpaid balance of the blanket mortgage allocable to the individual property as of the date of the release.

(c) This program is authorized under Title II, section 213 of the National Housing Act and governed by regulations contained in Part 213 of this chapter.

Trailer Courts and Parks Insurance

§ 200.31 Sites and facilities for mobile homes.

(a) The FHA insures mortgages on trailer courts and parks. The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the estimated value of the property after the improvements are completed. The insurance applies to mortgages on sites and facilities but not on the trailers themselves. The court or park must have at least fifty spaces on one site designed for rental use for trailers or mobile homes and must meet minimum requirements designed to improve the living conditions of the occupants.

(b) This program is authorized under Title II, section 207 of the National Housing Act and governed by regulations contained in Part 207 of this chapter.

Urban Renewal Insurance

§ 200.32 Residential rehabilitation.

(a) To assist in the elimination of slums and urban blight and the conservation of existing properties and neighborhoods or for disaster areas the FHA insures mortgages for financing the rehabilitation of existing salvable housing and the replacement of slums with new housing in areas for which, in other than disaster areas, urban renewal plans or urban redevelopment plans have been certified to FHA by the Housing and Home Finance Administrator. As a step preliminary to such certification the Administrator must have approved and certified a workable program designed for the entire community to eliminate slums and prevent the spread of urban blight, unless the plans were approved before the enactment of the Housing Act of 1954.

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on a ratio the loan bears to the replacement cost where the properties are approved for insurance prior to the beginning of construction or a ratio the loan bears to appraised value where the properties are not approved for insurance prior to the beginning of construction.

(c) This program is authorized under Title II, section 220 of the National Housing Act and governed by regulations contained in Part 220 of this chapter.

§ 200.33 Residential relocation.

(a) The FHA insures mortgages on low-cost housing for families from urban renewal areas or families displaced by reason of governmental action in a community that has a workable program for the elimination and prevention of slums and urban blight, or where a federally aided slum clearance and urban redevelopment project is being carried out. Also insurable are mortgages covering repair or rehabilitation or the construction of dwellings for rent if the mortgagor is a private nonprofit organization regulated under Federal or State laws.

(b) The mortgage transaction must be acceptable to the Commissioner and the maximum mortgage cannot exceed an amount computed under a statutory formula based on the ratio the loan bears to the replacement cost or value of the property.

(c) This program is authorized under Title II, section 221 of the National Housing Act and governed by regulations contained in Part 221 of this chapter.

Publicly Constructed Housing Insurance

§ 200.34 Miscellaneous type mortgages.

The FHA insures mortgages financing purchases of certain types of permanent housing sold by Federal and State Governments, including the first resale. This program is authorized under Title II, section 223 of the National Housing Act and governed by regulations set out in connection with each of the applicable insurance programs.

Property Improvement Loan Insurance

§ 200.35 Title I.

The FHA insures financial institutions against loss on loans made to finance alterations, repairs and improvements to existing structures and the building of small new structures for nonresidential use. This program is authorized under Title I, section 2 of the National Housing Act and governed by regulations contained in Part 201 of this chapter.

Subpart C—Organization and Management

§ 200.40 Commissioner.

The Federal Housing Administration is headed by a Commissioner appointed by the President by and with the advice and consent of the Senate.

§ 200.41 Administrative staff.

The principal administrative staff of the FHA includes the Deputy Commissioner, the General Counsel, and Assistant Commissioners, whose respective duties and areas of authority are indicated by their titles.

§ 200.42 Principal divisions.

Various Divisions have been established in the Headquarters office at Washington, D.C. which are altered as programs, authority and duties are changed from time to time.

§ 200.43 Zone Operations Commissioners.

The territory served by the Federal Housing Administration is divided into geographical zones or regions comprised of a group of field insuring offices. Each zone is headed by a Zone Operations Commissioner who is responsible to an Assistant Commissioner for the supervision, direction and coordination of all functions and responsibilities of the several offices within the regional jurisdiction established for the particular zone.

§ 200.44 Field Office Directors.

Each of the insuring offices is managed and supervised by a Director who is the operating head thereof and the representative of the FHA in the territory served by the insuring office. The Director is also responsible for the administration of those of the various service offices or valuation stations established in his territory.

Subpart D—Delegations of Basic Authority and Functions

DELEGATIONS TO PARTICULAR POSITIONS

§ 200.50 Statutory authority for delegations.

(a) Section 1 of Title I of the National Housing Act provides in part as follows:

• • • In order to carry out the provisions of this title and Titles II, III, VI, VII, VIII and IX, the Commissioner may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, • • •. The Commissioner may delegate any of the functions and powers conferred upon him under this title and Titles II, III, VI, VII, VIII and IX to such officers, agents and employees as he may designate or appoint • • •.

(b) Section 3 of Reorganization Plan No. 3 of 1947, effective July 27, 1947, provides in part as follows:

Federal Housing Administration. The Federal Housing Administration shall be headed by a Federal Housing Commissioner • • •. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

§ 200.51 Acting Commissioner.

The Deputy Commissioner, the Assistant to the Commissioner, the General Counsel, the Assistant Commissioner for Field Operations, the Assistant Commissioner for Multifamily Housing Operations, the Assistant Commissioner-Comptroller, and the Assistant Commissioner for Administration, in the order named, are designated by the Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights conferred on the Commissioner by the National Housing Act, as amended by Reorganization Plan No. 3 of 1947, by any other act of Congress or by any Executive order.

§ 200.52 Deputy Commissioner.

To the position of Deputy Commissioner there is delegated the basic authority and functions and to act with and for the Commissioner in the general administration of the Federal Housing Administration, in the determination of basic policy and in the general supervision, direction and coordination of all operations, activities and functions of the Federal Housing Administration, with full authority at all times to make any decision which the Commissioner is authorized to make and to issue any order which the Commissioner is authorized to issue.

§ 200.53 General Counsel and Associate General Counsel.

To the position of General Counsel and under his general supervision to the position of Associate General Counsel there is delegated the following basic authority and functions:

(a) To interpret the provisions of the National Housing Act and to prepare and interpret the rules and regulations thereunder.

(b) To direct all litigation affecting the Federal Housing Administration and to sign, acknowledge and verify on behalf of and in the name of the Commissioner, all declarations, bills, pleas, answers and all other pleadings in any court proceedings which are brought in the name of or against the Federal Housing Commissioner, or in which he is named as a party.

(c) To act for the FHA in the drafting of legislation and in the provision of legal advice with respect to legislation pertaining to the FHA and its program.

(d) On behalf of the Commissioner to receive and accept service of all summons, subpoenas and other court processes directed to the Commissioner.

(e) To administer all matters pertaining to the determination of acceptability of title and the preparation of legal forms necessary to the work of the Administration.

(f) To direct the submission of cases to the Attorney General for appropriate legal action.

(g) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

§ 200.54 Assistant Commissioner for Field Operations and Deputy.

To the position of Assistant Commissioner for Field Operations and under his general supervision to the position of Deputy Assistant Commissioner for Field Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and be a member of the Executive Board.

(b) To develop and recommend policies and establish operating plans and procedures for the insurance of home mortgages and property improvement loans.

(c) To direct all field operations other than the insurance and servicing of multifamily housing mortgages.

(d) To coordinate and have general supervision over the Zone Operations Commissioners responsible for program execution and activities in the field, and the Mortgagee Approval Section.

(e) To approve or cancel the approval of financial institutions as approved mortgagees.

(f) To approve or disapprove the erroneous or inadvertent noncollection or refund of fees.

(g) To issue or cancel contracts of insurance under Title I of the National Housing Act and transfer such contracts and the rights and benefits accruing thereunder between lending institutions, and to supervise activities in connection with the Certified Agency Program and to designate, qualify and certify approved mortgagees as agents of the Federal Housing Administration to process mortgage insurance applications and issue commitments for insurance.

(h) To exercise the authority of the Commissioner under the regulations governing the insurance of loans under section 2 of Title I of the National Housing Act in any instance which is subject to the approval of the Commissioner.

(i) To reject or accept for insurance loans or advances of credit made under the provisions of section 2 of Title I of the National Housing Act that require the prior approval of the Federal Housing Commissioner.

(j) To institute precautionary measures with respect to any dealer or contractor operating under the provisions of section 2 of Title I of the National Housing Act.

(k) To direct and supervise surveys of Title I lending institutions to assure compliance with established policies and terms of insurance contracts.

§ 200.55 Zone Operations Commissioners and Deputies.

To the position of Zone Operations Commissioner and to each of them, and under their general supervision to the position of Deputy Zone Operations Commissioner and to each of them there is delegated the following basic authority and functions:

(a) To direct the execution of policies, programs and activities of the Federal Housing Administration, other than the insurance and servicing of multifamily housing mortgages, in the geographical region under his jurisdiction.

(b) To determine and report the effect of FHA policies, rules and regulations and the attainment of program objectives in the operations under his jurisdiction, and to make basic policy and program recommendations with respect thereto.

(c) To establish regional policies for operations under his jurisdiction consistent with and in furtherance of basic policies and programs established by the Commissioner.

(d) To recommend issuance or cancellation of contracts of insurance under Title I of the National Housing Act and the transfer of such contracts and the rights and benefits accruing thereunder between lending institutions.

(e) To recommend approval, disapproval or cancellation of the approval of financial institutions as approved mortgagees.

(f) To supervise activities in connection with the Certified Agency Program and to designate, qualify and certify appraisers and inspectors under such program. This authority may be subdelegated to Field Office Directors.

§ 200.56 Field Office Directors and Assistants.

To the position of Field Office Director, and to each of them, and to the position of Assistant Field Office Director, and to each of them under the general supervision of the Field Office Director having jurisdiction there is delegated the following basic authority and functions to direct and supervise all activities of the Federal Housing Administration in the geographical area under his jurisdiction.

§ 200.57 Assistant Commissioner for Multifamily Housing Operations.

To the position of Assistant Commissioner for Multifamily Housing Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for coordination and general supervision of the Rental Housing Division, the Urban Renewal Division, the Cooperative Housing Division, and the Zone Multifamily Housing Offices, and for the direction of the insurance and servicing of multifamily housing mortgages.

(c) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(d) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

§ 200.58 Director of the Rental Housing Division and Deputy.

To the position of Director of the Rental Housing Division and under his general supervision to the position of Deputy Director of the Rental Housing Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Rental Housing Division.

(b) To direct the operation of all rental housing mortgage insurance programs, other than urban renewal, interpreting and supervising the application of policies, standards and procedures in the insurance and servicing of rental project mortgages.

(c) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

§ 200.59 Director of the Urban Renewal Division and Deputy.

To the position of Director of the Urban Renewal Division and under his general supervision to the position of Deputy Director of the Urban Renewal Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Urban Renewal Division.

(b) To direct rental project mortgage insurance operations under the urban renewal program and coordinate FHA participation in urban renewal, interpreting and supervising the application of policies, standards and procedures in the insurance and servicing of rental project mortgages under the urban renewal program.

(c) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

§ 200.60 Director of the Cooperative Housing Division and Deputy.

To the position of Director of the Cooperative Housing Division and under his general supervision to the position of Deputy Director of the Cooperative Housing Division there is delegated the following basic authority and functions:

(a) To direct the activities of the Cooperative Housing Division.

(b) To direct the operation of the cooperative housing program, interpreting and supervising the application of policies, standards and procedures in the insurance of cooperative housing mortgages and the servicing of insured cooperative housing mortgages.

(c) To provide technical advice and guidance to consumer groups concerning the organization, financing and management of cooperative housing projects.

(d) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property conveyed to the Federal Housing Commissioner and to approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

§ 200.61 Directors of the Zone Multifamily Housing Offices.

To the position of Director of the Zone Multifamily Housing Office and to each of them there is delegated the following duties and functions:

(a) To direct multifamily housing mortgage insurance operations and project mortgage servicing operations within the geographical zone under his jurisdiction.

§ 200.62 Assistant Commissioner for Technical Standards and Deputy.

To the position of Assistant Commissioner for Technical Standards and under his general supervision to the position of Deputy Assistant Commissioner for Technical Standards there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for coordination and general supervision of the Architectural Standards Division and the Appraisal and Mortgage Risk Division comprising the functions of establishing and maintaining standards, methods, procedures and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk and the provision of technical advice and guidance in these fields to all organizational elements of the Administration.

§ 200.63 Director of the Architectural Standards Division and Deputy.

To the position of Director of the Architectural Standards Division and under his general supervision to the position of Deputy Director of the Architectural Standards Division there is delegated the following basic authority and functions:

(a) To develop and maintain architectural and engineering standards, techniques and procedures.

(b) To develop and maintain methods, standards, techniques and procedures for construction cost estimation.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the fields of architecture, engineering and construction cost.

§ 200.64 Director of the Appraisal and Mortgage Risk Division and Deputy.

To the position of Director of the Appraisal and Mortgage Risk Division and under his general supervision to the position of Deputy Director of the Appraisal and Mortgage Risk Division there is delegated the following basic authority and functions:

(a) To develop and maintain standards, procedures and techniques for the valuation of property, determination of acceptability of mortgage credit, land planning and for the over-all determination of mortgage risk and the acceptability of mortgage risks for insurance.

(b) To provide technical advice and guidance to all organizational elements of the Administration in the fields of valuation, mortgage credit, land planning and risk determination.

§ 200.65 Assistant Commissioner for Programs and Deputy.

To the position of Assistant Commissioner for Programs and under his general supervision to the position of Deputy Assistant Commissioner for Programs there is delegated the following basic authority and functions:

(a) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Commissioner for the coordination and general supervision of the Program Division and the Research and Statistics Division comprising the functions of coordination of the development and formulation for the approval of the Commissioner of basic programs and related policies and program planning and the appraisal of programs and program objectives, and the maintenance of a program of housing market analyses, housing statistics, advice and counsel on economic problems, conduct of actuarial studies, and the provision of a complete actuarial service for all insurance programs.

§ 200.66 Director of the Research and Statistics Division and Deputy.

To the position of Director of the Research and Statistics Division and under his general supervision to the position of Deputy Director of the Research and Statistics Division there is delegated the following basic authority and functions:

(a) To provide advice and counsel on economic problems.

(b) To maintain a program of housing market analysis.

(c) To maintain a program of housing statistics and statistics on the operations of the Federal Housing Administration.

(d) To conduct actuarial studies and provide complete actuarial service for all insurance programs.

§ 200.67 Director of the Program Division.

To the position of Director of the Program Division there is delegated the following basic authority and functions:

(a) To develop and recommend basic program plans and related policies.

(b) To maintain a continuing appraisal of the effectiveness of programs and policies.

(c) To assist and advise with respect to the development and evaluation of legislative proposals affecting the programs of the Federal Housing Administration.

§ 200.68 Assistant Commissioner for Administration and Deputy.

To the position of Assistant Commissioner for Administration and under his general supervision to the position of Deputy Assistant Commissioner for Administration there is delegated the following basic authority and functions:

(a) To be responsible for a comprehensive program of administrative management and services, comprising all personnel policy, procedures and activities; organizational structures and related matters; all budget activities; contracting procurement, supply, printing, space management, library, and other office services; management surveys; forms and records management; coordination and maintenance of the FHA Manual, directives and other issuances and instructional material; and to be in charge of the Personnel Division, the Budget Division, the General Services Division, and the Management Division.

(b) To make or cause to be made under his direction appointments, promotions, demotions, transfers, reassignments, removals and separations of personnel; to fix or direct the fixing of the administrative workweek; to approve or direct the approval of overtime work and to prescribe or approve rules, procedures, and regulatory requirements regarding overtime; to act as representative of the Federal Housing Administration with the Civil Service Commission and to maintain liaison with other government agencies and other organizations with respect to personnel matters.

(c) To make or cause to be made under his direction budget estimates, requests for apportionment, and allotments of funds; and to represent the Federal Housing Administration on budget matters with the Bureau of the Budget and other government agencies and organizations.

(d) To execute or cause to be executed under his direction all contracts for goods and services, agreements and leases for office space, and certificates of need in connection with space requirements; to approve or cause to be approved under his direction travel and transportation of household goods and personal effects; to approve or supervise the disposition of personal property, other than that acquired under insurance contracts, the issuance of orders for publication of notices and advertisements in newspapers, magazines and periodicals, and arrangements for the provision of necessary services and relocation sites for field offices in connection with civil defense activities; and to represent the Federal Housing Administration with the General Services Administration and other government agencies on administrative service matters.

(e) To take any action authorized to be taken by any division or office within his jurisdiction.

(f) To act for the Commissioner in approving the settlement of tort claims for and against the Commissioner and the execution of releases or other instruments required in connection therewith.

(g) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(h) To develop, review, evaluate and recommend to the Commissioner organizational structure, delegations of authority, and distribution of functions.

§ 200.69 Director of Personnel and Deputy.

To the position of Director of Personnel and under his general supervision to the position of Deputy Director of Personnel there is delegated the following basic authority and functions:

(a) To be responsible for the development, establishment and operation of a comprehensive personnel program, including employment, selection and placement, standards, position classification, employee relations, training and incentive awards.

(b) To make appointments, promotions, demotions, transfers and reassignments of personnel, and to remove or separate personnel; to fix the administrative work week; to approve overtime work, and to prescribe rules and regulations regarding overtime.

(c) To represent the Federal Housing Administration with the Civil Service Commission and with other government agencies and organizations with respect to personnel matters.

§ 200.70 Director of the Budget Division and Deputy.

To the position of Director of the Budget Division and under his general supervision to the position of Deputy Director of the Budget Division there is delegated the following basic authority and functions:

(a) To direct all budget activities of the Federal Housing Administration and to represent the Federal Housing Administration in budget matters with the Bureau of the Budget and with other government agencies and organizations.

(b) To be responsible for the development and execution of the budget program, including the preparation of budget estimates and justification therefor; the preparation of requests for apportionment of funds and justification therefor; and the allotment of funds within the limits of appropriation acts, apportionments and other limitations.

§ 200.71 Director of the General Services Division and Deputy.

To the position of Director of the General Services Division and under his general supervision to the position of Deputy Director of the General Services Division there is delegated the following basic authority and functions:

(a) To be responsible for a program of general services, including contracting and procurement, rental and assignment of office space, telecommunications, printing and publication, administrative property control, mail and messenger, stenographic pool, travel service and library.

(b) To execute all contracts, incur obligations, and authorize expenditures for services and procurement, including brokers' agreements, contracts for performance on a fee basis of technical or professional consulting services and contracts for materials, equipment and services for the maintenance and operation of acquired properties.

(c) To execute all agreements for office space and collateral services throughout the United States, to obligate the Federal Housing Administration for the payment of rents and charges in connection therewith, and to negotiate and execute lease agreements for the field office space and services beyond the continental limits of the United States.

(d) To represent the Federal Housing Administration and maintain liaison with the General Services Administration and other Government agencies in all general services matters.

(e) To execute Certificates of Need in connection with space requirements in Federal Lease-Purchase projects.

(f) To issue travel orders and to authorize or approve transportation of household goods and personal effects.

(g) To dispose of personal property of the Federal Housing Administration other than that acquired under insurance contracts.

(h) To issue orders for publication of notices and advertisements in newspapers, magazines and periodicals.

(i) To provide logistic, communications and other necessary services. Issues necessary Civil Defense identification for Headquarters and Field. Approves emergency relocation sites for Field Offices.

§ 200.72 Director of the Management Division.

To the position of Director of the Management Division there is delegated the following basic authority and functions:

(a) To direct comprehensive management engineering surveys of Washington and field operations and activities for the purpose of improving the efficiency, economy and effectiveness of operations and to develop specific recommendations for the accomplishment of these purposes.

(b) To assist in the development of the detailed plans and procedures for carrying out approved recommendations.

(c) To assist in, and to coordinate, the installation of approved recommendations.

(d) To evaluate the results of approved recommendations.

(e) To direct a comprehensive forms and records management program.

(f) To coordinate and maintain the FHA Manual, directives and other issuances and instructional material.

§ 200.73 Assistant Commissioner for Audit and Examination and Deputy.

To the position of Assistant Commissioner for Audit and Examination and under his general supervision to the position of Deputy Assistant Commissioner for Audit and Examination there is delegated the following basic authority and functions:

(a) To be responsible to the Commissioner for the coordination and general supervision of the Audit Division and Examination Division comprising the following functions:

(1) The maintenance of a continuing comprehensive fiscal audit program, both internal and external, including audit of mortgagees, mortgagors, and rental brokers for the purpose of providing the Commissioner with continuing assurance of the soundness and integrity of operations; conformity with applicable laws, regulations, policies, standards, and procedures;

(2) The maintenance of a continuing independent check on operations of the Federal Housing Administration for adherence to statutory and regulatory requirements and established procedures, policies, standards and management practices; the evaluation of attainment of objectives;

(3) The recommendation of investigation and action by responsible authorities in cases of suspected violation of statutes or contract terms.

(b) To act for the Commissioner in the determination of noncompliance with statutes, including the criminal statutes, rules, regulations, policies, procedures and instructions governing FHA operations and participants in FHA programs; to direct remedial action; and to clear, expedite, coordinate and provide liaison with respect to investigation requests to, and investigative reports from, the Office of the Administrator, Housing and Home Finance Agency.

(c) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

§ 200.74 Auditor and Deputy.

To the position of Auditor and under his general supervision to the position of Deputy Auditor there is delegated the following basic authority and functions:

(a) To be responsible for a continuing audit of the fiscal accounts of the Administration, including the fiscal accounts of the field offices, and the accounts of approved mortgagees not under governmental supervision, to determine compliance with the supervision requirements of the administrative regulations.

(b) To conduct audits of mortgagees and mortgagors participating in the insurance programs of the Administration, including on-site examination of fiscal records and accounts of such mortgagees and mortgagors.

(c) To conduct audits of the accounts and records of rental brokers including on-site audits and examinations of such accounts and records, to effect compliance with the fiscal and administrative requirements of the Administration.

§ 200.75 Director of the Examination Division and Deputy.

To the position of Director of the Examination Division and under his general supervision to the position of Deputy Director of the Examination Division there is delegated the following basic authority and functions:

(a) To conduct comprehensive periodic and special examinations of FHA operations and activities, except those of a fiscal and financial character, for adherence to statutory and regulatory requirements, established procedures, standards, and management practices; and to evaluate and report on compliance with requirements and attainment of objectives.

(b) To develop recommendations for further investigations by appropriate authorities in cases of suspected violations of existing statutes, regulatory requirements, or contract terms.

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

To the position of Assistant Commissioner-Comptroller, and under his general supervision to the position of Deputy Assistant Commissioner-Comptroller, there is delegated the following basic authority and functions:

(a) To be responsible to the Commissioner for coordination and general supervision of the Procedures Branch, Financial Reports Branch, the Accounting Branch, the Insurance Branch, and the Fiscal Branch.

(b) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(c) To be responsible to the Commissioner to devise and establish insurance fiscal servicing, accounting and fiscal procedures and to administer the fiscal policies and activities of FHA; and to provide or cause to be provided under his direction technical advice and guidance to all organizational elements of the FHA in the fields of accounting, electronic data processing, insurance fiscal servicing and fiscal matters.

(d) To be responsible to the Commissioner for the establishment and maintenance of appropriate accounting, fiscal and mortgage insurance controls and for the safeguarding of cash, notes, mortgages, negotiable instruments, checks, securities, debentures, contracts and properties.

(e) To develop and recommend policies, rules and procedures covering all phases of the settlement of Title I claims and the liquidation of defaulted Title I loans acquired in connection therewith.

(f) To exercise the authority of the Commissioner in any instance which is subject to the approval of the Commissioner in connection with the settlement of claims under section 2 of Title I of the National Housing Act and the liquidation of defaulted Title I loans acquired in connection therewith, including (1) the acceptance and execution of compromise agreements in the settlement of such claims; (2) the charge off of any amounts due FHA where the account has been compromised, or it is determined that the account is uncollectible or unrecoverable; (3) the execution of documents necessary to transfer title in and to any debt, contract claim, property, or security; (4) proofs of claim against bankrupt, insolvent or decedent estates; (5) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (6) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full.

(g) To direct and supervise periodic portfolio examinations of institutions insured under the provisions of section 2 of Title I of the National Housing Act.

(h) To recommend investments for the insurance funds of FHA, liquidation of investments and redemption of debentures and to maintain liaison with the Treasury Department in the execution of fiscal proposals.

(i) To certify financial statements.

(j) To designate certifying officers and to revoke such designation, to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, and perform all functions pertaining to the bonding of FHA employees, pursuant to applicable statutes, regulations, and the standards and procedures of the Secretary of the Treasury thereunder.

(k) To submit to the Treasury Department (1) authorizations for (i) purchase of U.S. Government securities, pursuant to agreements between mortgagors or other depositors and FHA and (ii) sale and disposition of U.S. Government securities purchased for mortgagors or other depositors, received as a result of assignment of insured mortgages or as a result of other agreements; (2) for safekeeping, U.S. Government securities deposited in accordance with mortgagor corporate charters, regulatory or special agreements; and (3) requests for withdrawal of U.S. Government securities.

(l) To provide or cause to be provided under his direction an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(m) To develop and maintain or cause to be developed and maintained under his direction a program for the fiscal servicing of all Commissioner-held home and project mortgages; to execute or cause to be executed under his direction all vouchers for expenditures from mortgagor's escrow accounts, for payment of taxes on home and project properties where title is vested in the Commissioner and, with respect to home properties acquired by the Commissioner, vouchers for payment of excess proceeds to effect final settlement on certificates of claim; and to execute and receipt or cause to be executed and receipted under his direction applications and receipts for any payments received representing refunds of taxes or other payments made by the Commissioner in connection with property acquired by the Commissioner under the provisions of the National Housing Act.

(n) To keep or cause to be kept under his direction the seal of the Administration and to employ the seal in the execution of Certificates of Claim issued to mortgagees; to certify as to delegations of authority by the Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of FHA; to prepare and execute notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Commissioner-held mortgages at foreclosure trials; and to maintain the Archives files of FHA.

(o) To recommend to the Commissioner (1) the terms and conditions under which FHA offers to sell purchase money mortgages and assigned mortgage notes to approved mortgagees, (2) upon approval of the recommendation makes offers for the sale of such mortgages and assigned notes, and (3) executes in the name of the Commissioner acceptance of such offers.

(p) To execute satisfactions of Commissioner-held mortgages when the mortgage indebtedness has been paid in full.

(q) To endorse checks or other negotiable instruments for deposit or collection and loss drafts relating to insurance coverage on Commissioner-held home and project mortgages.

(r) To approve or cause to be approved under his direction all expenditures and to receipt or cause to be receipted under his direction all vouchers necessary to carry out the provisions of the National Housing Act.

(s) To certify or cause to be certified under his direction that all required documents, information and approvals respecting each transaction are present; verify or cause to be verified under his direction the accuracy of the computations, the consistency of the information included in the various documents and determine or cause to be determined under his direction that the transactions are in strict accordance with all applicable regulations, decisions and laws.

(t) To approve or disapprove or cause to be approved or disapproved under his direction amounts claimed by mortgagees in their claim for debentures and certificate of claim, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner; to execute Certificates of Claim and certify the requisitions to the Treasury Department for the issuance of debentures; to certify vouchers for cash settlement of claims; and to approve or disapprove the purchase of debentures submitted by mortgagees in connection with mortgage insurance premium payments.

(u) To extend or cause to be extended under his direction the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(v) To maintain or cause to be maintained under his direction liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting, insurance fiscal servicing and fiscal matters and to collaborate with such departments and agencies in the formation of accounting and fiscal programs.

(w) To cancel or cause to be cancelled under his direction insurance endorsement on insured mortgages where a joint request for termination is made by the mortgagor and mortgagee, or where the insurance endorsement is otherwise to be cancelled.

(x) To take any action authorized to be taken by any branch or office within his jurisdiction.

§ 200.78 Accounts Officer and Deputies.

To the position of Accounts Officer, and under his general supervision to the positions of Deputy Accounts Officer for General Accounting and Deputy Accounts Officer for Mortgage Note and Property Accounting, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Branch.

(b) To devise and establish accounting procedures and policies and to maintain official accounting records for all activities of the Administration.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the field of accounting.

(d) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting matters and to collaborate with such departments and agencies in the formation of accounting programs.

(e) To provide an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to surveying, programming and cost analysis of proposed conversions to such processing.

(f) To develop and maintain a program for the fiscal servicing of Commissioner-held home mortgages including the execution of vouchers for all related expenditures from mortgagors' escrow accounts.

(g) To execute vouchers for payment of taxes, insurance and repairs on home properties where title is vested in the Commissioner and for payments of excess proceeds to effect final settlement with mortgagees on certificates of claim and to mortgagors under provisions of the National Housing Act.

(h) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic accounting policy.

§ 200.79 Insurance Officer and Deputy.

To the position of Insurance Officer, and under his general supervision to the position of Deputy Insurance Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Insurance Branch.

(b) To devise and maintain procedures relating to the establishment of mortgage insurance records, the modification and termination of such insurance for home and project mortgages and to register Title I loans reported for insurance.

(c) To provide fiscal and technical advice and guidance with respect to mortgage modifications prior to administrative approval.

(d) To cancel insurance endorsement on insured mortgages when a joint request for termination is made by the mortgagor and mortgagee, or when the insurance endorsement is otherwise to be cancelled.

(e) To ascertain sufficiency of renewal and adjusted premium collections with respect to termination of insurance; authorize refund of unearned premiums collected or institute billing for the collection of premiums due.

(f) To authorize payment of earned distributive shares in the Participation Reserve Account of the Mutual Mortgage Insurance Fund to the rightful recipients thereof.

(g) To devise and maintain procedures relating to the fiscal servicing of Commissioner-held project mortgages and to execute vouchers for payment of all expenditures from mortgagor escrow accounts relating thereto.

(h) To develop and maintain fiscal procedures for the operation of Commissioner-owned project properties by agents of the Commissioner under contract for the management of such properties; to provide advice and guidance to those agents with respect to such fiscal procedures, and to execute vouchers for payment of real estate taxes, special assessments, hazard insurance, and repairs relating to such properties.

(i) To certify vouchers in payment of Title I claims representing the insurable loss sustained and to refund to the remitter of record any collections obtained in excess of the established indebtedness.

(j) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic insurance fiscal servicing policy.

§ 200.80 Fiscal Officer and Deputy.

To the position of Fiscal Officer, and under his general supervision to the position of Deputy Fiscal Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Fiscal Branch.

(b) To devise and establish fiscal procedures and to administer the fiscal policies and activities of the Administration.

(c) To approve all operating and property expenditures and receipt vouchers necessary to carry out the provisions of the National Housing Act upon his determination that they are in accordance with applicable regulations, decisions and laws.

(d) To certify that all required documents, information and approvals respecting operating and property expense and debenture transactions are present; verify the accuracy of the computations, the consistency of the information included in the various documents; and determine that the transactions are in strict accordance with all applicable regulations, decisions and law.

(e) To approve or disapprove amounts claimed by mortgagees in debentures or cash settlements, including amounts claimed for operating, protecting and preserving properties prior to conveyance to the Commissioner.

(f) To extend the period of time for submission of fiscal data or title evidence supporting a mortgagee's application for debentures.

(g) To execute in the Commissioner's name, in connection with Section 2 of Title I of the National Housing Act, (1) documents necessary to transfer title in and to any debt, contract claim, property, or security; (2) proofs of claim against bankrupt, insolvent or decedent estates; (3) releases of obligations to the FHA, including notes, judgments and other evidences of indebtedness; and (4) releases of liens of any sort held as security for such obligations, in those cases where the obligation has been paid in full; and to employ the seal of the Administration to certify as to the truth or accuracy of such documents, proofs, or releases.

(h) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on fiscal matters and to collaborate with such departments and agencies in the formation of fiscal programs.

(i) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic fiscal policy.

§ 200.81 Assistant Commissioner for Property Disposition and Deputy.

To the position of Assistant Commissioner for Property Disposition and under his general supervision to the position of Deputy Assistant Commissioner for Property Disposition there is delegated the following basic authority and functions:

(a) To direct the activities of the Property Management Division.

(b) To formulate procedures for the operation and management of all properties conveyed to the Federal Housing Commissioner.

(c) To develop and maintain a program for the management, operation and disposition of all properties conveyed to the Federal Housing Commissioner and, as required, to operate and manage such properties in accordance with general policies promulgated by the Property Management Committee and approved by the Commissioner, including authority with respect to such property to:

(1) Approve all offers to rent or purchase, except that offers to purchase 12 or more living units acquired by the Commissioner under any title of the Act shall be subject to the approval of the Property Disposition Committee.

(2) Make repairs, alterations and improvements.

(3) Execute such contracts, leases, assignments and instruments as may be necessary in the rental or sale of such properties other than deeds or other documents in connection with the conveyance of title, deeds of release, assignments or satisfactions of mortgages, deeds of trust or other liens taken as security in connection therewith.

(4) Authorize expenditures.

(d) To handle and dispose of claims of the mortgagee against the mortgagor or others arising out of mortgage transactions and assigned to the Commissioner in connection with home mortgage insurance operations.

(e) To review and evaluate default experience with respect to FHA insured home mortgages and provide technical advice and guidance to the field offices in their supervision of the home mortgage servicing practices of approved mortgagees.

(f) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

DELEGATIONS TO COMMITTEES

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Commissioner, Chairman; Deputy Commissioner, Vice Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Multifamily Housing Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Audit and Examination; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; and Assistant Commissioner for Property Disposition.

(b) *Functions.* The functions of the Executive Board are to consider and advise with respect to basic policy, plans

and general program matters of the Administration.

§ 200.86 Security Committee.

(a) *Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Assistant Commissioner for Administration, Vice Chairman; and Assistant Commissioner for Field Operations.

(b) *Functions.* The functions of the Security Committee are:

(1) To make recommendations to the Commissioner from time to time with respect to the designation of sensitive positions under the Security Regulations of the FHA, or the revocation of such designations.

(2) To advise with and make recommendations to the Commissioner regarding any security matter which the Personnel Security Officer may bring before the committee for advice or consultation.

§ 200.87 Management Improvement Committee.

(a) *Members.* The Management Improvement Committee is comprised of the following members: Director of Management Division, Chairman; Director of Personnel, Vice Chairman; and one designee of each of the following: Assistant Commissioner-Comptroller; Assistant Commissioner for Multifamily Housing Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Field Operations; and Director of Budget Division.

(b) *Functions.* The functions of the Management Improvement Committee are to maintain and operate an FHA Employee Suggestion System within the framework of the over-all Employee Awards Program.

§ 200.88 Property Disposition Committee.

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Commissioner, Chairman; General Counsel; Assistant Commissioner for Field Operations; Assistant Commissioner for Multifamily Housing Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Commissioner shall designate.

(b) *Functions.* The functions of the Property Management Committee are: To pass upon and determine the action to be taken with respect to the acceptance or rejection of any offer to purchase a property of 12 or more living units or any mortgage acquired by the Commissioner in connection with multifamily housing mortgage insurance under any title of the Act, the sale and terms of sale of mortgages taken as security in connection with the sale of such properties, and to establish general policies with respect to the disposition of acquired properties and mortgages. The minutes of the Committee reflecting its determinations shall constitute the basis of acceptance or rejection of such offers and the execution of all documents and instruments relating and incident thereto by the Assistant Commissioner for Property Disposition or his Deputy.

(2) To determine whether or not an expenditure is "necessary to carry out the provisions" of Titles I, II, VI, VII, VIII and IX as such term is used in section 1 of the National Housing Act, and to approve such expenditure for and on behalf of the Commissioner whenever such a determination and approval is, in the opinion of the General Counsel, necessary to support the legal authority of the Commissioner to make such expenditure.

(3) In connection with the functions of this committee, the Chairman is authorized to execute in the official name of the Commissioner, as his agent, all contracts of sale, deeds or any other documents or instruments necessary in connection with the sale of properties or with conveyance of title of such properties.

(4) This committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller, in the official FHA records.

§ 200.89 Substantial Compliance Committee.

(a) *Members.* (1) The Substantial Compliance Committee is comprised of the following members: Assistant Commissioner-Comptroller, Chairman; Assistant Commissioner for Administration; Assistant Commissioner for Programs; Assistant Commissioner for Field Operations; and the General Counsel, or their designees.

(2) Three members shall constitute a quorum.

(b) *Functions.* The functions of the Substantial Compliance Committee are to waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit and purchases may be insured under section 2 of Title I of the National Housing Act if, in the judgment of the committee, the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and has refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation which would have been involved if the regulations had been fully complied with.

(c) *Minutes.* This committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller, in the official FHA records.

§ 200.90 Finance Committee.

(a) *Members.* The Finance Committee is comprised of the following members: Director, Research and Statistics Division, Chairman; Assistant Commissioner-Comptroller, and the Associate General Counsel.

(b) *Functions.* The functions of the Finance Committee are;

(1) To consider and make recommendations to the Commissioner for the investment of moneys held in the various insurance funds, not needed for the current operations of the FHA, in bonds or other obligations of the United States, or in bonds or other obligations guaranteed as to principal and interest by the United States.

(2) To make recommendations to the Commissioner from time to time with respect to (i) the liquidation of investments held in the name of the Commissioner and (ii) redemption of debentures.

(3) To make recommendations to the Commissioner with respect to the distribution between the General Surplus Account and the Participating Reserve Account of the net income received or net loss sustained by the Mutual Mortgage Insurance Fund in any semiannual period.

(4) To make recommendations to the Commissioner for the establishment of annual valuation reserves on assets acquired pursuant to the terms of insurance contracts under the various insurance funds.

(5) To advise with and make recommendations to the Commissioner with respect to other matters referred to the Committee by the Commissioner.

(c) *Minutes.* The Finance Committee shall meet at the call of the Chairman and shall maintain minutes of each meeting. The minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of the minutes shall be retained by the Assistant Commissioner-Comptroller, in the official FHA records.

MISCELLANEOUS DELEGATIONS

§ 200.95 Field Office Chiefs of Operations.

To the position of Field Office Chief of Operations, and to each of them, there is delegated the following duties and functions:

(a) To execute regulatory agreements and to issue eligibility statements and commitments for insurance and to execute insurance contracts pursuant to such commitments.

(b) To approve a change in amount, a change in term, extension of the date of commencement of construction, extension of the expiration date, or any other modification in the commitment for insurance or insurance contract.

(c) To approve permissible refunds of processing fees.

(d) To consent to the release of mortgagors.

(e) To consent to the release of portions of mortgaged property from the lien of the mortgage.

(f) To approve or disapprove for mortgage insurance advances of mortgage money during construction and execute such instruments as may be necessary in connection therewith.

(g) To approve or disapprove "Change Orders" during construction.

(h) To direct field office physical inspections of properties covered by insured project mortgages, examination of operating reports and mortgagee annual inspection reports, and to institute corrective action to cure deficiencies disclosed by such inspections and reports.

(i) To approve or disapprove requests from mortgagors for permission:

(1) To furnish rental units.

(2) To provide tenants with equipment or services not contemplated in the original processing of the application for mortgage insurance or, in the case of a Commissioner-held purchase money mortgage, not contemplated at the time of sale.

(3) To alter, modify, or add to the physical structure.

(4) To withdraw funds from replacement reserves for replacement of items originally scheduled.

(j) To approve or disapprove rent increases and seasonal rental charges in rental projects covered by insured or Commissioner-held mortgages and to investigate and determine action to be taken on tie-in charges for apartment, garage, furniture, and equipment rentals.

(k) To approve or disapprove the plan of management of cooperative mortgagors under an insured mortgage.

(l) In connection with cooperative projects covered by insured mortgages, to determine the adequacy of carrying charges and approve or disapprove such charges.

(m) To exercise the authority of the Commissioner, where required, in granting prior credit approval under the provisions of Title I of the National Housing Act and regulations thereunder.

(n) To approve or disapprove requests of a mortgagee to obtain title by deed in lieu of foreclosure to property covered by an insured home mortgage.

(o) To approve or disapprove requests of mortgagees for extension of the regulatory period for commencement of foreclosure, the regulatory period for election to assign the mortgage to the Commissioner, and the regulatory period within which to tender properties to the Commissioner.

(p) To approve or disapprove plans to reinstate defaulted Commissioner-held mortgages and to initiate action to cure defaults of Commissioner-held and insured mortgages.

(q) In connection with the new home loan provisions of the regulations issued pursuant to Title I of the National Housing Act, to approve the sale by insured institutions of acquired property where the insured institution exercises its option to sell the property in the open market in lieu of conveyance to the Commissioner.

(r) To assess late charges against delinquent mortgagors under Commissioner-held home mortgages.

(s) To determine and initiate action to acquire properties under defaulted Commissioner-held home mortgages by foreclosure.

(t) To direct the affairs of mortgagor corporations when control has been assumed by the Federal Housing Commissioner as preferred stockholder.

(u) To execute contracts for supplies and services in accordance with the provisions of the Field Operating Manual and as approved by the Assistant Commissioner for Property Disposition either specifically or as a part of an acquired property management program.

(v) To execute contracts for the sale of any properties and projects owned by the Federal Housing Commissioner upon approval of any such sale by competent authority.

(w) In connection with the sale of Commissioner-owned properties or projects, to consent to the assignment of the interest of the contract purchaser under a contract for deed and to the substitution of mortgagor under a mortgage held by the Commissioner.

(x) To execute applications and other documents in connection with any function which the Federal Housing Administration may perform for any other agency or agencies of the United States.

(y) To endorse loss drafts and checks for settlement of claims for insurance losses on insured mortgages and Commissioner-held mortgages, both home and multifamily.

§ 200.96 Field Office Directors and Assistants and Directors of Zone Multifamily Housing Offices.

To the position of Field Office Director, and to each of them; to the position of Assistant Field Office Director, and to each of them, and with respect to insurance and servicing of multifamily housing project mortgages to the position of Director of Zone Multifamily Housing Office, and to each of them, there is delegated the duties and functions as set forth in § 200.95.

§ 200.97 Assistant Commissioner for Field Operations and Deputy and Zone Operations Commissioners and Deputies.

To the position of Assistant Commissioner for Field Operations but not to the positions of Deputy Assistant Commissioner for Field Operations, Zone Operations Commissioner and Deputy Zone Operations Commissioner, there is delegated the following duties and functions as they apply to home mortgage insurance operations:

(a) To exercise the authority of the Commissioner under the Administrative Regulations pursuant to any section or title of the National Housing Act in any instance requiring the approval of the Commissioner.

(b) (1) To approve the insurance of mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner.

(2) To the position of Assistant Commissioner for Field Operations, to the position of Deputy Assistant Commissioner for Field Operations and to the position of Zone Operations Commissioner, and to each of them, and to the position of Deputy Zone Operations Commissioner, and to eaoh of them, there is delegated, as they apply to home mortgage insurance operations, the duties and functions as set forth in § 200.95.

§ 200.98 Assistant Commissioner for Multifamily Housing Operations and Directors under his supervision.

To the position of Assistant Commissioner for Multifamily Housing Operations, to the position of Director, and to each of them under his supervision, there is delegated the following duties and functions as they apply to the insurance and servicing of multifamily housing mortgages:

(a) To exercise the authority of the Commissioner under the Administrative Regulations pursuant to any section or title of the National Housing Act in any instance requiring the approval of the Commissioner.

(b) (1) To approve the insurance of mortgages taken as security in connection with the sale of properties conveyed to the Federal Housing Commissioner.

(2) To the positions in this section there are delegated the duties and functions as set forth in § 200.95.

§ 200.99 Assistant Commissioner for Property Disposition.

To the position of Assistant Commissioner for Property Disposition there is delegated the duties and functions set forth in § 200.95 as they apply to the acquisition, maintenance, and disposition of real property and the servicing of one- to four-family mortgages.

§ 200.100 Assistant Commissioners.

To the position of Assistant Commissioner, and to each of them, in addition to the authority granted under the provisions of section 204 (g) of the National Housing Act, there is delegated the following duties and functions:

(a) To execute in the name of the Commissioner proofs of claim against bankrupt, insolvent and decedent estates.

(b) To execute releases of obligations, including notes, judgments and other evidences of indebtedness, and to release liens of any kind held as security for such obligations.

(c) To execute the power and authority vested in the Commissioner under the regulations governing property and obligations held by the Federal Housing Commissioner and approved by the Secretary of the Treasury.

§ 200.101 Division Directors and their Superiors, the General Counsel, Field Office Directors and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director, and to each of them, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government,

pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

§ 200.102 Classified Information Control Officer.

To the position of Classified Information Control Officer there is delegated the following duties and functions:

(a) To receive all classified information addressed to the Federal Housing Administration and to be responsible for the proper dissemination thereof.

(b) To safeguard all classified information in accordance with established security standards.

(c) To keep all officials of the FHA advised of security standards and requirements with respect to the safeguarding and dissemination of classified information.

§ 200.103 Personnel Security Officer and Deputy.

To the position of Personnel Security Officer and under his direction and supervision to the position of Deputy Security Officer there is delegated the following duties and functions:

(a) To be responsible for the establishment and administration of a security program in the Federal Housing Administration.

(b) To participate in conferences and discussions as the security representative of the FHA with officials of other government agencies for the purpose of making effective the National Personnel Security Program.

(c) To clear personnel of the FHA for sensitive positions.

(d) To evaluate security reports and to take final action in security cases of all types.

(e) To participate in proceedings before security hearing boards in any instance where an FHA employee is involved.

(f) To prepare reports and releases as required by the Attorney General and the Civil Service Commission in the administration of the FHA security program.

§ 200.104 Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administrative Officers and Chief Clerks in FHA Field Offices, Assistant Commissioner for Administration, Director of Personnel and Deputy Director of Personnel.

To the Assistant Commissioner for Field Operations, Zone Operations Commissioners, Directors, Assistant Directors, Administratice Officers and Chief Clerks in FHA Field Offices, the Assistant Commissioner for Administration, the Director of Personnel, and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

The authority of this section covers the administration of Appointment Affidavits, Standard Form 61, and oaths to witnesses in any matter pending before the United States Civil Service Commission.

§ 200.105 National emergency.

To all Field Office Directors, Assistant Directors and Chief Underwriters there is delegated, immediately upon declaration by the President of a national emergency or in event of an enemy attack, authority to designate certifying officers and to revoke such designations and to execute and submit to the Treasury Department necessary statements and schedules with respect thereto, pursuant to Public Law 389, approved December 29, 1941 (31 U.S.C. 82b–82e), and the standards and procedures of the Secretary of the Treasury thereunder. This authority shall be exercised only in the event the Commissioner is unable to act in his official capacity.

Subpart E—Mortgage Insurance Procedures and Processing

§ 200.140 Scope of subpart.

This subpart is confined to general procedures and processing covering mortgage insurance irrespective of the particular program involved. More specific information regarding procedures and processing, including variances under the several titles and sections of the National Housing Act, are treated in other provisions of this chapter.

§ 200.141 Procedure in general.

All mortgage insurance programs involve four basic steps. First, applications for insurance; second, commitments for insurance; third, insurance endorsements; and fourth, claims for losses.

Application for Insurance

§ 200.142 Form and filing.

Any financial institution approved by the Commissioner as a mortgagee may apply for mortgage insurance. The application form may be obtained from any Federal Housing Administration field office. The application must be submitted to the office having jurisdiction over the area in which the property described in the application and offered as security is located.

§ 200.143 Purpose and content.

Every application, whether for insurance of a home type or project type mortgage, sets forth the required information to enable FHA to determine eligibility under a particular program. The eligibility consideration covers three general areas as follows:

(a) The eligibility of the proposed loan under the statute, i. e., term, interest rate, mortgage amount, and ratios of loan to value or replacement cost.

(b) The eligibility of the property with respect to compliance with FHA statutory and regulatory requirements.

(c) (1) The eligibility of the mortgagor with regard to the mortgagor's ability to carry and pay the proposed mortgage debt.

(2) Applications are designed to meet the requisites of the several programs. Accordingly, the applications will call for certain supplemental information, such as drawings and specifications, finahcial statements, exhibits and other information appropriate to enable the FHA to make the necessary determinations concerning eligibility.

§ 200.144 Fees.

Each application must be accompanied by a fee for examination in an amount in effect on the date the application is filed as indicated by the regulations covering the particular insurance program.

§ 200.145 Technical analysis and underwriting processing.

(a) When an application for mortgage insurance is received in the Field Office it is recorded and a receipt issued therefor. The proposed transaction is then analyzed to determine whether the application and supporting information is in proper form for underwriting processing.

(b) Underwriting processing involves consideration of the elements having to do with eligibility for insurance including review of the planning, construction, and specifications, cost estimation and valuation, and credit analysis. The findings are included in a report and recommendation which is the basis for the commitment.

§ 200.146 Acceptance, rejection and reconsideration.

(a) If an application for mortgage insurance meets the eligibility requirements a commitment for insurance is issued.

(b) If the application for mortgage insurance is not eligible for processing or does not qualify, this fact is reported to the applicant together with the reason for the rejection.

(c) A rejected application for mortgage insurance may be reconsidered upon written request to the Field Office which rejected the application.

Commitment for Insurance

§ 200.147 Issuance of commitment.

After a determination that the mortgagor and the property offered for security meets the standards and requirements as to eligibility, a commitment is prepared and forwarded over the signature of the Authorized Agent to the approved mortgagee setting forth the terms and conditions under which the mortgage transaction will be insured. The commitment is a binding contract between the FHA and the mortgagee presenting the application.

§ 200.148 Types of commitments.

(a) *Home mortgages.* In connection with home mortgages the commitment issued may be conditional or firm.

(1) *Conditional commitment.* A conditional commitment is requested in a case where the mortgagor is unknown and therefore cannot be specified in the application. The Commissioner agrees to insure a mortgage on specified property in an amount and under the terms specified, provided the property is sold to a purchaser who is satisfactory to the FHA as a borrower.

(2) *Firm commitment.* A firm commitment is requested where the mortgagee desires insurance of a mortgage on specified property with a named mortgagor in an amount and on terms set forth in the commitment.

(b) *Project mortgages.* In connection with project mortgages the mortgagee may specify which of two types of commitments he desires.

(1) *Commitment for insurance of advances.* A commitment for insurance of advances specifies that the FHA will insure construction advances, subject to compliance with the commitment terms.

(2) *Commitment to insure upon completion.* A commitment to insure upon completion does not include construction advances, but provides that the FHA will insure the mortgage upon completion of the project subject to compliance with the commitment terms.

§ 200.149 Terms and conditions.

(a) The commitment sets forth the exact conditions under which the FHA will insure the mortgage loan. It indicates the maximum eligible term of years, the amount of such loan, the interest rate and the amount of the monthly installment, including principal and interest. In addition, in connection with proposed construction there may be provision for structural requirements and the number and type of inspections necessary. In the case of project mortgages, the commitment may indicate a schedule of advances which will be insured upon a finding that such advances are made in accordance with the commitment.

(b) A commitment is for a definite period of time and contains cancellation conditions which permit FHA to cancel the commitment in case of non-compliance with its terms. Upon full compliance with the terms of the commitment instrument, the FHA is legally bound to endorse the mortgage for insurance.

Insurance Endorsement

§ 200.150 Request for endorsement.

When all conditions of the commitment are fully met the commitment, together with all supporting documents such as the note, mortgage and any other exhibits as required by the terms of the commitment, are returned to the FHA by the mortgagee with request for endorsement for insurance.

§ 200.151 Final review.

Upon receipt of a request for endorsement the FHA makes a final review of the commitment and the supporting documents to determine that all are in proper order and that the terms and conditions have been fully performed.

§ 200.152 Endorsement for insurance.

When it has been determined that the terms and conditions of the commitment have been fully complied with, the FHA insures the mortgage and evidences the insurance by the Authorized Agent's signature in the endorsement panel on the mortgage note which is then returned to the mortgagee. After this endorsement the mortgagee is entitled to the benefits of insurance subject to compliance with the administrative regulations which are, in effect, a part of the insurance contract.

Claims for Losses

§ 200.153 Presentation of claim.

In the event of a default of an insured mortgage the mortgagee presents a claim for insurance benefits. The application form for debentures and certificate of claim may be obtained from the Headquarters Office in Washington and is filed with the FHA Comptroller in Washington, D. C.

§ 200.154 Notice of default.

Upon default in a mortgage the mortgagee submits a notice of default status to the FHA Insuring Office having jurisdiction over the area wherein the mortgage security is located.

§ 200.155 Claim requirements.

To perfect its claim for payment the mortgagee is required either to assign the mortgage to the Commissioner or tender to him a good merchantable title to the property covered by the insured mortgage. In the home mortgage programs the mortgagee is required to foreclose the insured mortgage and obtain title to the property under a deed conveying good merchantable title. In project mortgage programs the foregoing procedure may be followed or the mortgagee has an alternative option to assign the project mortgage to the Commissioner. If the latter option is exercised the claim for insurance is reduced by one percent of the amount of the mortgage.

§ 200.156 Settlement of claims.

Upon approval of title conveyance thereof and delivery of possession of the property to the Commissioner, debentures and a certificate of claim are issued to the mortgagee in accordance with a computation provided by statute for the particular program. The debentures include an amount equal to the unpaid principal of the mortgage plus certain other items such as advances made for hazard insurance, payment of taxes, FHA mortgage insurance premium and a portion of foreclosure expenses. The terms of the statute strictly control the amounts which may be allowed in debentures. Certain expenditures made by the mortgagee, not allowed in the debentures, are included in the certificate of claim.

§ 200.157 Provisions and characteristics of debentures.

(a) *Series and fund.* Debentures are issued in appropriate series and are the obligation of and issued in the name of the particular mortgage insurance fund under which the mortgage is insured.

(b) *Registration, denomination and execution.* Debentures are issued in registered form and in denominations of $50, $100, $500, $1,000, $5,000 and $10,000. Debentures are signed by the Federal Housing Commissioner by facsimile signature and imprinted with the seal of the Federal Housing Administration.

(c) *Rate of interest and interchangeability.* Debentures carry a rate of interest prescribed by the Commissioner but not in excess of an annual rate determined by the Secretary of the Treasury in accordance with a prescribed statutory formula involving yields or prices of outstanding marketable obligations of the United States. Debentures of the same series bearing the same interest rate and having the same maturity date shall be freely interchangeable between the various authorized denominations.

(d) *Negotiability and redemption.* Debentures are negotiable and are fully guaranteed as to principal and interest by the United States. Debentures are redeemable on call issued by the Commissioner.

(e) *Payment of principal and interest.* Principal and interest of debentures shall be payable when due at the Treasury Department, Washington, D.C., or at any Government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for that purpose. The principal and interest shall be payable to the registered owner whose name shall be inscribed on the debentures or to the assignee as shown by executed assignments.

(f) *Transfer and use.* Debentures are fully transferable and may be freely sold or assigned. Debentures may be used by approved mortgagees in lieu of cash for payment of FHA mortgage insurance relating to the same mortgage insurance fund under which the debentures are issued.

§ 200.158 Applicability of Treasury regulations to debenture transactions.

The United States Treasury Department is the agent for the Commissioner in connection with transactions and operations relating to debentures. The general regulations of the United States Treasury Department governing transactions and operations in United States registered bonds, and the payment of interest thereon, are adopted, so far as applicable, as the regulations of the Commissioner for similar transactions and operations in debentures, including the payment of interest on, with the following exceptions:

(a) *Payment of final interest on maturing or called debentures.* If the notice of maturity or call for redemption shall so provide, the final installment of interest payable on any debentures at maturity or earlier redemption date may be paid with the principal in accordance with the assignments on the debentures instead of by separate check drawn to the order of the registered payee and forwarded to him at his address of record.

(b) *Closing of transfer books.* If the call for redemption shall so provide, the

books maintained by the Treasury Department may be closed against transfers and denominational exchanges in debentures for three full months preceding any interest payment date with respect to any debentures called for redemption on such interest payment date.

(c) *Detached assignments.* Detached assignments shall be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debentures is considered a detached assignment.

(d) *Assignments by corporations for redemption for their own account.* A debenture registered in the name of, or assigned to, a corporation will be paid to such corporation, at maturity or earlier redemption date, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested to in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases within this exception, payment will be made only by check drawn to the order of the corporation.

§ 200.159 Relief on account of lost, stolen, destroyed, mutilated or defaced debentures.

The statutes of the United States and the regulations of the Treasury Department governing relief on account of the loss, theft, destruction, mutilation or defacement of United States securities, so far as applicable and as necessarily modified to relate to debentures, are adopted as the regulations of the Commissioner for the issuance of substitute debentures or the payment of lost, stolen, destroyed, mutilated or defaced debentures.

§ 200.160 Redemption of debentures prior to maturity.

Debentures of any series, if so provided in the text thereof, may be redeemed at the option of the Federal Housing Commissioner, with the approval of the Secretary of the Treasury, in whole or in part, at par and accrued interest on any interest day or days on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe. In case of partial redemption, the debentures to be redeemed shall be determined by such method as may be prescribed by the Commissioner.

§ 200.161 Administration of debenture transactions.

The Secretary of the Treasury or the Acting Secretary of the Treasury is authorized and empowered, on behalf of the Commissioner, to administer the regulations governing any transactions and operations in debentures, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. At his discretion the Secretary, the Under Secretary, or any Assistant Secretary of the Treasury acting by direction of the Secretary, is authorized to waive any such regulation on behalf of the Commissioner in any particular case where a similar regulation of the Treasury Department with respect to United States bonds or interest thereon would be waived.

§ 200.162 Certificates of claim.

The certificate of claim issued to the mortgagee at the time debentures are issued constitutes an agreement by the FHA that after the FHA has recovered its investment in a particular property any excess over and above such investment is available for payment on the certificate of claim. Certificates of claim bear interest at the rate of 3 percent per annum.

Subpart F—Property Improvement Loan Procedures and Processing

LOAN TRANSACTION

§ 200.165 Lender's application for insurance.

Any financial institution which has qualified as an approved lender may apply to the Federal Housing Administration for insurance against losses on account of personal loans made for alterations, repairs or improvements upon or in connection with existing structures which substantially protect or improve basic livability or utility as well as insurance against losses in connection with the building of new nonresidential farm and non-farm structures. The maximum principal amount of such loans is set forth in section 2, Title I of the National Housing Act.

§ 200.166 Lending area.

(a) The Federal Housing Administration expects a qualified lender to confine its Property Improvement loan business to the trading area usually served by the institution in its normal operations. The lender must be in a position to investigate credits, make spot checks of the improvements being financed, and have its own employee or qualified representative make personal contact with delinquent borrowers.

(b) Prospective borrowers may obtain a list of qualified lenders in the particular area by writing to the Federal Housing Administration field office in the locality or to the Headquarters Office in Washington, D. C. Prescribed forms for use in connection with Property Improvement loans are made available by lenders.

§ 200.167 Credit investigation of borrower.

Property Improvement loans are primarily character loans, and the credit standing and credit instrument of the borrower are of primary importance. In accepting a contract of insurance the lender assumes the responsibility of applying sound principles in the evaluation of credit. The borrower applicant must furnish the lender with an executed credit application on a form approved by the Commissioner and disclosing information sufficient to satisfy the lender that the applicant represents an acceptable credit risk, including information that the loan is for the alteration, repair or improvement of property in which the borrower has an eligible interest as owner or lessee. The determination as to the eligibility of a loan for insurance and the approval of borrower's credit and all other details of the transaction are handled by the lender, without prior examination or approval of the transaction by the Federal Housing Administration, except as specifically required by the regulations.

§ 200.168 Other requirements for a Property Improvement loan.

The note or other evidence of the obligation taken by the insured must be valid and enforceable against the borrower and must be payable in installments. The borrower must have either a fee title, life estate, a purchaser's interest in a land contract, or a lease having a fixed term expiring not less than six calendar months after the maturity of the loan. The fee title or life estate may be subject to a mortgage or other lien. The regulations provide maximum maturity and maximum amounts for loans of various classes and sets forth maximum financing charges and certain items which are considered ineligible for loans.

§ 200.169 Direct borrower loans.

The Property Improvement loan may be initiated by a borrower who gives his credit application directly to a lender. The proceeds of a loan thus made are delivered directly to such borrower without the intervention or participation of a dealer or other intermediary.

§ 200.170 Loan through a dealer.

Also eligible as Property Improvement loans are dealer-originated cases where the dealer or contractor first obtains a credit application for the loan from the borrower and, after completing the work, has a note and completion certificate signed by the borrower. The dealer presents these documents to the lender and receives the proceeds of the loan, after the lender determines that the transaction is eligible for insurance. The Federal Housing Administration does not approve dealers for participation in the Property Improvement loan program. This is a responsibility of the lender which by investigation must determine that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and is equipped to extend proper service to

the customer. The lender also makes the initial determination that the transaction is or is not insurable.

§ 200.171 Notice to borrower.

At least six calendar days prior to making disbursement to a dealer the lender is required to give the borrower written notice of the insured's intention to disburse the proceeds of the loan if the application is approved. Although the borrower need not acknowledge receipt of the notice the lender must have a record of having mailed or delivered such notice.

DISBURSEMENT

§ 200.172 Disbursement of proceeds to dealer.

In connection with all loans not made directly to the borrower, the lender must have investigated and approved the dealer and have in its possession, properly signed and dated:

(a) Completion certificate signed by borrower indicating work or materials have been satisfactorily completed or delivered by dealer.

(b) Copy of dealer's contract or sales agreement signed by borrower and dealer describing the type and extent of improvements to be made and the material to be used.

(c) Borrower's authorization certificate, if note is payable to lender.

§ 200.173 Disbursement of proceeds to borrower.

The lender may disburse the proceeds of the note directly to the borrower by cash, by check or money order drawn solely in favor of the borrower, or by crediting the borrower's account. In such transactions, the dealer does not participate in the disbursement in any manner and the borrower has complete control of the funds at all times.

REPORT AND RESERVE

§ 200.174 Report of loans.

Within 31 days after the loan is made or the note is purchased from the dealer the lender submits to the Federal Housing Administration individual reports setting forth on a prescribed form the details of each transaction. This information, including the name of the borrower, the location of the property, the amount of loan advanced, the finance charges, the date of the note, and the terms of payment is the basis for computing the insurance premium which will be due and payable by the lender and is the official record of the transaction with the Administration. This report results in the automatic insurance of the loan as soon as the required insurance premium is paid.

§ 200.175 Insurance charge.

The regulations provide for an annual insurance charge based on a fractional percentage of the net proceeds of each loan reported for insurance. The lender is billed once a month on all loans reported for insurance during the previous period the receipt of which have been acknowledged by the Commissioner.

§ 200.176 Insurance reserves.

For each lender holding a contract of insurance, there is established by the Federal Housing Administration a general insurance reserve the amount of which is based upon the number of loans the institution reports for insurance during certain periods. For each eligible loan reported by a lender and accepted for insurance, 10 percent of the net proceeds of the loan is credited to the lenders' insurance reserve. The cumulative credits to the insurance reserve for each lender thus equals 10 percent of the net amount advanced by it on all eligible loans and affords insurance against losses on its overall lending operation.

CLAIMS FOR REIMBURSEMENT FOR LOSS

§ 200.177 Claims for payment.

Claim for reimbursement for loss on an eligible Property Improvement loan may be made to the Federal Housing Administrator by the lender after the borrower's default, provided demand has been made for the full unpaid balance of the note. The claim must be made within a prescribed period and be accompanied by the lender's complete credit and collection file for the transaction. The note and any security held or judgment taken must be duly assigned to the United States. An examination and audit of each claim is made to determine compliance with the provisions of the National Housing Act and the regulations.

§ 200.178 Amount of claim.

(a) After it has been determined that the loan and the lender's claim for loss are eligible, the lender is reimbursed by a United States Treasury check for 90 percent of the loss sustained on the defaulted obligation. In addition, the lender may be reimbursed as provided by the regulations for a certain proportion of attorney's fees and uncollected court costs arising out of efforts to collect the note.

(b) If the claim is disapproved the lender is notified of the basis of such disapproval, with return to it of the insurance premium and all related papers and documents. Appeal for reconsideration of disapproval may be had by addressing a written request to Headquarters Office in Washington, D. C.

§ 200.179 Establishment of account.

The moneys derived from premium charges and all moneys collected as fees of any kind in connection with insurance of financial institutions, and all moneys derived from the sale, collection, disposition, or compromise of any debt, contract, claim, property or security assigned or held by the Commissioner are deposited in an account in the Treasury of the United States, which account is available for defraying the operating expenses of the Federal Housing Administration in connection with insurance of financial institutions and any amounts in such account which are not needed for such purpose are available for the payment of claims in connection with the insurance granted under the statute.

Subpart G—Official Records

§ 200.185 Availability of official records.

Except to the extent that there is involved any function of the United States requiring secrecy in the public interest or any matter relating solely to the internal management of the Federal Housing Administration, matters of official record of the Federal Housing Administration, not held confidential for good cause, shall be available for the inspection of persons properly and directly concerned upon application by such persons to the insuring office having jurisdiction or to the Headquarters Office in Washington, D. C.

§ 200.186 Confidential official records.

Records which pertain to contracts of insurance between the lending institution and the Federal Housing Administration are confidential as to all persons other than the contracting parties. These records are identified as follows:

Title I Loan Report.
Title I Refinancing Report.
Title I Reconcilement Statement.
Title I Transfer of Note Report.
Borrower's Application together with the exhibits attached thereto.
Mortgagee's Application for Insurance, together with the exhibits attached thereto.
Commitment for Insurance.
Statement of FHA Appraisal.
Contract of Insurance.
Compliance Inspection Reports.
Mortgagee's Assurance of Completion.
Note, Bond or other Credit Instrument.
Mortgage or other Security Instrument.
Modification Agreement.
Rental Computation.
Consent to Substitution of Mortgagors.
Notice of Transfer by Transferor and Transferee.
Report of Prepayment.
Notice of Default.
Application for Debentures and Certificate of Claim.

Subpart H—Enforcement Remedies

Refusal of Participation

§ 200.190 Authority of Director.

Any official designated by the Commissioner as the Director of a Field Office is authorized to refuse the benefits of participation (either directly as a borrower, or indirectly as a builder, contractor, dealer, salesman, or sales agent for a builder, contractor or dealer) under Title I, II, VI, VII, VIII or IX of the National Housing Act, as amended, to any person or firm (including but not limited to any individual, partnership, association, trust, or corporation) if the Director has determined that such person or firm:

(a) Has knowingly or willfully violated any provision of the Act or any regulation issued thereunder, or any provision of Title III of the Servicemen's Readjustment Act of 1944, as amended, or of any regulation issued by the Administrator of Veterans' Affairs thereunder, or

(b) Has, in connection with any construction, alteration, repair or improvement work financed with assistance under the Act or Title III of the Servicemen's Readjustment Act of 1944, as amended, or in connection with contracts or financing relating to such work, violated any Federal or State penal statute, or

(c) Has failed materially to properly carry out contractual obligations with respect to the completion of construction, alteration, repair, or improvement work financed with assistance under the act or Title III of the Servicemen's Readjustment Act of 1944, as amended.

§ 200.191 Notice.

Before any determination is made to refuse any person or firm the benefits of participation, notice of the proposed determination in writing and signed by the Director shall be mailed to the last known address of the interested person or firm by registered mail, return receipt requested.

§ 200.192 Hearing, request.

Any person or firm that has been notified of a proposed determination is entitled to request an opportunity to be heard and to be represented by counsel. Any such request shall be made in writing addressed to the Director of the Office from which it was received. The letter to the Director may also include a request for written notice specifying charges in reasonable detail. The request for an opportunity to be heard shall be made within ten days from the date of receipt of notice of the proposed determination. If at the end of such ten-day period, no request has been received, the Director may assume that an opportunity to be heard is not desired, and may proceed in the manner provided in § 200.194 to notify the interested person or firm of his determination.

§ 200.193 Hearing, time and place.

Upon receipt of a request for an opportunity to be heard, the Director shall arrange a timely hearing. Notice of the time and place of such hearing shall be in writing, transmitted by registered mail, return receipt requested, and shall include a statement indicating the informal nature of the proceedings and their purpose.

§ 200.194 Determination.

After the person or firm against whom action is proposed has been afforded an opportunity to be heard, the Director shall make his determination on the preponderance of the evidence. The Director shall obtain the approval of the Commissioner before making a final determination withdrawing the approval of an approved mortgagee or terminating a lender's insurance contract under Title I of the Act. Notice of such determination shall be made in writing, signed by the Director, and transmitted by registered mail, return receipt requested. The Director's determination shall be final and conclusive.

§ 200.195 Rescission and reinstatement.

Any person or firm debarred from the benefits of participation may in writing request reinstatement. The procedures for reinstatement are substantially similar to those invoked in the initial proceedings. In reaching his determination regarding reinstatement the Director must be satisfied that the original wrongful act has been righted and also be persuaded from the assurances of the party concerned that he understands the requirements of the statutes and the administrative rules and regulations and that he will comply with them in the future. When a debarment has been rescinded a report thereof is forwarded to Headquarters Office in Washington, D. C., and the party reinstated receives a notice of such reinstatement.

Unsatisfactory Risk Determination

§ 200.200 Basis of action.

Any Field Office Director may reject an application for mortgage insurance on the grounds of unsound credit or unsatisfactory past experience. Applications will be rejected where past experience with the proposed borrower, builder or other participant in the mortgage transaction indicates that his previous conduct or method of doing business has been such that his participation in the transaction would make it unacceptable from the underwriting standpoint of an insurer. The Unsatisfactory Risk Determination action is usually temporary in nature and may be followed in aggravated cases by the application of section 512 procedures as set forth in § 200.190 et seq.

§ 200.201 Invitation to conference.

The purpose of the application of Unsatisfactory Risk Determination procedure is to obtain a correction of the conditions giving rise to the administrative action. Accordingly, a person against whom administrative action is being considered is usually extended an invitation to discuss the matter with the Director looking toward corrective action on the part of those involved. Such an invitation is not extended if action is taken during investigation or pending court proceedings.

§ 200.202 Determination notice.

When it is determined that a person is an unsatisfactory risk, the Director will notify such person by sending a registered letter to his last known address, stating the date on which such Unsatisfactory Risk Determination is effective, a brief informal statement of the reasons for the same, and the name of the individual firm, its officers and principal stockholders.

§ 200.203 Reinstatement.

Reinstatement of persons and firms whose applications or requests have been rejected under Unsatisfactory Risk Determination procedure is within the discretion of the Director. The Director may entertain any proposal whereby the persons or firms affected make arrangements which will correct the conditions leading to the original determination. The arrangements for corrective action include proper assurances of future compliance in specified matters and agreement to abide by all applicable FHA regulations. Satisfactory corrective action having been taken the Unsatisfactory Risk Determination is rescinded and withdrawn and the persons and firms are reinstated.

Title I Precautionary Measures

§ 200.205 Basis of action.

In order to protect homeowners and to avoid increased insurance risks the Field Office Director will assist lending institutions in their efforts to supervise and control the activities of dealers and salesmen originating Property Improvement loans where there are involved irregularities or disregard for the statute and Title I regulations. The Director will determine the corrective action appropriate in the circumstances.

§ 200.206 Inquiry notice and explanation.

Upon receipt of information indicating unscrupulous and unethical practices on the part of a dealer or salesman, the Director will arrange for a prompt inquiry by a member of his staff. After the inquiry the dealer or salesman is informally advised in writing of the proposed determination by the Director. The dealer or salesman may then request an opportunity to give his version of the surrounding circumstances and answer or explain any derogatory charges or allegations made in connection with his Property Improvement loan operations.

§ 200.207 Determination.

When it has been determined that precautionary measures are to be instituted against a dealer or salesman the Director submits a recommendation to that effect to the Headquarters Office in Washington, D.C., for consideration. If the recommendation is approved the dealer, salesman, insured institution, lending institution and insuring offices will be so advised.

§ 200.208 Rescinding actions.

The Director may rescind precautionary measures actions if he has satisfied himself that the dealer or salesman can and will conduct his future operations in accordance with the letter and spirit of the Act and the Title I regulations. The Director will forward his recommendation regarding any rescission to Headquarters Office in Washington, D.C., which will mail the rescission letter to all who received the original precautionary letter.

SUBCHAPTER B—PROPERTY IMPROVEMENT LOANS

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Sec.
201.1 Definitions.
201.2 Eligible notes.
201.3 Maximum amount of loans.
201.4 Financing charges.
201.5 Credits and collections.
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201.7 Ineligible loans.
201.8 Dealer investigation, approval and control.
201.9 Refinancing.
201.10 Report of loans.
201.11 Claims.
201.12 Insurance reserve.
201.13 Insurance charge.
201.14 Administrative reports and examination.
201.15 Amendments.
201.16 Effective date.

AUTHORITY: §§ 201.1 to 201.16 issued under sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703.

§ 201.1 Definitions.

As used in the regulations in this part, the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of Insurance" includes all of the provisions of the regulations in this part and of the applicable provisions of the Act.

(e) "Insured" means a financial institution holding a Contract of Insurance under Title I of the act.

(f) "Loan" means an advance of funds or credit or the purchase of an obligation evidenced by a note.

(f–1) "Direct loan" means a loan applied for by and disbursed directly to the borrower or borrowers where:

(1) The credit application, signed by the borrower or borrowers, is filled out by:

(i) The borrower or borrowers; or

(ii) A maker of the note other than a borrower; or

(iii) A person acting at the direction of a borrower who has no financial interest, directly or indirectly, in the contract for the repair, alteration or improvement of the borrower's property; and

(2) The proceeds are delivered directly to such borrower or borrowers without the intervention or participation of an intermediary in any manner in such disbursement other than a maker of the note.

(f–2) "Dealer loan" means a loan where an intermediary, having a financial interest in the contract for the repair, alteration, or improvement of the borrower's property, intervenes or participates in the application for or disbursement of the loan.

(g) "Note" includes a note, bond, mortgage, or other evidence of indebtedness.

(h) "Payment" includes a deposit to an account or fund which represents the full or partial repayment of a loan.

(i) "Borrower" means one who applies for and receives a loan in reliance upon the provisions of the Act and whose interest in the property to be improved is:

(1) A fee title, or

(2) A life estate, or

(3) A fee title or life estate subject to a mortgage, deed of trust, or other lien securing a debt, or

(4) A mutually binding contract for the purchase of the property where the borrower is rightfully in possession and the purchase price is payable in installments, or

(5) A lease having a fixed term, expiring not less than six calendar months after the maturity of the loan.

The borrower or borrowers shall have at least one-third of one of such interests in the property to be improved.

(j) "Class 1 (a) loan" means a loan, other than a loan defined in paragraph (k) of this section as a "Class 1 (b) loan," which is for the purpose of financing the repair, alteration, or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures.

(k) "Class 1 (b) loan" means a loan which is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as an apartment house or a dwelling for two or more families.

(l) "Class 2 (a) loan" means a loan which is for the purpose of financing the construction of a new structure which is to be used exclusively for other than residential or agricultural purposes: *Provided*, That nothing in this paragraph shall prevent the temporary use of such a structure for residential purposes while the borrower constructs a new dwelling to replace a previous dwelling, which he occupied as an owner or a tenant, which was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster and the Credit Application is filed within one year from the date of such determination.

(m) "Class 2 (b) loan" means a loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes, exclusive of residential purposes.

(n) "Class 1 loan" includes both "Class 1 (a)" and "Class 1 (b)" loans as defined in paragraphs (j) and (k) of this section.

(o) "Class 2 loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in paragraphs (l) and (m) of this section.

(p) "Existing structure" means a residential structure completed and occupied at least 90 days prior to the application for the Title I loan or a structure for other than residential purposes which was a completed building with a distinctive functional use prior to the application for the Title I loan: *Provided*, That the requirement with respect to the period of occupancy and completion of a new residential structure shall not apply to loans having a principal amount, exclusive of financing charges, of $600 or less or where such residential structures have been damaged in a disaster which the President, pursuant to section 2 (a) of Public Law 875, approved September 30, 1950, has determined to be a major disaster.

§ 201.2 Eligible notes.

(a) *Validity.* The note shall bear the genuine signature of the borrower as maker, shall be valid and enforceable against the borrower or borrowers as defined in § 201.1(i), and shall be complete and regular on its face. The signatures of all parties to the note must be genuine. If the note is executed for and on behalf of a corporation or in a representative capacity, the note must create a binding obligation of the principal.

(b) *Acceleration clause.* The note shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(c) *Payments.* The note shall be payable in equal installments, falling due monthly or every two weeks unless a different payment schedule is approved by the Commissioner. The first installment or the final installment may be more or less than the other installments provided that it is not less than one-half or more than one and one-half times the amount of a regular installment. A note may not provide for a first payment more than two calendar months from the date of the note. However, if 51 percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the Credit Application. In such cases, the first payment must be made within 12 months of the date of the note and at least one payment shall be made in each 12 months thereafter, provided that no two payments shall be more than 12 months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years.

(d) *Maturity*—(1) *Minimum.* The note shall not have a final maturity of less than 6 calendar months from the date of the note.

(2) *Maximum.* The maximum permissible maturity of a note evidencing:

(i) A Class 1 (a) or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of $600 or less is 3 years and 32 days from the date of the note; and a Class 1 (a) or a Class 2 (a) loan having a principal amount, exclusive of financing charges, of more than $600 is 5 years and 32 days from the date of the note.

(ii) A Class 1 (b) loan is 7 years and 32 days from the date of the note.

(iii) A Class 2 (b) loan is 7 years and 32 days from the date of the note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of 15 years and 32 days from the date of the note.

(iv) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

(e) *Late charges.* The note may provide for a late charge, not to exceed 5 cents for each $1.00 of each installment more than 10 days in arrears. No late charge on a past due installment may be accrued in excess of $5.00. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

§ 201.3 Maximum amount of loans.

(a) *Class 1 (a) loan.* A Class 1 (a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $3,500.

(b) *Class 1 (b) loan.* A Class 1 (b) loan shall not involve a principal amount, exclusive of financing charges, in excess of $2,500 per dwelling unit in the improved structure and shall not exceed $15,000.

(c) *Class 2 loan.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $3,500.

(d) *Outstanding aggregate loan balance.* No loan shall be made which will result in an outstanding aggregate loan balance with respect to the same property or structure exceeding the dollar amount limitation prescribed in this section for the type of loan involved. If more than one type or class of loan is involved, the total outstanding aggregate loan balance as to one structure or property shall not exceed the dollar amount limitation prescribed in this section for the type or class of loan having the larger permissible maximum amount.

§ 201.4 Financing charges.

(a) *Maximum charge.* The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (b) of this section which may be paid or collected for interest, discount, and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, not in excess of $2,500 and having a maturity not in excess of 7 years and 32 days, may have a financing charge not in excess of an amount equivalent to $5.00 discount per $100 original face amount of a 1-year note, to be paid in equal monthly installments, calculated from the date of the note.

(2) Class 1 and Class 2 loans, having a principal amount, exclusive of financing charges, in excess of $2,500 and a maturity not in excess of 7 years and 32 days, may have a financing charge equivalent to the total of (i) an amount, with respect to so much of the net loan proceeds as does not exceed $2,500, equivalent to $5.00 discount per $100 original face amount of a 1-year note payable in equal monthly installments, plus (ii) an amount, with respect to any portion of the net loan proceeds in excess of $2,500, equivalent to $4.00 discount per $100 original face amount of a 1-year note to be paid in equal monthly installments, calculated from the date of the note.

(3) Class 2 (b) loans, having a maturity in excess of 7 years and 32 days, shall not have a financing charge in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one year note, to be paid in equal monthly installments, calculated from the date of the note.

(4) Such charges correctly based on tables of calculations issued by the Federal Housing Commissioner are deemed to comply with this section. An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than 30 days after the date of the note, shall not be deemed to be in conflict with this section.

(b) *Permissible additional charges.* If the insured takes security in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or other security device for the purpose of securing the payment of eligible loans, the insured may collect from the borrower, in addition to the maximum permissible financing charge as provided in paragraph (a) of this section, the following expenses actually incurred by the insured in connection with the transaction: Recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums, provided that such costs or expenses are not paid from the proceeds of the loan or included in the face amount of the note. Such costs or expenses shall not be included by the insured as a portion of a claim under the Contract of Insurance and if such costs or expenses are assessed against the borrower, proper evidence thereof shall be in the file.

(c) *Dealer reserve accounts and guarantees.* Reserve accounts to assure against losses on loans reported to the Commissioner for insurance are prohibited. A dealer or other person may be required to endorse or guarantee payment of notes so long as no reserve account is involved, but any such guarantee must cover the full amount due on the note. The provisions of this paragraph shall not be interpreted to apply to agreements between insureds as to the transfer of loans already reported for insurance.

(d) *Repayment rebate.* If a note is paid in full prior to maturity, the insured shall make a rebate at a rate not less than 6 percent per annum of the amounts so paid in advance of their due dates, if the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

§ 201.5 Credits and collections.

(a) *Credit application.* Prior to making a loan the insured shall obtain a dated Credit Application executed by the borrower on a form approved by the Commissioner. A separate Credit Application is required for each loan made or note purchased.

(b) *Credit investigation.* The Credit Application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than 15 days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government, provided that nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(d) *Past due Title I notes at time of purchase.* A note shall not be purchased when any installment thereon is past due more than 15 days at the date of purchase except purchases of notes under the provisions of § 201.12.

(e) *Prior approval by Commissioner.* Any loan which increases the principal amount outstanding as to all Class 1 or Class 2 loans to any individual borrower to an amount in excess of $5,000, exclusive of financing charges, will be accepted for insurance only upon prior approval of the Commissioner.

(f) *Security.* The taking of security to secure the payment of a loan is left to the discretion of the insured unless specifically required by the Commissioner in accordance with the provisions of paragraph (e) of this section or of § 201.2 (d) (2) (iii). An insured may permit the substitution or subordination of security provided it can be shown when claim is made that at the time of such action the original security value was not impaired or reduced as a result of such action. Upon presentation of the facts the prior approval of the Commissioner may be obtained by the insured to any proposed substitution or subordination of security.

(g) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

(h) *When owner must sign note.* When a borrower is a lessee of property to be improved, which is used or to be used for other than residential or agricultural purposes, the owner of the property shall join in the execution of the note unless the prior credit approval of the Commissioner is obtained.

§ 201.6 Eligible loans.

(a) *Property location.* The property to be improved shall be located within the United States, its territories, or possessions.

(b) *Use of proceeds—in general.* The proceeds of a loan shall be used only to finance alterations, repairs, and improvements upon real property or in connection with existing structures which substantially protect or improve the basic livability or utility of the property, and which are commenced in reliance upon the credit facilities afforded by Title I of the Act.

(c) *Use of proceeds—technical services and direct costs* The proceeds of a loan may be used to pay the cost of architectural and engineering services and fees paid for obtaining building permits that are directly connected with the eligible alterations, repairs, or improvements financed in accordance with the regulations in this part.

(d) *Use of proceeds—"built-in" kitchens.* Any part of the proceeds of a loan may be used for appliances to be installed in a kitchen provided that:

(1) The appliances are designed by the manufacturer to be installed in a kitchen as a "built-in" unit, and

(2) The appliances will be in fact installed and permanently affixed in the kitchen so as to become a permanent part of the real estate, and

(3) The dwelling in which the kitchen is located is designed as a single family residence which is occupied by the borrower, and

(4) The principal amount exceeds $600, exclusive of financing charges, at least $600 of which is to be used for the alteration, repair or improvement of the kitchen, and

(5) Individuals whose interest in the property to be improved is derived under a lease shall not be considered eligible borrowers unless the lease has an original term of not less than 99 years which is renewable, and

(6) Prior to disbursing the proceeds the insured obtains on forms approved by the Commissioner:

(i) A special certification signed by the borrower stating that he owns and occupies a dwelling designed for use as a single family residence and that it is his intention to build in, install and affix permanently in the kitchen of such residence the appliances purchased with the loan so that they will become an integral part of the real estate; and

(ii) An additional certification signed by the dealer, where the provisions of § 201.8(a) are applicable, stating that the appliances purchased by the borrower which are being financed by the Title I loan were designed by the manufacturer to be built in and that they have been permanently built in, installed and affixed in the borrower's kitchen so as to become an integral part of the real estate.

(7) Nothing in this paragraph will be construed as limiting the financing of household appliances or equipment considered eligible prior to October 20, 1959.

(e) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of facts made by the borrower, which are called for by the borrower's credit application, in determining the eligibility of the loan.

§ 201.7 Ineligible loans.

(a) *In general.* There is hereby established a "list of ineligible items" which includes items, products, alterations, repairs, or improvements, or classes thereof, which the Commissioner has determined not to be eligible for financing with the proceeds of loans reported for insurance under the regulations in this part. The omission of any item from the "list of ineligible items" shall not be construed as rendering such omitted item eligible for financing. All items otherwise ineligible for Title I financing shall remain ineligible for such financing notwithstanding any provision of this section. If an insured has any doubt as to the eligibility of any item, product, alteration, repair, or improvement, or class thereof, it should request a specific ruling from the Commissioner before making any loan.

(b) *List of ineligible items.* No part of the proceeds of a loan shall be used to finance any of the following items:

Barbecue pits.
Bathhouses.
Burglar alarms.
Burglar protection bars.
Dumbwaiters.
Fire alarms or fire detecting devices.
Fire extinguishers.
Flower boxes.
Greenhouses (except commercial greenhouses).
Hangars (airplane).
Kennels.
Kitchen appliances which are designed and manufactured to be freestanding and are not built in and permanently affixed as an integral part of the kitchen in a residential structure.
Outdoor fireplaces or hearths.
Patios (unless permanently attached and affixed to an existing structure and covered by a roof).
Penthouses.
Photo murals.
Radiator covers or enclosures.
Stands.
Steam cleaning of exterior surfaces.
Swimming pools.
Television antennae.
Tennis courts.
Tree surgery.
Valance or cornice boards.

(c) *Supplementing an uninsured obligation.* The proceeds of an insured loan shall not be used to supplement an uninsured obligation of the borrower, created in connection with the proposed alterations, repairs, or improvements, if the payment of the uninsured obligation is secured by a lien unless the insured loan is to be secured by a lien which has priority.

§ 201.8 Dealer investigation, approval and control.

(a) *Procedure before disbursement.* Before disbursing the proceeds of a loan, the insured shall:

(1) *Dealer investigation and approval.* Have approved as "dealer" any applicant who, after such investigation as the insured considers necessary, is found to be reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper services to the customer. This approval shall be evidenced by an application, on a form approved by the Commissioner, dated and signed by the person requesting approval as dealer and dated and signed by the insured to signify such approval. The dealer application, the approval by the insured, together with supporting information and a record of the insured's experience with the loans originated by such dealer, shall be maintained in the insured's file.

(2) *Completion certificates.* Obtain a completion certificate on a form approved by the Commissioner, signed by the borrower and by the person approved by the insured as dealer. An insured shall not disburse the proceeds of a loan, if, as an inducement for the consummation of the transaction, the borrower has been given or promised a cash payment or rebate or it has been represented to the borrower that he will receive a cash bonus or commissions on future sales. In the absence of information to the contrary, the insured may rely upon the dealer's statement in his completion certificate as to such bonus selling. If there are two or more eligible borrowers involved in a transaction, only one signature is required on the borrower's certificate.

(3) *Authorization to pay loan proceeds.* Obtain written authorization from the borrower, if the insured is the payee of the note and the proceeds are to be disbursed to one other than the borrower.

(4) *Description of improvements.* Obtain a copy of the contract or sales agreement, signed by the borrower and the dealer, describing the type and extent of improvements to be made and the material to be used. Such contract or sales agreement shall be of a type regularly used by the dealer in his business. The signature appearing on the copy of the contract or sales agreement may be a carbon imprint of the signatures appearing on the original.

(5) *Advance notice to applicant.* Mail to the borrower or personally deliver to the borrower written notice, on a form approved by the Commissioner, of the insured's intention to disburse the proceeds of the loan. Such notice shall be directed to the borrower prior to the disbursement of the loan and in no event less than six calendar days prior to such disbursement. A record of such notice showing the date of mailing or delivery to the borrower shall be in the loan file.

(b) *Precautionary measures.* If the insured has not approved the dealer, as provided in paragraph (a) (1) of this section or has reason to withdraw such approval, the proceeds of a loan shall not be disbursed until:

(1) The insured has verified all statements contained on the borrower's credit application.

(2) The borrower has signed the borrower's completion certificate in the presence of the insured.

(3) The insured has inspected the work performed in every instance when the amount involved is $500 or more, and in at least one out of every three transactions when the amounts involved are less than $500.

(4) The insured has signed a statement to the effect that the above requirements were complied with prior to releasing the proceeds of any such loans. Such statement must accompany each loan report.

(c) *Exceptions.* The provisions of paragraphs (a) and (b) of this section shall not apply to direct loans.

(d) *Ineligible persons.* No loan shall be made where the insured has knowledge that any person participating in the transaction as dealer, salesman, broker, borrower, or in any other capacity has been barred from participation in the Title I program pursuant to § 200.190 et seq. of this chapter.

§ 201.9 Refinancing.

(a) *General requirements.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act and made on and after October 1, 1954, which may or may not include an additional amount advanced will be covered by insurance, if they meet the requirements of all applicable regulations in this part and the special provisions of this section. Loans made prior to October 1, 1954, may be refinanced under the regulations in effect at the time such loans were made but no additional advance shall be made and such refinancing shall not involve a consolidation with a loan or loans made after October 1, 1954.

(b) *Maximum maturity.* (1) A Class 1 (a) loan or a Class 2 (a) loan which had an original principal amount, exclusive of financing charges, of $600 or less, may be refinanced for an additional period not in excess of 3 years and 32 days from the date of the refinancing, but not to exceed 5 years from the date of the original note. A Class 1 (a) loan or a Class 2 (a) loan which had an original principal amount, exclusive of financing charges, of more than $600 may be refinanced for an additional period not in excess of 5 years and 32 days from the date of the refinancing, but not to exceed 7 years from the date of the original note.

(2) A Class 1 (b) loan may be refinanced for an additional period not in excess of 7 years and 32 days from the date of the refinancing, but not to exceed 10 years from the date of the original note.

(3) A Class 2 (b) loan may be refinanced for an additional period not in excess of 7 years and 32 days from the date of the refinancing, but not to exceed 10 years from the date of the original note, except that if a Class 2 (b) loan is secured by a first mortgage, first deed of trust, or other security instrument, constituting a first lien upon the improved property, the new note may have a final maturity not in excess of 15 years and 32 days from the date of the refinancing, but not to exceed 25 years from the date of the original note.

(4) When a Class 1 loan or a Class 2 loan is made or refinanced and consolidated with another Class 1 loan or Class 2 loan, the new note evidencing the consolidated obligation shall not be for a longer term than that which the component loan having the shortest permissible maturity could have if made or refinanced alone: *Provided*, That consolidated Class 1 (a) or Class 2 (a) loans may be refinanced for an additional period of 5 years and 32 days, but not to exceed 7 years from the date of the earliest component loan, if the consolidated obligation, exclusive of financing charges, exceeds $600 or if any of the component loans had an original principal amount, exclusive of financing charges, of more than $600.

(c) *Rebate.* The full unearned charge on the original note shall be refunded to the borrower. If no additional advance is made a handling charge not in excess of $5.00 may be assessed the borrower: *Provided*, That the provisions of this paragraph shall be applicable to loans refinanced on or after December 31, 1959.

(d) *Special cases.* The Commissioner may upon presentation of the facts approve the refinancing or refinancing and consolidation of any loan or loans upon such terms and conditions as he may determine within the limits provided by the act.

(e) *Deferred payments.* An agreement to defer payments on a note previously reported for insurance under the regulations in this part without rewriting the note is not considered refinancing. Such agreement will not affect the insurance coverage on the loan provided that:

(1) Such agreement is evidenced in writing;

(2) Payments shall not be deferred for more than 5 months from the due date of the last fully paid installment;

(3) Such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) The insured may assess the borrower for the cost of such deferment if such charge is not in excess of an equivalent amount of late charges as provided in § 201.2 (e).

§ 201.10 Report of loans.

Loans shall be reported on the prescribed form to the Federal Housing Administration at Washington, D.C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 201.9 shall likewise be reported on the prescribed form within 31 days from date of refinancing. Any loan transferred as provided in § 201.12(e) shall be reported on the prescribed form within 31 days from the date of such transfer. In any case, the Commissioner may, in his discretion, accept a late report.

§ 201.11 Claims.

(a) *Claim application.* Claim for reimbursement for loss on an eligible loan shall be made on a form provided by the Commissioner, and executed by a duly qualified officer of the insured. The claim shall be accompanied by the insured's complete credit and collection file pertaining to the transaction.

(b) *Claim after default.* Claim may be made after default provided demand has been made upon the debtor for the full unpaid balance of the note.

(c) *Maximum claim period.* For the purpose of determining when a claim must be filed under the provisions of this section, any payments received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and in the case of:

(1) Yearly installment notes, whenever an installment is 12 months in default, claim must be made within 31 days thereafter;

(2) All other installment notes, whenever an installment is 9 months in default, claim shall be made within 31 days thereafter, and interest is to be allowed as provided in paragraph (e) of this section up to the full period of 9 months and 31 days.

(3) Military service cases, if at any time during default a person primarily or secondarily liable for the repayment of any loan is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in military service shall be excluded in computing the time within which claim must be made for reimbursement under the provisions of this section.

(d) *Extension of maximum claim period.* Upon presentation to the Commissioner of the facts of a particular case within the allowable claim period prescribed in this section, he may, in his discretion, extend the time within which claim must be made, provided that in computing the claim no interest will be allowed for the period of such extension.

(e) *Claim amount.* An insured will be reimbursed for its loss on loans made in accordance with the regulations in this part up to the amount of its reserve as established by § 201.12 as follows:

(1) 90 percent of the net unpaid amount of the loan actually made or the actual purchase price of the note, whichever is the lesser;

(2) 90 percent of the uncollected earned interest to date of default and 90 percent of interest from the date of default to the date of the application for reimbursement of loss sustained figured at 5 percent per annum on the outstanding principal balance, but in no event shall the total interest allowed exceed the maximum permissible financing charge on the principal amount outstanding to the date of application for reimbursement: *Provided*, That the provisions of this subparagraph shall be applicable to claims paid on or after December 31, 1959.

(3) Uncollected court costs, including fees paid for issuing, serving, and filing summons;

(4) Attorney's fees actually paid not exceeding:

(i) 25 percent of the amount collected by the attorney on the defaulted note provided the insured does not waive its

claim against the borrower for such fees;

(ii) $25.00 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by suit, or $10.00 or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by confession after default; and

(iii) $50.00 plus 5 percent of the balance due on the note as an additional fee where the action is contested and judgment is obtained.

(f) *Assignment of documents.* The note and any security held or judgment taken must be assigned in its entirety and if any claim has been filed in bankruptcy, insolvency, or probate proceedings, such claim shall likewise be assigned to the United States of America.

(g) *Form of assignment.* The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien, or any other security device in event of claim:

All right, title, and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

(Financial Institution)

By ---

Title ---

Date ---

Provided, That if this form is not valid or generally acceptable in the jurisdiction involved, a form which is valid and generally acceptable shall be used.

(h) *Election of action.* Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanics' lien, judgment lien, or any other security device has been used to secure the payment of a loan made under the provisions of Title I of the act, the insured may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 201.12 Insurance reserve.

(a) *Legal limit.* Subject to the limitation on the Commissioner's authority to insure as stipulated in section 2 of Title I of the act, the Commissioner, pursuant to the provisions of § 201.11, will reimburse any insured for losses sustained by it in accordance with the general insurance reserve provisions of paragraph (b) of this section.

(b) *General insurance reserve.* There shall be maintained for each insured a general insurance reserve, which shall equal ten percent of the aggregate amount advanced on all eligible loans originated by such insured pursuant to the provisions of the regulations in this part on and after March 1, 1950, and prior to the expiration of the Commissioner's authority to insure under the provisions of the act, less the amount of all claims approved for payment by the Commissioner in connection with such loans and less the amount of the adjustment or adjustments, if any, made pursuant to paragraph (c) of this section.

(c) *Adjustment of general reserve.* After August 1, 1956, the amount of the general insurance reserve to the credit of each insured shall be adjusted on July 1 of each year by deducting therefrom an amount equivalent to 15 percent of the amount of such insurance reserve on the records of the Commissioner as of the date of such adjustment: *Provided*, That no such adjustment shall reduce the insurance reserve of any insured to an amount less than $5,000: *Provided further*, That no such adjustment shall be made in the insurance reserve of any financial institution until the first day of July next following the expiration of a period of 30 months after the issuance of a contract of insurance to such institution by the Commissioner, and no such adjustment shall be made in the insurance reserve of any financial institution after the termination of the contract of insurance issued to such institution by the Commissioner, or after the termination of the Commissioner's authority to insure against losses pursuant to Title I of the National Housing Act.

(d) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a contract of insurance under Title I of the National Housing Act: *Provided*, That nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in connection with a bona fide loan transaction.

(e) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee or repurchase agreement, the reports required by § 201.10 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve; and, unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no installment payment is past due more than one calendar month at the time of purchase, reserve shall be transferred to the reserve of the purchasing institution, on the basis of 10 percent of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, where one or more installment payments are past due more than one calendar month at the time of purchase, the loans and reserves shall be transferred on an earmarked basis. In the case of earmarked transfers all reserves accrued by reason of the loans transferred shall be transferred, but such reserves shall be available only for payment of claims on the loans transferred, and claims on such loans can be paid only up to the amount of such earmarked reserves.

(3) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(f) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

§ 201.13 Insurance charge.

(a) *Rate.* The insured shall pay to the Commissioner on loans made or refinanced on or after April 1, 1958, an insurance charge equal to fifty one-hundredths (0.50) of one percent per annum of the net proceeds of any eligible loan reported and acknowledged for insurance: *Provided*, That in the case of a Class 1(b) loan in excess of $3,500, exclusive of financing charges, and in the case of a Class 2(b) loan having a maturity in excess of 7 years and 32 days, such insurance charge shall be forty-five one-hundredths (0.45) of one percent per annum. In computing the insurance charge, no charge shall be made for the fractional period of a month of 14 days or less, and a charge for a full month shall be made for the fractional period of a month of more than 14 days.

(b) *When payable.* Such insurance charge for the entire term of the loan shall be paid within 25 days after the date the Commissioner acknowledges receipt to the insured institution of the report of loan: *Provided*, That on loans having a maturity in excess of 3 years and 32 days, such charge may be paid in installments, the first of which shall be equal to the charge for 3 years and be paid within said 25 days, and the second and succeeding installments, each equal to the charge for one year, shall be paid on the first and each succeeding anniversary of the first day of the month following the date of the note.

(c) *Notes transferred.* Any adjustments of the insurance charge already paid on any obligation transferred between insureds shall be made by the insureds, except that any unpaid installments of the insurance charge shall be paid by the purchasing insured.

(d) *Refund or abatement.* There shall be no refund or abatement of any portion or installment of the insurance charge except:

(1) The charge on a refinanced note may be credited with the unearned portion of the charge on the original note;

(2) Insurance charges falling due after claim is filed or the note is prepaid in full;

(3) The charge paid on a loan or portion thereof found to be ineligible; but no refund shall be made unless a claim is denied by the Commissioner or the ineligibility is reported by the insured promptly upon discovery and an application for refund made. In no event shall charges be refunded where the application for refund is not made until after the loan is paid in full.

(e) *When not chargeable to borrower.* The insurance charge paid by the insured shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount, and all other charges in connection with the transaction.

§ 201.14 Administrative reports and examination.

The Commissioner, or his authorized representative, may at any time call upon an insured for such reports as he may deem to be necessary in connection with the regulations in this part, or may inspect the books or accounts of the insured as they pertain to the loans reported for insurance.

§ 201.15 Amendments.

The regulations in this part may be amended by the Commissioner at any time, but such amendment shall not adversely affect the insurance privileges of an insured with respect to any loan previously made. Unless otherwise provided, no amendment shall apply to any loan or the refinancing of any such loan when the original loan was made before the effective date of such amendment.

§ 201.16 Effective date.

The regulations in this part are effective as to all loans made on and after October 1, 1954, except that § 201.11(c)(2) and § 201.11(e)(4) shall be effective as to all claims paid on and after October 1, 1954, and § 201.12(c) shall be effective as to all adjustments made after October 1, 1954.

PART 202—CLASS 3 PROPERTY IMPROVEMENT LOANS

Sec.
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AUTHORITY: §§ 202.1 to 202.13 issued under sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703.

§ 202.1 Definitions.

As used in the regulations in this part:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of insurance" includes all of the provisions of the regulations in this part and of the applicable provisions of the act.

(e) "Insured" means any financial institution holding a Contract of Insurance under Title I of the act.

(f) "Loan" and "Class 3 loan" mean any loan made under the regulations in this part for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes.

(g) "Borrower" means one who is an eligible owner or lessee of real property upon which a new structure is to be or has been constructed pursuant to the provisions of the act and the regulations in this part and who applies for and receives an advance of credit in reliance upon the provisions of the act and the regulations in this part.

(h) "Installment payment" includes that deposit to an account or fund which represents the partial repayment of a loan.

(i) "Mortgage" includes a note, bond, deed of trust, or other evidence of indebtedness or security instrument taken in connection with a Class 3 loan.

(j) "Class 3 structure" means a structure, the construction of which is financed with the proceeds of an eligible Class 3 loan.

(k) "Discount loan" means a loan made on a discount, gross charge, or non-interest-bearing basis.

(l) "Interest-bearing loan" means a loan represented by a note payable in monthly installments bearing simple interest on the principal outstanding from time to time.

§ 202.3 Eligible borrowers.

A borrower, in order to be eligible for a Class 3 loan:

(a) *Eligible owners or lessees.* Shall be (1) the fee simple owner of unencumbered land upon which the new structure is to be built or (2) the lessee of such unencumbered land under a lease from the United States Government for a term of at least 6 months beyond the maturity of the loan or (3) the lessee of such unencumbered land under a lease for 99 years which is renewable or under a lease which has 50 years to run from the date the mortgage is executed. If the borrower is a lessee the provisions of the lease shall be submitted to and approved by the Commissioner. Any lease other than a lease from the United States Government must provide for an annual rental not in excess of 5 percent of the valuation placed upon the unimproved land by the insured and shall contain a provision which will entitle the lessee to obtain a fee simple title to such land upon payment at any time after 1 month's written notice of a sum not in excess of the appraised valuation placed upon such land at the time the loan is made. If the parties so desire the lease may provide for the deferment of such right to obtain the fee simple title for a period not to exceed 5 years from the date of the mortgage; but in any event the lease must contain a provision giving the Federal Housing Commissioner the option to purchase the fee simple title upon 60 days' written notice to the lessor in the event the Commissioner acquires the interest of the lessee pur-

suant to the provisions of the regulations in this part.

(b) *Borrowers equity.* Shall establish to the satisfaction of the insured by certification on the credit application provided or in § 202.5 that after the mortgage, deed of trust, or similar instrument has been recorded, the property will be free and clear of all liens other than such mortgage, deed of trust, or similar instrument, except taxes and ground rents not due and payable and special assessments not in arrears, and that in addition to the loan he has an investment in the property in cash, in land, or an interest in the land in an amount equal to 5 percent of the appraised value of the completed property as determined under § 202.8 (b).

§ 202.4 Eligible improvements.

(a) *Purpose.* A loan must be for the purpose of financing the construction of a Class 3 structure and appurtenances thereto located within the United States, its territories and possessions, and which is commenced on or after August 19, 1947, in reliance upon the credit facilities afforded by Title I of the National Housing Act, as amended, and which conforms to the following requirements relating to the land and improvements thereon:

(1) The development and use of land shall not violate any zoning or deed restrictions applicable to the project site and must comply with all applicable building regulations.

(2) The land shall comprise a single plot of not less than 4,000 square feet.

(3) Vehicular access to the property shall be provided by a public street or way or private means protected by a permanent easement.

(4) Grading or drainage shall divert water away from buildings and off the site.

(5) The structure shall be limited in design to single-family occupancy.

(6) The structure shall have a living room which may contain space for cooking and dining, and at least one separate room designed for sleeping purposes. The total floor area shall not be less than 360 square feet.

(7) All rooms, including bathrooms, if any, shall be provided with one or more windows to permit adequate natural light and ventilation.

(8) Where winter house heating by means other than electricity is the established custom, a safe means of disposing of the products of combustion to the outside air shall be provided.

(9) Each single-family unit shall be provided with an on-site supply of safe and palatable water. Where public or community water service is available to the subject property, it shall be connected with the structure and with the fixtures required in subparagraph (12) of this paragraph.

(10) Each single-family unit shall be provided with a sanitary means of sewage disposal. Where public or community sewerage is available to the property, connection shall be made thereto and to the fixtures required in subparagraph (12) of this paragraph.

(11) Where individual water supply and sewerage systems are used, the installations shall conform with local sanitary regulations for such individual systems. Where on-site well or cistern supply equipped with a pump and an on-site sanitary pit privy are used, when this conforms with the established custom of the neighborhood, the installation shall comply with the recommendations of the local department of health or in the absence of such recommendations with the United States Public Health Service publications "Rural Water Supply Sanitation" or "Individual Sewage Disposal Systems." Evidence of compliance shall be secured from the health authority having jurisdiction and the insured may rely upon such evidence as establishing compliance with this subparagraph.

(12) Where connection with a public or community water and sewage disposal system is made as required in subparagraphs (9) and (10) of this paragraph, a kitchen sink and bathroom with bathtub or shower, water closet and lavatory shall be provided. This requirement also applies when an individual water-carriage sewage disposal system is installed on the property. When disposal is by sanitary pit privy, the water closet and lavatory may be omitted and the other fixtures shall be connected with a dry well. When water is provided by a well or cistern supply and a privy is used, all bathroom fixtures may be omitted.

(13) Where electricity is available, connection shall be made thereto.

(14) In the case of a loan which is for the purpose of financing the building of a Class 3 structure for sale or for rent, the borrower shall certify to the insured that the footings, foundations, columns, and structural elements of load bearing sections of the structure, including exterior walls, interior partitions, floors, ceilings, roofs and, when included, heating, plumbing and electrical installations comply with the Federal Housing Administration minimum construction requirements contained in the "Minimum Property Requirements for Properties of One or Two Living Units" for the area in which the property is located.

(15) The above conditions may be varied under special circumstances and in certain areas upon prior approval of the Commissioner.

(b) *Unfinished structures.* The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure, unless the unfinished structure was begun under a Class 3 loan, in which case the total of all such loans shall not exceed $4,500.

(c) *Architectural services.* The proceeds of a loan may be used to pay for architectural and engineering services and builders' profit in connection with the building of new structures financed in accordance with the regulations in this part.

(d) *Refinancing existing obligations prohibited.* The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously made or reported for insurance pursuant to the regulations in this part.

§ 202.5 Credits.

(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or mortgage purchased.

(b) *Credit investigation.* The credit application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealers, or others, the eligibility of the mortgage for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower which are called for by the borrower's credit application.

(d) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than 15 days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government: *Provided*, That nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(e) *Past due Title I mortgages at time of purchase.* A mortgage shall not be purchased when any installment thereon is past due more than 15 days at the date of purchase except purchases of mortgages under the provisions of § 202.12.

(f) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

§ 202.6 Eligible interest bearing loans.

(a) *Mortgage provisions.* In order to be eligible for insurance a loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust, or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and which:

(1) Is in a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage, deed of trust, or similar instrument is situated and involves a principal amount not in excess of $4,500.

(2) Shall provide for interest at such rate as may be agreed upon between the borrower and the insured but in no case shall such interest be in excess of 4½ percent per annum on the outstanding principal. Interest and principal shall be payable in monthly installments (or other periodic installments as provided in subparagraph (11) of this paragraph. In the event interest is payable in installments corresponding to the income periods shown on the credit application, such interest payments may be required in advance for each installment period.)

(3) May provide for payments by the borrower to the insured on each installment payment date of an amount equal to the annual insurance charge payable by the insured to the Commissioner, divided by the number of installment payment dates to elapse prior to the date such charge is due and payable to the Commissioner.

(4) Shall provide for such equal payments by the borrower to the insured on each installment payment date as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending 1 month prior to the date on which same became delinquent. Such payments shall be held by the insured in a manner satisfactory to the Commissioner for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower. The mortgage shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums should prove to be more or less than the actual amount thereof so paid by the insured.

(5) Shall contain a privilege of prepayment in full or in amounts equal to one or more installment payments on the principal that are next due on the mortgage at any interest payment date upon 30 days' prior notice and without premium or penalty.

(6) Shall provide that all installment payments to be made by the borrower to the insured shall be added together and the aggregate amount thereof shall be applied to the following items in the order set forth:

(i) Insurance charges due the Federal Housing Commissioner.

(ii) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(iii) Interest on the loan.

(iv) Amortization of the principal of the loan.

(7) May provide for a late charge to be paid by the borrower, not to exceed 2 cents for each dollar for each installment payment more than 15 days in arrears. No late charge may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billings must be in the file if claim is made under the contract of insurance.

(8) Shall contain a provision for acceleration of maturity at the option of the holder in the event of default.

(9) Shall not have a final maturity in excess of 20 years and 5 calendar months.

(10) Shall provide for not more than 240 monthly payments which shall fall due on the first day of a month and unless the approval of the Commissioner is obtained, the first such payment shall fall due not less than 6 days nor more than 6 calendar months from the date of the mortgage, except as provided in subparagraph (11) of this paragraph.

(11) In instances in which the credit application of the borrower indicates that not less than 51 percent of the income of the borrower is derived directly from the sale of agricultural crops, commodities or livestock produced by him, the mortgage may provide, in lieu of monthly installments, for substantially equal installment payments corresponding to the income periods shown on the credit application: *Provided, however*, That the first payment must be within 12 months of the date of the mortgage and that at least one payment must be made during each calendar year thereafter.

(b) *Borrowers' payments.* The borrower must pay to the insured, upon the execution of the mortgage, a sum that will be sufficient to pay premiums on fire and other insurance required by the insured pursuant to the terms of the mortgage, and ground rents, if any estimated taxes, special assessments, drainage, and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the mortgage. The borrower, at such time, may also be required to pay a sum equal to the first annual insurance charge plus an amount equal to one-twelfth of the annual insurance charge multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the mortgage provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder. The insured may charge the borrower any fees paid to the Administration and an initial service charge in an amount sufficient to reimburse the insured for the cost of closing the transaction, including appraisal and construction inspection fees but in no case shall the amount of such service charge be in excess of 2 percent of the original principal amount of the loan.

(c) *Recording fees and title costs.* In addition to the charges hereinbefore mentioned the insured may collect from the borrower only recording fees and such costs of title search as are customary in the community.

§ 202.7 Eligible discount loans.

(a) A "discount" loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or other similar instrument, which is approved as to form by the Commissioner and which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and:

(1) Shall not be in excess of $4,500 exclusive of financing charges to the borrower.

(2) Shall not have a maturity in excess of 20 years and 5 calendar months.

(3) May provide for a maximum financing charge to be paid by the borrower for interest, discount, and fees of all kinds, other than those referred to in subparagraph (4) of this paragraph and paragraphs (b) and (c) of this section, in connection with the transaction not in excess of an amount based on tables of calculations issued by the Federal Housing Commissioner, and intended to provide a financing charge equivalent to that permitted by the regulations in this part as to interest-bearing loans. The acceptance of a voluntary payment of one or more installments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in this subparagraph. However, if the entire loan is paid in advance, the insured shall make a rebate of the entire unearned financing charge.

(4) Shall provide for such equal monthly payments by the borower to the insured institution as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums within a period ending 1 month prior to the date on which same become delinquent. In such event the note shall further provide that such payments shall be held by the insured institution in a manner satisfactory to the Commissioner for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower and shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more or less than the actual amount thereof so paid by the borrower. If the income of the borrower is derived from the sale of agricultural corps, commodities, or livestock, payments may be seasonal as provided in subparagraph (7) of this paragraph.

(5) May provide for a late charge, to be paid by the maker, not to exceed two cents for each dollar of each installment more than 15 days in arrears. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the contract of insurance.

(6) May not provide without the approval of the Commissioner for a first payment less than 6 days nor more than 6 calendar months from the date of the note except as provided in subparagraph (7) of this paragraph and in no case shall provide for more than 240 payments.

(7) May be made payable in installments corresponding to the income periods shown on the credit application if 51 percent or more of the income of the

borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him. In such cases, the first payment must be made within 12 months of the date of the note and at least one (1) payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payment in earlier years.

(8) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment.

(b) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a Class 3 loan as provided in paragraph (a) (3) of this section, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower:

(1) Recording fees.

(2) Title examination fees.

(3) Fire and other hazard insurance premiums.

(4) An initial service charge in an amount sufficient to reimburse the insured institution for the cost of closing the transaction: *Provided*, That, no such service charge shall exceed 2 percent of the net proceeds of the loan.

(c) The borrower may be required to pay the insured institution upon the closing of the loan a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rent, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the loan to be held by the insured institution for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower.

§ 202.8 Loan procedure.

(a) *Property approval.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan, the borrower shall submit to the insured a description of the property and such plans and specifications as the insured may require in order for the insured to certify to the Commissioner that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties. Such property description, plans and specifications shall remain a permanent part of the loan file.

(b) *Appraisal.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan the insured shall make an estimate of the value of the property, assuming completion of the proposed improvements, and determine that the requirements of § 202.3 (b) will be complied with.

(c) *Commissioner's approval on properties for sale or rent.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan for any property which is intended for sale or rent, the insured shall submit to the Commissioner a request for preliminary approval of the transaction on a form prescribed by the Commissioner. The approval of the Commissioner provided for in this section shall not relieve the insured from compliance with any regulation.

(d) *Progress payments.* Prior to disbursing the proceeds of the loan or any portion thereof to the borrower or to a creditor for his account, the insured shall satisfy itself that the value of the work done and materials on site at the time of any progress payment, is equal to at least 110 percent of such payment, plus all such progress payments theretofore made. The insured shall not make a disbursement or progress payment to the borrower or to a creditor for his account which would increase the total amount disbursed to a sum in excess of 80 percent of the proceeds of the loan until it has made a final inspection of the property and has approved the work. Whenever it appears to the satisfaction of the insured that completion of the work will be temporarily delayed due to inclement weather, nonavailability of material, or other reason beyond the control of the builder, it may disburse the entire balance remaining of the loan proceeds after deducting and retaining therefrom one and one-half times the amount deemed necessary to complete the work. This retained balance shall not be disbursed until after the work has been inspected and approved by the insured. Notwithstanding any other provision of this section, part or all of the proceeds of the loan may, at any time after the execution of the mortgage instruments by the borrower, be placed in escrow or in a special account for the benefit of the borrower: *Provided*, That disbursements therefrom shall be made only at the time and under the conditions as otherwise prescribed in this section.

(e) *Completion certificate.* Prior to the final disbursement of the proceeds of the loan, the insured shall obtain a completion certificate on a form prescribed by the Commissioner which form shall bear the genuine signature of the borrower certifying that the house is complete and ready for occupancy and that the work has been performed in compliance with the requirements of § 202.4. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall, in all cases where the insured discovered a material misstatement in the Credit Application, or misuse of the funds, promptly report such a discovery to the Commissioner. A separate certificate shall be executed by the insured certifying that it has made a final inspection of the completed property and that the statements contained in the borrower's completion certificate are correct to the best of its knowledge and belief and that in its opinion the property improved is suitable as a residence and does not adversely affect surrounding properties.

(f) *Substitution of borrowers.* In the event that property covered by a loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured, the seller may be released by the insured from his obligation upon notice thereof to the Commissioner: *Provided*, That, if the loan was secured by a first lien upon a fee simple estate, the loan, after assumption, shall be secured by a first lien on a fee simple interest in the land and building, appurtenances and improvements thereon.

(g) *Loan reports.* Loan shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within 31 days of the first disbursement of any of the proceeds of the loan or the date upon which it was purchased. Any loan refinanced in accordance with § 202.9 shall be reported on the proper form within 31 days from the date of refinancing. In any case, the Commissioner may in his discretion accept a late report.

§ 202.9 Refinancing.

New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act made after after August 19, 1947, which may or may not include an additional amount advanced will be covered by insurance: *Provided*, That:

(a) They meet the requirements of all applicable regulations;

(b) They are reported to the Commissioner on the proper form within 31 days from date of execution;

(c) They have a maturity not in excess of the maximum permitted under the regulations in this part from the date of the refinancing obligation, but not to exceed 30 years from the date of the original mortgage;

(d) If the refinanced obligation was secured by a first lien upon a fee simple estate, the new obligation shall be secured by a first lien upon a fee simple interest in the land and building, appurtenances and improvements thereon.

§ 202.10 Claims.

Claim for reimbursement for loss on a qualified loan shall be made as provided in this section.

(a) *Default reports.* If the borrower fails to make any payment or to perform any other covenant or obligation under the mortgage and such failure continues for a period of 30 days, the mortgage shall be considered in default and the insured shall within 60 days thereafter give notice in writing to the Commissioner of such default, and similar notices each 60 days until such default is cured and notice thereof is given to the Commissioner.

(b) *Foreclosure or acquisition.* At any time within 1 year from the date of default the insured, at its election, shall either:

(1) Acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the insured shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(3) Nothing contained in this section shall be construed so as to prevent the insured, with the written consent of the Commissioner, from taking action at a later date than specified in this section.

(c) *Reinstatement.* If after default and prior to the completion of foreclosure proceedings the borrower shall pay to the insured all monthly payments in default and such expenses as the insured shall have incurred in connection with the foreclosure proceedings, no claim for reimbursement under the Contract of Insurance can be made and the insurance shall continue as if such default had not occurred.

(d) *Filing claim.* If the default is not cured as aforesaid, and if the insured has otherwise complied with the provisions of this section, it may at any time within 7 months or such further time as may be approved by the Commissioner, after acquiring title to and possession of the mortgaged property, tender to the Commissioner possession thereof, and a deed containing a covenant which warrants against the acts of the insured and all claiming by, through, or under it, conveying good merchantable title to such property undamaged by fire, earthquake, flood, or tornado. The Commissioner shall promptly accept conveyance of such property and, subject to § 202.12, make payment of loss sustained by the insured as follows:

(1) The net unpaid balance of advance actually made;

(2) Uncollected earned interest to the date of default and interest at the rate of 3 percent per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds of such cost or seventy-five dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums.

Any amount received by the insured from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property, shall be deducted from the sum of the foregoing.

(e) *Evidence of title.* Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by a legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, except for ground rents and taxes not due and payable and special assessments not in arrears. If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(f) *Waiver of title objections.* The commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes:

(1) Customary easements for public utilities, party walls, driveways and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights, which do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

(g) *Sale and claim for deficiency.* In lieu of the procedure provided for in paragraphs (d) and (e) of this section, the insured, after acquiring title to the property as provided in this section, may at its option and with the approval of the Commissioner, sell the same in the open market to a bona fide third party at any time within 6 months from the date of such acquisition of the property, or within such further time as may be approved by the Commissioner. The net amount received at such sale, whether in cash or deferred payments, shall be credited on the obligation and claim may be filed with the Commissioner for the balance. Payment of loss sustained by the insured shall be made as follows:

(1) The net unpaid balance of the advance actually made. In calculating the net unpaid amount, the net sale price must be included as a credit.

(2) Uncollected earned interest to the date of default and interest at the rate of 3 percent per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds of such cost or seventy-five dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, water rates which are liens prior to the mortgage, fire and hazard insurance premiums, and cost of maintenance and repair of the property. (Claim for the cost of maintenance and repair shall not exceed 10 percent of the net unpaid balance of the advance actually made unless prior approval of the Commissioner has been obtained.) Any amount received by the insured from any source relating to the property on account of rent or other income shall be deducted from the sum of the items referred to in this paragraph.

§ 202.11 Insurance charge.

(a) *Rate.* The insured shall pay to the Administration an annual insurance charge equal to one-half of 1 percent of the original principal amount of any loans reported for insurance.

(b) *When payable.* The first annual insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administration within 25 days after the date the Administration acknowledges receipt to the insured of the report of any such loan and the next and each succeeding annual insurance charge shall be paid in advance upon the anniversary of the first day of the month following the date of the mortgage until the loan is paid in full or claim is filed with the Commissioner under the Contract of Insurance.

(c) *Mortgages paid in full.* In the event the loan is paid in full prior to maturity or is foreclosed or the possession of and title to the property is otherwise acquired by the insured, the insured shall within 30 days thereafter notify the Commissioner of the date of prepayment, foreclosure, or acquisition, after which its obligation to pay future annual insurance charges in connection therewith shall cease but it shall not be entitled to a refund of any portion of an annual insurance charge previously paid or a reduction in the amount of any insurance charge, which fell due prior to such prepayment, foreclosure, or acquisition of the property.

(d) *Refinancing.* When the proceeds of any loan are used to liquidate a loan previously reported for insurance, there shall be deducted from the amount of the insurance charge payable the first year the pro rata share of the annual insurance charge paid on the original obligation.

(e) *Transfer of mortgages.* An insured who purchases a mortgage previously reported for insurance shall pay each succeeding annual insurance charge as provided in paragraph (b) of this section. Any adjustment of the insurance charge paid in advance by the

seller shall be made between the purchaser and the seller.

(f) *Payment of insurance charge.* Subject to the other provisions of the regulations in this part, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Commissioner: *Provided*, That the insurance charge with respect to such loan is paid as required by this section.

§ 202.12 Insurance reserve.

(a) *Legal limit.* Subject to the limitation on the total liability which may be outstanding at any time as stipulated in section 2 of Title I of the act, the Commissioner, in accordance with § 202.10 (d) and (g), will reimburse any insured for losses sustained by it up to a total aggregate amount equal to 10 percent of the total amount advanced on all eligible loans made by it on and after July 1, 1947, and prior to March 1, 1950, and reported for insurance during the time its contract of insurance is in force.

(b) *General insurance reserve.* There shall be established for each insured a general insurance reserve equal to 10 percent of the aggregate amount advanced on all loans originated by it on and after July 1, 1947, and prior to March 1, 1950, pursuant to the provisions of both this part and Part 201 of this chapter.

(c) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a Contract of Insurance under Title I of the National Housing Act: *Provided*, That nothing contained in this paragraph shall be construed to prevent the pledging of such loans as collateral security under a trust agreement or otherwise, in connection with a bona fide loan transaction.

(d) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee, or repurchase agreement, the reports required by § 202.8 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve and unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no instalment payment is past due more than 1 calendar month at the time of purchase, the insurance reserve shall be transferred to the general insurance reserve of the purchasing institution on the basis of 10 percent of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(e) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

(f) *Conversion of mortgages.* If at any time a Class 3 loan previously reported for insurance is converted into an insured mortgage under the provisions of another title of the act, upon report of the conversion to the Commissioner, there shall be deducted from the insurance reserve outstanding to the credit of the insured an amount equal to 10 percent of the net unpaid principal of the loan as of the date of the conversion.

§ 202.13 Administrative reports and examination.

The Commissioner, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with the regulations in this part, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.

PART 202a—TITLE I MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

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EFFECTIVE DATE

202a.300 Effective date.

AUTHORITY: §§ 202a.251 to 202a.300 issued under sec. 2, 48 Stat. 1246, as amended, sec. 8, 64 Stat. 48, as amended; 12 U.S.C. 1703, 1706c.

Subpart A—Eligibility Requirements—[Obsolete]

Subpart B—Contract Rights and Obligations

§ 202a.251 Definitions of terms used in this part.

As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part.

PREMIUMS

§ 202a.253 Annual mortgage insurance premiums.

(a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title I of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full, or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

§ 202a.254 Prepayment premiums.

(a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

§ 202a.255 Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 203 of this chapter.

§ 202a.256 Pro rata refund in event of prepayment.

Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs: *Provided*, That no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

§ 202a.257 Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interest arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 202a.63.

INSURANCE ENDORSEMENT

§ 202a.258 Form of endorsement of original credit instrument.

Upon compliance, satisfactory to the Commissioner, with the terms of his commitment to insure, the Commissioner will endorse the original credit instrument in form as follows:

No. _____
Insured under Section 8 of Title I
of the
National Housing Act
And Regulations of the
Federal Housing Commissioner
For Mortgage Insurance Thereunder
Dated _____
As Amended _____
FEDERAL HOUSING COMMISSIONER
By _____
Authorized agent
Date _____

§ 202a.259 Contract of insurance.

The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a sep-

arate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

RIGHTS AND DUTIES OF APPROVED MORTGAGEE

§ 202a.260 Rights of parties on termination of insurance.

In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with § 202a.263, and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under § 202a.254, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under § 202a.263 shall terminate as of the date of such notice.

§ 202a.261 Time of default.

If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 202a.262 Transfer of property to the Commissioner; conditions of default in mortgage.

(a) At any time within one year from the date of default the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(b) The mortgagee shall promptly give notice in writing to the Commissioner of the situation of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(c) For the purpose of this section, the date of default shall be considered as 30 days after the first uncorrected failure to perform a covenant or obligation, or the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(d) If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

(e) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(f) If at any time during default the mortgagor is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section.

(g) If the mortgagor is a person in military service as defined in such act, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

§ 202a.263 Condition of property when transferred; delivery of debentures, certificate of claim and definition of term "waste".

(a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 202a.262, and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 202a.262(a), the mortgagee shall either tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance conveying good merchantable title (evidenced as provided in § 202a.264) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(1) Debentures of the Title I Housing Insurance Fund as set forth in section 8 of Title I of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to March 23, 1953, and at the rate of 2¾ percent per annum in the case of mortgages endorsed for insurance on or after March 23, 1953, and prior to July 8, 1953, and at the rate of 3 percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2¾ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 204 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property. There will also be included in the debentures issued by the Commissioner, on account of foreclosure costs actually paid by the mortgagee and approved by the Commissioner an amount not in excess of two-thirds of such costs or $75, whichever is the greater: *Provided*, That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and 3 months thereafter.

(2) Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe.

(3) A certificate of claim in accordance with section 204 (e) of the act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with section 204 (f) of the act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

(b) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(d) In computing the value of the mortgage as set forth in paragraph (a)(1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(e) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed in accordance with the procedures under Part 203 of this chapter.

§ 202a.264 Satisfactory title evidence.

(a) Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(b) Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens including any past due and unpaid ground rents, general taxes, or special assessments.

(c) If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(d) The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

ASSIGNMENTS

§ 202a.265 In general.

(a) When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Commissioner of such transfer within 30 days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; and the transferor shall thereupon be released from its obligations under the contract of insurance.

(b) Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Commissioner until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

§ 202a.266 Termination of contract of insurance by assignment.

The contract of insurance shall terminate upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by, or the pledge thereof to, any person, firm, or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided*, That this paragraph shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, or a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect;

(b) The disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device; provided that this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other bank-

ing institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency: *And provided further*, That this paragraph shall not be applicable to any participation in a mortgage by one or more banks or trust companies pursuant to an agreement entered into prior to the insurance of such mortgage under which such institutions participate in the advance of construction funds in contemplation of reimbursement from the proceeds of the sale of the insured mortgage, and such participation may continue for such period of time after the insurance of the mortgage as may be required to execute the purposes of such agreement, provided the mortgagee presenting the mortgage for insurance is entitled to all the rights and is bound by all the obligations of the contract of insurance.

AMENDMENTS

§ 202a.267 Amendment to regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 202a.300 Effective date.

The regulations in this part are effective as to all mortgages on which a commitment to insure is issued under section 8 of Title I to an approved mortgagee on or after the date of this part.

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

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AUTHORITY: §§ 203.1 to 203.499 issued under secs. 203, 211, 52 Stat. 10, as amended, 23, as amended; 12 U.S.C. 1709, 1715b.

Subpart A—Eligibility Requirements

Approval of Mortgagees

§ 203.1 Governmental institutions approved as mortgagees.

The following institutions are hereby approved as mortgagees under section 208 of the National Housing Act:

(a) National Mortgage Associations;

(b) Federal Reserve Banks;

(c) Federal Home Loan Banks; and

(d) Any other Federal, State, or municipal governmental agency that is or may hereafter be empowered to hold mortgages insured under Title II of the National Housing Act as security or as collateral or for any other purpose.

§ 203.2 Federal Reserve members, other institutions.

Members of the Federal Reserve System, institutions whose accounts are insured by the Federal Savings & Loan Insurance Corporation and institutions whose deposits are insured by the Federal Deposit Insurance Corporation may be approved as mortgagees upon application.

§ 203.3 Charitable or nonprofit institutions.

Any charitable or nonprofit organization, including a pension fund or trust, which presents evidence that it is responsible, has permanent funds of not less than $100,000, and has experience in investment, may be approved upon application.

§ 203.4 Approval of other institutions.

(a) *General requirements.* Any mortgagee not identified in §§ 203.1 to 203.3 may be approved as a mortgagee, if it is a chartered institution; or is a permanent organization having succession; or is a trust. Any such mortgagee shall have sound capital funds properly proportioned to its liabilities and to the character and extent of its operation, and meet the requirements of either paragraph (b), (c) or (d) of this section.

(b) *Special requirements applicable to supervised institutions.* A mortgagee shall be subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts and shall submit satisfactory evidence that it has sound capital funds of a value not less than $30,000 or, if a mutual company or association without capital funds, that it has a net worth of not less than $25,000.

(c) *Special requirements — non-supervised institutions.* A mortgagee not subject to inspection and supervision of a governmental agency as provided in the preceding paragraph shall have as its principal activity the lending or investment of funds under its own control in real estate mortgages; shall have sound capital funds of a value of not less than $100,000; shall submit a detailed audit of its books made by an accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him; shall file with the Commissioner similar audits at least once in each calendar year so long as its approval as mortgagee continues; shall submit at any time to such examination of its books and affairs as the Commissioner may require; and shall comply with any other conditions that the Commissioner may impose. Prior to the approval of any such mortgagee, it shall submit an agreement in writing.

(1) That so long as it continues to be approved as a mortgagee, it will not issue, without the prior approval of the Commissioner, any mortgage participating certificates on which it assumes personal liability, or any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and

(2) That, except with the prior approval of the Commissioner, it will segregate escrow commitment deposits, work completion deposits, and all periodic payments under mortgages insured by the Commissioner, received by it on account of ground rents, taxes, assessments and insurance premiums, and will deposit such funds in a special account or accounts with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.

(d) *Special requirements—loan correspondent mortgagees.* Requirements for approval as a loan correspondent mortgagee are identical with those for approval of nonsupervised mortgagees, except as follows:

(1) It may be approved with sound capital funds (net worth) of not less than $5,000;

(2) It shall be an authorized loan correspondent of, and its approval requested by, an approved mortgagee under governmental supervision, which is investing in insured mortgages for its own portfolio and whose past and future investment commitments are such as to assure the Commissioner enough business will be originated to enable the correspondent to successfully maintain its servicing accounts;

(3) It shall originate or purchase insured loans for sale only to its sponsor or sponsors;

(4) It, and its sponsor or sponsors shall agree to notify the Commissioner promptly upon termination of the loan correspondent agreement;

(5) Termination of the relationship with sponsor or sponsors will be cause for withdrawal of the loan correspondent mortgagee approval.

§ 203.5 Approval of individuals and organizations as investing mortgagees.

(a) The Commissioner hereby approves, as investing mortgagees, individuals and organizations which:

(1) Acquire one or more mortgages insured under section 203(b) of the Act; and

(2) Acquire these mortgages from a sponsoring mortgagee or another investing mortgagee; and

(3) Acquire these mortgages subject to the provisions set forth in this subpart.

(b) Insured mortgages may not be originated by an investing mortgagee.

§ 203.6 Approval of fiduciary investments.

(a) Approval as a mortgagee of a banking institution or trust company which is subject to the inspection and supervision of a governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this section and the fiduciary relationship must be such as to permit such transfer.

§ 203.7 Withdrawal of approval.

(a) Approval of a mortgagee may be withdrawn at any time by notice from the Commissioner, by reason of:

(1) The transfer of an insured mortgage to a non-approved mortgagee;

(2) The failure of a non-supervised mortgagee to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds to a special account or accounts with a banking institution whose accounts are insured by the Federal Deposit Insurance Corporation;

(3) The use of escrow funds for any purpose other than that for which they were received;

(4) The failure of a non-supervised mortgagee to conduct its business in accordance with the plan indicated by its application for approval;

(5) The termination of a mortgagee's supervision by a governmental agency;

(6) Such other reason as the Commissioner determines to be justified.

(b) Withdrawal of a mortgagee's approval shall not affect the insurance on mortgages accepted for insurance.

§ 203.8 Financial statements.

All approved mortgagees shall at any time upon request furnish the Commissioner with a copy of their latest periodic financial statement or report.

§ 203.9 Mortgage servicing.

All approved mortgagees are required to service insured loans in accordance with acceptable mortgage practices of prudent lending institutions. In the event of default, the mortgagee should be able to contact the mortgagor and otherwise exercise diligence in collecting the amounts due. The holder of the mortgage is responsible to the Commissioner for proper servicing, even though the actual servicing may be performed by an agent of such holder.

Application and Commitment

§ 203.10 Submission of application.

Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed.

§ 203.11 Form of application.

The application must be made upon a standard form prescribed by the Commissioner.

§ 203.12 Application fee.

(a) Applications filed for a commitment with respect to existing construction shall be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing.

(b) Applications filed for a commitment with respect to proposed construction shall be accompanied by the mortgagee's check for the sum of $45 to cover the cost of processing. Twenty dollars will be retained and the balance of such fee will be returned to the applicant if the mortgage which is the subject of the application is endorsed for insurance.

(c) The entire fee required by paragraphs (a), (b), and (d) of this section will be returned:

(1) If an application is refused as a result of preliminary examination;

(2) If the application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, if the Commissioner finds that the collection of such fee would be inequitable under the circumstances of the transaction. For the purposes of this chapter the word veteran shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955;

(3) In such other instances as the Commissioner may determine.

(d) Applications for insurance of a mortgage of the character described in § 203.43(b)(4) shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing.

(e) Requests for insurance endorsement of a mortgage processed under the Certified Agency Program shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing. The entire fee of $10 will be considered as earned by the Commissioner when received.

§ 203.13 Approval of application.

Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 203.14 Builders warranty.

With respect to commitments issued on or after October 1, 1954, applications relating to proposed construction must be accompanied by an agreement in form satisfactory to the Commissioner executed by the seller or builder or such other person as the Commissioner may require agreeing that in the event of any sale or conveyance of the dwelling within a period of one year beginning with the date of initial occupancy, the seller, builder, or such other person will at the time of such sale or conveyance deliver to the purchaser or owner of such property a warranty in form satisfactory to the Commissioner warranting that the dwelling is constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in writing by the Commissioner) on which the Commissioner has based his valuation of the dwelling. Such agreement must provide that upon the sale or conveyance of the dwelling and delivery of the warranty, the seller, builder or such other person will promptly furnish the Commissioner with a conformed copy of the warranty establishing by the purchaser's receipt thereon that the original warranty has been delivered to the purchaser in accordance with this section.

§ 203.15 Certification of appraisal amount.

An application with respect to insurance of mortgages on one- or two-family dwellings must be accompanied by an agreement satisfactory to the Commissioner, executed by the seller, builder or such other person as may be required by the Commissioner whereby such person agrees that prior to any sale of the dwelling the said person will deliver to the purchaser of such property a written statement in form satisfactory to the Commissioner setting forth the amount of the appraised value of the property as determined by the Commissioner.

§ 203.16 Certificate and contract regarding use of dwelling for transient or hotel purposes.

Every application filed with respect to insurance of mortgages on a two-, three-, or four-family dwelling, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same mortgagor, must be accompanied by a contract in form satisfactory to the Commissioner, signed by the proposed mortgagor covenanting and agreeing that so long as the proposed mortgage is insured by the Commissioner the mortgagor will not rent the housing or any part thereof covered by the mortgage for transient or hotel purposes, together with the mortgagor's certification under oath that the housing or any part thereof covered by the proposed mortgage will not be rented for transient or hotel purposes. For the purpose of this subchapter rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days or (b) any rental if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

Eligible Mortgages

§ 203.17 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, 30, or 35 years may be in an amount of $50 or multiples thereof.

(c) *Payments and maturity dates.* The mortgage shall:

(1) Come due on the first of a month;

(2) Have a maturity satisfactory to the Commissioner which is:

(i) Not less than 10 nor more than 30 years from the date of the beginning of amortization of the mortgage, except that if a dwelling was approved for insurance by the Commissioner prior to the beginning of construction the mortgage may have a maturity of 35 years from the date of the beginning of amortization of the mortgage, or

(ii) Not in excess of three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is lesser.

(3) Have an amortization period of either 10, 15, 20, 25, 30 or 35 years by providing for either 120, 180, 240, 300, 360 or 420 monthly amortization payments.

(4) Provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

§ 203.18 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the property shall not exceed the lesser of the following:

(1) Depending upon the design of the structure

(i) $25,000 for a one-family residence;

(ii) $27,500 for a two-family residence;

(iii) $27,500 for a three-family residence;

(iv) $35,000 for a four-family residence.

(2) 97 percent of $15,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $20,000, and 75 percent of such value in excess of $20,000, if:

(i) The dwelling was approved for insurance by the Commissioner prior to the beginning of construction; or

(ii) Construction was completed more than one year preceding the date of the application for insurance; or

(iii) The dwelling was approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs prior to the beginning of construction.

(3) 90 percent of $20,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the dwelling does not meet the requirements of subparagraph (2) of this paragraph.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed:

(1) 85 percent of any amount computed under paragraph (a) of this section; or

(2) The full amount computed under paragraph (a) of this section if the mortgage covers a one- or two-family residence and the Commissioner is furnished with certificates indicating that:

(i) [Reserved]

(ii) The mortgagor will not rent (except for a rental term of not less than 30 days and not more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(iii) Not less than 15 percent of the original principal amount of the mortgage proceeds has been deposited in an escrow, trust, or special account;

(iv) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account will be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(v) [Reserved]

(vi) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of debentures to which the mortgagee would otherwise be entitled if a claim for debentures is filed.

(c) *Outlying area properties.* A mortgage covering a single-family residence located in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to insurance of mortgages in built up urban areas, or to be used as a farm home on a plot of land, five or more acres in size, adjacent to a public highway, shall not exceed:

(1) $9,000;

(2) 97 percent of the appraised value of the property as of the date the mortgage is accepted for insurance, if:

(i) The dwelling was approved for insurance by the Commissioner prior to the beginning of construction; or

(ii) Construction was completed more than one year preceding the date of the application for insurance; or

(iii) The dwelling was approved for guaranty, insurance, or direct loan by the Administrator of Veterans Affairs prior to the beginning of construction.

(3) 90 percent of the appraised value of the property as of the date the mortgage is accepted for insurance in the case of all properties not meeting the requirements of subparagraph (2) of this paragraph; and

(4) 85 percent of the appraised value of the property if the mortgagor is not an occupant thereof.

(d) *Disaster victims.* A mortgage covering a single-family dwelling executed by a mortgagor who will occupy the dwelling and who establishes that the home which he previously occupied as owner or tenant was destroyed or damaged to such an extent that reconstruction or replacement is required as a result of a flood, fire, earthquake, storm or other catastrophe which the President has determined to be a major disaster, and the application for insurance is filed within one year from the date of such determination may be in an amount not in excess of the lesser of the following:

(1) $12,000;

(2) The appraised value of the property as of the date the mortgage is accepted for insurance.

§ 203.19 Mortgagor's minimum investment.

(a) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

(b) A mortgagor who is 62 years of age or older as of the date the mortgage is accepted for insurance or a mortgagor under a mortgage meeting the requirements of § 203.18(c), may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this section, plus settlement costs which may include initial payments for taxes, hazard insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage. The aggregate amount of the insured mortgage and the loan referred to in this section shall not exceed an amount equal to the Commissioner's estimate of the appraised value of the property, plus an amount equal to the initial payments for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses as determined by the Commissioner.

§ 203.20 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

§ 203.21 Amortization provisions.

The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 203.22 Payment of insurance premiums or charges; prepayment premiums.

(a) The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage should provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in this subchapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 203.23 Mortgagor's payments to include other charges.

(a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments and insurance premiums before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

(b) Mortgages involving a principal obligation not in excess of $9,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding. The provisions of this paragraph shall not apply to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after July 17, 1961.

§ 203.24 Application of payments.

(a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance, including insurance charges for open-end advances;

(2) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(3) Service charge, if any;

(4) Interest on the mortgage; and

(5) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payment, constitute an event of default under the mortgage.

§ 203.25 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 203.26 Mortgagor's payments when mortgage is executed.

The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 203.27 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

(1) The application fees provided for in this part.

(2) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed:

(i) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater; or

(ii) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of contruction.

(3) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(4) Reasonable and customary charges in the nature of discounts if the mortgagor is:

(i) A builder constructing houses for sale who executes the mortgage in his own name;

(ii) Constructing a dwelling for his own occupancy; or

(iii) Refinancing a prior mortgage covering property owned by the mortgagor.

(iv) Purchasing the property from a governmental agency or municipal corporation which is precluded by statute from paying the discount.

(b) [Reserved]

(c) [Reserved]

(d) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing any charge, fee or discount collected by the mortgagee from the mortgagor. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(e) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

§ 203.28 Economic soundness of project.

The mortgage must be executed with respect to a project which, in the opinion of the Commissioner, is economically sound except that this section shall not apply:

(a) To a mortgage of the character described in § 203.18(c) and with respect to such a mortgage the Commissioner shall determine that the mortgage is an acceptable risk giving consideration to the need for providing adequate housing for families of low and moderate income, particularly in suburban and outlying areas of small communities; or

(b) To a mortgage of the character described in § 203.18(d).

§ 203.29 Eligible mortgages in Alaska, Guam, or Hawaii.

(a) If the Commissioner finds that because of high costs in Alaska, Guam or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this subpart the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(b) If the Alaska Housing Authority or the Government of Guam or Hawaii or any agency or instrumentality thereof is the mortgagor or mortgagee, or if the mortgagor is regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rental and sales prices and a reasonable return on the investment, any mortgage otherwise eligible for insurance under this subpart, may be insured without regard to any requirement that the mortgagor:

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property; or

(3) Certify that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) The provisions of § 203.28 requiring economic soundness shall not be applicable to mortgages covering property located in Alaska or in Guam or in Hawaii, but the Commissioner shall find that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam or in Hawaii.

§ 203.30 Racial restriction covenant.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 203.31 Owner-occupancy in military service cases.

Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

ELIGIBLE MORTGAGORS

§ 203.32 Mortgage lien.

A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 203.33 Relationship of income to mortgage payments.

A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 203.34 Credit standing.

A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 203.35 Racial restrictions certificate.

A mortgagor must certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

§ 203.36 Certificate and contract regarding use of dwelling for transient or hotel purposes.

A mortgagor under a mortgage covering two-, three-, or four-family dwellings, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same mortgagor, must certify under oath that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, the mortgagor will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. The mortgagor shall further execute a contract with the Commissioner providing that so long as the said mortgage is insured he will not rent such housing, or any part thereof, for transient or hotel purposes as such purposes are defined in § 203.16.

ELIGIBLE PROPERTIES

§ 203.37 Nature of title to realty.

A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 203.38 Location of dwelling.

At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 203.39 Standards for buildings.

The buildings on the mortgaged property must conform with the standards prescribed by the Commissioner.

§ 203.40 Location of property.

The mortgaged property, if otherwise acceptable to the Commissioner, may be located in any community where the housing standards meet the requirements of the Commissioner.

§ 203.41 Racial restrictions on property.

A mortgagee must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance.

§ 203.42 Rental properties.

(a) A mortgage on property upon which there is a dwelling to be rented by the mortgagor shall not be eligible for insurance if said property is a part of, or adjacent or contiguous to a project, subdivision or group of similar rental properties which involve twelve or more dwelling units if the mortgagor has any financial interest in said properties: *Provided*, That with respect to applications received by the Commissioner on or after August 31, 1955, the number of dwelling units referred to in this paragraph shall be reduced to eight.

(b) No two-, three-, or four-family dwelling nor single-family dwelling, if it is a part of a group of five or more single-family dwellings held by the same mortgagor or any part or unit thereof, shall be rented or offered for rent for transient or hotel purposes, as defined in § 203.16, so long as such dwelling is subject to any insured mortgage.

§ 203.43 Eligibility of miscellaneous type mortgages.

(a) A mortgage which meets the requirements of this subpart, except as modified by this section, shall be eligible for insurance under this subpart subject to compliance with the additional requirements of this section.

(b) The mortgage may be accepted for insurance if—

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73 or 353, Seventy-seventh Congress, as amended (including any property acquired, held or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, or any housing (including any property acquired, held or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1958, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the ocupancy of veterans (as defined in § 203.12) their families and others: *Provided*, That the principal obligation of a mortgage referred to in this subparagraph shall not exceed 90 percent of the appraised value of the mortgaged property; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph; or

(7) Given to refinance an existing mortgage insured under section 903 of the act: *Provided*, That any such refinancing mortgage shall not exceed the original principal amount or the unexpired term of such existing mortgage.

(c)–(f) [Reserved]

(g) The provisions of § 203.28 shall not apply to mortgages insured under this section.

(h) The provisions of § 203.38 shall not apply to mortgages of the character described in paragraph (b) of this section and at the time any such mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than eight families.

(i) [Reserved]

(j) Notwithstanding the provisions of § 203.12(a), in connection with mortgages on properties located within the Boulder City municipal areas as provided in subparagraph (3) and mortgages of the character described in subparagraph (4) of paragraph (b), applications for commitments shall be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee will be returned to the applicant.

OPEN-END ADVANCES

§ 203.44 Eligibility of open-end advances.

Any approved mortgagee may make advances, referred to in this subpart as "open-end" advances, in connection with the mortgages previously insured under this subchapter or insured after the effective date of this subpart, subject to compliance with the requirements of this section.

(a) The proceeds of any open-end advance must be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements.

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in § 203.307. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the advance will be insured.

(f) The amount of such advance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any such advance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of § 203.18 or § 203.43.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open-end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disapprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee will have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

INSURED HOME IMPROVEMENT LOANS

§ 203.50 Definitions.

As used in §§ 203.50 et seq. the term:

(a) "Act" means the National Housing Act, as amended.

(b) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(c) "Loan" means an advance of funds or credit evidenced by a note secured by a security instrument.

(d) "Note" means a note or other evidence of indebtedness executed, upon a form approved by the Commissioner, for use in the jurisdiction where the loan is disbursed.

(e) "Outstanding indebtedness relating to the property" means the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property including those obligations constituting liens on the title to the property to be improved.

(f) "Lender" means an approved financial institution eligible for insurance under section 203(k) of the Act that is the holder of an insured loan or the holder of a loan presented for insurance.

§ 203.51 Eligible lenders.

Lenders meeting the applicable eligibility qualifications and requirements contained in §§ 203.1–203.4 and 203.6 shall be eligible for insurance of home improvement loans under §§ 203.50 et seq.

§ 203.52 Withdrawal of approval.

(a) Approval of a lender shall be considered as withdrawn where the Commissioner notifies the lender of a withdrawal of its approval as a mortgagee under Title II of the Act.

(b) Withdrawal of approval of a lender shall not affect the insurance on loans accepted for insurance.

§ 203.53 Financial statements.

The lender shall at any time upon request furnish the Commissioner with a copy of its latest periodic financial statement or report.

§ 203.54 Loan servicing.

The lender shall service insured loans in accordance with acceptable loan practices of prudent lending institutions. In the event of default, the lender shall be able to contact the borrower and otherwise exercise diligence in collecting the amounts due. The holder of the loan shall be responsible to the Commissioner for proper servicing, even though the actual servicing may be performed by an agent of the holder.

§ 203.55 Form of application.

The application shall be made on a form prescribed by the Commissioner.

§ 203.60 Application fee.

(a) *Payment of fee.* An application filed for a commitment shall be accompanied by the lender's check for $20 to cover the cost of processing.

(b) *Refund of fee.* If an application is refused as a result of preliminary examination, or in such other instances as the Commissioner may determine, the application fee shall be refunded.

§ 203.61 Issuance of commitment.

Upon approval of an application, the Commissioner shall issue a commitment setting forth the terms and conditions upon which the loan will be insured, including the extent and nature of the security required for the loan.

§ 203.62 Note and security form.

The lender shall present for insurance a note and security instrument on a form approved by the Commissioner which is valid and enforceable against the borrower or borrowers in the jurisdiction in which the property, covered by the security instrument, is situated.

§ 203.63 Disbursement of proceeds.

Prior to endorsement, the entire principal amount of the loan shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 203.64 Loan multiples.

If the loan is not in excess of $10,000 it shall be in multiples of $50. If the loan exceeds $10,000 it shall be in multiples of $100.

§ 203.65 Loan payments.

The loan payment shall come due on the first of the month.

§ 203.70 Maturity of loan.

The loan shall have a maturity satisfactory to the Commissioner not less than 5 nor more than 20 years from the date of the beginning of amortization or

three-quarters of the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

§ 203.71 Loan amortization period.

The loan shall have an amortization period of either 5, 10, 15, or 20 years by providing for either 60, 120, 180, or 240 monthly amortization payments.

§ 203.72 Beginning of payments.

The loan shall provide for payments to interest and principal to begin not later than the first day of the month following 60 days from the date the lender's certificate on the commitment was executed.

§ 203.73 Minimum and maximum loan amounts.

The loan shall involve a minimum principal amount of $2,500 and shall not exceed:

(a) The Commissioner's estimate of the cost of improvements or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in § 203.18 for mortgages on properties of the same type other than new construction.

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate to be agreed upon by the lender and the borrower, but in no case shall such interest rate exceed 6 percent per annum.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

§ 203.75 Amortization provisions.

The loan shall contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the borrower not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 203.80 Payment of insurance premiums or charges.

(a) The security instrument shall provide for monthly payments by the borrower to the lender of an amount equal to one-twelfth of the annual insurance premium payable by the lender to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The loan shall contain a provision permitting the loan to be prepaid in whole or in part upon any interest payment date after giving the lender 30 days advance written notice. No penalty or charge shall be imposed by the lender on account of such prepayment.

§ 203.81 Application of payments.

(a) All monthly payments to be made by the borrower to the lender shall be added together and the aggregate amount thereof shall be paid by the borrower each month in a single payment. The lender shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan; and

(3) Amortization of the principal of the loan.

(b) Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the borrower prior to, or on, the due date of the next such payment, constitute an event of default under the loan.

§ 203.82 Use of proceeds.

(a) The proceeds of a loan shall be used only to finance improvements that result in or are in connection with the conservation, repair, restoration or refurbishing of the basic livability or utility of an existing structure, including the property on which the structure is located, or in the conversion, alteration, enlargement, remodeling or expansion of such structure, including a change in the living accommodations or the number of family dwelling units located therein.

(b) No loan proceeds shall be used to finance individual equipment items except those relating to heating, ventilating or plumbing or those items determined by the Commissioner to be necessary and incident to improvements as outlined in paragraph (a) of this section.

(c) The structure in connection with which the improvements are to be made shall:

(1) Constitute a structure which is used or will be used upon completion of the improvements, primarily for residential purposes by not more than four families; and

(2) Have been constructed not less than ten years prior to the date of the application for commitment unless, as determined by the Commissioner, the proceeds of the loan are or will be used primarily for major structural improvements, or to correct defects which are not known at the time of the completion of the structure or which were caused by fire, flood, windstorm or other casualty.

§ 203.83 Nature of borrower's ownership.

To be eligible for insurance, the property to be improved shall be owned by the borrower, or be leased by the borrower under a lease for not less than 99 years which is renewable, or be under a lease with a period of not less than 50 years to run from the date of the note.

§ 203.86 Credit standing.

The borrower shall have a general credit standing satisfactory to the Commissioner.

§ 203.90 Relationship of income to loan payments.

The borrower shall establish that the periodic payments required in the loan submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 203.91 Certification as to outstanding indebtedness relating to the property.

The loan application shall be accompanied by a certification by the borrower, on a form prescribed by the Commissioner setting forth the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property including those obligations constituting liens on the title to the property to be improved.

§ 203.92 Racial restrictions certificate.

The borrower shall certify that until the loan has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the property involved on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the property which imposes any such restriction upon its sale or occupancy.

§ 203.93 Certificate and contract regarding use of dwelling for transient or hotel purposes.

An application filed with respect to insurance of a loan on a two-, three-, or four-family dwelling, or a single-family dwelling which is one of a group of 5 or more single-family dwellings held by the same borrower, shall be accompanied by a contract in form satisfactory to the Commissioner signed by the proposed borrower agreeing that so long as the loan is insured by the Commissioner the borrower will not rent the housing or any part thereof covered by the loan for transient or hotel purposes, together with the borrower's certification under oath that the housing or any part thereof covered by the proposed loan will not be rented for transient or hotel purposes. For the purpose of §§ 203.50 et seq. rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days or (b) any rental if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

§ 203.94 Economic soundness.

The proceeds of the loan shall be used only for the improvement of property which in the opinion of the Commissioner is economically sound.

§ 203.100 Charges and fees to lender from borrower.

The lender may collect from the borrower the following charges and fees:

(a) *Application fee.* The application fee provided for in this subchapter.

(b) *Originating and closing charge.* A charge to compensate the lender for expenses incurred in originating and closing the loan, the charge not to exceed one percent of the original principal amount of the loan.

(c) *Amounts for other items.* Reasonable and customary amounts for any of the following items:

(1) Recording fees and recording taxes or other charges incident to recording security.

(2) Credit report.

(3) Title examination.

(4) Title insurance.

(5) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

§ 203.101 Report and approval of charges and fees.

Prior to insurance of any loan, the lender shall furnish to the Commissioner a signed statement in a form satisfactory to the Commissioner listing any charges or fees collected by the lender from the borrower. The Commissioner's endorsement of the note for insurance shall constitute approval of the listed charges or fees.

§ 203.102 Late charge.

The loan may provide for the collection by the lender of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the borrower and shall not be deducted from any aggregate monthly payment.

(Sec. 203, 75 Stat. 158)

EFFECTIVE DATE

§ 203.249 Effective date.

Unless otherwise specified, the rules in this subpart are effective as to all mortgages on which a commitment to insure is issued to an approved mortgage on or after August 9, 1954.

Subpart B—Contract Rights and Obligations

DEFINITIONS

§ 203.251 Definitions.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Investing mortgagee" means individuals and organizations which acquire one or more mortgages insured under section 203(b) of the Act from a sponsoring mortgagee or another investing mortgagee subject to the provisions set forth in this part.

(h) "Sponsoring mortgagee" means any approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee, who has sold and assigned an insured mortgage to an investing mortgagee or has entered into an agreement with an investing mortgagee for the servicing of an insured mortgage.

(i) "Insured mortgage" means a mortgage which has been insured as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(j) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part and the applicable provisions of the Act.

(k) "MIP" means the mortgage insurance premium paid by the mortgagee to the Commissioner in consideration of the contract of insurance.

(l) "Adjusted mortgage insurance premium" means the premium paid by the mortgagee to the Commissioner in consideration of termination of the contract of insurance by reason of prepayment in full of the mortgage.

(m) "Termination charge" means the charge paid by the mortgagee to the Commissioner in consideration of terminating the contract of insurance pursuant to the joint request for such action made by the mortgagor and mortgagee.

(n) "Open-end advance" means an insured advance made by an approved mortgagee in connection with a previously insured mortgage, pursuant to an open-end provision in the mortgage.

(o) "Open-end insurance charge" means the charge paid by the mortgagee to the Commissioner in consideration of the insurance of an open-end advance.

(p) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(q) "Maturity" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(r) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the Mutual Mortgage Insurance Fund in accordance with the provisions of this part; such debentures are the primary liability of the Mutual Mortgage Insurance Fund and are unconditionally guaranteed as to principal and interest by the United States.

(s) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

ENDORSEMENT AND CONTRACT OF INSURANCE

§ 203.255 Insurance of mortgage.

Upon compliance with a commitment, the Commissioner will insure the loan evidencing the insurance by an appropriate panel or endorsement placed on the original credit instrument, which will identify the regulations under which the loan is insured and the date of insurance.

§ 203.256 Insurance of open-end advance.

Insurance of an open-end advance will be evidenced by delivery of a certificate stating the amount of the advance,

the date of insurance, and the regulations under which the advance is insured.

§ 203.257 Contract created by endorsement.

The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this subpart and of the Act.

MORTGAGE INSURANCE PREMIUMS—IN GENERAL

§ 203.260 Method of payment of MIP.

The payment of any MIP under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures issued by the Mutual Mortgage Insurance Fund at par plus accrued interest.

§ 203.261 Calculation of MIP.

The amount of any MIP shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

INITIAL MORTGAGE INSURANCE PREMIUM

§ 203.265 Amount of initial MIP.

The initial MIP shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

§ 203.266 Due date of initial MIP.

The initial MIP shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by endorsement by the Commissioner.

§ 203.267 Period covered by initial MIP.

The initial MIP shall cover the period beginning with the date of insurance endorsement and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve month period following each anniversary date.

§ 203.268 Adjustment of initial MIP.

Regardless of whether the period covered by the initial MIP is more or less than one year, payment shall be made to the Commissioner on account of the initial MIP in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than ½ percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial MIP shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Commissioner as the initial MIP.

§ 203.269 Pro rata payment of initial MIP.

If termination of the contract of insurance occurs before the due date of the initial MIP, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium or termination charge) the portion of the initial premium due to the first of the month following the effective termination date, which shall be computed from:

(a) The beginning of amortization, if insurance endorsement occurred within six months after the beginning of amortization; or

(b) The date of endorsement, if such endorsement occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

ANNUAL MORTGAGE INSURANCE PREMIUM

§ 203.275 Amount of annual MIP.

After payment of the initial MIP an annual MIP shall be paid in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 203.276 Due date of annual MIP.

After payment of the initial MIP an annual MIP shall be paid on each anniversary date of the beginning of amortization.

§ 203.277 Duration of annual MIP.

After payment of the initial MIP, the mortgagee shall pay an annual MIP to the Commissioner until:

(a) The mortgage is paid in full; or

(b) The deed to the Commissioner is filed for record; or

(c) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 203.278 Pro rata payment of annual MIP.

(a) *In general.* If the insurance contract is terminated after the due date of the initial MIP the mortgagee shall pay to the Commissioner (in addition to any adjusted premium or termination charge) a portion of the current annual MIP prorated from the due date of the last annual MIP to the date the contract of insurance was terminated.

(b) *Computation of pro rata annual MIP.* For the purpose of computing the pro rata portion of the annual MIP the date of termination of insurance shall be the last day of the month in which:

(1) The mortgage was prepaid; or

(2) A voluntary termination request is received by the Commissioner; or

(3) The mortgagee has notified the Commissioner that it has acquired the mortgaged property but does not intend to convey title to the Commissioner; or

(4) The contract of insurance is otherwise terminated with the consent of the Commissioner.

ADJUSTED MORTGAGE INSURANCE PREMIUM

§ 203.285 Computation of adjusted premium.

Where the principal obligation of any mortgage accepted for insurance is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium of 1 percent of the original principal amount of the prepaid mortgage.

§ 203.286 Maximum adjusted MIP.

No adjusted premium shall exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

§ 203.287 Prepayments excepted from adjusted premium charge.

No adjusted premium charge shall be due or payable to the Commissioner in the following instances:

(a) *New insured mortgage.* Where the insured loan is paid in full with or from the proceeds of a new loan on the same property which is insured by the Commissioner; or

(b) *Acceleration by partial prepayments.* Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus 15 percent of the original face amount of any open-end advances; or

(c) *Acceleration by payments for damages.* Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property; or

(d) *Acceleration by partial release.* Where the final maturity specified in the mortgage is accelerated solely by reason of payment to principal to compensate for release of a part of the insured property approved by the Commissioner; or

(e) *Acceleration by application of escrow funds.* Where the final maturity specified in the mortgage is accelerated solely by reason of application of funds applied on the indebtedness as required by the Commissioner pursuant to an approved escrow; or

(f) *Payment involving condemnation proceedings.* Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for the conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(g) *Payment involving foreclosure.* Where payment in full is made of a delinquent mortgage:

(1) On which foreclosure proceedings have been commenced; or

(2) For the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner; or

(h) *Payment under court order.* Where payment in full is made pursuant to a court order; or

(i) *Sale of property to veterans.* Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran for his occupancy as a home.

(j) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

VOLUNTARY TERMINATION CHARGE

§ 203.295 Voluntary termination of insurance.

Upon request by the mortgagor and mortgagee and submission of the mortgage note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on any mortgage under this part covering a one- to four-family residence.

§ 203.296 Computation of voluntary termination charge.

In the event the Commissioner receives a request for voluntary termination of the insurance contract before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner a termination charge equal to 1 percent of the original principal amount of the mortgage except as otherwise provided in this subpart.

§ 203.297 Maximum voluntary termination charge.

In no event shall the charge for voluntary termination of the insurance contract exceed the aggregate amount of MIP which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

§ 203.298 Exception from voluntary termination charge.

The insurance contract may be voluntarily terminated without payment of a termination charge if:

(a) The mortgage is delinquent and termination of insurance is for the purpose of avoiding foreclosure provided the transaction is approved by the Commissioner; or

(b) Foreclosure proceedings have been instituted.

(c) The request for voluntary termination of the contract of insurance is received by the Commissioner after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

OPEN-END INSURANCE CHARGE

§ 203.305 Open-end advance subject to open-end charge.

In the case of an insured open-end advance the mortgagee shall pay to the Commissioner, in addition to the regular MIP, an open-end insurance charge.

§ 203.306 Method of payment of open-end charge.

The payment of any open-end insurance charge under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures issued by the Mutual Mortgage Fund at par plus accrued interest.

§ 203.307 Calculation, amount, and due date of open-end charge.

The open-end insurance charge shall be in an amount equal to ½ percent per annum of the original principal obligation of the open-end advance and shall be payable on the same dates as the MIP. The initial open-end insurance charge shall be prorated to cover the period beginning with the first day of the month following the date of endorsement of the open-end advance and ending on the due date of the next MIP, and shall be computed without taking into account delinquent payments or prepayments.

§ 203.308 Duration of open-end charge.

The mortgagee shall pay an annual open-end insurance charge to the Commissioner until:

(a) The mortgage is paid in full; or

(b) The deed to the Commissioner is filed for record; or

(c) The contract of insurance is otherwise terminated with consent of the Commissioner.

§ 203.309 Pro rata payment of open-end charge.

Upon termination of the insurance contract, the mortgagee shall pay to the Commissioner (in addition to any adjusted premium, termination charge and pro rata MIP) a portion of the current open-end insurance charge prorated from the beginning of the open-end insurance charge period to the end of the month in which termination occurred.

TERMINATION OF INSURANCE CONTRACT

§ 203.315 Termination by conveyance to other than Commissioner.

(a) The contract of insurance shall be terminated if the mortgagee acquires the mortgaged property but does not convey it to the Commissioner.

(b) The contract of insurance shall be terminated if the property is bid in and acquired at a foreclosure sale by a party other than the mortgagee.

(c) The contract of insurance shall be terminated if after foreclosure the property is redeemed.

§ 203.316 Termination by prepayment of mortgage.

The contract of insurance shall be terminated if the mortgage is paid in full prior to its maturity.

§ 203.317 Termination by voluntary agreement.

The contract of insurance shall be terminated if the mortgagor and mortgagee jointly request termination.

§ 203.318 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in this subpart.

§ 203.319 Pro rata payment of premiums and charges.

No contract of insurance shall be terminated until the mortgagee has paid to the Commissioner the pro rata portion of the current annual MIP, open-end insurance charge, adjusted premium, or termination charge as set forth in this subpart.

§ 203.320 Notice and date of termination by Commissioner.

The Commissioner shall notify the mortgagee that the contract of insurance has been terminated and the effective termination date. The termination date shall be the last day of the month in which:

(a) The mortgagee notifies the Commissioner that it has acquired the mortgaged property but does not intend to convey title to the Commissioner; or

(b) The mortgage was prepaid; or

(c) A voluntary termination request is received by the Commissioner; or

(d) The property is bid in and acquired at a foreclosure sale by a party other than the mortagee; or

(e) Foreclosure proceedings are instituted if the property is redeemed during the redemption period.

§ 203.321 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent MIP or open-end insurance charge shall cease and all rights of the mortgagor and mortgagee shall be terminated.

DEFAULT UNDER MORTGAGE

§ 203.330 Definition of default.

If the mortgagor fails to make any payment, or to perform any other obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default for the purposes of this subpart.

§ 203.331 Date of default.

For the purposes of this subpart, the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the mortgage; or

(b) The first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 203.332 Notice of default.

The mortgagee shall, within 60 days after default as defined in this part, give written notice thereof to the Commissioner, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 203.333 Reinstatment of defaulted mortgage.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the

foreclosure proceedings, written notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

SPECIAL FORBEARANCE RELIEF

§ 203.340 Conditions of special forbearance relief.

In addition to any other relief which may be afforded in the event of default, the Commissioner may approve special forbearance relief with respect to any mortgage covering a one- to four-family residence if he finds that:

(a) The default was due to circumstances beyond the mortgagor's control; and

(b) It is probable that the mortgage will be restored to a current condition within a reasonable period of time.

§ 203.341 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 203.340 are insufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the debentures shall include an allowance for uncollected interest accrued during the period of such forbearance.

FORBEARANCE RELIEF FOR MILITARY PERSONNEL

§ 203.345 Postponement of principal payments—mortgagors in military service.

If the mortgagor is a person in military service, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, any part of the monthly payment, which represents amortization of principal. The agreement shall contain a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. The agreement shall in no way affect the amount of the annual MIP which will continue to be calculated in accordance with the original amortization provisions of the mortgage.

§ 203.346 Postponement of foreclosure—mortgagors in military service.

If at any time during default the mortgagor is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this subpart. No postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this subpart.

ASSIGNMENT OF MORTGAGE

§ 203.350 Assignment of defaulted mortgage—in general.

The Commissioner may approve the assignment to him of any mortgage covering a one- to four-family residence if he finds that:

(a) The default was due to circumstances beyond the mortgagor's control; and

(b) It is probable that the mortgage will be restored to a current condition within a reasonable period of time.

§ 203.351 Application for debentures and fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for debentures and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage. If the original of the assignment is not available a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 203.352 Title evidence upon assignment.

Within 60 days after the assignment of a mortgage is filed for record the mortgagee shall furnish to the Commissioner all title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner.

§ 203.353 Certification by mortgagee.

At the time of assignment of the mortgage, the mortgagee shall certify to the Commissioner that:

(a) *Priority of mortgage to liens.* The mortgage is prior to all mechanics' and materialmen's liens filed of record, regardless of when such liens attach, and prior to all liens and encumbrances, or defects which may arise except such liens or other matters as may have been approved by the Commissioner;

(b) *Amount due.* The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(c) *Offsets or counterclaims.* There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

CLAIM PROCEDURE

§ 203.355 Acquisition of property.

At any time within one year from the date of default, or such additional period of time as may be approved by the Commissioner, the mortgagee, at its election, shall either—

(a) Commence foreclosure of the mortgage; or

(b) If the laws of the State in which the mortgaged property is situated do not permit the commencement of foreclosure within one year from the date of default, the mortgagee shall commence foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws; or

(c) Acquire possession of, and title to, the mortgaged property by means other than foreclosure, such title being in the name of the mortgagee or the Commissioner.

§ 203.356 Notice of foreclosure.

The mortgagee shall give written notice to the Commissioner within 30 days after the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

§ 203.357 Deed in lieu of foreclosure.

(a) *Mortgagors owning one property.* In lieu of instituting or completing a foreclosure, the mortgagee may acquire property from one other than a corporate mortgagor by voluntary conveyance from the mortgagor who certifies that he does not own any other property subject to a mortgage insured or held by FHA. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(1) The mortgage is in default at the time the deed is executed and delivered;

(2) The credit instrument is cancelled and surrendered to the mortgagor;

(3) The mortgage is satisfied of record as a part of the consideration for such conveyance;

(4) The deed from the mortgagor contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title;

(5) The mortgagee transfers to the Commissioner good marketable title accompanied by satisfactory title evidence.

(b) *Corporate mortgagors.* A mortgagee may accept a deed in lieu of foreclosure from a corporate mortgagor in compliance with the requirements of paragraph (a) if the mortgagee obtains the prior written consent of the Commissioner.

(c) *Mortgagors owning more than one property.* The mortgagee may accept a deed in lieu of foreclosure in compliance with the provisions of paragraph (a) from an individual who owns more than one property which is subject to a mortgage insured or held by the FHA if the mortgagee obtains the prior written consent of the Commissioner.

§ 203.358 Direct conveyance of property.

In acquiring the property or conveying the property to the Commissioner the mortgagee may arrange for the deed to be made directly to the Commissioner from the mortgagor or other grantor. The mortgagee shall be responsible for determining that such conveyance will comply with all of the provisions of this part conveying good marketable title and satisfactory title evidence.

§ 203.359 Time of conveyance to Commissioner.

After acquiring good marketable title to and possession of the property the mortgagee shall transfer the property to the Commissioner:

(a) Within 30 days after acquiring possession of the mortgaged property by foreclosure or other means; or

(b) Within such further time as may be necessary to complete the title examination and perfect the title.

§ 203.360 Notice of property transfer and application for debentures.

On the date the deed is filed for record the mortgagee shall notify the Commissioner on a form prescribed by him of the filing of such conveyance and shall assign, without recourse or warranty any or all claims which the mortgagee has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which the mortgagee acquired or conveyed such property, except such claims as may have been released with the approval of the Commissioner.

§ 203.361 Acceptance of property by Commissioner.

Upon receipt of notice of property transfer the Commissioner shall accept title to and possession of the property as of the date of the filing for record of the deed to the Commissioner, subject to compliance with the regulations in this part.

§ 203.362 Conditions for withdrawal of application for debentures.

With the consent of the Commissioner, a mortgagee may withdraw an application for debentures if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 203.364.

§ 203.363 Reconveyance for noncompliance with regulations.

If, for any reason, the mortgagee fails to comply with the regulations in this subpart, the Commissioner may hold processing of the application for debentures in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for debentures shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for debentures at a subsequent date as approved by the Commissioner.

§ 203.364 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with these regulations or because, with the consent of the Commissioner a mortgagee withdraws an application for debentures, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 203.365 Documents and information to be furnished Commissioner.

Within 60 days after the deed is filed for record the mortgagee shall forward to the Commissioner:

(a) The deed to the Commissioner and title evidence;

(b) Fiscal data pertaining to the mortgage transaction;

(c) Receipts covering all disbursements as required by the fiscal data form;

(d) Ledger cards covering the mortgage transaction;

(e) Any additional information or data which the Commissioner may require.

§ 203.366 Conveyance of marketable title.

The mortgagee shall tender to the Commissioner a satisfactory conveyance of title and transfer of possession of the property. The deed or other instrument of conveyance shall convey good marketable title to the property, which shall be accompanied by title evidence satisfactory to the Commissioner.

§ 203.367 Contents of deed and supporting documents.

The deed and supporting accompanying documents shall be as follows:

(a) *Deed.* A deed conveying the property to the Federal Housing Commissioner. The deed shall:

(1) Recite the name of the Commissioner followed by the phrase "of Washington, D.C., as Federal Housing Commissioner, his successors and assigns".

(2) Include covenants which warrant title against acts of the mortgagee and all claiming by, through, or under it.

(3) Recite nominal consideration, if such recital is adequate under the laws of the State in which the property is located or such other consideration as may be necessary to support the deed.

(b) *Corporate resolution.* A resolution of the mortgagee's board of directors, or other evidence, establishing that the person executing the deed has authority to act for the mortgagee.

(c) *Maps or survey.* A map or diagram showing property location with reference to public streets or roads or a survey, if available.

(d) *Credit documents.* The original credit and security instruments, if available or a deficiency judgment, if any, duly assigned or endorsed by the mortgagee, without recourse, to the Commissioner.

CONDITION OF PROPERTY

§ 203.375 Property condition.

When the property is transferred, or a mortgage is assigned to the Commissioner, the property shall be undamaged by fire, earthquake, flood, or tornado and undamaged by waste except as set forth in this subpart.

§ 203.376 Waste defined.

The term waste means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

§ 203.377 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this part, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the debenture settlement.

§ 203.378 Adjustment for waste.

If the property has been damaged by waste as defined in this subpart, the Commissioner shall deduct from the debentures to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 203.379 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or assignment

of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or the mortgage assigned to him and he shall deduct from debentures an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 203.380 Certificate of property condition.

The mortgagee shall either certify that as of the date of the filing for record of the deed, or assignment of the mortgage to the Commissioner, the property was undamaged by fire, flood, earthquake, tornado or waste, or shall describe the damage to the property resulting from such hazards as of such date. In the absence of evidence to the contrary, the mortgagee's certificate or description of the damage shall be accepted by the Commissioner as establishing the condition of the property as of such date.

§ 203.381 Occupancy of property.

Unless otherwise approved by the Commissioner the mortgagee shall certify that the property is vacant and does not contain any personal property as of the date of the filing for record of the deed to the Commissioner. This section shall not apply to a mortgage assigned to the Commissioner.

§ 203.382 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for debentures and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

PROPERTY TITLE TRANSFERS AND TITLE WAIVERS

§ 203.385 Types of satisfactory title evidence.

The following types of title evidence shall be satisfactory to the Commissioner:

(a) *Fee or owner's title policy.* A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such instruments. If an owner's policy of title insurance is furnished, it shall show title in the Commissioner and inure to the benefit of his successors in office.

(b) *Mortgagee's policy of title insurance.* A mortgagee's policy of title insurance supplemented by an Abstract and an Attorney's Certificate of Title covering the period subsequent to the date of the mortgage, the terms of the policy shall be such that the liability of the title company will continue in favor of the Commissioner after title is conveyed to him. The policy may be drawn in favor of the mortgagee and the Federal Housing Commissioner, "as their interests may appear", with the consent of the title company endorsed thereon;

(c) *Abstract and legal opinion.* An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles. If title evidence consists of an Abstract and an Attorney's Certificate of Title, the search shall extend for at least forty years prior to the date of the Certificate to a well recognized source of good title;

(d) *Torrens or similar certificate.* A Torrens or similar title certificate; or

(e) *Title standard of U.S. or state government.* Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

§ 203.386 Coverage of title evidence.

Evidence of title shall be executed as of a date to include the recordation of the deed to the Commissioner. The evidence of title shall show that according to the public records, there are not, at such date, any outstanding prior liens, including any past-due and unpaid ground rents, general taxes or special assessments.

§ 203.387 Acceptability of customary title evidence.

If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence shall be satisfactory to the Commissioner and shall be considered by him as good and marketable.

§ 203.388 Conditional waiver of title objection.

The Commissioner shall not object to the title by reason of the following matters if they do not impair the value of the property for residential purposes or if they have been brought to the attention of the Commissioner for consideration in fixing the valuation:

(a) Customary easements for public utilities, party walls, driveways and other purposes;

(b) Customary building and use restrictions, when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(c) Outstanding oil, water or mineral rights (or damage caused by the exercise of such rights) which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

§ 203.389 Waived title objections.

The Commissioner shall not object to title by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the violation existing on the date the property is conveyed to the Commissioner;

(b) Easements for public utilities along one or more of the property lines and extending not more than 10 feet therefrom and for drainage or irrigation ditches along the rear 10 feet of the property, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property;

(c) Easements for underground conduits which are in place and do not extend under any buildings on the subject property;

(d) Mutual easements for joint driveways constructed partly on the subject property and partly on adjoining property, provided the agreements creating such easements are of record;

(e) Encroachments on the subject property by improvements on adjoining property where such encroachments do not exceed 1 foot, provided such encroachments do not touch any buildings or interfere with the use of any improvements on the subject property;

(f) Encroachments on adjoining property by eaves and overhanging projections attached to improvements on subject property where such encroachments do not exceed 1 foot.

(g) Encroachments on adjoining property by hedges, wooden or wire fences belonging to the subject property;

(h) Encroachments on adjoining property by driveways belonging to subject property where such encroachments do not exceed 1 foot, provided there exists a clearance of at least 8 feet between the buildings on the subject property and the property line affected by the encroachment;

(i) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property and do not involve a deficiency of more than 2 percent with respect to the length of the front line or more than 5 percent with respect to the length of any other line;

(j) Encroachments by garages or improvements other than those which are attached to or a portion of the main dwelling structure over easements for public utilities, provided such encroachment does not interfere with the use of the easement or the exercise of the rights of repair and maintenance in connection therewith;

(k) Violations of cost or set back restrictions which do not provide a penalty of reversion or forfeiture of title, or a lien for liquidated damages which may be superior to the lien of the insured mortgage. Violations of such restrictions which do provide for such penalties, provided such penalty rights have been duly released or subordinated to the lien of the insured mortgage, or provided a policy of title insurance is furnished expressly insuring the Commissioner against loss by reason of such penalties.

(l) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

DEBENTURE CHARACTERISTICS

§ 203.400 Delivery of debentures.

If the application for debentures is acceptable to the Commissioner he shall deliver to the mortgagee debentures of the Mutual Mortgage Insurance Fund.

§ 203.401 Debenture computation—conveyed properties.

The debentures shall have a face value to be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 203.402, less all items as set forth in § 203.403.

§ 203.402 Debenture computation—conveyed properties; items included.

The amount of debentures in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan;

(i) An amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of any MIP and open-end insurance charge by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means under a mortgage to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply during any part or all of the period of the mortgagor's military service and three months thereafter.

§ 203.403 Debenture computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 203.401 and 203.402 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 203.404 Debenture computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1959	July 1, 1959
4⅛	July 1, 1959	Jan. 1, 1961
3⅞	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	

§ 203.406 Maturity of debentures.

Debentures shall mature 20 years from the date of issue.

§ 203.407 Registration of debentures.

Debentures shall be registered as to principal and interest.

§ 203.408 Denomination of debentures.

Debentures are available in denominations of $50, $100, $500, $1,000, $5,000, and $10,000. The Commissioner shall issue debentures in the largest available denominations unless otherwise requested by the mortgagee.

§ 203.409 Redemption of debentures.

Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

§ 203.410 Issue date of debentures.

The debentures shall be issued as of the date:

(a) The foreclosure proceedings were instituted; or

(b) The property was otherwise acquired by the mortgagee after default; or

(c) The property was acquired by the Commissioner if directly conveyed to the Commissioner from the mortgagor; or

(d) The mortgage was assigned to the Commissioner.

§ 203.411 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the mortgagee and the total amount of the mortgagee's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

CERTIFICATE OF CLAIM

§ 203.415 Delivery of certificate of claim.

In addition to the debentures and the cash adjustment check, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 203.416 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and cash adjustment check. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance therof to the Commissioner, including reasonable attorneys' fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 203.417 Rate of interest of certificate of claim.

Each certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

MUTUAL MORTGAGE INSURANCE FUND AND DISTRIBUTIVE SHARES

§ 203.420 Nature of Mutual Mortgage Insurance Fund.

The Mutual Mortgage Insurance Fund shall consist of the General Surplus Account and the Participating Reserve Account.

§ 203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.

For any semiannual period in which Mutual Mortgage Insurance operations shall result in a net income, or loss, the Commissioner shall allocate such net income or such loss to the General Surplus Account and/or to the Participating Reserve Account as he may determine to be in accord with sound actuarial and accounting practice. In determining net income or loss the Commissioner shall take into consideration all income received from fees, premiums and earnings on investments of the fund, operating expenses and provision for losses of the fund.

§ 203.422 Right and liability under Mutual Mortgage Insurance Fund.

No mortgagor or mortgagee shall have any vested right in a credit balance in either the General Surplus Account or the Participating Reserve Account. No mortgagor or mortgagee shall be subject to any liability arising under the mutuality of the Mutual Mortgage Insurance Fund.

§ 203.423 Distribution of distributive shares.

In the event the contract of insurance is terminated by reason of payment in full of the mortgage or by voluntary termination approved by the Commissioner, the Commissioner may distribute to the mortgagor a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice.

§ 203.424 Maximum amount of distributive shares.

In no event shall a distributive share of the Participating Reserve Account exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

§ 203.425 Finality of determination.

The determination of the Commissioner as to the amount to be paid to any mortgagor from the Mutual Mortgage Insurance Fund shall be final and conclusive.

SALE, ASSIGNMENT AND PLEDGE OF INSURED MORTGAGE

§ 203.430 Sale of insured mortgage to approved mortgagee.

(a) When an insured mortgage is sold to another approved mortgagee, both seller and buyer shall notify the Commissioner of the sale within 30 days thereof.

(b) The provisions of paragraph (a) of this section shall not apply to the assignment, pledge or transfer of an insured mortgage to an investing mortgagee.

§ 203.431 Effect of sale of insured mortgage.

(a) When an insured mortgage is sold to another approved mortgagee, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

(b) The provisions of paragraph (a) of this section shall not apply to the assignment, pledge or transfer of an insured mortgage to an investing mortgagee.

§ 203.432 Acceptable transfers by approved mortgagee.

(a) Any approved mortgagee may assign, pledge or transfer an insured mortgage, a group of such mortgages or a partial interest in such mortgage or mortgages to another approved mortgagee by means of any agreement, arrangement or device (including declarations of trust, participation certificates or trust certificates) if the transfer does not constitute a final sale.

(b) The provisions of paragraph (a) of this section shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee. However, upon the assignment of a mortgage to an investing mortgagee the credit instrument shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the regulations of the FHA.

§ 203.433 Requirements of transfer by approved mortgagee.

(a) Any acceptable transfer by an approved mortgagee which does not constitute a final sale, shall provide that one of the approved mortgagees shall be the mortgagee of record under the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance. With respect to transfers made pursuant to § 203.432 and this section, mortgagees are not required to notify the Commissioner of the transfer or to obtain the Commissioner's approval.

(b) The provisions of paragraph (a) of this section shall not apply to an assignment, pledge or transfer of an insured mortgage to an investing mortgagee. However, upon the assignment of a mortgage to an investing mortgagee the credit instrument shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the regulations of the FHA.

§ 203.434 Sale or disposition of insured mortgage to other than approved mortgagee.

No mortgagee, investing mortgagee or sponsoring mortgagee shall sell or otherwise dispose of any insured mortgage, group of insured mortgages, or any partial interest in an insured mortgage or group of insured mortgages to anyone other than an approved mortgagee by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) except under the following conditions:

(a) *Information to be filed with Commissioner.* That the mortgagee, investing mortgagee or sponsoring mortgagee file with the Commissioner a copy of the proposed legal instruments together with a prospectus and such other material and information as the Commissioner may require; and

(b) *Provision for an approved mortgagee of record.* That the proposed agreements or legal instruments provide that one approved mortgagee will be the mortgagee of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved mortgagee of record with respect to the rights, benefits and obligations of the mortgagee under the contract of insurance.

§ 203.435 Form of assignment to investing mortgagee.

(a) The assignment of the insured mortgage and credit instrument to an investing mortgagee shall contain the following paragraph:

It is a condition of this assignment that the assignee and his heirs, successors, executors, administrators and assigns shall be limited to the receipt of: (1) the principal recovery; (2) all net income from the insured mortgage; (3) the net proceeds from a sale of the mortgage; and (4) the transfer of any debentures, cash adjustment check, or certificates of claim issued by the Federal Housing Commissioner in the name of the assignor or the net proceeds of the foregoing. Unless made subject to the terms and conditions of this paragraph, no further assignment or transfer of this mortgage shall be valid unless and until: (1) the insurance contract with the Federal Housing Administration has been duly terminated in accordance with FHA Regulations; or (2) the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or investing mortgagee. It is a further condition of this assignment that the assignor and assignee or his heirs or successors shall, at no time, take any action inconsistent with the FHA Regulations and the assignee will take no action which will prevent the assignor from complying with the FHA Regulations. All the rights and obligations under the contract or contracts of insurance with the Federal Housing Administration are retained by the assignor and FHA will have no obligation to recognize or deal with any other party except the assignor. The assignor shall have a tacit lien on the mortgage and any principal recovery and net income therefrom as security for the payment of any amounts the assignor may be required to pay for the benefit of the assignee. This paragraph is for the benefit of the Federal Housing Administration and may not be altered. This paragraph will be controlling in the event of any conflict with its provisions by any other agreement or covenant between the assignor and assignee, but shall no longer have any force or effect if the mortgage is assigned to an FHA approved mortgagee other than a loan correspondent mortgagee or an investing mortgagee.

(b) Any agreement to sell an insured mortgage entered into by a sponsoring mortgagee with a prospective investing mortgagee shall contain the following paragraph:

It is mutually agreed by the parties that the assignment of the FHA insured mortgage and credit instrument described herein will contain the language as specified for inclusion in the assignment as set forth in the FHA Regulations. It is further agreed that the credit instrument to be assigned shall show on its face or on the reverse side thereof the date of assignment, the name of the assignee and the fact that any assignment or reassignment thereof is subject to compliance with the Regulations of the Federal Housing Administration.

INSURED HOME IMPROVEMENT LOANS

§ 203.440 Definitions.

All of the definitions contained in § 203.50 of this subchapter shall apply to §§ 203.300 et seq. In addition the following terms shall have the meaning indicated:

(a) "Insured loan" means a loan which has been insured by the FHA, as evidenced by the endorsement of the note for insurance, by the Commissioner.

(b) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan, incorporating by reference the regulations in §§ 203.440 et seq. and the applicable provisions of the Act.

(c) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(d) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(e) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the original note and security instrument.

(f) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the "Section 203 Home Improvement Account" in accordance with the provisions of §§ 203.440 et seq.; such debentures are the primary liability of the "Section 203 Home Improvement Account" and are unconditionally guaranteed as to principal and interest by the United States.

§ 203.441 Insurance of loan.

Upon compliance with a commitment, the Commissioner shall insure the loan evidencing the insurance by an appropriate panel or endorsement placed on the original note, which will identify the regulations under which the loan is insured and the date of insurance.

§ 203.442 Contract created by endorsement.

The loan is insured from the date of endorsement. The Commissioner and the lender shall thereafter be bound by the Act and the regulations in §§ 203.440 et seq. with the same force and to the same extent as if a separate contract had been executed relating to the insured loan.

§ 203.443 Method of payment of insurance premium.

The payment of any insurance premium under §§ 203.440 et seq. shall be made to the Commissioner by the lender either in cash or debentures issued by the Section 203 Home Improvement Account at par plus accrued interest.

§ 203.444 Calculation of insurance premium.

The amount of any insurance premium shall be calculated in accordance with the amortization provisions of the loan without taking into account delinquent payments or prepayments.

§ 203.446 Amount of initial insurance premium.

The initial insurance premium shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the loan without taking into account delinquent payments or prepayments.

§ 203.447 Due date of initial insurance premium.

The initial insurance premium shall be paid on the first anniversary date of the beginning of amortization following the date on which the insurance becomes effective by endorsement by the Commissioner.

§ 203.448 Period covered by initial insurance premium.

The initial insurance premium shall cover the period beginning with the date of insurance endorsement and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve month period following each anniversary date.

§ 203.449 Adjustment of initial insurance premium.

Regardless of whether the period covered by the initial insurance premium is more or less than one year, payment shall be made to the Commissioner on account of the initial insurance premium in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the loan. If such payment is less than ½ percent or more than one percent of the outstanding principal balance, without taking into account delinquencies or prepayments, the initial insurance premium shall be adjusted to accord with the prescribed limitations. If such payment is within the prescribed limitations no adjustment shall be made and the amount of the payment shall be paid to the Commissioner as the initial insurance premium.

§ 203.451 Pro rata payment of initial insurance premium.

If termination of the contract of insurance occurs before the due date of the initial insurance premium, the lender shall pay to the Commissioner the portion of the initial premium due to the first of the month following the effective termination date, which shall be computed from:

(a) The beginning of amortization, if insurance endorsement occurred within six months after the beginning of amortization; or

(b) The date of endorsement, if such endorsement occurred any time prior to the beginning of amortization, or during the second half of any amortization year.

§ 203.452 Amount of annual insurance premium.

After payment of the initial insurance premium an annual insurance premium shall be paid in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period preceding the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 203.453 Due date of annual insurance premium.

After payment of the initial insurance premium an annual insurance premium shall be paid on each anniversary date of the beginning of amortization.

§ 203.454 Duration of annual insurance premium.

After payment of the initial insurance premium, the lender shall pay an annual insurance premium to the Commissioner until:

(1) The loan is paid in full; or

(2) The obligation is assigned to the Commissioner; or

(3) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 203.456 Pro rata payment of annual insurance premium.

(a) *In general.* If the contract of insurance is terminated after the due date of the initial insurance premium, the lender shall pay to the Commissioner a portion of the current annual insurance premium prorated from the due date of the last annual insurance premium paid to the date the contract of insurance was terminated.

(b) *Computation of pro rata premium.* For the purpose of computing the pro rata portion of the annual insurance premium, the date of termination of insurance shall be the last day of the month in which:

(1) The loan was prepaid; or

(2) A voluntary termination request is received by the Commissioner, or

(3) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 203.457 Voluntary termination of contract.

Upon request by the borrower and lender and submission of the original endorsed note for cancellation of the insurance endorsement, the Commissioner may terminate the insurance contract on the loan.

§ 203.458 Termination by prepayment of loan.

The contract of insurance shall be terminated if the loan is paid in full prior to its maturity.

§ 203.459 Notice of termination by lender.

No contract of insurance shall be terminated until the lender has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in §§ 203.440 et seq.

§ 203.462 Pro rata payment of premium before termination.

No contract of insurance shall be terminated until the lender has paid to the Commissioner the pro rata portion of the current annual insurance premium.

§ 203.463 Notice and date of termination by Commissioner.

The Commissioner shall notify the lender that the contract of insurance has been terminated and the effective termination. The termination date shall be the last day of the month in which:

(1) The loan was prepaid; or

(2) A voluntary termination request is received by the Commissioner, or

(3) The contract of insurance is otherwise terminated with the consent of the Commissioner.

§ 203.464 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent insurance premium shall cease and all rights of the borrower and lender shall be terminated.

§ 203.466 Definition of default.

If the borrower fails to make any payment, or to perform any other obligation under the loan and such failure continues for a period of 30 days, the loan shall be considered in default for the purposes of §§ 203.440 et seq.

§ 203.467 Date of default.

For the purposes of §§ 203.440 et seq. the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the loan, or

(b) The first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 203.468 Notice of default.

The lender shall, within 60 days after default as defined in §§ 203.440 et seq. give written notice thereof to the Commissioner, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 203.469 Reinstatement of defaulted loan.

If after default and prior to assignment by the lender of the loan to the Commissioner, the borrower shall pay to the lender all monthly payments in default, written notice shall be given to the Commissioner within 30 days and the insurance shall continue as if such default had not occurred.

§ 203.471 Conditions of special forbearance.

In addition to any other relief which may be afforded in the event of default, the Commissioner may approve special forbearance relief with respect to any loan if the Commissioner—

(a) Finds that default was due to circumstances beyond the borrower's control; and

(b) Finds that it is probable that the loan will be restored to a current condition within a reasonable period of time.

§ 203.472 Relief for borrower in military service.

If the borrower is a person in military service, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the lender may, by written agreement with the borrower, postpone for the period of military service, and three months thereafter, any part of the monthly payment, which represents amortization of principal. The agreement shall contain a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the obligation within its original maturity. The agreement shall in no way affect the amount of the annual insurance premium which shall continue to be calculated in accordance with the original amortization provisions of the loan.

§ 203.473 Election of action.

Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of § 203.440 et seq., the lender may not, except with the approval of the Commissioner, proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 203.474 Maximum claim period.

The claim shall be filed within one year from the date of default; or such additional period of time as may be approved by the Commissioner if there is granted an extension of the one year period within which claim shall be made.

§ 203.476 Claim application and items to be filed.

The claim for reimbursement on an insured loan shall be made upon an application form prescribed by the Commissioner. The application shall be accompanied by:

(a) The fiscal data pertaining to the loan transaction as required by the fiscal data form.

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and the security held, assigned to the Commissioner without recourse or warranty, except that no act or omission of the lender, shall have impaired the validity and priority of such security;

(d) All hazard insurance policies held on property serving as security for the loan, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security.

(e) The assignment to the Commissioner of all rights and interests arising under the loan, and all claims of the lender against the borrower or others arising out of the loan transaction;

(f) Any title evidence held by the lender;

(g) All cash or property held by the lender or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principal loan indebtedness;

(h) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(i) Any additional information or data which the Commissioner may require.

§ 203.477 Certificate by lender when loan assigned.

At the time of the assignment of the loan, the lender shall certify to the Commissioner that:

(a) The amount stated in the instrument of assignment is actually due and owing on the loan;

(b) There are no offsets or counterclaims thereto, and the financial institution has a good right to assign.

§ 403.478 Debenture claim computation.

Upon acceptable assignment of the note and security instruments, the Commissioner shall deliver to the lender debentures of the Section 203 Home Improvement Account in an amount equal to the unpaid principal balance of the loan, plus:

(a) Any accrued interest due on the loan;

(b) Any advances made previously under the provisions of the loan instrument and approved by the Commissioner;

(c) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¼	July 1, 1961	

§ 203.481 Maturity of debentures.

Debentures shall mature 10 years from the date of issue.

§ 203.482 Registration of debentures.

Debentures shall be registered as to principal and interest.

§ 203.483 Denomination of debentures.

Debentures are available in denominations of $50, $100, $500, $1,000, $5,000 and $10,000. The Commissioner shall issue debentures in the largest available denominations unless otherwise requested by the lender.

§ 203.484 Redemption of debentures.

Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

§ 203.486 Issue date of debentures.

The debentures shall be issued as of the date of the execution of the assignment of the loan in accordance with the requirements of § 203.476(c).

§ 203.487 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

§ 203.488 Sale of insured loan to approved lender.

When an insured loan is sold to another approved lender, both seller and buyer shall notify the Commissioner of the sale within thirty days thereof on a form prescribed by the Commissioner.

§ 203.489 Effect of sale of insured loan to approved lender.

When an insured loan is sold to approved lender, the buyer shall thereupon succeed to all the rights and become bound by all the obligations of the seller under the contract of insurance and the seller shall be released from its obligations under the contract of insurance.

§ 203.491 Acceptable transfers by approved lender.

The lender may assign, pledge, or transfer an insured loan, a group of such loans, or a partial interest in such loan or loans, to another lender by means of any agreement, arrangement or device (including declaration of trust, participation certificate or trust certificates) if the transfer does not constitute a final sale.

§ 203.492 Requirements of transfer by lender.

Any acceptable transfer by a lender which does not constitute a final sale, shall provide that one of the lenders shall be the lender of record in the contract of insurance and the Commissioner shall have no obligation to recognize or deal with any party except the lender of record with respect to rights, benefits and obligations of the lender under the contract of insurance.

§ 203.493 Sale or disposition of insured loan to other than approved lender.

The lender shall not sell or otherwise dispose of any insured loan, group of insured loans, or any partial interest in an insured loan or group of insured loans to anyone other than an approved lender by means of any agreement, arrangement or device (including a declaration of trust, participation certificate or a trust certificate) except under the following conditions:

(a) *Information to be filed with Commissioner.* That the lender file with the Commissioner a copy of the proposed legal instruments, together with a prospectus and such other material and information as the Commissioner may require; and

(b) *Provision for an approved lender of record.* That the proposed agreements or legal instruments provide that one approved lender will be the lender of record under the contract of insurance and that the Commissioner shall have no obligation to recognize or deal with any other party except the approved lender of record with respect to the rights, benefits and obligations of the lender under the contract of insurance.

EXTENSION OF TIME

§ 203.496 Actions to be taken by mortgagee.

With respect to any action required by the mortgagee within a period of time prescribed by this subpart the Commissioner may extend such period.

AMENDMENTS

§ 203.497 Amendments not to change contractual rights.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

APPLICABILITY AND EFFECTIVE DATE

§ 203.498 Applicability to outstanding loans and commitments.

The regulations in this subpart, as revised December 1, 1960, shall apply to all applications for debentures filed on or after that date in connection with mortgages insured prior to that date unless the mortgagee elects to apply for debentures under the provisions of regulations in effect as of the date the mortgage was insured or the date the commitment for insurance was issued.

§ 203.499 Effective date.

The regulations in this subpart are effective as to all mortgages with respect to which a commitment to insure is issued on or after December 1, 1960.

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

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207.262 No vested right.

AMENDMENTS

207.263 Amendments not to change contractual rights.

EFFECTIVE DATE

207.264 Effective date.

AUTHORITY: §§ 207.1 to 207.264 issued under secs. 270, 211, 52 Stat. 16, as amended, 23, as amended; 12 U.S.C. 1713, 1715b.

Subpart A—Eligibility Requirements

APPLICATION AND COMMITMENTS

§ 207.1 Information for preliminary examination.

(a) Information required for the examination of a Rental Housing Project under section 207 shall be submitted in the form of an application for mortgage insurance by an approved mortgagee and by the sponsors of such project through the local Federal Housing Administration office, on approved FHA Application Form (executed in triplicate). No application will be considered unless the exhibits called for by such form are furnished and a fee of $1.50 per thousand of the face amount of the mortgage loan applied for (referred to as "application fee") is paid.

(b) (1) A further sum, referred to as commitment fee, which when added to the application fee will aggregate $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment shall be paid within 30 days subsequent to the date of the commitment, or within such additional period of time as may be agreed to in writing by the Commissioner.

(2) In the case of a mortgagor of the character described in § 207.17(b), the application and commitment fees to be paid under this section shall be fixed by the Commissioner, but shall not exceed three dollars ($3.00) per thousand of the original face amount of the mortgage.

(c) Upon application for an increase in the amount of an existing commitment, an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of the increase requested. Any increase in the amount of a commitment shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage the fees herein provided for shall be based upon the amount of such increase.

(d) If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

(e) The provisions of paragraph (b) (1) of this section requiring payment of a commitment fee shall not apply to mortgages insured pursuant to the provisions of § 207.31(b)(4) of this subpart.

(a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, and other instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this part and with such terms and conditions.

(b) Such commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances as made, or it may be on a form providing for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall, with respect to commitments to insure advances, be effective for a stated period, not in excess of 120 days, provided that the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

(d) The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this section and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

(e) The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the commitment.

ELIGIBLE MORTGAGES

§ 207.3 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be:

(1) Executed on a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(2) Executed by a mortgagor with the qualifications as provided in this subpart.

(3) A first lien on property that conforms with the property standards prescribed by the Commissioner.

(b) *Disbursement of the mortgage.* The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage, to, or for the account of the mortgagor or to his creditors for his account and with his consent.

§ 207.4 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) 90 percent of the estimated value (replacement cost if project is located in Alaska or in Guam) of the project;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use (excluding the cost of exterior land improvements as determined by the Commissioner);

(5) The amount of which the Commissioner estimates will be the cost of the completed improvements of the project, exclusive of public utilities, streets, and organization and legal expenses.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the repair or rehabilitation; plus (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of: (i) The Commissioner's estimate of the cost of the repair or rehabilitation and (ii) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(e) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(f) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

§ 207.5 Maturity.

The mortgage shall have a maturity satisfactory to the Commissioner, depending upon the risk involved and the general character of the project, and shall contain complete amortization or sinking-fund provisions satisfactory to the Commissioner.

§ 207.6 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 207.7 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 207.8 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 207.9 Covenant against liens.

The mortgage shall, except as otherwise provided in this subpart, contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 207.10 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 207.11 Soundness of project.

No mortgage shall be accepted for insurance unless the Commissioner finds that the property or project with respect to which the mortgage is executed is economically sound, except that as to

mortgages covering property located in Alaska or in Guam, or in Hawaii, no mortgage shall be accepted for insurance unless the Commissioner finds that the property or project is an acceptable risk giving consideration to the acute housing shortage in Alaska, or in Guam, or in Hawaii.

§ 207.12 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 207.13 Application of payments.

(a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 207.14 Prepayment privilege; prepayment and late charges.

(a) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgage may contain a provision for such additional charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee. However, the mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such additional charge. Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements of this part shall not be construed as a prepayment of the mortgage.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 207.15 Issuance of bonds.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

§ 207.16 Mortgage covenant regarding racial restrictions and use of property.

(a) The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at the date the mortgage was executed.

ELIGIBLE MORTGAGORS

§ 207.17 Classification.

In order to be eligible as a mortgagor under this subpart the applicant must be:

(a) *Private mortgagors.* Any mortgagor approved by the Commissioner, which until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation.

(b) *Public mortgagors.* A federal or state instrumentality, a municipal corporate instrumentality of one or more states, or a limited dividend or redevelopment or housing corporation formed under and restricted by federal or state laws or regulations of a state banking or insurance department as to rents, charges, capital structure, rate of return, or methods of operation.

SUPERVISION OF MORTGAGORS

§ 207.18 In general.

(a) In the case of an eligible mortgagor which is regulated or restricted for the purposes and in the manner provided in § 207.17(b), or in the case in which the mortgagor or mortgagee is the Alaska Housing Authority, or the Government of Guam or Hawaii or any agency or instrumentality thereof, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors: *Provided*, That the mortgagor in any such case, must have initial funds which may be considered in lieu of the equity required of other mortgagors, and such funds (which may be in the form of Government loans, grants, or subsidies or in other form) if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

(b) In all other cases a mortgagor must certify at final endorsement of the loan for insurance that the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except such obligations as may be approved by the Commissioner as to terms, form and amount.

(c) In the case of a private corporation, the Commissioner's regulations or restrictions will be set forth in its certificate of incorporation or charter under which such mortgagor is created, and will be made effective through the issuance of certain shares of special stock, which stock will acquire majority voting rights in the event of default under the mortgage or violation of a provision of the charter. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular state a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by a certificate or certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. In the case of a private association or trust entity, or whenever, for any reason satisfactory to the Commissioner, such regulations or restrictions are not feasible as to a particular mortgagor through the issuance of shares of special stock, such regulations or restrictions shall be effected by means of a regulatory agreement and/or other contractual documents between the Commissioner and the mortgagor in such form and in such manner as shall be satisfactory to the Commissioner. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance, or any succeeding contract or agreement covering the mortgage obligation, all regulations and restrictions of the mortgagor shall cease, the shares of special stock shall be surrendered by the Commissioner upon reimbursement of his payments therefor, plus accrued dividends, if any, thereon, and any regulatory agreement or contract shall terminate.

§ 207.19 Required supervision of private mortgagors.

The following are the items which will be regulated or restricted, except in the case of mortgagors of the character described in § 207.17(b):

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the Commissioner prior to the endorsement of the mortgage for insurance; and

(2) In the case of a trust entity beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the Commissioner.

(b) *Rate of return.* Dividends or other distributions as defined in the Charter, Trust Agreement, or Regulatory Agreement, may be declared or made only as of and after the end of an annual or semiannual fiscal period. No dividends or other distributions shall be declared or made except out of surplus cash legally available and remaining after:

(1) The payment of:

(i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Commissioner;

(ii) All amounts required to be deposited in the Reserve Fund for Replacements;

(iii) All obligations of the project other than the mortgage insured or held by the Commissioner unless funds for payment are set aside or deferment of payment has been approved by the Commissioner.

(2) The segregation of:

(i) An amount equal to the aggregate of all special funds required to be maintained by the project;

(ii) All tenant security deposits held. No distributions of any kind may be made from borrowed funds.

(c) *Requirements incident to insurance of advances.* (1) The mortgagor shall deposit with the mortgagee or, in a depository satisfactory to the mortgagee and under control of the mortgagee an amount equivalent to not less than two percent of the original principal amount of the mortgage, for the purpose of meeting the cost of equipping and renting the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to the accruals for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage.

(2) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project. Unless other provisions acceptable to the Commissioner are made, such funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be expended for work and material on the physical improvements and for other charges and expenses to be paid when due prior to the advance of any mortgage money.

(3) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

(4) The mortgagor and the mortgagee shall, prior to the insurance of the mortgage, execute an agreement acceptable to the Commissioner providing for the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner. Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by the Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor. Such agreement shall be set forth on a form prescribed by the Commissioner; shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract.

(5) The mortgagor shall furnish assurance of completion of the project in a form and amount approved by the Commissioner, as follows:

(i) A bond of a surety company with the mortgagor and mortgagee as joint obligees in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

(ii) An escrow deposit under an agreement with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash, or of securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to 10 percent of the estimated cost of construction of the project.

(6) An irrevocable letter of credit in form and substance acceptable to the Commissioner and the mortgagee and issued by an institution satisfactory to them may be substituted for any cash deposit required by this paragraph.

(d) *Labor standards and prevailing wage requirements.* (1) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Labor Standards and provisions of the Regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.1–5.12).

(2) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6 (b) of the Regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.6 (b)).

(3) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed on the ineligible list established by the Comptroller General, pursuant to the provisions of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.6 (b)).

(4) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(5) Compliance with the provisions of this subsection shall be evidenced at such time and in such manner as the Commissioner may prescribe.

(e) *Rents and charges.* No charge shall be made by the mortgagor for the accommodations, facilities or services offered by the project in excess of those approved by the Commissioner in writing prior to the opening of the project for rental. In approving such charges and in passing upon applications for changes, consideration will be given to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide reasonable return on the investment

consistent with providing reasonable rentals to tenants.

(f) *Methods of operation.*

(1) [Reserved]

(2) The mortgagor shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the Commissioner.

(3) A Fund for Replacements shall be accumulated and maintained with the mortgagee and the amount and type of such Fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(4) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(5) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured or held by the Commissioner the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner, and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audits as they may desire to make. The mortgagor shall file with the Commissioner and the mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

(i) Monthly occupancy reports, when required by the Commissioner;

(ii) [Reserved]

(iii) Complete annual financial reports based upon examinations of the books and records of the mortgagor, prepared in accordance with the requirements of the Commissioner, certified to by an officer of the mortgagor and, when required by the Commissioner, prepared and certified by a Certified Public Accountant (or other person acceptable to the Commissioner), such reports to be submitted within sixty (60) days after the end of each fiscal year.

(iv) Specific answers to questions upon which information is desired from time to time relative to the actual cost of construction, the disposition of mortgage funds, the operation and condition of the property and the status of the insured mortgage;

(v) Properly certified copies of minutes of meetings of directors, officers, stockholders, shareholders, or beneficiaries.

(g) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to 3 percent of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such 3 percent and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

(h) *Advance amortization.* If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the mortgaged property, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

§ 207.20 Occupancy requirements.

(a) *Family with children.* The mortgagor shall certify under oath to the Commissioner that:

(1) In selecting tenants for the project covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family; and

(2) The mortgagor will not sell the project while the mortgage insurance is in effect unless the purchaser also so certifies.

(b) *Transient or hotel purposes.* The mortgagor shall certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service.

§ 207.21 Racial discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

ELIGIBLE MORTGAGEES

§ 207.22 Qualification of lenders.

The provisions of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgages under this subpart.

PROPERTY REQUIREMENTS

§ 207.23 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a governmental agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage.

§ 207.24 Development of property.

(a) At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property, designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight rental dwelling units on one site and may be detached, semi-detached, or row houses, or multi-family structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a Commitment to Insure upon Completion, or

(b) At the time the mortgage is insured there shall be located on the mortgaged property a building or buildings, which, upon completion of proposed improvements, shall constitute a single project and provide housing accommodations designed principally for residential use, conforming to standards satisfactory to the Commissioner, and containing at least eight rental dwelling units so located in relation to one another as to effect a substantial improvement of housing standards and conditions in the neighborhood; and in either case such dwelling and other improvement, if any, must not violate any material zoning or deed restrictions applicable to the project site, and must comply with all applicable building and other governmental regulations; and any project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

ADJUSTMENT OF MORTGAGE AMOUNT

§ 207.25 Certification of cost requirements.

Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over statutory limitations based on actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

§ 207.26 Form of contract.

The form of contract between the mortgagor and builder shall be determined in acordance with the following:

(a) If it is established to the satisfaction of the Commissioner that neither the mortgagor nor any of the officers, directors, or stockholders of the mortgagor have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a builder's fixed fee in addition thereto. The builder's fixed fee shall not exceed a reasonable allowance therefor as established by the Commissioner, in accordance with customary practices in the area.

(c) If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor must certify in a form prescribed by the Commissioner prior to final endorsement of the mortgage for insurance that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

(Sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

§ 207.27 Certificate of actual cost.

The mortgagor's certificate of actual cost shall be submitted upon completion of physical improvements to the satisfaction of the Commissioner and prior to final endorsement. Its content and requirements regarding verification are as follows:

(a) When the work has been completed under a contract as described in § 207.26(a), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate the amount actually paid under the construction contract after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders; plus the cost to the mortgagor of architects' fees, off-site public utilities and streets not included in the general contract, organizational and legal work and other items of expense approved by the Commissioner. For verification of these amounts the mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and shall make available for examination such records including any collateral agreements upon request by the Commissioner.

(b) When the work has been completed under a contract as described in § 207.26(b), the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, and such allocations of general overhead items as are acceptable to the Commissioner, plus a reasonable allowance for the builder's profit as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep and make available records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(c) The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 207.28 Adjustment resulting from cost certification.

Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee such value being prior to the contruction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements. If the principal obligation of the mortgage exceeds the applicable statutory percentage of this total amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 207.29 Rehabilitation projects.

In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either paragraph (a) or paragraph (b) of § 207.27 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or 90 percent of the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the applicable statutory percentage of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

§ 207.30 Requisites of agreement and certification.

(a) Any agreement, undertaking, statement or certification required by § 207.27 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

(b) Upon the Commissioner's approval of the mortgagor's certification as required by § 207.27 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

OTHER ELIGIBLE MORTGAGES

§ 207.31 Eligibility of miscellaneous type mortgages.

(a) A mortgage covering five or more rental units and which meets the requirements of this subpart, except as modified by this section shall be eligible for insurance under this subpart.

(b) The mortgage may be accepted for insurance if—

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73, or 353, Seventy-seventh Congress, as amended (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, of any housing including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or any agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 203.12) their families and others: *Provided*, That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) For the purposes of this section, an eligible mortgagor is defined as a person or legal entity acceptable to the Commissioner. Such a mortgagor may, in the discretion of the Commissioner, be (1) uncontrolled or (2) controlled in such degree and manner as the Commissioner may find desirable under the circumstances.

§ 207.32 Eligibility of refinancing transactions.

Nothwithstanding any other provisions of this subpart, a mortgage bearing interest as provided in § 207.7 given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such new mortgage does not exceed the original principal amount and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of the unexpired term of the existing insured mortgage.

§ 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.

(a) All of the provisions of this subpart shall apply to insurance of mortgages on trailer courts or parks, except as provided in this section. All references in this subpart to housing for rent or sale shall mean the rental of spaces for the accommodation of trailers or mobile homes, and such appurtenances thereto as may have been approved by the Commissioner.

(b) A mortgage on a trailer court or park may involve a principal obligation in an amount not to exceed the lesser of the following:

(1) $500,000;

(2) $1,800 per space, as defined by the Commissioner;

(3) 75 percent of the estimated value of the property after the improvements are completed.

(c) A mortgage on a trailer court or park is not subject to the provisions of § 207.4.

(d) No mortgage on a leasehold estate shall be eligible for insurance under this section.

(e) A mortgage on a trailer court or park shall have a maturity satisfactory to the Commissioner not to exceed 15 years from the date of insurance.

(f) [Reserved]

(g) [Reserved]

(h) At the time a mortgage is insured on a trailer court or park, the mortgagor shall have constructed and completed, or shall have rehabilitated and completed, pursuant to a commitment to insure upon completion, or shall be obligated to construct and complete, or to rehabilitate and complete pursuant to a commitment to insure advances, such court or park, consisting of a single project of not less than fifty spaces on one site, designed principally for rental use for trailers or mobile homes, and conforming to standards, specifications, plans and requirements satisfactory to the Commissioner.

(i) The references in §§ 207.25 to 207.29 to "statutory limitation" and "statutory percentage" shall mean the ratio of loan-to-value limitation set forth in paragraph (b)(3) of this section.

(j) [Reserved]

§ 207.34 Reinsurance of Commissioner-held mortgages.

Notwithstanding any other provisions of this subpart, the Commissioner may insure any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under Title II, Title VI, Title VII, Title VIII, or Title IX of the National Housing Act without regard to any limitation upon eligibility contained in this subpart.

TITLE

§ 207.35 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 207.36 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c) or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

EFFECTIVE DATE

§ 207.37 Effective date.

The provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

Subpart B—Contract Rights and Obligations

§ 207.251 Definitions.

As used in this subpart:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner, or his duly authorized representative.

(e) The term "contract of insurance" means the agreement evidenced by such endorsement and includes the terms, conditions and provisions of this part and of the National Housing Act.

(f) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "mortgagee" means the original lender under a mortgage its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

PREMIUMS

§ 207.252 First, second and third premiums.

The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one percent of the original face amount of the mortgage.

(a) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement, the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the mortgage. On the date of the first principal payment, the mortgagee shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (1) one percent of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (2) one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(b) If the date of the first principal payment is one year, or less than one year following the date of such initial insurance endorsement, the mortgagee, upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(c) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(d) Until the mortgage is paid in full, or until an application for debentures is

received by the Commissioner or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee, on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(e) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(f) Premiums shall be payable in cash or in debentures issued by the Commissioner against the Housing Insurance Fund under Title II of the National Housing Act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in this subpart.

§ 207.253 Adjusted premium and termination charges.

(a) All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) Two percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated within five years from the date of the initial endorsement for insurance; or

(ii) One percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated after five years from the date of initial endorsement for insurance; or

(iii) The relevant percentage as set forth in subdivision (i) or (ii) of this paragraph applied to the difference between the original face amount of the mortgage and the appregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(a) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property.

(b) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days after prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee voluntarily terminating the contract of insurance and

(3) Such further evidence of prepayment in full or voluntary termination and cancellation of insurance as the Commissioner may require.

(b) In no event shall the adjusted premium charge or termination charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium charge shall be due the Commissioner in the following cases:

(1) where, at the time of such prepayment, there is placed on the mortgaged property a new insured mortgage or mortgages for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(2) where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, including loss by condemnation or conveyance in lieu of condemnation, or a release of a part of such property, if approved by the Commissioner; or

(4) where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his discretion, agrees in writing to waive the payment thereof; or

(5) where, at the time of such prepayment, there is placed on the property a new insured mortgage or mortgages less than the original principal amount of the prepaid mortgage: *Provided*, That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

(d) At the time of prepayment or voluntary termination of the mortgage insurance contract, the Commissioner shall refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of (1) prepayment, or (2) receipt by the Commissioner of a request for voluntary termination.

(e) At the time of prepayment, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.

INSURANCE ENDORSEMENT

§ 207.254 Form of endorsement.

(a) *Initial endorsement.* Upon compliance with the terms and conditions of a commitment, the Commissioner shall make an initial endorsement of the mortgage evidencing insurance by an appropriate panel or endorsement placed on the original credit instrument which will identify the section of the Act and the regulations under which the mortgage is insured and the date of insurance.

(b) *Final endorsement.* After all advances under the mortgage have been made, the Commissioner shall, upon presentation of the original credit instrument, make a final endorsement of the original credit instrument which shall state the total of all advances approved for insurance by the Commissioner and show the date of such approval.

(c) *Effect of endorsement.* From the date of initial endorsement the Commissioner and mortgagee shall be bound by the provisions of this subpart with the same force and effect as if a separate contract had been executed including the provisions of this subpart and the Act.

RIGHTS AND DUTIES OF MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 207.255 Defaults.

(a) The failure of the mortgagor to make any payments due under or provided to be paid by the terms of a mortgage insured under this subpart shall be considered a default under such mortgage.

(b) The failure to perform any other covenant under the provisions of a mortgage insured under this subpart shall be considered a default, provided the mortgagee, because of such default, has exercised its right under the mortgage and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days the mortgagee shall be entitled to receive the benefits of the insurance hereinafter provided.

(d) For the purposes of this section the date of default shall be considered as:

(1) The date of the first uncorrected failure to perform a covenant or obligation; or

(2) The date of the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 207.256 Notice.

(a) If the default as defined in § 207.255 is not cured within the 30 day grace period, the mortgagee shall within 30 days thereafter notify the Commissioner in writing of such default.

(b) Notwithstanding the provision of § 207.255(b), the mortgagee will be required to give notice in writing to the Commissioner of the failure of the mortgagor to comply with such covenant regardless of the fact the mortgagee may not have elected to accelerate the debt.

§ 207.257 Commissioner's right to require acceleration.

Upon receipt of notice of violation of a covenant, as provided for in § 207.256

(b), or otherwise being apprised thereof, the Commissioner reserves the right to require the mortgagee to accelerate payment of the outstanding principal balance due in order to protect the interests of the Federal Housing Commissioner.

§ 207.258 Insurance benefits requirement.

(a) When the mortgagee becomes eligible for the benefits of the mortgage insurance, it shall within 45 days thereafter, or within such later time as may be agreed upon by the Commissioner in writing, notify the Commissioner in writing of its intention to file claim for debentures and of its election to proceed in accordance with subparagraphs (1) or (2) of this paragraph.

(1) At any time within 30 days after the date of such election, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign and will promptly deliver to the Commissioner the mortgage and other items enumerated below:

(i) All rights and interest arising under the mortgage so in default;

(ii) All claims of the mortgagee against mortgagor or others, arising out of the mortgage transaction;

(iii) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder, including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the mortgage to the Commissioner.

(iv) Any balance of the mortgage loan not advanced to the mortgagor;

(v) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor, and which have not been applied in reduction of the principal of the mortgage indebtedness;

(vi) All funds held by the mortgagee for the account of the mortgagor and which were received pursuant to any other agreement;

(vii) All records, documents, books, papers and accounts relating to the mortgage transaction.

(viii) Any additional information or data which the Commissioner may require.

(2) If the mortgagee does not elect to proceed in accordance with subparagraph (1) of this paragraph, then at any time within a period of thirty days after the date of the notice of election to acquire title or within such later time as may be agreed upon by the Commissioner in writing, the mortgagee shall either

(i) With and subject to the consent of the Commissioner provide for transfer of title from the mortgagor or other appropriate grantor to the Commissioner or shall acquire by means other than foreclosure of the mortgage possession of and title to the mortgaged property; or

(ii) Institute proceedings for the foreclosure of the mortgage and either obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointment of a receiver to manage the mortgaged property and collect income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and to obtain the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the state in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within 30 days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this subparagraph, shall exercise reasonable diligence in prosecuting such proceedings to completion and shall report promptly to the Commissioner any developments which might delay the consummation of such proceedings. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

(b) Nothing contained in this section shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified if the Commissioner agreed thereto in writing.

§ 207.259 Insurance benefits.

(a) If the mortgagee elects to and does proceed in accordance with § 207.258 (a)(1) and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warrantees described in said subparagraph, the Commissioner shall deliver to the mortgagee.

(1) Debentures of the Housing Insurance Fund as set forth in section 207 of the National Housing Act which debentures shall:

(i) Be issued as of the date the mortgage became in default;

(ii) Have a total face value equal to the value of the mortgage as defined in section 207 (g) of the National Housing Act, which value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount and mortgagee may have paid for taxes, special assessments, and water rates which are liens prior to the mortgage; insurance on the property; and reasonable expenses for the completion and preservation of the property, and any mortgage insurance premiums paid after default; less the sum of an amount equivalent to one percent of the amount of the mortgage advanced to the mortgagor and not repaid; any amount received on account of the mortgage after such date; and any net income received by the mortgagee from the property after such date;

(iii) Be registered as to principal and interest;

(iv) At the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment date on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe;

(v) Mature 20 years from the date thereof;

(vi) Be issued in multiples of $50.00 and any difference not in excess of $50.00 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee;

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date of the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1959	July 1, 1959
4⅛	July 1, 1959	Jan. 1, 1961
3⅞	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	

(2) A certificate of claim in accordance with section 207 (h) of the National Housing Act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such mortgage or such property. Such certificate shall be for an amount which the Commissioner determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Commissioner, the mortgagor had extinguished the mort-

gage indebtedness by payment in full of all obligations under the mortgage. Such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of three percent per annum, beginning on the date of the assignment of the mortgage to the Commissioner, but which shall not be compounded. If any excess is realized from the mortgage and all claims in connection therewith so assigned, transferred and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Commissioner in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be retained by the Commissioner and credited to the Housing Insurance Fund.

(b) If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 207.258(a)(2) and at any time within 30 days (or such further time as may be allowed by the Commissioner in writing) tenders or causes to be tendered to the Commissioner possession of the mortgaged property and a deed thereto containing covenants satisfactory to the Commissioner, together with a bill of sale covering any personal property to which the mortgagee is entitled by reason of the mortgage transaction, conveying title to such property satisfactory to the Commissioner, and assigns or causes to be assigned (without recourse or warranty) any and all claims which have been acquired in connection with the mortgage transaction and as a result of any foreclosure proceedings or other means by which it may have acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee debentures as provided in § 207.259(a), except that the one percent deduction set out therein with respect to the amount of debentures shall not apply, and a certificate of claim as provided in § 207.259(a) which shall include a reasonable amount for any necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise, and in the conveyance thereof to the Commissioner.

(c) Title satisfactory to the Commissioner will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner.

(d) The mortgagee, at the time a deed is tendered shall furnish to the Commissioner without expense to him satisfactory evidence of title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and, shall be in the form of an owner's policy of title insurance, or a satisfactory abstract and attorney's opinion covering the period subsequent to the recording of the mortgage, or a satisfactory continuation of the title evidence accepted by the Commissioner at the time the mortgage was insured, depending upon the form of title evidence originally accepted by the Commissioner.

(e) In the event the mortgagee acquires title to the mortgaged property, but does not convey it to the Commissioner, and the Commissioner is given written notice that it will not do so, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee, under the contract of insurance shall terminate as of the date of such notice.

(Sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

(a) *Annual inspection of property by mortgagee.* So long as the mortgage is an insured mortgage, the mortgagee shall ascertain the general physical condition of the mortgaged property in each calendar year commencing with the calendar year following completion of the project. The mortgagee shall furnish the Commissioner and the mortgagor with a copy of its inspection report, which shall contain the mortgagee's recommendations for any necessary corrective action.

(b) *Restoration of property by mortgagee.* If, at any time, it be determined by the mortgagee that, in addition to ordinary wear and tear, the mortgaged property is being subjected to permanent or substantial injury, through unreasonable use, abuse or neglect, the mortgagee shall, unless adequate provision satisfactory to a prudent lender is made for the prompt restoration of the mortgaged property, forthwith take such action as may be available to it under the mortgage and appropriate to the particular case, for the protection and preservation of the mortgaged property and the income therefrom.

(c) *Effect of failure to protect property.* In the event claim for debentures is filed, the Commissioner may reduce the amount of debentures to the extent of any loss sustained as a result of failure to comply with the provisions of paragraphs (a) and (b) of this section.

(d) *Insurance of property against fire and hazard.* The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgager fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured the contract of insurance may be terminated at the election of the Commissioner.

(e) *Effect of failure to provide fire and hazard insurance.* If at the time claim is filed for debentures, the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures.

(f) *Application of fire and hazard insurance proceeds.* (1) In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the mortgagee has received the proceeds therefrom, it shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing, or rebuilding of the premises, or apply them to the mortgage indebtedness, without the prior written approval of the Commissioner.

(2) If the proceeds are applied to the mortgage with such prior written approval and result in the payment in full of the entire mortgage indebtedness, the contract of mortgage insurance made with the Commissioner shall thereupon terminate.

(3) If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

ASSIGNMENTS

§ 207.261 Assignment of insured mortgages.

(a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than those described in paragraph (a) of this section, may not be transferred or pledged prior to the full disbursement of the mortgage loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such mortgage may be transferred only to a transferee who is a mortgagee approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(c) The contract of insurance shall terminate with respect to mortgages described in paragraph (b) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured mortgage to any person, firm, or corporation, public or private, other than an approved mortgagee.

(2) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interest in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

RIGHTS IN HOUSING FUND

§ 207.262 No vested right.

Neither the mortgagee nor the mortgagor shall have any vested or other right in the Housing Insurance Fund.

AMENDMENTS

§ 207.263 Amendments not to change contractual rights.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 207.264 Effective date.

The regulations in this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after the date hereof.

No. 155—Part II——9

SUBCHAPTER B—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

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213.751 Incorporation by reference.

AUTHORITY: §§ 213.1 to 213.751 issued under sec. 211, 52 Stat. 23, as amended, sec. 213, 64 Stat. 54, as amended, 12 U.S.C. 1715b, 1715e.

Subpart A—Eligibility Requirements—Projects

DEFINITIONS

§ 213.1 Definitions.

As used in this subpart, the following terms will have the meaning indicated.

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Act" means the National Housing Act, as amended.

(c) "Private Mortgagor" means a private corporation or trust, formed or created with the approval of the Commissioner, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation.

(d) "Public Mortgagor" means a corporation or trust approved by the Commissioner which is also a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend or redevelopment or housing corporation formed under and restricted by Federal or State laws or regulations of a State banking or insurance department as to rents, charges, capital structure, rate of return, or methods of operation.

(e) "Purchasing Cooperative" means the mortgagor of a Management Project which has purchased the project from the mortgagor of an Investor Project.

(f) "Management Project" means a project owned by a mortgagor nonprofit cooperative ownership housing corporation or trust which restricts permanent occupancy of the project to the members of the corporation or to the beneficiaries of the trust.

(g) "Sales Project" means a project owned by a mortgagor nonprofit housing corporation or trust which is organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust.

(h) "Investor Project" means a project owned by a mortgagor which intends to sell the project to the mortgagor of a Management Project.

(i) "Existing Construction" means a project or projects constructed prior to the filing of an application for mortgage insurance under section 213(i) of the Act which is to be owned and operated by a Consumer Cooperative as a Management Project.

(j) "Consumer Cooperative" means:

(1) A nonprofit cooperative ownership housing corporation or trust which is the owner of an Existing Construction subject to an outstanding indebtedness and is approved by the Commissioner for refinancing the indebtedness with insured mortgage; or

(2) A nonprofit cooperative ownership housing corporation or trust organized for the purpose of purchasing an Existing Construction, the members and organizers of which do not have an identity of interest with the seller of the Existing Construction except where the Commissioner has approved such interest as being consistent with the objectives of the cooperative.

(3) A nonprofit cooperative housing corporation or trust initiated and organized by bona fide members or stockholders who are the ultimate consumers, or by a consumer group or sponsor, the members and organizers of which do not have an identity of interest with the builder or landowner and which conducts all transactions between it and the builder and the landowner on an arms-length basis.

(k) "Approved percentage" means 90 percent in the case of an Investor Project, and 97 percent in the case of a Management, Sales or Existing Construction Project.

(l) "Borrower" means the mortgagor of a Management Project which receives and becomes primarily obligated for the payment of a supplementary loan.

(m) "Supplementary Loan" means an advance of funds or credit evidenced by a note pursuant to Section 213(j) of the Act.

(n) "Lender" means a financial institution meeting the requirements of §§ 203.51 through 203.54 of this chapter.

APPLICATION AND COMMITMENT

§ 213.2 Preliminary examination; filing of application and issuance of commitment.

(a) *Preliminary examination.* Prior to the filing of an application, the sponsors of a housing project shall upon request be given a preliminary analysis of the proposed project with respect to specific questions of eligibility other than questions requiring a determination of the value of the property or project or the maximum insurable mortgage amount, and such preliminary analysis shall be given without the payment of a fee.

(b) *Filing of application.* Applications for mortgage insurance shall be submitted by an approved mortgagee on an approved application form. No application shall be considered unless the exhibits called for by such form are furnished.

(c) *Issuance of commitment.* Upon approval of an application, the Commissioner will issue a commitment setting forth the terms and conditions upon which the mortgage will be insured.

§ 213.3 Fees required by Commissioner.

(a) *Private Mortgagors.* In the case of a Private Mortgagor, the following fees shall be paid:

(1) *Application fee.* An application fee of $1.50 per thousand of the face amount of the mortgage loan applied for at the time the application is filed.

(2) *Commitment fee.* A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment within 30 days subsequent to the date of the commitment or within such additional period of time as the Commissioner may prescribe.

(b) *Public Mortgagors.* In the case of a Public Mortgagor, the application and commitment fees to be paid under this section shall be fixed by the Commissioner, but shall not exceed $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment.

(c) *Investor Project.* In the case of an Investor Project, the application and commitment fees to be paid under this section shall be based upon the commitment amount applicable to the owner of a management type project.

(d) *Increased commitment—additional fees.* Upon application for an increase in the amount of an existing commitment, the mortgagee shall pay:

(1) *Application fee.* An additional application fee of $1.50 per thousand dollars based upon the amount of the increase requested.

(2) *Commitment fee.* An additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

(e) *Inspection fee.* The commitment may provide for the payment of an inspection fee in the amount not to exceed $5.00 per thousand dollars of the commitment.

(f) *Refund of fees.* If an application is rejected before it is assigned for processing by the Commissioner or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

§ 213.4 Maximum charges and fees by mortgagee.

The mortgagee may collect from the mortgagor the amount of any fees required by the Commissioner and may charge the mortgagor an initial service charge in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

§ 213.5 Commissioner's estimate of replacement cost and appraised value.

As a condition precedent to insurance of a mortgage on a Sales Project or an Existing Construction Project, evidence must be produced showing that, prior to any sale of the dwellings in the project and stock of the mortgagor corporation, a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost (appraised value in the case of a mortgage on an Existing Construction Project) of the property has been delivered by the seller, builder, sponsor, or such other person as may be required by the Commissioner, to the purchasers of the dwellings, and subscribers for such stock.

ELIGIBLE MORTGAGES AND SUPPLEMENTARY LOANS

§ 213.6 Mortgage and supplementary loan provisions.

(a) *Mortgage form.* The mortgage shall be:

(1) Executed on a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(2) Executed by a mortgagor with the qualifications as provided in this subpart.

(3) A first lein on property that conforms with the property standards prescribed by the Commissioner.

(b) *Disbursement of the mortgage.* The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage, to, or for the account of the mortgagor or to his creditors for his account and with his consent.

(c) *Management of property.* The mortgage shall provide that the mortgagor will not arrange for management of the property except in a manner and under an agreement approved by the mortgagee and the Commissioner in writing.

(d) *Supplementary loans.* The lender shall obtain and present for insurance a note in a form acceptable to the Commissioner which is valid and enforceable against the borrower. In addition to the customary provisions the note shall contain the following:

(1) An acceleration clause, which at the option of the holder, operates to make the entire amount of the note due and payable in the event any installment of interest and principal is not paid within 30 days after it becomes due.

(2) On the reverse side, an endorsement panel in the form set forth in §§ 213.266 and 213.268.

§ 213.7 Maximum insurable amounts.

(a) *Management Project.* The mortgage covering a Management Project shall not exceed the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $25,000,000 if executed by a Public Mortgagor;

(3) 97 percent of the Commissioner's estimate of the replacement cost of the project;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner).

(b) *Investor Project.* The mortgage covering an Investor Project shall not exceed that prescribed for a Management Project, except that the percentage of replacement cost referred to shall not exceed 90 percent.

(c) *Sales Project.* The mortgage covering a Sales Project shall not exceed $12,500,000 and the greater of the following amounts:

(1) A sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgage which would meet the requirements of section 203(b)(2) of the Act for occupant mortgagors; or

(2) A sum not to exceed $2,500 per room (or $9,000 per family unit if the number of rooms in such project averages less than four per family unit) for such part of such project as may be attributable to dwelling use (excluding exterior land improvements, as defined by the Commissioner) but not to exceed 97 percent of the amount which the Commissioner estimates will be the replacement cost of the project.

(d) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations by an amount not to exceed $1,250 per room without regard to the number of rooms being four, less than four, or more than four;

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as the Commissioner finds may be necessary to compensate for such costs, but not to exceed, in any event, the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(e) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) The Commissioner's estimate of the cost of the repair or rehabilitation; plus

(ii) Such portion of the outstanding indebtedness as does not exceed the approved percentage of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed the approved percentage of:

(i) The Commissioner's estimate of the cost of the repair or rehabilitation; and

(ii) The actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(f) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(g) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room, and the limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(h) *Existing Construction.* A mortgage covering Existing Construction shall involve a principal obligation not in excess of the approved percentage of the Commissioner's appraised value for continued use as a cooperative, including therein such Commissioner required or approved repairs, improvements, alterations and additions, if any, as do not constitute rehabilitation of the project as determined by the Commissioner; provided, the insured mortgage shall be subject to the following further limitations:

(1) If the insured mortgage is to include the cost of refinancing an existing mortgage or mortgages acceptable to the Commissioner, the amount of the insured mortgage shall not exceed an amount equal to the outstanding balance of the existing mortgage or the total of the outstanding balances of the existing mortgages, plus the contract cost of such Commissioner required or approved repairs, improvements, alterations and additions, if any. If the principal obligation of the mortgage exceeds this amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement;

(2) If the Existing Construction project is to be acquired, the mortgage shall not exceed the purchase price and costs related thereto as approved by the Commissioner plus the contract cost of such Commissioner required or approved repairs, improvements, alterations and additions, if any. If the principal obligation of the mortgage exceeds this amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement.

(i) *Commercial and community facilities.* (1) A Management or an Investor Project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

(2) A Sales Project may include such community facilities as the Commissioner deems adequate to serve the occupants.

(3) The maximum mortgage amount for mortgages issued under this part may be increased by such amount as the Commissioner deems appropriate to provide for the inclusion of commercial or community facilities except that a mortgage on a Sales Project shall not be increased to provide for commercial facilities. The total mortgage amount shall not exceed the ratios of loan to replacement cost or value specified in this section because of the inclusion of commercial or community facilities.

(j) *Mortgagor's minimum investment—Sales Projects.* At the time a mortgage executed by a mortgagor of a Sales Project is insured, the mortgagor shall have paid on account of the project in cash or its equivalent an amount, if any, approved and determined by the Commissioner to be the required minimum investment. At the time a mortgage is executed each member or stockholder shall have paid the amount required by § 213.509(b). With respect to applications received on or after July 5, 1961, the required minimum investment shall be at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine.

(k) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

(l) *Supplementary loans.* The maximum amount of supplementary loan shall not exceed the lesser of the following:

(1) The Commissioner's estimate of the cost of the improvements, repairs, or community facilities; or

(2) An amount which, when added to the total unpaid balance of all insured mortgages or loans insured by the Commissioner on the property, creates a total outstanding indebtedness equal to the original principal obligation of the mortgage; or

(3) The actual cost, as approved by the Commissioner, of the improvements, repairs, or community facilities.

(m) *Reduction of supplementary loan.* If the supplementary loan exceeds the prescribed maximum amount, the loan shall be reduced by the amount of such excess prior to final endorsement.

§ 213.8 Amortization period.

The mortgage or supplementary loan shall have a maturity and shall contain amortization provisions satisfactory to the Commissioner. Mortgage maturity shall not exceed 40 years from the date of the beginning of amortization of the mortgage. With respect to applications for a Sales Project received on and after July 5, 1961, mortgage maturity shall not exceed 35 years from the date of the beginning of amortization of the mortgage. Supplementary loan maturity shall not exceed the remaining term of the mortgage covering the Management Project.

§ 213.9 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 213.10 Maximum interest rate.

The mortgage or a supplementary loan may bear interest at such rate as may be agreed upon by the mortgagee and the mortgagor, or the lender and the borrower. The interest rate for a mortgage shall not exceed 5¼ percent and for a supplementary loan shall not exceed 6 percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 213.11 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 213.12 Covenant against liens.

The mortgage shall, except as otherwise provided in this subpart, contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 213.13 Covenant for fire insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in an amount estimated by the Commissioner at the time of completion of the entire project or units thereof. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as interests may appear.

§ 213.14 Accumulation of accruals.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 213.15 Application of payments.

(a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 213.16 Mortgage covenant regarding racial restrictions and use of property.

(a) The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at the date the mortgage was executed.

§ 213.17 Mortgage release provisions.

A mortgage executed by a mortgagor of a Sales Type Project shall provide that at any time after the completion of the construction of the project, the property underlying such mortgage may be released, in whole or in part, upon payment of the unpaid balance of the blanket mortgage allocable to the property released. Where the mortgage does not contain release provisions, no property shall, except with the consent of the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

§ 213.18 Prepayment privilege; prepayment and late charges.

(a) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days' notice in writing in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgage may include a provision for such additional prepayment charge as may be agreed upon between the mortgagor and mortgagee, except that no such charge shall be made for a prepayment which does not exceed 15 percent of the original principal amount of the mortgage in any one calendar year or which results from:

(1) A payment requirement of the Commissioner;

(2) Release of individual properties in accordance with the provisions of a mortgage in a Sales Project;

(3) Sale of an Investor Project within 2 years after its completion to a Purchasing Cooperative unless the Commissioner shall require the payment of such additional charge.

(c) *Late charge.* The mortgage may provide for the collection by the mortgagee of a "late charge," not to exceed 2 cents for each dollar of each payment to interest and/or principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 213.19 Issuance of bonds.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

Eligible Mortgagors

§ 213.20 Eligibility of mortgagors.

(a) In order to be eligible under this part, an applicant shall be a Private or Public Mortgagor of:

(1) A Management Project;

(2) A Sales Project;

(3) An Investor Project; or

(4) An Existing Construction Project.

(b) A Public Mortgagor may be an eligible mortgagor without regulation or restriction by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation.

Supervision of Mortgagors

§ 213.21 Liens.

If a Public Mortgagor, or the Alaska Housing Authority, or the Government of Guam or Hawaii, or any agency or instrumentality thereof is the mortgagor, liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors. The mortgagor in such case shall have initial funds which may be considered in lieu of the equity required of other mortgagors and such funds, which may be in the form of Government grants, loans, or subsidies, or in other form, if sufficient in amount, will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage.

§ 213.22 Obligations of mortgagor.

In all other cases a mortgagor must certify at final endorsement of the loan for insurance that the property covered by the mortgage is free and clear of all liens other than such mortgage, and that there are not outstanding any other unpaid obligations, except such obligations as have been approved by the Commissioner as to terms, form, and amount.

§ 213.23 Regulation and restriction of mortgagors.

(a) *Preferred stock or regulatory agreement.* The regulation or restriction of Private Mortgagors will be provided for in the certificate of incorporation or other instrument under which the mortgagor is created, hereinafter referred to as the "charter," and will be made effective through a regulatory agreement, or the issuance of preferred stock (or membership) which will enable the Commissioner to exercise majority voting rights in the event of violation of a provision of the charter or (except as to the mortgagor of an Investor Project) at any time during the period between initial and final endorsement for mortgage insurance by the Commissioner whether or not such vio-

lation has occurred. Such stock shall be issued in a manner prescribed by the Commissioner in consideration of the payment by the Commissioner of not exceeding in the aggregate $100.

(b) *Rights of the Commissioner.* By the exercise of the preferred stock voting rights, the Commissioner may remove the existing directors of the mortgagor corporation and elect new directors to serve in their place. Directors so elected by the Commissioner, in the event of a violation, shall serve only for a period coexistent with the duration of such violation or until the Commissioner is assured in a manner satisfactory to him against future violations of a similar nature. Upon the termination of the contract of insurance or any succeeding contract or agreement covering the mortgage obligation, all regulation and restriction of the mortgagor shall terminate and the shares of special stock or other evidence of beneficial interest shall be surrendered by the Commissioner upon reimbursement of his payment therefor.

§ 213.24 Issuance of stock.

(a) Shares of capital stock, either with or without par value, or certificates of membership, or such evidences of interest in the case of a trust, may be issued if approved by the Commissioner. Such stock or interest, together with paid-in surplus, if any, shall represent the capital investment.

(b) [Reserved]

§ 213.25 Patronage refunds.

Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be distributed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

§ 213.26 Working capital.

The amount of working capital, if any, required by the Commissioner to be deposited by the mortgagor with the mortgagee or in a depository satisfactory to the mortgagee and under its control, shall not exceed 2 percent of the original principal amount of the mortgage. Disbursements from such deposit shall be made only in a manner prescribed by the Commissioner.

§ 213.27 Assurances of completion.

(a) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project. Unless other provisions acceptable to the Commissioner are made, such funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be expended for work and material on the physical improvements and for other charges and expenses to be paid when due prior to the advance of any mortgage money.

(b) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

(c) The mortgagor and the mortgagee shall, prior to the insurance of the mortgage, execute an agreement acceptable to the Commissioner providing for the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner. Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by the Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor. Such agreement shall be set forth on a form prescribed by the Commissioner; shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed by the Commissioner and the mortgagee, shall constitute a part of the mortgage insurance contract.

(d) The mortgagor shall furnish assurance of completion of the project in a form and amount approved by the Commissioner, as follows:

(1) A bond of a surety company with the mortgagor and mortgagee as joint obligees in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

(2) An escrow deposit under an agreement with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash, or of securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to 10 percent of the estimated cost of construction of the project.

(e) For a supplementary loan, the Commissioner may require such assurance of completion of the improvements, repairs or community facility as he deems necessary, and the supplementary loan may be required to be secured in a manner satisfactory to the Commissioner, including but not limited to, collateral security, modification of existing instruments, and title evidence.

§ 213.28 Labor standards and prevailing wage requirements.

(a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.1–5.12).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6 (b) of the regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.6 (b)).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed on the ineligible list established by the Comptroller General, pursuant to the provisions of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.6 (b)).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

(e) Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

(f) Compliance with the provisions of this section shall be evidenced at such time and in such manner as the Commissioner may prescribe.

§ 213.29 Rents and charges.

The mortgagor shall not permit occupancy except in accordance with the schedule of charges and under an Occupancy Agreement or lease approved by the Commissioner.

§ 213.30 Methods of operation.

(a) Except with the prior written approval of the Commissioner, no compensation shall be paid by the corporation to its officers or directors, as such, nor to any person or corporation for supervisory or managerial services. No compensation shall be paid by the corporation to any employee in excess of an amount agreed upon by the Commissioner and specified in the charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation, except on account of approved occupancy charges.

(b) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will preserve the health and safety of its occupants.

(c) A Fund for Replacements shall be established and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter.

(d) A General Operating Reserve shall also be established and maintained so long as the mortgage insurance is in force, in a manner and for the purposes specified in the charter.

(e) The corporation shall not, without prior approval of the Commissioner, incur liabilities (other than the insured mortgage) in excess of an amount to be specified in the charter.

(f) The corporation, its property equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(g) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the corporation will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner, will be in such form as to permit a speedy and effective audit, and, as may otherwise be prescribed by the Commissioner, will be maintained for such periods of time as may be prescribed by the Commissioner and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audits as they may desire to make. The corporation shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the corporation as the Commissioner may designate and in such form as prescribed by the Commissioner:

(1) Monthly or quarterly operating reports as and when required by the Commissioner;

(2) A semi-annual financial statement within sixty (60) days after the semi-annual period when required by the Commissioner;

(3) Annual reports prepared by a certified public accountant or an independent public accountant, within sixty (60) days after the end of each fiscal year;

(4) Specific answers to questions upon which information is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage;

(5) Copies of minutes of stockholders' meetings certified to by the Secretary of the corporation, within thirty (30) days after such meetings and, when requested by the Commissioner, copies of minutes of directors' meetings.

§ 213.31 Exceptions and special provisions.

(a) A Public Mortgagor shall not be subject to regulation and restriction by the Commissioner with respect to matters set forth in §§ 213.24, 213.25, 213.29, and 213.30.

(b) If the mortgage is to be insured after completion of the improvements, the mortgagor shall not be subject to the requirement of § 213.27.

(c) In addition to the provisions of this part, the mortgagor of an Investor Project shall be subject to the provisions of § 207.19(b), (Rate of return), § 207.19 (e), (Rent and charges), and § 207.26, (Form of contract), of this chapter. Such mortgagor shall not be subject to the provisions of §§ 213.25, 213.30(d), and 213.34.

(d) If the mortgage to be insured covers Existing Construction, §§ 213.33, 213.34, 213.35, 213.36, and 213.38 shall not be applicable.

(e) The provisions of § 213.27 shall apply to the mortgage covering Existing Construction only where Commissioner required or approved repairs, improvements, alterations, and additions are involved and insured advances are to be made. In such cases, assurance of completion of the project shall be deemed to refer to assurance of completion of such repairs, improvements, alterations, and additions.

(f) The provisions of § 213.26 shall apply to the mortgage covering Existing Construction only to the extent that Commissioner required or approved repairs, improvements, alterations, and additions are involved and reference therein relating to contracts, subcontracts, and the construction of the project shall be deemed to refer to the construction of such repairs, improvements, alterations, and additions.

(g) The provisions of § 213.28 shall not apply to a mortgage covering Existing Construction which does not involve Commissioner required or approved repairs, improvements, alterations, and additions, except that as to such Existing Construction where the construction of the project or projects was commenced after September 23, 1959, inspection by the Commissioner and compliance with the provisions of section 212 of the Act relating to prevailing wage requirements shall be a prerequisite of mortgage insurance.

(h) The provisions of § 213.28 shall not apply to a supplementary loan covering the purchase of an existing community facility.

(i) Part 213 sections and portions of sections applicable to supplementary loans are: §§ 213.1 (a), (b), (f), (l), (m), and (n); 213.2; 213.3; 213.4; 213.6(d); 213.7 (l), and (m); 213.8; 213.9(a); 213.10; 213.18 (a), (b)(1), and (c); 213.27(e); 213.28 (a) through (f); and 213.39.

In the foregoing provisions, unless otherwise indicated:

(1) "mortgage" shall mean "supplementary loan."

(2) "mortgagee" shall mean "lender."

(3) "mortgagor" shall mean "borrower."

(4) "project" shall mean "improvements, repairs, or community facilities."

§ 213.32 Certificate of mortgagor regarding use of property for transient or hotel purposes.

The mortgagor shall certify under oath that, so long as the mortgage is insured, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (a) rental for any period less than 30 days, or (b) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ADJUSTMENT OF MORTGAGE AMOUNT

§ 213.33 Certification of cost requirements.

Prior to initial endorsement for insurance of a mortgage executed by the mortgagor of a management type project or the mortgagor of an investor sponsored project, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over statutory limitations based on actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

§ 213.34 Form of contract.

The form of contract between the mortgagor of a Management Type Project and builder shall be determined in accordance with the following:

(a) *Non-identity of interest.* If it is found by the Commissioner that: (1) no identity of interest exists between the mortgagor or any of its officers, directors or stockholders and the general contractor, and (2) a cost plus form of contract is not required in the interests of the Commissioner; there may be used a lump sum form of contract.

(b) *Identity of interest.* If the Commissioner does not make the findings described in paragraph (a) of this section, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a specified

builder's fee in addition thereto. The builder's fee shall not exceed a reasonable allowance therefor as established by the Commissioner, in accordance with customary practices in the area.

(c) *Identity of interest—subcontractor.* If it is found by the Commissioner that an identity of interest exist between the mortgagor or any of its officers, directors or stockholders and any subcontractor or material supplier, the mortgagor and the general contractor must certify in a form prescribed by the Commissioner prior to final endorsement of the mortgage for insurance that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

§ 213.35 Certificate of actual cost.

The mortgagor's certificate of actual cost shall be submitted upon completion of physical improvements to the satisfaction of the Commissioner and prior to final endorsement. Its content and requirements regarding verification are as follows:

(a) When the work has been completed under a lump sum contract the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate the amount actually paid under the construction contract after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders; plus the cost to the mortgagor of architects' fees, off-site public utilities and streets not included in the general contract, organizational and legal work, and other items of expense approved by the Commissioner. For verification of these amounts the mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and shall make available for examination such records, including any collateral agreements, upon request by the Commissioner.

(b) When the work has been completed under a cost plus contract the mortgagor's certification shall be on the form prescribed therefor by the Commissioner and shall indicate all amounts as required in paragraph (a) of this section, and such allocations of general overhead items as are acceptable to the Commissioner, plus a reasonable allowance for the builder's profit as established by the Commissioner. This form of certification shall be accompanied by a certification by the builder on the form prescribed therefor by the Commissioner, indicating all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors, or stockholders. The mortgagor shall keep and make available records as required in paragraph (a) of this section and shall in turn require the builder to keep available similar records.

(c) The certificates of actual cost shall be verified by an independent Certified Public Accountant or independent public accountant in a manner acceptable to the Commissioner.

§ 213.36 Adjustment resulting from cost certification.

Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost, provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements. If the principal obligation of the mortgage exceeds the approved percentage of this total amount, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 213.37 Rehabilitation projects.

In the event the mortgage is to finance repair or rehabilitation the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with either paragraph (a) or paragraph (b) of § 213.35 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds will be used to finance the purchase of the land or structures involved the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repairs or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or the approved percentage of the Commissioner's estimate of the fair market value, of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value, of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the approved percentage of this amount, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

§ 213.38 Requisites of agreement and certification.

(a) Any agreement, undertaking, statement or certification required by § 213.35 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

(b) Upon the Commissioner's approval of the mortgagor's certification as required by § 213.35 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

ELIGIBLE MORTGAGEES AND LENDERS

§ 213.39 Qualifications.

The provisions of §§ 203.1 to 203.4, 203.6 to 203.9, and 203.51 through 203.54 of this chapter shall apply and govern the eligibility, qualifications and requirements of mortgagees and lenders under this subpart.

PROPERTY REQUIREMENTS

§ 213.40 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date the mortgage is executed; or

(4) Under a lease executed by a government agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage shall be held by an eligible mortgagor as herein defined and shall at the time the mortgage is insured be free and clear of all liens other than that of such mortgage except as otherwise provided in this subpart.

§ 213.42 Minimum number of units.

The project shall consist of not less than five dwelling units which may be detached, semidetached, or row house, or multifamily structures. In the case of a Sales Project, such units shall be single-family dwellings.

TITLE

§ 213.43 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 213.44 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c), or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

OTHER ELIGIBLE MORTGAGES

§ 213.45 Eligibility of miscellaneous type mortgages.

(a) A mortgage executed by a mortgagor of a Management Type project covering five or more units and which meets the requirements of this part, except as modified by this section shall be eligible for insurance under this part.

(b) The mortgage may be accepted for insurance if—

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73, or 353, Seventy-seventh Congress, as amended (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, of any housing (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, or any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employee's housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preferences or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or an agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 203.12 of this chapter) their families and others: *Provided*, That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) [Reserved]

(d) Notwithstanding any other provisions of this subpart a mortgage executed by a mortgagor of a Management Type project bearing interest as provided in § 213.510, given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act shall be eligible for insurance under this section, if the principal amount of such new mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund, taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of the unexpired term of the existing insured mortgage.

(e) Notwithstanding any other provisions of this subpart, the Commissioner may insure any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under Title II, Title VI, Title VII, Title VIII, or Title IX of the National Housing Act without regard to any limitation upon eligibility contained in this subpart.

EFFECTIVE DATE

§ 213.100 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart B—Contract Rights and Obligations—Projects

§ 213.251 Incorporation by reference.

(a) All of the provisions of Part 207 of this subchapter covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to mortgages insured under section 213 of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.252 First, second and third premiums.
207.253 Adjusted premium charge.
207.254 Form of endorsement.
207.264 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 213 of the Act.

(c) The provisions of §§ 207.255, 207.256, 207.257, 207.261, 207.262 and 207.263 of this chapter shall apply to supplementary loans insured under section 213(j) of the Act. In connection with the foregoing provisions the terms "mortgagor", "mortgagee", "mortgage" shall be construed to mean "borrower", "lender", and "supplementary loan, including required security instrument".

(d) Where the provisions of this subpart are applicable to supplementary loans, the terms "mortgagor", "mortgagee", "mortgage", shall be construed to mean "borrower", "lender", and "supplementary loan, including required security instrument".

§ 213.252 Definitions.

The definitions contained in § 213.1 shall apply to this subpart and in addition the following terms shall have the meaning indicated.

(a) "Contract of Insurance" means the agreement evidenced by endorsement of the credit instrument by the Commissioner or his duly authorized representative and includes the terms, conditions and provisions of this subpart and of the National Housing Act.

(b) "Insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner.

(c) "Mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) "Mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(e) "Mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(f) "Project Mortgage" means a blanket mortgage insured under section 213 of the Act, covering a group of not less than five single-family dwellings.

§ 213.253 Mortgage premiums upon initial endorsement and premiums for consolidated supplementary loans.

(a) *Management and Sales Types and Investor Sponsored Projects.* The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one percent of the original face amount of the mortgage.

(b) *Purchasing cooperatives.* The provisions of paragraph (a) of this section do not apply to the mortgage of a purchasing nonprofit cooperative housing corporation or trust where such mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsored Project to such purchasing nonprofit cooperative housing corporation or trust.

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

(d) *Supplementary loan; exception.* The provisions of paragraph (a) shall apply to any supplementary loan except a supplementary loan to finance the acquisition of an existing community facility.

§ 213.254 Premiums where first principal payment more than one year after initial endorsement.

(a) *Management and Sales Types and Investor Sponsored Projects.* (1) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement, the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the mortgage. On the date of the first principal payment, the mortgagee shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the first, second and third premiums shall equal the sum of (i) one percent of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement, and (ii) one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(2) If the date of the first principal payment of a mortgage is more than one year following the date of the initial insurance endorsement and the mortgage is paid in full prior to the date of such first principal payment, the first and second premiums collected shall be adjusted so that the aggregate of the two premiums shall equal the sum of (i) one percent of the average outstanding principal obligation of the mortgage for the year following the date of the initial insurance endorsement, and (ii) one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial endorsement to the date the mortgage was paid in full.

(b) *Purchasing cooperatives.* The provisions of paragraph (a) of this section do not apply to the mortgage of a purchasing nonprofit cooperative housing corporation or trust where such mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsored Project to such purchasing nonprofit cooperative housing corporation or trust.

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

(d) *Supplementary loan; insurance of advances.* The provisions of paragraph (a) shall apply to any supplementary loan involving insurance of advances.

§ 213.255 Premiums where first principal payment one year or less after initial endorsement.

(a) *Management and Sales Types and Investor Sponsored Projects.* (1) If the date of the first principal payment is one year, or less than one year following the date of such initial insurance endorsement, the mortgagee, upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the first and second premiums shall equal the sum of (i) one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment, and (ii) one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(2) If the date of the first principal payment of a mortgage is one year or less than one year following the date of the initial insurance endorsement and the mortgage is paid in full prior to the date of such first principal payment, the first and only premium collected shall be adjusted so that the total premium shall equal one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date the mortgage was paid in full.

(b) *Purchasing cooperatives.* The provision of paragraph (a) of this section do not apply to the mortgage of a purchasing nonprofit cooperative housing corporation or trust where such mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsored Project to such purchasing nonprofit cooperative housing corporation or trust.

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction which involves insurance of advances for Commissioner approved or required repairs, improvements, alterations and additions.

(d) *Supplementary loan; insurance of advances.* The provisions of paragraph (a) shall apply to any supplementary loan involving insurance of advances.

§ 213.256 Premiums; insurance upon completion.

(a) *Management and Sales Types and Investor Sponsored Projects.* (1) Where the mortgage is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the first and second premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(2) Where the mortgage is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion and is paid in full prior to the date of the first principal payment, the first and only premium collected shall be adjusted so that the total premium shall equal one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to the date the mortgage was paid in full.

(b) *Purchasing cooperatives.* The provisions of paragraph (a) of this section do not apply to the mortgage of a purchasing nonprofit cooperative housing corporation or trust where such mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsored Project to such purchasing nonprofit cooperative housing corporation or trust.

(c) *Existing Construction.* The provisions of paragraph (a) shall apply to a mortgage covering Existing Construction not involving insurance of advances but involving Commissioner approved or required repairs, improvements, alterations and additions.

(d) *Supplementary loan; Commitment to Insure Upon Completion.* The provisions of paragraphs (a) and (b) shall apply to a supplementary loan endorsed for insurance pursuant to a Commitment to Insure Upon Completion.

§ 213.257 Premiums; purchasing cooperatives; Existing Construction; supplementary loans to purchase existing community facility.

(a) Where a mortgage is endorsed for insurance pursuant to the sale of an Investor Sponsor Project or covers Existing Construction not involving Commissioner approved or required repairs, improvements, alterations and additions, the mortgagee, on the date of the insurance endorsement, shall pay a first premium equal to one-half of one percent of the principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment. On the anniversary of the first principal payment, this first premium shall be adjusted to equal one-half of one percent of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(b) The premium provisions of paragraph (a) shall apply to a supplementary loan to purchase an existing community facility.

§ 213.258 Subsequent annual premiums.

(a) Until the mortgage is paid in full, or until an application for debentures is received by the Commissioner or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee, on each anniversary of the due date of the first principal payment shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(b) The provisions of paragraph (a) shall apply to supplementary loans.

§ 213.259 Computation of subsequent annual premiums.

The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 213.260 Allowable methods of premium payment.

Premiums shall be payable in cash or in debentures issued by the Commissioner against the Housing Insurance Fund under Title II of the Act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in this part.

§ 213.261 Termination of mortgage insurance; adjusted premium and termination charge.

(a) All rights under the mortgage insurance contract and all obligations to pay future mortgage insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) Two percent of the original face amount of the mortgage where the mortgage is prepaid or the mortgage insurance is terminated prior to maturity and within five years from the date of the initial endorsement for insurance; or

(ii) One percent of the original face amount of the mortgage where the mortgage is prepaid or the mortgage insurance is terminated prior to maturity and after five years from the date of initial endorsement for insurance; or

(iii) The relevant percentage as set forth in subdivisions (i) or (ii) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(a) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property; or

(b) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days of prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee terminating the insurance coverage on the mortgage; and

(3) Such further evidence of prepayment in full or termination and cancellation of insurance as the Commissioner may require.

(b) No adjusted premium shall be collected where a mortgage is paid in full prior to maturity as a result of the release of individual properties of a Sales Project Mortgage or the sale of an Investor Sponsor Project to a Purchasing Cooperative, or where a supplementary loan is paid in full or terminated prior to maturity with the consent of the Commissioner.

§ 213.262 Charge limitation.

In no event shall the adjusted premium charge or termination charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

§ 213.263 Where no adjusted premium charge is due.

(a) *Management, Investor and Purchasing Cooperative Projects, and Existing Construction.* No adjusted premium charge shall be due the Commissioner in the following cases:

(1) Where, at the time of payment in full, there is placed on the mortgaged property a new insured mortgage or mortgages for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of

the original face amount of the mortgage; or

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, or a release of a part of such property, if approved by the Commissioner; or

(4) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his discretion, agrees in writing to waive the payment thereof; or

(5) Where, at the time of payment in full, there is placed on the property a new insured mortgage or mortgages less than the original principal amount of the prepaid mortgage: *Provided*, That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction.

(b) *Sales Type Projects.* The provisions of paragraph (a) of this section do not apply to mortgages covering Sales Type Projects.

§ 213.264 Contract termination upon payment in full.

In the event the principal obligation of any mortgage or supplementary loan is paid in full or terminated prior to maturity with the consent of the Commissioner the contract of insurance shall terminate.

§ 213.265 Refunds upon prepayment in full or voluntary termination.

(a) At the time of prepayment or voluntary termination of the mortgage or supplementary loan insurance contract, the Commission shall refund to the mortgagee or lender for the account of the mortgagor or borrower an amount equal to the pro rata portion of the current annual mortgage or supplementary loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of (1) prepayment or (2) receipt by the Commissioner of a request for voluntary termination.

(b) Where a mortgage covering an Investor Sponsored project is modified and consolidated with the mortgage of a purchasing nonprofit cooperative housing corporation or trust, it shall be deemed to be paid in full for purposes of this subpart as of the date of such modification and consolidation.

§ 213.266 Form of endorsement.

Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. ------

Insured under section 213 of the National Housing Act and regulations thereunder of the Federal Housing Commissioner in effect on ---------- to the extent of advances approved by the Commissioner.

FEDERAL HOUSING COMMISSIONER

By ----------
(Authorized agent)

Date ----------

§ 213.267 Effect of insurance endorsement.

The mortgage shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by this subpart with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of this subpart and of the Act.

§ 213.268 Notation after all advances made.

After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner shall, upon presentation of original credit instrument, make a notation below the insurance endorsement in form as follows:

A total sum of $------ has been approved for insurance hereunder by the Commissioner.

FEDERAL HOUSING COMMISSIONER

By ----------
(Authorized agent)

Date ----------

§ 213.269 Endorsement of supplementary loans.

The provisions of §§ 213.266, 213.267, and 213.268 shall apply to supplementary loans.

§ 213.270 Supplementary loans; election of action; claims; debentures.

(a) *Election of action.* Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of this section, the lender may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

(b) *Maximum claim period.* Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

(c) *Items to be filed on submitting claim.* Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall file with the Commissioner:

(1) The fiscal data pertaining to the loan transaction;

(2) Receipts covering all disbursements as required by the fiscal data form;

(3) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(4) All hazard insurance policies held on property serving as security for the loan or other evidence of insurance coverage acceptable to the Commissioner, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security instrument;

(5) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default, and all claims of the lender against the borrower or others arising out of the loan transaction;

(6) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and the security instrument or instruments to the Commissioner;

(7) Any balance of the loan not advanced to the borrower;

(8) Any cash or property held by the lender or its agents or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principal obligation under the note and security instrument or instruments;

(9) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(10) Any additional information or data which the Commissioner may require.

(d) *Claim computation.* Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in debentures of the Housing Insurance Fund an amount equal to the unpaid principal balance of the supplementary loan plus:

(1) Any accrued interest due on the supplementary loan;

(2) Any advance made previously under the provisions of the loan instrument and approved by the Commissioner;

(3) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(e) *Debenture interest.* The debentures shall bear interest as provided in § 207.259(a)(1)(vii).

(f) *Maturity of debentures.* Debentures shall mature 20 years from the date of issue.

(g) *Registration of debentures.* Debentures shall be registered as to principal and interest.

(h) *Denomination of debentures.* Debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the lender is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the lender.

(i) *Redemption of debentures.* Debentures shall, at the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(j) *Issue date of debentures.* The debentures shall be issued as of the date of the execution of the assignment of the supplementary loan in accordance with the requirements of paragraph (c)(3) of this section.

§ 213.350 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

DEFINITIONS

§ 213.501 Definitions.

(a) The term "project mortgage" means a blanket mortgage insured under section 213 of the Act, covering a group of not less than five single-family dwellings.

(b) The terms "mortgage" and "individual mortgage" mean a mortgage covering an individual single-family dwelling which has been released from the project mortgage.

(c) The definitions contained in § 213.1 of this subchapter shall apply to this subpart.

APPROVAL OF MORTGAGEES

§ 213.502 Qualification of lenders.

The provisions of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

APPLICATION AND COMMITMENT

§ 213.503 Submission of application.

Any approved mortgagee may submit an application for insurance of a mortgage under this subpart.

§ 213.504 Form of application.

The application must be made upon a standard form prescribed by the Commissioner.

§ 213.505 Approval and commitment.

Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 213.506 Builders warranty.

The seller or builder or such other person as the Commissioner may require shall, as a prerequisite to insurance, deliver to the purchaser a warranty in form satisfactory to the Commissioner warranting that the dwelling is constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in writing by the Commissioner) on which the Commissioner has based the maximum insurable mortgage amount.

ELIGIBLE MORTGAGES

§ 213.507 Form, lien.

The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications set forth in this part, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the entire principal amount of the mortgage must have been disbursed to the mortgagor, or to his creditors for his account and with his consent.

§ 213.508 Releases from project mortgage.

The property covered by the mortgage must have been included as part of a Sales Project and must have located thereon a single-family dwelling, and the mortgage must have been executed in connection with the release of such property from the lien of the project mortgage and to replace or refinance the project mortgage as to such property.

§ 213.509 Maximum amount of mortgage and mortgagor's minimum investment.

(a) The mortgage must involve a principal obligation in multiples of $50 and must not exceed the unpaid balance of the project mortgage allocable to the property offered as security.

(b) *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property in cash or its equivalent, an amount, if any, approved and determined by the Commissioner to be the required minimum investment. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this paragraph. If the mortgage covers property released from a Sales Project, the blanket mortgage of which was insured pursuant to an application received on or after July 5, 1961, the required minimum investment shall be at least 3 percent of the Commissioner's estimate of cost of acquisition or such larger amount as the Commissioner may determine.

§ 213.510 Payment and maturity dates.

The mortgage shall come due on the first of the month and must have a maturity satisfactory to the Commissioner not to exceed 40 years from the date of the beginning of amortization except if the mortgage covers property released from a Sales Project, the blanket mortgage of which was insured pursuant to an application received on or after July 5, 1961, the maturity shall not exceed 35 years from the beginning of amortization. The amortization period shall be either 10, 15, 20, 25, 30, 35 or 40 years (where eligible) by providing for 120, 180, 240, 300, 360, 420 or 480 (where eligible) monthly amortization payments.

§ 213.511 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

§ 213.512 Amortization provisions.

The mortgage must contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor sufficient to repay principal and interest in full at maturity.

§ 213.513 Payment of insurance premiums or charges; prepayment premiums.

The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth (1/12) of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage shall provide that upon payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in this part, but shall not provide for the payment of any further charge on account of such prepayment.

§ 213.514 Payments to include other charges.

(a) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Commissioner, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

(b) Mortgages involving an original principal obligation not in excess of $9,000 may contain a provision requiring the mortgagor to pay to the mortgagee an annual service charge at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such service charge exceed one-half of one percent per annum. Any such service charge shall be payable in monthly installments on the principal then outstanding. The provisions of this paragraph shall not apply to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after July 17, 1961.

§ 213.515 Payments, how applied.

All monthly payments to be made by the mortgagor to the mortgagee, as hereinabove provided, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(a) Premium charges under the contract of insurance, including charges for "open-end" advances;

(b) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(c) Interest on the mortgage; and

(d) Amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payments, constitute an event of default under the mortgage.

§ 213.516 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 213.517 Payments upon execution of mortgage.

The mortgagor must pay to the mortgagee upon the execution of the mortgage a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage, and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.

§ 213.518 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

(1) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater.

(2) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(b) [Reserved]

(c) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it, from the mortgagor, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(d) Nothing in this section will be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

§ 213.519 Covenant regarding racial restrictions.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

ELIGIBLE MORTGAGORS

§ 213.520 Mortgagor lien.

A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 213.521 Relationship of income to mortgage payments.

A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 213.522 Credit standing.

A mortgagor must have a general credit standing satisfactory to the Commissioner.

§ 213.523 Racial restrictions certificate.

A mortgagor must certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupancy.

§ 213.524 Limitation on eligibility.

No person shall be eligible to be the mortgagor of more than one mortgage insured under this subpart at any one time, nor shall he be eligible if he is the mortgagor of a mortgage or mortgages covering four (4) or more single-family dwellings insured under this chapter.

ELIGIBLE PROPERTIES

§ 213.525 Nature of title to realty.

A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 213.526 Dwelling unit located on property.

At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than one family. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 213.529 Racial restrictions on property.

A mortgagee must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color or creed, has been filed of record at any time subsequent to February 15, 1950 and prior to the recording of the mortgage offered for insurance.

OPEN-END ADVANCES

§ 213.530 Eligibility of open-end advances.

Any approved mortgagee may make advances, referred to in this subpart as "open-end" advances, in connection with the mortgages previously insured under this subpart or insured after the effective date of this part, subject to compliance with the requirements of this section:

(a) The proceeds of any open-end advance must be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements.

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in this part. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the advance will be insured.

(f) The amount of such advance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall:

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any such advance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of § 213.509.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open-end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disapprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee will have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

EFFECTIVE DATE

§ 213.600 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart D—Contract Rights and Obligations—Individual Properties Released From Project Mortgage

§ 213.751 Incorporation by reference.

(a) *Definitions.* All of the definitions contained in § 213.1 shall apply to this subpart.

(b) *Other provisions.* All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 213 of the National Housing Act except the following provisions:

Sec.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.
203.440—203.493, inclusive.

(c) *References.* For the purpose of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 213 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Housing Insurance Fund.

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

Home Mortgage Insurance

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220.1 Incorporation by reference.
220.5 Location of property.
220.10 Certificate by Administrator to Commissioner.
220.15 Standards and conditions of acceptability.
220.20 Dwelling units on property.
220.25 Maximum mortgage amounts; dollar limitation.
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220.50 Maximum charges, fees and discounts.

Insured Home Improvement Loans

220.100 Incorporation by reference.
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220.251 Incorporation by reference.
220.252 Forbearance of foreclosure and assignments of mortgages.
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220.262 Mortgagee's liability for property expenditures.
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220.278 Insurance benefits computation—conveyed properties; items deducted.
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220.286 Amount and items of certificate of claim.

Insured Home Improvement Loans

220.350 Incorporation by reference.
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220.450 Effective date.

Subpart C—Eligibility Requirements—Projects

Project Mortgage Insurance

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220.502 Location of property.
220.503 Certificate by Administrator to Commissioner.
220.504 Standards and conditions of acceptability.
220.505 Issuance of commitment.
220.506 Development of property.
220.507 Maximum mortgage amounts.
220.508 Maximum mortgage amount—loan-to-value limitation.
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220.510 Interest rate.
220.511 Labor standards and prevailing wage requirements.
220.512 Classification of mortgagors.
220.513 Builder's and sponsor's profit and risk allowance.
220.514 Effective date.

Insured Project Improvement Loans

220.550 Definitions.
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220.552 Form of application.
220.553 Application fee.
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220.561 Refund of fees.
220.562 Charges by lender.
220.563 Eligible lenders.
220.564 Note and security form.
220.565 Disbursement of proceeds.
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220.571 Method of loan payment.
220.572 Date of first payment to principal.
220.573 Maturity of loan.
220.574 Loan amortization period.
220.575 Minimum and maximum loan amounts.
220.576 Maximum interest rate.
220.577 Eligibility of title.
220.580 Title evidence.
220.581 Security instrument to cover entire project.
220.582 Covenant against liens.
220.583 Accumulation of next premium.
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220.585 Application of payments.
220.590 Prepayment privilege and prepayment charges.
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220.594 Zoning, deed or building restrictions.
220.595 Convenant regarding racial restrictions and use of property.
220.600 Covenant relating to use of property.
220.601 Use of proceeds—in general.
220.602 Nature of borrower's ownership.
220.603 Supervision by Commissioner.
220.610 Commitments to insure.
220.611 Building loan agreement.
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220.620 Form of contract.
220.621 Certificate as to subcontracts.
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220.623 Fixed fee contract—additional certification.
220.624 Contractor's certification—fixed fee contract.
220.625 Adjustment resulting from cost certification.
220.630 Records.
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220.632 Effects of agreement.
220.633 Cost certification incontestable.
220.634 Amendment of regulations.
220.700 Effective date.

Subpart D—Contract Rights and Obligations—Projects

Project Mortgage Insurance

Sec.
220.751 Incorporation by reference.
220.752 Payment of insurance benefits.

Insured Project Improvement Loans

220.800 Definitions.
220.801 Initial endorsement of loan.
220.802 Final endorsement of loan.
220.803 Effect of loan endorsement.
220.804 Insurance premiums.
220.805 Termination of insurance.
220.810 Definition of default.
220.811 Date of default.
220.812 Notice of default.
220.813 Commissioner's right to require acceleration.
220.814 Election of action.
220.820 Maximum claim period.
220.821 Items to be filed on submitting claim.
220.822 Claim computation.
220.823 Assignment of insured loans.
220.824 Amendments not to change contractual rights.
220.950 Effective date.

Authority: §§ 220.1 to 220.950 issued under sec. 211, 52 Stat. 23, as amended, sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715b, 1715k.

Subpart A—Eligibility Requirements—Homes

§ 220.1 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter concerning eligibility requirements of mortgages under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings under section 220 of the National Housing Act, except the following provisions:

Sec.
203.15 Certification of appraisal amount.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.27 Maximum charges, fees and discounts.
203.28 Economic soundness of project.
203.40 Location of property.
203.42 Rental properties.
203.50 et seq. Insured home improvement loans.
203.249 Effective date.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act.

§ 220.5 Location of property.

The mortgaged property must be located in

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended) before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended, or

(c) The area of an urban renewal project assisted under section 111 of the Housing Act of 1949, as amended, providing for redevelopment or rehabilitation of urban areas made necessary as the result of a disaster.

§ 220.10 Certificate by Administrator to Commissioner.

No mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exists the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(c) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exists the necessary authority and financial capacity to insure completion of such urban renewal plan.

§ 220.15 Standards and conditions of acceptability.

The mortgaged property shall meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These shall include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 220.20 Dwelling units on property.

At the time the mortgage is insured there shall be located on the mortgaged property a dwelling designed principally for residential use of not more than eleven families. Such dwelling may be connected with other dwellings by a party wall or otherwise. Any such dwelling shall be constructed or rehabilitated pursuant to an urban renewal plan approved by the Administrator as provided in section 220(d)(1)(A) of the National Housing Act, as amended.

§ 220.25 Maximum mortgage amounts—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $25,000 for a one-family residence;

(b) $27,500 for a two-family residence;

(c) $30,000 for a three-family residence;

(d) $35,000 for a four-family residence;

(e) $35,000 plus not to exceed $7,000 for each additional family unit in excess of four.

§ 220.30 Maximum mortgage amounts—loan-to-value limitation.

(a) *Occupant mortgagors.* Where the mortgagor is the occupant of the property, the mortgage shall be in an amount not in excess of:

(1) 97 percent of $15,000 of the Commissioner's estimate of the replacement cost of the property as of the date the mortgage is accepted for insurance, and 90 percent of such cost in excess of $15,000, but not in excess of $20,000 and 75 percent of such cost in excess of $20,000, if the application for insurance is for construction of a proposed dwelling which is approved for mortgage insurance prior to the beginning of construction.

(2) 90 percent of $20,000 of the Commissioner's estimate of replacement cost of the property as of the date the mortgage is accepted for insurance, and 75 percent of such cost in excess of $20,000, if the application for insurance covers a new dwelling under construction which is approved for mortgage insurance after the beginning of construction and prior to the completion of construction.

(3) 97 percent of $15,000 of the Commissioner's estimate of the cost of rehabilitation plus the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000, but not in excess of $20,000 and 75 percent of such value in excess of $20,000, if the application for insurance covers an existing dwelling which was approved for mortgage insurance prior to the beginning of construction or an existing dwelling the construction of which has been completed for more than one year; provided however, that if the application involves the refinancing of an existing indebtedness the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refinance the existing indebtedness secured by the property.

(4) 90 percent of $200,000 of the Commissioner's estimate of the cost of rehabilitation plus the Commissioner's estimate of the value of the property before rehabilitation as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the application for insurance covers an existing dwelling which was not approved for mortgage insurance prior to beginning of construction and the construction has been completed less than one year; provided however, that if the application involves the refinancing of an existing indebtedness the mortgage may not exceed the sum of (i) the estimated cost of repairs and rehabilitation, and (ii) the amount required to refinance the existing indebtedness secured by the property.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed:

(1) 85 percent of any amount computed under paragraph (a); or

(2) The full amount computed under paragraph (a) of this section if the mortgage covers a one or two-family residence and the Commissioner is furnished with certificates indicating that:

(i) The mortgagor will not rent (except for a rental term of not less than 30 days and not more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(ii) Not less than 15 percent of the original principal amount of the mortgage proceeds has been deposited in an escrow, trust, or special account;

(iii) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account will be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(iv) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of the cash settlement to which the mortgagee would be otherwise entitled if a claim for insurance benefits is filed.

§ 220.35 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 220.40 Rental properties.

(a) A mortgage on property upon which there is a dwelling to be rented by the mortgagor, shall not be eligible for insurance if said property is a part of, or adjacent or contiguous to a project, subdivision or group of similar rental properties which involve twelve or more dwelling units if the mortgagor has any financial interest in said properties.

(b) No two-, three-, or four-family dwelling nor single-family dwelling, if it is a part of a group of five or more single family dwellings held by the same mortgagor or any part or unit thereof, shall be rented or offered for rent for transient or hotel purposes, as defined in § 203.16 of this chapter, so long as such dwelling is subject to any insured mortgage.

§ 220.45 Certificates of appraisal and replacement amounts.

All of the provisions of § 203.15 of this chapter apply to mortgages insured under this subpart except that with respect to mortgages meeting the requirements of § 220.21(a)(1), the application for insurance must be accompanied by an agreement satisfactory to the Commissioner executed by the seller, builder or such other person as required by the Commissioner whereby such person agrees that prior to any sale of the dwelling such person will deliver to the purchaser of the property a written statement acceptable to the Commissioner setting forth the amount of the Commissioner's estimate of the replacement cost of the property.

§ 220.50 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts:

(1) The application fees provided for in this part.

(2) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed:

(i) $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater; or

(ii) $50 or 2½ percent of the original principal amount of the mortgage, whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction.

(3) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit Report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(4) Reasonable and customary charges in the nature of discounts if the mortgagor is:

(i) A builder constructing houses for sale who executes the mortgage in his own name;

(ii) Constructing a dwelling for his own occupancy; or

(iii) Refinancing a prior mortgage covering property owned by the mortgagor.

(iv) Purchasing the property from a governmental agency or municipal corporation which is precluded by statute from paying the discount.

INSURED HOME IMPROVEMENT LOANS

§ 220.100 Incorporation by reference.

All of the provisions in §§ 203.50 et seq. covering insured home improvement loans under section 203(k) of the Act shall apply to insured home improvement loans on one- to four-family dwellings under section 220(h) of the Act except the following provisions:

Sec.
203.73 Minimum and maximum loan amounts.
203.94 Economic soundness.

§ 220.101 Minimum loan amount.

The loan shall involve a minimum principal amount of $1,000 provided that a lesser amount may be approved by the Commissioner if the proceeds of the loan are to be used to rehabilitate the property to meet the neighborhood standards prescribed by a local public agency.

§ 220.102 Maximum loan amount.

The principal amount of the loan shall not exceed:

(a) The Commissioner's estimate of the cost of improvements, or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in §§ 220.25 and 220.30 for mortgages on properties other than new construction.

§ 220.103 Type and location of property.

The property to be improved shall:

(a) Constitute real property located within the United States, its territories, or possessions;

(b) Contain an existing structure or structures;

(c) Be located in one of the urban renewal areas specified in § 220.5.

§ 220.200 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart B—Contract Rights and Obligations—Homes

§ 220.251 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to eleven-family dwellings insured under section 220 of the National Housing Act except the following provisions:

Sec.
203.340 Conditions of special forbearance relief.
203.341 Reimbursement for uncollected interest.
203.350 Assignment of defaulted mortgage—in general.
203.351 Application for debentures and fiscal data.
203.352 Title evidence upon assignment.
203.353 Certification by mortgagee.
203.362 Conditions for withdrawal of application for debentures.
203.363 Reconveyance for noncompliance with regulations.
203.364 Mortgagee's liability for property expenditures.
203.377 Mortgagee's liability for waste.
203.378 Adjustment for waste.
203.379 Adjustment for fire, flood, earthquake or tornado damage.
203.382 Cancellation of hazard insurance.
203.400 Delivery of debentures.
203.401 Debenture computation—conveyed properties.
203.402 Debenture computation—conveyed properties; items included.
203.403 Debenture computation—conveyed properties; items deducted.
203.404 Debenture computation—assigned mortgages.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
203.410 Issue date of debentures.
203.411 Cash adjustment.
203.415 Delivery of certificate of claim.
203.416 Amount and items of certificate of claim.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 220 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the section 220 Housing Insurance Fund.

§ 220.252 Forbearance of foreclosure and assignments of mortgages.

All of the provisions of §§ 203.340, 203.341, 203.350, 203.351, 203.352, and 203.353 of this chapter shall apply to mortgages insured under this subpart except that the privileges of forbearance of foreclosure and assignment of defaulted mortgages shall only extend to mortgages covering a property having not more than four dwelling units and in each instance where the word "debentures" is used in these sections it shall be interpreted to mean insurance benefits.

§ 220.260 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 203.364 of this chapter.

§ 220.261 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this subpart, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for insur-

ance benefits at a subsequent date as approved by the Commissioner.

§ 220.262 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee because of the mortgagee's noncompliance with the regulations in this subpart or because, with the consent of the Commissioner a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 220.265 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this subpart, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 220.266 Adjustment for waste.

If the property has been damaged by waste as defined in § 203.376 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 220.267 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 220.270 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 220.275 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the section 220 Housing Insurance Fund.

§ 220.276 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 220.277 less all items as set forth in § 220.278.

§ 220.277 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan.

§ 220.278 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 220.276 and 220.277 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 220.279 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 220.285 Delivery of certificate of claim.

In addition to the cash settlement provided for in this subpart with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 220.286 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorneys' fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

INSURED HOME IMPROVEMENT LOANS

§ 220.350 Incorporation by reference.

All of the provisions of §§ 203.440 et seq. of this chapter covering insured home improvement loans under section 203(k) of the Act shall apply to home improvement loans on one- to four-family dwellings under section 220(h) of the Act except:

Sec.
203.478 Debenture claim computation.
203.479 Debenture interest rate.
203.481 Maturity of debentures.
203.482 Registration of debentures.
203.483 Denomination of debentures.
203.484 Redemption of debentures.
203.486 Issue date of debentures.
203.487 Cash adjustment.

(b) For the purposes of this subpart, all references in §§ 203.440 et seq. to the section 203 Home Improvement Account shall be construed to refer to the section 220 Home Improvement Account.

§ 220.351 Claim computation.

Upon acceptable assignment of the note and security instruments, the Commissioner shall pay the lender in cash an amount equal to the unpaid principal balance of the loan, plus:

(a) Any accrued interest due on the loan;

(b) Any advances made previously under the provisions of the loan instrument and approved by the Commissioner;

(c) Reimbursement for such reasonable collection costs, court costs and attorney's fees as may be approved by the Commissioner.

§ 220.450 Effective date.

(a) Unless otherwise specified the provisions of this subpart are effective as to all loans and mortgages on which commitments to insure are issued on or after July 7, 1961.

(b) With respect to mortgages endorsed for insurance on or after July 7, 1961, pursuant to commitments outstanding prior to July 7, 1961, a mortgagee may, upon filing a written request with the application for the payment of insurance benefits, receive payment as provided in Part 203 of this chapter in lieu of the insurance benefits provisions of this subpart.

Subpart C—Eligibility Requirements—Projects

§ 220.501 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter, concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provisions:

Sec.
207.2 Issuance of commitment.
207.4 Maximum mortgage amounts.
207.7 Maximum interest rate.
207.11 Soundness of project.
207.17 Classification.
207.19 Required supervision of private mortgagors.
207.24 Development of property.
207.29 Rehabilitation projects.
207.31 Eligibility of miscellaneous-type mortgages.
207.32 Eligibility of refinanced mortgages.
207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
207.34 Reinsurance of Commissioner-held mortgages.
207.37 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act.

§ 220.502 Location of property.

The mortgaged property must be located in:

(a) The area of an existing slum clearance and urban redevelopment project covered by a Federal-aid contract executed or a prior approval granted (pursuant to Title I of the Housing Act of 1949, as amended), before the effective date of the Housing Act of 1954, or

(b) An urban renewal area in a community which has a workable program to eliminate and prevent the spread of slums and urban blight, and respecting which the Housing and Home Finance Administrator has made the findings prescribed in Title I of the Housing Act of 1949, as amended, or

(c) The area of an urban renewal project assisted under section 111 of the Housing Act of 1949, as amended, providing for redevelopment or rehabilitation of urban areas made necessary as the result of a disaster.

§ 220.503 Certificate by Administrator to Commissioner.

No mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan, or

(c) There exists an urban renewal plan as required for projects assisted under section 111 of the Housing Act of 1949, as amended, which plan conforms to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and there exist the necessary authority and financial capacity to insure completion of such urban renewal plan.

§ 220.504 Standards and conditions of acceptability.

The mortgaged property must meet such standards and conditions as the Commissioner shall prescribe to establish the acceptability of such property for mortgage insurance. These will include standards and conditions designed to restore the quality of the area to a condition which would justify mortgage insurance.

§ 220.505 Issuance of commitment.

All of the provisions of § 207.2 of this chapter apply with respect to the issuance of commitments under this part except that commitments to insure advances, as set forth in paragraph (c), shall be effective for a stated period not in excess of 180 days.

§ 220.506 Development of property.

(a) *Obligation of mortgagor to construct project.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new

housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations thereon. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion.

(b) *Minimum number of units.* The project shall consist of not less than five rental dwelling units on one site and may be detached, semidetached, or row houses, or a multifamily structure.

(c) *Compliance with governmental regulations.* The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

(d) *Property facilities.* The project shall be designed principally for residential use except that any project may include such nondwelling facilities as the Commissioner deems adequate to serve the needs of the occupants of the property and of other housing in the neighborhood as defined by the Commissioner.

§ 220.507 Maximum mortgage amounts.

(a) *Mortgage amount—dollar limitation.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use excluding exterior land improvements as defined by the Commissioner.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of paragraphs (a) to (c) of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (i) The Commissioner's estimate of the cost of the repair or rehabilitation; and (ii) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of: (i) The Commissioner's estimate of the cost of the repair or rehabilitation and (ii) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

The dollar limitation set forth in this section is in addition to the loan-to-value limitation as set forth in § 220.508.

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and any such additional advance by the mortgagee to cover such excess shall be deemed to be part of the original face amount of the mortgage.

§ 220.508 Maximum mortgage amount—loan-to-value limitation.

In addition to meeting the dollar limitation set forth in § 220.507 the mortgage shall be in an amount not to exceed:

(a) *Rehabilitation and non-approved new construction.* 90 percent of the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation if the proceeds of the mortgage are used to finance the rehabilitation of an existing project or complete the construction of a new project not approved for mortgage insurance prior to the beginning of construction provided that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount (as determined by the Commissioner) required to refinance existing indebtedness secured by any such property or project.

(b) *Approved new construction.* 90 percent of the Commissioner's estimate of the replacement cost, as of the date the mortgage is accepted for insurance if the project is approved for mortgage insurance prior to the beginning of construction. The replacement cost of the property or project may include the land, the proposed physical improvements, utilities within the boundaries of the property or project, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner; and shall include an allowance for builder's and sponsor's profit and risk to be determined by totaling the foregoing items, with the exception of the land, and applying the percentage or percentages specified in § 220.513.

§ 220.509 Maximum mortgage amount—leaseholds.

The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 220.510 Interest rate.

The mortgage shall bear interest, not exceeding 5¼ percent per annum, on the amount of the principal obligation outstanding at any time, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Commissioner.

§ 220.511 Labor standards and prevailing wage requirements.

All of the provisions of § 207.19 of this chapter apply, except that in the case of a mortgage covering property on which there is located a dwelling or dwellings designed principally for residential use for five to eleven families § 207.19(d) relating to labor standards and prevailing wage requirements shall not apply.

§ 220.512 Classification of mortgagors.

In order to be eligible as a mortgagor under this part the applicant must be:

(a) (1) *Private corporate mortgagors.* A private corporation (referred to in this subchapter as "mortgagor," "corporation," or "mortgagor corporation"), formed or created, with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which corporation is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation shall engage in no business other than the construction and operation of a Rental Housing project limited to nontransient occupancy; or

(2) *Private non-corporate mortgagors.* An association, partnership, trustee or legal entity other than a corporation, formed or created, with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which private non-corporate mortgagor is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the private non-corporate mortgagor shall not, except with the approval of the Commissioner, engage in any business other than the construction and operation of a Rental Housing project limited to nontransient occupancy. The powers of the Commissioner to regulate or restrict the operations of such private non-corporate mortgagors may in the discretion of the Commissioner be effected and exercised under a contract or regulatory agreement satisfactory to and approved by the Commissioner, rather than through the provisions of a certificate of incorporation or other instrument under which the mortgagor is created or through the acquisition of shares of stock or certificates of interest as provided in §§ 207.18 (c) and 207.19(a) of this chapter which sections are incorporated by reference in this part. In connection with those portions of Part 207 of this chapter which are incorporated by reference into this subpart certain words and terms shall be deemed to have a meaning and connotation as follows: "Corporation" means "private non-corporate mortgagor;" "certificate of incorporation" means "articles of association and/or Regulatory Agreement;" "shares of stock," "special stock" or "interest" mean the equities or interests of the members of the private non-corporate mortgagor association; and "stockholders," either expressly or impliedly designated, means members of the private non-corporate mortgagor association; or

(b) *Public mortgagors.* A federal or state instrumentality, a municipal corporate instrumentality of one or more states, or a limited dividend or redevelopment or housing corporation formed under and restricted by federal or state laws or regulations of a state banking or insurance department as to rents, charges, capital structure, rate of return, or methods of operation.

(c) *Private cooperative ownership mortgagors.* Subject to such requirements as the Commissioner may prescribe a mortgagor may be a nonprofit cooperative ownership housing corporation or trust, the permanent occupancy of the dwellings of which is restricted to the members of such corporation or to the beneficiaries of such trust.

(d) *Individual mortgagors.* Subject to such requirements as the Commissioner may prescribe a mortgagor may be an individual in the case of a rehabilitation project consisting of not less than five nor more than eleven dwelling units.

(Sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

§ 220.513 Builder's and sponsor's profit and risk allowance.

(a) *Identity of interest cases.* In the case of a mortgage where it is determined by the Commissioner than an identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in lieu of any allowance for a "builder's fixed fee" provided for in § 207.25(b) of this chapter, an allowance for builder's and sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repair or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property.

(b) *Non-identity of interest cases.* In the case of a mortgage where it is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in addition to the items provided for in § 207.26(a) of this chapter, an allowance for sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except amounts paid by the mortgagor under a general construction contract and other items required to be deducted under the provisions of paragraph (a) of this section.

(Sec. 220, 68 Stat. 596, as amended; 12 U. S. C. 1715k)

INSURED PROJECT IMPROVEMENT LOANS

§ 220.550 Definitions.

As used in §§ 222.550 et seq. the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Insured loan" means a loan which has been insured by the FHA, as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(e) "Insurance premium" means the loan insurance premium paid by the financial institution to the Commissioner in consideration of the contract of insurance.

(f) "Loan" means an advance of funds or credit evidenced by a note, which is secured by a security instrument.

(g) "Outstanding indebtedness relating to the property" means the total amount of outstanding obligations incurred in connection with improving, repairing or maintaining the property and outstanding mortgages or obligations constituting liens on the title to the property to be improved.

(h) "Lender" means an approved financial institution eligible for insurance under section 220(h) of the Act that is the holder of an insured loan or the holder of a loan presented for insurance.

§ 220.552 Form of application.

The application shall be on a form prescribed by the Commissioner together with the exhibits called for by such form.

§ 220.553 Application fee.

The application shall be accompanied by an application fee of $1.50 per thousand of the face amount of the loan applied for.

§ 220.554 Commitment fee.

A commitment fee, which when added to the application fee will aggregate $3.00 per thousand of the face amount of the loan set forth in the commitment shall be paid within 30 days after the date of the commitment, or within such additional period of time as may be agreed to in writing by the Commissioner.

§ 220.555 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment.

§ 220.560 Fees on increased loan.

(a) Upon application for an increase in the amount of an existing commitment, an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of such increase. Such increase shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand of the amount of the increase.

(b) If the amount of the insured loan is increased after insurance and prior to the final endorsement either by amendment or by the substitution of a new insured loan, the fees herein provided for, including the inspection fee, shall be based upon the amount of such increase.

§ 220.561 Refund of fees.

If an application is rejected before it is assigned for processing, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be waived, if not paid, or if paid, may be returned to the applicant.

§ 220.562 Charges by lender.

The lender may collect from the borrower the amount of the fees provided

for in §§ 220.550 et seq. and may charge the borrower an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the loan. Any additional charges shall be subject to prior approval of the Commissioner.

§ 220.563 Eligible lenders.

Lenders meeting the applicable eligibility qualifications and requirements contained in §§ 203.1–203.4 or 203.6 of this chapter shall be eligible for insurance of project improvement loans under § 220.550 et seq.

§ 220.564 Note and security form.

The lender shall present for insurance a note and security instrument on a form approved by the Commissioner which is valid and enforceable against the borrower or borrowers in the jurisdiction in which the property to be improved is located.

§ 220.565 Disbursement of proceeds.

Prior to final endorsement, the entire principal amount of the note shall have been disbursed to the borrower or to his creditors for his account and with his consent.

§ 220.570 Loan multiples.

If the loan is not in excess of $10,000, it shall be in multiples of $50. If the loan exceeds $10,000, it shall be in multiples of $100.

§ 220.571 Method of loan payment.

The loan shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with the amortization plan as agreed upon by the borrower, the lender and the Commissioner.

§ 220.572 Date of first payment to principal.

The Commissioner shall estimate the time necessary to complete the improvements to the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the improvements and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 220.573 Maturity of loan.

The loan shall have a maturity satisfactory to the Commissioner not less than 5 or more than 20 years from the date of the beginning of amortization or three-quarters of the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

§ 220.574 Loan amortization period.

The loan shall have an amortization period of either 5, 10, 15 or 20 years by providing for either 60, 120, 180 or 240 monthly amortization payments.

§ 220.575 Minimum and maximum loan amounts.

The loan shall involve a minimum principal amount of $1000 and shall not exceed:

(a) The Commissioner's estimate of the cost of the improvements or $10,000 per family unit, whichever is the lesser; or

(b) An amount which, when added to any outstanding indebtedness related to the property, creates a total outstanding indebtedness which does not exceed the limits prescribed in §§ 220.506, 220.507, and 220.508 for mortgages on properties of the same type other than new construction.

§ 220.576 Maximum interest rate.

The loan may bear interest at such rate as may be agreed upon by the lender and borrower, but in no case shall such rate exceed 6 percent per annum. Interest shall be payable in monthly installments on the principal then outstanding.

§ 220.577 Eligibility of title.

When the principal amount of the loan exceeds $40,000, in order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 220.580 Title evidence.

When the principal amount of the loan exceeds $40,000, the lender, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and also a policy of title insurance as provided in paragraph (a) or if the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender without expense to the Commissioner, shall furnish such evidence of title as provided in paragraph (b) as the Commissioner may require. The following are the requirements covering the title insurance and abstract of title:

(a) The policy of title insurance with respect to the security instrument shall be issued by a company satisfactory to the Commissioner. Such policy shall be in such form as may be approved by the Commissioner and shall be payable to the lender and the Commissioner as their respective interests may appear.

(b) The abstract of title shall be satisfactory to the Commissioner, prepared by an abstract title company or an individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

§ 220.581 Security instrument to cover entire property.

The security instrument shall cover the entire property included in the housing project.

§ 220.582 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of liens against the property superior or inferior to the lien of such instrument.

§ 220.583 Accumulation of next premium.

The security instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

§ 220.584 Accumulation of other items.

When the principal amount of the loan exceeds $200,000, the Commissioner may require that the security instrument provide for such equal monthly payments by the borrower to the lender as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the date on which the items became delinquent. The security instrument shall further provide that such payments shall be held by the lender for the purpose of paying such ground rents, taxes, water rates, assessments, and insurance premiums before the same become delinquent. The security instrument shall also make provision for an adjustment in case the estimated amount of such taxes, water rates, assessments and insurance premiums shall prove more, or less than the actual amount thereof so paid by the borrower.

§ 220.585 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan;

(b) When the principal amount of the loan exceeds $200,000 and the security instrument provides for the accumulation of the items enumerated in § 220.584 the lender shall apply the payments received from the borrower in the following order:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and hazard insurance premiums;

(3) Interest on the loan;

(4) Amortization of the principal of the loan;

(c) Any deficiency in the amount of any monthly payments required under paragraph (a) or (b), shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 220.590 Prepayment privilege and prepayment charge.

(a) *Prepayment privilege.* (1) The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days advance written notice.

(2) If the loan exceeds $200,000 it may contain a provision for a charge in the event of prepayment of principal as may be agreed upon between the borrower and lender. The borrower shall be permitted to prepay up to 15 percent of the original principal amount of the loan in any one calendar year without any additional charge.

(b) *Prepayment under cost certification.* Any reduction in the original principal amount of the loan resulting from the certification of the cost requirements of §§ 220.620–220.625, and 220.630 shall not be construed as a prepayment of the mortgage permitting the imposition of any penalty or charge.

§ 220.592 Late charge.

The loan may provide for the collection by the lender of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the borrower and shall not be deducted from any aggregate monthly payment.

§ 220.593 Certificate regarding use for transient or hotel purposes.

The borrower shall certify under oath, that so long as the loan is insured by the Commissioner, the borrower will not rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such loan for transient or hotel purposes. For the purpose of this certificate, the term rental for transient or hotel purposes shall mean:

(a) Rental for any period less than 30 days; or

(b) Any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens and bellboy service.

§ 220.594 Zoning, deed or building restrictions.

The project when rehabilitated shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations.

§ 220.595 Covenant regarding racial restrictions and use of property.

The security instrument shall contain a covenant by the borrower that until the loan has been paid in full, or the contract of insurance otherwise terminated, the borrower will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the borrower and his assigns and shall provide that upon violation thereof, the lender may, at its option, declare the unpaid balance of the loan immediately due and payable.

§ 220.600 Covenant relating to use of property.

When the principal amount of the loan exceeds $40,000, the security instrument shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended, at the date the loan was executed.

§ 220.601 Use of proceeds.

(a) The proceeds of a loan shall be used only to finance improvements that result in or are in connection with the conservation, repair, restoration or refurbishing the basic livability or utility of an existing structure, including the property on which the structure is located, or in the conversion, alteration, enlargement, remodeling or expansion of such structure, including a change in the living accommodations or the number of family dwelling units located therein.

(b) No loan proceeds shall be used to finance individual equipment items except those relating to heating, ventilating or plumbing or those items determined by the Commissioner to be necessary and incident to improvements as outlined in paragraph (a).

(c) The structure in connection with which the improvements are to be made shall:

(1) Constitute a structure which is used or will be used, upon completion of the improvements, primarily for residential purposes by five or more families; and

(2) Be located in one of the urban renewal areas specified in § 220.502; and

(3) Have been constructed not less than ten years prior to the date of the application for commitment unless, as determined by the Commissioner, the proceeds of the loan are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm or other casualty.

§ 220.602 Nature of borrower's ownership.

To be eligible for insurance, the property to be improved must be held by the borrower in fee simple, or on leasehold under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date of the note.

§ 220.603 Supervision by Commissioner.

The Commissioner may regulate and restrict the borrower as long as the Commissioner is the insurer, holder or reinsurer of the loan. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 220.610 Commitments to insure.

(a) *Conditions of committee.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the loan will be insured.

(b) *Insurance of advances.* When the principal amount of the loan exceeds $40,000, the commitment may provide for the insurance of advances of loan money made during the construction of the improvements.

(c) *Insurance upon completion.* The commitment may provide for the insurance of the loan after completion of the improvements.

(d) *Renewal of commitment.* The commitment may be renewed or extended in such manner as the Commissioner may specify.

§ 220.611 Building loan agreement.

When the principal amount of the loan exceeds $40,000, and advances of loan money during the construction of the improvements are to be insured, the borrower and lender shall, prior to the initial endorsement of the loan for insurance, execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 220.612 Assurance of completion.

When the principal amount of the loan exceeds $40,000, assurance of completion satisfactory to the Commissioner shall be furnished in an amount of at least 10 percent of the cost of the construction of the improvements to the project as estimated by the Commissioner and shall be in one of the following forms:

(a) A bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner with the borrower and lender as joint obligees.

(b) An escrow deposit with the lender or with a depository satisfactory to the lender and the Commissioner of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, under a completion assurance agreement prescribed by the Commissioner.

§ 220.613 Advance amortization requirements.

If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the property covered by the security instrument, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

§ 220.614 Prevailing wage requirements.

When the property to be improved consists of a dwelling or dwellings for twelve (12) or more families, the following requirements shall be met:

(a) *Labor standards.* Any contract or subcontract executed for the performance of constructing the improvements

to the project shall comply with all applicable labor standards and provisions of the Regulations of the Secretary of Labor (29 CFR 5.1–5.12).

(b) *Ineligible contractors.* No contract shall be entered into with a general contractor or any subcontractor for the construction of improvements, if such contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General pursuant to the Regulations of the Secretary of Labor (29 CFR 5.6.(b)).

(c) *Ineligible advances.* Unless approved by the Commissioner, no advance under the loan shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Commissioner or by the Comptroller General pursuant to the provisions of the Regulations of the Secretary of Labor. (29 CFR 5.6.(b)).

(d) *Wage certificate.* No advance under the loan shall be eligible for insurance unless there is filed with the application for such advance a certificate as required by the Commissioner, certifying that the laborers and mechanics employed in contructing the improvements to the project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 220.615 Discrimination prohibited.

Any contract or subcontractor executed for the performance of constructing the improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of race, color, creed or national origin.

§ 220.616 Certification of cost requirements.

Prior to initial endorsement of the loan for insurance, the borrower, the lender and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of loan proceeds over the actual cost of the improvements to the project. Under this agreement the borrower shall agree to:

(a) Disclose its relationship with the builder, including any collateral agreement, and with subcontractors and suppliers;

(b) Enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the borrower and the builder.

(c) Execute a certificate of actual costs upon completion of the improvements; and

(d) Apply any excess of loan proceeds over the actual cost to the borrower of the improvements in reduction of the outstanding balance of the principal of the loan.

§ 220.620 Form of contract.

The form of contract between the borrower and the builder shall be in accordance with the following:

(a) *Lump sum contract.* If the Commissioner determines that neither the borrower nor any of the officers, directors or stockholders of the borrower have any interest in the builder or contractor, there may be used a lump sum of contract providing for payment of a specified amount.

(b) *Fixed fee contract.* If the Commissioner determines that the borrower, its officers, directors or stockholders have any interest, financial or otherwise in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a builder's fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

§ 220.621 Certificate as to subcontracts.

If the Commissioner determines that the borrower, its officers, directors, or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the borrower shall certify in form prescribed by the Commissioner, prior to final endorsement of the loan for insurance, that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type of labor and materials.

§ 220.622 Certificate of actual cost.

The borrower's certificate of actual cost, in form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the borrower of:

(a) The construction contract, including all costs of construction under a lump sum contract, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the borrower corporation, or to any of its officers, directors or stockholders;

(b) Architect's fees;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work; and

(e) Other items of expense approved by the Commissioner.

§ 220.623 Fixed fee contract—additional certification.

When the work has been completed under a fixed fee contract, the borrower's certification shall also show:

(a) Allocations of general overhead items as are acceptable to the Commissioner;

(b) A reasonable allowance for the builder's profit as established by the Commissioner.

§ 220.624 Contractor's certification—fixed fee contract.

A contractor receiving a fixed fee shall certify in form prescribed by the Commissioner as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or borrower corporation or any of its officers, directors or stockholders.

§ 220.625 Adjustment resulting from cost certification.

If the principal obligation of the loan exceeds the actual cost to the borrower of the improvement, the loan shall be reduced by the amount of such excess prior to the final endorsement for insurance.

§ 220.630 Records.

The borrower shall keep and maintain adequate records of all costs of any construction improvements or other costs items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

§ 220.631 Certificate of public accountant.

The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 220.632 Effects of agreement.

Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

§ 220.633 Cost certification incontestable.

Upon the Commissioner's approval of the borrower's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

§ 220.634 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner, but such amendment shall not adversely affect the interest of the mortgagee under the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

§ 220.700 Effective date.

The provisions of this subpart are effective as to all mortgages on which the commitment to insure is issued to an approved mortgagee on or after October 15, 1954.

Subpart D—Contract Rights and Obligations—Projects

PROJECT MORTGAGE INSURANCE

§ 220.751 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 220 of the National Housing Act, except the following provisions:

Sec.
207.259 Insurance benefits.
207.264 Effective date.

(b) For the purposes of the portion of this subpart covering multifamily project mortgages all references in Part 207 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 220 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the section 220 Housing Insurance Fund.

§ 220.752 Payment of insurance benefits.

All of the provisions of § 207.259 of this chapter shall govern the payment of insurance benefits on mortgages, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, except that:

(a) In lieu of issuing debentures and making a cash adjustment, as provided in § 207.259, the Commissioner shall pay to the mortgagee in cash of the Section 220 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 207.259; and

(b) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in paragraph (a), shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee; and

(c) In lieu of the cash payment provided in paragraph (a), mortgagees filing claim for insurance benefits on mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the Section 220 Housing Insurance Fund issued in accordance with the provisions of § 207.259 of this chapter.

INSURED PROJECT IMPROVEMENT LOANS

§ 220.800 Definitions.

All of the definitions contained in § 220.550 shall appy to §§ 220.800 et seq. In addition the following terms shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan, incorporating by reference the regulations in §§ 220.800 et seq. and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

§ 220.801 Initial endorsement of loan.

Upon compliance with the terms and conditions of a commitment, the Commissioner shall make an initial endorsement of the loan evidencing insurance by an appropriate panel or endorsement placed on the original note which shall identify the section of the Act and the regulations under which the loan is insured and the date of insurance.

§ 220.802 Final endorsement of loan.

After all advances under the loan have been made, the Commissioner shall, upon presentation of the original note, make a final endorsement of the original note which shall state the total of all advances approved for insurance by the Commissioner and show the date of such approval.

§ 220.803 Effect of loan endorsement.

The loan shall be insured from the date of initial endorsement. From the date of initial endorsement the Commissioner and lender shall be found by the Act and the provisions of the regulations in §§ 220.800 et seq. with the same force and effect as if a separate contract had been executed relating to the insured loan.

§ 220.804 Insurance premiums.

(a) *First premium.* The lender, upon the initial endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one-half of one percent of the original face amount of the note.

(b) *Second premium; first payment more than one year following initial endorsement.* If the date of the first principal payment is more than one year following the date of initial insurance endorsement, the lender, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the loan.

(c) *Third premium.* On the date of the first principal payment, the lender shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the note for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the three premiums shall equal the sum of (1) one percent of the average outstanding principal obligation of the note for the year following the date of initial insurance endorsement and (2) one-half of one percent per annum of the average outstanding principal obligation of the note for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(d) *Second premium; first payment one year or less following initial endorsement.* If the date of the first principal payment is one year, or less than one year following the date of initial insurance endorsement, the lender upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the note for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one percent per annum of the average outstanding principal obligation of the note for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one percent of the average outstanding principal obligation of the note for the year following the date of the first principal payment.

(e) *Second premium; commitment to insure upon completion.* Where the note is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the lender on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the note for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the note for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(f) *Annual insurance premium.* Until the note is paid in full, or until a claim application is received by the Commissioner or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one-half of one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(g) *Method of premium payment.* Premiums shall be payable in cash. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in §§ 220.800 et seq.

(h) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 220.805 Termination of insupance.

All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate upon compliance with one of the following conditions:

(a) Upon receipt by the Commissioner of a request for the termination of the loan insurance executed by the borrower and the lender, on a form prescribed by the Commissioner, and the submission of the note for cancellation of the insurance endorsement; or

(b) Upon receipt by the Commissioner of a notice, on a form prescribed by the Commissioner, executed by the lender of the prepayment in full of the note.

§ 220.806 Pro rata refund of insurance premium.

At the time of prepayment or voluntary termination of the loan insurance contract, the Commissioner will refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the date of:

(a) Prepayment; or

(b) Receipt by the Commissioner of a request for voluntary termination.

§ 220.810 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument and such default continues for a period of 30 days, the note or security instrument shall be considered in default for the purposes of §§ 220.800 et seq.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default, provided the lender because of such default, has exercised its right under the note or security instrument and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of the benefits of the insurance hereinafter provided.

§ 220.811 Date of default.

For the purposes of §§ 220.800 et seq., the date of default shall be considered as:

(a) The date of the first uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

§ 220.812 Notice of default.

(a) If the default as defined in § 220.810 is not cured within the 30 day grace period, the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact the lender may not have elected to accelerate the debt.

§ 220.813 Commissioner's right to require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or otherwise being apprised thereof, the Commissioner reserves the right to require the lender to accelerate payment of the outstanding principal balance due in order to protect the interests of the Federal Housing Commissioner.

§ 220.814 Election of action.

Where a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, lien, judgment, or any other security device has been used to secure the payment of a loan made under the provisions of this section, the lender may not, except with the approval of the Commissioner, both proceed against such security and also make claim under its contract of insurance, but shall elect which method it desires to pursue.

§ 220.820 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 220.821 Items to be filed on submitting claim.

Within 30 days after the filing of the notice of intention to file claim, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall file with the Commissioner:

(a) The fiscal data pertaining to the loan transaction;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counter claims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) All hazard insurance policies held on property serving as security for the loan, together with a copy of the lender's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the holder of the security instrument;

(e) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default, and all claims of the lender against the borrower or others arising out of the loan transaction;

(f) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner.

(g) Any balance of the loan not advanced to the borrower;

(h) Any cash or property held by the lender or its agents or to which it is entitled; including deposits made for the account of the borrower and which have not been applied in reduction of the principle obligation under the note and security instrument or instruments;

(i) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(j) Any additional information or data which the Commissioner may require.

§ 220.822 Claim computation.

Upon an acceptable assignment of the note and security instrument, the Commissioner shall pay the claim of the lender in cash in an amount equal to the unpaid principal balance of the loan plus:

(a) Any accrued interest due on the loan.

(b) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(c) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

§ 220.823 Assignment of insured loans.

(a) An insured loan may not be transferred or pledged prior to the full disbursement of the loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm, or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any loan so long as it is held in a common trust fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any loan so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any loan transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interest in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 220.824 Amendments not to change contractual rights.

The regulations in §§ 220.800 et seq. may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not adversely affect the interests of a mortgagee under the contract of insurance on any loan already insured or to be insured on which the Commissioner has made a commitment to insure.

§ 220.950 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subchapter C—Housing for Moderate Income and Displaced Families

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

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AUTHORITY: §§ 221.1 to 221.950 issued under sec. 211, 52 Stat. 23, as amended, sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715b, 1715*l*.

Subpart A—Eligibility Requirements—Low Cost Homes

§ 221.1 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply to mortgages on dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
203.17 Mortgage provisions.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.28 Economic soundness of project.
203.40 Location of property.
203.42 Rental properties.
203.50 et seq. Insured home improvement loans.
203.249 Effective date.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act.

§ 221.5 Mortgage form.

The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner.

§ 221.10 Maximum mortgage amount—dollar limitation.

(a) A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

(1) $11,000 for a one-family residence;
(2) $18,000 for a two-family residence;
(3) $27,000 for a three-family residence;
(4) $33,000 for a four-family residence.

(b) In any geographical area where the Commissioner finds cost levels to require, the Commissioner may increase the dollar amount limitations set forth in (a) above to amounts not to exceed:

(1) $15,000 for a one-family residence;
(2) $25,000 for a two-family residence;
(3) $32,000 for a three-family residence;
(4) $38,000 for a four-family residence.

A mortgage secured by property upon which there is located a dwelling designed principally for a two-, three-, or four-family residence shall not be insured under this section except in the case of a dwelling for occupancy by a family displaced from an Urban Renewal Area or as a result of Governmental action.

§ 221.20 Maximum mortgage amount—loan-to-value limitation.

In addition to meeting the dollar limitations as set forth in this subpart, the mortgage shall be in an amount not to exceed:

(a) *Occupant mortgagors.* When the mortgagor is occupant of the property:

(1) The Commissioner's estimate of the appraised value of the property as of the date the mortgage is accepted for insurance, where repair and rehabilitation is not involved; or

(2) In the case of rehabilitation the amount of the mortgage shall not exceed the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation, except that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount, as determined by the Commissioner, required to refinance the existing indebtedness secured by the property.

(b) *Non-occupant mortgagors.* If the property is to be built or acquired and rehabilitated for sale and the insured mortgage financing is required to facilitate the construction or the repair or rehabilitation of the dwelling and provide financing pending the subsequent sale thereof to a qualified owner-occupant, 85 percent of the amount computed under (a) or 85 percent of the value of the property, whichever is the lesser, as of the date the mortgage is accepted for insurance, if the mortgagor is not the occupant.

§ 221.25 Due date of mortgage.

The mortgage shall come due on the first day of the month.

§ 221.30 Maturity of mortgage.

(a) The mortgage shall provide for complete amortization not to exceed from the date of the beginning of amortization of the mortgage:

(1) 40 years in the case of a family displaced from an Urban Renewal Area or as a result of Governmental action;

(2) 35 years in the case of any other family if the mortgage is approved for insurance prior to the beginning of construction, except that the period in such case may be increased to not more than 40 years where the mortgagor is an owner-occupant of the property and is not able, as determined by the Commissioner, to make the required payments under a mortgage having a shorter amortization period;

(3) 30 years in the case of any other family where the mortgage is not approved for insurance prior to the beginning of construction.

(b) No mortgage shall have a maturity exceeding three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements.

§ 221.32 Beginning of payments on mortgage.

The mortgage shall provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

§ 221.35 Disbursement of mortgage amount.

The entire principal amount of the mortgage shall be disbursed to the mortgagor or his creditors for the mortgagor's account and with his consent.

§ 221.40 Amortization period of the mortgage.

The amortization period of the mortgage shall be either 10, 15, 20, 25, 30, 35, or 40 years by providing for either 120, 180, 240, 300, 360, 420, or 480 monthly amortization payments.

§ 221.45 Mortgage obligation in multiples.

If the mortgage is not in excess of $15,000 it shall be in multiples of $50. If the mortgage exceeds $15,000 it shall be in multiples of $100.

§ 221.50 Mortgagor's minimum investment.

At the time a mortgage is insured the mortgagor shall have paid on account of the property at least three percentum of the Commissioner's estimate of its acquisition cost or if the mortgagor is displaced from an Urban Renewal Area or as a result of Governmental action, the mortgagor shall have paid on account of the property, not less than:

(a) $200 for a one-family dwelling;
(b) $400 for a two-family dwelling;
(c) $600 for a three-family dwelling;
(d) $800 for a four-family dwelling.

§ 221.54 Inclusion of closing costs and expenses in cash payment.

The mortgagor's required minimum investment may include amounts covering settlement costs, initial payments for taxes, hazard insurance premiums, mortgage insurance premiums, and other prepaid expenses as approved by the Commissioner.

§ 221.55 Deferred sale of properties.

A mortgagor under a mortgage covering a one-family dwelling may, subject to such terms and conditions as the Commissioner may prescribe, be permitted to sell the property to a displaced person on a deferred payment basis, to provide for the accumulation of the required cash payment.

§ 221.200 Effective date.

Unless otherwise specified, the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart B—Contract Rights and Obligations—Low Cost Homes

§ 221.251 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one- to four-family dwellings insured under section 221 of the National Housing Act except the following provisions:

Sec.
203.341 Reimbursement for uncollected interest.
203.351 Application for debentures and fiscal data.
203.362 Conditions for withdrawal of application for debentures.
203.363 Reconveyance for noncompliance with regulations.
203.364 Mortgagee's liability for property expenditures.
203.377 Mortgagee's liability for waste.
203.378 Adjustment for waste.
203.379 Adjustment for fire, flood, earthquake or tornado damage.
203.382 Cancellation of hazard insurance.
203.400 Delivery of debentures.
203.401 Debenture computation—conveyed properties.
203.402 Debenture computation—conveyed properties; items included.
203.403 Debenture computation—conveyed properties, items deducted.
203.404 Debenture computation—assigned mortgages.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
203.410 Issue date of debentures.
203.411 Cash adjustment.
203.415 Delivery of certificate of claim.
203.416 Amount and items of certificate of claim.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 221 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the section 221 Housing Insurance Fund.

§ 221.255 Assignment option.

(a) The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date it was endorsed for insurance. When such option has been exercised, the obligation of the mortgagee to pay the premium charges shall cease.

(b) The mortgagee may exercise its assignment option within 1 year following the twentieth anniversary of the date the mortgage was endorsed for insurance.

(c) Upon the exercise of the assignment option the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

(d) The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

(e) The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8 to 12 year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively, shall be used.

(f) Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect on the issue date, a date which shall be established as provided in § 203.410 of this chapter. The interest rate shall be established by the Commissioner in an amount not in excess of the annual rate of interest which the secretary of the Treasury shall specify as applicable to the 6-month period (consisting of January through June, or July through December) which includes the issuance date of such debentures, which applicable rate for each 6-month period shall be determined by the Secretary of the Treasury, at the request of the Commissioner, by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the calendar month next preceding the establishment of such rate of interest, on all outstanding marketable obligations of the United States having a maturity date of 15 years or more from the first day of such next preceding month, and by adjusting such estimated average annual yield to the nearest one-eighth of 1 per centum.

§ 221.260 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 203.340 of this chapter, are insufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the insurance benefits shall include an allowance for uncollected interest accrued during the period of such forbearance.

§ 221.261 Application for insurance benefits and fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage. If the original of the assignment is not available a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 221.265 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 203.364 of this chapter.

§ 221.266 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this subpart, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for insurance benefits at a subsequent date as approved by the Commissioner.

§ 221.267 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with the regulations in this subpart or because, with the consent of the Commissioner a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 221.268 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this subpart, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 221.269 Adjustment for waste.

If the property has been damaged by waste as defined in § 203.376 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 221.270 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 221.272 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 221.275 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the Section 221 Housing Insurance Fund.

§ 221.276 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 221.277 less all items as set forth in § 221.278.

§ 221.277 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan.

§ 221.278 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 221.276 and 221.277 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expense incurred in handling the property.

§ 221.279 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 221.285 Delivery of certificate of claim.

In addition to the cash settlement provided for in this subpart with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 221.286 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 221.450 Effective date.

(a) Unless otherwise specified the provisions of this subpart are effective as to all loans and mortgages on which commitments to insure are issued on or after July 7, 1961.

(b) With respect to mortgages endorsed for insurance on or after July 7, 1961, pursuant to commitments outstanding prior to July 7, 1961, a mortgagee may, upon filing a written request with the application for the payment of insurance benefits, receive payment as provided in Part 203 of this chapter in lieu of the insurance benefits provisions of this subpart.

Subpart C—Eligibility Requirements—Moderate Income Projects

§ 221.501 Certificate by Administrator to Commissioner.

Before a mortgage executed by a mortgagor other than a private mortgagor shall be eligible for insurance under this subpart, the Housing and Home Finance Administrator must certify to the Commissioner that the community in which the project is to be located has submitted to the Administrator a "workable program" which has been approved by the Administrator.

§ 221.502 Application.

An application for insurance of a mortgage on a project shall be submitted by a mortgagee and by the sponsors of such project through the local FHA office on an approved FHA application form. No application shall be considered unless accompanied by the exhibits called for by the form.

FEES

§ 221.503 Application fee.

An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

§ 221.504 Commitment fee.

A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment, shall be paid within thirty days after the date of the commitment or within such additional period as the Commissioner may allow.

§ 221.505 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment.

§ 221.506 Fees on increased mortgage.

Upon application for an increase in the amount of an existing commitment an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of such increase. Such increase shall be subject to the payment of an additional commitment fee which, when added to the additional application fee, will aggregate $3.00 per thousand dollars of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage, the fees herein provided for, including the inspection fee, shall be based upon the amount of the increase.

§ 221.507 Refund of fees.

If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

§ 221.508 Charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

COMMITMENT

§ 221.509 Issuance of commitment.

(a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, and other instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this subpart and with such terms and conditions.

(b) The commitment may provide for advances of mortgage money during construction and the insurance of such advances as made, or it may provide for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall, with respect to commitments to insure advances, be effective for a stated period, not in excess of 120 days, provided that the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

ELIGIBLE MORTGAGORS

§ 221.510 Eligible mortgagors.

A mortgage shall be executed by a mortgagor meeting the following qualifications:

(a) *Non profit mortgagor.* The mortgagor shall be a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be regulated or supervised under federal or state laws or by political subdivisions of states or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor shall be in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart.

(b) *Public mortgagors.* A federal instrumentality, a state or political subdivision thereof, or an instrumentality of a state or of a political subdivision thereof, which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the U.S. Housing Act of 1937 and which is acceptable to the Commissioner. Such a mortgagor shall be regulated or supervised as to rents, charges and methods of operation in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart.

(c) *Limited dividend corporation.* The mortgagor shall be a corporation restricted as to distributions of income by the laws of the state of its incorporation or by the Commissioner, formed exclusively for the purpose of providing housing, and regulated as to rents, charges, rate of return, and methods of operation in such form and manner as is satisfactory to the Commissioner to effectuate the purposes of this subpart.

(d) *Cooperative and investor sponsor mortgagors.* (1) The cooperative mortgagor shall be a nonprofit cooperative ownership housing corporation approved by the Commissioner which restricts permanent occupancy of the project to the members of the corporation and which requires membership eligibility and transfers of membership in a manner approved by the Commissioner.

(2) The investor sponsor mortgagor shall be a special type of limited dividend corporation approved by the Commissioner which is organized to:

(i) Construct or rehabilitate a multifamily project, and transfer the project to a cooperative mortgagor within two years from the date of completion;

(ii) Operate the project until two years from the date of completion or until the conveyance to the cooperative mortgagor, whichever occurs sooner, subject to special controls and requirements of the Commissioner, including but not limited to, the disposition of net income;

(iii) To operate the project, in the event of failure to convey to a cooperative mortgagor within the two year period, as a limited dividend corporation subject to the controls and requirements of the Commissioner.

(3) Such a mortgagor will be regulated or restricted by the Commissioner as to rents or sales, charges, rate of return, and methods of operation in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart and protect the consumer interest.

(e) *Private mortgagors.* Any mortgagor approved by the Commissioner, which until the termination of all obligations of the Commissioner under the insurance contract and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage, is regulated or restricted by the Commissioner as to rents or sales, charges, capital structure, rate of return, and methods of operation, in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart.

ELIGIBLE MORTGAGES

§ 221.511 Mortgage form.

The mortgage shall be:

(a) Executed on a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, which form shall not be changed without the prior written approval of the Commissioner.

(b) In the case of cooperative and investor sponsor mortgagors, the mortgage shall provide that the mortgagor will not arrange for management of the property except in the manner and under an agreement approved by the mortgagee and the Commissioner in writing.

§ 221.512 Disbursement of the mortgage.

The mortgagee shall be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgage, to, or for the account of the mortgagor or to his creditors for his account and with his consent.

§ 221.513 Mortgage lien.

A mortgagor shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner.

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except obligations approved by the Commissioner.

§ 221.514 Maximum mortgage amounts.

(a) *Principal obligation.* The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(1) *Dollar limitations.* (i) $12,500,000.00;

(ii) $2,250 per room (or $8,500 per family unit if the number of rooms in such property or project is less than four per family unit) for such part of such project as may be attributable to dwelling use exclusive of the cost of exterior land improvements as determined by the Commissioner.

(2) *New construction.* (i) In the case of new construction where the mortgagor is other than a private or limited dividend corporation mortgagor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed (the replacement cost may include the land, the proposed physical improvement, utilities within the boundaries of the land, architects' fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner);

(ii) In the case of new construction where the mortgagor is a private or a limited dividend corporation mortgagor, 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architects' fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builders' and sponsors' profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is other than a private or limited dividend corporation mortgagor, the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a private or a limited dividend corporation mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(iii) In no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount, as determined by the Commissioner, required to refinance an existing indebtedness secured by the property or project.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to the construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,250 per room to not to exceed $2,750 per room and the dollar amount limitation of $8,500 per family unit to not to exceed $9,000 per family unit.

(c) *Increased mortgage amount—high cost areas.* In any geographical area where the Commissioner finds cost levels so require, he may increase the dollar amount limitation by an amount not to exceed $1,000 per room without regard to the number of rooms being less than four or more than four.

(d) *Maximum mortgage amount—leaseholds.* The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

(e) *Increased mortgage amount—operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional amount shall be deemed to be part of the original face amount of the mortgage.

§ 221.515 Adjusted mortgage amount—rehabilitation projects.

A mortgage having a principal amount computed in compliance with this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(a) *Property held in fee.* If the mortgagor is the owner of an unencumbered fee simple estate, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation;

(b) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit, public, cooperative or investor sponsor mortgagor.* If the mortgagor is a nonprofit, public, cooperative or investor sponsor mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Private or limited dividend corporation mortgagor.* If the mortgagor is a private or limited dividend corporation mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(1) *Nonprofit, public, cooperative, or investor sponsor mortgagor.* If the mortgagor is a nonprofit, public, cooperative or investor sponsor mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(2) *Private or limited dividend corporation mortgagor.* If the mortgagor is a private or limited dividend corporation mortgagor:

(i) 90 percent of the Commissioner's estimate of the cost of the repair or rehabilitation, plus

(ii) 90 percent of the actual price of the land and improvements, or the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this subdivision (ii).

§ 221.516 Maturity.

The mortgage shall have a maturity satisfactory to the Commissioner and shall contain complete amortization or sinking-fund provisions satisfactory to the Commissioner.

§ 221.517 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for monthly payments on the first day of each month on account of interest and principal and shall provide for payments in accordance with an amortization plan as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project

and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest, at a rate not exceeding 5¼ percentum per annum, as may be agreed upon between the mortgagor and mortgagee.

(b) In the case of a mortgage executed by other than a private mortgagor, as defined in § 221.510(e), the Commissioner may, in his discretion, provide that such mortgage shall bear interest at a rate not to exceed 5¼ per centum per annum up to and including the date of the final endorsement by the Commissioner at which time the rate of interest shall be lowered to the rate determined by the Secretary of the Treasury pursuant to section 221(d)(5) of the Act. Such rate has been fixed at 3⅛ percent per annum.

§ 221.519 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 221.520 Covenant against liens.

The mortgage shall contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 221.521 Covenant for hazard insurance.

The mortgage shall contain a covenant acceptable to the Commissioner binding the mortgagor to keep the property insured by a standard policy or policies against fire and such other hazards as the Commissioner, upon the insurance of the mortgage, may stipulate, in an amount which will comply with the coinsurance clause applicable to the location and character of the property, but not less than 80 percent of the actual cash value of the insurable improvements and equipment of the project. The initial coverage shall be in amount estimated by the Commissioner at the time of completion of the entire project or units therefor. The policies evidencing such insurance shall have attached thereto a standard mortgagee clause making loss payable to the mortgagee and the Commissioner, as their interests may appear.

§ 221.522 Accumulation of accruals.

(a) Except in the case of mortgages bearing interest at the rate set out in § 221.518(b), the mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) In the case of all mortgages insured under this subpart, the mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 221.523 Application of payments.

(a) The mortgage shall provide that all monthly payments being made by the mortgagor to the mortgagee shall be added together and the aggregate thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance, where applicable.

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums.

(3) Interest on the mortgage.

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of the aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of thirty days, within which time the default must be cured.

§ 221.524 Prepayment privileges.

(a) *Prepayment in full.* The mortgage indebtedness may be prepaid in full and the Commissioner's controls terminated only upon the condition that the Commissioner's prior consent is obtained and upon such terms and conditions as the Commissioner may prescribe, except that, in the case of a limited dividend corporation mortgagor, the mortgage indebtedness may be prepaid in full at any time after the expiration of 20 years from the date of final endorsement of the mortgage.

(b) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that, prior to maturity, and with the approval of the Commissioner, partial prepayments may be made, after thirty days' written notice to the mortgagee, on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the mortgage, the mortgagee will be permitted to collect such reasonable charge on such excess as is agreed upon between the mortgagor and the mortgagee.

§ 221.525 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest and principal more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 221.526 Issuance of bonds.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

§ 221.527 Mortgage covenant regarding racial restrictions and use of property.

(a) The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

(b) The mortgage shall contain a covenant prohibiting the use of the property covered thereby for any purpose other than that for which it was intended at the date the mortgage was executed.

ELIGIBLE MORTGAGEES

§ 221.528 Qualification of lenders.

The provisions of 203.1–203.9 of Part 203 of Subchapter C of this chapter shall govern the eligibility qualifications and requirements of mortgagees under this subpart.

SUPERVISION OF MORTGAGORS

§ 221.529 Form of regulation by Commissioner.

The Commissioner may regulate and restrict the mortgagor as long as the Commissioner is the insurer, holder or reinsurer of the mortgage. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

§ 221.530 Supervision applicable to all mortgagors.

(a) No charge shall be made by the mortgagor for accommodations, facilities, or services offered by the project except those approved in writing by the Commissioner.

(b) The mortgagor shall maintain its project, the ground, buildings, and equipment appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the Commissioner.

(c) A fund for replacements shall be accumulated and maintained with the mortgagee and the amount and type of such fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter, trust agreement, or regulatory agreement.

(d) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(e) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that, so long as the mortgage is insured or held by the Commissioner, the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner; and will be available to the Commissioner and to the Comptroller General of the United States for such examination and audit as they may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

(1) Monthly occupancy reports when required by the Commissioner;

(2) Complete annual financial reports based upon examinations of the books and records of the mortgagor, prepared in accordance with the requirements of the Commissioner, certified to by an officer of the mortgagor and, when required by the Commissioner, prepared and certified by a Certified Public Accountant (or other person acceptable to the Commissioner), such reports to be submitted within sixty (60) days after the end of each fiscal year;

(3) Specific answers to questions upon which information is desired from time to time relative to the actual cost of construction, the disposition of mortgage funds, the operation and condition of the property and the status of the insured mortgage;

(4) Properly certified copies of minutes of meetings of directors, officers, stockholders, shareholders, or beneficiaries.

§ 221.531 Supervision applicable to private mortgagors.

The following restrictions and regulations will be applicable to private mortgagors:

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the Commissioner prior to the endorsement of the mortgage for insurance; and

(2) In the case of a trust entity, beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the Commissioner.

(b) *Rate of return.* Dividends or other disbursements as defined in the charter, trust agreement, or regulatory agreement may be declared or made only as of and after the end of an annual or semiannual period. No dividends or other disbursements shall be declared or made except out of surplus cash legally available and remaining after:

(1) The payment of:

(i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Commissioner;

(ii) All amounts required to be deposited in the reserve fund for replacements;

(iii) All obligations of the project other than the mortgage insured or held by the Commissioner unless funds for payment are set aside or deferment of payment has been approved by the Commissioner.

(2) The segregation of:

(i) An amount equal to the aggregate of all special funds required to be maintained by the project;

(ii) All tenant security deposits held.

No distribution of any kind may be made from borrowed funds.

(c) *Rents and charges.* In approving the allowable rents and charges and in passing upon applications for changes, consideration will be given to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide a reasonable return on the investment consistent with providing reasonable rentals to tenants.

(d) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to three percent (3%) of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such three percent (3%) and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

§ 221.532 Supervision applicable to limited dividend corporation mortgagors.

The provisions of § 221.531(b) (rate of return) of this subpart shall apply to limited dividend corporation mortgagors except that the amount of such allowable dividend or disbursement from surplus cash shall not exceed in any one fiscal year more than a six percent (6%) return on the amount of equity invested in such limited dividend corporation, and the right to such dividend or disbursement from surplus cash shall not be cumulative.

§ 221.533 Supervision applicable to cooperative and investor sponsor mortgagors.

(a) The mortgagor shall not permit occupancy except under an occupancy agreement or lease approved by the Commissioner.

(b) Except with the prior written approval of the Commissioner, no compensation shall be paid by the corporation to its officers or directors, as such, or to any person or corporation for supervising or managerial service. No compensation shall be paid by the corporation to any employee in excess of an amount agreed upon by the Commissioner and specified in the charter. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation except on account of approved occupancy charges.

§ 221.534 Supervision applicable to cooperative mortgagors.

(a) A general operating reserve shall be established and maintained as long as the mortgage insurance is in force, in a manner and for the purposes specified in the charter or regulatory agreement.

(b) Surplus funds, after meeting reserves and after meeting all obligations of the mortgagor, may be disbursed to the members in the form of reduced carrying charges or reduced sales prices of the dwelling accommodations, or patronage refunds.

§ 221.535 Supervision applicable to investor sponsor mortgagors.

(a) *Investor sponsor equity.* The investor sponsor's profit allowance shall be held by the mortgagee and shall not be paid to the investor sponsor unless the project is transferred to a cooperative mortgagor within two years from the date of completion. In the event of default or failure to transfer the project to a cooperative mortgagor within the two-year period, the profit allowance shall be applied against the mortgage or in such other manner as the Commissioner may direct. The amount of the profit allowance applied against the mortgage together with any other equity of the investor sponsor mortgagor approved by the Commissioner shall be deemed to be the equity of the investor sponsor mortgagor for purposes of determining its operations as a limited dividend corporation.

(b) *Transfer to cooperative mortgagor.* The consideration for the transfer to a cooperative mortgagor shall be solely the assumption of the mortgage indebtedness.

OCCUPANCY REQUIREMENTS

§ 221.536 Occupancy requirements applicable to all mortgagors.

The mortgagor shall certify under oath to the Commissioner, as long as the

Commissioner is the insurer, holder, or reinsurer of the mortgage, that the mortgagor will not:

(a) In selecting tenants for the project covered by the mortgage, discriminate against any family by reason of the fact that there are children in the family;

(b) Rent, permit the rental or permit the offering for rental of the housing, or any part thereof, covered by such mortgage, for transient or hotel purposes. For the purposes of this certificate, the term rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linens, and bellboy service;

(c) Sell the project as long as the Commissioner is the insurer, holder, or reinsurer of the mortgage, unless the purchaser also certifies.

§ 221.537 Additional occupancy requirements; preferred purchasers or tenants.

(a) In the case of projects owned by mortgagors whose mortgages bear interest at the rate set out in § 221.518(b), occupancy shall be restricted to those families determined by the Commissioner to be low or moderate income families.

(b) In the case of projects owned by all other mortgagors, it shall be established, in a manner satisfactory to the Commissioner, that preference or priority of occupancy shall be given to families as described in section 221(d) (3) and (4) of the Act.

PREVAILING WAGE REQUIREMENTS

§ 221.538 Applicability of prevailing wage requirements.

The following prevailing wage requirements shall be applicable to all mortgages executed by private, limited dividend corporation, cooperative, and investor sponsor mortgagors, and the compliance with such requirements shall be evidenced at such time and in such manner as the Commissioner may prescribe:

(a) *Labor standards.* Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Labor Standards and provisions of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.1–5.12 (16 F.R. 4430).

(b) *Ineligible contractors.* No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6 (b) of the Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6(b) (16 F.R. 4431).

(c) *Ineligible advances.* No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisions of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6(b) (16 F.R. 4431).

(d) *Wage certificate.* No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 221.539 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

INSURANCE OF ADVANCES

§ 221.540 Financial requirements.

In order for a mortgage to be eligible for insurance of advances, the following financial requirements must be met by the mortgagor to the satisfaction of the Commissioner:

(a) The mortgagor shall deposit with the mortgagee or in a depository satisfactory to the mortgagee and under control of the mortgagee an amount equivalent to not less than two percent of the original principal amount of the mortgage, for the purpose of meeting the cost of equipping and operating the project subsequent to completion of construction of the entire project or units thereof and, during the course of construction, for allocation by the mortgagee to the accruals for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage.

(b) The mortgagor must establish in a manner satisfactory to the Commissioner that, in addition to the proceeds of the insured mortgage, the mortgagor has funds sufficient to assure completion of construction of the project and to pay all carrying charges, financing and organization expenses incidental to the construction of the project. Unless other provisions acceptable to the Commissioner are made, such funds shall be deposited with and held by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an appropriate agreement approved by the Commissioner which will require all such funds to be expended for work and material on the physical improvements and for other charges and expenses to be paid when due prior to the advance of any mortgage money.

(c) The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

§ 221.541 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 221.542 Assurance of completion.

To obtain insurance of advances, the mortgagor shall furnish assurance of completion of the project in a form and amount approved by the Commissioner, as follows:

(a) A bond of a surety company with the mortgagor and mortgagee as joint obligees in the penal sum of at least 10 percent of the estimated cost of construction of the project; or

(b) An escrow deposit under an agreement with the mortgagee, or with a depository satisfactory to the mortgagee and the Commissioner, of cash, or of securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to 10 percent of the estimated cost of construction of the project.

ADVANCE AMORTIZATION REQUIREMENTS

§ 221.543 Advance amortization.

(a) If prior to the beginning of amortization net income, as defined by the Commissioner, is received as the result of the rental of the mortgaged property, such net income, to the extent determined by the Commissioner, shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner.

(b) The provisions of paragraph (a) shall not apply to cooperative or investor sponsor mortgagors.

PROPERTY REQUIREMENTS

§ 221.544 Eligibility of property.

(a) A mortgage to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than ninety-nine years which is renewable; or

(3) Under a lease having a period of not less than seventy-five years to run from the date of mortgage is executed; or

(4) Under a lease executed by a governmental agency, an Indian or an Indian tribe for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than fifty years from the date the mortgage is executed.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage.

§ 221.545 Development of property.

(a) *Obligation of mortgagor to construct project.* At the time the mortgage is insured, the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property or to rehabilitate existing housing accommodations designed principally for residential use. The Commissioner may insure a mortgage on a completed project constructed pursuant to a commitment to insure upon completion .

(b) *Minimum number of units.* The project shall consist of not less than five dwelling units on one site and may be detached, semi-detached, or row houses, or a multifamily structure.

(c) *Compliance with governmental regulations.* The property, including improvements, shall comply with any material zoning or deed restrictions applicable to the project site and with all applicable building and other governmental regulations.

§ 221.546 Commercial and community facilities.

The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

COST CERTIFICATION REQUIREMENTS

§ 221.547 Certification of cost requirements.

Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee, and the Commissioner shall enter into an agreement in form and content satisfactory to the Commissioner for the purpose of precluding any excess of mortgage proceeds over statutory limitations. Under this agreement the mortgagor shall disclose its relationship with the builder, including any collateral agreement, and agree to enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder. The agreement shall require that upon completion of all physical improvements on the mortgaged property the mortgagor must execute a certificate of actual costs. The agreement shall further require that any excess of mortgage proceeds over (1) in the case of a private or limited dividend corporation mortgagor, 90 percent; or (2) in the case of all other mortgagors, 100 percent, of actual cost shall be applied to reduction of the outstanding balance of the principal of the mortgage.

§ 221.548 Form of contract.

The form of contract between the mortgagor and the builder shall be determined in accordance with the following:

(a) *Non-identity of interest.* (1) In the case of all mortgages except those executed by cooperative mortgagors, if it is established to the satisfaction of the Commissioner that neither the mortgagor nor any of the officers, directors or stockholders of the mortgagor have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(2) In the case of mortgages executed by cooperative mortgagors, a lump sum form of contract may be used if it is found by the Commissioner that no identity of interest exists between the mortgagor or any of its officers, directors or stockholders and the general contractor, and that a cost plus form of contract is not required in the interests of the Commissioner.

(b) *Identity of interest.* If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders, have any interest, financial or otherwise, in the builder or contractor, or, where, in the case of a cooperative mortgagor, if the Commissioner does not make the findings set out in paragraph (a)(2) the form of contract shall provide for the payment of the actual cost of construction, not to exceed an up-set price and may provide for payment of a builders' and sponsors' fixed fee in addition thereto. The builders' and sponsors' fixed feed shall be equal to 10 percent of all other items entering into the term actual cost except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repair or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property, unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

§ 221.549 Certificate as to subcontracts.

If it is determined by the Commissioner that the mortgagor, its officers, directors or stockholders, have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor must certify in a form prescribed by the Commissioner prior to final endorsement that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

§ 221.550 Certificate of actual cost.

The mortgagor's certificate of actual cost, in a form prescribed by the Commissioner, shall be submitted upon completion of the physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the mortgagor of:

(a) The construction contract, including all cost of the construction under a lump sum contract, after deduction of any kick-backs, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders;

(b) Architect's fee;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work;

(e) Other items of expense approved by the Commissioner; and

(f) (1) In the case of a lump sum contract an allowance for sponsors' profit and risk equal to 10 percent of all other items entering into the term actual cost except amounts paid by the mortgagor under a general construction contract, the value of land, any amount paid for a leasehold and, in the case the mortgage is to assist the financing of repair or rehabilitation, the value of the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property, unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage; or (2) in the case of a fixed fee contract, (i) such allowance of general overhead items as are acceptable to the Commissioner and (ii) the allowance for builders' and sponsors' profit and risk set out in § 221.548(b).

§ 221.551 Contractor's certification—fixed fee contract.

A contractor receiving a fixed fee shall certify in a form prescribed by the Commissioner as to all actual cost paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee less any kick-backs, rebates, trade discounts, or other similar payments to the builder or mortgagor or any of its officers, directors or stockholders.

§ 221.552 Records.

The mortgagor shall keep and maintain adequate records of all cost of any construction or other cost items not representing work under the general contract and, in the case of a fixed fee contract, shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

§ 221.553 Certificate of public accountant.

The certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 221.554 Value of land.

Upon receipt of the mortgagor's certification of actual cost there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee, such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, if any, of acquiring the leasehold or other interest is considered an allowable expense which may be added to actual cost provided that in no event such amount is in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements.

§ 221.555 Reduction in mortgage amount—new construction.

If the principal obligation of the mortgage exceeds (1) in the case of a private or limited dividend corporation mortgagor, 90 percent, or (2) in the case of other mortgagors, 100 percent, of the total amount as shown by the certificate of actual cost plus the value of land, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 221.556 Reduction in mortgage amount—rehabilitation.

In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted for new construction in accordance with § 221.550 and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or (1) in the case of a private or limited dividend corporation mortgagor 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price, or the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds (1) in the case of a private or limited dividend corporation mortgagor, 90 percent, or (2) in the case of all other mortgagors, 100 percent, of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

§ 221.557 Requisites of agreement and certification.

Any agreement, undertaking, statement or certification required by § 221.550 shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Federal Housing Administration, and of the Federal Housing Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

§ 221.558 Cost certification incontestable.

Upon the Commissioner's approval of the mortgagor's certification as required by § 221.550 such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

OTHER ELIGIBLE MORTGAGES

§ 221.559 Eligibility of miscellaneous type mortgages.

(a) A mortgage covering five or more rental units and which meets the requirements of this part, except as modified by this section, shall be eligible for insurance under this subpart.

(b) The mortgage may be accepted for insurance if:

(1) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing acquired or constructed under Public Law 849, Seventy-sixth Congress, as amended; Public Law 781, Seventy-sixth Congress, as amended; or Public Laws 9, 73, or 353, Seventy-seventh Congress, as amended (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof); or

(2) Executed in connection with the sale by the Public Housing Administration, or by any public housing agency with the approval of the said Administration, of any housing (including any additional property acquired, held, or constructed in connection with such housing or to serve the inhabitants thereof) owned or financially assisted pursuant to the provisions of Public Law 671, Seventy-sixth Congress; or

(3) Executed in connection with the sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio; Greenbelt, Maryland; and Greendale, Wisconsin, developed under the Emergency Relief Appropriation Act of 1935; or of any of the village properties or employees' housing under the jurisdiction of the Tennessee Valley Authority; or of any housing under the jurisdiction of the Department of the Interior located within the town area of Coulee Dam, Washington, acquired by the United States for the construction, operation, and maintenance of Grand Coulee Dam and its appurtenant works or of any permanent housing under the jurisdiction of the Department of the Interior constructed under the Boulder Canyon Project Act of December 21, 1928, as amended and supplemented, located within the Boulder City municipal area; or

(4) Executed in connection with the sale by the Government, or any agency or official thereof, of any housing (including any property acquired, held, or constructed in connection therewith or to serve the inhabitants thereof) pursuant to the Atomic Energy Community Act of 1955, as amended: *Provided*, That such insurance shall be issued without regard to any preference or priorities except those prescribed by the National Housing Act or the Atomic Energy Community Act of 1955, as amended; or

(5) Executed in connection with the sale by a State or municipality, or any agency, instrumentality, or political subdivision of either, of a project consisting of any permanent housing (including any property acquired, held or constructed in connection therewith or to serve the inhabitants thereof), constructed by or on behalf of such State, municipality, agency, instrumentality or political subdivision, for the occupancy of veterans (as defined in § 203.12), their families and others: *Provided*, That in no case may the principal obligation of a mortgage referred to in this subparagraph exceed 90 percent of the appraised value of the mortgaged property; or

(6) Executed in connection with the first resale, within two years from the date of its acquisition from the Government, of any portion of a project or property of the character described in subparagraphs (1), (2), (3), and (4) of this paragraph.

§ 221.560 Eligibility of refinanced mortgages.

(a) Notwithstanding any other provisions of this subpart, a mortgage bearing interest as provided in § 221.518, given to refinance a mortgage insured under sections 220, 221, 608 or 908 of the National Housing Act, shall be eligible for insurance under this subpart, if the principal amount of such new mortgage does not exceed the original principal amount, and the term does not exceed the unexpired term of such existing mortgage; except that in any case in which the Commissioner determines that the insurance of a mortgage for an additional term will inure to the benefit of the applicable insurance fund taking into consideration the outstanding insurance liability under the existing insured mortgage, the new mortgage may have a term of not more than 12 years in excess of unexpired term of the existing insured mortgage.

(b) Notwithstanding any other provision of this subpart, a mortgage bearing interest not in excess of the rates provided in § 221.518, given by a mortgagor other than a private mortgagor, to refinance a mortgage covering an existing property or project located in an urban renewal area, shall be eligible for insurance under this subpart, provided the Commissioner finds that such insurance will facilitate the occupancy of dwelling units in the property or project by families of low or moderate income or families displaced from an urban renewal area or displaced as a result of governmental action.

§ 221.561 Reinsurance of Commissioner-held mortgages.

Notwithstanding any other provisions of this subpart, the Commissioner may insure any mortgage assigned to him in connection with payment under a contract of mortgage insurance, or executed in connection with a sale by him of any property acquired under Title II, Title VI, Title VII, Title VIII, or Title IX of the National Housing Act without regard to any limitations upon eligibility contained in this subpart.

TITLE

§ 221.562 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

§ 221.563 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c) or (d) of this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L.I.C. Standard Mortgagee Form", or the "A.T.A. Standard Mortgagee Form", or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

EFFECTIVE DATE

§ 221.700 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart D—Contract Rights and Obligations—Moderate Income Projects

§ 221.751 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

Sec.
207.252 First, second and third premium.
207.253 Adjusted premium charge.
207.259 Insurance benefits.
207.264 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 221 of the Act and references to Part 207 shall be construed to refer to this subpart and all references to the Housing Insurance Fund or the Housing Fund should be construed to refer to the section 221 Housing Insurance Fund.

§ 221.755 First, second and third premiums.

All of the provisions of § 207.252 of this chapter are incorporated by reference except that such provisions shall not be applicable to a mortgagee in the case of a mortgage bearing interest at the rate set out in § 221.518(b).

§ 221.760 Adjusted premium charge.

All of the provisions of § 207.253 of this chapter shall apply to mortgages bearing interest at the rate set out in § 221.518(a), except that the provisions relating to voluntary termination and the prepayment of a termination charge shall not be applicable.

§ 221.765 Payment of insurance.

(a) In the case of a mortgage executed by a mortgagor whose mortgage bears interest at the rate set out in § 221.518(b), all of the provisions of § 207.259 of this chapter shall govern the payment of insurance except that, when the mortgagee elects to and does proceed in accordance with § 207.258 (a) (1) of this chapter, the computation of the total face value of the debentures to be issued shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default; any amount the mortgagee may have paid for taxes, special assessments and water rates which are liens prior to the mortgage; any amount for hazard insurance on the property; and reasonable expenses for the completion and preservation of the property; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date.

(b) In the case of a mortgage executed by all other mortgagors, including mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, all of the provisions of § 207.259 of this chapter shall govern the payment of insurance benefits on such mortgages, except that:

(1) In lieu of issuing debentures, and making a cash adjustment, as provided in § 207.259, the Commissioner shall pay to the mortgagee in cash of the Section 221 Housing Insurance Fund an amount equivalent to the total face amount of the debentures and the cash adjustment provided for in § 207.259; and

(2) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in subparagraph (1), shall be substituted for the face value of the debentures and the cash adjustment paid to provided for in § 207.259; and

(3) In lieu of the cash payment provided in subparagraph (1), mortgagees filing claim for insurance benefits on mortgages endorsed for insurance on or after July 7, 1961, on the basis of commitments outstanding prior to July 7, 1961, may upon filing a written request with the application for the payment of insurance benefits, receive payment in debentures of the Section 221 Housing Insurance Fund issued in accordance with the provisions of § 207.259 of this chapter.

§ 221.770 Assignment option.

The mortgagee has the option to assign, transfer and deliver to the Commissioner the original credit instrument and the insured mortgage securing the same, provided such mortgage is not in default at the expiration of 20 years from the date of final endorsement of the mortgage.

§ 221.775 Option period.

The mortgagee may exercise its option to assign within one year following the twentieth anniversary of the date the mortgage was finally endorsed for insurance.

§ 221.780 Issuance of debentures.

Upon the exercise of the assignment option and the satisfactory performance of the requirements as to assignment set out in § 207.258 of this chapter, the Commissioner shall issue to the assignor mortgagee debentures having a total face value equal to the amount of the original principal obligation of the mortgage which was unpaid on the date of the assignment, plus accrued interest to such date.

§ 221.785 Date of maturity of debentures.

The debentures issued pursuant to the exercise of an assignment option shall be dated as of the date the mortgage is assigned to the Commissioner and shall mature 10 years after such date.

§ 221.790 Debenture interest rate.

The debentures issued pursuant to the exercise of an assignment option shall bear interest at the "going Federal rate" at date of issuance. The "going Federal rate" means the annual rate of interest specified by the Secretary of the Treasury as applicable to the 6-month period which includes the issuance date of the debentures. The Secretary of the Treasury shall determine this applicable rate by estimating the average yield to maturity, on the basis of daily closing market bid quotations or prices during the month of May or the month of November, as the case may be, next preceding such 6-month period, on all outstanding marketable obligations of the United States having a maturity date of 8 to 12 years from the first day of May or November, as the case may be. If there should be no outstanding marketable obligations of the United States having the 8 to 12 year maturity at the time the Secretary of the Treasury is required to determine the debenture rate involved, the obligation next shorter than 8 years and the obligation next longer than 12 years respectively shall be used.

§ 221.950 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

SUBCHAPTER H—MORTGAGE INSURANCE FOR SERVICEMEN

PART 222—SERVICEMEN'S MORTGAGE INSURANCE.

Subpart A—Eligibility Requirements

Sec.
222.1 Incorporation by reference.
222.2 Definition of terms.
222.3 Maximum mortgage amount; dollar limitation.
222.4 Maximum mortgage amount; ratio of loan-to-value limitation.
222.5 Mortgagor's minimum investment.
222.6 Application of payments.
222.7 Use of mortgage proceeds.
222.8 Eligible mortgagors.
222.9 Location of dwelling.
222.10 Effective date.

Subpart B—Contract Rights and Obligations

222.251 Incorporation by reference.
222.252 Definition of terms.
222.253 Annual mortgage insurance premiums and charges.
222.254 Prepayment premiums.
222.255 Pro-rata refund in event of prepayment.

AUTHORITY: §§ 222.1 to 222.255 issued under sec. 211, 52 Stat. 23, as amended, sec. 222, 68 Stat. 603, as amended; 12 U.S.C. 1715b, 1715m.

Subpart A—Eligibility Requirements

§ 222.1 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply with full force and effect to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
203.18 Maximum mortgage amounts.
203.24 Application of payments.
203.31 Owner-occupancy in military service.
203.38 Location of dwelling.
203.50 et seq. Insured home improvement loans.
203.249 Effective date.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act.

§ 222.2 Definition of terms.

As used in this subpart the terms—

(a) "Secretary" shall mean the Secretary of Defense or, in the case of the United States Coast Guard, the Secretary of the Treasury and any officer or employee designated by such Secretary to issue certificates of eligibility and certificates of termination.

(b) "Certificate of eligibility" means the official certificate issued by the Secretary to the Federal Housing Commissioner which established that the person designated on the certificate as the serviceman has met the eligibility requirements set forth in section 222 of the National Housing Act as amended.

(c) "Serviceman" means a person to whom the Secretary has issued a certificate of eligibility.

(d) "Period of ownership by serviceman" means that period of time during which a military service is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Federal Housing Commissioner endorses a mortgage loan for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the military service will no longer be liable for payment of insurance premiums to the Commissioner.

§ 222.3 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in an amount not in excess of $20,000, except that a mortgage meeting the requirements of § 203.18(c) shall not exceed $9,000.

§ 222.4 Maximum mortgage amount; ratio of loan-to-value limitation.

The mortgage shall be in an amount not to exceed 95 percent of the appraised value of the property as of the date the mortgage is accepted for insurance, or such higher amount as may be calculated by applying the maximum ratio of loan-to-value prescribed in § 203.18.

§ 222.5 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

§ 222.6 Application of payments.

(a) Notwithstanding the provisions of § 203.24 of this chapter and until such time as the mortgagee has been notified by the Commissioner that the period of ownership by serviceman has been terminated the monthly payments to be made by the mortgagor shall be applied to the following items in the order set forth:

(1) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(2) Service charge, if any;

(3) Interest on the mortgage; and

(4) Amortization of the principal of the mortgage.

(b) After receipt of notification from the Commissioner that the period of ownership by serviceman has been terminated the mortgagee shall apply all monthly payments received from the mortgagor in the order set forth in § 203.24 of this chapter.

§ 222.7 Use of mortgage proceeds.

The proceeds of mortgages shall be used for the purpose of financing the construction or purchase of an eligible dwelling by a serviceman.

§ 222.8 Eligible mortgagors.

A mortgagor must meet the requirements of §§ 203.32 to 203.36 of this chapter and in addition must hold a certificate of eligibility issued by the Secretary indicating that the mortgagor meets the eligibility requirements set forth in section 222 of the National Housing Act as amended.

§ 222.9 Location of dwelling.

At the time the mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than one family. Such unit may be connected with other dwellings by a party wall or otherwise.

§ 222.10 Effective date.

Unless otherwise specified, the rules in this subpart are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after November 5, 1954.

Subpart B—Contract Rights and Obligations

§ 222.251 Incorporation by reference.

(a) The provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act which refer to the mortgagee shall be construed to refer to the mortgagee or the service branch, as the case may be, in connection with mortgages insured under section 222 of the National Housing Act. In addition, all of the provisions of Part 203 of this chapter, covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 222 of the National Housing Act except the following provisions:

Sec.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.
203.440 et seq. Insured home improvement loans.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 222 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Servicemen's Mortgage Insurance Fund.

§ 222.252 Definition of terms.

The definitions set forth in §§ 203.251 and 222.2 of this chapter shall apply with full force and effect to this subpart and in addition the terms—

(a) "Service branch" means the military service of which a mortgagor, is a member at the time the mortgage is endorsed for insurance pursuant to section 222 of the National Housing Act, as amended.

(b) "Certificate of termination" means the official notice issued by the Secretary to the Federal Housing Commissioner advising the Commissioner that the period of ownership by a serviceman has been terminated and the service branch will no longer be responsible for payment of mortgage insurance premiums.

§ 222.253 Annual mortgage insurance premiums and charges.

The service branch shall during the period of ownership by a serviceman have the responsibility for payment of all mortgage insurance premiums and charges. The mortgagee shall be responsible for payment of all such premiums or charges after it has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

§ 222.254 Prepayment premiums.

(a) The service branch shall have the responsibility for payment of all adjusted premium charges which are due and payable to the Commissioner upon the prepayment of an insured mortgage during the period of ownership by the serviceman. The mortgagee shall be responsible for payment of any such adjusted premium charge upon prepayment of an insured mortgage after the mortgagee has been notified by the Commissioner that the period of ownership by the serviceman has been terminated.

(b) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage: *Provided*, That when such payment in full prior to maturity occurs during the period of ownership by the serviceman the adjusted premium charge shall be paid to the Commissioner by the service branch.

(c) In no event shall the adjusted premium exceed the aggregate amount of premiums which would have been payable if the mortgage had continued to be insured until maturity.

(d) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by

the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus any increased amount resulting from open-end advances made pursuant to § 203.44 of this chapter.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner:

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Commissioner.

§ 222.255 Pro-rata refund in the event of prepayment.

Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the service branch or to the mortgagee, as the case may be, for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium and insurance charge in the case of open-end advances theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs: *Provided*, That no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

Sec.
231.1 Incorporation by reference.
231.2 Definitions.
231.3 Maximum mortgage amounts—new construction.
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231.5 Increased mortgage amounts—elevator type structures.
231.6 Increased mortgage amounts—high cost areas.
231.7 Increased mortgage amounts—operating losses.
231.8 Supervision of mortgagors.
231.9 Eligible occupants.
231.10 Commercial and special facilities.
231.11 Builder's and sponsor's profit and risk allowance.
231.12 Private mortgagors—nonprofit; prepayment privilege and prepayment charges.
231.100 Effective date.

Subpart B—Contract Rights and Obligations

231.251 Incorporation by reference.
231.350 Effective date.

AUTHORITY: §§ 231.1 to 231.350 issued under sec. 211, 52 Stat. 23, as amended, sec. 231, 73 Stat. 665; 12 U.S.C. 1715b, 1715v.

Subpart A—Eligibility Requirements

§ 231.1 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act apply to mortgages on projects for the elderly insured under section 231 of the National Housing Act except the following provisions:

Sec.
207.4 Maximum mortgage amounts.
207.11 Soundness of project.
207.17 Classification.
207.19 Required supervision of private Mortgagors.
207.20 Occupancy requirements.
207.24 Development of property.
207.26 Form of contract.
207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
207.34 Reinsurance of Commissioner-held mortgages.
207.37 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 231 of the Act.

§ 231.2 Definitions.

As used in this subpart, the following terms will have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Act" means the National Housing Act, as amended.

(c) "Elderly person" means any person married or single, 62 years of age or more.

(d) "Housing for the elderly" means eight or more new or rehabilitated living units which are specially designed for the use and occupancy of elderly persons.

(e) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(f) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(g) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with the periodic payments provided for in the mortgage.

(h) "Replacement cost" means the Commissioner's estimate of the construction cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner.

(i) "Private Mortgagor—Profit" means a private corporation, association or other acceptable private organization which may in the Commissioner's discretion be regulated or restricted as to rents or sales, charges, capital structure, rate of return and methods of operation.

(j) "Private Mortgagor—Nonprofit" means a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom. Such a mortgagor shall be regulated or supervised under federal or state laws or by political subdivisions of states or agencies thereof, or the Federal Housing Commissioner, as to rents, charges, and methods of operation. The regulation or supervision of the mortgagor shall be in such manner as, in the opinion of the Commissioner, will effectuate the purposes of this subpart.

(k) "Public Mortgagor" means a Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or nonprofit development or housing corporation restricted by Federal or State laws or regulations of State banking or insurance departments as to rents, charges, capital structure, rate of return, or methods of operation.

§ 231.3 Maximum mortgage amounts—new construction.

The mortgage shall involve a principal obligation not in excess of the following:

(a) *Dollar amount limitation.* (1) $12,500,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor.

(b) *Dwelling unit limitation.* $2,250 per room or $9,000 per dwelling unit, if the number of rooms in the property or project is less than four per unit, for such part of the property or project as may be attributable to dwelling use exclusive of the cost of exterior land improvements as determined by the Commissioner.

(c) *Replacement cost limitation.* (1) The Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Private Mortgagor—Nonprofit or a Public Mortgagor. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner.

(2) 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed if executed by a Private Mortgagor—Profit. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builders and sponsors profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after certifying such allowance is unreasonable, prescribes a lesser percentage.

(d) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 231.4 Maximum mortgage amounts—rehabilitation projects.

(a) *Principal obligation of mortgage.* In the case of properties other than new construction, the principal obligation of the mortgage shall not exceed:

(1) *Public Mortgagor and Private Mortgagor—Nonprofit.* For a Public Mortgagor and a Private Mortgagor—Nonprofit, the Commissioner's estimate of the value of the project after the completion of the rehabilitation;

(2) *Private Mortgagor—Profit.* For a Private Mortgagor—Profit, 90 percent of the Commissioner's estimate of the value of the project after the completion of the rehabilitation.

(b) *Adjusted mortgage amount—rehabilitation projects.* A mortgage having a principal amount computed in compliance with the applicable provisions of this section, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(1) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation.

(2) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) *Nonprofit mortgagor.* If the mortgagor is a nonprofit mortgagor, the Commissioner's estimate of the cost of the repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(ii) *Profit mortgagor.* If the mortgagor is a profit mortgagor, the Commissioner's estimate of the cost of repair or rehabilitation plus such portion of the outstanding indebtedness as does not exceed 90% of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

(3) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed:

(i) *Nonprofit mortgagor.* If the mortgagor is a nonprofit mortgagor, the Commissioner's estimate of the cost of the proposed repair or rehabilitation plus the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(ii) *Profit mortgagor.* If the mortgagor is a profit mortgagor:

(*a*) 90% of the Commissioner's estimate of the cost of the repair or rehabilitation, plus

(*b*) 90% of the actual purchase price of the land and improvements, or Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation, whichever is the lesser as provided in this (*b*).

(c) *Reduced mortgage amount—leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 231.5 Increased mortgage amounts—elevator type structures.

In order to compensate for the higher cost incident to elevator type structures of sound standards of construction and design, the Commissioner may increase the dwelling unit limitations of $2,250 per room to not to exceed $2,750 per room and the dollar amount limitations of $9,000 per family unit to not to exceed $9,400 per family unit.

§ 231.6 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dwelling unit limitations by an amount not to exceed $1,250 per room, without regard to the number of rooms being less than four, or four or more.

(b) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

§ 231.7 Increased mortgage amounts—operating losses.

When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first 2 years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional advance shall be deemed to be part of the original face amount of the mortgage.

§ 231.8 Supervision of mortgagors.

(a) *Private Mortgagor—Profit.* All of the provisions of § 207.19 of this chapter apply to mortgages executed by a Private Mortgagor—Profit.

(b) *Private Mortgagor—Nonprofit.* All of the provisions of § 207.19 of this chapter apply to mortgages executed

by a Private Mortgagor—Nonprofit except that:

(1) A Private Mortgagor—Nonprofit shall not be subject to the provisions of § 207.19(b) of this chapter (Rate of return); § 207.19(e) of this chapter (Rents and charges); and § 207.19(g) of this chapter (Mortgagor's equity investment);

(2) In connection with a Private Mortgagor—Nonprofit the provisions of § 207.19(d) of this chapter (Labor standards and prevailing wage requirements), may be waived in those cases where laborers or mechanics not otherwise employed at any time on the project voluntarily donate their services without full compensation for the purpose of lowering construction costs and the Commissioner determines that amounts thus saved are fully credited to the Private Mortgagor—Nonprofit. No charge shall be made by a Private Mortgagor—Nonprofit for accommodations, facilities or services offered by the project except those charges approved by the Commissioner.

§ 231.9 Eligible occupants.

The mortgagor shall establish that preference or priority of opportunity to rent the dwelling units covered by the mortgage will be given to elderly persons.

§ 231.10 Commercial and special facilities.

The project may include such commercial and special facilities as the Commissioner deems adequate to serve the occupants of the project.

§ 231.11 Builder's and sponsor's profit and risk allowance.

(a) *Identity of interest cases.* In the case of a mortgage where it is determined by the Commissioner that an identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in lieu of any allowance for a "builder's fixed fee" provided for in § 207.26(b) of this chapter, an allowance for builder's and sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except land or any amount paid for a leasehold and, in case the mortgage is to assist the financing of repaid or rehabilitation, the land and improvements (if any) prior to such repair or rehabilitation and any amount of the mortgage proceeds used to refinance an outstanding indebtedness on the property.

(b) *Non-identity of interest cases.* In the case of a mortgage where is is established to the satisfaction of the Commissioner that no identity of interest exists between the mortgagor and the builder or contractor, there shall be included in the actual cost, in addition to the items provided for in § 207.27(a) of this chapter, an allowance for sponsor's profit and risk equal to 10 percent of all other items entering into the term "actual cost" except amounts paid by the mortgagor under a general construction contract and other items required to be deducted under the provisions of paragraph (a) of this section.

§ 213.12 Private mortgagor-nonprofit; prepayment privilege and prepayment charges.

(a) *Prepayment in full.* The mortgage indebtedness shall not be paid in full prior to maturity except that with the prior approval of the Commissioner, a mortgage may be paid in full prior to maturity:

(1) Where payment in full is made on a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure; or

(2) Where the Commissioner has determined the project no longer serves the need of providing housing for families eligible for the benefits of insurance under this subpart.

(b) *Partial prepayments.* With the prior written approval of the Commissioner, partial prepayments may be made for the purpose of reducing succeeding monthly payments of the remaining balance as recast over the remaining portion of the original mortgage term.

(c) *Optional provision.* The mortgage may, if required by the mortgagee, contain a provision that, prior to maturity, and with the approval of the Commissioner, partial prepayments may be made, after thirty days' written notice to the mortgagee, on any principal payment date. If prepayments are made in any calendar year in excess of 15 percent of the original face amount of the note, a reasonable charge on such excess may be allowed as agreed upon between the mortgagor and the mortgagee.

§ 231.100 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart B—Contract Rights and Obligations

§ 231.251 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages insured under section 231 of the National Housing Act except the following provision:

Sec.
207.264 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 231 of the Act.

§ 231.350 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

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AUTHORITY: §§ 232.1 to 232.350 issued under sec. 211, 52 Stat. 23, as amended, sec. 232, 73 Stat. 663; 12 U.S.C. 1715b, 1715w.

Subpart A—Eligibility Requirements

DEFINITIONS

§ 232.1 Definitions.

As used in this subpart, the following terms shall have the meaning indicated.

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(b) "Act" means the National Housing Act, as amended.

(c) "Mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of credit instruments issued under a trust indenture, mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named. The mortgagee shall meet the eligibility qualifications and requirements of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter.

(d) "Mortgagor" means the original borrower under a mortgage and its successors and assigns.

(e) "Mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(f) "Insured mortgage" means a mortgage insured by the endorsement of the credit instrument by the Commissioner.

(g) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(h) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

(i) "Nursing home" means a proprietary facility, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care but who require skilled nursing care and related medical services, in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State where the facility is located.

(j) "Project" means a nursing home which has been approved by the Commissioner under the provisions of this subpart.

APPLICATION AND CERTIFICATION

§ 232.5 Application.

An application for insurance of a mortgage on a project shall be submitted by a mortgagee and by the sponsors of such project through the local FHA office on an approved FHA application form. No application shall be considered unless accompanied by the exhibits called for by the form.

§ 232.6 Required certificates.

(a) *Certification by State agency.* Every application for insurance shall be accompanied by a certificate executed by a State agency for the State in which the project is or will be located, designated in accordance with section 612(a)(1) of the Public Health Service Act. Such certificate shall evidence that:

(1) There is a need for the nursing home;

(2) There are in force in the State or other political subdivision of the State in which the proposed project will be located reasonable minimum standards of licensure and methods of operation for nursing homes.

(b) *Enforcement of State standards.* No mortgage shall be insured under this subpart unless the Commissioner has been furnished with acceptable assurance from the appropriate State agency that the prescribed standards of licensure and operation will be applied and enforced with respect to any project for which mortgage insurance is provided.

FEES AND CHARGES

§ 232.10 Application fee.

An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application.

§ 232.11 Commitment fee.

A commitment fee which, when added to the application fee, will aggregate $3.00 per thousand dollars of the face amount of the loan set forth in the commitment shall be paid within 30 days after the date of the commitment or within such additional period as the Commissioner may allow.

§ 232.12 Inspection fee.

The commitment may provide for the payment of an inspection fee in an amount not to exceed $5.00 per thousand dollars of the amount of the loan set forth in the commitment.

§ 232.13 Fees on increased mortgage.

Upon application for an increase in the amount of an existing commitment, an additional application fee of $1.50 per thousand dollars shall be paid based upon the amount of such increase. Such increase shall be subject to the payment of an additional commitment fee which, when added to the additional application

fee, will aggregate $3.00 per thousand dollars of the amount of the increase. If the amount of the insured mortgage is increased after insurance and prior to final endorsement either by amendment or by the substitution of a new insured mortgage, the fees herein provided for, including the inspection fee, shall be based upon the amount of the increase.

§ 232.14 Refund of fees.

If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be waived, if not paid, or, if paid, may be returned to the applicant.

§ 232.15 Charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this part and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

ELIGIBLE MORTGAGORS

§ 232.20 Eligible mortgagors.

All mortagors shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating a nursing home, unless a mortgagor leases the property or project to a qualified operator, in which case the lessee shall be approved by the Commissioner and shall possess the legal powers necessary and incidental to operating a nursing home.

ELIGIBLE MORTGAGES

§ 232.25 Mortgage forms.

(a) *Approval of forms.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction where the project is located.

(b) *Changes in form.* No changes in the approved form shall be made without the prior written approval of the Commissioner.

§ 232.26 Mortgage lien.

A mortgagor shall certify at final endorsement of the loan for insurance that:

(a) The mortgage is a first lien upon and covers the entire project, except that, with the consent of the Commissioner, the mortgage may be subject to liens on equipment given to secure financing of the purchase thereof.

(b) The property covered by the mortgage is free and clear of all liens other than the insured mortgage and such other liens as may be approved by the Commissioner; and

(c) There will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except obligations approved by the Commissioner.

§ 232.27 Maximum mortgage maturity.

The mortgage shall have a maturity not to exceed 20 years from the beginning of amortization and shall contain amortization or sinking-fund provisions satisfactory to the Commissioner.

§ 232.28 Payment requirements.

(a) *Method of payment.* The mortgage shall provide for payments on the first day of each month on account of interest and principal in accordance with an amortization plan as agreed upon by the mortgagor, the mortgagee and the Commissioner.

(b) *Date of first payment to principal.* The Commissioner shall estimate the time necessary to complete the project and shall establish the date of the first payment to principal so that the lapse of time between completion of the project and commencement of amortization will not be longer than necessary to obtain sustaining occupancy.

§ 232.29 Maximum interest rate.

(a) The mortgage may bear interest at such rates as may be agreed upon by the mortgagee or mortgagor but in no case shall such interest rate exceed:

(1) 5¾ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner before February 2, 1961, or

(2) 5½ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after February 2, 1961, or

(3) 5¼ percent with respect to mortgages endorsed for insurance pursuant to applications received by the Commissioner on or after May 29, 1961.

(b) Interest shall be payable in monthly installments on the principal then outstanding.

§ 232.30 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) *Dollar amount limitation.* $12,500,000; or

(b) *Loan-to-value limitation.* 90 percent of the Commissioner's estimate of the value of the property or project when the proposed improvements are completed.

§ 232.31 Increased mortgage amounts.

(a) *High cost areas.* If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct a project without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this part, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(b) *Operating losses.* When the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project, excluding depreciation, covered by such mortgage during the first two years following final endorsement exceed the project income, the Commissioner may, in his discretion and upon such terms and conditions as he may prescribe, permit the excess of the foregoing expenses over the project income to be added to the amount of such mortgage, and extend the coverage of the mortgage insurance thereto, and such additional advance shall be deemed to be part of the original face amount of the mortgage.

§ 232.32 Adjusted mortgage amount—rehabilitation projects.

In addition to the limitations of § 237.30, a mortgage having a principal amount computed in compliance with the applicable provisions of this subpart, and which involves a project to be repaired or rehabilitated, shall be subject to the following additional limitations:

(a) *Property held in fee.* If the mortgagor is the fee simple owner of the project, the maximum mortgage amount shall not exceed 100 percent of the Commissioner's estimate of the cost of the proposed repairs or rehabilitation; or

(b) *Property subject to existing mortgage.* If the mortgagor owns the project subject to an outstanding indebtedness, which is to be refinanced with part of the insured mortgage, the maximum mortgage amount shall not exceed: (1) The Commissioner's estimate of the cost of the repair or rehabilitation; plus (2) such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation; or

(c) *Property to be acquired.* If the project is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the maximum mortgage amount shall not exceed 90 percent of: (1) The Commissioner's estimate of the cost of the repair or rehabilitation, and (2) the actual purchase price of the land and improvements, but not in excess of the Commissioner's estimate of the fair market value of such land and improvements prior to the repair or rehabilitation.

§ 232.33 Reduced mortgage amount—leaseholds.

The maximum mortgage amount based upon the limitations of this part is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 232.34 Mortgage covenant regarding racial restrictions.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, the mortgagor will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. The covenant shall be binding upon the mortgagor and its assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 232.35 Accumulation of next premium.

(a) The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if any, and the estimated amount of all taxes, water rates and special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee, for the purpose of paying such ground rents, taxes, water rates and assessments, and insurance premiums, before the same become delinquent. The mortgage must also make provision for adjustments, in case the estimated amount of such taxes, water rates and assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.

§ 232.36 Application of payments.

(a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Ground rents, taxes, special assessments and fire and other hazard insurance premiums;

(3) Interest on the mortgage;

(4) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 232.37 Prepayment privilege and prepayment charges.

(a) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgage to be prepaid in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance written notice.

(b) *Prepayment charge.* The mortgage may contain a provision for a charge in the event of prepayment of principal as may be agreed upon between the mortgagor and mortgagee. The mortgagor shall be permitted to prepay up to 15 percent of the orignial principal amount of the mortgage in any one calendar year without any additional charge.

(c) *Prepayment under cost certification.* Any reduction in the original principal amount of the mortgage resulting from the certification of cost requirements of this part shall not be construed as a prepayment of the mortgage permitting the imposition of any penalty or charge.

§ 232.38 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment to interest or principal more than 15 days in arrears, to cover the expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 232.39 Construction standards—minimum number of beds.

The project shall conform to standards satisfactory to the Commissioner and consist of not less than 20 beds after completion of the construction or rehabilitation.

§ 232.40 Zoning, deed or building restrictions.

The project when constructed or rehabilitated shall not violate any material zoning or deed restrictions applicable to the project site, and shall comply with all applicable building and other governmental regulations.

§ 232.41 Eligibility of miscellaneous type mortgages.

A mortgage meeting the requirements of § 207.31 of this chapter, as well as the requirements of this subpart, shall be eligible for insurance under this subpart.

§ 232.42 Eligibility of refinanced mortgages.

A mortgage meeting the requirements of § 207.32 of this chapter, as well as the requirements of this subpart, shall be eligible for insurance under this subpart.

SUPERVISION OF MORTGAGORS

§ 232.45 Supervision by Commissioner.

The Commissioner may regulate and restrict the mortgagor as long as the Commissioner is the insurer, holder or re-insurer of the mortgage. Such regulation or restriction may be in the form of a regulatory agreement, corporate charter or such other means as the Commissioner approves.

COMMITMENT

§ 232.50 Commitment to insure.

(a) *Conditions of commitment.* Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured.

(b) *Insurance of advances or upon completion.* The commitment may provide for the insurance of advances of mortgage money made during construction or may provide for insurance of the mortgage after completion of the improvements.

(c) *Renewal of commitment.* A commitment may be renewed or extended in such manner as the Commissioner may specify.

INSURANCE OF ADVANCES

§ 232.55 Building loan agreement.

Prior to the initial endorsement of the mortgage for insurance, the mortgagor and mortgagee shall execute a building loan agreement approved by the Commissioner setting forth the terms and conditions on which progress payments may be advanced during construction.

§ 232.56 Assurance of completion.

Assurance of completion satisfactory to the Commissioner shall be furnished in an amount of at least 10 percent of the cost of construction of the project as estimated by the Commissioner and shall be in one of the following forms:

(a) A bond of a surety company satisfactory to the Commissioner on the standard form prescribed by the Commissioner with the mortgagor and mortgagee as joint obligees.

(b) An escrow deposit with the mortgagee or with a depository satisfactory to the mortgagee and the Commissioner of cash or securities of, or fully guaranteed as to principal and interest by the United States of America, under a completion assurance agreement prescribed by the Commissioner.

SPECIAL REQUIREMENTS

§ 232.60 Escrow for off-site utilities and streets.

The Commissioner may require the deposit with the mortgagee or with an acceptable trustee or escrow agent designated by the mortgagee, under an appropriate agreement, of such cash as may be required for the completion of off-site public utilities and streets.

§ 232.61 Equity requirements.

(a) *Funds and finances—in general.* The mortgagor shall establish to the Commissioner's satisfaction that, in addition to the proceeds of the insured mortgage, the mortgagor has adequate funds or acceptable financing arrangements to:

(1) Meet the cost of equipping and operating the project subsequent to its completion;

(2) Meet the expenses of the project for such period as the Commissioner estimates necessary to establish a profitable operation.

(b) *Funds and finances—insured advances.* If the commitment provides for insurance of advances during construction, in addition to meeting the requirements of paragraph (a) of this section, the mortgagor shall establish that it has adequate funds or acceptable financing arrangements to:

(1) Meet the cost of completion of construction of the project including all carrying charges, financing and organization expenses incidental to the construction of the project;

(2) Meet the cost of accruals for taxes, mortgage insurance premiums, hazard insurance premiums and assessments required by the terms of the mortgage during the course of construction.

(c) *Deposit and use of funds.* Equity funds shall be deposited with and held

by the mortgagee in a special account or by an acceptable depository designated by the mortgagee under an agreement approved by the Commissioner.

§ 232.62 Advance amortization requirements.

If prior to the beginning of amortization income determined by the Commissioner to be net income is received as a result of operation of the project, such income shall be applied either to advance amortization or to offset the cost of project capital improvements which are approved by the Commissioner in such proportion as the Commissioner may prescribe.

PREVAILING WAGE REQUIREMENTS

§ 232.70 Labor standards.

Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Regulations of the Secretary of Labor (29 CFR 5.1–5.12).

§ 232.71 Ineligible contractors.

No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established by the Commissioner or by the Comptroller General pursuant to the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

§ 232.72 Ineligible advances.

Unless approved by the Commissioner, no advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed on the ineligible list, established by the Commissioner or by the Comptroller General pursuant to the provisions of the Regulations of the Secretary of Labor (29 CFR 5.6(b)).

§ 232.73 Wage certificate.

No advance under the mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate as required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

§ 232.74 Discrimination prohibited.

Any contract or subcontract executed for the performance of construction of the project shall provide that there shall be no discrimination against any employee or applicant for employment because of race, color, creed or national origin.

COST CERTIFICATION REQUIREMENTS

§ 232.80 Certification of cost requirements.

Prior to initial endorsement of the mortgage for insurance, the mortgagor, the mortgagee and the Commissioner shall enter into an agreement approved by the Commissioner for the purpose of precluding any excess of mortgage proceeds over 90 percent of the actual cost of the project. Under this agreement the mortgagor shall agree to:

(a) Disclose its relationship with the builder, including any collateral agreement, and with subcontractors and suppliers;

(b) Enter into a construction contract the terms of which shall depend on whether or not there exists an identity of interest between the mortgagor and the builder;

(c) Execute a certificate of actual costs upon completion of the improvements; and

(d) Apply any excess of mortgage proceeds over 90 percent of the actual cost to reduction of the outstanding balance of the principal of the mortgage.

§ 232.81 Form of contract.

The form of contract between the mortgagor and builder shall be in accordance with the following:

(a) *Lump sum contract.* If the Commissioner determines that neither the mortgagor nor any of the officers, directors or stockholders of the mortgagor have any interest in the builder or contractor, there may be used a lump sum form of contract providing for payment of a specified amount.

(b) *Fixed fee contract.* If the Commissioner determines that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in the builder or contractor, the form of contract shall provide for payment of the actual cost of construction, not to exceed an upset price and may provide for payment of a builder's fixed fee shall not exceed a reasonable allowance as established by the Commissioner, in accordance with customary practices in the area.

§ 232.82 Certificate as to subcontracts.

If the Commissioner determines that the mortgagor, its officers, directors or stockholders have any interest, financial or otherwise, in any subcontractor or material supplier, the mortgagor shall certify in form prescribed by the Commissioner prior to final endorsement of the mortgage for insurance that the amounts paid to such subcontractor or material supplier were not more than the rate prevailing in the locality for similar type labor and materials.

§ 232.83 Certificate of actual cost.

The mortgagor's certificate of actual cost, in form prescribed by the Commissioner, shall be submitted upon completion of physical improvements to the satisfaction of the Commissioner and prior to final endorsement and shall show the actual cost to the mortgagor of:

(a) The construction contract, including all costs of construction under a lump sum contract, after deduction of any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor corporation, or to any of its officers, directors or stockholders;

(b) Architect's fees;

(c) Off-site public utilities and streets not included in the general contract;

(d) Organizational and legal work; and

(e) Other items of expense approved by the Commissioner.

§ 232.84 Fixed fee contract—additional certification.

When the work has been completed under a fixed fee contract, the mortgagor's certification shall also show:

(a) Such allocations of general overhead items as are acceptable to the Commissioner;

(b) A reasonable allowance for the builder's profit as established by the Commissioner.

§ 232.85 Contractor's certification—fixed fee contract.

A contractor receiving a fixed fee shall certify in form prescribed by the Commissioner as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and less any kickbacks, rebates, trade discounts, or other similar payments to the builder or mortgagor corporation or any of its officers, directors or stockholders.

§ 232.86 Records.

The mortgagor shall keep and maintain adequate records of all costs of any construction or other cost items not representing work under the general contract and shall require the builder to keep similar records and, upon request by the Commissioner, shall make available for examination such records including any collateral agreements.

§ 232.87 Certificate of public accountant.

The certificates of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant, which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

§ 232.88 Value of land.

Upon receipt of the mortgagor's certification of actual cost, there shall be added to the total amount thereof the Commissioner's estimate of the fair market value of any land included in the mortgage security and owned by the mortgagor in fee such value being prior to the construction of the improvements. In the event the land is held under a leasehold or other interest less than a fee, the cost, of acquiring the leasehold or other interest shall be considered an allowable expense which may be added to actual cost. In no event shall such cost be in excess of the fair market value of such leasehold or other interest exclusive of proposed improvements.

§ 232.89 Reduction in mortgage amount.

If the principal obligation of the mortgage exceeds 90 percent of the total amount as shown by the certificate of actual cost plus the value of the land (the cost shown by the certificate of actual cost in rehabilitation cases), the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 232.90 Rehabilitation projects.

In the event the mortgage is to finance repair or rehabilitation, the mortgagor's actual cost of such repair or rehabilitation may include the items of expense permitted by new construction in accordance with this part and the applicable cost certification procedure described therein will be required; provided such mortgage shall be subject to the following limitations:

(a) *Property held in fee.* If no part of the proceeds is to be used to finance the purchase of the land or structures involved, the mortgage shall be reduced to an amount not to exceed 100 percent of the approved cost of the completed repair or rehabilitation.

(b) *Property subject to existing mortgage.* If the insured mortgage is to include the cost of refinancing an existing mortgage acceptable to the Commissioner, the amount of the existing mortgage or 90 percent of the Commissioner's estimate of the fair market value of the land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the total amount thus obtained, the mortgage shall be reduced by the amount of such excess, prior to final endorsement for insurance.

(c) *Property to be acquired.* If the mortgage is to include the cost of land and improvements, and the purchase price thereof is to be financed with part of the mortgage proceeds, the purchase price or the Commissioner's estimate of the fair market value of land and existing improvements prior to repair or rehabilitation, whichever is the lesser, shall be added to the actual cost of the repair or rehabilitation. If the principal obligation of the insured mortgage exceeds the applicable 90 percent of the total amount thus obtained, the mortgage shall be reduced by the amount of such excess prior to final endorsement for insurance.

§ 232.91 Effects of agreement.

Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented, and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

§ 232.92 Cost certification incontestable.

Upon the Commissioner's approval of the mortgagor's certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the mortgagor.

TITLE

§ 232.93 Eligibility of title.

In order for the mortgaged property to be eligible for insurance, the Commissioner shall determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence shall be examined by the Commissioner and the original endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 232.94 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance, as provided in paragraph (a) of this section or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Commissioner, the mortgagee, without expense to the Commissioner, shall furnish such evidence of title as provided in paragraphs (b), (c) or (d) of this section as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

AMENDMENTS AND EFFECTIVE DATE

§ 232.95 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner, but such amendments shall not affect any insured mortgage or any outstanding commitment.

§ 232.100 Effective date.

Unless otherwise specified, the regulations in this subpart shall be effective as to all mortgages with respect to which a commitment is issued on or after the date hereof.

Subpart B—Contract Rights and Obligations

§ 232.251 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on nursing homes insured under section 232 of the National Housing Act except the following provision: § 207.264 Effective date.

(b) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 232 of the Act.

§ 232.252 Definitions.

All of the definitions contained in 232.1 shall apply to this subpart. In addition, as used in this part, the following term shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the Commissioner's insurance endorsement and includes the provisions of this subpart and of the Act.

§ 232.345 Amendment of regulations.

The regulations in this subpart may be amended by the Commissioner, but such amendments shall not affect any insured mortgage or any outstanding commitment.

§ 232.350 Effective date.

Unless otherwise specified, the regulations in this subpart shall be effective as to all mortgages with respect to which a commitment is issued on or after the date hereof.

SUBCHAPTER K—EXPERIMENTAL HOUSING INSURANCE

PART 233—EXPERIMENTAL HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Homes

Sec.
233.1 Incorporation by reference.
233.5 Maximum mortgage amounts.
233.10 Mortgagor's minimum investment.
233.15 Eligible property.
233.20 Covenants and easements.
233.100 Effective date.

Subpart B—Contract Rights and Obligations—Homes

233.251 Incorporation by reference.
233.260 Reimbursement for uncollected interest.
233.261 Application for insurance benefits and fiscal data.
233.265 Conditions for withdrawal of application for insurance benefits.
233.266 Reconveyance for noncompliance with Regulations.
233.267 Mortgagee's liability for property expenditures.
233.268 Mortgagee's liability for waste.
233.269 Adjustment for waste.
233.270 Adjustment for fire, flood, earthquake or tornado damage.
233.272 Cancellation of hazard insurance.
233.275 Payment of insurance benefits.
233.276 Insurance benefits computation—conveyed properties.
233.277 Insurance benefits computation—conveyed properties; items included.
233.278 Insurance benefits computation—conveyed properties; items deducted.
233.279 Insurance benefits computation—assigned mortgages.
233.285 Delivery of certificate of claim.
233.286 Amount and items of certificate of claim.
233.350 Effective date.

Subpart C—Eligibility Requirements—Projects

233.501 Incorporation by reference.
233.505 Eligible projects.
233.510 Agreements, covenants and easements.
233.515 Maximum mortgage amounts.
233.520 Development of property.
233.600 Effective date.

Subpart D—Contract Rights and Obligations—Projects

233.751 Incorporation by reference.
233.760 Payment of insurance benefits.
233.850 Effective date.

AUTHORITY: §§ 233.1 to 233.850 issued under sec. 211, 52 Stat. 23, sec. 233, 75 Stat. 150; 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements—Homes

§ 233.1 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter concerning eligibility requirements of mortgages covering one- to four-family dwellings under section 203 of the National Housing Act apply to mortgages on dwellings insured under section 233 of the National Housing Act except the following provisions:

Sec.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.28 Economic soundness of project.
203.249 Effective date.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the National Housing Act shall be construed to refer to section 233 of the National Housing Act.

§ 233.5 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is the occupant of the property shall not exceed the lesser of the following:

(1) Depending upon the design of the structure;

(i) $25,000 for a one-family residence;

(ii) $27,500 for a two-family residence;

(iii) $27,500 for a three-family residence;

(iv) $35,000 for a four-family residence;

(2) 97 percent of $15,000 of the Commissioner's estimate of the cost of replacing the property using comparable conventional design, materials and construction, or 97 percent of $15,000 of the Commissioner's estimate of the cost of construction utilizing advanced housing technology or experimental property standards, whichever is the lesser, as of the date the mortgage is accepted for insurance and 90 percent of such cost in excess of $15,000, but not in excess of $20,000, and 75 percent of such cost in excess of $20,000.

(b) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the property shall not exceed 85 percent of any amount computed under paragraph (a) of this section.

§ 233.10 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

§ 233.15 Eligible property.

To be eligible for insurance:

(a) The mortgage shall cover property involving the utilization and testing of advanced technology in housing design, materials, or construction, on experimental property standards for neighborhood design if the Commissioner determines that:

(1) The property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards; and

(2) The utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability or improving neighborhood design; and

(b) The dwelling shall be approved for insurance by the Commissioner prior to the beginning of construction.

§ 233.20 Agreements, covenants and easements.

Prior to insurance, the mortgagor shall execute such agreements, covenants and easements running with the land as the Commissioner shall determine are necessary to permit the Commissioner to make inspections and technical observations of the experimental features of the project.

§ 233.100 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart B—Contract Rights and Obligations—Homes

§ 233.251 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages on one- to four-family dwellings insured under section 233 of the National Housing Act except the following provisions:

Sec.
203.498 Applicability to outstanding loans and commitments.
203.499 Effective date.
203.341 Reimbursement for uncollected interest.
203.351 Application for debentures and fiscal data.
203.362 Conditions for withdrawal of application for debentures.
203.363 Reconveyance for noncompliance with regulations.
203.364 Mortgagee's liability for property expenditures.
203.377 Mortgagee's liability for waste.
203.378 Adjustment for waste.
203.379 Adjustment for fire, flood, earthquake or tornado damage.
203.382 Cancellation of hazard insurance.
203.400 Delivery of debentures.
203.401 Debenture computation—conveyed properties.
203.402 Debenture computation—conveyed properties; items included.
203.403 Debenture computation—conveyed properties; items deducted.
203.404 Debenture computation—assigned mortgages.
203.405 Debenture interest rate.
203.406 Maturity of debentures.
203.407 Registration of debentures.
203.408 Denomination of debentures.
203.409 Redemption of debentures.
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203.411 Cash adjustment.
203.415 Delivery of certificate of claim.
203.416 Amount and items of certificate of claim.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.

(b) For the purpose of this subpart all references in Part 203 of this chapter to section 203 of the National Housing Act shall be construed to refer to section 233 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Experimental Housing Insurance Fund.

§ 233.260 Reimbursement for uncollected interest.

If payments received from the mortgagor during the period of special forbearance relief approved pursuant to § 203.340 of this chapter, are not sufficient to pay interest at the mortgage rate, after applying such payments in the order set forth in the mortgage, and the mortgage is subsequently foreclosed, the insurance benefits shall include an allowance for uncollected interest accrued during the period of such forebearance.

§ 233.261 Application for insurance benefits and fiscal data.

On the date the assignment of the mortgage is filed for record the mortgagee shall forward to the Commissioner the prescribed application for insurance benefits and fiscal data pertaining to the mortgage transaction, together with receipts covering all disbursements, as required by the fiscal data form and other items as follows:

(a) *Credit and security instruments.* The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(b) *Recorded assignment instrument.* The original of the recorded assignment of mortgage. If the original of the assignment is not available a copy shall be furnished and the original forwarded as soon as possible;

(c) *Hazard insurance.* All hazard insurance policies held in connection with the mortgaged property, together with a copy of the mortgagee's notification to the carrier authorizing the amendment of the loss payable clause substituting the Commissioner as the mortgagee;

(d) *Rights and interests.* An assignment of all rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(e) *Cash or property.* All cash or property held by the mortgagee or to

which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(f) *Records and accounts.* All records, ledger cards, documents, books, papers and accounts relating to the mortgage transaction;

(g) *Additional information.* Any additional information or data which the Commissioner may require.

§ 233.265 Conditions for withdrawal of application for insurance benefits.

With the consent of the Commissioner, a mortgagee may withdraw an application for insurance benefits if the mortgagee agrees that it will:

(a) Accept a reconveyance of the property under a deed which warrants against the acts of the Commissioner and all claiming by, through, or under him; and

(b) Promptly file a reconveyance for record; and

(c) Accept without continuation the title evidence which it furnished the Commissioner; and

(d) Reimburse the Commissioner for property expenditures as set forth in § 203.364 of this chapter.

§ 233.266 Reconveyance for noncompliance with regulations.

If for any reason, the mortgagee fails to comply with the regulations in this subpart, the Commissioner may hold processing of the application for insurance benefits in abeyance for a reasonable period of time in order to permit the mortgagee to comply or, in the alternative, the Commissioner may reconvey title to the property to the mortgagee in which event the application for insurance benefits shall be considered as cancelled without prejudice to the rights of the mortgagee to reapply for insurance benefits at a subsequent date as approved by the Commissioner.

§ 233.267 Mortgagee's liability for property expenditures.

In the event the Commissioner acquires any property and thereafter incurs an expense or makes an expenditure incidental to such property and it subsequently becomes necessary to reconvey the property to the mortgagee, because of the mortgagee's noncompliance with the regulations in this subpart or because, with the consent of the Commissioner a mortgagee withdraws an application for insurance benefits, the mortgagee shall assume liability for payment of all expenses incurred and unpaid by the Commissioner and reimburse the Commissioner for all expenditures made from the date the deed to the Commissioner was filed for record to the date of reconveyance of the property to the mortgagee, after appropriate adjustment on account of any income received from the property.

§ 233.268 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this subpart, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the insurance benefits settlement.

§ 233.269 Adjustment for waste.

If the property has been damaged by waste as defined in § 203.376 of this chapter, the Commissioner shall deduct from the insurance benefits to be issued to the mortgagee an amount not to exceed the Commissioner's estimate of the cost of repairing the waste damage but not to exceed the limitation of $100 for each family dwelling unit covered by the mortgage.

§ 233.270 Adjustment for fire, flood, earthquake or tornado damage.

If the property has been damaged by fire, flood, earthquake or tornado, such damage shall be repaired prior to conveyance of the property or the assignment of the mortgage to the Commissioner, except that if prior approval of the Commissioner is obtained the damaged property may be conveyed to him or mortgage assigned to him and he shall deduct from insurance benefits an amount not to exceed the greater of (a) his estimate of the cost of repairing such damage or (b) the insurance recovery.

§ 233.272 Cancellation of hazard insurance.

The mortgagee shall cancel any hazard insurance policy as of the date of the filing for record of the deed to the Commissioner subject to the following conditions:

(a) The amount of the return premium due the mortgagee because of such cancellation may be calculated on a "short-rate" basis and reported on fiscal data supporting the application for insurance benefits and the amount shall be deducted from the total amount claimed.

(b) If the mortgagee's calculation of the return premium is less than the actual return, the amount of the difference between the actual refund and the calculated amount shall be remitted to the Commissioner, accompanied by the carrier's or agent's statement.

(c) If the mortgagee's calculation of the return premium is more than the actual return, the mortgagee may file with the Commissioner a claim, supported by the carrier's or agent's statement of the amount of the refund, whereupon the Commissioner shall issue a check to the mortgagee in settlement of the claim.

§ 233.275 Payment of insurance benefits.

If the application for insurance benefits is acceptable to the Commissioner he shall deliver to the mortgagee cash of the Experimental Housing Insurance Fund.

§ 233.276 Insurance benefits computation—conveyed properties.

The cash settlement shall be determined by adding to the original principal of the mortgage (as increased by the amount of open-end advances made by the mortgagee and approved by the Commissioner) which was unpaid on the date of the institution of foreclosure proceedings, the acquisition of the property otherwise after default, or the property was acquired by the Commissioner under a direct conveyance by the mortgagor, the amount of all payments made by the mortgagee and allowances for items as set forth in § 233.277 less all items as set forth in § 233.278.

§ 233.277 Insurance benefits computation—conveyed properties; items included.

The amount of the cash settlement in connection with properties conveyed to the Commissioner shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage;

(c) Hazard insurance on the mortgaged property;

(d) MIP or open-end insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(f) Foreclosure costs or costs of acquiring the property otherwise (including costs of acquiring the property by the mortgagee and of conveying and evidencing title to the property to the Commissioner) actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such costs or $75, whichever is the greater;

(g) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(h) Any uncollected mortgage interest allowed pursuant to an approved forbearance plan.

§ 233.278 Insurance benefits computation—conveyed properties; items deducted.

There shall be deducted from the total of the added items in §§ 233.276 and 233.277 any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

§ 233.279 Insurance benefits computation—assigned mortgages.

Upon an acceptable assignment of a mortgage the Commissioner shall issue to the mortgagee cash equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

§ 233.285 Delivery of certificate of claim.

In addition to the cash settlement provided for in this subpart with respect to properties conveyed to the Commissioner, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with section 204(e) of the Act, which shall become payable, if at all, in accordance with section 204(f) of the Act.

§ 233.286 Amount and items of certificate of claim.

The certificate shall be for an amount which the Commissioner determines to be sufficient to pay all amounts due under the mortgage and not covered by the amount of cash settlement. The certificate shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorneys' fees, unpaid interest, and cost of repairs to the property made by the mortgagee to remedy the waste.

§ 233.350 Effective date.

Unless otherwise specified, the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart C—Eligibility Requirements—Projects

§ 233.501 Incorporation by reference.

(a) All of the provisions of Part 207 of this chapter concerning eligibility requirements of mortgages covering multifamily housing under section 207 of the National Housing Act apply to experimental multifamily project mortgages insured under section 233 of the National Housing Act except the following provisions:

Sec.
207.4 Maximum mortgage amounts.
207.11 Soundness of project.
207.24 Development of property.
207.29 Rehabilitation projects.
207.32 Eligibility of refinanced mortgages.
207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
207.34 Reinsurance of Commissioner-held mortgages.
207.37 Effective date.

§ 233.505 Eligible projects.

To be eligible for insurance under this subpart a mortgage shall cover property on which there is constructed a multifamily housing project involving the utilization and testing of advance technology in housing design, materials, or construction, or experimental property standards for neighborhood design if the Commissioner determines that:

(a) The property is an acceptable risk, giving consideration to the need for testing advanced housing technology or experimental property standards; and

(b) The utilization and testing of the advanced technology or experimental property standards involved will provide data or experience which the Commissioner deems to be significant in reducing housing costs or improving housing standards, quality, livability, or durability, or improving neighborhood design.

§ 233.510 Agreements, covenants and easements.

Prior to initial endorsement, the mortgagor shall execute such agreements, covenants and easements running with the land as the Commissioner shall determine are necessary to allow the Commissioner to make inspections and technical observations of the experimental features of the project.

§ 233.515 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) $20,000,000 if executed by a Private Mortgagor;

(2) $50,000,000 if executed by a Public Mortgagor;

(3) 90 percent of the amount of the Commissioner's estimate of the cost of replacing the project using comparable conventional design, materials and construction;

(4) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use (excluding the cost of exterior land improvements as determined by the Commissioner);

(5) The amount which the Commissioner estimates will be the cost of the completed improvements of the project, exclusive of public utilities, streets, and organizational and legal expenses.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $2,500 per room to not to exceed $3,000 per room and the dollar amount limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitation by an amount not to exceed $1,250 per room without regard to the number of rooms being less than four, or more than four.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and libability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, other-

wise applicable by more than one-half thereof.

(d) *Reduced mortgage amount-leaseholds.* The maximum mortgage amount based upon the limitations of this section is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding.

§ 233.520 Development of property.

(a) *Type of construction and design.* At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property, designed principally for residential use, conforming to standards satisfactory to the Commissioner, and consisting of not less than eight rental dwelling units on one site and may be detached, semi-detached, or row houses, or multi-family structures; except that the Commissioner may insure a mortgage on a completed project constructed pursuant to a Commitment to Insure upon Completion; and

(b) *Compliance with restrictions and regulations.* At the time the mortgage is insured all dwellings and other improvements shall:

(1) Comply with all applicable building and other governmental regulations; and

(2) Not violate any material, zoning or deed restrictions applicable to the site of the project.

(c) *Commercial and community facilities.* The project may include such commercial and community facilities as the Commissioner deems adequate to serve the occupants.

§ 233.600 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subpart D—Contract Rights and Obligations—Projects

§ 233.751 Incorporation by reference.

(a) All the provisions of Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to experimental multifamily project mortgages insured under section 233 of the National Housing Act, except the following provisions.

Sec.
207.259 Insurance benefits.
207.264 Effective date.

(b) For the purpose of this subpart all references in Part 207 of this chapter to section 207 of the National Housing Act shall be deemed to refer to section 233 of the National Housing Act and all references to the Housing Insurance Fund or the Housing Fund shall be construed to refer to the Experimental Housing Insurance Fund.

§ 233.760 Payment of insurance benefits.

All of the provisions of § 207.259 of this chapter shall govern the payment of insurance to the mortgagee except that:

(a) In lieu of issuing debentures and making a cash adjustment, as provided in § 207.259, the Commissioner shall pay to the mortgagee in cash of the Experimental Housing Insurance Fund an amount equivalent to the total face amount of debentures and the cash adjustment provided for in § 207.259; and

(b) In computing the amount of the certificate of claim, the amount of the cash payment to the mortgagee, as provided in paragraph (a), shall be substituted for the face value of the debentures and the cash adjustment paid to the mortgagee.

§ 233.850 Effective date.

Unless otherwise specified the provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after July 7, 1961.

Subchapter I—Mortgage Insurance for Individually Owned Units in Multifamily Structures

PART 234—CONDOMINIUM OWNERSHIP

Subpart A—Eligibility Requirements

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234.280 Cancellation of hazard insurance.
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234.290 Certificate of claim.
234.300 Effective date.

AUTHORITY: §§ 234.1 to 234.300 issued under sec. 211, 52 Stat. 23, as amended, sec. 234, 75 Stat. 161; 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

DEFINITIONS

§ 234.1 Definitions used in this subpart.

As used in this subpart, the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means a first lien covering a fee interest, or eligible leasehold interest, in a one family unit in a multifamily structure, including an undivided interest in, or share in cooperative ownership of, the common areas and facilities serving the multifamily structure, and such restricted common areas and facilities as may be designated.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Insured mortgage" means a mortgage which has been insured as evidenced by the endorsement of the credit instrument for insurance by the Commissioner.

(h) "Project mortgage" means a mortgage insured under any section, other than Section 213, of the FHA multifamily housing programs covering a multifamily structure.

(i) "Beginning of amortization" means the date one month prior to the date of the first monthly payment to principal and interest.

(j) "Family unit" means a one family unit including the undivided interest in, or share in cooperative ownership of, the common areas and facilities, and such restricted common areas and facilities as may be designated.

(k) "Multifamily structure" is a structure containing 5 or more one family units which is or has been covered by a project mortgage insured under the Act.

(l) "Common areas and facilities" means those areas of the structure and of the property upon which it is located that are for the use and enjoyment of the owners of family units located in the structure, which areas may include but are not limited to the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, community and commercial facilities.

(m) "Restricted common areas and facilities" means those areas and facilities restricted to a particular family unit or number of family units.

APPROVAL OF MORTGAGEES

§ 234.5 Qualification of lenders.

The provisions of §§ 203.1 to 203.9, inclusive, of this chapter, shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

APPLICATION AND COMMITMENT

§ 234.10 Submission of application.

Any approved mortgagee may submit an application for insurance of a mortgage under this subpart.

§ 234.11 Form of application.

An application for insurance shall be made upon a standard form prescribed by the Commissioner.

§ 234.12 Approval and commitment.

Upon approval of an application, acceptance of the mortgage for insurance shall be evidenced by the issuance of a commitment setting forth, upon a form prescribed, by the Commissioner, the terms and conditions upon which the mortgage will be insured.

§ 234.13 Application fee.

(a) Applications filed for a commitment shall be accompanied by the mortgagee's check for the sum of $20 to cover the cost of processing.

(b) The application fee will be returned:

(1) If an application is refused as a result of preliminary examination;

(2) If the application is made on behalf of a veteran for the insurance of a mortgage to refinance an existing insured mortgage which is in default by reason of his military service, and the Commissioner finds that the collection of such fee would be inequitable under the circumstances of the transaction. For the purposes of this chapter the word "veteran" shall mean a person who has served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to July 26, 1947, or on or after June 27, 1950, and prior to February 1, 1955;

(3) In such other instances as the Commissioner may determine.

§ 234.14 Certification of appraisal amount.

An application for insurance shall be accompanied by an agreement satisfactory to the Commissioner, executed by the seller or such other person as may be required by the Commissioner whereby such person agrees that prior to any sale of the dwelling he will deliver to the purchaser of the property a written statement in form satisfactory to the Commissioner setting forth the amount of the appraised value of the property as determined by the Commissioner.

§ 234.15 Certificate and contract regarding use of dwelling for transient or hotel purposes.

An application for insurance of a mortgage on a family unit which is one of a group of 5 or more family units owned by the same mortgagor shall be accompanied by a contract, in form satisfactory to the Commissioner, signed by the proposed mortgagor covenanting and agreeing that so long as the proposed mortgage is insured by the Commissioner the mortgagor will not rent the housing or any part thereof covered by the mortgage for transient or hotel purposes, together with the mortgagor's certification under oath that the housing or any part thereof covered by the proposed mortgage will not be rented for transient or hotel purposes. For the purpose of this subchapter rental for transient or hotel purposes shall mean (a) rental for any

period less than 30 days; or (b) any rental if the occupants of the unit are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ELIGIBLE MORTGAGES

§ 234.25 Mortgage provisions.

(a) *Mortgage form.* The mortgage shall be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and shall be a first lien upon property that conforms with property standards prescribed by the Commissioner. The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

(b) *Mortgage multiples.* The mortgage shall involve a principal obligation in $100 multiples. A mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, or 30 years may be in $50 multiples.

(c) *Payments and maturity dates.* The mortgage shall:

(1) Come due on the first of a month;

(2) Have a maturity satisfactory to the Commissioner not to be less than 10 nor more than 30 years from the date of the beginning of amortization of the mortgage or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser;

(3) Have an amortization period of either 10, 15, 20, 25, or 30 years by providing for either 120, 180, 240, 300, or 360 monthly amortization payments.

(4) Provide for payments to principal and interest to begin not later than the first day of the month following 60 days from the date the mortgagee's certificate on the commitment was executed.

§ 234.26 Eligibility—family unit, multifamily structure, and plan of apartment-ownership.

No mortgage shall be eligible for insurance unless the following requirements are met:

(a) *Location of family unit.* The family unit shall be located in a multifamily structure which is or has been covered by a project mortgage insured by the FHA.

(b) *Plan of apartment ownership.* The multifamily structure in which the family unit is located shall have been committed to a plan of apartment-ownership by enabling deed, deed of constitution, public deed, or other recorded instrument which has been approved by the Commissioner prior to its execution, and which is certified by the mortgagee as acceptable and binding within the jurisdiction where the multifamily structure is located. The plan of apartment ownership, as recorded, shall include the following:

(1) Description of land and the multifamily structure describing their respective areas.

(2) Description and number of each family unit expressing its measurements, location, rooms, main entrance door, and immediate place with which it communicates, and any other data necessary for its identification.

(3) Description of the common areas and facilities.

(4) Clear expression of the purpose to which the multifamily structure and each of the family units are destined, in particular designating the family units destined to be sold by the original owner subject to all of the provisions of the plan and stating that as of the date the multifamily structure is committed to apartment-ownership the original owner is likewise subject to the provisions of the plan.

(5) Basic value, not in excess of the FHA appraised value, of the multifamily structure and each family unit, and, according to these basic values, the percentage appertaining to each owner in the expenses and profits of, the rights in, the common areas and facilities.

(6) Everything relative to the administration of the property by an Association or a Cooperative of Owners in particular but not limited to, (i) provisions requiring each owner of a family unit and his successors to pay to the Association or Cooperative of Owners his proportionate share in the common expenses at such times as the Association or the Cooperative shall require on the basis of the basic value of each family unit to the total value of all family units in the structure, and permitting each owner the proportionate representation determined on the same basis for voting purposes in the Association or Cooperative of Owners but providing that regardless of the value or number of units owned, no owner shall be entitled to more than an FHA approved percentage for voting purposes except that such restriction shall not apply to the FHA or the mortgagee, (ii) provisions establishing that each owner of a family unit and his successors is automatically a member of the Association or Cooperative of Owners and that membership terminates upon the sale or other transfer of the family unit to a new member who thereby automatically becomes a member of the Association or Cooperative of Owners, and (iii) provisions incorporating by reference the charter of, if any, by-laws of, the Association or Cooperative, and the Administrative Regulations for the management of the property.

(7) Provision requiring that the plan for apartment-ownership and the provisions relating to the administration of the property cannot be changed without prior approval by the FHA.

(c) *FHA conversion and release plans.* The initial conversion of the multifamily structure to apartment-ownership shall be required to comply with an FHA-approved conversion plan. The conversion plan shall require:

(1) The termination of the FHA insurance contract for any FHA-insured project mortgage covering the multifamily structure by the payment in full of such project mortgage or by voluntary termination as approved by the Commissioner;

(2) The release of each family unit from any existing project mortgage or mortgages covering the multifamily structure pursuant to a release plan approved by the FHA which provides for a payment to be made on the outstanding balance of such project mortgage or mortgages in an amount equal to the share of such balance determined by the FHA to be attributable to the family unit;

(3) The conveyance to FHA approved owners of family units equal in value to at least 80 percent of the total value of all of the family units.

(d) *Certificates by mortgagee.* The mortgagee shall certify that:

(1) The individual deed for the family unit to be covered by an FHA-insured mortgage complies with all legal requirements of the jurisdiction and that ownership thereunder is subject to the plan of apartment-ownership; and

(2) The Mortgagor has good and marketable title to the family unit subject only to the mortgage which is a valid first lien on same; and

(3) Property taxes in the jurisdiction where the family units are located are assessed and levied against each family unit as a taxable entity and are not assessed and levied against the multifamily structure.

(e) *Mortgagor limitations.* The family unit to be covered by an insured mortgage shall be for the use and occupancy of the mortgagor or the mortgagor shall be the owner of another family unit covered by an insured mortgage for such use and occupancy. The mortgagor may not own more than four family units covered by insured mortgages, one of which shall be for his own use and occupancy.

(f) *FHA controls for consumer and public interest.* The Commissioner may require such conditions and provisions as he deems necessary for the protection of the consumer and public interest, including but not limited to the execution of a regulatory agreement between the Owners and the Commissioner which shall be made applicable to the Association or Cooperative of Owners or to any subsequent owner of a family unit.

§ 234.27 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the unit shall not exceed the lesser of the following:

(1) $25,000;

(2) 97 percent of $13,500 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $13,500 but not in excess of $18,000, and 70 percent of such value in excess of $18,000;

(3) $2,500 per room (or $9,000 per family unit, if the number of rooms is less than four per family unit) for such part of the family unit as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner).

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to cost of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation of $3,500 per room to not to exceed $3,000 per room, and the limitation of $9,000 per family unit to not to exceed $9,400 per family unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations by an amount not to exceed $1,250 per room without regard to the number of rooms being four, less than four, or more than four;

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as the Commissioner finds may be necessary to compensate for such costs, but not to exceed, in any event, the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Nonoccupant mortgagors.* A mortgage executed by a mortgagor who is not the occupant of the unit shall not exceed:

(1) 85 percent of any amount computed under this section; or

(2) The full amount computed under this section if the mortgage covers a unit and the Commissioner is furnished with certificates indicating that:

(i) The mortgagor will not rent (except for a rental term of not less than 30 days and not more than 60 days), sell (except where the insured mortgage is paid in full as an incident of the sale), or occupy the property prior to the 18th amortization payment of the mortgage except with the prior written approval of the Commissioner;

(ii) Not less than 15 percent of the original principal amount of the mortgage proceeds has been deposited in an escrow, trust, or special account;

(iii) The mortgagor agrees that, if the property is not sold prior to the due date of the 18th amortization payment of the mortgage to a purchaser acceptable to the Commissioner who will occupy the property, assume, and agree to pay the mortgage indebtedness, the amount held in escrow, trust, or special account shall be applied in reduction of the outstanding principal amount of the mortgage as of the due date of the 18th amortization payment of the mortgage;

(iv) The mortgagee agrees that any portion of the fund held in escrow, trust, or special account, not applied to the mortgage in accordance with the provisions of this paragraph, shall be deducted from the amount of debentures to which the mortgagee would otherwise be entitled if a claim for debentures is filed.

§ 234.28 Mortgagor's minimum investment.

(a) At the time the mortgage is insured the mortgagor shall have paid on account of the family unit at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent.

(b) A mortgagor who is 62 years of age or older as of the date the mortgage is accepted for insurance may borrow from a corporation or person satisfactory to the Commissioner, the payment required by this section, plus settlement costs which may include initial payments for taxes, hazards insurance, mortgage insurance premium and other prepaid expenses as determined by the Commissioner. As security for the loan the mortgagor may give a note or other evidence of indebtedness bearing interest at a rate not in excess of that permitted in the insured mortgage. The aggregate amount of the insured mortgage and the loan referred to in this section shall not exceed an amount equal to the Commissioner's estimate of the appraised value of the property, plus an amount equal to the initial payments for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses as determined by the Commissioner.

§ 234.29 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 5¼ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 234.36 Amortization provisions.

The mortgage shall contain complete amortization provisions satisfactory to the Commissioner, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Commissioner. The sum of the principal and interest payments in each month shall be substantially the same.

§ 234.37 Payment of insurance premiums or charges; adjusted mortgage insurance premiums.

(a) The mortgage shall provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage shall provide for a monthly payment by the mortgagor of an amount equal to one-twelfth of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted mortgage insurance premium referred to in this subchapter, but shall not provide for the payment of any further charge on account of such prepayment.

§ 234.38 Mortgage provisions for additional payments.

The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize any ground or lease rents and the estimated amount of any taxes, special assessments and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which such charges become delinquent. Where the foregoing expenses or any other expenses are to be paid by the Association or Cooperative of Owners by special assessments levied against the owner of the family unit, the mortgage may provide for such equal monthly payments by the mortgagor as will amortize such special assessments, within a period ending one month prior to the date on which the assessments become delinquent. The mortgage shall further provide that payments shall be held by the mortgagee for the benefit and account of the mortgagor in a manner satisfactory to the Commissioner, for the purpose of paying ground rents, taxes, assessments and insurance premiums before they become delinquent. The mortgage must also make provision for adjustments in case the estimated amount of taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof paid by the mortgagor.

§ 234.39 Application of payments.

(a) All monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the aggregate payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance, including insurance charges for open-end advances;

(2) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(3) Service charge, if any;

(4) Interest on the mortgage;

(5) Amortization of the principal of the mortgage; and

(6) Any deficiency in the amount of any aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next aggregate payment, constitute a default under the mortgage.

§ 234.46 Late charge.

The mortgage may provide for the collection by the mortgagee of a late charge, not to exceed 2 cents for each dollar of each payment more than 15 days in arrears, to cover the extra expense involved in handling delinquent payments. Late charges shall be separately charged to and collected from the mortgagor and shall not be deducted from any aggregate monthly payment.

§ 234.47 Mortgagor's payments when mortgage is executed.

The mortgagor shall pay to the mortgagee, upon the execution of the mortgage, a sum sufficient to pay any ground rents and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an

amount sufficient to pay the mortgage insurance premium from the date of the closing of the loan to the date of the first monthly payment.

§ 234.48 Maximum charges, fees or discounts.

(a) The mortgagee may collect from the mortgagor the following charges, fees or discounts.

(1) A charge to compensate the mortgagee for expenses incurred in originating and closing the loan, the charge not to exceed $20 or 1 percent of the original principal amount of the mortgage, whichever is the greater;

(2) Reasonable and customary amounts for any of the following items:

(i) Recording fees and recording taxes or other charges incident to recordation;

(ii) Credit report;

(iii) Survey, if required by mortgagee or mortgagor;

(iv) Title examination; title insurance, if any;

(v) Such other reasonable and customary charges or fees as may be authorized by the Commissioner.

(b) Prior to insurance of any mortgage, the mortgagee shall furnish to the Commissioner a signed statement in form satisfactory to the Commissioner, listing all items for which any charge, fee or discount was collected by it, from the mortgagor, together with the amount of each such charge, fee or discount. The Commissioner's endorsement of the mortgage for insurance shall constitute approval of the listed charges, fees or discounts.

(c) Nothing in this section shall be construed as prohibiting the mortgagor from dealing through a broker who does not represent the mortgagee, if he prefers to do so, and paying such compensation as is satisfactory to the mortgagor in order to obtain mortgage financing.

§ 234.49 Eligible mortgages in Alaska, Guam, or Hawaii.

If the Alaska Housing Authority or the Government of Guam or Hawaii or any agency or instrumentality thereof is the mortgagor or mortgagee, or if the mortgagor is regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation to such an extent and in such manner as the Commissioner determines advisable to provide reasonable rental and sales prices and a reasonable return on the investment, any mortgage otherwise eligible for insurance under this subpart, may be insured without regard to any requirement that the mortgagor:

(1) Be the owner and occupant of the property;

(2) Has paid on account of the property a prescribed percentage of the appraised value of the property; or

(3) Certify that the mortgaged property be free and clear of all liens other than the mortgage offered for insurance and that there will not be any other unpaid obligations contracted in connection with the mortgage transaction or the purchase of the mortgaged property.

(c) Economic soundness shall not be applicable to mortgages covering property located in Alaska or in Guam or in Hawaii, but the Commissioner shall find that the property is an acceptable risk giving consideration to the acute housing shortage in Alaska or in Guam, or in Hawaii.

§ 234.50 Racial restriction covenant.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color, or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof the mortgagee may at its option, declare the unpaid balance of the mortgage immediately due and payable.

§ 234.51 Owner-occupancy in military service cases.

Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance, where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from military service.

ELIGIBLE MORTGAGORS

§ 234.55 Mortgage lien.

A mortgagor shall establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.

§ 234.56 Relationship of income to mortgage payments.

A mortgagor shall establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.

§ 234.57 Credit standing.

A mortgagor shall have a general credit standing satisfactory to the Commissioner.

§ 234.58 Racial restrictions certificate.

A mortgagor shall certify that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not file for record any restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed or execute any agreement, lease or conveyance affecting the mortgaged property which imposes any such restriction upon its sale or occupany.

§ 234.59 Certificate and contract regarding use of family units for transient or hotel purposes.

A mortgagor under a mortgage covering a one-family unit which is one of a group of five or more one-family units held by the same mortgagor shall certify under oath that until the mortgage is paid in full or the contract of insurance otherwise terminated, the mortgagor shall not rent, permit the rental, or permit the offering for rental of the housing units, or any part thereof, covered by such mortgage for transient or hotel purposes. The mortgagor shall further execute a contract with the Commissioner providing that so long as the said mortgage is insured he will not rent such housing or any part thereof, for transient or hotel purposes as defined in § 234.15.

ELIGIBLE PROPERTIES

§ 234.65 Nature of title.

A mortgage to be eligible for insurance shall be on a fee interest in, or on the leasehold interest in, a one-family unit in a multifamily structure including an undivided interest in, or a share in the cooperative ownership of, the common areas and facilities, and such restricted common areas and facilities as may be designated. To be eligible, a leasehold interest shall be under a lease for not less than 99 years which is renewable, or under a lease with a period of not less than 50 years to run from the date the mortgage is executed.

§ 234.66 Racial restrictions on property.

A mortgage must establish that no restriction upon the sale or occupancy of the mortgaged property, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and prior to the recording of the mortgage offered for insurance.

§ 234.67 Rental properties.

No family unit in a multifamily structure which has been committed to a plan of apartment ownership shall be rented or offered for rent for transient or hotel purposes as defined in § 234.15 so long as such family unit in such structure is subject to an FHA insured mortgage.

OPEN-END ADVANCES

§ 234.70 Eligibility of open-end advances.

Any approved mortgagee may make advances, referred to in this subpart as "open-end" advances, in connection with the mortgages previously insured under this subchapter or insured after the effective date of this subpart, subject to compliance with the requirements of this section.

(a) The proceeds of any open-end advance shall be used for the purpose of improvements or repairs which in the Commissioner's discretion substantially protect or improve the basic livability or utility of the property involved. The proceeds of such advances shall not be used for the purpose of financing obligations previously incurred for such repairs or improvements.

(b) The mortgagee shall submit an application for insurance of open-end advances upon a standard form prescribed by the Commissioner.

(c) Applications filed must be accompanied by the mortgagee's remittance for the sum of $10 for processing of the application. If an application is refused as a result of preliminary examination by the Commissioner or in such other instances as the Commissioner may determine the entire fee will be returned to the applicant.

(d) In addition to the application fee required by paragraph (c) of this section, the mortgagee may charge the mortgagor a fee not to exceed $25 or 1 percent of the open-end advance, whichever is the lesser, and the amount of out-of-pocket expenditures made by the mortgagee for customary costs of title search and recording fees. The mortgagee may require the mortgagor to pay to the mortgagee all charges permitted under this section on or prior to the date of final disbursement of the open-end advance, together with a sum sufficient to pay the initial insurance charge provided for in Subpart B of this part. No portion of such charges may be included in the principal amount of the open-end advance.

(e) Upon approval of an application, acceptance of the advance for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions upon which the advance will be insured.

(f) The amount of an advance for insurance shall be added to the unpaid principal obligation of the mortgage, whereupon the aggregate of the original unpaid principal and the amount of the open-end advance shall:

(1) Bear interest at the rate provided in such mortgage, payable in monthly installments on the principal then outstanding;

(2) Be payable in substantially equal monthly payments in an amount sufficient to amortize the aggregate principal amount within the remaining original term of the mortgage.

(g) The amount of any advance for insurance (computed in even dollar amounts) when added to the unpaid balance of the original principal obligation of the mortgage shall not exceed the original principal obligation of the mortgage: *Provided*, That if the mortgagor certifies that the proceeds of such open-end advance will be used to finance the construction of an additional room or rooms or other additional enclosed space as a part of the dwelling, the aggregate amount of the unpaid balance of the original principal obligation, plus the amount of the open-end advance, may exceed the amount of the original principal obligation of the mortgage, but in no event shall such aggregate amount exceed the maximum amounts prescribed by the limitations of §§ 234.27 and 234.49.

(h) A mortgagee may amend or modify any approved FHA mortgage form by adding such provisions as it deems necessary for the purpose of making open-end advances, by any rider or modification agreement which is valid and enforceable in the jurisdiction in which the property covered by the mortgage is located, provided such rider or modification agreement retains in the mortgagee the right to approve or disapprove additional advances on such terms and conditions as the mortgagee may prescribe. The mortgagee shall have the sole responsibility for determining that any mortgage amended by an "open-end" rider or modification agreement will be a valid and enforceable instrument and will constitute a valid first lien on the property upon which the Commissioner based his valuation.

EFFECTIVE DATE

§ 234.100 Effective date.

Unless otherwise specified the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after July 27, 1961.

Subpart B—Contract Rights and Obligations

§ 234.251 Definitions.

The definitions contained in § 203.251 of this chapter and § 234.1 shall apply to this subpart.

§ 299.5 Incorporation by reference.

(a) *Provisions.* All of the provisions of Subpart B of Part 203 of this chapter covering mortgages insured under Section 203 of the National Housing Act shall apply to mortgages insured under Section 234 of the National Housing Act except the following provisions:

Sec.
- 203.379 Adjustment for fire, flood, earthquake, or tornado damage.
- 203.380 Certificate of property condition.
- 203.389 Waived title objections.
- 203.415 Delivery of certificate of claim.
- 203.420 Nature of Mutual Mortgage Insurance Fund.
- 203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
- 203.422 Right and liability under Mutual Mortgage Insurance Fund.
- 203.423 Distribution of distributive shares.
- 203.424 Maximum amount of distributive shares.
- 203.425 Finality of determination.
- 203.435 Form of assignment to investing mortgagee.
- 203.440 et seq. Insured home improvement loans.

(b) *References.* For the purpose of this subpart all references in Subpart B of Part 203 of this chapter to Section 203 of the Act, one- to four-family, and the Mutual Mortgage Insurance Fund, shall be construed to refer to Section 234, one-family unit, and the Apartment Unit Insurance Fund. The term "property" or "each family dwelling unit" as used in Subpart B of Part 222 shall be construed to include "the one-family unit and the undivided interest in, or share of cooperative ownership of, the common areas and facilities".

§ 234.260 Assignment of mortgage and certificate by mortgagee.

In addition to the requirements of §§ 203.352 and 203.353 incorporated by reference, the mortgagee shall certify as to any changes in the plan of apartment ownership including the administration of the property. Any changes shall require FHA approval.

§ 234.265 Contents of deed and supporting documents.

In addition to the requirements of § 203.367, incorporated by reference, the deed shall comply with the plan of apartment ownership. Any changes therein, including the administration of the property, shall require FHA approval.

§ 234.270 Condition of the multifamily structure.

When a family unit is conveyed or a mortgage is assigned to the Commissioner, the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit shall be undamaged by fire, earthquake or tornado, or such damage shall be repaired prior to the conveyance of the family unit to the Commissioner, except the family unit may be conveyed to the Commissioner or the mortgage assigned to him and he shall deduct his estimate of the decrease in value of the family unit from the debentures or the mortgee's fire and other hazard insurance recovery, whichever is the greater.

§ 234.275 Certificate of condition.

The mortgagee shall either certify that as of the date of the filing for record of the deed or assignment of the mortgage to the Commissioner, the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit were undamaged by fire, flood, earthquake, tornado, or shall describe the damage to the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit resulting from such hazards as of such date. In the absence of evidence to the contrary, the mortgagee's certificate or description of the damage shall be accepted by the Commissioner as establishing the condition of the family unit and the common areas and facilities including restricted common areas and facilities designated for the particular unit as of such date. Such certificate shall also relate to waste in the family unit to be transferred or assignment of mortgage covering same.

§ 234.280 Cancellation of hazard insurance.

The provisions of § 203.382 incorporated by reference shall apply to hazard insurance policies carried solely for the family unit.

§ 234.285 Waived title objections.

The Commissioner shall not object to title by reason of the following matters:

(a) Violations of a restriction based on race, color or creed, even where such restriction provides for a penalty of reversion or forfeiture of title or a lien for liquidated damage, provided that there has not been an adverse judgment or pending suit in connection with the violation existing on the date the property is conveyed to the Commissioner.

(b) Easements for public utilities along one or more of the property lines, provided the exercise of the rights thereunder do not interfere with any of the buildings or improvements located on the subject property.

(c) Encroachments on the subject property by improvements on adjoining property, provided such encroachments do not interfere with the use of any improvements on the subject property.

(d) Variations between the length of the subject property lines as shown on the application for insurance and as shown by the record or possession lines, provided such variations do not interfere with the use of any of the improvements on the subject property.

(e) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent.

§ 234.290 Certificate of claim.

In addition to the debentures and the cash adjustment check, the Commissioner shall deliver to the mortgagee a certificate of claim in accordance with Section 204(e) of the Act, which shall become payable, if at all, in accordance with Section 204(b) of the Act, except that any excess remaining referred to in Section 204(b)(1) shall be retained by the Commissioner and credited to the Apartment Unit Insurance Fund.

§ 234.300 Effective date.

Unless otherwise specified the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after July 27, 1961.

SUBCHAPTERS M–Q—[RESERVED]

SUBCHAPTER R—WAR HOUSING INSURANCE

PART 603—INDIVIDUAL HOMES; WAR HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

Sec.

603.251 Definitions.
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603.264 Effective date.

AUTHORITY: §§ 603.251 to 603.264 issued under secs. 603, 607, 55 Stat. 56, as amended, 61, as amended; 12 U.S.C. 1738, 1742.

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

§ 603.251 Definitions.

As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this subpart.

§ 603.252 Premiums.

(a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title VI of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(e) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(f) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(g) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(h) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

§ 603.253 Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 603.259.

§ 603.254 Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 203 of this chapter.

§ 603.255 Insurance endorsement.

(a) Upon compliance, satisfactory to the Commissioner, with the terms of his commitment to insure, the Commissioner will endorse the original credit instrument in form as follows:

No. _____
Insured under Section 603 of
The National Housing Act
And Regulations of the
Federal Housing Commissioner
For War Housing Insurance
Dated March 31, 1941
as amended _____
FEDERAL HOUSING COMMISSIONER
By _____
Authorized Agent
Date _____

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part of the National Housing Act.

§ 603.256 Rights of parties on termination of insurance.

In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with § 603.259 and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under § 603.252(b), and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subse-

quent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under § 603.259, shall terminate as of the date of such notice.

§ 603.257 Time of default.

If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default and similar notices each 60 days until such default is cured.

§ 603.258 Transfer of property to the Commissioner; conditions of default in mortgage.

(a) At any time within one year from the date of default the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(b) The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(c) For the purposes of this section, the date of default shall be considered as 30 days after (1) the first uncorrected failure to perform a covenant or obligation, or (2) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however*, That a mortgagee may, with and subject to the written consent of the Commissioner, apply partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled under the provisions of § 603.259 (a) (1), to the exclusion of prior delinquent principal payments, in which event the date of default shall be 30 days after the due date of the earliest monthly payment, any part of which remains unpaid.

(d) If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

(e) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(f) If at any time during default the mortgagor is a "person in military service", as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in such service shall be excluded in computing the 1-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section, and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section. If the mortgagor is a person in military service as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service and 3 months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

(g) Nothing contained in this section shall be construed to prevent the mortgagee, with the consent of the Commissioner, from entering into a written agreement with that mortgagor postponing for a period not to exceed one year that part of the monthly payment or any part thereof which represents amortization of principal where the mortgagor is the owner of a group of properties consisting of a project of not less than ten rental units, each covered by a mortgage insured under section 603 of the National Housing Act and by the provisions of the agreement, and where the agreement obligates the mortgagor to deposit with the mortgagee the entire net income from all of the properties comprising the project, under arrangements satisfactory to the Commissioner, and obligates the mortgagor to resume monthly payments after the effective period of the agreement in such amounts as will completely amortize the mortgage indebtedness within the original maturity. Such agreement will in no way affect the amount of the annual mortgage insurance premiums, which will continue to be calculated in accordance with the original amortization provisions.

§ 603.259 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

(a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 603.258, and at any time within thirty days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 603.258(a), the mortgagee shall either tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance, conveying good merchantable title (evidenced as hereinafter provided in § 603.260) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(1) Debentures of the War Housing Insurance Fund as set forth in section 604 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to July 8, 1953, and at the rate of 2¾ percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954, payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 604 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceeding, or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent, and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however*, That with respect to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Commissioner, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Commissioner an amount:

(i) Not in excess of 2 percent of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings and not in excess of $75; or

(ii) Not in excess of two-thirds of such cost, whichever is the greater. With respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply and which are insured under section 603 of the National Housing Act, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(2) A certificate of claim in accordance with section 604 (e) of the act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with section 604 (f) of the act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

(3) In computing the face value of the debentures, in addition to the items provided in subparagraph (1) of this paragraph, there may be added to the unpaid principal of the mortgage, payments made by the mortgagee for taxes imposed upon any deed or other instrument by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner, payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property.

(b) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(c) The provisions of this section concerning waste, shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(d) In computing the value of the mortgage as set forth in paragraph (a) (1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(e) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed in accordance with the procedures under Part 203 of this chapter.

§ 603.260 Satisfactory title evidence.

(a) Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(b) Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, general taxes, or special assessments.

(c) If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(d) The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

§ 603.261 Assignment of mortgages.

(a) When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Commissioner of such transfer within 30 days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; and the transferor shall thereupon be released from its obligations under the contract of insurance.

(b) Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Commissioner until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

§ 603.262 Termination of contract of insurance.

The contract of insurance shall terminate upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by, or the pledge thereof to, any person, firm, or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided*, That this paragraph shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, for a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect;

(b) The disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device: *Provided*, That this paragraph (b) shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than 3 years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 603.263 Amendments.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance or any mortgage already insured, or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

§ 603.264 Effective date.

The regulations in this part are effective as to all mortgages on which a commitment to insure under section 603 is issued to an approved mortgagee on or after July 15, 1946. Whenever a mortgagee so desires, the provisions of this part shall become a part of any contract of insurance heretofore made. The regulations in this part are also effective as to all mortgages on which a commitment to insure under section 603 pursuant to the provisions of section 610 is issued to an approved mortgagee on or after August 19, 1947.

PART 608—MULTIFAMILY PROJECTS; WAR HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

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608.251 Definitions of terms used in regulations.

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608.252 Annual mortgage insurance premiums.
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608.254 Form of endorsement of original credit instrument.
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608.257 Benefits of insurance.
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608.267 No vested right.

AMENDMENTS

608.268 Amendments to regulations.

EFFECTIVE DATE

608.269 Effective date.

AUTHORITY: §§ 608.251 to 608.269 issued under sec. 607, 55 Stat. 61, as amended, sec. 608, 56 Stat. 303, as amended; 12 U.S.C. 1742, 1743.

Subpart A—Eligibility Requirement [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

§ 608.251 Definitions of terms used in regulations.

As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, District or Territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner, or his duty authorized representative.

(e) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(f) The term "mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

PREMIUMS

§ 608.252 Annual mortgage insurance premiums.

(a) The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one percent of the original face amount of the mortgage.

(1) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to one-half of one percent of the original face amount of the mortgage.

On the date of the first principal payment the mortgagee shall pay a third premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (1) one percent per annum of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (2) one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to 1 year following the date of the first principal payment.

(2) If the date of the first principal payment is 1 year or less than 1 year following the date of such initial insurance endorsement the mortgagee, upon such first principal payment date, shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (1) one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (2) one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(3) Where the credit instrument is initially and finally endorsed for insurance pursuant to a Commitment to Insure Upon Completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of one-half of one percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to 1 year following the date of the first principal payment.

(b) Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate the mortgagee, on each anniversary of the date of the first principal payment, shall pay an annual mortgage insurance premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(c) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payment or prepayments.

(d) Premiums shall be payable in cash or in debentures issued by the Commissioner under Title VI of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in § 608.253.

§ 608.253 Adjusted premium and termination charges.

(a) All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate on the following conditions:

(1) Payment to the Commissioner of an adjusted premium or termination charge computed as follows:

(i) One percent of the original face amount of the mortgage when the mortgage is prepaid in full or the contract of insurance is voluntarily terminated;

(ii) The percentage as set forth in subdivision (i) of this subparagraph applied to the difference between the original face amount of the mortgage and the aggregate face amount of a new mortgage or mortgages, if at the time of prepayment:

(*a*) The insured mortgage is paid in full with or from the proceeds of a new insured mortgage, or mortgages having an aggregate amount less than the original principal amount of the mortgage on the same property.

(*b*) The Commissioner has accepted an adjusted premium charge under an agreement providing that if new insured mortgages are placed on part or all of the property, within a period of time not to exceed one year from the date of prepayment, the adjusted premium charge previously collected will be refunded in whole or in part. In the event of the acceptance of such agreement the refund, if any, shall be computed only after the termination of the agreement or after the sale of all property or properties, whichever occurs first, and no refund shall be made prior to such computation.

(2) Notice within 30 days after prepayment in full or of a written agreement consented to by the Commissioner between the mortgagor and mortgagee voluntarily terminating the contract of insurance and

(3) Such further evidence of prepayment in full or voluntary termination and cancellation of insurance as the Commissioner may require.

(b) In no event shall the adjusted premium charge exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium charge shall be due the Commissioner in the following cases:

(1) where, at the time of such prepayment, there is placed on the mortgaged property a new insured mortgage or mortgages for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(2) where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or

(3) where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for damage to the mortgaged property, including loss by condemnation or conveyance in lieu of condemnation, or a release of a part of such property, if approved by the Commissioner; or

(4) where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the Commissioner, in his discretion, agrees in writing to waive the payment thereof; or

(5) where, at the time of such prepayment, there is placed on the property a new insured mortgage or mortgages less than the original principal amount of the prepaid mortgage: *Provided*, That the Commissioner finds that the collection of such charge would be inequitable under the particular circumstances of the transaction; or

(6) where the mortgagor is a nonprofit mortgagor and the Commissioner approves and finds that the interest rate was substantially below the rate prevailing at the time the loan was made.

(d) At the time of prepayment or voluntary termination of the mortgage insurance contract, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to the prepayment or termination.

INSURANCE ENDORSEMENT

§ 608.254 Form of endorsement of original credit instrument.

Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No. ----------
Insured under Section 608
Of the National Housing Act
And Regulations Threunder of the
Federal Housing Commissioner
In Effect on ----------
To the Extent of Advances
Approved by the Commissioner
FEDERAL HOUSING COMMISSIONER
By ----------
Authorized Agent
Date ----------

§ 608.255 Contract of insurance.

The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of these regulations and of the National Housing Act. The term "contract of insurance" as used in this part means the agreement evidenced by such endorsement.

§ 608.256 Approval endorsement form.

(a) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner, upon proof of compliance with any and all conditions upon which prior advances were approved for insurance, and upon presentation of the original credit instrument, will make a notation below the insurance endorsement in form as follows:

A Total Sum of $ ----------
Has Been Approved for Insurance Hereunder
By the Commissioner
FEDERAL HOUSING COMMISSIONER
By ----------
Authorized Agent
Date ----------

(b) In cases where a commitment has been issued to insure upon completion the Commissioner will, upon full compliance with the terms of such commitment, endorse the original credit instrument for insurance by executing both certificates of the endorsement form as set forth in § 608.254 and this section.

RIGHTS AND DUTIES OF A MORTGAGEE UNDER THE CONTRACT OF INSURANCE

§ 608.257 Benefits of insurance.

The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or (b) of this section.

(a) If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage, whether or not such failure to pay is caused by failure to perform some other covenant or obligation under the mortgage because of which the mortgagee has declared the full amount due and payable under an acceleration clause contained therein, and such failure continues for a period of 30 days, the mortgage shall be considered in default and the mortgagee shall within 30 days thereafter give notice in writing to the Commissioner of such default. At any time within 30 days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanic's and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign the mortgage and other items enumerated below:

(1) All rights and interest arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, papers, and accounts relating to the mortgage transaction.

Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Commissioner agrees thereto in writing.

The mortgagee, prior to the assignment of the mortgage to the Commissioner, shall offer evidence satisfactory to him that the original title coverage has been extended to include all advances of mortgage money made up to the date of assignment showing title satisfactory to the Commissioner as defined in § 608.260.

(b) If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee within a period of 30 days after the occurrence of a default arising on account of such failure to make any such payment or within such period after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Commissioner of such default. At any time within a period of 90 days after the date of such notice or within such later time as may be agreed upon by the Commissioner in writing, the mortgagee, at its election, shall either:

(1) With and subject to the consent of the Commissioner provide for transfer of title from the mortgagor or other appropriate grantor to the Commissioner or shall acquire by means other than foreclosure of the mortgage possession of and title to the mortgaged property; or

(2) Institute proceedings for the foreclosure of the mortgage and obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointments of a receiver of the mortgaged property and the income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within sixty (60) days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this subsection shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified provided the Commissioner so agrees in writing. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this subsection and shall exercise reasonable diligence in prosecuting such proceedings to completion. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

§ 608.258 Computation of benefits received by assignment.

If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of § 608.257(a), and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said section, the Commissioner shall deliver to the mortgagee:

(a) Debentures of the War Housing Insurance Fund as set forth in section 608 of the act, issued as of the date the mortgage became in default, bearing interest from such date at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to July 8, 1953, and at the rate of 2¾ percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954, payable semiannually on the first day of January and the first day of July of each year and having a total face value equal to the value of the mortgage as defined in section 608 (c) of the act. Such value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount the mortgagee may have paid for (1) taxes, special assessments, and water rates which are liens prior to the mortgage; (2) insurance on the property; and, (3) reasonable expenses for the completion and preservation of the property and any mortgage insurance premiums paid after default; less the sum of (i) an amount equivalent to 1 percent of the unpaid amount of such principal obligation on the date of default; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee.

(b) A Certificate of Claim in accordance with section 608 (d) of the act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property. This Certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures. Each such Certificate of Claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such Certificate an increment at the rate of 3 percent per annum.

§ 608.259 Computation of benefits received by conveyance.

If the mortgagee elects to proceed under, and does proceed under and in accordance with the provisions of § 608.257(b) and at any time within 30 days (or such further time as may be allowed by the Commissioner in writing), tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, conveying title to such property satisfactory to the Commissioner, together with a Bill of Sale covering any personal property to which the mortgagee is entitled by reason of the mortgage transaction conveying title to such property satisfactory to the Commissioner, as provided in § 608.260, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance to such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee debentures and Certificate of Claim as provided in § 608.257, except that the 1 percent deduction set out in paragraph (a)(3)(i) thereof with respect to the amount of debentures shall not apply.

§ 608.260 Title in case of conveyance.

Title satisfactory to the Commissioner within the meaning of § 608.259 will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner.

§ 608.261 Evidence of title.

The mortgagee, at the time a deed is tendered in accordance with § 608.259, shall furnish to the Commissioner without expense to him satisfactory evidence of such title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and, shall be in the form of an owner's policy of title insurance, or a satisfactory abstract and attorneys' opinion covering the period subsequent to the recording of the mortgage, or a satisfactory continuation of the title evidence accepted by the Commissioner at the time the mortgage was insured, depending upon the form of title evidence originally accepted by the Commissioner.

§ 608.262 Fire and hazard insurance.

The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within 30 days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

§ 608.263 Mortgage default or prepayment.

If after the mortgage becomes in default, as provided in § 608.257, the mortgagee does not make the assignment provided in § 608.257(a), or does not foreclose or otherwise acquire the mortgaged property and make the conveyance provided in § 608.259, and written notice thereof is given to the Commissioner; or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof and the mortgagee pays the adjusted premium charge required under the provisions of § 608.253 of the regulations in this part and written notice thereof is given to the Commissioner, the obligation to pay the annual premium charge shall cease, and all rights of the mortgagee and the mortgagor under §§ 608.258 and 608.259 shall terminate as of the date of such notice.

§ 608.264 Termination of contract of insurance.

In the event that the mortgagee fails to comply with the provisions of §§ 608.255(a) and 608.258, or §§ 608.257(b) and 608.259, then the contract of insurance shall thereupon terminate.

ASSIGNMENTS

§ 608.265 In general.

(a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than a mortgage executed in the form of an indenture of trust providing for the issue and sale of bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations, may be transferred (but, except with the written approval of the Commissioner, only subsequent to full disbursement of the mortgage loan) to a transferee who is a mortgagee approved by the Commissioner. Upon such approval and transfer and the assumption by the transferee of all obligations under the contract of insurance, the transferor shall be released from its obligations under the contract of insurance.

§ 608.266 Termination of contract of mortgage insurance by assignment.

The contract of insurance shall terminate with respect to mortgages described in § 608.265(b) upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by or the pledge thereof to any person, firm, or corporation, public or private, except as specifically provided in § 608.265(b).

(b) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device unless with the prior written approval of the Commissioner: *Provided*, That this paragraph (b) shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal

Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph (b) shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than 3 years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

RIGHTS IN HOUSING FUND

§ 608.267 No vested right.

Neither the mortgagee nor the mortgagor shall have any vested or other right in the "War Housing Insurance Fund."

AMENDMENTS

§ 608.268 Amendments to regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 608.269 Effective date.

The regulations in this part shall be effective as to all mortgages with respect to which a commitment to insure under section 608 is issued on or after August 15, 1946. The regulations in this part are also effective as to all mortgages on which a commitment to insure under section 608, pursuant to the provisions of section 610, is issued on or after August 19, 1947.

PART 611—SINGLE FAMILY PROJECT LOANS; WAR HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

Sec.
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ASSIGNMENTS

611.259 Assignment of project mortgages.
611.260 Assignment of individual mortgages.

RIGHTS IN HOUSING FUND

611.261 No vested right.

AMENDMENTS

611.262 Amendments to regulations in this part.

EFFECTIVE DATE

611.263 Effective date.

AUTHORITY: §§ 611.251 to 611.263 issued under sec. 607, 55 Stat. 61, as amended; sec. 611, 62 Stat. 1271, as amended; 12 U.S.C. 1742, 1746.

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

§ 611.251 Definitions of terms used in this part.

As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner, or his duly authorized representative.

(e) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(f) The term "mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(g) The term "project mortgage" means a blanket mortgage which at the time of insurance covers a group of not less than 25 single-family dwellings.

(h) The term "individual mortgage" means a mortgage covering a single-family dwelling released from a project mortgage insured under section 611 of the act.

PREMIUMS

§ 611.252 Insurance premiums for project mortgages.

(a) The mortgagee, upon the initial endorsement of the mortgage for insurance, shall pay to the Commissioner a first mortgage insurance premium equal to one-half of one percent of the original face amount of the mortgage.

(1) If the date of the first principal payment is more than one year following the date of such initial insurance endorsement the mortgagee, upon the anniversary of such insurance date, shall pay a second premium equal to ½ of 1 percent of the original face amount of the mortgage. On the date of the first principal payment the mortgagee shall pay a third premium equal to ½ of 1 percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said three premiums shall equal the sum of (i) 1 percent of the average outstanding principal obligation of the mortgage for the year following the date of initial insurance endorsement and (ii) ½ of 1 percent per annum of the average outstanding principal obligation of the mortgage for the period from the first anniversary of the date of initial insurance endorsement to one year following the date of the first principal payment.

(2) If the date of the first principal payment is one year or less than one year following the date of such initial insurance endorsement the mortgagee, upon such first principal payment date, shall pay a second premium equal to ½ of 1 percent of the average outstanding principal obligation of the mortgage for the following year which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of (i) 1 percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of initial insurance endorsement to the date of first principal payment and (ii) ½ of 1 percent of the average outstanding principal obligation of the mortgage for the year following the date of the first principal payment.

(3) Where the credit instrument is initially and finally endorsed for insurance pursuant to a commitment to insure upon completion, the mortgagee on the date of the first principal payment shall pay a second premium equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the year following such first principal payment date which shall be adjusted so as to accord with such date and so that the aggregate of the said two premiums shall equal the sum of ½ of 1 percent per annum of the average outstanding principal obligation of the mortgage for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(b) Until the mortgage is paid in full or until claim under the contract of insurance is made or until the contract of insurance shall terminate, the mortgagee, on each anniversary of the date of the first principal payment, shall pay an annual mortgage insurance premium equal to ½ of 1 percent of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable.

(c) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(d) Premiums shall be payable in cash or in debentures issued by the Commissioner under Title VI of the act at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as hereinafter provided in paragraph (e) of this section.

(e) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.

§ 611.253 Insurance premiums for individual mortgages.

(a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title VI of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

§ 611.254 Adjusted premium charge for individual mortgages.

(a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(d) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

INSURANCE ENDORSEMENT

§ 611.255 Endorsement of project mortgage.

(a) Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure,

the Commissioner shall endorse the original credit instrnment in form as follows:

No. ---------
Insured under section 611
Of the National Housing Act
and Regulations thereunder of the
Federal Housing Commissioner
In effect on ----------
to the extent of advances
approved by the Commissioner
FEDERAL HOUSING COMMISSIONER
By----------
Authorized agent
Date ----------

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured project mortgage, including the provisions of the regulations in this part and of the National Housing Act. The term "contract of insurance" as used in this part, means the agreement evidenced by such endorsement.

(c) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner, upon proof of compliance with any and all conditions upon which prior advances were approved for insurance, and upon presentation of the original credit instrument, will make a notation below the insurance endorsement in form as follows:

A total sum of $---------
has been approved for insurance hereunder
By the Commissioner
FEDERAL HOUSING COMMISSIONER
By ----------
Authorized agent
Date ----------

(d) In cases where a commitment has been issued to insure upon completion the Commissioner will, upon full compliance with the terms of such commitment, endorse the original credit instrument for insurance by executing both certificates of the endorsement form as set forth in paragraphs (a) and (c) of this section.

§ 611.256 Endorsement of individual mortgage.

(a) Upon compliance, satisfactory to the Commissioner, with the terms of his commitment to insure, the Commissioner will endorse the original credit instrument in form as follows:

No. ---------
Insured as an individual mortgage under section 611
of the National Housing Act
and regulations thereunder of the
Federal Housing Commissioner
Revised ----------, 1950
as amended ----------
FEDERAL HOUSING COMMISSIONER
By ----------
Authorized agent
Date ----------

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured individual mortgage, including the provisions of the regulations in this part and of the National Housing Act.

RIGHTS AND DUTIES OF A MORTGAGEE UNDER CONTRACT OF INSURANCE

§ 611.257 Rights and duties in connection with project mortgage.

The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or paragraph (b) of this section.

(a) If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage, whether or not such failure to pay is caused by failure to perform some other covenant or obligation under the mortgage because of which the mortgagee has declared the full amount due and payable under an acceleration clause contained therein, and such failure continues for a period of 30 days, the mortgage shall be considered in default and the mortgagee shall within 30 days thereafter give notice in writing to the Commissioner of such default. At any time within 30 days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign and shall assign to the Commissioner the mortgage and other items enumerated below:

(1) All rights and interests arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, papers, and accounts relating to the mortgage transaction.

The mortgagee shall offer evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the mortgage to the Commissioner.

Nothing contained in this section shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Commissioner agrees thereto in writing.

(b) If the mortgagor fails to make any payment to the mortgagee required by the mortgagee, or to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default, and the mortgagee, within a period of 30 days after the occurrence of a default arising on account of such failure to make any such payment or within such period after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Commissioner of such default. At any time within a period of 90 days after the date of such notice or within such later time as may be agreed upon by the Commissioner in writing, the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Institute proceedings for the foreclosure of the mortgage and obtain possession of the mortgaged property and the income therefrom through the voluntary surrender thereof by the mortgagor or institute, and prosecute with reasonable diligence, proceedings for the appointment of a receiver of the mortgaged property and the income therefrom or proceed to exercise such other rights and remedies as may be available to it for the protection and preservation of the mortgaged property and the income therefrom under the mortgage and the law of the particular jurisdiction: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within 60 days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this section shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified provided the Commissioner so agrees in writing. The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings under this section and shall exercise reasonable diligence in prosecuting such proceedings to completion. If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Commissioner by the mortgagee, and the insurance shall continue as if such default had not occurred.

(c) If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of paragraph (a) of this section, and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said paragraph, the Commissioner shall deliver to the mortgagee:

(1) Debentures of the War Housing Insurance Fund as set forth in section 608 of the act, issued as of the date the mortgage became in default, bearing interest from such date at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to July 8, 1953, and at the rate of 2¾ percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954, payable semi-annually on the first day of January and the first day of July of each year and having a total face value equal to the value of the mortgage as defined in section 608 (c) of the act. Such value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount the mortgagee may have paid for taxes, special assessments, and water rates which are liens prior to the mortgage; insurance on the property; and reasonable expenses for the completion and preservation of the property and any mortgage insurance premiums paid after default; less the sum of (i) an amount equivalent to one percent of the unpaid amount of such principal obligation on the date of default; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee.

(2) A Certificate of Claim in accordance with section 608 (d) of the act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property. This Certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures. Each such Certificate of Claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such Certificate an increment at the rate of three percent per annum.

(d) If the mortgagee elects to proceed under, and does proceed under and in accordance with the provisions of paragraph (b) of this section and at any time within 30 days (or such further time as may be allowed by the Commissioner in writing) after acquiring title to and possession of the mortgaged property in accordance with such paragraph, tenders to the Commissioner possession thereof and a deed thereto containing a covenant which warrants against acts of the mortgagee and of all parties claiming by, through, or under the mortgagee, conveying title to such property satisfactory to the Commissioner, as provided in paragraph (e) of this section, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including but not limited to any claims on account of title insurance and fire or other hazard insurance, except such claims as may have been released with the prior approval of the Commissioner, the Commissioner shall promptly accept conveyance to such property and such assignments, notwithstanding that the buildings or improvements thereon shall be incomplete or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee debentures and Certificate of Claim as provided in paragraph (c) of this section, except that the one percent deduction set out in subparagraph (1) (i) thereof with respect to the amount of debentures shall not apply.

(e) Title satisfactory to the Commissioner within the meaning of paragraph (d) of this section will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, but must be free and clear of all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage, regardless of whether such liens attached prior to such recording date, and free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner.

(f) The mortgagee, at the time a deed is tendered in accordance with paragraph (d) of this section, shall furnish to the Commissioner without expense to him satisfactory evidence of such title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Commissioner and, shall be in the form of an owner's policy of title insurance, or a satisfactory abstract and attorney's opinion covering the period subsequent to the recording of the mortgage, or a satisfactory continuation of the title evidence accepted by the Commissioner at the time the mortgage was insured, depending upon the form of title evidence originally accepted by the Commissioner.

(g) The mortgaged premises shall at all times be insured against fire and other hazards as provided in the mortgage. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured as provided in the mortgage, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within 30 days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Commissioner.

(h) In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with paragraph (d) of this section, and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee, under paragraph (d) of this section, shall terminate as of the date of such notice.

§ 611.258 Rights and duties in connection with individual mortgage.

(a) In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with paragraph (g) of this section, and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under § 611.254, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to

pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under paragraph (g) of this section, shall terminate as of the date of such notice.

(b) If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

(c) At any time within one year from the date of default the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(d) The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(e) For the purposes of this section, the date of default shall be considered as 30 days after the first uncorrected failure to perform a covenant or obligation, or the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in order in which they became due.

(f) If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred. Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(g) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of paragraph (c) of this section, and at any time within 30 days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with paragraph (c) (1) of this section, tenders to the Commissioner possession of, and a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, conveying good merchantable title (evidenced as hereinafter provided in paragraph (j) of this section to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(1) Debentures of the War Housing Insurance Fund as set forth in section 604 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 2½ percent per annum in the case of mortgages endorsed for insurance prior to July 8, 1953, and at the rate of 2¾ percent per annum in the case of mortgages endorsed for insurance on or after July 8, 1953, and at the rate of 2½ percent per annum if issued in exchange for property accepted for insurance pursuant to commitments issued by the Commissioner on or after May 29, 1954, payable semi-annually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in section 604 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however*, That with respect to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80 percent of the release clause price as specified in the blanket mortgage applicable to the mortgaged property, or 80 percent of the appraised value as of the date the mortgage was accepted for insurance if a valuation was made at the time of insurance, there will be included in the debentures issued by the Commissioner, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Commissioner an amount not in excess of 2 percent of the unpaid principal of the mortgage as of the date of institution of foreclosure proceedings and not in excess of $75; or not in excess of two-thirds of such cost, whichever is the greater. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

(2) A Certificate of Claim in accordance with section 604 (e) of the act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with section 604 (f) of the act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such Certificate of Claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of 3 percent per annum.

(h) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(i) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the release clause price as specified in the mortgage applicable to the mortgaged property, or in the event a valuation was made at the time the individual mortgage was accepted for insurance, 75 percent of such appraised value; and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(j) Evidence of title of the following types will be satisfactory to the Commissioner:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(k) Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, general taxes, or special assessments.

(l) If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(m) The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights which, in the opinion of the Commissioner, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

Assignments

§ 611.259 Assignment of project mortgages.

(a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than a mortgage executed in the form of an indenture of trust providing for the issue and sale of bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations, may be transferred (but, except with the written approval of the Commissioner, only subsequent to full disbursement of the mortgage loan) to a transferee who is a mortgagee approved by the Commissioner. Upon such approval and transfer and the assumption by the transferee of all obligations under the contract of insurance, the transferor shall be released from its obligations under the contract of insurance.

(c) The contract of insurance shall terminate with respect to mortgages described in paragraph (b) of this section upon the happening of either of the following events:

(1) The acquisition of the insured mortgage by or the pledge thereof to any person, firm, or corporation, public or private, except as specifically provided in paragraph (b) of this section.

(2) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device unless with the prior written approval of the Commissioner: *Provided*, That this subparagraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (i) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (ii) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this subparagraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

§ 611.260 Assignment of individual mortgages.

The provisions of the Administrative regulations under section 203 of the National Housing Act governing the assignments of insured mortgages shall likewise govern the assignments of individual mortgages insured under section 611 of the act.

Rights in Housing Fund

§ 611.261 No vested right.

Neither the mortgagee nor the mortgagor shall have any vested or other right in the "War Housing Insurance Fund".

Amendments

§ 611.262 Amendments to regulations in this part.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or any mortgage or prospective mortgage on which the Commissioner has made a commitment to insure.

Effective Date

§ 611.263 Effective date.

The regulations in this part shall be effective as to all mortgages with respect to which a commitment to insure under section 611 of the act is issued on or after the date of this part.

SUBCHAPTER S—INSURANCE FOR INVESTMENTS IN RENTAL HOUSING FOR FAMILIES OF MODERATE INCOME

PART 702—YIELD INSURANCE

Subpart A—Eligibility Requirements

APPROVAL OF INVESTORS

Sec.
702.1 Classification of investors.
702.2 Withdrawal of approval.

APPLICATION AND COMMITMENT

702.3 Submission of application.
702.4 Form of application.
702.5 Application and commitment fee.
702.6 Inspection fee.
702.7 Approval of application.

ELIGIBLE PROJECTS

702.8 Project eligibility requirements.

RENTS

702.9 Rental schedule.
702.10 Charges in addition to maximum rental.

TITLE

702.11 Title.

EFFECTIVE DATE

702.12 Effective date.

Subpart B—Contract Rights and Obligations

702.251 Definitions.
702.252 Premiums.
702.253 Contract of insurance.
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702.256 Payment of claims.
702.257 Debentures.
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702.259 Amendments.
702.260 Effective date.

AUTHORITY: §§ 702.1 to 702.260 issued under sec. 712, 62 Stat. 1281, as amended; 12 U.S.C. 1747k.

Subpart A—Eligibility Requirements

APPROVAL OF INVESTORS

§ 702.1 Classification of investors.

Such of the following may become an approved investor as the Commissioner shall find to be qualified by business experience and facilities to afford assurance of the necessary continuity of long-term investment and to have available the necessary capital required for long-term investment in the project and shall approve as eligible for insurance under Title VII of the National Housing Act:

(a) Any natural person;

(b) Any group of not more than ten natural persons;

(c) Any corporation, company, association, trust or other legal entity; or

(d) Any combination of two or more corporations, companies, associations, trusts or other legal entities having all the powers necessary to comply with the requirements of such title.

§ 702.2 Withdrawal of approval.

Approval of an investor may be withdrawn by notice from the Commissioner at any time for cause deemed sufficient by the Commissioner, but no withdrawal will affect any commitment or contract of insurance theretofore entered into with such investor.

APPLICATION AND COMMITMENT

§ 702.3 Submission of application.

Any approved investor may submit an application for insurance in connection with an investment which it proposes to make pursuant to the provisions of Title VII of the National Housing Act.

§ 702.4 Form of application.

The application must be made upon a standard form prescribed by the Commissioner and filed at the local Federal Housing Administration office serving the area in which the property is located.

§ 702.5 Application and commitment fee.

The application must be accompanied by the investor's check to cover an application fee computed at the rate of $150 per $1,000 of the estimated investment stated in the application, to cover the cost of analysis by the Commissioner, and at the time of delivery of the commitment a further sum (referred to as commitment fee) shall be paid, which, when added to the application fee, will aggregate $3.00 per $1,000 of the estimated investment as specified in the commitment. If the application is refused as a result of preliminary examination by the Commissioner, the fee paid will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following preliminary examination. If the amount of established investment is increased after insurance, the fees herein provided for shall be based upon the amount of such increase.

§ 702.6 Inspection fee.

An inspection fee computed at the rate of $2.00 per $1,000 of the face amount of the commitment shall be paid as provided for in the commitment.

§ 702.7 Approval of application.

Upon approval of an application a commitment will be issued upon a form approved by the Commissioner setting forth the terms and conditions upon which the insurance will be granted.

ELIGIBLE PROJECTS

§ 702.8 Project eligibility requirements.

To be eligible for insurance, a project shall meet the following conditions:

(a) The Commissioner shall be satisfied that there is in the locality or metropolitan area of such project a need for new rental dwellings at rents comparable to the rents proposed to be charged for the dwellings in such project.

(b) The project shall be economically sound and shall contain at least twenty-five (25) dwelling units.

(c) The dwellings in such project shall be acceptable to the Commissioner as to quality, design, size and type.

(d) The investor shall establish in a manner satisfactory to the Commissioner that good and merchantable title in fee simple or under long-term leasehold (under a lease having a term of not less than 99 years which is renewable or under a lease having not less than 60 years to run from the date of commitment to insure under Title VII of the act is executed) satisfactory to the Commissioner to the real estate to be included in the project is vested in the investor free and clear of liens and will so remain as long as the contract of insurance remains in force, and after completion of the project, the investor must establish that there are no outstanding unpaid obligations contracted in connection with the construction or completion of the project, except taxes and such other liens and obligations as may be approved or prescribed by the Commissioner. Debentures issued by the investor which are payable out of net income from the project and from the benefits of the insurance contract shall not be construed as "unpaid obligations" as such term is used in this paragraph.

(e) The project may include, in addition to the dwellings, such stores, commercial or community facilities as the Commissioner shall determine to be necessary or desirable appurtenances to the project.

(f) The investor shall establish in a manner satisfactory to the Commissioner that it has and will make available sufficient funds to complete the project in accordance with the plans and specifications approved by the Commissioner.

(g) An investor must establish that no restriction upon the sale or occupancy of the project, on the basis of race, color, or creed, has been filed of record at any time subsequent to February 15, 1950, and must certify that so long as the insurance contract remains in force he will not file for record any restriction affecting the project or execute any agreement, lease, or conveyance affecting the project which imposes any such restriction upon its sale or occupancy.

(h) (1) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.1 to 5.12).

(2) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of the contractors or subcontractors established and maintained by the Comptroller General, pursuant to regulations of the Secretary of Labor (29 CFR 5.6 (b)).

(3) No project shall be eligible for insurance unless subsequent to completion of construction there is filed a certificate, executed by the general contractor, in the form required by the Commissioner, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance.

RENTS

§ 702.9 Rental schedule.

No charge shall be made by the investor for the dwelling accommodations offered by the project in excess of that provided in a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental: *Provided*, That in no event shall the rent proposed to be charged or collected for any dwelling in the project, including charges for heat and other customary services as determined by the Commissioner, exceed $120 per month, nor shall the average rental for all dwellings in the project exceed $100 per month.

§ 702.10 Charges in addition to maximum rental.

The established maximum rental shall be the maximum authorized charge against any tenant for the dwelling accommodations offered exclusive of telephone, gas, electric, and refrigeration services. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the investor, but only with the approval of the Commissioner. No additional amounts may be required from a tenant in the nature of security deposits as a condition to occupancy of such units without the prior approval of the Commissioner.

TITLE

§ 702.11 Title.

At the time the contract of insurance is executed, the investor shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section: *Provided, however*, That in the event the investor is unable to furnish such policy for reasons satisfactory to the Commissioner the investor, without expense to the Commissioner, shall furnish evidence of title as prescribed in paragraphs (b), (c) or (d) of this section as the Commissioner may require.

(a) An owner's policy of title insurance issued by a company satisfactory to the Commissioner in such form and amount as may be approved by the Commissioner. Such policy shall run to the investor and the Commissioner as their respective interests may appear and may contain such exceptions, restrictions and limitations as are approved by the Commissioner.

(b) An abstract of title satisfactory to the Commissioner prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title signed by an attorney experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America or of any State or Territory thereof.

EFFECTIVE DATE

§ 702.12 Effective date.

The administrative rules in this subpart are effective as to all projects on which a commitment to insure under Title VII is issued on or after November 12, 1948.

Subpart B—Contract Rights and Obligations

§ 702.251 Definitions.

As used in this subpart, the following terms shall have the meanings respectively ascribed to them below, and unless the context clearly indicates otherwise, shall include the plural as well as the singular number.

(a) The term "Commissioner" shall mean the Federal Housing Commissioner.

(b) The term "act" shall mean the National Housing Act, as amended.

(c) The term "contract of insurance" shall mean the written instrument duly executed by the Commissioner and the investor, setting forth the terms, conditions and provisions of insurance.

(d) The term "investor" shall mean the insured named in the contract of insurance and shall include any assignee, pledgee or transferee of the insured which has been approved by the Commissioner and which is entitled to receive the benefits of the insurance contract.

(e) The term "project" shall mean a project (including all property, real and personal, contracts, rights and choses in action acquired, owned or held by the investor in connection therewith) of an investor designed and used primarily for the purpose of providing dwellings, the occupancy of which is permitted by the investor in consideration of agreed charges, and may include such stores, offices, commercial, community or other facilities as the Commissioner may approve.

(f) The term "estimated investment" shall mean the estimated cost of the development of the project as stated in the application submitted to the Commissioner for insurance under Title VII of the act and the regulations in this subpart.

(g) The term "establishment investment" shall mean the amount of the reasonable costs as approved by the Commissioner, incurred by the investor in, and necessary for, carrying out all works and undertakings for the development of the project, and shall include the premium charge for the first operating year and the cost of all necessary surveys, plans and specifications, architectural, engineering, or other special services (land acquisition, site preparation, construction and equipment; a reasonable return on the funds of the investor paid out in the course of the development of the project up to, and including, the initial occupancy date; necessary expenses in connection with the initial occupancy of the project; and the cost of such items as the Commissioner shall determine to be necessary for the development of the project:

(1) Less the amount by which the rents and revenues derived from the project up to, and including, the initial occupancy date exceeded the reasonable and proper expenses as approved by the Commissioner, incurred by the investor in, and necessary for, operating and maintaining said project up to, and including, the initial occupancy date, or

(2) Plus the amount by which such expenses exceeded such rents and revenues as the case may be: *Provided*, That the amount of the established investment so determined and approved by the Commissioner as of the date of initial occupancy of the project shall be subject to adjustment from time to time pursuant to the authority contained in section 712 of the act, and in accordance with the regulations in this subpart, to provide for increases, in such amounts as the Commissioner determines, if the investor makes capital improvements or additions to the project, or to provide for decreases, in such amounts as the Commissioner determines, if any part of the project is sold or transferred.

(h) The term "physical completion date" shall mean the last day of the calendar month in which the Commissioner determines that the construction of the project is substantially completed and substantially all of the dwellings therein are available for occupancy.

(i) The term "initial occupancy date" shall mean the last day of the calendar month in which 90 percent in number of the dwellings in the project on the physical completion date shall have been occupied, but shall in no event be later than the last day of the sixth calendar month next following the physical completion date.

(j) The term "operating year" shall mean the period of 12 consecutive calendar months next following the initial occupancy date and each succeeding period of 12 consecutive calendar months, and the period of the first 12 consecutive calendar months next fol-

lowing the initial occupancy date shall be the first operating year.

(k) The term "gross income" for any operating year shall mean the total rents and revenues and other income derived from, or in connection with, the project during such operating year.

(l) The term "operating expenses" for any operating year shall mean the amounts, as approved by the Commissioner, necessary to meet the reasonable and proper costs of, and to provide for, operating and maintaining the project, and to establish and maintain reasonable and proper reserves for repairs, maintenance, and replacements, and other necessary reserves during such operating year, and shall include necessary expenses for real estate taxes, special assessments, premium charges made pursuant to Title VII of the act and the regulations in this part, administrative expenses, the annual rental under any lease pursuant to which the real property comprising the site of the project is held by the investor, and insurance charges, together with such other expenses as the Commissioner shall determine to be necessary for the proper operation and maintenance of the project, but shall not include income taxes.

(m) The term "net income" for any operating year shall mean gross income remaining after the payment of the operating expenses.

(n) The term "minimum annual amortization charge" shall mean an amount equal to 2 percent of the established investment, except that in the case of a project where the real property comprising the site thereof is held by the investor under a lease, if (notwithstanding the proviso of § 702.252) the gross income for any operating year shall be less than the amount required to pay the operating expenses (including the annual rental under such lease), the minimum annual amortization charge for such operating year shall mean an amount equal to 2 percent of the established investment plus the amount of the annual rental under such lease to the extent that the same is not paid from the gross income.

(o) The term "annual return" for any operating year shall mean the net income remaining after the payment of the minimum annual amortization charge.

(p) The term "insured annual return" shall mean an amount not to exceed 2¾ percent per annum on the outstanding investment and shall be fixed in the commitment to insure or in the contract of insurance.

(q) The term "minimum annual return" for any operating year shall mean an amount equal to 3½ percent of the outstanding investment for such operating year or such lesser amount as shall be agreed upon by the investor and the Commissioner.

(r) The term "excess earnings" for any operating year shall mean the net income derived from the project in excess of the minimum annual amortization charge and the minimum annual return and income taxes.

(s) The term "outstanding investment" for any operating year shall mean the established investment less an amount equal to:

(1) The aggregate of the minimum annual amortization charge for each preceding operating year plus

(2) The aggregate of the excess earnings, if any, during each preceding operating year applied, in addition to the minimum annual amortization charge, to amortization in accordance with the provisions of § 702.254:

Provided, That the outstanding investment for any operating year shall be subject to adjustment in such amounts as the Commissioner determines, pursuant to the authority contained in section 712 of the act and the regulations in this subpart, to provide for a reduction in such outstanding investment for any operating year pending the restoration of damage to the project caused by fire, flood, earthquake, tornado or other casualty.

§ 702.252 Premiums.

(a) The investor shall pay to the Commissioner an annual insurance premium in an amount equal to ½ of 1 percent of the outstanding investment for the operating year for which such premium charge is payable without taking into account the excess earnings, if any, applied, in addition to the minimum amortization charge, to amortization of the outstanding investment. Such premium charge shall be payable annually in advance by the investor either in cash or debentures issued by the Commissioner under Title VII of the act at par plus accrued interest: *Provided*, That if in any operating year the gross income shall be less than the operating expenses, the premium charge payable during such operating year shall be waived, but only to the extent of the amount of the difference between such expenses and such income and subject to subsequent payment out of any excess earnings as provided in § 702.254.

(b) The first premium covering the first operating year shall be payable on the date the contract of insurance is executed and subsequent annual premiums shall be paid on or before the first day of each succeeding operating year until the project is acquired by the Commissioner or until the contract of insurance is otherwise terminated as set forth in § 702.258. At the close of each operating year the premium payable in advance for such operating year may be adjusted to take into account any increase or decrease in the outstanding investment for such operating year pursuant to the authority contained in section 712 of the act and the regulations in this subpart and any excess premiums collected shall be refunded to the investor and any deficiencies in the amount of the premium already collected and the amount found to be due for such operating year shall be paid by the investor.

§ 702.253 Contract of insurance.

Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the investor shall execute the contract of insurance. The Commissioner and the investor shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this subpart which shall form part of each such contract. Any or all rights, claims or other benefits under the provisions of the insurance contract may be assigned, pledged or otherwise transferred upon such terms and conditions as may be approved by the Commissioner and agreed upon by an instrument in writing executed by the original investor and by an assignee, pledgee, or other transferee satisfactory to the Commissioner.

§ 702.254 Excess earnings.

For all of the purposes of any insurance contract, 50 percent of the excess earnings, if any, for any operating year may be applied, in addition to the minimum annual return, to return on the outstanding investment but only to the extent that such application thereof does not result in an annual return of more than 5 percent of the outstanding investment for such operating year, and the balance of any such excess earnings shall be applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment: *Provided*, That if in any preceding operating years the gross income shall have been less than the operating expenses, such excess earnings shall be applied to the extent necessary in whole or in part, first, to the reimbursement of the amount of the difference between such expenses (exclusive of any premium charges previously waived under § 702.252) and such income, and second, to the payment of any premium charges previously waived hereunder.

§ 702.255 Supervision of investor.

(a) *Maintenance of books and records.* The investor shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the condition and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

(b) *Financial and operating statements.* With respect to each project, the contract of insurance shall provide that after the close of each operating year the investor shall submit to the Commissioner for approval a financial and operating statement covering such operating year in such form as the Commissioner may prescribe. If any such financial and operating statement shall not have been submitted or, for proper cause, shall not have been approved by the Commissioner, payment of any claim submitted by the investor may, at the option of the Commissioner, be withheld, in whole or in part, until such statement shall have been submitted and approved.

(c) *Special information and reports.* The investor shall furnish, at the request of the Commissioner or his agent, specific answers to questions upon which information is desired from time to time relating to the income, assets, liabilities, contracts, operation, rents, or condition of the property and any other information with respect to the investor or the project which may reasonably be required.

(d) *Rents to conform with rental schedule.* The investor shall charge and collect rents for the dwelling units in the project only in accordance with a rent schedule approved by the Commissioner. No change therein nor additional requirements in the nature of security deposits as a condition to occupancy of such units shall be made by the investor without the prior approval of the Commissioner.

(e) *Increases and decreases in established investment.* No capital expenditure for additions or improvements which would have the effect of increasing the established investment or no sale of any portion of the project which would have the effect of reducing the established investment shall be made without the prior written approval of the Commissioner. In no event shall the investor mortgage or pledge all or any part of the project as security for any debt so long as the contract of insurance remains in force.

§ 702.256 Payment of claims.

If in any operating year the net income of a project is less than the aggregate of the minimum annual amortization charge and the insured annual return, the Commissioner, upon submission by the investor of a claim for the payment of the amount of the difference between such net income and the aggregate of the minimum annual amortization charge and the insured annual return, and after proof of the validity of such claim, shall pay to the investor in cash from the Housing Investment Insurance Fund the amount of such difference as determined by the Commissioner, but not exceeding in any event an amount equal to the aggregate of the minimum annual amortization charge and the insured annual return.

§ 702.257 Debentures.

(a) *Commissioner's right to acquire project.* If the aggregate of the amounts paid to the investor pursuant to § 702.256 shall at any time equal or exceed 15 percent of the established investment, the Commissioner thereafter shall have the right, after written notice to the investor of his intention so to do, to acquire, as of the first day of the operating year after such notice is given, such project in consideration of the issuance and delivery to the investor of debentures having a total face value equal to 90 percent of the outstanding investment for such operating year. In any such case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances, and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish to the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him. In the event the investor fails to meet the obligation described in the preceding sentence, the Commissioner may, at his option, terminate the insurance contract.

(b) *Investor's right to convey project to Commissioner.* If in any operating year the aggregate of the differences between the operating expenses (exclusive of any premium charges previously waived under § 702.252) and the gross income for the preceding operating years, less the aggregate of any deficits in such operating expenses reimbursed from excess earnings as provided in § 702.254, shall at any time equal or exceed 5 percent of the established investment, the investor shall thereafter have the right, after written notice to the Commissioner of his intention so to do, to convey the project to the Commissioner as of the first day of the operating year after such notice is given, and to receive from the Commissioner debentures having a total face value equal to 90 percent of the outstanding investment for such operating year. In any case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project, undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him.

(c) *Waste.* The term "waste" as used in paragraphs (a) and (b) of this section means permanent or substantial injury caused by unreasonable use or abuse, and is not intended to include damage caused by ordinary wear and tear.

(d) *Effect of Commissioner's acquisition of project.* Upon the acquisition of a project by the Commissioner pursuant to this section, the insurance contract shall terminate.

(e) *Date and term of debentures.* The debentures issued under Title VII of the act to any investor shall be issued in accordance with the provisions of section 708 of the act, shall be dated as of the first day of the operating year in which the project for which such debentures were issued was acquired by the Commissioner, shall bear interest at the rate of 2¾ percent per annum, payable semi-annually on the first day of January and the first day of July of each year, and shall mature on the first day of July in the twentieth year following the date of issuance thereof. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of $50 and any difference not in excess of $50 between the amount of debentures to which the investor is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the investor.

§ 702.258 Termination and reinstatement of contract of insurance.

(a) *Termination of insurance contract at investor's option.* The investor, after written notice to the Commissioner of his intention to do so, may terminate, as of the close of any operating year in which such notice is given, any contract of insurance, upon payment to the Commissioner of an adjusted premium charge of 1 percent of the established investment but not in excess of the aggregate amount of the premium charges which the investor otherwise would have been required to pay if such contract of insurance had not been so terminated.

(b) *Termination of insurance contract at Commissioner's option.* The Commissioner may, at his option, terminate any insurance contract in the event that:

(1) The investor fails or refuses for a period of 30 days after receipt of a demand by the Commissioner to pay insurance premiums in accordance with the provisions of § 702.252.

(2) The investor sells or transfers all or any part of the project without the approval of the Commissioner.

(3) The investor fails or refuses to comply with the requirements and submit to the supervision of the Commissioner in the manner and to the extent prescribed in § 702.255.

(c) *Reinstatement of insurance contract.* Upon application by the investor and compliance with such terms and conditions as may be required by the Commissioner in connection with the particular transaction any contract of insurance terminated pursuant to paragraph (b) of this section may be reinstated, subject to the investor making payment to the Commissioner of an amount equal to the insurance premiums which would have been due and payable if the contract of insurance had not been terminated.

(d) *Expiration of insurance contract.* Any insurance contract shall expire as of the first day of the operating year for which the outstanding investment amounts to not more than 10 percent of the established investment.

§ 702.259 Amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time in whole or in part but such amendments shall not affect any contract of insurance or any commitment to insure issued prior thereto.

§ 702.260 Effective date.

The regulations in this subpart shall be effective as to all contracts of insurance or commitments to insure issued subsequent to the date hereof.

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 803—ARMED SERVICES HOUSING—MILITARY PERSONNEL

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AUTHORITY: §§ 803.1 to 803.264 issued under secs. 803, 807, 69 Stat. 647, as amended, 651; 12 U.S.C. 1748b, 1748f.

Subpart A—Eligibility Requirements

APPLICATION AND COMMITMENT

§ 803.1 Submission of application.

Applications for mortgage insurance may be submitted in triplicate through the local Federal Housing Administration office on a standard form prescribed by the Commissioner, which shall be fully executed, including all the required exhibits. The application must cover housing designed for use by the Military and the Coast Guard as provided under Title VIII of the National Housing Act as amended. All reference in this subpart to the Military or Secretary of Defense shall be deemed to include the Coast Guard and the Secretary of the Treasury.

§ 803.2 Certification by Secretary to Commissioner.

Applications for mortgage insurance will not be accepted unless there has been executed an instrument by the Secretary of Defense or his designee certifying to the Commissioner that the Secretary or his designee has met the requirements of section 803(b)(2) of the National Housing Act, as amended.

§ 803.3 Application fee.

(a) No application will be considered unless the fee therefor has been paid. This fee, referred to as the application fee, is $1.50 per thousand of the face amount of the loan applied for.

(b) If an application is rejected before it is assigned for processing by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee or any portion thereof may be returned to the applicant.

§ 803.4 Issuance of commitment.

(a) Upon approval of an application for mortgage insurance a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project, and instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this subpart and with such terms and conditions.

(b) The commitment will provide for advances of mortgage money during construction and the insurance of such advances as made.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall be effective for a stated period, not in excess of 120 days, provided that the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

§ 803.5 Commitment fee.

A further sum, referred to as commitment fee, which when added to the application fee will aggregate $3.00 per thousand of the face amount of the mortgage loan set forth in the commitment shall be paid within 30 days subsequent to the date of the commitment, or within such additional period of time as may be agreed to in writing by the Commissioner.

ELIGIBLE MORTGAGES

§ 803.6 Mortgage forms.

The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter provided in this subpart, must be a first lien upon property that conforms with the property standards prescribed by the Commissioner, and the mortgagee must be obligated, as a part of the mortgage transaction, to disburse the principal amount of the mortgages, to, or for the account of, the mortgagor in an amount due in accordance with the provisions of this subpart and in conformity with the terms of the commitment. Any changes in the form desired by the mortgagor and mortgagee must receive prior written approval of the Commissioner.

§ 803.7 Maximum mortgage amount; replacement cost.

(a) The mortgage or mortgages shall involve a total principal obligation not to exceed the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed including the replacement cost of ranges, refrigerators, shades, screens and fixtures. Such cost may include the cost of the land, the physical improvements, and utilities within the boundaries of the property or project.

(b) The mortgage amount is subject to other limitations as provided in §§ 803.8 and 803.9.

That should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of $16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of $16,500 per family unit.

(b) In addition to the dollar limitation prescribed in this section the mortgage amount is subject to other limitations as provided in §§ 803.7 and 803.9.

§ 803.8 Maximum mortgage amount; dollar limitation.

(a) The mortgage or mortgages shall involve a total principal obligation in an amount not to exceed an average of $16,500 per family unit for such part of the project as may be attributable to dwelling use including ranges, refrigerators, shades, screens, and fixtures, less the amount of the Commissioner's estimated value of any usable utilities within the boundaries of the project where owned by the United States and not provided for out of the proceeds of the mortgage.

(b) Should the financing of housing to be constructed pursuant to a single invitation for bids be accomplished by two or more mortgages, the principal obligation of any single mortgage may exceed an average of $16,500 per family unit if the sum of the principal obligations of all mortgages for such housing does not exceed an average of $16,500 per family unit.

(c) No mortgage shall be insured unless it is established by a certificate of the Military or otherwise that the cost of no family unit contracted for after June 7, 1960, and included in the mortgaged property shall exceed $19,800.

(d) In addition to the dollar limitation prescribed in this section the mortgage amount is subject to other limitations as provided in §§ 803.7 and 803.9.

§ 803.9 Maximum mortgage amount; successful bid.

(a) The mortgage or mortgages shall involve a total principal obligation not to exceed the amount of the successful bid of the eligible bidder of the project. The term "eligible bidder" means a person, partnership, firm, or corporation determined by the Secretary of Defense, after consultation with the Commissioner (1) to be qualified by experience and financial responsibility to construct housing of the type described and provided for under Title VIII of the National Housing Act, and (2) to have submitted the lowest acceptable bid.

(b) In addition to the bid limitation prescribed in this section, the mortgage amount is subject to other limitations as provided in §§ 803.7 and 803.8.

§ 803.10 Mortgage maturity and amortization.

The mortgage shall have maturity and amortization provisions satisfactory to the Commissioner but in no event shall the maturity exceed 30 years from the date of the beginning of amortization.

(Sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

§ 803.11 Payment requirements.

(a) The mortgage shall provide for monthly payments on the first day of each month by the mortgagor to the mortgagee on account of interest and principal.

(b) Such monthy payments will be on a level annuity basis.

(c) The Commissioner shall establish the date of the first payment to principal on the first day of the first month which falls not less than 60 days after the date fixed for the completion of construction in the Housing Contract.

(d) Before final endorsement for insurance, where necessary, the mortgage shall be modified, so that in no event shall the first payment to principal be later than the first day of the first month which falls not less than 30 days after such final endorsement.

§ 803.12 Maximum interest rate.

The mortgage may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate be in excess of 4½ percent. Interest shall be payable in monthly installments on the principal then outstanding.

§ 803.13 Mortgage to cover the entire property.

The mortgage shall cover the entire property included in the housing project.

§ 803.14 Covenant against liens.

The mortgage shall, except as otherwise provided in this subpart, contain a covenant against the creation by the mortgagor of liens against the property superior or inferior to the lien of the mortgage.

§ 803.15 Standards and conditions of acceptability.

The mortgage shall be executed with respect to a project which, in the opinion of the Commissioner, is an acceptable risk in view of the Certificate of Need issued by the Secretary of Defense. Such project or property shall comply with such standards and conditions as the Commissioner may prescribe to establish its acceptability for mortgage insurance.

§ 803.16 Accumulation of accruals.

The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Commissioner. Such payments shall continue only so long as the contract of insurance shall remain in effect.

§ 803.17 Application of payments.

(a) The mortgage shall provide that all monthly payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each monthly payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the mortgage;

(3) Amortization of the principal of the mortgage.

(b) Any deficiency in the amount of any such aggregate monthly payment shall constitute an event of default. The mortgage shall further provide for a grace period of 30 days, within which time the default must be made good.

§ 803.18 Prepayment.

The mortgage shall contain a provision that the mortgagor shall have the right to prepay the mortgage in whole or in part without any additional charge or penalty on or after the date which is 20 years from the date of the first payment to principal on the mortgage. The mortgage may provide that there shall be no right of prepayment prior to the expiration of such 20 year period.

(Sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

§ 803.19 Maximum charges, fees or discounts.

The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this subpart and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

§ 803.21 Issuance of bonds.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Commissioner.

§ 803.22 Mortgage covenant regarding racial restrictions.

The mortgage shall contain a covenant by the mortgagor that until the mortgage has been paid in full, or the contract of insurance otherwise terminated, he will not execute or file for record any instrument which imposes a restriction upon the sale or occupancy of the mortgaged property on the basis of race, color or creed. Such covenant shall be binding upon the mortgagor and his assigns and shall provide that upon violation thereof, the mortgagee may, at its option, declare the unpaid balance of the mortgage immediately due and payable.

ELIGIBLE MORTGAGORS

§ 803.23 Private corporation eligible.

A private corporation (referred to in this subchapter as "mortgagor," "Corporation," or "mortgagor corporation") is eligible for mortgage insurance if formed or created, with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto. So long as such contract of insurance is in effect, the corporation shall engage in no business other than the construction and operation of a housing project limited to nontransient occupancy.

§ 803.24 Certification as to liens and obligations.

Both the mortgagor and the builder who has been determined to be the eligible bidder shall certify at final endorsement of the loan for insurance that:

(a) The property covered by the mortgage is free and clear of all liens other than such mortgage, except such liens as may be approved by the Commissioner; and

(b) There will not be outstanding any unpaid obligation contracted in connection with the mortgage transaction, the purchase of the mortgaged property, or the construction of the project, except such obligations as may be approved by the Commissioner.

SUPERVISION OF MORTGAGORS

§ 803.25 Corporate stock.

(a) *Acquisition of capital stock by Commissioner.* Arrangements satisfactory to the Commissioner shall be made under which the capital stock of the mortgagor corporation may be acquired by him, together with the resignations of the officers and directors of the corporation, where he determines such acquisition is necessary for the protection of the FHA as insurer of the mortgage. Upon such acquisition the Commissioner may accept the resignations of the officers and directors of the corporation, appoint such officers and agents as may be satisfactory to him, and exercise all rights as the holder of the capital stock of the corporation.

(b) *Stock acquisition by Military.* Upon completion of the project the Military shall acquire all the capital stock of the mortgagor corporation and shall hold the same and manage and operate the project property so long as there is outstanding thereon a mortgage insured by the Commissioner.

§ 803.26 Agreement covering advances.

The mortgagor and mortgagee shall, prior to the insurance of the mortgage, execute an agreement acceptable to the Commissioner providing for the manner and conditions under which advances (if any) during construction are to be made by the mortgagee and approved for insurance by the Commissioner. Such agreement shall require the mortgagee to notify the Commissioner, through the insuring office having jurisdiction over the territory in which the property is situated, in writing, on an application form prescribed by the Commissioner, of the proposed date and the amount of the advance to be made, and the Commissioner shall deliver to the mortgagee within a reasonable time from the date of such notice a certificate executed on behalf of the Commissioner on a form prescribed by him setting forth the amount approved for insurance or advising the mortgagee of the Commissioner's nonapproval and setting forth the reasons therefor. Such agreement shall be set forth on a form approved by the Commissioner; shall contain such additional terms, conditions, and provisions as the Commissioner shall in the particular case prescribe or approve, and when properly executed shall constitute a part of the mortgage insurance contract.

§ 803.27 Completion assurance.

Assurance for the completion of a project shall be a performance bond and a payment bond satisfactory to the Commissioner and the Secretary of Defense or his designee with the mortgagor and mortgagee as joint obligees.

§ 803.28 Labor standards.

(a) Any contract or subcontract executed for the performance of construction of the project shall comply with all applicable Labor Standards and provisions of the Regulations of the Secretary of Labor, issued May 9, 1951, 21 CFR 5.1–5.12.

(b) The Military shall make all compliance inspections, investigations and payroll examinations and report thereon to the Commissioner.

§ 803.29 Ineligible contractors.

No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Commissioner or by the Comptroller General, pursuant to the provisions of Regulations of the Secretary of Labor, issued May 9, 1951, 29 CFR 5.6 (b).

§ 803.30 Ineligible advances.

Unless approved by the Commissioner no advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership, or association in which such contractor or subcontractor has a substantial interest was, on the date the contract or subcontract was executed, on an ineligible list as prescribed in § 803.29.

§ 803.31 Wage certificates.

No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance certificates acceptable to the Commissioner certifying that:

(1) The laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of filing of the application for insurance;

(2) All laborers and mechanics employed in the construction of such project have been paid not less than one and one-half times the regular rate of pay for employment in excess of eight hours in any one day or in excess of 40 hours in any one week.

§ 803.32 Non-discrimination provision.

Any contract or subcontract executed for the performance of construction of the project shall contain the provision that there shall be no discrimination against any employee, or applicant for employment, because of race, color, creed, or national origin.

§ 803.33 Special certificates and contract by mortgagor.

(a) The mortgagor must certify under oath that in selecting tenants for the property covered by the mortgage, the mortgagor will not discriminate against any family by reason of the fact that there are children in the family, and that the mortgagor will not sell the property while the mortgage insurance is in effect unless the purchaser also so certifies, such certifications to be filed with the Commissioner.

(b) The mortgagor must certify under oath that, so long as the mortgage is insured by the Commissioner, the mortgagor will not rent, permit the rental, or permit the offering for rental, of the housing, or any part thereof, covered by such mortgage for transient or hotel purposes. The corporate charter of the mortgagor or a contract with the Commissioner shall provide that so long as the said mortgage is insured or held by the Commissioner it will not rent such housing, or any part thereof for hotel purposes. For the purpose of this certificate, rental for transient or hotel purposes shall mean (1) rental for any period less than 30 days, or (2) any rental, if the occupants of the housing accommodations are provided customary hotel services such as room service for food and beverages, maid service, furnishing and laundering of linen, and bellboy service.

ELIGIBLE MORTGAGES

§ 803.34 Qualification of lenders.

The provisions of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter shall govern the eligibility, qualifications and requirements of mortgagees under this subpart.

PROPERTY REQUIREMENTS

§ 803.35 Eligibility of property.

(a) A mortgage to be eligible for insurance must be on the interest of the lessee for not less than fifty-five years on a lease executed by the Military or such other interest in real estate as may be approved by the Commissioner.

(b) The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage except as otherwise provided in this subpart.

§ 803.36 Development of property.

At the time the mortgage is insured the mortgagor shall be obligated to construct and complete new housing accommodations on the mortgaged property, designed principally for residential use, conforming to standards satisfactory to the Commissioner. The project shall consist of not less than eight dwelling units on one site and may be detached, semi-detached, or row houses, or multifamily structures; except that the Commissioner, upon request of the Military, may insure a mortgage on a project consisting of less than eight dwelling units.

The property or project may include such non-dwelling facilities as the Commissioner deems adequate to serve the occupants.

§ 803.37 Form of contract.

The form of contract between the Military and the eligible builder shall be subject to the prior approval of the Commissioner.

TITLE

§ 803.38 Eligibility of title.

(a) In order for the mortgaged property to be eligible for insurance, the Commissioner must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title evidence will be examined by the Commissioner and the original endorsement of the credit instrument for insurance will be evidence of its acceptability.

(b) No part of the cost of title evidence may be paid out of the mortgage proceeds.

§ 803.39 Title evidence.

Upon insurance of the mortgage, the mortgagee, without expense to the Commissioner, shall furnish to the Commissioner, a survey satisfactory to him and such evidence of title as provided in this section, as the Commissioner may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Commissioner. Such policy shall comply with dence of title as provided in this section, as the Commissioner may require, the "L. I. C. Standard Mortgagee Form," or the "A. T. A. Standard Mortgagee Form," or such other form as may be approved by the Commissioner; shall be payable to the mortgagee and the Commissioner as their respective interests may appear; and shall become a policy on the leasehold interest of the mortgagor, running to the mortgagee as owner upon the acquisition of the property by the mortgagee in extinguishment of a debt through foreclosure or by other means, and to the Commissioner as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.

(e) A guarantee of title by the Secretary of Defense.

EFFECTIVE DATE

§ 803.40 Effective date.

The provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after August 15, 1955.

Subpart B—Contract Rights and Obligations

DEFINITIONS

§ 803.251 Definitions.

(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable; or (2) under a lease for a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(b) The term "mortgagee" includes the original lender under a mortgage, and its successors and assigns approved by the Commissioner; and the term "mortgagor" includes the original borrower under a mortgage, its successors and assigns.

(c) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(d) The term "housing accommodations" means housing designed for occupancy by military personnel and their dependents, assigned to duty at or near the military installation where such housing units are constructed.

(e) The term "personnel" shall include personnel of the military and civilian personnel approved by the Secretary of Defense, or his designee, and the dependents of all such personnel.

(f) The term "Military" includes Army, Navy, Marine Corps, Air Force, and Coast Guard.

(g) The term "State" includes the several States and Alaska, Hawaii, Puerto Rico, the District of Columbia, Guam, the Virgin Islands, the Canal Zone, and Midway Island.

PREMIUMS

§ 803.252 Method of payment.

(a) The mortgagee, upon the initial endorsement of the mortgage for insurance shall agree to pay to the Commissioner a first insurance premium of one dollar per project for the construction period.

(b) On the date of the first principal payment on account of the mortgage the mortgagee shall pay the first insurance premium and a second premium equal to one-fourth of one percent of the average outstanding principal obligation for the following year.

(c) Until the mortgage is paid in full, or until the contract of insurance shall otherwise terminate, the mortgagee, on each anniversary of the date of the first principal payment shall pay an annual mortgage insurance premium equal to one-quarter of one percent of the average outstanding principal obligation of the mortgage for the year following the date upon which such payment becomes payable; except that the annual mortgage insurance premium rate shall be reviewed and shall be subject to revision on July 1, 1959 and at the end of each three year period thereafter by the Commissioner, the Secretary of Defense, and the Secretary of the Treasury or their designees, to a rate justified by the loss experience of the Armed Services Housing Mortgage Insurance Fund and the rate payable as the mortgage insurance premium shall be that determined as a result of the aforesaid review and revision: *Provided*, That in no event shall such premium charge exceed one-half of one percent: *And provided further*, That any change in the annual mortgage insurance premium rate will become effective only with respect to premiums which become due on the first day of the month following such revision.

(d) The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

(e) Premiums shall be payable in cash or in debentures issued by the Commissioner against the Armed Services Housing Mortgage Insurance Fund under Title VIII of the National Housing Act at par plus accrued interest. All premiums, except the first premium, are payable in advance and no refund will be made of any portion thereof except that at the time of prepayment, the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is ap-

plicable to the portion of the year subsequent to such prepayment.

(f) Upon agreement between the mortgagor and mortgagee, approved by the Commissioner, premiums due under this section may be paid directly by the mortgagor to the Commissioner. Upon the execution and approval of such agreement, the obligation of the mortgagor to make payments to the mortgagee on account of such mortgage insurance premiums and the obligation of the mortgagee to pay mortgage insurance premiums to the Commissioner shall cease until such time as the agreement is revoked.

(g) A mortgage may be finally endorsed for insurance after it has been assigned to the Commissioner for the purpose of making effective the military guarantee of payment and effecting an orderly closing of the transaction. In such event the mortgage insurance premium of one dollar per project provided in paragraph (a) of this section shall cover both the construction period and the period of time the mortgage is held by the Commissioner, and the references in paragraphs (b) (c), and (d) of this section to the date of first principal payment shall be deemed to mean the first day of the month next following the date of the transfer of the mortgage from the Commissioner to another mortgagee.

§ 803.253 Waiver of adjusted premium charge.

If the mortgage is prepaid prior to maturity, no adjusted premium charge will be required.

INSURANCE ENDORSEMENT

§ 803.254 Form of endorsement.

(a) Upon compliance satisfactory to the Commissioner with the terms and conditions of his commitment to insure, the Commissioner shall endorse the original credit instrument in form as follows:

No.----------

Insured under section 803 of the National Housing Act and Regulations thereunder of the Federal Housing Commissioner.

In effect on----------to the extent of advances approved by the Commissioner.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)

Date----------

(b) The mortgage shall be an insured mortgage from the date of such endorsement. The Commissioner and the mortgagee shall thereafter be bound by this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of this part and of the National Housing Act.

(c) After all advances under the mortgage have been made with the approval of the Commissioner, the Commissioner shall, upon presentation of original credit instrument, make a notation below the insurance endorsement in form as follows:

A total sum of $------ has been approved for insurance hereunder by the Commissioner.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)

Date ----------

(Sec. 803, 69 Stat. 647, as amended; 12 U.S.C. 1748b)

RIGHTS AND DUTIES OF MORTGAGEE UNDER CONTRACT OF INSURANCE

§ 803.255 Defaults.

(a) The failure of the mortgagor to make any payments due under or provided to be paid by the terms of a mortgage insured under this subpart shall be considered a default under such mortgage.

(b) The failure to perform any other covenant under the provisions of a mortgage insured under this subpart shall be considered a default, provided the mortgagee, because of such default, has exercised its right under the mortgage and accelerated the debt.

(c) If such defaults as defined in paragraphs (a) and (b) of this section continue for a period of 30 days the mortgagee shall be entitled to receive the benefits of the insurance hereinafter provided.

§ 803.256 Notice.

(a) If the default as defined in § 803.255 is not cured within the 30 day grace period, the mortgagee shall within 30 days thereafter notify the Commissioner in writing of such default.

(b) Notwithstanding the provision of § 803.255(b), the mortgagee will be required to give notice in writing to the Commissioner of the failure of the mortgagor to comply with such covenant regardless of the fact the mortgagee may not have elected to accelerate the debt.

§ 803.257 Commissioner's right to require acceleration.

Upon receipt of notice of violation of a covenant, as provided for in § 803.256 (b), or otherwise being apprised thereof, the Commissioner reserves the right to require the mortgagee to accelerate payment of the outstanding principal balance due in order to protect the interests of the Federal Housing Commissioner.

§ 803.258 Transfer of property to Commissioner; conditions; required items.

(a) When the mortgagee becomes eligible for the benefits of the mortgage insurance, it shall within 30 days thereafter, or within such later time as may be agreed upon by the Commissioner in writing, notify the Commissioner in writing of its intention to file claim for debentures. At any time within 30 days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the mortgagee shall, in such manner as the Commissioner may require, assign, transfer and deliver to the Commissioner the original credit instrument and the mortgage securing the same, without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the mortgage, that the mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign and will promptly deliver to the Commissioner the mortgage and other items enumerated below:

(1) All rights and interest arising under the mortgage so in default;

(2) All claims of the mortgagee against mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties, and any and all claims thereunder, including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the mortgage to the Commissioner;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or its agents or to which it is entitled, including deposits made for the account of the mortgagor, and which have not been applied in reduction of the principal of the mortgage indebtedness;

(6) All funds held by the mortgagee for the account of the mortgagor and which were received pursuant to any other agreement;

(7) All records, documents, books, papers and accounts relating to the mortgage transaction;

(8) Any additional information or data which the Commissioner may require.

(b) Nothing contained in this section shall be so construed as to require the mortgagee to take any action when the necessity therefor has been waived in writing by the Commissioner nor to prevent the mortgagee from taking action at a later date than herein specified if the Commissioner agreed thereto in writing.

§ 803.259 Delivery of debentures and certificate of claim.

(a) If the mortgagee proceeds in accordance with § 803.258 and furnishes evidence satisfactory to the Commissioner that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said section, the Commissioner shall deliver to the mortgagee:

(1) Debentures of the Armed Services Housing Mortgage Insurance Fund as set forth in section 803 of the National Housing Act which debentures shall:

(i) Be issued as of the date the mortgage became in default;

(ii) Have a total face value equal to the value of the mortgage as defined in section 803 (d) of the National Housing Act, which value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount which the mortgagee may have paid for taxes, special assessments, and water rates which are liens prior to the mortgage; insurance on the property during construction and prior to final insurance endorsement; and reasonable expenses for the completion and preservation of the property, and any mortgage insurance premiums paid after default; less any amount received on account of the mortgage after such date, and any net income received by the mortgagee from the property after such date, and in the event the property has been damaged by fire or other hazards and loss has been sustained by reason of failure to keep the property insured during construction and prior to final insurance endorsement, the amount of such loss may be deducted from the amount of the debentures.

(iii) Be registered as to principal and interest;

(iv) At the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment date on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe;

(v) Mature 20 years from the date thereof;

(vi) Be issued in multiples of $50.00 and any difference not in excess of $50.00 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee;

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¾	Jan. 1, 1959	July 1, 1959
4¼	July 1, 1959	Jan. 1, 1961
3⅞	Jan. 1, 1961	July 1, 1961
3¾	July 1, 1961	----------

(2) A certificate of claim in accordance with section 803 (g) of the National Housing Act. Such certificate shall be for an amount which the Commissioner determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Commissioner, the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of three percent per annum, beginning on the date of the assignment of the mortgage to the Commissioner, but which shall not be compounded. If any excess is realized from the mortgage and all claims in connection therewith so assigned, transferred and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Commissioner in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be retained by the Commissioner and credited to the Armed Services Housing Mortgage Insurance Fund.

(b) In the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee, under the contract of insurance shall terminate as of the date of such notice.

§ 803.260 Hazard insurance.

The mortgaged premises shall be insured against fire and other hazards at all times during the construction period and prior to final insurance endorsement. The duty shall be upon the mortgagee to provide such coverage in the event the mortgagor fails to do so. If the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured, the contract of insurance may be terminated at the election of the Commissioner. If at the time claim is filed for debentures, the property has been damaged by fire or other hazards, and loss has been sustained by reason of failure to keep the property insured during construction and prior to final endorsement, the amount of such loss may be deducted from the amount of the debentures. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Commissioner shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Commissioner. If the Commissioner shall fail to give his approval to the use or application of such funds for either of said purposes within thirty days after written request by the mortgagee, the mortgagee may use or apply such funds against the outstanding unpaid indebtedness. No hazard insurance will be required after final insurance endorsement.

ASSIGNMENTS

§ 803.261 Assignment of insured mortgages.

(a) Bonds or other obligations issued in connection with an insured mortgage executed in the form of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

(b) An insured mortgage, other than those described in paragraph (a) of this section may not be transferred or pledged prior to the full disbursement of the mortgage loan, except with the prior written approval of the Commissioner which approval may be subject to such conditions and qualifications as the Commissioner may prescribe. Subsequent to full disbursement such mortgage may be transferred only to a transferee who is a mortgagee approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(c) The contract of insurance shall terminate with respect to mortgages described in paragraph (b) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured mortgage to any person, firm, or corporation, public or private, other than an approved mortgagee.

(2) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Commissioner, which approval may be subject to such conditions and qualifications as the Commissioner in his discretion may prescribe: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized

by law to acquire beneficial interests in such common trust estate, nor to any mortgage transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interest in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency.

RIGHTS IN HOUSING FUND

§ 803.262 No vested right.

Neither the mortgagee nor the mortgagor shall have any vested or other right in the Armed Services Housing Mortgage Insurance Fund.

AMENDMENTS

§ 803.263 Amendments not to change contractual rights.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or to be insured on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 803.264 Effective date.

The provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after August 15, 1955.

PART 803a—MILITARY HOUSING INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

Sec.
803a.251 Incorporation by reference.
803a.252 Effective date.
803a.253 Special mortgage agreements.

AUTHORITY: §§ 803a.251 to 803a.253 issued under sec. 808, 63 Stat. 570; 12 U.S.C. 1748g.

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

§ 803a.251 Incorporation by reference.

All of the provisions of Part 207 of this chapter, concerning rights and obligations of a mortgagee under an insurance contract under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 803 of the National Housing Act except that references in Part 207 to section 207 of the National Housing Act shall be deemed to mean section 803 of the National Housing Act for purposes of this part, and references to "Housing Insurance Fund" in Part 207 shall be deemed to mean "Armed Services Housing Mortgage Insurance Fund" for purposes of this subpart.

§ 803a.252 Effective date.

The provisions of this subpart shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

§ 803a.253 Special mortgage agreements.

If a military department acting for and in behalf of the United States acquires a property covered by an insured mortgage, the Commissioner may, with the consent of the mortgagee and the military department, make such agreements and arrangements concerning the mortgage as may be appropriate without regard to the provisions of this subpart.

PART 809—ARMED SERVICES HOUSING—CIVILIAN EMPLOYEES

Subpart A—Eligibility Requirements

Sec.
809.1 Incorporation by reference.
809.2 Certificate of need.
809.3 Employment status certificate.
809.4 Maximum mortgage amount; dollar limitation.
809.5 Maximum mortgage amount; loan-to-value limitation.
809.6 Mortgage obligation in multiples.
809.7 Mortgagor's minimum investment.
809.8 Eligible mortgagors.
809.9 Requirements as to risk and economic soundness.
809.10 Guarantee of fund from loss.
809.50 Effective date

Subpart B—Contract Rights and Obligations

809.251 Incorporation by reference

AUTHORITY: §§ 809.1 to 809.251 issued under sec. 807, 69 Stat. 651, sec. 809, 70 Stat. 273, as amended; 12 U.S.C. 1748f, 1748h-1.

Subpart A—Eligibility Requirements

§ 809.1 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter concerning eligibility requirements of mortgages under section 203 of the National Housing Act apply with equal force and effect to mortgages insured pursuant to section 809, except the following provisions:

Sec.
203.18 Maximum mortgage amounts.
203.28 Economic soundness of project.
203.42 Rental properties.
203.43 Eligibility of miscellaneous type mortgages.
203.50 et seq. Insured home improvement loans.
203.249 Effective date.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 809 of the National Housing Act.

§ 809.2 Certificate of need.

(a) *Issuance by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilians employed in connection with a research or development installation of one of the military departments of the United States or a contractor thereof, and that there is no present intention to substantially curtail the number of such civilian personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

(b) *Issuance by Administrator of National Aeronautics and Space Administration.* A mortgage may be insured under this subpart secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. The mortgage shall not be insured, however, unless the Administrator of the National Aeronautics and Space Administration, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilian or military personnel employed or assigned to duty in connection with a research or development installation of the National Aeronautics and Space Administration or a contractor thereof, and that there is no present intention to substantially curtail the number of such personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

§ 809.3 Employment status certificate.

(a) *Certificate by Secretary of Defense.* No mortgage covering property at a military installation shall be insured unless the Secretary of Defense, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee at a research or development installation of one of the military departments of the United States, or contractor thereof, at a research or development installation; and (3) is considered by the military department to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

(b) *Certificate by Administrator of National Aeronautics and Space Administration.* An employment status certificate shall be required in connection with a mortgage secured by property which is intended to provide housing for a person employed or assigned to duty at a research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, where such installation was a research or development installation of one of the military departments of the United States (on or after June 13, 1956) before its transfer to the jurisdiction of such Administration. No mortgage shall be insured unless the Administrator of the National Aeronautics and Space Administration, or his designee, has issued a certificate indicating that the mortgagor: (1) Requires housing; (2) is, on the date of the certificate, a civilian employee or one of the military personnel assigned to duty at a research or development installation of the National Aeronautics and Space Administration, or is an employee of a contractor thereof, who is employed at such research or development installation; and (3) is considered by the National Aeronautics and Space Administration to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

§ 809.4 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in a dollar amount not in excess of:

(a) $25,000 in the case of a dwelling designed principally for a one-family residence; or

(b) $27,500 in the case of a two-family residence; or

(c) $27,500 in the case of a three-family residence; or

(d) $35,000 in the case of a four-family residence.

In addition to the dollar limitation prescribed in this section the mortgage amount is subject to a loan-to-value limitation as provided in § 809.5.

§ 809.5 Maximum mortgage amount; loan-to-value limitation.

In addition to meeting the dollar limitation as set forth in § 809.4, the mortgage shall be in an amount not in excess of:

(a) 97 percent of $15,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $15,000 but not in excess of $20,000, and 75 percent of such value in excess of $20,000, if the dwelling was approved for insurance prior to the beginning of construction, or if construction was completed more than one year preceding the date of the application for insurance; or

(b) 90 percent of $20,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 75 percent of such value in excess of $20,000, if the dwelling was not approved for insurance prior to the beginning of construction and construction was completed within one year preceding the application for insurance.

§ 809.6 Mortgage obligation in multiples.

The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof (except that a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25 or 30 years, may be in an amount of $50 or multiples thereof).

§ 809.7 Mortgagor's minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least three percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 809.8 Eligible mortgagors.

No mortgage shall be insured unless executed by a mortgagor who meets the employment status requirements as set forth in § 809.3 and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of a change of his employment.

§ 809.9 Requirements as to risk and economic soundness.

A mortgage may be accepted for insurance by the Commissioner without regard to any requirement that the property or project be economically sound or an acceptable risk.

§ 809.10 Guarantee of fund from loss.

If the Commissioner determines that insurance of mortgages on housing as certified by the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration is not an acceptable risk, he may require the Secretary or the Administrator, as the case may be, to guarantee the Armed Services Housing Mortgage Insurance Fund against loss with respect to mortgages insured under this subpart.

§ 809.50 Effective date.

The provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after June 13, 1956.

Subpart B—Contract Rights and Obligations

§ 809.251 Incorporation by reference.

(a) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages insured under section 809 of the National Housing Act except the following provisions:

Sec.
- 203.420 Nature of Mutual Mortgage Insurance Fund.
- 203.421 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
- 203.422 Right and liability under Mutual Mortgage Insurance Fund.
- 203.423 Distribution of distributive shares.
- 203.424 Maximum amount of distributive shares.
- 203.425 Finality of determination.
- 203.435 Form of assignment to investing mortgagee.
- 203.440 et seq. Insured home improvement loans.

(b) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 809 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Armed Services Housing Mortgage Insurance Fund.

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

Sec.
- 810.1 Incorporation by reference.
- 810.5 Definitions of terms as used in this subpart.
- 810.10 Preference in sale or rental.
- 810.15 Insurance risk and economic soundness.
- 810.20 Reduced mortgage amounts—leaseholds.
- 810.25 Eligible mortgages—form.
- 810.30 Eligible mortgagors.
- 810.35 Maximum mortgage amounts—Multifamily Rental Project.
- 810.40 Maximum mortgage amounts—Multifamily Sales Project.
- 810.45 Increased mortgage amounts—high cost areas.
- 810.50 Mortgage release provisions.
- 810.100 Effective date.

Subpart B—Contract Rights and Obligations—Projects

- 810.251 Incorporation by reference—Multifamily, Sales or Rental Project.

Subpart C—Eligibility Requirements—Individual Mortgages

- 810.501 Incorporation by reference.
- 810.505 Definitions of terms as used in this subpart.
- 810.510 Preference in sale or rental.
- 810.515 Insurance risk and economic soundness.
- 810.520 Reduced mortgage amounts—leaseholds.
- 810.525 Eligible mortgages—forms.
- 810.530 Eligible mortgagors.
- 810.535 Maximum mortgage amounts—individual Mortgage.
- 810.540 Mortgagor minimum investment.
- 810.545 Maximum term.
- 810.550 Amortization period.
- 810.555 Release from Multifamily Sales Project mortgage.

Subpart D—Contract Rights and Obligations—Individual Mortgages

- 810.751 Incorporation by reference—Individual Mortgages.

AUTHORITY: §§ 810.1 to 810.751 issued under secs. 807, 810, 69 Stat. 651, 73 Stat. 683; 12 U.S.C. 1748f, 1748h–2.

Subpart A—Eligibility Requirements—Projects

§ 810.1 Incorporation by reference.

(a) *General.* All of the provisions of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter shall govern the eligibility qualifications and requirements of mortgages under this subpart.

(b) *Multifamily, Sales or Rental Projects.* (1) All of the provisions of Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to Multifamily, Sales or Rental Project mortgages insured under this subpart except the following provisions:

Sec.
- 207.4 Maximum mortgage amounts.
- 207.10 Covenant for fire insurance.
- 207.11 Soundness of project.
- 207.17 Classification.
- 207.22 Qualification of lenders.
- 207.23 Eligibility of property.
- 207.31 Eligibility of miscellaneous type mortgages.
- 207.32 Eligibility of refinanced mortgages.
- 207.33 Eligibility of mortgages on trailer courts or parks for trailer coach mobile dwellings.
- 207.34 Reinsurance of Commissioner-held mortgages.

(2) For the purposes of this subpart all references in Part 207 of this chapter to section 207 of the National Housing Act shall be construed to refer to section 810 of such Act.

§ 810.5 Definitions of terms as used in this subpart.

As used in this subpart, the following terms will have the meaning indicated:

(a) "Act" means the National Housing Act, as amended.

(b) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(c) [Reserved]

(d) "Mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than 99 years which is renewable; or (2) under a lease having a period of not less than 75 years to run from the date the mortgage is executed; or (3) under a lease executed by a governmental agency for the maximum term consistent with its legal authority, provided such lease has a period of not less than 50 years to run from the date the mortgage is executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(e) "Insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner.

(f) "Mortgagor" in the case of a Multifamily Rental Project means a private corporation, association, or trust entity formed or created with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation, as set out in the contractual documents prescribed and approved by the Commissioner, which regulations or restrictions shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination.

(g) "Mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee herein named.

(h) "Multifamily Sales Project" means a project constructed under a blanket mortgage, covering a group of not less than eight single-family dwellings constructed for eventual sale to individual purchasers.

(i) "Multifamily Rental Project" means a project constructed for the purpose of providing rental housing accommodations for eligible tenants.

(j) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

§ 810.10 Preference in sale or rental.

Priority in the sale or rental of dwellings covered by a mortgage insured under this subpart shall be given to the following classes of persons:

(a) Military personnel;

(b) Essential civilian employees of the Armed Services;

(c) Employees of contractors for the Armed Services.

§ 810.15 Insurance risk and economic soundness.

Any mortgage may be accepted for insurance under this subpart by the Commissioner without regard to any requirement that the property or project be economically sound or an acceptable risk.

§ 810.20 Reduced mortgage amounts—leaseholds.

The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 810.75 for Individual Mortgages.

§ 810.25 Eligible mortgages—form.

(a) *Form.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and must be a first lien upon property that conforms with property standards prescribed by the Commissioner.

(b) *Disbursement of mortgage proceeds.* The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

§ 810.30 Eligible mortgagors.

In order to be eligible for mortgage insurance under this subpart, the mortgage shall be executed by a mortgagor approved by the Commissioner.

§ 810.35 Maximum mortgage amounts—Multifamily Rental Project.

A mortgage on a Multifamily Rental Project may involve a principal obligation not in excess of the lesser of the following:

(a) $5,000,000;

(b) 90 percent of the estimated value;

(c) $2,500 per room (or $9,000 per family unit if the number of rooms in such project does not equal or exceed four per family unit) for such part of such project as may be attributable to dwelling use.

§ 810.40 Maximum mortgage amounts—Multifamily Sales Project.

A mortgage on a Multifamily Sales Project may involve a principal obligation not in excess of the lesser of the following:

(a) $5,000,000;

(b) A sum computed on the basis of a separate mortgage for each single-

family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgage which would meet the requirements of section 203(b)(2) of the Act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the Act.

§ 810.45 Increased mortgage amounts—high cost areas.

(a) In any geographical area where the Commissioner finds cost levels so require, he may increase the dollar amount limitations per room by an amount not to exceed $1,000 per room.

(b) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed, in any event, the maximum including high cost area increases, if any, otherwise applicable by more than one-half thereof.

§ 810.50 Mortgage release provisions.

A mortgage executed by a mortgagor of a Multifamily Sales Project shall provide that at any time after five years from the date the project became available for initial occupancy or at such earlier date as the Commissioner may authorize, the property underlying such mortgage may be released, in whole or in part, upon payment of the unpaid balance of the blanket mortgage allocable to the property released. Where the mortgage does not contain release provisions, no property shall, except with the consent of the Commissioner, be released from the lien thereof so long as the mortgage insurance is in force.

§ 810.100 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart B—Contract Rights and Obligations—Projects

§ 810.251 Incorporation by reference—Multifamily, Sales or Rental Project.

(a) All of the provisions of Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to Multifamily, Sales or Rental Project mortgages insured under section 810 of the National Housing Act except the following provision:

Sec.
207.264 Effective date.

(b) For the purposes of this part all references in Part 207 of this chapter to section 207 of the Act shall be construed to refer to section 810 of the Act and all references to the Housing Insurance Fund shall be construed to refer to the Armed Services Housing Mortgage Insurance Fund.

Subpart C—Eligibility Requirements—Individual Mortgages

§ 810.501 Incorporation by reference.

(a) *General.* All of the provisions of §§ 203.1 to 203.4 and 203.6 to 203.9 of this chapter shall govern the eligibility qualifications and requirements of mortgages under this subpart.

(b) *Individual Mortgages.* (1) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to Individual Mortgages insured under this subpart except the following provisions:

Sec.
203.17 Mortgage provisions.
203.18 Maximum mortgage amounts.
203.19 Mortgagor's minimum investment.
203.28 Economic soundness of project.
203.29 Eligible mortgages in Alaska, Guam or Hawaii.
203.40 Location of property.
203.42 Rental properties.
203.43 Eligibility of miscellaneous type mortgages.
203.50 et seq. Insured home improvement loans.
203.249 Effective date.

(2) For the purposes of this subpart all references in Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 810 of such Act.

§ 810.505 Definitions of terms as used in this subpart.

As used in this subpart, the following terms will have the meaning indicated:

(a) "Act" means the National Housing Act, as amended.

(b) "Commissioner" means the Federal Housing Commissioner or his authorized representatives.

(c) [Reserved]

(d) "Mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than 99 years which is renewable; or (2) under a lease having a period of not less than 75 years to run from the date the mortgage is executed; or (3) under a lease executed by a governmental agency for the maximum term consistent with its legal authority, provided such lease has a period of not less than 50 years to run from the date the mortgage is executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby.

(e) "Insured mortgage" means a mortgage which has been insured by the endorsement of the credit instrument by the Commissioner.

(f) "Mortgagor" in the case of an Individual Mortgage means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Mortgagee" means the original lender under a mortgage, its successors and such of its assigns as are approved by the Commissioner, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee herein named.

(h) "Individual Mortgage" means a mortgage covering an individual single-family dwelling which has been released from a Multifamily Sales Project mortgage.

(i) "Maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

§ 810.510 Preference in sale or rental.

Priority in the sale or rental of dwellings covered by a mortgage insured under this subpart shall be given to the following classes of persons:

(a) Military personnel;

(b) Essential civilian employees of the Armed Services;

(c) Employees of contractors for the Armed Services.

§ 810.515 Insurance risk and economic soundness.

Any mortgage may be accepted for insurance under this subpart by the Commissioner without regard to any requirement that the property or project be economically sound or an acceptable risk.

§ 810.520 Reduced mortgage amounts—leaseholds.

The maximum mortgage amount is subject to reduction by an amount equal to the capitalized value of the ground rent in the event the mortgage is on a leasehold estate rather than on a fee simple holding. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 810.535 for Individual Mortgages.

§ 810.525 Eligible mortgages—form.

(a) *Form.* The mortgage must be executed upon a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage is situated and must be a first lien upon property that conforms with property standards prescribed by the Commissioner.

(b) *Disbursement of mortgage proceeds.* The entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

§ 810.530 Eligible mortgagors.

In order to be eligible for mortgage insurance under this subpart, the mortgage shall be executed by a mortgagor approved by the Commissioner.

§ 810.535 Maximum mortgage amounts—Individual Mortgage.

The mortgage shall involve a principal obligation in an amount of $100 or multiples thereof except a mortgage having a principal obligation not in excess of $15,000 and an amortization period of either 20, 25, 30 or 35 years may be in an amount of $50 or multiples thereof and must not exceed the unpaid balance of the project mortgage allocable to the property offered as security.

§ 810.540 Mortgagor minimum investment.

At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 3 percent of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 810.545 Maximum term.

The mortgage shall come due on the first of a month and must have a maturity satisfactory to the Commissioner, not more than 35 years or the unexpired term of the Multifamily Sales Project mortgage at the time of release of the mortgaged property from such property mortgage.

§ 810.550 Amortization period.

The amortization period shall be either 10, 15, 20, 25, 30 or 35 years by providing for 120, 180, 240, 300, 360 or 420 monthly amortization payments.

§ 810.555 Release from Multifamily Sales Project mortgage.

To be released from the lien of a project mortgage, the property to be released and mortgaged shall be included as part of a Multifamily Sales Project and shall have located thereon a single-family dwelling. The mortgage shall be executed in connection with the release of such property from the lien of the project mortgage and to replace or refinance the project mortgage as to such property.

§ 810.700 Effective date.

Unless otherwise specified, the provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after September 23, 1959.

Subpart D—Contract Rights and Obligations—Individual Mortgages

§ 810.751 Incorporation by reference—Individual Mortgages.

(a) All of the provisions of Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to Individual Mortgages insured under section 810 of the National Housing Act except the following provisions:

Sec.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund Income or Loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.
203.435 Form of assignment to investing mortgagee.
203.440 et seq. Insured home improvement loans.

(b) For the purposes of this subpart all references to Part 203 of this chapter to section 203 of the Act shall be construed to refer to section 810 of the Act and all references to the Mutual Mortgage Insurance Fund shall be construed to refer to the Armed Services Housing Insurance Fund.

SUBCHAPTER U—NATIONAL DEFENSE HOUSING INSURANCE

PART 903—INDIVIDUAL RESIDENCES; NATIONAL DEFENSE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

Sec.
903.251 Definitions of terms.

PREMIUMS

903.252 Annual insurance premiums and charges.
903.253 Prepayment premiums.
903.254 Voluntary termination of insurance.
903.255 Pro-rata refund in event of prepayment.
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INSURANCE ENDORSEMENT

903.257 Form of endorsement.
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RIGHTS AND DUTIES OF APPROVED MORTGAGEE

903.259 Termination of insurance.
903.260 Time of default.
903.261 Transfer of property to the Commissioner; conditions of default in mortgage.
903.262 Condition of property when transferred; delivery of debentures; certificate of claim and definition of term "waste".
903.263 Satisfactory title evidence.

ASSIGNMENTS

903.264 In general.
903.265 Termination of contract of insurance by assignment.

AMENDMENTS

903.266 Amendments to regulations.

EFFECTIVE DATE

903.267 Effective date.

AUTHORITY: §§ 903.251 to 903.267 issued under secs. 903, 907, 65 Stat. 296, as amended, 301; 12 U.S.A. 1750b, 1750f.

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

DEFINITIONS

§ 903.251 Definitions of terms.

As used in the regulations in this part:

(a) The term "Commissioner" means the Federal Housing Commissioner.

(b) The term "act" means the National Housing Act.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Commissioner.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) The term "contract of insurance" means the endorsement of the Commissioner upon the credit instrument given in connection with an insured mortgage, incorporating by reference the regulations in this part.

PREMIUMS

§ 903.252 Annual insurance premiums and charges.

(a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title IX of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After payment of the initial mortgage insurance premium and until the mortgage is paid in full or until an application for debentures is received by the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(e) Sections 203.305 through 203.309 of this chapter shall be applicable to mortgages insured under this subchapter.

§ 903.253 Prepayment premiums.

(a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment. In the event the mortgage is paid in full before the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments, the mortgagee shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage, plus any increased amount resulting from open-end advances made pursuant to § 203.44 of this chapter, or by reason of partial payments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941, through June 30, 1952.

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(6) Where payment in full is made after the due date of the 120th scheduled monthly payment, without taking into account delinquent payments or prepayments.

§ 903.254 Voluntary termination of insurance.

Any contract of insurance meeting the requirements of this part may be voluntarily terminated in accordance with the provisions of section 229 of the Act. Voluntary terminations of insurance contracts shall be subject to the applicable provisions of Part 203 of this chapter.

§ 903.255 Pro-rata refund in event of prepayment.

Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium and insurance charge in the case of open-end advances theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

§ 903.256 Forbearance of foreclosure.

With respect to any mortgage insured under this part, if the Commissioner finds that a default was due to circumstances beyond the mortgagor's control and determines that the mortgage will be restored to a current condition within a reasonable period of time, the Commissioner may approve forbearance of foreclosure relief as follows:

(a) *Uncollected interest allowance.* The mortgagee may withhold foreclosure proceedings against the mortgagor for a period of time determined by the Commissioner. If payments received from the mortgagor during the period of forbearance are insufficient to pay interest at the mortgage rate after applying such payments in the order set forth in the mortgage and the mortgage is subsequently foreclosed, the debentures may include an allowance for uncollected interest accrued during the period of such forbearance.

(b) *Assignment of defaulted mortgages.* With the prior written approval of the Commissioner, the mortgagee may assign the mortgage in exchange for debentures. As a requirement of such assignment:

(1) The mortgagee shall deliver:

(i) The original credit and security instruments assigned without recourse or warranty, except that no act or omission of the mortgagee shall have impaired the validity and priority of the mortgage;

(ii) All rights and interests arising under the mortgage, and all claims of the mortgagee against the mortgagor or others arising out of the mortgage transaction;

(iii) All title evidence held by the mortgagee, extended to include the assignment of the mortgage to the Commissioner;

(iv) All cash or property held by the mortgagee or to which it is entitled, including deposits made for the account of the mortgagor and which have not been applied in reduction of the principal mortgage indebtedness;

(v) All records, documents, books, papers and accounts relating to the mortgage transaction;

(vi) Any additional information or data which the Commissioner may require.

(2) The mortgagee shall certify that:

(i) The mortgage is prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such mortgage regardless of whether such liens attach prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to such mortgage except such liens or other matters as may have been approved by the Commissioner;

(ii) The amount stated in the instrument of assignment is actually due and owing under the mortgage;

(iii) There are no offsets or counterclaims thereto and the mortgagee has a good right to assign.

(c) *Condition of property.* The property covered by the mortgage which is to be assigned shall meet all of the provisions of § 295.13.

INSURANCE ENDORSEMENT

§ 903.257 Form of endorsement.

Upon compliance, satisfactory to the Commissioner, with the terms of his commitment to insure, the Commissioner will—

(a) Endorse the original credit instrument in form as follows:

No. --------

Insured under section 903 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder, dated August 11, 1954, as amended.

FEDERAL HOUSING COMMISSIONER

By----------
(Authorized agent)

Date----------

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. --------

Insured as an additional advance in the principal amount of $------ under section 903 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder, dated August 11, 1954.

FEDERAL HOUSING COMMISSIONER

By ----------
(Authorized agent)

Date ----------

§ 903.258 Contract of insurance.

The mortgage, including any open-end advances made thereunder and approved by the Commissioner, shall be an insured mortgage from the date of endorsement. The Commissioner and the mortgagee shall thereafter be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of the regulations in this part and of the National Housing Act.

RIGHTS AND DUTIES OF APPROVED MORTGAGEE

§ 903.259 Termination of insurance.

In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Commissioner in accordance with § 903.252, and the Commissioner is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under § 903.253, and the Commissioner is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under § 903.262 shall terminate as of the date of such notice.

§ 903.260 Time of default.

If the mortgagor fails to make any payments, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default, and the mortgagee shall, within 60 days thereafter, give notice in writing to the Commissioner of such default, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 903.261 Transfer of property to the Commissioner; conditions of default in mortgage.

(a) At any time within one year from the date of default the mortgagee, at its election, shall either:

(1) With, and subject to, the consent of the Commissioner, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage; provided, that, if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within 60 days after the expiration of the time during which such foreclosure is prohibited by such laws.

(b) The mortgagee shall promptly give notice in writing to the Commissioner of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

(c) For the purpose of this section, the date of default shall be considered as 30 days after (1) the first uncorrected failure to perform a covenant or obligation, or (2) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however,* That with respect to any mortgage heretofore or hereafter insured, and notwithstanding any other provisions of this part, if the mortgagee withholds or has withheld foreclosure proceedings against the mortgagor pursuant to the provisions of a forbearance agreement approved by the Commissioner, partial payments received by the mortgagee may be applied and reapplied in the manner prescribed in such agreement, the date of default shall be 30 days after the due date of the earliest monthly payment any part of which remains unpaid, and the Commissioner may waive the payment of mortgage insurance premiums, or any portion thereof, to the extent that partial payments received from the mortgagor during the period of forbearance are insufficient to pay such premiums after applying such partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled under the provisions of § 903.262 (a) (1).

(d) If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Commissioner, and the insurance shall continue as if such default had not occurred.

(e) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than specified in this part.

(f) If at any time during default the mortgagor is a "person in military service" as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in such service shall be excluded in computing the one-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section.

(g) If the mortgagor is a person in military service as defined in such act, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and three months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

(h) Nothing contained in this section shall be construed to prevent the mortgagee, with the consent of the Commissioner, from entering into a written agreement with the mortgagor postponing for a period not to exceed one year that part of the monthly payment or any part thereof which represents amortization of principal where the mortgagor is the owner of a group of properties consisting of a project of not less than ten rental units, each covered by a mortgage insured under section 903 of the National Housing Act and by the provisions of the agreement, and where the agreement obligates the mortgagor to deposit with the mortgagee the entire net income from all of the properties comprising the project, under arrangements satisfactory to the Commissioner, and obligates the mortgagor to resume monthly payments after the effective period of the agreement in such amounts as will completely amortize the mortgage indebtedness within the original maturity. Such agreement will in no way affect the amount of the annual mortgage insurance premiums, which will continue to be calculated in accordance with the original amortization provisions.

§ 903.262 Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".

(a) If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of § 903.259, and at any time within thirty days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with § 903.261(a), the mortgagee shall either tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, or with the prior approval of the Commissioner, tender to the Commissioner a satisfactory conveyance of title and transfer of possession (free of occupants if the Commissioner so requires) under a deed or other satisfactory instrument of conveyance from the mortgagor or other appropriate grantor, such deeds or instrument of conveyance, conveying good merchantable title (evidenced as hereinafter provided in § 903.263) to such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired or tendered such property, except such claims as may have been released with the approval of the Commissioner, the Commissioner shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(1) Debentures of the National Defense Housing Insurance Fund as set forth in section 904 of the act, which debentures shall:

(i) Be issued as of the date foreclosure proceedings were instituted, or as of the date the property was otherwise acquired by the mortgagee after default, or as of the date the property was acquired by the Commissioner if directly conveyed to the Commissioner from the mortgagor;

(ii) Have a face value to be determined by adding to original principal of the mortgage, as increased by the amount of advances made by the mortgagee and approved by the Commissioner for the improvement or repair of the property pursuant to an "open-end" provision in the mortgage, which was unpaid on the date of the institution of the foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, hazard insurance on the mortgaged property, any mortgaged insurance premiums or charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided however,* That with respect to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Commissioner, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Commissioner an amount not in excess of 2 percent of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings and not in excess of $75; or not in excess of two-thirds of such cost, whichever is the greater: *Provided further,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter;

(iii) Be registered as to principal and interest;

(iv) At the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe;

(v) Mature 20 years from the date thereof;

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
2½	Sept. 1, 1951	July 8, 1953
2¾	July 8, 1953	May 29, 1954
2½	May 29, 1954	Jan. 1, 1955
2¾	Jan. 1, 1955	July 1, 1955
2⅞	July 1, 1955	July 1, 1956
3	July 1, 1956	Jan. 1, 1957
3¼	Jan. 1, 1957	July 1, 1957
3⅜	July 1, 1957	----------

(2) A certificate of claim in accordance with section 904 (e) of the act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Commissioner in such property in accordance with said section 904 (e) of the act. This certificate shall be for an amount which the Commissioner shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Commissioner, including reasonable attorney's fees, unpaid interest and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of three per centum per annum.

(3) In computing the face value of the debentures, in addition to the items provided in subparagraph (1) of this paragraph, there may be added to the unpaid principal of the mortgage, payments made by the mortgagee for taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner, payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property.

(b) The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(d) In computing the value of the mortgage as set forth in subparagraph (a) (1) of this section, the Commissioner may include in such computation the amount of payments made by the mortgagee for:

(1) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner;

(2) Reasonable payments made by the mortgagee, with the approval of the Commissioner, for the purpose of protecting, operating, or preserving the property;

(3) The costs of acquiring the property by the mortgagee and conveying and evidencing title of the property to the Commissioner, may be included in the debenture computation as foreclosure costs and shall be subject to the aggregate limitation on foreclosure costs.

(e) Upon an acceptable assignment of a mortgage, the Commissioner shall issue to the mortgagee debentures having a total face value equal to the unpaid balance of the loan at the time of assignment, plus any accrued mortgage interest and any advances made under the mortgage and approved by the Commissioner.

(f) Applications for debentures with respect to mortgages insured under the provisions of this part shall be processed

in accordance with the procedures under Part 203 of this chapter.

(Sec. 903, 65 Stat. 296, as amended; 12 U.S.C. 1750b)

§ 903.263 Satisfactory title evidence.

Sections 203.385 through 203.389 of this chapter shall be applicable to the mortgages insured under this subchapter.

ASSIGNMENTS

§ 903.264 In general.

(a) When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Commissioner of such transfer within 30 days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; and the transferor shall thereupon be released from its obligations under the contract of insurance.

(b) Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Commissioner until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.

§ 903.265 Termination of contract of insurance by assignment.

The contract of insurance shall terminate upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by, or the pledge thereof to, any person, firm or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another: *Provided*, That this paragraph shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, or a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect.

(b) The disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device: *Provided*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds: *Provided further*, That this paragraph shall not be applicable to any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trusts estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency: *And provided further*, That this paragraph shall not be applicable to any participation in a mortgage by one or more banks or trust companies pursuant to an agreement entered into prior to the insurance of such mortgage under which such institutions participate in the advance of construction funds on contemplation of reimbursement from the proceeds of the sale of the insured mortgage, and such participation may continue for such period of time after the insurance of the mortgage as may be required to execute the purposes of such agreement, provided the mortgagee presenting the mortgage for insurance is entitled to all the rights and is bound by all the obligations of the contract of insurance: *And provided further*, That this paragraph shall not be applicable to any participation in a mortgage by two banks or trust companies under an agreement which provides that one of the participants shall be the mortgagee of record under the contract of mortgage insurance and that the Federal Housing Commissioner shall be under no obligation to recognize or deal with the other participant with respect to the obligations of the mortgagee under the contract of insurance or the rights of the mortgagee to obtain the benefits of the contract of insurance.

AMENDMENTS

§ 903.266 Amendments to regulations.

The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortage on which the Commissioner has made a commitment to insure.

EFFECTIVE DATE

§ 903.267 Effective date.

The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after August 11, 1954.

PART 908—NATIONAL DEFENSE RENTAL HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

Sec.
908.251 Incorporation by reference.
908.252 Effective date.

AUTHORITY: §§ 908.251 and 908.252 issued under sec. 907, 65 Stat. 301; 12 U.S.C. 1750f.

Subpart A—Eligibility Requirements [Obsolete]

Subpart B—Contract Rights and Obligations

§ 908.251 Incorporation by reference.

All of the provisions of Part 207 of this chapter, concerning rights and obligations of a mortgagee under an insurance contract under section 207 of the National Housing Act, apply with equal force and effect to mortgages insured pursuant to section 908 of the National Housing Act, except that references in Part 207 to section 207 of the National Housing Act shall be deemed to mean section 908 of the National Housing Act for purposes of this part, and references to "Housing Insurance Fund" in Part 207 shall be deemed to mean "National Defense Housing Insurance Fund" for purposes of this part.

§ 908.252 Effective date.

The provisions of this part shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof.

SUBCHAPTERS V–Z—[RESERVED]

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Executive Order 10957

ASSIGNING AUTHORITY WITH RESPECT TO ORDERING PERSONS AND UNITS IN THE READY RESERVE TO ACTIVE DUTY AND WITH RESPECT TO THE EXTENSION OF ENLISTMENTS AND OTHER PERIODS OF SERVICE IN THE ARMED FORCES

By virtue of the authority vested in me by the Joint Resolution of August 1, 1961 (P.L. 87–117), and by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, and, when designated by him for this purpose, any of the Secretaries of the military departments of the Department of Defense, are hereby authorized and empowered to exercise the authority vested in the President until July 1, 1962, by section 1 of the Act of August 1, 1961 (Public Law 87–117) to order, without the consent of the persons concerned, any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve of an armed force to active duty for not more than 12 consecutive months, provided there are not more than 250,000 members of the Ready Reserve thereby on active duty (other than for training) without their consent at any one time. However, the Secretary of Defense may not order any unit in the Ready Reserve of an armed force to active duty, other than active duty for training, under this section without the approval of the President.

SEC. 2. In pursuance of the provisions of section 2 of the said Joint Resolution of August 1, 1961, the Secretary of Defense is hereby authorized to extend enlistments, appointments, periods of active duty, periods of active duty for training, periods of obligated service, or other military status, in any component of an armed force or in the National Guard that expire before July 1, 1962, for not more than twelve months.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 10, 1961.

[F.R. Doc. 61–7821; Filed, Aug. 11, 1961; 2:06 p.m.]

Reorganization Plan No. 6 of 1961

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 12, 1961, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

FEDERAL HOME LOAN BANK BOARD

SECTION 1. *Transfer of functions.* Subject to the provisions of section 2(a) of this reorganization plan, and to the extent not vested in the Chairman of the Federal Home Loan Bank Board (hereinafter referred to as the Chairman) in the absence of this reorganization plan, the executive and administrative functions of the Federal Home Loan Bank Board (hereinafter referred to as the Board), including the following-described functions of the Board, are hereby transferred from the Board to the Chairman:

(1) The appointment and removal of personnel employed under the Board.

(2) The distribution of business among such personnel and among administrative units of the Board.

(3) The direction of personnel who perform, or who supervise the performance of, any function of the Board or of the Chairman or of any agency under the Board.

(4) The communication to personnel employed under the Board of applicable Board policies to be followed by such personnel in the performance of their work and the subsequent enforcement of such policies.

(5) The over-all management, functioning and organization of the Board, including (a) the formulation and implementation of plans and policies designed to increase the effectiveness of the Board in the administration of the laws it is charged with administering and the initiation of ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any business before the Board, and (b) the development and improvement of staff support to carry out the functions of the Board.

(6) The preparation, review and presentation to the Bureau of the Budget of the budget estimates of and other fund authorizations for the Board and the explanation and justification before the appropriate committees of the Congress of the budget estimates for the Board transmitted to the Congress by the President and of other fund authorizations placed before the Congress.

(7) The allocation, use, and expenditure of funds available to the Board for administrative expense purposes.

(8) The calling of the Board into special session whenever any matter or business of the Board so requires, but in any event for the consideration of any matter or business upon request of one or both of the other members of the Board.

SEC. 2. *Performance of transferred functions.* (a) (1) In carrying out any of his functions under the provisions of section 1 hereof the Chairman shall be governed by general policies of the Board and by such regulatory decisions, findings, and determinations as the Board may by law be authorized to make.

(2) The appointment by the Chairman of the heads of major administrative units under the Board shall be subject to the approval of the Board.

(3) Personnel employed regularly and full time in the immediate offices of Board members other than the Chairman shall not be affected by the provisions of this reorganization plan.

(b) The Chairman may from time to time make such provisions as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function transferred to the Chairman by the provisions of section 1 of this reorganization plan or of any function vested in the Chairman in consequence of his status as the chief executive officer of the Board.

[F.R. Doc. 61–7853; Filed, Aug. 14, 1961; 9:46 a.m.]

[1] Effective August 12, 1961, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Aeronautics and Space Council

Effective upon publication in the FEDERAL REGISTER, § 6.170, paragraph (a), is added to Part 6 as set out below.

§ 6.170 National Aeronautics and Space Council.

(a) All positions.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7829; Filed, Aug. 14, 1961; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Rice Loans and Purchase Agreement Programs

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (26 F.R. 4598) with respect to rice produced in 1961 which contain specific requirements for the 1961-crop rice price support program are hereby amend as follows:

Section 421.445(a) is amended to include the final value factors for head and broken rice so that the amended paragraph reads as follows:

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
I	Patna (except the variety Century Patna), and Rexoro (except the variety Rexark).	0.0916	0.0409
II	Blue Bonnet, Nira, and Rexark.	.0836	.0409
III	Century Patna, Toro, Fortuna, R.N., and Edith.	.0756	.0409
IV	Blue Rose (including the varieties Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Calrose, Gulfrose, Lacrosse, Magnolia, Nato, Zenith (including the varieties Gold Zenith and Golden Rose), Prelude, and Lady Wright.	.0736	.0409
V	Pearl, Early Prolific, Calady and other varieties.	.0711	.0409

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, 1054; sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1423, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 9, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7759; Filed, Aug. 14, 1961; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 911, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 953.1018 (Lemon Regulation 911; 26 F.R. 7032) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 10, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7742; Filed, Aug. 14, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-WA-167]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Control Area Extensions

On December 24, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 13726) stating that the Federal Aviation Agency proposed to alter the Miami, Fla., control area extension (§ 601.1232) and to revoke the West Palm Beach, Fla., control area extension (§ 601.1036) and the Miami, Fla., control area extensions §§ 601.1389 and 601.1427).

Since these actions involve the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

Subsequent to the publication of this Notice, the FAA has published Amendment 60-21 to the Civil Air Regulations. However, implementation of the provisions of the amendment in this area is being deferred pending an evaluation of the controlled airspace requirements in the entire Miami Air Route Traffic Control Center area. Upon completion of this review, separate airspace action will be initiated to redesignate the Miami control area extension (§ 601.1232) as a transition area with appropriate controlled airspace floor assignments.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. Section 601.1232 (14 CFR 601.1232) is amended to read:

§ 601.1232 Control area extension (Miami, Fla.).

That airspace E. of Miami, Fla., bounded on the E. by the Miami Oceanic/Nassau control area boundary, on the S. by latitude 24°00'00" N., on the W. by a line beginning at latitude 24°00'00" N., longitude 80°25'00" W.; to the S. edge of VOR Federal airway No. 51; along the S. edge of Victor 51 and along the E. edge of VOR Federal airway No. 3 to the southern boundary of the West Palm Beach, Fla., control area extension (§ 601.1235); and on the N. by the southern boundary of the West Palm Beach control area extension (§ 601.1235), excluding the portion below 2,000 feet MSL which lies outside the United States. The portion of this control area extension which coincides with W-497B shall be used during IFR weather conditions only after obtaining prior approval from appropriate authority.

§§ 601.1036, 601.1389, 601.1427 [Revocation]

2. In Part 601 (14 CFR) the following sections are revoked:

(a) Section 601.1036 Control area extension (West Palm Beach, Fla.).

(b) Section 601.1389 Control area extension (Miami, Fla.).

(c) Section 601.1427 Control area extension (Miami, Fla.).

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7718; Filed, Aug. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-168]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration and Revocation of Control Area Extensions

On December 24, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 13725) stating that the Federal Aviation Agency proposed to alter the West Palm Beach, Fla., control area extension (§ 601.1132) and revoke the Vero Beach, Fla., control area extensions (§§ 601.1163 and 601.1448).

Since this action involves the designation of navigable airspace outside of the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

Subsequent to the publication of this Notice, the FAA has published Amendment 60-21 to the Civil Air Regulations. However, implementation of the provisions of the amendment in this area is being deferred pending an evaluation of the controlled airspace requirements in the entire Miami Air Route Traffic Control Center area. Upon completion of this review, separate airspace action will be initiated to redesignate the West Palm Beach, Fla., control area extension (renamed herein as the Vero Beach control area extension, § 601.1132) as a transition area with appropriate controlled airspace floor assignments.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 601.1132 (14 CFR 601.1132) Control area extension (West Palm Beach, Fla.) is amended to read:

§ 601.1132 Control area extension (Vero Beach, Fla.).

That airspace bounded on the N. by a line 5 miles S. of and parallel to the 071° radial of the Orlando, Fla., VOR, on the E. by the 79th meridian and the Miami Oceanic/Nassau Control Area boundary, on the S. by the West Palm Beach control area extension (§ 601.1235), and on the W. by VOR Federal airway No. 3, excluding the portion below 2,000 feet MSL which lies outside the United States and excluding the portion which coincides with R-2902. The portion of this control area extension which coincides with W-497B shall be used during IFR weather conditions only after obtaining prior approval from appropriate authority.

§ 601.1163 [Revocation]

2. Section 601.1163 (14 CFR 601.1163) Control area extension (Vero Beach, Fla.) is revoked.

§ 601.1448 [Revocation]

3. Section 601.1448 (14 CFR 601.1448) Control area extension (Vero Beach, Fla.) is revoked.

These amendments shall become effective 0001 e.s.t. September 21, 1961.

(Sec. 307(a) and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order No. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7719; Filed, Aug. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-27]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone and Designation of Transition Area

On March 17, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 2252) stating that the Federal Aviation Agency (FAA) proposed to alter the control zone at Missoula, Mont., and to designate the Missoula transition area.

In the Notice, the Missoula transition area, as described, would include portions of low altitude VOR Federal airways No. 2 and No. 231. To minimize dual designation of airspace, and reduce charting ambiguity with regard to the designated floors of controlled airspace, action is taken herein to eliminate from the description of the transition area the portions which coincide with Victor 2 and Victor 231.

No adverse comments were received regarding the proposed amendments within the allotted period.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 601.1983 [Amendment]

1. In the text of § 601.1983 (14 CFR 601.1983) "Missoula, Mont.: Missoula County Airport." is deleted.

§ 601.1894 [Amendment]

2. In the text of § 601.1894 (14 CFR 601.1984) "Missoula, Mont.: Missoula

County Airport (Lat. 46°55'00'' N., Long. 114°05'15'' W.)." is added.

3. Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.10004 Missoula, Mont. transition area.

That airspace extending upward from 1,200 feet above the surface, NW. of Missoula within a 35-mile radius of the Missoula VOR bounded on the SW. by VOR Federal airway No. 2 and on the NE. by VOR Federal airway No. 231; and S. of Missoula within 5 miles either side of the Missoula VOR 180° radial extending from VOR Federal airway No. 2 to 12 miles S. of the VOR.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 8, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7720; Filed, Aug. 14, 1961; 8:46 a.m.]

[Airspace Docket No. 61-FW-37]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Control Area Extensions

The purpose of these amendments to §§ 608.30, 601.1008, and 601.1321 of the regulations of the Administrator is to designate the Townsend, Ga., Restricted Area R-3006 and to alter the Savannah, Ga., and the Brunswick, Ga., control area extensions.

The Department of the Navy has stated an urgent and immediate requirement for the designation of a restricted area in the vicinity of Townsend, Ga. This restricted area is being designated within a 3-nautical mile radius of latitude 31°32'50'' N., longitude 81°35'20'' W., with extensions to the southwest and northwest, 7 nautical miles long and 3 nautical miles wide, wherein hazardous bombing activities will be conducted by Navy aircraft. The Department of the Navy has justified its requirement as a matter of military urgency and necessity, and in the interest of national defense.

Due to the requirement to train additional pilots in this area in accordance with stepped-up training schedules, use of the Townsend target cannot be delayed. Therefore designation of restricted airspace surrounding this target which is scheduled for completion on September 1, 1961, is necessary to permit the Navy to fulfill its fleet training mission.

In order to promote the efficient utilization of this restricted area, R-3006 is designated herein as a joint use area, with the Jacksonville Air Route Traffic Control Center designated as the controlling agency. The Savannah, Ga., control area extension (§ 601.1008) and the Brunswick, Ga., control area extension (§ 601.1321) are altered to reflect the designation of the portions of R-3006 which coincide with the Savannah and Brunswick control area extensions as controlled airspace.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

§ 608.30 [Amendment]

1. In § 608.30 Georgia (26 F.R. 7193) the following is added:

R-3006 Townsend, Ga.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 31°32'50'' N, Long. 81°35'20'' W, and within 1.5 nautical miles either side of the 223° and 298° bearings from the center extending from the 3-nautical mile radius circle to 10 nautical miles southwest and northwest of the center.

Designated altitudes. The area within the 3-nautical mile radius, surface to 14,000 feet MSL; the area within the extensions, surface to 6,000 feet MSL.

Time of designation. Sunrise to sunset, Monday through Friday.

Controlling agency. Federal Aviation Agency, Jacksonville ARTC Center.

Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

2. Section 601.1008 (14 CFR 601.1008) is amended to read:

§ 601.1008 Control area extension (Savannah, Ga.).

The airspace N. of Lat. 31°35'00'' N. which lies within a 40-mile radius of Hunter AFB, Savannah, Ga. The portion of this control area extension which coincides with R-3006 shall be used only after obtaining prior approval from appropriate authority. The portions of this control area extension which coincide with R-3005, W-132, W-157, and W-160 are excluded.

3. Section 601.1321 (14 CFR 601.1321) is amended to read:

§ 601.1321 Control area extension (Brunswick, Ga.).

That airspace bounded on the N. by Lat. 31°30'00'' N., on the E. by low altitude VOR Federal airway No. 3, and on the SW. by low altitude VOR Federal airways Nos. 5 and 51. The portion of this control area extension which coincides with R-3006 shall be used only after obtaining prior approval from appropriate authority.

These amendments shall become effective 0001 e.s.t., September 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7780; Filed, Aug. 14, 1961; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 8—COLOR ADDITIVES

Subpart D—Listing of Color Additives for Food Use Exempt From Certification

DRIED ALGAE MEAL

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), 74 Stat. 399; 21 U.S.C. 376 (b), (c)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625): *It is ordered*, That the color additive regulations (21 CFR 8.301; 26 F.R. 5919) be amended as follows:

The introduction to § 8.301(c) is amended to read:

§ 8.301 Dried algae meal.

* * * * *

(c) *Labeling requirements.* The label and labeling of the color additive and any premixes prepared therefrom shall bear, in addition to the other information required by the Federal Food, Drug, and Cosmetic Act and other regulations in this chapter:

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment serves only to clarify existing regulations.

(Sec. 706 (b), (c), 74 Stat. 399; 21 U.S.C. 376 (b), (c))

Dated: August 9, 1961.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7748, Filed, Aug. 14, 1961; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of the following substances, under the conditions prescribed in this order:

1. Section 121.90 (21 CFR 121.90) is amended by adding thereto the following new items:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Betaine, anhydrous, or betaine hydrochloride	Dietary supplement; limit 100 mg. per day	Jan. 1, 1962
Copper sulfate	Dietary supplement; limit 2 mg. of copper per day	Do.
Fat, hydrolyzed (animal and vegetable, free of toxic impurities).	In feed for livestock and poultry; limit 12.5%	[1] July 1, 1963
Ferrous fumarate	Dietary supplement; limit 115 mg. per day of iron	[1] Jan. 1, 1963
Fumaric acid	Used as acidifier, flavoring, and leavening agent; limit 0.3%.	[1] July 1, 1963
Menadione	Dietary supplement; limit 1 mg. per day	Jan. 1, 1962
DL-Methionine	Dietary supplement; limit 200 mg. per day	[1] July 1, 1962
Methyl ester of fatty acids (C_{14}, C_{16}, C_{18}) from edible coconut oil.	In animal feed; limit 3%	Jan. 1, 1962
Methyl glucoside of fatty acids of edible coconut oil.	Crystallization agent in beet sugar manufacture; limit 5 p.p.m.	[1] July 1, 1962
Morpholine	Component of coating on fruits and vegetables; limit 3 p.p.m.	Do.
Polyoxyethylene glycol (600) dioleate	Component of defoamer used in yeast production	Jan. 1, 1962
Polyoxyethylene glycol (600) ester of edible cottonseed oil fatty acids.	Solubilizing agent in pickles; limit 500 p.p.m	[1] July 1, 1962
Potassium iodide	Dietary supplement; limit 0.15 mg. per day	Jan. 1, 1962
Rutin	Dietary supplement; limit 50 mg. per day	Jan. 1, 1962
Sodium methyl sulfate	Processing residue in pectin for use as a jelling or thickening agent; limit 0.5% in pectin.	[1] Jan. 1, 1964
Sodium nitrite	In canned pet food containing fish and/or meat; limit 20 p.p.m.	Jan. 1, 1962
Tallow, oxidized	Component of defoamer in beet sugar production; limit 40 p.p.m. in defoamer.	Do.
Torula yeast, dried	Flavoring in food; not more than 0.040 mg. of folic acid per gm. of yeast.	[1] July 1, 1962
	In food for special dietary use; limit 0.4 mg. of folic acid per day.	Do.
Triisopropanolamine	Component of coatings on fresh fruits and vegetables; limit 2 p.p.m.	Do.
Quinine hydrochloride	Flavoring agent in carbonated beverages; limit 100 p.p.m.	[1] Jan. 1, 1963
Quinine sulfate	do	Do.
Yeast, dried	Flavoring in food; not more than 0.040 mg. of folic acid per gm. of yeast.	[1] July 1, 1962
	In food for special dietary use; limit 0.4 mg. of folic acid per day.	Do.
Wax, micro-crystalline and paraffin (as described in this section).	Component of defoamer used in beet sugar production; limit 5 p.p.m. in beet sugar.	Jan. 1, 1962
	Coating on fresh fruits and vegetables	Do.
	In matrix formation or external application to vitamin products.	Do.

[1] Progress report due Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 9, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7749; Filed, Aug. 14, 1961; 8:49 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6568]

PART 44—TAXES ON WAGERING

Period for Retaining Records

Paragraph (e) of § 44.6001-1 of the Wagering Tax Regulations (26 CFR Part 44), relating to the retention of records, is amended to provide a period for the retention of the daily record required by § 44.4403-1 of such Regulations. As amended, such paragraph (e) reads as follows:

§ 44.6001-1 Record requirements.

* * * * *

(e) *Period for retaining records.* All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403-1 and by paragraph (a) of this section shall be maintained for a period of at least three years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least three years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least three years from the date any credit is taken or refund is claimed.

Because this Treasury decision merely prescribes the period for which certain records are to be maintained, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of said Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 9, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7746; Filed, Aug. 14, 1961; 8:49 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-4399]

PART 200—ORGANIZATION: CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart B—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

On July 20, 1961 the Securities and Exchange Commission amended its Regulation Concerning Conduct of Members and Employees and Former Members and Employees. Included in the amendment was the redesignating and renumbering of certain paragraphs of Rule 3 (§ 200.33). The present amendment is for the purpose of conforming the new paragraph numbers in the reference thereto in paragraph 3(k). (§ 200.33 (k)).

The Commission deems this amendment to be included within the exception in section 4(a) of the Administrative Procedure Act applicable, among other things, to "rules of agency organization, procedure, or practice" and deems notice and public procedures of the character specified in that section to be unnecessary, and that the amendment is not subject to the provision of section 4(c) of that Act relating to the effective date of substantive rules.

§ 200.33 [Amendment]

Section 200.33(l) is amended by striking out "(f) to (j)" and inserting in lieu thereof "(f), (g), (h), (j), and (k)", so that paragraph (l) reads as follows:

The restrictions imposed in paragraphs (f), (g), (h), (j), and (k) of this section do not apply to the exercise of a privilege to convert or exchange securities; to the exercise of rights accruing unconditionally by virtue of ownership of other securities (as distinguished from a contingent right to acquire securities not subscribed for by others); or to the acquisition and exercise of rights in order to round out fractional shares.

(Sec. 19(a), 48 Stat. 85, as amended sec. 23(a), 48 Stat. 901, as amended, sec. 20 (a), 49 Stat. 833, sec. 319, 53 Stat. 1173, sec. 38(a), 54 Stat. 841, sec. 211(a), 54 Stat. 855, as

amended, 15 U.S.C. 77s, 77sss, 78w, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 1, 1961.

[F.R. Doc. 61-7738; Filed, Aug. 14, 1961; 8:48 a.m.]

[Release 33-4400]

PART 201—RULES OF PRACTICE

Service of Subpoenas

The Securities and Exchange Commission has amended Rule 14(b) (§ 201.14(b)) of its rules of practice which relates to subpoenas issued by the Commission. The new subsection provides that service of subpoenas may be effected by giving actual notice to the person to be served, by mailing the subpoena to him by registered or certified mail, or by any of several methods of delivery outlined in the rule. The rule also provides for service on an attorney who is representing the person to be served in a pending proceeding, or on a registered agent, officer, director, or manager of a corporation. This rule is expressly made applicable to investigations as well as other hearings.

The purpose of the amendment is to facilitate the service of subpoenas while affording the person served with ample notice thereof. The terms of the rule are consistent with the methods for service of papers in court proceedings under rule 5(b) of the Federal Rules of Civil Procedure.

Section 201.14(b) was amended by adding thereto a new subparagraph (4) reading as follows:

(4) Service of a Commission subpoena upon a natural person may be made by any method whereby actual notice is given to him or by delivering a copy of it to him or by mailing it by registered or certified mail to him at his last known address. Delivery of a copy within this rule means handing it to the person; or leaving it at his office with the person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or leaving it at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. When the person to be served is not a natural person, service may be effected by any method whereby actual notice is given to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by delivery of a copy of the subpoena to any such representative, or by mailing it by registered or certified mail to such representative at his last known address. Whenever service is to be made upon a person who is represented in the pending proceeding by an attorney, the service may be made upon the attorney. The provisions of this subsection shall apply to investigations as well as other hearings.

(Secs. 19 and 20(a), 48 Stat. 85, as amended, 86, as amended, secs. 21(a), (b) and 23(a), 48 Stat. 899, as amended, 901, as amended, secs. 18(a), (b), (c), and 20(a), 49 Stat. 831, 833, sec. 319(a), 53 Stat. 1173, secs. 38(a), 42(a), (b), 54 Stat. 841, 842, secs. 209(a), (b), 211(a), 54 Stat. 853, as amended, 855, as amended, 15 U.S.C. 77s, 77sss, 77t, 78u, 78w, 79r, 79t, 80a-37, 80a-41, 80b-9, 80b-11)

The Commission finds that the foregoing amendment involves a matter of practice or procedure and that notice and subsequent procedure pursuant to subsections 4(a) and (b) of the Administrative Procedure Act are not required. The Commission also finds that the provision of subsection 4(c) of the Administrative Procedure Act regarding postponement of the effective date are inapplicable inasmuch as this is not a substantive rule.

Effective date. This amendment shall become effective August 1, 1961.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 1, 1961.

[F.R. Doc. 61-7739; Filed, Aug. 14, 1961; 8:48 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENTS OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Statements of Procedure and to its rules and regulations, Series 8, as amended, which it finds necessary to carry out the provisions of said Act, such amendments to be effective August 15, 1961.

National Labor Relations Board Statements of Procedure and rules and regulations, Series 8, as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

(49 Stat. 440; 29 U.S.C. 151–166), as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151–167), act of October 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of September 14, 1959 (73 Stat. 519; 29 U.S.C. 141–168)

Dated, Washington, D.C., August 9, 1961.

By direction of the Board.

OGDEN W. FIELDS, *Executive Secretary.*

1. In Part 101—Statements of Procedure, Subpart F—Jurisdictional Dispute Cases under Section 10(k) of the Act, §§ 101.31, 101.33 and 101.35 are amended to read as follows:

§ 101.31 Initiation of proceedings to hear and determine jurisdictional disputes under section 10(k).

The investigation of a jurisdictional dispute under section 10(k) is initiated by the filing of a charge, as described in § 101.2, by any person alleging a violation of paragraph (4)(D) of section 8(b). As soon as possible after a charge has been filed, the regional director serves upon the parties a copy of the charge together with a notice of the filing of such charge.

§ 101.33 Initiation of formal action; settlement.

If, after investigation, it appears to the regional director that the Board should determine the dispute under section 10(k) of the Act, he issues a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of the filing of the charge, except that in cases involving the National Defense, agreement will be sought for scheduling of hearing on less notice. If the parties present to the regional director satisfactory evidence that they have adjusted the dispute, the regional director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. If the parties submit to the regional director satisfactory evidence that they have agreed upon methods for voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if issued. The parties may agree on an arbitrator, a proceeding under section 9(c) of the Act, or any other satisfactory method to resolve the dispute.

§ 101.35 Procedure before the Board.

The parties have 7 days after the close of the hearing, subject to any extension that may have been granted, to file briefs with the Board and to request oral argument which the Board may or may not grant. However, in cases involving the National Defense and so designated in the notice of hearing, the parties may not file briefs but after the close of the evidence may argue orally upon the record their respective contensions and positions, except that for good cause shown in an application expeditiously made to the Board in Washington, D.C., after the close of the hearing, the Board may grant leave to file briefs in such time as it shall specify. The Board then considers the evidence taken at the hearing and the hearing officer's analysis together with any briefs that may be filed and the oral argument, if any, and issues its determination or makes other disposition of the matter.

2. In Part 102—Rules and Regulations, Series 8, Subpart F—Procedure To Hear and Determine Disputes under Section 10(k) of the Act, §§ 102.89 and 102.90 are amended to read as follows:

§ 102.89 Initiation of proceedings.

Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4)(D) of section 8(b) of the Act, the regional director of the office in which such charge is filed or to which it is

referred shall, as soon as possible after the charge has been filed, serve upon the parties a copy of the charge together with a notice of the filing of the charge and shall investigate such charge and if it is deemed appropriate to seek injunctive relief of a district court pursuant to section 10(l) of the Act, he shall give it priority over all other cases in the office except other cases under section 10(l) and cases of like character.

§ 102.90 Notice of filing of charge; notice of hearing; hearing; proceedings before the Board; briefs; determination of dispute.

If it appears to the regional director that the charge has merit and the parties to the dispute have not submitted satisfactory evidence to the regional director that they have adjusted, or have agreed upon methods for the voluntary adjustment of, the dispute out of which such unfair labor practice shall have arisen, he shall cause to be served on all parties to such dispute a notice of hearing under section 10(k) of the Act before a hearing officer at a time and place fixed therein which shall be not less than 10 days after service of the notice of the filing of said charge. The notice of hearing shall contain a simple statement of the issues involved in such dispute. Such notice shall be issued promptly, and, in cases in which it is deemed appropriate to seek injunctive relief pursuant to section 10(l) of the Act, shall normally be issued within 5 days of the date upon which injunctive relief is first sought. Hearings shall be conducted by a hearing officer, and the procedure shall conform, insofar as applicable, to the procedure set forth in §§ 102.64 to 102.68, inclusive. Upon the close of the hearing, the proceeding shall be transferred to the Board and the Board shall proceed either forthwith upon the record, or after oral argument, or the submission of briefs, or further hearing, to determine the dispute or make other disposition of the matter. Should any party desire to file a brief with the Board, seven copies thereof shall be filed with the Board at Washington, D.C., within 7 days after the close of the hearing: *Provided, however,* That, in cases involving the National Defense and so designated in the notice of hearing, no briefs shall be filed, and the parties, after the close of the evidence, may argue orally upon the record their respective contentions and positions: *Provided further,* That, in cases involving the National Defense, upon application for leave to file briefs expeditiously made to the Board in Washington, D.C., after the close of the hearing, the Board may for good cause shown grant such leave and thereupon specify the time for filing. Immediately upon such filing, a copy shall be served on the other parties. Such brief shall be legibly printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Requests for extension of time in which to file a brief under authority of this section shall be in writing and received by the Board in Washington, D.C., 3 days prior to the due date with copies thereof served on each of the other parties. No reply brief may be filed except upon special leave of the Board.

[F.R. Doc. 61-7730; Filed, Aug. 14, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 887—APPOINTMENT OF OFFICER PERSONNEL

Appointment of Distinguished Graduates of Aviation Cadet, Officer Training School, and Officer Candidate School Programs as Officers in the Regular Air Force

Sections 887.101 to 887.108 are deleted and the following substituted therefor:

Sec.
887.101 Purpose.
887.102 Recognition of outstanding graduates.
887.103 General eligibility requirements.
887.104 Selection criteria.
887.105 Notification to applicants.
887.106 Tender of appointment.
887.107 Probationary period.

AUTHORITY: §§ 887.101 to 887.107 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012. Interpret or apply 70A Stat. 507; 10 U.S.C. 8284.

SOURCE: AFR 36-53, March 22, 1961.

§ 887.101 Purpose.

Sections 887.101 to 887.107 set forth the eligibility requirements, and method of submitting application for appointment in the Regular Air Force of distinguished graduates of aviation cadet, the officer training school, and the officer candidate school programs.

§ 887.102 Recognition of outstanding graduates.

The Air Force recognizes persons who distinguish themselves academically and who demonstrate outstanding qualities of leadership for military service during their aviation cadet, officer training school or officer candidate school training. Qualified graduates of these programs are officially designated "distinguished graduates" and the best qualified are offered Regular Air Force commissions if they apply and are selected. Selections are made by a board of officers at Headquarters USAF, whose selections are final except that the President may remove the name of any person he considers not qualified for appointment. Designated "distinguished graduates" not applying for Regular appointment under §§ 887.101 to 887.107 are given appropriate consideration when they become eligible for Regular appointment.

§ 887.103 General eligibility requirements.

The general eligibility requirements listed in paragraphs (a) to (f) of this section must be met by each selected applicant at the time of appointment.

(a) *Distinguished graduates.* Only a selected applicant designated as a distinguished graduate may be appointed.

(b) *Age.* At the time of application, an applicant must not be over 30 years of age by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States. He may request, in writing, a waiver of the age limitation. Such waiver is subject to final approval by the Secretary of the Air Force. However, he may not be appointed if he will reach his 55th birthday before he completes 20 years of active Federal commissioned service. The Regular appointment of an applicant who is under 21 years of age is withheld until after he reaches his 21st birthday.

(c) *Citizenship.* An applicant must be a citizen of the United States. If he is not a citizen by birth, he must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number -------- (or certified copy of court order establishing citizenship) stating that ---------- was admitted to
(Full Name)
United States citizenship by the ----------
Court of ----------;
(District or County)
---------- on ----------
(State) (Date)

NOTE: Facsimiles or copies, photographic or otherwise, are not made of naturalization certificates under any circumstances. 18 U.S.C. 1426(h) provides that "whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(d) *Medical.* After selection, physical qualification is a prerequisite to appointment. An applicant must be qualified in accordance with the physical standards for commission.

(e) *Background.* (1) The appointee must be of such background, character, and reputation to insure that appointment into the Regular Air Force is clearly consistent with the best interests of the Air Force.

(2) The person who resigns, is dismissed, is disenrolled, or is eliminated from an officer training program of the Army, Navy, or Air Force for reasons of Honor Code violation, military inaptitude, indifference, undesirable traits of character, or disciplinary reasons, is not eligible under §§ 887.101 to 887.107. However, superintendents of service academies and commanders of officer training programs may recommend waivers to this policy to the Secretary of the Air Force in exceptional cases worthy of consideration.

(f) *Dependents.* (1) A male applicant is not restricted.

(2) A female applicant may not be appointed if she is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody; is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has or

assumes personal custody of any child under 18 years of age.

§ 887.104 Selection criteria.

(a) *Distinguished aviation cadet graduate.* A distinguished aviation cadet graduate is a person designated as such by the Commander, Air Training Command. To be eligible for selection as a distinguished aviation cadet graduate, he must have:

(1) Demonstrated outstanding qualities of leadership, high moral character, and definite aptitude for military service while undergoing aviation cadet training.

(2) Attained a final performance standing in the upper 20 percent of his aviation cadet class in flying proficiency, academic standing, and military performance.

(3) Been appointed an officer of the Reserve of the Air Force and awarded an aeronautical rating as either pilot or navigator.

(b) *Distinguished officer candidate and officer training school graduates.* A distinguished officer candidate or an officer training school graduate is a person, designated as such by the Commander, Air Training Command. To be eligible for selection as a distinguished officer candidate or officer training school graduate he must have:

(1) Demonstrated outstanding qualities of leadership, high moral character, and definite aptitude for military service while undergoing officer candidate training or officer training school training.

(2) Attained a final performance standing in the upper 20 percent of his officer candidate or officer training school class in both academic standing and military performance.

(3) Been appointed an officer of the Reserve of the Air Force.

§ 887.105 Notification to applicants.

Applicants are notified of selection or nonselection through their current organization commander.

§ 887.106 Tender of appointment.

Appointments are announced in Department of the Air Force special orders and tendered by letters of appointment issued by the Department of the Air Force. The tender may be withdrawn for cogent reasons or declined at any time before actual acceptance.

§ 887.107 Probationary period.

The appointment of any person under §§ 887.101 to 887.107 is probationary for three years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

By order of the Secretary of the Air Force.

CARROLL W. KELLEY,
Lt. Col., United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 61-7558; Filed, Aug. 14, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 2—Federal Aviation Agency

PART 2-1—GENERAL

Subpart 2-1.10—Publicizing Procurement Actions

Subpart 2-1.10 is revised as follows:

Sec.
2-1.1003 Synopsis of proposed procurements.
2-1.1004 Synopsis of contract awards.

AUTHORITY: §§ 2-1.1003 and 2-1.1004 issued under secs. 303, 313, 72 Stat. 747, 752; 49 U.S.C. 1344, 1354.

§ 2-1.1003 Synopsis of proposed procurements.

(a) In order to encourage competition, it is the policy of the Federal Aviation Agency to utilize the Department of Commerce Synopsis to the maximum practicable extent. Procurements shall be planned in such a manner as to keep to a minimum the use of exception permitted by § 1-1.1003-2(4) of this title.

(b) Procurement information shall be prepared and transmitted in accordance with § 1-1.1003-7 of this title. Originating offices served by the General Services Administration—Public Buildings Service teletypewriter system shall submit material through that system. All other offices shall use air mail.

§ 2-1.1004 Synopsis of contract awards.

Publicizing of contract awards shall be in accordance with § 1-1.1004 of this title. It should be noted that awards exceeding $25,000 for work performed in any of the United States are required to be published, even though the proposed procurement may not have been publicized. Award information shall be submitted by regular mail by all procurement offices, except those in Alaska and Hawaii which shall use air mail.

Effective date. These regulations are effective August 31, 1961.

Dated: August 7, 1961.

ALAN L. DEAN,
Deputy Administrator for Administration.

[F.R. Doc. 61-7721; Filed, Aug. 14, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2455]

[Fairbanks 027546]

ALASKA

Withdrawing Lands for Use of Federal Aviation Agency, in Maintenance of Air Navigation Facilities

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Federal Aviation Agency, in the maintenance of air navigation facilities:

FORT YUKON AREA

TRACT 1

Beginning at Corner No. 10 of USS 2670, Townsite of Fort Yukon; thence
N. 9°34' E., 2058.00 feet, on the 10-11 line of USS 2670 extended, to the southeasterly line of the tract leased by the State of Alaska from the B.L.M. (Fairbanks Serial 012166, April 1, 1955 to April 1, 1975);
S. 60°11' W., 1012.00 feet, to a point on the northeasterly boundary of PLO 1729;
S. 29°49' E., 64.00 feet following the boundary of said PLO 1729;
S. 60°11' W., 825.00 feet;
S. 49°00' E., 1616.00 feet to Corner No. 10 of U.S. Survey 2670, the point of beginning.

Containing approximately 33 acres.

TRACT 2

From Corner No. 8 of USS 3191, go N. 80°39'23" E., 3533.29 feet to the point of beginning; thence
N. 04°22'50" W., 300.0 feet;
N. 85°37'10" E., 600.0 feet;
S. 04°22'50" E., 600.0 feet;
S. 85°37'10" W., 600.0 feet;
N. 04°22'50" W., 300.0 feet to the point of beginning.

Containing 8.26 acres.

TRACT 3

From Corner No. 8 of USS 3191, go N. 53°14'45" E., 4658.54 feet to the point of beginning on the runway centerline extended; thence
N. 29°42'50" W., 300.0 feet;
N. 60°17'10" E., 600.0 feet;
S. 29°42'50" E., 600.0 feet;
S. 60°17'10" W., 600.0 feet;
N 29°42'50" W., 300.0 feet to the point of beginning.

Containing 8.26 acres.

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

AUGUST 9, 1961.

[F.R. Doc. 61-7724; Filed, Aug. 14, 1961; 8:47 a.m.]

[Public Land Order 2456]

[1861735]

ALASKA

Revoking Executive Order No. 920 of July 25, 1908, and No. 8864 of August 21, 1941

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 920 of July 25, 1908, reserving a tract of land at Tanana containing 18.25 acres, described by metes and bounds, and adjoining the military reservation of Fort Gibbon, for use of the Signal Corps, United States Army, and Executive Order No. 8864 of August 21, 1941, placing such lands under control of the Secretary of the Interior for disposition as provided in the act of July 5, 1884 (23 Stat. 103; 43 U.S.C. 1071), or as might otherwise be provided by law, are hereby revoked.

2. The lands are described as follows:

FT. GIBBON ABANDONED MILITARY RESERVATION

Beginning at Corner No. 1, marked by an iron-pipe monument about 3 feet high and about 3 inches in diameter, being centered with a tack by means of a wooden plug, and placed at the intersection of the east line of the Fort Gibbon, Alaska, Military Reservation and the north line of S. A. Homestead Claim of the North American Transportation and Trading Company—said point of intersection being approximately 668 feet due north of the monument at the southeast corner of the said Fort Gibbon, Alaska, Military Reservation; thence S. 83°30' E. 800 feet, following the north boundary line of the said homestead, to Corner No. 2, marked by a monument of the same description as said monument at Corner No. 1; thence due North 1000 feet to Corner No. 3, marked by a monument of the same description as said monument at Corner No. 1; thence N. 83°30' W. 800 feet to Corner No. 4, marked by a monument of the same description as said monument at Corner No. 1, and situated on the east line of the said Fort Gibbon, Alaska, Military Reservation; thence due South 1000 feet, following the east boundary line of the said Fort Gibbon, Alaska, Military Reservation, to Corner No. 1, the place of beginning; containing an area of 18.25 acres, more or less. All courses are referred to the true meridian.

3. Until 10:00 a.m. on November 9, 1961, the State of Alaska shall have a preferred right to select the lands in accordance with and subject to the limitations and requirements of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

4. Beginning at 10:00 a.m. on November 9, 1961, the lands shall be subject to operation of the public land laws generally, including the mining laws, subject to valid existing rights and equitable claims, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 9, 1961.

[F.R. Doc. 61-7725; Filed, Aug. 14, 1961; 8:47 a.m.]

[Public Land Order 2457]

[Idaho 011379]

IDAHO

Partly Revoking Certain Departmental Orders Which Withdrew Lands for Use of the Forest Service for Administrative Sites

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952; it is ordered as follows:

1. The departmental orders of November 11, 1908 and October 6, 1908, so far as they withdrew the following-described lands for use of the Forest Service for administrative sites, are hereby revoked:

a. Departmental order of November 11, 1908:

BOISE MERIDIAN

RUSH CREEK ADMINISTRATIVE SITE

T. 16 N., R. 3 W.,
Sec. 28, NE¼NE¼SE¼, W½E½SE¼ and E½W½SE¼;
Sec. 33, NE¼NE¼.

b. Departmental order of October 6, 1908:

BOISE MERIDIAN

MANN CREEK ADMINISTRATIVE SITE

T. 14 N., R. 5 W.,
Sec. 32, E½NE¼SE¼;
Sec. 33, W½SW¼ and W½SE¼SW¼.

The areas described aggregate approximately 250 acres, all of which except the NE¼NE¼, section 33, T. 16 N., R. 3 W., are national forest lands within the Payette National Forest.

2. The following-described lands are in part subject to the general determination of the Federal Power Commission of April 17, 1922:

BOISE MERIDIAN

T. 16 N., R. 3 W.,
Sec. 28, NE¼SE¼SE¼, W½E½SE¼ and E½W½SE¼;
Sec. 33, NE¼NE¼.

3. At 10:00 a.m. on September 14, 1961, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands. The remaining public lands affected by this order are hereby restored to the operation of the public land laws, including the mining laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m. on February 8, 1962, the State of Idaho shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). The lands have been open to applications and offers under the mineral leasing laws.

4. Any disposition with respect to those portions of the lands described in paragraph 2, hereof, being used under license for transmission line purposes, shall be subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER JR.,
Assistant Secretary of the Interior.

AUGUST 9, 1961.

[F.R. Doc. 61-7726; Filed, Aug. 14, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957).

This marketing order regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

§ 957.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, both as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and order, during the fiscal period June 1, 1961, through May 31, 1962, will amount to $30,000.00.

(b) The rate of assessment to be paid by each handler shall be seventy cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7743; Filed, Aug. 14, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

MACHINE TOOLS INDUSTRY

Hearing to Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the machine tools industry under section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35) will be held before a hearing examiner on Wednesday, September 6, 1961 beginning at 10 o'clock a.m. in Conference Room B of the Departmental Auditorium on Constitution Avenue between Twelfth Street and Fourteenth Street NW., Washington, D.C.

The machine tools industry is defined tentatively to include the manufacture of power driven machines, not supported in the hands of an operator when in use, that shape metals (1) by cutting away chips, such as boring, broaching, drilling, grinding, milling, honing, and polishing machines, and lathes and shapers; or (2) by pressing, forging, hammering, extruding, shearing, bending or die casting. The rebuilding of machine tools and the manufacture of parts specifically designed for such tools are also included.

Excluded from the definition of machine tools are cutting tools, precision measuring tools, and attachments and accessories for machine tools; dies and tools; die sets and components, and subpresses; jigs and fixtures; gas and electric welding and cutting equipment; portable power driven handtools; automotive maintenance equipment; and rolling-mill machinery and equipment.

Interested persons may appear at the time and place specified herein and submit evidence as to the following subjects and issues: (1) Any amendments which should be made to the tentative definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether the geographic area of competition for contracts subject to the Walsh-Healey Act within this industry extends to all of the area in which the industry has its establishments, so as to require an industry-wide wage determination or whether it is limited to smaller geographic areas (including the boundaries of such areas) so as to require separate wage determinations for each such locality; and (4) whether there should be included in any determination for this industry provision for the employment of beginners or probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations such employment should be permitted.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest April 15, 1960, have also been gathered. This information will be submitted for consideration at the hearing and is now available to interested persons on request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statement of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and state: (1) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such establishment, (3) the minimum wage paid to covered workers (presently and, if possible, on April 15, 1960), and the number of covered workers at each such establishment receiving such wages, (4) the minimum wages paid to beginners or probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, and the number of workers receiving such wages, and (5) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 50–203.

Signed at Washington, D.C., this 9th day of August 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61–7557; Filed, Aug. 14, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Parts 1, 3]

PATENT CASES

Forms, and Rules of Practice

Notice is hereby given that the United States Patent Office proposes to amend several of its rules relating to patents. The amendments are proposed to be issued pursuant to the authority contained in Title 35, U.S. Code, sections 6 and 31, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D.C., on or before October 2, 1961. An oral hearing will not be scheduled unless sufficient requests for the same are received.

The texts of the proposed amendments follow:

§ 1.203 [Amendment]

1. Paragraph (a) of § 1.203 is proposed to be amended by cancelling the last sentence and inserting the following sentence in lieu thereof: "Claims in the same language, to form the counts of the interference, must be present or be presented, in each application; except that, in cases where, owing to the nature of the disclosures in the respective applications, it is not possible for all applications to properly include a claim in identical phraseology to define the common invention, an interference may be declared, with the approval of the Commissioner, using as a count representing the interfering subject matter a claim differing from the corresponding claims of one or more of the interfering applications by an immaterial limitation or variation."

§ 1.232 [Amendment]

2. Paragraph (a) of § 1.232 is proposed to be amended by cancelling "or if the interference involves a patent, a claim of which has been copied in modified form." and inserting in lieu thereof: "or as to a claim included as a count under the last sentence of § 1.203(a) or the last sentence of § 1.205(a)."

§ 1.233 [Amendment]

3. Paragraph (d) of § 1.233 is proposed to be amended to read as follows:

(d) The proposed claims (1) must be indicated to be patentable in the opinion of the moving party in each of the applications involved in the motion and (2) must, unless they stand allowed, be distinguished from the prior art of record or sufficient other reason for their patentablity given. Furthermore, (3) the reason why an additional count is necessary must be stated. When more than one count is proposed, the motion (4) must point out wherein they differ materially from each other and (5) must show why each proposed count is necessary to the interference. The proposed claims (6) must also be applied to the disclosure of each application involved in the motion, except as to an application in which the claims already appear and the claims identified as originating therein.

4. Section 1.235 is proposed to be amended to read as follows:

§ 1.235 Motions relating to burden of proof.

Any party may bring a motion to shift the burden of proof (a) on the ground that he is entitled to the benefit of the filing date of an earlier domestic or foreign application, or (b) on the ground that an opposing party is not entitled to the benefit of an earlier application of which he has been given the benefit in the declaration. (See § 1.224).

§ 1.341 [Amendment]

5. Paragraph (g) of § 1.341 is proposed to be amended by cancelling "in which he served, on the date he left said division" and inserting in lieu thereof "during his period of service therein".

6. Section 3.47 is proposed to be amended to read as follows:

§ 3.47 Interference; notice of taking testimony.

_____ } Interference No. ____
v. }
_____

_____, 19____

_____
(Name of opposing attorney)

_____
(Address of opposing attorney)

SIR: You are hereby notified that on _____, _____, 19____, at ____ o'clock in the forenoon at the office of _____, _____ Street, _____, _____, I shall proceed to take testimony on behalf of the party _____ in the above identified interference.

The witnesses to be examined are:

(Name of witnesses)	(Residence of witnesses)
_____	_____
_____	_____

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

_____
(Signature of attorney)

PROOF OF SERVICE

_____, 19____

I hereby certify that on _____, 19____, I served a copy of the foregoing notice of taking testimony upon _____, the attorney for the party _____, by mailing a copy thereof to him at his address as set out in the notice.

_____
(Signature of Attorney)

DAVID L. LADD,
Commissioner of Patents.

Approved:
HICKMAN PRICE, Jr.,
Assistant Secretary of Commerce for Domestic Affairs.

[F.R. Doc. 61–7740; Filed, Aug. 14, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61–FW–67]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1519 and 600.1701 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1519 is designated in part from Albany, Ga., to Atlanta, Ga., and intermediate altitude VOR Federal airway No. 1701 is designated in part from Chattanooga, Tenn., to Nashville, Tenn. The Federal Aviation Agency has under consideration the redesignation of Victor 1519 as a 16-mile wide airway from the Albany VOR to the Atlanta VORTAC via the intersection of the Albany VOR 350° and the Atlanta VOR 179° True radials, thence as a 10-mile wide airway via the Atlanta VOR 007° True radial to its intersection with intermediate altitude VOR Federal airway No. 1517. This proposed alteration of Victor 1519 would coincide with low altitude VOR Federal airway No. 97 south of Atlanta thereby providing for transition from the low altitude to the intermediate altitude structure. Further, the proposed segment north of Atlanta would provide a more direct and less complicated route for aircraft overflying the Atlanta terminal area. The reduced airway width on this segment would provide separation from jet aircraft penetration procedures to the Dobbins, Ga., AFB.

Also under consideration is the extension of Victor 1701 southeast of Chattanooga, Tenn., via the Chattanooga VORTAC 118° radial to its intersection with Victor 1517. This proposed segment would provide a route in the intermediate altitude airway structure for flights between Chattanooga and Atlanta.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 8, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7714; Filed, Aug. 14, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-24]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6233, 600.6262, 601.6233 and 601.6262 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 233 extends from the Springfield, Ill., VOR via the Peoria, Ill., VORTAC; the Bradford, Ill., VOR; the Cordova, Ill., VOR; to the Cedar Rapids, Iowa, VOR. Low altitude VOR Federal airway No. 262 extends from the Bradford, Ill., VOR via the Joliet, Ill., VOR; to the Kedzie, Ill., radio beacon. The Federal Aviation Agency has under consideration the following alterations to these airways:

1. Alter Victor 233 from Springfield to Cedar Rapids by realigning it from the Springfield VOR via the Peoria VORTAC; the Cordova VOR to the Cedar Rapids VOR, including an east alternate from the Springfield VOR via the intersection Springfield VOR 014° and the Peoria VORTAC 122° True radials to the Peoria VOR. The realignment of Victor 233 would provide a more direct route for aircraft operating between Springfield and Cedar Rapids. The proposed Victor 233 east alternate would provide an additional route for aircraft operating between the Springfield and Peoria terminals.

2. Alter Victor 262 by extending it southwesterly from the Bradford VOR to the Peoria VORTAC. This extension would provide a replacement route for the segment of Victor 233 proposed for alteration.

The control areas associated with these proposed airway segments would extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on August 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7716; Filed, Aug. 14, 1961; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-148]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60-NY-148 on May 10, 1961 (26 F.R. 4019), it was stated that the Federal Aviation Agency proposed to designate the control area associated with the segment of low altitude VOR Federal airway No. 31 proposed between the Golden Hill, Md., intersection and Nottingham, Md., and the segment of low altitude VOR Federal airway No. 222 proposed between Gordonsville, Va., and Nottingham to extend upward from 1200 feet above the surface, or if appropriate, 500 feet beneath the Instrument Flight Rules minimum enroute altitude when established.

Subsequent to the publication of the Notice, it has been determined that the application of Amendment 60-21 to Part 60 of the Civil Air Regulations to the control area associated with these segments of Victor 31 and 222 should be deferred until such time as all control areas associated with the other airways in the vicinity of Gordonsville and Nottingham can be altered by applying Amendment 60-21. Accordingly, action is hereby taken to alter the original Notice by proposing that the control area associated with the proposed segments of Victor 31 and 222 extend upward from 700 feet above the surface to the base of the continental control area.

In order to provide interested persons time to adequately evaluate this proposal, as modified herein, and an opportunity to submit additional written data, views or arguments, the date for filing such material will be extended to August 31, 1961.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airpace Docket No. 60-NY-148 is extended to August 31, 1961. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7717; Filed, Aug. 14, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

[Release 119]

INVESTMENT ADVISERS

Prohibited Advertisements

On April 4, 1961 in Investment Advisers Act Release No. 113 the Securities and Exchange Commission published its proposal to adopt Rule 206(4)-1 (§ 275.206(4)-1) defining certain advertisements by investment advisers to be fraudulent, deceptive or manipulative within the meaning of section 206(4) of the Investment Advisers Act of 1940. The Commission has carefully considered the comments and suggestions made on the proposed rule and considers it appropriate to publish a revised proposal to give interested persons an opportunity to comment on the revised proposal.

In September 1960 the Act was amended in many important respects. Among other changes, the anti-fraud provisions of section 206 were made applicable to all investment advisers whether registered or not, and a new subsection (4) prohibits any investment adviser from engaging in any act, practice or course of business which is fraudulent, deceptive or manipulative and gives the Commission the power, by rules and regulations, to define and to prescribe means reasonably designed to prevent such acts and practices. The proposed rule is intended to implement the statutory mandate by foreclosing the use of advertisements which have a tendency to mislead or deceive clients or prospective clients.

As the earlier release pointed out, in considering the provisions of the proposed rule, it should be borne in mind that investment advisers are generally required to adhere to a stricter standard of conduct than that applicable to ordinary merchants, securities are "intricate merchandise", and clients or prospective clients of investment advisers are frequently unskilled and unsophisticated in investment matters.

The original proposal would have defined the term "advertisement" to include any notice, circular, letter or other communication, written or oral, which offers any investment advisory service.

The comments pointed out that this definition was so broad that it would have encompassed even face to face conversations between an investment counsel and his prospective client. Under the revised definition the term would not include a personal conversation with a client or prospective client, or a personal letter sent to only one person. The proposed revision would define the term "advertisement" to include notices, circulars and other written communications addressed to more than one person, and notices or other announcements in any publication or by radio or television.

Another significant change in the proposed rule was made with respect to Clause (2) thereof. The earlier proposal would have prohibited any advertisement which called attention to past recommendations of the investment adviser which were or would have been profitable to any person. Some of the comments pointed out that the prohibition was so broad that it would have prevented an investment adviser from furnishing information with respect to all of the recommendations he had ever made. Under the revised proposal, this clause has been changed so that it would not prohibit an advertisement which sets out or offers to furnish either (A) a list of all recommendations made by the investment adviser within the preceding period of not less than one year, or (B) a truly representative list of all such recommendations which shows those which were or would have been unprofitable as well as those which would have been profitable, and which is not otherwise misleading. The rule would specify the kind of information which must be furnished in such a list, and also require that the advertisement (and the list if it is furnished separately) must contain a specified cautionary legend in print or type as large as the largest print or type used.

Clause (3) of the rule was also revised. In the original proposal this clause would have prohibited an investment adviser from using an advertisement offering any graph, chart, formula, method, system or other device which represents that any such graph, chart, etc. could in and of itself be used to make investment determinations. This clause would also have required any advertisement representing that any such graph, chart, etc. would assist any person in making investment decisions to fully disclose "in close juxtaposition and with equal prominence" the limitations and difficulties with respect to its use. Various comments suggested that the prohibitions of this clause should be applicable only with respect to advertisements offering graphs, charts, formulas, or other devices; that the broad reference to "methods" and "systems" might make it appear that it was intended to apply to every offer of any investment advisory service. Since this broad effect was not intended, the suggestion was adopted in the revised proposal. In addition, the requirement with respect to disclosure of the limitations and difficulties with respect to the use of the graph, chart, formula or other device has been modified to make it clear that if such limitations and difficulties are disclosed prominently anywhere in the advertisement it need not be repeated on each page of the advertisement or on each graph or chart.

The text of proposed § 275.206(4)-1 (Rule 206(4)-1), as revised, is as follows:

§ 275.206(4)-1 Prohibited advertisements by investment advisers.

(a) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 206(4) of the Act, for any investment adviser, directly or indirectly, to publish, circulate or distribute any advertisement:

(1) Which refers, directly or indirectly, to any testimonial of any kind concerning the investment adviser or concerning any advice, analysis, report or other service rendered by such investment adviser; or

(2) Which refers, directly or indirectly, to past specific recommendations of such investment adviser which were or would have been profitable to any person; *Provided, however,* That this shall not prohibit an advertisement which sets out or offers to furnish either, (i) a list of all recommendations made by such investment adviser within the immediately preceding period of not less than one year, or (ii) a partial list of the recommendations made during such period by such investment adviser, if such partial list is truly representative of all recommendations made by such investment adviser during such period, shows those which were or would have been unprofitable as well as those which would have been profitable, and is not otherwise misleading. Any such complete or representative list shall state the name of each such security recommended, the date and nature of each such recommendation (e.g., whether to buy, sell or hold), the market price at that time, the price at which the recommendation was to be acted on, and the market price of each such security as of the most recent practicable date. Each such advertisement (and such list if it is furnished separately) shall plainly state on the first page thereof in print or type as large as the largest print or type used in such advertisement or list: "It should not be assumed that recommendations made in the future will be profitable or will equal the performance of the securities in this list"; or

(3) Which represents, directly or indirectly, that any graph, chart, formula or other device being offered can in and of itself be used to determine which securities to buy or sell, or when to buy or sell them; or which represents, directly or indirectly, that any graph, chart, formula or other device being offered will assist any person in making his own decisions as to which securities to buy or sell, or when to buy or sell them, without prominently disclosing in such advertisement the limitations thereof and the difficulties with respect to its use; or

(4) Which contains any statement to the effect that any report, analysis, or other service will be furnished free or without charge, unless such report, analysis or other service actually is or will be furnished entirely free and without any condition or obligation, directly or indirectly; or

(5) Which contains any untrue statement of a material fact, or which is otherwise false or misleading.

(b) For the purpose of this rule the term "advertisement" shall include any notice, circular, letter or other written communication addressed to more than one person, or any notice or other announcement in any publication or by radio or television, which offers (1) any analysis, report, or publication concerning securities, or which is to be used in making any determination as to when to buy or sell any security, or which security to buy or sell, or (2) any graph, chart, formula or other device to be used in making any determination as to when to buy or sell any security, or which security to buy or sell, or (3) any other investment advisory service with regard to securities.

(Sec. 206, 54 Stat. 852, as amended, 15 U.S.C. 80b-6; Sec. 211, 54 Stat. 855, as amended, 15 U.S.C. 80b-11)

All interested persons are invited to submit their views and comments on the proposed rule on or before September 15, 1961. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 8, 1961.

[F.R. Doc. 61-7737; Filed, Aug. 14, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS

Designation as Representative; Approval of Selections by Alaska of Public Lands Lying North and West of the National Defense Withdrawal Line

The Deputy Secretary of Defense has approved the following:

Pursuant to Executive Order 10950, June 27, 1961, the Assistant Secretary of Defense (Installations and Logistics) is hereby designated as the representative of the Secretary of Defense, with authority to redesignate as appropriate, to concur or non-concur in proposed approvals by the Secretary of the Interior or his representative of selections by the State of Alaska pursuant to the Alaska Statehood Act of July 7, 1958 (72 Stat. 339) of public lands lying north and west of the national defense withdrawal line described in section 10(b) of Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-7712; Filed, Aug. 14, 1961; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of today.

Dated: July 21, 1961.

GLENN J. HALL.

[F.R. Doc. 61-7727; Filed, Aug. 14, 1961; 8:47 a.m.]

ROBERT R. REND

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of Wednesday.

Dated: July 26, 1961.

ROBERT R. REND.

[F.R. Doc. 61-7728; Filed, Aug. 14, 1961; 8:47 a.m.]

RAYMOND V. SELANDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 25, 1961.

Dated: July 25, 1961.

RAYMOND V. SELANDER.

[F.R. Doc. 61-7729; Filed, Aug. 14, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

Order Denying Application

In the matter of the application of Northwest Bancorporation for prior approval of acquisition of Roseville Northwestern National Bank, Roseville, Minnesota.

Whereas, there has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Northwest Bancorporation, Minneapolis, Minnesota, for the Board's prior approval of the acquisition by Northwest of 950 of 1,000 voting shares of Roseville Northwestern National Bank, a proposed new bank; and a Notice of Application and Order for Hearing, together with related Orders, have been published on August 31, 1960 (25 F.R. 8339);

Whereas, a public hearing has been held pursuant to § 222.7(a) of Regulation Y (12 CFR 222.7(a)), and the Hearing Officer has filed a Report, Rulings on Requests to Find and Findings of Fact, Conclusions, and Recommendation that the application be approved, all such steps having been taken in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263); and

Whereas, Chairman Martin and Governors Shepardson and King having voted to approve this application for the reasons set forth in their Statement[1] of this date, and Governors Balderston, Mills, and Robertson having voted not to approve this application for the reasons set forth in their Statements[1] of this date, the application has failed to receive a majority vote of the Board for approval;

It is ordered, That said application be and hereby is denied.

Dated at Washington, D.C., this 8th day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61-7722; Filed, Aug. 14, 1961; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

HAROLD S. BLACKMAN

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 1, 1961 (26 F.R. 1786).

Dated: August 1, 1961.

HAROLD S. BLACKMAN.

[F.R. Doc. 61-7709; Filed, Aug. 14, 1961; 8:45 a.m.]

DAVID C. HOLUB

Appointee's Statement of Business Interests

The following statement lists the names and concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last submission of statement, published March 7, 1961 (26 F.R. 1972).

Dated: August 1, 1961.

DAVID C. HOLUB.

[F.R. Doc. 61-7710; Filed, Aug. 14, 1961; 8:45 a.m.]

[1] Statements of (1) Chairman Martin and Governors Shepardson and King, (2) Governors Balderston and Robertson, and (3) Governor Mills filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

STANLEY RUTTENBERG

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

No changes since last submission of statement, published February 11, 1961 (26 F.R. 1235).

Dated: August 1, 1961.

STANLEY RUTTENBERG.

[F.R. Doc. 61-7711; Filed, Aug. 14, 1961; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND FUNCTIONS

Officials To Serve as Acting Regional Director, San Francisco Regional Office

Section I, Description of Agency and Functions, is hereby amended as follows:

Paragraph F is amended by changing the list of officials authorized to serve as Acting Regional Director in the San Francisco Regional Office, to read as follows:

1. Arthur L. Chladek, Assistant Director for Management
2. James E. Prisin-Zano, Regional Attorney

Approved: August 7, 1961.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 61-7723; Filed, Aug. 14, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

AUGUST 8, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 9, 1961 to August 18, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-7732; Filed, Aug. 14, 1961; 8:47 a.m.]

[File No. 31-627]

ELECTRIC BOND AND SHARE CO.

Notice of Filing and Order for Hearing in Respect of Certain Requests for Allowance of Fees and Expenses

AUGUST 8, 1961.

By Findings and Opinion and Order issued in the above-entitled proceeding on December 6, 1960, (Holding Company Act Release No. 14326) the Commission, pursuant of section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act"), granted Electric Bond and Share Company ("Bond and Share"), a registered holding company, among other things, an exemption as a holding company from the provisions of the Act. In said order jurisdiction was reserved in respect of the fees and expenses of certain participants, among which were the Bond and Share Common Stockholders Committee and its counsel.

Pursuant to notice previously given by the Commission, the Bond and Share Common Stockholders Committee and its counsel have filed requests for allowances of fees and expenses as follows:

	Fees	Expenses
The Committee: Perry J. Walsh, Jacob R. Freund, and Max Kopelman	$35,000.00	$375.00
Counsel: Jacob Lippman and Philip Levy	250,000.00	2,580.43
Total	285,000.00	2,955.43

Subsequently, as a first step in the procedure for determining whether the fees requested are for compensable services rendered and whether the amounts of fees and expenses requested are reasonable, the Commission, in order to expedite the proceeding in respect thereof and to assist it in making such determinations, requested Bond and Share to advise the Commission, on or before July 14, 1961, as to the amounts of fees and expenses which the company is willing to pay and which each of the applicants, after negotiation with the company, has indicated a willingness to accept;

Bond and Share has advised the Commission, pursuant to the aforesaid request, that no agreements have been reached in respect of the above specified requests for allowance of fees and expenses, and that, in its opinion, further discussion between it and applicants in respect thereof would serve no useful purpose; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held in respect of the above specified requests for allowances of fees and expenses;

It is ordered, That a hearing on such requests be held on October 3, 1961, at 10 a.m., at the office of the Commission, 425 Second Street NW., Washington, D.C. On such date the hearing room clerk will advise as to the room in which the hearing will be held. Any person who is not already a party to, or who has not been granted leave to participate in, the above-entitled proceeding and who desires to be heard or otherwise wishes to participate in such hearing shall file on or before September 25, 1961, a written request therefor, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert. such requests should be addresed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served either personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Electric Bond and Share Company, 2 Rector Street, New York 6, New York, and upon Jacob Lippman, 770 Lexington Avenue, New York 21, New York, and Philip Levy, 917 Fifteenth Street NW., Washington 5, D.C. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) should be filed contemporaneously with the filing of the request.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings. The officer or officers so designated to preside at such hearings is and are hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of said above specified requests and, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions for examination:

1. Whether the services and disbursements for which remuneration is requested are for and in connection with compensable services, and whether it is lawful to grant any allowances for fees and expenses to the persons making such requests.

2. Whether the requested amounts of fees and expenses are for or in connection with necessary services rendered

in the proceeding, and whether the amounts requested are reasonable and, if not, what amounts should be allowed.

3. Whether there are any other factors apart from the nature and value of the services rendered and the capacity in which rendered that would make the requests for compensation or reimbursement improper.

It is further ordered, That particular attention be directed at the hearing to such matters and questions, and any others which may be properly presented during the course of the hearing.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order, by registered mail, on Bond and Share, the Bond and Share Stockholders Committee, and Jacob Lippman and Philip Levy counsel for such committee, that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release in respect of this notice and order be distributed to the press.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7733; Filed, Aug. 14, 1961; 8:47 a.m.]

[File No. 812-1426]

ELECTRONICS INVESTMENT CORP.

Notice of Filing of Application for Order Permitting Certain Reinvestments of Dividends From Investment Income at Net Asset Value

AUGUST 8, 1961.

Notice is hereby given that Electronics Investment Corporation ("Applicant"), a registered open-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the offering of certain shares of Applicant at net asset value where such shares represent reinvestments of dividends paid under the Applicant's Systematic Withdrawal Plan described below.

Applicant presently offers its shares through a Periodic Investment Plan ("PIP") and it makes available a Dividend Reinvestment Order ("DRO") under which any shareholder may elect to have all of his dividends and distributions reinvested in additional shares. Under these plans distributions representing capital gains are reinvested in additional shares at net asset value and dividends from investment income are reinvested in additional shares at the public offering price. Applicant also makes available Systematic Withdrawal Plans to shareholders who own or purchase shares valued at $5,000 or more at the current net asset value, under which shareholders may request that a specified sum of money be paid to them at certain intervals. Under the Withdrawal Plan, as presently in effect, the authorized agent receives and holds cash dividends from investment income in order to make withdrawal payments. After August 31, 1961, Applicant proposes to reinvest all cash dividends from investment income on shares held under Withdrawal Plans in additional shares at net asset value. All withdrawal payments will then be made from the proceeds of redeemed shares. It is contemplated that withdrawals will be in excess of dividends from investment income. The application states that Applicant and its principal underwriter will exercise their rights to reject any application for a Withdrawal Plan where the amounts specified to be withdrawn do not exceed current investment income. It further states that all shares held for the investor proposing to participate in a Withdrawal Plan must transfer shares under a PIP or DRO plan to the Withdrawal Plan. PIP and DRO plans will be terminated.

Section 22(d) of the Act, with certain exceptions not applicable here, prohibits a principal underwriter of a registered investment company from selling redeemable securities of such registered investment company except at a current public offering price described in the prospectus. Since the proposal set forth above may involve the offering of shares of Applicant below the normal public offering price therefor described in the prospectus in contravention of the provisions of section 22(d) of the Act, Applicant seeks an order pursuant to section 6(c) of the Act exempting such transactions from the provisions of section 22(d) of the Act.

Section 6(c) of the Act authorizes the Commission, by order upon application, to exempt conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder if, and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than August 23, 1961, at 5:30 p.m., e.d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7734; Filed, Aug. 14, 1961; 8:48 a.m.]

[File No. 70-3980]

METROPOLITAN EDISON CO.

Notice of Proposed Issuance and Sale of Short-Term Notes to Banks

AUGUST 7, 1961.

Notice is hereby given that Metropolitan Edison Company ("Meted") a subsidiary company of General Public Utilities Corporation, a registered holding company has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) thereof as applicable to the proposed transaction.

All interested persons are referred to the application on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

Under the provisions of the first sentence of section 6(b) of the Act the issue and sale of short-term notes, of a maturity not exceeding nine months and in an amount not exceeding 5 percent of the principal amount and par value of the other securities of Meted then outstanding, is exempt from the requirements of section 6(a) of the Act. Meted proposes that, for the period commencing upon the date this application is granted and ending on December 31, 1962, the exempted amount of such short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of the other securities of Meted then outstanding. The application states that the granting thereof would permit Meted to have outstanding an aggregate of $19,300,000 face amount of such notes, of which $9,000,000 are presently outstanding.

Each promissory note will bear interest at the prime rate (presently 4½ percent per annum) for commercial borrowing in New York City on the date of issuance thereof, and all notes will mature no later than December 31, 1962, but will be prepayable at any time without penalty.

The application states that although no commitments or agreements for such borrowings have been made, Meted expects that, to the extent that its construction program requires the issuance and sale of its unsecured notes, they will be issued to the following banks up to the maximum amounts shown:

Morgan Guaranty Trust Company of New York, New York, N.Y.	$4,000,000
The First National City Bank of New York, New York, N.Y.	3,900,000
The First Pennsylvania Banking and Trust Co., Philadelphia, Pa.	3,000,000
The Marine Midland Trust Company of New York, New York, N.Y.	2,900,000
Fidelity-Philadelphia Trust Co., Philadelphia, Pa.	2,500,000
Berks County Trust Co., Reading, Pa.	1,000,000
Peoples Trust City Bank, Reading, Pa.	550,000
Reading Trust Co., Reading, Pa.	400,000
York Bank & Trust Co., York Pa.	400,000
Easton National Bank, Easton, Pa.	$300,000
Northhampton National Bank, Easton, Pa.	200,000
First National Bank, Hanover, Pa.	150,000
Total	19,300,000

Meted proposes to utilize the proceeds realized from the issuance and sale of the short-term notes to finance its construction program, in part, through 1962. At, or prior to, maturity they are to be replaced by long-term debt securities. The net proceeds from any such long-term debt financing effected prior to the maturity of all short-term notes issued and outstanding under this application will be applied in reduction of, or in total payment of such outstanding notes, and the maximum indebtedness which may be incurred by Meted under this application will be reduced by the amount of the net proceeds of any such long-term debt financing.

The application states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

It is estimated that the expenses of Meted in connection with the proposed transaction will be approximately $3,000.

Notice is further given that any interested person may, not later than August 25, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant and proof of service (by affidavit, or in case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after such date, the application, as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7735; Filed, Aug. 14, 1961; 8:48 a.m.]

[File No. 70-3981]

UTAH POWER & LIGHT CO.

Notice of Proposed Issuance of Short-Term Notes to Banks

AUGUST 7, 1961.

Notice is hereby given that Utah Power & Light Company ("Utah"), an electric utility company and a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transaction.

All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

Utah proposes to issue and sell during the period beginning September 11, 1961, and ending September 11, 1962, up to an aggregate of $24,000,000 of promissory notes pursuant to a credit agreement with 14 banks. The notes will be issued and sold as required by the construction program of Utah and its subsidiaries. Each note will bear interest from the date thereof at the prime commercial rate of The Chase Manhattan Bank for unsecured loans prevailing on the fifth business day prior to the date of such note, will be payable on September 28, 1962, and will be prepayable at any time, in whole or in part, without penalty or premium.

The lending banks and the amount of the commitment of each are as follows:

	Amount of commitment
The Chase Manhattan Bank, New York, N.Y.	$7,809,600
Mellon National Bank and Trust Co., Pittsburgh, Pa.	5,520,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	2,880,000
First Security Bank of Utah National Association, Salt Lake City, Utah	2,400,000
Walker Bank & Trust Co., Salt Lake City, Utah	1,440,000
Denver United States National Bank, Denver, Colo.	960,000
Harris Trust and Savings Bank, Chicago, Ill.	960,000
Zions First National Bank, Salt Lake City, Utah	960,000
The Continental Bank and Trust Co., Salt Lake City, Utah	408,000
Commercial Security Bank, Ogden, Utah	355,200
Valley State Bank, South Salt Lake, Utah	96,000
Bank of Utah, Ogden, Utah	86,400
First Security State Bank, Salt Lake City, Utah	67,200
Carbon Emery Bank, Price, Utah	57,600
Total	24,000,000

The proceeds from the proposed issuance of notes, together with available cash, will be used to prepay notes to banks now outstanding in the amount of $5,000,000 and to finance, in part, the companies' construction program for 1961 and 1962, which is estimated to require an aggregate of approximately $48,500,000. Utah intends to issue, subject to the requisite approval thereof, additional securities during the second half of 1962 to provide funds for paying outstanding notes, to finance in part the remainder of the 1962 construction program, and to carry it forward into 1963.

The declaration states that the Idaho Public Utilities Commission has jurisdiction over the issuance of the notes, that the order of said commission is to be filed by amendment to the declaration, and that no other State or Federal regulatory body, other than this Commission, has jurisdiction over the proposed transaction. Expenses incident to the proposed transaction are estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than August 28, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-7736; Filed, Aug. 14, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-XIII-7 (Rev. 2)]

BRANCH MANAGER, ANCHORAGE, ALASKA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456), there is hereby redelegated to the Branch Manager, Anchorage Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline disaster loans not in excess of $50,000.

4. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, including collateral purchased, and to do and to per-

form, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

5. To administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Procurement and technical assistance.* 1. To (a) determine joint setasides for Government procurements and sales, (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

C. *Administrative.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or service rendered.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated in Subsection I.A., B.2., and C. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date. July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7750; Filed, Aug. 14, 1961; 8:49 a.m.]

[Delegation of Authority No. 30-XIII-17 (Rev. 1)]

BRANCH MANAGER, BOISE, IDAHO

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456), there is hereby redelegated to the Branch Manager, Boise Branch Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline disaster loans not in excess of $50,000.

4. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, including collateral purchased, and to do and to perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

B. *Procurement and technical assistance.* 1. To (a) determine joint setasides for Government procurements and sales, (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

C. *Administrative.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave; and (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The specific authority delegated in Subsections I.A., B. 2, and C., may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

IV. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7751; Filed, Aug. 14, 1961; 8:49 a.m.]

[Delegation of Authority No. 30-XIII-6 (Rev. 1) Amdt. 1]

BRANCH MANAGER, HELENA, MONTANA

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-XIII-6 (Rev. 1), (25 F.R. 4625), is hereby amended as follows:

a. Delete Subsection I.A. in its entirety and substitute the following in lieu thereof:

A. *Financial assistance.* 1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline disaster loans not in excess of $50,000.

4. To approve and decline participation loans in amounts not to exceed $100,000 in which the bank's participation is not less than 25% and which otherwise qualify with respect to refunding of bank's existing exposure and "new money."

5. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, including collateral purchased, and to do and to perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

b. Adding the following paragraphs to Subsection I. B.:

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

3. Delete Subsection I. D. in its entirety.

4. Delete Section II. in its entirety and substitute the following:

II. The specific authority delegated in Subsections I. A., B. 2., and C. may not be redelegated.

Effective date. July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7752; Filed, Aug. 14, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-XIII-5 (Rev. 1) Amdt. 1]

BRANCH MANAGER, PORTLAND, OREGON

Delegation Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-XIII-5 (Revision 1), (25 F.R. 4361), is hereby amended as follows:

a. Renumber Paragraphs 6 through 13 of Subsection I.A. as Paragraphs 7 through 14; delete Paragraphs numbered 1, 2, 3, 4, and 5 of Subsection I.A. in their entirety and substitute the following:

1. To approve and decline limited loan participation loans in which SBA's share does not exceed $15,000.

2. To approve and decline small loans in amounts not exceeding $12,000.

3. To approve and decline regular direct business loans in an amount not exceeding $20,000.

4. To approve and decline disaster loans not in excess of $50,000.

5. To approve and decline participation loans in amounts not to exceed $100,000 in which the bank's participation is not less than 25% and which otherwise qualify with respect to refunding of bank's existing exposure and "new money."

6. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator,*
By ----------
(Name)
Branch Manager

b. The date of "January 31, 1958" appearing in Paragraph 14(c) in Subsection I.A. is amended to read "September 3, 1958".

c. Add the following Paragraph to Subsection I.B.:

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

d. Delete Section I.D. in its entirety.

e. Delete Section II in its entirety and substitute the following:

II. The specific authority delegated to Subsections I.A., B. 2., and C. may not be redelegated.

Effective date. July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7753; Filed, Aug. 14, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-XIII-11 (Rev. 1) (Amdt. 1)]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance and Administrative Functions

Delegation of Authority 30-XIII-11 (Revision 1), (25 F.R. 4569), is hereby amended as follows:

a. Delete Subsection I.A. in its entirety and substitute the following in lieu thereof:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator,*
By ----------
(Name)
Chief, Loan Processing Section

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months.

b. Delete Subsection B. 1 in its entirety and substitute the following:

1. To approve (a) annual and sick leave except advanced annual and sick leave and (b) leave without pay not to exceed 5 days for employees under his supervision.

Effective date: July 26, 1961.

JOHN E. PARCHEN,
Acting Chief, Financial Assistance Division, Seattle Regional Office.

[F.R. Doc. 61-7755; Filed, Aug. 14, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-XIII-2, (Rev. 2), Amdt. 1]

CHIEF, PROCUREMENT & TECHNICAL ASSISTANCE DIVISION

Delegation Relating to Procurement and Technical Assistance and Administrative Functions

Delegation of Authority No. 30-XIII-2, (Revision 2), is hereby amended by adding the following paragraph to Subsection I.A.:

2. To make original determinations and determinations upon reconsiderations thereof as to which concerns are small businesses within the meaning of the Small Business Size Standard Regulation, as amended, except authority is not delegated in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements, unless otherwise authorized; nor is authority delegated for the issuance of Small Business Certificates. This authority is limited to the PTA program.

Effective date. July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7754; Filed, Aug. 14, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-XIII-1 (Rev. 2)]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance and Administrative Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456), there is hereby redelegated to the Chief, Financial Assistance Division, Seattle Regional Office, Small Business Administration, the authority:

A. *Financial assistance.* 1. To approve and decline direct and participation business and disaster loans.

2. To disburse approved loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator*
By _____
(Name)
Chief, Financial Assistance Division

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

8. To approve service charges by participating bank not to exceed 2% per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

9. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Extend the period of disbursement of loans of $50,000 or less for a period not to exceed four months;

(c) Amend the hull insurance provision of any authorization issued prior to September 3, 1958, for a loan of $20,000, or less;

(d) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(e) Disburse fisheries' loans in the same manner as SBA business loans; and

(f) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

10. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

(b) The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

B. *Administration.* 1. To approve (a) annual and sick leave except advanced annual and sick leave and (b) leave without pay not to exceed 5 days for employees under his supervision.

2. To authorize or approve travel for employees under his superyision.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority to the date hereof.

Effective date. July 26, 1961.

E. D. PETERSON,
Acting Regional Director,
Seattle Regional Office.

[F.R. Doc. 61-7756; Filed, Aug. 14, 1961; 8:50 a.m.]

[Declaration of Disaster Area 348]

NEW YORK

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Otsego County in the State of New York;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 29, 1961.

Offices—
Small Business Administration Regional Office, 42 Broadway, New York 4, N.Y.
Small Business Administration Branch Office, Chimes Building, Room 904, 500 South Salina Street, Syracuse, N.Y.

2. Unadilla National Bank will also accept and process applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1962.

Dated: August 1, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-7799; Filed, Aug. 14, 1961; 8:50 a.m.]

[Declaration of Disaster Area 350]

VIRGINIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Dickenson County in the State of Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 31, 1961.

Office—
Small Business Administration Regional Office, 900 North Lombardy Street, Richmond 20, Va.

2. The Cumberland Bank and Trust Company, Hayst, Virginia will accept and process applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1962.

Dated: August 3, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-7715; Filed, Aug. 14, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

August Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6689) and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are

available for sale during August 1961 were announced today by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), peanuts, wheat, rice (rough), corn, oats, barley, rye, grain sorghums, dry edible beans, and tung oil.

Major changes in the list for August are a shift to 1961-crop price support basis in setting minimum domestic sales prices for rice and cotton. The domestic sales price for nonfat dry milk has been increased .4 of a cent because of an increase made in the buying price for nonfat dry milk under price support announced July 18 (press release USDA 2264-61).

As announced July 21 (press release USDA 2305-61) and continuing until further notice CCC will redeem rights represented by pooled certificates used under the 1961 Feed Grain Program by delivery of grain sorghums at the market price at point of delivery, as determined by CCC.

Oats and rye will not be available for redemption of payment-in-kind certificates issued under the feed grain export program. Reduced export prices for CCC stocks of oats and rye have been discontinued for sales under the CCC Credit Export Sales Program and for barter exchanges. Oats will not be available for sale by the Minneapolis ASCS Commodity Office. Oats, barley, and corn stored in bin sites in certain States in which counties have been designated as emergency areas under the livestock feed program will be available for sale only (i) to eligible producers under such program at current support prices and (ii) to livestock (including poultry) owners who do not qualify under such program, but who use this grain for feeding their livestock at the prices provided in this sales list. These actions were taken on sales of oats, barley, rye, and corn to conserve supplies in the face of drought, particularly in the Northern Great Plains States.

Red kidney beans have also been made available for sale through the Portland ASCS Commodity Office. Small red beans have been taken off the sales list because supplies are exhausted.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Price Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C.

All commodities except oats and rye currently offered for sale by CCC, plus tobacco from CCC loan stocks, are eligible fo special export sale under the CCC Export Credit Sales Program. The following commodities are currently eligible for barter: Nonfat dry milk, dry edible pea beans, cotton, tobacco, rice (Pearl rough), wheat, corn, barley and grain sorghums. This list is subject to change from time to time.

Interest rates per annum under the CCC Export Credit Sales Program for August 1961 are 3½ percent for periods up to six months, 4 percent for periods from over six and up to 18 months, and 4½ percent for periods from over 18 months up to a maximum of 36 months.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC storage within a reasonable period of time. Where conditions of sale for export differ from those for domestic sale, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington 25, D.C., with respect to all commodities or—for specified commodities—with the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

If CCC does not have adequate information as to the financial responsibility of a prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct. If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the ASCS office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS Office promptly upon appearance and therefore generally they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of Foreign Commerce (BFC), pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities (except absorbent cotton and sterilized gauze and bandages with respect to Cuba only) under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of Foreign Commerce.

These regulations generally require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U.S. Commerce Department prohibitions (Comprehensive Export Schedule, §§ 371.4 and 371.8) against sales or resale for re-export of said commodities, or any part thereof, without express Commerce Department authorization, to the Soviet Bloc, Communist China, North Korea or the Communist-controlled area of Vietnam or to Cuba, and (2) the sanction of denial of future U.S. export privileges that may be imposed for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufactures thereof purchased from CCC or subsidized for export by the Secretary of Agriculture or CCC. Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the

exporter in writing of the requirement for obtaining the signed acknowledgment from the foreign purchaser.

For all exportations, one of the destination control statements specified in BFC Regulation (Comprehensive Export Schedule, § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of Foreign Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable BFC regulations for more detailed information if desired and for any changes that may be made therein.

Commodity	Sales price or method of sale
Dairy products	Sales are in carlots only in store at storage location of products. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland ASCS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati ASCS Commodity Office.
Butter	Domestic, unrestricted use; announced prices, under LD-29 as amended: 65.75 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.0 cents per pound—Washington, Oregon, and California. All other States 64.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended, above, any butter offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Nonfat dry milk	Domestic, unrestricted use; announced prices, under LD-29, as amended: Spray process, U.S. extra grade, 17.40 cents per pound. Roller process, U.S. extra grade, 15.40 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati and Portland ASCS Commodity Offices. Announced prices under LD-35: When sales are made under LD-33, as amended, above any nonfat dry milk offered but not sold under the invitation to bid will be offered for sale through the following Monday at prices announced in Washington each Tuesday.
Cheddar cheese (standard moisture basis).	Domestic, unrestricted use; announced prices under LD-29, as amended: 39.75 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 38.75 cents per pound. Export: Competitive bid under LD-33, as amended, pursuant to invitations to bid to be issued by Cincinnati ASCS Commodity Office. Announced prices under LD-35: When sales are made under LD-33, as amended above any cheese offered but not sold under the invitation to bid will be offered for sale through the following Wednesday at prices announced in Washington each Thursday.
Cotton, upland	Domestic or export, unrestricted use: Competitive bid under the terms and conditions of Announcement NO-C-16 (sale of upland cotton for unrestricted use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC. No carrying charges will be added for August.
Cotton, extra long staple	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-6 (revised July 22, 1960), as amended, and NO-C-10, as amended, but not less than the higher of (a) 115 percent of the current support price plus reasonable carrying charges, or (b) the domestic market price as determined by CCC. No carrying charges will be added for August.
Catalogs	Catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans ASCS Commodity Office.

See footnotes at end of table.

Commodity	Sales price or method of sale
Wheat, bulk	Domestic, unrestricted use: Market price basis in store, but not less than 105 percent of the 1961 applicable support price [1] for the class, grade, and quality of the wheat, plus the amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and Grade	Price
	Cents	*Cents*			
Wheat (commercial area)[2] Bushel	6	3	Chicago	No. 1 RW	$2.23
			Minneapolis	No. 1 DNS	2.30
			Kansas City	No. 1 HW	2.23
			Portland	No. 1 SW	2.12

Export:
(1) Under Announcement GR-345 (revised June 30, 1960), as amended for redemption of certificates under export payment-in-kind program, (2) under Announcement GR-212 (revision 2, Jan. 9, 1961), for specified offerings as announced and (3) as wheat under Announcement R-261 (revision 2, Jan. 9, 1961), or as flour under Announcement GR-262 (revision 2, Jan. 9, 1961), for application under arrangements for barter which permit exportation of wheat as flour and under approved credit sales only at prices determined daily.
Available Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Corn, bulk

Domestic; storable:
Basis in store at the 1960 applicable support price for corn, plus the respective amount shown below. For grain in store at other than the point of production the freight from point of production to the present point of storage will be added.

Unit	In store at—		Examples of minimum prices		
	Point of production	Other point	Terminal	Class and grade	Price
	Cents	*Cents*			
Corn Bushels	18	21	Chicago	No. 2 yellow, 13.3%	[3]$1.46¼
			Minneapolis	Moisture, 1.4% f.m.	[4]1.28½

Available: At bin sites through ASC County Office, except in certain States in which emergency areas have been designated storable corn is available only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry but who do not qualify under such program. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the ASCS Commodity Office indicated above.
Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry but who do not qualify under such program. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC, at bin sites through ASC County Offices. At other locations through the ASCS Commodity Office indicated above.
Export: Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212 (revision 2, Jan. 3, 1962), for application to arrangements for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Commodity	Sales price or method of sale
Oats, bulk	Domestic, storable: Basis in store at 105 percent of the applicable 1961 support price [1] for the class, grade, and quality of the grain, plus the respective amount shown below. For grain in store at other than the point of production the freight from point of production to the present point of storage will also be added.

Unit	In store at—		Examples of minimum prices (exrail or barge)		
	Point of production	Other points	Terminal	Class and grade	Price
	Cents	*Cents*			
Oats Bushel	4	6	Chicago	No. 3	[5]$0.81½

Available: At bin sites through ASC County Offices, except in certain States in which emergency areas have been designated storable oats will be available only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry but who do not qualify under such program. At other locations through the Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices. Storable oats will not be available for sale by the Minneapolis ASCS Commodity Office.
Nonstorable (as available): At not less than market price as determined by CCC at bin sites through ASC County Offices. At other locations through the ASCS Commodity Offices indicated above, and the Minneapolis ASCS Commodity Office.

Barley, bulk

Domestic, storable:
Basis in store at 105 percent of the applicable 1961 support price [1] for the class, grade, and quality of the grain, plus the respective amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Barley Bushel	5	3	Minneapolis	No. 2 or better	$1.24

Available: At bin sites through ASC County Offices, except in certain States in which emergency areas have been designated storable barley is available only under the Livestock Feed Program, and to stockmen and livestock (including poultry) owners who use this grain for feeding their livestock and poultry but who do not qualify under such program. At other locations through the Evanston, Dallas, Kansas City, Minneapolis and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price as determined by CCC. At bin sites through ASC County Offices. At other locations through the ASCS Commodity Offices indicated above.
Export:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind program, and under Announcement GR-212, (revision 2, Jan. 9, 1961), for application to arrangement for barter, approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, and Portland ASCS Commodity Offices.

See footnotes at end of table.

Commodity	Sales price or method of sale
Rye, bulk	Domestic, unrestricted use; storable: Basis in store at 105 percent of the applicable 1961 support price [1] for the class, grade, and quality of the grain, plus the respective amount shown below. If delivery is outside the area of production, applicable freight will be added to the above.

Unit	Received by—		Examples of minimum prices (exrail or barge)		
	Truck	Rail or barge	Terminal	Class and grade	Price
	Cents	*Cents*			
Rye Bushel	6	3	Minneapolis	No. 2 or better (or No. 3 on TW only).	$1.34

Available: At bin sites through ASC County Offices. At other locations through the Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (As available): At not less than market price as determined by CCC, through the ASCS Commodity Offices indicated above.

Grain sorghums, bulk

Domestic, unrestricted use; storable:
Until further notice, CCC will redeem rights represented by pooled certificates under the 1961 Feed Grain Program at market price at point of delivery, as determined by CCC. CCC reserves the right to determine the time of delivery, and the class, grade, quality and quantity of grain delivered in redemption of such rights. CCC also reserves the right to restrict the availability of grain sorghums for such redemption, at any location whenever such action is deemed necessary.
Available: Through Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.
Nonstorable (as available): At not less than market price, as determined by CCC, through the ASCS Commodity Offices indicated above.
Export:
Under Announcement GR-368 (revised Aug. 31, 1959), as amended, for feed grain export payment-in-kind programs, and under Announcement GR-212 (revision 2, Jan. 9, 1961), for application to arrangements for barter and approved credit and emergency sales.
Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland ASCS Commodity Offices.

Rice, rough (as available)

Domestic, unrestricted use: Market price but not less than 105 percent of the applicable 1961 support price, plus 13 cents per cwt., basis in store.
Export:
As milled or brown under Announcement GR-369 (revision 1, Feb. 1, 1961), Rice Export Program—Payment-in-Kind, and under GR-379 (revision 1, May 1, 1961) for approved credit sales. California Pearl only for application to approved barter contracts under GR-379 (revision 1, May 1, 1961).
Prices, quantities, and varieties of rough rice available from Dallas and Portland ASCS Commodity Offices.

Peanuts, shelled (as available)

Domestic, unrestricted use: Market price but not less than 105 percent of the 1960 support price, adjusted for milling, plus reasonable carrying charges under Peanut Announcement 3, as shown below. Pending determination of the 1961 support prices by types, the August prices, shown on the next page, are the July 1961 sales prices plus one month's carrying charges, 0.20 cents per pound. August sales prices will be recomputed when the 1961 support prices are determined.

	Cents per lb.
S. E. Runner, No. 1's	21.33
S. E. Spanish, No. 1's	21.71
S. W. Spanish, No. 1's	21.99

Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1 (revised Feb. 16, 1959), as amended.

Tung oil

Domestic or Export, unrestricted use:
Competitive bid and under the terms and conditions of tung oil Announcement DL-OP-11.
Available Dallas ASCS Commodity Office.

Commodity	Sales price or method of sale
Dry edible beans (bagged) (as available).	Domestic and Export: Domestic market price but not less than the following minimum price per cwt., for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades and in other areas, adjust by 1960-crop price support differentials.

Class	Price per cwt.	Area of production
Red kidney	$8.04	Michigan, California.
Pea	6.94	Michigan.

Pea beans available Evanston ASCS Commodity Office.
Red kidney available Evanston and Portland ASCS Commodity Offices.

[1] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent, and add amount shown above and any applicable freight to grain stored outside area of production.
[2] Noncommercial producing area wheat shall be on the same basis as commercial producing area wheat except increase applicable support price by 33 percent before multiplying by 1.05 adding amount shown above.
[3] Includes paid in freight from Woodford County, Ill.
[4] Includes paid in freight from Redwood County, Minn.
[5] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent, and add amount shown above and any applicable freight for grain stored at other than the point of production.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

Cincinnati: Cincinnati ASCS Commodity Office, 222 East Central Parkway, Cincinnati 2, Ohio. Telephone: Dunbar 1-2200.
Dallas: Dallas[1] ASCS Commodity Office, 500 South Ervay Street, Dallas 1, Tex. Telephone: Riverside 8-5611.
Evanston: Evanston[1] ASCS Commodity Office, 2201 Howard Street, Evanston, Ill. Telephone: Long Distance—University 9-0600 (Evanston Exchange); Local—Rogers Park 1-5000 (Chicago, Ill.).
Kansas City: Kansas City[1] ASCS Commodity Office, P.O. Box 205, Kansas City 41, Mo. Telephone: Valentine 1-7104.
Minneapolis: Minneapolis[1] ASCS Commodity Office, 6400 France Avenue, South, Minneapolis 10, Minn. Telephone: Walnut 7-7311.
New Orleans: New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, La. Telephone: 529-2411.
Portland: Portland[1] ASCS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oreg. Telephone: Capitol 6-3361.
Cotton Products and Export Operations Office, New York City: 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.
Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York 13, N.Y. Telephone: Rector 2-8000.
Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Balboa Building, 593 Market Street, San Francisco 4, Calif. Telephone: Sutter 1-3179.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on August 9, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-7758; Filed, Aug. 14, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 10, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

[1] Grain Offices.

LONG-AND-SHORT HAUL

FSA No. 37297: *Cotton bale ties and tie buckles to Galveston and Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8063), for interested rail carriers. Rates on cotton bale ties and cotton bale tie buckles, in carloads, from Birmingham and Fairfield, Ala., to Galveston and Houston, Tex.

Grounds for relief: Foreign import competition.

Tariff: Supplement 204 to Southwestern Freight Bureau tariff I.C.C. 4308.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7731; Filed, Aug. 14, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN EXPORT LINES, INC, ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8671, between American Export Lines Inc., Compagnie de Navigation Fraissinet & Cyprien Fabre, Hellenic Lines Limited, Zim Israel Navigation Co., Ltd., and the carriers comprising the Montship-Capo Great Lakes Service, Concordia Lines-Great Lakes Service, and Niagara Line joint services, all members of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference (Agreement Numbered 8260, as amended), covers an arrangement for the division of revenues on cargo loaded at all Italian ports for transportation to U.S. Great Lakes ports, excluding Lake Superior ports.

Agreement Numbered 8671-1, modifies Agreement Numbered 8671, described above, to add (1) provisions for furnishing the Board records of all action of the parties under the agreement, copies of annual pool statements; a full and complete report of all facts actions taken by the member lines and/or arbitrators under the arbitration clause of the agreement; and a provision that, in connection with such arbitration clause, nothing in the agreement shall interfere with the rights of any party under the Shipping Act, 1916, or the jurisdiction of the Federal Maritime Board under that Act, or any other Federal law; and (2) to correct certain clerical errors therein.

Agreement Numbered 8693, between Compagnie de Navigation Fraissinet & Cyprien Fabre, Hellenic Lines Limited, Zim Israel Navigation Co., Ltd., and the carriers comprising the Montship-Capo Great Lakes Service, Concordia Lines-Great Lakes Service, and Niagara Line joint services, all members of the Mediterranean-U.S.A. Great Lakes Westbound Freight Conference (Agreement Numbered 8260, as amended), covers an arrangement for the division of revenues on olives in brine loaded at Sevilla, Spain, for transportation to U.S. Great Lakes ports, excluding Lake Superior ports.

Agreement Numbered 8693-1, modifies Agreement Numbered 8693, described above, to add (1) provisions for furnishing the Board records of all action of the parties under the agreement, copies of annual pool statements; a full and complete report of all facts relating to complaints, disputes and all actions taken by the member lines and/or arbitrators under the arbitration clause of the agreement; and a provision that, in connection with such arbitration clause, nothing in the agreement shall interfere with the rights of any party under the Shipping Act, 1916, or the jurisdiction of the Federal Maritime Board under that Act or any other Federal law; and (2) to correct certain clerical errors therein.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 11, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7819; Filed, Aug. 14, 1961; 8:50 a.m.]

CONSOLIDATED FREIGHT SERVICE CO., ET AL.

Notice of Cancellation of Certain Freight Forwarder Registrations

Notice is hereby given that in the absence of response, within the specified 30-day period, to the Board's show cause order appearing in the FEDERAL REGISTER issue of July 1, 1961 (26 F.R. 5976), and in accordance with the provisions thereof, the following freight forwarder registrations were cancelled August 3, 1961:

Name and city	Reg. No.	Date issued
Consolidated Freight Service Company (N.Y.) (Benjamin Aviles, dba)	2183	8-14-57
Continental Express Co., Inc. (N.Y.)	2420	12-30-58
Madden & Co., J. S. (St. Thomas, V.I.) (James S. Madden, dba)	2337	7-22-58
Padilla, Alfreda A. (N.Y.)	2695	8-26-60
Piner, Morton H. (Houston)	2419	12-30-58
Trans-Marine Shipping Co. (Miami) (Lawrence Ginsberg, dba)	1036	6- 4-51
Bello, Daniel J. (N.Y.)	2444	2-18-59
Hernandez, Louis (N.Y.)	2403	12- 1-58
Norpe Company, The (Miami)	2172	7-17-57
Pistilli, Herbert (N.Y.)	2408	12-10-58
South Pacific Lines, Inc. (N.Y.)	2167	7- 3-57

Dated: August 11, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-7820; Filed, Aug. 14, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-51]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: LBJ Broadcasting Company, operator of radio station KTBC, Austin, Texas, proposes to construct an array of four radio antenna structures near Austin, Texas, at latitude 30°14'14" north, longitude 97°37'44" west. The overall height of each structure would be 730 feet above mean sea level (300 feet above ground). Station KTBC presently utilizes an array of two antenna structures at latitude 30°13'04" north, longitude 97°47'53" west, each structure having an overall height of 1120 feet above mean sea level (425 feet above ground). The proponent has agreed to dismantle the two existing antenna structures if the four proposed structures are constructed.

Aeronautical objections were made in response to the circularization based upon the conclusion of the objectors that transmission from the proposed antenna array would adversely affect radio signals of the Robert Mueller Airport ILS outer marker.

At the FAA Informal Airspace Meeting No. 10 held on March 28, 1961, in Fort Worth, Texas, the Air Transport Association of America and the National Business Aircraft Association stated that they would object if the proposed structures would adversely affect the Robert Mueller Airport ILS outer marker from an electronic standpoint, or adversely affect instrument approach procedures to Robert Mueller Airport.

The center of the proposed antenna array would be located approximately 5.4 miles southeast of the approach end of Robert Mueller Airport runway 30L, and 1600 feet west of the ILS outer marker serving this runway. The antenna array would extend 99 feet above the elevation of Robert Mueller Airport. A structure of this height within the final approach area would normally require an increase in weather minimums from a ceiling of 300 feet to 400 feet for the ILS instrument approach procedure to runway 30L when the glide path is inoperative. However, the Agency has determined that, due to the nearness of the proposed antenna array to the ILS outer marker, the ceiling minimum of 300 feet for the above instrument approach can be retained without affecting the safe operation of aircraft.

The LBJ Broadcasting Company has agreed that it will take any corrective measures necessary to preclude electronic interference with the Robert Mueller Airport ILS outer marker by the proposed antennas.

At the FAA Informal Airspace Meeting held in Washington, D.C., on June 1, 1961, all aeronautical objections to the proposal were withdrawn.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR § 626.33; 26 F.R. 5292), it is concluded that the proposed antenna array, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this antenna array would not be a hazard to air navigation, provided that each structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 7, 1961.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-7713; Filed, Aug. 14, 1961; 8:46 a.m.]

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VOLUME 26 NUMBER 157

Washington, Wednesday, August 16, 1961

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Title 3—THE PRESIDENT

Executive Order 10958

DELEGATING FUNCTIONS RESPECTING CIVIL DEFENSE STOCKPILES OF MEDICAL SUPPLIES AND EQUIPMENT AND FOOD

By virtue of the authority vested in me by Reorganization Plan No. 1 of 1958 (72 Stat. 1799), and as President of the United States, it is ordered as follows:

PART I. MEDICAL STOCKPILES

SECTION 101. *Delegation of functions.* Certain functions under the Federal Civil Defense Act of 1950, as amended (which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799)), are hereby delegated to the Secretary of Health, Education, and Welfare, hereafter in this Part referred to as the Secretary, as follows:

(a) All functions (including, as used in this order, powers, duties, and authority) under section 201(h) of that Act, 50 U.S.C. App. 2281(h), to the extent that they pertain to the stockpiling of medical supplies and equipment.

(b) To the extent that they are incidental to or necessary for the performance by or under the Secretary of the functions delegated by the provisions of section 101(a) of this order, other functions under the Federal Civil Defense Act of 1950, as amended, excluding, however, functions under sections 102(a), 201(b), and 402 and Title III of that Act.

SEC. 102. *Redelegation.* The Secretary may redelegate any of the functions delegated to him by this order to any of his subordinates.

PART II. FOOD STOCKPILES

SEC. 201. *Delegation of functions.* Certain functions under the Federal Civil Defense Act of 1950, as amended (which were transferred to the President by the provisions of Reorganization Plan No. 1 of 1958 (72 Stat. 1799)), are hereby delegated to the Secretary of Agriculture, hereafter in this Part referred to as the Secretary, as follows:

(a) All functions under section 201(h) of that Act, 50 U.S.C App. 2281(h), to the extent that they pertain to the stockpiling of food.

(b) To the extent that they are incidental to or necessary for the performance by or under the Secretary of the functions delegated by the provisions of section 201(a) of this order, other functions under the Federal Civil Defense Act of 1950, as amended, excluding, however, functions under sections 102(a), 201(b), and 402 and Title III of that Act.

SEC. 202. *Redelegation.* The Secretary may redelegate any of the functions delegated to him by this order to any of his subordinates.

PART III. GENERAL PROVISIONS

SEC. 301. *Relationships with other agencies.* The responsibilities of the Director of the Office of Civil and Defense Mobilization in respect of the functions delegated by the provisions of Parts I and II of this order shall be those stated in section 2(a) of Executive Order No. 10952 of July 20, 1961 (26 F.R. 6577).

SEC. 302. *Property, personnel, and records.* Subject to law, property, personnel, and records of the Office of Civil and Defense Mobilization shall be transferred as follows:

(a) To the Department of Health, Education, and Welfare, so much thereof, related to the functions delegated by the provisions of Part I of this order, as may be determined jointly by the Secretary of Health, Education, and Welfare and the Director of the said Office.

(b) To the Department of Agriculture, so much thereof, related to the functions delegated by the provisions of Part II of this order, as may be determined jointly by the Secretary of Agriculture and the said Director.

SEC. 303. *Funds.* There shall be transferred to the Department of Agriculture and to the Department of Health, Education, and Welfare so much of the appropriations, allocations, and other funds (available or to be made available) of the Office of Civil and Defense Mobilization as shall be determined in pursuance of the provisions of section 202(b) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c(b)) and section 1(k) of Executive Order No. 10530 of May 10, 1954.

SEC. 304. *Prior Executive orders.* Exclusive of Executive Order No. 10952 of July 20, 1961, all prior Executive orders (including Executive Order No. 10773 of July 1, 1958, as amended, and Executive Order No. 10902 of January 9, 1961) are hereby superseded to the extent that, immediately prior to the issuance of this order and in respect of the functions delegated by the provisions of Parts I and II of this order (to the extent there delegated), they delegate or otherwise assign, or authorize the delegation or other assignment of, functions or subject, or authorize the subjection of, the performance of functions to supervision, direction, control, or coordination.

SEC. 305. *Other prior actions.* Except to the extent that they may be inconsistent with the provisions of this order, and except to the extent revoked, superseded or otherwise rendered inapplicable before the date of this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions heretofore made, issued, or entered into with respect to any function delegated by the provisions of Part I or of Part II of this order (to the extent there delegated) shall continue in effect until such time as the Secretary of Health, Education, and Welfare or the Secretary of Agriculture, as the case may be, under the authority of this order, shall amend, modify, or terminate them. The status of prior Executive orders shall be governed by the provisions of section 304 of this order.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 14, 1961.

[F.R. Doc. 61-7909; Filed, Aug. 15, 1961; 9:51 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

1. Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) (vi) of § 6.111 is amended; paragraph (g) and subparagraphs (1) and (2) of paragraph (h) are revoked; the headnote and subparagraph (1) of paragraph (e) are amended, and former subparagraphs (1) and (2) of paragraph (g) and former subparagraphs (1) and (2) of paragraph (h) are added to paragraph (e). As amended, paragraph (a) (5) (vi) and paragraph (e) read as follows:

§ 6.111 Department of Agriculture.

(a) *General.* • • •

(5) • • •

(vi) State Performance Assistants of the Agricultural Stabilization and Conservation Service.

• • • • •

(e) *Agricultural Stabilization and Conservation Service.* (1) Five Area Directors at a salary equivalent to GS–15.

(2) Members of State Committees.

(3) State Administrative Officers.

(4) Farmer fieldmen and farmer fieldwomen to interpret and explain and supervise farm programs.

(5) Milk Market Administrators.

(6) All positions on the staffs of Milk Market Administrators.

2. Effective upon publication in the FEDERAL REGISTER, the headnote and subparagraphs (1), (2) and (3) of paragraph (g) of § 6.311 are revoked, the headnote and subparagraphs (3), (9), and (15) of paragraph (i) are amended, and subparagraph (17) is added to paragraph (i) as set out below.

§ 6.311 Department of Agriculture.

• • • • •

(i) *Agricultural Stabilization and Conservation Service.* • • •

(3) Four Deputy Administrators.

• • • • •

(9) Director, Transportation Services Division.

• • • • •

(15) Director, Food and Materials Division.

• • • • •

(17) One Assistant Deputy Administrator, Conservation.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–7832; Filed, Aug. 15, 1961; 8:53 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (n) of § 6.311 as set out below.

§ 6.311 Department of Agriculture.

• • • • •

(n) *Agricultural Marketing Service.* • • •

(3) One Confidential Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–7833; Filed, Aug. 15, 1961; 8:53 a.m.]

PART 89—GROUP HEALTH BENEFITS

Enrollment

On June 30, 1961, a notice of proposed rule-making was published in the FEDERAL REGISTER (26 F.R. 5900), stating that the Civil Service Commission was considering amendment of the regulations governing the Federal Employees Health Benefits Program relative to the open season for enrollment and change of enrollment in October 1961.

Comments on the proposal were generally favorable. However, one comment criticized the proposal to eliminate the pay status requirement for change of enrollment. After full consideration, the Commission has determined that the proportion of enrolled employees in nonpay status will not be affected by the amendment; that there should be no significant variation in the proportion of employees in nonpay status in any plan; that since each enrolled employee met the pay status requirement on original enrollment, it should not be essential to impose it again on change of enrollment during the open season; and that the pay status check is an onerous and unnecessary burden on employing offices, considering the small number of employees likely to change enrollment while in nonpay status; and consequently that the amendment should be issued as published, with minor changes intended to clarify the regulations. Therefore:

It is ordered, That effective on the date of publication in the FEDERAL REGISTER, §§ 89.3(f) and 89.4(b) of Part 89 of Chapter I of Title 5, Code of Federal Regulations, are amended to read as follows:

§ 89.3 Enrollment.

• • • • •

(f) (1) An employee eligible to register who has failed to register within the time limits prescribed, who is registered not to be enrolled, or who has cancelled his enrollment, may register to be enrolled between the 1st and 16th, inclusive, of October 1961.

(2) An enrolled employee or annuitant may change his enrollment with respect to whether his family is covered, the health benefits plan in which he is enrolled, which of the options he selects, or any combination of these, between the 1st and 16th, inclusive, of October 1961.

(3) Thereafter, not less often than once every three years, the Commission will by regulation provide every employee a similar opportunity for enrollment and change of enrollment, on such terms and conditions as it may prescribe.

§ 89.4 Effective date of enrollment.

• • • • •

(b) (1) The effective date of enrollment under § 89.3(f) (1) for employees who are not enrolled in a health benefits plan is the first day of the first pay period after October 31, 1961, which follows a pay period during any part of which the employee is in pay status except that, if the employee is a substitute in the postal field service, the effective date must follow six consecutive pay periods in which the employee was in pay status and in each of which he drew sufficient pay, after other deductions, to permit withholding of the amount necessary for his share of the cost of the health benefits plan he selects.

(2) The effective date of change of enrollment under § 89.3(f) (2), for employees and annuitants who are enrolled in a health benefits plan, is the first day of the first pay period after October 31, 1961.

(Sec. 10, 73 Stat. 715, 5 U.S.C. 3009)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–7831; Filed, Aug. 15, 1961; 8:53 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

ELIGIBLE BARLEY

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 5195, 5565 and 7007, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.178(c) (1) is amended to provide that in the State of Alaska only, Western Barley which grades "Stained" or barley containing not in excess of 16 percent moisture content shall also be eligible.

§ 421.178 Eligible barley.

• • • • •

(c) • • •

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel. In addition, in the State of Alaska only, Western Barley having a test weight of not less than 40 pounds per bushel which grades "Stained" and barley which grades "Tough" or "Sample" because of moisture content only (provided the moisture content is not in excess of 16 percent) shall be eligible. The provisions of subparagraph (2) of this paragraph pertaining to Western Barley grading "Stained" and barley grading "Tough" are not applicable to barley produced in Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C. on August 11, 1961.

ROBERT G. LEWIS,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61–7852; Filed, Aug. 15, 1961; 8:57 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAIN PROGRAM

[1961 Feed Grain Program, Supp. 1, Amdt. 1]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

Sections 775.52 and 775.53 of the 1961 Feed Grain Program Regulations, Supplement 1, 26 F.R. 5604, 5614, and 5620, are amended by correcting the 60 percent payment rate per acre for corn for Dade County, Florida, from $29.60 to $39.60, and by adding county average yields and payment rates for grain sorghum for Okeechobee County, Florida, and Columbia County, Wisconsin.

§ 775.52 County average yields and county payment rates for corn.

County average yields and county minimum acre payment rates (50 percent payment rate per acre), and additional acre payment rates (60 percent payment rate per acre) for corn are as follows:

District	County	1959–60 average yield (bushels)	50 percent payment rate per acre (dollars)	60 percent payment rate per acre (dollars)
FLORIDA				
8	Dade	52.0	33.00	39.60

§ 775.53 County average yields and county payment rates for gain sorghums.

County average yields and county minimum payment rates (50 percent payment rate per acre), and additional acre payment rates (60 percent payment rate per acre) for grain sorghums are added as follows:

District	County	1959–60 average yield (bushels)	50 percent payment rate per acre (dollars)	60 percent payment rate per acre (dollars)
FLORIDA				
8	Okeechobee	39.0	21.80	26.20
WISCONSIN				
8	Columbia	30.0	15.20	18.20

(Sec. 16(c) 49 Stat. 1151 as amended; 16 U.S.C. 590 p)

Effective date. Date of publication.

Issued at Washington, D.C., this 10th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7813; Filed, Aug. 15, 1961; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order Nos. 6 and 86]

PART 906—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

Order Suspending Certain Provisions; Correction

In F.R. Doc. 61–2823 filed March 27, 1961 and published March 31, 1961, the reference "§ 986.51(b)" in paragraph (a) should be corrected to read "§ 986.50(b)".

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Effective date: March 1, 1961.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7850; Filed, Aug. 15, 1961; 8:57 a.m.]

[Milk Order No. 21]

PART 921—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 921), it is hereby found and determined that:

(a) The following provision of the order appearing in § 921.7 does not tend to effectuate the declared policy of the Act during the month of August 1961: "to the extent of not more than 10 days' production".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will ease the disposal of milk in excess of fluid needs of the market during a period of unusually excessive supply of producer milk.

(4) This suspension order was requested by cooperative associations representing more than 90 percent of the producers and supported by handlers utilizing most of the producer milk.

Therefore, good cause exists for making this order effective for the month of August 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of August 1961.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7851; Filed, Aug. 15, 1961; 8:57 a.m.]

[Tokay Grape Reg. 1]

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Limitation of Shipments

§ 951.326 Tokay Grape Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis

of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 16, 1961. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 4, 1961; recommendation as to the need for, and the extent of, limitation of shipments was made at the meeting of said committee on August 4, 1961, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and supporting information were transmitted to the Department, and made available to growers and handlers; shipments of the current crop of such grapes are expected to begin on or about August 16, 1961, and this section should be applicable to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., August 16, 1961, and ending at 12:01 a.m., P.s.t., January 1, 1962, no shipper shall ship:

(i) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirements:

(*a*) of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall be fairly well colored; and

(*b*) not more than a total of 8 percent, by weight, of the Tokay grapes contained in any lot, and not more than a total of 12 percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements other than for color of U.S. No. 1 Table Grapes.

(2) *Definitions.* As used herein, "handler," "shipper," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order, and "U.S. No. 1 Table Grapes" and "fairly well colored" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.880–51.911).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 14, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable, Division, Agricultural Marketing Service.

[F.R. Doc. 61–7896; Filed, Aug. 15, 1961; 8:58 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–132]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6137 and 600.6199 of the regulations of the Administrator is to alter the descriptions of low altitude VOR Federal airways Nos. 137 and 199 by deleting all reference to the Tomales Point, Calif., Restricted Area R–2523 from the descriptions of these airways.

On June 29, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5795) an amendment to Part 608 of the regulations of the Administrator which revoked R–2523 (Airpsace Docket No. 61–LA–45). Therefore, action is being taken herein to delete all reference to this restricted area from the descriptions of Victor airways Nos. 137 and 199.

Although the present description of Victor 199 refers to the Tomales Point Restricted Area as R–519, this identifying number wasc hanged to R–2523 prior to the revocation of the restricted area.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. Section 600.6137 (14 CFR 600.6137, 26 F.R. 2221) is amended to read:

§ 600.6137 VOR Federal airway No. 137 (Thermal, Calif., to Salinas, Calif., and Oakland, Calif., to Point Reyes, Calif.).

From the Thermal, Calif., VORTAC via the Palmdale, Calif., VOR; Gorman, Calif., VORTAC; INT of the Gorman VORTAC 293° and the Avenal, Calif., VOR 145° radials; Avenal VOR; Los Banos, Calif., VOR; to the Salinas, Calif., VORTAC. From the Oakland, Calif., VORTAC via the Point Reyes, Calif., VOR; to the INT of the Point Reyes VOR 306° and the Ukiah, Calif., VOR 172° radials.

2. Section 600.6199 (14 CFR 600.6199) is amended to read:

§ 600.6199 VOR Federal airway No. 199 (San Francisco, Calif., to Red Bluff, Calif.).

From the San Francisco, Calif., VOR via the INT of the San Francisco VOR 304° and the Ukiah, Calif., VOR 172° radials; the Ukiah VOR; to the Red Bluff, Calif., VORTAC.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7774; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–109]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airways and Associated Control Areas

On June 23, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 5629) stating that the Federal Aviation Agency proposed to alter low altitude Federal airways Nos. 29, 98, 203 and 282, and their associated control areas.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. Section 600.6029 (14 CFR 600.6029) is amended to read:

§ 600.6029 VOR Federal airway No. 29 (Snow Hill, Md., to Massena, N.Y.).

From the Snow Hill, Md., VOR via the Salisbury, Md., VOR; INT of the Salisbury VOR 340° and the Kenton, Del., VORTAC 217° radials; Kenton VORTAC; New Castle, Del., VORTAC; West Chester, Pa., VORTAC; Pottstown, Pa., VOR; Allentown, Pa., VORTAC; Scranton, Pa., VOR; Binghampton, N.Y., VORTAC; Syracuse, N.Y., VORTAC; Watertown, N.Y., VOR; INT of the Watertown VOR 033° and the Massena, N.Y., VOR 241° radials; to the Massena VOR, excluding the portion of this airway which coincides with R–4006.

2. Section 600.6098 (14 CFR 600.6098, 26 F.R. 2220) is amended to read:

§ 600.6098 VOR Federal airway No. 98 (Carleton, Mich., to St. Johns, Quebec).

That airspace over United States territory from the Carleton, Mich., VOR–TAC via the Windsor, Ontario, VOR; London, Ontario, VOR; Toronto, Ontario, VOR; Stirling, Ontario, VOR; Massena, N.Y., VOR; to the St. Johns, Quebec, VOR.

3. Section 600.6203 (14 CFR 600.6203, 26 F.R. 3463) is amended to read:

§ 600.6203 VOR Federal airway No. 203 (Norwich, Conn., to St. Eustache, Quebec).

That airspace over United States territory from the Norwich, Conn., VORTAC via the Chester, Mass., VOR; INT of the Poughkeepsie, N.Y., VOR direct radial to the Cambridge, N.Y., VOR and the Chester VOR 293° radial; Albany, N.Y., VORTAC; Massena, N.Y., VOR; to the St. Eustache, Quebec, VOR.

4. Section 600.6282 (14 CFR 600.6282) is amended to read:

§ 600.6282 VOR Federal airway No. 282 (Brandon, N.Y., to St. Eustache, Quebec).

That airspace over United States territory from the INT of the Massena, N.Y., VOR direct radial to the Albany, N.Y., VORTAC and the St. Eustache, Quebec, VOR 201° radial to the St. Eustache, VOR.

§ 601.6029 [Amendment]

5. In the caption of § 601.6029 (14 CFR 601.6029) "United States-Canadian Border" is deleted and "Massena, N.Y." is substituted therefor.

§ 601.6098 [Amendment]

6. In the caption of § 601.6098 (14 CFR 6098, 26 F.R. 2220) "Montreal, Quebec" is deleted and "St. Johns, Quebec" is substituted therefor.

§ 601.6203 [Amendment]

7. In the caption of § 601.6203 (14 CFR 601.6203) "Massena, N.Y." is deleted and "St. Eustache, Quebec" is substituted therefor.

§ 601.6282 [Amendment]

8. In the caption of § 601.6282 (14 CFR 601.6282) "Montreal, Canada" is deleted and "St. Eustache, Quebec" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7775; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–118]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS, AND HIGH ALTITUDE NAVIGATIONAL AIDS

Modification

On August 2, 1961, Airspace Docket No. 61–WA–118 was published in the FEDERAL REGISTER (26 F.R. 6916 which, in part, amended the description of VOR/VORTAC jet routes Nos. 10 and 78. These amendments, to become effective September 21, 1961, changed the name of the Rice, Calif., VORTAC to the Parker, Calif., VORTAC.

On August 8, 1961, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER completely revising Part 602 of the regulations of the Administrator. This Revision of Part 602, also effective September 21, 1961, includes the change in name of the Rice VORTAC to the Parker VORTAC. Therefore, items 10 and 11 referring to jet routes Nos. 10 and 78 may be deleted from the text of Airspace Docket No. 61–WA–118.

Since this action imposes no additional burden on any person, this change is made in compliance with Section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) effective immediately, the text of Airspace Docket No. 61–WA–118 is amended by deleting the following items:

10. Section 602.510 (26 F.R. 576) is amended to read:

§ 602.510 VOR/VORTAC jet route No. 10 (Los Angeles, Calif., to Denver, Colo.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles 089° and the Parker, Calif., VORTAC 258° radials; Parker VORTAC; Prescott, Ariz., VORTAC; Farmington, N. Mex., VORTAC to the Denver, Colo., VORTAC.

11. Section 602.578 (14 CFR 602.578) is amended to read:

§ 602.578 VOR/VORTAC jet route No. 78 (Los Angeles, Calif., to New York, N.Y.).

From the Los Angeles, Calif., VOR via the INT of the Los Angeles VOR 089° and the Parker, Calif., VORTAC 258° radials; Parker VORTAC; Prescott, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; Amarillo, Tex., VORTAC; INT of the Amarillo VORTAC 082° and the Tulsa, Okla., VORTAC 257° radials; Tulsa VORTAC; Farmington, Mo., VORTAC; Louisville, Ky., VORTAC; Charleston, W. Va., VORTAC; Philipsburg, Pa., VORTAC; Allentown, Pa., VORTAC; to the Idlewild, N.Y. VORTAC.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7776; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–110]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

On June 23, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 5630) stating that the Federal Aviation Agency proposed to alter low altitude VOR Federal airway No. 91, intermediate altitude VOR Federal airways Nos. 1691 and 1697, and VOR/VORTAC jet routes Nos. 37, 75 and 97.

No adverse comments were received regarding the proposed amendments. However, action is taken herein to alter only the low and intermediate altitude airways mentioned above. On August 8, 1961, Airspace Docket No. 60–WA–34 was published in the FEDERAL REGISTER completely revising Part 602 of the regulations of the Administrator effective September 21, 1961. Therefore, alteration of jet routes 37, 75 and 97 as proposed in the Notice is being accomplished in a separate action amending 60–WA–34.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the Notice, the following actions are taken:

1. In the text of § 600.6091 (14 CFR 600.6091, 26 F.R. 711, 3463) "Montreal, Quebec, Canada, VOR; including an east alternate from the Burlington VOR to the Montreal VOR via the INT of the Burlington VOR 353° True and the Montreal VOR 146° True radials." is deleted and "to the St. Eustache, Quebec, Canada VOR, including an east alternate from the Burlington VOR to the St. Eustache VOR via the St. Johns, Quebec, Canada, VOR." is substituted therefor.

2. In the text of § 600.1691 (26 F.R. 1079) "the Plattsburgh VOR 341° radial" is deleted and "the Plattsburgh VOR 334° radial" is substituted therefor.

3. In the text of § 600.1697 (26 F.R. 1079) "Plattsburgh VOR 341° radial" is deleted and "Plattsburgh VOR 334° radial" is substituted therefor.

These amendments shall become effective 0001 e.s.t., on September 21, 1961.

(Sec 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F. R. Doc. 61–7776; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-12]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Redesignation of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On March 22, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 2414) stating that the Federal Aviation Agency (FAA) proposed to redesignate the Glasgow AFB, Mont., control zone, revoke the Glasgow control area extension and designate a transition area in lieu of the control area extension.

No adverse comments were received regarding the proposed amendments.

The Notice stated that the portion of the proposed transition area for the Glasgow Municipal Airport would be described, in part, within 2 miles either side of lines bearing 250° and 307° True from the airport. The bearing of 250° magnetic was used in the proposal in lieu of the bearing of 267° True. Therefore, this portion is amended to read: within 2 miles either side of lines bearing 267° and 307° True from the airport.

Additionally, since the publication of the Notice, the FAA has made a re-evaluation of the portion of the proposed transition area for the Glasgow Municipal Airport and as a result has determined that the two proposed extensions based on the 267° and 307° lines bearing from the airport to 12 miles west and northwest are in excess of requirements for the prescribed instrument approaches. Action is taken herein to designate these extensions as extending to 9 miles west and northwest of the airport.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the Notice, the following actions are taken:

1. Section 601.2459 (14 CFR 601.2459) is amended to read:

§ 601.2459 Glasgow, Mont., control zone.

Within a 5-mile radius of Glasgow AFB (Lat. 48°25'00" N., Long. 106°31'40" W.), within 2 miles either side of the ILS localizer SE. course extending from the 5-mile radius zone to the ILS OM, within 2 miles either side of the Glasgow VOR 302° radial extending from the 5-mile radius zone to 12 miles NW. of the VOR, and within 2 miles either side of the 285° radial of the Glasgow AFB TACAN, extending from the 5-mile radius zone to 8 miles W. of the TACAN. The portion of this control zone that coincides with R-4601 shall be used only after obtaining prior approval from the appropriate authority.

§ 601.1474 [Revocation]

2. Part 601 (14 CFR 601) is amended by revoking the following section: § 601.1474 (14 CFR 601.1474) *Control Area Extension (Glasgow, Mont.).*

3. In Part 601 (14 CFR 601) the following section is added:

§ 601.10005 Glasgow, Mont., transition area.

That airspace extending upward from 1200 feet above the surface within a 35-mile radius of Glasgow AFB (Lat. 48° 25'00" N., Long. 106°31'40" W.), and that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Glasgow Municipal Airport (Lat. 48°13'00" N., Long. 106° 36'45" W.), and within 2 miles either side of lines bearing 267° and 307° from the airport extending from the airport to 9 miles W. and NW. The portion of this transition area that coincides with R-4901 would be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7773; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 60-LA-55]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS.

Designation of Transition Area

On November 23, 1960, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (25 F.R. 11115) stating that the Federal Aviation Agency (FAA) proposed to designate a control area extension at Longview, Wash.

The Department of the Air Force concurred with the proposal while the Aircraft Owners and Pilots Association (AOPA) objected on the basis that airspace will be designated down to 700 feet above terrain and, thereby, restrict VFR flight operations below altitudes which are not usable for IFR flight. AOPA recommended that a higher floor be placed on the proposed extension.

Since the publication of this Notice, the FAA has published Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), effective February 21, 1961, which provides in part for the designation of transition areas, in lieu of control area extensions, to extend upward from 1,200 feet or higher above the surface when designated between airway route structures or route segments. Therefore, the airspace proposed in the Notice as the Longview control area extension is designated herein as the Longview, Wash., transition area, to extend upward from 4,500 feet MSL to the base of the continental control area. This controlled airspace floor assignment will be compatible with minimum IFR en route altitudes of 5,000 feet established for low altitude VOR Federal airways No. 23 and 99.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for reasons stated in the Notice, Part 601 (14 CFR 601) is amended by adding the following section:

§ 601.10804 Longview, Wash., transition area.

That airspace extending upward from 4,500 feet MSL within an area bounded on the north by the Toledo, Wash., control area extension, on the east by VOR Federal airway No. 23, on the south by the Portland, Oreg., control area extension and on the west by VOR Federal airway No. 99.

This amendment shall become effective October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7779; Filed, Aug. 15, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-34]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Modification

In Airspace Docket No. 60-WA-34, published in the FEDERAL REGISTER on August 8, 1961, effective September 21, 1961, Part 602 of the regulations of the Administrator was reissued.

On June 23, 1961, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (26 F.R. 5630) which, in part, proposed alterations to jet routes Nos. 37, 75, and 97. It is necessary that these actions become effective on September 21, 1961, due to the intention of the Canadian Department of Transport to decommission the Montreal, Quebec, VOR on that date.

No adverse comments were received regarding the proposed alterations to jet routes Nos. 37, 75 and 97, and, thus, they will be adopted as proposed. However, in order for these actions to conform to the new format in Part 602, the Agency is withdrawing them from Airspace Docket No. 61-WA-110 and is issuing them herein as a Modification of Airspace Docket No. 60-WA-34. Additionally, this requires a modification to the advisory area associated with jet route No. 97. Such action is taken herein.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

Since thirty days will elapse from the time of publication of this action to the effective date of the Revision of Part 602 as originally adopted, this change is in compliance with Section 4 of the Administrative Procedure Act.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 60-WA-34 is hereby modified as follows:

1. In § 602.100 the following changes are made:

(a) In the description of Jet route No. 37 "Plattsburgh, N.Y.; to the INT of the Plattsburgh 341° radial and the United States/Canadian Border." is deleted and "Massena, N.Y.; to the INT of the Massena 037° radial and the United States/Canadian Border." is substituted therefor.

(b) In the description of Jet route No. 75 "Plattsburgh 341° radial" is deleted and "Plattsburgh 334° radial" is substituted therefor.

(c) Jet route No. 97 is amended to read:

Jet Route No. 97 (Boston, Mass., to Plattsburgh, N.Y.). From Boston, Mass., to Plattsburgh, N.Y.

2. In § 602.200 Jet Route No. 97 jet advisory area is amended to read:

Jet Route No. 97 jet advisory area. *Radar* Boston, Mass., to Plattsburgh, N.Y.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 9, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7777; Filed, Aug. 15, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8151 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Approved Formulas, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinial, therapeutic, healthful, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Approved Formulas, Inc., et al., New York, N.Y., Docket 8151, July 18, 1961]

In the Matter of Approved Formulas, Inc., a Corporation, and Jack Bernard, Edward Yass, Richard P. Bernard and Phil Edell, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease representing falsely in advertising that their vitamin and mineral preparations "Staminar", "Stress & Strain", and "Revitalin" were of benefit in treating tiredness, nervousness, premature aging, and other symptoms and conditions, as in the order below specified.

The order to cease and desist is as follows:

It is ordered, That respondents Approved Formulas, Inc., a corporation, and its officers, and Edward Yass, individually and as an officer of said corporation, and Jack Bernard, Richard P. Bernard and Phil Edell, as officers of the corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparations designated "Staminar", "Stress & Strain" and "Revitalin", or any other preparations of substantially similar composition or possessing substantially similar properties, under whatever name or names sold, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That "Staminar":

(1) Will be of benefit in the treatment of worry or susceptibility to colds; or

(2) Will be of benefit in the treatment of tiredness, lack of energy, nervousness or irritability, unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an existing deficiency of one or more of the nutrients provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation; and that in such persons the preparation will not be of benefit.

(b) That:

(1) "Stress & Strain" will be of benefit in the treatment of stress, strain, low resistance to colds, tension, loss of morale or sensitivity to noise;

(2) "Stress & Strain" will be of benefit in the treatment of tiredness, depression, nervousness, irritability, digestive upsets, gas discomforts or "heartburn", unless such advertisement expressly limits the effectiveness of the preparation to those persons whose symptoms have been caused by an existing deficiency of one or more of the nutrients provided by the preparation and, further, unless the advertisement clearly and conspicuously reveals the fact that in the great majority of persons these symptoms are caused by conditions other than those which may respond to treatment by the use of the preparation, and that in such persons the preparation will not be of benefit, or;

(3) That the diastase contained in the preparation is an aid to overcoming discomfort of gas or any other manifestation of improper digestion.

2. Disseminating, or causing to be disseminated, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, any advertisement which contains any of the representations prohibited in Paragraph 1, above, or which fails to comply with the affirmative requirements of Paragraph 1, above.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondents Jack Bernard, Richard P. Bernard and Phil Edell as individuals.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Approved Formulas, Inc., a corporation, Edward Yass, Jack Bernard, Richard P. Bernard and Phil Edell, as officers of said corporation and Edward Yass, individually, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7789; Filed, Aug. 15, 1961; 8:48 a.m.]

[Docket 7137 c.]

PART 13—PROHIBITED TRADE PRACTICES

Encyclopaedia Britannica, Inc.

Subpart—Advertising falsely or misleadingly: §13.155 *Prices:* § 13.155–100 *Usual as reduced, special, etc.;* § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—GOODS: § 13.1747 *Special or limited offers;* [Misrepresenting oneself and goods]—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Encyclopaedia Britannica, Inc., Chicago, Ill., Docket 7137, June 16, 1961, modified July 10, 1961]

Order requiring a prominent publisher, with headquarters in Chicago, to cease representing falsely—through statements of its door-to-door salesmen and in advertising and promotional literature it furnished to them and which they displayed and distributed to prospects—that the price quoted for the Encyclopaedia Britannica, and particularly the price quoted for a combination offer including the Encyclopaedia Britannica and other books, services, and merchandise, constituted a special or reduced price, and that such offer was available for a limited time only, usually described by the agent as the time of his call on the prospect.

The order to cease and desist, as modified by the Commission, is as follows:

It is ordered, That the respondent, Encyclopaedia Britannica, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of encyclopaedias, periodic supplements thereto, research memberships, or any other books or publications, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That the prices or terms at which the aforesaid goods and services are customarily or regularly offered for sale, or sold, either singly or in combination with other goods or services, are special, reduced or discounted prices or terms; or are special, reduced or discounted prices or terms as a part of an offer to a special or selected class or group of purchasers or as a part of an advertising survey program or as a part of an introductory offer or as a part of any other kind of sales or promotional program; or afford any savings to the purchaser.

2. That any offer to sell said goods or services which is not limited or otherwise restricted as to time, price or any other factor is so limited or restricted.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent Encyclopaedia Britannica, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: June 16, 1961; and July 10, 1961, modifying.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7790; Filed, Aug. 15, 1961; 8:46 a.m.]

[Docket 8315 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Lipsitz Furs

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108–45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Isaac Lipsitz trading as Lipsitz Furs, Buffalo, N.Y., Docket 8315, July 19, 1961]

In the Matter of Isaac Lipsitz, an Individual Trading as Lipsitz Furs

Consent order requiring a furrier in Buffalo, N.Y., to cease violating the Fur Products Labeling Act by failing to make the disclosure "secondhand used fur" where required on invoices, and by failing to comply in other respects with invoicing and labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Isaac Lipsitz, an individual trading as Lipsitz Furs, or under any other trade name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution, in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products:

(a) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

(b) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

3. Failing to set forth the item number or mark assigned to a fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to disclose that fur products contain or are composed of "secondhand used fur" when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7791; Filed, Aug. 15, 1961; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Transitional Regulations Under Title II of Color Additive Amendments of 1960 to Federal Food, Drug, and Cosmetic Act

The Commissioner of Food and Drugs, by a notice published October 12, 1960 (25 F.R. 9771) requested interested persons to present data concerning color additives that are believed to be deemed provisionally listed. Requests to add to the published list of color additives deemed provisionally listed have been received. The addition of certain color additives, as hereinafter listed, and with the limitations set forth, meet the statutory requirements for deemed provisional listing. Pursuant, therefore, to the authority vested in the Secretary of Health, Education, and Welfare by Title II of the Color Additives Amendments of 1960 (sec. 203(d)(1)(A), (1)(C), and (3). 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and delegated to the Commissioner of Food and Drugs (25 F.R. 8625), the transitional color additive regulations

(21 CFR Part 8) are amended as set forth below:

1. Section 8.501 is amended as follows:

a. Paragraph (e) is amended by changing the item "Titanium dioxide (limit of 0.4 percent as pigment in bakery and confectionery products)" to read as set forth below and by adding thereto the following new items:

§ 8.501 Provisional lists of color additives.

* * * * * *

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been subject to certification.*

* * * * * *

Titanium dioxide (limit of 0.4 percent).

* * * * * *

Alkanet (alkanna).
Beet powder.
Calcium carbonate.
Carmine.
Carrot oil.
Chlorophyll.
Ferric chloride (in processing of black olives).
Ferrous gluconate (in processing of black olives).
Ferrous sulfate (in processing of black olives).
Paprika and paprika oleoresin.
Riboflavin.
Xanthophyll.

b. Paragraph (f) is amended by adding thereto the following:

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been subject to certification.*

* * * * * *

Carbon black (channel or impingement process).
Carminic acid.
Ferric ferrocyanide (iron blue).

The color additives listed in this paragraph are listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive used only in drugs for external application is not provisionally listed for internal drug use.

c. Paragraph (g) is amended by adding thereto the following:

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale, but which have not been subject to certification.*

* * * * * *

Aluminum benzoate.
Aluminum hydroxide.
Aluminum silicate (including hydrated aluminum silicate).
Annato.
Azulene.
Bone black.
Calcium stearate.
Caramel.
Carmine.
Carminic acid.
Carotene.
Charcoal.
Chromium hydroxide green.
Copper versenate.
Cornstarch.
Ferric hydroxide (hydrated iron oxide).
Ferric ferrocyanide (iron blue).
Gloss white.
Guanine (pearl essence).
Lithium stearate.
Magnesium aluminum silicate.
Magnesium oxide.
Magnesium stearate.
Magnesium trisilicate.
4-Methyl-7-diethylaminocoumarin (MDAC).
β-Methyl umbelliferone.
Mica.
Sienna.
Silicic acid.
Silicon dioxide (silica).
Silk, powdered.
Ultramarine green.
Ultramarine pink.
Ultramarine red.
Ultramarine violet.
Umber.
Vermiculite.
Zinc carbonate.
Zinc stearate.

Color additives provisionally listed in this paragraph are so listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive previously used for coloring cosmetics to be applied to portions of the body other than the eye area (as defined in § 9.1(p) of this chapter) is not provisionally listed for eye-area use.

§ 8.502 [Amendment]

2a. In § 8.502 *Termination of provisional listing of color additives,* paragraph (b) is amended by inserting in the list of colors, preceding D&C Orange Nos. 5 and 17, in subparagraph (1) the colors D&C Orange Nos. 3 and 4.

As amended, paragraph (b)(1) reads as follows:

(1) D&C Red Nos. 8, 9, 10, 19, 33, 37; D&C Yellow No. 7; D&C Orange Nos. 3, 4, 5, and 17. Subacute studies have established that these colors are toxic substances, unsafe for unrestricted use in drugs and cosmetics.

b. Paragraph (b) is further amended by deleting subparagraph (4).

3. Section 8.503 is amended as follows:

a. The introduction to the section is amended to read as set forth below.

b. Paragraph (a) is amended by inserting in the list of colors, preceding D&C Orange No. 5, the following two colors:

D&C Orange No. 3 (§ 9.200 of this chapter).
D&C Orange No. 4 (§9.201 of this chapter).

c. The concluding sentence of this section is amended by deleting the colors "D&C Orange No. 3" and "D&C Orange No. 4".

d. Paragraph (b) is amended by inserting the color "D&C Red No. 12 (§ 9.157 of this chapter)" immediately preceding "D&C Red No. 19" in the list of colors in this paragraph.

As amended, § 8.503 reads as follows:

§ 8.503 Temporary tolerances.

Two-year chronic rat feeding studies, including histopathology, of D&C Red. No. 9 and D&C Red. No. 10 have been completed. A final determination of the status of these colors for ingestion must await chronic feeding studies with a nonrodent species. However, pharmacologists of the Food and Drug Administration have concluded, on the basis of chronic feeding studies with the rat, that a no-effect level of feeding of 100 parts per million will be accepted pending chronic feeding studies with a nonrodent species. Since the subacute toxicity of the two colors is of the same order of subacute toxicity as the other nine colors listed in § 8.502(b)(1), it can be assumed for the purpose of temporary tolerances that the same no-effect level of feeding for the nine colors is also 100 parts per million. Data have been submitted which indicate that the maximum amount of the color additives listed in paragraph (a) of this section likely to be ingested daily from lipstick will correspond to about 0.1 part per million in the daily diet. On this basis, it is not inconsistent with the protection of the public health to allow, during this transitional period, continued use of these products in lipstick and in other products that may be ingested in the amounts specified in this section.

(a) Pursuant, therefore, to the authority in § 203(d)(1)(C) of the Color Additives Amendments of 1960, temporary tolerances are established for the following color additives:

D&C Orange No. 3 (§ 9.200 of this chapter).
D&C Orange No. 4 (§ 9.201 of this chapter).
D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 9 (§ 9.154 of this chapter).
D&C Red No. 10 (§9.155 of this chapter).
D&C Red No. 11 (§9.156 of this chapter).
D&C Red No. 12 (§ 9.157 of this chapter).
D&C Red No. 13 (§ 9.158 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).

These color additives are therefore retained on the provisional list for use in lipstick with a temporary tolerance for each such color additive or combination of color additives of not more than 6 percent pure dye by weight of each lipstick. These color additives and D&C Yellow No. 7, D&C Yellow No. 8, and D&C Red No. 37 are retained without tolerance restrictions for externally applied drugs and cosmetics.

(b) The colors named in this paragraph may safely be used, during the transitional period, in drug products and in such other preparations subject to ingestion as mouth washes and dentifrices, where total usage reasonably to be expected to be ingested does not contribute more than 1 part per million of any such color additive or combination of color additives to the human diet. Therefore to meet this limitation the following colors are retained on the provisional list of color additives for use in drug products for internal use, mouth washes, dentifrices, and proprietary products, under a temporary tolerance, provided that in no instance shall such color additives contribute more than 0.75 milligram of the color additive, expressed as pure dye, to the amount of the product reasonably expected to be ingested in 1 day.

D&C Orange No. 3 (§ 9.200 of this chapter).
D&C Orange No. 4 (§ 9.201 of this chapter).
D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Red No. 8 (§ 9.153 of this chapter).
D&C Red No. 12 (§ 9.157 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 33 (§ 9.178 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER. Notice and public procedure are not necessary prerequisites to the promulgation of this order, because section 203(d)(2) of Public Law 86-618 so provides.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated: August 9, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7836; Filed, Aug. 15, 1961; 8:54 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Wheat Flour and Related Products; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of June 28, 1961 (26 F.R. 5751) with regard to the addition of acetone peroxides to the list of optional ingredients permitted for bleaching and artificial aging effects. Accordingly, the amendment promulgated by that order will become effective August 27, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055; as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: August 10, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7841; Filed, Aug. 15, 1961; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following item:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Pulps from reclaimed fibers, excluding material previously used for packaging of pesticide chemicals and poisons.	Components of paper and paperboard surfaces intended for direct contact with food.	Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C. not under sec. 342)

Dated: August 9, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7840; Filed, Aug. 15, 1961; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ACETONE PEROXIDES

There was published in the FEDERAL REGISTER of October 22, 1960 (25 F.R. 10092) a food additive regulation, § 121.1023, providing for the safe use of acetone peroxides in flour and breads. This regulation was conditional upon the issuance of a temporary permit for use of the additive in standardized foods. The regulation, therefore, was limited to use of the additive only in compliance with and during the effective period of the temporary permit issued under § 3.12 of this chapter. Thereafter, the petitioner, J. R. Short Milling Company, Chicago 6, Illinois, filed a petition seeking amendment of the identity standards for white flour and related flours to add acetone peroxides to the list of optional bleaching and maturing agents (April 11, 1961; 26 F.R. 3070).

The Commissioner of Food and Drugs finds that with the amendment of the food standards to permit the use of acetone peroxides in flour, the food additive regulation for acetone peroxides (§ 121.1023) should be amended by changing paragraph (e) to retain the temporary permit limitation for bread and roll production only. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1023(e) is amended to read as follows:

§ 121.1023 Acetone peroxides.

* * * * *

(e) The additive, when used as a dough-maturing agent in bread and roll production, is used only in compliance with and during the effective period of a temporary permit issued under § 3.12 of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the change results in liberalization of an existing regulation.

Effective date. This order shall become effective August 27, 1961.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: August 10, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7837; Filed, Aug. 15, 1961; 8:54 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED STARCH

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 239) filed by Eastern Chemical Company, 243 West Ninety-eighth Street, New York 25, New York, and other relevant material, has concluded that the following amendment to § 121.1031 should issue with respect to the food additive modified starch to permit the use of starch treated with sodium hydroxide for use in food as a thickener, to improve texture and palatability and to impart stability. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1031(a) (21 CFR 121.1031(a); 26 F.R. 188) is amended by adding thereto the following new subparagraph (8), reading as follows:

§ 121.1031 Modified starch.

* * * * *

(a) * * *

(8) By treatment with not more than 1.0 percent of sodium hydroxide.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 10, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7838; Filed, Aug. 15, 1961; 8:55 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PACKAGING STARCH

The Commissioner of Food and Drugs has evaluated the data available to the Food and Drug Administration and has concluded that the following amendments to the food additive regulations (21 CFR 121.2506; 26 F.R. 189) should issue with respect to packaging starch, based upon the following petitions: (FAP 239) Eastern Chemical Company, 243 West Ninety-eighth Street, New York 25, New York, for starch treated with sodium hydroxide as a surface sizing and coating of paper and paperboard used in food packaging; (FAP 331) A. E. Staley Manufacturing Company, Decatur, Illinois, for sodium hypochlorite modified starch treated with epichlorohydrin as a surface sizing and coating of paper and paperboard used in food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.2506 is amended as follows:

Section 121.2506(a) is amended by adding thereto subparagraphs (3) and (4), reading as follows:

§ 121.2506 Packaging starch.

* * * * *

(a) * * *

(3) By treatment of modified starch (§ 121.1031(a)(1)) with not more than 0.3 percent epichlorohydrin.

(4) By treatment with not more than 1.0 percent sodium hydroxide.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 10, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7839; Filed, Aug. 15, 1961; 8:55 a.m.]

Title 29—LABOR

Chapter X—National Mediation Board

PART 1202—RULES OF PROCEDURES

Nondisclosure of Information

The following is added as a new section:

§ 1202.15 Nondisclosure of information.

(a) *Policy.* Public policy and the successful effectuation of the National Mediation Board's mission under Section 5, First, of the Railway Labor Act, as amended, require that members, officers, and employees of the Board maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation proceedings must have the assurance and confidence that information disclosed to members, officers, and employees of the Board during the mediation process will not subsequently be divulged needlessly.

(b) *Non-confidential Mediation Records.* The formal documents—such as the invocation or proffer of mediation, the reply or replies of the parties, the proffer of arbitration and replies thereto, and the notice of failure of mediatory efforts—in cases under section 5, First of the Railway Labor Act, as amended, are matters of official record and are available for inspection and examination by persons properly and directly concerned at the offices of the Board in Washington, D.C.

(c) *Confidential Mediation Records.* (1) All reports, information or documents, other than those specified in paragraph (b) of this section, obtained or prepared during the mediation process by the National Mediation Board, its members, officers or employees for Board use in the course of official activities under section 5, First, of the Railway Labor Act, as amended, are hereby declared to be confidential. Officers and employees are hereby prohibited from making such confidential reports, information, or documents available to anyone other than a member, officer or employee of the Board, unless the Board authorizes the disclosure of such information or the production of such documents.

(2) Any officer or employee who is served with a subpoena requiring the production of any documents or records or the disclosure of any information designated in subparagraph (1) of this paragraph as confidential shall promptly advise the Board of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Board will thereupon enter such order or give such instructions as it shall deem advisable. If the officer or employee so served has not received instructions from the Board prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this rule.

(44 Stat. 577, as amended; 45 U.S.C. 151-163)

This additional section relates to agency management and it shall be effective upon publication in the FEDERAL REGISTER.

NATIONAL MEDIATION BOARD,
E. C. THOMPSON,
Executive Secretary.

[F.R. Doc. 61-7796; Filed, Aug. 15, 1961; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 14—NONMAILABLE MATTER

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

PART 41—SERVICE IN POST OFFICES

PART 152—PROHIBITED OR RESTRICTED ARTICLES

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 23.3, paragraphs (f), (g) and the paragraph which immediately follows paragraph (g) are amended to show the revised controlled circulation imprint which must appear in copies of controlled circulation publications. As so amended § 23.2 reads as follows:

§ 23.3 Identification statements.

The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

(a) Name of the publication on the front.

(b) Date of issue.

(c) Frequency of issue.

(d) Address of publisher.

(e) Subscription price, if the publication has one.

(f) Controlled circulation imprint, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authoriza-

tions at each office, the imprint must read: "Controlled circulation postage paid at _____ and at _____."

(g) Notice of pending application when copies are mailed under deposits of money, reading: "Application to mail at controlled circulation rates is pending at _____." A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authorizations at each office, the notice must read: "Controlled circulation postage paid at _____ and at _____."

NOTE: The corresponding Postal Manual section is 133.3.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4421, 4422)

II. § 14.9, as amended by 26 F.R. 2250, is amended to provide that postmasters shall address certain inquiries regarding mailability to the Fraud and Mailability Division, Office of the General Counsel, and that newspapers containing doubtful matter shall not be withheld from dispatch without specific instructions. As so amended, § 14.9 reads as follows:

§ 14.9 Opinions on mailability.

(a) When in doubt as to the mailability of any matter described in §§ 14.2, 14.3, and §§ 15.2, 15.3, and 15.4 of this chapter, the postmaster shall submit a sample or a complete statement of the facts to the Postal Services Division, Bureau of Operations, and await instructions.

(b) Postmasters and other employees at post offices shall not give opinions to the public concerning the mailability of matter under §§ 14.4, 14.5, 14.6, 14.7, 14.8 and §§ 15.5, 15.6 of this chapter. When in doubt as to the mailability of any such matter, the postmaster shall withhold it from dispatch or delivery, and shall send a sample or a complete statement of the facts to the Fraud and Mailability Division, Office of the General Counsel, for instructions. Newspapers containing doubtful matter should be promptly reported to the Fraud and Mailability Division, Office of the General Counsel, but they should not be withheld from dispatch without specific instructions.

NOTE: The corresponding Postal Manual section is 124.9.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4001–4007)

III. In § 41.3, subparagraph (4) of paragraph (h) is amended to require that reports be addressed to the Fraud and Mailability Division, Office of the General Counsel, when proper use of a post office box is in question. As so amended, subparagraph (4) reads as follows:

§ 41.3 Post office boxes.

• • • • • •

(h) *Restrictions.* • • •

(4) When a postmaster has reason to believe that a box is being used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for purposes of a lottery, or that the safety of the mail is endangered by its continued use, or that its use is for other than the receipt of mail or official postal notices, he will report the facts to the General Counsel who, if he finds that the box is being used for any of said purposes, shall have the right to order the box closed. Such reports shall be addressed to the Fraud and Mailability Division, Office of the General Counsel.

NOTE: The corresponding Postal Manual section is 151.384.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4001)

IV. In § 152.3, paragraph (b) is amended to provide that reports of prohibited letters shall be sent to the Fraud and Mailability Division, Office of the General Counsel. As so amended, paragraph (b) reads as follows:

§ 152.3 Disposal of prohibited matter.

• • • • •

(b) Report contraceptive and other prohibited matter to the Fraud and Mailability Division, Office of the General Counsel, with a sample of the contents and await instructions as to disposition.

NOTE: The corresponding Postal Manual section is 262.3b.

(R.S. 161, as amended; 5 U.S.C. 22, U.S.C. 501, 505, 4001)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–7830; Filed, Aug. 15, 1961; 8:53 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 9—Atomic Energy Commission

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

PART 9–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 9–15.50—Cost Principles and Procedures

MISCELLANEOUS AMENDMENTS

Subpart 9–7.50 is amended as follows:

§ 9–7.5006–5 [Amendment]

Section 9–7.5006–5 Consideration (CPFF) is deleted and the section is reserved.

§ 9–7.5006–9 [Amendment]

Section 9–7.5006–9 paragraph (d) item (8) (i) is amended by adding the following: "bonuses and incentive compensation subject to the approval of the Contracting Officer;"

Section 9–7.5006–9 paragraph (e) is amended by deleting item (1) and inserting in lieu thereof the following:

(1) *Advertising,* except (i) help-wanted advertising, and (ii) other advertising (such as costs of participation in exhibits) approved by the Contracting Officer as clearly in furtherance of work performed under the contract.

Section 9–7.5006–9, paragraph (e), is amended by deleting item (4) and inserting in lieu thereof the following:

(4) *Bonuses* and similar compensation under any other name, which (i) are not pursuant to an agreement between the contractor and employee prior to the rendering of the services or an established plan consistently followed by the contractor, (ii) are in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder, or (iii) provide total compensation to an employee in excess of reasonable compensation for the services rendered.

§ 9–7.5006–10 [Amendment]

Section 9–7.5006–10 paragraph (d) item (8) (i) is amended by adding the following: "bonuses and incentive compensation subject to the approval of the Contracting Officer if charged directly;"

Section 9–7.5006–10 paragraph (d) item (9) is amended by deleting item (9) and inserting in lieu thereof the following:

(9) *Rentals and leases* of land, buildings and equipment owned by third parties where such items are used in the performance of the contract, except that such rentals and leases directly chargeable to the contract shall be subject to approval by the Contracting Officer.

Section 9–7.5006–10 paragraph (d) item (11) is amended by adding the following: "when charged directly to the contract."

Section 9–7.5006–10 paragraph (d) item (14) is amended by adding the following: "when charged directly to the contract."

Section 9–7.5006–10 paragraph (d) is amended by adding the following:

(17) The costs of preparing bids and proposals to the extent approved by the Contracting Officer, but not to exceed 1% of the direct material and direct labor costs of the contract work.

Section 9–7.5006–10 is amended by deleting the following:

(c) Examples of Items of Unallowable Costs

and inserting in lieu thereof the following:

(e) Examples of Items of Unallowable Costs.

Section 9–7.5006–10 paragraph (e) is amended by deleting item (1) and inserting in lieu thereof the following:

(1) *Advertising,* except (i) help-wanted advertising, and (ii) other advertising (such as costs of participation in exhibits) approved by the Contracting Officer as clearly in furtherance of work performed under the contract.

Section 9–7.5006–10 paragraph (e) is amended by deleting item (3):

Bidding Expenses and Costs of Proposals

and renumbering the remaining items (4) through (24) as (3) through (23).

Section 9–7.5006–10 paragraph (e) is amended by deleting the item renumbered (3) and inserting in lieu thereof the following:

(3) *Bonuses* and similar compensation under any other name, which (i) are not pursuant to an agreement between the contractor and employee prior to the rendering of the services or an established plan consistently followed by the contractor, (ii) are in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder, or (iii) provide total compensation to an employee in excess of reasonable compensation for the services rendered.

§ 9–7.5006–23 [Amendment]

Section 9–7.5006–23 paragraph (b) is amended by deleting the following:

Advances for Allowable Costs

and inserting in lieu thereof the following:

Payments on Account of Allowable Costs

Subpart 9–15.50 is amended as follows:

§ 9–15.5005–2 [Amendment]

Section 9–15.5005–2 is amended by deleting paragraph (a) and inserting in lieu thereof the following:

(a) AEC compensates operating, construction and architect-engineer contractors through the fixed fee for general and administrative expenses incurred in the general management and administration of the contractor's business as a whole by the contractor's home, divisional or branch offices.

§ 9–15.5005–3 [Amendment]

Section 9–15.5005–3 is amended by inserting after (b) the following: "appropriate to identify and measure costs of performing the contract in accordance with this subpart;"

Section 9–15.5005–4 is deleted and in lieu thereof the following is inserted:

§ 9–15.5005–4 Cost determination based on audit.

(a) It is AEC policy that the amount reimbursable to its cost-type contractors and subcontractors be determined in accordance with the terms of the respective contracts on the basis of audit. In the event that the contractual terms differ or are inconsistent (see § 9–15.5003 for approval of deviations) with the principles stated herein the contractual terms control. The audit is performed directly by AEC (or by the cognizant Federal agency pursuant to arrangements made by the AEC) in the case of cost-type contracts. The audit of subcontractors is the responsibility of the cost-type contractor (or the subcontractor immediately preceding in the contractual chain) subject to review of such contractor's audit by AEC (and any supplemental audits by AEC as it may then deem necessary). Exceptions may be made to this general principle of subcontractors being audited by the next higher-tier contractor, where the latter is interrelated with the subcontractor involved, does not have the necessary audit facilities or for other reasons is not in a position to perform the subcontract audit in a manner satisfactory to the AEC. In the event of such exception, the subcontract audit responsibility shall rest with the successively higher-tier contractor (or ultimately AEC), but responsibility for determining the costs reimbursable to the subcontractor remains with the next higher-tier contractor on the basis of such audit.

(b) Audit by other Federal agencies. Where the amount of cost-type work to be performed for AEC in a particular facility is less than that being performed at the same facility for other Federal agencies, arrangements may be made to have the cognizant agency perform the audit of the AEC contract or subcontract. These arrangements shall be made administratively between AEC and the other agency involved, and wherever possible shall provide for the cognizant agency to audit against the AEC cost principles. In no case, however, shall the arrangements preclude determination by the AEC contracting officer of the allowable and unallowable costs in accordance with AEC cost principles set forth in §§ 9–7.5006–10 and 9–7.5006–11. Steps appropriate in the light of the magnitude and nature of the costs shall be taken by the contracting officer to ascertain that the audit results properly reflect the application of AEC cost principles (particularly as to types and amounts of items of cost including incidence, allocability, and equitable distribution thereof).

§ 9–15.5006 [Amendment]

Section 9–15.5006 is amended by deleting from the end of the second sentence the following words: "throughout the performance of the contract."

§ 9–15.5007–2 [Amendment]

Section 9–15.5007–2 paragraph (a) is amended by adding the following: "Any item or items of indirect cost that are so excluded in whole or in part shall include an amount for absorption of their appropriate share of other related indirect and administrative expenses. Some examples of indirect costs that should include a fair share of other indirect and administrative expenses are: research and development costs, selling expenses, and bidding and proposal costs."

§ 9–15.5011–12 [Amendment]

Section 9–15.5011–12 is amended by adding the following: "The costs of research and development shall include an amount for absorption of their appropriate share of related indirect and administrative costs."

Section 9–15.5011 is amended by adding the following:

§ 9–15.5011–13 Bidding expense and costs of proposals.

(a) The costs of preparing bids or proposals (successful or unsuccessful), which are incurred at or properly chargeable to the division, plant or other principle organizational component at which the contract work is being performed, will be allowable if the subject matter of the bids and proposals is applicable to the AEC program. The subject matter is assumed to be applicable to the AEC program if the bid or proposal is made either (1) to the AEC or to an AEC contractor for work to be performed under an AEC contract, or (2) to others for the performance of work determined by the contracting officer to be of benefit to the AEC program.

(b) The costs of preparing bids or proposals shall be allocated only as indirect costs. Bidding costs of the current accounting period of both successful and unsuccessful bids and proposals normally will be treated as allowable indirect costs, in which event no bidding costs of past accounting periods shall be allowable in the current period to the AEC contract.

(c) The costs of preparing bids or proposals shall include an amount for absorption of their appropriate share of related indirect and administrative costs.

(d) The share of bidding expenses and costs of proposals shall not exceed 1 percent of the direct material (exclusive of capital equipment) and the direct labor costs of the contract work. The expense pools should exclude negotiating and promotional expense, expense properly allocable to research and development, and the expense of salesmen, representatives or agents who do not provide technical services in connection with the bid or proposal. When the specific expense of bids and proposals allocable to the AEC program cannot readily be determined, a statistical proportion of the number of proposals applicable to the AEC program to the total number of proposals may be used unless such a proportion would produce unreasonable results.

Section 9–15.5011 is amended by adding the following:

§ 9–15.5011–14 Compensation for personal services.

(a) *General.* (1) Compensation for personal services includes all remuneration paid currently or accrued, in whatever form and whether paid immediately or deferred, for services rendered by employees to the contractor during the period of contract performance. It includes, but is not limited to, salaries, wages, directors' and executive committee members' fees, bonuses (including stock bonuses), incentive awards, employee stock options, employee insurance, fringe benefits, and contributions to pension, annuity, and management employee incentive compensation plans. It does not include an employer's contributions to incentive compensation plans for the purpose of establishing a reserve for the payment of incentive compensation for services to be performed in the future. Except as otherwise specifically provided in this § 9–15.5011–14, such costs are allowable to the extent that the total compensation of individual employees is reasonable for the services rendered and they are not in excess of those costs which are allowable by the Internal Revenue Code and regulations thereunder.

(2) Compensation is reasonable to the extent that the total amount paid or accrued is commensurate with compensation paid under the contractor's established policy and conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services. The contracting officer should make a precontract determination, or in appropriate circumstances prior to renewal or extension of an expiring cost-type contract or subcontract a determination, that the prior practice of the company produced reasonable amounts of total compensation to individual employees and obtain agreement that total compensation in excess of those levels would be unallowable unless subse-

quently approved as reasonable by the contracting officer. He should also obtain agreement that any subsequent change in the plan or in the administration of the plan must have prior approval in order that the test of reasonableness not be left entirely to retrospective audit. Among the conditions which give rise to the need for special consideration and possible limitation as to allowability for contract cost purposes where amounts appear excessive are the following:

(i) Compensation to owners of closely held corporations, partners, sole proprietors, or members of the immediate families thereof, or to persons who are contractually committed to acquire a substantial financial interest in the contractor's enterprise. Determination should be made that such compensation is reasonable for the actual personal services rendered rather than a distribution of profits.

(ii) Any change in a contractor's compensation policy resulting in a substantial increase in the contractor's level of compensation, particularly when it was concurrent with an increase in the ratio of Government contracts to other business, or any change in the treatment of allowability of specific types of compensation due to changes in Government policy.

(iii) The contractor's business is such that his compensation levels are not subject to the restraints normally occurring in the conduct of competitive business.

(3) Compensation in lieu of salary for services rendered by partners and sole proprietors will be allowed to the extent that it is reasonable and does not constitute a distribution of profits.

(4) In addition to the general requirements set forth in (1) through (3) above, certain forms of compensation are subject to further requirements as specified in (b) through (j) below.

(b) *Salaries and wages.* Salaries and wages for current services include gross compensation paid to employees in the form of cash, products, or services, and are allowable. However, premiums for overtime, extra-pay shifts, and multi-shift work are allowable to the extent approved by the contracting officer.

(c) Bonuses and incentive compensation paid to employees other than those whose pay is directly reimbursed will not be allowed in construction and operating contracts where home office general and administrative expense is unallowable.

(d) *Cash bonuses and incentive compensation.* Incentive compensation for management employees, cash bonuses, suggestion awards, safety awards, and incentive compensation based on production, cost reduction or efficient performance, are allowable to the extent that the overall compensation is determined to be reasonable and such costs are paid or accrued pursuant to an agreement entered into in good faith between the contractor and the employees before the services were rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payment (but see § 9–15.5006). Bonuses, awards, and incentive compensation when any of them are deferred are allowable to the extent provided in (g) below.

(e) Bonuses and Incentive Compensation Paid in Stock. Costs of bonuses and incentive compensation paid in the stock of the contractor or of an affiliate are allowable to the extent set forth in (c) above (including the incorporation of the principles of paragraph (g) below for deferred bonuses and incentive compensation), subject to the following additional requirements:

(1) Valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(2) Accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

Such costs otherwise allowable are subject to adjustment according to the principles set forth in (g)(3) below. (But see § 9–15.5006).

(f) *Stock options.* The cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(g) *Deferred compensation.* (1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension, annuity, stock bonuses, and profit sharing plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable to the extent that (i) except for past service pension and retirement costs, it is for services rendered during the contract period; (ii) it is, together with all other compensation paid to the employee, reasonable in amount; (iii) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to an established plan followed by the contractor so consistently as to imply, in effect, an agreement to make such payments; and (iv) for a plan which is subject to approval by the Internal Revenue Service, it falls within the criteria and standards of the Internal Revenue Code and the regulations of the Internal Revenue Service. (But see § 9–15.5006).

(3) In determining the cost of deferred compensation allowable under the contract, appropriate adjustments shall be made for credits or gains, including those arising out of both normal and abnormal employee turnover, or any other contingencies that can result in a forfeiture by employees of such deferred compensation. Adjustments shall be made only for forfeitures which directly or indirectly inure to the benefit of the contractor; forfeitures which inure to the benefit of other employees covered by a deferred compensation plan with no reduction in the contractor's costs will not normally give rise to adjustment in contract costs. Adjustments for normal employee turnover shall be based on the contractor's experience and on foreseeable prospects, and shall be reflected in the amount of cost currently allowable. Such adjustments will be unnecessary to the extent that the contractor can demonstrate that his contributions take into account normal forfeitures. Adjustments for possible future abnormal forfeitures shall be effected according to the following rules:

(i) Abnormal forfeitures that are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of current costs otherwise allowable; and

(ii) Abnormal forfeitures, not within (i) above, may be made the subject of agreement between the Government and the contractor either as to an equitable adjustment or a method of determining such adjustment.

(4) In determining whether deferred compensation is for services rendered during the contract period or is for future services, consideration shall be given to conditions imposed upon eventual payment, such as, requirements of continued employment, consultation after retirement, and covenants not to compete.

(h) *Fringe benefits.* Fringe benefits are allowances and services provided by the contractor to his employee as compensation in addition to regular wages and salaries. Costs of fringe benefits, such as pay for vacations, holidays, sick leave, military leave, employee insurance, and supplemental unemployment benefit plans are allowable to the extent required by law, employer-employee agreement, or an established policy of the contractor.

(i) *Severance pay.* See § 9–15.5010–8.

(j) *Training and education expenses.* See § 9–7.5006–9(d)(8)(v) and § 9–7.5006–10(d)(8)(v).

These regulations are effective immediately upon publication.

Dated at Germantown, Md., this 9th day of August 1961.

For the Atomic Energy Commission.

A. R. LUEDECKE,
General Manager.

[F.R. Doc. 61–7764; Filed, Aug. 15, 1961; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 32258]

PART 131—UNITED STATES SAFETY-APPLIANCE STANDARDS (RAILROAD)

Tank Cars Without Underframes

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2d day of August, A. D. 1961.

It appearing that the Union Tank Car Company filed a petition on August 19, 1957, as amended on April 16, 1959, for modification of the United States Safety-Appliance Standards by the addition of a fourth tank car description for a car designated as a tank car without an underframe;

It further appearing that notice of proposed rule making and hearing was issued in the above-entitled proceeding on May 29, 1958 (23 F.R. 3738), pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003);

It further appearing that on July 16, 1959, Division 3 entered its report and order in this proceeding (308 I.C.C. 109), granting the said petition, as amended, of the Union Tank Car Company and the standards approved thereby were published in the FEDERAL REGISTER (24 F.R. 6004), on July 28, 1959;

It further appearing that by an order entered February 26, 1960, the said order of July 16, 1959, was vacated and set aside thereby rescinding the said standards published in 24 F.R. 6004;

It further apearing that on March 27, 1961, Division 3 entered its report and order in this proceeding (313 I.C.C. 429), denying the said petition, as amended, of the Union Tank Car Company;

It further appearing that by order of June 27, 1961, a petition of the Union Tank Car Company for reconsideration of the said order of March 27, 1961, was granted and this proceeding was reopened for reconsideration on the present record;

And it further appearing that the record has been considered and that the Commission on the date hereof has made and filed a report on reconsideration, which report and the prior reports are hereby referred to and made a part hereof:

It is ordered, That 49 CFR Part 131, be, and the same is hereby, amended, effective October 1, 1961, by adding thereto a new § 131.21 *Tank cars without underframes* reading as follows:

§ 131.21 Tank cars without underframes.

(a) *Hand brakes*—(1) *Number.* Same as specified for "Box and other house cars" (see § 131.1(a)(1)).

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(a)(2)).

(3) *Location.* Each hand brake shall be so located that it can be safely operated while car is in motion. The brake shaft shall be located on end of car to the left of center.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 131.1(a)(4)).

(b) *End platforms*—(1) *Number.* Two.

(2) *Dimensions.* Minimum width, ten inches. Minimum thickness, one and three-quarters inches.

(3) *Location.* One on each end extending across car a distance equal to or greater than any other portion of car. Outside edge of end platform shall extend not less than seven inches beyond bulge of tank head and safety railing.

(4) *Manner of application.* End platforms shall be securely fastened to the draft sills and be sufficiently rigid to prevent sagging.

(c) *Sill steps.* Same as specified for "Box and other house cars" (see § 131.1(d)).

(d) *End platform safety railing*—(1) *Number.* Two.

(2) *Dimensions.* Minimum of seven-eighths inch diameter, wrought iron or steel, or one and one-quarter inch pipe. Minimum clearance, two and one-half inches.

(3) *Location.* One safety railing at each end of car shall extend horizontally across car not less than thirty-six inches nor more than fifty-four inches above end platform and extend downward within three inches of the end of the platform. The safety railing shall be located not more than six inches from the inside edge of the platform.

(4) *Manner of application.* Safety railings shall be supported at center of car and at each end by extending downward at the ends and attaching to the platform.

(e) *Side railing*—(1) *Number.* Two.

(2) *Dimensions.* One and one-quarter inch pipe. Minimum clearance two and one-half inches.

(3) *Location.* One on each side of car extending from end platform to side ladder and from side ladder to end platform at opposite end of car at a distance of not less than fifty-one inches from center line of car.

(4) *Manner of application.* Safety railings shall be securely attached to end platforms and supported from the car at intervals not exceeding ten feet.

(f) *Side handholds*—(1) *Number.* Four.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(h)(2)).

(3) *Location.* Four horizontal; one on face of end platform end, over sill step, projecting downward or outward. Clearance of outer end of handhold shall be not more than twelve inches from end of car. Vertical portion of end platform safety railing shall be considered as a side vertical handhold.

(4) *Manner of application.* Same as prescribed for "Box and other house cars" (see § 131.1(h)(4)).

(g) *End handholds*—(1) *Number.* Four.

(2) *Dimensions.* Same as specified for "Box and other house cars" (see § 131.1(i)(2)).

(3) *Location.* Horizontal, one near each side of each end of car on face of end sill. Clearance of outer end of handhold shall not be more than sixteen inches from side of car.

(4) *Manner of application.* Same as specified for "Box and other house cars" (see § 131.1(i)(4)).

(h) *Uncoupling levers.* Same as specified for "Box and other house cars" (see § 131.1(k)).

(i) *End ladder clearance.* No part of car above end sills within thirty inches from side of car, except buffer block, brake shaft, brake-shaft brackets, brake wheel, running boards or uncoupling lever shall extend to within twelve inches of a vertical plane parallel with end of car and passing through the inside face of knuckle when closed with coupler horn against the buffer block or end sill, and no other part of end of car or fixtures on same, above end sills, other than exceptions herein noted, shall extend beyond the outer face of the buffer block.

(j) *Operating platform, ladder and safety railing*—(1) *Number.* One operating platform, two ladders and safety railing.

(2) *Dimensions.* (i) Ladder: Ladder stiles, three-eighths by two inches or equivalent, wrought iron or steel. One and one-quarter inch extra strong pipe will be considered equivalent.

(ii) Ladder treads minimum diameter, five-eighths of an inch, wrought iron or steel.

(iii) Minimum clear length of treads, fourteen inches.

(iv) Maximum spacing of treads, nineteen inches.

(v) Minimum clearance of treads and ladder stiles, two inches, preferably two and one-half inches.

(vi) Operating platform, minimum width, seven inches; minimum thickness, one and three-quarters inches.

(vii) Safety railing, one and one-quarter inch wrought iron or steel pipe.

(3) *Location.* (i) Operating platform to be of sufficient length to provide access to all operating fittings. Ladder to be located on sides of car at center.

(ii) The safety railing shall enclose the operating platform, manway and fittings used in the loading and unloading of the tank. Railing shall be open only at the ladders where it shall extend in a vertical direction down to, and be securely attached to the platform. Maximum width of opening, twenty-four inches.

(4) *Manner of application.* (i) The ladders shall be securely fastened to the operating platform. The lower portion of ladder shall be braced in such a manner as to prevent any movement.

(ii) The operating platforms shall be supported to prevent sagging and be securely attached to the tank.

(iii) The safety railing shall be securely attached to four stanchions or corner posts, which shall be securely attached to the tank or operating platform.

(k) *Manner of application of safety appliances on tank cars covered with jackets.* On tanks covered with jackets, metal pads shall be securely attached to the shell proper, to which brackets shall be fastened for securing the safety appliances attached to the tanks; or, the safety appliances (with the exception of the operating platform brackets) may be secured to the jackets reinforced with metal pads at the point of attachment, which pads shall extend at least two inches from the center line of rivet holes. The operating platform brackets shall be secured to the jacket reinforced with suitable bands. When the safety appliances are attached to the jacket cov-

ering of the tank, the jacket shall be tightened so that there will be no danger of its slipping around.

(Section 25, 41 Stat. 498, as amended; 49 U.S.C. 26. Sections 2, 3, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply sections 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6. Section 1, 32 Stat. 943; 45 U.S.C. 8. Section 4, 36 Stat. 299, as amended; 45 U.S.C. 13)

Notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-7818; Filed, Aug. 15, 1961; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; Big Game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Fallow deer, white-tailed deer.

(b) Open season: October 15 through October 28, Sundays excepted.

(c) Total bag limit: Deer—one only of either sex.

(d) Methods of hunting:

(1) Bow and arrow. Cross bows and mechanical bows may not be used.

(2) The use of dogs is prohibited.

(3) No firearms.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All camping will be at the designated Archery Camp.

(3) Hunters must check in at the Archery Camp and must check out at end of the hunt.

(4) Preseason scouting will not be allowed.

(5) Archers will be required to claim their stands between 4:30 a.m. and 5:3 a.m. and remain on stands until 8:0(a.m. Hunting for the day will cease at sunset.

(6) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky, starting October 2, 1961.

(7) The provisions of this special regulation are effective to October 29, 1961.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7793; Filed, Aug. 15, 1961; 8:49 a.m.]

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; Upland Game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 25,000 acres or 38% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Gray and fox squirrels, wild turkeys, gobblers, gray fox, bobcat, woodchuck, crows. The hunting of upland game species, as may be otherwise authorized by Kentucky State legislation, is prohibited.

(b) Open season: October 15 through October 28, Sundays excepted.

(c) Daily bag limits: Squirrel—6; wild turkey limited to one per hunter per season. Other species—no limit.

(d) Methods of hunting:

(1) Bow and arrow. Cross bows and mechanical bows may not be used.

(2) No firearms.

(3) The use of dogs is prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) All camping will be at the designated Archery Camp.

(3) Hunters must check in at the Archery Camp and must check out at the end of the hunt.

(4) Preseason scouting will not be allowed.

(5) Archers will be required to claim their stands between 4:30 a.m. and 5:30 a.m. and remain on stands until 8:00 a.m. Hunting for the day will cease at sunset.

(6) A Federal permit is required to enter the public hunting area. Permits may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky, starting October 2, 1961.

(7) The provisions of this special regulation are effective to October 29, 1961.

FRANCIS C. GILLETT,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-7794; Filed, Aug. 15, 1961; 8:49 a.m.]

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Maine

The FEDERAL REGISTER for Tuesday, July 4, 1961 contained a special regulation for big game hunting on the Moosehorn National Wildlife Refuge.

Section (f)(2) of the above, "A Federal permit is required to enter the public hunting area" is corrected as follows:

(2) A Federal permit obtainable on application at the Refuge headquarters during the period of the hunt is required before entering the public hunting area.

Section (f)(3) of the above, "The provisions of this special regulation are effective November 1, 1961 (until revoked)" is corrected to define the time limitation as follows:

(3) The provisions of this special regulation are effective November 1 to December 6, 1961.

E. W. BAILEY,
Acting Regional Director, Bureau Sport Fisheries and Wildlife.

AUGUST 8, 1961.

[F.R. Doc. 61-7844; Filed, Aug. 15, 1961; 8:56 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING

National Wildlife Refuge System

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended August 1, 1958 (72 Stat. 487; 16 U.S.C. 718b), and the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 32.11, 32.21, 32.31, and 33.4 as set forth below. The purpose of these amendments is to provide for public hunting and fishing on additional areas of the National Wildlife Refuge System as legislatively permitted. Hunting of ducks on the McKay Creek National Wildlife Refuge, Oregon, Cold Springs National Wildlife Refuge, Oregon, and the Camas National Wildlife Refuge, Idaho, is proposed as part of the Department's overall effort to control increasing depredations caused by wintering waterfowl within the Columbia River Basin.

Hunting of migratory game birds, upland game and sport fishing on the Clarence Rhode National Wildlife Range, Alaska, the Arctic National Wildlife Range, Alaska, and the Izembek National Wildlife Range, Alaska, will be permitted in conformance with the provisions of Public Land Orders 2213, 2214, and 2216 establishing such areas.

Hunting of migratory game birds on the Modoc National Wildlife Refuge, California, and the Klamath Forest National Wildlife Refuge, Oregon, is proposed in order to provide a better distribution of hunting opportunity and public recreational use of the waterfowl resource in the Klamath Basin and vicinity.

Upland game hunting on the Camas National Wildlife Refuge is proposed for the utilization and management of a surplus pheasant population.

Opportunities for public salt water fishing within certain areas of the Bombay Hook National Wildlife Refuge, Delaware, Chassahowitska National Wildlife Refuge, Florida, Monomoy National Wildlife Refuge, Massachusetts, Parker River National Wildlife Refuge, Massachusetts, Elizabeth Morton National Wildlife Refuge, New York, Pea Island National Wildlife Refuge, North Carolina, and the Back Bay National Wildlife Refuge, Virginia, can be made available without detriment to the wildlife management programs.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following areas as those were the hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

ALASKA

Arctic National Wildlife Range.
Clarence Rhode National Wildlife Range.
Izembek National Wildlife Range.

CALIFORNIA

Modoc National Wildlife Refuge.

IDAHO

Camas National Wildlife Refuge.

OREGON

Cold Springs National Wildlife Refuge.
Klamath Forest National Wildlife Refuge.
McKay Creek National Wildlife Refuge.

2. Sections 32.21 and 32.31 are amended by the addition of the following areas to provide for the hunting of upland game and big game:

§ 32.21 List of open areas; upland game.

* * * * *

ALASKA

Arctic National Wildlife Range.
Clarence Rhode National Wildlife Range.
Izembek National Wildlife Range.

IDAHO

Camas National Wildlife Refuge.

§ 32.31 List of open areas; big game.

* * * * *

ALASKA

Arctic National Wildlife Range.
Izembek National Wildlife Range.

3. Section 33.4 is amended by the addition of the following areas to provide for sport fishing:

§ 33.4 List of open areas; sport fishing.

* * * * *

ALASKA

Arctic National Wildlife Range.
Clarence Rhode National Wildlife Range.
Izembek National Wildlife Range.

DELAWARE

Bombay Hook National Wildlife Refuge.

FLORIDA

Chaseahowitzka National Wildlife Refuge.

MASSACHUSETTS

Monomoy National Wildlife Refuge.
Parker River National Wildlife Refuge.

NEW YORK

Elizabeth Morton National Wildlife Refuge.

NORTH CAROLINA

Pea Island National Wildlife Refuge.

VIRGINIA

Back Bay National Wildlife Refuge.

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 10, 1961.

[F.R. Doc. 61-7792; Filed, Aug. 15, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 904, 927, 990, 1019]

MILK IN NEW YORK-NEW JERSEY; GREATER BOSTON, MASSACHUSETTS; CONNECTICUT; AND SOUTHEASTERN NEW ENGLAND MARKETING AREAS

Notice Denying Suspension of Certain Provisions of the Orders

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision(s) of the orders regulating the handling of milk in the New York-New Jersey; Greater Boston, Massachusetts; Connecticut; and Southeastern New England marketing areas is hereby denied.

At a recently completed hearing in New York City consideration was given, among other things, to the appropriate levels and relationships of minimum prices for milk utilized in various manufactured milk products in 10 Northeastern Federal milk order markets.

During the hearing, several handlers regulated by the New York-New Jersey Federal milk marketing order (No. 27) requested that emergency action be taken to suspend for August and for the fall months of 1961 the upward seasonal adjustment of the Class III milk price in Order No. 27. It was requested also that the Class III "butter-cheese differential" price be held at the July level.

The testimony concerning the Class III milk marketing situation in the New York-New Jersey area, presented in support of the request for emergency suspension, alleged the need to assure profitable operations for handlers. Such testimony referred primarily to firms engaged in fluid milk operations, but which dispose of excess milk for utilization in milk products, such as butter, cheese and nonfat dry milk.

Testimony presented also stressed that current marketing conditions are affecting the eventual position of small cooperatives in the market, and the procurement policies which have been established by handlers over the past several years.

The foregoing situations are intricately involved with the longer-term consideration of an appropriate level of

prices for milk utilized in Class III under the New York-New Jersey order. This was a major issue considered at the hearing and a decision thereon should await full and complete review of the hearing record. Also, the evidence on the emergency question did not show any instability in marketing conditions for producers that approaches market-wide proportions or that outlets for producer milk would be improved. It is concluded, therefore, that the emergency action requested is not warranted under current marketing conditions.

A representative of producer cooperative associations operating in the New England marketing areas requested that emergency action be taken to establish substantially similar minimum prices for (a) Class II milk under the New England market orders, and (b) New York-New Jersey Class III milk, in each of the months remaining in 1961. No specific method for achieving this goal was proposed.

The basis offered in support of the action requested was the disparity that prevailed, during the latter part of 1960, between the New England Class II milk price and the New York-New Jersey Class III milk price, and the concern of proponents that a similar disparity might occur this coming fall. During the latter part of 1960, the difference between the two price levels reached approximately 30 cents per hundredweight. Since that time, the comparative price situation for these categories of milk has improved to the extent that in very recent months there has been little or no difference in prices.

For August, the difference in prices is estimated at no greater than 8 cents per hundredweight, after giving effect to customary differences in seasonal price adjustments under the respective orders. It is concluded from the testimony that such a difference is not adequate basis for taking the emergency action requested although it is recognized that an appropriate relationship over the longer-term might not be that experienced in August.

It is therefore ordered, That the respective requests to suspend certain provisions of the Federal orders regulating the handling of milk in the New York-New Jersey; Boston, Massachusetts; Connecticut; and Southeastern New England marketing areas be denied.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7847; Filed, Aug. 15, 1961; 8:57 a.m.]

[7 CFR Part 1008]

[Docket No. AO-275-A6]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Washington, on July 11, 1961, pursuant to notice thereof issued on June 30, 1961 (26 F.R. 6029).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, on July 28, 1961 (26 F.R. 6937; F.R. Doc. 61-7292) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportuniy to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Deletion of the base-excess plan; and

2. Adoption of a "take-out and pay-back" plan.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Base-excess plan.* The base-excess plan for distributing payments to producers should be deleted from the order.

The order provides that bases be established for individual producers on the basis of their deliveries of milk during the months of September through January, and the bases thus established are effective for the twelve-month period beginning with March. Producers are paid a uniform base price for that portion of their deliveries which does not exceed their base and a uniform excess price for the remainder of their milk. The price paid for excess milk is the Class II price and the base price is determined by deducting the aggregate value of excess milk from the total pool value and dividing by the hundredweight of base milk.

Two producer associations which represent 75 percent of the producers on the market proposed that the base-excess plan be deleted from the order. Association witnesses contended that the plan has tended to overstimulate milk production beyond the needs of the market.

The base-excess plan has been in use since the promulgation of the order in April 1956. Its basic purpose is, by means of a price incentive, to reduce the seasonal variation in milk production to conform to the relatively uniform pattern of Class I sales. Market experience with the base-excess plan shows that there has been a reduction in the degree of seasonality of production, but that there has also been a significant increase in total producer receipts. Class I utilization in the market has remained steady since the outset of the order. Producer receipts have increased from 154.9 million pounds in 1957 to 164.6 million pounds in 1960. During the same period base milk increased from 132.1 million pounds to 146.9 million pounds. Producer milk in Class I was 115.9 million pounds in 1957 and 118.4 million pounds in 1960. The increased amount of base milk which is in excess of the market requirements has depressed the price of base milk. During 1957 the base price averaged 20 cents below the Class I price while in 1960 it averaged 40 cents lower. During the first two years of the order, average daily deliveries per producer decreased each month from May to December. During the last two years, average daily deliveries have decreased from May to August then increased beginning in September which is the first month of the base forming period. Producers have reacted to the base-excess plan by substantially increasing production during the base making period. Although this has reduced the seasonal variation in production, it has also resulted in a substantial building of production beyond the Class I needs of the market. A different type of plan, recommended hereinafter, for distributing returns to producers would be more feasible in light of the overproduction in the market which has been brought forth by the base-excess plan. Accordingly, the base-excess plan should be deleted.

Proponents recommended that the base paying provision be kept in effect until March 1, 1962. They suggested that it would be equitable since producers earned bases during the period of September 1960 through January 1961 in anticipation that they would be effective during the period of March 1961 through February 1962. Since the proponents propose that in the future producers should share in returns of the market on the basis of their current deliveries through deletion of the base-excess plan, it is concluded that this change should be made effective as soon as amendment procedures can be completed.

2. *Take-out and pay-back plan.* The order should provide for a take-out and pay-back incentive payment plan whereby 30 cents per hundredweight is withheld from the pool in each of the months of April, May and June and one-third of the total amount withheld is added back to the pool during each of the months of September, October and November.

The proponent producer association proposed that a take-out and pay-back plan be substituted for the base-excess plan now provided in the order. The take-out and pay-back plan would continue to provide an incentive for a more even production pattern throughout the year. This incentive plan would discourage production in the spring months by lowering the uniform producer price 30 cents per hundredweight. It would encourage production only during the three-month period of lowest supplies on the market. However, association witnesses contended that the take-out and pay-back plan would not encourage production throughout the year since producers would not be striving to build a larger base each year.

During 1960 the weighted average uniform price in the market for the period of April-June was $4.70 and for the period of September-November $5.05. Under the plan recommended herein the minimum average blend prices

to producers would have been $4.40 and $5.37 for the respective periods.

The new plan will provide the needed seasonal variation in the producer returns without changing the Class I price. Thus, the price at the consumer level and the relationship of the Class I price to other markets will not be affected.

The change from a base-excess to a take-out and pay-back plan will necessitate conforming changes in the location and butterfat differentials to producers. Under the present provisions the location differential applies only to base milk and butterfat differentials are different for base and excess milk. Under the new incentive plan there will just be one uniform price to producers rather than separate uniform prices for base and excess milk. Accordingly, the location adjustment should apply to all of a producer's milk and the butterfat differential should be the weighted average of the butterfat differential to handlers.

Rulings on proposed findings and conclusions. A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by an interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1961 is hereby determined to be the representative period for the conduct of such referendum.

Alexander Swantz is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations are hereby overruled for the reasons previously stated in this decision.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1008.12 [Amendment]

1. In the first proviso of § 1008.12 delete the phrase "(or from a producer who previously held such producer's base)."

§§ 1008.17, 1008.18 and 1008.19 [Deletion]

2. Delete §§ 1008.17, 1008.18 and 1008.19.

§ 1008.22 [Amendment]

3. Delete § 1008.22(j)(1)(iii) and substitute therefor the following:

(iii) The uniform price;

§ 1008.22 [Amendment]

4. In § 1008.22(k)(2) change the words "price(s)" and "differential(s)" to "price" and "differential", respectively.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1008.30 [Amendment]

5. Delete paragraph (f) of § 1008.30 and redesignate paragraph (g) as paragraph (f).

§ 1008.31 [Amendment]

6. In § 1008.31(a) delete the phrase "base milk and the total pounds of excess".

§ 1008.32 [Amendment]

7. In § 1008.32 delete paragraph (c) and redesignate paragraph (d) as paragraph (c).

§ 1008.35 [Amendment]

8. In § 1008.35(a)(2) delete the phrase "the pounds of base and excess milk," and in § 1008.35(a) (3) and (4) change "rate(s)" to "rate".

§§ 1008.60 and 1008.61 [Deletion]

9. Delete §§ 1008.60 and 1008.61.

10. Delete § 1008.71 and substitute therefor the following:

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1008.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1008.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1008.80 [Amendment]

11. In § 1008.80 delete that portion of paragraph (a) which precedes the first proviso and substitute therefor the following:

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer for milk received at his plant from such producer during such month at not less than the uniform price for the quantity of milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82:

§ 1008.80 [Amendment]

12. In § 1008.80(a) delete subparagraphs (1) and (2).

§ 1008.81 [Amendment]

13. In § 1008.81 delete the word "base."

14. Delete § 1008.82 and substitute therefor the following:

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1008.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1008.84 [Amendment]

15. In § 1008.84 change "prices" to "price."

§ 1008.85 [Amendment]

16. In § 1008.85 change "prices" to "price."

[F.R. Doc. 61-7846; Filed, Aug. 15, 1961; 8:57 a.m.]

[7 CFR Part 1027]

[Docket No. AO-312-A1]

MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Baltimore, Maryland, on April 4-7, 1961, pursuant to notice thereof issued on March 15, 1961 (26 F.R. 2317).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on June 23, 1961 (26 F.R. 5822; F.R. Doc. 61-6079) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

This decision relates to all of the material issues of the recommended decision (26 F.R. 5822; F.R. Doc. 61-6079) except material issue No. 9 which pertained to "Pricing of Class I milk". An order amending the order which incorporated the proposed amendments contained in the decision on material issue No. 9 issued by the Assistant Secretary of Agriculture on July 19, 1961 (26 F.R. 6596; F.R. Doc. 61-6893) was issued by the Assistant Secretary of Agriculture on July 26, 1961 (26 F.R. 6806; F.R. Doc. 61-7179).

The material issues on the record of the hearing relate to:

1. Marketing area:

(a) Addition to the marketing area of that part of Frederick County, Maryland, which is not part of the Washington, D.C., marketing area; and

(b) Deletion of the Maryland counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester from the marketing area;

2. Modification of the definition of producer, including modifications to be effected by change in definition of "dairy farmer for other markets";

3. Modification of the definition of handler to include a cooperative association with respect to bulk tank member milk for which it controls the transportation from a farm to a pool plant;

4. Modification of the definition of a producer-handler;

5. Modification of the definition of a pool plant;

6. Classification of bulk milk for use in soup, candy, bakery products or similar products;

7. Changes in the assignment of shrinkage;

8. Assignment of bulk milk received from plants regulated under another Federal order in emergency conditions;

10. Modification of computation of producer bases and base and excess prices; and

11. Miscellaneous clarifying changes of language.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* That portion of Frederick County, Maryland, which is not in the Washington, D.C., marketing area under Order No. 2 should be made a part of the Upper Chesapeake Bay marketing area.

A proposal made by a handler to include all of Frederick County, Maryland, in the marketing area was modified by the proponent at the hearing to call for inclusion of that part of Frederick County which is not part of the Washington, D.C., marketing area. No party at the hearing asked that any part of the county now in the Washington, D.C., marketing area be transferred to this marketing area.

The area of Frederick County outside the Washington, D.C., marketing area, herein also referred to as the northern portion of Frederick County, is served by Class I milk distribution from the pool plant of the proponent handler which is located at Frizzleburg, Maryland. Of four other pool plants which distribute milk on routes in this area, two are located in Baltimore, one in Hanover, Pennsylvania, and one in Littlestown, Pennsylvania. A multiple-plant handler supplies this area of Frederick County out of plants at York, Lancaster and Ephrata, Pennsylvania, none of which at the time of the hearing were fully regulated plants under a Federal order. This handler stated that his plant at Lancaster will qualify as a pool plant in the months of July and August of this year, and under an amendment proposed by the handler and herein adopted with some modifications, this plant would likely continue to qualify as a pool plant, assuming continuance of present operations.

Order No. 2 plants distributing in the northern portion of Frederick County include one located at Frederick, Maryland, and one at Washington, D.C. In addition, a plant at Frederick which up to the time of the hearing was an Order No. 2 pool plant, but which is expected to be an Order No. 127 pool plant in future months, distributes substantial quantities in the proposed area, mostly in the population centers in the southern portion thereof. This plant has also served the Army installation at Fort Detrick, which is in the proposed area, for 12 out of the past 15 years.

The proposed area also includes the Maryland State Hospital at Sabillasville, which prior to the issuance of Order No. 127 was served part of the time by Baltimore handlers. Since issuance of the order, regulated handlers have not been able to meet the competition of unregulated plants in bidding for contracts to serve Fort Detrick and the Sabillasville Hospital, and thus have not served these outlets.

Two plants not regulated under any Federal order are located at Hagerstown and distribute milk in the proposed area. A plant located at Waynesboro, Pennsylvania, distributes milk in the proposed area, but the volume of sales in this area is so minor as to suggest that its regulation as a pool plant under this order is problematical. Most of the route distribution in the proposed area, however, is milk regulated under Federal orders. Nonpool plants of the previously mentioned multiple-plant handler which have regular milk distribution in the proposed area receive milk supplies from the handler's plant at Lancaster, Pennsylvania. The fact that this plant qualified as a pool plant under this order in July of this year is officially noticed. Order No. 127 pool handlers and this multiple-plant handler are the principal sources of supply for fluid sales in the northern portion of the proposed territory. In the southern part of the proposed area near Frederick, the fluid disposition is primarily by pool handlers under Orders No. 2 and 127. The shift of an Order No. 2 plant in April to regulation under Order No. 127 results in the preponderance of fluid distribution in the southern part being under this order.

Handlers regulated under Orders No. 127 and 2 have found it impossible to meet competition of unregulated plants for substantial outlets in the proposed area. One handler testified that due to unregulated competition he had been losing sales continuously in this area since he became regulated. Unregulated plants competing in this area are not obligated to pay minimum prices for their milk based on use classification.

To protect regulated handlers who serve this area from competition of unpriced milk and to promote the orderly marketing of milk priced under Order No. 127, the part of Frederick County, Maryland, which is not in the Washington, D.C., marketing area should be included in the Upper Chesapeake Bay marketing area. The order with the modifications herein proposed provides a practical basis for regulation of the handling of milk in this additional territory as well as the other territory to be covered by the order.

The evidence does not justify any other change in the marketing area. The proposal to delete the Maryland counties of Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester from the marketing area was not supported by proponent at the hearing. There was, nevertheless, evidence entered in the record on this issue.

Three producers favored deletion of Cecil County from the marketing area. The argument for deletion was that this would result in regulation under the Wilmington Federal Order (No. 110) of the plant to which they regularly ship their milk. Under that order, which uses individual-handler pooling, the high use value of milk of the handler to whom they ship would be reserved for the particular farmers delivering to the plant, rather than becoming a part of the total utilization to be pooled as a basis for uniform prices to all producers on the market as is the case under Order No. 127. This plant was a fully regulated plant under the Wilmington order prior to issuance of Order No. 127.

Cecil County is served with milk distribution out of two pool plants located in Baltimore, either directly or through depots, and a third Baltimore handler bottles milk in half gallons for distribution in the county by a partially regulated nonpool plant. Other Order No. 127 handlers serving the county have plants located at Port Deposit and Elkton, Maryland. Distribution in the county is made by the handler operating the nonpool plant at Lancaster, Pennsylvania, which he expects to qualify as a pool plant under an amendment herein adopted. This handler would then also serve the area with pool milk out of the Lancaster plant through his nonpool plant at Ephrata, Pennsylvania. Another plant at Newark, Delaware, regulated by the Wilmington order, also sells in the county.

About 40 percent of ordinary route sales in the county are from Baltimore City plants. In addition, the Naval Training Center at Bainbridge and the United States Veterans Hospital at Perry Point, which account for about 25 percent of the sales in the county, were served by Baltimore City handlers for all of 1960 and the first quarter of 1961.

If Cecil County were deleted from the marketing area the plants subject to regulation under this order might be expected to remain the same, except for the plant at Elkton, Maryland, which would become regulated under the Wilmington order. The plant at Port Deposit would continue to be regulated under this order because of its sales in Harford County, Maryland. Regulated plants would, nevertheless, be subject to competition from unregulated plants located principally in nearby Pennsylvania and Delaware.

Population in Cecil County in the 1960 census was over 48,000, which is nearly 45 percent greater than in 1950. The volume of Class I business in the county averages about 870,000 pounds monthly. The county is thus a substantial sales area where competition with unregulated handlers would be a serious problem to regulated handlers. Unregulated plants in nearby areas are able to purchase milk on a flat price basis which does not relate to class of use. Regulated handlers under this order, however, are required to pay minimum prices according to class use.

It is concluded that Cecil County should remain as part of the marketing area to preserve orderly marketing for the handling of milk disposed of therein and to maintain a practicable area of regulation with respect to plants otherwise subject to regulation by this order.

The fluid milk distributed in the Eastern Shore counties of Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico and Worcester is supplied by three Baltimore City plants and five local plants on the Eastern Shore. Pool plants on the Eastern Shore are located as follows: Two at Cambridge and one at Hurlock, Maryland; and one at Laurel and one at Lewes, both in Delaware. Handlers at these locations on the Eastern Shore obtain supplies directly from producers estimated to be about 40 in number.

Milk packaged in the three Baltimore plants is distributed throughout the eight-county area. The milk packaged by one of these Baltimore plants dis distributed throughout these Eastern Shore counties by an independent firm which obtains its entire supply for this area from this Baltimore plant. The two other Baltimore plants have their own systems of distribution in the Eastern Shore area. One change in the distribution system since the promulgation hearing, pointed out in this record, was that a milk bottling facility formerly operated on the Eastern Shore at Salisbury by one of the Baltimore handlers is no longer in operation. Presently all milk supplied to these Eastern Shore counties by the Baltimore handlers is packaged in their Baltimore plants.

This eight-county area constitutes a substantial part of the fluid milk market for handlers regulated under this order. The area in 1960 had a population of 195,162. Total Class I disposition in these counties by pool plants reporting under the order, including four Eastern Shore plants, has averaged about 2,560,000 pounds monthly. During the period February through December 1960 this was about 6.5 percent of the total Class I milk reported for the market. Of the total Class I disposition on the Eastern Shore just cited, about 80 percent was

supplied, in the manner described herein, by the three Baltimore plants.

The total number of producers for the market in November 1960 was reported by handlers to be 2,370. (For this purpose official notice is taken of data published by the market administrator). The number of these producers located in the eight-county Eastern Shore area was 94. Approximately 55 of these have been shipping their milk to Baltimore plants, and the remainder to local Eastern Shore plants.

These data represent only a small fraction of the total number of dairy farmers in the eight-county area who produce milk qualified for fluid markets. There are located in the area also 18 dairy farmers who in recent months supplied plants fully regulated under the Washington, D.C., Federal Order No. 2, 588 dairy farmers who supplied plants fully regulated under the Philadelphia and Wilmington Federal Orders (No. 61 and 110, respectively), and 257 dairy farmers who supplied plants fully regulated under the New York-New Jersey Federal Order No. 27.

In this eight-county area the supply of milk produced that is qualified for fluid markets is substantially in excess of local handlers' sales. In the absence of regulation in the eight-county area local plants could bid on a "flat price" basis (without regard to actual class of use) for the relatively small portion of this supply needed for their operations. It would be possible for these plants to have a high percentage use of milk in fluid disposition, but with a cost per hundredweight equal to or only slightly above the competitive level of prices paid farmers in the area. The competitive level of prices to farmers in the area would tend to be the blend prices paid by plants which are regulated under the orders for the major markets previously named, since they buy the bulk of the milk there produced.

In this connection, official notice is taken of the Federal orders regulating the handling of milk in the Philadelphia, Pennsylvania (Order No. 61), Wilmington, Delaware (Order No. 110), and New York-New Jersey (Order No. 27) marketing areas, and market statistics published by the respective market administrators for the months indicated. Under Order No. 61, utilization in Class I by the handler operating the Clayton, Delaware, plant varied from 65 percent in May to 89 percent in December, both in 1960. Another Order No. 61 plant at Snow Hill in Worcester County belonged to the same handler's system, and thus pricing there reflected the same utilization. Other Order No. 61 plants at Princess Anne, Maryland, in Somerset County, and at Worton, Maryland, in Kent County, were in a handler system with 56 percent Class I utilization of producer milk in May and 89 percent in December, both in 1960. A plant at Sudlersville, Maryland, in Queen Annes County, was in an Order No. 61 handler system which has 71 percent Class I utilization of producer milk in May and 83 percent in December, both in 1960. Inasmuch as Order No. 61 for the Philadelphia market uses individual-handler pooling, these percentages of Class I utilization are reflected in the prices to producers at these plants.

Pool plants regulated under the New York-New Jersey order are located at Dover, Delaware, and at Millington and Ridgely (Kent and Caroline Counties, respectively) in Maryland. Producer prices under Order No. 27 reflected in May 1960 a 43 percent utilization of producer milk in Class I and in December 1960 a 55 percent utilization in Class I.

The average of the blend prices at these plants under the Philadelphia, Wilmington and New York-New Jersey orders in May 1960 was $1.19 less than the Order No. 127 Class I price, and in December 1960 such blend prices averaged $0.65 under this order's Class I price. It may be reasonably concluded from the above data that if this area were not subject to regulation any local handler not otherwise subject to a Federal order would have a decided cost advantage in using a flat price system of buying milk.

Further, without regulation this area would become an attractive outlet to any plant handling milk not subject to classified price regulations. Milk from such unpriced sources is readily available from plants in nearby areas and, since it represents a supply which has not otherwise found a Class I market, is likely to be available at a cost less than the order Class I price. Regulated handlers cannot be expected to compete successfully for outlets in this area when faced with competition of local plants or other plants if either is using milk from such unpriced sources.

Reconstituted fluid milk products prepared from concentrated milk products, such as nonfat dry milk, might be used to supplement and extend the regular fluid supply of an unregulated handler for use in fluid disposition. In the absence of Federal order regulation, the handler would not be subject to a requirement to account for such disposition at a price comparable to the order Class I price. Similar utilization by a regulated handler under this order would obligate him to the market pool for such use at the Class I price.

The several forms of cost advantage desribed in preceding findings and conclusions illustrate the differences in conditions which would affect regulated handlers as compared to unregulated handlers competing for fluid milk sales in the eight-county Eastern Shore area if it were not part of the marketing area. Such differences in conditions for regulated and unregulated handlers would be contrary to the purpose of establishing stable, orderly marketing conditions throughout the area in which regulated handlers provide a substantial part of the supply for the fluid market. Record data show that regulated handlers' plants in Baltimore are the primary sources of supply for the fluid milk distributed in the eight-county area. Distribution routes of these plants (including those of vendors) are intermingled throughout the area in question with distribution routes of local plants. It is concluded that the Maryland Counties of Caroline, Dorchester, Kent, Queen Annes, Somerest, Talbot, Wicomico and Worcester should remain a part of the marketing area.

2. *Producer and dairy farmer for other markets.* The definition of producer should be modified to make additional allowance for need to divert producer milk. The proposal to include September, along with the months of March through August, as a month in which a producer's milk may be diverted on any day of the month is adopted. This will accommodate the irregular variations in total sales and requirements of individual handlers which tend to accompany openings of schools. Due to the Labor Day weekend as well as shifts in the sales volume due to school openings, a regular schedule for deliveries to processing plants is usually not settled until the latter part of the month. Experience has also shown that difficulty occurs under the present limitation of diversion of a producer's milk to not more than 8 days in any of the months of October through February. This limitation does not allow adequately for the day-to-day changes in individual plant requirements due to week-ends, holidays and weather. The proposal by a cooperative association that the number of days be increased to 10 in any of these months is adopted.

The further proposal to permit unlimited diversion in the months of October through February by a cooperative association to nonpool plants in the marketing area if 70 pecent of the members deliver their milk to pool plants is not adopted. The record supports a different method based on the percentage of a handler's producer milk diverted, or member milk in the case of a cooperative association. This would provide the desirable flexibility in hauling arrangements to achieve reasonable economy, enable prompt response to the varying needs of processing plants, and at the same time require a substantial association of producers with the market.

The amount of milk diverted by the proponent association during a 13-month period approximated 10 percent of member milk. Need for diversion is generally less in months of low production than in months of high production, and accordingly this percentage should adequately accommodate the need to divert milk in any of the months of October, November, January and February. The proponent association stated in its exceptions that this percentage should be increased to 15 percent for the month of December to accommodate the marketing conditions which accompany adverse weather and holidays common to this month. Accordingly, on reconsideration of record evidence the 15 percent limitation on diversions for the month of December is adopted. These percentage limitations for diversion will assure a substantial connection of the entire cooperative association membership with the market. This would be an alternative available in lieu of the provision which provides for a number of days of diversion. If other handlers divert milk of members of the cooperative association, this diverted milk would be deducted from the 10 percent or 15 percent, as the case may be, otherwise applicable to the association member milk which might be diverted by the association. A similar 10 percent and 15 percent limitation would apply to producer milk of each proprietary handler. In any case, the handler making the diversion would be required to identify the producer with a pool plant from which the producer's milk is being diverted and at which it had previously been received. Without such identification the location differential pricing could not be applied.

The designation of a cooperative association as a handler on bulk tank milk for which it takes responsibility for delivery from the farm to pool plants requires a modification of the producer definition to specify that farmers whose milk is so received qualify as producers in the same manner as if the milk were received by the pool plant operator as the first receiving handler. Milk so delivered to pool plants would be considered to be received by the cooperative association at the location of the pool plant to which it is delivered.

The definition of dairy farmer for other markets describes certain dairy farmers whose milk is received at a pool plant but under specified conditions do not qualify as producers. One part of the definition is designed to prevent burdening of the market pool during months of seasonably higher level of supply (March through August) with the milk of farmers who might otherwise enter the market after having disposed of their milk in another fluid market during the preceding months (September through February) of seasonally shorter supply. The order provision applies the restriction on such shifting when the shift of deliveries is from a nonpool plant to a pool plant of the same handler. Shifts between plants of the same handler (or of affiliates) is the most likely kind of circumstance in which there would be substantial shifting into the market in a way to burden the pool with surplus of other markets, since such shift could be arranged by the handler operating the two plants.

One handler proposed that the definition of dairy farmer for other markets assure that a dairy farmer who regularly ships to a plant before it becomes a pool plant would be accorded producer status when the plant qualifies. This is in agreement with the intention of the present order provision as explained in the decision of the Assistant Secretary issued on November 20, 1959. The order language should be changed to clearly so provide.

Various proposals were made to change the period within which a dairy farmer establishes sufficient association with the market in short production months so that he will not be subject to the dairy farmer for other markets definition in following months. A handler asked that either the entire definition be deleted from the order, or, if not deleted, that it be amended so that a dairy farmer entering the market in any of the months of March through August should not be considered to be a dairy farmer for other markets if (1) the handler receiving his milk proved that during the preceding September through February period the milk of not less than 101 days of production from such dairy farm was received as producer milk at pool plants, or (2) the milk of such dairy farmer had not been received at a pool plant during the 18-month period preceding the March-August period. The handler contended that the present provision unnecessarily limits the ability of a multiple-plant handler to bring new producers into the market from his nonpool plants by restricting entry to September 1st. A cooperative association proposed that September be deleted from the months establishing association with the market, and be included in the months in which the definition restricts shifting from a handler's nonpool plant to his pool plant.

The proposal to delete the provision is not adopted. The definition of dairy farmer for other markets, with the modification adopted herein, provides a valid method of protecting the market from an unstabilizing influence as hereinbefore described.

It is concluded, however, that maintainment of producer status for the months of October through February is sufficient basis to establish association with the market, and that restriction under this definition need not apply in the month of September. These changes accommodate the general intent of the proposals to not unnecessarily inhibit the movement of new producers into the market from a pool handler's nonpool plant in the fall months. On the other hand, the proposal to accommodate transfers of dairy farmers into the market in the March-August period on the basis that such farmers have not been on the market in the preceding 18-month period would tend to defeat the purpose of this provision and also the purpose of the base plan.

3. *Handler definition.* The definition of handler should include a cooperative association with respect to milk picked up in bulk at the farm by tank trucks owned, operated, or under contract to the association and delivered in such trucks (or in trucks into which it is reloaded) to pool plants.

The Maryland Cooperative Milk Producers Association, the membership of which comprises approximately 1,600 of the producers on the market, asked that a cooperative be designated as the receiving handler on member milk for which it assumes responsibility when the milk is loaded at the farm into a tank truck for delivery to a plant.

This cooperative association makes the arrangements for movement of milk from members' farms to plants, either in tank trucks it owns, or more commonly by arrangements with contract haulers who operate tank trucks to pick up the milk at the farm and deliver it to whatever plants the association directs. Butterfat testing of samples of each individual producer member's milk (for five fresh samples each month) is performed by the association, as are also bacteria counts on such samples. Quality control at members' farms is under surveillance of the association through regular field service.

In the course of making arrangements for the delivery of member milk, it is necessary for the association to acquire whatever special licenses are required for the operation of milk receiving trucks. In the State of Maryland, where about 90 percent of the market's producers are located, the trucks are licensed by the Maryland Dairy Inspection Service. The haulers are also licensed by the Service as qualified weighers and samplers.

Measurements made by the truck operator of each producer's milk at the farm are recorded by the truck operator on quadruplicate tickets, of which one copy is left at the farm, another at the plant to which the milk is delivered, and the other two are delivered to the association office. The particular producers whose milk is to be picked up by a hauler are designated by the association as is also the plant to which the milk is to be delivered. Such routing arrangements vary from day to day as milk is moved to handlers' pool plants in quantities and at times according to handlers' needs. Under these arrangements milk of an individual producer may be received at several handlers' plants during the month as well as at nonpool plants.

The majority of the farmers in the market have installed farm milk tanks, and adoption of such equipment by an increasing number of farms on the market may be expected. For milk of member producers who have farm tanks, the association has general control over the handling of milk from the farm to a plant, and the association has direct knowledge and complete records of quantities of milk and butterfat tests for such producers. Further, in the case of milk which is reloaded from farm pick-up trucks to trucks of larger capacity under control of the association, or in instances where a single truck-load is split for delivery to more than one plant, it would be difficult and often impossible for plants to have information so as to maintain producer records on such milk. Under these circumstances, it is desirable that a cooperative association be permitted to assume responsibility as the handler receiving milk from producers. A cooperative association should notify the market administrator and the operator of the plant to which delivery is made that it intends to be the handler, such notification to be given not later than the time of delivery.

Milk for which the cooperative is a handler should be considered to be received as producer milk by the cooperative association at the location of the pool plant to which it is delivered. This establishes a pricing location for milk for which the cooperative has previously signified its responsibility under the order.

Such transfers of milk from the cooperative association to a pool plant operator would be accounted for in the same manner as other inter-handler transfers. The provision covering classification of inter-handler transfers now in the order should be modified to preclude over-classification in Class I. The cooperative association, as a handler, would be required to make monthly reports and make payments to the pro-

ducer settlement fund with respect to producer milk it "handles".

Implicit in designation as a handler who receives milk from producers is the obligation to account for the milk of each producer. This calls for a measurement, whether volumetric or by weighing, of the milk from each producer. Since it is the general practice to commingle the milk of several producers in a tank truck, the quantity as measured on the producer's farm is the only indication of the quantity of such milk from the individual producer. This situation exists whether (1) the milk is received by a cooperative as a handler for members' milk or (2) the milk is received by a proprietary handler from producers who are not members of an association or who are members of an association which has not assumed responsibility as a handler for the milk. A similar situation would prevail with respect to butterfat tests for individual producers.

Questions as to the accuracy of determinations of quantities of milk, whether by volume or weight measurements, were raised on the record. Errors occur in the use of any of the common methods for determination of milk quantities, and the practical limits of accuracy are generally acknowledged. Certainly on milk for which the association requests to be the handler, it is in a position to exercise a degree of surveillance over the farm measurements. The same is true for proprietary handlers with respect to farm bulk tank milk received from non-member producers. For such procurement, proprietary handlers indicated their acceptance of the farm measurement as the only basis for accounting. Uniformity of pricing requires that farm measurements be the basis of accounting for all producer milk loaded at farms into tank trucks.

The problem of accounting for milk losses which may occur after milk is measured at the farm is discussed herein below in connection with shrinkage.

4. *Definition of producer-handler.* The definition of producer-handler should be limited to those operations which very largely depend on their own-farm production for their fluid milk supply.

Proposals were made to restrict the producer-handler definition to operators with less than a specified monthly volume of Class I milk disposition in the marketing area. Such specified volumes ranged from 25,000 to 150,000 pounds per month. Other proposed limitations related to quantities of milk received from pool plants, ranging from 5 to 15 percent of own-farm production, or, as in another proposal, limited to 10,000 pounds monthly. It was also proposed that every operation of the producer-handler type be pooled.

Producer-handlers may be distinguished from pool handlers on the basis that producer-handlers distribute to retail and wholesale outlets milk which is mostly from their own-farm production, while pool handlers market milk received largely from producers or from other pool plants. Pool handlers complained that producer-handlers have a competitive advantage because their milk is not priced and pooled under the order. Producer-handlers contended, however, that their operations involve costs which offset any advantage under the order. It is not clear as to how such costs (which presumably for processing and distribution would be similar to those of other handlers) relate to appropriate order regulations.

Class I route disposition made by producer-handlers in the market are in direct competition with Class I disposition by pool handlers. For pool handlers, the minimum cost of the milk is established by the order, but the cost of the raw product to a producer-handler is not similarly established. Since his alternative in disposing of his own-farm production is either by engaging in a producer-handler operation or by selling it to a pool plant at the uniform price, any return obtainable above the uniform price may be an inducement for him to choose the first alternative. This implies a flexibility in pricing his own product which would be greatest when he achieves complete use of his own-farm production as Class I disposition.

Variations in a producer-handler's own production and disposition would ordinarily prevent complete use of his own milk in Class I unless he is able to supplement his supplies with purchases from other sources. A producer-handler may not retain such status if he receives unregulated milk, but he may supplement his supplies with purchases from pool sources. Producer-handlers under this order purchase milk from pool handlers, one of them so obtaining about 58 percent of his supply.

Purchases of pool milk to balance his supplies with sales allows the producer-handler a substantial competitive advantage. Such competitive advantage could be used to gain Class I sales to outlets which would otherwise be supplied by pool handlers with producer milk. Purchases of pool milk by a producer-handler may result in a further disadvantage to producers if he arranges his purchases in a manner that requires the pool to carry all the reserve milk associated with his business.

A producer-handler representative contended that producer-handlers do not constitute a substantial factor in the market, since their sales amount to only a fractional percentage of total market Class I disposition. In certain localities in the marketing area, however, producer-handler activities are a substantial factor in competition for fluid business. For example, one producer-handler stated that his monthly sales exceed 200,000 pounds. Producer-handlers compete effectively for substantial contract sales such as school purchases.

From these considerations, it is concluded that the producer-handler definition should be modified to apply only to those operations which obtain their fluid milk supply from their own-farm production, with minor exceptions. A limitation of 10,000 pounds of fluid milk products each month which may be received from pool plants should be allowed, however, so that a producer-handler may in this way purchase certain specialty products not usually processed in small fluid milk operations.

It is necessary that milk disposed of by pool handlers to producer-handlers be classified as Class I milk so as to assure the market pool full compensation for such milk. The milk disposition by producer-handlers is essentially fluid distribution to retail and wholesale outlets, and their need to call upon pool plants for supplies may be presumed to be primarily for such fluid uses. The definition of producer-handler does not contemplate the use of unregulated milk, since the privilege of using such milk for Class I distribution would be inequitable to other handlers and would tend to displace producer milk in the fluid market. The modified definition would not restrict use of other source milk for established Class II utilization.

The proposal by a producer-handler to allow receipts from a cooperative association of milk moved directly from the farm is denied. Such proposal conflicts with the basic concept of a producer-handler as an operation which is supplied primarily by the producer-handler's own-farm production. This method of receipt would provide additional opportunity to tailor purchases of pool milk in a manner which would burden the pool with reserve milk associated with the producer-handler business.

The proposal by a handler that each producer-handler own all of his production, processing, and distribution resources and facilities is denied. There may be many deviations from absolute ownership in any milk production or handling operation, and many such variations exist, no doubt, in the case of both producers and handlers. A determination of absolute ownership of facilities or resources is not a practical criterion for use in defining producer-handlers.

It is necessary, however, that the maintenance, care and management of the herd and other resources necessary to production, processing and packaging of milk be the personal enterprise and personal risk of the person covered by the producer-handler definition. This requirement is intended to assure, for instance, that a producer-handler's business does not obtain milk supplies from a farm or farms where the production enterprise is essentially the enterprise of another person. Temporary leasing arrangements of herds, farms, and processing equipment often do not represent a bona fide assumption of the business risk ordinary to the production and handling operations. The burden of proof would be upon the person claiming producer-handler status that his production and milk handling activities are actually his personal enterprise and risk. It is not necessary or practical to require a producer-handler to own or have complete control of all facilities through which his milk is distributed.

5. *Pool plant definition.* The definition of a pool plant should be modified so that transfers of milk to nonpool plants which are operated by the same handler and which distribute Class I milk on routes in the marketing area will count towards qualifying the transferor plant as a pool plant. The definition should be further modified with respect to the months in which a shipping plant may

qualify for pool status in subsequent months.

A multiple plant handler who operates three nonpool plants from which Class I milk is distributed on routes in the marketing area proposed that the definition of "pool plant" be modified so that one of these plants could qualify as a pool plant on the basis of its disposition on routes in the marketing area and indirect disposition through transfers and diversions to the other two plants which have route disposition in the marketing area. This proposal would modify the present requirement that at least 10 percent of the milk received directly from dairy farms be distributed as Class I milk on routes in the marketing area, by giving recognition to the indirect disposition of Class I milk in the marketing area through nonpool plants. Under the proposal, one-half of the required disposition in the marketing area would be direct distribution on routes by the plant qualifying as a pool plant.

The same handler made an accompanying proposal to change the definition of "route" so that it would include the delivery of any Class I product to a nonpool plant. This change, which was intended to implement the proposed pool plant provision, is unnecessary and is not adopted.

The situation described by the proponent handler involves a specialization of both packaging and products among the several plants such that direct distribution in the marketing area from each of the plants may be more economical than serving the same outlets from only one of the plants. Such operations result in this case in none of the plants qualifying as pool plants. Disposition on routes in the marketing area by the nonpool plants obligates the handler for compensatory payments into the pool unless the disposition is offset by milk received at the nonpool plants which has been classified and priced as Class I milk under a Federal order. Such offset has been employed by the handler. Under the plan described by the handler, the pooling of one of his plants would thus accommodate use of milk shipped therefrom to his nonpool plants for Class I distribution in the marketing area.

The proposed requirement that a plant qualifying as a pool plant in this manner dispose of on routes in the marketing area at least one-half of the presently required 10 percent of receipts of milk directly from dairy farms is adopted. As further proposed, and here adopted, the balance of the required 10 percent disposition in the marketing area could then be met in terms of Class I disposition in the marketing area by nonpool plants of the same handler to which the plant to be qualified for pooling has shipped (or diverted) equivalent quantities of milk. Under the transfer provisions of the order, milk transferred in bulk form or diverted from a pool plant to a nonpool plant is classified as Class I milk to the extent of the direct disposition of Class I milk on routes in the marketing area by such nonpool plant. Also, any milk transferred from a pool plant to a nonpool plant in packaged form is classified as Class I milk. The present order requirement that at least 50 percent of a plant's receipts of milk directly from dairy farms be disposed of as Class I milk, which now applies to distributing pool plants (§ 1027.3(b)(1)), should also apply to plants which qualify under the proposed modification.

This pool plant provision is designed to meet the particular situation involving several nonpool plants of the same handler. Because of additional administrative problems which would arise if all of the plants concerned were not operated by the same handler, the new provision should be applicable only in the case of plants operated by the same handler.

Such a modification of the pool plant definition is considered to be consistent with the principle that a plant should be substantially associated with the market if it is to participate in the market-wide pool. It is expected that the requirements of this new provision are sufficiently similar to requirements to be met by other distributing pool plants so that no competitive advantage may be realized by handlers having the above mentioned type of operation.

The similar modification, as proposed by this handler, of the definition of a supply pool plant pursuant to § 1027.3(b)(2) was not shown to be needed to meet the situation described by such handler. Therefore, this part of the handler's proposal is denied.

Plants which qualify as pool plants on the basis of shipments to other pool plants are affected by the same kind of problems arising from variations in sales and production which are discussed in connection with the diversion of producer milk. Based on these considerations it is concluded that the pooling requirements for a shipping plant which now apply in the months of September through February should apply only in the months of October through February. Modified order language should also omit the proviso of § 1027.3(b) which refers to shipments during September 1959 through February 1960. The order should continue to require that plants qualifying pursuant to § 1027.3(b)(3) move some fluid milk products to a distributing pool plant(s).

6. *Classification of milk used in soup, candy or bakery products.* Fluid milk products used in the production of soup, candy or bakery products should under certain conditions be classified as Class II milk.

The proposal by a handler that fluid milk products disposed of in bulk for use in the manufacture of soup, candy or bakery products or other nondairy commercial food products should be classified as Class II milk, is adopted with certain limitations. In order to assure that the fluid milk products will not become used in dispositions which would otherwise be considered Class I disposition, the proposed classification should be limited to fluid milk products in bulk form moved to manufacturing establishments which use the fluid milk products in the manufacture of nondairy commercial food products as described, but do not dispose of fluid milk products from the premises nor use the fluid milk products so received for fluid consumption on the premises.

7. *Assignment of shrinkage.* The allowance for Class II classification of shrinkage should be divided between receiving and processing handlers.

A handler proposed the shrinkage allowance at pool plants be applied in three stages, allowing, first, 0.5 percent on milk received from producers, and, secondly, an additional 1.5 percent on all milk received from producers or in bulk from other pool plants, and, finally, less 1.5 percent on bulk disposition to other plants. This, in effect, would retain the present 2 percent shrinkage allowance for a plant which receives its supply from producers and disposes of no milk to other plants. It would allow 0.5 percent for receiving milk from producers and transferring it in bulk to other plants. This proposal was directed towards giving only part of the shrinkage allowance to a plant which only receives milk and without processing ships it to other plants, and at the same time retaining the larger part of the allowance for the plant which processes the milk.

Another proposal made by a cooperative association of producers would provide that a plant receiving farm bulk tank milk from a cooperative association be allowed unpriced shrinkage to the extent of not more than 0.18 percent of the milk received. A similar proposal by a handler would allow larger differences between farm tank measurements and plant weights to be not priced. Inasmuch as elsewhere in this decision it is concluded that farm bulk tank milk must be accounted for as measured at the farm, the latter two proposals are considered as relating to handling shrinkage on producer milk.

The evidence presented does not justify any increase in the shrinkage allowance. The average shrinkage assigned to producer milk based on reports of handlers was about 1.39 percent in the months of February 1960 through February 1961. A handler contended, however, that these average shrinkage figures resulted from reports based partly on plant weights and partly on farm milk tank measurements. In any case where this was true, there could have been additional loss between the farm and the plant. The most substantial data on losses between the farm and plant averaged about .26 percent of the milk handled. The total of the two percentages, 1.65 percent, would thus cover all loss indicated by the two sets of data, including losses between the farm and plant of delivery and shrinkage in the plant. To some extent the two percentages, 1.39 percent and .26 percent, may duplicate losses between the farm and the plant. This would tend to substantiate that the total of 1.65 percent is adequately representative as a figure to cover all loss from the time the milk leaves the farm until it is disposed of by the plant. The present 2 percent shrinkage limit thus adequately covers normal losses.

The preceding calculations show that plant shrinkage on milk received at plants in tank trucks, whether from farmers or from other plants, may under normal conditions be kept within the 1.5

percent allowance proposed by a handler. On this basis, the proposed division of the present 2 percent allowance so as to allow .5 percent to the handler receiving milk from producers, and the remaining 1.5 percent to the handler who processes the milk in his plant, is in line with normal experience. Such a division of shrinkage allowance between the receiving and processing operations is in accord also with the normal expectation of greater shrinkage in processing than in handling prior to processing. It is to be expected, of course, that proportions of shrinkage in receiving and processing could vary from handler to handler. The division of the shrinkage allowance as proposed is not a precise representation of market averages, but it nevertheless would provide adequate allowances which can implement uniform pricing of milk handled in different ways. It is concluded that the proposed division of the shrinkage allowance between receiving and processing operations should be adopted. The order should provide also that when a handler receives farm bulk tank milk from a cooperative association in its capacity as a handler, the entire 2 percent allowance would accrue to the handler if he elects to purchase the milk from the cooperative on the basis of payment for the quantities as measured at producer farms. In this case, the cooperative would have no need for a shrinkage allowance. A handler making such election should give notice to the market administrator that the purchase of the milk is on the basis of the measurements made at producers' farms.

In the case of milk received by a plant directly from producers (not received from a cooperative) the shrinkage allowance would be the full 2 percent based on the total of the quantities of milk determined for individual producers, less 1.5 percent with respect to fluid milk products disposed of in bulk to other plants, and plus 1.5 percent with respect to fluid milk products received in bulk from other plants.

In conformance with the preceding conclusion as to the method of computing shrinkage allowance, a change should be made in the proration of actual plant shrinkage to types of receipts. The present proration between producer milk and other source milk should be modified to extend the proration to bulk milk receipts of fluid milk products.

The pricing of shrinkage at the Class II price, along with prices established for other milk handled, results in a complete pricing for all milk received. Proposed exemption of certain regular items of loss from pricing would not be consistent with this general purpose of complete pricing under the order of all milk accepted by handlers, and accordingly is denied.

8. *Emergency assignment of other Federal order milk.* The proposal to assign limited quantities of receipts of other Federal order milk to Class I disposition prior to the assignment of producer milk is denied.

The record does not provide measures or standards for determining when the emergency conditions complained of would actually require drawing upon milk from another Federal order plant for Class I needs. The emergency conditions described would not involve an insufficiency of production by regular producers for the market, but would depend rather on unusual weather conditions. In view of the absence of definitive standards, the proposal is denied.

9. *Price for Class I milk.* The Class I price formula in the order should be extended through September 1962.

A proposal was made by a cooperative association which represents a majority of the producers in the market that the Class I price formula in the order should be extended through June 1962. A handler also proposed that the formula be extended for that period subject to a proviso that the Class I price in any month would not exceed the most recent 12-month average of Midwestern Condenseries prices by more than $2.60 per hundredweight.

Official notice is taken of market statistics published by the market administrator since the inception of the order. The number of producers on the market in April was 269 less than in February 1960, the first month in which the order was effective. This was coincident with the withdrawal from the market of three pool handlers and a corresponding decline in the quantity of pooled Class I disposition. This circumstance tends to obscure the nature of changes in the supply-demand situation which might otherwise be revealed by production and utilization data. Production per farm, however, was at a higher level in February, March, and April of 1961 than during the same months a year earlier. The ratio of producer milk to Class I disposition of pool plants changed from 122 percent in February, 122 percent in March and 131 percent in April 1960, to 128, 130, and 138 percent in February, March, and April, respectively, of this year. In the fall month of shortest supply, November 1960, the ratio was 126 percent and in the spring month of greatest supply, May 1961, the ratio was 150 percent. The market is adequately supplied, but not over-supplied.

The pricing considerations for this market are clearly affected by conditions similar to those in the Washington, D.C., marketing area which is regulated by Federal Order No. 2. This market and the Washington market draw a large part of thier milk supply from the same area, and handlers in the two markets compete both on route sales in the same areas and for substantial military contracts within the region. Official notice is taken of the decision of the Assistant Secretary issued April 6, 1961, on milk in the Washington, D.C., marketing area (26 F.R. 3106) in which it is concluded that the Class I price formula for the Washington market should be extended through September 1962 without other change in the price provisions.

The Class I price formulas under the Washington and Upper Chesapeake Bay orders are identical. These formulas establish the price for the months of July through February at $5.55 per hundredweight, and for the months of March through June at $5.10, subject to a schedule of adjustments based on the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets compared to such average in the corresponding month of 1958. Because of the similarity of conditions for the two markets and the continued need to co-ordinate the intermarket pricing, the Class I price formula for the Upper Chesapeake Bay market should be extended for the same period as for the Washington, D.C., order.

The proposal to limit the Class I price in relation to Midwestern Condenseries prices need not be a part of the temporary extension of the Class I price formula. The present Class I price formula provides a measure of recognition of the level of price for manufacturing milk through the price adjustment mechanism based on the three-market average. The Class I price under the Chicago order is based on a value for manufacturing milk. The Class I price under the Philadelphia order is limited in relation to the Midwestern Condenseries price. Under these circumstances it is unnecessary to include in a temporary price extension a further limitation in relation to manufacturing milk values.

10. *Producer bases and base and excess prices.* Some modification of the computation of producer bases should be made with respect to new producers entering the market under certain conditions. Computation of the uniform prices for base and excess milk should be refined to facilitate the computation and allow for the possibility that excess milk might exceed Class II milk.

Various proposals were offered to provide for computation of a base for new producers who enter the market under certain circumstances too late in the July–December base earning period to be assigned a base computed from deliveries for the minimum 154-day period. A handler requested that a base be computed for a farmer who is a producer in the months of November and December delivering to a plant at which he would have been or was a dairy farmer for other markets in some or all of the preceding months of the base earning period. Such an amendment would provide a method whereby such a farmer could earn a base calculated from his deliveries to a nonpool plant of a handler as well as any deliveries to a pool plant operated by the same handler, taking account of all his deliveries during the entire July–December period. The intention of this proposal is to allow a new producer to earn a base without restriction by the provision which defines "dairy farmer for other markets."

Inasmuch as the definition for "dairy farmer for other markets" as modified herein applies no restriction with respect to a farmer shifting from a handler's nonpool plant to his pool plant in the months of September through December, it is consistent with the purpose of the base plan that the earning of a base should require producer status in all these months. Accordingly, if such a dairy farmer is a producer during the months of September, October, November and December, the base computation should include the farmer's verified deliveries to both pool plants or nonpool plants during the entire July–December base earning period.

Another proposal by a handler would include in the base computation deliveries by a farmer under the Washington, D.C., Order No. 2 if the farmer were a producer under the Upper Chesapeake Bay order for the months of November and December. A dairy farmer cooperative association with members who are producers under the Washington order proposed that deliveries by a farmer under the Washington order should be counted if he were a producer under the Upper Chesapeake Bay order during October through December.

Base plans are provided in the Federal orders for both this and the Washington, D.C., markets, and a provision similar to those here proposed is contained in the Washington order. Under the Washington order it is required that the farmer be a producer in all the months of October through December. The adoption of the same provision in this order will thus complete an arrangement such that the base plans of the two orders will not materially inhibit the shifting of farmers from one market to another. This objective is in the interest of equitable apportionment of returns to producers supplying this market in view of the situation that the marketing areas adjoin, that handlers under the two orders overlap in their areas of distribution and to a large degree draw upon the same supply area. The close relationship between the two markets is also enhanced by the fact that class prices under the two orders are identical, and the systems of distributing returns to producers are very similar.

A further proposal was made that such computation of producer bases should apply to new producers who come from the Philadelphia and Wilmington Federal order markets. Such an arrangement is unnecessary and is denied. The transfer of producers from these markets to the Upper Chesapeake Bay market does not constitute a problem of sufficient importance to require a different method of computing bases for these producers from that already provided for in the order.

A proposal was made by a handler that a base should be computed for a new producer who comes into the market when the plant to which he regularly delivers his milk becomes a pool plant. This proposal should be adopted so that the base plan would not interfere with normal qualification of new pool plants. Computation of the base for any such producer would, of course, require that the handler furnish satisfactory records of that producer's deliveries during the preceding July–December base forming period.

The computation of the prices for base milk and excess milk should be modified to provide for the possibility that excess milk might exceed Class II milk. In such a case, to the extent that the quantity of excess milk is more than Class II producer milk in the market, it should be assigned to Class I producer milk. Otherwise the base price could possibly exceed the Class I price, which would tend to result in a distribution of returns not in accord with the general purpose of a base plan.

The computation of the base price allows for rounding to a whole cent. The computation of the excess price should also so provide.

11. *Miscellaneous changes.* The present language in the order providing for location differentials to producers should be changed so as to clarify the application of such differentials to uniform prices. During the months of July through February location differentials should apply to the monthly uniform prices computed for all of the milk received from producers during those months. For the months of March through June, however, location differentials should apply only to the monthly uniform prices computed for all of the base milk received from producers during such months.

A producer association proposed that butterfat tests of each producer be averaged and rounded to the nearest twentieth of one percent. This would accommodate the calculation to operations of the data processing equipment used by the association. The order provides that uniform prices shall be adjusted for each one-tenth of a percent of butterfat content in each producer's milk. Further refinement of averages beyond one-tenth of a percent may be a matter of choice with the handler, subject, however to ruling by the market administrator as to whether the procedure used results in returning the order prices to producers as nearly as may be practically achieved. No amendment to the order is needed in this respect.

In like manner, no change in the order is needed to provide that the butterfat tests of road tank samples be performed by the market administrator and that these results be used as the basis of settlement to a cooperative association by a handler. A cooperative association stated in its exceptions that large differences in butterfat tests of milk in road tanks as determined by the buyer and the association necessitated the requirement that such testing be done by the market administrator. Inasmuch as the market administrator is available at all times to assist the parties in the market with their testing program and to verify butterfat tests, no special provision in the order regarding this situation is necessary.

Section 1027.88 of the order now establishes the pro rata share of expense of administration for each handler by applying a specified rate of payment by each handler based on quantities of milk received. The rate of payment applies to all producer milk receipts. The definition of producer milk, however, is modified by new language adopted herein. In order to maintain pro rata sharing of expense by handlers operating pool plants, the provision should specify that they continue to pay the administrative expense on all milk received which moves directly from producers' farms to the plants, whether or not the milk is received from a cooperative association.

A handler took exception to the requirement that payment for milk received during the month by a handler from a cooperative association in its capacity as a handler for bulk tank milk be made to the association by the 12th day after the end of the month. The exceptor claims that changing the payment date from the 14th day to the 12th day imposes upon handlers a hardship with respect to the amount of working capital which such handlers have. A cooperative association in its capacity as a handler is obligated to the pool in the same manner as proprietary handlers and must pay by the 13th day after the end of the month any obligated amounts to the producer-settlement fund. So that a cooperative association will not be unduly burdened in meeting such obligations, payment to it for milk sold to other handlers should be required to be made by these other handlers by the 12th day after the end of the month.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonble in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the

regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

It is hereby further ordered, That the order, as amended, now in effect and as proposed to be further amended in accordance with this decision be published in the FEDERAL REGISTER as an integrated document.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended, and as hereby proposed to be further amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of May 1961 is hereby determined to be the representative period for the conduct of such referendum.

Mr. Carl O. Conover is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Upper Chesapeake Bay (Maryland) Marketing Area

Sec.
1027.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

Sec.
1027.1 General definitions.
1027.2 Definitions of persons.
1027.3 Definitions of plants.
1027.4 Definitions of milk and milk products.

MARKET ADMINISTRATOR

1027.20 Designation.
1027.21 Powers.
1027.22 Duties.

REPORTS, RECORDS AND FACILITIES

1027.30 Reports of receipts and utilization.
1027.31 Other reports.
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CLASSIFICATION OF MILK

1027.40 Skim milk and butterfat to be classified.
1027.41 Classes of utilization.
1027.42 Shrinkage.
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1027.44 Transfers.
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1027.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1027.50 Class prices.
1027.51 Butterfat differentials to handlers.
1027.52 Location differentials to handlers.
1027.53 Use of equivalent price or index.

APPLICATION OF PROVISIONS

1027.60 Producer-handler.
1027.61 Plants subject to other Federal orders.
1027.62 Payments on other source milk.
1027.63 Computation of base for each producer.
1027.64 Base rules.
1027.70 Computation of the value of producer milk for each handler.
1027.71 Computation of the uniform price.
1027.72 Computation of uniform prices for base milk and excess milk.

PAYMENTS

1027.80 Time and method of payment.
1027.81 Producer butterfat differential.
1027.82 Location differential to producers.
1027.83 Producer-settlement fund.
1027.84 Payments to the producer-settlement fund.
1027.85 Payments out of the producer-settlement fund.
1027.86 Adjustment of accounts.
1027.87 Marketing services.
1027.88 Expense of administration.
1027.89 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1027.90 Effective time.
1027.91 Suspension or termination.
1027.92 Continuing obligations.
1027.93 Liquidation.

MISCELLANEOUS PROVISIONS

1027.100 Agents.
1027.101 Separability of provisions.

AUTHORITY: §§ 1027.0 to 1027.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 1027.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order, as amended, and as hereby further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) receipts of producer milk (including such handler's own farm production), (ii) receipts of nonfederally regulated other source milk at a pool plant allocated to Class I, and (iii) receipts of Class I milk at a nonpool plant for which a payment is due pursuant to § 1027.62(d).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the

terms and conditions of the order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 1027.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) "Department" means the United States Department of Agriculture.

(c) "Upper Chesapeake Bay marketing area", hereinafter referred to as the "marketing area", means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County; the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester and that portion of Calvert County lying north of a line beginning at the western terminus of Maryland State Highway 507, continuing easterly along said highway to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that portion of Frederick County lying north of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40, and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State or municipal) installations, institutions or other similar establishments.

(d) "Route" means a delivery (including any delivery by a vendor or disposition at a plant store or from a vending machine) of any Class I product to a wholesale or retail outlet, including a Federal, State or municipal establishment, but excluding any delivery to a plant.

§ 1027.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or other business unit.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who produces milk which is delivered in bulk (tank or cans) to a plant.

(d) "Dairy farmer for other markets" means:

(1) Any dairy farmer whose milk is received by a pool handler during any month of October through February but whose milk is diverted to a nonpool plant during the month other than within the limitations specified in paragraph (e) of this section, and

(2) Any dairy farmer whose milk is received at a pool plant during the months of March through August from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler operating the pool plant received milk other than as producer milk during any of the preceding months of October through February at a plant other than the plant which in the current month of said March-August period is the pool plant at which the farmer's milk is received.

(e) "Producer" means any dairy farmer, except a producer-handler or a dairy farmer for other markets, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) or which is diverted to a nonpool plant pursuant to subparagraphs (1), (2), or (3) of this paragraph: *Provided,* That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the handler operating the pool plant, or at the location of the pool plant from which diverted if for the account of a cooperative association:

(1) Diverted to a nonpool plant(s) during any month(s) of March through September or on not more than 10 days (5 days in the case of every-other-day delivery) during any month(s) of October through February;

(2) Diverted to a nonpool plant(s) during any of the months of October through February as the milk of a member of a cooperative association the total milk of whose members is not more than 10 percent so diverted during October, November, January or February or 15 percent so diverted during December (by the cooperative association and other handlers); or

(3) Diverted to a nonpool plant(s) during any of the months of October through February by a handler in his capacity as an operator of a pool plant from which not more than 10 percent during October, November, January and February or 15 percent during December of the producer milk there received by such handler is so diverted.

(f) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

(g) "Handler" means and person (1) in his capacity as the operator of a pool plant; (2) in his capacity as the operator of a nonpool plant from which (i) Class I milk is disposed of on routes in the marketing area; or (ii) milk is shipped to a pool plant qualified pursuant to § 1027.3(b)(1); (3) a cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of paragraph (e) of this section from a pool plant for the account of such cooperative association; and (4) a cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of the cooperative association if the cooperative association has notified in writing the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

(h) "Pool handler" means any person in his capacity as the operator of a pool plant, or a cooperative association in its capacity as a handler pursuant to paragraphs (g)(3) and (4) of this section.

(i) "Producer-handler" means any person who operates a dairy farm and operates a plant in which milk from his own-farm production is processed and from which Class I milk is disposed of on a route(s) in the marketing area: *Provided,* That (1) the quantity of fluid milk products he receives during the month from pool plants does not exceed 10,000 pounds; (2) his Class I milk disposition consists only of skim milk and butterfat obtained from pool plants in the form of fluid milk products or from his own-farm production; (3) such person receives no milk from other dairy farmers; and (4) the maintenance, care and management of the herd(s) and other resources necessary to production, processing and packaging of the milk are the personal enterprise and personal risk of such person.

§ 1027.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products.

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph other than that of a producer-handler: *Provided,* That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of October through February shall be a pool plant for the immediately following months of March through September unless the handler gives written notice to the market administrator on or before the first day of any such month(s) (March through September) that the plant is a nonpool plant for the remaining months through September: *And provided further,* That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of October through February shall not be a pool plant in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate

of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 10 percent of its total receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and which disposes of as Class I milk a quantity equal to not less than 50 percent of such receipts.

(2) A plant in any month of October through February in which a quantity of milk equal to not less than 50 percent, and in any month of March through September in which a quantity of milk equal to not less than 40 percent, of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) is moved to a plant(s) which disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and from other plants and which disposes of as Class I milk a quantity equal to not less than 50 percent of such receipts: *Provided*, That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(3) A manufacturing plant, located in the marketing area, from which any fluid milk product is moved to a plant which is a pool plant pursuant to subparagraphs (1) and (4) of this paragraph if during the month not less than 90 percent of its receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) are from Baltimore City permit holders who are members of a cooperative association of which 70 percent or more of the members are producers whose milk is received at other pool plants.

(4) A plant which disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 5 percent of its total receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and disposes of a quantity of milk equal to not less than 10 percent of such receipts either in such route disposition in the marketing area, or in quantities of skim milk and butterfat in the form of fluid milk products transferred or diverted to nonpool plants which dispose of such skim milk and butterfat on routes in the marketing area as Class I milk (considering such route disposition by each nonpool plant to be supplied out of such fluid milk products transferred or diverted to the nonpool plant to the extent that the skim milk and butterfat in the route disposition could have been so derived): *Provided*, That the plant herein qualified as a pool plant disposes of as Class I milk a quantity equal to not less than 50 percent of its receipts of milk from dairy farmers: *And provided further*, That all plants as described in this subparagraph are operated by the same handler.

(c) "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1027.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk and sterilized products in hermetically sealed containers) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

(b) "Producer milk" means all skim milk and butterfat contained in milk (1) received at a pool plant from producers or diverted pursuant to § 1027.2(e), or (2) received by a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4).

(c) "Other source milk" means all skim milk and butterfat contained in or represented by (1) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined with another product during the month, and (2) receipts from any source in the form of fluid milk products other than as: (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), or (iii) fluid milk products received from other pool plants and opening inventory.

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June which is not in excess of such producer's daily base multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the days of nondelivery shall be considered as days of delivery for purpose of this paragraph and of § 1027.63.

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of March through June which is in excess of base milk received from such producer during such month.

MARKET ADMINISTRATOR

§ 1027.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1027.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1027.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1027.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1027.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to § 1027.30 or payments pursuant to §§ 1027.80 through 1027.88;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 1027.50(a) for the current month, and the Class II price computed pursuant to § 1027.50(b) and the handler butterfat differentials computed pursuant to § 1027.51, both for the preceding month; and

(2) The 11th day of each month, the uniform price computed pursuant to § 1027.71, or the base and excess prices computed pursuant to § 1027.72 and the producer butterfat differential computed pursuant to § 1027.81, all for the preceding month; and

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

(l) On or before March 1, 1960, and on or before February 20th of each year thereafter notify:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

REPORTS, RECORDS AND FACILITIES

§ 1027.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the office of the market administrator, each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in, (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is the handler, and (iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) Each handler operating a nonpool plant from which fluid milk products are disposed of on routes as Class I milk in the marketing area shall, unless otherwise directed by the market administrator, report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1027.31 Other reports.

(a) Each pool handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer (and for each pool plant in the case of those pool handlers operating pool plants): (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) On or before the first day other source milk is received at his pool plant(s) in the form of any fluid milk product, his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant location involved.

(c) Each pool handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to § 1027.80(b) shall on or before the 11th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries ond the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

(d) Each pool handler dumping skim milk pursuant to § 1027.41(b)(3) shall give the market administrator during normal duty hours not less than three hours advance notice of intention to make such disposition and of the quantities of skim milk involved.

§ 1027.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1027.30(a)(2); and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1027.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1027.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1027.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1027.41 through 1027.46.

§ 1027.41 Classes of utilization.

Subject to the conditions set forth in §§ 1027.42 to 1027.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except as provided in paragraph (b) (2) and (3) of this section, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section; (2) disposed of for livestock feed; (3) contained in the skim milk dumped if the conditions of § 1027.31(d) are met by the handler; (4) contained in inventory of fluid milk products on hand at the end

of the month; (5) in shrinkage not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk received at a pool plant by the handler operating the plant; plus

(ii) 1.5 percent of skim milk and butterfat, respectively, in milk received at a pool plant by the handler operating the plant from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), except that if the handler files with the market administrator notice that he is purchasing such milk on the basis of weights determined at the farm from farm tank measurements the applicable percentage shall be two percent; plus

(iii) 1.5 percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk from pool plants; less

(iv) 1.5 percent of skim milk and butterfat, respectively, in disposition of fluid milk products in bulk from a pool plant to other plants; and plus

(v) 0.5 percent of skim milk and butterfat, respectively, in receipts of producer milk by a cooperative association for which it is a handler pursuant to § 1027.2(g)(4), unless the exception provided in subdivision (ii) of this subparagraph applies; (6) in shrinkage of other source milk; and (7) disposed of in bulk fluid form to manufacturing establishments which do not dispose of fluid milk products from the premises which use such skim milk and butterfat in the manufacture of nondairy commercial food products including soup, candy and bakery products.

§ 1027.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in (1) producer milk and fluid milk products in bulk received from a cooperative association in its capacity as a handler and from other pool plants, and (2) other source milk.

§ 1027.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1027.44 Transfers.

Skim milk and butterfat disposed of during the month by a pool handler, either by transfers or diversions, shall be classified as follows:

(a) As Class I milk if transferred in the form of any fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1027.30(a) for the month: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after the allocation of other source milk pursuant to § 1027.46 and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers between pool plants, if either or both pool plants have receipts of other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk and butterfat to Class I in the transferee plant exceed the difference between its total receipts of milk and milk products and the utilization by the transferee plant in Class II.

(b) As Class I milk if transferred in the form of any fluid milk product from a pool plant to a producer-handler.

(c) As Class I milk if transferred in packaged form to a nonpool plant in the form of any fluid milk product.

(d) As Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant (other than the plant of a producer-handler) to the extent of the disposition of skim milk and butterfat, respectively, from such plant on routes as Class I milk in the marketing area: *Provided*, That any remaining amount of such transfer or diversion shall be allocated to the highest utilization remaining in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of supply.

(e) Except as provided in paragraph (d) of this section as Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant located less than 300 miles from the City Hall in Baltimore, Maryland, unless (1) the handler claims Class II utilization in his report submitted pursuant to § 1027.30(a); (2) the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and (3) an equivalent Class II utilization was available in such plant after the assignment of receipts at such plant from other Federal order plants in the class to which assigned under such other order(s): *Provided*, That if upon inspection of the records of such plant it is found that an equivalent utilization of skim milk and butterfat was not available the remaining pounds shall be classified as Class I.

(f) As Class I milk if transferred or diverted in bulk in the form of any fluid milk products to a nonpool plant located more than 300 miles from the City Hall in Baltimore, Maryland.

§ 1027.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1027.30(a) and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1027.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1027.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1027.41(b)(5)(i) through (iv);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of any fluid milk product from plants which are not fully subject to the pricing provisions of another order issued pursuant to the Act and in milk received from dairy farmers for other markets;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk in bulk receipts in the form of any fluid milk product from plants which are fully subject to the pricing provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such product on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such beginning inventory is greater than the remaining Class II milk utilization the difference shall be subtracted from the pounds of skim milk remaining in Class I milk;

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another order issued pursuant to the Act;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received in the form of fluid milk products from pool plants or from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) according to the classification determined pursuant to § 1027.44(a).

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk substracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so substracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1027.50 Class prices.

Subject to the provisions of §§ 1027.51 and 1027.52 each handler shall pay, at the time and in the manner set forth in § 1027.80, for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) or received by a cooperative association from producers (when such cooperative association is a handler pursuant to § 1027.2(g)(3) or (4)) not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to §§ 1027.40 through 1027.46.

(a) *Class I price.* During the period beginning with August 1961 and through and including September 1962 the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

Three-market average deviation from corresponding month of 1958 (cents), plus or minus:	*Class I price adjustment (cents) plus or minus*
0–15	0
15.1–35	20
35.1–55	40
55.1–75	60
75.1–95	80

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5: *Provided*, That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the Department for the month for which payment is to be made less 17 cents.

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department shall determine the skim values as follows:

Average price per pound of nonfat dry milk (spray and roller process)	*Skim value*
$0.0065 or below	
$0.066–$0.075	$0.075
$0.076–$0.085	.150
$0.086–$0.095	.225
$0.096–$0.105	.300
$0.106–$0.115	.375
$0.116–$0.125	.450
$0.126–$0.135	.525
$0.136–$0.145	.600
$0.146–$0.155	.675
$0.156–$0.165	.750
$0.166–$0.175	.825
$0.176–$0.185	.900
$0.186–$0.195	.975

§ 1027.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1027.50 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat content variation from 3.5 percent, by the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Add all weekly quotations per 40-quart can of 40 percent fresh sweet cream, approved for Pennsylvania and New Jersey, in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations and divide the resulting amount by 334.8: *Provided*, That if the result is less than the Class II differential determined pursuant to paragraph (b) in this section, such Class II differential shall also be applicable to Class I milk; and

(b) *Class II milk.* Divide by 35 the butterfat value determined pursuant to § 1027.50(b)(1).

§ 1027.52 Location differentials to handlers.

For that milk received from producers or from a cooperative association as a handler pursuant to § 1027.2(g)(4) at a pool plant located 75 miles or more from the nearer of the City Hall in Baltimore or the Courthouse in Salisbury, Maryland, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the price specified in § 1027.50(a) shall be reduced 12 cents per hundredweight plus an additional 1.5 cents for each additional 10 miles or fraction thereof in excess of 75 miles: *Provided*, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall be assigned first to any remainder of Class II milk in the transferee plant after making the allocations prescribed in § 1027.46(a)(1) through (5) and the corresponding steps in § 1027.46(b) for such plant, such assignment to the transferor plant to be made in sequence beginning with the plant where the largest location differential is applicable.

§ 1027.53 Use of equivalent price or index.

If for any reason a price quotation or index required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

§ 1027.60 Producer-handler.

Sections 1027.40 through 1027.46, 1027.50 through 1027.52, 1027.62 through 1027.64, 1027.70 through 1027.72, and 1027.80 through 1027.89 shall not apply to a producer-handler.

§ 1027.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1027.3(b)(1) or (4) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1027.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1027.3(b) for each month during the preceding October through February.

§ 1027.62 Payments on other source milk.

On or before the 13th day after the end of each month, handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46(a)(2) and (b) shall make payment on the quantity so allocated at the difference between the Class II price and the Class I price applicable at the location of his pool plant qualified pursuant to § 1027.3(b)(1).

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46(a)(3) and (b) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at the location of the nearest

nonpool plant(s) (as determined by the application of the location differential rate pursuant to § 1027.52) from which an equivalent amount of such other source milk was received.

(c) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a) (4) or (6) and (b), which milk was not classified and priced as Class I milk under such other Federal order, shall make payment on the quantity of such milk at the difference between the Class I price and the Class II price applicable at the location of the nearest other Federal order plant(s) (as determined by the application of the location differential rate presented in § 1027.52) from which an equivalent amount of such other source milk was received.

(d) Each handler operating a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month, shall make payment on the quantity of skim milk and butterfat so disposed of which is in excess of his receipts of skim milk and butterfat, respectively, classified and priced as Class I milk under this or any other Federal order at the difference between the Class I price and the Class II price applicable at the location of such plant.

(e) Each handler operating a nonpool plant which is subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month shall make payment on any quantity of skim milk and butterfat so disposed of which was not classified and priced as Class I under such other order, at the difference between the Class I and Class II price applicable at the location of such plant.

§ 1027.63 Computation of base for each producer.

For each of the months of March through June of each year the market administrator shall compute, subject to the rules set forth in § 1027.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraphs by the number of days in the July–December period beginning with the first day of receipt at the plants specified in such paragraphs and continuing through December 31, but not less than 154 days:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who transferred his producer milk deliveries from a pool handler under Federal Milk Order No. 2 (Washington, D.C.) to a pool handler under this order during the base-earning period (July through December of the preceding year) and was a producer under this order during all of the months of October, November and December of the preceding year, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of each months of July through December by pool handlers under both orders; or

(d) For any producer not described in paragraphs (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets", the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler, or any person who controls or is controlled by the handler during such months of July through September.

§ 1027.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1027.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part.

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1027.2(g) (3) or (4), he shall establish a separate base with respect to producer milk delivered from each such farm.

(c) Only one base shall be allotted with respect to milk produced by one or more persons were the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

§ 1027.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the pounds of producer milk in each class computed pursuant to §§ 1027.40 through 1027.46 by the applicable class price and total the resulting amounts.

(b) Add the amount of any payments due from such handler pursuant to § 1027.62 (a), (b) and (c).

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 1027.46 (a) (9) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated pursuant to § 1027.46 (a) (1) and (b) in such month, or the hundredweight of milk subtracted from Class I pursuant to § 1027.46 (a) (5) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 1027.46 (a) (5) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d); and (2) the hundredweight of milk assigned to Class II pursuant to § 1027.46 (a) (4) and (b) for the previous month and which was classified and priced as Class I under the other Federal order; and

(f) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1027.71 Computation of the uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 1027.70 for all handlers who made reports prescribed in § 1027.30(a) for the month who were not in default of payments pursuant to § 1027.84 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1027.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1027.82;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) in this section; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section.

§ 1027.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 1027.30(a) for the month, and who were not in default of payments pursuant to § 1027.84 for the preceding month, as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 1027.71 (a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1027.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform price computed pursuant to § 1027.71 for the months of July through February and at not less than the price for base milk computed pursuant to § 1027.72 (c) through (e) with respect to base milk received from such producer, and not less than the excess price determined pursuant to § 1027.72 (a) and (b) for excess milk received from such producer for the months of March through June subject to the following adjustments: (1) The butterfat differential computed pursuant to § 1027.81, (2) less the location differential computed pursuant to § 1027.82, and (3) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1027.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler, such handler shall on or before the 12th day after the end of each month pay to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

§ 1027.81 Producer butterfat differential.

In making payments pursuant to § 1027.80 (a) or (b), the uniform prices and the price for base and for excess milk shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1027.51 (a) and (b) weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest full cent.

§ 1027.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1027.80 (a) or (b) at the uniform price computed pursuant to § 1027.71 for milk received from producers during any month(s) of July through February and at the uniform price for base milk computed pursuant to § 1027.72 for base milk received from producers during any month(s) of March through June, a handler, with respect to all such milk received at a pool plant located 75 miles by the shortest highway distance from the nearer of the City Hall, Baltimore, Maryland, or the Courthouse, Salisbury, Maryland (as determined by the market administrator), and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1027.2(g) (3) and (4), at the location of such plant, shall deduct 12 cents per hundredweight plus an additional 1.5 cents for each additional 10-mile distance, or fraction thereof, which such plant is located from such point.

§ 1027.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1027.62, 1027.84 and 1027.86 and out of which he shall make all payments pursuant to §§ 1027.85 and 1027.86; *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1027.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b).

§ 1027.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b) is greater than the net pool obligations of such handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1027.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1027.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1027.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers

who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1027.80(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1027.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), shall pay to the market administrator on or before the 18th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), (c) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1027.46(a) (2) and (3) and (b), and (d) Class I milk for which a payment is due pursuant to § 1027.62(d).

§ 1027.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (a) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1027.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1027.91.

§ 1027.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1027.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1027.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1027.100 Agents.

The Secretary may by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1027.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 61-7849; Filed, Aug. 15, 1961; 8:57 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 491) has been filed jointly by the American Paper and Pulp Association, 122 East Forty-second Street, New York 17, New York, and the National Paperboard Association, 80 East Jackson Boulevard, Chicago 4, Illinois, proposing the issuance of a regulation to provide for the safe use of pulp from reclaimed fibers in the manufacture of paper and paperboard for food packaging.

Dated: August 9, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-7835; Filed, Aug. 15, 1961; 8:54 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-KC-2]

CONTROL AREAS AND TRANSITION AREAS

Withdrawal of Proposal To Revoke Control Area Extension and Designate Transition Area

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 61-KC-2 on March 10, 1961 (26 F.R. 2093), it was stated that the Federal Aviation Agency proposed to revoke the control area extension at Oshkosh, Wis., and to designate a transition area.

Subsequent to publication of the Notice, a review of the controlled airspace requirements in the Oshkosh area indicates that further coordination will be required involving possible revisions of procedures prior to establishment of the proposed transition area. Inasmuch as such revisions would require changes in the extent of the controlled airspace proposed, the Notice is being withdrawn and a new proposal will be issued upon completion of coordination.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 61-KC-2 is withdrawn.

(*Airspace Docket No. 61-KC-2*)

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7766; Filed, Aug. 15, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-66]

CONTROL AREAS AND CONTROL ZONES

Withdrawal of Proposal To Alter Control Zone and Control Area Extension

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER in Airspace Docket No. 60-KC-66 on October 8, 1960 (25 F.R. 9687), it was stated that the Federal Aviation Agency proposed the alteration of the Saginaw, Mich., control zone and control area extension.

Subsequent to publication of the Notice, a review of the requirements for controlled airspace in the Saginaw area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the Notice. The need for these changes will be considered in an Amendment 60-21 implementation study to be made on an area basis in which requirements for controlled airspace in the Saginaw area will be correlated with requirements in adjacent areas. Accordingly, the Notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 60-KC-66 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7767; Filed, Aug. 15, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-87]

CONTROL ZONES

Withdrawal of Proposal To Alter Control Zone

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60-KC-87 on December 24, 1960 (25 F.R. 13728), was stated that the Federal Aviation Agency proposed the alteration of the St. Louis, Mo., control zone.

Subsequent to publication of the Notice, a review of the controlled airspace requirements in the St. Louis terminal area indicates that revision of procedures may be required prior to implementation of Amendment 60-21 to Civil Air Regulations, Part 60, Air Traffic Rules. These revisions will be considered in an Amendment 60-21 implementation study to be made on an area basis in which the controlled airspace requirements in the St. Louis area will be correlated with those in adjacent areas. This may result in changes in the dimensions of the proposed St. Louis control zone. Accordingly, the Notice is being withdrawn and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 60-KC-87 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7768; Filed, Aug. 15, 1961; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-KC-91]

CONTROL ZONES

Withdrawal of Proposal To Alter Control Zone

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 60-KC-91 on December 17, 1960 (25 F.R. 12952), it was stated that the Federal Aviation Agency proposed the alteration of the Huron, S. Dak., control zone.

Subsequent to publication of the Notice, a review of the controlled airspace requirements in the Huron terminal area indicates that revisions of procedures may be required prior to implementation of Amendment 60-21 to Civil Air Regulations, Part 60, Air Traffic Rules. These revisions will be considered in an Amendment 60-21 implementation study to be made on an area basis in which the controlled airspace requirements in the Huron area will be correlated with those in adjacent areas. This may result in changes in the dimensions of the proposed Huron control zone. Accordingly, the notice is being withdrawn and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 60-KC-91 is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7769; Filed, Aug. 15, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-FW-62]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airways and Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6009, 600.6011, 601.1086, and 601.1387, of the regulations of the Administrator, the substance of which is stated below:

The Federal Aviation Agency has under consideration the following proposed actions:

1. VOR Federal airway No. 9 extends in part from the Memphis, Tenn., VORTAC to the Malden, Mo., VOR via the intersection of the Memphis VORTAC 322° and the Malden VOR 195° True radials, including an east alternate from Memphis to Malden via the intersection of the Memphis VORTAC 345° and the Malden VOR 185° True radials. It is proposed to realign and redesignate Victor 9 and Victor 9 east alternate as follows: from the Memphis VORTAC via the intersection of the Memphis VORTAC 345° and the Blytheville, Ark., Air Force Base VOR 186° True radials; the Blytheville VOR; to the Malden VOR, including a west alternate from Memphis to Blytheville via the intersection of the Memphis VORTAC 322° and the Blytheville VOR 201° True radials.

2. VOR Federal airway No. 11 extends in part from the Memphis VORTAC via the intersection of the Memphis VORTAC 345° and the Malden VOR 185° True radials; the intersection of the Malden VOR 185° and the Dyersburg VORTAC 235° True radials; to the Dyersburg, Tenn., VORTAC.

It is proposed to realign and redesignate Victor 11 from the Memphis VORTAC, via the intersection of the Memphis VORTAC 322° and the Blytheville Air Force Base VOR 201° True

radials; the intersection of the Blytheville VOR 201° and the Dyersburg VORTAC 235° True radials; to the Dyersburg VORTAC.

The realignment of Victor 9 and its east alternate, and realignment of Victor 11, are part of a plan to increase the air traffic flow capabilities for arriving and departing aircraft. In addition the realignments would alleviate the conflict of airway traffic with aircraft executing the prescribed instrument approach procedures at Blytheville Air Force Base. The realignment of Victor 11 would permit more simplified departure and arrival procedures at Memphis, with departing traffic over Blytheville and Dyersburg being routed via Victor 11, and arriving traffic being routed via Victor 9. The control areas associated with these airways are so designated that they would automatically conform to the altered airways. The vertical extent of these control areas would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

3. Alter the Memphis control area extension (§ 601.1086) by inserting the realigned Victor 9 and Victor 9 west alternate in the description. If this action is taken the Memphis control area extension would be redescribed as follows: "That airspace within a 50-mile radius of the Memphis radio range lying in the southeast, southwest and northwest quadrants of the radio range and that airspace within an arc 45 miles in radius from the Memphis Naval Air Station radio range bounded on the west by VOR Federal airway No. 9 and on the northwest by VOR Federal airway No. 11 and on the southeast by VOR Federal airway No. 16. That airspace southwest of Memphis bounded on the southeast by VOR Federal airway No. 16, on the west by VOR Federal airway No. 69, on the north by VOR Federal airway No. 54 and on the east by the Memphis 50-mile radius control area. The airspace northwest of Memphis bounded on the east by VOR Federal airway No. 9 west alternate, on the southeast by the Memphis 50-mile radius control area, on the south by VOR Federal airway No. 54 north alternate, on the west by VOR Federal airway No. 69, and on the north by VOR Federal airway No. 140." This proposed action would result in minor alterations in the description of the control area extension but would not result in the designation of additional controlled airspace.

4. Alter the Blytheville control area extension (§ 601.1387) by relocating the east boundary approximately 5 miles eastward to the western boundary of realigned VOR Federal airway No. 9 between Blytheville and Malden. This action would not result in designation of additional controlled airspace as the eastward expansion of the control area extension would coincide with the presently designated Victor 9 controlled airspace. The vertical extent of the Memphis and Blytheville control area extensions would remain as designated pending review of the adjacent airspace. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7770; Filed, Aug. 15, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60–LA–95]

FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Segment of Federal Airway, Associated Control Area and Reporting Points

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.101, 601.101 and 601.4101 of the regulations of the Administrator, the substance of which is stated below.

Low altitude Amber Federal airway No. 1 presently extends, in part, from Oceanside, Calif., to Red Bluff, Calif. The Federal Aviation Agency has under consideration the revocation of this segment of Amber 1. It is the policy of this Agency to revoke L/MF airways wherever adequate VOR airways are available, and it appears that this route is adequately served by low altitude VOR Federal airway No. 23. Therefore, it appears that the retention of this airway is an unnecessary assignment of airspace. Accordingly, the Federal Aviation Agency proposes to revoke this segment of Amber 1 and its associated control area and reporting points. Adoption of this proposal would not necessarily result in discontinuance of the low frequency navigational aids associated with Amber 1. Any proposals to discontinue one or more of these aids would be processed in accordance with current Agency procedures. These procedures afford interested persons an opportunity to comment on such actions.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration, The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7771; Filed, Aug. 15, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

U.S. Coast Guard

[CGFR 61–30]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approval were made, as described in this document, during the period from May 31, 1961 to June 12, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or section 3(c) of 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document is listed the approvals which have been terminated because the approvals have expired. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYANT APPARATUS

Approval No. 160.010/18/0, 5.17′ x 2.67′ (8″ x 8″ body section) elliptical solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. BBA–1, dated July 7, 1950, revised March 7, 1951, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.010/18/0 dated June 1, 1956.)

Approval No. 160.010/19/0, 7.0′ x 3.17′ (9″ x 9″ body section) elliptical solid balsa wood buoyant apparatus, 10-person capacity, dwg. No. BBA–2, dated July 7, 1950, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.010/19/0 dated June 1, 1956.)

LIGHTS, WATER: SELF-IGNITING (CALCIUM CARBIDE-CALCIUM PHOSPHATE TYPE)

Approval No. 160.012/4/1, Life-Lite self-igniting water light (calcium carbide-calcium phosphide type), dwg. No. DL–1, sheets 1 and 2, revised April 27, 1961, manufactured by Harbak, Inc., 20th Street and Long Island Avenue, Wyandanch, New York, effective June 6, 1961. (It supersedes Approval No. 160.012/4/0 published in FEDERAL REGISTER dated August 3, 1957.)

COMPASSES, LIFEBOAT

Approval No. 160.014/3/0, Model 1, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Dwg. No. C–11–3–5–C, revised January 2, 1946, formerly approved under name of Stellar Products, Inc., 71 Murray Street, New York 7, New York, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn 8, New York, effective June 9, 1961. (It supersedes Approval No. 160.014/3/0 dated July 31, 1957, to show change in name and address.)

Approval No. 160.014/4/0, Model 2, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Dwg. No. C–113–5–C, revised January 2, 1946, formerly approved under name of Stellar Products, Inc., 71 Murray Street, New York 7, New York, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn 8, New York, effective June 9, 1961. (It supersedes Approval No. 160.014/4/0 dated July 31, 1957, to show change in name and address.)

Approval No. 160.014/5/0, Model 1A, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Dwg. No. C–113–7, dated October 24, 1946, formerly approved under name of Stellar Products, Inc., 71 Murray Street, New York 7, New York, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn 8, New York, effective June 9, 1961. (It supersedes Approval No. 160.014/5/0 dated July 31, 1957, to show change in name and address.)

Approval No. 160.014/6/0, Model 2A, compensating mariners liquid-filled magnetic lifeboat compass with mounting, Assembly Dwg. No. C–113–7, dated October 24, 1946, formerly approved under name of Stellar Products, Inc., 71 Murray Street, New York 7, New York, manufactured by Eriksen Brothers, Inc., 870 Essex Street, Brooklyn 8, New York, effective June 9, 1961. (It supersedes Approval No. 160.014/6/0 dated July 31, 1957, to show change in name and address.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/11/0, container for emergency provisions, dwg. No. 51–104, dated January 15, 1951, revised March 28, 1951, manufactured by The Multiple Breaker Co., 176 Oak Street, Newton Upper Falls, Mass., effective June 1, 1961. (It is a change of address of manufacturer and extension of Approval No. 160.026/11/0 dated June 1, 1956.)

LIFE FLOATS

Approval No. 160.027/16/1, 7.5′x4.0′ (11″x11″ body section) rectangular solid balsa wood life float, 15-person ca-

pacity, dwg. No. BF–3, dated July 7, 1950, revised March 17, 1951, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.027/16/1 dated June 1, 1956.)

Approval No. 160.027/18/0, 7.0'x3.17' (9''x9'' body section) rectangular solid balsa wood life float, 10-person capacity, dwg. No. BF–2, dated July 7, 1950, revised March 7, 1951, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.027/18/0 dated June 1, 1956.)

Approval No. 160.027/19/0, 9.0'x5.08' (12''x12'' body section) rectangular solid balsa wood life float, 25-person capacity, dwg. No. BF–4, dated July 7, 1950, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.027/19/0 dated June 1, 1956.)

Approval No. 160.027/21/0, 7.5'x4.0' (11''x11'' body section) elliptical solid balsa wood life float, 15-person capacity, dwg. BEF–3, dated March 19, 1951, manufactured by The American Pad & Textile Co., 511 North Solomon Street, New Orleans 19, Louisiana, effective June 1, 1961. (It is an extension of Approval No. 160.027/21/0 dated June 1, 1956.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/37/1, Type R–50 releasing gear, approved for maximum working load of 10,000 pounds per set (5,000 pounds per hook), identified by general arrangement dwg. No. 3245–3 dated February 17, 1949 and revised September 6, 1955, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective June 8, 1961. (It reinstates and extends Approval No. 160.033/37/1, which expired May 15, 1961 (Published in the FEDERAL REGISTER 5–15–56)).

Approval No. 160.033/51/0, Rottmer type, Size 0–1–C2, releasing gear, approved for maximum working load of 18,000 pounds per set (9,000 pounds per hook) identified by assembly drawing No. R–145 dated December 27, 1955, manufactured by Lane Lifeboat and Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, New York, effective June 8, 1961. (It reinstates and extends Approval No. 160.033/51/0 which expired May 15, 1961 (Published in FEDERAL REGISTER 5–15–56)).

LIFEBOATS

Approval No. 160.035/110/1, 28.0' x 9.79' x 4.13' steel, motor-propelled lifeboat without radion cabin (Class B), 60-person capacity, identified by construction and arrangement dwg. No. 2827 dated September 11, 1946 and revised January 25, 1956, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, New York, effective June 8, 1961. (It reinstates and extends Approval No. 160.035/110/1 which expired May 15, 1961 (Published in the FEDERAL REGISTER 5–15–56).)

Approval No. 160.035/197/2, 18.0' x 5.75' x 2.42' steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement drawing No. 18–2 dated October 14, 1947 and revised January 19, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective June 8, 1961. (It reinstates and extends Approval No. 160.035/197/2 which expired May 15, 1961 (Published in the FEDERAL REGISTER 5–15–56).)

Approval No. 160.035/216/2, 14.0' x 5.0' x 2.17' steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 14–1 dated January 26, 1948, and revised January 11, 1956, approved for use on vessels in Great Lakes, Bays, Sounds and Lakes, and River service, as well as for use on Seagoing Barges and certain Coastwise Tank Barges. If mechanical disengaging apparatus is fitted, it shall be an approved type and the installation in this particular lifeboat shall be approved by the Commandant. Manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective June 8, 1961. (It reinstates and extends Approval No. 160.035/216/2 which expired May 15, 1961 (Published in the FEDERAL REGISTER 5–15–61).)

Approval No. 160.035/270/1, 16.0' x 5.0' x 2.08' steel, oar-propelled lifeboat, 10-person capacity, identified by construction and arrangement drawing No. 16–2 dated August 1, 1950 and revised January 12, 1956, approved for service on vessels other than Ocean and Coastwise. If mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant. Manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective June 8, 1961. (It reinstates and extends Approval No. 160.035/270/1 which expired May 15, 1961 (Published in the FEDERAL REGISTER 5–15–56).)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/125/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective June 12, 1961.

Approval No. 160.052/126/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective June 12, 1961.

Approval No. 160.052/127/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective June 12, 1961.

BOILERS (HEATING)

Approval No. 162.003/115/0, Model 450, steam and hot water heating boiler, steel plate welded construction, horizontal fire tube type, dwg. No. L–3236, dated November 14, 1950, boiler rating 180 pounds per hour or 180,000 b.t.u. per hour, approved for 15 p.s.i. maximum steam pressure and 30 p.s.i. maximum water pressure for bare boiler only, manufactured by Harvey-Whipple, Inc., Springfield, Massachusetts, effective June 1, 1961. (It is an extension of Approval No. 160.003/115/0 dated June 1, 1956.)

FLAME ARRESTERS FOR TANK VESSELS

Approval No. 162.016/3/1, Figure ST–863, flame arrester, cast iron or aluminum body and copper or aluminum tube bank, dwg. No. ST–7995, dated March 20, 1951, approved for sizes 3'', 4'', 6'', 8'', and 10'', for use with inflammable or combustible liquids of Grade A or lower, manufactured by Shand & Jurs Co., Carlton and Eighth Streets, Berkeley 10, California, effective June 1, 1961. (It is an extension of Approval No. 162.016/3/1 dated June 1, 1956.)

PART II—TERMINATION OF APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Termination of Approval No. 160.026/15/0, Container for emergency provisions, dwg. No. 503, dated October 24, 1950, two containers required per ration, manufactured by Chemical Service of Baltimore, Howard and West Streets, Baltimore 30, Maryland, effective June 1, 1961. (Approved in FEDERAL REGISTER July 17, 1956. Terminated June 1, 1961. Item no longer manufactured.)

Termination of Approval No. 160.026/17/0, Container for emergency drinking water, dwg. No. 505, dated November 14, 1950, manufactured by Chemical Services of Baltimore, Howard and West Streets, Baltimore 30, Maryland, effective June 1, 1961. (Expired and terminated June 1, 1961.)

LIFEBOATS

Termination of Approval No. 160.035/178/3, 16.0' x 5.5' x 2.38' steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement drawing No. 16–1, dated January 31, 1947 and revised February 17, 1956, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant, manufactured by Marine Safety Equipment Corp., Point Pleasant, New Jersey, effective May 15, 1961. (Expired and terminated May 15, 1961.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.047/241/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/242/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/243/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/244/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/245/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard St., Little Rock, Arkansas, for Allgood Products, Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/246/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/277/0, Model AK, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 6, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/278/0, Model CKM, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/279/0, Model CKS, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 9, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 9, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/420/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/421/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/422/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/423/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/424/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 West Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/425/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 West Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/426/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/427/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/428/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER August 16, 1960. Terminated June 12, 1961. (Manufacturer no longer in business.)

Termination of Approval No. 160.047/490/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for the Tucker Duck and Rubber Company, Fort Smith, Arkansas, effective June 6, 1961. (Approval terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/491/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for the Tucker Duck and Rubber Company, Fort Smith, Arkansas, effective June 6, 1961. (Approval terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.047/492/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by The Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for the Tucker Duck and Rubber Company, Fort Smith, Arkansas, effective June 6, 1961. Manufacturer no longer in business.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/65/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–265 Congress Street, Boston 10, Massachusetts, for Gob Shops of America, Inc., Providence, Rhode Island, effective June 7, 1961. (Extension of Approval No. 160.048/65/0 dated May 15, 1956. Terminated June 7, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/71/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(c)(i), manufactured by Correct Craft, Inc., Pinecastle, Florida, effective May 26, 1961. (Extension of Approval No. 160.048/71/0 dated May 15, 1956. Approval terminated May 26, 1961. Item no longer manufactured.)

Termination of Approval No. 160.-048/86/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Rest Products Co., Inc., 4220 East 15th Street, Kansas City, Missouri, effective May 29, 1961. (Approved in FEDERAL REGISTER April 10, 1957. Terminated May 29, 1961. Item no longer manufactured.)

Termination of Approval No. 160.048/97/0, special approval for 15½" x 25" x 2" rectangular kapok buoyant cushion, 34-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Sound Mattress & Felt Co., P.O. Box 1505, Tacoma 1, Washington, effective June 14, 1961. (Approved in FEDERAL REGISTER August 3, 1957. Terminated June 14, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/114/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Merit Manufacturing Corp., 92–15 172d St., Jamaica 3, New York, for Revere Supply Co., Inc., 30 Front Street, New York 4, New York, effective June 13, 1961. (Approved in FEDERAL REGISTER March 25, 1958. Terminated June 13, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/155/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 9, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 9, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/156/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 9, 1961. (Approved in FEDERAL REGISTER December 17, 1959. Terminated June 9, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/165/0, special approval for 14" x 17" x 2" rectangular, ribbed-type, four-compartment kapok buoyant cushion, 21-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/166/0, special approval for 14" x 19" x 2" rectangular, ribbed-type four-compartment kapok buoyant cushion, 24-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/167/0, special approval for 14" x 17" x 2" rectangular ribbed-type, four-compartment kapok buoyant cushions, 21-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/168/0, special approval for 14" x 19" x 2" rectangular, ribbed-type, four-compartment kapok buoyant cushion, 24-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER March 16, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/177/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/178/0, special approval for 14" x 17" x 2" rectangular, ribbed-type, four-compartment kapok buoyant cushion, 21-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/179/0, special approval for 14" x 19" x 2" rectangular ribbed-type, four-compartment kapok buoyant cushions, 24-oz. kapok, dwg. and bill of material dated September 30, 1959, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 12, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.048/201/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by The Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for the Tucker Duck and Rubber Company, Fort Smith, Arkansas, effective June 12, 1961. (Terminated June 12, 1961. Manufacturer no longer in business.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.049/28/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushion, U.S.C.G. Specification Subpart 160.048, sizes to be as per Table 160.049-4(c)(1), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER July 28, 1959. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.049/29/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER September 3, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.052/75/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER July 28, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/76/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER July 28, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/77/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, effective June 6, 1961. (Approved in FEDERAL REGISTER July 28, 1959. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/78/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 West Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER September 3, 1959. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/79/0, Type I, Model CPM, child unicellular plastic foam buoyant vests, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER September 3, 1959. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/80/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Allgood Products Co., 824 W. Eighth Street, Little Rock, Arkansas, effective June 12, 1961. (Approved in FEDERAL REGISTER September 3, 1959. Terminated June 12, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/95/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/96/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's, Inc., Waseca, Minnesota, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Termination of Approval No. 160.052/97/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Bottom Dollar Industries, Inc., 715 Izard Street, Little Rock, Arkansas, for Herter's Inc., Waseca, Minnesota, effective June 6, 1961. (Approved in FEDERAL REGISTER June 21, 1960. Terminated June 6, 1961. Manufacturer no longer in business.)

Dated: August 9, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61-7826; Filed, Aug. 15, 1961; 8:53 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 8, 1961.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number NM 094303 for the withdrawal of the lands described below, from all forms of appropriation including the general mining, but not the mineral leasing laws.

The applicant desires the land for recreation areas and administrative sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Trail Creek Recreation Area

T. 19 N., R. 1 E.,
Sec. 2, W½ Lot 2, Lot 3, SW¼NE¼, NE¼SE¼NW¼.

Cienega Gregorio Recreation Area

T. 21 N., R. 1 E.,
Sec. 16, SW¼SW¼;
Sec. 20, E½NE¼;
Sec. 21, W½NW¼.

Nacimiento Recreation Area

T. 21 N., R. 1 E.,
Sec. 20, E½E½SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼NE¼.

Resumidero Forest Camp

T. 21 N., R. 2 E.,
Sec. 5, Lot 2.
T. 22 N., R. 2 E.,
Sec. 32, E½SW¼SE¼, W½SE¼SE¼.

Sulphur Flats Summer Home Area

T. 19 N., R. 3 E.,
Sec. 16, W½NW¼;
Sec. 17, E½SE¼NE¼, E½E½SE¼;
Sec. 21, W½NW¼NW¼.

San Antonio Creek Recreation Area

T. 19 N., R. 3 E.,
Sec. 6, W½ Lot 1, E½ Lot 2, E½SW¼NE¼, W½SE¼NE¼, E½SE¼;
Sec. 7, E½E½NE¼.

Windy Bridge Picnic Area

T. 17 N., R. 12 E.,
Sec. 17, Lot 11.

Ladera Forest Camp

T. 18 N., R. 12 E.,
Sec. 10, Lots 1 and 2, E½SW¼NE¼, NE¼SE¼, E½NW¼SE¼;
Sec. 11, Lot 6.

Holy Ghost Summer Home Area

T. 18 N., R. 12 E.,
Sec. 29, E½ Lot 7;
Sec. 32, NE¼NE¼NE¼, S½SE¼NE¼NE¼;
Sec. 33, Lot 6, SW¼NW¼NW¼, SW¼NW¼NW¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, SW¼SE¼NW¼.

Winsor Creek Recreation Area

T. 19 N., R. 12 E.,
Sec. 32, N½SW¼NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼NE¼SW¼, N½NW¼SE¼SW¼, NE¼SE¼SW¼, S½N½S½SE¼, N½S½S½SE¼;
Sec. 33, S½N½S½SW¼, N½S½S½SW¼.

Upper Bull Creek Recreation Area

T. 17 N., R. 13 E.,
Sec. 26, SW¼NW¼, W½SE¼NW¼.

Fishing Hole Recreation Area (Addition)

T. 17 N., R. 14 E.,
Sec. 15, N½SE¼NE¼.

Beaver Cabin Administrative Site

T. 18 N., R. 14 E.,
Sec. 8, E½NE¼SW¼SE¼, W½SE¼SE¼, S½NE¼SE¼SE¼, SE¼SE¼SE¼.

The areas described above aggregate 2009.50 acres, more or less.

CIBOLA NATIONAL FOREST

Cienega Recreation Area

T. 11 N., R. 5 E.,
Sec. 23, S½S½NE¼, SE¼SE¼NW¼, S½SW¼SE¼NW¼, S½NE¼SE¼, NW¼SE¼NW¼, NE¼SW¼NW¼, W½SW¼NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼NW¼, NW¼NW¼NW¼, S½NE¼NW¼NW¼.

Las Huertas Recreation Area

T. 12 N., R. 5 E.,
Sec. 28, SE¼SE¼, S½NE¼SE¼.

Quaking Aspen Recreation Area

T. 14 N., R. 16 W.,
Sec. 33, NE¼NW¼, W½NW¼NE¼.

Wingate Recreation Area

T. 14 N., R. 16 W.,
Sec. 28, SE¼SW¼, E½SW¼SW¼, S½NE¼SW¼, SE¼NW¼SW¼.

McGaffey Recreation Area

T. 13 N., R. 16 W.,
Sec. 10, NE¼, SE¼NW¼, E½SW¼, W½SE¼.

McGaffey Administrative Site

T. 13 N., R. 16 W.,
Sec. 10, NW¼NW¼, NE¼NW¼.

The areas described above aggregate 770 acres, more or less.

GILA NATIONAL FOREST

Lookout Mountain Administrative Site

T. 11 S., R. 9 W.,
Sec. 18, N½ Lot 10.

Hillsboro Peak Administrative Site

T. 16 S., R. 9 W.,
Sec. 4, Lot 3, unsurveyed.

Reeds Peak Administrative Site

T. 13 S., R. 10 W.,
Sec. 23, E½SE¼SW¼, W½SW¼SE¼.

McKnight Administrative Site

T. 14 S., R. 10 W.,
Sec. 35, SW¼NE¼SW¼, NW¼SE¼SW¼.

Beaverhead Administrative Site

T. 10 S., R. 12 W.,
Sec. 19, SW¼NE¼SE¼, SE¼NW¼SE¼, W½NW¼SE¼, SW¼SE¼, W½SE¼SE¼.

Beaverhead Administrative Airstrip

T. 10 S., R. 13 W.,
Sec. 25, N½N½;
Sec. 26, N½NE¼.

Black Mountain Administrative Site

T. 11 S., R. 13 W.,
Sec. 6, S½ Lot 16.

Antelope Administrative Site

T. 17 S., R. 13 W.,
Sec. 34, SW¼SW¼.

Granite Peak Administrative Site

T. 13 S., R. 15 W.,
Sec. 10, NE¼NE¼, unsurveyed.

Mogollon-Baldy Administrative Site

T. 12 S., R. 17 W.,
Sec. 10, SW¼NW¼.

Grouse Mountain Administrative Site

T. 11 S., R. 18 W.,
Sec. 20, SE¼SE¼NE¼;
Sec. 21, SW¼SW¼NW¼.

Apache Administrative Site

T. 11 S., R. 18 W.,
Sec. 36, N½NE¼SW¼.

Holt Administrative Site

T. 12 S., R. 19 W.,
Sec. 2, W½SW¼NW¼.

Reserve Administrative Airstrip

T. 7 S., R. 19 W.,
Sec. 18, S½N½SW¼.
T. 7 S., R. 20 W.,
Sec. 13, S½N½SE¼, N½S½SE¼.

The areas described above aggregate 755 acres, more or less.

LINCOLN NATIONAL FOREST

Weed Administrative Site

T. 17 S., R. 14 E.,
Sec. 28, S½SE¼, NW¼SE¼.

The area described above aggregates 120 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-7795; Filed, Aug. 15, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 247-61]

CERTAIN OFFICERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Authority to Perform Functions of Deputy Marshals While Accompanying Commercial Aircraft

By virtue of the authority vested in me pursuant to R.S. 360 (5 U.S.C. 311) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), I hereby authorize and require the officers and employees of the Immigration and Naturalization Service, assigned by the Commissioner of that Service to accompany commercial aircraft, to perform the functions of a United States deputy marshal as a peace officer, in particular those set forth in 28 U.S.C. 549 and 18 U.S.C. 3053, (1) while aboard any aircraft to which they have been assigned, or (2) while within the general vicinity of such aircraft so long as it is within the jurisdiction of the United States. Such functions shall be in addition to those presently vested in such officers and employees pursuant to law.

BYRON R. WHITE,
Acting Attorney General.

AUGUST 10, 1961.

[F.R. Doc. 61-7834; Filed, Aug. 15, 1961; 8:54 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 1, 1961.

FRANK R. BAILEY.

AUGUST 1, 1961.

[F.R. Doc. 61-7843; Filed, Aug. 15, 1961; 8:56 a.m.]

RICHARD N. HOERNER, JR.

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

REPORT OF APPOINTMENT

1. Name of appointee: Richard N. Hoerner, Jr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of Appointment: July 24, 1961.

4. Title of position: Assistant Director for Mobilization Planning, Containers & Packaging Div.

5. Name of private employer: Hoerner Boxes Inc., Keokuk, Iowa.

CARLTON HAYWARD,
Director of Personnel.

JULY 13, 1961.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Hoerner Boxes, Inc.
600 Ltd.
Gains Guaranty Corporation,
Bank Deposits.

R. N. HOERNER, JR.

AUGUST 1, 1961.

[F.R. Doc. 61-7842; Filed, Aug. 15, 1961; 8:56 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

PANAMA

Finding Regarding Foreign Social Insurance and Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence relating to the social insurance or pension system of Panama, from which evidence it appears that Panama has a social insurance or pension system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Panama, who leave Panama, are permitted to receive benefits or their equivalent while outside that country.

Accordingly, it is hereby determined and found that Panama has in effect a social insurance or pension system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

Approved August 9, 1961.

ABRAHAM RIBICOFF,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 61-7811; Filed, Aug. 15, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-108]

ALLIS-CHALMERS MANUFACTURING CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. CX-15. The license authorizes Allis-Chalmers Manufacturing Company to possess and operate its critical experiments facility which is located in Greendale, Milwaukee County, Wisconsin.

The amendment modifies Condition 4.F.1. of the license regarding the procedures to be followed with respect to nuclear control instrumentation which is to be used during operations which could involve changes in core reactivity when the facility is shut down.

By application for amendment dated June 12, 1961, Allis-Chalmers Manufacturing Company requested, in effect, that Condition 4.E. of License No. CX-15, as amended, be deleted and that Condition 4.F.1. be modified. Condition 4.E. specifies that certain facility characteristics are to be measured and reported to the Commission within 60 days after initial criticality of the facility using the slightly enriched uranium dioxide fuel in the "superheater" region of the facility. Allis-Chalmers contends that such measurements are unnecessary in view of the minor effect the new fuel is expected to have on present facility characteristics which have been previously measured and reported to the Commission. Condition 4.F.1. requires that nuclear control instrumentation be in operation, attended and closely observed at all times during operations which could involve changes in core reactivity when the facility is shut down.

The Commission has reviewed the licensee's submission dated June 12, 1961 and believes that, in the interest of keeping the Commission informed of measured values of the nuclear characteristics of this facility, Condition 4.E. should remain as part of License No. CX-15. With respect to Condition 4.F.1., the Commission believes that the present Condition 4.F.1. may be deleted and that the procedures described in the June 12, 1961 letter from Allis-Chalmers may be incorporated in the license in lieu thereof.

The Commission has found that operation of the facility in accordance with the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated June 12, 1961 by Allis-Chalmers Manufacturing Company and (2) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 10th day of August, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-15, Amdt. 3]

Facility License No. CX-15, as amended, issued to Allis-Chalmers Manufacturing Company, is further amended as follows:

Subparagraph 4.F.1 is deleted and the following new subparagraph 4.F.1 substituted in lieu thereof:

4.F.1. Allis-Chalmers shall, with respect to nuclear control instrumentation which is to be used during operations which could involve changes in core reactivity when the facility is shut down, follow the procedures described in its letter to the Commission dated June 12, 1961.

Dated at Germantown, Maryland this 10th day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7762; Filed, Aug. 15, 1961; 8:45 a.m.]

[Docket No. 50-4]

NAVAL RESEARCH LABORATORY

Notice of Issuance of Amendment To Utilization Facility License

Please take notice that no request for a formal hearing having been filed following filing of notice of the proposed action with the Office of Federal Register on July 24, 1961, the Atomic Energy Commission has issued Amendment No. 4 to Facility License No. R-5. The amendment authorizes Naval Research Laboratory to use an atmospheric concentration reduction factor of 10^{-4} seconds per cubic meter in the computation of the concentrations of gaseous radioactive isotopes released from the stack of its reactor located in Washington, D.C. Notice of the proposed action was published in the FEDERAL REGISTER on July 25, 1961, 26 F.R. 6629.

Dated at Germantown, Maryland, this 9th day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research & Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-7763; Filed, Aug. 15, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11826]

QANTAS EMPIRE AIRWAYS, LTD.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on Septerber 6 is postponed to September 20, 1961, 10 a.m., e.d.s.t., Room 1027, Pniversal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 10, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7827; Filed, Aug. 15, 1961; 8:53 a.m.]

[Docket 5132 etc.]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 13, 1961 at 10 a.m., e.d.s.t., Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 11, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7828; Filed, Aug. 15, 1961; 8:53 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-53]

PROPOSED ALTERATION OF RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Michigan Bell Telephone Company,

Detroit, Michigan, proposes to increase by 19 feet the overall height of an existing radio antenna structure near Cadillac, Michigan, at latitude 44°19'41" north, longitude 85°32'22" west. The new overall height of the structure would be 1827 feet above mean sea level (287 feet above ground).

No substantial objections were made in response to the circularization. The Agency study revealed that the proposed increase in structure height would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR § 626.33; 26 F.R. 5292), it is concluded that the proposed increase in structure height, to the mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 7, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7765; Filed, Aug. 15, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7005]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Declaration of Intention

AUGUST 11, 1961.

Public notice is hereby given that Jersey Central Power & Light Company (Declarant), of Morristown, New Jersey, has filed a declaration of intention pursuant to section 23(b) of the Federal Power Act (16 U.S.C. 817) to construct a hydroelectric project (Docket No. E-7005), about 3¾ miles upstream from the mouth of Yards Creek in Warren County, New Jersey, near the Delaware River and about four miles downstream from the Delaware Water Gap, to be known as the Yards Creek Pump storage project consisting of an earthfill dam across Yards Creek with top elevation 832.5 feet above mean sea level, about one quarter of a mile in length and about 55 feet maximum height pierced by two 3-foot diameter outlet pipes with adjustable outlet valves at the lower end; a 100-foot long concrete gravity type spillway, 10 feet of which has a crest elevation 818.5, the remaining 90 feet with crest elevation 823.5; an earth-fill dike about 2,000 feet long and 37 feet high across a saddle northeast of the dam; the dam and dike creating a "Lower Reservoir" that will impound about 5,420 acre-feet of which 4,650 acre-feet is usable storage in 23.5 feet of drawdown; also an auxiliary dam about 20 feet high on a small tributary of Yards Creek to impound about 480 acre-feet of seasonal storage to provide release into the Lower Reservoir when outflow shall be required at a rate exceeding inflow from the "Upper Pool"; the "Upper Pool" to have a surface area of approximately 164 acres and to be located near the top of Kittatinny Mountain and to be created by a rockfill dam and dikes about 1¾ miles in length with top elevation 1,560 feet above mean sea level, the storage capacity approximately 4,900 acre-feet of which 4,650 acre-feet will be usable in 49 feet of drawdown, the Upper and Lower Reservoirs connected by a continuous water passage consisting of intake channel, a pressure tunnel, penstock, pumping and generating station, tailrace canal, gates, racks, and transition structures; the pumping and generating station to contain three reversible units initially, each with rated output of 140,000 horsepower at minimum head 650 feet when generating and rated motor capacity of 150,000 horsepower when pumping 1,650 cubic feet per second against a total dynamic head of 705 feet, each generator to have a rated capacity of 100,000 kilowatts 90% power factor; transmission lines connecting the proposed 300 megawatt installation with Declarant's system and connected systems.

According to the declaration of intention, the proposed project will be operated for the purpose of carrying peak loads on Declarant's system and on connected systems, and for other purposes common to large capacity hydroelectric generating facilities capable of rapid changes in output.

The Commission will investigate the proposed construction and determine whether a license is required under the Federal Power Act. Any communication from persons interested in this matter may be submitted on or before September 25, 1961, to the Federal Power Commission, Washington 25, D.C. The declaration of intention is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7822; Filed, Aug. 15, 1961; 8:52 a.m.]

[Docket No. CP61-342]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

AUGUST 11, 1961.

Take notice that on June 27, 1961, The Manufacturers Light and Heat Company (Applicant), 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed in Docket No. CP61-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a 130 horsepower compressor unit at the Irwin Storage Field, North Huntington Township, Westmoreland County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed facilities are stated to be necessary in order that Applicant may meet its peak day requirements in the Irwin, Pennsylvania, area. The facilities will be used to raise the level of storage gas in the field to 350,000 Mcf (not including native reserves) at the end of the injection season, and Applicant proposes to maintain storage gas in the field at approximately 350,000 Mcf.

The estimated total capital cost of the proposed facilities is $70,000 to be financed through the issuance and sale of promissory notes to Applicant's parent company, Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7832; Filed, Aug. 15, 1961; 8:53 a.m.]

[Docket No. E-7007]

PENNSYLVANIA POWER CO.

Notice of Application

AUGUST 11, 1961.

Take notice that on July 31, 1961, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Pennsylvania Power Company ("Applicant") for authorization for the sale of a substation, in place, to Westinghouse Electric Corporation. Applicant is a public utility incorporated under the laws of the Commonwealth of Pennsylvania furnishing electric service in 136 communities, as well as rural areas in five counties of Pennsylvania. Its principal business office is in New Castle, Pennsylvania. This application is for the approval of the sale to Westinghouse Electric Corporation, a corporation with its general office located in Pittsburgh, Pennsylvania, for the sum of $151,271.36, of all of the goods, chattels and property which make up the substation, in place, at Westinghouse Electric Corporation's Sharon Plant, excepting transformers. The proposed sale of aforesaid facilities will be made pursuant to an agreement between Applicant and Westinghouse Electric Corporation made July 27, 1961. The facilities to be disposed of under the agreement of sale are only a part of Applicant's operating facilities and are presently used in providing electric service to the Sharon Plant of the Westinghouse Electric Corporation. Upon consummation of the proposed transaction, the equipment will continue in service except that it will then be owned by Westinghouse Electric Corporation rather than the Applicant. Applicant represents that the proposed transaction will not have any effect upon any contract for the purchase, sale or interchange of electric energy except that Westinghouse Electric Corporation will, following such transaction, take service at this location at its Sharon Plant under Rate 38 at 138 kv rather than as prior to such transaction under Rate 38 at 69 kv. Applicant states that the proposed disposition of facilities will be consistent with the public interest for the reason that Applicant will be able to serve Westinghouse Electric Corporation with lesser investment in plant facilities under the then appropriate rate for such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 31st day of August 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7824; Filed, Aug. 15, 1961; 8:53 a.m.]

[Docket No. CP61-107]

UNITED FUEL GAS CO. ET AL.

Notice of Date of Hearing

AUGUST 11, 1961.

United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Docket No. CP61-107.

Take notice that the hearing in the above-entitled proceeding originally scheduled to begin on July 5, 1961, at 10:00 a.m. and which on June 22, 1961, was postponed, subject to further notice by the Secretary of the Commission, is hereby re-set for hearing on October 9, 1961, at 10:00 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7825; Filed, Aug. 15, 1961; 8:53 a.m.]

[Docket No. CP61-24 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

Notice of Further Hearing

AUGUST 9, 1961.

American Louisiana Pipe Line Company, Docket No. CP61-24; Tidewater Oil Company, Docket No. CI61-125; Pan American Petroleum Corporation, Docket No. CI61-164; Socony Mobil Oil Company, Inc., Docket No. CI61-254; Humble Oil & Refining Company, Docket No. CI61-307; Union Producing Company, Docket No. CI61-318; J. Ray McDermott & Co., Inc., Docket No. CI61-1240.

At the close of cross-examination of applicants' direct presentations, the Presiding Examiner recessed the hearing herein subject to further order of the Commission (Tr. 416). Staff counsel has since filed a written motion to dismiss with supporting brief and all parties have had an opportunity of file answers thereto. The Commission has referred said motion to the Presiding Examiner for disposition as part of his initial decision in these proceedings. It is appropriate that the proceedings herein be set for further hearing.

Take notice that a further hearing will be held in the above-designated proceedings on September 6, 1961, at 10:00 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7782; Filed, Aug. 15, 1961; 8:46 a.m.]

[Docket No. RI62-13]

BELCO PETROLEUM CORP.

Order Permitting Rate Filings and Providing for Hearing on and Suspension of Proposed Changes in Rates

AUGUST 9, 1961.

On July 12, 1961, Belco Petroleum Corporation[1] (Belco) tendered for filing proposed changes in rates for jurisdictional sales of gas to El Paso Natural Gas Company from Big Piney Field, Sublette and Lincoln Counties, Wyoming. The filings, designated Supplement No. 27 to Belco's FPC Gas Rate Schedule No. 1 and Supplement No. 16 to Belco's FPC Gas Rate Schedule No. 2, each contain proposed periodic rate increases from 15¢ to 16¢ for gas delivered at less than 860 psig, from 16¢[2] to 17¢ for gas delivered at 860 psig or more, and from 15.384¢ to 16.384¢ per Mcf at 15.025 psia for gas sold from recently added acreage. The proposed rates will increase the amount of annual charges by about $144,200 and will, unless suspended, become effective on August 14, 1961, the effective date proposed by Belco.

The proposed rate of 16.384¢ concerns sales, from recently added acreage, which were temporarily authorized in the proceeding in Docket No. G-19589 on the condition that the rate of 15.384¢ be charged instead of the contract rate of 16¢. Ordinarily rate increases for conditioned, temporarily authorized sales are not permitted. However, Belco may propose the rate increases herein because the sales are associated with permanently certificated sales.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The filing of the above-designated supplements should be permitted.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) The filing of Supplement No. 27 to Belco's FPC Gas Rate Schedule No. 1 and Supplement No. 16 to Belco's FPC Gas Rate Schedule No. 2 is hereby permitted.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(C) Pending a hearing and decision thereon, the above-designated supplements are hereby suspended and the use thereof deferred until January 14, 1962, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the suspended supplements, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 18, 1961.

JOSEPH H. GUTRIDE,
Secretary.

By the Commission.

[F.R. Doc. 61-7783; Filed, Aug. 15, 1961; 8:46 a.m.]

[1] Address: 630 Third Avenue, New York 17, N.Y.

[2] This rate is effective subject to refund in the proceeding in Docket No. G-16900.

[Docket No. E-7006]

CENTRAL HUDSON GAS & ELECTRIC CORP. AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Application

AUGUST 9, 1961.

Take notice that on July 27, and July 31, 1961, a joint application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Central Hudson Gas & Electric Corporation (hereinafter referred to as "Central Hudson") for authorization by Central Hudson to sell certain electric facilities to Consolidated Edison Company of New York, Inc. (hereinafter referred to as "Con Edison"). Central Hudson is a public utility company incorporated under the laws of the State of New York with its principal business office at Poughkeepsie, New York, and is engaged in the electric and gas business in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Sullivan and Ulster Counties in New York State. Con Edison is a public utility incorporated under the laws of the State of New York with its principal business office at New York City. Con Edison is engaged in the production, purchase, transmission and sale of electric energy in New York City and Westchester County and distributes and sells steam and purchased natural gas in part of New York City and Westchester County. It also owns electric transmission facilities in Putnam and Dutchess Counties. Central Hudson proposes, under a contract of sale dated February 21, 1961, to sell to Con Edison certain electric terminal facilities within an electric substation known as the Pleasant Valley Substation, which is situated in the Town of Pleasant Valley, Dutchess County, New York. The cost of material and labor for new terminal facilities presently under construction will also be paid to Central Hudson by Con Edison. The present estimated cost of such material and labor is $144,133 and the total estimated consideration for the sale, less depreciation and including said material and labor is $257,346. Applicants state that the proposed sale will be a further step in the realignment of ownership of interconnecting facilities of applicants and Niagara Mohawk Power Corporation, and will result in each of the three companies owning that portion of the electric plant and facilities of the Pleasant Valley Substation which will be most closely related to its operational responsibilities. According to the application the transfer as contemplated and described herein will have no effect on any existing contracts to which the joint Applicants are parties for the purchase, sale or interchange of electric facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 30th day of August, 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-7785; Filed, Aug. 15, 1961; 8:46 a.m.]

[Docket No. G-18338 etc.]

COASTAL TRANSMISSION CORP. ET AL.

Order Modifying and Adopting Presiding Examiner's Decision in Part, Consolidating Proceedings and Issuing Certificates and Deferring Action in Part

AUGUST 9, 1961.

Coastal Transmission Corporation, Docket No. G-18338; Houston Texas Gas and Oil Corporation, Docket No. G-18615; Shell Oil Company, Docket No. G-18805; The Sparta Oil Company, Docket No. G-19964; Southern Natural Gas Company, Docket No. CP60-92; The Ohio Oil Company, Docket No. G-17896; Turnbull & Zoch Drilling Company, Operator; et al., Docket No. G-17960; H. L. Hawkins and H. L. Hawkins, Jr., Operator, et al., Docket No. G-18077; Louis Baker, et al., Docket No. G-18175; J. Ray McDermott & Co., Inc., Operator, et al., Docket No. G-18212; Amerada Petroleum Corporation, Docket No. G-18346; Phillips Petroleum Company, Docket No. G-18375; Tidewater Oil Company, Operator, Docket No. G-18376; Getty Oil Company, Operator, et al., Docket No. G-18378; Hells Petroleum Corporation, Operator, et al., Docket No. G-18379; Socony Mobil Oil Company, Inc., Docket No. G-18384; Socony Mobil Oil Company, Inc., Operator, Docket No. G-18385; Socony Mobil Oil Company, Inc., Docket No. G-18386; Union Oil Company of California, Docket No. G-18389; Great Expectations Oil Corporation, et al., Docket No. G-18396; McCurdy & McCurdy, Docket No. G-18434; The Pure Oil Company, Operator, et al., Docket No. G-18438; Shell Oil Company, Docket No. G-18439; The British-American Oil Producing Company, Docket No. G-18445; Herman Brown, et al., Docket No. G-18479; John A. Newman, Operator, et al., Docket No. G-18481; M. W. Crockett, et al., Docket No. G-18522; Investors Syndicate of the Southwest, Inc., Docket No. G-18590; Layton Brown Drilling Company, Inc., E. Layton Brown, Operator, Docket No. G-18674; G. H. Vaughn, Jr., et al., Docket No. G-18678; ducing Company, Operator, et al., Docket No. G-18796; Callery Properties, Inc., Docket No. G-18857; V. F. Neuhaus, Docket No. G-18861; Richard King, Jr., Docket No. G-18987; Clark Fuel Producing Company, Oeprator, et al., Docket No. G-19052; The Superior Oil Company, Docket No. G-19129; The Pure Oil Company, Docket No. G-19140; Irwin and Bess, Docket No. G-19297; Gregory J. Gallagher, Docket No. G-19308; Trice Production Company, Docket No. G-19340; W. W. F. Oil Corporation, Operator, et al., Docket No. G-19585; Tidewater Oil Company, Docket No. G-19971; Texaco Seaboard Inc., Docket No. G-18887; Exeter Oil Company, Docket No. G-19064; Delhi-Taylor Oil Corporation, Docket No. G-19464; Phillips Petroleum Company, Docket No. G-19498; George Parker, Docket No. G-19718; Sunray Mid-Continent Oil Company, Docket No. G-19803; Skelly Oil Company, Docket No. G-20155; Amerada Petroleum Corporation, Docket No. G-20200; Continental Oil Company, Docket No. G-20242; The Superior Oil Company, Docket No. G-20359; Texaco Seaboard Inc., Docket No. G-20466; Diversa, Inc., Docket No. G-20458; Gregory J. Gallagher, Docket No. G-20385; The Atlantic Refining Company, Docket No. G-20492.

These proceedings, which arose on interdependent applications filed by Coastal Transmission Corporation (Coastal and Houston Texas Gas and Oil Corporation (Houston, Texas) for certificates of public convenience and necessity under section 7 (c) and (e) of the Natural Gas Act (Act), are before us on exceptions to the initial decision of the presiding examiner, issued March 1, 1961, in Docket Nos. G-18338, G-18615, G-18805, G-19964 and CP60-92. Oral argument before the Commission was had on the matters involved in the above-mentioned dockets on April 27, 1961. These five dockets present for decision three main issues: (1) In Docket No. G-18338 (Coastal), and Docket No. G-18615 (Houston, Texas), whether under sections 7 (c) and (e) of the Act the public convenience and necessity require the proposed expansion of the joint Coastal-Houston, Texas pipeline system for the transportation of additional volumes of natural gas to market areas in Florida and require the proposed increased sales; (2) in Docket No. G-18805 (Shell Oil Company) and Docket No. G-19964 (The Sparta Oil Company), whether pursuant to section 7(e) of the Act the public convenience and necessity require the sale of natural gas by these two independent producers to Coastal; (3) in Docket No. CP60-92 (Southern Natural Gas Company, whether, pursuant to sections 7 (c) and (e) of the Act the public convenience and necessity require the construction and operation of facilities for the sale, and the sale, of natural gas by Southern Natural Gas Company to Coastal.

Subject to certain conditions the presiding examiner would grant the requested certificates of public convenience and necessity. We conclude that in most particulars the examiner's decision as it pertains to those applications is correct and we shall adopt it as our own save certain matters subsequently described.

Following the filing by Coastal and Houston Texas of their certificate applications, independent producers, including Shell Oil Company (Shell) and The Sparta Oil Company (Sparta) in Docket Nos. G-18805 and G-19964, respectively, filed fifty-three applications for certificates for authority to sell gas to Coastal. The producer applications were consolidated with the applications of Coastal and Houston Texas, but subsequently fifty-one of the independent producer applications (i.e., all save those of Shell in Docket No. G-18805 and Sparta in Docket No. G-19964) were severed from the consolidated proceeding; a hearing was held with respect to them; and on September 19, 1960, final certificates were issued for these fifty-one sales.[1]

Meanwhile on March 31, 1960 we denied the Public Service Commission of New York (PSC) intervention in Docket No. G-18338, and the dockets consolidated with it at that time, including all fifty-three independent producer applicant dockets. PSC petitioned for review and the Court of Appeals for the District of Columbia [1a] held that under our rules it had the right to intervene in the proceedings when we denied intervention.

Therefore, in light of that recent court decision the fifty-one independent producer dockets previously severed will be reconsolidated herein, new conditioned permanent certificates will be issued to all independent producers, and certain conditions will be added to the certificates granted Coastal and Houston Texas.

In our discussion to follow we shall consider the dockets relating to Coastal and Houston Texas, the independent producers, and Southern Natural Gas Company, in that order.

Coastal Transmission Corporation, Docket No. G-18338; Houston Texas Gas and Oil Corporation, Docket No. G-18615. Coastal and Houston Texas own and operate a joint pipeline system extending from the south Texas Gulf Coast to markets in Florida.[2] Coastal which presently is Houston Texas' sole source of supply, operates that portion of the joint pipeline system extending from sources of supply in Texas and Louisiana to the environs of Baton Rouge, Louisiana. There it connects with Houston Texas' lines. The Houston Texas system extends from Louisiana to markets in Florida as far south as the Miami area.

Coastal seeks authorization to construct and operate additional facilities costing $7,275,000 for the transportation and sale of increased volumes of natural gas as well as authority to sell the increased volumes to Houston Texas. The proposed facilities would increase the maximum daily capacity of Coastal's system from 273,506 Mcf to 371,000 Mcf (at 14.73 psia). Coastal would purchase additional gas from several independent producers, including Shell Oil Company and The Sparta Oil Company, which it would deliver to Houston Texas at the eastern terminus of its line, north of Baton Rouge. It would also purchase 12,600 Mcf daily from Southern Natural Gas Company which Southern Natural Gas Company would deliver directly to Houston Texas for Coastal's account.

Houston Texas' proposed facilities would increase its maximum day design by 93,000 Mcf to a total of 371,000 Mcf at a cost of $16,126,000. It would sell the increased volumes to certain existing customers, initiate natural gas service to fourteen new resale customers,[3] eleven new direct sale customers,[4] and to one existing direct sale customer at an additional location.[5] In addition, six municipalities and one gas district (Intervenor-Distributors), not included in Houston Texas' application as proposed customers, were permitted to intervene for the purpose of obtaining allocations of gas from Houston Texas for their proposed distribution systems.[6] These intervening distributors request that the certificate to be issued to Houston Texas be conditioned by requiring that natural gas service be furnished to them. The examiner would grant their request.

The presiding examiner found that the stated requirements of sections 7 (c) and (e) have been met; that the applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Act and the requirements, rules, and regulations of the Commission thereunder; that there is a public need and desire for the proposed and requested service, sales, operations, and extensions; that there is an adequate gas supply and adequate markets; that the facilities will be feasible from the standpoint of cost, design, and operation; that the projects can be reasonably and feasibly financed; and that all the projects are economically feasible with the exceptions of those proposed by Brevard County Gas District and the City of Crescent City.[7]

We conclude that, except as hereafter stated, the examiner's findings are fully supported by the evidence of record; and that the various estimates, factors, and data relied upon by the examiner are reasonable, valid, sound, and reliable.[7a] Accordingly, his findings will be adopted as those of the Commission, with certain few exceptions noted below.

Of all the parties which filed exceptions, only the Fuel Oil Committee of the Better Home Heat Council of Florida (Fuel Oil) opposed the granting of the applications of Coastal and Houston Texas.[8] For the most part, Fuel Oil's exceptions which concern particularly Houston Texas' project, are a mere recapitulation of the many issues and matters we find were adequately and properly disposed of by the examiner in his thorough and complete decision. However, some of the points raised warrant discussion here. Apparently, the underlying reason for Fuel Oil's determined opposition is grounded on the competition and loss of business which is apt to arise as a result of the proposed expanded natural gas service. On the balance we do not consider the possible harmful effects of the competition and loss of business to the fuel oil interests to be of such magnitude as to require the denial of the requested applications.

Exceptions filed by the other parties pertain primarily to specific conditions the examiner would or would not impose and certain rulings he made. We find none of the exceptions filed to the examiner's decision concerning the Coastal-Houston Texas applications of sufficient merit to require changing his basic conclusion that the requested authorizations should be granted. Save those exceptions hereinafter discussed and granted, all exceptions relative to Docket Nos. G-18338 and G-18615 have no merit in law or fact.

Fuel Oil's exceptions. First, Fuel Oil has consistently maintained that Houston Texas' proposed direct preferred interruptible sales rates do not bear their full share of cost of service. In addition, it contends they are unduly preferential, prejudicial, and discriminatory and, consequently, they are violative of Section 4(b) of the Act as well as the unfair trade practices and antitrust laws.[9] We find no merit in these allegations.

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[1] The Ohio Oil Company, et al., Docket Nos. G-17896, et al.

[1a] Public Service Commission of New York v. F.P.C., F. 2d (CADC Nos. 15366, 15854, 15910, June 15, 1961), rehearing denied August 3, 1961.

[2] Both corporations are wholly owned subsidiaries of The Houston Corporation and are natural gas companies within the purview of Section 2(6) of the Act (See 16 F.P.C. 116).

[3] The proposed resale customers are: City Gas Company of Florida, Pompano Natural Gas Corporation, Dade City Natural Gas Company, Gulfcoast Natural Gas Company, St. Joe Natural Gas Company, Inc., The Houston Corporation, Miller Gas Company, City of Vero Beach, City of Tarpon Springs, City of Williston, City of Fort Meade, Town of Jay, Brevard County Gas District, and City of Crescent City.

[4] The proposed direct sale customers are: City of Homestead, City of Kissimmee, Michigan Chemical Company, Tennessee Corporation, Armour Fertilizer Company, Air Products, Inc., Cummer Lime and Manufacturing Corporation, General Portland Cement Company, United Clay Mines Corporation, City of Vero Beach, and Florida Hydrocarbons Company.

[5] City of Orlando.

[6] The Intervenor-Distributors are: The Cities of New Smyrna Beach, Boca Raton, Mulberry, St. Cloud, Fernandina Beach, and Maitland and The Lake Apopka Natural Gas District. The other intervenors to the proceedings include: Brevard County Gas District, the Cities of Gainesville, Lakeland, Tarpon Springs, Crescent City, and Orlando; City Gas Company of Florida, St. Joe Natural Gas Company, Inc., Florida Public Utilities Company, The Houston Corporation, Peoples Gas System, Inc., Pompano Natural Gas Corporation, Southern Gas and Electric Corporation, Fuel Oil Committee of the Better Home Heat Council of Florida, Tennessee Corporation, Miller Gas Company, and Atlanta Gas Light Company.

[7] The examiner would condition Houston Texas' certificate to provide service to these two proposed distributors only upon the filing of new agreements omitting certain franchise payment obligations.

[7a] The finding of an adequate gas supply is contingent upon the independent producers acceptance of certificates issued herein, as discussed beginning on page 17.

[8] Exceptions relative to Docket Nos. G-18338 and G-18615 were also filed by the City of Crescent City, Brevard County Gas District, Coastal and Houston Texas, Miller Gas Company and Commission staff (Staff). Oral argument on the matters raised in the several exceptions was made by City Gas Company of Florida, Coastal and Houston Texas, Staff, Miller Gas Company, Crescent City and Brevard. Since Coastal and Houston Texas filed joint exceptions, their exceptions hereinafter will be referred to as those of Houston Texas.

[9] More specifically, Fuel Oil claims that the proposed direct sales are in violation of the Clayton Act as amended by the Robinson-Patman Act (15 U.S.C. 13(a)) as well as "the public policy of the United States expressed in the antitrust laws, 15 U.S.C. Sec. 1, *et seq.*, *i.e.*, to promote the commerce of the United States by assuring free and fair competition among all localities and all businesses, great and small."

Concerning the question of whether such sales are compensatory, the undisputed evidence reveals the lowest rate for these sales is more than sufficient to recover the estimated cost of service.[10] Accordingly, we find that the revenues received from the anticipated sales to all such direct sale customers will adequately compensate Houston Texas for the cost of service shown in this proceeding to be allocable to such sales.

As to the allegations of preference, prejudice, and discrimination, Fuel Oil points to Houston Texas' present sales of direct preferred interruptible gas at 33 cents per M³ Btu and to its proposed sales of preferred interruptible gas to some of the new direct consumers at 34.5 cents per M³ Btu and to others at 38 cents per M³ Btu. Fuel Oil maintains that these varied prices are for basically the same service and, therefore, grant an undue preference to the customers purchasing at the lesser prices, and, subject the other customers to an undue prejudice; also that the proposed sales result in an undue preference to users of industrial gas buying from distributors at 33 cents per M³ Btu; also, that the sales are unduly preferential or discriminatory, as the case may be, as to the various localities involved. Furthermore, Fuel Oil alleges that the discrimination in Houston Texas' non-jurisdictional pricing policy is not related solely to the rates themselves but also to the manner in which Houston Texas will operate its pipeline facilities to effectuate the sales. It challenges the likelihood of any curtailment of the direct interruptible sales and it alleges that the various competitive fuel adjustment clauses in some of the contracts with the direct interruptible customers brings about an unlawful fixing of varying rate levels, all of which gives Houston Texas an improper competitive advantage over the local fuel oil dealers.

The examiner concluded that the Commission has no jurisdiction over direct sales and, therefore, even if these sales should be unduly preferential or prejudicial they are not in violation of section 4(b) of the Act. Furthermore, without such jurisdiction he stated the Commission has neither the power nor authority to forbid them as being in violation of the unfair trade practices and antitrust laws.

Concerning the alleged violations of section 4(b) of the Act, the examiner was correct when he stated that we have no jurisdiction "over the sales in question, since they are not sales for resale." We do, however, have jurisdiction over the interstate transportation of gas sold and thereby have authority to determine whether the facilities for the initiation of direct sales of gas by a natural-gas pipeline company are required by public convenience and necessity under section 7(c) of the Act. But it has been held in the past that this authority gives us no power to regulate or fix the prices of direct sales so long as the rates charged are compensatory to the seller and the facilities to be installed and the service to be rendered the direct sale customers will not impair the pipeline company's ability to provide adequate and reasonable natural gas service to its exising resale customers.[11] In the instant case the estimates indicate that the direct preferred interruptible sales will be compensatory. Further, there is no evidence of record to indicate that such sales will adversely affect the ability of Houston Texas to adequately and reasonably serve its existing resale customers. Consequently, the alleged matters of undue preference and prejudice under section 4(b) of the Act are not in issue.

Concerning Fuel Oil's claims that Houston Texas' pricing policy and rates for the sale of direct preferred interruptible gas are violative of the fair trade practices and antitrust laws[12] we do not believe that our authority extends to the enforcement of the aforementioned acts and we believe we cannot decide definitively whether the sales contemplated constitute violations of those statutes. However, in determining whether the sales in question are in the public interest we cannot ignore the public policy as expressed by the Congress in the fair trade practices and antitrust laws.[13]

We have considered the public policies of the United States as expressed in the fair trade practices and antitrust laws and in our own act.[14] After weighing the possible impact of the sales on competitors and the economy[15] we find that the substantial evidence of record shows an overbalancing public benefit will result from these sales and, therefore, that the public interest requires our granting a certificate of public convenience and necessity authorizing the transportation of gas and facilities necessary therefor for the consummation of the sales in question.[16] The consuming public in Florida will greatly benefit as a result of the contemplated direct preferred interruptible sales. Such disposition of valley gas will enable Houston Texas to operate its system more efficiently. Higher load factors will be maintained throughout the year meaning cheaper and better service to all Houston Texas' jurisdictional customers. Industries able to convert to the use of natural gas, will benefit from improved methods of operations and cheaper production costs. Such sales, we believe, would aid the economy of the peninsula of Florida.

Furthermore, the proposed sales would inject a competitive fuels atmosphere into many areas of Florida. A basic objective of the fair trade practice and antitrust laws is the promotion of competition in the open market. These statutes are aimed at preserving opportunity for market access and fostering market rivalry, so that the public will receive the better service, lowered prices, and other benefits the rivalries of competitors produce. Accordingly, business success, growth, and the ability to expand are not held to be unlawful, even though competitors may suffer harm as a result. These principles and policies, which the fair trade practices and antitrust laws embrace, have been declared in judicial decisions so numerous as to require no citation.

Finally, nothing in the record appears to us as indicative that Houston Texas' proposed rates and pricing policy covering its direct preferred interruptible sales would run counter to the expression of fundamental national policy contained in the fair trade practices and antitrust laws.

Fuel Oil also excepts to the examiner's approval of Houston Texas' proposed sale of 8,216,150 M³ Btu per year of natural gas[17] to four cities, viz., Homestead, Kissimee, Orlando, and Vero Beach, for use in their power plants for generating electricity. Fuel Oil maintains that such sales will account for over 35 percent of the new gas to be purchased by Houston Texas to serve its incremental requirements and that the examiner erred in not specifically finding that the use of such volumes of gas for boiler fuel has not been positively justified and that such a use is not in the public interest. We find that the evidence supports the examiner's conclusion that Houston Texas does not intend to purchase additional volumes of gas in order to consummate the proposed sales to the four municipalities for boiler fuel use and, consequently, we find no error in the examiner's disposal of this matter.

The total requirements for the estimated additional sales for the third year operations of Houston Texas' expansion facilities are 32,466,694 M³ Btu of natural gas[18] and yet Houston Texas proposes to increase its annual purchases by only 23,433,000 M³ Btu. The excess of the third year requirements over the additional volumes of gas to be purchased, *viz.*, 9,033,694 M³ Btu, will be supplied to the proposed and intervening customers by "upgrading" gas presently being sold as direct primary interruptible gas. That is, the 9,033,694 M³ Btu of gas needed to fill the gap between the estimated third year requirements and the proposed increased annual purchases[17] will come from natural gas presently being sold under a certificate of public convenience and necessity for use in the generation of electricity at the lowest classification of service rendered by Houston Texas.[19]

It is apparent, therefore, that Houston Texas will not expand its facilities and purchase additional volumes of natural gas for the purpose of making the proposed sales to the four municipalities for use as boiler fuel. Were that not the case serious problems concerning the effect of such sales on the public interest would no doubt arise.[20a] Houston Texas is simply proposing to reallocate certain volumes of gas which are presently being sold for boiler fuel at lower prices to customers who are willing to pay higher rates in order to use those volumes for the same end use.

In the original certificate of public convenience and necessity authorizing the construction and operation of the pipeline and facilities by Coastal and Houston Texas for the sale of natural gas, we found the sale of direct primary interruptible gas for such a use to be in the public interest. In the light of the facts set out above we find the sales in question are, likewise, in the public interest. Benefits will accrue to Houston Texas' jurisdictional customers as these sales will allow Houston, Texas to operate its system efficiently at high load factors as well as collecting additional revenues which will enhance its financial integrity.

The exceptions of Brevard County Gas District, the City of Crescent City and Houston Texas Gas and Oil Corporation. The examiner found the proposed projects of the intervenors, Brevard County Gas District (Brevard) and the City of Crescent City (Crescent City), would not be economically feasible because of agreements to make franchise payments out of "surplus revenues" to the communities they would serve. Crescent City, Brevard, and Houston Texas, except thereto on the grounds that the examiner's findings are without merit. According to the examiner, such payments should be deducted from the net operating revenues, and when so deducted the debt service coverage ratio for the two projects falls far short of 1.5 which the Commission has repeatedly laid down as the minimum showing of the economic feasibility of a project.[21] Consequently, he would condition the certificates of Coastal and Houston Texas upon Brevard and Crescent City securing agreements with the various municipalities which do not contain such franchise payment provisions.

Essentially, the objectionable agreements between Brevard and the several municipalities it proposes to serve provide for distribution of 50 percent of the "surplus revenues" to those municipalities in consideration of the grant of franchises.[22] Basically, Brevard and Houston Texas except to the examiner's deduction of such payments from net operating revenues in arriving at the debt service coverage ratio on the ground that these payments are not operating expenses but rather they are the distribution of profit that has been generated as a result of operations.

We find considerable merit in the examiner's treatment of the payments to be made by Brevard to the several municipalities as operating expenses and to his conclusion that in this instance such payments would jeopardize the economic feasibility of Brevard's project. However, we believe further consideration of Brevard's and Houston Texas' exceptions is not necessary since Brevard is agreeable to an alternate proposal which, in our opinion, will produce an adequate debt service coverage which in turn will render the project economically feasible and thereby meet the examiner's condition.

The proposal is in the form of a resolution adopted by the Board of County Commissioners, Brevard County, Florida, on March 15, 1961, whereby the Board pledges to pay into a reserve fund all revenues derived from its proposed distribution system remaining after deducting the costs of operation and maintenance, mandatory debt service, and cost of extensions and additions to the proposed system until such fund accumulates an amount equal to 50 percent of the total debt service that has been paid, and, thereafter, to pay annually into the reserve fund from such surplus revenue an amount equal to 50 percent of the annual principal and interest requirements.[23] Such a reserve fund would reduce the amount of "surplus revenues" available for distribution to the municipalities by Brevard and would result in a debt service coverage ratio of 1.5 computed by the method used by the examiner, i.e., on the basis of a pro forma bond amortization schedule of 25 years, a third year leveling of revenues and the deduction of the franchise payments from net operating revenues. Accordingly, the examiner's order will be modified by eliminating the condition that Brevard and the municipalities it proposes to serve enter into new agreements whereby there will be no distribution of any kind to the municipalities, and in lieu thereof we will attach a condition to the certificates of Coastal and Houston Texas whereby the sale of natural gas to Brevard will be subject to Brevard's compliance with the resolution adopted by the Board of County Commissioners, Brevard County, Florida, on March 15, 1961, as set forth in Appendix A hereof.

The exceptions filed by Crescent City and Houston Texas to the examiner's conditioned approval of Crescent City's request for natural gas service do not concern his treatment of franchise payments as operating expenses, but rather are directed primarily to the amounts he deducted from net operating revenues as franchise payments in determining the debt service coverage ratio. Crescent City and Houston Texas maintain that in calculating the debt service coverage ratio, the examiner erroneously deducted $273,744 (i.e., 50 percent of the net surplus shown in Exhibit 79c) from net operating revenue to arrive at a ratio of 1.24.

We find the exceptions well taken. First of all, it appears that Crescent City has franchise payment agreements with only two communities, the incorporated municipalities of Pomona Park and Welaka, and not four as stated by the examiner. Secondly, there appears to be no evidence supporting his conclusions concerning the terms of these agreements and the amounts to be paid thereunder. The only evidence we find indicates that the franchise payments to Pomona Park and Welaka would amount to $1,939 in the third year of operation and total $45,175 over the twenty-five year bond amortization period.[24] Using the examiner's method of calculating debt service coverage ratio and deducting the correct amount of franchise payments from net operating revenue (after deducting costs of extensions and additions) we arrive at a debt service coverage ratio of 1.45.

Considering the facts and circumstances of Crescent City's project we find that a 1.45 debt service coverage ratio based on a twenty-five year bond amortization schedule does not indicate that that city's proposed project will not be economically feasible. While ordinarily we consider a minimum debt service coverage ratio of 1.5 with respect to financing by means of revenue bonds a factor of considerable importance in evaluating financial and economic feasibility of a proposed project, such a minimum is not an absolute since the weight to be given such a factor depends upon the facts of each project.[25] In this case, the evidence reveals other factors which also should be taken into account in determining the economic feasibility of Crescent City's proposed distribution project.[26] While we think the examiner's use of a twenty-five year bond amortization schedule is reasonable here, it should be noted that we have found thirty-year bond amortization schedules to be reasonable in determining debt service coverage ratios.[27] On this basis

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[10] See Exhibits Nos. 115 and 114 wherein the cost of service has been classified to the demand and commodity components in accordance with the Atlantic Seaboard Formula. (11 F.P.C. 43)

[11] Panhandle Eastern Pipe Line Co. v. Public Service Commission of Indiana, 332 U.S. 507 (1949); Panhandle Eastern Pipe Line Co. v. F.P.C., 232 F. 2d 467 (CA 3 1956), cert. den., 352 U.S. 891; City of Hastings v. F.P.C., 221 F. 2d 31 (CADC 1954), cert. den., 349 U.S. 920; South Georgia Natural Gas Co., 23 F.P.C. 795 (1960).

[12] 15 U.S.C. sec. 1, et seq. See footnote No. 9, supra.

[13] McLean Trucking Co. v. United States, 321 U.S. 67 (1944); National Broadcasting Corp. v. United States, 319 U.S. 190 (1943); City of Pittsburgh v. F.P.C., 237 F. 2d 741 (CADC 1956); Pacific Northwest Pipeline Corp., 22 F.P.C. 1091, 1095; Rehearing denied 23 F.P.C. 350; Affirmed California v. F.P.C. — F. 2d —, No. 15687 (CADC) March 30, 1961.

[14] The Natural Gas Act constitutes the immediate frame of reference within which we operate and the policies expressed in it must provide the basic determinants for our action. (See McLean Trucking Co. v. U.S., and California v. F.P.C., supra.)

[15] See Natural Coal Association v. F.P.C., 191 F. 2d 463, 467 (CADC 1951).

[16] Cf. Florida Economic Advisory Council v. F.P.C., 251 F. 2d 643, cert. den. 356 U.S. 959 (CADC 1957).

[17] Proposed third year annual quantities.

[18] This includes the volumes to be sold for the generation of electricity.

[19] Of the 9,033,694 M³ Btu of natural gas, 8,216,160 M³ Btu will continue to be sold for generating electricity but at a higher service classification and the balance, 817,544 M³ Btu, will be sold directly to industry for a higher end use as well as at a higher service classification.

[20] Houston Texas Gas and Oil Corp. and Coastal Transmission Corp. Opinion No. 301, 16 F.P.C. 116; Affirmed Florida Economic Advisory Council v. F.P.C., 251 F. 2d 643 (CADC 1957); Cert. den. 356 U.S. 969.

[20a] E.g., see Federal Power Commission v. Transcontinental Gas Pipe Corp., 365 U.S. 1, Supreme Court No. 45, January 23, 1961.

[21] The examiner found the debt-service coverage ratios for Brevard and Crescent City to be 1.33 and 1.24, respectively. All debt-service coverage ratios used herein are based on gas at 55 cents per M³ Btu.

[22] The agreement is more fully set out on pages 53–54 of the examiner's decision.

[23] See Appendix A.

[24] See Exhibit 75b.

[25] Panhandle Eastern Pipe Line Co., 15 F.P.C. 1421 (1956); American Louisiana Pipe Line Co., 16 F.P.C. 897 (1956).

[26] Panhandle Eastern Pipe Line Co., 15 F.P.C. 1421 (1956).

[27] Panhandle Eastern Pipe Line Co., 15 F.P.C. 1421 (1956); Transcontinental Gas Pipe Line Corporation, 24 F.P.C. 855 (1960).

Crescent City's debt service coverage ratio would be 1.52. Also, Crescent City has experienced a large population growth in the past ten years; it has a diversified and sound economy; it has profitably operated its own water and sewage systems since 1923; and it enjoys a good credit rating. The evidence reveals its bond issue would be marketable. Furthermore, the action of Crescent City's Commission is passing a resolution expressing its intent and purpose to establish at the time of issuance of the gas revenue bonds, a reserve of surplus revenues to assure the purchasers of such bonds that the principal would be paid in as short a period of time as possible consistent with good fiscal practice constitutes a showing of purpose and intent to build up and conserve adequate surplus revenues for the protection of bond holders. Considering these factors together with the modest size of the proposed system (third year peak day volumes estimated at 830 M^3 Btu and the overall cost at $630,000) we find that the public convenience and necessity does not require the attachment of the condition proposed by the examiner to Houston Texas' certificate pertaining to Crescent City's franchise payments.

The exceptions of Miller Gas Company. Miller Gas Company (Miller) maintains that the examiner erred in not attaching a condition to the certificate he would grant Houston Texas which would delimit the area within which the natural gas it would sell to City Gas Company of Florida (City Gas) could be resold by City Gas. Miller requests that ordering paragraph (G) (iv) of the examiner's decision be amended by the addition of the following proviso:

"*Provided*, That the authorization to sell and deliver gas to City Gas Company at the West Miami tap shall not become final until City Gas Company has filed a stipulation, similar to Appendix A of the Examiner's Decision, delineating the area of southwest Miami where customers are presently being served with natural gas by City's West Miami distribution system, and stipulating that City Gas Company will not make any further extensions of such distribution system west of Galloway Road between SW. 24th Street and SW. 72d Street."

During the course of the proceeding Miller sought to have a condition attached to the certificate to be issued Houston Texas, whereby Houston Texas would be required to execute service agreements with the four gas distributors operating in the Greater Miami area [28] which would expressly restrict the sale to such distributor customers for resale within the respective service areas delineated by those distributors "in this or a prior proceeding." Miller, whose service area is in an unincorporated part of Dade County, Florida (i.e., southwest Miami), states that such a condition is appropriate here since there presently is no franchise authority for granting franchises outside of incorporated towns and cities in Florida and, consequently, any distributor can invade the service areas of other distributors located in the unincorporated sections and begin to render service there without any state or local sanction to the detriment of the existing systems in such areas. Apparently, the examiner gave no consideration to Miller's request.

While we do not believe that a condition as broad as that proposed by Miller during the proceeding is warranted at this time, in our opinion, Houston Texas' and Coastal's certificates should be so conditioned as to require Houston Texas to execute a service agreement with City Gas which contains a provision, similar to Appendix A of the examiner's decision, delimiting the service area of southwest Miami where customers are presently being served with natural gas by City Gas' West Miami distribution system and, a further provision that City Gas will not make any further extensions of its West Miami distribution system for the purpose of reselling natural gas sold to it by Houston Texas under the certificate granted herein west of Galloway Road between SW. 24th Street and SW. 72d Street.[29]

Houston Texas seeks permanent authorizations to supply gas to City Gas for resale in Lake Forest, Opa Locka, Hialeah, West Miami, Cutler Ridge, and certain areas adjacent thereto. Similar authority is sought for the sale of natural gas to Miller from Houston Texas' West Miami tap for resale in southwest Miami.[30] The evidence of record discloses the projects of the two distributors, as proposed, are economically feasible and that the public convenience and necessity requires Houston Texas to sell them gas for resale.

As shown in Exhibit No. 73 the area Miller proposes to serve lies west of SW. 87th Avenue (Galloway Road), south of Coral Way (SW. 24th Street), and north of Sunset Drive (SW. 72d Street). It adjoins the proposed service area of City Gas and its subsidiaries; City Gas' service area extends as far west as, but does not cross SW. 87th Avenue between the aforementioned streets.[31] Nothing was adduced during the proceeding to indicate that the area Miller proposes to serve conflicts with the proposed service areas of any other natural gas distributor in the Miami area, including City Gas.[32]

Here we are faced with a situation where apparently there is no state or local authority empowered to grant franchises delimiting the service areas of natural gas distributors in unincorporated areas. The absence of such authority with respect to Miller's proposed service area could jeopardize the economic feasibility of Miller's project, a factor which we are bound to consider before granting Houston Texas the authorization it seeks.[33]

Because of the absence of local and state franchising authority, City Gas can render service in the service area claimed by Miller at pleasure and has attempted to do so.[34] Such incursions by City Gas into Miller's marketing territory could diminish Miller's sales. As a result Houston Texas' allocation of gas to the Miller project could become excessive and thereby render the proposed sale of gas by Houston Texas unsupportable in the public interest. Furthermore, any such invasion into Miller's service area would result in service being rendered where there has been no showing of the economic feasibility of a City Gas distribution system in that specific locality.

[28] The distributors are: The Houston Corp., The Peoples Gas System, Inc., City Gas and Miller.

[29] Since the service agreement would become part of Houston Texas' FPC Gas Tariff the inclusion of these provisions therein would, in our opinion, better effectuate the results sought than would the filing of stipulations by City Gas as proposed in Miller's exceptions.

[30] Houston Texas has been selling gas to City Gas for resale in Hialeah, Opa Locka, Lake Forest, and West Miami, under a temporary certificate issued January 18, 1960. Miller has been receiving gas for resale in the southwest Miami area purspant to a temporary certificate issued October 26, 1960. Prior to the deliveries of such gas, both distributors operated liquid propane distribution systems.

[31] Houston Texas' pipeline, which runs north and south along 87th Avenue apparently is the dividing line between the service area claimed by City Gas and the area served by Miller.

[32] Prior to and during the hearing City Gas did not indicate it proposed to render service in southwest Miami nor did it interpose any objections to Miller's proposal and evidence regarding service in that area. The only objections of City Gas appear in its answer to Miller's complaint (Docket No. CP61–161, filed on November 23, 1960) alleging City Gas' violation of Commission orders and during the oral argument held before the Commission in the present case. Basically, it contends that its evidence concerning service areas produced during the proceedings was for information only and that it was not intended to be a limitation of any kind. Further, it states that these matters are purely of a local nature which can only be adequately dealt with by local authorities.

[33] *Virginia Petroleum Jobbers* v. *F.P.C.*, — F. 2d —, (CADC) No. 15750, June 22, 1961.

[34] This has been a matter of considerable litigation in the local courts of Florida and before the Commission. (See Docket No. CP61–161). Apparently, City Gas has extended a distribution line from its authorized West Miami service area into Miller's southwest Miami area and has attached several former liquid propane gas customers to its natural gas distribution system. This line has been located along the route (viz., SW. 92d Avenue) which Miller proposes to use for its natural gas distribution system. On November 28, 1960, City Gas obtained a temporary restraining order in Dade County Circuit Court preventing Miller from constructing its proposed line (pursuant to the temporary authority granted Houston Texas on October 26, 1960), which would parallel the new line of City Gas. In its complaint filed with the Commission on November 23, 1960, Miller alleged that the local court action (together with other actions in Florida courts to enjoin Miller from distributing natural gas) prevented it from receiving gas from Houston Texas pursuant to our temporary authorization of October 26, 1960. By order of December 29, 1960, the Commission ordered City Gas to cease and desist from any further extensions west of Galloway Road pending the issuance of a permanent certificate. Deliveries to Miller under the temporary authorization commenced January 6, 1961.

Consequently, we believe the attachment of a condition to Coastal's and Houston's certificates which would limit the sale of gas by Houston Texas to City Gas for resale in southwest Miami as described above is reasonable and proper. Such a condition will protect the consuming public and serve the public interest, in this case, Miller's customers, Miller itself and Houston Texas. To Miller's customers, existing and proposed, it will help assure the maintenance of adequate service at fair prices; to Miller it will help assure successful operations and a fair return; and to Houston Texas it will assist in maintaining sales to Miller at the contemplated levels thereby providing revenues to justify its proposed expansion and alleviate the possibility that Miller's system will burden the successful operations of Houston Texas to the detriment of its other resale customers.

The independent producer dockets. The expansion projects of Coastal and Houston Texas depend upon the certification of the fifty-three independent producer applications for an adequate gas supply. These independent producer applications were originally consolidated for hearing with the applications of the pipelines. Upon a motion of Coastal filed on June 6, 1960, fifty-one producer applications were severed and after abbreviated hearings each was issued a permanent certificate conditioned upon the subsequent receipt of certificates by Coastal and Houston Texas.[35] Therefore, these fifty-one certificates are not yet effective, and in view of changed circumstances [36] since the issuance thereof, we find it appropriate to rescind such certificates and reissue them with Section 7(e) conditions, relating to the initial prices, in keeping with recent Commission decisions.

On June 23, 1961, Coastal and Houston Texas filed a joint motion in which they requested, inter alia, that the fifty-one severed independent producer applications be again consolidated with the pipeline applications and that certificates issued to all the independent producers be conditioned in a manner whereby they would be permitted to collect negotiated contract prices, but such collection would be subject to a refund provision in the form of a section 7(e) condition. The refund provision would provide for the reimbursement to the pipeline of monies collected by the producers over and above the proper prices ultimately permitted by the Commission in an appropriate proceeding. The motion was motivated by the Public Service Commission case (ibid.) and a desire to have the above dockets disposed of in a prompt fashion.

We shall grant the motion to consolidate, and we shall issue permanent certificates to all of the independent producers, including Shell in Docket No. G–18805 and Sparta in Docket No. G–19964. All the producers, other than the applicants Amerada Petroleum Corporation in Docket No. G–18346 and Phillips Petroleum Corporation in Docket No. G–19964, will be permitted to collect their contract prices.

The applications of Amerada and Phillips involve contracts providing for the sale of gas from the Lake Chicot field in south Louisiana at total initial prices of 23.55 cents per Mcf at 15.025 psia (inclusive of 2.05 cents per Mcf tax reimbursement). These initial prices exceed, by 0.30 cents per Mcf, the highest price of 23.25 cents per Mcf at 15.025 psia (inclusive of tax reimbursement) allowed to producers in this pricing area since the issuance of our General Policy Statement No. 61–1, as amended, and as supplemented by our Opinion No. 339, in Trunkline Gas Company, 24 FPC 1020, 1038, issued November 29, 1960.[37] Accordingly, we shall attach a condition to the certificates issued to these two producers in which the initial prices collected by them shall not exceed 23.25 cents per Mcf at 15.025 psia (inclusive of tax reimbursement).

The reduced contract prices (supra) collected by Amerada and Phillips, as well as the contract prices collected by the other producers, will be subject to the condition that all the producers refund such monies to Coastal as may be determined as the result of a proceeding fixing proper initial prices. There is nothing in the record of the abbreviated hearings or the hearings relating to Shell and Sparta that would enable us to determine whether the initial prices for gas called for herein are required by the public convenience and necessity. However, instead of denying certificates to the producers, which we would otherwise be constrained to do, we shall issue conditioned certificates containing appropriate refund conditions.

The condition we shall impose does not provide for a so-called "refund floor." Instead we are of the opinion that it would be improper for us, at this time, on the basis of the evidence contained herein, to determine a rate level below which the producers may not have to refund monies. For us to do so, would in effect call for a determination much like the determination of a proper initial rate required by the public convenience and necessity for the sale of the gas involved here. This we cannot do. There is no evidence of record upon which to predicate ultimate rates required by the public interest and we can discern no possible rationale which would give us assistance in such circumstances.

We are of the view that it would be far more appropriate to hold further proceedings upon the producer price issue at some subsequent date and at that time determine with precision what can now be determined only by ill-informed guesswork. Pending such proceedings, and the determination of initial rates upon producer evidence the producers except for Amerada and Phillips, will be permitted to collect their full contract prices. When the proceedings have been completed the producers will be required to refund to Coastal the difference between what the producers have collected and what they would have collected under the proper initial rates we shall determine. Pure Oil Co. v. F.P.C. — F. 2d —, CA7, No. 13243, decided July 7, 1961; cf, Texaco, Inc. v. F.P.C. — F. 2d —, CA5, Nos. 18349, et al., decided April 14, 1961.

Southern Natural Gas Company, Docket No. CP60–92. Southern Natural Gas Company (Southern) seeks certificate authority under Sections 7 (c) and (e) of the Act to construct and operate the necessary facilities, estimated to cost $32,385, for the sale of 12,600 Mcf of natural gas daily to Coastal, as well as authority to sell such volumes to Coastal. Southern will deliver the gas directly to Houston Texas' system for Coastal's account at a point where the Houston Texas and Southern pipelines intersect in Washington Parish, Louisiana. The examiner found that the construction and operation of the facilities and the sale of natural gas proposed by Southern are required by the present and future public convenience and necessity.

The only exception to the examiner's decision concerning Southern's application was filed by Staff and assigns as error the examiner's characterization of Southern's proposed Rate Schedule CDL–1 as a change in an existing rate schedule. Staff contends that the proposed rate schedule constitutes an initial rate schedule since it establishes a service not previously rendered by Southern.

We find that Staff's exception is well taken. Southern proposes to sell gas to Coastal under a new rate schedule to be designated as Southern's Rate Schedule CDL–1. This new rate schedule is an initial rate schedule which, while modeled on Southern's existing Rate Schedule CD–1, is applicable to a service not heretofore offered by Southern in its Rate Zone 1.[38] While the proposed schedule will provide for the same rates as contained in Rate Schedule CD–1 [39] the character of the service to be offered thereunder will differ from that which Southern renders to customers under Rate Schedule CD–1 in three significant aspects. First, service under Rate Schedule CDL–1 is available to a pipeline company having other sources of supply while service under Rate Schedule CD–1 is available to other purchasers generally. Second, service under Rate Schedule CDL–1 restricts takes to the contract demand "except pursuant to advance arrangement between Southern and purchaser for the sale of overrun gas" whereas service under Rate Sched-

[35] The Ohio Oil Co., et al., Docket Nos. G–17896, et al. Order issued September 19, 1961.

[36] See Footnote 1a and our General Policy Statement No. 61–1, 24 FPC 818, 902.

[37] See also temporary authorizations issued in:

CI60–43	CI61–1176	CI61–1570
CI60–142	CI61–1362	CI61–1571
CI61–167	CI61–1421	CI61–1524
CI61–168	CI61–1436	

[38] Southern, save for some insignificant differences, has an identical rate schedule for its Rate Zone 3 entitled Southern's Rate Schedule CDL–3 which has been held to be a new rate schedule. See Southern Natural Gas Company, Docket No. G–19632, Examiner's Decision of February 8, 1961, which became final on March 10, 1961, wherein we authorized the commencement of service to Carolina Pipeline Co., to begin September 11, 1961, under Southern's Rate Schedule CDL–3.

[39] The proposed Rate Schedule CDL–1 will also reflect the rates from the pending rate proceeding involving Rate Schedule CD–1 (Docket Nos. G–20509 and RP60–15).

ule CD–1 permits purchasers to exceed their contract demand except when specifically restricted to it by Southern. And finally, Rate Schedule CDL–1 provides a 65 percent annual minimum bill provision whereas Rate Schedule CD–1 provides for a 40 percent annual minimum.

It is clear that the proposed Rate Schedule CDL–1 is designed to provide service to customers whose gas requirements differ considerably from those which Rate Schedule CD–1 was designed to meet.

The Commission finds:

(1) The initial decision of the presiding examiner issued herein on March 1, 1961, should be modified as set forth herein and should, to the extent consistent with this order, be adopted by the Commission as its decision in this case as of the date of issuance of this order.

(2) The condition which the examiner would attach to the certificates of public convenience and necessity of Houston Texas and Coastal in his "Findings And Conclusions" number (19)(1) requiring Crescent City and the municipalities it proposes to serve to enter into modified agreements respecting the payment to or the apportionment of any portion of revenues from the operation of Crescent City's proposed distribution system among those municipalities is not required by the present or future public convenience and necessity.

(3) It is necessary and appropriate in the administration of the Natural Gas Act that the independent producers dockets referred to herein be consolidated with the applications of Coastal, Docket No. G–18338, and Houston Texas, Docket No. G–18615, as ordered hereinafter.

(4) It is appropriate to defer final determination of the proper initial prices at which the 53 proposed sales of natural gas should be made by the independent producers referred to above.

(5) Except as herein granted, the exceptions to the examiner's decision should be denied.

The Commission orders:

(A) The initial decision of the presiding examiner issued on March 1, 1961, is modified as set forth herein and as so modified, is, to the extent consistent with this order, adopted by the Commission as its decision in this case as of the date of issuance of this order.

(B) The grant and exercise of rights under the certificates of public convenience and necessity authorizing Houston Texas and Coastal to construct and operate the facilities involved in Docket Nos. G–18615 and G–18338 and to make the transportation and sale of natural gas as therein set forth are further conditioned upon the performance of the following acts:

(i) Brevard's compliance with the resolution adopted by the Board of County Commissioners, Brevard County, Florida on March 15, 1961, as set forth in Appendix A hereof.

(ii) The execution of a service agreement between City Gas and Houston Texas containing a provision, similar to Appendix A of the examiner's decision, delimiting the service area of southwest Miami where customers are presently being served with natural gas by City Gas' West Miami distribution system and a further provision that City Gas will not make any further extensions of such distribution system for the purpose of reselling natural gas sold to it by Houston Texas under the certificate authorization west of Galloway Road between Southwest 24th Street and Southwest 72d Street.

(iii) The acceptance by all independent producers referred to above of their certificates as granted herein.

(C) The applications of all the independent producers referred to above, except for Shell in Docket No. G–18805 and Sparta in Docket No. G–19964 already consolidated, are hereby consolidated with the proceedings upon the applications of Coastal in Docket No. G–18338 and Houston Texas in Docket No. G–18615.

(D) Certificates of public convenience and necessity for the proposed sales of gas to Coastal are hereby issued to all the independent producers for the fifty-three sales referred to above subject to the conditions below.

(E) The certificates issued in paragraph (D) above shall be deemed accepted and of full force and effect unless refused in writing and under oath within 30 days from the issuance of this order.

(F) The determination of the initial rates required by the public convenience and necessity for the sale of gas by all the independent producers to Coastal is hereby deferred pending further hearing and subject to further order of the Commission.

(G) The initial rates pending further proceedings to be charged by Amerada Petroleum Corporation in Docket No. G–18346 and Phillips Petroleum Company in Docket No. G–18375 shall be 23.25 cents per Mcf at 15.025 psia including tax reimbursement.

(H) The initial rates pending further procedings to be charged by all the independent producers other than Amerada and Phillips shall be the rates proposed in their contracts.

(I) The amounts collected from Coastal by all the independent producers referred to above shall be subject to refund of any of the amounts collected plus interest at 7 percent per annum, in excess of the ultimate rates determined to be required by the public convenience and necessity.

(J) Jurisdiction over these proceedings is hereby further retained pending further hearing with respect to the rates required by the public convenience and necessity.

(K) Except as herein granted, the exceptions to the examiner's decision are hereby denied.

(L) The Secretary of the Commission is hereby directed to file a copy of this order as part of the rate schedules relating to each of the fifty-three independent producers sales to Coastal certified hereinabove.

(M) The grant of the certificate to Southern herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, of Part 154 of the Commission's rules and regulations thereunder requiring the filing of rate schedules for the service herein authorized or of any of the Commission's reporting and accounting requirements adopted pursuant to the Natural Gas Act and is without prejudice to any findings or orders which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicant.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–7786; Filed, Aug. 15, 1961; 8:47 a.m.]

[Docket No. CP61–60]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application and Date of Hearing

AUGUST 9, 1961.

Take notice that on August 29, 1960, The Manufacturers Light and Heat Company (applicant), a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed an application and on November 10, 1960, April 7 and April 18, 1961, supplements thereto, pursuant to Section 7 of the Natural Gas Act, for an order authorizing it to abandon by sale certain of its gas transmission facilities in the Commonwealth of Pennsylvania to Columbia Gas of Pennsylvania, Inc. (Columbia of Pennsylvania), a Pennsylvania corporation, and for a certificate of public convenience and necessity authorizing it to construct and operate certain facilities, hereinafter described, and to sell and deliver natural gas at wholesale to Columbia of Pennsylvania for resale, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

This application constitutes another step[1] in the plan for realignment of properties of The Columbia Gas System, Inc., so that each operating subsidiary will be subject to regulation by only one regulatory agency. Applicant proposes a realignment of its Pennsylvania properties and operations in such manner that its retail distribution facilities, with certain minor exceptions, in Pennsylvania, including the transmission facilities to be abandoned by Applicant, will be transferred to Columbia of Pennsylvania and operated by that company subject only to the jurisdiction of the Pennsylvania Public Utility Commission, and its natural gas production, storage and remaining interstate transmission facilities in Pennsylvania will be retained by Applicant and operated subject only to the jurisdiction of the Federal Power Commission.

It is proposed that the facilities to be abandoned by sale to Columbia of Pennsylvania include all of its retail distribution system in Pennsylvania, and certain of its related transmission facilities, all of which are described with particularity in the application. The following is a summary of the facilities to be transferred:

(a) 270,904 retail distribution meters.

(b) 23,946,625 feet of various size pipelines, of which 21,367,940 feet are indicated to be distribution pipe and 2,578,685 feet are indicated to be transmission pipe. Also, 237,163 feet of service lines are to be transferred.

(c) Miscellaneous equipment such as general plant, liquefied petroleum facilities, franchises, communication, etc., all of which were allocated between the two companies according to the principal function of the equipment.

Applicant estimates the annual and peak day requirements of Columbia of Pennsylvania, for its entire retail distribution area, including residential, commercial, municipal, industrial and other requirements, company use and unaccounted for gas, but not including any gas to be delivered for Applicant's account, as follows:

	Annual (Mcf)	*Peak Day (Mcf)*
1961	90,978,400	614,200
1962	91,941,600	626,000
1963	93,536,300	636,700
1964	94,694,300	646,400

Applicant will retain the major portion of the existing transmission system and its field production, purchase and underground storage facilities. Applicant alleges that its proposed realignment plan requires that part or all of four distribution lines which are located in Pennsylvania be retained by Applicant and that such distribution lines be reclassified as transmission lines.

Applicant also seeks a certificate of public convenience and necessity authorizing the construction and operation of twenty (20) measuring and regulating stations in Pennsylvania at a cost of $389,000 and authorizing the sale and delivery of natural gas at wholesale to Columbia of Pennsylvania for resale.

Columbia of Pennsylvania will purchase gas from Applicant and render the same retail service now being rendered by Applicant. No change in service will result from the proposal except that Applicant will make the new sale to Columbia for resale under its filed FPC rate schedule.

Applicant states that Columbia of Pennsylvania will reimburse Applicant for the assets and properties sought to be transferred by issuance and delivery of common stock and assumption of a proportionate amount of Applicant's outstanding promissory notes in an amount equal to the aggregate net value of the aforementioned assets and properties to be transferred, less certain liabilities and obligations which are to be assumed by Columbia of Pennsylvania. The net book value of these assets as of December 31, 1959, is stated to be $67,327,200.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 12, 1961, at 9:30 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 30, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–7787; Filed, Aug. 15, 1961; 8:47 a.m.]

[1] Other steps in such realignment include Docket Nos. G–9689, G–9694, and G–9695; Docket No. G–12127; Docket No. G–13038; Docket No. G–14691; Docket No. G–17226.

[Docket No. RI62–7 etc.]

FRED BOWMAN ET AL.

Order Accepting Filings, and Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Upon Filing of Agreements and Undertakings[1]

AUGUST 9, 1961.

Fred Bowman (Operator), et al., Docket No. RI62–7; Cities Service Company, Docket No. RI62–8; Union Producing Company, Docket No. RI62–9; Glenn Tompkins, Docket No. RI62–10; Cabot Corporation (SW), Docket No. RI62–11; Bachus Oil Company, Docket No. RI62–12.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Annual increase (decrease)	Date tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62–7	Fred Bowman (Operator), et al. P.O. Box 1391, Corpus Christi, Tex.	2	3	Orange Grove Gas Gathering Company (Wade City Field, Jim Wells County, Tex.).	$1,650	7–10–61	8–15–61	8–16–61	10.0	[2][5]11.0	
RI62–8	Cities Service Co., Cities Service Building, Bartlesville, Okla.	6	15	Southern Natural Gas Co. (Logansport Field, De Soto Parish, La.).	(1,088)	7–12–61	8–12–61	8–13–61	13.2848	[9]13.2473	[3] G–19005 (Supp. No. 13).
RI62–9	Union Producing Co., 1525 Fairfield Avenue Shreveport, La.	195	4	Texas Eastern Transmission Corp. (Muldon Field, Monroe County, Miss.).	(19,908)	7–12–61	8–12–61	8–13–61	19.8	[4][10]19.01	RI60–54 (Supp. No. 2).
RI62–10	Glenn Tompkins c/o Hays & Co., P.O. Box 590, Spencer, W. Va.	2	2	Cabot Corporation (DeKalb District, Gilmer County, W. Va.).	57	7–17–61	8–17–61	8–18–61	12.0	[5][10]13.824	----------
RI62–11	Cabot Corp. (SW), P.O. Box 1101, Pampa, Tex.	35	2	Panhandle Eastern Pipeline Co. (Hugoton Field, Texas County, Okla.).	626	7–17–61	9– 1–61	2– 1–62	16.0	[6][8]17.0	----------
RI62–12	Bachus Oil Co., 721 East Central, Wichita, Kans.	4	1	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	194	7–17–61	8–17–61	1–17–62	[7]12.0	[6][8]13.0	----------

[1] The proposed effective dates are the first day after the required 30 days' notice, or if later, the date requested by the Respondent.
[2] Revenue sharing increase per contract, based on Buyers' Resale Rate effective subject to refund in Docket No. G–19036.
[3] Also subject to order in Docket No. G–17680 (due to misinterpretation of Tax Reimbursement).
[4] Rate decrease due to compression charge deducted by Buyer.
[5] Revenue sharing increase per contract, based on Buyers' Resale Rate effective subject to refund in Docket No. RI61–308.
[6] Periodic increase per contract.
[7] Initial rate accepted for filing.
[8] The pressure base is 14.65 psia.
[9] The pressure base is 15.025 psia.
[10] The pressure base is 15.325 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The increased rate proposed by Fred Bowman (Operator), et al., is of the revenue-sharing type and is thus indeterminate at present and dependent upon final determination of the proper resale rate of Orange Grove Gas Gathering Company in Docket No. G–19936, and therefore may be suspended for one day.

The redetermined rate decrease proposed by Cities Service Company includes a questionable Louisiana tax reimbursement on gas sold to Southern Natural Gas Company, and therefore may be suspended for one day with only the tax reimbursement portion of the rate subject to refund.

The proposed rates submitted by Union Producing Company, Cabot Corporation, and Bachus Oil Company exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto. However, the change proposed by Union Producing Company is a decrease and therefore may be suspended for one day.

The increased rate proposed by Glenn Tompkins is based upon a contract provision with Cabot Corporation, which states that if and when Cabot Corporation receives an increase in its resale rate, which is being collected subject to refund in Docket No. RI61–308, 60 percent of said increase of Cabot Corporation shall be added to the price payable to Glenn Tompkins. Therefore the revenue-sharing increased rate proposed by Glenn Tompkins may be suspended for one day.

The changed rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act, *Provided, however*, That the supplements to the rate schedules filed by Fred Bowman (Operator), et al., Glenn Tompkins, and Union Producing Company, and the tax reimbursement portion of the supplement filed by Cities Service Company, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order said Respondents shall execute and file under the above-designated docket numbers with the Secretary of the Commission their agreements and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless said Respondents are advised to the contrary within 15 days after the filing of such agreement and undertaking, their agreements and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 25, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–7784; Filed, Aug. 15, 1961; 8:46 a.m.]

[Docket Nos. CP61–190, G–13875]

NORTHERN NATURAL GAS CO.

Notice of Applications, Consolidation and Date of Hearing

AUGUST 9, 1961.

Take notice that Northern Natural Gas Company (Northern), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha 1, Nebraska, filed in Docket No. CP61–190 on January 16, 1961, as amended April 4, 1961 and May 29, 1961, an application for a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act, authorizing Northern to construct and operate pipeline and storage facilities and to sell and deliver additional gas to its existing customers to meet their increased requirements for the 1961–62 heating season, subject to the jurisdiction of the Commission, as more fully represented in the application which is on file with the Commission and open for public inspection.

Notice of Northern's application in Docket No. G–13875, requesting authorization to increase the gas inventory and to construct and operate facilities necessary for large-scale testing of the Mt. Simon formation of the Redfield Storage Field, was issued July 16, 1958, and published in the FEDERAL REGISTER on July 22, 1958 (23 F.R. 5554–5); notice of amendments to Northern's application in Docket No. G–13875 was issued July 7, 1960, and published in the FEDERAL REGISTER on July 13, 1960 (25 F.R. 6605).

In its application in Docket No. CP61–190, Northern proposes to construct and operate certain pipeline and storage facilities, as hereinafter described, and to sell for resale [1] in interstate commerce an additional contract demand volume totaling 12,565 Mcf [2] of gas per day to its existing customers to satisfy increased requirements anticipated and nominated by such customers for the 1961–62 heating season, as set forth in the following tabulation:

Customers desiring increases for 1961–62	*Increases requested (Mcf)*
Central Natural Gas Company	[1](90)
Guthrie Center, Iowa, City of	25
Iowa Electric Light & Power Company	1,985
Iowa-Illinois Gas & Electric Company	300
Kansas Power & Light Company	[1](20)
Lyons, Nebraska, Town of	75
Minnesota Valley Natural Gas Company	250
Nebraska Natural Gas Company	250
New Ulm, Minnesota, P.U.C.	250
Northern States Power Company (Minnesota)	5,000
Omaha, Nebraska, M.U.D.	4,000
Owatonna, Minnesota, M.P.U.	200
Sanborn, Iowa, Town of	10
Sioux Center, Iowa, Town of	50
Peoples Natural Gas Division, Argus System	280
Total increases desired	12,565

[1] Parentheses denote decreases in amount of gas needed for the 1961–62 heating season.

Northern seeks permanent authorization to operate the Mt. Simon reservoir of its Redfield Storage Field to supply up to 89,005 Mcf of the contract demand requirements of its customers, that is, the above-mentioned 12,565 Mcf of increased peak daily requirements desired by its existing customers for the 1961–62 heating season and 76,720 Mcf of the full 212,674 Mcf of third-year requirements of the communities authorized for service in the order accompanying Opinion No. 324, issued July 31, 1959, in Northern Natural Gas Company, et al., Docket Nos. G–17485, et al., 22 FPC 164, as amended August 26, 1960, 24 FPC 341. Northern also requests that the present Mt. Simon gas inventory restriction of 45 billion cubic feet be raised to 56 billion cubic feet so that Northern can maintain injections into the Mt. Simon reservoir throughout the "injection season" and have sufficient gas in the reservoir at the end of the heating season to permit further testing of the potential withdrawal rates which may be achieved solely from the Mt. Simon formation.[3]

By temporary certificate issued August 11, 1960, in Docket No. G–13875 Northern was authorized to increase the maximum inventory of the Mt. Simon reservoir to its present ceiling of 45 billion cubic feet and to install 2,000 horsepower of additional compressor facilities at Redfield. The only action remaining to be taken in Docket No. G–13875 is the permanent certification of the 2,000 horsepower of compressor facilities already constructed by Northern pursuant to the temporary authorization issued August 11, 1960.

In order to utilize the Mt. Simon reservoir to the extent proposed in Docket No. CP61–190, Northern requests authority to construct and operate an additional 1,500 horsepower of compressor facilities at Redfield. The only additional pipeline facilities required to supply the 12,565 Mcf increase in contract demand desired by existing customers for the 1961–62 heating season consist of 1.4 miles of three-inch loop of the existing branch line used for service to State Center, Iowa.

The total cost of all proposed facilities, including interest and overheads, is $482,600 of which $18,600 will be used to construct the branch-line loop and the remaining $464,000 will be used to construct the additional compressor facilities. Northern expects to finance the proposed project out of cash on hand and cash generated from operations.

The additional proposed service will not appreciably affect Northern's gas supply and deliverability life.

The 250 Mcf of additional contract demand requested by Minnesota Valley Natural Gas Company, supra, is needed for rendering firm service to the American-Wheaton Glass Corporation at Shakopee, Minnesota. No additional facilities are required to deliver the increased contract demand to Minnesota Valley for resale to the American-Wheaton Corporation because Northern will be able to utilize existing connections for such service. Northern states that it is requesting a certificate to initiate firm service to American-Wheaton pursuant to the provisions of its FPC Gas Tariff which requires certificate authorization for rendering firm service to large-volume consumers.

Northern avers that utilization of Redfield storage for supplying up to 189,005 Mcf per day as requested herein and authorized in Opinion No. 345, supra, will not only permit it to serve the increased requirements of its customers for the 1961–62 heating season but will also enable it to eliminate approximately 13 million dollars of main-line facilities heretofore certificated in Opinion Nos. 324 and 345, supra.[4] Northern states that if it is certificated to render the service proposed in Docket No. CP61–190, it will thereafter make appropriate filings requesting amendment of the orders accompanying Opinion Nos. 324 and 345 so as to reflect elimination of the main-line facilities heretofore authorized but now obviated by the proposed utilization of Redfield storage to supply up to 189,005 Mcf per day of contract demand.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 1, 1961.

The matters involved in these dockets are related and, accordingly, the dockets are hereby consolidated for purposes of a hearing, which will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D.C., on September 13, 1961, at 9:30 a.m., e.d.s.t.: *Provided, however*, That the Commission may, after a non-contested hearing, omit the intermediate decision procedure pursuant to the provisions of section 1.30(c) of the Rules of Practice and Procedure. Unless a protest, petition to intervene, or notice of intervention is filed with this Commission in accordance with the preceding paragraph, it will be unnecessary for Northern to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as concurrence in any request made herein for waiver of the intermediate decision procedure.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–7788; Filed, Aug. 15, 1961; 8:47 a.m.]

[1] Except 280 Mcf of gas needed by Northern's Peoples Division for use in meeting increased requirements of the Argus System.

[2] Prior to amendment, Northern's application sought authority to serve 18,595 Mcf of increased requirements, but thereafter two customers canceled their nominations entirely and two others greatly reduced their nominations, so that the original increase sought of 18,595 Mcf had to be reduced by 6,030 Mcf to a total increase of 12,565 Mcf.

[3] The Mt. Simon formation lies below the St. Peter and Elgin formations. The use of the Mt. Simon reservoir to supply up to 89,005 Mcf per day of contract demand will be storage capacity in addition to the authorization received by Northern in the order accompanying Opinion No. 345, issued June 26, 1961, in Northern Natural Gas Company, et al., Docket Nos. G–20570, et al., 25 FPC —, which permits Northern to supply up to 100,000 Mcf per day of contract demand from the St. Peter-Elgin reservoir.

[4] If Northern receives a certificate herein, its system salable capacity will be increased by 12,565 Mcf above the 1,727,933 Mcf of system salable capacity certificated by the Commission in Opinion No. 345, *supra*. (See mimeo page 4 of the examiner's decision issued March 29, 1961, in Docket Nos. G–20570, et al., which was affirmed by the Commission insofar as it related to Northern.)

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37298: *Substituted service—L&N for Hoover Motor Express Company, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 62), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between East St. Louis, Ill, on the one hand, and Atlanta, Ga., Birmingham, Ala., Chattanooga and Nashville, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 246.

FSA No. 37299: *Substituted service—IC for Dixie Highway Express, Inc.* Filed by Central and Southern Motor Freight Tariff Association, Incorporated, Agent (No. 63), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between East St. Louis, Ill., on the one hand, and Jackson, Miss., and New Orleans, La., on the other, also between Jackson, Miss., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Central and Southern Motor Freight Tariff Association, Incorporated tariff MF–I.C.C. 246.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–7814; Filed, Aug. 15, 1961; 8:51 a.m.]

[Notice 172]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 11, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–222 (Deviation No. 2), NEW YORK CONSOLIDATED FREIGHTWAYS CORPORATION, 715 South 25th Avenue, Bellwood, Ill., filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows:

From the junction U.S. Highway 20 and Indiana Highway 212, over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Interstate Highway 94 at or near Stevenville, Mich., thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Youngstown, Ohio, over U.S. Highway 422 to Cleveland, Ohio, thence over U.S. Highway 20, to Chicago, Ill.; and, from Toledo, Ohio, over U.S. Highway 25 to Detroit, and return over the same routes.

No. MC–730 (Deviation No. 15), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Idaho Falls, Idaho, over Interstate Highway 15 to junction Interstate Highway 90 near Rocker, Mont., thence over Interstate Highway 90 to Seattle, Wash., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Idaho Falls, over U.S. Highway 91 to junction Idaho Highway 28, thence over Idaho Highway 28 to Salmon, Idaho; from Salmon, over U.S. Highway 93 to Missoula, Mont.; from Seattle, over U.S. Highway 10 to junction Washington Highway 7, thence over Washington Highway 7 to Ephrata, Wash., thence over Washington Highway 11G to junction unnumbered highway at or near Moses Lake, Wash., thence over unnumbered highway through Wheeler, Wash., to Ritzville, Wash., thence over U.S. Highway 10 to Missoula, and return over the same routes.

No. MC–730 (Deviation No. 16), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pueblo, Colo., over Interstate Highway 25 to Cheyenne, Wyo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Colorado Springs, Colo., over U.S. Highway 87 to Denver, Colo.; From Pueblo, over U.S. Highway 85 to Denver; From Denver, over Colorado Highway 185 to junction U.S. Highway 87; From Fort Collins, Colo., over U.S. Highway 87 to junction U.S. Highway 85; From Cheyenne, over U.S. Highway 85 to Denver, and return over the same routes.

No. MC–11220 (Deviation No. 2), GORDONS TRANSPORTS, INC., Post Office Box 2696, Memphis 2, Tenn., filed August 4, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Conway, Ark., over U.S. Highway 64 to Beebe, Ark., thence over Arkansas Highway 31, to Lonoke, Ark., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Conway, over U.S. Highway 65 to Little Rock, Ark., thence over U.S. Highway 70 to Lonoke, and return over the same route.

No. MC–22229 (Deviation No. 6), TERMINAL TRANSPORT COMPANY, INC., 180 Harriet Street SE., Atlanta 15, Ga., filed August 2, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, over U.S. Highway 31W to Nashville, Tenn., and return over the same route.

No. MC–42487 (Deviation No. 9), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 9 First Street, San Francisco 5, Calif., filed August 4, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis, Minn., over U.S. Highway 212 to Miles City, Mont., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Miles City, over U.S. Highway 10 to Fargo, N. Dak., thence over U.S. Highway 52 to Minneapolis, and return over the same route.

No. MC–52746 (Deviation Notice No. 2), KNAUS TRUCK LINES, INC., 715 South 25th Avenue, Bellwood, Ill., filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Osceola, Iowa, over U.S. Highway 34 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 287, thence over U.S. Highway 287 to Denver, Colo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans., over U.S. Highway 69 to Des Moines, Iowa; From Kansas City, Kans. over the Kansas Turnpike to Wichita, Kans.; From Wichita, over U.S. Highway 54 to Liberal, Kans.; From Bucklin, Kans., over unnumbered highway to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., and thence over U.S. Highway 50 to Garden City, Kans.; From Liberal, over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Colby, Kans.; and from Denver, over U.S. Highway 40 via Agate, Colo., to Limon, Colo., thence over U.S. Highway 24 to Halford, Kans., and thence over U.S. Highway 83 to Oakley, Kan., and return over the same routes.

No. MC–52746 (Deviation Notice No. 3), KNAUS TRUCK LINES, INC., 715 South 25th Avenue, Bellwood, Ill., filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Kansas City, Kans., over city streets to Kansas City, Mo., thence over U.S. Highway 71 to St. Joseph, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC–1501 (Deviation No. 66), THE GREYHOUND CORPORATION, EASTERN GREYHOUND LINES DIVISION, 1400 West Third Street, Cleveland 13, Ohio, filed August 7, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers, and their baggage* over a deviation route as follows: From the junction U.S. Highway 11 and New York Highway 17, over New York Highway 17 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Pennsylvania Highway 107, thence over Pennsylvania Highway 107 to junction U.S. Highway 11 at Factoryville, Pa., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Wilkes-Barre, Pa., over Pennsylvania Highway 115 to Kingston, Pa., thence over U.S. Highway 11 to Hallstead, Pa.; and, from Hallstead over U.S. Highway 11 to Potsdam, N.Y., thence over New York Highway 11B to Nicholville, N.Y., thence over New York Highway 195 to junction U.S. Highway 11, and thence over U.S. Highway 11 to Mooers, Pa., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7815; Filed, Aug. 15, 1961; 8:52 a.m.]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice 393]

AUGUST 11, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub-No. 113, filed December 23, 1959. Applicant: GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, livestock, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving missile launching sites and other military installations located in Elmore, Owyhee and Ada Counties, Idaho, as off-route point in connection with applicant's authorized regular route operations between Twin Falls and Boise, Idaho over U.S. Highway 30. Applicant is authorized to conduct operations in Colorado, New Mexico, Utah, Wyoming, Oregon, Nevada, California, Montana, Idaho, and Washington.

HEARING: October 16, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 409 (Sub–No. 7), (FURTHER AMENDMENT), filed March 27, 1961, published issue July 6, 1961, republished issue of August 2, 1961, republished as further amended this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fats, lards, tallows, greases, oils, and blends thereof*, in bulk, in tank vehicles, between points in Nebraska, South Dakota, Iowa, Kansas, points in Colorado on and east of the Continental Divide, and those in Wyoming on and east of U.S. Highway 85.

NOTE: This further amendment adds the restrictive phrase, "in bulk, in tank vehicles".

HEARING: Remains as assigned September 12, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., but is reassigned before Examiner Warren C. White.

No. MC 730 (Sub–No. 195), filed July 24, 1961. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Longview, Wash., and points in Clatsop and Columbia Counties, Oreg.

NOTE: Common control may be involved.

HEARING: November 1, 1961, at the Interstate Commerce Commission, Hearing Room 410 SW. 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 2202 (Sub No. 209), filed May 24, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fayetteville, N.C., and junction of North Carolina Highway 87 and U.S. Highway 74, west of Wilmington, N.C.; from West Fayetteville over North Carolina Highway 87 to junction of North Carolina Highway 87 and U.S. Highway 74 west of Wilmington, N.C., and return over the same route with no service at any intermediate points and with service at Fayetteville and the junction of North Carolina Highway 87 and U.S. Highway 74 for purpose of joinder only.

HEARING: October 26, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 2202 (Sub No. 215), filed June 15, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Rocky Mount, N.C., and Petersburg, Va.; from Rocky Mount over U.S. Highway 301 to Petersburg, and return over the same route, serving no intermediate points.

HEARING: October 20, 1961, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 2202 (Sub-No. 217), filed June 30, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Savannah, Ga., and Macon, Ga.; from Savannah over U.S. Highway 80 to junction U.S. Highway 80 and Georgia Highway 57 at Swainsboro, Ga., thence over Georgia Highway 57 to Macon, and return over the same route, serving no intermediate points, and with service of joinder only at Macon.

HEARING: November 1, 1961, at the U.S. Court Rooms, Columbia, S.C., before Joint Board No. 131, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 2379 (Sub No. 5), filed June 7, 1961. Applicant: JOYNER TRUCKING COMPANY, a Corporation, Linden Street, Woodland, N.C. Applicant's attorney: J. Guy Revelle, Jr., Murfreesboro, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities and lumber*, from Severn and Mount Olive, N.C., and points in North Carolina within fifty (50) miles of Severn and those within fifty (50) miles of Mount Olive, to Baltimore, Md., and points in Maryland and Pennsylvania within fifty (50) miles of Baltimore, and points in Virginia, Wilmington, Del., and points in Delaware, Pennsylvania, and New Jersey within fifty (50) miles of Wilmington, Del., and *refused or rejected shipments*, on return.

HEARING: October 27, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 2862 (Sub-No. 58), filed June 28, 1961. Applicant: ARROW TRANSPORTATION CO. OF DELAWARE, a Corporation, doing business as ARROW TRANSPORTATION COMPANY, 3125 Northwest 35th Avenue, Portland, Oreg. Applicant's attorney: Robert R. Hollis, 1121 Equitable Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles between Longview, Wash. and points in Clatsop and Columbia Counties, Oreg.

NOTE: Common control may be involved.

HEARING: November 1, 1961, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 7418 (Sub No. 2), filed June 15, 1961. Applicant: C. L. BROWN, E. C. PURVINE AND OTHELLA G. PURVINE, doing business as SALEM NAVIGATION CO., 320 Capital Street, Salem, Oreg. Applicant's attorney: Kenneth G. Thomas, 2010 Northwest Vaughan Street, Portland 9, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank type vehicles, from Vancouver, Wash., to points in Linn, Lane, Marion, Polk, and Benton Counties, Oreg.

HEARING: November 2, 1961, at the Interstate Commerce Commission, Hearing Room, 410 S. W. 10th Avenue, Port-

land, Oregon, before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 13692 (Sub-No. 8), (CORRECTION), filed June 19, 1961, published in the FEDERAL REGISTER, issue of August 2, 1961, republished to correct the Joint Board designated this issue. Applicant: E. J. SCANNELL, INC., 151 Linwood Street, Somerville 43, Mass. Applicant's attorney: Raymond E. Bernard, 15 Dearborn Street, Salem, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Cockeysville, Md., as an off-route point in connection with carrier's authorized regular-route operations between Boston, Mass., Baltimore, Md., and Washington, D.C., under its Certificate MC 13692.

NOTE: Previous publication incorrectly designated the Joint Board as No. 122.

HEARING: October 2, 1961, at Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 112, or, if the Joint Board waives its right to participate, before Examiner Gordon M. Callow.

No. MC 22167 (Sub No. 12), filed May 31, 1961. Applicant: CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* including *Classes A and B explosives* (except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the twelve Intercontinental Ballistic Missile Sites near Abilene, Tex., over the following routes: (1) from Abilene over Texas Highway 351 to its intersection with Farm to Market Road 1082, thence over Farm to Market Road 1082 to area of Intercontinental Ballistic Missile Launching Site 1, commonly referred to as the "Fort Phanton Lake Site"; (2) from Abilene over U.S. Highway 80 to its intersection with Farm to Market Road 604 near Clyde, thence over Farm to Market Road 604 to its intersection with Farm to Market Road 18, thence over Farm to Market Road 18 to Intercontinental Ballistic Missile Site 2 at a point southwest of Baird; (3) from Abilene over Farm to Market Road 36 to Denton Community, thence over Farm to Market Road 604 (and also from intersection of unnumbered road with Farm to Market Road 36 over unnumbered road) to Intercontinental Ballistic Site 3 north of Denton Community; (4) from Abilene over U.S. Highway 83 to its intersection with U.S. Highway 84, thence over U.S. Highway 84 to its intersection with Farm to Market Road 604, thence over Farm to Market Road 604 to Intercontinental Ballistic Missile Site 4 east of Lawn; (5) from Abilene over U.S. Highway 83 to Intercontinental Ballistic Site 5 known as the "Bradshaw Site"; (6) from Abilene over U.S. Highway 277 to Intercontinental Ballistic Site 6 known as the "Shep Site"; (7) from Abilene over U.S. Highway 277 to its intersection with Farm to Market Road 126, thence over Farm to Market Road 126 (also from Abilene over U.S. Highway 80 to Merkel, thence over Farm to Market Road 126) to Intercontinental Ballistic Site 7 northeast of Nolan; (8) from Abilene over U.S. Highway 80 to its intersection with Farm to Market Road 707, thence over Farm to Market Road 707 (also from Abilene over U.S. Highway 83 to its intersection with unnumbered road, thence over unnumbered road in a westerly direction) to Intercontinental Ballistic Site 8 south of Anson; (9) from Abilene over U.S. Highway 277 to Corinth, thence over Farm to Market Road 1634 to Intercontinental Ballistic Site 9 near Corinth; (10) from Abilene over U.S. Highway 80 to Baird, thence over U.S. Highway 283 to intersection with unnumbered county road at a point south of Albany, thence over unnumbered county road to Intercontinental Ballistic Missile Site 10 located at a point south of Albany; (11) from Abilene over Texas Highway 36 to its intersection with Farm to Market Road 1178, thence over Farm to Market Road 1178 to intersection with Farm to Market Road 604 (also from Abilene over Texas Highway 36 to intersection with Farm to Market Road 604) thence over Farm to Market Road 604 to Intercontinental Ballistic Missile Site 11 at a point northeast of Oplin; (12) from Abilene over U.S. Highway 83 to Winters, thence over Farm to Market Road 1770 to unnumbered county road, thence over unnumbered county road (also from Abilene over U.S. Highway 83 to its intersection with unnumbered county road or roads, thence over unnumbered county roads to intersection with Farm to Market Road 1770 to intersection with unnumbered road, thence over unnumbered road) to Intercontinental Ballistic Missile Site 12 located adjacent to Lake Winters at a point east of Winters. Applicant proposes to return over the above-described routes, and does not propose to serve any intermediate points, but will tack such authority at common and joinder points.

NOTE: Common control may be involved.

HEARING: October 18, 1961, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 25798 (Sub-No. 49), filed August 2, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610–1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from New York, N.Y., to points in the United States (except Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Delaware, Maryland, Minnesota, Alaska, and Hawaii).

HEARING: October 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 30844 (Sub-No. 35), (REPUBLICATION), filed December 8, 1958, published FEDERAL REGISTER, issue of May 14, 1959. Applicant: ALLEN E. KROBLIN, INCORPORATED, doing business as KROBLIN REFRIGERATED XPRESS, Sumner, Iowa. Applicant's attorney: William B. Mooney, First National Bank Building, Waverly, Iowa. By application filed December 8, 1958, under the "grandfather" provisions of section 7(c) of the Transportation Act of 1958, applicant sought authority as a common carrier by motor vehicle, over irregular routes, transporting coffee beans, frozen fruits and vegetables, cocoa beans, and tea, from points in New York and Florida, to points in numerous States. The operations were set forth with particularity as to the points and States in the FEDERAL REGISTER, issue of May 14, 1959. A Report and Order of the Commission, division 1, decided June 30, 1961, finds that applicant was on May 1, 1958, in bona fide operation, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation; (1) of *coffee beans*, (a) from New York, N.Y., to Chicago, Ill., Toledo, Ohio, Cedar Rapids, Iowa, Detroit, Mich., and Miami, Fla., (b) from Hoboken, N.J., and Philadelphia, Pa., to Chicago, and (c) from Chicago, Ill., to New York, N.Y., and Oklahoma City, Okla.; (2) of *tea*, (a) from New York, N.Y., and Hoboken, Port Newark, and Jersey City, N.J., to Chicago, Ill., (b) from Hoboken, N.J., to San Francisco, Calif., and (c) from New York, N.Y., to Des Moines, Iowa; (3) of *cocoa beans*, from New York, N.Y., to Chicago, Ill., and Milwaukee, Wis., (4) of *frozen fruits*, (a) from New York, N.Y., to Des Moines, Iowa, Kansas City, Kans., Chicago, Ill., and Richmond, Va., (b) from Benton Harbor, Mich., to Crete, Nebr. (c) from Bear Lake, Mich., to New Hyde Park, N.Y., and Jersey City, N.J., (d) from Hartford, Mich., to Wichita, Kans., and Omaha, Nebr., (3) from Colona, Mich., to Jersey City, N.J., (f) from Port Newark, N.J., to Chicago, Ill., (g) from Winchester, Pa., to Des Moines and Webster City, Iowa, (h) from Fairmont Minn., to Denver, Colo., and (i) from Chicago, Ill., to Iowa City, Mason City, and Waterloo, Iowa, and (5) of *frozen vegetables*, (a) from points in New York, and Camden, N.J., to Chicago, Ill., (b) from New York, N.Y., to Des Moines, Iowa, Detroit, Mich., Landover, Md., Boston Mass., Norfolk and Williamsburg, Va., and Columbia, S.C., (c) from Holley and Brockport, N.Y., and Philadelphia, Pa., to Landover, Md., (d) from Waseca, Minn., to San Antonio and Houston, Tex., Cincinnati, Ohio, Detroit, Mich., Tulsa, Okla., Kansas City, Mo., Indianapolis, Ind., Jersey City, N.J. and New York N.Y., (3) from Fairmont, Minn., to Burlington, Iowa, Chicago, Ill., and San Antonio, Tex., (f) from Plant City, Fla., to Hopkins, Minn., Pittsburgh and Philadelphia, Pa., Barker, Buffalo, and New York, N.Y., Jersey City, N.J., and Chicago, Ill., (g) from Jersey City, N.J., to Chicago, Ill., Watertown, Mass., Springdale, Ark. and Landover, Md., (h) from Clayton, Del., Camden, N.J., Landsdowne, Pa., and Ridgely, Md., to Napoleon, Ohio, (i) from Yardley, Pa., to Detroit, Mich., and Boston, Mass., (j) from Chicago, Ill., to Dubuque, Iowa, (k) from Buffalo, N.Y., to Des Moines, Iowa, (l) from Albany, N.Y., to Kansas City, Kans., and (m) from Bridgeton, N.J., to Sacramento, Calif.; and has so operated since that time; that unless otherwise ordered, an appropriate certificate authorizing the continuance of such operations should be granted after the elapse of 30 days from the date of publication in the FEDERAL REGISTER, provided, however, that any proper party in interest may file a petition for further hearing during the 30-day period.

No. MC 31600 (Sub-No. 507) (CORRECTION), filed June 2, 1961, published issue July 26, 1961, republished as corrected, this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin liquid*, in bulk, in tank vehicles, from the site of the Monsanto Chemical Co. plant at Addyston, Ohio, to the International Boundary between the United States and Canada at Port of Entry at Champlain, N.Y., and *refused and rejected shipments* of the above-specified commodity, on return.

NOTE: The purpose of this republication is to correct the month designated in previous publication, erroneously shown as October 21, 1961. The correct date of hearing is as shown below.

HEARING: September 21, 1961, at the Federal Building, Albany, N.Y., before Examiner John B. Mealy.

No. MC 33641 (Sub No. 42), filed January 11, 1960. Applicant: INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City, Utah. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, livestock, commodities of unusual value, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving missile launching sites and other military installations located in Elmore, Owyhee, and Ada Counties, Idaho, as off-route points in connection with applicant's authorized regular route operations between Twin Falls and Boise, Idaho over U.S. Highway 30.

HEARING: October 16, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 41932 (Sub No. 9), filed February 1, 1960. Applicant: BROWNING FREIGHT LINES, INC., 244 South Fourth West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Mountain Home, Idaho, and Nike and Titan missile bases in Ada, Elmore and Owyhee Counties, Idaho.

NOTE: Applicant states it proposes to serve the Nike and Titan missile bases being constructed in Ada, Elmore and Owyhee Counties, Idaho, as off-route points in connection with its authorized regular route operations between Salt Lake City, Utah, and Boise, Idaho, over U.S. Highway 30.

HEARING: October 16, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 42487 (Sub No. 443), filed February 8, 1960. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Maurice H. Greene, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except petroleum products, in bulk, in tank vehicles), (1) between Mountain Home Air Force Base, Idaho, and missile launching sites and other military installations in Elmore, Owyhee and Ada Counties, Idaho. (2) Serving missile launching sites and other military installations in Elmore, Owyhee and Ada Counties, Idaho, as off-route points in connection with applicant's authorized regular route operations.

HEARING: October 16, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 49, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 43269 (Sub-No. 48) (AMENDMENT), filed June 7, 1961, published issue of July 26, 1961, amended August 3, 1961, and republished as amended this issue. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorneys: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: OVER IRREGULAR ROUTES: (A) *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), (1) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395; and (2) between points in Alpine, Mono, Inyo, San Bernadino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395, on the one hand, and, on the other, points in Arizona, California, Idaho, Nevada, Oregon, and Utah, which applicant is authorized to serve; and (B) OVER REGULAR ROUTES: *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), between Reno, Nev., and Las Vegas, Nev., as follows: from Reno over U.S. Highway 40 to junction U.S. Highway 95 east of Fernley, Nev., thence over U.S. Highway 95 to Las Vegas, and return over the same route, serving the intermediate and off-route points of Fernley, Fallon, Fallon Auxiliary Naval Air Station, Hawthorne, Hawthorne Naval Ammunition Depot, Luning, Gabbs, Tonopah, and the Atomic Energy Commission Test Site at Mercury, Nev.

NOTE: This amendment broadens the scope of authority sought.

HEARING: Remains as assigned October 2, 1961, at the Chamber of Commerce, Reno, Nev., before Examiner F. Roy Linn.

No. MC 50002 (Sub-No. 34), filed August 2, 1961. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, A Partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizers* and *anhydrous ammonia* and its *products* and *by-products*, in bulk, in tank vehicles, from Hastings, Nebr. and points within ten (10) miles thereof, to points in Colorado, Wyoming, and Kansas, and *rejected shipments* of the above-specified commodities, on return.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 50069 (Sub-No. 241), filed June 16, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea formaldehyde*, in bulk, in tank vehicles, from Toledo, Ohio and points within five miles thereof, to points in Illinois, Michigan, and Wisconsin.

HEARING: October 30, 1961, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 62176 (Sub No. 2), filed April 28, 1961. Applicant GEORGE G. FOURIER AND WALTER FOURIER, a Partnership, doing business as FOURIER TRUCK SERVICE, P. O. Box 1, Molalla, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Beavercreek Junction, Oreg. and Molalla, Oreg.; from Beavercreek Junction over Clackamas County Highway 11 to Molalla, and return over the same route, serving the intermediate

points of Beavercreek, Clarks, and Meadowbrook, Oreg., and the off-route point of Dickey Prairie, Oreg. on unnumbered highway and all off-route points within three miles of the above-described routes. (2) Between Estacada, Oreg. and Meadowbrook, Oreg.; from Estacada over Oregon Highway 211 to Meadowbrook, and return over the same route, serving the intermediate points of Colton and Cedar Dale, and all off-route points within three miles of the above-described route.

HEARING: October 30, 1961, at the Interstate Commerce Commission, Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 73262 (Sub-No. 17), filed July 20, 1961. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, frozen and unfrozen, fruit essence, unfrozen and fruit concentrate, frozen*, from Benton Harbor, Decatur, Hart and Sodus, Mich., Buffalo, Dundee, Dunkirk, Fredonia, Medina, North Collins, Ontario and Webster, N.Y., and Erie, Pa., to Terre Haute, Ind.

HEARING: October 20, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 75524 (Sub-No. 2), filed July 19, 1961. Applicant: H. LEVINE TRUCKING, INC., 46 West Seldon Street, Boston 26, Mass. Applicant's attorney: Francis E. Barrett, Jr., Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, from Lynn, Mass., to Providence, R.I.

HEARING: September 19, 1961, at the Hotel Essex, Boston, Mass., before Joint Board No. 18, or, if the Joint Board waives its right to participate before Examiner Samuel Horwich.

No. MC 77424 (Sub-No. 15), filed August 4, 1961. Applicant: WENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland 15, Ohio. Applicant's representative: J. J. Kuhner, 11621 Detroit Avenue, Cleveland 2, Ohio. Authority sought to operation as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and slabs, building and roofing*, from North Judson, Ind., to points in New York and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

HEARING: September 28, 1961, at the Engineers Building, St. Clair & Ontario, Cleveland, Ohio, before Examiner Isadore Fredison.

No. MC 78632 (Sub-No. 114), filed July 3, 1961. Applicant: HOOVER MOTOR EXPRESS CO., INC., Polk Avenue (P.O. Box 450), Nashville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Trust Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between a point near Elkton, Tenn. and junction Relocated U.S. Highway 31 with U.S. Highway 31 south of Athens, Ala.; from a point near Elkton over Relocated U.S. Highway 31 to junction U.S. Highway 31 south of Athens, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized regular-route operations between Nashville, Tenn. and Birmingham, Ala.

HEARING: September 28, 1961, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Joint Board No. 106.

No. MC 78786 (Sub–No. 235), filed July 21, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles* and *trucks*, in truckaway service, from Klamath Falls, Oreg., to Lakeview, Oreg. SUBJECT TO THE FOLLOWING CONDITIONS: (1) Service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of railroad service of Southern Pacific Company, (2) Shipments transported by carrier shall be limited to those moving under a through bill of lading covering, in addition to movement by carrier, a prior movement by railroad, and (3) all contractual arrangements between carrier and Southern Pacific Company shall be reported to the Commission and shall be subject to revision if the Commission finds it necessary in order that such arrangements shall be fair and equitable to the parties.

NOTE: Applicant is a wholly owned subsidiary of Southern Pacific Company, a carrier by railroad, common control may be involved, and applicant also has contract carrier authority under MC 78787 and Subs thereunder, therefore, dual operations may be involved.

HEARING: September 12, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 172, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 88756 (Sub No. 8), filed February 1, 1960. Applicant: EMPIRE TRANSPORT, 2007 Overland, Boise, Idaho. Applicant's attorney: Maurice H. Green, P.O. Box 1554, Boise, Idaho. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Lime, Oreg., Marsing, Homedale, Melba, Orchard and Mountain Home, Idaho, to missile sites and military installations of the U.S. Department of Defense within a radius of seventy-five (75) miles of the Mountain Home, Idaho, Army Air Force Base, including the base, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-mentioned commodity on return.

NOTE: Applicant holds contract carrier authority in Permit No. MC 88756 and Subs thereunder. Dual operations under section 210 may be involved. Proceedings have been instituted under section 212(c) to determine whether applicant's status is that of a contract or common carrier, in No. MC 88756 (Sub No. 3) (Sub No. 7). Applicant states no duplication of existing authority is sought.

HEARING: October 16, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Joint Board No. 260, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 92983 (Sub-No. 396), filed August 3, 1961. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in Iowa, to points in Ohio, Pennsylvania, New York, and New Jersey.

HEARING: September 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 96769 (Sub-No. 1), filed May 26, 1961. Applicant: LIBERTY FILM LINES, INC., 2508 Harwood Street, Dallas, Tex. Applicant's attorney: Harry W. Patterson, First City National Bank Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Magazines, periodicals and books;* (1) between Tyler and Kilgore, Tex., over State Highway 31, and from Kilgore to Henderson, Tex. over State Highway 26, from Henderson to Tyler via Overton, Arp, Troup and Selman City over State Highways 64, 323 and 135. (2) Between Kilgore Tex. and Longview, Tex., and return over State Highway 26. (3) Between Kilgore, Tex. and Gladewater, Tex., and return over State Highway 135. (4) Between Longview, Center and Garrison, Tex., serving all intermediate points; from Center to Timpson over State Highway 87; Timpson to Garrison over U.S. Highway 59, and Timpson to Tenaha over U.S. Highway 84; Tenaha to Carthage over U.S. Highway 96; Carthage to Longview over Texas Highway 149; and an unnumbered county road between Tatum and State Highway 149. (5) From Tyler to Carthage, Tex. over State Highway 64 from Tyler to Henderson; thence over U.S. Highway 79 to Carthage with an alternate route from Fair Play, Tex. over an unnumbered county road to Beckville, Tex.; thence over State Highway 149 to Carthage; from Carthage to Center over U.S. Highway 59 to Tenaha; thence over U.S. Highway 96 to Center; from Center to Timpson over State Highway 87, thence to Garrison over U.S. Highway 59; thence to Mt. Enterprise over unnumbered county road to Concord; thence over U.S. Highway 84 to Mt. Enterprise; thence over State Highway 26 to Henderson; thence to Tyler over State Highway 64; serving all intermediate points except that service at Tyler and Henderson is limited to an Interchange service with other film carriers. No service at any points intermediate between Tyler and Henderson. (6) From Nome, Center and Lufkin, Tex., to the intermediate points of Silsbee, Buna, Kirbyville, Newton, Jasper, Pineland, Hemphill, San Augustine, Zavalla, Colmesneil, Woodville, Kountze and Sour Lake, Tex. No service will be rendered at Lufkin, Center or Nome, Tex. except that commodities involved herein will be interchanged at these points. The routes to be used in the transportation of the above commodities are as follows: State Highway 326 from Nome to Kountze; thence via State Highway 327 and U.S. Highway 96 to Kirbyville; thence via State Highway 87 to Newton, thence U.S. Highway 190 to Jasper; thence via U.S. Highway 96 to Bronson; thence via State Highway 184 to Hemphill; thence to San Augustine via Milam; thence from San Augustine to Center via U.S. Highway 96; thence via State Highway 147 from San Augustine to Zavalla; thence via U.S. Highway 69 from Zavalla to Lufkin and return; thence via U.S. Highway 69 from Zavalla to Kountze. (7) From Dallas to Denison, Tex. and return over U.S. Highway 75. (8) Between Dallas and Denison, Tex. as follows: From Denison over Denison-Perrin Field Highway to Perrin Field; thence over Perrin Field-Whitesboro Highway to Whitesboro; thence over Texas Highway 10 to Pilot Point; thence over unnumbered county road to Celina; thence over Texas Highway 289 to Dallas, serving all intermediate points and the off-route point of Frisco. (9) From Dallas to Marshall, Tex., and return over U.S. Highway 80 to Mineola; thence over U.S. Highway 69 to Tyler; thence over U.S. Highway 271 to Gladewater; and thence over U.S. Highway 80 to Marshall. (10) From Dallas to Marshall, Tex. and return over U.S. Highway 80. (11) From Dallas to Fort Worth, Tex. and return over U.S. Highway 80. (12) From Denison, Tex. to Paris, Tex. and return via U.S. Highway 69 to Bells, thence over U.S. Highway 82 to Paris, serving no intermediate points between Denison and Bonham, and serving all intermediate points between Bonham and Paris. (13) From Sherman, Tex. to Paris, Tex. and return over U.S. Highway 82, serving no intermediate points between Sherman and Bonham, but serving all intermediate points between Bonham and Paris. (14) Between Dallas, Tex. and the following named points: 1. University Park over State Highway 289; 2. Highland Park over State Highway 289; 3. Richardson over U.S. Highway 75; 4. Garland over State Highway 78; 5. Mesquite over U.S. Highway 80; 6. Grand Prairie over U.S. Highway 80; 7. Duncanville over U.S. Highway 67 to its intersection with Camp Wisdom Road, thence over Camp Wisdom Road to Duncanville; 8. Woodland Hills over U.S. Highway 67; 9. Rylie over U.S. Highway 175; 10. Alta Mesa over State Highway 342; 11. Farmers Branch over U.S. Highway 77; 12. Carrollton over U.S. Highway 77; 13. Addison over State Highway 289; 14. Buckingham over U.S. Highway 75 to municipal streets, thence over municipal streets to Buckingham; 15. Irving over State Highways 183 and 356 and over Loop 12; 16. Cockrell Hill over U.S. Highway 80 and municipal streets; 17. Balch Springs over U.S. Highway 175 to Elam Road, thence over Elam Road to Balch Springs; 18. Fruitdale over U.S. Highway 75 and Loop 12; 19. Arcadia Park over U.S. Highway 80.

NOTE: (1) Applicant states it does not propose to serve Fort Worth, Tex. or Denison, Tex. Any reference to either town is for the purpose of designating the routes over which applicant proposes to operate. (2) Applicant further states the service over the above routes is to be co-ordinated with service applicant is performing under registration of its intrastate operating rights as designated in MC 96796. (3) Applicant presently conducts operations under the second proviso of section 206(a)(1) of the Act. The operations proposed above will be conducted solely within the State of Texas.

HEARING: October 16, 1961, at the Baker Hotel, Dallas, Tex., before Examiner William E. Messer.

No. MC 101075 (Sub-No. 68), (REPUBLICATION), filed June 29, 1961, published in FEDERAL REGISTER, issue of July 19, 1961, and republished as amended this issue. Applicant: TRANSPORT, INC., P.O. Box 296, 1215 Center Avenue, Moorhead, Minn. Applicant's attorney: Donald A. Morken, 100 First National Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, in bulk, and in bags, and mixed shipments thereof, from Duluth, Minn., and Superior, Wis., to points in Minnesota, North Dakota, and South Dakota; and (2) *Rejected shipments* of lime, from points in Minnesota, North Dakota, and South Dakota, to Duluth, Minn., and Superior, Wis.

NOTE: The purpose of this republication is to show that the commodity, lime, will be transported in bulk, and in bags, and mixed shipments thereof.

HEARING: Remains as assigned September 27, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 103993 (Sub-No. 151), filed July 13, 1961. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Utah (except Salt Lake City and Logan) to points in the United States, including Alaska, but excluding Hawaii.

HEARING: September 28, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner David Waters.

No. 104675 (Sub-No. 16), filed July 17, 1961. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo and Dunkirk, N.Y. to Wilkes-Barre, Pa., and *damaged, refused* and *rejected shipments* of the above-specified commodity, on return.

NOTE: Common control may be involved.

HEARING: October 3, 1961, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 106233 (Sub No. 8), filed June 21, 1961. Applicant: GORDON HART, doing business as GORDAN HART TRUCK LINE, Dexter, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone and Marquand, Mo.; (1) from St. Louis-East St. Louis over Illinois Highway 3 to Chester, Ill., thence across the Mississippi River, thence over Missouri Highway 51, through Perryville, Mo., to junction Missouri Highway 51 and Missouri Highway A, thence over Missouri Highway A to Marquand, and return over the same route, serving the intermediate points of Patton Junction and Patton, Mo.; and (2) from St. Louis-East St. Louis over U.S. Highway 61 and 67 to the junction of U.S. Highway 61 and 67 near Crystal City, Mo., thence over U.S. Highway 67 to junction U.S. Highway 67 and Missouri Highway A in Madison County Mo., thence over Missouri Highway A to Marquand, and return over the same route, serving no intermediate points, as an alternative route for operating convenience only.

HEARING: September 21, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 106402 (Sub-No. 8), filed July 24, 1961. Applicant: MILLARD TRUCK LINES, INC., Box 21, Grimes, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Grimes, Iowa, to St. Cloud and Brainerd, Minn., Grand Forks, Minot, Bismarck and Fargo, N. Dak., and *rejected and damaged shipments*, on return.

HEARING: September 15, 1961, at Room 401 Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 413.

No. MC 107064 (Sub-No. 27), filed May 26, 1961. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, P.O. Box 2998, Dallas 21, Tex. Applicant's attorney: Rollo E. Kidwell, 2130 Fidelity Union Tower, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in

tank vehicles; from Big Spring, Colorado City and Sheerin, Tex., to points in Arizona.

HEARING: October 17, 1961, at the Baker Hotel, Dallas, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 107403 (Sub-No. 346), filed July 26, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea formaldehyde solution*, in bulk, in tank vehicles, from Toledo, Ohio, to points in Illinois, Michigan, and Wisconsin.

NOTE: Applicant holds contract authority under MC 117637 and Subs thereunder, therefore, dual operations may be involved.

HEARING: October 30, 1961, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 107403 (Sub-No. 351), filed August 7, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Painesville, Ohio, to points in Connecticut, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

NOTE: Common control may be involved.

HEARING: October 5, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 107496 (Sub-No. 200), filed August 3, 1961. Applicant: RUAN TRANSPORTATION COMPANY, a Corporation, 408 Southeast 30th, P.O. Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pipeline Terminals of the Mid-America Pipeline Company located in Iowa (other than Sanborn and Iowa City, Iowa), to points in Minnesota, South Dakota and Nebraska.

HEARING: September 20, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Warren C. White.

No. MC 107678 (Sub-No 31), filed August 7, 1961. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P.O. Box 9698), Houston 15, Tex. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, and in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials*, and *supplies* used in, and in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado, Kansas, Nebraska and Oklahoma.

HEARING: September 15, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 107839 (Sub-No. 38), filed August 10, 1961. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4716 Humboldt Street, Denver, Colo. Applicant's attorney: Thomas F. Kilroy, Suite 610—1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods in mixed shipments with frozen citrus products*, from Auburndale, Leesburg, and Plymouth, Fla., to points in Wyoming, Utah, Oregon, Washington, Idaho, Montana, Nevada, Colorado, and Scottsbluff, Nebr.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 108449 (Sub-No. 127), filed August 4, 1961. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Council Bluffs, Iowa and Omaha, Nebr., to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified, and *returned and rejected shipments*, on return.

HEARING: October 6, 1961, in Room 393, Federal Building and Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC–109394 (Sub-No. 4)—OKANOGAN VALLEY MOTOR FREIGHT, INC.—ELIGIBILITY—SECOND PROVISO. Applicant: OKANOGAN VALLEY MOTOR FREIGHT, INC., West 28 Boone Avenue, Spokane, Wash. Applicant's attorneys: Joseph L. Thomas, Old National Bank Building, Spokane 1, Wash., *and* Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Assigned for oral hearing for the purpose of determining whether Okanogan Valley Motor Freight, Inc. may continue to engage in transportation service in interstate or foreign commerce under the second proviso of section 206(a)(1) of the act in operations corresponding to the rights granted by the Washington Public Service Commission in Permit No. CC–19.

HEARING: November 7, 1961, at the Davenport Hotel, Spokane, Wash., before Examiner Harold P. Boss.

No. MC 110525 (Sub-No. 453) (CLARIFICATION), filed July 28, 1961, published issue of August 9, 1961, clarified August 9, 1961, republished as clarified, this issue. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Fernald, Ohio to points in Illinois, Indiana, Michigan, Wisconsin, St. Paul, Minn., and Vandalia, Mo., and *rejected shipments* of the above-specified commodity, on return.

NOTE: Applicant holds contract authority in MC 117507, therefore, dual operations may be involved. Common control may be involved. The purpose of this republication is to delete the words "and cleaning compounds" in the commodity description.

HEARING: Remains as assigned October 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James I. Carr.

No. MC 111170 (Sub No. 70), filed June 19, 1961. Applicant: WHEELING PIPE LINE, INC., P.O. Box 270, El Dorado, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Chicot County, Ark. (except liquefied petroleum gases, from Lake Village, Ark. and points in Arkansas within 12 miles thereof), to points in Mississippi.

HEARING: September 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Joint Board No. 109, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrun.

No. MC 111231 (Sub-No. 47) (AMENDMENT), filed March 23, 1961, published issue of June 14, 1961, amended July 18, 1961, and republished as amended this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, (except those of unusual value, livestock, grain, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring equipment, and those injurious or contaminating to other lading), Between Dallas, Tex., and Greenville, Miss., as follows: From Dallas over U.S. Highway 67 to junction U.S. Highway 82, thence over U.S. Highway 82 to Greenville, and return over the same route, serving the intermediate point of Lake Village, Ark., and the off-route point of Eudora, Ark.

NOTE: The purpose of this republication is to amend the route and territorial description.

HEARING: September 25, 1961, at the Greenville Hotel, Greenville, Miss., before Joint Board No. 392.

No. MC 112520 (Sub-No. 66), filed August 2, 1961. Applicant: MC KENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Procter, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from Terminals on the Dixie Pipe Line located at or near Demopolis and Opelika, Ala., to points in Alabama, Florida, and Georgia, and (2) from Terminals on the Dixie Pipe Line located at or near Griffin, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

NOTE: Common control may be involved. This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 385, dated June 30, 1961.

HEARING: September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 113336 (Sub-No. 50), filed August 2, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from New York, N.Y. to points in Tennessee, Kentucky, Virginia, North Carolina, South Carolina, and Georgia.

NOTE: Common control may be involved.

HEARING: October 3, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 113885 (Sub No. 2), filed July 10, 1961. Applicant: S. W. CAUDLE, JR., Route #3, Florence, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles, posts and cross ties* on pole trailers and on flat-bed trailers from points in Florence County, S.C., to points in Virginia and West Virginia.

HEARING: October 31, 1961, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114045 (Sub-No. 71), filed July 21, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products*, and *confectionary products*, in mechanically refrigerated vehicles, from Pottstown, Pa., and points in Chester, Lancaster, Montgomery, Bucks, Huntingdon, Northampton, Berks, Lebanon, Philadelphia, Delaware, Schuylkill, Carbon and Dauphin Counties, Pa., and New York, N.Y., to points in Washington, Oregon, Montana, Idaho, North Dakota, South Dakota, Wyoming, Colorado, Wisconsin, Utah, Nevada, New Mexico, Arizona, Iowa, Nebraska, California, and Minnesota.

HEARING: October 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Henry A. Cockrum.

No. MC 114061 (Sub-No. 7), filed June 5, 1961. Applicant: HARRY SCHNEIDER and ROSE F. SCHNEIDER, doing business as SCHNEIDER'S, Fourth and Maury Streets, Richmond, Va. Applicant's attorney: Harry E. Ketner, State Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice Cream and sherbet confections, and ice cream*, from Richmond, Va., to points in Delaware, Pennsylvania, Maryland, West Virginia, and North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities (specified) above, on return.

HEARING: October 20, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 114241 (Sub-No. 3), filed July 19, 1961. Applicant: C. T. HERTZSCH, INC., Speed, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement, mortar cement, natural cement and lime*, from points in Cass County, Ind., to points in Illinois, Michigan, Ohio, Kentucky, and Wisconsin within 200 miles of Logansport, Ind., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: October 19, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 114725 (Sub-No. 3), filed July 31, 1961. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11 Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia, fertilizer, fertilizer solution and compounds*, liquid, in bulk, in tank vehicles, from the site of Consumers Cooperative Association near Hasting, Nebr. to points in Iowa, Colorado, Kansas, South Dakota, and Missouri, and *rejected and returned shipments* of the above-specified commodities, on return.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 115669 (Sub-No. 19), filed August 2, 1961. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Authority sought to operated as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, aqua ammonia fertilizer, fertilizer solutions and compounds*, liquid, in bulk, in tank vehicles, from Hastings, Nebr. and points within (10) miles thereof, including the plant site of Consumers Cooperative Association, located near Hastings, Nebr., to points in Iowa, Colorado, Kansas, Missouri, North Dakota, South Dakota, and Wyoming.

HEARING: September 22, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 115841 (Sub-No. 83), filed July 31, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Nashville, Tenn., to points in North Carolina, South Carolina, and Florida.

HEARING: October 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 115841 (Sub-No. 84), filed July 31, 1961. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Union, Mo., to Nashville, Tenn.

HEARING: October 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 116077 (Sub No. 106), filed June 21, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt cake*, (1) between points in Texas and Louisiana and (2) between points in Texas and Louisiana, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, Mississippi, New Mexico, South Carolina, Tennessee, North Carolina, and Oklahoma.

HEARING: October 19, 1961, at the Baker Hotel, Dallas, Tex., before Examiner William E. Messer.

No. MC 116077 (Sub-No. 107), filed June 26, 1961. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P.O. Box 9218, Houston, Tex. Applicant's attorney: Thomas E. James, Esperson Building, Suite 1535, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorine*, in bulk, (1) Between points in Texas and Louisiana, and (2) between points in Texas and Louisiana, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Kentucky, Missouri, Mississippi, New Mexico, South Carolina, Tennessee, North Carolina, and Oklahoma.

HEARING: October 27, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 116514 (Sub-No. 12), filed July 21, 1961. Applicant: EDWARDS TRUCKING, INC., Main Street., Hemingway, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool, wool top, noil* and *waste*, from Talladega, Ala., Chattanooga, Tenn., Roanoke, Va., Adamstown, Pa., Woonsocket, R.I., Brooklyn, Salamanca and Mamoroneck, N.Y., Boston, Barre and South Barre, Mass., Elizabeth and West Caldwell, N.J., and points in Georgia and

North Carolina to Johnsonville and Jamestown, S.C.

HEARING: October 31, 1961, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 117025 (Sub No. 9), filed May 24, 1961. Applicant: LE ROY HILT, 3751 Sumner, Lincoln, Nebr. Applicant's attorney: Duane W. Acklie, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo.-East St. Louis, Ill., to Council Bluffs and Sioux City, Iowa, and points in Colorado, Wyoming, Montana, North Dakota, South Dakota, and Minnesota, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

HEARING: September 11, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Warren C. White.

No. MC 117745 (Sub No. 1), filed May 25, 1961. Applicant: R. S. (DICK) ESTILL, 119 South Ninth, McLoud, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Shawnee, Okla.

HEARING: September 20, 1961, at the Federal Bldg., Oklahoma City, Oklahoma, before Joint Board No. 16, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 117864 (Sub No. 2), filed July 18, 1961. Applicant: JAMES M. SAKS AND JOSEPH HAZZOURI, doing business as SAKS & HAZZOURI, A Partnership, 6 Lackawanna Avenue, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Weehawken, N.J., New York, N.Y., and Baltimore, Md., to Johnstown, Pa. and Syracuse and Buffalo, N.Y. and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

HEARING: September 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 117954 (Sub No. 6), filed June 5, 1961. Applicant: H. L. HERRIN, JR., 101 Airline Highway, P.O. Box 456, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 25, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 118130 (Sub No. 3), filed June 5, 1961. Applicant: BENJAMIN M. HAMRICK, doing business as BEN HAMRICK, 1208 Jones Street, Fort Worth, Tex. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 25, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 118159 (Sub No. 6), filed June 5, 1961. Applicant: EVERETT LOWRANCE, 101 Airline Highway, Metairie, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex. to all points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 25, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 119383 (Sub No. 1), filed June 9, 1961. Applicant: PORTLAND MOTOR TRANSPORT, 11535 North Force Street, Portland, Oreg. Applicant's attorney: John M. Hichson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk petroleum* products, from Vancouver, Wash., and points within 4 miles thereof to points in Oregon.

HEARING: November 2, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 119476 (Sub No. 3), filed December 30, 1960. Applicant: D. S. SCOTT TRANSPORT LIMITED, P.O. Box 241, Clarke Side Road, London, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigerated equipment), between points on the International Boundary between the United States and Canada at British Columbia-Washington, on the one hand, and, on the other, the International Boundary at Michigan-Ontario. RESTRICTION: Restricted to traffic which applicant transports from Canada to Canada and which receives from other persons or carriers a prior or subsequent movement from or to a point in the United States.

HEARING: October 31, 1961, at the Detroit-Leland Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 119612 (Sub-No. 1), filed August 1, 1961. Applicant: THOMAS F. BUZBY, doing business as MARYLAND-PENNSYLVANIA EXPRESS, 2001 Wells Manor Avenue, Baltimore 7, Md. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, in mixed shipments with salt, total weight of pepper not to exceed 10 percent of total weight of shipment, from Silver Springs, N.Y., to points in Maryland, and Virginia (except points in Maryland and Virginia south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay), and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified above, on return.

NOTE: The application is accompanied by a petition for substitution of applicants if and when the application is granted.

HEARING: September 28, 1961, at the U.S. Custom House and Appraisers' Stores, Room 300, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 119645 (Sub-No. 4), filed June 5, 1961. Applicant: SUR-WAY LINES, INC., 1526 North Newton, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruf Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except fertilizer in bulk) from East St. Louis, Ill., to points in Greene (except Springfield), Christian, Polk, Dallas, Webster, Lawrence, and Dade Counties, Mo.

HEARING: September 21, 1961, at the Missouri Hotel, Jefferson City, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 119934 (Sub-No. 28), filed July 3, 1961. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Elwood, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Wisconsin, Oklahoma, Ohio, and Pennsylvania.

NOTE: Applicant states that no duplication is intended.

HEARING: October 18, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 119934 (Sub-No. 29), filed July 3, 1961. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, (1) from points in Indiana in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Indiana; (2) from Dayton, Ohio, to points in Indiana, Kentucky, and Ohio, and (3) from Greensburg, Ind., to points in Iowa.

HEARING: October 18, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 119934 (Sub No. 30), filed July 3, 1961. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Ficklin (Douglas County), Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: October 17, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 119934 (Sub-No. 31), filed July 3, 1961. Applicant: ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, and *cleaning compounds*, in bulk from Fernald, Ohio to points in Indiana, Illinois, Michigan, Missouri, Wisconsin, and Oklahoma.

NOTE: Applicant states that no duplication of authority is intended.

HEARING: October 17, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 123067 (Sub No. 7), filed May 17, 1961. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Baltimore, Md., to points in North Carolina, and *refused and damaged shipments* of the commodity specified, on return.

NOTE: Common control may be involved.

HEARING: October 27, 1961, at the U.S. Court Rooms, Uptown Post Office Building, 1 Raleigh, N.C., before Lawrence A. Van Dyke, Jr.

No. MC 123067 (Sub No. 8), filed May 17, 1961. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as named in Appendix XIV, Ex Parte MC-45, *Description in Motor Carrier Certificates 61 M.C.C. 296*, excluding those named in Appendix XV, from Charleston, S.C. to points in Virginia, and *refused and damaged shipments* of the commodity specified, on return.

NOTE: Common control may be involved.

HEARING: October 26, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 196, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123377 (Sub. No. 1), filed April 24, 1961. Applicant: CLIFFORD SNODGRASS, P.O. Box 167, Grants Pass, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Douglas, Lane, and Jackson Counties, Oreg., to points in California, and (2) *Commercial fertilizers*, from Richmond, Riverbank, and Pittsburg, Calif., to points in Coos, and Douglas Counties, Oreg.

HEARING: October 23, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123405 (Sub-No. 3), filed August 7, 1961. Applicant: FOOD TRANSPORT, INC., P.O. Box 1041, York, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubricating oils and greases, petroleum, petroleum wax*, and *petrolatums*, in containers or on pallets, (a) from points in McKean and Beaver Counties, and Franklin, Emlenton and Reno, Pa., to points in Kentucky; (b) from points in Venango, McKean and Beaver Counties, Pa., to points in Tennessee, Mississippi, Alabama, and Louisiana, and (c) from points in Beaver County, Pa., to points in Florida and (2) *Petroleum wax*, in containers or on skids, from Titusville, Crawford County, Pa., to points in Kentucky, Tennessee, Mississippi, Alabama, Louisiana, Virginia, North Carolina, South Carolina, Georgia, and Florida.

NOTE: Common control may be involved.

HEARING: October 4, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles B. Heineman.

No. MC 123425 (CLARIFICATION), filed July 5, 1961, published issue of July 19, 1961, republished as clarified, this issue. Applicant: SUBURBAN PROPANE GAS CORPORATION, P.O. Box 206, Whippany, N.J. Applicant's attorney: F. Trowbridge vom Baur, Commerce Building, 1700 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the sites of the terminals on the Dixie Pipe Line (1) at Hattiesburg, Miss., to points in Alabama, Florida, and Georgia, (2) at Demopolis, Ala., to points in Alabama, Florida, Georgia, and Tennessee, (3) at Opelika, Ala., to points in Alabama, Florida, Georgia, and Tennessee, (4) at Griffin, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, (5) at Columbia, S.C., to points in Georgia, North Carolina, South Carolina and Tennessee, (6) at Cheraw, S.C., to points in Georgia, North Carolina, South Carolina, and bit, S.C., to points in Georgia, North Tennessee, (7) at Raleigh N.C., to points in North Carolina, South Carolina, Tennessee and Virginia, and *empty containers or other incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: This application is subject to the "Special Rules of Procedure for Hearing", published in the FEDERAL REGISTER, issue of July 6, 1961, in Motor Carrier Notice No. 385 dated June 30, 1961. It is further noted that the purpose of this republication is to reveal name of applicant's attorney, and to eliminate item (8) as shown in previous publication.

HEARING: September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 123474 (Sub No. 2), filed June 9, 1961. Applicant: NORMAN F. HARRISON, 1428 Northwest 14th Avenue, Portland 9, Oreg. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue Portland 1, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, namely, bread, cake, and pastries, from Eugene and Portland, Oreg., to Tacoma and Seattle Wash., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 31, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123572 (Sub No. 1), filed May 4, 1961. Applicant: DOYLE SLIGAR, BILL SLIGAR AND KEITH SLIGAR, doing business as SLIGAR'S WRECKER SERVICE, 1734½ Kimberley Road, Twin Falls, Idaho. Applicant's attorney: Raymond D. Givens, Columbia Building, 500 Washington Street, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged and disabled vehicles*, between points in Idaho and Utah, on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

HEARING: October 18, 1961, at the Public Utilities Commission, State House, Boise, Idaho, before Examiner Harold P. Boss.

No. MC 123629, filed May 1, 1961. Applicant: J. C. TATUM and L. C. TATUM, doing business as TATUM'S CHEVRON SERVICE, Highway 139 and Main Street, Tulelake, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled automobiles*, by wrecker and towing serv-

ice, between points in California and Oregon.

HEARING: October 25, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 11, or, if the Joint Board waives its right to particpate, before Examiner Harold P. Boss.

No. MC 123681, filed May 22, 1961. Applicant: WIDING TRANSPORTATION, INC., 3347 Northwest St. Helens Road, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank type vehicles, from Vancouver, Wash., and points in Washington within 10 miles thereof, to points in Oregon.

HEARING: November 2, 1961, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate before Examiner Harold P. Boss.

No. MC 123693 (Sub No. 1), filed May 29, 1961. Applicant: JOHN W. BLEDSOE AND MEREL E. SALLEE, a Partnership, doing business as J & M SHELL & TOWING SERVICE, 500 Southwest Court Avenue, Pendleton, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, requiring the use of special wrecker equipment, (1) from points in Umatilla, Union, Baker, and Wallowa Counties, Oreg., to points in Washington, and (2) from points in Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon.

HEARING: October 24, 1961, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123694, filed May 25, 1961. Applicant: JOHN B. COOPER AND H. P. STEPHENSON, doing business as HEPCO COMPANY, 500 Huger Street, Columbia, S.C. Applicant's attorney: Edgar L. Morris, 1316 Washington Street, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, fabricated and unfabricated, and structural steel articles*, between points in South Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Washington, D.C.

HEARING: October 30, 1961, at the U.S. Court Rooms, Columbia, S.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123700, filed May 29, 1961. Applicant: R. M. PAGE, doing business as GREENVILLE BODY WORKS, Route # 1, White Horse Road, Greenville, S.C., Applicant's attorney: Rex L. Carter, 224 Lawyers Building, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled automobiles, trucks, trailers, and other vehicles, due to mechanical failure or wrecks*, between Greenville, S.C., on the one hand, and, on the other, points in Georgia, North Carolina, Virginia, Florida, Alabama, and Kentucky.

HEARING: October 24, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123701, filed May 29, 1961. Applicant: WHITEHEAD SUPER SERVICE COMPANY, a Corporation, 2319 North Beckley Avenue, Dallas 8, Tex. Applicant's attorney: James H. Martin, 610 Main Street, Dallas, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, between Dallas, Tex., on the one hand, and, on the other, points in Oklahoma, Arkansas, Louisiana, and Texas.

HEARING: October 18, 1961, at the Baker Hotel, Dallas, Tex., before Examiner William E. Messer.

No. MC 123720, filed June 5, 1961. Applicant: SUNSHINE TRUCKING CO., INC., Canyon City, Oreg. Applicant's attorney: Roy Kilpatrick, Canyon City, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities consisting chiefly of beer and wholesale food products, machinery, parts and supplies used in connection with the operation of a bottling plant and the merchandising of beer and wholesale food products*, from Portland, Oreg. and Vancouver and Spokane, Wash., to Canyon City, Oreg., and *empty containers or other such incidental facilities*, used in transporting the above-specified commodities, on return.

HEARING: October 31, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123749, filed June 19, 1961. Applicant: C. A. BOWMAN, 213 North Ninth, Casey, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Fertilizer*, from Indianapolis and New Albany, Ind., to Casey, Ill.: (a) from Indianapolis over U.S. Highway 40 to Casey, serving all intermediate points; and (b) from New Albany over U.S. Highway 150 to Vincennes, Ind., thence over Illinois Highway 33 to junction Illinois Highway 49, thence over Illinois Highway 49 to Casey, serving all intermediate points; and (2) *grain*, from Casey, Ill., to Indianapolis and New Albany, Ind., (a) from Casey over U.S. Highway 40 to Indianapolis, serving all intermediate points; and (b) from Casey over Illinois Highway 49 to junction Illinois Highway 33, thence over Illinois Highway 33 to Vincennes, Ind., thence over U.S. Highway 150 to New Albany, serving all intermediate points.

HEARING: October 16, 1961, at 1 o'clock p.m. at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 123753, filed June 20, 1961. Applicant: J. WILBUR DAUGHERTY, 600 Leigh Avenue, Pennington Gap, Va. Applicant's attorney Jay G. Kauffman, Kelly Building, Pennington Gap, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hay, grain, feed, cattle, fertilizer, roofing, and empty containers or other such incidental facilities*, used in transporting the above-described commodities; between points in Virginia, Tennessee, Kentucky, and Ohio.

HEARING: October 23, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123763, filed June 26, 1961. Applicant: CLYDE T. ENGLAND, doing business as CLYDE'S TOWING STORAGE, 734 Klamath Avenue, Klamath Falls, Oreg. Applicant's attorney: O. W. Goakey, Suite 213–215 First National Bank Building, Klamath Falls, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* requiring the use of special wrecker equipment, (1) from points in Klamath, Lake and Deschutes Counties, Oreg., to points in California and Washington, and (2) from points in Siskiyou, Modoc and Shasta Counties, Calif., to points in Oregon and Washington.

HEARING: October 25, 1961, at the Interstate Commerce Commission Hearing Room 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123774, filed July 3, 1961. Applicant: JAMES B. DUNN, doing business as DUNN MOTOR LINES, Route 4, Beaverdam, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete materials* which due to length, weight or size require special equipment, from points in Richmond and Henrico Counties, Va., to points in the District of Columbia, Maryland, North Carolina, Pennsylvania, and West Virginia, and *rejected and damaged shipments*, on return.

HEARING: October 23, 1961, at the U.S. Court Rooms, Richmond, Va., before Examiner Lawrence A. Van Dyke, Jr.

No. MC 123818, filed July 19, 1961. Applicant: ROBERT L. JONES, doing business as ROBERT L. JONES TRANSPORTATION CO., 2011 Madison Street, Eugene, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Vancouver, Wash., to points in Oregon.

HEARING: November 2, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 45, or, if the Joint Board waives its right to participate, before Examiner Harold P. Boss.

No. MC 123846, filed July 31, 1961. Applicant: MYRON H. CURTIS AND BETTY L. CURTIS, doing business as CURTIS TRAILERS, 10177 Southeast

Powell Boulevard, Portland, Oreg. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, not in excess of thirty (30) feet in length, eight (8) feet in width, and *pickup coaches*, between points in Washington, Oregon, and California.

HEARING: September 11, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Oreg., before Joint Board No. 5, or, if the Joint Board waives its right to participate before Examiner James H. Gaffney.

MOTOR CARRIERS OF PASSENGERS

No. MC61599 (Sub-No. 125), filed July 10, 1961. Applicant: QUEEN CITY COACH COMPANY, a Corporation, 417 West Fifth Street, Charlotte, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, mail and newspapers*, in the same vehicle with passengers, between Charlotte, N.C., and Junction of North Carolina Highways 49 and 73 near Mt. Pleasant, N.C.; from Charlotte over U.S. Highway 29 and North Carolina Highway 49 to the junction of said highways north of Charlotte; thence over North Carolina Highway 49 to the junction of North Carolina Highways 49 and 73 near Mt. Pleasant, and return over the same route, serving all intermediate points.

HEARING: October 24, 1961, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Joint Board No. 103, or, if the Joint Board waives its right to participate before Examiner Lawrence A. Van Dyke, Jr.

APPLICATIONS FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12761, filed August 4, 1961. Applicant: EDWIN BORTNER, R.D. #1, Sharpsville, Pa. Applicant's attorney: Martin E. Cusick, First Federal Building, Sharon, Pa. For a License (BMC 5) to engage in operations as a *broker* at Sharpsville, Pa., in arranging for transportation in interstate or foreign commerce, by motor vehicle of: *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in charter operations, between points in Mercer, Lawrence, Crawford, and Venango Counties, Pa., on the one hand, and, on the other, points in the United States, including Ports of Entry on the International Boundary Line between the United States and Canada.

HEARING: September 20, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 36704 (Sub-No. 1), filed July 21, 1961. Applicant: A QUALITY COAL & HAULING CO., INC., 7637 North Sunset Drive, St. Louis 21, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel*, and *crushed stone*, from St. Louis Mo., and points in St. Louis County, Mo., to points in St. Clair and Madison Counties, Ill.

No. MC 78786 (Sub-No. 233), filed June 29, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) (Item 66)—*General commodities*, Between points in California, as follows: (1) From Tracy over U.S. Highway 50 via Stockton to Sacramento, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highway; (2) From Lodi over California Highway 12 to junction unnumbered highway, thence over unnumbered highway via Woodbridge (San Joaquin County) to Galt, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highways; (3) From junction U.S. Highway 50 and unnumbered highway over unnumbered highway via Elk Grove and Florin to junction U.S. Highway 50 west of Florin, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highways; and (4) From Lodi over California Highway 12 to junction California Highway 88, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highway. RESTRICTIONS: (a) The service to be performed by said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service; (b) The said carrier shall not serve any point not a station on a railroad, except as otherwise authorized; (c) Said carrier shall not transport shipments between Stockton, Calif., on the one hand, and, on the other, Davis, Lincoln, Rocklin, or Woodland, Calif., or through or to, or from more than one of such points; (d) All contractual arrangements between the said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplementary, shall be reported to this Commission and shall be subject to revision if and as this Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further conditions as the Commission in the future, may find it necessary to impose in order to restrict the said carrier's operations to service which is auxiliary to, or supplemental of, railroad or railway express company service; and (B) (Item 112)—*General commodities*, (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between San Jose, Calif., and Hollister, Calif., (a) From San Jose over U.S. Highway 101 to junction unnumbered highway (formerly California Highway 25), thence over unnumbered highway to junction California Highway 156 (formerly unnumbered highway), thence over California Highway 156 to Hollister, and return over the same route, serving all intermediate points; and (b) From San Jose over U.S. Highway 101 to junction unnumbered highway south of Sargent, Calif., thence over unnumbered highway to junction California Highway 156, thence over California Highway 156 to Hollister, and return over the same route, serving all intermediate points; (2) Between Sargent, Calif., and Salinas, Calif., from Sargent over U.S. Highway 101 to Salinas, and return over the same route, serving no intermediate points; (3) Between Tres Pinos, Calif., and Paicines, Calif., from Tres Pinos over California Highway 25 to Paicines, and return over the same route, serving all intermediate points; (4) Between Hollister, Calif., and Tres Pinos, Calif., from Hollister over unnumbered highway (formerly California Highway 25) to Tres Pinos, and return over the same route, serving no intermediate points; (5) Between Gilroy, Calif., and junction unnumbered highway and California Highway 25, from Gilroy over California Highway 152 to San Felipe, thence over unnumbered highway via Dunneville Corners to junction California Highway 25, and return over the same route, serving the intermediate point of Dunneville Corners; (6) Between Dunneville Corners, Calif., and junction unnumbered highway and California Highway 25 at a point approximately four (4) miles east of Dunneville Corners, from Dunneville Corners over unnumbered highway to junction California Highway 25, and return over the same route, serving no intermediate points; (7) Between Salinas, Calif., and King City, Calif., from Salinas over U.S. Highway 101 to King City, and return over the same route, serving all intermediate points; (8) Between San Jose, Calif., and Agnew, Calif., (a) from San Jose over U.S. Highway 101 to junction Santa Clara-Alviso Road, thence over Santa Clara-Alviso Road to Agnew, and return over the same route, serving no intermediate points; and (b) from San Jose over California Highway 17 to Milpitas, Calif., thence over California Highway 9 to junction unnumbered Highway near Alviso, Calif., thence over unnumbered highway via Alviso to Agnew, and return over the same route, serving no intermediate points; (9) Between junction California Highway 9 and San Jose-Alviso Road, and junction Santa Clara-Alviso Road and Montague Avenue near Agnew, from junction California Highway 9 and San Jose-Alviso Road over San Jose-Alviso Road to junction Montague Avenue, thence over Montague Avenue to junction Santa Clara-Alviso Road, and return over the same route, serving no intermediate points, but serving the termini for the purpose of joinder only; (10) Between Brawley, Calif., and Rancho de Anza,

Calif., from Brawley over U.S. Highway 99 to junction California Highway 78, thence over California Highway 78 through "The Narrows" to junction unnumbered highway sometimes known as Yaqui Pass Road, thence over unnumbered highway through Borego, Calif., to Rancho de Anza (also from junction California Highway 78 and unnumbered highway near "The Narrows" over unnumbered highway in a northerly direction to junction unnumbered highway near Borego), and return over the same route, serving all on-rail intermediate points between Brawley and Westmoreland, Calif., and points on the unnumbered highways described above between the junctions thereof with California Highway 78 and Rancho de Anza; all on-rail off-route points within two (2) miles of the route between Brawley and Westmoreland, and off-route points within five (5) miles of that portion of the unnumbered highway, sometimes known as Yaqui Pass Road, extending from its junction with California Highway 78 to Rancho de Anza; (11) Between Mojave, Calif., and junction unnumbered highway east of Edison, Calif., and directly north of Arvin, Calif., from Mojave over U.S. Highway 466 through Monolith, Techachapi, and Keene, Calif., to junction unnumbered highway east of Edison and directly north of Arvin, and return over the same route, serving all intermediate points which are stations on the rail lines of the Southern Pacific Company; (12) Between Arvin, Calif., and junction unnumbered highway directly east of Arvin, Calif., and U.S. Highway 466, from Arvin over unnumbered highway directly east of Arvin to junction U.S. Highway 466, and return over the same route, serving all intermediate points which are stations on the rail lines of the Southern Pacific Company; (13) Between junction U.S. Highway 466 and unnumbered highway directly west of Caliente, Calif., and Caliente, Calif., from junction U.S. Highway 466 and unnumbered highway west of Caliente over said unnumbered highway to Caliente, and return over the same route, serving all intermediate points which are stations on the rail lines of the Southern Pacific Company; (14) Between points in California, as follows: (a) From Livermore over U.S. Highway 50 to Tracy, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highway; (b) From junction U.S. Highway 50 and California Highway 120 over California Highway 120 to Manteca, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highway; and (c) from Manteca over U.S. Highway 99 to Stockton, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within two (2) miles of said highway; (15) Between points in California, as follows: (a) From Los Angeles over U.S. Highway 99 to Fresno, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within five (5) miles of said highway; (b) From Famoso over unnumbered highway to junction California Highway 65, thence over California Highway 65 to junction California Highway 198, thence over California Highway 198 to junction U.S. Highway 99, thence over U.S. Highway 99 to Fresno, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within five (5) miles of said highways; (c) From Delano over unnumbered highway to junction California Highway 65 near Richgrove, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within five (5) miles of said highway; (d) From Earlimart over unnumbered highway to Ducor, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within five (5) miles of said unnumbered highway; and (e) From Lindsay over unnumbered highway to Tulare, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within five (5) miles of said unnumbered highway; (16) Between points in California, as follows: (a) From Famoso over U.S. Highway 466 to junction California Highway 33, thence over California Highway 33 to Coalinga, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highways; (b) From San Fernando over U.S. Highway 6 to junction unnumbered highway, thence over unnumbered highway via Newhall, Calif., and Saugus, Calif., to junction U.S. Highway 99, thence over U.S. Highway 99 to junction unnumbered highway (near Castaic, Calif.), thence over unnumbered highway via Castaic and Sandberg, Calif., to junction California Highway 138, thence over California Highway 138 to Gorman, Calif., thence over U.S. Highway 99 to junction California Highway 166, thence over California Highway 166 to Maricopa, Calif., thence over U.S. Highway 399 to Taft, Calif., thence over California Highway 33 to Blackwell's Corner, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highways; (c) From Taft over U.S. Highway 399 to junction U.S. Highway 99, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highway; (d) From Bakersfield over California Highway 178 (also from junction California Highway 179 and unnumbered highways, near Lokern, Calif., over unnumbered highway to junction California Highway 33, thence over California Highway 33 to junction unnumbered highway, thence over unnumbered highway to Lost Hills, Calif., thence over U.S. Highway 466 to junction California Highway 33, thence over California Highway 33 to junction unnumbered highway near Devils Den, Calif., thence over unnumbered highway via Kettleman City, Calif., to Avenal, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highways; (e) From Lerdo over unnumbered highway, via Shafter, Calif., to Wasco, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highways; and (f) From junction California Highways 33 and 41 over California Highway 41 to junction unnumbered highway (near Kettleman City, Calif.), thence over unnumbered highway via Milham City, and Murray, Calif., to Coalings, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highways; (17) Between points in California, as follows: (a) From Selma over U.S. Highway 99 to Manteca, and return over the same route; and (b) From Selma over U.S. Highway 99 to junction California Highway 152, thence over California Highway 152 to Gilroy, and return over the same route, serving all on-rail intermediate points in connection with (a) and (b) immediately above between Selma and Manteca, and the off-route points of Biola, Clotho, Clovis, Del Rey, Dinuba, Hanford, Kerman, Locans, Reedley, Sanger, and Visalia, Calif.; (18) Between Los Angeles, Calif., and San Luis Obispo, Calif., as follows: (a) From Los Angeles over U.S. Highway 101 to San Luis Obispo, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of said highway; (b) From Los Angeles over U.S. Highway 66 to Santa Monica, Calif., thence over Alternate U.S. Highway 101 to junction U.S. Highway 101, thence as specified above to San Luis Obispo, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of the highways specified; (c) From Los Angeles over U.S. Highway 99 to junction California Highway 118, thence over California Highway 118 to junction U.S. Highway 101, thence as specified above to San Luis Obispo, and return over the same route, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of the highways specified; and (d) From Los Angeles over U.S. Highway 99 to junction California Highway 126, thence over California Highway 126 to junction U.S. Highway 101, thence as specified above to San Luis Obispo, serving all on-rail intermediate points, and all on-rail off-route points within ten (10) miles of the highways specified; (19) Between points in California, as follows: (a) From Ventura over U.S. Highway 399 to junction California Highway 150, thence over California Highway 150 via Ojai, Calif., to Santa Paula, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highways specified which are stations on the rail lines of the Southern Pacific Company; (b) From Fillmore over California Highway 23 via Moorpark, Calif., to junction U.S. Highway 101, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (c) From Oxnard over unnumbered highway via Camarillo, Calif., to junction California Highway 118 near Somis, and return over the same route, serving the intermediate and off-route points within three (3) miles of said highway specified which are stations on the rail lines of the Southern Pacific Company; (d) From junction California Highway 118 and unnumbered highway approximately three (3) miles east of Saticoy, Calif., over unnumbered highway to junction Rice Road and Oxnard Road, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (e) From junction California Highway 118 and unnumbered highway approximately one mile west of Simi, Calif., over unnumbered highway to junction U.S. Highway 101 approximately one mile east of Camarillo, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (f) From junction California Highway 118 and unnumbered highway approximately one mile southeast of Saticoy, Calif., over unnumbered highway to junction Alternate U.S. Highway 101, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (g) From Saticoy over unnumbered highway to junction California Highway 126 approximately one mile northeast of Saticoy, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (h) From junction Alternate U.S. Highway 101 and unnumbered highway approximately five (5) miles southeast of Oxnard, Calif., over unnumbered highway to Camarillo, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; and (i) From Goleta over unnumbered highway to Santa Barbara Airport, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; (20) Between San Fernando, Calif., and Niland, Calif., from San Fernando over U.S. Highway 99 to Coachella, Calif., thence over California Highway 111 to Niland, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highway specified which are stations on the rail lines of the Southern Pacific Company; and (21) Between Los Angeles, Calif., and Santa Monica, Calif.; from Los Angeles over U.S. Highway 101 (Whittier Boulevard) to junction California Highway 15 (Atlantic Boulevard), thence over California Highway 15 to junction U.S. Highway 101 Bypass (Anaheim-Telegraph Road), thence over U.S. Highway 101 Bypass (Anaheim-Telegraph Road, Lakewood Boulevard, Firestone Boulevard, and Santa Ana Freeway) to junction U.S. Highway 101 (Santa Ana Freeway south of Anaheim), thence over U.S. Highway 101 (Santa Ana Freeway and Main Street) to Santa Ana, Calif., thence over South Main Street and South Main Street extension to junction California Highway 55 (Newport Avenue), thence over California Highway 55 to junction Alternate U.S. Highway 101 at Newport Beach, Calif., thence over Alternate U.S. Highway 101 (Ocean Avenue, Pacific Coast Highway, Sepulveda Boulevard) to Santa Monica, and return over the same route, serving the intermediate and off-route points within three (3) miles of the highways specified which are stations on the rail lines of the Southern Pacific Company. RESTRICTION: (1) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Southern Pacific Company, Pacific Electric Railway Company, San Diego and Arizona Eastern Railway Company, Holton Inter-Urban Railway Company, Visalia Electric Railroad Company, Sunset Railway Company, Santa Maria Valley Railroad Company, and the Railway Express Agency, Inc. (2) Service shall not be rendered from, or to, or traffic interchanged at any point, which is not a station on the rail lines of the above-named railroads, except non-rail points presently authorized to be served by Pacific Motor Trucking Company. (3) No shipments shall be transported by Pacific Motor Trucking Company between any of the following key points, or through, or to or from more than one of said points: San Francisco-Oakland (considered as one), Stockton, and Los Angeles, Calif., and Yuma, Ariz.; also on traffic southbound from San Francisco-Oakland, and Stockton, and the additional key points of Santa Barbara, Newhall Ranch, and Harold, Calif., and on traffic northbound from Los Angeles, and the additional key points of Los Gatos, Gilroy, Vernalis, and Manteca, Calif. The key points indicated shall be deemed to include all points in the commercial zones thereof as defined by the Commission. (4) The rights described herein shall not be joined, tacked, or combined with other rights of Pacific Motor Trucking Company where such rights connect at San Francisco, Oakland, Tracy, or Stockton, Calif., or at any other common point, which would permit service to or from points located north thereof, or at Yuma, Ariz., which would permit any service to or from points located east thereof. (5) All contractual arrangements between said carrier and the railroads shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it necessary in order that such arrangements shall be fair and equitable to the parties. (6) Such further conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail or railway express service.

NOTE: Applicant states that the instant application seeks to modify key point restrictions attached to authority contained in Items 66 and 112 of Certificate No. MC 78786 so as to permit use of such authority to transport shipments which move only between Stockton, Calif., on the one hand, and San Francisco-Oakland, Calif., on the other hand. No change in existing routes or commodity authorities is otherwise involved. Common control may be involved.

No. MC 123854, filed August 3, 1961. Applicant: RALPH BONDURANT, doing business as BONDURAN'S SERVICE, 91 South Forge Street, Akron, Ohio. Applicant's representative: John R. Meeks, 807 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and other highway vehicles* designed for general highway transportation, which are wrecked, disabled, abandoned, repossessed, stolen or embezzled, with or without cargo, by wrecker equipment only, and dollies, where said vehicles are in such condition that the vehicle cannot be towed; *also replacement vehicles and equipment* for wrecked or disabled vehicles, by wrecker service only, between points in Medina, Portage, Stark, Summit and Wayne Counties, Ohio on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, Pennsylvania and West Virginia.

NOTE: Applicant states the proposed operation will be restricted to exclude abandoned, embezzled, repossessed and stolen mobile homes and house trailers.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 234), filed July 24, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Peter K. Nevitt, The Greyhound Corporation, 140 South Dearborn Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, in seasonal operations between May 25 and Labor Day (September), inclusive, of each year, between junction U.S. Highway 81 and North Dakota Highway 44 near Manvel, N. Dak., and junction U.S. Highway 81 and combined Interstate U.S. Highway 29 and North Dakota Highway 44 near Joliette, N. Dak., as follows: From junction U.S. Highway 81 and North Dakota Highway 44 at a point near Manvel, N. Dak., over North Dakota Highway 44 to junction with combined Interstate U.S. Highway 29 and North Dakota Highway 44, thence over combined Interstate U.S. Highway 29 and North Dakota Highway 44 to its junction with U.S. Highway 81 near Joliette, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 1501 (Sub-No. 235), filed August 4, 1961. Applicant: THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Earl A. Bagby, 371 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, (1) between junction U.S. Highway 10 and Washington Highway

7 (Murphey's Corner), and Spokane, Wash., from junction U.S. Highway 10 and Washington Highway 7 (Murphey's Corner) over U.S. Highway 10 to Spokane, and return over the same route, serving all intermediate points; and (2) between Ritzville, Wash. and Pasco, Wash., from Ritzville over unnumbered highway to junction U.S. Highway 395 (Ritzville Junction), thence over U.S. Highway 395 to Pasco, and return over the same route, serving all intermediate points; and (3) between East Lind Junction, Wash. and South Lind Junction, Wash., from junction U.S. Highway 395 and Washington Highway 4B (East Lind Junction) over Washington Highway 4B to Lind, Wash., thence over unnumbered highway to junction U.S. Highway 395 (South Lind Junction), and return over the same route serving all intermediate points.

NOTICE OF FILING OF PETITION

No. MC 119395 (PETITION FOR INTERPRETATION OF PERMIT), filed July 12, 1961. Petitioner: WILLIAMS CHEMICAL TRANSPORT, INC., Wilmington, Del. Petitioner's attorney: James L. Givan, 1025 Connecticut Avenue NW., Washington 6, D.C. Petitioner presently holds a permit in Docket No. MC 119395 authorizing it to engage in operations as a contract carrier by motor vehicle, over irregular routes, which reads, in part, as follows: "*Chemicals*, from New Castle, Del., to Trenton and Camden, N.J., Harrisburg, Philadelphia, Chester, Fernwood, and Marcus Hook, Pa., Baltimore, Md., Beacon, N.Y., points in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, and those in New Jersey within 20 miles of New York, N.Y., with no transportation for compensation on return except as otherwise authorized; between New Castle, Del., and Ambler, Pa." The subject petition, filed July 12, 1961, states that one of the principal shippers served by petitioner is Atlas Chemical Industries, Inc., located at New Castle, Del. This shipper produces a variety of different chemicals, among which are three designated as: Plastic materials or products, Syrup not medicated, and cleaning, scouring or washing compounds. Petitioner requests the Commission, without oral hearing, enter an order holding the above-named articles are chemicals within the scope of petitioners operating authority. Any person or persons desiring to oppose the relief sought, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file a reply to this petition or other appropriate pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 115716 (Sub-No. 9), filed August 3, 1961. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a Corporation, 1420 18th Street, Denver, Colo. Applicant's attorney: Edward C. Hastings, 1515 Dallas Street, Colfax Avenue and Dallas Street, Denver 8, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special handling, and household goods as defined by the Commission); beginning at a point on the Kansas-Colorado State line in the town of Kanorado and extending east along U.S. Highway 24, to Ruletop, Brewster, Goodland and Colby, Kans.; thence east approximately ten miles to the junction of U.S. Highway 24 and U.S. Highway 83; thence along U.S. Highway 83 to Halford, Oakley, Elkader, Scott City, Shallow Water and Garden City, Kans., to the junction of U.S. Highway 83 and U.S. Highway 50; thence along U.S. Highway 50 to Holcomb, Deerfield, Lakin, Kendall, Mainline and Syracuse, Kans.; thence west to the junction of U.S. Highway 50 and Kansas State Highway 27; thence to Tribune, Sharon Springs, Goodland and the junction of Kansas State Highway 27 and U.S. Highway 40; thence along U.S. Highway 40 to Weskan and thence to the Kansas-Colorado State line; from the junction of Kansas State Highway 27 and Kansas State Highway 96; thence along Kansas State Highway 96 to the Kansas-Colorado State line; from the junction of U.S. Highway 50 and Kansas Highway 27, thence along U.S. Highway 50 to Midway, Coolidge and the Kansas-Colorado State line; together with all intermediate points along any and all such routes and within a radius of each point coinciding with the corporate limits of each point if incorporated. Call and demand transportation of *general freight* to and from points within that area of Kansas within the circumference of the Kansas-Colorado State line on the west, U.S. Highway 24 on the north, U.S. Highway 83 on the east and U.S. Highway 50 on the south; except between Garden City and Scott City, Kans., and Garden City and Syracuse, Kans., and all intermediate points. Between points and towns above named and points and towns hereinafter named; and the points and towns over and along the following routes: From Lakin, Kans. south over Kansas Highway No. 25 to Ulysses, Kans., thence east to Hickok, Kans. over U.S. Highway No. 160 and to a point where Kansas Highway No. 190 bisects said U.S. Highway No. 160; thence south and southeasterly over Kansas Highway No. 190 to Ryus and Satanta, Kansas, and to a point where said Kansas Highway No. 190 bisects U.S. Highway No. 83; thence over said U.S. Highway No. 83 in a southerly direction to Liberal, Kans.; thence northerly over said U.S. Highway No. 83 to Garden City, Kans. and return over the same route and serving all intermediate points and towns on and along said route: *Provided, however*, To neither offer or perform service between the following points: Garden City, Holcomb, Deerfield, Lakin, Kendall, Mayline, Syracuse, Medway, Coolidge, Sublette, Hickok, Ulysses, Satanta and Ryus; *Provided, also*, To neither offer or perform service between the following points: Liberal, Satanta, Sublette, Ryus, Hickok and Ulysses. Between the points and towns above named and towns and points hereinafter named; from Goodland, Kans. over Kansas Highway No. 27 to St. Francis, Kans. and return over the same route serving all intermediate points.

NOTE: Directly related to MC-F-7880.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property of passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-7604 (WILLIAM P. CARTWRIGHT—PURCHASE (PORTION)—EL RENO TRANSFER AND STORAGE CO.), published in the August 10, 1960, issue of the FEDERAL REGISTER on page 7561. Amendment filed July 31, 1961, to substitute CARTWRIGHT'S MOVING & STORAGE, INC., 7205-9 Prospect, Kansas City, Mo., as vendee in lieu of WILLIAM F. CARTWRIGHT, doing business as SOUTH PROSPECT TRANSFER, and for acquisition by WM. P. CARTWRIGHT, SR., also of Kansas City, of control of the operating rights of EL RENO TRANSFER AND STORAGE CO., through the purchase.

No. MC-F-7941. Authority sought for purchase by DAVIS & RANDALL, INC., 154 Chautauqua Road, Fredonia, N.Y., of a portion of the operating rights of DELAWARE EXPRESS CO., P.O. Box 141, Elkton, Md., and for acquisition by HAROLD FURNESS, Chautauqua Road, Fredonia, N.Y., of control of such rights through the purchase. Applicants' attorneys: Johnson, Peterson, Tener & Anderson, Bank of Jamestown Bldg., Jamestown, N.Y. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Philadelphia, Pa., to points in Connecticut, New Jersey and New York, and from Allentown, Pa., to Atlantic City, Camden, Hammonton, Jersey City, Paulsboro, Penns Grove and Wildwood, N.J., Baltimore and Cumberland, Md., Beckley, W. Va., New York, N.Y., Roanoke and Harrisonburg, Va., Wilmington, Del., and Washington, D.C.; *empty malt beverage containers*, from Atlantic City, Camden, Hammonton, Jersey City, Paulsboro, Penns Grove and Wildwood, N.J., Baltimore and Cumberland, Md., Beckley, W. Va., New York, N.Y., Roanoke and Harrisonburg, Va., Wilmington, Del., and Washington, D.C., to Allentown, Pa., and from points in Connecticut, New Jersey and New York to Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, West Virginia, Kentucky, Michigan, Illinois, Indiana, Connecticut, Massachusetts, Tennessee, Rhode Island, Maryland and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7942. Authority sought for control and merger by WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga., of the operating rights and property of JOHNSON TRANSFER CO., INC., Poinsett Highway, Greenville, S.C., and for acquisition by BILL WATKINS, Albany Highway, Thomasville, Ga., of control of such rights and property through the transaction. Applicants' representative and attorneys, respectively: Bill Watkins, Albany Highway, Thomasville, Ga., D. B. Leatherwood, 300 E. Coffee St., Greenville, S.C., Joseph H. Blackshear, Gainesville, Ga., and William T. Croft, 1624 Eye Street NW., Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Greenville, S.C., on the one hand, and, on the other, points in South Carolina, North Carolina and Georgia; *cotton* and *textile products*, between points in South Carolina, North Carolina and Georgia; and *agricultural limestone*, from points in Cherokee County, S.C., to points in North Carolina. WATKINS MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, Missouri, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, New Jersey, New York, South Dakota, North Carolina, Pennsylvania, Virginia, West Virginia, Wisconsin, Ohio, Tennessee, Alabama, Florida, South Carolina, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Nebraska, Iowa, Texas, Massachusetts, Rhode Island, Arizona, California, New Mexico, Connecticut, Vermont, Oregon, Washington, Maine, New Hampshire, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7943. Authority sought for purchase by KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., North Highway 71 and 18, Spencer, Iowa, of a portion of the operating rights of JAMES F. LEE, doing business as LEE TRANSPORT, 707 East Fourth Street, P.O. Box 723, Muscatine, Iowa. Applicants' representative: Karl E. Momsen, 1021 North 23d Street, Omaha 2, Nebr. Operating rights sought to be transferred: *Canned goods* as a *common carrier* over irregular routes, from DeKalb and Rochelle, Ill., to Davenport, Iowa. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Nebraska, Minnesota, Wisconsin, Missouri, South Dakota, North Dakota, Arkansas, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7944. Authority sought for purchase by W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen St., Watertown, N.Y., of the operating rights of CONSOLIDATED EXPRESS CO., INC. (MARK C. YELLIN, TRUSTEE), 266 Pearl Street, Hartford 3, Conn., and for acquisition by LAWRENCE E. SMITH, 1152 Academy Street, Watertown, N.Y., of control of such rights through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., Barrett, Barrett and Barrett, Professional Building, 25 Bryant Avenue, East Milton 86 (Boston), Mass., and Thomas W. Murrett, Joseloff, Murrett & Throwe, 410 Asylum Street, Hartford 3, Conn. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Springfield, Mass., and New York, N.Y., serving certain intermediate and off route points; *boilers and boiler parts*, over irregular routes, from Westfield, Mass., to New York, N.Y., and points on Long Island, N.Y., and those in New York and New Jersey within 60 miles of New York, N.Y., and *soap* and *soap products*, from New York, N.Y., to points in Connecticut and those in Hampden County, Mass. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Delaware, Rhode Island, Maryland, Illinois, Michigan, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7946. Authority sought for purchase by SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio, of the operating rights of WILLARD SWANEY, 137 East Welch Avenue, Columbus 7, Ohio, and for acquisition by KENNETH SUBLER, BASIL SUBLER, and RUBY SUBLER, all of Versailles, Ohio, of control of such rights through the purchase. Applicants' attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, Columbus 15, Ohio. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes, from New York, N.Y., and Weehawken, N.J., to Columbus, Ohio. Vendee is authorized to operate as a *common carrier* in Maryland, Illinois, Ohio, Delaware, New Jersey, Kentucky, New York, Pennsylvania, Indiana, West Virginia, Massachusetts, Connecticut, Rhode Island, Virginia, Michigan, Missouri, Maine, New Hampshire, Vermont, Minnesota, Nebraska, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7947. Authority sought for purchase by NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind., of the operating rights of KLEIMER VAN LINES, INC., 1884 East 22d Street, Los Angeles 58, Calif., and for acquisition by THE J. M. BARBE CO., ET AL., of control of such rights through the purchase. Applicants' attorneys: G. Zan Golden, Asst. General Counsel, North American Van Lines, Inc., P.O. Box 988, Fort Wayne, Ind., and Cromwell Warner, 1884 East 22d Street, Los Angeles 58, Calif. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier* over regular routes between Fresno, Calif., and Seattle, Wash., serving certain intermediate and off-route points in California, and all intermediate points in Oregon and Washington, *restricted* to shipments moving between points in California, on the one hand, and, on the other, points in Oregon and Washington, over each of the above-described routes, *new furniture*, uncrated, other than new furniture included with the description household goods as defined by the Commission, between Fresno, Calif., and Fallon, Nevada, serving certain intermediate and off-route points in California and Nevada, *restricted* to shipments moving between points in California, on the one hand, and, on the other, points in Nevada, over each of the above-described routes; *new furniture*, uncrated, over irregular routes from Kansas City, Mo., to points in Oklahoma, Texas, New Mexico, Colorado, Wyoming, Utah, Arizona, and California; and from Guthrie, Okla., to points in New Mexico, Colorado, Arizona, Nevada, Utah, Idaho, Washington, Oregon, and California; and from Salt Lake City, Logan, and Ogden, Utah, to points in Idaho and Nevada; and from Preston, Idaho, to points in Utah and Nevada; and from Portland, Salem, and Albany, Oreg., to points in Idaho, Utah, Nevada, and Arizona; from points in California, to points in Oregon, Washington, Idaho, Utah, Nevada, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, and Missouri; and *damaged, defective, rejected or returned shipments of new furniture*, uncrated, from the above-specified destination points to the respective origin points, with the RESTRICTION that except as otherwise authorized, no service shall be provided for the transportation of uncrated store and office furniture, from points in California, to points in Washington and Oregon; *new furniture*, uncrated, from points in Los Angeles County, Calif., to points in Arizona, Oregon, Idaho, Utah, and Nevada; *ash trays, artificial plants, andirons, animal skins*, decorative, *bed spreads, blinds, books, bath mats, brackets, blankets, barometers, bric-a brac, bolsters, bed pads, candelabra, curtain rods, curtain rod hardware, cigarette lighters*, table, *clocks, ceiling fixtures, cushions, clothes driers, cigarette trays, candlesticks, caster cups, curtains, draperies, draperies hardware, desk sets, door mats, decorator supplies and equipment, floor coverings, figurines, fabrics, furniture parts, flower pots*, with or without plantings, *freezers, fire logs, fireplace sets, fire screens, furniture covers, floor polishers, glassware, hand trucks, hanging lamps, hoods, head pads, headboard covers, ironers, ironing boards, ice makers, ice buckets or tubs, jars, kitchen equipment, lamps, lamp bases, lamp shades, lamp stands, log rests, ladders*, bunk bed, *linens, lazy susans, mats, organs, pads, pianos, pictures, pictures hardware, paintings, planter boxes*, with or without plantings, *pillows, pitchers, pillow slips, paints*, or *stain*, touch-up, *portable barbecues, plants, phonographs, radios, television sets and/or record players combined, radios, reflector bowls, rolls*, cotton, *rolls*, airfoam, *silverware, sconces, statues, sheets, spoon rests, sweepers, stuffed animals and birds*, or portions thereof, *sand urns, swatches, signs*, display, *television sets, table pads, torchiere standards, table decorations, towels, thermometers, television antennas, umbrellas*, beach type, *urns, vases, valances, valance hardware, vacuum cleaners, waste baskets, washing machines, wall plaques, wall paper, wash cloths, wall fixtures, wall fabric*, and *wall decorations*, from points in California to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah,

Washington, and Wyoming, with the RESTRICTION that the authority granted above is restricted to shipments for delivery to apartments, hotels, houses, motels, furniture dealers, offices, and commercial and institutional establishments, and further restricted to shipments of such commodities which have a total weight of not more than 500 pounds and are transported as an incident to and a part of a shipment of uncrated new furniture; *shipments of the above commodities and uncrated furniture*, when for renovation or repair, and *returned, replaced, trade-in, damaged, defective, or rejected shipments* of the above commodities, from the above-specified destination points to points in California; *new furniture*, uncrated, between points in California, and *store fixtures*, and *store furniture* other than fixtures and *store equipment* other than fixtures when transported in conjunction with and incidental to a shipment of store fixtures, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona and Nevada. Vendee is authorized to operate as a *common carrier* in 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–7940. Authority sought for purchase by CHARTER COACH INCORPORATED, Gross Avenue, Fords, N.J., of the operating rights of J. RAYMOND CURCIO, doing business as RAYS BUS COMPANY, Gross Avenue, Fords, N.J., and the operating rights and certain property of CHARTER COACH CORP., 120 South 20th Street, Irvington, N.J., and for acquisition by J. RAYMOND CURCIO AND CAROLYN CURCIO, 121 McArthur Drive, Fords, N.J., of control of such rights and property through the purchase. Applicants' attorneys: Francis V. Goggins, 60 East 42d Street, New York, N.Y., and F. Theodore Massoth, 1180 Raymond Boulevard, Newark 2, N.J. Operating rights sought to be transferred: (J. RAYMOND CURCIO) *Passengers and their baggage*, restricted to traffic originating at the points and in the territory indicated, in charter operations, as a *common carrier* over irregular routes, from New York, N.Y., and Metuchen, N.J., and points within 25 miles of Metuchen, to points in New Jersey, New York, Pennsylvania, Maryland, Delaware, Ohio, Connecticut, Massachusetts, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Alabama, Georgia, Florida, and the District of Columbia; (CHARTER COACH CORP.) *passengers and their baggage*, in charter operations, as a *common carrier* over irregular routes, between New York and Mamaroneck, N.Y., Atlantic City, N.J., and points in Hudson, Bergen, Essex, Union, Morris, Passaic, Middlesex, and Monmouth Counties, N.J., on the one hand, and, on the other, points in the United States. Vendee holds no authority from this Commission. However, one of the controlling stockholders, J. RAYMOND CURCIO, is one of the vendors herein. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7816; Filed, Aug. 15, 1961; 8:52 a.m.]

[Notice 533]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 11, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64016. By order of August 8, 1961, The Transfer Board approved the transfer to Sherman K. Stromen, doing business as Stromen Transfer, New Richmond, Wis., of Certificate No. MC 82085, issued June 7, 1961, to Grant Bishop, Hammond, Wis., authorizing the transportation of: Livestock and agricultural commodities, from points in the Towns of Stanton, Star Prairie, and Richmond, in St. Croix County, Wis., and those in the Town of Alden in Polk County, Wis., to St. Paul, South St. Paul, Minneapolis, and Newport, Minn.; feed, hardware, and farm machinery, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the above-specified Wisconsin towns; livestock, from points in St. Croix County, Wis., except those in the Towns of Stanton, Star Prairie and Richmond, to South St. Paul, Minn.; petroleum products in containers, animal and poultry feed and fertilizer in bags or other containers, seed, rubber tires, farm machinery, and hardware, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the Town of Forest, in St. Croix County; and damaged, defective, rejected or returned shipments of the immediately above specified commodities, from points in the Town of Forest, in St. Croix County, Wis., to St. Paul, South St. Paul, Minneapolis, and Newport, Minn.

No. MC–FC64052. By order of August 8, 1961, The Transfer Board approved the transfer to Vincent A. Moore and Roland A. Mondloch, doing business as M & M Transfer, New Richmond, Wis., of Certificate No. MC 123234, issued June 7, 1961, to Sherman K. Stromen, doing business as Stromen Transfer, New Richmond, Wis., and of Certificate No. MC 82085, issued June 7, 1961, to Grant Bishop, Hammond, Wis., authorizing the transportation of: Canned vegetables, from New Richmond, Wis., to points in Minnesota within 160 miles of New Richmond, Wis.; fresh vegetables, from points in Minnesota within 160 miles of New Richmond, Wis., to New Richmond, Wis.; livestock and agricultural commodities, from points as specified at St. Croix and Polk Counties, Wis., to St. Paul, South St. Paul, Minneapolis, and Newport, Minn.; feed, hardware, and farm machinery, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points as specified in St. Croix and Polk Counties, Wis.; livestock, from points as specified in St. Croix County, Wis., to South St. Paul, Minn.; petroleum products in containers, animal and poultry feed and fertilizer in bags or other containers, seed, rubber tires, farm machinery, and hardware, from St. Paul, South St. Paul, Minneapolis, and Newport, Minn., to points in the Town of Forest, in St. Croix County, Wis. Warren P. Knowles, New Richmond, Wis., attorney for applicants.

No. MC–FC 64228. By order of August 8, 1961, The Transfer Board approved the transfer to Orval A. Zimmerman, Nettie M. Zimmerman, Philip Grosvenor and Leone R. Grosvenor, a partnership, doing business as Parma Transfer Company, 4th & Main Streets, Parma, Idaho, of Certificate No. MC 101334, issued April 16, 1959, to Lucia Miller, doing business as Parma Transfer Company, 4th & Main Streets, Parma, Idaho, authorizing the transportation of general commodities, including household goods and commodities in bulk, over irregular routes, between Parma, Idaho, and points in Idaho within 10 miles thereof, on the one hand, and, on the other, points in Baker and Malheur Counties, Oreg., within 100 miles of Parma.

No. MC–FC 64330. By order of August 10, 1961, The Transfer Board approved the transfer to James Elliott Ingram, Danville, Va., of Permit No. MC 117833, issued September 28, 1959, to Flowers Trucking Co., Inc., Lynchburg, Va., authorizing the transportation of: Bananas, from Tampa, Fla., Baltimore, Md., and Norfolk, Va., to Lynchburg, Va., and from Baltimore, Md., to Charlottesville, Va.; and, Bananas and fresh fruits and vegetables, in mixed shipments, from Tampa, Fla., and Baltimore, Md., to Lynchburg, Va.; and from Baltimore, Md., to Charlottesville, Va. W. G. Burnette, 1017 Church Street (P.O. Box 859), Lynchburg, Va., attorney for applicants.

No. MC–FC 64416. By order of August 8, 1961, The Transfer Board approved the transfer to Paul F. Brondel and Raymond A. Brondel, a partnership, doing business as Brondel Brothers Truck Service, Jefferson City, Mo., of Certificate No. MC 2027 Sub 5, issued April 14, 1961, to T. A. Kirchner, Lohman, Mo., authorizing the transportation of livestock and poultry, over regular routes, from Lohman, Mo., to National Stock Yards, Ill., serving the intermediate points of St. Louis, Mo. and East St. Louis, Ill., and intermediate and off-route points within 15 miles of Lohman; and general commodities, excluding household goods and commodities in bulk, over regular routes, from National Stock Yards, Ill., to Lohman, Mo., serving the intermediate points of East St. Louis, Ill. and St. Louis, Mo., and intermediate and off-route points within 15 miles of Lohman. James T. Blair, Jr., Monroe Building, Jefferson City, Mo., attorney for applicants.

No. MC–FC 64420. By order of August 9, 1961, The Transfer Board approved the transfer to Robert C. Magee and James H. Magee, a partnership, doing business as Wm. J. Magee Moving & Storage, Parma, Ohio of Certificate No. MC 2507, issued October 25, 1940 to Wm. J. Magee, Parma, Ohio, authorizing the transportation of household goods, over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, and Pennsylvania. Robert C. Magee, 6243 Chestnut Hills Drive, Parma, Ohio, for applicants.

No. MC–FC 64424. By order of August 9, 1961, The Transfer Board approved the transfer to Burgess Transfer, Inc., Clinton, N. C., of Certificate No. MC 117450 Sub 2, issued September 9, 1959, to Harry Marshburn Burgess, doing business as Burgess Transfer Co., Clinton, N.C., authorizing the transportation of clay products, over irregular routes, from points in Sampson County, N.C., to points in New York, New Jersey, Delaware, Connecticut, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Ohio, Pennsylvania, Louisiana, Maine, New Hampshire, Vermont, West Virginia, Indiana, Kentucky, Illinois, and the District of Columbia. Chesnutt and Chambliss, P.O. Box 167, Clinton, N.C., attorneys for applicants.

No. MC–FC 64430. By order of August 9, 1961, The Transfer Board approved the transfer to Elmer Floyd Magel, doing business as Floyd Magel & Son, Medford, Oreg., of Certificate No. MC 116589, issued February 4, 1959, to Edwin M. Lemire and LeRoy E. Winchester, a partnership, doing business as Lemire & Winchester Trucking, Medford, Oreg.; authorizing the transportation of: lumber, from Jackson and Josephine Counties, Oreg.; to points in Nevada and specified points in California, and from points in Josephine County, Oreg., to Phoenix and Tucson, Ariz. John H. Chaney, 1005 E. Main St., Medford, Oregon, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–7817; Filed, Aug. 15, 1961; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–1096]

STANDARD GAS AND ELECTRIC CO.

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 10, 1961.

New York Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: Liquidation payments have reduced the company's remaining assets below the level considered appropriate for continued listing.

Upon receipt of a request, on or before August 25, 1961 from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 61–7797; Filed, Aug. 15, 1961; 8:49 a.m.]

[File 7–2180]

XEROX CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 10, 1961.

In the matter of application of the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Xerox Corporation, File 7–2180.

Upon receipt of a request, on or before August 25, 1961 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 61–7798; Filed, Aug. 15, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30–VIII–3 (Rev. 2)]

REGIONAL COUNSEL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation No. 30 (Revision 6) (25 F.R. 1706), there is hereby delegated to the Regional Counsel the authority:

A. *Financial assistance.* To disburse approved loans including fisheries' loans.

B. *Administration.* To approve (a) annual and sick leave, except advanced annual and sick leave; and (b) leave without pay, not to exceed 30 days for employees under his supervision.

C. *Eligibility.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Counsel.

IV. All previous authority delegated by the Regional Director to the Regional Counsel is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. June 23, 1961.

ROBERT C. ALM, *Regional Director, Minneapolis Regional Office.*

[F.R. Doc. 61–7800; Filed, Aug. 15, 1961; 8:49 a.m.]

[Delegation of Authority No. 54, Rev. 1]

DIRECTOR, OFFICE OF INVESTMENT

Delegation Relating to the Investment Program

I. Pursuant to the authority delegated to the Deputy Administrator of the Investment Division, by the Administrator by Delegation of Authority No. 50 (Revision 3) (Amendment 1) (25 F.R. 7418 and 26 F.R. 4440), there is hereby redelegated to the Director, Office of Investment the authority:

A. *Investment.* 1. To approve Notices to Proceed.

2. To approve extensions of Notices to Proceed for a period of not more than 200 days from the date of the original Notice to Proceed.

3. To approve loans and their disbursement under sections 302 and 303 of the Small Business Investment Act of 1958, as amended, except that approval of self-dealing loans shall be restricted to those involving individuals with less than an aggregate amount of 5% interest in an SBIC, and an aggregate amount of less than 10% of the small business concern.

4. To approve dates of change of annual meetings.

5. To approve changes in the number of members of Board of Directors of individual SBIC's.

6. To approve new officers and Directors of individual SBIC's.

7. To approve name changes and address changes of Licensees.

B. *Development.* To improve loans and their disbursement under section 502 of the Small Business Investment Act of 1958, as amended, except that such approval shall not exceed $150,000.

C. *Administrative.* 1. To authorize or approve (a) his personal travel and (b) the travel of Washington Office employees under his supervision except travel when actual travel subsistence is requested.

2. To approve (a) sick and annual leave, (b) leave without pay not in excess of 30 days and (c) overtime work for employees under his supervision.

II. The authority delegated in I.A.I. and I.C.I. may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Investment. All previous authority delegated to the Director, Office of Investment is hereby rescinded without prejudice to actions taken under such Delegation prior to the date hereof.

Effective date. August 2, 1961.

PHIL DAVID FINE,
Deputy Administrator,
Investment Division.

[F.R. Doc. 61-7801; Filed, Aug. 15, 1961; 8:49 a.m.]

[Delegation of Authority No. 30-IV-33]

MANAGER, DISASTER FIELD OFFICE, CHARLESTON, WEST VIRGINIA

Delegation of Authority Relating to Administrative and Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended, (25 F.R. 1706 and 7418, 26 F.R. 177 and 1456), there is hereby delegated to the Manager of the Disaster Field Office, the authority:

A. *Financial assistance.* 1. To approve but not decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator.*
By ----------
Manager, Charleston Disaster Field Office

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To extend the disbursement period on all loans authorizations or undisbursed portions of loans.

B. *Administrative.* 1. To administer oaths of office.

2. To approve annual and sick leave for employees under his supervision.

C. *Correspondence.* To sign all nonpolicymaking correspondence, except Congressional correspondence, relating to the functions of the Disaster Field Office.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the Charleston, West Virginia Disaster Field Office.

Dated: July 28, 1961.

CLARENCE P. MOORE,
Regional Director,
Richmond Regional Office.

[F.R. Doc. 61-7802; Filed, Aug. 15, 1961; 8:49 a.m.]

[Delegation of Authority No. 30-III-3 Rev. 1]

ADMINISTRATIVE OFFICER

Delegation of Authority

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Administrative Officer, the authority:

A. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

3. To (a) make emergency purchases, chargeable to the Administrative expense fund, not in excess of $50 in any one object class in any one instance but not more than $100 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; and (c) contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To administratively approve all types of vouchers, invoices and bills submitted by public creditors of the Agency for articles or service rendered.

6. To (a) authorize or approve official travel; and (b) administratively approve travel reimbursement claims.

7. To procure from General Services Administration all standard forms and all supply items listed in Part I of the SBA Index of Standard Supply Items.

8. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

9. To establish and classify all nontechnical positions subject to the Classification Act of 1949, as amended, in Grades GS-1 through GS-7.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Administrative Officer.

IV. All previous authority delegated by the Regional Director to the Administrative Officer is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date. August 1, 1961.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 61-7803; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-III-2 Rev. 1]

CHIEF, PROCUREMENT AND TECHNICAL ASSISTANCE DIVISION

Delegation Relating to Procurement and Technical Assistance

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Chief, Procurement and Technical Assistance Division, the authority:

A. *Procurement and technical assistance.* 1. To: (a) determine joint setasides for Government procurements and sales; (b) to determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established interagency policy agreements.

2. To make original determinations and determinations upon reconsideration thereof as to which concerns are small businesses within the meaning of the Small Business Size Standards Regulations, as amended, except; that no authority is given to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractural agreements. This authority is limited to the Procurement and Technical Assistance program.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

II. The authority delegated herein may be redelegated except I. A. 2.

III. The authority delegated herein may be exercised by an SBA employee designated as Acting Chief, Procurement and Technical Assistance Division.

IV. All previous authority delegated by the Regional Director to the Chief, Procurement and Technical Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. August 1, 1961.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 61-7804; Filed, Aug. 15, 1961; 8:50 a.m.]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation Relating to Financial Assistance

[Delegation of Authority No. 30-III-1 Rev. 1]

I. Pursuant to the authority delegated the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Chief, Financial Assistance Division, the Authority:

A. *Financial assistance.* 1. To approve or decline direct and participation business and disaster loans.

2. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

3. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator.*
By ----------
Rayson E. Roche
Chief, Financial Assistance Division

4. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

7. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance in connection with construction loans and loans involving accounts receivable and inventory financing.

8. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorization;

(b) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000 or less;

(c) Cancel loan authorizations prior to disbursement upon the written request of the applicant;

(d) Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

9. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers, including without limiting the generality of the foregoing:

(a) The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

(b) The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) or liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

10. To make original determinations and determinations upon reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except; that no authority is given to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements. This authority is limited to the Financial Assistance program.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel other than travel involving a change of official duty station for employees under his supervision.

II. The authority delegated herein may be redelegated except I.A. 8.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All authority previously delegated by the Regional Director to the Chief, Financial Assistance Division, is hereby rescinded without prejudice to actions taken under all such delegation of authority prior to the date hereof.

Effective date. August 1, 1961.

WILLIAM H. HARMAN,
Regional Director,
Philadelphia Regional Office.

[F.R. Doc. 61-7805; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-III-14]

CHIEF, LOAN PROCESSING SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-1, dated August 1, 1961, there is hereby redelegated to the Chief, Loan Processing Section, the authority:

A. *Financial assistance.* 1. To approve direct and participation business and disaster loans.

2. To decline Limited Loan Participation Loans.

3. To enter into Business Loan and Disaster Loan Participation Agreements with banks.

4. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

JOHN E. HORNE, *Administrator*
By----------
D. Martin Wolfe
Chief, Loan Processing Section

5. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorizations.

8. To take the following actions in the administration of fisheries' loans:

(a) Amend loan authorizations;

(b) Amend the hull insurance provision of any authorization issued prior to January 31, 1958, for a loan of $20,000, or less;

(c) Cancel loan authorizations prior to disbursement upon the written request of the applicant.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Processing Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Processing Section, is rescinded without prejudice to

actions taken under all such delegations of authority prior to the date hereof.

Effective date: August 1, 1961.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 61-7806; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-III-4 Rev. 1]

REGIONAL COUNSEL

Delegation Relating to Legal Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Regional Counsel, the authority:

A. *Loan closing.* To disburse approved loans.

B. *Administration.* 1. To approve (a) annual and sick leave, except advanced annual and sick leave, and (b) leave without pay, not to exceed 30 days for employees under his supervision.

2. To authorize travel for employees under his supervision.

II. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Counsel.

III. The authority delegated in subsection I. A. may be redelegated. All other authority delegated herein may not be redelegated.

IV. All previous authority delegated by the Regional Director to the Regional Counsel is hereby rescinded without prejudice to actions taken under all such delegations prior to the date hereof.

Effective date. August 1, 1961.

WILLIAM H. HARMAN,
Regional Director, Philadelphia Regional Office.

[F.R. Doc. 61-7807; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-III-9 Rev. 1]

BRANCH MANAGER, PITTSBURGH, PA., BRANCH OFFICE

Delegation of Authority Relating to Financial Assistance, Procurement and Technical Assistance and Administrative Functions Insofar as They Relate to Branch Office Operation

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 6), as amended (25 F.R. 1706, 7418, 26 F.R. 177, 1456), there is hereby redelegated to the Branch Manager, Pittsburgh, Pennsylvania, the authority:

A. *Financial assistance.* 1. To approve or decline direct business loans in amount not exceeding $20,000.

2. To approve but not decline participation loans in an amount not exceeding $100,000.

3. To approve or decline disaster loans not in excess of $50,000.

4. To approve or decline limited loan participation loans.

5. To take all necessary actions in connection with the administration, servicing and collection of all loans and other obligations or assets, including collateral purchased, and to do and to perform, and to assent to the doing and performance of, all and every act and thing requisite and proper to be done for the purpose of effectuating the granted powers.

B. *Procurement and technical assistance.* 1. To (a) determine joint setasides for Government procurements and sales, (b) determine the need for representation at procurement and disposal centers; and (c) develop with Government procurement and disposal agencies required local procedures for implementing established inter-agency policy agreements.

C. *Size standards.* To make original determinations and determinations upon reconsideration thereof as to which concerns are small business within the meaning of the Small Business Size Standards Regulation, as amended, except; that no authority is given to make determinations in those cases which involve questions of dominance, questions relating to cooperatives and questions involving franchise, license or other contractual agreements. This authority applies to Financial, Procurement and Investment programs insofar as they apply to the Branch Office operations.

D. *Administration.* 1. To administer oaths of office.

2. To approve (a) annual and sick leave; (b) leave without pay, not to exceed 30 days.

3. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $10 in any one object class in any one instance but not more than $20 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitation set forth in (a) of this paragraph; and (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $20 in any one instance.

4. To administratively approve all types of vouchers, invoices, and bills submitted by public creditors of the Agency for articles or service rendered.

II. All authority delegated herein may be exercised by any SBA employee designated as Acting Branch Manager.

III. All previous authority delegated by the Regional Director to the Branch Manager is rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date. August 1, 1961.

WILLIAM H. HARMAN,
Regional Director, Philadelphia Regional Office.

[F.R. Doc. 61-7808; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority No. 30-III-15]

CHIEF, LOAN ADMINISTRATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-1, dated August 1, 1961, there is hereby redelegated to the Chief, Loan Administration Section, the authority:

A. *Financial assistance.* 1. To approve amendments and modifications of loan authorizations for loans that have been fully disbursed.

2. To take all necessary action in connection with the servicing, administration and collection of partially or fully disbursed loans.

3. Administer current fisheries' loans and those loans delinquent not more than 60 days within the same authority exercised with respect to SBA loans, except execute satisfactions, releases or partial release of Preferred Ship Mortgages, or other mortgages, deeds of trust, etc., securing fisheries' loans, or to postpone or change payments due or to endorse checks in payment of insurance claims when said checks are not being paid to the Government as a payment on a fishery loan.

B. *Administration.* To approve annual and sick leave for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Administration Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division to the Chief, Loan Administration Section is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. August 1, 1961.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 61-7809; Filed, Aug. 15, 1961; 8:50 a.m.]

[Delegation of Authority 30-III-16]

CHIEF, LIQUIDATION SECTION

Delegation Relating to Financial Assistance

I. Pursuant to the authority delegated to the Chief, Financial Assistance Division by Delegation of Authority No. 30-III-1, dated August 1, 1961, there is hereby redelegated to the Chief, Loan Liquidation Section, the authority:

A. *Financial assistance.* To take the following actions in the administration, collection and liquidation of all business and disaster loans classified as "problem loans" or "in liquidation":

1. Release or consent to the release of real or personal property upon substitution of other collateral of equal or greater value.

2. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the administration in an amount not in excess of a total of $1,000 for any one loan, for these expenditures as may be required to accomplish these purposes.

3. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

4. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

5. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State Law.

B. *Administration.* 1. To approve annual and sick leave for employees under his supervision.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Loan Liquidation Section.

IV. All previous authority delegated by the Chief, Financial Assistance Division, to the Chief, Loan Liquidation Section, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date. August 1, 1961.

RAYSON E. ROCHE,
Chief, Financial Assistance Division, Philadelphia Regional Office.

[F.R. Doc. 61-7810; Filed, Aug. 15, 1961; 8:51 a.m.]

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1961–62 Edition

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PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 157

Washington, Wednesday, August 16, 1961

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 901]

[Docket No. AO-326]

MILK IN EASTERN COLORADO MARKETING AREA

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Denver, Colorado, on January 4–10, 1961, pursuant to notice thereof issued on December 8, 1960 (25 F.R. 12742), upon a proposed marketing agreement and order regulating the handling of milk in the Eastern Colorado marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, on June 15, 1961, a recommended decision (26 F.R. 5506; F.R. Doc. 61-5720) was filed with the Hearing Clerk, United States Department of Agriculture, containing notice of the opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of the commerce.* All milk to be regulated by the proposed marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Although the Eastern Colorado marketing area, as herein defined, is located entirely within the State of Colorado, a substantial proportion of the fluid milk disposed of in such area originates from sources outside the State. A number of farms and a plant located in the State of Utah have been and are supply sources of milk for the market to be regulated. The plant also disposed of fluid milk on routes in the proposed marketing area. A plant located in Goodland, Kansas, which would be fully regulated under the proposed order, distributes milk on routes in the proposed marketing area. Fluid milk is distributed in the marketing area by plants regulated by the Federal orders for the Colorado Springs-Pueblo and Platte Valley, Nebraska, marketing areas which purchase milk from dairy farmers whose farms are located in the States of Kansas and Nebraska.

Plants which would be regulated under the terms of the proposed Eastern Colorado order distribute fluid milk on wholesale and retail routes in the States of Wyoming, South Dakota, Nebraska, New Mexico and Kansas. Some of these plants to be regulated also have received milk on a supplemental basis from the State of Wisconsin.

When the supply of producer milk is in excess of local requirements for fluid use, substantial quantities of milk and cream are sold to milk manufacturing plants for use in such dairy products as cheese, butter, evaporated milk and condensed milk. These products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Eastern Colorado marketing area justify the issuance of a marketing agreement and order.

The largest part of the milk produced for fluid uses in the Eastern Colorado marketing area is produced by farmers who are members of the Denver Milk Producers, Inc. and the Cache Valley Dairy Association. The Cache Valley Dairy Association, with 220 Grade A dairy farmers, has a plant for processing and packaging fluid milk products and manufacturing milk products at Smithfield, Utah. The Denver Milk Producers, Inc., with 1154 Grade A dairy farmers, does not operate a plant but markets milk of its members to handlers who use it for fluid distribution in the proposed marketing area and to plants which manufacture milk products. The members of these two associations produce approximately 38 million pounds of milk each month. This represents about 95 percent of the milk supply for the marketing area.

The milk of the dairy farmers who are members of the Denver Milk Producers, Inc., is pooled in a marketwide type association pool. Of the 61 handlers who distribute milk in the proposed marketing area, 28 handlers participate in the association's pool. Under the association's pooling plan, all producers supplying milk to these handlers share equally in the benefits accruing from the fluid sales of such handlers and in the cost of carrying the necessary reserve supply associated with such sales. During the 12-month period ending with October 1960, a total of 397 million pounds of milk was priced and pooled by the association for its members. The association has a program for reporting the receipts and utilization of handlers receiving member milk and for verifying such reports by auditing handlers' records. The auditing program, however, has been somewhat limited in scope and operation, and has not been entirely satisfactory.

The Cache Valley Dairy Association, in addition to operating their plant at Smithfield, has producers who deliver their milk direct to plants regulated under the Colorado Springs-Pueblo and

Great Basin milk orders. They also supply two handlers in the Denver area with their fluid milk requirements. The Cache Valley Dairy Association combines the returns for their milk from all sources and pays their dairy farmers on a base and excess plan. For the 12-month period prior to the hearing, Cache Valley Dairy Association paid an average blend price of $3.99 per hundredweight for milk of 3.5 percent butterfat content f.o.b. Smithfield, Utah.

Of the remaining 30 handlers, two are supplied by the Fort Collins Milk Producers Association and the remainder buy milk from dairy farmers who are not members of a cooperative association. Some handlers who do not buy milk from the cooperative association follow the practice of arranging for their supply to be as close to their fluid needs as possible. As a result, there is an uneven distribution of the burden of milk in excess of fluid milk sales which must be put into manufacturing uses. The major portion of this reserve is handled by the Denver Milk Producers, Inc.

The marketing program of the Denver Milk Producers, Inc. has, for the most part, contributed to market stability and has tended to promote orderly marketing conditions. However, during the past few years changes in procurement and distribution of milk have resulted in conditions which have generally eroded the effectiveness of the association's program. Keen competition has developed not only in the sale of fluid milk but in the procurement of milk supplies. Two handlers who formerly purchased their milk supplies from the Denver Milk Producers, Inc. now purchase them from the Cache Valley Dairy Association. One of these handlers is fully regulated under the Colorado Springs-Pueblo milk order and purchases its supply of milk at class prices. The other handler purchases its supply of milk at prices which are closely related to the Colorado Springs-Pueblo uniform prices. The competition for fluid milk sales has developed from handlers who are regulated under the Colorado Springs-Pueblo milk order and handlers whose supply of milk is not purchased on a classified basis. The competition has developed into a situation where the association has permitted Class I price concessions to contracting handlers to meet this competition. Price concessions are made on Class I milk distributed in the Colorado Springs-Pueblo marketing area, certain areas of Eastern Colorado, Western Nebraska, Wyoming, and school contract business. These concessions are as much as $1.40 per hundredweight less than the announced Class I price.

It would be impossible for a pooling operation to be carried out within the market unless there were a uniform and reliable accounting for milk according to use classification. Such a uniform system of accounting and classification does not exist within the marketing area nor is there any organization in the market which is able to make effective such a system. Although the classification system within the marketing area is a matter of common knowledge, the absence of an organization or agency to apply such a classification system uniformly and according to accurate accounting methods inevitably results in variations and individual adjustments to meet various competitive situations. As a result of this situation, the milk pricing system within the Eastern Colorado marketing area is being undermined and there is impending further market disorganization.

It is concluded that a Federal milk order is needed for the Eastern Colorado marketing area to implement the declared congressional policy of establishing and maintaining orderly marketing conditions by providing:

(a) A regular and dependable method for determining prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

(c) An impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means of insuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market, and an equitable sharing by all the producers of the lower returns for sale of reserve milk; and

(f) Market-wide information on receipts, sales and other data relating to milk marketing in the area.

3. *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions to the terms of "marketing area", "producer", "handler", "pool plant", "other source milk" and such other definitions as are necessary to describe the incidence of order regulation.

Marketing area. The Eastern Colorado marketing area should include all the territory within the counties of Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Kit Carson, Larimer, Lincoln, Logan, Morgan, Park, Phillips, Sedgwick, Washington, Weld and Yuma, all in the State of Colorado.

The sanitary requirements relative to the production, processing and sale of bulk milk are substantially the same throughout this area. The State of Colorado Grade A standards constitute the minimum standards throughout the area. There is extensive overlapping of distribution by the plants located in the area, and the plants located in Utah and Kansas which are not inspected by the local health authorities but are approved for the area on a reciprocal basis demonstrates in a practicable way the comparability of sanitary standards in the area.

There is extensive competition among handlers for fluid milk sales throughout the proposed area. Of the five largest handlers located in the proposed marketing area, one distributes in 15 counties, one in 14 counties, one in 10 counties, one in 6 counties and the fifth handler, who has three plants (two in Denver and one in Greeley), distributes fluid milk in 19 counties. The two plants located in Denver distribute in seven counties in and around Denver, Colorado. The Greeley, Colorado, plant distributes in 10 counties located to the north and east of Denver. A handler whose plant is located in Colorado Springs and presently regulated under the Colorado Springs-Pueblo milk order distributes milk in 19 counties in the proposed marketing area. This handler would be regulated under the proposed order because his fluid sales in the Eastern Colorado marketing area would be greater than those in the Colorado Springs-Pueblo marketing area.

The principal concentration of population in Eastern Colorado is the Denver metropolitan area. Almost 60 percent of the total population lives in Denver and the adjacent counties of Adams, Arapahoe, Boulder and Jefferson. The handlers who operate extensively throughout the area all sell milk in this metropolitan area. The substantial volume of sales that these handlers have in Larimer, Morgan and Weld Counties justifies the inclusion of these counties with another 10 percent of the population. Handlers that would be regulated by sales in these eight counties have from 75 to 100 percent of the sales in each of the remaining counties named and no additional handlers will be brought under regulation by inclusion of these counties. The remaining sales are made by handlers regulated by the Platte Valley, Nebraska, and Colorado Springs-Pueblo milk orders.

In addition to the one Colorado Springs handler who would become an Eastern Colorado handler upon the issuance of this order, there are two other Colorado Springs-Pueblo handlers who have sales in the proposed marketing area. They have sales in Adams, Arapahoe, Cheyenne, Elbert, Jefferson, Kit Carson, Lincoln, and Yuma Counties. Conversely, there are four plants located in Denver, Colorado, which would be fully regulated under this order, three of which are partially regulated and one is fully regulated under the Colorado Springs-Pueblo milk order by virtue of the fact that they distribute fluid milk products in the Colorado Springs-Pueblo marketing area.

Grand County should not be included in the marketing area. The Class I sales in Grand County are made by two handlers who would be fully regulated, and one handler located at Craig, Colorado, who would be fully regulated only three months of the year. Grand County is a sparsely populated area, although it has a substantial amount of tourist trade during the summer months. The Class I sales within the county on a yearly basis represent only a very small percentage of the total fluid milk sales of handlers who would be regulated. The handler located at Craig, Colorado, has a significant amount of the Class I business within the county. By excluding Grand County from the marketing area, it will be possible to exclude from regulation this handler whose principal fluid milk sales

are made outside the marketing area and whose major competition comes from handlers who would not be subject to the Eastern Colorado order. The procurement plan of this handler has not thus far created any disorderly marketing conditions in the supply area for the Eastern Colorado market.

No smaller marketing area would so well encompass the sales area of the handlers to be regulated and minimize the involvement of handlers whose major Class I business is elsewhere. Therefore, in order to remove any disadvantage in the procurement of milk by regulated handlers and unreasonable exposure to the loss of a Class I market by dairy farmers delivering to these handlers, the 21-county area should be the Eastern Colorado marketing area.

Plants. The minimum class prices of the order and the pooling of the proceeds for milk should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants from which significant sales of fluid milk products are made to consumers on retail or wholesale routes in the marketing area or to plants making such sales. Accordingly, such plants should be defined as "pool plants", the dairy farmers supplying such milk as "producers" and such milk should be defined as "producer milk".

A "pool plant" should be any plant from which during the month the total fluid milk products disposed of on routes (inside or outside the marketing area) are more than 50 percent of the Grade A receipts from dairy farmers, from other pool plants and from a cooperative association acting as the handler on farm bulk tank milk and from which plant 20 percent of the total fluid milk products sold are disposed of on routes in the marketing area. The definition should also include any milk plant which receives Grade A milk from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts are moved during the month to a distributing pool plant described above. If such shipments to such plants are not less than 50 percent of such receipts in each of the months of September through February, provision should be made to continue the pool plant status of such plant during the following months of March through July, unless the operator of the supply pool plant makes prior written application for nonpool status to the market administrator. In such case, the plant shall remain a nonpool plant until it fulfills the shipping requirements required for each month.

As proposed hereinafter, the market-wide pooling of the proceeds for Grade A milk received from dairy farmers at pool plants is considered essential to promote efficient and orderly marketing of milk in this area. The establishment of reasonable performance standards for pool plants is essential to the proper functioning of the marketwide pool.

Performance standards should be such that any plant which has a substantial function in supplying milk for fluid consumption to this market may pool its sales and the dairy farmers supplying such milk may share in the marketwide equalization. Plants only temporarily or incidentally associated with the market, on the other hand, should not be permitted or required to equalize their sales with other plants in the market and should not be subject to full regulation. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market then the differential paid by users of Class I milk could be dissipated without accomplishing its intended purpose. If a plant were to be pooled and fully regulated by making a token shipment of milk or cream for sale as Class I milk, then any milk plant selling a smaller share of its milk in Class I than the average for all pool plants might make such sales in order to receive equalization payments from the pool. The only other qualification such a plant would be required to meet would be approval by an appropriate health authority as a supplier of Grade A milk.

Reserve milk is an essential part of any fluid milk operation. There always will be some excess milk at plants engaged primarily in supplying other markets. Such plants and other plants engaged in substantial manufacturing operations might make token sales or supply milk to regulated plants on an opportunity basis primarily to participate in the marketwide pool. Such plants do not represent a dependable source of milk for this market. A milk plant from which less than 50 percent of Grade A receipts are distributed on routes as Class I milk, is not considered as being primarily engaged in the business of fluid milk distribution and its receipts should be included in the pool only if such plant qualifies as a supply pool plant.

A distributing plant from which 80 percent or more of its Grade A receipts are distributed in the form of fluid milk products outside the marketing area is not substantially or sufficiently associated with the Eastern Colorado market to be subject to full regulation and participate in the marketwide pool. The major portion of the fluid milk business of such a plant is in areas where the competition for fluid sales is primarily from other unregulated plants or from plants regulated under other orders. The full regulation of such plants could place them at a competitive disadvantage in supplying other areas with which they are more closely associated.

Some distributing plants serving the Eastern Colorado marketing area are supplied milk from receiving stations or supply plants. A supply plant moving 50 percent or more of its monthly receipts from dairy farmers to distributing pool plants will identify any plant which is substantially associated with and whose primary function is to supply this market. The greatest need for milk from supply plant sources is during the months of September through February. The months of September through February, therefore, should constitute the qualifying months for supply plants to be eligible for continuous pooling throughout the year. During the months of March through July when supplies of milk are the greatest, it would be more economical to leave the more distant milk at supply plants for manufacturing use or for movement to manufacturing outlets. Performance standards should not force milk to be transported to distributing plants in order to maintain eligibility for pooling. Therefore, any supply plants which meet the shipping requirements during each of the months of September through February shall be a pool plant the following months of March through July unless the handler provides prior written notice to the market administrator for nonpool status. In view of the probable effective date of the order, it is provided that a supply plant may qualify for continuing pool plant status in the months of March through July 1962 if it is a supply pool plant in each month of the September 1961–February 1962 period for which the pool plant section of the order is effective.

As an auxiliary to establishing pool plant standards Cache Valley Dairy Association proposed to define "fluid milk plant" so as to (1) confine the "plant" concept to a building rather than buildings and premises, (2) to exclude buildings or distribution points used to store packaged milk in transit for route delivery, (3) to exclude any location or equipment used to transfer milk from one road vehicle to another, and (4) to exclude portions of a building used for receiving or processing ungraded milk. At Smithfield, Utah, this association has, under one roof, separate facilities for receiving and processing Grade A milk and a manufacturing operation at which ungraded milk is received and processed, and to which surplus Grade A milk is diverted or transferred. On the premises, milk is transferred from farm tank pick-up trucks to larger over-the-road bulk tank trucks. Some milk that is reloaded is from farms of producers under the Great Basin order en route to plants regulated by that order, and some is from farms of producers under the Colorado Springs-Pueblo order destined for a Denver plant regulated by that order. This Denver plant will in all probability be regulated under the Eastern Colorado order. Bulk milk is also supplied to two other Denver plants and reloading of such milk is evidently under consideration.

Milk processed and packaged at the Smithfield plant is distributed in the proposed marketing area in a volume in excess of 20 percent of the Class I route sales of the plant. The plant would presently qualify as a pool distributing plant under this order if bulk movements to Denver and Great Basin plants moved directly from farms and no milk of producers supplying these plants was considered a receipt of the pool plant when diverted for manufacturing use. The plant could also qualify as a pool supply plant if all milk moved in bulk to Denver plants was received at the plant before movement to Denver.

The proposals to confine the plant definition to a building and to exclude reloading locations or equipment would each have the effect of excluding from plant receipts any milk that did not physically enter the building considered to be a plant. Where milk is picked up

at the farm in small pick-up trucks and transferred to a transport tanker at a plant location, all factors concerning such movement must be considered in determining whether it should be treated as a delivery directly from the farm or through the intermediate plant at which the transfer was made. The proposed limitations would not provide an adequate basis for this determination and should not be adopted.

There is no need to exclude distribution point storages from plant definitions since such operations do not perform the operations required for either distributing pool plants or supply pool plants. There is need, however, in this market to exclude segregated manufacturing operations using non-Grade A milk from the pool plant definition. The manufacturing operations at Smithfield must have nonpool status to provide opportunity for diversions of milk of producers who deliver directly from Utah farms to Denver plants, and to avoid conflict when Great Basin producers are diverted there. There are other dual type plants in the area to which this definition is appropriate. To qualify for exclusion, operations must be segregated and the volume of any pool milk moved to the nonpool plant should be established by acceptable means of measurement.

Some fluid milk products are disposed of in the marketing area from plants which are fully subject to another order. It is not necessary to to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another marketing area. To do so would subject such plant to duplicate regulation. Provision, therefore, should be made to exempt such a plant from this order. The operator of such a plant, however, should file reports of its receipts and utilization of milk to the market administrator in such manner as the market administrator may require and allow verification of the reports by him.

A "nonpool plant" should be defined to refer to any milk receiving, manufacturing, or processing plant other than a pool plant.

Handler. The term handler should be defined to include (1) the operator of a pool plant; (2) the operator of a nonpool plant with sales of fluid milk products on routes in the marketing area; (3) a cooperative association with respect to milk diverted to a nonpool plant for its account; and (4) a cooperative association with respect to bulk tank milk of its member producers delivered to a pool plant of another handler in tank trucks owned or controlled by the association.

The term "handler" is used essentially to identify those persons who are responsible for reporting their receipts and utilization of milk and on whom financial obligations are imposed by the order.

Efficient marketing of milk will be promoted in this market by providing a means for a cooperative association to divert milk not needed by pool plants to nonpool plants and to assume the responsibility for the accounting and pooling of such milk.

The cooperative association should be permitted to elect to be the handler with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association.

Transportation of milk in insulated tank trucks from the farm to handlers as directed by cooperative associations creates a problem with respect to the determination of the responsibility to the individual producers in the market under certain circumstances. The handlers have only indirect knowledge of the identity of the individual producers from whom they receive milk and of the weights and tests of the milk of such individual shippers. The cooperative association maintains such information for its member producers, and the handlers accept the measurements as recorded by the agent of the cooperative association.

There are circumstances when it would be more appropriate to permit the cooperative association in control of the transportation to qualify as the handler under the order and report the milk so handled. This is particularly true when milk of several producers is commingled in the tank truck and delivered to two or more plants and in the case of producers whose milk is delivered on alternate days to different plants. The cooperative association should be provided the option of being the handler for all bulk tank milk to each pool plant for which it can qualify as the handler if a written request is provided the market administrator and the operator of the pool plant.

Producer. The term "producer" should be defined to include those dairy farmers who produce milk on farms approved by an appropriate health authority for the production of milk for disposition as Grade A milk to consumers which is received at a pool plant or diverted to a nonpool plant as provided herein.

The intent of the order is to price and pool that milk of dairy farmers which is eligible for fluid disposition and which is received at plants which qualify as pool plants.

Plants distributing milk labeled as Grade A milk are required by the various health authorities to obtain such milk from dairy farmers approved by such health authorities as sources of milk for Grade A distribution. Reciprocal approval is recognized by the various health authorities. Health department acceptability and delivery of milk at a pool plant are reasonable criteria for distinguishing the producers of milk which is to be priced and pooled under the order from other dairy farmers. In order to preclude duplicate regulation of milk, provision should be made for excluding as producers, persons whose milk is received at a pool plant if such milk is diverted under another order and is subject to the pricing and payment provisions of such other order.

When the milk of a producer is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant should be facilitated. Provision should be made so that a dairy farmer may retain his producer status if his milk were diverted for the account of a handler to a nonpool plant on not more than the number of production days that such producer delivered milk to a pool plant.

Milk diverted to a nonpool plant should be deemed to have been received for the purpose of location differentials at the nonpool plant to which it was diverted. There is a substantial saving in the hauling cost of the Utah producers when their milk is diverted to the nonpool plant at Smithfield, Utah. If such provision were not made, Utah producers would receive the f.o.b. market price for milk diverted to Utah plants without incurring the costs of transporting the milk to the Eastern Colorado market.

Producer-handler. The term "producer-handler" should include a person who operates a dairy farm and a distributing plant, and who during the month receives no fluid milk products from other dairy farmers or any other source except by transfer from a pool plant.

There are relatively few producer-handlers in the Eastern Colorado area. Their enterprises are relatively small and they engage in family-type operations. Their sales represent a minute proportion of the total fluid milk sales in the marketing area. The sales of milk by producer-handlers have not had a disrupting effect on the orderly marketing of milk in this area. Accordingly, it is not necessary to subject their milk to full regulation to achieve the declared policy of the Act.

The exemption from pricing and pooling of the family-type operation should be safeguarded, however, to prevent other operations from masquerading as producer-handlers and abusing the exemption to the detriment of the market and the effectiveness of the order. It is necessary, therefore, to provide that to maintain producer-handler status the maintenance, care, and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of milk shall be the personal risk of the person involved.

The term "producer-handler" is not intended to include any person who does not accept responsibility and risk of the operation of the plant in which the milk of his own production is processed and bottled for sale. There is no practical distinction in function between a plant where milk may be "custom bottled" for a dairy farmer and the plants of handlers who buy milk from producers. The activities of the dairy farmer in distributing fluid milk "custom bottled" compares to that of the "vendor" or "subdealer" who buys fluid milk products in packaged form from a regulated handler for distribution to consumers.

The producer-handler should be required to make reports of his receipts, utilization and such other information as the market administrator deems necessary to verify the continuing status of such person, and to facilitate accounting and verification of transactions which may involve other handlers.

Producer milk. The term "producer milk" should be defined to include the skim milk and butterfat received from producers or diverted to a nonpool plant under the conditions specified. The term is intended to include the milk approved for fluid disposition which is to be priced and pooled by each handler. A definition of such milk provides convenient reference for use in construction of other order provisions.

Other source milk. The term "other source milk" should be defined as all the skim milk and butterfat received by a handler at his plant during the month, except milk and milk products received from another pool plant, current receipts of producer milk and receipts of farm bulk tank milk from a cooperative association on which it is the handler. The term thus defined includes all skim milk and butterfat in nofluid milk products from any source, including those produced at the handler's plant which are reprocessed, repackaged or converted to other products during the month, receipts from producer-handlers and any disappearance of nonfluid milk products not otherwise acounted for. Defining other source milk in this manner will provide a general category of milk at pool plants which is not subject to pricing and pooling under the order during the current month, insure uniformity of treatment of all handlers under the allocation and pricing provisions of the order regardless of the source of the milk, and be useful in the construction of the accounting and allocation provisions of the order.

Route. The term "route" is used to cover a number of types of milk distribution operations. It includes any delivery to retail or wholesale outlets of any fluid milk product. Deliveries to other milk processing plants, either pool plants or nonpool plants do not qualify, but sales by a vendor or from a plant store are included. Any delivery to a distributing point also shall not be considered as a route disposition. However, the subsequent deliveries from distributing points to wholesale and retail outlets are included as a route disposition.

Additional definitions such as "Act", "Secretary", "Person", "Cooperative association", and "Fluid milk products" should be included in the order for brevity and clarity in the application of various order provisions. Those products to be classified as Class I milk, as described elsewhere in this decision, should be defined as fluid milk products. The other definitions are self-explanatory.

(b) *The classification and allocation of milk.* Milk should be classified in two classes, reflecting the principal difference in the quality and the value of milk required for different uses. In general, Class I should include fluid milk products sold for consumption in fluid form, and Class II should include milk used for manufacturing purposes.

The products which should be included in Class I are those required by the health authorities having jurisdiction in the marketing area to be obtained from milk or milk products from approved inspected sources. The extra cost of getting quality milk produced and delivered to the market in the conditions and quantities required makes it necessary to provide a price for milk used as Class I substantially higher than for uninspected milk used for manufacturing purposes. It is appropriate that all of the products required to be from approved inspected sources be included in a single class so that all milk required to make such products may contribute uniformly to the cost of supplying the market needs for inspected milk.

Class I milk should include all skim milk and butterfat disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet foods"), cream (sweet or sour), and half and half. It should also include any mixture of milk or skim milk and cream except ice cream mix, frozen dessert mix, aerated cream, eggnog, and cultured sour mixtures marketed as "dip specialty products". It should not include the products named when sterilized or packaged in hermetically sealed containers.

The same sanitation standards apply to fluid skim milk and flavored milk drinks as to whole milk. Skim milk and butterfat used to produce sweet and sour cream must meet the same health requirements as milk for fluid consumption, hence, it is appropriate that cream be classified and priced in the same class as fluid milk. Buttermilk is an exception to this since it is not required to be made from Grade A milk. However, all the handlers in the Eastern Colorado area make buttermilk out of Grade A milk and proposed that such product be included in Class I milk. Products commonly known as evaporated milk or condensed milk and which are either packaged in hermetically sealed cans or are used in the manufacture of other milk products should not be considered as concentrated milk and should not be classified in Class I unless they are used in the manufacture of milk products which are in Class I.

Concentrated and reconstituted milk and skim milk should be classified as Class I milk including all water originally associated with the milk solids used. Concentrated and reconstituted fluid milk products compete for the same Class I sales as whole milk or skim milk and, if made from other source milk, could displace producer milk which is available for the same purpose. Therefore, accounting for these products on the basis of original volume, including all water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

Fluid milk products fortified with added nonfat milk solids should be classified as Class I milk to the extent of the weight of a like quantity of unmodified products of the same butterfat content. The skim milk equivalent of the added solids should be classified as Class II milk. This method of accounting should apply to "diet foods" as well as other fortified products. Under this system for classification, the fresh milk or skim milk sold in the form of fortified and "diet foods" fluid milk products will return to producers the same value as though sold in unmodified form. The water originally associated with the milk solids added in the fortification process does not displace producer milk as Class I in this market.

It was argued that "diet food" a product made with fresh fluid skim milk containing added solids substantially in excess of normal fortification limits should not be Class I because it has been designated a food product by the Federal Food and Drug Administration. Its composition is, nevertheless, largely milk and milk products, and the value of the milk used in the product must be ascertained for classification purposes. The use value of milk in the separate components of this and other fortified products falls in two classes.

Reserve milk not needed seasonally, or at other times such as weekends, for Class I use must be disposed of for use in manufactured products. These products are not required to be made from inspected milk, must be sold in competition with products made from uninspected sources produced over a large area and generally are less perishable than fluid milk products. Milk so used should be classified as Class II and priced in accordance with its value in such outlets.

Producers proposed that milk used in Cheddar cheese be classified separately and priced at 20 cents per hundredweight less than the price for other manufacturing uses. Since this is primarily a pricing problem, it is dealt with subsequently in detail under the heading of "Class II price".

Class II should be defined to include skim milk and buttermilk used to produce any product other than a fluid milk product, including but not limited to such products as ice cream, ice cream mix, frozen cream, aerated cream, dried milk products, (whole and nonfat), condensed or evaporated products, butter, cottage and hard cheese. Class II should also include such unremunerative "uses" as plant loss of other source milk, skim milk dumped and milk accounted for as disposed of for livestock feeds, and inventories of fluid milk products on hand at the end of any month. Cream which is frozen and placed in storage should be Class II since such cream is intended primarily for use in ice cream or ice cream mix. Any frozen cream or other Class II product which may be used later in a fluid milk product would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant. Fluid milk products disposed of to commercial food processing establishments for use in food products prepared for consumption off the premises should be classified as Class II. There are several bakeries and other food processing plants which purchase fluid milk products from Eastern Colorado handlers for use in food products. The health authorities do not require such fluid milk products to be obtained from approved sources. Therefore, for handlers to retain this outlet for surplus milk it should be classified as Class II.

It was proposed that the classification of dip specialty items in Class II be limited to those products containing cheese and nondairy food ingredients. Such

dip specialty products are made from a sour mixture of cream and milk or skim milk. It is important that fluid milk products to which have been added only small amounts of seasoning are not included under the category subject to classification in Class II. Onions, celery, garlic or such other food items when in lesser amounts than three percent of the finished product are considered to be primarily for purposes of seasoning, and sour fluid milk products to which are added less than three percent of cheese and/or other nondairy food ingredients should be classified as Class I.

Existing health regulations in Colorado do not require the manufacture of dip specialty products to be made from Grade A milk. Eastern Colorado handlers would be at a disadvantage in marketing such products if they had to pay the Class I price for these products and may lose their market to outside supplies.

In view of these considerations, it is, therefore, concluded that dip specialty products consisting of cultured sour mixtures of cream and milk or skim milk to which cheese or any food substance other than a milk product has been added in an amount equal to three percent or more of the finished product should be classified under the Eastern Colorado order as Class II milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which must enter into the accounting for current receipts and utilization. It is appropriate that the ending inventory of fluid milk products be classified as Class II. This manner of classifying inventory, with correlated steps in the allocation procedure, provides a means of charging each handler for his Class I sales each month at the current Class I price. Fluid milk products whether in bulk or packaged form should be inventoried and classified as Class II. Manufactured milk products are not included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Uniformity in the application of the pricing provisions and simplicity of accounting are achieved if, so far as possible, Class I utilization each month is assigned to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II, and allocation of opening inventory to Class I only when current receipts of pool milk (except allowable Class II shrinkage) are less than Class I sales. In such case, the handler should pay the difference between the Class II price paid for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable Class II shrinkage) for which producers were paid at the Class II price in the preceding month.

Inventories of products designated as Class I on hand at a pool plant at the beginning of any month during which such a plant becomes qualified for the first time should likewise be subtracted from the Class II utilization of such plant. This will preserve the priority of assignment of current producer receipts to current Class I use for each month.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account, but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each pool plant should be 0.5 percent of the skim milk and butterfat in producer milk (excluding milk diverted to a nonpool plant) plus 1.5 percent of the skim milk and butterfat in all milk or milk products processed at such plant. Plants which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to protect the pool funds from the consequences of inadequate records and inefficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on producer milk diverted to nonpool plants. On milk received at the pool plant and transferred in bulk to another plant, the transferor plant would be limited to the 0.5 percent maximum receiving shrinkage allowance on such milk.

In the assembly operation of bulk farm tank milk, there may be some physical loss of milk. Receipts at pool plants may not agree with the aggregate of the weights determined at the farm from the bulk tank "dip stick" reading. Provision should be made so that the cooperative association in its capacity as a handler on bulk tank milk will retain one-half of one percent of the two percent allowable shrinkage with the remainder passed on to the operator of the pool plant. If, however, the handler files a notice with the market administrator that he is purchasing farm bulk tank milk from the cooperative association on the basis of the aggregate farm weights and tests, the entire shrinkage should be available to the pool plant to which the milk is delivered.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products.

Butterfat and skim milk used to produce Class II products should be considered to be classified when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of approved milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for the limited quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other milk plants for Class II use. Classification of any product so transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred from a pool plant to another pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless certain conditions are met. The operator of the nonpool plant, if requested, should make

his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the order.

In order to classify transfers or diversions as Class II milk, the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in milk received during the month from Grade A dairy farmers who constitute its regular source of supply. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from the pool plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of this and other orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such pool plant under the Eastern Colorado order should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of this and other orders issued pursuant to the Act.

Cream transferred to a nonpool plant located outside of Cache or Weber County, Utah, or more than 200 miles from the courthouse in Denver County, Colorado, for manufacturing purposes and the containers tagged as such should be classified as Class II milk. Cream for manufacturing purposes is shipped by handlers to outlets at considerable distances from the surplus disposal area. The market administrator should have an opportunity to verify the shipment before it leaves the pool plant.

The method herein recommended for classifying transfers and diversions from pool plants to nonpool plants accords equitable treatment to Eastern Colorado order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable sources of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the order by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include fluid milk products other than cream transferred or diverted to nonpool plants located more than 200 miles from the courthouse in Denver County, Colorado, or located outside of Cache or Weber County, Utah. The area thus described is adequate to dispose of milk and skim milk not needed by order handlers for Class I purposes. Milk and skim milk moving greater distances are normally for Class I use.

When a fluid milk product in bulk has been transferred or diverted to a nonpool plant within the surplus disposal area, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such surplus disposal area without incurring undue expense. A surplus disposal area larger than that provided herein might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond that area wherein handlers who would be subject to the Eastern Colorado order normally dispose of reserve supplies of milk and skim milk for Class II purposes.

Farm bulk tank milk for which the cooperative association is the handler should be transferred and classified on a pro rata basis. Classification on a pro rata basis permits the handler who processes the milk to purchase it according to the utilization in his plant without constant negotiation with the cooperative concerning classification.

Any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification. This is appropriate since normal needs of a producer-handler for supplemental supplies is associated with his fluid sales, and such classification is justified in consideration of his exemption from pooling of his Class I sales. This classification requirement will tend to minimize any unequal sharing of the burden of the reserve supply for the market as between producer-handlers and producers.

Allocation. The order provides for determining the value of producer milk at a plant each month on the basis of the classification of such milk. It is necessary, therefore, to determine the quantities of milk in each class to be assigned to producer milk if a plant has butterfat or skim milk other than that received in milk from producers.

The milk of producers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at pool plants. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

In general, the allocation procedure requires that skim milk and butterfat, respectively, in each pool plant be assigned to producer milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages subject to the Class I pricing under the Colorado Springs-Pueblo order and sour cream from another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to Class I pricing under another order;

(4) Beginning inventory;

(5) Receipts from pool plants of other handlers (according to classification);

(6) Receipts of bulk tank milk from a cooperative association for which it is the handler (pro rata); and

(7) Overage.

Separate allocation is provided for other source milk received under varying circumstances to facilitate the application of the compensatory payment provisions of the order and to provide flexibility in plant operations. Provision is made to allocate to Class I milk packaged fluid milk products subject to Class I pricing provisions under the Colorado Springs-Pueblo milk order and for sour cream received from any Federal milk order when it is classified as Class I or its equivalent value. This will have the effect of giving the same treatment to such items moved from a plant under such order whether distributed directly to consumers in the marketing area from such plant, as is sometimes the case in this market, or imported through an Eastern Colorado order pool plant. Two of the larger handlers in the market operate plants subject to regulation under the Colorado Springs-Pueblo milk order. These handlers at times have an interchange of packaged products between the plants.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Eastern Colorado area, minimum Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products and assure the maintenance of a supply of quality milk adequate for the needs of the market. The enabling act requires that minimum prices established by Federal milk orders meet this standard. An important point in this requirement is that the prices shall be at a level that over a reasonable period of time, due consideration being given the need for a reserve of milk and the seasonal variation in production, the supply of milk meeting the quality standards of a market will be about equal to the needs of the market for milk of that quality. This means, in turn, that the minimum prices provided for in the order can be related to general economic conditions, but cannot be maintained out of line with such conditions. If producer prices are too low, not enough milk of acceptable quality will be produced to supply fully the Class I needs of the market. If such prices are too high, on the other hand, milk production will be over stimulated and fluid consumption will tend to be curtailed. These actions would cause more milk to be produced than is needed to supply the demand for Class I milk, including the necessary reserves, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomic surpluses and this would depress the blend price to producers.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions and thereby influencing production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities, and the local nature of health regulations and milk distribution systems. Today the technological advances in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities of approving sources of milk derived from a wider supply area under agreements for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production and processing. The hearing record was replete with testimony showing that these developments have and are influencing the marketing organization and price structure for producer milk and for fluid milk products in Colorado. That these developments affect the level of prices paid for milk produced in Colorado is borne out by the many references in the record to the need of keeping Eastern Colorado prices in reasonable alignment with those in other areas.

Basic formula prices. The basic formula price proposed herein is the same as proposed at the hearing and is the same as used in many Federal order markets. The purpose of this basic formula price is to reflect the general economic factors underlying the price for milk in manufactured dairy products. Because the market for most manufactured dairy products is nationwide, prices for such products reflect, to a large extent, changes in general economic conditions affecting the supply and demand for milk. Prices paid for milk used for fluid purposes are related to prices paid for milk used for manufacturing purposes since production and marketing of inspected milk for fluid purposes is influenced by many of the same economic conditions. Also, manufacturing milk plants serve as alternative outlets for milk which farmers produce for fluid markets. For these reasons, most fluid milk markets have used prices for butter and nonfat dry milk solids or the prices paid by condenseries (with stated differentials over these basic manufacturing prices) to establish fluid milk prices.

The basic formula price to be used in establishing the Class I price should be the higher of the following for the preceding month:

(1) The prices paid to farmers at midwest condenseries for milk of 3.5 percent butterfat content; and

(2) The formula price based on the market prices of butter and nonfat dry milk solids in the Chicago, Illinois, area.

Class I price. The Class I price proposed herein is established by adding a differential of $2.10 to the basic formula price for the preceding month in all months of the year.

The cooperative associations proposed that the Class I price be established by adding a differential of $2.335 to the same basic formula price as proposed herein. A handler proposed that the Class I price differential should be $1.85 in all months of the year. Other handlers proposed that the Eastern Colorado Class I price be closely aligned with the Class I prices in Federal order markets to the north and east of Eastern Colorado, mainly the Platte Valley, Nebraska, milk order.

The general announced price level for Grade A milk used for fluid purposes in Eastern Colorado from November 1957 through January 1959 was $1.70 per pound of butterfat or $5.95 per hundredweight on a 3.5 percent butterfat basis. Such price declined as follows: In February 1959 to $5.81, in May 1959 to $5.74 and in July 1959 to $5.67. However, there were several price concessions made to handlers for milk sold in various areas outside the City of Denver. These prices were also subject to certain adjustments for handling and the location of the plant which first received the milk. The reduction in the announced level of the Class I price can be attributed in part to two conditions. One was the entry into the market of a source of supply from the Cache Valley Dairy Association and the increase in production. In 1958, 392 million pounds of milk were produced for the market, in 1959, the amount increased to 398 million and in 1960, it was estimated on the basis of figures available at the time of the hearing that the supply of milk in the market would exceed that of 1959. At the same time, the utilization in the market declined slightly from 1958 to 1959, and it appears that 1960 utilization percentage will be below 1959.

The Class I price in Denver has had no direct relationship to the manufacturing value of milk. The Class I price has been fixed by negotiations between the cooperative association and the handlers. The manufacturing value of milk has increased in the past few years as evidenced by increase in the midwest condenseries price series from $3.009 per hundredweight for milk of 3.5 percent butterfat content in 1958 to $3.151 per hundredweight in 1960. When support levels were increased in the past year, the Class I prices remained unchanged. These combined factors have had the effect of decreasing the difference between the manufacturing value of milk and the Class I price fixed by the cooperative association. The difference between the average Class I price and the average manufacturing value for milk has decreased 42 cents from 1958 to 1960.

Official notice is hereby taken of the milk marketed by farmers for the State of Colorado as published by the Department in Milk-Farm Production, Disposition and Income for 1958–1959 and 1959–1960. The whole milk sold to plants and dealers for the State was 552 million pounds for 1958, 580 million pounds for 1959 and 634 million pounds for 1960. These figures include a very negligible amount of ungraded milk for manufacturing purposes which was sold to manufacturing plants as whole milk. The average price received for such milk which was approximately 3.6 percent butterfat was $4.74 per hundredweight in 1958, $4.68 in 1959 and $4.63 in 1960. There are two secondary markets within the State which would have an effect on these figures. They are the Federal milk orders in Colorado Springs-Pueblo and Western Colorado. The total amount of pooled milk in Colorado Springs-Pueblo for 1959 and 1960 was 116 and 137 million pounds, respectively. The average blend price for the same years for milk of 3.6 percent butterfat content was $4.944 and $4.87, respectively. The Western Colorado market pooled in 1959 and 1960, 40.1 and 38.6 million pounds of milk, respectively, and the average blend price for 3.6 percent butterfat was $4.942 and $4.97, respectively. These two markets represent approximately 27 percent of the total production of the State.

Intermarket price comparisons furnish some guide for establishing Class I prices. There are several Federal order markets east of Colorado in which orders have operated for sufficient periods of time to demonstrate the appropriate level of the Class I price. Moreover, some of these markets would be able to furnish supplemental milk when needed by the Eastern Colorado handlers. The Eastern Colorado Class I price proposed herein would have averaged $5.25 per hundredweight for milk of 3.5 percent butterfat content in 1960. This price can be compared with like prices in other Federal markets by adding a transportation cost of 1.5 cents per each 10 miles or fraction thereof. This is the rate used in establishing the location differentials hereunder. The following are the average 1960 Class I prices of the named markets at 3.5 percent butterfat content, plus transportation cost to Denver, Colorado: The Chicago price is $4.70; Minneapolis-St. Paul $5.28; Wichita, Kansas $5.42; Greater Kansas City $5.355; North Central Iowa at Waterloo, Iowa $5.17; Platte Valley at North Platte, Nebraska, $4.995 and Omaha Lincoln-Council Bluffs $5.375. Except for the Chicago price which uses the price at the 20th zone, or from Menomonie, Wisconsin, these prices are computed from f.o.b. market.

Under the system of accounting and classification, most generally used in the market, the percentage of the milk supply used in fluid sales is estimated to have been approximately 67 percent in 1958 and 1959. However, in 1960 the percentage is estimated to be slightly lower than the two previous years. The percentage of Class I milk would be somewhat higher under the proposed accounting and classification system if applied to the sales and receipts of the market. This higher utilization together with the increase in the proposed price for Class II milk and the proposed Class I price would return to producers slightly more than they are presently receiving under the present marketing system. The average blend price for the Denver Milk Producers Association as computed from available data for the period of October 1959 was $4.58 per hundredweight for milk of 3.5 percent butterfat content, including 9 cents per hundredweight for association dues and advertising. Using the classification and accounting provisions proposed herein the class prices proposed would have yielded a blend price of approximately $4.61 per hundredweight for 3.5 percent butterfat for the same period. Moreover, this blend price was computed without the availability of all the receipts and sales in the market and those receipts and sales not included would further increase the Class I utilization of the market, thereby increasing the blend price.

The cooperative associations proposed a Class I differential of $2.335 over the basic formula price. They testified that such differential was based on the Colorado Springs-Pueblo Class I differential of $2.20 plus transportation cost. A Class I price resulting from addition of a Class I differential of $2.10 to the basic formula price prevailing in the most recent 12-month period for which data are available on the record would have produced a blend price slightly in excess of that actually received by producers. During this period, milk supplies apparently were increasing somewhat more rapidly than fluid sales. Official notice is hereby taken of the level of support prices for the period through March 1962 as announced by the Secretary on March 10, 1961. The increase in level of support prices thus provided will increase basic formula prices and consequently the level of the Class I price from that now prevailing. This is in contrast to the recent downward trend of Class I prices in this market while manufacturing milk prices were increasing.

The minimum level of Class I prices for the Eastern Colorado market should be one which in conjunction with the Class II prices will result in returns to producers who are or who may become regular suppliers of this market sufficient to induce and maintain an adequate, but not excessive supply of milk to meet the Class I requirements of consumers in the marketing area, including the necessary reserves to meet normal fluctuations in sales. The basis of pricing takes in account not only the immediate supply and demand conditions, but also the prevailing minimum prices determined under similar price criteria in markets to the north and east of the Eastern Colorado marketing area. To provide a higher level of Class I prices as proposed by producers, would expose the Eastern Colorado producers and handlers to possible loss of sales since handlers under other Federal orders are in position to and do, distribute milk on routes in the proposed marketing area. It would also attract both additional producers and plants to the market which would reduce returns to producers.

Under these circumstances, a Class I price differential in excess of $2.10 cannot be justified. It is recognized that this will result in a price 10 cents less than that presently required under the order for the nearby Colorado Springs-Pueblo market, and that a Colorado Springs handler presently regulated by that order will in all probability be regulated under the Eastern Colorado order when issued. The Eastern Colorado marketing area is considered the primary market and the point at which the value of milk should be determined. The clear indications on this record concerning the supply situation of the general area and the substantially larger volumes of milk involved in the primary market, make it essential that the Eastern Colorado Class I price be established at the level provided rather than on the basis of relationship with the current price for the Colorado Springs-Pueblo market.

There was no proposal or testimony on any seasonal pricing plan within the Class I price structure. The milk production data for the market indicate at the present time seasonal pricing of the Class I price is not needed. If experience indicates that the proposed level, or the basis or method of pricing, fails to bring forth a satisfactory level of producer milk receipts in the marketing area, it will be appropriate to re-examine these provisions in conjunction with the complete marketing information that will become available after the order has been in effect. Although the basic formula is designed to respond to general supply and demand conditions affecting the production of milk, it also is important to have the Class I price responsive to local conditions. An important local condition is the relationship between the supply of milk immediately available to the market and the proportion of this milk disposed of for Class I purposes. However, because of limitations on accurate marketwide data, no automatic adjustment of the class price based on changing supply-demand relationship is proposed herein. It is concluded that after the accumulation of at least one year's data the basis or method of pricing should be re-examined at a public hearing called for that purpose. For this reason, the Class I price differential adopted will be effective for a period of only 18 months.

Class II price. Every fluid milk market needs a reserve supply of Grade A milk to meet day-to-day fluctuations in the receipts from producers and in Class I sales. In the Eastern Colorado marketing area the Class I sales of milk do not change greatly from season to season. On the other hand, milk supplies because of their seasonal variations are greater during the spring and summer months than during the fall and winter months. The result is that handlers must process on a year-round basis the daily and seasonal surpluses into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price should be fixed at a level which will induce handlers to accept and market whatever quantities of such milk may be offered from time to time by producers who provide the market's regular fluid supply. It is of equal importance to establish a price that will return the full value of their milk.

All products included in Class II milk may be made from ungraded milk. Grade A milk which may be used in some of these products by regulated handlers and, therefore, must be priced at a level that is competitive with the cost of alternative supplies of milk or in line with the cost of milk products that would otherwise be used in Class II products processed by handlers in this area. The record shows that ice cream, cottage cheese, condensed milk, and hard cheese are the most important outlets for reserve and surplus milk in this area.

There is no group of plants in Eastern Colorado carrying on extensive manufacturing operations whose prices would provide a broad enough base to be used as a basis for fixing the Class II price. The plants that represent the most important outlets for surplus milk also depend to a large extent upon the surplus milk of the Eastern Colorado markets for their needs. Obviously, the pay prices at these plants for ungraded milk would not reflect the true value of ungraded milk in the area.

The prices paid for surplus milk in the Eastern Colorado market have not reflected to producers the full value. The Class IV or surplus price in Denver averaged $2.754 for milk containing 3.5 percent butterfat in 1959 and $2.719 in the first eleven months of 1960. These prices are very similar to the prices paid for milk by cheese plants located within the marketing area. The support prices for manufacturing milk during 1960 were $2.80 per hundredweight for 3.5 percent butterfat until September 17, 1960. At that time it was increased to $2.94 for 3.5 percent milk. Official notice is taken of the dairy support prices announced March 10, 1961, to be effective for the remainder of the marketing year of 1960–1961 and for the 1961–1962 marketing year of $3.11 for 3.5 percent milk. The products purchased under the price support program for dairy products are nonfat dry milk, butter and Cheddar cheese which represent the lowest return to producers, while Class II products such as ice cream and cottage cheese afford a relatively high rate of return.

It is appropriate to have a Class II price which would reflect the full value of all Class II products and insure that surplus milk will move into manufacturing uses during the flush season of production yet high enough to insure that milk will not be added to the pool primarily for manufacturing purposes. Such price can be attained by using the butter-powder formula of the basic formula price during the months of March through July. In all other months, the Class II price will be the butter-powder formula plus 10 cents. However, the Class II price should not be higher than the basic formula price for the month.

The butter-powder formula proposed herein per hundredweight for 3.5 percent milk is comprised of a butterfat value equal to the price of 92-score butter at Chicago less a make allowance of 3 cents per pound, multiplied by a yield factor of 4.2 and a skim milk value equal to the average prices of a spray and roller process, nonfat dry milk at Chicago area manufacturing plants, less a make allowance of 5.5 cents multiplied by a yield

factor of 8.2. This price formula would have yielded an average price of $2.967 in 1960. In 1960, the Class II price (because of the 10-cent increase in the January-February and August-December period) would have averaged $3.026 per hundredweight. At the purchase prices announced in March for support purposes the butter-powder formula price would be computed at $3.184 for 3.5 percent milk, to which the addition of 10 cents in seven months would result in an annual average Class II price of $3.242.

The lower Class II price proposed for the months of March through July is based on the production data and on the proportion of milk which is marketed in manufacturing uses during the year. The 10-cent lower price during these months recognizes that considerable quantities of milk would have to be shipped to nonpool plants for manufacture into such comparatively low valued products as condensed milk and Cheddar cheese.

At the hearing a cooperative association proposed that a special classification be set up for milk used to produce Cheddar cheese and priced 20 cents per hundredweight lower than the Class II price. However, in their written brief filed with the Department, they abandoned their position taken with regard to the special classification of milk used to produce Cheddar cheese. The Class II price proposed will appropriately reflect the value of all Class II products. Therefore, the need for a special classification for such milk is unnecessary.

Location differentials. Class I milk products because of their bulky, perishable nature incur a relatively high transportation cost if such products or the milk used to produce them are moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area is, therefore, worth more to a handler than milk which is received from farmers at a plant located many miles from the market. This is so because in the latter instance the handler must incur the additional cost of moving that milk into the central market. The producers in turn receive less for milk delivered to points distant from the central market in lieu of incurring the additional cost of hauling their milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and the cost of transporting such milk) from the point of receipt to the central market.

To be equitable to all handlers the Class I price to be paid for producer milk should not be dependent on the type of plant receiving the milk. To the extent that milk is received at distributing plants from producers and brought to city plants by a handler, the handler has assumed a transportation cost which might often be borne by producers. Accordingly, the Class I price should be adjusted downward at such plants to reflect the cost of hauling milk to the city plants.

It is economically more feasible to supply the fluid milk needs of the market from those farms and plants nearest the market before bringing in milk of more distant plants. Location differentials at supply plants would apply, therefore, to that milk moved to pool distributing plants in the form of a fluid milk product which is assignable to Class I milk after first assigning to the available Class I in the plant to which the milk is moved, direct receipts from producers and receipts of fluid milk products from other pool plants at which no location differential applies. The location differential provisions should apply also to milk disposed of as Class I from distant distributing plants. Such application of location differentials would recognize the effect of location on the value of milk and price Class I milk at all plants in relation with value for consumption in the central market.

No location differential should apply to plants located less than 50 miles from the county courthouse in Denver, Colorado, or at plants located in El Paso County, Colorado. Milk can move efficiently from farms to the pool distributing plants located within this area. El Paso County should be included in the zone in which no location differential should apply because of the interrelationship of the procurement and sales of the plants located in Colorado Springs with plants located less than 50 miles from Denver. Colorado Springs is located 70 miles south of Denver and the procurement area for supplies for Denver handlers overlaps to a considerable extent with that of the Colorado Springs handlers. The same would also be true with respect to the sales areas as discussed earlier in this decision. For plants located more than 50 miles but not more than 75 miles from the Denver County Courthouse by the shortest highway distance, as determined by the market administrator, a differential of 10 cents should be established and for each additional ten miles that a plant is located in excess of 75 miles the amount should be increased 1.5 cents for each ten miles or fraction thereof. The rates provided herein reflect experience relative to the cost of moving milk to city plants by efficient means from the heavy producing area in Larimer and Weld Counties.

A method is provided for determining, if necessary, the priority of milk from various plants in allocating milk to Class I for the purpose of computing the aggregate location differentials to be allowed. Such adjustments would be in sequence beginning with those plants nearest Denver.

In line with the economic considerations which affect the value of milk for fluid milk uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the uniform price paid producers delivering milk to plants to which location differentials apply also should be reduced by the same rate applicable to the Class I price to reflect the lower value of such milk, f.o.b. the point of actual delivery.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that the class and uniform prices should be established for milk containing 3.5 percent butterfat. It will, therefore, be necessary to adjust the Class I, Class II and uniform prices in accordance with the average test of milk in each class, or delivered by each producer, by butterfat differentials which will reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential (i.e. the price adjustment for each one-tenth of one percent of variation in butterfat content) for Class I milk should be equivalent to the price of 92-score butter at Chicago plus 30 percent.

The cooperative associations proposed that the Class I butterfat differential be equivalent to the Chicago 92-score butter price plus 40 percent. It has been the practice in this market to price milk solely on the basis of its butterfat content. Under this arrangement, the average butterfat content of milk in Class I has fallen below 3.5 percent.

By fixing the Class I butterfat differential at 130 percent of the Chicago butter price, a lower value for butterfat and a higher value for skim milk in Class I will result than would be the case under the cooperative proposal and under current practice in the market. The lower butterfat differential herein proposed should result in relatively greater returns from Class I milk to dairy farmers generally than a method of pricing which uses a higher Class I butterfat differential. When the average test in Class I milk is below the 3.5 percent level the lower butterfat differential will increase the total market value of Class I milk and hence also total returns to producers. A lower butterfat differential should encourage the use of more butterfat in Class I. If more butterfat is used in Class I, returns to producers also will be increased by the difference in the value of butterfat in Class I and Class II.

The Class II butterfat differential should be 0.120 times the price of 92-score butter at Chicago. This will appropriately reflect the value of the butterfat and skim milk components in milk used in manufacturing operations.

The butterfat differentials to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of the uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the base test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Equivalent price. If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary of Agriculture to be equivalent to the price which is required. Experience has shown that market quotations provided in the order may not be available or may be discontinued. It is concluded that provision for such contingencies

should be made by providing for a determination by the Secretary of Agriculture of a price(s) equivalent to such quotations or prices.

Payments on unpriced milk. The order should provide for payments to the producer-settlement fund with respect to other source milk allocated to Class I at pool plants. The rate of payment on such milk should be equal to the difference between the Class I and Class II prices in any month when the receipts of producer milk exceed 110 percent of Class I utilization at all pool plants.

Basically, all other source milk which might be utilized for Class I milk in the marketing area is produced as part of a supply intended primarily to meet the demand for milk for fluid consumption in some area other than the Eastern Colorado marketing area or produced for manufacturing outlets, but not used for such purposes in the area for which it was produced. If part of the regular supply of another fluid milk market, it could be only milk in excess of the amount needed for fluid disposition in such market.

If unregulated plant operators were allowed to dispose of surplus milk in the regulated marketing area, either through pool plants or directly to consumers, without some compensating or neutralizing provision in the order, the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning a reasonable level of prices to the producers of milk for the regulated marketing area would be defeated. Inefficiency in the marketing of milk would be encouraged because there would be incentive for the regulated handlers to obtain milk for Class I uses not from the regular and normal sources of supply but from sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk is therefore a necessary provision of this order.

There may be other situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and yet it would be neither necessary nor desirable in terms of effective regulation to bring the plants fully under regulation. This would be true with respect to shipments of milk to pool plants for the purpose of converting it into manufactured products. Also, milk may be disposed of in the regulated marketing area as Class I milk from plants which are not primarily, or even regularly, engaged in supplying the marketing area. If relatively small, incidental or accidental shipments of milk into the marketing area would bring under total regulation all the milk at the plant from which such shipments are made, undue hardship could result to the operator of such plant and for the farmers delivering the milk involved. Compensatory payments are necessary to provide a means by which full regulation of the handling of milk under these conditions may be avoided and, at the same time, the integrity of classified pricing and marketwide equalization of returns which are necessary to insure orderly marketing in this area may be maintained.

The proximity of this market to sources of milk not under a classified-price plan and the opportunities available to obtain milk at prices reflecting its value as surplus (approximating the Class II price under the order) must be taken into account in this connection. The rate of payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price adjusted (by the same rate as is applied at pool plants) to the location of the plant at which such other source milk was received from farmers.

Other source milk in the form of concentrated milk products should be considered to be from a source at the same location as the plant where used. In the case of these products, it would be extremely difficult and at times impossible to determine the plant of origin. They may pass through several hands between the manufacturer and ultimate user and the output of many plants may be commingled by a broker or jobber from whom the handler acquires the products. The administrative difficulties involved make it impracticable to adjust the payments associated with any such products based on location of source.

All funds collected from such compensatory payments should be added to the producer-settlement fund. The handler receiving other source milk on which a payment accrues should be obligated to make the compensatory payments to the producer-settlement fund. There will be no difference in actual amount so paid for milk whether the payment is required of the handler or of the operator of the unregulated plant from which the other source milk was obtained. Because the handler makes the actual distribution of the milk in the marketing area, and because he reports the utilization to the market administrator, he is, from an administrative view, the logical person to make the payment.

Provision should be made for the possible situation in which the supply of producer milk might not be sufficient to fill Class I requirements. In such case, milk purchased from outside sources would not displace producer milk. When the total market receipts of producer milk are less than 110 percent of the total Class I sales during the month, it is possible that some handlers would have to purchase milk from outside the market for their Class I sales. Under these circumstances, there is no advantage to be gained by the use of other source milk and compensatory payments would not be necessary in this market.

No compensatory payment should be required on milk which is classified and priced as Class I under any other Federal order. The alignment of the Class I price for the Eastern Colorado marketing area with those for other Federal orders prevents any advantage to Eastern Colorado handlers who purchase other Federal order milk or handlers under another Federal order who have Class I sales on routes in the Eastern Colorado marketing area.

The integrity of the regulation can be maintained by providing an alternative method of determining compensatory payments at a distributing plant which has sales of Class I milk in the marketing area on routes but which fails to qualify as a pool plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of (1) an amount equal to the volume of Class I milk disposed of on routes in the marketing area at the same rate as applies to unpriced other source milk allocated to Class I at pool plants, or (2) the amount by which total payments to dairy farmers at such nonpool plant are less than the total value of the same milk computed on the basis of the classifications and prices applicable at pool plants.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants.

If such handler chooses to pay the full utilization value of his milk either directly to his own farmers or by a combination of payments to his farmers and to the producer-settlement fund, he will not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in exactly the same manner, as if he were a fully regulated handler.

Under this option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices, adjusted for location and butterfat content, in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 25th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

Affording the latter option to partially regulated nonpool plants will protect adequately the regulatory plan in this market. There are presently no plants to which this provision would apply. The plants to which this provision might apply would be plants which would have utilization far below the market average or be outside plants whose procurement area would not overlap those of fully regulated handlers. The option to pay directly to dairy farmers who regularly

supply such nonpool plants with milk at the full utilization value of such milk in accordance with the order, will not place the operators of pool plants at a competitive disadvantage in the procurement of their milk supply. Also, under the present organization of the market, there will be no significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market at the expense of pool producers of milk, for which minimum class prices are established, who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between the class prices on his in-area sales he should be required to pay administrative expense only on such quantities. If he elects the payment based on the utilization value of his milk, he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts allocated to Class I milk the same as is required of pool handlers. Obviously, the latter option necessitates as much verification of receipts and utilization by the market administrator as is the case at a pool plant.

(d) *Distribution of the proceeds to producers—Type of pool.* A marketwide equalization pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure each producer supplying the market that he will receive a return based on his pro rata share of the Class I sales of the entire market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers during the month. Although each handler subject to the order will be required to pay uniform prices for producer milk in accordance with the classification of such milk pursuant to the order, the minimum blend prices payable to producers will be the same for all producers in the market irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which are in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the order handle substantial quantities of milk for manufacturing purposes. Under these conditions, a marketwide pool in the Eastern Colorado marketing area will facilitate the marketing of producer milk. A marketwide pool will make it possible for the producers' association to divert seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

Payments to producers. Each handler should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 16th day after the end of each month. Since it has been the practice in this area to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month. No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and the market. Such functions can be accomplished more expediently if the association is collecting payments for the sales of members' milk. The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk. The contracts with their members authorize each of the principal cooperatives in the market to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the second day prior to the date of payment required for milk received during the first 15 days of the month and the final settlement for milk received during the month.

At the time final settlement is made for milk received from producers during the month, the handlers should be required to furnish to each producer (or his cooperative association) a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Each handler who receives farm bulk tank milk at his pool plant from a cooperative association for which it is the handler on such milk shall pay to the cooperative association on or before the second day prior to the date payments are due the individual producer, the amounts due the cooperative association for such milk. For milk delivered the first 15 days of the month the amount due shall be the quantity times the Class II prices for the preceding month. In final settlement the amount due shall be the quantity delivered during the month at the applicable class price less the advance payment.

Producer-settlement fund. Because all producers will receive payment at the rate of the marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund, and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached order is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

If at any time the balance of the producer-settlement fund is insufficient to cover payments due to all handlers from the fund, payments to such handler would be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount. The remaining amounts due such handlers would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has failed to make the required payments to the producer-settlement fund for the preceding month would be eliminated in the computation of the uniform price.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

Terms and definitions. In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning throughout the order.

Market administrator. Provision is made for the appointment by the Secretary of a market administrator to administer the order and to describe the powers and duties essential to the proper functioning of his office.

Records and reports. Provisions are included in the order which notify handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producer milk and payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

Handlers should maintain and make available to the market administrator (i) all records and accounts of their operations, including financial records, and such facilities he may deem necessary to determine the accuracy of the information submitted by the handler, and (ii) any other information upon which the classification of producer milk depends. The market administrator, likewise, must be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

There may be instances in which a handler fails to report all receipts and/or sales of milk. In such cases, it is necessary for the market administrator to have access to the financial as well as other pertinent records as a means of discovering omissions or inaccuracies in accounting for milk under the order. The proper accounting for milk is an essential feature of an order; thus, it is necessary that the market administrator have access to any and all records which may be required for him to perform his duty properly. Broad authority is granted, in this respect, under the Agricultural Marketing Agreement Act of 1937, as amended.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and proper payment thereof. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time. The order should provide, however, for specific limitations of the time that handlers shall be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitations of claims, is equally applicable in this situation and is adopted as a part of this decision.

If a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the Act, and it is concluded that its adoption will facilitate enforcement of the terms of the order.

Marketing services. A provision should be made in the order for performance of marketing services for producers, such as verifying the weights and butterfat tests of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are performed. If a cooperative association is performing such services for its member producers, the market administrator will accept this in lieu of his own service.

Orderly marketing will be promoted through a marketing services program by assuring individual producers that payments received by them for their milk are in accordance with the pricing provisions of this order and accurately reflect the weights and tests of milk delivered. Complete verification requires that butterfat tests and weights of individual producers' deliveries as reported by the handler are proved to be accurate.

Dissemination of current market information to all producers will promote efficiency in the production, utilization and marketing of milk and should be included in the order as an additional phase of the marketing services program.

A maximum deduction of five cents per hundredweight should enable the market administrator to perform the various marketing services for producers. This deduction will apply only to receipts of milk from those producers for whom he renders marketing services. If experience demonstrates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Any cooperative association of producers performing marketing services for its producer-members shall receive such deductions as the membership agreement authorizes, in lieu of the deduction from payments made to nonmember producers.

Expense of administration. Each handler operating a pool plant should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe, on (1) producer milk, and (2) other source milk which is classified as Class I, except other source milk subject to an expense of administration assessment under another Federal order. Handlers operating nonpool plants should be assessed, depending on the option chosen on quantities of other source milk disposed of as Class I milk in the marketing area on routes or on the total receipts of Grade A milk from dairy farmers at the plant (not subject to administrative expense under another order) and other source milk which would be classified as Class I if such plant were a pool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that cost of administration shall be financed through assessments on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers, including nonpool handlers, will be achieved by applying the administrative assessment in the above-described manner.

In view of the distances involved between plants and the cost of administering orders in comparable markets, a maximum assessment rate of four cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the maximum rate without necessitating an amendment to the order whenever experience reveals that a lesser rate will provide adequate revenue to administer the order properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the

regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Eastern Colorado Marketing Area", and "Order Regulating the Handling of Milk in the Eastern Colorado Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Eastern Colorado marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1961 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Regulating the Handling of Milk in the Eastern Colorado Marketing Area

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§ 901.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Eastern Colorado marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to (a) all milk received from producers, including such handler's own farm production, (b) other source milk at a pool plant and allocated to Class I, and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 901.62(a)(2) and (b)(2).

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Colorado marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 901.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 901.2 Department.

"Department" means the Department of Agriculture.

§ 901.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of Secretary of Agriculture.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 901.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 901.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 901.6 Eastern Colorado marketing area.

"Eastern Colorado marketing area" hereinafter called the "marketing area" means all the territory within the perimetric boundaries of the counties of Adams, Arapahoe, Boulder, Cheyenne, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Kit Carson, Larimer, Lincoln, Logan, Morgan, Park, Phillips, Sedgwick, Washington, Weld and Yuma, all in the State of Colorado.

§ 901.7 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a producer-handler or the plant of a handler exempt pursuant to § 901.61. If a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk products for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which during the month fluid milk products are processed and packaged and from which (1) an amount equal to 50 percent or more of the total receipts of Grade A milk from dairy farmers, pool supply plants (including also any supply plant whose shipments to this and other pool distributing plants are 50 percent or more of its dairy farm supply of Grade A milk) and cooperative associations pursuant to § 901.9(d) is disposed of as fluid milk products on routes, and (2) 20 percent or more of such disposition is on routes in the marketing area; and

(b) Any plant, hereinafter referred to as a "supply pool plant" from which 50 percent of its dairy farm supply of Grade A milk is moved to distributing pool plant(s). Any supply plant which has qualified as a pool plant in each of the months of September through February (or for such of the months of September 1961 through February 1962 as this section is in effect) shall be a pool plant in each of the following months of March through August unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through August unless it fulfills the shipping requirements of this paragraph for such month.

§ 901.8 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 901.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a nonpool plant from which fluid milk products are disposed of on routes in the marketing area;

(c) A cooperative association with respect to the milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association; or

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for all such milk.

§ 901.10 Producer.

"Producer" means any person, other than a producer-handler or a dairy farmer with respect to milk which qualifies as producer milk under another Federal order issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant for the account of the handler operating a pool plant or of a cooperative association, subject to the following conditions:

(1) The days of production of such person for which milk is diverted during the month shall not exceed the days of production for which milk is received at a pool plant. Such person will not be considered a producer for the days diverted which are in excess of the production days delivered to a pool plant;

(2) For the purposes of the requirements of § 901.7, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(3) For purposes of location adjustments pursuant to §§ 901.52 and 901.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

§ 901.11 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a milk processing plant which distributes fluid milk products on routes in the marketing area and who receives no fluid milk products during the month from dairy farmers or any other source except by transfer from a pool plant. Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding transfers from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 901.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer:

(a) With respect to receipts at a pool plant for which the handler operating such plant is to be responsible pursuant to § 901.70:

(1) Received directly from such producer; and

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions provided in § 901.10; and

(b) With respect to the additional receipts of a cooperative association:

(1) For which the cooperative association is the handler pursuant to § 901.9(c), subject to the limitations and conditions provided in § 901.10; and

(2) For which the cooperative association is the handler pursuant to § 901.9(d).

§ 901.13 Other source milk.

"Other source milk" means all the skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; (2) receipts from other pool plants; and (3) receipts from a cooperative association pursuant to § 901.9(d); and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 901.33.

§ 901.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mix, aerated cream, eggnog, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than three percent by weight of the finished product), which are neither sterilized or in hermetically sealed containers.

§ 901.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk to a pool plant or nonpool plant.

MARKET ADMINISTRATOR

§ 901.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 901.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 901.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties; in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 901.88, the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 901.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within ten days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 901.30 and § 901.31; or (2) payments pursuant to § 901.80 through § 901.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 6th day of each month, the Class I price and Class I butterfat differential for the month, computed pursuant to §§ 901.51(a) and 901.53(a), respectively;

(2) On or before the 6th day of each month, the Class II price and Class II butterfat differential for the preceding month, computed pursuant to §§ 901.51 (b) and 901.53(b), respectively; and

(3) On or before the 11th day of each month, the uniform price for producer milk computed pursuant to § 901.71, and the butterfat differential computed pursuant to § 901.82, for the preceding month;

(j) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such association to each handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 901.30 Reports of receipts and utilization.

By mailing on or before the 5th day after the end of each month, or by delivering not later than the 7th day after the end of the month, each handler except a producer-handler or a handler making payments pursuant to § 901.62 (b), shall report for each of his plants to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts of producer milk at each plant from each producer, the average butterfat test, and the pounds of butterfat contained therein and, in the case of a nonpool plant, the same information with respect to receipts of milk from approved dairy farmers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 901.31 Payroll reports.

On or before the 23d day of each month, each handler except a producer-handler or a handler making payments pursuant to § 901.62(b), shall submit to the market administrator his payroll for receipts of milk during the preceding month which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 901.32 Other reports.

Each producer-handler, each handler required to report pursuant to § 901.61 and each handler making payments pursuant to § 901.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 901.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 901.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 901.40 Skim milk and butterfat to be classified.

All skim milk and butterfat at each pool plant which is required to be reported pursuant to § 901.30 shall be classified by the market administrator pursuant to the provisions of §§ 901.41 through 901.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 901.41 Classes of utilization.

Subject to the conditions set forth in §§ 901.42 through 901.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraph (b) (2), (3) and (5) of this section; or

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) The weight of skim milk in fluid milk products which is excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(5) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(6) In inventory of fluid milk products on hand at the end of the month;

(7) In shrinkage of skim milk and butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 901.12(a)(1); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 901.9(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association which is the handler pursuant to § 901.9(d), unless the exception provided in § 901.41 (b)(7)(ii) applies; and

(8) In shrinkage allocated to receipts of other source milk.

§ 901.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between (1) milk from producers and fluid milk products in bulk tanks from other handlers, and (2) other source milk in the form of a fluid milk product in the ratio that 50 times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 901.41(b)(7) bears to that in such other source milk.

§ 901.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 901.44 Transfers.

Skim milk and butterfat disposed of by a handler, either by transfers or diversions, shall be classified as follows:

(a) As Class I milk if transferred in bulk in the form of fluid milk products from a pool plant to another pool plant unless:

(1) Utilization in another class is claimed by the operators of both pool plants in their reports pursuant to § 901.30;

(2) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, remaining after the allocation pursuant to § 901.46(a) (1) through (5) and the corresponding steps of § 901.46 (b); and

(3) The classification of the skim milk or butterfat so transferred shall be classified so as to allocate to producer milk the greatest possible total Class I utilization at both plants;

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product;

(c) As Class I if transferred or diverted in bulk lots in the form of a fluid milk product to a nonpool plant except as provided in paragraph (d) of this section, unless the following conditions are met:

(1) Such nonpool plant is located in Cache or Weber County, Utah, or less than 200 miles, by the shortest highway distance as determined by the market administrator, from Denver County, Colorado, Courthouse;

(2) The operator of the nonpool plant maintains books and records showing the utilization of the skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification;

(3) The handler claims classification of such skim milk or butterfat in Class II in his report pursuant to § 901.30;

(4) Class I utilization in the nonpool plant does not exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers who the market administrator determines constitute its regular source of supply. If Class I utilization exceeds such receipts, the skim milk and butterfat so moved shall be Class I to the extent of a pro rata share of total receipts at the nonpool plant from all pool plants and from plants fully subject to other orders that are claimed as Class II utilization or as a class other than Class I under another order; and

(5) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification and allocation shall apply;

(d) As Class I if transferred in the form of cream to a nonpool plant located outside of Cache or Weber County, Utah, or more than 200 miles from the county courthouse at Denver County, Colorado, unless the following conditions are met:

(1) The handler claims classification of such cream in Class II in his report pursuant to § 901.30;

(2) The handler tags the container of such cream as for manufacturing purposes;

(3) The handler gives the market administrator sufficient notice to allow him to verify the shipment; and

(e) Skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is the handler of such milk pursuant to § 901.9(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such month in the pool plant of the receiving handler after the computation pursuant to § 901.46(a)(9) and the corresponding step of § 901.46(b).

§ 901.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct, for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 901.30 and compute the total pounds of skim milk and butterfat, respectively, in each class.

§ 901.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 901.45, the market administrator shall determine the classification of milk received from producers at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated in shrinkage of skim milk classified as Class II pursuant to § 901.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in other source milk received:

(i) In the form of a fluid milk product in consumer type packages which are classified and priced as Class I milk under Order No. 94, regulating the handling of milk in the Colorado Springs-Pueblo marketing area if such fluid milk products are not processed

and packaged in the pool plant during the month; or

(ii) In the form of sour cream which is classified and priced as Class I or its equivalent value under another order issued pursuant to the Act.

(3) Subtract from the pounds of remaining skim milk in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a product other than a fluid milk product;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not classified and priced as Class I milk or its equivalent value under another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk received in the form of a fluid milk product not subtracted pursuant to subparagraphs (2) and (4) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from other pool plants according to its classification as determined pursuant to § 901.44(a);

(9) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk classified pursuant to § 901.44(e); and

(10) If the remaining pounds of skim milk in both classes exceeds the pounds of skim milk contained in milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 901.50 Basis formula price.

The basic formula price for each month to be used in determining the class prices set forth in § 901.51, shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section, rounded to the nearest one-tenth cent:

(a) Determine the average of the basic, or field prices, paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Department:

Present Operator and Location
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract three cents, add 20 percent thereof, and multiply by 3.5; and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965.

§ 901.51 Class prices.

Subject to the provisions of §§ 901.52 and 901.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* During the first 18 months following the effective date of this paragraph, the basic formula price for the preceding month plus $2.10; and

(b) *Class II milk.* During the months of March through July, the price specified in § 901.50(b), and during all other months such price plus 10 cents: *Provided,* That such price shall not be higher than the basic formula price for the month.

§ 901.52 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant (or diverted to a nonpool plant) located more than 50 miles by the shortest highway distance from the County Courthouse in Denver, Colorado, but not located in El Paso County, Colorado, and which is classified as Class I milk or is assigned to Class I pursuant to paragraph (b) of this section, the price computed pursuant to § 901.51(a) shall be reduced by 10 cents if such plant is located more than 50 but not more than 75 miles from such courthouse, and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 75 miles; and

(b) For purposes of calculatng this differential transfers between pool plants shall be assigned to Class I in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts at such plant from producers and cooperative associations pursuant to § 901.9(d), such assignment to transferor plants to be made first to plants at which no differential credit is applicable and then in sequence beginning with the plant at which the least location differential would apply.

§ 901.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 901.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 901.50(b)(1) for the preceding month by 1.30 and divide the result by 10; and

(b) *Class II milk.* Multiply the butter price specified in § 901.50(b)(1) by 1.20 and divide the result by 10.

§ 901.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATIONS OF PROVISIONS

§ 901.60 Producer-handler.

Sections 901.40 to 901.46, 901.50 to 901.54, 901.70 to 901.72 and 901.80 to 901.88, shall not apply to a producer-handler.

§ 901.61 Plants subject to another Federal order.

The provisions of this part shall not apply to any pool plant which would be fully subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless (a) more Class I milk is disposed of on routes in the Eastern Colorado marketing area than in the marketing area regulated pursuant to such other order, or (b) such plant qualfies as a supply plant under another order, except that the operators of such plants shall make reports to the market administrator and allow verification of such reports by the market administrator.

§ 901.62 Handler operating a nonpool plant.

In lieu of the payments required pursuant to §§ 901.80 to 901.88, each handler, other than a producer-handler or one exempt pursuant to § 901.61, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 901.30, to pay the amounts computed pursuant to paragraph (b) of this section;

(a) The following amounts:

(1) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to § 901.70 if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from

Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(2) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 901.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Eastern Colorado marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(b) The following amounts:

(1) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, less the value of such skim milk and butterfat at the Class II price; and

(2) As his share of the expense of administration, the rate specified in § 901.88 with respect to Class I milk so disposed of in the marketing area.

DETERMINATION OF UNIFORM PRICE

§ 901.70 Computation of the value of milk for each handler.

For each month the market administrator shall compute the value of milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 901.46(c) by the applicable class prices and total the resulting amount;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 901.46(a)(10) and the corresponding step of § 901.46(b) by the applicable class prices;

(c) Add an amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 901.46(a)(6) and the corresponding step of § 901.46(b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 901.46(a)(6) and the corresponding step of § 901.46(b) for the current month, whichever is less; and

(d) Add the amounts computed in subparagraph (1), (2) and (3) of this paragraph: *Provided,* That such payments shall not apply if the total receipts of producer milk during the month are less than 110 percent of the total Class I utilization at pool plants for the month;

(1) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 901.46(a)(3) and the corresponding step of § 901.46(b) by the difference between the Class II price and the Class I price for the current month adjusted by the applicable butterfat differentials;

(2) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 901.46(a)(4) and the corresponding step of § 901.46(b) by the difference between the Class II price and the Class I price for the current month adjusted by the applicable butterfat and location differentials at the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products; and

(3) Multiply the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 901.46(a)(6) and the corresponding step of § 901.46(b), which is in excess of the sum of (i) the quantity for which a payment was computed pursuant to paragraph (c) of this section, and (ii) the quantity subtracted from Class II milk pursuant to § 901.46(a)(5) and the corresponding step of § 901.46(b) in the preceding month, by the difference between the Class II price for the preceding month and the Class I price for the current month adjusted by the applicable butterfat and location differentials at the nearest plant(s) from which an equivalent amount of other source milk was received during the preceding month.

§ 901.71 Computation of the uniform price.

The market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(a) Combine into one total the values computed pursuant to § 901.70 for the milk of all handlers who submitted reports prescribed in § 901.30, and who are not in default of payments pursuant to § 901.80 for the preceding month;

(b) Subtract, if the average butterfat content of the milk included under paragraph (a) of this section is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential pursuant to § 901.82 and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deduction to be made from producer payments for location differentials pursuant to § 901.81;

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(f) Subtract not less than four cents nor more than five cents. The resulting figure shall be the uniform price per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants within the 50-mile zone.

§ 901.72 Notification of handlers.

On or before the 11th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 901.71 and the producer location and butterfat differentials computed pursuant to §§ 901.81 and 901.82; and

(c) The amount to be paid by such handler pursuant to §§ 901.84, 901.86, 901.87, and 901.88 and the amount due such handler pursuant to § 901.85

PAYMENTS

§ 901.80 Payment to producers.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the Class II price for the preceding month;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 901.71, subject to the butterfat differential computed pursuant to § 901.82 and location adjustment computed pursuant to § 901.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 901.87, and (3) proper deductions authorized in writing by such producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 901.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously

with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer; and

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 901.9(d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In final settlement, the value of such milk as classified pursuant to § 901.44(e) at the applicable class prices, less payment made pursuant to subparagraph (1) of this paragraph.

§ 901.81 Location differential to producers.

In making payments to producers or cooperative associations pursuant to § 901.80, a handler may deduct with respect to milk received from producers the rate per hundredweight applicable pursuant to § 901.52(a) for the location of the plant at which the milk was received.

§ 901.82 Butterfat differential to producers.

The applicable uniform price to be paid producers pursuant to § 901.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of milk is above or below 3.5 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 901.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 901.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 901.62, 901.84 and 901.86 and out of which he shall make all payments pursuant to §§ 901.85 and 901.86: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 901.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk is computed pursuant to § 901.70, is greater than the amount owed by him for such milk at the appropriate uniform prices determined pursuant to § 901.80.

§ 901.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 901.70 is less than the amount owed by him for such milk at the appropriate uniform price determined pursuant to § 901.80. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 901.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator; the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 901.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of his own production) pursuant to § 901.80, shall deduct six cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 13th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deductions and the quantity of milk on which the deduction was computed from each producer.

§ 901.88 Expense of administration.

As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 13th day after the end of each month, four cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to (a) all milk received from producers during such month, including such handler's own farm production, (b) other source milk received at a pool plant and allocated to Class I, and (c) the quantities of milk at the plants of handlers operating nonpool plants as specified in § 901.62 (a)(2) or (b)(2).

§ 901.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 901.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 901.91 Suspension or termination.

The Secretary, shall whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 901.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 901.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(b) If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 901.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 901.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 61-7845; Filed, Aug. 15, 1961; 8:57 a.m.]

[7 CFR Parts 915, 935, 1013]

[Docket Nos. AO-327, AO-86-A12, AO-279-A3]

MILK IN ST. JOSEPH, MISSOURI, OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBRASKA, MARKETING AREAS

Decision on Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Joseph, Missouri, on March 14-16, 1961, pursuant to notice thereof issued on February 17, 1961 (26 F.R. 1632), upon a proposed marketing agreement and order regulating the handling of milk in the St. Joseph, Missouri, marketing area and a proposed amendment to the orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, on July 6, 1961 (26 F.R. 6201, F.R. Doc. 61-6473), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed St. Joseph, Missouri, marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation (including whether Richardson County, Nebraska should be included in either of the proposed St. Joseph, Missouri, or Nebraska-Iowa, marketing areas);

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Character of the commerce.* All milk to be regulated by the proposed St. Joseph, Missouri, marketing agreement and order is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

Milk produced on farms located in Missouri, Kansas, and Iowa is regularly moved to plants located in St. Joseph, Missouri, for processing and distribution on routes in the proposed marketing area and on routes in Iowa and Nebraska. Milk produced on farms located in Nebraska and Kansas is regularly shipped to a plant at Sabetha, Kansas, some of which is processed and distributed on routes in Kansas and Nebraska, some of which is transferred in bulk to distributing plants located in St. Joseph, Missouri, for processing and distribution, and some of which is processed into manufactured dairy products which are at times distributed in Texas. Packaged fluid milk products are regularly distributed in the St. Joseph marketing area from a plant located in Omaha, Nebraska.

2. *The need for an order.* Marketing conditions in the St. Joseph, Missouri, marketing area are such that the issuance of an order to regulate the handling of milk in the area will tend to effectuate the declared policy of the Act.

Each dairy farmer who regularly delivers milk to plants which will be regulated by this proposed order is a member of one of the two cooperative associations proposing the order. One of these is a bargaining association which markets the milk of its members to five distributing plants located in St. Joseph, Missouri. The other is an operating cooperative whose plant is located at Sabetha, Kansas.

Some of the Grade A milk received at this cooperatively operated plant is disposed of in bulk to distributing plants in St. Joseph. Fluid milk products are disposed of on routes from this plant in several Nebraska and Kansas counties. The operating cooperative also has patrons who deliver ungraded milk and farm separated cream to its plant.

The primary sales territory of the five distributing plants served by the bargaining cooperative is the proposed St. Joseph marketing area. However, routes from three of the five plants extend into territory which is a part of the area regulated by the Greater Kansas City Federal milk order or into territory which is a part of the marketing area

of the proposed Nebraska-Iowa marketing area.

This situation has caused market instability in that of the five handlers who sell most of their milk in the St. Joseph marketing area one may be regulated by one Federal order, another regulated by a second Federal order, and others not regulated by any Federal order. The St. Joseph milk producers operate a marketwide pool under which the value of milk used for Class I and Class II purposes by the five St. Joseph handlers is pooled and a uniform price determined for each hundredweight of milk delivered by its members. Should one or more of the five plants become fully regulated by each of the nearby orders the marketwide pool maintained for years by this cooperative would be destroyed.

The milk marketing problem confronting the operating cooperative whose plant is at Sabetha is similar to that facing the bargaining cooperative whose members supply the five plants located in St. Joseph. While its primary market is also the St. Joseph area its function differs from that of the five St. Joseph plants. It is operated in a dual capacity, partly as a distributing plant and partly as a supply plant serving supplemental milk to plants located in St. Joseph as well as to plants located elsewhere. Routes from the plant are operated in the recommended marketing area, in Nebraska and elsewhere in Kansas. It is therefore possible that with some shifting or increase in sales to a particular area it too may become regulated by another Federal order while its primary milk market is the St. Joseph area.

An order in the St. Joseph, Missouri, area is needed to facilitate the marketing of milk by producers to these plants which are primarily associated with the St. Joseph milk market.

The issuance of a marketwide agreement and order for the St. Joseph, Missouri, milk marketing area would eliminate the unstable milk marketing conditions now existing and tend to effectuate the declared policy of the Act.

3. *Order provisions*—(a) *Scope of regulation.* The type of regulation effected by a milk order is essentially a matter of establishing minimum prices to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "marketing area", "producer", "handler", "pool plant", "other source milk" and such other definitions as are necessary to describe the incidence of order regulation.

(1) *Marketing area.* The St. Joseph, Missouri, marketing area (hereinafter referred to as the St. Joseph area) should include all the territory within the boundaries of Brown, Doniphan and Nemaha Counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, DeKalb, Gentry, Holt, Nodaway, and Worth Counties, Missouri; and such parts of Platte and Clay Counties, Missouri, as are not included in the Greater Kansas City marketing area. The Missouri counties of Harrison, Caldwell, and Ray should not be included in the St. Joseph marketing area. Richardson County, Nebraska, should not be included in either the St. Joseph or Nebraska-Iowa marketing areas.

The 1960 population of the recommended St. Joseph marketing area was approximately 227,000. The 1960 population of Richardson County was about 14,000 and that of the three Missouri counties not recommended as a part of the St. Joseph marketing area was 36,500.

The sanitary regulations applicable to Grade A milk produced for distribution throughout the recommended marketing area are patterned after the United States Public Health Ordinance and Code. Milk which is approved in one part of the marketing area may move to another part for processing and consumption.

The territory defined as the St. Joseph marketing area is primarily served by plants which will be regulated by the recommended order. All of the Grade A milk distributed in nine of the ten complete Missouri counties which are included in the recommended marketing area is disposed of from plants located therein which will be regulated by the order. Ninety-four percent of the Grade A milk distributed in Nodaway, the tenth complete Missouri county, is disposed of from St. Joseph area plants and the remaining 6 percent is from a plant located in Omaha, Nebraska. Approximately 55 and 83 percent, respectively, of the total Grade A milk distributed in the two partial Missouri counties of Clay and Platte are also disposed of from St. Joseph area plants. The remaining Grade A milk disposed of in these two partial counties is disposed of from plants regulated by the Greater Kansas City Federal milk order.

Plants which will be regulated by the St. Joseph order dispose of 86, 92, and 83 percent, respectively, of the Grade A milk disposed of within the three Kansas counties of Brown, Doniphan and Nemaha which are recommended for inclusion in the area. Handlers whose plants are regulated by either the Kansas City or the Omaha-Lincoln-Council Bluffs Federal milk orders dispose of the remaining Grade A milk disposed of in the three Kansas counties.

Harrison, Caldwell, and Ray Counties, Missouri, should not be included in the marketing area. The marketing area proposed by the proponent cooperative associations as contained in the notice of hearing included these counties. At the hearing, however, the proponents opposed the inclusion of the three counties and Daviess County, Missouri. Handlers operating distributing plants supported their inclusion.

Harrison, Caldwell, Ray, and Daviess Counties comprise the easternmost tier of counties proposed as part of the St. Joseph marketing area. A relatively small volume of packaged fluid milk from a plant located at Chillicothe, Missouri, is disposed of in three of the four eastern counties, namely, Harrison, Caldwell, and Ray. The majority of sales from this plant is in other areas.

Since the plant at Chillicothe does not dispose of any milk in the more populous areas which are the primary market for St. Joseph plant operators and does most of its fluid business outside the proposed area, its regulation at this time is not necessary to achieve orderly milk marketing.

Richardson County, Nebraska, should not be included in the marketing area of either the proposed St. Joseph or Nebraska-Iowa Federal milk orders. The two cooperative associations which petitioned for the issuance of the St. Joseph milk order proposed that Richardson County be included in the St. Joseph marketing area. A third cooperative association proposed that it be included in the proposed Nebraska-Iowa marketing area. (The proposed Nebraska-Iowa marketing area includes, in part, the current Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas.) At the hearing the third cooperative did not support the inclusion of Richardson County in the Nebraska-Iowa area but did support its inclusion in the St. Joseph area.

Handlers operating plants which will be regulated by the St. Joseph order sell approximately 45 percent of the total Class I milk sold in Richardson County and handlers whose plants are regulated by the existing Omaha-Lincoln-Council Bluffs order sell about 15 percent of such sales. The remaining Class I milk disposed of in the county is disposed of by a handler whose plant is located in Richardson County. The plant in Richardson County does not distribute milk in any of the more populated areas which comprise the primary market of St. Joseph area handlers.

The inclusion in the St. Joseph marketing area of Richardson County is not necessary for milk marketing stability. There is no evidence that handlers who would be regulated under the St. Joseph order have experienced difficulty in maintaining their milk sales in Richardson County and in the three Missouri counties which are not recommended for inclusion in the proposed marketing area.

To summarize, the recommended area forms a distinct and practicable milk marketing area served almost exclusively by the plants which will be regulated hereunder. Any larger area would involve under regulation handlers who do not dispose of fluid milk in the primary market of St. Joseph handlers.

(2) *Producer.* The term "producer" should include dairy farmers who regularly provide Grade A milk to pool plants for fluid consumption in the marketing area. Accordingly, the definition of "producer" should distinguish between those farmers who produce milk in compliance with the Grade A requirements of a fluid market and other dairy farmers whose milk is not so qualified. Grade A milk intended for fluid consumption in the proposed area is required to be produced in compliance with specific health standards. In addition to the milk which complies with the Grade A requirements of state or municipal health authorities, that which is approved by government authorities at installations under their supervision also would be considered as satisfying the health approval provision.

The qualification of a farmer as a producer should be established primarily on

receipt of his milk at a plant which is primarily supplying fluid milk to the marketing area. (Such plants are hereinafter defined as "pool plants".) "Producer" should also include those dairy farmers whose milk is temporarily diverted from a pool plant to another pool plant or to a nonpool plant. Diverted milk would be deemed to have been received at the plant at which it is ordinarily delivered for pooling and pricing purposes.

The recommended decision provided only for diversion to nonpool plants and priced diverted milk at the plant to which diverted. However, since one distributing plant also maintains facilities which may be used to manufacture the reserve supply at other distributing plants, the order should permit such reserve at other distributing plants to be diverted from farms to the plant with manufacturing facilities. Milk so diverted should be included in the receipts of the diverting plant and excluded from the receipts of the receiving plant in determining pool plant status. Diverted milk can be recognized as such only if the diverting handler and the receiving handler agree and report it as such. In the absence of agreement such milk should be regarded as received at the plant where it is physically accepted. All producers who now supply the market normally have their milk delivered directly to plants in the marketing area. Therefore, producers should receive the same price as if their milk moved as usual to these distributing plants.

Diversion will accommodate the most efficient handling of milk which serves as the reserve for the market. However, to obviate the possibility that unlimited diversion would encourage handlers to add producers in excess of those needed to supply the fluid requirements of the market and the necessary reserve, a limit should be placed on the diversion privilege. Therefore, diversion should be limited to 16 days' production during each of the months of September through December. In recognition of the seasonal imbalance of milk production and fluid consumption which creates a greater need for diversions, no diversion limitation should apply in other months. Should more than 16 days' production of a particular dairy farmer be diverted during any of the months of September through December that dairy farmer should be a producer during the month for that milk delivered directly to the pool plant which ordinarily receives his milk and that milk diverted to pool and nonpool plants to the extent of 16 days' production.

(3) *Pool plant.* Generally there are two categories of milk plants which may serve the fluid milk demand of the St. Joseph market. In one category would be plants from which packaged fluid milk products are distributed in the marketing area. Such plants will be defined as distributing plants. In the other category would be plants at which milk is received from dairy farmers, commingled and shipped to distributing plants for further processing and distribution. Such plants will be defined as supply plants. Only those distributing or supply plants which meet certain standards which clearly associate such plants with serving the fluid demand of the market should be defined as pool plants. One plant now associated with the St. Joseph marketing area distributes packaged fluid milk products in the area and also serves as a supply plant for other plants distributing packaged milk in the area. It is not necessary to provide a third category of standards for this type of operation. The standards used in defining pool distributing plants are such that a plant which operates in a dual capacity and is clearly associated with the market may qualify under the distributing plant definition.

Only those distributing plants which are substantially engaged in the disposition of Class I milk should be qualified as pool plants. To meet this qualification a plant should dispose of as Class I milk in packaged and in bulk form, inside and outside the marketing area at least fifty percent of its Grade A milk received directly from dairy farmers during the months of September through December; 45 percent during January, February, July and August; and 35 percent of such receipts during the months of March through June. The lesser Class I qualifying percentage for certain months would recognize that during these months of the year there is usually a seasonal increase in production and a decrease in the demand for Class I milk. While the recommended percentages are slightly higher than those contained in the notice of hearing, all of the plants distributing milk in the St. Joseph marketing area dispose of as Class I milk considerably more than the specified percentages of Grade A receipts.

There is no need to include in the marketwide pool those distributing plants from which a smaller proportion of receipts is disposed of as Class I. Such plants are primarily engaged in manufacturing.

The inclusion in the pool of plants from which almost all of total packaged Class I sales is distributed outside the market on routes is not necessary to maintain orderly milk marketing in the proposed marketing area. The primary sales territory of such handlers is in another market which may be subject to substantially different milk marketing conditions. Accordingly, it is appropriate to include in the marketwide pool only those distributing plants from which not less than 15 percent of total packaged Class I sales is disposed of in the marketing area on routes. However, since a distributing plant operator cannot be sure of pool status until the end of the month because of daily fluctuations in receipts and Class I sales, the order should provide that pool status for distributing plants be determined on the basis of receipts and Class I sales during the current or immediately preceding month. This will avoid the unstable marketing conditions engendered by loss of pool status by a distributing plant because of an unexpected increase in receipts or loss of Class I sales.

All of the distributing plants operating in the St. Joseph market receive milk directly from dairy farms. However, the volume of milk so received at some of these plants is insufficient to meet fluid demands and, at times, milk is moved from distributing plants which have a surplus of milk to those with a shortage. At other times the distributing plants in short supply purchase milk from supply plants located some distance from the market.

Supply plants from which a major portion of their receipts of approved Grade A milk from dairy farmers is regularly shipped to pooled distributing plants are clearly associated with the market and their producers should participate in the pool. Supply plants from which minor or incidental shipments of milk are made to pool distributing plants are not primarily associated with the St. Joseph market and should not participate in the pool. The status of milk received from supply plants not primarily associated with the market will be covered subsequently under the heading, "provisions with respect to unpriced milk".

A supply plant should be considered as a regular source of supply for the market if shipments to pool distributing plants are equal to not less than 50 percent of receipts from dairy farmers who meet the inspection requirements described in connection with producers during the month. However, supply plants which qualify as pool plants during each of the months of September through December should be allowed to maintain pool status, if the operator so desires, during the following months of January through August even though in such months shipments to the market may be less than the minimum percentage. This will accommodate the economical handling of seasonal reserve supply which normally would not be needed by distributing plants during spring and summer months.

Certain plants which otherwise would qualify as pool plants by meeting the appropriate percentages should be exempt from the pooling provisions of the order. Such exemptions would cover plants which are operated by producer-handlers or which are subject to the provisions of another Federal order and dispose of a larger volume of milk in the other Federal order market than in the St. Joseph market.

(4) *Handler.* "Handler" is a term designed to cover all persons operating plants or otherwise having responsibility with respect to the marketing of milk in the area. It would include (a) persons operating pool plants, (b) persons operating nonpool plants from which fluid milk is distributed in the market, and (c) cooperative associations with respect to milk diverted to a nonpool plant or which is delivered to a pool plant in a tank truck owned and operated by, or under contract to, the association, if the association gives prior notice to the market administrator of its intention to be the handler for such milk.

When a cooperative association is the handler for bulk tank milk delivered from the farm to the pool plant of another handler, the transaction constitutes an inter-handler transfer. The pool plant operator will be required to pay the association the class prices for

milk received. The association, in turn, will be required to settle with the pool through the producer-settlement fund. Unless the cooperative association and the receiving pool plant operator mutually agree on the classification of the milk, the order should provide for pro rata classification at the receiving pool plant of bulk tank milk for which the association is the handler.

(5) *Producer-handler.* The term "producer-handler" would apply to any person who produces milk on his own farm(s) and operates a plant from which milk is distributed in the marketing area but who receives no fluid milk products from sources other than his own farm(s) or from pool plants.

The milk produced by a producer-handler would be exempt from pooling. In view of this, it is necessary in the interest of orderly marketing that the term cover a particular type of operation. A handler whose milk supply is obtained entirely from his own farm production and from pool plants would qualify as a producer-handler, and any handler who obtains part of his milk supply from another dairy farmer or from nonpool sources would not so qualify.

There is only one known producer-handler distributing fluid milk in the recommended marketing area. While there may be others, the scope of their operations is relatively minor. The competitive impact of producer-handlers on other handlers and on other dairy farmers is not now contributing to market instability. Under this circumstance, market stability will be assured provided appropriate conditions are applied to such operations. The order should provide that transfers of milk to producer-handlers from pool plants should be a Class I disposition by the transferor-handler; and receipts of milk at a pool plant from producer-handlers should be other source milk. This classification is appropriate since otherwise producer-handlers would share in the Class I sales of the market without bearing their proper share of the reserve supplies associated with such Class I sales.

The exemption of producer-handlers from pooling may provide incentive for individuals to adopt devices in an attempt to circumvent the order's intent to regulate plants which receive milk from farmers. To preclude the use of such devices the order should provide that, to be a producer-handler, the maintenance, care and management of the dairy animals and all other resources used to produce milk as well as resources used in the processing, and packaging of the milk be at the sole risk of the person who claims producer-handler status.

A producer-handler would be required to make such reports of his receipts and utilization as the market administrator finds necessary to verify the status of such person's operation and to facilitate verification of transactions with other handlers.

(6) *Other source milk.* "Other source milk" is defined in order to distinguish certain milk from producer milk. It would include milk received at a pool plant from nonpool sources and Class II products from any source which are reprocessed or converted to another product in a pool plant during the month. It would also include milk distributed in the marketing area from nonpool plants.

(7) *Fluid milk products.* Those products to be classified as Class I milk, as described elsewhere in this decision, should be defined as fluid milk products. The definition is provided to facilitate reference in subsequent sections of the order.

(8) *Route.* The term "route" is used to cover a number of milk distributing operations which have bearing on whether a plant is subject to order regulation. The term would include any delivery of fluid milk products to retail or wholesale outlets. It would also include deliveries through a vendor who obtains his milk supply in packaged form from a plant. Deliveries to other milk processing plants, either pool plants or nonpool plants, are not included.

(9) *Additional definitions.* Additional definitions such as "Act", "Secretary", "Department", "Person", and "Cooperative association", should be included in the order for brevity and clarity in describing the operation of various order provisions. They are self-explanatory.

(b) *The classification and allocation of milk.* Skim milk and butterfat are not used in most products in the same proportions as contained in producer milk and, therefore, it is appropriate that they be classified as Class I or Class II separately according to use. Class prices, however, will apply to each hundredweight of milk and will be adjusted by butterfat differentials according to the butterfat content of the milk used in each class.

(1) *Milk classes.* Class I milk should be defined as all skim milk and butterfat disposed of in those fluid milk products which are now required by health authorities having jurisdiction in the marketing area to be made from Grade A milk. More specifically, Class I milk should be defined to include all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk, reconstituted milk or skim milk, yogurt, cream (sweet or sour), and any mixture of milk, skim milk, or cream. Sterilized products packaged in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream and cultured sour mixtures disposed of as other than sour cream would not be included as fluid milk products or Class I utilization.

Concentrated and reconstituted milk and skim milk should be classified as Class I including all water originally associated with the milk solids used. Concentrated and reconstituted fluid milk products compete for the same Class I sales as whole milk or skim milk and, if made from other source milk, could displace producer milk which is available for the same purpose. Therefore, accounting for these fluid milk products on the basis of original volume, including all the water originally associated with the solids, is necessary to return to producers a value commensurate with the use and availability of their milk for Class I purposes.

It is also necessary that so-called "dietary products" and other fluid milk products which are fortified with nonfat milk solids be priced as Class I. However, it is not necessary to price as Class I all the water originally associated with the solids. It is not demonstrable that the water removed from solids so used displaces producer milk in Class I in this market.

To maintain proper accounting for such items, the nonfat milk solids added to such fortified items should be converted to their skim milk equivalent and an amount equal to the difference between the skim milk equivalent of the fortified product and the actual weight of the product disposed of in fluid form should be classified as Class II. The skim milk equivalent of such nonfat solids would be considered a receipt of other source milk by the handler.

Class II milk should include all skim milk and butterfat used to produce products which are not required to be made from Grade A milk. These products would include butter, cheese, evaporated and condensed milk or skim milk, nonfat dry milk, cottage cheese, ice cream mix, eggnog, and so-called "dip" specialties. In addition to the skim milk equivalent of nonfat solids added to fortified fluid milk products, it should also include the skim component of any fluid milk product which is dumped after prior notification to and opportunity for verification by the market administrator, and skim milk and butterfat used for livestock feed to the extent that appropriate records of such utilization are available. Class II should also include skim milk and butterfat disposed of and used for starter churning, wholesale baking and candy making purposes.

Butterfat and skim milk used to produce Class II products should be considered disposed of when so used. Handlers will need to maintain stock records of such products, however, to permit audit of the utilization by the market administrator.

Handlers have inventories of milk and fluid milk products at the beginning and end of each month which enter into the accounting of receipts and utilization. Manufactured products on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for. Handlers will need to keep records of such manufactured products but such products will not be included in inventories for the purpose of accounting for current receipts.

Closing inventory would be accounted for as Class II milk. Accordingly, it is necessary to provide a proper method of reclassifying in the following month, the milk in beginning inventory which is used for Class I disposition. The method of reclassifying beginning inventory would be in accordance with the general procedure of giving precedence in Class I assignment to producer milk received during the month. Priority of Class I assignment is then given to receipts of the handler in the previous month from other pool sources which were priced as Class II milk. It may be necessary to determine to what extent in the previous month other source milk became an inventory item. The amount of beginning inventory assigned to Class I milk but not covered by the reclassification charge would be subject to compensatory payments, provided that such payments would not apply to any milk which had been classified and priced as Class I milk under another Federal order.

Class II classification would be allowed for a reasonable amount of shrinkage in recognition that there is some loss of skim milk and butterfat in the processing and distribution of milk. Shrinkage allowance of up to two percent of producer milk is provided. This amount of shrinkage allowance is common under Federal orders and is reasonable for this market.

Milk may be received at a pool plant in tank trucks from other pool plants and from cooperative associations in their capacity as handlers. In this case the maximum shrinkage allowance of two percent would be allocated at the rate of 1.5 percent to the plant where processed, leaving the other 0.5 percent for the shipping plant or cooperative association. This system of applying shrinkage allowance recognizes that relatively little shrinkage occurs in the receiving of milk and relatively more in its processing, bottling and distribution. However, in the case of bulk tank milk delivered directly from a farm to a pool plant by a cooperative association in its capacity as a handler, the entire 2 percent Class II shrinkage allowance should accrue to the purchasing handler if he pays the association for the milk on the basis of farm determined weights and butterfat tests. Since this method of allocating shrinkage will result in no loss to the cooperative or to the pool, the receiving plant can be allowed the full 2 percent shrinkage.

No shrinkage would be allowed on producer milk diverted to a nonpool plant inasmuch as such milk is not physically received at a pool plant. No shrinkage would be allowed on receipts of dairy products such as butter, powder, cheese, and cottage cheese curd.

Since it is not feasible to segregate shrinkage of other source milk from shrinkage of producer milk, total shrinkage is prorated between the two on the basis of the respective volumes of receipts. The amount prorated to the producer milk would be classified as Class II utilization only up to a total of two percent and any shrinkage above the two percent maximum would be classified as Class I milk. No Class II limitation is necessary on shrinkage of other source milk since such milk is deducted from the lower use classification under the allocation procedure.

(2) *Transfers.* It is necessary to establish rules for the classification of skim milk and butterfat which are transferred or diverted.

In the case of skim milk and butterfat used in the production of manufactured milk products, Class II classification should be established at the plant where the product is made. Packaged Class I products should be classified as Class I at the transferor plant. Therefore, the rules for classification of transfers need apply only to skim milk and butterfat which are moved in bulk fluid form.

Fluid milk products in bulk form transferred to another pool plant should be classified as Class I milk unless the operator of each plant indicates in his report to the market administrator that such milk is to be classified as Class II and there is sufficient Class II classification available at the transferee plant pursuant to the allocation procedure. Class II classification, however, should be subject to the provision that such classification will result in the maximum amount of producer milk at both plants being assigned to Class I milk.

Fluid milk products in bulk form transferred or diverted to a nonpool plant should be classified as Class I milk unless the following conditions are met: (i) The pooling handler reports such milk as Class II milk, (ii) the operator of the nonpool plant maintains and makes available, as requested by the market administrator, his books and records which verify Class II utilization, and (iii) the Class I milk disposed of from the transferee plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved to supply Grade A milk who are regularly associated with such plant. If Class I milk disposed of from the nonpool plant exceeds the sum of such receipts, provision should be made to classify as Class I milk an amount of the transferred or diverted milk equivalent to such excess. Such remaining Class I sales, however, should not result in duplication relative to classification of milk transferred to the nonpool plant from plants regulated by this and other Federal orders. Therefore, the amount of bulk milk moved to such plant and classified as Class I milk from any regulated plant should not be less than that plant's pro rata share of the remaining Class I sales at such nonpool plant.

It is not necessary to provide at this time a surplus disposal area beyond which bulk shipments of fluid milk products would automatically be classified as Class I. The transfer provisions may be reviewed, of course, if experience in the market indicates a need for such a provision in the future.

Producers proposed a surplus disposal area extending 200 miles from named points with the marketing area. Handlers proposed a larger area to accommodate disposal by plants located in the marketing area and an additional area extending 50 miles from a pool plant to accommodate disposal of surplus from pool plants or dairy farmers located a considerable distance from the market. Both producers and handlers proposed no mileage limitation on Class II shipments of fluid cream.

It is possible that a plant located a considerable distance from the market will become a pool plant under the terms of the order. In this event, should the plant be located beyond the defined surplus area all bulk transfers and diversions of fluid milk or skim milk from the plant to a nearby nonpool plant which is also beyond the surplus area would be automatically classified as Class I though it could be demonstrated that the milk was actually used for Class II purposes. However, transfers of cream could be classified as Class II. Milk may be delivered directly to distributing plants located in St. Joseph from farms located considerably distant from the market. In this event, should the milk of these farmers not be needed on a particular day, the most expeditious and economical method of handling the milk would be to divert it to a nonpool plant located near the dairy farms. Should the receiving nonpool plant also be located beyond the surplus disposal limit, the automatic Class I classification would preclude its being accepted by the nonpool plant for manufacturing purposes.

(3) *Allocation.* In order to insure the effectiveness of the classified pricing program, producer milk must have priority in assignment to Class I utilization. The allocation of receipts from different sources to Class I or Class II utilization as set forth in the order will accomplish this objective. The allocation should provide that after setting aside the appropriate allowances for shrinkage of producer milk, the skim milk and butterfat in other source milk should be allocated to Class II utilization before skim milk and butterfat contained in producer milk are so allocated.

It was proposed by distributing plant operators that other source milk in the form of packaged Class I products received from a plant regulated by another Federal order be given prior allocation to Class I utilization before producer milk. No packaged Class I products are received at St. Joseph area plants from such sources nor was any intent expressed of receiving such products. To consider the effect of such a provision on marketing of milk in the area it would be necessary to know which Class I products would be received and their originating sources.

However, other source milk which is priced and pooled as Class I under another Federal order should take priority with respect to the highest utilization over other source milk not so priced and pooled. This will minimize compensatory payments by St. Joseph handlers on supplemental milk purchases.

To achieve proper assignment of Class I utilization to producer milk the sequence of subtractions from Class II utilization should be as specified in the proposed order.

(c) *Class prices*—(1) *Class I price.* For the first 18 months, the minimum Class I price each month per hundredweight of producer milk containing 3.5 percent butterfat should be 10 cents less than the Greater Kansas City Federal order Class I price for milk received at Kansas City plants during the same month.

The proponent cooperative associations, the cooperative association representing the majority of producers who deliver milk to plants regulated by the Kansas City order, and one handler whose plant is regulated by the Kansas City order proposed that the Class I price be the same as that of the Kansas City order, f.o.b., Kansas City. St. Joseph plant operators proposed that the Class

I price be 15 cents less than the Kansas City price. St. Joseph is 53 miles from Kansas City. Pursuant to the location adjustment of the Kansas City order, the Class I price applicable to plants located in St. Joseph is 16 cents less than the price applicable to plants located in Kansas City.

Primarily, the level of the Class I price must be such as to bring forth an adequate and dependable supply of Grade A milk for the St. Joseph marketing area. The supply of milk for the recommended St. Joseph marketing area has been adequate but not excessive. For the most part, it has come from dairy farmers whose milk is moved directly from the farm to distributing plants located within the marketing area. Some supplemental milk has been received from plants located some distance from the marketing area. Since the supply of milk for the St. Joseph market has been adequate, the appropriate Class I price is that which will return to dairy farmers supplying regulated plants a uniform price for their milk which approximates prices received during recent months. Any higher resulting uniform price will encourage an excessive supply of milk for the market and any lower resulting price will discourage an adequate supply.

A potential source of Grade A milk in excess of the demand of the St. Joseph market is those farms at which ungraded milk is produced. A large number of farms in or near the St. Joseph marketing area are currently engaged in the production of ungraded milk. The plant operated by one of the proponents of the order, the Nemaha Cooperative Creamery Association, receives ungraded milk from 860 patrons and Grade A milk from 138. Hundreds of other farmers deliver ungraded milk to manufacturing plants located in the area from which the St. Joseph market draws milk.

Resources now used in the production of ungraded milk may be shifted to Grade A production. While there are cost differences beween producing Grade A and ungraded milk, some dairy farmers who produce ungraded milk may make the additional expenditure necessary to establish themselves as Grade A producers. The higher the difference between the return for Grade A milk and that for ungraded milk, the more incentive farmers will have to shift from ungraded to graded production.

During 1960, 38 dairy farmers who were producing ungraded milk began shipping Grade A milk to plants which will be regulated by the order. This number of new producers to the market was not much greater than those who left the market during the year. However, a Class I price higher than the one proposed herein would create additional incentive for farmers to shift resources to Grade A production.

The classification plan operated by the St. Joseph Milk Producers Association is the same as that of the Greater Kansas City Federal milk order but the Class I price has been 15 cents less than the Kansas City Class I price. The Class II price charged by the Association for member milk is the same as that of the Kansas City order.

Because the Nemaha Cooperative Association has a somewhat lower Class I utilization than do the five St. Joseph plants, the pooling of the receipts and sales of Nemaha with those of the five plants would result in a somewhat lower price for the producers delivering to the St. Joseph plants if the St. Joseph Class I price were 15 cents less than the Kansas City price. Therefore, the Class I price of the order should be slightly higher than the Class I price which is existing in the market in order to return to the St. Joseph producers a uniform price which approximates that which they have been receiving.

The Class I price should be related directly by formula to the Kansas City Class I price. The marketing of milk in the St. Joseph area is closely related to milk marketing in the Kansas City area. The St. Joseph marketing area herein recommended is contiguous to the marketing area of the Kansas City order and there is overlapping of Class I sales from St. Joseph and Kansas City plants in parts of each of the marketing areas as well as in nearby territories which are not included in either of the markets. There is an even greater amount of overlapping of supply areas for the two markets. In most of the counties of Kansas, Missouri and Iowa where dairy farmers who supply milk to plants which will be regulated by the St. Joseph order are located there are other farmers who deliver milk to plants which are regulated by the Kansas City order.

The seasonal pattern of Class I pricing now used in the Kansas City order is appropriate for use in the St. Joseph market. While the Kansas City order contains a base-excess plan to supplement seasonal Class I differentials as a means of encouraging even seasonal production of milk, such a plan is not necessary in the St. Joseph order. Each of the two cooperative associations which together represent all of the dairy farmers who deliver Grade A milk to St. Joseph area plants has maintained and will continue to maintain its own supplemental even seasonal production program.

The Class I price provided herein should be effective for an initial period of eighteen months. Sometime after the order has been in operation for a full year, a hearing should be called to consider more permanent Class I price provisions. At that time considerable marketwide data on all aspects of the marketing of milk in the area will be available. These data can be expected to provide the basis for a reappraisal of the Class I price structure.

(2) *Class II price.* The minimum Class II price each month per hundredweight of milk containing 3.5 percent butterfat should be 5 cents higher than the Class II price under the Kansas City order. The proponent associations proposed a Class II price identical to that of the Kansas City order. Official notice is taken of the order amending the Greater Kansas City order which was effective May 1, 1961.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply of milk on an annual basis. The price of this excess or reserve supply of milk should be maintained at the highest level consistent with facilitating its use in manufactured products.

The St. Joseph Milk Producers Association has received the Kansas City Class II price for that milk used for Class II purposes by handlers whose plants are located in St. Joseph as well as for that milk diverted to a manufacturing plant located at Maryville, Missouri. The 1960 average Kansas City Class II price for milk of 3.5 percent butterfat was $2.98 per hundredweight. As a result of the May 1, 1961 amendment to the Kansas City order the Class II price for milk containing 3.5 percent butterfat was increased 4 cents per hundredweight. Therefore, under the present pricing mechanism the 1960 average Class II price for 3.5 percent milk would have been about $3.02 per hundredweight.

During 1960 the average price paid for manufacturing grade milk of 3.5 percent butterfat by the other proponent cooperative at its plant at Sabetha was $3.09 per hundredweight. Grade A milk not used for Class I fluid purposes by this cooperative is used in the manufacture of dairy products such as condensed milk, ice cream, ice cream mix, cottage cheese, nonfat dry milk and butter. The association in blending returns to its members prices the Grade A milk so used at the manufacturing milk price. Most of the reserve milk for the market which must be utilized in Class II when it is not needed for Class I will be maintained in the plant of this operating cooperative. Since this cooperative has demonstrated its ability to pay a price approximately equivalent to that proposed herein there is no need to establish a lower Class II price.

The Kansas City Class II price each month is the higher of the average of prices paid at selected local plants plus 19 cents or the price resulting from a computation based on the market prices of nonfat dry milk and butter with a 74 cents make allowance. The St. Joseph order should also incorporate this method of determining the Class II price except that 24 cents should be added to the average price paid at local plants and a make allowance of 69 cents used in the butter nonfat dry milk formula.

(3) *Butterfat differentials.* Class and uniform prices are established for milk containing 3.5 percent butterfat. Therefore, to reflect differences in the value of milk due to variation in butterfat content, it will be necessary to adjust Class I, Class II and uniform prices in accordance with the average butterfat test of milk in each class and of the milk delivered by each producer.

The values obtained by multiplying the average price of 92-score butter at Chicago by .12 for Class I milk and .115 for Class II milk will provide an appropriate basis for adjusting Class I and Class II prices for each one-tenth of one percent variation of butterfat content. These differentials are the same as those in the Greater Kansas City order.

The butterfat differential to producers should correspond to the weighted average values of butterfat used for Class I and Class II purposes. This follows the principle of uniform prices to all producers and will reflect changes in the use of butterfat in each class.

(4) *Location differentials.* Class I and uniform prices paid by handlers operating plants located at considerable distance from the market should be subject to minus adjustments to reflect the cost of moving milk to the market. Adjustments to Class I prices at such plants are necessary to equalize the cost of milk to all handlers distributing in the marketing area. Adjustments to producers' prices will recognize the lesser location value of milk which must be transported a considerable distance to the St. Joseph market.

A location adjustment rate of 10 cents per hundredweight of milk should apply for plants located more than 50 but not more than 60 miles from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer. A rate of 1.5 cents for each additional 10 miles or fraction thereof for plants located more than 60 miles should apply.

A schedule of milk hauling rates of the Dairyland Transport Company located at Springfield, Missouri, was entered in evidence. The rates contained in this schedule are slightly in excess of one and one-half cents per hundredweight of milk for each 10 miles. However, the schedule relates to sporadic or spot shipments. It is reasonable to assume that the cost of transporting milk considerable distances on a regular basis would approximate one and one-half cents per hundredweight for each 10 miles.

A location adjustment of 10 cents for plants located more than 50 but not more than 60 miles from the market is slightly in excess of 1.5 cents for each 10 miles but is reasonable in view of the higher proportionate cost of moving milk relatively short distances.

No location adjustment should be allowed on Class II milk. The costs involved in moving manufactured products are minor relative to costs involved in moving whole milk. Manufactured dairy products are much less perishable and the components of manufactured products are usually in concentrated form. Accordingly, there is little value in the milk used for manufacturing purposes which can be attributed to plant location.

In computing the aggregate Class I location adjustment allowed on milk received in bulk at distributing plants from distant plants, a method should be provided for allocating Class I utilization. This allocation of Class I should begin with milk received directly from producers' farms. Receipts from other pool plants which are not subject to location adjustments should be next allocated to Class I and, in sequence, milk received from those plants which have the least location adjustment.

(5) *Equivalent price.* If for any reason a price quotation required for computing class prices or for any other purpose is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Experience has shown that quotations described in the order may not be available at all times. Hence, provision for such contingencies should be made by providing for a determination by the Secretary of an equivalent price.

(6) *Provisions with respect to unpriced milk.* During each month when producer milk receipts are more than 110 percent of Class I sales the order should provide for payments to the producer-settlement fund with respect to unpriced milk which is allocated to Class I at a pool plant. Operators of nonpool distributing plants should have the choice of making payments into the producer-settlement fund or paying to dairy farmers from whom they receive milk the use value of such milk pursuant to the provisions of the order.

At times, despite the availability of producer milk, operators of pool plants may purchase milk for Class I use from sources which are not fully subject to the terms of any Federal order. Unpriced Grade A milk which is purchased from such unregulated sources will usually represent Grade A milk which is in excess of the demand for Grade A distribution in another market. As surplus, its value in the other market is less than the value of milk used for Class I purposes. If handlers operating pool plants were encouraged to purchase such milk and dispose of it for Class I purposes without some compensatory feature in the order, such handlers would have a competitive advantage as compared with other handlers, and would have incentive to replace regular producer milk with milk which is surplus in another market.

To avoid these deleterious consequences to the orderly marketing of milk in the marketing area, handlers operating pool plants at which unpriced other source milk is allocated to Class I, when producer milk is available for such use, should pay into the producer-settlement fund a compensatory amount which will reflect generally the difference in value between surplus milk from another market and producer milk used for Class I purposes.

It is administratively necessary to use the stated rate of compensatory payment instead of attempting to determine a particular rate in each given case. Pool plants may obtain other source milk with little or no advance notice from a wide variety of sources. Any attempt to determine the actual cost of such milk would be complicated by the number of plants involved. Some of the plants supplying the other source milk might be operated by the receiving handler, in which case the interplant billing would be purely arbitrary. There is the possibility of arbitrary billing even where the plants are not under common ownership. In addition, the originating plant would not be subject to the audit and payment provisions of the order. It is, therefore, necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

The rate of payment to the producer-settlement fund by pool plant operators on unpriced milk allocated to Class I should be equal to the difference between the Class I and Class II prices. Pool plants may obtain unpriced milk at a price reflecting its value as surplus milk which would otherwise be used in manufacturing. The Class II price provided herein is representative of the value of milk used for manufacturing purposes. Therefore, a compensatory payment rate equal to the difference between the Class I and Class II prices is equitable and will remove any advantage which might accrue to handlers who use unpriced other source milk for Class I purposes when producer milk is available.

Other source milk used in the form of nonfat dry milk or condensed skim milk should be considered to be from a source at the location of the plant where it is used. Since nonfat dry milk comes from many different sources, administrative feasibility requires it be priced at the location of the plant where used.

No compensatory payments would apply to unpriced milk allocated to Class I at pool plants whenever producer milk receipts are not more than 110 percent of Class I sales. In the St. Joseph market, whenever such receipts are less than Class I sales plus a minimum reserve of 10 percent it would not be necessary to apply compensatory payments since it is likely that milk from alternative sources would also be in short supply and handlers would find it necessary to pay at least order prices for milk from these alternative sources. Whenever producer milk receipts are more than 110 percent of Class I sales it is less likely that handlers will find it necessary to buy milk from alternative sources.

No compensatory payment would be required on milk which is classified and priced as Class I under another Federal order. The St. Joseph Class I price level precludes any competitive advantage to St. Joseph handlers who purchase other Federal order milk.

Another type of unpriced milk would be that distributed in the marketing area on routes by a handler operating a nonpool plant. Such a nonpool plant is associated with another market. The use of other source milk by nonpool distributors would differ in an important respect from its use by pool plant operators. Sales on routes in the market by nonpool distributors would be on a regular basis whereas the purchase of other source milk by pool plants usually occurs only when producer milk is not available or when such purchase appears to offer a temporary competitive advantage.

Subject to proper reporting and the maintenance of adequate records, handlers operating nonpool distributing plants would be given an opportunity to choose between two types of payments into the producer-settlement fund: (1) an amount determined by multiplying the hundredweight of Class I milk disposed of in the marketing area by the difference between the Class I and Class II prices, or (2) the amount by which total payments to dairy farmers delivering to such plant are less than the total obligation to producers which would be due if such plant were a pool plant.

The option afforded to nonpool distributing plants will protect the integrity of regulation. If the partially regulated

handler elects to make payments under the first option, the regulation would be protected in the same manner as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers, or by combination of payments to his farmers and to the producer-settlement fund, his total minimum obligation for milk will be determined in the same manner as if he were a fully regulated handler. Affording this second option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. There are no known handlers in a position to use this option. In view of this, there is little probability that there can be any significant diversion of the revenue derived from Class I sales in the marketing area to handlers only incidentally associated with the market which would dissipate the returns to dairy farmers who are primarily engaged in producing an adequate and dependable supply of approved milk for the marketing area. Neither is there any likelihood that handlers who might exercise this option would be located where their milk procurement would have an unstabilizing effect upon the procurement by fully regulated handlers.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices and adjusted for location and butterfat content in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular source of supply of milk for the nonpool plant. Only such payments would be allowed as had been made to such farmers by the 15th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts from unpriced sources which are allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the reports and utilization by the market administrator as at a pool plant.

It is possible that nonpool plants from which milk is distributed in the St. Joseph market will also be nonpool distributing plants under the terms of another Federal order. To eliminate any duplication of equalization and administrative payments, the St. Joseph order should credit such handlers with payments made under similar provisions of another Federal order.

(d) *Distribution of proceeds to producers*—(1) *Type of pool.* Returns from the sale of milk should be distributed to producers through a marketwide pool. Under this type of pool all producers delivering to all pool plants are paid the same uniform price based upon the marketwide use of their deliveries.

One of the proponent cooperatives is maintaining a marketwide pool under which members who deliver milk to plants located in St. Joseph are paid the same uniform price based upon the average utilization of milk at the plants. The plant of the other proponent cooperative association is assuming the responsibility of carrying the reserve supply of milk for the market. The use of a marketwide pool under which the lower value of reserve supplies is distributed proportionately among all dairy farmers supplying the market will contribute to milk marketing stability and will facilitate the most efficient handling of the reserve supply of milk when it is not needed for fluid distribution.

(2) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal except for minor differences that may result from rounding of uniform prices.

In order to accommodate this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payment to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

(3) *Payments to individual producers and to members of cooperative associations.* Each handler should make payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 15th day of the month following receipt of the milk.

Payments for milk to any producer who is a cooperative association member should be made by the handler to the cooperative association if the association makes a written request for such payment and if the member producer has given the association written authorization in the form of a contract, or in any other form, to collect such payments. The association's request should also provide for reimbursement of any loss incurred because of an improper claim. Unless the cooperative association receives payment for the milk marketed on behalf of its producer members it cannot reblend the sales proceeds for milk sold in various outlets. This important function is specifically provided for in the Act.

Handlers should make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers may receive payment on the same day. In making such payment for producer milk to a cooperative association the handler should at the same time furnish the association with a statement showing the name of each producer for whom payment is being made, the volume and the average butterfat content of milk delivered by each such producer, and the amount of, and reason for, any deductions which the handler withheld from the amount payable to each producer. This statement is necessary to enable the association to make proper distribution of the money to producer members.

(e) *Administrative provisions.* The remaining provisions are of a general administrative nature, are incidental to the other provisions of the proposed order, and are necessary for proper and efficient administration. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of termination. They are similar to like provisions of other milk orders, and, except as set forth below, require no comment.

(1) *Records and reports.* Provisions should be included in the order to require handlers to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to each cooperative association which so requests, the percentage of the class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used by such handler. These reports are necessary for the cooperative association to market effectively the milk of its members.

Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary for the marketwide uniform price. Handlers are also required to submit payroll reports which would show the detail of milk receipts from each producer, the value of milk received from the producer, deductions therefrom, and the net amount paid to the producer.

The order should provide for specific limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as part of this decision.

Dates must be prescribed for the completion of specific order functions. The dates prescribed will allow all interested parties adequate time to perform each function.

(2) *Expense of administration.* Each handler shall be required to pay to the market administrator as his pro rata share of the cost of administering the order not more than 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe as follows:

(i) Handlers operating pool plants shall pay such amount on milk received from producers and from cooperative associations in their capacity as handlers and on other source milk which is allocated to Class I which is not classified and priced under another Federal order;

(ii) Cooperative associations shall pay such amount on producer milk diverted by them to nonpool plants; and

(iii) Handlers operating nonpool plants shall pay administrative assessment in accordance with the conclusions previously specified in this decision.

Exceptions were filed to the finding in the recommended decision that cooperative associations pay the administrative assessment on milk for which they are a handler pursuant to § 915.8(c) and which is delivered to the pool plant of another handler. Since the economic function of the cooperative in this situation is to direct milk from the farm to the pool plant whereas the plant operator physically receives and processes the milk and maintains basic records of receipts and use of milk at the plant, the plant operator should be responsible for administrative assessment payments.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that the cost of administration shall be financed by an assessment on handlers. In view of the manner in which the regulation applies to various handlers and types of handler operations, the described application of administrative assessment appropriately assigns a proportionate share of expenses to each handler.

In that other source milk may be allocated to Class I at some pool plant, it would be in the interest of providing equity among all handlers to apply administrative assessment on other source milk allocated to Class I as well as on producer milk. However, to avoid duplication, an assessment should not be applied on other source milk on which an assessment is made pursuant to the terms of another Federal order.

Provision should be made to enable the Secretary to vary the rate of assessment within the prescribed limits without necessitating an amendment to the order whenever experience dictates that a change in the rate is necessary to maintain the revenue of the market administrator at the appropriate level for proper administration of the order.

(3) *Marketing services.* Provision should be included in the order for furnishing marketing services to producers such as verifying the butterfat tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator unless such services are provided by a qualified cooperative association for its producer members. The cost should be borne by the producers receiving these services. A marketing service assessment of five cents per hundredweight is necessary for this market. This amount should be deducted from payments to such producers for the use of the market administrator in financing such services. Provision should be made for the Secretary to reduce this rate if experience shows a lower rate will furnish adequate funds for supplying marketing services by the market administrator. In the case of producers for whom a cooperative association is rendering such serivces, the handler should pay to the cooperative association such deducations as the producer has authorized the cooperative to collect in lieu of the payments to the market administrator.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the finding and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in St. Joseph, Missouri, marketing area", and "Order regulating the handling of milk in the St. Joseph, Missouri, Marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum Order, Determination of Representative Period, and Designation of Referendum Agent

It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the St. Joseph, Missouri, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of June 1961, is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on August 11, 1961.

ORVILLE L. FREEMAN,
Secretary.

Order [1] Regulating the Handling of Milk in the St. Joseph, Missouri, Marketing Area

Sec.
915.0 Findings and determinations.

DEFINITIONS

Sec.
915.1 Act.
915.2 Secretary.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.
915.3 Department.
915.4 Person.
915.5 Cooperative association.
915.6 St. Joseph, Missouri, marketing area.
915.7 Producer.
915.8 Handler.
915.9 Producer-handler.
915.10 Distributing plant.
915.11 Supply plant.
915.12 Pool plant.
915.13 Nonpool plant.
915.14 Producer milk.
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915.84 Adjustment of accounts.
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915.86 Expenses of administration.
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MISCELLANEOUS PROVISIONS
915.90 Effective time.
915.91 Suspension or termination.
915.92 Continuing obligations.
915.93 Liquidation.
915.94 Agents.
915.95 Separability of provisions.

AUTHORITY: §§ 915.0 to 915.95 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 915.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the St. Joseph, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 915.8(c); (b) producer milk received from a cooperative association pursuant to § 915.8(c); and (c) other source milk allocated to Class I pursuant to § 915.46(a)(2) and the corresponding step of (b). A handler operating a distributing plant which is a nonpool plant shall pay administrative assessment pursuant to § 915.61.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Joseph, Missouri, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 915.1 Act.

"Act" means Public Act. No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 915.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 915.3 Department.

"Department" means the United States Department of Agriculture.

§ 915.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 915.5 Cooperative association.

"Cooperative association" means any cooperative marketing association or producers as defined in § 915.7, which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 915.6 St. Joseph, Missouri, marketing area.

"St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory included within the perimetric boundaries of Doniphan, Brown, and Nemaha counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, and Worth counties, Missouri; and those portions of Platte and Clay counties, Missouri, not included in the marketing area of the Greater Kansas City milk order (Part 913 of this chapter).

§ 915.7 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(a) Received at a pool plant, or

(b) Diverted as producer milk pursuant to § 915.14.

§ 915.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) Any cooperative association with respect to producers' milk diverted from a pool plant to a nonpool plant for the account of such cooperative association; and

(c) Any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler

for the milk. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating that plant.

§ 915.9 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions is met during the month.

(a) The butterfat or skim milk received in the form of fluid milk products at the plant does not exceed the butterfat or skim milk, respectively, received from the dairy farm(s) of such person and from pool plants of other handlers; and

(b) Such person provides proof that:

(1) The maintenance, care and management of the dairy animals and other resources used to produce milk on his farm(s) are the personal enterprise of and at the personal risk of such person; and

(2) The operation of the processing and packaging facilities are the personal enterprise of and at the personal risk of such person.

§ 915.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as fluid milk products in the marketing area on routes.

§ 915.11 Supply plant.

"Supply plant" means a plant at which approved milk is received from farms and is shipped to and received at a distributing plant which is a pool plant.

§ 915.12 Pool plant.

"Pool plant" means a distributing plant or supply plant except the plant of a producer-handler or a plant exempt pursuant to § 915.62 which meets the conditions set forth in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month or during the immediately preceding month there is disposed of:

(1) As Class I milk in the marketing area on routes not less than 15 percent of such plants total sales of packaged Class I milk; and

(2) As Class I milk not less than the applicable percentage of such plants receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 915.8(c):

(i) September through December, 50 percent;

(ii) January, February, July and August, 45 percent;

(iii) March through June, 35 percent.

(b) A supply plant from which during the month not less than 50 percent of its receipts of approved milk from dairy farmers and from cooperative associations of producers in their capacity as handlers pursuant to § 915.8(c) is shipped to and received at distributing pool plants: *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of September through December (in 1961 during each month from the effective date through December) shall be pooled for each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 915.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 915.14 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) and diverted pursuant to paragraph (c) as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 915.8(c)) or diverted by the pool plant operator pursuant to paragraph (c) of this section;

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 915.8(c) or diverted for its account pursuant to paragraph (c) of this section; and

(c) Milk diverted to a pool or nonpool plant shall be considered as received at the plant from which it was diverted for pooling and pricing purposes. During the months of September through December, producer milk shall not include that portion of the milk of a producer which is diverted in excess of 16 days' production.

§ 915.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 915.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 915.17 Fluid milk product.

"Fluid milk product" means any milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk or skim milk, yogurt, cream (sweet or sour) disposed of as such, and any mixture of milk, skim milk or cream; except sterilized products in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream, and cultured sour mixtures disposed of as other than sour cream.

§ 915.18 Route.

"Route" means any delivery (including delivery through a vendor and sales from a plant or plant store) of a fluid milk product other than a delivery to a pool or a nonpool plant.

MARKET ADMINISTRATOR

§ 915.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 915.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 915.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 915.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 915.85) necessary and incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit or such other investigation as may be necessary, of such

handler's records and facilities and of the records and facilities of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 915.30 through 915.33;

(2) Maintained adequate records and facilities pursuant to $915.34; or

(3) Made payments pursuant to §§ 915.80 through 915.86.

(i) On or before the 14th day after the end of each month report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that receipts of all producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 915.51(a) and the Class I butterfat differential pursuant to § 915.52(a), both for the current month; and on or before the 5th day of each month the minimum price for Class II milk, pursuant to § 915.51(b) and the Class II butterfat differential pursuant to § 915.52(b), both for the month immediately preceding; and

(2) On or before the 12th day of each month, the applicable uniform price(s) computed pursuant to § 915.71 and the producer butterfat differential computed pursuant to § 915.72 both applicable to milk delivered during the previous month;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 915.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler for each of his pool plants and each cooperative association which is a handler pursuant to § 915.8 (b) or (c), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk from each producer, the average butterfat test, the pounds of butterfat contained therein and the number of days milk was received from such producer;

(2) Fluid milk products received from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 915.8(c);

(3) Other source milk;

(4) Inventories on hand at the beginning of the month.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this Section and inventories of fluid milk products on hand at the end of the month;

(c) The disposition of fluid milk products in the marketing area on routes; and

(d) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 915.31 Payroll reports.

(a) On or before the 23d day of each month; each handler except a producer-handler or a handler making payments pursuant to § 915.61 shall submit to the market administrator in the detail and on forms approved by the market administrator his producer payroll for the preceding month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer;

(3) The net amount of payment to producer; and

(4) The nature and amount of any deductions or charged items involved in such payments.

(b) Each handler making payments pursuant to § 915.61(a) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 915.32 Other reports.

(a) Each producer-handler, each handler making payments pursuant to § 915.61(b) and each handler exempt pursuant to § 915.62 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) On or before the 7th day after the end of each month each handler making payments pursuant to § 915.61(a) shall report to the market administrator the information required of handlers pursuant to § 915.30 substituting receipts from dairy farmers for receipts from producers; and

(c) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 915.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 915.80(b) shall report on or before the 7th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 15.84.

§ 915.34 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 915.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in conection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 915.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to §§ 915.30 through 915.32 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 through 915.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 915.41 Classes of utilization.

Subject to the conditions set forth in §§ 915.43 and 915.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(2), (3), and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any products other than fluid milk products;

(2) Disposed of and used for starter churning, wholesale baking and candy making purposes;

(3) Disposed of as livestock feed;

(4) In skim milk:

(i) Dumped after prior notification to and opportunity for verification by the market administrator; and

(ii) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a)(1) of this section;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 915.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 915.8(c), if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 915.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 915.8 (c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph.

(7) In shrinkage allocated to other source milk pursuant to § 915.42(b)(2).

§ 915.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 915.41 (b)(6) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

§ 915.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 915.44 Transfers.

Skim milk or butterfat transferred or diverted in bulk fluid form from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 915.8(c) shall be classified:

(a) As Class I milk if transferred or diverted to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 915.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions of other source milk pursuant to § 915.46(a)(5) and the corresponding step of (b): *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 915.8(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 915.46(a)(7) and the corresponding step of (b).

(b) As Class I milk if transferred to the plant of a producer-handler;

(c) As Class I milk if transferred or diverted to a nonpool plant unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plants, in which case it shall be classified as Class I to the extent of the following pro rata computation:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the provisions of this part applied to such nonpool plant subtract the skim milk and butterfat in approved milk received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

§ 915.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 915.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 915.45, the market administrator shall determine the classification of milk received from producers at the pool plants of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the shrinkage of skim milk classified as Class II pursuant to § 915.41(b)(6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled but not priced as Class I under the provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled and priced as Class I under the provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(1) and (2);

(8) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(3); and

(9) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the

pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 915.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 915.46(a)(5) and the corresponding step in § 915.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 915.46 (a)(5) and the corresponding step of (b); and

(b) That subtracted from Class II pursuant to § 915.46 (a)(4) and the corresponding step of (b).

MINIMUM PRICES

§ 915.50 Basic formula price.

The basic formula price for the month shall be the higher of the prices computed pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location.

Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Borden Co., Orfordville, Wis.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.5; and

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 915.51 Class prices.

Subject to the provisions of §§ 915.52 and 915.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price each month for the first eighteen months beginning with the effective date of this section shall be 10 cents less than the Greater Kansas City Federal milk order (Part 913 of this chapter) Class I price for the same month;

(b) *Class II milk.* The Class II milk price price shall be the higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 24 cents.

Present Operator and Location

Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 69 cents.

§ 915.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to either class pursuant to § 915.46(c) is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 915.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 915.50(b)(1) by 1.2, divide the result by 10; and round to the nearest one-tenth of a cent.

(b) For Class II milk, multiply the butter price specified in § 915.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 915.53 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, and which is classified as Class I milk, the prices computed pursuant to § 915.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, and by an additional one and one-half cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) Milk moved in bulk from a plant as defined in § 915.12, (a) or (b) to a plant as defined in § 915.12(a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

§ 915.54 Rate of compensatory payment.

The rate of compensatory payment shall be calculated as follows: Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the Class I location differential rates set forth in § 915.53 for the location of the plant at which the milk was received from farmers.

§ 915.55 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 915.60 Producer-handlers.

Sections 915.40 through 915.46, 915.50 through 915.53, 915.61, 915.70, 915.71, 915.80 through 915.88 shall not apply to a producer-handler.

§ 915.61 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 915.80 through 915.89, each handler, other than a producer-handler or one exempt pursuant to § 915.62, who operates during the month a nonpool distributing plant, shall pay to the market administrator within 5 days after his receipt of notice from the market administrator that he is subject to the provisions of this section for the first time and thereafter on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 915.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) An amount:

(1) For deposit in the producer-settlement fund, equal to any plus amount remaining after deducting the amounts paid pursuant to subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 915.70 for such nonpool plant had such plant been a pool plant:

(i) The gross payments made on or before the 15th day after the end of the month for milk received at such nonpool plant during the delivery period from dairy farmers who supply approved milk, and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders.

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 915.86 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if an administrative assessment is applied at such nonpool plant as if a fully regulated plant pursuant to another milk order issued pursuant to the Act, no administrative expense assessment shall be applicable under this order; or

(b) An amount:

(1) For deposit in the producer-settlement fund, equal to the hundredweight of skim milk and butterfat disposed of as Class I milk in the marketing area on routes multiplied by the rate of compensatory payment pursuant to § 915.54;

(2) For administrative assessment, equal to the rate specified in § 915.86 multiplied by the hundredweight of Class I milk disposed of in the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order.

§ 915.62 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 915.12(a) which disposes of a lesser volume of Class I milk in the St. Joseph, Missouri, marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 915.12(b) for any portion of the period January through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

DETERMINATION OF UNIFORM PRICE

§ 915.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 915.46 (c) by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 915.46 (a)(9) and (b)(9) by the applicable class price;

(c) Add the amounts obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 915.47 (a); and

(2) Any plus amount remaining after the calculation pursuant to § 915.47(b).

(d) Add an amount obtained by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 915.46(a) (2) and (3) and the corresponding steps of § 915.46 (b) by the rate of compensatory payment pursuant to § 915.54: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total net Class I utilization of such plants for the month.

§ 915.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. marketing area, as follows:

(a) Combine into one total the values computed pursuant to § 915.70 for all handlers who submit reports pursuant to § 915.30 and who are not in default of payments pursuant to §§ 915.80 and 915.82;

(b) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add for each one-tenth percent that such average butterfat content is less than 3.5 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 915.72 by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 915.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 915.72 Butterfat differential to producers.

In making payments pursuant to § 915.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 915.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 915.73 Location differential to producers.

In making payments to producers for milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, there shall be deducted 10 cents per hundredweight of milk for distances of more than 50 but not more than 60 miles, plus an additional one and one-half cents for each additional 10 miles or fraction thereof in excess of 60 miles.

PAYMENTS

§ 915.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, an amount equal to not less than the appropriate uniform price pursuant to § 915.71, adjusted by the butterfat and location differentials to producers pursuant to §§ 915.72 and 915.73 subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 915.85; and

(2) Less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 915.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph

next following receipt of the balance from the market administrator;

(b) On or before the 13th day after the end of the month to each cooperative association which has filed a written request for such payment with such handler with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less any deductions authorized in writing by such cooperative association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 915.8(c), not less than the value of such milk at applicable class prices; and

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producers;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 915.70, 915.71, and 915.72;

(4) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (a) of this section, and § 915.85, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 915.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 915.61 (a)(1) and (b)(1), 915.82 and 915.84, and out of which he shall make all payments pursuant to §§ 915.83 and 915.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 915.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of the milk received from producers by such handler during the month as determined pursuant to § 915.70 is greater than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials.

§ 915.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 915.70 is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 915.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date of making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 915.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 915.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers;

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 915.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deductions and the quantity of milk for which it was computed for each such producer.

§ 915.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk, except producer milk received by a cooperative association as a handler pursuant to § 915.8(c);

(b) Milk received from a cooperative association as a handler pursuant to § 915.8(c); and

(c) Other source milk allocated to Class I milk pursuant to § 915.46(a)(2) and the corresponding step of (b).

A handler operating a distributing plant which is a nonpool plant shall pay administrative assessment pursuant to § 915.61.

§ 915.87 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims

to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 915.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

§ 915.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 915.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 915.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 915.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 915.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Review of 1962 Farm Wheat Marketing Quota Exemption Acreages

The amendment herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), for the purpose of implementing the provisions of Public Law 87–128, approved August 8, 1961, so as to extend to wheat producers the right of review of their 1962 farm wheat marketing quota exemption acreages, which are based upon the highest number of acres planted to wheat on the farm for harvest as grain in any of the calendar years 1959, 1960, 1961, but not to exceed 13.5 acres, insofar as such acreages may affect their farm marketing quotas of wheat of the 1962 crop.

In view of the facts that (1) farmers will be notified on the same form not only of their 1962 farm wheat acreage allotments but also of their 1962 farm marketing quota exemption acreages, (2) notices of allotments are required by law to be mailed, insofar as practicable, prior to the holding of the referendum to determine whether farmers favor marketing quotas on the 1962 crop of wheat, (3) such referendum will be held on August 24, 1961, and (4) the law requires that application for review of farm marketing quotas must be made within 15 days after the mailing of notices thereof, and since farmers need to know upon receiving notices of their farm acreage allotments or marketing quotas the factors affecting the quotas to which they may have the right of review, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest, and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register .

Section 711.2(d) of the Marketing Quota Review Regulations (25 F.R. 6505) is amended to read as follows:

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following factors: farm acreage allotment, normal yield for the farm, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, determination by the county committee of the land constituting the farm, and with respect to the farm marketing quota for the 1962 crop of wheat the marketing quota exemption acreage.

(Secs. 363–368, 52 Stat. 63, 64, as amended, 375, 52 Stat. 66, as amended, Sec. 1, 55 Stat. 203, as amended by 75 Stat. 294; 7 U.S.C. 1363–1368, 1375, 1340)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 14, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–7904; Filed, Aug. 16, 1961; 8:51 a.m.]

[Referendum Bulletin, Amdt. 4]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of further amending § 717.3 (a)(4), particularly as amended by amendment number 3 published in the FEDERAL REGISTER on August 11, 1961 (26 F.R. 7258), so as to further clarify eligibility to vote in the referendum on the 1962 crop of wheat in accordance with the provisions of Public Law 87–128 (75 Stat. 294).

Since the referendum on marketing quotas for the 1962 crop of wheat will be held on August 24, 1961, and since wheat producers should be informed of the provisions of this amendment in advance of the referendum, it is hereby found that compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and this amendment shall become effective upon filing it with the Director, Office of the Federal Register.

Section 717.3(a)(4), as amended is further amended by changing the last two sentences thereof to read as follows: "With respect to the referendum on wheat marketing quotas for the 1962–63 marketing year, the first sentence of this subparagraph shall read 'A person shall be eligible to vote in the referendum with respect to wheat marketing quotas for the marketing year beginning July 1, 1962, if during the calendar year 1962 such person will be engaged as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper in the production of an acreage of wheat for harvest as grain in 1962 on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for the 1962–63 marketing year in excess of the smaller of 13.5 acres or the highest number of acres planted on the farm to wheat for harvest in any of the years 1959, 1960, or 1961.'; and the third sentence of this subparagraph shall read 'If a wheat acreage allotment in excess of the farm marketing quota exemption (smaller of 13.5 acres or the highest number of acres actually planted to wheat on the farm for harvest in any one of the years 1959, 1960, or 1961) is established for a farm it shall be presumed that more than the farm marketing quota exemption will be produced on the farm for harvest in 1962.' Notwithstanding any other provision of this subparagraph, any person who has not been a producer on a farm with a wheat acreage for harvest as grain in at least one of the years 1959, 1960, or 1961 in excess of 13.5 acres shall not be eligible to vote in the referendum on wheat marketing quotas for the 1962–63 marketing year."

(Secs. 336, 375, 52 Stat. 55, as amended, 66, as amended, 75 Stat. 294; 7 U.S.C. 1336, 1375)

Effective date. Upon filing with the Director, Office of the Federal Register.

Done at Washington, D.C., this 16th day of August 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–7909; Filed, Aug. 16, 1961; 11:09 a.m.]

[Amdt. 1]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

(1) *Basis and purpose.* This amendment to the above designated regulations (26 F.R. 6411) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to change a reference from § 723.880 to § 723.980 in § 723.977. Since this amendment is issued solely for the purpose of correcting an erroneous reference and is not of a substantive nature, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(2) *The amendment.* Section 723.977 is hereby amended by changing the reference "§ 723.880" appearing therein to "§ 723.980."

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375)

Effective date. August 17, 1961.

Signed at Washington, D.C., on August 14, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7902; Filed, Aug. 16, 1961; 8:51 a.m.]

[Amdt. 1]

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

Subpart—Burley, Flue-Cured, Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

(1) *Basic and purpose.* This amendment to the above designated regulations (26 F.R. 6419) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), to change a reference from § 725.1328 to § 725.1327 in § 725.1312. Since this amendment is issued solely for the purpose of correcting an erroneous reference and is not of a substantive nature, it is hereby found that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary.

(2) *The amendment.* Section 725.1312 is hereby amended by changing the reference "§ 725.1328" to "§ 725.1327" in the first sentence of such section.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375)

Effective date. August 17, 1961.

Signed at Washington, D.C., on August 14, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7901; Filed, Aug. 16, 1961; 8:50 a.m.]

[Amdt. 12]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

REDUCTION OF 1962 ACREAGE ALLOTMENTS

Basis and purpose. The amendment herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing for the reduction of ten per centum in the acreage allotments for the 1962 crop of wheat for old and new farms determined under the regulations in this subpart and on the basis of a national acreage allotment of fifty-five million acres, as required by Public Law 87-128, approved August 8, 1961. Since the Agricultural Adjustment Act of 1938, as amended, requires that, insofar as practicable, farmers be notified of their farm acreage allotments on any crop of wheat prior to the referendum held to determine whether farmers favor marketing quotas on such crop of wheat, and since the referendum on the 1962 crop of wheat will be held on August 24, 1961, it is hereby found that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and this amendment shall become effective upon publication in the FEDERAL REGISTER.

A new § 728.1020a is added to read as follows:

§ 728.1020a Reduction of 1962 acreage allotments.

The acreage allotments for the 1962 crop of wheat determined for old and new farms under the regulations in this subpart shall, as required by law, be reduced by ten per centum.

(Secs. 334, 375, 52 Stat. 53, as amended, 75 Stat. 294; 7 U.S.C. 1334, 1375)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 14, 1961.

ROBERT G. LEWIS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7903; Filed, Aug. 16, 1961; 8:51 a.m.]

[Amdt. 6]

PART 728—WHEAT

Subpart—1962–63 Marketing Year

COUNTY ACREAGE ALLOTMENT FOR 1962 CROP OF WHEAT

Correction

A correction for F.R. Doc. 61-7116 appeared in the issue of Friday, August 11, 1961 (26 F.R. 7261), is amended as follows:

1. In item 2a, "Lincoln County" should read "Leavenworth County".

2. In item 2c, "Bon Homme County" should read "Bennett County".

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Avocado Order 24, Amdt. 3; Avocado Order 25, Amdt. 1]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of avocados.

b. *It is therefore ordered,* That:

I. The provisions of paragraph (b) of § 969.324 (26 F.R. 4928, 5418, 6428) are hereby amended by revising the dates, weights and diameters appearing in Table I which are applicable to the Booth 8 variety so that, after such revision, the portion of such table applicable to such variety shall read as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 8	9-11-61	16 oz. 3 1/16 in.	9-25-61	14 oz. 3 1/16 in.	10-9-61	12 oz. 3 1/16 in.	11-1-61

II. The provisions of paragraph (b) of § 969.325 (26 F.R. 6325) are hereby amended by deleting the date "August 14, 1961" whenever it appears and substituting therefor the date "September 18, 1961," so that, after such amendment, said paragraph (b) shall read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., July 17, 1961, and ending at 12:01 a.m., e.s.t., September 18, 1961, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 Grade.

(2) On and after 12.01 a.m., e.s.t., September 18, 1961, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 Grade.

c. The provisions hereof shall become effective at 12:01 a.m., e.s.t., August 14, 1961.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 11, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7883; Filed, Aug. 16, 1961; 8:49 a.m.]

[Avocado Reg. No. 9, Amdt. 3]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

PART 1067—AVOCADOS

Change of Date

a. Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a)(1) of § 1067.9 (Avocado Regulation No. 9, as amended; 26 F.R. 4929, 5419, 6326) are hereby amended by deleting the date "August 14, 1961" whenever it appears and substituting therefor the date "September 18, 1961" so that, after such amendment, said paragraph (a) shall read as follows:

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited except in accordance with the following terms and conditions:

(1) All avocados imported (i) during the period beginning at 12:01 a.m., e.s.t., July 17, 1961, and ending at 12:01 a.m., e.s.t., September 18, 1961, shall grade not less than U.S. No. 3, and (ii) during the period beginning at 12:01 a.m., e.s.t., September 18, 1961, and ending at 12:01 a.m., e.s.t., April 30, 1962, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported (i) prior to 12:01 a.m., e.s.t., July 17, 1961; and (ii) during the period beginning at 12:01 a.m., e.s.t., July 17, 1961, and ending at 12:01 a.m., e.s.t., August 14, 1961, unless the individual fruit in each lot of such variety weighs at least 18 ounces or measures not less than 3 11/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to 12:01 a.m., e.s.t., August 21, 1961; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 21, 1961, and ending at 12:01 a.m., e.s.t., September 30, 1961, unless the individual fruit in each lot of such variety weighs at least 18 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to 12:01 a.m., e.s.t., August 14, 1961; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 14, 1961, and ending at 12:01 a.m., e.s.t., September 11, 1961, unless the individual fruit in each lot of such variety weighs at least 18 ounces.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp shall not be imported (i) prior to 12:01 a.m. e.s.t., June 26, 1961; and (ii) during the period beginning at 12:01 a.m., e.s.t., June 26, 1961, and ending at 12:01 a.m., e.s.t., July 10, 1961, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) during the period beginning at 12:01 a.m., e.s.t., July 10, 1961, and ending at 12:01 a.m., e.s.t., July 31, 1961, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) during the period beginning at 12:01 a.m., e.s.t., July 31, 1961, and ending at 12:01 a.m., e.s.t., September 25, 1961, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That any lot of such avocados may be imported without regard to such minimum weight requirement if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than the applicable minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(7) Each importation of avocados shall be made in conformance with the General Regulations (7 CFR Part 1060) applicable to the importation of listed commodities and the requirements of this regulation.

b. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Avocado Regulation No. 9, as amended; or (2) as releasing or extinguishing any violation of Avocado Regulation No. 9, as amended, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

c. It is hereby determined, on the basis of the information which is now available, that the requirements set forth in this amendment are comparable to the maturity and quality regulations that are being made applicable, at the effective time hereof, to shipments of avocados grown in south Florida.

d. It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001-1011) in that (1) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (2) revised quality requirements are being imposed on avocados grown in south Florida under Amendment 1 to Avocado Order 25 (§ 969.325; 26 F.R. 6325), issued simultaneously herewith to become effective August 14, 1961; (3) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (4) this amendment relieves restrictions on imports of avocados during the period August 14–September 18, 1961.

Effective time. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., August 14, 1961.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 11, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7884; Filed, Aug. 16, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 759; Amdt. 322]

PART 507—AIRWORTHINESS DIRECTIVES

Cessna 190 and 195 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a repetitive inspection and repair or replacement of the front spar cap and rear spar to fuselage attachment on all Cessna 190 and 195 Series aircraft was published in 26 F.R. 4763.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

One operator who commented questioned the need for repetitive inspections as required by this AD in the light of the results of the one-time inspection required by the initial airworthiness directive, Amendment 155, 25 F.R. 4346. In addition, the same operator also recommended that in lieu of repetitive inspections, a field modification kit be developed and installed to relieve the financial penalties to be imposed on 190–195 owners by this AD.

As to the need for repetitive inspections, subsequent evaluation by the manufacturer and the FAA, have established that repetitive inspections are necessary in the interest of safety to preclude future occurrences of fatigue failures in this model aircraft. Since, as time in service of the aircraft increases, the susceptibility of a given aircraft to fatigue failures increases, and since other factors contribute to such failures, only repetitive inspections offer a degree of assurance that early discovery of fatigue development will be accomplished.

In addition, it has been determined that a field modification kit type of rework is not feasible for the wing structure of this aircraft at the present time. The repetitive inspections prescribed by this AD will permit aircraft operators to realize the safest and most economical utilization of their aircraft while assuring early discovery of possible fatigue failures.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

CESSNA. Applies to all Model 190 and 195 Series aircraft with 4,500 or more hours' time in service.

Compliance required as indicated.

As a result of a fatal accident caused by fatigue failure of the front wing spar fuselage carry through lower cap a special X-ray inspection was required on all aircraft with 4,500 or more hours' time in service by a previous airworthiness directive. It has been determined by subsequent evaluation that this part must be repetitively inspected as follows to insure continuous airworthiness.

(a) Aircraft on which the special inspections specified in Item (c) have not been accomplished must be inspected upon the accumulation of 4,500 hours' time in service, except that aircraft which have accumulated 4,450 or more hours' time in service on the effective date of this AD, must be inspected within the next 50 hours' time in service. These aircraft must be reinspected at intervals not to exceed 2,500 hours' time in service until the aircraft total time in service reaches between 9,000 and 10,000 hours during which time the aircraft must be inspected. Thereafter, the aircraft must be reinspected at intervals not to exceed 1,000 hours' time in service.

(b) Aircraft which have had the special inspections specified in Item (c) accomplished must be reinspected within 2,500 hours' time in service since the special inspection was accomplished. These aircraft must be reinspected at intervals not to exceed 2,500 hours until the aircraft total time in service reaches between 9,000 and 10,000 hours during which time the aircraft must be inspected. Thereafter, the aircraft must be reinspected at intervals not to exceed 1,000 hours' time in service.

(c) (1) Inspect using X-ray method or FAA approved equivalent for cracks in the lower cap of the front spar fuselage carry through member at both left and right side of the fuselage in area of the two most inboard steel rivets.

(2) Remove rear spar to fuselage attachment bolts and visually inspect these bolts using at least a 4-power magnifying glass or equivalent for evidence of wear or partial shear failure.

(3) Inspect the rear spar to fuselage fittings of both the wing structure and carry through structure including the bolt bushings for wear or hole elongation.

(4) Visually inspect the steel plates of the rear spar to fuselage attachment fittings on the wing for cracks, using at least a 4-power magnifying glass or equivalent.

Visual and X-ray inspections must be conducted in accordance with Cessna Service Letter 190/195-1 dated May 13, 1960, or an FAA approved equivalent.

(d) If any of the conditions specified in Item (c) are found, the part must be replaced or an FAA approved repair made prior to further flight. Replaced front spar fuselage carry through members shall be inspected at 4,500, 7,000, 9,500 hours' total time in service for the spar and every 1,000 hours' time in service thereafter.

This supersedes Amendment 155, 25 F.R. 4346, (AD 60-11-2). This amendment shall become effective September 16, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 9, 1961.

GEORGE C. PRILL,
Director, Flight Standards Service.

[F.R. Doc. 61-7772; Filed, Aug. 16, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-31]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration of Federal Airway; Change of Effective Date

On April 1, 1961, there were published in the FEDERAL REGISTER (26 F.R. 2745) amendments to §§ 600.6837 and 600.6885 of the regulations of the Administrator. These amendments, to be effective September 21, 1961, altered VOR Federal airways Nos. 837 and 885 between Providence, R.I., and the intersection of the Providence VOR 043° and the Boston, Mass., VORTAC 133° radials concurrently with the commissioning of a VOR near Whitman, Mass.

The commissioning date of the Whitman VOR has been rescheduled. Therefore, it is necessary to postpone the effective date of the above-mentioned amendments until February 8, 1962.

Since thirty days will elapse from the time of publication of the rule as initially adopted to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), effective immediately, Airspace Docket No. 61-WA-31 is hereby modified as follows: "effective 0001 e.s.t. September 21, 1961" is deleted and "effective 0001 e.s.t. February 8, 1962" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-7859; Filed, Aug. 16, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7472 c.]

PART 13—PROHIBITED TRADE PRACTICES

Bakers Franchise Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* § 13.170-74 *Reducing, non-fattening, low-calorie, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bakers Franchise Corporation et al., New York, N.Y., Docket 7472, July 19, 1961]

In the Matter of Bakers Franchise Corporation, a Corporation, and Irving G. Fox and Harry C. Freedman, Individually and as Officers of Said Corporation

Order requiring a New York City company, engaged in licensing bakers to bake and sell its "Lite Diet Bread", to cease representing falsely in advertisements in newspapers and by means of television and radio broadcasts, that the bread was a low-calorie food and that consumption of it as part of a diet would prevent the consumer from gaining weight; facts being "Lite Diet Bread" had as many calories as ordinary bread but was more thinly sliced and as a consequence each slice contained fewer calories than the conventional larger slice.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Bakers Franchise Corporation, a corporation, and its officers, and Irving G. Fox and Harry C. Freedman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Lite Diet" bread, or any other bread of substantially the same composition, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication:

(a) That said bread is lower in calories than other white bread;

(b) That said bread is less fattening, or is more effective in controlling body weight.

2. Disseminating or causing to be disseminated any advertisement, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in which the words "Lite Diet" or words of similar import or meaning are used as the trade name or designation for respondents' bread.

3. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' product, which advertisement contains any of the representations prohibited in Paragraph 1 hereof or the trade name or designation prohibited in Paragraph 2 hereof.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission, Commissioner Kern dissenting and Commissioner Elman not participating.

Issued: July 19, 1961.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7860; Filed, Aug. 16, 1961; 8:46 a.m.]

[Docket 8128 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

J. A. Morgan Produce, Inc., et al.

Subpart—Discriminating in price under Section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.810 *Buyers' corporate or other agent;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, J. A. Morgan Produce, Inc., et al., Forest Park, Ga., Docket 8128, July 19, 1961]

In the Matter of J. A. Morgan Produce, Inc., a Corporation; Julian A. Morgan, Jr., and Gloria Ann Tynes, Individually and as Officers of Said Corporation; and Julian A. Morgan, Sr., Individually and as an Officer of Said Corporation, and Also Doing Business as Morgan Brokerage Company, a Sole Proprietorship

Consent order requiring a wholesale distributor of citrus fruit and other food products and a brokerage company owned and controlled by its president, to cease violating Section 2(c) of the Clayton Act by receiving and accepting from suppliers, commissions on purchases for such distributor's own account made directly or through said associated broker.

The order to cease and desist is as follows:

It is ordered, That respondents J. A. Morgan Produce, Inc., a corporation, and Julian A. Morgan, Sr., Julian A. Morgan, Jr., and Gloria Ann Tynes, individually and as officers of J. A. Morgan Produce, Inc., and respondents' agents, representatives and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for respondents' own account, or on purchases made through the Morgan Brokerage Company, or any other brokerage organization, where, and so long as, any relationship exists between the brokerage organization and the respondents named herein, either through ownership, control or management.

It is further ordered, That respondent Julian A. Morgan, Sr., individually and doing business as Morgan Brokerage Company, or under any other name, and his agents, representatives, and employees, directly or through any corporate, partnership, sole proprietorship, or other device, in connection with the purchase or sale of citrus fruit or other food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of citrus fruit or other food products for his own account, or for the account of the Morgan Brokerage Company, or for the account of the J. A. Morgan Produce, Inc., so long as any relationship exists between the brokerage organization and the buyer organization, either through ownership, control or management, or where respondent Julian A. Morgan, Sr., or the Morgan Brokerage Company, is the agent, representative or other intermediary acting for or in behalf, or is subject to the direct or indirect control, of any buyer, including the J. A. Morgan Produce, Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision, as amended.

Issued: July 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7861; Filed, Aug. 16, 1961; 8:46 a.m.]

[Docket 8327 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Vibra-King Company of America and Jack H. Taff

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* § 13.170-52 *Medicinal, therapeutic, healthful, etc.;* § 13.170-70 *Preventive or protective;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jack H. Taff doing business as Vibra-King Company of America, Los Angeles, Calif., Docket 8327, July 19, 1961]

In the Matter of Jack H. Taff, an Individual, Doing Business as Vibra-King Company of America

Consent order requiring Los Angeles distributors of an electric hand-operated vibrator with four attachments, sold under the name of "The Vibra-King Actavator", to cease representing falsely in a booklet prepared for and used by its salesmen that the device was a competent means for treating diseases or abnormalities of various parts of the body, overcoming baldness, etc., as in the order below specified.

The order to cease and desist is as follows:

It is ordered, That respondent Jack H. Taff, an individual trading and doing business as Vibra-King Company of America, or under any other trade name, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of an electric hand operated vibrator called, "The Vibra-King Actavator" or any other vibrating or massaging device, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any advertisement which directly or indirectly represents:

(a) That said device is a competent or reliable means for treating diseases or abnormalities of the bones or joints of the body; or that said device will provide any beneficial effect on the bones or joints of the body unless such is a fact.

(b) That said device is a competent or reliable means for treating abnormalities or diseases of the organs or of the respiratory, digestive or other systems of the body; or that said device will effect any improvement in the functioning of the organs or of the respiratory, digestive or other systems of the body unless such is a fact.

(c) That said device is a reliable or competent means of preventing, overcoming or correcting dry scalp, tight scalp, oily skin or dry or wrinkled skin; or that said device will effect any correction or improvement in the condition of the skin or scalp unless such is the fact.

(d) That said device will check thinning hair, prevent or overcome baldness or prevent diseases of the hair or scalp; or that said device will effect any correction or improvement of the hair or scalp unless such is the fact.

2. Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing, directly or indirectly, the purchase, in commerce, as "commerce" is defined in the Federal Trade Commission Act of said device, which advertisements contain the representations prohibited in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 19, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-7862; Filed, Aug. 16, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CHROMIUM (CR III) COMPLEX OF *N*-ETHYL-*N*-HEPTADECYLFLUORO - OCTANE SULFONYL GLYCINE

Correction

In F.R. Doc. 61–7700, appearing at page 7332 of the issue for Saturday, August 12, 1961, the introductory text of § 121.2518 is corrected by adding the word "when" between the words "feed" and "used" which appear in the fifth line.

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

CHILD'S RELATIONSHIP

In § 3.210, paragraph (c) is amended to read as follows:

§ 3.210 Child's relationship.

* * * * *

(c) *Adopted child.* Evidence of relationship will include a certified copy of the final decree of adoption and such other evidence as may be necessary. However, in jurisdictions where petition must be made to the court for release of adoption documents or information, or where release of such documents or information is prohibited, the following may be accepted to establish the fact of adoption:

(1) As to a child adopted into the veteran's family, a certified copy of the child's revised birth certificate.

(2) As to a child adopted out of the veteran's family, a statement over the signature of the judge or the clerk of the court setting forth the child's former name and the date of adoption, or a certified statement by the veteran, his widow, apportionee, or their fiduciaries setting forth the child's former name, date of birth, and the date and fact of adoption together with evidence indicating that the child's original public record of birth has been removed from such records. Where application is made for an apportionment under § 3.458(d) on behalf of a child adopted out of the veteran's family, the evidence must be sufficient to establish the veteran as the natural parent of the child.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 17, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61–7905; Filed, Aug. 16, 1961; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50–202—MINIMUM WAGE DETERMINATIONS

Manifold Business Forms Industry

Miscellaneous exceptions have been filed criticizing the findings and conclusions expressed in the tentative decision determining the prevailing minimum wage in the manifold business forms industry (26 F.R. 5898).

One of these exceptions presents the argument that since the prevailing minimum wage was found to be between the median minimum wage paid by establishments weighted in accordance with the number of persons they employ ($1.34) and the median minimum wage paid by establishments irrespective of size ($1.25), the prevailing minimum should have been found at the midpoint between these two rates ($1.29), it being contended that it has been a long standing practice of the Department to determine prevailing minimum wages in this way. A careful examination of past determinations reveals, however, that this is not so (e.g. See the final determination in the paper and paperboard containers and packaging products industry where the midpoint method was expressly rejected (26 F.R. 7)). Rather, it clearly appears that past practice has been to base determinations upon statistical evaluations and comparisons of each wage rate between the two medians. Such an examination has served as the basis for the tentative determination in this industry, and I hereby make final my tentative decision in regard to this matter.

The other exceptions which relate to issues of fact and law presented by the record have already been considered in the tentative decision. Each such exception has been carefully considered. None of them appear to warrant further discussion here. Each is overruled. Each finding and conclusion, together with the reason and basis therefor, which is expressed in the tentative decision is hereby made final.

The rules of practice (41 CFR 50–203.32), patterned after section 4(c) of the Administrative Procedure Act, require a thirty-day delay in the effective date, except "upon good cause shown and published" with the rule. A "reasonable time to prepare for the effective date * * * or to take any other action which the issuance of the rules may prompt" was given as the congressional purpose underlying this provision for delay (Sen. Rep. 752, 79th Cong., 1st sess., p. 15; H.R. Rep. 7980, 79th Cong., 2d sess., p. 25; Sen. Doc. No. 248, 79th Cong., 2d sess., pp. 201, 259). Lack of need by those affected for this "time to conform their conduct so as to avoid the legal consequences of violation" is cited as reason for exception (Attorney General's Manual on the Administrative Procedure Act, 1945, p. 37).

The most the present rule may require is an increase of wages to be paid by certain contractors. It has been customary to require this only for work on contracts, bids for which are solicited or negotiations otherwise commenced on or after the effective date. Under such provision the wage determination has no effect even after its technical effective date as to work on contracts then outstanding or even as to work on contracts yet to be awarded pursuant to invitations or negotiations then outstanding. This provision alone gives those affected "reasonable time to prepare". They do not need more "time to conform their conduct so as to avoid the legal consequences of violation." Additonal delay of an effective date which already has such built-in provisions carefully tailored to effect the same purpose serves only to delay proceedings which should be expedited if they are to give effect to the currency implicit in the concept of a "prevailing minimum wages."

For these reasons I find good cause to, and do, depart from the arbitrary provision of thirty-days delay, while continuing to provide that the determination shall apply only to contracts for which bids are subsequently invited or for which negotiations are subsequently commenced. Also I am postponing the effective date of the determination until seven days after its publication in the FEDERAL REGISTER to give notice to potential bidders or negotiators on contracts which will be covered by this determination.

Accordingly, upon the findings and conclusions stated herein, pursuant to authority under the Walsh-Healey Public Contracts Act (41 U.S.C. 35), and in accordance with the Administrative Procedure Act (5 U.S.C. 1001), Title 41 of the Code of Federal Regulations, Part 50–202, is hereby amended by revising § 50–202.29 to read as set forth below.

§ 50–202.29 Manifold business forms industry.

(a) *Definition.* The manifold business forms industry is defined as that industry which includes the manufacture, including the designing or printing, of business forms in single and multiple sets, whether carbonized or interleaved with carbon or otherwise processed for multiple reproduction, including but not limited to, printed autographic register forms, continuous forms, fanfold forms, flatfold forms, sales books, strip forms, and unit sets.

(b) *Minimum wage.* The minimum wage for persons employed in the manufacture or furnishing of the products of the manifold business forms industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.39 an hour arrived at either on a time or piece-rate basis.

(c) *Affect on other obligations.* Nothing in this section shall affect any other obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(d) *Effective date.* This section shall be effective and the minimum wage established herein shall apply as to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after August 24, 1961.

(Secs. 1, 4, 49 Stat. 2036, as amended, 2038; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7894; Filed, Aug. 16, 1961; 8:50 a.m.]

PART 50–202—MINIMUM WAGE DETERMINATIONS

Paper and Pulp Industry

Exceptions have been filed to the tentative decision in the redetermination of prevailing minimum wages for the paper and pulp industry published in the FEDERAL REGISTER on June 23, 1961 (26 F.R. 5626).

The National Paperboard Association asserts that the tentative decision does not give adequate consideration to certain arguments advanced by it to the effect that there are no longer any "sweatshops" or oppressive working conditions in the industry; that any minimum wage redetermination would be de minimis because of the relatively small portion of the product of the industry used under Government contracts; that no correlation has been shown between the establishments paying low minimum wages and those bidding successfully for Government contracts; that the relatively high-wage paying establishments did not request any redetermination; and that there is a high percentage of unionization in the industry. These and related arguments do not run to the issues notice for rehearing upon which the tentative decision was based. Rather, they relate to the question of whether any minimum wage redetermination should be made. They ignore the fact that there is presently a wage determination in effect for this industry (41 CFR 50–202.33), and the minimum wage it treats as prevalent is about twenty cents below even the lowest one proposed by the Association.

The need for a redetermination is clear. Moreover, nothing in the terms of the Act or its legislative history purports to exempt industries upon the basis of wages paid in them. Minimum wage determinations may be particularly appropriate for so-called high-wage industries. Tires and Related Products Industry: tentative decision (Oct. 28, 1959, 24 F.R. 8741). Also, the Act contemplates that all five of its representations and stipulations, including the one requiring the payment of prevailing minimum wages, be made a part of each contract to which the Act applies, subject only to the exception provided in section 12 for contracts relating to any industry which has not been subject to a wage determination, as distinguished from a redetermination. Cf. Scientific, Industrial and Laboratory Instruments Industry: tentative decision (May 28, 1957, 22 F.R. 3729).

The National Paperboard Association and the American Paper and Pulp Association filed several exceptions which in substance allege that the reasons assigned in the tentative decision for rejecting the statistical method advanced by the American Paper and Pulp Association's expert witness for determining the prevailing minimum wages lack cogency. I find these exceptions to be without merit. The testimony of the expert witness in question, demonstrates clearly that his method goes beyond the standard of the statute, which merely requires that the Secretary of Labor find prevailing minimum wages. It does not require him to make any preliminary findings regarding the existence of "sweatshops" in a given industry, or account for the existence of any by means of statistical techniques. The method he proposes is of little or no assistance in satisfying the requirements of the statutory standard. Its application does not produce a minimum wage which is predominant or best representative of those paid in the industry.

An exception of the National Paperboard Association states that its proposed "wage cluster" method was given inadequate consideration in the tentative decision, which indicated that the method was not followed because of the presence of more relevant evidence. I regard this reason to be ample for not following the proposal. For a full discussion on this point, see Paper and Paperboard Containers and Packaging Products Industry: tentative decision (Oct. 15, 1960, 25 F.R. 9903).

There were a number of exceptions to the statistical method used in the tentative decision following the rehearing, which was that employed in the previous tentative decision (March 13, 1959, 24 F.R. 1841). However, there is abundant precedent for the use of that method, and a more appropriate method has not been proposed in this proceeding.

Exceptions filed by the National Paperboard Association, J and J Rogers Company, and Case and Risley Press Paper, Inc., are concerned with the effect of the employment of this method upon small establishments. In connection with these exceptions it is appropriate to note that the statute requires that I determine "the prevailing minimum wages for persons employed in * * * the particular" industry. As a consequence, the minimum wage practices of large plants contributing most to the employment in the industry have necessarily greater weight than small plants in establishing the pay practices which rightly may be described as prevalent in an industry. Soap and related products industry: tentative decision (July 15, 1958, 23 F.R. 5354). Nevertheless, the minimum wage practices of all plants, regardless of size, were here given weight in the determination of prevailing minimum wages.

Case and Risley Press Paper, Inc., excepted on the ground that its proposal to have an additional BLS survey to gather more expansive information has not been followed. The record already contains reliable, probative, and substantial evidence relating to the issues involved, and further evidence is not necessary for the making of this redetermination. Moreover, it should be observed that the questionnaire for the BLS survey in evidence (Government Exhibit 5) was prepared only after consultation with the representatives of both labor and management at a prehearing panel meeting as provided in 41 CFR 50–203.16.

The American Wood Board Company proposes that non-integrated specialty paper mills be included in the rag paper and pulp branch even though the products manufactured by such mills come within the primary paper branch. The record will not support this proposal.

Each of the exceptions is overruled for the reasons indicated above. To the extent that the exceptions are repetitious of earlier proposals they are also overruled by the reasons expressed in the tentative decision. The findings and conclusions expressed in that decision are hereby made final.

The rules of practice (41 CFR 50–203.32), patterned after section 4(c) of the Administrative Procedure Act, require a thirty-day delay in the effective date, except "upon good cause shown and published" with the rule. A "reasonable time to prepare for the effective date * * * or to take any other action which the issuance of the rules may prompt" was given as the congressional purpose underlying this provision for delay (Sen. Rep. 752, 79th Cong., 1st sess, p. 15; H.R. Rep. 7980, 79th Cong. 2nd sess. p. 25; Sen. Doc. No. 248, 79th Cong. 2nd sess. pp. 201, 259). Lack of need by those affected for this "time to conform their conduct so as to avoid the legal consequences of violation" is cited as reason for exception (Attorney General's Manual on the Administrative Procedure Act, 1945, p. 37).

The most the present rule may require is an increase of wages to be paid by certain contractors. It has been customary to require this only for work on contracts, bids for which are solicited or negotiations otherwise commenced on or after the effective date. Under such provision the wage determination has no effect even after its technical effective date as to work on contracts then outstanding or even as to work on contracts yet to be awarded pursuant to invitations or negotiations then outstanding. This provision alone gives those affected "reasonable time to prepare". They do not need "time to conform their conduct so as to avoid the legal consequences of violation." Additional delay of an effective date which already has such built-in provisions carefully tailored to effect the same purpose serves only to delay proceedings which should be expedited if they are to give effect to the currency implicit in the concept of "prevailing minimum wages".

For these reasons I find good cause to, and do, depart from the arbitrary provision of thirty-days delay while continuing to provide that the determination shall apply only to contracts for which bids are subsequently invited or for which negotiations are subsequently

commenced. Also I am postponing the effective date of the determination until seven days after its publication in the FEDERAL REGISTER to give notice to potential bidders or negotiators on contracts which will be covered by this determination.

Accordingly, pursuant to the Walsh-Healey Public Contracts Act (secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38), 41 CFR 50–203.33 is hereby amended to read as follows:

§ 50–202.33 Paper and pulp industry.

(a) *Definition.* The paper and pulp industry includes the activities described in the following branches thereof, but does not include the manufacture or furnishing of paper boxes and containers; paper bags; fiber cans, tubes, and drums; stationery and envelopes; and related products.

(1) *Primary paper and pulp branch.* The branch includes that part of the industry which manufactures or furnishes pulp from wood or from other materials such as waste paper, linters, and straw (except rags, cotton waste, cotton, and flax); paper from wood pulp and other fibers (except paper containing 25 percent or more pulp made from rags, cotton waste, linters, cotton, flax, or a combination of these fibers); paperboard from wood pulp and other fibers; and coated book paper.

(2) *Rag paper and pulp branch.* The branch includes that part of the industry which manufactures or furnishes pulp from rags, cotton waste, cotton, and flax; and paper containing 25 percent or more pulp made from rags, cotton waste, linters, cotton, flax, or a combination of these fibers.

(3) *Converted sanitary paper products branch.* The branch includes that part of the industry which manufactures or furnishes converted sanitary paper products such as facial tissue, toilet paper, paper napkins, and paper towels.

(4) *Building paper and building board branch.* The branch includes that part of the industry which manufactures or furnishes building paper and building board from wood pulp or other fibrous materials.

(b) *Minimum wages.* (1) The minimum wage for persons employed in the manufacture or furnishing of products in the primary paper and pulp branch of the paper and pulp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.75 per hour arrived at either on a time or piece-rate basis.

(2) The minimum wage for persons employed in the manufacture or furnishing of products in the rag paper and pulp branch of the paper and pulp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.54 per hour arrived at either on a time or piece-rate basis.

(3) The minimum wage for persons employed in the manufacture or furnishing of products in the converted sanitary paper products branch of the paper and pulp industry shall be $1.55 per hour arrived at either on a time or piece-rate basis.

(4) The minimum wage for persons employed in the manufacture or furnishing of products in the building paper and building board branch of the paper and pulp industry shall be $1.64 per hour arrived at either on a time or piece-rate basis.

(c) *Affect upon other obligations.* Nothing in this section shall affect any obligation under any other law or agreement for the payment of minimum wages higher than those specified herein.

(d) *Effective date.* This section shall be effective and the minimum wages established herein shall apply as to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after August 24, 1961.

(Secs. 1, 4, 49 Stat. 2036, 2038, as amended; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7895; Filed, Aug. 16, 1961; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2458]

[Arizona 028146]

ARIZONA

Reserving Lands Within Coconino National Forest for Use of Forest Service for Protection of Watersheds

By virtue of the authority vested in the President, by the Act of May 28, 1940 (54 Stat. 224; 16 U.S.C. 552a), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in the Coconino National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved for use of the Forest Service for protection of municipal water supplies.

GILA AND SALT RIVER MERIDIAN

T. 22 N., R. 7 E.,
Sec. 1, SW¼SW¼;
Sec. 2, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼, and W½NE¼SE¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½;
Sec. 4, N½ (Unsurveyed), SE¼, and E½SW¼;
Sec. 5, lots 1, 2, and SE¼NE¼;
Sec. 9, E½, and E½W½;
Secs. 10 and 11;
Sec. 12, W½W½, and W½W½E½W½;
Sec. 13, NW¼NW¼;
Sec. 14, N½NE¼, W½SW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 15;
Sec. 16, E½, and E½W½;
Sec. 21, E½, E½NW¼, and SW¼;
Sec. 22;
Sec. 23, W½, and SE¼;
Sec. 26, lot 1;
Sec. 27, W½, and NW¼SE¼;
Sec. 28;
Sec. 29, E½E½E½;
Sec. 33, N½, N½SW¼, and NW¼SE¼;
Sec. 34, N½, N½SW¼, and NW¼SE¼.
T. 23 N., R. 7 E.,
Sec. 20, NE¼NE¼, S½NE¼, SE¼, SE¼SW¼, and E½SW¼SW¼;
Sec. 21, SE¼, W½, S½NE¼, and NW¼NE¼;
Sec. 22, lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, and W½NE¼;
Sec. 26, S½NW¼, SW¼, and S½SW¼SE¼;
Sec. 27, lots 1, 2, 3, 4, W½E½, and W½;
Sec. 28;
Sec. 29, E½, E½W½, and SW¼SW¼;
Sec. 32, lots 1, 2, 3, NE¼, N½SE¼, NW¼, and NE¼SW¼;
Sec. 33, lots 1, 2, 3, 4, N½, and N½S½;
Sec. 34, lots 1, 2, 3, 4, 5, 6, 7, E½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 35, lots 3, 4, 5, 6, 7, N½, N½SW¼, and NW¼SE¼;
Sec. 36, S½SW¼SW¼NW¼, and NW¼NW¼SW¼.

The areas described total in the aggregate 15,094.92 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 10, 1961.

[F.R. Doc. 61–7874; Filed, Aug. 16, 1961; 8:47 a.m.]

[Public Land Order 2459]

[Montana 037720]

MONTANA

Withdrawing Lands in Gallatin National Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to existing valid rights, the following described lands in the Gallatin National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604) as amended, and reserved for use of the Forest Service as follows:

PRINCIPAL MERIDIAN MONTANA

GALLATIN NATIONAL FOREST

Potomageton Park Campground

T. 10 S., R. 3 E., Unsurveyed but when surveyed probably will be:
Sec. 33, NW¼NE¼.
Totaling 40 acres.

Landslide Area

T. 11 S., R. 2 E.,
Sec. 35, lots 1, 2, 3, 4, 5, 6, 7, 8, N½S½;
Sec. 36, lots 5, 6, 7, 8, 9, 10, 11, 12, NW¼SW¼ and SE¼SE¼.
T. 12 S., R. 2 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½.
Totaling 900.56 acres.

West Fork Beaver Creek Campground

T. 11 S., R. 3 E.,
Sec. 4, S½NE¼ and N½SE¼.
Totaling 160 acres.

Red Canyon Campground and Fault Area

T. 11 S., R. 4 E.,
Sec. 26.
Totaling 640 acres.

Cabin Creek-Hebgen Lake Faults and Beaver Creek Campground Administrative and Public Service Area

T. 11 S., R. 3 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, lots 1, 2, 3, 4, 5, N½S½ and SW¼SW¼;
Sec. 20, SE¼;
Sec. 21;
Sec. 22, lots 1, 3, 4, 5, 6, 8, 9, 10, 11, SW¼SW¼;
Sec. 23, lots 1, 3, 4, 7, NE¼, E½SE¼, NW¼SE¼ and NE¼NW¼;
Sec. 24;
Sec. 25, lots 1, 2, 3, 4, 5, 7, N½N½;
Sec. 26, lots 1 and 2;
Sec. 27, lot 3;
Sec. 28, lots 1, 3, 5, 6;
Sec. 29, lots 1, 4, 7, NE¼NE¼.
Totaling 3,664.88 acres.

The areas described total in the aggregate 5,405.44 acres.

2. This order shall take precedence over but not otherwise affect the existing reservation of the lands for natural forest purposes.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 10, 1961.

[F.R. Doc. 61–7875; Filed, Aug. 16, 1961; 8:48 a.m.]

[Public Land Order 2460]

CALIFORNIA

Establishing Certain National Cooperative Land and Wildlife Management Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the hereinafter-described public lands in California are hereby withdrawn from application under the nonmineral public land laws and from disposition under the homestead, desert land and scrip selection laws, and designated as National Cooperative Land and Wildlife Management Areas, as indicated, to be managed by the Bureau of Land Management for the development, conservation, utilization, and maintenance of their natural resources, including their recreational and wildlife resources:

1. McCain Valley National Cooperative Land and Wildlife Management Area.

[Los Angeles 0135993]

SAN BERNARDINO MERIDIAN

T. 15 S., R. 6 E.,
Sec. 13, W½;
Secs. 14 and 15;
Sec. 22;
Sec. 23, NE¼ and W½;
Sec. 26, W½;
Sec. 27;
Sec. 33, NE¼SW¼, S½SW¼, and SE¼;
Secs. 34 and 35.
T. 16 S., R. 6 E.,
Sec. 2, N½NE¼, SW¼NE¼, W½, and W½SE¼;
Secs. 3 and 4;
Secs. 9 and 10;
Sec. 11, S½NE¼, W½, and SE¼;
Sec. 12, E½S½NW¼, and SW¼;
Secs. 13 and 14;
Sec. 15, W½NE¼, W½, and S½SE¼;
Sec. 21;
Sec. 28, NE¼, E½NW¼, lots 1 and 2, and N½SE¼.
T. 15 S., R. 7 E.,
Secs. 31 to 35, inclusive.
T. 16 S., R. 7 E.,
Secs. 2 to 5, inclusive;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, NE¼NE¼;
Secs. 8 to 11, inclusive;
Secs. 14 and 15;
Sec. 17;
Sec. 18, lots 2, 3, and 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, lots 1, 2, and 4, N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, SE¼SW¼, NW¼SW¼, and S½SE¼;
Sec. 21, N½, E½SW¼, and SE¼;
Secs. 22 and 23;
Sec. 26, NE¼, NE¼NW¼, W½W½, N½SE¼, and SE¼SE¼;
Sec. 29, E½, NE¼NW¼, S½NW¼, and NE¼SW¼;
Sec. 30, lot 1, NW¼NE¼, and E½NW¼;
Sec. 32, E½ and E½W½;
Sec. 33, E½NE¼, W½, and NE¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35.
T. 17 S., R. 7 E.,
Sec. 1;
Sec. 2, all except N½NW¼;
Sec. 3;
Sec. 4, NE¼NE¼, W½E½, and W½;
Sec. 5, E½ and E½W½;
Sec. 8, E½NW¼;
Sec. 9, W½NE¼ and NW¼SE¼;
Secs. 10 to 14, inclusive;
Sec. 15, NE¼, N½NW¼, and SE¼NW¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 24;
Sec. 26, N½N½.

The areas described aggregate 38,692 acres.

2. Panoche National Cooperative Land and Wildlife Management Area.

[Sacramento 051359]

MOUNT DIABLO MERIDIAN

T. 16 S., R. 10 E.,
Sec. 1, lots 7, 8, and 9;
Sec. 12, lots 1, 2, 3, 6 to 11, inclusive, 14, 15, and 16;
Sec. 13, lots 1, 2, and 3, NW¼NE¼.
T. 14 S., R. 11 E.,
Secs. 2 and 3;
Sec. 4, lots 1, 2, 3, W½ of lot 7, and lot 8, and S½;
Sec. 5;
Sec. 6, lots 1, E½ of lot 2, lots 3, 4, 5, 9, 12, 13, 16, and 17, SE¼;
Sec. 7, lots 3, 4, 5, S½ of lot 6, lot 8, and E½;
Secs. 8 to 11, inclusive;
Secs. 14 and 15;
Secs. 17 and 18;
Sec. 19, lots 1, N½ of lot 6, lot 7, NE¼, and E½SE¼;
Secs. 20 to 23, inclusive;
Secs. 26 to 28, inclusive;
Sec. 29, N½NE¼ and SE¼SE¼;
Sec. 30, E½NE¼;
Sec. 31, lots 5 to 8, inclusive; and E½;
Sec. 32, E½NE¼, W½, and SE¼;
Secs. 33 to 35, inclusive.
T. 15 S., R. 11 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1 to 4, inclusive, 11 and 12, S½NE¼, and SE¼;
Sec. 7, lots N½ of lot 6, 7, and NE¼;
Sec. 8, N½NE¼, SW¼NE¼, and N½NW¼;
Sec. 9, N½;
Secs. 10 and 11;
Sec. 12, N½NE¼, SW¼NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 13, N½, N½SW¼, and N½SE¼;
Sec. 14, N½, N½SW¼, and N½SE¼;
Sec. 15, N½, and SE¼;
Sec. 22, N½NE¼ and SW¼NE¼.
T. 16 S., R. 11 E.,
Sec. 5, SE¼SW¼;
Sec. 6, lots 8, S½ of lot 9, 12, and S½SE¼;
Sec. 7;
Sec. 8, W½NE¼ and NW¼, S½;
Sec. 9, S½SW¼ and S½SE¼;
Sec. 10, SE¼;
Sec. 11, SW¼ and W½SE¼;
Sec. 13, W½NE¼, W½, and W½SE¼;
Secs. 14 and 15;
Sec. 17, N½, N½SW¼, and SE¼;
Sec. 18, lots 1, 2, 3, N½ of lot 5, lots 6 and 7, N½ of lot 8, NE¼, and N½SE¼;
Sec. 21, NE¼ and N½NW¼;
Sec. 22, N½, N½SW¼, and SE¼;
Sec. 23, N½, N½SW¼, and N½SE¼;
Sec. 24, N½, N½SW¼, and SE¼.
T. 15 S., R. 12 E.,
Sec. 32, E½NE¼, SE¼SW¼, and SE¼;
Sec. 33, N½, NE¼SW¼, SW¼SW¼, and SE¼;
Sec. 34, NW¼;
Sec. 35, lots 11 to 14, inclusive.
T. 16 S., R. 12 E.,
Sec. 1, SW¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 2, lots 3 and 4, SE¼SE¼NE¼, S½NW¼, and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, and SW¼;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 5;
Sec. 6, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 7;
Sec. 8, NE¼, W½NW¼, W½SW¼, W½SE¼, and NE¼SE¼;
Sec. 9, NW¼NE¼, SE¼NE¼, NW¼, S½SW¼, NW¼SW¼, and SE¼;
Sec. 10;
Sec. 11, N½SW¼;
Sec. 12, N½, NE¼SW¼, and SE¼;
Sec. 13, E½, E½NW¼, SW¼NW¼, and SW¼;
Sec. 14, SE¼NE¼ and SW¼;
Sec. 15, E½NE¼, and S½NW¼, and S½;
Sec. 17;
Sec. 18;
Sec. 19, lots 1, 3, and 4, NE¼, and SW¼SE¼;
Sec. 20;
Sec. 21;
Sec. 22, N½NE¼, NW¼NW¼, and SE¼SE¼;
Sec. 23, N½NW¼, SE¼NW¼, and SW¼SW¼;
Sec. 24, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 26;
Sec. 27, NE¼NE¼, W½NE¼, W½, and W½SE¼;
Sec. 28;
Sec. 29, E½, E½NW¼, and NW¼NW¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34;
Sec. 35, W½SW¼.
T. 17 S., R. 12 E.,
Sec. 3, lots 3, 4, and 5;
Sec. 4, lots 1, 2, 3, 5, 6, 7, and 10.

The areas described aggregate 50,248.15 acres.

3. New Idria National Cooperative Land and Wildlife Management Area.

[Sacramento 052956]

MOUNT DIABLO MERIDIAN

T. 17 S., R. 11 E.,
Sec. 25;
Sec. 26, lots 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 15, 16, 19, and 20;
Sec. 33, lots 9, 10, 11, 13, 14, 15, and 16;
Sec. 34, lots 13 and 16;
Sec. 35, lots 1, 2, 3, 6, 9, 10, 11, 12, 13, 14, 15, and 16;
Sec. 36, lots 10 to 16, inclusive.
T. 17 S., R. 12 E.,
Sec. 13, W½SW¼;
Sec. 14, E½NE¼, S½SW¼, and SE¼;
Sec. 15, SE¼SE¼;
Sec. 19, lots 1, 9, 10, 11, 12, 19, and 20;
Sec. 20, lots 11 to 15, inclusive;
Sec. 21, lots 9, 10, 15, and 16;
Sec. 22, E½E½, SW¼, and SW¼SE¼;
Secs. 23 and 24;
Sec. 25, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 26, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 27;
Sec. 28, E½, E½NW¼, and S½SW¼;
Secs. 29 and 31;
Sec. 32, lots 5, 11, 12, 13, 14, 16;
Sec. 33, E½NE¼, NW¼NE¼, NE¼NW¼, NE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 34, N½N½, SW¼NW¼, and SE¼SE¼;
Sec. 35, E½NE¼, SW¼NE¼, SE¼NW¼, NW¼NW¼, W½SW¼, and SE¼SE¼.
T. 18 S., R. 11 E.,
Sec. 1;
Sec. 2, lots 1 to 9, inclusive, SE¼NE¼, SW¼NW¼, NW¼SW¼, and N½SE¼;
Sec. 3, lots 1, 2, 4, S½NE¼, S½NW¼, and S½;
Sec. 4;
Sec. 5, S½NE¼ and E½SE¼;
Sec. 9, E½, NE¼NW¼, and E½SW¼;
Sec. 10;
Sec. 11, lots 1 to 4, inclusive, SW¼NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 12, lots 1 to 5, inclusive, E½, NE¼SW¼, and S½SW¼;
Sec. 13, lots 1 to 5, inclusive, NW¼NW¼, S½NW¼, and S½;
Sec. 14;
Sec. 15, N½N½, SE¼NE¼; SW¼NW¼, S½SW¼, and SE¼;
Sec. 23, NE¼, N½NW¼, and SE¼NW¼;
Sec. 24, N½SE¼ and SE¼SE¼;
Sec. 25, NE¼NE¼.
T. 18 S., R. 12 E.,
Sec. 1, lots 10, 11, S½SW¼, and SW¼SE¼;
Sec. 2, lots 3 to 6, incl., and S½SE¼;
Sec. 3, lots 3 to 7, incl., SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and E½SE¼;
Sec. 4, lots 1 to 17, incl., SW¼NW¼, SW¼, and S½SE¼;
Secs. 5, 6, and 7;
Sec. 8, lots 1, 2, 4, 5, 7, 8, 9, 11, 12, W½SW¼, and SE¼SW¼;
Secs. 9, 10, 11, and 12;
Sec. 13, lots 1 to 6, incl., lot 8, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Secs. 14 and 15;
Sec. 17, lots 1, 2, NE¼, N½NW¼, SW¼NW¼, and E½SE¼;
Sec. 18, lots 1 to 14, incl., and N½NE¼;
Sec. 19, lots 1 to 6, incl., S½NE¼, E½W½, SE¼, less Mineral Survey #5191;
Sec. 20, SW¼, S½NW¼, Less Mineral Survey #5191;
Sec. 21, NE¼;
Sec. 22, E½NE¼, SW¼NE¼, W½, and SE¼;
Secs. 23 and 24;
Sec. 25, lots 1, 3, 4, 5, 6, 8, 9, 11, 14, W½, W½SE¼;
Sec. 27, S½;
Sec. 28, SE¼NW¼, SE¼SW¼, and SE¼;
Sec. 29, NE¼, N½NW¼, and SE¼NW¼;
Sec. 30, lots 1 to 4, incl., NE¼NE¼, W½E½, and E½W½;
Sec. 31, N½NW¼ and NW¼NE¼;
Sec. 32, SE¼SW¼ and S½SE¼;
Sec. 33, lots 1 to 8, incl.;
Sec. 34;
Sec. 35, lots 1 to 8, incl.
T. 18 S., R. 13 E.,
Sec. 4, SE¼;
Sec. 5, SW¼;
Sec. 6, lot 5, E½SE¼;
Secs. 7 and 8;
Sec. 10;
Sec. 12, S½N½ and S½;
Secs. 14, 17, 18, 19, and 20;
Sec. 21, SW¼NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 22, N½N½, SE¼NE¼, SW¼NW¼, SW¼, and SW¼SE¼;
Sec. 24, N½;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 27, SW¼NW¼ and W½SW¼;
Secs. 28, 29, 30, 31, 32, and 33;
Sec. 34, N½.
T. 18 S., R. 14 E.,
Secs. 18 and 20;
Sec. 22, SW¼;
Sec. 26, SW¼NW¼ and SW¼;
Sec. 28;
Sec. 30, NE¼;
Sec. 32, NE¼, N½NW¼, SW¼NW¼, and N½S½;
Sec. 34.
T. 19 S., R. 12 E.,
Sec. 1, lots 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 2, lots 1 to 4, incl., SW¼NW¼, NW¼SW¼, and SE¼SE¼;
Secs. 3 and 4;
Sec. 5, SE¼NE¼, NE¼SE¼, and W½SE¼;
Sec. 9, SE¼SE¼;
Sec. 10, N½NE¼, SE¼NE¼, SW¼, and NE¼SE¼;
Sec. 11, E½NE¼;
Sec. 12, W½E½, W½, and SE¼SE¼;
Sec. 13, E½NE¼, NW¼NE¼, and NE¼NW¼;
Sec. 15, N½N½ and SW¼SW¼;
Sec. 21, S½N½ and S½;
Sec. 22, W½NE¼, NW¼, and S½;
Sec. 23, SW¼;
Sec. 25, NW¼NW¼;
Sec. 26, N½;
Sec. 27, N½N½;
Sec. 28, N½, E½SW¼, and SE¼;
Sec. 29, S½NE¼;
Sec. 33, N½NE¼, SW¼NE¼, and E½NW¼.
T. 19 S., R. 13 E.,
Sec. 2, lot 4, SW¼NW¼, and W½SW¼;
Secs. 3, 4, and 5;
Sec. 6, lots 1 and 2, S½NE¼, and NE¼SE¼;
Sec. 7, SE¼SE¼;
Sec. 8;
Sec. 9, NW¼NE¼, S½NE¼, NW¼, and S½;
Secs. 10, 11, and 12;
Sec. 13, W½SE¼;
Sec. 14, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 15;
Sec. 17, N½ and NE¼SE¼;
Sec. 18, NE¼;
Sec. 21, NE¼ and SE¼NW¼;
Sec. 23, N½NE¼, SE¼NE¼, and NE¼NW¼;
Sec. 24, NE¼ and NE¼SE¼.
T. 19 S., R. 14 E.,
Secs. 2, 4, 6, 10, and 14;
Sec. 18, SE¼NW¼ and E½;
Sec. 19, lot 13.

The areas described aggregate 62,779.06 acres.

4. Temblor National Cooperative Land and Wildlife Management Area.

[Sacramento 052887]

[Los Angeles 0146498]

MOUNT DIABLO MERIDIAN

T. 30 S., R. 20 E.,
Sec. 25, E½.
T. 30 S., R. 21 E.,
Sec. 19, lots 17 and 18;
Sec. 30, lots 3, 4, 7, 8, 9, 10, 11, 12, and SE¼SW¼;
Sec. 31, lots 1 to 12, incl., E½W½, and SE¼;
Sec. 32, SW¼NE¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 33, SE¼SW¼ and SW¼SE¼.
T. 31 S., R. 21 E.,
Sec. 3, lot 4, S½NW¼, W½SW¼, and SE¼SW¼;
Sec. 4, lots 1, 2, 4, S½NE¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 5;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 7, lot 4, NE¼, and SE¼SW¼;
Secs. 8 and 9;
Sec. 10, E½NE¼, NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 11, E½NW¼, and SW¼NW¼;
Sec. 14, E½SE¼;
Sec. 15, N½NE¼, SE¼NE¼, SW¼NW¼, and SW¼;
Sec. 17, N½ and SW¼;
Sec. 18, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 21, E½;
Sec. 22, NE¼ and SW¼;
Sec. 23, W½NW¼, SE¼NW¼, SW¼, and NW¼SE¼, and S½SE¼;
Sec. 25, NW¼ and S½;
Sec. 26;
Sec. 27, E½;
Sec. 35, N½.
T. 31 S., R. 22 E.,
Sec. 20, W½ and SE¼;
Sec. 27, W½;
Sec. 28, W½;
Sec. 29;
Sec. 30, lots 6, 7, 8, and S½NE¼;
Sec. 31, 32, 33;
Sec. 34, lots 1 to 8, incl.
T. 32 S., R. 22 E.,
Sec. 2, lots 6 to 10, incl., and S½;
Secs. 3, 4, 5;
Sec. 6, lots 1 to 5, incl., lots 7 to 10, incl., N½ of lot 15, lots 16, 17, and NE¼SE¼;
Sec. 7, lot 1, S½ of lot 2, lots 6 to 9, incl., W½NE¼, SE¼NE¼, and SE¼;
Secs. 8 to 15, incl.;
Secs. 17 and 18;
Sec. 19, lots 1 to 6, incl., NE¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 20, E½NE¼ and W½;
Sec. 21, N½;
Sec. 22, NE¼ and N½SE¼;
Secs. 23 to 26, incl.;
Sec. 27, S½NE¼, NE¼NW¼, and S½;
Sec. 28, NW¼NE¼, S½N½, and S½;
Sec. 29, N½N½, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 33, N½ and N½SE¼;
Sec. 34;
Sec. 35, W½.
T. 32 S., R. 23 E.,
Sec. 18, lots 1 to 8, incl.;
Sec. 19;
Sec. 20, W½ and SE¼;
Secs. 26 to 33, incl.;
Sec. 34, lots 1 to 8, incl., and NW¼;
Sec. 35, lots 1 to 8, incl.

SAN BERNARDINO MERIDIAN

T. 11 N., R. 23 W.,
Sec. 19, S½ of lot 1, S½ of lot 2, and S½SE¼;
Sec. 30, lots 1, 2, and NW¼NE¼.

T. 11 N., R. 24 W.,
Sec. 3, S½;
Secs. 4 to 9, incl.;
Sec. 10, W½;
Sec. 13, SW¼SW¼;
Sec. 14, SW¼, W½SE¼, and SE¼SE¼;
Sec. 15, SW¼NE¼ and NW¼;
Sec. 17;
Sec. 18, lot 1, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 19, E½NE¼ and NE¼SE¼;
Sec. 20, N½, N½SW¼, and SE¼;
Sec. 21, W½NE¼, NW¼, and N½SW¼;
Sec. 22, SE¼SW¼, NE¼SE¼, and SW¼SE¼;
Sec. 23, N½N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 24, N½NE¼, NW¼NW¼, and S½;
Sec. 25;
Sec. 26, NE¼NE¼, S½NE¼, S½SW¼, W½SE¼, and NE¼SE¼;
Sec. 27, W½NE¼, NE¼NW¼, SW¼NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 28, SE¼NE¼, SE¼NW¼, NE¼SW¼, and NE¼SE¼.
T. 11 N., R. 25 W.,
Secs. 1 and 2;
Sec. 3, lots 1 to 4, incl., S½N½, N½S½, and SE¼SE¼;
Sec. 4, lots 1, 2, 4, and SW¼NW¼;
Sec. 5, lots 1 to 4, incl., SW¼NW¼, and W½SW¼;
Sec. 6, lots 1 to 5, incl., S½NE¼, SE¼NW¼, and SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, N½, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 10, E½NE¼;
Sec. 11, NE¼NE¼ and N½NW¼;
Sec. 12, E½, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 13, N½NE¼ and NW¼NW¼;
Sec. 17, NE¼NE¼.
T. 12 N., R. 24 W.,
Sec. 29, lots 1 to 4, incl.;
Sec. 30, lots 1 to 4, incl.;
Secs. 31 and 32;
Sec. 33, W½ and SE¼.
T. 13 N., R. 25 W.,
Sec. 31, lots 1 to 6, incl., and NE¼SW¼;
Sec. 32, lots 1 to 4, incl., NE¼SW¼, and SE¼;
Sec. 33, lots 1, 2, and E½SE¼;
Secs. 34 and 35.

The areas described aggregate 57,750.60 acres.

5. Mt. Dome National Cooperative Land and Wildlife Management Area.

[Sacramento 052889]

MOUNT DIABLO MERIDIAN

T. 46 N., R. 1 E.,
Sec. 1, lots 1, 3, 4, SE¼NE¼, SW¼, and W½SE¼;
Sec. 2;
Sec. 3, N½, E½SW¼, and SE¼;
Sec. 4, W½SE¼;
Sec. 10, E½ and E½W½;
Sec. 11;
Sec. 12, W½NE¼, W½, and SE¼;
Sec. 13, N½, E½SW¼, and SE¼;
Sec. 14, E½NE¼, W½, and W½SE¼;
Sec. 15, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 17, SW¼NW¼ and W½SW¼;
Sec. 18, lots 1 and 4, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 20, W½NW¼, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 21, SE¼SW¼ and S½SE¼;
Sec. 22, W½NE¼, and SE¼SE¼;
Sec. 23, W½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 24, N½, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 25, NW¼ and NW¼SW¼;
Sec. 26, NW¼NW¼, S½NW¼, and SW¼;
Sec. 27;
Sec. 28;
Sec. 29, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 32, E½ and NE¼NW¼;
Sec. 33;
Sec. 34, N½NE¼ and NE¼NW¼;
Sec. 35, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, and W½SE¼.
T. 46 N., R. 2 E.,
Sec. 1, S½;
Sec. 2, lots 1 and 2, S½NE¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 3, S½NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 4, lots 2 and 3;
Sec. 6, SW¼NE¼;
Sec. 9, N½NE¼ and SE¼NE¼;
Sec. 10, E½, NE¼NW¼, and S½NW¼;
Sec. 11, W½NE¼ and W½;
Secs. 12, 13, and 14;
Sec. 15, N½NE¼, SE¼NE¼, SW¼SW¼, and NE¼SE¼;
Sec. 18, lots 3 and 4, E½SW¼;
Sec. 19, lots 1, 2, 3, E½SW¼, and SE¼;
Sec. 20, SW¼;
Secs. 23, 24, and 25;
Sec. 26, N½, E½SW¼, and SE¼;
Sec. 28, E½, S½NW¼, and SW¼;
Sec. 29, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 30, lot 3, NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 32, E½ and E½W½;
Sec. 33, NW¼ and SW¼SW¼;
Sec. 34, S½S½;
Sec. 35, NE¼NW¼.
T. 45 N., R. 2 E.,
Sec. 3, S½S½;
Sec. 4, SW¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 5, S½NE¼, NE¼SE¼, and SE¼SW¼;
Sec. 8, NW¼;
Sec. 9, E½NE¼ and NW¼SW¼;
Sec. 10, N½;
Sec. 11, NW¼;
Sec. 12, S½N½, NW¼NW¼, and S½;
Sec. 17, S½NE¼ and SE¼NW¼;
Sec. 18, S½SE¼.

The areas described aggregate 22,275.88 acres.

6. Cinder Cone National Cooperative Land and Wildlife Management Area.

[Sacramento 052890]

MOUNT DIABLO MERIDIAN

T. 35 N., R. 5 E.,
Sec. 10, lots 1 to 4, incl.;
Sec. 15;
Sec. 16, S½NE¼;
Secs. 21 and 22;
Sec. 27, N½.
T. 36 N., R. 4 E.,
Sec. 13, SE¼NW¼, NE¼SW¼, and SW¼SE¼;
Sec. 14, N½NE¼, NE¼NW¼, and SW¼NW¼;
Sec. 15, NE¼SE¼ and SW¼SE¼;
Sec. 21, E½NE¼, SW¼NE¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, S½NE¼, NW¼NE¼, and NE¼NW¼;
Sec. 23, S½NE¼, and S½;
Sec. 24, NE¼, S½NW¼, and S½;
Secs. 25 and 26;
Sec. 27, E½E½;
Sec. 28, W½E½, E½NW¼, SW¼, and SE¼SE¼;
Sec. 29, E½SE¼;
Sec. 33, E½, E½W½, NW¼NW¼, and SW¼SW¼;
Sec. 34, E½NE¼, SW¼NE¼, S½NW¼, and S½;
Sec. 35.
T. 36 N., R. 5 E.,
Secs. 1, 2, 3, 4, and 5;
Sec. 6, lots 7, 8, 9, and SE¼;
Sec. 7, lots 3 and 4;
Sec. 8, S½;
Secs. 9, 10, 11, 12, 13, 14, 15, and 17;
Sec. 18, lots 1 to 8, incl., S½ of lot 12, and SE¼;
Sec. 19, lots 1 to 6, incl., N½ of lot 7, N½ of lot 8, lots 9, 10, 11, 12, and N½SE¼;
Sec. 20, N½NE¼, E½NW¼, NW¼SW¼, and S½S½;
Sec. 21, NE¼, N½NW¼, and NE¼SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, N½;
Sec. 24, NE¼, N½NW¼, and NE¼SE¼;
Sec. 25, W½E½, W½, S½SE¼, and NE¼SE¼;
Sec. 26, E½NE¼, and S½;
Sec. 27, E½E½;
Sec. 28, W½E½, E½NW¼, SW¼, and SE¼SE¼;
Sec. 29, E½SE¼;
Sec. 33, E½, E½W½, NW¼NW¼, and SW¼SW¼;
Sec. 34, E½NE¼, SW¼NE¼, S½NW¼, and S½;
Sec. 35.
T. 37 N., R. 5 E.,
Secs. 25, W½SW¼;
Sec. 26, S½NW¼, and S½;
Sec. 27, SE¼NE¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 32, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 33, E½NE¼ and S½;
Secs. 34 and 35.

The areas described aggregate 27,944 acres.

The areas withdrawn by this order total in the aggregate 259,000.69 acres.

For the purpose of furthering the objectives of this order, the Bureau of Land Management shall manage the lands in cooperation with the Bureau of Sport Fisheries and Wildlife, the State of California (through its appropriate agencies or instrumentalities), and with such other interested parties as the Bureau of Land Management, the State of California, and the Bureau of Sport Fisheries and Wildlife may agree should participate in the appropriate development, conservation, utilization and maintenance of the lands and the resources thereon.

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 11, 1961.

[F.R. Doc. 61-7876; Filed, Aug. 16, 1961; 8:48 a.m.]

[Public Land Order 2461]

[Miscellaneous 37963]

IDAHO

Transfer of Lands From Lolo to Clearwater National Forest

By virtue of the authority vested in the President by the Act of June 4, 1897 (30 Stat. 11, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture it is ordered as follows:

All lands lying and being within the following described boundary are hereby transferred from the Lolo National Forest to the Clearwater National Forest, effective July 1, 1961:

All of the land lying within a boundary described as follows: Beginning at a point on the Montana-Idaho State line at the first angle post on the 295 mile and identified as Blodgett Mountain; thence in a westerly direction along the hydrographic divide between the Big Sand Creek drainage on the north and Dead Elk Creek drainage on the south to Jeanette Mountain; thence southwesterly down the hydrographic divide just east of Jeanette Creek to the mouth of said creek; thence westerly and southerly down Moose Creek to the mouth of Cedar Creek;

thence due west approximately two miles to an intersection with Maple Lake Ridge; thence northerly along said ridge to bench mark No. 7565; thence northwesterly along the hydrographic divide at the head of North Fork Moose Creek and tributaries, passing through Chain Meadows to McConnell Mountain; thence along the hydrographic divide at the head of Pedro Creek drainage to Bear Mountain; thence in a northwesterly direction along the hydrographic divide immediately north and east of Kinnikinnick Creek and Sponge Lake Creek, respectively, to the mouth of Sponge Lake Creek; thence down the Lochsa River to the mouth of Indian Grave Creek; thence northwesterly along the hydrographic divide just west of Indian Grave Creek, passing over Grave Butte, to an intersection with the main hydrographic divide between the Lochsa River drainage on the south and North Fork Clearwater River drainage on the north at bench mark No. 6577; thence in a northerly direction along the said hydrographic divide to Indian Grave Peak; thence northeasterly along the hydrographic divide between Cayuse Creek on the north and the Lochsa River drainage on the south to Spring Mountain and bench mark No. 6310; thence northerly in a direct line to Cayuse Creek at the mouth of Mink Creek; thence northerly and easterly along and up the hydrographic divide just east of Mink Creek to Blacklead Mountain at bench mark No. 7525; thence northerly and easterly around the divide at the head of Silver Creek to an intersection with the main hydrographic divide between the North Fork Clearwater River on the west and the Lochsa River drainage on the east to a point approximately identical with bench mark No. 7705 and further identified as Williams Peak; thence northerly along said hydrographic divide passing over Rhodes Peak to an intersection with the Idaho-Montana State line at mile post number 225.065; thence easterly and southerly along said Idaho-Montana State line to the point of beginning.

It is not intended by this order to give a national forest status to any publicly-owned lands which have not hitherto had such a status, or to change the status of any publicly-owned lands which have hitherto had national forest status.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 11, 1961.

[F.R. Doc. 61-7877; Filed, Aug. 16, 1961; 8:48 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[General Order 1]

CONTINUANCE OF FUNCTIONS, POWERS, AND DUTIES TRANSFERRED BY REORGANIZATION PLAN NO. 7 OF 1961

Pursuant to the authority vested in it by Reorganization Plan No. 7 of 1961, H.R. Doc. No. 187, 87th Sess., the Federal Maritime Commission, on August 12, 1961, took over such of the powers and functions theretofore exercised by the Federal Maritime Board/Maritime Administration as are transferred to or vested in it by the said Reorganization Plan No. 7 of 1961. The purpose of this order is to provide for a continuity of operation upon the taking effect of the said Reorganization Plan No. 7.

Accordingly, by virtue of the authority vested in and transferred to the Federal Maritime Commission by the said Reorganization Plan No. 7 of 1961, it is hereby ordered that, effective August 12, 1961, all orders, determinations, rules, regulations, permissions, approvals, agreements, and other actions which have been issued or authorized by the Federal Maritime Board and Maritime Administration in the exercise of the functions, delegations, powers, and duties transferred to or vested in this Commission by the said Reorganization Plan No. 7 of 1961, and which are in effect at the time of such vesting or transfer, shall continue in effect, in so far as not in conflict with said Plan, until modified, terminated, superseded, or repealed by this Commission or by operation of law; and that all proceedings, hearings, or investigations then pending before the Federal Maritime Board and Maritime Administration in connection with the administration of such functions, powers, and duties shall be continued before this Commission.

By Order of the Federal Maritime Commission.

Dated: August 14, 1961.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-7908; Filed, Aug. 16, 1961; 8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 13858; FCC 61-1014]

PART 3—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Syracuse and Rochester, New York

Correction

In F.R. Doc. 61-7469, appearing at page 7272 of the issue for Friday, August 11, 1961, the phrase reading "either to a trustee or an applicant" at the end of paragraph 26 should be deleted.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sheldon National Antelope Refuge and Charles Sheldon Antelope Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEVADA

SHELDON NATIONAL ANTELOPE REFUGE AND CHARLES SHELDON ANTELOPE RANGE

Public hunting of big game on the Sheldon Refuge and Range, Nevada is permitted only on the area designated by signs as open to hunting. This open area, comprising 365,000 acres of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: October 7 through November 19, 1961. Same dates apply to regular season and antlerless season.

(c) Bag limit: Regular season—1 buck deer. Anterless season—1 doe, fawn or spike deer.

(d) Methods of hunting:

1. The use of dogs for hunting deer is prohibited.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. No checking stations will be operated. Hunters will be checked in camp or in the field.

3. Camping will be permitted only at designated areas as posted.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to November 20, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1961.

[F.R. Doc. 61-7864; Filed, Aug. 16, 1961; 8:46 a.m.]

PART 32—HUNTING

Hart Mountain National Antelope Refuge, Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OREGON

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Public hunting of big game on the Hart Mountain National Antelope Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 100,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 N. E. Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: Controlled Deer Season—September 23 and 24, 1961. Archery season—September 9 through 17, 1961.

(c) Bag limits: Controlled season—One buck or one doe, as specified by tag, per season. Archery season—one deer per season.

(d) Methods of hunting:

1. Limited to bow and arrow only during archery season.

2. Dogs are not permitted for hunting deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping permitted at designated areas only.

3. Guides may be employed for hunting.

4. Hunters are required to check in and out at the Hart Mountain Headquarters.

5. A Federal permit is not required to enter the public hunting area. A State deer tag is required for the controlled hunt.

6. The provisions of this special regulation are effective to September 25, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1961.

[F.R. Doc. 61-7865; Filed, Aug. 16, 1961; 8:46 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Washington

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Columbia National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 5662 acres or 26% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon.

Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Deer.

(b) Open season: General buck—October 14 through November 5, 1961. Either sex—October 21 through November 30, 1961.

(c) Bag limits: General buck season—One buck with visible antlers per season. Either sex season: One deer either sex per season.

(d) Methods of hunting:

1. Dogs will not be permitted for hunting of deer.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. Camping will be permitted in designated areas only.

3. Hunters will report at such checking stations as may be designated when entering or leaving the area.

4. A Federal permit is not required to enter the public hunting area.

5. The provisions of this special regulation are effective to December 1, 1961.

RICHARD E. GRIFFITH,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 8, 1961.

[F.R. Doc. 61-7866; Filed, Aug. 16, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO 318-A1]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Handling Regulation

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Fruitland, Idaho, on April 26, 1961, after notice thereof published in the FEDERAL REGISTER (26 F.R. 2870) on proposed amendments to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. The recommended decision of the Deputy Administrator, Agricultural Marketing Service, and the decision of the Assistant Secretary setting forth the proposed amendments to the marketing agreement and order were published in the FEDERAL REGISTER on June 24, 1961 (26 F.R. 5679), and June 13, 1961 (26 F.R. 6450), respectively.

The period June 1, 1960, to May 31, 1961, both dates inclusive, was determined as the representative period for ascertaining whether the issuance of the order amending Order No. 130 (which amendment order was annexed to the decision of the Assistant Secretary), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, is approved or favored by producers who, during such period, have been engaged in the production for market of fresh prunes within such area.

It is hereby determined that the issuance of the proposed order amending Order No. 130, regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, is not favored or approved (a) by at least two-thirds of the producers of fresh prunes who during the determined representative period (June 1, 1960, through May 31, 1961) have been engaged, within Malheur County, Oregon, and designated counties in Idaho, in the production for market of fresh prunes grown in such production area, or (b) by producers of fresh prunes who, during the aforesaid representative period have produced for market at least two-thirds of the volume of fresh prunes produced for market within the said production area.

It is hereby further determined that the proposed amendment as set forth in the Assistant Secretary's decision of July 13, 1961 (26 F.R. 6540), will not be made effective.

Done at Washington, D.C., this 14th day of August 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61-7899; Filed, Aug. 16, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 608, 609, 611, 687, 689, and 699]

[Administrative Order No. 558]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87-30), I hereby appoint Review Committee 1-A for the Textile and Textile Products Industry in Puerto Rico; Review Committee 1-B for the Hosiery Industry in Puerto Rico; Review Committee 1-C for the Sugar Manufacturing Industry in Puerto Rico; Review Committee 2-A for the Sweater and Knit Swimwear Industry in Puerto Rico; Review Committee 2-B for the Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico; Review Committee 2-C for the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico; and Review Committee 2-D for the Shoe and Related Products Industry in Puerto Rico to recommend the minimum rate or rates to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act in lieu of those provided under paragraph (A) of proviso (1) to employees in the designated industries. The names of the members of these committees will be published in the FEDERAL REGISTER at a later date.

The definitions of the industries for which review committees are appointed by this order are set forth below.

The Textile and Textile Products Industry in Puerto Rico (29 CFR Part 699) is defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture, including dyeing and finishing of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

The Hoisery Industry in Puerto Rico (29 CFR Part 687) is defined as follows:

The manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

The Sugar Manufacturing Industry in Puerto Rico (29 CFR Part 689) is defined as follows:

The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products; all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer) where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry; and any transportation activities by truck or other vehicle performed by a producer of the products or the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage order for the communications, utilities, and transportation industry in Puerto Rico (29 CFR Part 671), or any transportation activity to which the agricultural exemption contained in section 13(a)(6) of the Fair Labor Standards Act of 1938 is applicable.

The Sweater and Knit Swimwear Industry in Puerto Rico (29 CFR Part 611) is defined as follows:

The manufacture of men's, women's, misses', boys', and girls' knit sweaters, shrugs, shoulderettes, boleros, and similar knitwear, and women's, misses', and girls' knit swimwear: *Provided, however,* That the industry shall not include the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Women's and Children's Underwear and Women's Blouse and Neckwear Industry in Puerto Rico (29 CFR Part 609) is defined as follows:

The knitting or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X and under, and infants' underwear and nightwear, including but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles; and the manufacture of women's and misses' blouses, shirts, waists, neckwear (including collar and cuff sets), and scarved (excluding square scarves): *Provided, however,* That the industry shall not include any product or activity included in the corsets, brassieres, and allied garments industry in Puerto Rico (29 CFR Part 614); or the outlining or embroidery of lace by machine, or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico (29 CFR Part 608) is defined as follows:

The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linen, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other materials: *Provided, however,* That the industry shall not include the outlining or embroidery of lace by machine or the embroidery of any article or trimming by a crochet beading process or with bullion thread.

The Shoe and related Products Industry in Puerto Rico (29 CFR Part 601) is defined as follows:

The manufacture or partial manufacture of footwear from any material and by any process, except footwear made by knitting, crocheting, vulcanizing of the entire article, vulcanizing of soles to uppers other than leather, or molding of plastic, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; the manufacture from any material (except rubber, composition of rubber, or plastic molded to shape) of cut stock and findings for footwear, including, but without limitation, heels (except wood heel blocks), linings, vamps, quarters, cutsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, box toes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments, and trimmings, designed exclusively for use on shoes; and the manufacture of boot and shoe patterns.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1941–53 Comp., p. 1004), and the Fair Labor Standards Amendments of 1961 (sec. 5(c)(3), Pub. Law 87-30), I hereby:

(1) Convene each of the review committees appointed above;

(2) Refer to each of these review committees the question of the minimum rate or rates of wages to be fixed for the industry with which it is concerned;

(3) Give notice of the hearing to be held by each of them at the times and places indicated below. Each review committee shall investigate conditions in its industry, and each review committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned Act. Each review committee shall recommend to the Administrator the highest minimum wage rates which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in its industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Review Committee 1-A shall meet in executive session to commence its investigation at 10:00 a.m. on August 28, 1961, in the office of the Wage and Hour and Public Contracts Divisions, located in the New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following this hearing, Review Committees 1-B and 1-C shall meet inseriatum at the same place at hours designated by their respective chairmen to conduct their investigations and hold their hearings.

Review Committee 2-A shall meet in executive session to commence its investigation at 10:00 a.m. on September 25, 1961, in the office of the Wage and Hour and Public Contracts Divisions indicated in the preceding paragraph, and shall commence its hearing at 2:00 p.m. on the same date at the same place. Following its hearing, Review Committees 2-B, C, and D shall meet inseriatum at the same place at hours designated by their respective chairmen to conduct their investigations and hold their hearings.

Whenever any review committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, each review committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committees. Copies of the report may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearing. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for each review committee shall be governed by Part 512 of Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER on May 27, 1961 (26 F.R. 4636), and amended on June 17, 1961 (26 F.R. 5421). The regulations contained in 29 CFR Part 512 apply the wage order procedure set out in 29 CFR Part 511, which was amended by regulations published in the FEDERAL REGISTER on July 20, 1961 (26 F.R. 6513), except insofar as special provisions are contained in 29 CFR Part 512 and the Fair Labor Standards Amendments of 1961 dealing with the initiation of proceedings of the review committee and the effective date and reviewability of its recommendations.

As a prerequisite to participation in the hearings of the Review Committees 1-A, B, and C, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than August 23, 1961, and as a prerequisite to participation in the hearings of Review Committees 2-A, B, C, and D, interested persons shall file such statements not later than September 15, 1961.

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-7888; Filed, Aug. 16, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 601, 608]

[Airspace Docket No. 61-WA-148]

SPECIAL USE AIRSPACE AND CONTROLLED AIRSPACE

Alteration of Restricted Area, Control Area Extension and Continental Control Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.-13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 608.29, 601.1005, and 601.7101 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration, a proposal by the Department of the Navy to alter the Pinecastle, Fla., Restricted Area (R-2910).

The Pinecastle, Fla., Restricted Area R-2910 is presently designated within a 6-statute mile radius of Lat. 29°06'52" N., Long. 81°42'55" W., from surface to unlimited. Its time of designation is con-

tinuous. It is proposed to redesignate this area as follows:

Pinecastle, Fla., Restricted Area R–2910.

Boundaries. Within a 5-nautical mile radius of Lat. 29°06'52" N., Long. 81°42'55" W., and within 2½ nautical miles either side of the 137° and 317° True bearings from the center, extending from the 5-nautical mile radius to 10 nautical miles southeast and northwest of the center.

Designated altitudes. The 5-nautical mile radius, surface to flight level 370. The extensions, surface to 6,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Air Route Traffic Control Center, Jacksonville, Fla.

Using agency. Commander Fleet Air, NAS Jacksonville, Fla.

This restricted area would provide special use airspace for the hazardous bombing activities conducted by Navy aircraft operating from NAS Jacksonville, Fla. The controlling agency would authorize non-participating aircraft to operate within this restricted area when not in use by the using agency.

Airspace Docket No. 60–WA–273, published August 5, 1961 (26 F.R. 7033), effective September 21, 1961, realigned the Jacksonville control area extension. The Department of the Navy has requested that this area be further enlarged to abut the Orlando control area extension to provide continuity of controlled airspace for air traffic control purposes.

It is proposed to designate the Jacksonville control area extension as that airspace within 5 miles either side of the 064° radial of the Jacksonville VORTAC extending from the VORTAC to 20 miles northeast, and that airspace southwest of Jacksonville bounded on the north by low altitude VOR Federal airway No. 22, on the east by low altitude VOR Federal airway No. 267, on the south by Lat. 29°00'00" N., on the southwest by low altitude VOR Federal airway No. 159, on the west by low altitude VOR Federal airway No. 159, on the west by low altitude VOR Federal airway No. 157. The portions of this control area extension which would coincide with R–2903A, R–2903B, R–2903C, R–2903D, R–2907, and R–2910 would be used only after obtaining prior approval from appropriate authority.

The enlarged portion of the control area extension would overlie Restricted Areas R–2907, R–2910 and the proposed Rodman, Fla., Restricted Area R–2906 (Airspace Docket No. 61–WA–120), and would provide protection for aircraft transiting this airspace during those periods when the restricted areas are not in use for the purposes for which they are designated. The entire control area extension would remain designated to extend upward from 700 feet above the surface to the base of the continental control area. Separate action would be initiated at a later date to implement Amendment 60–21 to Part 60 of the Civil Air Regulations.

In addition, it is proposed to alter § 601.7101, *Designation of Continental Control Area*, to include the 5-nautical mile radius of the Pinecastle, Fla., Restricted Area R–2910.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 11, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7858; Filed, Aug. 16, 1961; 8:45 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 61–WA–143]

CONTROLLED AIRSPACE AND SPECIAL USE AIRSPACE

Alteration of Restricted Area and Control Area Extensions

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 608.31, 601.1380, and 601.1423 of the regulations of the Administrator, the substance of which is stated below.

The Kahuku Point, Oahu, Hawaii, Restricted Area R–3106 is designated within a 1.5-nautical mile radius of Lat. 21°43'00" N., Long. 157°56'30" W., from the surface to 3,000 feet MSL. The time of designation is "As published in NOTAMS". The restricted area is used by the Department of the Navy for hazardous bombing activities.

The Federal Aviation Agency is considering a request by the Department of the Navy to alter R–3106 by adding an extension to the southeast approximately 9.5 miles long and 3 miles wide and increasing the designated altitudes. This expanded area would be used by the Navy for low altitude bombing and radar approach practice to the present restricted area. These operations involve high speed approaches at low altitudes followed by high speed climbs. The altered restricted area would be designated as a joint use area with the Honolulu ARTC Center designated as the controlling agency.

The Federal Aviation Agency is considering the redesignation of the Kahuku Point Restricted Area R–3106 as follows:

Boundaries. Beginning at Lat. 21°43'40" N., Long. 157°55'05" W.; to Lat. 21°39'30" N., Long. 157°51'40" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 21°35'00" N., Long. 157°48'25" W.; to Lat. 21°35'00" N., Long. 157°51'30" W.; to Lat. 21°36'30" N., Long. 157°53'45" W.; to Lat. 21°41'30" N., Long. 157°56'20" W.; clockwise along the arc of a circle with a 1.5-nautical mile radius centered at Lat. 21°43'00" N., Long. 157°56'30" W., to the point of beginning.

Designated altitudes. The area northwest of a line between Lat. 21°39'08" N., Long. 157°55'05" W., and Lat. 21°40'18" N., Long. 157°52'20" W., surface to 15,000 feet MSL; the area southeast of this line, surface to 6,000 feet MSL.

Time of designation. 0800 to 1600 Hawaiian standard time, Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu ARTC Center.

Using agency. Commander, Fleet Air Hawaii, NAS Barbers' Point, Hawaii.

In order to promote the efficient utilization of this altered restricted area, the description of the Kaneohe, Hawaii, control area extension (§ 601.1380) and the Oahu, Hawaii, control area extension (§ 601.1423) would be altered to reflect the designation of the airspace within R–3106 as controlled airspace.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Hawaiian Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7857; Filed, Aug. 16, 1961; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61–FW–49]

SPECIAL USE AIRSPACE

Reopening of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on June 22, 1961 (26 F.R. 5579), it was stated that the Federal Aviation Agency was considering the designation of a Restricted Area/Military Climb Corridor at the McGhee-Tyson Airport, Knoxville, Tenn.

In accordance with the terms of the notice, the time for public comment expired 45 days after the date of publication of the notice. However, the Department of the Air Force has informed the Federal Aviation Agency that it wishes to present additional data on the matter. This request appears to be reasonable. Therefore, in order to provide the Air Force and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material is extended herein to September 7, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–FW–49 is extended to September 7, 1961. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7855; Filed, Aug. 16, 1961; 8:45 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 61–FW–51]

SPECIAL USE AIRSPACE

Reopening of Comment Period

In a notice of proposed rule making published in the FEDERAL REGISTER on June 15, 1961 (26 F.R. 5374), it was stated that the Federal Aviation Agency was considering the designation of a Restricted Area/Military Climb Corridor at the Congaree Air National Guard Base, South Carolina.

In accordance with the terms of the notice the time for public comment expired 45 days after the date of publication of the notice. However, the Department of the Air Force has informed the Federal Aviation Agency that it wishes to present additional data on the matter. This request appears to be reasonable. Therefore, in order to provide the Air Force and other interested persons a further opportunity to submit additional written data, views or arguments, the date for filing such material is extended herein to August 31, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), I hereby give notice that the time within which comments will be received for consideration on Airspace Docket No. 61–FW–51 is extended to August 31, 1961. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Texas.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 49 U.S.C. 1348)

Issued in Washington, D.C., on August 10, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–7856; Filed, Aug. 16, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Southwest Regional Office

Effective as of August 10, 1961, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

The last sentence of paragraph (a) *Regional Offices* of sec. 1.51 *Field Service* is amended to read as follows: "The Southwest Regional Office, located in San Pedro, California, has jurisdiction over districts 13, 14, 15, 16, 17, 18, 19, and 36 and Border Patrol sectors 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20."

Dated: August 14, 1961.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 61-7893; Filed, Aug. 16, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order No. 679, Amdt. 1]

CERTAIN OFFICERS

Delegation of Authority To Enter Into Contracts and Leases

AUGUST 11, 1961.

Section 1(a) is hereby amended to read as follows:

SEC. 1. *Authority of Certain Offices to enter into Contracts and Leases.* (a) Pursuant to the authority contained in sections 50 and 52 of amended Order No. 2509, of the Secretary of the Interior, the classes of employees listed in subparagraph (4) below:

(1) Are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount; [1] and enter into leases of space in real estate as provided in those sections.

(2) Are authorized under DM 205.11A to negotiate contracts without advertising under section 302(c)(1) of the Federal Property and Administrative Services act of 1949, as amended, subject to the limitations set out in 205 DM 11.4(A)(2) and (3).

(3) Are authorized under DM 205.11-4B to negotiate contracts without advertising under paragraphs (2), (3), (4), and (5) of section 302(c) of the Federal Property and Administrative Services act of 1949, as amended.

(4) Those authorized to exercise the authority delegated by this section are:

Assistant Director—Administration.
Chief, Division of Administrative Services.
Field Administrative Officers.
State Directors.

J. B. BEIRNE,
Acting Director.

[F.R. Doc. 61-7867; Filed, Aug. 16, 1961; 8:47 a.m.]

[1] Two days advance telegraphic notice must be given to the Secretary of the Interior prior to the announcement of a pending award of any contract in excess of $10,000.

CALIFORNIA

Notice of Filing of Plat of Survey

AUGUST 9, 1961.

Plat of survey of the land described below will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a.m., on September 13, 1961:

MOUNT DIABLO MERIDIAN

T. 1 S., R. 5 W.,
Sec. 1: Those portions of Angel Island described as Tracts 39, 40, 41, and 42.

The areas described aggregate 527.55 acres.

This survey was made to accommodate Recreation and Public Purposes Application Serial Sacramento 060750 filed by the Division of Beaches and Parks, Department of Natural Resources, State of California, under the Act of June 14, 1926 (44 Stat. 741), as amended by the Act of June 4, 1954 (68 Stat. 173; 43 U.S.C. 869), and the regulations thereunder (43 CFR 254), embracing those portions of Angel Island in San Francisco Bay described above for use as a State Historical Monument.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations, beginning on the date of this order.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-7868; Filed, Aug. 16, 1961; 8:47 a.m.]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Land

AUGUST 8, 1961.

Notice of an application Serial No. Sacramento 066798, for withdrawal and reservation of lands, was published as Federal Register Document No. 61-7086 on page 6781 of the issue for July 28, 1961. The applicant agency has cancelled its application insofar as it involves the land described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such land will be at 10:00 a.m., on September 8, 1961, relieved of the segregative effect of the above-mentioned application.

The land terminated is:

MOUNT DIABLO MERIDIAN, CALIFORNIA

INDIAN VALLEY CAMPGROUND ANNEX

Tahoe National Forest

T. 19 N., R. 9 E.,
Sec. 16: E½NW¼NW¼SW¼, E½W½NW¼NW¼SW¼.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-7869; Filed, Aug. 16, 1961; 8:47 a.m.]

CALIFORNIA

Correction Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1961.

The Notice of Termination of proposed withdrawal and reservation of lands by Department of Defense, Serial No. Los Angeles 0164245, published as F.R. Document No. 61-6594, on Page 6311 of the FEDERAL REGISTER, Volume 26, No. 134 of July 14, 1961, was published in error and is hereby revoked as of the date of publication.

Notice of proposed withdrawal and reservation of these same lands described as:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 S., R. 11 E.,
Sec. 4, N½SW¼, SW¼SW¼.
Containing 120 acres, more or less,

which notice was originally published as F.R. Document No. 61-4236 on Page 4003 of FEDERAL REGISTER, Volume 26, No. 88, of May 9, 1961, remains in full force and effect.

An additional period of 30 days from the date of publication of this notice will be given all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal to present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Manager.

[F.R. Doc. 61-7870; Filed, Aug. 16, 1961; 8:47 a.m.]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial Number Idaho 012626 for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, except the mineral leasing laws, subject to valid existing rights. The applicant desires the land for campgrounds, public service sites, and recreation sites and areas.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

PAYETTE NATIONAL FOREST

Porphyry Creek Campground

A tract of land within the unsurveyed NE¼, Section 9, T. 22 N., R. 8 E., more particularly described as:

Beginning at the concrete pier on the SW corner of the bridge across South Fork Salmon River, which pier is marked X painted red and is located N. 38° W. 275 ft. from the mouth of Porphyry Creek, thence N. 6° E. following the high water line of the west bank of South Fork River 24 chains to Corner No. 2 on the bank of the river, thence N. 40° W. 10 chains to Corner No. 3, thence S. 6° W. 24 chains to Corner No. 4, thence S. 40° E. 10 chains to the concrete pier, the place of beginning, totaling 24 acres, more or less.

Big Creek Public Service Site

A tract of land within the NW¼NW¼, Section 35 and unsurveyed Section 26, T. 21 N., R. 9 E., more particularly described as:

Commencing at the section corner common to Sections 26, 27, 34, and 35, in T. 21 N., R. 9 E., thence N. 51°12' E., 3408.5 ft. to Corner No. 1, the point of beginning; thence N. 60°00' W., 105.1 ft. to Corner No. 2; thence N. 54°56' W., 197.3 ft. to Corner No. 3; thence S. 61°13' W., 106.0 ft. to Corner No. 4; thence N. 65°18' W., 363.6 ft. to Corner No. 5; thence S. 72°42' W., 306.1 ft. to Corner No. 6; thence S. 28°48' E., 216.0 ft. to Corner No. 7; thence S. 7°45' E., 365.0 ft. to Corner No. 8; thence S. 70°00' E., 200.0 ft. to Corner No. 9; thence S. 3°30' W., 121.0 ft. to Corner No. 10; thence S. 15°00' W., 90.0 ft. to Corner No. 11; thence S. 65°45' E., 236.0 ft. to Corner No. 12; thence S. 3°15' W., 176.0 ft. to Corner No. 13; thence S. 28°00' E., 129.0 ft. to Corner No. 14; thence N. 24°30' E., 267.0 ft. to Corner No. 15; thence N. 62°45' E., 14.0 ft. to Corner No. 16; thence N. 18°45' E., 857.0 ft. to the point of beginning, totaling 15.08 acres, more or less.

Barth Hot Springs Public Service Site

A tract of land within unsurveyed Sec. 13, T. 25 N., R. 11 E., more particularly described as:

Beginning at Corner No. 1, at highest point of emergence of hot water at Barth Hot Springs in unsurveyed section 13, T. 25 N., R. 11 E., (this point is approximately five feet above high water level of the Main Salmon River, and is N. 25°30' W., 295.0 ft. from the point where Hot Springs Creek flows into the Main Salmon River); thence N. 70°00' W., 264.0 ft. along south bank of Main Salmon River to Corner No. 2; thence N. 80°00' W., 330.0 ft. along south bank of Main Salmon River to Corner No. 3; thence S. 60°00' W., 462.0 ft. along south bank of Main Salmon River to Corner No. 4; thence S. 53°00' W., 660.0 ft. along south bank of Main Salmon River to Corner No. 5; thence S. 30°00' E., 264.0 ft. at approximately a right angle to the Main Salmon River to Corner No. 6; thence N. 83°30' E., 1320.0 ft. to Corner No. 7; thence N. 50°00' E., 264.0 ft. to Corner No. 8; thence N. 21°00' W., 418.0 ft. to point of beginning, totaling 20.67 acres more or less.

Carey Creek Recreation Site

A tract of land within Lot 7, Sec. 3, T. 24 N., R. 4 E., more particularly described as:

Beginning at a point N. 89°56' W. 20 chains and N. 0°2' W., 10 chains from the quarter corner common to Sections 2 and 3; thence N. 89°56' W., approximately 18.5 chains to the high water line on the south bank of Salmon River; thence northeasterly approximately 8 chains along the high water mark of Salmon River to a point on the west side of the mouth of Carey Creek; thence southeasterly along the high water line 5.5 chains; thence northeasterly along the south bank of Salmon River approximately 8.5 chains to the east side of Lot 7; thence S. 0°2' E., along east line of Lot 7 to the point of beginning, totaling 10.18 acres, more or less.

Fall Creek Recreation Area

A tract of land within Lot 10, Section 8, T. 24 N., R. E., B.M., more particularly described as:

Beginning at a point N. 0°4' W., 14 chains from section corner common to Sections 8, 9, 16, and 17; thence N. 89°54' W., 20 chains to the west line of Lot 10; thence N. 0°4' W., 1.75 chains to the high water line on south bank of Salmon River; thence approximately 15 chains northeasterly along the high water line to the mouth of Fall Creek; thence approximately 7.5 chains easterly along the high water line on south bank of Salmon River to its intersection with the section line between 8 and 9; thence S. 0°4' E., along said section line 9.11 chains to the point of beginning, totaling 11.8 acres, more or less.

South Fork of Salmon River Bridge Recreation Area

T. 21 N., R. 7 E.,
Sec. 10; SE¼ of Lot 1, Lot 2.
Totaling 38.6 acres, more or less.

The areas described aggregate 120.33 acres, more or less, located in Idaho and Valley Counties, Idaho.

JOE T. FALLINI,
State Director.

[F.R. Doc. 61-7871; Filed, Aug. 16, 1961; 8:47 a.m.]

[Mis. NM No. 8]

NEW MEXICO

Order Providing for Opening of Public Lands

AUGUST 10, 1961.

Pursuant to authority delegated to me by Order No. 541 section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F.R. 2473), it is ordered as follows:

In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 2 W.,
Sec. 8, W½.

The area described above aggregates 320 acres.

The lands are located in Socorro County, approximately three miles northwest of the village of San Luis, New Mexico. The lands are generally rough with scattered pinon and cedar. Vegetation consists principally of galleta and grama.

The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 1251, Santa Fe, New Mexico.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-7872; Filed, Aug. 16, 1961; 8:47 a.m.]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1961.

Notice of an application Serial No. MONTANA 034355(SD), for withdrawal and reservation of lands was published as Federal Register Document No. 61-4326, on page 4074 of the issue for May 11, 1961. The applicant agency has canceled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 295, such lands will be at 10:00 a.m., on August 18, 1961, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 5 N., R. 5 E.,
Sec. 1: Lots 2, 3, 4;
Sec. 2: Lots 1, 2, 3, 4, 5, 6, 7, S½N½, W½SW¼;
Sec. 3: Lots 1, 8, 9, 10.
T. 6 N., R. 5 E.,
Sec. 26: Lots 5, 6, 7, 8, S½;
Sec. 27: Lots 4, 5, and 6;
Sec. 34: Lots 5, 6, 7, and 8;
Sec. 35: All;
Sec. 36: Lots 5, 6, 7, 8, W½.

Total acres 2,113.13.

ROBERT A. JONES,
State Director.

[F.R. Doc. 61-7873; Filed, Aug. 16, 1961; 8:47 a.m.]

[State Director's Order No. 5, Amdt. No. 1]

COLORADO

Delegation of Authority; Contracts

AUGUST 10, 1961.

The authority to enter into contracts for construction or services, including equipment rental, not to exceed $2,500 is amended to limit the amount to not to exceed $2,000.

LOWELL M. PUCKETT,
State Director.

[F.R. Doc. 61-7885; Filed, Aug 16, 1961; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Notice of Issuance of Construction Permit

Please take notice that pursuant to the Intermediate Decision of the Presiding Officer dated July 25, 1961, and Order of the Commission dated August 8, 1961, the Atomic Energy Commission has issued Construction Permit No. CPPR-11 authorizing General Electric Company to construct an experimental superheat reactor designed to operate at a thermal power of 12,500 kilowatts on its site in Alameda County, California.

Copies of the Intermediate Decision and Commission Order are on file in the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Maryland, this 10th day of August 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-7854; Filed, Aug. 16, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

WENTZ BROTHERS LIVESTOCK AUCTION

Deposting of Stockyard

It has been ascertained, and notice is hereby given, that the Wentz Brothers Livestock Auction, 1849 South Freeway, Tucson, Arizona, originally posted on October 15, 1957, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public market, and is, therefore, no longer subject to the provisions of the act. The owners of this market have constructed new facilities at 502 West 29th Street, Tucson, Arizona, and notice of proposed posting of the new market will be issued.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 14th day of August 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-7897; Filed, Aug. 16, 1961; 8:50 a.m.]

WENTZ BROTHERS LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Wentz Bros. Livestock Auction, 502 West 29th Street, Tucson, Ariz.
Shaw & Gray Commission Company, Oxford, Miss.
Tallhina Livestock Auction, Tallhina, Okla.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of August 1961.

H. L. JONES,
Chief, Rates and Registration Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-7898; Filed, Aug. 16, 1961; 8:50 a.m.]

Agricultural Research Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Supplemental List of Humane Slaughterers

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904) and the statement of policy thereunder in 9 CFR 181.1 the following table lists additional establishments operated under Federal inspection under the Meat Inspection Act (21 U.S.C. 71 et seq.) which have been officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. This list supplements the list previously published under the act (26 F.R. 6819) for July and represents those establishments and species which were reported too late to be included in the earlier list or which have come into compliance with respect to species indicated since the completion of the reports on which the earlier list was based. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods:

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Armour and Co.	2AG	(*)					
Do.	2SD	(*)	(*)	(*)	(*)		
Swift and Co.	3AW	(*)		(*)		(*)	
Do.	3K	(*)	(*)				
Do.	3N	(*)	(*)	(*)		(*)	
John Morrell and Co.	17D	(*)		(*)		(*)	
Pocomoke Provision Co.	39	(*)					
Idaho Meat Packers	46	(*)	(*)	(*)		(*)	
Malone Packing Co.	63	(*)	(*)			(*)	
Empire Packing Corp.	65					(*)	
Somerville Packing Co.	66					(*)	
Eastern Packing Co.	74E						(*)
The Braun Brothers Packing Co.	79	(*)				(*)	
Swift and Co.	184		(*)	(*)			
John Morrell and Co.	196					(*)	
George A. Hormel and Co.	199D					(*)	
Emge Packing Co., Inc.	205	(*)	(*)			(*)	
Bowling Provision Co., Inc.	372					(*)	
Fischer Packing Co.	374	(*)	(*)			(*)	
Armour and Co.	477	(*)	(*)	(*)			
Sioux Falls, S. Dak.	501	(*)					
Rosenthal Packing Co., Inc.	535	(*)		(*)	(*)		
Mid South Packers, Inc.	557	(*)				(*)	
Swift and Co.	608	(*)					
Eastern Oregon Meat Co., Inc.	611	(*)					
Hill Packing Co.	623E						(*)
H. H. Keim Co.	630	(*)	(*)	(*)		(*)	
Carter Packing Co.	698	(*)	(*)				
Sonora Meat Co., Inc.	741	(*)	(*)				
Karler Packing Co.	767	(*)	(*)				
Bryan Brothers Packing Co.	780	(*)	(*)			(*)	
Granite State Packing Co.	785	(*)	(*)				
Wells and Davies Packing Co.	860	(*)	(*)			(*)	
National Meat Packers, Inc.	917					(*)	
The Klarer Co.	995	(*)	(*)				
Do.	995A					(*)	
Do.	995C	(*)				(*)	

Done at Washington, D.C., this 11th day of August 1961.

R. K. SOMERS,
Acting Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 61-7900; Filed, Aug. 16, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EXECUTIVE ASSISTANT TO THE SECRETARY

Delegation of Authority To Process Policy Issuances

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby delegated to the Executive Assistant to the Secretary the authority to process policy issuances of the Department of Commerce for publication in the FEDERAL REGISTER.

Dated: August 14, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7906; Filed, Aug. 16, 1961; 8:51 a.m.]

[Dept. Order 117 (Revised)]

MARITIME ADMINISTRATION

Organization and Functions

The following order was approved by the Secretary of Commerce on August 11, 1961, to be effective August 12, 1961. The material appearing in 25 F.R. 6934-6937 of July 21, 1960, and 26 F.R. 6745-6746 of July 27, 1961, is superseded accordingly.

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Maritime Administration.

SEC. 2. *Establishment and Organization.*—.01 *Maritime Administration.* The Maritime Administration established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary organization unit in the Department of Commerce. The Maritime Administration is headed by the Maritime Administrator appointed by the President, by and with the advice and consent of the Senate. He reports and is responsible to the Secretary of Commerce, through the Under Secretary of Commerce for Transportation, and performs such duties as the Secretary of Commerce shall prescribe. The Maritime Administrator is also vested with the residual powers and authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce under Executive Order No. 10219, and is designated Commandant of the United States Maritime Service. As herein used the term "Maritime Administrator" includes the Acting Maritime Administrator as referred to in this order and section 302 of Reorganization Plan No. 7 of 1961.

.02. *Maritime Subsidy Board.* There is hereby established within the Maritime Administration a Maritime Subsidy Board which performs the functions described in Section 6 hereof. The Board is composed of the Maritime Administrator, the Deputy Maritime Administrator and the Comptroller of the Maritime Administration, and in the case of a vacancy in the Board or the absence or disability of one of its members the chief of Office and Planning and Special Studies shall act as a member of the Maritime Subsidy Board, each of whom while serving as a member of the Maritime Subsidy Board acts pursuant to direct authority from the Secretary of Commerce and exercises judgment independently of authority otherwise delegated to the Maritime Administrator. The Maritime Administrator or the Acting Maritime Administrator serves as Chairman of the Maritime Subsidy Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

.03 *The Maritime Administration shall consist of the following Organization Units.* 1. Office of the Maritime Administrator, Deputy Maritime Administrator;

2. Maritime Subsidy Board;
3. Office of Planning and Special Studies;
4. Office of Budget and Management;
5. Office of Personnel Management;
6. Office of Ship Statistics;
7. Office of Public Information;
8. Office of the General Counsel;
9. Office of the Comptroller;
10. Office of Property and Supply;
11. Office of Ship Construction;
12. Office of Research and Development;
13. Office of Ship Operations;
14. Office of Government Aid;
15. Offices of the Coast Directors; and
16. United States Merchant Marine Academy.

SEC. 3. *Delegations of authority to the Maritime Administrator.* .01. Subject to such conditions and limitations as the Secretary of Commerce may impose, the Maritime Administrator is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce by:

1. Reorganization Plan No. 21 of 1950 and section 202 of Reorganization Plan No. 7 of 1961, except those functions, powers and authorities delegated to the Maritime Subsidy Board by section 4 hereof;

2. Executive Orders 10480 and 10219, as amended, and any present or subsequent delegations or implementing orders under mobilization statutes, with respect to intercoastal, coastwise, and overseas shipping, and ports and port facilities, including the use thereof; and

3. Any other existing or subsequent legislation and Executive Orders with respect to the promotion and maintenance of the American merchant marine, except those relating to the powers and authorities delegated by section 4 hereof.

.02 The authority granted by section 3.01 2 above shall not be deemed to include authority to grant exceptions from, or amend, modify or revise the provisions of Transportation Orders T-1 and T-2, as amended.

.03 Any condition or limitation which may be imposed by the Secretary of Commerce on the authority delegated in section 3.01 above and which requires public notice under the provisions of section 3(a) of the Administrative Procedure Act will be published in the FEDERAL REGISTER.

.04 The Maritime Administrator may redelegate the authority delegated herein, and prescribe necessary limitations, restrictions and conditions on the exercise of such authority.

SEC. 4. *Delegations of authority to the Maritime Subsidy Board.* .01 The Maritime Subsidy Board is authorized to perform the functions and exercise the powers and authorities vested in the Secretary of Commerce as follows:

1. All functions heretofore vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plans No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Act.

2. All functions transferred to the Secretary of Commerce by section 202 (b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in section 4.01 1 above; and

3. All functions vested in the Secretary of Commerce by any other existing or subsequent legislation and Executive Orders relating to the functions described in section 4.01 1 and 2 above.

.02 Any member of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to section 4, 6.012 or 7 hereof. The execution of such contracts or documents may be attested by the Secretary or Assistant Secretary of the Board under the seal of the Maritime Administration.

SEC. 5. *General functions.* .01 The Maritime Administration is responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national defense and of the domestic and foreign commerce of the United States. The functions of the Maritime Administration include the award of construction-differential and operating-differential subsidies to the American merchant marine, the construction, repair and operation of merchant ships, maintenance of national defense reserve fleets of Government-owned ships, administration of

subsidy programs and other Government aids to shipping, maintenance of reserve shipyards for ship construction in national emergencies and the training of merchant marine officers. The functions of the Maritime Administration also include the making of rules and regulations with respect to the foregoing functions.

.02 In carrying out its responsibilities, the Maritime Administration is guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936, as amended (49 Stat. 1985), herein called the "Act".

.03 Insofar as deemed desirable, the Chairman of the Maritime Subsidy Board makes use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary and Assistant Secretary of the Board.

SEC. 6. *Functions of the Maritime Administration* .01 Specific Functions of the Organizational Components of the Maritime Administration are as follows:

1. The Office of the Maritime Administrator directs the activities of the Maritime Administration except with respect to those functions which are performed by the Maritime Subsidy Board. Within this office are personnel responsible for liaison and advisory services on maritime training, investigation and security functions, secretariat and hearing examining activities.

(1) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator appointed by the Secretary of Commerce, after consultation with the Maritime Administrator, who performs such duties as the Maritime Administrator shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board referred to in section 2.02 hereof. In addition, he is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator; and executes for the Maritime Administrator his residual powers as Director, National Shipping Authority including all National Shipping Authority orders and amendments thereof.

2. The Maritime Subsidy Board is responsible for and performs the following functions:

(1) The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

(2) The functions with respect to: (a) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a) and 805(f) of the Act; (b) making readjustments in determinations as to operating cost differentials under section 606 of the Act; and (c) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act.

(3) The functions with respect to investigating and determining (a) the relative cost of construction of comparable vessels in the United States and foreign countries, (b) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (c) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

(4) So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subdivisions (1) through (3) above; and

(5) So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

3. The Office of Planning and Special Studies develops and recommends long-range merchant marine policies and programs; coordinates national defense planning and intelligence activities; maintains liaison with Department of State and international organizations on shipping matters; formulates and conducts programs for the development and promotion of ports and port facilities, and emergency planning for operation of United States seaports under mobilization conditions; supervises training in maritime fields for grantees of the International Cooperation Administration and others; and conducts special economic and shipping studies;

4. The Office of Budget and Management formulates, recommends and interprets budgetary policies and programs; collaborates with operating officials in the development of work programs and fiscal plans; develops and presents budget requests and justifications, and apportionments; arranges for transfers of funds; maintains budgetary control of funds available; conducts analyses of status of all budgetary availabilities; reviews program performance in relation to agency's fiscal plans; conducts studies of management practices, organization, functions, authorities, procedures, work methods, and automatic data processing equipment applications for the purpose of recommending measures for the improvement of operations; maintains a system for the issuance of the manual of orders and other directives; maintains programs for the control of forms, reporting requirements, graphic presentations, and committee activities; facilitates the production of publications and procurement of printing services; coordinates the management improvement program; conducts internal audits of financial activities and records; and prepares periodic activity reports to the Department of Commerce and to the Congress. The Office of Budget and Management has the following divisions: Division of Budget, Division of Management, and Division of Internal Audits;

5. The Office of Personnel Management plans and administers personnel activities relating to recruitment, placement, compensation, promotion, training, separation, performance evaluation, incentive awards, employee relations and services, employee utilization, National Defense Executive Reserve, position classification and wage rate compensation programs. The Office of Personnel Management has the following divisions: Division of Classification and Wage Administration and the Division of Employment;

6. The Office of Ship Statistics collects, maintains, and disseminates statistical data relating to cargoes carried in the domestic and foreign trades of the United States, composition and characteristics of the world's merchant fleets, seafaring, longshore and shipyard labor; conducts cargo data analyses reflecting competitive factors for use in calculation of operating-differential subsidy rates. The Office of Ship Statistics has the following divisions: Division of Ship Data, Division of Labor Data, and Division of Cargo Data;

7. The Office of Public Information, subject to policy guidance and direction of the Director, Office of Public Information, issues or clears for issuance all information for the general public on shipping and on decisions and activities of the Administration, and prepares periodic and special reports, as assigned;

8. The Office of the General Counsel, under the overall supervision of the General Counsel, Department of Commerce, serves as the law office of the Administration; reviews, and gives legal clearance to, applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepares, and approves as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; renders legal opinions as to the interpretation of such documents and the statutes; prepares drafts of proposed legislation and Executive Orders, and legislative reports to Congressional committees and the Bureau of the Budget; negotiates and settles, or recommends settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assists the Department of Justice in the trial, appeal and settlement of litigation; represents the Administration in public proceedings involving subsidy, charter and related matters, before administrative agencies of the Government, and in State and Federal courts; and handles court litigation in actions involving enforcement of defense of the jurisdiction, general orders, and regulations of the Administration. The Office of the General Counsel has the following divisions: Division of Construction Contracts, Division of Operating and Mortgage-Insurance Contracts, Division of Legislation, and Division of Litigation.

9. The Office of the Comptroller renders financial advice and opinions; performs accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribes a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; performs required external audits of contractor's accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintains control records of statutory and contractual reserve funds; administers the marine and marine war-risk insurance programs; takes necessary action to effect collection of amounts due; negotiates and settles, or recommends settlement of, marine and marine war-risk insurance claims, and general claims; and analyzes financial statements and other data submitted by existing and prospective contractors to determine financial qualifications and limitations. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

10. The Office of Property and Supply is responsible for the procurement of supplies, materials, equipment and services; conducts domestic freight and passenger traffic activities, and settles loss or damage claims arising from shipments on Government bills of lading; conducts material control and disposal activities, ship and other inventories, sales of ships, and supervises compliance with ship sales agreements and mortgages; secures allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; conducts facilities management activities, including acquisition, lease and disposal of marine terminals, warehouses, reserve shipyards, reserve training stations, and other real estate, settlement of claims, maintenance, custody and protection of real property and facilities; is responsible for maintenance and operation of warehouses; renders office services to all components of the agency including communications, records management, library, duplicating, tabulating and property maintenance services; and issues merchant marine decorations and awards. The Office of Property and Supply has the following divisions; Division of Purchase and Sales, Division of Facilities Management, and Division of Office Services;

11. The Office of Ship Construction collects and analyzes data on relative costs of shipbuilding in the United States and foreign countries; calculates and recommends amount of construction-differential subsidy; develops preliminary designs establishing the basic characteristics of proposed ships; reviews and approves ship designs submitted by applicants for Government aid; recommends and, upon request, conducts research and development projects in ship design and construction; develops or approves contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; reviews, obtains approval and certification of national defense features by the Department of the Navy; prepares cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; inspects ships during the course of work to assure conformance with approved plans and specifications; upon the direction of the Maritime Administrator or upon request of the Office of Research and Development, provides technical services and advice in connection with the development of basic characteristics, preliminary design, and the review of contract plans and specifications of the hull and conventional machinery of experimental ships; conducts activities relating to the design and construction of developed ships, including developed nuclear ships; performs expediting and scheduling activities to insure satisfactory delivery of components and materials to shipyards; maintains current records of commercial shipyard ways in the United States and schedules of work progress on such ways; operates the Defense Materials System for ship construction; develops requirements for mobilization ship construction programs; makes recommendations for the allocation of ship construction contracts under Public Law 805, 84th Congress; and conducts trial, acceptance and guarantee surveys of ships. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Nuclear Activities, Division of Production, and contains the Trial and Guarantee Survey Boards;

12. The Office of Research and Development plans, initiates, and carries out research and development activities, including basic and applied research, as needed to assure that the United States merchant marine shall be composed of the best-equipped, safest and most suitable types of ships and capable of competing favorably with ships of other maritime nations; develop, recommends approval of, and directs all approved research and development projects in the maritime field, including cargo handling, ship design, marine transportation systems, advanced propulsion concepts and ship management, relying primarily on outside contractors for the conduct of advanced studies, engineering design fabrication, construction, and test operation of special components and systems, and prototype components, power plants, and ships; is responsible for planning and organizing all research and development projects, establishing fund requirements, maintaining control of allotted funds, negotiating and administering contracts, reviewing, analyzing and approving contractor performance, and performing expediting and scheduling activities to assure satisfactory delivery of services and materials; keeps abreast of research and development programs in maritime fields of other nations, Government agencies, and industry; participates with other Government agencies, such as Atomic Energy Commission, Office of Naval Research, etc., in the conduct of research and development of joint interest; and collaborates with other offices of the Maritime Administration to obtain optimum utilization of their knowledges and special skills in carrying out all of the above responsibilities. The Office of Research and Development has the following divisions: Division of Research Planning, Division of Development Projects, and Division of Technical Support;

13. The Office of Ship Operations provides safety engineering services to all components of the agency; approves transfers of ships to foreign ownership, registry or flag; recommends rates for the transportation of Government-financed cargoes and for services of ships operated by, or for the Maritime Administration; determines program requirements for, and allocates Government-owned oceangoing merchant shipping; recommends the reactivation, purchase, chartering or requisition of merchant ships for Government use; directs the operation of Maritime Administration-owned or acquired merchant ships; is responsible for activities relating to the charter of such ships; recommends terms of and administers General Agency, Charter and Berth Agency agreements and contracts, and related orders; reviews and makes recommendations, from an operating standpoint, on applications for new ship construction; recommends and, upon request, conducts research and development projects in ship operation fields; develops plans for the manning of new or experimental type ships; directs the conduct of condition surveys of ships; recommends terms of, and administers contracts for ship repairs for the account of the Maritime Administration; and directs the maintenance of the national defense reserve fleets, including the ship preservation programs. The Office of Ship Operations has the following divisions: Division of Operating Agreements and Traffic, Division of Operations, Division of Ship Repair and Maintenance, and Division of Ship Custody;

14. The Office of Government Aid processes applications for construction-differential and operating-differential subsidy, Federal Ship Mortgage insurance, trade-in allowances, and other forms of Government aid to shipping; conducts negotiations with applicants, obtains comments of other offices, and prepares reports and recommendations for the award of Government aid contracts; administers all forms of Government aid contracts after their execution; coordinates the work of other organizational components in connection with such contracts; administers Construction Reserve Funds; collaborates with the Office of the Comptroller in preparing recommendations relating to the administration of Special and Capital Reserve Funds of subsidized operators; collects, analyzes, and evaluates costs of operating ships under United States and foreign registry; calculates and recommends op-

erating-differential subsidy rates; conducts studies to evaluate the efficiency and economy of operations of subsidized operators; analyzes and makes recommendations on the trade route structure and requirements of the ocean-borne commerce of the United States; and examines, approves or modifies sailing schedules of subsidized operators. Within this office are personnel responsible for the collection of maritime cost data and other technical maritime activities in foreign countries. The Office of Government Aid has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Operating Costs, and Division of Trade Routes;

15. The Offices of the Atlantic, Gulf and Pacific Coast Directors are responsible for all field offices and programs of the Maritime Administration within their respective coast areas, subject to national policies and program determinations, standard procedures, and technical direction of the appropriate office chief in Washington, D.C.;

16. The United States Merchant Marine Academy, Kings Point, New York, develops and maintains programs for the training of American citizens to become officers in the United States merchant marine.

SEC. 7. *Finality of actions by Maritime Subsidy Board.* .01 All decisions, reports and/or orders of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirement or (b) Board order, shall be final, unless, within twenty-five (25) days after date of service of the Board decision, report and/or order, the Secretary of Commerce, on his own motion, or on the basis of a petition by any party of record to the proceeding, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record. Petitions for review under this section 7.01 shall be in writing and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary of Commerce within ten (10) days after the date of the service of the Board's decision, report or order. Parties of record may file replies in writing thereto. Ten (10) copies of such replies, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary of Commerce within five (5) days after the date the petition for review is filed. Petitions for review and replies thereto shall be limited to the record before the Board. Unless the Secretary of Commerce enters a written order granting the petition for review within ten (10) days after the date prescribed for the filing of replies to such petitions, the petition shall be deemed denied and the Board's decision, report and/or order shall be final. If upon any review the decision of the Secretary of Commerce rests on official notice of a material fact not appearing in the evidence in the record, any party of record, shall, if request is made within five (5) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said five (5) days shall constitute the period for a "timely request" within the meaning of section 7(d) of the Administrative Procedure Act.

.02 In all actions other than those referred to in section 7.01 hereof, the action of the Maritime Subsidy Board shall be final, unless within fifteen (15) days after the date of such action, the Secretary of Commerce, on his own motion, enters a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this section 7.02 shall have the privilege of submitting to the Secretary, within five (5) days of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary of Commerce. Copies of such request will be open for public inspection at the office of the Secretary of the Board. Any other person having an interest in such matter shall have the privilege of submitting, within ten days after the date of the Board's action, a request that the Secretary not exercise such review. Copies of orders undertaking review entered by the Secretary of Commerce shall be served upon the Board, and upon all persons filing requests as herein described.

.03 Petitions and requests for review by the Secretary of Commerce shall not be filed:

1. Unless the petitioner shall have first exhausted his administrative remedies before the Maritime Subsidy Board; nor

2. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in Sections 7.01 and 7.02 above.

.04 The Secretary of Commerce may, for good cause and in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this Section 7 by written order.

SEC. 8. *Saving and transfer provisions.* .01 All orders, determinations, rules, regulations, permissions, delegations, approvals, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, National Shipping Authority and their predecessor agencies, and in effect on the effective date of Reorganization Plan No. 7 of 1961 shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

.02 All actions, proceedings, hearings, or investigations pending on the effective date of Reorganization Plan No. 7 of 1961 before the Federal Maritime Board or the Maritime Administration in respect to the functions referred to herein shall be continued before the Maritime Administration or the Maritime Subsidy Board, as the case may be, in accordance with the delegations made pursuant to this order.

PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

APPENDIX A

MARITIME ADMINISTRATION FIELD ORGANIZATIONS

Field Organization and Location

Atlantic Coast District (Headquarters), New York, N.Y.
Area Representatives: Baltimore, Md., Norfolk, Va.
Gulf Coast District (Headquarters), New Orleans, La.
Area Representatives: Mobile, Ala., Galveston, Tex.
Pacific Coast District (Headquarters), San Francisco, Calif.
Area Representatives: Los Angeles (San Pedro), Calif., Portland, Oreg., Seattle, Wash.

[F.R. Doc. 61-7907; Filed, Aug. 16, 1961; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11918; Order No. E-17315]

AIR FREIGHT DIVISION ET AL.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of August 1961.

In the matter of the application of Clipper Carloading Company, d/b/a Air Freight Division et al., Docket 11918; requesting approval of relationships otherwise prohibited by sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed with the Board November 17, 1960, as amended January 24, 1961, Clipper Carloading Company d/b/a Air Freight Division (Clipper), Jerry Chambers, Evelyn Chambers, Howard W. Ferrell and Ingvald Sundby jointly request the Board (1) to approve pursuant to section 408(b) of the Federal Aviation Act of 1958 (the Act), as amended, the common control of Clipper and March Transport Company (March) by Jerry Chambers and Evelyn Chambers[1] and (2) to approve pursuant to section 409(a) of the Act the interlocking relationships which will result from the aforementioned individuals holding positions with Clipper and March as follows:

Individual	Clipper	March
Jerry Chambers	Pres./Dir.	Pres./Dir.
Evelyn Chambers	Vice Pres./Treas./Dir.	Vice Pres./Treas./Dir.
Howard W. Ferrell	Sec./Dir.	Sec./Dir.
Ingvald Sundby	Asst. Sec.	Asst. Sec.

Clipper Carloading Company is a corporation engaged in land freight forwarding since 1938, pursuant to permit FF-128, granted to it by the Interstate Commerce Commission. It presently has authority to serve 40 of the 50 United States. It maintains its own facilities at Chicago, New York, Boston, New Haven and Philadelphia. At fifteen cities on the West Coast it employs agents and uses their facilities. On July 14, 1960, in the name of Clipper Carloading Company, d/b/a Air Freight Division, the land forwarder filed an application with the Board for the issuance of an operating authorization as an air freight forwarder pursuant to Part 296 of the Board's Economic Regulations. The aforementioned individuals were elected to the stated positions of officer and/or director with Clipper on May 10, 1960.

March is an intrastate motor carrier engaged in the transportation of general commodities intrastate within the commercial zone of Chicago. While its primary duties are pickup and delivery functions for Clipper, according to the joint applicants it has authority to, and does, handle purely local intrastate transportation for others. The aforementioned individuals were elected to the stated positions of officer and/or director of March on May 10, 1960.

In support of their application, the joint applicants submit that by having ready and available the services of March at Chicago, Illinois, Clipper, the land forwarder, has been able to effect pickup and delivery at a minimum of expense; that coordination and integration of the pickup and delivery function of March by Clipper insures that not only will such services be performed more economically, but that the shipping and receiving public receives the benefits of an expeditious and overall superior through-service; that, although Clipper in its land operations also avails itself of the services of hundreds of other local cartage companies in addition to March, the interlocking relationships of the two companies lend themselves to economy and efficiency of service and it is considerably easier to coordinate service with March than it would be with an unaffiliated company; and that Clipper's relationship in its air freight forwarder activities with March will be the same. The joint applicants further state that the proposed relationships will not tend toward monopoly; and that the arrangements outlined herein would do nothing more than allow the Air Freight Division to appreciate the economies offered by such arrangements and enable it to offer to the public a new air freight forwarder service, stimulate competition, and make for an all around better transportation system for carrier, shipper and consignee.

The Board, upon consideration of the joint application, concludes that a control relationship within the purview of section 408(a) of the Act will be created by the common control of Clipper and March by Jerry Chambers and Evelyn Chambers; and that interlocking relationships within the scope of section 409(a) of the Act will result from the holdings by Jerry Chambers, Evelyn Chambers, Howard W. Ferrell, and Ingvald Sundby of the positions described herein.[2] The Board has further concluded tentatively that such control relationship is not adverse to the public interest, does not effect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating monopoly, does not tend to restrain competition; that no person disclosing a substantial interest is currently requesting a hearing; and, that the aforementioned interlocking relationships will not adversely affect the public interest if the following conditions are imposed: (1) That approval of the common control and interlocking relationships, insofar as they relate to Jerry Chambers, Evelyn Chambers and March, shall continue in effect only so long as March limits its surface common carrier operations to intrastate freight shipments, and (2) that Jerry Chambers and Evelyn Chambers be directed to file or cause to be filed with the Board a report of any changes in the operating permit of March that may hereafter be authorized by the Interstate Commerce Commission, within thirty days after the effective date of any such authorization.[3]

In view of the foregoing, the Board tentatively finds that the control relationship involved herein should be approved and intends to approve it without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[4] *Accordingly, it is ordered:*

1. That a copy of this order be published in the FEDERAL REGISTER;

2. That within one day of the publication hereof, a copy of this order be furnished to the Attorney General; and

3. That interested persons are afforded a period of fifteen days within which to file comments with respect to the Board's proposed action herein.[5]

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-7890; Filed, Aug. 16, 1961; 8:49 a.m.]

[1] Jerry Chambers owns 53.75 percent and 12.5 percent, respectively, of the issued and outstanding stock of Clipper and March. Evelyn Chambers owns 16.5 percent and 87.5 percent, respectively, of the issued and outstanding stock of Clipper and March.

[2] Clipper has not been issued an operating authorization as an air freight forwarder pending a decision on the instant relationships; however, for the purposes of this proceeding, it is considered to be an air carrier.

[3] The Board has previously approved similar relationships. See Order E-15650, issued August 12, 1960 (Docket 11223), Airsembly Forwarders, Inc., et al.

[4] Further action on the interlocking relationship under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[5] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

[Docket 9403 etc.]

INTERMEDIATE POINTS ON OZARK

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on September 27, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 14, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7891; Filed, Aug. 16, 1961; 8:49 a.m.]

[Docket 11801]

ROANOKE SERVICE BY AMERICAN AIRLINES, INC.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on September 6, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 11, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7892; Filed, Aug. 16, 1961; 8:49 a.m.]

GENERAL SERVICES ADMINISTRATION

MAGNESIUM OXIDES AND CARBONATES HELD IN THE NATIONAL STOCKPILE

Proposed Disposition

Pursuant to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e), notice is hereby given of a proposed disposition of approximately 20,000 pounds of magnesium oxides and carbonates. These are decomposed materials resulting from deterioration of magnesium ingots now held in the national stockpile.

The Office of Civil and Defense Mobilization has made a revised determination, pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98a(a), that these magnesium oxides and carbonates are obsolescent for use in time of war. The revised determination was based upon the finding of the Office of Civil and Defense Mobilization that said 20,000 pounds of mag-

nesium oxides and carbonates are not usable for the purpose for which magnesium is stockpiled.

General Services Administration proposes to transfer said magnesium oxides and carbonates to other Government agencies, or to offer the material for sale on a competitive basis or otherwise to dispose of it in the best interest of the Government, beginning six months after the date of publication of this notice in the FEDERAL REGISTER.

This plan and the dates of disposition have been fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets as well as the protection of the United States against avoidable loss on disposal.

Dated: August 10, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-7863; Filed, Aug. 16, 1961; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-808]

ARCADY CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 9, 1961.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that The Arcady Corporation (Chicago, Ill.) ("Applicant"), a registered closed-end investment company, has ceased to be an investment company.

The application recites that the total outstanding shares of Applicant's common stock were reduced from 95,474 shares owned by 129 stockholders of record on September 9, 1960, to 86,676 shares owned beneficially by 42 persons as of July 26, 1961. This reduction was effected through a Stock Purchase Offer mailed on April 19, 1961, to all shareholders of record for the purpose of purchasing for retirement all or part of such shareholders' holdings of Applicant's common stock. Walter P. Scheuer, Applicant's President and Director, together with five members of his family and three business associates, own beneficially 83,190 of the 86,676 shares now outstanding.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given, that any interested person may, not later than August 23, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-7878; Filed, Aug. 16, 1961; 8:48 a.m.]

[File No. 811-349]

ASSOCIATED GENERAL UTILITIES CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 10, 1961.

Notice is hereby given that Associated General Utilities Company (Philadelphia, Pennsylvania) ("Applicant"), a Delaware corporation and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Pursuant to a plan of dissolution and liquidation adopted by Applicant's Board of Directors and stockholders on September 29, 1955, and November 4, 1955, respectively, Applicant was dissolved under Delaware law on November 7, 1955. Applicant has now completed its dissolution and liquidation and holds no assets whatsoever. All assets have been delivered either directly to the stockholders or to Bankers Trust Company, New York, N.Y., as agent in trust for the holders of unsurrendered certificates for shares of common stock, unsurrendered voting trust certificates representing shares of Applicant's common stock held under a Voting Trust Agreement which expired on October 20, 1941, and unsurrendered non-transferable certificates of fractional interests in Applicant's residual assets and issued at the time shareholders exchanged their share certificates incident to receipt of the second liquidating distribution. The Bankers Trust Company has represented that on July 28, 1961, it irrevocably held 1,520 shares of General Public Utilities Corporation common stock and $11,126.41 in cash for the benefit of 43 holders of 466 unsurrendered shares of Applicant's common stock, 4,550 shares of General Public Utilities Corporation common stock and $31,555.24 in cash for 194 holders of unsurrendered voting trust certificates for 868 shares of Applicant's common stock and $3,680.50 in cash for 261 holders of 2,165 unsurrendered certificates of fractional interests.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 25, 1961, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or the Commission's own motion.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-7879; Filed, Aug. 16, 1961; 8:48 a.m.]

[File No. 1-3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 11, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 12, 1961, to August 21, 1961, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-7880; Filed, Aug. 16, 1961; 8:48 a.m.]

[File No. 812-1428]

TOWNSEND CORPORATION OF AMERICA AND TOWNSEND MANAGEMENT CO.

Notice of Filing of Application

AUGUST 10, 1961.

Notice is hereby given that Townsend Corporation of America ("TCA") and Townsend Management Company ("TMC") (Short Hills, New Jersey), registered closed-end management investment companies have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 30(a) and 30(d) of the Act and Rules 30a-1 and 30d-1 promulgated thereunder, TCA and TMC in regard to the filing of annual reports for the year ending December 31, 1960.

The application recites that pursuant to a consent order in the case of Securities and Exchange Commission v. Townsend Corporation, et al., (Civil Action 336-61) signed on May 31, 1961, by William F. Smith, United States District Judge, an Interim Board of Directors is authorized, ordered and directed to take or cause to be taken all action necessary or appropriate to comply with said consent order.

The application further recites that the Interim Board is informed that neither TCA nor TMC has filed with the Commission an annual report for 1960 as required by section 30(a) of the Act and Rule 30a-1 nor has either TCA or TMC transmitted to its stockholders the report required by section 30(d) of the Act and Rule 30d-1. The Interim Board cannot accurately establish the value of assets as of December 31, 1960, and without accurate valuations such financial statements might be seriously misleading. TCA and TMC accountants are now engaged in preparing financial statements for the six-month period ended June 30, 1961, and the companies will file with the Commission such financial statements with their quarterly reports for the quarter ended June 30, 1961, and will distribute such financial statements to stockholders as soon as possible.

TCA and TMC assert in their application that the exemption requested is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act in that the filing and distribution of reports including financial statements and financial data for the year ended December 31, 1960, might result in the dissemination of misleading financial data.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 25, 1961, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-7881; Filed, Aug. 16, 1961; 8:48 a.m.]

[File No. 1-4252]

UNITED INDUSTRIAL CORP.

Order Summarily Suspending Trading

AUGUST 11, 1961.

In the matter of trading on the American Stock Exchange, the Detroit Stock Exchange, the New York Stock Exchange and the Pacific Coast Stock Exchange, in common stock, $1 par value, Series A Convertible Preferred Stock $8.50 par value, warrants to purchase common stock of United Industrial Corporation (Delaware), File No. 1-4252.

The Common Stock, $1 par value of United Industrial Corporation (Delaware) being listed and registered on the the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware) being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The Warrants to Purchase Common Stock of United Industrial Corporation (Delaware) being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 14, 1961, to August 23, 1961, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 61-7882; Filed, Aug. 16, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 351]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Muskingum County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from a flood and accompanying conditions occurring on or about August 2, 1961.

Office—
Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1962.

Dated: August 8, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-7966; Filed, Aug. 16, 1961; 10:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 14, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37300: *Cotton baling ties and tie buckles to Galveston and Houston, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-8066), for interested rail carriers. Rates on iron or steel cotton baling ties and cotton baling tie buckles, in carloads, from Atlanta, Ga., to Galveston and Houston, Tex.

Grounds for relief: Foreign import and market competition.

Tariff: Supplement 205 to Southwestern Freight Bureau tariff I.C.C. 4308.

FSA No. 37301: *Iron and steel articles from official territory to WTL territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2466), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (not including Illinois) territory, to points in western trunk-line territory.

Grounds for relief: Market competition.

Tariff: Supplement 36 to Traffic Executive Association-Eastern Railroads tariff I.C.C. C-134.

FSA No. 37303: *Pulverized blast furnace slag from, to and between points in southwestern territory.* Filed by Southwestern Freight Bureau, Agent (No. B-8059), for interested rail carriers. Rates on pulverized blast furnace slag (cement supplement), in carloads, from, to and between points in southwestern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 55 to Southwestern Freight Bureau tariff I.C.C. 4325.

FSA No. 37304: *Petroleum products from Montana points to Crookston, Minn.* Filed by Northern Pacific Railway Company (No. 119), for itself. Rates on distillate fuel oil, not suitable for illuminating purposes, petroleum residual fuel oil, and gas oil, in tank-car loads, from Billings, East Billings and Laurel, Mont., to Crookston, Minn.

Grounds for relief: Natural gas competition.

Tariff: Supplement 6 to Northern Pacific Railway tariff I.C.C. 9977.

FSA No. 37305: *T.O.F.C. service—Glassware from New Orleans, La.* Filed by Southwestern Freight Bureau, Agent (No. B-8064), for interested rail carriers. Rates on glassware, as described in the application, loaded in trailers and transported on railroad flat cars, from New Orleans, La., to points in Arkansas, Oklahoma and Texas, also Memphis, Tenn., and Natchez, Miss.

Grounds for relief: Market and motor-truck competition.

Tariff: Supplement 39 to Southwestern Freight Bureau tariff I.C.C. 4353.

FSA No. 37306: *T.O.F.C. Service—Alcoholic liquors from Meadow Lawn, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-8065), for interested rail carriers. Rates on liquors, alcoholic, noibn, also wine, noibn, as described in the application, loaded in trailers and transported on railroad flat cars, from Meadow Lawn, Ky., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Market and motor-truck competition.

Tariff: Supplement 13 to Southwestern Freight Bureau tariff I.C.C. 4409.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37302: *Iron and steel articles from official territory to WTL territory.* Filed by Traffic Executive Association-Eastern Railroads, Agent (CTR No. 2467), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, from points in official (not including Illinois) territory, to points in western trunk-line territory.

Grounds for relief: Maintenance of present through one-factor rates from or to points in the same or other territories without observing market competitive rates from official (not including Illinois) territory to western trunk-line territory as factors in constructing lower combination rates.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7886; Filed, Aug. 16, 1961; 8:49 a.m.]

[Notice 534]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 14, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64164. By order of August 10, 1961, The Transfer Board approved the transfer to E. J. Dickie Trucking Company, a corporation, Bagdad, Ariz., of Permit No. MC 77340, issued May 12, 1949, to Edward J. Dickie, Bagdad, Ariz., authorizing the transportation of general commodities, excluding household goods, between points within 25 miles of Hillside, Ariz., including Hillside.

No. MC-FC 64292. By order of August 10, 1961, The Transfer Board approved the transfer to Dodson Louis Crook, Kansas City, Mo., of Permit in No. MC 113427, issued April 21, 1960, to Joe L. Cullum, Kansas City, Mo., authorizing over regular routes, the transportation of: Ice cream mix, ice milk mix, sweet cream, and condensed milk in cans, from Ottawa, Kans., to St. Joseph, Mo., serving no intermediate points; empty containers used in the transportation of the above-specified commodities, from St. Joseph, Mo., to Ottawa, Kans., serving no intermediate points; ice cream mix, ice milk mix, sweet cream, and condensed milk in cans, over irregular routes, from Ottawa, Kans., to points in Clay, Jackson, and Pratt Counties, Kans., and empty containers used in the transportation of the commodities specified immediately above, from points in Clay, Jackson, and Pratt Counties, Kans., to Ottawa, Kans. Richard C. Byrd, attorney, First National Bank Building, Ottawa, Kans.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7887; Filed, Aug. 16, 1961; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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(As of January 1, 1961)

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment for 1961–62 Fiscal Period

On August 2, 1961, notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6937) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1961–62 fiscal period under the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 939.214 Expenses and rate of assessment for the 1961–62 fiscal period.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning July 1, 1961, and ending June 30, 1962, both dates inclusive, will amount to $35,201.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles pears shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order, is hereby fixed at eight and one-half mills ($0.0085) per standard western pear box of pears, or its equivalent of pears in other containers or in bulk, shipped by such handler during said fiscal period.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable pears from the beginning of such periods; and (2) the current fiscal period began on July 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable pears beginning with such date.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7940; Filed, Aug. 17, 1961; 8:48 a.m.]

[Area No. 3]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER July 25, 1961 (26 F.R. 6625). This regulatory program became effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 3 established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.236 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 established pursuant to Marketing Agreement No. 97, as amended, and this part, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and this part, during the fiscal period ending May 31, 1962, will amount to $3,125.00.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part (25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 15, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7941; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 101—GENERAL PROVISIONS

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PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

PART 112—LABELS AND SAMPLES

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

PART 123—RULES OF PRACTICE

Miscellaneous Amendments

On May 3, 1961, a notice of proposed amendment to the regulations relating to viruses, serums, toxins, and analogous products; organisms and vectors (9 CFR Parts 101, 102, 103, 112, 114, and 123) issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158), was published in the FEDERAL REGISTER (26 F.R. 3813). The notice afforded interested parties the opportunity of submitting written data, views, or arguments in connection with the proposal.

After consideration of all relevant matters presented by interested persons, including the proposal, the regulations are hereby amended to read as follows:

The proposed amendment to the regulations as published in the FEDERAL REGISTER of May 3, 1961 (26 F.R. 3813; F.R. Doc. 61-4042), is hereby adopted with the following changes:

1. Delete the first sentence of § 103.1 and substitute therefor the following sentence: "Except as otherwise pro-

vided in this section experimental biological products, which are neither composed of nor prepared with organisms or antigens used in biologicals already licensed, shall not be prepared in the production facilities of a licensed establishment."

2. Paragraph (b) of § 103.2 is changed.

3. The first sentence of paragraph (e) of § 103.2 is changed by inserting the word "general" after the word "proposed."

4. Section 103.3 is changed by substituting a comma for the period at the end of the section and adding "provided the plan is later documented and submitted to the Division."

5. The first sentence of paragraph (a) of § 112.6 is changed by deleting the phrase "containing recommendations for individual administration," and inserting therefor "accompanied by recommendations for administration to individual animals,".

6. Immediately preceding the signature, insert a note.

The adopted regulations read as follows:

§ 101.1 [Amendment]

1. Amend § 101.1(s) to read as follows:

(s) *Permittee.* A person who resides in the United States or operates a business establishment within the United States, to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

2. Amend § 102.26 by adding a new sentence "Such person shall reside or operate a business establishment within the United States" at the end thereof, and as thus amended § 102.26 shall read as follows:

§ 102.26 Import permits required.

Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Secretary. Such person shall reside or operate a business establishment within the United States.

§ 102.27 [Amendment]

3. Amend § 102.27(b) to read as follows:

(b) A permit shall not be issued unless the actual manufacturer agrees in writing that each biological product to be imported for sale will be prepared, tested, and labeled in accordance with the regulations contained in this subchapter applicable to that particular product. A biological product to be imported, for which no specific regulations have been issued, shall be prepared, tested, and labeled in a manner acceptable to the Director so as to carry out the purposes of the Act.

4. Amend § 102.27(d) to read as follows:

(d) Each application for a permit shall be accompanied by: (1) Information regarding all claims to be made on labels and advertising matter used in connection with or related to the biological products to be imported; and (2) mounted copies of these labels and circulars as provided in Part 112 of this subchapter. A permit shall not be issued for the importation of any biological product unless written assurance is furnished that the product will not be advertised so as to mislead or deceive the purchaser, and the package or container in which the same is intended to be sold, bartered, exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the applicable requirements of the regulations in Part 112 of this subchapter are met.

5. Amend § 102.27 by adding two new paragraphs (e) and (f) to read as follows:

(e) Each application for a permit shall be accompanied by three or more copies of an outline of production processes; these methods shall be in accordance with the applicable provisions of Part 114 of this subchapter.

(f) Each application for a permit shall be accompanied by at least three copies of blueprints of the facilities used for preparation and testing all biological products listed on the application, and three copies of the sanitation procedures conducted to prevent contamination of these biological products. Such facilities and sanitation procedures therein shall be in accordance with requirements of Part 108 of this subchapter. Blueprints need not accompany an application for a permit to import biological products produced in facilities for which satisfactory plans are on file with the Division if the application designates the facilities used for preparation and testing of such products.

6. Add a new Part 103 to read as follows:

PART 103—EXPERIMENTAL PRODUCTION, DISTRIBUTION, AND EVALUATION OF BIOLOGICAL PRODUCTS PRIOR TO LICENSING

Sec.
103.1 Preparation of experimental products.
103.2 Distribution of unlicensed and experimental products.
103.3 Evaluation of experimental products.

AUTHORITY: §§ 103.1 to 103.3 issued under 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 103.1 Preparation of experimental products.

Except as otherwise provided in this section, experimental biological products which are neither composed of nor prepared with organisms or antigens used in biologicals already licensed, shall not be prepared in the production facilities of a licensed establishment. Upon application therefor, the Director may authorize the preparation of experimental products on the premises of a licensed establishment if he determines that such preparation will not result in contamination of the licensed products. Each request for permission to prepare an experimental biological product on licensed premises shall indicate the nature of the unlicensed product, designate facilities to be used, and specify precautions which will be taken to prevent contamination of licensed products. Such requests shall be submitted through the Inspector in Charge. Research facilities that are entirely separate and apart from facilities used for the preparation of licensed biological products will not be considered a part of the licensed premises for purposes of this section.

§ 103.2 Distribution of unlicensed and experimental products.

Except as provided in this section, no person shall ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any unlicensed biological product for experimental treatment of domestic animals. For the convenience of license applicants and to permit and encourage important research projects, a person may be authorized by the Director to ship unlicensed biological products from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, for the purpose of evaluating experimental products by treating limited numbers of domestic animals, if the Director determines that the conditions under which the experiment is to be conducted are adequate to prevent spread of disease and approves the procedures set forth in the request for such authorization. Requests for authorization to ship unlicensed biological products for experimental field studies shall be accompanied by the following:

(a) One copy of permit or letter of permission from the proper State authorities of each State involved;

(b) Two copies of a tentative list of the names of the proposed recipients and quantity of experimental product that is to be shipped to each individual. In the event of subsequent changes, additional information shall be furnished when such facts are known;

(c) Two copies of a description of the product, recommendations for use, and results of preliminary research work;

(d) Three copies of labels or label sketches which show the name or identification of the product and bear a statement, "Notice! For Experimental Use Only—Not For Sale," or equivalent. The U.S. Veterinary License legend shall not appear on such labels; and

(e) Two copies of a proposed general plan covering the methods and procedures for evaluating the product and for maintaining records of the quantities of experimental product prepared, shipped and used. At the conclusion of field studies, results shall be obtained, summarized, and submitted to the Division.

§ 103.3 Evaluation of experimental products.

For the convenience and guidance of license applicants and to expedite final consideration of license applications, the proposed plan for evaluating the unlicensed product may be furnished in writing or may be orally submitted in conference with Division personnel for comment and suggestions; provided the plan is later documented and submitted to the Division.

§ 112.1 [Amendment]

7. Amend § 112.1(a) to read as follows:

(a) Each immediate or true container of biological products prepared at a licensed establishment or imported by a permittee, in compliance with the regulations for the purpose of sale, barter, exchange, or commercial distribution, and found not to be worthless, contaminated, dangerous, or harmful, shall be labeled and packaged as provided in this part, before it is removed from the licensed establishment or presented for importation.

§ 112.2 [Amendment]

8. Amend § 112.2(a)(10) by deleting the phrase "except as provided in subparagraph (13) of this paragraph." As thus amended subparagraph (10) of paragraph (a) shall read as follows:

(10) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered and affixed to the immediate or true container of such product;

9. Amend § 112.2(a)(12) by adding at the end thereof the phrase "except that the label affixed to the immediate or true container is exempt from this requirement provided this statement appears on a box or carton label containing such immediate or true container;" As thus amended subparagraph (12) of paragraph (a) shall read as follows:

(12) In the case of a product which contains an antibiotic added during the production process, the statement "Contains ------ as a preservative," or an equivalent statement indicating the antibiotic added, except that the label affixed to the immediate or true container is exempt from this requirement provided this statement appears on a box or carton label containing such immediate or true container;

10. Amend § 112.2(a)(13) to read as follows:

(13) In the case of a desiccated biological product which is to be added to a diluent and never returned to the original container, the label of such desiccated biological product is exempt from the provisions of subparagraph (9) of this paragraph; and

11. Amend § 112.3 to read as follows:

§ 112.3 Diluent labels.

Except as provided by the Director, each immediate or true container of diluent packaged with desiccated biological products, in accordance with the requirements in § 112.6, shall bear a label that includes the following:

(a) Name or statement indicating the nature of the contents;

(b) True name of the biological product with which the diluent is packaged, except as provided in paragraph (g) of this section;

(c) Quantity of contents in cubic centimeters;

(d) A serial number by which the diluent can be identified with the manufacturer's records of preparation;

(e) Name and address of the licensee;

(f) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container, additional information as follows:

(1) In the case of a multiple dose container, a warning that all of the product should be used at the time the container is first opened;

(2) In the case of a product composed of viable or dangerous organisms or viruses, the notice "Burn this container and all unused contents" prominently placed and lettered; and

(g) When the firm packages all desiccated biological products with the same diluent, or two or more types of diluent are used, and the licensees' methods of identification and storage ensure that all products are packaged with the correct type of diluent, labels affixed to immediate or true containers of diluent are exempt from the provisions of paragraph (b) of this section.

§ 112.5 [Redesignated]

12. Redesignate § 112.4 as § 112.5.

13. Add a new § 112.4 to read as follows:

§ 112.4 Reference to distributors and permittees.

(a) *Distributors.* The name and address of a distributor of a biological product (who is not the licensed producer of such product) shall not be placed on the labels or containers of such product in such a manner as to indicate that he is the producer of such product or operating under the license number shown on the label. The name and address of such distributor may be placed on labels or containers if the term "distributor," or "distributors," or "distributed by," or an equivalent term, is prominently placed in connection therewith: *Provided,* The terms are not so used as to be false or misleading. Reference to such distributor shall be by name and address only.

(b) *Permittees.* The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such a manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and U.S. Veterinary Permit number only.

14. Add a new § 112.6 to read as follows:

§ 112.6 Packaging desiccated products.

(a) Each immediate or true container of a desiccated biological product, produced by a licensee or presented for importation by a permittee, accompanied by recommendations for administration, to individual animals, shall be packaged with an accompanying container of sterile diluent in a box or carton labeled in accordance with the applicable labeling provisions of the regulations in this part: *Provided,* That desiccated biological products prepared at licensed establishments may be exported without accompanying diluent if the true containers of such products bear labels prominently superimposed with the words "Export" or "For Export Only" or are printed in a foreign language, and such labels or accompanying circulars give adequate instructions for reconstituting the product prior to use.

(b) Only one multiple dose "immediate" or "true" container of a desiccated biological product and its accompanying container of diluent shall be packaged in an appropriately labeled box or carton.

(c) Several single dose containers of desiccated products and accompanying containers of diluent may be marketed in a single appropriately labeled box or carton.

§ 114.7 [Amendment]

15. Amend § 114.7(c) by deleting the phrase "not in excess of 100,000 cc." As thus amended paragraph (c) shall read as follows:

(c) Safety tests shall be made by injecting subdurally laboratory animals with a representative sample of rabies vaccine. Each batch completed for marketing shall be tested by thus injecting each of not less than two rabbits with not less than 0.2 cc. and each of not less than five mice with 0.03 cc. for each 20,000 cc. or fraction thereof. The test animals shall be held under observation for at least 14 days.

16. Amend § 114.7(d) by deleting the phrase "not in excess of 100,000 cc." As thus amended paragraph (d) shall read as follows:

(d) Each batch of completed vaccine shall be tested by the licensee for protective value. Each batch to be marketed shall show a protective titer of at least 1,000 m.l.d. when tested on suitable mice against the permitted standard challenge virus.

17. Add a new § 114.13 to read as follows:

§ 114.13 Observation of tests.

Tests of biological products, with a critical period occurring on Saturday, Sunday, or a holiday, shall be observed on these nonwork days by a competent employee of the licensee who is satisfactory to the Inspector in Charge. The results of these observations shall be recorded on test reports. Tests need not be so observed during noncritical periods occurring on nonwork days, if such observations serve no purpose for interpreting test results. A critical period is that time or day when certain specified reactions must occur in test animals to properly evaluate the test results.

§ 123.1 [Amendment]

18. Amend paragraph (j) of § 123.1 to read as follows:

(j) *Permittee.* A person who resides in the United States, or operates a business establishment within the United States, to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(37 Stat. 832–833; 21 U.S.C. 151–158)

NOTE: The record keeping and/or reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 14th day of August 1961.

M. R. CLARKSON,
Acting Administrator.

[F.R. Doc. 61–7930; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation

On June 24, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5688) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1693 from Riverhead, N.Y., to St. Johns, Quebec, Canada, excluding the portion over Canadian Territory.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR 600) is amended by adding the following section:

§ 600.1693 VOR Federal airway No. 1693 (Riverhead, N.Y., to St. Johns, Quebec, Canada).

From the Riverhead, N.Y., VORTAC via the INT of the Riverhead VOR 293° and the Poughkeepsie, N.Y., VOR 169° radials; to the Poughkeepsie VOR; thence 10-mile wide airway via the Cambridge, N.Y., VOR; Burlington, Vt., VOR; to the St. Johns, Quebec, Ontario, VOR, excluding the portion over Canadian Territory.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 14, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–7916; Filed, Aug. 17, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8261 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hernia Control, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–278 *Time in business;* § 13.170 *Qualities or properties of product or service:* § 13.170–22 *Corrective, orthopedic, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hernia Control, Inc., et al., Boston, Mass., Docket 8261, July 25, 1961]

In the Matter of Hernia Control, Inc., a Corporation, and Robert A. Sykes and Ann H. Sykes, Individually and as Officers of Said Corporation

Consent order requiring Boston, Mass., distributors to cease misrepresenting the effectiveness of their "Muscle-Spension" devices in the control of ruptures and hernias, and their time in business, in advertisements in newspapers and by means of brochures, circulars, match covers, and other media.

The order to cease and desist is as follows:

It is ordered, That the respondents Hernia Control, Inc., a corporation, and its officers, and Robert A. Sykes and Ann H. Sykes, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices known as "Muscle-Spension", or any device of substantially similar construction or design, whether sold under said name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) Said devices are not trusses;

(b) Said devices will cure ruptures or hernias;

(c) Said devices will prevent the development or enlargement of ruptures or hernias;

(d) Said devices will be of value in holding or retaining a rupture or hernia unless limited to reducible ruptures or hernias;

(e) Said devices will free the wearer thereof of the problems of reducible rupture or hernia;

(f) Said devices will retain ruptures under all conditions of activity or strain;

(g) The use of said devices will provide an adequate remedy for ruptures or hernia without surgery;

(h) Respondents, or any of them, have been in the business of rupture control since 1916, or misrepresenting the period of time that they, or any of them, have been in such business.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said devices in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited by Paragraph 1 of this order.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7919; Filed, Aug. 17, 1961; 8:45 a.m.]

[Docket 8180 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Parliament T.V. Tube Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–270 *Size and extent;* § 13.15–278 *Time in business;* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Parliament T.V. Tube Sales, Inc., et al., Chicago, Ill., Docket 8180, July 25, 1961]

In the Matter of Parliament T.V. Tube Sales, Inc., a Corporation, and David Becker, Mort Posen, and Jack N. Friedman, Individually and as Officers of Said Corporation

Consent order requiring Chicago distributors of rebuilt television picture tubes containing used parts, to cease representing falsely through statements on tags and labels, price lists, and other media, that all parts in their tubes were "brand new", and that they had given "Eight years of dependable service" and were the "World's largest independent picture tube distributor"; and to cease failing to disclose clearly when tubes were rebuilt containing a used part.

The order to cease and desist is as follows:

It is ordered, That respondents Parliament T.V. Tube Sales, Inc., a corporation, and its officers, and David Becker, Mort Posen, and Jack N. Friedman, individually and as officers of said corporate respondent, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale and sale of rebuilt television picture tubes, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said television picture tubes are new.

2. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices and in advertising, that said tubes are rebuilt containing a used part.

3. Placing any means or instrumentalities in the hands of others whereby they may mislead the public as to the nature and condition of their television picture tubes.

4. Representing, directly or indirectly:

(a) That the corporate respondent has been in existence, or that corporate respondent or the individual respondents have been in business for any period or length of time that is not in accordance with the facts.

(b) That respondents are the world's largest television picture tube distributors.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7920; Filed, Aug. 17, 1961; 8:45 a.m.]

[Docket 8169 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Smith-Fisher Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.70 *Fictitious or misleading guarantees;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Frank Fisher, Individually, Owosso, Mich., Docket 8169, July 25, 1961]

In the Matter of Smith-Fisher Corporation, a Corporation, and Jack D. Smith and Frank Fisher, Individually and as Officers of Said Corporation

Consent order requiring an individual in Owosso, Mich., to cease misrepresenting in advertisements in trade journals, newspapers, circulars, etc., the effectiveness, comparative qualities, guarantee, and other relevant facts concerning their "Super Atom" electrical fence charger used to prevent cattle from straying.

By separate consent order, this matter was disposed of Mar. 30, 1961 (26 F.R. 5254, June 13, 1961), as to the corporate manufacturer and one officer.

The order to cease and desist is as follows:

It is ordered, That respondent Frank Fisher, an individual, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a fence charger known as Super Atom Charger, or any other charger of substantially the same construction or operation, do forthwith cease and desist from representing directly or indirectly:

1. Said product is effective in confining farm animals in an enclosure under all climatic or fencing conditions without the use of insulators.

2. Said product is twenty times, or any other number of times, more short resistant than other fence chargers.

3. Green grass, brush, rain or ice will not cause a short in the operation of said product.

4. Said product will effectively or safely charge more than 10 miles of fence with insulators or will effectively or safely charge any stated number of miles of fence without insulators.

5. Said product has a mechanism that adjusts it to the various climatic conditions under which it will be operated.

6. Said product is guaranteed unless the nature and extent of the guarantee and the manner in which respondent will perform thereunder are clearly set forth.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent Frank Fisher as an officer of Smith-Fisher Corporation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Frank Fisher, an individual, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7921; Filed, Aug. 17, 1961; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Chapter IV—Bureau of Labor Management Reports, Department of Labor

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 405—EMPLOYER REPORTS

PART 406—LABOR RELATIONS CONSULTANT REPORTS

PART 407—PUBLICATION OF LABOR AND MANAGEMENT REPORTS

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

PART 415—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT—FISCAL YEARS ENDING PRIOR TO DECEMBER 15, 1959

Public Records; Copies and Inspections

The purpose of this amendment of Title 29 of the Code of Federal Regulations is to provide a uniform rule for inspecting and obtaining copies of the several types of public records maintained by the Department of Labor.

Because this amendment is a rule of agency practice, no provision is made for public participation in its formulation. It shall be effective on and after September 17, 1961.

Accordingly, pursuant to the authorities cited in parentheses following the sections affected, Parts 2, 402, 403, 405, 406, 407, 408, and 415 of Title 29 of the Code of Federal Regulations are hereby amended as hereinbelow provided.

1. The centerhead preceding § 2.4 is hereby revised to read as follows: "Public Records".

2. Section 2.4 is hereby revised to read as follows:

§ 2.4 Copies and inspections.

(a) The papers and documents described in subparagraphs (1), (2), and (3) of this paragraph, may be examined or inspected by any person during regular business hours on any regular workday (Monday through Friday of each week, official Federal holidays excepted). Facsimile copies of such records and documents will also be furnished upon request. Except for copies duplicated for distribution for no fee, a fee of 25 cents will be charged for each facsimile page reproduction in a maximum size of 10½" x 15½". Such postal fees in excess of domestic first class postal rates as are necessary for transmittal of copies will be added to the per-page fee specified unless stamps or stamped envelopes are furnished with the request. The

Bureaus of the Department having custody of records covered by this section, the types of records that are open to public examination and inspection, and the addresses at which records may be examined and inspected or copies purchased, are as follows:

(1) *Bureau of Labor Statistics.* Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department pursuant to section 211(a) of the Labor-Management Relations Act of 1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated and published or reported by the Bureau of Labor Statistics pursuant to the provisions of Title 29, Chapter 1 of the United States Code. Requests to inspect such documents will be denied with respect to any specific information submitted to the Department in confidence.

Address—
United States Department of Labor,
Bureau of Labor Statistics,
14th Street and Constitution Avenue NW.,
Washington 25, D.C.

(2) *Bureau of Labor Standards.* Copies of the descriptions of welfare or pension benefit plans, amendents or modifications thereto, and entire or individual pages of annual reports thereon, filed with the Bureau pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act of 1959 (72 Stat. 1002; 29 U.S.C. 307);

Address—
United States Department of Labor,
Bureau of Labor Standards,
Welfare and Pension Reports Division,
Public Documents Room—Mather Building, 916 G Street NW.,
Washington 25, D.C.

(3) *Bureau of Labor-Management Reports.* Data and information contained in any report or other document filed with the Bureau pursuant to sections 201, 202, 203, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (Parts 402, 403, 405, 408, and 415 of this title) (73 Stat. 524–528, 530; 29 U.S.C. 431–433, 461)

Address—
United States Department of Labor,
Bureau of Labor-Management Reports,
14th Street and Constitution Avenue NW.,
Washington 25, D.C.

(b) Upon request of the Governor of a State for copies of any reports or documents available under paragraph (a)(3) of this section or for information and data contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Bureau of Labor-Management Reports shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies or information and data, or;

(2) Require the person who filed such reports or documents, to furnish such copies or information and data directly to the State agency thus designated.

(c) Section 2.9, governing withdrawal of originals and copies of Departmental records, shall not apply to the examination, inspection or furnishing of copies of reports and documents as provided by paragraph (a) of this section.

(61 Stat. 156, 72 Stat. 1002, 73 Stat. 529, 530; 29 U.S.C. 181, 307, 438, 461)

§ 2.11 [Amendment]

3. Paragraph (b) of § 2.11 is hereby revoked.

(61 Stat. 156; 29 U.S.C. 181)

4. The provisions in § 402.12 are hereby deleted and the following cross reference is substituted in their place:

§ 402.12 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

5. The provisions in § 403.10 are hereby deleted and the following cross reference is substituted in their place:

§ 403.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

6. The provisions in § 405.10 are hereby deleted and the following cross reference is substituted in their place:

§ 405.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

7. The provisions in § 406.8 are hereby deleted and the following cross reference is substituted in their place:

§ 406.8 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C 438)

8. Part 407 of Title 29 of the Code of Federal Regulations is hereby revoked.

(Sec. 208, 301, 73 Stat. 529, 530; 29 U.S.C. 438, 461)

9. The provisions in § 408.9 are hereby deleted and the following cross reference is substituted in their place:

§ 408.9 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 301.73 Stat. 530; 29 U.S.C. 461)

10. The provisions in § 415.7 are hereby deleted and the following cross reference is substituted in their place:

§ 415.7 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(Sec. 208, 73 Stat. 529; 29 U.S.C. 438)

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-7932; Filed, Aug. 17, 1961; 8:47 a.m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

PART 548—AUTHORIZATION OF ESTABLISHED BASIC RATES FOR COMPUTING OVERTIME PAY

PART 785—HOURS WORKED

PART 791—JOINT EMPLOYMENT RELATIONSHIP UNDER FAIR LABOR STANDARDS ACT OF 1938

Miscellaneous Amendments

For the purpose of conforming certain parts of the Code of Federal Regulations established pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30), and pursuant to authority contained in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), Reorganization Plan No. 6, of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R., 3290), I hereby amend Parts 526, 548, 785, and 791 as hereinbelow set out.

In view of the fact that these amendments are necessary to conform outstanding regulations and interpretations to the terms of the amendatory statute I find that notice and public procedure thereon are unnecessary. They shall become effective September 3, 1961, the effective date of the Fair Labor Standards Amendments of 1961.

1. The quotation of subsection 7(a) of the Fair Labor Standards Act of 1938 is deleted from § 526.1 so that this section as amended will read as follows:

§ 526.1 Statutory provisions.

The provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, providing a seasonal industry exemption from the overtime pay requirements of the Act, are as follows:

SECTION 7. *Maximum hours.*

* * * * *

(b) No employer shall be deemed to have violated subsection (a) of this section [which prohibits persons from being employed for more than specified numbers of hours without proper overtime compensation] by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed.

* * * * *

(3) For a period or periods of not more than 14 workweeks in the aggregate in any calendar year in an industry found by the Secretary of Labor to be of a seasonal nature, and if such employee receives compensation for employment in excess of 12 hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

2. The references to forty hours in the introductory paragraph and paragraph (h) of § 548.2 are changed to refer to section 7(a) of the Act so that these paragraphs as amended shall read as follows:

§ 548.2 General conditions.

The requirements of section 7 of the Act with respect to the payment of overtime compensation to an employee for a workweek longer than the applicable number of hours established in section 7(a) of the Act, will be met under the provisions of section 7(f)(3) of the Act by payments which satisfy all the following standards:

* * * * *

(h) The number of hours for which the employee is paid not less than one and one-half times such established basic rate equals or exceeds the number of hours worked by him in any workweek in excess of the maximum workweek applicable to such employees under subsection 7(a) of the Act.

3. The references to "$1.00 an hour" and to "40 hours" in § 548.3(e) are changed to refer to "the rates required by section 6(a) and (b) of the Act" and to "the number of hours applicable under section 7(a) of the Act" so that this paragraph as amended shall read as follows:

§ 548.3 Authorized basic rates.

* * * * *

(e) The rate or rates (not less than the rates required by section 6(a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 30 cents a week on the average for all overtime weeks (in excess of the number of hours applicable under section 7(a) of the Act) in the period for which such additional payments are made.

4. The quotation from section 7 of the Fair Labor Standards Act of 1938 in § 548.100(b) is changed to conform to the amendments to section 7 effected by the Fair Labor Standards Amendments of 1961, and the reference to a workweek of forty hours in the language preceding the quotation is deleted, so that § 548.100(b) as amended will read as follows:

§ 548.100 Introductory statement.

* * * * *

(b) Section 7(f) of the Fair Labor Standards Act provides that an employer will comply with the overtime requirements of the Act if—

* * * pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, the amount paid to the employee for the number of hours worked by him in such workweek in excess of the maximum workweek applicable to such employee under such subsection [7(a)]—

* * * * *

(3) Is computed at a rate not less than one and one-half times the rate established by such agreement or understanding as the basic rate to be used in computing overtime compensation thereunder: *Provided*, That the rate so established shall be authorized by regulation by the Secretary of Labor as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time; and if (i) the employee's average hourly earnings for the workweek exclusive of payments described in paragraphs (1) through (7) of subsection (d) are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

5. In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.302(b)(1) is amended to refer specifically to an employee covered by the 40 hour provision of section 7 of the Act. As amended example 2 shall read as follows:

§ 548.302 Average earnings for period other than a workweek.

* * * * *

Example 2. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, is paid a fixed amount of money for the completion of each job. Each job takes 2 or 3 days to complete. Under the employment agreement, the employee is entitled to time and one-half an authorized basic rate for all hours worked in excess of forty in the workweek. The authorized basic rate is the employee's average hourly earnings for each job. Suppose he completes two jobs in a particular workweek and all his overtime hours are on job #2. The employee's average hourly earnings on job #2 may be used to compute his overtime pay.

* * * * *

6. In view of the higher minimum wages now required by the Fair Labor Standards Act, the example under § 548.303(b) is amended to refer to an employee who receives wage rates above the new minimum rates. As amended this example shall read as follows:

§ 548.303 Average earnings for each type of work.

* * * * *

Example. An employee who is paid on a weekly basis with overtime after forty hours works six 8-hour days in a workweek under an agreement or understanding reached pursuant to this subsection. He performs three different types of piecework each at a different rate of pay. The basic rates to be used for computing overtime in this situation would be arrived at by dividing the earnings for each type of work by the number of hours during which that type of work was performed. There would thus be three different basic rates, one for each type of work. Since the overtime hours used in this illustration occur on the sixth day, the types of work performed on the sixth day would determine the basic rate or rates on which overtime would be computed that week. Thus, if the average hourly earnings for the three types of work are respectively $1.50 an hour in Type A, $1.60 an hour in type B, and $1.80 an hour in type C, and on the sixth day the employee works on type B, his overtime premium for the sixth day would be one-half the basic rate of $1.60 an hour, multiplied by the 8 hours worked on that day.

7. Paragraphs (a), (c), (f), and (g) of § 548.305 are amended as hereinbelow set out. The references in paragraph (a) to "$1.00" and to "40 hours" are changed to refer to "the rates required by section 6 (a) and (b) of the Act" and to "the number of hours applicable under section 7(a) of the Act." In view of the fact that all employees now covered by the Fair Labor Standards Act are not covered by the same overtime provisions the examples under paragraphs (c) and (f) are amended to refer specifically to employees covered by the forty hour provision of section 7 of the Act. The reference to "less than $1.00 an hour" in paragraph (g) is changed to refer to "special minimum rates authorized by wage orders issued pursuant to the Act."

§ 548.305 Excluding certain additions to wages.

(a) Section 548.3(e) authorizes as established basic rates: "The rate or rates (not less than the rates required by section 6 (a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime under the Act, would not increase the total compensation of the employee by more than 30 cents a week on the average for all overtime weeks (in excess of the number of hours applicable under section 7(a) of the Act) in the period for which such additional payments are made."

* * * * *

(c) The exclusion of one or more additional payments under § 548.3(e) must not affect the overtime compensation of the employee by more than 30 cents a week on the average for the overtime weeks.

Example. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, is paid a cost-of-living bonus of $260 each calendar quarter, or $20 per week. The employee works overtime in only 2 weeks in the 13-week period, and in each of these over-time weeks he works 50 hours. He is therefore entitled to $2 as overtime compensation on the bonus for each week in which overtime was worked (i.e., $20 bonus divided by 50 hours equals 40 cents an hour; 10 overtime hours, times one-half, times 40 cents an hour, equals $2 per week). Since the overtime on the bonus is more than 30 cents on the average for the 2 overtime weeks, this cost-of-living bonus would not be excluded from the overtime computation under § 548.3(e).

* * * * *

(f) In order to determine whether the exclusion of a bonus or other incidental payment would affect the total compensation of the employee by not more than 30 cents a week on the average, a comparison is made between his total compensation computed under the employment agreement and his total compensation computed in accordance with the applicable overtime provisions of the Act.

Example. An employee, who normally would come within the forty hours provision of section 7(a) of the Act, is paid at piece rates and at one and one-half times the applicable piece rates for work performed during hours in excess of forty in the workweek. The employee is also paid a bonus, which when apportioned over the bonus period, amounts to $2 a week. He never works more

than fifty hours a week. The piece rates could be established as basic rates under the employment agreement and no additional overtime compensation paid on the bonus. The employee's total compensation computed in accordance with the applicable overtime provision of the Act, section 7(f)(1)[15], would be affected by not more than 20 cents in any week by not paying overtime compensation on the bonus.[16]

(g) Section 548.3(e) is not applicable to employees employed at subminimum wage rates under learner certificates, or special certificates for handicapped workers, or in the case of employees in Puerto Rico or the Virgin Islands employed at special minimum rates authorized by wage orders issued pursuant to the Act.

8. In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.500 is amended to refer specificially to an employee covered by the forty hour provision of section 7 of the Act. As amended this example shall read as follows:

§ 548.500 Methods of computation.

* * * * *

Example 2. An employee, who normally would come within the forty hour provision of section 7(a) of the Act, has a basic rate which is his monthly salary divided by the number of regular hours of work in the month.[24] If the salary is intended to cover straight-time compensation for a forty hour week he would be entitled to overtime for every hour after forty computed on the basis of one and one-half times the established basic rate, in addition to his monthly salary. If the salary is intended to cover a work-week shorter than forty hours, such as thirty-five hours, he would be entitled to additional straight time at the basic rate for the hours between thirty-five and forty and also to overtime at one and one-half times that rate for all hours worked in excess of forty in a week.

9. The references in § 548.501 to forty hours are changed to refer to section 7(a) of the Act. As amended this section shall read as follows:

§ 548.501 Overtime hours based on nonstatutory standards.

Many employees are paid daily overtime pay or Saturday overtime pay or overtime pay on a basis other than the statutory standard of overtime pay required by section 7(a) of the Act. In these cases, the number of hours for which an employee is paid at least one and one-half times an established basic rate must equal or exceed the number of hours worked in excess of the applicable number of hours establishd in section 7(a) of the Act in the workweek. However, only overtime hours under the employment agreement which also qualify as overtime hours under section 7(a) (5), (6), or (7) of the Act[25] may be offset against the hours of work in excess of the applicable number of hours established in section 7(a) of the Act.

10. Section 785.1 is amended to refer to the new minimum wage and maximum hour provisions contained in the Fair Labor Standards Amendments of 1961. As amended this section shall read as follows:

§ 785.1 Introductory statement.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage. Section 7 of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he has worked. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be sent to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., or to any Regional Office of the Divisions. A list of such offices is contained in § 785.51.

11. The reference to "40 hours" in § 785.5 is amended to refer to "a specified number of hours per week." As amended this section shall read as follows:

§ 785.5 General requirements of section 6 and 7 of the Fair Labor Standards Act.

Section 6 requires the payment of a minimum wage by an employer to his employees who are subject to the Act. Section 7 prohibits their employment for more than a specified number of hours per week without proper overtime compensation.

12. Paragraphs (a) and (b) of § 785.49 are amended to incorporate the new bases of coverage contained in the Fair Labor Standards Amendments of 1961. As amended these paragraphs shall read as follows:

§ 785.49 Applicable provisions of the Fair Labor Standards Act.

(a) *Section 6.* Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage.

(b) *Section 7.* Section 7(a) of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving at least one and one-half times their regular rate of pay for the overtime hours.

13. The references to "40 hours" a week in footnote 5 under § 791.2(a) are changed to refer to "the number of hours specified in section 7(a)." As amended this footnote shall read as follows:

§ 791.2 Joint employment.

* * * * *

[5] Both the statutory language (section 3(d) defining "employer" to include any one acting directly or indirectly in the interest of an employer in relation to an employee) and the Congressional purpose as expressed in section 2 of the Act, require that employees generally should be paid overtime for working more than the number of hours specified in section 7(a), irrespective of the number of employers they have. Of course, an employer should not be held responsible for an employee's action in seeking, independently, additional part-time employment. But where two or more employers stand in the position of "joint employers" and permit or require the employee to work more than the number of hours specified in section 7(a), both the letter and the spirit of the statute require payment of overtime.

(Sec. 7, 52 Stat. 1063; 29 U.S.C. 207; Sec. 6, Pub. Law 87–30)

Signed at Washington, D.C., this 14th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–7933; Filed, Aug. 17, 1961; 8:47 a.m.]

[15] Section 7(f)(1) of the act provides that overtime compensation may be paid at one and one-half times the applicable piece rate but extra overtime compensation must be properly computed and paid on additional pay required to be included in computing the regular rate.

[16] Bonus of $2 divided by fifty hours equals 4 cents an hour. Half of this hourly rate multiplied by ten overtime hours equals 20 cents.

[24] See § 548.301.

[25] See § 778.5 (a) through (f) of this chapter.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

EXFOLIATED HYDROBIOTITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by the Zonolite Company, 135 South LaSalle Street, Chicago 3, Illinois, and other relevant material, has concluded that the following food additive regulation should issue with respect to exfoliated hydrobiotite as an inert bulking agent in pullet replacement feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart C the following new section:

§ 121.222 Exfoliated hydrobiotite.

The food additive exfoliated hydrobiotite, a thermally expanded magnesium-aluminum-iron silicate, may be safely used in animal feeds when incorporated therein in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 98 percent of exfoliated hydrobiotite having a bulk density of 6 to 7 pounds per cubic foot.

(b) It is used or intended for use in poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting calorie intake in pullet replacement feeds.

(c) To assure safe use of the additive in animal feed, the label of the additive container or that of any intermediate premix shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, exfoliated hydrobiotite, or in lieu thereof the proposed common name "verxite," followed by "exfoliated hydrobiotite" in parentheses.

(2) A statement of the concentration of the additive contained in any intermediate premix.

(3) Adequate mixing directions to provide a final feed containing the proper concentration of the additive, whether or not intermediate premixes are also used.

(4) Adequate use directions to provide a finished feed labeled as provided in paragraph (d) of this section.

(5) A statement that the additive is to be used in pullet replacement feed only.

(d) To assure safe use of the additive, the label of the finished feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, exfoliated hydrobiotite, or in lieu thereof, the proposed common name "verxite," followed by "exfoliated hydrobiotite" in parentheses, either of which to be followed by the statement "a nonnutritive bulking agent."

(2) A statement that the feed is to be used only as pullet replacement feed.

(3) A statement of the concentration of the additive contained therein.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7926; Filed, Aug. 17, 1961; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE)

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 378) filed by Atlas Chemical Industries, Inc., Wilmington 99, Delaware, and other relevant material, has concluded that the following amendment to § 121.1030 should issue with respect to the food additive polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) in sugar-type confection coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1030(c) (21 CFR 121.1030; 26 F.R. 4739, 6240) is amended by adding thereto the following new subparagraph (6), reading as follows:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(6) To impart greater opacity to sugar-type confection coatings whereby the maximum amount of the additive does not exceed 0.2 percent of the weight of the finished sugar coating.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–7927; Filed, Aug. 17, 1961; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Order Changing Name of Potassium Penicillin 152 to Phenethicillin Potassium

Pursuant to a notice published in the FEDERAL REGISTER of June 3, 1961 (26 F.R. 4950), one objection was received which, while in reference to another penicillin compound, pointed up the possibility of confusion if the name "phenethicillin" were adopted as proposed. Based on this and other relevant material, which has come to his attention since publication of the proposed order, the Commissioner of Food and Drugs has concluded that the name of the drug should be "phenethicillin potassium." Therefore, the following amendments are ordered, pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357):

The name "potassium penicillin 152" is changed to read "phenethicillin potassium" wherever it occurs in Parts 141a, 146, and 146a of this chapter:

Section 141a.100, section heading.
Section 141a.100(a), formula.
Section 141a.100(c), paragraph heading and formula.
Section 141a.101, section heading.
Section 141a.101(a), last sentence.
Section 141a.102(a), section heading.
Section 146.1(c)(1)(i), second sentence.
Section 146a.16, section heading.
Section 146a.16(a), introduction to paragraph, first and second sentences.
Section 146a.16(d)(1), second sentence.
Section 146a.17, section heading.
Section 146a.17(a), first and fourth sentences.
Section 146a.17(b), first sentence.
Section 146a.17(c), introduction to paragraph.
Section 146a.17(c)(1)(iv).
Section 146a.17(c)(3) (two places).
Section 146a.17(d)(1) (two places).
Section 146a.17(d)(2)(ii) (two places).
Section 146a.17(d)(3)(ii).
Section 146a.18, section heading.
Section 146a.18(a), first and third sentences.

Section 146a.18(b), first sentence.
Section 146a.18(c), introduction to paragraph.
Section 146a.18(c)(1)(iv).
Section 146a.18(c)(3) (two places).
Section 146a.18(d)(1) (two places).
Section 146a.18(d)(2)(ii) (two places).
Section 146a.18(d)(3)(ii).
Section 146a.18(e).

Any lots of these drugs certified prior to the effective date of this order and which do not have the required nomenclature change may be marketed without the name "phenethicillin potassium" up to the expiration date of the drugs.

Further notice for the filing of comments in this matter is deemed unnecessary, since the addition of the salt to the name "phenethicillin" is in accord with accepted practice where there is a possibility that another salt of the same drug may be developed.

This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: August 14, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7928; Filed, Aug. 17, 1961; 8:46 a.m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

Setting of Effective Date

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no comments were filed on the order published in the FEDERAL REGISTER of July 1, 1961 (26 F.R. 5920), with regard to miscellaneous amendments of tests and methods of assay for bacitracin, chloramphenicol, and streptomycin, and certification of streptomycin and chloramphenicol. Accordingly, the amendments promulgated by that order become effective as of the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 11, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7929; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 516—LITIGATION

A new Part 516 is hereby prescribed, to read as follows:

Sec.
516.1 General.
516.2 Defense of legal proceedings.
516.3 Release of information in connection with litigation.
516.4 Department of the Army personnel as witnesses in civil proceedings.
516.5 Military personnel as witnesses before foreign tribunals.

AUTHORITY: §§ 516.1 to 516.5 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: AR 27-5, Jan. 14, 1960, and C1, June 15, 1960.

§ 516.1 General.

(a) *Scope.* The regulations of this part set forth basic policies and procedures applicable to legal proceedings in civil courts or administrative tribunals of interest to the Department of the Army.

(b) *Litigation responsibility of The Judge Advocate General.* The Judge Advocate General is the legal advisor of the Secretary of the Army and of all officers and agencies of the Department of the Army (10 U.S.C. 3037(c)(1)) and is responsible for the initiation, administration, supervision, and coordination of measures for the protection of the Government in litigation and other legal proceedings which arise out of the operations of the Department of the Army or are otherwise of interest to it.

(c) *Representation of Department of the Army.* Among personnel of the Department of the Army, only The Judge Advocate General, and officers and civilian employees designated by him, are authorized to represent the Department of the Army and its agencies before Federal, State, and foreign courts, administrative tribunals and regulatory bodies and to maintain liaison with other governmental agencies regarding litigation and other legal proceedings.

(d) *Appearance of military personnel as counsel.* No officer or enlisted person on active duty will appear as counsel before any civil court, administrative tribunal, regulatory body, or governmental agency, without first obtaining permission in writing of The Judge Advocate General or the major overseas command judge advocate, except:

(1) Where required as an incident of a mission assigned by The Judge Advocate General; or

(2) Where the individual is a party to the action; or

(3) Where designated to prosecute petty offenses on military reservations in accordance with AR 632-380 (administrative regulations regarding the prosecution of petty officers on military reservations).

(e) *Service of civil process.* (1) There is no Federal statute providing for service of civil process by military personnel in their official capacity. Military personnel, however, may assist civil officials in the service of process as provided in this part.

(2) Where a State has reserved the right to serve process within lands ceded for a military reservation, civil officers will be permitted, upon proper application, to enter upon the reservation for the purpose of serving civil process.

Commanders will assist the civil officers by making the individual requested to be served available for service, subject to reasonable limitations.

(3) Where Army personnel are stationed outside the jurisdiction of the civil court issuing the process, commanders will bring the matter to the attention of the individual requested to be served and determine whether he wishes to accept service voluntarily in accordance with the laws of the jurisdiction issuing the process. Judge advocates will advise individuals as to the legal effect of voluntary acceptance of service. Any military person serving process upon an individual wishing to accept service can act only in his individual capacity.

§ 516.2 Defense of legal proceedings.

(a) *Defense by Department of Justice.* The Department of Justice is responsible for the defense of actions against the United States, its officials or employees, and its agencies including nonappropriated fund activities, in all courts within the United States or abroad. The representation of individuals is limited to actions brought against them in connection with their official duties and not based on acts or omissions which are private in character. A proceeding against an individual which in legal effect is against the Government or an action against an individual for damages for an alleged tortious act within the scope of his employment, the outcome of which may have a bearing on the availability of an effective defense to a suit against the United States based on the same incident, will normally be defended by the Department of Justice.

(b) *Request for Government representation.* The Judge Advocate General has the duty of maintaining liaison for the Department of the Army with all Government agencies with regard to legal matters. Requests for Government representation of individuals in legal proceedings arising out of performance of their official duties, will be made to the Department of Justice only by The Judge Advocate General or his representative, except:

(1) Where time for response in a case is limited, the local commanding officer, judge advocate, or legal officer, may communicate with the local United States Attorney requesting temporary legal representation for the individual sued, pending a decision upon a formal request for representation by The Judge Advocate General of the Department of Justice.

(2) When an individual is charged with a traffic violation under circumstances which may render the United States liable to suit under the Federal Tort Claims Act, the local commanding officer, judge advocate, or legal officer may make arrangements for representation by the local United States Attorney. The Judge Advocate General will be promptly advised of any arrangements so made.

(c) *Request for employment of private counsel.* Requests that private counsel be employed to defend or advise contractors in legal proceedings of interest to the Department of the Army, or officials or employees of the Department of the Army in legal proceedings arising out of the performance of their official duties, will be submitted to The Judge Advocate General. Every such request will be accompanied by a statement of the facts justifying the request and the recommendations of the contracting officer or the individual's commander, as appropriate. Persons who employ private counsel for these purposes without receiving specific authorization from The Judge Advocate General, may be individually responsible for any expenses thus incurred.

(d) *Legal proceedings overseas.* (1) In event of a suit against the United States or a nonappropriated fund activity, or against an official or employee of the United States arising out of the performance of official duties, the report of commencement of proceedings will include a recommendation of a local attorney to defend the suit. The counsel recommended should be selected from the list of qualified counsel maintained at the United States Embassy or Consulate in the country or city in which the action has been initiated.

(2) If immediate court representation is required beyond feasible handling by the local staff judge advocate, local counsel may be obtained, preferably from the list of qualified counsel referred to in subparagraph (1) of this paragraph. Such employment will be made contingent on subsequent confirmation by the Department of Justice. If the case falls within its responsibility, the Department of Justice will employ the attorney previously selected or pay him for the services performed in the event he is not retained generally.

(3) A local attorney should be retained under the foregoing emergency authorization only after the local court has denied a request for a stay to permit communication with The Judge Advocate General. Any steps which could be construed as a waiver of sovereign immunity of the United States, its officials or employees acting officially in its behalf, and of nonappropriated fund activities, from suit in a foreign court, should be avoided. Accordingly, any appearance by counsel prior to further instructions of The Judge Advocate General should be limited to the local equivalent of a special appearance on this jurisdictional point or the procuring of a stay of proceedings, provided this would not constitute a general appearance.

(4) Requests by persons subject to the Uniform Code of Military Justice for employment of counsel to represent them in legal proceedings in foreign countries which fall within the provisions of the act of 24 July 1956 (70 Stat. 630; 50 U.S.C. 751-755), will be processed under AR 633-55 (regulations providing for counsel and payment of expenses when Army personnel are tried by foreign tribunals).

(e) *Legal proceedings against Government contractors*—(1) *Policy.* The Department of the Army has an interest in legal proceedings against Government contractors involving cost-plus-a-fixed-fee contracts or contracts under which the contractor might be entitled to reimbursement from the Government for expenditures based on the proceedings.

(2) *Representation by Department of Justice.* The Judge Advocate General will request the Department of Justice to defend such proceedings. The Department of Justice will not defend, however, in the following instances:

(i) Where the special interests of the Government appear to be in conflict with those of the contractor, as in the case of an informer's suit;

(ii) Fair Labor Standards Act suits, except under extraordinary circumstances where defense by private counsel will not adequately protect the interests of the United States.

(iii) Where the contractor carries a liability insurance policy which provides that litigation will be handled by attorneys employed by the insurer. The Department of Justice may participate, however, in cases in which judgment is sought in an amount in excess of the insurance coverage. In these latter cases, United States Attorneys normally do not participate actively in the defense and avoid taking any position which might jeopardize the contractor's rights under the policies.

(3) *Procedure.* (i) Upon receipt of a report of the commencement of a legal proceeding against such a contractor, The Judge Advocate General will communicate directly with the contracting officer or head of the field agency concerned and confirm whether the Government has an interest in the proceeding. If such interest exists, The Judge Advocate General will also advise whether a United States Attorney will defend, or, in the event the services of a United States Attorney are not available, whether the employment of private counsel is authorized. A copy of the communication will be sent to the chief of the technical service concerned.

(ii) The contracting officer or head of the field agency will thereupon advise the contractor as follows:

(*a*) Whether Government counsel will defend the suit or whether employment of private counsel is authorized;

(*b*) That representation by Government counsel or authorization to employ private counsel does not mean that any resulting judgment, the costs of the action, or fees for private counsel, are reimbursable items under the contract; but that such questions and the matter of reasonableness of attorneys' fees are reserved for later determination; and

(*c*) That the selection of private counsel, when authorized, is subject to the approval of The Judge Advocate General.

(4) *Conduct of litigation*—(i) *Participation of private counsel.* Where the contractor is represented by a United States Attorney, there is no objection to the participation of private counsel employed by the contractor, provided that it is understood that the United States Attorney has complete control of the litigation. Fees for the services of private counsel in such cases will not be reimbursable except under unusual circumstances and then only if approved by The Judge Advocate General. The Department of Justice does not charge the contractor or the Department of the Army for any expenses incident to services performed by a United States Attorney.

(ii) *Relationship.* As the ultimate responsibility for the defense of the legal proceeding is that of the contractor, every effort is made by the Department of Justice to maintain an attorney-client relationship with the contractor.

(iii) *Compromises.* Decision as to the compromise of an action is primarily for determination by the contractor. Aspects of the matter relating to reimbursement under the contract are ordinarily for determination by the contracting officer. Where the approval of the Department of the Army of a compromise settlement is desired, the contracting officer will forward the compromise proposal with his views and those of the United States Attorney, if one is participating in the case, to the head of the technical service concerned, who shall forward the same with his views to The Judge Advocate General.

(iv) *Appeals.* United States Attorneys are required to seek the advice of the Department of Justice as to whether appeals will be taken from adverse decisions in these cases. Aside from the question of reimbursement for expenses involved, the contractor has the right to appeal by private counsel. After receiving the views of the contracting officer and the head of the technical service concerned, The Judge Advocate General will determine the position of the Department of the Army and inform the Department of Justice accordingly.

(v) *Attorneys' fees.* Questions as to reimbursability of attorneys' fees and their reasonableness are primarily for determination by the contracting officer. Inquiry may be made of The Judge Advocate General as to the reasonableness of such fees. Similar inquiry may be made of a United States Attorney, provided his advice is treated as confidential and not revealed without his consent to the contractor or his counsel.

§ 516.3 Release of information in connection with litigation.

(a) *Scope.* This section deals with the release of information from the De-

partment of the Army for use in pending or prospective litigation. It includes:

(1) Requests or subpoenas duces tecum calling for information from, access to, or copies of records of the Department of the Army; and

(2) Requests for statements from, or interviews with, military or civilian personnel of the Department of the Army with respect to information obtained in the course of their official duties.

(b) *Definitions*—(1) *Safeguarded information.* The term is used in this section to mean information the release of which is governed by § 518.2(d) of this subchapter, or paragraph 2c, AR 345–15 (Administrative regulations governing the custody, use, and preservation of Department of the Army official information which requires protection in the public interest).

(2) *Private litigation.* The term is used in this section to mean litigation in which the United States has no legal interest, either direct or indirect, but in which a Department of the Army witness is requested to furnish a statement in an official capacity or a record of the Department of the Army is requested.

(c) *Records of Department of the Army*—(1) *Preservation.* In order to preserve the integrity of records of the Department of the Army, originals of books, records, papers, or documents will not be furnished to any person or agency for use as evidence in public or private legal proceedings. Exceptions may be granted only by custodians of the records involved. Properly authenticated copies of Government records may be admitted in evidence in lieu of originals under 28 U.S.C. 1733.

(2) *Authentication of copies.* Copies of Department of the Army records, approved for release under paragraphs (e) and (f) of this section, will be authenticated for introduction in evidence under 28 U.S.C. 1733, by a DA Form 4. After the custodian has executed his certificate, the preparing agency will forward the form, accompanied by the copy of the record, to The Adjutant General, or in the case of class II installations or field agencies of a technical service, to the head of the technical service concerned, for authentication by the Secretary of the Army.

(d) *Determination by The Judge Advocate General.* The Judge Advocate General will coordinate within Headquarters, Department of the Army, all requests or subpoenas duces tecum calling for release of information forwarded to him under the provisions of this section and thereafter he will determine whether the information should be released. Release may be authorized regardless of the fact that the information is to be used in litigation by parties whose interests are adverse to those of the United States.

(e) *Requests for safeguarded information.* Requests or subpoenas duces tecum calling for safeguarded information will be handled as follows:

(1) *State officials or private parties.* Request or subpoenas duces tecum from state officials or parties in private litigation calling for those military personnel records which are safeguarded in nature will be forwarded by expeditious means to The Adjutant General. However, requests or subpoenas received by The Adjutant General involving novel or difficult questions of law will be referred to The Judge Advocate General.

(2) *Other requests.* All other requests or subpoenas calling for safeguarded information will be forwarded by expeditious means to The Judge Advocate General.

(3) *Accompanying information.* In forwarding requests or subpoenas under this paragraph such of the following data as is appropriate will be furnished:

(i) Parties to the proceeding.

(ii) Nature of the proceeding.

(iii) Court or tribunal issuing subpoena or party making request.

(iv) Date and place of service.

(v) Name, grade or position, and organization of person served.

(vi) Date, time, and place designated in request or subpoena for production of information.

(vii) Place where requested record is maintained or stored.

(viii) If time permits of submission by mail and the papers are not too voluminous, a copy of each paper involved, otherwise a statement of the nature thereof.

(ix) Complete analysis of the problem and recommendations of the forwarding agency.

(4) *Compliance.* No request or subpoena calling for safeguarded information will be complied with unless specifically authorized by The Judge Advocate General, or unless an exception is made under the regulations of this part (see subparagraph (1) of this paragraph re military personnel records and paragraph (f)(5)(i) of this section re accident reports).

(5) *Policy.* It is the policy of the Department of the Army to process and act upon all requests fairly, completely and expeditiously. Delay will not be permitted even though requests appear to be minor in nature, for in many cases important personal or property rights are involved. Accordingly, all commanders will insure that requests for records or records of information are acted upon in the following manner:

(i) Expeditiously; all measures will be taken to insure that action is taken on requests on a timely basis.

(ii) Responsively; every reasonable attempt will be made to analyze the request properly. If it is not clear, prompt action will be taken to secure a clarification from the requesting party. This action is frequently necessary because the requesting party is not familiar with military procedures.

(iii) Completely; if it appears that a request must be denied in whole or in part because of limitations imposed by existing regulations upon the release of safeguarded information, a thorough and discerning inquiry will be made to ascertain if that inquiry can be satisfied from the contents of any other record which might not be safeguarded.

(iv) In order to expedite the disposition of requests, questions as to legality of the release of information should be referred initially to the Staff Judge Advocate or the legal officer of the unit or installation.

(f) *Requests for nonsafeguarded information.* Requests or subpoenas duces tecum not calling for safeguarded information will be handled as follows:

(1) *Department of Justice.* Requests by the Department of Justice will be referred to The Judge Advocate General.

(2) *United States Attorneys.* Requests by United States Attorneys directed to field agencies will be complied with without reference to higher authority unless Department of the Army guidance is required. In such event the request will be forwarded to The Judge Advocate General. Where the field agency complies with the request without seeking guidance, two copies of each record or statement furnished will be forwarded to The Judge Advocate General. Requests by United States Attorneys directed to Headquarters, Department of the Army agencies for information from or copies of military personnel records will be directed to The Adjutant General. All other requests will be forwarded to The Judge Advocate General.

(3) *Government contractors.* Requests by Department of the Army cost-plus-a-fixed-fee contractors will be complied with unless, in the opinion of the contracting officer, release would not be compatible with the best interests of the Government. In the latter event the request, with the comments and recommendations of the contracting officer, will be forwarded to The Judge Advocate General.

(4) *Injured Government employees.* Requests by injured Government employees or former employees entitled to compensation under the Federal Employees' Compensation Act (39 Stat. 742; 5 U.S.C. 751) for information to be used in prosecuting a damage action under the act will normally be granted. A community of interest exists between the Government and the plaintiff in such an action, as the amount recovered reduces pro tanto compensation payable to the employee under the act.

(5) *Parties to private litigation (paragraph (b)(2) of this section).* (i) Requests by parties to private litigation for nonsafeguarded portions of safeguarded accident reports and military police traffic incident reports normally will be granted. The local staff judge advocate is authorized to take action upon such requests and he will be guided by the following procedures:

(*a*) All factual material normally will be released (e.g., statements of witnesses, photographs, measurements, and descriptions of physical items of evidence).

(*b*) Opinions and conclusions may be released as an exception to the general rule if they cannot be extracted without destroying the continuity of the report or if they are part of the narrative portion of a report which does not contain the statements of the witnesses. However, the staff judge advocate will consult the local provost marshal or other agency which prepared the report before a decision is made on the question of the release of any opinions or conclusions.

(ii) Where permission is granted to interview military or civilian personnel

in connection with private litigation, arrangements will be made, if practicable, for participation by counsel representing all parties in interest or by such counsel as desire to be present. A judge advocate or civilian attorney of the Department of the Army will be present as the legal representative of the Department of the Army during the interview. If a question is propounded during the interview which seeks safeguarded information, the Department of the Army legal representative will prohibit the person being interviewed from answering, and, if in his opinion such action is essential to avoid release of safeguarded information, terminate the interview. A report of the matter will be forwarded to The Judge Advocate General. Any statement furnished by personnel will be prepared under the supervision of the Department of the Army legal representative who will furnish a signed copy thereof to each party in interest, the person interviewed, and The Judge Advocate General.

(g) *Response to subpoena duces tecum.* If a person served with a subpoena duces tecum fails to receive requested authorization or other instructions prior to the time fixed for his appearance in court, he should communicate with counsel responsible for issuing the subpoena, state that he can produce the desired records only if authorized and request a postponement pending receipt of authorization. In the event postponement is refused, he should appear in court, submit a copy of the regulations of this part and state that records of the Department of the Army can be produced only if authorized by the Secretary of the Army or by The Judge Advocate General under the provisions of the regulations of this part, that the witness has requested but has not received authorization or other instructions, and that in the absence of specific authorization he must temporarily and respectfully decline to produce the desired record.

§ 516.4 Department of the Army personnel as witnesses in civil proceedings.

(a) *Scope.* This section deals with the appearance of military and civilian personnel of the Department of the Army as witnesses before civil courts and administrative tribunals pursuant to the request of counsel, subpoena (including subpoena duces tecum), or other court order, to testify with respect to information obtained in the course of their official duties. It is applicable to retired personnel of the Regular Army in so far as they may be called upon to testify as witnesses in cases involving the United States as a party or with respect to information obtained in the course of official duties.

(b) *Definition.* "Safeguarded information" as used in this section means information the release of which is governed by § 518.2(d) of this subchapter, or paragraph 2c, AR 345–15 (Administrative regulations governing the custody, use, and preservation of Department of the Army official information which requires protection in the public interest).

(c) *Procedure upon receipt of request or subpoena.* Any person requested to appear as a witness or receiving a subpoena will immediately report that fact to his commanding officer and to either the staff judge advocate of the general court-martial jurisdiction to which he is assigned, or to the staff judge advocate of the appropriate continental Army or the Military District of Washington, or in the case of a requested witness who is stationed or employed at a class II installation or field agency of a technical service, to the judge advocate or legal adviser of the installation or agency.

(d) *Action by judge advocate.* The judge advocate, or legal adviser, will ascertain whether the testimony of the witness involves safeguarded information.

(1) If the testimony of a requested witness involves safeguarded information, the judge advocate, or legal adviser, will transmit the matter by the most expeditious means practicable to The Judge Advocate General for decision, furnishing the following information:

(i) Parties to the proceeding.

(ii) Nature of the proceeding.

(iii) Court or tribunal issuing the subpoena, or party making the request.

(iv) Date and place of service.

(v) Name, grade or position, and organization of person served.

(vi) Time and place designated for appearance.

(vii) Nature of testimony to be elicited.

(viii) Complete analysis of the problem and recommendations as to compliance.

No testimony involving safeguarded information will be given without the specific approval of The Judge Advocate General. Such approval may be granted regardless of the fact that the witness may be called to testify on behalf of parties whose interests are adverse to those of the United States.

(2) If the testimony of a requested witness does not involve safeguarded information, and he is stationed in the continental United States, the judge advocate, or legal adviser, will ordinarily recommend to the commanding officer of the witness that he be permitted to appear in court, unless his absence would be burdensome to the Department of the Army. However, military or civilian personnel of the Department of the Army will not appear as expert witnesses in litigation in which the United States has no legal interest either direct or indirect, without the specific approval of The Judge Advocate General.

(3) If a witness stationed outside the continental United States is requested to appear before a tribunal within the continental United States, the judge advocate or legal adviser will immediately inform the major oversea command judge advocate concerned, who will submit the matter, with his recommendations, to The Judge Advocate General. Permission to appear in such cases will be granted only under the most extraordinary circumstances.

(e) *Travel of witnesses*—(1) *Witnesses for the United States*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel as witnesses for the United States are normally made by the Department of Justice through The Judge Advocate General. Instructions with respect to travel orders are issued in such cases by The Adjutant General. A United States Attorney may make arrangements for attendance of a witness who is stationed at an installation within his district by direct communication with the appropriate commander. Such request will serve as a basis for the issuance of proper travel orders by the local commander. However, a request for a witness involving travel outside the judicial district in which he is stationed will be referred to The Judge Advocate General.

(ii) *Status of witness.* If authorized to appear as a witness for the United States, a military person will be placed on temporary duty. The status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel orders.* The travel orders will direct the individual to proceed to the location of the court, reporting to the United States Attorney or Marshal upon arrival, and upon release by the United States Attorney to return to the proper station.

(iv) *Travel expenses.* Travel expenses and per diem are paid by the Department of the Army. In appropriate cases reimbursement is secured from the Department of Justice. Advance payment of per diem allowances in an amount prescribed by current regulations for each of the first 5 days of his absence from his station will be made to any enlisted person required as a witness for the United States. If his services as a witness are required for more than 5 days in any case not arising out of Army activities, the United States Marshal will make additional advances of per diem for each day beginning with his sixth day of absence from his station.

(2) *Witnesses for State or District of Columbia*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel authorized to appear as witnesses for a State or the District of Columbia will normally be made by the requesting agency with the commanding officer of the witness.

(ii) *Status of witness.* If authorized to appear as a witness for a State or the District of Columbia, a military person may attend in a duty status. The status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel expenses.* The State or District of Columbia and the person sought as a witness will be informed that all arrangements for payment of travel and subsistence expenses, other than such monetary allowances for subsistence as may be normally furnished to enlisted personnel in a leave status, will be made directly between the State or District of Columbia and the prospective witness. Travel and subsistence expenses of a witness for a state or the District of Columbia will not be borne

by the United States. An oversea commander may in his discretion, operations of the Department of the Army permitting, authorize the prospective witness to use, in travel outside the United States, military transport or military aircraft on a space-available basis without cost to the State or District of Columbia.

(3) *Witnesses for private individual, corporation, or agency*—(i) *Travel arrangements.* Arrangements for attendance of military or civilian personnel authorized to appear as witnesses for a private individual, corporation, or agency will normally be made by the requesting party with the commanding officer of the witness.

(ii) *Status of witness.* If authorized to appear as a witness for a private individual, corporation or agency, and the testimony to be given relates to his official duties, to information obtained in his official capacity, or to the activities of the Department of the Army, a military person may attend in a duty status. If authorized to appear as a witness but his testimony does not relate to his official duties, official capacity, or activities of the Department of the Army, a military person may be placed in the status of ordinary leave. In either event, the status of a civilian employee will be determined in accordance with Civilian Personnel Regulations of the Department of the Army, paragraph L1.6.

(iii) *Travel expenses.* Arrangements for payment of travel and subsistence expenses of the witness, other than such monetary allowances for subsistence as may normally be furnished to the enlisted personnel in a leave status, are solely a matter between the witness and the party seeking his appearance. Witnesses ordinarily should be advised to require advance payment of fees.

(f) *Depositions*—(1) *Policy.* The testimony of an officer, enlisted person, or civilian employee of the Department of the Army may be taken at his station by deposition for use on behalf of the United States, a State, the District of Columbia, or any individual, corporation, organization, or agency.

(2) *Procedure.* (i) Any request or notice for the taking of a deposition within the United States will be submitted to the staff judge advocate of the general court-martial jurisdiction to which the deponent is assigned, the staff judge advocate of the appropriate continental Army or Military District of Washington, U.S. Army, or to the judge advocate or legal adviser of a class II installation or field agency of a technical service. Any request or notice for the taking of a deposition outside the United States will be submitted directly to the judge advocate of the major oversea command.

(ii) The judge advocate or legal adviser will make appropriate arrangements for taking of the deposition. He will inquire into the nature of the expected testimony, and if it appears that the deponent may be called to testify with respect to safeguarded information, he will report the matter to The Judge Advocate General and defer the taking of the deposition until instructions are received.

(iii) If the nature and extent of the interrogation cannot be determined prior to the taking of the deposition, the staff judge advocate or legal adviser will arrange for the presence of a legal representative. If during the interrogation, a question is asked or a line of inquiry is pursued, the responses to which would disclose safeguarded information, the designated representative will prohibit the deponent from answering and report the matter to the judge advocate or legal adviser for reference to The Judge Advocate General.

(3) *Designation of officer to take deposition.* In view of the possible application of 10 U.S.C. 3544 to commissioned officers on the active list of the Regular Army, only Reserve officers should be designated for the purpose of taking a deposition for use in a civil court.

§ 516.5 Military personnel as witness before foreign tribunals.

Commanders exercising general court-martial jurisdiction over military personnel whose presence is requested by foreign governments as witnesses before foreign tribunals:

(a) Are authorized to order their attendance in a temporary duty status with full entitlement to travel and per diem allowances, provided it is determined that the United States Government has a real and substantial interest in the trial in question. Where the United States is bound by a treaty or other international agreement to insure the attendance of such personnel, generally a real and substantial interest will be presumed to exist.

(b) May authorize personnel to attend in an ordinary leave status where it has been determined that the United States Government does not have a real or substantial interest in the trial in question. The requested witness should be advised that travel allowances or per diem will not be paid by the United States and that reimbursement for travel and other expenses incident to his attendance is a matter between him and the requesting agency.

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-7934; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart B—Burial Benefits

DEATH WHILE TRAVELING UNDER PRIOR AUTHORIZATION OR WHILE HOSPITALIZED BY VETERANS ADMINISTRATION

In § 3.1605, paragraph (b) is amended to read as follows:

§ 3.1605 Death while traveling under prior authorization or while hospitalized by the Veterans Administration.

* * * * *

(b) *Transportation.* Except for retired persons hospitalized under section 5 of Executive Order 10122 (15 F.R. 2173; 3 CFR 1950 Supp.) issued pursuant to Public Law 351, 81st Congress, and not as Veterans Administration beneficiaries, the cost of transportation of the body to the place of burial in addition to the burial allowance will be provided by the Veterans Administration where death occurs:

(1) Within a State (38 U.S.C. 101 (20)) or the Canal Zone while the veteran is hospitalized by the Veterans Administration and the body is buried in a State or the Canal Zone; or

(2) While hospitalized within but burial is to be outside of a State or the Canal Zone, except that cost of transportation of the body will be authorized only from place of death to port of embarkation, or to border limits of United States where burial is in Canada or Mexico.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective August 18, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-7939; Filed, Aug. 17, 1961; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 61-953]

PART 1—PRACTICE AND PROCEDURE

FCC To Request Antenna Information From Nonbroadcast Applicants Concerning Compliance With FAA Rules

JULY 27, 1961.

The Federal Communications will seek information from nonbroadcast applicants for radio station authorizations involving construction or alteration of antenna structures as to whether notice has been filed with the Federal Aviation Agency in accordance with the Federal Aviation Agency Part 626 rules concerning proposed antenna structures.

Such information will be requested only for applications which were filed on or after July 15, 1961, the date when Part 626 became effective. Further, in accordance with prior public notices, applications which show on their face that the antenna structure will not exceed 20 feet in height, need not be accompanied by FAA Part 626 information. Most other applications, however, including common carrier services (but excluding such categories as broadcasting and class B, C and D citizens, ship, aircraft, mobiles, etc.) should furnish such information.

In essence the information to be furnished to the FCC is relatively simple; namely, whether notice under Part 626 of the FAA rules has been filed and, if so, at which FAA office, and the filing date; or if no notice has been filed, that there has been an analysis and determination that FAA Part 626 does not require notification.

Applicants who do not submit this information at the time of filing their applications will be requested to furnish it.

This is another interim step being taken to implement recent FCC–FAA discussions concerning coordinated FCC–FAA handling of antenna power construction procedures.

The interim procedure for the broadcast services is still under study and will be announced at a future date.

Adopted: July 26, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7949; Filed, Aug. 17, 1961; 8:49 a.m.]

[FCC 61-1031]

PART 1—PRACTICE AND PROCEDURE

Local Notice of Filing and Designation for Hearing of Broadcast Applications

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of August 1961;

The Commission having under the consideration the provisions of §§ 1.359 and 1.362 of its rules relating to the giving of local notice of the filing of broadcast applications, or major amendments thereto, and the designation for hearing of such applications;

It appearing that, in the case of renewal applications, members of the public are informed of their rights to submit facts for Commission consideration; and

It further appearing that in the case of designation of renewals for hearing, members of the public are informed of their rights to appear and present evidence; and

It further appearing that in the aforementioned situations members of the public must write to the Commission to set forth specific facts which they wish to call to the Commission's attention in passing on a renewal application, or to set forth the specific facts concerning evidence which they wish to give at the renewal hearing; and

It further appearing that the present rules do not clearly specify the final date by which members of the public must write to inform the Commission about the aforesaid specific facts and that such final date should be clearly specified; and

It further appearing that it is desirable to amend the portion of the rules pertaining to local notice of the designation of renewals for hearing by a clarifying change of language relating to members of the public who desire to give evidence at the hearing; and

It further appearing that the word "filed" appearing in the rules relating to the giving of local notice of the filing of broadcast applications, or major amendments thereto, and the designation for hearing of renewal applications should be clarified as to its meaning; and

It further appearing that there is a slight duplication in a portion of the rules pertaining to local notice of filing of renewal applications and that this duplication should be eliminated or clarified; and

It further appearing that it would be in the public interest to amend the rules to effectuate changes in the rules pertaining to local notice requirements in order to clarify the aforementioned portions of the rules referred to above; and

It further appearing that these amendments to the rules are procedural in nature and that compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing that authority for the promulgation of these amendments to the rules is contained in sections 4(i), 303(r) and 311 of the Communications Act of 1934, as amended;

It is ordered, That effective August 21, 1961, §§ 1.359 and 1.362 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: August 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. In § 1.359(f), subparagraphs (3) and (9) are amended and two notes are added to subparagraph (9) as follows:

§ 1.359 Pre-grant procedures.

* * * * *

(f) * * *

(3) The date when the application or amendment was tendered for filing with the Commission.

* * * * *

(9) In the case of an application for renewal of license, as follows:

The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communications Commission on ---------- Members of the public who desire to bring to the Commission's attention facts concerning the operation of the station should write to the Federal Communications Commission, Washington 25, D.C., not later than ----------. Letters should set forth in detail the specific facts which the writer wishes the Commission to consider in passing on this application.

NOTE 1: In the required statement in subparagraph (9) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to submit facts should write to the Commission, the date 30 days after the date upon which the application was tendered for filing.

NOTE 2: The first sentence of the required statement in subparagraph (9) of this paragraph shall satisfy the requirement of subparagraph (3) of this paragraph in the case of an application for renewal of license.

2. Section 1.362(f) is amended to read as follows:

§ 1.362 Designation for hearing; local notice; conditional grant.

* * * * *

(f) When an application for renewal of license is designated for hearing, the notice shall contain the following additional statements:

(1) Immediately preceding the listing of the issues in the hearing: "The application of this station for a renewal of its license to operate this station in the public interest was tendered for filing with the Federal Communication Commission on ---------- After considering this application, the Commission has determined that it is necessary to hold a hearing to decide the following questions:"

(2) Immediately following the listing of the issues in the hearing: "The hearing will be held at ----------, commencing at ----, on ----------, 19--. Members of the public who desire to give evidence concerning the foregoing issues should write to the Federal Communications Commission, Washington 25, D.C., not later than ---------- ----. Letters should set forth in detail the specific facts concerning which the writer wishes to give evidence. If the Commission believes that the evidence is legally competent, material, and relevant to the issues, it will contact the person in question."

NOTE: In subparagraph (2) of this paragraph, the applicant shall insert, as the date on or before which members of the public who desire to give evidence should write to the Commission, the date 30 days after the date of release of the Commission's order specifying the time and place of the commencement of the hearing.

[F.R. Doc. 61-7950; Filed, Aug. 17, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order 557]

REVIEW COMMITTEE FOR MISCELLANEOUS INDUSTRY IN THE VIRGIN ISLANDS

Appointment; Convention; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1933 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), I hereby appoint a review committee to recommend the minimum rate or rates to be paid under paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), in lieu of those provided for under paragraph (A) of proviso (1), to employees in the miscellaneous industry in the Virgin Islands who are engaged in commerce or in the production of goods for commerce and who are engaged in that industry which is defined as including the manufacture of all products and other activities except those included in the definitions of the alcoholic beverages and industrial alcohol industry, the banking, real estate, accounting, and insurance industry, the bay rum and other toilet preparations industry, the fruit and vegetable packing, farm products assembling, and meat packing industry, the jewelry, pen, thermometer, industrial belting, and miscellaneous metal products industry, the shipping, marine transportation, and ship and boat building industry, the air transportation industry and the wholesale distribution, trucking, construction, communications, and public utilities industry, as those industries are defined in paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of 29 CFR 694.1.

The membership of the committee shall be identical with that of Special Industry Committee No. 7 for the Virgin Islands appointed by Administrative Order No. 552 published in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6128). The names of the members will be published in the FEDERAL REGISTER at a later date.

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and the Fair Labor Standards Amendments of 1961 (sec. 5(c)(3), Pub. Law 87–30), I hereby:

(1) Convene the review committee for the miscellaneous industry in the Virgin Islands as defined above;

(2) Refer to it the question of the minimum rate or rates of wages to be fixed for that industry;

(3) Give notice of its hearing which shall be at the times and places indicated in Administrative Order No. 552 published in the FEDERAL REGISTER on July 8, 1961 (26 F.R. 6128), for the hearing of Special Industry Committee No. 7 for the Virgin Islands. The hearings are consolidated because the interested persons involved in the proceedings of both the special industry committee and the review committee are likely to be substantially the same and the questions referred to both committees are similar. The review committee shall investigate conditions in the miscellaneous industry in the Virgin Islands and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act. The committee shall recommend to the Administrator the highest minimum wage rates for the miscellaneous industry in the Virgin Islands which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

Whenever the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of this report may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as it is completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure for the review committee shall be governed by Part 512 of Title 29, Code of Federal Regulations, published in the FEDERAL REGISTER on May 27, 1961 (26 F.R. 4636), and amended on June 17, 1961 (26 F.R. 5421). The regulations contained in 29 CFR Part 512 apply the wage order procedure set out in 29 CFR Part 511, which was amended by regulations published in the FEDERAL REGISTER on July 20, 1961 (26 F.R. 6513), except insofar as special provisions are contained in 29 CFR Part 512 and the Fair Labor Standards Amendments of 1961 dealing with the initiation of proceedings of the review committee and the effective date and reviewability of its recommendations.

As a prerequisite to participation in the hearing of the review committee, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than September 15, 1961.

Signed at Washington, D.C., this 14th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–7951; Filed, Aug. 17, 1961; 8:49 a.m.]

oleate, and titanium dioxide as packing in contact with food.

Dated: August 11, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61–7925; Filed, Aug. 17, 1961; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 14241; FCC 61–1007, Corrected]

DEINTERMIXTURE OF HARTFORD, CONNECTICUT

Notice of Proposed Rule Making

1. In a separate Notice of Proposed Rule Making (FCC 61–993) adopted today in Docket 14229, the Commission invited comments on a series of actions proposed as a means of enhancing opportunities for successful and wider use of UHF channels for television broadcasting. One of the steps it was found desirable to take at this time is the deintermixture of 8 markets where a single VHF station is operating in competition with one or more UHF stations, and where, accordingly, there are appreciable numbers of receivers capable of using UHF transmissions.

2. We accordingly propose herein to place all commercial channel assignments at Hartford in the UHF band, by replacing VHF Channel 3 with Channel 76.

3. Comments are invited as to whether, if we decide to remove Channel 3 from commercial use at Hartford, it would best serve the public interest to:

(a) Reserve Channel 3 for non-commercial, educational use at Hartford or elsewhere in Connecticut;

(b) Reassign Channel 3 to Providence, R.I., for commercial use;[1]

(c) Reassign Channel 3 to Providence, R.I., and reserve it for noncommercial educational use there; or

(d) Delete Channel 3 from Hartford and defer decision on possible alternative uses of this channel pending further developments which would give clearer indication of how Channel 3 might best be utilized.

4. Channel 76, here proposed for assignment to Hartford in lieu of Channel 3, can be made available without shifting any UHF channel on which there is an outstanding authorization. Its assignment to Hartford would, however, require its deletion from Concord, New Hampshire, as well as the deletion of Channel 61 from Easthampton, Massachusetts, and the deletion of Channel 83, now reserved for noncommercial educational use at Poughkeepsie, New York. We find it desirable in the public interest to defer consideration of steps to replace the channels thus deleted until decision in Docket No. 14229 with regard to the most desirable means of making UHF channels available for future commercial and noncommercial stations.

5. While the assignment of Channel 76 to Hartford under the foregoing approach would avoid dislocation of existing UHF stations, the Commission will consider such counterproposals as interested parties may wish to submit for the assignment of a different UHF channel to Hartford for commercial use there in lieu of Channel 3.

6. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.213 of the Commission rules, interested persons may file comments on or before October 2, 1961, and reply comments on or before November 2, 1961. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.54 of the rules, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: July 27, 1961.

Released: August 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61–7948; Filed, Aug. 17, 1961; 8:49 a.m.]

[1] Pursuant to our Report and Order adopted July 6, 1961 (FCC 61–869) in Docket 13375, the pleadings therein relating to counterproposals to reassign Channel 3 from Hartford to Providence will be considered in the instant proceeding. It should be noted that owing to air space problems there may be considerable difficulty in finding an acceptable transmitter site for a Channel 3 station assigned to Providence.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 547) has been filed by Johnson & Johnson, New Brunswick, New Jersey, proposing the issuance of a regulation to provide for the safe use of cotton, viscose rayon, and mixtures of both treated with polyoxyethylene sorbitan monolaurate, sodium bisulfite, sodium

Notices

DEPARTMENT OF STATE

International Cooperation Administration

ASSISTANT DIRECTOR FOR ADMINISTRATION

Delegation of Authority

By virtue of the authority vested in me by the Mutual Security Act of 1954, as amended, Executive Order No. 10893, Department of State Delegation of Authority No. 85–10, State Department Redelegation of Authority No. 85–10A and other appropriate authorities, I hereby delegate authority to, and otherwise authorize the Assistant Director for Administration to:

1. Exercise the authority and to perform the functions conferred upon the Deputy Director for Management by Delegation of Authority from the Director dated September 28, 1960 (25 F.R. 9927);

2. Exercise the authority delegated to the Deputy Director for Management to prescribe regulations relating to travel as set forth in Delegation of Authority from the Director dated January 16, 1957 (22 F.R. 649);

3. Exercise the authority delegated by me to the Director, Office of Personnel Administration dated July 10, 1961;

4. Exercise the authority and perform the functions conferred upon the Deputy Director for Operations in Delegation of Authority, from the Director dated September 28, 1960 (25 F.R. 9927) to sign and issue Project Implementation Orders-Participants (PIO/P), and Project Implementation Orders-Technical Services (PIO/T);

5. Sign and approve grants and grants-in-aid of technical cooperation, other than to foreign governments or organizations or agencies of foreign governments.

The Assistant Director for Administration shall exercise the authority and perform the functions formerly vested in the Deputy Director for Management, and the Deputy Director for Operations insofar as they relate to the Office of Contract Relations and the Office of Participant Training, and as presently vested in the Director, Office of Personnel Administration, and as set forth in various internal delegations of authority, Manual Orders, Policy Directives, Notices and other issuances such as airgrams, cables, memoranda, etc. The authorities delegated herein to the Assistant Director for Administration may be exercised by a person serving as such Assistant Director in an acting capacity.

The authorities and functions of the Offices and staffs transferred to the Office of the Assistant Director for Administration by ICA/W Notice dated July 31, 1961, shall continue to be exercised in accordance with existing delegations until modified, revoked or superseded by the Assistant Director for Administration. In addition, the Assistant Director for Administration may delegate, and may authorize successive redelegations of, the authorities herein delegated and may reassign such offices, functions, and staff as he may deem appropriate.

To the extent delegated herein, authorities and functions heretofore delegated to the Deputy Director for Operations, and the Deputy Director for Management, are hereby revoked. This delegation does not derogate from or affect the exercise of the authorities and functions delegated by me to the Deputy Director for Operations on March 30, 1961 (26 F.R. 3117).

This delegation of authority is effective immediately.

HENRY R. LABOUISSE,
Director, International Cooperation Administration.

AUGUST 9, 1961.

[F.R. Doc. 61–7935; Filed, Aug. 17, 1961; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 62–4]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 9, 1961.

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Oregon 011697, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the general mining laws only.

The applicant desires the land so that an exchange may be accomplished to consolidate national forest land in Ochoco National Forest for administrative purposes under the Act of March 20, 1922, as amended (16 U.S.C. 485; 74 Stat. 205).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay Street, Portland 12, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

OCHOCO NATIONAL FOREST

T. 13 S., R. 20 E.,
Sec. 35: E½E½SE¼;
Sec. 36: W½SW¼, N½SE¼.
T. 13 S., R. 24 E.,
Sec. 17: SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 18: NE¼NE¼.
T. 14 S., R. 17 E.,
Sec. 2: Lot 1, SE¼NE¼, E½SE¼;
Sec. 3: SW¼NW¼;
Sec. 6: Lots 5, 6, SW¼NE¼, SE¼NW¼;
Sec. 10: NE¼NW¼, NW¼SW¼.
T. 14 S., R. 18 E.,
Sec. 8: SE¼.
T. 14 S., R. 20 E.,
Sec. 2: Lots 1, 2, SE¼NE¼, SE¼;
Sec. 11: N½NE¼;
Sec. 14: NE¼, N½SE¼;
Sec. 24: SW¼NE¼, NW¼NW¼, S½NW¼, SW¼, W½SE¼.
T. 14 S., R. 21 E.,
Sec. 19: Lot 4, E½SW¼, SE¼;
Sec. 20: SW¼SW¼;
Sec. 26: SE¼SW¼;
Sec. 30: Lots 1, 3, 4, N½NE¼, SW¼NE¼, NE¼NW¼, E½SW¼, SE¼;
Sec. 31: SE¼NE¼, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 32: SE¼NE¼, W½W½, SW¼SE¼, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 4: All;
Sec. 10: N½NW¼.
T. 15 S., R. 21 E.,
Sec. 5: Lots 1, 2, 3, 4, S½N½, N½S½.

Total area, 4,872.05 acres.

TOM D. CONKLIN,
Acting State Director.

[F.R. Doc. 61–7923; Filed, Aug. 17, 1961; 8:45 a.m.]

[No. 62–3]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 11, 1961.

In F.R. Doc. 61–7311, appearing at pages 6997 and 6998 of the issue for Thursday, August 3, 1961, line 7 appearing at page 6998 which presently reads "T. 37 S., R. 12 W. (unsurveyed)", is corrected to read "T. 37 S., R. 13 W. (unsurveyed)".

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61–7922; Filed, Aug. 17, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS, NEW MEXICO, AND WYOMING

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12

U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the States of Arkansas, New Mexico, and Wyoming a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Mississippi.

Cross.
Greene.

NEW MEXICO

Lea.

WYOMING

Sheridan.

Johnson.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–7924; Filed, Aug. 17, 1961; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–189]

AMERICAN RADIATOR AND STANDARD SANITARY CORP.

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR–65 authorizing American-Standard to construct an Argonaut-type nuclear reactor designated to operate at a thermal power of 15 kilowatts on its site in Mountain View, California. Notice of the proposed action was published in the FEDERAL REGISTER on July 27, 1961, 26 F.R. 6747.

Dated at Germantown, Md., this 14th day of August 1961.

For the Atomic Energy Commission.

M. B. BILES,
Chief, Test and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–7910; Filed, Aug. 17, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12244]

CAPITOL AIRWAYS, INC.; TARIFF INVESTIGATION

Notice of Hearing

In the matter of a tariff filed by Capitol Airways, Inc., proposing military charters between Honolulu and Travis Air Force Base.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 1002 thereof, that a hearing in the above-entitled proceeding is assigned to be held on September 6, 1961, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William F. Cusick.

Dated at Washington, D.C., August 14, 1961.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 61–7942; Filed, Aug. 17, 1961; 8:49 a.m.]

[Docket 10946; Order No. E–17298]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Joint Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of August 1961.

In Order E–15618, dated August 5, 1960, the Board approved the above-designated agreement adopted by Joint Conference 1–2–3 of the International Air Transport Association (IATA), promulgated in IATA Memorandum JT123/FRCS–Rates 574, naming a specific commodity rate for Item 6001, from Bombay to New York. The Board limited its approval of the agreement to one year through August 10, 1961, subject to the right of the parties to the agreement to refile at that time for further approval by the Board.

By letter of July 17, 1961, the Secretary of Traffic Conference 1 of IATA, acting on behalf of the United States flag carriers, refiled the above-described agreement under section 412(a) of the Federal Aviation Act of 1958 (the Act) for the purpose of obtaining approval by the Board of its continued effectiveness beyond August 10, 1961.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the continued effectiveness of the above-designated agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Approval of Agreement C.A.B. 12179, which incorporates IATA Memorandum JT123/FRCS-Rates 574, is extended for the full period of the intended effectiveness of the agreement.

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such comments filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61–7943; Filed, Aug. 17, 1961; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61–KC–49]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a microwave radio antenna structure near Anchor, Illinois, at latitude 40°31'43" north, longitude 88°29'57" west. The overall height of the structure would be 1,118 feet above mean sea level (303 feet above ground).

No objections were made in response to the circularization. The Agency study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61–7913; Filed, Aug. 17, 1961; 8:45 a.m.]

[OE Docket No. 61–KC–51]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to

interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Illinois Bell Telephone Company, Springfield, Illinois, proposes to construct a microwave radio antenna structure in Champaign, Illinois, at latitude 40°07'36" north, longitude 88°15'13" west. The overall height of the structure would be 1,058 feet above mean sea level (303 feet above ground).

No objections were made in response to the circularization. The Agency's study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7914; Filed, Aug. 17, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-22]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Power Authority of the State of New York proposes to construct a radio antenna structure near Baldwinsville, New York, at latitude 43°06'40" north, longitude 76°21'41" west. The overall height of the structure would be 890 feet above mean sea level (250 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 3 miles northeast of the Anthonson Airport, Memphis, New York, and would exceed the inner conical surface of the Joint Industry/Government Tall Structures Committee criteria, as applied to this airport, by 46 feet. However, the Agency study disclosed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 9, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7915; Filed, Aug. 17, 1961; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 61-1028]

STATEMENT OF DELEGATIONS OF AUTHORITY, AND OTHER INFORMATION

Authority To Issue Orders; Record of Action Taken

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of August 1961.

The Commission has had under consideration the desirability of making certain changes in section 0.242 of its Statement of Delegations of Authority.

The purpose of this order is to amend present section 0.242 to provide that all actions taken by the Chief of the Broadcast Bureau pursuant to authority delegated in section 0.241 will be maintained for public inspection in the Broadcast Bureau.

The Commission is of the view that the amendment of present section 0.242 as above will best conduce to the proper dispatch of its business.

It appearing that the amendments adopted herein pertain to Commission organization and procedure, in compliance with the provisions of section 4 of the Administrative Procedure Act, the Commission is adopting this amendment without notice and public procedure.

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and other information;

It is ordered, That effective August 15, 1961, the Commission's Statement of Organization, Delegations of Authority and Other Information is amended as set forth below.

Released: August 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 0.242 is amended to read as follows:

SEC. 0.242 *Authority to issue orders; record of actions taken.* In matters pertaining to the authority delegated in section 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All minutes of all actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241 shall be maintained for public inspection in the Broadcast Bureau. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of the Secretary.

[F.R. Doc. 61-7944; Filed, Aug. 17, 1961; 8:49 a.m.]

[Docket No. 14247]

DAVID A. GENTRY

Order To Show Cause

In the matter of David A. Gentry, 1654 Lincoln Street, Berkeley 3, California; order to show cause why there should not be revoked the license for Radio Station 12W3205 in the Citizens Radio Service; Docket No. 14247.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that, pursuant to § 1.76 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation mailed on December 23, 1960, alleging: (1) Non-compliance with § 19.61(a) of the Commission's rules by the inter-communication with other Citizens radio stations other than when necessary for the exchange of substantive messages related to the business or personal affairs of the persons concerned; (2) Non-compliance with § 19.61 (f) of the Commission's rules by the exchange of communications with another Citizens radio station for a period in excess of five consecutive minutes; (3) Non-compliance with § 19.62 of the Commission's rules by the failure to identify properly the transmissions of his radio station;

It further appearing that, the above-named licensee, received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated January 25, 1961, and sent by Certified Mail—Return Receipt Requested (Cert. No. 370158), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, David A. Gentry, on January 26, 1961, to a Post Office Department return receipt; and

It further appearing that, although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that, in view of the foregoing, the licensee has repeatedly violated § 1.76 of the Commission's rules;

It is ordered, This 9th day of August 1961, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Acting Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: August 10, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7945; Filed, Aug. 17, 1961; 8:49 a.m.]

[Canadian List 162]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JULY 26, 1961.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph #47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		570 kilocycles				
New	Maguse River, Northwest Territory.	1	ND	U	III	Delete assignment.
		620 kilocycles				
Do	Grand Falls, Newfoundland.	10	DA-1	U	III	EIO 7-15-62.
		630 kilocycles				
CKAR (PO: 590 kc 1 kw DA-1).	Huntsville, Ontario	1	DA-N	U	III	Do.
		710 kilocycles				
CKVM (PO: 710 kc 1 kw DA-N).	Ville Marie, Province of Quebec.	10 kw D/1 kw N.	DA-N	U	II	Do.
		790 kilocycles				
CFCW	Camrose, Alberta	10	DA-2	U	III	Now in operation with increased power.
CFCW (change in daytime power).	Camrose, Alberta	10	DA-2	U	III	EIO 7-15-62.
		1070 kilocycles				
New	Vancouver, British Columbia.	10	DA-2	U	II	Delete assignment.
		1250 kilocycles				
CKOM	Saskatoon, Saskatchewan.	10	DA-N	U	III	Now in operation with increased power.
		1340 kilocycles				
New	Stettler, Alberta	1 D/0.25 N	ND	U	IV	EIO 7-15-62.
		1370 kilocycles				
Do	Abbotsford, British Columbia.	1	DA-1	U	III	Delete assignment.
		1490 kilocycles				
Do	Tatamagouche, Nova Scotia.	0.25	ND	U	IV	EIO 7-15-62.
		1540 kilocycles				
Do	Toronto, Ontario	50	DA-D	D	II	Do.
		1600 kilocycles				
Do	Ducan, British Columbia.	1	DA-1	U	III	Delete assignment.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-7946; Filed, Aug. 17, 1961; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9547, etc.]

UNITED GAS PIPE LINE CO.

Order Granting Continuance

AUGUST 11, 1961.

On July 17, 1961, pursuant to Commission order issued herein, the hearing was begun in which United Gas Pipe Line Company (United) tendered its exhibits and other evidence as to the dockets consolidated in these proceedings. The hearing recessed for a series of informal conferences. Thereafter on July 19, 1961, upon resumption of the hearing, United read into the record its proposal for disposition of these proceedings as well as the proceedings in two later dockets which had not been consolidated herewith.

The Commission Staff joined by most of the parties present, requested that the hearing be recessed to November 28, 1961, for it and the parties to study and evaluate United's aforementioned proposal, for holding informal conferences to receive the responses of the parties to United's proposal to ascertain areas of settlement as to any or all of the issues involved, to analyze and study the evidence submitted by United, to prepare cross-examination of United's case, and for the introduction of the direct cases of the Commission Staff and interveners.

On July 21, 1961, the presiding examiner hearing those five consolidated proceedings certified to the Commission his ruling that the hearing be continued until November 28, 1961.

The Commission finds: Inasmuch as the requested continuance exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission and good cause having been shown, the postponement to November 28, 1961, granted by the presiding examiner's ruling, should be approved.

The Commission orders: The ruling of the presiding examiner made on the record in these proceedings on July 19, 1961, granting a continuance herein to November 28, 1961, is hereby approved.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-7918; Filed, Aug. 17, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37308: *Substituted service—Rail carrier service for motor carrier service.* Filed by Central States Motor Freight Bureau, Inc., Agent (No. 71), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between points in central states, middlewest, southwestern, Rocky Mountain and Pacific territories, on the one hand, and points in central states, middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37307: *Passenger fares in the United States.* Filed by A. J. Winkler, Agent (No. A–10), for interested rail carriers. Involving basic coach fares for the transportation of persons, between points in the United States.

Grounds forrelief: Maintenance of through one factor fares in excess of lower combinations of intermediate fares, due to joint fares reflecting increased factors.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61–7931; Filed, Aug. 17, 1961; 8:47 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

WEST VIRGINIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; and in furtherance of a declaration by the President in his letter to me dated July 23,1961, reading in part as follows:

I hereby determine the damage in the various areas of the State of West Virginia adversely affected by floods beginning on or about July 19, 1961, to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 23, 1961:

The counties of:

Fayette.	Nicholas.
Jackson.	Putnam.
Kanawha.	Roane.

Dated: August 9, 1961.

EDWARD MCDERMOTT, *Acting Director.*

[F.R. Doc. 61–7911; Filed, Aug. 17, 1961; 8:45 a.m.]

THOMAS R. REID

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b)(6) of the Defense Production Act of 1950, as amended.

Ford Motor Co.
Beech Aircraft Co.
P. Lorrilard Co.
Mohasco Ind.
General Telephone and Electronics Co.
Massachusetts Growth Trust Fund.

This amends statement published February 11, 1961 (26 F.R. 1235).

THOMAS R. REID.

AUGUST 1, 1961.

[F.R. Doc. 61–7912; Filed, Aug. 17, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–5470]

BROADCAST INTERNATIONAL, INC.

Notice and Order for Hearing

AUGUST 14, 1961.

I. Broadcast International, Inc. (issuer), a New York corporation located at 3 West 57th Street, New York, N.Y., filed with the Commission on June 2, 1961, a notification on Form 1–A and offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission, on June 29, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on September 27, 1961, at the New York Regional Office of the Commission, 23d floor, 225 Broadway, New York 7, New York, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with, in that the issuer:

1. Fails to disclose in the notification a material transaction with respect to the stock held by the controlling person of the issuer;

2. Falsely names as an officer of the issuer a person who was not an officer at all times of the filing.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices.

2. The failure to disclose that customers listed as current active accounts had ceased to deal with the issuer.

3. The overstatement of the number of programs which could be produced by the issuer with the proceeds of the offering.

4. The statement that Broadcast Planning represented 150 television stations.

C. Whether the offering and sale of the issuer's securities would violate section 17(a) of the Securities Act of 1933.

III. *It is further ordered,* That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Broadcast International, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before September 25, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–7936; Filed, Aug. 17, 1961; 8:48 a.m.]

[File No. 24NY–5411]

HOWE PLASTICS & CHEMICAL COMPANIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 14, 1961.

I. Howe Plastics & Chemical Companies, Inc., a New York corporation organized on March 21, 1958, with offices at 4077 Park Avenue, Bronx 57, New York, filed a notification on Form 1–A and an offering circular on March 29, 1961, relating to a proposed offering of an undetermined number of shares of common stock, $.01 par value, for the purpose of obtaining an exemption from registration pursuant to Regulation A under section 3(b) of the Securities Act of 1933. The price of the shares is to be determined by the market price immediately prior to the commencement of the offering.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly in that:

The financial statements are false and misleading because

(a) The issuer failed to include financial statements of the period after December 30, 1960 which would have reflected a significant decline in sales;

(b) The issuer has materially overstated the value of its fixed assets.

B. The offering would be made in violation of section 17(a) of the Securities Act of 1933.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–7937; Filed, Aug. 17, 1961; 8:48 a.m.]

[File No. 812–1423]

VIRGINIA CAPITAL CORP.

Notice of Filing of Application Regarding Investment Arrangement by Registered Company and Affiliates

AUGUST 11, 1961.

Notice is hereby given that Virginia Capital Corporation ("Virginia Capital"), a Virginia corporation, and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") which company is also a small business investment company licensed as such under the Small Business Investment Act of 1959 ("SBIA") has filed an application pursuant to section 17(d) of the Act and Rule 17d–1 of the general rules and regulations thereunder ("Rules") for an order granting said application in respect of a proposed arrangement for the purchase of securities by Virginia Capital on a basis which will not be different from or less advantageous than that of certain affiliated persons of Virginia Capital who will also purchase some of such securities.

The application states that Virginia Capital plans to purchase from Datafio, Inc. ("Datafio") 50,000 shares of common stock at $1 per share of a total issue of 225,000 shares. The organizers of Datafio, none of whom are in any way affiliated with Virginia Capital, are purchasing 100,000 shares of this stock. Of the remaining 75,000 shares to be issued, up to 40,000 shares are expected to be purchased at $1 per share by persons who may be deemed affiliates of Virginia Capital, including Arthur S. Brinkley, Jr., vice president, treasurer and director of Virginia Capital, W. Gibson Harris, secretary, director and counsel for Virginia Capital, Eugene B. Sydnor, Jr. and Robert H. Haskins, directors of Virginia Capital and several of the partners of J. C. Wheat & Co. or corporations in which they have interests. None of these purchases represent more than 5,000 shares. The application further states that the terms and conditions on which Virginia Capital proposes to purchase the 50,000 shares of stock are not different from, nor are they less advantageous to Virginia Capital than those under which the affiliated persons are purchasing shares of stock and that the proposed purchases of stock by affiliated persons are not in any way conditioned upon the proposed purchase by Virginia Capital.

Datafio is a Virginia Corporation organized in April of 1961 for the purpose of printing and distributing business forms. Datafio has leased premises in Richmond, Virginia, to be used as its plant and offices. The organizers of Datafio are: Mr. Jake Peacock, who will serve as president; Mr. Owen W. Matthews, who will serve as director and assistant secretary; Mr. Emmett M. Avery, Jr., who will serve as vice president and director; Mr. John F. Habig, who will serve as director; Fred Pollard, Esq., who will serve as secretary, director and counsel; and Mr. Kenneth W. Sledd. Of the 100,000 shares which the organizers have agreed to buy, Mr. Peacock will purchase 73,500. In addition, the organizers are purchasing warrants, expiring July 31, 1967, to buy a total of 17,500 shares of stock of Datafio at $2.00 per share, for which they will pay $0.10 per warrant right.

J. C. Wheat & Co. will be paid a commission of $0.10 per share on all shares taken by those other than Virginia Capital and by the organizers. The partners of J. C. Wheat own approximately 70 percent of the stock of Southeastern Investment Company ("Southeastern"). Southeastern in turn owns 19 percent of the outstanding shares of Virginia Capital. Mr. James C. Wheat, Jr., the senior partner of J. C. Wheat & Co., is chairman of the board of directors of Virginia Capital and a member of its executive committee and is also president and a director of Southeastern.

As part of its agreement to purchase 50,000 shares of Datafio, Virginia Capital required that three persons named by it be appointed to Datafio's board of directors, and, in accordance with this provision, Messrs. Brinkley, Sydnor, and Haskins have been elected directors of Datafio.

Section 17(d) of the Act and Rule 17d–1 taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Since affiliated persons of Virginia Capital will participate in the financing of Datafio in the manner noted above, the arrangement is subject to the provisions of section 17(d) and Rule 17d–1.

Notice is further given that any interested person may, not later than August 29, 1961, at 5:30 p.m., d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request

that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–7938; Filed, Aug. 17, 1961; 8:48 a.m.]

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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AUG 21 1961

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Title 3—THE PRESIDENT

Executive Order 10959

AUTHORIZING THE APPOINTMENT OF MR. MAURICE L. KOWAL TO A COMPETITIVE POSITION WITHOUT REGARD TO THE CIVIL SERVICE RULES AND REGULATIONS

By virtue of the authority vested in me by section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), it is hereby ordered that Mr. Maurice L. Kowal may be appointed to a competitive position in the classified civil service of the United States without regard to the competitive provisions of the Civil Service Rules and regulations.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 17, 1961.

[F.R. Doc. 61-8038; Filed, Aug. 17, 1961; 5:06 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, paragraph (o), subparagraphs (1), (2), and (3), are added to § 6.312 as set out below.

§ 6.312 Department of Commerce.

• • • • • •

(o) *United States Travel Service.* (1) One Confidential Assistant to the Director.

(2) The Deputy Director.

(3) One Private Secretary to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7981; Filed, Aug. 18, 1961; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(18) Director, Special Staff on Aging.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7983; Filed, Aug. 18, 1961; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (k)(1) is added to § 6.349 as set out below.

§ 6.349 International Cooperation Administration.

(k) *Office of the General Counsel.* (1) One Private Secretary to the General Counsel.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7984; Filed, Aug. 18, 1961; 8:48 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.364 is revoked and paragraph (f) is added as set out below.

§ 6.364 Federal Aviation Agency.

• • • • • •

(f) One Executive Advisor to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-7982; Filed, Aug. 18, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 14—SALES OF AGRICULTURAL COMMODITIES ON CREDIT UNDER LONG-TERM SUPPLY CONTRACTS

Subpart A—Regulations Governing the Financing of Commercial Export Sales of Surplus Agricultural Commodities on Credit

COMMODITIES GROWN OR PROCESSED IN THE UNITED STATES

Basis and purpose of amendment. Section 14.5(a) the regulations stipulates that only surplus agricultural commodities grown in the United States and, if processed, only the products of the surplus agricultural commodities are eligible for financing unless the basic agricultural commodity from which the product was processed is also in surplus supply. The purpose of this amendment is to make clear that a surplus agricultural product per se can be eligible for financing.

Section 14.5(a) is amended to read as follows:

(a) *Commodities grown or processed, in the United States.* Only surplus agricultural commodities grown in the United States and, if processed, only (1) surplus products of agricultural commodities grown and processed in the United States, or (2) products of surplus agricultural commodities grown and processed in the United States are eligible for financing.

Done at Washington, D.C., this 15th day of August 1961. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7974; Filed, Aug. 18, 1961; 8:47 a.m.]

Chapter III — Agricultural Research Service, Department of Agriculture

[P.P.C. 612, 33d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Khapra Beetle

ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162), revised administrative instructions are hereby issued as follows, listing premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.

Infestations of the khapra beetle have been determined to exist in the premises listed below. Accordingly, such premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

William J. Roer Farm, located ¾ mile west of Miller Road on the south side of Hazen Road, Star Route, Buckeye.

CALIFORNIA

Grain Inspection Laboratory, Santa Fe-Sherman, Corcoran.

Kern County Land Company—Gosford Feed Yard, Old River.

Penner & Firoved Feed Lot, located on Rancho Road, T. 11 N., R. 19 E., Sec. 12. Mail address P.O. Box 177, Arvin.

Clyde Trantham, located ⅛ mile west of Wible, Pacheco.

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161. 19 F.R. 74, as amended; 7 CFR 301.76–2)

These administrative instructions shall become effective August 19, 1961, when they shall supersede P.P.C. 612, Thirty-second Revision, effective June 30, 1961 (26 F.R. 5864).

This revision adds certain premises in Arizona to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated area under the khapra beetle quarantine and regulations. It also has the effect of revoking the designation as regulated areas of certain premises in Arizona and California, since it has been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

These instructions, in part, impose restrictions supplementing khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of certain regulated areas. They must be made effective promptly in order to carry out the purposes of the regulations and to be of maximum benefit in permitting the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of August 1961.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 61-7972; Filed, Aug. 18, 1961; 8:47 a.m.]

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

FUNGICIDAL TREATMENT OF IMPORTED ALFALFA SEED

Pursuant to the authority conferred by sections 1, 5, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 159, 162), § 319.37–4 of the regulations relating to the importation of nursery stock, plants, and seeds (7 CFR 319.37–4) is amended to read as follows:

§ 319.37–4 Seeds.

(a) *Seeds importable without individual permits.* Seeds of field crops, vegetables, and annual, biennial, and perennial flowers which are essentially herbaceous in character, except seeds of alfalfa (Medicago sativa), Lathyrus spp., Lens spp., okra (Hibiscus esculentus), and Vicia spp., may be imported into the United States without further permit other than the authorization contained in this paragraph but subject to the conditions and requirements of § 319.37–2.

(b) *Seeds importable under permit.* All seeds (including seeds of Lens spp. from other than South American countries, and seeds of alfalfa (Medicago sativa), Lathyrus spp., okra (Hibiscus esculentus), and Vicia spp.) not under paragraph (a) of this section, not prohibited entry in § 319.37 or any other quarantine, and not restricted in any other quarantine, and which are free from pulp of a character which will support living larvae of fruit flies or other injurious insects, other than stored-product insects of general distribution, may be imported into the United States with a permit. Such seeds may be imported subject to the requirements of § 319.37–7 through § 319.37–17, and § 319.37–20, through ports that have special inspection facilities and are named in the permit issued for the seeds. In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56–1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation. As a condition of entry, alfalfa seeds shall be treated upon arrival in the United States by an application of 8 ounces of Arasan 50 (50 percent Thiram) per 100 pounds of seed, or other chemical or method found by the Director of the Division to be substantially as effective as that specified herein in eliminating fungus infection.

(Secs. 1, 5, and 9, 37 Stat. 315, 316, 318, as amended; 7 U.S.C. 154, 159, 162)

The foregoing amendment shall become effective August 19, 1961.

This amendment removes alfalfa seed from the items in § 319.37–4(a) that may be imported into the United States without formal permit, subject to certain other conditions. It in turn adds alfalfa seed to the items in § 319.37–4(b) that may be imported only under permit and after specified treatment.

This amendment must be made effective promptly to protect the United States against the entry of a disease of alfalfa caused by a strain of the fungus Verticillium albo-atrum. This disease is causing severe losses where it is established in European fields, often rendering a diseased field worthless for forage by the end of the second year of infection. So far as is known the disease does not exist in the United States. However, as certain varieties of alfalfa grown in this country are known to be susceptible to the disease, its introduction into the United States could be disastrous to farmers in areas where environmental conditions are favorable. Alfalfa is the principal legume grown in the United States, about thirty million acres being devoted to its production. Increasing quantities of alfalfa seed for breeding and multiplication purposes are being imported from countries known to have fields infected with the disease. Fungicidal treatment of these imports will prevent the entry of the disease.

Therefore, it is in the public interest that the amendment be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of August 1961.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-7993; Filed, Aug. 18, 1961; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops (26 F.R. 3672, 5489) is to establish the normal yields for counties for the 1961 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Agricultural Stabilization and Conservation Service in accordance with §§ 722.2(a)(15) and 722.50. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

1. Section 722.50 of the Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops is hereby amended to read as follows:

§ 722.50 County normal yields for each crop year.

This section will be amended annually to establish county normal yields for each crop year pursuant to § 722.2(a)(15).

(a) *For 1961 Crop Year.* The following table sets forth the normal yields for the 1961 crop year, as adjusted pursuant to § 722.2(a)(15), which are established for the respective counties.

ALABAMA

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Autauga	432	Houston	365
Baldwin	296	Jackson	450
Barbour	297	Jefferson	389
Bibb	404	Lamar	337
Blount	427	Lauderdale	365
Bullock	273	Lawrence	441
Butler	348	Lee	352
Calhoun	350	Limestone	439
Chambers	344	Lowndes	341
Cherokee	497	Macon	332
Chilton	357	Madison	463
Choctaw	286	Marengo	345
Clarke	258	Marion	379
Clay	342	Marshall	523
Cleburne	315	Mobile	293
Coffee	334	Monroe	418
Colbert	410	Montgomery	331
Conecuh	290	Morgan	409
Coosa	263	Perry	375
Covington	357	Pickens	355
Crenshaw	299	Pike	270
Cullman	472	Randolph	352
Dale	339	Russell	267
Dallas	353	St. Clair	355
De Kalb	498	Shelby	471
Elmore	408	Sumter	302
Escambia	419	Talladega	311
Etowah	427	Tallapoosa	301
Fayette	417	Tuscaloosa	363
Franklin	394	Walker	330
Geneva	400	Washington	322
Greene	276	Wilcox	317
Hale	368	Winston	395
Henry	353		

ARIZONA

Cochise	811	Pima	917
Gila	692	Pinal	1015
Graham	890	Santa Cruz	802
Greenlee	812	Yavapai	764
Maricopa	1080	Yuma	1009
Mohave	741		

ARKANSAS

Arkansas	426	Lee	500
Ashley	512	Lincoln	542
Baxter	417	Little River	419
Benton	250	Logan	444
Boone	310	Lonoke	502
Bradley	267	Marion	351
Calhoun	293	Miller	429
Chicot	511	Mississippi	526
Clark	330	Monroe	495
Clay	493	Montgomery	312
Cleburne	264	Nevada	302
Cleveland	290	Newton	686
Columbia	201	Ouachita	255
Conway	390	Perry	393
Craighead	503	Phillips	504
Crawford	538	Pike	284
Crittenden	544	Poinsett	479
Cross	474	Polk	289
Dallas	290	Pope	462
Desha	558	Prairie	416
Drew	464	Pulaski	425
Faulkner	336	Randolph	488
Franklin	383	St. Francis	518
Fulton	417	Saline	236
Garland	264	Scott	302
Grant	294	Searcy	380
Greene	488	Sebastian	382
Hempstead	363	Sevier	286
Hot Spring	258	Sharp	306
Howard	348	Stone	487
Independence	485	Union	243
Izard	362	Van Buren	231
Jackson	451	Washington	309
Jefferson	566	White	327
Johnson	551	Woodruff	487
Lafayette	502	Yell	476
Lawrence	461		

CALIFORNIA

Fresno	1073	Los Angeles	815
Imperial	1138	Madera	804
Kern	1127	Merced	861
Kings	897	Riverside	1962

CALIFORNIA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
San Benito	814	San Diego	994
San Bernardino	400	Stanislaus	747
		Tulare	891

FLORIDA

Alachua	388	Jefferson	205
Baker	232	Lafayette	187
Bay	300	Leon	186
Calhoun	373	Levy	306
Clay	401	Liberty	199
Columbia	178	Madison	240
Dixie	275	Nassau	285
Duval	259	Okaloosa	302
Escambia	356	Santa Rosa	352
Gadsden	246	Suwannee	215
Gilchrist	187	Taylor	243
Hamilton	200	Union	296
Holmes	340	Walton	330
Jackson	282	Washington	286

GEORGIA

Appling	358	Hall	367
Atkinson	330	Hancock	309
Bacon	378	Haralson	359
Baker	271	Harris	308
Baldwin	353	Hart	383
Banks	443	Heard	367
Barrow	377	Henry	389
Bartow	468	Houston	407
Ben Hill	389	Irwin	380
Berrien	338	Jackson	353
Bibb	370	Jasper	362
Bleckley	431	Jeff Davis	359
Brantley	222	Jefferson	386
Brooks	359	Jenkins	361
Bryan	396	Johnson	345
Bulloch	410	Jones	264
Burke	362	Lamar	257
Butts	308	Lanier	288
Calhoun	404	Laurens	347
Candler	390	Lee	358
Carroll	325	Liberty	247
Catoosa	466	Lincoln	258
Charlton	195	Long	348
Chatham	235	Lowndes	312
Chattahoochee	167	Lumpkin	382
Chattooga	312	McDuffie	331
Cherokee	313	McIntosh	217
Clarke	293	Macon	433
Clay	354	Madison	386
Clayton	267	Marion	293
Clinch	243	Meriwether	359
Cobb	242	Miller	372
Coffee	370	Mitchell	350
Colquitt	434	Monroe	268
Columbia	241	Montgomery	324
Cook	415	Morgan	353
Coweta	319	Murray	319
Crawford	449	Muscogee	262
Crisp	498	Newton	338
Dade	310	Oconee	408
Dawson	278	Oglethorpe	357
Decatur	315	Paulding	306
De Kalb	276	Peach	480
Dodge	357	Pickens	342
Dooly	459	Pierce	334
Dougherty	251	Pike	385
Douglas	268	Polk	391
Early	413	Pulaski	363
Echols	274	Putnam	268
Effingham	322	Quitman	255
Elbert	387	Randolph	405
Emanuel	384	Richmond	303
Evans	408	Rockdale	411
Fayette	361	Schley	354
Floyd	402	Screven	462
Forsyth	361	Seminole	381
Franklin	362	Spalding	295
Fulton	333	Stephens	386
Glascock	335	Stewart	315
Gordon	437	Sumter	467
Grady	348	Talbot	260
Greene	254	Taliaferro	251
Gwinnett	384	Tattnall	423
Habersham	335		

GEORGIA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Taylor	488	Ware	338
Telfair	331	Warren	308
Terrell	473	Washington	378
Thomas	382	Wayne	370
Tift	379	Webster	288
Toombs	408	Wheeler	376
Treutlen	352	White	306
Troup	294	Whitfield	374
Turner	386	Wilcox	411
Twiggs	335	Wilkes	296
Upson	273	Wilkinson	248
Walker	318	Worth	396
Walton	394		

ILLINOIS

Alexander	398	Massac	376
Madison	200	Pulaski	337

KANSAS

Cowley	170	Montgomery	170
Haskell	170		

KENTUCKY

Ballard	407	Graves	449
Calloway	331	Hickman	559
Carlisle	428	McCracken	416
Fulton	570	Marshall	390

LOUISIANA

Acadia	382	Lincoln	310
Allen	288	Livingston	285
Ascension	280	Madison	567
Assumption	262	Morehouse	517
Avoyelles	516	Natchitoches	494
Beauregard	235	Ouachita	521
Bienville	284	Pointe Coupee	365
Bossier	484	Rapides	584
Caddo	514	Red River	481
Calcasieu	306	Richland	388
Caldwell	492	Sabine	291
Cameron	295	St. Helena	271
Catahoula	452	St. James	242
Claiborne	215	St. John the Baptist	266
Concordia	525	St. Landry	466
De Soto	237	St. Martin	398
East Baton Rouge	250	St. Tammany	250
East Carroll	573	Tangipahoa	252
East Feliciana	281	Tensas	535
Evangeline	478	Union	306
Franklin	390	Vermilion	382
Grant	475	Vernon	303
Iberia	282	Washington	297
Iberville	252	Webster	313
Jackson	259	West Baton Rouge	545
Jefferson	398	West Carroll	417
Jefferson Davis	302	West Feliciana	340
Lafayette	470	Winn	287
La Salle	497		

MISSISSIPPI

Adams	221	Harrison	399
Alcorn	442	Hinds	327
Amite	327	Holmes	544
Attala	407	Humphreys	535
Benton	461	Issaquena	589
Bolivar	507	Itawamba	413
Calhoun	476	Jackson	473
Carroll	500	Jasper	330
Chickasaw	450	Jefferson	295
Choctaw	430	Jefferson Davis	311
Claiborne	359	Jones	351
Clarke	263	Kemper	285
Clay	409	Lafayette	394
Coahoma	556	Lamar	326
Copiah	357	Lauderdale	310
Covington	368	Lawrence	288
De Soto	514	Leake	398
Forrest	377	Lee	373
Franklin	264	Leflore	521
George	312	Lincoln	333
Greene	340	Lowndes	347
Granada	464	Madison	364
Hancock	328		

MISSISSIPPI—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Marion	318	Simpson	306
Marshall	463	Smith	364
Monroe	371	Stone	298
Montgomery	479	Sunflower	493
Neshoba	315	Tallahatchie	503
Newton	266	Tate	477
Noxubee	378	Tippah	441
Oktibbeha	318	Tishomingo	376
Panola	491	Tunica	517
Pearl River	341	Union	453
Perry	297	Walthall	329
Pike	270	Warren	462
Pontotoc	479	Washington	524
Prentiss	467	Wayne	320
Quitman	474	Webster	491
Rankin	387	Wilkinson	279
Scott	350	Winston	357
Sharkey	559		

MISSOURI

Bollinger	457	New Madrid	553
Butler	493	Oregon	375
Cape Girardeau	418	Ozark	230
Carter	354	Pemiscot	556
Dunklin	517	Ripley	432
Howell	333	Scott	541
Jefferson	277	Stoddard	580
Mississippi	592	Vernon	398
		Wayne	281

NEVADA

Clark	710	Nye	811

NEW MEXICO

Chaves	816	Lea	743
Curry	337	Luna	942
De Baca	627	Otero	849
Dona Ana	840	Quay	509
Eddy	876	Roosevelt	424
Grant	839	Sierra	834
Guadalupe	412	Socorro	711
Hidalgo	1009	Valencia	505

NORTH CAROLINA

Alamance	337	Lenoir	412
Alexander	338	Lincoln	329
Anson	351	Martin	433
Beaufort	485	Mecklenburg	343
Bertie	470	Montgomery	348
Bladen	347	Moore	370
Brunswick	350	Nash	398
Burke	342	New Hanover	264
Cabarrus	337	Northampton	496
Caldwell	294	Onslow	329
Camden	452	Orange	355
Carteret	370	Pamlico	336
Catawba	363	Pasquotank	379
Chatham	351	Pender	353
Chowan	546	Perquimans	459
Cleveland	391	Person	380
Columbus	360	Pitt	395
Craven	398	Polk	392
Cumberland	367	Randolph	339
Currituck	403	Richmond	323
Davidson	380	Robeson	393
Davie	356	Rowan	413
Duplin	423	Rutherford	324
Durham	331	Sampson	408
Edgecombe	438	Scotland	361
Forsyth	355	Stanly	388
Franklin	328	Tyrrell	422
Gaston	361	Union	364
Gates	500	Vance	393
Granville	340	Wake	336
Greene	396	Warren	334
Guilford	368	Washington	452
Halifax	439	Wayne	433
Harnett	401	Wilkes	267
Hertford	463	Wilson	429
Hoke	380	Yadkin	264
Hyde	360	Adair	158
Iredell	362	Atoka	239
Johnston	428	Beaver	273
Jones	375	Beckham	304
Lee	355	Blaine	289

NORTH CAROLINA—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Bryan	308	Love	290
Caddo	357	McClain	415
Canadian	367	McCurtain	357
Carter	258	McIntosh	245
Cherokee	191	Major	312
Choctaw	345	Marshall	480
Cleveland	451	Mayes	254
Coal	363	Murray	602
Comanche	188	Muskogee	364
Cotton	247	Noble	297
Craig	272	Nowata	288
Creek	284	Okfuskee	230
Custer	415	Oklahoma	335
Dewey	299	Okmulgee	191
Ellis	254	Osage	459
Garfield	437	Pawnee	371
Garvin	467	Payne	505
Grady	422	Pittsburg	261
Grant	298	Pontotoc	291
Greer	285	Pottawatomie	323
Harmon	335	Pushmataha	158
Haskell	234	Roger Mills	312
Hughes	245	Rogers	263
Jackson	410	Seminole	187
Jefferson	261	Sequoyah	373
Johnston	279	Stephens	311
Kay	531	Texas	438
Kingfisher	212	Tillman	319
Kiowa	253	Tulsa	387
Latimer	164	Wagoner	347
Le Flore	262	Washington	373
Lincoln	337	Washita	351
Logan	392	Woodward	216

SOUTH CAROLINA

Abbeville	359	Chester	520
Aiken	350	Coffee	418
Allendale	434	Crockett	591
Anderson	371	Davidson	339
Bamberg	398	Decatur	414
Barnwell	380	De Kalb	440
Beaufort	352	Dyer	552
Berkeley	365	Fayette	489
Calhoun	451	Franklin	515
Charleston	300	Gibson	572
Cherokee	305	Giles	357
Chester	371	Grundy	419
Chesterfield	296	Hamilton	381
Clarendon	439	Hardeman	493
Colleton	369	Hardin	434
Darlington	364	Haywood	532
Dillon	327	Henderson	524
Dorchester	454	Henry	460
Edgefield	381	Hickman	377
Fairfield	314	Humphreys	370
Florence	380	Knox	473
Georgetown	246	Lake	641
Greenville	337	Lauderdale	551
Greenwood	325	Lawrence	399
Hampton	482	Lewis	338
Horry	278	Lincoln	409
Jasper	347	Loudon	409
Kershaw	384	McMinn	313
Lancaster	353	McNairy	486
Laurens	343	Madison	525
Lee	391	Marion	425
Lexington	330	Marshall	384
McCormick	321	Maury	343
Marion	350	Meigs	350
Marlboro	380	Monroe	292
Newberry	329	Moore	340
Oconee	373	Obion	571
Orangeburg	428	Perry	380
Pickens	369	Polk	366
Richland	406	Rhea	330
Saluda	343	Roane	382
Spartanburg	255	Rutherford	450
Sumter	433	Shelby	497
Union	301	Tipton	546
Williamsburg	368	Van Buren	395
York	336	Warren	381
Bedford	377	Wayne	350
Benton	389	Weakley	518
Bradley	348	White	313
Cannon	320	Williamson	376
Carroll	542	Wilson	360

TEXAS

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Anderson	168	Gonzales	164
Andrews	278	Gray	223
Angelina	257	Grayson	197
Aransas	242	Gregg	214
Archer	199	Grimes	292
Armstrong	274	Guadalupe	216
Atascosa	261	Hale	584
Austin	326	Hall	273
Bailey	379	Hamilton	170
Bandera	378	Hansford	381
Bastrop	184	Hardeman	273
Baylor	248	Hardin	216
Bee	248	Harris	307
Bell	180	Harrison	207
Bexar	211	Hartley	257
Blanco	182	Haskell	269
Borden	263	Hays	173
Bosque	148	Hemphill	266
Bowie	448	Henderson	191
Brazoria	468	Hidalgo	478
Brazos	546	Hill	167
Brewster	797	Hockley	417
Briscoe	423	Hood	191
Brooks	173	Hopkins	182
Brown	154	Houston	203
Burleson	437	Howard	260
Burnet	125	Hudspeth	914
Caldwell	225	Hunt	211
Calhoun	339	Irion	376
Callahan	148	Jack	180
Cameron	417	Jackson	306
Camp	202	Jasper	197
Carson	326	Jeff Davis	983
Cass	201	Jefferson	285
Castro	509	Jim Hogg	93
Chambers	288	Jim Wells	217
Cherokee	192	Johnson	177
Childress	246	Jones	224
Clay	289	Karnes	137
Cochran	387	Kaufman	199
Coke	150	Kendall	156
Coleman	178	Kent	247
Collin	219	Kerr	229
Collingsworth	245	Kimble	375
Colorado	289	King	261
Comal	132	Kinney	608
Comanche	133	Kleberg	320
Concho	189	Knox	307
Cooke	237	Lamar	232
Coryell	173	Lamb	442
Cottle	265	Lampasas	180
Crockett	520	La Salle	320
Crosby	450	Lavaca	195
Culberson	1114	Lee	173
Dallam	342	Leon	185
Dallas	207	Liberty	289
Dawson	358	Limestone	137
Deaf Smith	419	Live Oak	208
Delta	236	Llano	165
Denton	252	Loving	802
De Witt	158	Lubbock	501
Dickens	290	Lynn	354
Dimmit	414	McCulloch	179
Donley	193	McLennan	163
Duval	106	McMullen	104
Eastland	131	Madison	229
Ector	761	Marion	142
Ellis	189	Martin	327
El Paso	983	Mason	416
Falls	194	Matagorda	330
Falls	216	Maverick	505
Fannin	216	Medina	328
Fayette	258	Menard	200
Fisher	284	Midland	387
Floyd	580	Milam	211
Foard	240	Mills	195
Fort Bend	367	Mitchell	260
Franklin	269	Montague	244
Freestone	188	Montgomery	186
Frio	478	Moore	269
Gaines	365	Morris	138
Galveston	353	Motley	239
Garza	342	Nacogdoches	181
Gillespie	189	Navarro	153
Glasscock	471	Newton	192
Goliad	167	Nolan	248

TEXAS—Continued

County	Normal yield (pounds per acre)	County	Normal yield (pounds per acre)
Nueces	354	Sutton	811
Ochiltree	603	Swisher	528
Oldham	264	Tarrant	240
Palo Pinto	191	Taylor	197
Panola	185	Terrell	598
Parker	158	Terry	431
Parmer	622	Throckmorton	185
Pecos	972	Titus	199
Polk	260	Tom Green	286
Potter	279	Travis	177
Presidio	919	Trinity	282
Rains	194	Tyler	306
Randall	342	Upshur	119
Reagan	540	Upton	441
Red River	251	Uvalde	775
Reeves	937	Val Verde	496
Refugio	311	Van Zandt	199
Roberts	322	Victoria	285
Robertson	557	Walker	206
Rockwall	224	Waller	341
Runnels	234	Ward	942
Rusk	174	Washington	309
Sabine	222	Webb	462
San Augustine	190	Wharton	360
San Jacinto	219	Wheeler	221
San Patricio	364	Wichita	283
San Saba	243	Wilbarger	298
Schleicher	359	Willacy	446
Scurry	245	Williamson	210
Shackelford	189	Wilson	195
Shelby	193	Winkler	794
Smith	145	Wise	180
Somervell	138	Wood	149
Starr	231	Yoakum	350
Stephens	170	Young	221
Sterling	561	Zapata	527
Stonewall	224	Zavala	684

VIRGINIA

Accomack	459	Nansemond	393
Brunswick	359	Norfolk	387
Charlotte	340	Patrick	393
Cumberland	337	Prince Edward	351
Dinwiddie	374	Prince George	349
Greensville	376	Princess Anne	359
Halifax	369	Southampton	376
Isle of Wight	380	Surry	380
Lunenburg	363	Sussex	359
Mecklenburg	349		

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 15, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7995; Filed, Aug. 18, 1961; 8:48 a.m.]

[Farm Marketing Quotas and Acreage Allotments Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops

COUNTY NORMAL YIELDS

The purpose of this amendment to the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops (26 F.R. 5489) is to establish the normal yields for counties for the 1961 crop year. Such normal yields for counties as established by the Director, are hereby approved by the Administrator of Agricultural Stabilization and Conservation Service in accordance with §§ 722.102(a)(16) and 722.151. In order that such normal yields may be used by county committees in connection with determinations of farm normal yields, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.151 of the Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crops is hereby amended by addition of a new paragraph (a) at the end thereof which reads as follows:

(a) *For 1961 Crop Year.* The following table sets forth the normal yields for the 1961 crop year, as adjusted pursuant to § 722.102(a)(16), which are established for the respective counties.

ARIZONA

Cochise	550	Pima	625
Gila	403	Pinal	570
Graham	632	Santa Cruz	680
Maricopa	571	Yuma	471

CALIFORNIA

Imperial	263	Riverside	420

FLORIDA

Alachua	197	Marion	274
Bradford	196	Putnam	170
Hamilton	160	Seminole	197
Lake	178	Sumter	189
Madison	160	Union	200

GEORGIA

Berrien	290	Lanier	285
Cook	315		

NEW MEXICO

Dona Ana	433	Otero	240
Eddy	397	Sierra	341
Luna	349		

TEXAS

Brewster	423	Pecos	441
Culberson	648	Presidio	545
El Paso	576	Reeves	462
Hudspeth	487	Ward	581
Jeff Davis	580	Winkler	474
Loving	502		

PUERTO RICO

Northern Area	189	Southern Area	70

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on August 15, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7994; Filed, Aug. 18, 1961; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 241]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.541 Valencia Orange Regulation 241.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 20, 1961, and ending at 12:01 a.m., P.s.t., August 27, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 600,000 cartons;
(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 18, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8053; Filed, Aug. 18, 1961; 11:19 a.m.]

[Lemon Reg. 913]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1020 Lemon Regulation 913.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 15, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 20, 1961, and ending at 12:01 a.m., P.s.t., August 27, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 302,250 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8009; Filed, Aug. 18, 1961; 8:50 a.m.]

[Area No. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment to be made effective for Area No. 2 under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado as published in the FEDERAL REGISTER, July 29, 1961 (26 F.R. 6815). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 2 established pursuant to said marketing agreement and order; it is hereby found and determined that:

§ 958.237 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 2 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1962, will amount to $11,113.20.

(b) The rate of assessment to be paid by each handler in Area No. 2 pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, shall be $0.002205 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-7990; Filed, Aug. 18, 1961; 8:48 a.m.]

[Area No. 1]

PART 958—IRISH POTATOES GROWN IN COLORADO

Approval of Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective for Area No. 1 under Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER July 29, 1961 (26 F.R. 6815). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which proposal was adopted and submitted for approval by the area committee for Area No. 1, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.238 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 1 established pursuant to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, to enable such committee to perform its functions, pursuant to the provisions of the aforesaid amended marketing agreement and amended order, during the fiscal period ending May 31, 1962, will amount to $750.00.

(b) The rate of assessment to be paid by each handler in Area No. 1 pursuant

to Marketing Agreement No. 97, as amended, and Order No. 58, as amended, shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and Order No. 58, as amended (7 CFR Part 958, 25 F.R. 7092).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7989; Filed, Aug. 18, 1961; 8:48 a.m.]

[Area No. 2]

PART 958—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Marketing Order No. 58, as amended (7 CFR Part 958), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides methods for limiting the handling of potatoes grown in the areas defined therein through the issuance of regulations authorized in §§ 958.1 through 958.92, inclusive. Area No. 2 Committee (San Luis Valley), established pursuant to § 958.50, has recommended regulations limiting the handling of 1961 crop potatoes. Committee recommendations, with information submitted therewith and other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 958.337 Limitation of shipments.

During the period from August 21, 1961, through June 30, 1962, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the quality and maturity requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with the provisions of paragraphs (c), (d) and (e) of this section. The maturity requirements specified in paragraph (b) of this section shall terminate October 15, 1961, at 11:59 p.m.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ inches minimum diameter:

(2) *Long varieties.* U.S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight.

(b) *Minimum maturity (skinning) requirements.*—(1) *Russet Burbank and Red McClure varieties.* Not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments.*

(1) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to the handling of potatoes for the following purposes:

(i) Livestock feed; and

(ii) Relief or charity.

(2) Potatoes may be handled for chipping if such potatoes meet the requirements of 2 inches minimum diameter and are U.S. No. 2, or better, grade, except for (i) scab and (ii) the maturity requirements of paragraph (b) of this section.

(3) The quality and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 958.6 of this part but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* (1) Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(i) prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(ii) furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(iii) bill each shipment directly to the applicable processor or receiver.

(2) Potatoes handled for livestock feed pursuant to paragraph (c), (1), (i) of this section shall be mutilated so as to render such potatoes unfit for use other than as livestock feed.

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment of over 1,000 pounds of potatoes.

(f) *Inspection.* No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined purusant to paragraph (d) of § 958.40, that each inspection certificate shall be valid for a period not to exceed 5 days, following the date shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c) (2) of this section shall be exempt from this requirement.

(g) *Definitions.* The terms "U.S. No. 2", "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Order No. 58, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1961, to become effective August 21, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–7991; Filed, Aug. 18, 1961; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

General Definitions; General Provisions

Correction

In F.R. Doc. 61–7428, appearing at page 7054 of the issue for Saturday, August 5, 1961, the following corrections are made:

1. In § 404.1, the second occurrence of paragraph (i) should begin as follows: "(j) Subpart J relates to procedures for determining and reviewing • • • ".

2. In § 404.2, paragraph (c) (6) should end with the phrase: "from self-employment and self-employment income".

3. In § 404.1026(a)(9) should end with the words "employees interest" rather than "employe's interest".

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 62]

PART 305—OPIATES

Finding of Certain Drugs To Be Opiates

On July 4, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 6001) stating that the Commissioner of Narcotics pursuant to the provisions of section 4731(g) of the Internal Revenue Code of 1954 (26 U.S.C. 4731(g)), as amended by section 4(b) of the Narcotics Manufacturing Act of 1960 (74 Stat. 57), and pursuant to 21 CFR 305.1, proposed that a finding be made that certain drugs possess an addiction-forming or addiction-sustaining liability similar to morphine or are capable of conversion into drugs having an addiction-forming or addiction-sustaining liability similar to morphine with relative technical simplicity and degree of yield as to create a risk of improper use, and are opiates.

After due notice and opportunity for public hearing and after consideration of all relevant matters presented, the substances referred to in the proposed findings as so published are hereby proclaimed as opiates.

PARAGRAPH 1. Part 305 is amended by adding a new § 305.2 *Chronological list of findings*, for the purpose of listing chronologically the substances proclaimed by the Commissioner of Narcotics as opiates, as follows:

§ 305.2 Chronological list of findings.

August 8, 1961

Betamethadol (B-4,4-diphenyl-6-dimethylamino-3-heptanol or B-6-dimethylamino-4,4-diphenyl-3-heptanol).
Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester) (Atenorax, Atenos, Carbetidine).
Levomoramide (1-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Racemoramide (d,l-3-methyl-2,2-diphenyl-4-morpholino-butyryl-pyrrolidine).
Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine) (Promedol).
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

Because the addition of § 305.2 is merely for the purpose of listing the substances proclaimed by the Commissioner of Narcotics as opiates, it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon its filing for publication in the FEDERAL REGISTER.

(26 U.S.C. 4731(g), as amended by sec. 4(b), Pub. Law 86–429 (74 Stat. 57); sec. 17, Pub. Law 86–429 (74 Stat. 67).)

[SEAL] HENRY L. GIORDANO
Acting Commissioner of Narcotics.

Approved: August 14, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–7976; Filed, Aug. 18, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 848; Amdt. 323]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Series Aircraft

Amendment 308 (26 F.R. 6265), provided an alternative method for complying with Amendment 66, AD 59–26–4 (24 F.R. 10099), for inspection of the gimbal nuts in the wing flap actuating screwjacks of Fairchild F–27 Series aircraft.

As written, the alternative method incorrectly permits operation of the aircraft without lubrication in excess of 75 hours in conjunction with 150 hours repetitive inspections. However, lubrication periods in excess of 75 hours have not been substantiated in conjunction with 150 hour inspections, therefore, the directive is hereby amended by changing paragraph (c)(2) to require lubrication every 75 hours' time in service.

Since this corrective amendment is necessary in the interest of safety, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for the amendment to be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 308, Fairchild F–27 Series aircraft, 26 F.R. 6265, is amended by changing paragraph (c)(2) to read as follows:

(2) Every 150 hours' time in service, conduct an inspection per (c)(3). Every 75 hours' time in service, lubricate all inboard and outboard wing flap gimbal nuts and screwjacks with grease, ANDEROL L–736 or equivalent, and lubricate universal joints and spindle gimbal nut bushings with oil, Spec. MIL–L–15016.

This amendment shall become effective August 19, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–7956; Filed, Aug. 18, 1961; 8:45 a.m.]

[Reg. Docket No. 850; Amdt. 325]

PART 507—AIRWORTHINESS DIRECTIVES

Fairchild F–27 Aircraft

Amendment 167 (25 F.R. 4803) as amended by Amendment 254 (26 F.R. 1347), requires repetitive inspections of the rudder rib web in the vicinity of the tab hinge attach fitting on Fairchild F–27 aircraft Serial Numbers 1 to 83, or an alternative modification which, when accomplished, permits discontinuance of the repetitive inspections. Extensive investigations conducted by the manufacturer subsequent to issuance of the directive show that the rib failure which prompted the directive was not a design deficiency. It has been determined that this one failure on record was an isolated case caused by improper installation while routine maintenance was being accomplished on the aircraft. Therefore, to relieve F–27 operators of an undue burden, Amendments 167 and 254 are hereby rescinded.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by rescinding Amendment 167 (25 F.R. 4803), and Amendment 254 (26 F.R. 1347).

This amendment shall become effective August 19, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–7957; Filed, Aug. 18, 1961; 8:45 a.m.]

[Reg. Docket No. 849; Amdt. 324]

PART 507—AIRWORTHINESS DIRECTIVES

Martin 202 Aircraft

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Martin 202 aircraft in complying with AD 51–24–2, 21 C.F.R. 9509. Accordingly, AD 51–24–2 is being amended to permit extension of inspection intervals where justified.

Since this amendment provides a procedure by which a different inspection interval may be established for the operators concerned, and thus relieves a present restriction, compliance with notice and public procedure hereon is unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

AD 51–24–2 (21 F.R. 9509), Martin 202 aircraft is amended by adding a final paragraph as follows:

Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective August 19, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 11, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–7958; Filed, Aug. 18, 1961; 8:46 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 766; Amdt. 231]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to standard instrument approach procedures contained herein are being adopted to become effective when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act would be contrary to the public interest and is therefore not required.

Pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED EFFECTIVE 26 AUGUST 1961, OR UPON COMMISSIONING OF RBN.							
City, Charleston; State, S.C.; Airport Name, Charleston AFB/Mun.; Elev., 45'; Fac. Class., SBRAZ; Ident., CQ; Procedure No. 1, Amdt. 2; Eff. Date, 1 July 61; Sup. Amdt No. 1; Dated, 27 Dec. 58							
Silver Crown VHF Int C S VOR	CS–LFR (Final) CS LFR	Direct Direct	8800 8800	T–dn C–dn A–dn	300–1 800–1 800–2	300–1 800–1 800–2	200–½ 800–1½ 800–2
Procedure turn N side NW crs, 282° Outbnd, 102° Inbnd, 8800' within 10 mi. Nonstandard due to terrian. Minimum altitude over facility on final approach crs, 7000'. Crs and distance, facility to airport, 067°—0.8 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mi, climb to 7600' on S crs within 20 mi. or, when directed by ATC, climb to 7500' on N crs CS LFR within 20 miles, or left climbing turn to 7500' on R–348 CYS–VOR within 20 miles.							
City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156'; Fac. Class., SBRAZ; Ident., CS; Procedure No. 1 Amdt. 11; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 10; Dated, 20 Sept. 58							
Elmira VOR	EM–LFR	Direct	3400	T–d T–n C–d C–n A–d A–n	800–2 800–3 1200–2 1200–3 1800–2 1800–3	800–2 800–3 1200–2 1200–3 1800–2 1800–3	800–1 800–3 1200–3 1200–3 1800–2 1800–3
Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 3400' within 10 mi. Minimum altitude over facility on final approach crs, 2500'. Crs and distance, facility to airport, 075°—1.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 3500' on NE crs within 10 miles and return to the LFR. Hold EM–LFR, one-minute, right turns, 043° Inbnd. AIR CARRIER NOTES: (1) Sliding scale NA. No reduction in landing visibility minimums authorized for local conditions. No reduction in takeoff minimums authorized. (2) VFR clearances under provisions of CAR 60.31 not authorized when visibility is less than two miles and a circling approach is required.							
City, Elmira; State, N.Y.; Airport Name, Chemung County; Elev., 951'; Fac. Class., SBRAZ; Ident., EM; Procedure No. 1, Amdt. 5; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 4; Dated, 23 Apr. 55							
California FM	OA–LFR (Final)	Direct	1900	T–dn# C–d C–n S–d–14L S–n–14L A–dn	*300–1 600–1 600–1½ 500–1 500–1½ 800–2	*300–1 700–1 700–1½ 500–1 500–1½ 800–2	#*200–½ 700–1½ 700–1½ 800–1 500–1½ 800–2
Radar transitions authorized all sectors 2600' except 2700' within 3 mi of 1739' tower 4 mi West and 2700' within 3 mi of 1746' tower 3 mi SW of airport. Procedure turn W side of N crs, 334° Outbnd, 154° Inbnd, 2600' within 10 mi. Minimum altitude over facility on final approach crs, 1900'. Crs and distance, facility to airport, 139°—4.4 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles, climb to 2700' on SE crs within 20 mi. Aircraft executing missed approach may be radar controlled after being reidentified. CAUTION: Bluff 1339' m.s.l.1.3 mi. East of airport. TV towers 1739' m.s.l 4 mi. WNW and 1746' 3 mi SW of airport. Stack 1192' m.s.l. 1 mi South of LFR. #After takeoff, climb to 2000' m.s.l. prior to proceeding in a westerly direction. AIR CARRIER NOTES: *No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L, and 35R. ##300–1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L, and 35R.							
City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982'; Fac. Class., SBRAZ; Ident., OA; Procedure No. 1, Amdt. 15; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 14; Dated, 18 Mar. 61							
PROCEDURE CANCELLED EFFECTIVE 26 AUGUST 1961, OR UPON DECOMMISSIONING OF LFR.							
City, Rochester; State, N.Y.; Airport Name, Rochester-Monroe County; Elev., 560'; Fac. Class., SBMRLZ; Ident., ROC; Procedure No. 1, Amdt. 3; Eff. Date, 1 Apr. 54; Sup. Amdt. No. 2; Dated, 19 Nov. 51.							

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PROCEDURE CANCELLED, EFFECTIVE 26 AUGUST 1961, OR UPON DECOMMISSIONING OF FACILITY.							
City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863'; Fac. Class., H; Ident., CID; Procedure No. 1, Amdt. 1; Eff. Date, 10 Mar. 1954; Sup. Amdt. No. Orig.; Dated, 20 July 58							
PROCEDURE CANCELLED, EFFECTIVE 26 AUGUST 1961, OR UPON DECOMMISSIONING OF FACILITY.							
City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863'; Fac. Class., H; Ident., CID; Procedure No. 2, Amdt. Orig.; Eff. Date, 30 Mar. 1954							
PROCEDURE CANCELLED, EFFECTIVE 26 AUGUST 1961, OR UPON DECOMMISSIONING OF FACILITY.							
City, Cedar Rapids; State, Iowa; Airport Name, Municipal; Elev., 863'; Fac. Class., H; Ident., CID; Procedure No. 3, Amdt. Orig.; Eff. Date, 30 Mar. 1954							
Charleston VOR Summerville FM	CQ RBn CQ RBn (Final)	Direct Direct	1400 800	T–dn C–dn A–dn	300–1 400–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2
Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 1400' within 10 mi. Minimum altitude over facility on final approach crs, 800'. Crs and distance, facility to airport, 105°—2.5 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 mi, climb to 2000' on 105° crs within 20 mi, or when directed by ATC, turn left, climb to 1400', returning to CQ RBn. CAUTION: 1049' MSL tower 10 mi. SE.							
City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45'; Fac. Class., MH; Ident., CQ; Procedure No. 2, Amdt. Orig; Eff. Date, 26 Aug. 61 or upon commissioning of RBN							
HUA VOR HUA RBn HSV VOR	ITS–RBn ITS–RBn ITS–RBn	Direct Direct Direct	2300 2300 2500	T–dn C–d C–n A–dn	300–1 900–1 900–2 1000–2	300–1 900–1 900–2 1000–2	300–1 900–1½ 900–2 1000–2
Procedure turn E side of crs, 167° Outbnd, 347° Inbnd, 2500' within 10 mi. Minimum altitude over facility on final approach crs, 1800'. Crs and distance, facility to airport, 347°—5.2 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles, climb to 2500' on crs of 351° from ITS–RBn or R–351 of HUA–VOR within 20 miles. NOTE: Prior arrangements for landing are required for civil aircraft not on official business.							
City, Huntsville; State, Ala.; Airport Name, Redstone AAF; Elev., 679'; Fac. Class., MHW; Ident., ITS; Procedure No. 1, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 15 Sept. 58							
ILA VOR Yuba Int. Grimes Int.	MH MH MH	Direct Direct Direct	2500 2000 2000	T–dn C–dn A–dn	300–1 500–1 800–2	300–1 500–1 800–2	300–1 500–1½ 800–2
Procedure turn W side of final approach crs, 140° Outbnd, 320° Inbnd, 1500' within 10 miles. NA beyond 10 miles. Facility on airport. Minimum altitude over facility on final approach, 600'. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 miles, turn left and climb to 2000' on crs. of 140° within 10 miles of MYV "MH" or, when directed by ATC, turn left and climb to 2500' on R–068 of the ILA VOR within 22 miles of the ILA VOR. CAUTION: 250' MSL tower 2.9 miles north of airport.							
City, Marysville; State, Calif.; Airport Name, Yuba County Apt.; Elev., 63; Fac Class., MH; Ident., MYV; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Aug. 61							
OA–LFR OMA–VOR California FM	LOM LOM LOM	Direct Direct Direct	2600 2700 2000	T–dn# C–d C–n S–d–14L S–n–14L A–dn	*300–1 600–1 600–1½ 500–1 500–1½ 800–2	*200–1 700–1 700–1½ 500–1 500–1½ 800–2	#*200–½ 700–1½ 700–1½ 800–1 500–1½ 800–2
Radar transitions authorized all sectors 2600' except 2700' within 3 mi of 1739' tower 4 mi West and 2700' within 3 mi of 1746' tower 3 mi SW of airport. Procedure turn West side NW crs, 315° Outbnd, 135° Inbnd, 2600' within 10 miles. Minimum altitude over facility on final approach crs, 1900'. Crs and distance, facility to airport, 135°—4.0 mi. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700' on crs 135 from LOM within 20 mi or, when directed by ATC, climb to 2700' on SE crs of OA–LFR within 20 mi. CAUTION: Bluff 1339' m.s.l. 1.3 mi East. Towers 1739' m.s.l. 4 mi WNW and 1746' m.s.l. 3 mi SW of airport. Stack 1192' m.s.l. 0.8 mi SSE of LOM. #After takeoff climb to 2000' m.s.l. before proceeding in a westerly direction. AIR CARRIER NOTES: * No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Rnwys 14L, 32R, 17L, and 35R. ## 300–1 takeoff minimums required for more than 2-eng. aircraft except on Rnwys 14L, 32R, 17L, and 35R.							
City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982'; Fac. Class., LOM; Ident., OM; Procedure No. 1, Amdt. 10; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 9; Dated, 18 Mar. 61							

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SX-LFR	JKN RBn	Direct	2400	T-dn	300-1	300-1	200-½
SUX-VOR	JKN RBn	Direct	2400	C-dn	600-1	600-1	600-1½
Int. SUX R-331 and 196° Brg to JKN RBn	JKN RBn	Direct	2400	S-dn-13	600-1	600-1	600-1
Int. SUX R-266 and 041° Brg to JKN RBn	JKN RBn	Direct	2400	A-dn	700-2	800-2	800-2

Procedure turn West side of crs, 307° Outbnd, 127° Inbnd, 2400′ within 10 miles.
Minimum altitude, facility to airport, 2200′.
Crs and distance, facility to airport, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 2500′ on crs of 127° within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runway 4.
CAUTION: 1318′ terrain 1.4 miles ENE of airport, 134′ tower 1.8 miles NW of airport and 1284′ group of towers 1.3 miles WNW of airport.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., MHW; Ident., JKN; Procedure No. 2, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 14 Jan. 61

PROCEDURE CANCELLED EFFECTIVE 26 AUGUST 1961, NO LONGER IN USE BY WASHINGTON CENTER, OTHER APPROACHES HAVE LOWER CIRCLING MINIMUMS.

City, Washington; State, D.C.; Airport Name, National; Elev., 16′; Fac. Class., MHW; Ident., RVD; Procedure No. 1, Amdt. 10; Eff. Date, 8 Jan. 55; Sup. Amdt. No. 9; Dated, 21 June 54

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CO LFR	CDB VOR	Direct	1400	T-dn	300-1	300-1	200-½
				C-dn-26 & 32	500-1	500-1	500-1½
				C-d-8	800-2	800-2	800-2
				C-n-8	NA	NA	NA
				S-dn-14	500-1	500-1	500-1
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 319° Outbnd, 139° Inbnd, 1400′ within 10 mi. Nonstandard due to 1700′ terrain west of course.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 139°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, make left climbing turn to cross the VOR NW bnd, continue climb to 2800′ on R-319 within 20 mi.
CAUTION: Circling to Runways 26 and 32 will be accomplished east of airport. Mt. Simeon 960′ MSL 2.4 miles west of airport.

City, Cold Bay; State, Alaska; Airport Name, Cold Bay; Elev., 89′; Fac. Class., BVOR; Ident., CDB; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Aug. 61

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2500′ within 10 mi.
Minimum altitude over facility on final approach crs, 2000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 mi, climb to 2800′ on R-214 within 10 mi.
Crs and distance, facility to airport, 187°—2.0 mi.
CAUTION: 1780′ m.s.l. TV tower located 10 mi WNW VOR. 1350′ m.s.l. tower 2.2 mi SE of airport on direct line of NW/SE runway. 1847′ MSL tower located 3.6 mi SSE.

City, Eau Claire; State, Wis.; Airport Name, Eau Claire Municipal; Elev., 887′; Fac. Class., BVOR; Ident., EAU; Procedure No. 1, Amdt 7; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 6; Dated, 17 Dec. 60

Transition to final approach course by Radar Vectoring is authorized at 1500′ MSL (Otis RAPCON) when aircraft is within 20 miles of Otis RAPCON site (excludes noncontrolled airspace).				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn South side of crs, 062° Outbnd, 242° Inbnd, 1500′ within 10 miles. NA beyond 10 mi. Nonstandard to avoid Otis AFB traffic.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 242°—3.2 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 mi, make an immediate left climbing turn, return to Hyannis VOR at 1500′. Hold on R-062 HYA-VOR, one minute pattern, left turns, 242° Inbnd.

City, Hyannis; State, Mass.; Airport Name, Barnstable Municipal; Elev., 52′; Fac. Class., VOR; Ident., HYA; Procedure No. 1, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 24 June 61

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Indianapolis LFR	IND-VOR	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 321° Outbnd, 141° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 141–6.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, climb to 3000′ on R-136 and proceed to Whiteland Int or, when directed by ATC, (1) Climb to 3000′ on NE crs ILS and proceed to Castleton Int; (2) Climb to 3000′ on SW crs ILS to R-205 IND-VORTAC and proceed to Wilbur Int.

City, Indianapolis; State, Ind.: Airport Name, Weir Cook; Elev., 797′; Fac. Class., BVORTAC; Ident., IND; Procedure No. 1, Amdt; 9; Eff. Date, 26 Aug. 61; Sup. Amdt No. 8; Dated, 3 Dec. 60.

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 221° Outbnd, 041° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 041—4.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2000′ on R-039 within 20 miles of Paducah VOR.
Major Change: Deletes transition from Paducah RBn.

City, Paducah; State, Ky.; Airport Name, Barkley Field; Elev., 407′; Fac. Class., BVOR; Ident., PUK; Procedure No. 1, Amdt. 3; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 2; Dated 1 May 58

				T-dn	300-1	300-1	
				C-d	700-1	700-1	
				C-n	700-2	700-2	

Procedure turn West side of crs, 203° Outbnd, 023° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 023°—9.8 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.8 miles of DAY-VOR, climb to 2500′ and proceed to the R8D-VOR.

City, Piqua; State, Ohio; Airport Name, Piqua; Elev., 1000′; Fac. Class., BVORTAC; Ident., DAY; Procedure No. 1, Amdt. 2; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 1; Dated, 4 June 60

				T-d	300-1	300-1	200-½
				C-d	500-1	500-1	500-1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 130° Outbnd, 310° Inbnd, 1700′ within 10 mi.
Facility on airport.
Minimum altitude over facility on final approach crs, 700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make an immediate (North) right climbing turn to 1700′ and return to SBJ VOR. Hold one-minute, right turn inbnd crs, 310°.
CAUTION: 900′ terrain 3 miles NW of airport. Water tank 400′ MSL 7 miles on R-126 of Solberg VOR.

City, Solberg; State, N.J.; Airport Name, Hunterdon; Elev., 195′; Fac. Class., BVORTAC; Ident., SBJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 26 Aug. 61

Int HUF R-047 and LEU R-017	HUF VOR (Final)	Direct	1300	T-dn	300-1	300-1	200-½
Int HUF R-062 and LEU R-022	HUF VOR (Final)	Direct	1300	C-dn	400-1	500-1	500-1½
HUF-BH	HUF VOR	Direct	2000	S-dn-23	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn North side of final approach crs, 049° Outbnd, 229° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 229°—3.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing HUF-VOR, climb to 2000′ on HUF R-213 within 20 miles or, when directed by ATC, make climbing left turn, proceed direct to Lewis VOR at 2000′.

City, Terre Haute; State, Ind.; Airport Name, Hulman Field; Elev., 585′; Fac. Class., BVOR; Ident., HUF; Procedure No. 1, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 14 Jan. 61

				T-dn	300-1	300-1	NA
				C-dn	500-1	500-1	NA
				S-dn-18	500-1	500-1	NA
				A-dn	800-2	800-2	NA

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 179°—5.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles, make right turn, climb to 1900′ direct to VLA VOR.

City, Vandalia; State, Ill.; Airport Name, Vandalia; Elev., 532′; Fac. Class., BVOR; Ident., VLA; Procedure No. 1, Amdt. 1; Eff. Date, 26 Aug 61; Sup. Amdt. No. Orig.; Dated, 14 May 60

4. The terminal very high frequency omnirange (TerVOR) procedures prescribed in § 609.200 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CQ–LFR	CHS VOR	Direct	1200	T–dn	300–1	300–1	200–½
				C–dn*	400–1	500–1	500–1½
				S–dn–21*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 020° Outbnd, 200° Inbnd, 1200′ within 10 mi.
Minimum altitude over facility on final approach crs, *600′.
Facility on airport.
Distance from final approach fix (Int CHS–VOR R–020 and Brng 263° to LOM), 4.1 mi.
Crs and distance, breakoff point to Runway 21; 206°—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1300′ on R–200 within 15 miles or, when directed by ATC, turn right, climb to 1300′ on R–020 of CHS VOR, within 20 mi.
* Descent below 600′ MSL NA unless final approach fix (Int CHS–VOR R–020 and brng 263° to LOM) is received. If 400′ ceiling minimum is to be used, procedure turn maneuvering must be completed North of final approach fix. Functioning ADF receiver required for minima of 500′ or lower.

City, Charleston; State, S.C.; Airport Name, Charleston AFB/Municipal; Elev., 45′; Fac. Class., BVORTAC; Ident., CHS; Procedure No. TerVOR–21, Amdt. Orig.; Eff. Date, 26 Aug. 61

TM LFR	GRF VOR	Direct	2000	T–dn	300–1	300–1	200–½
OLM VOR	GRF VOR	Direct	2000	C–dn	600–1	600–1	600–1½
SHN RBn	GRF VOR	Direct	2000	S–dn–14*	500–1	500–1	500–1
SHN Int	GRF VOR	Direct	2000	A–dn	800–2	800–2	800–2
Rosedale Int	GRF VOR	Direct	2000				
Vashon Int	GRF VOR	Direct	2000				
Burton Int	GRF VOR	Direct	2000				

Radar transitions and vectoring utilizing McChord RAPCON authorized in accordance with approved radar patterns. Radar transitions and vectoring using Gray AAF Radar authorized in accordance with approved radar patterns.
Procedure turn W side of crs 327° Outbnd, 147° Inbnd, 2000′ within 10 miles. NA beyond 10 miles.
Minimum altitude over GRF Rbn 1500′, over MM 850′.
Facility on airport.
Crs and distance, GRF to airport, 147°—3.9 mi; MM to airport, 147°—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 mi after passing GRF Rbn, turn right, climb to 2000′ on R–327 of GRF VOR within 10 mi, or when directed by ATC, turn right, climb to 2000′ on crs 270° to Shelton RBn.
CAUTION: Restricted area 6.8 mi N of airport. 524′ MSL Tower located 0.9 mi from app. end of Runway 14, 550′ MSL trees 0.8 mi from approach end of Runway 14, 385′ MSL tower 0.1 mi E of Runway 14/32.
NOTE: Prior arrangement for landing required for civil aircraft not on official business.
*If MM not received, straight-in minima NA.

City, Fort Lewis; State, Wash.; Airport Name, Gray AFF; Elev., 301′; Fac. Class., VOR; Ident., GRF; Procedure No. TerVOR–14, Amdt. Oreg.; Eff. Date, 26 Aug. 61

				T–d	300–1	300–1	
				T–n*	600–2	600–2	
				C–d	700–1½	700–1½	
				C–n*	1000–2	1000–2	
				S–d–5	700–1	700–1	
				S–n*–5	700–2	700–2	
				A–dn	2000–2	2000–2	

Procedure turn S side of crs, 240° Outbnd, 060° Inbnd, 2400′ within 10 mi. Beyond 10 mi. NA.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mi, make an immediate right turn to R–140 climb to 2500′.
CAUTION: Hills 1470′ MSL 1.3 mi N of airport. Maneuvering not authorized in N quadrant designated by extension of runway centerlines.
NOTE: No reduction in take-off or landing minimums authorized.
*Night operations require rotating beacon, and all runway and obstruction lights to be operating.

City, Hot Springs; State, Ark.; Airport Name, Memorial Field; Elev., 535′; Fac. Class., VORW; Ident., HOT; Procedure No. Ter VOR–5, Amdt. Orig.; Eff. Date, 26 Aug. 61

LE–LFR	LSE–VOR	Direct	2400	T–d	*400–1	*400–1	#400–1
Nodine VOR	LSE–VOR	Direct	2400	T–n	*400–1½	*400–1½	#400–1½
Hokah Int**	LSE–VOR	Direct	2400	C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				S–dn–36	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Procedure turn East side of crs, 181° Outbnd, 001° Inbnd, 2900′ within 10 mi.
Minimum altitude over facility on final approach crs, 2300′ ##; 1200′ after passing Nodine VOR R–128 (5.2 mi from Runway 36).
Facility on airport.
Crs and distance, breakoff point to Runway 36, 355°—0.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over LSE–VOR make left climbing turn, climb to 2400′ on LSE R–318 within 10 miles.
CAUTION: 950′ m.s.l. tower 2 mi SE of airport. 1227′ m.s.l. bluffs and 1440′ tower 3 and 4 mi SE, respectively, of airport. 1273′ m.s.l. tower 4 mi WSW of airport and 1440′ tower 3.5 mi West of airport. 1240′ bluffs 2 mi NE of airport. 1750′ m.s.l. tower 11 mi SSE of airport.
* 300–1 takeoff authorized on Runways 31, 36, and 18.
** Int ODI R–117 and LSE R–181.
200–½ takeoff authorized on Runways 31, 36, and 18.
2300′ m.s.l. (1600′ ceiling) required if unable to determine passing Nodine VOR R–128.

City, La Crosse; State, Wis.; Airport Name, Municipal; Elev., 653′; Fac. Class., VOR; Ident., LSE; Procedure No. TerVOR–36, Amdt. 5; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 4; Dated, 31 Dec. 60

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MA–LFR	MLB–VOR	Direct	1200	T–dn	300–1	300–1	200–½
				C–dn	*400–1	*500–1	*500–1½
				S–dn–9	*400–1	*400–1	*400–1
				A–dn	800–2	800–2	800–2

Produce turn South side of crs, 259° Outbnd, 079° Inbnd, 1300′ within 10 mi.
Minimum altitude over facility on final approach crs, *400′.
Crs and distance, Washington Int# to breakoff point, 079°—1.0 mi.
Crs and distance, breakoff point to end of Runway 9, 087°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 miles, turn right and climb to 1300′ on R–162 within 20 miles of MLB–VOR.
*If Washington Int# not identified on final, descent below 600′ MSL NA.
#Washington Int: Int MLB–VOR R–259 and 034° brng to LFR.

City, Melbourne; State, Fla.; Airport Name, Melbourne-Eau Gallic; Elev., 26′; Fac. Class., BVOR; Ident., MLB; Procedure No. Ter VOR–9, Amdt. Orig.; Eff. Date, 26 Aug. 61

Whitehouse Int*	RIC VOR (Final)	Direct	1300	T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–24	600–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1300′ within 10 mi. Do not descend below 1300′ until passing Meadow Int.**
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to approach end of Runway 24, 243°—0.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1500′, proceed to OM and hold NE.
*Whitehouse Int: Int. R–075 Richmond VOR and Int. R–025 Hopewell VOR.
**Meadow Int: Int. R–075 Richmond VOR and Int. R–346 Hopewell VOR.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., VOR; Ident., RIC; Procedure No. TerVOR–24, Amdt. Orig.; Eff. Date, 26 Aug. 61

Cajon Int.*	Sweetwater Int.**	Direct	3600	T–dn#	300–1	300–1	200–½
Sweetwater Int.**	Encanto Int.*** (Final)	Direct	1500	C–dn	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring using Miramar radar authorized in accordance with approved radar patterns.
Procedure turn NA. Final approach crs inbnd, 271°.
Minimum altitude over Encanto Int. on final approach crs, 1500′.
Crs and distance, facility to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Int, turn right, climb to 2500′ on SAN–VOR R–318 to Mt Dad Int or, when directed by ATC, climb to 1500′ on SAN–VOR R–272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi East of airport.
*Cajon Int: Int MNB R–075 and JLI R–203.
**Sweetwater Int: Int San R–091 and 331° brng to NKX Rbn.
***Encanto Int: Int San R–091 and 352° brng to NKX Rbn.
#500–1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., VOR; Ident., SAN; Procedure No. TerVOR (R–091), Amdt. Orig.; Eff. Date, 26 Aug. 61

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Coxsackie FM	Delmar FM (Final)	Direct	1700	T–dn	300–1	300–1	200–½
Albany LFR	Delmar FM	Direct	2200	C–dn	500–1	600–1	600–1½
Albany VOR	Delmar FM	Direct	2200	S–dn–1	400–1	400–1	400–1
Castleton Int	Delmar FM (Final)	Direct	1700	A–dn	800–2	800–2	800–2

Procedure turn East side South crs, 191° Outbnd, 011° Inbnd, 2200′ within 10 mi of Delmar FM.
No glide slope. Minimum altitude over Delmar FM on final approach 1700′.
Crs and distance to Runway 1, 011°—4.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles of Delmar FM, climb to 1800′ on N crs ILS and proceed to LOM or, when directed by ATC, climb to 3000′ on W crs Albany LFR within 25 mi.
AIR CARRIER NOTE: 300–1 required for all take-offs on runways 10, 28, 15, and 33.

City, Albany; State, N.Y.; Airport Name, Albany-County; Elev., 288′; Fac. Class., ILS; Ident., I–ALB; Procedure No. ILS–01, Amdt. 2; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 1; Dated, 22 Oct. 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CS-LFR	LOM	Direct	7500	T-dn	300-1	300-1	200-½
Silver Crown VHF Int	LOM	Direct	8800	C-dn	400-1	500-1	500-1½
CYS VOR	LOM	Direct	7500	S-dn-ry 26	200-½	200-½	200-½
Albin Int	LOM	Direct	7500	A-dn	600-2	600-2	600-2
Egbert VHF Int	LOM (Final)	Direct	7500				
Carpenter Int	LOM	Direct	7500				

Procedure turn S side E crs, 081° Outbnd, 261° Inbnd, 7500′ within 10 miles of LOM.
Minimum altitude at G.S. int Inbnd, 7500.
Altitude of G.S. and distance to appr end of rny at OM 7500′—5.1 mi., at MM 6312′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7600′ on S crs CS-LFR or, when directed by ATC, climb to 7500′ on N crs CS-LFR within 20 mi or to 7500′ on R-348 CYS VOR within 20 miles.

City, Cheyenne; State, Wyo.; Airport Name, Municipal; Elev., 6156′; Fac. Class., ILS; Ident., I-CYS; Procedure No. ILS-26, Amdt. 16; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 15; Dated, 20 Sept. 58

GJT-VOR	GJT HW	Direct	8,000	T-dn	400-1	400-1	88K
Loma Int	GJT HW (Final)	Direct	8,000	C-dn#	600-1½	600-2	300-188K
Int GJT-VOR R-047 and NW crs ILS*	GJT-HW	Direct	8,000	S-dn-11**	400-1	400-1	600-288K
Int GJT-VOR R-303 and NW crs ILS*	Int GJT-VOR R-320 and NW crs ILS	Direct	10,000	A-dn	1000-2	1000-2	400-188K
Int GJT-VOR R-320 and NW crs ILS*	Loma Int	Direct	8,000				1000-288K
Whitewater Int	Grand Junction "HW"	Direct	10,000				88K
							88K
							88K

Shuttle to 8000′ in a standard right hand holding pattern at GJT HW, 110° Inbnd, 290° Outbnd.
Procedure turn South side NW crs, 290° Outbnd, 110° Inbnd, 8000′ within 10 mi of GJT HW.
Minimum altitude at G.S. Int. Inbnd, 8000′.
Minimum altitude over GJT HW on final approach crs, 8000′.
Altitude of G.S. and distance to approach end of rnwy at OM, 6060′—3.9 mi; at MM, 5063′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a right climbing turn, climb to 8000′ on NW crs of ILS to GJT HW.
Other Changes: Deleted the restriction of 10 miles on shuttle and procedure turn. Deleted Air Carrier Note on sliding scale.
*Simultaneous reception of GJT-VOR and ILS required for these transitions.
#All maneuvering to South of airport; high terrain North.
**500-1 required with any component of the ILS inoperative.

City, Grand Junction; State, Colo.; Airport Name, Walker Field; Elev., 4858′; Fac. Class., ILS; Ident., I-GJT; Procedure No. ILS-11, Amdt. 15; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 14; Dated, 29 July 61

Transitions to localizer course by Radar Vectoring is authorized at 1500′ MSL (Otis RAPCON) when aircraft is within 20 miles of Otis RAPCON site (excludes non-controlled airspace).				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-24*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn East side of crs, 066° Outbnd, 246° Inbnd, 1500′ within 10 miles. NA beyond 10 mi. Nonstandard to avoid Otis AFB traffic.
Minimum altitude at glide slope interception inbnd, 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1300′—3.8 mi; at MM, 265′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 500′ on SW crs Hyannis ILS, then an immediate left climbing turn and return to HYA OM at 1500′. Hold NE, one minute, left turns, 246° Inbnd.
*400-1 required with glide slope inoperative.

City, Hyannis; State, Mass.; Airport Name, Barnstable Municipal; Elev., 52′; Fac. Class., ILS; Ident., I-HYA; Procedure No. 1, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 24 June 61

OMA-VOR	LOM	Direct	2700	T-dn #	*300-1	*300-1	#%200-½
OA-LFR	LOM	Direct	2600	C-d	600-1	700-1	700-1½
California FM	LOM	Direct	2000	C-n	600-1½	700-1½	700-1½
Neola VOR	LOM	Direct	2600	S-dn-14L%	300-¾	300-¾	300-¾
				A-dn	700-1½	700-1½	700-1½

Radar transitions authorized all sectors 2000′ except 2700′ within 3 mi of 1739′ tower 4 miles West and 2700′ within 3 mi of 1746′ tower 3 mi SW of airport.
Procedure turn West side of crs, 315° Outbnd, 135° Inbnd, 2600′ within 10 mi of OM.
Minimum altitude at glide slope Int Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2085′—4.0 mi; at MM, 1180′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi after passing LOM, climb to 2700′ on SE crs ILS, then proceed direct to OMA VOR or, when directed by ATC, (1) Climb to 2500′ on SE crs ILS, turn left and proceed direct to Neola VOR. Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: Bluff 1339′ m.s.l. 1.3 mi East; TV towers 1739′ MSL 4 mi WNW and 1746′ m.s.l. 3 mi SW of airport. Stack 1192′ MSL 0.8 mi SSE of LOM.
After takeoff climb to 2000′ m.s.l. prior to proceeding in a westerly direction.
AIR CARRIER NOTES:
*No reduction in 2-eng. or less aircraft takeoff minimums authorized except on Runways 14L, 32R, 17L, and 35R.
300-1 takeoff minimums required for more than 2-eng. aircraft except Runways 14L, 32R, 17L, and 35R.
%500-¾ straight-in required when glide slope or approach lights are inoperative.

City, Omaha; State, Nebr.; Airport Name, Eppley Airfield; Elev., 982′; Fac. Class., ILS; Ident., I-OMA; Procedure No. ILS-14L, Amdt. 10; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 9; Dated, 18 Mar. 61

Flat Rock VOR via R-120	Bellwood Int	Direct	1700	T-dn	300-1	300-1	200-½
Flat Rock VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Richmond LFR	LOM	Direct	1500	S-dn-6	*200-½	*200-½	*200-½
Int N crs Richmond LFR and SW crs ILS	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Chester FM via crs 340	ILS SW crs	Direct	#1500				
Manakin Rbn	LOM	Direct	2000				
Chester FM	LOM	Direct	1500				

*400-¾ required with glide slope inoperative.
#After interception of localizer crs inbnd, descent on glide slope to cross outer marker at 1370′ is authorized.
Procedure turn South side of crs, 243° Outbnd, 063° Inbnd, 1500′ within 10 mi.
Minimum altitude at glide slope Int Inbnd, 1500′.
Altitude of G.S. and distance to appr end of rny at OM 1370′—0.3.8; at MM 370′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 1500′ on course 063° within 10 miles of LOM or, when directed by ATC, make a left climbing turn to 1500′ on N crs Richmond LFR within 10 miles.

City, Richmond; State, Va.; Airport Name, Byrd Field; Elev., 167′; Fac. Class., ILS; Ident., I-RIC; Procedure No. ILS-6, Amdt. 9; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 8 (ILS portion of Comb. ILS-ADF); Dated, 4 Oct. 58

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salt Lake City LFR	LMM	Direct	6000	T-dn#	300-1	300-1	200-½
Salt Lake City VOR	LMM	Direct	6000	C-dn	500-1	600-1	600-1½
Provo VOR	LOM	Direct	*10,000	S-dn-34L	200-½	200-½	200-½
Riverton FM	LOM (Final)	Direct	6000	S-dn-34R	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar transitions and vectoring utilizing Salt Lake City radar are authorized in accordance with approved radar patterns.
Procedure turn East side of crs, 158° Outbnd, 338° Inbnd, 6000′ within 10 miles of LMM. Beyond 10 miles NA.
Altitude of glide slope and distance to approach end of runway at Riverton FM, 9340′—14.9 mi; at ##LOM, 6028′—5.5 mi; at LMM, 4457′—0.6 mi.
Crs and distance, LOM to Runway 34R, 343°—5.4 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make a climbing left turn, climb to 9000′ on R-248 SLC-VOR or W crs SC-LFR within 20 miles or, when directed by ATC, climb to 10,000′ in a right-hand one-minute holding pattern on R-329 or N crs SC-LFR within 12 miles.
NOTES: (1) Aircraft executing missed approach shall not climb above 6500′ until past SLC-VOR or SC-LFR. (2) Narrow localizer course 4 degrees.
CAUTION: Terrain 11,253′ m.s.l. approximately 8 mi E of localizer crs at Riverton FM.
#500-2 required for takeoff Runway 7. Takeoff of aircraft of more than 65 knots NA on Runway 7/25.
##Descent below 6000′ NA unless established on glide slope at LOM.
*Start descent at glide slope int. Glide slope must be operative for this transition.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4226′; Fac. Class., ILS; Ident., I-SLC; Procedure No. ILS-34L, Amdt. 17; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 16; Dated, 23 May 59

Cajon Int.*	Sweetwater Int.**	Direct	3600	T-dn#	300-1	300-1	200-½
Sweetwater Int.**	Encanto Int.*** (Final)	Direct	1500	C-dn	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Miramar Radar authorized in accordance with approved radar patterns.
Procedure turn N.A. Final approach crs, Inbnd 271°.
Minimum altitude over Encanto Int. on final approach crs, 1500′.
Crs and distance, Encanto Int. to airport, 271°—4.9 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles of Encanto Intersection turn right, climb to 2300′ on SAN VOR R-318 to Mt. Dad Int., or when directed by ATC, climb to 1500′ on SAN VOR R-272 to Sargo Int.
CAUTION: 281′ trees and terrain between LOM and LMM. Buildings and terrain 467′ MSL 0.5 mi East of airport.
*Cajon Int: Int MNB R-075 and JLI R-203.
**Sweetwater Int: East crs. SAN ILS and 331° brng to NKX Rbn.
***Encanto Int: Int East crs. SAN ILS and 352° brng to KNX Rbn.
#500-1 required for take-off Runway 9.

City, San Diego; State, Calif.; Airport Name, Lindbergh; Elev., 15′; Fac. Class., ILS; Ident., I-SAN; Procedure No. ILS-27, Amdt. Orig.; Eff. Date, 26 Aug. 61

SUX-LFR	JKN-RBn	Direct	2400	T-dn	300-1	300-1	200-½
SUX-VOR	JKN-RBn	Direct	2400	C-dn	600-1	600-1	600-1½
Int. SUX R-331 and 196° Brg to JKN RBn.	JKN-RBn	Direct	2400	S-dn-13	600-1	600-1	600-1
Int. SUX R-266 and 041° Brg to JKN RBn.	JKN-RBn	Direct	2400	A-dn	800-2	800-2	800-2

Procedure turn West side of crs, 307° Outbnd, 127° Inbnd, 2400′ within 10 miles.
Minimum altitude over JKN-RBn on final approach, 2200′.
Crs and distance, JKN-RBn to approach end of Runway, 127°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, climb to 2500′ on crs of 127° within 20 miles.
AIR CARRIER NOTE: 300-1 required for all takeoffs on Runway 4.
CAUTION NOTES: This procedure not premised on use of glide slope. 1318′ terrain 1.4 miles ENE of airport. 1348′ tower 1.8 mi NW of airport. 1284′ group of towers 1.3 miles WNW of airport.

City, Sioux City; State, Iowa; Airport Name, Sioux City Municipal; Elev., 1097′; Fac. Class., ILS; Ident., I-SUX; Procedure No. ILS-13, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 14 Jan. 61

SPS VOR	Elliott VHF Int *	Direct	3000	T-dn	300-1	300-1	200-½
SPS RBn	Elliott VHF Int *	Direct	3000	C-dn	500-1	500-1	500-1½
Elliott Int *	McCabe Int (Final)#	Direct	1900	S-dn-15	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn **East side of crs, 328° Outbnd, 148° Inbnd, 3000′ within 10 mi of Elliott Int.
No glide slope.
Minimum altitude over *Elliott Int on final approach crs, 2300′.
Minimum altitude over #McCabe Int on final approach crs, 1900′.
Crs and distance, #McCabe Int to airport, 148°—3.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles of #McCabe Int, climb to 2300′ on SE crs SPS ILS within 20 miles.
CAUTION: 2199′ TV antenna located 17 mi. NW of airport.
Elliott Int: Int SPS-VOR R-006 and ILS NW crs.
**Procedure turn nonstandard due obstruction
#McCabe Int: Int SPS-VOR R-030 and ILS NW Crs.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1015′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS-15, Amdt. 1; Eff. Date, 26 Aug. 61; Sup. Amdt. No. Orig.; Dated, 10 Dec. 60

SPS-VOR	LOM	114°—8.2	3000	T-dn	300-1	300-1	200-½
Henrietta Int	LOM	Direct	2100	C-dn	500-1	500-1	500-1½
				S-dn-33	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 2300′ within 10 miles. Nonstandard due obstructions West.
Altitude of glide slope and distance to approach end of rnwy at OM, 2100′—3.8 mi; at MM, 1194′—0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 3000′ on NW crs ILS within 20 miles or, when directed by ATC, turn right, climb to 3000′ on crs 060° within 20 miles.

City, Wichita Falls; State, Tex.; Airport Name, Sheppard AFB/Mun.; Elev., 1015′; Fac. Class., ILS; Ident., I-SPS; Procedure No. ILS-33, Amdt. 2; Dff. Date, 26 Aug. 61; Sup. Amdt. No. 1; Dated, 9 July 60

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Weatogue Int	LOM (Final)	Direct	1700	T–dn	300–1	300–1	200–½
Int R-015 HFD and NE crs ILS	LOM	Direct	2500	C–dn	400–1	500–1	500–1
Int R-015 HFD and R-092 POU	LOM	Direct	2500	S–dn–6*	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

*400–¾ required with glide slope inoperative.
Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2300′ within 10 mi.
Minimum altitude at glide slope int inbnd final, 2300′.
Altitude of O.S. and distance to approach end of rny at OM 1650′–4.5; at MM 415′—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500′ on NE crs ILS within 15 miles from LOM or, when directed by ATC, make a climbing right turn to LOM at 2500′.
NOTE: Standard clearance not provided for straight-in minimums over ridge approx 1 mi N of OM. IFR Departure via Hartford VOR: Turn to magnetic heading of 090° after takeoff to intercept R-015 of the Hartford VOR, thence via R-015 to the Hartford, Conn. VOR—2000′ MEA authorized (departure route only).
CAUTION: Unlighted hills 2.4 mi NW of airport approx 768′ MSL.

City, Windsor Locks; State, Conn.; Airport Name, Bradley Field; Elev., 173′; Fac. Class., ILS; Ident., I-BDL; Procedure No. ILS-6, Amdt. 12; Eff. Date, 26 Aug. 61; Sup. Amdt. No. 11; Dated, 27 Dec. 58

These procedures shall become effective on the dates specified therein.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on July 24, 1961.

A. L. COULTER,
Acting Director, Bureau of Flight Standards.

[F.R. Doc. 61–7125; Filed, Aug. 18, 1961; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

On April 22, 1961, the Commission published in the FEDERAL REGISTER the definitive form of indemnity agreement which the Commission will execute with licensees furnishing insurance policies as proof of financial protection (§ 140.76), and the definitive form of indemnity agreement which the Commission will enter into with licensees furnishing proof of financial protection in the form of the licensees resources (§ 140.77). These definitive forms, by the terms of the notice, are to become effective on July 21, 1961.

By letter dated June 5, 1961, an Ad Hoc Committee on Nuclear Liability and Insurance of the Atomic Industrial Forum suggested that the Commission make several changes in the definitive form published as § 140.76 *Appendix B*. The Commission has decided to accept some of these suggestions. The suggestions adopted are all editorial or corrective in nature.

Typographical errors are also corrected in the form published as § 140.77, *Appendix C*.

1. In Paragraph 1, Article II, the phrase "been completed as provided in paragraph 4, Article I" is changed to read "ended as defined in subparagraph 4(b), Article I." This change is made merely to conform the language of Paragraph I, Article II, more closely to the language of subparagraph 4(b), Article I.

2. The inclusion of the word "other" in the phrase "bears to the sum of the limits of liability of all other nuclear liability insurance policies" in paragraph 6(a) and 6(b) of Article II was inadvertent and is, therefore, deleted.

3. The word "licensee" is used three times in the first paragraph of paragraph 6(c), Article II. The first two uses of "licensee" refer to a person who provides financial protection in the form of his own resources while the last use refers to a person who provides financial protection in the form of insurance. While this fact is apparent from the language as published, in order to avoid any possible ambiguity with respect to the use of the word "licensee," the first three lines of paragraph 6(c), Article II, are revised to read: "If any of the other applicable agreements is with a person who has furnished financial protection in a form • • • "

4. The omission of the word "public" before the word "liability" in paragraph 3, Article III, was inadvertent; the word is therefore added.

5. In Article VII, "ended as defined in subparagraph 4(b), Article I" is substituted for "been completed as provided in Paragraph 4, Article I." This change is made merely to conform the language of Article VII more closely with the language of subparagraph 4(b), Article I.

6. The only changes in the form of indemnity agreement contained in § 140.77 *Appendix C* is the insertion of the letter "(a)" between "employed" and "at" in the sixth line of paragraph 6, Article I, the insertion of the phrase "of the radioactive material" between "transportation" and "on" in the eighth line of paragraph 6, Article I; and the deletion of the word "and" after the letter "(b)" in the ninth line of paragraph 6, Article I. These errors were inadvertent, and the corrections will conform paragraph 6, Article I of Appendix "C" with paragraph 6, Article I, of Appendix "B".

Notice is hereby given that the Commission has adopted the following amendments to the amendments to Part 140, 10 CFR, "Financial Protection Requirements and Indemnity Agreements," which were published in the FEDERAL REGISTER on April 22, 1961:

1. Amend § 140.76 *Appendix B*, Article II, paragraph 1, to read as follows:

ARTICLE II

1. At all times during the term of the license or licenses designated in Item 3 of the Attachment hereto, the licensee will maintain financial protection in the amount specified in Item 2 of the Attachment and in the form of the nuclear energy liability insurance policy designated in the Attachment. If more than one license is designated in Item 3 of the Attachment, the licensee agrees to maintain such financial protection until the end of the term of that license which will be the last to expire. The licensee shall, notwithstanding the expiration, termination, modification, amendment, suspension or revocation of any license or licenses designated in Item 3 of the Attachment, maintain such financial protection in effect until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 4(b), Article I, or until the Commission authorizes the termination or the modification of such financial protection. The Commission will not unreasonably withhold such authorization.

2. Amend § 140.76 *Appendix B*, Article II, paragraphs 6 (a) and (b) to read as follows:

6. With respect to any common occurrence, (a) If the sum of the limit of liability of any Nuclear Energy Liability Insurance Association policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurence and issued by Nuclear Energy Liability Insurance Association exceeds $46,500,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and $46,500,000 as the limit of liability of the Nuclear Energy Liability Insurance Association policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Nuclear Energy Liability Insurance Association;

(b) If the sum of the limit of liability of any Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment and the limits of liability of all other nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters exceeds $13,500,000, the amount of financial protection specified in Item 2 a and b of the Attachment shall be deemed to be reduced by that proportion of the difference between said sum and $13,500,000 as the limit of liability of the Mutual Atomic Energy Liability Underwriters policy designated in Item 5 of the Attachment bears to the sum of the limits of liability of all nuclear energy liability insurance policies (facility form) applicable to such common occurrence and issued by Mutual Atomic Energy Liability Underwriters;

3. Amend § 140.76 *Appendix B*, Article II, paragraph 6(c) to read as follows:

(c) If any of the other applicable agreements is with a person who has furnished financial protection in a form other than a nuclear energy liability insurance policy (facility form) issued by Nuclear Energy Liability Insurance Association or Mutual Atomic Energy Liability Underwriters, and if also the sum of the amount of financial protection established under this agreement and the amounts of financial protection established under all other applicable agreements exceeds $60,000,000, the obligations of the licensee shall not exceed a greater proportion of $60,000,000 than the amount of financial protection established under this agreement bears to the sum of such amount and the amounts of financial protection established under all other applicable agreements.

As used in this paragraph 6, Article II, and subparagraph 4(b), Article III, "other applicable agreements" means each other agreement entered into by the Commission pursuant to subsection 170c of the Act in which agreement the nuclear incident is defined as a "common occurrence." As used in this paragraph 6, Article II, "the obligations of the licensee" means the aggregate of the obligations of the licenesee under paragraph 2(b) of this Article II, and under subsection 53e(8) of the Act to indemnify the United States and the Commission from public liability, together with any public liability satisfied by the insurers under the policy or policies designated in the Attachment, and the reasonable costs of investigating and settling claims and defending suits for damage.

4. Amend § 140.76 *Appendix B*, Article III, paragraph 3, to read as follows:

3. The Commission agrees to indemnify and hold harmless the licensee, and other persons indemnified as their interest may appear, from the reasonable costs of investigating, settling and defending claims for public liability.

5. Amend § 140.76 *Appendix B*, Article VII, to read as follows:

ARTICLE VII

The term of this agreement shall commence as of the date and time specified in Item 6 of the Attachment and shall terminate at the time of expiration of that license specified in Item 3 of the Attachment, which is the last to expire; provided that, except as may otherwise be provided in applicable regulations or orders of the Commission, the term of this agreement shall not terminate until all the radioactive material has been removed from the location and transportation of the radioactive material from the location has ended as defined in subparagraph 4(b), Article I. Termination of the term of this agreement shall not affect any obligation of the Commission under this agreement with respect to any nuclear incident occurring during the term of this agreement.

6. Amend § 140.77 *Appendix C*, Article I, paragraph 6, to read as follows:

6. "Public liability" means any legal liability arising out of or resulting from a nuclear incident, except (1) claims under state or Federal Workmen's Compensation Acts of employees of persons indemnified who are employed (a) at the location or, if the nuclear incident occurs in the course of transportation of the radioactive material, on the transporting vehicle, and (b) in connection with the licensee's possession, use or transfer of the radioactive material; and (2) claims arising out of an act of war.

Dated at Germantown, Md., this 11th day of August 1961.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary.

[F.R. Doc. 61–7953; Filed, Aug. 18, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8337 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pressing Supply Co. et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055–50 *Pretricketing merchandise misleadingly*. Subpart—Misbranding or mislabeling: § 13.1280 *Price*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1811 *Fictitious pretricketing*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pressing Supply Company et al., Philadelphia, Pa., Docket 8337, July 25, 1961]

In the Matter of Pressing Supply Company, a Corporation, Ironfast Products Company, a Corporation, and Jerome Silk and Sidney Cozen, Individually and as Officers of Said Corporations; and Sanford A. Specht and Annette Specht, Doing Business Under the Name of S. A. Specht Associates

Consent order requiring Philadelphia distributors to cease falsely representing excessive amounts as the usual retail prices for ironing board covers, by such practices as imprinting fictitious prices on containers of the products before shipment to distributors, jobbers, and retail purchasers.

The order to cease and desist is as follows:

It is ordered, That Respondents Pressing Supply Company, a corporation, and Ironfast Products Company, a corporation, and their officers, and Jerome Silk and Sidney Cozen, individually and as officers of said corporations, and Respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ironing board covers or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in any manner, that any amount is the usual and regular retail price of merchandise when such amount is in excess of the price at which said merchandise is usually and regularly sold at retail in the trade area or areas where the representation is made;

2. Putting any plan into operation whereby retailers or others may misrepresent the usual and regular retail price of merchandise.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That Respondents Pressing Supply Company and Ironfast Products Company, corporations, and Jerome Silk and Sidney Cozen, individually and as officers of said corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61–7960; Filed, Aug. 18, 1961; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6569]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Floor Stocks Taxes on Certain Tires, Inner Tubes, and Tread Rubber; 1961

Section 206 (a) and (b) of the Federal-Aid Highway Act of 1961 (75 Stat. 127) amended section 4226 of the Internal Revenue Code of 1954 to impose floor stocks taxes on tires, inner tubes, and tread rubber held on July 1, 1961, by dealers and certain other persons. The following regulations amending the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) are hereby prescribed relating to such floor stocks taxes:

PARAGRAPH 1. Section 48.4226, relating to floor stocks taxes, is amended by adding after paragraph (5) of section 4226(a) new paragraphs (6) and (7) and by revising subsection (d) of section 4226 and the historical note. Section 48.4226, as so amended and revised, reads as follows:

§ 48.4226 Statutory provisions; floor stocks taxes.

SEC. 4226. *Floor stocks taxes*—(a) *In general.*

* * * * *

(5) *1959 tax on gasoline.* On gasoline subject to tax under section 4081 which, on October 1, 1959, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 1 cent a gallon. The tax imposed by this paragraph shall not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor to gasoline held for sale by a producer or importer of gasoline.

(6) *1961 taxes on certain tires and inner tubes.* On tires subject to tax under section 4071 (a)(1), and on inner tubes subject to tax under section 4071(a)(3), which, on July 1, 1961, are held—

(A) By a dealer for sale,

(B) For sale on, or in connection with, other articles held by the manufacturer, producer, or importer of such other articles, or

(C) For use in the manufacture or production of other articles,

there is hereby imposed a floor stocks tax at the rate of 2 cents a pound in the case of such tires, and a floor stocks tax at the rate of 1 cent a pound in the case of such inner tubes. The taxes imposed by this paragraph shall not apply to any tire or inner tube which is held for sale by the manufacturer, producer, or importer of such tire or tube, or which will be subject under section 4218(b) or 4219 to the manufacturers excise tax on tires or inner tubes. The tax on inner tubes imposed by this paragraph shall not apply to inner tubes for bicycle tires (as defined in section 4221(e)(4)(B)).

(7) *1961 tax on tread rubber.* On tread rubber subject to tax under section 4071(a)(4) which, on July 1, 1961, is held by a dealer, there is hereby imposed a floor stocks tax at the rate of 2 cents a pound. The tax imposed by this paragraph shall not apply in the case of any person if such person establishes, to the satisfaction of the Secretary or his delegate, that all tread rubber held by him on July 1, 1961, will be used otherwise than in the recapping or retreading of tires of the type used on highway vehicles (as defined in section 4072(c)).

(b) *Overpayment of floor stocks taxes.* Section 6416 shall apply in respect of the floor stocks taxes imposed by this section, so as to entitle, subject to all provisions of section 6416, any person paying such floor stocks taxes to a credit or refund thereof for any of the reasons specified in section 6416.

(c) *Meaning of terms.* For purposes of subsection (a), the terms "dealer" and "held by a dealer" have the meaning assigned to them by section 6412(a)(4).

(d) *Due date of taxes.* The taxes imposed by subsection (a) shall be paid at such time after September 30, 1956, as may be prescribed by the Secretary or his delegate; except that the tax imposed by paragraph (5) shall be paid at such time after December 31, 1959, as may be prescribed by the Secretary or his delegate, and except that the taxes imposed by paragraphs (6) and (7) shall be paid at such time after September 30, 1961, as may be prescribed by the Secretary or his delegate.

[Sec. 4226 as added and in effect Jan. 1, 1959, and as amended by sec. 201(c) (1), (2) and (3) of the Federal-Aid Highway Act of 1959 (73 Stat. 614); by sec. 206 (a) and (b) of the Federal-Aid Highway Act of 1961 (75 Stat. 127)]

PAR. 2. The following section is added immediately after § 48.4226–8:

§ 48.4226–9 1961 floor stocks taxes on tires, inner tubes, and tread rubber.

(a) *Scope of tax*—(1) *In general.* A floor stocks tax is imposed on any article subject to tax under the following sections of the Internal Revenue Code which is held for sale or other specified disposition at the first moment of July 1, 1961, by a dealer or certain other persons (see paragraph (b) of this section):

(i) Section 4071(a)(1) (relating to tires of the type used on highway vehicles),

(ii) Section 4071(a)(3) (relating to inner tubes for tires), and

(iii) Section 4071(a)(4) (relating to tread rubber).

The taxes are imposed on articles held in inventory for sale or other specified disposition, without regard to their sale or other disposition. The taxes do not apply to articles held by the manufacturer, producer, or importer of such articles.

(2) *Dealer.* A dealer for purposes of the floor stocks taxes on tires and inner tubes includes a wholesaler, jobber, distributor, or retailer. In the case of tread rubber, a dealer includes any person (other than the manufacturer, producer, or importer thereof) who holds such tread rubber for sale or use.

(3) *Held by a dealer.* (i) An article subject to floor stocks tax is regarded as held by a dealer if title to the article has passed to the dealer (whether or not delivery has been made), and if, for purposes of consumption, title to or possession of such article has not at any time been transferred to any person other than a dealer. For example, the tax applies to tires in inventory which have been pledged as security for a loan by the dealer even though he has transferred title or possession to the lender as of July 1, 1961.

(ii) If the dealer has title to an article, the article is considered to be held by him even though it is in transit, in storage, or at a distribution point. Where title does not pass until delivery, articles in transit at the first moment of July 1, 1961, are regarded as held by the shipper at that time.

(b) *Application of tax*—(1) *Highway tires and certain inner tubes.* (i) The floor stocks tax applies to tires of the type used on highway vehicles which are highway motor vehicles, such as automobiles, trucks, buses, highway tractors, and motorcycles, and on vehicles such as trailers (including house trailers) and semitrailers of the type used in connection with highway motor vehicles. For the purpose of the regulations under this section, the term "highway tires" means "tires of the type used on highway vehicles" as defined in section 4072(c). The floor stocks tax applies to inner tubes for any type of tire, except a bicycle tire (as defined in section 4221(e)(4)(B)). It is immaterial whether the tire with which the inner tube may be used is or is not of the highway type. Highway tires and inner tubes are subject to the tax if held at the first moment of July 1, 1961, (*a*) by a dealer for sale; (*b*) by a manufacturer, producer, or importer for sale on, or in connection with, other articles manufactured, produced, or imported by him and held by him; or (*c*) for use in the manufacture or production of other articles. Thus, a manufacturer, producer, or importer of vehicles incurs liability for the floor stocks tax on highway tires and inner tubes which are mounted on vehicles held by him for sale or which are held by him in inventory for use in the manufacture or production of vehicles.

(ii) The tax does not apply to tires and inner tubes which at the first moment of July 1, 1961, are actually mounted on a vehicle held for sale by a person who is not the manufacturer, producer, or importer of the vehicle. The tax does not apply to used tires or inner tubes as such or to recapped tires, unless the recapping has been from bead to bead so that the original tire has lost its identity. The tax does not apply to tires which are neither of the type used on highway motor vehicles nor of the type used on vehicles of the type used in connection with highway motor vehicles. The tax does not apply to bicycle tires. The tax does not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer of such tires and inner tubes. Further, the floor stocks tax does not apply to any tires or inner tubes which will be subject under section 4218(b) or 4219 to the manufacturers excise tax on tires or inner tubes.

(iii) The tax applies to tires and inner tubes which are made wholly or in part of rubber, including synthetic or substitute rubber.

(iv) The tax is computed on the total weight of the tire or the inner tube, including fractional parts of a pound, but excluding metal rims or rim bases in the case of tires.

(v) Any person liable for the floor stocks tax on tires and inner tubes may be guided by schedules furnished by the manufacturer, producer, or importer of such tires and inner tubes as to the taxable weight of the tires and inner tubes which are subject to floor stocks tax provided such schedules are based upon the latest method of determination of weight of tires and inner tubes as approved by the Commissioner. This schedule may also be used as a guide to determine the tires of the highway type subject to floor stocks tax.

(2) *Tread rubber.* (i) The floor stocks tax applies to tread rubber held at the first moment of July 1, 1961, by any person (other than the manufacturer, producer, or importer of tread rubber) for either sale or use.

(ii) The term "tread rubber" means any material (*a*) which is commonly or commercially known as tread rubber or camelback, or (*b*) which is a substitute for any material commonly or commercially known as tread rubber or camelback and is of a type used in recapping or retreading tires. The term includes, for example, strips of material, wholly or partially of rubber, natural or synthetic, intended to be vulcanized or otherwise affixed to a tire casing to form the outside perimeter of the tire, smooth or treaded. It further includes treading material produced by reprocessing scrap, salvage, or junk rubber. Tread rubber loses its identity as such when it has been used in the recapping or retreading of a tire.

(iii) Any person (other than the manufacturer, producer, or importer of the tread rubber) who holds tread rubber for sale or use at the first moment of July 1, 1961, incurs liability for the tax on such tread rubber and must report and pay the tax thereon unless he establishes that all the tread rubber held by him at such time will be used for a purpose other than the recapping or retreading of highway tires. If any of the tread rubber held by such person is to be used in the recapping or retreading of highway tires, the tax applies to all the tread rubber held by him at the first moment of July 1, 1961. However, credit or refund of the tax may be claimed, as provided in sections 4226(b) and 6416 of the Code, by the person paying the tax with respect to tread rubber which is used or resold for use other than in the recapping or retreading of highway tires. See paragraph (g) of this section relating to credit or refund of floor stocks tax.

(c) *Rates of tax.* The rates of the floor stocks taxes are:

(1) *Highway tires and inner tubes.* Two cents per pound on the total weight of the highway tire and 1 cent per pound on the total weight of the inner tube. See paragraph (b)(1) (iv) and (v) of this section for determining the weight on which tax is computed.

(2) *Tread rubber.* Two cents per pound on the total weight of the tread rubber.

(d) *Inventory.* (1) Every person liable for the floor stocks tax on highway tires, inner tubes, or tread rubber shall prepare an inventory of such articles held at the first moment of July 1, 1961, and shall retain such inventory at his principal place of business. Persons holding articles subject to the tax at more than one location shall prepare a separate inventory, in duplicate, for each location. One copy of the separate inventory shall be retained at such location and one copy shall be kept at the principal place of business of the taxpayer. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made, and the address shown on the tax return. The inventories shall not be filed with the return but shall be retained by the taxpayer.

(2) The inventory shall consist of the following information with respect to articles subject to tax:

(i) The trade name, grade, size, number of plies, and weight of highway tires.

(ii) The trade name, grade, size, and weight of inner tubes.

(iii) The crown width, gauge, and weight of tread rubber.

(e) *Requirements with respect to return*—(1) *Form.* Every person liable for the floor stocks taxes on highway tires, inner tubes, or tread rubber shall make a return of such tax on Form 3174.

(2) *Place for filing returns by persons other than corporations.* The return of a person other than a corporation shall be filed with the district director of internal revenue for the district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in subparagraph (4) of this paragraph.

(3) *Place for filing returns by corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in subparagraph (4) of this paragraph.

(4) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation outside the United States having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, Office of International Operations, Internal Revenue Service, Washington 25, D.C.

(f) *Time for filing return and paying tax.* The return, with remittance of the tax due, shall be filed on or before October 15, 1961. The tax is due and payable without assessment or notice. For additions to the tax for failure to file a return within the prescribed time, see section 6651 and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

(g) *Credit or refund.* A claim on Form 843 for credit or refund may be filed by any person who makes an overpayment of the floor stocks tax. Any person who has paid a floor stocks tax may be entitled to a credit or refund of the tax for any of the reasons specified in section 6416 and subject to all the conditions provided in such section. Thus, for example, credit or refund may be allowed, subject to the conditions provided in section 6416(a), where the highway tire, inner tube, or tread rubber is used or sold for use for certain purposes specified (1) in section 6416(b)(2)(A), relating to exportation; (2) in section 6416(b)(2)(C), relating to exclusive use of a State or local government; (3) in section 6416(b)(2)(D), relating to exclusive use of a nonprofit educational organization; (4) in section 6416(b)(2)(F) or 6416(b)(3)(C), relating to a tire or inner tube resold for use or used on or in connection with the exportation or exempt sale of another article; or (5) in section 6416(b)(2)(L), relating to use or resale for use of tread rubber otherwise than in the recapping or retreading of highway tires as defined in paragraph (b) of this section.

(h) *Records*—(1) *Inventories.* Every person liable for floor stocks taxes shall maintain records of the separate inventories required by paragraph (d) of this section.

(2) *Copies of returns and other relevant papers and material.* Every person liable for floor stocks taxes shall keep a duplicate copy of the return, together with other relevant papers and material.

(3) *Records of claimants.* Any person claiming refund, credit or abatement of the tax, interest, additional amount, addition to the tax or assessable penalty, shall keep a complete and detailed record with respect to the claim.

(4) *Place and period for keeping records.* (i) All records required by the regulations in this section shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(ii) Records required by subparagraphs (1) and (2) of this paragraph shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by subparagraph (3) of this paragraph (including any record required by subparagraph (1) or (2) of this paragraph which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed.

Because this Treasury decision relates to floor stocks taxes imposed on highway tires, inner tubes, and tread rubber held at the first moment of July 1, 1961, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 15, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 61–7975; Filed, August, 18, 1961; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

SUBCHAPTER L—MINERAL LANDS

[Circular No. 2065]

PART 192—OIL AND GAS LEASES

Minimum Royalty, and Continuation of Lease

The purpose of this revision is to amend § 192.81 to conform to an opinion by the Associate Solicitor, Division of Public Lands as to the meaning of the phrase "minimum royalty of $1 per acre" as provided for in section 17(d) of the Mineral Leasing Act (30 U.S.C. sec. 226 (d)), and to clarify the intent of § 192.120a. These amendments are not published as a "Proposed Rule Making"; because they are merely of a minor char-

acter and are not controversial. The amendment shall become effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

1. Section 192.81 is amended to read as follows:

§ 192.81 Minimum royalty.

On leases issued on or after August 8, 1946, and on those issued prior thereto if the lessee files an election under section 15 of the act of August 8, 1946, a minimum royalty of $1 per acre in lieu of rental, shall be payable at the expiration of each lease year after a discovery has been made on the leased lands, commencing with the lease year, beginning on or after the date of such discovery, except that on unitized leases the minimum royalty shall be payable only on the participating acreage. If the actual royalty paid during any year aggregates less than $1 per acre the lessee must pay the difference at the expiration of the lease year.

2. Section 192.120a is amended to read as follows:

§ 192.120a Continuation of lease as a result of actual drilling operations commenced prior to, and continuing at the end of the term.

Any lease on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities. As used in this section "primary term" means all periods in the life of the lease prior to its extension by reason of production of oil or gas in paying quantities.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1961.

[F.R. Doc. 61-7963; Filed, Aug. 18, 1961; 8:46 a.m.]

[Circular No. 2066]

PART 195—SODIUM PERMITS AND LEASES; USE PERMITS

Miscellaneous Amendments

A notice of the proposed amendments of 43 CFR, Part 195 was published in the FEDERAL REGISTER of March 8, on pages 1996–1998. The principal purpose of the amendments was to provide for a combined sodium prospecting permit application and permit form, designed to expedite the issuance of sodium permits on public domain and acquired land.

Interested parties were given 30 days from date of publication within which to submit written comments, suggestions or objections with regard to the proposed amendments. As the result of, and after consideration of all of the comments, suggestions and objections received during that period, several of the proposed amendments were revised as set forth below. In addition a new paragraph (c) has been added to § 195.3 to implement that pertinent portion of the Mineral Leasing Act Revision of 1960, Public Law 86–705 (74 Stat. 781), which relates to the computation of acreage chargeability of owners of undivided interests in leases or permits and by members of an association or stockholders of a corporation. It is deemed that notice of proposed rule making as to the changes made would be impractical and unnecessary since they are not of a controversial nature. The proposed amendments to take effect 30 days from date of publication in the FEDERAL REGISTER are hereby adopted with the following changes and are set forth below.

Paragraph (b) of § 195.3 is amended, and a new paragraph (c) is added thereto.

2. Paragraphs (a) and (d) (1) (iii) of § 195.8 are amended.

3. Section 195.9 is amended.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1961.

1. Section 195.3 is amended to read as follows:

§ 195.3 Area and limitation on holdings.

(a) Except where the rule of approximation applies,[1] a lease or permit may not include more than 2,560 acres in reasonably compact form entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width. No person, association or corporation may hold at any one time more than 5,120 acres in any one State, except as hereinafter stated, whether directly through ownership of leases, permits and applications therefor, or indirectly as a member of an association or as a stockholder of a corporation holding leases, permits and applications therefor.

(b) Where necessary in order to secure the economic mining of sodium compounds, the authorized officer may, in his discretion and after consultation with the Mining Supervisor, permit a person, association, or corporation to hold up to 15,360 acres in any one State, upon submittal of but not necessarily limited to the following information and evidence as proof that the additional acreage is necessary for such purpose:

(1) Whether such person, association, or corporation holds sodium leases and permits covering fee, railroad and State lands within the same area of its public land holdings under sodium leases and permits, and if so, the description of those lands and the amount of acreage involved.

(2) The reasons why the additional public lands covering acreage in excess of 5,120 acres are actually necessary to secure an economic mining unit.

(3) A log of all wells drilled for sodium deposits on the lands which such person, association, or corporation holds under sodium lease or permit, together with an analysis of the ore discovered therein.

(c) In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease or permit shall be such party's proportionate part of the total lease and permit acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holding of any association or corporation unless he is the beneficial owner of more than ten per centum of the stock or other instruments of ownership or control of such association or corporation.

2. Section 195.8 is amended to read as follows:

§ 195.8 Application for permit, and issuance of permit.

(a) To obtain a sodium prospecting permit, an application must be filed in quintuplicate in the appropriate land office on Form 4–1492,[2] or on an exact reproduction thereof. The form or an exact reproduction will constitute the permit when signed by the authorized officer of the land office. The application must be filed in accordance with the regulation in effect at the date of filing.

(b) Each application should be filled in on a typewriter or printed plainly in ink and signed in ink by the applicant or the applicant's duly authorized attorney in fact. An application may be made by a legal guardian or trustee in his name for the benefit of a nonalien minor or minors but an application may not be filed by a minor. Each application must contain a description of the land as prescribed in § 195.17(a)(2). Except where the rule of approximation applies, all applications must be for an area of not more than 2,560 acres of land in reasonably compact form as specified in § 195.3.

(c) Each application, when filed, must be accompanied by:

(1) A filing fee of $10 which is not returnable, and full payment of the first year's rental in the amount specified in paragraph (h) of this section.

(2) If the applicant is an association or corporation, the evidence specified in § 195.4(c) (2) and (3), respectively, and (4). If the acreage holdings of a corporation or members of an association exceed 5,120 acres in the State in which the lands applied for are situated, the information and evidence specified in § 195.3(b) (1), (2), and (3).

(3) (i) Except in a case where an officer of a corporation signs an application on behalf of the corporation, as to which see § 195.4(c)(3), evidence of the authority of the attorney in fact to sign the application and permit, if the application is signed by such attorney on behalf of the applicant.

[1] A larger area may be granted under the "rule of approximation" in those States covered by the public land rectangular survey system. That rule applies to applications for prospecting permits only where elimination of the smallest legal subdivision involved would result in a deficiency of area under 2,560 acres greater than the excess over 2,560 acres resulting from inclusion of such subdivision.

[2] A copy of this (filed as part of original document), as well as of every other form mentioned in this part, may be obtained from any land office or from the Director, Bureau of Land Management, Washington 25, D.C.

(ii) If such applicant is an individual, a statement over the applicant's signature setting forth the applicant's citizenship and acreage holdings, direct and indirect, in sodium leases, permits and applications therefor in the State in which the lands applied for are situated. If such holdings exceed 5,120 acres, the same information and evidence required of a corporation or members of an association.

(4) If the application is made by a guardian or trustee, the evidence specified in § 195.12(c) (3) (i).

(d) (1) Except as provided in subparagraph (3) of this paragraph, an application will be rejected if:

(i) The land description does not conform with the requirements of § 195.17 (a) (2), or the land is not in reasonably compact form as specified in § 195.3.

(ii) The total acreage exceeds 2,560 acres, except where the rule of approximation applies.

(iii) The full amount of the filing fee and the first year's rental do not accompany the application, the rental payment to be for the total acreage if known, and if not known, for the total acreage computed on the basis of 40 acres for each smallest legal subdivision.

(iv) The application is signed by an attorney in fact on behalf of the applicant and is not accompanied by the evidence and statement required by paragraph (c) (3) of this section.

(v) The application is signed by a guardian or trustee on behalf of a minor and is not accompanied by the evidence specified in § 195.12(c) (3) (i).

(vi) Less than five copies of the application are filed.

(vii) There is noncompliance with the requirements specified in § 195.4(c) (1), (2), (3) and (4).

(2) If an application is defective to the extent set out in paragraph (d) (1) of this section, the applicant will be given an opportunity to file a new application within thirty days from service of the rejection, and the fee and rental payments on the old application will be applied to the new application if the new application shows the serial number of the old application. The advance rental will be returned unless within the thirty-day period another application is filed.

(3) An application for permit on a form not correctly reproduced, but which contains the statement that the applicant agrees to be bound by the terms and conditions of the form in effect at the date of filing, will be approved by the authorized officer provided all other requirements are met.

(e) The United States will indicate its acceptance of the application, in whole or in part, and the issuance of the permit by the signature of the authorized officer in the space provided therefor. An executed copy of the permit will be mailed to the applicant at the address of record.

(f) If the applicant dies before the permit is issued, evidence such as specified in § 195.12(c) must be filed before it can be determined to whom the permit may be issued.

(g) (1) An applicant whose application is pending on the effective date of this section, as amended, may file a new application on Form 4–1492 for the land described in his application, pursuant to paragraphs (a), (b) and (c) of this section, but without payment of the required filing fee, if it has already been paid.

(2) When required, the holder of an application pending on the effective date of this section, as amended, must within 30 days from receipt of notice, file an application on Form 4–1492 covering the same land in, and bearing the same serial number as his pending application. He must also pay the first year's rental in the amount specified in paragraph (h) of this section. No additional filing fee will be required. Failure to refile will result in the rejection of the original application without further notice.

(h) A permittee must pay an annual rental of 25 cents an acre or fraction thereof covered by his permit, but not less than $20 per year, such annual payments of rental shall be made on or before the anniversary date of the permit. However, if the time for payment falls upon any day in which the proper land office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. Payment of rental will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

3. Section 195.9 is amended to read as follows:

§ 195.9 Term of prospecting permit; rights conferred.

Prospecting permits are issued for a period of two years and grant the permittee the exclusive right to prospect and explore the lands involved to determine the existence of, or workability of, the sodium deposits therein. Only such material may be removed from the lands as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities. The permit will be dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

4. Section 195.10 is amended to read as follows:

§ 195.10 Permit bond.

Prior to the issuance of a permit the applicant must furnish a bond of not less than $1,000, with approved corporate surety (Form 4–1130), or his personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. A bond will also be required on all permits issued pursuant to applications filed prior to the effective date of this section, as amended.

5. Section 195.11 is amended to read as follows:

§ 195.11 Relinquishment, cancellation, or termination of prospecting permit; availability of lands for further application upon relinquishment, cancellation, or termination of permit.

(a) A permittee may relinquish the entire permit or any legal subdivision thereof. If the lands are not described by legal subdivision, a partial relinquishment must contain the description of the lands surrendered and the exact area thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance, it will be effective as of the date it is filed, subject to the continued obligation of the permittee and his surety to make payment of all accrued rentals and royalties, and to provide for the preservation of any mines or productive works or permanent improvements on the permit lands in accordance with the regulations and terms of the permit.

(b) Except as provided for in subparagraph (1) of this paragraph, if a permittee fails to comply with the general regulations in force at the date of the permit, or defaults with respect to any of the terms or stipulations of the permit, and such failure or default continues for 30 days after service of written notice thereof by the Government then the permit may be cancelled. A waiver of any particular cause for cancellation shall not prevent the cancellation of the permit for any other cause, or for the same cause occurring at any other time.

(1) Any prospecting permit shall terminate automatically if the permittee fails to pay the rental as specified in § 195.8(h).

(2) The termination of the permit for failure to pay rental must be noted on the official records of the appropriate land office. Until such notation is made, the lands covered by the permit are not subject to any other sodium permit. Applications for such permits filed prior to such notation will be rejected.

(c) Where lands embraced in a cancelled or relinquished permit are not withdrawn from leasing, such lands shall become available for the filing of new permit applications immediately upon notation on the official status records of the cancellation or relinquishment of the permit. If prior to such notation the permit expires at the end of its primary term in the absence of cancellation or relinquishment, the lands covered by the permit shall likewise become available for the filing of new applications even though the cancellation or relinquishment has not been noted on the records.

6. Section 195.21 is amended to read as follows:

§ 195.21 Renewal leases.

An application for a renewal lease must be filed in duplicate in the appropriate land office not less than 30 days nor more than 90 days before the lease term expires and be accompanied by a filing fee of $10 which is not returnable. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee files written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the renewal of the lease, the lessee will be required to submit a satisfactory bond as prescribed in § 195.15.

7. Section 195.26 is amended to read as follows:

§ 195.26 Use permits for additional land.

(a) A permittee or lessee may be granted a right to use, during the life of the permit or lease, the surface of not exceeding 40 acres of unoccupied nonmineral public land not included within the boundaries of a national forest for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease. The annual rental charge for use of such land will be not less than $1 an acre or fraction thereof. Payment of the rental shall be made at the time specified in § 195.8(h), and will also be required on all use permits issued pursuant to applications filed prior to the effective date of this section, as amended.

(b) Applications for permits to use additional land shall be filed in duplicate in the appropriate land office. Each application must be accompanied by a filing fee of $10 which is not returnable and the first year's rental in the amount specified in paragraph (a) of this section. The applications must contain a description of the land as specified in § 195.17(a)(2), and set forth the reasons why the additional land is necessary to the permittee or lessee for the use named, and whether it is unoccupied and nonmineral. A use permit will be issued on Form 4–1135 and dated as of the first day of the month after its issuance unless the applicant requests that it be dated the first day of the month of issuance.

(c) Any use permit shall terminate automatically if the permittee or lessee fails to pay the rental at the time specified in § 195.8(h).

8. Footnote 3 referred to in § 195.16 is renumbered as Footnote 4.

[F.R. Doc. 61–7964; Filed, Aug. 18, 1961; 8:45 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2462]

[Nevada 056214]

NEVADA

Partly Revoking Reclamation Withdrawals Colorado River Storage and Yuma Projects

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) it is ordered as follows:

1. The departmental orders of January 31, 1903, August 7, 1920, June 4, 1930, October 16, 1931, August 11, 1933, and August 31, 1942, and any other order or orders reserving public lands for reclamation purposes are hereby revoked so far as they affect the following-described lands:

MT. DIABLO MERIDIAN

T. 23 S., R. 64 E.,
Secs. 25, 26, 35, and 36.
T. 23½ S., R. 64 E.,
Sec. 36.
T. 24 S., R. 64 E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 23 S., R. 65 E. (unsurveyed),
Secs. 30, 31, and 32.
T. 23½ S., R. 65 E. (unsurveyed),
Secs. 31, and 32.
T. 24 S., R. 65 E. (unsurveyed),
Secs. 4 to 9 incl., 16 to 21 incl., 28 to 33 incl.
T. 25 S., R. 65 E. (partially surveyed),
Secs. 4 to 9 incl., 16 to 21 incl., 28 to 33 incl.
T. 26 S., R. 65 E.,
Secs. 16 to 21 incl., 28 to 33 incl.
T. 27 S., R. 65 E.,
Secs. 4 to 9 incl., 16 to 21 incl., 28 to 33 incl.
T. 28 S., R. 65 E.,
Secs. 4 to 9 incl., 16 to 21 incl., 28 to 33 incl.
T. 29 S., R. 65 E.,
Secs. 4 to 10 incl., 15 to 22 incl., 26 to 36 incl.
T. 30 S., R. 65 E. (unsurveyed),
Secs. 1 to 3 incl., 10 to 15 incl., and 22.
T. 31 S., R. 65 E. (unsurveyed),
Sec. 34, S½;
Sec. 35, S½.
T. 32 S., R. 65 E.,
Secs. 2 to 18 incl.
T. 30 S., R. 66 E. (unsurveyed),
Secs. 6 and 7.
T. 32 S., R. 66 E.,
Secs. 7 to 9 incl., 16 to 18 incl.

The areas described aggregate 102,583.32 acres.

2. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the requirements of applicable law, rules and regulations, and the provisions of any existing withdrawals.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws beginning 10:00 a.m. on September 19, 1961.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 14, 1961.

[F.R. Doc. 61–7965; Filed, Aug. 18, 1961; 8:47 a.m.]

[Public Land Order 2463]

WASHINGTON

Partly Revoking Certain Lighthouse Reserves

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Orders No. 2110 of December 28, 1914, No. 2735 of October 18, 1917, and the Executive Orders of July 15, 1875 and February 12, 1895, so far as they withdraw the following-described lands for lighthouse purposes, are hereby revoked:

a. (Washington 04063)

Executive Orders No. 2110 and No. 2735:

WILLAMETTE MERIDIAN

HUCKLEBERRY ISLAND

T. 35 N., R. 2 E.,
Sec. 9, lot 3.
Containing 11.74 acres.

b. (Washington 03638)

Executive Order of July 15, 1875, Item No. 14:

WILLAMETTE MERIDIAN

POINT LAWRENCE (ORCAS ISLAND)

T. 37 N., R. 1 W.,
Sec. 36, lot 1.
T. 37 N., R. 1 E.,
Sec. 30, lot 1;
Sec. 31, lot 1.
Containing 63.10 acres.

c. (Washington 04061)

Executive Order of July 15, 1875, Item No. 23:

POINT DOUGHTY (ORCAS ISLAND)

T. 37 N., R. 2 W.,
Sec. 9, lot 1;
Sec. 10, lot 4.
Containing 56.55 acres.

d. (Washington 04062)

Executive Orders of July 15, 1875, and February 12, 1895:

WILLAMETTE MERIDIAN

CLARK'S ISLAND

T. 37 N., R. 1 W.,
Sec. 12, lot 1;
Sec. 13, lot 1.
Containing 55.05 acres.

The areas described total in the aggregate 186.44 acres.

2. Until 10:00 a.m. on February 13, 1962, the State of Washington shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

3. Beginning at 10:00 a.m. on February 13, 1962, the lands shall be subject to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights and equitable claims, the provisions of any existing withdrawals, and the requirements of applicable law, rules, and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 14, 1961.

[F.R. Doc. 61–7966; Filed, Aug. 18, 1961; 8:47 a.m.]

[Public Land Order 2464]

[Fairbanks 024963]

ALASKA

Order Opening Public Lands

1. Executive Order No. 8014 of November 26, 1938, revoked the following described Executive orders so far as they affected the lands described, and placed the lands under control of the Secretary of the Interior for disposition as provided by the Act of July 5, 1884 (23 Stat. 103; 43 U.S.C. 1071–1074):

a. Executive Order No. 792 of May 7, 1908, so far as it reserved a tract of about 40 acres, approximate latitude 64°58' N., longitude 151°10' W., at Hot Springs, for use of the Signal Corps, United States Army, in the operation of telegraph lines.

b. Executive Order No. 3198 of December 16, 1919, so far as it reserved a parcel of land 300 feet by 800 feet near the town of Iditarod, being a part of what was formerly known as the Bonanza Placer Mining Association Claim.

c. Executive Order No. 945 of September 30, 1908, reserving 0.71 acre at Circle for use of the Signal Corps, United States Army.

d. The order of the Secretary of War, by authority of the President, dated October 20, 1897, reserving the land known as St. Michael Island, with all contiguous land and islands within one hundred miles of the location of the flagstaff of the garrison of the island, as a military reservation, aggregating about 9,600,000 acres, in the general area of Norton Sound.

2. The lands at St. Michael are variable in character, ranging from the steeply sloping, barren hills of the area at the base of the Seward Peninsula in the vicinity of the White Mountain, to the flat semi-aqueous swamps of the delta of the Yukon River. Severe climatic conditions preclude commercial agricultural production. Some of the lands are patented, and some are reserved. The tract at Circle is within the town of the same name and will be subject only to disposition under the townsite laws.

3. Until 10:00 a.m. on February 13, 1962, the State of Alaska shall have a preferred right to select the lands, other than those at Circle, in accordance with the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), and section 6g of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR Part 76.

Beginning at 10:00 a.m. on February 13, 1962, the lands, other than those at Circle, shall be subject to operation of the public land laws generally including the mining laws, subject to valid existing rights and equitable claims and the requirements of applicable law, rules and regulations.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 14, 1961.

[F.R. Doc. 61–7967; Filed, Aug. 18, 1961; 8:47 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER C—REAL PROPERTY MANAGEMENT

PART 100—PUBLIC BUILDINGS AND GROUNDS

Subpart A—General Regulations

Subpart A of Part 100, Subchapter C of Chapter I of Title 44 of the Code of Federal Regulations is amended by revising §§ 100.1, 100.3, 100.4, 100.9, and 100.12 to read as follows:

§ 100.1 Applicability.

The rules and regulations in this part apply to all Federal property under the charge and control of the General Services Administration and to all persons entering in or on such property. Unless otherwise stated herein, Federal property under the charge and control of the General Services Administration is referred to as "property," and "public space" means General Services Administration controlled entrances, lobbies, foyers, corridors, and auditoriums when used for public meetings. It is the responsibility of the occupant agencies to require observance of the rules and regulations in this part by their employees.

§ 100.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 100.4 Conformity with signs and emergency directions.

Persons in and on property shall comply with official signs of a prohibitory or directory nature, and, during emergencies, with the directions of authorized individuals.

§ 100.9 Photography for news, advertising, or commercial purposes.

Except where security regulations apply, or a Federal court order or rule prohibits it, photographs for news purposes may be taken in public space, without prior permission. Photographs for advertising and commercial purposes may be taken in public space only with the prior written permission of the building manager. Photographs for news, advertising or commercial purposes may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned.

§ 100.12 Weapons and explosives.

No person while on property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except for official purposes.

Dated: August 15, 1961.

JOHN L. MOORE,
Administrator of General Services.

[F.R. Doc. 61–7997; Filed, Aug. 18, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

GENERAL FOREST REGULATIONS

Timber Cutting Permits

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Acts of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406, 407), June 18, 1934 (48 Stat. 986; 25 U.S.C. 466), and February 14, 1920 (41 Stat. 415, as amended; 25 U.S.C. 413), and by section 161 of the Revised Statutes (5 U.S.C. 22), it is proposed to amend 25 CFR Part 141 as set forth below. The purpose of the amendment is to change the $200 limitation on stumpage values to $500 in §§ 141.7, 141.12, and 141.19, and to make clear that the 1-year limitation in § 141.19 applies to a calendar year rather than to any other 12-month period.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 141.7 is amended to read as follows:

§ 141.7 Timber sales from unallotted and allotted lands.

On reservations where the volume of timber available for cutting is in excess of that which is being developed by the Indians, open market sales of Indian timber will be authorized: *Provided*, That consent is given by the authorized representative of the tribe for tribal timber, and by the Indian owners for allotted timber. The consent of the Secretary is required in all cases. Unless otherwise authorized by the Secretary, sales from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $500 will not be approved until an examination of the timber to be sold has been made by a qualified forest officer and a report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 141.13. In all such sales of timber exceeding $500 in value, the timber shall be appraised and sold at not less than its appraised value.

2. Section 141.12 is amended to read as follows:

§ 141.12 Contracts required.

Except as provided in § 141.19(c), in sales of timber with an appraised stumpage value exceeding $500 the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. The approved forms provide flexibility to meet variable conditions, but essential departures from the fundamental requirements of such contracts shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. Contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion.

3. The introductory paragraph of § 141.19 is amended to read as follows:

§ 141.19 Timber cutting permits.

Except as provided in § 141.20, all timber cutting that is not done under formal contract, pursuant to § 141.12, shall be done under the regular timber cutting permit forms. Permits to be valid must be approved by the Secretary. Permits will be issued only with the consent of authorized representatives of the tribe for unallotted lands, and for allotted lands with the consent of the Indian owner or the Superintendent as authorized in § 141.13 (b) and (c). The stumpage value which may be cut in 1 calendar year by any individual under authority of paragraphs (a) and (b) of this section shall not exceed $500, but this limitation shall not apply to cutting under authority of paragraph (c) of this section.

JAMES K. CARR,
Under Secretary of the Interior.

AUGUST 14, 1961.

[F.R. Doc. 61-7961; Filed, Aug. 18, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-333]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT OF FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Correction

In F.R. Doc. 61-7757, appearing at page 7347 of the issue for Saturday, August 12, 1961, the following signature and title should appear after the date at the end of the document: "Floyd F. Hedlund, *Director, Fruit and Vegetable Division*".

[7 CFR Part 51]

FILBERTS IN THE SHELL[1]

U.S. Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Filberts in the Shell.

Statement of considerations leading to the proposed revision. The proposed revision would change the requirement for "large" size round type varieties of filberts. Nuts in this size classification would be required not to pass through a round opening 49/64 inch in diameter, whereas the present standards specify a 50/64 inch round opening.

This change in size requirement was requested by the Oregon filbert industry. It is intended to bring the standards in line with the Oregon standards and the Federal Specifications which specify a 49/64 inch round opening as the minimum for "large".

Other changes proposed are of a very minor nature and are intended to clarify or improve the organization of the standards.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than 30 days after publication herein in the FEDERAL REGISTER.

The proposed standards, as revised, are as follows:

Sec.
51.1995 U.S. No. 1.

UNCLASSIFIED

51.1996 Unclassified.

DEFINITIONS

51.1997 Similar type.
51.1998 Dry.
51.1999 Well formed.
51.2000 Clean and bright.
51.2001 Blank.
51.2002 Damage.
51.2003 Reasonably well developed.
51.2004 Badly misshapen.
51.2005 Rancidity.
51.2006 Moldy.
51.2007 Insect injury.

APPLICATION OF STANDARDS

51.2008 Application of standards.

AUTHORITY: §§ 51.1995 to 51.2006 issued under Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

GRADE

§ 51.1995 U.S. No. 1.

"U.S. No. 1" consists of filberts in the shell which are of similar type and dry. The shells shall be well formed, clean and bright, free from blanks, broken or split shells, and free from damage caused by stains, adhering husk or other means. The kernels shall be reasonably well developed, not badly misshapen, free from rancidity, decay, mold, insect injury and free from damage caused by shriveling, discoloration or other means.

(a) The filberts shall meet one of the following size classifications as specified for round type and for long type varieties:

SIZE REQUIREMENTS

Size classifications	Maximum size: Will pass through a round opening of the following size.	Minimum size: Will not pass through a round opening of the following size.
Round type varieties:		
Jumbo	No maximum	25/64 inch.
Large	25/64 inch	23/64 inch.
Medium	23/64 inch	21/64 inch.
Small	21/64 inch	No minimum.
Long type varieties:		
Jumbo	No maximum	27/64 inch.
Large	25/64 inch	23/64 inch.
Medium	23/64 inch	21/64 inch.
Small	21/64 inch	No minimum.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are permitted as specified:

(1) *For mixed types.* 10 percent for filberts which are of a different type.

(2) *For defects.* 10 percent for filberts which are below the requirements of this grade: *Provided*, That not more than one-half of this amount or 5 percent shall consist of blanks, and not more than 5 percent shall consist of filberts with rancid, decayed, moldy or insect injured kernels, including not more than 3 percent for insect injury.

(3) *For off-size.* 12 percent for filberts which fail to meet the requirements for the size specified, but not more than five-sixths of this amount, or 10 percent shall consist of undersize filberts.

UNCLASSIFIED

§ 51.1996 Unclassified.

"Unclassified" consists of filberts which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.1997 Similar type.

"Similar type" means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.1998 Dry.

"Dry" means that the shell is free from surface moisture, and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.1999 Well formed.

"Well formed" means that the filbert shell is not materially misshapen.

§ 51.2000 Clean and bright.

"Clean and bright" means that the individual filbert and the lot as a whole are practically free from adhering dirt and other foreign material, and that the shells have characteristic color.

§ 51.2001 Blank.

"Blank" means a filbert containing no kernel or a kernel filling less than one-fourth the capacity of the shell.

§ 51.2002 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or shipping quality of the filberts. The following specific defects shall be considered as damage:

(a) Stains which are dark and materially affect the appearance of the individual shell.

(b) Adhering husk when covering more than 5 percent of the surface of the shell in the aggregate.

(c) Shriveling when the kernel is materially shrunken, wrinkled, leathery and tough.

(d) Discoloration when the appearance of the kernel is materially affected by black color.

§ 51.2003 Reasonably well developed.

"Reasonably well developed" means that the kernel fills one-half or more of the capacity of the shell.

§ 51.2004 Badly misshapen.

"Badly misshapen" means that the kernel is so malformed that the appearance is materially affected.

§ 51.2005 Rancidity.

"Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.

§ 51.2006 Moldy.

"Moldy" means that there is a visible growth of mold either on the outside or the inside of the kernel.

§ 51.2007 Insect injury.

"Insect injury" means that the insect, frass or web is present inside the nut or the kernel shows definite evidence of insect feeding.

APPLICATION OF STANDARDS

§ 51.2008 Application of standards.

(a) The grade of a lot of filberts shall be determined on the basis of a composite sample drawn from containers in various locations in the lot. However, any container or group of containers in which the filberts are obviously of a quality, type or size materially different from that in the majority of cohtainers shall be considered a separate lot, and shall be sampled separately.

(b) In grading the sample, each filbert shall be examined for defects of the shell before being cracked for kernel examination. The nut shall be classed as only one defective nut even though it may be defective externally and internally.

Dated: August 16, 1961.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 61-7987; Filed, Aug. 18, 1961; 8:48 a.m.]

[7 CFR Part 1003]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Expenses of Date Administrative Committee for 1961-62 Crop Year and Rate of Assessment for Such Crop Year

Consideration is being given to a proposal regarding approval of expenses of the Date Administrative Committee for the 1961-62 crop year and the fixing of a rate of assessment for that crop year. Such action is to be taken pursuant to §§ 1003.71 and 1003.72 of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Date Administrative Committee (established under the aforesaid marketing agreement and order) has unanimously recommended, for the 1961-62 crop year beginning August 1, 1961, a budget of expenses in the total amount of $41,242 and an assessment rate at 15 cents per hundred pounds of assessable dates. Such amount of expenses and assessment rate are specified in the proposal, hereinafter set forth. The assessable poundage is estimated by the committee at 27,495 million pounds.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date

of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The proposal is as follows:

§ 1003.306 Expenses of the Date Administrative Committee and rate of assessment for the 1961–62 crop year.

(a) *Expenses.* Expenses in the amount of $41,242 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1961, for its maintenance and functioning and for such other purposes determined to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Date Administrative Committee, in accordance with the provisions of Marketing Agreement No. 127, as amended, and this part, an assessment at the rate of 15 cents per hundredweight of dates which he handles or has certified for handling or for further processing during the crop year beginning August 1, 1961, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–7985; Filed, Aug. 16, 1961; 8:48 a.m.]

[7 CFR Part 1003]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN A DESIGNATED AREA OF CALIFORNIA

Free, Restricted, and Withholding Percentages for 1961–62 Crop Year

Consideration is being given to a proposal to establish, for the 1961–62 crop year beginning August 1, 1961, free, restricted, and withholding percentages applicable to marketable dates of the Deglet Noor, Zahidi and Khadrawy varieties. The proposed percentages, which are based on the recommendation of the Date Administrative Committee and other available information, would be established in accordance with the provisions of Marketing Agreement No. 127, as amended, and Order No. 103, as amended (7 CFR Part 1003), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views or arguments pertaining to the proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than the eighth day after the date of publication of this notice in the FEDERAL REGISTER. Such material should be submitted in triplicate.

The proposed percentages are based on the following estimates:

Factors	1,000 pounds		
	Deglet Noor	Zahidi	Khadrawy
1. Uncertified handler carryover (July 31, 1961)	4,829	137	50
2. Production of marketable dates (1961-62 crop year)	34,200	1,378	659
3. Total available supply of marketable dates subject to regulation	39,029	1,515	709
4. Trade demand [1]	25,500	1,345	650
5. Plus: Desirable handler carryover (July 31, 1962)	8,000	150	100
6. Less: Certified handler carryover (July 31, 1961)	5,698	27	47
7. Requirements for free dates	27,802	1,468	703
8. Marketable dates in excess of requirements for free dates (item 3 minus item 7)	11,227	47	6

[1] The Date Administrative Committee included the following countries in its determination of trade demand: Austria, Belgium, British Isles, Canada, Denmark, France, Germany, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United States, and Venezuela.

On the basis of the foregoing estimates, free, restricted and withholding percentages for Deglet Noor dates of 72 percent, 28 percent, and 38.9 percent, respectively (the same as those for the 1960–61 crop year) appear to be appropriate for the 1961–62 crop year.

The estimates for the Zahidi and Khadrawy varieties of dates do not indicate the need for establishing the respective free percentages for marketable dates of such varieties at a percentage less than 100 percent. As a result, the volume of dates of such varieties would not be restricted.

The proposal is as follows:

§ 1003.209 Free, restricted, and withholding percentages.

The free percentages, restricted percentages, and withholding percentages of marketable dates for each variety shall be, for the crop year beginning August 1, 1961, and ending July 31, 1962, as follows: (a) Deglet Noor variety dates: Free percentages, 72 percent; restricted percentage, 28 percent; and withholding percentage 38.9 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent; and (c) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding percentage, 0 percent.

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–7986; Filed, Aug. 18, 1961; 8:48 a.m.]

[7 CFR Part 1017]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Marketing Order No. 117 (7 CFR Part 1017).

This marketing program regulates the handling of onions grown in designated counties in Idaho and in Malheur County, Oregon, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER.

The proposals are as follows:

§ 1017.205 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 117, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, during the fiscal period beginning July 1, 1961, and ending June 30, 1962, will amount to $4,991.00.

(b) The rate of assessment to be paid by each handler shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61–7988; Filed, Aug. 18, 1961; 8:48 a.m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16–A8]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Marketing Agreement and Order, as Amended

Pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851–855) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Administrator, Agricultural Research Service, United States Department of Agriculture, with respect to proposed amendment to the marketing agreement, as amended, and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus. The issuance of the recommended decision was delayed due to the failure of the reporting agency to deliver the transcript of the testimony to the Department until July 14, 1961.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business on the 30th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record on which the proposed amendment, as hereinafter set forth, to the marketing agreement and the order was formulated, was conducted at Kansas City, Missouri, on May 10, 1961, pursuant to notice thereof published in the FEDERAL REGISTER on March 18, 1961 (26 F.R. 2319).

The material issues on the record of the hearing were:

1. The share of the cost of processing an application to be borne by an applicant for classification as a wholesaler; and

2. Circumstances justifying refund of all or a portion of the processing fee.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The share of the cost of processing an application to be borne by an applicant.* The marketing agreement and the order should be amended to provide that a fee of $100.00 shall accompany an application for classification as a wholesaler, $25.00 of which shall cover the applicant's pro rata share of the expenses of the Control Agency for the calendar year in which the application is approved and $75.00 shall cover the cost of processing the application.

The order presently provides that a fee of $25.00 shall accompany the application to cover the applicant's pro rata share of the expenses of the Control Agency in the year in which the application is approved, which fee shall be refunded if the application is denied. At the time this provision was placed in the order, it was not the practice of the Control Agency to require inspection of the facilities and operations of an applicant by an employee of the Agency. It relied upon information and representations submitted by the applicant in the application and any supplemental information obtained through correspondence, or otherwise, in arriving at a decision on the application. As an applicant had nothing to lose if his application was denied, many dealers and other unqualified persons applied for classification as a wholesaler in the hopes of being so classified on the basis of representations contained in the application. Due to lack of full disclosure of pertinent information, intentional or otherwise, or misrepresentations by the applicant, the Control Agency would often approve the application of a person who actually could not meet the requirements of a wholesaler set forth in the order. As a result, time and money was expended by the Control Agency in taking the action necessary to delete such persons from the list of approved wholesalers. In order to remedy the situation, the Control Agency recently has made a practice of investigating the qualifications of each applicant by having the Executive Secretary of the Control Agency inspect the premises and operations of each applicant. The cost of such investigation has placed an added burden upon the budget of the Control Agency, which expense must be borne by the handlers under the order. The average cost of investigating 34 applicants located in different states in 1960 was $125.90 per applicant, covering travel, subsistence and salary of the investigator. This amount does not include office overhead and the expense of the Control Agency for the time spent in considering applications, which consumes approximately one-half the time of the members of the Control Ageney while in session. Inasmuch as both the applicant and the handlers within the industry benefit from the proper classification of wholesalers, both should share the expense of processing an application. It is believed that $75.00 is a reasonable share of the cost of processing an application to be borne by an applicant. It is recommended, therefore, that the order be amended as set forth in the first paragraph of 1 hereof.

2. *Circumstances justifying refund of all or a portion of the processing fee.* Provision should be made for refunding to the applicant all or a portion of the processing fee in the following circumstances: (a) In the event the Control Agency receives a written request from the applicant for cancellation of his application before any expense has been incurred in processing such application, the entire processing fee shall be refunded to such applicant; (b) in the event of the death of the applicant, or the destruction of applicant's place of business, or the institution of insolvency proceedings by or against the applicant, during the pendency of the application, the Control Agency may refund any portion of the processing fee which is unexpended at the time of the receipt of a written request for cancellation of the application; and (c) in the event of the death of the applicant during the pendency of his application or shortly after action has been taken on such application by the Control Agency, and the Control Agency determines that the illness and death of the applicant prevented the timely filing of a request for cancellation of such application, the Control Agency may refund all or a portion of the application fee, whichever is consistent with its findings and conclusions in the matter.

Where a written request for cancellation of the application is received prior to the expenditure of any portion of the processing fee, all of the processing fee should be refunded as the purpose for which the fee is assessed ceases to exist. If a request for cancellation is received after expenses have been incurred, no part of the processing fee should be refunded, except under the circumstances specified in (b) and (c) of the first paragraph of 2., which are discussed hereinafter. As the processing fee is the minor portion of the total expense of processing an application, it would be inequitable for an applicant to recoup a portion of the application fee while handlers under the order bear the major portion of the expense occasioned by the applicant. Further, to refund a portion of the fee after investigation has commenced would encourage filing of an application by a person who knows he cannot meet the requirements of a wholesaler but would file on the chance that the investigation would not disclose certain facts. If such facts were discovered during the investigation and partial refunding were permitted, such person could recoup a portion of the fee by immediately filing a request for cancellation. In a number of instances in the past, applicants have requested cancellation when certain disqualifying facts were uncovered by the Control Agency or because the applicant "changed his mind". This was done even though no pecuniary incentive then existed.

There are certain circumstances over which an applicant has no control which would justify the refunding of an un-

expended portion of the processing fee if timely application for cancellation is made. If the business premises of a qualified applicant were destroyed or insolvency proceedings were instituted by or against the applicant, and the applicant requested cancellation of the application during the pendency of the application, that portion of the fee which is unexpended at the time the request for cancellation is received should be refunded by the Control Agency. Destruction of the business premises or insolvency usually cannot be foreseen or controlled by the applicant.

Another circumstance that would warrant refunding all or a portion of the processing fee would be the death of the applicant during the pendency of the application or shortly after action thereon. In the event of a request for cancellation of the application because of the death of the applicant, that portion of the processing fee which is unexpended at the time the request is received should be refunded. As the circumstances surrounding the illness and death of an applicant may be such as to result in an excusable failure to file a timely request, provision should be made therefor. In the event of such excusable failure to file a timely request, the amount that should be refunded would depend upon the facts and circumstances existing at the time the request for cancellation would have been filed had the applicant been in a position to file a timely request. In the event of a finding of such excusable failure to file a timely request, the Control Agency should be authorized to refund all or a portion of the processing fee in accordance with its findings and conclusions in the matter. It is possible that the Control Agency could approve an application prior to being notified of the death of the applicant. In such event, it also should be authorized to refund the $25.00 "pro rata share" portion of the application fee if it determines that the illness and death of the applicant prevented the timely filing of a request for cancellation of the application.

Rulings on proposed findings and conclusions. No proposed findings and conclusions were received.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid marketing agreement and order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The said marketing agreement as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Recommended amendments to the marketing agreement and order, as amended. The following proposed amendments to the marketing agreement, as amended, and order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The regulatory provisions of the said agreement are identical with those contained in the following order.

Delete § 131.44 and substitute therefor the following:

§ 131.44 Fee to accompany application for wholesaler classification.

(a) Each application for classification as a wholesaler shall be accompanied by an application fee of $100.00. Seventy-five dollars of such fee shall cover the cost of processing the application and the remaining $25.00 shall cover the applicant's pro rata share of the expenses of the Control Agency for the calendar year in which the application is approved.

(b) If the application for classification as a wholesaler is cancelled at the request of the applicant or denied by the Control Agency, $25.00 shall be refunded to the applicant and $75.00 shall be retained by the Control Agency to cover the cost of processing the application: *Provided*, That, in the event the Control Agency receives a written request from the applicant for cancellation of the application before any expense has been incurred in processing such application, the Control Agency shall refund the $75.00 processing fee: *And provided*, That, in the event of the death of the applicant, or the destruction of the applicant's place of business, or the institution of insolvency proceeding by or against the applicant, during the pendency of the application, the Control Agency may refund that portion of the processing fee which is unexpended at the time of the receipt of a written request for cancellation of the application: *And provided further*, That, in the event of the death of the applicant during the pendency of his application or within a short time after action has been taken on such application by the Control Agency, and the Control Agency determines, upon evidence satisfactory to it, that the illness and death of the applicant prevented the timely filing of a request for cancellation of such application, the Control Agency may refund all or a portion of the application fee, whichever is consistent with its findings and conclusions in the matter.

(c) The Control Agency shall make refunds on application fees only in accordance with the provisions of this section.

Done at Washington, D.C., this 16th day of August 1961.

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 61-7992; Filed, Aug. 18, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[Docket No. AO-275-A7]

[7 CFR Part 1008]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Assembly Room, First Floor, Spokane County Court House, West 1116 Broadway, Spokane, Washington, beginning at 10:00 a.m., P.d.t., on September 11, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposals relative to a redefinition of the marketing area raise the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Spokane Milk Producers Association and the Inland Empire Dairy Association:

Proposal No. 1. Amend § 1008.6 to include all of Shoshone and Latah Counties, Idaho; Whitman County, Washington; and the remaining portions of Bonner and Kootenai Counties, Idaho.

Proposal No. 2. Delete § 1008.15 and substitute the following:

§ 1008.15 Handler.

"Handler" means: (a) Any person in his capacity as the operator of a pool plant; (b) any person who operates a nonpool plant from which Class I milk is disposed of on routes in the marketing area; (c) a cooperative association with respect to the milk of its member producers, which is diverted from a pool plant to a nonpool plant for the account of such cooperative association during any of the months of December through June, but not exceeding a period of ninety consecutive days for any producer; or (d) a cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day of the month in which the milk is delivered, that it elects to be the handler for all such milk.

Proposal No. 3. Delete § 1008.41(b) (6) and substitute the following:

(6) In shrinkage of skim milk or butterfat, respectively, not to exceed the following:

(i) Two percent of receipts of producer milk described in § 1008.12; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1008.15(d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; less

(iv) 1.5 percent of disposition in bulk tank lots to other milk plants; and plus

(v) 0.5 percent of receipts of producer milk by a cooperative association, which is the handler, pursuant to § 1008.15 (d), unless the exception provided in (b) (6) (ii) applies.

Proposal No. 4. Delete § 1008.42 and substitute the following:

§ 1008.42 Shrinkage.

The market administrator shall allocate shrinkage of a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at each pool plant; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between:

(1) Milk from producers and fluid milk in bulk tanks from other handlers, and

(2) Other source milk in the ratio that fifty times the maximum quantity of skim milk or butterfat, respectively, pursuant to § 1008.41(b) (6) bears to that in such other source milk.

Proposal No. 5. Amend § 1008.50 by adding the following paragraph:

(c) The average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the delivery period; *Provided*, That such reported price shall be adjusted to a 4.0 percent butterfat basis by the butterfat differential pursuant to § 1008.82 and rounded to the nearest full cent.

Proposal No. 6. In § 1008.51(a) delete the number "50" and substitute therefor the number "25".

Proposal No. 7. Delete § 1008.53 and substitute the following:

§ 1008.53 Location adjustment credits to handlers.

The price for Class I milk at a pool plant located outside the marketing area, and more than ninety miles from the City Hall, Spokane, Washington, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk pursuant to § 1008.51(a), less a location adjustment per hundredweight of milk computed as follows:

Two cents for each 10 miles, or major fraction thereof, up to 200 miles, and an additional 1.0 cent for each 10 miles, or major fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway as determined by the market administrator, from such pool plant to the City Hall, Spokane, Washington.

Proposal No. 8. In § 1008.70(a) (5) delete the number "50" and substitute therefor the number "90".

Proposal No. 9. Delete § 1008.70(b) and substitute the following:

(b) Each handler other than a producer-handler or a handler subject to the pricing provisions of another order issued pursuant to the Act, who operates during the month a nonpool plant, shall pay to the market administrator on or before the 25th day after the end of the month, the amounts calculated pursuant to subparagraph (1) of this paragraph, unless the handler elects, at the time of reporting pursuant to § 1008.30, to pay the amounts computed pursuant to subparagraph (2) of this paragraph;

(1) The following amounts:

(i) To the producer-settlement fund, any plus amount remaining after deducting from the value that would have been computed pursuant to paragraph (a) of this section if such handler had operated a pool plant, the gross payments made by such handler for milk received during the month from Grade A dairy farmers at such plant or at a plant which serves as a supply plant; and

(ii) As his pro rata share of the expense of administration, an amount equal to that which would have been computed pursuant to § 1008.88 had such plant been a pool plant, except that if such plant is also a nonpool plant under another order issued pursuant to the Act, and his Class I sales in such other marketing area exceed those made in the Inland Empire marketing area, the payments due under this subparagraph shall be reduced by the amount of any administrative expense payments under the other order; and

(2) The following amounts:

(i) To the producer-settlement fund, an amount equal to the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handlers plant, less the value of such skim milk and butterfat at the Class II price; and

(ii) As his share of the expense of administration, the rate specified in § 1008.88 with respect to Class I milk so disposed of in the marketing area.

Proposed by the Inland Empire Dairy Association:

Proposed No. 10. In § 1008.8 (a) add a second proviso to read as follows: "*And provided further*, That for purposes of determining the 40 percent or 50 percent for a cooperative association operating a distributing plant and acting as a handler with respect to bulk milk delivered to other pool plants, such bulk milk shall be considered as a route disposition."

Proposed by the Spokane Milk Producers Association:

Proposal No. 11. Delete § 1008.35 (b) and substitute the following:

(b) In making payments to a cooperative association pursuant to § 1008.80 (c) each handler upon request shall furnish to the cooperative association on or before the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

Proposal No. 12. Delete § 1008.80 and substitute the following:

§ 1008.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, an advance payment with respect to milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1008.71 subject to the butterfat differential computed pursuant to § 1008.82 and location adjustment computed pursuant to § 1008.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1008.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1008.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipts of the balance from the market administrator;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or

before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producers is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer; and

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1008.15(d), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at not less than the Class II price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph.

(f) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

Proposed by the Arden Farms Company:

Proposal No. 13. If § 1008.6 is amended to include all of Shoshone and Latah Counties, Idaho, the remaining portions of Bonner and Kootenai Counties, Idaho, and all of Whitman County, Washington, in the marketing area, said section should be further amended to also include Nez Perce County, Idaho, and Asotin County, Washington.

Proposal No. 14. Amend § 1008 (a) and (b) as follows:

1. That the requirements with respect to the sales by a pool plant of its producer receipts shall be reduced as follows:

(a) Change the required sales as Class I within the marketing area from 20 percent to 15 percent of producer receipts; and

(b) Change the required total sales of Class I from 40 percent for the months of February–August, inclusive, and from 50 percent for the months of September–January, inclusive, to 30 percent; and

2. Provide that if a handler operates more than one pool plant in the marketing area the percentage of receipts sold as Class I shall be determined by combining the receipts and sales of all plants.

Proposal No. 15. Amend § 1008.12 to provide that the diversion of producer milk to nonpool plants shall be permitted at all times of the year.

Proposal No. 16. Amend § 1008.41 to make it clear that the pounds of dried nonfat milk solids added in fluid products sold shall be accounted for at the Class I price, while excluding the water originally associated with the milk solids so added from Class I.

Proposed by the Carnation Company:

Proposal No. 17. Amend § 1008.45 and such other sections as may be applicable so that nonfat dry milk solids used to fortify or as an additive to fluid milk, or any milk product or used in the manufacture of dietetic products shall be accounted for on a poundage basis rather than a milk equivalent basis.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 18. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Alexander Swantz, West 933 Third Avenue, Room 212, Spokane 4, Washington, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 16, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-7996; Filed, Aug. 18, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 851]

AIRWORTHINESS DIRECTIVES

Lockheed PV–1 and B-34 Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring a hardness test to verify strut strength on Lockheed PV–1 and B-34 type aircraft which have not had the test accomplished. Spare parts must also be hardness tested. This proposed action is deemed necessary since during investigation of a PV–1 main landing gear failure, the lower drag strut was found to be understrength because it was not in a specified heat-treated condition.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 20, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

LOCKHEED.. Applies to all PV–1 and B-34 type aircraft having main landing gear lower drag struts P/N 112004.

Compliance required as indicated.

During investigation of a PV–1 main landing gear failure, the main landing gear lower drag strut, P/N 112004, was found to be understrength because it was not in the specified heat-treated condition. As a result of this service experience, the following is required:

(a) Within the next 50 hours' time in service from the effective date of this directive unless already accomplished, determine by the Brinell, Rockwell, or an equivalent hardness test method whether or not the struts, P/N 112004, are heat-treated to an ultimate tensile strength of 150,000 to 170,000 p.s.i. If the ultimate tensile strength is less than 150,000 p.s.i., the strut must be replaced with a similar part heat-treated to 150,000 to 170,000 p.s.i. or by a strut, P/N 125715 or equivalent, prior to further flight, except for ferry flight in accordance with the provisions of CAR 1.76.

NOTE: Strut, P/N 125715, originally designed for the PV–2 type aircraft is an acceptable alternative for strut, P/N 112004, and a hardness test on this strut is not necessary. If the P/N is missing or obscured, the struts may be identified by the following: The PV–2 strut, P/N 125715, weighs approximately 15.5 pounds and the PV–1 strut, P/N 112004, weighs approximately 10.5 pounds. The PV–2 strut tube has a wall-thickness of 0.25 inch whereas the PV–1 part has a wall-thickness of 0.156 inch. The wall-thickness can be measured by laying a straight edge along the tube and measuring the perpendicular distance between the straight edge and the end fitting.

(b) Spare lower drag struts, P/N 112004, must comply with the hardness test and replacement provisions of (a) prior to installation.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 14, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61-7954; Filed, Aug. 18, 1961; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61-WA-123]

FEDERAL AIRWAYS

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to § 600.1503 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1503 is presently designated, in part, as a 10-mile wide airway extending from the Jacksonville, Fla., VOR via the intersection of the Jacksonville VOR 027° and the Savannah, Ga., VOR 180° True radials; the Savannah VOR; to the Charleston VOR. This routing is duplicated by a like segment of intermediate altitude VOR Federal airway No. 1505 between Jacksonville and Charleston.

The FAA has under consideration altering the described segment of Victor 1503 by designating it from Jacksonville direct to Charleston with a floor of 17,000 feet MSL, a ceiling of 23,000 feet MSL and a width of 10 statute miles. With these dimensions, the off-shore portions of Victor 1503 would coincide with the control areas associated with Victor 1.

The alteration of this segment of Victor 1503 would result in a simplification of flight planning, and provide an off-shore intermediate altitude airway in this area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 15, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-7955; Filed, Aug. 18, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MISSISSIPPI

Notice of Proposed Withdrawal and Reservation of Land

AUGUST 11, 1961.

The United States Fish and Wildlife Service, Bureau of Sports Fisheries and Wildlife, Atlanta, Georgia, on June 29, 1959, filed application for the withdrawal of the lands, hereafter described, from all forms of appropriation under the public land laws, including the United States Mining and Mineral Leasing Laws, and the Act of July 31, 1947 (61 Stat. 681), subject to valid existing rights.

The lands will be managed for the benefit of the Bureau's migratory bird program as a part of the Davis Island National Wildlife Refuge under authority of the Migratory Bird Conservation Act February 18, 1929 (45 Stat. 1222).

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

WARREN COUNTY, MISSISSIPPI

WASHINGTON MERIDIAN

T. 14 N., R. 1 E.,
Sec. 30, Fr'l. (Middle Palmyra Island).

The area described contains 69.92 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 61-7962; Filed, Aug. 18, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KENTUCKY

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Kentucky a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KENTUCKY

Elliott.	Magoffin.
Johnson.	Morgan.
Lawrence.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-7973; Filed, Aug. 18, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE FOR INTERNATIONAL AFFAIRS ET AL.

Delegation of Authority Relating to Export Control

A. The Assistant Secretary of Commerce for International Affairs and the Director of the Bureau of International Programs are each delegated authority to exercise and perform all powers and functions provided by the Export Control Act of 1949, as amended. This specifically includes the authority: (1) To issue rules and regulations to carry out the purposes of the aforesaid Act, including rules and regulations applicable to the financing, transporting, and other servicing of exports and the participation therein by any person necessary to achieve effective enforcement; (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation necessary or appropriate to the enforcement of said export control authority; and (3) to require reports and the keeping of records by any person, to the extent necessary or appropriate to the enforcement of said export control authority, and to require any person to permit the inspection of books, records, and other writings, premises or property.

B. The Assistant Secretary of Commerce for International Affairs and the Director of the Bureau of International Programs are each authorized to redelegate any power or function conferred by this delegation and may authorize successive redelegations, except as otherwise provided and limited in paragraphs C, D, and E herein with respect to inspections, subpoenas, oaths, and affirmations, and other enforcement authority.

C. In addition to the Assistant Secretary and the Director, at all times the Deputy Director of the Bureau of International Programs, the Director of the Export Control Investigations Staff, the Agent-in-Charge, New York Field Office, Export Control Investigations Staff, and the Director and Deputy Director of the Office of Export Control are each authorized (1) to require any person to permit the inspection of books, records, and other writings, premises, or property; and (2) to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation necessary or appropriate to the enforcement of said export control authority.

D. The Compliance Commissioners for Export Control are authorized, in any proceeding for the denial of licensing privileges under the Export Control Act of 1949, (1) to administer oaths and affirmations, and (2) to sign and issue subpoenas, requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

E. Any special agent employed in the Export Control Investigations Staff of the Bureau of International Programs and any attorney in the Office of the General Counsel assigned to export control enforcement duties, who is specifically designated as a special agent of the Bureau of Internation Programs, is hereby authorized, (1) to make investigations, obtain information, inspect books, records, and other writings, premises, or property of, and take the sworn testimony of, any person; and (2) to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigation necessary or appropriate to the enforcement of the export control authority vested in me.

F. This supersedes the delegation of authority previously made and confirmed with respect to export control (19 F.R. 5565), except that all outstanding rules, regulations, orders, licenses, designations, and other forms of administrative action shall, until amended or revoked, remain in full force and effect.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 10945, 26 F.R. 4487)

Dated: August 8, 1961.

LUTHER H. HODGES,
Secretary of Commerce.

[F.R. Doc. 61-7977; Filed, Aug. 18, 1961; 8:47 a.m.]

DIRECTOR, OFFICE OF EXPORT CONTROL

Delegation of Authority

The Director, Office of Export Control, Bureau of International Programs, is hereby delegated authority to issue rules and regulations to carry out the purposes of the Export Control Act of 1949, as amended.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023, E.O. 10945, 26 F.R. 4487)

Dated: August 10, 1961.

JACK N. BEHRMAN,
Acting Assistant Secretary of Commerce for International Affairs.

[F.R. Doc. 61-7889; Filed, Aug. 18, 1961; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-188]

KANSAS STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following the publication of notice of the proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-66 authorizing Kansas State University to construct a TRIGA Mark II nuclear reactor designed to operate at a thermal power of 100 kilowatts on its site in Manhattan, Kansas. Notice of the proposed action was published in the FEDERAL REGISTER on July 29, 1961, 26 F.R. 6823.

Dated at Germantown, Md., this 15th day of August 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director,
Division of Licensing and Regulation.

[F.R. Doc. 61-7952; Filed, Aug. 18, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 5132 etc.; Order No. E-17329]

ARCTIC-PACIFIC, INC.

Large Irregular Air Carrier Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of August 1961.

On April 28, 1961, the Board issued an Order to Show Cause (Order E-16734) why it should not dismiss Arctic-Pacific, Inc.'s (Arctic) application for an exemption, dismiss its application for a certificate of public convenience and necessity to engage in overseas and foreign air transportation, terminate its interim operating authorization to engage in overseas air transportation, and cancel its Letter of Registration as a large irregular air carrier. The carrier was given twenty (20) days in which to respond to the order to show cause; however, the carrier did not, within the time provided, oppose the Board's proposed action. As noted in the show cause order, Arctic's air carrier operating certificate issued by the Federal Aviation Agency expired on November 14, 1960, and the carrier has not sought renewal. In short, the carrier is not operating pursuant to any Board authority. In these circumstances, the Board will make final Order E-16734 and dismiss Arctic's application for exemption and its application for certificate authority, terminate its interim operating authorization and cancel its Letter of Registration as a large irregular air carrier, effective immediately.

Accordingly, it is ordered:

1. That the application of Arctic for an exemption and its application for a certificate of public convenience and necessity to engage in overseas and foreign air transportation be and they are hereby dismissed;

2. That the interim operating authorization granted to Arctic pursuant to Order E-9744, adopted November 15, 1955, as amended by Order E-9884, adopted December 29, 1955, be and it hereby is terminated;

3. That Arctic's Letter of Registration as a large irregular air carrier be and it hereby is canceled;

4. That this order be published in the FEDERAL REGISTER, and a copy be served upon the carrier by certified mail at its last known address.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-7978; Filed, Aug. 18, 8:47 a.m.]

[Docket No. 12910]

OTTAWA AERO SERVICES, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on August 28, 1961, at 10:00 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., August 15, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-7979; Filed, Aug. 18, 1961; 8:47 a.m.]

[Docket No. 12919; Order No. E-17326]

OVERSEAS NATIONAL AIRWAYS, INC.

Certain Proposed Reduced Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of August 1961.

By tariff revision marked for effect August 18, 1961, Overseas National Airways, Inc. (Overseas National) proposes to reduce its one-way fares for individually ticketed transportation between points on the Travis A.F.B.-Honolulu/Hickam A.F.B.-Wake-Guam route. The fares are applicable to both civilian and military traffic and are proposed at a level equaling 2.9 cents per mile.

The fares here proposed are not only significantly below those of the scheduled carriers for so-called Category A military transportation along the route in question, they meet the level which the Board has established as minimum for round-trip plane load transportation for the military. Accordingly, there would appear considerable doubt as to the reasonableness of the fares for one-way passenger service provided on an individually ticketed basis, and consequently without assurance of a full plane load. Furthermore, we are concerned lest availability of the reduced fares might provide a general lowering of charges for both individually ticketed and plane load transportation conducted for the military, a possible eventuality which prompted the Board to suspend certain Category A fares recently proposed by Northwest Airlines, Inc. at a level materially below that generally prevailing for such service.[1] In these circumstances, we are unable on the facts and information now available to conclude that the reduced fares are warranted.

On the basis of the matters of record, the Board finds that the fares proposed by Overseas National between points on the Travis A.F.B.-Honolulu/Hickam A.F.B.-Wake-Guam route may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, and that the tariff should be investigated. In view of the possible impact which the proposed fares might have upon revenues from transportation performed for the military, the Board has further determined to suspend the operation of the tariff and defer its use pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is hereby instituted to determine whether the fares and provisions between Guam, Mariana Islands, on the one hand, and Honolulu, Hawaii, Travis A.F.B., Calif., and Wake Island, Pacific Ocean, on the other; between Hickam A.F.B., Hawaii, and Travis A.F.B., Calif.; between Honolulu, Hawaii, on the one hand, and Travis A.F.B., Calif., and Wake Island, Pacific Ocean, on the other; and between Travis A.F.B., Calif., and Wake Island, Pacific Ocean appearing on 2d Revised Pages 16, 19, and 27 to Overseas National Airways, Inc., C.A.B. No. 21 (Overseas National Airways series), are or will be unjust or unreasonable, or unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and, if found to be

[1] Order E-16920, dated June 9, 1961.

unlawful to determine and prescribe the lawful fares and provisions.

2. Pending investigation, hearing, and decision by the Board, the fares and provisions between Guam, Mariana Islands, on the one hand, and Honolulu, Hawaii, Travis A.F.B., Calif., and Wake Island, Pacific Ocean, on the other; between Hickam A.F.B., Hawaii, and Travis A.F.B., Calif.; between Honolulu, Hawaii, on the one hand, and Travis A.F.B., Calif., and Wake Island, Pacific Ocean, on the other; and between Travis A.F.B., Calif., and Wake Island, Pacific Ocean, appearing on 2d Revised Pages 18, 19, and 27 to Overseas National Airways, Inc., C.A.B. No. 21 (Overseas National Airways series), be and hereby are suspended and their use deferred to and including November 15, 1961, unless otherwise ordered by the Board and that no changes be made except by order or special permission by the Board.

3. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

4. A copy of this order be filed with the aforesaid tariff and a copy of this order be served upon Overseas National Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-7980; Filed, Aug. 18, 1961; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[General Order 1]

CONTINUANCE OF FUNCTIONS, POWERS, AND DUTIES TRANSFERRED BY REORGANIZATION PLAN NO. 7 OF 1961

Pursuant to the authority vested in it by Reorganization Plan No. 7 of 1961, H.R. Doc. No. 187, 87th Sess., the Federal Maritime Commission, on August 12, 1961, took over such of the powers and functions theretofore exercised by the Federal Maritime Board/Maritime Administration as are transferred to or vested in it by the said Reorganization Plan No. 7 of 1961. The purpose of this order is to provide for a continuity of operation upon the taking effect of the said Reorganization Plan No. 7.

Accordingly, by virtue of the authority vested in and transferred to the Federal Maritime Commission by the said Reorganization Plan No. 7 of 1961, it is hereby ordered that, effective August 12, 1961, all orders, determinations, rules, regulations, permissions, approvals, agreements, and other actions which have been issued or authorized by the Federal Maritime Board and Maritime Administration in the exercise of the functions, delegations, powers, and duties transferred to or vested in this Commission by the said Reorganization Plan No. 7 of 1961, and which are in effect at the time of such vesting or transfer, shall continue in effect, in so far as not in conflict with said Plan, until modified, terminated, superseded, or repealed by this Commission or by operation of law; and that all proceedings, hearings, or investigations then pending before the Federal Maritime Board and Maritime Administration in connection with the administration of such functions, powers, and duties shall be continued before this Commission.

By Order of the Federal Maritime Commission.

Dated: August 14, 1961.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-7908; Filed, Aug. 16, 1961; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

MONTANA SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of a Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), by Montana Shares, Incorporated, which is a bank holding company located in Great Falls, Montana, for the prior approval of the Board of the acquisition by applicant of an additional 30 of the voting shares of First State Bank of Chinook, Chinook, Montana.

In determining whether to approve this application submitted pursuant to section 3(a) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington 25, D.C.

Dated at Washington, D.C., this 15th day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61-7959; Filed, Aug. 18, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 16, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37309: *Blacks from Echo, Tex., to Institute, W. Va.* Filed by Southwestern Freight Bureau, Agent, (No. B-8068), for interested rail carriers. Rates on blacks, chemical carbon, not carbon black, in carloads, from Echo, Tex., to Institute, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 315 to Southwestern Freight Bureau tariff I.C.C. 3744.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7970; Filed, Aug. 18, 1961; 8:47 a.m.]

[Notice 535]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64168. By order of August 14, 1961, The Transfer Board approved the transfer to W & L Motor Lines, Inc., Hickory, N.C., of Certificate No. MC 116410 Sub 4, issued September 24, 1959 to R. W. Bradshaw, doing business as R. W. Bradshaw Transfer, Hudson, N.C., authorizing the transportation of new furniture, as described in Appendix II to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209, over irregular routes, from Hickory, N.C., to points in California, Iowa, Nebraska, New Mexico, Oklahoma and Texas. Joe P. Whitener, 129 Second Street NW., Hickory, N.C., attorney for applicants.

No. MC-FC 64188. By order of August 11, 1961, The Transfer Board approved the transfer to Edythe Mae Kessman, Hamel, Ill., of Certificates Nos. MC 24115 and MC 24115 Sub 10, issued July 7, 1958 and November 2, 1960, respectively, to D. H. Kessman, Hamel, Ill., authorizing the transportation of general commodities, including household goods, but excluding commodities in bulk, over regular route, between Hamel, Ill., and St. Louis, Mo., serving the intermediate and off-route points within ten miles of Hamel, Ill.; vinegar, in bulk, in tank vehicles, over irregular routes, from points within 2 miles of Alton, Ill., not including Alton, Ill., to Terre Haute and Indianapolis, Ind., Bettendorf, Iowa and St. Louis, Mo.; and from Danville, Ill., to points in Indiana, Michigan, and Ohio; condensed whole milk, and condensed skim milk, in bulk, in tank vehicles, from points in Illinois, to St. Louis, Mo.; and between Litchfield, Ill., on the one hand, and, on the other, Warsaw, Ind., and Seneca, Mo.; soy bean oil, in bulk, in tank vehicles, from Alhambra, Ill., to St. Louis, Mo.; fruit juice concentrates (including therein preservative additives), in bulk, in tank vehicles, from Los Angeles, Calif., to St. Louis, Mo.; and returned shipments of the above-specified commodities on return. Mack Stephenson, 208 East Adams Street, Springfield, Ill., attorney for applicants.

No. MC-FC 64295. By order of August 15, 1961, The Transfer Board approved the transfer to Donald L. Zimmerman and Floyd C. Jones, a partnership, doing business as Salmon Short Line, Idaho Falls, Idaho, of Certificate No. MC 105154, issued October 19, 1956, to Robert G. Wright, doing business as Salmon Short Line, Salmon, Idaho, authorizing the transportation of: Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Idaho Falls, Idaho, and Salmon, Idaho, serving all intermediate points, and the off-route point of Gilmore, Idaho; between Roberts, Idaho, and Idaho Falls, Idaho, serving all intermediate points; between junction Idaho Highway 28 and unnumbered highway (known as Pole Line Road), and the site of the Atomic Energy Plant, serving all intermediate points. R. Vern Kidwell, Holde, Holden & Kidwell, Idaho First National Bank Building, Idaho Falls, Idaho, representative for applicants.

No. MC-FC 64392. By order of August 11, 1961, The Transfer Board approved the transfer to C. R. Stevenson, Winter Garden, Fla., of Certificate No. MC 119349, issued February 11, 1960, to M & M Trucking Company, a corporation, Winter Garden, Fla., authorizing the transportation of petroleum products, in containers, over irregular routes, from St. Marys, W. Va., and Farmers Valley, Pa., to points in Florida in and south of Levy, Marion, Lake and Volusia Counties, Fla. J. B. Rodgers, Jr., 227 North Main Street, Orlando, Florida, attorney for applicants.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-7971; Filed, Aug. 18, 1961; 8:47 a.m.]

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Washington, Tuesday, August 22, 1961

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Title 5—ADMINISTRATIVE PERSONNEL

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Home Loan Bank Board

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.357 is amended as set out below.

§ 6.357 Federal Home Loan Bank Board.

• • • • •

(e) Two secretaries to the Chairman of the Board.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-8036; Filed, Aug. 21, 1961; 8:48 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Corn Loan and Purchase Agreement Program

Correction

In F.R. Doc. 61-7645, appearing at page 7248 of the issue for Friday, August 11, 1961, the numeral "9" in the last line of the table of § 421.240(b) should read "0", so that the line reads as follows: "Above 21.0—No loan."

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

Correction

In F.R. Doc. 61-7648 appearing at page 7252 of the issue for Friday, August 11, 1961, the table appearing in paragraph (a) of § 421.537 is corrected as follows:

1. Under "Illinois", the county presently reading "Yake" is corrected to read "Lake".

2. Under "Minnesota" the "Rate per bushel" for Carver County presently reading "$2.32" is corrected to read "$2.23".

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.13]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates for Persons Employed in Production, Cultivation, or Harvesting

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Clewiston, Florida on May 10, 1961, the following determination is hereby issued:

§ 863.13 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but not less than the following:

(i) *For work performed on a time basis.*

	Rate per hour
(a) Tractor drivers and operators of mechanical harvesting or loading equipment	$1.00
(b) All other workers	0.90

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed, located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the workers, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this determination are not applicable to workers performing services which are indirectly connected with production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Proof of compliance.* The producer shall furnish, upon request, to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this determination.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local County ASCS office. Upon receipt of a wage claim the County office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee

shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 412 Northeast 16th Avenue, Gainesville, Florida, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington 25, D.C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section supersedes Sugar Determination 863.12 (24 F.R. 5364) and shall become effective on the date of publication in the FEDERAL REGISTER and shall remain in effect until amended, superseded, or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that the minimum time wage rates for all classes of workers are increased 10 cents per hour. This results in rates for tractor drivers and operators of mechanical harvesting or loading equipment of $1.00 per hour and for all other workers 90 cents per hour.

A public hearing was held in Clewiston, Florida, on May 10, 1961, at which interested persons were afforded the opportunity to present testimony as to whether the minimum wage rates, which became effective July 2, 1959, should be continued under existing circumstances, or whether the determination should be amended. Representatives of producers recommended that the minimum wage rates be continued. The representative of one producer also recommended that a producer be deemed to be in compliance with the minimum hourly guarantee requirements, if 90 percent of the workers employed on a piecework basis for any kind of work earn not less than the minimum hourly rate. The witness testified that during the last few years the margin between the determination hourly rate and average piecework earnings of workers had fallen from 29.4 to 18.1 cents per hour, and that there was some evidence of decreased worker efficiency as a result of this decline in the ratio of time versus incentive basis earnings; that about 85 percent of the fieldworkers employed by his company were brought in from foreign areas; that most workers are employed on a piecework basis for cutting sugarcane; and that the minimum rates for sugarcane work are above the prevailing rates for other crops in the area. The witness pointed out that fringe benefits (insurance and retirement plan) are made available to sugarcane workers at a cost to the company of about 13 percent of each worker's hourly earnings. Another producer representative stated that all sugarcane cutters employed by his company were from the British West Indies and the hourly earnings averaged 92.4 cents per hour for an average work day of 5½ hours which is shorter than has been customary; that operators of mechanical equipment were mostly domestic workers; that tractor drivers earned from 90 cents to $1.28 per hour while cane loader operators averaged about $1.57 per hour including bonus pay; and that the minimum hourly wage has reached a level that causes the worker to lose interest in the piecework basis. An independent producer testified that unless piecework rates are increased proportionately to hourly rates, workers will be reluctant to work on a piecework basis or to do much work during the day since he is protected by the minimum hourly guarantee; that during recent years wage rates have increased greatly in comparison to the price of sugar; and that he paid tractor drivers 90 cents per hour and cane loaders 90 cents per hour plus a bonus. Another independent producer stated that production costs have continually increased while the price of sugar has been stable; that he employed tractor drivers and operators of cane loaders at 90 cents to $1.00 per hour; and that cane cutters employed on a piecework (row) basis worked about 6 hours per day while cultivation workers on a time basis of 80 cents per hour worked 10 hours per day. No testimony was presented on behalf of sugarcane fieldworkers.

Consideration has been given to the recommendations made at the hearing, to the returns, costs, and profits of producing sugarcane obtained by field survey in a prior year and recast to reflect prospective conditions for the 1961 crop, and to other pertinent factors. Analysis of these data indicate that the wage rates established in this determination are within the producers' ability to pay.

The cutting of sugarcane is on a piecework basis and the earnings of most of these workers averaged from about 92 cents to 98 cents per hour during the 1960–61 season as compared to the minimum rate of 80 cents per hour. The hourly rates for tractor drivers ranged from 90 cents to $1.28 per hour and the earnings, including bonus payment, of cane loader operators ranged up to $1.85 per hour. Cultivation workers were employed on a time basis at the minimum hourly rate of 80 cents or on a task basis where the rate of pay was directly related to such minimum hourly rate. Continued favorable yields of sugarcane with high sugar content, improvements in production practices and in labor productivity have maintained a favorable economic position for producers for a number of years.

Producer representatives recommended that producers be deemed to be in compliance if 90 percent of the workers employed on a piecework basis earned not less than the minimum hourly rate specified for the applicable operation. In view of the requirements of the Act that all persons be paid in full at rates not less than those determined to be fair and reasonable, this recommendation has not been adopted.

This determination will continue in effect until it is amended, superseded, or terminated. However, the Department will reappraise the economic position of producers and workers as additional information becomes available and will hold public hearings at such times as conditions may warrant. A public hearing may also be held upon request of producers or of workers or their representatives, accompanied by a statement of justification or need for such a hearing. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 302, Stat. 929, as amended; 7 U.S.C. Sup. 1132)

Signed at Washington, D.C., on August 16, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–8013; Filed, Aug. 21, 1961; 8:46 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

Miscellaneous Amendments

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the following amendments to the general regulations issued thereunder (7 CFR 900.1 et seq.), as amended, are hereby promulgated:

1. The term "Deputy Administrator" is deleted wherever it appears in these regulations and the term "Administrator" is substituted in lieu thereof.

2. Sections 900.2(e), 900.51(e), and 900.200(e) are each amended to read as follows:

(e) The term "Administrator" means:

(1) As to programs relating to milk and tobacco and their products, the Administrator of the Agricultural Stabilization and Conservation Service and as to programs and proceedings relating to fruits, vegetables, hops and tree nuts, the Director of the Fruit and Vegetable Division of the Agricultural Marketing Service (with power to redelegate) or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in their stead.

(2) As to programs and proceedings relating to all other commodities and their products, the powers, duties and responsibilities specified in this subpart for the Administrator are reserved to the Secretary, and the term "Administrator" shall mean the Secretary with respect thereto.

3. Sections 900.2(f), 900.51(f), and 900.200(f) are each hereby revoked.

4. Sections 900.101 (e), (f), and (g) are amended to read as follows:

(e) The term "Administrator" means the Administrator of the Agricultural Stabilization and Conservation Service (with power to redelegate) or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) The term "Service" means the Agricultural Stabilization and Conservation Service of the Department.

(g) The term "Division" means the Milk Marketing Orders Division of the Service.

Done at Washington, D.C., this 16th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–8035; Filed, Aug. 21, 1961; 8:48 a.m.]

[Lemon Reg. 912, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.1019 (Lemon Regulation 912, 26 F.R. 7327) are hereby amended to read as follows:

(ii) District 2: 395,250 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8010; Filed, Aug. 21, 1961; 8:46 a.m.]

PART 1026—CENTRAL CALIFORNIA GRAPES FOR CRUSHING

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AUTHORITY: §§ 1026.0 to 1026.85 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1026.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at Fresno, California, May 22–24, 27, and 29–31, 1961, on a proposed marketing agreement and order regulating the handling of Central California grapes for crushing. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of grapes for crushing produced in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional pro-

duction area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of grapes for crushing in the area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of grapes for crushing produced in the area and of the products thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the time hereinafter specified rather than postponing the effective time until 30 days after publication (5 U.S.C. 1001–1011). Since the 1961–62 marketing season for grapes for crushing has already begun, it will be necessary, upon the order becoming effective, for the Grape Crush Advisory Board, the Grape Crush Administrative Committee, and the Secretary to act promptly on organizational, marketing policy, and regulatory matters. However, action on these matters cannot be taken until the order becomes effective. Only a relatively small quantity of grapes for crushing from the 1961 production has been received and used to date by handlers but such handling will increase greatly in the near future. If a relatively large quantity of the 1961 production were received and used by handlers before order regulations could be applied to the handling thereof, effective control of any surplus of grapes for crushing that may be determined for the initial crop year of this regulatory program would not necessarily be assured. This would not be in the public interest as there would be impairment of opportunity to derive, in such year, orderly marketing benefits from volume regulation applied to grapes for crushing in both fresh and dried form. Hence, to afford opportunity for deriving beneficial results in the initial crop year, the order must become effective at the time hereinafter specified to permit taking the aforesaid actions promptly and to be applicable to the handling of substantially all of the grapes for crushing during such year. The public hearing in connection with the order was held at Fresno, California, May 22–24, 27, and 29–31, 1961, the recommended decision was published in the FEDERAL REGISTER on July 7, 1961 (26 F.R. 6085), and the final decision on August 3, 1961 (26 F.R. 6984). Copies of this order have been made available to all known interested persons. Thus the provisions of this order are well known to handlers of grapes for crushing. Accordingly, handlers need no further advance notice to prepare for compliance with the provisions of this order.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of Central California grapes for crushing, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping grapes for crushing or products thereof covered by this order) who, during the period July 1, 1960, through June 30, 1961, handled not less than 50 percent of the volume of grapes for crushing covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers, as such term is defined in the order, who participated in a referendum on the question of its approval and who, during the period July 1, 1960, through June 30, 1961 (which has been determined to be a representative period), have been engaged, within the production area, in the production for market (production and use or sale) of grapes for crushing.

It is, therefore, ordered, That, on and after the effective time hereof the handling of Central California grapes for crushing shall be in conformity to and in compliance with the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

§ 1026.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture who is, or who may hereafter, be authorized to act in his stead.

§ 1026.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1026.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1026.4 Area.

"Area" means the nine central California Valley counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern.

§ 1026.5 Grapes for crushing.

"Grapes for crushing" means any grapes produced within the area, whether fresh or dried, which by crushing or other acts are prepared for fermentation or the production of grape juice or concentrate.

§ 1026.6 Producer.

"Producer" means any person engaged within the area, in a proprietary capacity, in the production and use or sale, whether directly or indirectly, of grapes for crushing.

§ 1026.7 Handle.

"Handle" means to receive and crush, ferment, or convert to juice or concentrate any grapes for crushing or to store, treat, sell, transport or ship into channels of trade, except as a common or contract carrier, the products of such grapes.

§ 1026.8 Handler.

"Handler" means any person within the State of California who handles and includes, but is not limited to, any vintner, distiller or processor.

§ 1026.9 Wine.

"Wine" means the product obtained by the fermentation of grape juice or must, with or without addition or abstraction, and if it contains 14 percent or less of alcohol by volume shall be known as "table wine" whereas if it contains in excess of 14 percent of alcohol by volume but not in excess of 24 percent, shall be known as "dessert wine."

§ 1026.10 High proof.

"High proof" means wine spirits, produced from grapes for crushing in a distilled spirits plant, and not held for use as commercial brandy.

§ 1026.11 Concentrate.

"Concentrate" means unfermented grape juice from which the major portion of the original water content has been removed.

§ 1026.12 Brandy.

"Brandy" means wine spirits, produced from grapes for crushing in a distilled spirits plant, which have not been distilled to more than 170 degree proof.

§ 1026.13 Setaside equivalent.

"Setaside equivalent" means the alcohol equivalent, in proof gallons, of the sugar content of grapes for crushing received by handlers and required to be set aside pursuant to a volume regulation.

§ 1026.14 Proof gallon.

"Proof gallon" means a standard liquid gallon of 231 cubic inches containing 50 percent alcohol by volume at 60 degrees Fahrenheit and as such is 100 degrees proof.

§ 1026.15 Crop year.

"Crop year" means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

§ 1026.16 Cooperative association.

"Cooperative association" means a cooperative association of grape producers, or wholly owned subsidiary, organized under the non-profit cooperative association laws of the State of California for the purpose of directly or indirectly crushing grapes or disposing of the products thereof.

§ 1026.17 Part and subpart.

"Part" means the order regulating the handling of Central California grapes for crushing and all rules, regulations and supplementary orders issued thereunder. The order itself shall be a "subpart" of such part.

GRAPE CRUSH ADVISORY BOARD

§ 1026.20 Establishment and membership.

A Grape Crush Advisory Board (herein referred to as board) is hereby established consisting of 78 members of whom 48 shall represent producers and 30 shall represent handlers. The producer members shall be selected in accordance with the following numbers and districts: (a) Seven members for District No. 1: all of Sacramento County and that portion of San Joaquin County north of State Highway number 4; (b) two members for District No. 2: that portion of San Joaquin County south of State Highway number 4; (c) four members for District No. 3: Stanislaus County; (d) three members for District No. 4: Merced County; (e) three members for District No. 5: Madera County; (f) sixteen members for District No. 6: Fresno County; (g) two members for District No. 7: Kings County; (h) five members for District No. 8: Tulare County; and (i) six members for District No. 9: Kern County. For the initial board, the handler members shall be selected on the basis of one member for each handler of the twenty-two largest tonnages crushed in the 1960–61 crop year and eight to represent the remaining tonnage crushed. The representation of the eight members shall be apportioned so that four members represent approximately one-half of the remaining tonnages and those handlers crushing the larger tonnages whereas the other four shall represent the balance but handlers of the lesser tonnages. Subsequent handler members shall be selected to represent tonnages crushed in the crop year of nomination. For each member there shall be an alternate member.

§ 1026.21 Changes in representation.

The Secretary, upon recommendation of the committee, may change the total number of either the producer or handler members on the board, may change the districts or the numbers representing individual districts or may alter the number of handlers representing any tonnage category. In making any such changes, consideration shall be given to such factors as changes in the total number of producers or handlers, the volumes crushed, similarity in interests, or geographical shifts in the numbers of producers, handlers, grape acreages, or the crushing of grapes.

§ 1026.22 Eligibility.

Each producer member of the board, or alternate member, shall be, at the time of his selection and during his term of office, a producer in the district for which selected or in an adjoining district and, except for producer members of cooperative associations, shall not be engaged in the handling of grapes for crushing either in a proprietary capacity or as a director, officer, or employee. Each handler member of the board, and his alternate, shall be, at the time of his selection, a handler in the group he represents or an officer or employee of such handler and shall throughout his term of office so continue to be a handler. However, if a producer fails to deliver grapes for crushing or a handler crushes outside his tonnage category, in any crop year, he may fulfill his term of office in the position for which originally selected.

§ 1026.23 Term of office.

Members and alternate members of the board shall serve for terms of three years ending on April 30, the initial term ending on April 30, 1964, but each such member and alternate shall serve until his successor is selected and has qualified.

§ 1026.24 Nomination.

Producers and handlers specified in § 1026.20, or as such may be changed pursuant to § 1026.21, other than handlers eligible to directly nominate a member and alternate, may nominate representatives at a nomination meeting or meetings held for each district or tonnage category. The committee shall give reasonable publicity to such nomination meetings. Only persons eligible to serve on the board shall be eligible to vote and each producer and each handler when voting at their respective meetings shall have but one vote. Voting at each meeting of producers shall be by secret ballot and at each meeting of handlers may be by secret ballot. The person receiving the majority of the votes cast for a position shall be the nominee, but in the event no person receives a majority there shall be a runoff vote between the two persons receiving the largest number of votes for each position. All nominations shall be certified by the board to the Secretary no later than April 5 immediately preceding the commencement of the term of office for the member or alternate member position for which a nomination is certified. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee and the board.

§ 1026.25 Duties.

The duties of the board shall consist of selecting from among its members a chairman and other officers, the conducting of meetings for the purpose of making nominations for membership on the board and the certifying of such nominations to the Secretary, the making of nominations to the Secretary for member and alternate member positions on the committee, the making of recommendations to the committee with respect to marketing policy and the consideration of such other operational matters as it deems proper or as the committee may request.

GRAPE CRUSH ADMINISTRATIVE COMMITTEE

§ 1026.29 Establishment and membership.

A Grape Crush Administrative Committee (herein referred to as committee) is hereby established to administer the terms and provisions of this part. Such committee shall consist of 31 members of whom 18 shall represent producers, 12 shall represent handlers, and the 31st member shall be the chairman of the board and also the chairman of the committee. The producer representation shall be two members from each of the nine districts. The handler representation shall be one member for each of the handlers of the six largest tonnages crushed, four members for handlers of all other tonnages of the twenty-two largest tonnages, and one member from each of the remaining board categories of handler representation. For each member there shall be an alternate member.

§ 1026.30 Changes in representation.

The Secretary, on recommendation of the committee, may change the number of members on the committee or the numbers to represent producers, handlers, districts or tonnage categories. In making any such changes consideration shall be given to the same factors as are set forth in § 1026.21.

§ 1026.31 Eligibility.

No person shall be selected or continue to serve as a producer or handler member or alternate member of the committee unless he is serving as a member or alternate member of the board representing the same district or tonnage category or is awaiting the selection and qualification of his successor.

§ 1026.32 Term of office.

Members and alternate members of the committee shall serve for terms of three years ending on May 31, the initial term ending on May 31, 1964, but each such member and alternate member shall continue to serve until his successor is selected and has qualified.

§ 1026.33 Nomination.

The producer and handler members of the board respectively, including alternate members acting as members, shall nominate from among the producer members and producer alternate members of the board, the required number of persons to serve as producer members and alternate members of the committee and from the handler members and handler alternate members of the board, the required number of persons to serve as handler members and alternates on the committee. All such nominations shall be made by producers and handlers acting for their respective districts or tonnage categories. Nominations for the committee shall be certified by the board to the Secretary within 30 days following the selection of board members by the Secretary. For the purposes of initial nominations the Secretary shall consider nominations made by nominees for board membership.

§ 1026.34 Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this part;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1026.35 Duties.

The committee shall have among others the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of grapes for crushing and the products of such grapes;

(d) To submit to the Secretary such available information with respect to grapes and grapes for crushing and the products thereof as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members officers other than the chairman and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint or employ such other persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary monthly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee and the board available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee and the board as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this part; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this subpart, as are consistent with its provisions, and as would tend to accomplish the purposes of this subpart and the act.

§ 1026.36 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of grapes for crushing or the products of such grapes. The expense of such projects shall be paid from funds collected pursuant to § 1026.72, but the expense of any projects involving setaside items may be allocated if appropriate, in whole or in part, to funds obtained from setaside disposition.

BOARD AND COMMITTEE

§ 1026.39 Selection.

The Secretary shall select producer and handler members and alternate members of the board and the committee in the numbers and with the qualifications specified in this subpart. Such selections may be made from the nominations certified by the committee and the board or from other eligible producers and handlers.

§ 1026.40 Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified in this subpart, the Secretary may select an eligible person to fill such position without regard to nomination.

§ 1026.41 Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

§ 1026.42 Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1026.43 Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member, or any need to select as successor through failure of any person selected as a member or alternate member to qualify, shall be recognized by the committee certifying to the Secretary a new nominee within 40 calendar days.

§ 1026.44 Compensation and expenses.

The members of the committee and the board, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

§ 1026.45 Procedure.

All decisions of the board and the committee reached at an assembled meeting shall be by majority vote of the members present. All votes in an assembled meeting shall be cast in person and a quorum must be present for a valid decision. A quorum for the board shall consist of not less than 25 producer members and 16 handler members. A quorum for the committee shall consist of not less than 12 producer members and eight handler members. Such quorum requirements may be changed by the Secretary, upon recommendation of the committee, if warranted by changes pursuant to § 1026.21 or § 1026.30. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate, acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

MARKETING POLICY

§ 1026.47 Marketing policy.

Prior to August 15 of each crop year, or in the initial crop year as soon as practicable, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the crop year. Notice of the committee's marketing policy shall be given promptly by reasonable publicity to producers and handlers. In the committee considerations and the report to the Secretary the following factors shall be included:

(a) With respect to wine, high proof, concentrate, brandy and such other grape products as the committee may determine: The reported June 30 carryover, the anticipated trade demand for the crop year, the desirable carryout, the resultant total handler need to produce such products, and the conversion of the total product need to grape tonnage of a specified sugar content (degrees Brix or Balling equivalent);

(b) The estimated production of grapes and the desirability of exempting any variety pursuant to § 1026.58(b); and

(c) The recommendation to the Secretary as to the tonnage of grapes for crushing, of a specified sugar content, which handlers may freely acquire and use for the crop year (hereinafter to be referred to as the "desirable free tonnage").

§ 1026.48 Establishment.

If on the basis of the committee recommendation or other information, the Secretary concurs on the likely need for volume regulation, he shall establish the desirable free tonnage at specified sugar content which handlers may freely acquire and use in the crop year.

RECEIVING REGULATION

§ 1026.50 Prohibition.

Handlers shall not receive and use as grapes for crushing any grapes from which a portion of the moisture has been removed by drying: *Provided*, That sweepings or other residual material from raisin processing may be received from any packer of raisins, directly or indirectly, and used to the extent of the approximate raisin weight of the industry-wide normal residual material from processing standard raisins. Such usage shall be according to rules and regulations prescribed by the committee. Consistent with Raisin Order No. 89, as amended (Part 989 of this chapter), standard raisins means raisins which meet the effective minimum grade and condition standards for natural condition raisins. The terms "sweepings" or "residual material" mean any chaff, large stems, capstems, blowovers, light raisins, damaged raisins, belt or machine residues, or other such material removed or lost in raisin processing.

VOLUME REGULATION

§ 1026.53 Percentages.

Whenever the committee concludes, which shall occur, unless the Secretary otherwise directs, no earlier than September 15 nor later than September 18 of the crop year, that the tonnage of grapes to be crushed during such year materially exceeds the desirable free tonnage, established by the Secretary, and that limiting the volume which handlers may freely acquire and use through establishing free and surplus percentages applicable to such total crush would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If, on the basis of the committee recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent. On or about January 15 of a crop year in which percentages are established, the committee shall determine the actual volume crushed and the average sugar content of the total crush and if either is materially lower than the earlier determinations, recommend new percentages for the crop year. If the Secretary concurs as to the need for a change, appropriate new percentages shall be established: *Provided*, That no such new percentages shall increase the surplus percentage.

§ 1026.54 Setaside.

Whenever free and surplus percentages for grapes for crushing have been established for a crop year by the Secretary, each handler shall set aside and hold in storage, within the State of California, for the account of the committee, free and clear of all liens, other than those resulting from Federal gallonage tax provisions, proof gallons of products, or the concentrate equivalent thereof, of the current year's crush equal to the setaside equivalent of the established surplus percentage applied to the total receipts of grapes for crushing at premises within the State of California controlled or operated by him. By January 31 the setaside equivalent shall be in the form, at the handler's option, of either dessert wine, other than special natural, of not less than 19.5 percent nor more than 21 percent alcohol by volume, high proof of not less than 185 degrees proof, concentrate of not less than 68 degrees Brix, or such other items as the committee may establish with the approval of the Secretary. All items set aside shall be of marketable quality, shall be stored to preserve their quality, and shall meet the standards of identity, quality, and condition established under Federal or State of California laws or regulations or as such may be modified for the purposes of this part by the committee with the approval of the Secretary. On any approved item, the committee, in its discretion, may permit storage, in adequate volumes, at less than specified levels of alcohol or sugar concentration, if the handler so desiring to store undertakes in writing to deliver, on demand, at the specified levels. In determining his gallonage setaside, each handler shall use conversion factors established by the committee with the approval of the Secretary.

Upon establishing the January 31 setaside, a handler may substitute any item held for the account of the committee upon prior notice to the committee of intent to withdraw, to substitute, and to withhold the equivalent in another category of eligible setaside: *Provided*, That the right to substitute may be suspended by the committee to facilitate disposition of setaside. Setaside items need not be in containers separate and apart from other like products held by the handler but each container with setaside shall be such as will maintain the condition of the item, shall be so labelled or marked as the committee may direct, and no withdrawals therefrom shall be made below the handler's effective setaside obligation. A handler shall commence delivery to the committee or its designee, upon five days' notice of any or all setaside items held for the account of the committee and at such rate as may be practicable. Setaside obligations shall be adjusted from time to time to recognize such normal shrinkage or loss as the committee may determine with the approval of the Secretary. Handlers shall use good commercial practices in caring for setaside items and be liable for losses of setaside resulting from lack of due care.

§ 1026.55 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total setaside, each handler who receives grapes for crushing shall determine, or cause to be determined, the variety, weight and sugar content of each lot of grapes received, the name and address of the producer or successor in interest, place of production, and shall cause these to be certified to the committee. Each weight determination shall be made by an official weighmaster of the State of California and each sugar content determination shall be made by the Federal-State inspection service of the State of California or such other service as may be recommended by the committee and approved by the Secretary.

§ 1026.56 Off-premise setaside.

No handler may transfer a setaside obligation but any handler may, upon notification to the committee, arrange to hold setaside, of his own production or which he has purchased, on the premises of another handler within California in the same manner as though the setaside were on his own premises.

§ 1026.57 Handler compensation.

Each handler shall be compensated for receiving, processing, storing and such other costs relating to the setaside as the committee may deem to be appropriate, in accordance with charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such payments shall be borne by the producers, or their successors in interest, and may be deducted from any monies owed by handlers to such persons. A handler may request the committee to remove setaside from his premises upon expiration of prepaid storage charges or the refund of unearned charges, and the committee shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell setaside items and such share shall be allocated to the successor storing handler.

§ 1026.58 Exemption.

(a) The committee may establish, with the approval of the Secretary, such rules and regulations as will permit exemption, from any or all provisions of this part, of any grapes for crushing which are used for producing products which do not become part of the commercial supply shipped into normal outlets.

(b) The committee may exempt from volume regulation, with the approval of the Secretary, any variety of grapes determined to be of such small production and restricted usage or in such short supply relative to demand that the exemption would not tend to affect adversely the attainment of the purposes of this part.

DISPOSITION

§ 1026.61 Prohibition.

Except as provided in §§ 1026.54 and 1026.62, the setaside shall not be used or disposed of by any handler.

§ 1026.62 Disposition.

(a) *General.* The committee shall have the power and authority to sell or dispose of any and all setaside upon the best terms and at the highest return obtainable consistent with the provisions and objectives of this part, including the encouragement of new uses or new geographical outlets. If on any January 31 the total setaside from all crop years is in excess of the equivalent of the shipments of dessert wine for the preceding six months ending December 31, the committee shall, in the absence of foreseeable sales of such excess in normal outlets pursuant to paragraph (b) of this section, dispose of the excess by June 30 in non-normal outlets.

(b) *Normal outlets.* For the purpose of disposition of setaside, normal outlets mean the established trade channels for wine, brandy, high proof, grape juice, concentrate and wine vinegar: *Provided*, That the committee, with the approval of the Secretary, may add other outlets and by administrative rules define the limits of any normal outlets to effectuate other provisions of this part. Sales of setaside to handlers shall be made whenever, due to a small grape production or other cause, it is necessary to add setaside to the actual crush to make available a crush equal to the desirable free tonnage. Such sales of setaside shall be made on the basis of $1.50 per proof gallon equivalent. No offer by the committee to sell such setaside to handlers for resale into free tonnage outlets shall become effective until the lapse of five days subsequent to notification of the Secretary of such offer or until the receipt of a notice from the Secretary that he does not disapprove the making of such offer. In any such offer, each han-

dler holding setaside for the account of the committee shall have the first option to purchase such setaside to the extent of his pro rata share, based on holdings, of such offer.

(c) *Non-normal outlets.* The committee may sell or dispose of setaside in the non-normal outlets (those other than normal), including industrial alcohol, in a manner to achieve the general objectives of this part, and may make such sales to any handler or handlers, selling in or engaged in developing such outlets, without regard to pro rata participation by handlers: *Provided,* That, when such sale or disposition is for the purpose of reducing total inventories to the maximum permitted level, the withdrawal shall be made, insofar as practical, pro rata based on holdings, from all handlers.

(d) *Net proceeds.* The proceeds from the disposition of any setaside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage of their respective contributions to the setaside weighted by sugar content and, when determined to be appropriate for any varieties, by the season average field price of each variety. The distribution of proceeds to producer members of cooperative associations shall be made to the appropriate association.

REPORTS AND RECORDS

§ 1026.65 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file with the committee a certified report, showing such information as the committee may specify with respect to any wine, high proof, concentrate, brandy, or other products of grapes for crushing which were held by him on June 30 and December 31 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of grapes received, whether fresh or dried, the variety, weight, sugar content, place of production, and equity holder's name and address.

(c) *Setaside.* Each handler shall, upon request of the committee, file with the committee a certified report showing the setaside held for the account of the committee by items, the quantity of each being held, the proof gallon equivalent of each, and the premises at which held.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 1026.66 Records.

Each handler shall maintain such records pertaining to all grapes used, whether fresh or dried, and items setaside as will substantiate the required reports and such others as may be prescribed by the committee. All such records shall be maintained for not less than five years after the termination of the crop year to which such records relate or for such lesser period as the committee may direct.

§ 1026.67 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers, the Secretary and the committee, through its duly authorized employees, shall have access to any premises where applicable records are maintained, where grapes, whether fresh or dried, are received and prepared for fermentation and where setaside items are held and, at any time during reasonable business hours, shall be permitted to inspect such handler premises, including setaside items, and any and all records of such handlers with respect to matters within the purview of this part.

§ 1026.68 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

EXPENSES AND ASSESSMENTS

§ 1026.71 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and board and for such other purposes, other than expenses incurred in receiving, handling, holding or disposing of setaside, as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee shall file a proposed budget of expenses and rate of assessment with the Secretary as soon as practicable after the beginning of the crop year.

§ 1026.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the committee, upon demand, with respect to free tonnage grapes for crushing received by him, including such grapes of his own production, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment per ton fixed by the Secretary. At any time during or after the crop year the Secretary may increase the rate of assessment to cover unanticipated expenses or a deficit in assessable tonnage. In order to provide funds to carry out the functions of the committee and the board, the committee may accept advance payments from any handler and such shall be credited towards assessments levied pursuant to this section against such handler. The payment of expenses for the maintenance and functioning of the committee and the board may be required throughout the period during which this part is in effect and irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the committee's operations may be used by the committee for a period of four months subsequent to the end of such crop year. At the end of such period the committee shall, from funds on hand, refund or credit to handlers' accounts the aforesaid excess. Each handler's share of such excess fund shall be the amount of the assessment he has paid in excess of his pro rata share of the actual expenses of the committee for the preceding crop year. Any money collected as assessments hereunder and remaining unexpended in the possession of the committee, or a successor board of trustees for liquidation, after termination of this part, shall be distributed in such manner as the Secretary may direct: *Provided,* That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(c) *Sugar determinations.* The committee may enter into an agreement with the inspection service regarding determination of the sugar content pursuant to § 1026.55, the cost thereof, and the payment by handlers of their pro rata shares of such cost based on the tonnage received and used.

MISCELLANEOUS PROVISIONS

§ 1026.75 Rights of the Secretary.

The members of the committee and board (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

§ 1026.76 Personal liability.

No member or alternate member of the committee or board, nor any employee, representative, or agent of the committee shall be held personally responsible, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

§ 1026.77 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1026.78 Derogation.

Nothing contained in this subpart, is or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1026.79 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart, shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1026.80 Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1026.81 Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in § 1026.82.

§ 1026.82 Termination or suspension.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart on or before the thirtieth day of June of any crop year whenever he is required to do so by the provisions of section 8c(16)(B) of the act. The Secretary may, at any time he deems it desirable, hold a referendum of producers to determine whether they favor termination of this subpart. However, the Secretary shall hold a referendum of producers in the period July 1–July 15, 1963, to determine whether they favor termination at the end of the third crop year, and after the first referendum shall hold one for the same purpose between July 1 and July 15 of any third year, if the Secretary receives a recommendation, adopted by the board, requesting the holding of such a referendum. The results of any such referendum shall be announced by the Secretary by August 15 of the crop year in which held.

(c) *Termination of act.* The provisions of this subpart shall terminate, in any event, upon the termination of the act.

§ 1026.83 Procedure upon termination.

Upon the termination of this subpart, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this subpart. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

§ 1026.84 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued under this subpart, or (b) release any setaside held for the account of the committee nor permit its disposition contrary to the provisions of this subpart, or (c) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (d) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

§ 1026.85 Amendments.

Amendments to this subpart may be proposed, from time to time, by any person or by the committee.

Issued at Washington D.C. August 17, 1961, to become effective August 26, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–8039; Filed, Aug. 21, 1961; 8:48 a.m.]

PART 1030—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses and Fixing of Rate of Assessment for Fiscal Period 1961–62

Pursuant to the marketing agreement and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 1030.202 Expenses and rate of assessment for the fiscal period 1961–62.

(a) Expenses: The expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning June 1, 1961, and ending May 31, 1962, will amount to $3,750.

(b) Rate of assessment: The rate of assessment, which each handler who first handles prunes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one-fourth cent ($0.0025) per one-half bushel of prunes so handled by such handler during such fiscal period.

(c) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable prunes from the beginning of such year; (2) the current marketing year began June 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable prunes beginning with such date; and (3) shipments of prunes are now being made.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8032; Filed, Aug. 21, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–141]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Alteration

The purpose of these amendments to §§ 600.6025 and 600.6458 of the regulations of the Administrator is to modify low altitude VOR Federal airway No. 458

between the Coyote, Calif., intersection and the El Centro, Calif., VOR, and to modify low altitude VOR Federal airway No. 25 east alternate between the Albacore, Calif., and Hermosa, Calif., intersections southeast of Los Angeles, Calif.

Victor airway No. 25 east alternate is designated from the intersection of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials (Albacore intersection) to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 139° radials (Hermosa intersection) via the Long Beach VORTAC excluding the portion below 2,000 feet outside the United States. Victor airway No. 458 is designated in part from the intersection of the Julian, Calif., VOR 130° and the El Centro VOR 271° radials to the El Centro VOR, and coincides with Victor airway No. 66 between these points.

The above mentioned airway segments are based upon the present location of the Mission Bay, Calif., VOR. The Mission Bay VOR is scheduled to be relocated to Lat. 32°46'57" N., Long. 117° 13'29" W., effective September 21, 1961. Therefore, Victor 25 east alternate is being redesignated from the intersection of the Los Angeles VOR 138° and the Long Beach VORTAC 186° radials to the intersection of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC, excluding the portion below 2,000 outside the United States. Victor 458 is being redesignated in part from the intersection of the Julian VOR 130° and the El Centro 272° radials to the El Centro VORTAC. Other airways based upon the Mission Bay VOR will be slightly affected by this relocation. However, these airways are designated direct, station to station, and no change in their descriptions will be necessary.

Since these amendments are minor in nature and involve a change in airway alignment of only one degree, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective on September 21, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

§ 600.6025 [Amendment]

1. In § 600.6025 (14 CFR 600.6025, 26 F.R. 2221, 4052) "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 139° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 286° and the Los Angeles VOR 139° radials via the Long Beach VORTAC," is deleted and "From the Mission Bay, Calif., VOR via the Los Angeles, Calif., VOR, including an E alternate from the INT of the Los Angeles VOR 138° and the Long Beach, Calif., VORTAC 186° radials to the INT of the Long Beach VORTAC 287° and the Los Angeles VOR 138° radials via the Long Beach VORTAC," is substituted therefor.

2. Section 600.6458 (14 CFR 600.6458) is amended to read:

§ 600.6458 VOR Federal airway No. 458 (Julian, Calif., to El Centro, Calif.).

From the Julian, Calif., VOR via the INT of the Julian VOR 130° and the El Centro, Calif., VORTAC 272° radials; to the El Centro VORTAC.

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 16, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8002; Filed, Aug. 21, 1961; 8:45 a.m.]

[Airspace Docket No. 60-KC-49]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Area Extension

On December 24, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 13725) stating that the Federal Aviation Agency proposed to alter the Minot, N. Dak., control area extension.

No adverse comments were received regarding the proposed amendment.

Since publication of this notice, the Federal Aviation Agency has published Civil Air Regulations, Part 60, Air Traffic Rules, Amendment 60-21 (26 F.R. 570), effective February 21, 1961, which provides, in part, for the designation of transition areas in lieu of control area extensions to extend upward from 1,200 feet or higher above the surface when designated to complement control zones. However, before this provision can be applied at Minot, considerable coordination will be required to effect the procedural revisions necessary to permit the designation of a higher controlled airspace floor in this area. Because of the immediate need for the controlled airspace proposed in the Notice, action is taken herein to alter the Minot control area extension as proposed. Upon completion of the Amendment 60-21 implementation review of controlled airspace requirements in the Minot area, appropriate airspace action will be initiated to convert the Minot control area extension to a transition area.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Section 601.1103 is amended to read:

§ 601.1103 Control area extension (Minot, N. Dak.).

Within a 35-mile radius of Minot AFB (Lat. 48°25'18" N., Long. 101°22'08" W.), and within a 35-mile radius of the Minot VOR extending clockwise from the 091° radial to the 147° radial of the VOR. The portion of this control area extension that coincides with R-5403 shall be used only after obtaining prior approval from the appropriate authority.

These amendments shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 15, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8000; Filed, Aug. 21, 1961; 8:45 a.m.]

[Airspace Docket No. 60-NY-147]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2015 of the regulations of the Administrator is to alter the Philadelphia, Pa. (International Airport) control zone.

The Philadelphia control zone is designated, in part, within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker. This control zone extension is designated for the dual purpose of protecting aircraft executing prescribed low frequency range and ILS instrument approach procedures.

Effective August 24, 1961, the Federal Aviation Agency is cancelling the low frequency range instrument approach procedure. Since the ILS procedures require the continued designation of airspace beyond the 5-mile radius control zone, this extension cannot be revoked but can be materially reduced. Therefore, action is taken herein to redesignate the Philadelphia control zone, in part, within 2 miles either side of the Philadelphia ILS localizer west course extending from the 5-mile radius zone to the outer marker.

Since the change effected by this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

Section 601.2015 (14 CFR 601.2015) is amended to read:

§ 601.2015 Philadelphia, Pa. (International Airport), control zone.

Within a 5-mile radius of the Philadelphia International Airport (Lat. 39°52'31" N., Long. 75°14'20" W.), and within 2 miles either side of the Philadelphia ILS localizer W course extending from the 5-mile radius zone to the OM.

This amendment shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 15, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61-8001; Filed, Aug. 21, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8182 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Scott & Fetzer Co.

Subpart—Advertising falsely or misleadingly: § 13.105 *Individual's special selection or situation;* § 13.150 *Premiums and prizes:* § 13.150-35 *Prizes;* § 13.155 *Prices:* § 13.155-40 *Exaggerated as regular and customary;* § 13.155-100 *Usual as reduced, special, etc.;* § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—PRICES: § 13.1810 *Fictitious marking;* § 13.1817 *Reductions for prospect referrals.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Scott & Fetzer Company, Cleveland, Ohio, Docket 8182, July 25, 1961.]

Consent order requiring the Cleveland, Ohio, manufacturer of "Kirby" vacuum cleaners to cease using fictitious pricing claims, scare tactics, and other unfair practices to sell its vacuum cleaners; and to cease representing falsely, in newspaper "Want-Ads", through its distributors, and otherwise, that salaried positions and guaranteed minimum compensation were available for qualified applicants.

The order to cease and desist is as follows:

It is ordered, That respondent, The Scott & Fetzer Company, a corporation, its officers, agents, representatives and employees, directly, or through distributors of its products, or through any corporate or other device, in connection with the offering for sale, sale, or distribution of vacuum cleaners, accessories, and attachments, or any other merchandise, whether sold under the name "Kirby", "Kirby Home Sanitation System", "Kirby System", or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, when soliciting appointments with prospective purchasers, that the appointment is sought only to obtain the prospect's opinion of the "Kirby", and concealing, or attempting to conceal, that the actual purpose for which the appointment is sought is to sell the prospect a "Kirby".

2. Advising, as a device or stratagem, to obtain an appointment in the home of a prospective purchaser, that the prospect has won a "prize" or "gift".

3. Representing, through the use of tickets with fictitious and exaggerated retail prices thereon, to prospects with whom appointments are sought, or have been made, that the item (known as a "door opener") offered or given to such prospects has a value far in excess of the actual and true retail value of such item.

4. Representing, in seeking an appointment in the home of a prospective purchaser, and thereafter during such appointment, that the appointment is sought and the presentation of the "Kirby" is made as part of or in connection with, an advertising program, when such is not the fact.

5. Representing, during appointments in the homes of prospective purchasers, that the "Kirby" salesman keeping the appointment is an advertising representative, or advertising dealer, or demonstrator, or the like, or a member of the Advertising Department, and is not a salesman, and that he is engaged primarily in the advertising and promotion of "Kirby" vacuum cleaners rather than in the sale of them, when such is not the fact.

6. Representing, during appointments with prospective purchasers, that the "Kirby" representative is there to get such prospective purchaser's opinion of the "Kirby" rather than to sell a "Kirby".

7. Representing that the purpose of the "Kirby Advertisers Club" referral program by which purchasers of "Kirby" vacuum cleaners are paid for sending in names of prospects, provided such prospects agree to permit the "Kirby" representative to "demonstrate" a vacuum cleaner to them, is only to advertise the "Kirby" and that any resulting sales are incidental to this.

8. Representing that the prospective purchaser in whose home an appointment has been made has been "selected" for such appointment, when such is not the fact.

9. Stating or emphasizing that the rugs and mattresses in prospective purchasers' homes are disease causing and are highly dangerous to prospective purchasers and their families and that "Kirby" will correct this condition.

10. Representing that purchasers can earn all or a large part of the purchase price of the "Kirby" vacuum cleaner by sending in names of other prospective purchasers pursuant to the so-called referral or "Kirby Advertisers Club" plan, when such is not the fact.

11. Representing to prospective purchasers that any amount is the usual and regular price for the "Kirby" when it is in excess of the price at which said product is usually and regularly sold in the regular course of business. Respondent is not precluded, however, from representing that a trade-in allowance is deducted from its regular price, if such is the fact.

12. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being granted a special price lower than the usual and regular price of "Kirby" vacuum cleaners, accessories and attachments, when such is not the fact.

13. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being granted a special price lower than the usual and regular price of "Kirby" vacuum cleaners, accessories and attachments, that such special price is available for a limited time only, and that the prospective purchaser must take advantage of it and buy a "Kirby" at that time or forego indefinitely such special price, when such is not the fact.

14. Representing to prospective purchasers of "Kirby" vacuum cleaners that they are being offered or granted a special advertising allowance, or special trade-in allowance, or the like, not made available generally to prospective purchasers, and that the usual and regular price of the "Kirby" is being reduced by the amount of such special allowance, when such is not the fact.

15. Representing that participation in the "Kirby Advertisers Club" is not offered to every prospective purchaser of a "Kirby" but is limited only to those prospects who have a "wide circle of friends" among whom to advertise the "Kirby", when such is not the fact.

16. Representing to prospective purchasers that they are being granted a special price lower than the usual and regular price of a "Kirby" because of an unusual impending circumstance such as the participation of the "Kirby" salesman in a contest, or the like, when such is not the fact.

17. Representing that the "Sani-Em-Tor" attachment, as such, of the "Kirby" vacuum cleaner is patented.

18. Representing, by means of advertisements in newspapers, or other advertising media, or otherwise, that salaries, positions or jobs, or jobs with a guarantee of minimum earnings or compensation are available for qualified applicants with distributors and subdistributors unless in truth and in fact qualified applicants for such jobs or positions are offered a salary, or a guarantee of minimum earnings or compensation.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-8004; Filed, Aug. 21, 1961; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Civil and Defense Mobilization

[EPO 1, EPO 2, EPO 6, EPO 7, EPO 8]

EPO NO. 1—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF AGRICULTURE

EPO NO. 2—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF COMMERCE

EPO NO. 6—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS CONCERNING HOUSING TO THE HOUSING AND HOME FINANCE ADMINISTRATOR

EPO NO. 7—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF THE INTERIOR

EPO NO. 8—ASSIGNING CERTAIN CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS TO THE SECRETARY OF LABOR

Miscellaneous Amendments

The above-identified Emergency Preparedness Orders are hereby amended as indicated below.

1. Emergency Preparedness Order No. 1 (26 F.R. 652, Jan. 24, 1961) is amended by correcting section 18 to read as follows:

Sec. 18. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954) and Defense Mobilization Order I–9, dated February 25, 1954 (19 F.R. 1118, Feb. 27, 1954).

2. Emergency Preparedness Order No. 2 (26 F.R. 653, Jan. 24, 1961) is amended by correcting section 14 to read as follows:

Sec. 14. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954); Federal Civil Defense Administration Delegation No. 3, effective August 13, 1955 (20 F.R. 5957, Aug. 16, 1955); and Defense Mobilization Order I–8, dated February 10, 1954 (19 F.R. 875, Feb. 16, 1954).

3. Emergency Preparedness Order No. 6 (26 F.R. 658, Jan. 24, 1961) is amended by correcting section 7 to read as follows:

Sec. 7. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954), and Defense Mobilization Order I–14, dated November 26, 1954 (19 F.R. 7724, Nov. 30, 1954).

4. Emergency Preparedness Order No. 7 (26 F.R. 659, Jan. 24, 1961) is amended by correcting section 8 to read as follows:

Sec. 8. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 3, effective August 13, 1955 (20 F.R. 5957, Aug. 16, 1955); Federal Civil Defense Administration Delegation No. 4, effective November 22, 1955 (20 F.R. 8733, Nov. 26, 1955); and Defense Mobilization Order I–13, dated November 12, 1954 (19 F.R. 7348, Nov. 13, 1954).

5. Emergency Preparedness Order No. 8 (26 F.R. 660, Jan. 24, 1961) is amended by correcting section 7 to read as follows:

Sec. 7. Cancellations.

This order cancels and supersedes Federal Civil Defense Administration Delegation No. 2, effective September 8, 1954 (19 F.R. 5921, Sept. 11, 1954), and Defense Mobilization Order I–10, revised November 13, 1956 (21 F.R. 8919, Nov. 16, 1956).

Dated: August 14, 1961.

FRANK B. ELLIS,
Director.

[F.R. Doc. 61-7947; Filed, Aug. 21, 1961; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 5—General Services Administration

PART 5–1—GENERAL

Subpart 5–1.53—Procurement Authority and Responsibility

Subpart 5–1.53 is added, to read as follows:

Sec.
5–1.5301 General.
5–1.5302 Designation of contracting officers.
5–1.5303 General authority of contracting officers.
5–1.5304 General responsibility of contracting officers.
5–1.5305 Contracting officers' representatives.
5–1.5306 Responsibility for assuring the availability of funds.
5–1.5307 Standards of conduct.

AUTHORITY: §§ 5–1.5301 to 5–1.5307 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 5–1.5301 General.

(a) This subpart deals with the authority to designate contracting officers and sets forth the general authorities and responsibilities of such officers.

(b) An employee ordinarily binds the Government only when his actions are in accordance with authority actually granted to him. Contracting officers are agents of the Government and shall act in accordance with law, regulations including FPR and GSPR, other pertinent directives, and sound judgment, and within the limits of their prescribed duties and authorities.

§ 5–1.5302 Designation of contracting officers.

(a) Contracting officers, as defined in § 1–1.207, shall be those employees in whom contracting authority is vested by the Administrator or his designees by means of appropriate delegations of authority and by redelegations of authority. The authority of such contracting officers shall be in accordance with the applicable delegations or redelegations of authority and with this Subpart 5–1.53.

(b) Delegations and redelegations of authority are generally directive on specific positions, rather than specific individuals. When a specific position carries delegated or redelegated contracting authority, an individual appointed to such a position is, therefore, a contracting officer. Such appointments are normally made by means of administrative personnel actions. When an individual is designated as a contracting officer by an instrument other than a personnel action, a copy of the designating instrument shall be forwarded to the appropriate personnel office for inclusion in the file of the individual affected. Designations shall be rescinded in the same manner upon termination of the assignment (but special assignments may be self-rescinding, as, for example, an assignment made in terms of the life of a specific contract, in which case a separate rescission instrument would not be required).

(c) In view of the high degree of individual responsibility and authority vested in contracting officers, care shall be exercised to insure that only well qualified individuals are appointed or designated and retained in such positions. Accordingly, the performance of their duties as contracting officers is subject to continuing review and evaluation.

§ 5–1.5303 General authority of contracting officers.

A contracting officer is authorized to enter into, modify, and take other appropriate action with respect to contracts, within the limits of his prescribed duties and authority.

§ 5–5304 General responsibility of contracting officers.

(a) Contracting officers are primarily responsible for assurance that contracts are authorized by law, for the execution and administration of contracts, for safeguarding the interest of the United States in contractual relationships, and for determining the facts under contracts.

(b) Contracting officers shall personally sign all contracts and modifications entered into by them. The signing of original contractual documents shall not be accomplished by facsimile stamps or by proxy. However, the use of reproduced signatures on reproduced copies after the contracting officers have manually signed the master and other originals, is acceptable.

(c) Contracting officers are responsible for the legal, technical, and administrative sufficiency of the contracts they make. To this end, they shall secure necessary legal, technical, and financial advice within GSA.

(d) Contracting officers are responsible for assuring contract compliance on the part of the contractor.

§ 5–1.5305 Contracting officers' representatives.

(a) Any properly qualified Government employee or group of employees, or a firm or individual under contract to the Government for this purpose, may be designated to act as the authorized representative of a contracting officer. Such designation shall be in writing and shall define the scope and limitations of the authorized representative's authority.

(b) A designation authorized by this § 5–1.5305 may be made by instructions referring to particular contractural instruments or categories of instruments and may empower the authorized representative to take any or all action thereunder which could lawfully be taken by the contracting officer to the extent not specifically prohibited by the terms of the contractual instrument involved or this § 5–1.5305. In no event shall an authorized representative, by virtue only of his designation as such, be empowered to execute or agree to any contract or modification thereof; such powers must be specifically included as a part of, or supplemental to, the designation.

(1) A contracting officer may empower his authorized representative, without redelegation of contracting authority, to issue change orders within the general scope of the contract although such change orders should not ordinarily involve a change in unit price, total contract price, quantity, quality, or delivery schedule.

(2) A contracting officer may assign administration of a specific contractual instrument to another contracting officer, provided the assignee contracting officer's delegated authority permits, and the contractor shall be so notified. Such an assignment shall define the extent to which part or all of the original contracting officer's authority is transferred but shall not pass on to the successor any authorities which would exceed the limitations imposed on the successor by existing directives.

§ 5–1.5306 Responsibility for assuring the availability of funds.

Prior to the incurrence of an obligation, contracting officers shall assure themselves that adequate funds are available.

§ 5–1.5307 Standards of conduct.

All personnel engaged in procurement and related activities shall conduct business in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: August 16, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-8037; Filed, August 21, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried or transported.

By notice of proposed rule making published on April 29, 1961 (26 F.R. 3713), the public was invited to submit views, data, or arguments, in writing to the Director, Bureau of Sport Fisheries and Wildlife and thus participate in the preparation of amendments to Part 10, Title 50, Code of Federal Regulations. The primary purposes of these amendments are to specify open seasons, certain closed seasons, means of hunting, shooting hours, and daily bag and possession limits for migratory game birds.

Accordingly, after giving due consideration to data obtained by investigation and to all other relevant matters presented, it has been determined that the hunting season dates for the taking of Wilson's snipe in Arkansas, the shooting hours for taking Wilson's snipe and gallinules in the Pacific Flyway States, and the limits on migratory game birds imported from Canada, Mexico, or other foreign country, shall be amended as indicated below.

The following amendments will permit the importation of migratory game birds legally taken and possessed in foreign countries where the hunting seasons begin as early as September 1. Because of this fact and since these amendments will not be published at a date early enough to allow the usual 30-day period of publication afforded by the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and if the public is to be properly informed in advance, it is clearly impracticable to authorize such period of publication. Accordingly, since it is not in the public interest to afford the usual period of publication, the provisions of the exceptions provided in section 4(c) of the Administrative Procedure Act are hereby invoked and the amendments shall become effective September 1, 1961.

1. The introductory paragraph and the table in paragraph (a) of § 10.7 are revised to read as follows:

§ 10.7 Importations from Canada, Mexico, or other foreign country.

During and after the open seasons where taken, any person, without a permit, may enter and transport in any State, migratory game birds lawfully taken and possessed in and exported from a foreign country, subject to the conditions and restrictions specified in this section.

* * * * *

From—	Not to exceed—
Provinces of Alberta, Manitoba, and Saskatchewan, Canada.	10 ducks and 10 geese per season.
Province of British Columbia, Canada.	12 ducks and 10 geese per season.
Province of Ontario, Canada	10 ducks and 10 geese per calendar week.
Any other Province of Canada	12 ducks and 10 geese per calendar week (beginning Sunday).
Mexico or any other foreign country (except Canada) or subdivision thereof.	10 ducks and 5 geese per calendar week.
Any foreign country or subdivision thereof:	
Band-tailed pigeons	6 per calendar week.
Brant	6 per calendar week.
Coots	25 per calendar week.
Doves, mourning or white-winged	25, singly or in the aggregate of both kinds, per calendar week.
Rails (except sora and coots) and gallinules.	30, singly or in the aggregate of both kinds, per calendar week.
Sora	25 per calendar week.
Wilson's snipe	8 per calendar week.
Woodcock	8 per calendar week.

§ 10.46 [Amendment]

2. The hunting season dates for taking Wilson's snipe in Arkansas in the table in paragraph (b) and the shooting hours for taking gallinules and Wilson's snipe in the table in paragraph (d) of § 10.46 are amended to read as follows:

(b) *Mississippi Flyway States.*

	Gallinules and rails (except coots)		Woodcock	Wilson's snipe
	Sora rail	Other rails and gallinules (singly or in the aggregate)		
Daily bag limit	25	15	4	8
Possession limit	25	15	8	8
Shooting hours [1]	Sunrise until sunset (Standard time) on all species.			
Seasons in:				
• • •				
Arkansas	Sept. 1–Oct. 20		Dec. 1–Jan. 9	Dec. 17–Jan. 15.
• • •				

(d) *Pacific Flyway States.*

	Gallinules	Wilson's snipe
Daily bag limit	[1] 25	8
Possession limit	[1] 25	8
Shooting hours	One-half hour before sunrise until sunset (Standard time) on all species.	
• • •	• • •	• • •

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR, 1949–1953 Comp., p. 757)

JAMES K. CARR,
Acting Secretary of the Interior.

AUGUST 16, 1961.

[F.R. Doc. 61–8008; Filed, Aug. 21, 1961; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSES

Mailing List Services

The regulations of the Post Office Department in § 13.5 are amended by revising the section heading to read "Mailing list services," and by adding a new paragraph (c) thereto to provide for arranging address cards of volume mailers in the sequence of carrier route delivery and to authorize city delivery offices to furnish "deliveries possible" for total delivery area or for particular carrier routes. As so amended the section heading and paragraph (c) read as follows:

§ 13.5 Mailing list services.

• • • • • •

(c) *Address cards arranged in sequence of carrier delivery.* Address cards may be arranged in sequence of carrier route delivery without charge. The cards must be the size and quality of a postal card, one address to a card. The list owner's name must appear in the upper left corner of the card. Cards bearing incorrect, nonexistent, or other undeliverable addresses will be withdrawn and corrected at the charges provided in subparagraph (4) of paragraph (a) of this section. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them. Postmasters must check to see that mailers whose lists have been arranged in sequence prepare bundles for each route with the individual pieces in address sequence. This service shall not be provided to mailers who do not make the required premailing preparation, and it must not be provided as a substitute for the list correction service provided by paragraph (a) of this section. Postmasters at city delivery post offices may furnish volume mailers upon request the number of "possible deliveries" within his total delivery area or on particular carrier routes.

NOTE: The corresponding Postal Manual section is 123.5.

(R.S. 161 as amended; 5 U.S.C. 22, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–8016; Filed, Aug. 21, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

MOZZARELLA AND SCAMORZA CHEESE; PART-SKIM MOZZARELLA AND PART-SKIM SCAMORZA CHEESE

Definitions and Standards of Identity; Extension of Time for Filing Views and Comments

A request has been received for an extension of time for filing views and comments upon the proposed findings of fact and tentative order for mozzarella cheese, scamorza cheese, part-skim mozzarella cheese, and part-skim scamorza cheese which was published in the FEDERAL REGISTER of July 22, 1961 (26 F.R. 6599).

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the time for filing views and comments in the above-referenced matter is extended to October 20, 1961.

Dated: August 15, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–8028; Filed, Aug. 21, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

ALMONDS GROWN IN CALIFORNIA

Expenses of Almond Control Board and Rate of Assessment for the 1961–62 Crop Year

Notice is hereby given that there is under consideration a proposal regarding expenses of the Almond Control Board and a rate of assessment for the 1961–62 crop year which began July 1, 1961. The proposal, which is based on the recommendation of the Almond Control Board and other available information, would be established pursuant to Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Consideration will be given to written data, views, or arguments pertaining to the proposal, which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than ten days after publication of this notice in the FEDERAL REGISTER.

The quantity of assessable almonds for the 1961–62 crop year is presently estimated at 70 million pounds (kernelweight). On this basis, an assessment rate of 0.13 cent per pound of almond kernels would assure the availability of sufficient funds to meet the expenses of the Almond Control Board for the 1961–62 crop year.

The proposal is as follows:

§ 909.311 Budget of expenses of the Almond Control Board and rate of assessment for the 1961–62 crop year.

(a) *Budget of expenses.* The budget of expenses of the Almond Control Board for the crop year beginning July 1, 1961, shall be in the total amount of $68,500, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Board, and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The assessment required to be paid by each handler in accordance with § 909.81 is established for said year at the rate of 0.13 cent per pound of almonds (kernel weight basis).

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8031; Filed, Aug. 21, 1961; 8:48 a.m.]

[7 CFR Part 934]

HANDLING OF FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Washington Fresh Peach Marketing Committee, established under Marketing Agreement No. 138 and Order No. 34 (7 CFR Part 934), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed approximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of $813.88, which are in excess of expenses incurred during the fiscal period ended March 31, 1961, shall be placed in said reserve, and may be used, in accordance with the provisions of § 934.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8012; Filed, Aug. 21, 1961; 8:46 a.m.]

[7 CFR Part 1020]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Amount in Reserve Fund

Notice is hereby given that the Secretary of Agriculture is considering the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement and Order No. 120 (7 CFR Part 1020), regulating the handling of apricots grown in designated counties in Washington under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that to increase the amount of the reserve fund (§ 1020.205) to an amount not greater than an amount equal to approximately one fiscal year's operational expenses as authorized by § 1020.42 of the marketing agreement and order is appropriate for the maintenance and functioning of the said committe; and (2) that excess assessment funds from the fiscal year ended

March 31, 1961, in the amount of $787.61 be placed in said reserve fund.

A reserve fund was established on August 18, 1960, in the amount of $5,765.09 (§ 1020.205; 25 F.R. 8097), and the proposed action contemplates an increase in this fund to an unspecified amount which amount shall not exceed approximately one fiscal year's operational expenses.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposals which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as given to the respective terms in said amended marketing agreement and order.

Dated: August 16, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8011; Filed, Aug. 21, 1961; 8:46 a.m.]

[7 CFR Part 1029]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under Marketing Agreement No. 139 and Order No. 129 (7 CFR Part 1029), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed aproximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in the amount of $4,863.46, which are in excess of expenses incurred during the fiscal period ended March 31, 1961, shall be placed in said reserve, and may be used, in acordance with the provisions of § 1029.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 17, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8033; Filed, Aug. 21, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55451]

RETURNING RESIDENTS

Exemptions

AUGUST 14, 1961.

Public Law 87-132, 87th Congress, approved August 10, 1961, further amended paragraph 1798(c) (2), Tariff Act of 1930, and is effective as to persons arriving in the United States on or after September 9, 1961, and before July 1, 1963. It reduces the basic $200 exemption to $100, except with respect to the Virgin Islands of the United States, and suspends the application of the additional $300 exemption during the period indicated. It makes no change in the provision that the basic exemption of $100 ($200 in the case of the Virgin Islands) may be claimed not more than once every 30 days. No change is made respecting the limitations on alcoholic beverages and cigars.

A resident returning directly or indirectly from the Virgin Islands of the United States is still entitled to $200 exemption, but not more than $100 of the exemption shall be applied to articles acquired elsewhere than in the Virgin Islands of the United States. Articles acquired by the resident in the Virgin Islands of the United States up to the amount allowed are also exempt, during the specified period, from the 48-hour absence requirement.

Detailed regulations concerning the application of the reduced exemption will be issued at an early date.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-8017; Filed, Aug. 21, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Small Tract Classification; Partial Revocation and Order Providing for Opening of Public Lands

AUGUST 14, 1961.

1. Pursuant to authority delegated to the Montana State Director, Bureau of Land Management, by Bureau Order No. 541, as amended, and further redelegated to me effective June 28, 1961 (26 F.R. No. 129, July 9, 1961), I hereby revoke the Small Tract Classification appearing on page 6900 of the August 7, 1957, issue of the FEDERAL REGISTER (F.R. Doc. 57-7003) as to the following described lands:

T. 5 N., R. 12 W., P.M.M.
Sec. 22: Lots 25, 26, 28, and 36.

Containing 17.61 acres.

2. The lands are located one quarter mile north of both Warm Springs Creek and U.S. Highway No. 10, Alternate, and approximately 7 miles west of Anaconda, Montana. The topography is level to rolling and steep. Ungraded auto trails traverse the area. The surface soils are shallow to medium in depth. They are comprised of gravelly sandy loams with some rocks and some rock outcropping. The native vegetation consists of bunch grass, sagebrush and an occasional patch of aspen and lodgepole pine. There is no evidence of metallic or non-metallic minerals.

3. Water for culinary purposes is very difficult and expensive to develop and the lands are considered unsuitable for small tract development.

4. The public lands affected by this order are hereby restored as of 10:00 a.m., on September 19, 1961, to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules and regulations.

5. The lands have been opened to applications and offers under the mineral leasing laws. They will be open to location under the U.S. Mining Laws beginning at 10:00 a.m., on September 19, 1961. Locations made prior thereto shall be invalid.

6. Inquiries shall be addressed to the Manager, Land Office, 1245 North 29th Street, Billings, Montana.

ROBERT A. JONES,
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 61-8005; Filed, Aug. 21, 1961; 8:45 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 14, 1961.

The U.S. Army Corps of Engineers has filed an application, Serial Number NM 088292 for the withdrawal of the lands described below, from all forms of appropriation, as described below. The applicant desires the land for the Two Rivers Reservoir Project, Roswell, New Mexico.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,
Sec. 3, Lot 1, W½SW¼;
Sec. 4, Lot 2, SW¼NE¼, SE¼SE¼;
Sec. 9, NE¼, S½;
Sec. 10, W½W½;
Sec. 15, S½NE¼, SE¼NW¼, W½NW¼, N½SE¼, SE¼SE¼, E½SW¼SE¼, NW¼SW¼SE¼, E½SW¼SW¼SE¼;
Sec. 21, N½N½NE¼.
T. 11 S., R. 22 E.,
Sec. 34, W½SW¼.

The area described above aggregates 1356.55 acres.

The lands described above are to be withdrawn from all forms of appropriation, including general mining and mineral leasing.

The following described lands are to be withdrawn from all forms of appropriation except grazing, mineral leasing and general mining:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 S., R. 22 E.,
Sec. 7, S½NE¼, E½SE¼NW¼;
Sec. 8, W½NE¼, S½N½NW¼, S½NW¼, S½SE¼;
Sec. 17, SE¼SE¼;
Sec. 18, Lot 2, E½NW¼;
Sec. 19, Lot 1, NE¼, SE¼NE¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, N½NE¼SW¼;
Sec. 20, N½;
Sec. 21, N½NW¼, SE¼NW¼.

The area described above aggregates 1253.19 acres.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-8006; Filed, Aug. 21, 1961; 8:45 a.m.]

[W-0146198]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1961.

The Forest Service, Department of Agriculture, has filed an application, Serial No. Wyoming 0146198, for withdrawal of the lands described below from location and entry under the general mining laws of the United States.

The applicant desires the lands for roadside zones.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the State Director of the Bureau of Land Management, Department of the Interior, P.O. Box 929, Cheyenne, Wyoming.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

BIG HORN NATIONAL FOREST

U.S. Highway No. 14, Roadside Zone

A strip of land 200 feet on each side of the center line of U.S. Highway No. 14 through the following legal subdivisions:

T. 56 N., R. 87 W.,
Sec. 15, E½SE¼, SW¼SE¼;
Sec. 21, Lot 4, SE¼, SW¼SE¼;
Sec. 22, S½SW¼, E½SE¼, SW¼SE¼, E½NE¼, NW¼NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½N½;
Sec. 28, NW¼NE¼;
Sec. 32, N½NW¼, NW¼NE¼.
T. 54 N., R. 88 W.,
Sec. 5, Lot 4, SW¼, SW¼NW¼;
Sec. 6, Lot 1;
Sec. 7, E½SE¼;
Sec. 8, W½NW¼;
Sec. 18, E½SE¼, SW¼SE¼; E½NE¼;
Sec. 19, W½E½;
Sec. 30, Lot 4, SE¼SW¼, W½SE¼, W½NE¼;
Sec. 31, Lot 1.
T. 55 N., R. 88 W.,
Sec. 3, Lots 1, 2, SE¼, S½NE¼;
Sec. 4, Lot 4, SW¼NW¼, N½SW¼, W½SE¼, SE¼SE¼;
Sec. 5, Lot 1;
Sec. 6, Lot 4;
Sec. 7, SW¼SE¼;
Sec. 9, N½NE¼;
Sec. 10, N½N½;
Sec. 18, E½SW¼, W½NE¼, NW¼SE¼;
Sec. 19, W½SE¼, NE¼SW¼, E½NW¼;
Sec. 30, E½SE¼, W½NE¼, SE¼NE¼;
Sec. 31, E½E½.
T. 56 N., R. 88 W.,
Sec. 26, SE¼SW¼, SW¼SE¼;
Sec. 31, S½SE¼;
Sec. 32, W½SW¼, NE¼SW¼, SE¼NW¼, NE¼.
Sec. 33, W½NW¼, SE¼NW¼, SW¼;
Sec. 35, E½SW¼, SW¼SW¼, N½NE¼, SE¼NE¼, NW¼;
Sec. 36, NW¼, S½NE¼, NE¼NE¼.
T. 53 N., R. 89 W. (unsurveyed),
Sec. 2, SW¼, E½NW¼, NW¼NE¼;
Sec. 7, S½N½, N½S½;
Sec. 8, N½SW¼, S½SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, N½SW¼, SW¼SW¼, NW¼;
Sec. 14, NW¼SW¼, W½NW¼;
Sec. 15, N½SW¼, SE¼NW¼, SW¼NE¼, N½SE¼;
Sec. 16, NW¼NW¼, S½NW¼, S½NE¼, NE¼SE¼;
Sec. 17, NE¼NE¼.
T. 54 N., R. 89 W.,
Sec. 35, NE¼, E½SE¼, SE¼SW¼;
Sec. 36, S½N½.
T. 55 N., R. 89 W.,
Sec. 1, Lots 5, 6, 7, W½SE¼;
Sec. 12, Lot 1.
T. 53 N., R. 90 W. (unsurveyed),
Sec. 9, S½SE¼;
Sec. 10, S½SW¼, N½SE¼, SE¼NE¼, NE¼SW¼;
Sec. 11, S½NW¼, SW¼NE¼, N½SE¼;
Sec. 12, N½S½, SE¼NE¼;
Sec. 16, NW¼.

Wyoming Highway No. 14 Roadside Zone

A strip of land 200 feet on each side of the center line of Wyoming Highway No. 14 through the following subdivisions:

T. 55 N., R. 89 W.,
Sec. 1, W½SE¼, S½SW¼;
Sec. 2, S½S½;
Sec. 3, SW¼SE¼, S½SW¼;
Sec. 7, Lots 2, 3;
Sec. 8, S½N½, NW¼SW¼;
Sec. 9, S½NW¼, NE¼NW¼, N½NE¼;
Sec. 10, N½N½;
Sec. 11, N½N½;
Sec. 12, NW¼NW¼.
T. 55 N., R. 90 W.,
Sec. 7, Lots 2, 3, N½SE¼, SW¼NE¼, SE¼NW¼, SE¼SW¼;
Sec. 8, SW¼SE¼, E½SW¼, NW¼SW¼;
Sec. 12, SE¼NE¼, N½SE¼, E½SW¼, NW¼, NE¼SW¼;
Sec. 13, W½NW¼;
Sec. 14, SE¼NE¼, SE¼, S½SW¼;
Sec. 15, SW¼SE¼, S½SW¼, NW¼SW¼;
Sec. 16, E½SE¼, NW¼SE¼, S½NE¼, NW¼NE¼, NW¼;
Sec. 17, N½NE¼;
Sec. 22, N½NE¼, NE¼NW¼;
Sec. 23, NW¼NW¼.
T. 55 N., R. 91 W.,
Sec. 3, Lot 3, W½SE¼, NE¼SW¼, SW¼NE¼, SE¼NW¼;
Sec. 10, NE¼;
Sec. 11, S½N½, NE¼NE¼;
Sec. 12, Lots 1, 2, 3, 4, SE¼NE¼, SW¼NW¼.
T. 56 N., R. 91 W.,
Sec. 28, S½SW¼, NW¼SW¼;
Sec. 29, SE¼SE¼, N½S½, S½NW¼;
Sec. 30, Lots 1, 2, S½NE¼, E½NW¼;
Sec. 33, N½SE¼, S½NE¼, NW¼NE¼, NE¼NW¼;
Sec. 34, S½SW¼, NW¼SW¼.
T. 56 N., R. 92 W.,
Sec. 19, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 20, SW¼NE¼, S½NW¼, S½;
Sec. 23, SE¼, S½SW¼;
Sec. 24, SW¼SW¼;
Sec. 25, Lots 1, 2, W½NE¼, N½NW¼;
Sec. 26, W½NW¼, NE¼NW¼;
Sec. 27, S½N½, NW¼SE¼, N½SW¼, NE¼NE¼;
Sec. 28, SE¼, S½SW¼, NW¼SW¼, SE¼NE¼;
Sec. 29, N½SE¼, S½NE¼, NW¼NE¼, E½NW¼.

Total area 15,463.28 acres, more or less.

EDWARD W. STUEBING,
Acting Land Office Manager.

[F.R. Doc. 61-8007; Filed, Aug. 21, 1961; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 911; Agreement No. 8086]

ATLANTIC AND GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Supplemental Order

On August 10, 1961, the Federal Maritime Board entered the following Order:

Whereas, on June 20, 1960, the Federal Maritime Board entered an order instituting an investigation to determine whether Agreement No. 8086 as filed with and approved by the Board is the true and complete agreement of the parties thereto; and

Whereas, information has come before the Board indicating that said agreement may be unjustly discriminatory or unfair as between carriers, or may operate to the detriment of the commerce of the United States, or may otherwise be in violation of the Shipping Act, 1916.

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended (46 U.S.C. 814) this investigation is hereby expanded to determine whether Agreement No. 8086 and the activities of the parties carried out pursuant to said agreement may be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be in violation of this Act, and to determine whether approval of said agreement in its present form should be continued or whether said agreement should be modified or disapproved,

It is further ordered, That a copy of this order be served on each of the Respondents and published in the FEDERAL REGISTER.

Dated: August 17, 1961.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-8029; Filed, Aug. 21, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CHIEF OF RATES AND REGISTRATIONS BRANCH, PACKERS AND STOCKYARDS DIVISION

Delegation of Authority

Pursuant to authority (25 F.R. 436; 25 F.R. 6218) delegated to the Director of the Packers and Stockyards Division, the Chief of the Rates and Registrations Branch of the Packers and Stockyards Division is hereby delegated authority, by virtue of the provisions of section 402 of the Packers and Stockyards Act, 1921 (7 U.S.C. 222), to issue general and special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

No delegation made herein shall preclude the Director of the Packers and Stockyards Division from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Director.

Done at Washington, D.C., this 16th day of August 1961.

CLARENCE H. GIRARD,
Director, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-8030; Filed, Aug. 21, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

DEPUTY ADMINISTRATOR FOR PRICE AND PRODUCTION

Delegation of Authority

Pursuant to authority delegated to the undersigned under the General Regulations issued under the Agricultural Marketing Agreement Act of 1937, as amended, authority is hereby delegated to the Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, to perform the duties and to exercise all the functions and powers vested in the Administrator of such Service by such Regulations, as amended, including the power of redelegation.

Done at Washington, D.C., this 17th day of August 1961.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8034; Filed, Aug. 21, 1961; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-59]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southern Bell Telephone and Telegraph Company, Atlanta, Georgia, proposes to construct a radio antenna structure near Houma, Louisiana at latitude 29°34'26" north, longitude 90°42'30" west. The overall height of the structure would be 255 feet above mean sea level (250 feet above ground).

No aeronautical objections were made in response to the circularization. The structure would be located 2.66 miles west of the Houma Municipal Airport, and would exceed the criteria contained in Section B.2 of this Agency's TSO-N18, and the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 74 feet and 72 feet, respectively. However, the Agency study revealed that these factors would have no adverse effect upon aeronautical operations at the Houma Municipal Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This finding is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 14, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7998; Filed, Aug. 21, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-16]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Community Telecasting Service, Bangor, Maine, proposes to construct a television antenna tower near Calais, Maine at latitude 45°09'31" north, longitude 67°16'43" west. The overall height of the structure would be 825 feet above mean sea level (440 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 1.8 miles north northeast of the St. Croix Airport, Baring, Maine, and would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 517 feet. However, the Agency study disclosed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 14, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-7999; Filed, Aug. 21, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11801]

ROANOKE SERVICE BY AMERICAN AIRLINES, INC.

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned to be held on September 6, 1961, is postponed to September 13, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 17, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8026; Filed, Aug. 21, 1961; 8:47 a.m.]

[Docket 5132 etc.]

REOPENED LARGE IRREGULAR AIR CARRIER INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned for September 13, 1961, is postponed to October 4, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 17, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8027; Filed, Aug. 21, 1961; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP61-341]

MISSISSIPPI RIVER FUEL CORP. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application and Date of Hearing

AUGUST 15, 1961.

Take notice that on June 27, 1961, as supplemented on July 10, 1961, Mississippi River Fuel Corporation (Fuel), 9900 Clayton Road, St. Louis 24, Missouri, and Mississippi River Transmission Corporation (Transmission), 9900 Clayton Road, St. Louis 24, Missouri, filed in Docket No. CP61-341 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of a proposed new interconnection between the facilities of Fuel and Transmission at

the point where the 24-inch pipeline of Fuel intersects the 18-inch pipeline of Transmission near Nameoki in Madison County, Illinois, all as more fully set forth in the application and supplement which are on file with the Commission and open to public inspection.

Applicants state that the proposed construction and exchange of natural gas will provide added flexibility of operation and continuity of service.

Fuel estimates that its share of the construction will cost approximately $24,950; and Transmission estimates that its share of the construction will cost approximately $13,550. Both will be financed by the respective companies from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 19, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such joint applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 6, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8003; Filed, Aug. 21, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2690]

AMERICAN ORBITRONICS CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

AUGUST 16, 1961.

I. American Orbitronics Corporation, a Delaware corporation, with its principal office located at 1730 K Street NW., Washington, D.C., and its production facilities at Hawthorne, California, filed with the Commission on June 1, 1961 a notification on Form 1-A and an offering circular relating to the sale of 100,000 shares of its $.01 par value common stock at $3. per share for an aggregate offering of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, under Regulation A.

II. The Commission has reason to believe that:

A. The exemption under Regulation A is unavailable to the issuer in that sales have been made in violation of section 5 of the Securities Act of 1933 which, by the operation of Rule 254(a)(3), will cause the aggregate offering price of securities to exceed the $300,000 limitation under Rule 254 of the regulation.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The notification and exhibits filed by the issuer contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(a) The failure to list Landaria Corporation as an affiliate in Item 2 of the notification.

(b) The failure to name L. A. Nikoloric, counsel for the issuer, as a promoter in Item 3 of the notification.

(c) The failure to disclose in Item 9 of the notification the names of all persons who had purchased unregistered securities of the issuers within the year prior to the date of filing.

(d) The number of shares purchased by non-corporate persons listed in Item 9 of the notification and with respect to the consideration paid by such persons.

(e) The statement in Item 9 of the notification as to the 75,000 shares taken by Mr. Harold Derber, 519 West 121st Street, New York, N.Y.

(f) The statement as to the intention of the persons who purchased the 285,545 shares mentioned in Item 9 of the notification to hold such shares for investment.

(g) The statement in Item 9 that purchasers of unregistered securities had not been solicited by the issuer.

2. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(a) The failure to disclose a prior public offering and sale of the issuer's unregistered securities in violation of sections 5 and 17 of the Securities Act and at prices below the price in the proposed public offering under Regulation A.

(b) The failure to disclose: the effect of the prior public offering upon shares offered under Regulation A; the application of proceeds from sales of unregistered securities for purposes not related to the issuer's business; the contingent liability of the issuer for sales of its shares in violation of sections 5 and 17 of the Securities Act.

(c) The misleading nature of the company's name and the failure to disclose that the company's business was not, as the name implied, related to orbiting of missiles or electronic devices.

(d) The failure to disclose that an officer and the counsel of the issuer had made oral and written misrepresentations as to the company's prospects and had distributed to purchasers of unregistered securities certain false and misleading information, including false financial statements, describing the company's prospects and the value of the company's securities.

(e) The failure to disclose material transactions regarding the offer of unregistered securities by the issuer's officers and counsel to representatives of companies with whom the issuer had business dealings.

(f) The failure to disclose that a public relations firm had been hired to arrange for publicity on the company's operations timed to assist in the sale of stock.

C. The offering and sale of the issuer's securities would violate section 17 of the Securities Act of 1933 in that:

1. The issuer failed to disclose that money had been obtained in a prior public offering by the company's officers and counsel at prices substantially below the price in the proposed public offering under Regulation A.

2. The issuer deliberately filed false and misleading information in its notification on Form 1-A with respect to the sale or issuance of unregistered securities within one year prior to the filing of the notification.

3. The issuer failed to disclose that an officer and the counsel of the issuer had made oral and written misrepresentations as to the company's prospects and had distributed to purchasers of unregistered securities certain false and misleading information, including false financial statements, describing the company's prospects and the value of the company's securities.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8020; Filed, Aug. 21, 1961; 8:47 a.m.]

[File No. 70-3982]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Contribution of Capital by Parent to Subsidiary Company

AUGUST 15, 1961.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine St., New York 5, N.Y., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

GPU proposes to make a cash capital contribution to its public-utility subsidiary company, Pennsylvania Electric Company ("Penelec"). The aggregate amount of such capital contribution will be equal to the amount by which the proposed consideration to be paid by Penelec for certain properties of Carpenter Light and Power Company ("Carpenter"), a non-affiliate, exceeds the estimated net original cost of the Carpenter properties to be acquired pursuant to an agreement between Penelec and Pennsylvania Power Company, as Purchaser, and Carpenter, as Seller, and an Apportionment Agreement between Penelec and Pennsylvania Power Company. The declaration states that Penelec estimates such excess as of April 30, 1961 to be $379,689. The final determination of the amount of such excess will be affected by the closing date under the agreements and other matters. The declaration states that the acquisition by Penelec of the utility assets of Carpenter is subject to the approval of the Pennsylvania Public Utility Commission and the Federal Power Commission.

The capital contribution by GPU will be used by Penelec to write off such excess against the capital surplus resulting from such capital contribution in order that the properties may be carried on the books of Penelec at the net original cost to be determined by the Pennsylvania Public Utility Commission and the Federal Power Commission.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the capital contribution herein proposed.

It is estimated that the expenses of GPU in connection with the proposed transaction will be approximately $1,000.

Notice is further given that any interested person may, not later than September 5, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if person being served is located more than 500 miles from the point of mailing) upon declarant and proof of service (by affidavit, or in case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after such date, the declaration may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8021; Filed, Aug. 21, 1961; 8:47 a.m.]

[File No. 24NY-4751]

NORTHEAST TELECOMMUNICATIONS, INC.

Notice and Order for Hearing

AUGUST 16, 1961.

I. Northeast Telecommunications, Inc. (issuer), a Delaware corporation, 122 East 42nd Street, New York, New York, filed with the Commission on October 20, 1958, a notification on Form 1-A, an offering circular, and other exhibits relating to a proposed public offering of 300,000 shares of its 10 cent par value common stock at $1 per share for an aggregate public offering of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A.

II. The Commission, on July 18, 1961, issued an order pursuant to Rule 261 of the General Rules and Regulations under the Securities Act of 1933, as amended, which temporarily suspended the issuer's exemption under Regulation A and afforded to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on September 27, 1961, at the main office of the Commission, 425 Second Street NW., Washington, D.C., before a hearing officer hereafter to be designated, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has complied with the terms and conditions of Regulation A, in that:

1. The issuer failed to meet the requirements of Rule 253(c) in that the securities issued to controlling persons were not included in computing the amount of securities to be offered to the public under Regulation A;

2. Sales of securities were made in jurisdictions other than those specified in the notification; and

3. The issuer filed a false and misleading report of sales on Form 2-A, particularly with respect to the statement that the offering was completed on February 10, 1959, when, in fact, sales continued to be made after that date.

B. Whether Regulation A is unavailable to the issuer in that the aggregate amount of the securities offered to the public, computed in accordance with Rules 253 and 254, exceeded $300,000.

C. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the actual educational background and business experience of Richmond Lisle-Cannon, officer, director, principal stockholder and promoter of the issuer;

2. The failure to set forth adequately and accurately the proposed use of proceeds from the sale of the securities; and

3. The failure to disclose accurately the consideration given by officers and directors of the issuer for outstanding stock of the issuer in that the shares were not issued for the amount of cash stated in the offering circular.

D. Whether shares granted to the underwriter were distributed in violation of the commitment expressed in the underwriting agreement and in the offering circular.

E. Whether the offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered,* That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer of officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under section 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Northeast Telecommunications, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing,

shall file with the Secretary of the Commission on or before September 25, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8022; Filed, Aug. 21, 1961; 8:47 a.m.]

[File No. 24NY-5338]

TELESCRIPT-CSP, INC.

Notice and Order for Hearing

AUGUST 16, 1961.

I. Telescript-CSP, Inc., of 155 West 72nd Street, New York, N.Y., filed with the Commission a notification on Form 1-A and an offering circular in connection with a proposed offering of 60,000 shares of common stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission, on July 12, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest in the matter an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., e.d.s.t., on Monday, October 2, 1961, at the New York Regional Office of the Commission at 225 Broadway, New York 7, New York, before a hearing officer hereafter to be designated, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the terms and conditions of Regulation A have been complied with, in that the issuer failed to disclose in the notification an affiliate of the issuer.

B. Whether the offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The failure to disclose that Federman, Stonehill & Co. exercised a controlling interest in the issuer and Mangrow Industrial Corporation, an affiliated issuer, owning fifty percent of the stock of Telescript at the time of the offering;

2. The statement that 16 named individuals may be deemed to be in control of Mangrow Industrial Corporation when only certain individuals in the group exercised control;

3. The failure to disclose a previous material transaction under which the voting rights of the shareholders in Mangrow Industrial Corporation had been changed;

4. The failure to disclose that Michael Rosen, Joseph Michalover, David Dawn, Harold Sporn and Stephen Hofman (5 of the 16 individuals named as being in common control of Mangrow) were limited partners of Federman, Stonehill & Co., whose general partner, Hyman Federman, had been controlling stockholder in Mangrow and a director of Telescript.

C. Whether the offering and sale of the issuer's securities violated section 17(a) of the Securities Act of 1933.

III. *It is further ordered,* That Sidney Gross, or any officer or officers of the Commission designated by it for that purpose, shall preside at the hearing; that any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all the powers granted to the Commission under sections 19(b), 21 and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail to Telescript-CSP, Inc., that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before September 29, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8023; Filed, Aug. 21, 1961; 8:47 a.m.]

[File No. 70-3984]

UNION ELECTRIC CO.

Notice of Proposed Exchange of Utility Assets With Non-Affiliate

AUGUST 15, 1961.

Notice is hereby given that Union Electric Company ("Union"), 315 North Twelfth Boulevard, St. Louis 66, Missouri, a registered holding company and a public-utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

Union proposes to acquire from Iowa Electric Light and Power Company ("Iowa Company") all of the electric distribution facilities owned and operated by Iowa Company within the corporate limits of the Town of Stockport, Iowa, in exchange for electric distribution facilities owned and operated by Union located west of the Town of Stockport and the sum of $7,000, pursuant to the terms of an agreement between Union and Iowa Company. The bases of the proposed exchange, resulting from arm's-length negotiations between the parties, were a purchase price of $26,000 on the facilities of Iowa Company to be acquired by Union and a sales price of $19,000 on the facilities of Union to be transferred to Iowa Company. Original cost of facilities to be acquired by Union from Iowa Company is $22,644, and original cost less estimated depreciation is $18,115. Original cost of facilities of Union to be transferred to Iowa Company is $44,305, and original cost less estimated depreciation is $19,051.

It is stated that the proposed exchange of facilities will consolidate facilities for both parties, eliminate the need for expenditures estimated at $45,000 to integrate certain of the facilities into the Union system, and eliminate service call trips of 18 miles each way by the Union service representative at Stockport, an estimated expense of $1,200 per year. Revenues will remain approximately the same as at present.

The application states that only nominal expenses are expected to be incurred in carrying out the proposed exchange and that no State or Federal commission, other than this Commission, has jurisdiction over Union's participation in the transaction.

Notice is further given that any interested person may, not later than August 30, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8024; Filed, Aug. 21, 1961; 8:47 a.m.]

[File No. 812-1420]

VIRGINIA CAPITAL CORP.

Notice of Filing of Application Regarding Investment Arrangement by Registered Company and Affiliates

AUGUST 14, 1961.

Notice is hereby given that Virginia Capital Corporation ("Virginia Capital"), a Virginia corporation, and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act") which company is also a small business investment company licensed as such under the Small Business Investment Act of 1959 ("SBIC") has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 of the general rules and regulations thereunder ("Rules") for an order granting said application in respect of a proposed arrangement for the purchase of securities by Virginia Capital on a basis which will not be different from or less advantageous than that of certain affiliated persons of Virginia Capital who will also purchase some of such securities.

The application states that Virginia Capital plans to purchase from Riverton Lime and Stone Co., Inc. ("Riverton") $100,000 principal amount, out of a total issue of $300,000, of Riverton 7 percent Subordinated Sinking Fund Convertible Notes due May 31, 1969 at the price of 100 percent of principal amount. In addition to the 7 percent Notes, a total of 30,000 shares of common stock is being offered. Certain persons affiliated with Virginia Capital, including L. Gordon Miller, Jr., William A. Stevens, F. Carlyle Tiller, Mrs. Whiley H. Wheat, W. Gibson Harris and Jane Hardy Harris, trustees, and the Berco Corporation are participating in the purchase of stock and Notes. The application also states that all purchases of Notes by affiliates of Virginia Capital will be on a basis which shall not be different from or more advantageous to the purchaser than that on which Virginia Capital will purchase the Notes.

Riverton was organized as a Virginia Corporation on May 25, 1961 for the purpose of acquiring substantially all of the assets of the Riverton Division of Chadbourn-Gotham, Inc. ("Chadbourn") and engaging in the manufacture of masonary mortar, quarrying and processing aplite and processing and selling stone and related mineral products.

The plan for financing the acquisition calls for $500,000 in bank loans, $400,000 in 4 percent Notes accepted by Chadbourn as part payment, 10,000 shares of $50 par preferred stock accepted by Chadbourn as part payment and $300,000 in 7 percent subordinated Notes and 30,000 shares of $10 par common stock to be sold to the organizers, Virginia Capital and other persons.

J. C. Wheat & Co. ("Wheat") privately placed at par $100,000 in 7 percent Notes and 17,400 shares of common stock (the purchasers include the affiliates of Virginia Capital referred to above) for which Wheat will receive a broker's fee of 3 percent on the Notes and 4 percent on the stock. The application states that Wheat did not and will not receive any commission on the remaining $200,000 in 7 percent Notes, including the $100,000 principal amount being purchased by Virginia Capital or on the 12,600 shares of common stock purchased at par by William H. Wilson and other employees of Riverton.

The application states that L. Gordon Miller, William A. Stevens and F. Carlyle Tiller own 21,300 shares, and the partners of Wheat own, in the aggregate, 86,500 shares of the 140,000 outstanding shares of Southeastern Investment Company ("Southeastern"). W. Gibson Harris and Robert Haskins own 4,000 shares and 10,500 shares, respectively, of Southeastern which in turn owns 19 percent of the outstanding shares of Virginia Capital. The Berco Corporation is a closely held corporation. All partners or limited partners of Wheat are substantial stockholders of the Berco Corporation.

The purchasers L. Gordon Miller, Jr., William A. Stevens and F. Carlyle Tiller are partners of Wheat & Co. Mrs. Whiley H. Wheat is the wife of the senior partner of Wheat & Co. W. Gibson Harris is a director of Virginia Capital and he and his wife will participate in the purchase of stock as trustees for the estate of minor children.

The application does not indicate that any affiliate of Virginia Capital will participate in the business of Riverton, or in any financing of Riverton except as stated above.

Section 17(d) of the Act and Rule 17d-1 taken together provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Since affiliated persons of Virginia Capital will participate in the financing of Riverton in the manner noted above, the arrangement is subject to the provisions of Section 17(d) and Rule 17d-1.

Notice is further given that any interested person may, not later than August 29, 1961, at 5:30 p.m., e.d.s.t., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8025; Filed, Aug. 21, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 17, 1961.

Protests to the granting of application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37310: *Bituminous fine coal to Waverly, Iowa.* Filed by Illinois Freight Association, Agent (No. 147), for interested rail carriers. Rates on bituminous fine coal, in carloads, from mines in Illinois, Indiana, and western Kentucky, to Waverly, Iowa.

Grounds for relief: Natural gas competition.

Tariff: Supplement 30 to Baltimore and Ohio Railroad tariff I.C.C. C&C 3040 and other schedules named in the application.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 61-8014; Filed, Aug. 21, 1961; 8:46 a.m.]

[Notice 536]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 17, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR, Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64136. By order of August 15, 1961, The Transfer Board

approved the transfer to Pratt Transportation Co., Inc., Topeka, Kans. of a portion of Certificate No. MC 106194 Sub 4, issued June 28, 1960, to Horn Transportation, Inc., Kansas City, Mo., authorizing the transportation of: Petroleum products, in bulk, in tank vehicles, between points in Missouri located in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone, as defined by the Commission, and points in Kansas, on the one hand, and, on the other, points in that part of Nebraska on and south of the Platte and North Platte Rivers; points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line and extending along U.S. Highway 87 to Wellington, Colo., thence along Colorado Highway 1 (formerly unnumbered highway) to junction U.S. Highway 287, thence along U.S. Highway 287 to Denver, Colo., thence along U.S. Highway 85 to junction U.S. Highway 87, and thence along U.S. Highway 87 to the Colorado-New Mexico State line; and points in that part of Oklahoma on and north of a line beginning at the Oklahoma-New Mexico State line and extending along U.S. Highway 64 to Guymon, Okla., thence along Oklahoma Highway 3 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 77, thence along U.S. Highway 77 to Perry, Okla., thence along U.S. Highway 64 to Cleveland, Okla., thence along U.S. Highway 99 to Pawhuska, Okla., thence along U.S. Highway 60 to Bartlesville, Okla., and on and west of U.S. Highway 75 to Bartlesville to the Oklahoma-Kansas State line, including points on the indicated portions of the highways specified. W. W. Shaw, 302 Capitol Federal Bldg., Topeka, Kans., W. E. Griffin, 1012 Baltimore, Kansas City 5, Mo.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61-8015; Filed, Aug. 21, 1961; 8:46 a.m.]

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THE UNIVERSITY OF MICHIGAN
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Washington, Wednesday, August 23, 1961

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UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10960

AMENDMENT OF EXECUTIVE ORDER NO. 10530,[1] PROVIDING FOR THE PERFORMANCE OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

Paragraph (q) of section 1 of Executive Order No. 10530 of May 10, 1954, entitled "Providing for the Performance of Certain Functions Vested in or Subject to the Approval of the President," as added by Executive Order No. 10889 of October 5, 1960, is hereby amended to read as follows:

"(q) The authority vested in the President by section 5(e) of the act of March 18, 1959, providing for the admission of the State of Hawaii into the Union, 73 Stat. 6, (1) to receive the reports required by the provisions of that section, (2) to determine that certain land or property is no longer needed by the United States, and (3) to convey to the State of Hawaii the land or property which is determined to be no longer needed by the United States."

JOHN F. KENNEDY

THE WHITE HOUSE,
August 21, 1961.

[F.R. Doc. 61-8142; Filed, Aug. 22, 1961; 12:26 p.m.]

[1] 19 F.R. 2709; 3 CFR, 1954 Supp., p. 55.

Executive Order 10961

PROVIDING PROCEDURES FOR THE AWARD OF THE NATIONAL MEDAL OF SCIENCE

By virtue of the authority vested in me by the act of August 25, 1959, entitled "An Act To Establish a National Medal of Science To Provide Recognition for Individuals Who Make Outstanding Contributions in the Physical, Biological, Mathematical, and Engineering Sciences" (73 Stat. 431), and as President of the United States, it is ordered as follows:

SECTION 1. *The President's Committee.* There is hereby established the President's Committee on the National Medal of Science, hereinafter referred to as the Committee, which shall assist the President, as provided in this order, in connection with the carrying out of the said act of August 25, 1959. The Committee shall be composed of not less than six and not more than twelve members. Each member of the Committee shall be designated by the President from among appropriately qualified citizens of the United States. As nearly as practicable, the members of the Committee shall comprise a cross section of the major fields of science (including engineering). The President shall from time to time designate one of the members of the Committee as chairman thereof.

SEC. 2. *Preliminary procedure.* (a) The Committee shall receive, on behalf of the President, (1) the recommendations made by the National Academy of Sciences respecting the award of the National Medal of Science (hereinafter referred to as the Medal) pursuant to the provisions of section 2(a) of the said act of August 25, 1959, and (2) such similar recommendations as may be made by any other nationally representative scientific or engineering organization. Each such recommendation shall include or be accompanied by such appropriate supporting material as, the Committee may from time to time specify.

(b) On the basis of the criterion stated in section 2(a) of Executive Order No. 10910 of January 17, 1961, and such other criteria, information, and evidence as it may deem appropriate, and subject to the provisions of section 2(b) of that order, the Committee shall select from among the individuals who are the subjects of recommendations referred to it in accordance with section 2(a) of this order those individuals whom it desires to recommend for the award of the Medal and shall transmit the names of those individuals to the President with its recommendations. In so transmitting its recommendations, the Committee (1) shall include expressions of its views concerning, and such other information as may be pertinent to, its recommendations, and (2) may arrange the names of all or some of the recommended individuals in a sequence deemed by it to indicate the priority in which the several individuals are deserving of the award of the Medal.

(c) Each recommendation respecting the award of the Medal to an individual transmitted to the President by the Committee shall be accompanied by a draft of the citation referred to in section 1 of Executive Order No. 10910.

SEC. 3. *Time of awards and recommendations.* (a) Each award of the Medal by the President shall be made during the last sixty days of the calendar year.

(b) In respect of awards of the Medal proposed to be made by the President in any calendar year, (1) each recommendation of the National Academy of Sciences, or of any other nationally representative scientific or engineering organization, shall be delivered to the Committee not later than the first day of August of that year, and (2) each recommendation of the Committee shall be delivered to the President not later than the fifteenth day of October of the same year.

(c) During the calendar year 1961, and in unusual circumstances at any time involving extraordinary developments of great national significance, proposals and recommendations with respect to the award of the Medal may be made, and the Medal may be awarded, without regard to the provisions of the foregoing subsections of this section.

SEC. 4. *Services and expenses.* (a) The National Science Foundation may provide staff and administrative services necessary for the performance of the functions of the Committee.

(b) The members of the Committee shall serve without compensation, but the National Science Foundation may pay them transportation and per-diem allowances as authorized for persons serving without compensation (5 U.S.C. 73b-2).

JOHN F. KENNEDY

THE WHITE HOUSE,
August 21, 1961

[F.R. Doc. 61-8143; Filed Aug. 22, 1961; 12:26 p.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

ELIGIBLE WHEAT

The regulations issued by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service published in 26 F.R. 3873, 7247, and containing the specific requirements of the 1961-crop wheat price support program are hereby amended as follows:

Section 421.138(c)(1) is amended to also make wheat grading No. 4, No. 5 or "Sample" because of damaged kernels (other than heat damage) eligible so that the amended subpargaraph (1) reads as follows:

§ 421.138 Eligible wheat.

* * * * *

(c) * * *

(1) The wheat must be (i) wheat of any class grading No. 3 or better; (ii) wheat of any class grading No. 4 or 5 because of containing "Durum" and/or "Red Durum", but otherwise grading No. 3 or better; (iii) wheat of any class which grades No. 4, 5 or "Sample" on the factor of test weight, provided the test weight is not less than 40 pounds per bushel and which otherwise meets the requirements of subdivision (i), (ii) or (iv) of this subparagraph; (iv) wheat of any class which grades No. 4, 5 or "Sample" on the factor of damaged kernels (other than heat damage), provided such wheat with damaged kernels contains not more than 14 percent moisture, is not musty, sour, heating or hot, and which except for such damaged kernel factor meets the requirements stated in subdivision (i), (ii) or (iii) of this subparagraph; or (v) wheat of the class Mixed Wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii), (iii) or (iv) of this subparagraph, provided such mixtures are the natural products of the field.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1961.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8073; Filed, Aug. 22, 1961; 8:48 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Wheat Loan and Purchase Agreement Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3873, 6697 and 7247, containing the specific requirements of the 1961-crop wheat price support program are hereby amended to provide discounts for eligible wheat which grades No. 4, No. 5 or "Sample" because of damaged kernels.

1. Section 421.147 *Support rates*, paragraph (c) *Discounts and premiums for class, grade, variety and protein content*, is amended by the addition of a new subparagraph (6) as follows:

(6) Special discounts for wheat grading No. 4, No. 5 or "Sample" on factor of total damaged kernels (other than heat damaged).

Total damaged kernels:	*Cents per bushel*
7.1–8 percent	4
8.1–9 percent	5
9.1–10 percent	6
10.1–11 percent	7
11.1–12 percent	8
12.1–13 percent	9
13.1–14 percent	10
14.1–15 percent	11
15.1–16 percent	13
16.1–17 percent	15
17.1–18 percent	17
18.1–19 percent	19
19.1–20 percent	21
20.1–21 percent	23
21.1–22 percent	25
22.1–23 percent	27
23.1–24 percent	29
24.1–25 percent	31
25.1–26 percent	33
26.1–27 percent	35
27.1–28 percent	37
28.1–29 percent	39
29.1–30 percent	41

Wheat of any class which grades "Sample" because it contains in excess of 30 percent damaged kernels (other than heat damaged), which contains not more than 14 percent moisture, which is not musty, sour, heating or hot, and which meets all other eligibility requirements shall be discounted 60 cents per bushel from the basic terminal or county support rate. The discounts set forth in subparagraphs (3) and (5) of this paragraph shall be applicable to wheat of this quality. The discounts set forth in subparagraphs (1)(ii) and (2)(ii) of this paragraph shall not be applicable to wheat of this quality.

2. Section 421.147(c) is further amended by changing the footnotes at the end thereof to read as follows:

[1] Not applicable to any of the undesirable varieties listed in the variety discount schedule or to Hard Amber Durum or Amber Durum Wheat, grading No. 4, No. 5 or "Sample" because of damaged kernels.

[2] The discount for total damaged kernels (not in excess of 30 percent damage) shall be in addition to any applicable class, and variety discount and in addition to the special discount for test weight provided in subparagraph (5) of this paragraph. The numerical grade discounts provided in subparagraph (2) shall not be added to the discounts shown to total damaged kernels.

[3] Not applicable to any of the Mixed wheats or Red Durum. For discounts applicable to Mixed Wheat containing Durum and/or Red Durum, see subparagraph 1(ii).

[4] The discounts for wheat grading "Sample" on test weight only shall be in addition to any applicable classification, grade and variety discount and in addition to the special discounts for wheat provided in subparagraph (6) of this paragraph.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 17, 1961.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8074; Filed, Aug. 22, 1961; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

PART 40—LICENSING OF SOURCE MATERIAL

Exports of Byproduct Material; General Licenses to Export

These amendments to 10 CFR Parts 30 and 40 are designed to bring the Commission's regulations for the export of byproduct and source materials into consonance with the export regulations of the U.S. Department of Commerce with respect to exports to Cuba.

Under the amended regulations export to Cuba of byproduct material having an atomic number from 3 to 83, contained in medicinals or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy, is authorized under a general license. Applications will have to be filed with the Commission for a specific license for export to Cuba of any other byproduct material or of source material. Applications for use of source material for medical diagnosis or therapy will ordinarily be granted. Individual applications will be reviewed in the light of the Agreement for Cooperation in the Peaceful Uses of Atomic Energy with Cuba which entered into force on October 10, 1957 (8UST1579; copies of this Agreement may be obtained from the Department of State).

Inasmuch as these amendments involve the foreign affairs functions of the United States, the Commission has found that general notice of proposed rule making and public procedure thereon are impracticable, unnecessary, and contrary to the public interest; and that good cause exists why these amendments should be made effective upon publication in the FEDERAL REGISTER without the customary 30-day period of notice.

Accordingly, pursuant to the Administrative Procedure Act, the following rules are published as documents subject to codification and are effective upon publication in the FEDERAL REGISTER:

§ 30.33 [Amendment]

1. Paragraphs (b) and (c) of § 30.33 are deleted and the following new paragraphs (b), (c) and (d) are added:

(b) Any licensee may export byproduct material covered by his license to any foreign country except Cuba or countries or areas now or hereafter listed as Subgroup A countries or destinations in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3): *Provided*, That the authority conferred by this paragraph shall apply only to byproduct material having an atomic number from 3 to 83 inclusive.

(c) Any licensee may export byproduct material covered by his license to Cuba to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators, or appliances designed for use in medical diagnosis or therapy: *Provided*, That the authority conferred by this paragraph shall apply only to byproduct material having an atomic number from 3 to 83, inclusive.

(d) The Commission may upon application by an interested person issue a license authorizing (1) the export of byproduct material to a country or area listed as a Subgroup A country or destination in § 371.3 of the Comprehensive Export Schedule of the United States Department of Commerce (15 CFR 371.3), or (2) the export of byproduct material not having an atomic number from 3 to 83, inclusive, or (3) the export to Cuba of byproduct material other than the byproduct material which may be exported under the general license established in paragraph (c) of this section: *Provided*, That the Commission will not issue a license authorizing such export if, in the opinion of the Commission, the proposed export would be inimical to the common defense and security.

2. Section 40.23 *General licenses to export* is amended in the first sentence of paragraphs (a) and (b) to include "Cuba or" immediately after "to any foreign country or destination except". As so amended § 40.23 reads as follows:

§ 40.23 General licenses to export.

(a) A general license, designated AEC-GRO-SMA, is hereby issued authorizing the export at any one time of up to three (3) pounds of source material from the United States to any foreign country or destination except Cuba or countries or areas listed in § 40.90. Each person exporting source material pursuant to this general license shall file with the Collector of Customs or the Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Division of Licensing and Regulation of the United States Atomic Energy Commission, Washington 25, D.C.

(b) A general license, designated AEC-GRO-SMB, is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, from the United States to any foreign country or destination except Cuba or countries or destinations listed in § 40.90.

Dated at Germantown, Maryland this 14th day of August 1961.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 61-8040; Filed, Aug. 22, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SOIL BANK

[Amdt. 50]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

1. Section 750.157(b)(1) is amended by deleting the phrase "at the expense of the producer" in the fifth sentence and substituting therefor the following: "without cost-share under the contract".

2. Section 750.180(b) is amended to read as follows:

(b) Any producer may request the county committee to reconsider any recommendation or determination made by the county committee concerning a dispute of a question of fact arising under the contract, except contract violations which are governed by separate regulations, see § 750.172. Such request shall be in writing and shall be made within 15 days after notice of the recommendation or determination being appealed is mailed to or otherwise made available to the appellant. If the producer makes such a request, he shall be given an opportunity to appear before the county committee and to offer any relevant evidence he may wish to present. If the producer is dissatisfied with the decision of the county committee, upon reconsideration of its determination, he may, within 15 days after notice of the decision is mailed to or otherwise made available to him, appeal in writing to the State committee and be afforded an opportunity to be heard and to offer evidence in support of his position. If the producer is dissatisfied with the decision of the State committee, he may, within 15 days after notice of the decision is mailed to or otherwise made available to him, appeal in writing to the Deputy Administrator and shall be afforded an opportunity to be heard and to offer evidence in support of his position. A request for reconsideration or appeal may be accepted and acted upon even though not filed within the time prescribed above if, in the judgment of the person or committee to which such request for reconsideration or appeal is made, the circumstances warrant such action.

3. Section 750.182 is amended by adding at the end thereof the following new paragraph:

(c) No delegation herein to a State or county committee shall preclude the Administrator from determining any question arising under the program except contract violations, which are governed by separate regulations, see § 750.172.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on August 17, 1961.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8071; Filed, Aug. 22, 1961; 8:48 a.m.]

[Amdt. 15]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

1. Section 750.513(b)(1) is amended by deleting the phrase "at the expense of the producer" in the fifth sentence and substituting therefor the following: "without cost-share under the contract".

2. Section 750.537(b) is amended to read as follows:

(b) Any producer may request the county committee to reconsider any rec-

ommendation or determination made by the county committee concerning a dispute of a question of fact arising under the contract, except contract violations which are governed by separate regulations, see § 750.529. Such request shall be in writing and shall be made within 15 days after notice of the recommendation or determination being appealed is mailed to or otherwise made available to the appellant. If the producer makes such a request, he shall be given an opportunity to appear before the county committee and to offer any relevant evidence he may wish to present. If the producer is dissatisfied with the decision of the county committee, upon reconsideration of its determination, he may, within 15 days after notice of the decision is mailed to or otherwise made available to him, appeal in writing to the State committee and be afforded an opportunity to be heard and to offer evidence in support of his position. If the producer is dissatisfied with the decision of the State committee, he may, within 15 days after notice of the decision is mailed to or otherwise made available to him, appeal in writing to the Deputy Administrator and shall be afforded an opportunity to be heard and to offer evidence in support of his position. A request for reconsideration or appeal may be accepted and acted upon even though not filed within the time prescribed above if, in the judgment of the person or committee to which such request for reconsideration or appeal is made, the circumstances warrant such action.

3. Section 750.538 is amended by adding at the end thereof the following new paragraph:

(c) No delegation herein to a State or county committee shall preclude the Administrator from determining any question arising under the program except contract violations, which are governed by separate regulations, see § 750.529.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Effective date: Date of signature.

Signed at Washington, D.C., on August 17, 1961.

LIONEL C. HOLM,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8072; Filed, Aug. 22, 1961; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

Subpart B—Relocation Payments Under Section 106(f) of the Housing Act of 1949, as Amended

MISCELLANEOUS AMENDMENTS

The regulations governing the making of relocation payments under section 106(f) of the Housing Act of 1949, as amended, 42 U.S.C. 1456, prescribed pursuant to that section, as of October 8, 1956 (21 F.R. 9991, December 15, 1956), as amended (22 F.R. 1980, March 26, 1957; 22 F.R. 9937, December 12, 1957; 23 F.R. 750, February 5, 1958; 23 F.R. 1723, March 13, 1958; 23 F.R. 5723, July 30, 1958; 23 F.R. 6595, August 26, 1958; 23 F.R. 10531, December 31, 1958; 24 F.R. 8604, October 23, 1959, and 26 F.R. 5712, June 27, 1961), are hereby further amended in the following respects:

1. Section 3.100 is revised to read:

§ 3.100 Statement of applicable law.

Section 305 of the Housing Act of 1956 (70 Stat. 1100), approved August 7, 1956, amended Title I of the Housing Act of 1949, as amended, by adding a new section 106(f), which provides that Title I projects may include the making of relocation payments subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Section 106(f) was amended by section 304 of the Housing Act of 1957 (71 Stat. 300), section 409 of the Housing Act of 1959 (73 Stat. 673), and section 304 of the Housing Act of 1961 (75 Stat. 167). Authority to issue such regulations is included within the delegation to the Urban Renewal Commissioner and Regional Administrators, as amended, republished at 25 F.R. 9874, October 14, 1960.

2. Section 3.102 is revised to read:

§ 3.102 Relocation payments by the LPA.

All capital grant contracts executed on or after August 7, 1956, may contain provisions for the making of relocation payments by the LPA. All relocation payments shall be made in accordance with and to the full extent permitted by the regulations in this subpart.

§ 3.1050 [Amendment]

3. Section 3.105(b)(4) is revised to read:

(4) The site occupant vacates the real property on or after January 1, 1958, and prior to actual acquisition of title to, or possession of, the real property by the LPA, or other public body, if in fact the property vacated, or any part thereof, is not occupied by another site occupant prior to such acquisition unless the latter disclaims a relocation payment.

4. Section 3.105(d) is amended by adding at the end thereof a new sentence. As amended, paragraph (d) reads as follows:

(d) *Only one relocation payment per unit occupied.* After a site occupant eligible for a relocation payment has vacated the property occupied, no relocation payment may thereafter be made to any party with respect to the subsequent occupancy of the same property or any part thereof. Nothing herein shall affect the eligibility of a site occupant for a relocation payment, who, for the convenience of the LPA, makes a subsequent move to such vacated property, or any part thereof.

§ 3.110 [Amendment]

5. Section 3.110(b) is revised to read:

(b) *Maximum amount—business concerns.* The maximum relocation payment to a business concern, whether for moving expenses or actual direct losses of property, or both, for which reimbursement or compensation is not otherwise made, shall not exceed $2,000 with respect to moving expenses incurred or direct losses of property suffered prior to July 12, 1957, or $2,500 with respect to moving expenses incurred or direct losses of property suffered between July 12, 1957, and September 22, 1959, both dates inclusive, or $3,000 with respect to moving expenses incurred or direct losses of property suffered on or after September 23, 1959. If the total of the actual moving expenses incurred on or after June 30, 1961, is greater than $3,000, the maximum relocation payment to a business concern, for which reimbursement or compensation is not otherwise made, shall be the total of such actual moving expenses.

6. Section 3.110 is amended by adding at the end thereof the following paragraph (c):

(c) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town or village, as the case may be, in which the project area is located, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

Effective as of the 23d day of August 1961.

[SEAL] WILLIAM L. SLAYTON,
Urban Renewal Commissioner.

[F.R. Doc. 61-8056; Filed, Aug. 22, 1961; 8:47 a.m.]

loss or waste of the helium-bearing gas in the reserves; and

Whereas, it appears from available geologic and other information, and I so determine, that there is no reasonable probability that oil and gas operations under the United States mineral leasing laws in accordance with such terms and conditions as may be imposed on such lease operations will result in the extraction of or cause loss of or waste of the helium-bearing gas in such lands:

Now, therefore, by virtue of the authority contained in section 9 of the Act of August 13, 1954, supra, it is ordered as follows:

The Executive orders of March 21, 1924, and January 28, 1926, and Executive Order No. 6184 of June 26, 1933, reserving certain lands in Utah as Helium Reserve Nos. 1 and 2, are hereby modified to the extent necessary to permit leasing for oil and gas of the following described lands under the United States mineral leasing laws:

SALT LAKE MERIDIAN

HELIUM RESERVE NO. 1

Executive Order of March 21, 1924

T. 18 S., R. 13 E.,
Sec. 25, E½;
Sec. 36, NE¼, E½NW¼, and S½.
T. 19 S., R. 13 E.,
Sec. 1;
Sec. 2, E½;
Sec. 11, E½;
Sec. 12;
Sec. 13;
Sec. 14, E½;
Sec. 23, E½;
Sec. 24;
Sec. 25, N½, N½SW¼, and SE¼;
Sec. 26, E½NE¼.
T. 18 S., R. 14 E.,
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4, E½SW¼.
T. 19 S., R. 14 E.,
Sec. 6, W½;
Sec. 7, W½;
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, W½.

The areas described aggregate approximately 7,100 acres.

SALT LAKE MERIDIAN

ADDITION TO HELIUM RESERVE NO. 1

Executive Order of January 28, 1926

T. 18 S., R. 13 E.,
Sec. 24, SE¼ (unsurveyed);
Sec. 25, E½NW¼ and SW¼;
Sec. 35, SE¼NE¼ and E½SE¼;
Sec. 36, W½NW¼.
T. 19 S., R. 13 E.,
Sec. 25, S½SW¼;
Sec. 26, NW¼NE¼ and NE¼SE¼;
Sec. 36, NE¼, NE¼NW¼, and NE¼SE¼.
T. 18 S., R. 14 E.,
Sec. 19;
Sec. 30, E½ and E½W½;
Sec. 31, E½ and E½NW¼.
T. 19 S., R. 14 E.,
Sec. 5, lot 4, SW¼NW¼ and W½SW¼;
Sec. 6, lots 1 and 2, S½NE¼ and SE¼;
Sec. 7, E½;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 18, E½;
Sec. 19, E½;
Sec. 30, E½;
Sec. 31.

The areas described aggregate approximately 5,155 acres.

SALT LAKE MERIDIAN

HELIUM RESERVE NO. 2

Executive Order No. 6184 of January 26, 1933

T. 18 S., R. 25 E.,
Sec. 33, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼ (unsurveyed);
Sec. 34, SW¼SW¼ (unsurveyed).
T. 19 W., R. 25 E.,
Sec. 3, lot 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, W½NE¼ and NW¼.

The areas described aggregate approximately 1,323 acres.

The lands will be offered for competitive lease in accordance with regulations in 43 CFR Part 192 at such time and place and under such conditions for the preservation of and to prevent loss or waste of the helium-bearing gas as may be specified by the authorized officer of the Bureau of Land Management.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 17, 1961.

[F.R. Doc. 61-8051; Filed, Aug. 22, 1961; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2465]

[1129023]

UTAH

Modifying in Part Helium Reserve Nos. 1 and 2 To Permit Leasing for Oil and Gas Under United States Mineral Leasing Laws

Whereas, certain public lands in the State of Utah were withdrawn from the public domain by Executive orders of March 21, 1924, and January 28, 1926, as Helium Reserve No. 1, and by Executive Order No. 6184 of June 26, 1933, as Helium Reserve No. 2; and

Whereas, the Congress in section 9 of the Act of August 13, 1954 (68 Stat. 715; 30 U.S.C. 529), has made provision for the development of minerals in the lands other than helium, subject to such stipulations as may be necessary to prevent

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the revised statutes, sections 161 (5 U.S.C. 22), and 463 and 465 (25 U.S.C. 2 and 9) and pursuant to other authorizing acts, it is proposed to revise Part 131, Title 25 of the Code of Federal Regulations, concerning leasing and permitting Indian land to read as set forth below.

In the main this revision consists of the realignment of material to present a more logical sequence: The deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 16, 1961.

Part 131, Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

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AUTHORITY: §§ 131.1 to 131.18 issued under R.S. 161; 25 U.S.C. 22, R.S. 463 and 465; 25 U.S.C. 2 and 9. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(c) "Tribal land" means land or any interest therein held by the United States in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 476). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the leasing of the land by the holder of the assignment, the tribe must join with the assignee in the grant of a lease.

(d) "Government land" means land, other than tribal land, acquired or reserved by the United States for Indian Bureau administrative purposes which are not immediately needed for the purposes for which they were acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(e) "Permit" means a privilege revocable at will in the discretion of the Secretary and not assignable, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee", when used in this part include, when applicable, "permit", "permitter", and "permittee", respectively.

§ 131.2 Grants of leases by Secretary.

(a) The Secretary may grant leases on individually owned land on behalf of: (1) Persons who are non compos mentis; (2) orphaned minors; (3) the undetermined heirs of a decedent's estate; (4) the heirs or devisees to individually owned land who have not been able to agree upon a lease during the three-month period immediately following the date on which a lease may be entered into; provided, that the land is not in use by any of the heirs or devisees; and (5) Indians who have given the Secretary written authority to execute leases on their behalf.

(b) The Secretary may grant leases on the individually owned land of an adult Indian whose whereabouts is unknown, on such terms as are necessary to protect and preserve such property.

(c) The Secretary may grant permits on Government land.

§ 131.3 Grants of leases by owners or their representatives.

The following may grant leases: (1) Adults, other than those non compos mentis, (2) adults other than those non compos mentis, on behalf of their minor children, and on behalf of minor children to whom they stand in loco parentis when such children do not have a legal representative, (3) the guardian, conservator or other fiduciary, appointed by a state court or by a tribal court operating under an approved constitution or law and order code, of a minor or person who are non compos mentis or are otherwise under legal disability, (4) tribes or tribal corporations acting through their appropriate officials.

§ 131.4 Use of land of minors.

The natural or legal guardian, or other person standing in loco parentis of minor children who have the care and custody of such children may use the individually owned land of such children during the period of minority without charge for the use of the land if such use will enable such person to engage in a business or other enterprise which will be beneficial to such minor children.

§ 131.5 Special requirements and provisions.

(a) All leases made pursuant to the regulations in this part shall be in the form approved by the Secretary and subject to his written approval.

(b) Except as otherwise provided in this part no lease shall be approved or granted at less than the present fair annual rental.

(1) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at a nominal rental. Such adult Indian may lease land to members of his immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(2) In the discretion of the Secretary, tribal land may be leased at a nominal rental for religious, educational, recreational, or other public purposes to religious organizations or to agencies of Federal, State, or local governments; for purposes of subsidization for the benefit of the tribe; and for homesite purposes to tribal members provided the land is not commercial or industrial in character.

(3) Leases may be granted or approved by the Secretary at less than the fair annual rental when in his judgment such action would be in the best interest of the landowners.

(c) Unless otherwise provided by the Secretary a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than one year's rental unless the lease contract provides that the annual rental shall be paid in advance.

(2) The estimated construction cost of any improvement to be placed on the land by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(d) The lessee may be required to provide insurance in an amount adequate to protect any improvements on the leased premises; the lessee may also be required to furnish appropriate liability insurance, and such other insurance as may be necessary to protect the lessor's interest.

(e) No lease shall provide the lessee a preference right to future leases nor shall any lease contain provisions for renewal, except as otherwise provided in this part. No lease shall be entered into more than 12 months prior to the commencement of the term of the lease. Except with the approval of the Secretary no lease shall provide for payment of rent in advance of the beginning of the annual use period for which such rent is paid. The lease contract shall contain provisions as to the dates rents shall become due and payable.

(f) Leases granted or approved under this part shall contain provisions as to whether payment of rentals is to be made direct to the owner of the land or his representative or to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(g) All leases issued under this part shall contain the following provisions:

(1) While the leased premises are in trust or restricted status, all of the lessee's obligations under this lease, and the obligations of his sureties, are to the United States as well as to the owner of the land.

(2) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. The owners of the land and the lessee and his surety or sureties shall be notified of any such change in the status of the land.

(3) The lessee agrees that he will not use or cause to be used any part of the leased premises for any unlawful conduct or purpose.

(h) Leases granted or approved under this part on individually owned lands which provide for payment of rental direct to the owner or his representative shall contain the following provisions:

(1) In the event of the death of the owner during the term of this lease and while the leased premises are in trust or restricted status, all rentals remaining due or payable to the decedent or his representative under the provisions of the lease shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

(2) While the leased premises are in trust or restricted status, the Secretary may in his discretion suspend the direct rental payment provisions of this lease in which event the rentals shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

§ 131.6 Negotiation of leases.

(a) Leases of individually owned land or tribal land may be negotiated by those owners or their representatives who may execute leases pursuant to § 131.3.

(b) Where the owners of a majority interest, or their representatives, who may grant leases under § 131.3, have negotiated a lease satisfactory to the Secretary he may join in the execution of the lease and thereby commit the interests of those persons in whose behalf he is authorized to grant leases under § 131.2 (a) (1), (2), (3), and (5).

(c) Where the Secretary may grant leases under § 131.2 he may negotiate leases when in his judgment the fair annual rental can thus be obtained.

§ 131.7 Advertisement.

Except as otherwise provided in this part, prior to granting a lease or permit as authorized under § 131.2 the Secretary shall advertise the land for lease. Advertisements will call for sealed bids and will not offer preference rights.

§ 131.8 Duration of leases.

Leases granted or approved under this part shall be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the owner consistent with prudent management and conservation practices, and except as otherwise provided in this part shall not exceed the number of years provided for in this section. Unless the consideration for the lease is based primarily on percentages of income produced by the land, the lease shall provide for periodic review, at not less than five-year intervals, of the equities involved. Such review shall give consideration to the economic conditions at the time, exclusive of improvement or development required by the contract or the contribution value of such improvements. Any adjustments of rental resulting from such review may be made by the Secretary where he has the authority to grant leases, otherwise the adjustment must be made with the written concurrence of the owners and the approval of the Secretary.

(a) Leases for public, religious, educational, recreational, residential, or business purposes shall not exceed 25 years but may include provisions authorizing a renewal or an extension for one additional term of not to exceed 25 years, except such leases of land on the Navajo and Palm Springs Reservations which may be made for a term of ninety-nine years.

(b) Farming and agricultural leases for the purpose of growing specialized crops shall not exceed 25 years.

(c) Farming leases not granted for the purpose of growing specialized crops shall not exceed five years for dry-farming land or ten years for irrigable land.

(d) Grazing leases which require substantial development or improvement of the land shall not exceed ten years.

(e) Leases granted by the Secretary pursuant to § 131.2(a)(3) shall be for a term of not to exceed two years except as otherwise provided in § 131.6(b).

§ 131.9 Ownership of improvements.

Improvements placed on the leased land shall become the property of the lessor unless specifically excepted therefrom under the terms of the lease. The lease shall specify the maximum time allowed for removal of any improvements so excepted.

§ 131.10 Unitization for leasing.

Where it appears advantageous to the owners and advantageous to the operation of the land a single lease contract may include more than one parcel of land in separate ownerships, tribal or individual, provided the statutory authorities and other applicable requirements of this part are observed.

§ 131.11 Conservation and land use requirement.

Farming and grazing operations conducted under leases granted or approved under this part shall be conducted in accordance with recognized principles of good practice and prudent management. Land use stipulations or conservation plans necessary to define such use shall be incorporated in and made a part of the lease.

§ 131.12 Subleases and assignments.

(a) Except as provided in paragraph (b) of this section, a sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties to such lease or permit, including the surety or sureties.

(b) With the consent of the Secretary, the lease may contain a provision authorizing the lessee to sublease the premises, in whole or in part, without further approval. Subleases so made shall not serve to relieve the sublessor from any liability nor diminish any supervisory authority of the Secretary provided for under the approved lease.

§ 131.13 Payment of fees and drainage and irrigation charges.

(a) Except as provided in Part 221 of this chapter, any lease covering lands within an irrigation project or drainage district shall require the lessee to pay annually on or before the due date, during the term of the lease and in the amounts determined, all charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the official designated in the lease to receive such payments.

(b) Unless otherwise provided in this part or by the Secretary, fees based upon the annual rental payable under the lease shall be collected on each lease,

sublease, assignment, transfer, renewal, extension, modification, or other instrument issued in connection with the leasing or permitting of restricted lands under the regulations in this part.

(1) Except where all or any part of the expenses of the work are paid from tribal funds, in which event an additional or alternate schedule of fees may be established subject to the approval of the Secretary, the fee to be paid shall be as follows:

Rental	*Percent*
On the first $500	3
On the next $4,500	2
On all rental above $5,000	1

In no event shall the fee be less than $2.00 nor exceed $250.

(2) In the case of percentage rental leases, the fee shall be calculated on the basis of the guaranteed minimum rental. Where rental consists of a stated annual cash rental in addition to a percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on an estimate of the cash rental value of the acreage, or the estimated value of the lessor's share of the crops. No fees so collected shall be refunded.

§ 131.14 Violation of lease.

Upon a showing satisfactory to the Secretary that there has been a violation of the lease or the regulations in this part, the lessee shall be served with written notice setting forth in detail the nature of the alleged violation and allowing him ten days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties shall be sent a copy of each such notice. If within the ten-day period, it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he will be given an opportunity to carry out such measures and shall be given a reasonable time within which to take corrective action to cure the breach. If the lessee fails within such reasonable time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled, the lessee shall forthwith be notified in writing of the cancellation of the lease and demands shall be made for payment of all obligations and for possession of the premises. The notice of cancellation shall inform the lessee of his right to appeal pursuant to Part 2 of this chapter. Where breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement between the parties to the lease, or where the Secretary has granted the lease, he may accept the damage settlement.

§ 131.15 Crow Reservation.

(a) Notwithstanding § 131.8, no lease of an irrigable allotment on the Crow Reservation not included in the Big Horn unit of the Crow Indian Irrigation project shall be made for a period longer than five years, unless otherwise provided by law.

(b) Notwithstanding § 131.5(e), a lease respecting restricted land on this reservation may be executed for farming purposes under the Acts cited in § 131.15(c) 18 months prior to the expiration date of the lease in force.

(c) Notwithstanding § 131.6, the approval of the Secretary shall not be required for farming and grazing leases executed by Crow Indians classified as competent under the acts of June 4, 1920 (41 Stat. 751), May 19, 1926 (44 Stat. 566), March 3, 1927 (44 Stat. 1365), May 2, 1928 (45 Stat. 482), March 3, 1931 (46 Stat. 1495), March 15, 1948 (61 Stat. 80), and September 8, 1949 (63 Stat. 695), and which embrace all or part of their own allotments or the allotments of their minor children. Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. Copies of all such leases shall be promptly filed with the Crow Indian Agency and shall constitute constructive notice to all persons. Leases not filed with the agency shall not be recognized by the Secretary as against subsequent lessees, purchasers, or encumbrancers of the same land in good faith for value.

(d) Farming and grazing leases may be made pursuant to the Acts cited in § 131.15 (c) or may be be made under the authority of, and for the purposes stated in, the General Leasing Act of August 9, 1955 (69 Stat. 539), in conformity with other applicable sections of the regulations in this part.

(e) All leases governed by the regulations of this part, made by adult Crow Indians not classified as competent or made on inherited or devised trust lands owned by more than five competent devisees or heirs, shall be valid only with the approval of the Secretary. Such leases shall provide for the payment of all rentals and other income therefrom to the Secretary for the benefit of the Indian owners.

§ 131.16 Fort Belknap Reservation.

Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.17 Cabazon, Augustine, and Torres-Martinez Reservations, California.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, restricted lands on the Cabazon, Augustine, and Torrez-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California, may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on restricted lands of the Cabazon, Augustine, and Torres-Martinez Indian Reservations shall be filed for record in the office of the county recorder of the county in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which became payable during the term of the lease. Act of August 25, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

§ 131.18 Colorado River Reservation.

(a) The Secretary may lease any unassigned lands located within Arizona on the Colorado River Reservation for such uses and terms as are authorized by the regulations in this part. Lands heretofore assigned on this reservation may be leased by the holders of the assignments in accordance with these regulations.

(b) Income received from leases of unassigned lands may be expended or advanced by the Secretary for the benefit of the Colorado River Indian Tribes and their members. Income received from leases of assigned lands may be expended or advanced for the benefit of the assignee.

§ 131.19 Grazing units excepted.

Tribal or individually owned lands within range units established pursuant to Part 151 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

[F.R. Doc. 61-8048; Filed, Aug. 22, 1961; 8:45 a.m.]

Bureau of Mines

[30 CFR Part 1]

SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM BUREAU OF MINES

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 6 and 9 of the Helium Act, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. sec. 167(d) and 167(g), 1958 ed. Supp. II), it is proposed to revise 30 CFR Part 1 as set forth below. The purpose of this revision is to put into effect the new and changed objectives and responsibilities of the Secretary of the Interior for conserving, producing, buying, and selling helium.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Mines, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

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§ 1.1 Definitions.

(a) "Act" means the Helium Act, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167).

(b) "Helium Production Fund" means the fund referred to in subsection (f) of section 6 of the Act.

(c) "Helium plant" means a facility operated by the United States Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) "Bureau" means the Bureau of Mines of the Department of the Interior.

(e) "Purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof other than an agency of the United States Government, purchasing helium from the Bureau, or using helium containers rented from the Bureau.

(f) "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium, or better, by volume.

(g) "Unit of helium" means 1,000 cubic feet of helium at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(h) "Cylinder" means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) "Valve" means a standard-type cylinder valve acceptable to the Bureau of Mines having a valve outlet conforming to specifications No. 580 or No. 350 as described by Compressed Gas Association, Inc., Pamphlet V-1, Second Edition: B57.1-1953: *Provided*, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards. Each valve shall be equipped with an outlet-port cap or plug.

(j) "Tank car" means a special railroad car container permanently equipped with multiple cylinders of ICC Specification 107A to be used exclusively for transporting helium.

(k) "Semi-trailer" means a special road-type trailer container without motive power permanently equipped with multiple cylinders of ICC Specification 3AA to be used exclusively for transporting helium.

(l) "Local time" means standard or daylight saving time, whichever is in use in the locality of the transaction to which it applies.

(m) "Day" means a period of 24 consecutive hours beginning and ending at 7 a.m. local time.

(n) "Month" means a calendar month beginning at 7 a.m. the first day of the month and ending at 7 a.m. on the first day of the succeeding month.

(o) "Constructive placement" means written notice by a common carrier to a purchaser of its readiness to deliver a tank car to the purchaser's track, or to public delivery tracks if so specified by purchaser.

(p) "Schedule of Prices and Charges" means a schedule published in the FEDERAL REGISTER as a part of the regulations in this part and referred to herein as the Schedule showing the prices that are charged for helium, services, and use of equipment rented from the Bureau, and showing the cash advance required and deposit, bonds, or insurance that must be furnished to guarantee return of containers. In no event will the Schedule become effective in less than 30 days after date of publication in the FEDERAL REGISTER.

§ 1.2 Purchase price of helium.

(a) The purchase price per unit of Grade-A helium shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *Minimum charge.* Notwithstanding the provision of paragraph (a) of this section, the minimum charge for the helium delivered under any one contract shall be the full price of 20 units as of date of contract.

§ 1.3 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser:

(a) *For filling cylinders.* The charge per unit of helium compressed into cylinders as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charges stated in the Schedule that is in effect on the day the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery, including, but not limited to, costs of work on purchaser's containers for which prices are not stated in the effective Schedule, filling containers of types other than those referred to in § 1.1 (h), (j), and (k), purifying helium beyond normal plant purity, shipment of helium from other than a helium plant selected by the Bureau, and unusual handling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* (1) Cylinder: The monthly charge per cylinder shall be as stated in the Schedule in effect on the first day of the month in which the cylinders are rented: *Provided*, That the charges stated in any newly approved price Schedule shall be paid from the beginning of the first month following that in which it became effective: *Provided further*, That minimum net charge under any one-cylinder rental contract shall be one month's charge for 100 cylinders: *And provided further*, That upon written approval of the Bureau, purchasers may themselves give such cylinders the quinquennial hydrostatic test required by the Interstate Commerce Commission and for each cylinder so tested will be allowed a credit equal to the amount the Bureau charges for such service as shown in the Schedule.

(2) Semi-trailer for each round trip: A charge per day as stated in the Schedule in effect at the time a round trip of a semi-trailer is started from a helium plant.

(3) Tank car for each round trip: The sum of the charges, as stated in the Schedule in effect at the time a round trip is started, consisting of:

(i) A charge for each whole mile, or major fraction thereof, of the total round-trip mileage between the helium plant at which the tank car is filled and its destination, according to the official mileage tariffs of the railroads concerned, and

(ii) A charge per day at destination as stated in the Schedule in effect at the time a round trip of a tank car is started from a helium plant.

(e) *Computation of time periods.* (1) For cylinders: The time period of months referred to in subparagraph (1) of paragraph (d) of this section or in the Schedule of charges for use of cylinders shall begin the month in which the cylinder is placed in service for the purchaser and shall end the month it is returned to the Bureau's service except in the case of cylinders placed in the purchaser's service and returned to Bureau's service the same month. Any fractional period, including the period of use of a cylinder placed in the purchaser's service and returned to the Bureau's service the same month, shall count as a whole period. A cylinder shall not be considered to be returned to the Bureau's service until it is returned to the Bureau's point of origin or to some other point designated by the Bureau, and in the case of a cylinder used in making repeated shipments to the same purchaser, until it is released from that service. The charge for the use of a cylinder shall abate on a pro rata basis for the number of days during any period when it is out of service because of unserviceable conditions not caused by any fault of the purchaser.

(2) For semi-trailers: The time period of days referred to in subparagraph (2) of paragraph (d) of this section or in the Schedule of charges for use of semi-trailers shall begin the day following the day in which the semi-trailer is

placed in service for the purchaser and shall end the day it is returned to the Bureau's service; except that semi-trailer placed in a purchaser's service and returned to the Bureau's service the same day shall be charged on the basis of a whole day. A semi-trailer shall not be considered to be returned to the Bureau's service until it is returned to the Bureau's point of origin or to some other point designated by the Bureau. The charge for use of a semi-trailer shall abate during any period when it is out of service because of unserviceable condition not caused by any fault of the purchaser.

(3) For tank cars: The time period of days as referred to in subparagraph (3) of paragraph (d) of this section, or in the Schedule of charges for use of tank cars, shall begin the day following whichever is the earliest of:

(i) Placement by carrier on purchaser's track, or

(ii) Placement by carrier on public delivery track when so specified by the purchaser, or

(iii) Constructive placement by carrier,

The time period shall be terminated the day of release of the tank car by the purchaser to the carrier for return to a helium plant as evidenced by date and hour shown by billing carrier on empty return billing. The purchaser shall be responsible for having this information shown on the empty return billing. The charge for the use of a tank car shall abate on a pro rata basis for the number of days during any period when it is out of service because of unserviceable conditions not caused by fault of the purchaser.

§ 1.4 Settlements under existing contracts.

Uncompleted portions of contracts for the purchase of helium and for the use of containers in effect when the regulations in this part become effective may be performed and settled under the regulations in this part, by written agreement between the Bureau and the purchaser; but in the absence of such agreement shall be performed and settled under the terms of such contracts and of the regulations as they were in effect at the time such contracts were entered into.

§ 1.5 Applications.

(a) *Applications to purchase helium.* Sales of helium will be made only upon a written application, signed by the applicant, setting forth all of the information and conditions required by the Bureau's form entitled "Application and Contract to Purchase Helium." Such forms will be furnished by the Bureau upon request to the Bureau of Mines Helium Activity, Amarillo, Texas. The application, upon acceptance and execution by the Bureau, shall become the contract for the purchase of helium from the Bureau in accordance with the regulations in this part.

(b) *Application to use containers.* If a purchaser desires that containers be supplied by the Bureau, he may make application therefor on the Bureau's form entitled "Application and Contract To Use Helium Containers." Such forms will be furnished by the Bureau upon request to the Bureau of Mines Helium Activity, Amarillo, Texas. The application, upon acceptance and execution by the Bureau, shall become the contract for the use of containers in accordance with the regulations in this part.

§ 1.6 Advances, deposits, bonds, insurance.

(a) *Advances and bonds for purchase of helium.* No helium will be delivered or services performed under the regulations in this part except against cash paid in advance on account of the purchase price and services, and when applicable, a bond or bonds as provided in § 1.8.

(b) *Advances, deposits, bonds, or insurance for use of containers.* No containers will be furnished by the Bureau under the regulations in this part except against cash paid in advance for use of the containers and a cash deposit, bond, or insurance policy issued to the United States and acceptable to the Bureau to guarantee the return of all Government-owned containers in satisfactory condition, or the repair or replacement of, or payment for, any containers lost or damaged, and payment of any other charges that may become due.

(c) *Purchaser to maintain adequate credits and bonds or insurance.* The purchaser shall at all times maintain with the Bureau a cash credit sufficient to cover all or as much as the Bureau may require of the purchase price of helium together with such charges for services and use of containers as may accrue, and a cash deposit, bond, or insurance adequate and acceptable to the Bureau to save the Bureau harmless from loss of or damage to containers and to guarantee payment of all charges.

(d) *Initial and supplemental advances, deposits, bonds, or insurance.* Applicants for helium and for use of containers may estimate the amounts of the total and initial cash advances and deposits, bonds, or insurance from the Bureau's established purchase prices, service charges, and container values, as published in the Schedule, and make the necessary payments with their application, or may await a determination and statement of these items by the Bureau after the filing of the application. If the Bureau at any time deems any advance, deposit, bond, or insurance insufficient, it may require that it be made sufficient as a condition to further deliveries of helium or use of containers.

(e) *Computation of cash advance when method of shipment is uncertain.* If the type of container in which helium is to be shipped has not been decided at the time an application is made, the cash advance shall include the service charge for filling cylinders as specified in the Schedule but in adjusting accounts pursuant to § 1.9, filling charges will not be made for units shipped in tank cars or semi-trailers.

(f) *Forms of checks for advances and deposits.* All cash advances, deposits, and additions thereto shall be made in the form of certified checks or cashier's checks payable to the Bureau of Mines Helium Activity, unless this requirement is waived by the Bureau.

§ 1.7 Initial advance for purchase of helium.

The initial cash advance for purchase of helium may be determined as follows:

(a) *On account of purchase price.* The minimum charge for helium under a contract is the purchase price of 20 units.

(1) With applications for less than 500 units of helium: The full purchase price (but not less than the price for 20 units).

(2) With applications for 500 units or more of helium: The full purchase price for 500 units, but the Bureau may require more.

(b) *On account of services.* The full amount of the estimated charges for the services to be rendered, not including charges for use of containers furnished by the Bureau.

§ 1.8 Initial advance and guarantee for containers.

The initial cash advance for rental charge and the deposit, bond, or insurance for use of containers may be determined from the Schedule in effect at the time the application is made.

§ 1.9 Adjustment of accounts.

(a) *Delivery which fulfills contract.* The delivery of a quantity of helium within plus or minus five percent of that contracted for shall constitute performance on the part of the Bureau, but payments for the helium shall be on the basis of the number of units delivered; except as provided in paragraph (b) of this section.

(b) *Refunds to purchasers.* As contracts of sale are performed by the Bureau by the delivery of helium, and as contracts for use of containers are performed by the purchaser by the return of containers and other equipment furnished by the Bureau, the Bureau may make refunds from time to time to the purchaser, from any credits to the purchaser's account to the extent that the Bureau deems such credit or credits to be in excess of the amounts that may be required to insure the performance of any outstanding contract or contracts with the same purchaser; and in any event, upon full performance by both the Bureau and the purchaser of any contract of sale or contract for use of containers, the Bureau shall at the purchaser's request refund to the purchaser any balance left to the purchaser's credit on account of such contract: *Provided*, That no refunds or credits will be made on contracts to an extent that will reduce the net payment to the Bureau below the full purchase price for 20 units of helium.

§ 1.10 Shipping containers.

(a) *Containers may be provided by the purchaser of the Bureau.* The applicant may provide containers, as indicated by the Application and Contract to Purchase Helium, or may request the Bureau to provide them, as indicated by the Application and Contract to Use Helium Containers. Containers provided by the applicant must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* (1) Agencies of the Federal Government purchasing helium from the Bureau will have priority in the use of containers for transporting helium. Containers will not be rented to non-Federal users who do not purchase helium directly from the Bureau.

(2) The purchaser shall make every effort to prevent loss of or damage to helium containers rented from the Bureau; shall not use such containers for any purpose other than transportation or storage of helium purchased from the Bureau; and shall not permit any substance other than Grade-A helium to be compressed or injected into such containers without the Bureau's written consent.

(3) The purchaser shall keep account of all containers supplied by the Bureau (by serial number if a container is so numbered and if the Bureau makes written request for such record) and shall return such containers (including attached valves and other parts) to the helium plant or other point from which they were shipped to the purchaser, or to such other point as may be specified in writing by the Bureau, at no greater cost to the purchaser. Notwithstanding any other provisions of the regulations in this part, the purchaser shall return standard-type cylinders within 60 days and return helium tank cars and helium semi-trailers within 30 days after receipt of notice that their return is required.

(4) The purchaser shall not, without written approval of the Bureau, remove, obliterate, or obscure any of the Government's stamped or painted markings on such containers, nor stamp, paint, or otherwise apply permanent markings on the metal of such containers, except records of hydrostatic tests stamped into the metal thereof in the manner prescribed by the Interstate Commerce Commission if the making of such tests by the purchaser is authorized by the Bureau: *Provided*, That the purchaser may place temporary markings on said containers if such markings are applied in a manner that will in no way affect the metal of or paint on said containers or attached fittings, but any such temporary markings not authorized by the Bureau in writing shall be removed before return of the containers to the Bureau.

(5) Title to all containers supplied to purchasers under the regulations in this part shall remain in the United States. Payment by the purchaser for a container rendered unserviceable or not returned shall not vest title to such container in the purchaser.

(6) The purchaser shall pay to the carrier all transportation charges and demurrage fees resulting from shipment of the containers and their contents to the purchaser and return of the containers to the Bureau, unless the Bureau has agreed in writing to pay such transportation charges and fees.

(7) In the event that the Bureau pays any transportation costs on containers in the service of a purchaser, the purchaser shall reimburse the Bureau for such transportation at commercial common-carrier rates for the kind of transportation used, whether or not the transportation was by common carrier, or the cost incurred by the Bureau, whichever is applicable.

(8) The purchaser shall not remove containers furnished by the Bureau from the continental limits of the United States (which continental limits shall include Hawaii and Alaska) without specific permission of the Bureau, except for continuous passage through Canada en route between locations in the United States, which passage shall be in accordance with all laws and regulations applying to such passage through Canada.

(9) Any use or operation by the purchaser of containers furnished by the Bureau shall be in full compliance with all applicable Federal and State laws.

(10) The purchaser shall completely indemnify the Government and hold it harmless from any loss or expense arising from claims of third persons in connection with personal injuries or damage to property or otherwise arising from any Government-owned container while in the service or custody of the purchaser.

(c) *Provisions applicable to cylinders supplied by the Bureau.* (1) If any standard-type cylinder supplied by the Bureau is not returned within 60 days after receipt of notice that its return is required, or is rendered unserviceable by defects or failure to pass a quinquennial hydrostatic test as a result of mistreatment or damage beyond the effects of ordinary wear, tear, and age occurring during the period commencing with the delivery or shipment of such cylinder to the purchaser and ending with the return of such cylinder to the Bureau, the purchaser shall be charged and shall pay to the Bureau, or cause to be paid to the Bureau, the replacement cost of the cylinder and its parts, including costs of assembly, as determined by the Bureau which in no event shall be less than $30 nor more than $40. The entry of such charge on account of any cylinder not returned shall terminate the charge for the use thereof as of the end of the current month for which charge is made pursuant to § 1.3(d), but if said cylinder is subsequently returned in serviceable condition, the Bureau shall credit or refund to the purchaser, the amount charged for the cylinder less one and one-half times the rental charge not to exceed the amount charged for the lost cylinder for the period from the date when the charge was terminated to the date of the return of the cylinder in repayment to the Bureau for extra costs incurred.

(2) The purchaser shall be charged with and shall pay to the Bureau, or cause to be paid to the Bureau, the cost of repairing the damage (as estimated by the Bureau if immediate repair is not made) to any returned cylinder which, although serviceable, has suffered damage beyond that attributable to ordinary wear, tear, and age during the period while it was in the service of the purchaser.

(3) The purchaser shall return each cylinder with a minimum residual pressure of 15 pounds per square inch gage of uncontaminated Grade-A helium. Purchasers who fail to comply with these requirements are subject to an additional charge as shown in the Schedule.

(d) *Provisions applicable to tank cars and semi-trailers supplied by the Bureau.* (1) The purchaser shall furnish the Bureau complete routings for movement of tank cars and semi-trailers. Unless otherwise directed, the routings shall be based on the shortest transit time and shall be acceptable to the Bureau.

(2) The purchaser shall be charged with any excess empty mileage of tank cars for which the purchaser is responsible. The Bureau reserves the right to specify the return routing of a tank car, but if not specified by the Bureau, the return movement shall be by the reverse of the routing used in shipment from a helium plant.

(3) The Bureau may collect from the purchaser the amount of any bill received by the Bureau or other Government agency from a railroad or other commercial repair shop for repair of damage incurred by a tank car or a semi-trailer while in the custody of the purchaser.

(4) Bills of lading issued by the purchaser for shipment of tank cars and semi-trailers shall be in such form and bear such notations as the Bureau may direct.

(5) The purchaser shall not remove from their mountings the containers from tank cars or semi-trailers without specific authority of the Bureau.

(6) The purchaser shall make good, or cause to be made good, to the Government, by replacement of materials or by financial reimbursement, as may be appropriate and satisfactory to the Bureau, all losses and damages, not caused by any fault or negligence of the Government, to any tank car or semi-trailer during any period when such tank car or semi-trailer is in the service or custody of the purchaser. Financial reimbursement shall be satisfactory to the Bureau and to any other governmental agency having jurisdiction over the equipment lost or damaged, and for tank cars shall not exceed the cost of the equipment and its parts, including costs of assembly, determined in accordance with Rule 112 of the Association of American Railroads "Interchange Rules." The same basic principles set forth in Rule 112 of the Association of American Railroads "Interchange Rules" will be used in computing the financial reimbursement for a semi-trailer which is lost or damaged extensively.

(7) The purchaser shall return each tank car and semi-trailer with a minimum residual pressure of 15 pounds per square inch gage of uncontaminated Grade-A helium in each individual cylinder. Purchasers who fail to comply with these requirements are subject to

an additional charge as shown in the Schedule. Allowance for this residual helium will be made in the Bureau's billing for helium; however, no additional credit will be allowed purchaser by Bureau for helium returned in tank cars and semi-trailers with pressures in excess of 15 pounds per square inch gage.

§ 1.11 Repurchase rights of Government.

The Government shall have the right to repurchase helium that has been sold by the Bureau and that has not been lost or dissipated, when needed for Government use, upon the following terms and conditions:

(a) *Price for repurchase.* The price to be paid by the Government per unit of helium, at the point of repurchase, for helium of 99.995 percent purity or better, shall be the price at which the helium to be repurchased was purchased initially.

(b) *Adjustment for purity.* For repurchased helium of less than 99.995 percent purity, the unit price to be paid by the Government shall be the price as above determined less one percent thereof for each one percent or fraction thereof that the purity is below 99.995 percent.

§ 1.12 Reservations with respect to sales and deliveries.

The Bureau reserves the right to select the helium plant from which shipments will be made. The Bureau further reserves the absolute right and discretion to limit or defer sales and deliveries under contracts to conform to the needs and requirements of the Government, and to give such preferences as between sales for medical, scientific, and commercial use, and requisitions by Government agencies, as it deems proper: *Provided*, That in all cases, requirements for Government use shall have first preference. All furnishing of services and supplying of containers under the regulations in this part shall be at the Bureau's option.

§ 1.13 Exportation of helium.

Neither the regulations in this part nor any sale or contract of sale pursuant to the regulations in this part shall authorize or be construed as authorizing the exportation of helium. The export of helium is governed by regulations of the Department of State set out in 22 CFR Parts 121–128. Applications for export licenses should be addressed to the Department of State, Washington 25, D.C.

§ 1.14 Power of inspection.

Authorized representatives of the United States may enter and inspect at all reasonable times the place (including places in foreign countries) where any helium produced by the Bureau is stored or used, to the extent reasonably necessary to ascertain whether it is being used or is likely to be used in violation of restrictions in the Act or the regulations in this part.

§ 1.15 Notification to repurchasers.

Every purchaser of helium from the Bureau shall comply and be bound by the Act and the regulations in this part, now or hereafter in force, and shall notify all repurchasers of such helium of the Act and regulations in this part including the power of inspection provided for in § 1.14, the Government's right to repurchase set out in § 1.11, and the regulations of the Department of State governing the export of helium set out in 22 CFR Parts 121–128.

§ 1.16 Violations and penalties.

For violation of any of the provisions of the Act or of the regulations in this part, the Bureau, in addition to any other penalties provided by law, may cancel all future deliveries and forfeit all deposits under existing contracts of purchasers responsible for or in any manner aiding or participating in such violations, and may deny all pending or future applications from applicants who are participating, or who have participated, in or in any way aided such violations.

§ 1.17 Cancellation and assignment of contracts.

Contracts for the purchase of helium or for the use of containers may not be canceled, assigned, or otherwise transferred without the written consent of the Bureau.

§ 1.18 Federal agencies not affected.

The regulations in this part have no application to requisitions of helium by agencies of the Federal Government, nor to the use of helium by such agencies.

§ 1.19 Forms.

Forms of applications and contracts for purchase of helium and for use of helium containers will be furnished by the Bureau upon request. The Bureau may make alterations in or additions to said forms, and may require the execution of a contract in a different form.

§ 1.20 Termination.

Contracts entered into under these regulations for the purchase of helium or to use helium containers owned by the Bureau may be terminated by the Bureau upon giving purchaser 60 days written notice of its intention to do so. In the event of such termination, the Bureau shall refund to the purchaser all of the unused portion of the purchaser's cash advance hereunder and any other unused moneys in purchaser's account with the Bureau for the purchase of helium and charges related thereto.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 15, 1961.

BUREAU OF MINES—HELIUM ACTIVITY
[Effective ....., 1961]

SCHEDULE OF PRICES AND CHARGES

Helium sale price:	
Each unit f.o.b. helium plants	$35.00.
Minimum order each contract	20 units.
Initial cash advance:	
Contracts for less than 500 units.	Full purchase price.[1]
Contracts for 500 units or more.	$17,500.00.
Filling charge:	
Standard-type cylinders	$2.50 each unit of helium.
Tank cars	No charge.
Semi-trailers	Do.
Service charges:	
Furnish new cylinder caps	$1.50 each.
Furnish new cylinder valve and install.	$2.75 each.

BUREAU OF MINES—HELIUM ACTIVITY—Con.
[Effective ....., 1961]

SCHEDULE OF PRICES AND CHARGES

Service Charges—Con.:	
Hydrostatic test cylinders and indent new test date.	$1.30 each cylinder.
Indent serial numbers on cylinders.	$0.10 each letter or figure.
Install customer's valves	$0.30 each.
Move cylinders from plant storage.	$0.20 each.
Move cylinders to plant storage	Do.
Paint cylinders	$0.30 each color.
Remove caps wedged by loose port plug.	$0.15 each cylinder.
Remove rusted caps that require special handling.	$1.15 each.
Replace safeties	$0.35 each.
Reset cylinder valves	$0.30 each.
Rework cylinder valves	$1.00 each.
Rework safeties	$0.20 each.
Rubber-stamp special information on cylinders.	$0.10 each cylinder.
Seal cylinder valves	$0.05 each.
Stencil "Helium Oil Free" on cylinders.	$0.10 each cylinder.
Stencil special markings on cylinders.	$0.50 each cylinder.
Wash and dry cylinders (includes reset valve).	$1.00 each.
Use of tank cars:	
Round-trip mileage between helium plant and destination, and	$0.11 a mile.
Time at destination	$25.00 each day.
Initial cash advance for use of each tank car:	
Contracts specifying a definite number of round trips.	$1,000.00 each round trip.
Contracts specifying an indefinite number of round trips.	$4,000.00.
Cash, bond, or insurance to guarantee return of containers:	
1 tank car	$100,000.00.
2 or more, but less than 5 tank cars.	$200,000.00.
Each car in excess of 4	$20,000.00.
Use of semitrailers:	
Time in customer's service	$15.00 each day.
Initial cash advance for use of each trailer:	
Contracts specifying a definite number of round trips.	$150.00 each round trip.
Contracts specifying an indefinite number of round trips.	$600.00.
Cash, bond, or insurance to guarantee return of containers:	
1 trailer	$40,000.00.
2 or more, but less than 5 trailers.	$100,000.00.
Each trailer in excess of 4	$10,000.00.
Use of standard-type cylinders:	
Each cylinder	$.25 a month.
Minimum each contract	$25.00.
Initial cash advance for use of cylinders:	
Contracts for 100 cylinders or less.	$75.00.
Contracts for more than 100 cylinders.	$0.75 a cylinder.
Cash, bond, or insurance to guarantee return of containers:	
First 500 cylinders	$38.00 a cylinder.
Second 500 cylinders	$15.00 a cylinder.
For each cylinder in excess of 1,000.	$5.00.
Additional charge for failing to return containers with minimum residual pressure of 15 pounds per square inch gage of uncontaminated grade-A helium:	
Tank cars	$175.00.
Semitrailers	$50.00.
Standardtype cylinders	$1.00.

[1] The advance shall also include the estimated amount for filling charges and the full amount of estimated charges for the services to be rendered.

[F.R. Doc. 61-8052; Filed, Aug. 22, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 35]

EXPORTATION OF GRAPES AND PLUMS

Grades, Requirements, and Regulations

Notice is hereby given that the Department is considering the proposed regulations (7 CFR Part 35), as hereinafter set forth, for carrying out the provisions of the Export Grape and Plum Act (74 Stat. 734; 7 U.S.C. 591–599), as amended by Public Law 87–105, approved July 26, 1961.

The regulation herein proposed would apply only to Emperor variety grapes which is the principal European type grape shipped in export, constituting about 85 percent of total volume. The industry has proposed that initial minimum grade and other export requirements be limited to this variety. The major part of plum production subject to the Act is covered by minimum grade and other regulations issued by the Secretary under the Federal Marketing Agreement and Order No. 36 (7 CFR Part 936), regulating handling of Elberta peaches, plums, and Bartlett pears grown in California. Since such regulations prescribe quality standards for plum exports, no additional regulations under the above Act are proposed at this time.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D.C., not later than the close of business of the 20th day after publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

§ 35.1 Act.

"Act" or "Export Grape and Plum Act" means "An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved September 2, 1960, 74 Stat. 734; 7 U.S.C. 591–599; as amended by Public Law 87–105, approved July 26, 1961.

§ 35.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 35.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 35.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, rail, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 35.7 Package.

"Package" means any container of Emperor variety grapes.

§ 35.8 Shipment.

"Shipment" means one or more lots of Emperor variety grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

§ 35.9 Certificate.

"Certificate" or "Certificate of Inspection" means any of the official forms of inspection certificate, bearing the statement "meets requirements of the Export Grape and Plum Act," issued by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR Part 51).

§ 35.10 Date of export.

"Date of export" shall be the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an "on board" date is shown.

REGULATIONS

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of Emperor variety grapes to any foreign destination unless:

(a) Such grapes in sawdust packs meet each minimum requirement of the U.S. No. 1 Sawdust Pack Grape Grade as specified in the U.S. Standards for Sawdust Pack Grapes (European or Vinifera Type) (§§ 51.2150–51.2178 of this title).

(b) Such grapes in other than sawdust packs meet each applicable minimum requirement of the U.S. No. 1 Table Grape Grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880–51.911 of this title).

NOTE: An amendment to this grade is currently under consideration to facilitate shipment of grapes in small consumer sized units. This proposed amendment appears in the August 2, 1961, issue of the FEDERAL REGISTER (26 F.R. 6936), and would provide a tolerance of 25 percent for bunches weighing less than one-fourth pound in packages of five pounds or less.

(c) Each package of such grapes, other than consumer sized packages of five pounds or less in master containers, is marked plainly and conspicuously with (1) the name and address of the grower or packer; (2) the variety; and (3) the name of the U.S. grade, as "U.S. No. 1 Sawdust Pack Grapes" or "U.S. No. 1 Table Grapes" or higher grade, if the fruit meets each applicable minimum requirement of such grade.

§ 35.12 Inspection and certification.

(a) Each person shipping, or offering for shipment, Emperor variety grapes to any foreign destination shall cause them to be inspected within 14 days prior to date of export by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and certified as meeting the requirements of the Act and this part.

(b) The Federal or Federal-State certificate of inspection shall include the following statement "Meets requirements of the Export Grape and Plum Act." No carrier shall transport or receive for transportation Emperor variety grapes to any foreign destination unless a copy of the certificate of inspection issued thereon is surrendered to such carrier when such grapes are so received. The shipper shall deliver a copy of such certificate covering the shipment to the export carrier. Such grapes may be inspected at points other than port of exportation. Whenever such grapes are inspected and certified at any point other than port of exportation, the shipper shall deliver a copy of such certificate to the agent of the first carrier that thereafter transports such grapes and such agent shall deliver such copy to the proper official of the carrier on which the grapes are to be exported.

(c) A copy of the Certificate of Inspection shall be filed by the export carrier for a period of not less than three (3) years following date of export.

(d) If the inspector has reason to believe that samples of a lot of Emperor variety grapes have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 35.13 Minimum quantity.

Any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination, a shipment of 25 packages of Emperor variety grapes, not exceeding 1,250 pounds gross weight.

WITHHOLDING CERTIFICATES

§ 35.14 Notice.

If the Secretary is considering withholding the issuance of certificates under the Act for a period of not exceeding 90 days to any person who ships, or offers for shipment, Emperor variety grapes to any foreign destination in violation of any provisions of the Act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the Act or the regulations in this part is charged.

§ 35.15 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and

to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 35.16 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the Act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Certificate of Inspection to such person.

§ 35.17 Service of notice or order.

Service of any notice or order required by the Act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

Dated: August 18, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8067; Filed, Aug. 22, 1961; 8:48 a.m.]

[7 CFR Part 1030]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Carryover of Unexpended Funds and Establishment of Reserve

Consideration is being given to the following proposal submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under Marketing Agreement No. 140 and Order No. 130 (7 CFR Part 1030), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture approve the establishment of an operating monetary reserve, which reserve shall not exceed approximately one fiscal year's operational expenses, as appropriate for the maintenance and functioning of the said committee under the aforesaid marketing agreement and order; and

(2) That the Secretary of Agriculture determine that it is appropriate for the maintenance and functioning of the committee that unexpended assessment funds in excess of expenses incurred during the fiscal period ended May 31, 1961, be placed in said reserve, and may be used, in accordance with the provisions of § 1030.42 of the said marketing agreement and order.

Consideration will be given to written data, views, or arguments pertaining to the aforesaid proposal which are received by the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D.C., not later than the 10th day after publication of this notice in the FEDERAL REGISTER.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 18, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8068; Filed, Aug. 22, 1961; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 911]

[Docket No. AO 262-A7]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Courthouse Building, Seattle, Washington, beginning at 10:00 a.m., local time, on September 11, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Washington, marketing area.

The public hearing is for the purpose of receiving the evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Department of Institutions, State of Washington:

Proposal No. 1. That § 925.102(d)(5) be amended by adding a further exception (iii) to provide that purchases of skim milk and butterfat in any of the forms specified in § 925.41 (a) from fluid milk plants or country plants may be made without limit by a producer-handler who handles such dairy products primarily for his own consumption.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 226, Amarillo, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 18, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8077; Filed, Aug. 22, 1961; 8:48 a.m.]

[7 CFR Part 925]

[Docket No. AO-226-A7]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Dallas, 312 S. Houston Street, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on August 29, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the North Texas Producers Association:

Proposal No. 1. Provide for a Class II-A classification and pricing of milk used to produce Cheddar cheese with such price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary Markets ("Cheddars" f.o.b. Wisconsin—assembling points, cars or truckloads) as reported by the Department for the month and rounded to the nearest tenth of a cent.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Nicholas L. Keyock, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 18, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8070; Filed, Aug. 22, 1961; 8:48 a.m.]

[7 CFR Parts 935, 1013]

[Docket Nos. AO-86-A11, AO-279-A2]

MILK IN OMAHA-LINCOLN-COUNCIL BLUFFS AND PLATTE VALLEY, NEBR., MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Omaha-Lincoln-Council Bluffs and Platte Valley, Nebraska, marketing areas which was issued August 3, 1961 (26 F.R. 7096), is hereby extended to September 7, 1961.

Dated: August 18, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8069; Filed, Aug. 22, 1961; 8:48 a.m.]

[7 CFR Part 943]

[Docket No. AO-231-A17]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Dallas, 312 S. Houston Street, Dallas, Texas, beginning at 10:00 a.m., c.s.t., on August 29, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the North Texas Producers Association:

Proposal No. 1. Provide for a Class II-A classification and pricing of milk used to produce Cheddar cheese with such price per hundredweight computed by multiplying by 8.4 the average daily prices paid per pound of cheese at Wisconsin Primary Markets ("Cheddars" f.o.b. Wisconsin—assembling points, cars or truckloads) as reported by the Department for the month and rounded to the nearest tenth of a cent.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2621 West Mockingbird Lane, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 18, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8075; Filed, Aug. 22, 1961; 8:48 a.m.]

[7 CFR Part 943]

[Docket No. AO 231-A18]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Dallas, 312 S. Houston Street, Dallas, Texas, beginning at 2:30 p.m., c.s.t., on August 29, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the North Texas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The issues, to be considered at this hearing, were the subject of a previous hearing held in Dallas, Texas, on April 24, 25 and 26, 1961. However, the reporter for that hearing has failed to deliver the record and there is no longer any expectation that this record will be made available. Therefore, opportunity is being given interested parties to resubmit all testimony and exhibits presented at that hearing together with any new evidence which is pertinent to the issues under consideration.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairy Products Institute of Texas, Inc., on behalf of: The Borden Company, Boswell's Dairies, Cabell's, Inc., Foremost Dairies, Inc., Oak Farms Dairies, Inc., and Vandervoort's, Inc.

Proposal No. 1. Amend §§ 943.15, 943.41, 943.45, 943.46, 943.70 and all other related sections to provide that dietary foods be classified as Class II, and to provide that the skim equivalent method of accounting for all fortified products be discontinued and that all payments under the order for solids used to fortify be also discontinued.

Proposed by Oak Farms Dairies:

Proposal No. 2. Amend § 943.61(a) to read as follows:

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing area, on a twelve-month moving average, than in the marketing area regulated pursuant to such order.

Proposed by Metzger Dairies, Inc., Producer Creamery Company, and 66 others:

Proposal No. 3. Amend §§ 943.9, 943.10, 943.12, 943.13, 943.61, 943.71, 943.72, 943.73, and 943.90 to provide for individual-handler pooling in lieu of the present marketwide pooling.

Proposed by Metzger Dairies, Inc.;

Proposal No. 4. Amend § 943.41(b)(4) to provide that an amount up to one-half of one percent of a handler's Class I utilization may be disposed of in Class II as animal feed disposition without conditions of prior notice, records and verification.

Proposed by Foremost Dairies, Inc.;

Proposal No. 5. Amend the proviso of § 943.53 to read as follows: "*Provided,* That for purposes of calculating such

location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46(a) (1) through (8) and the corresponding steps in § 943.46(b) for such plant less 5 percent of the receipts of producer milk at such plant and any milk transferred from a supply plant which is a pool plant, and which is not subject to a location differential hereunder, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at such plant, beginning with the plant having the largest differential."

Proposed by The Borden Company, Cabell's, Inc., Foremost Dairies, Inc., and Oak Farms Dairies:

Proposal No. 6. Amend §§ 943.12(d), 943.13, 943.30(a), 943.31 (a), (b), and (c), 943.41 and 943.42 and all related sections, to establish more definitely the responsibility of handlers, cooperatives, and haulers for individual producers' weights and tests of milk received by processing handlers.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 7. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 2621 West Mockingbird Lane, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., on August 18, 1961.

H. L. FOREST,
Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8076; Filed, Aug. 22, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 522) has been filed by Diamond Crystal Salt Company, 916 South Riverside Avenue, St. Claire, Michigan, proposing the issuance of a regulation to establish a tolerance of 10 parts per million (0.001 percent) of the surfactant polysorbate 80 when used in the production of coarse crystal sodium chloride.

Dated: August 17, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-8063; Filed, Aug. 22, 1961; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-36]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 439, and its associated control area, from the Dickinson, N. Dak., VORTAC to the Williston, N. Dak., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Dickinson and Williston. The control area associated with this proposed airway would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Additionally, the Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1763 from Dickinson to Williston to overlie Victor 439. The proposed designation of Victor 1763 would provide continuity of airway structure and would facilitate the transition of aircraft between the low and intermediate altitude airways systems.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 16, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-8044; Filed, Aug. 22, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61-KC-37]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 465, and its associated control area, from the Miles City, Mont., VORTAC to the Williston, N. Dak., VOR. This would provide continuity in the low altitude airway structure and provide a low altitude route for VOR equipped aircraft operating between Miles City and Williston. The control area associated with this proposed airway would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60-21 to Part 60 of the Civil Air Regulations.

Additionally, the Federal Aviation Agency is considering the designation of intermediate altitude Federal airway No. 1765 from Miles City to Williston to overlie Victor 465. The proposed designation of Victor 1765 would provide continuity of airway structure and would facilitate the transition of aircraft between the low and intermediate altitude airway systems.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 16, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-8045; Filed, Aug. 22, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary

INTERIM ORGANIZATION AND OPERATION OF OFFICE OF CIVIL DEFENSE WITHIN DEPARTMENT OF DEFENSE; INTERIM DELEGATION OF ADMINISTRATIVE AUTHORITIES FOR CIVIL DEFENSE FUNCTIONS

The Secretary of Defense approved the following documents on July 31, 1961:

1. Interim Organization and Operation of the Office of Civil Defense Within the Department of Defense.

Reference: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense Responsibilities to the Secretary of Defense and Others.

Pending the early appointment of an individual to be responsible for civil defense functions assigned to the Department of Defense by reference (a), Mr. Adam Yarmolinsky, Special Assistant to the Secretary of Defense, will, effective August 1, 1961, under the direction, authority and control of the Secretary of Defense:

1. Assume responsibility for those functions, and,

2. Organize and establish an Office of Civil Defense within the DoD.

The authorities delegated to the Secretary of Defense under reference (a) are hereby redelegated to the Special Assistant to the Secretary of Defense.

The assignment will be canceled automatically effective with the qualification of a successor for this responsibility.

2. Interim Delegation of Administrative Authorities for Civil Defense Functions.

References: (a) E.O. 10952, dated July 20, 1961, assigning Civil Defense Responsibilities to the Secretary of Defense and others.

(b) OCDM Bulletin No. 29, dated Feb. 2, 1961, and Attachment A, Reprint from FEDERAL REGISTER of Jan. 13, 1961 (26 F.R. 271).

Pursuant to the authorities vested in me as Secretary of Defense and by reference (a) for the purpose of insuring the uninterrupted functioning of civil defense responsibilities, functions and activities transferred to the Secretary of Defense on August 1, 1961 by reference (a), I hereby continue in effect, on an interim basis, and delegate to Mr. Adam Yarmolinsky, Special Assistant to the Secretary of Defense, and such individuals as are designated by him as appropriate for these purposes, under my direction, authority and control, those authorities contained in reference (b) which were initially delegated by or derived from a delegation by the Director, Office of Civil and Defense Mobilization, until further modified or revoked.

All other redelegations of the authorities derived from the Director, Office of Civil and Defense Mobilization, by personnel for functions transferred to the Secretary of Defense by reference (a) which are not consistent with the provisions of this memorandum are hereby revoked.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61-8061; Filed, Aug. 22, 1961; 8:47 a.m.]

CIVIL DEFENSE FUNCTIONS TRANSFERRED TO SECRETARY OF DEFENSE

Interim Administration

The Special Assistant to the Secretary of Defense approved the following documents on August 1, 1961:

I. Memorandum for: The Acting Defense Representative for Civil Defense, Battle Creek, Michigan; The Regional Directors, Civil Defense Regional Offices.

Subject: Interim Administration of Civil Defense Functions Transferred to the Secretary of Defense.

References: (a) EO 10952, dated July 20, 1961, assigning Civil Defense Responsibilities to the Secretary of Defense and Others.

(b) SecDef memo of July 31, 1961; Subj: Interim Organization and Operation of the Office of Civil Defense Within the DoD.

(c) SecDef memo of July 31, 1961; Subj: Interim Delegations of Administrative Authorities for Civil Defense Functions.

1. In order to insure that civil defense responsibilities, functions and activities transferred to the Secretary of Defense on August 1, 1961 by reference (a) are continued on an uninterrupted basis during the transition period, and pursuant to the authorities delegated in references (b) and (c), the following are designated to act for me, as appropriate, in their respective areas of assignment. Each will be authorized, on an interim basis, to exercise the authorities contained in reference (c) as indicated below:

Activity	Designee	Title	Delegated authorities
Battle Creek headquarters activities.	Dallas M. Barr	Acting defense representative.	All delegations contained in subpars. (1) through (14) of par. (a); para. (b) and (c); subpars. (1) and (2) of par. (d); and pars. (f) and (h) of Sec. 22 of Attachment A to ref. (c).
Regions I-VIII	Individual currently designated to serve or act in this capacity.	Regional director	All authorities contained in subpars. (3) through (6) of par. (d) and par. (f) of Sec. 22 of Attachment A to ref. (c).

The above delegations of authority may be redelegated unless otherwise specifically prohibited.

2. Until further notice, during the interim period, the following specific restrictions are imposed:

(a) Accessions and promotions of personnel performing civil defense activities transferred to the Secretary of Defense generally will be suspended unless specifically approved by me.

(b) Authority to authorize official travel will not be redelegated by the Defense Representative.

(c) New contract proposals or extensions of existing contracts will be submitted to me for approval prior to commitments being made.

II. Memorandum for: The Facility Manager, Olney Facility

Subject: Interim Administration of Civil Defense Functions Transferred to the Secretary of Defense.

References: (a) EO 10952, dated July 20, 1961, assigning Civil Defense Responsibilities to the Secretary of Defense and Others.

(b) SecDef memo of July 31, 1961; Subj: Interim Organization and Operation of the Office of Civil Defense within the DoD.

(c) SecDef memo of July 31, 1961; Subj: Interim Delegations of Administrative Authorities for Civil Defense Functions.

The Facility Manager, Olney Facility, is hereby delegated the authority to:

(1) Make emergency or small purchases, in an amount not in excess of $50 per purchase order, on Standard Form 44a, U.S. Government Purchase.

(2) Issue GSA Form 1354 to the General Services Administration in an amount not in excess of $100 per job order, for minor facility services, maintenance, and modifications identified as reimbursable under GSA Regulations II-304.04.

The authority herein delegated to the Facility Manager, Olney Facility, may not be redelegated.

III. Memorandum for: The Director, Western Instructor Training Center; The Director, Eastern Instructor Training Center.

Subject: Interim Administration of Civil Defense Functions Transferred to the Secretary of Defense.

References: (a) EO 10952, dated July 20, 1961, assigning Civil Defense Responsibilities to the Secretary of Defense and Others.

(b) SecDef memo of July 31, 1961; Subj: Interim Organization and Operation of the Office of Civil Defense Within the DoD.

(c) SecDef memo of July 31, 1961; Subj: Interim Delegations of Administrative Authorities for Civil Defense Functions.

Each addressee is hereby delegated authority to:

(1) Make emergency or small purchases, in an amount not in excess of $50 per purchase, on Standard Form 44a, U.S. Government Purchase Order—Invoice—Voucher.

(2) Authority to issue U.S. Government bills of lading in an amount not in excess of $500.

The authority herein delegated to each addressee may be redelegated.

MAURICE W. ROCHE,
Administrative Secretary.

[F.R. Doc. 61-8062; Filed, Aug. 22, 1961 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[State Order No. 35]

OREGON

Redelegation of Authority by State Director

Pursuant to the authority contained in Bureau Order No. 681, the State Director redelegates to the Chief, Division of Administration, Oregon State Office, the authority to donate and to execute transfers and deliveries of donable property in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the General Services Administration.

Dated: August 10, 1961.

RUSSELL E. GETTY,
State Director.

[F.R. Doc. 61-8049; Filed, Aug. 22, 1961; 8:46 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 15, 1961.

The U.S. Department of Agriculture, Forest Service has filed an application, Serial Number NM 0184187 for the withdrawal of the lands described below, from all forms of appropriation including the general mining, but not the mineral leasing laws. The applicant desires the land for recreational purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Tunnel Spring Recreation Area

T. 12 N., R. 5 E.,
Sec. 5, SW¼, N½SE¼;
Sec. 8, N½NW¼, partially surveyed.

The area described aggregates 315.52 acres more or less.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61-8050; Filed, Aug. 22, 1961; 8:46 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

FARM LABOR SERVICE

Insignia

I hereby prescribe the symbol which is depicted below as the insignia of the Farm Labor Service of the Bureau of Employment Security of the United States Department of Labor.

In making this prescription, I hereby give notice that whoever manufactures, sells, or possesses this symbol without authorization from the United States Department of Labor is subject to the penalties prescribed in section 701 of title 18 of the United States Code.



MR. FLI

Signed at Washington, D.C., this 16th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-8019; Filed, Aug. 22, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HARRISON SALES CO. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

ARKANSAS

Harrison Sales Co., Harrison, June 20, 1961.

ILLINOIS

Neoga Auction, Inc., Neoga, June 16, 1961.

NORTH CAROLINA

Brite and Tatum Livestock Co., Inc., Elizabeth City, May 8, 1961.

Harry Sutton Livestock Market, Kinston, July 3, 1961.

SOUTH CAROLINA

Bennettsville Stock Yards, Bennettsville, (Formerly Vanceville Stockyard), April 21, 1961.

Herndon Stock Yard, Inc., Fairfax, February 8, 1961.

Yemassee Stockyards, Inc., Yemassee, July 5, 1961.

Done at Washington, D.C., this 17th day of August 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-8054; Filed, Aug. 22, 1961; 8:47 a.m.]

RICHMOND LIVESTOCK MARKET, INC., ET AL.

Proposed Posting of Stockyards

The Chief of the Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Richmond Livestock Market, Inc., Richmond, Ky.

Sturgis Livestock Auction Market, Sturgis, Mich.

Thief River Livestock Auction Market, Thief River Falls, Minn.

Southern Tier Livestock Market, Whitney Point, N.Y.

Notice is hereby given, therefore, that the said Chief, pursuant to authority del-

egated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of August 1961.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 61-8055; Filed, Aug. 22, 1961; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

JOHN GEORGE KAIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: Stein Hall & Company, Hamilton National Bank.

This statement is made as of July 25, 1961.

JOHN GEORGE KAIN.

JULY 28, 1961.

[F.R. Doc. 61-8065; Filed, Aug. 22, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 7 to Facility License No. R-4, set forth below. Facility License No. R-4 authorizes Battelle Memorial Institute to possess and operate the pool-type nuclear reactor designated as the "Battelle Research Reactor" located at West Jefferson, Ohio.

The amendment (1) authorizes installation of devices to mechanically hold control rod fuel elements in place so that jamming of a control rod within such an element could not result in withdrawal of the element from the grid plate as described in the licensee's application for amendment dated April 13, 1961, (2) adds a condition regarding the procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (3) adds a condition regarding written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, vary significantly from its predicted value.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor under the license, as amended, would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment, and (2) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Maryland, this 11th day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-4, Amdt. 7]

License No. R-4 is revised in its entirety to read as follows:

1. This license applies to the pool-type nuclear reactor designated as the "Battelle Research Reactor" (hereinafter referred to as "the reactor") which is owned by Battelle Memorial Institute and located at West Jefferson, Ohio, and described in the Institute's application for license dated May 4, 1955, and amendments thereto dated April 5, 1956, June 5, 1956, March 19, 1957, April 10, 1957, May 10, 1957, May 20, 1957, June 3, 1957, June 13, 1957, July 3, 1957, October 28, 1957, January 10, 1958, September 15, 1958, October 1, 1958, May 18, 1959, September 14, 1959, November 13, 1959, July 27, 1960, January 27, 1961, January 30, 1961, April 13, 1961 and April 26, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-4 issued to Battelle Memorial Institute on August 5, 1955.

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-4 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. Battelle Memorial Institute is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. Battelle Memorial Institute has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Battelle Memorial Institute (hereinafter referred to as "the licensee"):

A. Pursuant to Section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location at West Jefferson, Ohio, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use:

(1) 28.300 kilograms of contained uranium 235 in fuel element assemblies as fuel for operation of the reactor;

(2) 1.63 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and section 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee may operate the reactor at continuous steady state power levels not to exceed 2 megawatts thermal, and may operate the reactor at intermittent steady state power levels in excess of 2 megawatts thermal but not in excess of 3 megawatts thermal for a maximum of 40 megawatt days per year.

B. The licensee shall not operate the reactor at power levels in excess of one megawatt thermal (1) with a circulating loop through the core in which fuel experiments are conducted, or (2) with an experimental facility in the core in excess of 16 square inches in cross section.

C. The maximum amount of excess reactivity above cold clean critical which may be loaded in the reactor shall not exceed 6% in either the open pool or the stall position. In the stall position, the excess reactivity shall be determined with the beam tubes filled with air.

D. The reactor shall be operated in such a manner that all positive reactivity additions by the shim-safety rods are made by manual manipulation of control instrumentation only.

E. The licensee shall install devices to mechanically hold control rod fuel elements in place so that jamming of a control rod within such an element could not result in withdrawal of the element from the grid plate. The hold down devices shall be installed within 30 days after issuance of this license amendment in accordance with the licensee's application for amendment dated April 13, 1961.

F. The licensee shall observe the procedures described in its submission to the Commission dated January 27, 1961, pertaining to reactor shutdown operation which might involve a change in core reactivity.

G. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.
2. Records of in-pile irradiations.
3. Records showing radioactivity released or discharged into the air or water beyond the effective control of Battelle Memorial Institute as measured at the point of such release or discharge.
4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

H. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

I. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, varies significantly from its predicted value.

5. Pursuant to Section 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to Battelle Memorial Institute for use in the operation of the reactor, 28.300 kilograms of uranium 235 contained in uranium in the isotopic ratio specified in Battelle Memorial Institute's application. Estimated schedules of special nuclear material transfers to Battelle Memorial Institute and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to Battelle Memorial Institute in accordance with column (2) in Appendix "A" will be conditioned upon Battelle Memorial Institute's return to the Commission of material substantially in accordance with column (3) of Appendix "A".

6. This license shall expire on August 5, 1965 unless sooner terminated.

Date of issuance: August 11, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

APPENDIX "A"

TO BATTELLE MEMORIAL INSTITUTE, FACILITY LICENSE NO. R-4

[Estimated schedule of transfer of special nuclear material from the Commission to Battelle and to the Commission from Battelle]

(1) Date of transfer Fiscal year	(2) Transfers from AEC to Battelle (Kgs. U-235)	(3) Returns by Battelle to AEC (Kgs. U-235)		(4) Net yearly distribution including cumulative losses (Kgs. U-235)	(5) Cumulative distribution including cumulative losses (Kgs. U-235)
		Recoverable cold scrap	Spent hot fuel		
1956	10.083			10.083	[1] 10.083
1957		4.280		(4.280)	5.803
1958	0.002			0.002	5.803
1959	5.039	0.199		4.840	10.645
1960	5.043			5.043	15.688
1961	5.043			5.043	20.731
1962	5.043			5.043	25.774
1963	5.043		17.713	12.670	13.104
1964	5.043			5.043	18.147
1965	5.043			5.043	23.190
1966	5.043			5.043	28.233
			[1] 23.031	(23.031)	[2] 5.202
	50.425	4.479	40.744	[2] 5.202	

[1] Inventory to be returned.
[2] Fabrication and burnup losses.

This amendment is effective as of the date of issuance.

Date of issuance: August 11, 1961.

[F.R. Doc. 61-8041; Filed, Aug. 22, 1961; 8:45 a.m.]

[Docket No. 50-128]

TEXAS AGRICULTURAL AND MECHANICAL COLLEGE SYSTEM

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 1, 1961 the latest completion date specified in Construction Permit No. CPRR-38 for the construction of the 100 kilowatt research reactor to be located at College Station, Texas.

Copies of the Commission's order and of the application by The Texas Agricultural and Mechanical College System are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 15th day of August 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-8042; Filed, Aug. 22, 1961; 8:45 a.m.]

[Docket No. 50-54]

UNION CARBIDE CORP.

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the United States Atomic Energy Commission by the licensee or an intervener as provided by the Commission's rules of practice (Title 10 CFR, Chapter 1, Part 2), the Commission proposes to issue to Union Carbide Corporation a facility license substantially as set forth below authorizing the possession and operation on the licensee's site in Sterling Forest, New York, of a pool-type nuclear reactor at power levels up to 5,000 kilowatts (thermal). Prior to issuance of the license, the reactor will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Construction Permit No. CPRR-18. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by Union Carbide Corporation and amendments thereto, and (2) a hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 11th day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

1. This license applies to the pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by Union Carbide Corporation (hereinafter referred to as "the licensee") and located on the licensee's site in Sterling Forest, Orange County, New York, and described in the licensee's application for license dated February 11, 1957 and

amendments thereto dated July 3, 1957, July 23, 1957, August 9, 1957, December 28, 1960, April 28, 1961 and June 7, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR–18.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR–18 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The licensee is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The licensee has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the licensee:

A. Pursuant to section 104.c. of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Sterling Forest, New York, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use in connection with operation of the reactor up to 89.5 kilograms of contained uranium 235; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 30.32 of Part 30, § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The licensee shall not operate the reactor at steady-state power levels in excess of 5,000 kilowatts (thermal) without prior written authorization from the Commission.

B. The licensee shall not release to the atmosphere any particulate effluents containing radioactivity, as measured at the point of discharge, in concentrations in excess of those listed in Column 1, Table II, Appendix B, 10 CFR Part 20.

C. The licensee is authorized to use a dilution factor of 2000, applied at the point of discharge, in computing the permissible concentrations of gaseous radioactive isotopes which may be released from the reactor stack.

D. The reactivity worth of each individual experiment shall not exceed 0.5 percent delta k/k. The total reactivity worth of all experiments in the reactor shall not exceed 2.0 percent delta k/k.

E. The licensee shall not conduct the operations for the testing of reactor materials, the production of radioisotopes, or the pile oscillator experiments described in Sections E.2.a.(1), E.2.a.(2), and E.2.a.(8) respectively of "Final Hazards Summary Report UCNC Research Reactor" dated November, 1960 unless and until approval is granted by the Commission after it has reviewed and evaluated additional information provided by the licensee; provided, that the licensee is authorized to conduct wire and foil irradiations in the reactor for the purpose of making reactor start-up neutron flux measurements.

F. The licensee shall, with respect to operations which could involve changes in core reactivity when the reactor is shutdown, follow the procedures in "Supplementary Information to Final Hazards Summary Report UCNC Research Reactor" dated April, 1961.

G. In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

H. The licensee shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

I. As promptly as practicable, but no later than 60 days after the initial criticality of the reactor, the licensee shall submit a written report to the Commission describing the measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

(1) Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

(2) Total control rod worth;

(3) Minimum shutdown margin both at room and operating temperature;

(4) Maximum worth of the single control rod of highest reactivity value; and

(5) Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

J. The licensee shall promptly submit a written report to the Commission whenever, during operation of the reactor subsequently to initial criticality, any of the operating conditions or charactertistics of the reactor, including those described in paragraph 4.I. above and the application, which might affect nuclear safety, is observed to vary significantly from its predicted value.

K. The licensee shall, at least once during each calendar quarter, inspect each control rod to determine any change in dimensions or other indications of swelling. Within thirty days after making each inspection, the licensee shall submit a written report to the Commission describing the inspection procedures and the condition of each rod inspected.

5. Pursuant to § 50.60 of the regulations in Title 10, Chapter 1, CFR, Part 50, the Commission has allocated to the licensee for use in connection with the reactor 89.26 kilograms of uranium-235 contained in uranium enriched to approximately 93% in the isotope uranium-235. Estimated schedules of special nuclear material transfers to the licensee and returns to the Commission are contained in Appendix "A" which is attached hereto. Shipments by the Commission to the licensee in accordance with column 2 in Appendix "A" will be conditioned upon the licensee's return to the Commission of material substantially in accordance with column 3 of Appendix "A".

6. This license is effective as of the date of issuance and shall expire at midnight June 30, 1980.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

APPENDIX "A"

TO UNION CARBIDE CORPORATION

[Estimated schedule of transfers of special nuclear material from the Commission to Union Carbide and to the Commission from Union Carbide]

(1) Date of transfer (Fiscal year)	(2) Transfers AEC to UCC (Kgs U–235)	(3) Transfers UCC to AEC (Kgs U–235)		(4) Net yearly distribution including cumulative losses (Kgs U–235)	(5) Cumulative distribution including cumulative losses (Kgs U–235)
		Cold	Hot		
1961	13.07			13.07	13.07
1962	25.43	5.10		20.33	33.40
1963	25.43	9.90		15.53	48.93
1964	25.43	9.90	13.01	2.52	51.45
1965	25.43	9.90	13.01	2.52	53.97
1966	25.43	9.90	13.01	2.52	56.49
1967	25.43	9.90	13.01	2.52	59.01
1968	25.43	9.90	13.01	2.52	61.53
1969	25.43	9.90	13.01	2.52	64.04
1970	25.43	9.90	13.01	2.52	66.57
1971	25.43	9.90	13.01	2.52	69.09
1972	25.43	9.90	13.01	2.52	71.61
1973	25.43	9.90	13.01	2.52	74.13
1974	25.43	9.90	13.01	2.52	76.75
1975	25.43	9.90	13.01	2.52	79.17
1976	25.43	9.90	13.01	2.52	81.69
1977	25.43	9.90	13.01	2.52	84.21
1978	25.43	9.90	13.01	2.52	86.73
1979	26.43	9.90	13.01	2.52	89.25
1980		9.90	13.01	(22.91)	66.34
Inv. return				(19.46)	46.88
	470.81	183.30	240.63	46.88	

[F.R. Doc. 61–8043; Filed, Aug. 22, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12183; Order No. E–17337]

SKYLINE AIR FREIGHT, INC., ET AL.

Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of August 1961.

In the matter of the application of Skyline Air Freight, Inc., et al., Docket 12183; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958.

By application filed March 1, 1961, as amended April 7, 1961, Skyline Air Freight, Inc. (Skyline), Sylvia Kramer, Harry S. Kramer and Edward Newpol jointly request the Board (1) to approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), the common control of Skyline and Hudson Express, Inc. (Hudson) by Harry S. Kramer, and (2) to approve pursuant to section 409(a) of the Act the interlocking relationships which will result from the aforementioned individuals holding positions with Skyline and Hudson, as follows:

Individual	Hudson		Skyline	
	Position	Interest	Position	Interest
		Percent		Percent
Sylvia Kramer	Pres./dir.	1	Pres./dir.	25
Harry S. Kramer	Treas./dir.	98	Treas./dir.	75
Edward Newpol	Clerk/dir.	1	Clerk/dir.	------

Skyline is an applicant for an operating authorization as a domestic air freight forwarder under Part 296 of the Board's Economic Regulations. Hudson, a common carrier by truck, holds no federal licenses or certificates but, under authority granted by the State of Massachusetts, transports general commodities within a fifteen mile radius of the Statehouse, Boston, Massachusetts, and wearing apparel on racks within a radius of fifty miles of such point. Applicants state that it is the intention of Skyline to use the services of Hudson only on infrequent occasions, or in conjunction with other carriers in the area.

No objections to the application have been filed.

The Board, upon consideration of the application, concludes that a control relationship within the purview of section 408(a) of the Act will be created by the common control of Skyline and Hudson by Harry S. Kramer.[1] However, the Board has further concluded tentatively that such relationship does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. The control relationship is similar to others between air freight forwarders and short haul motor carriers, which have been approved by the Board, and does not present any new substantive issues.[2] It would therefore appear that approval of the relationship would not be inconsistent with the public interest. However, should Hudson's operating authority be expanded, new issues would be raised which could only be considered upon the filing of a further application for prior approval by the Board. Accordingly, the Board proposes that its approval of the instant relationship will be effective only so long as Hudson engages soley in intrastate motor carrier operations.

The Board further finds that interlocking relationships within the scope of section 409(a) of the Act will exist between Skyline and Hudson from the holding by their officers and directors of the positions described herein. For the reasons expressed above, the Board finds that the parties have made a due showing in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest and should be approved subject to the limitation noted above.

In view of the foregoing, the Board tentatively finds that the control relationship involved herein should be approved and intends to approve it under section 408 without a hearing, pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision.[3] *Therefore, it is ordered:*

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[4]

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61–8066; Filed, Aug. 22, 1961; 8:48 a.m.]

[1] For the purpose of this proceeding, Skyline is considered to be an air carrier.

[2] See Airsembly Forwarders, Inc., et al., Docket 11223, Order E–15650, August 12, 1960.

[3] Further action on the interlocking relationships under section 409 will be deferred pending final resolution of the control relationships which are subject to section 408.

[4] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL POWER COMMISSION

[Docket No. E–7008]

GULF STATES UTILITIES CO.

Notice of Application

AUGUST 16, 1961.

Take notice that on August 9, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $15,000,000 principal amount of debentures (hereinafter referred to as New Debentures). Applicant proposes to issue and sell the New Debentures -- percent at competitive bidding. Said New Debentures will be sold pursuant to Applicant's Indenture of Mortgage dated as of January 1, 1949, between Applicant and Irving Trust Company, Trustee, as supplemented and amended by various supplemental indentures to and including a Twenty First Supplemental Indenture to be dated as of the first day of the month in which the New Debentures are issued. The interest rate on said New Debentures will be determined by competitive bidding. Applicant proposes to use the proceeds from the issuance and sale of the New Debentures to initially reimburse its treasury in part for construction expenditures heretofore made and to enable Applicant to pay $15,000,000 principal amount of its short-term notes estimated to be outstanding as of the date of the issuance of the New Debentures.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of September 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–8046; Filed, Aug. 22, 1961; 8:45 a.m.]

[Docket No. CP61–106]

TENNESSEE GAS TRANSMISSION CO.

Notice of Postponement of Hearing

AUGUST 16, 1961.

Take notice that the hearing scheduled for September 20, 1961, herein is postponed one day to reconvene on September 21, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 "G" Street NW., Washington, D.C.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61–8047; Filed, Aug. 22, 1961; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 61]

PADUCAH AREA—AEC, PADUCAH, KY.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May

19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated November 12, 1959, that property known as Paducah Area—AEC, situated in Paducah, McCracken County, Kentucky, and more particularly described in said deed, has been transferred from the United States to the State of Kentucky.

2. The above-described property was transferred to the State of Kentucky for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

J. E. MOODY,
Commissioner,
Utilization and Disposal Service.

AUGUST 17, 1961.

[F.R. Doc. 61-8064; Filed, Aug. 22, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 18, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37311: *Roofing and building material to Covington, Ky.* Filed by Southwestern Freight Bureau, Agent (No. B-8067), for interested rail carriers. Rates on roofing and building material, in carloads, from points in southwestern territory, to Covington, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 9 to Southwestern Freight Bureau tariff I.C.C. 4356.

FSA No. 37312: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 411), for interested rail carriers. Rates on insecticides, etc., in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff: Supplement 11 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

AGGREGATE-OF-INTERMEDIATES

FSA No. 37313: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 412), for interested rail carriers. Rates on insecticides, etc., in carloads and tank-car loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 11 to Texas-Louisiana Freight Bureau tariff I.C.C. 935.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8057; Filed, Aug. 22, 1961; 8:47 a.m.]

[Drouth Order 59, Amdt. 2]

AUTHORIZATION FOR RAILROADS TO TRANSPORT LIVESTOCK FEED AND HAY TO CERTAIN AREAS AT REDUCED RATES

It appearing that due to the drouth conditions existing in the States of Idaho, Michigan, Minnesota, Montana, Nevada, North Dakota, South Dakota, and Wisconsin the Commission issued its Drouth Order No. 59 and Amendment No. 1 thereto under section 22 of the Interstate Commerce Act authorizing the railroads subject to the Commission's jurisdiction to transport livestock feed and hay to the drouth area at reduced rates;

And it further appearing that the United States Department of Agriculture has requested the Commission to enter an order authorizing the same authority to seventeen additional counties:

It is ordered, That the appendix to Drouth Order No. 59 as amended, is hereby further amended by adding thereto the following additional counties:

Idaho, 13 counties, viz: Ada, Bannock, Boise, Camas, Caribou, Clark, Cassia, Elmore, Gem, Gooding, Lincoln, Oneida, Teton.

Michigan, 1 county, viz: Dickinson.

Montana, 2 counties, viz: Big Horn, Fergus.

Wisconsin, 1 county, viz: Clark.

It is further ordered, That in all other respects Drouth Order No. 59, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Traffic Association, Chicago, Ill., the Traffic Vice-President of the Association of American Railroads, Washington, D.C., and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 17th day of August 1961.

By the Commission, Vice Chairman Murphy.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8058; Filed, Aug. 22, 1961; 8:47 a.m.]

[Notice 173]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 18, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-1968 (Deviation No. 4), BRASWELL FREIGHT LINES, INC., 301 Raynolds Street, El Paso, Tex., filed August 10, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 79 to Minden, La., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Memphis over U.S. Highway 61 to Leland, Miss., thence over U.S. Highway 82 to Montrose, Ark., thence over U.S. Highway 165 to Monroe, La., thence over U.S. Highway 80 to Minden, and return over the same route.

No. MC-2202 (Deviation No. 25), ROADWAY EXPRESS INC., 147 Park Street, Akron 9, Ohio, filed August 9, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 78 and South Carolina Highway 781 over South Carolina Highway 781 to junction South Carolina Highway 28, thence over South Carolina Highway 28 to junction South Carolina Highway 125, and thence over South Carolina Highway 125 to Augusta, Ga., and return over the same route, for operating convenience only, serving no intermediate point. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Charleston, S.C., over U.S. Highway 78 to Thompson, Ga., and thence over U.S. Highway 278 to junction U.S. Highway 29, and return over the same route.

No. MC-66562 (Deviation No. 4), RAILWAY EXPRESS AGENCY, INCORPORATED, 214 East 4th Street, St. Paul 1, Minn., filed August 10, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, moving in express service over a deviation route as follows: From the junction of U.S. Highway 53 and Minnesota Highway 216 over Minnesota Highway 216 to Hibbing, Minn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Duluth, Minn., over U.S. Highway 53 to junction U.S. Highway 169 and thence over U.S. Highway 169 to Hibbing, and return over the same route.

No. MC-104004 (Deviation No. 20), ASSOCIATED TRANSPORT INC., 380 Madison Avenue, New York 17, New York, filed August 11, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Asheville, N.C., over Interstate Highway 40 to Statesville, N.C., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Asheville over U.S. Highway 70 to Statesville, and return over the same route.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8059; Filed, Aug. 22, 1961; 8:47 a.m.]

[Notice 394]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 18, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 210) (AMENDMENT), filed May 26, 1961, published issue of June 21, 1961, and republished, as amended, this issue. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the site of the plant of the Jaite Display Bag Co., located at Boston (Summit County), Ohio, and (2) serving the plant-site of the Owens Illinois Glass Co., Mill Division, at or near Jaite, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron, Ohio.

NOTE: The purpose of this republication is to include paragraph No. 2, above.

HEARING: Remains as assigned, September 26, 1961 at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 8948 (Sub-No. 49), filed May 1, 1961. Applicant: WESTERN TRUCK LINES, LTD., a Corporation, 2550 East 28th Street, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities, including Classes A and B explosives;* serving missile sites at points in Pinal, Cochise, Pima, and Santa Cruz Counties, Ariz., as off-route points in connection with applicant's authorized regular-route operations. (2) *Classes A and B explosives* (a) between Phoenix and Tucson, Ariz., over applicant's authorized service routes, and (b) serving Fort Huachuca, Ariz., as an off-route point in connection with applicants authorized regular-route operations.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 9895 (Sub No. 118), filed June 19, 1961. Applicant: DENVER CHICAGO TRANSPORT COMPANY, INC., East 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, between Riverton, Wyo., and points within ten (10) miles thereof and points in Colorado.

HEARING: October 26, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 50, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 10761 (Sub-No. 110), filed August 14, 1961. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular route, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving (1) the plant site of the Jaite Display Bag Co., located at Boston, Summit County, Ohio, and Jaite, Ohio and (2) the plant site of Owen-Illinois Glass Co., Mill Division, located on Riverview Road, north of Peninsula, Ohio, between U.S. Highway 21 and Ohio Highway 8, as off-route points in connection with applicant's regular route operations between Cleveland, Ohio, and Akron, Ohio.

HEARING: September 26, 1961, at the New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 20491 (Sub-No. 2), filed May 31, 1961. Applicant: SOL COHEN & SONS, INC., 1208 Channing Road, Far Rockaway, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between June 1st and October 1st, inclusive of each year, transporting: *Camp baggage, and returned, refused and rejected shipments of camp baggage*, in round-trip operation between New York, N.Y., points in Nassau, Suffolk and Westchester Counties, N.Y., points in Fairfield County, Conn., and points in Hudson, Bergen, Union, Essex, Passaic, Morris, Somerset and Monmouth Counties, N.J., on the one hand, and, on the other, points in Sullivan County, N.Y., New London and Litchfield Counties, Conn., Berkshire County, Mass., and Wayne County, Pa.

HEARING: October 24, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 21571 (Sub-No. 24) (AMENDMENT), filed July 27, 1961, published issue August 9, 1961, amended August 10, 1961, and republished as amended this issue. Applicant: SCHERER FREIGHT LINES, INC., 424 West Madison Street, Ottawa, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in La Salle County, Ill., to points in Kentucky, Iowa, Michigan, Minnesota, Missouri, Ohio, Indiana, and Wisconsin.

NOTE: Applicant holds contract authority under MC 115738, therefore, dual operations may be involved. The purpose of this republication is to include Michigan as a destination State.

HEARING: Remains as assigned October 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 22254 (Sub-No. 30), filed August 9, 1961. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, from Memphis, Tenn. to points in the United States, and

damaged and *rejected shipments* of the above-specified commodity, on return.

NOTE: Common control may be involved.

HEARING: September 22, 1961, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Jerry F. Laughlin.

No. MC 22254 (Sub-No. 31), filed August 9, 1961. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pianos* and *organs* (1) Between Conway and Fayetteville, Ark., and Greenwood, Miss. and points within five (5) miles of each, and (2) From Conway and Fayetteville, Ark., and Greenwood, Miss. and points within five (5) miles of each, to points in the United States, and *damaged and rejected shipments*, on return.

HEARING: September 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 23939 (Sub-No. 106), filed June 12, 1961. Applicant: ASBURY TRANSPORTATION CO., a Corporation, 2222 East 38th Street, Los Angeles 58, Calif. Applicant's attorney: E. B. Evans, 718 Symes Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrogen, oxygen, helium, hydrogen*, and *rocket propellant fuels*, in government-owned or shipper-owned specially designed tank trailers, and (2) *empty government-owned or shipper-owned specially designed tank trailers*, between (1) Altus Air Force Base near Altus, Okla., and points within fifty (50) miles thereof, including Altus; (2) Dyess Air Force Base near Abilene, Tex., and points within fifty (50) miles thereof, including Abilene; (3) Amarillo, Tex., and Altus, Okla.; and (4) between points set out in paragraphs (1), (2), and (3) above and production points and missile sites in Kansas, Nebraska, Colorado, California, and New Mexico.

HEARING: October 27, 1961, at the New Customs House, Denver, Colo., before Examiner James O'D Moran.

No. MC 28132 (Sub-No. 60), (CORRECTION), filed July 12, 1961, published issue of July 26, 1961, corrected August 10, 1961, and republished as corrected, this issue. Applicant: HVIDSTEN TRANSPORT, INC., 2225 West County Road D, St. Paul 12, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from pipeline terminals of the Mid-America Pipeline Company located in Iowa to points in Minnesota, Wisconsin, South Dakota, Iowa, and Nebraska.

NOTE: The purpose of this correction is to delete the word "plant" as previously published.

HEARING: Remains assigned September 20, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Warren C. White.

No. MC 35320 (Sub No. 70), filed February 1, 1960. Applicant: T.I.M.E. FREIGHT, INC., 2604 Texas Avenue, P.O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., P.O. Box 1120, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods), serving United States Government missile sites in Pima, Graham, Cochise, Pinal and Gila Counties, Ariz., as off-route points in connection with applicant's authorized operations serving Tucson, Ariz.

NOTE: Applicant states in connection with its request to transport general commodities with the sole exception of household goods, that on the particular route involved, it does not have authority to transport explosives and certain other exceptions; and that the removal of the exceptions is the subject of its application in MC 35320 Sub No. 68.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 42487 (Sub-No. 515), filed August 7, 1961. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Eugene T. Liipfert, 801 National Grange Building, 1616 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyoxypropylene ethers*, in bulk, in tank vehicles, from Atlas Point, Del. to points in Oregon, Washington and California.

NOTE: Common control may be involved.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson.

No. MC 43654 (Sub-No. 51), filed August 8, 1961. Applicant: DIXIE OHIO EXPRESS, INC., P.O. Box 750, Akron 9, Ohio. Applicant's attorney: J. G. Dail, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) serving the plant site of the Jaite Display Bag Co., located at Boston, Summit County, Ohio, as an off-route point in connection with applicant's regular route operations between Akron and Cleveland, Ohio, and (2) serving the plant site of the Owens Illinois Glass Co., Mill Division, located in Jaite, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Akron and Cleveland, Ohio.

NOTE: Common control may be involved.

HEARING: September 26, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 44178 (Sub No. 2), filed May 29, 1961. Applicant: SMITH BROTHERS EXPRESS, INC., Hackettstown, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Hackettstown, N.J., and points in Morris County, N.J.

HEARING: October 16, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Frank J. Mahoney.

No. MC 52460 (Sub-No. 59), (CORRECTION), filed July 10, 1961, published issue July 26, 1961, and republished as corrected this issue. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. Applicant's attorneys: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. The notice of filing and assignment of the subject application was published in the FEDERAL REGISTER under date of July 10, 1961, and indicated that the application was assigned for hearing on September 4, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters. Correctly stated, the hearing information reads as follows:

HEARING: September 21, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 52709 (Sub-No. 138), filed July 3, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular-routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo. and Los Angeles, Calif.; (1) from Denver over Interstate Highway 25 to its junction with U.S. Highway 160 at or near Walsenburg, Colo., thence over U.S. Highway 160 to its junction with Colorado Highway 159 at or near Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to its junction with U.S. Highway 64 at or near Taos, N. Mex., thence over U.S. Highway 64 to Santa Fe, N. Mex., thence over Interstate Highway 25 (and, pending completion of Interstate Highway 25, over U.S. Highway 85 and New Mexico Highway 422) to Albuquerque, N. Mex., thence over Interstate Highway 40 (and, pending completion of Interstate Highway 40, over U.S. Highway 66) to Barstow, Calif., thence over Interstate Highway 15 to San Bernardino, Calif., thence over U.S. Highway 395 to its junction with Interstate Highway 10 at or near Colton, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (2) From Denver over the route described in (1) above to Flagstaff, Ariz., thence over U.S. Alternate Highway 89 to its junction with U.S. Highway 89 at or near Entro, Ariz., thence over U.S. Highway 89 to its junction with Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to its junction with U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to its junction with Interstate Highway 10 near Quartzsite, Ariz., thence over Interstate Highway 10 to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (3) From Denver over the route described in (1) above to the junction of Interstate Highway 40 and U.S. Highway 89 near Ash Fork, Ariz., thence over U.S. Highway 89 to its junction with Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to its junction with U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to its junction with Interstate Highway 10 near Quartzsite, Ariz., thence over Interstate Highway 10 to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (4) From Denver over the routes described in (1) and (2) above to the junction of Arizona Highway 71 and U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (5) From Denver over U.S. Highway 285 to its junction with Colorado Highway 17 south of Villa Grove, Colo., thence over Colorado Highway 17 to its junction with U.S. Highway 285 at or near Alamosa, Colo., thence over U.S. Highway 285 to Santa Fe, N. Mex., thence over the routes described in (1), (2) and (3) above to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (6) From Denver over U.S. Highway 285 to its junction with Colorado Highway 112 near Center, Colo., thence over Colorado Highway 112 to its junction with U.S. Highway 160 at or near Del Norte, Colo., thence over U.S. Highway 160 to its junction with U.S. Highway 550 near Durango, Colo., thence over U.S. Highway 550 to its junction with U.S. Highway 666 near Shiprock, N. Mex., thence over U.S. Highway 666 to Gallup, N. Mex., thence over the routes described in (1), (2) and (3) above to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (7) From Denver over the route described in (6) above to the junction of U.S. Highway 160 and U.S. Highway 550 near Durango, Colo., thence over U.S. Highway 160 to its junction with U.S. Highway 666 at or near Cortez, Colo., thence over U.S. Highway 666 to Gallup, N. Mex., thence over the routes described in (1), (2) and (3) above to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Denver and Los Angeles. (8) From Denver over Interstate Highway 25 to Sante Fe, N. Mex., thence over the route described in (1), (2) and (3) above to Los Angeles, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized operations between Denver and Los Angeles.

NOTE: Common control may be involved.

HEARING: October 24, 1961, at the New Customs House, Denver, Colo., before Examiner James O'D Moran.

No. MC 52709 (Sub-No. 139), filed July 17, 1961. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, syrups*, not medicated, *washing and cleaning compounds, synthetic plastics and plasticizers, insecticide spreaders*, in bulk, in tank vehicles, from Atlas Point, Del. to points in California, Oregon and Washington.

NOTE: Common control may be involved.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William N. Culbertson.

No. MC 59894 (Sub No. 20), filed May 11, 1961. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 1700 East Second Avenue, El Paso, Tex. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment because of unusual size or weight, serving missile sites within a 55-mile radius of Tucson, Ariz., as off-route points in connection with applicant's regular route operations to and from Tucson, Ariz.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 60012 (Sub-No. 55), filed July 24, 1961. Applicant: RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P.O. Box 5482, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require special equipment for handling); serving the site of the Lemon Dam located on the Florida River approximately 12 miles north of Bayfield Colo., and approximately 16 miles northeast of Durango, Colo., in La Plata County, Colo., as an off-route point in connection with applicant's present regular-route authority in MC 60012 and Subs thereunder, and as tacking to that authority.

NOTE: Common control may be involved.

HEARING: October 24, 1961, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 61506 (Sub-No. 7), (AMENDMENT) filed May 23, 1961, published issue July 19, 1961, amended August 14, 1961, and republished as amended this issue. Applicant: RUSSELL TRANSFER COMPANY, INC., Athens-Augusta Highway, Washington, Ga. Applicant's attorney: T. M. Forbes, Jr., 825 C. & S. Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Belton, S.C., to points in Georgia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

NOTE: The purpose of this republication is to show that the transportation shall be limited to the transportation of petroleum and petroleum products, in bulk, in tank vehicles, and that the movement will be "from and to" instead of "between" as previously published.

HEARING: Remains as assigned September 19, 1961, at the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga., before Joint Board No. 131.

No. MC 64932 (Sub-No. 302), filed August 14, 1961. Applicant: ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel and cement), in bulk, in tank or hopper-type vehicles; between points in Illinois, Indiana, Iowa, Michigan, Minnesota and Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: September 21, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No MC 70451 (Sub No. 227), filed March 6, 1961. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment because of unusual size or weight), serving missile sites within a 55-mile radius of Tucson, Ariz., as off-route points in connection with applicant's regular routes to and from Tucson, Ariz.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before James O'D Moran.

No. MC 78786 (Sub-No. 234), filed July 3, 1961. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring use of special equipment), between Tucson, Ariz., on the one hand, and, on the other, missile sites in Pinal, Cochise, Pima, and Santa Cruz Counties, Ariz.

NOTE: Applicant holds contract carrier authority in MC 78787 and Subs thereunder, therefore, dual operations and common control may be involved.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 88845 (Sub-No. 8), filed July 24, 1961. Applicant: PARCEL DELIVERY SERVICE, INC., 60–66 Chapel Street, Newark 5, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moved therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Fair Lawn, N.J., and points in Suffolk County, N.Y.

HEARING: October 18, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Examiner Frank J. Mahoney.

No. MC 94961 (Sub No. 4), filed May 15, 1961. Applicant: HARLAN IRION AND ROBERT IRION, a Partnership, doing business as IRION TRUCKING COMPANY, Broadus, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Road, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquids in bulk in tank vehicles, those requiring special equipment other than refrigeration, and those injurious or contaminating to other lading), between Gillette, Wyo. and points within 20 miles thereof, and Belle Fourche, S. Dak.; (1) from Gillette over U.S. Highway 14 to junction U.S. Highway 85, thence over U.S. Highway 85 to Belle Fourche, and return over the same route, serving all intermediate points, and off-route points within 20 miles of Gillette; and (2) from Gillette over U.S. Highway 14 to junction unnumbered highway six miles south of Devils Tower, Wyo, thence over unnumbered highway through Devils Tower, Hulett, Alva, and Aladdin, Wyo., to the Wyoming-South Dakota State line, thence over South Dakota Highway 24 and U.S. Highway 85 to Belle Fourche, and return over the same route, serving all intermediate points, and off-route points within 20 miles of Gillette.

HEARING: October 16, 1961, at the Wyoming Public Service Commission Supreme Court and State Library Bldg., Cheyenne, Wyo., before Joint Board No. 183, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 96769 (Sub-No. 1), (CORRECTION), filed May 26, 1961, published issue August 16, 1961, and republished as corrected this issue. Applicant: LIBERTY FILM LINES, INC., 2508 Harwood Street, Dallas, Tex. Applicant's attorney: Harry W. Patterson, First City National Bank Building, Houston 2, Tex. The notice of filing and assignment of the subject application was published in the FEDERAL REGISTER under date of August 16, 1961, and indicated that the application was assigned for hearing on October 16, 1961, at the Baker Hotel, Dallas, Tex., before Examiner William E. Messer, in error. Correctly stated, the hearing information reads as follows:

HEARING: October 16, 1961, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 103490 (Sub No. 50), filed June 1, 1961. Applicant: PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, in bulk, from points in Rockland, Dutchess, and Ulster Counties, N.Y., to points in New Jersey, Connecticut, and Massachusetts, and (2) *light weight aggregates*, in bulk, in bags, and in containers, from points in Ulster County, N.Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and New Jersey, and *rejected, returned, and damaged shipments*, on return in (1) and (2) above.

HEARING: October 25, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 106553 (Sub-No. 11), filed July 17, 1961. Applicant: AUTO TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements by truckaway and driveaway, from the site of General Motors Plant in Wyandotte County, Kans., to points in Tennessee, Mississippi, Alabama, and Kentucky.

NOTE: Applicant states the proposed service will be under a continuing contract with the Buick-Oldsmobile-Pontiac Assembly Division, General Motors Corporation, Detroit, Mich. Common control may be involved.

HEARING: September 29, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Leo A. Riegel.

No. MC 106997 (Sub No. 5), filed June 5, 1961. Applicant: ARTHUR PIERSON, 119 Water Street, Newton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sensitized photographic paper*, from Williamstown, Mass., to Newton, N.J. and from Newton, N.J., to New Hyde Park, N.Y., (2) *Photocopy machines*, from Old Saybrook, Conn., to Newton, N.J., and (3) *empty wooden spools*, from Newton, N.J., to Williamstown, Mass.

HEARING: October 26, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 107403 (Sub-No. 352), filed August 10, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities*, in dump vehicles, from points in Ohio to points in the Lower Peninsula of Michigan.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: September 15, 1961, at the Capitol Park Hotel, 501 Townsend Street, Lansing, Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 107403 (Sub-No. 353), filed August 10, 1961. Applicant: E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor oil*, in bulk, and in containers, from Emlenton and Farmers Valley, Pa., to Bay City, Mich.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: September 14, 1961, at the Capitol Park Hotel, 501 Townsend Street, Lansing, Mich., before Joint Board No. 244, or, if the Joint Board waives its right to participate, before Examiner Leo A. Riegel.

No. MC 107676 (Sub-No. 31), (CORRECTION), filed August 7, 1961, published issue August 16, 1961, and republished as corrected this issue. Applicant: HILL & HILL TRUCK LINE, INC., 13019 Sarah Lane (P.O. Box 9698), Houston 15, Tex. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. The notice of filing and assignment of the subject application for hearing was published in the FEDERAL REGISTER under date of August 16, 1961, and indicated that the application was assigned for hearing on September 15, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters. Correctly stated, the hearing information reads as follows:

HEARING: September 18, 1961, at the New Customs House, Denver, Colo., before Examiner David Waters.

No. MC 109584 (Sub No. 92), filed June 16, 1961. Applicant: ARIZONA PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: Arthur H. Glanz, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from points in Orange County, Calif., to points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

HEARING: October 30, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner James O'D. Moran.

No. MC 110063 (Sub No. 1), filed June 8, 1961. Applicant: WILLIAM MARAUSZWSKI, doing business as BILLY'S TRUCKING, 13 Clarendon Street, Pittsfield, Mass. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toys*, in seasonal operations during the period commencing August 1 and extending to December 31, inclusive, in each year, from Pittsfield, Mass., to points in New York, Vermont, New Hampshire, Connecticut, and Rhode Island, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting toys, from points in New York, Vermont, New Hampshire, Connecticut, and Rhode Island to Pittsfield, Mass.

NOTE: Applicant states that service will be restricted to transportation under continuing contracts with Kaufman Brothers. Applicant holds common carrier authority in MC 115817 and has a pending common carrier application in MC 115817 (Sub No. 1); therefore dual operations may be involved.

HEARING: November 1, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC 110264 (Sub-No. 20), filed March 10, 1960. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., P.O. Box 404, 504 Veranda Road NW., Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, and *Classes A and B explosives*, (except articles of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving U.S. Government Missile Sites located in Pima, Graham, Cochise, Pinal and Gila Counties, Ariz., as off-route points in connection with applicant's authorized regular route operations.

HEARING: November 2, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 110393 (Sub-No. 5), (REPUBLICATION), filed March 31, 1961, published issue April 26, 1961, and republished as amended and corrected this issue. Applicant: FRIGID FOOD EXPRESS, INC., 2754 Seventh Street Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. As originally filed and noticed in the FEDERAL REGISTER, issue of April 26, 1961, the subject application covered a request for authority to transport dairy products, between specified points in Wisconsin, Iowa, Illinois, Ohio, and Indiana, on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and Baltimore, Md. At the hearing held June 13, 1961, at Louisville, Ky., Hearing Examiner Warren C. White presiding, the application was amended to delete certain portions of the authority sought, and was corrected as to the extent of the operations proposed. The application, as amended and corrected, seeks authority as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, (1) from Monroe, Luxemburg, Plymouth, Elkhart Lake, Mt. Horeb, Green Bay, Mayville, Wisconsin Rapids, and New Glarus, Wis., to New York, N.Y., Philadelphia, Pa., and Baltimore, Md.; and (2) from Independence and Plainfield, Iowa, to New York, N.Y., Philadelphia, Pa., and Baltimore, Md.

CONTINUED HEARING: October 30, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 111651 (Sub-No, 8), filed August 14, 1961. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 527 So. Theresa, St. Louis, Mo. Applicant's attorneys: Carll V. Kretsinger *and* Tom B. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites, and supply points therefor located in Reno, Kingman, Sumner, Cowley, Sedgwick and Butler Counties, Kans., as off-route points in connection with applicant's authorized regular route operations in Certificates MC–11165, Sub-1, Sub-3, and Sub-5.

HEARING: October 4, 1961, at the Hotel Pick-Kansas, Topeka, Kans., before Joint Board No. 52, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 111940 (Sub No. 29), filed June 15, 1961. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, Pa. Applicant's attorney: John M. Musselman, State Street Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Muncy, Pa., and points within 35 miles thereof, on the one hand, and, on the other, points in Indiana, Virginia, West Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine; (2) *dairy products*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Potter, Tioga, Bradford, Sullivan, and Lycoming Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, and New York; (3) *dairy products*, from points in Steuben County, N.Y., to points in Delaware, Maryland, New Jersey, and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return; and (4) *dairy products*, from points in Frederick County, Md., to points in Delaware, New Jersey, New York, Pennsylvania, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: October 6, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald A. Sutherland.

No. MC 112280 (Sub No. 3), filed June 8, 1961. Applicant: CAL MANCUSO, THEODORE MANCUSO AND FRANK CALASCIBETTA, doing business as AMITY TRUCKING COMPANY, 2 Baltic Street, Brooklyn 1, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in the New York, N.Y. Commercial Zone to points in Nassau and Suffolk Counties, N.Y.

HEARING: October 30, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 112750 (Sub No. 56) (AMENDMENT), filed February 2, 1961, published issue March 29, 1961, amended June 30, 1961, and republished as amended this issue. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Impressions, models*, and *bites, articulators, dentures*, and *products relating to restorative dentistry*,

between points in Illinois on and south of U.S. Highway 36, and points in Adams, Brown and Pike Counties, Ill., on the one hand, and, on the other, St. Louis, Mo., points in Henderson County, Ky., and points in Gibson, Knox, Posey, Sullivan, Vigo, and Venderburgh Counties, Ind.

HEARING: October 17, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Jerry F. Laughlin.

No. MC 112801 (Sub-No. 3), filed August 11, 1961. Applicant: TRANSPORT SERVICE CO., 5100 West 41st Street, Box 272, Chicago 50, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Commodities* (except sand, gravel, and cement), in bulk, in tank or hopper type vehicles, between points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: September 21, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 113338 (Sub No. 5), filed June 1, 1961. Applicant: JOHN D. WEIR, Island View Avenue, Mystic, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica and silica products* (except liquid products, in bulk, in tank vehicles), from North Stonington, Conn., to points in New Hampshire, Vermont, New York, New Jersey, and Pennsylvania, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, and *empty pallets*, on return.

NOTE: Applicant states the proposed operations will be under continuing contracts with Connecticut Silica Company, of North Stonington, Conn.

HEARING: November 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC 113398 (Sub No. 10), filed May 1, 1961. Applicant: A. L. EMERY, doing business as CINEMA SERVICE, Route #2, Box 65–1A, Fort Collins, Colo. Applicant's attorneys: Stockton, Linville, Lewis & Michell, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular and irregular routes*, transporting: *Motion picture films and incidental advertising material*, and *newspapers*, (1) OVER IRREGULAR ROUTES: Between points in Scotts Bluff, Morrill, Box Butte, Dawes, and Sheridan Counties, Nebr., points in Fall River, Shannon, Custer, Pennington, Lawrence, Meade, and Butte Counties, S. Dak., points in Weston, Niobrara, and Crook Counties, Wyo., and those in Powder River and Carter Counties, Mont.; and (2) OVER REGULAR ROUTES: Between Denver, Colo., and Scottsbluff, Nebr., over applicant's authorized regular route operations; (3) Between Sterling, Colo., and Fort Collins, Colo., over Colorado Highway 14, serving no intermediate points; and (4) Between Denver, Colo., and Cheyenne, Wyo., over U.S. Highway 87, serving no intermediate points.

NOTE: Applicant requests that any duplication shall be construed as a single grant of operating authority. Applicant states that one of the purposes of this application is to remove the restriction against service to Scottsbluff, Nebr., as contained in Certificate No. MC 113398 (Sub No. 6), Sheet 2.

HEARING: October 18, 1961, at the Wyoming Public Service Commission Supreme Court and State Library Building., Cheyenne, Wyo., before Examiner James O'D Moran.

No. MC 113855 (Sub-No. 58), filed August 3, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Van Osdel & Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides* and *green salted pelts*, from points in Minnesota, on and south of Minnesota Highway 19 to Berlin, Hartford, Sheboygan, Fond du Lac, Milwaukee, South Milwaukee, and Cudahy, Wis.; Chicago and Waukegan, Ill.; and Whithall, Mich.

HEARING: October 5, 1961, in Room 393, Federal Building and Court House, 110 South Fourth Street, Minneapolis, Minn., before Examiner Samuel C. Shoup.

No. MC 114364 (Sub No. 55), filed June 26, 1961. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Eldorado, Kans. to points in Nebraska on and west of U.S. Highway 281 and points in Wyoming.

NOTE: Common control may be involved.

HEARING: October 25, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 115331 (Sub-No. 21), filed August 1, 1961. Applicant: TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid in bulk, in tank vehicles, from St. Louis, Mo.-E. St. Louis, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Massachusetts, Nebraska, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: October 10, 1961, at the Midland Hotel, Chicago, Ill., before Examiner John L. York.

No. MC 116544 (Sub-No. 15), filed June 30, 1961. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Applicant's attorney: Robert R. Hendon, 734 15th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas and coconuts* on the same vehicle at the same time, from Galveston, Tex., to points in Oklahoma and Kansas, Missouri, Nebraska, Iowa, Wyoming, South Dakota, Minnesota, Wisconsin, and Illinois.

HEARING: October 26, 1961, at the Park East Hotel, Kansas City, Mo., before Examiner Jerry F. Laughlin.

No. MC 116714 (Sub No. 7), filed June 21, 1961. Applicant: MARKET HAULAGE, INC., 333 North Bedford Road, Mt. Kisco, N.Y. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Bakery products*, from Bridgeport, Conn., to Landover, Md., and *empty containers and rejected shipments* of bakery products, on return.

NOTE: Applicant states the proposed operations will be restricted to service to be performed under a continuing contract or contracts with The Grand Union Company. Common control may be involved.

HEARING: October 27, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 117011 (Sub-No. 2), filed August 4, 1961. Applicant: BILLY B. CLAY, doing business as CLAY TRUCK LINE, 105 Chestnut Street, Fulton, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill feeds and feed ingredients*, in bulk, and in bags, dry, from points in Kansas to points in Illinois.

NOTE: Applicant states it proposes to transport exempt commodities, on return.

HEARING: October 23, 1961, at the Park East Hotel, Kansas City, Mo., before Joint Board No. 195, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 117538 (Sub No. 3), filed June 8, 1961. Applicant: SCHWERMAN TRUCKING CO. OF N.Y., INC., 620 South 29th Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from the site of the Lone Star Cement Corporation plant at or near Hudson, N.Y., to Linden, N.J.

NOTE: Applicant states the above service is to be performed under a continuing contract or contracts with the Lone Star Cement Corporation. Common control may be involved.

HEARING: October 26, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 117842 (Sub-No. 1) (AMENDMENT), filed May 26, 1961, published in FEDERAL REGISTER, issue of June 28, 1961, republished as amended, this issue. Applicant: INTERSTATE DISTRIBUTING COMPANY, a Corporation, 2215 Puyallup Avenue, Tacoma, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery establishments*, between points in California, on the one hand, and, on the other, Aberdeen, Chehalis, Tacoma and Bellevue, Wash.

NOTE: The purpose of this republication is to include "Bellevue" as a service point and to indicate that the proposed service will be for the account of West Coast Grocery Company and American Wholesale Company, only, and that the operations will be conducted in a radial manner between the points specified.

HEARING: Remains as assigned September 20, 1961, at the Federal Office Building, Seattle, Wash., before Joint Board No. 5, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 118407 (Sub No. 3), filed June 22, 1961. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N. I. C. E., INC., AND NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorneys: V. Baker Smith and Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, packing house products*, and *commodities used by packing houses*, as defined in Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 as modified in 61 M.C.C. 766, between Rochelle, Ill., on the one hand, and, on the other, Chicago, Ill., Denver, Colo., Omaha, Nebr., Des Moines and Ottumwa, Iowa.

HEARING: October 31, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Jerry F. Laughlin.

No. MC 118407 (Sub-No. 4), filed July 17, 1961. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC. AND NATE'S TRUCK LINE, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia 2, Pa., *and* Robert H. Shertz, Suite 601 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Illinois, Wisconsin, and Michigan, to points in Colorado, Nebraska, and Iowa.

HEARING: October 23, 1961, at the New Customs House, Denver, Colo., before Examiner James O'D Moran.

No. MC 119241 (Sub-No. 1), filed July 5, 1961. Applicant: P.C.P. TRANSPORTATION COMPANY, a Corporation, 9500 South Norwalk Boulevard, Santa Fe Springs, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe*, having a maximum length of six feet, from Santa Fe Springs, and Stockton, Calif., to points in Nevada, Arizona, and points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission.

NOTE: Applicant states the proposed service will be limited to a transportation service to be performed under a continuing contract, or contracts, with Pacific Clay Products Company.

HEARING: October 31, 1961, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 119422 (Sub-No. 7), filed July 20, 1961. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Street, East St. Louis, Ill. Applicant's attorney: Joseph H. Goldenhersh, 406 Missouri Avenue, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast, prestressed and pre-fabricated concrete products* and (2) *returned* and *rejected shipments* of the above-specified commodities, between points in St. Clair and Madison Counties, Ill., on the one hand, and, on the other, points in Missouri.

HEARING: October 19, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 119897 (Sub No. 3), filed June 22, 1961. Applicant: O. C. WOFFORD, doing business as CITY MOVING & STORAGE, 1219 West First Street, Odessa, Tex. Applicant's attorney: Rufus H. Lawson, P.O. Box 7342, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrosion inhibiting compound, crude oil processing chemicals or compounds, crude oil treating compound, emulsion breaking compound, paraffin solvents, scale inhibiting compound, water treating or softening compound*, liquid, in bulk, in tank vehicles, when moving as a material or supply to be used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and petroleum products and by-products, (1) between Wichita Falls, Tex., and points in California, Colorado, Montana, New Mexico, Utah, and Wyoming; (2) between points in Kansas and points in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; (3) between points in Illinois and points in Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and (4) between Ruston, La., and points in Arkansas, Indiana, Kentucky, and Mississippi.

HEARING: October 20, 1961, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner James O'D Moran.

No. MC 123061 (Sub-No. 9), filed August 7, 1961. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt* and *salt products*, in packages, and mixed shipments of packages and bulk, from Saltair, Lake Point, and Flux, Utah to points in Elko, Humboldt, Pershing, Lander, Lincoln, Churchill, Eureka, White Pine, and Nye Counties, Nev., and (2) *exempt commodities*, from the above-specified destination points to Saltair, Lake Point, and Flux, Utah.

HEARING: September 28, 1961, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 241, or, if the Joint Board waives its right to participate, before Examiner David Waters.

No. MC 123242 (Sub-No. 2), filed July 27, 1961. Applicant: MISSOURI LUMBER TRANSPORTS, INC., Post Office Box 231, Arcadia, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets* and *pallet materials*, from Ironton, Ellington, and Lutesville, Mo., (1) to points in Illinois on and east of U.S. Highway 51 and (2) to points in Indiana on and north of U.S. Highway 40 and on and west of U.S. Highway 31, and *exempt commodities* on return.

HEARING: October 18, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board, No. 160, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 123420 (Sub-No. 2), filed July 5, 1961. Applicant: JOSEPH C. WERLINGER, 124 Coolidge Street, Lead, S. Dak. Applicant's attorney: P. A. Smiley, Belle Fourche, S. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure treated wood products*, from the site of Northwest Wood Preserving Co. treating plant near Whitewood, S. Dak. and points within one (1) mile thereof, to points in Nebraska, Colorado, Iowa, Minnesota, North Dakota, Montana, and Wyoming.

HEARING: October 19, 1961, at the Wyoming Public Service Commission Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner James O'D Moran.

No. MC 123425 (Sub-No. 1), (CORRECTION), filed July 5, 1961, published issue of July 19, 1961, republished as clarified August 16, 1961, and again republished as corrected this issue. Applicant: SUBURBAN PROPANE GAS CORPORATION, P.O. Box 206, Whippany, N.J. Applicant's attorney: F. Trowbridge von Baur, Commerce Building, 1700 K Street NW., Washington 6, D.C. A clarification of the subject application published August 16, 1961, showed the lead docket number MC 123425 in error. The correct docket number assigned to the application filed July 5, 1961, which is a subsequent filing under the above lead number is MC 123425 (Sub-No. 1).

HEARING: Remains as assigned September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks.

No. MC 123534 (Sub-No. 2), filed July 10, 1961. Applicant: WILLIAM BRENNECKE, P.O. Box 5, Addieville, Ill. Applicant's attorney: G. F. Gunn, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy*

products, as defined by the Commission, *dairy fruit juice drinks, chocolate milk, fresh milk*, and *containers therefor*, between St. Louis, Mo., and points in Illinois on and south of U.S. Highway 24, and points in Indiana on and South of U.S. Highway 36.

HEARING: October 18, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 160, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

No. MC 123628, filed May 1, 1961. Applicant: THEODORE GEORGE PAPPAS, doing business as TED PAPPAS & SONS, North Broadway, Gering, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds*, in bulk, bag and packaged, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, between points in Nebraska and Colorado, on the one hand, and, on the other, points in Wyoming, South Dakota, Montana, Idaho, Utah, North Dakota, Nebraska, and Colorado.

HEARING: October 17, 1961, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner James O'D Moran.

No. MC 123698, (RESTRICTIVE AMENDMENT), filed May 25, 1961, published in FEDERAL REGISTER, issue of August 2, 1961, amended August 11, 1961, republished as amended this issue. Applicant: SAV A DRIVE AUTO TRANSPORT, INC., 85–22 Fourth Avenue, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, with drivers*, between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in the United States.

NOTE: This republication reflects the proposed operations as being conducted in a radial manner, rather than a non-radial operation.

HEARING: Remains as assigned September 13, 1961, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 123740, filed June 12, 1961. Applicant: LAWRENCE G. NUSBAUM, JR., doing business as FR–ED TRUCKING COMPANY, 37 Wall Street, New York 5, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork and meat products*, from the Bronx, N.Y., to Union City, Hoboken, Jersey City, Newark, Harrison, Kearny, Passaic, Paterson, Paramus, and Hackensack, N.J., and *rejected shipments* and *empty containers or other such incidental facilities* (not specified) used in transporting pork and meat products, on return.

HEARING: October 27, 1961, at 346 Broadway, New York, N.Y., before Examiner Frank J. Mahoney.

No. MC 123798, filed July 13, 1961. Applicant: WILLIAM A. LIVELY, doing business as LIVELY'S TRUCKING SERVICE, R.F.D., Percy, Ill. Applicant's attorney: Theodore Bradley, 1014–A Walnut, Murphysboro, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed, livestock, farm supplies*, and *repair and construction material;* (a) between points in Perry, Randolph and Jackson Counties, Ill.; and (b) between points in Perry, Randolph and Jackson Counties, Ill., on the one hand, and, on the other, points in St. Clair and Madison Counties, Ill. (2) *Livestock;* from points in Perry, Randolph and Jackson Counties, Ill., to St. Louis, Mo., and *commercial feeds*, on return.

HEARING: October 20, 1961, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Jerry F. Laughlin.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Sub-No. 5), filed July 26, 1961. Applicant: THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round-trip operations, during the racing season of each year at the tracks hereinafter specified; beginning and ending at Bridgeport, Conn., and extending to the sites of Aqueduct Race Track, New York, N.Y., Belmont Park, Belmont, N.Y., Roosevelt Raceway, Westbury, N.Y., and Yonkers Raceway, Mt. Vernon, N.Y.

NOTE: Applicant states it proposes to serve Bridgeport as an additional point for pickup and discharge in connection with its existing authority between New Haven, Conn. and the aforementioned race tracks, as contained in its Certificate No. MC 1943 Sub-No. 3.

HEARING: November 3, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC 28462 (Sub-No. 9), filed May 15, 1961. Applicant: DENVER-COLORADO SPRINGS-PUEBLO MOTOR WAY, INC., Travel Center Building, 17th and Broadway, Denver, Colo. Applicant's attorney: Alfred Crager, 315 Continental Avenue, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Casper and Sheridan, Wyo., from Casper over U.S. Highway 87-Interstate Highway 25, to Sheridan, and return over the same route, with closed doors, as an alternate route for operating convenience only, serving no intermediate points.

HEARING: October 17, 1961, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 197, or, if the Joint Board waives its right to participate, before Examiner James O'D Moran.

No. MC 115025 (Sub-No. 6), filed June 22, 1961. Applicant: THE SHORT LINE OF CONNECTICUT, INCORPORATED, 12 James Street, East Hartford 8, Conn. Applicant's attorney: John L. Collins, 49 Pearl Street, Hartford 3, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in special and charter operations, in round trip tours, beginning and ending at points in Hampden and Hampshire counties, Mass. and Hartford, New Haven, Middlesex, New London, Tolland, and Windham Counties, Conn., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and Ports of Entry on the International Boundary between the United States and Canada.

HEARING: October 31, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

No. MC 123755, filed June 22, 1961. Applicant: ALL AMERICAN AIRWAYS, INC., 2 Main Street, Ridgefield, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, having an immediately prior or subsequent movement by air, limited to transportation of not more than eight (8) passengers to any one vehicle, between Danbury, Ridgefield, New Canaan, Conn., and La Guardia and Idlewild airports, Long Island, N.Y.

NOTE: Applicant states he proposes to operate limousine service between the points specified above.

HEARING: November 2, 1961, at the Bond Hotel, Hartford, Conn., before Examiner Frank J. Mahoney.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 35484 (Sub-No. 47), filed August 4, 1961. Applicant: VIKING FREIGHT COMPANY, a Corporation, 614 South Sixth Street, St. Louis 2, Mo. Applicant's attorney: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between the junction of U.S. Highway 45 and Mississippi Highway 12 at Columbus, Miss., and the junction of U.S. Highway 278 and Alabama Highway 118 at Sulligent, Ala., as follows: From junction of U.S. Highway 45 and Mississippi Highway 12 at Columbus, over U.S. Highway 45 to junction Mississippi Highway 25, thence over Mississippi Highway 25 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction Alabama Highway 118 at Sulligent, and return over the same route, serving no intermediate points, with service at junction U.S. Highway 45 and Mississippi Highway 12 at Columbus, Miss., and junction U.S. Highway 278 and Alabama Highway 118 at Sulligent, Ala., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Macon, Miss., and Nashville, Tenn.

No. MC 42405 (Sub-No. 20), filed July 24, 1961. Applicant: MISTLETOE EXPRESS SERVICE, a Corporation, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities* (except Classes A and B explosives), moving in express service, between junction Interstate Highway 35 and Oklahoma Highway 11 near Blackwell, Okla., and Marietta, Okla., over Interstate Highway 35, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Marietta, Okla., and Newkirk, Okla.

No. MC 68183 (Sub-No. 18), filed August 7, 1961. Applicant: YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati and Dayton, Ohio; (a) from Cincinnati, over Ohio Highway 4 to Germantown, Ohio, thence over Ohio Highway 123 to its intersection with U.S. Highway 25, thence over U.S. Highway 25 to Dayton; (b) from Cincinnati, over Ohio Highway 4 to Middletown, Ohio, thence over Ohio Highway 122 to its intersection with U.S. Highway 25, thence over U.S. Highway 25 to Dayton; (c) from Cincinnati, over Ohio Highway 4 to its intersection with Ohio Highway 63, thence over Ohio Highway 63, to Monroe, Ohio, thence over U.S. Highway 25 to Dayton, and (d) from Cincinnati, to Hamilton, Ohio, thence over Ohio Highway 129 to its intersection with U.S. Highway 25 thence over U.S. Highway 25 to Dayton.

NOTE: Applicant states the authority requested herein is for alternate route purpose only and no authority is sought to serve any points not presently authorized except (b) above, the site of the Yankee Lines, Inc. Terminal, located at Blue Ball, Ohio, which is restricted against providing service to local Shippers at Blue Ball, Ohio. All service as requested in (a), (b), (c), and (d) above, seeks authority to return over the same routes serving no intermediate points.

No. MC 78786 (Sub-No. 233), CLARIFICATION, filed June 29, 1961, published in FEDERAL REGISTER, issue of August 16, 1961, and republished as clarified, this issue. Applicant: PACIFIC MOTOR TRUCKING COMPANY, A Corporation, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: John MacDonald Smith (Same address as applicant). Notice of filing of the subject application was published in the FEDERAL REGISTER, issue of August 16, 1961, and set forth with particularity certain of the carrier's authorized regular-route operations. The modifications and authority sought is as follows: "No change in routes, commodities or conditions involved in Item 66 and 112 is proposed, except for the following modification of key point restrictions applicable thereto to permit use of these authorities to transport shipments which move only between Stockton, Calif., on the one hand, and San Francisco-Oakland, Calif., on the other hand." This change is to be accomplished by the addition of the following italicized language to Condition 10 at sheet 51 of Certificate and to Condition 29 at sheet 58 of certificate. The revised conditions will then read:

Condition 10. The service to be performed by said carrier shall be limited to that which is auxiliary to, or supplemental of, railroad or railway express service.

The said carrier shall not serve any point not a station on a railroad, except as otherwise authorized.

Said carrier shall not transport shipments between Stockton, Calif., on the one hand, and, on the other, Davis, Lincoln, Rocklin, or Woodland, Calif., or through or to, or from more than one of such points. *These key points shall not apply to shipments transported by carrier only between San Francisco or Oakland, Calif., on the one hand, and Stockton, Calif., on the other hand.*

All contractual arrangements between the said carrier and any railroad or railway express carrier to whose services its service is auxiliary or supplementary, shall be reported to this Commission and shall be subject to revision if and as this Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and

Such further conditions as the Commission in the future, may find it necessary to impose in order to restrict the said carrier's operations to service which is auxiliary to, or supplemental of, railroad or railway express company service.

Condition 29. No shipments shall be transported by Pacific Motor Trucking Company between any of the following key points, or through, or to or from more than one of said points; San Francisco-Oakland (considered as one), Stockton, and Los Angeles, Calif., and Yuma, Ariz.; also on traffic southbound from San Francisco-Oakland and Stockton, and the additional key points of Santa Barbara, Newhall Ranch and Harold, Calif., and on traffic northbound from Los Angeles, and the additional key points of Los Gatos, Gilroy, and Vernalis and Manteca, Calif. The key points indicated shall be deemed to include all points in commercial zones thereof as defined by the Commission. *This restriction shall not apply to shipments transported by carrier only between San Francisco or Oakland, Calif., on the one hand, and Stockton, Calif., on the other hand.*

No. MC 109637 (Sub-No. 183), filed August 11, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fluorine*, in bulk, in shipper-owned tank semi-trailers, from Metropolis, Ill., to Baton Rouge, La., and *empty company-owned semi-trailers*, on return.

No. MC 114106 (Sub-No. 34), filed August 11, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Lexington, N.C., to points in Virginia.

NOTE: Applicant holds contract carrier authority under Permit No. MC 115176.

No. MC 119118 (Sub-No. 15), filed August 9, 1961. Applicant: LEWIS W. MC CURDY AND MARGARET J. MC CURDY, doing business as MC CURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material* moving therewith, from Peoria, Ill. (including Peoria Heights), to Chambersburg, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: Dual operations may be involved.

No. MC 123868, filed August 11, 1961, Applicant: JOHN H. YOURGA, doing business as JOHN H. YOURGA TRUCKING, 104 Church Street, Wheatland, Pa. Applicant's attorney: Harold G. Hernly, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, from the plant site of the Sharon Steel Corporation, located in Sharon, Pa., to points on the Ohio River in Allegheny and Beaver Counties, Pa.

NOTE: Applicant has common carrier authority under MC–59266 and Subs thereunder, therefore dual operations may be involved. It is further noted that the service herein proposed is restricted to the handling of the commodities named that will have a subseqeunt movement by water.

MOTOR CARRIERS OF PASSENGERS

No. MC 13027 (Sub-No. 19), filed August 11, 1961. Applicant: SHORT WAY LINES, INC., 49 North Erie Street, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *package express, newspapers and mail*, in the same vehicle with passengers, (1) between Toledo, Ohio and Ypsilanti, Mich.; from Bus Depot in Toledo, over city streets to Toledo-Detroit Expressway (Interstate Highway 75) crossing Ohio-Michigan State line on Interstate Highway 75, continuing over Interstate Highway 75 to Summit Street turnoff from Expressway, thence over connecting road to U.S. Highway 24A, thence over U.S. Highway 24A through Erie, Mich. to junction with U.S. Highway 25, thence over U.S. Highway 25 through Monroe, Mich. to junction with U.S. Highway 24, thence over U.S. Highway 24 and U.S. Highway 25 to Huron River Road in Flat

Rock, Mich., thence over Huron River Road to Middlebelt Road, thence over Middlebelt Road to Wick Road (entrance road to Detroit Metropolitan Airport), thence over Wick Road and Airport property to Detroit Metropolitan Air Passenger Terminal or Terminals, thence exit from Airport property on Merriman Road to Detroit Industrial Expressway (Interstate Highway 94), thence over Interstate Highway 94 to turnoff for Willow Run Airport, thence over access roads and Airport Property to Willow Run Air Terminal, thence over Airport property and access roads to Interstate Highway 94, thence over Interstate Highway 94 to Ecorse Road (M17) and various streets within the city of Ypsilanti, Mich. to the Ypsilanti Bus Depot (junction with present certificated route), and return over the same route, serving all intermediate points; and (2) between junction U.S. Highway 23 and Interstate Highway 94, and Willow Run Air Terminal, Mich.; from junction U.S. Highway 23 and Interstate Highway 94 (present certificated point) over Interstate Highway 94 to turnoff for Willow Run Airport, thence over access roads and Airport property to Willow Run Air Terminal (junction point with route No. 1), and return over the same route, serving all intermediate points.

No. MC 29957 (Sub-No. 78), filed August 11, 1961. Applicant: CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P.O. Box 4407 Alexandria,, La. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between East St. Louis, Ill., and Belleville, Ill.; from East St. Louis over U.S. Highway 460 to Belleville, and return over the same route, serving all intermediate points. RESTRICTION: Service is conditioned as follows: to and from intermediate points between East St. Louis, Ill., and Belleville, Ill., including Belleville, shall be limited to the transportation of traffic moving in motor vehicles, which are operated the entire distance between St. Louis, Mo., on the one hand, and, on the other, Chester, Ill., or points on the carrier's routes south of Chester.

NOTE: Common control may be involved.

No. MC 59238 (Sub-No. 46), filed August 10, 1961. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between junction U.S. Highway 29 and U.S. Interstate Highway 66 near Gainesville, Va., and junction U.S. Highway 29 and U.S. Interstate Highway 66 near Centreville, Va.; from junction U.S. Highway 29 and U.S. Interstate Highway 66 near Gainesville over U.S. Interstate Highway 66 to junction U.S. Highway 29 and U.S. Interstate Highway 66 near Centreville, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states it intends to tack the proposed authority with its existing authority at the termini of the proposed route. (2) Common control may be involved.

No. MC 59238 (Sub-No. 47), filed August 11, 1961. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 4th Street SE., Charlottesville, Va. Applicant's attorney: Raymond H. Warns, Court Square Building, Charlottesville, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, mail and newspapers* in the same vehicle with passengers, between junction U.S. Interstate Highway 66 and Virginia Highway 17–55, and junction U.S. Interstate Highway 66 and Virginia Highway 55; from junction U.S. Interstate Highway 66 and Virginia Highway 17–55 over U.S. Interstate Highway 66 to junction U.S. Interstate Highway 66 and Virginia Highway 55, and return over the same route, serving all intermediate points.

NOTE: (1) Applicant states it intends to tack the proposed authority with its existing authority at the termini of the proposed route. (2) Common control may be involved.

No. MC 123869, filed August 11, 1961. Applicant: PEOPLES TRANSIT SYSTEM, INC., 812 Clement Avenue, Belpre, Ohio. Applicant's attorney: John C. White, 400 Union Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers*, in the same vehicle with passengers, between Belpre, Ohio and Parkersburg, W. Va.; from the westerly city limits of Belpre, over Ohio Highway 7 to the Parkersburg-Belpre Bridge, thence over said bridge to U.S. Highway 21, thence over U.S. Highway 21, to a turnaround near the City Building in Parkersburg, and return over the same routes, serving all intermediate points, including points in the city limits of Belpre.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 14786 (Sub-No. 9), filed August 14, 1961. Applicant: GREYHOUND VAN LINES, INC., 57 West Grand Avenue, Chicago, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Interstate Commerce Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467; between points in California, New Mexico, Oklahoma and Texas, with the right to tack said authority to applicant's other operating authority and with the right to traverse, for operating purposes only, the States of Arizona, Nevada and Wyoming in connection with applicant's other authorized operations.

NOTE: (1) Applicant states it is presently authorized to transport household goods between points within 38 states in the Continental United States, including the State of Colorado and all those east thereof. (2) Applicant further states it is a wholly-owned subsidiary of The Greyhound Corporation. Applicant has requested that this application be handled concurrently with MC–F–7945.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7763 (TUCKER FREIGHT LINES, INC.—PURCHASE—SUPERIOR FREIGHT LINES, INC.) Notice published in the January 18, 1961 issue of the FEDERAL REGISTER, on page 392, as supplemented January 25, 1961, on page 772, is further supplemented to reflect the following: Order entered August 9, 1961, by Finance Board No. 1, supplementing the order of the said Board dated May 18, 1961, to include in the authority granted the purchase by TUCKER FREIGHT LINES, INC., of the certificate conditionally authorized to be issued to SUPERIOR FREIGHT LINES, INC., in No. MC–55842 (Sub-No. 5), SUPERIOR FREIGHT LINES, INC. Extension-Michigan City, Ind., decided May 3, 1961, covering transportation (1) of trailers, semi-trailers, trailer and semi-trailer chassis, other than those designed to be drawn by passenger auto, in initial movements, in truckaway and driveaway service, (2) of truck-tractors, in secondary movements, by driveaway method only when drawing trailers moving in initial movements, in driveaway service, and (3) of containers, truck and trailer bodies, from Michigan City, Ind., to points in the United States, and to receive the said certificate upon compliance with the conditions. Protests, if any, may be filed on or before 30 days from the publication date, in accordance with the general rules of practice.

No. MC–F 7909 (E. BROOKE MATLACK, INC.—PURCHASE—EDWIN E. CLARKE), published in the July 6, 1961 issue of the FEDERAL REGISTER on page 6057. Supplemental notice to reflect inclusion in the purchase of a certificate issued to EDWIN E. CLARKE, doing business as CLARKE BULK TRANSFER, in No. MC–118554 (Sub-No. 3) dated July 13, 1961, covering the transportation of *flour*, in bulk, in pneumatically equipped, hopper-type vehicles, as a *common carrier* over irregular routes, from points in Cumberland, Dauphin, Lancaster, Lebanon and York Counties, Pa., to Passaic, N.J., and to Bronx, Manhattan, and Richmond Borough, New York, N.Y., and authority conditionally granted in No. MC–118554 (Sub-No. 4) EDWIN E. CLARKE, Extension—Plastics, decided June 29, 1961, covering the transportation of *dry resins* and *dry plastics*, in bulk, in tank and hopper type vehicles (except in dump vehicles), as a *common carrier* over irregular routes, from Lower Pottsgrove Township, Montgomery County, Pa., to points in Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Michigan, Missouri, New Hampshire, New Jersey, New York (except Queens, Nassau, and Suffolk Counties), Ohio, Vermont, and Wisconsin.

No. MC–F–7945. Authority sought for purchase by GREYHOUND VAN LINES, INC., 57 West Grand Avenue, Chicago, Ill., of a portion of the operating rights and property of CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., a portion of the operating rights of LOUIS J. JOHNSON and RAYMOND W. JOHNSON, a partnership, doing business as THE JOHNSON STORAGE AND MOVING COMPANY, 221 Broadway Street, Denver, Colo., and a portion of the operating rights of IDA B. COUEY and JAMES R. COUEY, a partnership, doing business as THE COUEY STORAGE AND TRANSFER COMPANY, 427–447 North Chestnut Street, Trinidad, Colo., and for acquisition by THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill., of control of such rights and property through the purchase. Applicants' attorneys: John R. Turney and Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C., and Eugene T. Liipfert, 1616 H Street NW., Suite 801, Grange Building, Washington 6, D.C. Operating rights sought to be transferred: (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE) All *household goods*, as a *common carrier* over regular and irregular routes as set forth in Docket No. MC–42487 and Sub-Number proceedings; and *new and used store and officer furniture and fixtures*, uncrated, over irregular routes, between points in Washington, Oregon, and California, and *new and used store and office fixtures*, uncrated, between Portland, Oreg., on the one hand, and, on the other, points in Idaho, Utah, and Montana; (LOUIS J. JOHNSON AND RAYMOND W. JOHNSON) *household goods*, as a *common carrier* over irregular routes between points in Colorado on the one hand, and, on the other, points in Utah; (IDA B. COUEY AND JAMES R. COUEY) *household goods*, as a *common carrier* over irregular routes between points in Colorado and New Mexico. Vendee is authorized to operate as a *common carrier* in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, Ohio, Illinois, Michigan, Arkansas, Indiana, Maine, Oklahoma, South Dakota, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: Counsel has requested that this application be handled concurrently with MC–14786 Sub–9, and requests that both applications be assigned for hearing at the same time and place and be heard upon a consolidated record.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–8060; Filed, Aug. 22, 1961; 8:47 a.m.]

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Washington, Thursday, August 24, 1961

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Department of Health, Education, and Welfare

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (e) of § 6.314 as set out below.

§ 6.314 Department of Health, Education, and Welfare.

* * * * * * *

(e) *Office of the Assistant Secretary for Federal-State Relations.* * * *

(5) One Confidential Secretary to the Deputy Assistant Secretary for Federal-State Relations.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-8106; Filed, Aug. 23, 1961; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Reseal Loan Bulletin, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Reseal Loan Programs for Barley, Corn, Grain Sorghums, Oats, Rye and Wheat

APPROVED STORAGE

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 3879 and 5859, and containing the specific requirements of the 1960-crop reseal loan programs for barley, corn, grain sorghums, oats, rye and wheat are amended as follows:

Section 421.5555 is amended to provide for approving loans on corn, grain sorghums and wheat where the consent for storage can be obtained for only the first year's storage period.

§ 421.5555 Approved storage.

For any loans extended and any new loans completed, the commodity must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.5007(a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for a period of 60 days following the applicable maturity date of the reseal loan for the commodity, if the structure is owned or controlled by someone other than the producer or if the lease expires prior to 60 days following the maturity date of the reseal loan. Notwithstanding the foregoing, where the consent for storage can be obtained only for the period ending 60 days subsequent to March 31, 1962, for grain sorghums and wheat and for the period ending 60 days subsequent to July 31, 1962, for corn, the loans may be approved: *Provided, however,* That if by March 31, 1962, for grain sorghums and wheat and July 31, 1962, for corn, the consent for storage is not obtained for the additional period ending 60 days subsequent to March 31, 1963, for grain sorghums and wheat and 60 days subsequent to July 31, 1963, for corn, the note shall mature on March 31, 1962, in the case of grain sorghums and wheat and on July 31, 1962, for corn, and storage payments shall be made only for the period ending on such accelerated maturity date.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 105, 301, 401, 63 Stat. 1051, 1054; Title II, 73 Stat. 178; 15 U.S.C. 714c; 7 U.S.C. 1441, 1442, 1447, 1421)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 18, 1961.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8099; Filed, Aug. 23, 1961; 8:46 a.m.]

PART 446—PEANUTS

Subpart—1961 Crop Peanut Price Support Program

This bulletin (hereinafter called subpart) contains regulations applicable to the 1961 crop Peanut Price Support Program, under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as CCC and ASCS respectively).

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446.1338 Contract.
446.1339 Quantity.
446.1340 Inspecting, grading and sealing No. 2 peanuts.
446.1341 Net weight of No. 2 peanuts.
446.1342 Delivery, rejection, and liquidated damages.
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446.1344 Payment for No. 2 peanuts.
446.1345 Records and reports.
446.1346 Assignment.
446.1347 Officials not to benefit.
446.1348 Contingent fees.

AUTHORITY: §§ 446.1301 to 446.1348 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 201, 68 Stat. 899; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

GENERAL

§ 446.1301 Administration.

(a) The program will be administered by the Oils and Peanut Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. In the field, the program will be carried out by Agricultural Stabilization and Conservation State Committees and by Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and the Dallas ASCS Commodity Office (hereinafter called the commodity office). State and county committees and the commodity office do not have

authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(b) Associations operating under an Association Loan and Handling Agreement, CCC Peanut Form 27 (1961) with CCC (hereinafter referred to as an Agreement with CCC) may receive, arrange storage for and handle eligible peanuts for and on behalf of eligible producers, using such peanuts as collateral for a loan made available by CCC.

§ 446.1302 Availability.

(a) *Areas.* The program will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(b) *Time.* Loans will be made through January 31, 1962, and will mature on May 31, 1962, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1962. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1962. Warehouse receipts for peanuts delivered to an association operating under an Agreement with CCC shall show that the peanuts were received in the warehouse not later than January 31, 1962, and shall have been issued within two business days (excluding Saturdays) after the peanuts were received in the warehouse. Purchase agreements will be available at the county office through January 31, 1962. A producer who desires to sell peanuts to CCC is required to file a Purchase Agreement, Form CP–1, with the county office on or before such date.

§ 446.1303 Methods of price support.

CCC will support the price of eligible 1961 crop peanuts through farm storage loans to eligible producers, warehouse storage loans to associations operating under Agreements with CCC, and through purchase agreements with eligible producers.

§ 446.1304 Definitions.

As used in this subpart and in instructions and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Association.* A group of producers organized in accordance with the provisions of the Capper-Volstead Act, for the purpose of handling agricultural products for and on behalf of its producer members, which qualifies as a cooperative in the State(s) in which it functions, is approved by CCC, and meets the following requirements:

(1) The major portion of the peanuts handled by the association is delivered to the association by producer members;

(2) The members and non-members who deliver peanuts to the association and who authorizes the association to handle and market their peanuts and to obtain price support on such peanuts have a right to share pro rata in the profits made from handling peanuts;

(3) The association has the legal right to pledge or mortgage the peanuts tendered as security for a loan;

(4) Unless otherwise approved by CCC, no officer or director of the association shall be engaged in the business of buying, selling, storing, or dealing in peanuts, other than in his capacity as an officer or director of the association or as a producer; and

(5) The association shall maintain such accounts and records as CCC may prescribe.

(b) *County office.* The office of the ASC county committee where records for the farm are kept.

(c) *Farm.* A farm as defined in the regulation entitled "Reconstitution of Farms, Farm Allotments, and Farm History and Soil Bank Base Acreages", including any amendments or supplements thereto or revision thereof (23 F.R. 6731, 7693, 9505, 10476, 24 F.R. 2642 and 25 F.R. 1065, 1816, 2880, 4129, 5445; 26 F.R. 1262, 1396, 1753, 2686, and 5034) which in general defines a farm as all adjoining or nearby farmland which is operated as one farming unit.

(d) *Farm allotment.* The effective farm allotment for the 1961 crop of peanuts as defined in the marketing quota regulations.

(e) *Farmers stock peanuts.* Picked or threshed peanuts produced in the continental United States during the calendar year 1961, which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material and loose shelled kernels and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(f) *Farm peanut acreage.* The 1961 farm peanut acreage determined in accordance with the marketing quota regulations which in general defines such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(g) *Lot.* That quantity of peanuts for which one inspection memorandum is issued.

(h) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for peanuts of 1959 and Subsequent Crops issued by the Acting Secretary of Agriculture, including any amendments or supplements thereto or revisions thereof (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897, 8065, 10567, 26 F.R. 1344, 2523 and 4631).

(i) *Net Weight.* That weight of farmers stock peanuts obtained by multiplying the gross weight by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material and (2) moisture in excess of 7 percent in the Southeastern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(j) *Producer.* A person who is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(k) *Quota peanuts.* Peanuts which are within the amount of the farm marketing quota determined pursuant to the marketing quota regulations.

(l) *Type.* The generally known types of peanuts (i.e. Runner, Spanish, Valencia, and Virginia) as defined in the "Determination with Respect to Supply of Valencia Type Peanuts for the 1961-62 Marketing Year, issued April 14, 1961 by the Secretary of Agriculture (26 F.R. 3296).

(m) *Sound mature kernels.* Kernels which are free from damage and minor defects as defined in the U.S. Standards for shelled (1) Spanish type peanuts effective August 31, 1959, in the case of Spanish and Valencia peanuts, (2) Runner type peanuts, effective July 31, 1959, or (3) Virginia type peanuts, effective August 31, 1959; and which will not pass through a screen having:

(i) 15/64 x ¾ inch perforations in the case of Spanish and Valencia peanuts.

(ii) 15/64 x 1 inch perforations in the case of Virginia peanuts.

(iii) 16/64 x ¾ inch perforations in the case of Runner peanuts.

(n) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64 x 1 inch openings and which are "whole" and free from "minor defects" and "damage" as such terms are defined in the U.S. Standards for Shelled Virginia Type Peanuts (effective August 31, 1959).

(o) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts suitable for cleaning and roasting shall be those containing less than 25 percent discoloration and damage caused by cracked and broken shells.

(p) *Within quota card.* Form MQ-76 (Peanuts) 1961, 1961 Peanut Within Quota Marketing Card, issued pursuant to the marketing quota regulations.

§ 446.1305 Support prices.

The national average support price and support prices and loan rates by types will be issued as an amendment to this subpart.

§ 446.1306 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support are 1961 crop farmers stock peanuts, other than those produced in violation of a restrictive lease on federally owned land, which;

(1) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent foreign material and not more than 7 percent damaged kernels;

(2) Contain, except as provided in subparagraph (6) of this paragraph, not more than 10 percent moisture, but any such peanuts which have been mechanically dried shall contain at least 6 percent moisture.

(3) Are produced by an eligible producer on a farm (i) on which the 1961 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations, (ii) on which the farm peanut acreage exceeds the effective farm allotment if the producer establishes to the satisfaction of CCC, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment, or (iii) for which a within quota marketing card is issued upon the execution of Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Overplanted Peanut Farm: *Provided, however,* That the county committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty.

(4) Are free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In the Southwest area, if such peanuts are bagged, the bags are new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighting not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes, and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(6) In the case of bulk stored peanuts in the Virginia-Carolina area, CCC may determine that the eligibility requirements with respect to foreign material, damaged kernels, and moisture have been met if, on the basis of a preliminary grade determined by a Federal-State inspector, from a preliminary sample drawn under his supervision, the percentage of foreign material does not exceed 10 percent, the percentage of damaged kernels does not exceed 7 percent, and the percentage of moisture does not exceed 10 percent. However, the official grade determined by the Federal-State inspector subsequent to the preliminary grade determination shall be used in determining the price support value and the net weight; and if the official grade shows the percentage of damaged kernels to be in excess of 7 percent the following discounts will be applied:

Peanuts containing damaged kernels of:	Discount per ton
8 percent	$46.50
9 percent	66.50
10 percent	96.50
11 percent and above	136.50

(b) *Agreement by operator of overplanted peanut farm.* By execution of Form MQ–92—Peanuts (2–27–59), Agreement by Operator of Overplanted Peanut Farm, the operator agrees that the farm peanut acreage will not exceed the larger of the farm allotment or one acre, and if such undertaking is breached, to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture. The liquidated damages provided for under such agreement will not be due CCC in a case where it is determined by CCC that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement. The State administrative officer, or in his absence, the acting administrative officer, is authorized to make such determination in a case where the farm peanut acreage does not exceed the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement. The State committee is authorized to make such determination in a case where the farm peanut acreage exceeds the acreage specified in the agreement by more than the larger of one-tenth acre or two percent of the acreage specified in the agreement and the State committee also determines that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be deemed not to have knowingly exceeded such allotment within the meaning of paragraph (a)(3)(ii) of this section if (1) the excess acreage is determined in accordance with the marketing quota regulations, to be zero, (2) the liquidated damages provided for as the result of a breach of the terms of Form MQ–92—Peanuts are not due CCC under the provisions of paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the provisions of the peanut marketing quota program, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3), of this paragraph and CCC determines that the producer unknowingly exceeded such allotment.

§ 446.1307 Eligible producer.

(a) An eligible producer shall be a person who is entitled to share as landowner, landlord, tenant, or sharecropper, in peanuts produced on the farm in 1961. Executors, administrators, trustees, or receivers who represent an eligible producer or his estate may qualify for price support provided the loan or purchase agreement documents executed by them are legally valid. A producer will be eligible for price support with respect to all eligible peanuts in which the beneficial interest is in him and has always been in him, or in him and a former producer whom he succeeded before the peanuts were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the peanuts are produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. Any producer who is in doubt as to whether his interest in the peanuts complies with the requirements of this section should make all pertinent information available to the county office. The county committee shall determine whether the requirements have been met.

(b) Two or more eligible producers may obtain a joint farm storage loan on eligible peanuts produced by them if stored, separately from any other peanuts, in the same farm storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the obligations imposed by the loan.

(c) Where the county office has experienced difficulty in settling a farm storage loan with a producer, the county committee may determine that he is not eligible for a 1961 crop farm storage loan. If such determination is made, the producer shall be able to obtain a 1961 crop loan through the association by delivering eligible peanuts to a warehouse under contract to receive peanuts for such association, or he shall be permitted to sign a purchase agreement.

§ 446.1308 Determination of type and grade of farmers stock peanuts.

(a) A Federal or Federal-State inspector, authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture, shall determine the type and grade of each lot of farmers stock peanuts;

(1) To be mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made;

(2) When delivered in settlement of a farm storage loan;

(3) When delivered to CCC under a purchase agreement;

(4) When received in a warehouse under contract CCC Peanut Form 28 (1961) or CCC Peanut Form 28A (1961);

(5) Upon request by CCC or the Association, when delivered from a warehouse under contract CCC Peanut Form 28 (1961) or CCC Peanut Form 28A (1961).

(b) The grade shall be expressed in terms of the percentages of sound mature kernels, sound splits, damaged kernels, loose shelled kernels, other kernels, foreign material, moisture, fancy size, and extra large kernels in Virginia type peanuts.

§ 446.1309 Service charges and fees.

(a) On the quantity of peanuts placed under a farm storage loan the producer shall pay an initial service charge in the amount of 30 cents per ton, except that the minimum charge shall be $3.00. An additional service charge at the rate of 30 cents per ton shall be paid on any additional quantity delivered to and accepted by CCC. On the quantity of peanuts covered by a purchase agreement the producer shall pay, at the time the agreement is filed, a service charge of 15 cents per ton or fraction thereof, except that the minimum charge shall be $1.50. No refund of service charges will be made except where the amount collected exceeds the correct amount. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service charge when the loan is granted.

(b) CCC will pay the fee for inspecting (1) peanuts placed under a farm storage loan, (2) peanuts delivered to CCC pursuant to a purchase agreement and (3) loan collateral peanuts acquired by CCC.

Funds needed to pay inspection fees for peanuts pledged to CCC by an association will be advanced as part of the loan to the Association.

(c) The Association will pay the warehouse charges for peanuts redeemed. CCC will pay warehouse charges for loan collateral peanuts acquired by CCC. Warehouse charges payable prior to maturity on peanuts pledged to CCC by an association will be advanced as part of the loan to the Association.

(d) The service charges and fees specified in this section will be computed on net weights.

§ 446.1310 Interest rate.

Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there has been a fraudulent representation in obtaining the loan, such loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 446.1311 Applicable forms and requirements.

(a) *Farm storage loans.* Applicable forms are the Producer's Note and Supplemental Loan Agreement, Commodity Chattel Mortgage, delivery instructions issued by the county office, Loan Settlement, and such other forms and documents as may be required by CCC.

(b) *Purchase agreements.* Applicable forms are the Purchase Agreement, Purchase Agreement Settlement, the delivery instructions issued by the county office, and such other forms and documents as may be required by CCC.

(c) *Other requirements.* Producer's Note and Supplemental Loan Agreements, and Commodity Chattel Mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 446.1312 Personal liability of the borrower.

(a) The making of any fraudulent representation in obtaining a loan or the conversion or unlawful disposition of any portion of the peanuts by the producer or the association may render such producer or association subject to criminal prosecution under Federal law and shall render him or it personally liable for the amount of the loan made with respect to such peanuts and for any resulting expense incurred by CCC or the holder of the note, plus interest. Any such loan shall become payable upon demand. For the purpose of establishing any deficiency remaining due with respect to a farm storage loan in the event the producer has made any such fraudulent representation, wilful conversion or unlawful disposition, the value of the peanuts delivered to or removed by the holder of the note shall be the market value on the date of delivery or removal as determined by such holder: *Provided, however,* That, if the conversion of loan collateral is determined by CCC not to have been wilful, the value of the peanuts delivered to or removed by the holder of the note shall be the settlement value determined pursuant to § 446.1327(e). For the purpose of establishing any deficiency remaining due with respect to a loan to an association in the event the producer has made any fraudulent representation, the value of any peanuts acquired by CCC whether by delivery or otherwise, in satisfaction of the warehouse receipts for the peanuts for which such fraudulent representation was made shall be the market value, as determined by CCC of such peanuts as of the date of such acquisition. For purposes of establishing any deficiency remaining due with respect to a loan to an association in the event of conversion or unlawful disposition by the association of any portion of the peanuts stored in a warehouse, the value of all peanuts acquired by CCC in satisfaction of warehouse receipts issued for peanuts received for storage in such warehouse, shall be the market value, as determined by CCC, as of the date of acquisition by CCC, whether by delivery or otherwise: *Provided, however,* That notwithstanding anything contained in this section, if the conversion is determined by CCC not to have been wilful, the value of the peanuts acquired by CCC shall be the amount of the loan made with respect to such peanuts.

(b) In the event the amount disbursed under a loan or purchase agreement exceeds the amount authorized in this subpart, the producer or association, as the case may be, shall be liable for repayment of the amount of such excess.

§ 446.1313 Payments and collections; amounts not exceeding $3.

To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less due a producer will be paid only upon request; and a deficiency of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 446.1314 Setoffs.

(a) If any installment or installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are payable, under the provisions of the note evidencing such loan, out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC or the leading agency holding such note as payee of such amount to the extent of such installments, but not to exceed that portion of the amount remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable on farm storage facilities or mobile drying equipment and other amounts provided in paragraph (a) of this section, shall be applied, as provided in the Secretary's setoff regulations, 7 CFR Part 13 (23 F.R. 3757), to such indebtedness.

(c) Associations shall deduct from their advance payments to producers, and remit in accordance with procedure approved by ASCS, the amount of indebtedness as shown on the marketing cards presented at the time the peanuts are received, plus interest.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 446.1315 Foreclosure.

(a) *Farm storage loans.* (1) If a loan (including charges and interest) is not satisfied upon maturity by payment, or by delivery of the peanuts from farm storage, the holder of the note is authorized to remove the peanuts from storage and also to sell, assign, transfer, and deliver the peanuts or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder of the note may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the peanuts. Any such disposition may similarly be effected without removing the peanuts from storage.

(2) If, upon maturity and nonpayment of the producer's note, CCC is the holder of the note, then at CCC's election, title to the unredeemed collateral securing the note shall, without a sale thereof, immediately vest in CCC. Whenever CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus charges and interest. Nothing herein shall preclude the making of the following payments to the producer or his personal representative only, without right of assignment to or substitution of any other party:

(i) Any amount by which the settlement value of the mortgaged peanuts may exceed the principal amount of the loan; or

(ii) The amount by which the proceeds of sale may exceed the loan indebtedness if the loan collateral is sold to third parties rather than CCC acquiring full title to such loan collateral.

(b) *Association loans.* Upon maturity and nonpayment of an association loan as provided in § 446.1328, title to the unredeemed collateral peanuts shall, without sale thereof, immediately vest in CCC, and CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, including charges and interest.

§ 446.1316 Financial institutions.

As used in this subpart a financial institution is a commercial bank which accepts demand deposits, or an association organized pursuant to State laws and supervised by State banking authorities or a production credit association.

§ 446.1317 Approved lending agency.

An approved lending agency shall be a commercial bank with which CCC has entered into a lending agency agreement, CCC Peanut Form 50 (1961), authorizing the lending agency to make a loan to an association for the price support value of the farmers stock peanuts pledged to CCC. Approved lending agencies will have the election of obtaining immediate reimbursement from CCC for all or part of the funds advanced under the association loan, or of investing in the CCC pool of price support loans by requesting issuance of a certificate of interest for all or part of the funds advanced under the association loan.

§ 446.1318 Compensation for hauling.

If the producer is directed by the county office to deliver, to a location other than his customary delivery point, peanuts under a farm storage loan or a purchase agreement, the producer shall be allowed compensation (as determined by CCC, but not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the peanuts any distance greater than the distance from the point where the peanuts are stored by the producer to the customary delivery point.

PRODUCER LOANS

(FARM STORAGE LOANS)

§ 446.1319 Farm storage loans available at county office.

Loans will be available to eligible producers on eligible peanuts in approved farm storage. Producers who want to obtain such loans shall apply at the county office where the farm program records are kept, and that office will arrange for inspection of the storage facilities and for inspection, sampling, and grading of the peanuts. After it is determined that the producer, the peanuts, and the storage facilities meet requirements, the county office will determine the amount of the loan. The county office will also prepare and approve the loan documents. Copies of all such documents will be kept in the county office.

§ 446.1320 Approved farm storage.

Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage for peanuts. Such structures shall be dry and well ventilated. Peanuts under a farm storage loan shall be stored separately from peanuts covered by a purchase agreement.

§ 446.1321 Quantity determinations.

(a) *Quantity on which a loan may be made.* Farm storage loans shall be made on the entire quantity of peanuts stored in a bin or crib, except where the county committee has determined that a loan on part of the peanuts stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. However, approval of a loan on part of the peanuts stored in a bin or crib shall not be granted in the event the State committee has determined on a Statewide basis that such partial loans shall not be made.

(b) *Weight of peanuts placed under loan.* The net weight of peanuts placed under a farm storage loan will be calculated from an estimated gross weight determined as provided in this paragraph.

(1) Peanuts stored in bulk: The estimated gross weight of bulk peanuts may be determined either by actual weight or by measurement. When the quantity is determined by measurement, the gross weight shall be computed on the number of pounds per cubic foot indicated below for the type of peanuts being placed under loan:

Type:	*Weight per cubic foot (Pounds)*
Runner	16.9
Spanish	19.7
Valencia	17.5
Virginia	13.5

(2) Peanuts stored in bags: The estimated gross weight of bagged peanuts shall be determined by weighing a sufficient number of bags to estimate the gross weight of all the bags, or the gross weight may be determined by weighing all the bags.

(3) A minimum reduction of 5 percent in the estimated gross weight, determined as provided in subparagraph (1) or (2) of this paragraph is required in an effort to avoid deficiencies at maturity in the event the loans are not repaid.

(c) *Peanuts delivered to CCC at maturity.* The net weight of peanuts delivered to CCC upon maturity of a loan shall be calculated from the gross weight determined by actual weight at the time of delivery.

§ 446.1322 Disbursement.

Disbursement of farm storage loans will be made to producers by financial institutions, pursuant to the Provisions for Participation of Financial Institutions in Pools of CCC Price Support Loans on Certain Commodities, 23 F.R. 3913 as amended, or by sight drafts drawn on CCC by the county office. Disbursement shall not be made after February 15, 1962, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The date of such drafts, check, credit, or cash payment shall be considered as the date of disbursement of the funds. The producer shall not present the loan documents for disbursement unless the peanuts are in existence and in good condition. If the peanuts are not in existence and not in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer.

§ 446.1323 Insurance.

CCC will not require the borrower to insure the peanuts placed under a farm storage loan. However, if a borrower does insure such peanuts and an insurance indemnity is paid thereon, the insurance proceeds shall be paid to CCC to the extent of its interest after first satisfying the borrower's equity in the peanuts involved in the loss.

§ 446.1324 Safeguarding the peanuts.

The producer who obtains a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in storage and in good condition until the loan is liquidated.

§ 446.1325 Loss or damage to the peanuts under farm storage loan.

(a) The producer is responsible for any loss in grade and for any loss in weight, except as provided in § 446.1327. Notwithstanding the foregoing, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of peanuts destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, less any insurance proceeds to which CCC may be entitled and the salvage value of the peanuts, if the producer establishes to the satisfaction of CCC each of the following conditions:

(1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure;

(2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood, or other external cause;

(3) The producer has given the county office immediate notice confirmed in writing of such loss or damage;

(4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan.

(b) No physical loss or damage occurring prior to disbursement of the loan funds will be assumed by CCC.

§ 446.1326 Redemption of the peanuts under farm storage loan.

(a) A producer may, at any time prior to the date on which the peanuts are delivered to or removed by CCC, redeem the peanuts remaining under farm storage loan by paying to CCC the principal amount of the note, plus charges and accrued interest. The producer shall pay any charges incurred in collecting the amount due.

(b) After the appropriate amount has been paid, the county office manager shall arrange for the release of the chattel mortgage. The producer may arrange for partial release of the peanuts prior to maturity after making payment for the quantity of peanuts to be released, plus charges and accrued interest; however, if the quantity of peanuts contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment of the loan, but only upon prior approval of the county office. Partial redemption of farm storage loans and release of the peanuts will not be approved by the county committee in the event the State committee has determined on a Statewide basis that partial redemption of loans and release of peanuts will not be permitted. A producer who wishes to contract for the sale of mortgaged peanuts and use the proceeds of the sale to repay all or any part of the loan shall obtain written prior approval of the county committee, on

Commodity Loan Form 12, to remove the peanuts from storage. Any such approval shall be subject to the terms and conditions in the Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 446.1327 Settlement of farm storage loans.

(a) If the producer does not redeem the peanuts as provided in § 446.1326, he shall deliver the loan collateral peanuts in accordance with instructions issued by the county office. If the producer fails to repay the loan or deliver the mortgaged peanuts as instructed, he will be responsible for all costs of removal incurred by the holder of the note.

(b) (1) If, either before or after maturity, the peanuts are in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing; (2) if the county committee determines that the peanuts are in danger of going out of condition and that they cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall arrange for an inspection and grade determination to be made at the expense of CCC. When delivery is completed, settlement shall be made on the basis of such grade or the grade determined at the time of delivery, whichever is higher.

(c) In the event the farm is sold, the producer dies, or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee. Peanuts also may be delivered before the maturity date of the loan for other reasons upon authorization by the Executive Vice President, CCC.

(d) Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the peanuts in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of peanuts stored in bags, only the identical bags under loans shall be delivered.

(e) The settlement value of the peanuts delivered to and accepted by CCC shall be the amount, computed on the basis of the quantity and the support price for the type and grade (except as provided above for peanuts going out of condition) of such peanuts, plus an allowance for shrinkage during the storage period of four-tenths of a cent (0.004) per net weight pound delivered and an allowance for the actual shrinkage during the storage period of the extra large kernels in Virginia type peanuts: *Provided however,* That the settlement value for the peanuts delivered to CCC which do not meet the requirements with respect to moisture, damage or foreign material in § 446.1306 shall be computed at a rate equal to the support price for the type and grade placed under loan, less any difference, at the time of delivery, between the market price for the type and grade placed under loan and the market price of the peanuts delivered, as determined by CCC: *Provided, further,* That if the value of the peanuts delivered (including the shrinkage allowance and allowance for loss in extra large kernels in Virginia type peanuts) is less than the amount of the loan with respect to such peanuts, and CCC determines that the deficiency resulted from abnormal climatic conditions which prevailed throughout the area or locality in which the peanuts were produced and which caused the development of progressive damage in the peanuts during storage, that such damage would not normally be detected or appraised accurately by a reasonably prudent person in control of the storage structure, and that the producer has complied with the other provisions of the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage, (1) if the net weight of all peanuts delivered, plus the net weight of the peanuts redeemed prior to such delivery, equals or exceeds 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for the deficiency, or (2) if the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made, CCC may relieve the producer from liability for that part of the deficiency which exceeds an amount equal to the loan value per pound of the peanuts under loan multiplied by the number of pounds by which the net weight of the peanuts delivered, plus the net weight of peanuts redeemed prior to such delivery, is less than 97 percent of the net weight of the peanuts on which the loan was made.

(f) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Any payment due the producer will be made by sight draft drawn on CCC by the county office.

(g) If the settlement value of the peanuts delivered to and accepted by CCC is less than the amount due on the loan (excluding interest) the producer shall pay CCC for the deficiency, plus interest thereon, unless the deficiency resulted from loss or damage assumed by CCC pursuant to § 446.1325.

(h) Notwithstanding the provisions of paragraph (g) of this section, if CCC removes peanuts from farm storage pursuant to § 446.1315 and sells such peanuts for an amount less than the amount due on the loan (excluding interest) and the grade or quantity of the peanuts removed is lower than the grade or quantity on which the loan was made, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the peanuts removed by CCC, plus interest. Such payment shall be in addition to that specified in paragraph (a) of this section. The settlement value of peanuts removed by CCC shall be determined in the manner specified in paragraph (e) of this section.

(i) Any amount due CCC from the producer may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

ASSOCIATION LOANS (WAREHOUSE STORAGE LOANS)

§ 446.1328 Loans to associations.

(a) Loans on eligible peanuts handled on behalf of eligible producers, stored in approved warehouses, and represented by warehouse receipts in a form prescribed by CCC will be available to associations which receive, arrange storage for and handle peanuts for and on behalf of eligible producers. Such loans will be made pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1961), between the associations and CCC. The association may receive eligible peanuts from eligible producers who are not members of the association and use such peanuts as loan collateral. Approved storage for peanuts under loan to an association will be warehouses approved pursuant to instructions issued by CCC and operated under contract with the association or with CCC. The names and locations of such warehouses may be obtained from the association or the county office. The association may obtain the loan from an approved lending agency or from CCC. Unless otherwise authorized by CCC, each producer from whom the association receives peanuts must present his within quota card at the time he delivers the peanuts for storage. For each lot of peanuts received, the association shall make an advance payment to the producer in the amount of the price support value of such peanuts. At any time prior to maturity, the Association may withdraw loan collateral peanuts for the purpose of delivery pursuant to a sale or may redeem all of the peanuts which remain collateral for the loan. All such peanuts shall be marketed in accordance with policies approved by CCC.

(b) Unless otherwise authorized by CCC, the association shall distribute to the producers from whom it receives peanuts, profits from the sale of redeemed peanuts or any amount returned to the association by CCC pursuant to the terms of the Association Loan and Handling Agreement, CCC Peanut Form 27 (1961).

PURCHASE AGREEMENTS

§ 446.1329 Purchase agreement provisions.

Purchase agreements will be available to eligible producers on eligible peanuts stored on the farm or stored off the farm on an identity preserved basis. Any peanuts stored off the farm on other than an identity preserved basis shall not be eligible for sale to CCC. The producer who signs a purchase agreement will not be obligated to sell any quantity of the peanuts to CCC. However, he may sell to CCC any quantity of eligible peanuts not in excess of the quantity stated in the purchase agreement. The producer may not assign his interest in a purchase agreement.

§ 446.1330 Delivery of peanuts under a purchase agreement.

If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1962, during which he must notify the county committee in writing of his intention to sell. The producer shall deliver the peanuts in accordance with delivery instructions issued by the county office, and shall complete delivery within a 15-day period immediately following the date of such instructions unless the county office determines that more time is needed for delivery. The producer may be required to retain the peanuts represented by a purchase agreement for a period of 60 days after May 31, 1962, without any cost to CCC.

§ 446.1331 Quality and quantity of peanuts delivered to CCC.

Peanuts delivered to CCC pursuant to a purchase agreement shall be of the type specified in the purchase agreement, and shall meet the grade requirements of § 446.1306, as determined by a Federal or Federal-State inspector on the basis of a sample taken at the time of delivery. The quantity of peanuts shall be determined by actual weight at the time of delivery. CCC will not assume any loss in quantity or quality of the peanuts covered by a purchase agreement occurring prior to delivery to CCC.

§ 446.1332 Purchase Agreement settlement.

Settlement for eligible peanuts delivered to CCC under a purchase agreement shall be made at the applicable support price for the type, grade and net weight quantity (calculated from actual gross weight), delivered and accepted by the county committee. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on the Purchase Agreement Settlement, Form CP-4, to whom payment of proceeds shall be made.

No. 2 SHELLED PEANUTS

§ 446.1333 Purchase of No. 2 shelled peanuts.

(a) Subject to the terms and conditions of §§ 446.1333 to 446.1348 CCC will purchase from eligible commercial peanut shellers, No. 2 peanuts, as defined in § 446.1334 which meet the eligibility requirements stated in § 446.1335. No. 2 shelled peanuts which meet such requirements are hereinafter referred to as "No. 2 peanuts". Each of the following Associations is designated to accept No. 2 peanuts on behalf of CCC in the area specified; and shellers located in any such area shall offer No. 2 peanuts to the appropriate Association:

Southeastern area—GFA Peanut Association, Camilla, Ga.

Southwestern area—Southwestern Peanut Growers' Association, Gorman, Tex.

Virginia-Carolina area—Peanut Growers Cooperative Marketing Association, Franklin, Va.

(b) No. 2 peanuts will be purchased from only those eligible shellers who, on or before November 30, 1961, have notified the appropriate Association of their intentions to sell No. 2 peanuts to CCC.

§ 446.1334 No. 2 shelled peanuts.

No. 2 shelled peanuts are shelled Runner, Spanish, or Virginia type peanuts (excluding straight shelled peanuts) having similar varietal characteristics by type, and consisting of splits, large whole kernels, small whole kernels, or fall-through, defined as follows:

(a) *Splits.* Separated halves of peanut kernels which will not pass through a screen having:

(1) $^{17}/_{64}$ inch round openings in the case of Runner and Virginia peanuts, or

(2) $^{16}/_{64}$ inch round openings in the case of Spanish peanuts.

(b) *Large whole kernels.* Whole kernels which will not pass through screens having:

(1) $^{17}/_{64}$ inch round openings and $^{15}/_{64}$ x $^{3}/_{4}$ inch openings in the case of Runner peanuts;

(2) $^{17}/_{64}$ inch round openings and $^{15}/_{64}$ x 1 inch openings in the case of Virginia peanuts; or

(3) $^{16}/_{64}$ inch round openings and $^{14}/_{64}$ x $^{3}/_{4}$ inch openings in the case of Spanish peanuts.

(c) *Small whole kernels.* Whole kernels which, in the case of:

(1) Runner peanuts, will not pass through screens having $^{17}/_{64}$ inch round openings and $^{13}/_{64}$ x 1 inch openings, but will pass through a screen having $^{15}/_{64}$ x $^{3}/_{4}$ inch openings;

(2) Virginia peanuts, will not pass through screens having $^{17}/_{64}$ inch round openings and $^{13}/_{64}$ x 1 inch openings, but will pass through a screen having $^{15}/_{64}$ x 1 inch openings; or

(3) Spanish peanuts, will not pass through screens having $^{16}/_{64}$ inch round openings and $^{12}/_{64}$ x $^{3}/_{4}$ inch openings, but will pass through a screen having $^{14}/_{64}$ x $^{3}/_{4}$ inch openings.

(d) *Fall-through.* In the case of:

(1) *Runner peanuts.* (i) Whole kernels and portions of kernels which will pass through a screen having $^{17}/_{64}$ inch round openings, and (ii) whole kernels which will not pass through a screen having $^{17}/_{64}$ inch round openings but will pass through a screen having $^{13}/_{64}$ x $^{3}/_{4}$ inch openings;

(2) *Virginia peanuts.* (i) Whole kernels and portions of kernels which will pass through a screen having $^{17}/_{64}$ inch round openings, and (ii) whole kernels which will not pass through a screen having $^{17}/_{64}$ inch round openings but will pass through a screen having $^{13}/_{64}$ x inch openings; or

(3) *Spanish peanuts.* (i) Whole kernels and portions of kernels which will pass through a screen having $^{16}/_{64}$ inch round openings, and (ii) whole kernels which will not pass through a screen having $^{16}/_{64}$ inch round openings, but will pass through a screen having $^{12}/_{64}$ x $^{3}/_{4}$ inch openings.

§ 446.1335 Eligibility requirements for No. 2 shelled peanuts.

No. 2 peanuts of any type delivered to CCC by shellers shall:

(a) Contain not more than (1) 2 percent peanuts of other types, (2) 6 percent damaged or unshelled peanuts, (3) 2 percent minor defects, except that any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects, (4) 2 percent foreign material, (5) 7 percent fall-through, and (6) 10 percent moisture.

(i) Peanuts containing any fractional percentage in excess of the whole number specified for any grade factor are not eligible for sale to CCC. For example, peanuts containing 6.01 percent damaged or unshelled peanuts are ineligible. For purposes of determining whether the total percentage of damaged or unshelled peanuts and minor defects is within the 8 percent maximum, the percentages recorded for both factors on the inspection certificate shall be added without rounding.

(ii) The terms used in this paragraph which are not otherwise defined in this subpart, shall, for each type of peanuts, have the meanings assigned in the current U.S. Standards for shelled peanuts of such type, issued by the U.S. Department of Agriculture, Agricultural Marketing Service. The percentages specified in this paragraph shall be determined on a weight basis.

(iii) The requirements of this paragraph shall apply to each lot of peanuts included in any one offer, and a composite sample, which is representative of the quantity of peanuts in a lot, shall be used to determine whether the peanuts in that lot meet such requirements: *Provided, however,* That such requirements may be applied to any bag of peanuts included in a lot, in which event a sample drawn from such bag shall be used to determine whether the peanuts therein meet the requirements of this paragraph: *Provided further,* That no straight shelled peanuts shall be eligible for sale to CCC. Nothing contained herein shall be construed as a waiver of any right of CCC under paragraph (c) of § 446.1342, or under any other provisions in this subpart.

(b) Be 1961 crop peanuts which, prior to the date of the offer, an eligible sheller has milled in his own plant unless milling at another location is authorized by CCC.

(c) Not exceed 200 pounds per ton, net weight, of eligible 1961 crop farmers stock peanuts of the same type which, prior to offering, the sheller (1) purchased from producers, on the basis of grades determined by Federal or Federal-State inspectors, at a price not less than the price support value thereof, calculated on the basis of the grade shown on the inspection certificate, or (2) purchased from an Association which withdrew or redeemed such farmers stock peanuts from the price support loan.

(d) Be free and clear of all liens and encumbrances.

(e) Not have been obtained from a custom seed shelling operation.

§ 446.1336 Eligible sheller.

A sheller shall be eligible to sell No. 2 peanuts to CCC if, by fulfilling all the requirements of this section, he cooperates in making price support available to all peanut producers who desire to pledge their peanuts to CCC. The sheller shall:

(a) Inform each producer, upon request, of the price support value of his peanuts under a 1961 price support loan;

(b) Pay a price not less than the price support value for each lot of 1961 farmers stock peanuts purchased from a producer during the period beginning August 28, 1961, and ending January 31, 1962, if such peanuts are eligible for a price support loan;

(c) Make warehouse space available for the storage of loan collateral peanuts under a warehouse contract, in the area and to the extent requested and not later than the date specified by the Association, unless he establishes to the satisfaction of the Association and CCC that all storage space over which he has control is needed in his normal milling operation and that no other storage space is available to him at reasonable cost in the area which he serves; and

(d) Purchase from producers, during the period beginning August 28, 1961, and ending January 31, 1962, only those peanuts for which inspection certificates have been issued by inspectors of the Federal or Federal-State Inspection Service: *Provided, however,* That the sheller may, without affecting his eligibility to sell No. 2 peanuts to CCC, purchase a quantity not to exceed two hundred tons of farmers stock peanuts for which such inspection certificates have not been issued if the Federal or Federal-State Inspection Service determines that inspection service cannot practically be made available with respect to such peanuts: *Provided further,* That peanuts for which such inspection certificates have not been issued shall not be used in calculating the quantity of No. 2 peanuts that may be delivered to CCC.

§ 446.1337 Period for offering.

(a) Written offers of No. 2 peanuts may be filed with the Association from a date to be announced by CCC through June 29, 1962, unless a later date is approved in writing by CCC: *Provided, however,* That upon notification to the shellers CCC may (1) at any time suspend its offer to purchase for a specified period of time, or (2) prior to June 29, 1962, or such later date as is approved by CCC, terminate its obligation to accept any offers of No. 2 peanuts. Notification shall be given by posting a letter or filing a telegram with the telegraph company.

(b) The date the offer is received by the Association shall be deemed to be the date of the offer. If No. 2 peanuts are inspected before they are offered to CCC, the offer shall be received by the Association within 9 days after the date of the inspection certificate: *Provided,* That when the 9th day following the date of the inspection certificate is a Saturday, Sunday or holiday, receipt of the offer by the Association on the next following regular working day will be considered timely.

(c) The sheller, within seven days after the date of the Association's written request therefor, shall mail to the Association a statement showing the quantity of No. 2 peanuts in his inventory which are eligible for sale to CCC. If the sheller fails to mail such information within the seven-day period, CCC shall not be obligated thereafter to purchase any No. 2 peanuts from him.

§ 446.1338 Contract.

The offer, all the provisions of §§ 446.1333 to 446.1348 and the written acceptance by the Association shall constitute the contract between the sheller and CCC.

§ 446.1339 Quantity.

(a) The commodity office shall establish the quantity of No. 2 peanuts to be included in any one lot; i.e. the quantity for which one inspection certificate is issued. An offer may include one or more lots. All No. 2 peanuts offered at one time for delivery at one location shall be included in one offer. The quantities established by the commodity office shall be effective upon written notice thereof to the sheller by the Association or the commodity office. The sheller shall be deemed to have received such notice as of the third day after the notice is deposited in the mail or filed with the telegraph office for transmittal to such sheller.

(b) Each offer shall be made in the form prescribed by CCC.

§ 446.1340 Inspecting, grading and sealing No. 2 peanuts.

(a) The type and grade of the No. 2 peanuts delivered to CCC pursuant to each contract shall be determined and recorded on inspection certificates by Federal or Federal-State inspectors authorized or licensed by the Secretary of Agriculture, U.S. Department of Agriculture. The sheller shall pay the cost of inspection and grading. No. 2 peanuts which are not inspected before they are offered to CCC shall be inspected at the time the peanuts are delivered to CCC. If No. 2 peanuts are inspected before they are offered to CCC, the sheller may, at his expense obtain a certificate by a Federal or Federal-State inspector showing the percentage of moisture in the No. 2 peanuts at the time of delivery, and such percentage of moisture shall be used in determining the net weight of the No. 2 peanuts delivered to CCC.

(b) The inspection data shall be used to determine (1) whether the peanuts meet the eligibility requirements with respect to grade and quantity specified in § 446.1335, (2) the net weight, and (3) the price which CCC will pay for No. 2 peanuts. Any determination of grade shall be subject to appeal in accordance with the Inspection Service procedure.

(c) Each bag of No. 2 peanuts purchased by CCC shall be identified with a seal furnished by CCC and affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(d) The peanuts purchased by CCC may be reinspected at the request of CCC, and at its expense, within 5 days after receipt at destination.

§ 446.1341 Net weight of No. 2 peanuts.

No. 2 peanuts shall be purchased on a net weight basis. The net weight of a lot of No. 2 peanuts shall be that weight obtained by multiplying the gross weight, including bags, by a percentage equal to 100 percent minus the sum of the percentages of (a) foreign material and (b) moisture in excess of 7 percent in the Southeast and Southwest areas or 8 percent in the Virginia-Carolina area. The gross weight shall be determined by actual weight, as prescribed by CCC.

§ 446.1342 Delivery, rejection, and liquidated damages.

(a) The sheller shall deliver, in accordance with instructions issued by the association, a quantity of No. 2 peanuts which is not less than 95 percent nor more than 102 percent of the quantity specified in the sheller's offer and accepted by the Association. Such delivery instructions, except as provided in § 446.1343, shall be issued within 25 days after the date of the Association's written acceptance of the offer. Unless otherwise approved by CCC, all peanuts delivered on or after April 2, 1962 shall have been fumigated prior to delivery, at the sheller's expense and in accordance with instructions issued by CCC.

(b) The sheller shall deliver all peanuts in bags of uniform size, which are packed in accordance with instructions issued by CCC. Such bags shall be made of new burlap of not less than 10-ounce weight material. Plain unprinted bags stenciled in accordance with instructions issued by the Association or CCC may be required.

(c) CCC may, upon notice to the sheller, reject all or any part of the quantity offered in one offer if any bag of peanuts included in such offer does not meet the eligibility requirements in § 446.1335 at the time of the original inspection or re-inspection, or if the peanuts have not been fumigated in accordance with the requirement of paragraph (a) of this section.

(d) If, as of the date peanuts are moved out of the sheller's plant, such peanuts are subject to condemnation or disqualification for use as human food by the Food and Drug Administration, U.S. Department of Health, Education, and Welfare, or if CCC determines that such peanuts would be subject to condemnation or disqualification if moved in interstate commerce, such peanuts shall not be delivered to CCC, and any amount paid to the sheller with respect to such peanuts shall be refunded to CCC. The sheller shall also pay any costs incurred by CCC with respect to such peanuts, as determined by CCC. Nothing contained in this subparagraph shall relieve the sheller of any obligation to deliver to CCC the quantity of eligible No. 2 peanuts specified in the sheller's offer.

(e) If the sheller fails to deliver a quantity of No. 2 peanuts equal to 95 percent, or if he delivers in excess of 102 percent of the quantity offered by him and accepted by the Association, or if the sheller delivers peanuts which are ineligible and CCC determines that such peanuts can be rejected to the sheller, the sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such peanuts, liquidated damages in an amount equal to 2 cents per pound for the quantity by which the quantity of No. 2 peanuts delivered is less than 95 percent or more than 102 percent of that offered by the sheller and accepted by the Association, or for the quantity of ineligible peanuts delivered to, and rejected by, CCC. The sheller shall also refund to CCC any amount paid to him with respect to ineligible peanuts which are rejected. The farmers stock peanut equivalent of ineligible peanuts rejected by CCC, at the ratio of one ton of farmers stock to 200 pounds of such ineligible peanuts, shall not be used by the sheller for the purpose of supporting further offers of No. 2 peanuts to CCC.

(f) If peanuts included in any offer are determined by CCC to be ineligible after CCC has contracted to sell such peanuts, the sheller shall make delivery of not less than 95 percent of the quantity offered by him and accepted by the Association. The price which CCC will pay to the sheller for such ineligible peanuts shall be the amount received by CCC upon the sale of such ineligible peanuts, as determined by CCC. The sheller shall pay to CCC, as compensation for the costs incurred by CCC in connection with such ineligible peanuts, liquidated damages in an amount equal to 2 cents per pound (1) for the quantity by which the quantity of peanuts delivered is less than 95 percent of that offered by the sheller and accepted by the Association and (2) for the quantity of such peanuts delivered to CCC.

(g) Nothing contained in paragraphs (e) and (f) of this section shall require the payment of liquidated damages by the sheller under both of such paragraphs with regard to the same lot of peanuts. The sheller shall pay to CCC upon demand any amount determined by CCC to be due from the sheller under this section, or shall refund to CCC upon demand any amount paid to him which is in excess of any amount to which he may be entitled under this sections as determined by CCC.

(h) Because of the difficulty in ascertaining the exact damages which CCC would sustain in the situations outlined in paragraphs (e) and (f) of this section, CCC and the sheller agree that the liquidated damages provided for in such paragraphs constitute a reasonable estimate of CCC's probable actual damages. Nothing contained in this section shall be construed as waiving any right of CCC or of the United States in the event of any fraudulent act on the part of the sheller.

§ 446.1343 Passage of title.

Title and risk of loss and damage to the peanuts shall pass to CCC upon delivery from the sheller's plant, f.o.b. railroad cars or trucks at CCC's option, except that in the event the Association does not issue delivery instructions within 25 days after the date of its written acceptance of the offer, title shall pass to CCC on the 30th day after the date of such written acceptance if the sheller, on or before such 30th day, places the peanuts in identity preserved storage in a facility approved by CCC and delivers to CCC a storage certificate, in form acceptable to CCC, which properly identifies the peanuts, and an inspection certificate issued by a Federal-State inspector if such peanuts were not inspected before they were offered. The gross weight of the peanuts for which the storage certificate is issued shall be determined, after the expiration of the 25-day period within which the Association was to have issued shipping instructions, by a weighmaster, and on scales, approved by CCC. Subject to the provisions of paragraph (d) of § 446.1342 the sheller shall not be responsible for deterioration or for uninsured loss or damage to the No. 2 peanuts prior to delivery but after passage of title to CCC unless such deterioration or such uninsured loss or damage is due to his fault, negligence, or failure to exercise such care in storing or handling such peanuts as a reasonably prudent owner thereof would exercise, or unless the peanuts are determined by CCC to be ineligible. If the peanuts are insured such insurance shall inure to the benefit of CCC. Any insurance proceeds received by CCC with regard to ineligible peanuts shall be applied against any amount due CCC from the sheller under § 446.1342, as determined by CCC. Any amount by which such proceeds exceed any amount due CCC shall be paid to the sheller, and any amount by which such proceeds are exceeded by the amount due CCC shall be paid by the sheller to CCC promptly upon demand. If the sheller fails to issue the storage certificate to CCC on or before the 30th day after the date of the Association's written acceptance of the sheller's offer, title shall not pass until the peanuts are delivered in accordance with instructions issued by the Association, and CCC shall not pay any storage or handling charges with respect to such peanuts. Title to ineligible peanuts, and risk of loss and damage if such peanuts have been delivered pursuant to instructions issued by the Association shall, in the event CCC rejects such peanuts, revert to the sheller as of the date of CCC's notice of rejection to the sheller. CCC shall not pay storage charges with respect to peanuts which are rejected.

§ 446.1344 Payment for No. 2 peanuts.

(a) (1) CCC will purchase eligible No. 2 peanuts at the price in effect on the date the offer is accepted by the Association. When two or more lots are included in one offer, the sum of the prices determined individually for all lots will be the purchase price of all peanuts delivered pursuant to such offer. For purposes of calculating the price of No. 2 peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent. Fractions of five-hundredths or more shall be rounded upward, and fractions of four-hundredths or less shall be dropped.

(2) No. 2 peanut prices shall be established by the Executive Vice President, CCC, who may revise such prices upward or downward at his discretion. Associations designated in § 446.1333 will furnish current No. 2 peanut prices to shellers who have informed the Associations of their interest in selling No. 2 peanuts to CCC. A sheller shall have the right to withdraw his offer if the price is reduced before the offer is accepted by the Association.

(b) Warehouse charges for peanuts stored by the sheller and for which title has passed to CCC pursuant to § 446.1343 shall be the sum of:

(1) $0.50 per net weight ton for handling-in charges,

(2) $0.50 per net weight ton for handling-out charges (delivery f.o.b. railroad cars or trucks at CCC's option), and

(3) $1.00 per net weight ton or fraction thereof per storage month. Each calendar month or fraction thereof, following the calendar month in which title passed to CCC, and during which the peanuts remain in the sheller's facility, shall be a storage month: *Provided,* That if the peanuts are delivered in accordance with instructions issued by the Association during the calendar month in which title passed to CCC, the sheller shall be paid storage for one month.

(c) (1) Payment for the peanuts and for any warehouse charges shall be made, at the time specified below, upon presentation to the Association of a proper invoice and supporting documents prescribed by CCC.

(2) Payment for peanuts for which title passed to CCC upon delivery from the sheller's plant shall be made, after delivery, for the net weight determined from the gross weight obtained at the time the peanuts were loaded out.

(3) Payment for peanuts for which title passed to CCC while the peanuts remained in the sheller's storage facilities as provided in § 446.1343, shall be made after title has passed to CCC; but payment of the warehouse charges specified in paragraph (b) of this section shall be made after the peanuts are loaded out of the sheller's facilities. The net weight on which payment for both the peanuts and the warehouse charges is determined shall be the net weight of the peanuts for which the storage certificate was issued.

§ 446.1345 Records and reports.

(a) The records of the sheller shall at all times show (1) with respect to farmers stock peanuts purchased direct from producers the dates and places received, the names and addresses of the producers, the types and grades as determined by Federal or Federal-State inspectors, the pounds of each such grade purchased from and the price paid to each producer, (2) the types, grades, and quantities of farmers stock peanuts purchased from an Association, (3) the types, grades, and quantities of farmers stock peanuts purchased from persons other than producers or Associations and (4) the types, grades and quantity of No. 2 peanuts produced. The sheller shall keep such accounts and other records and shall furnish such information and reports relating to the No. 2 peanuts and the farmers stock peanuts from which No. 2 peanuts were produced, as

may be prescribed or requested by CCC. The Association designated in § 446.1333 for the area in which the sheller is located or CCC may examine and audit the accounts and records of the sheller and may require the sheller to make all of his records available at the main office at any time an audit is made. All books, accounts, and records shall be retained for a period of three years after the last No. 2 peanuts are delivered to CCC.

(b) The reporting and record keeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 446.1346 Assignment.

No contract, claim, or payment pursuant to any of the provisions of this subpart relating to No. 2 peanuts shall be assigned in whole or in part by the sheller without the prior written approval of CCC, and any such assignment shall be in such form as may be approved or prescribed by CCC.

§ 446.1347 Officials not to benefit.

No Member of or Delegate to the Congress of the United States shall be admitted to any share or part of any agreement or contract between the sheller and CCC pursuant to any of the provisions of this subpart relating to No. 2 peanuts, or to any benefit to arise therefrom, but this provision shall not be construed to extend to benefits arising from such agreement or contract if accruing to a corporation or a producer in his capacity of producer.

§ 446.1348 Contingent fees.

The sheller shall not employ any person to solicit or secure any contract pursuant to any of the provisions of this subpart relating to No. 2 peanuts upon any stipulation for a commission, percentage, brokerage, or contingent fee. Breach of this provision shall give CCC the right to annul the contract, or, in its discretion, to deduct from any amount due the sheller the amount of such commission, percentage, brokerage, or contingent fee.

Effective upon date of signature.

Signed at Washington, D.C., August 18, 1961.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8109; Filed, Aug. 23, 1961; 8:48 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Payment-in-Kind (GR-369)—Revision I, Amdt. 1]

PART 481—RICE

Subpart—Rice Export Program

ELIGIBLE COUNTRY

The Terms and Conditions of the Rice Export Program—Payment-In-Kind (GR-369), Revision I (26 F.R. 967) are, with regard to any contract resulting from CCC's acceptance of an exporter's offer to export rice (milled, or brown, or both) which is submitted by such exporter on and after the date of publication of this Amendment 1 in the FEDERAL REGISTER, amended as follows:

Section 481.150 is amended to read as follows:

§ 481.150 Eligible country.

"Eligible country" means any destination outside the continental limits of the United States, excluding Alaska, Cuba, Hawaii, or Puerto Rico, and also excluding any country or area for which a license is required under regulations issued by the Bureau of Foreign Commerce, U.S. Department of Commerce, unless a license for shipment or transshipment thereto has been obtained from such Bureau.

(Sec. 5, 62 Stat. 1072; 15 U.S.C. 714c. Interpret or apply sec. 407, 63 Stat. 1055, as amended; sec. 201(a), 70 Stat. 198; 7 U.S.C. 1427, 1851)

Effective on date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 18, 1961.

ROBERT C. TETRO,
Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8110; Filed, Aug. 23, 1961; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 951—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses and Fixing of Rate of Assessment for 1961-62 Season

Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.216 Expenses and rate of assessment for the 1961-62 season.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the season beginning April 1, 1961, and ending on March 31, 1962, both dates inclusive, will amount to $41,575.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships Tokay grapes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at eleven mills ($0.011) per standard package, or the equivalent thereof in weight, of Tokay grapes shipped by such handler during said season.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of the current crop of Tokay grapes grown in San Joaquin County, California, are now being made; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for particular season shall be applicable to all assessable Tokay grapes from the beginning of such season; and (3) the current season began April 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable Tokay grapes beginning with such date.

As used herein, the terms "handler," "ships," "shipped," "season," and "standard package" shall have the same meaning as when used in said amended marketing agreement and order and Industry Committee Rules and Regulations (§ 951.103).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 18, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-8097; Filed, Aug. 23, 1961; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

On July 1, 1961, there was published in the FEDERAL REGISTER (26 F.R. 5958), a notice with respect to a proposal to amend § 74.3(a) of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations. After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and sections 4 through 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 124-126), § 74.3(a) is amended in accordance with such notice, and certain other changes are made in §§ 74.2 and 74.3 as indicated below:

1. Subparagraph (1) of paragraph (a) of § 74.2 is amended to read:

(1) Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Carolina, Oregon, Puerto Rico, Rhode Island, South Carolina, Texas, Utah, Vermont, Washington and Wyoming;

2. Subparagraph (2) of paragraph (a) of § 74.2 is amended to read:

(2) That portion of South Dakota west of the Missouri River.

3. Subparagraph (3) of paragraph (a) of § 74.2 is deleted.

4. Subparagraph (2) of paragraph (a) of § 74.3 is amended to read:

(2) That portion of South Dakota east of the Missouri River.

5. Subparagraph (3) of paragraph (a) of § 74.3 is deleted and a new subparagraph (3) is added to read:

(3) The following Counties in Kansas: Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner and all Counties in the State of Kansas lying west thereof.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111-113, 120, 121, 123, 125. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, secs. 2, 4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 115, 117, 124, 126. 19 F.R. 74, as amended)

The foregoing amendments delete Bernalillo, Chaves, Eddy, Lea and San Miguel Counties in New Mexico and Fall River County in South Dakota from § 74.3 and includes such counties in § 74.2. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will not apply to such counties. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep into free areas will apply thereto. The amendments also add Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner and all other Counties in the state of Kansas lying west thereof, to § 74.3 since the cooperative sheep scabies eradication program is now being conducted in such counties. Hereafter, the restrictions pertaining to the interstate movement of sheep from, into, and through infected and eradication areas as contained in 9 CFR Part 74, as amended, will apply to such counties.

The amendments impose certain restrictions necessary to prevent the spread of scabies in sheep and relieve certain restrictions presently imposed. That portion of the amendments relieving restrictions should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this portion of the amendment are impracticable and contrary to the public interest, and good cause is found for making such portion of the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The amending of §§ 74.2(a)(1), 74.2(a)(2), and the deletion of §§ 74.2(a)(3) and 74.3(a)(3), which removes Bernalillo, Chaves, Eddy, Lea, and San Miguel Counties in New Mexico and Fall River County in South Dakota from the eradication areas and adds such counties to the free areas, shall become effective upon issuance. That portion of the amendments adding a new § 74.3(a)(3) to include Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, Sumner, and all other Counties in the State of Kansas lying west thereof, in the eradication areas, shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of August 1961.

M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 61-8108; Filed, Aug. 23, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 778; Amdt. 326]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive establishing new inspection periods and procedures for Boeing 707 and 720 main landing gear trunnion supports was published in 26 F.R. 5578.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, one of the comment statements raised a point regarding the extent of the 700-hour trunnion support rib inspection which was believed to need clarification. The manufacturer has advised that the inspection specified in the service bulletin is intended for both the inboard and outboard sides of the trunnion support rib, the same as in paragraph (e)(2) of the proposed directive.

Investigation has shown that extensions of repetitive inspection intervals based on service experience may be granted to some operators of Boeing 707 and 720 aircraft in complying with paragraph (e) of the proposal. Accordingly, a new paragraph is added to the adopted directive to permit extension of inspection intervals where justified.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to the following 707 Series and 720 Series aircraft as indicated.

Compliance required as indicated.

Due to failure in a main landing gear trunnion support, the following inspections, contained in paragraphs (a), (b), and (c), are required on all 707 Series aircraft until paragraph (d) has been accomplished. Paragraph (e) is required on all 707 Series aircraft after paragraph (d) is accomplished and on all 720 Series aircraft.

(a) Within the next 200 hours' time in service, unless already accomplished within the last 150 hours' time in service, and thereafter at every 350 hours' time in service:

(1) Clean the web, upper and lower chord areas and aft flanges on the inboard and outboard side of 220,000 p.s.i. heat treat steel main landing gear trunnion support rib and conduct a visual inspection of the cleaned areas for evidence of cracks.

(2) Clean and visually, or radiographically, inspect the forward trunnion support fitting for evidence of cracks on the forward and aft side in the region of the bearing collar.

(3) If evidence of cracks is found in (a)(1) or (a)(2) above, conduct more detail inspections using fluorescent dye penetrant at temperatures of 50° F. or above, X-ray, or equivalent.

(b) Within the next 35 hours' time in service, unless already accomplished within the last 30 hours' time in service and thereafter at every 65 hours' time in service, clean the main landing gear aft trunion bearing support, paying particular attention to the areas listed below, and conduct a fluorescent dye penetrant inspection or equivalent for cracks:

(1) Area around the barrel nut hole, both forward and aft sides.

(2) A strip ½-inch wide around upper bearing, from barrel nut to barrel nut, on aft side.

(3) A strip ½-inch wide around upper hearing, from upper barrel nut to trunnion support rib, on forward side.

(c) If cracks exceeding allowable lengths specified in the latest revision of Boeing Service Bulletin No. 859 (R-1 or later) are found during inspections (a) and (b), the affected components must be replaced or repaired in accordance with FAA approved Boeing procedures prior to further flight. When cracks less than the maximum allowable lengths specified in S.B. 859 (R-1 or later) are found, the following shall be accomplished:

(1) Stop drill in accordance with S.B. 859 (R-1 or later) instructions and inspect for crack progression at each 350 hours' time in service after stop drilling. If cracks progress beyond the stop drilled hole, contact Boeing for FAA approved Boeing repair procedures to be incorporated prior to further flight.

(2) If cracks are not accessible for stop drilling prior to further flight FAA approved Boeing instructions must be obtained for the required inspection intervals and procedures for the specific crack location and length.

(d) Unless already accomplished at the factory or by the operator within the next 3,500 hours' time in service conduct the following detail inspections and rework as indicated:

(1) Remove the main landing gear and trunnion in accordance with BAC Maintenance Manual Procedure.

(2) Remove all nuts and washers along the periphery of the trunnion support rib.

(3) Rework the main landing gear trunnion support fittings per the latest revision of FAA approved S.B. No. 874 (August 9, 1960, or later) and S.B. No. 1044 (October 26, 1960, or later).

(4) Following the rework, clean the aft and forward trunnion support fittings and perform a thorough magnetic particle and visual inspection for cracks.

(5) Conduct a thorough visual inspection for evidence of cracks in the main landing gear trunnion support rib and flanges using a low powered (2- or 3-power) wide-field (at least 2½-inch diameter field of view) magnifying glass or FAA approved equivalent, and covering every square inch of exposed area (both sides) with special emphasis around each and every bolt hole on all flanges and boundaries. Any suspected discrepancy should be confirmed with dye penetrant or equivalent after paint removal.

(6) If cracks are found during inspections (d)(1) through (d)(5), the affected components must be replaced or repaired in accordance with FAA approved Boeing procedures prior to further flights.

(7) After reinstalling nuts and washers in accordance with Part I, Subparagraph (e), S.B. 859 (R–1 or later), measure the gap between the upper and lower flanges and skin at several points along the forward 8 inches of each flange using a thickness gage. See latest revision of FAA approved S.B. 859 (R–1 or later) Part I, Subparagraph (f) for instructions if any gap exceeds 0.02 inch.

(e) The following repetitive inspections are required on all 707 Series aircraft upon completion of the inspections and rework outlined in (d) and on all 720 Series aircraft.

(1) Every 350 hours' time in service, visually inspect the forward and aft trunnion support fittings for cracks.

(2) Every 700 hours' time in service visually inspect the web and flanges on the inboard and outboard sides of the trunnion support rib for cracks.

(3) Every 3,500 hours' time in service clean all areas of the main landing gear trunnion support assembly of dirt and grease using Naphtha TT–N–95 or BNS 3–2. After cleaning, together with mirror and lighting as required, and using a low powered (2- or 3-power) wide-field (at least 2½-inch diameter field of view) magnifying glass, or FAA approved equivalent, conduct the following inspections as indicated:

(i) Visually inspect the web and flanges on the inboard and outboard sides of the trunnion support rib for evidence of cracks.

(ii) Visually inspect the forward trunnion support fitting for evidence of cracks of the forward and aft sides in the region of the bearing collar.

(iii) Visually inspect the aft trunnion support fitting for evidence of cracks.

(iv) Crack indications found in (i), (ii), and (iii) should be confirmed by dye penetrant inspection. Allowable crack limits and FAA approved rework information for (i) is shown in FAA approved S. B. 859 (R-1 or later) (Figure 2).

(4) If cracks are found in the inspections of (e), the affected components must be replaced or repaired in accordance with FAA approved Boeing procedures prior to further flight.

(5) Upon request of the operator, an FAA maintenance inspector, subject to approval of the Chief Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this Airworthiness Directive to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin Number 859 (R–1) pertains to this subject.)

This supersedes Amendment 129 (25 F.R. 3066), and Amendment 195 (25 F.R. 8027).

This amendment shall become effective September 23, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 17, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–8078; Filed, Aug. 23, 1961; 8:45 a.m.]

[Reg. Docket No. 856; Amdt. 327]

PART 507—AIRWORTHINESS DIRECTIVES

Brantly B–2 Helicopters

Investigation of a Brantly Model B–2 helicopter involved in a recent accident indicated evidence of limited tail rotor control under certain main rotor r.p.m. limits. As this condition is likely to occur on other such helicopters, to insure safety in flight it is necessary to eliminate this marginal control condition by providing additional control range. This can be accomplished by modification and rerigging of the tail rotor.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days after date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BRANTLY. Applies to all Model B–2 helicopters prior to Serial No. 112.

Compliance required within the next 25 hours' time in service after effective date of this directive unless already accomplished.

Investigation of a recent Model B–2 helicopter accident indicated evidence of limited tail rotor control. Accordingly, in order to provide directional control over a wider main rotor r.p.m. range, the following modification and rerigging of the tail rotor is required:

(a) Modify the rudder control arm P/N B2–284–1 as follows:

(1) Disconnect the vertical rudder rod P/N B2–251–5 at its top end by removing the AN3–10A bolt.

(2) Drill a 1/16-inch diameter hole and then enlarge to 0.187-inch diameter ½ inch inboard (center to center) from the existing hole in the rudder control arm P/N B2–284–1. Deburr edges.

(3) Cut off the end of the rudder control arm P/N B2–284–1 with the old 0.187-inch hole 0.344-inch outboard from the centerline of the new 0.187-inch hole (0.250-inch edge distance from new hole) and perpendicular to the longitudinal axes of the rudder control arm. Break all sharp edges.

(4) Rerig the tail rotor in accordance with the manufacturer's instructions, Service Bulletin No. 15.

(Brantly Service Bulletin No. 15 dated June 23, 1961, covers this subject.)

This amendment shall become effective August 29, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 17, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61–8079; Filed, Aug. 23, 1961; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60–FW–92]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS.

Revocation of Control Area Extension and Designation of Transition Area

On January 19, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 486) stating that the Federal Aviation Agency proposed to alter the Carlsbad, New Mexico, control area extension (§ 601.1207).

The Air Transport Association of America concurred with the proposal. However, the Aircraft Owners and Pilots Association (AOPA) recommended that prior to establishment of the control areas proposed, appropriate floors suitable to the terrain and adequate for the purpose for which the areas are required be designated.

Since the publication of this notice, the Federal Aviation Agency has published Civil Air Regulations, Part 601, Air Traffic Rules, Amendment 60–21 (26 F.R. 570), which provides in part for the designation of transition areas in lieu of control area extensions to extend upward from 1,200 feet or higher above the surface when designated to complement control zones. Therefore, the airspace proposed in the Notice as the Carlsbad control area extension is designated herein as the Carlsbad, N. Mex., transition area. The floor of the portion of the transition area west of Carlsbad will be designated at 10,500 feet MSL so as to adequately protect the penetration and entry into the Oil Burner Route, Tar Pail. The floor of the portion south of Carlsbad will be designated at 1,200 feet above the surface.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matters presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.10009 Carlsbad, New Mexico, transition area.

That airspace extending upward from 10,500 feet MSL within a 40-mile radius of the Carlsbad VOR bounded on the north by a line 5 miles north of and parallel to the 292° radial of the Carlsbad VOR, bounded on the east by the 022° and 172° radials of the Carlsbad VOR and bounded on the south by a line 5 miles south and parallel to the 262° radial of the Carlsbad VOR; and that airspace extending upward from 1200 feet above the surface south of the Carlsbad VOR bounded on the east by a line 5 miles east of and parallel to the 165° radial of the Carlsbad VOR, on the south by VOR Federal airway No. 16 north alternate and on the northwest by VOR Federal airway No. 94.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–8080; Filed, Aug. 23, 1961; 8:45 a.m.]

[Airspace Docket No. 60–NY–155]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Transition Area

On April 25, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3541) stating that the Federal Aviation Agency proposed to designate a transition area at Montpelier, Vt.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposal on the basis that it was not adequate for the purpose intended and did not meet a requirement for simplicity and standardization of shape. The AOPA recommended that a 10-mile radius transition area with a base of 700 feet centered on the reference point of the Barre-Montpelier Airport be established. Additionally, the AOPA stated that information available did not indicate a requirement for additional controlled airspace in connection with instrument approaches to the Barre-Montpelier Airport.

The intent and purpose of the notice was to replace controlled airspace associated with revoked Blue Federal airways Nos. 4 and 45. This accounts for the irregular shape of the transition area southwest of the airport. The designation of a 10-mile radius transition area would result in less than sufficient controlled airspace in certain quadrants and an excess of airspace in other quadrants. The recommendation for designating a transition area with a floor of 700 feet above the surface to complement a control zone is contrary to the provisions of Amendment 60–21 to the Civil Air Regulations. The action taken herein represents the minimum airspace required to protect aircraft arriving and departing the Barre-Montpelier Airport.

The Air Transport Association of America, Air Line Pilots Association and the Department of the Air Force offered no objections to the proposal. No other comments were received.

Subsequent to publication of the notice, a review of the requirements for this transition area has indicated that the northeast boundary should be reduced from 17 miles northeast of the Montpelier radio range and the Montpelier VOR to 12 miles northeast of the radio range and the VOR. In addition, it is necessary that the area northeast of the VOR be based on the 038° True radial in lieu of the 037° True radial. Action is taken herein to reflect these changes.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601, 26 F.R. 1908) is amended by adding the following section:

§ 601.10008 Montpelier, Vt. (Barre-Montpelier Airport) transition area.

That airspace extending upward from 1,200 feet above the surface within 8 miles NW and 5 miles SE of the NE course of the Montpelier RR extending from the RR to 12 miles NE; within 8 miles NW and 5 miles SE of the Montpelier VOR 038° radial extending from the VOR to 12 miles NE, and within the area SW of the Barre-Montpelier Airport bounded on the SW by VOR Federal airway No. 141 on the N and E by VOR Federal airway No. 151.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–8082; Filed, Aug. 23, 1961; 8:45 a.m.]

[Airspace Docket No. 61–LA–49]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to § 608.26 of the regulations of the Administrator is to alter the Fort Carson, Colo., Restricted Area R–2601 and to designate the Denver ARTC Center as the controlling agency.

The Department of the Army has advised it no longer has a requirement for a portion of R–2601, and has agreed to the designation of R–2601 as a joint use area. Therefore, action is taken herein to reflect these changes.

Since this amendment reduces a burden on the public, notice and public procedure hereon are unnecessary, and it may be made effective immediately.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 608.26 *Colorado*, R–2601 Fort Carson, Colo., Restricted Area (26 F.R. 7192) is amended to read:

R–2601 Fort Carson, Colo.:

Boundaries. Beginning at Lat. 38°32'06" N., Long. 104°49'18" W.; to Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°43'38" N., Long. 104°45'50" W.; to Lat. 38°43'43" N., Long. 104°46'20" W.; to Lat. 38°42'58" N., Long. 104°48'30" W.; to Lat. 38°43'12" N., Long. 104°49'07" W.; thence southwest along Colorado Highway #115 to Lat. 38°-39'00" N., Long. 104°51'40" W.; to Lat. 38°-36'20" N., Long. 104°51'40" W.; to point of beginning.

Designated altitudes. Surface to 40,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Commanding General, Fort Carson, Colo.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 17, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–8081; Filed, Aug. 23, 1961; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8056 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Aurea Publications and Alex Sandri White

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* § 13.15–125 *Individual or private business being:* § 13.15–125(e) *College.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330–91 *Universities.* Subpart—Using misleading name—vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Alex Sandri White trading as Aurea Publications, Central Valley, N.Y., Docket 8056. July 18, 1961]

In the Matter of Alex Sandri White, Trading as Aurea Publications

Consent order requiring a representative of correspondence schools in Great Britain and Italy, with headquarters in Central Valley, N.Y., to cease representing falsely in advertising in national magazines, brochures, and circulars, that such foreign correspondence schools were accredited in the United States and their degrees and diplomas recognized by accredited educational institutions in this country; and to cease using the

words "University" or "College" as part of their trade names.

The order to cease and desist is as follows:

It is ordered, That respondent Alex Sandri White, an individual trading as Aurea Publications, or under any other trade name or names, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, do forthwith cease and desist from:

I. Representing, directly or by implication:

(a) That any foreign correspondence school is an accredited institution of higher learning in this country;

(b) That the degrees or diplomas issued by foreign correspondence schools are recognized by accredited institutions of higher learning in this country;

(c) That any foreign correspondence school is authorized to issue college or university degrees or diplomas in this country;

(d) That the academic qualifications of those awarded degrees or diplomas by foreign correspondence schools are equivalent to the academic qualifications acquired by those attending accredited institutions of higher learning in this country; or misrepresenting in any manner the academic qualifications of those awarded degrees or diplomas by foreign correspondence schools.

II. Using the words "College" or "University" or any other word or term of similar import as a part of the trade or corporate name of a foreign correspondence school.

[For the purposes of this section, a foreign correspondence school shall mean a foreign school or entity which furnishes courses of study solely by means of correspondence.]

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Alex Sandri White, trading as Aurea Publications, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: July 18, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8085; Filed, Aug. 23, 1961; 8:45 a.m.]

[Docket 8326 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Humboldt Furriers et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Stanley Jedrysik et al. trading as Humboldt Furriers, Batavia, N.Y., Docket 8326, July 27, 1961]

In the Matter of Stanley Jedrysik, and Eunice Jedrysik, Individuals and Copartners Trading as Humboldt Furriers

Consent order requiring Batavia, N.Y., furriers to cease violating the Fur Products Labeling Act by failing to set forth the term "Persian-broadtail Lamb" on labels and invoices as required, and by failing in other respects to comply with labeling and invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Stanley Jedrysik and Eunice Jedrysik, copartners trading as Humboldt Furriers or under any other trade name, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of fur products; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of fur products which are made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4 (2) of the Fur Products Labeling Act;

B. Setting forth on labels affixed to fur products:

(1) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form;

(2) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information;

(3) Information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting;

C. Failing to set forth the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder separately with respect to each section of fur products composed of two or more sections containing different animal furs;

D. Failing to set forth the term "Persian Broadtail Lamb" where an election is made to use that term instead of Lamb;

E. Failing to set forth the item number assigned to a fur product;

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act;

B. Failing to set forth the term "Dyed Mouton-processed Lamb" in the manner required;

C. Failing to set forth on each invoice the item number or mark assigned to a fur product;

D. Setting forth required information in abbreviated form.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 27, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8086; Filed, Aug. 23, 1961; 8:45 a.m.]

[Docket 8173 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kriss Electronics, Inc., and Charles Kriss

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misbranding or mislabeling: § 13.1265 *Old, secondhand, reclaimed, or reconstructed product as new.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Kriss Electronics, Inc., et al., Newark, N.J., Docket 8173, July 22, 1961]

In the Matter of Kriss Electronics, Inc., a Corporation, and Charles Kriss, Individually and as an Officer of Said Corporation

Consent order requiring Newark, N.J., manufacturers of rebuilt television picture tubes containing used parts, to cease labeling and otherwise representing their said products falsely as "NEW Television Picture Tubes", and to disclose clearly to purchasers that such tubes were rebuilt and contained used parts.

The order to cease and desist is as follows:

It is ordered, That respondents Kriss Electronics, Inc., a corporation, and its officers, and Charles Kriss, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of rebuilt television picture tubes containing used parts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said television picture tubes are new.

2. Failing to clearly disclose on the tubes, on the cartons in which they are packed, on invoices, and in advertising that said tubes are rebuilt and contain used parts.

3. Placing any means or instrumentality in the hands of others whereby they may mislead the public as to the nature and condition of respondents' television picture tubes.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 21, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8087; Filed, Aug. 23, 1961; 8:45 a.m.]

[Docket 7721 o.]

PART 13—PROHIBITED TRADE PRACTICES

Shulton, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Shulton, Inc., Clifton, N.J., Docket 7721, July 25, 1961]

In the Matter of Shulton, Inc., a Corporation

Order requiring a manufacturer of toiletry, chemical, and pharmaceutical products with main office in Clifton, N.J.—with total sales in 1958 in excess of $37,000,000—to cease violating section 2(d) of the Clayton Act by such practices as paying J. Weingarten, Inc., of Houston, Tex., $6,000 as compensation for newspaper advertising of one of its deodorant products in connection with the chain's anniversary sales.

The order to cease and desist is as follows:

It is ordered, That respondent, Shulton, Incorporated, a corporation, its officers, employees, agents or representatives, directly or through any corporate or other device, in or in connection with the sale in commerce, as "commerce" is defined in the Clayton Act, as amended, of toiletry products, chemical products, pharmaceutical products or other merchandise, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of J. Weingarten, Inc., or any other customer, any payment of anything of value as compensation or in consideration for advertising or other services or facilities furnished by or through such customers, in connection with the handling, offering for resale, or resale of respondent's products, unless such payment is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, Shulton, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: July 25, 1961.

By the Commission; Commissioner Kern and Commissioner Elman dissenting.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-8088; Filed, Aug. 23, 1961; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2466]

[California 86617]

CALIFORNIA

Partly Revoking Departmental Order of January 21, 1908 (San Bernardino National Forest)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The departmental order of January 21, 1908, so far as it withdrew an irregular parcel of about 19 acres of national forest land in Sec. 36, T. 3 N., R. 1 E., San Bernardino Meridian, for use as an administrative site in connection with the administration of the San Bernardino National Forest, is hereby revoked.

Beginning 10:00 a.m., on September 23, 1961, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 18, 1961.

[F.R. Doc. 61-8093; Filed, Aug. 23, 1961; 8:46 a.m.]

[Public Land Order 2467]

[Idaho 012514]

IDAHO

Partly Revoking Executive Order No. 8397 of April 23, 1940, Which Withdrew Lands for Protection of Watersheds

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8397 of April 23, 1940, so far as it withdrew the following-described lands for classification and in aid of legislation to protect watersheds or sources of water supply of cities or towns, is hereby revoked:

BOISE MERIDIAN

T. 46 N., R. 1 W.,
Sec. 1, SE¼NW¼;
Sec. 2, NE¼SE¼.
T. 47 N., R. 1 W.,
Sec. 22, N½SE¼ and NE¼SW¼;
Sec. 23, N½SE¼;
Sec. 25, E½E½NW¼.

The areas described aggregate 320 acres.

2. The lands are situated in Benewah County, about 12 miles northeast of St. Maries, Idaho. The elevation is about 4,500 to 5,000 feet, with annual precipitation of about 25 inches. Soils are rocky, supporting scattered patches of brush.

3. The lands are hereby restored to operation of the public land laws, subject to valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, provided, that, until 10:00 a.m. on February 17, 1962, the State of Idaho shall have a preferred right of application to select the lands in accordance with subsection (c) of section 2 of the Act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852).

The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a.m. on February 17, 1962.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 18, 1961.

[F.R. Doc. 61-8094; Filed, Aug. 23, 1961; 8:46 a.m.]

[Public Land Order 2468]

[Anchorage 049425]

ALASKA

Revoking in Whole or in Part Certain Public Land Orders Which Withdrew Lands in Alaska for Preservation of Scenic and Recreation Areas

By virtue of the authority vested in the President, and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 735 of July 26, 1951; No. 1384 of January 23, 1957; No. 1394 of February 28, 1957; No. 1549 of November 7, 1957; No. 1552 of November 7, 1957; No. 1559 of December 6, 1957; No. 1654 of June 13, 1958; No. 1723 of August 19, 1958, and No. 1780 of February 3, 1959, which withdrew lands in Alaska for protection and preservation of scenic and recreation areas, are hereby revoked so far as they affect the following-described lands, as indicated:

a. Public Land Order No. 735:

SEWARD MERIDIAN

HOMER SPIT AREA

T. 6 S., R. 13 W.,
Sec. 27, lot 1.
Containing 11.04 acres.

BIG LAKE AREA

T. 17 N., R. 3 W.
Sec. 20, E½NW¼SE¼ (part of lot 6);
Sec. 28, W½SW¼NE¼SW¼ (part of lot 3).
Containing 22.28 acres.

LIBERTY FALLS AREA

U.S. Survey 3578,
That tract described by metes and bounds and beginning at Corner Post No. 1, latitude 61°38'50" N., longitude 144°39' W., set on the NW. edge of the Edgerton Highway right-of-way, containing approximately 10 acres.

b. Public Land Order No. 1384:

SEWARD MERIDIAN

BIG LAKE AREA

T. 17 N., R. 3 W.,
Sec. 28, lots 6 and 7.
Containing 12.28 acres.

BERNICE LAKE AREA

T. 7 N., R. 12 W.,
Sec. 15, lot 6.
Containing 7.35 acres.

c. Public Land Order No. 1394:

SEWARD MERIDIAN

PETERS CREEK AREA

T. 15 N., R. 1 W.,
Sec. 9, lots 10, 14, NE¼NE¼SE¼, W½SE¼NE¼SE¼, W½SW¼SE¼NE¼SE¼, N½NW¼SE¼SE¼, and W½NW¼NE¼SE¼SE¼.
Containing 42.50 acres.

d. Public Land Order No. 1549:

SEWARD MERIDIAN

NINILCHIK AREA

T. 1 S., R. 14 W.,
Sec. 34, lots 13 to 16, incl., and NW¼NW¼NE¼SW¼.
Containing 11.32 acres.

e. Public Land Order No. 1552:

SEWARD MERIDIAN

WILLOW CREEK AREA

T. 19 N., R. 4 W.,
Sec. 5, E½SW¼NE¼, SW¼SW¼NE¼, N½NW¼SE¼, and SE¼SE¼NW¼.
Containing 60 acres.

f. Public Land Order No. 1559:

SEWARD MERIDIAN

STARISKY CREEK AREA

T. 4 S., R. 15 W.,
Sec. 11, lot 3.
Containing 30.05 acres.

g. Public Land Order No. 1654:

SEWARD MERIDIAN

MC HUGH CREEK AREA

T. 11 N., R. 3 W., partly unsurveyed,
Sec. 25, lots 9 to 15, incl., and NE¼NW¼.
Containing 55.15 acres.

h. Public Land Order No. 1723:

SEWARD MERIDIAN

JOHNSON LAKE AREA

T. 2 N., R. 11 W.,
Sec. 6, lots 14 to 20 incl., 27 to 29 incl., 33, 34, 40, 41, and 44.
Containing 55.69 acres.

i. Public Land Order No. 1780:

SEWARD MERIDIAN

MOOSE CREEK CAMPGROUND

T. 18 N., R. 2 E.,
Sec. 2, lots 10, 11, 14, 15, 16, and S½NW¼NW¼.
Totaling 39.85 acres.

PETERS CREEK CAMPGROUND

T. 15 N., R. 1 W.,
Sec. 9, S½NW¼NE¼SE¼SE¼, NE¼NE¼SE¼SE¼, E½SW¼SE¼NE¼SE¼, and SE¼SE¼NE¼SE¼;
Sec. 10, S½SW¼SW¼NW¼SW¼, and W½NW¼NW¼SW¼SW¼.
Totaling 10 acres.

EAGLE RIVER CAMPGROUND

T. 14 N., R. 2 W.,
Sec. 14, lots 1, 2, 3, 11, 12, 13, 14, 15, 16, 31, 32, SW¼NE¼NE¼, and E½NE¼NE¼.
Totaling 75.31 acres.

EAGLE RIVER AREA

T. 14 N., R. 2 W.,
Sec. 11, lots 74 and 75.
Totaling 4.38 acres.
Containing 129.54 acres.

2. In DA–64–Alaska, the Federal Power Commission vacated the withdrawal created by the filing of applications for preliminary permit and for amendment thereof for Project 350, affecting the following described lands:

SEWARD MERIDIAN

THUNDERBIRD FALLS AREA

T. 16 N., R. 1 E.,
Sec. 30, lot 4.
T. 16 N., R. 1 W.,
Sec. 25, NE¼SE¼SE¼ and N½SE¼SE¼SE¼.
Containing 46.78 acres.

3. The areas described in this order total in the aggregate 493.98 acres. The lands have been conveyed to the State of Alaska under Patent No. 1211688, dated August 17, 1960, pursuant to the provisions of the act of May 4, 1956 (70 Stat. 130; Public Law 84–507), as amended by the act of August 30, 1957 (71 Stat. 510; Public Law 85–225).

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

AUGUST 18, 1961.

[F.R. Doc. 61–8095; Filed, Aug. 23, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[AO–330]

ONIONS GROWN IN WESTERN OREGON

Decision With Respect to Proposed Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Brooks, Oregon, May 17–18, 1961, pursuant to notice thereof which was published in the FEDERAL REGISTER (26 F.R. 3311), upon a proposed marketing agreement and order to authorize regulation of the handling of onions grown in designated counties of Western Oregon.

On the basis of evidence adduced at the aforesaid hearing and the record thereof, a recommended decision in this proceeding was filed on July 24, 1961, with the Hearing Clerk, United States Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published July 27, 1961, in the FEDERAL REGISTER (F.R. Doc. 61–7064; 26 F.R. 6722). No exceptions were filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 61–7064; 26 F.R. 6722) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Onions Grown in Western Oregon" and "Order Regulating the Handling of Onions Grown in Western Oregon" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Order[1] *Regulating the Handling of Onions Grown in Western Oregon*

Sec.
0. Findings and determinations.

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AUTHORITY: Sections 0 to 92, issued pursuant to secs, 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Section 0. Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Brooks, Oregon, May 17–18, 1961, upon a proposed marketing agreement and order to authorize regulation of the handling of onions grown in Western Oregon. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing order, as hereinafter set forth, and all of the terms and provisions thereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) The marketing order authorizes regulation of the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing order upon which a hearing has been held;

(3) The marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the de-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

clared policy of the act; and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The marketing order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions, as defined in the marketing order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective time hereof, the handling of onions grown in the production area as defined herein shall be in conformity to, and in compliance with, the terms and conditions of this order, and such terms and conditions are as follows:

DEFINITIONS

Sec. 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Production area.

"Production area" means the Counties of Multnomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington, in the State of Oregon.

Sec. 5. Onions.

"Onions" means all varieties of Allium cepa commonly known as onions, except onion sets, green onions and pickling onions.

Sec. 6. Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

Sec. 7. Handle.

"Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. (Such term shall not include the transportation, sale, or delivery of onions within the production area for grading or storing therein.)

Sec. 8. Producer.

"Producer" means any person engaged in a proprietary capacity in the production of onions for market.

Sec. 9. Grading.

"Grading" is synonymous with "preparation for market" and means the topping and separation of onions into grades, sizes, and packs for market purposes.

Sec. 10. Grade and size.

"Grade" means any of the established grades of onions, and "size" means any of the established sizes of onions as defined and set forth in:

(a) United States Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types) (§§ 51.2830 to 51.2850 of this title), or any other United States Standards for onions or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary; or

(b) Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

Sec. 11. Pack.

"Pack" means a quantity of onions specified by weight, grade, size, or numerical limits, or by type or condition of container, or any combination of these, recommended by the committee and approved by the Secretary.

Sec. 12. Container.

"Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

Sec. 13. Varieties.

"Varieties" means and includes all classifications, subdivisions, or types of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee and approved by the Secretary.

Sec. 14. Committee.

"Committee" means the Western Oregon Onion Marketing Committee, established pursuant to section 22.

Sec. 15. Fiscal period.

"Fiscal period" means the annual period begining and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

Sec. 16. District.

"District" means each of the geographic divisions of the production area initially established pursuant to section 24 or as re-established pursuant to section 25.

Sec. 17. Export.

"Export" means to ship onions to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

COMMITTEE

Sec. 22. Establishment and membership.

The Western Oregon Onion Marketing Committee, consisting of nine members, six of whom shall be producers and three of whom shall be handlers, is hereby established. For each member of the committee there shall be an alternate.

Sec. 23. Term of office.

(a) The term of office of committee members and their respective alternates shall be for two years and shall begin as of July 1 and end as of June 30. The terms shall be so determined that about one-half of the total committee membership shall terminate each year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

Sec. 24. Districts.

For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. Marion, Linn, Lane, Benton, Polk and Lincoln Counties, and that portion of Multnomah and Clackamas Counties lying East of the Willamette River, in the State of Oregon.

District No. 2. That portion of Yamhill County lying West of Highway 219 and that portion of Washington County lying West and North of a line beginning at the junction of the southern boundary of Washington County and Highway 219, thence North along Highway 219, to its junction with Highway 210, thence Northeast along Highway 210 to its junction with Highway 10, and thence East along Highway 10 to the junction with the Western boundary of Multnomah County, and Tillamook, Clatsop and Columbia Counties in the State of Oregon.

District No. 3. Those portions of Yamhill and Washington Counties not included in District No. 2, and those portions of Multnomah and Clackamas Counties lying West of the Willamette River, in the State of Oregon.

Sec. 25. Redistricting.

The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in onion acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts;

(d) Economies resulting to producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and

(e) Other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such

redistricting or reapportionment may be made less than six months prior to such date.

Sec. 26. Selection.

The Secretary shall select members and respective alternates from districts established pursuant to section 24 or 25. Initial selections shall be as follows:

District No. 1. Three producer members and alternates;

District No. 2. Two producer members and alternates;

District No. 3. One producer member and alternate.

Production area at large. Three handler members and alternates.

Sec. 27. Nominations.

The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held for each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to May 1, of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternative member on the committee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe not later than June 1 of each year;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in naming handler nominees. In the event a person is engaged in producing or handling onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(e) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

Sec. 28. Failure to nominate.

If nominations are not made within the time and in the manner specified in section 27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in sections 22 through 26.

Sec. 29. Acceptance.

Any person selected as a committee member or alternate shall qualify by filing a written acceptance promptly after being notified of such selection.

Sec. 30. Vacancies.

To fill any committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in section 27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in sections 24 to 26.

Sec. 31. Alternate members.

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same group (handler or grower) to serve in such member's place and stead.

Sec. 32. Procedure.

(a) Seven members of the committee shall be necessary to constitute a quorum. Six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote at such a meeting shall be promptly confirmed in writing. On such occasions unanimous vote of committee members voting will be required to approve any action.

Sec. 33. Expenses and compensation.

Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part. In addition, they may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business.

Sec. 34. Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 35. Duties.

It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman, other necessary officers, and subcommittees, and to adopt such rules and regulations for conduct of its business deemed advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds for employees;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege;

(i) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee, and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary. At the end of each marketing season a statistical and historical annual report of operations shall be furnished to the Secretary.

(j) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers, and a copy of each such report shall be furnished the Secretary;

(l) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and the objectives under this part.

EXPENSES AND ASSESSMENTS

Sec. 40. Expenses.

The committee is authorized to incur such expenses as the Secretary may find

are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the quantity of onions handled by all handlers as first handlers thereof during such fiscal period.

Sec. 41. Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

Sec. 42. Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles onions shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onion shipments handled by the first handlers thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

Sec. 43. Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal periods reserve funds equal to approximately one fiscal period's expenses. Such reserve funds may be used for all expenses authorized pursuant to section 40.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

(d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

RESEARCH AND DEVELOPMENT

Sec. 48. Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions. The expenses of such projects shall be paid from funds collected pursuant to section 42.

REGULATIONS

Sec. 50. Marketing policy.

(a) At the beginning of each season, and as the Secretary may require, the committee shall prepare a marketing policy statement. Such policy statement shall indicate the data on onion supplies and demand on which the committee bases its judgments and recommendations. It shall indicate also the kind or types of regulations contemplated during the ensuing season, and, to the extent practical, shall include recommendations for specific regulations. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available generally.

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to onion supplies for the season, with special consideration to:

(1) Estimates of total supplies including grade, size and quality thereof, in the production area;

(2) Estimates of supplies in competing areas;

(3) Market prices by grades, sizes, containers, and packs;

(4) Anticipated marketing problems;

(5) Level and trend of consumer income; and

(6) Other relevant factors.

Sec. 51. Recommendations for regulations.

Upon complying with the requirements of section 50, the committee may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

Sec. 52. Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of onions grown within the production area by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, qualities, maturities, or packs of onions by varieties, or differently for different varieties, for different packs, for different containers, for different portions of the production area, or any combination of the foregoing, during any period.

(2) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, used in handling onions.

(3) Limit the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section or any combination thereof, for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the act.

Sec. 53. Handling for special purposes.

Regulations in effect pursuant to sections 42, 52, or 60 may be modified, suspended, or terminated to facilitate handling of onions for:

(a) Relief or charity;

(b) Experimental purposes;

(c) Export;

(d) Processing, and

(e) Other purposes which may be recommended by the committee, and approved by the Secretary.

Sec. 54. Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to establish that shipments made pursuant to section 53 were handled and used for the purpose stated.

Sec. 55. Notification of regulation.

The Secretary shall promptly notify the committee of regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

INSPECTION

Sec. 60. Inspection and certification.

(a) Whenever the handling of onions is regulated pursuant to section 52, or at other times when recommended by the committee and approved by the Secretary, no handler shall handle onions unless they are inspected by an authorized representative of the Federal or Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to section 52(c) or section 54, or paragraph (b) of this section.

(b) Regarding, resorting, or repacking any lot of onions shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle onions after they have been regraded, resorted, or repacked unless such onions are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked onions may be modified, suspended, or terminated upon recommendation by the committee and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all onions so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee. Master containers may bear the identification instead of the individual containers within said master containers.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of onions by motor vehicle or by other means unless such shipment is accompanied by a copy of the Inspection Certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated.

EXEMPTIONS

Sec. 70. Policy.

Any producer whose onions have been adversely affected by acts beyond his control or by acts beyond reasonable expectation and who, by reason of any regulation issued pursuant to section 52, is or will be prevented from shipping or having shipped during the then current marketing season, or a specific portion thereof, as large a proportion of his onion crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production may apply to the committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

Sec. 71. Rules and procedures.

The committee may adopt, with approval of the Secretary, the rules and procedures for handling exemptions, for issuing certificates of exemption, for committee determinations with respect to areas and averages, and for such other procedures as may be necessary to carry out the provisions in this section and section 70.

Sec. 72. Granting exemptions.

The committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's onions have been adversely affected by those acts determined pursuant to section 71 to be beyond the applicant's control or by acts beyond reasonable expectation;

(b) That by reason of regulations issued pursuant to section 52, in case of an applicant who is a producer, he will be prevented from shipping or having shipped as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season, or a specific portion thereof.

(c) Each certificate shall permit the person identified therein to ship or have shipped the onions described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

Sec. 73. Investigation.

The committee shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions.

Sec. 74. Appeal.

If any applicant for exemption is dissatisfied with the committee's determination on his application, an appeal may be filed with the committee. Appeals must be taken promptly, within time limits under the rules, from the committee's determination. Applicant's appeals shall provide evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application within a reasonable time, as limited by rules. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

REPORTS

Sec. 80. Reports.

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Where necessary for determining compliance with regulations, the committee may request reports from individual handlers with respect to specific sales, transportation, or other handling of onions.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantitites of onions received by a handler; (2) the quantities disposed of by a handler segregated as to the respective quantities subject to particular regulations and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions, and (4) identification of the inspection certificates relating to the onions which were handled pursuant to section 52 or section 53, or both.

(b) All such reports shall be held under appropriate protective, classification and custody by the committee, or duly appointed employee thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received and of onions disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

COMPLIANCE

Sec. 81. Compliance.

Except as provided in this subpart, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle onions except in conformity to the provisions of this subpart.

MISCELLANEOUS PROVISIONS

Sec. 82. Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall

be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 83. Effective time.

The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

Sec. 84. Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production of onions for market: *Provided*, That such majority has, during such representative period produced for market more than fifty percent of the volume of such onions produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 85. Proceeding after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all of the funds and property then in the possession of or under control of the committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

Sec. 86. Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Sec. 87. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

Sec. 88. Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

Sec. 89. Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 90. Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 91. Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Sec. 92. Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 119, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period from July 1, 1960, through June 30, 1961 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Counties of Multnomah, Clackamas, Marion, Linn, Lane, Benton, Lincoln, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Washington, in the State of Oregon in the production of onions for market to ascertain whether such producers favor the issuance of the annexed order.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176). The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed order.

Robert H. Eaton, Allan E. Henry and Kenneth W. Schaible of the Fruit and Vegetable Division, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture, to conduct said referendum jointly or severally. Said agents may appoint any person or persons to assist them in performing their functions hereunder.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D.C., and at those places in the production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said order may be obtained from any referendum agent or any appointee hereunder.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 21, 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-8107; Filed, Aug. 23, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Notice of Proposed Rule Making

Statement of considerations. Public Law 86–373, dated September 23, 1959, amended the Atomic Energy Act of 1954 by the addition of a new section 274, "Cooperations With States." One principal purpose of that legislation was to clarify the responsibilities of the Federal Government, on the one hand, and State and local governments, on the other, with respect to the regulation of byproduct, source, and special nuclear materials, as defined in the Atomic Energy Act, in order to protect the public health and safety from radiation hazards.

To implement this purpose, the Commission was authorized to enter into an agreement with the Governor of any State to provide for a discontinuance by the Commission and a corresponding assumption by the State of regulatory authority and responsibility with respect to certain activities involving byproduct material, source material, and special nuclear material in quantities less than a critical mass.

Subsection (c) of section 274 of the Atomic Energy Act specifically excludes from such agreements the discontinuance of any Commission authority with respect to:

1. The construction and operation of any production or utilization facility;
2. The export from or import into the United States of any byproduct, source, or special nuclear material or of any production or utilization facility;
3. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;
4. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

In addition to the foregoing the Commission, notwithstanding an agreement is authorized by rule, regulation, or order to require that the manufacturer, processor or producer of any equipment, device or commodity shall not transfer possession or control of such product except pursuant to a license issued by the Commission.

This regulation defines ocean or sea for purposes of section 274 of the Atomic Energy Act. In connection with sea or ocean disposal, the Commission will regulate the design and specification of containers, the selection of disposal sites, and the kinds, quantity and concentration of radioactive waste material permitted to be disposed of at sea.

With respect to disposal other than sea disposal and with respect to the licensing of product transfers by manufacturers, the Commission is issuing for public comment whether it should or should not adopt the regulations hereinafter indicated as § 150.8 (d) and (e).

The exemptions herein granted are applicable to the activities of source, byproduct and special nuclear material licensees of agreement States only within the confines of the licensing agreement States.

Notice is hereby given that adoption of the following additions to Title 10 Code of Federal Regulations is contemplated. All interested persons desiring to submit written comments and suggestion for consideration in connection with adoption of these regulations should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 60 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

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EXEMPTIONS IN AGREEMENT STATES

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CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES

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ENFORCEMENT

150.9 Violations.

AUTHORITY: §§ 150.1 to 150.9 issued under sec. 161 and 274, 68 Stat. 948; and 73 Stat. 688, 42 U.S.C. 2201 and 42 U.S.C. 2021.

§ 150.1 Purpose.

The regulations in this part provide certain exemptions to persons in agreement States from the licensing requirement contained in Chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source material or special nuclear material in less than a critical mass; and define activities in agreement States over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in agreement States engaging in activities over which the regulatory authority of the Commission continues.

§ 150.2 Scope.

The regulations in this part apply in the States listed in this section on and after the indicated effective dates.

State:	*Effective date*
Kentucky	Dec. 1, 1961

§ 150.3 Definitions.

As used in this part:

(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto.

(b) "Agreement State" means any State with which the Commission has entered into an effective agreement under Section 274 of the Atomic Energy Act of 1954, as amended.

(c) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(d) The term "Commission" means the Atomic Energy Commission.

(e) "Source material" means source material as defined in the Commission's regulations contained in other parts of this Chapter.

(f) "Special nuclear material" means special nuclear material as defined in the Commission's regulations contained in other parts of this Chapter.

(g) "Production facility" means production facility as defined in the Commission's regulations contained in other parts of this Chapter.

(h) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group agency, any State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Federal Government Agencies.

(i) "State" means any State, Territory, or possession of the United States, the Canal Zone, Puerto Rico, and the District of Columbia.

(j) "Utilization facility" means utilization facility as defined in the Commission's regulations as contained in other parts of this chapter.

§ 150.4 Communications.

All communications concerning the regulations of this part or any Commission license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D.C., Attention: Division of Licensing and Regulation. Communications and reports may be delivered in person at the Commission's Office at 1717 H Street NW., Washington, D.C., or its offices at Germantown, Maryland.

§ 150.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 150.6 Persons exempt.

(a) Any person in an agreement State who receives, possesses, uses or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees.

(b) The activities described in § 150.8 are not within the exemptions in paragraph (a) of this section.

§ 150.7 Critical mass.

(a) For the purposes of this part, special nuclear material in quantities not sufficient to form a critical mass means uranium enriched in the isotope U–235 in quantities not exceeding 350 grams of contained U–235; uranium–233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: for each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear materials in combination shall

not exceed unity. For example, the following quantities in combination would not exceed the limitation and is within the formula, as follows:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

(b) To determine whether the special nuclear material is in quantities not sufficient to form a critical mass, a person shall include in the formula given in paragraph (a) of this section the total special nuclear material to be received, possessed or used in an agreement State.

CONTINUED COMMISSION REGULATORY AUTHORITY IN AGREEMENT STATES

§ 150.8 Activities not exempted.

The exemptions provided in § 150.6 do not apply to:

(a) The construction and operation of production and utilization facilities;

(b) The export from or import into the United States of byproduct, source or special nuclear material, or of any production or utilization facility;

(c) The disposal into the ocean or sea of byproduct, source or special nuclear waste material. Ocean or sea means any part of the territorial waters of the United States and any part of international waters;

(d) The burial by any person of byproduct, source, or special nuclear waste received by such person from any other person for disposal.[1]

(e) Notwithstanding any exemptions provided in this part no person who is the manufacturer, processor or producer of any equipment, device, commodity or product listed below which contains source, byproduct, or special nuclear material shall transfer possession or control of such products except pursuant to a license or an exemption from licensing under regulations of the Commission contained in other parts of this chapter.[1]

(1) Sealed sources and holder or containers for sealed sources (e.g., radiographic exposure devices, teletherapy units).

(2) Any device, equipment, or product designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage or qualitative or quantitative chemical composition or for producing an ionized atmosphere.

(3) Any device, equipment or product containing byproduct, source or special nuclear material as a luminous paint or compound.

(4) Products into which byproduct, source or special nuclear material have been introduced for tracing or other purposes.

(5) Glazed ceramic tableware containing source material.

(6) Glassware containing source material including glass brick, pane glass, ceramic tile or other glass or ceramic used in construction.

(7) Any finished product or part fabricated of or containing tungsten or magnesium thorium alloy.

(8) Aircraft counterweights containing uranium.

(9) Gas mantles, vacuum tubes and welding rods.

(10) Any other device, equipment, commodity or product, not including containers used solely for storage, containing source, byproduct or special nuclear material.

ENFORCEMENT

§ 150.9 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provisions of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

Dated at Germantown, Md., Aug. 17, 1961.

For the Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 61-8156; Filed, Aug. 23, 1961; 9:58 a.m.]

[1] The Commission has not taken any position as to whether this regulation should be adopted pending public comment thereon.

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

WACLAW UFNOWSKI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D.C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Waclaw Ufnowski, Radom, Poland; Claim No. 33390; Property described in Vesting Order No. 301 (7 F.R. 9844, November 26, 1942) relating to United States Patent Application Serial No. 189,410 (now United States Letters Patent No. 2,313,006).

Executed at Washington, D.C., on August 18, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61-8104; Filed, Aug. 23, 1961; 8:47 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF THE ARMY, NAVY, AND AIR FORCE

Designation to Exercise Authority Conferred Upon Secretary of Defense Under Executive Order 10957

The Deputy Secretary of Defense approved the following document on August 17, 1961: "Memorandum for the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force."

Under the provisions of Executive Order 10957, dated August 10, 1961, entitled "Assigning Authority with Respect to Ordering Persons and Units in the Ready Reserve to Active Duty and with Respect to the Extension of Enlistments and Other Periods of Service in the Armed Forces," the approval of the President is required prior to ordering units of the Ready Reserve to active duty other than active duty for training. Accordingly, plans to order any such units to active duty will be submitted to me for forwarding to the President for his approval.

Subject to the prior approval by the President of plans to order units of the Ready Reserve to active duty, and subject to the prior approval of the Secretary of Defense or the Deputy Secretary of Defense of your detailed plans with respect to ordering units of the Ready Reserve of an armed force to active duty for training, or individuals of the Ready Reserve of an armed force to active duty, I hereby designate the Secretaries of the Army, Navy, and Air Force to exercise the authority conferred upon the Secretary of Defense under Executive Order 10957 with respect to such orders to active duty.

Subject to the prior approval of detailed plans by the Secretary or Deputy Secretary of Defense, I hereby designate the Secretaries of the Army, Navy, and Air Force to exercise the authority conferred upon the Secretary of Defense under Executive Order 10957 with respect to the extension of enlistments, appointments, periods of active duty, periods of active duty for training, periods of obligated service, or other military status, in any component of an armed force or in the National Guard that expire before July 1, 1962.

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61-8103; Filed, Aug. 23, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 030859]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture, U.S. Forest Service, has filed application, Serial No. AR-030859, for the withdrawal of lands described below from all forms of appropriation, including location and entry under the general mining laws, subject to valid existing claims. The applicant desires the lands for the prevention of the location of additional mineral claims, in conjunction with the administration of the area for National Forest purposes.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of Interior, P.O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SITGREAVES NATIONAL FOREST

T. 12 N., R. 16 E.,
Sec. 14: Lot 1, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 24: Lots 1, 2, 3, 4, 5, 6, 7, 8, E½;
Sec. 26: All;
Sec. 36: Lots 1, 2, 3, 4, 5, 6, 7, E½E½, W½NE¼, N½NW¼, SW¼SW¼.
T. 12 N., R. 17 E.,
Sec. 20: All;
Sec. 28: Lot 1, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 32: Lot 1.

The area described approximates 4,245.97 acres.

COCONINO NATIONAL FOREST

Clover Recreation Area

T. 13 N., R. 9 E.,
Sec. 14: W½SE¼, W½E½SE¼, S½SW¼NE¼, SW¼SE¼NE¼.

The area described approximates 150 acres.

A. L. SIMPSON,
Acting State Director,
Arizona State Office.

[F.R. Doc. 61-8091; Filed, Aug. 23, 1961; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 16, 1961.

The United States Department of Agriculture has filed an application, Serial Number Sacramento 067436 for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims.

The applicant desires the land for use by the Forest Service under a cooperative agreement with the State of California, for the development and maintenance of the recreational facilities at the Grizzly Valley, Antelope Valley, Abbey Bridge, Dixie Refuge, and Frenchman Recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 1000, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

GRIZZLY VALLEY RECREATION AREA

T. 23 N., R. 13 E.,
Sec. 1: SW¼NW¼, W½SW¼;
Sec. 2: Lot 2, S½NE¼, S½;
Sec. 3: SW¼NW¼, SE¼SW¼, NE¼SE¼.
T. 24 N., R. 13 E.,
Sec. 17: SE¼SW¼, SW¼SE¼;
Sec. 19: NE¼NE¼, E½SE¼;
Sec. 20: S½NE¼, NW¼NW¼, NE¼SW¼, SW¼SW¼;
Sec. 21: NW¼NE¼, SW¼NW¼;
Sec. 22: NW¼NW¼, S½NW¼, SW¼, E½SE¼;
Sec. 23: SW¼SW¼;
Sec. 26: NW¼, NE¼SW¼, W½SE¼;
Sec. 27: E½NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 28: S½NE¼, NW¼NW¼, N½SE¼, SW¼SE¼;
Sec. 29: NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, SW¼SE¼;
Sec. 32: S½NE¼;
Sec. 33: S½NW¼, NW¼SE¼;
Sec. 35: NE¼NE¼, SE¼SE¼.

ANTELOPE VALLEY RECREATION AREA

T. 27 N., R. 12 E.,
Sec. 10: S½SW¼SE¼;
Sec. 13: SW¼SW¼;
Sec. 14: S½SW¼, SE¼SE¼;
Sec. 15: NW¼NE¼, S½N½, S½;
Sec. 22: E½, NE¼NW¼;
Sec. 23: NE¼NE¼, S½NE¼, NW¼, S½SW¼, NE¼SE¼;
Sec. 24: N½, N½S½, SE¼SE¼;
Sec. 25: E½NE¼, S½NW¼;
Sec. 26: NW¼NE¼.
T. 27 N., R. 13 E.,
Sec. 19: Lots 1, 2, 3, 4.

ABBEY BRIDGE RECREATION AREA

T. 24 N., R. 13 E.,
Sec. 4: Lots 1, 2, 3;
Sec. 5: All (Lots 1, 2, 3, 4);
Sec. 6: Lots 1, 2;
Sec. 7: NE¼NE¼;
Sec. 8: N½N½;
Sec. 9: NE¼, N½NW¼, SE¼NW¼, N½NW¼SE¼, NE¼SE¼;
Sec. 10: NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, N½SE¼SW¼;
Sec. 11: N½NW¼;
Sec. 12: NE¼SE¼.
T. 25 N., R. 13 E.,
Sec. 32: SE¼;
Sec. 33: S½;
Sec. 34: SW¼.

DIXIE REFUGE RECREATION AREA

T. 26 N., R. 14 E.,
Sec. 13: SE¼;
Sec. 23: S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 24: All;
Sec. 25: NW¼NE¼, NW¼, NW¼SW¼;
Sec. 26: NE¼, NE¼SE¼.
T. 26 N., R. 15 E.,
Sec. 19: Lots 1, 2, 3, 4, E½W½, W½E½, SE¼SE¼;
Sec. 29: W½NW¼, NW¼SW¼;
Sec. 30: Lot 1, NE¼, E½NW¼, NE¼SE¼.

FRENCHMAN RECREATION AREA

T. 24 N., R. 16 E.,
Sec. 8: SE¼NE¼, E½SE¼;
Sec. 17: NE¼NE¼;
Sec. 21: S½SW¼, SW¼SE¼;
Sec. 28: NW¼NE¼, N½NW¼, W½SE¼;
Sec. 29: NE¼, S½NW¼, E½SW¼, N½SE¼;
Sec. 30: NE¼SE¼;
Sec. 32: E½NE¼;
Sec. 33: S½N½.

The areas described above aggregate 11,069.86 acres of Federal lands in the Plumas National Forest.

WALTER E. BECK,
Manager, Land Office, Sacramento.

[F.R. Doc. 61-8092; Filed, Aug. 23, 1961; 8:46 a.m.]

UTAH

Redelegation of Authority to Specified Classes of Employees

AUGUST 16, 1961.

Pursuant to authority of Departmental Order 25.83, as amended, and Order No. 541, of the Director, Bureau of Land Management, as amended, the Chief, Division of Lands and Minerals, Utah State Office, is hereby authorized to perform all functions listed in 1.5(a) of Order No. 541, and delegated to the State Director for Utah under part 2.5 of that order. This authority may not be redelegated.

R. D. NIELSON,
State Director.

[F.R. Doc. 61-8090; Filed, Aug. 23, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 1]

SALES OF CERTAIN COMMODITIES

August 1961 Monthly Sales List

Pursuant to the policy of the Commodity Credit Corporation issued October 12, 1954, (19 F.R. 6669) and subject to the conditions stated therein, the Commodity Credit Monthly Sales List for August 1961 is amended as set forth below. The entire section of the list relating to dry edible beans is deleted and replaced with the following:

Dry edible beans (bagged) (as available).	Domestic and export: Domestic market price but not less than the following minimum price per hundredweight, for U.S. No. 1 f.o.b. indicated points of production, amount of paid-in freight to be added as applicable. For other grades and in other areas, adjust by 1962-crop price support differentials.

Class	Price per hundredweight	Area of production
Red Kidney	$8.04	Michigan, Calif.

Available Evanston and Portland ASCS Commodity Offices.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427)

Signed at Washington, D.C., on August 18, 1961.

LIONEL C. HOLM,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8098; Filed, Aug. 23, 1961; 8:46 a.m.]

Office of the Secretary

FARMERS HOME ADMINISTRATION

Assignment and Reservation of Functions

Pursuant to the authority contained in R.S. 161 (5 U.S.C. 22) and Reorganization Plan No. 2 of 1953, sections 1400 and 1401 of the Acting Secretary's Order dated October 10, 1957 (22 F.R. 8188, as amended, 23 F.R. 1836, 24 F.R. 5168, 25 F.R. 1643), hereby are amended to assign and reserve functions with respect to the Consolidated Farmers Home Administration Act of 1961, the amended section (c) of Public Law 38, 81st Congress, and Title VIII of the Housing Act of 1961; and to read as follows:

SEC. 1400. *Assignment of functions.* • • •

n. The powers, duties, and assets pertaining to the foregoing existing and prior programs and the foregoing powers, duties, authorities, and functions with respect thereto.

o. The Agricultural Credit programs under the Consolidated Farmers Home Administration Act of 1961 (Title III, P.L. 87-128).

p. The Rural Housing authorities, except research authorities, in Title VIII of the Housing Act of 1961 (P.L. 87-70).

q. The Special Livestock Loan authorities (P.L. 87-106).

r. Authority to make and issue notes to the Secretary of the Treasury for the Agricultural Credit Insurance Fund as authorized by section 309(c) of the Consolidated Farmers Home Administration Act of 1961 (P.L. 87-128), provided that the aggregate unpaid principal balance on such notes issued and outstanding (1) shall not exceed $50,000,000 for use for insured real estate loan purposes under said section 309(c) and prior authorities (7 U.S.C. 1005b(j), 1005c(b), 1006e(a); 16 U.S.C. 590x-3(d)), and (2) shall not exceed $25,000,000 under said section 309(c) for insured domestic farm labor housing loan purposes under section 514 of Title VIII of the Housing Act of 1961 (P.L. 87-70).

SEC. 1401. *Reservations.* • • •

i. Control of the Emergency Credit Revolving Fund (Sec. 326, P.L. 87-128).

j. Finding that natural disasters exist in particular areas and designation of such areas for making emergency loans (sec. 321, P.L. 87-128), provided that credit may be extended by the Farmers Home Administration without further designation by the Secretary when it finds that a new production disaster has occurred in an area previously designated by the Secretary as a disaster area, but only during the period within which applications for initial loans in the area are authorized by the Secretary.

Done at Washington, D.C., this 18th day of August 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61-8100; Filed, Aug. 23, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

KENTUCKY

Proposed Agreement for Discontinuance of Certain Regulatory Authority and Responsibility

Notice is hereby given that the U.S. Atomic Energy Commission proposes to enter into the following agreement with the Commonwealth of Kentucky pursuant to section 274 of the Atomic Energy Act, as amended. All interested persons desiring to submit comments and suggestions for consideration in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C. within 60 days after publication in the FEDERAL REGISTER.

Proposed agreement between the United States Atomic Energy Commission and the Commonwealth of Kentucky for discontinuance of certain commission regulatory authority and responsibility within the Commonwealth pursuant to section 274 of the Atomic Energy Act of 1954, as amended:

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission), is authorized under section 274 of the Atomic Energy Act of 1954, to discontinue within the States its regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and;

Whereas, the Commonwealth of Kentucky (hereinafter referred to as the Commonwealth), desires to assume regulatory responsibility for source, byproduct and special nuclear material in quantities not sufficient to form a critical mass, and;

Whereas, the Governor of the Commonwealth certifies to the existence of a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the Commonwealth covered by this agreement, and;

Whereas, the Commission has found that the program of the Commonwealth for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety;

Whereas, this agreement is entered into and is subject to the provisions of the Atomic Energy Act of 1954, as amended.

Now, therefore, it is hereby agreed between the Commission and the Commonwealth as follows:

Article I. With respect to activity in the Commonwealth, the Commission, subject to exceptions provided in Article II of this agreement, agrees to discontinue its regulatory authority with respect to the following materials:

(a) Byproduct materials;

(b) Source materials; and

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not apply to the following activities:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The authority of the Commission to require, by rule, regulation, or order, that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession, or control of such product except pursuant to a license issued by the Commission.

Article III. This agreement shall not affect the authority of the Commission under Subsection 161b. or i. of the Atomic Energy Act of 1954, as amended, to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article IV. This agreement shall become effective on December 1, 1961.

Dated at Germantown, Md., August 17, 1961.

For The Atomic Energy Commission.

HAROLD D. ANAMOSA,
Acting Secretary.

[F.R. Doc. 61-8165; Filed, Aug. 23, 1961; 9:58 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7009]

FLORIDA POWER CORP.

Notice of Application

AUGUST 18, 1961.

Take notice that on August 14, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Florida Power Corporation ("Applicant"), a corporation organized under the laws of the State of Florida and doing business in the State of Florida with transmission facilities interconnected at the Georgia-Florida State line with those of Georgia Power Company, with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of $30,000,000 in promissory notes to various banks hereinafter named. Applicant is in the process of establishing a $30,000,000 line of credit with a group of banks under which borrowings will be effectuated by the issuance on and/or after September 11, 1961, of unsecured promissory notes payable on or before August 31, 1962. The promissory notes will be issued to, and participation will be had by, the banks named below in the amounts set forth as follows:

Name of Bank	*Participation*
Morgan Guaranty Trust Company of New York	$10,800,000
The Hanover Bank, New York	5,400,000
Chemical Bank New York Trust Co., New York	4,050,000
The Chase Manhattan Bank, New York	2,700,000
Bankers Trust Company, New York	2,700,000
Irving Trust Company, New York	1,350,000
Morgan Guaranty Trust Company of New York:	
Florida National Bank at St. Petersburg	500,000
The First National Bank at Orlando	675,000
The First National Bank in St. Petersburg	600,000
Union Trust Company, St. Petersburg	400,000
Citizens National Bank of St. Petersburg	150,000
City Bank and Trust Company, St. Petersburg	175,000
First National Bank at Winter Park	150,000
The Commercial Bank at Winter Park	100,000
Bank of Clearwater	100,000
First National Bank of Clearwater	150,000
Total	30,000,000

Applicant further states borrowings will be made from time to time during the period from September 11, 1961, to and including August 31, 1962, and that interest rates in the proposed borrowings will be determined at the time each loan is made and will be arranged through the Morgan Guaranty Trust Company of New York. Applicant agrees not to pay an interest rate in excess of the then current prime rate (presently 4½ percent) for similar loans in New York City; and none of said promissory notes are to be resold by the banks to the public. Applicant will also reserve the right under said line of credit to prepay all or any portion of the loans without penalty, and to reissue any of such notes so prepaid. Applicant states that the purpose for which the notes are to be issued is to finance temporarily a portion of its current construction program and to pay off a $4,000,000 loan presently owed to Morgan Guaranty Trust Company of New York.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 1st day of September 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8084; Filed, Aug. 23, 1961; 8:45 a.m.]

[Project No. 1488]

OREGON

Vacation of Withdrawal

AUGUST 18, 1961.

The Bureau of Land Management, United States Department of the Interior, has requested that the Commission vacate the withdrawal pertaining to the lands which were reserved pursuant to the filing on March 19, 1938, of the application for a license for major Project No. 1488.

The lands involved were described in the Commission's June 13, 1938 withdrawal notification letter as embracing portions of the following-described lands in sec. 1 for transmission line location and in sec. 19 for pipeline and access road location:

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 7 W.,
Sec. 1, SW¼NW¼, NW¼SE¼, S½SE¼ and N½SW¼;
Sec. 19, S½SE¼, SE¼SW¼.

The license for the project—which was located on Lake Creek in Lane County, Oregon, had an installed capacity of 225 horsepower and affected Revested Oregon and California Railroad grant lands of the United States—was issued June 12, 1947, for a period of 50 years from November 7, 1938, and subsequently amended.

By order issued February 2, 1960, the Commission accepted surrender of the license for the project effective as of December 31, 1958. The area is now securing power from the Bonneville Power Administration.

The Commission finds: Inasmuch as the above-described lands have negligible value for purposes of power development, the existing power withdrawal pertaining to the lands under section 24 of the Federal Power Act pursuant to the filing of the application for a license for Project No. 1488 serves no useful purpose and vacation of the withdrawal is in the public interest.

The Commission orders: The existing power withdrawal pertaining to the above-described lands under section 24 of the Federal Power Act pursuant to the filing of the application for a license for Project No. 1488 is vacated.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8083; Filed, Aug. 23, 1961; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL ADMINISTRATOR, REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Designation

The officers appointed to the following listed positions in Region VII are hereby designated to act in the place and stead of the Regional Administrator for Region VII, with the title of "Acting Regional Administrator" and with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator, during the absence or disability of the Regional Administrator, provided that no officer shall have authority to act as "Acting Regional Administrator" unless all those whose titles appear before his in this designation are unable to act by reason of absence or disability:

1. Regional Director of Urban Renewal.
2. Regional Director of Community Facilities Activities.
3. Regional Counsel.

This designation supersedes the designation effective November 1, 1960 (25 F.R. 12216, November 29, 1960), which is hereby revoked.

(Housing and Home Finance Administrator's delegation effective April 1, 1960 (25 F.R. 3438, April 20, 1960))

Effective as of the 24th day of August 1961.

[SEAL] ELISEO G. FONT,
Regional Administrator, Region VII.

[F.R. Doc. 61-8112; Filed, Aug. 23, 1961; 8:48 a.m.]

Public Housing Administration

REGIONAL ATTORNEYS

Delegations of Final Authority

Section II *Delegations of final authority*, is amended as follows:

Paragraph C10 is added as follows:

10. To make certifications in accordance with section 22(c) of the United States Housing Act of 1937, as amended.

Regional Attorneys.

Approved: August 17, 1961.

[SEAL] MARIE C. McGUIRE,
Commissioner.

[F.R. Doc. 61-8089; Filed, Aug. 23, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 537]

MOTOR CARRIER TRANSFER PROCEEDING

AUGUST 21, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceeding within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 64407. By order of August 16, 1961, The Transfer Board approved the transfer to Richard W. Remias and Edward A. Remias, doing business as Remias Bros. Moving and Storage, Chagrin Falls, Ohio, of Certificate No. MC 109240, issued March 9, 1956, To Laura Calhoun, doing business as Calhoun Moving & Storage Company, Chardon, Ohio, authorizing the transportation of: Household goods, between points in Geauga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, New Jersey, New York, Pennsylvania, West Virginia, and the lower peninsula of Michigan. David J. Eardley, 109 Main Street, Chardon, Ohio, attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-8101; Filed, Aug. 23, 1961; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading

AUGUST 18, 1961.

The common stock, $1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 19, 1961 to August 28, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8096; Filed, Aug. 23, 1961; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

ORDNANCE CORPS

Notice of Amendment of Plan and Regulations Governing Integration Committee on Light Gun Tanks and Allied Combat Vehicles

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Light Gun Tanks and Allied Combat Vehicles, as amended, to put the Committee mechanism for meeting defense requirements in a standby status until such time as a national emergency in this field should be found to require reactivation. The voluntary plan has ben amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955. This amendment was made after consultation between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Civil and Defense Mobilization. This amended voluntary plan was approved by the Director of the Office of Civil and Defense Mobilization and was found to be in the public interest as contributing to the national defense.

Contents of Request

Reference is made to the participation of your company in the activities of the Ordnance Integration Committee on Light Gun Tanks and Allied Combat Vehicles. The Department of the Army has recommended that the Plan and Regulations of the Ordnance Corps Governing its activities be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended (Plan and Amendment attached).

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D.C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request for your participation in the activities of this Committee is superseded and withdrawn.

Your cooperation in this matter will be appreciated.

Sincerely,

FRANK B. ELLIS, *Director.*

The following companies have agreed to participate in the amended plan and this list supersedes membership notice published in 16 F.R. 9826, September 27, 1951.

Acceptances

Allis-Chalmers Manufacturing Co., Milwaukee, Wis.
American Car & Foundry Industries, Inc., New York, N.Y.
Cadillac Motor Car Division, General Motors Corporation, Detroit, Mich.
Food Machinery & Chemical Corp., Ordnance Division, San Jose, Calif.
International Harvester Co., Chicago, Ill.
Massey-Ferguson, Inc., Detroit, Mich.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; E.O. 10480, Aug. 14, 1953, 18 F.R. 4939; Reorg. Plan No. 1 of 1958, 23 F.R. 4991, as amended; E.O. 10773, July 1, 1958, 23 F.R. 5061; E.O. 10782, Sept. 6, 1958, 23 F.R. 6971)

Dated: August 11, 1961.

FRANK B. ELLIS,
Director, Office of Civil and Defense Mobilization.

[F.R. Doc. 61-8111; Filed, Aug. 23, 1961; 8:48 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

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Now Available

CFR SUPPLEMENTS

(As of January 1, 1961)

The following books are now available:

Title 14 (Parts 1–199) (Revised) $3.75

Title 26 (Parts 170–299) (Revised) $6.25

Previously announced:

1960 Supplement to Title 3 ($0.50); Title 5 (Revised) ($4.00); Title 6 ($2.25); Title 7, Parts 1–50 ($0.55); Parts 51–52 ($0.60); Parts 53–209 ($0.55); Parts 210–399 ($0.35); Parts 400–899 ($1.25); Parts 900–959 ($1.75); Parts 960 to end ($2.75); Title 8 ($0.40); Title 9 ($0.40); Titles 10–13 ($0.75); Title 14, Parts 200–399 (Revised) ($1.50); Parts 400–599 (Revised) ($1.00); Parts 600 to end (Revised) ($2.25); Title 15 ($1.25); Title 16 ($0.35); Title 17 ($1.00); Title 18 (Revised) ($6.75); Title 19 (Revised) ($5.50); Title 20 (Revised) ($5.50); Title 21 ($1.75); Titles 22–23 ($0.50); Title 24 ($0.55); Title 25 ($0.50); Title 26, Part 1 (§§ 1.0–1—1.400) (Revised) ($5.50); Part 1 (§§ 1.401–1.860) (Revised) ($5.50); Part 1 (§ 1.861 to end) to Part 19 (Revised) ($5.00); Parts 20–29 (Revised) ($4.25); Parts 30–39 (Revised) ($3.50); (Parts 40–169) (Revised) ($4.50); Parts 300–499 (Revised) ($4.00); Parts 500–599 (Revised) ($4.25); (Parts 600 to end) (Revised) ($3.00); Title 27 (Revised) ($3.00); Titles 28–29 ($1.75); Titles 30–31 ($0.60); Title 32, Parts 1–39 (Revised ($5.50); Parts 40–399 (Revised) ($4.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999 ($0.40); Parts 1000–1099 ($1.00); Parts 1100 to end ($0.60); Title 32A ($0.60); Title 33 ($1.75); Title 35 ($0.30); Title 36 ($0.30); Title 37 ($0.30); Title 38 ($1.25); Title 39 ($1.50); Titles 40–41 (Revised) ($1.50); Title 42 ($0.35); Title 43 ($1.00); Title 44 ($0.30); Title 45 ($0.40); Title 46, Parts 1–145 ($1.25); Parts 146–149 (1961 Supp. 1) ($1.00); Parts 150 to end ($1.00); Title 47, Parts 1–29 ($1.25); Parts 30 to end ($0.40); Title 49, Parts 1–70 ($1.00); Parts 71–90 ($1.00); Parts 91–164 ($0.50); Parts 165 to end (Revised) ($5.00); Title 50 (Revised) ($3.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 163

Washington, Thursday, August 24, 1961

Uniform System of Accounts for Railroad Companies Proposed Regulations

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Notice of Proposed Rule Making

AUGUST 14, 1961.

Notice is hereby given that the Interstate Commerce Commission has under consideration a revised issue of the uniform system of accounts for railroads for the purpose of improving the arrangement of the present accounting regulations and making changes in the general instructions and the texts of the accounts now deemed to be necessary and which are embodied in the accounting regulations set forth in detail herein below.

Explanatory statement. The subject of desirable and necessary revisions and rearrangement in the general accounting instructions was announced heretofore in notice of rule making published in the FEDERAL REGISTER on October 28, 1960, 25 F.R. 10358. The matters therein covered are revised in some particulars herein and, in addition, important rearrangement in the texts of many of the accounts, not covered in the earlier notice, are deemed to be necessary and desirable. The numerous revisions and rearrangements make desirable cancelation of the present accounting regulations and issuance of revised accounting regulations as set forth herein to be designated Uniform System of Accounts for Railroads, Issue of 1962. Changes contained in this proposed rule compared with the present accounting regulations may be summarized and explained as follows:

1. Comprehensive rules are prescribed herein for acquisition of railway properties in mergers and consolidations, including acquisitions through direct purchase of property or capital stock and also through exchange of stock and pooling of stockholders equities; rules also are prescribed for property and other assets, liabilities, and capital, in reorganizations. The rules for classifying amounts under assets, liabilities, or stockholders equity, as may be appropriate, are clarified in the light of present-day conditions, and the balance sheet account for acquisition adjustment is discontinued.

2. Rules are prescribed for pension payments made to trustees under present-day trust fund plans, and for costs of employees health and welfare benefits; procedure is prescribed for distribution of cost to operating expenses.

3. Rules covering depreciation are restated and clarified in respect to method of computing and application of prescribed rates; also the procedure to be followed where such rates are no longer applicable because of material changes in plant property or premature obsolescence; instructions are issued regarding timely provision for suitable reserve in anticipation of probable loss from retirement of important segments of track.

4. Rules pertaining to cost of construction projects in which governmental agencies participate, such as relocation of section of the railroad incidental to building of dam for flood control and construction of overhead or undergrade crossings, are clarified; no part of costs of public improvement projects borne by governmental agencies is to be capitalized by a railroad; also, the balance sheet account for donations and grants is discontinued.

5. The costs of structures used partly in transportation and partly in nontransportation operations and related maintenance expenses are to be classified according to primary use of each facility.

6. Rules applicable to units of property rebuilt and to property converted have been clarified and coordinated.

7. Rules are clarified to specify that charges to operating expenses and accretions to operating reserves for unsettled claims and other unsettled matters shall not exceed a reasonable provision for costs incurred during each year; also that reserves shall not be diverted from the purpose for which provided unless permission is first obtained.

8. Liability for obligation to reimburse lessor for leased property retired (other than through current replacement of property) is to be included in the appropriate liability account.

9. Account 459, Valuation Expenses, originally designed to disclose relatively large amounts of annual expenses incident to valuation of property during the progress of main phases of the work, canceled; annual current expenses are no longer relatively large or important and this account is unnecessary.

10. Rules pertaining to contingent liabilities are amplified and important classes of items described.

11. The rules authorizing recording of appropriations of surplus for general undetermined contingencies, indefinite possible future extraordinary losses, and other corporate purposes are clarified.

12. General rearrangement in the present instructions is made in order that interrelated additions to and changes which have been made from time to time in the past in the regulations will be suitably placed and duplication or overlapping is eliminated.

13. A list of definitions is added covering the principal words and terms which have special or significant meaning in the application of the accounting regulations.

14. Unnecessary lengthy detailed lists of small items of material and supplies have been eliminated from the texts of several operating expense and other accounts and, when necessary, descriptions of classes of items have been substituted.

15. Other modifications, not material in character, have been made in general instructions and texts of the accounts which are desirable for purpose of clarifying the regulations.

In order that the Commission may be fully advised in this matter, interested parties may submit to the Commission at Washington 25, D.C., not later than October 9, 1961, data, views, and comments in writing concerning this uniform system of accounts herein proposed. An original and three copies should be submitted of any such responses. The Commission will consider such responses before acting in this matter.

A copy of this notice will be mailed to each carrier by railroad hereby affected, and notice given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C. and by filing this notice with the Director, Office of the Federal Register.

(Sec. 20, 24 Stat. 386, as amended; 49 U.S.C. 20)

By the Commission, division 2.

[SEAL] HAROLD D. MCCOY
Secretary.

APPLICATION OF PROPOSED RULE

The Uniform System of Accounts for Railroad Companies (which are not independently operated as electric railways), Issue of 1957, the subsequent modifications thereof are canceled effective January 1, 1962, Secs. 10.00 to 10.825, both inclusive. The Uniform System of Accounts for Railroad Companies, Issue of 1962, which is set forth herein below shall become effective January 1, 1962, concurrently with the cancellation of the Issue of 1957.

LIST OF INSTRUCTIONS AND ACCOUNTS

(i) Regulations prescribed.
(ii) Definitions.

GENERAL INSTRUCTIONS

1-1 Classification of carriers.
1-2 Classification of accounts.
1-3 Records.
1-4 Accounting period.
1-5 Accrual method of accounting.
1-6 Unaudited items.
1-7 Delayed items.
1-8 Operating reserves.
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1-20 Items in texts of accounts.
1-21 Submission of questions.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2-1 Items to be charged.
2-2 Minimum rule applicable to additions to property.
2-3 Land.
2-4 Structures.
2-5 Equipment.
2-6 Components of construction cost.
2-7 Additions to and retirements of property—General.
2-8 Additions to and retirements of units of property.
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2-10 Expenses in connection with additions and betterments.
2-11 Units of property rebuilt or converted.
2-12 Changes in line of road.
2-13 Relocation of yard tracks.
2-14 Merger, consolidation, and purchase of a railway operating entity or system.
2-15 Reorganization of railway.
2-16 Construction projects in which governmental agencies, individuals, or others, and the carrier participate.
2-17 Leased property improvements and retirements.
2-18 List of units of property.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3-1 Items to be charged.
3-2 Equalization of maintenance expenses.

INSTRUCTIONS FOR CLEARING ACCOUNTS

4-1 Items to be charged.
4-2 Material and stationary store expenses.
4-3 Shop expenses.
4-4 Gravel and sand pits and quarries.
4-5 Power plant operations.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

5-1 Method.
5-2 Rates of depreciation.
5-3 Depreciation records to be kept.
5-4 Leased property—depreciation.
5-5 Jointly used property—depreciation.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

6-1 Current assets.
6-2 Recorded value of securities owned.
6-3 Discount, expense and premium on debt.
6-4 Discount, premium, and assessment on capital stock.
6-5 Joint liabilities.
6-6 Contingent assets and liabilities.

PROPERTY ACCOUNTS

Road

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2 Land for transportation purposes.
2½ Other right-of-way expenditures.
3 Grading.
5 Tunnels and subways.
6 Bridges, trestles, and culverts.
7 Elevated structures.
8 Ties.
9 Rails.
10 Other track material.
11 Ballast.
12 Track laying and surfacing.
13 Fences, snowsheds, and signs.
16 Station and office buildings.
17 Roadway buildings.
18 Water stations.
19 Fuel stations.
20 Shops and enginehouses.
21 Grain elevators.
22 Storage warehouses.
23 Wharves and docks.
24 Coal and ore wharves.
26 Communication systems.
27 Signals and interlockers.
29 Power plants.
31 Power-transmission systems.
35 Miscellaneous structures.
37 Roadway machines.
38 Roadway small tools.
39 Public improvements; construction.
40 Revenues and operating expenses during construction.
42 Reconstruction of road property acquired.
43 Other expenditures; road.
44 Shop machinery.
45 Power-plant machinery.
47 Unapplied construction material and supplies.

Equipment

50 Equipment.
51 Steam locomotives.
52 Other locomotives.
53 Freight-train cars.
54 Passenger-train cars.
56 Floating equipment.
57 Work equipment.
58 Miscellaneous equipment.
59 Unapplied material and supplies; equipment.

General Expenditures

70 General expenditures.
71 Organization expenses.
72 General officers and clerks.
73 Law.
74 Stationery and printing.
75 Taxes.
76 Interest during construction.
77 Other expenditures; general.
80 Other elements of investment.

RAILWAY OPERATING REVENUE ACCOUNTS

100 Transportation; rail line.
101 Freight.
102 Passenger.
103 Baggage.
104 Sleeping car.
105 Parlor and chair car.
106 Mail.
107 Express.
108 Other passenger-train.
109 Milk.
110 Switching.
113 Water transfers.

INCIDENTAL REVENUE ACCOUNTS

130 Incidental.
131 Dining and buffet.
132 Hotel and restaurant.
133 Station, train, and boat privileges.
135 Storage; freight.
137 Demurrage.
138 Communication.
139 Grain elevator.
141 Power.
142 Rents of buildings and other property.
143 Miscellaneous.

JOINT FACILITY REVENUE ACCOUNTS

150 Joint facility.
151 Joint facility—Cr.
152 Joint facility—Dr.

RAILWAY OPERATING EXPENSE ACCOUNTS

Maintenance of Roadway and Structures

200 Maintenance of way and structures.
201 Superintendence.
202 Roadway maintenance.
206 Tunnels and subways.
208 Bridges, trestles, and culverts.
210 Elevated structures.
212 Ties.
214 Rails.
216 Other track material.
218 Ballast.
220 Track laying and surfacing.
221 Fences, snowsheds, and signs.
227 Station and office buildings.
229 Roadway buildings.
231 Water stations.
233 Fuel stations.
235 Shops and enginehouses.
237 Grain elevators.
239 Storage warehouses.
241 Wharves and docks.
243 Coal and ore wharves.
247 Communication systems.
249 Signals and interlockers.
253 Power plants.
257 Power-transmission systems.
265 Miscellaneous structures.
266 Road property; depreciation.
267 Retirements; road.
269 Roadway machines.
270 Dismantling retired road property.
271 Small tools and supplies.
272 Removing snow, ice, and sand.
273 Public improvements; maintenance.
274 Injuries to persons.
275 Insurance.
276 Stationery and printing.
277 Employees health and welfare benefits.
278 Maintaining joint tracks, yards, and other facilities—Dr.
279 Maintaining joint tracks, yards, and other facilities—Cr.
280 Equalization; way and structures.
281 Right-of-way expenses.
282 Other expenses.

Maintenance of Equipment

300 Maintenance of equipment.
301 Superintendence.
302 Shop machinery.
304 Power-plant machinery.
305 Shop and power-plant machinery; depreciation.
306 Dismantling retired shop and power-plant machinery.
308 Steam locomotives; repairs.
311 Other locomotives; repairs.
314 Freight-train cars; repairs.
317 Passenger-train cars; repairs.
323 Floating equipment, repairs.
326 Work equipment; repairs.
328 Miscellaneous equipment; repairs.
329 Dismantling retired equipment.
330 Retirements; equipment.
331 Equipment; depreciation.
332 Injuries to persons
333 Insurance.
334 Stationery and printing.
335 Employees health and welfare benefits.
336 Joint maintenance of equipment expenses—Dr.
337 Joint maintenance of equipment expenses—Cr.
338 Equalization; equipment.
339 Other expenses.

Traffic Expense Accounts

350 Traffic.
351 Superintendence.
352 Outside agencies.
353 Advertising.
354 Traffic associations.
355 Fast freight lines.
356 Industrial and immigration bureaus.
357 Insurance.
358 Stationery and printing.
359 Employees health and welfare benefits.
360 Other expenses.

Transportation Expense Accounts

370 Transportation; rail line.
371 Superintendence.
372 Dispatching trains.
373 Station employees.
374 Weighing, inspection, and demurrage bureaus.
375 Coal and ore wharves.
376 Station supplies and expenses.
377 Yardmasters and yard clerks.
378 Yard conductors and brakemen.
379 Yard switch and signal tenders.
380 Yard enginemen.
382 Yard switching fuel.
383 Yard switching power produced.
384 Yard switching power purchased.
385 Water for yard locomotives.
386 Lubricants for yard locomotives.
387 Other supplies for yard locomotives.
388 Enginehouse expenses; yard.
389 Yard supplies and expenses.
390 Operating joint yards and terminals—Dr.
391 Operating joint yards and terminals—Cr.
392 Train enginemen.
394 Train fuel.
395 Train power produced.
396 Train power purchased.
397 Water for train locomotives.
398 Lubricants for train locomotives.
399 Other supplies for train locomotives.
400 Enginehouse expenses; train.
401 Trainmen.
402 Train supplies and expenses.
403 Operating sleeping cars.
404 Signal and interlocker operation.
405 Crossing protection.
406 Drawbridge operation.
407 Communication system operation.
408 Operating floating equipment.
409 Employees health and welfare benefits.
410 Stationery and printing.
411 Other expenses.
412 Operating joint tracks and facilities—Dr.
413 Operating joint tracks and facilities—Cr.
414 Insurance.
415 Clearing wrecks.
416 Damage to property.
417 Damage to livestock on right of way.

418 Loss and damage; freight.
419 Loss and damage; baggage.
420 Injuries to persons.

Miscellaneous Operations Expenses

440 Miscellaneous operations.
441 Dining and buffet service.
442 Hotels and restaurants.
443 Grain elevators.
445 Producing power sold.
446 Other miscellaneous operations.
447 Operating joint miscellaneous facilities—Dr.
448 Operating joint miscellaneous facilities—Cr.
449 Employees health and welfare benefits.

General Operating Expenses

450 General.
451 Salaries and expenses of general officers.
452 Salaries and expenses of clerks and attendants.
453 General office supplies and expenses.
454 Law expenses.
455 Insurance.
456 Employees health and welfare benefits.
457 Pensions.
458 Stationery and printing.
460 Other expenses.
461 General joint facilities—Dr.
462 General joint facilities—Cr.

Condensed Classification of Operating Expenses

480 Accounts for small carriers, Class II.

INCOME ACCOUNTS

501 Railway operating revenues.
502 Revenues from miscellaneous operations.
503 Hire of freight cars; credit balance.
504 Rent from locomotives.
505 Rent from passenger-train cars.
506 Rent from floating equipment.
507 Rent from work equipment.
508 Joint facility rent income.
509 Income from lease of road and equipment.
510 Miscellaneous rent income.
511 Income from nonoperating property.
512 Separately operated properties; profit.
513 Dividend income.
514 Interest income.
516 Income from sinking and other reserve funds.
517 Release of premiums on funded debt.
518 Contributions from other companies.
519 Miscellaneous income.
531 Railway operating expenses.
532 Railway tax accruals.
534 Expenses of miscellaneous operations.
535 Taxes on miscellaneous operating property.
536 Hire of freight cars; debit balance.
537 Rent for locomotives.
538 Rent for passenger-train cars.
539 Rent for floating equipment.
540 Rent for work equipment.
541 Joint facility rents.
542 Rent for leased roads and equipment.
543 Miscellaneous rents.
544 Miscellaneous tax accruals.
545 Separately operated properties; loss.
546 Interest on funded debt.
547 Interest on unfunded debt.
548 Amortization of discount on funded debt.
549 Maintenance of investment organization.
550 Income transferred to other companies.
551 Miscellaneous income charges.
560 Form of income statement.

Retained Income Accounts

Credit

601 Credit balance (at beginning of calendar year).
602 Credit balance transferred from income.
603 Profit from sale of property.
604 Profit from sale of investment securities.
605 Profit from company bonds reacquired.
606 Other credits to retained income.

Debit

611 Debit balance (at beginning of calendar year).
612 Debit balance transferred from income.
613 Loss on sale or retirement of property.
614 Loss on sale of investment securities.
615 Loss on company bonds reacquired.
616 Other debits to retained income.
617 Federal income taxes assigned to retained income.
620 Appropriations for sinking and other reserve funds.
621 Appropriations for other purposes.
622 Appropriations released.
623 Dividends.

GENERAL BALANCE SHEET ACCOUNTS

Debit

701 Cash.
702 Temporary cash investments.
703 Special deposits.
704 Loans and notes receivable.
705 Traffic and car-service balances—Dr.
706 Net balance receivable from agents and conductors.
707 Miscellaneous accounts receivable.
708 Interest and dividends receivable.
709 Accrued accounts receivable.
710 Working fund advances.
711 Prepayments.
712 Material and supplies.
713 Other current assets.
715 Sinking funds.
716 Capital and other reserve funds.
717 Insurance and other funds.
721 Investments in affiliated companies.
722 Other investments.
723 Reserve for adjustment of investment in securities—Cr.
731 Road and equipment property.
732 Improvements on leased property.
735 Accrued depreciation; road and equipment.
736 Amortization of defense projects; road and equipment.
737 Miscellaneous physical property.
738 Accrued depreciation; miscellaneous physical property.
741 Other assets.
742 Unamortized discount on long-term debt.
743 Other deferred charges.

Credit

751 Loans and notes payable.
752 Traffic and car-service balances—Cr.
753 Audited accounts and wages payable.
754 Miscellaneous accounts payable.
755 Interest matured unpaid.
756 Dividends matured unpaid.
757 Unmatured interest accrued.
758 Unmatured dividends declared.
759 Accrued accounts payable.
760 Federal income taxes accrued.
761 Other taxes accrued.
763 Other current liabilities.
764 Equipment obligations and other debt due within one year.
765 Funded debt unmatured.
766 Equipment obligations.
767 Receivers' and trustees' securities.
768 Debt in default.
769 Amounts payable to affiliated companies.
771 Pension and welfare reserves.
772 Insurance reserves.
773 Equalization reserves.
774 Casualty and other reserves.
781 Interest in default.
782 Other liabilities.
783 Unamortized premium on long-term debt.
784 Other deferred credits.
785 Accrued depreciation; leased property.
791 Capital stock issued.
792 Stock liability for conversion.
793 Discount on capital stock.
794 Premiums and assessments on capital stock.
795 Paid-in surplus.
796 Other capital surplus.
797 Retained income; appropriated.
798 Retained income; unappropriated.
799 Form of general balance sheet statement.

CLASSIFICATION OF MILEAGE ACCOUNTS

Train Miles

800 Rules and definitions.

Train-mile Accounts

TRANSPORTATION SERVICE

801 Freight-train miles.
802 Passenger-train miles.

WORK SERVICE

805 Work-train miles.

Locomotive Miles

810 Rules and definitions.

Locomotive-mile Accounts

TRANSPORTATION SERVICE; LINE

811 Freight locomotive-miles.
812 Passenger locomotive-miles.

TRANSPORTATION SERVICE; SWITCHING

815 Train switching locomotive-miles.
816 Yard switching locomotive-miles.

WORK SERVICE

817 Work service locomotive-miles.

Car Miles

820 Rules and definitions.

Car-mile Accounts

TRANSPORTATION SERVICE

821 Freight-train car-miles.
822 Passenger-train car-miles.

WORK SERVICE

825 Work service car-miles.

REGULATIONS PRESCRIBED

(i) *Regulations prescribed.* Carriers by railroad subject to provisions of the Interstate Commerce Act and not independently operated as electric lines, and each lessor of such a carrier, shall comply with regulations in this part as presented hereinafter.

(ii) *Definitions.*

1. "Accounts" means the accounts prescribed in this system of accounts.

2. "Actually issued," as applied to funded debt securities or capital stock issued or assumed by the company, means those which have been sold to bona fide purchasers or holders for a valuable consideration (including those issued in exchange for other securities or other property) and such purchasers or holders secured them free from control by the carriers. Also securities issued as dividends on stock.

3. "Actually outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier means those which have been actually issued and are neither retired and canceled nor reacquired and held by or for the accounting company.

4. "Affiliated companies" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier.

5. "Amortization" means the gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

6. "Carrier" as used herein and when not otherwise indicated in the context means any carrier to which this system of accounts is applicable.

7. "Commission" means the Interstate Commerce Commission.

8. "Control" (including the terms "controlling," "controlled by," and "under common control with") means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement, and whether such power is established through a majority of minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, associated companies, contract or any other direct or indirect means.

9. "Cost of removal" means cost of demolishing, dismantling, tearing down or otherwise removing property.

10. "Debt expense" means all expenses in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording evidences of debt; cost of engraving and printing bonds and certificates of indebtedness; fees paid trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

11. "Discount" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the par or face value of the securities plus interest or dividends accrued at the date of the sale over the cash value of the consideration received from their sale.

12. "Ledger value" of property means the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

13. "Minor items of property" means the associated parts or items of which units of property are composed.

14. "Nominally issued" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which have been signed, certified by trustees, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company.

15. "Nominally outstanding" as applied to funded debt securities or capital stock issued or assumed by the carrier, means those which, after being actually issued, have been reacquired by or for the accounting company under such circumstances which require them to be considered as held alive and not retired and canceled.

16. "Premium" as applied to funded debt securities or capital stock issued or assumed by the carrier, means the excess of the cash value of the consideration received from their sale over the sum of their par or face value and interest or dividends accrued at the date of sale.

17. "Property retired" means units of property which have been removed, sold, abandoned, destroyed, or which for any cause have been permanently withdrawn from service; also minor items of property not replaced.

18. "Salvage value" means the amount received for property retired or from the salvage therefrom if sold; or, if retained, the amount at which the material recoverable is chargeable to material and supplies account or other appropriate account.

19. "Service life" means the period between the date when property is placed in service and the date of its retirement.

20. "Service value" means the ledger value less the salvage value recovered therefrom.

GENERAL INSTRUCTIONS

1–1 *Classification of carriers.* (a) For the purposes of applying this system of accounts, carriers are divided into two general classes, designated respectively Class I and Class II.

Class I. Carriers having annual railway operating revenues of $3,000,000 or more.

Class II. Carriers having annual railway operating revenues less than $3,000,000.

(b) Both Class I and Class II carriers shall keep the accounts prescribed herein, except that a condensed grouping of primary operating expense accounts is provided for the use of Class II carriers. Class II carriers desiring to do so may maintain the primary accounts prescribed for Class I carriers but must be prepared to combine the accounts for the purpose of making entries in reports filed with the Commission.

(c) In applying the classification grouping to any switching or terminal company which is operated as a joint facility of owning or tenant railways the sum of the annual railway operating revenues, the joint facility rent income, and the totals of the joint facility accounts in operating expenses, shall be used in determining its class.

(d) This classification of carriers shall be based on the average annual railway operating revenues for the last three consecutive years; and, if at the close of any calendar year the average of the annual railway operating revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been, its class for the second succeeding year shall change accordingly and the carrier shall remain in such class for a period of not less than three consecutive years: *Provided,* That: (1) Carriers which have operated for a period less than three calendar years shall be classified upon the basis of the average of their annual railway operating revenues for the latest period of such operation; (2) newly organized carriers shall be assigned to classes, as above defined, on the basis of their railway operating revenue known or estimated for a year; and (3) carriers shall within 60 days after the close of a calendar year notify the Commission when a change in classification has taken place.

1–2 *Classification of Accounts.* (a) Accounts are prescribed to cover cost of property used in transportation operations and operations incidental thereto and for revenues, expenses, taxes, rents, and other items of income for such operations. Separate accounts are prescribed for investment in property not used in transportation operations and for other investments and income therefrom; for unusual profits and losses includible directly in retained income; and for assets, liabilities and capital includible in the balance sheet statement.

(b) The cost of property, and the revenues, expenses, taxes and rents, for miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts prescribed for transportation operations unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services. Likewise, the cost of property, the revenues, expenses, taxes, and rents arising for the operation of stockyards shall not be included in accounts prescribed for transportation operations unless operation of the facilities is conducted in connection with transportation of livestock. It is not intended that cost of property and income arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from transportation operation accounts.

(c) Joint facility accounts are provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities in which to record items in settlement for use of such facilities. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car or other unit, the amount shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor. Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers, is not considered a joint facility operation.

(d) All items of profit and loss recognized during the year are includible in net income except items which in the aggregate for the same class are both material in relation to net income for the year and are clearly not indentified

with or do not result from usual business operations of the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from net income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds reacquired, and from delayed items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from income accounts, would distort the accounts and impair the significance of net income for the year so that misleading inferences might be drawn therefrom. Items so excludible from net income are to be entered directly in the retained income accounts provided for such items.

1–3 *Records.* (a) Each carrier shall keep its books of account, and all other books, records and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(b) The books and records referred to herein include not only accounting records in a limited technical sense, but all other records, such as minute books, stock books, reports, correspondence, memoranda, etc., which may be useful in developing the history of or facts regarding any transaction.

(c) No carrier shall destroy any such books or records unless the destruction thereof is permitted by the Regulations to Govern the Destruction of Records of Railroad Companies.

(d) In addition to prescribed accounts, clearing accounts, temporary accounts, and subdivisions of any accounts, may be kept, provided the integrity of the prescribed accounts is not impaired.

1–4 *Accounting period.* Each carrier shall keep its books on a monthly basis so that known transactions, as nearly as may be ascertained, shall be entered in the accounts not later than 60 days after the last day of the period for which the accounts are stated, except that the time within which the final entries for the year ending December 31 shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual report.

1–5 *Accrual method of accounting.* The accounting for operating revenues, operating expenses, income and other items each month and year shall be, as nearly as practicable, upon the basis of accruals consistently applied. Any change in practice of accounting for accruals or any unusual accruals involving material amounts shall be reported promptly to the Commission.

1–6 *Unaudited items.* When it is known that a transaction has occurred which affects operating revenues, operating expenses, income and other accounts but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate income and balance sheet accounts. Such estimate shall be adjusted in the following month or as soon thereafter as the actual amount can be determined. If the estimate is not adjusted in the following month, the amount shall be revised whenever and at the time a substantial change is indicated and the amounts in the balance sheet accounts with respect to such items shall be kept separately in the records until settled and adjusted. The carrier is not required to anticipate items which do not appreciably affect the accounts.

1–7 *Delayed items.* Ordinary delayed items and adjustments arising during the current year which are applicable to prior years shall be included in the same account which would have been charged or credited if the item had been taken up or the adjustment made in the year to which it pertained. When the amount of a delayed item or adjustment is relatively so large that its inclusion in net income for a single month would seriously distort the accounts for the month (but not for the year), such amount may be distributed in equal monthly charges or credits, as the case may be, to the remaining months of the calendar year. See instruction 1–2(d) for instructions covering delayed items of a nonrecurring nature which are includible directly in retained income accounts.

1–8 *Operating reserves.* Accretions to reserve accounts made by charges to operating expenses, operating revenues, or income shall not exceed a reasonable provision for expenses or other costs incurred during the accounting period. Balances for each year in each reserve account shall be kept separately until the items have been settled and adjusted and amounts shall not be diverted from the purpose for which provided unless permission of the Commission is first obtained.

1–9 *Employees Health and Welfare Benefits.* (a) A primary account is prescribed in each of the general accounts in operating expenses in which to record premiums on group insurance policies for the benefit of officers and employees and other costs of employees health and welfare benefits whether under contract arrangements with labor organizations or otherwise. The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

(b) The insurance premiums and other expenses that are directly or naturally assignable to primary accounts prescribed under each general account shall be distributed to such accounts. Premiums on policies and expenses incurred for the benefit of officers or employees who work in more than one department or perform more than one class of service shall be apportioned to the appropriate primary accounts in the same ratio as their pay is distributed to primary accounts, or may be distributed on some other equitable basis. Small amounts applicable to time spent on incidental or occasional duties may be included in the primary account appropriate according to the regular duty or predominant work assignment of the employees.

1–20 *Items in texts of accounts.* The items appearing in the texts of the accounts or elsewhere herein are for the purpose of more clearly indicating the application of the prescribed accounting. The items are intended to be representative, but not exhaustive. The appearance of an item in the text of a primary account warrants the inclusion of the item in the account mentioned only when the whole text also indicates inclusion inasmuch as the same item frequently appears in more than one primary account. The proper entry in each instance must be determined by the whole text of each primary account.

1–21 *Submission of questions.* To maintain uniformity of accounting, carriers shall submit questions of doubtful interpretation to the Commission for consideration and decision.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–1 *Items to be charged.* (a) To the road and equipment property accounts shall be charged the cost of purchasing land, the cost of purchasing and constructing buildings, facilities and equipment, and the cost of additions and betterments to property. "Cost" means the amount of money actually paid for property or services. When the consideration given for the property is other than cash in a purchase and sale transaction, as distinguished from a transaction involving the issuance of capital stock in reorganization or a merger and pooling of interest, the value of the consideration shall be determined on a cash equivalent basis. The carrier shall be prepared to furnish the Commission the particulars of its determination of the cash value of the consideration if other than money.

(b) Suitable records shall be maintained showing expenditures during the year for original road and equipment and road extensions; for merger and purchase of existing lines and reorganizations; for additions and betterments; and credits for property retired.

2–2 *Minimum rule applicable to additions to property.* An exception to the rule in instruction 2–1 is that when the cost of acquisition of units of road property and of additions and betterments to existing units of road property (other than land or tracks) is less than $500.00, such cost shall be charged to operating expenses. The carrier shall not parcel expenditures under a general plan for the purpose of bringing the accounting for such expenditures within this minimum rule. An amount of less than $500.00 may be adopted for purposes of this rule provided the carrier first notifies the Commission of the amount it proposes to adopt and thereafter makes no change in the amount unless authorized to do so by the Commission. An amount so adopted shall be adhered to in reporting property changes for valuation purposes.

2–3 *Land.* Accounts are provided for the cost of land used in transportation operations and also for land used in other than transportation operations. When land is retired from transportation operations but is retained by the carrier the original cost (estimated, if not known) shall be transferred to the account prescribed for property used in other than transportation operations. It is not contemplated that irregular parcels of land acquired in connection with acquisition of right of way which have no value as commercial property shall be thus transferred, either for the purpose of making right of way boundaries run more or less regular or for the purpose of eliminating from transportation property account the cost of unoccupied lands between tracks in yards and terminals. When any land, the cost of which is included in the accounts, is sold or otherwise retired, the ledger value shall be credited to the appropriate property investment account. The profit or loss from sale or loss from retirement of land shall be included in the accounts prescribed for such amounts.

2–4 *Structures.* Accounts are provided for the cost of several classes of buildings and facilities, including fixtures permanently attached to and made a part thereof. When a building or other structure is used or held primarily for transportation operations and is an integral part of the carrier's transportation plant, but a part thereof is used or held for commercial purposes such as for rental to others or for use in other than transportation operations by the carrier, the entire cost of the building or other structure is includible in the accounts for transportation property. When a building or other structure is used or held primarily for commercial purposes or for use in other than transportation operations by the carrier, the entire cost of the building or structure is includible in account 737, Miscellaneous Physical Property. Reclassification of property from its primary classification as transportation or other than transportation property, as the case may be, to the other classification is not required where changes in use are of a temporary nature or for a short period of time. The accounting for costs of maintenance, taxes, other operating costs, and for revenues and rentals shall be consistent with the classification of the building or other structure.

2–5 *Equipment.* Accounts are provided for several classes of equipment, such as locomotives, passenger-train cars, freight-train cars, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions and betterments, such as improved appliances, parts, or appurtenances. In case retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 741, Other Assets, until the salvage is recovered.

2–6 *Components of construction cost.* The cost of constructing property includible in the property accounts shall include the direct and other costs as described hereunder.

(a) *Cost of labor.* This includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are especially assigned to construction work their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) *Cost of materials and supplies.* This includes the purchase price of materials and supplies, including small tools, at the point of free delivery plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) *Cost of work-train service.* This includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. Amounts representing constructive rent or return upon the investment in owned equipment shall not be included as a part of the cost of work-train service.

(d) *Cost of special machine service.* This includes the cost of labor expended and of materials and supplies consumed in maintaining and operating power shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(e) *Cost of transportation.* This includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) *Cost of contract work.* This includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) *Cost of protection from casualties.* This includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure incurred directly in connection with construction work.

(h) *Cost of injuries and damages.* This includes expenditures on account of injuries to persons or damage to property when incurred directly as a result of construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumberances on newly acquired lands shall be included in account 2, Land for Transportation Purposes, or 3, Grading, as may be appropriate.

(i) *Cost of privileges.* This includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

(j) *Material excavated.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

2–7 *Additions to and retirements of property—General.* (a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of (1) units of property and (2) other than units of property (minor items). A list of units of property to be used for this purpose is prescribed in instruction 2–18.

(b) The cost of removal of retired property, both depreciable and other than depreciable, when borne by the carrier, shall be charged, as may be appropriate, to account 270, Dismantling Re-

tired Road Property, account 306, Dismantling Retired Shop and Power Plant Machinery; or account 329, Dismantling Retired Equipment.

(c) An equitable proportion of any balance in primary accounts 1, and 72 to 80, both inclusive, applicable to retired property, shall be credited to those accounts concurrently with the retirement accounting.

2–8 *Additions to and retirements of units of property.* (a) When a unit of road or equipment property is added to the plant, the cost thereof shall be included in the appropriate primary account. When a unit of property is retired, with or without replacement, the cost thereof shall be written out of the property account at time of retirement.

(b) When a unit of road or equipment property classified as depreciable and included in the accounts prescribed for depreciable property is retired the service value shall be charged to account 735, Accrued Depreciation—Road and Equipment.

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired the cost thereof shall be cleared from the property account and the service value shall be charged to account 267, Retirements—Road, except that, the service value, when material in amount, in connection with retirement of a branch line, segment of track, or other important facility constituting a permanent reduction in plant may be charged to account 613, Loss on Sale or Retirement of Property, if so authorized by the Commission.

(d) When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to the retired property but not included in the depreciation base) shall be charged to operating expense.

2–9 *Additions and retirements of other than units of property.* (a) When an item of road or equipment property, other than a complete unit, is added to the plant and the addition is not a replacement, the cost thereof shall be accounted for in the same manner as an addition of a complete unit of property, subject to the $500 minimum rule applicable to road property. When an item of property other than a complete unit (minor item) is replaced, independent of the complete unit of which it is a part, the cost of replacement shall be treated as maintenance and charged to operating expenses; except that, when the replacement effects a substantial betterment through the application of superior parts, the primary aim of which is to make the property affected more useful, more efficient, of greater durability, or of greater capacity, the excess cost of new parts over the current cost of new parts of the kind replaced shall be charged to the appropriate primary property account. The cost of removing the old appliances and applying the improved parts shall be charged to operating expenses.

(b) The term "current cost of new parts of the kind replaced" shall not be construed as requiring an estimate based on the current price of parts or material identical with the parts or material replaced when such parts or material are no longer obtainable at reasonable price or would not be used if replacement without betterment were undertaken. In such cases the current cost shall be based on the fair and reasonable cost of parts or material comparable to those being replaced.

(c) When second-hand equipment acquired is in such physical condition that it is necessary to make extensive repairs to bring it up to the standard required by the carrier, the cost of such repairs shall be included in the account appropriate for the cost of the equipment.

2–10 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

2–11 *Units of property rebuilt or converted.* (a) A unit of road property or equipment shall be treated as rebuilt or as converted in the circumstances described in the following paragraphs (b) and (c) of this section and such unit shall be accounted for as an addition and the old unit accounted for as retired from service.

(b) When the cost of renewals of a unit of road property or equipment, exclusive of the expense of dismantling and of repairs of old parts reused, exceeds fifty percent of the cost of a new unit of the same kind and class at that time. This rule does not apply to renewal of a unit of roadway property when the replacement cost new does not exceed $35,000.

(c) When a unit of road property or equipment is transferred from one class of service to another, with or without physical conversion, and becomes includible in a prescribed primary investment account other than that in which the unit previously has been carried.

(d) The charge to the appropriate road and equipment account for rebuilt or converted units shall be the sum of (1) the cost (estimated if necessary) less a fair allowance for depreciation or the salvage value, whichever is lower, of the parts reused and (2) the cost of labor expended in rebuilding or in the conversion process and the cost of additional material applied. In no case shall the total amount charged to the property accounts for such units exceed the estimated cost of units of the same kind and class with a fair allowance for depreciation.

2–12 *Changes in line of road.* When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost thereof to the carrier charged to the property accounts. The cost of such track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to property account.

2–13 *Relocation of yard tracks.* The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate, and the betterment cost of improved parts applied shall be charged to the property accounts. Where tracks in whole or in part within a yard are determined to be no longer permanently used the ledger value of such tracks shall be eliminated from the property account. In case yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

2–14 *Merger, consolidation, and purchase of a railway operating entity or system.* (a) When a railway or portion thereof constituting an operating unit or system is acquired by merger or consolidation in a pooling of interests or by purchase the cost of acquisition represented by cash, capital stock or other securities issued or assumed, liabilities assumed, and other consideration, shall be recorded in the accounts in the manner stated hereunder. Separate instructions are provided for a merger of subsidiaries.

(b) Pooling of interests: When the acquisition results from a merger or consolidation constituting a pooling of interests, in which all or substantially all of the equity interests in predecessor companies continue, as such, in a surviving company or a new company created for the purpose, the road and equipment, the other assets, and the liabilities of the predecessor companies, together with the balances in the amortization and depreciation reserves and the retained income accounts shall be recorded in the appropriate balance sheet accounts at the amounts shown in the accounts of predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission. Such adjustments shall be included in retained income or the other accounts that would have been appropriate had the adjustments been made in the books of account of the predecessor company. In connection with such adjustments suitable provision may be made out of retained income, to the extent available, to provide reserves for any deficiency in past accrued depreciation on property classified as depreciable.

(c) When the total par or the stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is *more* than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the excess shall be charged to capital surplus, if unrestricted capital surplus is available for such purpose; otherwise, the excess shall be charged to retained income.

(d) When the total par or stated value of no par capital stock issued or outstanding pursuant to the pooling of interests is *less* than the aggregate amount of the capital stock of the separate companies before such pooling of interests, the difference for reduction in capital stock shall be credited to account 795, Paid-in Surplus.

(e) Where the equities of the stockholders of one of the constituent corporations (except subsidiaries controlled through ownership of the majority of shares of voting stock) are clearly dominant and such stockholders obtain 90 percent or more of the voting interests in the combined enterprise, there is a presumption that the transaction is a purchase rather than a pooling of interests. Such transaction shall, as a practical matter, be accounted for as a purchase, in accordance with paragraph (f) of this section, unless otherwise directed or authorized by the Commission.

(f) Purchase: When the acquisition results from a purchase (except from subsidiaries controlled through ownership of the majority share of voting stock) including mergers or consolidations other than pooling of interests, the amount includible in account 731, Road and Equipment Property, shall be the cost at the date of acquisition to the purchaser of the transportation property acquired. Other assets acquired or liabilities assumed shall be recorded in the appropriate balance sheet accounts in conformity with the accounting rules of the Commission, and shall include provision for liabilities awaiting settlement and for such reserves as may be necessary.

(g) When the costs of individual units or classes of transportation property are not specified in the agreement the total purchase price shall be apportioned equitably among the appropriate primary accounts using, as far as practicable for purpose of such apportionment, the percentage relationship between such purchase price and original cost of property shown in valuation records summarized in the Bureau of Accounts of the Commission. In the distribution of the purchase price to primary accounts, on the basis of such apportionment the cost figures used for land shall be the cost reported in basic valuation reports under valuation order No. 7. Land reported without cost in order No. 7 shall be computed at its estimated original cost; and to such sum shall be added the original cost at time of dedication to transportation purposes of land subsequently acquired and now so used.

(h) Merger of subsidiaries: The acquisition and merger of property of subsidiaries controlled through ownership of the majority shares of voting stock is to be accounted for as a pooling of interests or as a purchase depending on the circumstances in each case. Where control was initially acquired through issuance of capital stock to stockholders of the subsidiary the rule applicable to pooling of interests ordinarily is applicable. Where control was initially acquired through *purchase* of stock the rule applicable to purchase of property may be appropriate even though the shares were purchased gradually from time to time over a period of years, in which event recognition of surplus since date of acquisition assignable to such shares may be proper. Journal entry pertaining to acquisition of property of subsidiaries shall be submitted to the Commission for consideration based on the principles herein and procedures for which there is authoritative support, and the accounting for the merger shall become final only after approval by the Commission.

(i) Amounts carried temporarily in former account 733, Aquisition Adjustment, which are attributable to past mergers, consolidations, and purchases shall be disposed of in conformity with the principles in paragraphs (b) to (e) of this instruction 2–14 pertaining to acquisitions constituting a pooling of interests; paragraphs (f) and (g) pertaining to purchases; or paragraph (h) pertaining to merger of subsidiaries, as may be appropriate, but the adjusting entry in each case shall be submitted to the Commission for consideration and shall become final only after approval by the Commission. Where the road and equipment accounts previously have been adjusted to original cost shown in the Commission's valuation records and past depreciation has been recorded, such accounting is not to be reversed; the amount remaining in former account 733, Acquisition Adjustment, is, under the provisions of these regulations, to be transferred to retained income in accordance with instruction 2–14(b) or to road and equipment in accordance with instruction 2–14(f), except for such special adjustments as may be necessary or desirable to provide reserves for depreciation or other items referred to in those sections.

(j) Any amount carried in former account 733, Acquisition Adjustment, attributable to a merger, consolidation or purchase which cannot be disposed of pursuant to these provisions shall be submitted to the Commission for consideration and decision.

2–15 *Reorganization of railway.* (a) When a railway reorganization or receivership has been consummated the assets acquired, liabilities assumed, and the capital stock or other securities issued, or assumed and other consideration, shall be recorded in the accounts in the manner stated hereunder.

(b) The amounts includible in primary road and equipment property accounts, except land, shall be recorded at original cost (estimated in part) as shown in the Commission's valuation records. Land shall be recorded at cost reported in basic valuation reports under valuation order No. 7. Land reported without cost in order No. 7 shall be computed at its estimated original cost; and to such sum shall be added the original cost at time of dedication to transportation purposes of land subsequently acquired and now so used. The cost of land so computed and the remaining assets and the liabilities of the predecessor companies, adjusted as may be necessary to conform with the accounting rules of the Commission, together with the balances in the amortization and depreciation reserves, shall be recorded in the appropriate balance sheet accounts.

(c) When the amount recorded for assets acquired is *more* than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be applied to such extent as may be necessary and is available to provide reserves, first, for any deficiency in past accrued depreciation on property classified as depreciable; and, second, for any estimated loss from retirement of a branch line, segment of track or other important facility indicated by supporting records to be imminent. The remaining amount of the difference, if any, shall be credited to account 80, Other Elements of Investment. The amount so credited to account 80 shall be cleared thereafter as property is retired and otherwise as may be authorized in accordance with the provisions in the text of that account.

(d) When the amount recorded for assets acquired is *less* than the par or stated value of no par capital stock issued and other consideration paid, including liabilities assumed, the difference shall be charged to account 80, Other Elements of Investment, and shall thereafter be cleared in accordance with the provisions in the text of that account.

(e) Amounts carried temporarily in former account 733, Acquisition Adjustment, attributable to a past reorganization shall be included in account 80, Other Elements of Investment, or otherwise disposed of in conformity with the principles set forth in paragraphs (a) to (d) of the instruction 2–15. Any amount attributable to past reorganizations which cannot be disposed of pursuant to these provisions shall be submitted to the Commission for consideration and decision.

2–16 *Construction projects in which governmental agencies, individuals, or others, and the carrier participate.* (a) The amount includible in the property account for construction projects in which the carrier and governmental agencies, individuals, or others participate shall be (1) the payment made by the carrier for its share of the cost of construction plus (2) the recorded cost (estimated if unknown) of property relinquished as a direct result of the arrangement and retired from service less the value of salvage recovered therefrom by the carrier and less depreciation accrued on depreciable property, which is part of the carrier's cost of the project. The amount so includible in the property account shall be distributed equita-

bly among the primary accounts applicable to railway property constructed. This amount shall first be applied to railway facilities includible in accounts *other than* 2½, Other right-of-way expenditures, or 39, Public improvements—Construction, then any remaining balance shall be included in account 2½ or 39, as appropriate. In no case shall the amount included in the primary accounts for the railway facilities acquired exceed the actual cost of constructing such facilities. The property account shall not include any cost or value for facilities or land contributed or paid for by governmental agencies, individuals or others.

(b) Construction projects as used in this section means widening of highways, construction of spillways, drainage canals, farm and other private passes, pipelines, drains or other facilities across the right-of-way; construction of overhead highway bridges, and railroad bridges over public highways and across streams, which provide a railroad use in the operation of trains and a public use in the uninterrupted passage of highway and river traffic; installation of warning signals to protect highway traffic; and industrial side tracks. Also, reconstruction and relocation of tracks and appurtenant facilities such as occur in connection with carrying out flood control, reclamation, and other public improvement projects where it becomes necessary to abandon part of the line of railroad and relocate the tracks.

(c) Balances carried in former account 734, Donations and Grants—Cr., representing donations for property now in service, the cost of which is charged to the property investment account, shall be credited thereto by contra debit to former account 734. Any balance remaining in former account 734, Donations and Grants—Cr., which cannot be disposed of pursuant to this provision shall be promptly submitted to this Commission, with carrier's recommendations, for consideration and decision. Amounts (credits) in account 796, Other Capital Surplus, representing donated property retired shall be transferred to account 798, Retained Income—Unappropriated.

2–17 *Leased property improvements and retirements.* The cost to lessee of structures, facilities, additions and betterments on leased property and for retirement of propertly the cost of which is included in account 732, Improvements on Leased Property, shall be accounted for in conformity with the principles in the instructions for property *owned*. When property taken over in the lease is retired and replaced and lessee is not obligated to reimburse the lessor for the retired property other than through the replacement, the lessee shall credit the ledger value of the retired property to account 732, Improvements on Leased Property, as an offset to the cost of the replacement borne by lessee and charged to that account. When lessee is obligated to reimburse the lessor currently or at the termination of the lease for property retired other than through replacement, the lessee shall include the amount of the obligation in the appropriate liability account. The lessee shall furnish the lessor such information as is required to enable the lessor to perform necessary accounting. The accounting by the lessee and the lessor shall be consistent with contractual arrangements.

2–18 *Lists of units of property.* (a) This list of units is established for the purpose of designating the units of property to be used in accounting for additions to and retirements and replacements of property. Detailed information is included in instructions 2–7 and 2–8. Items listed under road property accounts are subject to the minimum rule applicable to additions to property. See instruction 2–2 pertaining to the minimum rule.

(b) This list of units will be revised from time to time as may be necessary to meet conditions. A carrier desiring to include in any account an appropriate unit not now specified therein may, upon approval of the Commission, make such authorized addition to this list of units.

(c) Rules applicable to units of property rebuilt or converted and to changes in line of road or tracks which involve accounting for units of property retired are set forth in instructions 2–11, 2–12, and 2–13.

Account 3, Grading

A retaining wall, riprap (hand placed), a protecting dyke, a protecting crib, a wing dam, a revetment, mattress, pipe or other structures to provide drainage. Each entire installation.

Account 5, Tunnels and Subways

The entire masonry, entire timber, and entire metal lining of a tunnel or subway, including portals and wing walls.
Drainage. Each entire installation.
Lighting. Each entire installation.
Ventilation. Each entire installation.

Account 6, Bridges, Trestles and Culverts

A steel superstructure.
A concrete or stone substructure.
A concrete trestle, a complete bridge or approach.
A timber trestle, a complete bridge or approach.
Complete machinery for operating a movable span.
A protecting dyke, a protecting crib (a fender), a wing dam, a complete culvert. Each entire installation.

Account 7, Elevated Structures

Any applicable units listed under account 6, Bridges, Trestles, and Culverts.

Account 13, Fences, Snowsheds, and Signs

A complete snowshed.
One continuous mile of right-of-way fence.
One continuous mile of permanent sand or snow fence.

Account 16, Station and Office Buildings

A complete building, including attached platform.
A complete platform structurally detached from a building.
Each retaining wall installation.
Each timber trestle installation.
Each coal pocket installation.
Each outside steam, water, air, etc., pipe line installation.
Each storm or sanitary sewer installation.
A complete fence.
Paving. Each complete installation.
A station stockyard. Each complete installation.
A track scale.
A track scale pit.
An outside crane or conveying system for handling freight.
A motor truck.
A motor tractor.
Any applicable units listed under other accounts.

Account 17, Roadway Buildings

Any applicable units listed under account 16, Station and Office Buildings, and 44, Shop Machinery.

Account 18, Water Stations

A complete water supply piping system.
A dam or reservoir.
A pump house.
Pumping machinery. Each complete installation.
A water tank. Each complete installation.
A complete track trough at one location.
A water crane. Complete with pit.
A water treating plant.

Account 19, Fuel Stations

A trestle-type coaling station.
Mechanical coaling station. Each complete installation.
A complete fuel supply system, including appurtenances.
A pump house.
A fuel oil storage tank (large).

Account 20, Shops and Engine Houses

A complete building, including attached platform.
A complete platform structurally detached from a building.
A turnable.
A turntable pit.
A transfer table with machinery.
A transfer table pit.
A cinder pit. Each complete installation.
A sand storage and handling and drying apparatus.
Outdoor bins. Each complete installation.
A smoke stack not mounted on boiler.
A lorry track system (outside).
A boiler washing plant. Each complete installation.
An overhead crane, outside.
Each outside pipe installation, steam, air, water, etc.
Each sewer installation, storm or sanitary.
Paving. Each complete installation.
Each shop fence or wall installation.
Any applicable unit under account 16, Station and Office Buildings.

Account 21, Grain Elevators

A complete building, including attached platform.
A complete platform structurally detached from a building.
A conveyor system complete.
An elevator system complete.
A blowing system complete.
For additional items see accounts 16, Station and Office Buildings, and 44, Shop Machinery.

Account 22, Storage Warehouses

A complete building, including attached platform.
A complete platform structurally detached from a building.
For additional items, see accounts 16, Station and Office Buildings, and 44, Shop Machinery.

Account 23, Wharves and Docks

A timber float bridge.
A steel float bridge.
A wharf (including pile clusters).
A timber incline.
A bulkhead.
Jetties or breakwater.
Ferry racks (including pile clusters).
Float racks.
Each complete machinery installation.
For additional items, see accounts 3, Grading, 6, Bridges, Trestles, and Culverts, and 44, Shop Machinery.

Account 24, Coal and Ore Wharves

Car dumper complete.
Timber bridges.
Steel bridges.
Each complete machinery installation.
A loading or unloading machine complete.
Each coal or ore pocket installation.
For additional items, see accounts 6, Bridges, Trestles, and Culverts, 16, Station and Office Buildings, 20, Shops and Engine Houses, 23, Wharves and Docks, and 44, Shop Machinery.

Account 26, Communication Systems

A complete mile section or complete installation if less than a mile of pole line including cross arms, wires and appurtenances.
Each mile or complete installation of cable with associated parts.
Each mile or complete installation of conduit with associated parts.
A complete tower.
A complete installation at each location constituting a separate means of communication, such as radio, radar, carrier telephone, teletype, or other communication systems.
For additional items see account 16, Station and Office Buildings.

Account 27, Signals and Interlockers

A signal system installation complete, or section thereof, with associated parts, including masts, batteries, relays, ladder, etc.
A complete mile section or complete installation if less than a mile, or pole line including cross arms, wires and appurtenances.
Each mile or complete installation if less than one mile of cable with associated parts.
Each mile or complete installation if less than one mile of conduit with associated parts.
Switch movement with associated parts.
A complete building.
An interlocking plant complete (excluding machine).
An interlocking machine.
Signal bridge complete.
Each highway crossing protection installation complete.
Each car retarder installation complete.
A traffic control or C.T.C. system installation complete.

Account 29, Power Plants

Any applicable units listed under accounts 16, Station and Office Buildings, and 20, Shops and Enginehouses.

Account 31, Power Transmission Systems

A continuous mile, or a separate installation if less than a mile, of catenary complete including catenary hangers, trolley wire and appurtenances.
A continuous mile, or a separate installation if less than a mile, of transmission line, including poles, wires, transformers, switches, and other appurtenances.
Each outside steam, air, etc., pipe line installation.
A manhole.
Substation or switching station complete.
Each mile, or installation if less than a mile, of third rail.
A catenary bridge or support.
A high-tension transmission tower.
Any applicable units listed under accounts 26, Communication Systems, and 27, Signals and Interlockers.

Account 35, Miscellaneous Structures

Any applicable units listed under other accounts.

Account 37, Roadway Machines

Each roadway machine complete including accessories.

Account 39, Public Improvements—Construction

Any applicable units listed under other accounts.

Account 44, Shop Machinery

A machine (including foundation and motor, if any), such as lathes, shapers, slotters, boring machines.
Equipment, such as ash handling.
A furnace.
A boiler installation complete.
A motor vehicle used in shops only.
Testing equipment.
Overhead crane, complete.

Account 45, Power Plant Machinery

A power plant machine, including foundation, such as a turbine, rectifier, dynamo, generator.
Any applicable unit listed under account 44, Shop Machinery.

Account 51, Steam Locomotives

A complete locomotive.
A locomotive, exclusive of tender.
A tender.
A locomotive booster.

Account 52, Other Locomotives

Diesel electric, lead or booster, i.e., "A" or "B" units.
Diesel electric. Extra or spare motors.
Electric locomotive.
Gasoline locomotive.
Gas turbine locomotive.

Account 53, Freight-Train Cars

A complete car.
Motor equipment of a motor driven car.
A propulsion motor including generator.
A freight container, complete.

Account 54, Passenger-Train Cars

A complete car, including interior furnishings.
Motor equipment of a motor driven car.
A propulsion motor, including generator.

Account 56, Floating Equipment

A complete vessel or boat, exclusive of machinery.
Machinery: a boiler, a motor, an engine.

Account 57, Work Equipment

(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) An engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) An engine.
(4) A motor.
Any applicable units listed under other accounts.

Account 58, Miscellaneous Equipment

A complete vehicle.

INSTRUCTIONS FOR MAINTENANCE EXPENSES

3–1 *Items to be charged.* (a) The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in transportation operations, including expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

(b) These accounts shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The cost of materials and supplies, which shall include small tools, shall include the cost at the point of free delivery plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses. Such cost shall *not* include expenses of transportation over the carrier's line. Royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs. The cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable, except where otherwise specified in the text of the accounts. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) The cost of repairs shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings (when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

(d) Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and in-

juries to persons, which, on account of established practice, it is deemed advisable to segregate.

3–2 *Equalization of maintenance expenses.* (a) The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, Maintenance of Way and Structures, and 300, Maintenance of Equipment, an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, Equalization—Way and Structures, or account 338, Equalization—Equipment, with contra entries in account 773, Equalization Reserves. If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

(b) Amounts included in account 773, Equalization Reserves, in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited.

INSTRUCTIONS FOR CLEARING ACCOUNTS

4–1 *Items to be charged.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

4–2 *Material and stationery store expenses.* (a) To clearing accounts called "Material store expenses" and "Stationery store expenses" shall be charged expenses in connection with purchasing, handling and storing material and stationery in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

(b) The total amount of storehouse expenses charged to these accounts shall be so distributed among the accounts to which material and stationery has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the items issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the items issued which were purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material and stationery purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense accounts are adjusted and closed out at the end of each year.

4–3 *Shop expenses.* (a) A clearing account entitled "Shop expenses" shall be kept to which shall be charged items of expense at shops, enginehouses, repair tracks, and other places at which mechanical work is done, not assignable directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account is adjusted and closed out at the end of the year.

(b) The expenses assignable to this account shall include the pay of foremen (who exercise supervision over all departments), their clerks, and other employees engaged in general work in and about shops, cost of heat, light and power; cost of small tools and supplies and water and power purchased; also cost of removal of snow and ice from transfer tables and shop yards, and other incidental shop expenses. To this account shall be charged expenses, including wages, fuel and supplies, of operating switching locomotives when exclusively assigned to switching service at shops (the expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts).

4–4 *Gravel and sand pits and quarries.* (a) When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated, "Operations of gravel pit at _____," or "Operations of quarry at _____," as the case may be. To this account shall be charged cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed (credit to the property account in which the cost of the land is included); payments for right to enter upon and remove ballast from land not owned by the carrier; cost of sinking test holes; and costs preparatory to opening the pit or quarry. To this account shall be charged also the cost, in excess of the estimated salvage value, of rails and fastenings, ties, other material and labor used in constructing tracks to and in the gravel pit or quarry (the estimated salvage being carried in an appropriate suspense account); cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of power shovels and other machines and machinery; pay and expenses of watchmen; cost of explosives and hand tools, and miscellaneous expenses; and cost of installing, operating and maintaining signals and interlockers at gravel pits.

(b) Credit to the clearing account shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit. When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account and the profit thereon, if any, shall be credited to revenue account 143, Miscellaneous.

4–5 *Power plant operations.* (a) The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used. When a power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses, the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

(b) When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account designated "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

(c) When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and charged to account 445, Producing Power Sold. The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations.

(d) When power plants are intended and used solely for furnishing power to others, the investment therein shall be included in balance sheet account 737, Miscellaneous Physical Property, and the revenues and operating expenses shall be included in the accounts provided for operations of such property.

(e) The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

INSTRUCTIONS FOR DEPRECIATION ACCOUNTS

5–1 *Method.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 735, Accrued Depreciation—Road and Equipment, during the service life of depreciable road and equipment property, includible in accounts classed as depreciable, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for accruing depreciation currently shall be computed in conformity with the group plan by applying to the cost of property such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. For road property, the cost shall be original cost or estimated original cost, as used in the valuation records, adjusted to current date. If a carrier submits proof that the actual cost of depreciable property is substantially different from cost figures in the valuation records, the carrier may, with the approval of the Commission, use such cost figures as the depreciation base.

(b) The term group plan means the plan under which depreciation charges are accrued upon the basis of the cost of depreciable property includible in accounts classed as depreciable using the service lives of the individual depreciable units in the accounts and properly weighting to determine the composite annual rate of depreciation.

(c) For the purpose of the group plan of depreciation accounting the following primary accounts are classed as depreciable accounts:

Road accounts:
1. Engineering (as appropriately assigned but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
2½. Other right-of-way expenditures.
3. Grading (depreciable property recorded in this account).
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
21. Grain elevators.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power-plant machinery.

NOTE: With respect to accounts 2½, 3, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates to the aggregate cost of such property (omitting nondepreciable property), in computing depreciation charges, or they may request composite percentage rates to be applied to the total amount recorded in each of the accounts in computing depreciation charges.

Equipment accounts:
51. Steam locomotives.
52. Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(d) When abandonment of a branch line or other important segment of the track structure or other part of the plant for which depreciation charges are not includible in the accounts is foreseeable within a reasonable period of time due to exhaustion of traffic, obsolescence or other causes, application may be made to the Commission for authority to create a suitable reserve in anticipation of probable loss.

5–2 *Rates of depreciation.* (a) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed or otherwise authorized by the Commission. Where property is acquired for which no rates have been prescribed or otherwise authorized and also in the event annual percentage rates prescribed for any class or type of property become no longer currently applicable because of material changes in property, premature obsolescence, exhaustion of traffic or other causes not given effect in the existing rates, carriers shall so inform the Commission promptly and, at that time, shall submit revised annual percentage rates and supporting details developed in accordance with the method indicated in instruction 5–1.

(b) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

5–3 *Depreciation records to be kept.* (a) The carrier shall maintain for each class of property in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for approval, new percentage rates to take the place of those based on service lives or value of salvage deemed to be inaccurate.

(b) The carrier also shall keep such records of depreciable property and property retirements as will reflect the service life of each class of property which has been retired, or will permit the determination of service life indications by past experience of useful life tenure of comparable property, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each primary account showing in these records in complete detail by each primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission. For balance sheet purposes, the depreciation reserve shall be treated as a single composite reserve for property.

5–4 *Leased property—depreciation.* (a) The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned, the rent for which is includible in rent for leased roads and equipment, and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The excess of the total compensation paid over the amount chargeable for depreciation shall be included in the rent account. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 785, Accrued Depreciation—Leased Property. The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 519, Miscellaneous Income, 551, Miscellaneous Income Charges, or retained income, at the time settlement for depreciation on the property is made with the lessor.

(b) The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts.

5–5 *Jointly used property—depreciation.* The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

6–1 *Current assets.* In the group of accounts designated as current assets shall be included cash, those assets which are readily convertible into cash or are

held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to settlement in the ordinary course of business within one year. There shall not be included in this group of accounts any amount the collection of which is not reasonably assured within one year because of the known financial condition of the debtor or otherwise. Such items shall be included in account 741, Other Assets, at an amount not in excess of a reasonable estimate of realizable value. Items of current character but of doubtful value previously credited to operating revenue, operating expense, income or other accounts shall be written down or written off by charging those accounts. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 741, Other Assets.

6–2 *Recorded value of securities owned.* The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom, but fluctuations in market value are not to be recorded. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The amount of the adjustment for loss in value written off may be recorded in the accounts by creating a reserve for such loss through concurrent credits to account 723, Reserve for Adjustment of Investment in Securities. Losses in value of securities written off shall be charged to account 551, Miscellaneous Income Charges, or to retained income, as appropriate. Under no circumstances shall securities be stated in these accounts at an amount in excess of their cost to the accounting company.

6–3 *Discount, expense, and premium on debt.* (a) Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. (For explanation of "subclass" see account 765, Funded Debt Unmatured.) The net debit balances remaining in these ledger accounts shall be included in account 742, Unamortized Discount on Long-term Debt, and the total of the net credit balances in account 783, Unamortized Premium on Long-term Debt.

(b) Each fiscal period there shall be charged to income account 548, Amortization of Discount on Funded Debt, a proportion on a consistent basis of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, Release of Premiums on Funded Debt, a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed $25,000, carriers may charge the entire amount to account 548, Amortization of Discount on Funded Debt, at time of issue.

(c) When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in accounts containing discount, expense and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to account 519, Miscellaneous Income, account 551, Miscellaneous Income Charges, or to retained income, as may be appropriate in accordance with the texts of these accounts. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

6–4 *Discount, premium, and assessment on capital stock.* (a) Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the sale or resale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

(b) The total of net debit balances in these ledger accounts shall be included in account 793, Discount on Capital Stock, and the total of net credit balances in account 794, Premiums and Assessments on Capital Stock.

(c) Discount on each subclass of capital stock may be offset or reduced by charges to account 794, Premiums and Assessments on Capital Stock, to the extent that net gains from premiums or assessments have been included therein or to account 795, Paid-in Surplus, to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charge to account 616, Other Debits to Retained Income, or may be retained and carried in account 793, Discount on Capital Stock, until the stock to which the discount applies is retired.

(d) In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to account 795, Paid-in Surplus.

(e) When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders and is not canceled, but is held as treasury stock or in sinking or other funds, such stock shall be included in a subdivision of account 791, Capital Stock Issued, if treasury stock, and in accounts 715, Sinking Funds, 716, Capital and Other Reserve Funds, or 717, Insurance and Other Funds, as may be appropriate, if the stock is held alive in a fund of the character described in the respective accounts. The reacquired stock shall be included in such accounts at par value or if stock without par value at the proportionate amount at which the particular class of stock is carried in account 791.

(f) The difference between the amount at which such reacquired stock was recorded in account 791, Capital Stock Issued, and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 794, Premiums and Assessments on Capital Stock, or in account 793, Discount on Capital Stock, and the commissions and expense in connection with its reacquisition shall be included in account 795, Paid-in Surplus; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 616, Other Debits to Retained Income.

(g) When reacquired capital stock is resold the difference between the net sale price and the amount at which carried as treasury stock shall be included in account 795, Paid-in Surplus; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall be charged to account 616, Other Debits to Retained Income.

6–5 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint arrangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with instruction 6–6 pertaining to contingent assets and liabilities.

6–6 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but items of material amount shall be shown in a supplementary statement to the balance-sheet. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet. Examples of contingent liabilities are items which may become obligations as a result of pending or threatened litigation, assessments or possible assessments of additional taxes, guarantees of indebtedness of others, and agreements or obligations to repurchase securities or property. Where the outcome is reasonably foreseeable, such as probable tax assessment which the carrier may not reasonably expect to contest successfully, such liabilities are to be reflected in the accounts and are not to be treated as contingent liabilities.

PROPERTY ACCOUNTS
Road

0 Road.

The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

1 Engineering.

This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge and signal engineer.
Architects and draftsmen.
Chief clerk and other clerks.
Transitmen and levelmen.
Rodmen and chainmen.
Cooks and porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Cameras; compasses.
Camp equipage.
Chains for surveyors.
Drawing boards.
Drawing instruments.
Field glasses.
Furniture repairs and renewals.
Heating and lighting.
Magnets and magnifiers.
Official train service.
Paper, blue-print.
Periodicals and newspapers.
Photographic supplies.
Printing and stationery.
Provisions for business cars.
Rent and repairs of offices.
Rods for surveyors.
Sextants and slide rules.
Telegraph and telephone service.
Traveling expenses.
Triangles and tripods.

NOTE A: When employees designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to operating expenses, income, or retained income, as may be appropriate.

NOTE C: The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D: The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 74, "Stationery and printing," when not directly assignable to specific road or equipment accounts.

NOTE E: Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

2 Land for Transportation Purposes.

This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased by it and the estimated values at time of acquisition of lands donated. Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right-of-way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.
Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE: The cost of land acquired in excess of that necessary for transportation operations shall be included in balance-sheet account 737, "Miscellaneous physical property." When the purchase of land acquired for transportation operations involves the purchase of land not used for such purposes the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 737, "Miscellaneous physical property." Only the actual cost borne by the carrier for right-of-way and other lands acquired through vacation of streets and highways shall be included in this account. No donations should be considered as involved in the acquisition of such property.

2½ Other Right-of-way Expenditures.

This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right-of-way.

3 Grading.

(a) This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments and cuts.

(b) When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

(c) When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Dikes (including those of earthern construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operation of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestling for fills.
Tools for grading.
Wing dams.

5 Tunnels and Subways.

This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting and safety devices therein, other than signals.

NOTE A: The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B: Station subways not highway crossings are includible in account 16, "Station and office buildings."

NOTE C: If a tunnel be converted into an open cut the accounting shall be in accordance with the instructions prescribed for converted property.

6 Bridges, Trestles, and Culverts.

This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over water-courses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A: When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3, shall be charged to account 735, "Accrued depreciation—Road and equipment."

NOTE B: The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them shall be included in this account.

7 Elevated Structures.

This account shall include the cost of elevated structures and foundations of elevated railway sytems. This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classable as bridges or trestles.

NOTE: The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

8 Ties.

(a) This account shall include the cost of cross, switch, bridge and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks; also the excess of cost of metal ties used in repairs of track over the cost to replace in kind wooden ties removed.

(b) The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE A: The cost of labor for unloading, distributing and placing the ties in tracks and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

9 Rails.

(a) This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

(b) The cost of handling rails in general supply and storage yards shall be included as store expenses apportioned to this account when the rails are used for construction purposes.

(c) To this account shall be credited the cost (estimated if actual is not known) of the excess weight of heavier rails replaced with lighter rails.

NOTE A: The cost of labor for unloading, distributing and placing the rails in tracks, and of train service in connection with the distribution of the rails shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

10 Other track material.

(a) This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

(b) The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.	Rail chairs.
Anticreepers.	Rail clips.
Bumping posts.	Rail joints.
Compromise joints.	Rail rests.
Connecting rods.	Rail shims.
Crossings, including foundations or bases.	Splice bars.
	Step chairs.
	Switch chairs.
Derails.	Switch crossings.
Frog blocking.	Switch lamps.
Frogs.	Switch locks and keys.
Guard-rail blocking.	
Guard-rail clamps.	Switch points.
Guard-rail fasteners.	Switch stands.
Guard rails, switch and other.	Switch targets.
	Switches.
Main rods.	Tie plates.
Nut locks.	Tie plugs.
Nuts.	Tie rods.
Offset bars.	Track bolts.
Rail braces.	Track insulators.
Rail splices.	Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to accounts, "Track laying and surfacing."

NOTE B: No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C: The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

11 Ballast.

(a) This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of work-train service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission.

(b) The instructions prescribed for gravel and sand pits and quarries applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance, or for both.

NOTE A: The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C. the cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

NOTE D: No charge shall be made to the accounts of this classification representing the value of cinders accumulated by the carrier.

12 Track Laying and Surfacing.

This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A: The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B: The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

13 Fences, Snowsheds and Signs.

This account shall include:

(a) *Fences.* The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) *Signs.* The initial cost of signs other than those for identification of bridges, signals, stations, and other structures.

SIGN ITEMS

Boundary signs.	Section-limit signs.
Bridge-caution signs.	Slow or stop signs.
Crossing signs.	Tunnel—caution signs.
Curve and elevation markers.	Water-station signs.
Division-limit signs.	Water-trough signs.
Mileposts.	Whistle signs.
Monuments.	Yard-limit signs.
Safety-first signs at crossings.	

NOTE A: The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B: The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C: The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D: It shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which were charged to this account.

16 Station and Office Buildings.

This account shall include the cost of station and office structures, their fixtures, appurtenances, and furniture necessary first to equip the buildings for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Drainage and sewerage systems.
Elevators and machinery.
Fences.
Freight cranes and derricks.
Freight handling machinery.
Gas-supply systems.
General office buildings
Grain elevators and warehouses.
Heating plants.
Hoisting engines, for handling freight.
Lighting plants.
Ore-transferring machinery.
Pavement within ground limits.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Sidewalks.
Station footbridges (not highway crossings).
Station intertrack fences.
Telegraph offices.
Track scales.
Water-supply systems.
Yard offices.

NOTE A: Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be included in account 20, "Shops and enginehouses."

NOTE B: The cost of grading and preparing grounds, both before and after the construction of station and office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

17 Roadway Buildings.

This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Blacksmith shops.
Breakwaters for protection of buildings.
Carpenter shops.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Planing mills.
Rail shops for repair of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Tool houses.

NOTE: The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects, specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

18 Water Stations.

This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.	Reservoirs and wells.
Breakwaters for protection of buildings.	Settling basins.
	Stationary engines.
	Steam pipes.
Buildings on piers.	Tanks and foundations.
Cisterns and dams.	
Fences.	Water pipe lines.
Pump houses.	Water-treating plants.
Purifying plants.	

NOTE A: The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

19 Fuel Stations.

This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.	Fuel houses or stations.
	Fuel-oil plants, pumps and tanks.
Buildings on piers.	
Coal buckets and hoists.	Fuel platforms and wharves.
Coal pockets and chutes.	Stationary engines.
	Tipple cars.
Dumping machinery.	Weighing apparatus.
Elevating machinery.	
Fences.	

NOTE A: The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

20 Shops and Enginehouses.

This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water-supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURE AND DETAILS

Air-compressor houses.	Lumber sheds.
	Material and supply truck tracks.
Bins for material.	
Blacksmith shops.	Motor-crane tracks.
Breakwaters for protection of buildings.	Offices, shop.
	Paint shops.
	Pipe lines, air, and heat.
Buildings on piers.	
Car sheds and shops.	Pipe lines, gas, interior.
Carpenter shops.	
Cinder pits and pockets.	Planing mills and repair shops.
Electric-power distribution systems within buildings.	Platforms, shop and yard.
	Scale houses and scales.
Enginehouses.	Scrap bins.
Fire-engine houses.	Sidewalks.
Footbridges (not public highways).	Steam-distribution systems, interior.
	Storehouses.
Foundries and machine shops.	Tanks, gas, and oil.
	Test rooms.
Gas-compressor houses.	Turntables.
	Upholstering shops.
Heating and lighting plants.	Warehouses.
Laboratories.	

NOTE A: The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems."

NOTE B: The cost of grading and preparing grounds both before and after the construction of shop and enginehouses buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent

water rights shall also be included in the cost of the buildings.

NOTE C: The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

21 Grain Elevators.

This account shall include the cost of structures, including the cost of conveyors, machinery, and the fixtures which the railway companies operate for the transfer, treatment, and storage of grain. The buildings referred to in this account are not small storage elevators at stations where grain is received for shipment, etc., but large elevators in which grain is stored for various owners.

NOTE A: Small storage elevators at way stations are classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of grain-elevator buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of grain elevators leased to noncarriers shall be included in account 737, "Miscellaneous physical property."

22 Storage Warehouses.

This account shall include the cost of storage warehouses, including machinery and fixtures therein. The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A: The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B: The cost of warehouses leased to noncarriers shall be charged to account 737, "Miscellaneous physical property."

23 Wharves and Docks.

This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging, and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, coffer-dams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

- Bridge pontoons.
- Bulkheads.
- Caissons and crib-work.
- Dry docks.
- Ferry-bridge machinery.
- Ferry bridges.
- Ferry slips.
- Jetties and inclines.
- Transfer-bridge machinery.
- Transfer bridges.

NOTE A: The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B: The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C: The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D: The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

24 Coal and Ore Wharves.

This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A: The structures referred to in the account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

26 Communication Systems.

This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

- Batteries.
- Cables and wires, interior.
- Carrier terminating equipment.
- Conduits, interior.
- Connecting wires.
- Current-controlling instruments.
- Electric generators and motors.
- Electric meters.
- Engines, stationary.
- Fuses and mechanical protectors.
- Rectifiers.
- Rheostats.
- Sending and receiving instruments.
- Switchboards.
- Telegraph repeaters.
- Telephone repeaters.
- Teletypewriters.
- Testing outfits.
- Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

- Aerial attachments.
- Braces.
- Brackets.
- Cable boxes and appurtenances.
- Cables and wires, aerial.
- Conduits and appurtenances.
- Cross arms.
- Gas and associated facilities for cables.
- Guy stubs.
- Guy wires.
- Insulators.
- Load coils.
- Poles.
- Submarine cables and connections.
- Telephone pole boxes.
- Towers.
- Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

- Aerials or antenna, and attachments.
- Buildings or towers used exclusively for wireless.
- Control units.
- Power generating, converting, or supply equipment.
- Radar console and associated equipment.
- Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
- Specialized testing and repair equipment.
- Transmitters and receivers, including mobile units.

NOTE A: Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B: Communication systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

- Buzzers, bells, dictaphones or other inter-office communication systems in an office or group of buildings.
- Loud speakers, bells, or whistles in shop and other yards.
- Loud speakers, public address devices; press button control lights, telautograph or other systems in stations or on platforms.
- Whistles, klaxons, or horns operated from signal towers.

NOTE C: Test sets shall be classified as tools and included in the account appropriate for their use.

27 Signals and Interlockers.

This account shall include the cost of interlocking and other signal apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installation; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

- Automatic-train control devices other than on equipment.
- Call-bell systems along track to call in flagmen.
- Call boxes, electric.
- Car-retarder systems.
- Centralized traffic control.
- Crossing flasher-light signals.
- Crossing gates, highway and railway.
- Crossing signal bells.
- Crossing warning signals.
- Interlocker buildings and machinery.
- Power apparatus primarily for the operation of signals and interlockers.
- Power-distribution lines primarily for the operation of signals and interlockers.
- Signal buildings.
- Signal machinery, poles and foundations.
- Train-order signals.

NOTE A: When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B: The cost of track material, such as switches, special rail braces, special rods, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C: When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D: The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

29 Power Plants.

This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and also dams, canals, pipelines, and shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

- Buildings.
- Coal bunkers, pockets and trestles.
- Fences (other than right - of - way boundary fences).
- Fixtures for lighting (including wiring) and heating power-plant buildings.
- Foundations (except special foundations for machines and other apparatus).
- Fuel-oil tanks.
- Furniture.
- Hose and appliances for protecting buildings against fire.
- Pavement within ground limits.
- Permanent rights in water supply.
- Platforms.
- Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
- Water, sewer, gas, and drainage pipes and connections.
- Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

- Aqueducts.
- Bridges.
- Fences (other than right - of - way boundary fences).
- Footbridges.
- Reservoirs.
- Roadways.
- Sluices.
- Valves.
- Water rights.

NOTE A: The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C: Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 737, "Miscellaneous physical property."

31 Power-transmission Systems.

This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

- Air pipe-lines in car yards.
- Compressed air pipe-lines.
- Compressed air storage tanks (not at power houses or shops).
- Cut-outs (not at power houses and substations).
- Overhead trolley wires.
- Rail-insulating devices.
- Steam-heating pipe-lines in car yards.
- Switchboards (not at power houses and substations).
- Third-rail insulation and protection.
- Transformers (not at power houses and substations).
- Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

- Braces and other supports for holding poles in position.
- Brackets, cross arms, and other pole fixtures.
- Conduits for wires and cables.
- Cutting and trimming trees.
- Guy stubs and wires.
- Manholes.
- Poles and towers.
- Sewer traps.
- Stenciling or painting letters or numbers on poles.

NOTE A: The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B: The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

35 Miscellaneous Structures.

This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

37 Roadway Machines.

This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently.

LIST OF ROADWAY MACHINES

- Boilers, portable.
- Cars, hand.
- Cars, lever.
- Cars, motor inspection.
- Cars, push.
- Cars, (small), crane, for supply yards and general use.
- Concrete mixers.
- Ditching machines.
- Dredging machines.
- Engines, portable.
- Grading outfits.
- Hydraulic outfits.
- Jacks, hydraulic.
- Log loaders.
- Pile drivers.
- Plows, unloading.
- Rail unloaders.
- Rock crushers.
- Steam rollers.
- Timber trucks.
- Velocipedes.

NOTE A: When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B: The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings," as provided for therein.

NOTE C: The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

38 Roadway Small Tools.

This account shall include the cost of the initial outfit of roadway and track small tools provided for the maintenance of way and structures at the time the road is opened for commercial traffic; also the initial outfit of such tools provided for the maintenance of extensions of such road.

NOTE: The cost of roadway and track small tools of which no specific record is kept shall be charged when acquired to an appropriate materials and supplies account, from which they shall be charged as issued to the appropriate road and equipment, operating expense, or other accounts. When such tools are used both for construction and maintenance work the cost shall be equitably apportioned among the accounts provided for the two classes of work.

39 Public Improvements; Construction.

This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. The account also shall include carrier's portion of the cost of public improvements constructed under governmental requirements. See Instruction 16. The entire amount of each assessment and other liabilities for public improvements shall be included in this account as soon as the amounts are determined.

ITEMS

- Cost of land outside carrier's right-of-way to provide for the relocation of streets or highways or providing slopes therefor.

Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A: The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements—Construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account.

NOTE B: The cost to the carrier of maintaining public improvements shall be included in Operating Expenses.

NOTE C: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE D: The amount of the deferred payments of assessments for public improvements if payments are to be made within one year, shall be included in account 763, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 782, "Other liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E: Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

NOTE F: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 737, "Miscellaneous physical property."

40 Revenues and Operating Expenses During Construction.

This account shall include the cost of operating a piece of road during the period before the regular operation of revenue trains, including rent and repairs of equipment used in commercial service during such period. It includes the cost of running construction trains over such section of road when the cost of operating such trains cannot properly be charged to any specific account. To this account shall be credited amounts collected for rents of buildings and other properties and for the transportation of commercial freight or of passengers on construction trains; also the net profits from boarding and commissarial outfits, and other sources of operating revenue. Carriers which wish to subdivide this account shall use appropriate subaccounts corresponding to accounts prescribed for operating revenue, operating expense, or income accounts.

42 Reconstruction of Road Property Acquired.

When road property acquired is in such physical condition that it is necessary to substantially rebuild the road in order to bring it up to the standard required by the carrier, the accounting for such reconstruction including retirements in connection therewith shall be presented to the Commission for approval before being entered in the accounts.

NOTE: A comprehensive statement of the estimated amount necessary to reconstruct a road in accordance with the above provision shall be made to the Commission as soon as the estimate is made.

43 Other Expenditures; Road.

This account shall include items which can not properly be included in any of the foregoing accounts as a part of the cost of any specific work, amounts paid for rent and repairs of equipment and for injuries to persons incident to and in connection with original road, road extensions, or additions and betterments; and analogous items. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditure occurs.

NOTE: Rents paid for and repairs made to equipment used in commerical operations during the period before the regular operation of revenue trains shall be charged to account 40, "Revenue and operating expenses during construction."

44 Shop Machinery.

This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vices.
Welding machines.
Woodworking machines.

NOTE A: The cost of powerplant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Powerplant machinery."

NOTE B: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

45 Power-plant Machinery.

This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ash-conveying machinery.
Battery-charging apparatus.
Boiler-room appliances and tools.
Boilers and fittings.
Circuit breakers.
Coal-conveying machinery.
Condensers.
Cranes.
Draft machinery.
Dynamos.
Engine-room appliances and tools.
Feed water heaters.
Furnaces.
Ice-manufacturing machinery and apparatus.
Lubricating devices.
Mechanical stokers.
Metal stacks on boilers.
Refrigerating - machinery and apparatus.
Rotary converters.
Sewer connections for machinery.
Special foundations for machines.
Steam - distribution systems within the plant.
Switchboards.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Water meters.
Well pumps.

NOTE A: The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B: The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C: The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E: The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29, "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non-carriers the investment shall be included in account 737, "Miscellaneous physical property."

47 Unapplied Construction Material and Supplies.

This account shall include the cost of material and supplies located at the point of use which have been purchased for projected new roads and road extensions. The purpose of this account is to exclude from the current assets the cost of supplies and unapplied material which are located for use on projected new roads and road extensions, under the condition that the material will not be used for other purposes.

NOTE A: Material and supplies designed for projected new roads and road extensions which are carried in storehouses and store yards and included in the general stock of an operating company shall be included in balance-sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied materials and supplies on hand at the completion of construction work shall be transferred to balance-sheet account 712, "Material and supplies."

Equipment

50 Equipment.

The several primary accounts included in this general account are designed to show the cost of the several classes of equipment owned by the carrier, or held under equipment trust agreements for purchase.

51 Steam Locomotives.

This account shall include the cost of steam locomotives and tenders, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire-extinguishing apparatus.
Gongs.
Head lamps.
Metallic packing.
Pneumatic sanding equipment.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

52 Other Locomotives.

This account shall include the cost of locomotives other than steam, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

NOTE: Cars with motor equipment are not to be classed as locomotives.

53 Freight-train Cars.

This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

54 Passenger-train Cars.

This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Café, chair and club.
Dining.
Express.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger-baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

56 Floating Equipment.

This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Charts.
China, crockery, and glassware.
Chronometers.
Compasses.
Desks and furniture.
Engines and foundations.
Fire buckets and extinguishers.
Floor coverings.
Gangplanks.
Heating equipment.
Hoisting equipment.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Logs.
Machinery and foundations.
Masts.
Pianos and other musical instruments.
Pumps.
Railings.
Rigging.
Sails.
Scales.
Seats, chairs, and cushions.
Spyglasses and telescopes.
Steam distribution systems.
Steering equipment.
Ticket cases.
Tool boxes and tools.
Tracks on car floats.
Ventilating equipment.

57 Work Equipment.

This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

58 Miscellaneous Equipment.

This account shall include the cost of horses and harness; and cost of wagons, automobiles, and other highway vehicles.

59 Unapplied Material and Supplies; Equipment.

This account shall include the cost of unapplied material and supplies located at the point of use whch have been purchased specifically for the construction of new railroad equipment.

NOTE A: If material and supplies designated for new railroad equipment are carried in storehouses and storeyards as part of the general stock of the company, their cost shall be included in balance sheet account 712, "Material and supplies."

NOTE B: The cost of unapplied material and supplies on hand at the completion of construction work shall be transferred to balance sheet account 712, "Material and supplies."

General Expenditures

70 General Expenditures.

The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extension, additions, and betterments to road and equipment property, when such expenditures cannot properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

71 Organization Expenses.

This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs necessary and proper in organizing the enterprise.

NOTE: Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance-sheet account 742, "Unamortized discount on long-term debt."

72 General Officers and Clerks.

This account shall include the pay and expenses of executive and general officers and of general office clerks engaged exclusively in connection with the construction of new road and extensions.

NOTE: The salaries and expenses of executive and general officers and of general office clerks engaged in connection with the conduct of commercial operations during the period before the regular operation of revenue trains shall be included in account 40, "Revenues and operating expenses during construction."

73 Law.

This account shall include specific and distinct expenditures, not provided for elsewhere, for law service in connection with the acquisition of new road, road extensions, additions, and betterments, such as pay and expenses of counsel, solicitors, and attorneys, their clerks and attendants, and expenses of their offices.

NOTE: Court costs and special counsel fees in connection with the acquisition of land for transportation operations shall be included in account 2, "Land for transportation purposes."

74 Stationery and Printing.

This account shall include the cost of stationery, stationery supplies, postage, office devices, and printed matter used by any class of employees in connection with construction and not provided for elsewhere.

NOTE A: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

NOTE B: The cost of stationery and printing when assignable, shall be included in the cost of the property in connection with the acquirement or construction of which the expenditure occurs.

75 Taxes.

This account shall include State, county, township, city, school, road, annual franchise, and all other taxes and assessments levied and paid on property belonging to the carrier during construction and before the facilities are used for commercial operations, except special assessments for street and other improvements chargeable to account 39, "Public improvements—Construction."

NOTE: Taxes during construction, when assignable, shall be included in the cost of the property acquired or constructed.

76 Interest During Construction.

(a) When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

(b) When such securities are sold at a premium the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

(c) This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made becomes available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A: Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B: If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C: Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific roads and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE D: This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

77 Other Expenditures; General.

This account shall include all expenditures of a special and incidental nature in connection with the acquisition and construction of original road and equipment, road extensions, additions, and betterments which cannot properly be included in any other account in this classification.

80 Other Elements of Investment.

(a) This account shall include elements of investment in property not includible in other primary property accounts. When property is retired from service a fair portion of the amount in this account assignable to such property shall be cleared on a consistent basis. The amount of charges so cleared shall be included in the operating expense account prescribed for loss from property retired, unless a reserve previously has been provided against which the amount is now chargeable.

(b) The amount cleared for property retired shall include a fair portion of any of the remaining *credit* balance recorded in this account as of the time of a reorganization, pursuant to instruction 2–15, *Reorganization of Railway*. The amount of credits so cleared assignable to retirements of property classified as nondepreciable (for which a reserve for loss from retirements has not been provided) shall be applied to reduce the loss otherwise chargeable to operating expenses for property retired. Any portion of a remaining *credit* balance in this account arising from a reorganization that is equitably assignable to property for which a depreciation or other reserve has been provided and is now adequate, shall be disposed of as soon as practicable in harmony with the principle in paragraph (c) hereunder.

(c) In addition to the items hereinbefore described directly assignable to property retired other amounts may be cleared and written off gradually or disposed of immediately if the Commission so authorizes. Applications for such authority shall give complete details of the amount to be written off or disposed of and the reason for the adjustment. The carrier shall maintain a record of items charged to and items cleared from this account and the basis used in computing such items.

RAILWAY OPERATING REVENUE ACCOUNTS

100 Transportation; Rail Line.

The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line.

101 Freight.

(a) This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

(b) This account shall include collections in excess of tariff charges, except where such amounts are segregated and held subject to refund. Charges found to be uncollectible on shipments for which service has been rendered shall be charged to this account.

(c) Proceeds derived from the sale of unclaimed and refused freight which has been transported in accordance with the contract of shipment shall be credited to this account in cases where such items can be readily identified. Uncollected tariff charges on such shipments shall be charged to this account.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.
(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.
(c) Revenue from transportation of mail matter, and empty mail pouches, at freight tariff rates.
(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.
(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.
(f) Revenue from reconsigning privileges.
(g) Revenue from stop privileges.
(h) Revenue from transit privileges.
(i) Revenue upon the basis of arbitraries out of freight rates for water transfers (ferriage, lighterage. and floatage).

ITEMS TO BE CHARGED

Amounts paid as bridge and ferry arbitraries on freight.
Amounts paid for completing a haul.
Amounts paid for elevation of freight.
Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.
Amounts paid for transferring freight between stations.
Arbitraries and allowances to others for lighterage and wharfage.
The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.
The carrier's proportion of refunds on account of errors in routing and billing.
The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.
The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.
Amounts paid on basis of tariff rates for loading and unloading livestock.

NOTE A: Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 411, "Other expenses," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B: Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 411, "Other expenses."

NOTE C: Other carriers' proportion of revenue paid by the carrier on freight lost, destroyed, or damaged in transit, for which neither consignees nor consignors are liable shall be charged to operating expense account 418, "Loss and damage—Freight."

NOTE D: When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

NOTE E: The accrued revenue derived from the transportation of cream, sweet milk, etc., on a basis of lawful tariffs at rates per package, regardless of weights, shall be included in account 109, "Milk."

NOTE F: Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE G: This account shall be maintained so as to show separately payments and allowances (a) to railway express agencies, (b) to motor truck companies and others, and (c) to shippers and consignees, for terminal collection and delivery services when performed in connection with line haul transportation of freight on the basis of freight tariff rates; also (d) payments for switching services when performed in connection with line haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (e) payments on basis of tariff rates for loading and unloading livestock.

102 Passenger.

This account shall include the revenue from transportation of passengers at passenger tariff fares; from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.
(b) The carriers' proportion of revenue from interline passenger fares.
(c) Revenue from extra fares.
(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.
(e) Revenue from mileage and scrip coupons honored for all services covered by this account.
(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.
(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.
(h) Cash fare penalty collections.
(i) Unclaimed collections and deposits for transportation of passengers.
(j) Passenger fare overcharges.
(k) Revenue from transportation of corpses, based on passenger fares.
(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in division of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.
(b) Amounts paid for switching in completing a passenger transportation movement.
(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)
(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.
(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.
(f) Uncollectible undercharges.

NOTE A: Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B: When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

NOTE C: Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 411, "Other expenses," except that when switched for repairs, the amounts paid shall be included in account 317, "Passenger-train cars—Repairs."

NOTE D: Revenue from the transportation of automobiles, with or without trailers, in freight service, in connection with the transportation of passengers, also revenue from loading and unloading automobiles at point of origin, destination, or enroute, shall be credited to account 101, "Freight."

103 Baggage.

This account shall include the revenue from the transportation of baggage, packages, baby carriages, bicycles, household pets, dogs, etc., on passenger trains at other than freight or express tariff rates.

LIST OF ITEMS

(a) Revenue from transportation of baggage in excess of free allowances.
(b) Revenue from transportation of packages, baby carriages, bicycles, household pets, dogs, etc., at baggage tariff rates.
(c) Revenue from transportation of baggage or other articles based upon excess value.
(d) Revenue from transportation of baggage when passenger does not make corresponding trip.
(e) Revenue from excess weight of corpses based on baggage tariff charges and from special charges for transferring corpses between depots.
(f) Revenue from scrip coupons honored for any of the above-mentioned service. (See Note B.)
(g) Overcharges on baggage transactions.
(h) Revenue from transportation of emergency shipments and articles based on double gross weight, etc.
(i) Amounts received specifically to cover movement of special or chartered baggage cars including transportation of attendants regardless of whether the the charge is based upon passenger tariff fares, a stated minimum, or any other basis. This includes box cars when used for baggage service.
(j) Revenue from issuing duplicate baggage checks.

NOTE A: Revenue derived from transportation of shipments of silk, fish, etc., in passenger trains at freight rates, shall be included in account 101, "Freight."

NOTE B: Amounts of refunds, uncollectible undercharges, etc., involved in these credits, shall be charged to this account.

NOTE C: Gross receipts from the sale of baggage scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of the coupons as honored for any of the services covered by this account.

104 Sleeping Car.

This account shall include the revenue from berth and seat accommodations furnished in sleeping cars on the basis of berth or seat rates for the space occupied.

105 Parlor and Chair Car.

This account shall include the revenue from seat accommodations furnished in parlor, observation, chair, and other special passenger cars when operated in passenger-train service or in special-train service at seat rates for space occupied.

106 Mail.

This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facilities; and from bonuses for special mail transportation. To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

NOTE: The revenue from the transportation of mail matter and empty mail pouches on freight trains at freight tariff rates shall be included in account 101, "Freight."

107 Express.

This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation. When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

108 Other Passenger-train.

This account shall include the revenue derived from the operation of passenger trains not provided for elsewhere.

LIST OF ITEMS

(a) The carrier's proportion of contract revenue derived from the operation over its line of sleeping, parlor, chair, observation, and other special passenger-train cars, owned and operated by companies other than The Pullman Company.
(b) Value of portions of mileage tickets or coupons, scrip books or coupons, including baggage, circus and show scrip, unpresented and unredeemed.
(c) Revenue from transportation of newspapers at local tariff rates or at proportions of interline tariff rates.

109 Milk.

This account shall include the revenue from the transportation of cream, sweet milk, skim milk, sour milk, buttermilk, condensed milk, butterfat, and smearcase or pot cheese, upon the basis of lawful tariffs at rates per package, regardless of weights.

NOTE: The revenue from the transportation of milk upon the basis of lawful tariffs at rates per specified weights shall be included in revenue account 101, "Freight."

110 Switching.

(a) This account shall include the revenue from switching service upon the basis of lawful tariff rates. To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

(b) To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE: "Penalty switching" charges paid by the carrier shall be included in expense account 411, "Other expenses."

113 Water Transfers.

(a) This account shall include the revenue, from the transfer by water (ferriage, lighterage, and floatage) of passenger, freight, vehicles and livestock, upon the basis of lawful local tariff rates.

(b) This account also shall include revenue from water transfers of other traffic, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

(c) To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

NOTE: No revenue shall be included in this account for water transfers of passengers or shipments upon the basis of arbitraries out of rates for transportation involving rail line haul.

Incidental Revenue Accounts

130 Incidental.

The primary accounts included in this general account are designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation, for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses, and from incidental sources not provided for elsewhere.

131 Dining and Buffet.

This account shall include the revenue from dining and buffet service on trains and transfer boats.

ITEMS TO BE CREDITED

(a) Revenue from lunches furnished.
(b) Revenue from meals furnished.
(c) Revenue from liquors furnished.
(d) Revenue from tobacco furnished.
(e) Revenue from cigars and cigarettes furnished.

132 Hotel and Restaurant.

This account shall include the revenue from hotels, restaurants, and station lunch counters.

ITEMS TO BE CREDITED

(a) Revenue from the rent of rooms.
(b) Revenue from the use of baths.
(c) Revenue from the use of billiard tables.
(d) Revenue from the use of bowling alleys.
(e) Revenue from lunches furnished.
(f) Revenue from meals furnished.
(g) Revenue from liquors furnished.
(h) Revenue from tobacco furnished.
(i) Revenue from cigars furnished.
(j) Revenue from cigarettes furnished.
(k) Revenue from newspapers furnished.
(l) Revenue from periodicals furnished.
(m) Revenue from tonsorial service.
(n) Revenue from laundry work.

NOTE: This account shall not include the revenues from hotels and restaurants which are entirely distinct from the carrier's transportation plant and the cost of which is included in balance-sheet account 737, "Miscellaneous physical property."

133 Station, Train, and Boat Privileges.

This account shall include revenue from weighing, vending, and other automatic machines located at stations; from advertising at stations and on trains and on transfer boats; from the privilege of operating news stands at stations and selling papers, periodicals, fruit, etc., on trains and on transfer boats; from telephone companies for the privilege of installing and operating commercial telephones at stations; from the operation of eating houses and dining and buffet service on trains and transfer boats when such operation is conducted by individuals or companies other than railway companies and when the expenses incurred by the carrier in connection therewith are not separable from its regular operating expenses; and from similar sources.

135 Storage; Freight.

This account shall include the revenue from the storage of freight.

137 Demurrage.

This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage.

138 Communication.

This account shall include the revenue from commercial operation of telegraph, telephone, radio, and all other forms of communication systems. It shall also include amounts received from commercial operators of such systems, whether as a proportion of earnings or otherwise, for the privilege of transacting business in offices along the carrier's lines, but only when the carrier furnishes some service of employees whose pay is included in its operating expenses.

139 Grain Elevator.

This account shall include the revenue from the operation of grain elevators.

ITEMS TO BE CREDITED

(a) Revenue from the elevation of grain.
(b) Revenue from the storage of grain.
(c) Revenue from bagging grain.
(d) Revenue from screening grain.
(e) Revenue from blowing grain.
(f) Revenue from cooling grain.
(g) Revenue from clipping grain.
(h) Revenue from cleaning grain.
(i) Revenue from mixing grain.
(j) Revenue from transferring grain in elevators.
(k) Revenue from loading grain into and unloading grain from boats not covered by elevation charges.
(l) Revenue from trimming grain in boats when performed by elevator employees.
(m) Revenue from the sale of screenings and sweepings.
(n) Revenue from inspecting grain in elevators.

141 Power.

This account shall include the revenue from the sale of electric current and other power.

142 Rents of Buildings and Other Property.

This account shall include the revenue from the exclusive use of buildings and other property or portions thereof, such as depot and station grounds and buildings, general and other offices, wharves, ferry landings, elevators, stockyards, fuel yards, enginehouses, repair shops, and section and other houses, when the property is operated and maintained in connection with the property used in the carrier's transportation operations and the expenses of maintaining and operating the rented portion cannot be separated from the expenses of that portion used by the carrier.

NOTE: When the expenses of maintaining and those of operating property rented to others are separable, the rents received shall be credited and the expenses of maintenance and operation shall be charged to appropriate income accounts.

143 Miscellaneous.

This account shall include the revenue from railway operations not provided for elsewhere.

LIST OF ITEMS

(a) Amounts received for privilege of cutting hay along the right of way.
(b) Commissions received for collecting premiums on insurance policies from employees and installment payments for books, watches, etc., sold by dealers to employees.
(c) Profit from jobbing and installing electric power lines for others.
(d) Revenue from boat demurrage.
(e) Revenue from freight and passenger privileges over a carrier's wharves and docks.
(f) Revenue from garnishee fees.
(g) Revenue from operation of coal and ore wharves, cold-storage plants, coal-storage plants, cotton-compress plants, and wood-preserving plants.
(h) Revenue from privilege of mooring and anchoring boats at wharves and docks.
(i) Revenue from the sale of cinders produced by carrier.
(j) Revenue from use of carrier's bridges by pedestrians, streetcar lines, vehicles, etc.
(k) Revenue from temporary use of carrier's tracks for detouring trains, etc.
(l) Revenue from use of tracks incident to delays in loading or removing freight.
(m) Revenue from water furnished boats from water stations operated by the carrier.
(n) Revenue from weighing cars.
(o) The carrier's proportion of gross revenue from operation of clergy bureaus.
(p) The carrier's proportion of gross revenue from operation of ticket validation agencies.
(q) Collections made by station ushers (Red Caps) for the handling of passenger baggage.
(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.
(s) Revenue from operation of parcel rooms, and from storage of baggage.

NOTE: When a bridge of one carrier is jointly used by itself and another carrier and such use is paid for on the basis of flat rent or charge per train-mile or toll per passenger, per ton, or per car, the compensation therefor shall be credited to the appropriate joint facility, operating expense, and income accounts.

JOINT FACILITY REVENUE ACCOUNTS

150 Joint Facility.

The primary accounts included in this general account are designed to show the carrier's proportion of revenues collected by others in connection with operation of joint facilities and the amount payable by the carrier to other companies from operation of joint facilities.

151 Joint Facility—Cr.

This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B: No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 and 131.

152 Joint Facility—Dr.

This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B: No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 and 131.

RAILWAY OPERATING EXPENSE ACCOUNTS

Maintenance of Roadway and Structures

200 Maintenance of Way and Structures.

The primary accounts included in this general account are designed to show the expenses of maintaining road property devoted to railway operations, with the exception of shop machinery, power plant machinery, and power plant apparatus, the expenses of maintaining which are includible in general account 300, "Maintenance of equipment." The accounts for maintenance of way and structures shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, hotels and restaurants, grain elevators, stockyards, producing power sold, and other miscellaneous operations.

201 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of roadway and structures.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General manager; Assistant.
General superintendent; Assistant.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster; Assistant.
Master carpenter; Assistant.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor; Assistant.
Fire Chief.
Fire inspector.
Sanitary inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on the business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk and other clerks and stenographers.
Draftsmen, transitmen, levelmen, rodmen and chainmen.
Janitors, messengers, cooks, and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also amounts paid detective agencies; and others for investigations in connection with maintenance of way and structures.

GENERAL EXPENSE AND SUPPLIES

Atlases, maps, and books for office use.
Business car service.
Fees and dues in associations.
Furniture repairs and renewals.
Heating, lighting and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

SUPPLIES FOR TECHNICAL ASSISTANTS

Barometers.
Cameras, and compasses.
Camp equipage.
Chains for surveyors.
Drafting boards and instruments.
Field glasses, magnets, and magnifiers.
Marking chalk.
Papers, blue-print.
Planimeters.
Plummets.
Protractors.
Ranging poles.
Reading glasses.
Rods for surveyors.
Sextants.
Slide rules.
Telescopes, and thermometers.
Transits, traverse tables, triangles, and tripods.
Other supplies.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: No part of the pay and expenses of the officers and employees designated above shall be charged to other primary accounts under account 200, "Maintenance of way and structures."

NOTE D: The cost of stationery for maintenance of way and structures offices is chargeable to account 276, "Stationery and printing."

202 Roadway Maintenance.

This account shall include:

(a) *Care of roadbed.* The cost of repairing roadbed.

ITEMS OF EXPENSE

Blasting rocks.
Building temporary tracks around slides and washouts.
Repairing and cleaning tile ditches, open ditches, and drains.
Crowning track ties with retaining earth.
Filling borrow and cattle pits.
Keeping tracks clear and repairing sub-grade in case of washouts.
Landscape gardening along roadway.
Oiling roadbed.
Post driving and pressure grouting to promote stability of roadbed.
Removing temporary tracks around slides and washouts.
Removing dangerous rocks.
Removing slides.
Repairing roadbed damaged by washouts.
Restoring roadbed, cuts, fills, and embankments to standard width.
Sloping cuts.
Sodding roadway.

NOTE A: The cost of drains or sewers laid under tracks shall be included in account 208, "Bridges, trestles, and culverts." The cost of landscape gardening within the limits of the grounds around buildings shall be included in the appropriate repair accounts for buildings.

(b) *General cleaning.* The cost of cutting, removing, and disposing of brush, grass, and weeds from the right of way; plowing and digging fireguards; dressing ballast and cutting sod lines; removing miscellaneous scrap, drift, cinders, dirt, and other material from right of way and from road and terminal tracks (including tracks at stations, engine yards, and car yards); and cleaning streets used as roadways.

NOTE B: Loading ashes at engine-yard tracks shall be charged to the engine-house expense accounts.

(c) *Watching roadway.* The cost of extinguishing fires on right of way and adjacent thereto, and of walking, watching, and patrolling tracks and right of way.

NOTE C: The cost of watching and patrolling bridges, buildings, and miscellaneous property is provided for in accounts specifically relating to such property.

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, breakwaters, revetments and retaining walls, which were placed or constructed for bank protection.

(e) *Train service.* The cost of work-train service in connection with work pertaining to roadway maintenance.

(f) *Track changes.* The cost of roadway work in connection with taking up and relocating tracks.

(g) *Other expenses.* The cost of roadway work not provided for elsewhere, such as official roadway inspection train service and premiums in connection with roadway maintenance.

NOTE D: Tools and supplies used by repairmen and watchmen in roadway maintenance service shall be charged to account 271, "Small tools and supplies."

206 Tunnels and Subways.

This account shall include the cost of repairing, ventilating, lighting, and watching tunnels and subways for the passage of trains, and the cost of special tools and supplies furnished in connection with the work.

NOTE: The cost of repairs to signals and to roadway and tracks in tunnels shall be charged to the appropriate maintenance of way accounts and not to this account.

208 Bridges, Trestles, and Culverts.

This account shall include the cost of repairing (including fuel and supplies used) and watching bridges, trestles, and culverts, including altering and bracing during process of filling, dredging and cleaning water channels for protection, and cleaning culverts. The bridges, trestles, and culverts referred to in this account include only structures which carry the carrier's own tracks.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting.
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE: When a part of the entire structure of a bridge or trestle is converted, by filling into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to road and equipment account 6, "Bridges, trestles, and culverts." In case the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such a temporary trestle shall be charged to road and equipment account 3, "Grading." The ledger value of the structure, or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to road and equipment account 3, "Grading," shall be charged to account 735, "Accrued depreciation—Road and equipment."

210 Elevated Structures.

This account shall include the cost of repairing elevated structures and foundations of elevated railway systems.

212 Ties.

This account shall include the cost of cross, switch, bridge, and other track ties used in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting ties in tracks, the cost of work-train service in connection with the distribution of the ties laid, and the cost of picking up and concentrating or disposing of the ties released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of metal ties applied in place of wooden ties over the cost at current prices of replacing in kind the wooden ties removed shall be charged to road and equipment account 8, "Ties."

NOTE C: The cost of ties used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of ties used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

214 Rails.

This account shall include the cost, less salvage, of rails used in the repairs of tracks; also the cost (estimated if actual is not known) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing and putting rails in tracks, the cost of work-train service in connection with the distribution of the rails laid, and the cost of picking up and concentrating the rails released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 9, "Rails."

NOTE C: The cost of rails used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts and of rails used for repairs of tracks on car floats to account 323, "Floating equipment—Repairs."

216 Other Track Material.

This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails.

ITEMS OF EXPENSE

Angle bars.
Anticreepers.
Connecting rods.
Derails.
Frog and guard-rail blocking.
Frogs.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch-stand bolts.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie-rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" used, and the cost of picking up and concentrating the material released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices, of material of the same weight and quality as that released, shall be charged to road and equipment account 10, "Other track material."

NOTE C: The cost of "other track material" used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of such track materials used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

218 Ballast.

This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks, including the cost of work-train service and of unloading the material. When the ballast taken from a pit is not sufficient to justify the opening of a clearing account, the cost of gravel and quarry rights and cost of sinking test holes shall be included in this account.

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Enginehouse expenses—Yard," or to account 400, "Enginehouse expenses—Train." No charge to cover the value of cinders accumulated by the carrier shall be included in this account.

NOTE B: The cost of labor putting ballast in tracks shall be included in account 220, "Track laying and surfacing."

NOTE C: The excess cost of ballasting tracks over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to road and equipment account 11, "Ballast."

NOTE D: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE E: The cost of ballast used for repairs of temporary tracks, such as gravel pit or quarry tracks, shall be included in the appropriate clearing accounts.

220 Track Laying and Surfacing.

This account shall include:

(a) *Applying ballast.* The cost of labor expended in preparing the roadbed, and applying ballast for repairs of tracks.

(b) *Applying ties.* The cost of labor expended in unloading, distributing and applying ties for repairs of tracks; in gathering up and disposing of the ties released; and in respacing ties.

(c) *Applying rails.* The cost of labor expended in unloading, distributing, cutting, slotting, drilling, adzing for, and laying rails for repairs of tracks; in gathering up and loading rails released; and in adjusting for expansion and contractions of rails.

(d) *Applying other track material.* The cost of labor expended in unloading, distributing, and applying other track material for repairs of tracks; and the cost of gathering up and loading the material released.

(e) *Track maintenance.* The cost of labor expended in alining, surfacing, gauging, and shimming tracks; in tightening track bolts and track spikes; in restoring rails, ties, and ballast in case of washouts, derailments, and wrecks; and in taking up tracks.

(f) *Train service.* The cost of work-train service (except work trains distributing ballast material) in connection with work pertaining to track laying and surfacing.

(g) *Track changes.* The cost of track work (exclusive of the cost of track material) in taking up and relocating tracks.

(h) *Other expenses.* The cost of track laying and surfacing work not provided for elsewhere, and expenses, such as repairing and replacing rail rests, official track inspection train service, and premiums in connection with track repairs.

NOTE: Tools and supplies used by track repairmen and watchmen shall be charged to account 271, "Small tools and supplies."

221 Fences, Snowsheds, and Signs.

This account shall include:

(a) *Fences.* The cost of repairing right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of repairing snowsheds, including cost of replacing trees for protecting tracks from snow.

(c) *Signs.* The cost of repairing signs other than those for identification of bridges, signals, stations, and other structures. (For items of signs see account 13, "Fences, snowsheds, and signs.")

NOTE A: The cost of repairing fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of repairs of the structures.

NOTE B: The cost of repairing signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of repairs of the structures.

NOTE C: The cost of repairing crossing signals, including crossing gates, shall be included in account 249, "Signals and interlockers."

227 Station and Office Buildings.

(a) This account shall include the cost of repairing station and office buildings, fixtures, and appurtenances (including those for heating and lighting), used by the carrier in its operations; also the cost of maintaining grounds appurtenant to such buildings.

(b) A list of stations and office structures and appurtenances appears in property account 16, "Station and office buildings."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station or office employees, shall not be included in this account.

229 Roadway Buildings.

(a) This account shall include the cost of repairing roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and their connections, machinery and other apparatus, fixtures, and furniture in the buildings; also the cost of maintaining the grounds appurtenant to such buildings.

(b) A list of roadway structures appears in property account 17, "Roadway buildings."

NOTE A: The cost of repairing signal and interlocker buildings and their appurtenances shall be included in account 249, "Signals and interlockers."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in the buildings, shall not be included in this account.

231 Water Stations.

(a) This account shall include the cost of repairing water stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

(b) A list of water stations and appurtenances appears in property account 18, "Water stations."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station employees, shall not be included in this account.

233 Fuel Stations.

(a) This account shall include the cost of repairing fuel stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

(b) A list of fuel stations structures and details appears in property account 19, "Fuel stations."

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by fuel station employees, shall not be included in this account.

235 Shops and Enginehouses.

(a) This account shall include the cost of repairing shop and enginehouse buildings, fixtures, and appurtenances used by the carrier in repairing and preparing equipment, and the cost of maintaining the grounds appurtenant to such buildings.

(b) A list of shop and enginehouse structures and details appears in property account 20, "Shops and Enginehouses."

NOTE A: The cost of repairing machinery and other apparatus, including special foundations in shops for maintenance of equipment shall be included in account 302, "Shop machinery."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by shop employees, shall not be included in this account.

237 Grain Elevators.

(a) This account shall include the cost of repairing structures for the transfer, treatment, and storage of grain, including conveyors, machinery and fixtures; also the cost of maintaining the grounds appurtenant to such buildings.

(b) The buildings referred to in this account are large elevators in which a regular grain business is handled or grain is stored for various owners.

NOTE A: Small storage elevators at way stations, where the freight is received for shipment, etc., are classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by grain elevator employees shall not be included in this account.

239 Storage Warehouses.

This account shall include the cost of repairing storage warehouses, including machinery and fixtures therein; also the cost of maintaining the grounds appurtenant to such warehouses. The buildings referred to in this section are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but are warehouses in which merchandise is stored and which the carrier operates as storage warehouses.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by storage warehouse employees, shall not be included in this account.

241 Wharves and Docks.

(a) This account shall include the cost of repairing wharves located at marine, lake, or river docks; dredging waterways to approaches and around such structures, including removal of dredged-out material; and cutting ice in and around docks and wharves to prevent damage; also cost of repairs of cribwork, racks, or caissons for preserving the depth of water in docks; and cost of repairs of guards, piling, and other protection against damage by drift or ice.

(b) A list of details of wharves and docks appears in property account 23, "Wharves and Docks."

NOTE A: The cost of repairing buildings, tracks, and machinery (not bridge machinery) on wharves and piers shall be charged to the appropriate expense accounts.

NOTE B: The cost of repairing coal and ore wharves shall be charged to account 243, "Coal and ore wharves."

NOTE C: Incidental cleaning, when done by regular wharf employees, shall not be included in this account.

243 Coal and Ore Wharves.

This account shall include the cost of repairing wharves and docks, including the cost of repairing conveyors, machinery, and fixtures for the transfer, treatment, blending, or storage of coal or ore.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by coal and ore wharf employees, shall not be included in this account.

247 Communication Systems.

This account shall include the cost of repairing telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries, cables and wires.
Carrier terminating equipment.
Conduits, interior.
Current-controlling instruments.
Electric generators, motors, and meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers and rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph and telephone repeaters.
Teletypewriters.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments, braces, and brackets.
Cable boxes and appurtenances.
Cables, wires, conduits and appurtenances.
Cross arms, guy stubs, and guy wires.
Gas and associated facilities for cables.
Poles and towers.
Submarine cables and connections.
Telephone pole boxes.
Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Repairs of radio, radar, or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same account as repairs of the equipment on which installed. Repairs of wireless sets for instructions, advertising, or entertainment shall be included in the same account as repairs of the buildings in which located.

NOTE B: Repairs of communications systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yards, shall be included in the same account as repairs of the building in which located or in the account appropriate for the service with which associated.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 407, "Communication system operation."

ITEMS

Buzzers, bells, dictaphones, or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph, or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

249 Signals and Interlockers.

This account shall include the cost of repairing signals and interlockers governing the movements of locomotives and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; also the cost of repairing buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers. For list of items see account 27, "Signals and interlockers."

NOTE A: The pay and expenses of employees engaged both in maintaining and operating signals and interlockers shall be apportioned equitably between this account and account 404, "Signal and interlocker operation."

NOTE B: When signal or interlocking apparatus is located in station buildings, only the cost of repairing the signal or interlocking apparatus shall be charged to this account. The cost of repairing the building shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairs of track material such as special rail braces, special rods, switches, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers shall be included in account 216, "Other track material."

NOTE D: When derails are arranged so as to be thrown from switch stands, the cost of labor expended for repairs of the connections between the switch stands and the derail and devices for throwing the derail, shall be included in account 220, "Track laying and surfacing."

NOTE E: The salaries, office expenses, and traveling expenses of supervisors or inspectors when engaged in maintaining both telegraph and telephone lines and signals and interlockers shall be equitably apportioned between this account and account 247, "Communication systems."

253 Power Plants.

This account shall include the cost of repairing power-plant and substation buildings, including all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and miscellaneous fixtures, shall be considered as a part of the power-plant buildings. The power-plant buildings here referred to are those in which power is produced for the operation of trains and cars and for general purposes. For list of items see road and equipment account 29, "Power plants."

NOTE A: The cost of repairing power-plant machinery, including small stacks resting on boilers, and special foundations for machines, shall be included in account 304, "Power-plant machinery."

NOTE B: The cost of repairing the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

257 Power-transmission Systems.

This account shall include the cost of repairing systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; including the cost of conduits and poles, cross arms, insulator pins, brackets and other pole fixtures, used in repairs, and of repairing other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes. For a list of items see account 31, "Power-transmission systems."

NOTE A: The cost of repairing the portions of distribution systems located within shop buildings and station and office buildings shall be included in the accounts provided for the cost of maintaining the buildings. The cost of repairing distribution systems in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE B: The cost of repairing conduits and poles and fixtures for telegraph and telephone lines shall be included in account 247, "Communication systems." If poles and conduits are used both for telegraph and telephone lines, and for power-distribution lines, the cost of repairs thereof shall be included in the account appropriate according to their predominant use.

265 Miscellaneous Structures.

This account shall include the cost of repairing permanent structures, not provided for elsewhere, including the cost of repairing all furniture and fixtures to equip them for use. It shall also include the cost of maintenance of the grounds appurtenant to such structures.

NOTE A: When separable the cost of maintaining structures which are rented to other companies or individuals shall be charged to income account in which is included the rent received for use of the structures.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in miscellaneous buildings, shall not be included in this account.

266 Road Property; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property with the exception of shop machinery and power-plant machinery.

NOTE: Depreciation charges applicable to shop machinery and power-plant machinery shall be included in account 305, "Shop and power-plant machinery—Depreciation."

267 Retirements; Road.

(a) This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. When rails, ties, and other track material are removed and replaced in the process of repairing tracks such work shall be classified as maintenance and the items of material so replaced are not to be recorded as nondepreciable road property retired.

(b) When road property previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof, and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific facility retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

(c) This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 80, inclusive, in accounting for the retirement of road property.

NOTE: The cost of dismantling or demolishing the property if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop, and power-plant machinery," as may be appropriate.

269 Roadway Machines.

This account shall include the cost of repairing roadway machines which are used for the repairs of roadway and structures.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars, (small) crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jack, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: The cost of repairing machines in the maintenance of equipment shops shall be included in account 302, "Shop machinery," as provided for therein.

NOTE B: The cost of repairing roadway machines, such as pile drivers, log loaders, hoisting engines, and concrete mixers, when permanently mounted for movement on carrier's tracks, shall be included in account 326, "Work equipment—Repairs."

270 Dismantling Retired Road Property.

This account shall include the cost of dismantling retired road property and recovering the salvage therefrom with the exception of track material recovered in connection with repairs of tracks as provided for in account 220, "Track laying and surfacing," and shop and power-plant machinery.

NOTE: The cost of removing, gathering up, and disposing of track material in connection with repairs of tracks is includible in account 220, "Track laying and surfacing," and of shop and power-plant machinery in account 306, "Dismantling retired shop and power-plant machinery."

271 Small Tools and Supplies.

This account shall include:

(a) *Roadway and track tools.* The cost of roadway tools (except special tools provided for elsewhere), including the cost of repairing such tools.

LIST OF ROADWAY AND TRACK TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills (portable).
Flags, signal.
Furnaces (portable).
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hose.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, Crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

(b) *Roadway and track supplies.* The cost of supplies consumed in connection with the operation of roadway machines while used in repairs of roadway and tracks; and cost of supplies used by trackwalkers, track watchmen, and roadway and track repair men.

ITEMS OF ROADWAY SUPPLIES

Alcohol for hydraulic jacks.
Fuel for heating tool and other section houses.
Fuel for portable forges used in roadway and track work.
Gasoline for motor cars.
Oatmeal and ice for drinking water used by roadway and track repair men.
Oil and waste for hand cars, lever cars, motor inspection cars, and push cars.
Oil and wicks for lanterns used by trackwalkers, track watchmen, and roadway and track repair men.
Oil and wicks for lighting tool and other section houses.
Torpedoes used by trackwalkers, track watchmen, and roadway and track repair men.
Water for section houses.

272 Removing Snow, Ice, and Sand.

(a) This account shall include the cost of keeping track and roadway clear of snow, ice, and sand. The amount shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting, taking down, and regathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

(b) The account also shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging for men employed in removal service.

273 Public Improvements; Maintenance.

(a) This account shall include the portion borne by the carrier of the expense of maintenance of public improvements, whether done by public authority or by the carrier's employees under governmental requirement.

(b) By public improvements are meant improvements for public benefit such as curbing, grading, guttering, and paving of streets, overhead highway bridges, including approaches; drainage, sewer, irrigation, and water systems; flood protection, parks, sidewalks, etc. For list of items see account 39, "Public improvements—Construction."

NOTE A: The expense of repairing paving within the grounds of buildings or other structures shall be charged to the accounts provided for repairs of the structures.

NOTE B: Assessments for maintaining public improvements included in the general tax levy for a regular taxing district shall be charged to the appropriate tax account in income.

NOTE C: Interest and penalties, based on monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be included in account 547, "Interest on unfunded debt."

274 Injuries to Persons.

(a) This account shall include expenses on account of injuries to persons which occur directly in connection with the maintenance of way and structures, including injuries occurring in connection with the operation of work trains in such service, and injuries caused by defective highways within the right of way.

(b) The account shall also include expenses on account of injuries to employees incurred while demolishing structures, the maintenance of which would be chargeable to maintenance of way and structures; services of employees and others called in consulation in connection with claim adjustments; and pay and expenses of employees while engaged as witnesses at inquests and lawsuits.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, office expenses, and other expenses of claim adjusters, claim clerks and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

275 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amounts of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies in reimbursement for losses under such reinsurance.

276 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with maintenance of way and structures. The account shall include the cost of adding machines, typewriters, and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

277 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions, directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in maintenance of roadway and structures.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

278 Maintaining Joint Tracks, Yards, and Other Facilities—Dr.

This account shall include the carrier's proportion of the costs incurred by others in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by others and in the joint use of which the carrier participates.

279 Maintaining Joint Tracks, Yards, and Other Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by the carrier and in the joint use of which others participate.

280 Equalization; Way and Structures.

This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of way and structures expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

281 Right-of-way Expenses.

This account shall include the cost to the carrier of maintaining structures owned by or exclusively used by others, such costs having been assumed by the carrier in order to acquire or to secure a less restricted use of its right of way. The structures here referred to are those such as bridges above the carrier's tracks, tunnels, and roadways under the carrier's tracks.

NOTE: The cost of maintaining public improvements is includible in account 273, "Public improvements—Maintenance."

282 Other Expenses.

This account shall include all expenses in connection with maintenance of way and structures not provided for elsewhere.

ITEMS OF EXPENSE

Pay and expenses of maintenance of way employees attending conferences with officers in connection with wage disputes.
Fees paid arbitrators in wage disputes with maintenance of way employees.
Payments to maintenance of way employees for time absent on account of sickness, when not compensation for personal injuries.
Gratuities paid to persons for discovering defective rails, etc.

Maintenance of Equipment

300 Maintenance of Equipment.

The primary accounts included in this general account are designed to show the expenses of maintaining the carrier's equipment and the carrier's expense for the repairs of other equipment used in its operations, also the cost of maintaining road property classified as shop and power plant machinery. The repair accounts shall include foreign roads' freight charges for transporting the carrier's equipment to shops for repairs and for transporting such equipment to the carrier's line after repairs have been made. No charge shall be made to these accounts for transporting equipment in the carrier's transportation service trains to shops for repairs or from shops after repairs have been made. The accounts for maintenance of equipment shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, producing power sold, and other miscellaneous operations.

301 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of equipment.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General superintendent of motive power; Assistant.
Mechanical superintendent.
Superintendent of motive power; Assistant.
Mechanical engineer; Assistant.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer; Assistant.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief motive power clerks, other clerks and stenographers.
Draftsmen.
Messengers, cooks and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account, and amounts paid to detective agencies and others for investigations in connection with repairs of equipment.

ITEMS OF EXPENSES AND SUPPLIES

Atlases, maps, and books for office use.
Barometers.
Business car service.
Drafting instruments and supplies.
Engineering supplies.
Fees and dues in technical associations.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed, shall be charged to the work upon which engaged.

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments oyer which they have jurisdiction.

NOTE C: The cost of stationery purchased for maintenance of equipment offices is chargeable to account 334, "Stationery and printing."

NOTE D: The pay of general foremen in small shops, who exercise direct supervision over all departments, unassisted by departmental foremen, shall be apportioned through clearing account "Shop expenses."

302 Shop Machinery.

(a) This account shall include the cost of repairing machinery and other apparatus, including special foundations, in shops and enginehouses.

(b) A list of shop machinery appears in property account 44, "Shop machinery."

NOTE A: The cost of repairing power plant machinery for shop power when located in distinct buildings shall be included in account 304, "Power plant machinery."

NOTE B: The cost of repairing boilers used exclusively for heating shall be included in the appropriate repair accounts for buildings.

NOTE C: The cost of small tools which are soon worn out, when used by mechanics on miscellaneous work, shall be included in clearing account "Shop expenses," and when used on repairs of equipment shall be included in the appropriate accounts for repairs of equipment.

NOTE D: The cost of repairing machinery and tools in shops used exclusively for maintenance of way and structures shall be included in account 229, "Roadway buildings."

304 Power-plant Machinery.

This account shall include the cost of repairing machinery and other apparatus including special foundations in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for general purposes. For list of items see account 45, "Power-plant machinery."

NOTE A: The cost of repairing power-machinery and apparatus in shop power plants shall be included in account 302, "Shop machinery."

NOTE B: The cost of repairing power-machinery and apparatus in stations and offices used primarily for station and office purposes shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairing power-machinery and apparatus in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE D: The cost of repairing foundations, other than those special to particular machines and other apparatus, shall be included in cost of repairing the building and not in this account.

NOTE E: The cost of repairing machinery in distinct plants for furnishing power both for carrier purposes and for sale shall be included in this account. When plants are used solely for generating power for sale the cost of repairs shall be included in account 534, "Expenses of miscellaneous operations."

305 Shop and Power-plant Machinery; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of property the cost of which is includible in accounts 44, "Shop machinery" and 45, "Power-plant machinery."

306 Dismantling Retired Shop and Power-plant Machinery.

This account shall include the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom.

308 Steam Locomotives; Repairs.

This account shall include the cost of repairing transportation service steam locomotives and tenders, including all appurtenances, and the cost of small hand tools used in repair work. This account shall also include the cost of work-train service for the transportation of locomotives without steam to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without steam which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire extinguishing apparatus.
Gongs.
Head lamps.
Packing (except for lubricating).
Pneumatic sanding equipment.
Seat boxes.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE A: The cost of inspecting smokestacks and ash pans of locomotives in service shall be included in the appropriate enginehouse expense accounts.

NOTE B: The cost of repairing steam locomotives and tenders of foreign lines, waybilled as freight, and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing steam locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

NOTE C: The cost of running locomotives under steam to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing steam locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment—Repairs." The cost of repairing locomotives on account of construction work shall be included in the cost of the work.

311 Other Locomotives; Repairs.

This account shall include the cost of repairs of transportation service locomotives other than steam locomotives, analogous to those set forth for steam locomotives in account 308, "Steam locomotives—Repairs."

314 Freight-train Cars; Repairs.

(a) This amount shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; also cost of small hand tools used in repairs. This account shall also include the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service and amounts paid to others for repairs of freight cars for which the carrier is liable.

(b) A list of feight-train cars and appurtenances to such cars appears in property account 53, "Freight-train cars."

NOTE A: The cost of candles, wicks, lamp chimneys, globes, and shades for oil or other lamps in freight-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing freight-train cars of foreign lines waybilled as freight

and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing freight-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

317 Passenger-train Cars; Repairs.

(a) This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; small hand tools used in repairs; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service, and amounts paid others for repairs of passenger-train cars for which the carrier is liable.

(b) A list of passenger-train cars and appurtenances to such cars appears in property account 54, "Passenger-train cars."

NOTE A: The cost of candles, wicks, and lamp chimneys and of globes and shades for electric and other lights in passenger-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing passenger-train cars of foreign lines, which are waybilled as freight and have been damaged in transit, shall be charged to account 418, "Loss and damage—Freight," and the cost of repairing passenger-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or otherwise, for which the carrier is liable, shall be charged to account 416, "Damage to property."

323 Floating Equipment; Repairs.

(a) This account shall include the cost of repairing floating equipment (other than work equipment), including appurtenances, and cost of small hand tools used in repairs. The pay and expenses of captains and engineers and of boat employees, while engaged on maintenance of floating equipment, shall be included in this account.

(b) A list of floating equipment and appurtenances to such equipment appears in property account 56, "Floating Equipment."

326 Work Equipment; Repairs.

(a) This account shall include the cost of repairing rail and floating work equipment, including appurtenances, and cost of small hand tools used in repairs.

(b) The cost of fitting up commercial cars for work service in connection with maintenance and operation; the cost of refitting them for commercial service; the cost of repairs to locomotives while in service for repairs of road and equipment; and the cost of repairs to foreign cars damaged while in such service shall be included in this account; also amounts paid in settlement for such cars destroyed in such service.

(c) A list of work equipment and appurtenances to such equipment appears in property account 57, "Work equipment."

NOTE: The cost of repairs to work equipment on account of construction work shall be included in the cost of the construction work on which it is used.

328 Miscellaneous Equipment; Repairs.

This account shall include the cost of repairing miscellaneous equipment, such as wagons, automobiles, and other highway vehicles, and harness.

329 Dismantling Retired Equipment.

This account shall include the cost of tearing down retired equipment and recovering the salvage therefrom.

330 Retirements; Equipment.

(a) When equipment previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof and the balance in account 736, "Amortization of defense projects—Road and equipment," with respect to the specific equipment retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

(b) This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 80, inclusive, in accounting for the retirement of equipment.

331 Equipment; Depreciation.

This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 51 to 54 and 56 to 58, all inclusive.

332 Injuries to Persons.

This account shall include expenses on account of injuries to persons which occur directly in connection with repairs of equipment. Services of employees and others called in consultation in relation to claim adjustments, pay and expenses of employees while engaged as witnesses at inquests and lawsuits shall be included in this account. This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and office and other expenses of claim adjusters, claim clerks, and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

333 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

334 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with maintenance of equipment. The account shall include the cost of adding machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

335 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in maintenance of equipment.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, "Pensions."

336 Joint Maintenance of Equipment Expenses—Dr.

This account shall include the carrier's proportion of expenses incurred by others in maintaining equipment used in the operation of joint facilities, including the carrier's proportion of the expenses of repairing such equipment damaged by accidents when such expenses are participated in by more than one carrier. It shall also include the carrier's proportion of expenses incurred by others in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by others and in the joint use of which the carrier participates.

337 Joint Maintenance of Equipment Expenses—Cr.

This account shall include the amount chargeable to others as their proportion of expenses incurred by the carrier in maintaining equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier. It shall also include amounts chargeable to others as their proportions of the expenses incurred by the carrier in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier due from others for their proportions of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by the carrier and in the joint use of which others participate.

338 Equalization; Equipment.

This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of equipment expenses. The amounts included in this account shall concurrently be debited or credited to account 773, "Equalization reserves."

339 Other Expenses.

This account shall include expenses in connection with the maintenance of equipment not properly chargeable to other accounts for maintenance of equipment or to clearing accounts such as "Material store expenses" and "Shop expenses."

ITEMS OF EXPENSE

Pay and expenses of mechanical department employees attending conferences with officers in connection with mechanical department wage disputes.
Fees paid arbitrators in connection with mechanical department wage disputes.
Payments to mechanical department employees for time absent on account of sickness when not in compensation for personal injuries.

Traffic Expense Accounts

350 Traffic.

The primary accounts included in this general account are designed to show the expenses incurred for advertising, soliciting, and securing traffic for the carrier's lines and for preparing and distributing tariffs governing such traffic.

351 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS

Vice president.
Assistant to vice president.
Traffic director; Assistant.
General freight agent; Assistant.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent; Assistant.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account. This includes chief clerk, other clerks, and stenographers; messengers, cooks, porters and other attendants.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account.

ITEMS OF EXPENSE

Atlases, maps, and books for office use.
Barometers.
Business car service.
Express charges.
Fees and dues in commercial and other clubs.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of officers engaged exclusively in soliciting traffic are chargeable to account 352, "Outside agencies."

NOTE C: The cost of stationery for traffic offices is chargeable to account 358, "Stationery and printing," except stationery chargeable to accounts 354, 355, and 356.

352 Outside Agencies.

(a) This account shall include the pay, and the office, traveling, and other expenses of general, commercial, city, and district agents and others soliciting traffic, the employees of their offices, and traveling agents and solicitors located on or off the line of the carrier's road.

(b) City ticket and freight offices, separate from regular station ticket and freight offices, shall be treated as outside agencies; the pay and expenses of the employees therein and the expenses of such offices shall be charged to this account.

(c) Commissions for services pertaining to either freight or passenger business, except commissions paid in lieu of salaries to carrier's agents located upon the carrier's own line (which shall be charged to account 373, "Station employees"), shall be included in this account.

ITEMS OF EXPENSE

Books for office use.
Express charges.
Furniture repairs and renewals.
Heating, lighting, and power.
Membership fees and dues in agency associations.
Membership fees and dues in commercial clubs.
Office supplies.
Periodicals and newspapers.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

353 Advertising.

This account shall include the cost of advertising for the purpose of securing traffic; pay of advertising agents, their clerks and attendants; rent of offices, and the office, traveling, and other expenses of such employees.

ITEMS OF EXPENSE

Advertisements in newspapers.
Advertisements in periodicals.
Bulletin boards and cards.
Customs charges on advertising matter.
Distributing timetables.
Display and other advertising cards.
Distributing folders.
Distributing general notices to shippers.
Express charges.
Frames, handbills, and posters.
Maps used for advertising.
Pamphlets, photographs and views.
Publishing timetables.
Postage.
Publishing folders and advertising matter.
Publishing notices to shippers.

NOTE: Advertising expenses of industrial and immigration bureaus shall be included in account 356, "Industrial and immigration bureaus."

354 Traffic Associations.

This account shall include the cost to the carrier of participation in traffic associations, including its proportion of the pay of officers and employees of such associations and of their office, stationery and printing, traveling, and other expenses.

LIST OF TRAFFIC ASSOCIATIONS

Boards of trade.
Classification bureaus.
Clergy bureaus.
Commercial associations.
Freight associations.
Mileage ticket bureaus.
Passenger associations.
Tariff bureaus.
Ticket validating agencies.

355 Fast Freight Lines.

This account shall include the cost to the carrier of participation in fast freight or dispatch organizations, including its proportion of the pay of officers, soliciting agents, and employees of such organizations, and their office, stationery and printing, traveling, and other expenses.

356 Industrial and Immigration Bureaus.

This account shall include the cost to the carrier of industrial and immigration bureaus, including the pay of industrial and immigration agents, and exhibit agents, their clerks and attendants and their office, stationery and printing, traveling, and other expenses.

357 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic, also premiums on fidelity bonds of employees whose pay is chargeable to Traffic.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account the amount of all claims for injuries to persons and damages to the property covered by its insurance shall be charged. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

358 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with securing traffic, including the cost of tariffs governing such traffic, division sheets, freight classifications, and rate sheets. This account also shall include the cost of calculating machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE A: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

NOTE B: The cost of stationery and printing used by traffic associations, fast freight lines, and industrial and immigration bureaus shall be included in the accounts provided for the expenses of such organizations.

359 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in procurement of traffic and other work in the traffic department.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

360 Other Expenses.

This account shall include all expenses in connection with traffic not properly chargeable to other traffic accounts.

Transportation Expense Accounts

370 Transportation; Rail Line.

The primary accounts included in this general account are designed to show expenses incurred for transporting persons and the property of others, including the expenses of station, train, yard, and terminal service; also the expense of transporting company material in transportation service trains.

371 Superintendence.

This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in conducting transportation.

LIST OF OFFICERS

Vice president.
Assistant to the vice president.
General manager; Assistant.
General superintendent of transportation.
Superintendent of transportation; Assistant.
Division superintendent; Assistant.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster; Assistant.
Road foreman of locomotives.
Traveling locomotive engineer; Fireman.

(b) *Pay of clerks and attendants.* The pay of clerks and others employed in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Division clerk, other clerks and stenographers.
Special agents and detectives.
Messengers, cooks, and porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also the pay and expenses of employees attending investigations concerning the cause of or responsibility for accidents and amounts paid detective agencies and others for work in connection with such investigations.

ITEMS OF EXPENSE

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Express charges.
Fees and dues in associations.
Furniture repairs and renewals.
Heating, lighting, and power.
Official train service.
Periodicals and newspapers.
Provisions for business cars.
Rent of air-brake instruction cars.
Rent and repairs of offices.
Telegraph and telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The cost of stationery purchased for transportation offices is chargeable to account 410, "Stationery and printing."

372 Dispatching Trains.

This account shall include the pay of chief and other train dispatchers, their clerks, copying operators, and attendants, and pay of operators on the line whose duties are confined to directing train movements; also the office, traveling, and other expenses of such employees.

NOTE: Pay of operators who also perform station work shall be charged to account 373, "Station employees."

373 Station Employees.

This account shall include:

(a) *Agents, clerks, and attendants.* The pay of agents, assistant agents, clerks, and attendants in charge of, or engaged in, the operation of stations, stockyards, wharves, and piers located on the carrier's line; also payments to such station or ticket agents in lieu of salaries. This account shall also include special payments to customs inspectors on account of opening and resealing cars under unusual conditions, and payments to produce-exchange inspectors for inspecting, measuring, and weighing grain.

LIST OF GENERAL EMPLOYEES

Accountants.
Baggage agents and baggagemen at stations.
Car and other clerks.
Cashiers.
Customs inspectors.
Depot masters; Assistant.
Detectives and policemen.
Express agents.
Information bureau employees.
Janitors, porters, maids, and matrons.
Package and parcel room employees.
Station agents; Assistants.
Station foremen.
Station masters; Assistants.
Stockyards superintendents and foremen.
Telegraph and telephone operators.
Ticket agents.

(b) *Labor at Stations.* Station and other labor expended in handling freight, mail, baggage, and express at stations, wharves, and piers; in loading, unloading, feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for stock; in disinfecting stations, stockyards, and stock pens; in transferring, picking up, straightening, and reloading freight in the ordinary course of transportation; in miscellaneous station work, including (when done by station employees) cleaning station grounds, station platforms, walks, stockyards, and stock pens, and removing snow and ice therefrom; and in tending switch lamps not in yards and terminals. This account shall also include payments to elevator companies (when not made as division of rate) for transferring grain en route, and payments to other companies and individuals for loading and unloading commercial freight under contract or otherwise.

LIST OF EMPLOYEES

Car sealers and checkmen.
Freight callers and handlers.
Freight house foremen.
Freight loaders and unloaders.
Longshoremen and stevedores.
Mail carriers and weighers.
Stationary engineers and firemen.
Stockyard laborers.
Teamsters and weighmasters.
Truckmen.
Warehousemen.

NOTE A: The cost of transferring freight, mail, baggage, and express on account of wrecks shall be included in account 415, "Clearing wrecks."

NOTE B: This account shall not include the pay of telegraph and telephone operators provided for under accounts 372, "Dispatching trains," and 407, "Communication system operation," or pay of employees provided for under account 375, "Coal and ore wharves."

374 Weighing, Inspection, and Demurrage Bureaus.

This account shall include the cost to the carrier of its participation in joint weighing inspection, demurrage, and car distribution bureaus and associations.

375 Coal and Ore Wharves.

This account shall include cost of operating docks, and wharves, piers, and other marine, lake, or river landings, and the machinery located thereon, used in connection with the transportation of coal and ore.

(a) *Labor and expenses.* The pay and the office, traveling, and other expenses of employees engaged in operating coal and ore wharves.

(b) *Tools and supplies.* The cost of all tools and supplies used in the operation of coal and ore wharves.

ITEMS OF TOOLS AND SUPPLIES

Cylinder and lubricating oil.
Fuel for stationary boilers.
Illuminating oil.
Lanterns and parts.
Picks, shovels, and slice bars.
Waste; wicks.

NOTE: The cost of switching service in connection with coal and ore wharves shall not be included in this account.

376 Station Supplies and Expenses.

This account shall include:

(a) *Heating.* The cost of fuel (including cost of unloading), water, steam, and miscellaneous supplies used for heating stations, waiting rooms, freight and passenger offices, stockyards and other station buildings.

(b) *Lighting.* The cost of fuel, water, gas, oil, electricity, lamp globes, lamp chimneys, wicks, lamp carbons, incandescent lamps, and miscellaneous supplies used in lighting stations, waiting rooms, freight and passenger offices, stockyards, other station buildings, street approaches thereto, and passenger footbridges and subways at stations.

(c) *Other expenses.* The cost of miscellaneous station supplies and station expenses, including those for stockyards.

ITEMS OF EXPENSE

Cleaning privy vaults.
Furniture repairs and renewals.
Garage expenses.
Licenses for ticket agents.
Mail transfer by others than employees.
Membership fees and dues in agents' associations.
Power for station machinery.
Rent of automatic weighing and recording devices.
Rent of scales.
Rent of station buildings (not jointly used).
Reports to agents of commercial standing.
Sprinkling station grounds.
Station employees' expenses.
Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock.
Warehouse charges for storage of freight.
Tools and station supplies such as baggage checks, car seals, cooperage material and packing material, and mail bags; also, station trucks, rolling chairs for invalids, medical supplies, electric fans; uniforms, punches for baggagemen and gatemen, brooms, brushes, shovels and other supplies and tools for general station use.
Telephone and telegraph service.

377 Yardmasters and Yard Clerks.

This account shall include the pay of general yardmaster, yardmaster, assistant yardmaster, general yard foreman, and yard clerks and attendants in yards where regular switching service is maintained and in terminal switching and transfer service, including employees engaged in calling yardmen and trainmen; also pay of policemen, watchmen, and detectives in yard service. (See account 389, "Yard supplies and expenses.")

378 Yard Conductors and Brakemen.

This account shall include the pay of yard conductors or foremen and yard brakemen or switchmen handling cars in passenger and freight yards where regular switching service is maintained and terminal switching and transfer service, including pay while dead-heading in connection with such service. (See account 389, "Yard supplies and expenses.")

NOTE: When conductors and brakemen are engaged in both train and yard service their pay shall be apportioned between the train and yard accounts on the basis of service rendered. This does not apply to train switching service performed by train crews, the entire pay of whom shall be charged to account 401, "Trainmen."

379 Yard Switch and Signal Tenders.

This account shall include the pay of employees in yards where regular switching service is maintained, who are engaged in the operation of yard switches and signals, including interlockers used solely or principally for the government of all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard-switching movements. (See account 389, "Yard supplies and expenses.")

LIST OF EMPLOYEES

Battery men.
Interlocker oilers.
Lampcleaners and lighters.
Switch oilers and tenders.
Levermen, signal men, and tower men.

380 Yard Enginemen.

This account shall include the pay of yard enginemen while engaged in yards where regular switching service is maintained and terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in account 392, "Train enginemen." The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

382 Yard Switching Fuel.

This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuels consumed in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The cost of supplies consumed by locomotives and motor cars engaged in more than one class of service shall be apportioned upon the basis of service rendered. The cost of supplies consumed by train locomotives and motor cars in train switching service shall be included in accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

383 Yard Switching Power Produced.

This account shall include the cost of the production and distribution of electric power used in operating locomotives and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also the cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

384 Yard Switching Power Purchased.

This account shall include the cost of electric power purchased for the propulsion of engines and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

385 Water for Yard Locomotives.

(a) This account shall include the cost of water supplied to locomotives in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of work trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of materials and supplies used in the operation of water stations and purifying plants.

(b) The cost of operating boilers, engines, and pumps at water stations; heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freez-

ing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

(c) An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service engaged in connection with water supply for locomotives shall be included in this account.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

386 Lubricants for Yard Locomotives.

This account shall include the cost of valve, engine, car and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service.

NOTE: The cost of suplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

387 Other Supplies for Yard Locomotives.

This account shall include the cost of supplies, other than fuel, water, and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in yard service. The account shall include the cost of sand and of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

NOTE A: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 399, "Other supplies for train locomotives." Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE B: The cost of other supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

388 Enginehouse Expenses; Yard.

This account shall include the expense of caring for and preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and trucking boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools, supplies, and sundry expenses on account of caring for and preparing locomotives at enginehouse.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Enginehouse cupboards.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table, and turntable machinery.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

389 Yard Supplies and Expenses.

This account shall include the cost of supplies (except locomotive supplies) used in yard service, yard signal and interlocker supplies, and miscellaneous yard expenses for yards where regular switching service is maintained; also office and other expenses of employees whose pay is chargeable to accounts 377, 378, and 379.

ITEMS OF EXPENSE

Electricity purchased for lighting yards and yard buildings.
Furniture repairs and renewals.
Gas purchased for lighting yards and yard buildings.
Power produced for operating switches and signals.
Power purchased for operating switches and signals.
Rent of telephones.
Rent of yard buildings (not jointly used).
Yard supplies such as lubricants for machinery and switches, fuel for heating and power, and waste.

390 Operating Joint Yards and Terminals—Dr.

This account shall include the carrier's proportion of the costs incurred by others in their operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of operating yards and terminals operated by others, and in the joint use of which the carrier participates.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 380 to 403, inclusive, shall be included in this account.

391 Operating Joint Yards and Terminals—Cr.

This account shall include amounts chargeable to others as their proportions of the costs incurred by the carrier in the operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating yards and terminals operated by the carrier and in the joint use of which others participate.

NOTE B: No portions of expenses chargeable by the operating carrier to accounts 380 to 403, inclusive, shall be included in this account.

392 Train Enginemen.

This account shall include the pay of enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in this account. The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

394 Train Fuel.

This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuel for propulsion of trains in transportation-train service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations, and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The entire cost of supplies consumed by train locomotives and motor cars in train-switching service shall be included in the accounts provided for train service.

The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

395 Train Power Produced.

This account shall include the cost of producing and distributing electric power for the propulsion of electric locomotives and cars in transportation train service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of the coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease, used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

396 Train Power Purchased.

This account shall include the cost of electric power purchased for the propulsion of locomotives and cars in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for trains service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

397 Water for Train Locomotives.

(a) This account shall include the cost of water supplied to locomotives in transportation train service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of supply trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of material and supplies used in the operation of water stations and purifying plants.

(b) The cost of operating boilers, engines, and pumps at water stations, heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

(c) An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service, engaged in connection with water supply for locomotives, shall be included in this account.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

398 Lubricants for Train Locomotives.

This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for trains service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

399 Other Supplies for Train Locomotives.

This account shall include the cost of supplies other than fuel, water, and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service. The account shall include the cost of sand and of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

NOTE A: Where the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used by locomotives engaged in yard service, the entire cost of such material shall be included in account 387, "Other supplies for yard locomotives." Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE B: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

400 Enginehouse Expenses; Train.

This account shall include the expense of caring for and preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; preparing and keeping fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools and supplies and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Compounds for cleaning and polishing.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

401 Trainmen.

This account shall include the pay of conductors; of train auditors, ticket collectors, and others engaged in lifting or examining authorities for transportation; and of baggagemen, brakemen, flagmen, train porters, train guards, train stenographers, maids, and other train employees while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines.

NOTE: The pay of trainmen while engaged in work-train service shall be included in the cost of the work to which the service pertains.

402 Train Supplies and Expenses.

This account shall include miscellaneous expenses of transportation service trains and the cost of all supplies other than locomotive supplies.

(a) *Cleaning cars.* The cost of cleaning and disinfecting passenger and freight cars in transportation train service, including cost of removing from freight-train cars such refuse material as sawdust, hay, and straw; also items of expense, such as brooms and brushes, cleaning and polishing compounds, disinfecting machines, fuel for heating water, and labor of employees.

(b) *Heating cars.* The cost of heating cars in transportation train service, including cost of operating steam-heating plants for car heating at stations and yards. Credits shall be made to this account for charges for heater service collected from other companies and individuals. The account shall also include items of expense such as connections between steam heating lines and cars, fuel, labor of employees, removal of ashes from car stoves, and stoves temporarily in freight cars.

(c) *Lighting cars.* The cost of lighting cars in transportation service, including the cost of filling and cleaning lamps and of operating plants for supplying gas or electricity for lighting purposes;

also items of expense such as battery renewals, electricity and gas, lamp bulbs, and labor or employees.

NOTE: Repairs of gas lighting and electric lighting plants shall be included in the proper maintenance accounts. Repairs and renewals of electric lighting equipment of cars, except supplies as above provided, shall be included in the appropriate car-repair account.

(d) *Lubricating cars.* The cost of lubricating cars in transportation train service, including cost of inspecting, repacking, and oiling car journal boxes and air-brake equipment; also items of expense such as labor of employees and oil, grease, other lubricants, and supplies.

(e) *Icing and watering cars.* The cost of icing and watering cars in transportation train service, including icing cars for refrigeration purposes. Credits shall be made to this account for refrigeration charges collected from other companies and individuals. The account shall include items of expense such as hose and fixtures, ice, ice tools, labor of employees, salt and water.

(f) *Detouring trains.* The compensation for temporary use of tracks of other carriers, including the cost of pilot service, on account of wrecks, washouts, landslides, snow blockades, and other defects of the tracks, bridges, or tunnels on the carrier's line.

(g) *Train supplies.* The cost of supplies furnished for use on cars in transportation train service, such as brooms and brushes, chairs for cabooses (not permanently attached), conductors punches, drinking cups and glasses, fuses, lanterns, medical boxes, oil for lanterns, shovels, signal boxes, torpedoes, towels, train tool boxes, uniforms, and waste.

(h) *Other expenses.* The cost of miscellaneous supplies required to equip trains for transportation service and miscellaneous expenses incident to operation of such trains.

ITEMS OF EXPENSE

Apparatus for testing the sight and hearing of enginemen and trainmen.
Employees' reading and bunk room expense, including pay of attendants and supplies furnished.
Laundry work.
Physicians' fees for examination of train employees.
Wages paid to superintendents and secretaries of reading rooms.

ITEMS OF EXPENSE

Bedding for stock cars.
Boarding and slatting box and stock cars for carrying coal, coke, and other freight.
Boards for flooring fruit cars.
Chains for securing loads.
Cleaning, trimming, and filling trainmen's lanterns and rear signal lamps.
Coupling and uncoupling cars at terminals.
Disinfecting cars.
Dunnage used in loading cars or fitting cars for freight shipments.
Feed for livestock in snow-bound or otherwise delayed trains.
Flowers and plants for cars.
Laundry for revenue service cars other than for dining and buffet service and sleeping car service.
Occasional turning of engines on Y of other carriers.
Oil ond other supplies for locomotives hauled as freight.
Periodicals for use of passengers on trains.
Planking cars for billet shipments and other material.
Provisions, supplies, or board for passengers in delayed trains.
Removing advertisements from cars.
Rent of fare registers in cars.
Safety chains for use between twin and triple cars.
Supplies for parlor and chair cars.
Supplies furnished cars for the purpose of protection against accidents and fires.
Temporary grain doors.
Temporary lining of cars for freight shipments and stoves and heaters to prevent freezing.
Temporary openings in cars for freight shipments.
Temporary racking of cars for handling sugarcane, corn, bark, or cordwood.
Transferring passengers, express matter, baggage, mail, and freight on account of defective tracks, bridges, or tunnels.

NOTE: The expenses of operating sleeping, dining, and buffet car features of train service shall be included in account 403, "Operating sleeping cars," or in account 441, "Dining and buffet service," as may be appropriate.

403 Operating Sleeping Cars.

(a) This account shall include the cost of operating sleeping car service on trains.

(1) *Superintendence.* The pay of officers directly in charge of operating sleeping car service; the pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(2) *Station employees.* The pay and expenses of local agents, ticket agents, cashiers, clerks, and attendants; also the office and other expenses of such employees.

(3) *Station expenses.* The expenses of fuel, water, steam, and supplies used in heating station offices; gas, oil, electric current, and other supplies for lighting; repairs and renewals of station furniture, and all other station expenses connected with sleeping car service when separable from the station expenses chargeable to account 376, "Station supplies and expenses."

(4) *Conductors.* The pay of conductors employed on sleeping cars.

(5) *Porters and maids.* The pay of porters and maids employed on sleeping cars.

(6) *Car supplies.* The cost of miscellaneous supplies used on sleeping cars, such as combs, brushes, brooms, and toilet paper; also uniforms, caps, and service stripes for employees.

(7) *Laundry.* Expenses for laundry work, such as laundering sheets, pillowcases, towels, blankets, etc.

(8) *Other expenses.* The cost of flowers and plants, heating cars, cleaning the interior of cars, and of supplies used in interior cleaning, rent and cost of supplies for rooms furnished for sleeping car service employees, and such other expenses in connection with the operation of sleeping cars as are not provided for elsewhere.

(b) This account shall be charged with the deficits assumed by the carrier under a uniform service contract with The Pullman Company, and shall be credited with the carrier's proportion of profits realized under that contract. It is intended that such charges and credits to this account shall include the entire settlement made by the lessee, except allowances for interest rental and depreciation, and that the results of incidental operation of cars other than sleeping cars will not be excluded from the settlements to be recorded herein.

NOTE: When officers have immediate supervision over sleeping car service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

404 Signal and Interlocker Operation.

This account shall include the cost of operating signals and interlockers other than those solely or principally used for governing all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginhouses, and yard switching movements.

(a) *Labor.* The wages of employees engaged in operating signals and interlockers or power producing plants in connection therewith, such as switch tenders, signalmen other than telegraph operators, lever men, switch and signal oilers, battery men, lamp men, lamp cleaners, and lamplighters; gatemen at crossings of other railroads, engineers and others operating plants furnishing compressed air for signals and interlockers; engineers, electricians, and others operating plants furnishing electric power for signals and interlockers.

(b) *Supplies.* The cost of supplies used in operating signals and interlockers or in signal offices, such as gasoline, vitriol, battery zincs, battery coppers, lubricating oils, fuel for heating, fuel for power purposes, produced and purchased power used in operating switches and signals, furniture repairs and renewals, water, and light.

NOTE: The cost of operating signals and interlockers solely or principally used for governing the movement of yard locomotives and trains shall be included in the appropriate yard expense accounts.

405 Crossing Protection.

This account shall include the pay of street and highway crossing gatekeepers and flagmen, the cost of supplies used by them, the cost of lights at street and highway crossings not a part of the lighting outfit at stations or in yards, and the cost of compressed air for operating gates.

406 Drawbridge Operation.

This account shall include the cost of operating drawbridges.

(a) *Labor.* The wages of employees engaged in operating drawbridges, such as bridge engineers, tenders, and watchmen.

(b) *Supplies.* The cost of produced and purchased power and of supplies, such as fuel, oil, lantern, water, waste, boats, stoves, chairs, brooms, and pails used in drawbridge operation.

407 Communication System Operation.

This account shall include the cost of operating communication systems not provided for elsewhere.

TELEGRAPH

Superintendence. The pay of superintendents, censors, their clerks, and attendants.

Operators and messengers. The pay of operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

TELEPHONE

Superintendence. The pay of superintendents, their clerks, and attendants.

Operators and messengers. The pay of operators and messengers in telephone offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION

Superintendence. The pay of superintendents or others who supervise operation, and their clerks or attendants.

Operators. The pay of operators other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of space or facilities occupied by radio, radar, or inductive train equipment; cost of battery and tube renewals; cost of electric current purchased and all other costs incurred for operation and not provided for elsewhere.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation shall be apportioned equally between this account and account 247, "Communication systems."

408 Operating Floating Equipment.

This account shall include the cost of operating floating equipment in water transfer (ferriage, lighterage, and floatage).

(a) *Superintendence.* The pay of vice presidents and other officers directly in charge of or engaged in the operation of boats; the pay of their assistants, clerks, and attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Wages of crews.* The pay of captains, pilots, chief officers, mates, sailors, wireless telegraph operators, and other employees of the deck department; engineers, assistant engineers, electricians, oilers, firemen, coal passers, and all other employees of the engineer's department; and pursers, porters, and all other employees in the steward's department, except when engaged in dining and buffet service.

(c) *Fuel.* The cost, on board boats (including the cost of trimming) of coal, oil, wood, and other fuel used for generating power, heat, or light.

(d) *Lubrication.* The cost of oil, grease, tallow, graphite, and other material furnished for lubricating purposes.

(e) *Other supplies and departmental expenses.* The cost of supplies furnished to deck department; the incidental expenses of deck department employees; supplies other than fuel and lubricants, furnished the engineer's department; water furnished to boats; incidental expenses of engineer's department employees; supplies (other than dining and buffet supplies) furnished to the steward's department; laundry for boats; and incidental expenses of steward's department employees.

(f) *Other expenses.* Expenses incident to the operation of floating equipment not otherwise provided for in this account.

ITEMS OF EXPENSE

Customhouse fees.
License fees.
Pumping out boats laid up.
Raising sunken boats.
Transferring passengers in case of accidents.
Wharfage.

(g) *Elevation and longshore labor.* The cost of shore labor in connection with loading and unloading lighterage freight at wharves and piers, such as labor of bridgemen at transfer bridges and of watchmen, longshoremen, stevedores, and other wharfmen.

(h) *Elevation and shore expenses.* Shore expenses in connection with loading and unloading lighterage freight, such as the cost of steam and electricity for power, heating, and lighting; power and supplies used for transfer or float bridges; supplies used in connection with operating wharves and piers and not chargeable to account 376, "Station supplies and expenses."

NOTE A: When the compensation for the use of floating equipment used in water transfer service includes rent, maintenance, and operation; the portion covering rent shall be charged to income account 539, "Rent for floating equipment," the portion covering maintenance shall be charged to the appropriate account for maintenance of equipment, and the portion covering operation shall be included in this account.

NOTE B: This account shall not include the pay of station employees or labor engaged in handling freight at stations, wharves, and piers provided for under account 373, "Station employees," or the pay of employees or labor provided for under account 375, "Coal and ore wharves."

409 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in conducting transportation operations.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

410 Stationery and Printing.

This account shall include the cost of stationery and printing used in connection with rail line transportation, including operation of floating equipment. The account shall include cost of printed baggage and storage checks, bills of lading, waybills, postage, and other stationery supplies and printing. This account also shall include the cost of adding machines, typewriters, and other appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in appropriate superintendence accounts, and city directories and books of reference used by station agents shall be charged to account 376, "Station supplies and expenses."

411 Other Expenses.

This account shall include all expenses in connection with rail line transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Amounts paid for switching empty cars otherwise than in connection with loaded movements or with the repairs to the equipment.
Amounts paid on account of bills of lading issued on fraudulent receipts.
Amounts paid to suspended transportation department employees covering periods of suspension.
Compensation for property loss incident to failure to stop at station to pick up passengers.
Demurrage accruing on a foreign line by reason of error of carrier's agent.
Extra drayage due to agent's error in routing interline shipment.
Fees paid arbitrators in wage disputes of transportation department employees.
Loss of station funds by burglary, when not covered by insurance.
Loss of train collections in holdup.
Overcharges paid foreign lines on account of error of the carrier's agent in routing and billing.
Pay and expenses of transportation department employees attending conferences with officers in connection with wage disputes.
Payments for switching on account of cars not passing inspection at junction points.
Penalties imposed under reciprocal demurrage laws for failure to furnish cars.
"Penalty switching" payments on account of improper delivery of cars to other carriers.

412 Operating Joint Tracks and Facilities—Dr.

This account shall include the carrier's proportion of the transportation expenses incurred by others in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 390, "Operating joint yards and terminals—Dr."

NOTE A: The purpose of this account is to show the amount accruing against the carrier for its proportion of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by others and in the joint use of which the carrier participates.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

413 Operating Joint Tracks and Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of transportation expenses incurred by the carrier in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 391, "Operating joint yards and terminals—Cr."

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by the carrier and in the joint use of which others participate.

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

414 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to rail line transportation; also premiums on fidelity bonds of employees whose pay is chargeable to rail line transportation.

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to property reinsured by them.

415 Clearing Wrecks.

This account shall include the cost of clearing wrecks other than wrecks of work trains.

(a) *Labor.* The wages of employees while engaged in connection with wrecking service, loading, and transferring contents of wrecked cars, building temporary tracks around wrecks, and removing such tracks.

(b) *Train service.* The cost of train service in connection with replacing wrecked equipment upon the tracks and transporting such equipment to shops for repairs, including amounts paid to other companies for service of locomotives, derricks, and other equipment and for wages of crews in wrecking service.

(c) *Other supplies and expenses.* Payments for reloading or transferring freight, express, baggage, and mail; transferring passengers and cost of provisions or board for men clearing up or watching at wrecks.

NOTE A: Expenses of clearing wrecks of work trains shall be included in the cost of the work in connection with which the wrecked train was engaged.

NOTE B: The cost of restoring roadbed and tracks to original condition after wrecks and the cost of repairing equipment damaged or destroyed by wrecks shall be charged to the appropriate accounts for maintenance of way and structures and maintenance of equipment.

NOTE C: That proportion of payments to other companies for use of locomotives, derricks, and other equipment in wrecking service which represents rent shall be included in the income accounts.

416 Damage to Property.

(a) This account shall include payments and expenses on account of damages to the property of others, whether by fire, collision, flood, or other cause, with the exception of payments and expenses on account of damage to property intrusted to the carrier for transportation, and for damage to stock on right of way. It shall include also fines or compensation paid for interference with the business of others, as by detention of vessels at drawbridges, or by blocking streets.

(b) This account shall include also the pay, office rent, and office, traveling, and other expenses of employees and others engaged as claim adjusters or as witnesses in lawsuits in connection with damage to property cases, or engaged in detection of thieves; notarial fees paid in connection with such cases; and payments for or repairs of damage to equipment of other carriers, or to property contained therein, such carriers having trackage rights upon or grade crossings over the carrier's tracks.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Damage to livestock on right of way, and damage to freight and baggage intrusted for transportation, are provided for under accounts 417, "Damage to livestock on right of way"; 418, "Loss and damage—Freight"; and 419, "Loss and damage—Baggage."

NOTE B: Expenses incident to suits growing out of damage to property claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE C: The pay, office rent, and the traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

417 Damage to Livestock on Right of Way.

(a) This account shall include payments on account of cattle and other livestock killed or injured while crossing or trespassing on the right of way, including cost of removing and burying the same.

(b) There shall be included in this account also the pay and the traveling, office, and other expenses of employees and others engaged as livestock claim adjusters or engaged as witnesses in law-suits in connection with damage to livestock on right of way; also notarial fees in connection with claims for damage to livestock on right of way.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of livestock claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

418 Loss and Damage; Freight.

(a) This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives and cars transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction, or damage to shipments of company material.

(b) This account shall also include the cost of repacking and boxing damaged freight shipments; notarial fees in connection with freight claims; freight charges paid other carriers on lost, destroyed, or damaged shipments; pay, traveling, office, and other expenses of employees or others engaged as freight-claim adjusters, as witnesses in lawsuits in connection with freight-claim cases, in selling damaged and unclaimed shipments or in detecting thieves; rent of warehouses used for storage of damaged and astray freight shipments, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of freight claims.

(c) Amounts received from the sale of astray and damaged freight shall be credited to this account.

(d) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (freight) claims not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

419 Loss and Damage; Baggage.

(a) This account shall include payments for loss, destruction, damage, or delays to baggage and other personal property carried as baggage, and damage to personal apparel; also expenses on account of such loss or damage.

(b) This account shall also include the cost of repacking and boxing damaged baggage; notarial fees in connection with baggage claims; baggage claim payments made to other carriers on lost, destroyed, damaged, or delayed shipments; pay, traveling, office, and other expenses of employees or others engaged as baggage claim adjusters, as witnesses in lawsuits in connection with baggage claim cases, in selling damaged and unclaimed baggage, or in detecting thieves; rent of warehouses used exclusively for storage of damaged and unclaimed baggage, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of claims.

(c) Amounts received from the sale of astray and damaged baggage shall be credited to this account.

(d) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (baggage) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to passengers includes allowance for damage to personal apparel the damage allowance shall be included in this account when separable; otherwise in the appropriate personal injury account.

420 Injuries to Persons.

(a) This account shall include expenses on account of injuries to persons which occur directly in connection with transportation service, including damages for ejectment of passengers.

(b) Services of employees and others called in consultation in relation to claim adjustments; and pay and expenses of employees while engaged as witnesses at inquests and lawsuits, shall be included in this account.

(c) This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to persons includes allowances for damages to personal apparel, the damage allowance shall be included in account 419, "Loss and damage—Baggage," when separable; otherwise the entire payment shall be included in this account.

Miscellaneous Operations Expenses

440 Miscellaneous Operations.

The primary accounts included in this general account are designed to show the expenses incurred in miscellaneous operations.

441 Dining and Buffet Service.

This account shall include the cost of operating dining and buffet service on trains and transfer boats. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating dining and buffet service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Commissarial employees.* The pay of storekeepers, assistant storekeepers, clerks, porters, and other employees in commissarial supply depots and storehouses.

(c) *Stewards.* The pay of stewards or conductors employed on dining and buffet cars and transfer boats.

(d) *Cooks and waiters.* The pay of cooks, waiters, and assistants on dining and buffet cars and transfer boats.

(e) *Fuel and supplies.* The cost of fuel for cooking purposes; of provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; cost of licenses; and cost of cigars, cigarettes, and tobacco.

(f) *Laundry.* Expenses for laundry work, such as laundering tablecloths, napkins, aprons, etc.

(g) *Stationery and printing.* The cost of stationery and printing used in connection with dining and buffet service.

(h) *Other expenses.* The cost of flowers and plants; cleaning the interior of cars; rent and cost of supplies for rooms furnished for dining and buffet service employees; and such other expenses in connection with the operation of dining and buffet service as are not provided for elsewhere.

NOTE: When officers have immediate supervision over dining and buffet service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

442 Hotels and Restaurants.

This account shall include the cost of operating hotels, restaurants, and lunch counters when the cost of the operated property is includible in the road and equipment accounts. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating hotels, restaurants, and lunch counters; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers.

(b) *Employees.* The pay of stewards, hotel keepers, storekeepers, checkers, linen clerks, butchers, chefs, cooks, kitchen help, maids, porters, elevator men, call boys, hat and cloak attendants, waiters, waitresses, laundresses, engineers, firemen, and other employees engaged in operating hotels, restaurants, and lunch counters.

(c) *Fuel and supplies.* The cost of fuel for cooking and heating purposes; provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; the cost of liquor licenses; the cost of tobacco, cigars, cigarettes, etc.; and miscellaneous supplies for operating the service.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of hotels and restaurants.

(e) *Other expenses.* The cost of lighting, and other items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over hotels, restaurants, and lunch counters and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

443 Grain Elevators.

This account shall include the cost of operating grain elevators other than small elevators which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of grain-elevator service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Employees.* The pay of engineers, firemen, foremen, machine men, oil-

ers, millwrights, carpenters, trimmers, weighers, spout men, sweepers, laborers, watchmen, and all other employees engaged in operating grain elevators.

(c) *Fuel and supplies.* The cost of fuel for power, heating, and lighting plants; power for heating, lighting, and operating machinery; and water, ice, oil, waste, and other supplies for operating such property.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of grain elevators.

(e) *Other expenses.* The cost of grain used to make up shortage in elevators; rent for and repairs of rented offices; and other operating expenses not otherwise provided for in this account.

NOTE: When officers have immediate supervision over grain elevators and other operations their pay, office, and other expenses; also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

445 Producing Power Sold.

This account shall include the cost of operating power plants, substations, transmission systems and distribution systems, for the production of power sold. The proportion of the cost assignable to the production of the power sold only shall be included in this account. This account shall include:

(a) *Superintendence.* The pay of officers directly in charge of power plants, substations, transmission systems and distribution systems; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, engineers, firemen, electricians, system operators or load dispatchers, dynamo tenders, foremen regulators, regulators and assistants, switchboard, men, brush men, oilers, wipers, wiremen, and others engaged in the operation of power plants and substation apparatus and devices.

(c) *Fuel.* The cost of fuel used in the production of power and for heating power plants.

(d) *Other supplies.* The cost of water, lubricants, and other power plant and substation supplies.

(e) *Stationery and printing.* The cost of stationery and printing used in connection with producing power sold.

(f) *Other expenses.* The items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over producing power sold and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

446 Other Miscellaneous Operations.

This account shall include the operations of facilities such as cold-storage plants; coal-storage plants; cotton-compress plants; wood-preserving plants; ice-supply plants, etc., when the cost of the facilities is includible in the road and equipment accounts and they are operated by the railway companies.

NOTE: When officers have immediate supervision over other miscellaneous service and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

447 Operating Joint Miscellaneous Facilities—Dr.

This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

448 Operating Joint Miscellaneous Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

449 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in miscellaneous operations.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

General Operating Expenses

450 General.

The primary accounts included in this general account are designed to show the expenses incurred of a general character not chargeable to the preceding general accounts, such as those for general administration and accounting, and those of the financial, law, real estate, tax, and claim departments.

NOTE: Directly assignable administration expenses incident to investments in leased or nonoperating physical property, and in stocks, bonds, and other securities, are chargeable to income account 549, "Maintenance of investment organization."

451 Salaries and Expenses of General Officers.

This account shall include:

(a) *Salaries.* The pay of all general officers and assistant general officers not otherwise provided for, including salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary; Assistant.
Transfer agent.
Treasurer; Assistant.
Local treasurer.
Comptroller; Assistant.
General auditor; Assistant.
General accountant.
Auditor of revenues.
Auditor of passenger accounts; Assistant.
Auditor of freight accounts; Assistant.
Auditor of station accounts.
Auditor of disbursements; Assistant.
Auditor of miscellaneous accounts; Assistant.
Auditor of coal and coke accounts.
Freight claim agent; Assistant.
Real-estate agent; Assistant.
Tax commissioner.

(b) *Expenses.* The traveling and other expenses of officers whose pay is included in this account, including supplies for business cars used by them, cost of running official trains for them, and cost of membership fees and dues in railway and other associations.

NOTE A: When officers' duties are restricted to a single department, their salaries and expenses shall be charged to that department in the accounts for superintendence or for law expenses, as may be appropriate. When officers have immediate supervision over more than one department, their salaries and expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of the purchasing agent, assistant purchasing agent, assistant to purchasing agent, general storekeeper, division storekeeper, their clerks and attendants, shall be charged through clearing accounts "Material store expenses" and "Stationery store expenses," or material account "Fuel," as may be appropriate.

452 Salaries and Expenses of Clerks and Attendants.

This account shall include the pay and expenses of clerks and attendants of the officers whose salaries are includible in account 451, "Salaries and expenses of general officers." The account shall include the traveling and other expenses of employees, the cost of supplies for business cars and cost of running official trains for them.

453 General Office Supplies and Expenses.

This account shall include the office expenses of officers designated in account 451, "Salaries and expenses of general officers."

ITEMS OF EXPENSE

Alterations of partitions and fixtures in general offices.
Atlases, maps, and books.
Cable tolls.
Cleaning.
Express charges.
Furniture repairs and renewals.
Heating and lighting.
Local messenger service.
Periodicals and newspapers.
Rent and repairs of general offices.
Rent of tabulating machines.
Reports of commercial standings.
Service of automobiles.
Telegraph and telephone service.
Watchmen service.

NOTE: The proportion of general office expenses occasioned by the law department shall be included in account 454, "Law expenses."

454 Law Expenses.

This account shall include the pay and the office and other expenses, when not provided for elsewhere, of officers and employees of the law department, the cost of suits, and the payments of special law fees.

LIST OF OFFICERS AND EMPLOYEES

General counsel.
General solicitor.
Assistant counsel.
Solicitor.
Commerce counsel.
Commerce agent.
Special counsel
Attorney.
Counsel.
Law agent.
Clerks and office attendants.

ITEMS OF EXPENSE

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions and testimony.
Cost of suits.
Court bonds and court expenses.
Drawing and recording agreements as to trackage rights, etc.
Express charges.
Fees and retainers of attorneys (not regular employees).
Law books, forms, and reports.
Membership fees and dues in associations to protect carriers against litigation in respect to patents.
Membership fees and dues in law associations.
Notorial fees not provided for elsewhere.
Office expenses
Printing of briefs, testimony, and reports.
Proportion of general office expenses.
Rent of offices.
Special fees.
Telegraph and telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

455 Insurance.

This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General."

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

456 Employees Health and Welfare Benefits.

This account shall include premiums on group and other insurance policies covering annuities and other benefits for employees or their beneficiaries, contributions directly to employees health and welfare funds, and salaries and other expenses incurred directly in conducting relief, benefit, and medical departments for the benefit of officers and employees engaged in accounting, law, and other general administration.

NOTE: The total amount payable to trustees under pension plans and directly to retired employees for pensions is includible in account 457, Pensions.

457 Pensions.

(a) This account shall include amounts payable for the current year to trustees under pension plans for pension costs computed on basis of employees services in the year and for pension costs computed on basis of credits for past services. This includes retired employees and former employees covered in such plans, as well as employees now in service. The account shall also include the amount for which the carrier is liable to cover cost of pensions vested in employees who have qualified for pensions in advance of payment to trustees. This account shall include amounts payable for each year directly to retired employees or to their beneficiaries when no trust fund exists. Also, in the case of an unfunded pension plan, when an employee retires and is granted a pension the total present worth of the pension actuarially computed may be charged to this account, provided this method of accounting for such expense is consistently followed.

(b) If the amount payable to the trustees for pensions for the current year is not paid before the accounts are closed, the item (estimated if necessary) shall be charged to this account and concurrently credited to account 759, Accrued Accounts Payable; or account 753, Audited Accounts and Wages Payable, in case the amount is covered by audited voucher.

(c) The amounts to be charged to this account each year for costs of pensions, including credits based upon prior services, shall be in agreement, as nearly as practicable, with deductions includible in the Federal income tax return for the year under pension plan adopted by the carrier for making payments to the trustees. When payments attributable to prior services made to trustees at the time the pension plan is adopted or subsequently are materially in excess of deductions includible in the tax return for the year, such excess shall be included in account 743, Other Deferred Charges, and cleared thereafter to account 457 in the years in which deductions are includible in tax returns. (See Note B).

(d) The procedure used in making payments to trustees of pension funds and of recording pension costs, together with the amount as nearly as practicable of unfunded costs, including credits based upon prior services, shall be furnished in the explanatory notes in the annual report.

(e) Carriers shall maintain a complete record of payments to trustees for pensions and shall be prepared to furnish to the Commission full information of the plan under which it has created a pension fund and a copy of the declaration of trust and resolution under which the pension plan is established.

NOTE A: Premiums on group and other insurance policies and also other costs of employees health and welfare benefits (but not including pensions) are includible in the separate primary accounts under the general accounts for maintenance, traffic, transportation, miscellaneous operations, and general expenses, as may be appropriate, according to distribution of the pay of the employees covered by the contracts. (See instruction 1-9.)

NOTE B: Reserves heretofore authorized and recorded in the accounts as of the effective date of this system of accounts for pension costs, not funded, may be retained unless otherwise directed by the Commission. Also, payments heretofore made to trustees and charged off against income or retained income are not to be reversed, unless otherwise directed or authorized by the Commission.

NOTE C: In the case of an existing pension plan, if the carrier should desire to conform its accounting to the *full accrual basis* of accounting application to do so may be made to the Commission, for consideration and such accounting shall not be performed unless approved by the Commission. *Full accrual basis* as used herein means recording in the accounts now and hereafter costs of employees pensions accrued, including credits for past services, upon the basis of actuarial computations, even though the sum has not been funded by payment to the trustees. Applications for such accounting shall show the method of computation, together with the carrier's proposal for recording in the accounts the related income tax credits to be realized in subsequent years.

458 Stationery and Printing.

This account shall include the cost of postage and of stationery and printing used in general offices and not chargeable to other accounts, including the cost of printing annual reports, contracts, leases, stock certificates, and passes. This account also shall include the cost of adding and calculating machines, typewriters and other office appliances which replace comparable items worn out, consumed or for other cause are no longer in use.

NOTE A: The cost of printing briefs, legal forms, testimony, reports, etc., for the law department is chargeable to account 454, "Law expenses."

NOTE B: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 742, "Unamortized discount on long-term debt."

460 Other Expenses.

This account shall include incidental general expenses which are not properly chargeable to any of the foregoing accounts.

ITEMS OF EXPENSE

Cost of draping buildings.
Cost of publishing annual reports in newspapers, and other corporate and financial notices of general character.
Cost of publishing notices of stockholders' meetings and of election of directors.
Exchange (other than foreign exchange) on checks cashed or deposited and on drafts bought.
Fees and expenses paid to directors and trustees.
Loss through payment of wages to a wrong person.
Penalties assessed for nonpayment of claims for overcharges.

461 General Joint Facilities—Dr.

This account shall include the carrier's proportions of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of general administration of tracks, yards, terminals and other facilities administered by

CONDENSED CLASSIFICATION OF OPERATING EXPENSES—Continued

Accounts for Small Carriers—Class II	Accounts for Large Carriers—Class I
2222. Repairs to shop and power-plant machinery.	302. Shop machinery. 304. Power-plant machinery.
2223. Shop and power-plant machinery—Depreciation.	305. Shop and power-plant machinery—Depreciation.
2224. Dismantling retired shop and power-plant machinery.	306. Dismantling retired shop and power-plant machinery.
2225. Locomotive repairs	308. Steam locomotives—Repairs. 311. Other locomotives—Repairs.
2226. Car repairs	314. Freight-train cars—Repairs. 317. Passenger-train cars—Repairs.
2227. Other equipment repairs	323. Floating equipment—Repairs. 326. Work equipment—Repairs.
2228. Dismantling retired equipment	328. Miscellaneous equipment—Repairs. 329. Dismantling retired equipment.
2229. Retirements—Equipment	330. Retirements—Equipment.
2231. Equalization—Equipment	336. Equalization—Equipment.
2234. Equipment—Depreciation	331. Equipment—Depreciation.
2235. Other equipment expenses	332. Injuries to persons. 333. Insurance. 334. Stationery and printing. 335. Employees health and welfare benefits. 339. Other expenses.
2236. Joint maintenance of equipment expenses—Dr.	336. Joint maintenance of equipment expenses—Dr.
2237. Joint maintenance of equipment expenses—Cr.	337. Joint maintenance of equipment expenses—Cr.
Traffic	350. Traffic.
2240. Traffic expenses	351. Superintendence. 352. Outside agencies. 353. Advertising. 354. Traffic associations. 355. Fast freight lines. 356. Industrial and immigration bureaus. 357. Insurance. 358. Stationery and printing. 359. Employees health and welfare benefits. 360. Other expenses.
Transportation—Rail Line	370. Transportation—Rail Line.
2241. Superintendence and dispatching	371. Superintendence. 372. Dispatching trains. 373. Station employees.
2242. Station service	374. Weighing, inspection and demurrage bureaus. 375. Coal and ore wharves. 376. Station supplies and expenses.
2243. Yard employees	377. Yardmasters and yard clerks. 378. Yard conductors and brakemen. 379. Yard switch and signal tenders. 380. Yard enginemen.
2244. Yard switching fuel	382. Yard switching fuel. 383. Yard switching power produced. 384. Yard switching power purchased. 385. Water for yard locomotives.
2245. Miscellaneous yard expenses	386. Lubricants for yard locomotives. 387. Other supplies for yard locomotives. 388. Enginehouse expenses—Yard. 389. Yard supplies and expenses.
Transportation—Rail line	370. Transportation—Rail Line.
2246. Operating joint yards and terminals—Dr.	390. Operating joint yards and terminals—Dr.
2247. Operating joint yards and terminals—Cr.	391. Operating joint yards and terminals—Cr.

others, and in the joint use of which the carrier participates.

462 General Joint Facilities—Cr.

This account shall include amounts chargeable to others as their proportions of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the expense of general administration of tracks, yards, terminals, and other facilities administered by the carrier, and in the joint use of which others participate.

Condensed Classification of Operating Expenses

480 Accounts for Small Carriers, Class II.

See Instruction 1, Classification of Carriers. The condensed groupings of accounts for Class II small carriers are as follows:

CONDENSED CLASSIFICATION OF OPERATING EXPENSES

Accounts for Small Carriers—Class II	Accounts for Large Carriers—Class I
Maintenance of Way and Structures	200. Maintenance of Way and Structures.
2201. Superintendence	201. Superintendence
2202. Roadway maintenance	202. Roadway maintenance. 206. Tunnels and subways. 208. Bridges, trestles and culverts. 210. Elevated structures. 212. Ties. 214. Rails. 216. Other track material. 218. Ballast. 220. Track laying and surfacing. 221. Fences, snowsheds and signs. 247. Communication systems. 249. Signals and interlockers. 272. Removing snow, ice, and sand. 227. Station and office buildings. 229. Roadway buildings. 231. Water stations. 233. Fuel stations. 235. Shops and enginehouses. 237. Grain elevators.
2203. Maintaining structures	239. Storage warehouses. 241. Wharves and docks. 243. Coal and ore wharves. 253. Power plants. 257. Power-transmission systems. 266. Miscellaneous structures.
2203½. Retirements—Road	267. Retirements—Road.
2204. Dismantling retired road property	270. Dismantling retired road property.
2205. Equalization—Way and structures	280. Equalization—Way and structures.
2208. Road property—Depreciation	266. Road property—Depreciation. 269. Roadway machines. 271. Small tools and supplies. 273. Public improvements—Maintenance. 274. Injuries to persons. 276. Insurance. 276. Stationery and printing. 277. Employees health and welfare benefits. 281. Right-of-way expenses. 282. Other expenses.
2209. Other maintenance of way expenses	278. Maintaining joint tracks, yards, and other facilities—Dr.
2210. Maintaining joint tracks, yards, and other facilities—Dr.	278. Maintaining joint tracks, yards, and other facilities—Cr.
2211. Maintaining joint tracks, yards, and other facilities—Cr.	280. Maintenance of Equipment.
Maintenance of Equipment	281. Superintendence.

CONDENSED CLASSIFICATION OF OPERATING EXPENSES—Continued

Accounts for Small Carriers—Class II	Accounts for Large Carriers—Class I
2248. Train employees	392. Train enginemen. 401. Trainmen.
2249. Train fuel	394. Train fuel.
2251. Other train expenses	395. Train power produced. 396. Train power purchased. 397. Water for train locomotives. 398. Lubricants for train locomotives. 399. Other supplies for train locomotives. 400. Enginehouse expenses—Train. 402. Train supplies and expenses. 403. Operating sleeping cars.
2252. Injuries to persons	420. Injuries to persons.
2253. Loss and damage	418. Loss and damage—Freight. 419. Loss and damage—Baggage.
2254. Other casualty expenses	414. Insurance. 415. Clearing wrecks. 416. Damage to property. 417. Damage to livestock on right of way.
2255. Other rail transportation expenses	404. Signal and interlocker operations. 405. Crossing protection. 406. Drawbridge operation. 407. Communication system operation. 408. Operating floating equipment. 409. Employees health and welfare benefits. 410. Stationery and printing. 411. Other expenses.
2256. Operating joint tracks and facilities—Dr.	412. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.	413. Operating joint tracks and facilities—Cr.
Miscellaneous Operations	440. Miscellaneous Operations.
2258. Miscellaneous operations	441. Dining and buffet service. 442. Hotels and restaurants. 443. Grain elevators. 445. Producing power sold. 446. Other miscellaneous operations. 449. Employees health and welfare benefits.
2259. Operating joint miscellaneous facilities—Dr.	447. Operating joint miscellaneous facilities—Dr.
2260. Operating joint miscellaneous facilities—Cr.	448. Operating joint miscellaneous facilities—Cr.
General	450. General.
2261. Administration	451. Salaries and expenses of general officers. 452. Salaries and expenses of clerks and attendants. 453. General office supplies and expenses.
2262. Insurance	454. Law expenses. 455. Insurance.
2264. Other general expenses	456. Employees health and welfare benefits. 457. Pensions. 458. Stationery and printing. 460. Other expenses.
2265. General joint facilities—Dr	461. General joint facilities—Dr.
2266. General joint facilities—Cr	462. General joint facilities—Cr.

INCOME ACCOUNTS

501 Railway Operating Revenues.

This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided elsewhere in these regulations.

502 Revenues from Miscellaneous Operations.

This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

503 Hire of Freight Cars; Credit Balance.

This account shall include except as provided in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net credit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars—Debit balance."

NOTE B: Rent for freight cars included in the lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

NOTE C: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

504 Rent from Locomotives.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's locomotives leased or interchanged.

NOTE: Rent for locomotives included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

505 Rent from Passenger-Train Cars.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's passenger-train cars leased or interchanged.

NOTE: Rent for passenger-train cars included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

506 Rent from Floating Equipment.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's floating equipment leased or chartered.

NOTE: Rent from floating equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

507 Rent from Work Equipment.

This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's work equipment leased or interchanged.

NOTE: Rent for work equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

508 Joint Facility Rent Income.

(a) This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

(b) Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE: The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

509 Income from Lease of Road and Equipment.

(a) This account shall include the entire amount receivable accrued for the exclusive use of road, tracks, or bridges (including equipment or other railway property covered by the contract) the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise.

(b) When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 142, "Rents of buildings and other property."

(c) If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A: When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 532, "Railway tax accruals."

NOTE B: If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

510 Miscellaneous Rent Income.

(a) This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

(b) This account shall be charged with the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Railway tax accruals."

NOTE C: The rent from property carried in balance-sheet account 737, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Income from nonoperating property."

NOTE D: Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

511 Income from Nonoperating Property.

This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses including depreciation, (but excluding taxes) of physical property the cost of which is carried in balance-sheet account 737, "Miscellaneous physical property."

NOTE A: Net debit balances in this account shall be so indicated.

NOTE B: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

512 Separately Operated Properties; Profit.

(a) This account shall include amounts receivable under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A: The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income," 514, "Interest income," or 516, "Income from sinking and other reserve funds," as may be appropriate.

513 Dividend Income.

(a) This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

514 Interest Income.

(a) This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

(b) The account shall include also, interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 708, "Interest and dividends receivable.")

(c) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A: This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Interest on securities other than those of the accounting company, and on other assets held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE C: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

516 Income from Sinking and Other Reserve Funds.

(a) This account shall include the income accrued on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other reserve funds. (See Note C to account 708, "Interest and dividends receivable.")

(b) At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

517 Release of Premiums on Funded Debt.

This account shall include, during each fiscal period, such proportion of the premiums on outstanding funded debt as may be applicable to the period. See instruction 6–3.

518 Contributions from Other Companies.

(a) This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contract, no obligation for subsequent reimbursement is incurred.

(b) In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE: The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

519 Miscellaneous Income.

(a) This account shall include all items, not provided for elsewhere, properly creditable to income accounts during the current year. Among the items which shall be included in this account are:

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from sale of securities carried as temporary cash investments.

Profit from sale of land used for transportation purposes, of noncarrier property, and of securities acquired for investment purposes.

Profit from company bonds reacquired.

(b) When the profit from sale of land, noncarrier property, or investment securities other than temporary cash investments, or from the reacquisition of the company's own bonds, is so material in amount that its inclusion in income account would distort and impair the significance of net income for the year, such profit shall be credited to the appropriate retained income account.

531 Railway Operating Expenses.

This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

532 Railway Tax Accruals.

(a) This account shall include accruals for taxes of all kinds relating to railway property (including floating equipment, if any), operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or outstanding; gross or net earnings, dividends declared, number of passengers carried, quantity of freight transported, length of line operated or owned, rolling stock operated or owned, or other basis; also taxes for issuing and recording mortgages and trust deeds and for issuing bonds or other evidences of long-term debt.

(b) The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

(c) Accruals for Federal income taxes shall be included in this account, except that the tax consequences of the items recorded directly in retained income accounts shall be included in account 617, "Federal income taxes assigned to retained income."

(d) Federal income taxes paid in prior years which are refundable as the result of carry-back of operating loss shall be credited to this account in the year in which the loss occurs. The reduction in taxes due to operating losses carried forward shall be credited to this account in the year in which such losses are applied to reduce taxes, except as otherwise provided in account 606, "Other credits to retained income."

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than railway property, operations, and privileges shall be charged to account 544, "Miscellaneous tax accruals," when the amount is separable from the taxes chargeable to this account.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Amounts received in reimbursement of taxes on property jointly used shall be credited to account 508, "Joint facility rent income." Amounts paid in reimbursement of such taxes shall be charged to account 541, "Joint facility rents."

NOTE E: Taxes accruing on new lines under construction or on property acquired for the extension of existing lines or for addition or betterment purposes before the facilities are opened for commercial operation or the property acquired becomes available for service shall be charged to road and equipment accounts.

534 Expenses of Miscellaneous Operations.

This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

535 Taxes on Miscellaneous Operating Property.

This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

536 Hire of Freight Cars; Debit Balance.

This account shall include, except as provided for in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net debit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged.

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars—Credit balance."

NOTE B: Rent for freight cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE C: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE D: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work.

537 Rent for Locomotives.

This account shall include amounts payable accrued for the use of the locomotives of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for locomotives included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for locomotives used in construction work-train service is chargeable to the cost of the work.

538 Rent for Passenger-train Cars.

This account shall include amounts payable accrued for the use of the passenger-train cars of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for passenger-train cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

539 Rent for Floating Equipment.

This account shall include amounts payable accrued for the use of the floating equipment of others, leased or chartered, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent of floating equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

540 Rent for Work Equipment.

This account shall include amounts payable accrued for the use of the work equipment of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment."

NOTE A: The rent for work equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for work equipment when used in construction work-train service is chargeable to the cost of the work.

541 Joint Facility Rents.

(a) This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

(b) Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE: The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities

is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

542 Rent for Leased Roads and Equipment.

This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract) the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee, on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise.

NOTE A: When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 532, "Railway tax accruals."

NOTE B: If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D: Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing the cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

543 Miscellaneous Rents.

This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet to others the rent from the sublease shall be credited to the appropriate rent income account depending on the classification of the property as transportation or nontransportation in the same manner as property owned by the carrier.

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

544 Miscellaneous Tax Accruals.

This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account 737, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous *operating* property shall be charged to account 535, "Taxes on miscellaneous operating property."

545 Separately Operated Properties; Loss.

(a) This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A: The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; or 514, "Interest income," as may be appropriate.

546 Interest on Funded Debt.

This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in account 765, "Funded debt unmatured"; 766, "Equipment obligations"; 767, "Receivers' and trustees' securities"; 768, "Debt in default"; and 769 "Amounts payable to affiliated companies." This account shall be kept in such form that the interest on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the road and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) fixed interest which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

547 Interest on Unfunded Debt.

This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

548 Amortization of Discount on Funded Debt.

(a) This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt.

(b) The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue.

549 Maintenance of Investment Organization.

This account shall include the directly assignable administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendants.
Stationery and printing.

NOTE: Administration expenses incident to railway operation are includible in the primary accounts provided for in operating expense general account 450, "General."

550 Income Transferred to Other Companies.

(a) This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

(b) In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A: The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B: Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

551 Miscellaneous Income Charges.

(a) This account shall include items, not provided for elsewhere, properly chargeable to income account during the current year. Among the items which shall be included in this account are:

Interest on tax deficiencies, on overcharge claims, and on court awards.
Income tax upon the interest on the accounting company's funded debt when these taxes are assumed by the company.
Payments of old accounts previously written off.
Penalties and fines for violation of the Interstate Commerce Act or other Federal and State laws when not specifically provided for elsewhere.
Loss on sale of securities carried as temporary cash investments.
Loss on sale of land used for transportation purposes, and of noncarrier property.
Loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment in their value.
Loss from company bonds reacquired.

(b) When the loss on the sale of land, noncarrier property, or investment securities other than temporary cash investments, or on the reacquisition of the company's own bonds, is so material in amount that its inclusion in income account would distort and impair the significance of net income for the year, such loss shall be debited to the appropriate retained income account.

560 Form of Income Statement.

The classified form of income statement is designed to show the financial changes resulting from transportation operations and other business of the accounting company during any specified period.

OPERATING INCOME

Railway Operating Income

501. Railway operating revenues [1] ——
531. Railway operating expenses [1] ——
Net revenue from railway operations [2] ——
532. Railway tax accruals [1] ——
Railway operating income [2] ——

Rent Income

503. Hire of freight cars—Credit balance ——
504. Rent from locomotives ——
505. Rent from passenger-train cars ——
506. Rent from floating equipment ——
507. Rent from work equipment ——
508. Joint facility rent income ——
Total rent income ——

Rents Payable

536. Hire of freight cars—Debit balance ——
537. Rent for locomotives ——
538. Rent for passenger-train cars ——
539. Rent for floating equipment ——
540. Rent for work equipment ——
541. Joint facility rents ——
Total rents payable ——
Net rents [2] ——
Net railway operating income [2] ——

Other Income

502. Revenues from miscellaneous operations ——
509. Income from lease of road and equipment ——
510. Miscellaneous rent income ——
511. Income from nonoperating property ——
512 Separately operated properties—Profit ——
513. Divided income ——
514. Interest income ——
516. Income from sinking and other reserve funds ——
517. Release of premiums on funded debt ——
518. Contributions from other companies ——
519. Miscellaneous income ——
Total other income ——
Total income [2] ——

Miscellaneous Deductions From Income

534. Expenses of miscellaneous operations ——
535. Taxes on miscellaneous operating property ——
543. Miscellaneous rents ——
544. Miscellaneous tax accruals ——
545. Separately operated properties—Loss ——
549. Maintenance of investment organization ——
550. Income transferred to other companies ——
551. Miscellaneous income charges ——
Total miscellaneous deductions ——
Income available for fixed charges [2] ——

Fixed Charges

542. Rent for leased roads and equipment ——
546. Interest on funded debt:
(a) Fixed interest not in default ——
(b) Interest in default ——
547. Interest on unfunded debt ——
548. Amortization of discount on funded debt ——
Total fixed charges ——
Income after fixed charges [2] ——

Other Deductions

546. Interest on funded debt:
(c) Contingent interest ——
Net income after fixed charges and other deductions [2] ——

Supplementary Statement of Specified Income Items

Net railway operating income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment ——
Net railway operating income before depreciation ——
Net income ——
Add Federal income taxes ——
Net income before Federal income taxes ——
Net income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment ——
Add Federal income taxes ——
Net income before depreciation and Federal income taxes ——

[1] Includes operations of water lines, if any.
[2] If a loss the amount shall be so indicated.

RETAINED INCOME ACCOUNTS

Credit

601 Credit Balance (at Beginning of Calendar Year).

This account shall include the net credit balance in the retained income account at the beginning of the calendar year.

602 Credit Balance Transferred from Income.

This account shall show the net credit balance brought forward from the income account for the calendar year.

603 Profit from Sale of Property.

This account shall include profit derived from the sale of land used for transportation purposes and of noncarrier property, when such profit is material in relation to net income for the year. (See account 519, "Miscellaneous income").

604 Profit from Sale of Investment Securities.

This account shall include profit derived from the sale of investment securities, other than temporary cash investments, when such profit is material in relation to net income for the year.

NOTE: Profit from sale of securities carried as temporary cash investments shall be credited to account 519, "Miscellaneous income".

605 Profit from Company Bonds Reacquired.

This account shall include the amount of profit resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost less than the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

NOTE: When the aggregate amount resulting from adjustments for securities reacquired is not material in relation to net income for the year, that amount shall be credited to account 519, "Miscellaneous income." In determining whether the amount of profit is material, all adjustments in this account together with the adjustments in account 615, "Loss on company bonds reacquired", shall be considered.

606 Other Credits to Retained Income.

(a) This account shall include profits and credit adjustments, not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustments of items relating to prior years other than ordinary adjustments of a recurring nature, such as unusual credit adjustments and refunds of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be excessive, and other items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See account 519, "Miscellaneous income.")

(b) The account may also include profits and credit adjustments, not provided for elsewhere, resulting from unusual transactions and events which occurred during the current year, but only after such inclusion has been authorized by the Commission.

(c) Ordinary adjustments of a recurring nature shall be included in the same account or accounts which would have been credited if the item had been taken up or adjusted in the year to which it pertained.

Debit

611 Debit Balance (at Beginning of Calendar Year).

This account shall include the net debit balance in the retained income account at the beginning of the calendar year.

612 Debit Balance Transferred from Income.

This account shall show the net debit balance brought forward from the income account for the calendar year.

613 Loss on Sale or Retirement of Property.

This account shall include the loss on sale or retirements of land and on nontransportation property, for which a depreciation reserve has not been provided, when such loss is material in relation to net income for the year. (See account 551, "Miscellaneous Income Charges.") This account also shall include loss on sale or retirement of transportation property, for which depreciation reserve has not been provided, when so authorized by the Commission.

614 Loss on Sale of Investment Securities.

This account shall include loss incurred on the sale of investment securities, other than temporary cash investments, when such loss is material in relation to net income for the year.

NOTE: Loss on sale of securities carried as temporary cash investments shall be charged to account 551, "Miscellaneous income charges".

615 Loss on Company Bonds Reacquired.

(a) This account shall include the amount of loss resulting from adjustments required to bring to par, bonds and other debt securities issued or assumed by the company and reacquired at a cost exceeding the par value, after giving effect to unreleased premiums and unextinguished discount on such securities, when the amount is material in relation to net income for the year.

(b) When the aggregate amount resulting from adjustments for securities reacquired is not material in relation to net income for the year this amount shall be charged to account 551, "Miscellaneous income charges." In determining whether the amount of loss is material, all adjustments in this account together with the adjustments in account 605, "Profit from company bonds reacquired", shall be considered.

616 Other Debits to Retained Income.

(a) This account shall include losses and debit adjustments not provided for elsewhere, which are so material in amount that inclusion in income accounts would distort such accounts and impair the significance of net income for the year. Among amounts which shall be included in this account are adjustment of items relating to prior years other than ordinary adjustments of a recurring nature, such as unusual debit adjustments and assessments of Federal income taxes of prior years, unusual adjustments of reserves of prior years determined to be deficient, and similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year. (See account 551, "Miscellaneous income charges".)

(b) This account shall also include charges which reduce or write off discount on capital stock issued by the company, but only to the extent that such charges exceed credit balances in capital surplus for shares reacquired.

(c) This account may also include losses and debit adjustments not provided for elsewhere resulting from unusual transactions and events which occurred during the current year, such as losses resulting from abnormal floods, storms, and similar calamities or catastrophes, but only after such inclusion has been authorized by the Commission.

(d) Ordinary adjustments of a recurring nature shall be included in the same account which would have been charged if the item had been taken up or adjusted in the year to which it pertained.

617 Federal Income Taxes Assigned to Retained Income.

This account shall include the estimated Federal income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary, and are recorded in retained income accounts.

620 Appropriations for Sinking and Other Reserve Funds.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with amounts appropriated pursuant to provisions of reorganization plans, mortgages, deeds of trust, or other contracts requiring payments into sinking funds, capital funds, and other funds.

621 Appropriations for Other Purposes.

This account shall be charged and account 797, "Retained income—Appropriated," shall be credited with the amount of appropriations for general contingencies, indefinite possible future losses and other corporate purposes not provided for elsewhere. The appropriations shall be released when their respective purposes have been served.

622 Appropriations Released.

This account is provided to return to unappropriated retained income the amount of appropriations no longer required as segregations of retained income. The account shall be subdivided to show the nature of the appropriations being released and the circumstances of the release shall be fully described.

623 Dividends.

This account shall be charged with the amount of dividends declared on actually outstanding capital stock issued or assumed by the company. If the dividend is not payable in cash, the securities or other property to be distributed shall be described with sufficient particularity to identify the distribution. The account shall be subdivided to show separately the dividends declared on the various subclasses of capital stock.

NOTE: This account shall not include charges for dividends on capital stock issued or assumed by the company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

GENERAL BALANCE SHEET ACCOUNTS

Debit

701 Cash.

(a) This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include, also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days.

(b) The amount of checks and drafts which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to this account. When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

702 Temporary Cash Investments.

This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

703 Special Deposits.

This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 701, "Cash."

704 Loans and Notes Receivable.

This account shall include the book value of all collectible obligations in the form of demand or time loans and notes receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue.

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 721, "Investments in affiliated companies"; or 722, "Other investments," as may be appropriate.

NOTE B: Loans and notes receivable acquired for the purpose of temporarily investing cash shall be included in account 702, "Temporary cash investments."

705 Traffic and Car-Service Balances—Dr.

This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit it shall be included in account 752, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752(c) Interline baggage, balance.
705 and 752(b) Interline passenger, balance.
705 and 752(c) Interline baggage, balance.
705 and 752(d) Equipment interchange, balance.

706 Net Balance Receivable from Agents and Conductors.

This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters and other employees and representatives charged with the collection or custody of current revenues.

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 710, "Working fund advances."

707 Miscellaneous Accounts Receivable.

This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals; and other similar items.

NOTE: The amount to be entered in this account is not the net balance between this account and account 754, "Miscellaneous accounts payable."

708 Interest and Dividends Receivable.

This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times.

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited. If notes are taken in settlement of amounts included in this account, the amounts thereof shall be charged to account 704, "Loans and notes receivable," or account 741, "Other assets," as may be appropriate, but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 741, "Other assets," shall be credited to account 784, "Other deferred credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be cancelled and account 741, "Other assets," shall be charged with their true values, and a like sum shall be credited to account 784, "Other deferred credits."

709 Accrued Accounts Receivable.

This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which shall be included in this account are:

Rents receivable which are not includible in account 707, "Miscellaneous accounts receivable."

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

710 Working Fund Advances.

This account shall include amounts advanced to general and special agents, and to other officers and empolyees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

NOTE: Advances to jointly owned or used terminal companies and other companies for permanent working funds or capital purposes shall be included in accounts 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

711 Prepayments.

This account shall include the balances in the accounts representing short term prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also short term interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

NOTE: Expenditures by a carrier for improvements to office buildings and other facilities rented for more than one year, title to which will pass to the lessor at the end of the rental period, shall be charged to account 743, "Other deferred charges," and amortized over the rental period as additional rent.

712 Material and Supplies.

(a) This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

(b) Material and supplies shall be credited to this account and charged to the appropriate operating expense or other account on the basis of actual costs, average cost, or other recognized pricing system, provided that such system is consistently applied and is based on the cost of such materials and supplies.

(c) An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory.

NOTE: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased for projected new roads and extensions, or for new railroad equipment, are provided for in road and equipment account 47, "Unapplied construction material and supplies," or account 59, "Unapplied material and supplies—Equipment."

713 Other Current Assets.

This account shall include items of current assets not covered by accounts 701 to 712, inclusive. The account shall include only items currently collectible and shall not include amounts the current collection of which is not reasonably assured and may be deferred. See instruction 6–1.

715 Sinking Funds.

(a) This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund.

(b) The account shall include amounts deposited with trustees on account of mortgaged property sold, the proceeds of which are to be held for the redemption of securities; and also the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of live securities issued or assumed by the accounting company and held in such funds.

(c) A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

716 Capital and Other Reserve Funds.

(a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 715, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 715.

NOTE B: The ledger value of assets of the character indicated in paragraph (a)(2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawals for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

717 Insurance and Other Funds.

This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 715 and 716, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value (or with respect to no par stock, the amounts recorded in account 791, "Capital stock issued," relating thereto) of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 703, "Special deposits." Deposits available for general company purposes shall be included in account 701, "Cash."

721 Investments in Affiliated Companies.

(a) This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to *current settlement*, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 741 "Other assets."

NOTE B: The term "affiliated companies (also see Definition 4) includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (also see Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

722 Other Investments.

(a) This account should include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals.

(b) This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

(c) A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to *current settlement*, if their collection is reasonably assured, shall be classed as current assets, and if settlement is deferred beyond one year such items shall be transferred to account 741 "Other assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in Note B of account 721, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 715, "Sinking funds," 716, "Capital and other reserve funds," or 717, "Insurance and other funds," as may be appropriate.

723 Reserve for Adjustment of Investment in Securities—Cr.

(a) This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 721, "Investments in affiliated companies," or 722, "Other investments." Corresponding charges shall be made to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

(b) If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate. In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 551, "Miscellaneous income charges," or account 616, "Other debits to retained income," as appropriate.

731 Road and Equipment Property.

This account shall include the accounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet. When property is retired from service this account shall be credited with the ledger value of the property retired.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

732 Improvements on Leased Property.

(a) This account shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements. (See instruction 2–17.)

(b) The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 731, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 721, "Investments in affiliated companies," or 722, "Other investments," as may be appropriate.

735 Accrued Depreciation; Road and Equipment.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other authorized accounts to cover the loss in service value of depreciable road and equipment property. It shall also include amounts which the Commission may authorize the accounting company to charge to account 616, "Other debits to retained income," in respect to past accruals of depreciation.

(b) The service value of each unit of property retired (and also of each minor item, less than a unit, retired and not replaced) for which depreciation reserve has been established shall be charged to this account.

(c) Comprehensive instructions pertaining to depreciation accounts, rates of depreciation, and records to be maintained, are contained in instruction 5.

736 Amortization of Defense Projects; Road and Equipment.

This account shall include the amounts of accumulated past provisions for amortization of road and equipment defense projects, the cost of which is included in account 731, "Road and equipment property," or account 732, "Improvements on leased property." This account shall be charged with the credit balance herein applicable to specific property at the time the property is retired. The accounting company shall maintain subaccounts separately for amortization of (1) road property and (2) equipment.

737 Miscellaneous Physical Property.

This account shall include the accounting company's investment in physical property other than property assignable to accounts 731 and 732, including hotels, restaurants, powerplants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

738 Accrued Depreciation; Miscellaneous Physical Property.

This account shall be credited with amounts charged to income or other authorized accounts to cover the depreciation of property the cost of which is included in account 737, "Miscellaneous physical property." When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

741 Other Assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; other deferred assets; and assets not otherwise provided for in general balance sheet accounts. (See instruction 6–1.)

742 Unamortized Discount on Long-term Debt.

This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

743 Other Deferred Charges.

This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries;" unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

Credit

751 Loans and Notes Payable.

(a) This account shall include the balances representing obligations outstanding in the form of loans and notes payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

(b) This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE: This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 769, "Amounts payable to affiliated companies."

752 Traffic and Car-service Balances—Cr.

This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 705, "Traffic and car-service balances—Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to

the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

705 and 752(a) Interline freight, balance.
705 and 752(b) Interline passenger, balance.
705 and 752(c) Interline baggage, balance.
705 and 752(d) Equipment interchanged, balance.

753 Audited Accounts and Wages Payable.

This account shall include the amount of audited vouchers or accounts and audited payrolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

NOTE: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash".

754 Miscellaneous Accounts Payable.

This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 751, 752, 753, 755 and 756.

NOTE A: The amount to be reported under this account is not the net balance between this account and account 707, "Miscellaneous accounts receivable."

NOTE B: The amount of checks and drafts, which have been transmitted to payees and which remain unpaid at the close of the accounting period, shall be credited to account 701, "Cash". When the amount of such checks and drafts cannot be determined with absolute accuracy an estimate of the amount shall be used.

755 Interest Matured Unpaid.

This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement. Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on nonnegotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 769, "Amounts payable to affiliated companies."

756 Dividends Matured Unpaid.

This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet. Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

757 Unmatured Interest Accrued.

This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made, but not payable until after the first day following that date, on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 781, "Interest in default", unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 781, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 769, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

758 Unmatured Dividends Declared.

This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

759 Accrued Accounts Payable.

This account shall include estimates of unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with the instruction relating to unaudited items. Among the items which should be included in this account are:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 754, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

Estimated amounts payable within one year covering liability for claims for injuries to persons, loss and damage, and similar items.

Amounts payable (estimated if necessary) within one year pursuant to agreements with labor organizations or otherwise for employees vacations now earned.

760 Federal Income Taxes Accrued.

This account shall be credited with the estimated liability for Federal income taxes which has been concurrently charged to the appropriate income or other authorized accounts.

761 Other Taxes Accrued.

(a) This account shall be credited with the accruals of all taxes, other than Federal income taxes, which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

(b) This account shall be charged with vouchers for the current payment of taxes, including taxes paid in advance and also taxes for which accruals have not been made previously, but are to be credited to this account.

(c) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

763 Other Current Liabilities.

There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 751 to 762, inclusive.

764 Equipment Obligations and Other Debt Due Within One Year.

This account shall include the total amount of bonds, equipment obligations, and other long-term debt obligations, including obligations maturing serially or payable in installments, which are due and payable within one year, and for which arrangements for refunding have not been made or for which no sinking funds have been provided. This account shall be subdivided according to the different classes of debt so maturing.

765 Funded Debt Unmatured.

(a) This account shall include the total par value of unmatured debt (other than equipment obligations), maturing more than one year from the close of the accounting period, whether the securities were issued by the accounting company or the payment was assumed by the accounting company after being issued as the debt of other companies. (See account 764, "Equipment obligations and other debt due within one year".)

(b) The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

(c) The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(1) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(2) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(3) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(4) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 782, "Other liabilities," and account 766, "Equipment obligations," respectively.

(5) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for such payments, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

(d) Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

(e) Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under provisions of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of such provisions of the act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 769, "Amounts payable to affiliated companies," or 751, "Loans and notes payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 763, "Other current liabilities," if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 768, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 769, "Amounts payable to affiliated companies."

NOTE B: See definitions 2, actually issued; 3, actually outstanding; 14, nominally issued; and 15, nominally outstanding.

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 769, "Amounts payable to affiliated companies."

NOTE D: Securities nominally issued or reacquired and held in the company's treasury, except securities held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

766 Equipment Obligations.

(a) This account shall include the par value of equipment securities and the principal amount of contractual obligations for the purchase of equipment, excluding principal or obligations maturing serially or payable in installments within one year from the close of the accounting period. (See account 764, "Equipment obligations and other debt due within one year.") The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under provisions of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of such provisions of the Act.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

767 Receivers' and Trustees' Securities.

When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 766, "Equipment obligations."

768 Debt in Default.

This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees, securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 769, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 763, "Other current liabilities."

769 Amounts Payable to Affiliated Companies.

This account shall include the par value of *nonnegotiable* notes issued to affiliated companies; also matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced; credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accurred on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements. The amounts included herein shall be divided as follows:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A: Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C: The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint agreement. (See Definition 4.)

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" (See Definition 8) is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

771 Pension and Welfare Reserves.

(a) This account shall include the credit balances representing the liability

of the carrier for amounts provided by charges to operating expenses, including amounts contributed by employees, irrespective of whether carried in special funds or in general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

(b) Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

772 Insurance Reserves.

This account shall include the accumulated balance of amounts for self-carried insurance risks representing premiums which were charged to operating expenses for fire, fidelity, boiler, casualty, burglar and other insurance. Losses on items protected by such insurance shall be charged to this account.

773 Equalization Reserves.

This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment under a program designed to equalize such expenses by months within a calendar year. The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

774 Casualty and Other Reserves.

(a) This account shall include reserves created by charges to operating expenses to provide for estimated liability for injuries to persons and loss and damage claims; estimated liability for revenue overcharges, such as those covered by reparation claims; and reserves not otherwise provided for in balance sheet accounts.

(b) Estimates of amounts payble within one year covering liability for claims for injuries to persons, loss and damage, and similar items, shall be transferred from this account to account 759, "Accrued accounts payable."

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

781 Interest in Default.

This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

782 Other Liabilities.

This account shall include assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks; other deferred liabilities; and liabilities not otherwise provided for in general balance sheet accounts.

NOTE: The amount of assessments for public improvements and amounts due governmental agencies or others for construction work, if payments are to be made within one year, shall be included in account 763, "Other current liabilities."

783 Unamortized Premium on Long-term Debt.

This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several subclasses of funded debt.

784 Other Deferred Credits.

This account shall include the amount of credit balances in suspense accounts that cannot be disposed of until services are performed or additional information is received, such as amounts received from sale of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds, amounts collected from the sale of damaged, unclaimed, and over freight held pending final disposition; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; unadjusted credit items not otherwise provided for; and similar items, the proper disposition of which is uncertain.

NOTE: Estimated liability for claims and other accounts payable currently are includible in account 759, Accrued Accounts Payable.

785 Accrued Depreciation; Leased Property.

(a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. It shall also be credited with depreciation accrued on property the cost of which is included in account 732, "Improvements on leased property."

(b) When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 732 by the lessee shall be charged to this account. This account shall also be charged with the service value of property, the ledger value of which is carried in account 731, "Road and equipment property," by the lessor for which the lessee is liable to the lessor. See instruction 2–17.

791 Capital Stock Issued.

(a) This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled, also shares of stock nominally issued, and reacquired shares which have not been canceled.

(b) This account also shall include amounts transferred from retained income for no par stock when approved by the Commission.

(c) The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 794, "Premiums and assessments on capital stock."

(d) When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

(e) The amounts included in this account shall be recorded so as to show:

(1) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including shares nominally but never actually issued and

(2) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents, or trustees, or subject to its control.

(f) The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and no par value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

(g) When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

(h) Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital

stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 794, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 794, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 791, "Capital stock issued," and any amounts resting in the discount account with respect thereto shall be cleared to account 795, "Paid-in surplus"; *Provided*, however, That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 616, "Other debits to retained income."

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: See definitions 2, actually issued; 3, actually outstanding; 14, nominally issued; and 15, nominally outstanding.

NOTE E: Shares of stock nominally issued or reacquired and held in the company's treasury, except shares held by trustees in sinking or other funds, shall be included in a subdivision of this account. In the balance-sheet statement the balance in the subaccount shall be stated in the short column only.

792 Stock Liability for Conversion.

This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

793 Discount on Capital Stock.

This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on each subclass of capital stock.

794 Premiums and Assessments on Capital Stock.

(a) This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 791, "Capital stock issued," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 791, "Capital stock issued," in accordance with the text of that account.

(b) When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

795 Paid-in Surplus.

(a) This account shall include such items as amount of consent dividends on the accounting company's capital stock; surplus arising from donations by stockholders of capital stock of the company or other contribution to capital; amounts representing reduction of the par or recorded value of the accounting company's capital stock including reductions arising in merger of a railroad and pooling of interest; (See instruction 2–14 (d)) and amounts of forfeited subscriptions to the accounting company's capital stock. This account shall also include gains from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and forgiveness by stockholders as a contribution to capital of long-term debt owed to them.

(b) This account shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein.

796 Other Capital Surplus.

This account shall include all capital surplus not provided for in account 795, "Paid-in surplus."

797 Retained Income; Appropriated.

This account shall include the accumulated amount of retained income which has been appropriated and set aside pursuant to provisions of mortgages, deeds of trust, reorganization plans, or other agreements requiring payments into capital funds, sinking funds, or other funds; and also appropriations for general contingencies, possible future losses and other corporate purposes. The account is to be subdivided by classes of appropriations showing the purpose for which each is made.

798 Retained Income; Unappropriated.

(a) This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 623, inclusive. It shall not include transfers either to or from accounts 795, "Paid-in surplus," or 796, "Other capital surplus," unless so authorized upon application to the Commission.

(b) Any balance representing retained income not segregated at the date of the balance sheet shall be included in a subdivision of this account.

(c) The balance of accounts 601 to 623, inclusive, shall be closed into this account at the end of each calendar year.

799 Form of General Balance Sheet Statement.

The classified form of general balance sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSETS

Current assets:
- 701. Cash.
- 702. Temporary cash investments.
- 703. Special deposits.
- 704. Loans and notes receivable.
- 705. Traffic and car-service balances—Dr.
- 706. Net balance receivable from agents and conductors.
- 707. Miscellaneous accounts receivable.
- 708. Interest and dividends receivable.
- 709. Accrued accounts receivable.
- 710. Working fund advances.
- 711. Prepayments.
- 712. Material and supplies.
- Currents assets—Continued:
- 713. Other current assets.
- Total current assets.

Special funds:
- 715. Sinking funds.
- 716. Capital and other reserve funds.
- 717. Insurance and other funds.
- Total special funds.

Investments:
- 721. Investments in affiliated companies.
- 722. Other Investments.
- 723. Reserve for adjustment of investment in securities—Cr.
- Total investments.

Properties:
- 731. Road and equipment property.
- 732. Improvements on leased property.
- Total transportation property.
- 735. Accrued depreciation—Road and Equipment.
- 736. Amortization of defense projects—Road and Equipment.
- Total transportation property less recorded depreciation and amortization.
- 737. Miscellaneous physical property.
- 738. Accrued depreciation — Miscellaneous physical property.
- Miscellaneous physical property less recorded depreciation.
- Total properties less recorded depreciation and amortization.

Other assets and deferred charges:
- 741. Other assets.
- 742. Unamortized discount on long-term debt.
- 743. Other deferred charges.
- Total other assets and deferred charges.
- Total assets.

LIABILITIES AND SHAREHOLDERS' EQUITY

Current liabilities:
- 751. Loans and notes payable.
- 752. Traffic and car-service balances—Cr.
- 753. Audited accounts and wages payable.
- 754. Miscellaneous accounts payable.
- 755. Interest matured unpaid.
- 756. Dividends matured unpaid.
- 757. Unmatured interest accrued.
- 758. Unmatured dividends declared.
- 759. Accrued accounts payable.
- 760. Federal income taxes accrued.
- 761. Other taxes accrued.
- 763. Other current liabilities.
- Total current liabilities (exclusive of long-term debt due within one year).

Long-term debt due within one year:
- 764. Equipment obligations and other debt.

Long-term debt: [1]
- 765. Funded debt unmatured.
- 766. Equipment obligations.
- 767. Receivers' and Trustees' securities.
- 768. Debt in default.
- 769. Amounts payable to affiliated companies.
- Total long-term debt.

Reserves:
- 771. Pension and welfare reserves.
- 772. Insurance reserves.
- 773. Equalization reserves.
- 774. Casualty and other reserves.
- Total reserves.

Other liabilities and deferred credits:
- 781. Interest in default.
- 782. Other liabilities.
- 783. Unamortized premium on long-term debt.
- 784. Other deferred credits.
- 785. Accrued depreciation—Leased property.
- Total other liabilities and deferred credits.

Shareholders' equity:
- Capital stock (par or stated value):
- 791. Capital stock issued.[2]
- 792. Stock liability for conversion.

[1] To be divided as to "Total issued" and "Held by or for company."

Shareholders' equity—Continued:
793. Discount on capital stock.
Total capital stock.
Captial surplus:
794. Premiums and assessments on capital stock.
795. Paid-in surplus.
796. Other capital surplus.
Total capital surplus.
Retained income:
797. Retained income—Appropriated.
798. Retained income—Unappropriated.
Total retained income.
Total shareholders' equity.
Total liabilities and shareholders' equity.

CLASSIFICATION OF MILEAGE ACCOUNTS

Train Miles

800 Rules and Definitions.

(a) A train is a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive.

(b) A train-mile is the movement of a train a distance of one mile.

(c) In computing train-miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as one mile.

(d) Transportation service train-miles shall be based on the actual distance run between terminals, and stations, and shall be computed from the official time-tables or distance tables.

(e) Work service train-miles shall be based on the actual distance run between terminals. When work trains are run between terminals and not ordered to work at some specified point or within specified working limits, the actual miles run shall be allowed to them, the same as to any other class of trains. When ordered to run to a certain point to work at that point or within specified working limits, the actual miles made while under running orders shall be allowed, and in addition an arbitrary mileage of six miles per hour for the time working at the point or within the working limits named. In computing such arbitrary mileage, fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour. Constructive miles on the basis of six miles per hour shall be allowed trains run for the purpose of removing snow when the actual miles of such trains are less than the constructive miles. No record is required of work-train miles on new roads, road extensions, or portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(f) Each train and each section of a train run by a separate train crew shall be considered a separate train, whether hauled by one or more locomotives either the whole distance or a part of the distance between the train terminals. There shall be nothing added to this distance to cover running of locomotives from enginehouses to terminals, doubling hills, running for water, switching, or other work at way stations, or for the service of helper or pusher locomotives or of extra locomotives on double-head or triple-head trains.

(g) When the carrier's trains, hauled by its locomotives and handled by its crews, are detoured over foreign roads, the miles shall be computed on the basis of the miles actually run, and classified by it in its train-miles in accordance with the service performed.

(h) Separate accounts of train-miles shall be kept for trains hauled by locomotives and for trains moved by motor cars.

Train-Mile Accounts

TRANSPORTATION SERVICE[2]

801 Freight-train Miles.

(a) This account shall include miles run by all trains between terminals or stations for the transportation of revenue and company freight; also miles run by trains consisting of empty freight cars, and by trains consisting of a locomotive and caboose running light in connection with such service.

(b) Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.

(c) Freight-train miles shall be subdivided as follows:

(1) Ordinary freight-train miles: Miles run by trains consisting of a locomotive, with or without caboose, with other equipment.

(2) Light freight-train miles: Miles run by trains consisting of a locomotive and caboose, running light in connection with freight-train service.

802 Passenger-train Miles.

(a) This account shall include miles run by revenue service trains to transport passengers, baggage, mail, milk, express, or any combination of these; also miles run by trains consisting of deadhead passenger equipment.

(b) Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.

NOTE: This account does not apply to trains run for the transportation of mail or milk upon the basis of authorized tariffs at rates based upon weight. The miles of such trains shall be classed as freight-train miles.

[2] These accounts shall include the miles of all revenue service trains, including trains which incidentally carry employees or company freight. They shall also include the miles of trains which are operated between terminals or stations to transport company freight, when the service is similar to that connected with the transportation of commercial freight and statistics of ton-miles are kept.

The trains here referred to are those the locomotive and train expenses of operating which are includible in the locomotive and train expense accounts in the primary accounts under account 370, Transportation; rail line.

WORK SERVICE

805 Work-train Miles.

This account shall include miles run by trains engaged in company service, such as official, inspection, and pay trains; inspection trains for railway commissioners for which no revenue is received; trains running special with fire apparatus to save the carrier's property from destruction; trains run for transporting the carrier's employees to and from work when no transportation charge is made; wrecking trains; trains run for the purpose of ditching, filling embankments, and widening cuts; trains run for the purpose of removing snow; trains distributing ties, rails, other track material, ballast, bridge material, and other material and supplies for maintenance or for additions and betterments; trains run for picking up and consolidating such material; and trains run for distributing material and supplies for use in connection with operation.

NOTE A: The accounting for expenses of work-train service shall be in accordance with paragraph (c) of instruction 2-4, Components of Construction Cost, and instruction 3-1, Items to be Charged, and other requirements of the accounting regulations for operating expenses.

NOTE B: No record is required of the miles of construction trains on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

Locomotive Miles

810 Rules and Definitions.

(a) A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A locomotive-mile is a movement of a locomotive a distance of one mile, under its own power.

(b) In computing locomotive-miles fractions representing less than one-half mile shall be disregarded, and other fractions considered as one mile.

(c) All locomotive-miles made in hauling transportation service trains shall be based upon the actual distance run between terminals or stations, and shall be computed from the official time-tables or distance tables as prescribed for train-miles.

(d) Light-locomotive miles shall be based on the actual distance locomotives run, except that no light-locomotive miles shall be allowed for terminal service where the distance in one direction is less than one-half mile.

(e) Miles of locomotives in helper service shall be computed on the basis of actual distance run in such service.

(f) Train switching locomotive-miles shall be computed at the rate of six per hour for the time actually engaged in such service. In computing such arbitrary mileage fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour.

(g) Yard switching locomotive-miles shall be computed at the rate of six miles per hour for the time actually engaged in such service. In computing yard switching locomotive-miles, fractions representing less than one-half hour shall be disregarded, and other fractions considered as one hour.

(h) Work-train locomotive-miles shall be computed according to the rules prescribed for work-train miles. Miles of work locomotives employed in switching at shops for shop purposes, spotting cars in gravel pits, working with pile drivers, etc., shall be computed upon the basis of six miles per hour for the actual time in the service. In computing the time engaged fractions representing less than one-half hour shall be disregarded and other fractions considered one hour.

(i) The miles of new or generally repaired locomotives running light in breaking-in service shall not be included in the locomotive-mile accounts.

(j) No record is required of the miles of locomotives in construction service on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(k) A separate record shall be kept for miles of steam locomotives and for miles of other locomotives.

(l) Miles of motor cars shall not be classed as locomotive-miles.

Locomotive-Mile Accounts

TRANSPORTATION SERVICE; LINE[2]

811 Freight Locomotive-miles.

(a) This account shall include miles run by locomotives in freight-train service, the train-miles of which are includible in account 801, "Freight-train miles."

(b) Principal freight locomotive-miles: Miles run by locomotives principal to the train, between terminals or stations, with freight trains; also miles run by locomotives between terminals or stations, with cabooses, going to or returning from such service; and miles run in hauling the second cut of freight trains doubled over grades.

(c) Helper freight locomotive-miles: Miles run by locomotives as helpers over the division or that portion covered by the run, or on important grades, including double-headers, triple-headers, and pushers, regardless of whether on the head end, in the middle, or on the rear of the train.

(d) Light freight locomotive-miles: Miles run by locomotives light between terminals or stations in connection with freight-train service on account of unbalanced traffic; miles run light for hauling second cuts of trains doubled; miles run light betwen freight trains and next coaling station or water tank for coal or water; miles run light to pick up or assist freight trains between terminals; miles run light by grade helpers in returning from assisting freight trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from freight-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and freight-train terminals is less than one-half mile.

[2] This account shall include the miles run by locomotives moving transportation service trains, and also miles run light in connection with such service.

812 Passenger Locomotive-miles.

(a) This account shall include miles run by locomotives in passenger-train service, the train-miles of which are includible in account 802, "Passenger-train miles."

(b) Principal passenger locomotive-miles: Miles run by locomotives principal to the train between terminals or stations, with passenger trains.

(c) Helper passenger locomotive-miles: Miles run by locomotives as helpers over the division, or that portion covered by the run, or on important grades.

(d) Light passenger locomotive-miles: Miles run by locomotives light between terminals or stations on account of unbalanced traffic, in connection with passenger-train service; miles run light between passenger trains and next coaling station or water tank for coal or water; miles run light to pick up or assist a passenger train between terminals; miles run light by grade helpers in returning from assisting passenger trains as pushers or doubleheaders; and miles run light by locomotives coming from or going to enginehouses or turntables from passenger-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and passenger-train terminals is less than one-half mile.

TRANSPORTATION SERVICE; SWITCHING

815 Train Switching Locomotive-miles.

This account shall include miles allowed train locomotives for performing switching service at terminals and way stations. Include such items as switching at industry tracks, team tracks, freight house tracks, and interchange tracks; picking up or leaving cars en route; switching out bad order cars, weighing cars, making up or breaking up train at points where no yard service is maintained. No time should be included representing delays that may occur after yard switching has been completed such as waiting for a train order, held up account of meeting with a train in opposite direction, waiting for waybills or other time lost due to conditions other than actual train switching.

816 Yard Switching Locomotive-miles.

(a) This account shall include miles allowed yard locomotives while switching in yards where regular switching service is maintained; also miles of switching locomotives running light between terminals and yards where regular switching service is maintained in connection with switching service in such yards. This account shall be subdivided as follows:

(b) Yard switching locomotive-miles; freight: Miles allowed yard locomotives in yards where regular switching service is maintained and in terminal switching and transfer service while engaged in switching cars in connection with the transportation of revenue freight; also miles allowed locomotives in such service while engaged incidentally in switching cars in connection with the transportation of company freight.

(c) Yard switching locomotive-miles; passenger: Miles allowed yard locomotives while switching cars in connection with passenger-train service.

NOTE: Where yard switching is performed for both freight and passenger service by the same locomotive, or by locomotives assigned to one yard, a fair approximation of the mileage may be assigned to each service daily or monthly.

WORK SERVICE

817 Work Service Locomotive-miles.

This account shall include the actual miles run by locomotives in work-train service as defined in account 805, "Work-train miles;" also miles of locomotives engaged solely in shop or material yard switching service.

NOTE A: Miles run by locomotives while engaged incidentally (in connection with regular yard switching service) in switching company material in company shop or material yards, or in switching equipment for repairs between yards and shops, shall be included in account 816, "Yard switching locomotive-miles."

NOTE B: Miles run by locomotives engaged in shop and material yard switching service, if operated by shop employees, shall not be included in this account.

Car Miles

820 Rules and Definitions.

(a) A car-mile is a movement of a unit of car equipment a distance of one mile.

(b) In computing car-miles, fractions representing less than one-half mile shall be disregarded, and other fractions considered as one mile.

(c) Separate accounts of car-miles shall be kept for the cars in trains hauled by locomotives and for the cars in trains moved by motor cars. The record of car-miles in trains moved by motor cars shall show separately the miles for motor cars and for cars not thus equipped.

Car-Mile Accounts

TRANSPORTATION SERVICE

821 Freight-train Car-miles.

(a) This account shall include the miles run by freight-train cars (including caboose cars) in transportation service. Such car-miles shall be subdivided as follows:

Loaded (run by loaded freight cars).
Empty (run by empty freight cars).
Caboose (run by caboose cars).

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

(c) Miles run by flat cars loaded with empty railroad-owned or controlled highway trailers shall be classed as "empty" car-miles. Miles run by flat cars loaded with empty highway trailers, other than railroad-owned or controlled and moving on revenue billing, shall be classed as "loaded" car-miles.

822 Passenger-train Car-miles.

(a) This account shall include the actual miles run by passenger-train cars in transportation service. It shall include miles of loaded cars and also of

empty cars deadheaded in connection with the service, and shall be subdivided as follows:

(1) *Coaches.* Miles run by coaches and chair cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(2) *Combination coach cars.* Miles run by combination passenger and baggage, passenger and mail, and passenger and express cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(3) *Sleeping and parlor cars.* Miles run by sleeping, parlor, and other cars for which an extra fare is charged for space occupied.

(4) *Dining, club, lounge, and observation cars.* Miles run by dining, cafe, and other cars devoted exclusively to the serving of meals and other refreshments and by club, lounge, and observation cars without charge in excess of sleeping or parlor car fares.

(5) *Business cars.* Miles run by all railway business cars operated for the transportation of the carrier's officers and employees.

(6) *Other passenger-train cars.* Miles run by baggage, express, mail, milk, and postal cars, and by cars in which such services are combined. (This class includes no cars intended for the transportation of revenue passengers.)

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

WORK SERVICE

825 Work Service Car-miles.

This account shall include miles run by cars in work trains, except by equipment which is designed exclusively for work service, such as snow plows, flangers, derricks, pile drivers, wrecking cranes, tool cars, and camp outfits. (For description of work train see account 805, "Work-train Miles.")

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Milk Order No. 41]

PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

Order Amending Order

§ 941.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Commodity Stabilization Service was issued June 9, 1961 and the decision of the Assistant Secretary containing all amendment provisions of this order, was issued August 4, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c), Administrative Procedure Act 5, U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Replace § 941.16 with the following:

§ 941.16 Other source milk.

"Other source milk" means any milk or milk products (except those milk products covered by the Class III milk definition which are not reused in another product) received by handlers from sources other than (a) producers, (b) pool plants of other handlers, or (c) plants where milk is priced under a marketing agreement or order issued pursuant to the Act for any other milk marketing area.

§ 941.40 [Amendment]

2. In § 941.40(c) delete "Class III(a) milk", "Class IV milk", and "Class III(a) milk and Class IV milk", wherever they appear.

§ 941.41 [Amendment]

3. In § 941.41(a)(3)(ii) replace "Class II milk, Class III milk, Class III(a) milk, and Class IV milk" with "Class II milk and Class III milk".

4. Replace § 941.41 (c) and (d) with the following:

(c) Class III milk shall be all milk and milk products the butterfat from which is contained in:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk, malted milk, condensed skim milk, butter, cheese (except cottage cheese), inventory variations and products lost in transit by a handler;

(2) Any other product not included in Class I milk or Class II milk;

(3) Products disposed of in bulk to bakeries, soup companies and candy manufacturing establishments pursuant to the exceptions in paragraphs (a) and (b)(1) of this section;

(4) Frozen cream, plastic cream, ice cream, and ice cream mix (liquid or powder) referred to in the exception in paragraph (b)(2) of this section;

(5) Actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers plus 1½ percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to a regulated plant of another handler: *Provided*, That such shrinkage shall be allowed in this class only if records of utilization satisfactory to the market administrator are available.

§ 941.44 [Amendment]

5. In § 941.44(c)(3) replace "(d)(2), (e)(2), and (f)(7)" with "(d)(2) and (e)(7)".

6. Replace § 941.44 (e), (f), and (g) with the following:

(e) Determine the total pounds in Class III milk as follows:

(1) Multiply the actual weight of each of the several items of Class III milk (other than inventory variation) by its average butterfat test;

(2) Determine the difference in pounds of butterfat contained in inventories at the beginning and end of the delivery period;

(3) Add together the pounds of butterfat obtained in subparagraphs (1) and (2) of this paragraph;

(4) Add to the total pounds of butterfat computed pursuant to paragraphs (c)(2) and (d)(2) of this section to the total pounds of butterfat computed pursuant to subparagraph (3) of this paragraph;

(5) Subtract the total pounds of butterfat computed pursuant to sub-

paragraph (4) of this paragraph from the total pounds of butterfat computed pursuant to paragraph (b) of this section, and the difference is the pounds of butterfat in actual shrinkage unless such difference is a minus quantity, in which case the butterfat shrinkage is zero for purposes of all computations required by this section;

(6) Determine the maximum number of pounds of butterfat shrinkage in Class III milk by multiplying by 1½ percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a regulated plant from all sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available;

(7) Add to the amount computed pursuant to subparagraph (3) of this paragraph the smaller of the amounts determined pursuant to subparagraphs (5) and (6) of this paragraph;

(8) Divide the pounds of butterfat obtained in subparagraph (7) of this paragraph by 0.035; and

(f) Determine the pounds of overrun as follows: In the event the pounds of butterfat computed pursuant to paragraph (e)(4) of this section are greater than the pounds of butterfat computed pursuant to paragraph (b) of this section, subtract the smaller amount from the larger amount and divide the result by 0.035.

§ 941.45 [Amendment]

7. In § 941.45(e) delete "Class III(a) milk, or Class IV milk".

8. In § 941.45(j) replace "Class II, III, III(a) and IV" with "Class II and III".

9. Replace § 941.50 with the following:

§ 941.50 Basic formula price.

The basic formula price to be used in computing the prices for Class I and Class II milk for each delivery period shall be the higher of the prices, rounded to the nearest cent, as follows:

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for the delivery period next preceding, to farmers for milk containing 3.5 percent butterfat delivered at each of the following listed manufacturing plants or places for which prices are reported to the United States Department of Agriculture or to the market administrator:

Companies and Location

Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The Class III price pursuant to § 941.52(c) for the delivery period next preceding.

§ 941.52 [Amendment]

10. Replace § 941.52 (c) and (d) with the following:

(c) *Class III milk.* The price per hundredweight for Class III milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the delivery period: *Provided*, That such reported price shall be adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 941 82 and rounded to the nearest full cent.

§ 941.61 [Amendment]

11. In § 941.61(c)(1) delete ", Class III(a) and Class IV".

§ 941.64 [Amendment]

12. In § 941.64(c)(2) replace "Class II milk, Class III milk, Class III(a) milk, and Class IV milk" with "Class II milk and Class III milk".

§ 941.66 [Amendment]

13. In § 941.66(b) (2) and (3) replace "August, September, and October" with "July through February".

14. Replace § 941.66(b)(4) with the following:

(4) Any plant which during the period of July through February ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of at least 30 percent in July and December, 40 percent in each month of August through November, and 15 percent in January and February of the pounds of butterfat in, or at least the same percentages of the volume of milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form to (and is physically received in) plants which operate in the manner described in paragraph (a) of this section, irrespective of whether or not such plants receive milk from dairy farmers, shall be a pool plant beginning with March and continuing through June, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period in which the pool plant requirements under this paragraph are fulfilled:

Provided, That a plant which ships (or is credited with shipments of) at least 30 percent in July and December and 40 percent in each month of August through November pursuant to this subparagraph (4) shall be a pool plant in each of the following months of January and February if it ships (or is credited with shipments of) at least 15 percent of the pounds of butterfat in or the volume of milk received from dairy farmers at such plants, in the forms and in the manner specified in this subparagraph (4) to the plants which operate in the manner described in paragraph (a) of this section.

15. Add a new § 941.66(b)(5) as follows:

(5) Two or more plants shall be considered a unit for the purpose of this paragraph (b) if the following conditions are met:

(i) The plants included in a unit are owned and operated by a handler or are under his control with respect to the marketing of milk, skim milk, and cream pursuant to a written contractual agreement submitted to the market administrator;

(ii) The handler establishing a unit notifies the market administrator in writing of the plants to be included therein prior to July 1 of each year (or within 30 days of the effective date of this subparagraph (5) for a unit to be operative from the effective date hereof until July 1, 1962) and no additional plants shall be added to the unit prior to July 1 of the following year; and

(iii) The notification pursuant to this subparagraph (5)(ii) shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be made in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

16. Add a new § 941.66(b)(6) as follows:

(6) Any plant which during the period of August 1961 through February 1962 ships, or is credited (pursuant to subparagraph (2) of this paragraph) with shipments of at least 30 percent in August and December, 40 percent in each month of September through November, and 15 percent in January and February of the pounds of butterfat in, or at least the same percentages of the volume of milk received from dairy farmers at such plant as milk, skim milk, concentrated milk, condensed skim milk or cream in fluid form to (and is physically received in) plants which operate in the manner described in paragraph (a) of this section, irrespective of whether or not such plants received milk from dairy farmers, shall be a pool plant beginning with March and continuing through June 1962, unless the milk received by the plant does not continue to be qualified for use in Grade A Class I milk products in the marketing area, or the plant operator notifies the market administrator that the plant should be withdrawn from the pool; in the event such notification is given the plant will no longer be a pool plant starting with the beginning of the delivery period following receipt of the notification by the market administrator, except during any delivery period in which the pool plant requirements under this paragraph are fulfilled: *Provided*, That a plant which ships (or is credited with shipments of) at least 30 percent in August and December and 40 percent in each month of September through November pursuant to this subparagraph (6) shall be a pool plant in each of the following months of January and February 1962 if it ships (or is credited with shipments of) at least 15 percent of the pounds of butterfat in or the volume of milk received from dairy farmers at such plants, in the forms and in the manner specified in this subparagraph (6) to the plants which operate in the manner described in paragraph (a) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1961.

Signed at Washington, D.C., on August 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–8140; Filed, Aug. 24, 1961; 8:49 a.m.]

[Milk Order No. 42]

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

Order Amending Order

§ 942.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1961. Any delay beyond that date would tend to disrupt orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price Support, Commodity Stabilization Service was issued June 13, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued July 17, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 942.10 [Amendment]

1. Delete subparagraphs (1) and (2) of § 942.10(a) and substitute therefor the following:

(1) Disposition in the marketing area of fluid milk products on routes is 20 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants; and

(2) Total disposition of fluid milk products on routes is 50 percent or more of receipts from dairy farmers, cooperatives in their capacities as handlers pursuant to § 942.12(d) and supply plants;

§ 942.12 [Amendment]

2. Delete the period at the end of § 942.12(c), substitute a semicolon and the word "or" and add a new paragraph (d) to read as follows:

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another handler in a tank truck owned and operated by, under contract to, or under the control of such association, unless the association and the transferee handler both notify the market administrator, in writing, prior to the time of delivery that the transferee handler is to be held the responsible handler for such milk. Such milk shall be deemed to have been received by the association from producers at a pool plant at the location of the pool plant at which such milk is physically received.

3. Delete § 942.16 and substitute therefor the following:

§ 942.16 Other source milk.

Other source milk means all skim milk and butterfat contained in:

(a) Receipts of fluid milk products during the month, except:

(1) Fluid milk products received from pool plants;

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d); and

(3) Producer milk.

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, or for which other utilization or disposition is not established pursuant to § 942.34.

4. Delete § 942.17 and substitute therefor the following:

§ 942.17 Fluid milk product.

Fluid milk product means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog) yoghurt, cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers).

§ 942.30 [Amendment]

5. In the preamble of § 942.30 insert immediately following the words "a handler pursuant to § 942.12(c)" insert the following: "or (d)"

§ 942.30 [Amendment]

6. In § 942.30(a) renumber subparagraphs (2), (3), and (4) as (3), (4), and (5), respectively, and insert a new subparagraph (2) as follows:

(2) Milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d);

§ 942.31 [Amendment]

7. Delete that part of paragraph (a) of § 942.31 preceding the colon and substitute therefor the following:

(a) On or before the 20th day of each month each handler operating a pool

plant(s) and each cooperative association which is a handler pursuant to § 942.12 (c) or (d) shall report their producer payroll for the preceding month which shall show for each producer:

§ 942.41 [Amendment]

8a. Delete § 942.41(a) and substitute therefor the following:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified as Class II milk pursuant to (b) (3), (4), and (5) of this section: *Provided*, That if any fluid milk products is fortified by the addition of nonfat milk solids the extent of classification of such products as Class I milk shall be an equal volume of the unmodified product of the same butterfat test; and (2) Not specifically accounted for as Class II milk.

8b. Delete subparagraph (5) of § 942.41(b) and substitute therefore the following:

(5) That portion of fluid milk products not classified as Class I pursuant to paragraph (a) (1) of this section;

(6) In shrinkage not to exceed an amount calculated as follows:

(i) 0.5 percent of skim milk and butterfat, respectively, received from producers (except diverted milk) and disposed of in bulk lots as whole milk, skim milk or cream;

(ii) 1.5 percent of skim milk and butterfat, respectively, received in bulk (including milk received from a cooperative association in its capacity as a handler pursuant to § 942.12(d)) and disposed of in a form other than bulk lots of milk, skim milk and cream;

(iii) 2.0 percent of skim milk and butterfat, respectively, received directly from producers and disposed of in a form other than bulk lots of whole milk, skim milk or cream.

9a. Delete the preamble and paragraph (a) of § 942.43 and substitute therefor the following:

§ 942.43 Transfers.

Skim milk and butterfat transferred or diverted during the month as milk, skim milk or cream in bulk from a pool plant (including milk transferred by a cooperative association in its capacity as a handler pursuant to § 942.12(d)) to:

(a) The pool plant of another handler, except as provided in paragraph (f) of this section, shall be classified as Class I unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 942.30 and:

(1) The receiving plant has utilization in such class of equivalent amounts of skim milk and butterfat, respectively; and

(2) Such skim milk and butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

9b. Delete the period (.) at the end of paragraph (e) of § 942.43 and add the following: ; and (f) Unless a different utilization is claimed by both handlers pursuant to paragraph (a) of this section, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association in its capacity as the operator of a pool plant or a handler pursuant to § 942.12(d) shall be classified pro rata to the respective amounts thereof remaining in each class for such months at the pool plant of the receiving handler after the computations pursuant to § 942.46(g) and the corresponding step of § 942.47.

§ 942.45 [Amendment]

10. Delete the period at the end of § 942.45, and add the following: : *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

11. Delete § 942.46 and substitute therefor the following:

§ 942.46 Allocation of skim milk classified.

The pounds of skim milk remaining after making the following computations shall be the pounds of skim milk in each class allocated to producer milk:

(a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in shrinkage computed pursuant to § 942.41(b)(6);

(b) Subtract from the total pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk except as specified in paragraphs (c) and (d) of this section;

(c) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk received from pool plants regulated pursuant to other orders issued pursuant to the Act;

(d) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk receipts of fluid milk products in consumer packages from a nonpool distributing plant described in § 942.62;

(e) Subtract from the pounds of skim milk remaining in Class II, in excess of the pounds of skim milk contained in inventory of fluid milk products at the end of the month, the pounds of skim milk in inventory of such products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II the difference shall be subtracted from the remaining pounds of skim milk in Class I;

(f) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other pool plants (including a cooperative association in its capacity as a handler pursuant to § 942.12(d)) in accordance with the classification of such milk pursuant to § 942.43(a);

(g) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to paragraph (a) of this section;

(h) Subtract pro rata from the pounds of skim milk remaining in each class, the pounds of skim milk to be classified pursuant to § 942.43(f); and

(i) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II. Any amount so subtracted shall be known as overage.

§ 942.51 [Amendment]

12. Delete paragraph (a) and substitute therefor the following:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $2.48 during the months of March through June and $2.68 in all other months, plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph: *Provided*, That the Class I price for any month of September, October, or November shall not be lower, by more than 5 cents, than such price for the immediately preceding month and for any month of April, May or June of each year shall not be higher, by more than 5 cents, than such price for the immediately preceding month:

(1) Divide the total gross volume of Class I milk of all pool handlers (excluding interhandler transfers) by total receipts of producer milk in each of the following periods and round to one-tenth of one percent:

(i) The two-year period ending with the second preceding month;

(ii) The two-month period ending with the second preceding month; and

(iii) The two-month period ending with the second preceding month and the same period of each of the two preceding years.

(2) Divide the utilization percentage for the three two-month periods computed pursuant to subparagraph (1)(iii) by the utilization percentage for the two-year period computed pursuant to subparagraph (1)(i). Adjust the resulting "seasonal ratio" as follows:

(i) Add to the seasonal ratio a similar computation for each of the 11 preceding periods;

(ii) Divide 12 by the sum thus obtained;

(iii) Divide the seasonal ratio by the quotient obtained in subdivision (ii).

(3) Compute the standard utilization percentage by multiplying the adjusted seasonal ratio of (2)(iii) by 74.5.

(4) Subtract from the current utilization percentage computed pursuant to subparagraph (1)(ii) the standard utilization percentage for the month computed pursuant to subparagraph (3) of this paragraph and round to the nearest full percentage point. The result is the deviation percentage.

(5) Compute a sum of the deviation percentages for the current and two preceding months, and after excluding any deviation percentage which is in the opposite direction from the deviation percentage of a more recent month, compute a sum from the remaining deviation percentages which excludes any amount by which, any of such deviation percentages exceeds any of such deviation percentages for a more recent month.

(6) Compute the number of cents which is 1.5 times the sum of the plus or minus deviations, as the case may be, computed pursuant to subparagraph (5) of this paragraph, round to the nearest even full cent, and increase or decrease, respectively, the Class I price by such sum, if it exceeds plus or minus four cents: *Provided*, That the plus or minus adjustment shall not exceed 45 cents.

§ 942.53 [Amendment]

13. In § 942.53(b)(2) change the reference from "§ 942.41(b) (3), (4), and (5)" to "§ 942.41(b) (3), (4), and (6)".

§ 942.70 [Amendment]

14. Delete paragraphs (b), (c), and (d) of § 942.70 and substitute therefor the following:

(b) Add an amount computed by multiplying the skim milk and butterfat substracted from Class I milk pursuant to § 942.46(b) and the corresponding step of § 942.47 by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add an amount computed by multiplying the skim milk and butterfat subtracted from Class I milk pursuant to § 942.46(d) and the corresponding step of § 942.47 which is not classified and priced as Class I milk under the provisions of the other Federal order by the rate of compensatory payment as determined pursuant to § 942.54.

(d) Add an amount obtained by multiplying by the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month the lesser of:

(1) The skim milk and butterfat subtracted from Class I pursuant to § 942.46 (e) and the corresponding step of § 942.47; or

(2) The skim milk and butterfat (except shrinkage) in producer milk classified as Class II and in milk allocated to Class II pursuant to paragraph (h) of § 942.46, both for the preceding month;

(e) Add an amount computed by multiplying the rate of compensatory payment as determined pursuant to § 942.54 by the skim milk and butterfat subtracted from Class I pursuant to § 942.46(e) and the corresponding step in § 942.47 which is in excess of the sum of:

(1) The skim milk and butterfat for which an adjustment was made pursuant to paragraph (d); and

(2) The skim milk and butterfat subtracted from Class II pursuant to § 942.46 (c) and the corresponding step in § 942.47 for the previous month and which was classified and priced as Class I under another Federal order; and

(f) Add the amounts computed by multiplying the skim milk and butterfat in overage deducted from each class pursuant to § 942.46(i) and the corresponding step of § 942.47 by the applicable class price.

§ 942.80 [Amendment]

15. Delete paragraph (d) of § 942.80 and substitute therefor the following:

(d) Each handler shall make payment to a cooperative association for milk received from such association in its capacity as a handler pursuant to § 942.12(a) and § 942.12(d) as follows:

(1) On or before the 22d day of each month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from any cooperative association during the first 15 days of the current month; and

(2) On or before the 12th day after the end of each month in which it was received at not less than the applicable class prices plus the amount due the market administrator from the cooperative association on such milk pursuant to § 942.86, less amounts paid pursuant to subparagraph (1) of this paragraph.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1961.

Signed at Washington, D.C., on August 21, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–8141; Filed, Aug. 24, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–FW–52]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Designation of Control Zone

On June 22, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5579) stating that the Federal Aviation Agency proposed to designate a control zone at Hot Springs, Ark.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following action is taken:

Part 601 (14 CFR Part 601) is amended by adding the following section:

§ 601.2486 Hot Springs, Ark., control zone.

Within a 5-mile radius of Memorial Field (Lat. 34°28'41" N., Long., 93°05'-44" W.) and within 2 miles either side of the 247° radial of the Hot Springs VOR extending from the 5-mile radius zone to 12 miles SW. of the VOR.

This amendment shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–8122; Filed, Aug. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 60–WA–34 etc.]

PART 602—DESIGNATION OF JET ROUTES, JET ADVISORY AREAS AND HIGH ALTITUDE NAVIGATIONAL AIDS

Subpart C—Jet Advisory Areas

Correction

In F.R. Doc. 61–7510 appearing at page 7079 of the issue for Tuesday, August 8, 1961, Jet Route No. 84, as it appears in § 602.200, is corrected by inserting between the first and second lines the following language: "Oakland, Calif., to 50 nmi E. of Rock Springs,".

[Airspace Docket No. 60–NY–46]

PART 608—SPECIAL USE AIRSPACE

Designation and Alteration of Restricted Areas

On October 19, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 9958) stating that the Federal Aviation Agency (FAA) proposed to relocate and reduce the size of the Chambersburg, Pa., Restricted Area R–5801.

On June 23, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 5631) which would further alter R–5801 and designate a new restricted area at Chambersburg (R–5803).

The Pennsylvania Aeronautics Commission objected to the relocation of R–5801 "due to the fact that this is moving it towards a commercially licensed airport and will put it within five miles of said airport." The FAA assumes this objection was submitted in regard to the Sunset Airways Airport at Chambersburg. The FAA airport records indicate that the Sunset Airways Airport is a turf field with two runways, the longest being 2,430 feet in length. This type of airport would necessarily limit the use of the airport to the lighter, more maneuverable type of aircraft. No problem is foreseen, with this type of aircraft, in completing a turn within five

miles so as to avoid this restricted area. No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notices, the following actions are taken:

In § 608.58 *Pennsylvania* (26 F.R. 7201), the following changes are made:

(a) R–5801 Chambersburg, Pa., Restricted Area is amended to read:

R–5801 Chambersburg, Pa.

Boundaries. A circular area with a 3,000-foot radius centered at Lat. 39°59'44" N., Long. 77°43'55" W.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0800 to 1600 EST, Monday through Friday.

Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

(b) R–5803 Chambersburg, Pa., Restricted Area is added to read:

R–5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N., Long. 77°44'20" W.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0800 to 1600 EST, Monday through Friday.

Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

These amendments shall become effective 0001 e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 18, 1961.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 61–8123; Filed, Aug. 24, 1961; 8:46 a.m.]

[Airspace Docket No. 61–WA–150]

PART 608—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to §§ 608.42, 608.50, 608.52, and 608.59 of the regulations of the Administrator is to alter the Camp Grayling, Mich., Restricted Area R–4201, the Warren Grove, N.J., Restricted Area R–5002, the Oswego, N.Y., Restricted Area R–5203, the Sheboygan, Wis., Restricted Area R–6903 and the Volk Field, Wis., Restricted Area R–6904.

The Department of the Air Force has stated an urgent and immediate need to extend the times of designation of these areas and to raise the ceiling of R–6904 to 20,000 feet MSL. Due to the requirement for intensified training to bring designated Air National Guard Units to peak combat readiness at the earliest practicable date, the actions taken herein are justified as a matter of military urgency and necessity, and in the interest of national defense.

For the reasons stated above, the Administrator finds that a condition exists which requires expeditious action in the interest of national defense and safety and that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following actions are taken:

1. In § 608.42 (26 F.R. 7196) Camp Grayling, Mich., Restricted Area R–4201, "April 1 through October 30" is deleted and "north of Lat. 44°47'00" N., sunrise to sunset daily. South of Lat. 44°47'00" N., continuous from April 1 through October 30" is substituted therefor.

2. In § 608.50 (26 F.R. 7198) Warren Grove, N.J., Restricted Area R–5002, "0700 to 1700 e.s.t. daily June 1 through August 31; and 0800 to 1800 e.s.t., Friday, Saturday and Sunday, September 1 through May 31" is deleted and "Sunrise to sunset" is substituted therefor.

3. In § 608.52 (26 F.R. 7199) Oswego, N.Y., Restricted Area R–5203 "Sunrise to sunset, March 30 through November 30" is deleted and "Sunrise to sunset" is substituted therefor.

4. In § 608.69 (26 F.R. 7204) Sheboygan, Wis., Restricted Area R–6903 "0730 to 1700 c.s.t." is delegated and "Sunrise to sunset" is substituted therefor.

5. In § 608.69 (26 F.R. 7204) Volk Field, Wis., Restricted Area R–6904 "Surface to 12,000 feet MSL" is deleted and "Surface to 20,000 feet MSL" is substituted therefor, and "Sunrise to sunset, June 1 through August 31; sunrise to sunset, Friday, Saturday and Sunday, September 1 through May 31, excepting January and February" is deleted and "Sunrise to sunset" is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 1, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 21, 1961.

LEE E. WARREN,
Acting Director, Air Traffic Service.

[F.R. Doc. 61–8124; Filed, Aug. 24, 1961; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fort Sumter National Monument, South Carolina; Visting Hours and Landing of Boats

On page 3431 of the FEDERAL REGISTER of April 21, 1961, there was published a notice and text of a proposed amendment to Part 7 of Title 36, Code of Federal Regulations. The purpose of the amendment is to add to Part 7 a new section that will fix visiting hours and landing of boats in order to prevent vandalism at Fort Sumter National Monument.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. The amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Part 7 is amended by adding § 7.62, as follows:

§ 7.62 Fort Sumter National Monument.

(a) *Visiting hours.* The monument shall be closed to visitors from 5 p.m., to 8:30 a.m., daily and during the entire day on Christmas: *Provided*, That the Superintendent may open the Monument at such other times as may be deemed expedient for the convenience of the public.

(b) *Prohibited boat landing and docking.* (1) Except in an emergency, no privately-owned boat, canoe, raft or other floating craft shall be landed or beached on the shores of the Monument or docked at the Fort Sumter pier during the hours that the Fort is closed to visitors.

(2) All boats are prohibited from docking at the Fort Sumter pier in areas designated for the use of those operating under a permit, or contract, approved by the National Park Service, except with the permission of the Superintendent.

E. J. PRATT,
Superintendent, Fort Sumter National Monument.

[F.R. Doc. 61–8137; Filed, Aug. 24, 1961; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Desert Game Range, Nevada

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEVADA

DESERT GAME RANGE

Public hunting of big game on the Desert Game Range, Nevada, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,350,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay, Portland 8, Oregon. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mule deer, Elk and Bighorn Sheep.

(b) Open season: Deer—Archery season—September 3 through 24, 1961. Deer—Firearms season—October 21 through November 19, 1961. Elk—October 21 through November 19, 1961. Bighorn Sheep, Area B1—December 15 through 18, 1961; Area B2—November 25 through December 10, 1961. Shooting hours—sunrise to sunset.

(c) Bag limits: One deer of either sex for each season. One bull elk with at least one branched antler. One mature ram with horns having ¾ curl or better.

(d) Methods of Hunting:

1. Weapons—Bow shall have a minimum pull of 40 pounds. Arrows must have at least ¾ inch wide hunting type tip. It shall be unlawful for any person to carry or have in his possession any firearm while hunting under the authority of any archery tag.

2. Rifles using center fire cartridge only and exerting at least 1,000-foot pounds energy at 100 yards may be used except during archery season.

(e) Other provisions:

1. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area, but elk or sheep hunters are required to check in and out of designated checking stations. Elk and sheep hunters must have State permits.

3. The provisions of this special regulation are effective to December 19, 1961.

J. T. BARNABY,
Acting Regional Director, Bureau of Sport Fisheries and Widlife.

AUGUST 18, 1961.

[F.R. Doc. 61–8131; Filed, Aug. 24, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of the following substances under the conditions prescribed in this order:

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
Acrylic acid or methacrylic acid and divinyl benzene copolymer.	Cation-exchange resin used in food processing	[1] July 1, 1962
Acrylic or methacrylic acid and divinyl benzene copolymer aminolyzed with primary and/or secondary amine or mixed polyamine.	Anion-exchange resin used in food processing	Do.
Barium sulfate	Colorant in food containers and equipment	Do.
Butoxymonoethers of propylene glycol (900 to 2,500 mol. wt.).	Defoamer in boiler water, in glue and paper manufacture for food packaging, and in bottle-washing compound; lubricant for food-processing and packaging machinery.	[1] June 30, 1964
di-*tert*-Butyl-*p*-cresol	Component of sealing gaskets in caps of food containers.	[1] July 1, 1962
Cadmium lithopone yellow	Component of ink printing background of paper used for inner wrap food and commodity labels; limit 45 percent of ink.	Do.
ε-Caprolactam polymer	Component of food-packaging material (other than milk) and food-handling material.	[1] Jan 1, 1963
Carbon black (channel black).	Component of beverage hose and tubing	[1] July 1, 1962
Carbon disulfide	Fumigant for food plant use	Do.
Carbon tetrachloride	do	Do.
Carboxymethylhydroxyethyl cellulose	Component of pigment dispersion for cellophane food-packaging material.	Do.
Chloropicrin	Fumigant for food plant use	Do.
Chromic anhydride	Component of coating on food-processing and handling equipment.	Jan. 1, 1962
Chromium oxide	do	Do.
Cobalt blue	Component of beverage hose and tubing	[1] July 1, 1962
Cobalt violet	do	Do.
DDD (dichlorodiphenyl dichloroethane)	Residue from raw agricultural product in dried tomato pomace for use in pet food; limit 100 p.p.m. in dried pomace.	Jan. 1, 1962
DDT (dichlorodiphenyl trichloroethane)	do	Do.
Diacetyl sodium sulfosuccinate	Component of can-sealing compound for food packaging.	[1] July 1, 1962
p,p'-Diaminodiphenylmethane	Component of sealing gaskets in caps of food containers.	Do.
Dibutylphthalate	Component of ink printing background of paper used for inner wrap food and commodity labels; limit 4 percent of ink.	Do.
Dicyandiamide	Viscosity modifier in coatings and adhesives used in the manufacture of paper and paperboard for food packaging.	[1] July 1, 1963
Dimethylpolysiloxane, 100 centistokes minimum.	In manufacture of food containers	[1] July 1, 1962
Diphenylsulfone-3, 3'-disulfohydrazide	Component of sealing gaskets in caps for food containers.	Do.
Eicosane	Component of sealing compound used in food containers.	Do.
Ethylene dibromide	Fumigant for food plant use	Do.
Ethylene dichloride	do	Do.
Ethylene oxide	Fumigant in dried fruits; limit 50 p.p.m.	[1] July 1, 1963
	Fumigant in walnut meats, edible gums, dehydrated or freeze-dried mushrooms, in ground spices, and onion and garlic powder; limit 50 p.p.m.	[1] July 1, 1962
Ethylene oxide-methyl formate mixture	Mold and yeast-control agent in dried and glaced fruit; limit 200 p.p.m. methyl formate calculated as formic acid; limit 50 p.p.m. ethylene dioxide.	[1] Aug. 1, 1963
Ethyl formate	Fumigant in raisins, dried fruits, and nuts; limit 200 p.p.m. calculated as formic acid.	[1] July 1, 1962
Ferric-ferrocyanide (prussian blue)	Component of ink printing background of paper used for inner wrap food and commodity labels; limit 18 percent of ink.	Do.
Glycerol-citric acid rosin ester	Component of nitrocellulose coating lacquer for cellulose film.	[1] Jan. 1, 1963
Hydroxyethylcellulose	Component of coatings and adhesives in the manufacture of paper and paperboard for food packaging.	[1] July 1, 1962
Isooctylphenylpolyethoxy (9–10) ethanol	Spray adjuvant on fresh fruits and vegetables; limit 1 p.p.m.	Do.
p,p'-Isopropylidene diphenyl and carbonyl chloride copolymer.	Packaging, processing, and holding food	[1] Jan. 1, 1963
Malathion (*S*-(1,2-disarbethoxyethyl)-*O, O*-dimethylphosphorodithioate).	Residue in dried citrus pulp resulting from preharvest use on citrus fruit; limit 12 p.p.m.	[1] July 1, 1962
2,2'-Methylenebis-(4-methyl-6-*tert*-butylphenol)	Antioxidant used as component of food-packaging and food-handling material; limit not to exceed 0.75 percent of a resin formulation.	Do.
Methyl formate	In raisins and currants as a residue from use as fumigant; limit 200 p.p.m. calculated as formic acid.	Jan. 1, 1962
Molybdate purple	Component of ink printing background of paper used for inner wrap food and commodity labels.	[1] July 1, 1962
Morpholine	Component of coatings and adhesives used in the manufacture of paper and paperboard.	Do.
Nitrocellulose	Component of ink printing background of paper used for inner wrap food and commodity labels.	Do.
N-Octylbicycloheptene dicarboximide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. on food.	Jan. 1, 1962
Octylphenoxypolyethoxyethanol (7–13 ethylene oxide groups).	Component of coating for food-processing and handling equipment.	Do.

[1] Progress report due Jan. 1, 1962.

Product	Specified uses or restrictions	Effective date of statute extended to—
β-Oxynaphthoic acid derived from dyestuff permanent red 2B, precipitated azo pigment.	Component of ink printing background of paper used for inner wrap food and commodity labels; limit 17 percent of ink.	[1] July 1, 1962
Phthalocyanine blue	Component of ink printing background of paper used for inner wrap food and commodity labels.	Do.
Piperonyl butoxide	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 20 p.p.m. on food.	Jan. 1, 1962
Polyethylene, oxidized (2,500 average molecular weight).	In coatings and packaging of food products	[1] Jan. 1, 1963
Polyethylene terephthalate films	Packaging, processing, and holding food	[1] July 1, 1962
Polyglyceryl phthalate ester of edible coconut oil fatty acids diluted with ethylene dichloride.	Spray adjuvant on fruits and vegetables; limit 1 p.p.m. of ester.	[1] July 1, 1963
Polyisobutylene	Component of food-packaging material	[1] July 1, 1962
Polyoxyethylated octylphenol (8–10 mols of ethylene oxide).	Component of sealing gaskets in caps of food containers.	Do.
Polyoxyethylene sorbitan monolaurate	Component of sealing compound used in food containers.	Do.
Propylene oxide	Fumigant in foods; limit 50 p.p.m.	Jan. 1, 1962
Pyrethrins	Component of insecticide for control of infestation in food-storage and food-processing areas; limit 3 p.p.m. on food.	Do.
Rosin ester	Component of ink printing background of paper used for inner wrap food and commodity labels.	[1] July 1, 1962
Rosin, wood, modified with hydrated lime	In manufacture of paper and paperboard	[1] July 1, 1963
Rubber latex, natural	Component of sealing compound used in food containers.	[1] July 1, 1962
Sodium alkyl (*tert*-butyl, *tert*-amyl, isopropyl, and ethyl, heptyl, hexyl, and octyl) benzene sulfonate.	Component of coating and adhesives in the manufacture of paper and paperboard for food packaging.	[1] July 1, 1963
Sodium dioctyl sulfosuccinate	Component of pigment dispersion for cellophane food-packaging material.	[1] July 1, 1962
Sodium lignin sulfonate	Component of sealing gaskets in caps of food containers.	Do.
Sodium nitrate	In the manufacture of paperboard and paper for food packaging.	Do.
Sodium pentachlorophenate	Component of sealing gaskets in caps of food containers.	Do.
	Component of sealing gaskets in caps of food containers.	Do.
Sodium salt of naphthalene sulfonic acid condensed with formaldehyde.	Component of coating for food processing and handling equipment.	Jan. 1, 1962
	In the manufacture of paper and paperboard for food packaging.	[1] July 1, 1962
Sodium salt of triisopropyl naphthalenesulfonic acid.	Component of sealing gaskets in caps of food containers.	Do.
Sorbitan monolaurate	Component of sealing compound used in food containers.	Do.
Starch modified with formaldehyde	As an adhesive in the manufacture of paper and paperboard.	Do.
Stearic acid and/or oleic acid ester of sodium salt of hydrolyzed protein.	In the manufacture of paper and paperboard for food packaging.	[1] Jan. 1, 1963
Styrene and divinyl benzene copolymer: 1. Chloromethylated and aminated with *tert*-amine; 2. Chloromethylated and aminated with primary and/or secondary amine or mixed polyamine.	Anion-exchange resin used in food processing	[1] July 1, 1962
Styrene and divinyl benzenesulfonate copolymer.	Cation-exchange resin used in food processing	Do.
Rosin (gum, wood, or tall oil) esterified with methanol and condensed with the reaction product of maleic anhydride, ethylene glycol, and phthalic anhydride.	In coatings, adhesives, and ink for food packaging.	[1] July 1, 1963
Titanium dioxide	Component of pigment dispersion for cellophane food packaging material.	[1] July 1, 1962
Triethylene glycol dibenzoate	Component of adhesive for food packaging	Do.
Triethylene glycol polyester of phthalic anhydride (modified).	In the manufacture of paper and paperboard for food packaging.	Do.
Triethanolamine	Component of sealing compound used in food containers.	Do.
Ultramarine blue	As colorant in food containers and liners	Do.

[1] Progress report due Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87–19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85–929, as amended sec. 2, Public Law 87–19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 17, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–8102; Filed, Aug. 24, 1961; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2469]

[Nevada 046779]

NEVADA

Partially Revoking Stock Driveway Withdrawal No. 69 (Nevada No. 15)

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300) as amended, it is ordered as follows:

1. The departmental order of February 19, 1919, reserving land for use by the general public as stock driveways, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 55 E.,
Sec. 13, S½;
Secs. 24 and 25;
Sec. 26, S½;
Sec. 35;
Sec. 36, N½.
T. 1 N., R. 56 E.,
Sec. 1, NE¼ and S½;
Sec. 2, SE¼;
Sec. 10, S½;
Sec. 11;
Sec. 12, N½ and SW¼;
Sec. 14, N½;
Secs. 15, 16, and 17;
Sec. 18, E½ and SW¼;
Sec. 19, N½;
Sec. 20, NW¼.
T. 1 N., R. 57 E.,
Sec. 4, N½;
Secs. 5 and 6;
Sec. 7, NW¼.
T. 2 N., R. 57 E.,
Sec. 13;
Sec. 22, S½;
Secs. 23 and 24;
Sec. 26, N½;
Sec. 27;
Sec. 28, E½ and SW¼;
Sec. 32, S½;
Sec. 33;
Sec. 34, NW¼.
T. 5 S., R. 59 E., unsurveyed,
Sec. 2, W½;
Sec. 11, W½;
Sec. 14, NW¼.
T. 5 S., R. 60 E.,
Sec. 19;
Sec. 29, W½ and SE¼;
Sec. 30;
Sec. 31, NE¼;
Sec. 32.
T. 6 S., R. 60 E., unsurveyed,
Secs. 5 and 8;
Sec. 9, SW¼;
Sec. 16;
Sec. 17, N½ and SE¼;
Sec. 21, 28, and 33.
T. 7 S., R. 60 E., unsurveyed,
Secs. 4 and 9;
Sec. 10, SW¼;
Sec. 15;
Sec. 16, N½ and SE¼;
Sec. 22;
Sec. 23, SW¼;
Sec. 26;
Sec. 27, N; and SE¼;
Sec. 35.
T. 8 S., R. 60 E., unsurveyed,
Sec. 1, SW¼;
Sec. 2;
Sec. 11, N½ and SE¼;
Secs. 12 and 13.
T. 8 S., R. 61 E., unsurveyed in part,
Secs. 17, 18, and 20;
Sec. 21, NW¼ and S½;
Sec. 27, NW¼ and S½;
Sec. 28;
Sec. 29, NE¼;
Sec. 33, NE¼;
Sec. 34.
T. 9 S., R. 61 E., unsurveyed,
Secs. 3 and 10;
Sec. 11, SW¼;
Sec. 14;
Sec. 15, N½ and SE¼;
Sec. 23;
Sec. 24, SW¼;
Sec. 25;
Sec. 26, N½ and SE¼;
Sec. 36, NE¼.
T. 9 S., R. 62 E.,
Sec. 30, NW¼ and S½;
Sec. 31;
Sec. 32, SW¼.
T. 10 S., R. 62 E.,
Sec. 5;
Sec. 6, N½ and SE¼;
Secs. 8, 9, 15, 16, 22, 23, 26, and 35.
T. 11 S., R. 62 E.,
Secs. 2 and 11;
Sec. 13, S½;
Sec. 14.

The areas described aggregate 48,933.65 acres.

2. The following lands will remain within Executive Order No. 7373 of May 20, 1936 as a part of the Desert Game Range:

MOUNT DIABLO MERIDIAN

T. 9 S., R. 61 E., unsurveyed,
All lands released by this order in this township.
T. 9 S., R. 62 E.,
Sec. 30, W½ and SE ¼;
Sec. 31;
Sec. 32, SW¼.
T. 10 S., R. 62 E.,
Sec. 5;
Sec. 6, N½ and SE¼;
Secs. 8, 9, 15, 16, and 22;
Sec. 23, W½ and W½SE¼;
Secs. 26 and 35.
T. 11 S., R. 62 E.,
Secs. 2 and 11;
Sec. 13, S½;
Sec. 14.

The areas described aggregate 14,244.44 acres.

3. The NE¼NE¼ of sec. 23, T. 10 S., R. 62 E., is patented.

4. The NW¼SE¼ of sec. 13, T. 11 S., R. 62 E., is withdrawn in Public Water Reserve No. 33, Nevada No. 2.

5. The lands comprise one to two mile wide north-south aligned strips generally parallel to and west of White River Valley. They vary from valley floor to rough and mountainous. Vegetation consists of various sages including white sage, forbs, galleta and other grasses.

6. The public lands released from withdrawal by this order are hereby restored to the operation of the public land laws, effective at 10:00 a.m. on September 26, 1961, subject to any existing valid rights, the requirements of applicable law, rules and regulations, the provisions of any existing withdrawals, and to the moratorium on applications and petitions for public lands contained in order of the Secretary of the Interior dated February 14, 1961 (26 F.R. 1382).

7. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws, subject to the regulations in 43 CFR 185.35; 185.36.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 21, 1961.

[F.R. Doc. 61–8134; Filed, Aug. 24, 1961; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

FOREIGN CURRENCY; ARGENTINE PESO

Notice of Proposed Designation of Argentina as a Quarterly Rate Country

Notice is hereby given that pursuant to section 522(c)(1)(B) of the Tariff Act of 1930, as amended (31 U.S.C. 372 (c)(1)(B)), the Department proposes to designate Argentina as a country whose currency in accordance with the applicable law and regulations shall be subject to conversion for customs purposes at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter in which the day of exportation falls.

It is the Department's intention upon adoption of this proposal concurrently to amend § 16.4 of the Customs Regulations, by adding "Argentina" to the list of quarterly rate countries set forth at the end of paragraph (d), effective with the quarter commencing October 1, 1961.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to this proposal may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing.

To insure consideration of such communications they must be received in the Bureau of Customs not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: August 17, 1961.

A. GILMER FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-8147; Filed, Aug. 24, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

MOUNT RAINIER NATIONAL PARK, WASHINGTON

Vehicle Weights, Preservation of Certain Lakes, and Unsafe Winter Activities

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3); Departmental Order No. 2640 (16 F.R. 5846) National Park Service Order No. 14 (19 F.R. 8824); and Regional Director, Region Four, Order No. 3, (21 F.R. 1495), as amended it is proposed to amend 36 CFR 7.5 as set forth below. The purpose of these amendments is to protect Park roads from heavy vehicles, preserve scenic values of certain lakes and to safeguard lives in connection with unsafe winter activities.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendments, to the Superintendent, Mount Rainier National Park, Longmire, Washington, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

PRESTON P. MACY,
Superintendent,
Mount Rainier National Park.

Paragraph (b) of § 7.5 is amended to add a new subdivision (viii) to subparagraph (2) and new paragraphs (f), (g), and (h) are added to read as follows:

§ 7.5 **Mount Rainier National Park.**

* * * * *

(b) *Fishing.* * * *

(2) The following waters are closed to fishing:

* * * * *

(viii) Reflection Lakes.

* * * * *

(f) *Limitation on load and weight of vehicles.* Vehicles operated or moved on U.S. Highway No. 410 between the north park boundary and Chinook Pass and on the East Side Road between Cayuse Pass and the south park boundary shall comply with the following weight or load limitation:

(1) Any vehicle having a gross weight in excess of 5,000 pounds is prohibited except when such use is in connection with the operation of the Park or with the operations of park concessioners holding contracts from the Secretary of the Interior. For the purposes of this limitation, the use of Washington State Department of Highways road equipment shall be considered as being used in the operation of the Park.

(2) Any trailer having a gross weight in excess of 5,000 pounds is prohibited except when such use is in connection with the operation of the Park or authorized park concessioner.

(3) Special exemptions. The Superintendent may, in his discretion, issue a special exemption waiver to the load and weight limitation in the following cases:

(i) Buses having a gross weight in excess of 5,000 pounds when making regular or special runs on the above roads.

(ii) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when hauling pack or saddle stock or recreational supplies or equipment for use within the Park.

(iii) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when used in hauling materials to or from a mine situated in the Park.

(iv) Trucks and/or trailers having a gross weight in excess of 5,000 pounds per vehicle unit when the purpose of the trip is to carry stock used or grazed in the immediate vicinity of the Park in the areas served by said roads.

(g) *Skiing, sledding, tobogganing, and snowshoeing.* The following activities are prohibited in the Park:

(1) Skiing, sledding, tobogganing, or snowshoeing upon park roads and parking areas when open to vehicle traffic, and other places designated by the Superintendent.

(2) The towing of persons on skis, sleds, or other sliding devices behind motor driven vehicles.

(h) *Swimming and wading.* The following lakes are closed to swimming and wading:

(1) Tipsoo Lake.
(2) Shadow Lake.
(3) Reflection Lakes.

[F.R. Doc. 61-8135; Filed, Aug. 24, 1961; 8:48 a.m.]

[36 CFR Part 7]

YOSEMITE NATIONAL PARK, CALIFORNIA

Camping

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), Departmental Order 2640 (16 F.R. 5846), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Region Four, Order No. 3 (21 F.R. 1495), as amended, it is proposed to amend Title 36 CFR 7.16 as set forth below. The purpose of this amendment is to establish camping limitations and to prescribe conduct for campers. This is accomplished by rewording and adding to paragraph (e) camping.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Superintendent, Yosemite National Park, California, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (e) of § 7.16 is amended to read as follows:

§ 7.16 **Yosemite National Park.**

* * * * *

(e) *Camping.* (1) No person, party or organization may camp in Yosemite National Park for more than a total of 14 days in any calendar year, except that within the camping areas of Yosemite Valley the limit is 10 days during the period of June 1 to Labor Day inclusive.

(2) Quiet shall be maintained at all camps between 10:00 p.m., and 6:00 a.m.

KEITH NEILSON,
Acting Superintendent,
Yosemite National Park.

[F.R. Doc. 61-8136; Filed, Aug. 24, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

PRICE QUOTATIONS AND DIFFERENCES

Notice of Proposed Rule Making

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that the Agricultural Marketing Service is considering amendment of §§ 27.96–27.98 of the Regulations for Cotton Classification under Cotton Futures Legislation (7 CFR Part 27, Subpart A), pursuant to authority contained in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863).

The primary purpose of the proposed amendment is to clarify the authority and responsibility of the Agricultural Marketing Service for price quotations and differences in the 14 designated bona fide spot cotton markets.

Under the proposed amendment §§ 27.96 through 27.98 would be amended to read as follows:

§ 27.96 Quotations in bona fide spot markets.

The price or value of Middling 1 inch cotton and the differences between the price or value of Middling 1 inch cotton and of other grades and staple lengths of cotton quoted in each bona fide spot market shall be based solely upon the official cotton standards of the United States and shall be the actual commercial price or value and differences established by the sale of spot cotton in such bona fide spot market. Such price or value and differences shall be determined as provided in said sections of the act and §§ 27.96 to 27.102.

§ 27.97 Quotation committees: establishment; duties.

There shall be established and maintained in each bona fide spot market a competent quotation committee. The organization of each committee and its personnel shall be subject to the approval of the Director. Any member of any committee who, or any committee which, for good cause is disapproved by the Director shall, after due notice, be replaced by another member or another committee acceptable to the Director. The duties of the quotation committee in each market shall be as follows:

(a) The committee shall impartially and carefully ascertain on each business day the price or value of Middling 1 inch cotton and the differences between the price or value of Middling 1 inch cotton and of other grades and staple lengths of cotton as requested by the Cotton Division. The committee, or a person authorized to act for it, shall obtain complete and satisfactory information not later than the close of business on each business day as to all sales of spot cotton since the close of the preceding business day, including the grades and staple lengths, the prices or price basis, and other terms of sale in sufficient detail to enable the committee to perform its duties accurately. The committee shall also carefully consider information presented by representatives of the Cotton Division. The committee shall cause its action and findings to be communicated daily to the Cotton Division. Failure by the committee to quote prices which represent actual commercial values of spot cotton in the market shall constitute good cause for disapproval of the committee, or any member of the committee, by the Director.

(b) The committee shall assemble in a scheduled meeting not less than once each week. The committee shall also meet upon request of a representative of the Cotton Division.

(c) The committee shall provide itself with, or have ready access to, a valid set of the practical forms of the official cotton standards of the United States for upland cotton.

(d) The committee shall make available to a representative of the Cotton Division, upon request, all records of information used by the committee in ascertaining the prices or values of cotton. The samples of the cotton involved in any transaction used by the committee in ascertaining prices shall also be available for examination by a representative of the Cotton Division, as long as such samples remain in the possession of any party to the transaction in the market.

§ 27.98 Responsibilities and duties of the Cotton Division.

The Cotton Division is responsible for the accuracy of price quotations in each bona fide spot market. In carrying out this responsibility the Cotton Division will perform the following duties and functions:

(a) The Cotton Division will assign an employee in each market to collect, analyze, and present periodically to the quotation committee pertinent information on the prices and values of spot cotton in the market to supplement information collected and available to the committee. The employee will attend each scheduled meeting of the committee and present his findings and recommendations on quotations.

(b) The Cotton Division will publish daily the price quotations for each bona fide spot market.

(c) The Cotton Division will, in the absence of an approved quotations committee in a bona fide spot market, ascertain and publish the quotations for that market.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Dated: August 16, 1961.

ROY W. LENNARTSON,
Associate Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-8139; Filed, Aug. 24, 1961; 8:49 a.m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN BROCCOLI

Extension of Time

A proposal for revision of the United States Standards for Grades of Frozen Broccoli (7 CFR Part 52) was set forth in the notice which was published in the FEDERAL REGISTER on March 10, 1961 (26 F.R. 2088).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension of time until November 15, 1961, within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Frozen Broccoli. Comments, data, and views may be submitted to F. L. Southerland, Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C.

Dated: August 22, 1961.

ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 61-8157; Filed, Aug. 24, 1961; 8:50 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

Farm Marketing Quotas and Acreage Allotments

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1962 crop of extra long staple cotton (hereinafter referred to as "ELS cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1962 crop of ELS

cotton and will issue regulations pertaining to acreage allotments for ELS cotton.

Section 347(b) of the act provides that whenever during any calendar year, not later than October 15, the Secretary determines that the total supply of ELS cotton for the marketing year beginning in such calendar year will exceed the normal supply thereof for such marketing year by more than 8 per centum, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of ELS cotton produced in the next calendar year.

Section 347(b) of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota which shall be an amount equal to (1) the estimated domestic consumption plus exports for the marketing year which begins in the next calendar year, less (2) the estimated imports, plus (3) such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until ELS cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks.

The national marketing quota for 1962 cannot be less than the larger of (1) 30,000 bales, or (2) a number of bales equal to 30 per centum of the estimated domestic consumption plus exports of ELS cotton for the marketing year beginning in the calendar year in which such quota is proclaimed.

As defined in section 301 of the act, for purposes of the determinations provided for in section 347(b) of the act, "total supply" of ELS cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of ELS cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of ELS cotton into the United States during such marketing year; "carryover" of ELS cotton for any marketing year is the quantity of ELS cotton on hand in the United States at the beginning of such marketing year not including any part of the crop which was produced in the United States during the calendar year then current nor any Government stocks of ELS cotton acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stockpiling Act; "normal supply" of ELS cotton for any marketing year is the estimated domestic consumption of ELS cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of ELS cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for ELS cotton is the period August 1–July 31. For purposes of the supply determinations required to be made under section 347(b) of the act, the term "ELS cotton" refers to all American-Egyptian, Sea Island, and Sealand cotton (United States and Puerto Rico), and to all similar types imported from Egypt, Sudan, and Peru.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed, the Secretary shall determine and proclaim a national allotment for the crop of ELS cotton to be produced in the next calendar year. The national allotment for ELS cotton for 1962 is that acreage, based upon the national average yield per planted acre of ELS cotton for the 4 years 1957, 1958, 1959, and 1960, which is required to make available from such crop an amount of ELS cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1962 crop of ELS cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to ELS cotton during the 5 calendar years 1956, 1957, 1958, 1959, and 1960, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.) and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(b)).

The regulations which the Secretary will issue pertaining to acreage allotments for the 1962 crop of ELS cotton will be substantially the same as those issued for the 1961 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves.

Since allotments were in effect for the 1961 crop of ELS cotton, farm allotments for the 1962 crop are required to be established pursuant to the method in section 344(f)(8) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota, the Secretary shall conduct a referendum by secret ballot, of farmers engaged in the production of ELS cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1962 crop of ELS cotton, it is expected that December 12, 1961, will be set as the date of the referendum in the regulations for the 1962 crop of ELS cotton.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to the States and the State allotments to the counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1962 crop of ELS cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 21, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8158; Filed, Aug. 24, 1961; 8:51 a.m.]

[7 CFR Part 722]

UPLAND COTTON

Farm Marketing Quotas and Acreage Allotments

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "act") (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to determine whether a national marketing quota is required to be proclaimed for the 1962 crop of upland cotton (hereinafter referred to as "cotton"). If such quota is required, the Secretary will also determine and proclaim the amount of the quota and the amount of the national allotment for the 1962 crop of upland cotton and will issue regulations pertaining to acreage allotments for cotton.

Section 342 of the act provides that whenever during any calendar year the Secretary determines that the total supply of cotton for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year, the Secretary shall proclaim such fact and a national marketing quota shall be in effect for the crop of cotton produced in the next calendar year.

Section 342 of the act further provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the number of bales of cotton (standard bales of five hundred pounds gross weight) adequate, together with (a) the estimated carryover at the beginning of the marketing year which begins in the next calendar year and (b) the estimated imports during such marketing year, to make available a normal supply of cotton: *Provided*, That such national marketing quota shall be not less than a number of bales equal to the estimated domestic consumption and estimated exports (less estimated imports) for the marketing year for which the quota is proclaimed, except that the Secretary shall make such adjustment in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the marketing year for which the quota is being proclaimed if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries, and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below (1) one million bales less than the estimated domestic consumption and estimated exports for the marketing year for which such quota is being proclaimed, or (2) ten million bales, whichever is larger. Notwithstanding the foregoing, the national marketing quota shall be not less than the number of bales required to provide a national acreage allotment of sixteen million acres.

Section 342 of the act requires the proclamation of the national marketing quota to be made not later than October 15 of the calendar year in which the determination is made that the total supply of cotton exceeds the normal supply.

As defined in section 301 of the act for purposes of the determinations provided for in section 342 of the act, "total supply" of cotton for any marketing year is the carryover at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins, and the estimated imports of cotton into the United States during such marketing year; "carryover" of cotton for any marketing year is the quantity of cotton on hand in the United States at the beginning of such marketing year, not including any part of the crop which was produced in the United States during the calendar year then current; "normal supply" of cotton for any marketing year is the estimated domestic consumption of cotton for the marketing year for which such normal supply is being determined, plus the estimated exports of cotton for such marketing year, plus 30 per centum of such consumption and exports as an allowance for carryover; and "marketing year" for cotton is the period August 1–July 31.

Section 344(a) of the act provides that whenever a national marketing quota is proclaimed under section 342 of the act, the Secretary shall determine and proclaim a national allotment for the crop of cotton to be produced in the next calendar year. The national allotment for cotton for 1962 is that acreage, based upon the national average yield per planted acre of cotton for the 4 calendar years 1957, 1958, 1959, and 1960, which is required to make available from the 1962 crop an amount of cotton equal to the national marketing quota.

If a national allotment is proclaimed for the 1962 crop of cotton, such allotment will be apportioned among the States, as provided by section 344(b) of the act, on the basis of the acreage planted to cotton during the 5 calendar years 1956, 1957, 1958, 1959, and 1960, with adjustments during such period as provided under the act, the Soil Bank provisions of the Agricultural Act of 1956 (70 Stat. 188; 7 U.S.C. 1801 et seq.), as amended, and the Great Plains Conservation Program provisions of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590p(b)).

Section 344(b) of the act provides a supplemental allotment from the national reserve of 310,000 acres for apportionment among the States on the basis of their needs for additional acreage for establishing minimum farm allotments as determined or estimated by the Secretary. It is planned that such needs for each State and each county therein will be estimated for 1962.

The regulations which the Secretary will issue pertaining to acreage allotments for the 1962 crop of cotton will be substantially the same as those issued for the 1961 crop and will provide for approval by the Secretary and publication thereof in the FEDERAL REGISTER of State and county allotments and State and county reserves.

Since allotments were in effect for the 1961 crop of cotton, farm allotments for the 1962 crop are required to be established pursuant to the method in section 344(f)(8) of the act in all counties.

Section 343 of the act provides that not later than December 15 following the issuance of the proclamation of the national marketing quota provided for in section 342 of the act, the Secretary shall conduct a referendum, by secret ballot, of farmers engaged in the production of cotton in the calendar year in which the referendum is held, to determine whether such farmers are in favor of or opposed to the quota so proclaimed. If a quota is proclaimed for the 1962 crop of cotton, it is expected that December 12, 1961, will be set as the date of the referendum in the regulations for the 1962 crop of cotton.

Section 362 of the act provides that notice of the farm allotment established for each farm shown by the records of the county committee to be entitled to such allotment, shall, insofar as practicable, be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

Prior to making any of the foregoing determinations with respect to the national marketing quota, the national allotment, the apportionment of the national allotment to States and the State allotments to counties, fixing a date for holding a referendum, and the formulation of regulations pertaining to acreage allotments for the 1962 crop of cotton, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington 25, D.C., within 20 days following the publication of this notice in the FEDERAL REGISTER. The date of postmark will be considered as the date of any submission.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 21, 1961.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8159; Filed, Aug. 24, 1961; 8:51 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

ELECTRONIC EQUIPMENT INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the electronic equipment industry under section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) will be held before a hearing examiner on September 18, 1961, at ten o'clock, a.m., in the Presidential Arms, 1320 G Street NW., Washington, D.C.

The electronic equipment industry is defined tentatively as that industry which manufactures electronic devices, apparatus, equipment, or systems (including electronic accessories therefor) for the following applications: (1) Radio and television receiving and transmitting, including home entertainment, industrial, commercial, military, and amateur, and radio telephone and radio telegraph; (2) sound recording, reproduction, and distribution, including wire, tape, and phonograph recording and reproduction, and public address and music distribution; (3) audio, intermediate frequency (IF), and radio frequency (RF) amplification; (4) navigation, including aircraft, ship, and other vehicular guidance and control; (5) airborne computing and associated airborne information processing; (6) missile guidance and control; (7) search, detection, surveillance, and tracking; (8) countermeasures; (9) weapons fire control; and (10) electronic power supplies for use in any of the foregoing classes of products. The industry does not include the manufacture of the following products or classes of products: (1) phonograph records; (2) electronic tubes; (3) solid-state semiconductors; (4) X-ray tubes and equipment; (5) electric lamps; (6) functional electronic component parts, such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit; (7) structural electronic components, such as cabinets, blank panels, binding posts, wire and cable harnesses and assemblies, tube sockets, dial asemblies and knobs and control handles; (8) electronic computing equipment (except airborne) and electronic accounting, dictating, transcribing and other machines primarily designed for office or business use; (9)

scientific, industrial, and laboratory instruments; (10) electrotherapeutic and electromedical instruments and equipment; (11) motors, generators, electric power distribution apparatus and equipment, industrial and commercial machinery, heating and air-conditioning equipment, household appliances, and similar equipment, even though incorporating electronic devices or accessories; (12) structural components, devices and equipment, such as antenna structures, pedestals, drives, launchers, trailers, platforms, pallets, elevators, gimbals, and handling equipment; (13) telephone and telegraph equipment (except radio receivers and transmitters); and (14) industrial controls.

Interested persons may appear at the hearing to submit evidence relative to the following subjects and issues: (1) Any amendments which should be made in the tentative definition of the industry, (2) whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry extends to all the area in which the industry has its establishments, so as to require industry-wide wage determination, or whether such competition is limited to smaller geographic areas (including the boundaries of such areas) so as to authorize separate wage determinations for each such area or locality, (3) whether there should be in any determination for the industry provision for the employment of beginners or learners at wages lower than the prevailing minimum wages and on what terms or limitations such employment should be permitted, and (4) what the the prevailing minimum wages in the area or areas for which determinations should be made.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry for the payroll period ending nearest June 15, 1960, have also been gathered. This information will be submitted for consideration at the hearing, and is now available to interested persons upon request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and state: (1) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such establishment, (3) the minimum wage paid to covered workers (presently and, if possible, on June 15, 1960) and the number of covered workers (41 CFR 50–202.102) at each such establishment receiving such wages, (4) the minimum wages paid to beginners or learners in each such establishment, the scale of wages paid during probationary periods, the length of such periods, and the number of workers receiving such wages, and (5) the identity of any product not now included in the tentative definition of the industry which should be included and of any product now included which should not be included.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act, as codified in 41 CFR Part 50–203.

Signed at Washington, D.C., this 21st day of August 1961.

JERRY R. HOLLEMAN,
Acting Secretary of Labor.

[F.R. Doc. 61–8153; Filed, Aug. 24, 1961; 8:50 a.m.]

[41 CFR Part 50–202]

MOTORS AND GENERATORS INDUSTRY

Hearing To Determine Prevailing Minimum Wages

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a hearing to determine the prevailing minimum wages in the motors and generators industry under section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. 35) will be held before a hearing examiner on October 3, 1961, at 10 o'clock, a.m., d.s.t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington 25, D.C.

The motors and generators industry is defined tentatively as that industry which manufactures electric motors and generators; prime mover generator sets (except complete steam, gas or hydraulic turbo-generators), such as gasoline or diesel-engine driven or wind driven generator sets; motor generator sets and other rotating equipment (except automotive) such as dynamotors, converters, inverters, rotating regulators, servo-motors, synchro-motors, and gear motors; and motors, generators, and control apparatus for such land transportation equipment as gasoline-electric and diesel-electric locomotives, rail cars, trolleys, busses, and trucks. The manufacture of parts (including spare and renewal) specifically designed for the foregoing products is also included. The industry does not include the manufacture of the following products: Electric starting motors; automotive generators; complete steam, gas, or hydraulic turbo-generator; arc welding generators; battery-charging generators for internal combustion engines; control apparatus for storage-battery powered transportation equipment; and parts commonly recognized as products of industries other than the motors and generators industry, such as bearings; brushes; brush holders; built-in overload protecting devices; capacitors; filters; insulating materials; lead terminals, markers, and connectors; permanent magnets; recording and indicating instruments and devices; rectifiers; relays; and resistors.

Interested persons may appear at the hearing to submit evidence relative to the following subjects and issues: (1) Any amendments which should be made in the tentative definition of the industry, (2) whether the geographic area of competition for contracts subject to the Walsh-Healey Public Contracts Act for products of the industry extends to all the area in which the industry has its establishments, so as to require industry-wide wage determination, or whether such competition is limited to smaller geographic areas (including the boundaries of such areas) so as to authorize separate wage determinations for each such area or locality, (3) whether separate wage determinations should be made for the fractional horsepower motors and integral horsepower motors and generators branches of the industry, and (4) what are the prevailing minimum wages in the branches and areas for which determinations should be made.

Data relating to competition in this industry for contracts subject to the Walsh-Healey Public Contracts Act have been collected by the Department of Labor. Employment and wage data in this industry have also been gathered. This information will be submitted for consideration at the hearing, and is now available to interested persons upon request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements shall be under oath or affirmation and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the presiding officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and any sworn or affirmed statements of persons who cannot appear personally should permit evaluation on a plant-by-plant basis, and should state: (1) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (2) the number of workers in each such establishment, (3) the minimum wage paid to covered workers (presently and, if possible, on October 15, 1960), and the number of covered workers (41 CFR 50–201.102) at each such establishment receiving such wages, and (4) the identity of any product not now included in the tentative definition of the industry which should be included and of any product now included which should not be included.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act, as codified in 41 CFR Part 50–203.

Signed at Washington, D.C., this 21st day of August 1961.

JERRY R. HOLLEMAN,
Acting Secretary of Labor.

[F.R. Doc. 61–8154; Filed, Aug. 24, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61–NY–37]

FEDERAL AIRWAY

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1674 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1674 is presently designated from Cleveland, Ohio, to Albany, N.Y. The Federal Aviation Agency has under consideration the extension of Victor 1674 from the Albany VORTAC to the Cambridge, N.Y., VOR. The extension of this airway would provide a route which would permit the transition of intermediate altitude air traffic between Albany and Cambridge.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–8118; Filed, Aug. 24, 1961; 8:45 a.m.]

[14 CFR Part 600]

[Airspace Docket No. 61–NY–28]

FEDERAL AIRWAY

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.1727 of the regulations of the Administrator, the substance of which is stated below.

Intermediate altitude VOR Federal airway No. 1727 extends in part from Erie, Pa., VOR via the intersection of the Erie VOR 058° and the Buffalo, N.Y., VORTAC 227° True radials to the Buffalo VORTAC.

The Federal Aviation Agency has under consideration the extension of Victor 1727 from the Buffalo VORTAC via the intersection of the Buffalo VORTAC 098° and the Georgetown, N.Y., VOR 272° True radials; Georgetown VOR; intersection of the Georgetown VOR 093° and the Albany, N.Y., VORTAC 270° True radials; Albany VORTAC; thence 14-mile wide airway via the intersection of the Albany VORTAC 094° and the Boston, Mass., VORTAC 287° True radials to Boston.

This extension of Victor 1727 would combine with intermediate altitude VOR Federal airway No. 1502 to provide a dual airway system between Buffalo and Boston. This dual airway system is based on the alteration of Victor 1502 as proposed in a notice of proposed rule making (Airspace Docket No. 61–NY–30) published in the FEDERAL REGISTER on July 7, 1961 (26 F.R. 6104). Reducing the width of Victor 1727 between Albany and Boston from 16 to 14 miles would provide separation between Victor 1727 and the airspace required for aircraft executing instrument approach procedures at Westover, Mass., AFB, utilizing the Windsor, Mass., and Shutesbury, Mass., VOR's. The portion of Victor 1727 which coincides with the Chicopee Falls, Mass. (Westover, AFB), Restricted Area/Military Climb Corridor R–4108 would be used only after obtaining prior approval from the appropriate authority.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–8117; Filed, Aug. 24, 1961; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–KC–35]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Designation of Federal Airways and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to Parts 600 and 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of low altitude VOR Federal airway No. 430, and its associated control areas, from the Williston, N. Dak., VOR to the Minot, N. Dak., VOR. This would provide a low altitude route for VOR equipped aircraft operating between Williston and Minot. The control area associated with this proposed airway would extend from 700 feet above the surface to the base of the continental control area. Separate actions would be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Additionally, the Federal Aviation Agency is considering the designation of intermediate altitude VOR Federal airway No. 1766 from Williston to Minot, to overlie the proposed Victor 430. The proposed designation of Victor 1766 would provide continuity of airway structure and would facilitate the transition of aircraft between the low and intermediate altitude airway systems.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications re-

ceived within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-8119; Filed, Aug. 24, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 61-HO-8]

CONTROLLED AIRSPACE

Designation of Transition Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering the designation of a transition area at Kona airport, Kailua, Kona, Hawaii, within an area beginning at Lat. 19°54'00" N., Long. 156°07'50" W.; to lat. 19°41'50" N., Long. 155°57'30" W.; thence clockwise along the arc of a 5-mile radius circle centered on the Kona airport (Lat. 19°39'00" N., Long. 156°01'-00" W.) to Lat. 19°34'50" N., Long. 155°59'50" W.; to Lat. 19°31'50" N., Long. 156°12'30" W.; thence clockwise along the arc of a 5-mile radius circle centered on the intersection of the 211° True radial of the Upolu Point, Hawaii, VOR (relocated site) and the 149° True radial of the Lanai, Hawaii, VOR, (Lat. 19°36'00" N., Long. 156°13'40" W.); to Lat. 19°38'15" N., Long. 156°17'40" W.; thence to point of beginning. There is no control zone at the Kona airport, therefore, it is proposed to designate the floor of the transition area at 700 feet above the surface. This proposed transition area would provide protection for aircraft executing prescribed instrument arrival and departure procedures at the Kona airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Hawaiian Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 4009, Honolulu 12, Hawaii. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C. on August 21, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8121; Filed, Aug. 24, 1961; 8:46 a.m.]

[14 CFR Part 602]

[Airspace Docket No. 61-FW-79]

JET ROUTES

Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering the alteration of Jet Route 35 as published in Part 602 of the regulations of the Administrator.

Jet Route No. 35 presently extends in part from Jackson, Miss., VOR to Memphis, Tenn., VOR. The Federal Aviation Agency has under consideration realignment of this segment of J-35-V from the Jackson VOR via the Greenwood, Miss., VOR to the Memphis VOR.

The present direct north south course between the Jackson VOR and the Memphis VOR is via the Jackson VOR 359° and the Memphis VOR 180° magnetic radials. This results in a degree difference in reciprocal radials which derogates the purpose of the VFR hemispherical altitude rule since north and southbound traffic could be at the same altitude. Realigning Jet Route No. 35 via the Greenwood VOR would reduce the possibility of north and southbound VFR air traffic being at the same altitude between Jackson and Memphis. In addition, this alteration would realign this segment of Jet Route No. 35 to overlie the intermediate and basic air route structure which would improve transition procedures in the Jackson and Memphis terminal areas.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 18, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61-8120; Filed, Aug. 24, 1961; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[643.3-M]

RAYON GARMENT LABELS FROM JAPAN

Purchase Price or Exporter's Sales Price Less Than Foreign Market Value or Constructed Value

AUGUST 21, 1961.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there is reason to believe or suspect, from information presented to me, that the purchase price or exporter's sales price, whichever is applicable, of rayon garment labels imported from Japan are less or likely to be less than the foreign market value or constructed value, whichever is applicable, as defined by sections 203, 204, 205, and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163, 164, and 165).

Customs officers are being authorized to withhold appraisement of entries of rayon garment labels from Japan pursuant to § 14.9 of the Customs Regulations (19 CFR 14.9).

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

[F.R. Doc. 61-8148; Filed, Aug. 24, 1961; 8:50 a.m.]

Office of the Secretary

[AA 643.3-M]

RAYON STAPLE FIBER FROM YUGOSLAVIA

Determination of No Sales at Less Than Fair Value

AUGUST 18, 1961.

A complaint was received that rayon staple fiber from Yugoslavia was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that rayon staple fiber from Yugoslavia is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. With the exception of an entry in June 1960, which has been appraised, rayon staple fiber from Yugoslavia has not been imported during the period covered by the complaint; nor have sales been made in the United States during the period. The amount involved in the one entry is considered to be not more than insignificant. The exporter has stated that he plans no further sales to the United States in the foreseeable future.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-8149; Filed, Aug. 24, 1961; 8:50 a.m.]

[Dept. Circ. 570, 1961 Rev. Supp. No. 7]

AGRICULTURAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

AUGUST 21, 1961.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., secs. 6-13, as an acceptable surety on Federal bonds.

An underwriting limitation of $1,924,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of May 1, 1962. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

State in which Incorporated, Name of Company, and Location of Principal Executive Office

New York, Agricultural Insurance Company, Watertown, N.Y.

[SEAL] W. T. HEFFELFINGER,
Fiscal Assistant Secretary.

[F.R. Doc. 61-8150; Filed, Aug. 24, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group Nos. 407, 409, 440 and 459]

CALIFORNIA

Notice of Filing of Plats of Survey

AUGUST 15, 1961.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a.m., September 5, 1961:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 S., R. 22 E.,
Sec. 35: Lot 2.
The area described aggregates 6.59 acres.
T. 9 S., R. 22 E.,
Sec. 2: Lots 1, 2, 3, 4;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19;
Sec. 4: Lots 9, 10, 11, 12, 13, 14, 16, 17, 18;
Sec. 5: Lot 9;
Sec. 8: Lot 1;
Sec. 9: Lots 1, 2, 3, 4, 5, 6;
Sec. 10: Lots 1, 2, 3, NW¼NW¼.
The area described aggregates 1,174.23 acres.
T. 1 S., R. 20 E.,
Sec. 1: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;
Sec. 2: Lots 3, 4, 5, 6, 7, 8, 9, 10.
The areas described aggregates 817.80 acres.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 31 S., R. 37 E.,
Sec. 6: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42.
The area described aggregates 752.26 acres.

2. The following described lands are withdrawn by Departmental Order of July 2, 1902 ("E" of July 17, 1902), as amended by Departmental Order of August 26, 1902 ("E" of August 30, 1902), under the provisions of the Act of June 17, 1902 (32 Stat. 388):

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 22 E.,
Sec. 2: Lots 1, 2, 3, 4;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19;
Sec. 4: Lots 9, 10, 11, 12, 13, 14, 16, 17, 18;
Sec. 5. Lot 9;
Sec. 8: Lot 1;
Sec. 9: Lots 1, 2, 3, 4, 5, 6;
Sec. 10: Lots 1, 2, 3, NW¼NW¼.
The area described aggregates 1,174.23 acres.

3. The following described lands are withdrawn by Departmental Order of February 19, 1929 ("F" of February 25, 1929), and included in First Form Reclamation withdrawal, Colorado River Storage Project under provisions of section 3, of the Act of June 17, 1902 (32 Stat. 388):

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 S., R. 22 E.,
Sec. 35: Lot 2.
T. 9 S., R. 22 E.,
Sec. 2: Lots 1, 2, 3, 4;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19;
Sec. 4: Lots 9, 10, 11, 12, 13, 14, 16, 17, 18;
Sec. 5: Lot 9;
Sec. 8: Lot 1;
Sec. 9: Lots 1, 2, 3, 4, 5, 6;
Sec. 10: Lots 1, 2, 3, NW¼NW¼.
The area described aggregates 1,180.82 acres.

4. The following described lands are withdrawn by Departmental Order of January 21, 1933, as part of Stock Driveway Withdrawal No. 235 under provisions of section 10 of the Act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 31 S., R. 37 E.,
Sec. 6: Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37.
The area described aggregates 241.01 acres.

5. Land Use Characteristics:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 1 S., R. 20 E.,
This land lies on the southern flank of the Turtle Mountains. Except for a level portion in the SW¼, sec 2, the area is rough and mountainous. It is cut by numerous washes which are a part of the drainage to the north. Vegetation is sparse, consisting of creosote bush and annual grasses.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 31 S., R. 37 E.,

This land lies on the east flank of the Sierra Nevada Mountains. The area is fairly level but covered with outwash and debris and is cut by numerous washes. Vegetation is sparse, consisting of creosote bush, annual grasses, sage, and cacti.

6. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules and regulations.

7. Applications and offers under the mineral leasing laws presented prior to 10 a.m., on September 5, 1961, will be considered as simultaneously filed as of that date and hour.

8. The lands will be open to location under the United States mining laws, beginning at 10 a.m., on September 5, 1961.

9. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims.

10. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

ROLLA E. CHANDLER,
Manager, Los Angeles Land Office.

[F.R. Doc. 61-8132; Filed, Aug. 24, 1961; 8:48 a.m.]

FLORIDA

Notice of Filing of Plat of Survey and Order Providing for Opening of Public Lands

AUGUST 21, 1961.

The Plat of Survey of the land described below will be officially filed in the Eastern States Land Office effective 10:00 a.m., on October 2, 1961.

TALLAHASSEE MERIDIAN

T. 17 S., R. 27 E.,	*Acres*
Sec. 8, Lot 2	29.42
Sec. 9, Lot 3	34.18
Sec. 16,	
Lot 4	44.53
Lot 5	46.93
Lot 6	6.93
Lot 7	15.58
Lot 8	3.13
Lot 9	3.22
Lot 10	7.72
Lot 11	11.25
Sec. 17, Lot 5	30.40

The survey was made as an administrative measure to identify certain lands found to have been omitted from the original survey of the sections pursuant to the requests of interested parties.

Sections 8, 9, 16, and 17 were added to the Ocala National Forest by Proclamation of July 16, 1938. Under this authority, the public lands returned under this survey attached to the administration of the Forest Service, United States Department of Agriculture.

The omitted land area included in this survey is largely upland between level swamp areas. The soil is sandy loam with muck in the swamp areas. Timber is pine, oak, bay, cabbage palm and black gum; undergrowth is young timber, palmetto and vines. The elevation above the water level of Lake Dorr in these sections varies from 1 to approximately 80 feet.

With the exception of Lot 3, Sec. 9 all of the lots are over 50 percent upland in character. Lot 3, Sec. 9, is well over 50 percent swamp land in character and is considered to be swamp and overflow land within the interpretation of the Swamp Land Grant Act of September 28, 1850 (9 Stat. 519). For purposes of Swamp Land Selection by the State of Florida, Lot 3 is not affected by its inclusion in the Ocala National Forest.

The public lands affected by this notice are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, rules and regulations.

All inquiries relating to the lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D.C.

H. K. SCHOLL,
Manager,
Eastern States Land Office.

[F.R. Doc. 61-8133; Filed, Aug. 24, 1961; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

AREA REDEVELOPMENT ACT

Delegations of Authority

The following material was signed by the Secretary of Commerce on July 20, 1961.

The Secretary of Commerce, pursuant to the legislative directive that available services and facilities of other agencies and instrumentalities of the Federal Government shall be used to the fullest extent practicable in carrying out the provisions of the Area Redevelopment Act (Public Law 87-27) herein referred to as the Act, and in order to avoid duplication of existing staffs and facilities in the departments and agencies named herein, delegates to the heads of the named departments and agencies the functions, powers and duties as follows:

1. *Designation of redevelopment areas*—a. *Department of Labor.* (1) To find facts, provide data, and make recommendations to be used by the Secretary of Commerce in formulating standards upon which the designation of "redevelopment areas" shall be made under section 5(a) of the Act, and in designating "redevelopment areas" under section 5(a) of the Act, in addition to the responsibilities vested in the Secretary of Labor under the said Section.

(2) To find facts, provide data, and make recommendations to be used in association with facts and data to be furnished by the Secretary of Agriculture and the Secretary of the Interior, by the Secretary of Commerce, in formulating the standards upon which the designation of "redevelopment areas" shall be made under section 5(b) of the Act, and in designating "redevelopment areas" under section 5(b) of the Act, other than rural, reservation, and resource-based redevelopment areas as hereinafter set forth.

(3) To review from time to time as provided in section 13 of the Act the employment situation in redevelopment areas for which the Secretary of Labor, under authority of section 5 of the Act or delegation of authority from the Secretary of Commerce, has been authorized to find facts, provide data, and make recommendations for designating "redevelopment areas", and pursuant to such review to report information and data to the Secretary of Commerce necessary to enable the Secretary of Commerce to determine whether the employment conditions have changed in any such "redevelopment area", so that such area is no longer eligible for further assistance under the Act.

b. *Department of Agriculture.* (1) To find facts and provide data to be used in association with facts and data to be furnished by the Secretary of Labor and the Secretary of the Interior, by the Secretary of Commerce, in selecting the criteria and formulating the standards upon which areas which are essentially and fundamentally associated with agriculture or forestry shall be designated "redevelopment areas" under section 5(b) of the Act and more particularly classified as "rural redevelopment areas."

(2) To find facts and provide data and make recommendations to be used by the Secretary of Commerce in designating and classifying "rural redevelopment areas" under the criteria and standards mentioned in the paragraph, next above.

(3) To review from time to time as provided in section 13 of the Act the designation of "rural redevelopment areas" and pursuant to such review to report information and data to the Secretary of Commerce necessary to enable the Secretary of Commerce to determine whether conditions have changed in any such "rural redevelopment areas" so that such area is no longer eligible for further assistance under the Act.

c. *Department of the Interior.* (1) To find facts and provide data to be used in association with facts and data to be furnished by the Secretary of Labor and the Secretary of Agriculture, by the Secretary of Commerce, in selecting the criteria and formulating the standards upon which areas which are essentially and fundamentally associated with Indian affairs, minerals, fisheries, or public lands including parks shall be designated "redevelopment areas" under section 5(b) of the Act and more particularly classified as "reservation redevelopment areas" or "resource-based redevelopment areas."

(2) To find facts and provide data and make recommendations to be used by the Secretary of Commerce in designating and classifying "reservation redevelopment areas" and "resource-based redevelopment areas" under the criteria and standards mentioned in the paragraph, next above.

(3) To review from time to time as provided in section 13 of the Act the designation of "reservation redevelopment areas" and "resource-based redevelopment areas" and pursuant to such review to report information and data to the Secretary of Commerce necessary to enable the Secretary of Commerce to determine whether conditions have changed in any such redevelopment area, so that such area is no longer eligible for further assistance under the Act.

2. *Organizational and educational leadership*—a. *Department of Agriculture.* (1) To provide in "rural redevelopment areas" organizational and educational leadership for the orderly development of local economic initiative, and provide advice, assistance, and information to individuals, committees, groups, and enterprises in "rural redevelopment areas" regarding the application of the Act, the implementation of proposed projects and the objectives of the approved Overall Economic Development Program for the area, and matters as set forth under section 10 of the Act.

b. *Department of the Interior.* (1) To provide in "reservation redevelopment areas" and "resource-based redevelopment areas" organizational and educational leadership for the orderly development of local economic initiative, and provide advice, assistance and information to individuals, committees, groups, and enterprises in such areas regarding the application of the Act, the implementation of proposed projects and the objectives of the approved Overall Economic Development Program for the area, and matters as set forth under section 10 of the Act.

c. *Department of Labor.* (1) To provide to individuals, committees, groups, and enterprises in redevelopment areas, advice, assistance and information regarding local employment and unemployment, training and retraining, and the characteristics of the work force, as set forth under section 10 of the Act.

d. *Small Business Administration.* (1) To provide advice, assistance, and information as set forth in section 10 of the Act.

3. *Overall Economic Development Program*—a. *Department of Agriculture.* (1) To assist and furnish guidance to "rural redevelopment areas" in the preparation of Overall Economic Development Programs and to certify as a condition precedent to approval by the Secretary of Commerce as provided by section 6(b)(10) of the Act, that Overall Economic Development Programs for such areas are consistent with general objectives for the economic development of rural areas in the United States.

b. *Department of the Interior.* (1) To assist and furnish guidance to "reservation redevelopment areas" and "resource-based redevelopment areas" in the preparation of Overall Economic Development Programs and to certify as a condition precedent to approval by the Secretary of Commerce as provided by section 6(b)(10) of the Act, that Overall Economic Development Programs for such areas are consistent with the general objectives for the economic development of Indian reservation areas and resource-based areas in the United States.

c. *Department of Labor.* (1) To assist and furnish guidance to redevelopment areas in the preparation of Overall Economic Development Programs by providing information on local employment and unemployment, the characteristics of the work force, and on the need for training or retraining of unemployed workers, and to review and evaluate the manpower aspects of Overall Economic Development Programs, and furnish advice thereon to the Secretary of Commerce.

d. *Small Business Administration.* (1) To assist and furnish guidance to redevelopment areas in the preparation of Overall Economic Development Programs by providing readily available information relating to the regular activities of the Small Business Administration.

e. *Department of Health, Education, and Welfare.* (1) Assist and furnish guidance to redevelopment areas in the preparation of Overall Economic Development Programs by providing readily available information relating to the regular activities of the Department of Health, Education, and Welfare.

4. *Technical Assistance Programs*—a. *Department of Agriculture.* (1) To recommend technical assistance programs for "rural redevelopment areas" and to certify to the Secretary of Commerce that any proposed technical assistance program for a "rural redevelopment area" under section 11 of the Act, is consistent with the purposes of said section 11 of the Act, as a condition precedent to final approval or authorization by the Secretary of Commerce of any such program in a "rural redevelopment area".

b. *Department of the Interior.* (1) To recommend technical assistance programs for "reservation redevelopment areas" and "resource-based redevelopment areas" and to certify to the Secretary of Commerce that any proposed technical assistance program for a "reservation redevelopment area" and "resource-based redevelopment area" under section 11 of the Act, is consistent with the purpose of said section 11 of the Act, as a condition precedent to final approval or authorization by the Secretary of Commerce of any such program in such areas.

5. *Loans and grants*—a. *Small Business Administration.* (1) To carry out, under rules, regulations, and policies of the Secretary of Commerce, the provisions of section 6 of the Act by performing the following functions:

(a) Purchasing evidences of indebtedness and making loans after express authorization by the Secretary of Commerce;

(b) Determining that such loans are not being made for working capital and are in compliance with the requirements of sections 6(b)(4), 6(b)(5), 6(b)(6), 6(b)(7), 6(b)(8), and 6(b)(9) of the Act;

(c) Exercising the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans proposed to be made under section 6 of the Act.

(2) To exercise in carrying out the foregoing delegations under rules, regulations and policies of the Secretary of Commerce, the powers, duties and functions vested in the Secretary of Commerce by sections 12(4), 12(5), 12(6), 12(7), 12(8), 12(9), 12(10), of the Act.

b. *Housing and Home Finance Agency.* (1) To carry out, under the rules, regulations, and policies of the Secretary of Commerce, the provisions of sections 7 and 8 of the Act by performing the following functions:

(a) Making loans and grants after express authorization by the Secretary of Commerce;

(b) Determining that loans made under section 7 of the Act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d);

(c) Determining that grants made under section 8 of the Act are in compliance with the requirements of sections 8(a)(2) and 8(c) of the Act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the Act) for such project and the amount which is necessary to insure the completion thereof;

(d) Exercising the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans or grants proposed to be made under section 7 or 8 of the Act.

(2) To exercise in carrying out the foregoing delegations under rules, regulations and policies of the Secretary of Commerce, the powers, duties, and functions vested in the Secretary of Commerce by sections 12(4), 12(5), 12(6), 12(7), 12(8), 12(9), 12(10), of the Act.

c. *Department of Agriculture.* (1) To certify to the Secretary of Commerce, as a condition precedent to approval by the Secretary of Commerce, that a proposed project in a "rural redevelopment area" for which financial assistance is sought under sections 6, 7, or 8 of the Act is consistent with the approved Overall Economic Development Program for such area.

d. *Department of the Interior.* (1) To certify to the Secretary of Commerce, as a condition precedent to approval by the Secretary of Commerce, that a proposed project in a "reservation redevelopment area" or "resource-based redevelopment area" for which financial assistance is sought under sections 6, 7, or 8 of the Act is consistent with the approved Overall Economic Development Program for such area.

6. Special Projects—a. *Department of Agriculture.* (1) To furnish advice, assistance, and information, in connection with projects and Overall Economic Development Programs in nonrural "redevelopment areas" when the Secretary of Commerce finds that such projects or

prospective projects in such nonrural "redevelopment areas" are essentially and fundamentally associated with agriculture or forestry.

b. *Department of the Interior.* (1) To furnish advice, assistance, and information, in connection with projects and Overall Economic Development Programs in other than "reservation redevelopment areas" or "resource-based redevelopment areas", when the Secretary of Commerce finds that such projects or prospective projects in such areas are essentially and fundamentally associated with Indian affairs, minerals, fisheries, or public lands including parks.

7. *Redelegation*—a. *All departments and agencies.* (1) To redelegate to officers and employees of their respective departments and agencies, the functions, powers, and duties herein delegated to the heads of departments and agencies.

8. *Financing.* The Secretary of Commerce will advance funds to the delegate departments and agencies named herein, for the purpose of financing the functions, powers, and duties specified above to the extent needed for loans and grants, and additional staff and facilities as determined under generally accepted accounting principles. Commitments by delegate departments and agencies of funds from the Department of Commerce for such functions, powers, and duties shall be limited to amounts agreed upon in advance.

Dated this 20th day of July 1961.

PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

[F.R. Doc. 61-8160; Filed, Aug. 24, 1961; 8:51 a.m.]

[Dept. Order No. 90 (Rev.)]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

JUNE 29, 1961.

The following material was signed by the Secretary of Commerce on June 29, 1961 and supersedes the material appearing at 24 F.R. 1812–1813 of March 12, 1959 and 25 F.R. 5404 of June 16, 1960.

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the National Bureau of Standards.

SEC. 2. *Organization.* .01 The National Bureau of Standards, established by the Act of March 3, 1901 (31 Stat. 1449; 15 U.S.C. 271), is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Bureau shall be headed by a Director appointed by the President with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Assistant Secretary of Commerce for Domestic Affairs.

.02 The National Bureau of Standards shall be constituted as follows:

1 Office of the Director:

Director.
Deputy Director.
Associate Directors, Library.
Director, Boulder Laboratories.

2 Scientific divisions in Washington, D.C.:

Electricity.
Metrology.
Heat.
Radiation Physics.
Analytical and Inorganic Chemistry.
Mechanics.
Organic and Fibrous Materials.
Metallurgy.
Mineral Products.
Building Research.
Applied Mathematics.
Data Processing Systems.
Atomic Physics.
Instrumentation.
Physical Chemistry.
Weights and Measures, Office of.

3 Divisions of Boulder Laboratories:

Administrative.
Cryogenic Engineering.
Radio Standards.
Central Radio Propagation Laboratory.
  Ionosphere Research and Propagation.
  Radio Propagation Engineering.
  Radio Systems.
  Upper Atmosphere and Space Physics.

4 Service divisions:

Office of Technical Information.	Management Planning.
Personnel.	Internal Audit.
Administrative Services.	Plant.
Shops.	Accounting.
Supply.	Budget.

A chart depicting the organization is attached.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director is hereby authorized to perform the functions and exercise the authorities vested in the Secretary by Title 15, Chapters 6 and 7, U.S. Code, or by any subsequent legislation with respect to physical science activities within the special competence of the National Bureau of Standards.

.02 The Director of the National Bureau of Standards may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Bureau and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *General functions.* .01 The basic functions of the National Bureau of Standards are (a) development and maintenance of the national standards of measurement, and the provision of means for making measurements consistent with those standards; (b) determination of physical constants and properties of materials; (c) development of methods for testing materials, mechanisms, and structures, and the making of such tests as may be necessary, particularly for Government agencies; (d) cooperation in the establishment of standard practices, incorporated in codes and specifications; (e) advisory service to Government agencies on scientific and technical problems; and (f) invention and development of devices to serve special needs of the Government.

.02 In carrying out these functions the Bureau is authorized to undertake the activities enumerated in Section 6.02 and similar activities for which the need may arise in the operation of Government agencies, scientific institutions and industrial enterprises.

SEC. 5. *Functions of the Office of the Director.* .01 The Director, subject to legal requirements and policy direction from the Secretary, determines the policies of the National Bureau of Standards and directs the development and execution of its programs.

.02 The Deputy Director shares generally in the direction of the Bureau and, during the Director's absence, assumes the responsibilities and authority of the Director.

.03 The Associate Directors (Technical) have the following combination of responsibilities:

1 Advise the Director and the Deputy Director on the planning and coordination of the scientific program;

2 Provide specialized staff assistance in designated functional areas;

3 Perform special assignments associated with the management of the Bureau or liaison with other organizations.

.04 The Associate Director (Administrative) is responsible for the planning and operation of administrative functions in support of technical programs and serves as the Director's principal staff adviser on management matters.

.05 The Director, Boulder Laboratories, supervises the Bureau's major establishment outside Washington, D.C. He has the status of Associate Director.

.06 The National Bureau of Standards Library furnishes diversified library services to Bureau staff members and arranges exchanges and loans with other organizations.

SEC. 6. *Functions of Scientific Divisions.* 01. The general functions of the Bureau are carried out primarily by the scientific divisions with the assistance of the service divisions.

.02 Each scientific division is authorized to engage in such of the following activities as are appropriate to its special functions; as indicated generally by division titles (see sections 2.02 and 2.03).

1 Research in engineering, mathematics, and physical sciences;

2 Construction of physical standards;

3 Testing, calibration and certification of standards and standard measuring apparatus;

4 Improvement of instruments and means of measurement;

5 Investigation and testing of scales for weighing commodities for interstate shipment;

6 Cooperation with States in securing uniformity in weights and measures laws and methods;

7 Provision of standard samples for checking basic properties of materials and provision of standard instruments for calibration of measuring equipment;

8 Development of methods of chemical analysis and synthesis of materials, and investigation of properties of rare substances;

9 Study of methods producing and measuring high and low temperatures and the behavior of materials at such temperatures;

10 Investigation of radiation, radioactive substances, and X-rays, together with their uses and means of protecting persons from their harmful effects;

11 Study of the atomic and molecular structure of chemical elements;

12 Broadcasting of radio signals of standard frequency;

13 Investigation of conditions which affect the transmission of radio waves; and distribution of information for choice of frequencies to be used in radio operations;

14 Study of new technical processes of fabricating materials in which the Government has a special interest; also, study of processes and methods of measurement used in manufacture of optical glass, pottery, tile and other clay products;

15 Determination of properties of building materials and structural elements and encouragement of their standardization and most effective use, including fire prevention aspects;

16 Metallurgical research, including study of alloy steel and light metal alloys; investigation of foundry and related practices; prevention of corrosion of metals and alloys; behavior of bearing metals; and development of standards for metals and sands;

17 Operation of a laboratory of applied mathematics; and

18 Provision of general scientific and technical data resulting from the above activities or derived from other sources when such data are important to scientific or manufacturing interests or the general public and are not readily available elsewhere; and, demonstration of the results of the Bureau's work by exhibits and other means.

SEC. 7. Functions of the service divisions. .01 The central service divisions are responsible for their special functions and also for providing staff assistance to the Associate Director (Administrative) in carrying out his functions.

.02 The Office of Technical Information fosters and assists in the outward communication of scientific findings and related information to science, industry, and the general public.

.03 The Personnel Division advises on personnel policy and utilization and administers recruitment, placement, classification, training, and employee relations activities, assisting operating officials on these and other aspects of personnel management.

.04 The Administrative Services Division has staff responsibility for security, safety, emergency relocation planning, and civil defense activities, and administers custodial functions, communication services, duplicating service, test administration service, and local transportation service.

.05 The Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

.06 The Supply Division performs or facilitates procurement and distribution of material, keeps records and promotes effective utilization of property, and acts as the contracting office for all research, construction, supply, and lease contracts entered into by the Bureau.

.07 The Management Planning Division advises on all aspects of management not otherwise assigned, including records management, and provides staff assistance on the maintenance and improvement of organization and methods.

.08 The Internal Audit Division assists the Director and other Bureau officials by conducting independent, objective, and constructive appraisals of the effectiveness and efficiency with which the Bureau's operating, administrative, and financial programs are being carried out and reporting its findings and recommendations for consideration and action.

.09 The Plant Division maintains the physical plant at Washington, and performs staff work in planning and providing grounds, buildings, and improvements at all Bureau locations.

.10 The Accounting Division administers the official system of central fiscal records, payments and reports, and provides staff assistance on accounting and related matters.

.11 The Budget Division advises on financial management and provides staff assistance in the preparation of estimates and the utilization of funds.

SEC. 9. *Operations outside Washington, D.C.* .01 The Bureau's major activity outside Washington, D.C. is Boulder Laboratories whose divisional organization is given in section 2.02.3. The titles of these divisions are descriptive of the functions performed.

.02 In addition several scientific divisions have field establishments. For the most part, these contribute to the specific programs and projects of their corresponding headquarters divisions rather than perform special services for the public. Activities include concreting materials testing, lamp inspection, development and application of visual range meters, development of uniform standards for railway freight car weighing, and radio frequency and propagation testing and monitoring.

.03 The National Bureau of Standards Field Organizations and their locations are set forth below.

NATIONAL BUREAU OF STANDARDS—FIELD ORGANIZATIONS

Field Organization	*Location*
Boulder Laboratories [1]	Boulder, Colo.
Materials Testing Laboratories	San Francisco, Calif. Denver, Colo., Allentown, Pa.,
Visual Landing Aids	Seattle, Wash.
Field Laboratory	Arcata, Calif.
Master Railway Track Scale Depot	Clearing, Ill.
Lamp Inspector	Brookline, Mass.

[SEAL] PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

[F.R. Doc. 61-8161; Filed, Aug. 24, 1961; 8:51 a.m.]

[1] A major segment of the Bureau's departmental organization having technical field facilities of its own in some 20 places in the U.S. and abroad.

[Dept. Order No. 152 (Rev.)]

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Organization and Functions

AUGUST 2, 1961.

The following material was signed by the Secretary of Commerce on August 2, 1961, and supersedes the material appearing at 23 F.R. 7951–7953, October 15, 1958.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization, functions, and authorities of the Business and Defense Services Administration.

SEC. 2. *Establishment and organization.* .01 The Business and Defense Services Administration was established by the Secretary of Commerce by Department Order No. 152 of October 1, 1953, as a primary organization unit of the Department of Commerce, pursuant to authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950 and Executive Order No. 10480 of August 14, 1953, under the Defense Production Act of 1950, as amended and extended. The Business and Defense Services Administration shall be under the authority and supervision of the Assistant Secretary for Domestic Affairs and shall be directed by an Administrator who shall be appointed by the Secretary and who shall report and be responsible to the Assistant Secretary.

.02 The Business and Defense Services Administration shall consist of the following organization units:

1 Office of the Administrator, including—

(1) Administrator.
(2) Deputy Administrator.
(3) Office of Industrial Mobilization.
(4) Office of Administration.

2 Office of the Assistant Administrator for Industrial Development, including—

(1) Office of Industrial Growth and Research.
(2) Office of Economic Programs.
(3) Office of Marketing Services.
(4) Office of Technical Services.

3 Office of the Assistant Administrator for Industry Activities, including—

(1) International Activities Staff.
(2) Trade Association Staff.
(3) Office of Industrial Materials, including the following Industry Divisions:
(a) Copper Division.
(b) Aluminum Division.
(c) Iron and Steel Division.
(d) Miscellaneous Metals Division.
(e) Forest Products Division.
(f) Chemical and Rubber Division.

4 Office of Industrial Equipment, including the following Industry Divisions:

(a) Agricultural, Construction, Mining and Oil Field Equipment Division.
(b) General Industrial Equipment and Components Division.
(c) Transportation Equipment Division.
(d) Communications Industries Division.
(e) Metal Working Equipment Division.
(f) Power and Electrical Equipment Division.

(g) Electronics Division.
(h) Scientific, Photographic and Business Equipment Division.

5 Office of General Products and Services, including the following Industry Divisions:

(a) Consumer Durable Goods Division.
(b) Containers and Packaging Division.
(c) Printing and Publishing Industries Division.
(d) Water and Sewerage Division.
(e) Textile and Leather Division.
(f) Building Materials and Construction Industries Division.
(g) Food Industries Division.

SEC. 3. *Delegation of authority.*

.01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Administrator of the Business and Defense Services Administration shall perform the functions and exercise the authority of the Secretary of Commerce relating to the industry and trade of the United States more specifically described in but not limited to the applicable provision of:

The Act of February 14, 1903 (32 Stat. 826), as amended, to foster, promote, and develop the domestic commerce of the United States.

The Defense Production Act of 1950 (64 Stat. 798), as amended and extended, and Executive Order No. 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

The National Security Act of 1947 (61 Stat. 495), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

The Strategic and Critical Materials Stock Piling Act (60 Stat. 596), with respect to the acquisition of stocks of materials for defense purposes;

Section 168 of the Internal Revenue Code of 1954, as amended by Public Law 85–165, relating to accelerated tax amortization for defense purposes;

The Act of September 9, 1950 (64 Stat. 823; 15 U.S.C. 1151), authorizing the collection and dissemination of scientific, technical, and engineering information;

Executive Order No. 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense;

Part VI of Reorganization Plan No. 3 of 1946 (5 U.S.C. 133y–16), as it relates to standardization and simplification functions of the Secretary of Commerce; and

Section 402 of the Act of June 30, 1949 (63 Stat. 398; 40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property; Section 601 of the Act of June 30, 1949 (63 Stat. 399; 64 Stat. 583; 40 U.S.C. 473) relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Reg. 8 (44 CFR 308.15); and including authority to promulgate regulations pertaining thereto.

.02 The Administrator of the Business and Defense Services Administration may redelegate any power or authority conferred on him by this order to any officer of the Business and Defense Services Administration or to any other officer or agency of the Government.

SEC. 4. *General functions and objectives.* The general functions and objectives of the Business and Defense Services Administration, consistent with the scope and authority conferred on the Secretary of Commerce by or pursuant to law, shall be to:

1 Assure the achievement of military and atomic energy programs by channeling, where necessary, the materials and products required therefor in accordance with the provisions of the Defense Production Act of 1950, as amended;

2 Within the limitations of the Defense Production Act as amended, and pursuant to basic Government policy, assist in achieving a fair and equitable distribution of that portion of critical materials in excess of defense requirements to civilian industry, including small business;

3 Participate in the development of national plans for industrial and economic mobilization including the development of systems for scheduling and controlling the production and distribution of materials and products during a period of emergency and the development and administration of preparedness measures;

4 Insure the development of practical mobilization programs by ascertaining the production potential of the industrial economy as related to materials, products, and facilities for defense-supporting and essential civilian needs, for which the Department of Commerce is the cognizant agency;

5 Provide the necessary supply or requirements information on products for which the Business and Defense Services Administration has cognizance to assist in the formulation of national programs of stockpiling, increased production facilities, or other courses of action looking toward survival of the nation and its people in the event of nuclear attack;

6 Provide the framework for the integration of defense production and mobilization programs with industry's long-range plans for maintaining civilian production and employment on a sound basis;

7 Foster, promote and develop industry and commerce of the U.S. by providing advisory services, information, analyses, and reports on production, capacity, consumption, demand, markets and distribution;

8 Stimulate economic growth of the nation by providing information and advice for the formulation of U.S. trade policy and on proposed legislation affecting U.S. industry and trade;

9 Conduct special studies and surveys on industrial, commodity and economic subjects for other elements of the executive branch and Congress;

10 Provide advice, assistance, information and reports to U.S. industry and collaborate with other elements of the Department in programs designed to increase the volume of U.S. exports;

11 Conduct major studies of the composition and structure of particular segments of industry—raw materials, sources, production, capacity, demand, markets, trends, review and outlooks, and other commodity and industry problems and subjects;

12 Prepare studies and data necessary for support of GATT negotiations—reports on import-impact and petitions filed under sections 7 and 8 of the Trade Agreements Extension Act;

13 Provide data and information on applications filed with the Export-Import Bank and Development Loan Fund in order to assist U.S. industry in developing increased participation in overseas projects;

14 Provide technical advice and information to International Cooperation Administration (ICA) and Department of Defense (DOD) in reference to increasing United States industry participation in overseas projects and procurement financed by these agencies;

15 Provide assistance in development of United States procurement specifications;

16 Obtain the views and advice of business through the establishment of, and consultation with, industry advisory groups and through cooperation with trade associations;

17 Encourage efficient and effective distribution of goods and services to further the expansion of markets necessary for optimum utilization of the nation's productive capacity;

18 Act as a clearinghouse for Government technological information of interest to business and assist industry in the voluntary standardization of products; and

19 Work with other agencies of Government in programs to achieve national economic stability and growth and with industry in the development of industrial and business programs having as their purpose a sound, prosperous, and expanding economy.

20 Furnish recommendations and advice to the Department of Defense and other agencies of the Government on the impact which significant offerings of domestic surplus personal property may have on a given market or segment of industry.

21 Administer the Foreign Excess Property Program relating to the importation of foreign excess property into the United States.

SEC. 5. *Functions of the Office of the Administrator.* .01 The Administrator shall determine, develop, and coordinate policies and programs and direct all operations of the Business and Defense Services Administration.

.02 The Deputy Administrator shall be the chief operating aide to the Administrator and assist in the direction of operations of the Administration and perform other duties assigned by the Administrator.

.03 The Office of Industrial Mobilization shall formulate and direct activities relating to the exercise of the provisions of the Defense Production Act of 1950, as amended, and all industrial mobilization readiness and preparedness programs of the Business and Defense Services Administration. These programs include administration of the Defense Materials System; issuance of priorities and directives and administration of such special orders for allocation and control of products and materials as are necessary; cooperation with the Office of General Counsel to insure compliance therewith; development of recommended policies for increasing industrial strength; making recommendations on postcertification actions on certificates of necessity for tax amortization; preparation of basic data sheets and stockpile recommendations; preparation of program levels of production under full mobilization; appraisal of productive capacity for full mobilization requirements; recommendations of critical industry facilities for identification and rating by the Industry Evaluation Board; development of a cooperative program with industry for plans to insure continuity of essential production in the event of nuclear attack; development of the mobilization production control system, including such standby orders and regulations as are deemed necessary; training executives on loan from industry who serve as assistant division directors (without compensation) for mobilization planning; preparation and maintenance of national, regional, and local mobilization data; conduct of the damage assessment and post-attack resource capability program; development of basic supply and requirements data for items needed for human, industrial, and national survival in the event of nuclear attack; development of product assignment determinations under the Defense Materials System; liaison with Office of Civil and Defense Mobilization, Department of Defense, National Aeronautics and Space Administration, and the Atomic Energy Commission, and other departments and agencies having mobilization responsibilities; development of substantive materials for emergency exercises; and administration and direction of activities and training of the industrial unit of the National Defense Executive Reserve.

.04 The Office of Administration shall be responsible for providing all aspects of administration and management including budget, organization planning, administrative procedures, personnel management and utilization, security and agency inspection, and administrative services within the framework of general administrative policies, standards and procedures established or approved by the Executive Assistant to the Secretary; the information program under the policy guidance of the Office of Public Information; legislative reference services under the guidance of the Office of the General Counsel; forms management services; and the review and editing of publications. The Office shall assist the Administrator in assuring administrative efficiency and economy in the operations of the Business and Defense Services Administration. The Office shall be responsible for industry advisory committee operations, administrative mobilization planning, and the physical aspects of emergency relocation activities. The Office shall secure required administrative services for the Business and Defense Services Administration through appropriate offices of the Department.

SEC. 6. *Functions of the Office of the Assistant Administrator for Industrial Development.* The Assistant Administrator for Industrial Development shall develop and coordinate policies and programs of the Office of the Assistant Administrator for Industrial Development and shall be the focal point for the development of information on the basic aspects of industrial growth and modernization, productivity, price stability, marketing and distribution, and related problems of a balanced economic growth; and the dissemination of technological information to industry. More specifically the Assistant Administrator for Industrial Development shall direct the activities of:

1 The Office of Industrial Growth and Research which shall conduct broad technical, economic, and statistical studies of the current and future effect of technological change, automation, mechanization, and basic and applied research on American industry. These responsibilities encompass analysis of the progress of automation in all industries and services; the impact of automation on the national economy, industrial progress, and employment generally; the problems related to retraining and relocation of the labor force; prices and the relative position of such prices on foreign and domestic commerce; the future standard of living at home and abroad; national income and expenditures; and the application of data processing equipment and electronic computers to all phases of industrial activity, including materials handling and processing, and automatic control systems.

This Office is also responsible for studies of the scope of basic and applied research being conducted in industry, the impact of such research on productivity and the national economy, and the future standard of living; the relationship between Government-conducted and sponsored research and research in industry and methods for cross utilization by each; the need for additional research in selected fields, methods of financing, rate of return, and the status of research in American industry as compared to industrial research in other nations.

2 The Office of Economic Programs which shall be responsible for the initiation, development, and coordination of broad industrial and economic studies of American industry and business with special emphasis on national economic growth and increased production. This will include extensive studies of the position of United States business and industry in relation to the world industrial balance of power. Special attention shall be given to the effects on the economy of the United States of foreign competition, losses of foreign supply sources, periodic fluctuations of prices both foreign and domestic, the world's population growth, and increasingly higher standards of living.

3 The Office of Marketing Services which shall provide a focal point within the Department of Commerce for providing services to the retail, wholesale, and service industries, and for all others engaged in the distribution of goods and services; collect, analyze, and disseminate information on market characteristics, new marketing and distribution techniques, and potentials by industry and geographical areas; cooperate with other data collection agencies for the development of effective programs for the exchange of marketing information; and advise on policy issues affecting the distribution and service industries, and the impact of current or proposed marketing laws and regulations upon the effective operation of such distribution activities.

4 The Office of Technical Services which shall be responsible for making the results of technological research and development more readily available to industry and business, and to this end it shall act as a clearinghouse for the collection and dissemination of scientific, technical, and engineering information, including such information obtained through reciprocal exchanges with other countries; and assist industries in the development and acceptance of commercial standards and simplified trade practice recommendations. In addition, this Office brings to the attention of American inventors, in cooperation with the National Inventors Council and representation of the Department of Defense and such other Federal agencies as may wish representation, the technical programs of Government groups.

SEC. 7. *Functions of the Office of the Assistant Administrator for Industry Activities.* .01 The Assistant Administrator for Industry Activities shall develop and coordinate policies and programs and direct all operations of the Office of the Assistant Administrator for Industry Activities through the International Activities Staff, Trade Association Staff, Office of Industrial Materials, Office of Industrial Equipment and Office of General Products and Services.

1 The International Activities Staff which shall be the focal point for the coordination of business service activities with other areas of the Department concerned with international commerce and the expansion of exports with the view to the development of uniform programs and policies within the Business and Defense Services Administration. The staff shall insure a coordinated effort in the execution of international aspects of the Office of the Assistant Administrator for Industry Activities programs and a proper exchange of information among Office of the Assistant Administrator for Industry Activities organizations. The staff includes a Foreign Excess Property Officer who is responsible for the administration of the provisions of Section 402 of Public Law 152 (63 Stat. 398; 40 U.S.C. 152), which deals with the importation of foreign excess property into the United States. The Foreign Excess Property Officer also coordinates studies to determine the impact on industry of the sale of domestic Government surplus in the domestic market.

2 The Trade Association Staff shall serve as the focal point for information concerning and contact with trade associations and other non-profit trade

groups for the purpose of encouraging their cooperation and obtaining recommendations with respect to the domestic commerce programs and activities of the Department.

.02 The Directors of the Offices within the Office of the Assistant Administrator for Industry Activities shall direct, coordinate and supervise the functions of the industry divisions within their respective area, the specific functions of which are described below:

1 Each Industry Division within the several Offices of the Office of the Assistant Administrator for Industry Activities is assigned functions and responsibilities with respect to individual or related segments of American domestic industry;

2 The Industry Divisions shall develop programs of practical value to the business and industrial communities within their respective areas so as to foster a common understanding of the problems of Government and business and industry and shall cooperate with other organizations of the Department of Commerce, other Government agencies and business and industry to carry out such programs;

3 The Industry Divisions shall participate with the Office of Industrial Mobilization in carrying out defense mobilization and industrial preparedness activities assigned to the Department;

4 More specifically, but not by way of limitation, the Industry Divisions shall perform the following functions within their respective areas:

(1) *Business services activities.* (a) In furtherance of economic stability and growth, provide information and recommend policies designed to promote industrial expansion and business progress for guidance of Department officials in the determination of policy and also in the presentation of business opinion and advice to the Executive and Legislative Branches;

(b) For Governmental purposes and as a service to business and trade groups, collect, analyze, and disseminate information on the condition and levels of business activity in specific industries and trade with reference to the production, capacity, consumption, demand and marketing of industrial commodities and resources;

(c) Evaluate policies, plans, activities, and orders of the Department of Commerce, as well as existing and proposed legislation affecting business, from the standpoint of the workability of these measures to everyday business and industrial operation;

(d) Assess the impact of Government operations insofar as they impinge on the interests of private business and report such assessments to the Assistant Administrator for Industry Activities;

(e) Assist domestic business and industry in its relations with other department and agencies of the Government; and

(f) Perform the various business service functions described generally in Section 4 of this order.

(2) *Defense mobilization and industrial preparedness activities.* (a) Conduct defense production and mobilization preparedness activities so as to assure meeting required delivery dates of materials and products against military, atomic energy and space production and construction schedules, and to minimize the impact of defense procurement on the supply of scarce materials available to meet civilian demand especially those of small business;

(b) Make recommendations on the stockpiling or the disposal of stockpiled strategic materials and equipment in relation to industrial requirements to minimize any adverse effects on the national economy;

(c) Participate in the development of the national mobilization programs and expansion goals to provide adequate industrial facilities in the event of national emergency;

(d) Provide basic data for use in the identification and rating of facilities;

(e) Review and make recommendations on tax amortization applications;

(f) Carry out agency policy in cooperation with industry in the development of post-attack planning measures; and

(g) Assist in training executives on loan from industry who serve as assistant division directors (without compensation) for mobilization planning.

SEC. 8. *Saving provision.* All rules, regulations, orders, certificates, directives, and other actions issued by or relating to the Business and Defense Services Administration and its predecessor organizations, or any official thereof, shall remain in effect until amended or revoked by proper authority.

PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

[F.R. Doc. 61-8162; Filed, Aug. 24, 1961; 8:51 a.m.]

[Dept. Order No. 173]

BUREAU OF INTERNATIONAL PROGRAMS

Organization and Functions

AUGUST 8, 1961.

The following material was signed by the Secretary of Commerce on August 7, 1961, to be effective August 8, 1961, and, with respect to the functions and responsibilities herein described, supersedes the material appearing at 23 F.R. 7953–7955, October 15, 1958; 24 F.R. 4890, June 16, 1959; and 24 F.R. 10123, December 15, 1959.

SECTION 1. *Purpose.* The purpose of this order is to establish the Bureau of International Programs and to define its functions and responsibilities.

SEC. 2. *Establishment and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby established as a primary organization unit of the Department of Commerce the Bureau of International Programs.

.02 The Bureau of International Programs shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for International Affairs.

.03 The Bureau of International Programs shall consist of the following organization units:

1 Office of the Director, including—

(1) Assistant Director.
(2) Export Control Investigations Staff.
(3) Export Policy Staff.

2 Office of International Economic Programs.

(1) Trade and Import Programs Division.
(2) International Organizations Division.
(3) International Finance Division.
(4) Foreign Business Practices Division.

3 Office of Regional Economics.

(1) Transportation and Insurance Staff.
(2) American Republics Division.
(3) European Division.
(4) Africa-Near East Division.
(5) British Commonwealth Division.
(6) Far Eastern Division.
(7) Sino-Soviet Division.
(8) International Trade Analysis Division.

4 Office of Export Control.

Compliance Commissioner

(1) Technical Data Staff.
(2) Aircraft, Agriculture, Chemical and Fuels Division.
(3) Industrial and Scientific Division.
(4) Operations Division.
(5) Strategic Controls Division.

SEC. 3. *Delegations of authority.* .01 Subject to such conditions and limitations as the Secretary of Commerce may prescribe, the Director, Bureau of International Programs shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce relating to exports from the United States under the Export Control Act of 1949, as amended (63 Stat. 7; 50 U.S.C. App. 2021–2032), and Executive Order 10945 of May 24, 1961; and insofar as they pertain to responsibilities herein described (1) the foreign commerce and trade of the United States under the Act of February 14, 1903 (32 Stat. 825) as amended, and (2) foreign investment under section 104(a) of Executive Order 10893 of November 8, 1960. In addition, the Director, Bureau of International Programs shall be responsible for the administration of the Department's functions under the China Trade Act, 1922 (42 Stat. 849; 15 U.S.C. 141 et seq.) except the authority to issue certificates of incorporation, and insofar as it pertains to the responsibilities herein described the Department's functions under the Tariff Act of 1930, as amended, and the Reciprocal Trade Agreements thereunder, and other legislative acts relating to the foreign trade and commerce of the United States.

.02 The Director, Bureau of International Programs, is authorized to redelegate, with such conditions and limitations as he deems appropriate, the authority conferred herein to any officer of the Bureau of International Programs.

.03 In carrying out the functions and authorities assigned by this order, the Bureau of International Programs will cooperate and collaborate with other bureaus and offices of the Department as well as with departments and agencies of Government which are concerned with programs affecting the international trade, investment, and economic-commercial relations of the United States.

SEC. 4. *Objective and responsibilities.* The objective of the Bureau of International Programs shall be to foster and promote the foreign commerce and economic strength and security of the United States. To this end the Bureau shall:

1 Stimulate the development and expansion of United States foreign trade and private investment by providing information and advisory services regarding foreign countries and regions to U.S. business concerns in the conduct of their foreign trade and investment operations;

2 Provide staff and operational support for the Secretary and the Assistant Secretary for International Affairs in the development of policies and programs relating to the foreign trade, overseas investment of the United States, foreign economic development and international commodity arrangements or arrangements with respect to the utilization of other international resources which affect the foreign economic interests of the United States;

3 Cooperate with representatives of other nations in the consideration and solution of international economic, trade and exchange problems through participation in international organizations and conferences, through liaison with foreign embassies and foreign private organizations in the United States, through cooperation with the Department of State and other agencies of the United States Government, and with private U.S. organizations concerned with international economic and business matters, and through other suitable means;

4 Administer the functions and duties vested in the Secretary of Commerce with respect to the control of exports from the United States;

5 Initiate such actions as may be considered appropriate for the protection of U.S. business interests abroad and for the protection of United States treaty rights through the facilities of the United States Foreign Service;

6 Conduct the Department's activities in connection with the China Trade Act; and

7 Administer the provisions of section 4221 of the Internal Revenue Code of 1954, as amended and sections 309 and 317 of the Tariff Act of 1930, as amended, pertaining to the making of findings with respect to allowance of reciprocal privileges of tax and duty exemptions for foreign airlines or foreign aircraft engaged in commerce with the United States.

SEC. 5. *Functions of the office of the director.* .01 The Director shall determine the policies of the Bureau of International Programs and direct the development and execution of its programs.

.02 The Assistant Director shall be the principal assistant to the Director and shall assist him in the development of plans and programs for the Bureau.

.03 The Export Control Investigations Staff shall have primary responsibility for investigating possible violations of the export regulations and developing evidence on the basis of which appropriate administrative or penal action may be taken.

.04 The Export Policy Staff shall provide technical staff and secretariat services for the Cabinet level Export Control Review Board, the Advisory Committee on Export Policy, and the Operating Committee, and shall:

1 Assist in the development and formulation of policies and decisions with respect to the Department's responsibilities for the administration of the Export Control Act of 1949, as amended;

2 Maintain liaison with all other primary organization units of the Department in connection with (1) The US–USSR technical, industrial, and cultural exchange of delegations programs; arrange for sponsorship, membership, and itineraries of such delegations in the United States and the USSR; serve on interdepartmental committees concerned with such exchanges in order to provide such groups with Departmental policies and positions; and (2) The development and implementation of U.S. economic defense policies and represent the Department at the staff level on the various committees and working groups of the Economic Defense Advisory Committee structure to provide those committees and groups with Departmental policies and positions in such matters;

3 Make analyses and studies and prepare documents setting forth proposals and recommendations to the Advisory Committee on Export Policy structure and/or the Economic Defense Advisory Committee structure as appropriate on matters relating to the development and implementation of U.S. policies and programs in the field of U.S. export controls and U.S. economic defense;

4 Prepare appropriate study-papers on problems of East-West trade and related economic activities; and

5 Prepare the Quarterly Report for the Secretary of Commerce to the President and to the Congress as required by section 8 of the Export Control Act.

SEC. 6. *Functions of the Office of International Economic Programs.* The Office of International Economic Programs shall:

1 Perform policy planning functions for the determination of Department of Commerce positions in all areas of direct and indirect responsibility in the international field, with particular emphasis on measures and activities which tend either to encourage and facilitate or to hamper and restrict international trade and investment;

2 Assist in developing specific policies and programs and provide or otherwise arrange for appropriate representation to international organizations and to interdepartmental consultations relating to international economic programs and problems;

3 Develop the Department's position with respect to (1) legislation affecting international trade, (2) commodities and materials having international economic implications, (3) international commodity arrangements and study groups, (4) international monetary and financial matters, and (5) measures affecting U.S. private foreign operations;

4 More specifically, it shall:

(1) Provide information and staff assistance to the Trade Policy Committee;

(2) Monitor closely the Trade Agreements program including the development of the Department's position on negotiations in the General Agreement on Tariffs and Trade (GATT);

(3) Analyze and evaluate reports and recommendations resulting from investigations under the Tariff Act of 1930 as amended including section 332, section 336, and the anti-dumping and Tariff simplification provisions; the escape clause, section 7, Trade Agreements Extension Act of 1951, as amended, section 8, Trade Agreements Extension Act of 1958, section 22, Agricultural Adjustment Act, as amended, and related legislation;

(4) Provide appropriate analysis and representation for the Department on matters pertaining to international commodity and material policies, programs and problems;

(5) Review and appraise past and prospective programs and activities of international groups and organizations concerned either with individual commodities and materials or with broad general or multicommodity activities; and develop Departmental positions and provide the Department's representation thereto;

(6) Represent the Department in matters relating to governmental allocation, procurement and disposal programs (military, aid, stockpile, barter, surplus);

(7) Represent the Department's position and interests in matters relating to international finance, such as balance-of-payments and lending policies of the Government as developed within and outside of the National Advisory Council on International Monetary and Financial Problems (NAC) and relating also to the International Monetary Fund (IMF), and Export-Import Bank, the International Bank for Reconstruction and Development (IBRD), Development Loan Fund (DLF), International Development Association (IDA), International Finance Corporation (IFC), International Development Bank (IDB), and other regional lending institutions; and shall develop new policies and programs desired by the Department of Commerce for consideration in overall governmental planning in these areas;

(8) Formulate policy and program positions in consideration of the importance of private foreign operations to the achievement of the Government's overall objectives in international economic and trade matters with specific reference to Government policies relating to taxation of foreign income, measures and practices which encourage and facilitate, or hamper and restrict, international business operations, and continuing surveillance of the status and position of U.S. firms and individuals engaged in business abroad; and

(9) Coordinate the Department's participation in activities of international economic organizations including responsibilities for (1) preconference planning, (2) identification and selection of Department members of official U.S.

delegations, (3) coordination of the preparation by Department specialists of papers and background material for agenda items, and (4) arranging for the presentation of the Department's position in interagency discussions concerned with the development of the U.S. position; international organizations of significant interest to the Department include United Nations Economic and Social Council (ECOSOC), the Inter-American ECOSOC, Organization for Economic Cooperation and Development (OECD), International Labor Organization, United Nations Economic Commissions for Europe, Asia, and the Far East, Africa, Latin America; United Nations Commission on International Commodity Trade, FAO Committee on Commodity Problems, etc.

SEC. 7. *Functions of the Office of Regional Economics.* The Office of Regional Economics shall:

1 Maintain continuous review and analysis of United States foreign trade and investment activities, and trade relations among foreign countries, as a basis for assessing the effect of international economic developments upon United States interests; keep informed on and closely examine moves toward regional economic integration abroad; and develop and recommend policies for the Department on these matters;

2 Collect, analyze and provide information and data on international organizations concerned with regional groups of countries; recommend departmental positions on matters involving U.S. interests in the activities of these groups; and represent the Department as appropriate in interdepartmental and international discussions and meetings involving matters of interest to the United States;

3 Provide information for the policy officials of the Department, and for the business community, regarding transportation and insurance abroad, and serve as the insurance industry's point of contact with the Department; develop policies for the Department regarding international transportation, foreign insurance legislation and practices affecting U.S. insurance and transportation companies' operations abroad;

4 Review and recommend action on proposed broad export control policies and on specific export control actions which raise trade relationship problems with foreign countries or areas;

5 Assemble, maintain, analyze and disseminate to U.S. businessmen data on foreign economies, economic conditions, laws and regulations needed by U.S. firms in connection with the planning and conduct of their international trade and investment operations, and make such material available for use by other agencies of the Government and other interested parties; plan and write articles for Department of Commerce publications and schedule and prepare World Trade Information Service Reports and investment handbooks;

6 Maintain expert familiarity with the economy of the Sino-Soviet bloc and with the activities of such areas in the fields of trade and economic penetration for the purpose of providing information and recommendations of policy to officials of the Department, and guidance to the U.S. business community;

7 Maintain and appraise U.S. trade information and statistics for prompt evaluation of U.S. import and export activities;

8 Initiate and pursue, through the Foreign Service of the United States, representations on behalf of U.S. business interests for the maintenance of their rights and privileges abroad under the terms of treaties and international agreements of the United States;

9 Furnish, as directed by the Director of the Bureau, representation on behalf of the Department on interdepartmental staff-level committees, and on such interdepartmental committees or working groups dealing with individual foreign countries or regions;

10 Maintain liaison with official representatives of foreign governments in the United States with the Department of State on such matters as Treaties of Friendship, Commerce and Navigation and country and area policy papers, and with the Foreign Service of the United States in respect to the responsibilities of the Office of Regional Economics;

11 Program meetings and appointments of foreign official visitors and delegations with Department of Commerce officials in Washington and in the field; and

12 Administer the China Trade Act.

SEC. 8. *Functions of the Office of Export control.* The Office of Export Control shall:

1 Administer and, in conjunction with the Export Control Investigations Staff and the General Counsel, enforce the export regulations and control programs of the Bureau of International Programs, including the initiation, development and recommendation of policies and measures for the control of United States exports;

2 Provide staff and operational support to the Director of the Bureau of International Programs, the Assistant Secretary of Commerce for International Affairs, and the Secretary of Commerce in export control and related matters;

3 Seek, in collaboration with appropriate agencies, the adoption and maintenance by foreign countries of such controls over their exports and other related measures as will help to carry out the policies of the United States with respect to trade between the free world and the communist dominated areas, and such other areas as national security and foreign policy requires;

4 Participate, as appropriate, in the development and conduct of United States policies relating to the control of trade and other economic relationships between the United States and other countries of the free world and the European Soviet bloc, communist countries of the Far East and other areas as national security and foreign policy require;

5 Determine standards and procedures governing applications for export licenses and carry out the operations involved in the issuance of export licenses, including the maintenance of appropriate operational relationships with the Bureau of Customs and other agencies of the Government directly involved;

6 Prepare for issuance necessary regulations for the control of exports from the United States;

7 Maintain liaison with the Foreign Service of the United States with respect to export control matters;

8 Establish regular liaison with the Field Offices of the Department of Commerce, and as appropriate, the Bureau of Customs, and the Post Office Department through personal visits for the purpose of consulting on all export control activities; supervise the maintenance of the necessary operating manuals which provide guidance to the Field Offices and Customs Offices on export control programs; and

9 Conduct hearings and issue orders on reports and charges of violations of the export regulations made by the Export Control Investigations Staff and presented and prosecuted by the Department's General Counsel; such hearings shall be conducted before the Compliance Commissioner, in accordance with rules set out in the export regulations.

SEC. 9. *Field programs.* The Bureau shall have the authority and responsibility for the determination of all programs and policies governing field activities pertaining to its responsibilities. Such authority and responsibility shall be exercised through and in coordination with the Office of Field Services, Office of the Secretary.

SEC. 10. *Transfer of personnel, funds, records and property.* .01 The personnel, records, funds and property of the Bureau of Foreign Commerce, heretofore allocated to the functions and activities described in this order, are hereby transferred to the Bureau of International Programs.

.02 The Executive Assistant to the Secretary, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of personnel, records, funds and property of the Bureau of Foreign Commerce as provided herein.

SEC. 11. *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates, licenses and other actions issued by or relating to the Bureau of Foreign Commerce and its predecessor organizations or any official thereof, shall remain in effect until amended or revoked by proper authority.

[SEAL] PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

[F.R. Doc. 61-8163; Filed, Aug. 24, 1961; 8:52 a.m.]

[Dept. Order No. 174]

BUREAU OF INTERNATIONAL BUSINESS OPERATIONS

Organization and Functions

AUGUST 8, 1961.

The following material was signed by the Secretary of Commerce on August 7, 1961, to be effective August 8, 1961; supersedes the material appearing at 23 F.R. 2360-2361, April 10, 1958; and with respect to the functions and responsibilities herein described, supersedes the material appearing at 23 F.R. 7953-7955, October 16, 1958; 24 F.R. 4890, June 16, 1959; and 24 F.R. 10123, December 15, 1959.

SEC. 1. *Purpose.* The purpose of this order is to establish the Bureau of International Business Operations and to prescribe its functions and responsibilities.

SEC. 2. *Establishment and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, there is hereby established as a primary organization unit in the Department of Commerce the Bureau of International Business Operations.

.02 The Bureau of International Business Operations shall be headed by a Director who shall report and be responsible to the Assistant Secretary of Commerce for International Affairs.

.03 The Bureau of International Business Operations shall consist of the following organization units:

1 Office of the Director, including—

(1) Assistant Director.
(2) Foreign Trade Zones Staff.

2 Office of International Trade Fairs.
3 Office of Trade Promotion.

(1) Trade Missions Division.
(2) Trade Centers Division.
(3) Trade Initiation Division.

4 Office of International Investment.

(1) Foreign Capital Division.
(2) Foreign Aid Participation Division.
(3) Foreign Investment and Licensing Division.

5 Office of Commercial Services.

(1) Commercial Intelligence Division.
(2) Business Services Division.
(3) Foreign Service Division.

SEC. 3. *Delegations of authority.* .01 Subject to such conditions and limitations as the Secretary of Commerce may prescribe the Director, Bureau of International Business Operations, shall perform the functions and exercise the powers and authorities vested in the Secretary of Commerce relating to the International Cultural Exchange and Trade Fair Participation Act of 1956 (70 Stat. 778) and Executive Order 10716 of June 17, 1957 as amended by Executive Order 10912 of January 18, 1961; and insofar as they pertain to the responsibilities herein described (1) the foreign commerce and trade of the United States under the Act of February 14, 1903 (32 Stat. 825) as amended, and (2) foreign investment under section 104(a) of Executive Order 10893 of November 8, 1960. In addition, the Director, Bureau of International Business Operations, shall be responsible for the administration of the Department's functions under the Trade Fair Act of 1959 (Public Law 86-14) (73 Stat. 18) and insofar as it pertains to responsibilities herein described the Department's functions under the Tariff Act of 1930, as amended, the Reciprocal Trade Agreements thereunder, and other legislative acts relating to the foreign trade and commerce of the United States.

.02 The Director, Bureau of International Business Operations, is authorized to redelegate, with such conditions and limitations as he deems appropriate, the authority conferred herein to any officer of the Bureau of International Business Operations.

.03 In carrying out the functions and authorities assigned by this order, the Bureau of International Business Operations will cooperate and collaborate with other bureaus and offices of the Department as well as with departments and agencies of Government which are concerned with programs affecting the international trade, investment, and economic-commercial relations of the United States.

SEC. 4. *Objective and responsibilities.* The Bureau of International Business Operations shall have as its objective the increase of United States foreign trade and investment. It shall be responsible for the promotion, encouragement, and expansion of private foreign trade and investment operations. To this end, the Bureau shall be responsible for:

1 The conduct of overseas export promotion activities such as participation in international trade fairs and exhibits, establishment and operation of U.S. trade centers, organizing and training official U.S. trade missions, and establishing trade information centers at international trade fairs;

2 The promotion of U.S. exports through close cooperation with the domestic industry and trade associations, firms, and individuals;

3 The promotion and facilitation of foreign trade and investment by U.S. private enterprise;

4 Developing specific methods and techniques for increasing participation by U.S. private enterprise in U.S. foreign aid programs and assisting U.S. Government efforts in promoting private enterprise in countries receiving U.S. economic assistance;

5 Identifying opportunities for promoting foreign capital investment in the U.S. with particular emphasis on the industrial potential of re-developing areas in the U.S.;

6 Providing to the industrial and financial community current information on trade and investment opportunities, marketing techniques, business practices, and related matters;

7 The coordination and guidance of overseas commercial service functions of the U.S. Foreign Service in cooperation with the Department of State; and

8 The administration of the Trade Fair Act of 1959 with reference to designation of fairs in the U.S. entitled to the privilege of duty-free entry of exhibits.

SEC. 5. *Functions of the Office of the Director.* .01 The Director shall determine the policies of the Bureau of International Business Operations and direct the development and execution of its programs.

.02 The Assistant Director shall be the principal assistant to the Director and shall assist him in the development of plans and programs for the Bureau.

.03 The Foreign Trade Zones Staff shall provide technical staff and secretariat services for the Foreign Trade Zones Board, performing such functions as prescribed by Foreign Trade Zone Regulations or otherwise required by the Board. The Executive Secretary of the Foreign Trade Zones Board shall be the Director of the Foreign Trade Zones Staff.

SEC. 6. *Objectives and functions of the Office of International Trade Fairs.* The objectives of the Office of International Trade Fairs shall be to demonstrate to people of other countries, in a dramatic and effective manner the excellence of our free enterprise system as reflected in our products and other economic and industrial accomplishments, and to strengthen the ties which unite the United States with other nations by participation at international trade fairs and expositions. To this end the Office shall:

1 Coordinate, plan, design, establish and operate United States exhibits and joint Government industry exhibits at selected international trade fairs abroad for the purpose of displaying official interest in such fairs and strengthening total United States participation in specific events;

2 Cooperate with United States business and industry to stimulate a wider use of the international trade fair abroad as a medium for the promotion of commerce and for the maintenance of United States prestige abroad, and encourage and facilitate the display of U.S. products at such international trade fairs; and

3 Encourage private individuals, firms and other groups to make contributions of funds, property and services, and otherwise to participate in these international trade fair activities.

SEC. 7. *Objective and functions of the Office of Trade Promotion.* The objective of the Office of Trade Promotion shall be to stimulate interest in international trade and investment, giving particular attention to the export potential of small business and firms not previously engaged in international trade. To this end, the Office of Trade Promotion shall:

1 Initiate and facilitate trade activities between individual U.S. and foreign businessmen or foreign government agencies;

2 Maintain appropriate relationships with organizations of businessmen in or related to the international trade field;

3 Plan and conduct U.S. Trade Missions for the purpose of promoting the international trade and investment interests of the United States in particular foreign countries. Trade Missions shall be composed of U.S. business leaders under the guidance of one or more Government officials;

4 Establish and operate U.S. Trade Centers abroad to promote U.S. products in export markets;

5 Organize and operate trade clinics, conferences and seminars to stimulate interest in the opportunities of international trade on the part of U.S. businessmen by making available the knowledge of specialists on trade practices in specific areas and countries;

6 Operate a central "Speakers' Bureau" to provide qualified speakers to inform U.S. businesmen of the opportunities in foreign trade and investment and the services of the Department of Commerce;

7 Serve as Secretariat for the West Coast Foreign Trade Group, the Southeast Foreign Trade Group, and such other regional trade groups as may be established in response to the needs of U.S. international traders;

8 Plan and design posters, portable exhibits, visual demonstrations, brochures, and other means for publicizing and achieving widest possible use of Department of Commerce services and publications;

9 Develop programs for and provide advisory services to the Regional Export Expansion Committees, the Field Offices of the Department of Commerce, and the Small Business Administration to achieve maximum utilization of field activities and services for the accomplishment of U.S. international trade objectives; and

10 Cooperate with the Small Business Administration in carrying out the agreement concerning mutual efforts at export trade promotion.

SEC. 8. *Objective and functions of the Office of International Investment.* The objective of the Office of International Investment shall be to develop and emphasize the growing role of private business in operations overseas other than exporting. The Office shall develop programs for facilitating direct investment and licensing of industrial property; promote joint ventures abroad between U.S. and foreign private enterprise and with foreign governments acting in concert with the U.S. Government, and encourage foreign capital investment in redeveloping areas of the United States. To this end, the Office of International Investment shall:

1 Collaborate with the Area Redevelopment Administration in assisting state industrial development authorities in seeking foreign enterprise investment in the United States; compile and prepare for use abroad information on U.S. business practices and related laws, and marketing prospects, and joint venture and licensing arrangements;

2 Encourage and promote increased participation by private enterprise in U.S. Government foreign aid programs, through determination, in cooperation with the appropriate Federal aid agency of the best techniques of employing private sector participation in projects abroad; encourage and assist private enterprise in participating with the U.S. Government on overseas projects, including direct participation in construction, financing and operating the foreign aid project, and consortium-type financing of large scale projects; assist the U.S. foreign aid agency in promoting private enterprise in recipient countries;

3 Promote U.S. investment abroad, with special emphasis on developing nations; generate and identify investment opportunities; disseminate pertinent information to the business community through the publications and periodicals of the Department of Commerce, and through personal contacts in Washington and the field; assist in the formation of cooperative ventures with enterprises of other advanced countries in the less developed areas; and

4 Assist U.S. private enterprise in assuring the protection of industrial property rights abroad, including patents, trade marks and technical expertise; encourage licensing arrangements between U.S. enterprises and foreign private or governmental companies in less developed countries, and provide information to U.S. business concerns contemplating joint ventures with foreign private enterprise or governments in these countries.

SEC. 9. *Objectives and functions of the Office of Commercial Services.* The objectives of the Office of Commercial Services shall be to provide the focal point for all regular business contacts with the Department on matters relating to international trade, and to implement the joint Commerce-State programs for strengthening commercial services abroad. To this end the Office of Commercial Services shall:

1 Make available and constantly improve the quality of the basic services of established value such as World Trade Directory Reports, Trade Lists, Trade Contact Surveys, and trade adjustment services; maintain exporters-importers indices and related records on U.S. firms in international trade and stimulate action by the firms to develop trade and investment opportunities;

2 Consult with, assist and advise business concerns in developing and increasing the firms' international trade and the international trade of the United States;

3 Support the Export Control licensing and investigative function of the Department of Commerce by providing information from all sources on the suitability of any person or firm shown as a party in interest to an export transaction; support other agencies concerned with economic defense activities including functions performed under the Battle Act;

4 Collect, analyze, classify and publicize opportunities for U.S. firms to increase their international trade and advise U.S. companies on methods and techniques for pursuing their interests in specific opportunities;

5 Maintain and disseminate data pertaining to fairs and exhibitions in the United States and abroad which can be effectively used by U.S. firms to promote the international trade interests of the United States. Program and allocate funds to Foreign Service posts for operating Trade Information Centers in International Trade Fairs where the United States is not otherwise officially represented; review applications received pursuant to the Trade Fair Act of 1959 and make appropriate recommendations thereon;

6 Locate and index reports and documents from all sources pertaining to the conditions of foreign markets to support market analysis and research by industry and Government;

7 Maintain basic directories, reference material, periodicals, and catalogs of U.S. firms at American Embassies and Consulates;

8 Be the point of coordination between the Foreign Service of the United States and all segments of the Department of Commerce on instructions, reporting, personnel assignments and performance;

9 Conduct the trade conference program for Foreign Service Officers, in cooperation with the Bureau of International Programs and the Department of State;

10 Maintain and operate an international trade reception center for businessmen to provide one-stop service by making appointments with officials throughout Government responsible for providing the information needed; and

11 Establish regular liaison with Commerce Field Offices through personal visits to the Offices for the purpose of consulting with the Managers and personnel on all trade promotional activities of the Bureau, and supervise the maintenance of the Operating Manual which provides guidance to the Field Offices on international programs of the Department of Commerce.

SEC. 10. *Field programs.* The Bureau shall have the authority and responsibility for the determination of all programs and policies governing field activities pertaining to its responsibilities. Such authority and responsibility shall be exercised through and in coordination with the Office of Field Services, Office of the Secretary.

SEC. 11. *Transfer of personnel, funds, records and property.* .01 The personnel, records, funds and property of the Bureau of Foreign Commerce, heretofore allocated to the functions and activities prescribed in this order, are hereby transferred to the Bureau of International Business Operations.

.02 The Executive Assistant to the Secretary, acting through the appropriate offices of the Department, shall determine and arrange for the transfer of the personnel records, funds and property of the Bureau of Foreign Commerce as provided herein.

SEC. 12. *Saving provision.* All outstanding delegations, rules, regulations, orders, certificates and other actions issued by or relating to the Bureau of Foreign Commerce and the Office of International Trade Fairs shall remain in effect until amended or revoked by proper authority.

PAUL A. JOHNSTON,
Executive Assistant to the Secretary.

[F.R. Doc. 61-8164; Filed, Aug. 24, 1961; 8:52 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-165]

GENERAL ELECTRIC CO.

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of a notice of receipt of the application with the Office of the Federal Register, the Atomic Energy Commission has issued License No. XR-43 to General Electric Company authorizing export of a nuclear reactor to the Societa Elettronucleare Nazionale (SENN) in Rome, Italy. The notice of filing of the application, published in the FEDERAL REGISTER on May 11, 1960 (25 F.R. 4206), described the reactor as a 150 megawatt (electrical) boiling water power reactor.

Dated at Germantown, Md., this 16th day of August 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-8113; Filed, Aug. 24, 1961; 8:45 a.m.]

[Docket No. 27-33]

TRACERLAB, INC.

Notice of Proposed Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that Tracerlab, Inc., 1601 Trapelo Road, Waltham 54, Massachusetts has applied for a license to receive and store solid byproduct, source and special nuclear material waste and to transfer said material to AEC designated sites at the National Reactor Testing Station, Idaho Falls, Idaho and Oak Ridge National Laboratory, Oak Ridge, Tennessee for land burial. Under the requested license Tracerlab, Inc., would not possess more than 100 curies of any byproduct material having Atomic Numbers between 3 and 83, 500 curies of Hydrogen 3, 500 pounds of source material and 250 grams of special nuclear material at any one time.

The AEC has reviewed the application and proposes to grant the license subject to appropriate limitations, unless within fifteen (15) days after filing of this notice with the Federal Register Division, a petition to intervene and a request for a formal hearing is filed with the Commission in the manner prescribed in Title 10, Code of Federal Regulations, Chapter I, Part 2, Rules of Practice.

For further details see (1) the application submitted by Tracerlab, Inc., and amendment thereto and (2) a memorandum prepared by the Division of Licensing and Regulation summarizing the considerations evaluated prior to the proposed issuance of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington 25, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., August 16, 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-8114; Filed, Aug. 24, 1961; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-NY-25]

PROPOSED 20-STORY APARTMENT BUILDING

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Eureka Constructors, Inc., Brooklyn, New York, proposes to construct a 20-story apartment building in Rockaway Park, Queens, New York, at 116th Street and Beach Channel Drive. The overall height of the structure would be 210 feet above mean sea level (200 feet above ground).

No objections were made in response to the circularization. The structure would be located 2.87 miles east southeast of the Floyd Bennett Field, Brooklyn, New York, and would exceed the criteria contained in paragraph B-2 of this Agency's TSO-N18, as applied to this airport, by 25 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 14, 1961.

OSCAR W. HOLMES,
Chief Obstruction Evaluation Branch.

[F.R. Doc. 61-8115; Filed, Aug. 24, 1961; 8:45 a.m.]

[OE Docket No. 61-NY-13]

PROPOSED TELEVISION ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Washington Post Co., Washington, D.C., proposes to construct a television antenna structure near Lewes, Delaware, at latitude 38°44'30" north, longitude 75°06'42" west. The overall height of the structure would be 228 feet above mean sea level (203 feet above ground).

No aeronautical objections were made in response to the circularization. The structure would be located approximately 1.7 miles northeast of the Rehoboth Airport, Rehoboth Beach, Delaware, and would exceed the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 24 feet. However, the Agency study revealed that these factors would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 15, 1961.

OSCAR W. HOLMES,
Chief, Obstruction Evaluation Branch.

[F.R. Doc. 61-8116; Filed, Aug. 24, 1961; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRANCOLOMBIANA, S.A. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 8607, between Flota Mercante Grancolombiana, S.A. and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Ecuador, Colombia, Honduras, Costa Rica, Guatemala, Mexico and Peru to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8607, upon approval, will supersede and

cancel aproved Agreement Numbered 8249, as amended, between Flota Mercante Grancolombiana, S.A. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8677, between Cunard Steam-Ship Company Limited and Waterman Steamship Corporation of Puerto Rico, covers a through billing arrangement in the trade from the United Kingdom of Great Britain and North Ireland to Puerto Rico, with transhipment at New Orleans or Mobile.

Agreement Numbered 8692, between United States Lines Company (American Pioneer Line) and Young Brothers, Ltd., covers a through billing arrangement in the trade from ports in Japan, Okinawa, Korea, Taiwan, Hong Kong and the Philippines to the Hawaiian Islands, with transhipment at Honolulu.

Agreement Numbered 8703, between Waterman Steamship Corporation of Puerto Rico and Volcano Line, covers a through billing arrangement in the trade from Guatemala, Costa Rica, Honduras and British Honduras to Puerto Rico, with transhipment at New Orleans.

Agreement Numbered 8704, between Waterman Steamship Corporation of Puerto Rico and Volcano Line, covers a through billing arrangement in the trade from Puerto Rico to Mexico, with transhipment at New Orleans.

Agreement Numbered 8706, between Waterman Steamship Corporation of Puerto Rico and Volcano Line, covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transhipment at New Orleans.

Agreement Number 8707, between Hamburg-Sudamerikanische Dampfschiffahrts-Gesselschaft Eggert & Armsinck (Columbus Line, Inc.) as agents and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Brazil, Uruguay and Argentina to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8707, upon approval, will supersede and cancel approved Agreement Numbered 8349, between Hamburg-Sudamerikanische Dampfschiffahrts-Gesselschaft Eggert & Armsinck and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: August 22, 1961.

GEO. A. GIELMANN,
Acting Secretary.

[F.R. Doc. 61-8151; Filed, Aug. 24, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Project No. 82]

ALABAMA POWER CO.

Order Fixing Hearing

AUGUST 18, 1961.

By Commission letter dated December 18, 1959, there was served on Alabama Power Company, Licensee for Project No. 82,[1] a copy of the Report on Operations from August 15, 1923 (Beginning of Operations), to December 31, 1949, inclusive, for Project No. 82, dated November 1, 1959, prepared by the Commission staff. In that report the staff recommends that the Licensee be required to transfer the sum of $399,502.72 from Account 271, Earned Surplus, to Account 258.1, Amortization Reserve-Federal,[2] as the portion of surplus earnings of Project No. 82 from August 15, 1943, to December 31, 1949, inclusive, to be held in such amortization reserve for the project pursuant to the provisions of Article 17 of the license for the project and as required by section 10(d) of the Federal Power Act.

By staff letter dated December 28, 1959, a copy of the staff report was served on the Public Service Commission of the State of Alabama.

On November 29, 1960, the Licensee filed with the Commission a protest to the staff report.[3] In that protest the Licensee sets forth certain objections to the staff report and requests that the Commission make the following findings: first, that the staff report, to the extent protested by the Licensee in its protest, should be disapproved as factually incorrect and as contrary to applicable provisions of law and of the Constitution of the United States, particularly the Fifth Amendment thereof; and secondly, that there have been no surplus earnings for Project No. 82 for the period from August 15, 1943, to December 31, 1949, inclusive, but that instead there is an accumulated deficit with respect to such earnings. The Licensee requests further that in the event the Commission does not at this time make the requested findings, the Commission will order that a hearing be held at an appropriate time and place upon the matters and issues raised by the staff report and by the Licensee's protest thereto.

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that a public hearing be held in this proceeding as hereinafter provided.

The discretionary period within which the Presiding Examiner may grant a continuance of the hearing without prior approval of the Commission under § 1.13(e) of the Commission's rules of practice and procedure is 30 days. It is therefore appropriate that a procedure be prescribed for a continuance of the hearing, as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, particularly sections 10(d), 301, 304, 307, 308, and 309 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing at 10 a.m., e.d.s.t., October 10, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on the matters involved in and the issues presented by the Commission staff report and by the Licensee's protest thereto respecting the establishment and maintenance of amortization reserves by the Licensee for Project No. 82 for the period from August 15, 1943, to December 31, 1949, inclusive.

(B) At the hearing herein ordered, the burden of proof, as provided by the Federal Power Act, shall be on the Licensee to justify the maintenance of $399,502.72, or any part thereof, in Account 216, Unappropriated Earned Surplus, and to justify the non-transfer of $399,502.72, or any part thereof, to Account 264, Amortization Reserve-Federal, in the accounts of the Licensee for Project No. 82.

(C) Upon completion of the presentation of the direct case of the Licensee and of any Interveners, the hearing herein ordered shall be continued for a period of 60 days to allow any party to the proceeding, including Commission staff counsel, to prepare for cross-examination and for presentation of rebuttal evidence.

(D) Interested State commissions may participate in this proceeding as provided in §§ 1.8 and 1.37(f) of this Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

(E) Any petitions seeking leave to intervene in this proceeding, or notices of intervention, shall be filed with the Federal Power Commission, Washington 25, D.C., on or before September 11, 1961, and otherwise in accordance with section 1.8 of the Commission's rules of practice and procedure (18 CFR 1.8).

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8126; Filed, Aug. 24, 1961; 8:47 a.m.]

[1] The project is located on the Coosa River, a navigable waterway of the United States, in Coosa and Chilton Counties, Alabama, and may be described as the Mitchell Dam Project. The license (issued pursuant to section 4(d) of The Federal Water Power Act) authorizing the construction, operation, and maintenance of the project is, by its terms, effective for a period of 50 years commencing June 27, 1921, the date of issuance of the license. Commercial operation of the project began on August 15, 1923.

[2] Account references in the staff report are to account numbers and titles prescribed in the Commission's Uniform System of Accounts for Public Utilities and Licensees effective January 1, 1937. This reflects the fact that the staff report was prepared and served prior to January 1, 1961, the effective date of the Commission's revised Uniform System of Accounts. The equivalent accounts under the revised Uniform System of Accounts, effective January 1, 1961, for Account 271, Earned Surplus, are Account 215, Appropriated Earned Surplus, and Account 216, Unappropriated Earned Surplus, and for Account 258.1, Amortization Reserve-Federal, is Account 264, Amortization Reserve-Federal.

[3] The December 18, 1959, Commission letter serving the staff report on the Licensee stated that objections to the report could be made by filing a protest thereto with the Commission on or before February 1, 1960. Subsequent to the service of the report, the Licensee requested and obtained several extensions of time within which to file its protest, the last extension being to and including November 30, 1960, as provided in Commission order issued September 16, 1960, in the above-entitled proceeding.

[Project No. 2030]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for Amendment of License

AUGUST 18, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Portland General Electric Company, of Portland, Oregon, licensee for Project No. 2030 in the State of Oregon, for amendment of its license for the project to revise the clearing requirements for Round Butte reservoir so that all bottoms of the reservoir area between the plane at elevation 1,950 feet (5 feet above the normal high-water level) and the plane at elevation 1,850 feet would be cleared, and all merchantable timber and debris created by the logging thereof from the bottoms and margins below the plane at elevation 1,850 feet would also be cleared.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 11, 1961. The application is on file with the Commission for public inspection.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8129; Filed, Aug. 24, 1961; 8:47 a.m.]

[Docket Nos. RI62-14—RI62-18]

CITIES SERVICE PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Making Rates Effective Upon Filing of Agreement and Undertaking[1]

AUGUST 18, 1961.

Cities Service Petroleum Company, Docket No. RI62-14; J. M. Huber Corporation (Operator), et al., Docket No. RI62-15; Phillips Petroleum Company, Docket No. RI62-16; The Superior Oil Company, Docket No. RI62-17; Service Gas Products Company (Operator), Docket No. RI62-18.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase (decrease)	Date filing tendered	Effective date[1] unless suspended	Date suspended until—	Cents per Mcf[2]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed changed rate	
RI62-14	Cities Service Petroleum Co., Cities Service Bldg., Bartlesville, Okla.	96	3	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.).	$2,856	7-21-61	10-1-61	3-1-62	15.5	[3] 16.5	----------
RI62-15	J. M. Huber Corp. (Operator), et al., 2401 East 2d Ave., Denver 6, Colo.	28	4	Panhandle Eastern Pipe Line Co. (Greenwood Field, Morton County, Kans.).	1,096	7-21-61	8-21-61	1-21-62	[4] 15.0	[3] 16.0	----------
RI62-16	Phillips Petroleum Co., Bartlesville, Okla.	.290	2	Panhandle Eastern Pipe Line Co. (Hugoton Field, Texas County, Okla.).	618	7-24-61	9-1-61	2-1-62	16.0	[3] 17.0	----------
RI62-17	The Superior Oil Co., P.O. Box 1521, Houston 1, Tex.	8	9	El Paso Natural Gas Co. (Levelland Gas Plant, Hockley County, Tex.).	(517)	7-24-61	8-24-61	8-25-61	18.107	17.2295	G-20075
		10	12	El Paso Natural Gas Co. (TXL and Wheeler Gas Plants, Ector County, Tex.).	(13,783)	7-24-61	8-24-61	8-25-61	16.137	14.1134	G-20075
RI62-18	Service Gas Products Co. (Operator), c/o Bradford Ross, attorney, 725 15th St. NW., Washington 5, D.C.	1	3	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.).	317,550	7-25-61	8-25-61	1-25-62	11.0	[3] 16.8	----------
		3	3	Lone Star Gas Co. (West Hoover Comp. Station, Garvin County, Okla.).	105,850	7-25-61	8-25-61	1-25-62	11.0	[3] 16.8	----------

[1] The stated effective dates are the later of the first day after the required 30 days notice or the date requested by respondent.
[2] The pressure base is 14.65 psia.
[3] Periodic increase.
[4] Previously reported as 15.075 cents, which included 0.075 cents for Kansas severance tax now invalidated. The rate is subject to B.t.u. adjustment.
[5] Favored-nation increase.

The proposed rates exceed the applicable area price levels set forth in the Commission's Statement of General Policy No. 61–1 and the amendments thereto. However, because the rates proposed by The Superior Oil Company (Superior) are decreased rates, they may be suspended for one day.

The changed rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changed rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Superior, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order Superior shall execute and file under the above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules involved. Unless Su-

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

perior is advised to the contrary within 15 days after the filing of such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before October 2, 1961.

By the Commission.

[SEAL] MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8127; Filed, Aug. 24, 1961; 8:47 a.m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

Order Consolidating Proceedings and Issuing License (Major)

AUGUST 18, 1961.

Pacific Gas and Electric Company (Applicant) of San Francisco, California, has filed several applications for licenses under the Federal Power Act, (hereinafter referred to as the Act) for major projects to develop the power potential of the McCloud River and the lower Pit River, California.

The plan of development encompasses three separate developments: (1) the Pit No. 6 development, designated as Project No. 2104, and covered in application for license filed April 8, 1952, and later amended; (2) McCloud-Pit development, designated as Project No. 2106, and covered in application for license filed February 8, 1954, and later amended; and (3) Pit No. 7 development, designated as Project No. 2137, and covered in application for license filed July 13, 1953, and later amended.

The plan of development is to divert water from the McCloud River by means of a diversion dam and tunnel to a powerhouse located on Pit River. The water so diverted will be combined with Pit River flows and utilized through the proposed Pit Nos. 6 and 7 developments to be located on the lower Pit River just above the existing Shasta Lake. The water to be diverted from McCloud River makes it possible to increase the installed capacity at Pit Nos. 6 and 7 by 50,000 kilowatts, which is an increase of about 40 percent over capacity that could be installed if only Pit River flows are utilized through Pit Nos. 6 and 7.

The three proposed developments would be integrated both hydraulically and electrically and would be operated as a single project. In these circumstances, we believe the three developments should be placed under a single license, which we will designate as Project No. 2106.

Proposed Project No. 2106 would be located on McCloud and Pit Rivers, tributaries of Sacramento River and Shasta Reservoir navigable waters of the United States, and Iron Canyon Creek, tributary of Pit River, all within Shasta County, California, and will affect navigable waters of the United States and lands of the United States within Shasta National Forest and other lands of the United States.

In 1954 we permitted the City of Mt. Shasta, Town of Yreka City, the City of Dunsmuir, 11 service and recreation clubs, 2 chambers of commerce, and 6 other organizations—all in the State of California—to intervene in Project No. 2106. The principal grounds given in the petitions of those 22 parties are that the proposed project would impair recreational and industrial uses of the area involved. In 1957 we permitted the State of California, acting through its Department of Water Resources and its Department of Fish and Game, to intervene in Project Nos. 2104 and 2106.

In view of this opposition to Applicant's proposed developments, we believe it appropriate to note here that following public hearings on Applicant's State water right applications for the three proposed developments, the State of California State Water Rights Board on January 13, 1961, issued its Decision and Order approving Applicant's water right applications for the McCloud-Pit River project as proposed in Applicant's applications for licenses pending before us. In its Decision and Order the State Board discussed protests by organizations and others to construction of Applicant's project, and found that the flows to be released by Applicant for the preservation of fish life will adequately protect the recreational values and scenic qualities of the area involved and industrial uses thereof. The State Board's Decision recited also that the State of California Department of Fish and Game had withdrawn its protest to Applicant's State water right applications upon agreement with Applicant under which Applicant would withdraw its application to appropriate from Hawkins Creek (which it did) and contingent upon the State Board adopting an agreed schedule of releases for the maintenance of fish, as set forth in Article 31 hereinafter. Finally, the State Board's Decision stated that the State of California Department of Water Resources had submitted its views and recommendations respecting Applicant's State water right applications, wherein the Department of Water Resources had concluded, among other things, that Applicant's project will develop the power resources to a reasonable extent, and that the project is not in conflict with the California Water Plan, but that any State water permits issued should be conditioned on the establishment of a priority for higher uses of water over the use for power by Applicant. The State Board agreed with the Department of Water Resources' conclusion, subject to a limitation not necessary to recite herein for the purposes of this order.

In a recent letter, dated July 6, 1961, from the Deputy Attorney General of the State of California, we are advised, among other things, that the State of California Department of Fish and Game is still negotiating with Applicant in the matter of providing suitable structures for the control of temperatures below the McCloud Diversion Dam, the removal of barriers to fish in the stream which would occur because of reduced flows in the McCloud River, and the construction of a suitable barrier to the migration of rough fish from Shasta Lake into the McCloud River.

The Secretary of the Army and the Chief of Engineers have approved the plans of the project structures that may affect the interest of navigation, and it was stated that terms and conditions in the interest of navigation or flood control were not deemed necessary.

An Assistant Secretary of the Interior has recommended for inclusion in any license issued, several special conditions in the interest of fish, wildlife and archeological salvage, coordinated operation, and provision for reimbursement to the United States for reregulatory benefits to Project No. 2106 from the Bureau of Reclamation's Shasta Reservoir on Sacramento River. Reregulation will be provided by Applicant by its Pit No. 7 afterbay dam, and the other subjects are covered by articles hereinafter set forth.

Two Assistant Secretaries and an Acting Secretary of Agriculture have recommended for inclusion in any license issued several special conditions in the interest of the Forest Service.

According to the applications for licenses, Applicant desires to commence construction of Pit No. 6 development as soon as practicable after final determination is made with respect to the McCloud-Pit development. It is expected that the construction period for Pit No. 6 would be three years. Applicant also states that construction of the McCloud-Pit development would commence in sufficient time to complete construction within two years after completion of Pit No. 6. Construction period for the McCloud-Pit development would be four years. Construction of Pit No. 7 would be coordinated with the construction of the other two developments.

The Commission finds:

(1) The proposed project will affect navigable waters and lands of the United States.

(2) The Pit No. 6, McCloud-Pit and Pit No. 7 developments will operate on an integrated basis both hydraulically and electrically and will constitute parts of a single project, within the meaning of section 3(11) of the Act.

(3) The proposed project would consist of:

(a) All lands constituting the project area and inclosed by the project boundary or the limits of which are otherwise defined, and/or interest in such lands necessary or appropriate for the purposes of the project, whether such lands or interest therein are owned or held by the Licensee or by the United States; such project area and project boundary being more specifically shown and described by certain exhibits which formed part of the amended application for license and which are designated and described as follows:

Exhibit J:

(FPC No. 2106-20) General Map of McCloud-Pit Development;

(FPC No. 2106-32) General Map of Pit No. 6 Development;

(FPC No. 2106-38) General Map of Pit No. 7 Development;

Exhibit K:

Detail maps showing project area and project boundary

McCLOUD-PIT DEVELOPMENT

FPC No.	*Description*
2106-21 and -22	Sheets 1 and 2, Map of McCloud Diversion Reservoir.
2106-23	Sheet 3, Map of McCloud Tunnel.
2106-24	Sheet 4, Map of Iron Canyon Reservoir.
2106-25	Sheet 5, Map of Iron Canyon Tunnel, McCloud-Pit Power House, Penstock, and Tailrace Channel.
2106-26	Map of Transmission Lines.

PIT No. 6 DEVELOPMENT

2106-33 and -34	Two sheets, Map of Reservoir.
2106-35	Map of Reservoir Including Dam, Power House, and Transmission Lines.

PIT No. 7 DEVELOPMENT

2106-39 to -42, incl	Four sheets, Map of Reservoir.
2106-43	Map of Reservoir Including Dam, Power House and Transmission Lines.
2106-44	Afterbay Reservoir.

(b) Project works consisting of:

McCloud-Pit Development: McCloud Diversion Dam and Reservoir, a concrete arch dam in McCloud River about 500 feet upstream from Lizzard Creek, a six-foot diameter sluice pipe through the dam, a spillway with seven radial gates, and a reservoir with an area of 520 acres at maximum water surface elevation of 2,680 feet and a gross capacity of 35,300 acre-feet of storage; McCloud Tunnel, a horseshoe and/or circular tunnel about 40,500 feet long and 17 feet in diameter extending from an intake in McCloud Reservoir to Iron Canyon Reservoir; Iron Canyon Dam and Resevoir, an earth fill dam on Iron Canyon Creek four miles north of Pit No. 5 plant on Pit River, a three-foot diameter sluice pipe through the dam, a side channel overpour spillway in the right abutment, and a reservoir with an area of 500 acres at elevation 2,665 feet and a gross capacity of 24,400 acre-feet of storage; Iron Canyon Tunnel, a horeshoe and/or circular tunnel about 12,500 feet long and 19 feet in diameter extending from an intake in Iron Canyon Reservoir to the head of the penstock; a steel penstock varying from 10 to 12 feet in diameter about 2,850 feet long branching at a wye to two-87 inch pipes extending about 200 feet to the powerhouse; a differential surge chamber 45 feet in diameter with a riser 16 feet in diameter near the downstream end of the Iron Canyon Tunnel; the McCloud-Pit Powerhouse, located 1½ miles upstream from Pit No. 5 power plant, housing two 107,000-horsepower turbines connected to two 77,850-kilowatt generators (86,500 kva @ 0.9 P.F.); a substation and switchyard; two single circuit 220 kv transmission lines extending about 6 miles from the switchyard to the licensee's interconnected transmission system; and appurtenant mechanical and electrical facilities;

Pit No. 6 Development: A concrete gravity dam located in Pit River about 2½ miles upstream from Marble Creek with an overflow gated spillway; three gated sluice conduits through the dam; a reservoir with normal water surface elevation at 1445 feet (PG&E datum), an area of about 265 acres and a gross capacity of about 15,700 acre-feet of storage; a tunnel; steel penstocks; a powerhouse located 300 feet downstream from the dam containing two 51,000 horsepower turbines connected to two 36,900-kilowatt generators (41,000 kva @ 0.9 P.F.) installed therein; a substation and switchyard; two single circuit 220 kv transmission lines extending about 3.3 miles from the switchyard to the Applicant's interconnected transmission system; and appurtenant mechanical and electrical facilities;

Pit No. 7 Development: A concrete gravity dam, located in Pit River about 2½ miles downstream from Montgomery Creek, with an overflow gated spillway; three gated sluice conduits through the dam; a reservoir with normal water surface at elevation 1290 (PG&E datum) and a total capacity of 34,000 acre-feet of storage; a tunnel about 560 feet long; steel penstocks; a powerhouse located 500 feet downstream from the dam containing two 68,000-horsepower turbines connected to two 49,950-kilowatt generators (55,500 kva @ 0.9 P.F.); a substation and switchyard; two single circuit 220 kv transmission lines extending 3½ miles from the switchyard to the Applicant's interconnected transmission system; a low, slotted, concrete gravity afterbay dam located about two miles downstream from the main dam; and appurtenant mechanical and electrical facilities; the location, nature and character of which are more specifically shown and described by the exhibits hereinbefore cited and by certain other exhibits which also formed part of the amended application for license and which are designated and described as follows:

Exhibit L: General Design Drawings.

McCLOUD-PIT DEVELOPMENT

FPC No.	*Description*
2106-27	McCloud Diversion Dam.
2106-28	McCloud Tunnel Intake.
2106-29	Iron Canyon Dam, Intake and Tunnel.
2106-30	Profile of McCloud-Pit Penstock and Surge Chamber.
2106-31	McCloud-Pit Powerhouse.

PIT No. 6 DEVELOPMENT

2106-36	Dam and Penstocks.
2106-37	Powerhouse.

PIT No. 7 DEVELOPMENT

2106-45	Dam, Penstocks, and Afterbay Dam.
2106-46	Powerhouse.

Exhibit M:

Two typewritten pages, "General Descriptions and General Specifications of Mechanical, Electrical and Transmission Equipment" for the McCloud-Pit Development filed in the Commission April 1, 1957.

Two typewritten pages, "General Descriptions and General Specifications of Mechanical, Electrical and Transmission Equipment" for Pit No. 6 Development filed in the Commission April 1, 1957.

Two typewritten pages, "General Descriptions and General Specifications of Mechanical, Electrical and Transmission Equipment" for Pit No. 7 Development filed in the Commission October 12, 1954.

(c) All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project is approved or acquiesced in by the Commission, also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance and operation of the project.

(4) The transmission facilities described in finding (3) above are parts of the project herein authorized within the meaning of section 3(11) of the Act.

(5) Applicant is a corporation organized under the laws of the State of California and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effect the purposes of a license for the project.

(6) No conflicting application is before the Commission. Public notice of the applications has been given as required by the Act.

(7) Except that the proposed project might affect the operation of Shasta Reservoir, the proposed project will not affect any Government dam, nor will the issuance of a license for the project, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(8) The issuance of a license for the proposed project as hereinafter provided will not interfere or be inconsistent with the purposes of any reservation or withdrawal of public lands, or with the purposes for which the Shasta National Forest was created or acquired.

(9) The proposed project is best adapted to a comprehensive plan for improving and developing the McCloud and Pit Rivers for the use and benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes.

(10) The installed horsepower capacity of the proposed project, hereinafter authorized for the purpose of computing the capacity component of the administrative annual charge is 439,000 horsepower, and the energy to be generated by the proposed project will be distributed over Applicant's inter-

connected transmission system and sold for public utility purposes.

(11) The amount of annual charges to be paid under the license for the purpose of reimbursing the United States for the costs of the administration of Part I of the Act, and for recompensing it for the use, occupancy, and enjoyment of its lands is reasonable as hereinafter fixed and specified.

(12) It is desirable to reserve for future Commission determination the question of what additional transmission lines and appurtenant facilities, if any, should be included in this license.

(13) In acordance with section 10(d) of the Act, the rate of return upon the net investment in the project, and the proportion of surplus earnings to be paid into and held in amortization reserves, are reasonable as hereinafter specified.

(14) The exhibits described in finding (3) above, appropriately redesignated in view of our finding (2) above, conform to the Commission's rules and regulations and should be approved as part of the license for the project.

(15) Before construction of any project structure is commenced, revised Exhibit L drawings for all project structures—in accordance with the Commission's rules and regulations—should be filed as hereinafter provided.

The Commission orders:

(A) The proceeding designated Project No. 2104 involving the application for license for the Pit No. 6 development, and the proceeding designated Project No. 2137 involving the application for license for the Pit No. 7 development, are consolidated with the proceeding designated Project No. 2106 involving the application for license for the McCloud-Pit development; and the proposed Pit No. 6 and Pit No. 7 and McCloud-Pit developments shall be considered as parts of a single project and shall be designated as Project No. 2106.

(B) This license is issued to Pacific Gas and Electric Company (hereinafter referred to as the Licensee) under section 4(e) of the Federal Power Act for a period of 50 years, effective as of August 1, 1961, for the construction, operation, maintenance of major Project No. 2106 located on the McCloud and Pit Rivers and affecting navigable waters and lands of the United States within Shasta National Forest and other lands of the United States, subject to the terms and conditions of the Act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(C) This license is also subject to the terms and conditions set forth in Form L–6 (December 15, 1953) entitled "Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters and Lands of the United States" (16 FPC 1121), which terms and conditions, designated as Articles 1 through 27 are attached hereto and made a part hereof, except for Article 14 and the last sentence of Article 17 thereof; and subject to the following special conditions set forth herein as additional articles:

Article 28. The Licensee shall pay to the United States the following annual charges.

(i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, one (1) cent per horsepower on the authorized installed capacity (439,000 horsepower) plus two and one-half (2½) cents per 1,000 kilowatt-hours of gross energy generated by the project during the calendar year for which the charge is made.

(ii) For the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands, exclusive of those used for transmission line purposes only, $2,613.58.

(iii) For the purpose of recompensing the United States for the use, occupancy and enjoyment of its lands used exclusively for transmission line purposes, $13.58.

Article 29. The Licensee shall construct, maintain and operate such protective devices and shall comply with such reasonable modifications of the project structures and operation in the interest of fish and wildlife resources, provided that such modifications shall be reasonably consistent with the primary purpose of the project, as may be prescribed hereafter by the Commission upon its own motion or upon recommendation of the Secretary of the Interior or California Department of Fish and Game after notice and opportunity for hearing and upon a finding that such modifications are necessary and desirable and consistent with the provisions of the Act: *Provided further*, That subsequent to approval of the final design drawings prior to commencement of construction no modification of project structures in the interest of fish and wildlife resources which involve a change in the location, height or main structure of a dam, or the addition of or changes in outlets at or through a dam, or a major change in generating units, or a rearrangement or relocation of a powerhouse, or major change in a spillway structure shall be required.

Article 30. Whenever the United States shall desire, in connection with the project, to construct fish handling facilities or to improve the existing fish handling facilities at its expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such fish handling facilities or such improvements thereof. In adition, after notice and opportunity for hearing the Licensee shall modify the project operation as may be prescribed by the Commission, consistent with the primary purpose of the project, in order to permit the maintenance and operation of the fish handling facilities constructed or improved by the United States under the provision of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish handling facilities or to relieve the Licensee of any obligations under this license.

Article 31. The Licensee shall make minimum water releases at the McCloud and Iron Canyon Diversion Dams for the maintenance of fish life in accordance with the following schedules:

(i) Licensee shall release at the McCloud Diversion Dam an amount of water not less than 50 cfs from May through November, and 40 cfs from December through April.

(ii) Licensee shall make additional releases of water at the McCloud Diversion Dam to the extent necessary to maintain the following minimum flows at the Ah-Di-Na stream gaging station within SW¼ of Section 33, T. 38 N., R. 2 W., M D B & M:

MINIMUM FLOWS AT AH-DI-NA

[In cubic feet per second]

	Normal year	Dry year[1]
January	160	160
February	160	160
March	170	170
April	170	170
May 1–15	170	170
May 16–31	200	160
June	200	160
July	200	160
August	200	160
September	210	160
October	210	160
November	210	160
December 1–15	210	160
December 16–31	170	170

[1] A dry year is hereby defined as one in which the California Department of Water Resources April forecast of the April–July runoff of the McCloud River into Shasta Lake is 300,000 acre-feet or less, except that not more than 2 years in succession shall be considered dry regardless of forecast.

(iii) Licensee shall release at the Iron Canyon Diversion Dam an amount of water not less than 3 cfs at all times.

Article 32. The Licensee shall, during project construction, prevent the release of debris from any gravel washing activities directly into Pit and McCloud Rivers or any of their tributaries.

Article 33. The Licensee shall notify the University of California Archeological Survey of the proposed construction of the project and the extent of the reservoir areas and negotiate with the University for archeological survey and salvage in the affected areas. Cost to the Licensee of the archeological survey and salvage shall not exceed $8,000.

Article 34. The Licensee shall operate the Pit Nos. 6 and 7 reservoirs to maintain minimum pools of not less than 1,000 acre-feet, except when it is necessary to drain the reservoirs for repair purposes at which time adequate notice shall be given to the California State Department of Fish and Game.

Article 35. The annual accumulation of driftwood, snags, and similar material shall be disposed of within or adjacent to the reservoirs and shall not be discharged over the spillways or otherwise into Shasta Lake or the river channels below the dams.

Article 36. The licensee shall provide a flat area for recreational purposes of not less than 2.25 acres at grade elevation of 1,067 feet (PG&E datum) by means of a fill or otherwise at Fender Ferry Flat adjacent to the Pit No. 7 Afterbay reservoir, as designated by the Regional Forester or his representative.

Article 37. The Licensee shall replace the existing boat launching area at Fender Ferry and provide an access road conection to the Fender Ferry road near the mouth of Potem Creek. The new launching area shall be of sufficient size to accommodate several boats and shall consist of a suitable earth ramp extending between approximate elevations 1,065 and 1,050 feet (USGS datum). The access road shall be single lane constructed on appropriate standards. The location and construction of the launching area and access road shall be subject to the approval of the Regional Forester or his representative.

Article 38. The Licensee shall, prior to impounding water in any project reservoir, clear all lands in the bottom and margin of such reservoir between the normal water elevation and a plane five feet below the spillway crest elevation, and shall cut all trees and brush within the area below the minimum elevation so that no brush or trees will protrude above the minimum elevation; and shall dispose of all temporary structures, unused timber, brush, refuse or inflammable material resulting from the clearing of the lands or from the construction and maintenance of the project works. In addition, all trees along the margin of the reservoirs which may die during the operation of the project shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

Article 39. The Licensee shall commence construction of the project, comprised of the McCloud-Pit, Pit No. 6 and Pit No. 7 developments, not later than June 1, 1962, shall thereafter in good faith and with due diligence prosecute the construction, and shall complete the entire project on or before December 1, 1965.

Article 40. The Licensee shall, for the protection of navigation, construct, maintain and operate at its own expense such lights and other signals on fixed project structures in or over navigable waters of the United States as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 41. The Licensee shall submit in accordance with the Commission's rules and regulations, revised Exhibit L drawings showing the design of structures for all developments, and the Licensee shall not commence construction of any project structure until the Commission approves the exhibit.

Article 42. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the agency of the United States concerned, to prevent, make advanced preparations for suppression, and suppress fires on lands occupied under the license. Licensee is not hereby required to assume the responsibilities of others, especially in nonproject areas, nor estopped from recovery of its expenses or damages when appropriate.

Article 43. The Licensee shall provide additional generating capacity at the project at such time as the Commission may direct and to the extent that it is economically feasible to do so, after notice and opportunity for hearing.

Article 44. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project with such other power systems as the Commission may direct in the interest of power and other beneficial public uses of the water resources, the benefits of which shall be shared equitably by the participants in such coordination.

Article 45. The Licensee shall provide structures for the control of temperatures below the McCloud diversion dam in the interest of fish life, remove barriers to fish in the McCloud River which would occur because of reduced flows, and construct a barrier to the migration of rough fish from Shasta Lake into the McCloud River, as may be prescribed hereafter by the Commission upon the recommendation of the California Department of Fish and Game or the Secretary of the Interior, after notice and opportunity for hearing.

Article 46. The Commission reserves the right to determine at a later date what additional transmission facilities, if any, shall be included in this license.

(D) The exhibits described in finding (3) above are approved as part of this license.

(E) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in section 313 (a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the Licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–8128; Filed, Aug. 24, 1961; 8:47 a.m.]

[Project No. 2233]

PORTLAND GENERAL ELECTRIC CO., CROWN ZELLERBACH CORP. AND PUBLISHERS' PAPER CO.

Order Fixing Hearing

AUGUST 18, 1961.

By our order issued June 21, 1960, we issued a license jointly to Portland General Electric Company, Crown Zellerbach Corporation, and Publishers' Paper Co. (Prospective Licensees), for a period of 50 years, effective as of January 1, 1955, to the extent of the interest of each joint licensee in the ownership of the project facilities, for the continued operation and maintenance of constructed Project No. 2233, located at Willamette Falls on the Willamette River, a navigable water of the United States, in Clackamas County, Oregon.

Petitions for rehearing on our June 21, 1960 order were filed by the Prospective Licensees seeking modification of our order with respect to certain conditions (Articles 9 and 10) imposed therein which are included in Commission licenses affecting navigable waters of the United States when we deem it reasonably necessary in the interests of navigation.

We granted rehearing to the Prospective Licensees to afford the U.S. Corps of Engineers an opportunity to submit comments and recommendations respecting the navigation articles in our license order complained about in the petitions and to afford ourselves further time to review the matter. Our order granting rehearing was issued on August 18, 1960, and confined the rehearing granted to the issues raised by the petitions for rehearing.

By letter dated July 18, 1961, Portland General Electric Company advised us that for reasons previously expressed to us, it was of the opinion that Articles 9 and 10 of our afore-mentioned order issued June 21, 1960, should not be included in that order, and requested that we hold a public hearing on the matter.

By letter dated July 25, 1961, Crown Zellerbach Corporation advised that it continued to support the position of Portland General Electric Company in this matter, and requested that we hold a public hearing on the matter.

By letter dated July 26, 1961, Publishers' Paper Company advised that it joins in Portland General Electric Company's request for hearing.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Federal Power Act that a hearing be held on the issues raised by the afore-mentioned petitions for rehearing.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on September 15, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the issues raised by the afore-mentioned petitions for rehearing.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–8130; Filed, Aug. 24, 1961; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order for Continuance of Show Cause Order Hearing

In the matter of The Continental Bank and Trust Company, Salt Lake City 10, Utah.

The Board of Governors has pending before it, and has considered together, (1) Respondent's Motion for Stay of Proceedings, (2) Board Counsel's Motion for Extension of Time in Which to Respond to Motion for Stay of Proceedings Filed by Respondent, (3) Respondent's Opposition to Board Counsel's Motion of July 20, 1961, for an Extension of Time and, in the Alternative, Respondent's Motion to Vacate the Board's Order to Show Cause and for Hearing Thereon, (4) Board Counsel's Memorandum in Response to Respondent's Motion for Stay of Proceedings and to Respondent's Motion to Vacate the Board's Order to Show Cause and for Hearing Thereon, and (5) A Joint Motion for Continuance of Show Cause Order Hearing filed by Counsel for Respondent and Board Counsel.

Following the Board's Order of July 18, 1960, ordering Respondent to increase its capital by a specified amount within a specified period of time, Respondent instituted suit against the Board in the District Court for the District of Columbia. On June 27, 1961, that Court dismissed Respondent's suit. On June 28, 1961, the Board issued an order for a hearing to commence on September 6, 1961, at which Respondent might show cause why its membership in the Federal Reserve System should not be forfeited. On July 6, 1961, Respondent moved the District Court in effect to set aside its judgment of June 27, 1961. On August 5, 1961, the District Court denied that motion; and on August 16, 1961, Respondent noted an appeal to the United States Court of Appeals for the District of Columbia.

In view of Respondent's joinder with Board Counsel in the Joint Motion for Continuance of Show Cause Order Hearing, filed with the Board on August 16, 1961, the Board considers moot Respondent's earlier motions to stay and to vacate the Board's order of June 28, 1961, for such show cause hearing, Board Counsel's motion for an extension of time

in which to respond to Respondent's Motion for Stay of Proceedings, and Board Counsel's Opposition to Respondent's motions to stay or to vacate the show cause hearing order of the Board.

This matter has been the subject of administrative and judicial proceedings for more than five years. Since it involves a question as to the adequacy of the capital of a particular member bank of the Federal Reserve System and since that bank has challenged the legal authority of the Board to require member banks to maintain adequate capital, it is a matter which, in the public interest, requires early determination. The possession or lack of such authority by the Board could be of crucial importance in connection with bank supervisory efforts to protect the interests of bank depositors and of the general public. Accordingly, the Board notes with approval the agreement between Counsel for Respondent and Board Counsel to the stipulation for an accelerated appeal procedure and time table which is outlined in the Joint Motion for Continuance of Show Cause Order Hearing and is stated to be the ground for that motion. Subject to concurrence on the part of the Department of Justice and without in any way intending to infringe upon the authority of the United States Court of Appeals for the District of Columbia, the Board hopes that such accelerated appeal procedure and time table will be followed. For the reasons heretofore indicated,

It is hereby ordered, That the Joint Motion for Continuance of Show Cause Order Hearing is granted, and that, therefore, the show cause hearing in this matter ordered to commence on September 6, 1961, shall be continued to a date 30 days from the announcement by the United States Court of Appeals for the District of Columbia of its decision in the appeal taken by Respondent from the June 27 and August 5, 1961, orders of the United States District Court for the District of Columbia in Civil Action No. 5097–60, The Continental Bank and Trust Company v. Martin et al.

Dated at Washington, D.C., this 21st day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61–8146; Filed, Aug. 24, 1961; 8:50 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CERTAIN OFFICIALS

Redelegation of Authority and Delegation of Authority Under the Area Redevelopment Act

1. *Redelegation to Community Facilities Commissioner and HHFA Regional Administrators with respect to loans and grants for public facilities.* a. The Community Facilities Commissioner is hereby authorized:

(1) To carry out the provisions of sections 7 and 8 of the Area Redevelopment Act (Public Law 87–27, 42 U.S.C. 2506 and 2507) by performing the following functions:

(a) Making loans and grants after express authorization by the Secretary of Commerce;

(b) Determining that loans made under section 7 of the Act are in compliance with the requirements of sections 7(a)(2), 7(a)(3), 7(a)(4), 7(b), and 7(d);

(c) Determining that grants made under section 8 of the Act are in compliance with the requirements of sections 8(a)(2) and 8(c) of the Act; that there is little probability that such projects can be undertaken without the assistance of a grant under section 8; and that the amount of any grant under section 8 for a project does not exceed the difference between the funds which can be practicably obtained from other sources (including a loan under section 7 of the Act) for such project and the amount which is necessary to insure the completion thereof;

(d) Exercising the powers, duties, and functions vested in the Secretary of Commerce by sections 19 and 21 of the Act in connection with any loans or grants proposed to be made under section 7 or 8 of the Act.

(2) To exercise in carrying out the foregoing redelegations the powers, duties, and functions vested in the Secretary of Commerce by sections 12(4), 12(5), 12(6), 12(7), 12(8), and 12(9) of the Act, except the authority under section 12(9) to procure the services of attorneys by contract.

(3) To redelegate to officers or employees in the Community Facilities Administration any of the authority herein redelegated to the Community Facilities Commissioner.

b. Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized:

(1) To carry out the provisions of sections 7 and 8 of the Area Redevelopment Act by performing the following functions:

(a) Making loans and grants after express authorization by the Community Facilities Commissioner; and

(b) Carrying out the functions redelegated to the Community Facilities Commissioner under subparagraphs 1a (1) (b), (c), and (d) of this redelegation.

(2) To exercise in carrying out the foregoing redelegations the powers, duties, and functions redelegated to the Community Facilities Commissioner under subparagraph 1a(2) of this redelegation.

(3) To redelegate to the Regional Director of Community Facilities Activities the authority redelegated herein except the authority to approve applications, authorized loans or grants and amend or modify the terms thereof.

(4) In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Washington, any of the authority redelegated herein.

c. The authority redelegated herein shall be exercised under the rules, regulations, and policies of the Secretary of Commerce.

(Delegation by Secretary of Commerce, subparagraph 5c, to Housing and Home Finance Agency, dated July 20, 1961 (26 F.R. 7074, 1961))

This redelegation is effective as of the 25th day of August 1961.

2. *Delegation to Urban Renewal Commissioner and HHFA Regional Administrators with respect to urban renewal and urban planning grant programs.* a. The Urban Renewal Commissioner and each Regional Administrator of the Housing and Home Finance Agency is hereby delegated the authority vested in the Housing and Home Finance Administrator under Sections 14 and 15 of the Area Redevelopment Act (Public Law 87–27, 42 U.S.C. 1464 and 40 U.S.C. 461, respectively), to be administered in accordance with the delegation of authority to such officers (including authorizations to redelegate) with respect to the slum clearance and urban renewal program and urban planning grant program.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

This delegation is effective as of the 1st day of May 1961.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 61–8152; Filed, Aug. 24, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 22, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37314: *Iron or steel articles—Seatrain Lines, Inc.* Filed by Seatrain Lines, Inc. (No. 16), for itself and interested rail carriers. Rates on iron or steel articles, as described in the application, from Edgewater, N.J. (Proportional rates), to specified points in Alabama, Georgia, also Chattanooga, Tenn.

Grounds for relief: Rail competition.

Tariff: Supplement 55 to Seatrain Lines, Inc., tariff I.C.C. 159.

FSA No. 37315: *Iron or steel billets from Steelton, Ky., to Pennsylvania points.* Filed by O. W. South, Jr., Agent (No. A4122), for interested rail carriers. Rates on iron or steel billets (other than copper clad), blooms, and slabs, in carloads, from Steelton, Ky., to Coraopolis, Ellwood City, McKees Rocks, Midland, Oakmont, Pittsburgh, Pittsburgh (West End), and Washington, Pa.

Grounds for relief: Truck-barge competition.

Tariff: Supplement 25 to Southern Freight Association tariff I.C.C. S–59.

FSA No. 37316: *Bituminous fine coal to Waukegan, Ill.* Filed by Illinois Freight Association, Agent (No. 148), for interested rail carriers. Rates on bituminous fine coal, in carloads, subject to 1,000 tons of 2,000 pounds each, minimum per shipment, from mine origin groups in Indiana, western Kentucky, and mine origins on the NYC RR in southern Illinois, to Waukegan, Ill.

Grounds for relief: Natural gas competition.

FSA No. 37317: *Joint motor-rail rates—MP, T&P and C.E.S. Truck Lines, Inc.* Filed by Clemens P. Dirckx, Agent (No. 1), for interested carriers. Rates on glass, as described in the application, moving on volume or less-than-truckload rates, loaded in highway trailers of the motor line over the highways, thence transported on railroad cars of the railroads, from Crystal City, Mo., to Pueblo, Colo., New Orleans, La., St. Joseph, Mo., Memphis, Tenn., also specified points in Arkansas, Kansas, Nebraska and Texas.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–8144; Filed, Aug. 24, 1961; 8:49 a.m.]

[Notice 538]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 22, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64213. By order of August 17, 1961, The Transfer Board approved the transfer to The Congdon Moving and Storage Company, Inc., Laurel Hill Road, R.F.D. No. 7, Norwich, Conn., of Certificates Nos. MC 101254, and MC 101254 Sub 1, issued October 30, 1940, and October 9, 1947, to Walter F. Congdon, Laurel Hill Road, R.F.D. No. 7, Norwich, Conn., authorizing the transportation, over irregular routes, of household goods, between Norwich, Conn., and points in Connecticut within 20 miles of Norwich, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island, and between Norwich, Conn., and points within 5 miles of Norwich, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Pennsylvania, and Ohio.

No. MC–FC 64296. By order of August 16, 1961, The Transfer Board approved the transfer to Michigan Fish Transport, Inc., Port Huron, Mich., of Certificate No. MC 117820, issued November 18, 1960, to Jack McLane, doing business as Michigan Fish Transport, Port Huron, Mich., authorizing the transportation of: Bananas, from New York, N.Y., to Detroit, Mich. Larry A. Esckilsen, 501 Perpetual Building, Washington 4, D.C., attorney for applicants.

No. MC–FC 64318. By order of August 16, 1961, The Transfer Board approved the transfer to Morelli Motor Service, Inc., Paoli, Pa. of Certificate No. MC 110834, issued December 19, 1955, to Anthony W. Morelli, doing business as Morelli Stone & Lime Company, Malvern, Pa., authorizing the transportation, over irregular routes, of lime, limestone, lime and limestone products, from Cedar Hollow, Pa., and points within 5 miles thereof, to points in Massachusetts, Rhode Island, Connecticut, that part of Maryland west of U.S. Highway 15, points in Virginia except those east of the Chesapeake Bay, and points in New York except those in Nassau, Suffolk, Rockland, Orange, Dutchess, Ulster, and Sullivan Counties, N.Y. Isadore H. Schwartz, 200 Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa., attorney for applicants.

No. MC–FC 64321. By order of August 17, 1961, The Transfer Board approved the transfer to Downing & Sons, Inc., Buffalo, N.Y., of Certificate No. MC 19389, issued May 25, 1944, to Joseph L. Downing, Albert H. Downing, and Thomas E. Downing, A Partnership, doing business as Thomas J. Downing Sons Co., Buffalo, N.Y., authorizing the transportation of: General commodities, with the usual exceptions including household goods and commodities in bulk, between points in New York within 75 miles of Buffalo, including Buffalo. Floyd B. Piper, 604 Crosby Building, Buffalo 2, N.Y., practitioner for applicants.

No. MC–FC 64337. By order of August 18, 1961, The Transfer Board approved the transfer to Stanley H. Salkowitz, Roslyn, Pa., of Certificate No. MC 70996, issued June 12, 1941, to Abraham Salkowitz, Philadelphia, Pa., authorizing the transportation of: Household goods and property usual in a store when part of the stock, equipment, or supplies of such store, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. Morris J. Winokur, 1920—Two Penn Center Plaza, Philadelphia 2, Pa., attorney for applicants.

No. MC–FC 64345. By order of August 18, 1961, The Transfer Board approved the transfer to George Thomas Devereaux, Hayward, Calif., of Certificate No. MC 117438, issued August 25, 1959, to Clarence Vernon Bowling, doing business as Bud's Mobile Home Moving, Castro Valley, Calif., authorizing the transportation of: Mobile Home Trailers, in secondary movements, in truckaway service, from Castro Valley, Calif., to points in Nevada, Oregon, and Washington, with no transportation for compensation on return except as otherwise authorized. E. H. Griffiths, 451 Turk Street, Room 23, San Francisco 2, Calif., representative for applicants.

No. MC–FC 64418. By order of August 16, 1961, The Transfer Board approved the transfer to Robert Benesch, doing business as Coronet Towing Service, Spokane, Wash., of Certificate No. MC 112570, issued December 9, 1959, to Coronet Enterprises, Inc., Spokane, Washington, authorizing the transportation, over irregular routes, of wrecked and disabled motor vehicles, and recovered, stolen or repossessed automobiles, in truckaway service, between Spokane, Wash., on the one hand, and, on the other, points in Idaho, and wrecked and disabled motor vehicles, trucks, trailers, and busses, and recovered, stolen or repossessed automobiles, trailers, and busses, between Spokane, Wash., on the one hand, and, on the other, points in thirteen specified counties in Montana. Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., attorney for applicants.

No. MC–FC 63517. By order of August 18, 1961, The Transfer Board approved the transfer to Merchants Storage & Transfer, Inc., 1214 E. 8th St. N., Newton, Iowa, of Certificate No. MC 78255, issued October 10, 1956, to G. J. Eilander, doing business as Merchants Transfer Company, 105 E. 3rd St. S., Newton, Iowa, authorizing the transportation of: Household goods, as defined by the Commission, between points in Jasper County, Iowa, on the one hand, and, on the other, points in Nebraska and Illinois; and general commodities, excluding household goods, commodities in bulk, and other specified commodities between points in Newton, Iowa.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61–8145; Filed, Aug. 24, 1961; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3842]

BLACK BEAR INDUSTRIES, INC.

Order Summarily Suspending Trading

AUGUST 21, 1961.

The common stock, par value 15 cents a share, of Black Bear Industries, Inc. (Formerly Black Bear Consolidated Mining Co.) being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities

Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 22, 1961 to August 31, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8138; Filed, Aug. 24, 1961; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bestform Foundations of Pennsylvania, Inc., Johnstown, Pa.; effective 8-3-61 to 8-2-62 (brassieres, girdles, corselettes).

Clayburne Manufacturing Co., Inc., Clayton, Ga.; effective 8-5-61 to 8-4-62 (men's sport shirts).

Dickson Manufacturing Co., Plant No. 1, Dickson, Tenn.; effective 8-8-61 to 8-7-62 (work shirts).

Gary Co., Inc., Gallatin, Tenn.; effective 7-23-61 to 7-22-62 (men's dress shirts).

Holly Hill Dress Corp., Holly Hill, S.C.; effective 7-20-61 to 7-19-62 (children's dresses).

Edward Hyman Co., Prentiss, Miss.; effective 7-24-61 to 7-23-62 (coats and smocks, washable service apparel).

T. S. Lankford & Sons, 141 Walnut Street, Abilene, Tex.; effective 7-27-61 to 7-26-62 (men's work clothing; government uniforms).

Salant & Salant, Inc., Marked Tree, Ark.; effective 8-5-61 to 8-4-62 (men's cotton sport shirts).

Henry I. Siegel Co., Inc., Dickson, Tenn.; effective 8-1-61 to 7-31-62 (men's and boys' single pants).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 8-3-61 to 8-2-62 (men's and boys' single pants).

Stockton Manufacturing Co., Inc., 2220 Canton Street, Dallas, Tex.; effective 7-24-61 to 7-23-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's pants and blouses).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 8-4-61 to 8-3-62 (men's dress trousers; boys' ivy league pants; men's, boys', ladies' and children's dungarees).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 7-26-61 to 7-25-62 (men's dress trousers).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bellaire Garment Co., Bellaire, Ohio; effective 7-24-61 to 1-23-62; 40 learners. Learners may not be paid special minimum wage rates in the production of separate skirts and/or lined jackets (women's dresses and sportswear).

Chestnut Hill Industries, Inc., Hollywood, Fla.; effective 7-20-61 to 1-19-62; 30 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear).

The Dantan Co., Inc., Dumas, Ark.; effective 7-20-61 to 1-19-62; 15 learners (ladies' sportswear).

The Fordyce Apparel Co., Fordyce, Ark.; effective 7-20-61 to 1-19-62; 50 learners (men's and boys' single pants).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa.; effective 7-19-61 to 1-18-62; 10 learners (girls' cotton and rayon slacks and shorts; boys' cotton and rayon longies).

Levi Strauss and Co., 201 South Dillard Street, Blackstone, Va.; effective 7-20-61 to 1-19-62; 70 learners (men's and boys' cotton pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Jane Hogan Dress Co., Inc., 185 South Main Street, Pittston, Pa.; effective 7-20-61 to 7-19-62; 10 learners (ladies' dresses).

Hutto Manufacturing Co., Inc., 835 South Union Avenue, Ozark, Ala.; effective 7-21-61 to 7-20-62; 10 learners (ladies' cotton blouses).

Polskin Bros., Inc., 1126 North Avenue, Plainfield, N.J.; effective 7-17-61 to 7-16-62; 10 learners (women's jackets, etc.).

S. R. Skinner, Inc., New Ellenton, S.C.; effective 7-21-61 to 7-20-62; 10 learners (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Indianapolis Glove Co., Inc., Richmond, Indiana; effective 7-30-61 to 7-29-62; 10 learners for normal labor turnover purposes (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss.; effective 7-30-61 to 7-29-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel work gloves).

Indianapolis Glove Co., Inc., Coahoma, Ohio; effective 8-3-61 to 8-2-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Mayo Knitting Mill, Inc., Tarboro, N.C.; effective 7-22-61 to 7-21-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Melrose Hosiery Mills, Inc., 1541 English Street, High Point, N.C.; effective 8-1-61 to 7-31-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Parkdale Hosiery Mill, Catawba, N.C.; effective 7-20-61 to 7-19-62; five learners for normal labor turnover purposes (seamless).

W. Y. Shugart and Sons, Inc., Fort Payne, Ala.; effective 7-19-61 to 7-18-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Wadesboro Hosiery Company, Wadesboro, N.C.; effective 7-21-61 to 1-20-62; 50 learners for plant expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

F. R. Knitting Mills, Inc., 69 Alden Street, Fall River, Mass.; effective 7-21-61 to 7-20-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies', men's and children's knitted sweaters).

Rocky Mount Undergarment Co., Inc., 1536 Boone Road, Rocky Mount, N.C.; effective 7-15-61 to 7-14-62; five learners for normal labor turnover purposes (ladies' and children's cotton and acetate tricot knit panties).

Weissmiller Manufacturing Co., Inc., 38 Furnace Road, Wernersville, Pa.; effective 7-19-61 to 7-18-62; two learners for normal labor turnover purposes (men's and boys' briefs).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 11th day of August 1961.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 61-8155; Filed, Aug. 24, 1961; 8:50 a.m.]

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Presidential Documents

Title 3—THE PRESIDENT

Executive Order 10962

INSPECTION OF TAX RETURNS BY THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

By virtue of the authority vested in me by sections 55(a), as amended, 1204, and 1604(c) of the Internal Revenue Code of 1939 (53 Stat. 29, 171, 186; 54 Stat. 1008; 55 Stat. 722; 26 U.S.C. (1952 Ed.) 55(a), 1204, and 1604(c)), and by sections 6103(a) and 6106 of the Internal Revenue Code of 1954 (68 A Stat. 753, 756; 26 U.S.C. 6103(a), 6106), it is hereby ordered that returns made in respect of taxes imposed by chapter 1, subchapters A, B, D, and E of chapter 2, subchapter B of chapter 3, chapters 4, 6, and 7, subchapter C of chapter 9, chapters 12 and 21, subchapter A of chapter 29, and chapter 30 of the Internal Revenue Code of 1939 and returns made in respect of taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, 23, and 32, subchapters B, C, and D of chapter 33, and subchapter B of chapter 37 of the Internal Revenue Code of 1954 shall be open to inspection by the Advisory Commission on Intergovernmental Relations for the purpose of making studies and investigations in connection with the performance of its function of recommending methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers. Such inspection shall be in accordance and upon compliance with the rules prescribed by the Secretary of the Treasury in the Treasury decision approved by me this date,[1] relating to the inspection of such returns by the Advisory Commission on Intergovernmental Relations.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN F. KENNEDY

THE WHITE HOUSE,
August 23, 1961.

[F.R. Doc. 61-8231; Filed, Aug. 24, 1961; 3:12 p.m.]

[1] See Title 26, Chapter I, Parts 301 and 458, *infra*.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Agriculture

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (i) of § 6.111 is amended as set out below.

§ 6.111 **Department of Agriculture.**

* * * * *

(i) *Agricultural Research Service.* * * *

(3) Not to exceed 25 professional research associate positions at GS–11 and above in laboratories doing basic research in the Agricultural Research Service to be filled on a temporary basis by scientists with a doctoral degree who possess specialized knowledges or abilities applicable to the basic research programs involved. Employment under this provision shall not exceed one year in any individual case: *Provided*, That such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–8179; Filed, Aug. 25, 1961; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Commerce

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (a) of § 6.112 is amended as set out below.

§ 6.112 **Department of Commerce.**

(a) *General.* * * *

(2) Agents to take and transmit meteorological observations in connection with aviation who are employed on a part time basis and whose compensation is based on a fee for each observation performed rather than on an hourly or per annum basis: *Provided*, That the number of observations shall not exceed a daily average of 12 during any calendar month.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–8180; Filed, Aug. 25, 1961; 8:46 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (29) is added to paragraph (a) of § 6.302 as set out below.

§ 6.302 **Department of State.**

(a) *Office of the Secretary.* * * *

(29) Deputy Director—Food for Peace.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–8182; Filed, Aug. 25, 1961; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

National Capital Transportation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (c) is added to § 6.367 as set out below.

§ 6.367 **National Capital Transportation Agency.**

* * * * *

(c) Two Special Assistants to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61–8181; Filed, Aug. 25, 1961; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

BOARD OF COTTON LINTERS EXAMINERS

Pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61), §§ 28.137, 28.139, and 28.146 of the Regulations under the United States Cotton Standards Act (7 CFR 28.137, 28.139, and 28.146) are hereby amended as follows; effective upon publication in the FEDERAL REGISTER:

1. Section 28.137 is amended to read as follows:

§ 28.137 **Boards of Cotton Linters Examiners.**

A Board of Cotton Linters Examiners shall be located at Memphis, Tennessee. The Director may establish Boards of Cotton Linters Examiners at other locations when he considers such action necessary. The members of all such Boards and the chairman of each shall be designated by the Director.

§ 28.139 [Amendment]

2. Section 28.139 is amended by deleting the words "at Washington, D.C."

§ 28.146 [Amendment]

3. The second sentence in § 28.146 is amended by deleting the words "at Washington, D.C.".

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

These amendments reflect the transfer of the Board of Cotton Linters from Washington, D.C., to Memphis, Tennessee.

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER. Compliance with the procedural and effective date requirements of section 4 of the Administrative Procedure Act is hereby found impracticable, unnecessary, and contrary to the public interest for the reasons that: (1) The Board of Cotton Linters Examiners can render more prompt service to the linters industry at its new location and the change in location should be made as soon as possible; (2) the change in location requires no advance preparation by the industry; and (3) the change in location will cause no hardship on persons in the industry.

Done at Washington, D.C., on this 23d day of August 1961.

ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 61–8190; Filed, Aug. 25, 1961; 8:48 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Table Grapes (European or Vinifera Type) [1]

MISCELLANEOUS AMENDMENTS

On August 2, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6936) regarding proposed amendments to United States Standards for Grades of Table Grapes (European or vinifera type).

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Table Grapes (European or vinifera type) (§§ 51.880 to 51.911) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

Delete §§ 51.880(d), 51.881(d) and 51.882(c) and substitute therefor new §§ 51.880(d), 51.881(d) and 51.882(c) and add a new section 51.912 as set forth below:

§ 51.880 **U.S. Fancy Table Grapes.**

* * * * *

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(i) (i) 5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

(ii) 5 percent for bunches which weigh less than one-half pound except that when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-half pound;

(iii) 10 percent for bunches which fail to meet the color requirements;

(iv) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems; and

(v) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 **U.S. Extra No. 1 Table Grapes.**

* * * * *

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) (i) 5 percent for bunches which fail to meet the requirement for minimum diameter of berries;

(ii) 10 percent for bunches which fail to meet the color requirements;

(iii) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage; and,

(iv) 8 percent for bunches which weigh less than one-fourth pound, and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay: *And Provided further*, That when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-fourth pound.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 **U.S. No. 1 Table Grapes.**

* * * * *

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) (i) 10 percent for bunches which fail to meet the color requirements; and,

(ii) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay: *And Provided further*, That when in packages containing 5 pounds or less not more than 25 percent of the bunches may weigh less than one-fourth pound.

(2) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.912 **Container.**

"Container" as used in §§ 51.880(d)(2), 51.881(d)(2), 51.882(c)(2), 51.887, and 51.907 shall, for the purpose of determining maturity of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment; for determining other factors of grade it shall mean the individual package.

It is hereby found that good cause exists for not postponing the effective date of these amendments beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) The 1961 packing season for table grapes has started and it is in the interest of the public and the industry that these amendments be placed in effect at the earliest possible date; and, (2) no special preparation is required for compliance with these amendments on the part of members of the table grape industry or of others.

Accordingly, the amendments to the United States Standards for Grades of Table Grapes (European or vinifera type) set forth herein shall become effective upon publication in the FEDERAL REGISTER.

Dated: August 23, 1961.

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F.R. Doc. 61–8191; Filed, Aug. 25, 1961; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 242]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 922.542 **Valencia Orange Regulation 242.**

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical

with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 24, 1961.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., August 27, 1961, and ending at 12:01 a.m., P.s.t., September 3, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600,000 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8286; Filed, Aug. 25, 1961; 11:21 a.m.]

[Lemon Reg. 914]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1021 Lemon Regulation 914.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 22, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., August 27, 1961, and ending at 12:01 a.m., P.s.t., September 3, 1961, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: 9,300 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8223; Filed, Aug. 25, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Doc. No. 660; Amdt. 326]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas DC–8 Aircraft

Subsequent to adoption of Amendment 294, 26 F.R. 5034, requiring modification of the gust lock throttle interlock system on Douglas DC–8 aircraft powered by Pratt and Whitney JT3C–6 and JT4A Series engines, the manufacturer developed an alternative modification part which permits additional power to the outboard engines for taxi operation. Accordingly, Amendment 294 is being amended to permit installation of the new part as an alternative means of compliance with the directive and to reference the revised manufacturer's service bulletin. Also the arm part number as listed in the original directive was actually the drawing number and is being corrected.

Since this amendment provides an alternative method of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and as the amendment relieves a present restriction it will become effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 294, Douglas DC–8 aircraft powered with P&WA JT3C–6 and JT4A Series engines, 26 F.R. 5034, is amended by:

1. Changing the eighth line of the second paragraph to read as follows: "Arm, Gust Lock Interlock Pedestal, P/N 2772271–1 or –501."

2. Changing the parenthetical reference statement at the end of the directive to read as follows: "(Douglas Service Bulletin No. A27–99, reissue No. 1, revision No. 2 dated July 19, 1961, also covers this same subject.)"

This amendment shall become effective August 26, 1961.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on August 22, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–8170; Filed, Aug. 25, 1961; 8:45 a.m.]

[Reg. Docket No. 162; Amdt. 49]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C64 Oxygen Mask Assembly, Continuous Flow, Passenger (for Air Carrier Aircraft)

Proposed § 514.69 establishing minimum performance standards for oxygen mask assemblies which are to be used on civil aircraft of the United States engaged in air carrier operations, was published in 25 F.R. 6367.

The proposal in 25 F.R. 6367 adopted an industry standard dated December 1959, to which certain FAA exceptions were taken. After consideration of comments received from interested persons who participated in the making of the amendment, and after further review of the exceptions proposed by the FAA, the industry standard was revised on March 31, 1961, incorporating many of the comments and FAA exceptions into a new industry standard.

The new standard has been concurred in by the FAA, with the exceptions noted herein, and incorporated by reference in this Technical Standard Order. All specific references in this TSO are to National Aircraft Standard, NAS 1179, "Oxygen Mask Assembly, Passenger," Revision 2, dated March 31, 1961.

Specific comments were received on the proposal, referencing sections of the industry standard dated December 1959. These comments have been considered by FAA in preparing and adopting this Technical Standard Order as follows:

Paragraph 1.1 of the industry standard dated December 1959, stated that it contained minimum requirements for passenger oxygen masks to be used in high altitude aircraft. In the proposal, the FAA took exception to this section and stated that the TSO would contain minimum requirements for oxygen masks to be used by passengers in civil aircraft operating at cabin pressure altitudes between 25,000 and 40,000 feet. The industry has voluntarily taken out all reference to altitude in the new industry standard. The FAA concurs and adopts the provision of paragraph 1.1 of the new standard and withdraws the previous exception.

Paragraph 3.2.2.6 covering the actuation cord has been revised in line with comments received to require a pull of 10 pounds, which is more in line with the construction and usage of the mask.

Paragraph 3.2.5 which covers the volume of the gas bag has been revised as suggested in certain comments to specify maximum and minimum capacities. A specific comment questioned the need for the establishment of maximum capacities. It has been determined that undue accumulation of CO_2 and undesirable operating characteristics would result if maximum capacities were not established for both the reservoir and rebreather types.

Paragraphs 3.3.5.1, 4.1.4.1 and 4.3.1. The proposed FAA exception to increase the test load on the face mask piece from 20 to 50 pounds has been deleted since, as pointed out in the comments, such a requirement could compromise other mask characteristics.

Paragraph 3.3.9. The mask performance requirements have been revised to provide basic performance criteria for all types of continuous flow passenger oxygen masks.

Paragraph 4.1.7.1. A comment recommending a decrease in the number of subjects to be tested for typical leak fit provided no substantiating safety basis for the change, therefore it was not adopted since service experience to date indicates it would not be in the interest of safety to reduce the number of subjects below 75. The recommendation that supplemental mask requirements be developed for children below 10 years of age will require further study and testing insofar as the infant category is concerned and will be considered for future TSO issuance. However, the present standard has been revised to include requirements for testing and fitting of masks on children of 5 to 10 years of age.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the regulations of the Administrator (14 CFR Part 514) is hereby amended as follows:

Section 514.69 is added as follows:

§ 514.69 Oxygen mask assembly, continuous flow, passenger (for air carrier aircraft)—TSO–C64.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for passenger oxygen mask assemblies which are to be approved for use on civil aircraft of the United States. New models of passenger oxygen mask assemblies manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in National Aircraft Standard, NAS 1179, "Oxygen Mask Assembly, Passenger", Revision 2, dated March 31, 1961,[1] with exceptions to the standard listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) The following specifically numbered subparagraphs in NAS 1179 are not concerned with minimum performance and, therefore, are not essential to compliance with this section: 2.0 in its entirety, 3.1.1, 3.1.2, 3.1.3.7, 3.1.12, 3.3.11 in its entirety, 4.2, 4.3.5, 5.3, 5.6, 5.7, and 5.8.

(ii) Conformance to "NAS Standard Part Number" and "NAS Standard Drawing" referred to throughout NAS 1179 is not required.

(iii) Paragraph 1.4 of NAS 1179 shall be revised and made a part of this standard, as follows:

1.4 *Coding of performance classification.* An eight digit performance classification number shall be assigned to each class of masks. This number shall correspond to the number assigned to the minimum performance curve established in paragraph 4.1.7.2.2 and shall appear in the part callout as the first dash number following specification No. NAS 1179. Each pair of digits, starting with the first pair to the left, shall represent the required minimum oxygen flow rates (NTPD) to the mask shown on curve "C" of Figure 2 at cabin pressure altitudes of 15,000, 25,000, 30,000 feet and the maximum approved altitude, respectively. Flow rates shall be to one decimal.

Typical example. NAS 1179–08233248–XX[2]

0.8—required minimum oxygen flow, LPM, NTPD, at 15,000 ft.

2.3—required minimum oxygen flow, LPM, NTPD, at 25,000 ft.

3.2—required minimum oxygen flow, LPM, NTPD, at 30,000 ft.

4.8—required minimum oxygen flow, LPM, NTPD, at maximum approved altitude.

(b) *Marking.* Each oxygen mask assembly shall be marked in accordance with § 514.3 except that the weight specified in § 514.3 may be omitted, and the following additional information shall be shown:

(1) The performance classification number.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his products. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following, shall be furnished the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable drawings and specifications, limitations, restrictions, or other conditions pertinent to installation. These limitations shall include the regulators which are capable of providing an oxygen partial pressure specified in the applicable Civil Air Regulations.

(iii) One copy of the manufacturer's test report.

(iv) Manufacturer's cleaning and sterilizing procedures.

(d) *Quality control.* Passenger oxygen masks shall be produced under a quality control system, established by the manufacturer, which will assure that each mask assembly is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and production tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

(e) *Previously approved equipment.* Passenger oxygen masks approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

Effective date. October 1, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 21, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–8171; Filed, Aug. 25, 1961; 8:45 a.m.]

[1] Copies of this standard may be obtained from the National Standards Association, Inc., 1315 Fourteenth Street NW., Washington 5, D.C.

[2] XX—Additional coding which the mask manufacturer may desire to add.

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Reg. Docket No. 858; Amdt. 78]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

Miscellaneous Amendments

This amendment is being adopted to insure the safety of IFR operations by establishing the minimum en route IFR altitudes for the route or portions thereof contained herein, and the altitudes which assure navigational coverage that is ade-

quate and free of frequency interference for such routes or portions thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act would be impracticable.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 610 is hereby amended as follows:

Section 610.11 *Green Federal airway 1* is amended to read in part:

From Megantic, Canada, LFR; to Millinocket, Me., LFR; MEA 5,600.

Section 610.19 *Green Federal airway 9* is deleted:

Section 610.104 *Amber Federal airway 4* is amended to delete:

From Tulsa, Okla., LFR; to Verdigris INT, Okla.; MEA 1,900.

From Verdigris INT, Okla.; to Claremore INT, Okla.; MEA 2,000.

From Claremore INT, Okla.; to Chanute, Kans., LFR; MEA 2,200.

Section 610.110 *Amber Federal airway 10* is deleted:

Section 610.113 *Amber Federal airway 13* is deleted:

Section 610.287 *Red Federal airway 87* is amended to read:

From Vanda INT, Hawaii; to *Port Allen, Hawaii, LF/RBN; MEA 6,000. *6,000—MCA Port Allen LF/RBN, westbound.

From Port Allen, Hawaii, LF/RBN; to Driftwood INT, Hawaii; southeastbound, MEA 3,000; northwestbound, MEA 4,000.

From Driftwood INT, Hawaii; to Fern INT, Hawaii; MEA 2,000.

From Fern INT, Hawaii; to Honolulu, Hawaii, LFR; MEA 4,000.

From Honolulu, Hawaii, LFR; to *Maui, Hawaii, LRF; MEA 5,000. *8,000—MCA Maui LFR, southeastbound. *6,000—MCA Maui LFR, northbound.

From Maui, Hawaii, LFR; to Breadfruit INT, Hawaii; MEA 6,000.

From *Breadfruit INT, Hawaii; to Kuku Point INT; MEA 5,000. *8,000—MCA Breadfruit INT, northwestbound.

From Kuku Point INT, Hawaii; to Hilo, Hawaii, LFR; MEA 3,000.

Section 610.313 *Red Federal airway 113* is deleted:

Section 610.640 *Blue Federal airway 40* is deleted:

Section 610.641 *Blue Federal airway 41* is deleted:

Section 610.1001 *Direct Routes—U.S.* is amended to delete:

From Hainesville INT, Tex.; to Int. N crs Tyler LFR and SW crs Texarkana LFR; MEA 1,600.

From Lubbock, Tex., LFR; to Int. Ft. Worth VOR 270° rad. and SW crs Wichita Falls LFR; MEA 5,000.

From Lumberton, N.C., LF/RBN; to Wilmington, N.C., LF/RBN; MEA 1,400.

Section 610.6002 *VOR Federal airway 2* is amended to read in part:

From Gardner, Mass., VOR; to Leominster INT, Mass.; MEA *3,100.

From *Leominster INT, Mass.; to Boston, Mass., VOR; MEA 2,000. *3,100—MCA Leominster INT, westbound.

Section 610.6003 *VOR Federal airway 3* is amended to read in part:

From Oak Hill INT, Fla.; to Daytona Beach, Fla., VOR; MEA *1,800. *1,400—MOCA.

Section 610.6004 *VOR Federal airway 4* is amended to read in part:

From Tieton INT, Wash.; to *Gleed INT, Wash.; southeastbound, MEA 5,000; northwestbound, MEA 7,000. *7,000—MCA Gleed INT, northwestbound.

From Gleed INT, Wash.; to Yakima, Wash., VOR; MEA 4,500.

From Tieton INT, Wash., via S alter.; to *Gleed INT, Wash., via S alter.; southeastbound, MEA 5,000; northwestbound, MEA 7,000. *7,000—MCA Gleed INT, northwestbound.

From Gleed INT, Wash., via S alter.; to Yakima, Wash., VOR via S alter.; MEA 4,500.

Section 610.6005 *VOR Federal airway 5* is amended to read in part:

From Hilliard INT, Fla., via W alter.; to Cabins INT, Ga., via W alter.; MEA 1,600.

From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,600—MOCA.

From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR via W alter.; MEA *2,000. *1,600—MOCA.

Section 610.6007 *VOR Federal airway 7* is amended to read in part:

From *Bunker INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200. *1,500—MRA.

Section 610.6008 *VOR Federal airway 8* is amended to read in part:

From Hayes Center, Nebr., VOR; to Grand Island, Nebr., VOR; MEA *5,000. *4,000—MOCA.

Section 610.6010 *VOR Federal airway 10* is amended to read in part:

From Dodge City, Kans. VOR; to *Stafford INT, Kans., MEA 4,000. *4,000—MRA.

From Stafford INT, Kans.; to Hutchinson, Kans., VOR; MEA 3,000.

From *Sterling INT, Kans., via N alter.; to Hutchinson, Kans., VOR via N alter.; MEA 3,000. *4,000—MRA.

From Lawson INT, Mo.; to Kirksville, Mo., VOR; MEA *3,000. *2,400—MOCA.

Section 610.6011 *VOR Federal airway 11* is amended to read in part:

From Pioneer INT, Ohio; to *Hudson INT, Mich.; MEA **3,500. *2,500—MRA. **2,300—MOCA.

Section 610.6012 *VOR Federal airway 12* is amended to read in part:

From Anthony, Kans., VOR; to *Milton INT, Kans.; MEA 2,900. *3,400—MRA.

From Wichita, Kans., VOR; to *Cassoday INT, Kans.; MEA 3,000. *3,500—MRA.

From *Salt INT, Kans., via N alter.; to Rago INT, Kans., via N alter.; MEA **4,200. *4,200—MRA. **2,900—MOCA.

Section 610.6014 *VOR Federal airway 14* is amended to read in part:

From Adair INT, Okla.; to Neosho, Mo., VOR; MEA 2,500.

From Vinita INT, Okla., via N alter.; to Wyandotte INT, Okla., via N alter.; MEA *2,600. *2,200—MOCA.

From Wyandotte INT, Okla., via N alter.; to Neosho, Mo., VOR via N alter.; MEA *2,600. *2,500—MOCA.

From Neosho, Mo., VOR via N alter.; to *Miller INT, Mo., via N alter.; MEA **2,900. *3,000—MRA. **2,400—MOCA.

Section 610.6016 *VOR Federal airway 16* is amended to read in part:

From *Round Pond INT, Ark., via N alter.; to *Lazy X INT, Tex., via S alter.; MEA **4,000. *4,400—MRA. **3,600—MOCA.

From Lazy X INT, Tex., via S alter.; to Abilene, Tex., VOR via S alter.; MEA *4,000. *3,600—MOCA.

From Harvey INT, Fla.; to Rancho INT, to Memphis, Tenn., VOR via N alter.; MEA 1,700. *4,000—MRA.

Section 610.6017 *VOR Federal airway 17* is amended to read in part:

From Laredo, Tex., VOR; to *Webb INT, Tex.; MEA 1,900. *5,000—MRA.

From Webb INT, Tex.; to Cotulla, Tex., VOR; MEA 1,900.

Section 610.6025 *VOR Federal airway 25* is amended to read in part:

From Yakima, Wash., VOR; to Gleed INT, Wash.; MEA 4,500.

From Gleed INT, Wash.; to Ellensburg, Wash., VOR; MEA 5,500.

Section 610.6026 *VOR Federal airway 26* is amended to read in part:

From Green Bay, Wis., VOR; to *Pine Grove INT, Wis.; MEA 3,000. *2,400—MCA Pine Grove INT, northwestbound.

Section 610.6029 *VOR Federal airway 29* is amended to read in part:

From Cortland INT, N.Y.; to Syracuse, N.Y., VOR; MEA 3,500.

Section 610.6030 *VOR Federal airway 30* is amended to read in part:

From Litchfield, Mich., VOR; to *Hudson INT, Mich.; MEA 2,200. *2,500—MRA.

From Hudson INT, Mich.; to Waterville, Ohio, VOR; MEA 2,200.

Section 610.6035 *VOR Federal airway 35* is amended to read in part:

From *Hartsfield INT, Ga., via E alter.; to Albany, Ga., VOR via E alter.; MEA 1,700. *2,000—MRA.

From St. Petersburg, Fla., VOR via W alter.; to *Oyster INT, Fla., via W alter.; MEA **4,000. *4,000—MRA. **1,300—MOCA.

From Oyster INT, Fla., via W alter.; to Shrimp INT, Fla., via W alter.; MEA *2,000. *1,000—MOCA.

From Shrimp INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA *2,400. *1,100—MOCA.

From *Chester INT, Fla.; to **Pine INT, Fla.; MEA ***1,500. *2,800—MRA. **2,300—MRA. ***1,200—MOCA.

From Tri-City, Tenn., VOR; to Blackford, Va., VOR; MEA 6,000.

Section 610.6050 *VOR Federal airway 50* is amended to read in part:

From Springfield, Ill., VOR; to Harristown INT, Ill.; MEA 2,600.

Section 610.6051 *VOR Federal airway 51* is amended to read in part:

From Key West, Fla., VOR; to Sugar Loaf INT, Fla.; MEA 1,200.

From Sugar Loaf INT, Fla.; to Hondo INT, Fla.; MEA 1,000.

From Hondo INT, Fla.; to Harvey INT, Fla.; MEA *2,500. *1,100—MOCA.

From Harvey INT, Fla.; to Rancho INT, Fla.; MEA 1,100.

From Hilliard INT, Fla., via W alter.; to Cabins INT, Ga., via W alter.; MEA 1,600.

From Cabins INT, Ga., via W alter.; to *Bolen INT, Ga., via W alter.; MEA **2,000. *2,100—MRA. **1,600—MOCA.

From Bolen INT, Ga., via W alter.; to Alma, Ga., VOR via W alter.; MEA *2,000. *1,600—MOCA.

Section 610.6052 *VOR Federal airway 52* is amended to read in part:

From Luray INT, Mo.; to Quincy, Ill., VOR; MEA 2,600.

Section 610.6053 *VOR Federal airway 53* is amended to read in part:

From Charleston, S.C., VOR; to St. George INT, S.C.; MEA 1,300.

From Monticello INT, S.C.; to *Buffalo INT, S.C.; MEA 2,300. *2,500—MRA.

From Hilton INT, Va.; to Daley INT, Ky.; MEA 6,200.

Section 610.6054 *VOR Federal airway 54* is amended to read in part:

From *Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR via N alter.; MEA 1,700. *4,000—MRA.

Section 610.6055 *VOR Federal airway 55* is amended to read in part:

From *Pine Grove INT, Wis.; to Green Bay, Wis., VOR; MEA 3,000. *2,400—MCA Pine Grove INT, northwestbound.

Section 610.6063 *VOR Federal airway 63* is amended to read in part:

From Buffalo INT, Mo.; to Eldon INT, Mo.; MEA *3,500. *2,500—MOCA.

From Eldon INT, Mo.; to Wilton INT, Mo.; MEA *3,000. *2,500—MOCA.

From Buffalo INT, Iowa; to *Big Rock INT, Iowa; MEA **3,500. *3,500—MRA. *5,300—MCA Big Rock INT, northeastbound. **2,100—MOCA.

Section 610.6066 *VOR Federal airway 66* is amended to read in part:

From *Jack INT, Tex.; to **Lazy X INT., Tex.; MEA ***7,200. *6,200—MRA. **4,400—MRA. ***3,800—MOCA.

From Iva INT, S.C.; to Union INT, S.C.; MEA *4,000. *2,000—MOCA.

From Union INT, S.C.; to Ft. Mill, N.C., VOR; MEA 2,000.

Section 610.6072 *VOR Federal airway 72* is amended to read in part:

From *Cuba INT, Mo.; to Richwoods, Mo., VOR; MEA 2,200. *4,500—MRA.

From Richwoods, Mo., VOR; to Imperial INT, Mo.; MEA 2,200.

Section 610.6077 *VOR Federal airway 77* is amended to read in part:

From *Conway INT, Kans.; to **Milton INT, Kans.; MEA ***3,000. *3,000—MRA. **3,400—MRA. ***2,500—MOCA.

From Milton INT, Kans.; to Wichita, Kans., VOR; MEA 3,400.

From Wichita, Kans., VOR; to Whitewater INT, Kans.; MEA 3,400.

From Whitewater INT, Kans.; to Florence INT, Kans.; MEA 3,000.

Section 610.6093 *VOR Federal airway 93* is amended to delete:

From Princeton, Maine, VOR; to Houlton, Maine, VOR; MEA 2,500.

From Houlton, Maine, VOR; to Presque Isle, Maine, VOR; MEA 2,700.

Section 610.6093 *VOR Federal airway 93* is amended by adding:

From Princeton, Maine, VOR; to U.S. Canadian Border; MEA *2,200. *1,500—MOCA.

Section 610.6097 *VOR Federal airway 97* is amended to read in part:

From *Cypress INT, Fla.; to LaBelle, Fla., VOR; MEA **1,200. *1,400—MRA. **1,100—MOCA.

From St. Petersburg, Fla., VOR; to *Crystal INT, Fla.; MEA 1,300. *2,200—MRA.

From St. Petersburg, Fla., VOR via W alter.; to *Oyster INT, Fla., via W alter.; MEA **4,000. *4,000—MRA. **1,300—MOCA.

From Oyster INT, Fla., via W alter.; to *Mussel INT, Fla., via W alter.; MEA **4,000. *4,500—MRA. **1,000—MOCA.

From Mussell INT, Fla., via W alter.; to Scallop INT, Fla., via W alter.; MEA *2,200. *1,000—MOCA.

Section 610.6132 *VOR Federal airway 132* is amended to read in part:

From *Sterling INT, Kans.; to Hutchinson, Kans., VOR; MEA 3,000. *4,000—MRA.

Section 610.6135 *VOR Federal airway 135* is amended to read in part:

From Blythe, Calif., VOR; to Parker, Calif., VOR; MEA 5,000.

From Parker, Calif., VOR; to Needles, Calif., VOR; MEA 6,000.

Section 610.6140 *VOR Federal airway 140* is amended to read in part:

From Nashville, Tenn., VOR via N alter.; to Hillsdale INT, Tenn., via N alter.; MEA 2,000. *2,400—MRA.

From Hillsdale INT, Tenn., via N alter.; to Freedom INT, Ky., via N alter.; MEA *3,000. *2,000—MOCA.

Section 610.6141 *VOR Federal airway 141* is amended to read in part:

From *Concord, N.H., VOR; to Lebanon, N.H., VOR; MEA 5,000. *2,800—MCA Concord VOR, northbound.

Section 610.6143 *VOR Federal airway 143* is amended to read in part:

From Ft. Mill, N.C., VOR via W alter.; to *Mt. Holly INT, N.C., via W alter.; MEA 2,400. *2,600—MRA.

Section 610.6148 *VOR Federal airway 148* is amended to read in part:

From North Platte, Nebr., VOR; to O'Neill Nebr., VOR; MEA 4,400.

From O'Neill, Nebr., VOR; to *Tyndall INT, S. Dak.; MEA **4,000. *6,000—MRA. **3,300—MOCA.

Section 610.6157 *VOR Federal airway 157* is amended to read in part:

From Alma, Ga., VOR; to *Baxley INT, Ga.; MEA **2,000. *6,000—MRA. **1,600—MOCA.

From Baxley INT, Ga.; to Lotts INT, Ga.; MEA *2,000. *1,600—MOCA.

From Harvey INT, Fla.; to Miami, Fla., VOR; MEA 1,100.

From *Cypress INT, Fla.; to LaBelle, Fla., VOR; MEA **1,200. *1,400—MRA. **1,100—MOCA.

From Harvey INT, Fla., via W alter.; to *Vega INT, Fla., via W alter.; MEA **3,800. *3,300—MRA. **1,100—MOCA.

From Vega INT, Fla., via W alter.; to Pine INT, Fla., via W alter; MEA **3,100. *2,300—MRA. **1,100—MOCA.

From Pine INT, Fla., via W alter.; to *Bunker INT, Fla., via W alter.; MEA **2,300. *1,500—MRA. **1,100—MOCA.

From Bunker INT, Fla., via W alter.; to Monroe INT, Fla., via W alter.; MEA *1,200. *1,100—MOCA.

From Monroe INT, Fla., via W alter.; to LaBelle, Fla., VOR via W alter.; MEA 1,500.

Section 610.6159 *VOR Federal airway 159* is amended to read in part:

From Monet INT, Fla., via W alter.; to *Pluto INT, Fla., via W alter.; MEA 1,200. *1,500—MRA.

From Pluto INT, Fla., via W alter.; to St. Lucie INT, Fla., via W alter.; MEA 1,100.

From St. Lucie INT, Fla., via W alter.; to *Dixie Ranch INT, Fla., via W alter.; MEA **1,700. *1,500—MRA. **1,200—MOCA.

From *Hartsfield INT, Ga.; to Albany, Ga., VOR; MEA 1,600. *2,000—MRA.

From *Hartsfield INT, Ga., via W alter.; to Albany, Ga., VOR via W alter.; MEA 1,600. *2,000—MRA.

From Albany, Ga., VOR; to *Shellman INT., Ga.; MEA **2,000. *2,500—MRA. **1,700—MOCA.

From Shellman INT., Ga., to *Sawmill INT., Ga.; MEA **2,000. *2,300—MRA. **1,700—MOCA.

From Sawmill INT, Ga.; to Eufaula, Ala., VOR; MEA *2,000. *1,700—MOCA.

Section 610.6172 *VOR Federal airway 172* is amended to read in part:

From Wolbach, Nebr., VOR; to Fremont INT, Nebr.; MEA *3,500. *3,000—MOCA.

From Fremont INT, Nebr.; to Kennard INT, Nebr., MEA *3,000. *2,700—MOCA.

From Kennard INT, Nebr.; to Neola, Iowa, VOR; MEA 2,700.

Section 610.6194 *VOR Federal airway 194* is amended to read in part:

From Union INT, S.C.; to Fort Mill, N.C., VOR; MEA 2,000.

Section 610.6233 *VOR Federal airway 233* is amended to read in part:

From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,100.

Section 610.6257 *VOR Federal airway 257* is amended to read in part:

From Drake, Ariz., VOR; to *Anita INT, Ariz.; MEA 11,000. *11,000—MRA.

Section 610.6264 *VOR Federal airway 264* is amended to read in part:

From Twentynine Palms, Calif., VOR; to Parker, Calif., VOR; MEA 6,000.

From Parker, Calif., VOR; to *Prescott, Ariz., VOR; MEA 10,000. *9,000—MCA Prescott VOR, westbound.

Section 610.6267 *VOR Federal airway 267* is amended to read in part:

From *Helen INT, Ga., via E alter.; to **Rainbow INT, N.C., via E alter.; MEA ***9,000. *8,500—MCA Helen INT, northwestbound. **8,500—MRA. ***7,000—MOCA.

From Orlando, Fla., VOR; to Benson INT, Fla.; MEA 1,300.

From Benson INT, Fla.; to Woodruff INT, Fla.; MEA 2,000.

Section 610.6280 *VOR Federal airway 280* is amended to read in part:

From *Aetna INT, Okla.; to **Salt INT, Kans.; MEA ***6,300. *10,500—MRA. **4,200—MRA. ***3,500—MOCA.

From Salt INT, Kans.; to Hptchinson, Kans., VOR; MEA *4,200. *2,900—MOCA.

Section 610.6295 *VOR Federal airway 295* is amended to read in part:

From Biscayne Bay, Fla., VOR; to Bayshore INT, Fla.; MEA 1,400.

From Bayshore INT, Fla.; to Golden Beach INT; MEA 1,300.

From Golden Beach INT, Fla.; to Martin INT., Fla., MEA 1,200.

From Martin INT, Fla.; to Pike INT, Fla.; MEA 1,000.

From Pike INT. Fla.; to Perch INT, Fla.; MEA *2,500. *1,000—MOCA.

From Perch INT, Fla.; to Bonita INT, Fla.; MEA *2,000. *1,000—MOCA.

From Bonita INT, Fla.; to Stuart INT, Fla.; MEA 1,000.

From Stuart INT, Fla.; to *Viking INT, Fla.; MEA 1,200. *3,000—MRA.

From Viking INT, Fla.; to Vero Beach Fla., VOR; MEA 1,500.

From Indian River INT, via E alter.; to Orlando, Fla., VOR via E alter.; MEA 1,400.

Section 610.6300 *VOR Federal airway 300* is amended to read in part:

From U.S. Canadian Border; to Millinocket, Maine, VOR; MEA 5,700.

Section 610.6426 *VOR Federal airway 426* is amended to read in part:

From Richwoods, Mo., VOR; to St. Louis, Mo., VOR; MEA 2,100.

Section 610.6432 *VOR Federal airway 432* is amended to read:

From Thermal, Calif., VOR; to Parker, Calif., VOR; MEA *9,000. *7,500—MOCA.

Section 610.6440 *VOR Federal airway 440* is amended to read:

From Blorka Island, Alaska, VOR; to *Harbor INT, Alaska; MEA **9,500. *16,000—MRA. **5,300—MOCA.

From Harbor INT, Alaska; to Yakataga, Alaska, VOR; MEA *9,500. *5,300—MOCA.

From Yakataga, Alaska, VOR; to Middleton Island, Alaska, VOR; MEA 4,500.

From Middleton Island, Alaska, VOR; to Anchorage, Alaska, VOR; MEA 9,000.

From Middleton Island, Alaska, VOR via S alter.; to *Seward INT, Alaska, via S alter.; MEA 9,000. *9,500—MRA.

From Seward INT, Alaska, via S alter.; to *Broadview INT, Alaska, via S alter.; MEA **9,500. *8,700—MCA Broadview INT, southeastbound. **8,000—MOCA.

From Broadview INT, Alaska, via S alter.; to *Chickaloon INT, Alaska, via S alter.; MEA 8,000. *5,300—MCA Chickaloon INT, southeastbound.

From Chickaloon INT, Alaska, via S alter.; to Anchorage, Alaska, VOR via S alter.; MEA 1,500.

From *Anchorage, Alaska, VOR; to **Alexander INT, Alaska; MEA 6,400. *5,400—MCA Anchorage VOR, southeastbound. **5,000—MCA Alexander INT, northwestbound.

From Alexander INT, Alaska; to Skwentna, Alaska, LFR; MEA 6,400.

Section 610.6442 *VOR Federal airway 442* is amended to read in part:

From Clipper INT, Calif.; to Parker, Calif., VOR; MEA 8,000.

Section 610.6477 *VOR Federal airway 477* is amended to read in part:

From New Waverly INT, Tex., via E alter.; to Leona, Tex., VOR via E alter.; MEA *2,800. *1,800—MOCA.

Section 610.6485 *VOR Federal airway 485* is amended to read in part:

From Priest, Calif., VOR; to *Rancho INT, Calif.; MEA **8,500. *8,500—MRA. **7,000—MOCA.

From Rancho INT, Calif.; to *Cathedral INT, Calif.; MEA **8,500. *8,500—MCA Cathedral INT, southeastbound. **7,000—MOCA.

Section 610.6500 *VOR Federal airway 500* is amended to delete:

From *Boise, Idaho VOR; to Corral INT, Idaho. MEA **14,000. *8,000—MCA Boise VOR, eastbound. **10,000—MOCA.

From Corral INT, Idaho; to Bear Trap INT, Idaho; MEA *14,000. *9,000—MOCA.

From Bear Trap INT, Idaho; to *Pocatello, Idaho, VOR; MEA 8,000. *9,300—MCA Pocatello VOR, eastbound.

From Pocatello, Idaho, VOR; to *Big Piney, Wyo., VOR; MEA **15,000. *12,500—MCA Big Piney VOR, westbound. **13,500—MOCA.

From Big Piney, Wyo., VOR; to South Pass INT, Wyo.; MEA 11,000.

From South Pass INT, Wyo.; to Cherokee, Wyo., VOR; MEA *10,000. *9,000—MOCA.

From Cherokee, Wyo., VOR; to Snowy Range INT, Wyo.; MEA 14,000.

From Snowy Range INT, Wyo.; to *Laramie, Wyo., VOR; westbound, MEA 14,000; eastbound, MEA 11,000. *12,500—MCA Laramie VOR, westbound. *10,000—MCA Laramie VOR, southeastbound.

From Laramie, Wyo., VOR; to Loveland INT, Colo.; MEA 11,500.

From Loveland INT, Colo.; to *Longmont INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *13,000—MRA.

From Longmont INT, Colo.; to *Dacona INT, Colo.; southeastbound, MEA 8,000; northwestbound, MEA 11,500. *8,000—MCA Dacona INT, northwestbound.

From Dacona INT, Colo.; to Denver, Colo., VOR; MEA 7,500.

Section 610.6504 *VOR Federal airway 504* is amended to delete:

From Nenana, Alaska, VOR; to Fairbanks, Alaska, VOR; MEA 3,900.

Section 610.6512 *VOR Federal airway 512* is added to read:

From Sisters Island, Alaska, VOR; to **Cape Spencer, Alaska, LF/RBN; MEA ***7,000. *3,200—MCA Sisters Island VOR, westbound. **14,200—MCA Cape Spencer LF/RBN, westbound. ***5,500—MOCA.

From Cape Spencer, Alaska, LF/RBN; to *Harbor Point INT, Alaska; MEA **16,000. *16,000—MRA. **5,300—MOCA.

Section 610.6843 *VOR Federal airway 843* is amended to read in part:

From *Copeland INT, Fla.; to **Pine INT, Fla.; MEA ***1,500. *2,500—MRA. **2,300—MRA. ***1,200—MOCA.

From Albany, Ga., VOR; to *Hartsfield INT, Ga.; MEA 1,600. *2,000—MRA.

Section 610.6845 *VOR Federal airway 845* is amended to read in part:

From Wilton INT, Mo.; to Eldon INT, Mo.; MEA *3,000. *2,500—MOCA.

From Eldon INT, Mo.; to Buffalo INT, Mo.; MEA *3,500. *2,500—MOCA.

From Buffalo INT, Mo.; to Springfield, Mo., VOR; MEA 2,500.

Section 610.6846 *VOR Federal airway 846* is amended to read in part:

From Neola, Iowa, VOR; to Kennard INT, Nebr.; MEA 2,700.

From Kennard INT, Nebr.; to Fremont INT, Nebr.; MEA *3,000. *2,700—MOCA.

From Fremont INT, Nebr.; to Wolbach, Nebr., VOR; MEA *3,500. *3,000—MOCA.

Section 610.6880 *VOR Federal airway 880* is amended to read in part:

From Kirksville, Mo., VOR; to Lawson INT, Mo.; MEA 3,000.

Section 610.1510 *VOR Federal airway 1510* is amended to read in part:

From Wells, Nev., VOR; to Lucin, Utah, VOR; MEA 14,500; MAA 24,000.

From Lucin, Utah, VOR; to Ogden, Utah, VOR; MEA 14,500; MAA 24,000.

Section 610.1617 *VOR Federal airway 1617* is amended to read in part:

From Blythe, Calif., VOR; to Parker, Calif., VOR; MEA 14,500; MAA 24,000.

From Parker, Calif., VOR; to Needles, Calif., VOR; MEA 14,500; MAA 24,000.

Section 610.1624 *VOR Federal airway 1624* is amended to read in part:

From Thermal, Calif., VOR; to Parker, Calif., VOR; MEA 14,500; MAA 24,000.

From Parker, Calif., VOR; to Prescott, Ariz., VOR; MEA 14,500; MAA 24,000.

Section 610.1677 *VOR Federal airway 1677* is amended to read in part:

From Rocky Mount, N.C., VOR; to Flat Rock, Va., VOR; MEA 14,500; MAA 24,000.

(Secs. 313(a), 307(c); 72 Stat. 752, 749; 49 U.S.C. 1354(a) 1348(c))

These rules shall become effective September 21, 1961.

Issued in Washington, D.C., on August 21, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-8125; Filed, Aug. 25, 1961; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55457]

PART 1—CUSTOMS DISTRICTS, PORTS AND STATIONS

Changes in Customs Field Organization

In order to correct an imbalance in the audit workload which has developed over the years in some comptroller districts, resulting primarily from changes in volume of customs activity, it is deemed necessary to realign the audit responsibilities of certain comptroller districts.

Therefore, the following changes are hereby made in the customs field organization, effective September 1, 1961:

The customs collection districts of Connecticut, St. Lawrence, Puerto Rico and the Virgin Islands, presently operating under the audit jurisdiction of the New York comptroller's office, are hereby transferred to the comptroller districts indicated in the amendment below.

Section 1.4 is amended by deleting from the listing under the comptroller of customs, New York, New York, the following:

No. 6. Connecticut.
No. 7. St. Lawrence.
No. 49. Puerto Rico.
No. 51. Virgin Islands.

Section 1.4 is further amended by adding to the listings under the comptrollers of customs for Boston, Massachusetts, and Baltimore, Maryland, the following:

Comptroller of Customs, Boston, Mass.

No. 6. Connecticut.
No. 7. St. Lawrence.

Comptroller of Customs, Baltimore, Md.

No. 49. Puerto Rico.
No. 51. Virgin Islands.

(R.S. 161, as amended 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624)

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: August 22, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-8229; Filed, Aug. 25, 1961; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6570]

SUBCHAPTER E—ADMINISTRATIVE PROVISIONS COMMON TO VARIOUS TAXES

PART 458—INSPECTION OF RETURNS

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by Advisory Commission on Intergovernmental Relations

PARAGRAPH 1. Section 458.326 is inserted immediately after § 458.325 to read as follows:

§ 458.326 Inspection of returns by the Advisory Commission on Intergovernmental Relations.

(a) Pursuant to the provisions of sections 55(a), as amended, 1204, and 1604(c) of the Internal Revenue Code of 1939 (53 Stat. 29, 171, 186; 54 Stat. 1008; 55 Stat. 722; 26 U.S.C. (1952 ed.) 55(a), 1204, and 1604(c)) and of the Executive order issued under section 55(a) of such Code, any return with respect to income tax, excess-profits tax, declared value excess-profits tax, unjust enrichment tax, estate tax, gift tax, capital stock tax, tax on transfers to avoid income tax, unemployment tax, tax on safe deposit boxes, tax on coconut and other vegetable oils, manufacturers' excise taxes, communications tax, or transportation taxes imposed by such Code shall be open to inspection by the Advisory Commission on Intergovernmental relations for the purpose of making studies and investigations in connection with the performance of its function of recommending methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers. The inspection of returns herein authorized may be made by any member or employee of the Commission duly authorized by the Chairman of the Commission to make such inspection. Upon written notice by the Chairman to the Secretary of the Treasury stating the kinds of returns which it is desired to inspect, the Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Commission with any data on such returns or may make the returns available for inspection and the taking of such data as the Chairman may designate. Such data shall be furnished, or such returns shall be made available for inspection, in the office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly the name or address of any taxpayer.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

PAR. 2. Section 301.6103(a)-103 is inserted immediately after § 301.6103(a)-102 to read as follows:

§ 301.6103(a)-103 Inspection of returns by the Advisory Commission on Intergovernmental Relations.

(a) Pursuant to the provisions of sections 6103(a) and 6106 of the Internal Revenue Code of 1954 (68A Stat. 753, 756; 26 U.S.C. 6103(a), 6106) and of the Executive order issued thereunder, any return with respect to income tax, tax on transfers to avoid income tax, estate tax, gift tax, unemployment tax, manufacturers excise taxes, communications tax, transportation taxes, tax on safe deposit boxes, or tax on coconut and palm oil imposed by such Code shall be open to inspection by the Advisory Commission on Intergovernmental Relations for the purpose of making studies and investigations in connection with the performance of its function of recommending methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers. The inspection of returns herein authorized may be made by any member or employee of the Commission duly authorized by the Chairman of the Commission to make such inspection. Upon written notice by the Chairman to the Secretary of the Treasury stating the kinds of returns which it is desired to inspect, the Secretary of the Treasury, or any officer or employee of the Department of the Treasury with the approval of the Secretary, may furnish the Commission with any data on such returns or may make the returns available for inspection and the taking of such data as the Chairman may designate. Such data shall be furnished, or such returns shall be made available for inspection, in the office of the Commissioner of Internal Revenue. Any information thus obtained shall be held confidential except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly the name or address of any taxpayer.

(b) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

Approved: August 23, 1961.

JOHN F. KENNEDY,
The White House.

[F.R. Doc. 61-8232; Filed, Aug. 24, 1961; 3:12 p.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 520—EMPLOYMENT OF STUDENT LEARNERS

Minimum Wages

In the August 4, 1961, issue of the FEDERAL REGISTER I proposed to amend 29 CFR 520.6(b) (the current 75 cent an hour minimum wage rate for student learners (26 F.R. 7018)) by reason of the developments which prompted Congress to enact the new minimum wage provisions in the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30). After consideration of all relevant matter presented, I have decided to adopt the proposal with an amendment to make it clear that employers of student learners may take advantage of the exemptions in hazardous occupation orders provided for student learners.

Accordingly, pursuant to section 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend §§ 520.5(d) and 520.6(b) to read as follows:

§ 520.5 Conditions governing issuance of special student-learner certificates.

* * * * *

(d) The student-learner must be at least 18 years of age if he is to be employed in any activity prohibited by virtue of a hazardous occupation order of the Secretary of Labor (See Part 4, Subpart E, of this title, but note the specific exemptions for student-learners in several of the orders).

§ 520.6 Terms and conditions of employment under special student-learner certificates.

* * * * *

(b) The special minimum wage rate shall be not less than 75 percentum of the applicable minimum under section 6 of the Act.

(52 Stat. 1068, as amended; 29 U.S.C. 214)

Signed at Washington, D.C., this 23d day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8194; Filed, Aug. 25, 1961; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 47—FORWARDING MAIL

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 15.5 paragraphs (b) and (d) are amended to clarify the requirements for mailing and delivery of firearms for manufacturers of firearms or bona fide dealers therein. As so amended paragraphs (b) and (d) read as follows:

§ 15.5 Concealable firearms.

* * * * *

(b) *Filing affidavits.* An affidavit of the addressee shall be filed with the postmaster by the mailer or his agent at the time of mailing setting forth that he is qualified to receive the firearms under the particular category of paragraph (a) (1) through (6) of this section and that the firearm is intended for his official duty use. The affidavit shall be a certificate stating that the firearms are for the use of the addressee, for his official duty, signed by one of the following, as appropriate:

(1) For officers of Armed Services a certificate signed by his commanding officer.

(2) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used.

(3) For watchmen a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of either the United States, the State, Territory, or district by which the watchman is employed.

(4) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearms are to be used by officers and employees included in paragraph (a) (3) and (4) of this section.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement (for which Form 1508, "Statement by Shipper of Firearms", may be used) signed by the mailer that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or contain other articles for repair or replacement of parts and that to the best of his knowledge or belief the addressees are manufacturers of the firearms or bona fide dealers therein. If satisfied that the mailer is as stated by him the postmaster shall accept the parcel for mailing. No affidavit or certificate need be filed by the mailer when the parcel is addressed to the Federal Bureau of Investigation, Washington, D.C., or the Director thereof; or to the scientific laboratory or crime detection bureau of any enforcement agency covered by paragraph (f) of this section.

* * * * *

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section except a manufacturer of firearms or bona fide dealer therein, to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Receipts for delivery shall be taken on Form 2162, "Delivery Receipt, Firearms." Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

NOTE: The corresponding Postal Manual section is 125.52 and 4.

(R.S. 161, as amended, sec. 1, 62 Stat. 171 as amended, 5 U.S.C. 22, 18 U.S.C. 1715, 39 U.S.C. 501, 4001)

II. In § 47.3 subparagraph (6) of paragraph (b) is amended to correctly show that all special services may be forwarded without payment of additional fees. As so amended, subparagraph (6) reads as follows:

§ 47.3 Postage for forwarding.

* * * * *

(b) *Change to another post office.* * * *

(6) Registered, certified, insured, COD, and special handling mail is forwarded without payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. See § 56.4(f) of this chapter concerning special delivery mail forwarded to another address.

NOTE: The corresponding Postal Manual section is 157.32g.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4102)

§ 168.5 [Amendment]

III. § 168.5 *Individual country items,* as amended by 26 F.R. 5670–5672, is amended as a result of the "Union of South Africa" now being officially entitled "Republic of South Africa". Mail addressed "South Africa" or "Republic of South Africa" will be accepted and dispatched in accordance with existing regulations. The territories of "South-West Africa" and "Bechuanaland Protectorate" are included for postal purposes with "South Africa". Mail may be addressed to those territories by name without the words "South Africa" if desired. The air parcel post rate to the Bechuanaland Protectorate is now the same as to South Africa which is $1.69 for the first 4 ounces, and 80 cents for each additional 4 ounces or fraction. In view of the foregoing, the following changes are made in § 168.5:

A. Delete the country "Bechuanaland Protectorate", and "South-West Africa", and the pertinent regulations from the alphabetical list of countries therein.

B. Amend the country heading of "Union of South Africa" to read "South Africa (Republic of) [Including Basutoland, Bechuanaland Protectorate, British Bechuanaland, Swaziland, and South-West Africa]" and redesignate the new country heading and the pertinent regulations in the proper alphabetical order of countries therein.

C. In "Places Not Included in Alphabetical List of Countries" make the following changes:

1. Delete the following places from the alphabetical listing therein:

Amatongaland (Union of South Africa).
Cape of Good Hope, Province (Union of South Africa).
Natal, Province (Union of South Africa).
Orange Free State (Union of South Africa).
South Africa (Union of South Africa).
Transvaal (Union of South Africa).
Walvis Bay (South-West Africa).
Zululand (Union of South Africa).

2. Amend the following list of places as they appear in alphabetical order therein:

(a) Basutoland (Union of South Africa) to Basutoland (South Africa).
(b) Bechuanaland, British (Union of South Africa) to Bechuanaland, British (South Africa).
(c) British Bechuanaland (Union of South Africa) to British Bechuanaland (South Africa).
(d) Swaziland (Union of South Africa) to Swaziland (South Africa).

3. Insert the following places in alphabetical order therein:

Bechuanaland Protectorate (South Africa).
South-West Africa (South Africa).
Union of South Africa (South Africa).

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–8196; Filed, Aug. 25, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2447]

[New Mexico 061544]

NEW MEXICO

Withdrawing Public Lands for Air Force Use

Correction

In the correction for F.R. Doc. 61–7140 which appeared at page 7267 of the issue for Friday, August 11, 1961, the Public Land Order bracket in the heading should read as set forth above.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Migratory Game Birds in Crab Orchard National Wildlife Refuge, Illinois, and Yazoo National Wildlife Refuge, Mississippi

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 12,380 acres or 28 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mourning doves.

(b) Open season: September 1 through November 9, 1961. Shooting hours from 12:00 o'clock noon until sunset.

(c) Daily bag limits: 12 per day. Possession limit 24.

(d) Methods of hunting:

(1) Weapons—shotguns only; not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs—not to exceed two dogs per hunter may be used to retrieve mourning doves.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective to November 10, 1961.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 960 acres or 35 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Atlanta, Georgia. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Mourning doves.

(b) Open season: September 16 through September 30, 1961. Shooting hours from 12:00 o'clock noon until sunset.

(c) Daily bag limits: 12 per day. Possession limit 24.

(d) Methods of hunting:

(1) Weapons—shotgun only; not larger than 10 gauge and incapable of holding more than three shells.

(2) Dogs—not to exceed one dog per hunter, may be used to retrieve mourning doves.

(3) Blinds—use of portable blinds permitted.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) No hunting will be permitted within 250 yards of any building or pastured cattle.

(3) A Federal permit is required to enter the public hunting area. Permits may be obtained by writing to the Refuge Manager, Yazoo National Wildlife Refuge, Hollandale, Mississippi, or come in and pick up. Hunters will be required to submit a form questionnaire to be used in analysis of hunter participation and success. Forms to be made available near the hunt area.

(4) The provisions of this special regulation are effective to October 1, 1961.

DANIEL H. JANZEN,
Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1961.

[F.R. Doc. 61–8189; Filed, Aug. 25, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 1015, 1035]

[Docket No. AO-324]

MILK IN WESTERN NORTH DAKOTA AND MINNESOTA-NORTH DAKOTA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed marketing agreements and orders regulating the handling of milk in the Western North Dakota and Minnesota-North Dakota marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreements and orders, as hereinafter set forth, were formulated, was conducted at Fargo and Minot, North Dakota, on July 12–20, 1960, pursuant to notice thereof which was issued June 23, 1960 (25 F.R. 5778).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing areas is in the current of interstate commerce, or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of milk marketing agreements or orders which will tend to effectuate the policy of the Act; and

3. If orders are issued what the provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *Character of the commerce.* All milk to be regulated by the proposed marketing agreements and orders is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk and its products.

The marketing area specified in the proposed order, hereinafter referred to as the Western North Dakota marketing area, includes all the territory within the North Dakota counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, and Williams; and within the city of Mandan, North Dakota.

The marketing area specified in the proposed order, hereinafter referred to as the Minnesota-North Dakota marketing area, includes all the territory within the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk (except that portion of Polk County lying east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells.

Milk handled in the marketing areas moves in many forms over state lines. Milk processed and packaged by Minnesota handlers is a substantial proportion of the total route distribution in the North Dakota section of both recommended marketing areas. Likewise, there is extensive distribution in the Minnesota counties of the Minnesota-North Dakota marketing area from North Dakota plants of handlers who would be regulated by that order.

On the procurement side, plants which would be subject to the orders regularly receive milk from farms in Minnesota, North Dakota and South Dakota. Some plants also receive supplemental milk supplies from more distant points, including shipments to North Dakota and Minnesota handlers from plants in Wisconsin and to North Dakota handlers in both marketing areas from plants in Minnesota.

When the supply of producer milk is in excess of local requirements for fluid use, substantial quantities of milk and cream are used locally for manufacturing purposes or shipped from the plants of handlers who would be regulated by the proposed orders to manufacturing plants at other locations. These various outlets manufacture such dairy products as ice cream mix, butter and nonfat dry milk. A substantial portion of such milk products are moved over a wide area in the stream of interstate commerce.

2. *Need for an order.* Marketing conditions in the Western North Dakota and the Minnesota-North Dakota marketing areas justify the issuance of marketing agreements and orders.

There is no over-all plan whereby farmers supplying milk to these marketing areas are assured of payment for their milk in accordance with its use. In some segments of the area there is no procedure whereby farmers may participate in price determinations necessary for the marketing of their milk which, because of its perishability, must be delivered to the market as it is produced.

A certain amount of reserve milk in excess of the actual trade sales is necessary to assure an adequate supply of milk at all times. Fluctuations brought on by the seasonal nature of milk production, together with a relatively uniform level of consumption, necessitate the disposition of some of the Grade A milk produced for the market into manufacturing channels. The excess milk must be manufactured into butter, nonfat dry milk, frozen dessert mix, and similar products and sold in competition with products from ungraded milk.

Milk disposed of to manufacturing outlets returns considerably less than that marketed for fluid use. Consequently, a well defined and uniformly applied plan of use classification, with the proper pricing of milk in such uses, is necessary to prevent such excess milk from depressing the market price of all Grade A milk. To be successful the classification of and payment for milk in accordance with its use requires the full participation of all those engaged in marketing milk in these markets. Orderly marketing of the milk produced for fluid consumption requires uniformity of pay prices by handlers and a means whereby the lower average returns resulting from surplus milk may be shared equitably among producers.

The problems of unstable marketing encountered by producers in the Western North Dakota and Minnesota-North Dakota marketing areas are not uncommon in fluid milk markets. The problems which have resulted in unrest and instability in these areas are similar to those characteristic of the fluid milk industry in the absence of regulation or a well-defined classified pricing plan. Marketing orders as herein proposed will promote orderly marketing by assuring producers prices equivalent to those contemplated under the Act.

The buying practices of various handlers in the markets have caused instability in the marketing of milk. Prices paid farmers for milk for fluid use have frequently been below the Class I prices an order would provide. Many producers have no means of ascertaining how their milk is utilized at the plants to which they deliver or whether the basis on which they are paid will be revised. Payment of surplus prices by handlers for milk which producers believe was needed in the market for fluid consumption is one of the causes of instability and uncertainty in the production areas of the markets.

Approximately 20 handlers who would be regulated by the proposed Western North Dakota order receive milk from about 300 Grade A dairy farmers. There are about 50 handlers who would be regulated under the Minnesota-North Dakota order, as proposed, and they purchase from approximately 1,500 dairy farmers. The basis on which these dairy farmers are paid for their milk varies widely and generally is not related directly to the utilization at the plants which receive their milk.

A cooperative association of producers receives milk at its plant in Fargo from about 420 Grade A producers. It operates wholesale and retail routes and ships supplemental supplies of milk to handlers over a wide area during periods of short supply. Milk in excess of fluid requirements is utilized by the cooperative at its plant in the production of cottage cheese, ice cream, butter and nonfat dry milk. During 1959, the average utilization for Class I purposes at this plant was 25.7 percent of its Grade A receipts and for the first 5 months of 1960 was 28.2 percent.

Producers delivering to this plant are paid a flat price for all their milk, which reflects the use made of milk during the month. During 1959 its pay price per hundredweight for milk containing 3.5 percent butterfat averaged $3.56, ranging from $3.42 to $3.75. For the first 5 months of 1960 these monthly pay prices averaged $3.42.

It is not uncommon for handlers to use the pay prices of major cooperative associations in the marketing areas as a basis for paying their producers. The milk utilized by many such handlers is predominantly for Class I purposes, although their pay prices reflect the relatively low Class I utilization ratios of the producer associations, who bear the burden of surplus in the market.

The stated base and excess prices paid producers are generally at the option of the handler and not meaningful. A producer's base is often changed without his being aware of it and arbitrary methods have been used in some instances in arriving at the percentage of milk to be paid for at the base price. Under these conditions, payment to a producer at the excess or surplus price for some of his milk does not indicate that such milk was not used for fluid purposes since no means are available to ascertain the actual utilization of milk by such handlers.

Some handlers follow the practice of maintaining a regular supply of milk from dairy farmers during the flush production months which is close to their Class I sales. During other months, when production is relatively short in relation to Class I demand, these handlers rely on other handlers as well as other markets for supplemental supplies.

Efforts by the cooperative associations to stabilize marketing conditions in the proposed marketing areas have not been successful. Producers contend that only a device such as a Federal milk marketing order can bring about orderly marketing and stability in the sales areas served by their buying handlers.

There is a lack of detailed market information relative to the procurement of milk for and disposition of milk throughout both marketing areas. Such information is essential to the effectuation of orderly marketing. Some data on receipts and utilization of milk for fluid and manufacturing uses were made available for the hearing by various handlers and cooperative associations. However, these data are incomplete with regard to the overall receipts and utilization of milk and milk products in the region. The institution of regulation would provide the basis for complete information on receipts and utilization of milk from producers.

The issuance of marketing agreements and orders for the Western North Dakota and the Minnesota-North Dakota marketing areas would contribute substantially to the improvement of many of the conditions complained of and would tend to effectuate the declared policy of the Act. The adoption of classified price plans based on the audited utilization of handlers would provide a uniform system of minimum prices to handlers for milk purchased from producers and a fair division among producers of the proceeds from the sale of their milk. The procedures required by the Agricultural Marketing Agreement Act would afford all interested parties the opportunity to take part in determining, through public hearing, what the various provisions of the orders should be.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and which persons would be subject to the various provisions of the orders. This can best be accomplished by providing specific definitions to describe the areas involved and to prescribe the categories of persons, plants, and milk products to which the applicable provisions of the orders relate.

Marketing area. The Western North Dakota marketing area should include all the territory within the North Dakota Counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, and Williams; and within the city of Mandan, North Dakota.

The Minnesota-North Dakota marketing area should include all the territory within the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk (except that portion east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, La Moure, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells.

The preliminary 1960 census population of the contiguous 56-county area and the city of Mandan was 855,000. Western North Dakota had a population of approximately 195,000 and the Minnesota-North Dakota area about 660,000. Because a significant portion of the sales of fluid milk products by handlers who would be regulated is in rural communities and because of the relative density of population immediately surrounding the various cities, the marketing areas should be defined insofar as is practicable on the basis of county rather than city boundaries.

Grade A milk products sold for fluid consumption throughout the proposed marketing areas must be approved by health authorities who are governed by health ordinances, practices and procedures patterned after the United States Public Health Milk Ordinance and Code. Grade A milk, both in bulk and packaged form, moves between various locations in the marketing areas with the reciprocal approval of the responsible health authorities. Ratings by the United States Public Health Service are recognized as a basis for approval of outside sources of milk.

The preliminary 1960 census population of Fargo, North Dakota, the largest city in the two proposed marketing areas, was 47,000. Other North Dakota cities with populations in excess of 10,000 are Grand Forks (34,000), Minot (31,000), Bismarck (28,000), Jamestown (15,000), Williston (12,000), and Mandan (11,000). The largest Minnesota cities in the Minnesota-North Dakota marketing area are Moorhead (23,000) and Fergus Falls (14,000).

There is no single principal point from which producer milk is processed and packaged for distribution throughout the two marketing areas. Handlers with plants in various cities compete extensively throughout the proposed marketing areas. The use of centralized processing and packaging operations together with strategically located distribution points and vendors makes this pattern of competition of considerable importance in defining the marketing areas.

A single order was proposed for a contiguous 59-county area in Minnesota and North Dakota. This would not be practicable because of the different marketing conditions in Western North Dakota as compared to the eastern portion of the proposed marketing area. The intent of the Act would be best effectuated by providing for two separate orders as herein set forth.

Although handlers who would be regulated by the proposed Minnesota-North Dakota order distribute some packaged fluid milk products in the recommended Western North Dakota marketing area, the major portion of the supply for that area is produced locally. Handlers in Western North Dakota are supplied primarily by nearby producers, maintain proportionately high Class I utilizations and their principal distribution is concentrated in the 13-county Western North Dakota marketing area. This is an area of low population density and is relatively isolated from major milk production areas.

The Minnesota-North Dakota marketing area, which is relatively more densely populated than Western North Dakota, includes and is adjacent to heavy milk production areas. It is served by a number of handlers who distribute over a

much wider area than do the Western North Dakota handlers. Adequate milk supplies are more readily obtainable by these handlers throughout the year and their proportionate Class I utilization of producer milk is significantly less than that in the Western North Dakota market.

An estimated 70 handlers distribute in the recommended marketing areas, about 20 in the Western North Dakota area and 50 in the Minnesota-North Dakota area. Five of these, (Cass Clay Creamery, Inc., Fairmont Foods Company, Fergus Dairy, Foremost Dairies, Inc., and Land O' Lakes Creameries, Inc.) receive milk from about 1,150 of the approximately 1,800 Grade A dairy farmers supplying handlers who would be regulated by the proposed orders. The aggregate sales area of these five handlers includes the 56 Minnesota and North Dakota counties and the city of Mandan, which are recommended herein for inclusion in the marketing areas.

From the Fairmont Foods Company plant in Moorhead, Minnesota, fluid milk products are distributed in 44 counties of the recommended marketing areas, ranging from Stevens County, Minnesota to Divide County, North Dakota, a distance of about 500 miles.

From the Cass Clay Creamery plant at Fargo, fluid milk products are distributed in 9 Minnesota and 13 North Dakota counties of the Minnesota-North Dakota marketing area.

Fergus Dairy, a cooperative with processing plants at Alexandria and Fergus Falls, Minnesota, distributes fluid milk products in 13 Minnesota and 5 North Dakota counties of the recommended Minnesota-North Dakota marketing area. In addition, it packages fluid milk products at these locations for affiliated cooperative associations and other handlers for route distribution over a wide territory in the recommended marketing areas. Fergus Dairy also supplies substantial quantities of fluid milk products in bulk to a number of other handlers, some on a regular basis and others as a supplemental supply source.

Foremost Dairies, Inc., from its processing plants at Jamestown and Mandan, North Dakota, distributes fluid milk products in 15 counties in the recommended marketing areas.

Land O' Lakes Creameries, Inc. has extensive distribution of fluid milk products from its processing plants in Crookston and Thief River Falls, Minnesota, and Grand Forks and Minot, North Dakota. In addition, it has distribution points at Devils Lake, Grafton, Jamestown and Williston, North Dakota. Milk received at the four plants of this producer association is distributed on routes in 48 counties in the recommended marketing areas.

The above-mentioned five handlers, compete with one another at numerous locations and compete extensively throughout the recommended marketing areas with the large number of handlers whose sales areas are geographically more limited.

Fairmont Foods competes with Fergus Dairy, Land O' Lakes or both in all but five (Douglas, Kittson, Pennington, Pope, and Todd) of the 18 Minnesota counties in the recommended Minnesota-North Dakota marketing area. Both Land O' Lakes and Fergus Dairy compete for sales in Douglas County. More than half of the fluid milk products distributed in each of Kittson and Pennington Counties is from Land O' Lakes plants. Fergus Dairy is the principal distributor in Pope and Todd Counties.

There are little or no fluid milk sales in that part of Polk County east of U.S. Highway 59 by handlers who would be regulated by the Minnesota-North Dakota order. Including this territory in the marketing area would bring under regulation a handler in Fosston, Minnesota, who otherwise does not compete with handlers who would be regulated by the proposed order. Accordingly, this eastern portion of Polk County should not be included in the Minnesota-North Dakota marketing area.

A substantial part of the distribution in Big Stone County emanates from the plant of a handler in Montevideo (in Chippewa County) who sells practically no fluid milk products in any other counties considered for inclusion in the marketing area. Moreover, there is no significant competition in Big Stone County between this handler and any other handler who would be regulated by the order. In view of these considerations, Big Stone County, Minnesota, should not be included in the Minnesota-North Dakota marketing area.

Of the 38 North Dakota counties recommended to be included in the marketing areas, Land O' Lakes has distribution in all but 4, Burleigh, Kidder, Sheridan, and Wells. Fairmont Foods competes with Land O' Lakes in 29 North Dakota counties in the recommended marketing areas (Barnes, Benson, Bottineau, Cass, Cavalier, Dickey, Divide, Eddy, Foster, Grand Forks, Griggs, La Moure, Logan, McHenry, McLean, Nelson, Pierce, Ramsey, Ransom, Richland, Rolette, Sargent, Steele, Stutsman, Towner, Traill, Walsh, Ward, and Williams). Fluid milk products from the plants of Cass Clay, Fergus Dairy or both are sold in 14 of these counties.

Handlers from Minot (Ward County) are major distributors in Burke, McKenzie, Mountrail and Renville Counties. Except for a few relatively small handlers the principal competition of the Minot handlers in these counties is from handlers who would otherwise be regulated by reason of their sales elsewhere in the Western North Dakota marketing area.

About 85 percent of the milk distributed in Pembina County is from the Grand Forks plants of Land O' Lakes and Minnesota Dairy. Most of the remaining distribution of fluid milk products in the county is from the plant of Grafton Milk Company at Grafton (Walsh County).

Foremost Dairies from its plant at Jamestown competes with Cass Clay, Fairmont Foods and Land O' Lakes in Barnes, Dickey, Eddy, Foster, Griggs, La Moure, and Stutsman Counties, and with Fairmont Foods and Land O' Lakes in McHenry County. Of the 4 North Dakota counties in the recommended marketing areas in which Land O' Lakes has no distribution, Foremost Dairies of Jamestown competes with Fairmont Foods in two, Sheridan and Wells.

In Kidder County, approximately 50 percent of the fluid milk products distributed are from the Foremost Dairies' Jamestown plant. The principal remaining distribution in Kidder County is from a plant in Bismarck (Burleigh County), from which fluid milk products are distributed through chain stores in this county and a number of other counties in Western North Dakota.

About 65 percent of the distribution in Burleigh County is by the Bismarck handler and the remainder is from the Foremost Dairies plant at Mandan. This latter plant distributes, in competition with Fairmont Foods and Land O' Lakes, about 15 percent of the total sales in Ward County, which is 12 percent of the total distribution from this plant. In addition, some 30 percent of the total sales in Logan and McLean Counties, which represents an estimated 6 percent of this plant's total distribution, is sold in competition with Fairmont Foods and Land O' Lakes.

If Burleigh and Kidder Counties and the city of Mandan were not included in the Western North Dakota marketing area, it might be reasonably expected that the Foremost plant at Mandan would be regulated because of sales in Logan, McLean and Ward Counties. However, if Burleigh and Kidder Counties were excluded from the marketing area, the Mandan handler would be at an economic disadvantage because all milk sold from his plant would be subject to pricing under an order while sales in Burleigh and Kidder Counties and the city of Mandan by any unregulated handler would not be subject to order prices.

In the course of operation of orders, the question may arise as to whether any territory within the boundaries of the designated marketing areas which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments shall be considered as within the marketing areas. No proposal was made to exempt sales by a handler in any territory or to any agency from the provisions of the orders and no evidence was presented at the hearing which would justify such exemption. However, so that there will be no doubt as to the intent of the application of the marketing area definition in the proposed orders, the designated counties in the recommended Western North Dakota and Minnesota-North Dakota marketing areas shall include territory wholly or partly within such counties which is occupied by Government (Municipal, State, or Federal) reservations, installations, institutions, or other establishments.

Definition of plants. The minimum class prices of the orders should apply to that milk eligible for distribution as Grade A milk which is received from dairy farmers at plants primarily engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing areas. Such plants would be defined as "pool plants".

The basis for determining which plants shall be pool plants under the orders, and thereby fully subject to regulation, should be clearly set forth and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk or an approval by specified health authorities. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering orders for the Western North Dakota and Minnesota-North Dakota marketing areas.

The production of high quality milk involves extra expense. It is important that the amount of milk produced for these markets under Grade A inspection be no more than that necessary to provide an adequate and dependable supply of quality milk. To encourage excessive production would represent an economic waste, since the expenditure involved in producing Grade A milk not needed on the markets would result in no extra value to producers.

Essential to the operation of an order is the establishment of performance standards to apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards of regulation and have its producers share in the available Class I sales. Whether or not plants and producers choose to supply the Western North Dakota and Minnesota-North Dakota order markets will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which supplies a substantial proportion of its Grade A receipts to the Western North Dakota or Minnesota-North Dakota market would pool its sales and share in the market-wide equalization. On the other hand, plants only casually, or incidentally associated with either order market should not be subject to complete regulation for such market. Neither should they be permitted or required to equalize their sales with all plants in that market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of an entire market without being genuinely associated with the market, then the differentials paid by users of Class I milk could be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into a market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

Since reserve milk is an essential part of any fluid milk business, there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk in an opportunity basis to any market where supplies happen to be short, do not represent dependable sources of milk supply.

If such a plant, by selling a token quantity of Class I milk in the western North Dakota or Minnesota-North Dakota marketing area, were allowed to pool its surplus, the operator thereof could gain an unwarranted advantage in paying producers by receiving equalization payments from an order pool. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying a market, thereby having an adverse effect on the milk supplies upon which such market depends. This could result in the need for higher Class I prices than would otherwise be required to supply that market adequately.

Because of the difference in marketing practices and functions between distributing plants and supply plants, separate performance standards have been provided for them. A "distributing plant" under the orders would be defined as a plant in which any Grade A fluid milk product is packaged and disposed of during the month on routes in the marketing area. "Supply plant" would be defined to mean a plant from which milk, skim milk or cream is shipped during the month to a distributing plant which is qualified as a pool plant.

The term "route" would mean the delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I to a retail or wholesale outlet other than a milk plant or a distribution point.

Fluid milk products may be moved from a milk plant to a facility such as a warehouse, loading station or storage plant. The distribution from such latter point would be considered a route distribution from the milk plant. To do otherwise would be inappropriate because it would consider the disposition of fluid milk products to have been made at the temporary storage facility instead of at the location at which such products are received by retail and wholesale purchasers.

In order to qualify as a pool plant under the Western North Dakota or Minnesota-North Dakota order, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on routes in the respective marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area of a specified order or in other outlets should not be considered as essentially associated with the order market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of an order, and might well place such plant at a competitive disadvantage in supplying the unregulated market. Such minimum is necessary also to avoid the possibility that a plant otherwise not associated with a market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distribution of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition should be placed on a distributing plant. This is that its route distribution of Class I milk (both inside and outside the marketing area) and Class I transfers to other plants must amount in any month of July through February to not less than 35 percent and in the seasonally high production months of March through June to not less than 30 percent of its receipts of Grade A milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its pool status should be judged by the standards applied to such plants.

A plant from which milk for Class I uses is distributed regularly in a marketing area under normal circumstances may be expected to dispose of its milk in such a way as to exceed by a reasonable margin the minimum performance standards necessary to qualify as a pool plant. There may be from time to time plants supplying milk to a marketing area which would not qualify for pool status. Such plants should be required to file reports, make available their records for audit by the market administrator, and be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Western North Dakota and Minnesota-North Dakota marketing areas are adequate on an annual basis for their needs. At times, especially during the months of seasonally high production, distributors in the market may not need all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled will be available for Class I, supply plant standards should be set at levels which require that such milk will be available.

In order to qualify for pool plant status a supply plant under the Western North Dakota or Minnesota-North Dakota order should ship to distributing plants which are pool plants under such order at least 35 percent of its receipts of milk from dairy farmers in any month in the form of fluid milk products. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in these order markets, be considered as primarily associated with such order market.

It is recognized that if there is any demand for milk from supply plants it will be greatest during the season of low production. For sustained periods during the months of flush production, supplies of milk received at local plants may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manu-

facture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the months of seasonally high production in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may elect to receive pool plant status during the months of seasonally high production. Such election would be available to a plant when it had supplied a substantial portion of its producer milk to distributing plants in the market during each of the immediately preceding months of seasonally low production. This would be accomplished by providing that a supply plant which shipped 50 percent of its producer milk receipts during each of the immediately preceding months of September through November to distributing plants which are pool plants would thereby earn pool plant status for the months of March through June. As herein proposed, pool plant status for the months of March through June would automatically accrue to such supply plant unless the operator of such plant notified the market administrator that he elected to have nonpool status for such plant beginning with any of the months during the March through June period.

A pool plant or a distributing plant which is not a pool plant should be defined as a "fluid milk plant", thereby including in one designation all plants for which reports are required to be submitted to the market administrator. Such a definition will enable the market administrator to use the same report forms for all distributing plants, both pool and nonpool. In addition, it will facilitate formulating the language in the various order provisions as they apply to such plants, especially with respect to those distributing plants which are not pool plants.

Some handlers receive milk from both Grade A and ungraded producers. Where such an operation takes place, it is generally the practice of the handler to maintain the ungraded operation physically apart from that of his Grade A operation. The handler who operates an ungraded plant which is in the adjoining or same building as his Grade A plant should not be restricted in the operation of his ungraded plant to any greater degree than the operator of any other ungraded plant. However, proper safeguard should be provided in the orders to insure that the ungraded and graded portions of a plant operated by the same handler are maintained as separate entities. It is concluded, therefore, that if a portion of a plant is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it should not be considered a part of a pool plant. However, if the graded and ungraded operations of a plant are not maintained separately, the entire operation of such plant would be considered as that of a pool plant, and all ungraded milk received at such plant would be considered as other source milk received at a pool plant.

Some milk may be distributed in the marketing areas from plants which are fully subject to the classification and pricing provisions of other Federal milk marketing orders. It is not necessary to extend full regulation under an order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Handler. Handler should be defined as any person in his capacity as the operator of one or more fluid milk plants. The definition should also include any cooperative association with respect to producer milk diverted for the account of such association from a pool plant to a nonpool plant.

A handler is the person who receives Grade A milk from dairy farmers and who is responsible for reporting the receipts, utilization and payment thereof. A cooperative association which markets the milk of its members may for short periods of time need to divert such milk from a pool plant to a nonpool plant. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their production will be available to the market for fluid use when needed.

A handler operating more than one pool plant or a nonpool distributing plant should be required to report separately for each plant so that its pool plant status can be determined each month by the market administrator. If a handler operates a plant not associated with the regulated market, he would not be a handler with respect to such plant.

Producer. Producer should mean any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

Fluid milk products. Fluid milk product should mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, or any mixture of skim milk and cream (except aerated cream products, eggnog, ice cream mix, frozen dessert mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers). The items designated as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

Producer milk. Producer milk should be defined as all skim milk and butterfat contained in milk received at a fluid milk plant directly from Grade A dairy farmers or diverted from a fluid milk plant to a nonpool plant.

It would be inappropriate to consider as producer milk any milk moved from a farm directly to a plant subject to the classification and pricing provisions of another order issued pursuant to the Act. Diversion to such plants, if permitted, could result in the pricing and pooling of the same milk under two orders.

Milk transferred to a fluid milk plant from the plant of another handler should not be included in the producer milk definition. When receipts at a shipping plant are from Grade A dairy farmers and from other sources, the milk is commingled and it cannot always be ascertained whether the milk being moved is that from Grade A dairy farmers, from other sources or both.

When milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be facilitated. Allowing for unlimited diversion during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable under a marketwide pool during the other months of the year when milk regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as weekends or holidays when the milk is not needed in the market for Class I purposes.

The recommended orders should provide that producer milk regularly received at a fluid milk plant may be diverted for the account of a handler to a nonpool plant at any time during the flush production months and retain producer milk status under the order. In other months such producer milk status for diverted milk should be limited to a quantity not greater than the quantity of producer milk that was delivered to a fluid milk plant from such farm. Diverted milk should be deemed to have been received at the plant from which it was diverted.

Other source milk. Other source milk should be defined as all skim milk and butterfat contained in or represented by fluid milk products utilized by the handler in his operations except producer milk, fluid milk products received from pool plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which are not subject to the pricing provisions of the applicable order during the month. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same of a later month.

Producer-handler. Producer-handler should be defined as any person who operates a dairy farm and a distributing plant but who, during the month, receives no fluid milk products from other dairy farmers or from sources other than pool plants. The orders are not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and to facilitate accounting with respect to the transfer of milk from other handlers.

The exemption from pricing and pooling of a producer-handler should be limited to bona fide producer-handlers and should not permit other operations masquerading as producer-handlers to abuse the exemption to the detriment of producers and the effectiveness of the order. It is appropriate, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

Classification provisions of the proposed orders should provide that any milk, skim milk or cream transferred from a pool plant to the plant of a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from such plants may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from pool plants and still maintain his status as a producer-handler. Pursuant to the proposed orders, any milk which a handler receives from the producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler would normally be surplus to the operation of the producer-handler.

(b) *Classification of milk.* Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is received by handlers directly from Grade A dairy farmers, from other handlers, and from other sources. Milk from all these sources is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk to afford a means to establish the classification of producer milk and to apply the classified price plan.

The products which should be included in Class I milk are those generally required by health authorities in the marketing areas to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level as will yield a blend price to farmers that will encourage production of enough milk to meet market needs.

Milk not needed for Class I purposes is utilized in the manufacture of various dairy products which are sold in competition with the same products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such, and any mixture in fluid form of milk or skim milk and cream (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers); and skim milk and butterfat not accounted for as Class II milk.

Fluid milk products to which extra skim milk solids have been added, or concentrated milk disposed of for fluid use would be included as Class I milk. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed metal containers would not be considered as concentrated milk. Any nonfat milk solids added to a fluid milk product should be converted to their fluid skim milk equivalent weight for purposes of accounting for the skim milk required to produce such product.

Class I classification would apply to the skim milk contained in a fluid milk product which is not in excess of the actual weight of such product. The remaining portion of the fluid milk product would represent added skim milk solids and should be classified as Class II milk on a skim milk equivalent basis. It was not shown that nonfat milk solids added to fluid milk products displace producer milk for Class I use in the proposed marketing areas.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts; eggnog, aerated cream products; butter, cheese (including cottage cheese); evaporated and condensed milk (plain or sweetened); nonfat dry milk, dry whole milk, condensed or dry buttermilk; and any other products not specified as Class I milk.

The health ordinances applicable in the marketing areas do not require that these products be made from Grade A milk.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. The accounting procedure would be facilitated by providing that month-end inventories of fluid milk products be classified in Class II milk. Such inventories would be subtracted, under the proposed allocation procedures, from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The attached orders provide for the reclassification of inventories on that basis.

Inventories should include all the skim milk and butterfat in fluid milk products, whether in bulk or in packages. Since the disposition of skim milk and butterfat in nonfluid milk products has been accounted for when used to produce a manufactured dairy product (and classified as Class II milk), such skim milk and butterfat should not be included in inventories.

Inventories of fluid milk products on hand at a plant at the beginning of any month during which such plant becomes a regulated plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer milk receipts to current Class I use.

Skim milk which is dumped or sold for livestock feed should be classified as Class II milk. The only trade outlets for surplus skim milk for many handlers are located at considerable distances from their processing plants. Transportation costs are such that it is uneconomical for these handlers to ship relatively small quantities of unneeded skim milk to such outlets.

It would not be practicable to permit in an unlimited manner the dumping of skim milk by pool plant handlers. Neither would it be appropriate to classify such skim milk, for which no better outlet is available, in other than Class II. Accordingly, the orders should clearly specify a Class II classification for skim milk dumped, with a proviso that the market administrator be notified in advance and be afforded the opportunity to verify the dumping.

No provision should be made for classifying as Class II milk the butterfat in fluid milk products which is dumped or disposed of for livestock feed. Butterfat in fluid milk products is generally salvageable, can be accumulated in the form of cream, and adequate outlets are available for utilizing such butterfat in manufactured dairy products.

Waste and loss of skim milk and butterfat experienced in plant operations are referred to as "shrinkage". Since shrinkage represents disappearance of milk for which the handler must account but for which no direct return is realized, it should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

The maximum shrinkage allowance in Class II at each plant should be 0.5 percent of the skim milk and butterfat in Grade A milk received from dairy farmers (excluding milk diverted to a nonpool plant) plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products received from pool plants. Plants

which are operated in a reasonably efficient manner and for which accurate records of receipts and utilization are maintained should not have plant losses in excess of the maximums provided. Any shrinkage in excess of the maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of milk.

To avoid duplicate shrinkage allowance on interpool plant movements of milk, shrinkage should be based on the amount that receipts from other pool plants are in excess of transfers to such plants. No shrinkage should be allowed on milk diverted to nonpool plants. On milk received from Grade A producers at a plant and transferred in bulk to another plant the transferor plant would be limited to the 0.5 percent maximum receiving shrinkage allowance on such milk.

There should be no limitation on the classification of shrinkage of other source milk as Class II milk. It was not shown that such limitation is necessary under the proposed orders to adequately safeguard producer milk priority in Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from farmers and, therefore, should be classified according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some products such as ice cream and condensed products present a difficult problem of testing in that some of the water contained in the milk has been removed. It is desirable in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated milk product such as condensed milk or nonfat dry milk should be based on the pounds of milk or skim milk required to produce such product.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of any product, including products in Class I milk, should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from dairy farmers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the orders.

Except for the quantities of shrinkage that may be classified in Class II, all skim milk and butterfat for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage that might accrue to handlers who fail to keep complete and accurate records and to assure that dairy farmers receive payment for their milk on the basis of its use. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, some Class I items may be disposed of to other plants for Class II use. Classification of any products transferred to another plant should, under certain circumstances, be determined according to its utilization in the plant to which transferred.

Fluid milk products transferred by a handler to a pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the reports submitted for the month to the market administrator. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at either or both plants during the month, the skim milk or butterfat in fluid milk products involved in such transfer should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted to a nonpool plant should be classified as Class I milk unless the operator of the nonpool plant, if requested, makes his books and records available to the market administrator for the purpose of verifying the receipts and utilization of milk in such nonpool plant. Provision for verification by the market administrator is reasonable and necessary to insure proper application of the classification procedures prescribed in the orders.

In order to classify such transfers or diversions as Class II milk the fluid milk products disposed of from the receiving nonpool plant should not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers directly supplying such plant. However, if the fluid milk products disposed of from the receiving nonpool plant exceed the receipts of skim milk and butterfat in Grade A milk from dairy farmers regularly supplying such plant, the difference should be assigned to the fluid milk products transferred or diverted from the regulated plant and classified as Class I milk. If the transfers and diversions to the nonpool plant during the month are from two or more plants subject to the provisions of different orders issued pursuant to the Act, the skim milk and butterfat assigned to Class I milk at each such regulated plant under the Minnesota-North Dakota or Western North Dakota orders should be not less than that obtained by prorating the assignable Class I milk at the nonpool plant over the receipts from all plants subject to the provisions of these and other orders issued pursuant to the Act.

The method herein recommended for classifying transfers and diversions to nonpool plants accords equitable treatment to order handlers and gives appropriate recognition to handlers in other regulated markets in the classification of milk transferred to a common nonpool plant. Giving priority to dairy farmers directly supplying a nonpool plant recognizes that they are the regular and dependable source of supply of milk for fluid use at such plant. The proposed method of classification will safeguard the primary functions of the transfer provision of the orders by promoting orderly disposal of reserve supplies and in assuring that shipments to nonpool plants will be classified in an equitable manner.

The provision for classifying fluid milk products as Class II milk should not be extended to include milk, skim milk, and cream transferred or diverted to nonpool plants located more than 150 miles by the shortest highway distance from the nearest of specified locations under each of the orders. The Post Offices of Devils Lake, Fargo, Grand Forks, and Jamestown, North Dakota are appropriate locations under the Minnesota-North Dakota order and Bismarck, Minot, and Williston, North Dakota under the Western North Dakota order. The areas thus described are adequate to dispose of milk, skim milk, and cream not needed by order handlers for Class I purposes. Milk, skim milk, and cream moving greater distances are normally for Class I use.

When milk, skim milk or cream in bulk has been transferred or diverted to a nonpool plant located not more than 150 miles from Devils Lake, Fargo, Grand Forks or Jamestown, under the Minnesota-North Dakota order and Bismarck, Minot, and Williston under the Western North Dakota order, the market administrator is required to verify the utilization claimed by such nonpool plant. It may reasonably be expected that the market administrator will be able to make such verification within such "surplus disposal areas" without incurring undue expense. Surplus disposal areas larger than that provided herein might tend to make unreasonable demands on the market administrator in connection with the verification of occasional or irregular shipments to nonpool plants located beyond the areas wherein handlers who would be subject to the orders normally dispose of reserve supplies of milk and skim milk for Class II purposes.

As stated elsewhere in this decision, any fluid milk product transferred to a producer-handler should be classified in Class I and should not be subject to reclassification.

Allocation. The orders provide for determining the value of Grade A milk receipts from dairy farmers at a plant each month on the basis of the classification of such milk. It is necessary, therefore, if a plant has other receipts of butterfat or skim milk, to determine the order of assignment of milk from all sources to each classification.

The milk of dairy farmers who are primarily engaged in supplying the market should be given priority in the assignment to the Class I utilization at regulated plants. This is necessary to insure the stability of the classified pricing program of the orders. If the orders permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized in Class II, the market would be deprived of a dependable supply of milk and the orders would not be effective in carrying out the purpose of the Act.

In general, the allocation procedure requires that skim milk and butterfat, respectively, in each plant be assigned to producer milk after making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

(1) Fluid milk products in consumer packages (containers not larger than a gallon) subject to pricing under another order (from Class I);

(2) Other source milk not subject to Class I pricing provisions of another order;

(3) Other source milk in bulk subject to pricing under another order;

(4) Beginning inventory;

(5) Receipts from other handlers (according to classification); and

(6) Overage.

The provision to allocate to Class I milk certain packaged fluid milk products subject to pricing under another Federal order will have the effect of giving the same treatment to such items moved from a plant under another Federal order whether distributed directly to consumers in the marketing area from such plant or imported through a plant regulated under the proposed orders.

(c) *Class prices—Class I price.* The price for Class I milk should be computed by adding a differential to a basic formula price.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the recommended marketing areas have a direct relationship to the prices paid for milk used for manufacturing purposes. The market for most manufactured products is nationwide and the prices of these products reflect general economic conditions affecting the supply and demand for milk and changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

The Class I price should be established at a level which, in conjunction with the Class II price hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but not excessive, supply of quality milk to meet the requirements of consumers, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Proper recognition must be given to the prices at which alternative sources of supply are available, especially since any milk plant wherever located may by meeting the prescribed qualifications become a pool plant under either proposed order. It is necessary, therefore, that the Class I prices in the proposed milk marketing orders should not be set at levels which will bring the cost of such milk above the cost of obtaining regular and dependable Grade A milk supplies from other areas.

Both producers and handlers emphasized in their testimony that the Class I price should be appropriately aligned with the Class I prices in nearby markets, especially with those markets under Federal milk marketing orders. The three orders to which reference was made are Duluth-Superior, Eastern South Dakota and Minneapolis-St. Paul (commonly referred to as the Twin Cities).

There is no overlapping of sales or production areas of the proposed orders with those of the Duluth-Superior order. Although the Eastern South Dakota marketing area is close to some parts of the proposed Minnesota-North Dakota marketing area, there is little, if any, common sales or production areas shared by the two markets.

The buying and selling prices of handlers under the Minneapolis-St. Paul order are important factors in determining the availability of supplies and the prices which will be paid for milk in the Minnesota-North Dakota and Western North Dakota marketing areas. The Twin Cities milkshed is an area of heavy milk production and milk from plants in the milkshed is shipped great distances, principally in bulk. However, some packaged fluid milk products also are moved over a wide area from the plants of Twin Cities handlers. Such packaged products are shipped regularly from the Fairmont Foods plant in Minneapolis to its distributing plant in Sioux City, Iowa, a distance of 250 miles. This is the approximate road mileage from Minneapolis to Fargo.

The Land O' Lakes plant in St. Michael, Minnesota (a Twin Cities pool plant) has operated as a supplemental source of supply for the Land O' Lakes plant in Thief River Falls. The St. Michael plant, which is a potential source of supply for the proposed marketing areas, is about 210 miles from Fargo.

The Minneapolis-St. Paul order Class I price per hundredweight of milk containing 3.5 percent butterfat is computed by adding a differential to a basic formula price and adding or subtracting a supply-demand adjustment. The basic formula used is the higher of either the average of the prices paid by specified Midwestern condenseries, a butter cheese formula price, or a price based on a butter-powder formula. The Class I differential added to the basic formula price is $1.00 in July through November and 76 cents in other months, an average of 86 cents on an annual basis. For the 12 months ending May 31, 1960, the Twin Cities' Class I price averaged $3.92. During this period the Midwestern condensery price was the basic formula in 11 months and the butter-powder formula in one month. The average effect of the supply-demand adjustment during this period was plus two cents. The Twin Cities' price at plants more than 15 miles from a central point in the marketing area is modified by a location adjustment. The location adjustment applicable at St. Michael is minus 10 cents.

Fargo, North Dakota, and Moorhead, Minnesota, are among the principal cities from which milk is distributed throughout the two proposed marketing areas. These adjoining cities are approximately 240 road miles and about 225 airline miles from Minneapolis-St. Paul. Cass Clay Creamery is in Fargo and the Fairmont Foods plant in Moorhead. The Fergus Dairy plant in Fergus Falls, Minnesota, is about 60 miles to the east. None of these handlers pay on a classified price plan. The average price paid by each of them to their producers per hundredweight of 3.5 percent milk during the year ending May 31, 1960, was $3.53 by Cass Clay, $3.54 by Fergus Dairy and $3.55 by Fairmont Foods. A relatively high proportion of the Grade A milk received by Cass Clay and Fergus Dairy is used for manufacturing purposes. The Fairmont Foods plant at Moorhead is a relatively large Class I operation. In addition, it utilizes both ungraded milk and Grade A milk in making ice cream and cottage cheese.

A number of handlers in the proposed marketing areas pay their producers stated base and excess prices. These stated prices often are not related to the utilization of the milk. In some instances, handlers pay throughout the year for a specified percentage of total producer deliveries at their excess price even though all or part of such excess milk was used for Class I purposes.

The Minnesota Dairy Company of Grand Forks (77 miles north of Fargo) is one of the principal handlers in this area. This handler does not operate any manufacturing facilities and practically all his producer receipts are used for Class I purposes. The price per hundredweight paid producers for base milk containing 3.5 percent butterfat for the year ending May 31, 1960, was $3.92 for milk delivered in cans and 15 cents additional for bulk tank shippers. For supplemental supplies of milk received from Fergus Dairy the price paid by Minnesota Dairy ranged from $3.38 in May to $4.13 during the fall months per hundredweight of milk containing 3.5 percent butterfat.

Milk received from producers at the Foremost Dairies plant in Jamestown (96 miles west of Fargo) is used principally for Class I purposes. Producers

at this plant receive $4.00 per hundredweight for base milk of 3.5 percent butterfat.

At Bismarck (199 miles west of Fargo) the Yegen Dairy price per hundredweight for base milk of 3.5 percent butterfat during 1959 averaged $4.38, the surplus price $3.50 and the blend $4.17. The producer pay price of Foremost Dairies at Mandan (6 miles west of Bismarck) during 1959 for base milk of 3.5 percent butterfat ranged from $3.85 to $4.00 per hundredweight.

Minot is 275 miles northwest of Fargo. The price paid by Purity Dairy of Minot for base milk of 3.5 percent butterfat during 1959 was $4.20. The comparable prices paid by Farmers Union Creamery and Peterson's Creamery, both of Williston (406 miles northwest of Fargo), averaged $4.50 during 1959.

As proposed by producers, the Class I price for milk received from dairy farmers at plants in the Fargo-Moorhead area would be the basic formula price plus $1.20. This price would be increased by as much as an additional 30 cents for milk received at locations extending westward in North Dakota. The level of prices proposed by producers would tend to create disalignment with the prices at plants under the Twin Cities' order and would place handlers under the proposed orders at a disadvantage in competing for sales with handlers under the Twin Cities order.

As indicated above, the Minneapolis-St. Paul order prices are an important factor in pricing milk in this region and the Class I prices under the proposed orders should give recognition to this. The Class I prices should be announced for milk received at plants in the Fargo-Moorhead and Bismarck-Mandan areas, should be related to the Twin Cities' Class I price, and should give consideration to the availability of milk from plants in the Twin Cities order milkshed which are potential sources of supply for handlers under the proposed orders. The Class I prices at locations other than Fargo-Moorhead and Bismarck-Mandan should be adjusted by location differentials (as hereinafter set forth). Fargo-Moorhead and Bismarck-Mandan should be the location for which the Class I prices are announced because they are the location of the heaviest concentration of producer deliveries in each area.

The Twin Cities Class I price for milk received from producers at the Land O' Lakes St. Michael plant is reduced by a 10-cent location differential. The Class I price at other supply plants more than 15 miles from Minneapolis-St. Paul likewise is reduced by location differentials.

Fargo-Moorhead is about 225 and Bismarck-Mandan about 395 airline miles from Minneapolis-St. Paul. The location differential rate of 1.2 cents for each 10 airline miles (as proposed in this decision) used as transportation rate would result in a hauling charge of 27 cents per hundredweight of milk moved from Twin Cities to Fargo. However, consideration must be given to the fact that if milk were moved to a plant in either of the proposed marketing areas it could originate at a Twin Cities order regulated plant nearer to the proposed marketing areas than the cities of Minneapolis and St. Paul.

A Class I price at Fargo-Moorhead averaging $1.00 above the basic formula price will obtain an appropriate alignment with the Twin Cities average differential of 86 cents after giving consideration to the hauling costs to Fargo-Moorhead from Twin Cities order plants and the minus location adjustment applicable at such plants (e.g. St. Michael). For the year ending May 31, 1960, the Class I price herein recommended would have resulted in an average price of $4.05 at Fargo-Moorhead. At other locations at which substantial quantities of milk are received from dairy farmers the comparable Class I prices after applying the location differentials recommended in this decision would have been about $3.99 at Fergus Falls, $4.13 at Grand Forks, $4.16 at Jamestown, $4.25 at Bismarck and Mandan, $4.36 at Minot, and $4.51 at Williston.

The Class I differential in the Twin Cities order varies seasonally; it is $1.00 July through November and 76 cents in other months. The same monthly seasonality of pricing should be followed in the proposed order. This would obtain a Class I differential under the Minnesota-North Dakota order of $1.14 from July through November and 90 cents in other months. For the Western North Dakota order the corresponding differential would be $1.34 and $1.10.

The basic formula prices proposed would be the higher of the average of the prices paid at specified Midwestern condenseries or a butter-powder formula price based on the New York 93-score butter price and Chicago area nonfat dry milk quotations. Such a basic formula is suitable and, as provided in the attached recommended orders, will approximate the basic formula price under the Twin Cities order.

The Class I price herein recommended is directly related to the Twin Cities Class I price except as this latter price is modified by a supply-demand adjustment. The Twin Cities supply-demand adjustor has had little effect on Class I price on an annual basis in recent years. For the 12 months ending with May 1960 the supply-demand adjustment ranged from minus three cents to plus 10.5 cents and for the full 12 months averaged plus 2 cents. However, if there were an abnormal change in the supply-demand conditions for the Twin Cities market it would be reflected in an adjustment in the Class I price.

Should this occur over an extended period, it could have an unstabilizing effect in the proposed marketing areas. It would be appropriate, therefore, to limit the amount by which the Class I prices in the Western North Dakota and Minnesota-North Dakota orders may vary from the Twin Cities Class I price. As herein proposed, the Class I prices (at Fargo-Moorhead and Bismarck-Mandan) will be 14 and 34 cents, respectively, above the announced Twin Cities Class I price (unadjusted by its supply-demand formula). Providing that the Class I prices announced for the Fargo-Moorhead and Bismarck-Mandan locations shall be not greater than the Twin Cities price plus 24 cents and 44 cents, respectively, or less than such prices plus 4 cents and 24 cents, respectively, will tend to insure the maintenance of an appropriate relationship among the Class I prices in the markets.

Class II price. The Class II price under the Minnesota-North Dakota and Western North Dakota orders should be the same as that provided under the Twin Cities order.

Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such excess milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

The Class II price formulas which were proposed are patterned after the Twin Cities Class II and Chicago Class IV price formulas. The Chicago Class IV price is calculated by subtracting 75.2 cents from the sum of the amounts obtained by (1) multiplying by 4.24 the average of the daily wholesale prices of Grade AA (93-score) butter at Chicago during the month, and (2) multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk at manufacturing plants in the Chicago area for the period from the 26th day of the immediately preceding month to the 25th day of the current month.

Prior to July 1, 1960, the Class II price formula in the Twin Cities order was the same as that for Chicago except for using the 93-score butter quotations at New York instead of at Chicago. For the year ending May 31, 1960, the Twin Cities' Class II price averaged $2.94.

An amendment to the Twin Cities order effective July 1, 1960, changed the factor of 75.2 cents in the Class II price formula to 65 cents. The effect of this change is an increase of 10.2 cents in the level of the Class II price. Applying this formula for the 12 months ending May 31, 1960, would have resulted in an average Class II price of $3.04.

There is no consistent pattern of Class II milk pricing throughout the proposed marketing areas. An important reason for this is that most of the milk received from dairy farmers is purchased on a flat price basis and is not directly related to the use made of the milk. At some plants the milk purchased at excess prices is not always used for Class II purposes. Reliable data on representative prices paid for ungraded milk for manufacturing purposes throughout the market are not available.

Large quantities of reserve supplies of milk for the market are utilized in the manufacture of butter and nonfat dry milk. These operations are confined to several large plants. There is much variation in the handling and marketing of surplus milk at the plants of other handlers. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain manufacturing operations, especially for such items as ice cream and cottage cheese. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the product which they manufacture and because of variations in the quantities of milk available for manufacturing purposes. Handlers will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of smaller volume and inefficient means of handling, it is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

Elsewhere in this decision the need for maintaining an alignment with the Twin Cities' Class I price is emphasized. Providing for such an alignment with respect to the Class II price is no less necessary.

As noted previously, some Class II milk in the market is used in the higher-valued manufactured outlets such as cottage cheese and ice cream. However, because of the proportionately large use of Class II milk in butter and nonfat dry milk and the availability of ungraded milk throughout much of the marketing area, it would be economically unsound to price Class II milk predicated solely on its value in these higher-priced outlets. In establishing the level of the Class II price, appropriate consideration should also be given to the limited outlets which a number of handlers who would be regulated by the proposed order have for excess milk and the distances that such excess supplies must be moved.

Butterfat differentials. Skim milk and butterfat should be accounted for separately for classification purposes as indicated previously. It is necessary, therefore, to adjust Class I and Class II prices for milk in accordance with the average butterfat content of milk in each such class. This can be accomplished by using a butterfat differential which will reflect differences in value due to variation in butterfat content of producer milk utilized in each product.

The value resulting from multiplying the Chicago butter price by 0.120 for Class I milk and by 0.113 for Class II milk will provide appropriate means for adjusting the prices in these markets for each one-tenth percent variation in butterfat content of milk used in the various products. The employment of the Chicago butter price will mirror changes in central market prices for butterfat as they occur. All surrounding Federal order markets use butter price quotations as a basis for adjusting the value of milk according to butterfat content. The method provided for these markets is consistent with that provided under nearby orders for adjusting the value of milk by a butterfat differential for varying butterfat tests and should result in reasonable alignment of prices among markets for milk of the same butterfat content.

There is no consistent practice in these markets of paying for variations in butterfat tests. Butterfat differentials reported range from 5 to 10 cents per point and some producers are paid for their milk according to the pounds of butterfat in their deliveries. In the instances in which producers are paid on a per pound of butterfat basis they receive a proportionately lesser price for the butterfat in their excess or surplus milk.

As proposed by producers the Chicago butter price would be multiplied by 0.120 to determine the Class I price. The various butterfat differentials proposed for adjusting the Class II price ranged from 11 to 11.5 percent of the Chicago butter price.

A handler proposed that the Class I butterfat differential be 0.130 times the Chicago butter price. This would allocate more value to the butterfat in Class I milk than proposed by producers. A number of fluid milk products on the market are made up of a proportionately high percentage of solids not fat (e.g. fortified or modified skim milk). With too high a butterfat differential, producers would not receive their appropriate share of the Class I sales value represented by the solids not fat portion of fluid milk products. A high butterfat differential would have the effect of pricing cream for Class I uses at a high level. On the other hand, the butterfat differential herein recommended will give some encouragement to increasing the disposition of butterfat in Class I outlets.

The Class II butterfat differential herein proposed will facilitate the movement of butterfat in the reserve supply of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. A butterfat differential of 11.3 percent of the Chicago butter price should not be so high as to give an unnatural incentive to the movement of butterfat to the manufacture of butter at the expense of preferred outlets such as for cottage cheese and frozen desserts. Moreover, at the recommended rate the cost of butterfat in these markets will be competitive with butterfat from alternative sources of supply.

To coordinate the Class I price and Class I butterfat differential anouncement date, the Class I butterfat differential should be based on the average price of butter in the preceding month. The Class II price and butterfat differential will not be announced until after the end of the month and should be based on current month prices. Although handlers will not know the exact cost of Class II milk as it is utilized, they will know that their costs tend to follow daily and weekly dairy product prices and cost of milk to their principal competitors.

The butterfat differential to producers should be calculated at the average of the Class I and Class II butterfat differentials weighted by the proportion of butterfat in producer milk classified in each class during the month. Thus, returns to producers will reflect the actual value of their butterfat at the class prices provided by the orders.

Location differentials. Location differentials should be incorporated in the orders to provide an appropriate adjustment of the Class I price and the uniform price based on the location of any plant at which producer milk is received.

In the Class I discussion it is indicated that Fargo-Moorhead and Bismarck-Mandan are among the principal cities from which milk is distributed throughout the proposed marketing areas and it is recommended that the Class I price be announced for locations for the respective orders. Fargo-Moorhead is about 225 and Bismarck-Mandan about 395 airline miles from Minneapolis-St. Paul. Accordingly, the Class I price for producer milk received at a plant outside these zones should be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 or 400 airline miles, or decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 or 390 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, respectively, under the Minnesota-North Dakota and Western North Dakota orders as determined by the market administrator.

The Class I prices recommended in this decision are tied to the Class I price under the Twin Cities order, the milkshed of which is an area of heavy milk production. Plants in this milkshed, including those not regulated by that order, frequently supply the Class I needs in markets at relatively long distances from the Twin Cities. A number of plants under the Twin Cities order are potential and alternative sources of supply for handlers in the proposed marketing areas. The areas of heaviest milk production for the proposed marketing areas are in and adjacent to the Minnesota Counties in the proposed marketing area and in the North Dakota Counties adjacent and close to the Minnesota border. In this area is concentrated a number of the largest plants in the markets (e.g. Cass Clay Creamery, Fairmont Foods and Fergus Dairy). As indicated elsewhere in this decision, milk from these plants is moved westward throughout the State of North Dakota. Also, milk from these plants, as well as from plants in the Twin Cities milkshed, is moved westward as supplemental supplies for handlers in the proposed areas during periods of low production.

The Class I prices and the blend prices paid by handlers who would be regulated by the proposed orders tend to be higher the farther away their plants are from the Twin Cities milkshed. For this reason the mileage for determining location differentials should be measured from a central point in Minneapolis-St. Paul.

Such a central point is the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota. This is the point from which mileage for determining location differential is measured under the Twin Cities order.

The rates proposed as a location differential range from 1 cent to 1.5 cents for each 10 road miles. Milk is moved over relatively long distances by a number of handlers under the proposed orders. It is not uncommon for some handlers to have wholesale and retail outlets several hundred miles from their plants. Under these circumstances a location differential of 1.5 cents for each 10 miles, which has common usage in a number of Federal orders, would tend to be too high. Conversely, the location differential rate of 1 cent for each 10 miles represents a cost realized on a highly efficient operation for milk moved long distances but is not representative of the operations of most handlers in these markets.

Under the Twin Cities order the Class I price is reduced by a location differential for producer milk received at plants more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul. The location differential is 8 cents at plants in the 15 to 20 mile zone, is increased by 2 cents for each 10 miles or fraction thereof up to 70 miles and is further increased 1 cent for each additional 10 miles or fraction thereof beyond 70 miles.

Under the Twin Cities order the distances for applying location differentials are determined by airline miles. This method of determining distances for the purpose of applying location differentials would be appropriate for the proposed marketing areas in view of the large geographic expanse of these areas.

The location differential herein recommended is economically sound and will be applicable to all handlers wherever located. The proposed rates are comparable to those contained in various other orders and are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be adjusted to reflect the value of milk f.o.b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with location of the plant receiving the milk. This is because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various points within the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk by the most advantageous method possible. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum.

To insure that milk will not be moved unnecessarily at producers' expense, the orders should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that, for the purpose of calculating such location differential credit, the skim milk and butterfat in fluid milk products transferred in bulk form be assigned to the available skim milk and butterfat classified in Class II in the transferee plant before being allocated to Class I milk at such plant.

Use of equivalent prices. If for any reason a price quotation required by these orders for computing class prices or for other purposes is not available in the manner described, the market administrator should use a price determined by the Secretary to be equivalent to the price which is required. Including such a provision in the orders will leave no uncertainty with respect to the procedure which shall be followed in the absence of any price quotations which are customarily used and thereby prevent any unnecessary interruption in the operation of the orders.

Payments on unpriced milk. The recommended orders should provide that payment be made into the producer-settlement fund with respect to unpriced milk which is allocated to Class I milk in a pool plant.

Receipt of milk in excess of Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production without corresponding changes in demand, this excess or reserve milk must be marketed in manufactured form in competition with products made from ungraded milk. The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect fluid milk markets.

Considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which order handlers may obtain milk. When milk is available in substantial volumes from nonpool sources, handlers under the orders could obtain such milk at prices reflecting its value as surplus milk, which prices would approximate the Class II price under the order. During the seasonally high production months of March, April, May and June, the compensation payment on other source milk allocated to Class I milk should be the difference between the minimum price of producer milk used for surplus (Class II) and the Class I price adjusted to the location of the plant from which such other source milk was received from farmers. This rate will reflect generally the difference in the value betwen unregulated and regulated milk for Class I use at that time.

During the months of July through February, when milk supplies tend to be shorter than in other months, it is not likely that other source fluid milk products will be available to handlers at surplus prices. It may reasonably be expected that during such months milk would be available from unregulated sources at prices more nearly at the level of the uniform price under the order. The compensation payment during these months should be the difference between the uniform price to producers and the Class I price, both adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of and demand for milk in the order markets in the July through February period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the proportion of Class I milk to the total milk pooled.

The rates which are here found to be appropriate for the proposed orders give recognition to general competitive conditions in the purchase and sale of fluid milk products. However, since such conditions do not prevail uniformly in all instances and since all transactions are not made under the same circumstances, it would not be administratively feasible to adjust prices or payments to individual transactions.

It is therefore necessary to have definite and specified rates applicable to all handlers similarly situated. The rates herein provided are those which will best effectuate the intent of the Act under current marketing conditions in the area.

Other source milk used in the form of nonfat dry milk should be considered to be from a source at the location of the pool plant where it is used. It would not be administratively feasible to do otherwise because nonfat dry milk may be obtained from numerous sources and it would not always be possible to ascertain at which plant location it originated.

A handler whose distributing plant fails to qualify as a pool plant should make payment to the producer-settlement fund of either (1) the amount of Class I milk sold in the marketing area multiplied by the difference between the Class I and Class II price during March, April, May and June and by the difference between the Class I and uniform price during other months, or (2) the amount by which total payments to dairy farmers are less than the total amount of the plant's obligation to producers which would be computed as if such plant were a pool plant. Under the first option the amount of milk on which a handler would make payment should be reduced by his receipts of Class I milk from pool plants. Because such milk would be priced as Class I milk at the regulated plant where it was received from producers, the pool would not be disadvantaged and the integrity of regulation would be preserved.

If the handler elects to make payments under the first option, the regulatory plan will be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will obviously not have any advantage in terms of the minimum order class prices on his sales of Class I milk in the marketing area, for his total minimum obligation for milk will be determined in exactly the same way as if he were a fully regulated handler.

Affording this last option to nonpool plants which distribute some Class I milk in the marketing area of either order will adequately protect the regulatory plan in that market. In the areas from which it is expected most nonpool handlers would procure supplies, no great quantities of milk are available. Moreover, the size of handlers who would use this option is relatively small. The price which these handlers would be required to pay under the option and the uniform price payable by wholly regulated handlers would not differ greatly. Consequently, the exercise of this option could not have a disruptive influence on the handling of milk in this area. For these reasons, it is not necessary, in order to maintain the integrity of the regulatory plan to require these partially regulated plants to make payments into the producer-settlement fund if it is ascertained that they have paid their producers at least the total amount of money which they would be required to pay if they were fully regulated.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Western North Dakota and Minnesota-North Dakota order handlers might obtain supplemental supplies approximate the recommended Class I price as adjusted for location of the supplying plants. Since handlers operating plants under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to dispose of their surplus producer milk in the Western North Dakota and Minnesota-North Dakota marketing area for Class I use at less than Class I prices.

(d) *Distribution of the proceeds to producers.* Marketwide equalization pools should be included in the recommended orders as a means of distributing to producers the proceeds from the sale of their milk. Such a pool will assure a producer supplying each order market that he will receive a return based on his pro rata share of the total Class I sales of such market. The "blend" price that a producer receives will depend on the overall utilization of all producer milk received at the pool plants of all regulated handlers under each respective order during the month. Although each handler will be required to pay uniform prices for producer milk in accordance with the classification of such milk, the minimum blend prices payable to producers will be the same for all producers under the same order irrespective of the use made of such milk by the individual handler.

The uniformity of payments to producers which is provided under a marketwide pool permits a handler either to maintain a manufacturing operation in his plant to handle the seasonal and daily reserve supplies of milk or to limit the operation at his plant to the handling of milk for Class I purposes only, without affecting the blend prices payable to his producers as against other producers in the market. The facilities in the various plants in the area for handling producer milk which is in excess of that needed for Class I purposes vary considerably. While a number of plants in the market are exclusively Class I operations and handle no surplus milk, many plants which would be subject to the orders handle substantial quantities of milk for manufacturing purposes. Under these conditions marketwide pools in the Western North Dakota and Minnesota-North Dakota marketing areas will facilitate the marketing of producer milk. Marketwide pools will make it possible for producers' associations to assist in diverting seasonal reserve milk and thus keep producers on the market who are needed to fulfill the year-round requirements of the market. It will assist also in apportioning among all producers the lower returns from reserve milk where otherwise this burden would be placed on individual groups of producers. A marketwide pool will thereby contribute to market stability and the attainment of an adequate and dependable supply of producer milk.

No action should be taken to provide a base and excess plan in the orders at the present time. It was proposed that a base and excess plan for distributing returns to producers be incorporated in the orders. Some handlers and cooperatives in the markets now utilize such plans in making payments for producer deliveries. There is a wide variation both in the base-excess plans proposed and those currently in operation, especially regarding the months included in the base-forming and base-paying periods.

The principal purpose of a base-excess plan is to provide an incentive for more even production throughout the year. At present information relative to production of milk for the market in relation to handlers' Class I needs is not sufficiently available to formulate a base and excess plan within the framework of the orders. Incorporating such a provision in the proposed orders would be more appropriate after they had been in effect for a reasonable period. Meanwhile, the seasonal variation in the Class I price would provide some incentive for more uniform monthly production.

Payments to producers. Each handler under the orders should pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than the applicable uniform price by the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II milk price for the preceding month. No adjustment for butterfat content should be required on such partial payment.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds for the sale of such milk will tend to promote the orderly marketing of milk and will assist a cooperative association in discharging its responsibility to its members and to the markets. Such functions can be accomplished more expediently if the association is collecting payments for the sale of members' milk.

The Act provides for the payment by handlers to cooperative associations of producers for milk delivered by them and permits the blending of all proceeds from the sale of members' milk.

The contracts with their members authorize each of the principal cooperatives in the markets to collect payment for producer milk. Therefore, each handler, if requested by such cooperative association, would pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 26th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

At the time final settlement is made for milk received from producers during the month, the handler should be required to furnish to each producer (or his cooperative association), a supporting statement. Such statement should show the pounds and butterfat tests of milk received from such producer, the rate of payment for such milk and a description of any deductions claimed by the handler.

Producer-settlement fund. All producers will receive payment at the rate of a marketwide uniform price each month and because the payment due from each handler for producer milk at the applicable class prices may be more or less than he is required to pay directly to producers, a method of equalizing this difference is necessary. A producer-settlement fund should be established for this purpose. A handler whose obligation for producer milk received during the month is greater than the amount he is required to pay producers for such milk at the applicable uniform price would pay the difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price value would receive payment of the difference from the fund. Provision for the establishment and maintenance of the producer-settlement fund as set forth in the attached orders is similar to that contained in all other Federal orders with marketwide pools.

For efficient functioning of the producer-settlement fund a reasonable reserve should be set aside at the end of each month. This is necessary to provide for such contingencies as the failure of a handler to make payment of his monthly billing to the fund or the payment to a handler from the fund by reason of an audit adjustment. The reserve, which would be operated as a revolving fund and adjusted each month,

is established in the attached orders at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month.

Compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Money thus deposited would be included in the uniform price computation and thereby be distributed to all producers on the market.

(e) *Administrative provisions.* Provisions should be included in the orders with respect to the administrative steps necessary to carry out the proposed regulation.

In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term denotes the same meaning. Such terms as are defined in the attached orders are common to many other Federal milk orders.

Market Administrator. Provision should be made for the appointment by the Secretary of a market administrator to administer each order and to set forth the powers and duties for such agency essential to the proper functioning of such office.

Records and reports. Provisions should be included in the orders requiring handlers to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and payments due therefor. Time limits must be prescribed for filing such reports and making such payments.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permited to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the orders.

Detailed reports to the market administrator and complete records available for his inspection by all handlers would be used to determine whether the plants of such handlers qualify as pool plants. Reports of handlers operating nonpool plants from which fluid milk products are distributed in the marketing areas would also be used by the market administrator to compute the amounts payable to the producer-settlement funds on such unpriced milk.

The market administrator should report to each cooperative association, upon request, the percentage of milk delivered by its members and utilized in each class at each pool plant receiving such milk. For the purpose of this report, the utilization of member milk in each handler's plant would be prorated to each class in the same ratio as all producer milk is allocated to each class during the month.

It is necessary that handlers retain records to prove the utilization of milk and that proper payments were made therefor. Since books and records of all handlers cannot be completely audited immediately after receipt of the milk, it becomes necessary to keep such records for a reasonable period of time.

The orders should provide limitations on the period of time handlers shall be required to retain books and records and on the period of time in which obligations under the orders shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitation of claims, is equally applicable in this situation and is adopted as a part of this decision.

Marketing services. Provision should be made in the orders for furnishing marketing services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers for whom the services are rendered. If a cooperative association is performing such services for its member producers and is approved for such activity by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the orders in this area. Orderly marketing will be promoted by assuring individual producers that they have obtained accurate weights and tests of their milk. Complete verification requires that butterfat tests and weights of individual producer deliveries as reported by the handler are proved to be accurate.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by providing for the dissemination of current market information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of five cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the number of producers involved and the expected volume of milk with that of markets of comparable size indicates that this maximum rate is reasonable and should provide the funds necessary to conduct the program. If later experience indicates that marketing services can be performed at a lesser rate, provision is made whereby the Secretary may adjust the rate downward without the necessity of a hearing.

Expense of administration. Each handler should be required to pay the market administrator, as his proportionate share of the cost of administration, not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe on (a) producer milk (including such handler's own production), (b) other source milk (not subject to administration expense under another order) at a pool plant which is allocated to Class I milk, and (c) receipts at a nonpool distribution plant of Grade A milk received from dairy farmers on which no administration expense is being paid pursuant to another order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the orders. The Act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment on the basis of Grade A milk received from dairy farmers at a plant and on other source milk allocated to Class I milk.

If a nonpool handler from whose plant Grade A milk is distributed in the Western North Dakota or Minnesota-North Dakota marketing area elects to make payment to the producer-settlement fund at the rate of payment applied to other source milk at a pool plant (instead of making payment for milk received from dairy farmers according to the utilization at such plant at not less than the minimum order prices) the audit of his records by the market administrator would be substantially reduced. Under such circumstances, it would be necessary to ascertain only the quantities of fluid milk products distributed in the marketing area from such plant during the month and the percentage that such utilization is of his total receipts of Grade A milk from dairy farmers. In such instances the administrative assessment would be computed on the basis of the fluid milk products disposed of in the marketing area from the nonpool plant.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of four cents per hundredweight is necessary to meet administration expenses under the Minnesota-North Dakota and Western North Dakota orders. Provision should be made which would enable the Secretary to adjust the rate of assessment downward without the necessity of amending the orders. This should be done at any time that experience indicates that a lesser rate will provide sufficient revenue to administer the orders properly.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreements and orders and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas and the minimum prices specified in the proposed marketing agreements and the orders are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in public interest; and

(c) The proposed marketing agreements and orders will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders. The following orders regulating the handling of milk in the Minnesota-North Dakota and Western North Dakota marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed orders.

DEFINITIONS

§ 1015.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1015.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1015.3 Department.

"Department" means the United States Department of Agriculture.

§ 1015.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1015.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1015.6 Western North Dakota marketing area.

"The Western North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the North Dakota counties of Bottineau, Burke, Burleigh, Divide, Logan, McHenry, McKenzie, McLean, Mountrail, Renville, Sheridan, Ward, Williams; and within the city of Mandan, North Dakota; including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1015.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1015.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1015.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1015.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1015.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 15 percent of the Grade A milk received from dairy farmers and other plants is disposed of during the month on routes in the marketing area; and

(2) Not less than 35 percent in any month of July through February and not less than 30 percent in any other month of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month either on routes or by transfer to another plant and classified as Class I pursuant to § 1015.44.

(b) A supply plant from which not less than 35 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the Grade A milk received directly from dairy farmers at such plant during each of the immediately preceding months of September through November, such plant shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not qualify otherwise as a pool plant.

§ 1015.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing, or bottling plant.

§ 1015.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants, or

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1015.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1015.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1015.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk or skim milk, and

sterilized products packaged in hermetically sealed metal containers).

§ 1015.17 Other source milk.

"Other source milk" means all skim and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

§ 1015.18 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1015.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1015.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1015.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1015.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1015.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1015.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1015.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1015.35 and 1015.36, nor payments pursuant to §§ 1015.62, 1015.70, 1015.74, 1015.76, 1015.77, and 1015.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1015.51(a) and the Class I butterfat differential pursuant to § 1015.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1015.51(b) and the Class II butterfat differential pursuant to § 1015.52(b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 1015.61 and the producer butterfat differential pursuant to § 1015.71; and

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS AND FACILITIES

§ 1015.35 Report of receipts and utilization.

On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month, if the report required by this paragraph is delivered in person to the market administrator, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his fluid milk plants, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1015.15; and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1015.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1015.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1015.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1015.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1015.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1015.41 through 1015.46.

§ 1015.41 Classes of utilization.

Subject to the conditions set forth in § 1015.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b)(2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) The skim milk represented by the nonfat milk solids added to fluid milk products which is in excess of the weight of such fluid milk products;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to a nonpool plant pursuant to § 1015.15) but not in excess of:

(i) 0.5 percent of such receipts of skim milk and butterfat,

(ii) Plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat, respectively, in bulk fluid milk products from pool plants, and

(iii) Less 1.5 percent of such bulk dispositions to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1015.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his fluid milk plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each fluid milk plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1015.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1015.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1015.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1015.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1015.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1015.46(a)(4) and the corresponding step in § 1015.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Bismarck, Minot, and Williston, North Dakota, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1015.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1015.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1015.35 for each pool plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1015.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1015.45, the market adminis-

trator shall determine the classification of Grade A milk received from dairy farmers at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1015.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk, other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1015.44(a); and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1015.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1015.46(a)(6) and the corresponding step in § 1015.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1015.46 in:

(a) The remainder after the subtraction pursuant to § 1015.46(a)(6) and the corresponding step in § 1015.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1015.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location	
Borden Co.	New London, Wis.
Borden Co.	Orfordville, Wis.
Carnation Co.	Sparta, Mich.
Carnation Co.	Richland Center, Wis.
Pet Milk Co.	Belleville, Wis.
Pet Milk Co.	Coopersville, Mich.
Pet Milk Co.	New Glarus, Wis.
Pet Milk Co.	Wayland, Mich.
White House Milk Co.	Manitowoc, Wis.
White House Milk Co.	West Bend, Wis.

(b) The price obtained by subtracting 75.2 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1015.51 Class prices.

Subject to the provisions of §§ 1015.52 and 1015.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.34 in July through November and plus $1.10 in other months: *Provided,* That the price pursuant to this paragraph shall not be greater than the Class I price pursuant to Part 973, of this chapter (Minneapolis-St. Paul) plus 44 cents or less than the Class I price pursuant to Part 973 of this chapter plus 24 cents.

(b) *Class II milk price.* The price for Class II milk shall be the price obtained by subtracting 65 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as compared by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1015.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1015.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1015.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers at a fluid milk plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 400 airline miles, or decreased 1.2 cents for 10 airline miles or fraction thereof that such plant is less than 390 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota as determined by the market administrator: *Provided,* That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1015.46(a)(6) and the corresponding step of § 1015.46(b) for such plant, such assignment to the transferor plant to be made in sequence acording to the location differential applicable at each plant, beginning with the plant nearest the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota.

§ 1015.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1015.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1015.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1015.46(a)(9) and the corresponding step of § 1015.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1015.46(a)(3) and (4) and the corresponding steps of § 1015.46(b) by the rate of payment on unpriced milk determined pursuant to § 1015.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided,* That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1015.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1015.47(c) by the rate of payment on unpriced milk pursuant to § 1015.55.

§ 1015.61 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1015.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1015.35 for such month, except those in default of payments required pursuant to § 1015.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1015.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1015.72(b);

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

§ 1015.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1015.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1015.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1015.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers for grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1015.63 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1015.11 and a greater volume of fluid milk products is disposed of from such plant on routes in the Western North Dakota marketing area and to pool plants qualified on the basis of route distribution in the Western North Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided,* That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1015.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1015.70 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1015.71, 1015.72 and 1015.77, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1015.71 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to

Class I and Class II milk pursuant to § 1015.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1015.72 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 400 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant shall be decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 390 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

§ 1015.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1015.62, 1015.74, 1015.75 and 1015.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1015.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1015.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1015.60.

§ 1015.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1015.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1015.60.

§ 1015.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1015.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1015.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1015.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1015.46(a) (3) and (4) and the corresponding steps in § 1015.46 (b), and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1015.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1015.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1015.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1015.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1015.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) From time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1015.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1015.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1015.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

DEFINITIONS

§ 1035.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1035.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1035.3 Department.

"Department" means the United States Department of Agriculture.

§ 1035.4 Person.

"Person" means any individual, partnership, corporation, association, institution or other business unit.

§ 1035.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" and

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members.

§ 1035.6 Minnesota-North Dakota marketing area.

The Minnesota-North Dakota marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of the Minnesota counties of Becker, Clay, Douglas, Grant, Kittson, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk (except that portion of Polk County lying east of U.S. Highway No. 59), Pope, Red Lake, Stevens, Todd, Traverse, Wadena, and Wilkin; and within the North Dakota counties of Barnes, Benson, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, LaMoure, Nelson, Pambina, Pierce, Ramsey, Ransom, Richland, Roletta, Sargent, Steele, Stutsman, Towner, Traill, Walsh, and Wells; including territory wholly or partly within such boundaries occupied by government (Municipal, State or Federal) reservations, installations, institutions or other similar establishments.

§ 1035.7 Producer.

"Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received at a pool plant.

§ 1035.8 Distributing plant.

"Distributing plant" means a plant in which any Grade A fluid milk product is processed or packaged and disposed of during the month on routes in the marketing area.

§ 1035.9 Supply plant.

"Supply plant" means a plant from which Grade A milk, skim milk or cream is shipped during the month to a pool plant.

§ 1035.10 Fluid milk plant.

"Fluid milk plant" means:

(a) A pool plant, or

(b) A distributing plant which is a nonpool plant.

§ 1035.11 Pool plant.

"Pool plant" means a plant specified in paragraph (a) or (b) of this section except that of a producer-handler: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section.

(a) A distributing plant from which:

(1) Not less than 15 percent of the Grade A milk received from dairy farmers and other plants is disposed of during the month on routes in the marketing area; and

(2) Not less than 35 percent in any month of July through February and not less than 30 percent in any other month of the Grade A milk received at such plant from dairy farmers and other plants is disposed of during the month either on routes or by transfer to another plant and classified as Class I pursuant to § 1035.44.

(b) A supply plant from which not less than 35 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the Grade A milk received directly from dairy farmers at such plant during each of the immediately preceding months of September through November, such plant shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not qualify otherwise as a pool plant.

§ 1035.12 Nonpool plant.

"Nonpool plant" means a plant which (a) is neither a pool plant nor the plant of a producer-handler and (b) receives milk from dairy farmers or is a milk manufacturing, processing or bottling plant.

§ 1035.13 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants, or

(b) Any cooperative association with respect to milk from producers which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

§ 1035.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant and who receives no fluid milk products from other dairy farmers or from sources other than pool plants: *Provided*, That such person provides proof satisfactory to the market admin-

istrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products handler (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1035.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer: *Provided*, That milk diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act shall be deemed to have been received by the diverting handler at the plant from which diverted: *And provided further*, That in any of the months of July through March, the quantity of milk of any producer diverted from pool plants to nonpool plants which are not subject to the classification and pricing provisions of another order issued pursuant to the Act that is greater than the quantity delivered to pool plants shall not be deemed to have been received by the diverting handler at the plant from which diverted and shall not be producer milk.

§ 1035.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, sweet or sour cream disposed of as such or any mixture in fluid form of cream and milk or skim milk (except eggnog, ice cream mix, frozen dessert mix, aerated cream products, evaporated or condensed milk or skim milk, and sterilized products packaged in hermetically sealed metal containers).

§ 1035.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Fluid milk products from any source except (1) fluid milk products received from pool plants, (2) producer milk or (3) inventory of fluid milk products at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted into or combined with another product in the plant during the month.

§ 1035.18 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk product classified as Class I pursuant to § 1035.41(a)(1) to a retail or wholesale outlet other than a milk plant or a distribution point.

§ 1035.19 Butter price.

"Butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1035.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1035.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1035.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period, as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1035.78, the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses except those incurred under § 1035.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1035.35 and 1035.36, nor payments pursuant to §§ 1035.62, 1035.70, 1035.74, 1035.76, 1035.77 and 1035.78;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 6th day of each month the minimum price for Class I milk pursuant to § 1035.51(a) and the Class I butterfat differential pursuant to § 1035.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1035.51(b) and the Class II butterfat differential pursuant to § 1035.52(b), both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 1035.61 and the producer butterfat differential pursuant to § 1035.71; and

(k) On or before the 10th day after the end of each month report to each cooperative association, upon request by such association, the percentage of the milk caused to be delivered by the cooperative association or its members which was utilized in each class at each pool plant receiving such milk. For the purpose of this report, the milk so received shall be allocated to each class at each pool plant in the same ratio as all producer milk received at such plant during the month.

REPORTS, RECORDS, AND FACILITIES

§ 1035.35 Report of receipts and utilization.

On or before the 6th day after the end of each month, or not later than the 8th day after the end of the month, if the report required by this paragraph is delivered in person to the market administrator, each handler, except a producer-handler, shall report to the market administrator for such month, reporting separately for each of his fluid milk plants, in detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in or represented by:

(1) Grade A milk received from dairy farmers,

(2) Fluid milk products received from pool plants,

(3) Other source milk,

(4) Milk diverted to nonpool plants pursuant to § 1035.15, and

(5) Inventories of fluid milk products on hand at the beginning and end of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(c) Such other information with respect to the utilization of skim milk and butterfat as the market administrator may prescribe.

§ 1035.36 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator, on or before the 20th day after the end of the month for each of his pool plants, his producer pay roll for such month which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer and the number of days, if less than the entire month, on which milk was received from such producer;

(3) The average butterfat content of such milk; and

(4) The net amount of such handler's payment, together with the price paid and the amount and nature of any deductions.

§ 1035.37 Records and facilities.

Each handler shall maintain and make available to the market administrator, during the usual hours of business, such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk and milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products in inventory at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1035.38 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1035.40 Skim milk and butterfat to be classified.

The skim milk and butterfat which are required to be reported pursuant to § 1035.35 shall be classified each month by the market administrator pursuant to the provisions of §§ 1035.41 through 1035.46.

§ 1035.41 Classes of utilization.

Subject to the conditions set forth in § 1035.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) and (3) of this section); and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk disposed of for livestock feed or dumped if the market administrator has been notified in advance and afforded the opportunity to verify such dumping;

(3) Skim milk represented by the nonfat milk solids added to fluid milk products which is in excess of the weight of such fluid milk products;

(4) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(5) Skim milk and butterfat in shrinkage of producer milk (except milk diverted to a nonpool plant pursuant to § 1035.15) but not in excess of:

(i) 0.5 percent of such receipts of skim milk and butterfat, respectively,

(ii) Plus 1.5 percent of such receipts and of the receipts of skim milk and butterfat, respectively, in bulk fluid milk products from pool plants, and

(iii) Less 1.5 percent of such bulk dispositions to other plants; and

(6) Skim milk and butterfat in shrinkage of other source milk.

§ 1035.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his fluid milk plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat at each fluid milk plant, and

(b) Prorate the resulting amounts among the receipts of skim milk and butterfat contained in:

(1) Producer milk (except milk diverted to a nonpool plant pursuant to § 1035.15), plus fluid milk products in bulk from other pool plants and less transfers of fluid milk products in bulk to other plants; and

(2) Other source milk.

§ 1035.43 Responsibility of handlers and reclassification of milk.

All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 1035.44 Transfers.

Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to a pool plant unless utilization as Class II milk is claimed for both plants in the reports submitted for the month to the market administrator pursuant to § 1035.35: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction of other source milk pursuant to § 1035.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *Provided further*, That if the transferor plant is a nonpool plant the skim milk or butterfat transferred shall be classified as Class I milk and as Class II milk in the same ratio as other source milk at the transferee plant is allocated to each class pursuant to § 1035.46(a)(4) and the corresponding step of § 1035.46(b): *And provided further*, That if other source milk was received at either or both plants, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product and if the transferor plant is a pool plant;

(c) As Class I milk, if transferred or diverted to a nonpool plant in the form of a fluid milk product except as provided in paragraph (d) of this section;

(d) As Class I milk, if transferred or diverted in bulk in the form of a fluid milk product to a nonpool plant not more than 150 miles, by the shortest highway distance as determined by the market administrator, from the nearest of the Post Offices of Devils Lake, Fargo, Grand Forks, and Jamestown, North Dakota, unless:

(1) The transferring or diverting handler claims classification in Class II milk in his report submitted pursuant to § 1035.35;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from such nonpool plant do not exceed the receipts of skim milk and butterfat in Grade A milk received during the month from dairy farmers who the market administrator determines constitute the regular source of supply for such plant: *Provided*, That any skim milk or butterfat in fluid milk products (except in ungraded cream disposed of for manufacturing uses) disposed of from the nonpool plant which is in excess of receipts from such dairy farmers shall be assigned to such transfers or diversions from the fluid milk plant and shall be classified as Class I milk: *And provided further*, That if the total skim milk and butterfat which were transferred or diverted during the month to such nonpool plant from all plants subject to the classification and pricing provisions of this part and any other orders issued pursuant to the Act are

more than the skim milk and butterfat available for assignment to Class I milk pursuant to the preceding proviso hereof, the skim milk and butterfat assigned to Class I milk at a fluid milk plant shall be not less than that obtained by prorating the assignable Class I milk at the transferee plant over the receipts at such plant from all plants subject to the classification and pricing provisions of this and other orders issued pursuant to the Act.

§ 1035.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1035.35 for each fluid milk plant and shall compute the pounds of skim milk and butterfat in each class at each such plant: *Provided*, That if any water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all the water originally associated with such solids.

§ 1035.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1035.45, the market administrator shall determine the classification of Grade A milk received from dairy farmers at each fluid milk plant each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1035.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk received in the form of fluid milk products in containers not larger than a gallon subject to the pricing and pooling provisions of another order issued pursuant to the Act and disposed of as Class I in the same package as received;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products subject to the pricing and pooling provisions of another order issued pursuant to the Act and not subtracted pursuant to subparagraph (2) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from pool plants according to the classification of such products pursuant to § 1035.44(a);

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in Grade A milk received from dairy farmers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class in series beginning with Class II milk.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of milk in each class as computed pursuant to paragraphs (a) and (b) of this section.

§ 1035.47 Inventory reclassification.

From any skim milk or butterfat assigned to Class I milk pursuant to § 1035.46(a)(6) and the corresponding step in § 1035.46(b), subtract in the following order the skim milk and butterfat, respectively, assigned during the preceding month to Class II milk pursuant to § 1035.46 in:

(a) The remainder after the subtraction pursuant to § 1035.46(a)(6) and the corresponding step in § 1035.46(b);

(b) Other source milk classified and priced as Class I milk pursuant to another Federal order; and

(c) Other source milk not classified and priced as Class I milk pursuant to another Federal order.

MINIMUM PRICES

§ 1035.50 Basic formula price.

The basic formula price shall be the higher of the prices, rounded to the nearest cent, computed as follows:

(a) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location	
Borden Co.	New London, Wis.
Borden Co.	Orfordville, Wis.
Carnation Co.	Sparta, Mich.
Carnation Co.	Richland Center, Wis.
Pet Milk Co.	Belleville, Wis.
Pet Milk Co.	Coopersville, Mich.
Pet Milk Co.	New Glarus, Wis.
Pet Milk Co.	Wayland, Mich.
White House Milk Co.	Manitowoc, Wis.
White House Milk Co.	West Bend, Wis.

(b) The price obtained by subtracting 75.2 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago areas as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1035.51 Class prices.

Subject to the provisions of §§ 1035.52 and 1035.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.14 in July through November and plus $0.90 in other months: *Provided*, That the price pursuant to this paragraph shall not be greater than the Class I price pursuant to Part 973 of this chapter (Minneapolis-St. Paul) plus 24 cents or less than the Class I price pursuant to Part 973 of this chapter plus 4 cents.

(b) *Class II milk price.* The price for Class II milk shall be the price obtained by subtracting 65 cents from the sum of the amounts resulting from:

(1) Multiplying by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at New York, as reported by the Department, during the month; and

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for nonfat dry milk for human consumption, spray process, f.o.b. manufacturing plants in the Chicago area as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 1035.52 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month pursuant to § 1035.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the butter price for the preceding month by 0.120.

(b) *Class II price.* Multiply the butter price for the month by 0.113.

§ 1035.53 Location differentials to handlers.

The Class I price for Grade A milk received from dairy farmers at a fluid milk plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 airline miles, or decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 airline miles, from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota as determined by the market administrator: *Provided*, That for the purpose of calculating such location differential, fluid milk products transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the transferee plant after making the calculations prescribed in § 1035.46(a)(6) and the corresponding step of § 1035.46(b) for such plant, such assignment to the transferor plant to be made in sequence according to the location differential applicable at each plant, beginning with the plant nearest the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota.

§ 1035.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1035.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount obtained by subtracting from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk:

(a) During the months of March through June, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through February, the uniform price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk.

APPLICATION OF PRICES

§ 1035.60 Computation of value of milk at each pool plant.

The value of producer milk received by a handler during each month at each pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantities of milk in each class by the applicable class price and add the resulting amounts;

(b) Add the amounts computed by multiplying the overage deducted from each class pursuant to § 1035.46(a)(9) and the corresponding step of § 1035.46(b) by the applicable class prices;

(c) Add an amount calculated by multiplying the quantities of skim milk and butterfat subtracted from Class I milk pursuant to § 1035.46(a)(3) and (4) and the corresponding steps of § 1035.45(b) by the rate of payment on unpriced milk determined pursuant to § 1035.55 at the nearest nonpool plants from which an equivalent amount of such other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, or if such skim milk and butterfat is received or used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

(d) Add the amounts obtained by multiplying (1) the quantities of skim milk and butterfat subtracted pursuant to § 1035.47(a) by the difference between the Class II price for the preceding month and the Class I price for the current month, and (2) the quantities of skim milk and butterfat subtracted pursuant to § 1035.47(c) by the rate of payment on unpriced milk pursuant to § 1035.55.

§ 1035.61 Computation of uniform price.

The market administrator shall compute the uniform price for each month as follows:

(a) Combine into one total the values computed pursuant to § 1035.60 for all handlers who received producer milk at pool plants during the month and who reported pursuant to § 1035.35 for such month, except those in default of payments required pursuant to § 1035.74 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent an amount computed by multiplying such difference by the butterfat differential to producers and multiplying the result by the hundredweight of such producer milk;

(c) Subtract an amount equal to the sum of the location differential additions to be made pursuant to § 1035.72(a);

(d) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 1035.72(b);

(e) Add an amount equal to one-half the unobligated cash balance in the producer-settlement fund;

(f) Divide the value computed pursuant to paragraph (e) of this section by the hundredweight of producer milk included in such computation; and

(g) Subtract not less than four nor more than five cents from the price computed pursuant to paragraph (f) of this section.

§ 1035.62 Handlers operating nonpool plants.

Each handler in his capacity as the operator of a nonpool plant shall pay to the market administrator for deposit into the producer-settlement fund the amount computed pursuant to paragraph (b) of this section unless the handler elects at the time his report pursuant to § 1035.35 is due, to pay the amount computed pursuant to paragraph (a) of this section. The amounts payable pursuant to this section shall be made on or before the 15th day after the end of each month.

(a) An amount obtained by multiplying the rate determined pursuant to § 1035.55 by the hundredweight of skim milk and butterfat disposed of as Class I milk from such plant on routes in the marketing area during the month which is in excess of the hundredweight of skim milk and butterfat, respectively, received from pool plants during the month and classified as Class I milk at such pool plants.

(b) Any plus amount remaining after deducting from the obligation pursuant to § 1035.60 computed as if such plant were a pool plant:

(1) The total payment made on or before the 15th day after the end of the month to dairy farmers for grade A milk received at such plant during the month; and

(2) Any payments to the producer-settlement fund under other orders issued pursuant to the Act applicable to milk at such plant during the month.

§ 1035.63 Plants subject to other Federal orders.

The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1035.11 and a greater volume of fluid milk products is disposed of from such plant on routes in the Minnesota-North Dakota marketing area and to pool plants qualified on the basis of route distribution in the Minnesota-North Dakota marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1035.35) and allow verification of such reports by the market administrator.

PAYMENTS FOR MILK

§ 1035.70 Time and method of payment.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class II price for the preceding month; and

(2) On or before the 15th day after the end of each month, for each hundredweight of producer milk received during such month, an amount computed at not less than the uniform price adjusted pursuant to §§ 1035.71, 1035.72 and 1035.77, and less the payment made pursuant to subparagraph (1) of this paragraph.

(b) Each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payment for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 26th day of each month for producer milk received during the first 15 days of the month; and

(2) On or before the 13th day after the end of each month for milk received during such month.

(c) In making the payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer or cooperative association.

§ 1035.71 Butterfat differential to producers.

The uniform price for producer milk shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1035.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

§ 1035.72 Location differentials to producers.

(a) The uniform price for producer milk received at a pool plant shall be increased 1.2 cents for each 10 airline miles or fraction thereof that such plant is more than 230 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

(b) The uniform price for producer milk received at a pool plant shall be decreased 1.2 cents for each 10 airline miles or fraction thereof that such plant is less than 220 airline miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, as determined by the market administrator.

§ 1035.73 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made to such fund and out of which he shall make all payments from such fund pursuant to §§ 1035.62, 1035.74, 1035.75 and 1035.76: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

§ 1035.74 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator the amount by which the obligation pursuant to § 1035.70 of such handler for producer milk received during the month is less than the value of such producer milk pursuant to § 1035.60.

§ 1035.75 Payments from the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount by which the obligation, pursuant to § 1035.70, of such handler for producer milk received during the month exceeds the value of such producer milk pursuant to § 1035.60.

§ 1035.76 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made not later than the date for making payment next following such disclosure.

§ 1035.77 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1035.70 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to producer milk received by such handler (except such handler's own farm production) during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of producer milk and to provide producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1035.78 Expense of administration.

As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to skim milk and butterfat contained in (a) producer milk (including a handler's own farm production), (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1035.46(a)(3) and (4) and the corresponding steps in § 1035.46 (b) and (c) receipts at a fluid milk plant which is a nonpool plant of Grade A milk from dairy farmers on which no administration expense assessment is being paid pursuant to another order issued pursuant to the Act: *Provided*, That if the operator of such nonpool plant elects to make payment to the producer-settlement fund pursuant to § 1035.62(a), the expense of administration pursuant to this section shall be applicable only to the hundredweight of skim milk and butterfat on which payment to the producer-settlement fund is due pursuant to that paragraph.

§ 1035.79 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producers or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period, with respect to such obligation, shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1035.80 Effective time.

The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1035.81 Suspension or termination.

The Secretary shall suspend or terminate any or all of the provisions of this part whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1035.82 Continuing power and duty of the market administrator.

(a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignment or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1035.83 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1035.90 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1035.91 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Signed at Washington, D.C., on August 22, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-8176; Filed, Aug. 25, 1961; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)); notice is given that a petition (FAP 199) has been filed by Philips-Duphar, Weesp, The Netherlands, proposing the issuance of a regulation to establish a tolerance of 8.0 parts per million (0.0008 percent) for residues of 2,4,5,4'-tetrachlorodiphenyl sulfone in or on dried tea leaves.

Dated: August 21, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-8178; Filed, Aug. 25, 1961; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 222]

[Economic Regs. Docket No. 12951]

TARIFFS OF AIR CARRIERS; AIR CARGO PICK-UP AND DELIVERY ZONES

Notice of Proposed Rule Making

AUGUST 23, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a new Part 222 of the Economic Regulations relating to the determination of zones for air cargo pick-up and delivery services which may be provided pursuant to appropriate tariff filings.

The principal features of the proposed rule are discussed in the explanatory statement below and the proposed rule is set forth below.

This new part is proposed under the authority of sections 204 and 403 of the Federal Aviation Act of 1958 (72 Stat. 743, 758, 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 25, 1961 will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. Under current practice, the pick-up and delivery points for air cargo service are set forth in appropriate tariffs filed with the Board under the requirement of section 403(a) of the Act. There is no present provision in the Act or the Board's rules and regulations which attempts to prescribe the geographic area within which the air carriers, direct or indirect, may elect to provide pick-up and delivery service nor does the Board specifically license or directly control the provision of such service. The exercise of Board authority has heretofore been confined to accepting or rejecting tariffs filed under section 403(a) of the Act as providing service "in connection with * * * air transportation." Whether or not the surface transportation under the terms of a tariff may be lawfully performed depends primarily upon whether it is a service which is "incidental to transportation by aircraft" under the Interstate Commerce Act and thus exempted pursuant to that statute.[1]

[1] Section 203(b)(7a) of Part II of the Interstate Commerce Act.

In administering the exemption provision, the Interstate Commerce Commission has given weight to the fact that the air cargo pick-up and delivery service is described in tariffs on file with the Civil Aeronautics Board and, to that extent, what the Board accepts may have a bearing upon whether regulation will be applied by the Commission. Obviously, both the Board and the Commission should strive to administer the respective acts so that there is no undue conflict between what the Board considers "service in connection with * * * air transportation" and what the Commission considers as service "incidental to transportation by aircraft." It should be made clear, however, that the acceptance of a pick-up and delivery tariff for an air carrier does not necessarily constitute an assertion of exclusive jurisdiction by the Board which would automatically authorize the carrier to perform such service under provisions of the Federal Aviation Act.

As heretofore suggested, under current practice the air carrier determines at which locations it desires to provide pick-up and delivery service (if at all) in and around a particular point certificated to receive air service, and files a pick-up and delivery tariff with the Board disclosing such locations. In deciding whether to accept or reject the tariff, the Board in the past has used distance criteria to determine whether the services are being rendered in connection with air transportation. For the most part tariff proposals for pick-up and delivery service at distances extending beyond 25 miles either from the airport through which the carrier serves the particular point, or from the corporate limits of the city if it constitutes the "point," have been administratively rejected. In a number of instances, however, tariffs providing for services substantially beyond a 25-mile limit have been permitted to become effective, particularly at the more important certificated points. The procedure of regulating terminal area services through tariff rejections under the 25-mile "rule of thumb" has been challenged both on a procedural basis as well as with respect to substantive validity.

As a result of certain contentions in this connection, the Board, on April 20, 1960, sent a letter to all direct and indirect air carriers soliciting their views as to the need for changes in the current terminal area policy.

The responses to this letter were varied. Three of the largest carriers favor the abolition of any artificial limitation with respect to defining the area for pick-up and delivery service on the ground that such limitations would have a retarding effect on the growth of air cargo. They state the area should be broad enough to give any shipper or consignee service to or from the nearest airport at which adequate cargo lift capacity is available. Other trunkline carriers which expressed general satisfaction with the Board's current procedure recognize the need for "flexibility" in the Board's policy to provide for an expansion of a terminal area where circumstances may so require.

Local service carriers who submitted comments generally favor existing Board policy. But some also advocate flexibility. While the general opinion of the local service carriers either reflects a desire for the status quo or a "proceed with caution" approach, several of the carriers suggest that the Board should have as its objective the over-all encouragement of air cargo development and growth as viewed from the industry level primarily and not from the viewpoint of the individual carrier. The air freight forwarders, almost uniformly, are of the opinion that the present terminal area limitations are unrealistic and should be abolished.

The comments filed and our independent study of this matter lead us to conclude that regulatory action by the Board is required.

A clearer definition of the geographical area within which an air carrier is free to inaugurate pick up and delivery service is desirable. Clarification will be of assistance both to the industry in its planning for air cargo services, and to the Board's staff in the administrative handling of pick-up and delivery tariff filings.

There is then the question of precisely where to delimit authorized pick-up and delivery zones. It is generally recognized that the economic and commercial influences of a city are not bounded by political limits. The location of an industrial plant or major governmental installation within the rural periphery of a city quite often extends the city's economic and social sphere to such an extent that it will envelop the area and bring the area and bring it within the metropolitan orbit. Regulation which is related to the economic life of a community must recognize the existence of dynamic forces that promote and develop its continued growth. This recognition is particularly true in the regulation of transportation and the auxiliary services in connection therewith.

It is clear that, in theory, the best practice would probably be to determine the terminal area on an ad hoc basis for each of the several hundred certificated points based upon the peculiar considerations applicable to service to each such point. This is, however, administratively unworkable. Our solution to this problem must be capable of being handled within current and foreseeable Board resources, and must not be unduly burdensome to the affected carriers in application, or so restrictive as to place unwarranted obstacles in the development of air cargo. Hence, we would adopt a uniform standard to such extent as appropriate for all points served. In this regard, it appears that the area of trucking services incidental to air transportation is generally related to distance from the point, and that mileage from such point is therefore an appropriate means of defining such areas. The actual mileage distance, however, must largely be determined as a matter of reasonable judgment.

With these factors in mind, we have tentatively concluded that except for the two top air cargo generating points, New York and Chicago, the authorized terminal area for pick-up and delivery services in connection with air transportation shall extend to a radius of 50 miles [2] from municipal center (city hall or its equivalent) of the certificated point.[3] With regard to the more important certificated points, this in general represents a moderate increase over currently accepted pick-up zones since the distances for the most part appear to have been calculated from city limits rather than city center, and since the present "rule-of-thumb" mileage has been exceeded at a number of the major points. Nevertheless, this increase in authorized pick-up and delivery zones will give the carriers a somewhat more extensive area within which to experiment as to the feasibility of broader pick-up and delivery services. We also are mindful that the average air freight haul on the trunk lines, which carry most freight,[4] appears to be about 900 miles, so that from the standpoint of distance the ancillary surface transportation would appear to be but a small incident of the air haul.

It is, of course, also recognized that no one factor may be considered determinative and other elements which might possibly be suggested by comments responsive to this notice will be given such weight as may be appropriate in determining terminal areas.

With respect to the terminal areas of New York and Chicago, current tariff filings issued by the scheduled air carriers and major forwarders at these greatest cargo generating points provide for pick-up and delivery services at places considerably beyond a 50-mile radius.[5] With the particular nature of these cities in mind as well as other factors above noted, it is tentatively concluded that their authorized terminal areas for pick-up and delivery services in connection with air transportation shall extend as hereinafter set forth. The New York terminal area shall include, in addition to the five boroughs of New York City, eight counties in New York State, nine counties in New Jersey and three counties in Connecticut. The Chicago terminal area shall include, in addition to the city itself, eleven counties in Illinois, two counties in Wisconsin and two counties in Indiana. The terminal areas are also set forth in detail in Appendix A of the proposed rule. Such delincation will permit the major carriers to continue providing auxiliary pick-up and delivery services at all points listed in currently effective tariffs without regard to a fixed radius and will also enhance our continued support of, and the development of, air cargo services at these two cities.

[2] This conforms to our definition of point in relation to the regulation of Supplemental Air Carriers, see the Large Irregular Air Carrier Investigation, Docket 5132 et. al., Orders E–9744 and E–13436, and the regulation of certain certificated route operators with respect to charter trips and special services under Economic Regulations Part 207.

[3] Where the point consists of more than one city, the radius will be measured from the city hall of each of the cities named.

[4] In 1960 domestic trunk lines carried 77 percent of all scheduled freight ton-miles in domestic operations, all-cargo carriers 21 percent, and local service carriers 1 percent, according to CAB Form 41 data.

[5] These cities generated together approximately 30 percent of the total cargo tons boarded in 1959. See Appendix B.

Once authorized zones are finally adopted by the Board, we contemplate that a carrier would be free to file pick-up and delivery tariffs to include any location within such zones.[6] However, if a carrier desires to include a location beyond the authorized pick-up and delivery zones in a tariff, our contemplated procedure would require that application be made to the Board and that notice of such be served upon interested parties. Under the procedure, the application may be challenged by any interested person.

Once any new pick-up and delivery location is approved pursuant to the procedure outlined in § 222.3 of the proposed rule, the authority granted thereby will be applicable only to the carrier involved, and any other carrier later desiring to serve such location must also file an application therefor. However, any authority to include a location in a pick-up and delivery tariff pursuant to the procedure in § 222.3 will be subject to review at such time as a rule-making proceeding might be instituted which contemplates specifically delineating the authorized pick-up and delivery zone for the particular airport city involved.[7] This procedure will permit a deferral of final determination of expanded pick-up and delivery zones to await a general requirement on the part of the air carriers for a broadened zone and can also take into account any later developing changes in surface transportation services at the airport city involved.

In view of the foregoing, the Board proposes to issue a new Part 222 as follows:

PART 222—TARIFFS OF AIR CARRIERS; AIR CARGO PICK-UP AND DELIVERY ZONES

§ 222.1 Applicability.

This part is applicable to the provision of terminal services in connection with air transportation of property at any point within the United States or its territories and possessions by any carrier subject to Part 221 of this chapter (Board's Economic Regulations).

§ 222.2 Filing of tariffs.

In accordance with the provisions of Part 221 of this chapter and the regulations of this part, each carrier shall file tariffs covering all pick-up and delivery services offered by it between any airport and any place (a) within an area of 50-miles of the municipal center (city hall or its equivalent) of any point served by it through such airport pursuant to authorization of the Board, (b) within an authorized pick-up and delivery zone described in Appendix A of this part for the respective point served by it through such airport pursuant to authorization of the Board; or (c) authorized upon application of the carrier filed in accordance with § 222.3. A certification shall accompany each tariff filing identifying the category within which each pick-up and delivery service falls.

[6] We will require a carrier to certify that all pick-up and delivery points in a new tariff are within the prescribed terminal area of the point or points involved or as authorized.

[7] Such action would normally be comparable to the procedure here involved for determination of the Chicago and New York terminal areas.

§ 222.3 Service to locations not previously authorized.

(a) *Application.* If a carrier, subject to this part, desires to file a tariff providing for pick-up and delivery service to any location(s) not authorized by § 222.2, such carrier shall file with the Board a written application for authority to do so. Such application, in an executed original and nineteen copies, shall be conspicuously entitled "Application for Tariff-filing Authority: Pick-up and Delivery Zone"; shall clearly identify the location(s) for which tariff-filing authority is requested; shall state the reasons why service to such location(s) is deemed appropriate and set forth economic data and other facts relied upon; shall contain a notice that persons served may, within 15 days, file and serve an answer in support of or in opposition to the application; shall set forth the names and addresses of the persons required to be served and state that service has been made on all such persons by personal service or by registered or certified mail, and the date of such service. In the case of service by mail, the date of mailing shall be considered the date of service. Each copy of an application served pursuant to this part shall state that such service is made pursuant to Part 222 of the Civil Aeronautics Board's Economic Regulations.

(b) *Service of application.* A copy of each application shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases: (1) Each scheduled air carrier which regularly renders service to or from a point involved; (2) the chief executive(s) of the city (or cities) in which the certificated point is located; (3) the Interstate Commerce Commission, Bureau of Motor Carriers; and (4) any State aviation commission and any other transportation regulatory agency of the State in which the certificated point is located.

(c) *Answers.* Any interested person may file an answer with the Docket Section of the Board in opposition to or in support of an application. The answer shall be filed in an executed original and nineteen copies no later than 15 days after the filing of said application. Such answer shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon. It shall also be served upon the carrier filing the application and state therein the date of such service. Unless ordered by the Board upon application or upon its own motion, further pleadings will not be entertained.

(d) *Order of approval.* Tariffs shall not be filed unless and until the Board by order approves the application finding that the proposed tariff involves services in connection with air transportation.

(e) *Effectiveness of authority.* Authority to include any location(s) in a pick-up and delivery tariff granted pursuant to the procedure of this section shall be subject to revision or revocation without evidentiary hearing in the event that the Board establishes an authorized pick-up and delivery zone for the particular point involved pursuant to § 222.4.

§ 222.4 Use of rule making.

On its own motion, or at the request of any interested party, the Board may initiate rule-making proceedings for the purpose of specifically delineating the authorized pick-up and delivery zone for any point. At the conclusion of such proceedings, the zone if different from that circumscribed by a 50-mile radius of the city center, shall be separately described on an appropriately numbered page in Appendix A which is made a part of the regulations of this part.

§ 222.5 Conformance of tariffs with this part.

Within 180 days of the effective date hereof, all tariffs which do not conform to this part shall be so revised as to conform herewith.

APPENDIX A

AUTHORIZED PICK-UP AND DELIVERY ZONES [1]

1. *New York, New York.* The authorized pick-up and delivery zone for New York, New York, shall include: The five boroughs of New York City—Manhattan, Bronx, Kings, Queens, and Richmond; the counties of Ulster, Dutchess, Putnam, Orange, Rockland, Westchester, Nassau, and Suffolk in New York State; the counties of Sussex, Passaic, Bergen, Essex, Hudson, Union, Middlesex, Somerset, and Morris in New Jersey; and the counties of Fairfield, Litchfield, and New Haven in Connecticut.

2. *Chicago, Illinois.* The authorized pick-up and delivery zone for Chicago, Illinois, shall include: The City of Chicago, the counties of Stephenson, Winnebago, Ogle, Boone, DeKalb, Kane, McHenry, Lake, DuPage, Will, and Cook in Illinois; the counties of Green and Rock in Wisconsin; and the counties of Lake and Porter in Indiana.

APPENDIX B

MAJOR CARGO GENERATING AIRPORT CITIES [1]

City	Ton (cargo [2])	Percent of U.S. total
1. New York	77,684	15.46
2. Chicago	70,799	14.11
3. Los Angeles	40,043	7.98
4. San Francisco	31,062	6.19
5. Detroit	21,842	4.35
6. Dallas	19,192	3.83
7. Cleveland	17,215	3.43
8. Atlanta	14,547	2.90
9. Boston	13,841	2.76
10. Philadelphia	12,390	2.47
11. Washington	10,407	2.07
12. Denver	8,184	1.63
13. Miami	8,007	1.60
14. Hartford-Springfield	7,678	1.53
15. Minneapolis	7,528	1.50
16. St. Louis	6,426	1.28
17. Buffalo	6,361	1.27
18. Cincinnati	6,003	1.20
19. Kansas City	5,758	1.15
20. Seattle-Tacoma	5,666	1.13
21. Pittsburgh	5,090	1.01
Total	395,723	78.87
U.S. Total	501,714	100.00

[1] Air Commerce Traffic Pattern (Scheduled Carriers), Federal Aviation Agency (1959).

[2] Cargo tons include local and connecting cargo loaded at stations indicated.

[F.R. Doc. 61–8188; Filed, Aug. 25, 1961; 8:47 a.m.]

[1] The pick-up and delivery zones for airport cities specifically defined in this Appendix are excepted from the mileage formula contained in § 222.2.

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61-WA-119]

JET ADVISORY AREAS

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 602 of the regulations of the Administrator, the substance of which is stated below.

In accordance with Special Civil Air Regulation No. 444 (26 F.R. 292), the Federal Aviation Agency has under consideration the designation of a radar jet advisory area within 16 miles either side of Jet Route No. 50 from flight level 240 to flight level 390 between Alexandria, La., and Crestview, Fla. The provision for the designation of Radar Jet Advisory Areas within the continental control area from flight level 240 to flight level 390 inclusive appears in a revision to Part 602 (Airspace Docket No. 60-WA-34) published in the FEDERAL REGISTER August 8, 1961, (26 F.R. 7079), effective September 21, 1961.

The designation of this proposed En-route Radar Jet Advisory Area would provide a defined area wherein jet advisory service would be provided to civil turbojet aircraft while operating on Jet Route 50V between Alexandria, La., and Crestview, Fla.

Interested persons may submit such written data, views or arguments as they may desire. Comunications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendement is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 21, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8169; Filed, Aug. 25, 1961; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 197]

[Ex parte Nos. MC-40, MC-13; No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Dispatching and Driving Rules

AUGUST 8, 1961.

Qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment, ex parte No. MC-40; regulations governing the transportation of explosives and other dangerous articles by motor vehicle, ex parte No. MC-13; in the matter of regulations for transportation of explosives and other dangerous articles, No. 3666, Notice 52.

Notice is hereby given, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, U.S.C. 1003), that the Interstate Commerce Commission under authority contained in the Transportation of Explosives Act, as amended September 6, 1960, (62 Stat. 738, 74 Stat. 808, 18 U.S.C. 834) proposes to amend § 197.1 *Driving rules* of the Motor Carrier Safety Regulations as prescribed by order of April 20, 1943, as amended, by changing the title thereof to "Dispatching and driving rules," by adding thereto a new paragraph (k), and by vacating and setting aside paragraphs (a)(5), (b) and (h) and substituting in lieu thereof the following language:

§ 197.1 Dispatching and driving rules.

(a) *Applicability.* • • •

(5) Except that paragraphs (b), (h), and (k) of this section shall be applicable without regard to the gross weight of Class B explosives with which vehicles are loaded.

(b) *Motor vehicles to be attended at all times.* Every motor vehicle containing any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other responsible and qualified representative of the motor carrier. This attendant must have been made aware of the character of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned to attend, and shall be competent, supplied with the necessary means, and authorized to move such vehicle. For the purpose of this subsection, a motor vehicle shall be deemed "attended" only when the driver or other qualified attendant is physically on or in the vehicle, or has the vehicle within his unobstructed field of vision, where he can reach it quickly and without any kind of interference, and when such driver is awake and alert, and is not engaged in other duties or activities such as to divert his attention from such vehicle. *Provided, however,* That an explosive laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked where parking of such vehicle is otherwise permissible.

• • • • •

(h) *Parking restrictions.* No motor vehicle containing any quantity of Class A or Class B explosives or Class D poison requiring a red radioactive material label shall be parked, even though attended, on any public street or within 500 feet of any bridge, tunnel, dwelling, building, or place where persons work, congregate, or assemble.

• • • • •

(k) *Written dispatching instructions required.* Every motor carrier operating a motor vehicle laden with any quantity of Class A or Class B explosives or any quantity of Class D poison requiring a red radioactive material label shall furnish to the driver thereof, in addition to the shipping papers required by § 77.817 of this chapter, and shall require such driver to have in his possession and to observe, and the driver shall keep in his possession and shall observe, while the vehicle is so laden, written instructions, a copy of which instructions is on file in the carrier's office covering the following matters:

(1) The route to be followed from origin to destination which will avoid congested thoroughfares, places where crowds are assembled, street car tracks, tunnels, viaducts, and dangerous crossings as required by paragraph (d) of this section.

(2) Points where stops are to be made for fuel, meals, rest, to make deliveries, or for loading.

(3) Procedure to be followed in order to assure that the vehicle shall be attended as required by paragraph (b) of this section while obtaining meals and rest and performing other necessary duties.

(4) Procedure to be followed in accomplishing delivery of the cargo to the consignee without parking or leaving the vehicle unattended in violation of these regulations.

Prior to final adoption of such regulations, consideration will be given to any written statements containing data, views, or arguments concerning the subject matter hereof which are submitted on or before October 16, 1961. No oral hearing is contemplated and any request for oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in written form. One original signed copy and 5 additional copies of such written statements containing data, views, or arguments shall be submitted in accordance with the Commission's general rules of practice.

Notice of this proceeding shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy of this notice in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-8195; Filed, Aug. 25, 1961; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 683]

CHIEF, DIVISION OF APPEALS

Delegation of Authority in Connection With Appeals

AUGUST 21, 1961.

SECTION 1. Pursuant to the authority and subject to the limitations contained in Order No. 2583 of the Secretary of the Interior, the Chief, Division of Appeals of the Bureau of Land Management, is authorized to sign all decisions and all correspondence involving appeals to the Director, Bureau of Land Management filed pursuant to 43 CFR Part 161 and 221.

SEC. 2 The Chief or Acting Chief of the Division of Appeals may in writing redelegate to any qualified employee in the Division of Appeals the authority granted by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 3. Bureau Order No. 678 of June 23, 1961, is hereby revoked.

KARL S. LANDSTROM,
Director.

[F.R. Doc. 61-8173; Filed, Aug. 25, 1961; 8:46 a.m.]

LEGAL ASSISTANTS AND SUPERVISORY LEGAL ASSISTANT, DIVISION OF APPEALS

Delegation of Authority in Connection With Appeals

AUGUST 21, 1961.

Pursuant to the authority invested in me by Bureau Order No. 683 the legal assistants and the supervisory legal assistant of the Division of Appeals of the Bureau of Land Management are authorized to sign all decisions and all correspondence involving appeals to the Director, Bureau of Land Management filed pursuant to 43 CFR Part 161 and 221.

JOHN B. PICCOLO,
Acting Chief,
Division of Appeals.

[F.R. Doc. 61-8174; Filed, Aug. 25, 1961; 8:46 a.m.]

Office of the Secretary

UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION IN UTAH

Termination of Federal Supervision Over the Affairs of the Individual Mixed-Blood Members

Pursuant to the authority contained in section 23 of the Act of August 27, 1954 (68 Stat. 877, as amended; 25 U.S.C. 677v), it is hereby proclaimed that the Federal restrictions on the property of each individual mixed-blood member of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah having been removed, the Federal trust relationship to such individual is terminated and that effective midnight, August 27, 1961, such individual shall not be entitled to any of the services performed for Indians because of his status as an Indian. All statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to such member over which supervision has been terminated, and the laws of the several States shall apply to such member in the same manner as they apply to other citizens within their jurisdiction.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1961.

[F.R. Doc. 61-8225; Filed, Aug. 25, 1961; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1961

Subchapter E of Chapter 2 of the 1939 Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing the cases arranged alphabetically by Internal Revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase, in income tax. Allowances pursuant to decisions entered by the Tax Court of the United States have been made in ten docketed cases. These are included in the list with appropriate notations.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amounts of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain items, as displayed in their respective column headings of the list, and the data evolved follow:

Business in which engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved; therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of the business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess profits credit before allowance of relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or invested capital.

Increase in the amount of excess profits credit claimed by taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the amount of excess profits credit allowed, Column 6. This increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross reduction in the excess profits tax, Column 7.

Gross increase in the income tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the difference between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief has been granted. The gross excess profits tax is the tax due prior to the deferment under section 710(a)(5), the foreign tax credit under section 729, the credit for debt retirement under section 783, the ten percent credit under section 784, and the adjustment under section 734. The gross income tax is the tax prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increase attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variations of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount of which 80 percent of net income exceeds the income tax, applicable to certain taxable years, (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed, and (7) reduction in excess profits net income due to change from invested capital method to income credit method.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal year ended—	Volume	No.	Date
June 30, 1942	9	194	Sept. 28, 1944
June 30, 1943	9	194	Do.
June 30, 1944	9	219	Nov. 2, 1944
June 30, 1945	10	224	Nov. 15, 1945
June 30, 1946	11	195	Oct. 8, 1946
June 30, 1947	12	197	Oct. 8, 1947
June 30, 1948	13	206	Oct. 21, 1948
June 30, 1949	14	201	Oct. 18, 1949
June 30, 1950	15	205	Oct. 21, 1950
June 30, 1951	16	211	Oct. 30, 1951
June 30, 1952	17	175	Sept. 6, 1952
June 30, 1953	18	164	Aug. 21, 1953
June 30, 1954	19	185	Sept. 23, 1954
June 30, 1955	20	219	Nov. 9, 1955
June 30, 1956	21	183	Sept. 20, 1956
June 30, 1957	22	173	Sept. 6, 1957
June 30, 1958	23	166	Aug. 27, 1958
June 30, 1959	24	175	Sept. 5, 1959
June 30, 1960	25	181	Sept. 16, 1960

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SECTION 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1961

Name and address of taxpayer (arranged by Internal Revenue Districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended—	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Chicago							
Agricultural Broadcasting Co., 1230 West Washington Blvd., Chicago, Ill.	Radio broadcasting station	[3] 12-31-1940	$148,176.74	$49,562.80	$18,144.04	$4,596.35	None
		[3] 12-31-1941	179,184.99	59,482.45	25,065.01	10,026.01	$3,108.06
		[3] 12-31-1942	179,184.99	59,482.45	25,065.01	22,558.51	10,026.00
		[3] 12-31-1943	179,184.99	186,346.70	25,065.01	32,806.49	14,580.66
		[3] 12-31-1944	179,184.99	186,346.70	25,065.01	23,811.76	10,026.01
		[3] 12-31-1945	179,184.99	186,346.70	25,065.01	3,494.44	1,471.34
Deere and Co., 1325 Third Ave., Moline, Ill.	Farm machinery	[1] 10-31-1941	7,600,754.79	4,436,125.21	54,345.21	27,172.61	None
		10-31-1942	9,504,056.73	845,263.32	125,943.27	88,298.31	32,507.90
		10-31-1944	9,468,192.65	761,127.40	41,807.35	107,097.22	45,493.01
Cincinnati							
The Champion Paper and Fibre Co., Hamilton, Ohio.	Manufacture of pulp and paper.	[1] 4-30-1942	2,253,176.67	1,959,913.99	None	57,037.70	17,661.70
		[1] 4-30-1943	2,173,769.48	2,050,398.80	None	158,850.54	70,600.34
		[1] 4-30-1944	2,169,468.96	2,072,701.46	None	169,661.57	74,368.39
		[1] 4-30-1945	2,183,167.45	2,253,327.27	142,166.02	336,634.97	141,741.04
		[1] 4-30-1946	2,136,258.06	2,141,491.43	30,730.18	170,894.53	71,955.67
Louisville							
Brown-Forman Distillers Corp., 1908 Howard St., Louisville, Ky.	Distillery	[1] 4-30-1943	460,088.42	1,461,115.58	347,411.58	377,177.79	174,829.83
Manhattan							
American Electric Power Co., Inc. and Affiliated Corporations, formerly: American Gas & Electric Co. and Affiliated Corporations, 30 Church St., New York 8, N.Y.	Public utility holding company.	[1] 12-31-1941	8,991,441.90	3,617,117.07	584,558.10	1,359,353.38	285,715.05
		[1] 12-31-1942	7,580,708.82	3,254,726.10	332,791.18	709,645.86	331,168.07
		[1] 12-31-1943	7,633,185.42	3,262,348.46	327,814.58	731,170.75	341,213.02
Appalachian Power Co., formerly: Appalachian Electric Power Co., 30 Church St., New York 8, N.Y.	Public utility	[1] 12-31-1942	5,446,817.62	2,144,552.58	483,591.25	435,232.12	193,436.50
		[1] 12-31-1943	5,461,999.60	2,138,861.43	467,752.32	420,977.09	187,100.93
		[1] 12-31-1944	5,464,001.38	2,138,181.40	467,752.81	662,429.19	196,456.17
		[1] 12-31-1945	5,459,563.31	2,139,775.47	461,197.74	438,137.85	193,703.06
The Ohio Power Co., 30 Church St., New York 8, N.Y.	Public utility	[1] 12-31-1941	7,125,183.11	1,314,338.38	173,578.64	77,611.06	160,142.88
		[1] 12-31-1942	7,372,546.38	1,474,811.42	59,172.67	53,255.40	23,669.07
		[1] 12-31-1943	7,378,689.75	1,463,142.73	53,279.82	90,305.18	40,135.63
		[1] 12-31-1944	7,382,821.68	1,458,871.26	49,156.87	46,699.03	19,662.75
Newark							
Hoffmann-La Roche Inc., Nutley, N.J.	Manufacturer and dealer in pharmaceutical products.	[1] 12-31-1942	1,237,070.57	5,368,184.89	1,013,929.43	912,536.48	405,571.77
		[1] 12-31-1943	1,237,970.57	5,368,184.13	1,013,929.43	454,092.60	405,571.77
		[1] 12-31-1944	1,237,070.55	5,368,184.15	1,013,929.45	563,595.60	405,571.78
		[1] 12-31-1945	1,237,070.55	5,368,184.15	1,013,929.45	589,723.21	405,571.78
Pittsburgh							
The Westinghouse Air Brake Co., and Subsidiary Companies, c/o Westinghouse Air Brake Co., Successor, Wilmerding, Pa.	Manufacture and sale of air brakes and related devices.	[1] 12-31-1941	4,010,164.07	6,701,047.80	616,335.93	65,946.66	20,438.40

[1] Allowance in accordance with a decision of the Tax Court of the United States based on agreed settlement of parties. No previous allowance by the Commissioner.

[3] Allowance in accordance with a decision of the Tax Court of the United States after hearing on the merits. No previous allowance by the Commissioner.

[F.R. Doc. 61-8105; Filed, Aug. 25, 1961; 8:45 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DELEGATION OF AUTHORITY REGARDING DAMAGE TO HIGHWAYS USED IN CONSTRUCTION OF BALLISTIC MISSILE SITES

The Deputy Secretary of Defense approved the following on August 21, 1961:

REFS.

(a) Subsection (h) of 23 U.S.C. 210, as added by section 105 of the Federal-Aid Highway Act of 1961 (P.L. 87–61)

(b) DoD Directive 4500.22, "Highways for National Defense Responsibilities"

Pursuant to section 202(f) of the National Security Act of 1947, as amended, and section 5 of Reorganization Plan No. 6 of 1953, the authority vested in the Secretary of Defense by reference (a) with respect to determining that construction estimates and the bids of contractors did not include allowances for repairing road damage is hereby delegated to the Secretary of the military department funding for the contract with the power of redelegation.

The Chief of Transportation, Department of the Army, in accordance with reference (b) will act as the coordinating agency within the Department of Defense and as the DoD representative with the Bureau of Public Roads, Department of Commerce, with State Highway departments, and with all other agencies in connection with DoD implementation of reference (a).

MAURICE W. ROCHE,
Administrative Secretary, Office of the Secretary of Defense.

[F.R. Doc. 61–8177; Filed, Aug. 25, 1961; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF APPRENTICES

Special Certificates

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A (15 F.R. 3290) of the Secretary of Labor, it is hereby ordered that effective September 3, 1961, an apprenticeship agreement, as defined in 29 CFR 521.2(b), registered prior to September 3, 1961, with a recognized apprenticeship agency, as defined in 29 CFR 521.2(e), or an apprentice training agreement entered into prior to September 3, 1961, under a training program approved by a State veterans' approving agency under 38 U.S.C. 1651, together with this order, shall constitute a special certificate authorizing the employment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938: (1) of any apprentice whose employment is subject to the Act before September 3, 1961, the effective date of the Fair Labor Standards Amendments of 1961 (Pub. Law 87–30), where the wage rate being paid is at least $1.00 per hour; and (2) of any apprentice whose employment will be brought under the Act by the Fair Labor Standards Amendments of 1961 where the wage rate being paid is below the minimum wage of $1.00 which will be required under section 6(b) of the Act, effective September 3, 1961. A copy of any apprenticeship agreement or any apprentice training agreement relating to the employment of any apprentice whose employment will be brought under the Act by the Fair Labor Standards Amendments of 1961 where the wage rate being paid is below the minimum wage of $1.00 which will be required under section 6(b) of the Act, effective September 3, 1961, shall, however, be filed with the nearest Regional Office of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, not later than September 30, 1961. Outstanding special certificates authorizing the employment of apprentices at less than the applicable minimum wage under section 6 of the Fair Labor Standards Act shall remain in full force and effect since they are not affected by the Fair Labor Standards Amendments of 1961 or by this order.

Signed at Washington, D.C., this 23d day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–8192; Filed, Aug. 25, 1961; 8:48 a.m.]

EMPLOYMENT OF STUDENT LEARNERS

Special Certificates

Effective September 3, 1961, minimum wage requirements established in the Fair Labor Standards Amendments of 1961 will take effect. Accordingly, I have this day amended 29 CFR Part 520 to provide new special minimum wage rates for "student-learners." The change is from $0.75 per hour to 75 per centum of the applicable minimum under section 6 of the Act. There are "student-learners" currently working under "bona fide vocational training programs" (as those terms are defined in 29 CFR 520.2) pursuant to certificates which are scheduled to expire at various times subsequent to September 3, 1961. There are also many "student-learners" currently pursuing "bona fide vocational training programs" under conditions which do not require certification for such employment until September 3, 1961.

Accordingly, pursuant to authority in sections 11 and 14 of the Fair Labor Standards Act of 1938 (29 U.S.C. 211, 214) and for the purpose of preventing the disruption of these programs, it is hereby ordered that where a "student-learner" is paid not less than 75 per centum of the applicable minimum under section 6 of the Act, nor less than any minimum wage applicable to such employee prior to September 3, 1961, and where prior to September 3, 1961, the employer has on file a statement from the "appropriate school official" that the employee is employed as a "student-learner" under a "bona fide vocational training program", such statement together with this notice shall constitute a special certificate authorizing the student-learner's employment at special wages during the period beginning September 3, 1961, and ending January 31, 1962, provided that a copy of such statement shall have been filed with the appropriate regional office of the Wage and Hour and Public Contracts Divisions of the Department of Labor no later than September 30, 1961. The "appropriate school official" is the person authorized to sign an application for a special student-learner certificate as provided in 29 CFR 520.3(b). Further consideration of the changed economic conditions which prompted the enactment of the Fair Labor Standards Amendments of 1961 has persuaded me to alter the intention expressed in my proposal (26 F.R. 7018) to permit outstanding certificates to remain in effect with no change in the wage rate. Pursuant to the informal adjudicative process provided in 29 CFR Part 528, those certificates are being withdrawn and replaced with others requiring payment of wages not less than 75 per centum of the minimum wage required by the Fair Labor Standards Amendments of 1961.

Signed at Washington, D.C., this 23d day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61–8193; Filed, Aug. 25, 1961; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–99]

BABCOCK & WILCOX CO.

Notice of Issuance of Utilization Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 3, set forth below, to Facility License No. R–47, as amended. The amendment authorizes The Babcock and Wilcox Company to replace the boron carbide safety rods in its Lynchburg Pool Reactor with safety rods fabricated of boron-stainless steel, as described in its application for license amendment dated June 29, 1961. The Commission has found that the conduct of the proposed activities in accordance with License No. R–47, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the operation of the reactor in accordance with the terms of the license as amended does not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of Amendment No. 3 to Facility License No. R–47 upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the application for license amendment submitted by The Babcock & Wilcox Company and (b) a related hazards analysis prepared by the Research & Power Reactor Safety Branch of the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 21st day of August 1961.

For the Atomic Energy Commission.

E. G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R–47; Amdt. 3]

License No. R–47, as previously amended, issued to The Babcock & Wilcox Company for the operation of its Lynchburg Pool Reactor is hereby further amended by the addition of the following provisions:

1. The Babcock & Wilcox Company is authorized to replace the boron carbide safety rods in the reactor with safety rods fabricated of boron-stainless steel, as described in its application for license amendment dated June 29, 1961.

2. The Babcock & Wilcox Company shall visually inspect each boron-stainless steel control rod for indications of deformations and cracks, particularly at corners of mechanical grooves, at least once during each calendar year; provided, that no more than 2,500 megawatt hours of reactor operation shall elapse without such an inspection. Within thirty days after making each inspection, The Babcock & Wilcox Company shall submit a written report to the Commission describing the inspection procedures used and the condition of each rod inspected.

Date of issuance: August 21, 1961.

For the Atomic Energy Commission.

E. G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–8166; Filed, Aug. 25, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 12693]

AIR HAITI INTERNATIONAL, S.A.

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding is assigned to be held on September 7, 1961, at 10:00 a.m., e.d.s.t, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., August 22, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–8183; Filed, Aug. 25, 1961; 8:47 a.m.]

[Docket No. 8305]

ALLEGHENY SEGMENT 3 RENEWAL

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding is assigned to be held on September 5, 1961, at 10:00 a.m., e.d.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 22, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–8184; Filed, Aug. 25, 1961; 8:47 a.m.]

[Docket No. 12063]

FOREIGN AIR CARRIER PERMIT TERMS INVESTIGATION

Notice of Hearing

In the matter of an investigation of the terms, conditions and limitations of foreign air carrier permits.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-styled proceeding is assigned to be held on December 5, 1961, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other aspects of this proceeding, interested persons are referred to Board Orders E–16288 and E–17235, dated January 18 and July 27, 1961, respectively; prehearing conference reports served March 1 and August 7, 1961, respectively; a Notice to Parties dated August 18, 1961; and all other documents which are in the formal docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 23, 1961.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 61–8185; Filed, Aug. 25, 1961; 8:47 a.m.]

[Docket No. 12538]

TRANS-TEXAS AIRWAYS, INC.

"Use It Or Lose It" Investigation; Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding is assigned to be held on September 6, 1961, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., August 22, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–8186; Filed, Aug. 25, 1961; 8:47 a.m.]

[Docket No. 10946; Order No. E–17351]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted by Joint Conference Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of August 1961.

In Order E–15740, dated September 6, 1960, the Board approved the above-designated agreement adopted by Joint Conference 1–2–3 of the International Air Transport Association (IATA), promulgated in IATA Memorandum JT123/FRCS–Rates 581, naming a specific commodity rate for Item 8181, from Bombay to New York. The Board limited its approval of the agreement to one year through September 17, 1961, subject to the right of the parties to the agreement to refile at that time for further approval by the Board.

By letter of July 17, 1961, the Secretary of Traffic Conference 1 of IATA, acting on behalf of the United States flag carriers, refiled the above-described agreement under section 412(a) of the Federal Aviation Act of 1958 (the Act) for the purpose of obtaining approval by the Board of its continued effectiveness beyond September 17, 1961.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the continued effectiveness of the above-designated agreement to be adverse to the public interest or in violation of the Act: *Accordingly, it is ordered,*

1. That approval of Agreement C.A.D. 12179, R–2, which incorporates IATA Memorandum JT123/FRCS–Rates 581, is extended for the full period of the intended effectiveness of the agreement, provided that such approval shall not necessarily constitute approval for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submits statements in writing, containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action

herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such comments filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-8187; Filed, Aug. 25, 1961; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 399]

POSTMASTER GENERAL

Delegation of Authority To Perform Certain Building Operation, Maintenance and Protection Functions

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Postmaster General to perform the functions of building operation, maintenance, and protection of the Federal Building in Keosauqua, Iowa.

2. The authority hereby delegated shall be exercised in accordance with all applicable laws and regulations of the General Services Administration in effect on the date of such exercise.

3. The authority herein delegated may be redelegated to any officer or employee of the Post Office Department.

4. This delegation of authority shall be effective as of July 20, 1961.

Dated: August 18, 1961.

JOHN L. MOORE,
Administrator.

[F.R. Doc. 61-8172; Filed, Aug. 25, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-KC-45]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The State of Indiana, Department of Conservation, Indianapolis, Indiana, proposes to construct a radio antenna structure near San Pierre, Indiana, at latitude 41°09'38" north, longitude 86°53'43" west. The overall height of the structure would be 995 feet above mean sea level (315 feet above ground).

No objections were made in response to the circularization. The Agency's study revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 17, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8167; Filed, Aug. 25, 1961; 8:45 a.m.]

[OE Docket No. 61-KC-58]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Department of Conservation, State of Indiana, Indianapolis, Indiana, proposes to construct a radio antenna structure near Waveland, Indiana, at latitude 39°56' 24" north, longitude 87°05'49" west. The overall height of the structure would be 965 feet above mean sea level (215 feet above ground).

No objections were made in response to the circularization. The proposed structure would be located 1.4 miles northwest of the center of the Roscoe Turner Airport, Waveland, Indiana, and would penetrate the horizontal surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 45 feet. The Agency study disclosed that this factor would not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 17, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8168; Filed, Aug. 25, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-231]

GEORGIA POWER CO.

Notice of Filing of Intention

AUGUST 16, 1961.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, Atlanta, Georgia, a subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed, pursuant to Rule 44(c) of the Public Utility Holding Company Act of 1935 ("Act"), notice of intention to dispose of its buses and related facilities now operated by Georgia in the City of Rome, Georgia ("the City"), for the purpose of effectuating compliance with the Commission order dated August 1, 1947 (Holding Company Act Release No. 7615), issued pursuant to section 11(b)(1) of the Act. All interested persons are referred to the notice of intention and supporting documents on file at the office of the Commission for a statement of the transaction therein proposed.

In order to effectuate compliance with the Commission order dated August 1, 1947, which provided, among other things, that "• • • Southern shall cease to own, operate, control or have any interest, in the • • • transportation properties and businesses of Georgia • • •," the Division of Corporate Regulation of this Commission proposed a plan pursuant to section 11(d) of the Act which provided for disposition of the aforementioned transportation properties. The notice of filing pursuant to section 11(d) of plan for compliance with section 11(b)(1) order and order for hearing dated February 6, 1961 (Holding Company Act Release No. 14364) issued in connection with that section 11(d) plan stated that the Commission would consider, among other things, whether that proposed plan should be modified or whether another type of plan is required in the interest of fairness and equity.

In the interest of arriving at an alternative to the plan proposed by the Division of Corporate Regulation for disposition of the transportation properties so as to effectuate compliance with the section 11(b)(1) order, Georgia and the City entered into negotiations and on August 7, 1961, the City adopted a resolution, accepted by Georgia on August 9, 1961, containing terms which are summarized as follows:

Georgia will transfer to the City all buses and equipment now operated by Georgia in furnishing public transportation service in the City (which are recorded on the books of Georgia, as of July 31, 1961, at approximately $25,000, after the deduction of reserves applicable thereto), together with spare parts having a value of approximately $500, and making payment to the City of $250,000 in cash. The City has consented to Georgia's complying with the requirements of the Commission Order dated August 1, 1947, and has relieved, released and discharged Georgia from any and all obligations to furnish transportation service in the City under its franchise with the City which obligates Georgia to render electric service as well as transportation service in the City.

The City has also agreed that, in consideration of the payment to it by Georgia of an additional $50,000, and so long as Georgia continues to perform its obligations under its electric distribution franchise, the City will not enter into competition with Georgia in the transmission, distribution or sale of electric energy within the corporate limits of the City.

Georgia has made repeated efforts to sell the transportation properties without success. Since 1952, Georgia has been unable to locate any one interested in purchasing the properties and does not know of any prospective purchasers at the present time. In addition, during the calendar years 1955–1960 Georgia has incurred a net operating loss from its transportation activities in each year ranging from approximately $47,000 to $59,000 despite every possible operating economy, service curtailments, and fare adjustments.

The Rule 44(c) notice of intention states that the proposed disposition is subject to authorizations and approvals of the Georgia Public Service Commission.

Notice is further given that any interested person may, not later than September 7, 1961, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressd: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Georgia and proof of service (by affidavit, or in case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after such date the Commission may give notice to Georgia that no declaration is required with respect to the proposed transaction as provided in Rules 44(c) and 100 promulgated under the Act; the Commission may also, upon receipt of a notice of consummation of the proposed transaction in accordance with the terms and conditions set forth in the filing, dismiss as moot the proceeding initiated by notice of filing and order for hearing, dated February 6, 1961 (Holding Company Act Release No. 14364); or take such other action at it may deem appropriate under the Act and general rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8175; Filed, Aug. 25, 1961; 8:46 a.m.]

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689 (2 documents) ... 8074
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47 CFR

PROPOSED RULES:
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Rules and Regulations

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 14,891]

PART 545—OPERATIONS

Give-Aways

AUGUST 24, 1961.

Resolved that, notice and public procedure having been duly afforded (26 F.R. 6559), and all relevant matter presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by the addition of a new section as hereinafter set forth imposing, under the circumstances and to the extent set forth therein, restrictions and prohibitions upon Federal savings and loan associations relating to the distribution of give-aways, the reference to give-aways in advertisements, and the entering into of agreements or understandings with, or the accepting of funds for investment in savings accounts from, brokers or other persons engaging in activities prohibited by other provisions of such section, and for the purpose of effecting such restrictions and prohibitions, hereby amends said Part 545 by adding thereto, immediately after § 545.4, the following new section, effective September 29, 1961:

§ 545.5 Give-aways.

(a) *Scope of section.* The provisions of this section shall be applicable to a Federal association when, and only when, (1) such association is doing business in a State hereinafter referred to in this sentence, (2) there is in effect a statutory provision of such State authorizing a specified official of such State to impose on domestic associations of such State, by regulation, a restriction or prohibition equivalent to that imposed on Federal associations by paragraph (b) of this section, if, during the period of any such restriction or prohibition, Federal associations doing business in such State are not permitted to use the subject matter of such restriction or prohibition to a greater extent than domestic associations of such State are permitted to do pursuant to such official's regulations, and (3) there is in effect a regulation of such official, pursuant to such statute, imposing such a restriction or prohibition as is hereinbefore referred to in this sentence. Nothing in this section shall impose on any Federal association any restriction or prohibition to which such association would not be subject under regulation of such official, authorized by statute of such State, if such association were a domestic association of such State.

(b) *General prohibition.* No Federal association shall condition the distribution of a give-away on the recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein.

(c) *Prohibition on advertising.* Except as provided in paragraph (d) of this section, no Federal association shall refer in any of its advertisements to any give-away, other than printed material of an educational or informational nature of a cost not exceeding $2.50 or a coin bank not exceeding said cost.

(d) *Exception.* The provisions of paragraph (c) of this section shall not prohibit a Federal association which has not opened an office prior to the effective date of this section from referring to give-aways in its advertisements for a single period of 30 days ending not more than one year after the opening of its first office.

(e) *Additional prohibitions.* No Federal association shall enter into any agreement or understanding with, or accept funds for investment in savings accounts from, any broker or other person engaging in activities that are prohibited by the preceding provisions of this section if done by an association.

(f) *Effect on other provisions.* The provisions of this section shall be cumulative to, and shall not affect the applicability to any Federal association of, the provisions of § 563.24 of this chapter (Rules and Regulations for Insurance of Accounts).

(g) *Definitions.* As used in this section:

(1) The term "doing business" has the meaning which it has under the statutory provision referred to in subparagraph (2) of paragraph (a) of this section, and the term "domestic association" means such savings and loan, building and loan, and homestead associations and cooperative banks as are domestic associations within the meaning of such statutory provision;

(2) The term "give-away" means any merchandise or other thing of value, or services performed in whole or in part outside the premises of an association, furnished the recipient as a gift or premium or as a result of a drawing or contest or otherwise without adequate payment; and

(3) The term "State" means the States of the Union, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 61–8251; Filed, Aug. 28, 1961; 8:54 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 27—IMPORTED PRODUCTS

Haiti

Pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), § 27.2(b) of the Federal meat inspection regulations (9 CFR 27.2(b), as amended) is hereby amended by inserting the word "Haiti" in proper alphabetical order in the list of countries specified therein from which certain products (meat, meat food product, and meat by-product) may be imported into the United States as provided in said regulations.

The amendment is based upon a determination by this Department that the system of meat inspection maintained by Haiti is the substantial equivalent of, or is as efficient as, the system maintained by the United States and that reliance can be placed upon certificates required under the regulations from authorities of Haiti. This determination was made after a careful investigation of the facts and it does not appear that further information would be obtained by publication of notice of rule-making and other public procedure with respect to the amendment. The amendment relieves restrictions, and, in order to be of maximum benefit to persons in this country who wish to import the products involved, and to affected exporters in Haiti, the amendment must be made effective as soon as possible. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of rule-making and other public procedure on the amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1961.

M. R. CLARKSON, *Acting Administrator.*

[F.R. Doc. 61–8244; Filed, Aug. 28, 1961; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Regulation No. PR–53]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Amendments and Reissuance

Upon review of Part 302 of the Procedural Regulations, it appears to the Board that editorial changes should be made therein wherever necessary to bring terminology up to date, to correct references, and the like. These amendments do not involve changes of substance. In addition, however, there are three minor substantive amendments which should be made in § 302.21 to reflect statutory changes regarding subsistence and mileage allowances to witnesses in Board proceedings. Specifically, the allowance for subsistence should be raised to $8 per day, and that for mileage to 8 cents per mile, while a new provision should be added stating that the computation of mileage shall be made on the basis of a uniform table of distances adopted by the Attorney General where the travel is covered therein.

It is also recognized that Part 302 was last reissued in revised form on April 8, 1952, effective April 28, 1952. Since then, 30 amendments of Part 302 have been adopted. It therefore appears to the Board that Part 302 should be reissued at this time with all outstanding amendments incorporated in the text. Incorporation of these amendments into the regulation does not constitute any substantive change therein.

Since Part 302 constitutes a procedural regulation, notice and public procedure hereon are not required, and the subject amendments and reissuance may be made effective upon less than 30 days after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 302 of the Procedural Regulations (14 CFR Part 302) effective September 1, 1961, as attached hereto.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

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AUTHORITY: §§ 302.1 to 302.705 issued under secs. 5, 7, 8, 12, 60 Stat. 239, 241, 242, 244, secs. 101, 204, 406, 416, 1001, 1002, 72 Stat. 737, 743, 763, 771, 788; 5 U.S.C. 1004, 1006, 1007, 1011, 49 U.S.C. 1301, 1324, 1376, 1386, 1481, 1482.

§ 302.1 Application and description of part.

(a) *Application.* This part governs the conduct of all economic proceedings before the Board whether instituted by order of the Board or by the filing with the Board of an application, complaint or petition. The provisions of Part 263 of the economic regulations are applicable to participation of air carrier associations in proceedings under this part. However, there are exceptions to the applicability of this part with respect to two classes of proceedings:

(1) Proceedings involving "Alaskan Air Carriers" and "Alaskan air taxi operators" are governed by these rules, but only as modified by Parts 292 and 298 of this chapter, respectively;

(2) Proceedings governed by Part 301 and Part 303 of this subchapter (Rules of Practice in Air Safety Proceedings and Rules of Practice in Aircraft Accident Inquiries) are not governed by this part.

(b) *Description.* Subpart A of this part sets forth general rules applicable to all types of proceedings. Each of Subparts B through G of this part sets forth special rules applicable to the type of proceedings described in the title of the subpart. Therefore, for information as to applicable rules, reference should be made to Subpart A and to the rules in the subpart relating to the particular type of proceeding, if any. In addition, reference should be made to the Federal Aviation Act, the Board's Principles of Practice (Part 300 of this subchapter), and to the substantive rules, regulations and orders of the Board relating to the proceeding.[1] Wherever there is any conflict between one of the general rules in Subpart A and a special rule in another subpart applicable to a particular type of proceeding, the special rule will govern.

§ 302.2 Reference to part and method of citing rules.

This part shall be referred to as the "Rules of Practice". Each section, and any paragraph or subparagraph thereof, shall be referred to as a "Rule". The number of each rule shall include only the numbers and letters at the right of the decimal point. For example, "302.8 *Service of documents*", shall be referred to as "Rule 8". Subparagraph (2) of paragraph (a) of that rule, relating to service of documents by the parties, shall be referred to as "Rule 8 (a) (2)".

[1] The Federal Aviation Act of 1958 may be found at 72 Stat. 731, and at 49 U.S.C. 1301 et seq. The Board's substantive rules may be found in its Economic Regulations and Special Regulations (Subchapters A and D of this chapter).

Subpart A—Rules of General Applicability

§ 302.3 Filing of documents.

(a) *Filing address, date of filing, hours.* Documents required by any section of this part to be filed with the Board shall be filed with the Docket Section of the Civil Aeronautics Board, Washington 25, D.C. Such documents shall be deemed to be filed on the date on which they are actually received by the Board. The hours of the Board are from 8:30 a.m. to 5:00 p.m., eastern standard or daylight saving time, whichever is in effect in the District of Columbia at the time, Monday to Friday, inclusive, except on legal holidays for the Board.

(b) *Formal specifications of documents.* (1) All documents filed under this part shall be on strong, durable paper not larger than 8½ by 14 inches in size except that tables, charts and other documents may be larger, folded to the size of the document to which they are attached. The left margin shall be at least 1½ inches wide and, if the document is bound, it shall be bound on the left side.

(2) Papers may be reproduced by printing or by any other process, provided the copies are clear and legible. Appropriate notes or other indications shall be used, so that the existence of any matters shown in color will be accurately indicated on photostatic copies.

(c) *Number of copies.* Unless otherwise specified, an executed original and nineteen (19) true copies of each document required or permitted to be filed under these rules, shall be filed with the Docket Section. The copies need not be signed but the name of the person signing the original shall be reproduced.

(d) *Table of contents.* All documents filed under this part consisting of twenty or more pages must contain a subject-index of the matter in such document, with page references.

§ 302.4 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation or order of the Board which prescribes the contents of the formal application, complaint, petition or motion, such document shall contain a proper identification of the parties concerned, a reference to the provision of the statute and regulation under which the document is filed, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, complaint, motion or other document filed in a proceeding shall be signed by the party filing the same, or by a duly authorized officer or the attorney-at-law of record of such party, or by any other person: *Provided*, That, if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person in any proceeding shall state on the first page thereof the name and post office address of the person or persons who may be served with any documents filed in the proceeding.

§ 302.5 Amendment of documents and dismissal.

If any document initiating, or filed in, a proceeding is not in substantial conformity with the applicable rules or regulations of the Board as to the contents thereof, or is otherwise insufficient, the Board, on its own motion, or on motion of any party, may strike or dismiss such document, or require its amendment. If amended, the document shall be made effective as of the date of original filing.

§ 302.6 Answers, protests or memoranda.

Answers to certain documents are required in economic enforcement proceedings and reference should be made to Subpart B of this part for such requirements. Answers to formal complaints, petitions or other documents or orders instituting proceedings may be filed but will not usually be required. In case an answer is required the parties will be notified. The issues in the proceeding will ordinarily be formulated at the prehearing conference. Answers to any document shall be filed within seven (7) days except where otherwise specifically provided. It is not hereby intended to give a right to answer documents where the rules or any other provisions of the Economic Regulations do not specifically so provide. Protests or memoranda of opposition or support, where permitted by statute, shall be filed before the close of the hearing in the case to which they relate, and shall be served as provided in subparagraph 302.8(a)(2) of this Part.

§ 302.7 Retention of documents by the Board.

All documents filed with or presented to the Board, may be retained in the files of the Board. However, the Board may permit the withdrawal of original documents upon the submission of properly authenticated copies to replace such documents.

§ 302.8 Service of documents.

(a) *Who makes service*—(1) *The Board.* Formal complaints, notices, orders to show cause, other orders, and similar documents issued by the Board will be served by the Board upon all parties to the proceeding.

(2) *The parties.* Answers, petitions, motions, briefs, exceptions, notices or any other documents filed by any party or other person with the Board or an examiner shall be served by the person filing such document upon all parties to the proceeding in which it is filed; provided that motions to expedite filed in any proceeding conducted pursuant to sections 401 and 402 of the Act, shall, in addition, be served on all persons who have petitioned for intervention in or consolidation of applications with such proceeding. Proof of service shall accompany all documents when they are tendered for filing.

(b) *How service may be made.* Service may be made by regular mail, by registered mail, or by personal delivery. In the case of mailing to or from persons located in the territories or west of the Mississippi River to or from persons located in other territories or east of the said river mailing shall be by air mail. The means of service selected must be such as to permit compliance with section 1005 (c) of the act, which provides for service of notices, processes, orders, rules, and regulations by personal service or registered or certified mail.

(c) *Who may be served.* Service upon a party or person may be made

upon an individual, or upon a member of a partnership, or firm to be served, or upon the president or other officer of the corporation, company, firm, or association to be served, or upon the assignee or legal successor of any of the foregoing, or upon any attorney of record for the party, or upon the agent designated by an air carrier under section 1005 (b) of the act, but it shall be served upon a person designated by a party to receive service of documents in a particular proceeding in accordance with § 302.4 (c) once a proceeding has been commenced.

(d) *Where service may be made.* Personal service may be made on any of the persons described in paragraph (c) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005 (b) of the act may be served only at his office or usual place of residence. Service by regular or registered or certified mail shall be made at the principal place of business of the party to be served, or at his usual residence if he is an individual, or at the office of the party's attorney of record, or at the office or usual residence of the agent designated by an air carrier under section 1005 (b) of the act, or at the post office address stated for a person designated to receive service pursuant to § 302.4 (c).

(e) *Proof of service.* Proof of service of any document shall consist of one of the following:

(1) A certificate of mailing executed by the person mailing the document.

(2) An acknowledgment of service signed by a person receiving service personally, or a certificate of the person making personal service.

(f) *Date of service.* Whenever proof of service by mail is made, the date of mailing shall be the date of service. Whenever proof of service by personal delivery is made, the date of such delivery shall be the date of service.

§ 302.9 Parties.

The term party wherever used in this part shall include any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and any trustee, receiver, assignee or legal successor thereof, and shall include Bureau Counsel and the Enforcement Attorney in any proceeding.

§ 302.10 Substitution of parties.

Upon motion and for good cause shown, the Board may order a substitution of parties, except that in case of death of a party, substitution may be ordered without the filing of a motion.

§ 302.11 Limitations on practice.

(a) *Registration.* Any person may appear before the Board and be heard in person or by attorney. No register of attorneys who may practice before the Board is maintained and no application for admission to practice is required. However, any person practicing before the Board or desiring so to practice may, for good cause shown, be barred or suspended from so practicing, but only after he has been afforded an opportunity to be heard in the matter.

(b) *Representation by persons formerly associated with the Board—(1) Appearance and representation.* (i) No person who has been associated with the Board as a member, officer, or employee shall be permitted at any time to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding or matter which such person has handled or passed upon while associated in any capacity with the Board. No person appearing before the Board in any matter or proceeding shall in relation thereto knowingly accept assistance from or share fees with any person who would himself be precluded by this section from appearing before the Board in such matter or proceeding.

(ii) No person who has been associated with the Civil Aeronautics Board as a member, officer, or employee thereof shall be permitted within six months from the date of the termination of such association, to appear before the Board in behalf of, or to represent in any manner, any party in connection with any proceeding which was pending before the Board at the time of his association with the Board, unless he shall first have obtained the written consent of the Board upon a verified showing that he did not give personal consideration to the matter or proceeding as to which consent is sought or gain particular knowledge of the facts thereof during his association with the Board.

(2) *Use of confidential information.* No person who has been associated with the Board as a member, officer or employee, or any person associated with him, shall ever use or undertake to use in any proceeding or matter before the Board any confidential facts or information which came into the possession or to the attention of any former member, officer, or employee during his official association with the Board without first applying for and obtaining the consent of the Board for the use of such facts or information.

(3) *Pending proceeding defined.* For the purpose of this section a proceeding shall be considered as pending from the date of receipt by the Docket Section of the Board of any formal application, complaint, or petition for the institution of a proceeding by the Board or from the date of adoption of any order to show cause or other procedures of the Board evidencing the initiation of a proceeding. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

§ 302.12 Consolidations.

(a) The Board, upon its own initiation or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. Although the Board may, in any particular case, consolidate or contemporaneously consider two or more proceedings on its own motion, the burden of seeking consolidation or contemporaneous consideration of a particular application shall rest upon the applicant and the Board will not undertake to search its docket for all applications which might be consolidated or contemporaneously considered.

(b) *Time for filing.* Unless the Board has provided otherwise in a particular proceeding, a motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested. If made at such conference, the motion may be oral. All motions for consolidation or considerations of issues which enlarge, expand and change the nature of the proceeding shall be addressed to the Board, unless made orally at the prehearing conference, in which event the presiding Examiner shall present such motion to the Board for its decision. A motion which is not filed at or prior to the prehearing conference, or within the time prescribed by the Board in a particular proceeding, as the case may be, shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time. A motion which does not relate to an application pending at the time of the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, or on the date specifically prescribed by the Board in a particular proceeding for filing of motions for consolidation or contemporaneous consideration, shall likewise be dismissed unless the movant shall clearly show good cause for his failure to file the application within the prescribed period.

(c) *Answer.* If a motion to consolidate two or more proceedings is filed with the Board, any party to any of such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within such period as the Board may permit. The Examiner may require that answers to such motions be stated orally at the prehearing conference in the proceeding with which the consolidation is proposed.

(d) *Dismissal of remaining portions of applications partially designated for hearing or consolidated hearing.* When the Board severs parts of applications filed under section 401 of the act and designates them for hearing or for consolidated hearing in a proceeding, it will dismiss without prejudice the remaining portions of such applications.

§ 302.13 Joinder of complaints or complainants.

Two or more grounds of complaints involving substantially the same purposes, subject or state of facts may be included in one complaint even though they involve more than one respondent. Two or more complainants may join in one complaint if their respective causes of complaint are against the same party or parties and involve substantially the same purposes, subject or state of facts. The Board may separate or split complaints if it finds that the joinder of complaints, complainants, or respondents will not be conducive to the proper dispatch of its business or the ends of justice.

§ 302.14 Participation in hearing cases by persons not parties.

(a) *Requests for expedition.* In any case to which the Board's principles of practice, Part 300, are applicable, any interested person, including any State, subdivision thereof, State aviation commission, or other public body, may by motion request expedition of such case or file an answer in support of or in opposition to such motions. Such motions and answers shall be served as provided in § 302.8 hereof.

(b) *Participation in hearings.* Any person, including any State, subdivision thereof, State aviation commission, or other public body, may appear at any hearing, other than in an enforcement proceeding, and present any evidence which is relevant to the issues. With the consent of the Examiner or the Board, if the hearing is held by the Board, such person may also cross-examine witnesses directly. Such persons may also present to the examiner a written statement on the issues involved in the proceeding. Such written statements, or protests or memoranda in opposition or support where permitted by statute, shall be filed and served on all parties prior to the close of the hearing.

§ 302.15 Formal intervention.

(a) *Who may intervene.* (1) Any person who has a statutory right to be made a party to a proceeding shall be permitted to intervene therein.

(2) Any person whose intervention will be conducive to the ends of justice and will not unduly impede the conduct of the Board's business may be permitted to intervene in any proceeding.

(b) *Considerations relevant to determination of petition to intervene.* In passing upon a petition to intervene, the following factors, among other things, will be considered: (1) The nature of the petitioner's right under the statute to be made a party to the proceeding; (2) the nature and extent of the property, financial or other interest of the petitioner; (3) the effect of the order which may be entered in the proceeding on petitioner's interest; (4) the availability of other means whereby the petitioner's interest may be protected; (5) the extent to which petitioner's interest will be represented by existing parties; (6) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record; and (7) the extent to which participation of the petitioner will broaden the issue or delay the proceeding.

(c) *Petition to intervene—(1) Contents.* Any person desiring to intervene in a proceeding shall file a petition in conformity with this part setting forth the facts and reasons why he thinks he should be permitted to intervene. The petition should make specific reference to the factors set forth in paragraph (b) of this section.

(2) *Time for filing.* Unless otherwise ordered by the Board, any petition for leave to intervene shall be filed within the following time limits:

(i) In a proceeding where the Board issues a show cause order proposing fair and reasonable mail rates, such petition shall be filed within the time specified for filing notice of objection.

(ii) In all other proceedings, including mail rate proceedings where no show cause order is issued, the petition shall be filed with the Board prior to the first prehearing conference, or, in the event that no such conference is to be held, not later than fifteen (15) days prior to the hearing.

(iii) A petition to intervene in any Board proceeding filed by a city, other public body, or a chamber of commerce shall be filed with the Board not later than the last day prior to the beginning of the hearing thereon.

A petition for leave to intervene which is not timely filed shall be dismissed unless the petitioner shall clearly show good cause for his failure to file such petition on time.

(3) *Answer.* Any party to a proceeding may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section, within seven (7) days after the petition is filed.

(4) *Disposition.* The decision granting, denying or otherwise ruling on any petition to intervene may be issued without receiving testimony or oral argument either from the petitioner or other parties to the proceeding.

(d) *Effect of granting intervention.* A person permitted to intervene in a proceeding thereby becomes a party to the proceeding. However, interventions provided for in this section are for administrative purposes only, and no decision granting leave to intervene shall be deemed to constitute an expression by the Board that the intervening party has such a substantial interest in the order that is to be entered in the proceeding as will entitle it to judicial review of such order.

§ 302.16 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice, order or regulation of the Board, the Chief Examiner, or an Examiner, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday. When the period of time prescribed is (7) days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

§ 302.17 Continuances and extensions of time.

Whenever a party has the right or is required to take action within a period prescribed by this part, by a notice given thereunder, or by an order or regulation, the Board, the Chief Examiner or the Examiner assigned to the proceeding may (a) before the expiration of the prescribed period, with or without notice, extend such period; or (b) upon motion, permit the act to be done after the expiration of the specified period, where the failure to act is clearly shown to have been the result of excusable neglect.

§ 302.18 Motions.

(a) *Generally.* An application to the Board or an Examiner for an order or ruling not otherwise specifically provided for in this part shall be by motion. After the assignment of an Examiner to a proceeding, and prior to his recommended decision, or the expiration of the period within which exceptions to his initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the Examiner. At all other times motions shall be addressed to the Board. All motions shall be made at an appropriate time depending upon the nature thereof and the relief requested therein.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing in conformity with §§ 302.3 and 302.4 shall state with particularity the grounds therefor and the relief or order sought, and shall be accompanied by any affidavits or other evidence desired to be relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record unless the Examiner directs otherwise.

(c) *Answers to motions.* Within seven (7) days after a motion is filed, or such other period as the Board or Examiner may fix, any party to the proceeding may file an answer in support of or in opposition to the motion, accompanied by such affidavits or other evidence as it desires to rely upon.

(d) *Oral arguments; briefs.* No oral argument will be heard on motions unless the Board or the Examiner otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the position taken.

(e) *Disposition of motions.* The Examiner shall pass upon all motions properly addressed to him, except that, if he finds that a prompt decision by the Board on a motion is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision. The Board shall pass upon all motions properly submitted to it for decision.

(f) *Appeals to the Board from rulings of Examiners.* Rulings of Examiners on motions may not be appealed to the Board prior to its consideration of the entire proceeding except in extraordinary circumstances and with the consent of the Examiner. An appeal shall be disallowed unless the Examiner finds, either on the record or in writing, that the allowance of such an appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such period as the Examiner directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the Examiner on motion may

be reviewed by the Board in connection with its final action in the proceeding irrespective of the filing of an appeal or any action taken on it.

(g) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed by this part (or any extension granted thereunder) to take action.

§ 302.19 Subpenas.

(a) An application for a subpena requiring the attendance of a witness or the production of documentary evidence at a hearing may be made without notice by any party to the Examiner designated to preside at the reception of evidence or, in the event that an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner, for action by himself or by a member of the Board.

(b) A subpena for the attendance of a witness shall be issued on oral application at any time.

(c) An application for a subpena for documentary or tangible evidence shall be in duplicate except that if it is made during the course of a hearing, it may be made orally on the record with the consent of the Examiner. All such applications, whether written or oral, shall contain a statement or showing of general relevance and reasonable scope of the evidence sought, and shall be accompanied by two copies of a draft of the subpena sought which shall describe the documentary or tangible evidence to be subpenaed with as much particularity as is feasible.

(d) The Examiner or member of the Board considering any application for a subpena shall issue the subpena requested if the application complies with this section. No attempt shall be made to determine the admissibility of evidence in passing upon an application for a subpena, and no detailed or burdensome showing shall be required as a condition to the issuance of a subpena. It is the purpose of this section, on the one hand, to make subpenas readily available to parties, and, on the other hand, to prevent the improvident issuance of subpenas to secure evidence which is unrelated to the issues of the proceeding or wholly unreasonable in its scope.

(e) Where it appears at a hearing that the testimony of a witness or documentary evidence is relevant to the issues in a proceeding, the Examiner or Chief Examiner may issue on his own motion a subpena requiring such witness to attend and testify or requiring the production of such documentary evidence.

(f) Subpoenas issued under this section shall be served upon the person to whom directed in accordance with § 302.8 (b). Any person upon whom a subpoena is served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the Examiner designated to preside at the reception of evidence or, in the event an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner for action by himself or by a Member of the Board. If the person to whom the motion to modify or quash the subpoena has been addressed or directed, has not acted upon such a motion by the return date, such date shall be stayed pending his final action thereon. The Board may at any time review, upon its own initiative, the ruling of an Examiner or the Chief Examiner or a member of the Board denying a motion to quash a subpoena. In such cases, the Board may at any time order that the return date of a subpoena which it has elected to review be stayed pending Board action thereon.

(g) The provisions of this section are not applicable to the attendance of Board Members, officers or employees or the production of documentary evidence in the custody thereof at a hearing. Applications therefor shall be addressed to the Examiner in writing and shall set forth the need of the moving party for such evidence and the relevancy to the issues of the proceeding. Such applications shall be processed as motions in accordance with § 302.18 except that a grant of such motion by an Examiner, in whole or in part, shall be immediately reviewed by the Board on its own initiative and shall be subject to final Board action. No application will be required for the attendance of Board personnel or the production of records in their custody when requested by an Enforcement Attorney. Where a Board employee has testified in an enforcement proceeding that he used documents in his custody, or parts thereof, to refresh his recollection, a ruling by the Examiner for their production shall be final in the absence of an objection by the Enforcement Attorney. In the event of such objection, Board review will be limited to the documents, or portions thereof, to which objection is taken by the Enforcement Attorney.

§ 302.20 Depositions.

(a) For good cause shown, the Board, or any member or Examiner assigned as a hearing officer in a proceeding may order that the testimony of a witness be taken by deposition and that the witness produce documentary evidence in connection with such testimony. Ordinarily an order to take the deposition of a witness will be entered only if (1) the person whose deposition is to be taken would be unavailable at the hearing, or (2) the deposition is deemed necessary to perpetuate the testimony of the witness, or (3) the taking of the deposition is necessary to prevent undue and excessive expense to a party and will not result in an undue burden to other parties or in undue delay.

(b) Any party desiring to take the deposition of a witness shall make application therefor in duplicate to a member of the Board or Examiner designated to preside at the reception of evidence or, in the event that a hearing officer has not been assigned to a proceeding or is not available, to the Board, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the time and place proposed for the taking of the deposition, and a general description of the matters concerning which the witness will be asked to testify. If good cause be shown, the Board or the hearing officer (member or Examiner) may, in its or his discretion, issue an order authorizing such deposition and specifying the witness whose deposition is to be taken, the general scope of the testimony to be taken, the time when, the place where, and the designated officer (authorized to take oaths) before whom the witness is to testify, and the number of copies of the deposition to be supplied. Such order shall be served upon all parties by the person proposing to take the deposition a reasonable period in advance of the time fixed for taking testimony.

(c) Witnesses whose testimony is taken by deposition shall be sworn or shall affirm before any questions are put to them. Each question propounded shall be recorded and the answers shall be taken down in the words of the witness.

(d) Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon, but no transcript filed by the officer shall include argument or debate. Objections to questions or evidence shall be noted by the officer upon the deposition, but he shall not have power to decide on the competency or materiality or relevance of evidence, and he shall record the evidence subject to objection. Objections to questions or evidence not made before the officer shall not be deemed waived unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(e) The testimony shall be reduced to writing by the officer, or under his direction, after which the deposition shall be subscribed by the witness unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refuses to sign, and certified in usual form by the officer. If the deposition is not subscribed to by the witness, the officer shall state on the record this fact and the reason therefor. The original deposition and exhibits shall be forwarded to the Docket Section of the Board and shall be filed in the proceedings.

(f) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. Ordinarily such procedure will only be authorized if necessary to achieve the purposes of an oral deposition and to serve the balance of convenience of the parties. The interrogatories shall be filed in quadruplicate with two copies of the application and a copy of each shall be served on each party. Within seven (7) days after service any party may file with the person to whom application was made two copies of his objections, if any, to such interrogatories and may file such cross-interrogatories as he desires to submit. Cross-interrogatories shall be filed in quadruplicate, and a copy thereof together with a copy of any objections to interrogatories, shall be served on each party, who shall have five (5) days thereafter to file and serve his objections, if any, to such cross-interrogatories. Objections to interrogatories or cross-interrogatories shall be settled by the Board or hearing officer considering the application. Objections to interrogatories shall be made before the order for taking the deposition issues and if not so made shall be deemed waived. When a deposition is taken upon written interrogatories, and cross-interrogatories, no party shall be present or represented, and no person other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words. The provisions of paragraph (e) of this section shall be applicable to depositions taken in accordance with this paragraph.

(g) All depositions shall conform to the specifications of § 302.3 except that the filing of three copies thereof shall be sufficient. Any fees of a witness, the stenographer, or the officer designated to take the deposition shall be paid by the person at whose instance the deposition is taken.

(h) The fact that a deposition is taken and filed in a proceeding as provided in this section does not constitute a determination that it is admissible in evidence or that it may be used in the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

§ 302.21 Attendance fees and mileage.

(a) *Where tender of attendance fees and mileage is a condition of compliance with subpena.* No person whose attendance at a hearing or whose deposition is to be taken shall be obliged to respond to a subpena unless upon a service of the subpena he is tendered attendance fees and mileage by the party at whose instance he is called in accordance with the requirements of paragraph (b) of this section: *Provided,* That a witness summoned at the instance of the Board or one of its employees, or a salaried employee of the United States summoned to testify as to matters related to his public employment, need not be tendered such fees or mileage at that time.

(b) *Amount of mileage and attendance fees to be paid.* (1) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, shall be paid the same fees and mileage paid to witnesses for like services in the courts of the United States, as provided in subdivisions (i) through (iii) of this subparagraph: *Provided,* That no employee, officer or attorney of an air carrier who travels under the free or reduced rate provisions of section 403 (b) of the act shall be entitled to any fees or mileage.

(i) *Per diem for attendance.* There shall be tendered $4 for each day of expected attendance at a hearing or place where deposition is to be taken, and for the time necessarily occupied in going to and returning from the place of attendance.

(ii) *Allowance for subsistence.* In addition to per diem for attendance, when attendance is required at a point so far removed from the witness' residence as to prohibit daily return thereto, there shall be tendered an additional sum of $8 per day for expenses of subsistence for each day of expected attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(iii) *Mileage.* There shall be tendered an amount equal to 8 cents per mile for the round-trip distance between the witness' place of residence and the place where attendance is required. Regardless of the mode of travel employed, computation of mileage shall be made on the basis of a uniform table of distances adopted by the Attorney General where the travel is covered by such table: *Provided,* That in lieu of this mileage allowance witnesses who are required to travel between the territories, possessions or to and from the continental United States or between two foreign points shall be tendered a ticket for such transportation at the lowest first-class rate available at the time of reservation plus the required per diem attendance fees: *And provided further,* That in Alaska where permitted by section 403(b) of the Federal Aviation Act of 1958, as amended, the witness may, at his option, accept a pass for travel by air.

(2) Witnesses who are not salaried employees of the United States, or such employees summoned to testify on matters not related to their public employment, who are summoned to testify at the instance of the Board or one of its employees or the United States or one of its agencies shall be paid in accordance with the provisions of subparagraph (1) of this paragraph. Such witnesses shall be furnished appropriate forms and instructions for the submission of claims for attendance fees, subsistence and mileage from the Government before the close of the proceedings which they are required to attend. Only persons summoned by subpena shall be entitled to claim attendance fees, subsistence or mileage from the Government.

(3) Witnesses who are salaried employees of the United States and who are summoned to testify on matters relating to their public employment, irrespective of or at whose instance they are summoned, shall be paid in accordance with applicable Government regulations.

(4) Whenever the sums tendered to a witness are inadequate for reimbursement under the requirements of this section, and such witness has complied with the summons, he shall upon request within a reasonable period of time be entitled to such additional sums as may be due him under the provisions of this section. Whenever the sums tendered and paid to a witness are excessive under the above requirements, either because the witness traveled under the free or reduced rate provisions of section 403 (b) of the act, or for any other reason, the witness shall upon request within a reasonable period of time refund such sums as may be excessive under the provisions of this section.

§ 302.22 Examiners.

(a) *Defined.* The term "Examiner" as used in this part includes presiding officers, hearing examiners, individual members of the Board or any other representative of the Board assigned to hold a hearing in a proceeding.

(b) *Disqualification.* An Examiner shall withdraw from the case if at any time he deems himself disqualified. If, prior to the initial or recommended decision in the case, there is filed with the Examiner, in good faith, an affidavit of personal bias or disqualification with substantiating facts and the Examiner does not withdraw, the Board shall determine the matter, if properly presented by exception or brief, as a part of the record and decision in the case. The Board shall not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

(c) *Powers.* An Examiner shall have the following powers, in addition to any others specified in this part:

(1) To give notice concerning and to hold hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

(5) To rule upon offers of proof and to receive relevant evidence;

(6) To regulate the course and conduct of the hearing;

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Within his discretion, or upon the direction of the Board, to certify any question to the Board for its consideration and disposition;

(10) To make initial or recommended decisions as provided in § 302.27;

(11) To take any other action authorized by this part, by the Administrative Procedure Act, or by the Federal Aviation Act. The Examiner's authority in each case will terminate either upon the service of a recommended decision, or upon the certification of the record in the proceeding to the Board, or upon the expiration of the period within which exceptions to his initial decision may be filed, or when he shall have withdrawn from the case upon considering himself disqualified.

§ 302.23 Prehearing conference.

(a) *In general.* Prior to any hearings there will ordinarily be a prehearing conference before an Examiner, although in economic enforcement proceedings where the issues are drawn by the pleadings such conference will usually be omitted. Written notice of the prehearing conference shall be sent by the Chief Examiner to all parties to a proceeding and to other persons who appear to have an interest in such proceeding. The purpose of such a conference is to define and simplify the issues and the scope of the proceeding, to secure statements of the positions of the parties with respect thereto and amendments to the pleadings in conformity therewith, to schedule the exchange of exhibits before the date set for hearing, and to arrive at such agreements as will aid in the conduct and disposition of the proceeding. For ex-

ample, consideration will be given to: (1) Matters which the Board can consider without the necessity of proof; (2) admissions of fact and the genuineness of documents; (3) admissibility of evidence; (4) limitation of the number of witnesses; (5) reducing of oral testimony to exhibit form; (6) procedure at the hearing, etc. If necessary, the Examiner may require further conference, or responsive pleadings, or both. The Examiner may also on his own motion or on motion of any party direct any party to a proceeding (air carrier or non-air carrier) to prepare and submit exhibits setting forth studies, forecasts, or estimates on matters relevant to the issues in the proceeding.

(b) *Report of prehearing conference.* The Examiner shall issue a report of prehearing conference, defining the issues, giving an account of the results of the conference, specifying a schedule for the exchange of exhibits and rebuttal exhibits, the date of hearing, and specifying a time for the filing of objections to such report. The report shall be served upon all parties to the proceeding and any person who appeared at the conference. Objections to the report may be filed by any interested person within the time specified therein. The Examiner may revise his report in the light of the objections presented. The revised report, if any, shall be served upon the same persons as was the original report. Exceptions may be taken on the basis of any timely written objection which has not been met by a revision of the report if they are filed within the time specified in the revised report. Such report shall constitute the official account of the conference and shall control the subsequent course of the proceeding, but it may be reconsidered and modified at any time to protect the public interest or to prevent injustice.

§ 302.24 Hearings.

(a) *Notice.* The Examiner to whom the case is assigned or the Board shall give the parties reasonable notice of a hearing or of the change in the date and place of a hearing and the nature of such hearing.

(b) *Evidence.* Evidence presented at the hearing shall be limited to material evidence relevant to the issues as drawn by the pleadings or as defined in the report of prehearing conference, subject to such later modifications of the issues as may be necessary to protect the public interest or to prevent injustice and shall not be unduly repetitious. Evidence shall be presented in written form by all parties wherever feasible, as the Examiner may direct.

(c) *Objections to evidence.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument or debate thereon except as ordered by the Examiner. Rulings on such objections shall be a part of the transcript.

(d) *Exceptions.* Formal exceptions to the rulings of the Examiner made during the course of the hearing are unnecessary. For all purposes for which an exception otherwise would be taken, it is sufficient that a party, at the time of the ruling of the Examiner is made or sought, makes known the action he desires the Examiner to take or his objection to an action taken, and his grounds therefor.

(e) *Offers of proof.* Any offer of proof made in connection with an objection taken to any ruling of the Examiner rejecting or excluding proferred oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony, and if the excluded evidence consists of evidence in documentary or written form or of reference to documents or records, a copy of such evidence shall be marked for identification and shall constitute the offer of proof.

(f) *Exhibits.* When written exhibits are offered in evidence, one copy must be furnished to each of the parties at the hearing, and two copies to the Examiner, unless the parties previously have been furnished with copies or the Examiner directs otherwise. If the Examiner has not fixed a time for the exchange of exhibits, the parties shall exchange copies of exhibits at the earliest practicable time, preferably before the hearing or, at the latest, at the commencement of the hearing.

(g) *Substitution of copies for original exhibits.* In his discretion, the Examiner may permit a party to withdraw original documents offered in evidence and substitute true copies in lieu thereof.

(h) *Designation of parts of documents.* When relevant and material matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. The immaterial and irrelevant parts shall be excluded and shall be segregated insofar as practicable. If the volume of immaterial or irrelevant matter would unduly encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the Examiner so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing, who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof.

(i) *Records in other proceedings.* In case any portion of the record in any other proceeding or civil or criminal action is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(1) The portion is specified with particularity in such manner as to be readily identified; and

(2) The party offering the same agrees unconditionally to supply such copies later, or when required by the Board; and

(3) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference upon compliance with subparagraphs (1) and (2) of this paragraph; and

(4) The Examiner directs such incorporation or waives the above requirement with the consent of the parties.

(j) *Receipt of documents after hearing.* No document or other writings shall be accepted for the record after the close of the hearing except in accordance with an agreement of the parties and the consent of the Examiner.

(k) *Transcript of hearings.* Hearings shall be recorded and transcribed by a contract reporter of the Board under supervision of the Examiner. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Board and the reporter.

(l) *Corrections to transcript.* Changes in the official transcript may be made only when they involve errors affecting substance. A motion to correct a transcript shall be filed with the Docket Section of the Board within ten (10) days after receipt of the completed transcript by the Board. If no objections to the motion are filed within ten (10) days thereafter, the transcript may, upon the approval of the Examiner, be changed to reflect such corrections. If objections are received, the motion and objections shall be submitted to the official reporter by the Examiner together with a request for a comparison of the transcript with the stenographic record of the hearing. After receipt of the report of the official reporter an order shall be entered by the Examiner settling the record and ruling on the motion.

§ 302.25 Argument before the Examiner.

(a) The Examiner shall give the parties to the proceeding adequate opportunity during the course of the hearing for the presentation of arguments in support of or in opposition to motions, and objections and exceptions to rulings of the Examiner.

(b) When, in the opinion of the Examiner, the volume of the evidence or the importance or complexity of the issues involved warrants, he may, either of his own motion, or at the request of a party, permit the presentation of oral argument. He may impose such time limits on the argument as he may determine, having regard for other assignments for hearing before him. Such argument shall be transcribed and bound with the transcript of testimony and will be available to the Board for consideration in deciding the case.

§ 302.26 Proposed findings and conclusions before the Examiner or the Board.

Within such limited time after the close of the reception of evidence fixed by the Examiner, any party may, upon request and under such conditions as the Examiner may prescribe, file for his consideration briefs to include proposed findings and conclusions of law which shall contain exact references to the record and authorities relied upon.

The provisions of this section shall be applicable to proceedings in which the record is certified to the Board without the preparation of an initial or recommended decision by the Examiner.

§ 302.27 Action by Examiner after hearing.

(a) Except where the Board directs otherwise, after the taking of evidence and the receipt of proposed findings and conclusions, if any, the Examiner shall take the following action:

(1) *Rates, fares, charges, etc., mail compensation.* In cases relating to rates, fares, or charges, classification, rules or regulations or practices affecting such matters or value of service, or mail compensation, the Examiner shall render an initial decision orally on the record or in writing if, before the close of the hearing, any party so requests, or, if no such request is made, he shall certify the record to the Board for decision.

(2) *Cases subject to section 801 of the act.* In cases where the action of the Board is subject to the approval of the President pursuant to section 801 of the act, the Examiner shall render a recommended decision orally on the record or in writing.

(3) *Other matters.* If the proceeding relates to any matter not provided for in subparagraphs (1) or (2) of this paragraph, the Examiner shall render an initial decision orally on the record or in writing.

(b) Every initial or recommended decision issued other than orally on the record shall state the names of the persons who are to be served with copies of it, the time within which exceptions to such decision may be filed, and the time within which briefs in support of the exceptions may be filed. In addition, every initial decision shall state the date on which it will become final. In the event the Examiner certifies the record to the Board without an initial or recommended decision, he shall notify the parties of the time within which to file proposed findings and conclusions with the Board and supporting briefs.

§ 302.28 Effect of initial decision.

Whenever a Member of the Board or hearing examiner makes the initial decision in a hearing case and in the absence of timely exceptions thereto pursuant to § 302.30 of this part, such initial decision shall become the decision of the Board 20 days after expiration of the time for filing exceptions unless the Board, within said 20-day period, makes an order constituting its final disposition of the proceeding or providing for further review.

§ 302.29 Tentative decision of the Board.

(a) Except as provided in paragraph (b) of this section, whenever the Examiner certifies the record in a proceeding directly to the Board without issuing an initial or recommended decision in the matter, the Board shall, after consideration of any proposed findings and conclusions submitted by the parties, prepare a tentative decision and serve it upon the parties. Every tentative decision of the Board shall state the names of the persons who are to receive copies of it, the time within which exceptions to such decision may be filed, the time within which briefs in support of the exceptions may be filed, and the date when such decision will become final in the absence of exceptions thereto. If no exceptions are filed to the tentative decision of the Board within the period fixed (which in no event shall be less than 10 days), it shall become final at the expiration of such period unless the Board orders otherwise.

(b) Notwithstanding the provisions of paragraph (a) of this section, in rule making proceedings or proceedings determining applications for initial licenses, the Board may omit a tentative decision in any case in which it finds upon the record that due and timely execution of its functions imperatively and unavoidably so requires.

§ 302.30 Exceptions to initial or recommended decisions of Examiners or tentative decisions of the Board.

Within ten (10) days after service of any initial or recommended decision of an examiner or tentative decision of the Board, or such longer period as may be fixed therein, any party to a proceeding (including Bureau Counsel or an Enforcement Attorney) may file exceptions to such decision with the Board. Each separately numbered exception shall identify the part of the initial, recommended or tentative decision excepted to, shall designate, by exact and specific reference, the portions of the record relied upon in support of such exception, and shall state the grounds for such exception, including the citation of the statutory provisions or principal authorities in support thereof. Any objection to a ruling, finding or conclusion which is not excepted to shall be deemed to have been waived, and the Board need not consider such objections if raised at a later time.

§ 302.31 Briefs before the Board.

(a) *Time for filing.* Within such period after the date of service of any initial or recommended decision of an Examiner or tentative decision by the Board, as may be fixed therein, any party may file a brief addressed to the Board, in support of his exceptions to such decision, or in opposition to the exceptions filed by any other party. In cases where the Board or the Examiner is of the opinion that, because of the limited number of parties and the nature of the issues, the filing of opening, answering and reply briefs will not unduly delay the proceeding and will assist in its proper disposition, the Board or the Examiner may direct that the parties file briefs at different times rather than at the same time.

(b) *Formal specifications of briefs—*(1) *Length.* Except by special permission or direction of the Board or the Chief Examiner, briefs shall not exceed 50 pages. Typed briefs shall be double spaced, except for footnotes and quotations which may be single spaced. The pages contained in any appendix, table, chart, or similar document, other than a map, which is physically attached to a brief shall be counted in determining its length.

(2) *Incorporation by reference.* A party filing a brief in support of, or in opposition to, the exceptions involved may not incorporate by reference any portion of his prior brief to the examiner assigned to the proceeding. However, in lieu of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the Examiner. In such cases, the party may file with the Board a letter expressing his intention to avail himself of this privilege which shall be filed with the Docket Section and served upon all parties in the same manner as a brief to the Board.

(3) *Size, margin and type limitations.* Briefs which are printed shall be on paper not exceeding 6⅛ inches in width and 9¼ inches in length, having all margins at least 1 inch in width. The text, footnotes and all physical attachments to briefs shall be printed in clear and readable type, not smaller than 11 point type, which is adequately leaded. Briefs which are typewritten, mimeographed, multigraphed or reproduced by any process other than printing shall utilize type not smaller than Elite type and be on paper not exceeding 8½ inches in width and 11 inches in length which has left-hand margins not less than 1½ inches, and all other margins at least 1 inch in width. However, numerical tables, maps and charts which are physically attached to a brief may be printed or otherwise reproduced on paper not exceeding 8½ inches in width and 14 inches in length, provided they are folded to the size of the brief.

(4) *Subject index.* Any brief which exceeds 10 pages shall contain a subject index of its contents, including appropriate page references.

(5) *Definition of map.* As used in this section, the term "map" means only those pictorial representations of routes, flight paths, mileage and similar ancillary data which are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation.

§ 302.32 Oral arguments before the Board.

(a) If any party desires to argue a case orally before the Board he must request leave to make such argument in his exceptions or brief. Such request shall be filed no later than the date when briefs before the Board are due in the proceeding. The Board will rule on such request, and if oral argument is to be allowed, all parties to the proceeding will be advised of the date and hour set for such argument and the amount of time allowed to each such party.

(b) Pamphlets, charts, and other written data may be presented to the Board at oral argument only in accordance with the following rules: All such material shall be limited to facts in the record of the case being argued. All such material shall be served on all parties to the proceeding and eight copies transmitted to the Docket Section of the Board at least five (5) days in advance of the argument. As used herein, "material" includes, but is not limited to, maps, charts included

in briefs, and exhibits which are enlarged and used for demonstration purposes at the argument, but does not include the enlargements of such exhibits.

§ 302.33 Waiver of procedural steps after hearing.

The parties to any proceeding may agree to waive any one or more of the following procedural steps provided in §§ 302.25 through 302.32: Oral argument before the Examiner, the filing of proposed findings and conclusions for the Examiner or for the Board, a recommended decision of the Examiner, a tentative decision of the Board, exceptions to an initial or recommended decision of the Examiner or to a tentative decision of the Board, the filing of briefs with the Board, or oral argument before the Board.

§ 302.34 Petition for consideration of exceptions to initial decision which has become final.

Where a party has, within the time allowed therefor, failed to file exceptions to an initial decision, and such decision has become final, he may petition the Board for leave to file exceptions, but no such petition shall be granted except on a showing of unusual and exceptional circumstances, constituting good cause for failure to make timely filing. The petition shall be accompanied by the exceptions for which late filing is sought. Such exceptions shall comply with the requirements of § 302.30. No such petition shall be granted unless the exceptions raise a substantial doubt as to the correctness of the initial decision. A petition under this section does not affect the finality of the initial decision or suspend its operation. However, the Board may in its discretion suspend the effectiveness of such decision pending its decision on the petition and exceptions.

§ 302.35 Shortened procedure.

In cases where a hearing is not required by law, §§ 302.23 through 302.34, relating to prehearing, hearing, and post-hearing procedures, shall not be applicable except to the extent that the Board shall determine that the application of some or all of such rules in the particular case will be conducive to the proper dispatch of its business and to the ends of justice.

§ 302.36 Final decision of the Board.

Upon submittal of a case to the Board for final decision on the merits the Board will consider the whole record, including the initial or recommended decision of the Examiner or its tentative decision, and the exceptions thereto, will resolve all questions of fact by what it deems to be the greater weight of the evidence thereon, will make its decision, stating the reasons or basis therefor, and enter an appropriate order.

§ 302.37 Petition for reconsideration.

(a) *Time for filing.* A petition for reconsideration, rehearing or reargument may be filed by any party to a proceeding within twenty (20) days after the date of service of a final order by the Board in such proceeding unless the time is shortened or enlarged by the Board, except that such petition may not be filed with respect to an initial decision which has become final through failure to file exceptions thereto. However, neither the filing nor the granting of such a petition shall operate as a stay of such final order unless specifically so ordered by the Board. Within ten (10) days after a petition for reconsideration, rehearing, or reargument is filed, any party to the proceeding may file an answer in support of or in opposition to the petition. Motions for extension of time to file a petition or answer, and for leave to file a petition or answer after the time for the filing thereof has expired, will not be granted by the Board except on a showing of unusual and exceptional circumstances, constituting good cause for movant's inability to meet the established procedural dates.

(b) *Contents of petition.* A petition for reconsideration, rehearing, or reargument shall state, briefly and specifically, the matters of record alleged to have been erroneously decided, the ground relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences which would result from the Board's order, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, on new matter, such new matter shall be set forth, accompanied by a statement to the effect that petitioner, with due diligence, could not have known or discovered such new matter prior to the date the case was submitted for decision. Unless otherwise directed by the Board upon a showing of unusual or exceptional circumstances, petitions for reconsideration, rehearing or reargument or answers thereto which exceed twenty-five (25) pages (including appendices) in length shall not be accepted for filing by the Docket Section.

(c) *Successive petitions.* A successive petition for rehearing, reargument, or reconsideration filed by the same party or parties, and upon substantially the same ground as a former petition which has been considered or denied by the Board, will not be entertained.

§ 302.38 Petitions for rule making.

(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, or repeal of any Economic Regulation. For purposes of this section, such proposed action will be termed rule making. However, the procedures set forth in this section shall not apply to recommendations for rule making submitted by other agencies of the Government.

(b) *Form and contents.* Petition for rule making shall conform to the requirements of §§ 302.3 and 302.4; and no request for the issuance, amendment, modification, or repeal of a rule which does not conform to such requirements will be considered by the Board.

(c) *Procedure.* Petitions for rule making will be given a docket number, and will become matters of public record upon filing. No public hearing, oral argument, or other form of proceedings will be held directly on any such proceeding, but if the Board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rule making procedures, an appropriate notice of proposed rule making will be issued. Thereafter, the procedures to be followed will be as set forth in section 4 (b) of the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule making procedures, petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the Board, on its own motion, from acting on any matter disclosed in any petition.

§ 302.39 Objections to public disclosure of information.

(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Federal Aviation Act of 1958, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Classified or Confidential Treatment Requested Under § 302.39." At the time of filing such paper, or when the objection is made by a person not himself filing the paper, application, report or other document, within five (5) days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, or in accordance with the procedure outlined in paragraph (c) of this section if objection is made by a Government department or a representative thereof. Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or deponent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or deponent shall be compelled to disclose such information only in the presence of the Examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and such attorneys for and lay representative of each party as the Examiner or the person before whom the deposition is being taken, as the case may be, shall designate, and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Classified or Confidential Treatment Requested Under § 302.39 Testimony Given by (name of witness or deponent)." Within five (5) days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c) of this section, in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by Government departments or representative thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any United States Government department, or representative thereof, under paragraph (a) or (b) of this section, the department making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section insofar as said paragraphs require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this section in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c) of this section, no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed by the objecting person, any duly authorized officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the Examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

If such motion relates to contracts, agreements, understandings, or arrangements filed pursuant to section 412 (a) of the Federal Aviation Act of 1958, as amended, and Part 261 of this chapter, or pursuant to Part 262 of this chapter, an executed original copy and two copies of such motion shall be filed.

(e) *Motions referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, which order shall become effective upon the date stated therein, unless, within five (5) days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written statement is filed indicating that the objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objections in proceeding before the Board.* Notwithstanding any of the provisions of this section, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

§ 302.40 Saving clause.

Repeal, revision or amendment of any Economic Regulation of the Board shall not affect any pending enforcement proceeding or any enforcement proceeding initiated thereafter with respect to causes arising or acts committed prior to said repeal, revision or amendment, unless the act of repeal, revision or amendment specifically so provides.

Subpart B—Rules Applicable to Economic Enforcement Proceedings

§ 302.200 Applicability of this subpart.

(a) *In general.* This subpart sets forth the special rules applicable to proceedings for enforcement of the economic regulatory provisions of the act, and rules, regulations, orders, limitations, conditions and requirements issued thereunder. For information as to other applicable rules, reference should also be made to Subpart A of this part, to the act and to the substantive rules, regulations and orders of the Board.

(b) *Informal complaints.* Informal complaints may be made in writing with respect to anything done or omitted to be done by any person in contravention of any provision of the act or any requirement established pursuant thereto without compliance with this part. Matters so presented may, if their nature warrants, be handled by the Board by correspondence or conference with the appropriate persons. Any matter not disposed of informally may be made the subject of a formal proceeding pursuant to this subpart. The filing of an informal complaint shall not bar the subsequent filing of a formal complaint.

§ 302.201 Formal complaints.

Any person may make a formal complaint to the Board with respect to anything done or omitted to be done by any person in contravention of any economic regulatory provisions of the act, or any rule, regulation, order, limitation condition or other requirement established pursuant thereto. Every formal complaint shall conform to the requirements of § 302.3, concerning the form and filing of documents. The submission of a formal complaint by a person other than an Enforcement Attorney (hereinafter called a third party) shall not in itself result in the institution of a formal economic enforcement proceeding and a hearing with respect to the complaint unless and until the Director of the Bureau of Enforcement dockets a petition for enforcement with respect to such complaint, or a portion thereof, in accordance with § 302.206. A formal complaint, whether filed by a third party or an Enforcement Attorney, may be amended at any time prior to the service of an answer to a complaint. Thereafter, such amendment may be filed only upon the grant of a motion filed in accordance with § 302.18, except that permission to amend a third-party complaint after the filing of an answer but before the docketing of a petition for enforcement must be obtained from the Director of the Bureau of Enforcement.

§ 302.202 Subscription and verification.

Every formal complaint, supplemental complaint, answer or other pleading filed in an economic enforcement proceeding shall be signed by the party filing the same, or by a duly authorized officer, agent or attorney of such party. In addition, such documents shall be verified under oath by the person so signing. Such verification shall set forth that the person verifying the document has read the same and knows the contents thereof and the attached exhibits, if any, and that the matters and things therein stated are true of his own knowledge, except such matters therein stated on information and belief, and as to such matters he believes them to be true. If the subscription and verification, or either of them, be by anyone other than the party filing the same or an officer or attorney of such party, the reason therefor must be stated and the power of attorney or other authority authorizing such affiant to subscribe the document and make the verification must be filed with the document.

§ 302.203 Insufficiency of formal complaint.

In any case where the Director of the Bureau of Enforcement is of the opinion that a complaint does not sufficiently set forth the material required by any applicable rule, regulation or order of the Board, or is otherwise insufficient, he may advise the party filing the same of the deficiency and require that any additional information be supplied by amendment.

§ 302.204 Third-party complaints.

(a) A third-party complaint, and any amendments thereto, submitted pursuant to § 302.201 shall be served by the person filing such documents upon each party complained of and upon the Director of the Bureau of Enforcement.

(b) Within fifteen (15) days after the date of service of a third-party complaint, each person complained of shall file an answer in conformance with and

subject to the requirements of § 302.207 (b). Extensions of time for filing an answer may be granted by the Director of the Bureau of Enforcement for good cause shown.

(c) A person complained against in a third-party complaint may offer to satisfy the complaint through submission of facts, offer of settlement or proposal of adjustment. Such offer shall be in writing and shall be served, within fifteen (15) days after service of the complaint, upon the same persons and in the same manner as an answer. The submittal of an offer to satisfy the complaint shall not excuse the filing of an answer.

(d) Motions to dismiss a third-party complaint shall not be fileable prior to the docketing of a petition for enforcement with respect to such complaint or a portion thereof.

§ 302.205 Procedure when no enforcement proceeding is instituted.

(a) Within a reasonable time after a formal third-party complaint has been processed, the Director of the Bureau of Enforcement shall either institute an enforcement proceeding in accordance with § 302.206 or shall advise the complainant in writing that no enforcement proceeding will be instituted in whole or in part, with respect to his complaint, and the reasons therefor.

(b) The letter of the Director of the Bureau of Enforcement shall conform to the requirements of § 302.3 and shall be deemed an order of the Board dismissing the complaint unless review of such ruling is requested by the complainant or is initiated by the Board in accordance with the provisions of paragraph (c) of this section.

(c) Within fifteen (15) days after receipt of a letter from the Director of the Bureau of Enforcement refusing to institute an enforcement proceeding with respect to all or any part of a complaint, the complainant may file a motion with the Board to review such action. The proceedings on such motion shall be in accordance with § 302.18. Upon conclusion of such proceedings, the Board shall enter an order either dismissing the complaint or directing such other action as it deems appropriate. If a complainant does not appeal, the Board may review the action of the Director of the Bureau of Enforcement on its own initiative within 15 days after the expiration date for appeal.

§ 302.206 Docketing of petition for enforcement.

Whenever in the opinion of the Director of the Bureau of Enforcement there are reasonable grounds to believe that any provision of the act or any rule, regulation, order, limitation, condition or other requirement established pursuant thereto, has been or is being violated, that, in the case of third-party complaints, efforts to satisfy a complaint insofar as required by § 302.204 have failed, and that investigation of any or all of the alleged violations is in the public interest, the Director of the Bureau of Enforcement may institute an economic enforcement proceeding by docketing a petition for enforcement. The petition for enforcement shall incorporate by reference a formal complaint submitted pursuant to § 302.201 or shall be accompanied by a complaint complying with § 302.3 which is verified by an Enforcement Attorney. The petition for enforcement, and accompanying complaint, if any, shall be formally served upon the respondent and complainant. The proceedings thus instituted shall be processed in regular course in accordance with this part. However, nothing in this part shall be construed to limit the authority of the Board to institute or conduct any investigation or inquiry within its jurisdiction in any other manner or according to any other procedures which it may deem necessary or proper.

§ 302.207 Answer.

(a) Within fifteen (15) days after the date of service of a petition for enforcement docketed pursuant to § 302.206, the respondent shall file an answer to the complaint attached thereto or incorporated therein unless an answer has already been filed in accordance with § 302.204. Any requests for extension of time for filing of answer to a complaint attached to or incorporated in a petition for enforcement shall be filed with the Board in accordance with § 302.17.

(b) All answers shall conform to the requirements of § 302.8 (a) (2) and shall fully and completely advise the parties and the Board as to the nature of the defense and shall admit or deny specifically and in detail each allegation of the complaint unless the person complained of is without knowledge, in which case, his answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered and shall, in the absence of a reply, be deemed to be controverted.

§ 302.208 Default.

Failure of a respondent to file and serve an answer within the time and in the manner prescribed by this part shall be deemed to authorize the Board, in its discretion, to find the facts alleged in the petition to be true and to enter such order as may be appropriate without notice or hearing, or, in its discretion, to proceed to take proof, without notice, of the allegations or charges set forth in the complaint or order, provided that the Board or Examiner may permit late filings of an answer for good cause shown.

§ 302.209 Reply.

The Board (or the Examiner) may, in its discretion, require or permit the filing of a reply in appropriate cases, otherwise no reply shall be filed.

§ 302.210 Parties.

The parties to an economic enforcement proceeding shall be the Board (represented by an Enforcement Attorney), the respondent, any person whose formal complaint alleged violations which were later covered by the petition for enforcement, and any other person permitted to intervene pursuant to § 302.15.

§ 302.211 Prehearing conference.

Ordinarily the issues in an economic enforcement proceeding will be drawn by the pleadings and no prehearing conference shall be held. However, such a conference may be held where the Board or the Examiner believes that the fair and expeditious disposition of the proceeding so requires. In the event a prehearing conference is to be held it shall be conducted in accordance with § 302.23.

§ 302.212 Admissions as to facts and documents.

At any time after answer has been filed, any party may file with the Board and serve upon the opposing side a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request or for the admission of the truth of any relevant matters of fact stated in the request with respect to such documents. Each of the matters of which an admission is requested shall be deemed admitted unless within a period designated in the request, not less than ten (10) days after service thereof, or within such further time as the Board or the Examiner may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Service of such request and answering statement shall be made as provided in § 302.9. Any admission made by a party pursuant to such request is only for the purposes of the pending proceeding, or any proceeding or action instituted for the enforcement of any order entered therein, and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

§ 302.213 Hearing.

After the issues have been formulated, whether by the pleadings or otherwise, the Examiner or the Board shall give the parties reasonable written notice of the time and place of the hearing.

§ 302.214 Appearances by persons not parties.

With consent of the Examiner or the Board, appearances may be entered without request for or grant of permission to intervene by interested persons who are not parties to the proceeding. Such persons may, with consent of the Examiner or the Board, cross-examine a particular witness or suggest to any party or counsel therefor questions or interrogations to be propounded to witnesses called by any party, but may not otherwise examine witnesses and may not introduce evidence or otherwise participate in the proceeding. However, such persons may present to both the Examiner and the Board an oral or written statement of their position on the issues involved in the proceeding.

§ 302.215 Offers of settlement.

Any party to an economic enforcement proceeding at any time prior to final decision thereof may submit offers of settlement or proposals of adjustment. Each such offer or proposal shall be submitted in writing and addressed to the Director of the Bureau of Enforcement, who will promptly advise the party or parties submitting same whether he will recommend acceptance thereof to the Board. If the Director of the Bureau of Enforcement advises the party or parties that he will not recommend acceptance, and the party or parties so request in writing, he will transmit such offer or proposal directly to the Board for its consideration and acceptance or rejection. The submission of such offer or proposal shall not alter or delay the course of the proceeding unless so ordered by the Board.

§ 302.216 Evidence of previous violations.

Evidence of previous violations by any person of any provision of the act or any requirement thereunder found by the Board or a court in any other proceeding or criminal or civil action may, if relevant and material, be admitted in any enforcement proceeding involving such person.

§ 302.217 Motions for immediate suspension of operating authority pendente lite.

All motions for the suspension of the economic operating authority of an air carrier during the pendency of proceedings to revoke such authority shall be filed with, and decided by the Board. Proceedings on the motion shall be in accordance with § 302.18. In addition, the Board shall afford the parties an opportunity for oral argument on such motion.

Subpart C—Rules Applicable to Mail Rate Proceedings

§ 302.300 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings for the establishment of mail rates by the Board. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Federal Aviation Act, and to the substantive rules, regulations and orders of the Board.

§ 302.301 Parties to the proceeding.

The parties to the proceeding shall be the air carrier or carriers for whom rates are to be fixed, the Postmaster General, Bureau Counsel, and any other person whom the Board permits to intervene. (See § 302.15.)

FINAL MAIL RATE PROCEEDINGS

§ 302.302 Participation by persons other than parties.

In addition to participation in hearings in accordance with § 302.14, persons other than parties may, within the time fixed for filing notice of objections to an order to show cause in a mail rate proceeding as provided in § 302.305, submit a memorandum of opposition to, or in support of, the position taken in the petition or order. Such memorandum shall not be received as evidence in the proceeding.

§ 302.303 Institution of proceedings.

Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier whose rate is to be fixed, or the Postmaster General, or upon the issuance of an order by the Board.

(a) The petition shall set forth the rate or rates sought to be established, a statement that they are believed to be fair and reasonable, the reasons supporting the request for a change in rate, and a detailed economic justification sufficient to establish the reasonableness of the rate or rates proposed.

(b) In any case where a carrier is operating under a final mail rate uniformly applicable to an entire rate-making unit as established by the Board, a petition must clearly and unequivocally challenge the rate for such entire rate-making unit and not only a part of such unit. Unless such a petition clearly and unequivocally requests review of the rate for the entire rate-making unit, it shall be dismissed. No amendment intended to cure the omission shall be given retroactive effect.

(c) All petitions, amended petitions, and documents relating thereto shall be served upon the Postmaster General by sending a copy to him by registered mail, postpaid, prior to the filing thereof with the Board. Proof of service on the Postmaster General shall consist of a statement in the document that the person filing it has served a copy on the Postmaster General as required by this section. The petition need not be accompanied by any further proof of service, but, upon setting any petition down for public hearing, the Board will cause notice of such hearing to be given to such interested persons as it deems appropriate in the particular case.

PROCEDURE WHEN AN ORDER TO SHOW CAUSE IS ISSUED

§ 302.304 Order to show cause.

Whether the proceeding is commenced by the filing of a petition or upon the Board's own initiative, the Board may issue an order directing the respondent to show cause why the Board should not adopt such provisional findings and conclusions, and such rates, as may be specified in the order to show cause.

§ 302.305 Objections and answer to order to show cause.

(a) Any person having objections to the provisional rates specified in such order shall file with the Board a notice of objection within ten (10) days after the date of service of such order.

(b) If such notice is filed as aforesaid, written answer and any supporting documents shall be filed within thirty (30) days after the service of the order to show cause. The Board may specify different times for filing a notice of objection or an answer. An answer to an order to show cause shall contain specific objections, and exhibits in support thereof, and shall set forth the findings and conclusions, the rates, and the supporting exhibits which would be substituted for the corresponding items in the Statement of Provisional Findings and Conclusions, if such objections were found valid.

(c) A notice or answer filed by a person who is neither a party nor a person ultimately permitted to intervene shall be treated as a memorandum filed under § 302.302.

§ 302.306 Effect of failure to file notice or answer.

If no notice, or if after notice, no answer is filed within the designated time, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing rates, and the Board may thereupon, upon the basis of all of the documents filed in the proceeding, enter a final order fixing the fair and reasonable rate or rates as specified in the order to show cause.

§ 302.307 Procedure after answer.

If an answer is filed within the time designated in the Board's order, a prehearing conference and hearing shall be held unless waived by all parties. The issues shall be limited to those specifically raised by the answer, except that at the prehearing conference, the Examiner may permit the parties to raise such additional issues as he deems necessary to a full and fair determination of a fair and reasonable rate. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.308 Evidence.

All direct evidence shall be in writing and shall be filed in exhibit form in advance of the hearing unless, for good cause shown, the Examiner otherwise directs.

PROCEDURE WHEN NO ORDER TO SHOW CAUSE IS ISSUED

§ 302.309 Hearing to be ordered.

When no order to show cause is to be issued by the Board, the Board will order a hearing before an Examiner similar to that provided for in §§ 302.307 and 302.308, except that the issues at such hearing shall be formulated initially at a prehearing conference.

TEMPORARY RATE PROCEEDINGS

§ 302.310 Procedure for fixing temporary mail rates.

(a) At any time during the pendency of a proceeding for the determination of final mail rates, the Board, upon its own initiative, or on petition by the carrier whose rates are in issue or the Postmaster General, may fix temporary rates of compensation for the transportation of mail subject to downward or upward adjustment upon the determination of final mail rates.

(b) The procedure for determining temporary mail rates shall be the same as for the determination of final mail rates, except that:

(1) Notice of objections to the Board's show cause order proposing temporary mail rates must be filed by any party or petitioner for intervention within 8 days,

and an answer within 15 days, of the time such order is served;

(2) Failure to file notice of objections within the 8-day period shall be deemed to be a waiver of all further procedural steps before final decision, including hearing and a tentative decision, and the proceeding will stand submitted to the Board for final decision;

(3) Upon the conclusion of the hearing after objections and answer have been filed, the examiner shall immediately certify the entire record to the Board for a tentative decision;

(4) Neither proposed findings and conclusions and supporting briefs nor oral argument will be permitted, except upon the Board's request.

(5) After the issuance by the Board of a tentative decision, the parties shall have 10 days in which to file exceptions and supporting reasons. If no exceptions are filed within the prescribed time, the tentative decision shall without further proceedings become the final decision of the Board. If exceptions are duly filed, the proceeding will stand submitted to the Board for final decision as of the time of such filing.

(c) In absence of a convincing showing that it will result in substantial prejudice to any party or delay the proceeding, the examiner shall require the parties to submit all their testimony in writing and shall closely limit cross-examination to the essential issues (bearing in mind the purpose and urgency of fixing temporary mail rates together with the fact that such temporary rates are subject to downward or upward adjustment upon the fixing of final rates), and shall in all other respects urgently expedite the proceeding.

INFORMAL MAIL RATE CONFERENCE PROCEDURE

§ 302.311 Invocation of procedure.

Conferences between members of the Board's staff, representatives of air carriers, the Post Office Department and other interested persons may be called by the Board's staff for the purpose of considering and clarifying issues and factual material in pending proceedings for the establishment of rates for the transportation of mail.

§ 302.312 Scope of conferences.

The mail rate conferences shall be limited to the discussion of, and possible agreement on, particular issues and related factual material in accordance with sound rate-making principles. The duties and powers of the Board's staff in rate conferences essentially will not be different, therefore, from the duties and powers it has in the processing of rate cases not involving a rate conference. The staff function in both instances is to present clearly to the Board the issues and the related material facts, together with recommendations. The Board will make an independent determination of the soundness of the staff's analyses and recommendations.

§ 302.313 Participants in conferences.

The persons entitled to be present in mail rate conferences will be the representatives of the carrier whose rates are in issue, the staff of the Postmaster General, and the Board's staff. No other person will attend unless the Board's staff deems his presence necessary in the interest of one or more purposes to be accomplished, and in such case his participation will be limited to such specific purposes. No person, however, shall have the duty to attend merely by reason of invitation by the Board's staff.

§ 302.314 Conditions upon participation.

(a) *Nondisclosure of information.* As a condition to participation, every participant, during the period of the conference and for 90 days after its termination, or until the Board takes public action with respect to the facts and issues covered in the conference, whichever is earlier: (1) Shall, except for necessary disclosures in the course of employment in connection with conference business, hold the information obtained in conference in absolute confidence and trust; (2) shall not deal, directly or indirectly, for the account of himself, his immediate family, members of his firm or company, or as a trustee, in securities of the carrier involved in the rate conference except that under exceptional circumstances special permission may be obtained in advance from the Board; and (3) shall adopt effective controls for the confidential handling of such information and shall instruct personnel under his supervision, who by reason of their employment come into possession of information obtained at the conference, that such information is confidential and must not be disclosed to anyone except to the extent absolutely necessary in the course of employment, and must not be misused. The word "information", as used in paragraph (b) of this section, shall refer only to information obtained at the conference regarding the future course of action or position of the Board or the Board's staff with respect to the facts or issues discussed at the conference.

(b) *Signed statement required.* Every representative of a carrier actually present at any conference shall sign a statement that he has read this entire instruction and promises to abide by it and advise any other participant to whom he discloses any confidential information of the restrictions imposed above. Every representative of the Postmaster General actually present at any conference shall, on his own behalf, sign a statement to the same effect.

(c) *Presumption of having conference information.* A director of any carrier, which has had a representative at the conference, who deals either directly or indirectly for himself, his immediate family, members of his firm or company, or as a trustee, in securities of the air carrier involved in the conference, during the restricted period set forth above, shall be presumed to have come into possession of information obtained at the conference knowing that such information was subject to the restrictions imposed above; but such presumption can be rebutted.

(d) *Compliance report required.* Within ten (10) days after the expiration of the time specified for keeping conference matters confidential every participant, as defined in this section, shall file a verified compliance report with the Secretary of the Board stating that he has complied in every respect with the conditions of this section, or if he has not so complied, stating in detail in what respects he has failed to comply.

(e) *Persons subject to the provisions of this section.* For the purposes of this section, participants shall include (1) any representative of any carrier and any representative of the Postmaster General actually present at the conference; (2) the carrier and the officers of any carrier which has had a representative at the conference; (3) the directors of any carrier, which has had a representative at the conference, the members of any firm of attorneys or consultants which has had a representative at the conference, and the members of the Postmaster General's staff, who come into possession of information obtained at the conference, knowing that such information is subject to the restrictions imposed in this section.[2]

§ 302.315 Information to be requested from carrier.

With respect to the rate for the future period, the carrier will be requested to submit detailed estimates as to traffic, revenues and expenses by appropriate periods and the investment which will be required to perform the operations for a full future year. Full and adequate support shall be presented for all estimates, particularly where such estimates deviate materially from the carrier's past experience. With respect to the rate for a past period, essentially the same procedure shall be followed. Other information or data likewise may be requested by the Board's staff. All data submitted by the carrier shall be certified by a responsible officer.

§ 302.316 Staff analysis of data for submission of answers thereto.

After a careful analysis of these data, the Board's staff will, in most cases, send the carrier what might be termed a statement of exceptions showing areas of differences. Where practicable, the carrier may submit its answer to these exceptions. Conferences will then be scheduled to work out a clear understanding and resolution of the issues and facts from the standpoint of sound rate-making principles.

§ 302.317 Availability of data to Post Office Department.

The representatives of the Postmaster General shall have access to all conference data and, insofar as practicable, shall be furnished copies of all pertinent data prepared by the Board's staff and the carrier, and a reasonable time shall be allowed to get acquainted with the facts and issues and to make any presentation deemed necessary. *Provided*, That in cases other than those involving an issue as to the service mail rates payable by the Postmaster General pursuant to section 406(c) of the act or Reorganization Plan 10 of 1953, or those involving any period prior to October 1, 1953, representatives of the Postmaster General shall be furnished with copies of data under this provision only upon their written request.

[2] Restrictions on disclosure of confidential information and dealing in air carrier securities are imposed upon the Board's staff pursuant to applicable law.

§ 302.318 Post-conference procedure.

The rate conferences not being in the nature of proceedings, no briefs, or argument, or any formal steps, will be entertained by the Board. The form, content and time of the staff's presentation to the Board are entirely matters of internal procedure. Any party to the mail rate proceeding may, through the Board's staff, request the opportunity to submit a written or oral statement to the Board on any unresolved issue. The Board will grant such requests whenever it deems such action desirable in the interest of further clarification and understanding of the issues. The granting of an opportunity for such further presentation shall not, however, impair the rights that any party might otherwise have under the act and the rules of practice.

§ 302.319 Effect of conference agreements.

No agreements or understanding reached in rate conferences as to facts or issues shall in any respect be binding on the Board or any participant. Any party to mail rate proceedings will have the same rights to file an answer and take other procedural steps as though no rate conference had been held. The fact, however, that rate conferences were held and certain agreements or understandings may have been reached on certain facts and issues renders it proper to provide that upon the filing of an answer by any party to the rate proceeding all issues going to the establishment of a rate shall be open, except insofar as limited in prehearing conference in accordance with § 302.23.

§ 302.320 Waiver of §§ 302.313 and 302.314.

After the termination of a mail rate conference hereunder, the carrier, whose rates were in issue, may petition the Board for a release from the obligations imposed upon it and all other persons by §§ 302.313 and 302.314. The Board will grant such petition only after a detailed and convincing showing is made in the petition and supporting exhibits and documents that there is no reasonable possibility that any of the abuses sought to be prevented will occur or that the Board's processes will in any way be prejudiced. There will be no hearing or oral argument on the petition and the Board will grant or deny the request without assigning reasons therefor.

§ 302.321 Time of commencing and terminating conference.

At the commencement of an informal mail rate conference pursuant to this section, the members of the Board's staff conducting such conferences shall issue to each person present at such conference a written statement to the effect that such conference is being conducted pursuant to this section and stating the time of commencement of such conference; and at the termination of such conference the members of the Board's staff conducting such conference shall note in writing on such statement the time of termination of such conference.

Subpart D—Rules Applicable to Exemption Proceedings

§ 302.400 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings on applications for exemption orders pursuant to § 101(3) or § 416(b)(1) of the Act. It further provides for the granting of exemptions upon the Board's own initiative and for the granting of emergency exemptions. As far as is consistent with this subpart, the provisions of Subpart A of this Part also apply to such proceedings. Proceedings for the issuance of exemptions by regulation shall remain subject to the provisions governing rule making.

§ 302.401 Filing of application.

(a) *Filing.* An application for exemption shall conform to the formal requirements of §§ 302.3 and 302.4. Such application shall be assigned a docket number and any additional documents filed in connection with such exemption shall be identified by the assigned docket number.

§ 302.402 Contents of application.

(a) *Title.* An application filed pursuant to this subpart shall be entitled "Application for Exemption".

(b) *Factual detail.* The application shall set forth the section or sections of the act, or the rule, regulation, term, condition, or limitation prescribed thereunder from which exemption is desired and shall state in detail the facts relied upon to establish that the enforcement of the provisions from which exemption is sought, is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and that enforcement of such provision is not in the public interest.

(c) *Supporting evidence.* The application shall be accompanied by a statement of economic data or other matters which the applicant desires the Board to officially notice, and by affidavits establishing such other facts as the applicant desires the Board to rely upon.

(d) *Record of service.* An application shall indicate the names of the parties served as required by § 302.403.

§ 302.403 Service of application.

(a) *Manner of service.* An application for exemption shall be served as provided by § 302.8.

(b) *Persons to be served.* Except in the case of an application for an exemption from sections 403 and 404 of the act or an application for exemption which will permit the applicant to render irregular services only other than between specified points, a copy of an application shall be served on the following parties who shall be presumed to have an interest in the subject matter of the application: (1) Any air carrier which is authorized to render regular service to any point involved in the application; (2) any person whose application for a certificate of public convenience and necessity, or for an exemption, authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by, the Board; (3) the chief executive of any State, territory, or possession of the United States in which any such point is located; and (4) the chief executive of the city, town, or other unit of local government at any such point located in the United States or any territory or possession thereof.

(c) *Additional service of notice.* The Board may, in its discretion, order additional service made on such person or persons as the facts of the situation warrant.

§ 302.404 Posting of application.

The Board shall cause a copy of every application for exemption filed with it to be posted promptly on a public bulletin board at its principal offices in Washington, D. C.

§ 302.405 Dismissal of incomplete application.

(a) *Dismissal.* The Board may, on its own motion or the motion of any party in interest, dismiss an application for exemption which fails in any material respect to comply with the requirements of this part.

(b) *Additional data.* The Board may request the filing of additional data with respect to any application for exemption or any answer or reply filed by a party in interest in connection therewith.

§ 302.406 Answers to applications for exemptions.

Within ten (10) days after filing of an application for exemption, any party in interest may file an answer in support of or in opposition to the grant of a requested exemption. Such answer shall set forth in detail the reasons why the party believes the exemption should be granted or denied. The answer shall be accompanied by a statement of economic data or other matters which it is desired that the Board officially notice, and by affidavits establishing such other facts as are relied upon.

§ 302.407 Reply.

Within seven (7) days after service of an answer, an applicant for exemption may file a reply thereto in conformity with the provisions of § 302.402.

§ 302.408 Request for hearing.

Although in the usual course of disposition of an application for exemption no formal hearing will be granted to the applicant or to a party in interest opposing such exemption, the Board may, in its discretion, order such proceeding set down for hearing. Any applicant, or any party in interest opposing an application, who desires to request a hearing on an application for exemption shall set forth in detail in his request the reasons why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the application, and, to the extent that such request is dependent upon factual assertions, shall accompany such request

by affidavits establishing such facts. In the event a hearing is ordered by the Board, Subpart A of this part shall govern the proceedings.

§ 302.409 Exemptions on the Board's initiative.

Where required by the circumstances and the public interest, the Board may enter exemption orders on its own initiative.

§ 302.410 Emergency exemptions.

(a) *Applicability.* Where required by the circumstances and the public interest, the Board may, upon request or upon its own initiative, enter exemption orders pursuant to § 101(3) or § 416(b) of the Act, or deny applications therefor, upon less than the normal period provided for filing answers (§ 302.406) and replies thereto (§ 302.407) and upon no notice. In particular proceedings the Board may specify a lesser time within which answers and replies thereto may be filed and notify interested persons of this time period. Where the public interest so requires, the Board may act without awaiting the filing of answers or replies thereto.

(b) *Applications.* Applications for emergency exemption need not conform to the requirements of Subparts A and D of this part except that they must be in writing and must set forth, with detailed facts and evidence in support thereof, the grounds on which the exemption is requested. In addition, any applicant requesting such action shall state the reasons it deems adequate to justify departure from the normal procedures and shall state which air carriers have been notified in accordance with paragraph (c) of this section. The Board, moreover, may require additional information from any applicant before acting on the application.

(c) *Notice.* Except where the Board consents that no notice need be given, applicants for emergency exemption shall notify any air carrier which is authorized to render route-type service between points or areas involved in the application that such request has been filed. Such notification shall be made in the same manner of communication, contain the same information, and be dispatched at the same time, as the application made with the Board.

Subpart E—Rules Applicable to Proceedings With Respect to Rates, Fares and Charges

§ 302.500 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings with respect to rates, fares and charges. For information as to other applicable rules, reference should be made to Subpart A of this part, to the Federal Aviation Act, and to the substantive rules, regulations and orders of the Board.

§ 302.501 Institution of proceedings.

A proceeding to determine rates, fares, or charges for the transportation of persons or property by aircraft, or the lawful classification, rule, regulation, or practice affecting such rates, fares or charges, may be instituted by the filing of a petition or complaint by any person, or by the issuance of an order by the Board.

§ 302.502 Contents of petition or complaint.

If a petition or complaint is filed it shall state the reasons why the rates, fares, or charges, or the classification, rule, regulation, or practice complained of are unlawful and shall support such reasons with a full factual analysis.

§ 302.503 Dismissal of petition or complaint.

If the Board is of the opinion that a petition or complaint does not state facts which warrant an investigation or action on its part, it may dismiss such petition or complaint without hearing.

§ 302.504 Order of investigation.

The Board on its own initiative, or if it is of the opinion that the facts stated in a petition or complaint warrant it, may issue an order instituting an investigation of the lawfulness of any present or proposed rates, fares, or charges for the transportation of persons or property by aircraft or the lawfulness of any classification, rule, regulation, or practice affecting such rates, fares, or charges, and assigning the proceeding for hearing before an examiner. (Reference should be made to Subpart A of this part for rules applicable to hearings.)

§ 302.505 Complaints requesting suspension of tariffs.

(a) Formal complaints seeking suspensions of tariffs pursuant to section 1002(g) of the act shall fully identify the tariff and include reference to the name of the publishing carrier or agent, to the CAB number, and to specific items or particular provisions protested or complained against. The complaint should indicate in what respect the tariff is considered to be unlawful, and state what complainant suggests by way of substitution.

(b) A complaint requesting suspension of any tariff filed under the act ordinarily will not be considered unless made in conformity with this section and filed with the Board at least fifteen (15) days before the effective date of the tariff. In an emergency satisfactorily shown by complainant, and within the time limits herein provided, a telegraphic complaint may be sent to the Board and to the publishing carrier or agent stating the grounds relied upon, but such telegraphic complaint must immediately be confirmed by complaint filed and served in accordance with this section.

§ 302.506 Burden of going forward with the evidence.

At any hearing involving a change in a rate, fare, or charge for the transportation of persons or property by aircraft, or the lawful classification, rule, regulation, or practice affecting such rate, fare, or charge, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed rate, fare, charge, classification, rule, regulation or practice is just and reasonable, and not otherwise unlawful.

Subpart F—Rules Applicable to Proceedings for Leave to Conduct Charter Trips or Special Services

§ 302.600 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings brought by air carriers holding certificates of public convenience and necessity who seek to obtain Board approval to perform charter trips or special services in overseas or foreign air transportation to points or areas where such service would otherwise be contrary to the provisions of § 207.8 of this chapter.

§ 302.601 Petitions to conduct charter trips or special services into areas protected by § 207.8 of this chapter.

(a) Petitions filed pursuant to this section need not conform to the requirements of §§ 302.3 and 302.4 but must be submitted in triplicate, signed by a managing officer of the company. Such petition shall set forth the proposed date(s), number of trips, and area(s) or point(s) between which the service is desired to be performed, together with the equipment to be utilized, the approximate number of passengers or amount and kind of cargo to be carried, and the compensation to be received. In the case of charter trips, a copy of the proposed charter agreement(s) shall be annexed to the petition. A copy of the petition, together with all supporting documents, shall be served upon the air carrier certificated to serve the points or areas concerned at its principal office, and proof of such service shall accompany the petition when filed with the Board.

(b) The air carrier certificated to serve the points or areas concerned shall have five days (not including Saturday or Sunday or legal holidays) after the filing of such a petition in which to file notice of objections thereto, if any, with the Board and if such notice is filed, an additional ten days (not including Saturday or Sunday or legal holidays) in which to file supporting reasons or arguments as to why the petition should not be granted in the public interest. Such objections shall include a statement as to the objecting carrier's ability to handle the traffic and may, if desired, include the terms upon which the service requested would be performed by it.

(c) Thereafter the Board will grant the petition to such extent and subject to such terms and conditions as it finds to be in the public interest. Petitions for the approval of service which it finds not in the public interest will be denied.

Subpart G—Rules Applicable to Adequacy of Service Petitions

§ 302.700 Applicability of this subpart.

This subpart sets forth the special rules applicable to proceedings with respect to the adequacy of the service, equipment and facilities provided by a certificated air carrier at a duly authorized point. For information as to other applicable rules, reference should be made to Subpart A of this part to the Federal Aviation Act and to the substantive rules, regulations and orders of the Board.

§ 302.701 Institution of proceedings.

A proceeding to determine the adequacy of the service, equipment and facilities being provided by a certificated air carrier at a duly authorized point may be instituted by the filing of a petition or complaint, or by the issuance of an order by the Board on its own initiative pursuant to section 1002 of the act.

§ 302.702 Contents of petition.

If a petition or complaint is filed, it shall state the reason why the service, equipment or facilities complained of are inadequate and shall support such reasons with a full factual analysis. Within fifteen (15) days after the date of service of a petition or complaint, the respondent may file an answer thereto.

§ 302.703 Parties to the proceeding.

The parties to the proceeding shall be the person filing the petition or complaint, the air carrier or carriers whose service is being challenged, Bureau Counsel and any other person whom the Board permits to intervene.

§ 302.704 Action on petition or complaint.

If the Board is of the opinion that a petition or complaint does not state facts which warrant an investigation or action on its part, it may dismiss such petition or complaint without hearing. If the air carrier complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, the Board shall investigate the matter complained of.

§ 302.705 Hearing.

In the event a hearing is ordered by the Board, Subpart A of this part shall govern the proceeding.

[F.R. Doc. 61-8294; Filed, Aug. 28, 1961; 8:55 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, paragraph (g) of § 6.302 is revoked, the headnote and subparagraphs (2) and (7) of paragraph (o) are amended, and subparagraph (10) is added to paragraph (o) as set out below.

§ 6.302 Department of State.

* * * * *

(o) *Policy Planning Council.* * * *

(2) The Deputy Counselor and Vice Chairman.

* * * * *

(7) One Private Secretary to the Counselor and Chairman.

* * * * *

(10) One Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-8295; Filed, Aug. 28, 1961; 9:32 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Farm Marketing Quotas and Acreage Allotments; Amdt. 2]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Upland Cotton of the 1961 and Succeeding Crops

COUNTY NORMAL YIELDS

Correction

In F.R. Doc. 61-7995, appearing at page 7755 of the issue for Saturday, August 19, 1961, the following corrections are made in the tabular material of § 722.50(a):

1. For Baldwin County, Ala., the normal yield should read "298" instead of "296".

2. For Newton County, Ark., the normal yield should read "283" instead of "686".

3. For Riverside County, Calif., the normal yield should read "1062" instead of "1962".

4. For Pointe Coupee County, La., the normal yield should read "385" instead of "365".

5. Under North Carolina, the counties listed from "Adair" to "Woodward", inclusive, should appear under a separate heading reading "Oklahoma".

6. Under South Carolina, the counties listed from "Bedford" to "Wilson", inclusive, should appear under a separate heading reading "Tennessee".

7. Under Texas:

a. The following entry should be made immediately after the listing for "El Paso": "Erath____ 138".

b. The entry reading "Falls____ 216" should be deleted.

[Farm Marketing Quotas and Acreage Allotments; Amdt. 1]

PART 722—COTTON

Subpart—Regulations Pertaining to Marketing Quotas for Extra Long Staple Cotton of the 1961 and Succeeding Crop Years

COUNTY NORMAL YIELDS

Correction

In F.R. Doc. 61-7994, appearing at page 7758 of the issue for Saturday, August 19, 1961, in the tabular material of § 722.151(a), the heading "*County*" should appear over the list of counties, and the heading "*Normal yield (pounds per acre)*" should appear over the list of normal yields.

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 992—IRISH POTATOES GROWN IN WASHINGTON

Approval of Proposed Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113, and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER August 4, 1961 (26 F.R. 7017). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto, not later than 15 days after publication in the FEDERAL REGISTER.

After consideration of all relevant matters presented it is hereby determined that:

§ 992.213 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the marketing agreement and order, during the fiscal year ending on May 31, 1962, will amount to $22,863.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him, as the first handler thereof, during the fiscal year.

(c) The terms used in this section shall have the same meaning as when used in said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal year shall be applicable to all assessable potatoes from the beginning of such period and (2) the current fiscal year began on June 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 24, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–8243; Filed, Aug. 28, 1961; 8:52 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of Prune Administrative Committee for 1961–62 Crop Year and Rate of Assessment for Such Crop Year

Notice was published in the August 8, 1961, issue of the FEDERAL REGISTER (26 F.R. 7096) that, pursuant to Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR Part 993; 26 F.R. 475), hereinafter referred to collectively as the "order", regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), that the Department had under consideration the proposed expenses of the Prune Administrative Committee, established under the order, for the 1961–62 crop year and a rate of assessment for that crop year. Interested persons were afforded the opportunity to file written data, views, or arguments with respect to the proposals within the time limit specified in the said notice. None was filed.

After consideration of all relevant matters presented, including the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is hereby found and determined and, therefore, ordered, that the expenses of the committee and rate of assessment for the crop year beginning August 1, 1961, shall be as follows:

§ 993.312 Expenses of the Prune Administrative Committee and rate of assessment for the 1961–62 crop year.

(a) *Expenses.* Expenses in the amount of $68,250 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1961, and ending July 31, 1962, for its maintenance and functioning, and for such purposes as the Secretary may pursuant to the provisions of this part determine to be appropriate.

(b) *Rate of assessment.* Each handler shall pay to the Prune Administrative Committee, in accordance with the provisions of § 993.81(a) of Marketing Agreement No. 110, as amended, and Order No. 93, as amended, as such handler's pro rata share of the aforesaid expenses, an assessment of 50 cents for each ton of prunes received by him as the first handler thereof during the crop year beginning August 1, 1961, and ending July 31, 1962; and such rate of assessment is hereby fixed for such crop year.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of the order require that a rate of assessment fixed for a particular crop year shall be applicable to all assessable tonnage dried prunes from the beginning of such year; and (2) the current crop year began on August 1, 1961, and the rate of assessment herein fixed will automatically apply to all assessable tonnage dried prunes beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 25, 1961.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[F.R. Doc. 61–8305; Filed, Aug. 28, 1961; 9:32 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55456]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Temporary Reduction in Duty

Exemptions, Returning Residents, Regulations; temporary reduction in duty, free allowance for returning residents, temporary elimination of 48-hour absence requirement respecting articles acquired in the Virgin Islands of the United States.

Public Law 87–132, 87th Congress, approved August 10, 1961, further amended paragraph 1798(c)(2), Tariff Act of 1930,[1] and is effective as to persons arriving in the United States on or after September 9, 1961, and before July 1, 1963. It reduces the basic $200 exemption to $100, except with respect to the Virgin Islands of the United States, and suspends the application of the additional $300 exemption during the period indicated. It makes no change in the provision that the basic exemption of $100 ($200 in the case of the Virgin Islands) may be claimed not more than once every 30 days. No change is made respecting the limitations on alcoholic beverages and cigars.

A resident returning directly or indirectly from the Virgin Islands of the United States is still entitled to a $200 exemption, but not more than $100 of the exemption shall be applied to articles acquired elsewhere than in the Virgin Islands of the United States. Articles acquired by the resident in the Virgin Islands of the United States up to the amount allowed are also exempt, during the specified period, from the 48-hour absence requirement.

The following regulations are prescribed during the effective period of Public Law 87–132 and so much of §§ 10.17, 10.19, 10.20, Customs Regulations, and any other provisions inconsistent or in conflict therewith are hereby suspended:

§ 10.17a Temporary regulations applicable during effective period of Public Law 87–132.

(a) *Reduced exemptions.* Public Law 87–132, approved August 10, 1961, reduces the exemptions from duty under paragraph 1798(c)(2), Tariff Act of 1930, as amended, during the effective period of such law (September 9, 1961, through June 30, 1963). The $200 exemption previously permitted is reduced to $100 with the exception of the exemption permitted to residents returning from the Virgin Islands (see paragraph (e) of this section). The additional $300 exemption is suspended during the effective period.

(b) *Arrivals at seaports or by air.* A resident of the United States returning at a seaport or by air from any foreign country shall itemize on customs Form 6063, or on customs Form 6063–B where such form is used, all articles acquired abroad, except that a resident returning by air who is precleared in Canada shall be subject to the procedure prescribed for residents returning at border ports otherwise than by air.

(c) *Arrivals at Canadian and Mexican border ports.* (1) A resident of the United States returning otherwise than by air at ports on the Canadian or Mexican border may be permitted to declare orally articles acquired abroad for his personal or household use if the total value of such articles does not exceed $100 unless there are articles which do not accompany the resident. In the latter instance, a written declaration shall be required for all articles acquired abroad.

(2) A family group traveling together may be permitted to declare orally articles acquired abroad for the personal or household use of any member of the family if the value of such articles does not exceed an amount totaling more than $100 times the number of members of the family group.

(3) A written declaration on customs Form 6059 shall be required for all articles acquired abroad for personal or household use of the returning resident where the total value of the articles exceeds the value of articles which may be permitted to be declared orally.

(4) A written declaration on customs Form 6059 shall be required for articles subject to duties or duties and taxes, such as alcoholic beverages in excess of the quantity allowed under the exemption or articles not brought in for the personal or household use of the resident.

(d) *Miscellaneous.* Individual items not exceeding $5 in value per item may be grouped as "Miscellaneous" up to but not exceeding a total value of $50 where a written declaration is required, unless such articles are not accompanying the resident, in which case, they shall be itemized on the written declaration.

(e) *Virgin Islands of the United States.* Residents of the United States who have visited the Virgin Islands of the United States, whether returning directly or indirectly from those Islands, shall present a written declaration on customs Form 6063–C for all articles acquired in the Virgin Islands or elsewhere. A resident returning directly or indirectly from the Virgin Islands of the United States shall be allowed an exemption up to $200 for articles acquired for personal or household use, but not more than $100 of the exemption shall be applied to articles not acquired in the Virgin Islands. The exemption for articles acquired in the Virgin Islands of the United States is not conditioned upon any length of absence from the United States. Not more than one wine gallon of alcoholic beverages and not more than 100 cigars may be included in the $200 exemption. (Sec. 201 (par. 1798), 46 Stat. 683, as amended; 19 U.S.C. 1201 (par. 1798); Public Law 87–132).

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: August 22, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61–8230; Filed, Aug. 28, 1961; 8:50 a.m.]

[1] "(2) articles (including not more than one wine gallon of alcoholic beverages and not more than one hundred cigars) acquired abroad as an incident of the journey from which he is returning, for his personal or household use, but not imported for the account of any other person nor intended for sale, if declared in accordance with regulations of the Secretary of the Treasury, up to but not exceeding in aggregate value—

"(A) $100 (or $200 in the case of persons arriving directly or indirectly from the Virgin Islands of the United States, not more than $100 of which shall have been acquired elsewhere than in the Virgin Islands of the United States) if such person arrives before July 1, 1963 (or $200 if such person arrives on or after July 1, 1963), and he either arrives from a contiguous country which maintains a free zone or free port (see subparagraph (d) of this paragraph), or arrives from any other country after having remained beyond the territorial limits of the United States for a period of not less than forty-eight hours, and in either case has not claimed an exemption under this subdivision (A) within the thirty days immediately preceding his arrival; and

"(B) $300 in addition, if such person arrives on or after July 1, 1963, and he has remained beyond the territorial limits of the United States for a period of not less than twelve days and has not claimed an exemption under this subdivision (B) within the six months immediately preceding his arrival. Tariff Act of 1930, paragraph 1798(c)(2), as amended (19 U.S.C. 1201 (par. 1798(c)(2)).

"In applying paragraph 1798(c)(2)(A) of the Tariff Act of 1930, as amended, to articles acquired in the Virgin Islands of the United States by any person who arrives in the United States * * * the 48-hour requirement in such paragraph 1798(c)(2)(A) shall be treated as satisfied." (Public Law 87–132, sec. 2.)

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Toxaphene

A petition was filed with the Food and Drug Administration by Hercules Powder Company, 910 Market St., Wilmington 99, Delaware, requesting the establishment of a tolerance for residues of toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on bananas at 3 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities are amended by adding to § 120.138 (21 CFR 120.138; 26 F.R. 1465) a new item, as follows:

§ 120.138 Tolerances for residues of toxaphene.

* * * * *

3 parts per million in or on bananas (of which residue not more than 0.3 part per million shall be in the pulp after the peel is removed and discarded).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 22, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–8248; Filed, Aug. 28, 1961; 8:53 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bacillus Thuringiensis Berliner; Exemption From Requirement of Tolerance for Residues of Viable Spores

A petition was filed with the Food and Drug Administration by Nutrilite Products, Inc., Post Office Box 1166, Hemet, California, requesting exemption from the requirement of a tolerance for residues of the viable spores of the microorganism Bacillus thuringiensis Berliner for pesticide use in or on melons and tomatoes. Evidence before the Commissioner of Food and Drugs shows that the micro-organism Bacillus thuringiensis Berliner, when eaten by man or other warmblooded animals, is harmless and will cause no disease condition.

The Secretary of Agriculture has certified that this pesticide chemical is useful on melons and tomatoes.

After consideration of the data submitted in the petition and other relevant material which show that the exemption from the requirement of a tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner by the Secretary (25 F.R. 8625), § 120.176 (21 CFR 120.176) is amended by adding melons and tomatoes to the list of raw agricultural commodities in paragraph (b) of this section for which exemption from requirement of a tolerance is established for this micro-organism.

As amended, § 120.176(b) reads as follows:

§ 120.176 Exemption from the requirement of a tolerance for residues of viable spores of the micro-organism Bacillus thuringiensis Berliner.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial pesticide Bacillus thuringiensis Berliner as specified in paragraph (a) of this section in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, beans, broccoli, cabbage, cauliflower, celery, cotton-

seed, lettuce, melons, potatoes, spinach, tomatoes.

Any persons who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: Aug. 22, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8249; Filed, Aug. 28, 1961; 8:53 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Company, Midland, Michigan, and other relevant material, has concluded that the following regulation should issue with respect to the food additive calcium disodium EDTA in pecan pie fillings to prevent discoloration. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), § 121.1017 (21 CFR 121.1017) is amended by adding pecan pie filling, in alphabetical order, to the list of foods in paragraph (b)(1) as follows:

§ 121.1017 Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate; calcium disodium (ethylenedinitrilo) tetraacetate).

* * * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* *	* *	* * *
Pecan pie filling	100	Promote color retention.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8246; Filed, Aug. 28, 1961; 8:52 a.m.]

SUBCHAPTER C—DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Labeling; Exemption From Certification

CHANGES IN EXPIRATION DATES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146c.248, 146e.402) are amended in the following respects:

1. In § 146c.248 *Pyrrolidinomethyl tetracycline*, paragraph (c) *Labeling*, subparagraph (3) is amended by changing the period after the word "certified" to a comma and inserting the following clause: "except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed in paragraph (a) of this section."

2. Section 146e.402 *Bacitracin ointment; zinc bacitracin ointment* is amended as follows:

a. In paragraph (c) *Labeling*, subparagraph (1)(iv) is amended by changing the words "48 months" to read "48 months or 60 months".

b. In paragraph (f) *Exemption of bacitracin ointment from certification*, subparagraph (1) is amended by changing the words "48 months" to read "60 months."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 23, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8250; Filed, Aug. 28, 1961; 8:53 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Department Circular No. 530; Rev. 8, Amdt. 3, 1961]

PART 315—UNITED STATES SAVINGS BONDS

Method of Interest Payments, and Maturation

AUGUST 2, 1961.

Sections 315.32(b)(5) and 315.37 of Department Circular No. 530, Eighth Revision, as amended, dated December 30, 1957 (31 CFR Part 315), are hereby amended to read as follows:

§ 315.32 Current income bonds.

* * * * * * *

(b) *Method of interest payments.*

* * *

(5) The interest due at maturity in the case of bonds for which an optional extension privilege has not been granted and at the final maturity for all bonds for which an optional extension privilege has been granted will be paid with the principal and in the same manner. However, if the registered owner of a bond in beneficiary form dies on or after the due date without having presented and surrendered the bond for payment or authorized reissue, and is survived by the beneficiary, the interest may be paid to the legal representative of or the person entitled to the registered owner's estate. To obtain such payment, the bonds with a request therefor by the beneficiary should be submitted together with the evidence required in § 315.70.

§ 315.37 At or after maturity.

Pursuant to its terms, a savings bond of any series will be paid at or after maturity at the maturity value fixed by the terms of the Department Circular offering the particular series of bonds to the public, current at the time of redemption, and in no greater amount. No advance notice will be required for the redemption of matured savings bonds except that any current income bond for which an optional extension period has been provided will, beginning with the first day of the third calendar month following the calendar month in which the bond originally matured, be regarded as unmatured until it reaches its final maturity date, and the same notice prior to redemption will be required for it as required for bonds of the same series which have not reached original maturity.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (P.L. 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment.

[SEAL] DOUGLAS DILLON,
Secretary of the Treasury.

[F.R. Doc. 61-8227; Filed, Aug. 28, 1961; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 50—Division of Public Contracts, Department of Labor

PART 50-202—MINIMUM WAGE DETERMINATIONS

Manifold Business Forms Industry

Pursuant to authority in the Walsh-Healey Public Contracts Act (41 U.S.C. 35), 41 CFR 50-202.29(d) (26 F.R. 7698) is amended as herein below set out. This amendment will merely change the effective date of the minimum wage determination for Manifold Business Forms Industry from August 24, 1961, to August 28, 1961. The purpose of this change is to permit consideration to be given to the motion of the Printing Industry of America Incorporated requesting that this determination be reconsidered.

§ 50-202.29 Manifold business forms industry.

* * * * *

(d) *Effective date.* This section shall be effective and the minimum herein shall apply as to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after August 28, 1961.

(Secs. 1, 4, 49 Stat. 2036, as amended, 2038; 41 U.S.C. 35, 38)

Signed at Washington D.C., this 23d day of August, 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61-8222; Filed, Aug. 28, 1961; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

Subpart C—Shipment of Certain Things

ETIOLOGIC AGENTS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary in the issuance of the following amendment to § 72.25(b) which relieves restrictions.

Section 72.25(b) is amended to read:

§ 72.25 Etiologic agents.

* * * * *

(b) A person shall not knowingly transport or cause to be transported in interstate traffic any etiologic agent unless the agent is packaged in a minimum of two sealed containers, and each such double container is enclosed in a third container, hereinafter referred to as an individual shipping container, in accordance with the following requirements:

(1)(i) The materials shall be placed in a watertight and airtight container which shall then be enclosed in a second durable watertight and airtight container. In the case of liquid (including frozen materials), the intervening space between the containers shall be provided with sufficient absorbent material so placed as to absorb the entire contents in case of breakage or leakage. Each such double container shall then be enclosed in an individual shipping container constructed of corrugated cardboard, fiber glass, wood, or other material of equivalent strength.

(ii) If dry ice is used as a refrigerant, the individual shipping container shall be vented, and if an outside shipping container is used, it shall also be vented.

(2)(i) The maximum amount of etiologic agent which may be shipped in an individual shipping container shall not exceed one U.S. gallon provided that two or more individual shipping containers may be overpacked in a single outside shipping container.

(ii) All containers and closures are so designed and constructed of such materials that they are capable of withstanding without rupture or leakage of contents, all shocks, pressure changes, or other conditions ordinarily incident to transportation handling.

(3) The shipping documents and the manifest accompanying the shipment include statements that the shipment contains infectious material and identifies the etiologic agent involved. The shipment itself shall be appropriately labeled.

(4) The requirements of this paragraph are in addition to and not in lieu of any other packaging or labeling requirements for the interstate shipment of etiologic agents established by the Interstate Commerce Commission and Civil Aeronautics Board.

(5) With respect to shipments made to carry out the national defense program, the Surgeon General may approve variations as to the requirements in subparagraphs (2)(i) and (3) of this paragraph if upon review and evaluation he finds that such variations and the required attendant changes in packaging, handling, and shipment procedures will provide protection at least equivalent to the above requirements.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216. Interpret or apply sec. 361, 58 Stat. 703, 42 U.S.C. 264)

Dated: August 15, 1961.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: August 22, 1961.

ABRAHAM RIBICOFF,
Secretary.

[F.R. Doc. 61-8224; Filed, Aug. 28, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 687, 689, 699]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Public and Employer Members

By virtue of Administrative Order No. 558 published in the FEDERAL REGISTER on August 17, 1961 (26 F.R. 7706), Review Committee 1–A, 1–B, and 1–C were appointed pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), to recommend the minimum rate or rates payable under paragraph (C) of proviso (1) of subsection 6(c) in lieu of those provided under paragraph (A) of proviso (1) to employees in the designated industries. Administrative Order No. 558 advised that the names of the members of the review committees would be published at a later date.

Therefore, as provided in Administrative Order No. 558, I hereby name the following committee members to represent the public and employers on Review Committees 1–A, 1–B, and 1–C:

Public (for All Committees)

Kenneth R. Redden, Chairman, Charlottesville, Va.
Reece B. Bothwell, Rio Piedras, P.R.
Homero Monsanto-Diaz, Rio Piedras, P.R.

Employers

Gilbert J. Durbin, New Orleans, La. (for all Committees).
Martin Velez-Rosado, Vega Alta, P.R. (for Committee 1–A).
Thaddeus C. V'Soske, Vega Baja, P.R. (for Committee 1–A).
Malcolm Gordon, Cayey, P.R. (for Committee 1–B).
Cesar A. Silva, Arecibo, P.R. (for Committee 1–B).
Jesus M. Guzman, Santurce, P.R. (for Committee 1–C).
Antonio Roig, Jr., Humacao, P.R. (for Committee 1–C).

The names of the employee members for Review Committees 1–A, 1–B, and 1–C shall be published in the FEDERAL REGISTER at a later date.

Signed at Washington, D.C., this 24th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–8241; Filed, Aug. 28, 1961; 8:51 a.m.]

[29 CFR Parts 687, 689, 699]

REVIEW COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Employee Members

By virtue of Administrative Order No. 568 published in the FEDERAL REGISTER on August 17, 1961 (26 F.R. 7706), among other things, Review Committees 1–A, 1–B, and 1–C were appointed pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) and paragraph (C) of proviso (1) of subsection 6(c) of the aforementioned Act, as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(c), Pub. Law 87–30), to recommend the minimum rate or rates payable under paragraph (c) of proviso (1) of subsection 6(c) in lieu of those provided under paragraph (A) of proviso (1) to employees in the designated industries. Administrative Order No. 558 advised that the names of the members of the review committees would be published at a later date.

Therefore, as provided in Administrative Order No. 558, I hereby name the following committee members to represent the employee members on Review Committees 1–A, 1–B, and 1–C:

Employee Members on Review Committees 1–A and 1–B

Ted Benton, Chattanooga, Tenn.
Roy S. Whitmire, Asheville, N.C.
Prudencio Rivera-Martinez, San Juan, P.R.

Employee Members on Review Committee 1–C

Thomas E. Harris, Washington, D.C.
Robert L. Schutt, Chicago, Ill.
Luis G. Estades, San Juan, P.R.

Signed at Washington, D.C., this 24th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–8242; Filed, Aug. 28, 1961; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 12955]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Prohibition of Unauthorized and Informal Documents

AUGUST 23, 1961.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of §§ 302.4, 302.5, 302.6, and 302.18 which provides that unauthorized or informal documents which are submitted to the Board will not be accepted for filing; expressly prohibits post-answer responsive documents and establishes procedures whereby requests for leave to file documents subject to such rejection may be granted upon a show of good cause.

The principal features of the proposed regulation are explained in the attached Explanatory Statement and the proposed amendment is set forth in the attached Proposed Rule. This rulemaking action is proposed under the authority of sections 204(a) and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 788; 49 U.S.C. 1324, 1481).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before September 27, 1961, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

Explanatory statement. The Board has recently noted that many parties to its economic proceedings have adopted the practice of submitting pleadings, motions and other formal documents which are not authorized by the governing provisions of Part 302.[1] Apart from the fact that such documents generally serve no useful purpose, they do not fit the framework of Part 302 so that it is exceedingly difficult for other parties to the proceeding to know which of the various procedural rules therein set forth govern their rights to make responsive filings and the applicable time limitations. Frequently, moreover, these documents are filed as informal correspondence rather than as formal documents of the type contemplated by the rules or are improperly filed.[2] The Board's staff and its Docket Section are unduly burdened by the processing of such documents.

In order to remedy these procedural deficiencies, the proposed rule would amend Rule 4 by prohibiting the filing of unauthorized documents, and of otherwise proper documents by persons who lack standing in the proceeding to file such documents. Finally, the proposed rule provides that the Board will refuse to accept any document which is filed in violation of these or any other prohibitions or is not timely filed.

A related problem which the Board has frequently encountered is the tendency of parties in its economic proceedings to file a multiplicity of responsive documents in the form of answers, replies to answers and replies to replies. Except in certain situations where responsive filings are permitted by the rules, pleadings following answers do not generally serve any useful purpose. Therefore, the proposed rule would amend Rules 6 and 18 to expressly prohibit the filing of post-answer responsive documents, which have not been expressly authorized or required by general rule or specific action of the Board or an examiner.

The prohibitions which would be newly imposed by Rules 4 and 6 are designed principally to curb unnecessary responsive pleadings and preclude informal filings. It should be noted that these procedural changes will not impair the present freedom of parties to file answers to documents which institute proceedings, under Rule 6.

However, any party who wishes to initiate a proceeding outside the procedural framework of Part 302 or seek a final decision on the merits of an authorized proceeding in a manner not contemplated therein could obtain such relief by securing specific permission from the Board or an examiner. In the same manner, a party who can demonstrate that special circumstances make it necessary or appropriate for him to file an unauthorized responsive pleading or one which fails to comply with the formal requirements prescribed for an authorized pleading might seek such affirmative relief. In order to insure that the Board and its examiners would enjoy the power to grant such requests upon good cause shown, proposed Rule 4 expressly authorizes the filing of motions for permission to file otherwise prohibited documents.

It is also proposed to amend Rule 5 to expressly permit amendments of applications prior to the filing of answers thereto or, if no answer is filed, prior to the designation of such applications for hearing. Subsequent amendments to applications could be made only if leave is granted by the Board or an examiner under the procedures prescribed in Rule 18. Finally, certain editorial revisions and regrouping of provisions have been proposed.

Proposed rule. It is proposed to amend §§ 302.4, 302.5, 302.6, and 302.18 of Part 302 of the Procedural Regulations (14 CFR Part 302), respectively, to read as follows:

§ 302.4 General requirements as to documents.

(a) *Contents.* In case there is no rule, regulation, or order of the Board which prescribes the contents of a formal application, petition, complaint, motion or other authorized or required document, such document shall contain a proper identification of the parties concerned, and a concise but complete statement of the facts relied upon and the relief sought.

(b) *Subscription.* Every application, petition, complaint, motion or other authorized or required document shall be signed by the party filing the same, or by a duly authorized officer or the attorney-at-law of record of such party, or by any other person: *Provided,* That, if signed by some other person, the reason therefor must be stated and the power of attorney or other authority authorizing such other person to subscribe the document must be filed with the document. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) *Designation of person to receive service.* The initial document filed by any person shall state on the first page thereof the name and post office address of the person or persons who may be served with any documents filed in the proceeding.

(d) *Prohibition of certain documents.* No document which is subject to the general requirements of this subpart concerning form, filing, subscription, service and similar matters shall be filed with the Board or an examiner unless:

(1) Such document and its filing by the person submitting it has been expressly authorized or required in the Federal Aviation Act of 1958, any other law, this part, other Board regulations, or any order or other document issued by the Board, the Chief Examiner or an examiner assigned to the proceeding, and

(2) Such document complies with each of the requirements of §§ 302.3 and 302.8, and is submitted as a formal application, complaint, petition, motion, pleading or similar paper rather than as a letter, telegram or other written communication: *Provided, however,* That for good cause shown, pleadings of any public body or civic organization may be submitted by letter. *Provided further,* That comments concerning section 412 agreements, which have not been docketed, may be submitted by letter.

(e) *Documents improperly filed.* A document which is filed in violation of the prohibition imposed by paragraph (d) of this section, or a requirement imposed by any other provision of this part, will not be accepted for filing by the Board and will not be physically incorporated in the docket of the proceeding. The sender of such document will be notified informally of the Board's action thereon.

(f) *Motions for leave to file otherwise unauthorized documents.* (1) The Board will not accept any unauthorized document for filing unless leave has previously been obtained, from the examiner or the Board, on written motion and for good cause shown.

(2) After the assignment of an examiner to a proceeding, and before the issuance of a recommended decision or the expiration of the period within which exceptions to his initial decision may be filed, or the certification of the record to the Board, these motions shall be addressed to him. At all other times, such motions shall be addressed to the Board. The examiner or the Board will promptly pass upon such motions.

(3) Such motions shall be filed within seven days after service of any document or order or ruling to which the proposed filing is responsive. Such motions shall be served on all parties to the proceeding but answers thereto may not be filed.

(4) Such motions shall contain a concise statement of the matters relied upon as good cause for such relief and there shall be attached thereto the pleading or other document for which leave to file is sought.

§ 302.5 Amendment of documents and dismissal.

If any document initiating, or filed in, a proceeding is not in substantial conformity with the applicable rules or regulations of the Board as to the contents thereof, or is otherwise insufficient but not subject to rejection under § 302.4(e), the Board, on its own initiative, or on motion of any party, may strike or dismiss such document, or require its amendment. An application may be amended prior to the filing of answers thereto, or, if no answer is filed, prior to its designation for hearing. Thereafter, applications may be amended only if leave is granted by the Board or an examiner pursuant to the procedures set forth in § 302.18. If properly amended, a document shall be made effective as of the date of original filing but the time prescribed for the filing of an answer or any further responsive document directed towards the amended document shall be computed from the date of the filing of the amendment.

§ 302.6 Responsive documents.

(a) Answers to applications, complaints, petitions, motions or other documents or orders instituting proceedings may be filed by any party to such proceeding or any person who has a petition for intervention pending. Except as otherwise provided, answers are not required.

(b) *Further responsive documents.* Except as otherwise provided, no reply to an answer, reply to a reply, or any further responsive document shall be filed. Where a reply to an answer or any further responsive document is not fileable, all new matter contained in such answer shall be deemed controverted.

(c) *Time for filing.* Except as otherwise provided, an answer or any further responsive document shall be filed within seven days after service of the document to which such responsive filing is directed.

§ 302.18 Motions.

* * * * *

(c) *Answers to motions.* Within seven days after a motion is served, or such other period as the Board or examiner may fix, any party to the proceeding may file an answer in support of or in opposition to the motion, accompanied by such affidavits or other evidence as it desires to rely upon. Except as the Board or the examiner otherwise provides, no reply to an answer, reply to a reply, or any further responsive document shall be filed. Where a reply to an answer or any other further responsive document is not fileable, all new

[1] Under Rule 1(a), the Rules of Practice in Economic Proceedings govern the conduct of all economic proceedings before the Board, whether instituted by an order of the Board or by filing of an initiating application or pleading. Thus, Part 302 applies both to hearing and non-hearing cases. Moreover, the general provisions of Subpart A are applicable to economic proceedings instituted pursuant to substantive provisions of other Board regulations, such as Part 202 of the Economic Regulations which authorize the filing of applications for airport authorizations and service pattern changes.

[2] Proposed § 302.4(d)(ii) provides an exception whereby the pleadings of any public body or civic organization may be submitted by letter.

matter contained in such answer shall be deemed controverted.

[F.R. Doc. 61-8240; Filed, Aug. 28, 1961, 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 61-NY-29]

FEDERAL AIRWAY

Designation

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 600 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of intermediate altitude VOR Federal airway No. 1749 as a 10-mile wide airway from the Cleveland, Ohio, VORTAC via the Cleveland VORTAC 024° True radial to the United States/Canadian border.

This proposed airway would provide the United States portion of a route for VOR equipped aircraft operating at intermediate altitudes between Toronto, Canada, and Cleveland and terminals within the Southern United States.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 22, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8212; Filed, Aug. 28, 1961; 8:48 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-LA-88]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Withdrawal of Proposal To Modify Federal Airways, Associated Control Areas and Control Area Extension, and Revoke a Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER as Airspace Docket No. 60-LA-88 on December 1, 1960 (25 F.R. 12328), it was stated that the Federal Aviation Agency proposed to:

1. Combine the Tucson, Ariz., control area extensions (§§ 601.1186 and 601.1441) and include additional area to the south and west.

2. Realign Victor 105 from the Tucson VORTAC via the intersection of the Tucson VORTAC 273° and the Casa Grande VOR 146° True radials; to the Casa Grande VOR.

3. Revoke the segment of Victor 202, and its associated control areas between Tucson and Cochise, Arizona.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Tucson area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the notice. The need for these changes will be considered in an Amendment 60-21 implementation study to be made on an area basis in which requirements for controlled airspace in the Tucson area will be correlated with requirements in adjacent areas Accordingly, the notice is being withdrawn, and a new Proposal will be issued upon completion of the study.

In consideration of the foregoing, the notice of proposed rule making contained in Airspace Docket No. 60-LA-88 is hereby withdrawn.

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 23, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8213; Filed, Aug. 28, 1961; 8:48 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-127]

CONTROLLED AIRSPACE

Withdrawal of Proposal To Modify Control Area Extension

In a notice of proposed rule making published in the FEDERAL REGISTER in Airspace Docket No. 60-WA-127 on May 18, 1960 (25 F.R. 4393), it was stated that the Federal Aviation Agency proposed the modification of the Brunswick, Ga., control area extension.

Subsequent to publication of the notice, a review of the requirements for controlled airspace in the Brunswick area has indicated that, upon implementation of the provisions of Amendment 60-21 to Part 60 of the Civil Air Regulations, numerous changes will be required in the dimensions of the controlled airspace proposed in the notice. The need for these changes will be considered in an Amendment 60-21 implementation study to be made on an area basis in which requirements for controlled airspace in the Brunswick area will be correlated with requirements in adjacent areas. Accordingly, the notice is being withdrawn, and a new proposal will be issued upon completion of the study.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), notice is hereby given that the proposal contained in Airspace Docket No. 60-WA-127 is withdrawn.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 22, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8210; Filed, Aug. 28, 1961; 8:48 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-LA-60]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.64 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a request by the Department of the Army for the alteration of the Tooele, Utah, Restricted Area R-6403. R-6403 is used for the burning and demolition of high explosives.

The Federal Aviation Agency is considering the alteration of R-6403 by changing the time of designation from "Sunrise to sunset" to "0800 to 2000 PST". This change in the time of designation will provide safety to air traffic during those periods when demolition activities are conducted.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 23, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8211; Filed, Aug. 28, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 13389; FCC 61-1034]

RADIO BROADCAST SERVICES

Notice of Proposed Rule Making

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 23d day of August 1961;

The Commission having under consideration the provisions of §§ 3.119, 3.289, 3.654, and 3.789 of its rules relating to the announcement of sponsored programs on standard broadcast stations, FM broadcast stations, television broadcast stations and international broadcast stations, respectively;

It appearing that a Notice of Proposed Rule Making was released in this Docket on February 8, 1960 (FCC 60-111), for the purpose of amending the above-mentioned sections of the rules and regulations of the Commission; and

It further appearing that in the aforementioned notice, written comments and reply comments were invited to be submitted in this rule making proceeding and that such documents were filed with the Commission in response to said invitation; and

It further appearing that no Report and Order was adopted or released by the Commission in this Docket and that the matter is presently pending; and

It further appearing that Public Law 86-752 (signed into law on September 13, 1960), among other things, amends section 317 of the Communications Act of 1934 to redefine the situations in which broadcast licensees must make sponsorship identification announcements; and

It further appearing that said Public Law 86-752 added a new section 508 to the Act requiring disclosure by persons, other than broadcast licensees, who provide or receive valuable consideration for the inclusion of any matter in a program intended for broadcast, and that such persons had not previously been directly subject to any previous provisions of the Act; and

It further appearing that subsection (e) of the revised section 317 directs the Commission to prescribe appropriate rules and regulations to implement the Congressional intent expressed in the new wording of section 317; and

It further appearing that the Commission by a Notice of Proposed Rule Making, Docket No. 14094 (FCC 61-546), released on April 27, 1961, instituted a rule making proceeding for the purpose of amending §§ 3.119, 3.289, 3.654, and 3.789 of the rules and regulations of the Commission so as to implement the new section 508 and the revised section 317 of the Act, thereby complying with the mandate of the subsection (e) mentioned immediately above; and

It further appearing that in view of the new rule making proceeding thus instituted, the present proceeding in Docket No. 13389 should be terminated;

It is ordered, That this proceeding is terminated.

Released: August 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8252; Filed, Aug. 28, 1961; 8:54 a.m.]

[47 CFR Part 3]

[Docket No. 14185 (RM-94)]

RADIO BROADCAST SERVICES

Order Extending Time for Filing Comments and Reply Comments

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185; petition of: FM Unlimited, Inc. (RM-94); for changes in FM station assignment rules.

1. The National Association of Broadcasters, the Federal Communications Bar Association and the Association of Federal Communications Consulting Engineers on August 14, 1961, filed with the Commission a Petition For Extension Of Time Within Which To File Comments in this proceeding.

2. In the aforementioned petition the parties concur with the Commission that it is desirable to update the rules governing FM broadcast service. They point out, however, that the proposals are of far-reaching significance and raise substantial problems of a technical and legal nature.

3. For this reason, they believe that additional time within which to study the proposals will enable them to furnish the Commission with data and information which will be of substantial assistance to it in reaching a final decision in the matter. They accordingly request that the date for filing comments in this proceeding be extended until November 10, 1961.

4. On August 15, 1961, Station WBEN, Inc., Buffalo, New York, filed with the Commission a Petition For Additional Time For Comments.

5. This petition states that, because of fact that the present proceeding completely revises the basic structure of FM allocations, considerable time will be needed to study and evaluate the proposals herein. WBEN, Inc., also states that because of the heavy workload of its consulting engineer resulting from the many notices of proposed rule making adopted by the Commission in the latter part of July and the first part of August, 1961, it would be highly impractical for its consultant to perform a proper analysis of the proposed new FM rules within the time contemplated by the notice of proposed rule making released herein on July 5, 1961.

6. WBEN, Inc., therefore requests that the time for filing comments herein be extended for 90 days and that the time for filing reply comments be fixed at 30 days thereafter.

7. The Commission is of the opinion that, in view of the far-reaching significance of this proceeding and its overall effect on the growth and development of FM broadcasting, additional time should be granted. However, it is of the opinion that an extension of approximately two months for filing comments and the fixing of a date about one month thereafter for filing reply comments would provide sufficient time.

8. *Accordingly, it is ordered,* That the Petition For Extension Of Time Within Which To File Comments, filed by the National Association of Broadcasters, the Federal Communications Bar Association and the Association of Federal Communications Consulting Engineers is granted and that the portion of Petition For Additional Time For Comments filed by WBEN, Inc., which requests a 90-day extension of time for filing comments is denied, and that the time for filing comments in this proceeding be extended from September 5, 1961, to and including November 10, 1961.

9. *It is further ordered,* That the portion of the Petition For Additional Time For Comments filed by WBEN, Inc., which requests that the date for filing reply comments be fixed at 30 days after an extended date for filing comments is granted, and that the time for filing reply comments in this proceeding be extended from October 5, 1961, to and including December 11, 1961 (since the date 30 days after November 10, 1961, falls upon Sunday, December 10, 1961).

Adopted: August 18, 1961.

Released: August 18, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8253; Filed, Aug. 28, 1961; 8:54 a.m.]

[47 CFR Part 3]

[Docket Nos. 13961, 14187 (RM-256); FCC 61-1033]

RADIO BROADCAST SERVICES

Order Extending Time for Filing Comments and Reply Comments and Order of Clarification

In the matter of amendment of section IV (Statement of Program Service) of Broadcast Application Forms 301, 303, 314 and 315, Docket No. 13961; in the matter of amendment of §§ 3.111, 3.112, 3.114, 3.281, 3.282, 3.284, 3.581, 3.582, 3.584, 3.663(a), 3.664 (a) and (c), 3.781, 3.782, and 3.784 of the Commission's rules governing logging requirements for broadcast stations, Docket No. 14187 RM-256.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of August 1961;

1. These proceedings were instituted by a notice of proposed rule making in Docket 13961, released on February 21, 1961, and continued by a notice of further proposed rule making in said docket released on July 7, 1961, and by a notice of proposed rule making in Docket 14187 released on that same date. The latter notices invited comments to be filed on or before September 7, 1961, and reply comments on or before September 18, 1961.

2. On August 18, 1961, Oklahoma Television Corporation (Oklahoma) licensee of Station KWTV-TV, filed with the Commission a request for additional time for comments in which they requested that the time for filing comments in these proceedings be extended to October 9, 1961, and the time for filing reply comments be extended to October 23, 1961.

3. Oklahoma sets forth as its reason for the request the fact that it is concerned about the possibility of undue burden being placed on its operating personnel in following the proposed amendments set forth herein. They therefore propose to obtain more accurate information about and understanding of the impact of the proposed changes by a "trial run" during which the proposed new requirements will be followed to the maximum extent possible.

4. They then plan to perform a time and work-hour analysis which it is hoped will reveal some accurate information as to the administrative burden which will be imposed by functioning under the proposed new rules. They also feel that the test may bring up other problems concerning the implementation of the proposed new rules.

5. Oklahoma states that there would be insufficient time to carry out such a test unless the times for filing comments and reply comments are extended.

6. Recently, the National Association of Broadcasters has indicated an intention to arrange for similar experiments by representative broadcast stations for the purpose of studying the impact of the proposed changes on the operation of various types of stations.

7. In addition, the Georgia Association of Broadcasters has recently agreed to underwrite the expense of a field test of the proposed logging requirements. It has also urged all Georgia stations to try out the proposed program form and supply information to the Commission as to its actual use, together with any suggestions that they may have.

8. In light of the interest shown in making practical tests of the logging requirements and the value to the Commission of receiving reports as to as wide experience as possible with the forms, it is concluded that the times for filing comments should be extended. The Commission urges licensees to run trial tests and to recommend improvements in the proposals, bearing in mind the need the Commission has for meaningful reports as to the operations of its licensees.

9. In the period since the release of the notices herein on July 7, 1961, the Commission's staff has been engaged in a study of the probable impact of the proposed changes on various types of stations, and this study is presently continuing.

10. In the notice of further proposed rule making released in Docket No. 13961 on July 7, 1961, the Commission stated in paragraph 4 that in the absence of most unusual circumstances the dates set therein for the filing of comments and reply comments (these dates having been identical for both dockets herein) would not be extended.

11. The suggested experiments mentioned above would afford the Commission the benefit of comments herein based on actual test operations which would be more realistic and helpful than comments submitted in a more speculative framework. This is considered to be within the meaning of "most unusual circumstances" mentioned above. It appears, however, that more than two weeks should be allowed for the filing of reply comments. Since the Commission desires to carry forward these proceedings with minimum delay consistent with thoroughness, it is felt that the time for filing comments should be extended to October 2, 1961, and that the time for the filing of reply comments should be extended to October 23, 1961, the final date suggested by Oklahoma.

12. Although this extension of time will be granted in view of the great value to the Commission of the proposed test results, the nature and importance of the matters in these proceedings and the need for their resolution with a minimum of delay are such that no further extensions of time are anticipated.

13. The National Educational Television and Radio Center (NET) filed with the Commission on August 21, 1961, a request for clarification of commission's notices of proposed rule making in which it points out that it would appear that the proposed rule making in the present proceedings is directed at commercial broadcasters and not at noncommercial educational broadcasters. In support of this it indicates, for example, that the Commission refers in detail to commercial operations in proposed paragraph 6 of the TV broadcast application form and in other portions of the proposed form. It also suggests that in its proposed definitions and in its breakdown of program types and sources the Commission's proposal is particularly adapted to commercial operations and not to the distinctive type of programming that non-commercial educational stations provide. It further states that with regard to matters of logging, the proceeding is similarly directed to commercial broadcasters, commercial practices and commercial reporting-record keeping requirements.

14. NET accordingly requests clarification, and asks, further, that if this is indeed a proceeding directed at commercial stations the Commission so state and that in such a case the Commission should simultaneously announce that it will at an early date issue a notice of proposed rule making to consider analogous amendments for non-commercial educational stations only.

15. A review of the proposed amendments in the light of the functioning of educational stations leads to the conclusion that the position of NET has merit. For that reason, comments and reply comments from educational stations or from groups interested in educational broadcasting will not be expected by the Commission in these proceedings. The Commission will reserve the determination of the steps to be taken with regard to the forms to be filed and the logging rules to be met by educational stations as to their past or proposed programming.

16. *Accordingly, it is ordered*, This 22d day of August 1961, that the request for additional time for comments filed by Oklahoma Television Corporation is granted insofar as it requests an extension of time for filing comments but is denied with regard to the exact date requested, and that the date for the filing of comments in both of the proceedings herein is extended from September 7, 1961, to October 2, 1961.

17. *It is further ordered*, That the aforementioned request is granted with regard to its request for an extension of time for the filing of reply comments, and that the date for the filing of reply comments in both of the proceedings herein is extended from September 18, 1961, to October 23, 1961.

18. *It is further ordered*, That the request for clarification of commission's notices of proposed rule making filed by the National Educational Television and Radio Center is granted insofar as it requests clarification, and the present proceedings are hereby limited to commercial broadcasters only; but that the request in other respects is denied. The Commission will take such other action with regard to logging rules and program forms for educational stations as it may hereafter find to be appropriate.

19. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended.

Released: August 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8254; Filed, Aug. 28, 1961; 8:54 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-32]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types aproved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from June 2, 1961, through July 7, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

BUOYS, LIFE, RING, CORK, OR BALSA WOOD

Approval No. 160.009/36/0, 30-inch cork ring life buoy, dwg. No. 5-1-51, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, New York, effective June 26, 1961. (It is an extension of Approval No. 160.009/36/0 dated June 26, 1956.)

BUOYANT APPARATUS

Approval No. 160.010/61/0, 5' x 2.5' (7½'' x 9'' body section), solid balsa wood fiber glass covered buoyant apparatus, 5-person capacity, Atlantic-Pacific Mfg. Co. dwg. No. 32761, Rev. A dated June 6, 1961, and Specification, Rev. II, dated June 6, 1961, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, New York, effective June 19, 1961.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED AIR-RESPIRATORS

Approval No. 160.011/3/1, Davis Type BLS fresh air hose mask assembly with velocity blower, Davis Unit Nos. 4066, 4067, 4087, 4088, 4090, 4091, 4092, or 4093 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1906 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, New Jersey, effective June 26, 1961. (It is an extension of Approval No. 160.011/3/1 dated June 26, 1956.)

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davis Unit Nos. 4402, 4403, 4408, 4409 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, manufactured by Davis Emergency Equipment Co., Inc., 45 Halleck Street, Newark 4, New Jersey, effective June 26, 1961. (It is an extension of Approval No. 160.011/9/1 dated June 26, 1956.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS)

Approval No. 160.026/20/0, container for emergency provisions, dwg. No. 202-P, dated March 26, 1951, and Specification 202-S-1, dated April 6, 1951, two containers required per ration, manufactured by Globe Equipment Corporation, 257 Water Street, Brooklyn 1, New York, effective June 26, 1961. (It is an extension of Approval No. 160.026/20/0, dated June 26, 1956, and change of address of manufacturer.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/438/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Illinois, effective June 15, 1961. (It supersedes Approval No. 160.047/438/0 dated July 6, 1960, to show change of address of manufacturer.)

Approval No. 160.047/439/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Illinois, effective June 15, 1961. (It supersedes Approval No. 160.047/439/0 dated July 6, 1960, to show change of address of manufacturer.)

Approval No. 160.047/440/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Illinois, effective June 15, 1961. (It supersedes Approval No. 160.047/440/0 dated July 6, 1960, to show change of address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/162/0, special approval for 15'' x 15'' x 2'' rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Siegmund Werner Co., 3951 South Canal Street, Chicago, Illinois, effective June 15, 1961. (It supersedes Approval No. 160.048/162/0 dated Dec. 17, 1959, to show change of address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/40/0 group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-

4(c)(1), manufactured by Howard Zink Corporation, Fremont, Ohio, effective June 15, 1961.

INFLATABLE LIFE RAFTS

Approval No. 160.051/9/0, inflatable life raft, 20-person capacity, identified by general arrangement dwg. PE–E–1048, revision C, dated May 9, 1961, and specification, revision F, dated November 30, 1960, manufactured by U.S. Rubber Company, Inflatable Products & Transportation Containers Department, 10 Eagle Street, Providence, Rhode Island, effective June 2, 1961.

Approval No. 160.051/21/0, inflatable life raft, 6-person capacity, identified by general arrangement dwg. PE–E–1060, revision B, dated May 11, 1961, and specification, revision F, dated November 30, 1960, manufactured by U.S. Rubber Company, Inflatable Products & Transportation Containers Department, 10 Eagle Street, Providence, Rhode Island, effective June 2, 1961.

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/41/0, sound powered telephone station relay control, for operation with hand generator, manual release, splashproof, dwg. No. 19, Alt. 1, dated June 1950, for connecting in parallel with hand generator bell on sound powered telephone stations to operate separately powered audible signal and indicate which of two or more stations called; for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., Twenty-fifth St. and Third Avenue, Brooklyn 32, New York, effective June 26, 1961. (It is an extension of Approval No. 161.005/41/0 dated June 26, 1956.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/138/0, Model No. 20C23LP, 20-gallon hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–677–1.201, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective July 7, 1961.

Approval No. 162.020/139/0, Model No. 20C24LP, 20-gallon hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(677–1.5 and 5.5) .001, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective July 7, 1961.

Approval No. 162.020/140/0, Model No. 30C26LP, 30-gallon hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–677–1.601, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective July 7, 1961.

Approval No. 162.020/141/0, Model No. 40C33LP, 40-gallon hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–677–1.301, manufactured by Allcraft Manufacturing Co., Inc., 27 Hayward Street, Cambridge 42, Massachusetts, effective July 7, 1961.

BULKHEAD PANELS

Approval No. 164.008/30/0, Jackson Snap-In Panel, hollow steel insulation board lined bulkhead panel identical to that described in A. L. Jackson dwg. No. 6, dated April 9, 1951, approved as meeting Class B–15 requirements in a 1 7/16-inch thickness when lined each side with 3/16-inch asbestos millboard, manufactured by A. L. Jackson, 1146 Ogden Avenue, New York 52, New York, effective June 26, 1961. (It is an extension of Approval No. 164.008/30/0 dated June 26, 1956.)

Dated: August 22, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–8226; Filed, Aug. 28, 1961; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES W. WATSON

Appointee's Statement of Financial Interests

AUGUST 24, 1961.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles W. Watson.

Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.

The title of the appointee's position: Director, Defense Electric Power Area 3.

The name of the appointee's private employer or employers: Philadelphia Electric Company, Philadelphia, Pennsylvania.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on 8–4–61, as Director, Defense Electric Power Area 3, an officer or director:

Philadelphia Electric Co., Vice-President.
Philadelphia Electric Power Co., Director.
The Susquehanna Electric Co., Director.
The Susquehanna Power Co., Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Philadelphia Electric Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

CHARLES W. WATSON.

AUGUST 10, 1961.

[F.R. Doc. 61–8221; Filed, Aug. 28, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in Lonoke County, Arkansas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 23d day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61–8245; Filed, Aug. 28, 1961; 8:52 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

COURTLANDT F. DENNEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1961.

COURTLAND F. DENNEY.

AUGUST 16, 1961.

[F.R. Doc. 61–8234; Filed, Aug. 28, 1961; 8:50 a.m.]

DONALD B. FITZPATRICK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 16, 1961.

DONALD B. FITZPATRICK.

AUGUST 16, 1961.

[F.R. Doc. 61–8235; Filed, Aug. 28, 1961; 8:51 a.m.]

HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of July 29, 1961.

HOWARD C. HOLMES.

AUGUST 14, 1961.

[F.R. Doc. 61–8236; Filed Aug. 28, 1961; 8:51 a.m.]

MARVIN S. PLANT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of August 15, 1961.

MARVIN S. PLANT.

AUGUST 15, 1961.

[F.R. Doc. 61–8237; Filed, Aug. 28, 1961; 8:51 a.m.]

ROBERT JOSEPH WILLIAMS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: Bell & Howell.
B. Additions: Calumet & Hecla, Reynolds Metals.

This statement is made as of July 30, 1961.

ROBERT JOSEPH WILLIAMS.

AUGUST 15, 1961.

[F.R. Doc. 61–8238; Filed, Aug. 28, 1961; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–13]

BABCOCK & WILCOX COMPANY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 8, set forth below, to Facility License No. CX–1. The license authorizes The Babcock & Wilcox Company to operate the critical experiment facility located in Bay No. 1 of its Critical Experiment Laboratory located near Lynchburg, Virginia. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the facility shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the facility which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the facility shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated January 24, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during operations which could involve changes in core reactivity when the facility is shut down.

The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 10, 1961 to The Babcock & Wilcox Company and (b) the licensee's reply dated January 24, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX–1 Amdt. 8]

License No. CX–1 which authorizes The Babcock & Wilcox Company to operate the critical experiment facility located in Bay No. 1 of its Critical Experiment Laboratory located near Lynchburg, Virginia, is hereby amended by adding the following additional conditions thereto:

1. The Babcock & Wilcox Company shall, with respect to operations which could involve changes in core reactivity when the facility is shut down, follow the procedures described in its report entitled "Survey of B&W Reactor Facilities Operated Under AEC License, January 1961".

2. The Babcock & Wilcox Company shall promptly submit a written report to the Commission whenever, during operation of the facility, any of the operating conditions or characteristics of the facility which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 22d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61–8197; Filed, Aug. 28, 1961; 8:45 a.m.]

[Docket No. 50–150]

OHIO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to Facility License No. R–75. The license authorizes The Ohio State University to operate its pool-type nuclear reactor located on its campus in Columbus, Ohio. The amendment adds conditions to the license regarding: (1) Procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (2) written reports to be submitted by the licensee should any of the operating conditions or characteristics of the

reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (1) above, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated March 13, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during operations which could involve changes in core reactivity when the reactor is shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's letter dated February 24, 1961, to The Ohio State University and (b) the University's reply dated March 13, 1961, both on file at the Commission's Public Document Room 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 22d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-75 Amdt. 1]

License No. R-75, which authorizes The Ohio State University to operate its pool-type nuclear reactor located on the University's campus in Columbus, Ohio, is hereby amended by adding the following additional conditions thereto:

1. The Ohio State University shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its letter to the Commission dated March 13, 1961.

2. The Ohio State University shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 22d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-8198; Filed, Aug. 28, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11879; Order No. E-17358]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23d day of August 1961.

In the matter of an agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates, Docket 11879, Agreement C.A.B. 14827, R-56.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 — Commodity Rates Board.

The agreement, adopted pursuant to unprotested cable notice to the carriers and promulgated in IATA Memorandum TC1/Rates 1266, names additional specific commodity rates for Chemicals, Drugs, Pharmaceuticals, and Medicines, N.E.S., from Panama City to Guayaquil. Under the terms of the basic agreement, a rate to/from Panama City may be applied to/from Balboa.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Agreement C.A.B. 14827, R-56, as contained in the above-noted IATA Memorandum, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

1. That Agreement C.A.B. 14827, R-56, is approved, provided that such approval shall not necessarily constitute approval for purposes of tariff publication.

2. That any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-8239; Filed, Aug. 28, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 61-FW-55]

PROPOSED RADIO ANTENNA STRUCTURES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Magnolia Broadcasting Company, Inc., Magnolia, Arkansas, operator of radio station KVMA, proposes to construct an array of three radio antenna structures near Magnolia, Arkansas, equally spaced at intervals of 391 feet on a line bearing 65° true, with the center of the array at latitude 33°18'04" north, longitude 93°13'54" west. The overall height of each structure would be 720 feet above mean sea level (410 feet above ground). Station KVMA is presently utilizing an antenna structure at latitude 33°17'59" north, longitude 93°13'57" west with an overall height of 720 feet above mean sea level. The proponent agreed to dismantle the existing structure if the proposed structures are approved and constructed.

No aeronautical objections were made in response to the circularization.

The proposed antenna array would be located 4.5 miles north of the center of the Magnolia Municipal Airport, Magnolia, Arkansas, and would exceed the criteria contained in paragraph B-2 of this Agency's TSO-N18, as applied to this airport, by 87 feet. However, the Agency study disclosed that this factor would have no adverse effect upon aeronautical operations or procedures at the Magnolia Municipal Airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structures.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structures, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this antenna array would not be a hazard to air navigation, provided that each structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8200; Filed, Aug. 28, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-50]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Department of Conservation, State of Indiana, Indianapolis, Indiana, proposes to construct a radio antenna structure near Bluffton, Indiana, at latitude 40°44'05" north, longitude 85°02'51" west. The overall height of the structure would be 1,125 feet above mean sea level (315 feet above ground).

No objections were made in response to the circularization. The Agency's study revealed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8199; Filed, Aug. 28, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-56]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Mississippi River Transmission Corporation, St. Louis, Missouri, proposes to construct a radio antenna structure near Shattuc, Illinois, at latitude 38°37'-48" north, longitude 89°11'42" west. The overall height of the structure would be 830 feet above mean sea level (352 feet above ground).

No objections were made in response to the circularization. The Agency study disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8201; Filed, Aug. 28, 1961; 8:46 a.m.]

[OE Docket No. 61-KC-57]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Brown County Highway Commission, Green Bay, Wisconsin, proposes to construct a radio antenna structure in Duck Creek, Wisconsin, at latitude 44°33'45" north, longitude 88°04'12" west. The overall height of the structure would be 923 feet above mean sea level (323 feet above ground).

No aeronautical objections were made in response to the circularization. The aeronautical study by this Agency disclosed that the proposed structure would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 17, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8202; Filed, Aug. 26, 1961; 8:46 a.m.]

[OE Docket No. 61-NY-20]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: Civic Broadcasters, Inc., Cleveland, Ohio, proposes to construct a radio antenna structure near Seven Hills, Ohio, at latitude 41°24'26" north, longitude 81°-40'27" west. The overall height of the structure would be 1,256 feet above mean sea level (490 feet above ground).

No objections were made in response to the circularization. The structure would be located approximately 3.6 miles southeast of the Brooklyn Airport, Cleveland, Ohio, and 7.1 miles south of the Burke Lakefront Airport, Cleveland, Ohio, and would exceed the outer conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to these airports, by 96 feet and 80 feet respectively. The Agency study disclosed that these factors would have no adverse effect upon aeronautical operations at these airports.

No other aeronautical operations, procedures or minimum flight altitudes

would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8203; Filed, Aug. 28, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-54]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The South Georgia Natural Gas Co., Thomasville, Georgia, proposes to construct a microwave radio antenna structure near Dawson, Georgia, at latitude 31°48'45" north, longitude 84°22'58" west. The overall height of the structure would be 638 feet above mean sea level (230 feet above ground).

No aeronautical objections were made in response to the circularization. The structure would be located approximately 22 miles northwest of Albany, Georgia, Airport, and would require an increase from 1,500 feet MSL to 1,600 feet MSL in the procedure turn altitude of the standard VOR instrument approach procedure to this airport. However, this factor would have no adverse effect upon aeronautical operations at this airport since it would not result in an excessive rate of descent during the execution of the procedure.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 17, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8204; Filed, Aug. 28, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-57]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southern Railway System, Washington, D.C., proposes to construct a radio antenna structure near Sparks, Georgia, at latitude 31°10'20" north, longitude 83°26'13" west. The overall height of the structure would be 478 feet above mean sea level (243 feet above ground).

No objections were made in response to the circularization. The proposed structure would be located 2.6 miles north of the Cook County Airport, Adel, Georgia, and would penetrate the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 90 feet. However, the Agency study disclosed that this factor would have no adverse effect on aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction marked and lighted in accordance with applicable Federal Communications Commission rules.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 17, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8205; Filed, Aug. 28, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-58]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Southern Railway System, Washington, D.C., proposes to construct a radio antenna structure near McDonough, Georgia, at latitude 33°25'39" north, longitude 84°08'48" west. The overall height of the structure would be 990 feet above mean sea level (113 feet above ground).

No objections were made in response to the circularization. The Agency's aeronautical study disclosed that the proposed structure would require an increase of the minimum obstruction clearance altitude from 1,900 feet to 2,000 feet on the segment of VOR Federal airway No. 18 between the McDonough, Georgia, VOR and the Jackson Lake, Georgia, intersection. However, this factor would have no adverse effect upon aeronautical operations along this airway. The instrument flight rules minimum en route altitude on this airway is 2,200 feet MSL.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation. This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8207; Filed, Aug. 28, 1961; 8:47 a.m.]

[OE Docket No. 61-FW-68]

PROPOSED RADIO ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: A. Epstein and Sons, Inc., Chicago, Illinois, proposes to construct a twenty-story motel building in Chicago, Illinois, at latitude 41°51'05" north, longitude 87°37'00" west. The overall height of the structure would be 863 feet above mean sea level (275 feet above ground).

No aeronautical objections were made in response to the circularization. The Agency's aeronautical study disclosed that the structure would be located 3,250 feet southwest of the center of Meigs Airport, Chicago, Illinois, and would exceed the horizontal surface criteria of this Agency's TSO-N18, as applied to this airport, by 121 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8208; Filed, Aug. 28, 1961; 8:48 a.m.]

[OE Docket No. 61-KC-54]

TELEVISION RECEIVING ANTENNA STRUCTURE

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized information concerning the following structure to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: The Tex-Co TV Cable System, Inc., Houston, Missouri, has constructed a television receiving antenna structure near Houston, Missouri, at latitude 37°18'45" north, longitude 91°57'00" west. The overall height of the structure is 1,544 feet above mean sea level (300 feet above ground).

No objections were made in response to the circularization. The structure is located 1.9 miles southeast of the center of the Houston Airport, Houston, Missouri, and penetrates the inner conical surface criteria of the Joint Industry/Government Tall Structures Committee, as applied to this airport, by 132 feet. However, the Agency study revealed that this factor does not adversely affect aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes are affected by the structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the structure at the location and mean sea level elevation described herein has no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that the structure is not a hazard to air navigation; provided that the structure is obstruction marked and lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted.

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8209; Filed, Aug. 28, 1961; 8:48 a.m.]

[OE Docket No. 61-KC-62]

PROPOSED MOTEL BUILDING

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal to interested persons for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of airspace: A. Epstein and Sons, Inc., Chicago, Illinois, proposes to construct a twenty-story motel building in Chicago, Illinois, at latitude 41°51'05" north, longitude 87°37'00" west. The overall height of the structure would be 863 feet above mean sea level (275 feet above ground).

No aeronautical objections were made in response to the circularization. The Agency's aeronautical study disclosed that the structure would be located 3,250 feet southwest of the center of Meigs Airport, Chicago, Illinois, and would exceed the horizontal surface criteria of this Agency's TSO-N18, as applied to this airport, by 121 feet. However, the Agency study revealed that this factor would have no adverse effect upon aeronautical operations at this airport.

No other aeronautical operations, procedures or minimum flight altitudes would be affected by the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 626.33; 26 F.R. 5292), it is concluded that the proposed structure, at the location and mean sea level elevation specified herein, would have no adverse effect upon aeronautical operations, procedures or minimum flight altitudes; and it is hereby determined that this structure would not be a hazard to air navigation, provided that the structure be obstruction lighted in accordance with applicable Federal Aviation Agency standards.

This determination is effective as of the date of issuance and will become final 30 days thereafter, provided that no appeal herefrom under § 626.34 (26 F.R. 5292) is granted. Unless otherwise revised or terminated a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 626.35; 26 F.R. 5292).

Issued in Washington, D.C., on August 18, 1961.

OSCAR W. HOLMES,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 61-8206; Filed, Aug. 28, 1961; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14248, 14249; FCC 61M-1399]

HIGSON-FRANK RADIO ENTERPRISES AND IRVING E. PENBERTHY

Order Scheduling Hearing

In re applications of James D. Higson and Peter Frank, d/b as Higson-Frank Radio Enterprises, Fresno, California, Docket No. 14248, File No. BP-13674; Irving E. Penberthy, Fresno, California, Docket No. 14249, File No. BP-14634; for construction permits.

It is ordered, This 23d day of August 1961, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on October 30, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be con-

vened by the presiding officer on Friday, October 6, 1961.

Released: August 24, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8255; Filed, Aug. 28, 1961; 8:54 a.m.]

[Docket Nos. 14248, 14249]

HIGSON-FRANK RADIO ENTERPRISES AND IRVING E. PENBERTHY

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of James D. Higson and Peter Frank d/b as Higson-Frank Radio Enterprises, Fresno, California, requests 1510 kc, 500 w, Day, Docket No. 14248, File No. BP-13674; Irving E. Penberthy, Fresno, California, requests 1510 kc, 500 w, Day, Docket No. 14249, File No. BP-14634; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on August 18, 1961;

It appearing that except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to construct and operate the stations as proposed but that the proposed operations are mutually exclusive and that the antenna structure proposed by Irving E. Penberthy has been referred to the Federal Aviation Agency, but that agency has not yet completed its aeronautical study of said proposal; and that, therefore, the Federal Aviation Agency is being made a party to the proceeding so that it may participate if it desires to do so in the event its determination with respect to the antenna structure proposed by Penberthy is adverse; and

It further appearing that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant applications are designated for a hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Irving E. Penberthy would constitute a menace to air navigation.

2. To determine, on a comparative basis, which of the instant proposals would better serve the public interest, convenience and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

b. The proposals of each of the applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall adivse the Commission of the publication of such notice as required by § 1.362(c) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8256; Filed, Aug. 28, 1961; 8:54 a.m.]

[Docket No. 14150; FCC 61M-1389]

ANDREW B. LETSON (WZRO)

Order Continuing Hearing

In re application of Andrew B. Letson (WZRO), Jacksonville, Florida, Docket No. 14150, File No. BP-13353; for construction permit.

The Hearing Examiner having under consideration a motion filed August 14, 1961, by the above-entitled applicant requesting that the hearing now scheduled to begin on September 6, 1961, be postponed until 10 days after the Commission has acted on the applicant's presently pending "Petition for Reconsideration of Order Designating for Hearing and for Grant of Application Without Hearing;" and

It appearing that on August 8, 1961, the applicant filed a petition requesting the Commission to reconsider its order designating the application for hearing and grant the same without hearing; and

It further appearing to the Hearing Examiner that a petition was filed August 3, 1961, by Mel-Lin, Inc., licensee of Station WOBS, Jacksonville, Florida, seeking to intervene in the above-entitled proceeding and that an opposition thereto has been filed on behalf of the above-entitled applicant; and

It further appearing that there are no objections to granting the motion to continue the hearing and good cause for continuing the hearing having been shown;

It is ordered, This the 21st day of August 1961, that the motion to continue hearing is granted and the evidentiary hearing is continued from September 6, 1961, to a date which will be specified within 10 days after the Commission has acted on presently pending petition for reconsideration and grant without hearing.

Released: August 22, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8257; Filed, Aug. 28, 1961; 8:55 a.m.]

[Docket No. 14151; FCC 61M-1372]

LOUISE E. AND GERALD K. MANN (KTKR)

Order Continuing Hearing

In reapplication of Louise E. and Gerald K. Mann (KTKR), Taft, California, Docket No. 14151, File No. BP-13757; for construction permit.

In the absence of the Hearing Examiner and upon written request of counsel for Louise E. and Gerald K. Mann, and with the consent of the other parties: *It is ordered*, This 16th day of August 1961, that the presently scheduled dates governing this proceedings, be, and the same are, hereby rescheduled as follows:

Exhibits presently scheduled to be exchanged on August 17, 1961, are rescheduled to and including September 11, 1961;

Reply exhibits presently scheduled to be exchanged on September 6, 1961, are rescheduled to and including October 2, 1961;

Notification of witnesses presently scheduled for September 8, 1961, is rescheduled to and including October 6, 1961; and

Formal hearing presently scheduled for September 11, 1961, is rescheduled to and including October 16, 1961.

Released: August 16, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8258; Filed, Aug. 28, 1961; 8:55 a.m.]

[Docket Nos. 13965-13967; FCC 61M-1353]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Order Continuing Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

On August 4, 1961, applicants Rockford and Quincy filed a request for continuance of scheduled dates, and on August 8, 1961, the Broadcast Bureau filed its comments. The other parties have no objection to the immediate consideration of the request, nor to grant of the relief requested as modified in accordance with the Broadcast Bureau's comments.

Accordingly, it is ordered, This 9th day of August 1961, that the request is granted to the extent that the scheduled dates are continued as follows:

	From—	To—
Exchange of exhibits	Aug. 7	Aug. 31, 1961.
Notification of witnesses desired for cross-examination.	Aug. 18	Sept. 8, 1961.
Hearing	Sept. 5	Sept. 13, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: August 9, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8259; Filed, Aug. 28, 1961; 8:55 a.m.]

[Docket Nos. 13965-13967; FCC 61M-1394]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Order Continuing Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401, for construction permits.

By letter dated August 18, 1961, addressed to the Hearing Examiner, received by Mail and Files on August 21 and by the Hearing Examiner on August 22, counsel for applicant McLean County writes:

It is respectfully requested that the time to respond to the Petition for Leave to Amend filed by Quincy Broadcasting Company on August 14, 1961, and also the Petition for Leave to Amend filed by Rockford Broadcasters, Incorporated, be extended until September 15, 1961. It is also requested that the date on which the exhibits are to be exchanged be extended until September 25. Counsel for all concerned have agreed to these extensions of time.

It is further suggested that the remaining dates be extended for comparable lengths of time.

Treating the letter as a motion: *It is ordered*, This 23d day of August 1961, that the motion is granted, and

1. The time for responding to the Quincy and Rockford petitions for leave to amend is extended to September 15, 1961.

2. The scheduled dates are rescheduled as follows:

	From—	To—
Exchange of exhibits	Aug. 31	Sept. 25, 1961.
Notification of witnesses desired for cross-examination.	Sept. 8	Oct. 3, 1961.
Hearing	Sept. 13	Oct. 9, 1961,[1] at 10 a.m., in the offices of the Commission, Washington, D.C.

[1] There is a possibility that this date may have to be changed, depending upon the holding of a hearing on October 10 in Paletka, Fla., in Docket No. 14202, in which the Hearing Examiner is scheduled to preside.

Released: August 23, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-8260; Filed, Aug. 28, 1961; 8:55 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC/WEST COAST OF SOUTH AMERICA CONFERENCE ET AL.

Agreements Filed for Approval

Notice is hereby given that the following agreements, filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814), modify the basic agreement of the conferences listed, and as indicated, below:

(1) Agreement Numbered 4630-14, between the member lines of the Pacific/West Coast of South America Conference, modifies the basic agreement of that conference (Numbered 4630, as amended), in the trade from Pacific Coast ports of the U.S. and Canada to Pacific Coast ports of Colombia, Ecuador, Peru and Chile;

(2) Agreement Numbered 6170-10, between the member lines of the Capca Freight Conference, modifies the basic agreement of that conference (Numbered 6170, as amended), in the trade from Pacific Coast ports of the U.S. and Canada to Pacific Coast ports of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and to Puerto Armuelles (Panama);

(3) Agreement Numbered 6270-7, between the member lines of the West Coast South America/North Pacific Coast Conference, modifies the basic agreement of that conference (Numbered 6270, as amended), in the trade from Pacific Coast ports of Chile and Peru to Pacific Coast ports of the U.S. and Canada;

(4) Agreement Numbered 6670-7, between the member lines of Camexco Freight Conference, modifies the basic agreement of that conference (Numbered 6670, as amended), in the trade from West Coast ports of Central America and Mexico to Pacific Coast ports of the U.S. and Canada; and

(5) Agreement Numbered 7570-8, between the member lines of the Pacific Coast/Mexico Freight Conference, modifies the basic agreement of that conference (Numbered 7570, as amended), in the trade between Pacific Coast ports of the U.S. and Canada and ports on the Pacific Coast of Mexico.

These similar modifications cover the incorporation of a new paragraph in each of these conference agreements providing that no member shall represent, nor allow their agents to represent, in the United States and Canada, any vessel in the trade covered by the particular agreement, other than those operated for the account of a member, except as husbanding agents, or as agents for vessels loading full or partial cargoes of open-rated commodities, or as may be agreed by unanimous vote of the members; and

(6) Agreement Numbered 4294-18, between the member lines of the Pacific Coast/Caribbean Sea Ports Conference, modifies the basic agreement of that conference (Numbered 4294, as amended), in the trade from Pacific Coast ports of the U.S. and Canada to ports in the Central America and Caribbean area;

(7) Agreement Numbered 6070-11, between the member lines of the Canal, Central America Northbound Conference, modifies the basic agreement of that conference (Numbered 6070, as amended), in the trade from Colon, Panama City, Panama Canal Zone, and West Coast Central American ports, to Pacific Coast ports of the U.S. and Canada;

(8) Agreement Numbered 6400-11, between the member lines of the Pacific Coast River Plate Brazil Conference, modifies the basic agreement of that conference (Numbered 6400, as amended), in the trade, both southbound and northbound, between ports on the Pacific Coast of North America and ports in Argentine, Uruguay and Brazil;

(9) Agreement Numbered 7170-9, between the member lines of the Pacific Coast/Panama Canal Freight Conference, modifies the basic agreement of that Conference (Numbered 7170, as amended), in the trade from Pacific Coast ports of the U.S. and Canada to Colon, Panama City, Balboa and Cristobal;

(10) Agreement Numbered 7270-8, between the member lines of the Colpac Freight Conference, modifies the basic agreement of that Conference (Numbered 7270, as amended), in the trade from Atlantic ports of Colombia to Pacific Coast ports of the U.S. and Canada, either by direct service or by transshipment at Panama Canal ports; and

(11) Agreement Numbered 8390-2, between the member lines of the Caribbean/Pacific Northbound Freight Conference, modifies the basic agreement of that Conference (Numbered 8390, as

amended), in the trade from Caribbean ports to Pacific Coast ports of the U.S. and Canada.

These similar agreements modify the provisions of the approved conference agreements, respectively, which prohibit the member lines and/or their agents from representing non-conference vessels in the trades covered, to limit such prohibition to the United States and Canada.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 23, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Secretary.

[F.R. Doc. 61-8233; Filed, Aug. 28, 1961; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9262 etc.]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

Order Prescribing Procedure and Fixing Date for Service of Testimony and Exhibits

AUGUST 22, 1961.

Houston Texas Gas and Oil Corporation, Docket Nos. G-9262 and RP61-3; Coastal Transmission Corporation, G-9960 and RP61-4.

On June 21, 1961, Houston Texas Gas and Oil Corporation (Houston, Texas), tendered for filing Second Revised Sheet Nos. 4 and 5 to its FPC Gas Tariff, Original Volume No. 1. By order issued July 31, 1961, the aforesaid tariff sheets were permitted to be filed and to supersede Houston Texas' First Revised Sheet Nos. 4 and 5, effective as of August 1, 1961, subject to the proceeding in Docket No. RP61-3. The said order of July 31, 1961, did not prescribe any procedure for testing the validity of the said Second Revised Sheet Nos. 4 and 5.

The proceeding in Docket No. RP61-3 has been consolidated with Docket Nos. G-9262, G-9960, and RP61-4 for the purpose of hearing. Hearings in these proceedings have progressed to the point where the Commission staff is to serve the remainder of its case on or before September 21, 1961. The hearing is scheduled to reconvene on October 9, 1961, for the purpose of cross-examination of the staff's case.

The Commission finds: It is necessary and desirable, in light of the present posture of these proceedings, that the Commission should prescribe the procedure to be followed in order to continue the orderly conduct of these proceedings.

The Commission orders:

(A) On or before September 21, 1961, Houston Texas shall serve, upon all parties of record, its direct testimony and exhibits in support of the proposed changes contained in Second Revised Sheet Nos. 4 and 5 to its FPC Gas Tariff, Original Volume No. 1.

(B) Upon resumption of the hearing in these proceedings on October 9, 1961, the presiding examiner shall designate the procedure for cross-examination of both the Commission staff's case and the evidence submitted by Houston Texas in compliance with this order. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8214; Filed, Aug. 28, 1961; 8:48 a.m.]

[Project No. 16]

NIAGARA MOHAWK POWER CORP.

Notice of Application for Surrender of License

AUGUST 22, 1961.

On August 2, 1961, Niagara Mohawk Corporation of Syracuse, New York, filed application for surrender of license for its hydroelectric Project No. 16 on the Niagara River. The Commission, on January 30, 1958, issued a license to the Power Authority of the State of New York pursuant to the provisions of the Federal Power Act and the Niagara Redevelopment Act of August 21, 1957 (71 Stat. 401), for the construction and operation of a power project with capacity to utilize all of the United States share of the water of the Niagara River permitted to be used by international agreement. The project of the New York Power Authority is nearing completion. The Niagara Mohawk Power Corporation proposes to surrender its license, effective October 1, 1961, and cease to utilize water from the Niagara River for power purposes in order to permit the utilization of such water at the new Niagara project works of the New York Power Authority.

Any communication from persons interested in this matter may be submitted on or before September 25, 1961, to the Federal Power Commission, Washington 25, D.C. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8215; Filed, Aug. 28, 1961; 8:48 a.m.]

[Docket No. E-7011]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 22, 1961.

Take notice that on August 16, 1961, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, California, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of unsecured promissory notes in the aggregate principal amount of $45,000,000 at any one time outstanding. The securities proposed to be issued by Applicant are unsecured promissory notes to be executed and delivered under and pursuant to a Credit Agreement to be dated as of August 15, 1961, between Applicant and the banks listed hereafter. Under the Credit Agreement Applicant will have the right to borrow from, repay to and reborrow from the banks, and the respective banks will be obligated to lend to Applicant, from time to time prior to March 31, 1963, sums not exceeding in aggregate principal amount at any one time outstanding the amount set forth below opposite the name of the respective bank.

Morgan Guaranty Trust Company of New York	$15,750,000
The Chase Manhattan Bank	10,935,000
The First National City Bank of New York	5,850,000
Mellon National Bank and Trust Company	3,375,000
Continental Illinois National Bank and Trust Company of Chicago	2,520,000
The Hanover Bank	2,520,000
Wells Fargo Bank American Trust Company	2,520,000
Harris Trust and Savings Bank	1,530,000
Total	45,000,000

The aforesaid Credit Agreement will provide that the notes to be issued thereunder shall be dated the date of the borrowings evidenced thereby, mature eleven months after their date or on March 31, 1963, whichever shall be earlier, and bear interest at a rate per annum which shall be equivalent to the prime commercial rate of interest charged by Morgan Guaranty Trust Company of New York from time to time. The Credit Agreement will further provide for the payment to the banks of a commitment fee computed at the rate of ¼ of 1 percent per annum on unborrowed balances. The purpose of the issuance and sale of the promissory notes is to provide Applicant with funds with which to: (1) Retire $18,000,000 of notes issued by Copco and assumed by Applicant as a result of the merger into Applicant of Copco and an estimated not to exceed $18,000,000 of notes issued or to be issued by Applicant under its presently existing Credit Agreement dated as of December 17, 1959, and (2) finance temporarily Applicant's current construction program the expenditures for which are estimated at $30,334,000 for the last six months of 1961, approximately $47,870,000 for the calendar year 1962 and approximately $12,000,000 for the first three months of 1963.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 11th day of September 1961, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8216; Filed, Aug. 28, 1961; 8:48 a.m.]

[Docket No. 14986 etc.]

TIDEWATER OIL CO. ET AL.

Notice of Severance

AUGUST 22, 1961.

Tidewater Oil Company, et al., Docket No. G-14986 etc.; J. R. Butler, et al., Docket No. CI61-150; W. C. Feazel, et al., Docket No. CI61-563; Monsanto Chemical Company, Docket No. CI61-604; The Atlantic Refining Company, Operator, Docket No. CI61-660; Anadarko Production Company, Operator, Docket No. CI61-683; Anadarko Production Company, Docket Nos. CI61-700, CI61-865, CI61-872, CI61-873; Barnwell, Inc., Docket No. CI61-874.

Notice is hereby given that the above-entitled matters heretofore scheduled for a hearing to be held in Washington, D.C., on September 7, 1961, at 9:30 a.m., e.d.s.t., in the consolidated proceedings entitled Tidewater Oil Company, et al., in Docket Nos. G-14986, et al., are severed therefrom, for such disposition as may be appropriate.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8217; Filed, Aug. 28, 1961; 8:49 a.m.]

[Docket No. CP62-24]

UNITED GAS PIPE LINE CO.

Notice of Application and Date of Hearing

AUGUST 22, 1961.

Take notice that on July 27, 1961, United Gas Pipe Line Company (Applicant) filed an application in Docket No. CP62-24 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of field facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof from time to time during the calendar year 1962, at a total cost not in excess of $3,000,000, with no single project to exceed a cost of $400,000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in various producing areas generally coextensive with its system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 26, 1961, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 15, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8218; Filed, Aug. 28, 1961; 8:49 a.m.]

[Project No. 2246]

YUBA COUNTY WATER AGENCY

Notice of Application for License

AUGUST 22, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Yuba County Water Agency (correspondence to Eugene L. Gray, Secretary, Yuba County Water Agency, P.O. Box 28, Marysville, California) for license for proposed Project No. 2246, known as "Yuba River Development," to be located on Yuba River and its tributaries, North Yuba River, Middle Yuba River, and Oregon Creek, in Counties of Yuba, Nevada, and Sierra, California, in the vicinity of Camptonville, Dobbins, Marysville, North San Juan and Smartville, California, and affecting lands of the United States within Plumas and Tahoe National Forests, and utilizing the Englebright Dam of the California Debris Commission, an agency of the U.S. Corps of Engineers, and affecting land adjacent to such dam.

The proposed project would consist of: New Bullards Bar Dam, Reservoir and Power Plant—an impervious core, rock-fill dam across North Yuba River about 2.2 miles upstream from its confluence with Middle Yuba River, about 633 feet high above streambed and 1,800 feet long at crest; a side-channel gated spillway located about 2,700 feet upstream from the dam's left abutment and discharging into Marys Ravine, a tributary of Middle Yuba River; a reservoir with gross storage capacity of 930,000 acre-feet and water surface area of 4,600 acres at normal maximum operating surface at elevation 1,955 feet, which reservoir would inundate the existing Pacific Gas and Electric Company's Bullards Bar hydroelectric development licensed by the Commission as Project No. 187; and power plant on left bank of North Yuba River near the toe of the dam, to be served by a pressure tunnel and to contain two generating units each consisting of a turbine rated at 91,500 horsepower direct-connected to a generator rated at 66,000 kilowatts; Hour House Diversion Dam and Reservoir—a concrete arch dam across Middle Yuba River about 6.5 miles upstream from the confluence of Oregon Creek and the river, about 90 feet high above streambed and 370 feet long with ungated, overflow type spillway; and a reservoir with gross capacity of 615 acre-feet and surface area of 18 acres at normal maximum operating surface at elevation 2,030 feet; Log Cabin Diversion Dam and Reservoir—a concrete arch dam across Oregon Creek about 3.5 miles upstream from confluence of the creek and Middle Yuba River, about 70 feet high above streambed and 255 feet long with ungated, overflow type spillway; and reservoir with gross capacity of 220 acre-feet and surface area of 8.5 acres at normal maximum operating surface at elevation 1,970 feet; Lohman Ridge Tunnel—a gravity-flow tunnel from Hour House diversion reservoir to Log Cabin reservoir; Camptonville Tunnel—a gravity flow tunnel from Log Cabin reservoir to New Bullards Bar reservoir; New Colgate Diversion Dam, Tunnel and Power Plant—a concrete gravity dam across North Yuba River about 2,700 feet downstream from proposed New Bullards Bar dam, about 50 feet high above streambed and 230 feet long, with central ungated ogee spillway section having crest elevation 1,350 feet, with negligible effective storage; a pressure tunnel incorporating a surge chamber and extending from intake at New Colgate diversion dam to the head of a double, steel penstock of the New Colgate power plant; and power plant on right bank of Yuba River about 600 feet downstream from the existing Colgate power plant of Pacific Gas and Electric Company to contain two generating units each consisting of a turbine rated at 85,000 horsepower direct-connected to a generator rated at 61,000 kilowatts; New Link to Existing Colgate Tunnel—a new intake structure at New Colgate diversion reservoir and a tunnel between such intake and the existing tunnel of Pacific Gas and Electric Company's Colgate hydroelectric projects; New Narrows Power Tunnel and Power Plant—a pressure tunnel incorporating a surge chamber and extending from a proposed intake structure on the right bank of Yuba River immediately upstream from existing Englebright dam of the California Debris Commission to the head of a steel penstock of the New Narrows power plant; and power plant on north bank of Yuba River about 1,200 feet downstream

from Englebright dam and facing the existing Pacific Gas and Electric Company's Narrows power plant to contain one turbine rated at 65,000 horsepower direct-connected to a generator rated at 41,000 kilowatts; and Irrigation Diversion Dam and Reservoir—an impervious core, rockfill dam across Yuba River about one mile downstream from the existing Parks Bar Bridge on State Highway #20, 70 feet high above streambed and 1,170 feet long, with side channel spillway and ogee weir on right abutment; and a reservoir with gross storage capacity of 7,800 acre-feet and surface area of 350 acres at normal operating surface at elevation 235 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 4, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8219; Filed, Aug. 28, 1961; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

NORTHWEST BANCORPORATION

Order Granting Petition for Reconsideration

In the matter of the application of Northwest Bancorporation for prior approval of acquisition of voting shares of proposed Roseville Northwestern National Bank, Roseville, Minnesota.

Whereas, the Board of Governers on August 8, 1961, entered an order denying the application of Northwest Bancorporation ("Northwest") pursuant to the Bank Holding Company Act of 1956 for prior approval of the acquisition of stock of Roseville Northwestern National Bank, Roseville, Minnesota, a proposed new bank;

Whereas, on August 22, 1961, Northwest filed with the Board a petition for reconsideration in this matter;

Whereas, in connection with such Petition, Northwest has requested that the Board direct an oral hearing and, further, that the Board set aside the Board's Order of August 8, 1961, until final determination of the matter on reconsideration;

It is hereby ordered, (1) That the petition for reconsideration is granted; (2) that oral argument in this matter will be held before the Board of Governors at its Offices in Washington, D.C. on September 1, 1961, at 10:00 a.m., such proceeding to be open to the public; and (3) that, pursuant to Petitioner's request, the Board's Order of August 8, 1961, is set aside pending issuance of a further order of the Board finally determining this matter.

Dated at Washington, D.C., this 23d day of August 1961.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61-8220; Filed, Aug. 28, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 347]

OHIO

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Shelby County in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about July 29, 1961.

Office—
Small Business Administration Regional Office, Standard Building, Fourth Floor, 1370 Ontario Street, Cleveland 13, Ohio.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1962.

Dated: July 31, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-8339; Filed, Aug. 28, 1961; 12:16 p.m.]

[Declaration of Disaster Area 349]

KENTUCKY

Declaration of Disaster Area

Whereas, it has been reported that during the month of July 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Morgan, Johnson and Pike Counties in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from flood and accompanying conditions occurring on or about July 30 and 31, 1961.

Offices—
Small Business Administration Regional Office, 1370 Ontario Street, Cleveland 13, Ohio.
Small Business Administration Branch Office, Commonwealth Building, Room 1900, Fourth and Broadway, Louisville 2, Ky.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1962.

Dated: August 3, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61-8340; Filed, Aug. 28, 1961; 12:16 p.m.]

[Declaration of Disaster Area 352]

NEW MEXICO

Declaration of Disaster Area

Whereas, it has been reported that during the month of August 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Bernalillo County in the State of New Mexico;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of secton 7(b)(1) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from rain and flood and accompanying conditions occurring on or about August 11, 1961.

Offices—
Small Business Administration Regional Office, Railway Exchange Building, 909 17th Street, Denver 2, Colo.
Small Business Administration Branch Office, U.S. Court House Building, Room 102, Fifth and Gold Avenues SW., Albuquerque, N. Mex.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to February 28, 1962.

Dated: August 15, 1961.

LOGAN B. HENDRICKS,
Acting Deputy Administrator.

[F.R. Doc. 61-8341; Filed, Aug. 28, 1961; 12:16 p.m.]

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1., Amdt. 3, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Barley Loan and Purchase Agreement Program

ELIGIBLE BARLEY

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 5195, 5565, 7007, and 7572, and containing the specific requirements for the 1961-crop barley price support program are hereby amended as follows:

Section 421.178(c)(1) is amended to make Western Barley having a test weight of not less than 36 pounds per bushel eligible for price support.

§ 421.178 Eligible barley.

* * * * * * *

(c) * * *

(1) The barley must be of any class grading No. 5 or better (or No. 5 "Garlicky" or better), except that Western Barley shall have a test weight of not less than 36 pounds per bushel. In addition, in the State of Alaska only, Western Barley having a test weight of not less than 36 pounds per bushel which grades "Stained" and barley which grades "Tough" or "Sample" because of moisture content only (provided the moisture content is not in excess of 16 percent) shall be eligible. The provisions of subparagraph (2) of this paragraph pertaining to Western Barley grading "Stained" and barley grading "Tough" are not applicable to barley produced in Alaska.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended, 15 U.S.C. 714, 7 U.S.C. 1421, 1441, 1442)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8308; Filed, Aug. 29, 1961; 8:53 a.m.]

[1961 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1961-Crop Soybean Loan and Purchase Agreement Program

ELIGIBLE SOYBEANS; CORRECTION

In F.R. Doc. 61-7745, appearing at page 7317 of the issue for Saturday, August 12, 1961, the following corrections are made:

(1) Section 421.528(a)(2)(ii), lines 9, 10, and 11 should read as follows: "occurring in 1959–60, and in counties designated by the State committee, as adjusted by the county committee for".

(2) Section 421.528(b)(2), line 8 should read as follows: "must have always been in them and".

Signed at Washington D.C., on August 24, 1961.

R. P. BEACH,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 61-8307; Filed, Aug. 29, 1961; 8:53 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1.]

PART 727—MARYLAND TOBACCO

Marketing Quota Regulations, 1961–62 Marketing Year; Average Market Price; Rate of Penalty Per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending § 727.1247 of the Maryland Tobacco Marketing Quota Regulations, 1961–62 Marketing Year (26 F.R. 5208), to include the rate of penalty per pound upon marketings of excess tobacco subject to marketing quotas. The official average price for Maryland tobacco for the 1960–61 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent of the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As the 1961 crop of Maryland tobacco is now being harvested it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty may be made known to producers who desire to market tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment with respect to the rate of penalty is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Section 727.1247 of the Maryland Tobacco Marketing Quota Regulations, 1961–62 Marketing Year is hereby amended by changing paragraphs (a) and (b) to read:

(a) *Average market price.* The average market price for Maryland tobacco as determined by the Crop Reporting Board, Statistical Reporting Service (formerly Agricultural Marketing Service), United States Department of Agriculture, for the 1960–61 marketing year was 63.8 cents per pound.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1961–62 marketing year shall be forty-eight (48) cents per pound.

(Secs. 314, 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8288; Filed, Aug. 29, 1961; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of

Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Calhoun, Chambers, Cherokee, Clay, Cleburne, Coffee, Covington, Dale, De Kalb, Escambia, Etowah, Geneva, Henry, Houston, Jackson, Lee, Madison, Marshall, Morgan, Randolph, and Russell Counties;

Arizona. The entire State;

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Montgomery, Nevada, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, and Yell Counties;

California. Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Phillips, Pitkin, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Washington, and Yuma Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Idaho. The entire State;

Illinois. Alexander, Bond, Boone, Bureau, Carroll, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Greene, Grundy, Hamilton, Iroquois, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McHenry, McLean, Macon, Madison, Mason, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Ogle, Perry, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Shelby, Stephenson, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, Whiteside, Will, Williamson, Winnebago, and Woodford Counties;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Audubon, Carroll, Clinton, Delaware, Dickinson, Emmet, Fayette, Lyon, Mitchell, Monona, O'Brien, Osceola, Palo Alto, Pocahontas, Sac, Scott, Wapello, and Warren Counties;

Kansas. Cheyenne, Clark, Decatur, Franklin, Geary, Gray, Greeley, Harper, Haskell, Jefferson, Johnson, Kearny, Leavenworth, Marshall, Morris, Nemaha, Osborne, Rawlins, Reno, Sheridan, Sherman, Smith, Thomas, Wallace, and Wyandotte Counties;

Kentucky. Allen, Anderson, Ballard, Barren, Boone, Boyd, Bracken, Breathitt, Breckinridge, Butler, Calloway, Campbell, Carlisle, Carroll, Carter, Crittenden, Edmonson, Elliott, Floyd, Franklin, Fulton, Gallatin, Grant, Graves, Green, Greenup, Harrison, Henry, Hickman, Hopkins, Jackson, Jefferson, Johnson, Kenton, Larue, Lawrence, Lincoln, Livingston, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Meade, Mercer, Metcalf, Morgan, Muhlenberg, Oldham, Owen, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, Shelby, Simpson, Spencer, Todd, Trigg, Trimble, Warren, Webster, Whitley, and Wolfe Counties;

Louisiana. Assumption, Claiborne, St. Helena, St. John the Baptist, St. Landry, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Choctaw, Clay, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. Adair, Andrew, Barry, Bates, Bollinger, Boone, Buchanan, Butler, Caldwell, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Dade, Dallas, Daviess, Dent, Douglas, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Howard, Iron, Jackson, Jasper, Jefferson, Johnson, Lafayette, Lincoln, Linn, Livingston, McDonald, Macon, Maries, Marion, Mercer, Moniteau, Monroe, Montgomery, Morgan, Newton, Oregon, Osage, Ozark, Perry, Pettis, Phelps, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Scotland, Scott, Shelby, Stoddard, Stone, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright Counties;

Montana. Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Ravalli, Richland, Roosevelt, Rosebud, Sanders, Sheridan, Silver Bow, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

Nebraska. Adams, Banner, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Hitchcock, Howard, Jefferson, Johnson, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. Adams, Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Eddy, Emmons, Foster, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

Ohio. Allen, Athens, Auglaize, Belmont, Carroll, Champaign, Clark, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Hocking, Jackson, Knox, Lake, Licking, Logan, Lorain, Lucas, Mahoning, Marion, Medina, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Tuscarawas, Union, Van Wert, Vinton, Washington, Williams, Wood, and Wyandot Counties;

Oklahoma. Adair, Choctaw, Cimarron, Delaware, and Mayes Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. Abbeville, Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Edgefield, Georgetown, Greenwood, Hampton, Horry, Jasper, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and York Counties;

South Dakota. Brookings, Buffalo, Butte, Campbell, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Harding, Lawrence, Lincoln, McPherson, Miner, Minnehaha, Moody, Perkins, Roberts, Turner, Union, and Walworth Counties;

Tennessee. The entire State;

Texas. Andrews, Bandera, Baylor, Blanco, Borden, Brewster, Brown, Burnet, Coke, Coleman, Concho, Cottle, Crane, Crockett, Culberson, Dallam, Ector, Edwards, El Paso, Fisher, Gillespie, Glascock, Hartley, Howard, Hudspeth, Irion, Jeff Davis, Kendall, Kerr, Kimble, King, Kinney, Lampasas, Llano, Loving, McCulloch, Martin, Mason, Menard, Midland, Mitchell, Motley, Nolan, Pecos, Presidio, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Upton, Ward, Winkler, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

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Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Crook, Fremont, Hot Springs, Laramie, Lincoln, Niobrara, Park, Sweetwater, Uinta, Washakie, and Weston Counties; and Lower Arapahoe Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise and Wind River Indian Reservation in Fremont and Hot Springs Counties;

Puerto Rico. The entire area;

Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 19 F.R. 74, as amended; 9 CFR 78.16, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Russell County in Alabama; San Diego County in California; Douglas, Morgan, and Saline Counties in Illinois; Morris County in Kansas; Allen, Crittenden, Green, and Livingston Counties in Kentucky; Crawford, Fayette, Hocking, Medina, and Union Counties in Ohio; Spartanburg County in South Carolina; Minnehaha County in South Dakota; and Edwards, Kinney, and Stephens Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of August 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61–8287; Filed, Aug. 29, 1961; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 862; Amdt. 50]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES AND APPLIANCES

TSO–C11d Fire Detectors

Minimum performance standards for fire detectors (thermal sensing and ionization sensing types) used on civil aircraft of the United States, were established in § 514.21 (25 F.R. 12433). The applicable FAA Standard made mandatory by 25 F.R. 12433 was revised August 1, 1961, to permit a maximum response time of ten seconds for the low temperature test in complying with the qualification performance requirements of this section. This amended Technical Standard Order incorporates by reference the provisions of the new standard, in which the only change made was the relaxation of the low temperature test requirements.

During development of the FAA Standard it was believed that fire detection system improvements were such that the response time requirement of paragraphs 7.1 and 7.1.1 could be met for all test methods and conditions stipulated in the standard. No industry objections were made on the five second response time for the low temperature test. However, the FAA now finds that anticipated product improvements for low temperature operation have not materialized and that undue hardship is imposed on the industry in development of new models of fire detectors in accordance with the present standard. Removal of the more restrictive requirement will not lower the airworthiness level of fire detection equipment, while its continuation may produce undesirable increased sensitivity which could cause a greater tendency toward false alarms. Therefore, the necessary changes have been made to the standard, which has been reissued as "Federal Aviation Agency Standard for Fire Detectors—Thermal Sensing and Ionization Sensing Types," dated August 1, 1961, and will be included as a part of the reissued TSO-C11d.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective with less than thirty days notice.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), Part 514 of the Regulations of the Administrator (14 CFR Part 514) is hereby amended by revising § 514.21 to read as follows:

§ 514.21 Fire detectors (thermal sensing and ionization sensing types)—TSO C11d.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for fire detectors of the subject types which are required to be approved for use on piston and/or turbine engine-powered civil aircraft of the United States. New models of these types of fire detectors manufactured for use on civil aircraft of the United States on or after the effective date of this section, shall meet the standards specified in Federal Aviation Agency Standards "Fire Detectors (Thermal Sensing and Ionization Sensing Types)," dated August 1, 1961. Fire detectors approved prior to the effective date of this section, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of information required in § 514.3(c), the alarm temperature shall be shown. Compliance of the detector with the piston or turbine engine requirements, or both, shall be designated by –P, –T, or –PT, respectively, as a suffix following the TSO designation, as TSO–C11d–P.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his equipment. (See paragraph (d) of this section.)

(3) Six copies each, except where noted, of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Flight Standards Service, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance certifying that the instrument conforms to this section.

(i) Manufacturer's operating instructions and equipment limitations.

(ii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to the installation. This data shall include the following:

(*a*) Starting ambient temperature used in determining the response time (see § 7.1.1);

(*b*) Maximum allowable normal ambient temperature at the point of sensor location;

(*c*) Maximum allowable rate of temperature rise at point of sensor location as a result of normal operation;

(*d*) Operating voltage;

(*e*) Mounting or support method; and

(*f*) Maximum or minimum number of units or detector length which can be used in one circuit or one fire zone without adversely affecting sensitivity or causing false indications due to temperature associated with normal operation.

(iii) One copy of the manufacturer's test report.

(d) *Quality control.* Fire detectors shall be produced under a quality control system, established by the manufacturer, which will assure that each detector is in conformity with the requirements of this section and is in a condition for safe operation. This system shall be described in the data required under paragraph (c)(2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufac-

turer's facility as may be necessary to determine compliance with the requirements of this section.

Effective date. August 30, 1961.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on August 23, 1961.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 61-8267; Filed, Aug. 29, 1961; 8:47 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-WA-151]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Camp Douglas, Wisconsin, Control Zone; Correction

The purpose of this amendment to § 601.2408 of the regulations of the Administrator is to correct the description of the Camp Douglas, Wis., control zone. In the amendment to the Camp Douglas control zone published in the FEDERAL REGISTER on December 24, 1960, effective February 9, 1961 (Airspace Docket No. 60-KC-56, 25 F.R. 13686), the time of designation, in part, was stated to be "from May to September, annually". In accordance with the time of designation proposed for this control zone in the notice of proposed rule making which preceded the publication of Airspace Docket No. 60-KC-56 as a final rule (25 F.R. 9733), the dates in § 601.2408 should have read "from May through September" instead of "from May to September". Therefore, action is taken herein to correct this control zone description.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) the following action is taken: In the text of § 601.2408 (14 CFR 601.2408) "from May to September" is deleted and "from May through September" is substituted therefor.

This amendment shall become effective upon date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8268; Filed, Aug. 29, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DEFOAMING AGENTS USED IN MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions filed by Hazelton Laboratories, Inc., Post Office Box 30, Falls Church, Virginia; Harry Miller Corporation, Fourth and Bristol Streets, Philadelphia 40, Pennsylvania; and Arnold, Hoffman and Company, Inc., 55 Canal Street, Providence 1, Rhode Island, and other relevant material has concluded that the following regulation should issue with respect to the food additive resulting from the use of defoaming agents in the manufacture of paper and paperboard in food packaging. Under the prescribed conditions of safe usage, substances approved for use in defoaming agents are not expected to become components of food in any significant amount. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

Defoaming agents may be safely used in the manufacture of paper and paperboard intended for use in packaging, transporting, or holding food in accordance with the following prescribed conditions:

(a) The defoaming agents are prepared from one or more of the subtances named in paragraph (d) of this section, subject to any prescribed limitations.

(b) The defoaming agents are used to prevent or control the formation of foam during the manufacture of paper and paperboard.

(c) The quantity of defoaming agent or agents added during the manufacturing process shall not exceed the amount necessary to accomplish the intended technical effect.

(d) Substances permitted to be used in the formulation of defoaming agents include substances subject to prior sanctions or approval for such use and employed subject to the conditions of such sanctions or approvals, substances generally recognized as safe for use in food, substances generally recognized as safe for use in paper and paperboard, and substances listed in this paragraph, subject to the limitations, if any, prescribed.

(1) Fatty triglycerides, and the fatty acids, alcohols, and dimers derived therefrom:

Beef tallow.
Castor oil.
Coconut oil.
Corn oil.
Cottonseed oil.
Fish oil.
Lard oil.
Linseed oil.
Mustardseed oil.
Palm oil.
Peanut oil.
Rapeseed oil.
Ricebran oil.
Soybean oil.
Sperm oil.
Tall oil.

(2) Fatty triglycerides, rosin oils, and marine oils, and the fatty acids and alcohols derived therefrom (subparagraph (1) of this paragraph) reacted with one or more of the following, with or without dehydration, to form chemicals of the category indicated in parenthesis:

Aluminum hydroxide (soaps).
Ammonia (amides).
Butanol (esters).
Butoxy-polyoxypropylene, molecular weight 1,000–2,500 (esters).
Butylene glycol (esters).
Calcium hydroxide (soaps).
Diethanolamine (amides).
Diethylene glycol (esters).
Ethylene glycol (esters).
Ethylene oxide (esters and ethers).
Glycerin (mono- and diglycerides).
Hydrogen (hydrogenated compounds).
Hydrogen (amines).
Isobutanol (esters).
Isopropanol (esters).
Magnesium hydroxide (soaps).
Methanol (esters).
Morpholine (soaps).
Oxygen (air-blown oils).
Pentaerythritol (esters).
Polyoxyethylene, molecular weights 200, 300, 400, 600, 700, 1,000, 1,540, 1,580, 1,760, 4,000 (esters).
Polyoxypropylene, molecular weight 200-2,000 (esters).
Potassium hydroxide (soaps).
Propanol (esters).
Propylene glycol (esters).
Propylene oxide (esters).
Sodium hydroxide (soaps).
Sorbitol (esters).
Sulfuric acid (sulfated and sulfonated compounds).
Triethanolamine (amides and soaps).
Triisopropanolamine (amides and soaps).
Trimethylolethane (esters).
Zinc hydroxide (soaps).

(3) Miscellaneous:

Alcohols and ketone alcohols mixture (still-bottom product from C_{12}-C_{18} alcohol manufacturing process).
Amyl alcohol.
Butoxy-polyoxypropylene molecular weight 1,000–2,500.
Butylated hydroxyanisole.
Butylated hydroxytoluene.
Calcium lignin sulfonate.
Capryl alcohol.
p-Chlorometacresol.
Cyclohexanol.
Diacetyltartaric acid ester of tallow monoglyceride.
Diethanolamine.
Diethylene triamine.
Di-(2-ethylhexyl) phthalate.
2,6-Dimethyl heptanol-4 (nonyl alcohol).
Dimethylpolysiloxane.
Di-*tert*-butyl hydroquinone.
Dodecylbenzene sulfonic acids.
Ethanol.
2-Ethylhexanol.

Ethylenediamine tetraacetic acid tetrasodium salt.
Formaldehyde.
Heavy oxo-fraction (a still-bottom product of iso-octyl alcohol manufacture, of approximate composition: Octyl alcohol 5 percent nonyl alcohol 10 percent, decyl and higher alcohols 35 percent, esters 45 percent, and soaps 5 percent).
2-Heptadecenyl-4-methyl-4-hydroxymethyl-2-oxazoline.
Hexylene glycol (2-methyl-2,4-pentanediol).
12-Hydroxystearic acid.
Isobutanol.
Isopropanol.
Kerosene.
Lanolin.
Methanol.
Methyl 12-hydroxystearate.
Methyl taurine-oleic acid condensate, molecular weight 486.
Mineral oil.
Monoethanolamine.
Morpholine.
Myristyl alcohol.
Naphtha.
β-Naphthol.
Monylphenol.
Oleyl alcohol.
Petrolatum.
o-Phenylphenol.
Pine oil.
Polyethylene.
Polyethylene, oxidized (air-blown).
Polyoxyethylene (1.5–15 mols) alkyl (C_8, C_9, or C_{10}) phenol.
Polyoxyethylene (4 mols) di(2-ethyl hexanoate).
Polyoxyethylene (15 mols) ester of rosin.
Polyoxyethylene (5–15 mols) tridecyl alcohol.
Polyoxypropylene, molecular weight 200–2,000.
Polyoxypropylene-ethylene oxide condensate, molecular weight 950–2,250.
Polyoxypropylene-ethylene oxide condensate of ethylene diamine, molecular weight 1,700–3,800.
Polyvinyl pyrrolidone, molecular weight 40,000.
Potassium pentachlorophenate.
Potassium trichlorophenate.
Silica.
Sodium alkyl (C_9–C_{15}) benzene-sulfonate.
Sodium dioctylsulfosuccinate.
Sodium lauryl sulfate.
Sodium lignin sulfonate.
Sodium 2-mercaptobenzothiazole.
Sodium naphthalenesulfonic acid (3 mols) condensed with formaldehyde (2 mols).
Sodium orthophenylphenate.
Sodium pentachlorophenate.
Sodium petroleum sulfonate, molecular weight 440–450.
Sodium trichlorophenate.
Stearyl alcohol.
Tributyl phosphate.
Tridecyl alcohol.
Triethanolamine.
Triethylene glycol di(2-ethyl hexanoate).
Tri- (2-ethylhexyl) phosphate.
Wax, petroleum, Type I and Type II.
Wax, petroleum (oxidized).
Wax (montan).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 49(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8302; Filed, Aug. 29, 1961; 8:53 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Minimum Wage Order

Pursuant to section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206), as amended by the Fair Labor Standards Amendments of 1961 (sec. 5(a)(3), Public Law 87-30), the Secretary of Labor by Administrative Order No. 550 (26 F.R. 5525) appointed, convened, and gave notice of the hearing of Special Industry Committee No. 4 for American Samoa to recommend the minimum wage rate or rates to be paid under section 6(a)(3) of the Act by employers engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

After investigation and a hearing pursuant to the notice, the industry committee filed with the Administrator of the Wage and Hour and Public Contracts Divisions a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1949–53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the recommendations of Industry Committee No. 4 are published in this order revising 29 CFR Part 697 effective September 14, 1961, to read as follows:

Sec.
697.1 Definitions.
697.2 Wage rates.
697.3 Notices.

AUTHORITY: §§ 697.1 to 697.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208. Interpret or apply secs. 5, 6(a)(3), 52 Stat. 1062, 70 Stat. 1118, 75 Stat. 69; 29 U.S.C. 205, 206(a)(3).

§ 697.1 Definitions.

(a) *Fish canning and processing industry.* This industry shall include the canning, freezing, preserving or other processing of any kind of fish, shellfish, or other aquatic forms of animal life and the manufacture of any by-product thereof.

(b) *Shipping and transportation industry.* This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of air terminals, piers, wharves and docks, including stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and travel and ticket agencies: *Provided, however,* That this definition shall not include bunkering of petroleum products.

(c) *Petroleum marketing industry.* This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, including bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities.

(d) *Miscellaneous industries.* Miscellaneous industries shall include all operations and activities not included in the shipping and transportation industry, the petroleum marketing industry, or the fish canning and processing industry, as defined in paragraphs (a), (b), and (c) of this section, and shall include all operations and activities in which employees are engaged in commerce or in the production of goods for commerce, within the meaning of the Fair Labor Standards Act of 1938, including those activities not otherwise provided for which, because of the Fair Labor Standards Amendments of 1961 (Public Law 87-30), are no longer outside the coverage of the act or exempted thereunder.

§ 697.2 Wage rates.

(a) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the fish canning and processing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

(b)(1) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce and who is engaged in classification A, the seafaring classification of the industry, which is defined as follows: all activities engaged in by seamen on American vessels which are defined as those vessels documented or numbered under the laws of the United States.

(2) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the shipping and transportation industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of commerce and who is engaged in classification B of the in-

dustry, which is defined as follows: all activities within the shipping and transportation industry other than those defined in subparagraph (1) of this paragraph as within classification A, the seafaring classification.

(c) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the petroleum marketing industry in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the miscellaneous industries in American Samoa, who is engaged in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

§ 697.3 Notices.

Every employer subject to the provisions of § 697.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 697.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D.C., this 24th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8309; Filed, Aug. 29, 1961; 8:54 a.m.]

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Orders 83 (Rev.), 92, 93]

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Postponement of Effective Date

The Federal Maritime Commission, at a session held at its office in Washington, D.C., on the 16th day of August 1961, entered the following order:

On July 18, 1961, the Federal Maritime Board published in the FEDERAL REGISTER (26 F.R. 6431) General Orders 83 Revised, 92 and 93. The Orders amended Code of Federal Regulations Title 46—Shipping, Chapter II—Federal Maritime Board/Administration, Department of Commerce, Subchapter B—Regulations Affecting Maritime Carriers and Related Activities, Part 235—Schedules of Common Carriers by Water In Foreign Commerce. The new and revised rules and regulations were to become effective thirty days following publication in the FEDERAL REGISTER.

It is ordered, That the effective date of the rules and regulations set forth in Title 46, Chapter II, Subchapter B, Part 235, is hereby postponed until October 2, 1961 and that said rules and regulations shall become effective on said date.

Dated: August 16, 1961.

By the Federal Maritime Commission.

GEO. A. VIEHMANN,
Acting Secretary.

[F.R. Doc. 61-8264; Filed, Aug. 29, 1961; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

Restoration of Wild Birds, Mammals, and Fish

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; 16 U.S.C. 669i) and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80, Title 50, Code of Federal Regulations, to read as set forth below:

The proposed changes will facilitate administrative procedures, improve editorial construction and adjust the organizational arrangement of the sections. Following are the principal changes proposed:

Section 80.18 *Credit for receipts:* A new section has been added which requires that the Federal Aid program in a State be credited with the amount of any receipts arising from the sale of products or the production of income resulting from the operation of a Federal Aid project or from the sale of lands acquired under a Federal Aid project.

Section 80.19 *Safety and accident prevention.* This new section requires conformance with all applicable Federal, State and local laws governing safety and accident prevention.

The requirement that Federal Aid agreements contain a nondiscrimination in employment clause and that there shall be no discrimination in the use of facilities constructed or acquired under the Acts were published as proposed rule making in 25 F.R. 13001. These provisions are included herein in §§ 80.21 and 80.11, respectively.

Although the proposed revision of the regulations is exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003), it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the publication of this notice in the FEDERAL REGISTER.

JAMES K. CARR,
Under Secretary of the Interior.

AUGUST 24, 1961.

Sec.

80.1 Definitions.
80.2 Apportionment and certification.
80.3 Notice of desire to participate.
80.4 Diversion of funds.
80.5 Participation by State subdivisions.
80.6 General information for the Secretary.
80.7 Hunting and fishing license information.
80.8 Preliminary project statement.
80.9 Plans, specifications and estimates.
80.10 Project agreement.
80.11 Project standards.
80.12 Federal Aid payments.
80.13 Prosecution of work.
80.14 Economy and efficiency.
80.15 Contracts.
80.16 Maintenance of completed projects.
80.17 Form of vouchers.
80.18 Credit for receipts.
80.19 Safety and accident prevention.
80.20 Personnel.
80.21 Nondiscrimination.
80.22 Statements and payrolls.
80.23 Officials not to benefit.
80.24 Inspection.
80.25 Samples of materials to be submitted.
80.26 Submission.
80.27 Records and reporting.
80.28 Records retention period.

AUTHORITY: §§ 80.1 to 80.28 issued under sec. 10, 50 Stat. 919, as amended; sec. 10, 64 Stat. 430, as amended, 16 U.S.C. 669i, 777i.

§ 80.1 Definitions.

As used in this part, terms shall have the meanings ascribed in this section.

(a) *Federal Aid Act(s).* (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes," (50 Stat. 917, as amended; 16 U.S.C. sec. 669–669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes," (64 Stat. 430, as amended; 16 U.S.C. sec. 777–777k), commonly referred to as the Dingell-Johnson Act.

(b) *State.* Any State of the United States, the territorial areas of Guam and the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State Fish and Game Department.* Any department or division, or commission, or official, of a State empowered under its laws to exercise the functions ordinarily exercised by a State Fish and Game Department, the Commissioner of Agriculture and Commerce of Puerto Rico, or the Governor of Guam or the Virgin Islands.

(d) *Project.* An undertaking involving acquisition of areas of land or water or interests therein, for feeding, resting, or breeding places for fish or wildlife; restoration, rehabilitation, or improvement, by construction of necessary works or otherwise, of land and water areas for the benefit of fish or wildlife or both; maintenance of completed projects; management (exclusive of law enforcement and public relations) of fish or wildlife areas and resources; conduct of research into problems of fish or wildlife management, and the coordination of projects necessary to efficient administration affecting fish and wildlife resources.

(e) *Project segment.* Considering the nature, objectives and fiscal aspects of a project, when viewed as a completed project, a segment is an essential part, section, division or logical work unit.

(f) *Completed project.* A project will be considered completed when the area has been acquired or the work or capital improvements have been finished, inspected, and approved.

(g) *Fish and wildlife.* (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

§ 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State Fish and Game Department the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

§ 80.3 Notice of desire to participate.

Any State Fish and Game Department desiring to avail itself of the benefits of the Acts shall notify the Secretary within sixty days after it has received from him a certificate of apportionment of funds available to the State.

§ 80.4 Diversion of funds.

A diversion of funds occurs when a State Fish and Game Department, through legislative action or otherwise, loses control over the expenditure of any portion of its hunting license or sport fishing license revenues or expends such revenues for any purpose other than the administration of the State Fish and Game Department. When a diversion of funds occurs a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act(s) from the date the diversion occurs until:

(a) Action is taken to return the administration of hunting and sport fishing license fees to the State Fish and Game Department; and

(b) Hunting and sport fishing license fees used for purposes other than the administration of the State Fish and Game Department are replaced: *Provided, however,* That, where any projects were approved in compliance with the terms of the pertinent Act(s) prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefor until expended, without regard for the intervening period of the State's ineligibility under the Act(s).

§ 80.5 Participation by State subdivisions.

When any part of the cost of a project is to be furnished by a county or any other subdivision of a State, the plans, specifications and estimates shall be accompanied by a certified copy of each resolution or order, if any, of the appropriate local officials, or by such other showing as the Secretary may require. The plans, specifications and estimates shall show the funds that are made available, indicate the control of the money provided for paying such cost, and state whether the State, county, or other subdivision will own the lands and improvements; and state which agency shall have immediate responsibility for administration and maintenance after completion of the project.

§ 80.6 General information for the Secretary.

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State and of local officials with respect to the establishment and maintenance of projects; and the existing provisions of the State constitution or laws relating to revenues for the protection, restoration and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or an authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State Fish and Game Department shall furnish information relating to the administration and maintenance of any project established under the Acts.

§ 80.7 Hunting and fishing license information.

Certified information concerning the number of holders of paid hunting licenses and holders of paid fishing licenses of the State in the preceding fiscal year shall be furnished the Secretary by the Fish and Game Department of each State on or before December 15 of each year.

§ 80.8 Preliminary project statement.

A preliminary project statement shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project is substantial in character and design.

§ 80.9 Plans, specifications and estimates.

Plans, specifications and estimates shall be submitted for each project segment showing in prescribed form and detail the work to be performed and its estimated cost.

§ 80.10 Project agreement.

After the Secretary shall have approved a preliminary project statement and the plans, specifications and estimates of costs, the mutual obligations to be undertaken by the cooperating agencies shall be evidenced by a project agreement to be executed between the State Fish and Game Department and the Secretary for each such project or project segment.

§ 80.11 Project standards.

Standards for Federal Aid projects are:

(a) Sufficient funds must be available for expenditure by the State Fish and Game Department for the purpose of originally financing the cost of the projects.

(b) Projects must be substantial in character and design.

(c) Federal Aid participation in the cost of acquisition of lands under a project shall not exceed the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(d) Projects for development, maintenance or management shall have as their objectives the improvement of conditions suitable for fish or wildlife, the upkeep and repair of structures that have been acquired or constructed under either of the Acts or the management of fish and wildlife.

(e) Projects dealing with fish or wildlife research shall be concerned with basic studies and with problems having direct management application.

(f) With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Acts shall be limited to the extent of the benefits to fish or wildlife resulting from such projects.

(g) Each project agreement shall contain a provision as follows:

1. The State Fish and Game Department, its employees, operators, lessees, and sublessees in the operation of any structure or other facility acquired or constructed under the Acts, shall not:

(a) Publicize the facilities, accommodations, or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person because of race, creed, color, ancestry, or national origin;

(b) Discriminate, by segregation or other means, against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person the use of any accommodations, facilities, services, or privileges available to the general public.

2. The State Fish and Game Department shall post the following notice in such a manner where any facility is available as to insure that its contents will be conspicuous to any person seeking the use of any facility:

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility.

3. The State Fish and Game Department shall in all of its contracts or other forms of agreement require inclusion and compliance with provisions identical with those stated in 1 and 2 herein.

§ 80.12 Federal Aid payments.

Federal Aid payments under the Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made on any project unless the preliminary project statement, the plans, specifications and estimates, and all other documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the project agreement, whichever is less.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced, provided the work accomplished is substantial in character and design.

(c) A minimum of 10 percent Federal Aid payment of the cost of each project is required to qualify land acquisition and development projects for maintenance of capital improvements with Federal Aid funds.

§ 80.13 Prosecution of work.

(a) The State Fish and Game Department shall carry all approved projects through to satisfactory completion with reasonable promptness. Should the funds provided the State for prosecution of a given project segment be insufficient to finish all work proposed in the preliminary project statement and in the plans, specifications, and estimates submitted and approved in connection therewith, additional project segments will be submitted and will be considered by the Secretary as additional funds become available, unless the State elects to complete the project with other than Federal Aid funds. Federal participation in the cost of acquisition of lands under a project segment shall not exceed 75 percent of the amounts determined by the Secretary to be the fair and reasonable value of said lands.

(b) All construction work will be performed by contract when practicable.

(c) Research work shall be continuously coordinated with other studies conducted by the State and other agencies in order to avoid unnecessary duplication.

(d) All work shall be performed in accordance with applicable State laws.

§ 80.14 Economy and efficiency.

No project shall be approved until the State has shown to the satisfaction of the Secretary that appropriate and adequate means shall be employed to insure economy and efficiency in the completion of the project.

§ 80.15 Contracts.

Supply, service, equipment and construction contracts involving an expenditure of $2,500.00 or more entered into by a State for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the Federal Aid payment shall be based on the lowest responsible bid, unless it is satifactorily shown that it was advantageous to the

the project to accept a higher bid. Upon request, the State Fish and Game Department shall certify and promptly furnish to the Secretary a copy of each contract as executed.

§ 80.16 Maintenance of completed projects.

The State Fish and Game Department shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed project involving the acquisition, lease or development of lands or waters.

§ 80.17 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended on each project segment and the Federal Aid claimed to be due on account thereof, shall be submitted to the Secretary by the State Fish and Game Department, either after completion of each project segment or as the work progresses.

§ 80.18 Credit for receipts.

The Federal Aid program in the State shall be credited with the amount of any net income derived by the State from operation of a project or project segment to the extent of and in the same ratio that Federal Aid funds are used in the production of income. The Federal Aid program in the State shall be credited by reduction of Federal Aid payments with the amount of any net proceeds resulting from the disposal of real or personal property, including supplies and equipment to the extent of and in the same ratio that Federal Aid funds were utilized in the project or segment thereof for which the property was acquired. In no case, however, shall the amount of such credit exceed the amount of Federal Aid funds which were approved for use in the operation of the project or in the acquisition of the unit of property involved. A unit of property for the purposes of the preceding sentence is defined in the case of real property as a contiguous tract purchased by the State from one ownership. When property acquired with Federal Aid funds is used for non-Federal Aid program purposes compensation shall be made in like manner as disposal of such property except that, in the case of temporary non-program use of equipment the Federal Aid program shall be credited on the basis of the established Federal Aid rental rates for the type of equipment concerned during the period of non-program use. All credits shall be applied to current year funds.

§ 80.19 Safety and accident prevention.

In the performance of each project, the State shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The State shall be responsible that all safeguards, safety devices and protective equipment are provided and will take any other needed actions reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the plans, specifications and estimates.

§ 80.20 Personnel.

The State Fish and Game Department shall maintain an adequate and competent force of employees to initiate and carry projects through to satisfactory completion. Personnel employed by a State Fish and Game Department shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

§ 80.21 Nondiscrimination.

Each project agreement shall contain the equal employment opportunity provision of section 301 of Executive Order 10925, dated March 6, 1961 (26 F.R. 1977).

§ 80.22 Statements and payrolls.

The regulations of the Secretary of Labor applicable to contractors and subcontractors (29 CFR Part 3), made pursuant to the Copeland Act, as amended (40 U.S.C. 276c), and to aid in the enforcement of the Anti-Kickback Act (18 U.S.C. 874) are made a part of this regulation by reference. The State will comply with these regulations and any amendments or modifications thereof and the State Prime Contractor will be responsible for the submission of statements required of subcontractors thereunder. The foregoing shall apply except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances, and exemptions.

§ 80.23 Officials not to benefit.

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of this agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

§ 80.24 Inspection.

Supervision of each project by the State Fish and Game Department shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

§ 80.25 Samples of materials to be submitted.

Whenever requested, suitable samples of materials to be used in construction work shall be submitted to the Secretary by or on behalf of the State Fish and Game Department to be tested for suitability and conformity with standard specifications.

§ 80.26 Submission.

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of delivery to the Director of the Bureau of Sport Fisheries and Wildlife, or to the appropriate Regional Director of the Bureau.

§ 80.27 Records and reporting.

Progress and completion reports shall be furnished as requested by the Secretary. Cost records of the cost of land acquired, improvements made thereon, construction work, overhead costs, and of maintenance done by or on behalf of the State shall be kept separately for each project segment. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

§ 80.28 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part shall be retained by the State Fish and Game Department until such time as the Secretary shall have made a final audit of the project accounts and notified such department of the acceptability of project claims and accomplishments, and for a period of three years following the receipt of such notification.

NOTE: All record keeping and reporting requirements of the regulations in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 61-8276; Filed, Aug. 29, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Parts 946, 1024]

[Docket Nos. AO-123-A24, AO-308-A2]

MILK IN LOUISVILLE-LEXINGTON, KY., AND OHIO VALLEY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sheraton Hotel, 500 South Fourth Street, Louisville, Kentucky, beginning at 10:00 a.m., c.d.s.t., on September 18, 1961, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Louisville-Lexington, Kentucky, and Ohio Valley marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders. This hearing notice contains proposals which relate to: (1) The consolidation under a single order of the marketing areas where presently the handling of milk is regulated by the Louisville-Lexington (Order No. 46) and the Ohio Valley (Order No. 124) orders, and (2) the amendment of the separate orders irrespective of whether the proposed consolidation is adopted. In view of the various pricing proposals contained

herein, all aspects of order pricing are open for consideration, including automatic price adjustments based on the relationship of supplies to handlers' dispositions.

The proposals relative to a redefinition of the marketing areas raise the issue whether the provisions of the present orders would tend to effectuate the declared policy of the Act, if they are applied to the marketing areas as proposed to be redefined and, if not, what modifications of the provisions of the orders would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 1. Consolidate and amend the Louisville-Lexington (Order No. 46) and Ohio Valley (Order No. 124) Federal milk orders to read as follows:

DEFINITIONS

§ 946.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 946.2 Secretary.

"Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties pursuant to the Act of the said Secretary of Agriculture.

§ 946.3 Department.

"Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this part.

§ 946.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 946.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 946.6 Kyana marketing area.

"Kyana marketing area" hereinafter called the "marketing area" means all territory geographically located within the perimeter boundaries of Clark, Floyd, Harrison, Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois and Crawford Counties, Indiana, and Jefferson, Bullitt, Meade, Hardin, Larue, Nelson, Spencer, Shelby, Oldham, Henry, Franklin, Anderson, Woodford, Scott, Fayette, Jessamine, Madison, Montgomery, Clark, Bourbon, Daviess, Hancock, Henderson, Breckinridge, Grayson, Ohio, McLean, Webster, Union, Hopkins, and Muhlenburg Counties in the State of Kentucky, including all municipal corporations and institutions, lying wholly or partially within such area, owned or operated by the Federal, State, or local Governments.

§ 946.7 City plant.

"City plant" means a plant or other facilities, where milk is processed or packaged and from which a fluid milk product(s) which is permitted to be labeled as "Grade A" by health authority having jurisdiction in the marketing area is disposed of through a route(s).

§ 946.8 Country plant.

"Country plant" means a milk plant, other than a city plant, which is approved by the appropriate health authority in the marketing area to supply milk, skim milk or cream to a city plant(s) for disposition as "Grade A" milk in the marketing area and at which milk is received from persons described in § 946.12(a) during the month.

§ 946.9 Pool plant.

"Pool plant" means:

(a) A city plant, other than a plant operated by a producer-handler, which meets the following requirements:

(1) For each of the months of May through October not less than 30 percent and for each of the months of November through April not less than 50 percent of the fluid milk products received during the two months immediately preceding from dairy farmers described in § 946.12(a), from country plants and from pool plants in containers not larger than a gallon are disposed of as Class I milk from such plant during such two-month period to all outlets except such disposition to pool plants in containers larger than a gallon: *Provided*, That, if such utilization percentage for the two preceding months cannot be ascertained by the market administrator, the respective percentages shall apply to receipts and sales during the current month; and

(2) An amount of Class I milk equal to not less than 10 percent of the milk described in § 946.12(a) received directly from dairy farmers and country plants during the current month is distributed through routes in the marketing area.

(b) A country plant during any of the months of October through March in which not less than 10 percent of the receipts of milk at such plant from persons described in § 946.12(a) are delivered to a city plant in the form of milk, skim milk or cream;

(c) A country plant during the months of April through September from which more than 50 percent of the combined receipts of milk from persons described in § 946.12(a) during the preceding period of October through February were moved to and received at a city plant(s) in the form of milk, skim milk or cream, unless the operator of such plant notifies the market administrator in writing on or before March 15 of withdrawal of the plant from the pool for the months of April through September next following; and

(d) A country plant which is operated by a cooperative association and (1) two-thirds or more of the milk from persons described in § 946.12(a) who are members of such association is delivered during the month directly to the pool plant(s) of other handlers or transferred by such association to the pool plant(s) of other handlers or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding consecutive months of October through February.

§ 946.10 Nonpool plant.

"Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 946.11 Handler.

"Handler" means:

(a) Any person who operates a city plant or a country plant;

(b) Any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 946.13; and

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association, if the cooperative association has notified in writing, prior to delivery both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

§ 946.12 Producer.

"Producer" means any person, except a producer-handler, who produces milk which is:

(a) Approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is permitted by the appropriate health authority in the marketing area to be labeled and disposed of as Grade A milk in the marketing area (this definition shall include approval of milk by the authority to administer the regulations governing the quality of milk acceptable to agencies of the U.S. Government for fluid consumption in its institutions or bases located in the marketing area during any month in which such milk is disposed of to such institutions or bases): *Provided*, That this definition shall not include any person whose milk is permitted on a temporary or emergency basis by such health authority in the marketing area to be labeled and disposed of as Grade A milk; and

(b) Received at a pool plant or diverted in accordance with the conditions set forth in paragraph (b) or (c) of § 946.13.

§ 946.13 Producer milk.

"Producer milk" means only that skim milk and butterfat contained in milk from producers which is:

(a) Received directly from producers at a pool plant: *Provided*, That when withdrawals of milk are made at more than one pool plant from the same load delivered by farm tank pickup truck and

in the absence of agreement between the operators of such pool plants as to the reporting of and payment for such milk, the entire load shall be deemed to have been received at the first pool plant at which any of such milk was withdrawn;

(b) Diverted from a pool plant to another pool plant or to a nonpool plant: *Provided*, That such milk so diverted shall be deemed to have been received at the pool plant from which it is diverted: *Provided further*, That this definition shall not include the milk of any person during any of the months of October, November, January, and February in which the milk of such person is diverted by a handler, except a cooperative association, to a nonpool plant for more than one-half of the days of delivery during the month;

(c) Diverted by a cooperative association to a nonpool plant for the account of the cooperative association: *Provided*, That any milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which it is diverted; or

(d) Received by a cooperative association pursuant to § 946.11(c).

§ 946.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant during the month.

§ 946.15 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, distributing any portion of such milk within the marketing area as Class I milk and who receives no milk from producers.

§ 946.16 Chicago butter price.

"Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

§ 946.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 946.18 Route.

"Route" means the operation of a plant store or a vehicle (including that operated by a vendor) through the means of which fluid milk products are disposed of to retail or wholesale stops in the marketing area other than to a milk plant.

MARKET ADMINISTRATOR

§ 946.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 946.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 946.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by Section 946.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 946.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(h) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(i) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts has not made reports pursuant to §§ 946.30 through 946.32, or payments pursuant to §§ 946.80 through 946.86;

(j) On or before the 15th day after the end of each month, report to each cooperative association, which so requests, with respect to producer milk caused to be delivered by such association or by its members to each handler during the month: (1) The percentage of such receipts classified in each class; and (2) the percentage relationship of such receipts to the total pounds of Class I milk available to assign to such receipts exclusive of the Class I milk disposed of by such handler to the pool plant(s) of other handlers and to nonpool plants. For the purpose of these reports, the milk received from such association shall be treated on a pro rata basis of the total producer milk received by such handler during the month;

(k) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing the prices and butterfat differentials determined for each month as follows:

(1) On or before the 12th day after the end of each month, the minimum prices for each class of milk computed pursuant to § 946.51, and the butterfat differentials for each class computed pursuant to § 946.52; and

(2) On or before the 12th day after the end of each month, the uniform price computed pursuant to § 946.71, and the butterfat differential computed pursuant to § 946.81;

(l) On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The net obligation computed for such handler pursuant to § 946.70; and

(2) The amounts to be paid by such handler pursuant to §§ 946.81, 946.84, 946.87, and 946.88.

REPORTS, RECORDS AND FACILITIES

§ 946.30 Reports of receipts and utilization.

On or before the 7th day after the end of each month, each handler, except a producer handler, shall report for such month to the market administrator for each of his pool plants in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own farm production);

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk other than on routes operated wholly or partially within the marketing area; and

(f) Such other information with respect to his receipts and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 946.31 Payroll reports.

On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for deliveries during the month which shall show (a) the total pounds of milk received from each producer and cooperative association and the average butterfat content of such milk, (b) the prices paid and the amount of payment to each producer and cooperative association, and (c) the nature and amount of any credits, deductions, or charges involved in such payments.

§ 946.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator, as soon as possible after first receiving milk from any producer, the name and address of such producer, the date upon which such milk was first received, and the plant at which such milk was received: *Provided*, That milk diverted to a pool plant as described in § 946.13(b) need not be reported pursuant to this paragraph.

(c) On or before the 10th day after the request of the market administrator, such handler shall submit a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant. Changes in such schedule of rates and the effective dates thereof shall be reported to the market administrator within 10 days.

§ 946.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts, records, and reports of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers, including supporting records of all deductions and written authorization from each producer of the rate per hundredweight or other method for computing hauling charges on such producer milk; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 946.34 Retention of records.

All books and records required under this part to be available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified records and books until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 946.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to §§ 946.30 and 946.61 shall be classified by the market administrator pursuant to the provisions of §§ 946.41 to 946.46.

§ 946.41 Classes of utilization.

Subject to the conditions set forth in §§ 946.42 through 946.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of as any fluid milk product which is required by the appropriate health authorities in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; and (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, (4) in inventories of fluid milk products, and (5) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42.

§ 946.42 Unaccounted for skim milk and butterfat and plant shrinkage.

Skim milk and butterfat received at a handler's pool plant(s) in excess of such handler's established utilization of skim milk and butterfat pursuant to § 946.41, except paragraphs (a)(3) and (b)(5) shall be known as unaccounted for skim milk and butterfat and classified as Class II milk not to exceed the following:

(a) Two percent of receipts of producer milk, excluding the pounds of skim milk and butterfat in producer milk diverted by such handler to a nonpool plant or to the pool plant of another handler without having been received for purposes of weighing and testing in the diverting handler's plant, and including the skim milk and butterfat in producer milk received at the pool plant of such handler which was diverted from the pool plant of another handler; plus

(b) One and one-half percent of the skim milk and butterfat contained in milk received in bulk tank lots excluding that contained in receipts of producer milk specified in paragraph (a) of this section; less

(c) One and one-half percent of skim milk and butterfat contained in milk disposed of in bulk tank lots to other plants excluding milk diverted to a nonpool plant or to the pool plant of another handler without having been received: *Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata pursuant to this section to skim milk and butterfat, respectively, in milk received from producers and from other pool plants and in other source milk.

§ 946.43 Responsibility for classification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 946.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant either by transfer or diversion shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to a pool plant of another handler, unless utilization in Class II is mutually indicated in the reports submitted to the market administrator by both handlers pursuant to § 946.30 on or before the 7th day after the end of the month: *Provided*, That if upon inspection of the records of the transferee-handler it is found that an equivalent amount of skim milk or butterfat, respectively, was not actually used in such indicated use, the remaining quantity shall be classified as Class I milk: *And provided further*, That if either or both handlers received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest-priced possible class utilization to the producer milk of both handlers;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from the City Hall in either Louisville, Kentucky, or Evansville, Indiana, unless:

(1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 946.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who hold permits to supply "Grade A" milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

(ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such markets' pro rata share of such remainer based on the total reecipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act; and

(5) If the skim milk and butterfat, respectively, transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers.

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from the City Hall in either Louisville, Kentucky, or Evansville, Indiana.

§ 946.45 Computation of the skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

§ 946.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 946.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk shrinkage pursuant to § 946.42;

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are not subject to the Class I pricing provisions of an order issued pursuant to the Act;

(3) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05 whichever is less;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which are subject to the Class I pricing provisions of another order issued pursuant to the Act;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraphs (1) and (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers and from cooperative associations pursuant to § 946.11(c) according to the classification thereof as determined pursuant to § 946.44(a); and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 946.50 Basic formula price.

The basic formula price to be used in computing the prices for Class I and Class II milk shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the delivery period: *Provided*, That such reported price shall be adjusted to a 3.8 percent butterfat basis by the butterfat differential pursuant to Section 946.81 and rounded to the nearest tenth of a cent.

§ 946.51 Class prices.

Subject to the provisions of §§ 946.52 and 946.53, the minimum prices per hundredweight to be paid by each handler for milk of 3.8 percent butterfat content received at his pool plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price for the preceding month, plus $1.40.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price.

§ 946.52 Price adjustments to handlers.

(a) *Butterfat differentials.* If the weighted average butterfat content of milk received from producers allocated to Class I or Class II, respectively, pursuant to § 946.46, for a handler is more or less than 3.8 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.8 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(1) *Class I milk.* Multiply by 0.125 the Chicago butter price for the preceding month.

(2) *Class II milk.* Multiply by 0.120 the Chicago butter price for the month.

§ 946.53 Transportation differentials to handlers.

For producer milk which is received at a pool plant located 100 miles or more from the City Hall in Louisville, Lexington, or Owensboro, Kentucky, or Evansville, Indiana, whichever is nearest, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is classified as Class I milk, the price specified in § 946.51(a) shall be reduced at the rate, not to exceed a total credit of 25 cents per hundredweight, computed as set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from city hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	16.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee plant after making the cal-

culations prescribed in § 946.46(a)(6), and the comparable steps in § 946.46(b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 946.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 946.60 Producer-handlers.

Sections 946.40 through 946.46, 946.50 through 946.53, 946.61, 946.70, 946.71, and 946.80 through 946.89 shall not apply to a producer-handler.

§ 946.61 Obligation of handlers operating a nonpool plant which is a city plant.

Each handler, except a producer-handler, in his capacity as the operator of a nonpool plant which is a city plant shall:

(a) On or before the 7th day after the end of the month make reports to the market administrator with respect to the disposition of Class I milk in the marketing area and such other information on the total receipts and utilization of skim milk and butterfat at such plant as the market administrator may require, except that a handler selecting the option provided in paragraph (c) of this section at the time his report is filed shall report in accordance with §§ 946.30 and 946.31 as though a pool plant;

(b) On or before the 15th day after the end of the month pay to the market administrator, unless such handler elects at the time of reporting pursuant to paragraph (a) of this section the option provided pursuant to paragraph (c) of this section, an amount (1) for deposit in the producer-settlement fund, equal to the rate of payment on unpriced milk pursuant to § 946.70(e) multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 946.45) in the marketing area on routes during such month, less the skim milk and butterfat received from a pool plant during the month and classified as Class I milk under this part; and (2) for administrative assessment, equal to the rate specified in § 946.88 with respect to Class I milk and all milk, skim milk and cream used to produce Class II products disposed of during the month on routes in the marketing area less the quantity of skim milk and butterfat received during such month from a pool plant; and

(c) On or before the 18th day after the end of the month pay an amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 946.70 for such nonpool plant and for any country plant (meeting the requirements equivalent to § 946.9 (b) or (c)) which serves as a source of milk for such nonpool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 17th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 946.12(a): *Provided*, That if such payments are made to such dairy farmers at more than one rate, the amount of gross payments to be deducted from such handler's obligation shall be computed at the lowest rate paid for a volume of milk equal to the volume disposed of in the marketing area, and (ii) any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders: *And provided*, That in the application of § 946.44 for the purpose of this subparagraph, transfers or diversions of milk from such nonpool plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 946.46(a)(2) and the corresponding step of § 946.46(b): *And provided further*, in the application of § 946.46(a)(7) and the corresponding step of § 946.46(b), receipts of fluid milk products at such nonpool plant from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 946.44 (c) or (d); and (2) for administrative assessment, equal to the amount which would have been computed pursuant to § 946.88, if such nonpool plant had been a pool plant during the month: *Provided*, That such amount shall be reduced by any amounts paid for the month as an administrative expense assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms under such other order issued pursuant to the Act: *And provided further*, That (i) if less Class I milk is disposed of from such plant on routes in the Kyana marketing area than is disposed of during the month on routes in another marketing area(s) as defined in an order(s) issued pursuant to the Act, and (ii) if an administrative expense assessment is applied at such plant as if a fully regulated (pool) plant under such order pursuant to the order for the marketing area where the volume of Class I milk disposed of from such plant is greatest, no administrative expense assessment shall be applied under this order.

§ 946.62 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 946.9 and a greater volume of fluid milk products is disposed of from such plant to pool plants and to retail or wholesale outlets located in the Kyana marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 946.70 Net obligation of each handler.

The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 946.46 by the applicable class prices;

(b) Add together the resulting amounts;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 946.46 by the applicable class prices;

(d) Add the amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 946.46(a)(6) and the corresponding step of § 946.46(b), whichever is less; and

(e) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46(a)(2) and the corresponding step of § 946.46(b) by the price arrived at by subtracting from the Class I price adjusted by the Class I butterfat and transportation differentials;

(1) For the months of January through September, the Class II price adjusted by the Class II butterfat differential; and

(2) For the months of October through December the uniform price computed pursuant to § 946.71 adjusted by the Class I transportation differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the resultant figure by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent; and

(f) Add the amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 946.46(a)(6) and the corresponding step of § 946.46(b) which is in excess of the skim milk and butterfat applied pursuant to paragraph (d) of this section and the skim milk and butterfat subtracted from Class II milk pursuant to § 946.46(a)(4) and the corresponding step of § 946.46(b) in the preceding month by the applicable rate determined pursuant to paragraph (e) (1) or (2) of this section for the month.

§ 946.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.8 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in Section 946.30 for the month and who are not in default of payments pursuant to § 946.84 for the preceding month;

(b) Subtract, if the average butterfat content of the producer milk included in these computations is greater than 3.8 percent, or add, if such average butterfat content is less than 3.8 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 946.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount computed by multiplying the hundredweight of milk received from producers at each country plant by the appropriate zone differential provided in § 946.53;

(d) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of producer milk included in these computations by 12 percent of the simple average of the basic formula prices, computed to the nearest cent, for the 12 months of the preceding calendar year;

(e) Add an amount representing one-half of the cash balance on hand in the producer-settlement fund after deducting the total amount of contingent obligations to handlers pursuant to § 946.85(a) and the balance held pursuant to paragraph (d) of this section for payment pursuant to § 946.85(b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (f) of this section. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received from producers at a handler's pool plant.

PAYMENTS

§ 946.80 Time and method of payment for producer milk.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producer as follows:

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class II price for 3.8 percent milk for the preceding month without deduction for hauling;

(b) On or before the 17th day after the end of each month for milk received from such producer during such month, an amount computed at not less than the uniform price per hundredweight plus the per hundredweight payment provided by § 946.85(b) for the month, subject to the butterfat differential computed pursuant to § 946.81, and, plus or minus, adjustments for errors made in previous payments to such producer; and less (1) the payment made pursuant to paragraph (a) of this section, (2) the location differential pursuant to § 946.82, (3) marketing service deductions pursuant to § 946.87 and (4) proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall pay to the cooperative association on or before the second day prior to the dates specified in paragraphs (a) and (b), respectively, of this section, an amount equal to the sum of the individual payments otherwise payable to such producers without the deductions provided by paragraphs (b) (3) and (4) of this section: *Provided*, That deductions for supplies authorized by such producer may be made. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show for each month the following:

(1) The identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month, and (2) on or before the 7th of the following month, the total pounds of milk received each month, together with the butterfat content of such milk; and the amount of deductions claimed by such handler.

(f) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 946.11(c) at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

§ 946.81 Producer butterfat differential.

In making payment to producers pursuant to § 946.80(b) each handler shall add to the uniform price not less than, or subtract from the uniform price not more than, as the case may be, for each one-tenth of one percent that the butterfat content of the milk received from the producer is above or below 3.8 percent, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to § 946.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resulting figure to the nearest one-tenth cent.

§ 946.82 Location differential.

In making payments to producers pursuant to § 946.80(b) a handler shall deduct from the uniform price, with respect to all milk received from producers at a pool plant, not more than the appropriate zone differential provided in § 946.53.

§ 946.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 946.61, 946.84, and 946.86 and out of which he shall make all payments pursuant to §§ 946.85 and 946.86: *Provided*, That payments due any handler shall be offset by payments due from such handler.

§ 946.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of each month, each handler shall pay to the market administrator any amount by which the net obligation of such handler for the month is greater than an amount computed by multiply-

ing the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

§ 946.85 Payments out of the producer-settlement fund.

(a) On or before the 16th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler for the month is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat differential: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administartor shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 16th day after the end of each of the months of September, October, November and December, the market administrator shall pay out of the producer-settlement fund to (1) each handler on all milk for which payment is to be made to producers pursuant to § 946.80(b) for such month, and (2) to each cooperative association on all producer milk for which such association is receiving payments pursuant to § 946.80(c) for such month at the following rate per hundredweight: For the months of September through November, divide one-fourth of the aggregate amount set aside in the producer-settlement fund pursuant to § 946.71(d) during the immediately preceding period of April through July, and for the month of December, divide the balance remaining in such fund by the hundredweight of producer milk received by all handlers during the month (computed to the nearest cent per hundredweight).

§ 946.86 Adjustment of accounts.

(a) Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator to any handler, pursuant to § 946.85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by § 946.80, the handler shall pay any amount so due not later than the time of making payment to producers next following such disclosure.

(b) Overdue accounts: Any unpaid obligation of a handler or of the market administrator pursuant to §§ 946.80, 946.84, 946.85, 946.86(a), 946.87, or 946.88 shall be increased one-half of one percent each month or fraction thereof, compounded monthly, until such obligation is paid.

§ 946.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 946.80(b), shall deduct 6 cents per hundredweight, or such amount not in excess thereof as the Secretary may prescribe with respect to all milk received by such handler from producers (other than such handler's own farm production) during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) Each cooperative association which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for whom such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer. In making payments to producers for milk received during the month, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

§ 946.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of the month, 3.0 cents per hundredweight, or such amount to be not in excess thereof as the Secretary may prescribe with respect to all receipts by such handler during the month of (a) milk from producers (including such handler's own farm production), and (b) other source milk classified as Class I milk pursuant to § 946.46. Each cooperative association which is a handler shall pay such pro rata share of expense on only that milk of producers caused to be diverted by such cooperative association to a nonpool plant and milk received from producers at a pool plant of such cooperative association.

§ 946.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deductions or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 946.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 946.91.

§ 946.91 Suspension or termination.

Any or all provisions of this part, or any amendment to this part, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give and shall in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 946.92 Continuing power and duty.

(a) If upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 946.93 Liquidation after suspension or termination.

Upon the suspension or termination of any or all provisions of this part, except §§ 946.34, 946.89, 946.91 through 946.93, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 946.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 946.101 Separability of provisions.

In any provision of this part, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Proposed by Holland Custard & Ice Cream, Inc.:

Proposal No. 2. Add Orange and Washington Counties, both in the State of Indiana, to the combined marketing areas of the Louisville-Lexington Federal order as described in § 946.6 and of the Ohio Valley Federal order as described in § 1024.6.

Proposed by Beatrice Foods Company:

Proposal No. 3. Amend § 946.6 to include in the Louisville-Lexington marketing area the counties in the Ohio Valley marketing area as described in § 1024.6 and the additional counties of Daviess, Greene, Knox, Lawrence, Martin, Orange, Sullivan and Washington, all in the State of Indiana.

Proposed by Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 4. Amend § 946.6 to include in the Louisville-Lexington marketing area the counties of Boyle, Garrard and Mercer, all in the State of Kentucky.

Proposed by Spring Grove Dairy:

Proposal No. 5. Amend § 946.6 to delete from the Louisville-Lexington marketing area Montgomery County, Kentucky.

Proposed by Louisville Milk Dealers Association, Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 6. Delete § 946.17 and substitute the following:

§ 946.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk, sterilized products packaged in hermetically sealed containers, milk shake mixes with 15 percent or more of total milk solids, "900 Dairy Calorie Diet" products, and cultured sour mixtures other than sour cream).

Proposal No. 7. Amend § 946.41 by deleting paragraphs (a), (b) and (c) and substituting the following:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored), (except skim milk and butterfat disposed of in fluid form for livestock feed, milk shake mixes with 15 percent or more of total milk solids, "900 Dairy Calorie Diet" products, and cultured sour mixtures other than sour cream); *Provided*, That any fluid milk product which has been fortified by the addition of nonfat solids shall be Class I only up to the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content; (2) disposed of as any fluid milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk, or cream from sources approved by such authority; (3) not accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat, the utilization of which is established as used to produce (1) cottage cheese, eggnog and milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, and (2) in inventories of fluid milk products.

(c) *Class III milk.* Class III milk shall be skimmed milk and butterfat, the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) or (b) of this section, (2) as disposed of for livestock feed, (3) as disposed of in bulk to bakeries, candy or soup manufacturers, and other commercial food manufacturing establishments which do not dispose of fluid milk products, (4) in plant shrinkage of skim milk and butterfat in receipts of producer milk and in other source milk computed pursuant to § 946.42, and (5) as used to produce any excess of the weight of any fluid milk product which has been fortified by the addition of nonfat solids over the weight of an equal volume of an unmodified fluid milk product of the same nature and butterfat content.

Proposed by Beatrice Foods Company:

Proposal No. 8. Amend § 946.45 by deleting the proviso relative to accounting for concentrated milk solids on a milk equivalent basis and make such necessary conforming changes in other sections of the order so that such accounting shall be made on an actual weight basis; or, as an alternative, consider the assignment to the lowest use class of the difference between the skim milk equivalent of any fortified product, including dietary products, and the actual weight of the product.

Proposed by Louisville Milk Dealers Association, Broughtons Farm Dairy, Inc., Dixie Belle Dairy and Borden Company:

Proposal No. 9. Amend § 946.46 to provide for allocation of products sold in the same form in which received (from another regulated market) to the class in which it is utilized.

Proposal No. 10. Amend § 946.51 by deleting paragraph (b) and substituting the following:

(b) *Class II milk.* The price for Class II milk shall be the higher of the basic formula price pursuant to § 946.50 or the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest tenth of a cent.

(i) The price per hundredweight resulting from adding together the plus values computed pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) Multiply the Chicago butter price by 4.56.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of car-lot prices per pound for nonfat dry milk solids, spray process for human consumption, f.o.b. manufacturing plants in the Chi-

cago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

Proposed by American Dairy Company of Evansville, Inc., Benthal & Sons Dairy, The Henderson Creamery Company, Inc., Herrman's Dairy, Inc., Ideal Pure Milk Company, Inc., Mt. Vernon Creamery, Owensboro Ice Cream and Dairy Products, Inc., and U. C. Milk Company, Inc.:

Proposal No. 11. Amend § 1024.6 to include in the Ohio Valley marketing area the counties of Logan and Todd, both in the State of Kentucky, and the counties of Daviess and Knox, both in the State of Indiana.

Proposal No. 12. Amend § 1024.17 by adding a new paragraph (c) as follows:

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to such cooperative association. Such milk shall be considered as having been received by the cooperative association at the producer's farm.

Proposal No. 13. Amend § 1024.41(a) to provide that fluid milk products which are fortified with non-fat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content.

Proposed by Kyana Milk Producers, Inc.:

Proposal No. 14. Amend §§ 1024.13, 1024.17 and 1024.80 as follows:

In §1024.13 add a new paragraph (d) to read as follows:

(d) Received by a cooperative association pursuant to § 1024.17(c).

Amend § 1024.17 to read as follows:

"Handler" means (a) any person who operates a fluid milk plant, (b) any cooperative association with respect to milk diverted by it in accordance with conditions set forth in § 1024.13, and (c) any cooperative association with respect to the milk of its producer-members which is delivered from the farm to the pool plant(s) of another handler in a tank truck owned, operated by or under contract to, such cooperative association, if the cooperative association has notified in writing, prior to delivery, both the market administrator and the handler to whom the milk is delivered that it wishes to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

In § 1024.80 add a new paragraph (g) to read as follows:

(g) Each handler shall pay to the cooperative association on or before the 10th day of the following month for milk received from a cooperative association for which it is a handler pursuant to § 1024.17(c) at not less than the value of such milk at the minimum prices for milk in each class subject to the applicable location and butterfat differentials.

Proposed by Beatrice Foods Company:

Proposal No. 15. Amend § 1024.45 by deleting the proviso relative to accounting for concentrated milk solids on a milk equivalent basis and make such necessary conforming changes in other sections of the order so that such accounting shall be made on an actual weight basis; or, as an alternative, consider the assignment to the lowest use class of the difference between the skim milk equivalent of any fortified product, including dietary products, and the actual weight of the product.

Proposed by Prairie Farms of Southern Illinois:

Proposal No. 16. Amend Order No. 124 (Part 1024) to provide that with respect to a handler who transfers milk from a pool plant to a nonpool plant which is owned and operated by such handler and which nonpool plant disposes of such transferred milk as Class I milk in another marketing area which has been established by another Federal order, and which order requires the compensatory payments be paid by such nonpool plant for Class I milk sold in such marketing area, subtract from the handler's obligation under Order No. 124 (Part 1024) the lesser of the following amounts:

(a) The amount of such compensatory payment paid by the handler who also operates the nonpool plant, or

(b) An amount computed by multiplying the volume of milk classified as Class I milk at the nonpool plant, which milk was transferred by the handler from a pool plant to such nonpool plant, by the applicable rate per hundredweight for computing the compensatory payment provided in the Federal order which regulates the handling of milk in the marketing area where such Class I milk was disposed of from the nonpool plant.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 17. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Joseph E. Bobo, P.O. Box 4095, Baxter Avenue Station, Louisville 4, Kentucky, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C., August 25, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-8306; Filed, Aug. 29, 1961; 8:53 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 516]

RECORDS TO BE KEPT BY EMPLOYERS

Dual Minimum Wage Situations

Notice is hereby given that pursuant to section 11 of the Fair Labor Standards Act of 1938 (52 Stat. 1066, as amended; 29 U.S.C. 211), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45-A (15 F.R. 3290) of the Secretary of Labor, the Administrator of the Wage and Hour and Public Contracts Divisions proposes to amend Part 516 of Title 29, Code of Federal Regulations, by extending the provisions of § 516.23 to cover all dual minimum wage situations which may occur as a result of the Fair Labor Standards Amendments of 1961 (Pub. Law 87-30). For example, in addition to the recordkeeping situations in Puerto Rico and the Virgin Islands to which it presently applies. § 516.23 would apply also to recordkeeping situations such as those involving fish processing activities formerly included under section 13(a)(5) of the Act but now included in section 13(b)(4) thereof (to which a minimum wage of $1.00 will apply beginning September 3, 1961, under section 6(b) of the Act, as amended by the 1961 Amendments) and canning activities already included in section 13(b)(4) of the Act (to which a minimum wage of $1.15 will apply beginning September 3, 1961).

An amendment of paragraph (b) of § 516.1 is proposed to reflect the proposed changes in § 516.23. Paragraph (b) of § 516.1 would also be changed to delete reference to local retailing employees because of the deletion of the local retailing capacity provision from section 13(a)(1) by the 1961 Amendments. A similar change would be made in § 516.3 dealing with employees coming within the definitions of the terms of section 13(a)(1) appearing in 29 CFR Part 541.

Interested persons may submit written data, views, and arguments relating to the proposals to the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D.C., within fifteen days from their publication in the FEDERAL REGISTER.

The proposed amendments of 29 CFR Part 516 are set forth below.

1. Paragraph (b) of § 516.1 would be amended to read as follows:

§ 516.1 Form of records.

* * * * *

(b) *Scope of regulations.* (1) The regulations in this part are divided into two subparts. Subpart A contains the requirements applicable to all employers employing covered employees, including the general requirements relating to the posting of notices, the preservation and location of records, and similar general provisions. This subpart also contains the requirements applicable to employers of employees to whom both the minimum wage provisions of section 6 and the overtime pay provisions of section 7(a) of the act apply. As most covered employees fall within this category, employers, in most instances, will be concerned principally with the recordkeeping requirements of Subpart A. Section 516.3 thereof contains the requirements relating to executive, administrative, professional and outside sales employees.

(2) Subpart B deals with the information and data which must be kept with respect to employees (other than executive, administrative, professional, and outside sales employees) who are subject to any of the exemptions provided in the act, and with special provisions relating to deductions from and additions to wages for "board, lodging, or other facilities," industrial homeworkers, employees dependent upon tips as part of wages, and employees subject to more than one minimum wage. The sections in Subpart B require the recording of more, less, or different items of information or data than required under the generally applicable recordkeeping requirements of Subpart A.

2. Section 516.3 would be amended to read as follows:

§ 516.3 Bona fide executive, administrative, professional, and outside sales employees as referred to in section 13(a)(1) of the act—items required.

With respect to persons employed in a bona fide executive, administrative or professional capacity or in the capacity of outside salesman, as defined in Part 541 of this chapter (pertaining to so-called "white collar" employee exemptions), employers shall maintain and preserve records containing all the information and data required by § 516.2 (a) except subparagraphs (6) through (10) thereof, and, in addition thereto the basis on which wages are paid (this may be shown as "350 mo."; "$95 wk."; or "on fee").

3. The heading of § 516.23 and so much of paragraph (a) of § 516.23 as precedes subparagraph (1) would be amended to read as follows:

§ 516.23 Employees under more than one minimum hourly rate.

(a) *Additional items required.* An employer of any employee subject to different minimum wage rates of pay, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept with respect to them by any applicable section of the regulations in this part, maintain and preserve payroll or other records containing the following information and data with respect to each of those employees:

(Sec. 11, 52 Stat. 1066, as amended; 29 U.S.C. 211)

Signed at Washington, D.C., this 23d day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-8277; Filed, Aug. 29, 1961; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

[Docket No. FDC-68A]

FRUIT JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY

Findings of Fact and Tentative Order Ruling on Objections

In the matter of amending the definition and standard of identity for fruit jellies to permit artificial red coloring in cinnamon-flavored apple and/or crabapple jellies.

In the FEDERAL REGISTER of September 5, 1958 (23 F.R. 6836), there was published a notice of the filing of a proposal to amend the definition and standard of identity for fruit jellies (21 CFR 29.2) to permit the opticnal addition of cinnamon flavoring and harmless artificial red coloring to apple and/or crabapple jelly and to require label declaration of such added optional ingredients. An order was published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791), adopting the proposal. Pursuant to objections to this order, requesting a public hearing, an announcement was published in the FEDERAL REGISTER of February 4, 1959 (24 F.R. 762), staying the amendment pending the outcome of the hearing.

A public hearing was held in this matter pursuant to a notice published in the FEDERAL REGISTER of June 4, 1960 (25 F.R. 4962). On the basis of the evidence submitted at the hearing, and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by the Secretary to the Commissioner of Food and Drugs (25 F.R. 8625) and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, it is proposed that the following order be issued:

Findings of fact.[1] 1. Objections were filed to an order published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791) amending the definition and standard of identity for fruit jellies to permit the use of artificial red coloring in cinnamon-flavored apple and/or crabapple jelly. These objections raised three issues that required determination based on evidence adduced at a public hearing. The issues were whether the artificial red coloring would permit use of low-quality fruit in the food specified; whether using artificial red color in the food specified would result in the substitution of red cinnamon-flavored apple jelly by institutional users for more expensive berry jellies; and whether the amendment would promote honesty and fair dealing in the interest of consumers. (R. 4, 6; Ex. 2, 3, 4)

2. At the hearing held upon the objections, the evidence established that the use of low-quality fruit juice in apple jelly would not produce an identical product to the one proposed, and that it was not likely that the characteristic brown color of a jelly prepared from such low-quality fruit juice would be masked by the use of artificial red color. The evidence shows that manufacturers of apple jelly; green-colored, mint-flavored apple jelly, and red-colored, cinnamon-flavored apple jelly use the same apple juice in all three jellies. The objectors to the amendment failed to establish that artificial red coloring would be employed to conceal the use of low-quality apple juice. (R. 164, 378, 379)

3. Little evidence was introduced to support the claim that the use of artificial red color in the foods specified would result in institutional users' (bakers') substituting red, cinnamon-flavored apple jelly for more expensive berry jellies, and there was no evidence that bakers, if they should use such cinnamon-flavored apple jelly, would misbrand their baked product by representing it to be berry-flavored. Witnesses for the objectors testified that the manufacturers whom they represented do not make nor distribute red, cinnamon-flavored apple jelly to institutional users or otherwise. Those witnesses did not assert that they knew of any other jelly manufacturers who have ever sold any such jelly to bakers or any other institutional users. Witnesses for manufacturers of red, cinnamon-flavored apple jelly stated that they do not pack nor sell it either in institutional sizes or in the modern individual-portion sizes. The objectors to the amendment failed to establish that the use of artificial red color in the food specified would result in the substitution of red, cinnamon-flavored apple jelly for more expensive berry jellies. (R. 59, 87, 117, 194, 316, 329, 367)

4. The third issue set forth in the notice was whether the use of artificial coloring in cinnamon-flavored apple jelly would promote honesty and fair dealing in the interest of consumers. While there was testimony that the consumer might confuse red-colored, cinnamon-flavored apple jellies with red fruit jellies, to his detriment, the retail purchaser must rely, in addition to color, on labeling statements to identify the jelly that he purchases. Accordingly, there is little likelihood that red, cinnamon-flavored apple jelly would be mistakenly purchased for some other red jelly, such as cherry jelly or red raspberry jelly. In addition, the housewife is familiar with a number of foods, other than fruit jellies, that contain red coloring in association with cinnamon flavoring. These foods include cinnamon-flavored candies, cinnamon apples, spiced crab apples, and spiced pears. Recipes in cookbooks in general use direct the use of artificial coloring in flavored apple jellies and include one recipe which calls for red color in cinnamon-flavored apple jelly. While

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing. In these findings the term "apple jelly" will be used to include not only apple jelly but also crabapple jelly and jellies made from mixtures of apple and crabapple juices.

all cinnamon-flavored foods, particularly baked goods, which contain ground cinnamon, do not contain red coloring, those that are flavored with cinnamon oil, including apple jelly, normally do contain such coloring. The use of red coloring in cinnamon-flavored apple jelly produces an attractive and decorative food having individual appearance and taste characteristics. It would not be in the best interest of the consuming public to keep such a food from the grocers' shelves. (R. 161, 162, 164, 175, 182–185, 195–197, 219, 230, 240–243, 255–259, 284, 285, 305, 306, 310, 311, 326–329, 358, 359, 370, 371, 374, 375, 380–383; Ex. 12, 15)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to permit the amendment to the definition and standard of identity for fruit jellies (21 CFR 29.2), as published in the FEDERAL REGISTER of November 13, 1958 (23 F.R. 8791), to become effective.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–8296; Filed, Aug. 29, 1961; 8:51 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by American Cyanamid Company, 30 Rockefeller Plaza, New York 20, New York, proposing the establishment of a tolerance of 10 parts per million for residues of dodine *n*-dodecylguanidine acetate) in or on strawberries.

The analytical method proposed in the petition for determining residues of dodine is that published in the Journal of Agricultural and Food Chemistry, Volume 8, Page 460 (1960), with minor modifications.

Dated: August 22, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61–8298; Filed, Aug. 29, 1961; 8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by E. I. du Pont de Nemours & Company, Inc., Wilmington 98, Delaware, proposing the establishment of a tolerance of 7 parts per million for residues of maneb (manganous ethylenebisdithiocarbamate), expressed as zinc ethylenebisdithiocarbamate, in or on pumpkins.

The analytical method proposed in the petition for determining residues of maneb is that published in the FEDERAL REGISTER of October 4, 1960 (25 F.R. 9473).

Dated: August 23, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61–8299; Filed, Aug. 29, 1961; 8:52 a.m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition has been filed by Shell Chemical Company, 110 West Fifty-first Street, New York 20, New York, proposing the establishment of tolerances of 0.25 part per million for residues of 1-methoxycarbonyl-1-propen-2-yl-dimethylphosphate and its beta isomer in or on grapefruit, lemons, and oranges.

The analytical method proposed in the petition for determining residues of 1-methoxycarbonyl - 1 - propen - 2 - yl - dimethylphosphate and its beta isomer is that published in the FEDERAL REGISTER of May 4, 1957 (22 F.R. 3187).

In addition to the foregoing method, a bioassay method using pomace flies (Drosophila melanogaster) has been submitted. Pomace flies are exposed to residues, with or without cleanup, and mortality observations are made at intervals from 3 hours to 24 hours. From the LC [1] 50 value at 3 hours and the ratio of this value to the LC 50 value at 24 hours, the petitioner claims this method to be capable of identification and determination of this pesticide in the presence of other cholinesterase-inhibiting pesticides.

Dated: August 22, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61–8300; Filed, Aug. 29, 1961; 8:52 a.m.]

[21 CFR Part 146]

GENERAL REGULATIONS FOR CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Animal Feed Containing Antibiotic Drugs

Several subparagraphs in § 146.26 set minimum requirements for the listed antibiotics for incorporation in animal feeds but do not prescribe maximum amounts that may be used. These regulations are therefore in conflict with provisions of the food additives amendment to the Federal Food, Drug, and Cosmetic Act. The Commissioner of Food and Drugs therefore concludes that it is necessary to correct this inconsistency by revising portions of § 146.26. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371), and the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), it is proposed that the general regulations for

[1] Lethal concentration.

certification of antibiotic and antibiotic-containing drugs (21 CFR 146.26) be changed by amending paragraph (b) of § 146.26 *Animal feed containing penicillin* * * *, as follows:

1. In subparagraph (6), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "100 grams of chlortetracycline".

2. In subparagraph (7)(i) in the first sentence, by deleting the words "not less than" before the words "100 grams of chlortetracycline" and "75 grams of streptomycin"; in the second sentence, by deleting the words "not less than" before the words "200 grams of chlortetracycline".

3. In subparagraph (9), by deleting the words "not less than" immediately before the words "50 grams of bacitracin".

4. In subparagraph (10), by deleting the words "not less than" immediately before the words "100 grams of bacitracin".

5. In subparagraph (12), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and by changing the words "not less than 50 grams per ton" to read "of 50 grams per ton".

6. In subparagraph (16)(i), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "50 grams of bacitracin".

7. In subparagraph (17)(i), by deleting the words "not less than" immediately before the words "100 grams of chlortetracycline" and "100 grams of bacitracin".

8. In subparagraph (23), by deleting the words "not less than" immediately before the words "20 grams of chlortetracycline".

9. In subparagraph (24), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline".

10. In subparagraph (27), by deleting the words "not less than" immediately before the words "50 grams of chlortetracycline" and "100 grams of chlortetracycline".

11. In subparagraph (33), by deleting the words "not less than" immediately before the words "75,000 units".

All interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61–8301; Filed, Aug. 29, 1961; 8:52 a.m.]

Public Health Service

[42 CFR Part 72]

INTERSTATE QUARANTINE

Drinking Water Standards

Correction

In F.R. Doc. 61–6985, appearing at page 6737 of the issue for Thursday, July 27, 1961, in the tabular material of § 72.205(b)(2), the entry for Chromium should read "0.05" instead of "0.5".

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 863]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Series C–46 Aircraft

Pursuant to the authority delegated to me by the Administrator (14 CFR Part 405), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring an inspection for fatigue cracks in the main landing gear drag struts on all Curtiss-Wright C–46 aircraft. Fatigue cracks resulting from an improper weld were found during investigation of a failure of the main landing gear drag struts. Since this condition is likely to occur on other such aircraft, a one-time inspection is proposed to prevent further failures.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before September 29, 1961, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

CURTISS-WRIGHT. Applies to all C–46 Series aircraft.

Compliance required as indicated.

As a result of failure of the main landing gear drag struts, due to fatigue caused by an improper weld joining the strut tube and the lower end fitting, the following is required, unless already accomplished:

Within the next 200 hours' time in service after effective date of this AD, inspect the weld in the main landing gear drag strut that joins the lower end fittings, P/N 20–310–1018–2, to the drag strut tubes, P/N 20–310–1017–7 and –8, for the presence of a space or notch formed by the filleted shoulder on the end fitting and the weld. If the weld bead does not extend from the strut tube to the outer edge on the shoulder of the fitting, completely filling the area between the tube and the shoulder, this area must be inspected for cracks using dye penetrant, magnetic particle or an equivalent inspection method. If cracks are found, the drag strut must be replaced prior to further flight.

Issued in Washington, D.C., on August 23, 1961.

G. S. MOORE,
Acting Director, Flight Standards Service.

[F.R. Doc. 61–8269; Filed, Aug. 29, 1961; 8:47 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 61–NY–26]

FEDERAL AIRWAYS AND CONTROLLED AIRSPACE

Alteration of Federal Airway and Associated Control Areas

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.6039 and 601.6039 of the regulations of the Administrator, the substance of which is stated below.

Low altitude VOR Federal airway No. 39 extends in part from Millinocket, Maine, to Presque Isle, Maine.

The Federal Aviation Agency has under consideration alteration of this airway by extending it northward from the Presque Isle VOR to the intersection of the Presque Isle VOR 359° True radial and the United States/Canadian Border. This proposed extension of Victor 39 would underlie the segment of intermediate altitude VOR Federal airway No. 1503 proposed in Airspace Docket No. 61–NY–12 (26 F.R. 3156) and provide for the transition of VOR equipped aircraft between the low and intermediate airway structures while operating between Presque Isle and Mont Joli, Quebec.

Concurrently with this action it is proposed to designate the control areas associated with this proposed segment of Victor 39 to extend upward from 700 feet above the surface to the base of the continental control area. Separate actions will be initiated to implement on an area basis Amendment 60–21 to Part 60 of the Civil Air Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Assistant Administrator, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this

notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 23, 1961.

R. E. THOMAS,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8270; Filed, Aug. 29, 1961; 8:47 a.m.]

[14 CFR Part 608]

[Airspace Docket No. 59-KC-93]

SPECIAL USE AIRSPACE

Alteration of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 608.42 of the regulations of the Administrator, the substance of which is stated below.

The Lake Margrethe, Mich., Restricted Area R-4202 is bounded by a line extending from latitude 44°41'00" N., longitude 84°46'00" W.; to latitude 44°36'00" N., longitude 84°46'00" W.; to latitude 44°36'00" N., longitude 84°53'00" W.; to latitude 44°41'00" N., longitude 84°53'00" W.; to the point of beginning, and is designated from the surface to 2,000 feet MSL, April 1 through October 30, annually, for use by the National Guard.

The Federal Aviation Agency is considering a request by the Department of the Army which would reduce the size of the area by approximately 75 percent, increase the designated altitudes to 8,200 feet MSL and decrease the time of designation to June 1 through August 31, annually, with specific dates to be published by NOTAM. This special use area would be used by the National Guard as a mortar firing range.

The Federal Aviation Agency is considering the redesignation of the Lake Margrethe Restricted Area R-4202 as follows:

Boundaries. Beginning at latitude 44°-36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°-50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.

Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.

Using agency. Adjutant General, State of Michigan, Lansing, Mich.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 24, 1961.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8271; Filed, Aug. 29, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

Delegation of Authority

In order to provide for the execution of certificates of interest in connection with Commodity Credit Corporation transactions, a delegation of authority is provided below, pursuant to authority vested in me by the bylaws of Commodity Credit Corporation.

The authority herein delegated shall be exercised in conformity with the bylaws, regulations and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

The Director or Acting Director of the New Orleans Agricultural Stabilization and Conservation Service Commodity Office at New Orleans, Louisiana, may sign Commodity Credit Corporation certificates of interest issued to commercial banks participating in the financing of pools of price support commodity loans.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of signature.

Signed at Washington, D.C., August 24, 1961.

R. P. BEACH,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 61-8289; Filed, Aug. 29, 1961; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Defense Air Transportation Administration

[Order No. 15]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense the aircraft identified herein by FAA registration number for the Civil Reserve Air Fleet Program of the Department of Defense for the fiscal year 1962.

FISCAL 1961 FLEET

DC-4

1437 V	88897	88921	90428
45346	88898	88934	90434
75298	88901	88935	90436
79999	88903	88938	90440
88819	88907	90407	90444
88884	88908	90423	90448
88891	88909	90427	90905
88893	88912		

DC-6A

401 US	6575 C	37590	90776
402 US	6576 C	37591	90777
571	6579 C	37592	90780
63 ONA	7822 C	37593	90781
64 ONA	11565	37594	90782
65 ONA	34955	37595	90783
6119 C	34956	37596	90784
6260 C	34957	45500	90785
6541 C	34958	45501	90809
6574 C			

L-1049H

101 R	5402 V	6916 C	6933 C
468 C	5403 V	6917 C	6935 C
469 C	5404 V	6918 C	6936 C
1006 C	6501 C	6919 C	6937 C
1007 C	6502 C	6921 C	7121 C
1008 C	6504 C	6922 C	7131 C
1009 C	6911 C	6923 C	7132 C
1010 C	6912 C	6924 C	7133 C
1880	6913 C	6925 C	7134 C
1927 H	6914 C	6931 C	9752 C
5401 V	6915 C	6932 C	

L-1649A(F)

7311 C	7317 C	7323 C	8082 H
7315 C	7319 C	7324 C	8083 H
7316 C	7322 C	8081 H	8084 H

DC-7C(F)

294	735 PA	4059 K	6336 C
295	736 PA	8215 H	6341 C
296	737 PA	8216 H	6342 C
301 G	746 PA	8217 H	6344 C
731 PA	752 PA	8218 H	6346 C
733 PA	754 PA	8219 H	6348 C
734 PA	755 PA		

B-707—(300 series)

701 PA	718 PA	728 PA	764 TW
702 PA	719 PA	729 PA	765 TW
703 PA	720 PA	730 PA	766 TW
704 PA	721 PA	757 PA	767 TW
705 PA	722 PA	758 PA	768 TW
706 PA	724 PA	759 PA	769 TW
714 PA	725 PA	761 TW	770 TW
715 PA	726 PA	762 TW	771 TW
716 PA	727 PA	763 TW	772 TW
717 PA			

CL-44

124 SW	450 T	451 T	452 T
125 SW			

DC-8

800 PA	805 PA	813 PA	8023 U
801 PA	805 US	814 PA	8024 U
801 US	806 PA	815 PA	8025 U
802 PA	807 PA	816 PA	8026 U
802 US	808 PA	817 PA	8027 U
803 PA	809 PA	818 PA	8028 U
803 US	810 PA	8018 U	8029 U
804 PA	811 PA	8021 U	8030 U
804 US	812 PA	8022 U	8031 U

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased, or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 13, dated March 23, 1961, 26 F.R. 2694, of March 30, 1961.

Dated: August 15, 1961.

THEODORE HARDEEN, JR.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 61-8311; Filed, Aug. 29, 1961; 8:54 a.m.]

[Order No. 16]

AIRCRAFT ALLOCATION

Pursuant to authority under the National Security Act of 1947, the Defense Production Act of 1950, as amended, enabling Executive Orders 10219 and 10480, Office of Defense Mobilization Order 1-8 and Department of Commerce Orders 128 (revised) dated November 1, 1958, and 137 (amended) dated April 19, 1955, I hereby allocate to the Department of Defense for fiscal year 1962 the aircraft identified herein by FAA registration number as a reserve fleet for use in certain contingencies in the Civil Reserve Air Fleet Program of the Department of Defense. Any aircraft in this reserve fleet may, at the direction of the Administrator, DATA, be added to the list of aircraft allocated by DATA Allocation Order No. 15, dated August 15, 1961, to replace an aircraft in the Civil Reserve Air Fleet that is determined by the Department of Defense to be unavailable.

CONTINGENCY RESERVE FLEET

FISCAL YEAR 1962

L-1649A

7301 C	7306 C	7312 C	7320 C
7302 C	7308 C	7314 C	7321 C
7303 C	7309 C	7318 C	7325 C
7304 C	7310 C		

DC-7C

284	290	741 PA	748 PA
285	291	742 PA	749 PA
286	293	743 PA	750 PA
287	732 PA	744 PA	751 PA
288	738 PA	747 PA	753 PA
289	739 PA		

B-707 (100 series)

707 PA	709 PA	711 PA	712 PA
708 PA	710 PA		

DC-8

8032 U	8033 U

In the event any aircraft specified herein:

1. Is destroyed or suffers major damage, the owner and/or operator shall give immediate notice thereof to DATA.

2. Is sold, leased or otherwise transferred, the transferor and/or owner shall give immediate notice thereof to DATA together with full information concerning the identity of the transferee, the date and place of transfer, and the terms and conditions of the transfer.

This allocation order supersedes Aircraft Allocation Order No. 14, dated

March 23, 1961, 26 F.R. 2694, of March 30, 1961.

Dated: August 15, 1961.

THEODORE HARDEEN, Jr.,
Administrator, Defense Air Transportation Administration.

[F.R. Doc. 61-8312; Filed, Aug. 29, 1961; 8:54 a.m.]

Maritime Administration

UNITED STATES LINES CO.

Notice of Amendment of Application for Approval of Certain Cruises

Notice is hereby given that United States Lines Company has requested that its application filed pursuant to Public Law 87-45 for approval of two cruises with the "SS United States" as published in the FEDERAL REGISTER issue of July 14, 1961 (26 F.R. 6314) be amended by substituting St. Thomas for San Juan.

Any person, firm or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington 25, D.C. by close of business on September 7, 1961. In the event an opportunity to present oral argument is also desired, specific reason for such request should also be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: August 25, 1961.

By order of the Maritime Subsidy Board.

THOMAS LISI,
Secretary, Maritime Subsidy Board.

[F.R. Doc. 61-8266; Filed, Aug. 29, 1961; 8:46 a.m.]

FARRELL LINES, INC.

Notice of Application

Notice is hereby given that Farrell Lines Incorporated has applied for the operation of an additional vessel and an increase in sailings on its service on Trade Route No. 14, Service 1—U.S. Atlantic—West Coast Africa—Freight Service from a maximum of 29 sailings per annum to a maximum of 36 sailings per annum.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on September 7, 1961, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: August 25, 1961.

By order of the Maritime Subsidy Board.

THOMAS LISI,
Secretary, Maritime Subsidy Board.

[F.R. Doc. 61-8265; Filed, Aug. 29, 1961; 8:46 a.m.]

Office of the Secretary

ROBERT L. TURNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of August 1, 1961.

ROBERT L. TURNER.

[F.R. Doc. 61-8310; Filed, Aug. 29, 1961; 8:54 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK AND WILCOX CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. CX-10. The license authorizes the Babcock and Wilcox Company to operate the water tank critical facility located in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Virginia. The amendment adds a condition to the license regarding procedures to be followed with respect to operations with the facility shut down which might involve a change in core reactivity.

With respect to this condition, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the facility shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submission dated January 24, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during operations which could involve changes in core reactivity when the facility is shut down.

The Commission has found that operation of the facility in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the facility in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the Commission's telegram dated January 10, 1961 to the Babcock and Wilcox Company and (b) the licensee's reply dated January 24, 1961, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. CX-10; Amdt. 4]

License No. CX-10, which authorizes the Babcock and Wilcox Company to operate the water tank critical facility located in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Virginia, is hereby amended by adding the following additional conditions thereto:

The Babcock and Wilcox Company shall with respect to operations which could involve changes in core reactivity when the facility is shut down, follow the procedure described in its report entitled "Survey of Babcock and Wilcox Reactor Facilities Operated Under AEC License January 1961."

This amendment is effective as of the date of issuance.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-8261; Filed, Aug. 29, 1961; 8:45 a.m.]

[Docket No. 50-106]

OREGON STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 4, set forth below, to Facility License No. R-51. The license authorizes Oregon State University to operate its nuclear reactor Model AGN-201, Serial No. 114, located on its campus in Corvallis, Oregon.

The amendment (1) changes the licensee's name from "Oregon State College" to "Oregon State University" to reflect the change in the University's name, (2) deletes the requirement in the license that the reactor shall be operated only under the direct supervision of the Reactor Supervisor or his designated alternate, (3) adds a condition regarding the procedures to be followed with respect to operations with the reactor shut down which might involve a change in core reactivity, and (4) adds a condition requiring written reports to be submitted by the licensee should any of the operating conditions or characteristics of the reactor which might affect nuclear safety vary significantly from its predicted value.

With respect to item (3) above, the Commission has requested that each utilization facility licensee submit a written description of its procedures during operations with the reactor shut down which might involve a change in core reactivity. The Commission has reviewed the licensee's submissions dated January 17, 1961, and June 29, 1961, and believes that the procedures described therein minimize, to an acceptable degree, the potential for inadvertent criticality during core manipulations with the reactor shut down.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those previously considered and evaluated in connection with the previously approved operations.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, (2) the Commission's telegram dated January 11, 1961, to the licensee and (3) the licensee's replies dated January 17, 1961, and June 29, 1961, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of August 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-51; Amdt. 4]

Facility License No. R-51 which authorizes Oregon State University to operate the nuclear reactor Model AGN-201, Serial No. 114 located on its campus in Corvallis, Oregon, is hereby amended as follows:

1. The name of the licensee is changed from "Oregon State College" to "Oregon State University."

2. Paragraph 4.a. is amended to read as follows:

a. The Reactor Supervisor and any of his designated alternates shall have been approved by the Commission.

3. The following new conditions are added:

A. Oregon State University shall, with respect to operations which could involve changes in core reactivity when the reactor is shut down, follow the procedures described in its submissions to the Commission dated January 17, 1961, and June 29, 1961.

B. Oregon State University shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety varies significantly from its predicted value.

This amendment is effective as of the date of issuance.

Dated: August 23, 1961.

For the Atomic Energy Commission.

EDSON G. CASE,
Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-8262; Filed, Aug. 29, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8305]

ALLEGHENY SEGMENT 3 RENEWAL

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference now assigned for September 5, 1961, is postponed to September 14, 1961, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., August 24, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8303; Filed, Aug. 29, 1961; 8:53 a.m.]

[Docket No. 12538]

TRANS-TEXAS AIRWAYS, INC.

Use It Or Lose It Investigation, Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference now assigned for September 6, 1961, is postponed to October 4, 1961, at 10:00 a.m., e.d.s.t., in Room 803, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William Cusick.

Dated at Washington, D.C., August 24, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-8304; Filed, Aug. 29, 1961; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Project Nos. 2248, 2272]

ARIZONA POWER AUTHORITY ET AL.

Notice of Postponement of Hearing

AUGUST 23, 1961.

Arizona Power Authority, Project No. 2248; and City of Los Angeles, California and its Department of Water and Power, Project No. 2272.

Upon consideration of the motion filed August 14, 1961, by the City of Los Angeles for postponement of the hearing now scheduled for September 12, 1961, in the above-designated matters;

The hearing now scheduled for September 12, 1961, is hereby postponed to October 30, 1961, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8272; Filed, Aug. 29, 1961; 8:47 a.m.]

[Docket Nos. RI62-19 etc.]

W. L. HARTMAN ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1]

AUGUST 23, 1961.

W. L. Hartman, et al., Docket No. RI62-19; James Donoghue (Operator), et al., Docket No. RI62-20; Cities Service Petroleum Company, Docket No. RI62-21; Union Oil Company of California, Docket No. RI62-22; Mel Dar Corporation, Docket No. RI62-23; Northern Pump Company (Operator), et al., Docket No. RI62-24.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. All of the sales are made at a pressure base of 14.64 psia.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI62-19	W. L. Hartman, et al., P.O. Box 54, Wichita 1, Kans.	1	15	Colorado Interstate Gas Co. (Hugoton Field, Finney County, Kans.).	$4,013	7-27-61	9- 1-61	2- 1-62	10.2729	[1] 0.8933	
RI62-20	James Donoghue (Operator), et al., Denver Club Bldg., Denver, Colo.	1	2	Panhandle Eastern Pipe Line Co., (Meade County, Kans.).	960	7-28-61	8-28-61	1-28-62	15.0	[1] 16.0	
RI62-21	Cities Service Petroleum Co., Cities Service Bldg., Bartesville, Okla.	90	10	Kansas-Nebraska Natural Gas Co., Inc. (Hugoton Field, Texas County, Okla.).	287	7-28-61	10- 1-61	3- 1-62	11.0	[1] 11.2	
		98	4	Northern Natural Gas Co. (Edwards County, Kans.).	2,108	7-28-61	10- 1-61	3- 1-62	13.5	[1] 14.5	
		121	9	Kansas-Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.).	504	7-28-61	10- 1-61	3- 1-62	[3] 16.8	[1] 17.0	RI61-82 (Supp. No. 8).
RI62-22	Union Oil Co. of California, P.O. Box 7600, Los Angeles 54, Calif.	20	4	Kansas-Nebraska Natural Gas Co. (Camrick Field, Texas and Beaver Counties, Okla.).	288	7-28-61	9- 1-61	2- 1-62	[4] 16.6	[1] 16.8	RI61-82 (Supp. No. 8).
RI62-23	Mel Dar Corp., 649 South Olive St., Los Angeles 14, Calif.	1	4	Tennessee Gas Transmission Co. (Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	19,603	7-31-61	9- 1-61	2- 1-62	15.0952	[4] 17.24347	G-19614 (Supp. No. 2 and 1 to 3).
RI62-24	Northern Pump Co. (Operator), et al., Columbia Heights	9	5	Northern Natural Gas Co. (Hugoton Field, Seward County, Kans.).	2,330	7-31-61	9- 1-61	2- 1-62	[5] 11.0	[1] 12.0	
	P.O., Minneapolis 21, Minn.	12	4	do	420	7-31-61	9- 1-61	2- 1-62	[5] 11.0	[1] 12.0	
		15	4	do	380	7-31-61	9- 1-61	2- 1-62	[5] 11.0	[1] 12.0	

[1] Periodic increase by contract.
[2] Subject to orders in Docket Nos. G-19322 and G-16123.
[3] Subject to orders in Docket Nos. G-19154 and G-16081.
[4] Favored nation clause.
[5] Subject to downward B.t.u. adjustment.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. 1), public hearings shall be held upon the dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 5, 1961.

By the Commission.

MICHAEL J. FARRELL,
Acting Secretary.

[F.R. Doc. 61-8273; Filed, Aug. 29, 1961; 8:48 a.m.]

[Docket No. RI62-25]

W. A. MONCRIEF ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 23, 1961.

On July 27, 1961, W. A. Moncrief (Operator), et al. (Moncrief) tendered for filing a proposed change in rate for the jurisdictional sale of gas to Natural Gas Pipe Line Company of America from Fairbanks Field, Harris County, Texas. The filing, designated Supplement No. 2 to Moncrief's FPC Gas Rate Schedule No. 2, contains a periodic increase plus applicable tax reimbursement from 15 cents to 15.34592 cents per Mcf at 14.65 psia. The rate includes a variable charge for compression paid to Warren Petroleum Corporation and Murmanill Corporation. The increase will become effective after 30 days notice on August 27, 1961, unless suspended, and reflects an annual increase in charges of $340. The proposed rate exceeds the applicable area price level set forth in the Commission's Statement of General Policy No. 61-1 and the amendments thereto and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and the above-designated supplement is suspended and the use thereof deferred as hereinafter ordered.

(B) Pending hearing and decision thereon, Supplement No. 2 to Moncrief's FPC Gas Rate Schedule No. 2 is hereby suspended and the use thereof deferred until January 27, 1962, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 11, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8274; Filed, Aug. 29, 1961; 8:48 a.m.]

[Project No. 1517]

MONROE CITY CORP.

Notice of Application for Amendment of License

AUGUST 23, 1961.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Monroe City Corporation, of Monroe, Utah, licensee for Project No. 1517, for amendment of its license for the project to authorize the construction as part of the project of approximately 13,000 feet of 8-inch pipe line extending from the First Left Hand Fork Power Plant up the main canyon of Monroe Creek to Service Berry Creek and thence up Service Berry Creek to an elevation comparable with the intakes on First Left Hand Fork and Shingle Creek.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is October 17, 1961. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8275; Filed, Aug. 29, 1961; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

NEDLLOYD LINE JOINT SERVICE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 7661–4, between the carriers comprising the Nedlloyd Line joint service, modifies the basic agreement of that joint service (Numbered 7661, as amended), covering various world wide trades, (1) to include within the scope of the agreement (a) the trade between United States-Canadian Atlantic and U.S. Gulf ports and Taiwan, Hong Kong, and Japan; (b) the trade from United States-Canadian Great Lakes ports to Indonesia, North Borneo, Taiwan, Hong Kong and Japan; and (c) the trade from ports in the Mediterranean Sea, including Portuguese and Spanish Atlantic ports, Casablanca, Adriatic, and Black Sea ports, Suez, Port Said, ports in the Red Sea, Gulf of Aden, Arabian Sea, India and Pakistan, Ceylon, Burma, ports in the Persian Gulf, Indonesia, Thailand, Cambodia, Vietnam, Philippine Islands, North Borneo, Taiwan, Hong Kong, and Japan to United States-Canadian Great Lakes ports; and (2) to change the name of Madagascar to Malagasy Republic and substitute the names of Cambodia and Vietnam for Indo-China in order to record the present day designation of those countries in the agreement.

Agreement Numbered 8708, between Cubamex Line (Mexican & West Indies Steamship Company, Inc.) and A. H. Bull Steamship Co., covers a through billing arrangement in the trade from Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement Numbered 8708, upon approval, will supersede and cancel approved Agreement Numbered 8537, between Cuba, Mexico and West Indies Steamship Company, Inc., and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Commission, Washington, D.C., and may submit within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 24, 1961.

By order of the Federal Maritime Commission.

GEO. A. VIEHMANN,
Assistant Secretary.

[F.R. Doc. 61-8263; Filed, Aug. 29, 1961; 8:46 a.m.]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. ET AL.

Notice of Agreements Filed for Approval

Correction

In F.R. Doc. 61-8151, appearing at page 7985 of the issue for Friday, August 25, 1961, the signature at the end of the document should read as follows: "Geo. A. Viehmann".

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1627]

CONSOLIDATED CHOLLAR INDUSTRIES

Notice of Application To Strike From Listing and Registration and of Opportunity for Hearing

AUGUST 24, 1961.

In the matter of Consolidated Chollar Industries, Common Stock, File No. 1-1627.

Pacific Coast Stock Exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-1(b) promulgated thereunder, to strike the specified security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following: The stock was suspended from trading by the Exchange on October 11, 1960, in view of unsatisfactory financial statements. In the absence of improvement, the company now concurs with the Exchange in this delisting application.

Upon receipt of a request, on or before September 8, 1961, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official files of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8282; Filed, Aug. 29, 1961; 8:49 a.m.]

[File No. 70-3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

Notice of Filing of Declaration Regarding Payment of Liabilities and Liquidation and Dissolution of Subsidiary Company

AUGUST 22, 1961.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., the Southern Company; File No. 70-3319.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 2 Broadway, New York 8, New York, and The Southern Company ("Southern"), 1330 West Peachtree Street, Atlanta 9, Georgia, both registered holding companies, and their inactive electric utility subsidiary company, Mississippi Valley Generating Company ("MVG") of Birmingham, Alabama, have filed with this Commission an amendment to the joint declaration previously filed pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The amendment designates sections 12(b), 12(c), 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the transactions proposed by the amendment.

All interested persons are referred to the amendment on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Middle South and Southern, owners of all of the outstanding securities of MVG, propose to provide funds, in the propor-

tion of 79 percent and 21 percent, respectively, necessary to discharge all of MVG's liabilities in excess of its assets, and to cause its liquidation and dissolution. As the basis for such proposal, it is stated in the amendment:

MVG was organized in July 1954 under the laws of the State of Arkansas for the purpose of effectuating a program under which the systems of Middle South and Southern ("Sponsors") would supply electric power to the United States Government acting by and through the Atomic Energy Commission ("AEC"). To implement the program, MVG entered into a contract with AEC, dated November 11, 1954, under which MVG agreed to construct a generating plant at or near West Memphis, Arkansas, and to supply electric power to, or for the account of, AEC from such plant and other power sources of the systems of the Sponsors.

To supply MVG with a portion of the funds required in arranging to supply such power, the Sponsors entered into a stock purchase agreement with MVG whereby Middle South and Southern agreed to purchase from time to time, in the proportions of 79 percent and 21 percent, respectively, at $100 per share, 55,000 shares of MVG's $100 par value common stock. By order dated February 9, 1955, the Commission authorized the issuance and sale by MVG, and the acquisition by the Sponsors in the aforesaid proportions, of 55,000 shares of MVG's common stock for an aggregate purchase price of $5,500,000 (Holding Company Act Release No. 12794); and MVG subsequently issued and sold, and the Sponsors acquired, an aggregate of 11,000 of such shares for $1,100,000. The Sponsors and MVG thereafter retained or employed various persons, and incurred liabilities, for the purpose of carrying out their obligations and undertakings under the AEC contract.

Subsequently, pursuant to the direction of the President, AEC terminated the power contract. In light of termination of the contract, this Commission, by Order dated November 4, 1955, rescinded its Order of February 9, 1955, insofar as it related to 44,000 of the 55,000 shares of MVG stock thereby authorized to be issued, sold and acquired; and reserved jurisdiction with respect to what further action should be taken insofar as the order related to the 11,000 shares theretofore acquired by the Sponsors (Holding Company Act Release No. 13029).

Following termination of the power contract, the United States notified MVG that the United States would not make any payments thereunder. Thereupon, MVG sued in the Court of Claims and obtained, on behalf of itself, the Sponsors, and other creditors, a judgment in the amount of $1,867,545.56, as of November 4, 1955, the date of the petition in that action. Mississippi Valley Generating Co. etc. v. U.S., 175 F. Supp. 505 (1959). Upon appeal, the Supreme Court of the United States reversed the judgment. U.S. v. Mississippi Valley Generating Co., etc., 364 U.S. 520 (1961). The Court of Claims had allowed, exclusive of $616,158.76 allowed to MVG itself, the following amounts to the creditors of MVG named below:

Dickmann-Pickens-Bond Construction Co	$14,553.03
J. A. Jones Construction Co	143,160.33
Pandick Press, Inc	38,338.76
Reid & Priest	7,097.12
House, Moses & Holmes	7,500.00
Arthur Anderson & Co	16,469.66
Middle South Utilities, Inc	3,032.11
The Southern Co	21,147.45
Arkansas Power & Light Co	7,484.09
First National City Bank of New York	500.00
White & Case	500.00
Ebasco Services, Inc	565,028.02
Cahill, Gordon, Reindel & Ohl	232,491.75
Winthrop, Stimson, Putnam & Roberts	103,296.63
Willkie, Owen, Farr, Gallagher & Walton	75,787.85
Milbank, Tweed, Hope & Hadley	15,000.00
Total amount allowed	1,251,386.80

The filing states that since November 4, 1955, additional counsel fees and expenses have been incurred by MVG in the claimed amounts of $562,420.65 and $9,790.46, respectively, in connection with the aforesaid claims proceeding and the subsequent appeal. Thus the total of MVG's indebtedness, both that covered by the judgment of the Court of Claims and that incurred since that time, aggregate $1,823,597.91. MVG's assets, consisting of cash, short-term Government obligations, and land (at cost), as of March 31, 1961, aggregate $524,061.28. The amendment states that, accordingly, MVG lacks approximately $1,300,000 of funds required to pay its creditors, not including the cost of this proceeding; and that MVG is insolvent and will become bankrupt unless the Sponsors provide the funds required in excess of MVG's assets.

To protect the credit of the companies in their respective systems and the persons who extended credit to MVG in connection with its efforts to carry out the arrangements with AEC, the Sponsors of MVG, Middle South and Southern, propose, in accordance with their undertakings under the stock purchase agreement, in the proportions of 79 percent and 21 percent respectively, to provide the funds necessary to pay all of MVG's creditors in full, by making payments directly to such creditors after the application of all available assets of MVG. Forthwith upon the liquidation of its assets and the payment of its indebtedness, MVG will be dissolved, in connection with which Middle South and Southern will surrender for cancellation and retirement the 11,000 shares of the MVG stock held by them.

Notice is further given that any interested person may, on or before September 11, 1961, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarants, Middle South and Southern, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) filed or dispatched contemporaneously with the request. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective; or the Commission may grant exemption from its rules and regulations as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8283; Filed, Aug. 29, 1961; 8:49 a.m.]

[File No. 70-3902]

NEW JERSEY POWER AND LIGHT CO. AND JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Proposed Intrasystem Sales and Acquisitions of Utility Assets

AUGUST 21, 1961.

In the matter of New Jersey Power & Light Company (Madison Avenue at Punch Bowl Road, Morristown, New Jersey); Jersey Central Power & Light Company (Madison Avenue at Punch Bowl Road, Morristown, New Jersey); File No. 70-3902.

Notice is hereby given that New Jersey Power & Light Company ("NJP&L"), and Jersey Central Power & Light Company ("JCP&L"), both public-utility subsidiary companies of General Public Utilities Corporation, a registered holding company, have filed a joint declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) (1), (10), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, on file in the office of the Commission for a statement of the proposed transactions which are summarized as follows:

NJP&L proposes to sell and JCP&L proposes to acquire (a) the "Whippany-Roseland right-of-way" for $88,506.49 in cash and (b) a segment of the "Mercer-Larrabee right-of-way" for $71,110.62 in cash. The Whippany-Roseland right-of-way of approximately 2.191 miles connects a JCP&L substation with a substation of Public Service Electric and Gas Company, a non-affiliate, and since 1953 JCP&L has been the sole user of the 230 KV line which it constructed thereon at its own expense. The Mercer-Larabee right-of-way of approximately 2.603 miles connects a site for a proposed generating station with a JCP&L substation and as a result of the proposed purchase JCP&L will own the entire right-of-way upon which it has constructed a 230 KV line.

In the filing the total fees and expenses in connection with the proposed transactions (including legal fees aggregating $3,250) are estimated at $4,303. It is stated that the proposed sales by NJP&L have been approved by the Board of Public Utility Commissioners of the State of New Jersey and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 7, 1961, request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the joint declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if any person served is located more than 500 miles from the point of mailing) upon each declarant, and proof of service (by affidavit, or as in the case of an attorney-at-law by certificate) filed contemporaneously with the request. At any time after said date, the joint declaration, as filed or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8284; Filed, Aug. 29, 1961; 8:49 a.m.]

[File No. 1-4252]

UNITED INDUSTRIAL CORP. (DELAWARE)

Order Summarily Suspending Trading

AUGUST 23, 1961.

The Common Stock, $1 par value of United Industrial Corporation (Delaware), being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange, and admitted to unlisted trading privileges on the Detroit Stock Exchange; and

The Series A Convertible Preferred Stock $8.50 par value of United Industrial Corporation (Delaware), being listed and registered on the New York Stock Exchange and the Pacific Coast Stock Exchange; and

The warrants to Purchase Common Stock of United Industrial Corporation (Delaware), being listed and registered on the American Stock Exchange and the Pacific Coast Stock Exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in each such security on such Exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspensions are necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of any of such securities, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said securities on the American Stock Exchange, the New York Stock Exchange, the Detroit Stock Exchange and the Pacific Coast Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, August 24, 1961, to September 2, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61-8285; Filed, Aug. 29, 1961; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 174]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 25, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-538 (Deviation No. 1), FLEET HIGHWAY FREIGHT LINES, INC., Post Office Box 1037, Parkersburg, W. Va., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 75 to junction U.S. Highway 25, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati over U.S. Highway 25 to Dayton, Ohio, and return over the same route.

No. MC-1936 (Deviation No. 1), B&P MOTOR EXPRESS, INC., 51st Street and A.V.R.R. Pittsburgh, Pa., filed August 15, 1961. Attorney John A. Vuono, 1815 Park Building, Pittsburgh 22, Pa. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 120 and U.S. Highway 41 over Illinois Highway 120 to junction Illinois Highway 131, thence over Illinois Highway 131 to the Illinois-Wisconsin State line and thence over Wisconsin Highway 31 to the junction Wisconsin Highway 158, thence over Wisconsin Highway 158 to Kenosha, Wis., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From the junction of Illinois Highway 20 and U.S. Highway 41 (Interstate Highway 94) over U.S. Highway 41 to junction Wisconsin Highway 50 thence over Wisconsin Highway 50 to Kenosha, and return over the same route.

No. MC-2202 (Deviation No. 26), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Birmingham, Ala., over Interstate Highway 65 to Nashville, Tenn., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, over U.S. Highway 31 to Birmingham, and return over the same route.

No. MC-2202 (Deviation No. 27), ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio, filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to Grand Rapids, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Detroit over U.S. Highway 10 to Flint, Mich., thence over Michigan Highway 21 to Grand Rapids, and return over the same route.

No. MC-3261 (Deviation No. 4), KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich., filed August 17, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Lansing, Mich.,

over U.S. Highway 127 to Junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Lansing and Detroit over U.S. Highway 16.

No. MC–10761 (Deviation No. 10), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route between Buffalo, N.Y., and Boston, Mass., over Interstate Highway 90, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Buffalo, N.Y., over New York Highway 5 to Syracuse, N.Y.; from Syracuse, N.Y., over New York Highway 20SY to Junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass.; and from Boston over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to Hartford, Conn., and return over the same route.

No. MC–10761 (Deviation No. 11), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit, Mich., over Interstate Highway 96 to Grand Rapids, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Toledo, Ohio over U.S. Highway 24 to Detroit (also from Toledo over U.S. Highway 25 to Detroit), and thence over U.S. Highway 16 to Brighton, Mich.; and from junction U.S. Highway 16 and 23 near Brighton over U.S. Highway 16 to Grand Rapids, and return over the same routes.

No. MC–11220 (Deviation No. 3), GORDONS TRANSPORTS, INC., Post Office Box 2696, Memphis 2, Tenn., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 71 and Bypass 71, 19 miles north of Adrian, Mo., over Bypass U.S. Highway 71 to junction U.S. Highway 50, and thence over U.S. Highway 50 to Kansas City, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction U.S. Highway 71 and Bypass U.S. Highway 71 over U.S. Highway 71 to Kansas City, and return over the same route.

No. MC–43442 (Deviation No. 2), TRANSPORTATION SERVICE, INC., 1946 Bagley Avenue, Detroit 16, Mich., filed August 21, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Flint, Mich., over U.S. Highway 23 and Interstate Highway 75 to Toledo, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Flint over U.S. Highway 10 to Pontiac, Mich., thence over U.S. Highway 24 to Toledo, and return over the same route.

No. MC–69833 (Deviation No. 2), ASSOCIATED TRUCK LINES, INC., 615 Andre Street SE., Grand Rapids 7, Mich., filed August 14, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 96 and U.S. Highway 16 near Detroit, Mich., over Interstate Highway 96 to junction Interstate Highway 196 at, or near Grand Rapids, Mich., thence over Interstate Highway 196 to Muskegon, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: From Muskegon over U.S. Highway 31 to Grand Haven, Mich., thence over Michigan Highway 104 (formerly Alternate U.S. Highway 16) to junction U.S. Highway 16, thence over U.S. Highway 16 to Lansing, Mich.; and from Lansing over U.S. Highway 16 to Detroit, and return over the same routes.

No. MC–76032 (Deviation No. 5), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo., filed August 18, 1961. Attorney O. Russell Jones, 142 West Palace Avenue, Santa Fe, N. Mex. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 60 and Interstate Highway 10 at or near Beaumont, Calif., over Interstate Highway 10 to junction U.S. Highway 60 west of Pomona, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Los Angeles, Calif., over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Albuquerque, N. Mex.; and from Los Angeles over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to junction Alternate U.S. Highway 89, and thence over Alternate U.S. Highway 89 to junction U.S. Highway 66 at Flagstaff, Ariz., and thence over U.S. Highway 66 to Albuquerque, and return over the same routes.

No. MC–76993 (Deviation No. 1), EXPRESS FREIGHT LINES, INC., 4600 West Burnham Street, Milwaukee 46, Wis., filed August 15, 1961. W. C. Mallender, carrier's representative, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Interstate Highway 94 over Interstate Highway 94 (also known as Tri-State Tollway) to junction Interstate Highway 294 (near Desplaines, Ill., thence over Interstate Highway 294 to junction Interstate Highways 80 and 90 (near Calumet City, Ill., thence over Interstate Highways 80 and 90 to Broadway Avenue, Gary, Ind., thence over Broadway Avenue to junction U.S. Highway 20 in Gary, Ind., thence over U.S. Highway 20 to junction Indiana Highway 212 near Michigan City, Ind., thence over Indiana Highway 212 to junction U.S. Highway 12 and thence over U.S. Highway 12 to Detroit, Mich., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Milwaukee, Wis., over Wisconsin Highway 32 via Cudahy and south Milwaukee, Wis., to the Wisconsin-Illinois State line thence over Illinois Highway 42 to Zion, Ill., thence over Illinois Highway 173 to junction U.S. Highway 41 thence over U.S. Highway 41 to Chicago, Ill., thence over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind., thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over U.S. Highway 131 to Mottsville, Mich., and thence over U.S. Highway 112 to Detroit; from Milwaukee to Elkhart as specified above, thence over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 112, and thence over U.S. Highway 112 to Detroit, and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–8291; Filed, Aug. 29, 1961; 8:50 a.m.]

[Notice 395]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 25, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m. United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub-No. 382), filed August 16, 1961. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers and trailer chassis*, (except house trailers, and mobile homes), in initial movements, in truckaway service, from Trexlertown, Pa., and from the site of Air Products, Inc., located near Wilkes-Barre, Hanover Township, Luzerne County, Pa., to all points in the United States (except Hawaii).

HEARING: October 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 30887 (Sub-No. 112), filed August 16, 1961. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone* and *by-products, thereof*, in bulk, in tank or hopper-type vehicles, from Woodsboro, Md., and points within five miles thereof, points in Pennsylvania on and south of U.S. Highway 22, and on and east of U.S. Highway 11, Middletown, Riverton, Stephens City and Strasburg, Va., and Martinsburg and Millville, W. Va., to points in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: October 19, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 31600 (Sub-No. 510), filed August 3, 1961. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between the plant site of the Monsanto Chemical Company at or near Bridgeport, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

HEARING: October 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Francis A. Welch.

No. MC 43269 (Sub-No. 48) (AMENDMENT), filed June 7, 1961, published issue of July 26, 1961, republished as amended August 16, 1961, and republished as further amended this issue. Applicant: WELLS CARGO, INC., 1775 East Fourth Street (P.O. Box 1511), Reno, Nev. Applicant's attorneys: Berol, Loughran & Geernaert, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: OVER IRREGULAR ROUTES: (A) *General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), (1) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395; and (2) between points in Alpine, Mono, Inyo, San Bernardino, and Napa Counties, Calif., and points in portions of Modoc, Lassen, and Shasta Counties, Calif., being west of U.S. Highways 299 and 395, on the one hand, and, on the other, points in Nevada; and (B) OVER REGULAR ROUTES:—*General commodities* (except household goods as defined by the Commission, petroleum products in bulk, new automobiles, new trucks, and new buses), between Reno, Nev., and Las Vegas, Nev., from Reno over U.S. Highway 40 to the intersection of U.S. Highway 95 east of Fernley, Nev., thence over U.S. Highway 95 to Las Vegas, and return over the same route, serving the intermediate and off-route points of Fernley, Fallon, Fallon Auxiliary Naval Air Station, Hawthorne, Hawthorne Naval Ammunition Depot, Luning, Gabbs, Tonopah, and the Atomic Energy Commission Test Site at Mercury, Nev.

NOTE: The purpose of this amendment is to restrict the scope of authority sought.

HEARING: October 2, 1961, at the Chamber of Commerce, Reno, Nev., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 48479 (Sub No. 11) (REPUBLICATION), filed October 24, 1958, published FEDERAL REGISTER, issue of June 4, 1959, and republished this issue. Applicant: FRIGIDWAYS, INC., 529 East Brooks Road, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. By application filed October 24, 1958, under the "grandfather" provisions of section 7(c) of the Transportation Act of 1958, applicant sought a certificate of public convenience and necessity authorizing the continuance of operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting frozen fruits, frozen vegetables, and frozen berries, coffee beans, bananas, and frozen fish and frozen poultry. The operations were set forth with particularity as to the points and States in the FEDERAL REGISTER, issue of June 4, 1959. A Report and Order of the Commission, division 1, decided July 21, 1961, finds that applicant was, on May 1, 1958, in bona fide operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *bananas*, from Mobile, Ala., to St. Louis, Mo., and Kansas City, Mo.-Kans., and (2) from New Orleans, La., to points in Illinois, Iowa, Kansas, Missouri, Indianapolis, Ind., Louisville, Ky., and Madison, Wis., and has so operated since that time; that unless otherwise ordered, a certificate authorizing the continuance of such operations should be granted after the elapse of 30 days from the date of republication in the FEDERAL REGISTER of a corrected statement of the authority sought herein to transport bananas from New Orleans, La., to Madison, Wis., provided, however, that any proper party in interest may file a petition for further hearing during the 30-day period.

No. MC 50069 (Sub-No. 246), filed August 10, 1961. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Nebraska, Kansas, and Wisconsin.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 52110 (Sub-No. 72), filed July 28, 1961. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and packing house products*, as specified in Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from Spencer, Iowa, to Milwaukee and Madison, Wis.

HEARING: October 26, 1961, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 202.

No. MC 64932 (Sub-No. 298), filed June 29, 1961. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Amboy, Ill., to points in Wisconsin, Iowa, and Minnesota.

HEARING: October 27, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 64932 (Sub-No. 300), filed July 13, 1961. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing compounds*, liquid, in bulk, in tank vehicles, from Lemont, Ill., to Acton, Mass.

HEARING: September 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 71096 (Sub-No. 39), filed August 14, 1961. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: M. M. Emery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives,

livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving West Unity, Ohio, as an intermediate point in connection with applicant's authorized regular-route operations between Jackson, Mich., and Van Wert, Ohio, over U.S. Highway 127.

NOTE: Common control may be involved.

HEARING: October 30, 1961, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 75185 (Sub No. 229), filed March 21, 1961. Applicant: SERVICE TRUCKING CO., INC., P.O. Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* from points in Delaware, Maryland, and Virginia east of Chesapeake Bay and south of the Chesapeake and Delaware Canal, to Norfolk, Portsmouth, and Richmond, Va., points in New Jersey, the District of Columbia, points in Maryland on and east of U.S. Highway 15, points in Pennsylvania within the area bounded by a line extending from the Maryland-Pennsylvania State line along U.S. Highway 15 to Sunbury, Pa., thence along U.S. Highway 11 to Scranton, Pa., thence along U.S. Highway 6 to the Delaware River, thence along the Delaware River to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware and Pennsylvania-Maryland State lines to junction U.S. Highway 15, the point of beginning, including points on the highways specified, points in New York on and south of U.S. Highway 6, points in Connecticut bounded by a line commencing at the New York-Connecticut State line and extending along U.S. Highway 6 to Danburg, Conn., thence along U.S. Highway 7 to Norwalk, Conn., thence along Long Island Sound to the Connecticut-New York State line, thence along the Connecticut-New York State line to junction U.S. Highway 6, the point of beginning, including points on the highways specified, and points on Long Island, N.Y., on and east of New York Highway 112, and points in Delaware north of the Chesapeake and Delaware Canal.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 85934 (Sub-No. 19), filed August 21, 1961. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium phosphate*, in bulk, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Kansas, Nebraska, and Wisconsin.

NOTE: Common control may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 92983 (Sub-No. 397), filed August 3, 1961. Applicant: ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Illinois, Tennessee, and West Virginia, to Turner, Kans.

HEARING: October 18, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 94435 (Sub-No. 1), filed August 16, 1961. Applicant: JAMES ADAMS, doing business as ADAMS MOVING & HAULING CO., 1920 North Fifth Street, Philadelphia 22, Pa. Applicant's attorney: Paul F. Barnes, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture*, from Flemington, N.J., to points in the New York, N.Y., Commercial Zone, as defined by the Commission, and points in New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: October 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 97629 (Sub-No. 4) (AMENDMENT), filed March 3, 1961, published issue of July 26, 1961, republished as amended August 9, 1961, and republished as further amended this issue. Applicant: HILLER TRUCK LINES, INC., P.O. Box 1012, Jasper, Ala. Applicant's attorneys: Maurice F. Bishop *and* Donald L. Morris, 325–29 Frank Nelson Building, Birmingham 3, Ala. The purpose of this republication is to show that *Paragraph (16)* of the above-referred-to publication should be amended to read as follows: "Between Decatur, Ala., and Tuscumbia, Ala., over Alabama Highway 20 (Alternate U.S. Highway 72), serving all intermediate points; *Paragraph 17* should be amended to read: "Between Haleyville, Ala., and Double Springs, Ala., from Haleyville over U.S. Highway 278 to Natural Bridge, Ala., thence over Alabama Highway 74 to Double Springs, and return over the same route, serving all intermediate points"; and *Paragraph 23* should be amended to read: "Between Haleyville, Ala., and Glen Allen, Ala., over Alabama Highway 129, serving all intermediate points."

HEARING: Remains as assigned September 11, 1961, at the Federal Building, Jasper, Ala., before Examiner Dallas B. Russell.

No. MC 97699 (Sub-No. 17), filed July 31, 1961. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, and liquid commodities, in bulk), (1) Serving ballistic missiles testing and launching sites and supply points therefor, in Butte, Perkins, Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., on the one hand, and, on the other, rail heads in said counties.

NOTE: Applicant indicates Sub-No. 13 presently has authority to serve ballistic missiles testing and launching sites and supply points therefor in, among others, points in Pennington, Meade, Butte and Lawrence Counties, as off-route points in connection with its authorized regular route operations to and from Rapid City, S. Dak. It is not seeking any duplicating authority.

HEARING: November 6, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board No. 230.

No. MC 99569 (Sub-No. 1), filed August 10, 1961. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC., 18 Garfield Street, Auburn, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives* (but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Seneca Falls, N.Y., and Romulus, N.Y.; from Seneca Falls over New York Highway 414 to Romulus, and return over the same route, serving no intermediate points; and (2) between Waterloo, N.Y., and Romulus, N.Y.; from Waterloo over New York Highway 96 to Romulus, and return over the same route, serving, no intermediate points.

HEARING: October 17, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 103435 (Sub-No. 101), filed July 31, 1961. Applicant: BUCKINGHAM FREIGHT LINES, a corporation, 900 East Omaha, P.O. Box 1631, Rapid City, S. Dak. Applicant's attorneys: Jones, Meiklejohn & Kilroy, 526 Denham Building, Denver 2, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities* (except those of unusual value, household goods as defined by the Commission, and liquid commodities in bulk), (1) Serving ballistic missiles testing and launching sites and supply points therefor, located in Butte, Perkins, Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., as off-route points in connection with applicant's authorized regular route operations to and from points in the above-specified counties; and (2) OVER IRREGULAR ROUTES: Between ballistic missiles testing and launching sites and supply points therefor, located in Butte, Perkins, Meade, Lawrence, Pennington, Haakon, and Jackson Counties, S. Dak., on the one hand, and, on the other, rail heads in said counties.

NOTE: Applicant states it presently has authority in MC 103435 (Sub-No. 86) to serve ballistic missiles testing and launching sites and supply points therefor, within a 50-mile radius of Rapid City, S. Dak., and that it is not seeking any duplicating authority.

HEARING: November 6, 1961, at the South Dakota Public Utilities Commission, Pierre, S. Dak., before Joint Board 230.

No. MC 103880 (Sub-No. 234), filed August 7, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in hopper-type vehicles, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Nebraska, Kansas, and Wisconsin.

NOTE: Applicant states it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 103880 (Sub-No. 235), filed August 10, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except sand, gravel and cement), in bulk, in tank and hopper-type vehicles, between points in Michigan, Illinois, Indiana, Iowa, Minnesota, Kentucky, Missouri, Ohio, Nebraska, Kansas, Wisconsin, and Tennessee.

NOTE: Applicant states that it is the owner of 50 percent of the outstanding shares of stock of Tank Truck Transport, Ltd., therefore common control may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 106373 (Sub No. 26), filed June 19, 1961. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool (rock, slag or glass wool) and mineral wool products, asbestos shingles or siding, asbestos wallboard, asbestos accessories used in the installation of asbestos products, lathing and ribbing, expanded and perforated (iron and steel), plaster grounds (iron and steel), and nails when shipped in mixed truckloads with plaster, plasterboard, wallboard, lime products, and gypsum products:* from Akron, N.Y., and points within three miles thereof and Clarence Center, N.Y., to points in Ohio and in that part of Pennsylvania on and west of U.S. Highway 219.

HEARING: October 27, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 107403 (Sub-No. 351) (AMENDMENT), filed August 7, 1961, published FEDERAL REGISTER, issue of August 16, 1961, republished, as amended, this issue. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Painesville, Ohio, to points in Connecticut, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: Common control may be involved. The purpose of this republication is to include "Wisconsin" as a destination point, which was omitted from previous publication.

HEARING: Remains as assigned, October 5, 1961, at the Office of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 107403 (Sub-No. 354), filed August 11, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank and hopper-type vehicles, from Trenton, Mich., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 107460 (Sub-No. 17), filed August 9, 1961. Applicant: WILLIAM Z. GETZ, INC., R.D. No. 2, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements*, and *parts and accessories* for said commodities, moving in connection with shipments of such commodities, (a) between the plant sites of the New Holland Machine Company Division of Sperry-Rand Corporation, at Mountville, Lancaster, and Intercourse, Pa., on the one hand, and, on the other, points in Florida, Georgia, North Carolina, and South Carolina; and (b) between the plant site of the New Holland Machine Company Division of Sperry-Rand Corporation, at Belleville, Pa., on the one hand, and, on the other, points in North Carolina and South Carolina. (2) *Accessories, parts and supplies and materials* used in the manufacture and assembly of agricultural machinery, *implements and component parts thereof, pallets* and *containers*, (a) between the plant sites of the New Holland Machine Company Division of Sperry-Rand Corporation, at Lancaster, Mountville, and Intercourse, Pa., on the one hand, and, on the other, points in Florida, Georgia, North Carolina, and South Carolina; and (b) between the plant site of the New Holland Machine Company Division of Sperry-Rand Corporation at Belleville, Pa., on the one hand, and, on the other, points in North Carolina and South Carolina. RESTRICTION: The operations described in (1) and (2) above are limited to a transportation service to be performed, under a continuing contract, or contracts, with New Holland Machine Company Division of Sperry-Rand Corporation, New Holland, Pa.

HEARING: October 16, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 107515 (Sub-No. 370), filed August 14, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue S.W., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Houston, Tex., to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, Tennessee, Florida, West Virginia, Louisiana, and Mississippi. RESTRICTION: The authority to be performed herein will be subject to the restriction that shipments to Memphis, Tenn., and points in Louisiana and Mississippi shall be restricted to those for partial unloading and subsequent delivery at destinations in the other states named.

HEARING: October 24, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner William E. Messer.

No. MC 107515 (Sub-No. 372), filed August 22, 1961. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Paul M. Daniell, Suite 214–217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, when moving in mixed shipments with frozen citrus products, from Auburndale, Leesburg, and Plymouth, Fla., to points in North Carolina, South Carolina, and Tennessee.

NOTE: Common control may be involved.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 108058 (Sub-No. 7), filed July 10, 1961. Applicant: BARBER TRUCKING, INC., 407 Daniels Street, Toronto, Ohio. Applicant's representative: J. C. Schriner, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Toronto, Ohio to points in Illinois, Kentucky, Maryland, Michigan, Missouri, New Jersey, and Wisconsin, and *wooden and paper cores, plugs, skids, pallets*, and *defective and damaged paperboard*, on return.

HEARING: November 2, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 109341 (Sub-No. 2), filed July 5, 1961. Applicant: VALLEY TRUCK LINES, INC., 2571 Roanoke Avenue, New Albany, Ind. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, in sections and parts thereof, equipment, supplies and materials*, used in or incidental to the assembly, erection, and fitting of said buildings, from New Albany, Ind., to points in Illinois, Ohio, Kentucky, Missouri, Pennsylvania, Tennessee, and West Virginia, and (2) *damaged, rejected, and refused shipments* of the above specified commodities, and *materials, supplies, and equipment, including appliances, used in or incidental to the manufacture, assembly, erection, fitting and distribution* of prefabricated buildings, on return.

NOTE: The applicant states the purpose of the instant application is to modify the commodity authorization to include "prefabricated buildings" in lieu of "prefabricated houses and garages". There is no change in the territorial scope of the authority.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 110420 (Sub-No. 290), filed July 3, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar*, and *products of corn*, dry, in bulk, (1) from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, Pekin and Decatur, Ill., and Clinton and Cedar Rapids, Iowa, to points in Pennsylvania, West Virginia, New York, North Carolina, South Carolina, Virginia, Georgia, Maryland, Alabama, Mississippi, Arkansas, Kansas, Nebraska, and Oklahoma; and (2) from points in the Kansas City, Mo.-Kans., Commercial Zone, as defined by the Commission, to points in Kansas, Oklahoma, Nebraska, Iowa, and Arkansas.

NOTE: Common control may be involved.

HEARING: October 16, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 110525 (Sub-No. 455), filed August 9, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Bristol, Pa., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *rejected shipments*, from the above-specified destination points to Bristol, Pa.

NOTE: Applicant also has contract carrier authority under MC 117507. Dual authority and common control may be involved.

HEARING: October 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 110525 (Sub-No. 456), filed August 14, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Alsen and Howes Cave, N.Y., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Pennsylvania, and New Jersey.

NOTE: (Applicant states that it holds this authority as a contract carrier in Docket No. MC 117507. This application is being filed to convert the present outstanding permit to a Certificate of public convenience and necessity as required in the Commission's order dated July 19, 1961 in Docket No. MC 27817 Sub-No. 35, et al.). Dual operations may be involved.

HEARING: October 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 110525 (Sub-No. 457), filed August 18, 1961. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products*, in bulk, in tank vehicles, from Indianapolis, Ind. to points in Illinois, Michigan, and Ohio, and *rejected shipments* of the above-specified commodities, on return.

NOTE: Common control may be involved. Applicant holds contract authority in MC 117507; therefore, dual operations may be involved.

HEARING: September 19, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 110659 (Sub-No. 14), filed August 14, 1961. Applicant: COMMERCIAL CARRIERS, INC., 203 Welch Street, Charleston, W. Va. Applicant's attorney: Theodore H. Ghiz, Suite 6, Phillips Building, 411 D Street, South Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Baltimore, Md., to Charleston, W. Va., (2) from Detroit, Mich., to Beckley, Bluefield, Charleston, Hington, Keystone, Welch, and Williamson, W. Va., and (3) from St. Louis, Mo., to Bluefield, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: October 16, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 110698 (Sub-No. 161), filed July 20, 1961. Applicant: RYDER TANK LINE, INC., 9020 LaPorte Expressway, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lake Charles, La., to points in Texas.

HEARING: October 23, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 111785 (Sub-No. 11), filed July 18, 1961. Applicant: FRED C. BURNS, doing business as BURNS MOTOR FREIGHT, 1005 3d Avenue, Marlington, W. Va. Applicant's attorney: Donald E. Cross, 919 Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in West Virginia to points in Virginia.

HEARING: October 18, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 112148 (Sub-No. 18), filed July 19, 1961. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Slater, Iowa, to Massillon and Youngstown, Ohio, and Buffalo and Syracuse, N.Y.

HEARING: October 25, 1961, at the Old Federal Office Building, Room 401, 5th and Court Avenues, Des Moines, Iowa, before Examiner Charles E. Heinemann.

No. MC 113666 (Sub-No. 7), filed August 7, 1961. Applicant: FREEPORT TRANSPORT, INC., Box 215, Freeport, Pa. Applicant's attorney: Arthur J. Diskin, 302 Frick Building, Pittsburgh 19, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, brick, tile*, and *sewer pipe* (except such commodities which, because of their size, weight, or inherent nature require the use of special equipment), from Woodbridge and Fords, N.J., Irondale, New Salisbury, Wellsville, Urichsville, Columbiana, Oak Hill, Jackson, and South Webster, Ohio, and Vanport, Canonsburg, Zellenople, Johnstown, and Hawstone (Lewistown), Pa., to Ports of Entry on the International Boundary Line between the United States and Canada, located in the states of Michigan and New York, for destination to points in the Province of Ontario, Canada, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Hugh M. Nicholson.

No. MC 113828 (Sub-No. 8), filed August 23, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1625

Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, (1) from Friendship, N.C. to points in McDowell, Wyoming, and Mercer Counties, W. Va., and points in Virginia on and west of U.S. Highway 21, and (2) from Knoxville, Tenn., to points in Virginia on and west of U.S. Highway 21.

HEARING: September 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 113855 (Sub No. 53), filed April 19, 1961. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, the transportation of which because of size or weight, requires the use of special equipment or special handling, and attachments and parts of commodities, the transportation of which because of size or weight, require the use of special equipment or special handling*, from points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa to points in Utah, Arizona, Nevada, and California.

HEARING: October 30, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lyle C. Farmer. This assignment is for applicant's presentation only. A continued hearing for additional evidence to be submitted at Chicago, Ill., is contemplated at the discretion of the presiding examiner. Thereafter provisions will be made for protestants' presentation.

No. MC 114019 (Sub-No. 59), filed May 17, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats, animal oils and vegetable oils, including products and blends of said commodities*, in bulk, in tank vehicles, from Bradley, Ill., to points in Connecticut, Colorado, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin; (2) *animal fats, and animal oils*, in bulk, in tank vehicles, from points in Illinois, Iowa, Kansas, Nebraska, and Minnesota, to Bradley, Ill., and (3) *vegetable oils*, in bulk, in tank vehicles, from points in Iowa and Illinois to Bradley, Ill. RESTRICTION: The applicant states that the authority requested in (1) above, will not be tacked or combined with the authority requested in (2) and (3) above, for the rendition of a through service.

NOTE: Common control may be involved.

HEARING: October 19, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 114067 (Sub-No. 21) (AMENDMENT), filed July 11, 1961, published issue of July 26, 1961, amended August 15, 1961, republished, as amended, this issue. Applicant: FORE TRUCKING CO., INC., Foot of Paru Street, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat fat grade grease and low grade tallow*, in bulk, (1) from points in Siskiyou, Humboldt, Butte, Yuba, Nevada, Sonoma, Sacramento, Yolo, San Joaquin, Solano, Stanislaus, Santa Clara, Fresno, Madera, Monterey, Kings, Kern, and San Luis Obispo Counties, Calif., to points in Jackson and Klamath Counties, Oreg., and points in Washoe County and Yerington and Lovelock, Nev., and points in Canyon and Ada Counties, Idaho; (2) from points in Jackson and Klamath Counties, Oreg., to points in Canyon and Ada Counties, Idaho, and points in Washoe County and Yerington and Lovelock, Nev.; (3) from points in Ada and Canyon Counties and Payette, Idaho, to points in Washoe County and Yerington and Lovelock, Nev.; and (4) from Payette, Idaho to points in the San Francisco Commercial Zone, including Encinal Terminals, Alameda, Calif., and *edible and inedible animal fats and oils*, in bulk, on return.

NOTE: The purpose of this amendment is to show that the above-specified commodities will be transported in bulk.

HEARING: October 18, 1961, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 114725 (Sub-No. 4), filed August 24, 1961. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha 10, Nebr. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from the pipe line terminal of the Northern Natural Gas Company, to be constructed at or near Plattsmouth, Nebr., to points in Iowa, and *rejected shipments*, on return.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Joint Board No. 138, or, if the Joint Board waives its right to participate, before Examiner Warren C. White.

No. MC 115322 (Sub-No. 21), filed July 27, 1961. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products;* from Weathersfield, Conn., to points in North Carolina, South Carolina, Georgia, and Florida.

HEARING: November 16, 1961, at the New Post Office and Court House Building, Boston, Mass., before Commissioner William H. Tucker.

No. MC 115651 (Sub-No. 5), filed July 5, 1961. Applicant: KANEY TRANSPORTATION, INC., 1023 East Album Street, Freeport, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, and *plasticizers*, in pressurized tank vehicles, from Rockford, Ill., to points in Iowa, Wisconsin, Minnesota, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, Michigan, Ohio, Pennsylvania, and New York. (2) *Resins, proplane oxycide, prepolymer, catalysts*, in tank vehicles, from Wilmington, Del., Charleston, W. Va., Charleston, S.C., Cincinnati, Ohio, North Tonawanda and Buffalo, N.Y., Pittsburgh, Pa., Wyandotte and Midland, Mich., and Houston and Port Neches, Tex., to Rockford, Ill., and (3) *returned and rejected shipments* of the above-specified commodities, in (1) and (2) above, on return.

HEARING: September 29, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Gerald F. Colfer.

No. MC 116816 (Sub No. 5), filed June 27, 1961. Applicant: THE MERIT TERMINALS CORP., Building 206A, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radio, recorder, phonograph, and television sets*, and *parts* and *equipment* for the aforesaid commodities, uncrated and crated; and *refrigerators, washing machines, dryers, freezers, electric heaters* and other *household gas and electric appliances*, uncrated and crated, from the site of applicant's warehouse in Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; and (2) *Returned and damaged shipments* of the above-specified commodities, from the above-specified destination points to Port Newark, N.J.

NOTE: Applicant states that it presently holds contract carrier authority under Permit No. MC 116816, and Subs 1 and 4 thereunder. Applicant requests that all duplicating authority be eliminated.

HEARING: October 3, 1961, at the U.S. Army Reserve Building, 30 West 44th Street, New York, N.Y., before Examiner Donald R. Sutherland.

No. MC 117344 (Sub No. 76), filed June 22, 1961. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lacquers, paints, varnishes, surface coating compounds*, and *molding compounds*, in bulk, in tank vehicles; from Cincinnati, Ohio, to points in Connecticut, New Jersey, New York, and Pennsylvania, and *empty containers or other such incidental facilities*,

used in transporting the above-described commodities, on return.

HEARING: October 24, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 117557 (Sub No. 4), filed July 10, 1961. Applicant: MATSON, INC., P.O. Box 43, Cedar Rapids, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed concentrates*, from Cedar Rapids, Iowa, to points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oregon, Utah, Washington, Wisconsin, and Wyoming).

HEARING: October 24, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

No. MC 118468 (Sub No. 7), filed June 21, 1961. Applicant: JOE UMTHUN AND VIRGIL UMTHUN, a partnership, doing business as UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from points, in Illinois, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, to points in Iowa.

NOTE: Applicant states proposed service would be performed under continuing contracts with Boone Valley Cooperative Assn., The Consumers Cooperative Association, Eagle Mills, Inc., and M & M Livestock Products Co., all of Eagle Grove, Iowa.

HEARING: October 26, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

No. MC 119114 (Sub-No. 3), filed April 19, 1961. Applicant: HASKELL F. YOUNG, 1421 Chandler Drive, Charleston, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pasteries and bakery goods*, from Parkersburg, W. Va., to Caldwell, and Zanesville, Ohio; Cumberland, Md., and Uniontown, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: October 17, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 119611 (Sub-No. 1), filed June 28, 1961. Applicant: E. W. BOHREN TRANSPORT, INC., Woodburn, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients* (except in bulk, in tank vehicles), (1) From Chicago, Danville, and Kankakee, Ill., to Auburn and Fort Wayne, Ind., to points in Ohio, and to points in that part of Pennsylvania west of U.S. Highway 15 (except Washington Township). (2) From Frankfort, Fort Wayne, and Ligonier, Ind., to points in Ohio, and points in that part of Pennsylvania west of U.S. Highway 15 (except Washington Township).

NOTE: Applicant states no new commodities or territory are being sought by this application. The purpose of the application is to add Hales & Hunter Co., of Chicago, Ill., and Allied Mills, Inc., of Fort Wayne, Ind., and Chicago, Ill., as shippers.

HEARING: October 18, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Charles B. Heinemann.

No. MC 119689 (Sub-No. 5), filed June 28, 1961. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street, P.O. Box 59, Curwensville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products and milk powder*, from points in Iowa, to Curwensville, Pa.

HEARING: November 2, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

No. MC 119939 (Sub-No. 1), filed August 15, 1961. Applicant: JERRY K. MARCUS, doing business as W. & M. TRANSPORTATION COMPANY Clearbrook, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and vinegar*, from points in Adams County, Pa., to points in Georgia and Florida, and *exempt commodities*, on return.

NOTE: Applicant states it now holds authority to transport "fruit products and fruit by-products" from points in Adams County, Pa., to points in Georgia and Florida. The instant application is to extend present authority to include certain new items now produced by canned goods shippers in Adams County which might not be properly described as fruit products.

HEARING: October, 20, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 123724, filed June 5, 1961. Applicant: RUSSELL T. SMITH, doing business as SYCAMORE SALES AND SERVICE, 3970 Route 42, Mason, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled aircraft* and *motor vehicles* and *replacement vehicles* for disabled motor vehicles by wrecker and towing service, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: October 23, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123741 (AMENDMENT), filed June 14, 1961, published issue of July 19, 1961, amended August 18, 1961, republished, as amended, this issue. Applicant: GEORGE F. HAMILTON, doing business as HAMILTON'S SERVICE STATION, 205 Park Avenue, Portland, Maine. Applicant's attorney: Edward G. Hough, Casco Bank Building, Morrill's Corner, 844 Stevens Avenue, Portland, Maine. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed, wrecked, disabled, and unregistered motor vehicles, automobiles*, and *trucks*, with use of wrecker equipment, between points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, and Connecticut.

NOTE: The purpose of this amendment is to delete the word "trailers" from the commodity description.

HEARING: Remains assigned September 28, 1961, at the Federal Building, Portland, Maine, before Examiner Samuel Horwich.

No. MC 123757, filed June 23, 1961. Applicant: JAMES R. STRAWSER, doing business as PLASTIC CARRIERS, 2250 Barry Drive, Columbus, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic products*, between Columbus, Ohio, on the one hand, and on the other, points in the United States, including Alaska and Hawaii.

HEARING: October 25, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123775, filed July 3, 1961. Applicant: GENE P. LITTLE, doing business as ROAD SERVICE GARAGE, 1443 North Main Street, Marion, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled or wrecked vehicles*, and *parts* and *equipment* for *disabled* or *wrecked vehicles*, and *replacement vehicles*, between points in that part of Ohio on and bounded by a line beginning at Van Wert, and extending along U.S. Highway 224 to Lodi, thence along Ohio Highway 76 to junction U.S. Highway 40; thence along U.S. Highway 40 to junction U.S. Highway 127; thence along U.S. Highway 127 to Van Wert on the one hand, and, on the other, points in Illinois, Indiana, Maryland, Michigan, New York, North Carolina, Pennsylavnia, Virginia, and West Virginia.

HEARING: October 27, 1961, at the New Post Office Building, Columbus, Ohio, before Examiner Warren C. White.

No. MC 123831, filed July 24, 1961. Applicant: RICHARD L. KLAVUHN, doing business as CITY TRANSFER & STORAGE, 540 Greene Street, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household furniture and goods*, between Cumberland, Md., and points in West Virginia, Virginia, District of Columbia, Pennsylvania, and Ohio.

HEARING: October 17, 1961, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Warren C. White.

No. MC 123856, filed August 4, 1961. Applicant: WIECK'S FEED AND LIVESTOCK, INCORPORATED, Dysary, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ingredients used in the manufacture of livestock feeds* from LaSalle, Ill., to Ladora, Iowa and (2) *premixed ingredients used in the manufacture of livestock feeds* from Ladore, Iowa, to Peoria, Ill.; Ellis, S. Dak.; Omaha, Nebr.; St. Joseph, Mo.; Muncie, Kans.; Oklahoma City, Okla.; Willmar, New Ulm, and Minneapolis, Minn.

HEARING: October 25, 1961, at the Old Federal Office Building, Room 401, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Charles B. Heinemann.

MOTOR CARRIERS OF PASSENGERS

No. MC 123595 (Sub-No. 1) (AMENDMENT), filed May 29, 1961, published issue of June 28, 1961, amended August 16, 1961, republished, as amended, this issue. Applicant: DANIEL D. KIRK, doing business as TANDEM LINES, 2000 Channing Way, Berkeley, Calif. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and chartered operations, between points in San Francisco, Alameda, Contra Costa, Sacramento, and Placer Counties, Calif., on the one hand, and, on the other, points in Storey, Ormsby, Washoe, and Douglas Counties, Nev.

NOTE: The purpose of this republication is to add Washoe County, Nev.

HEARING: Remains as assigned September 27, 1961, at the Federal Office Building, Room 59, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123824, filed July 19, 1961. Applicant: MEADVILLE CITY LINES, INC., R.D. 6, Cochranton Road, Meadville, Pa. Applicant's attorney: Robert Y. Daniels, 403 Green Building, Franklin, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Crawford and Venango Counties, Pa., and extending to points in the District of Columbia, Pennsylvania, Ohio, New York, West Virginia, Maryland, Michigan, Indiana, Illinois, New Jersey, and Virginia.

NOTE: Applicant's attorney advises that the baggage proposed to be transported will consist of personal items such as beachwear and similar items which might be carried in small handbags.

HEARING: November 1, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Warren C. White.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 107), filed August 16, 1961. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Hawkinsville and Columbus, Ga.; from Hawkinsville, over Georgia Highway 26 and Georgia Highway 103 near Glen Alta, Ga., thence over Georgia Highway 103 to Columbus, and return over the same route, serving no intermediate points; (2) between Okeechobee and Sebring, Fla.; from Okeechobee, over U.S. Highway 98 to junction of U.S. Highway 98 and U.S. Highway 27, thence over U.S. Highway 27 to junction of U.S. Highway 27 and U.S. Highway 27–A, thence over U.S. Highway 27–A to Sebring, and return over the same route, serving no intermediate points; (3) between Avon Park, Fla., and junction of Florida Highway 64 and U.S. Highway 301; from Avon Park, over Florida Highway 64 to junction of Florida Highway 64, and U.S. Highway 301, and return over the same route, serving no intermediate points; (4) between Opelika and DeArmanville, Ala.; from Opelika, over U.S. Highway 431 to DeArmanville, and return over the same route, serving no intermediate points; (5) between Winder and Gainesville, Ga.; from Winder, over Georgia Highway 53 to Gainesville, and return over the same route, serving no intermediate points; (6) between Athens and Gainesville, Ga.; from Athens, over U.S. Highway 129 to Gainesville, and return over the same route, serving no intermediate points; (7) between Athens and Cornelia, Ga.; from Athens, over U.S. Highway 441 to Cornelia, and return over the same route, serving no intermediate points, and (8) between junction of U.S. Highway 92 and U.S. Highway 27 (approximately 1 mile west of Haines City, Fla.) and Leesburg, Fla.; from junction of U.S. Highway 92 and U.S. Highway 27 (approximately 1 mile west of Haines City, Fla.) over U.S. Highway 27 to Leesburg, Fla., and return over the same route, serving no intermediate points.

NOTE: Applicant states the routes sought in this application are all for operating convenience only, and will be utilized as alternate routes in connection with carrier's regular route operations. Common control may be involved.

No. MC 41849 (Sub-No. 10), filed August 16, 1961. Applicant: KEIGHTLEY BROS., INC., 1616 South 39th Street, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Haydite*, in bulk, in dump vehicles, from points in St. Clair County, Ill., to points in St. Louis County, Mo.

No. MC 59728 (Sub-No. 7), filed August 21, 1961. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron 6, Ohio. Applicant's representative: J. J. Cooper (same address as above). Authority south to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Richmond, Ind., to Indiana-Ohio State Line; from Richmond, over U.S. Highway 35 to the Indiana-Ohio State Line, and return over the same route, serving no intermediate or off-route points.

No. MC 66562 (Sub-No. 1836), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Farmville, Va., and Dillwyn, Va.; from Farmville over U.S. Highway 15 to Dillwyn, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to, or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1837), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Columbus, Ohio and Wheeling, W. Va.; from Columbus over U.S. Highway 40 to the intersection of Ohio Highway 265, thence over Ohio Highway 265 to the intersection of Ohio Highway 285, thence over Ohio Highway 285 to Lore City, Ohio, thence return over Ohio Highway 285 to the intersection of Ohio Highway 265, thence over Ohio Highway 265 to the intersection of Ohio Highway 147, thence over Ohio Highway 147 to Belmont, Ohio, thence return over Ohio Highway 147 to junction Ohio Highway 149, thence over Ohio Highway 149 to junction U.S. Highway 40, thence over U.S. Highway 40 to Wheeling (also from the intersection of U.S. Highway 40 and Ohio Highway 265, over U.S. Highway 40 to junction Ohio Highway 8, thence over Ohio Highway 8 to Barnesville, Ohio, thence return over Ohio Highway 8 to junction U.S. Highway 40, thence over U.S. Highway 40 to the intersection of Ohio Highway 149); and return over the same routes, serving the intermediate points of Belmont, Barnesville, Quaker City, Lore City, Cambridge, New Concord and Zanesville, Ohio. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those

moving on a through bill of lading or express receipt.

No. MC 66562 (Sub-No. 1838), filed August 21, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Utica, N.Y. and Massena, N.Y.; (a) from Utica over New York Highway 12 to Watertown, N.Y., thence over U.S. Highway 11 to Potsdam, N.Y., thence over New York Highway 56 to junction New York Highway 37, thence over New York Highway 37 to Massena, and return over the same route, serving the intermediate points of Boonville, Lyons Falls, Lowville, Watertown, Gouverneur, Canton and Potsdam, N.Y.; and (b) from Utica over New York Highway 49 to junction New York Highway 69, thence over New York Highway 69 to junction New York Highway 13, thence over New York Highway 13 to junction with U.S. Highway 11, thence over U.S. Highway 11 to Watertown, thence over New York Highway 12 to junction New York Highway 26, thence over New York Highway 26 to junction New York Highway 26B, thence over New York Highway 26B to junction New York Highway 37, thence over New York Highway 37 to Ogdensburg, N.Y., thence over New York Highway 68 to Canton, N.Y., thence over U.S. Highway 11 to Potsdam, N.Y., thence over New York Highway 56 to junction New York Highway 37, thence over New York Highway 37 to Massena, and return over the same route, serving the intermediate and off-route points of Camden, Pulaski, Lacona, Adams, Clayton, Redwood and Ogdenburg, N.Y. (2) Between Lowville, N.Y. and Watertown, N.Y.; from Lowville over New York Highway 26 to junction New York Highway 3, thence over New York Highway 3 to Watertown, and return over the same route, serving the intermediate point of Carthage, N.Y. (3) Between junction New York Highways 3 and 26, and junction New York Highway 26 and U.S. Highway 11; from junction New York Highways 3 and 26 over New York Highway 26 to junction U.S. Highway 11, and return over the same route, serving no intermediate points. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub-No. 1840), filed August 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service; serving Madison, Ind., as an off-route point in connection with applicant's authorized regular-route operations between Cincinnati, Ohio, and Vincennes, Ind. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109288 (Sub-No. 7), filed August 21, 1961. Applicant: JUNEAU TRANSIT, INC., 709 Franklin Street, Manitowoc, Wis. Applicant's attorney: Leslie J. Valleskey, 709 Franklin Street, Manitowoc, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream*, in packages, in temperature-controlled vehicles, from Juneau, Wis., to Bloomington, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

No. MC 109818 (Sub-No. 14), filed August 17, 1961. Applicant: ELDON WENGER, doing business as WENGER TRUCK LINE, Beaver, Iowa. Applicant's Representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Portage, Ind., to Cummings, Iowa, points in Adair and Madison Counties, Iowa, those points in Dallas County, Iowa, south of U.S. Highway 6, and points in Guthrie County, Iowa, east of Iowa Highway 25, and south of Iowa Highway 64, including points on the indicated portions of the highways specified, also for joinder in Adair County, Iowa, to Omaha, Nebr.

No. MC 111623 (Sub-No. 37), filed August 14, 1961. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles; from the plant site of the Sohio Chemical Company at Lima, Ohio, to St. Louis, Mo.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with the Sohio Chemical Company.

No. MC 116077 (Sub-No. 108), filed August 18, 1961. Applicant: ROBERTSON TANK LINES, INC., P.O. Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 1535 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in tank vehicles, from Houston, Tex., to Mobile, Ala.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub-No. 236), filed August 14, 1961. Applicant: THE GREYHOUND CORPORATION, Room 1500, 140 South Dearborn Street, Chicago 3, Ill. Applicant's attorney: Barrett Elkins, 1400 West Third Street, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers and mail*, in the same vehicle with passengers, (1) between New York City, N.Y., and junction Interstate Highway 287 (Westchester Expressway) and Interstate Highway 95 (New England Section of the New York State Thruway) (Interchange No. 13 on the New England section of the New York State Thruway) at the southeast outskirts of Port Chester, N.Y.; from New York City, N.Y., over city streets and the Major Deegan Expressway to Interchange No. 1 of the New York State Thruway, Interstate Highway 87, thence over Interstate Highway 87 to Interchange No. 8 of the New York State Thruway at the junction of Interstate Highway 87 and Interstate Highway 287 (Westchester Expressway), thence over Interstate Highway 287 to its junction with Interstate Highway 95 (New England Section of New York State Thruway) at Interchange No. 13 of the New England section of New York State Thruway, and return over the same route, serving the intermediate points of Yonkers and White Plains, N.Y.; and (2) between junction Interstate Highway 87 (New York State Thruway) and Interstate Highway 287 (Westchester Expressway) at Interchange No. 8 of the New York State Thruway, and Suffern, N.Y., from the junction of Interstate Highway 87 (New York State Thruway) and Interstate Highway 287 (Westchester Expressway) at Interchange No. 8 of the New York State Thruway, over the New York State Thruway, designated Interstate Highway 87 and also Interstate Highway 287 to Interchange No. 15 of the New York State Thruway, thence over access roads to Suffern, and return over the same route, serving no intermediate points; and (3) between junction U.S. Highway 7 and Connecticut Highway 35 approximately 3 miles north of Ridgefield, Conn., and junction Connecticut Highway 123 and Interstate Highway 95 (Connecticut Turnpike) at Norwalk, Conn.; from junction U.S. Highway 7 and Connecticut Highway 35 approximately 3 miles north of Ridgefield, Conn., over U.S. Highway 7 to its junction with U.S. Highway 1 at Norwalk, Conn., thence over U.S. Highway 1 to its junction with Connecticut Highway 123, thence over Connecticut Highway 123 to its junction with Interstate Highway 95 (Connecticut Turnpike) at Norwalk, Conn., and return over the same route, serving no intermediate points.

NOTE: Common control may be involved.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice

of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7931 (correction) (LONG TRANSPORTATION CO.—CONTROL—BOAT HAULING CORP.), published in the August 9, 1961, issue of the FEDERAL REGISTER, on page 7176. The address of attorneys, Barrett, Barrett, and Barrett, should have read "25 Bryant Avenue, East Milton 86, Massachusetts."

No. MC-F-7949. Authority sought for purchase by SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, South Bend 24, Ind., of the operating rights of ROBERT E. SMITH, an individual, doing business as ROBERT E. SMITH TRANSFER, R.R. 4, Box 252, Freeport, Ill., and for acquisition by JENNIE COHEN, 901 West Mishawaka Avenue, Mishawaka, Ind., ALBERT SCHULMAN, 1727 Bader Ave., South Bend, Ind., and EDITH SCHULMAN and LOUIS H. SCHULMAN, both of 734 West Jefferson Street, South Bend, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Ralph H. Haen, 620 Empire Building, Rockford, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route between Chicago, Ill., and Freeport, Ill., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7950. Authority sought for control by SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles 58, Calif., of UNITED TRANSFER COMPANY-CARLEY & HAMILTON, INC., 1717 17th Street, San Francisco 3, Calif., and for acquisition by JOHN E. CARROLL, 4455 Fruitland Avenue, Los Angeles 58, Calif., of control of UNITED TRANSFER COMPANY-CARLEY & HAMILTON, INC., through the acquisition by SIGNAL TRUCKING SERVICE, LTD. Applicant's attorney: George M. Carr, 100 Bush Street, San Francisco 4, Calif. Operating rights sought to be controlled: *General Commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in San Francisco County, Calif., on the one hand, and, on the other, points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif., between points in San Francisco County, Calif., and between points in Oakland, Berkeley, Alameda, Emeryville, Albany, and Piedmont, Calif.; and *general merchandise*, between points in San Francisco, Calif., between points in Oakland, Calif., and between San Francisco, Calif., on the one hand, and, on the other, Bayshore, Brisbane, South San Francisco, Richmond, Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and San Leandro, Calif.; operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act, in the State of California, as more specifically described in MC-31114 Sub-1 and MC-31114 Sub-3. SIGNAL TRUCKING SERVICE, LTD., is authorized to operate as a *common carrier* in California, and also authorized to operate in that state under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-7951. Authority sought for control by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24-50 Wright Ave., Auburn, N.Y., of JOHN VOGEL, INC., 60 Broadway, Albany 2, N.Y., and for acquisition by JOHN BISGROVE, 264 East Genesee Street, Auburn, N.Y., of control of JOHN VOGEL, INC., through the acquisition by RED STAR EXPRESS LINES OF AUBURN, INCORPORATED. Applicants' attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington 4, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Albany, N.Y., and Newark, N.J., serving the intermediate and off-route points of New York, N.Y., those within 20 miles of Albany, N.Y., those in New Jersey within 15 miles of Newark, N.J., and those in New York within 15 miles of New York, N.Y., without restrictions; and all intermediate points on, and all off-route points within 5 miles of that portion of U.S. Highway 9 on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany and points within 20 miles thereof; between Albany, N.Y., and Newark, N.J., serving all intermediate points on, and all off-route points within five miles of, that portion of U.S. Highway 9W on and north of New York Highway 52 and south of Albany, N.Y., restricted to the transportation of shipments moving to or from Albany, and points within 20 miles thereof; between Newark, N.J., and Philadelphia, Pa., serving all intermediate and certain off-route points; between Gloversville, N.Y., and Albany, N.Y., between Gloversville, N.Y., and Speculator, N.Y., between Caroga Lake, N.Y., and Rockwood, N.Y., between Albany, N.Y., and Waterford, N.Y., from Johnstown, N.Y., to Scotia, N.Y., from Fonda, N.Y., to Little Falls, N.Y., from Little Falls, N.Y., to Johnstown, N.Y., between North Adams, Mass., and Manchester, Vt., and between North Adams, Mass., and South Shaftsbury, Vt., serving all intermediate points and certain off-route points on the above described routes, with the RESTRICTION that the regular route operating rights may not be joined or tacked with carrier's irregular-route authority to and from points in Rensselaer County, N.Y., for the purpose of performing through operations between points on such regular routes, on the one hand, and, on the other, points on carrier's regular routes west and south of Albany, N.Y.; *general commodities*, with the above exceptions, over irregular routes between New York, N.Y., and points in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, Albany, Saugerties, and Schenectady, N.Y., between Albany, N.Y., on the one hand, and, on the other, points within 20 miles of Albany, between points in Albany County, N.Y., between points in Albany County, N.Y., on the one hand, and, on the other, points in Rensselaer County, N.Y., between Rensselaer County, N.Y., on the one hand, and, on the other, points in Saratoga County, N.Y., and from points in Rensselaer County, N.Y., to points in Washington County, N.Y.; *lumber*, from Albany and New York, N.Y., to points in New York, Massachusetts, and Connecticut within 100 miles of Albany and New York, N.Y., respectively, with the RESTRICTION that service is not authorized from New York, N.Y., to Middletown, N.Y. RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, is authorized to operate as a *common carrier* in New York, New Jersey and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7952. Authority sought for control by JONES TRUCK LINES, INC., East Emma Avenue, Springdale, Ark., of SMOCK TRANSPORTATION COMPANY, INC., Doniphan, Mo., and for acquisition by HARVEY JONES, East Emma Avenue, Springdale, Ark., of control of SMOCK TRANSPORTATION COMPANY, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City, Mo., and John H. Dalton, 203 College Avenue, Kennett, Mo. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Hoxie, Ark., and National Stock Yards, Ill., between Doniphan, Mo., and Poplar Bluff, Mo., and between Corning, Ark., and Walnut Ridge, Ark., serving certain intermediate and off-route points on the above described routes; *petroleum lubricating oils and greases*, between Roxana, Ill., and Doniphan, Mo., and *empty containers*, from Doniphan, Mo., to Roxana, Ill., serving no intermediate points. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7953. Authority sought for control by PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, Pa., of JACOB EISENBERGER, INC., Norristown, Pa., and for acquisition by FREDERICK T. HILLER, Dravosburg, Pa., of control of JACOB EISENBERGER, INC., through the acquisition by PITTSBURGH & NEW ENGLAND TRUCKING CO. Applicants' attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be controlled: *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles requiring specialized handling or rigging, because of size or weight, as a

common carrier over irregular routes between Norristown, Pa., and points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown; *steel rolls*, between Lawrence, Mass., and Ansonia, Conn., *machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Pennsylvania, New York, and North Carolina; *used machinery, used store, office, and factory supplies and fixtures, used heating and plumbing equipment*, and *used lumber*, between points in Massachusetts, Rhode Island, and New Hampshire; *waste paper, rags, wool sweepings*, and *used metals*, from points in Providence County, R.I., and certain points in New Hampshire, to Boston, Mass., and points within 15 miles of Boston; *dodgem boats*, between Amesbury, Mass., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, New Hampshire, Vermont, Maine, Delaware, and Michigan; and *machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks*, and *tanks*, except lumber and lumber products, restricted to transportation in special equipment only, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, on the one hand, and, on the other, certain points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. RESTRICTED to the transportation of cement, in bulk, in tank vehicles, between points in New York within 65 miles of Poughkeepsie, N.Y., including Poughkeepsie, N.Y., on the one hand, and, on the other, points in the above-specified area. PITTSBURGH & NEW ENGLAND TRUCKING CO., is authorized to operate as a *common carrier* in New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, and West Virginia. Application has been filed for temporary authority under section 210 a(b).

No. MC–F–7954. Authority sought for purchase by DEALERS TRANSPORT COMPANY, 1368 Riverside Boulevard, Memphis, Tenn., of a portion of the operating rights of E. & L. TRANSPORT CO., OF KENTUCKY, P.O. Box 13007 Camp Taylor Station, Louisville 13, Ky., and for acquisition by NEAL F. SCHILLING, 1368 Riverside Blvd., Memphis 3, Tenn., of control of such rights through the purchase. Applicants' attorneys: Charles H. Hudson, Jr., 206 Broadway National Bank Building, Nashville 3, Tenn., and George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *Automobiles, trucks, tractors, bodies*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service, as a *common carrier* over irregular routes from Louisville, Ky., to Detroit and Dearborn, Mich., Cincinnati, Ohio, and Chicago and Hegewisch, Ill., points in Indiana, and points in Illinois; *automobiles, trucks, trailers, bodies, cabs*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in truckaway service from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, certain points in Illinois, and points in Georgia, Tennessee, Kentucky, Indiana and Ohio; *automobiles, trucks, trailers*, and *chassis*, new, used, unfinished, and/or wrecked, in secondary movements, in driveaway service, from points in Kentucky, to Chicago, Ill., points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone, certain points in Illinois, and points in Alabama, Georgia, Indiana, Kentucky, North Carolina, Ohio, Tennessee, Virginia, and West Virginia; *automobiles, trucks, trailers, bodies, cabs*, and *chassis*, in truckaway service, in secondary movements, from Louisville, Ky., to points in North Carolina, Virginia, and West Virginia; *automobiles, trucks, bodies, cabs*, and *chassis* (except trailer chassis), new, used, unfinished, or wrecked, in secondary movements, in driveaway service, from Louisville, Ky., to points in Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina; and *automobiles, trucks, bodies, cabs, chassis* (except trailer chassis), new, used, unfinished, and wrecked, in secondary movements, in truckaway service, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Louisiana, Missouri, Mississippi, and South Carolina. Vendee is authorized to operate as a *common carrier* in all States (other than Alaska and Hawaii) and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7955. Authority sought for control by PIERCE FREIGHT LINES, INC., 2825 Northwest Yeon Avenue, Portland 10, Oreg., of OAKRIDGE-WESTFIR TRUCK LINES, INC., doing business as KLAMATH FALLS FAST FREIGHT, 412 Lincoln, Eugene, Oreg. Applicants' attorney: Wm. P. Ellis, 1121 Equitable Building, Portland 4, Oreg. Operating rights sought to be controlled: *General commodities*, as a *common carrier* over regular routes between Eugene, Oreg., and Westfir, Oreg., serving all intermediate points (except Goshen, Oreg.), and certain off-route points; and *general commodities*, excepting, among others, household goods and commodities in bulk, between Oakridge, Oreg., and Klamath Falls, Oreg., serving all intermediate points. PIERCE FREIGHT LINES, INC., is authorized to operate as a *common carrier* in California and Oregon. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–8292; Filed, Aug. 29, 1961; 8:50 a.m.]

[Notice 539]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 25, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64326. By order of August 23, 1961, the Transfer Board approved the transfer to William Tuccero, doing business as Moore The Mover, Waltham, Mass., of Certificate No. MC 59300, issued May 26, 1943, to Fred S. Berry, Jr., doing business as Moore The Mover, Waltham, Mass., authorizing the transportation, over irregular routes, of household goods, between Waltham, Mass., and points within 10 miles of Waltham, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Warren R. Bolton, 885 Main Street, Waltham 54, Mass., attorney for applicants.

No. MC–FC 64329. By order of August 23, 1961, the Transfer Board approved the transfer to L. J. Denny and J. R. Denny, a partnership, doing business as L. J. Denny & Son Trucking Company, P.O. Box 487, Ferriday, La., of Certificate No. MC 89601 Sub 3, issued July 7, 1950, to W. L. McNeill, doing business as McNeill Trucking Company, P.O. Box 179, Salem, Ill., authorizing the transportation of: Machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

No. MC–FC 64403. By order of August 23, 1961, the Transfer Board approved the transfer to Dan L. Williams and F. L. Westmoreland, a partnership, doing business as Greensboro Auto Transport Company, Greensboro, N.C., of Certificate No. MC 117378 Sub 1, issued February 10, 1959, to Gordon H. Lawhorn, doing business as Lawhorn Auto Wrecking, Ellerson, Va., authorizing the transportation of: Disabled motor vehicles, by use of wrecker equipment only, between points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, West Virginia (except between points in Ohio County, W. Va., and those in Pennsylvania within 50 miles of Triadelphia, W. Va.), and the District of Columbia. Thaxton Richardson, P.O. Box 612, Greensboro, N.C., representative for applicants.

No. MC–FC 64427. By order of August 23, 1961, the Transfer Board approved the transfer to Henry Lienhart, doing business as Arrow Coach Line, 2715 West 10th Street, Little Rock, Ark., of Certificates Nos. MC 5786, MC 5786 Sub 2, and MC 5786 Sub 3, respectively, issued October 16, 1951, May 4, 1961, and May 4, 1961, to H. B. Crenshaw, doing business as Crenshaw Bus Line, Box 537, Oak Grove, La., authorizing the transportation, over regular routes, of passengers and their baggage and express, newspapers, and mail, in the same vehicle with passengers, between Delhi, La., and Eudora, Ark., and passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Eudora, Ark., and Greenville, Miss., and between Monroe, La., and Lake Providence, La.

No. MC–FC 64440. By order of August 23, 1961, the Transfer Board approved the transfer to Raymond D. Good, doing business as La Cygne Truck Line, La Cygne, Kans., of Certificate No. MC 29611 issued December 2, 1958, to Fred Lee, doing business as La Cygne Truck Line, La Cygne, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, from La Cygne, Kans., to Kansas City, Mo., serving the intermediate point of Kansas City, Kans., restricted to delivery of livestock only; the intermediate and off-route points within 10 miles of La Cygne, Kans., restricted to pick-up of livestock only; and the off-route point of North Kansas City, Mo., for delivery only of the above specified commodities, except livestock; and from Kansas City, Mo., to La Cygne, Kans., serving the intermediate point of Kansas City, Kans., restricted to pick-up only; the intermediate and off-route points within 10 miles of La Cygne, Kans., restricted to delivery only; and the off-route point of North Kansas City, Mo., for pick-up only of the above-described commodities, except livestock, destined to La Cygne. Western Traffic Services, Inc., 216 East Tenth Street, Kansas City, Missouri, representative for applicants.

No. MC–FC 64443. By order of August 23, 1961, the Transfer Board approved the transfer to S. D'Antoni, Inc., New Orleans, La., of Permits Nos. MC 105750 and MC 105750 Sub 3 (Second Corrected), issued June 10, 1949, and November 2, 1959, to Salvador D'Antoni, New Orleans, La., authorizing the transportation of flavoring syrup, in containers, over irregular routes, from New Orleans, La., to Belzoni, Biloxi, Brookhaven, Carthage, Clarksdale, Cleveland, Columbia, Greenville, Greenwood, Grenada, Gulfport, Hattiesburg, Houston, Jackson, Laurel, Lexington, Louisville, McComb, Meridian, Natchez, Newton, Philadelphia, Picayune, Quitman, Sardis, Vicksburg, Water Valley, and Yazoo City, Miss., and Mobile, Ala., with empty containers and rejects on return; such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, equipment, materials, and supplies used in the conduct of such business, over irregular routes, between points within the specified territory beginning at Lillian, Ala., in Alabama, Mississippi, Louisiana to points of beginning, including points specified; and flavoring syrup, in containers, over irregular routes, from New Orleans, La., to the site of the bottling plant of Coca Cola Company at Ocean Springs, Miss., and empty containers and returned shipments on return. Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–8293; Filed, Aug. 29, 1961; 8:50 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 25, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37318: *Potash from Carlsbad and Loving, N. Mex., to North Pacific coast points.* Filed by Trans-Continental Freight Bureau, Agent (No. 377), for interested rail carriers. Rates on muriate of potash and potassium (potash), in carloads, from Carlsbad and Loving, N. Mex., to specified points in California, Idaho, Oregon, and Washington, also British Columbia.

Grounds for relief: Market competition.

Tariff: Supplement 45 to Trans-Continental Freight Bureau tariff I.C.C. 1651.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–8290; Filed, Aug. 29, 1961; 8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIPAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barnwell Garment Co., Barnwell, S.C.; effective 7–29–61 to 7–28–62 (ladies' robes).

Beacon Garment Co., Inc., 192 Anawan Street, Fall River, Mass.; effective 7–25–61 to 7–24–62 (dresses).

Glamorise Foundations, Inc., 228 Pine Street, Williamsport, Pa.; effective 7–29–61 to 7–28–62 (brassieres, girdles, and foundation garments).

Hortex Manufacturing Co., Inc., 100 South Cotton, El Paso, Texas; effective 7–27–61 to 7–26–62 (boys' single pants).

Hunter-Sadler Co., Tupelo, Miss.; effective 7–29–61 to 7–28–62; 10 percent of factory production workers engaged in the production of products included in § 522.21 (b), (c), (d), (e) and (f), of the apparel industry learner regulations (sport jackets).

Jeansco, Inc., Pine and Brown Streets, Petersburg, Va.; effective 7–29–61 to 7–28–62 (boys' dungarees).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 8–8–61 to 8–5–62 (boys' pants).

Laurens Shirt Corp., Hillcrest Drive, Laurens, S.C.; effective 7–25–61 to 7–24–62 (men's shirts).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7–29–61 to 7–28–62 (leisure and work pants).

Samuel Meltzer d/b/a The, Liberty Co. East Front Street, Dyer, Tenn.; effective 8–6–61 to 8–5–62 (men's and boys' pajamas and robes).

Linden Manufacturing Co., First and Water Streets, Birdsboro, Pa.; effective 8–7–61 to 8–6–62 (ladies' and girls' blouses).

Linden Manufacturing Co., 843 North Ninth Street, Reading, Pa.; effective 8–7–61 to 8–6–62 (ladies' and girls' blouses).

Linden Manufacturing Co., 24 High Street, Womelsdorf, Pa.; effective 8–7–61 to 8–6–62 (ladies' and girls' blouses).

McNair Clothing Manufacturing Co., Brownsville, Texas; effective 7–28–61 to 7–27–62 (men's cotton work clothing).

Mount Vernon Corp., Mount Vernon, Ga.; effective 8–1–61 to 7–31–62 (ladies' dresses).

Pool Manufacturing Co., 1601 South Montgomery Street, Sherman, Tex.; effective 7–25–61 to 7–24–62 (work shirts, uniforms, sport shirts and work pants).

Roydon Wear, Inc., Oak Street, McRae, Ga.; effective 8–8–61 to 8–7–62 (men's and boys' trousers and outerwear shorts).

Selmer Manufacturing Co., Inc., Selmer, Tenn.; effective 8–4–61 to 8–3–62 (men's sport shirts).

Toby Manufacturing Co., Inc., 620–6 Franklin Avenue, Essex, Baltimore 21, Md.; effective 8–4–61 to 8–3–62 (work pants).

Youngwear Products, Inc., Smoaks, S.C.; effective 7–28–61 to 7–27–62 (children's dresses).

Sportcaster Co., Occidental at Jackson Street, Seattle 4, Wash.; effective 8–25–61 to 8–24–62 (men's, women's and children's jackets and ski wear).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Byran Infants Wear, Inc., 6907 East 14th Street, Tulsa 11, Okla.; effective 8–10–61 to 8–9–62; 8 learners (infants' wear).

Fairmont Manufacturing Co., Inc., Fairmont, N.C.; effective 7–26–61 to 7–25–62; 10 learners (ladies' woven cotton night gowns and pajamas).

Linden Manufacturing Co., Newmanstown, Pa.; effective 8–7–61 to 8–6–62; 5 learners (ladies' and girls' blouses).

Newton Grove Manufacturing Co., Newton Grove, N.C.; effective 7-26-61 to 7-25-62; 10 learners (women's dresses).

So-Rite Lingerie Co., Bright Building, Keyser, W. Va.; effective 7-31-61 to 7-30-62; 10 learners (ladies' pajamas and house dusters).

Susan Garment, Inc., 424 Guilford Street, Lebanon, Pa.; effective 7-24-61 to 7-23-62; 10 learners (ladies' blouses, dusters and dresses).

Vasil Manufacturing Co., 119 East Mary Street, Bucyrus, Ohio; effective 7-31-61 to 7-30-62; 10 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eileen Hope, Inc., 1424 Herr Street, Harrisburg, Pa.; effective 7-25-61 to 1-24-62; 20 learners (women's dresses).

Gene Rogers-Warwick Corp., First Street, Warwick, N.Y.; effective 7-25-61 to 1-24-62; 15 learners (girls' dresses).

Gulf Coast Garment Manufacturing Co., Inc., Double Springs, Ala.; effective 7-31-61 to 1-30-62; 40 learners (boys' cotton knit shirts and ski-pajamas).

T. S. Lankford & Sons, 141 Walnut Street, Abilene, Tex.; effective 7-27-61 to 1-26-62; 20 learners (men's work clothing and government uniforms).

H. D. Lee of Virginia, Inc., Broadway, Va.; effective 7-29-61 to 1-28-62; 75 learners (leisure and work pants).

Mode O'Day Corp., Plant #9, 419 East South Street, Hastings, Nebr.; effective 7-31-61 to 1-30-62; 10 learners. Learners may not be hired in the production of separate skirts (ladies' blouses and sportswear).

Trousdale Manufacturing Co., Inc., Hartsville, Tenn.; effective 7-31-61 to 1-30-62; 100 learners (women's blouses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

J. A. Cline & Son., Inc., Hildebran, N.C.; effective 7-25-61 to 7-24-62; five percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 7-26-61 to 1-25-62; 25 learners for plant expansion purposes (full-fashioned).

Grenada Industries, Inc., Grenada, Miss.; effective 8-15-61 to 2-14-62; 40 learners for plant expansion purposes (full-fashioned and seamless).

Holt Hosiery Mills, Inc., Glen Raven, N.C.; effective 8-17-61 to 8-16-62; five percent of the total number of factory production workers for normal labor turnover purposes (Full-fashioned and seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Movie Star of Ellisville, Ellisville, Miss.; effective 7-30-61 to 7-29-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Movie Star of Purvis, Purvis, Miss.; effective 7-31-61 to 7-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Rocky Mountain Undergarment Co., Inc., 1536 Boone Road, Rocky Mount, North Carolina; effective 7-25-61 to 1-24-62; 20 learners for plant expansion purposes (ladies' and children's panties).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-8278; Filed, Aug. 29, 1961; 8:48 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal products manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Allen Garment Co., 706 19th Avenue North, Nashville, Tenn.; effective 6-23-61 to 6-22-62 (men's and boys' sport shirts).

Atwood, Inc., Sparta, N.C.; effective 6-23-61 to 6-22-62 (work pants).

Darsey Manufacturing Co., Tallapoosa, Ga.; effective 6-23-61 to 6-22-62 (men's and boys' dress pants).

Edinburg Manufacturing Corp., Edinburg, Va.; effective 6-23-61 to 6-22-62 (infants' outerwear).

Federal Corset Co., Airport Hanger No. 1, Douglas, Ga.; effective 6-26-61 to 6-25-62 (girdles and brassieres).

Greenway Manufacturing Co., Waynesburg, Pa.; effective 6-21-61 to 6-20-62 (boys' and infants' polo shirts).

Helena Garment Co., Bobbie Brooks Square, West Helena, Ark.; effective 6-23-61 to 6-22-62 (ladies' dresses and cordinates).

J B C Co., of Madera, Madera, Pa.; effective 6-30-61 to 6-29-62 (men's and boys' trousers).

LaCrosse Sportswear Corp., LaCrosse, Va.; effective 6-21-61 to 6-20-62 (sport shirts).

Maxwell Garment Co., 145 Maxwell Avenue, Greenwood, S.C.; effective 6-27-61 to 6-26-62 (women's apparel and men's shirts).

Metter Manufacturing Co., Metter, Ga.; effective 6-26-61 to 6-25-62 (ladies' blouses).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn.; effective 6-30-61 to 6-29-62 (men's and boys' work and sport jackets).

Siceloff Manufacturing Co., Inc., East Second Avenue and Pugh Street, Lexington, N.C.; effective 6-26-61 to 6-25-62 (men's and boys' single pants, work shirts, overalls, etc., and women's and children's outerwear).

Sweet-Orr and Co., Inc., 68 First Street SW., Pulaski, Va.; effective 6-24-61 to 6-23-62 (men's and boys' pants).

Sylvia Garments, Inc., 32 West King Street, Littlestown, Pa.; effective 6-26-61 to 6-25-62 (ladies' cotton dresses).

Vandalia Garment Co., Vandalia, Mo.; effective 6-29-61 to 6-28-62 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Apparel Manufacturing Corp., 112 South Center Street, Mebane, N.C.; effective 6-26-61 to 6-25-62; 10 learners (children's dresses).

Columbus Manufacturing Co., Tabor City, N.C.; effective 6-24-61 to 6-23-62; 10 learners (sport shirts).

Gross Galesburg Co., Canton, Ill.; effective 6-23-61 to 6-22-62; 10 learners (work jackets and one piece suits).

Iva Manufacturing Co., Inc., Iva, S.C.; effective 7-1-61 to 6-30-62; 10 learners (blouses and women's coordinates).

Tunxis Sportswear Manufacturing Co. and Laurel Togs, Inc., 82 Union Street, New London, Conn.; effective 6-20-61 to 6-19-62; 6 learners (girls' outerwear).

Wear Well Garment Co., 1st North and German Streets, New Ulm, Minn.; effective 6-21-61 to 6-20-62; 10 learners. No learners may be employed in the production of separate skirts under the terms of this certificate (ladies' slacks).

Whitakers Garment Co., Inc., Whitakers, N.C.; effective 6-21-61 to 6-20-62; 10 learners (children's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Achy Garment Co., Railroad Avenue, Hebron, Md.; effective 6-20-61 to 12-19-61; 15 learners (ladies' man-tailored blouses and men's shirts).

Aynor Manufacturing Co., Aynor, S.C.; effective 6-26-61 to 12-25-61; 50 learners (ladies' blouses).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 6-26-61 to 12-25-61; 35 learners (ladies' sportswear).

Jolly Kids Togs, Inc., 220 Main Street, Frankfort, Mich.; effective 6-20-61 to 12-19-61; 30 learners (jackets and carcoats).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

Continental Cigar Co., Rocky Glen Road, Moosic, Pa.; effective 6-20-61 to 6-19-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Southern Glove Manufacturing Co., Inc., Conover, N.C.; effective 6-23-61 to 6-22-62; 5 percent of the total number of machine stitchers for normal labor turnover purposes (leather palm work gloves).

Standard Glove Co., of New Jersey, Inc., 109 Frelinghaysen Avenue, Newark, N.J.; effective 6-22-61 to 6-21-62; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Bisher Hosiery Mills, Inc., Denton, N.C.; effective 6-25-61 to 6-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Kayser-Roth Hosiery Co., Inc., Pittsboro Seamless Knitting Division, Pittsboro, N.C.; effective 6-22-61 to 12-21-61; 10 learners for plant expansion purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Gettysburg Shoe Co., Dillsburg Division, Dillsburg, Pa.; effective 6-23-61 to 6-22-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Gettysburg Shoe Co., Gettysburg, Pa.; effective 6-23-61 to 6-22-62; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Almaco, Inc., Fajardo, P.F.; effective 6-10-61 to 2-28-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) handsewing of covers on baseballs for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutting covers of baseballs), winding machine operator and pressing machine operator, each for a learning period of 160 hours at the rate of 51 cents an hour (baseballs and softballs) (replacement certificate).

Atlas Products Corp., Toa Alta, P.R.; effective 6-2-61 to 9-14-61; 8 learners for normal labor turnover purposes, in the occupation of machine sewing on leather gloves for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (leather gloves) (replacement certificate).

Barry Corp., Santurce, P.R.; effective 6-2-61 to 10-23-61; 7 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric and leather gloves) (replacement certificate).

Barry Corp., Santurce, P.R.; effective 6-2-61 to 4-23-62; 13 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric and leather gloves) (replacement certificate).

Billfold Corp. of America, Gurabo, P.R.; effective 6-10-61 to 8-14-61; 40 learners for plant expansion purposes, in the occupations of: (1) Stitching machine operator for a learning period of 320 hours at the rates of 48 cents an hour for the first 160 hours and 56 cents an hour for the remaining 160 hours; (2) die and clicker machine operator (cutting leather), creasing machine operator, female assembler, and skiving machine operator, each for a learning period of 160 hours at the rate of 48 cents an hour (leather wallets and french purses) (replacement certificate).

Bueno Manufacturing Corp., No. 2 Modesto Sola Street, Caguas, P.R.; effective 5-29-61 to 11-28-61; 100 learners for plant expansion purposes, in the occupation of stringer, tipper, clasper and looper, each for a learning period of 240 hours at the rate of 48 cents an hour (necklaces and earrings).

The Carib Co., Inc., Aibonito, P.R.; effective 6-2-61 to 8-12-61; 25 learners for plant expansion purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's gloves) (replacement certificate).

The Carib Co., Inc., Aibonito, P.R.; effective 6-2-61 to 2-12-62; 25 learners for normal labor turnover purposes, in the occupations of machine sewing and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's gloves) (replacement certificate).

Caribe Sports Co., Inc., San German, P.R.; effective 6-10-61 to 4-30-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) sewing machine operator and hand lacer, each for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper (gloves), eyeletter, shell lay-off, turning machine operator, final glove lay-off, leather regrader, and final inspection, each for a learning period of 160 hours at the rate of 51 cents an hour (baseball gloves and mitts) (replacement certificate).

Caribe Sports Co., Inc., San German, P.R.; effective 6-10-61 to 10-31-61; 58 learners for plant expansion purposes, in the occupations of: (1) sewing machine operator and hand lacer, each for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours; (2) die and clicker machine operator, leather stamper (gloves), eyeletters, shell lay-off, turning machine operator, final glove lay-off, leather regrader, and final inspection, each for a learning period of 160 hours at the rate of 51 cents an hour (baseball gloves and mitts) (replacement certificate).

Contours, Inc., Caguas, P.R.; effective 5-24-61 to 11-23-61; 32 learners for plant expansion purposes, in the occupations of: (1) Cup presser, cup cutter operator, bust pad sprayer, and mesh machine operator, each for a learning period of 240 hours at the rate of 70 cents an hour; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 70 cents an hour (bust cups and pads).

Edro Corp., Anasco, P.R.; effective 6-2-61 to 2-19-62; 3 learners for normal labor turnover purposes, in the occupations of sewing machine operator and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Essex, Inc., Hato Rey, P.R.; effective 6-19-61 to 6-18-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (skirts).

Essex, Inc., Hato Rey, P.R.; effective 6-19-61 to 12-18-61; 20 learners for plant expansion purposes, in the occupations of sewing machine operator for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (skirts).

General Electric Instrument Corp., Caguas, P.R.; effective 5-24-61 to 5-23-62; 30 learners for normal labor turnover purposes, in the occupations of assembler, solderer (general); spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

General Electric Instrument Corp., Caguas, P.R.; effective 5-24-61 to 11-23-61; 50 learners for plant expansion purposes, in the occupations of assembler, solderer (general), spring solderer, inspector, repair operator, and balancer, each for a learning period of 480 hours at the rates of 80 cents an hour for the first 240 hours and 90 cents an hour for the remaining 240 hours (electric instruments).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 6-16-61 to 12-15-61; 24 learners for plant expansion purposes, in the occupations of: (1) Knitting, topping, and looping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours; (3) winding for a learning period of 240 hours at the rate of 75 cents an hour (full-fashioned sweaters).

Glamourette Fashion Mills, Inc., Quebradillas, P.R.; effective 6-16-61 to 6-15-62; 18 learners for normal labor turnover purposes, in the occupations of: (1) Knitting, topping, and looping, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitching, pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours; (3) winding for a learning period of 240 hours at the rate of 75 cents an hour (full-fashioned sweaters).

Island Knitting Mills, Inc., San Lorenzo, P.R.; effective 6-7-61 to 12-6-61; 7 learners for plant expansion purposes, in the occupations of: (1) Looper, knitter and topper, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) machine stitchers and menders, each for a learning period of 320 hours at the rates of 75 cents an hour for the first 160 hours and 88 cents an hour for the remaining 160 hours (men's sport shirts and ladies' sweaters and polo shirts).

Janet Corp., San Jose Street, Rio Grande, P.R.; effective 6-19-61 to 12-18-61; 60 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours; (2) hand cutting of applique on embroidery panels for a learning period of 240 hours at the rates of 60 cents an hour for the first 160 hours and 70 cents an hour for the remaining 80 hours; (3) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 60 cents an hour (applique embroidery on women's underwear).

Evelyn Judith Products, Inc., Corozal, P.R.; effective 6-19-61 to 12-18-61; 8 learners for

plant expansion purposes, in the occupation of machine stitching (P.K. and Osann leather palm sewing) for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 67 cents an hour for the remaining 240 hours (sewing of leather palms on knitted gloves).

Mansco International Corp., Central Machete Road, Guayama, P.R.; effective 5-15-61 to 11-14-61; 100 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator and final pressing, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) machine operations other than sewing machine: gripper setting, trimming, marking, looping, bagging, box making and ticketograph machines, and final inspection of fully assembled garments, each for a learning period of 160 hours at the rate of 57 cents an hour (men's undershorts, pajamas and related products).

Milton Co., Inc., Aibonito, P.R.; effective 5-16-61 to 11-15-61; 25 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours (ladies' gloves).

Milton Co., Inc., Aibonito, P.R.; effective 6-2-61 to 11-15-61; 25 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (ladies' gloves) (replacement certificates).

Ocean Knitwear Corp., Gaguas, P.R.; effective 6-1-61 to 5-31-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sewing machine operator and final presser, each for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 57 cents an hour (polo shirts and knitted fabric sport shirts).

Overseas Sports Co., Inc., Mayaguez, P.R.; effective 6-10-61 to 11-20-61; 25 learners for normal labor turnover purposes, in the occupation of handsewing of baseballs and softballs for a learning period of 320 hours at the rates of 51 cents an hour for the first 160 hours and 59 cents an hour for the remaining 160 hours (baseballs and softballs) (replacement certificate).

Oxford, Inc., Hato Rey, P.R.; effective 6-19-61 to 6-18-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's slacks and shorts).

Oxford, Inc., Hato Rey, P.R.; effective 6-19-61 to 12-18-61; 25 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (women's slacks and shorts).

Paradise Manufacturing, Inc., Gurabo, P.R.; effective 5-29-61 to 5-28-62; 12 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Plata Glove, Inc., Cayey, P.R.; effective 5-22-61 to 7-31-61; 112 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 57 cents an hour for the first 240 hours and 66 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 57 cents an hour (leather gloves) (replacement certificate).

Plata Glove, Inc., Cayey, P.R.; effective 6-2-61 to 7-31-61; 112 learners for plant expansion purposes, in the occupations of: (1) Sewing machine operator for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours; (2) die and clicker machine operator for a learning period of 160 hours at the rate of 62 cents an hour (leather gloves) (replacement certificate).

Playtex Caribe, Inc., Dorado, P.R.; effective 6-19-61 to 12-18-61; 84 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Playtex Caribe, Inc., Dorado, P.R.; effective 6-19-61 to 6-18-62; 16 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

Puerto Rico Industrial Mfg. Corp., Manati, P.R.; effective 5-16-61 to 5-15-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (men's work pants, and shirts).

Rico Glove Corp., Cayey, P.R.; effective 6-2-61 to 6-30-61; 14 learners for normal labor turnover purposes, in the occupation of machine sewing for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (replacement certificate).

Rico Glove Corp., Cayey, P.R.; effective 6-2-61 to 6-30-61; 10 learners for normal labor turnover purposes, in the occupation of machine sewing for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves) (supplemental and replacement certificate).

Sun Manufacturing, Inc., Concordia Street, Final, Mayaguez, P.R.; effective 6-12-61 to 12-11-61; 40 learners for plant expansion purposes in any productive factory occupations (except those listed in Regulations 522.53 (a) and (b)) for a learning period of 480 hours at the rates of 63 cents an hour for the first 240 hours and 73 cents an hour for the remaining 240 hours (vulcanized shoes).

Surtex Glove Corp., Coamo, P.R.; effective 6-2-61 to 2-19-62; 5 learners for normal labor turnover purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves) (replacement certificate).

Surtex Glove Corp., Coamo, P.R.; effective 6-2-61 to 8-19-61; 39 learners for plant expansion purposes, in the occupations of machine stitching and laying off, each for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (gloves) (replacement certificate).

Each learner certificate has been issued upon the representations of the employers which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-8279; Filed, Aug. 29, 1961; 8:49 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of ten percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Ashland Crafts, Inc., 18th Street and Carter Avenue, Ashland, Ky.; effective 7-19-61 to 7-18-62 (children's dresses).

Benton Industries, Inc., Colley Street, Benton, Pa.; effective 7-30-61 to 7-29-62 (men's and boys' sport shirts).

Bowling Green Garment Co., Bowling Green, Mo.; effective 7-14-61 to 7-13-62 (ladies' dresses).

Burro Manufacturing Co., 105 East Markham, Little Rock, Ark.; effective 7-18-61 to 7-17-62 (men's shirts and pants).

Colonial Corporation of America, Woodbury, Tenn.; effective 7-21-61 to 7-20-62 (men's and boys' dress and sport shirts).

Empire Dress Co., 53 East Northampton Street, Wilkes-Barre, Pa.; effective 7-17-61 to 7-16-62 (dresses).

The Foster Co., Greenville, Ala.; effective 7-12-61 to 7-11-62 (men's and boys' trousers).

Frackville Pajama Corp., Frackville, Pa.; effective 7-21-61 to 7-20-62 (men's and boys' nightshirts and pajamas).

Grifton Manufacturing Co., Grifton, N.C.; effective 7-14-61 to 7-13-62 (men's and boys' sport jackets).

Industrial Garment Manufacturing Co., Palestine, Tex.; effective 7-10-61 to 7-9-62 (men's cotton work pants).

Katz Underwear Co., Plant No. 1 Sixth Street, Plant No. 2 Sunrise Avenue, Honesdale, Pa.; effective 7-23-61 to 7-22-62 (women's and misses' nightgowns and pajamas).

Lanier Manufacturing Co., Easley, S.C.; effective 7-19-61 to 7-18-62 (men's and boys' sport shirts).

Lee County Mills, Inc., Leesburg, Ga.; effective 7-17-61 to 7-16-62 (ladies' and children's underwear).

Linden Manufacturing Co., Linden, Ala.; effective 7-21-61 to 7-20-62 (women's dresses).

McMinnville Garment Co., McMinnville, Tenn.; effective 7-24-61 to 7-23-62 (men's and boys' cotton pants).

Martin Shirt Corp., Cookeville, Tenn.; effective 7-25-61 to 7-24-62 (men's and boys' dress and sport shirts).

Moyer Co., Commerce and Walnut Streets, Youngstown, Ohio; effective 7-19-61 to 7-18-62 (men's slacks).

Oberman Manufacturing Co., Morrilton, Ark.; effective; 7-16-61 to 7-15-62 (men's and boys' single pants).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-61 to 7-21-62. 10 percent of the total number of factory production workers engaged in the production of men's and boys' woven sport shirts (men's and boys' sport shirts).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-61 to 7-16-62 (slips and lingerie made of woven fabric).

Levi Strauss & Co., Blue Ridge, Ga.; effective 7-11-61 to 7-10-62 (men's, boys', and youths' casual pants).

Levi Strauss & Co., 201 South Dillard Street, Blackstone, Va.; effective 7-15-61 to 7-14-62 (men's and boys' cotton pants).

Tic Tac Co., Inc., Dicey Creek Road, Camden, S.C.; effective 7-22-61 to 7-21-62 (children's outerwear).

Top-Notch Manufacturing Co., Inc., 2101 Cypress Street, El Paso, Tex.; effective 7-24-61 to 7-23-62 (men's and boys' denim overalls).

Tropical Garment Manufacturing Co., 2506 Ivy Street, Tampa, Fla.; effective 7-20-61 to 7-19-62 (men's and boys' sport shirts, jackets, walk shorts, and trousers).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Gross Galesburg Co., Charlton, Iowa; effective 7-17-61 to 7-16-62; 10 learners (men's work pants, shirts, and jackets).

Wardensville Manufacturing Co., Wardensville, W. Va.; effective 7-26-61 to 7-25-61; 10 learners (infants' wear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bowling Green Garment Co., Bowling Green, Mo.; effective 7-14-61 to 1-13-62; 15 learners (ladies' dresses).

Frackville Pajama Corp., Frackville, Pa.; effective 7-21-61 to 1-20-62; 10 learners (men's and boys' nightshirts and pajamas).

Grifton Manufacturing Co., Grifton, N.C.; effective 7-14-61 to 1-13-62; 15 learners (men's and boys' sport jackets).

Lee County Mills, Inc., Leesburg, Ga.; effective 7-17-61 to 1-16-62; 100 learners (ladies' and children's underwear).

Arthur R. Lewis, Inc., 815 Chestnut Street, Perkasie, Pa.; effective 7-13-61 to 1-12-62; 10 learners (light weight girdles).

Mode O'Day Corp., 403½ South Main Street, Ottawa, Kans.; effective 7-13-61 to 1-12-62; 10 learners (ladies' dresses).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Adams-Millis Corp., Bodenhamer Street, Kernersville, N.C.; effective 7-14-61 to 7-13-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Auburn Hosiery Mills, Inc. No. 2, Adairville, Ky.; effective 7-19-61 to 1-18-62; 15 learners for plant expansion purposes (seamless).

Dothan Hosiery Co., Dothan, Ala.; effective 7-20-61 to 1-19-62; 50 learners for plant expansion purposes (seamless).

Elizabeth City Hosiery Mills, Elizabeth City, N.C.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and circular knit nylon hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Royal Manufacturing Co., Inc., Washington, Ga.; effective 7-22-61 to 7-21-62; 5 percent of the total number of factory production workers engaged in the production of men's and boys' woven shorts for normal labor turnover purposes (men's and boys' woven shorts).

Seamprufe Inc., Holdenville, Okla.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Seamprufe, Inc., McAlester, Okla.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers engaged in the production of ladies' knitted underwear for normal labor turnover purposes (slips and lingerie).

Seamprufe Inc., Ratcliff, Ark.; effective 7-17-61 to 7-16-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Caguas Tobacco and Processing Corp., Caguas, P.R.; effective 6-24-61 to 9-18-61; 13 learners for normal labor turnover purposes, in the occupations of: (1) machine stripper for a learning period of 160 hours at the rate of 70 cents an hour; (2) sorter (selecting half leaves) for a learning period of 160 hours at the rate of 63 cents an hour (machine stripping process and selection of half leaves of wrapper type tobacco) (replacement).

Caribe Staple Co., Calle Igualdad, Fajardo, P.R.; effective 6-19-61 to 10-24-61; 52 learners for plant expansion purposes in the occupations of: (1) The single occupation of machine operator and inspector, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 88 cents an hour for the remaining 240 hours; (2) inspector-packer for a learning period of 240 hours at the rate of 75 cents an hour. (industrial staples) (replacement).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; effective 6-24-61 to 8-19-61; 300 learners for plant expansion purposes, in the occupations of: (1) Cigar making; packing, each for a learning period of 320 hours at the rates of 70 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours; (2) sorting; selecting; sizing and typing, each for a learning period of 240 hours at the rate of 70 cent and hour; (3) machine stripping; inspecting, each for a learning period of 160 hours at the rate of 70 cents an hour (cigars) (replacement).

Consolidated Cigar Corp. of Puerto Rico, Caguas, P.R.; effective 6-25-61 to 6-24-62; 110 learners for normal labor turnover purposes, in the occupations of cigar making and packing, each for a learning period of 320 hours at the rates of 70 cents an hour for the first 160 hours and 80 cents an hour for the remaining 160 hours (cigars).

D. W. G. International, Inc., Gurabo Industrial Area, Gurabo, P.R.; effective 6-24-61 to 6-23-62; 10 learners for normal labor turnover purposes, in the occupations of: (1) Sorter and selector, each for a learning period of 240 hours at the rate of 63 cents an hour; (2) machine stripper for a learning period of 160 hours at the rate of 70 cents an hour (tobacco).

Granada Mills, Inc., Caguas, P.R.; effective 6-27-61 to 6-26-62; 10 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' panties and slips).

Granada Mills, Inc., Caguas, P.R.; effective 6-27-61 to 12-26-61; 40 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' panties and slips).

Janrico Inc., Rincon, P.R.; effective 6-20-61 to 6-19-62; 5 learners for normal labor turnover purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rate of 70 cents an hour for the first 320 hours and 78 cents an hour for the remaining 160 hours (brassieres).

La Torre Co., Inc., Aibonito, P.R.; effective 5-15-61 to 7-29-61; 100 learners for plant expansion purposes, in the occupation of sewing machine operator for a learning period of 480 hours at the rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (ladies' underwear, sleepwear and shoulder straps).

Pan American Screw Corp., Rio Grande, P.R.; effective 6-26-61 to 6-25-62; 5 learners for normal labor turnover purposes, in the occupations of cut threader operator, header operator, slotter and shaver operator, aluminum heat treating carburizing furnace, shipper and inspector, roll threader, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (screws and bolts).

Rico Glove Corp., Cayey, P.R.; effective 7-1-61 to 6-30-62; 23 learners for normal labor turnover purposes, in the occupation of machine stitcher for a learning period of 480 hours at the rates of 62 cents an hour for the first 240 hours and 72 cents an hour for the remaining 240 hours (fabric gloves).

Saliva Soria Hermanas, Inc., Mayaguez, P.R.; effective 5-29-61 to 11-28-61; 20 learners for plant expansion purposes, in the single occupation of basic hand production operations: Cutting ribbon, assembling ribbon, pasting ribbon, and tacking for a learning period of 240 hours at the rate of 63 cents an hour (girl scouts' emblems).

Semiconductor Industries, Inc., 611 Carpenter Road, Santurce, P.R.; effective 6-26-61 to 12-25-61; 12 learners for plant expansion purposes, in the occupations of assembler and solderer for a learning period of 480

hours at the rates of 75 cents for the first 240 hours and 85 cents for the remaining 240 hours (megaphones and walkie-talkies).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Part 527 of the Regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Act has been issued to the firm listed below. Effective and expiration dates, occupations, and learning periods for the certificate issued under Part 527 is as indicated below.

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9).

Sandia View Academy, Corrales Road, Albuquerque, N. Mex.; effective 7-10-61 to 8-31-61; authorizing the employment of 15 student-workers in the furniture manufacture (wood) industry in the occupations of, woodworking machine operator, assembler, finisher and related skilled and semi-skilled occupations, for a learning period of 600 hours each, at the rates of 85 cents an hour for the first 300 hours and 90 cents an hour for the remaining 300 hours.

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-8280; Filed, Aug. 29, 1961; 8:49 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Alexandria Industrial Garment Manufacturing Co., Inc., Alexandria, Tenn.; effective 8-7-61 to 8-6-62 (work shirts).

Baroness, Inc., 24 High Street, Womelsdorf, Pa.; effective 8-7-61 to 8-6-62 (women's and girls' blouses).

Bastian Manufacturing Corp., Bastian, Va.; effective 8-2-61 to 8-1-62 (men's, boys', ladies' and girls' knit shirts).

Calhoun Garment Co., Calhoun City, Miss.; effective 8-8-61 to 8-7-62 (boys' single pants).

Joseph Greenberg, Inc., 133 North Poplar Street, Elizabethtown, Pa.; effective 8-7-61 to 8-6-62 (children's dresses).

Hatley Sportswear, Inc., Hatley, Miss.; effective 8-12-61 to 8-11-62 (men's dress pants).

Lake Sleepwear, Inc., Boydton, Va.; effective 8-7-61 to 8-6-62 (women's and children's pajamas and gowns, woven fabric).

Louisiana Industrial Garment Manufacturing Corp., Marchand Lane, Gonzales, La.; effective 8-6-61 to 8-5-62 (men's dress and work pants).

Moreland Sportswear, Inc., 309 North 4th Street, Youngwood, Pa.; effective 9-1-61 to 8-31-62 (ladies' blouses).

Pierro Manufacturing Co., 402 Pecan Avenue, Sanford, Fla.; effective 8-1-61 to 7-31-62. Learners may not be employed at special minimum wage rates in the production of separate skirts (men's, women's and children's nightwear; women's and children's dresses).

Puritan Foundations, Inc., Farren Street, Portage, Pa.; effective 8-10-61 to 8-9-62 (brassieres).

Raycord Co., Inc., Spartanburg, S.C.; effective 8-22-61 to 8-21-62 (men's sport shirts).

Rita's Fashions, 242 Main Street, Moscow, Pa.; effective 8-20-61 to 8-19-62 (children's apparel; ladies' blouses).

Shawnee Garment Manufacturing Co., 115½ North Bell Street, Shawnee, Oklahoma; effective 8-19-61 to 8-18-62 (men's and boys' overalls, and women's and girls' jeans).

Stapleton Garment Co., Stapleton, Ga.; effective 8-20-61 to 8-19-62 (men's and boys' trousers).

Tioga Sportswear Corp., 641 Quarry Street, Fall River, Mass.; effective 8-9-61 to 8-8-62 (men's and boys' sport jackets).

Toccoa Garment Co., Inc., Big A Road, Toccoa, Ga.; effective 8-3-61 to 8-2-62 (ladies' blouses).

Todd Manufacturing Co., Elkton, Ky.; effective 8-19-61 to 8-18-62 (men's work shirts and jackets).

Weatherbee Coats, Inc., 461 East Federal Street, Youngstown, Ohio; effective 7-30-61 to 7-29-62 (ladies' rainwear, car coats and jackets).

Whiteville Garment Manufacturing Co., Wilmington Road, Whiteville, N.C.; effective 8-25-61 to 8-24-62 (men's and boys' dungarees and single pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Calico Lane Dress Co., 9 School Street, Jermyn, Pa.; effective 8-1-61 to 7-31-62; 5 learners (women's dresses).

B. F. Davis Garment Co., Inc., 3000-2 Royal Street, New Orleans 17, La.; effective 8-11-61 to 8-10-62; 10 learners (men's work pants).

Horton Garment Co., Inc., 112 South 2d Street, Atchison, Kansas; effective 8-18-61 to 8-17-62; 10 learners (junior and misses' dresses).

Mayville Co., Inc., Hillsville, Va.; effective 8-11-61 to 8-10-62; 10 learners (women's washable service apparel).

New Castle Manufacturing Co., Inc., New Castle, Va.; effective 8-8-61 to 8-7-62; 10 learners (ladies' and children's nightwear, woven fabric).

Old Hickory Co., 30 Second Street Place S.W., Hickory, N.C.; effective 8-7-61 to 8-6-62; 10 learners (men's overalls and work pants; men's and women's dungarees).

P. & M. Dress Co., Turkey Run, Shenandoah, Pa.; effective 8-7-61 to 8-6-62; 10 learners (ladies' dresses).

Piedmont Blouse Co., Inc., 321 S. Davie Street, Greensboro, N.C.; effective 8-4-61 to 8-3-62; 8 learners (ladies' and children's slips, woven fabric).

Relda Apparel Manufacturing Co., Inc., 47 Main Street, Hughesville, Pa.; effective 8-15-61 to 8-14-62; 10 learners (women's dresses).

Roseboro Manufacturing Co., Roseboro, N.C.; effective 8-7-61 to 8-6-62; 5 learners (women's dresses).

Rose Marie, Inc., 117½ South Waco Street, Hillsboro, Tex.; effective 8-10-61 to 8-9-62; 5 learners (women's dresses and blouses; children's dresses).

Rosemont Corporation Company, 610 Lincoln Street, Oxford, Pa.; effective 8-8-61 to 8-7-62; 10 learners (ladies' dresses).

The Scott Manufacturing Co., Inc., 1000 North Main Street, Rusk, Tex.; effective 8-11-61 to 8-10-62; 10 learners (ladies' and children's garments).

Susan Garment, Inc., Bethel, Pa.; effective 8-7-61 to 8-6-62; 10 learners (ladies' blouses, dusters and dresses).

Theodora Industries, 5 Biltmore Avenue, Asheville, N.C.; effective 8-9-61 to 8-8-62; 10 learners (women's and children's sleepwear, woven fabric).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N.J.; effective 8-1-61 to 7-31-62; 10 learners (ladies' sportswear).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Altamont Shirt Corp., Altamont, Tenn.; effective 8-15-61 to 2-14-62; 150 learners (men's and boys' dress shirts).

Bay Slacks, Inc., Hoyle Avenue, Bay Minette, Ala.; effective 8-7-61 to 2-6-62; 60 learners (men's slacks).

Fred Ronald Manufacturing Co., Neodesha, Kans.; effective 8-7-61 to 2-6-62; 30 learners (boys' shirts).

Samsons Manufacturing Co., 525 East 5th Street, Washington, N.C.; effective 8-3-61 to 2-2-62; 75 learners (men's sports shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 8-6-61 to 8-5-62; 10 learners for normal labor turnover purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Auburn Dyeing and Finishing Co., Auburn, Ky.; effective 8-8-61 to 2-7-62; 5 learners for plant expansion purposes (dyeing and finishing women's nylon hosiery).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 8-4-61 to 8-3-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless and full-fashioned).

Ellen Knitting Mills, Inc., Spruce Pine, N.C.; effective 9-1-61 to 8-31-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ellis Hosiery Mills, Inc., Hickory, N.C.; effective 8-10-61 to 8-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Granite Hosiery Mills, 838 South Main Street, Mt. Airy, N.C.; effective 8-3-61 to 8-2-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Silver Knit Hosiery Mills, 401 South Hamilton Street, High Point, N.C.; effective 8-28-61 to 8-27-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Tru Knit Textile Co., West Madison Avenue, Athens, Tenn.; effective 8-2-61 to 8-1-62; 5 learners for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Franklin, N.C.; effective 8-11-61 to 8-10-62; 5 learners for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Dixie Belle Textiles, Inc., Greensboro, N.C.; effective 8-2-61 to 8-1-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's underwear).

Hazlehurst Manufacturing Co., Inc., Gill Street, Hazlehurst, Ga.; effective 8-9-61 to 2-8-62; 60 learners for plant expansion purposes (women's lingerie).

Movie Star of Magnolia, Magnolia, Miss.; effective 8-10-61 to 8-9-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Shadowline, Inc., Boone, N.C.; effective 8-13-61 to 8-12-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 21st day of August 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-8281; Filed, Aug. 29, 1961; 8:49 a.m.]

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VOLUME 26 NUMBER 168

Washington, Thursday, August 31, 1961

THE UNIVERSITY OF MICHIGAN

SEP 1 1961

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3425

UNITED STATES DEPARTMENT OF AGRICULTURE CENTENNIAL YEAR

By the President of the United States of America

A Proclamation

WHEREAS May 15, 1962, marks the centennial of the approval by President Lincoln of legislation establishing the United States Department of Agriculture; and

WHEREAS the Department of Agriculture through its research, service, and educational work has enabled our farmers and ranchers, processors, and distributors to provide the food, fiber, and wood products necessary to a healthful, vigorous, and expanding population through increased efficiency in the production, utilization, and marketing of agricultural products; and

WHEREAS an economically sound agriculture and a rewarding rural life are essential to the national well-being; and

WHEREAS our productive agriculture has enabled the Government and many private organizations to initiate programs to alleviate hunger and suffering among peoples throughout the world; and

WHEREAS the emergence of a progressive, efficient, and productive agriculture during the one hundred years since the establishment of the Department of Agriculture has resulted in large measure from the close cooperation between the Department of Agriculture and the national system of land-grant universities and colleges which was founded under the first Morrill Act of July 2, 1862, and this historical anniversary will also be observed during the same year; and

WHEREAS the Congress, by a joint resolution approved August 25, 1961, has requested the President to issue a proclamation designating 1962 as the centennial year of the establishment of the United States Department of Agriculture:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the year 1962 as United States Department of Agriculture Centennial Year; and I request the Department of Agriculture to plan and to participate in appropriate activities recognizing the anniversary to the end that the centennial may serve as an occasion to commemorate the contributions of agriculture to the health and welfare of every citizen, to the national well-being, and to the development of emerging nations.

I also request that, in its centennial observances, the Department of Agriculture cooperate with the land-grant universities and colleges in recognition of a century of mutually beneficial cooperative relationships, and with other appropriate organizations and individuals.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of August in the year of our Lord nineteen hundred
[SEAL] and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-8395; Filed, Aug. 29, 1961; 2:36 p.m.]

Proclamation 3426

CENTENNIAL OF THE ESTABLISHMENT OF THE NATIONAL SYSTEM OF LAND-GRANT UNIVERSITIES AND COLLEGES

By the President of the United States of America

A Proclamation

WHEREAS July 2, 1962, marks the centennial of the first Morrill Act, approved by President Abraham Lincoln, granting public lands to States and territories in support of colleges to promote "liberal and practical education . . . in the several pursuits and professions in life"; and

WHEREAS the Act opened the doors of colleges and universities to all with the ability and will to learn, irrespective of heredity, occupation, or economic status; and

WHEREAS the land-grant institutions in the fifty States and the Commonwealth of Puerto Rico carry research and teaching to the citizens of these States and the Commonwealth and to people of other nations, particularly the emerging nations, seeking solutions to economic, social, and physical ills, and enriching the cultural life of the people; and

WHEREAS the land-grant system of higher education is the Nation's largest single source of trained and educated manpower and now contributes more than one-half of the Nation's trained scientists and nearly one-half of all Regular and Reserve officers entering the armed forces through the military programs conducted at civilian institutions; and

WHEREAS these institutions have historically maintained and currently maintain close cooperative relationships with the United States Department of Agriculture, which marks the centennial of its establishment on May 15, 1962, and also maintain close working relationships with other departments and agencies of the Government, including the Departments of Defense, the Interior, Commerce, Labor, and Health, Education, and Welfare, the United States Information Agency, and the International Cooperation Administration; and

WHEREAS the Congress, by a joint resolution approved August 25, 1961, has requested the President to issue a proclamation recognizing the centennial of the establishment of the land-grant system of universities and colleges:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim that it is fitting and proper to commemorate the centennial of this historic Act of Congress; and I request that the agencies of the Government cooperate with the land-grant universities and colleges throughout the academic year 1961–1962 in recognizing the historical and present close cooperative relationship of such institutions with the departments and establishments of the Government.

I also request that such centennial be otherwise appropriately celebrated to the end that the occasion may serve to commemorate the unparalleled opportunities for higher education provided by these publicly supported institutions and their efforts through teaching, research, and service to improve the economic, social, and cultural lives of the people of this Nation and of other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of August in the year of our Lord nineteen hundred
[SEAL] and sixty-one, and of the Independence of the United States of America the one hundred and eighty-sixth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 61-8396; Filed, Aug. 29, 1961; 2:36 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 831.4, Amdt. 3]

PART 831—BEET SUGAR AREA

1959 and Subsequent Crops

Pursuant to the provisions of section 302(a) of the Sugar Act of 1948, as amended, paragraph (c) of § 831.4 (24 F.R. 6991, 7499, 25 F.R. 7521) is hereby revised to read as follows:

(c) *Delegation and effectiveness.* Beginning with the 1961 crop the applicable rates of sugar commercially recoverable, as determined herein, shall be established by the Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, and shall become effective for each crop when the specific rates for individual settlement areas, as provided for in paragraph (b)(1) of this section, and directions for computing the rates provided for in paragraph (b)(2) of this section are published in the FEDERAL REGISTER.

Statement of bases and considerations. This amendment to the determination of sugar commercially recoverable for the 1959 and subsequent sugar beet crops revises that portion relating to the delegation of establishing the rates of recoverability for each crop.

The determination formerly provided that the rates of commercially recoverable sugar would be established by the Director of the Sugar Division. This amendment provides for the establishment of such rates by the Deputy Administrator for Price and Production, Agricultural Stabilization and Conservation Service, beginning with the 1961 crop.

Accordingly, I hereby find and conclude that the aforestated amendment will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies secs. 302, 303, 304, 61 Stat. 930, as amended, 931, 7 U.S.C. Supp. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on August 25, 1961.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 61-8345; Filed, Aug. 30, 1961; 8:50 a.m.]

[Sugar Determination 831.4; Amdt. 3; Supp. 1]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1961 Crop

§ 831.7 Rates of recoverability; 1961 crop.

The amounts of sugar, raw value, commercially recoverable from sugar beets of the 1961 crop shall be computed by multiplying the net weight thereof in tons at the time of delivery to a processor, by the rate of commercially recoverable sugar, which is applicable under the following provisions of this section.

(a) For sugar beets marketed within a settlement area under any type of agreement other than an "individual test" contract, the rate of commercially recoverable sugar with respect to each settlement area is established as follows:

Settlement areas by factories in States	1954–60 average sugar content	Rate of commercially recoverable sugar
IDAHO, OREGON, WASHINGTON	*Percent*	*Hundredweight*
Idaho Falls	16.49	3.077
Nyssa, Nampa (Quincy)	15.44	2.881
Preston	16.10	3.004
Rupert, Twin Falls	16.68	3.112
Toppenish, Moses Lake	15.26	2.848
UTAH		
Centerfield	15.91	2.969
Garland	16.24	3.030
Layton	16.11	3.006
Lewiston (Ogden)	15.84	2.956
West Jordan	15.35	2.864
COLORADO, NEBRASKA, SOUTH DAKOTA		
Delta	15.98	2.982
Sugar City	14.62	2.728
Grand Island	14.31	2.670
Belle Fourche	15.98	2.982
WYOMING, MONTANA		
Lovell	16.89	3.152
Worland	16.44	3.068
Billings	16.82	3.139
Hardin	16.57	3.092
Missoula	16.47	3.073
Sidney	16.41	3.062
MINNESOTA, IOWA		
East Grand Forks, Moorhead, Crookston	15.88	2.963
Chaska, Mason City	14.30	2.668
GREAT LAKES STATES		
Alma	14.70	2.743
Bay City	14.82	2.765
Findlay, Fremont (Blissfield)	14.51	2.708
Caro	14.83	2.767
Carrollton	14.49	2.704
Croswell	14.84	2.769
Green Bay	14.56	2.717
Ottawa	14.35	2.678
Sebewaing	14.87	2.775

(b) For sugar beets marketed under "individual test" contracts, the rate of commercially recoverable sugar shall be computed by multiplying the percentage of sugar content of such beets by 20 hundredweight, and then multiplying the result by 89.6 percent (the average extraction rate, as adjusted for shrink, effective for such beets). This computation can be shortened by the use of the factor of 0.1792. As an example, a percentage of sugar content of 16.37 when multiplied by 0.1792 would result in a rate of commercially recoverable sugar of 2.933 hundredweight.

Statement of bases and considerations. The determination of sugar commercially recoverable for the Beet Sugar Area, as issued August 26, 1959, provides the method of determining and establishing amounts of sugar commercially recoverable from sugar beets of the 1961 crop, and it also provides that the rates shall become effective when public notice thereof is given in the FEDERAL REGISTER.

Pursuant to that determination, this supplement sets forth the rates of recoverability as determined for the 1961 crop. Definitive rates are specified for the various settlement areas where the only tests available for ascertaining the sugar content of the beets are cossette tests. Within these areas, the rates give effect to 1954–60 average percentages of sugar content and the 1955–59 national average extraction rate of beet sugar, raw value, of 93.3 percent.

In lieu of an extensive table of definitive rates applicable to sugar beets of various percentages of sugar content as marketed under individual test contracts, this supplement shows that the rate of recoverability for beets of any given percentage of sugar content so marketed may be computed by multiplying the percentage of sugar content of such beets by the factor of 0.1792. This factor gives effect to the average rate of extraction of sugar, raw value, of 89.6 percent as applicable to individual test beets. The difference between 93.3 and 89.6 percent represents the average "shrink" in percentage of sugar content between the time of delivery and the time of processing for all beets of the crops of 1955–59 marketed under individual test contracts. Listings of the rates applicable to various percentages of such content (expressed in hundredths) will be available for inspection at ASCS County Offices in sugar beet producing counties.

The percentages of 93.3 and 89.6, as determined herein for the 1961 crop, compare with percentages of 93.5 and 90.3, as effective for the 1960 crop.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Supp. 1153. Interprets or applies sec. 302, 303, 304, 61 Stat. 930, as amended, 931; 7 U.S.C. Supp. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on August 25, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator for Price and Production.

[F.R. Doc. 61-8357; Filed, Aug. 30, 1961; 8:52 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

Salable and Surplus Percentages for 1961–62 Crop Year

Notice was published in the FEDERAL REGISTER on August 11, 1961 (26 F.R. 7262) that there was under consideration the proposed establishment of certain allocation percentages for California almonds during the 1961–62 crop year which began July 1, 1961. The percentages are based on recommendations of the Almond Control Board and other available information, in accordance with the applicable provisions of Marketing Agreement No. 119, as amended, and Order No. 9, as amended (7 CFR Part 909), regulating the handling of almonds grown in California. Said amended marketing agreement and order are effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views or arguments pertaining thereto with the Department for consideration prior to establishment of salable and surplus percentages for the 1961–62 crop year. The prescribed time has elapsed and no such communications have been received.

After consideration of all relevant matters presented, including those in the notice, it is hereby found that to establish salable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable and surplus percentages for almonds received by handlers for their own accounts during the 1961–62 crop year are hereby designated as follows:

§ 909.211 Salable and surplus percentages for almonds during the crop year beginning July 1, 1961.

The salable and surplus percentages during the crop year beginning July 1, 1961, applicable to the total kernel weight of almonds received by handlers for their own accounts, shall be 80 percent and 20 percent, respectively.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and surplus percentages designated for a particular crop year shall be applicable to all almonds received by handlers for their own accounts during such year; and (2) the current crop year began on July 1, 1961, and the percentages herein designated will automatically apply to all such almonds beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 28, 1961.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-8344; Filed, Aug. 30, 1961; 8:49 a.m.]

[Milk Order No. 15]

PART 915—MILK IN ST. JOSEPH, MO., MARKETING AREA

Order Regulating Handling of Milk

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915.0 Findings and determinations.

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AUTHORITY: §§ 915.0 to 915.95 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 915.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the St. Joseph, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) producer milk, except producer milk received by a cooperative association as a handler pursuant to § 915.8(c); (b) producer milk received from a cooperative association pursuant to § 915.8(c); and (c) other

source milk allocated to Class I pursuant to § 915.46(a)(2) and the corresponding step of (b). A handler operating a distributing plant which is a nonpool plant shall pay administrative assessment pursuant to § 915.61.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than September 1, 1961, and fully effective not later than October 1, 1961. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service was issued July 6, 1961, and the decision of the Secretary containing all the provisions of this order was issued August 11, 1961. Since this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments, should be put into effect prior to the effective date of the entire order to afford handlers an opportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective September 1, 1961, and fully effective October 1, 1961, and that it would be contrary to the public in interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Joseph, Missouri, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 915.1 Act.

"Act" means Public Act. No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.)

§ 915.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 915.3 Department.

"Department" means the United States Department of Agriculture.

§ 915.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 915.5 Cooperative association.

"Cooperative association" means any cooperative marketing association or producers as defined in § 915.7, which the Secretary determines:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 915.6 St. Joseph, Missouri, marketing area.

"St. Joseph, Missouri, marketing area" hereinafter called "marketing area" means all the territory included within the perimetric boundaries of Doniphan, Brown, and Nemaha counties, Kansas; Andrew, Atchison, Buchanan, Clinton, Daviess, De Kalb, Gentry, Holt, Nodaway, and Worth counties, Missouri; and those portions of Platte and Clay counties, Missouri, not included in the marketing area of the Greater Kansas City milk order (Part 913 of this chapter).

§ 915.7 Producer.

"Producer" means any person, other than a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority and whose milk is:

(a) Received at a pool plant, or

(b) Diverted as producer milk pursuant to § 915.14.

§ 915.8 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a distributing plant or a supply plant;

(b) Any cooperative association with respect to producers' milk diverted from a pool plant to a nonpool plant for the account of such cooperative association; and

(c) Any cooperative association with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association if the cooperative association, prior to delivery, notifies the market administrator in writing that it will be the handler for the milk. Milk so delivered shall be considered to have been received by the cooperative association at the plant to which delivered and then transferred to the handler operating that plant.

§ 915.9 Producer-handler.

"Producer-handler" means a person who operates both a dairy farm(s) and a distributing plant at which each of the following conditions is met during the month.

(a) The butterfat or skim milk received in the form of fluid milk products at the plant does not exceed the butterfat or skim milk, respectively, received from the dairy farm(s) of such person and from pool plants of other handlers; and

(b) Such person provides proof that:

(1) The maintenance, care and management of the dairy animals and other resources used to produce milk on his farm(s) are the personal enterprise of and at the personal risk of such person; and

(2) The operation of the processing and packaging facilities are the personal enterprise of and at the personal risk of such person.

§ 915.10 Distributing plant.

"Distributing plant" means a plant at which approved milk is processed and packaged and from which approved milk is disposed of during the month as fluid milk products in the marketing area on routes.

§ 915.11 Supply plant.

"Supply plant" means a plant at which approved milk is received from farms and is shipped to and received at a distributing plant which is a pool plant.

§ 915.12 Pool plant.

"Pool plant" means a distributing plant or supply plant except the plant of a producer-handler or a plant exempt pursuant to § 915.62 which meets the conditions set forth in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month or during the immediately preceding month there is disposed of:

(1) As Class I milk in the marketing area on routes not less than 15 percent of such plants total sales of packaged Class I milk; and

(2) As Class I milk not less than the applicable percentage of such plants receipts of approved milk from dairy farmers and cooperative associations in their capacity as handlers pursuant to § 915.8(c):

(i) September through December, 50 percent;

(ii) January, February, July and August, 45 percent;

(iii) March through June, 35 percent.

(b) A supply plant from which during the month not less than 50 percent of its receipts of approved milk from dairy farmers and from cooperative associations of producers in their capacity as handlers pursuant to § 915.8(c) is shipped to and received at distributing pool plants: *Provided*, That any supply plant which is a pool plant by reason of meeting the required percentages in this paragraph during each of the months of

September through December (in 1961 during each month from the effective date through December) shall be pooled for each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

§ 915.13 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant.

§ 915.14 Producer milk.

"Producer milk" shall be that skim milk or butterfat for each handler's account in milk received pursuant to paragraphs (a) and (b) and diverted pursuant to paragraph (c) as follows:

(a) Received directly from producers' farms at a pool plant by the operator of the pool plant (except that for which a cooperative association is a handler pursuant to § 915.8(c)) or diverted by the pool plant operator pursuant to paragraph (c) of this section;

(b) Received directly from producers' farms for its account by a cooperative association in its capacity as a handler pursuant to § 915.8(c) or diverted for its account pursuant to paragraph (c) of this section; and

(c) Milk diverted to a pool or nonpool plant shall be considered as received at the plant from which it was diverted for pooling and pricing purposes. During the months of September through December, producer milk shall not include that portion of the milk of a producer which is diverted in excess of 16 days' production.

§ 915.15 Approved milk.

"Approved milk" means any skim milk and butterfat contained in milk, skim milk or cream which is approved by a duly constituted health authority for distribution as Grade A milk.

§ 915.16 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except: (1) Fluid milk products received from pool plants and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 915.17 Fluid milk product.

"Fluid milk product" means any milk, skim milk, buttermilk, flavored milk, milk drinks (flavored or plain), concentrated milk or skim milk, yogurt, cream (sweet or sour) disposed of as such, and any mixture of milk, skim milk or cream; except sterilized products in hermetically sealed containers, eggnog, frozen dessert mixes, ice cream mix, aerated cream, and cultured sour mixtures disposed of as other than sour cream.

§ 915.18 Route.

"Route" means any delivery (including delivery through a vendor and sales from a plant or plant store) of a fluid milk product other than a delivery to a pool or a nonpool plant.

MARKET ADMINISTRATOR

§ 915.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 915.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 915.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 915.86 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 915.85) necessary and incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by audit or such other investigation as may be necessary, of such handler's records and facilities and of the records and facilities of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 915.30 through 915.33;

(2) Maintained adequate records and facilities pursuant to §915.34; or

(3) Made payments pursuant to §§ 915.80 through 915.86.

(i) On or before the 14th day after the end of each month report to each cooperative association which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that receipts of all producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 915.51(a) and the Class I butterfat differential pursuant to § 915.52(a), both for the current month; and on or before the 5th day of each month the minimum price for Class II milk, pursuant to § 915.51(b) and the Class II butterfat differential pursuant to § 915.52(b), both for the month immediately preceding; and

(2) On or before the 12th day of each month, the applicable uniform price(s) computed pursuant to § 915.71 and the producer butterfat differential computed pursuant to § 915.72 both applicable to milk delivered during the previous month;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 915.30 Reports of receipts and utilization.

On or before the 7th day after the end of each delivery period, each handler for each of his pool plants and each cooperative association which is a handler pursuant to § 915.8 (b) or (c), shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Receipts for his account of producer milk from each producer, the average butterfat test, the pounds of butterfat contained therein and the number of days milk was received from such producer;

(2) Fluid milk products received from other pool plants and from a co-

operative association in its capacity as a handler pursuant to § 915.8(c);

(3) Other source milk;

(4) Inventories on hand at the beginning of the month.

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this Section and inventories of fluid milk products on hand at the end of the month;

(c) The disposition of fluid milk products in the marketing area on routes; and

(d) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 915.31 Payroll reports.

(a) On or before the 23d day of each month; each handler except a producer-handler or a handler making payments pursuant to § 915.61 shall submit to the market administrator in the detail and on forms approved by the market administrator his producer payroll for the preceding month, which shall show for each producer:

(1) His name and address;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer;

(3) The net amount of payment to producer; and

(4) The nature and amount of any deductions or charged items involved in such payments.

(b) Each handler making payments pursuant to § 915.61(a) shall report the information required pursuant to paragraph (a) of this section substituting receipts from dairy farmers for receipts from producers.

§ 915.32 Other reports.

(a) Each producer-handler, each handler making payments pursuant to § 915.61(b) and each handler exempt pursuant to § 915.62 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) On or before the 7th day after the end of each month each handler making payments pursuant to § 915.61(a) shall report to the market administrator the information required of handlers pursuant to § 915.30 substituting receipts from dairy farmers for receipts from producers; and

(c) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 915.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 915.80(b) shall report on or before the 7th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 15.84.

§ 915.34 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as the market administrator deems necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 915.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in conection with a proceeding under section 8c(15)(A) of the Act, or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 915.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to §§ 915.30 through 915.32 shall be classified by the market administrator pursuant to the provisions of §§ 915.41 through 915.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 915.41 Classes of utilization.

Subject to the conditions set forth in §§ 915.43 and 915.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to paragraph (b)(2), (3), and (4) of this section; and

(ii) Fluid milk products which are fortified with nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any products other than fluid milk products;

(2) Disposed of and used for starter churning, wholesale baking and candy making purposes;

(3) Disposed of as livestock feed;

(4) In skim milk:

(i) Dumped after prior notification to and opportunity for verification by the market administrator; and

(ii) The weight of skim milk in fortified fluid milk products which is not classified as Class I pursuant to subparagraph (a)(1) of this section;

(5) In inventory of fluid milk products on hand at the end of the month;

(6) In actual shrinkage of skim milk and butterfat, respectively, allocated pursuant to § 915.42(b)(1) but not in excess of:

(i) Two percent of milk received at a pool plant directly from producers; plus

(ii) Two percent of milk received from a cooperative association handler pursuant to § 915.8(c), if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations; plus

(iii) One and one-half percent of milk received in bulk from pool plants of other handlers or received from cooperative associations pursuant to § 915.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph; less

(iv) One and one-half percent of milk disposed of in bulk to other plants; and less

(v) One and one-half percent of milk disposed of to plants by a cooperative association handler pursuant to § 915.8(c) unless two percent shrinkage is assigned pursuant to subdivision (ii) of this subparagraph.

(7) In shrinkage allocated to other source milk pursuant to § 915.42(b)(2).

§ 915.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 915.41(b)(6) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products.

§ 915.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 915.44 Transfers.

Skim milk or butterfat transferred or diverted in bulk fluid form from a pool plant or by a cooperative association in its capacity as a handler pursuant to § 915.8(c) shall be classified:

(a) As Class I milk if transferred or diverted to a pool plant unless:

(1) The transferee and transferor handlers claim Class II utilization in their reports submitted pursuant to § 915.30;

(2) The transferee plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively, after the subtractions of other source milk pursuant to § 915.46(a)(5) and the corresponding step of (b): *Provided*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk; and

(3) If a specified utilization is not claimed by both handlers, subject to subparagraph (2) of this paragraph, skim milk and butterfat transferred to the pool plant of another handler by a cooperative association which is a handler pursuant to § 915.8(c) shall be classified pro rata to the respective amounts remaining in each class for such month at the pool plant of the receiving handler after the computations pursuant to § 915.46(a)(7) and the corresponding step of (b).

(b) As Class I milk if transferred to the plant of a producer-handler;

(c) As Class I milk if transferred or diverted to a nonpool plant unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plants, in which case it shall be classified as Class I to the extent of the following pro rata computation:

(1) From the total skim milk and butterfat, respectively, disposed of from such nonpool plant and classified as Class I milk pursuant to the provisions of this part applied to such nonpool plant subtract the skim milk and butterfat in approved milk received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant;

(2) Prorate the remaining Class I utilization to receipts of skim milk and butterfat in fluid form which are fully subject to the classification and pooling provisions of this and other Federal milk orders issued pursuant to the Act.

§ 915.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 915.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 915.45, the market administrator shall determine the classification of milk received from producers at the pool plants of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the shrinkage of skim milk classified as Class II pursuant to § 915.41(b)(6);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk not subject to the pricing and pooling provisions of another order issued pursuant to the Act;

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled but not priced as Class I under the provisions of another order issued pursuant to the Act;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in other source milk which are pooled and priced as Class I under the provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants or from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(1) and (2);

(8) Subtract from the pounds of skim milk remaining in each class, the skim milk received from a cooperative association in its capacity as a handler pursuant to § 915.8(c) according to its classification as determined pursuant to § 915.44(a)(3); and

(9) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 915.47 Inventory reclassification.

From any skim milk or butterfat allocated to Class I milk pursuant to § 915.46(a)(5) and the corresponding step in § 915.46(b) subtract in the following sequence the skim milk and butterfat, respectively, allocated to Class II during the preceding month:

(a) That remaining in Class II after the computation pursuant to § 915.46(a)(5) and the corresponding step of (b); and

(b) That subtracted from Class II pursuant to § 915.46(a)(4) and the corresponding step of (b).

MINIMUM PRICES

§ 915.50 Basic formula price.

The basic formula price for the month shall be the higher of the prices computed pursuant to paragraph (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Borden Co., Orfordville, Wis.
Pet Milk Co., Coopersville, Mich.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.5; and

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 915.51 Class prices.

Subject to the provisions of §§ 915.52 and 915.53, the minimum class prices per hundredweight of milk containing 3.5 percent butterfat to be paid by each handler for milk received from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price each month for the first eighteen months beginning with the effective date of this section shall be 10 cents less than the Greater Kansas City Federal milk order (Part 913 of this chapter) Class I price for the same month;

(b) *Class II milk.* The Class II milk price price shall be the higher of:

(1) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator, plus 24 cents.

Present Operator and Location

Carnation Co., Girard, Kans.
Kraft Foods Co., Nevada, Mo.
Pet Milk Co., Iola, Kans.
Swift and Co., Parsons, Kans.; or

(2) The price per hundredweight computed as follows:

(i) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(ii) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(iii) From the sum of the results arrived at under subdivisions (i) and (ii) of this subparagraph, subtract 69 cents.

§ 915.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to either class pursuant to § 915.46(c) is more or less than 3.5 percent, there shall be added to the respective class price computed pursuant to § 915.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 915.50(b)(1) by 1.2, divide the result by 10; and round to the nearest one-tenth of a cent.

(b) For Class II milk, multiply the butter price specified in § 915.50(b)(1) by 1.15, divide the result by 10, and round to the nearest one-tenth of a cent.

§ 915.53 Location differentials to handlers.

(a) For milk which is received from producers at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, and which is classified as Class I milk, the prices computed pursuant to § 915.51(a) shall be reduced by 10 cents if such plant is located more than 50 miles but not more than 60 miles from such City Hall, and by an additional one and one-half cents for each 10 miles or fraction thereof that such distance exceeds 60 miles;

(b) Milk moved in bulk from a plant as defined in § 915.12, (a) or (b) to a plant as defined in § 915.12(a) shall be considered to be Class I milk to the extent that the Class I milk disposed of from the transferee plant exceeds receipts of milk from producers' farms: *Provided*, That for the purpose of calculating such location differential, transfers of milk, skim milk and cream between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds receipts from producers and from cooperative associations in their capacity as handlers pursuant to § 915.8(c), such assignment to transferor plants to be made first to plants at which no location credit is applicable and then in sequence beginning with the plant at which the lowest location differential would apply.

§ 915.54 Rate of compensatory payment.

The rate of compensatory payment shall be calculated as follows: Subtract the Class II milk price, adjusted by the Class II butterfat differential, from the Class I milk price adjusted by the Class I butterfat differential and the Class I location differential rates set forth in § 915.53 for the location of the plant at which the milk was received from farmers.

§ 915.55 Use of equivalent prices.

If for any reason a price specified by this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is specified.

APPLICATION OF PROVISIONS

§ 915.60 Producer-handlers.

Sections 915.40 through 915.46, 915.50 through 915.53, 915.61, 915.70, 915.71, 915.80 through 915.88 shall not apply to a producer-handler.

§ 915.61 Handlers operating nonpool distributing plants.

In lieu of the payments required pursuant to §§ 915.80 through 915.89, each handler, other than a producer-handler or one exempt pursuant to § 915.62, who operates during the month a nonpool distributing plant, shall pay to the market administrator within 5 days after his receipt of notice from the market administrator that he is subject to the provisions of this section for the first time and thereafter on or before the 25th day after the end of the month the amounts calculated pursuant to paragraph (a) of this section unless the handler elects, at the time of reporting pursuant to § 915.30, to pay the amounts computed pursuant to paragraph (b) of this section:

(a) An amount:

(1) For deposit in the producer-settlement fund, equal to any plus amount remaining after deducting the amounts paid pursuant to subdivisions (i) and (ii) of this subparagraph from the obligation that would have been computed pursuant to § 915.70 for such nonpool plant had such plant been a pool plant:

(i) The gross payments made on or before the 15th day after the end of the month for milk received at such nonpool plant during the delivery period from dairy farmers who supply approved milk; and

(ii) Any payments to the producer-settlement funds under other orders issued pursuant to the Act applicable to milk handled at such plant during the month as a partially regulated plant under such other orders.

(2) For administrative assessment, equal to the amount which would have been computed pursuant to § 915.86 if such nonpool plant were a pool plant during the month: *Provided*, That such amount shall be reduced by any amount paid as an administrative assessment determined on the basis of Class I milk disposed of on routes in other marketing areas pursuant to the terms of other orders issued pursuant to the Act: *And provided further*, That if an administrative assessment is applied at such nonpool plant as if a fully regulated plant pursuant to another milk order issued pursuant to the Act, no administrative expense assessment shall be applicable under this order; or

(b) An amount:

(1) For deposit in the producer-settlement fund, equal to the hundredweight of skim milk and butterfat disposed of as Class I milk in the marketing area on routes multiplied by the rate of compensatory payment pursuant to § 915.54;

(2) For administrative assessment, equal to the rate specified in § 915.86 multiplied by the hundredweight of Class I milk disposed of in the marketing area, unless an administrative assessment is applied to milk at such nonpool plant pursuant to another order issued pursuant to the Act on the same basis as plants fully regulated by such other order.

§ 915.62 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such

time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 915.12(a) which disposes of a lesser volume of Class I milk in the St. Joseph, Missouri, marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order is exempted;

(b) Any plant qualified pursuant to § 915.12(b) for any portion of the period January through August, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

DETERMINATION OF UNIFORM PRICE

§ 915.70 Computation of the obligation of each pool handler.

For each month the market administrator shall compute the obligation of each pool handler as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 915.46 (c) by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 915.46 (a)(9) and (b)(9) by the applicable class price;

(c) Add the amounts obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat:

(1) Subtracted pursuant to § 915.47 (a); and

(2) Any plus amount remaining after the calculation pursuant to § 915.47(b).

(d) Add an amount obtained by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 915.46(a) (2) and (3) and the corresponding steps of § 915.46 (b) by the rate of compensatory payment pursuant to § 915.54: *Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total net Class I utilization of such plants for the month.

§ 915.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. marketing area, as follows:

(a) Combine into one total the values computed pursuant to § 915.70 for all handlers who submit reports pursuant to § 915.30 and who are not in default of payments pursuant to §§ 915.80 and 915.82;

(b) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add for each one-tenth percent that such average butterfat content is less than 3.5 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 915.72 by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 915.73;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 915.72 Butterfat differential to producers.

In making payments pursuant to § 915.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 915.52, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 915.73 Location differential to producers.

In making payments to producers for milk received at a pool plant located more than 50 miles by the shortest highway distance, as determined by the market administrator, from the City Hall in either St. Joseph, Missouri, or Sabetha, Kansas, whichever is nearer, there shall be deducted 10 cents per hundredweight of milk for distances of more than 50 but not more than 60 miles, plus an additional one and one-half cents for each additional 10 miles or fraction thereof in excess of 60 miles.

PAYMENTS

§ 915.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, an amount equal to not less than the appropriate uniform price pursuant to § 915.71, adjusted by the butterfat and location differentials to producers pursuant to §§ 915.72 and 915.73 subject to the following adjustments:

(1) Less marketing service deductions made pursuant to § 915.85; and

(2) Less proper deductions authorized in writing by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 915.83, he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(b) On or before the 13th day after the end of the month to each cooperative association which has filed a written request for such payment with such handler with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a) of this section, less any deductions authorized in writing by such cooperative association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

(c) On or before the 13th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 915.8(c), not less than the value of such milk at applicable class prices; and

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producers;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 915.70, 915.71, and 915.72;

(4) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (a) of this section, and § 915.85, together with a description of the respective deductions; and

(5) The net amount of payment to the producer.

§ 915.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 915.61 (a)(1) and (b)(1), 915.82 and 915.84, and out of which he shall make all payments pursuant to §§ 915.83 and 915.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 915.82 Payments to the producer-settlement fund.

On or before the 14th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of the milk received from producers by such handler during the month as determined pursuant to § 915.70 is greater than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials.

§ 915.83 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 915.70 is less than the amount owed by him for such milk at the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 915.84 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date of making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 915.85 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 915.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the month, and shall pay such deductions to the market administrator on or before the 12th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers;

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 915.80(a), as are authorized by such producers, and, on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deductions and the quantity of milk for which it was computed for each such producer.

§ 915.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of each month, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk, except producer milk received by a cooperative association as a handler pursuant to § 915.8(c);

(b) Milk received from a cooperative association as a handler pursuant to § 915.8(c); and

(c) Other source milk allocated to Class I milk pursuant to § 915.46(a)(2) and the corresponding step of (b).

A handler operating a distributing plant which is a nonpool plant shall pay administrative assessment pursuant to § 915.61.

§ 915.87 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding, the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 608c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 915.90 Effective time.

The provisions of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 915.91.

§ 915.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 915.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 915.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 915.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 915.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: §§ 915.0 through 915.61 and §§ 915.90 through 915.95 shall be effective on and after September 1, 1961,

and all of the remaining provisions shall be effective on and after October 1, 1961.

Signed at Washington, D.C., on August 28, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-8358; Filed, Aug. 30, 1961; 8:53 a.m.]

[Milk Order No. 86]

PART 986—MILK IN RED RIVER VALLEY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Red River Valley marketing area (7 CFR Part 986), it is hereby found and determined that:

(a) Section 986.63(d) will not tend to effectuate the declared policy of the Act for the period of September 1961 through December 1961.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will suspend the diversion limitation of not more than 10 days production of a producer during any month during the months of September through December 1961. This limitation inhibits the movement of existing supplies of surplus milk to nonpool plants. Emergency conditions exist in the marketing area which will make it necessary to divert producer milk on more days during these months than is permitted under the present provision. Failure to suspend the limitation on diversions would result in a number of dairy farmers losing their producer status under the order.

(4) The time available, prior to September 1961, is too short to permit the necessary analysis of the record evidence and the preparation and issuance of a recommended decision, a final decision, and an order on the proposed amendment being considered.

(5) Suspension action is based on evidence presented at a hearing held in Oklahoma City, Oklahoma, May 23–25, 1961, and reopened at Tulsa, Oklahoma, on August 8, 1961. This suspension order was requested by the Central Oklahoma Milk Producers Association which represents a majority of all producers supplying milk to the Red River Valley marketing area.

Therefore, good cause exists for making this order effective September 1, 1961.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period September 1961 through December 1961.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on August 28, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-8359; Filed, Aug. 30, 1961; 8:53 a.m.]

[Milk Order No. 108]

PART 1008—MILK IN INLAND EMPIRE MARKETING AREA

Order Amending Order

§ 1008.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service, was issued July 28, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued August 11, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c), Administrative Procedure Act, 5 U.S.C. 1001–1011).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

§ 1008.12 [Amendment]

1. In the first proviso of § 1008.12 delete the phrase "(or from a producer who previously held such producer's base)."

§§ 1008.17, 1008.18 and 1008.19 [Deletion]

2. Delete §§ 1008.17, 1008.18 and 1008.19.

§ 1008.22 [Amendment]

3. Delete § 1008.22(j)(1)(iii) and substitute therefor the following:

(iii) The uniform price;

§ 1008.22 [Amendment]

4. In § 1008.22(k)(2) change the words "price(s)" and "differential(s)" to "price" and "differential", respectively.

§ 1008.30 [Amendment]

5. Delete paragraph (f) of § 1008.30 and redesignate paragraph (g) as paragraph (f).

§ 1008.31 [Amendment]

6. In § 1008.31(a) delete the phrase "base milk and the total pounds of excess".

§ 1008.32 [Amendment]

7. In § 1008.32 delete paragraph (c) and redesignate paragraph (d) as paragraph (c).

§ 1008.35 [Amendment]

8. In § 1008.35(a)(2) delete the phrase "the pounds of base and excess milk," and in § 1008.35(a) (3) and (4) change "rate(s)" to "rate".

§§ 1008.60 and 1008.61 [Deletion]

9. Delete §§ 1008.60 and 1008.61.

10. Delete § 1008.71 and substitute therefor the following:

§ 1008.71 Computation of uniform price.

For each month the market administrator shall compute a uniform price per hundredweight as follows:

(a) Combine into one total the values computed pursuant to § 1008.70 for all handlers who made reports prescribed in § 1008.30 and who made the payments pursuant to § 1008.84 for the preceding month;

(b) Add the aggregate values of the location adjustments pursuant to § 1008.81;

(c) Subtract for each of the months of April, May and June an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(d) Add for each of the months of September, October and November one-third of the aggregate amount subtracted pursuant to section (c) of this section;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1008.82 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1008.80 [Amendment]

11. In § 1008.80 delete that portion of paragraph (a) which precedes the first proviso and substitute therefor the following:

(a) On or before the 17th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer for milk received at his plant from such producer during such month at not less than the uniform price for the quantity of milk received, adjusted by the location adjustment computed pursuant to § 1008.81 and by the butterfat differential computed pursuant to § 1008.82:

§ 1008.80 [Amendment]

12. In § 1008.80(a) delete subparagraphs (1) and (2).

§ 1008.81 [Amendment]

13. In § 1008.81 delete the word "base."

14. Delete § 1008.82 and substitute therefor the following:

§ 1008.82 Producer butterfat differential.

In making payments pursuant to § 1008.80(a) the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 4.0 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1008.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1008.84 [Amendment]

15. In § 1008.84 change "prices" to "price."

§ 1008.85 [Amendment]

16. In § 1008.85 change "prices" to "price."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1961.

Signed at Washington, D.C., on August 28, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61-8360; Filed, Aug. 30, 1961; 8:53 a.m.]

[Milk Order No. 127]

PART 1027—MILK IN UPPER CHESAPEAKE BAY (MARYLAND) MARKETING AREA

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MISCELLANEOUS PROVISIONS

1027.100 Agents.
1027.101 Separability of provisions.

AUTHORITY: §§ 1027.0 to 1027.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c.

§ 1027.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order, as amended, and as hereby further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to (i) receipts of producer milk (including such handler's own farm production), (ii) receipts of nonfederally regulated other source milk at a pool plant allocated to Class I, and (iii) receipts of Class I milk at a nonpool plant for which a payment is due pursuant to § 1027.62(d).

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1961. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service, was issued June 23, 1961, and the decision of the Secretary containing all amendment provisions of this order, was issued August 11, 1961. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective September 1, 1961, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Upper Chesapeake Bay (Maryland) marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 1027.1 General definitions.

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) "Department" means the United States Department of Agriculture.

(c) "Upper Chesapeake Bay marketing area", hereinafter referred to as the "marketing area", means all territory situated within the corporate limits of the city of Baltimore, the town of Laurel in Prince Georges County; the counties of Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Harford, Howard, Kent, Queen Annes, Somerset, Talbot, Wicomico, Worcester and that portion of Calvert County lying north of a line beginning at the western terminus of Maryland State Highway 507, continuing easterly along said highway to its intersection with Maryland State Highway 2, continuing northerly along said Highway 2, to its intersection with Maryland State Highway 263 and then easterly along said Highway 263 to its terminus at the Chesapeake Bay, and that portion of Frederick County lying north of a line beginning at the intersection of the Washington-Frederick County line with Alternate U.S. Route 40, following Alternate U.S. Route 40 easterly to the western boundary of the corporate limits of the city of Frederick, thence along the western, northern and eastern boundary of the city to its eastern junction with Alternate U.S. Route 40, and then southeasterly along Alternate U.S. Route 40 to the Frederick-Carroll County line, all in the State of Maryland, together with all waterfront facilities connected therewith and including all territory within such boundaries occupied by Government (Federal, State or municipal) installations, institutions or other similar establishments.

(d) "Route" means a delivery (including any delivery by a vendor or disposition at a plant store or from a vending machine) of any Class I product to a wholesale or retail outlet, including a Federal, State or municipal establishment, but excluding any delivery to a plant.

§ 1027.2 Definitions of persons.

(a) "Person" means any individual, partnership, corporation, association, or other business unit.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who produces milk which is delivered in bulk (tank or cans) to a plant.

(d) "Dairy farmer for other markets" means:

(1) Any dairy farmer whose milk is received by a pool handler during any month of October through February but whose milk is diverted to a nonpool plant during the month other than within the limitations specified in paragraph (e) of this section, and

(2) Any dairy farmer whose milk is received at a pool plant during the months of March through August from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler operating the pool plant received milk other than as producer milk during any of the preceding months of October through February at a plant other than the plant which in the current month of said March-August period is the pool plant at which the farmer's milk is received.

(e) "Producer" means any dairy farmer, except a producer-handler or a dairy farmer for other markets, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) or which is diverted to a nonpool plant pursuant to subparagraphs (1), (2), or (3) of this paragraph: *Provided*, That the milk so diverted shall be deemed to have been received at the pool plant from which diverted if for the account of the handler operating the pool plant; or at the location of the pool plant from which diverted if for the account of a cooperative association:

(1) Diverted to a nonpool plant(s) during any month(s) of March through September or on not more than 10 days (5 days in the case of every-other-day delivery) during any month(s) of October through February;

(2) Diverted to a nonpool plant(s) during any of the months of October through February as the milk of a member of a cooperative association the total milk of whose members is not more than 10 percent so diverted during October, November, January or February or 15 percent so diverted during December (by the cooperative association and other handlers); or

(3) Diverted to a nonpool plant(s) during any of the months of October through February by a handler in his

capacity as an operator of a pool plant from which not more than 10 percent during October, November, January and February or 15 percent during December of the producer milk there received by such handler is so diverted.

(f) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

(g) "Handler" means any person (1) in his capacity as the operator of a pool plant; (2) in his capacity as the operator of a nonpool plant from which (i) Class I milk is disposed of on routes in the marketing area; or (ii) milk is shipped to a pool plant qualified pursuant to § 1027.3(b)(1); (3) a cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of paragraph (e) of this section from a pool plant for the account of such cooperative association; and (4) a cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of the cooperative association if the cooperative association has notified in writing the market administrator and the handler to whom the milk is delivered that it elects to be the handler for such milk. Such milk shall be considered as having been received by the cooperative association at the location of the plant to which it was delivered.

(h) "Pool handler" means any person in his capacity as the operator of a pool plant, or a cooperative association in its capacity as a handler pursuant to paragraphs (g)(3) and (4) of this section.

(i) "Producer-handler" means any person who operates a dairy farm and operates a plant in which milk from his own-farm production is processed and from which Class I milk is disposed of on a route(s) in the marketing area: *Provided*, That (1) the quantity of fluid milk products he receives during the month from pool plants does not exceed 10,000 pounds; (2) his Class I milk disposition consists only of skim milk and butterfat obtained from pool plants in the form of fluid milk products or from his own-farm production; (3) such person receives no milk from other dairy farmers; and (4) the maintenance, care and management of the herd(s) and other resources necessary to production, processing and packaging of the milk are the personal enterprise and personal risk of such person.

§ 1027.3 Definitions of plants.

(a) "Plant" means the land, buildings, surroundings, facilities and equipment operated by one or more persons, constituting a single operating unit or establishment for the receiving (other than transfer from one vehicle to another), processing or packaging of milk or milk products.

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph other than that of a producer-handler: *Provided*, That any plant qualified as a pool plant pursuant to subparagraph (2) of this paragraph in each of the months of October through February shall be a pool plant for the immediately following months of March through September unless the handler gives written notice to the market administrator on or before the first day of any such month(s) (March through September) that the plant is a nonpool plant for the remaining months through September: *And provided further*, That any such plant specified in subparagraph (2) of this paragraph which was a nonpool plant during any month of October through February shall not be a pool plant in any of the immediately following months of March through September in which it is operated by the same handler, an affiliate of the handler or by any person who controls or is controlled by the handler.

(1) A plant which during the month disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 10 percent of its total receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and which disposes of as Class I milk a quantity equal to not less than 50 percent of such receipts.

(2) A plant in any month of October through February in which a quantity of milk equal to not less than 50 percent, and in any month of March through September in which a quantity of milk equal to not less than 40 percent, of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) is moved to a plant(s) which disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 10 percent of its receipts of milk from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and from other plants and which disposes of as Class I milk a quantity equal to not less than 50 percent of such receipts: *Provided*, That in the case of a handler operating a pool plant qualified pursuant to subparagraph (1) of this paragraph and two or more plants approved by the appropriate health authority in the marketing area as a source of supply for such plant, such supply plants shall be considered as a unit (system) for purposes of plant qualification under this paragraph upon written notice to the market administrator by the handler designating the plants to be included and the period during which such designation shall apply. Such notice or notice of changes in designation shall be given on or before the first day of the first month to which such notice applies.

(3) A manufacturing plant, located in the marketing area, from which any fluid milk product is moved to a plant which is a pool plant pursuant to subparagraphs (1) and (4) of this paragraph if during the month not less than 90 percent of its receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) are from Baltimore City permit holders who are members of a cooperative association of which 70 percent or more of the members are producers whose milk is received at other pool plants.

(4) A plant which disposes of as Class I milk on routes in the marketing area a quantity equal to not less than 5 percent of its total receipts from dairy farmers (including milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4)) and disposes of a quantity of milk equal to not less than 10 percent of such receipts either in such route disposition in the marketing area, or in quantities of skim milk and butterfat in the form of fluid milk products transferred or diverted to nonpool plants which dispose of such skim milk and butterfat on routes in the marketing area as Class I milk (considering such route disposition by each nonpool plant to be supplied out of such fluid milk products transferred or diverted to the nonpool plant to the extent that the skim milk and butterfat in the route disposition could have been so derived): *Provided*, That the plant herein qualified as a pool plant disposes of as Class I milk a quantity equal to not less than 50 percent of its receipts of milk from dairy farmers: *And provided further*, That all plants as described in this subparagraph are operated by the same handler.

(c) "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1027.4 Definitions of milk and milk products.

(a) "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, and (except eggnog, milk shake mix, ice cream mix, evaporated and plain or sweetened condensed milk or skim milk and sterilized products in hermetically sealed containers) any mixture in fluid form of cream and milk or skim milk containing less than 12 percent butterfat, and 50 percent of the quantity by weight of any such mixture containing at least 12 percent but less than 18 percent butterfat.

(b) "Producer milk" means all skim milk and butterfat contained in milk (1) received at a pool plant from producers or diverted pursuant to § 1027.2(e), or (2) received by a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4).

(c) "Other source milk" means all skim milk and butterfat contained in or represented by (1) receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted or combined with another product during the month, and (2) receipts from any source in the form of fluid milk products other than as: (i) producer milk, (ii) milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), or (iii) fluid milk products received from other pool plants and opening inventory.

(d) "Base milk" means milk received from a producer by a pool handler during any of the months of March through June which is not in excess of such producer's daily base multiplied by the number of days in such month on which such producer's milk was so received: *Provided*, That with respect to any producer on every-other-day delivery, the days of nondelivery shall be considered as days of delivery for purpose of this paragraph and of § 1027.63.

(e) "Excess milk" means milk received from a producer by a pool handler during any of the months of March through June which is in excess of base milk received from such producer during such month.

Market Administrator

§ 1027.20 Designation.

The agency for the administration of this part shall be a "market administrator" selected by the Secretary. He shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1027.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1027.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1027.88:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 1027.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the date upon which he is required to perform such acts, has not made reports pursuant to § 1027.30 or payments pursuant to §§ 1027.80 through 1027.88;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month, the Class I price computed pursuant to § 1027.50(a) for the current month, and the Class II price computed pursuant to § 1027.50(b) and the handler butterfat differentials computed pursuant to § 1027.51, both for the preceding month; and

(2) The 11th day of each month, the uniform price computed pursuant to § 1027.71, or the base and excess prices computed pursuant to § 1027.72 and the producer butterfat differential computed pursuant to § 1027.81, all for the preceding month; and

(k) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month.

(l) On or before March 1, 1960, and on or before February 20th of each year thereafter notitfy:

(1) Each cooperative association of the daily base established by each producer member of such association; and

(2) Each nonmember producer of the daily base established by such producer.

Reports, Records and Facilities

§ 1027.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month, or not later than the 8th day after the end of the month if the report required by this paragraph is delivered in person to the office of the market administrator, each cooperative association in its capacity as a handler and each handler with respect to each of his pool plants shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in, (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is the handler, and (iii) receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph.

(b) Each handler operating a nonpool plant from which fluid milk products are disposed of on routes as Class I milk in the marketing area shall, unless otherwise directed by the market administrator, report for such plant at the same time and in the same manner prescribed for a pool handler in paragraph (a) of this section.

(c) Except as provided in paragraph (b) of this section each nonpool handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1027.31 Other reports.

(a) Each pool handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 20th day after the end of the month his producer payroll for such month which shall show for each producer (and for each pool plant in the case of those pool handlers operating pool plants): (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) On or before the first day other source milk is received at his pool plant(s) in the form of any fluid milk product, his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant location involved.

(c) Each pool handler who receives milk during the month from producers for which payment is to be made to a

cooperative association pursuant to § 1027.80(b) shall on or before the 11th day after the end of each month report to such cooperative association concerning each producer-member of such cooperative association from whom he received milk during the month as follows:

(1) The name, address and code number, if any;

(2) The total deliveries and the number of days on which delivery was made;

(3) The average butterfat test of the milk delivered; and

(4) The nature and amount of any deductions to be made in payments due such producer.

(d) Each pool handler dumping skim milk pursuant to § 1027.41(b)(3) shall give the market administrator during normal duty hours not less than three hours advance notice of intention to make such disposition and of the quantities of skim milk involved.

§ 1027.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1027.30(a)(2); and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1027.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

Classification of Milk

§ 1027.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1027.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1027.41 through 1027.46.

§ 1027.41 Classes of utilization.

Subject to the conditions set forth in §§ 1027.42 to 1027.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated milk and reconstituted or fortified skim milk) and butterfat:

(1) Disposed of in the form of fluid milk products except as provided in paragraph (b)(2) and (3) of this section, and

(2) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a)(1) of this section; (2) disposed of for livestock feed; (3) contained in the skim milk dumped if the conditions of § 1027.31(d) are met by the handler; (4) contained in inventory of fluid milk products on hand at the end of the month; (5) in shrinkage not to exceed the following:

(i) Two percent of skim milk and butterfat, respectively, in producer milk received at a pool plant by the handler operating the plant; plus

(ii) 1.5 percent of skim milk and butterfat, respectively, in milk received at a pool plant by the handler operating the plant from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), except that if the handler files with the market administrator notice that he is purchasing such milk on the basis of weights determined at the farm from farm tank measurements the applicable percentage shall be two percent; plus

(iii) 1.5 percent of skim milk and butterfat, respectively, in fluid milk products received at a pool plant in bulk from pool plants; less

(iv) 1.5 percent of skim milk and butterfat, respectively, in disposition of fluid milk products in bulk from a pool plant to other plants; and plus

(v) 0.5 percent of skim milk and butterfat, respectively, in receipts of producer milk by a cooperative association for which it is a handler pursuant to § 1027.2(g)(4), unless the exception provided in subdivision (ii) of this subparagraph applies; (6) in shrinkage of other source milk; and (7) disposed of in bulk fluid form to manufacturing establishments which do not dispose of fluid milk products from the premises which use such skim milk and butterfat in the manufacture of nondairy commercial food products including soup, candy and bakery products.

§ 1027.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Allocate the resulting amounts pro rata to skim milk and butterfat, respectively, in (1) producer milk and fluid milk products in bulk received from a cooperative association in its capacity as a handler and from other pool plants, and (2) other source milk.

§ 1027.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1027.44 Transfers.

Skim milk and butterfat disposed of during the month by a pool handler, either by transfers or diversions, shall be classified as follows:

(a) As Class I milk if transferred in the form of any fluid milk products to the pool plant of another handler unless utilization as Class II milk is claimed by both handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1027.30(a) for the month: *Provided*, That the skim milk or butterfat so classified as Class II milk shall be limited to the amount of skim milk or butterfat, respectively, remaining in Class II milk in the transferee plant after the allocation of other source milk pursuant to § 1027.46 and any additional amounts of skim milk or butterfat so transferred shall be classified as Class I milk: *And provided further*, That for transfers between pool plants, if either or both pool plants have receipts of other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants: *And provided also*, That in no case shall the assignment of transferred skim milk and butterfat to Class I in the transferee plant exceed the difference between its total receipts of milk and milk products and the utilization by the transferee plant in Class II.

(b) As Class I milk if transferred in the form of any fluid milk product from a pool plant to a producer-handler.

(c) As Class I milk if transferred in packaged form to a nonpool plant in the form of any fluid milk product.

(d) As Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant (other than the plant of a producer-handler) to the extent of the disposition of skim milk and butterfat, respectively, from such plant on routes as Class I milk in the marketing area: *Provided*, That any remaining amount of such transfer or diversion shall be allocated to the highest utilization remaining in the transferee plant after the prior assignment of receipts at such plant from dairy farmers who the market administrator determines constitute its regular source of supply.

(e) Except as provided in paragraph (d) of this section as Class I milk if transferred or diverted in bulk in the form of any fluid milk product to a nonpool plant located less than 300 miles from the City Hall in Baltimore, Maryland, unless (1) the handler claims Class II utilization in his report submitted pursuant to § 1027.30(a); (2) the operator of the transferee plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification; and (3) an equivalent Class II utilization was available in such plant after the assignment of receipts at such plant from other Federal order plants in the class to which assigned under such other order(s): *Provided*, That if upon inspection of the records of such plant it is found that an equivalent utilization of skim milk and butterfat was not available the remaining pounds shall be classified as Class I.

(f) As Class I milk if transferred or diverted in bulk in the form of any fluid milk products to a nonpool plant located more than 300 miles from the City Hall in Baltimore, Maryland.

§ 1027.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted pursuant to § 1027.30(a) and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be a quantity equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

§ 1027.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1027.45, the market administrator shall determine the classification of producer milk received at each pool plant as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified pursuant to § 1027.41(b)(5) (i) through (iv);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of any fluid milk product from plants which are not fully subject to the pricing provisions of another order issued pursuant to the Act and in milk received from dairy farmers for other markets;

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk in bulk receipts in the form of any fluid milk product from plants which are fully subject to the pricing provisions of another order issued pursuant to the Act;

(5) Subtract from the pounds of skim milk remaining in Class II milk, in excess of the pounds of skim milk in inventory of fluid milk products on hand at the end of the month, the pounds of skim milk in inventory of such product on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such beginning inventory is greater than the remaining Class II milk utilization the difference shall be subtracted from the pounds of skim milk remaining in Class I milk;

(6) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in packaged fluid milk products received from fully regulated plants under the provisions of another order issued pursuant to the Act;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received in the form of fluid milk products from pool plants or from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) according to the classification determined pursuant to § 1027.44(a).

(8) Add to the remaining pounds of skim milk in Class II the pounds of skim milk substracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with Class II milk. Any amount so substracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of each class.

Minimum Prices

§ 1027.50 Class prices.

Subject to the provisions of §§ 1027.51 and 1027.52 each handler shall pay, at the time and in the manner set forth in § 1027.80, for each hundredweight of milk containing 3.5 percent butterfat received at his pool plant(s) during the month from producers or from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4) or received by a cooperative association from producers (when such cooperative association is a handler pursuant to § 1027.2(g)(3) or (4)) not less than the following prices per hundredweight for the respective quantities of milk in each class computed pursuant to §§ 1027.40 through 1027.46.

(a) *Class I price.* During the period beginning with August 1961 and through and including September 1962 the price for Class I milk shall be $5.55 for the months of July through February and $5.10 for the months of March through June: *Provided*, That such price in any month shall be adjusted to reflect the deviation of the average of the Federal order Class I prices for the Philadelphia, New York-New Jersey and Chicago markets for such month from such average price in the corresponding month of 1958, as follows:

Three-market average deviation from corresponding month of 1958 (cents), plus or minus:	*Class I price adjustment (cents) plus or minus*
0–15	0
15.1–35	20
35.1–55	40
55.1–75	60
75.1–95	80

(b) *Class II price.* The price for Class II milk shall be the sum of the values of butterfat and skim milk computed as follows:

(1) *Butterfat.* Add all weekly quotations per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5: *Provided*, That such butterfat value shall not be less than 3.5 times 120 percent of the average Grade A (92-score) butter price at New York as reported by the Department for the month for which payment is to be made less 17 cents.

(2) *Skim milk.* The average of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as reported for the period from the 26th day of the preceding month through the 25th day of the current month by the Department shall determine the skim values as follows:

Average price per pound of nonfat dry milk (spray and roller process)	*Skim value*
$0.0065 or below	
$0.066–$0.075	$0.075
$0.076–$0.085	.150
$0.086–$0.095	.225
$0.096–$0.105	.300
$0.106–$0.115	.375
$0.116–$0.125	.450
$0.126–$0.135	.525
$0.136–$0.145	.600
$0.146–$0.155	.675
$0.156–$0.165	.750
$0.166–$0.175	.825
$0.176–$0.185	.900
$0.186–$0.195	.975

§ 1027.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1027.50 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat content variation from 3.5 percent, by the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Add all weekly quotations per 40-quart can of 40 percent fresh sweet cream, approved for Pennsylvania and New Jersey, in the Philadelphia market as reported each week ending within the month by the Department, divide by the number of quotations and divide the resulting amount by 334.8: *Provided*, That if the result is less than the Class II differential determined pursuant to paragraph (b) in this section,

such Class II differential shall also be applicable to Class I milk; and

(b) *Class II milk.* Divide by 35 the butterfat value determined pursuant to § 1027.50(b)(1).

§ 1027.52 Location differentials to handlers.

For that milk received from producers or from a cooperative association as a handler pursuant to § 1027.2(g)(4) at a pool plant located 75 miles or more from the nearer of the City Hall in Baltimore or the Courthouse in Salisbury, Maryland, by the shortest hard-surfaced highway distance as determined by the market administrator, and which is assigned to Class I milk, the price specified in § 1027.50(a) shall be reduced 12 cents per hundredweight plus an additional 1.5 cents for each additional 10 miles or fraction thereof in excess of 75 miles: *Provided*, That for the purpose of calculating such location differential, products designated as Class I milk which are transferred between pool plants shall be assigned first to any remainder of Class II milk in the transferee plant after making the allocations prescribed in § 1027.46(a) (1) through (5) and the corresponding steps in § 1027.46(b) for such plant, such assignment to the transferor plant to be made in sequence beginning with the plant where the largest location differential is applicable.

§ 1027.53 Use of equivalent price or index.

If for any reason a price quotation or index required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price or index which is required.

APPLICATION OF PROVISIONS

§ 1027.60 Producer-handler.

Sections 1027.40 through 1027.46, 1027.50 through 1027.52, 1027.62 through 1027.64, 1027.70 through 1027.72, and 1027.80 through 1027.89 shall not apply to a producer-handler.

§ 1027.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1027.3(b) (1) or (4) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless a greater volume of Class I milk is disposed of from such plant on routes in this marketing area than in a marketing area pursuant to such other order.

(b) Any plant qualified pursuant to § 1027.3(b)(2) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the first proviso in § 1027.3(b) for each month during the preceding October through February.

§ 1027.62 Payments on other source milk.

On or before the 13th day after the end of each month, handlers shall make payments to producers through the producer-settlement fund as follows:

(a) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(2) and (b) shall make payment on the quantity so allocated at the difference between the Class II price and the Class I price applicable at the location of his pool plant qualified pursuant to § 1027.3 (b)(1).

(b) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(3) and (b) shall make payment on the quantity so allocated at the difference between the Class I price and the Class II price applicable at the location of the nearest nonpool plant(s) (as determined by the application of the location differential rate pursuant to § 1027.52) from which an equivalent amount of such other source milk was received.

(c) Each pool handler who received other source milk which is allocated to Class I pursuant to § 1027.46 (a)(4) or (6) and (b), which milk was not classified and priced as Class I milk under such other Federal order, shall make payment on the quantity of such milk at the difference between the Class I price and the Class II price applicable at the location of the nearest other Federal order plant(s) (as determined by the application of the location differential rate presented in § 1027.52) from which an equivalent amount of such other source milk was received.

(d) Each handler operating a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month, shall make payment on the quantity of skim milk and butterfat so disposed of which is in excess of his receipts of skim milk and butterfat, respectively, classified and priced as Class I milk under this or any other Federal order at the difference between the Class I price and the Class II price applicable at the location of such plant.

(e) Each handler operating a nonpool plant which is subject to the classification and pricing provisions of another order issued pursuant to the Act, and from which Class I milk is disposed of on routes in the marketing area during the month shall make payment on any quantity of skim milk and butterfat so disposed of which was not classified and priced as Class I under such other order, at the difference between the Class I and Class II price applicable at the location of such plant.

§ 1027.63 Computation of base for each producer.

For each of the months of March through June of each year the market administrator shall compute, subject to the rules set forth in § 1027.64, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraphs by the number of days in the July–December period beginning with the first day of receipt at the plants specified in such paragraphs and continuing through December 31, but not less than 154 days:

(a) For any producer, except as provided in paragraphs (b), (c), and (d) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of July through December;

(b) For any producer whose milk was received during the preceding months of July through December at a plant which became a pool plant after the beginning of such base-earning period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such July–December period by pool handlers as producer milk or at the plant as a nonpool plant;

(c) For any producer who transferred his producer milk deliveries from a pool handler under Federal Milk Order No. 2 (Washington, D.C.) to a pool handler under this order during the base-earning period (July through December of the preceding year) and was a producer under this order during all of the months of October, November and December of the preceding year, the quantity of milk receipts shall be the total pounds of milk received from such farmer during all of each months of July through December by pool handlers under both orders; or

(d) For any producer not described in paragraphs (b) or (c) of this section but whose milk was received by a handler as producer milk during the months of September, October, November, and December of the preceding year at a pool plant at which receipt of his milk in the immediately preceding months of July and August would have qualified or did qualify him as a "dairy farmer for other markets", the quantity of milk receipts shall be the total pounds of milk received from such producer by pool handlers during such months of July through December and verified receipts at the nonpool plant of the handler, affiliate of the handler, or any person who controls or is controlled by the handler during such months of July through September.

§ 1027.64 Base rules.

The following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to § 1027.63 may be transferred in its entirety upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this part.

(b) If a producer operates more than one farm, and milk is received from each at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1027.2(g) (3) or (4), he shall establish a separate base with respect to producer milk delivered from each such farm.

(c) Only one base shall be allotted with respect to milk produced by one or more persons where the herd, land, buildings, and equipment used are jointly owned or operated: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of an application signed by all joint holders or their heirs, or assigns.

§ 1027.70 Computation of the value of producer milk for each handler.

For each month, the market administrator shall compute the value of producer milk for each pool handler as follows:

(a) Multiply the pounds of producer milk in each class computed pursuant to §§ 1027.40 through 1027.46 by the applicable class price and total the resulting amounts.

(b) Add the amount of any payments due from such handler pursuant to § 1027.62 (a), (b) and (c).

(c) Add the amounts computed by multiplying the pounds of "overage" deducted from each class pursuant to § 1027.46 (a)(9) and (b) by the applicable class price.

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month less allowable shrinkage allocated pursuant to § 1027.46 (a)(1) and (b) in such month, or the hundredweight of milk subtracted from Class I pursuant to § 1027.46 (a)(5) and (b) for the current month, whichever is less;

(e) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of milk allocated to Class I pursuant to § 1027.46 (a)(5) and (b) for the current month which is in excess of (1) the hundredweight of milk for which an adjustment was made pursuant to paragraph (d); and (2) the hundredweight of milk assigned to Class II pursuant to § 1027.46 (a)(4) and (b) for the previous month and which was classified and priced as Class I under the other Federal order; and

(f) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 1027.71 Computation of the uniform price.

For each of the months of July through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 3.5 percent butterfat content, f.o.b. market as follows:

(a) Combine into one total the net obligations computed pursuant to § 1027.70 for all handlers who made reports prescribed in § 1027.30(a) for the month who were not in default of payments pursuant to § 1027.84 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk in paragraph (a) is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the producer butterfat differential computed pursuant to § 1027.81 and multiply the resulting figure by the total hundredweight of such milk;

(c) Add an amount equal to the sum of deductions to be made from producer payments for location differentials pursuant to § 1027.82;

(d) Add an amount equal to not less than one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) in this section; and

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section.

§ 1027.72 Computation of uniform prices for base milk and excess milk.

For each of the months of March through June the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who made reports prescribed in § 1027.30(a) for the month, and who were not in default of payments pursuant to § 1027.84 for the preceding month, as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(c) Subtract the total value of excess milk, determined by multiplying the uniform price obtained in paragraph (b) of this section by the hundredweight of excess milk, from the total value of producer milk for the month as determined according to the calculations set forth in § 1027.71 (a) through (d);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk for handlers included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

PAYMENTS

§ 1027.80 Time and method of payment.

(a) Except as provided in paragraph (b) of this section each pool handler on or before the 15th day after the end of each month shall make payment to each producer for milk which was received from such producer during the month at not less than the uniform price computed pursuant to § 1027.71 for the months of July through February and at not less than the price for base milk computed pursuant to § 1027.72 (c) through (e) with respect to base milk received from such producer, and not less than the excess price determined pursuant to § 1027.72 (a) and (b) for excess milk received from such producer for the months of March through June subject to the following adjustments: (1) The butterfat differential computed pursuant to § 1027.81, (2) less the location differential computed pursuant to § 1027.82, and (3) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1027.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator, an amount not less than the total due such producer-members as determined pursuant to paragraph (a) of this section;

(c) In the case of milk received by a handler from a cooperative association in its capacity as a handler, such handler shall on or before the 12th day after the end of each month pay to such cooperative association for milk so received during the month an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

§ 1027.81 Producer butterfat differential.

In making payments pursuant to § 1027.80 (a) or (b), the uniform prices and the price for base and for excess milk shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to § 1027.51 (a) and (b) weighted by the pounds of butterfat in

producer milk in each class and rounded to the nearest full cent.

§ 1027.82 Location differential to producers.

In making payments to producers or to a cooperative association pursuant to § 1027.80 (a) or (b) at the uniform price computed pursuant to § 1027.71 for milk received from producers during any month(s) of July through February and at the uniform price for base milk computed pursuant to § 1027.72 for base milk received from producers during any month(s) of March through June, a handler, with respect to all such milk received at a pool plant located 75 miles by the shortest highway distance from the nearer of the City Hall, Baltimore, Maryland, or the Courthouse, Salisbury, Maryland (as determined by the market administrator), and a cooperative association, with respect to all such milk received by it in its capacity as a handler pursuant to § 1027.2(g) (3) and (4), at the location of such plant, shall deduct 12 cents per hundredweight plus an additional 1.5 cents for each additional 10-mile distance, or fraction thereof, which such plant is located from such point.

§ 1027.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1027.62, 1027.84 and 1027.86 and out of which he shall make all payments pursuant to §§ 1027.85 and 1027.86; *Provided*, That the market administrator shall offset any such payment due to any handler against payment due from such handler.

§ 1027.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of each month, each handler, including a cooperative association which is a handler, shall pay to the market administrator for payment to producers through the producer-settlement fund the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b).

§ 1027.85 Payments out of the producer-settlement fund.

On or before the 13th day after the end of the month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1027.80 (a) and (b) is greater than the net pool obligations of such handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1027.86 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1027.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk (other than milk of his own production) pursuant to § 1027.80(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1027.80(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

§ 1027.88 Expense of administration.

As his pro rata share of the expense of administration of this part, each handler, excluding a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), shall pay to the market administrator on or before the 18th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe for each hundredweight of skim milk and butterfat contained in (a) producer milk (including such handler's own farm production), (b) milk received from a cooperative association in its capacity as a handler pursuant to § 1027.2(g)(4), (c) other source milk at a pool plant which is allocated to Class I milk pursuant to § 1027.46(a) (2) and (3) and (b), and (d) Class I milk for which a payment is due pursuant to § 1027.62(d).

§ 1027.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (a) and (c), terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1027.90 Effective time.

The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 1027.91.

§ 1027.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1027.92 Continuing obligations.

If under the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1027.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If the liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1027.100 Agents.

The Secretary may by designation in writing name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1027.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: September 1, 1961.

Signed at Washington, D.C., on August 28, 1961.

CHARLES S. MURPHY,
Under Secretary.

[F.R. Doc. 61–8361; Filed, Aug. 30, 1961; 8:54 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

§ 204.107 Withheld taxes as deposits for reserve purposes.

(a) In a ruling published in the 1942 Federal Reserve Bulletin, page 532, the Board stated that deductions of Social Security taxes by a bank from salaries of its employees should be treated as "Other liabilities" in condition reports and not as deposits for reserve purposes.

(b) In a ruling published in the 1944 Bulletin, page 670, the Board applied the same principle with respect to (1) State income taxes withheld from salaries of a bank's own employees who reside outside the State, and (2) Federal income taxes withheld from payments made by a bank as disbursing agent for dividends, bond interest, etc., where withholding at source is required under the Internal Revenue Act.

(c) On the other hand, the Federal Deposit Insurance Corporation has always regarded moneys withheld for these purposes as deposits that should be included in the assessment base for deposit insurance. Its position was upheld in two cases decided by Federal Courts under the Federal Deposit Insurance Act prior to its amendment in 1960 and the regulations of the FDIC in force at the time. In 1955 the United States District Court for the Southern District of New York decided that withheld income and Social Security taxes, and taxes on dividends and interest on securities, payable by the bank as agent for the issuing corporations, should be included as deposits in the assessment base (FDIC v. Irving Trust Co., 137 Fed. Supp. 145, 154). In 1957 the United States Court of Appeals for the Seventh Circuit held that money withheld by the bank for payment of Federal income taxes on its employees' salaries and for payment of employees' share of Federal Social Security taxes were deposits and should be included in the assessment base (FDIC v. Cont. Ill. N. Bk., 245 F. 2d 567, 576).

(d) When the Federal Deposit Insurance Act was amended on July 14, 1960, the definition of the term "deposit" in 12 U.S.C. 1813(1) was expanded to include specifically "withheld taxes." Since one of the primary purposes of the 1960 amendment was to eliminate differences in the definition of deposits for purposes of (1) reports of condition submitted to the three Federal supervisory agencies, (2) reserve requirements, and (3) Federal deposit insurance assessments, and in view of the court decisions referred to above, the Board has decided that the two rulings published in the Federal Reserve Bulletin for 1942 and 1944, referred to above, should be regarded as superseded and that withheld taxes, including withheld income taxes and Social Security taxes of a bank's own employees, should be classified hereafter as deposits in condition reports and in computing required reserves.

(Sec. 11, 38 Stat. 261, as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat. 270, as amended; 12 U.S.C. 461, 462, 462b, 464, 465; Public Law 86–114, July 28, 1959)

Dated at Washington, D.C., this 18th day of August, 1961.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 61–8324; Filed, Aug. 30, 1961; 8:47 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 3]

PART 122—BUSINESS LOANS

Limited Loan Participation Plan

The Small Business Administration Business Loan Regulation (23 F.R. 10520) as amended (26 F.R. 4192, 26 F.R. 5175, and 26 F.R. 5956), is hereby further amended by deleting the last sentence of § 122.7–8 and substituting a new sentence in lieu thereof (the effect of this amendment being to permit loans made under the Limited Loan Participation Plan to be amortized upon a monthly or other repayment schedule). As so amended § 122.7–8 reads as follows:

§ 122.7–8 Limited loan participation plan.

The plan is designed especially to assist small retail, wholesale, and service establishments (other types of business may also be eligible) which are unable to pledge as much tangible collateral as is required for regular business loans, but which have a good earnings record, competent management, and a creditable record with local banks for meeting their obligations. Loans under this plan are made entirely through banks, with the banks participating in them either on a deferred or immediate basis. SBA's share of a loan can be no more than $25,000, or 75 percent of the total amount of the loan, whichever is the lesser. The maximum maturity of a loan of this type is five years, generally repayable monthly, including interest at a rate as set forth in § 122.7–4 or 122.7–5.

Dated: August 14, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–8342; Filed, Aug. 30, 1961; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–WA–140]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation of Federal Airway

The purpose of this amendment to Part 600 of the regulations of the Administrator is to designate low altitude VOR Federal airways Nos. 839 and 881 between Miami, Fla., and Cleveland, Ohio.

The 800 series airways are designated to indicate preferred routes of flight between major terminal areas for the purpose of segregating opposite direction traffic and generally coincide with exist-

ing low altitude VOR Federal airways. It has been determined that 800 series airways are necessary for the segregation of opposite direction traffic between the Miami, Fla., and the Cleveland, Ohio, terminal areas. Therefore, action is taken herein to designate Victor 839 from Miami to Cleveland and Victor 881 from Cleveland to Miami.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), Part 600 (14 CFR Part 600) is amended by adding the following sections:

§ 600.6839 VOR Federal airway No. 839 (Miami, Fla., Metropolitan Area to the Cleveland, Ohio, Metropolitan Area); normal traffic flow northbound.

From the Miami, Fla., VORTAC via the LaBelle, Fla., VOR; Lakeland, Fla., VOR; Ocala, Fla., VORTAC; Gainesville, Fla., VOR; Taylor, Fla., VOR; Alma, Ga., VOR; Allendale, S.C., VOR; Columbia, S.C., VOR; Fort Mill, S.C., VOR; Pulaski, Va., VOR; Beckley, W. Va., VOR; Parkersburg, W. Va., VOR; Newcomerstown, Ohio, VORTAC; Navarre, Ohio, VORTAC; INT of the Navarre VORTAC 352° and the Akron, Ohio, VOR 298° radials; INT of the Akron VOR 298° and the Cleveland, Ohio, VORTAC 091° radials; to the Cleveland VORTAC.

§ 600.6881 VOR Federal airway No. 881 (Cleveland, Ohio, Metropolitan Area to the Miami, Fla., Metropolitan Area); normal traffic flow southbound.

From the Cleveland, Ohio, VORTAC via the INT of the Cleveland VORTAC 138° and the Tiverton, Ohio, VOR 017° radials; Tiverton VOR; Zanesville, Ohio, VOR; Charleston, W. Va., VORTAC; Blackford, Va., VOR; Tri City, Tenn., VOR; Asheville, N.C., VOR; Spartanburg, S.C., VOR; Augusta, Ga., VOR; INT of the Augusta VOR 157° and the Savannah, Ga., VOR 321° radials; INT of the Savannah VOR 321° and the Allendale, S.C., VOR 216° radials; Alma, Ga., VOR; Taylor, Fla., VOR; Gainesville, Fla., VOR; Ocala, Fla., VORTAC; Lakeland, Fla., VOR; Fort Myers, Fla., VOR; INT of the Fort Myers VOR 134° and the Miami, Fla., VORTAC 269° radials; to the Miami VORTAC.

This amendment shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C. on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8318; Filed, Aug. 30, 1961; 8:46 a.m.]

[Airspace Docket No. 61-LA-56]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Control Area Extension

The purpose of these amendments to §§ 600.6008 and 601.1277 of the regulations of the Administrator is to alter low altitude VOR Federal airway No. 8 and the description of the Denver, Colo., control area extension.

On February 4, 1961, Airspace Docket No. 60-WA-53 was published in the FEDERAL REGISTER (26 F.R. 1079) which established a low altitude airway system and an intermediate altitude airway system. Low altitude airways were described therein as extending up to, but not including 14,500 feet MSL.

The segment of Victor 8 from the Kremmling, Colo., VORTAC to the Superior, Colo., intersection and the north alternates to Victor 8 between the Mormon Mesa, Utah, VORTAC and the Bryce Canyon, Utah, VOR and between the Kremmling VORTAC and the Denver VORTAC, have established minimum enroute altitudes in excess of 14,000 feet MSL. These segments of airway are unusable in the low altitude airway system and action is taken herein to revoke them.

Additionally, the segment of Victor 8 from Kremmling to Superior is used in the description of the Denver control area extension. Therefore, the Federal Aviation Agency is altering this description by deleting "VOR Federal airway No. 8" and substituting "a line 5 miles north of and parallel to the Denver VORTAC 292° radial." This action alters the configuration of the Denver control area extension somewhat, but does not result in the designation of additional control area since the newly included airspace is a part of the controlled airspace associated with Victor 8 and Victor 8 N revised herein.

Since these actions impose no additional burden on any person, compliance with section 4 of the Administrative Procedure Act is unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than thirty days after publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In the text of § 600.6008 (14 CFR 600.6008) "Bryce Canyon, Utah, VOR, including a north alternate via the INT of the Mormon Mesa VOR 032° and the Bryce Canyon VOR 255° radials;" is deleted and "Bryce Canyon, Utah VOR;" is substituted therefor; and "Kremmling, Colo., omnirange station, including a south alternate; Denver, Colo., VOR, including a north alternate;" is deleted and "to the Kremmling, Colo., VORTAC, including a south alternate. From the INT of the Denver, Colo., VORTAC 277° and the Gill, Colo., VOR 222° radials via the Denver VORTAC;" is substituted therefor.

2. In the text of § 601.1277 (14 CFR 601.1277) "That airspace SW of Denver lying within a 34-mile radius of the Denver VOR bounded on the N by VOR Federal airway No. 8" is deleted and "That airspace within a 34-mile radius of the Denver VORTAC bounded on the N by a line 5 miles N of and parallel to the Denver VORTAC 292° radial" is substituted therefor.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8317; Filed, Aug. 30, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-142]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of the Continental Control Area

The purpose of this amendment to § 601.7101 of the regulations of the Administrator is to alter the description of the continental control area by including the Lake George, Fla., Restricted Area R-2907.

On August 5, 1961, there was published in the FEDERAL REGISTER (26 F.R. 7033) an alteration of the Lake George Restricted Area R-2907 (Airspace Docket No. 60-WA-273) which reflected the joint use status of this restricted area. It has since been determined that to realize full utilization of this special use airspace, R-2907 should be included within the continental control area. Such action is taken herein.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary for this action to become effective concurrently with Airspace Docket No. 60-WA-273, this amendment will become effective on September 21, 1961.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken:

In § 601.7101 (26 F.R. 1399) the following is added:

R-2907 Lake George, Fla.

This amendment shall become effective 0001, e.s.t., September 21, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8316; Filed, Aug. 30, 1961; 8:45 a.m.]

[Airspace Docket No. 60-HO-10]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

PART 608—SPECIAL USE AIRSPACE

Revocation and Alteration of Restricted Areas and Alteration of Control Area Extension

The purpose of these amendments to §§ 608.31 and 601.1423 of the regulations of the Administrator is to revoke Restricted Area R-3110, alter the descriptions of Restricted Areas R-3109 and R-3102, and the Oahu, Hawaii, control area extension.

R-3109 and R-3110 are adjoining areas having the same designated altitudes, times of designation, and using agency. An evaluation of these areas by the Department of the Army has revealed that it is feasible to combine these areas and to reduce their overall size by approximately 8 square miles. Although this modification results in an overall reduction of restricted airspace, the adjustment of the restricted area boundaries entails the inclusion within R-3109 of a small amount of airspace bordering the eastern portion of R-3110. This area constitutes approximately one square mile and would not affect current aeronautical operations. Further, in order to effect more efficient utilization of this special use area, hereinafter identified as Schofield-Makua Restricted Area R-3109, the Army has agreed to the joint use of this area. The designation of the Honolulu, Hawaii, Flight Service Station as the controlling agency for R-3109 will provide a facility which airborne traffic may contact for approval to transit the area. Therefore, the time of designation is changed to "continuous" in lieu of the former "As published in NOTAMS".

Additionally, the Army has agreed to a reduction in the geographical size and designated altitudes, a change in the time of designation, and to the establishment of joint use for R-3102. Therefore, the Honolulu Flight Service Station is designated herein as the controlling agency for this special use area. This will provide a facility which airborne traffic may contact for approval to transit R-3102. Consequently, reference to NOTAMS (Firing Notices) as previously contained in the time of designation is not required. Such actions are taken herein.

In order to further facilitate the efficient utilization of R-3102 and R-3109, the description of the Oahu, Hawaii, control area extension is altered herein so as to designate these areas as controlled airspace.

Since the changes effected by these amendments impose no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following actions are taken:

1. In § 608.31 (26 F.R. 7193), the following changes are made:

(a) R-3110 Schofield, Oahu, Hawaii, is revoked.

(b) R-3109 Makua, Oahu, Hawaii, is amended to read:

R-3109 Schofield-Makua, Oahu, Hawaii.

Boundaries. Beginning at latitude 21°35'-30" N., longitude 158°11'30" W.; to latitude 21°35'05" N., longitude 158°10'45" W.; to latitude 21°35'00" N., longitude 158°12'45" W.; to latitude 21° 34' 45" N., longitude 158°12'45" W.; to latitude 21°31'35" N., longitude 158°07'00" W.; to latitude 21°32'-20" N., longitude 158°06'30" W.; to latitude 21°31'36" N., longitude 158°04'45" W.; to latitude 21°30'00" N., longitude 158°04'33" W.; to latitude 21°29'11" N., longitude 158°-07'33" W.; to latitude 21°30'30" N., longitude 158°12'30" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'-30" N., longitude 158°14'30" W.; to latitude 21°33'30" N., longitude 158°15'30" W.; to latitude 21°34'45" N., longitude 158°17'20" W.; to latitude 21°35'15" N., longitude 158°-14'30" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

(c) R-3102 Dillingham, Hawaii, is amended to read:

R-3102 Dillingham, Hawaii.

Boundaries. Beginning at latitude 21°-34'45" N., longitude 158°17'20" W.; to latitude 21°35'20" N., longitude 158°19'40" W.; thence 3 miles from and parallel to the shoreline of Oahu to latitude 21°37'45" N., longitude 158°09'25" W.; to latitude 21°35'-30" N., longitude 158°11'30" W.; to latitude 21°35'15" N., longitude 158°14'30" W.; to the point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. 0700 to 1700 Hawaiian standard time. Monday through Friday.

Controlling agency. Federal Aviation Agency, Honolulu Flight Service Station.

Using agency. Commanding General, U.S. Army Hawaii, Schofield Barracks, Hawaii.

2. In the text of § 601.1423 (14 CFR 601.1423) "The portions of this control area extension which lie within the geographic limits of, and between the designated altitudes of, Restricted Areas R-315, R-333 and R-335 are excluded during the restricted areas' times of designation;" is deleted and "The portions of this control area extension which coincide with R-3102 and R-3109 shall be used only after obtaining prior approval from appropriate authority;" is substituted therefor.

These amendments shall become effective 0001, e.s.t., October 19, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on August 24, 1961.

LEE E. WARREN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-8319; Filed, Aug. 30, 1961; 8:46 a.m.]

[Airspace Docket No. 60-WA-159]

PART 626—NOTICE OF CONSTRUCTION OR ALTERATION; CRITERIA, PROCEDURES AND RULES FOR DETERMINATION OF THE EFFECT OF PROPOSED STRUCTURES UPON THE USE OF NAVIGABLE AIRSPACE

Miscellaneous Amendments

Part 626 was adopted on June 12, 1961 (26 F.R. 5287), to establish requirements for notification to the Federal Aviation Agency of proposed structures which would project into the navigable airspace, provide criteria and procedures for determining the effect of such structures on air navigation, and provide for the establishment of antenna farm areas where tall towers could be grouped to lessen their impact on the use by aircraft of the navigable airspace.

The adoption of Part 626 was accompanied and followed by discussions with the Federal Communications Commission to coordinate FAA operations under the new regulations with the activities of the Commission in the issuance of construction permits for antenna towers under the Communications Act of 1934. The amendments which follow implement the conclusions reached in those discussions.

For a number of years the FCC Rules have exempted from their requirements for special aeronautical study all antenna structures of 20 feet or less in height. The Commission advises that operations under this exemption have been advantageous to both Government and industry. An Agency review has disclosed that exclusion of this type of structure from the application of Part 626 should not derogate the performance of the Agency functions under the Federal Aviation Act. Accordingly, Part 626 is amended herein to except antennas not exceeding 20 feet in height. A minor amendment is also being adopted at this time to except certain air navigation aids and related devices.

The FAA-FCC discussions underscored the existence of uncertainty in the broadcast industry with respect to the effect on FCC jurisdiction of the Agency findings made subsequent to the hearings held under Subpart D. These hearings are conducted to determine the effect of proposed structures upon the safety of aircraft and the efficient utilization of the navigable airspace. The findings made form the basis for a determination as to whether a proposed structure would, in fact, result in a hazard to air navigation. While we regard this determination as a final one on the question

of air hazard, our findings should not be construed to prejudice the exercise by the Commission of its statutory jurisdiction, particularly its authority to determine whether a construction permit for such a structure should be issued. Accordingly, we are promulgating an expression of our opinion on this point. This conclusion should not be interpreted as an attempt to settle any justiciable rights which may be the subject of later controversy. Any individual who believes an FAA or FCC action has deprived him of one or more rights may apply, of course, to the appropriate court for a review and decision on the matter.

In the adoption of the regulations providing for the establishment of antenna farm areas, a provision was included under which the views of the Federal Communications Commission would be considered prior to establishment of a particular farm area. In order to remove any doubt regarding the weight which this Agency would give those views, an amendment is made here to state specifically that a proposed antenna farm area will not be established if the FCC advises that the establishment would interfere with its statutory responsibilities. Similarly, while the FAA would consider the establishment of any farm area when proposed by the FCC, Part 626 did not expressly reveal this in its original form. Consequently, it is now being revised to include the Federal Communications Commission in the list of those agencies which may propose the establishment of an antenna farm area.

Since these amendments either reduce a burden on the public or are editorial in nature, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, Part 626 of the regulations of the Administrator is hereby amended as follows:

Section 626.9(b) is revised to read:

(b) Notice to the Administrator is not required for the proposed construction or alteration of the following:

(1) Any structure to be located where the completed structure would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height; provided that such shielding would result in the proposed structure causing no increase in potential hazard to aircraft operations. In case of doubt as to whether the potential hazard to aircraft would be increased by such proposed construction or alteration, Notice shall be submitted.

(2) Any antenna structure which, upon completion of the construction or alteration, would not exceed 20 feet in height and which would be located on the ground or on any existing structure other than an antenna structure.

(3) Any air navigation aid, airport visual approach or landing aid, or airport ceiling or visibility indicator device, the location and height of which would be fixed by its functional purpose.

Section 626.50 is amended by the addition of the following:

NOTE: Any findings entered hereunder are without prejudice to the jurisdiction of the Federal Communications Commission to grant or deny applications for construction permits under the Communications Act of 1934, as amended.

Section 626.76(b) is amended by the addition of the following: "If the Commission advises that establishment of the proposed antenna farm area would interfere with its statutory responsibilities, the proposed area will not be established."

Section 626.76(c) is revised to read:

(c) An antenna farm area will be considered for establishment when proposed by the Agency, the Federal Communications Commission, the sponsor of a proposed antenna tower, or any person having a substantial interest in any such proposed tower.

These amendments are effective as of the date of issuance.

(Secs. 104, 307, 313, 1001, and 1101, 72 Stat. 740, 749, 752, 788, and 797; 49 U.S.C. 1304, 1348, 1354, 1481, 1501.)

Issued in Washington, D.C., on August 25, 1961.

N. E. HALABY,
Administrator.

[F.R. Doc. 61-8320; Filed, Aug. 30, 1961; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Terpene Polychlorinates

A petition was filed by Heyden Newport Chemical Corporation, 342 Madison Avenue, New York 17, New York, with the Food and Drug Administration requesting the establishment of a tolerance for residues of terpene polychlorinates in or on cottonseed at 3 parts per million, and a tolerance of 5 parts per million for this pesticide chemical in cottonseed oil resulting from carryover and concentration of residues in this food item processed from such cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established on cottonseed.

It is not clear from the data presented that this pesticide concentrates in oil from treated cottonseed at a higher level than is present in the undelinted seed. Therefore, action with respect to the tolerance for terpene polychlorinates in cottonseed oil is being deferred pending further evidence that such tolerance is necessary.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

§ 120.3 [Amendment]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(4) is amended by inserting therein, after the item "Sulphenone • • •", the item "Terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65%–66% chlorine)."

2. Part 120 is amended by adding thereto the following new section.

§ 120.164 Tolerance for terpene polychlorinates.

A tolerance of 3 parts per million is established for residues of terpene polychlorinates (chlorinated mixture of camphene, pinene, and related terpenes, containing 65%–66% chlorine), calculated as a chlorinated terpene of molecular weight 396.6 containing 67% chlorine in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing with be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: August 24, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8348; Filed, Aug. 30, 1961; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commissioner of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625) hereby authorizes the use in foods of certain additives as indirect additives for which tolerances have not yet been established or petitions therefor denied.

Section 121.91 (21 CFR 121.91) is amended by adding thereto the following items:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

• • • • •

SUBSTANCES USED AS COMPONENTS OF COATINGS OF PAPER AND PAPERBOARD FOR FOOD PACKAGING[1]

Product	Specified uses or restrictions	Effective date of statute extended to—
Acrylate copolymer of ethyl acrylate, methyl acrylate, and methacrylic acid		July 1, 1962
Alkyl benzene sulfonate		Do.
Alkylphenyl polyethylene glycol ether		Do.
Aluminum stearate		Do.
Ammonium persulfate		Do.
Ammonium thiosulfate		Do.
Animal glue		Do.
Azo-bis-isobutyronitrile		Do.
Benzoyl peroxide		Do.
Borax		Do.
Boric acid		Do.
Butylbenzyl phthalate		Do.
Butyraldehyde		Do.
Camphor fatty acid esters		Do.
Carbon tetrachloride		Do.
Cetyl alcohol		Do.
Cetyl alcohol, ethylene oxide condensate.		Do.
Chloracetamide		Do.
Chloral hydrate		Do.
Cobaltous acetate		Do.
Copper-8 quinolate		Do.
Cumene hydroperoxide		Do.
Diacetyl peroxide		Do.
Dibutylphthalate		Do.
Dicyclohexylphthalate		Do.
Diethylene glycol monobutyl ether.		Do.
Diethylene glycol monoethyl ether.		Do.
1,3-Dihydro-2,2,4-trimethyl-quinoline, polymerized.		Do.
Dihydroxy dichlorodiphenylmethane.		Do.
Dimethylpolysiloxane		Do.
Di-β-naphthyl-p-phenylenediamine.		Do.
Dinonylphenol		Do.
Disodium hydrogen phosphate.		Do.
Ethylenediamine tetraacetic acid, sodium, potassium, and calcium salts.		Do.
N,N-Ethylenebis stearamide.		Do.
Fish oil, hydrogenated		Do.
Glyceryl monobutyl ricinoleate		Do.
Glycol		Do.
Hydrosbietyl alcohol		Do.
Hydrogen methylpolysiloxane (methylhydrogen polysiloxane)		Do.
Hydroquinone		Do.
Isooctylphenylpolyoxyethylene glycol.		Do.
Isopropyl peroxydicarbonate		Do.
Japan wax		Do.
Kerosene		Do.
Kerosene, deodorized		Do.
Lauroyl peroxide		Do.
Linseed oil		Do.
Methyl palmitate-oleate mixture		Do.
Monoethyl ether of hydroquinone		Do.
Montan wax		Do.
Mustardseed oil, sulfated		Do.
Naphtha		Do.
Nitrocellulose		Do.
Oleyl alcohol		July 1, 1962
Petrolatum		Do.
Petroleum polymerization resins obtained from the polymerization of dienes and olefins from low-boiling petroleum stocks		Do.
Petroleum sulfonate, made by sulfonating a straight chain aliphatic hydrocarbon of the C_{13} to C_{18} range		Do.
Phthalic, maleic, ethylene-glycol polyester modified with methyl rosin		Do.
Polyacrylamide		Do.
Polyamide resin obtained by condensation o. dimerized vegetable fatty acids and ethylene diamine, molecular weight 6000-9000		Do.
Polyalkylene glycol ether		Do.
Polyethylene glycol sorbitan monolaurate		Do.
Polyethylene glycol sorbitan monostearate		Do.
Polyester resin formed by reacting the acid groups in montan wax with ethylene glycol		Do.
Polyoxyethylated fatty alcohols		Do.
Polyoxyethylene glycol (400) monostearate		Do.
Polyoxyethylene nonylphenol		Do.
Polyoxyethylene oleate		Do.
Polyoxyethylene - polyoxypropylene copolymer polyethers		Do.
Polyoxyethylene (20) sorbitan monostearate (polysorbate 60)		Do.
Polypropylene glycol		Do.
Polysorbate 80		Do.
Polyvinyl acetate copolymers produced by reaction of vinyl acetate with one or more of the following substances: Acrylamide, Acrylic acid, Acrylonitrile, Butyl acrylate, Crotonic acid, Decyl acrylate, Diallyl fumarate, Diallyl maleate, Diallyl phthalate, Dibutyl fumarate, Dibutyl itaconate, Dibutyl maleate, Di(2-ethylhexyl) maleate, Dioctyl fumarate, Dioctyl maleate, Divinyl benzene, Ethyl acrylate, 2-Ethylhexyl acrylate, Fumaric acid, Itaconic acid, Maleic acid, Methacrylic acid, Methyl acrylate, Methyl methacrylate, Mono (2-ethylhexyl)-maleate, Styrene, Vinyl butyrate, Vinyl crotonate, Vinyl hexonte, Vinylidene chloride, Vinyl pelargonate, Vinyl propionate, Vinyl pyrrolidone, Vinyl stearate.		Do.
Polyvinyl alcohol		Do.
Polyvinylidene chloride latex coating		Do.
Potassium pentachlorophenate		Do.
Potassium persulfate		Do.
Potassium trichlorophenate		Do.
Propylene glycol monoester of hydrogenated tallow fatty acids		Do.
Propylene glycol monoester of soybean oil fatty acids		Do.
Ricebran oil		Do.
Rubber (natural), smoked sheet and latex solids		Do.
Silica, colloidal		Do.
Silicone defoamers		Do.
Sodium alkyl benzenesulfonate		Do.
Sodium dihexylsulfosuccinate		July 1, 1962
Sodium dioctylsulfosuccinate		Do.
Sodium ethylene ether of nonylphenol sulfate		Do.
Sodium pentachlorophenate		Do.
Sodium persulfate		Do.
Sodium polyacrylate		Do.
Sodium ricinoleate		Do.
Sodium trichlorophenate		Do.
Sodium-bis-tridecylsulfosuccinate		Do.
Sodium xylene sulfonate		Do.
Sorbitan trioleate		Do.
Styrene-methacrylic copolymer mixed or without copolymers of styrene-maleic anhydride		Do.
Sulfonated vegetable oils, potassium salt		Do.
Tall oil		Do.
Tallow		Do.
Tallow alcohol, hydrogenated		Do.
Tallow fatty acids, hydrogenated		Do.
Tallow, hydrogenated		Do.
Tallow, sulfated		Do.
Titanium dioxide		Do.
Toluene-sulfonamide formaldehyde resin		Do.
Vinylidene chloride-acrylate fumarate copolymer		Do.
Vinylidene chloride-methyl acrylate-vinylsulfonic acid-acrylamide copolymer		Do.
Xylene		Do.
Zinc formaldehyde sulfoxylate		Do.
Zinc octoate		Do.

[1] Progress report for the list of items included under this heading required by Jan. 1, 1962.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Food Additives Amendment to the Federal Food, Drug, and Cosmetic Act were contemplated by Public Law 87-19 as a relief of restrictions on the food-processing industry.

Effective date. This order shall become effective as of the date of signature.

(Sec. 6(c), Public Law 85-929, as amended, sec. 2, Public Law 87-19; 72 Stat. 1788, as amended, 75 Stat. 42; 21 U.S.C., note under sec. 342)

Dated: August 22, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-8247; Filed, Aug. 30, 1961; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 270—MANUFACTURE OF TOBACCO PRODUCTS

On June 7, 1961, a notice of proposed rule making with respect to regulations designated as Part 270 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (26 F.R. 5046). The proposed regulations prescribe provisions relating to the production and taxpayment of cigars, ciga-

rettes, and manufactured tobacco in a single part of the regulations and institute the tobacco products factory concept as contemplated by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275).

In accordance with the notice, interested persons were afforded an opportunity to submit for consideration any comments or suggestions pertaining thereto. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed and after making editorial, clarifying, and liberalizing changes, the regulations as so published are hereby adopted subject to the changes set forth below.

1. Section 270.1 is changed by inserting after the word "payment" the phrase "by manufacturers of tobacco products".

2. Section 270.11 is changed:

(A) By rewording the definition of "Manufacturer of tobacco" to read "Any manufacturer of tobacco products who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose."

(B) By rewording the first sentence of the definition of "Tobacco materials" to read "Tobacco (other than manufactured tobacco, cigars, and cigarettes), including tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste."

(C) By inserting in the definition of "Waste", after the word "Tobacco" the first time it appears, the word "materials".

3. Section 270.44 is changed by rewording the second sentence to read "Where the products are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for consumption) or cause their destruction by burning completely or by rendering them unfit for consumption."

4. Section 270.63 is changed by rewording the second and third sentences to read "The corporation shall also furnish evidence, in duplicate, of the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where any of the information required by this section has previously been filed with the same assistant regional commissioner and such information is currently complete and accurate, a written statement, in duplicate, to that effect by the corporation, will be sufficient for the purpose of this section."

5. The second sentence of § 270.64 is changed to read "Where a partnership or association has previously filed such documents with the same assistant regional commissioner and such documents are currently complete and accurate, a written statement, in duplicate, to that effect by the partnership or association, will be sufficient for the purpose of this section."

6. The second sentence of § 270.65 is changed to read "If no such certificate or other document is so required, a written statement, in duplicate, to that effect by such person, will be sufficient for the purpose of this section."

7. The first sentence of § 270.68 is changed by striking the words "under this part" and inserting in lieu thereof the words "to be executed".

8. The first sentence of § 270.74 is changed by inserting the word "and" after the word "permit" the first time it appears in the sentence.

9. Section 270.102 is changed by striking the fourth sentence and inserting in lieu thereof new fourth and fifth sentences to read "The predecessor shall make a concluding inventory and concluding report, in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender his permit with such inventory and report. The successor shall make a commencing inventory and commencing report in accordance with the provisions of § 270.201 and § 270.202, respectively."

10. Section 270.113 is changed by rewording the second sentence to read "The manufacturer shall notify the assistant regional commissioner for the region from which he is removing his factory of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a concluding inventory and concluding report in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender the permit for his old location with such inventory and report."

11. Section 270.212 is changed by striking "such factory." and adding the following "the factory from which such products are to be so removed: *Provided*, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed subject to tax from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director."

12. The first sentence of § 270.251 is changed by striking the phrase "or the extension of coverage of bond".

13. Section 270.252 is changed by striking "§ 270.311." at the end of the third sentence and inserting "§§ 270.311 and 270.313."

14. Section 270.253 is changed by striking "§ 270.311." at the end of the fifth sentence and inserting "§§ 270.311 and 270.313."

Effective date. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

These regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 28, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 270, "Manufacture of Tobacco Products," are promulgated to prescribe provisions relating to the production and taxpayment of cigars, cigarettes, and manufactured tobacco in a single part of this chapter, and to implement the Internal Revenue Code of 1954 as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85–859, 72 Stat. 1275). These regulations supersede the existing regulations in 26 CFR Part 270 and Subpart E of 26 CFR Part 296 in their entirety, and prescribe revision of provisions formerly included in 26 CFR Part 270 relating to manufacturers of cigars and cigarettes, prescribe revision of provisions formerly included in 26 CFR Part 275 relating to manufacturers of tobacco, and prescribe revision of provisions formerly included in Subpart E of 26 CFR Part 296 relating to taxpayment of cigars, cigarettes, and manufactured tobacco by manufacturers of tobacco products.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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AUTHORITY: §§ 270.1 to 270.332 are issued under section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 270.1 Manufacture of tobacco products.

This part contains the regulations relating to the manufacture of tobacco products; the payment by manufacturers of tobacco products of internal revenue taxes imposed by Chapter 52 of the Internal Revenue Code; and the qualification of and operations by manufacturers of tobacco products.

§ 270.2 Territorial extent.

The provisions of the regulations in this part shall apply in the several States of the United States and the District of Columbia.

Subpart B—Definitions

§ 270.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

CFR. The Code of Federal Regulations.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Commissioner. The Commissioner of Internal Revenue.

Dealer in tobacco materials. Any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 280 of this chapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

Determined or determination. When used with respect to the tax on tobacco products, determined or determination shall mean that the quantity, kind, and class if applicable, of cigars, cigarettes, or manufactured tobacco to be removed subject to tax have been established as prescribed by this part so that the tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Export warehouse. A bonded internal revenue warehouse for the storage of tobacco products and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Export warehouse proprietor. Any person who operates an export warehouse.

Factory. The premises of a manufacturer of tobacco products as described in his permit issued under Chapter 52, I.R.C.

In bond. The status of tobacco materials, tobacco products, and cigarette papers and tubes, which come within the coverage of a bond securing the payment of internal revenue taxes imposed by

section 5701 or section 7652, I.R.C., and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such materials and articles in a factory, (b) such materials and articles removed, transferred, or released, pursuant to section 5704, I.R.C., and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of tobacco. Any manufacturer of tobacco products who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Package. The container in which tobacco products are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

Stems. The stems or midribs of tobacco.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco materials. Tobacco (other than manufactured tobacco, cigars, and cigarettes), including tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) *Unstemmed leaf tobacco.* Leaf tobacco from which the stem or midrib has not been removed.

(b) *Other tobacco materials.* Tobacco materials other than unstemmed leaf tobacco.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

U.S.C. The United States Code.

Waste. Tobacco materials, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

Subpart C—Taxes

§ 270.21 Cigar tax rates.

On cigars, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) Small cigars. 75 cents per thousand.

(b) Large cigars. (1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

Cigars not exempt from tax under Chapter 52, I.R.C., and the provisions of this part which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.22 Classification of large cigars.

Large cigars are divided into seven classes, for tax purposes, corresponding with the rates of tax imposed by section 5701(b)(2), I.R.C., and based on the retail price intended by the manufacturer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as Class A, Class B, Class C, Class D, Class E, Class F, and Class G, respectively. In establishing the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on cigars as a commodity. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the manufacturer to incur any additional tax liability.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.23 Cigarette tax rates.

On cigarettes, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) Small cigarettes. $4 per thousand.

(b) Large cigarettes. $8.40 per thousand; except that where such cigarettes are more than 6½ inches in length, the rate of tax is $4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.24 Classification of cigarettes.

For tax purposes, small cigarettes are designated Class A and large cigarettes are designated Class B.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.25 Manufactured tobacco tax rate.

On tobacco, manufactured in or imported into the United States, a tax of 10 cents per pound is imposed by law.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 270.26 Persons liable for tax.

The manufacturer of tobacco products shall be liable for the taxes imposed on such products by section 5701, I.R.C.: *Provided*, That when tobacco products are transferred in bond pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such products and the transferor shall thereupon be relieved of his liability for the tax. When tobacco products are released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco products, the transferee shall become liable for the tax on such products upon release from customs custody. Any person who possesses tobacco products in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such products.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 270.27 Assessment.

Whenever any person required by law to pay tax on tobacco products fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

Subpart D—Administrative Provisions

§ 270.41 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be so executed.

§ 270.42 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products are produced or kept, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 270.43 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 655; 26 U.S.C. 7212)

§ 270.44 Disposal of forfeited, condemned, and abandoned tobacco products.

When any Federal, State, or local officer having custody of forfeited, condemned, or abandoned tobacco products, upon which the Federal tax has not been paid, is of the opinion that the sale thereof will not bring a price equal to the tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such products for consumption in the United States. Where the products are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for consumption) or cause their destruction by burning completely or by rendering them unfit for consumption. Where such products are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. The payment of tax on such products shall be evidenced by presentation, to the officer having custody of the products, of a receipt from the district director showing such payment. In the case of such products held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 270.45 Alternate methods or procedures.

A manufacturer of tobacco products, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

§ 270.46 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

§ 270.47 Other businesses within factory.

The Director may authorize such other businesses within the factory as he finds will not jeopardize the revenue, will not hinder the effective administration of this part, and will not be contrary to law.

§ 270.48 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart E—Qualification Requirements for Manufacturers

§ 270.61 Persons required to qualify.

Every person who produces any tobacco products, except for his own personal consumption or use, shall qualify as a manufacturer of tobacco products in accordance with the provisions of this part: *Provided*, That a person who on the effective date of this part holds a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco may continue the operations au-

thorized to be performed under such permit, in accordance with the provisions of this part. A person holding a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco, or holding a limited permit substituted therefor as provided in § 270.75, who desires to obtain a permit as a manufacturer of tobacco products without limitation as to kind of tobacco product that may be produced in his factory shall make application therefor in accordance with this subpart.

(72 Stat. 1421; 26 U.S.C. 5711, 5712, 5713)

§ 270.62 Application for permit.

Every person, before commencing business as a manufacturer of tobacco products as defined in § 270.11, shall make application for, and obtain, the permit provided in § 270.75, covering operations at each proposed factory. Such application shall be made on Form 2093, in duplicate, to the assistant regional commissioner for the region in which the proposed factory will be located. All documents required under this part to be furnished with such application shall be made a part thereof. Where the applicant for a permit under this section holds a permit or permits authorizing the production of any tobacco products at premises to be covered by the permit applied for, the applicant shall surrender such permit or permits for cancellation, upon the issuance of the permit applied for.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.63 Corporate documents.

Every corporation, before commencing business as a manufacturer of tobacco products, shall furnish with its application for permit, required by § 270.62, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish evidence, in duplicate, of the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where any of the information required by this section has previously been filed with the same assistant regional commissioner and such information is currently complete and accurate, a written statement, in duplicate, to that effect by the corporation will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.64 Articles of partnership or association.

Every partnership or association, before commencing business as a manufacturer of tobacco products, shall furnish with its application for permit, required by § 270.62, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner and such documents are currently complete and accurate, a written statement, in duplicate, to that effect by the partnership or association will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.65 Trade name certificate.

Every person, before commencing business under a trade name as a manufacturer of tobacco products, shall furnish with his application for permit, required by § 270.62, a true copy of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so required, a written statement, in duplicate, to that effect by such person will be sufficient for the purpose of this section.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.66 Bond.

Every person, before commencing business as a manufacturer of tobacco products, shall file, in connection with his application for permit, a bond on Form 3070, in duplicate, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I.R.C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States: *Provided*, That any person who, on the effective date of this part, has on file a valid and adequate bond, Form 2100, "Bond—Manufacturer of Cigars and Cigarettes," or Form 2099, "Bond—Manufacturer of Tobacco," as the case may be, may continue, under such bond, the operations with respect to the permit to which that bond relates (including a permit substituted therefor under the provisions of § 270.75), in accordance with the provisions of this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.67 Blanket bond.

Where a manufacturer of tobacco products operates more than one factory in the same region he may, in lieu of filing separate bonds, file a blanket bond on Form 3070, in duplicate, in accordance with the provisions of § 270.134, for any or all of the factories in the same region. The total amount of any blanket bond given under this section shall be available for the satisfaction of any liability incurred at any factory covered by the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.68 Power of attorney.

If the application for permit or any other document required to be executed is signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by one of the members of an association, power of attorney on Form 1534 shall be furnished to the assistant regional commissioner. If such application or other document is signed on behalf of a corporation by an officer thereof, it must be supported by duly authenticated extracts of the stockholders' meeting, bylaws, or directors' meeting authorizing such officer to execute such document for the corporation. Form 1534 or support of authority does not have to be filed again with an assistant regional commissioner where such form or support has previously been submitted to that assistant regional commissioner and is still in effect.

§ 270.69 Factory premises.

The premises to be used by a manufacturer of tobacco products as his factory may consist of more than one building, or portions of buildings, which need not be contiguous but must be located in the same city, town, or village: Except that, where the assistant regional commissioner determines that a building or portion of a building which is not within the city, town, or village, is so conveniently and closely situated to the general factory premises as to present no jeopardy to the revenue and as to offer no hindrance to the administration of this part, he may authorize the inclusion of such building or portion of building as part of the factory. The buildings or portions of buildings shall be described in the application for permit and the bond by number, street, and city, town, or village, and State. Where the factory consists of a portion of a building, or where portions of buildings are part of the factory, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the factory or part thereof. The diagram shall also show any adjoining retail store, operated by such manufacturer, where tobacco products are sold.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.70 Separation of and access to factory.

Where the factory consists of a portion of a building, or where portions of buildings are part of the factory, the factory shall be completely separated by walls from adjoining portions of the building. Such walls shall be securely constructed of substantial materials. The assistant regional commissioner may, wherever he finds that the revenue will not be jeopardized, authorize openings and doors in such walls or means of separation other than walls if such means adequately delineate the factory. The factory shall be accessible directly from a street, yard, common passageway, or other common means of entrance.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.71 Factories established prior to effective date.

Factories established prior to the effective date of this part shall not be subject to the provisions of § 270.70 if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.72 Use of factory premises.

Unless otherwise authorized by the Director as provided in § 270.47, the factory premises shall be used exclusively for the purposes of manufacturing and storing tobacco products; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.73 Additional information.

The assistant regional commissioner may require such additional information as he may deem necessary to determine whether the applicant is entitled to a permit under the provisions of this part. The applicant shall, when required by the assistant regional commissioner, furnish as a part of his application for such permit such additional information as may be necessary for the assistant regional commissioner to determine whether the applicant is entitled to a permit.

§ 270.74 Investigation of applicant.

As the assistant regional commissioner deems necessary he will cause inquiry or investigation to be made to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I.R.C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with Part 200 of this chapter, which part (including the provisions relating to the recommended decision and to appeals) is applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.75 Issuance of permit.

If the application for permit, together with the bond and supporting documents, required under this part is approved by him, the assistant regional commissioner shall issue a permit on Form 2096 to the applicant as a manufacturer of tobacco products: *Provided*, That without the filing of an application therefor, the assistant regional commissioner may substitute a permit on Form 2096 to replace a valid permit as a manufacturer of cigars and cigarettes or as a manufacturer of tobacco. Such substitute permit shall be appropriately limited so as to authorize only the operations which were authorized under the permit being replaced. Upon the issuance of the substitute permit, the replaced permit shall become null and void and shall be surrendered for cancellation.

(72 Stat. 1421; 26 U.S.C. 5713)

§ 270.76 Retention of permit and supporting documents.

The manufacturer shall retain his permit, together with the copy of the application and supporting documents returned to him with the permit, at the same place where the records required by this part are kept and they shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1421, 1423; 26 U.S.C. 5712, 5713, 5741)

Subpart F—Changes After Original Qualification of Manufacturers

Changes in Name

§ 270.91 Change in individual name.

Where there is a change in the name of an individual operating as a manufacturer of tobacco products he shall, within 30 days of such change, make application on Form 2098 for an amended permit.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.92 Change in trade name.

Where there is a change in the trade name of a manufacturer of tobacco products, the manufacturer shall, within 30 days of the adoption of the new trade name, make application on Form 2098 for an amended permit. The manufacturer shall also furnish a true copy of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 270.65.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.93 Change in corporate name.

Where there is a change in the name of a corporate manufacturer of tobacco products, the manufacturer shall, within 30 days of such change, make application on Form 2098 for an amended permit. The manufacturer shall also furnish such documents as may be necessary to establish that the corporate name has been changed.

(72 Stat. 1421; 26 U.S.C. 5712)

Changes in Ownership and Control

§ 270.101 Fiduciary successor.

If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of tobacco products, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E, of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make a commencing inventory, in accordance with the provisions of § 270.201: *Provided*, That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 270.69, the successor may adopt such diagram if it is currently complete and accurate. However, where a fiduciary intends only to liquidate the business, qualification as a manufacturer of tobacco products will not be required if he promptly files with the assistant regional commissioner a written statement to that effect, in duplicate, together with an extension of coverage of the predecessor's bond, executed by the fiduciary and the surety on such bond, in accordance with the provisions of § 270.137.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5721)

§ 270.102 Transfer of ownership.

If a transfer is to be made in ownership of the business of a manufacturer of tobacco products (including a change of any member of a partnership or association), such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of tobacco products, in accordance with the applicable provisions of Subpart E of this part: *Provided*, That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 270.69, the proposed successor may adopt such diagram if it is currently complete and accurate. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a concluding inventory and concluding report, in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender his permit with such inventory and report. The successor shall make a commencing inventory and commencing report, in accordance with the provisions of § 270.201 and § 270.202, respectively.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5713, 5721, 5722)

§ 270.103 Change in officers, directors, or stockholders of a corporation.

Upon election or appointment (excluding successive reelection or reappointment) of any officer or director of a corporation operating the business of a manufacturer of tobacco products, or upon any occurrence which results in a person acquiring ownership or control of more than ten percent in aggregate of the outstanding stock of such corporation, the manufacturer shall, within 30 days of such action, so notify the assistant regional commissioner in writing, giving the identity of such person.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.104 Change in control of a corporation.

Where the issuance, sale, or transfer of the stock of a corporation, operating as a manufacturer of tobacco products, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application on Form 2093 for a new permit. Otherwise, the present permit shall be automatically terminated at the expiration of such 30-day period, and the manufacturer shall dispose of all

tobacco materials and tobacco products on hand, in accordance with this part, make a concluding inventory and concluding report, in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action with respect to such application.

(72 Stat. 1421, 1422; 26 U.S.C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND FACTORY

§ 270.111 Change in location within same region.

Whenever a manufacturer of tobacco products intends to relocate his factory within the same region, the manufacturer shall, before commencing operations at the new location, make application on Form 2098 for, and obtain, an amended permit. The application shall be supported by an extension of coverage of bond in accordance with the provisions of § 270.137.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

§ 270.112 Change in address.

Whenever any change occurs in the address, but not the location, of the factory of a manufacturer of tobacco products, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application on Form 2098 for an amended permit.

(72 Stat. 1421; 26 U.S.C. 5712)

§ 270.113 Change in location to another region.

Whenever a manufacturer of tobacco products intends to remove his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner for the region from which he is removing his factory of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a concluding inventory and concluding report in accordance with the provisions of § 270.201 and § 270.202, respectively, and surrender the permit for his old location with such inventory and report.

(72 Stat. 1421, 1422; 26 U.S.C. 5711, 5712, 5713, 5721, 5722)

§ 270.114 Extension or curtailment of factory.

Where a tobacco products factory is to be changed to an extent which will make inaccurate the description of the factory as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application on Form 2098 for, and obtain, an amended permit. Such application shall describe the proposed change in the factory and shall be accompanied by a new diagram if required under the provisions of § 270.69.

(72 Stat. 1421; 26 U.S.C. 5711, 5712)

Subpart G—Bonds and Extensions of Coverage of Bonds

§ 270.131 Corporate surety.

Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 648, 72 Stat. 1421; 6 U.S.C. 6, 26 U.S.C. 5711)

§ 270.132 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety the manufacturer of tobacco products may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

§ 270.133 Amount of individual bond.

The amount of the bond of a manufacturer of tobacco products shall be not less than the total amount of tax liability on all tobacco products manufactured in his factory, received in bond from other factories and from export warehouses, and released to him in bond from customs custody, during any calendar month. Where the amount of any bond is no longer sufficient and the bond is in less than the maximum amount, the manufacturer shall immediately file a strengthening or superseding bond as required by this subpart. The amount of any such bond (or the total amount including strengthening bonds, if any) need not exceed $250,000 for a manufacturer producing or receiving cigarettes in bond, need not exceed $150,000 for a manufacturer producing or receiving cigars in bond, and need not exceed $25,000 for a manufacturer producing or receiving manufactured tobacco in bond: Except that, if more than one kind of tobacco product is produced or received in bond in a factory, the bond for that factory need not exceed the amount of the largest maximum bond prescribed with respect to any of the kinds of tobacco products produced or received in bond therein. The bond of a manufacturer of tobacco products shall in no case be less than $1,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.134 Amount of blanket bond.

In the case of a blanket bond filed under the provisions of § 270.67, where the total amount of individual bonds otherwise required for the factories under § 270.133 does not exceed $250,000, such blanket bond shall be not less than the total amount of such individual bonds. Where the total amount of such individual bonds required is in excess of $250,000 but not in excess of $500,000, the amount of the blanket bond shall be not less than $250,000 plus 50 percent of such total amount which is in excess of $250,000. Where the total amount of such individual bonds required is in excess of $500,000 the amount of the blanket bond shall be not less than $375,000 plus 25 percent of such total amount which is in excess of $500,000.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.135 Strengthening bond.

Where the amount of any bond is no longer sufficient under the provisions of § 270.133 or § 270.134, the manufacturer shall immediately file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, unless a superseding bond is filed pursuant to § 270.136. Strengthening bonds will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.136 Superseding bond.

A manufacturer of tobacco products shall immediately file a new bond to supersede his current bond when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, (d) the amount of the bond is on longer sufficient under the provisions of § 270.133 or § 270.134 and a strengthening bond has not been filed, or (e) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue. Where a bond is not filed as required under the provisions of this section the manufacturer shall discontinue forthwith the operations to which such bond relates.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.137 Extension of coverage of bond.

An extension of coverage of bond shall be manifested on Form 2105 by the manufacturer of tobacco products and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.138 Approval of bond and extension of coverage of bond.

No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.139 Termination of surety's liability.

The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the effective date of a superseding bond, or the date of discontinuance of operations by the manufacturer under § 270.331 or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(72 Stat. 1421; 26 U.S.C. 5711)

§ 270.140 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 270.132 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

§ 270.141 Extension of coverage for bond executed prior to June 24, 1959.

Every manufacturer of tobacco products who desires to remove tobacco products on determination of tax and before payment of tax shall, before such removal, have an approved extension of coverage of bond on Form 2105 on file with the assistant regional commissioner for every bond, Form 2099 or 2100, executed prior to June 24, 1959, under which such removals are to be made. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligors for the payment of the tax on all tobacco products removed by the principal on determination of tax and before payment of the tax notwithstanding that the time for payment of tax may be deferred pursuant to a semimonthly return system as provided for by regulations.

Now, therefore, the above described bond is further specifically conditioned that the principal named therein shall pay all taxes (plus penalties, if any, and interest) for which he may become liable with respect to all tobacco products removed by him on determination of the tax and before payment of the tax thereon, and comply with all provisions of law and regulations with respect thereto.

The aforesaid terms and conditions shall, on and after the effective date, have the same force and effect as the other terms and conditions stated in the bond.

The extension of coverage of bond under this section is not required with respect to any bond executed on or after June 24, 1959.

(72 Stat. 1421; 26 U.S.C. 5711)

Subpart H—Operations by Manufacturers

DETERMINATION AND PAYMENT OF TAXES ON TOBACCO PRODUCTS

§ 270.161 Determination of tax and method of payment.

Except for removals in bond and transfers in bond, as authorized by law, the taxes imposed on tobacco products by section 5701, I.R.C., shall be determined at the time of removal of such products and paid on the basis of a return, in accordance with the provisions of this part.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 270.162 Semimonthly tax return.

Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 3071, in triplicate, with the district director of the internal revenue district in which the factory is located, for each and every return period, including any period during which a manufacturer begins or discontinues business. He shall file such return at the time specified in § 270.165, regardless of whether tobacco products are removed or whether tax is due for that particular return period: *Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not, during the term of such authorization, file a tax return for any period for which tax is not due or payable. The manufacturer shall show, on the return, the kinds and quantities, and tax class in the case of large cigars, of tobacco products removed subject to tax during the semimonthly return period and the tax due thereon. Where the return period covers a portion of two successive calendar months this information shall be shown on the return separately for each portion of a month covered. The manufacturer shall serially number each return on Form 3071 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is made under penalties of perjury. The manufacturer shall retain the receipted copy of each tax return transmitted to him by the district director. The payment of the tax with respect to tobacco products removed subject to tax may be deferred and paid on the basis of a semimonthly return only if the manufacturer has on file a bond of sufficient amount executed on or after June 24, 1959, or, in the case of a bond of sufficient amount executed prior to such date, only if the manufacturer has filed the extension of coverage of bond as prescribed in § 270.141. Otherwise, the tax with respect to such removals shall be prepaid with return, Form 2617, as provided in § 270.167, and the semimonthly return required in this section shall be filed showing such prepayment and the serial number(s) of the Form(s) 2617 filed during the return period.

(72 Stat. 1417, 1423; 26 U.S.C. 5703, 5741)

§ 270.163 Semimonthly tax return periods.

The periods to be covered in the semimonthly tax returns shall be from the 9th day of each month to the 23d day of that month, inclusive, and from the 24th day of each month to the 8th day of the next succeeding month, inclusive.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 270.164 Adjustments in the semimonthly return.

A manufacturer may make adjustments in Schedules A and B of his semimonthly tax return, Form 3071, as provided in this section. Schedule A of the return will be used where an unintentional error in a previous return resulted in an underpayment of tax. Schedule B of the return will be used where an unintentional error in a previous return resulted in an overpayment of tax, where prepayment of tax has been made during the return period, or where notice has been received from the assistant regional commissioner that a claim for allowance of tax has been approved. In the case of an overpayment, the manufacturer shall have the option of filing a claim (on Form 843) for refund or taking credit in Schedule B of the return, both subject to the period of limitations prescribed in section 6511, I.R.C. In the case of an adjustment based on prepayment of tax, the serial number(s) of the prepayment return(s), Form 2617, shall be shown. Any adjustments made in a return must be fully explained in the appropriate schedule or in a statement attached to and made a part of the return in which such adjustment is made.

(68A Stat. 791, 72 Stat. 1417; 26 U.S.C. 6402, 5703)

§ 270.165 Time of filing semimonthly return.

Every semimonthly tax return under this part shall be filed by the manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That the return for the period ending on the 23d day of June of each year shall be filed not later than the second business day succeeding the last calendar day of the return period: *And provided further*, That where the return and remittance are delivered by United States mail to the office of the district director, the date in the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. As used in this section, the term "business day" shall mean any day other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the return is required to be filed.

(72 Stat. 1416; 26 U.S.C. 5703)

§ 270.166 Default, prepayment of tax required.

Where a check or money order tendered with any return, whether semi-

monthly or prepayment, for payment of tax on tobacco products is not paid on presentment, where a manufacturer fails to remit with the return the full amount of tax due thereunder, or where a manufacturer is otherwise in default in payment of tax on tobacco products under the internal revenue laws or this chapter, during the period of such default and until the assistant regional commissioner finds that the revenue will not be jeopardized by the deferred payment of tax pursuant to the provisions of this part, no tobacco products shall be removed subject to tax until the tax thereon has first been paid as provided in § 270.167. Any remittance made during the period of such default shall be in cash, or in the form of a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a United States postal money order or other money order as defined in § 301.6311–1 of this chapter (Procedure and Administration—Payment by check or money order).

(68A Stat. 777, 72 Stat. 1417; 26 U.S.C. 6311, 5703)

§ 270.167 Prepayment tax return.

To prepay the tax on tobacco products, a manufacturer shall file a prepayment tax return on Form 2617, in triplicate, with the district director of the internal revenue district in which the factory is located, showing the tax to be paid on the tobacco products prior to removal. The manufacturer shall serially number each return on Form 2617 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is made under penalties of perjury. The return shall be filed with the district director prior to the removal of such products. The manufacturer shall retain the receipted copy of each prepayment return transmitted to him by the district director. A manufacturer prepaying the taxes on tobacco products under the provisions of this section shall continue to file semimonthly returns as required by § 270.162. Such semimonthly returns shall contain a statement, in Schedule B, that taxes have been prepaid by remittance with Form(s) 2617, and the statement shall indicate the serial number of Form(s) 2617 filed and the amount of taxes prepaid.

(72 Stat. 1417, 1423; 26 U.S.C. 5703, 5741)

§ 270.168 Remittance with return.

The tax on tobacco products shown to be due and payable on any return shall be paid by remittance in full with the tax return. Such remittance may be in any form which the district director is authorized to accept under the provisions of § 301.6311–1 of this chapter (Procedure and Administration—Payment by check or money order) and which is acceptable to him, except as is otherwise specified in § 270.166. Checks and money orders shall be made payable to "Internal Revenue Service." In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778, 72 Stat. 1417; 26 U.S.C. 6313, 5703)

RECORDS

§ 270.181 General.

Every manufacturer of tobacco products shall keep records of his operations and transactions which shall reflect, for each day, the information specified in §§ 270.182 and 270.183. For the aforesaid purpose "day" shall mean calendar day, except that the assistant regional commissioner may, upon application of the manufacturer by letter, in duplicate, authorize as such day for a factory a 24-hour cycle of operation other than the calendar day. A day once so established as other than the calendar day may be changed only by like application approved by the assistant regional commissioner. A manufacturer who maintains commercial records from which the required information may be readily ascertained may utilize such records for this purpose. Where a manufacturer does not maintain commercial records which adequately reflect the information required by this part, he shall keep a record on Form 3063 with respect to tobacco materials, on Form 3065 with respect to large cigars, on Form 3066 with respect to small cigars and large and small cigarettes, and on Form 3064 with respect to manufactured tobacco. The manufacturer shall keep the auxiliary and supplemental records from which such records are compiled, and shall keep a supporting record, as specified in § 270.184, of tobacco products removed subject to tax. Except as provided in § 270.184, the entries in the commercial or form records so maintained or kept shall be made not later than the close of the business day next following that on which the transactions occur. As used in this section, the term "business day" shall mean any day, other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the factory to which the records relate is located.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.182 Record of tobacco materials.

The record of a manufacturer of tobacco products shall show with respect to tobacco materials, the date and total quantity, in pounds, of all unstemmed leaf tobacco and other tobacco materials:

(a) Received (except samples which are to be consumed, used, or destroyed, for purposes of sampling, testing, or experimenting)—

(1) From a dealer in tobacco materials or manufacturer of tobacco products, together with the number of such dealer's establishment or the permit number of such manufacturer,

(2) From a farmer or grower, or tobacco growers' association, together with the name and address of such farmer, grower, or association,

(3) By reduction of tobacco products to tobacco materials,

(4) By release from customs custody, and

(5) By return to the factory;

(b) Shipped or delivered—

(1) To a dealer in tobacco materials or manufacturer of tobacco products, together with the number of such dealer's establishment or the permit number of such manufacturer,

(2) To a State institution, together with the name and address of such institution, and

(3) For export purposes;

(c) Lost; and

(d) Destroyed.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.183 Record of tobacco products.

The record of a manufacturer of tobacco products shall show with respect to tobacco products, the date and total quantity of all cigars, cigarettes, and manufactured tobacco, by kind (small cigars—large cigars; small cigarettes—large cigarettes; plug—twist and other forms of leaf—fine-cut chewing—scrap chewing—smoking tobacco—snuff):

(a) Manufactured;

(b) Received in bond by—

(1) Transfer from other factories,

(2) Release from customs custody, and

(3) Transfer from export warehouses;

(c) Received by return to bond;

(d) Disclosed as an overage by inventory;

(e) Removed subject to tax (by class for large cigars);

(f) Removed, in bond, for—

(1) Export purposes,

(2) Use of the United States,

(3) Transfer to other factories,

(4) Experimental purposes off factory premises;

(g) Otherwise disposed of, without determination of tax, by—

(1) Use or consumption by employees on factory premises,

(2) Use or consumption by employees off factory premises, together with the number of employees to whom furnished,

(3) Use for experimental purposes on factory premises,

(4) Loss,

(5) Destruction, and

(6) Reduction to materials;

(h) Disclosed as a shortage by inventory; and

(i) On which the tax has been determined (by class for large cigars) and which are—

(1) Received, and

(2) Disposed of.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.184 Record in support of removals subject to tax.

Every manufacturer of tobacco products shall keep a supporting record of tobacco products removed from his factory subject to tax, and shall make the entries therein at the time of removal. Such supporting record shall show, with respect to each removal, the date of removal, the name and address of the person to whom shipped or delivered, the kind and quantity of cigars, cigarettes, or manufactured tobacco, and, in the case of large cigars, the class: *Provided*, That where the tobacco products are delivered within the factory directly to the consumer the name and address of the person to whom delivered need not be shown. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such orderly manner that the information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.185 Retention of records.

All records required to be kept under this part, including copies of authorizations, claims, inventories, notices, reports, returns, and schedules, shall be retained by the manufacturer for three years following the close of the calendar year in which filed or made, or in the case of an authorization, for three years following the close of the calendar year in which the operation under such authorization is concluded. Such records shall be kept in the factory or a place convenient thereto, and shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

INVENTORIES AND REPORTS

§ 270.201 Inventories.

Every manufacturer of tobacco products shall make true and accurate inventories on Form 3067, which inventories shall include all tobacco materials and tobacco products on hand required to be accounted for in the records kept under this part. The manufacturer shall make such an inventory at the time of commencing business, which shall be the effective date of the permit issued upon original qualification under this part; at the time of transferring ownership; at the time of changing the location of his factory to a different region; at the time of concluding business; and at such other time as any internal revenue officer may require. Each inventory shall be prepared in duplicate, and shall be subject to verification by an internal revenue officer. The original of each such inventory shall be submitted to the assistant regional commissioner, and the duplicate shall be retained by the manufacturer.

(72 Stat. 1422, 1423; 26 U.S.C. 5721, 5741)

§ 270.202 Reports.

Every manufacturer of tobacco products shall make a report on Form 3068, in duplicate, for each month and for any portion of a month during which he engages in such business. Such report shall be made regardless of whether any operations or transactions occurred during the month or portion of a month covered therein. The report for a month or portion of a month in which business is commenced or is concluded shall be conspicuously marked "Commencing Report" or "Concluding Report", respectively. The original of the report shall be submitted to the assistant regional commissioner not later than the 20th day of the month succeeding the month covered therein, and the duplicate shall be retained by the manufacturer. Each report shall show, for the period covered, the total quantity of cigars, cigarettes, and manufactured tobacco:

(a) Manufactured,

(b) Received in bond,

(c) Received by return to bond,

(d) Removed subject to tax,

(e) Removed in bond,

(f) Otherwise disposed of without determination of tax,

(g) Disclosed by inventory as a net overage or shortage, and

(h) On hand, in bond, beginning of and end of month.

(72 Stat. 1422; 26 U.S.C. 5722)

PACKAGES

§ 270.211 Package.

All tobacco products shall, before removal subject to tax, be put up by the manufacturer in packages which shall be of such construction as will securely contain the products therein and maintain the mark and the notice thereon as required by this part. No package of tobacco products shall have contained therein, attached thereto, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.212 Mark.

Every package of tobacco products packed in a domestic factory shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the name of the manufacturer removing such products subject to tax and the location (by city and State) of the factory from which such products are to be so removed, or the permit number of the factory from which such products are to be so removed: *Provided*, That the Director may on application authorize a manufacturer to mark packages of tobacco products manufactured in and removed subject to tax from any of his factories with only the name of the manufacturer if the factory of production is identified on the package by a statement (e.g., manufactured in Richmond, Va.), symbol, or other means (other than a permit number), approved by the Director.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.213 Notice for manufactured tobacco.

Every package of manufactured tobacco shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco", "tobacco", or "snuff" and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.214 Notice for cigars.

Every package of cigars shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation which corresponds with the rate of tax imposed by section 5701 (b) (2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 270.215 Notice for cigarettes.

Every package of cigarettes shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein, and the classification for tax purposes, i.e., for small cigarettes, either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

EXEMPTION FROM TAXES ON TOBACCO PRODUCTS

§ 270.231 Consumption by employees.

A manufacturer of tobacco products may furnish such products, without determination and payment of tax, for personal consumption by employees in the factory, in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption, not more than 5 large cigars or cigarettes, 20 small cigars or cigarettes, or 2 ounces of manufactured tobacco, by the manufacturer, without determination and payment of tax, on each day the employee is at work. For the purpose of this section, the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village where the tobacco products so furnished to employees are produced. Such products furnished for off-factory consumption shall be taken from the factory by the employee on the day furnished.

Employees shall not sell, offer for sale, or give away products so furnished to them.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.232 Experimental purposes.

A manufacturer of tobacco products may use such products, without determination and payment of tax, for experimental (including testing) purposes in his factory, in such quantities as desired. When authorized by the assistant regional commissioner a manufacturer may also remove tobacco products, in bond, for experimental (including testing) purposes outside his factory. Removal of tobacco products under this section will be authorized only for bona fide experimental purposes, such as for use by producers of machines designed to package such products for testing and experimenting in the operation of these machines, or for use in laboratories, hospitals, medical centers, institutes, colleges, and universities, for scientific, technical, or medical research. Tobacco products may not be removed, under this section, for such purposes as advertising, salesmen's or customers' samples, or for consumer testing. An application to the assistant regional commissioner for authorization to remove tobacco products in bond for experimental purposes shall be by letter, in duplicate, and shall set forth the name and address of the consignee, the kind and quantity of cigars, cigarettes, or manufactured tobacco to be removed, and the intended use of the products. The manufacturer shall retain, as part of his records, each authorization of the assistant regional commissioner for such removal of tobacco products.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.233 Transfer in bond.

A manufacturer of tobacco products may transfer cigars, cigarettes, or manufactured tobacco, in bond, to the factory of any manufacturer of tobacco products. The transfer of tobacco products in bond to the premises of an export warehouse proprietor shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.234 Removal for use of the United States.

The removal of tobacco products, in bond, for use of the United States, shall be in accordance with the provisions of Part 295 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.235 Removal for export purposes.

The removal of tobacco products, in bond, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.236 Release from customs custody.

The release of tobacco products from customs custody, in bond, for transfer to the premises of a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

OTHER PROVISIONS RELATING TO TOBACCO PRODUCTS

§ 270.251 Emergency storage.

In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary storage of tobacco products at a place outside the factory without the application for amended permit required under § 270.114, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue. Application for authorization to so store tobacco products shall be submitted to the assistant regional commissioner by letter, in duplicate. All tobacco products so stored outside the factory shall be accounted for in the records and reports required under §§ 270.183 and 270.202 the same as products within the factory.

(72 Stat. 1422, 1423; 26 U.S.C. 5722, 5741)

§ 270.252 Reduction to materials.

A manufacturer may reduce tobacco products to materials without internal revenue supervision. If the products have been entered in the factory record as manufactured or received, an entry shall be made in such record of the kind and quantity of cigars, cigarettes, or manufactured tobacco reduced to material, and of the quantity of tobbaco resulting from the reduction. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.253 Destruction.

When a manufacturer of tobacco products desires to destroy such products which have been entered in the factory record as manufactured or received, without salvaging the tobacco materials, he shall notify the assistant regional commissioner by letter, in duplicate, of the kind and quantity of cigars, cigarettes, or manufactured tobacco to be destroyed, the intended method of destruction, and the date on which he desires to destroy such products. The assistant regional commissioner may assign an internal revenue officer to supervise destruction of the products, or he may authorize the manufacturer to destroy such products without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner, the manufacturer shall destroy the tobacco products by burning completely or by rendering them unfit for consumption. Upon completion of the destruction, the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized, shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.254 Receipt into factory.

A manufacturer of tobacco products may receive in bond into his factory any tobacco products which he is authorized under his permit to produce in that factory, and may also receive any tobacco products on which the tax has been determined (including products on which the tax has been paid). Tobacco products on which the tax has been determined which are so received shall be segregated and identified as products on which the tax has been determined. Where the manufacturer intends to file claim for allowance or refund of tax on such products he shall comply with the provisions of §§ 270.311 and 270.313.

TOBACCO MATERIALS

§ 270.261 Storage.

Tobacco materials may be stored outside the premises of a tobacco products factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner. In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary storage of tobacco materials at a place outside the factory without such extension of coverage, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue. Application to so store tobacco materials shall be submitted to the assistant regional commissioner by letter, in duplicate, and where applicable, such application shall be accompanied by an extension of coverage of bond. All tobacco materials so stored outside the factory shall be accounted for in the records required under § 270.182 the same as materials within the factory.

(72 Stat. 1421, 1423; 26 U.S.C. 5711, 5741)

§ 270.262 Shipment or delivery.

A manufacturer of tobacco products may ship or deliver tobacco materials, in bond, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; or (d) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of tobacco products may ship stems and waste, in bond, to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine. Shipment or delivery of tobacco materials to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be in accordance with the provisions of Part 290 of this chapter. An application to the assistant regional commissioner for authorization to ship or deliver tobacco materials for experimental or display purposes shall be by letter, in duplicate, and shall set forth the name and address of the consignee, the quantity of materials to be shipped or delivered, and the intended use of the materials or the place where they will be displayed. The manufacturer shall retain each authorization of the assistant regional commissioner for shipment or delivery of tobacco materials for experimental or display purposes.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 270.263 Fumigation.

Tobacco materials held by, released to, or in transit to, a manufacturer of tobacco products may be taken, in bond, to a person who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and returned or delivered to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as having been shipped or delivered by the manufacturer but shall be accounted for in the records required under § 270.182 the same as materials within the factory.

(72 Stat. 1421, 1423; 26 U.S.C. 5711, 5741)

§ 270.264 Destruction.

When a manufacturer of tobacco products desires to destroy tobacco materials other than stems and waste, he shall notify the assistant regional commissioner by letter, in duplicate, of the quantity of tobacco materials to be destroyed, the intended method of destruction, and the date on which he desires to destroy such materials. The assistant regional commissioner may assign an internal revenue officer to supervise the destruction of the materials, or he may authorize the manufacturer to destroy such materials without supervision by so stating on a copy of the manufacturer's notice returned to the manufacturer. When so authorized by the assistant regional commissioner the manufacturer shall destroy the tobacco materials by burning completely or by rendering them unfit for consumption. Upon completion of the destruction the manufacturer shall make an entry of such destruction in his factory record, and where destruction without supervision is authorized shall record the date and method of destruction on the notice returned to him by the assistant regional commissioner, which notice the manufacturer shall retain. A manufacturer of tobacco products who desires to destroy stems and waste may do so in the same manner without notification to the assistant regional commissioner.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 270.265 Loss by theft or casualty.

Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of tobacco products, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction.

(72 Stat. 1422; 26 U.S.C. 5722)

§ 270.266 Release from customs custody.

The release of tobacco materials from customs custody, in bond, for transfer to the premises of a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

Subpart I—Claims by Manufacturers

GENERAL

§ 270.281 Abatement of assessment.

A claim for abatement of the unpaid portion of the assessment of any tax on tobacco products, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount, is assessed after expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed, and the duplicate of the claim shall be retained by the manufacturer.

(68A Stat. 792; 26 U.S.C. 6404)

§ 270.282 Allowance of tax.

Relief from the payment of tax on tobacco products may be extended to a manufacturer by allowance of the tax, where the tobacco products, after removal from the factory upon determination of tax and prior to the payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such products, or are withdrawn by him from the market. Any claim for allowance under this section shall be filed on Form 2635, in triplicate, with the assistant regional commissioner for the region in which the products were removed, and shall show the date the tobacco products were removed from the factory. A claim relating to products lost or destroyed shall be supported as prescribed in § 270.301. In the case of a claim relating to tobacco products withdrawn from the market, the schedule, as provided in § 270.311, shall be filed with the assistant regional commissioner for the region in which the products are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim. Tobacco products to which such a claim relates must be shown to have been removed on determination of tax on the return covering the period during which such products were so removed. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When such notification of allowance of the claim or any part thereof is received prior to the time the return covering the tax on the tobacco products to which the claim relates is to be filed, the manufacturer may make an adjusting entry and explanatory statement in that tax return. Where the notice of allowance is received subsequent to the filing of the return and taxpayment of the tobacco products to which the claim relates, the manufacturer may make an adjusting entry and explanatory statement on the next subsequent tax return(s) to the extent necessary to take credit in the amount of the allowance.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.283 Refund of tax.

The taxes paid on tobacco products may be refunded (without interest) to a manufacturer on proof satisfactory to the assistant regional commissioner that the claimant manufacturer has paid the tax on tobacco products lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products by Chapter 52, I.R.C., has been paid in respect to the tobacco products covered by the claim, and that the products were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund relating to products lost or destroyed shall be supported as prescribed in § 270.301, and a claim relating to products withdrawn from the market shall be accompanied by a schedule prepared and verified as prescribed in §§ 270.311 and 270.313. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. The duplicate of the claim, with the copy of any verified supporting schedules, shall be retained by the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.284 Remission of tax liability.

Remission of the tax liability on tobacco products may be extended to the manufacturer liable for the tax where tobacco products in bond are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer. Where tobacco products are so lost or destroyed the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located, and shall prepare a claim on Form 2635, in triplicate, setting forth the nature, date, place, and extent of the loss or destruction. All copies of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice

of such action, which copy shall be retained by the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.285 Claim for redemption of stamps.

Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such products has no use, may be redeemed by such manufacturer. Any claim for redemption of stamps under this section shall be prepared on Form 843, in duplicate, and the original shall be filed with the assistant regional commissioner, for the region in which the stamps were purchased, within three years after the stamps were purchased from the Government. Stamps may be presented with the claim or they may be destroyed under internal revenue supervision, or satisfactory evidence shall be submitted with the claim showing the reason why they cannot be so presented or destroyed. Where the stamps are to be destroyed, the manufacturer shall prepare a schedule on Form 178, in duplicate, for the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall request the assistant regional commissioner to assign an internal revenue officer to verify the schedule and supervise the destruction of the stamps. The original of the verified schedule shall be returned to the manufacturer and be attached to his claim, Form 843, when filed. If required, the manufacturer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(68A Stat. 830, as amended by 72 Stat. 1313; 26 U.S.C. 6805)

TOBACCO PRODUCTS LOST OR DESTROYED

§ 270.301 Action by claimant.

Where tobacco products are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the manufacturer desires to file a claim for the tax on such products under the provisions of § 270.282 or §270.283, he shall indicate on the claim the nature, date, place, and extent of such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS WITHDRAWN FROM THE MARKET

§ 270.311 Action by claimant.

Where tobacco products are withdrawn from the market and the manufacturer desires to file claim under the provisions of § 270.282 or § 270.283, he shall assemble the products in or adjacent to a factory if they are to be returned to bond or reduced to materials and the resultant materials returned to bond, or at any suitable place if they are to be destroyed. The manufacturer shall group the products according to the rate of tax applicable thereto, and shall prepare a schedule of the products, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the products are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 270.312 Action by assistant regional commissioner.

Upon receipt of a schedule of tobacco products withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the tobacco products (and destruction of the stamps, if any), or he may authorize the manufacturer to dispose of the products (and destroy the stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the manufacturer.

§ 270.313 Disposition of tobacco products and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the tobacco products (and destroy the stamps, if any) as specified in the schedule. After the manufacturer has disposed of the products (and destroyed the stamps, if any), he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the products (and stamps, if any). In connection with a claim for allowance the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635. In connection with a claim for refund the manufacturer shall attach the original of the schedule to his claim, Form 843, filed under § 270.283. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the tobacco products, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the products. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim, Form 843, filed under § 270.283.

(72 Stat. 1419; 26 U.S.C. 5705)

Subpart J—Suspension and Discontinuance of Operations by Manufacturers

§ 270.331 Discontinuance of operations.

Every manufacturer of tobacco products who desires to discontinue operations under this part shall dispose of all tobacco materials and tobacco products on hand, in accordance with this part, and make a concluding inventory and concluding report in accordance with the provisions of § 270.201 and § 270.202, respectively. The manufacturer shall surrender his permit, with such inventory and report, to the assistant regional commissioner as notice of such discontinuance. The assistant regional commissioner may then terminate the liability of the surety on the bond of the manufacturer.

(72 Stat. 1422; 26 U.S.C. 5721, 5722)

§ 270.332 Suspension and revocation of permit.

Where the assistant regional commissioner has reason to believe that a manufacturer of tobacco products has not in good faith complied with the provisions of Chapter 52, I.R.C., and regulations thereunder, or with any other provision of the I.R.C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked. Such citation shall be issued and opportunity for hearing afforded in accordance with Part 200 of this chapter, which part is applicable to such proceedings. If the hearing examiner, or on appeal, the Director, decides the permit should be suspended or revoked, the assistant regional commissioner shall by order give effect to such decision.

(72 Stat. 1421; 26 U.S.C. 5713)

[F.R. Doc. 61-8363; Filed, Aug. 30, 1961; 8:55 a.m.]

PART 275—IMPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

On June 7, 1961, a notice of proposed rule making proposing new regulations in Part 275 of Title 26 of the Code of Federal Regulations was published in the FEDERAL REGISTER (26 F.R. 5058). The purposes of the notice were to prescribe provisions relating to the importation and taxpayment of tobacco materials, cigars, cigarettes, manufactured tobacco, and cigarette papers and tubes in a single part of this chapter, and to implement the Internal Revenue Code of 1954, as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275).

No comments or suggestions pertaining to these regulations were received during the period of 30 days from the date of publication of the notice of proposed rule making. Accordingly, the regulations so published are hereby adopted with the changes set forth below:

1. The *Preamble* is changed:

(A) By striking from the first sentence the word "and", after the word "cigarettes", and by inserting after the words "manufactured tobacco" the words ", and cigarette papers and tubes"; and

(B) By redesignating paragraph 2 as paragraph 3 and by inserting a new paragraph 2.

2. Section 275.11 is changed:

(A) By rewording the first sentence of the definition of "Tobacco materials".

(B) By inserting in the definition of "Waste", after the word "Tobacco" the first time it appears, the word "materials".

3. Section 275.22 is changed by striking the period at the end of the first sentence and adding the phrase ", or in the case of an authorization, for three years following the close of the calendar year in which the operation under such authorization is concluded."

4. Section 275.25 is changed by rewording the second sentence to read "Where the articles are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for consumption) or cause their destruction by burning completely or by rendering them unfit for consumption."

5. Section 275.37 is changed:

(A) By rewording the first sentence to read: "Large cigars are divided into seven classes, for internal revenue tax purposes, corresponding with the rates of tax imposed by section 5701(b)(2), I.R.C., and based on the retail price intended by the importer for such cigars."; and

(B) By striking in the third sentence the word "determining" and inserting in lieu thereof the word "establishing".

6. Section 275.49 is changed by striking in the last sentence the words "packaged, labeled, and" and inserting in lieu thereof the phrase "in packages which bear the notice and shall be".

7. The heading of Subpart E is changed to read "Subpart E—Packages".

8. Section 275.81 is changed by inserting in the parenthetical phrase at the end thereof, before the word "tax", the words "internal revenue".

9. Section 275.90 is changed by inserting in the parenthetical phrase at the end thereof, before the word "tax", the words "internal revenue".

10. Section 275.106 is changed by adding at the end thereof a new sentence to read "Noncommercial mail shipments of tobacco products and cigarette papers and tubes to the United States are exempt from the provisions of this section, except that the internal revenue officer in Puerto Rico receiving a payment of internal revenue tax on mail shipments of such articles will prepare a certificate to be affixed to the container stating that the United States internal revenue tax has been prepaid on the articles contained therein."

11. Section 275.107 is changed by striking in the first sentence the word "shall" and inserting in lieu thereof the word "will".

12. Section 275.108 is changed by striking, at the end thereof, the phrase "and be made available for inspection by internal revenue officers".

13. Section 275.117 is changed by striking in the first sentence the word "shall" and inserting in lieu thereof the word "will".

14. Section 275.118 is changed by striking, at the end thereof, the phrase "and be made available for inspection by internal revenue officers".

15. Section 275.121 is changed by striking in the first sentence the proviso and inserting in lieu thereof new provisos and a new sentence, to read "*Provided*, That the amount of any such bond (or the total amount including strengthening bonds, if any) need not exceed $250,000 where payment of tax on cigarettes is deferred; need not exceed $150,000 where payment of tax on cigars is deferred; and need not exceed $25,000 where payment of tax on manufactured tobacco is deferred: *And provided further*, That, where payment of tax is deferred with respect to more than one kind of tobacco product, the bond need not exceed the amount of the largest maximum bond prescribed with respect to any of the kinds of tobacco products on which payment is deferred. The amount of bond shall in no case be less than $1,000."

16. Section 275.136 is changed by striking from the first sentence the phrase ", prior to obtaining the release of such articles," and inserting after the words "Form 2105 with" the phrase ", and receive a notice of approval from,".

17. Section 275.137 is changed by inserting in paragraph (a) of the last sentence, after the word "shipper", the phrase "for attachment to the bill of lading".

Effective date. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

These regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 28, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 275, "Importation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," are promulgated to prescribe provisions relating to the importation and taxpayment of tobacco materials, cigars, cigarettes, manufactured tobacco, and cigarette papers and tubes in a single part of this chapter, and to implement the Internal Revenue Code of 1954 as amended by the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, 72 Stat. 1275). These regulations supersede the existing regulations in 26 CFR Part 275 and Subpart F of 26 CFR Part 296 in their entirety; prescribe revision of provisions formerly included in 26 CFR Part 270 relating to the importation of cigars and cigarettes, the release of tobacco materials, cigars, and cigarettes from customs custody, and the manufacture of cigars in customs bonded manufacturing warehouses, class 6; prescribe revision of provisions formerly included in 26 CFR Part 275 relating to the importation of manufactured tobacco and the release of tobacco materials and manufactured tobacco from customs custody; prescribe revision of provisions formerly included in 26 CFR Part 280 relating to the release of tobacco materials from customs custody; prescribe revision of provisions formerly included in 26 CFR Part 285 relating to the importation of cigarette papers and tubes and the release of cigarette papers and tubes from customs custody; and prescribe revision of provisions formerly included in Subpart E of 26 CFR Part 296 relating to importation of tobacco products and the manufacture of cigars in customs bonded manufacturing warehouses, class 6.

2. The function of collecting internal revenue taxes on tobacco products and cigarette papers and tubes imported or brought into the United States and removed subject to tax from customs custody, heretofore delegated to the Commissioner of Internal Revenue, is transferred on the effective date of these regulations to the Commissioner of Customs by delegation of authority from the Secretary of the Treasury (Treasury Department Order No. 165-12).

3. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

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AUTHORITY: §§ 275.1 to 275.180 are issued under section 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

Subpart A—Scope of Regulations

§ 275.1 Importation of tobacco materials, tobacco products, and cigarette papers and tubes.

This part contains the regulations relating to tobacco materials, tobacco products, and cigarette papers and tubes, imported into the United States from a foreign country or brought into the United States from Puerto Rico, the Virgin Islands, or a possession of the United States; the removal of cigars from a customs bonded manufacturing warehouse, class 6; and the release of tobacco materials, tobacco products, and cigarette papers and tubes from customs custody, without payment of internal revenue tax.

Subpart B—Definitions

§ 275.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Assistant regional commissioner. An assistant regional commissioner (alcohol and tobacco tax) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

Bonded manufacturer. A manufacturer of tobacco products in Puerto Rico who has an approved bond, in accordance with the provisions of this part, authorizing him to defer the payment in Puerto Rico of the internal revenue tax imposed on such products by section 7652(a), I.R.C., as provided in this part.

CFR. The Code of Federal Regulations.

Cigar. Any roll of tobacco wrapped in tobacco.

Cigarette. Any roll of tobacco, wrapped in paper or any substance other than tobacco.

Cigarette paper. Paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers, i.e., books or sets of cigarette papers containing more than 25 papers each.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Collector of customs. The person having charge of a customs collection district, including assistant collector of customs, deputy collector of customs, and any person authorized by law, or by regulations approved by the Secretary of the Treasury, to perform the duties of a collector of customs.

Commissioner. The Commissioner of Internal Revenue.

Computation or computed. When used with respect to the tax on tobacco products of Puerto Rican manufacture, computation or computed shall mean that the bonded manufacturer has ascertained the quantity, kind, and (if applicable) class, of tobacco products being shipped to the United States, that the payment, in Puerto Rico, of the tax on such products is to be deferred under Subpart G, of this part that the tax imposed on such products by section 7652(a), I.R.C., has been calculated, that the bonded manufacturer has executed an agreement to pay the internal revenue tax which will become due with respect to such products, as provided in this part, and that an internal revenue officer has verified and executed a certification of such calculation.

Dealer in tobacco materials. Any person who receives and handles tobacco materials for sale, shipment, or delivery to another dealer in such materials, to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or who receives tobacco materials, other than stems and waste, for use by him in the production of fertilizer, insecticide, or nicotine. The term "dealer in tobacco materials" shall not include (a) an operator of a warehouse who stores tobacco materials solely for a qualified dealer in tobacco materials, for a qualified manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; (b) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm: *Provided*, That such association maintains records of all leaf tobacco acquired or received and sold or otherwise disposed of by the association, in accordance with Part 28 of this chapter; (c) a person who buys leaf tobacco on the floor of an auction warehouse, or who buys leaf tobacco from a farmer or grower, and places the tobacco on the floor of such a warehouse, or who purchases and sells warehouse receipts without taking physical possession of the tobacco covered thereby; or (d) a qualified manufacturer of tobacco products with respect to tobacco materials received by him under his bond as such a manufacturer.

Determined or determination. When used with respect to the internal revenue tax on tobacco products and cigarette papers and tubes, determined or determination shall mean that the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed subject to internal revenue tax, has been established as prescribed by this part so that the internal revenue tax payable with respect thereto may be calculated.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C.

District director. A district director of internal revenue.

Factory. The premises of a manufacturer of tobacco products or cigarette papers and tubes in which he carries on such business.

Importer. Any person in the United States to whom nontaxpaid tobacco products or cigarette papers or tubes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned; any person who removes cigars for sale or consumption in the United States from a customs bonded manufacturing warehouse; and any person who smuggles or otherwise unlawfully brings tobacco products or cigarette papers or tubes into the United States.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this part.

I.R.C. The Internal Revenue Code of 1954, as amended.

Large cigarettes. Cigarettes weighing more than three pounds per thousand.

Large cigars. Cigars weighing more than three pounds per thousand.

Manufactured tobacco. Tobacco (other than cigars and cigarettes) prepared, processed, manipulated, or packaged, for removal, or merely removed, for consumption by smoking or for use in the mouth or nose, and any tobacco (other than cigars and cigarettes), not exempt from tax under Chapter 52, I.R.C., sold or delivered to any person contrary to the provisions of such chapter or regulations thereunder.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobaco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

Officer-in-Charge. The principal revenue officer in Puerto Rico charged with the duty of collecting internal revenue taxes, in Puerto Rico, under the jurisdiction of the Director of the Office of International Operations, Internal Revenue Service, Treasury Department, Washington, D.C.

Package. The container in which tobacco products or cigarette papers or tubes are put up by the manufacturer or the importer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. An internal revenue region.

Regional commissioner. A regional commissioner of internal revenue.

Removal or remove. The removal of tobacco products or cigarette papers or tubes from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Small cigarettes. Cigarettes weighing not more than three pounds per thousand.

Small cigars. Cigars weighing not more than three pounds per thousand.

Stems. The stems or midribs of tobacco.

This chapter. Chapter I, Title 26, Code of Federal Regulations.

Tobacco materials. Tobacco (other than manufactured tobacco, cigars, and cigarettes), including tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) *Unstemmed leaf tobacco.* Leaf tobacco from which the stem or midrib has not been removed.

(b) *Other tobacco materials.* Tobacco materials other than unstemmed leaf tobacco.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

United States. When used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Tobacco materials. Tobacco (other cigarettes), including tobacco in proc-

Waste. Tobacco materials, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

Subpart C—General

§ 275.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part. When a return, form, claim, or other document called for under this part is required by this part, or by the document itself, to be executed under penalties of perjury, it shall be so executed.

§ 275.22 Retention of records.

All records required to be kept under this part, including copies of claims and schedules, authorizations, notices of release, reports, and returns, shall be retained for three years following the close of the year in which filed or made, or in the case of an authorization, for three years following the close of the calendar year in which the operation under such authorization is concluded. Such records shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 275.23 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products and cigarette papers and tubes are produced or kept, and where tobacco materials are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such articles shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 275.24 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any

internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 275.25 Disposal of forfeited, condemned, and abandoned tobacco materials, tobacco products, and cigarette papers and tubes.

When any Federal, State, or local officer having custody of forfeited, condemned, or abandoned tobacco materials, tobacco products, or cigarette papers or tubes, upon which the Federal tax has not been paid, is of the opinion that the sale thereof will not bring a price equal to the tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such articles for consumption in the United States. Where the articles are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for consumption) or cause their destruction by burning completely or by rendering them unfit for consumption. Where such articles are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. Except where the tax is to be paid to collectors of customs in accordance with Part 20, Customs Regulations (19 CFR Part 20), on sales of articles by customs officers, the payment of tax on such articles shall be evidenced by presentation, to the officer having custody of the articles, of a receipt from the district director showing such payment: *Provided*, That tobacco materials may be sold to the highest bidder, without regard to any tax, whether by sealed bid or otherwise, if such bidder is a manufacturer of tobacco products or a dealer in tobacco materials, qualified under Chapter 52, I.R.C., to engage in such business, such materials to be accounted for in records required to be kept by him for internal revenue purposes. In the case of such articles held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(72 Stat. 1425; 26 U.S.C. 5753)

§ 275.26 Alternate methods or procedures.

An importer, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method of procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where an importer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The importer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The importer shall retain, as part of his records, any authorization of the Director under this section.

§ 275.27 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the importer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where an importer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The importer shall retain, as part of his records, any authorization of the Director under this section.

§ 275.28 Penalties and forfeitures.

Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, 5763)

Subpart D—Taxes

Tax Rates

§ 275.31 Cigars.

On cigars imported or brought into the United States, the following internal revenue taxes are imposed by law:

(a) Small cigars. 75 cents per thousand.

(b) Large cigars. (1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

Cigars not exempt from tax under this part which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

(68A Stat. 907, 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.32 Cigarettes.

On cigarettes imported or brought into the United States, the following internal revenue taxes are imposed by law:

(a) Small cigarettes. $4 per thousand.

(b) Large cigarettes. $8.40 per thousand; except that where such cigarettes are more than 6½ inches in length, the rate of tax is $4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(68A Stat. 907, 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.33 Tobacco.

On tobacco, whether in the form of manufactured tobacco or tobacco materials, imported or brought into the United States, an internal revenue tax of 10 cents per pound is imposed by law.

(68A Stat. 907, 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.34 Cigarette papers.

On each book or set of cigarette papers containing more than 25 papers imported or brought into the United States, the law imposes an internal revenue tax of ½ cent for each 50 papers or fractional part thereof; except that where cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(68A Stat. 907, 72 Stat. 1414; 26 U.S.C. 7652, 5701)

§ 275.35 Cigarette tubes.

On cigarette tubes imported or brought into the United States, the law imposes an internal revenue tax of 1 cent for each 50 tubes or fractional part thereof; except that where cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(68A Stat. 907, 72 Stat. 1414; 26 U.S.C. 7652, 5701)

Tax Classification of Large Cigars and of Cigarettes

§ 275.37 Large cigars.

Large cigars are divided into seven classes, for internal revenue tax purposes, corresponding with the rates of tax imposed by section 5701(b)(2), I.R.C., and based on the retail price intended by the importer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as Class A, Class B, Class C, Class D, Class E, Class F, and Class G, respectively. In establishing the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market, exclusive of any State or local taxes imposed on cigars as a commodity. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the importer to incur any additional tax liability.

(72 Stat. 1414; 26 U.S.C. 5701)

§ 275.38 Cigarettes.

For internal revenue tax purposes, small cigarettes are designated Class A and large cigarettes are designated Class B.

(72 Stat. 1414; 26 U.S.C. 5701)

Liability for and Payment of Taxes

§ 275.40 Persons liable for tax.

The importer of tobacco materials, tobacco products, and cigarette papers and tubes, shall be liable for the internal revenue taxes imposed thereon by section 5701 or 7652, I.R.C.: *Provided*, That when tobacco products or cigarette papers or tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of tobacco products or of a manufacturer of cigarette papers and tubes, the transferee shall become liable for the internal revenue tax on such articles upon release from customs custody and the importer shall thereupon be relieved of his liability for such tax.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

§ 275.41 Determination of tax and method of payment.

Tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States, on which internal revenue taxes are due and payable, shall not be released from customs custody until such taxes have been determined and paid. The taxes on such articles which are determined to be due shall be paid on the basis of a return in accordance with the provisions of this part.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

Exemptions From Taxes

§ 275.45 Tobacco products and cigarette papers and tubes imported by consular officers and employees of foreign states.

No internal revenue tax shall be imposed with respect to tobacco products and cigarette papers and tubes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such articles accompany the officer or employee to his post in the United States, or are imported by him at any time during the exercise of his functions therein, if:

(a) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(b) The tobacco products and cigarette papers and tubes are imported by the officer or employee for his personal or official use; and

(c) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state, as certified by the Secretary of State.

(68A Stat. 900; 26 U.S.C. 7511)

§ 275.46 Samples of cigars and cigarettes.

Samples of cigars and cigarettes, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. Only one sample of cigars and cigarettes of the same brand, blend, size, shape, and weight, and having the same kind of wrapper, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigars or 3 cigarettes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.47 Samples of manufactured tobacco.

Samples of manufactured tobacco, to be used in the United States by persons importing tobacco products in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason of, importation. This exemption applies only to samples to be used for soliciting orders for products of foreign countries. Only one sample of manufactured tobacco of the same kind, brand, blend, form, flavor, cut, grind, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than one-eighth of an ounce of manufactured tobacco.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.48 Samples of cigarette tubes.

Samples of cigarette tubes, to be used in the United States by persons importing cigarette papers or tubes in commercial quantities, are, subject to the limitations in this section, exempt from payment of any internal revenue tax imposed on, or by reason, of importation. This exemption applies only to samples to be used for soliciting orders for cigarette tubes manufactured in foreign countries. Only one sample of cigarette tubes of the same brand, size, shape, color, weight, and burning characteristics, and having the same kind of tip, filter, mouthpiece, etc., shall be so admitted during any calendar quarter for the use of each such person. No such sample shall contain more than 3 cigarette tubes.

(71 Stat. 486; 19 U.S.C. 1201)

§ 275.49 Tobacco products and cigarette papers and tubes for exhibition at trade fairs.

Tobacco products and cigarette papers and tubes may be imported into the United States, without payment of internal revenue tax, for the purpose of exhibition at a trade fair, exhibition, or exposition pursuant to the Trade Fair Act of 1959 (73 Stat. 18; 19 U.S.C. 1751), in accordance with Customs Regulations, 19 CFR Part 32. Such tobacco products and cigarette papers, and tubes imported into the United States must be disposed of in accordance with 19 CFR Part 32. However, if such products are sold or otherwise disposed of for consumption within, or removed from, the area of such fairs pursuant to 19 U.S.C. 1753(a), and regulations thereunder, they shall be in packages which bear the notice and shall be taxpaid, in accordance with the applicable provisions of this part, prior to release from customs custody.

§ 275.50 Other exemptions.

Customs Regulations, 19 CFR, Chapter I, provide for certain other exemptions from internal revenue taxes with respect to tobacco products and cigarette papers and tubes imported into the United States.

Assessment of Taxes

§ 275.60 Assessment.

Whenever any person required by law to pay internal revenue tax on tobacco materials, tobacco products, or cigarette papers or tubes, fails to pay such tax, the tax shall be ascertained and assessed against such person, subject to the limitations prescribed in section 6501, I.R.C. The tax so assessed shall be in addition to the penalties imposed by law for failure to pay such tax when required. Except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to

show cause against assessment. The person will be allowed 45 days from the date of such notice to show cause, in writing, against such assessment.

(72 Stat. 1417; 26 U.S.C. 5703)

CUSTOMS' COLLECTION OF TAXES

§ 275.62 Customs' collection of internal revenue taxes on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States.

Internal revenue taxes on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States, which are to be paid to a collector of customs, in accordance with this part, shall be collected, accounted for, and deposited as internal revenue collections by the collector of customs, in accordance with customs procedures and regulations: *Provided*, That, the collector of customs shall deposit the taxes collected on tobacco products and cigarette papers and tubes brought into the United States from Puerto Rico or the Virgin Islands in the internal revenue account designated for the deposit of taxes collected on articles of Puerto Rican manufacture, or the deposit of taxes collected on articles coming from the Virgin Islands, as the case may be.

Subpart E—Packages

§ 275.71 Package.

All tobacco products and cigarette papers and tubes, except as provided in § 275.75, shall, before removal subject to internal revenue tax, be put up in packages which shall be of such construction as will securely contain the articles therein and maintain the notice thereon as required by this subpart. No package of tobacco products or cigarette papers or tubes shall have contained in, attached to, or stamped, marked, written, or printed thereon (a) any certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery, (b) any indecent or immoral picture, print, or representation, or (c) any statement or indication that United States tax has been paid.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.72 Notice for manufactured tobacco.

Every package of manufactured tobacco, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "manufactured tobacco," "tobacco," or "snuff," and the quantity, by weight, of such product contained therein.

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.73 Notice for cigars.

Every package of cigars, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the appropriate following class designation corresponding with the rate of tax imposed by section 5701(b)(2), I.R.C.:

(a) "A. The ordinary retail price of the cigars herein contained is intended by the importer to be not more than 2½ cents each";

(b) "B. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 2½ cents each and not more than 4 cents each";

(c) "C. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 4 cents each and not more than 6 cents each";

(d) "D. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 6 cents each and not more than 8 cents each";

(e) "E. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 8 cents each and not more than 15 cents each";

(f) "F. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 15 cents each and not more than 20 cents each"; or

(g) "G. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 20 cents each."

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.74 Notice for cigarettes.

Every package of cigarettes, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigarettes", the quantity of such product contained therein; and the classification for tax purposes, i.e., for small cigarettes either "small" or "Class A", and for large cigarettes, either "large" or "Class B".

(72 Stat. 1422; 26 U.S.C. 5723)

§ 275.75 Exemptions.

The provisions of this subpart requiring that tobacco products and cigarette papers and tubes be put up in packages and that proper notice be placed on such packages shall not apply to imported tobacco products and cigarette papers and tubes authorized to be released from customs custody, without payment of internal revenue tax, pursuant to §§ 275.45, 275.46, 275.47, 275.48, and 275.50, and shall not apply to tobacco products imported in passengers' baggage, or by mail where the value does not exceed $250, where such products are solely for the personal consumption of the importer or for disposition as his bona fide gift.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart F—Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Imported or Brought Into the United States

§ 275.81 Taxpayment.

Except as otherwise provided in this part, any internal revenue tax payable on tobacco materials, tobacco products, and cigarette papers and tubes, imported or brought into the United States from a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be determined and paid to the collector of customs before removal on the basis of a return made on the customs form by which release from customs custody is to be effected. There shall be set forth on such customs form at the time of entry for consumption or for warehousing and at the time of withdrawal from warehouse for consumption, in addition to any information required for customs purposes, the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed on payment of tax, the applicable rate of tax, and the amount of tax due, substantially in the form as shown in the example below:

Quantity	Article and tax class	Rate of tax	Amount
20,000	Small cigars	$0.75 per thousand	$15.00
5,000	Large cigars—Class D	$7 per thousand	35.00
1,000	Large cigars—Class E	$10 per thousand	10.00
500	Large cigars—Class G	$20 per thousand	10.00
10,000	Small cigarettes	$4 per thousand	40.00
5,000	Large cigarettes	$8.40 per thousand	42.00
2,000 sets	Cigarette papers—50 each set	$0.005 per set	10.00
1,000 sets	Cigarette papers—100 each set	$0.01 per set	10.00
1,000	Cigarette tubes	$0.01 per 50 tubes	.20
500 pounds	Manufactured tobacco (including smoking and chewing tobacco, and snuff)	$0.10 per pound	50.00
500 pounds	Tobacco materials	do	50.00
Total			272.20

An extra copy of the customs form shall be prepared by the importer, marked "For internal revenue purposes", and filed with the collector of customs who will transmit it to the assistant regional commissioner of the region wherein the customs collection headquarters is located. (For provisions relating to the prepayment or deferred payment of internal revenue tax in Puerto Rico on tobacco products and cigarette papers and tubes brought into the United States, see Subpart G of this part.)

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

RELEASE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.85 Release from customs custody authorized.

Tobacco products manufactured in a foreign country, the Virgin Islands, or a possession of the United States may be released by the collector of customs from customs custody, without payment of internal revenue tax, for transfer to the factory of a manufacturer of tobacco products under the bond of such manufacturer. Cigarette papers and tubes manufactured in a foreign country, the Virgin Islands, or a possession of the United States may be released by the collector of customs from customs custody, without payment of internal revenue tax, for transfer, under the bond of the manufacturer to whom such articles are released, to the factory of (a) a manufacturer of cigarette papers and tubes; or (b) a manufacturer of tobacco products solely for use in the manufacture of cigarettes; or (c) in the case of cigarette papers only, a manufacturer of tobacco products to be put up by him in units of not more than 25 papers each for distribution with packages of manufactured tobacco. Releases under this section shall be in accordance with § 275.86: *Provided, however*, That a manufacturer of tobacco products or a manufacturer of cigarette papers and tubes who desires to obtain the release of Virgin Islands tobacco products or cigarette papers or tubes from customs custody, without payment of internal revenue tax, under his bond, shall, in addition, file an extension of coverage of his bond on Form 2105 in the same manner and form as prescribed for Puerto Rican articles in § 275.136. Articles received into the factory of a manufacturer under the provisions of this section are subject to the provisions of Part 270 and Part 285 of this chapter. (For provisions relating to release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, see Subpart G of this part.)

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.86 Procedure for release.

Every manufacturer of tobacco products and cigarette papers and tubes who desires to obtain the release of tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, as provided in § 275.85, shall prepare a notice of release, Form 2145, in triplicate, and file the three copies of the form with the assistant regional commissioner for the region wherein the manufacturer is located. The assistant regional commissioner will not certify Form 2145 covering the release of tobacco products and cigarette papers and tubes unless the manufacturer is authorized, under Parts 270 and 285 of this chapter, to receive, without payment of tax, the kinds of articles set forth in the form. After certification by the assistant regional commissioner, all copies shall be presented by the manufacturer to the collector of customs having custody of the tobacco products and cigarette papers and tubes prior to release thereof. The collector of customs may release such articles upon completion of the notice of release and, after release, he will retain one copy of the form, transmit one copy to the assistant regional commissioner shown thereon, and return one copy to the manufacturer, which shall be retained by the manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

RELEASE OF TOBACCO MATERIALS FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.90 Release from customs custody authorized.

The collector of customs may release tobacco materials grown in a foreign country, the Virgin Islands, or a possession of the United States, from customs custody, without payment of internal revenue tax, for delivery to a dealer in tobacco materials or to a manufacturer of tobacco products, under the bond of such dealer or manufacturer. Such release shall be in accordance with § 275.91. (For provisions relating to release of Puerto Rican tobacco materials from customs custody, without payment of internal revenue tax, see Subpart G of this part.)

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.91 Procedure for release.

Every dealer in tobacco materials who desires to obtain the release of tobacco materials from customs custody, without payment of internal revenue tax, under his bond, as provided in § 275.90, shall certify on the customs form by which release from customs custody is to be effected that he is a properly bonded dealer in tobacco materials, under Part 280 of this chapter, giving the internal revenue number assigned to his establishment, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Similarly, every manufacturer of tobacco products shall certify on the customs form by which release from customs custody is to be effected that he holds an internal revenue permit as a manufacturer of tobacco products, under Part 270 of this chapter, giving such permit number, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Upon release of the tobacco materials, the collector of customs will return one copy of the customs release form to the dealer or manufacturer, as the case may be, which shall be retained by such dealer or manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

Subpart G—Puerto Rican Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Brought Into the United States

§ 275.101 General.

Tobacco products and cigarette papers and tubes manufactured in Puerto Rico which are brought into the United States and withdrawn for consumption or sale are subject to the tax imposed by section 7652(a), I.R.C., at the rates set forth in section 5701, I.R.C. All United States internal revenue taxes collected on such tobacco products and cigarette papers and tubes are, pursuant to section 7652(a)(3), I.R.C., covered into the Treasury of Puerto Rico. This internal revenue tax on tobacco products and cigarette papers and tubes of Puerto Rican manufacture may be prepaid in Puerto Rico prior to shipment of such articles to the United States in accordance with § 275.105, or in the case of tobacco products such tax may be paid in Puerto Rico on the basis of a semimonthly return in accordance with the applicable provisions of this subpart. Tobacco products may also be shipped to the United States and released from customs custody, without payment of internal revenue tax, for transfer to the factory of a manufacturer of tobacco products under the bond of such manufacturer in accordance with § 275.135; and cigarette papers and tubes may be similarly shipped and released from customs custody for transfer to the factory of (a) a manufacturer of cigarette papers and tubes, or (b) a manufacturer of tobacco products solely for use in the manufacture of cigarettes, or (c) in the case of cigarette papers only, a manufacturer of tobacco products to be put up by him in units of not more than 25 papers each for distribution with packages of manufactured tobacco under the bond of the manufacturer to whom such articles are released, in accordance with § 275.135. Tobacco products and cigarette papers and tubes of Puerto Rican manufacture on which the internal revenue tax has not been paid or computed in Puerto Rico and which are not to be released from customs custody, without payment of internal revenue tax, under bond, shall not be withdrawn from customs custody until internal revenue tax thereon has been paid in accordance with § 275.81. Tobacco materials brought in from Puerto Rico may be released from customs custody, without payment of internal revenue tax, for delivery to a dealer in tobacco materials or to a manufacturer of tobacco products under the bond of such dealer or manufacturer in accordance with § 275.145.

(68A Stat. 907, 72 Stat. 1417, 1418; 26 U.S.C. 7652, 5703, 5704)

PREPAYMENT OF TAX IN PUERTO RICO ON TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

§ 275.105 Prepayment of tax.

To prepay, in Puerto Rico, the internal revenue tax imposed by section 7652(a), I.R.C., on tobacco products and cigarette papers and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper shall file, or cause to be filed, with the Officer-in-Charge, a tax return, Form 3073, in triplicate, with full remittance of tax which will become due on such tobacco products or cigarette papers or tubes. The Officer-in-Charge will present a receipted copy of the return to the person filing the return and paying the tax, retain one copy, and forward the remaining copy to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York. The person who filed the return and prepaid the tax shall present the receipted copy of the return to the internal revenue officer assigned by the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, to inspect the tobacco products or cigarette papers or tubes to be shipped to the United States. Such officer will endorse the receipted copy of the return to show release of the tobacco products or cigarette papers or tubes, or, if less than the quantity of tobacco products or cigarette

papers or tubes covered by the return is released, to show the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, in fact released and will return such copy to the taxpayer.

(68A Stat. 907, 72 Stat. 1417; 26 U.S.C. 7652, 5703)

§ 275.106 Inspection of shipment and certification of prepayment by internal revenue officer.

The internal revenue officer, assigned to inspect Puerto Rican tobacco products and cigarette papers and tubes to be shipped to the United States in accordance with § 275.105, will prepare, for each shipping container, a statement on Form 3074 that the tax has been prepaid, and show the name and address of the shipper, date of prepayment, and the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes. The shipper shall affix the completed Form 3074 to the outside of each shipping container in which the articles are packed. Such statement, Form 3074, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container. In addition, such officer will prepare Form 3075, in quintuplicate, identifying the tobacco products and cigarette papers and tubes released in each shipment and certifying that the tax has been prepaid thereon, and will (a) present one copy to the taxpayer for attachment to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; (b) promptly mail two copies to the collector of customs at the port of entry; (c) mail one copy to the assistant regional commissioner of the region wherein the customs collection headquarters is located; and (d) retain the remaining copy. Noncommercial mail shipments of tobacco products and cigarette papers and tubes to the United States are exempt from the provisions of this section, except that the internal revenue officer in Puerto Rico receiving a payment of internal revenue tax on mail shipments of such articles will prepare a certificate to be affixed to the container stating that the United States internal revenue tax has been prepaid on the articles contained therein.

§ 275.107 Procedure at port of entry.

The collector of customs at the port of entry will inspect the shipment to determine whether the quantity specified on the Form 3075 is contained in the shipment. He will then execute his certificate on the three copies of the Form 3075, in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the tobacco products or cigarette papers or tubes reported shipped in such container, and the tobacco products or cigarette papers or tubes lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of tobacco products or cigarette papers or tubes missing or damaged, the quantity, kind, and (if applicable) class, of tobacco products, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes shall be shown. If the collector of customs finds that the full amount of the tax has not been prepaid, he will require the difference due to be paid to him prior to release of the tobacco products or cigarette papers or tubes. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the collector of customs, the shipment may be released.

§ 275.108 Disposition of forms by collector of customs.

One copy of the Form 3075 will be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, one copy will be furnished the consignee, and one copy of this form will be retained by the collector of customs.

DEFERRED PAYMENT OF TAX IN PUERTO RICO ON TOBACCO PRODUCTS

§ 275.109 Bond required for deferred taxpayment.

Where a manufacturer of tobacco products in Puerto Rico desires to defer payment in Puerto Rico of the internal revenue tax imposed by section 7652(a), I.R.C., on tobacco products of Puerto Rican manufacture coming into the United States, he shall file a bond, Form 2986, with the Officer-in-Charge, in accordance with the provisions of this subpart. Such bond shall be conditioned on the payment, at the time and in the manner prescribed in this subpart, of the full amount of tax computed under the provisions of this subpart with respect to tobacco products which are released for shipment to the United States on computation of tax. All taxes which are computed under the provisions of this subpart shall be chargeable against the bond, until such taxes are paid, as provided in § 275.112. The bond shall show the location of the factory from which the tobacco products to which it relates are to be shipped.

§ 275.110 Computation of tax and execution of agreement to pay tax.

Where tobacco products are to be shipped to the United States on computation of internal revenue tax in Puerto Rico (involving deferred tax payment), the bonded manufacturer shall calculate the tax and shall prepare Form 2987, in septuplicate, shall enter on such form under the penalties of perjury the kind, quantity, and (if applicable) class, of the tobacco products to be shipped to the United States, the amount of the tax to be paid on such products under the provisions of this subpart, and the name and address of the consignee in the United States to whom such products are being shipped, and shall date and execute the agreement to pay the amount of tax which shall be computed on such products covered by the Form 2987. The Form 2987 shall be serially numbered by the bonded manufacturer beginning with the number "1" on January 1 of each year. The bonded manufacturer shall then request the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, to assign an internal revenue officer to inspect the tobacco products, verify the tax calculation with respect to such products, and release such products for shipment in accordance with § 275.111. The bonded manufacturer shall present all copies of the prepared Form 2987 to the internal revenue officer assigned. The date of certification of Form 2987 by the internal revenue officer shall be treated as the date of computation of tax. Tobacco products may be released for shipment to the United States in accordance with the provisions of this section only after computation of tax.

§ 275.111 Inspection of shipment and certification by internal revenue officer.

On receipt of the original and six copies of the Form 2987 completed and executed by the bonded manufacturer in accordance with § 275.110, an internal revenue officer will inspect the tobacco products covered by the form, verify the tax calculation made with respect to such products, date and execute the certification on such form, and release the tobacco products for shipment to the United States. Such officer will then promptly distribute the certified Form 2987 by (a) mailing the original to the Officer-in-Charge; (b) mailing two copies to the collector of customs at the port of entry; (c) mailing one copy to the assistant regional commissioner of the region wherein the customs collection headquarters is located; (d) returning two copies to the bonded manufacturer who will attach one copy to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; and (e) submitting one copy to the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico. Such officer will also prepare, for each shipping container, a statement on Form 2989 that the tax on the tobacco products to be shipped to the United States has been computed and show the name and address of the bonded manufacturer, date of tax computation, and the quantity, kind, and (if applicable) class, of tobacco products. The bonded manufacturer shall affix the completed Form 2989 to the outside of each shipping container in which the products are packed. Such statement, Form 2989, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container.

§ 275.112 Tax return.

The internal revenue taxes imposed by section 7652(a), I.R.C., with respect to tobacco products manufactured in Puerto Rico and shipped to the United States on computation of tax under the provisions of this subpart shall be paid on the basis of a semimonthly tax return.

The bonded manufacturer of such products shall file with the Officer-in-Charge a semimonthly tax return, Form 2988, in triplicate, for each and every return period. The bonded manufacturer shall show on the return the serial numbers of all Forms 2987 certified during the return period, the kind, quantity, and (if applicable) class, of tobacco products upon which the tax has been computed during the semimonthly return period, and the tax due thereon, and shall execute the return, Form 2988, under the penalties of perjury. He shall file a return for each return period at the time specified in § 275.113, regardless of whether tax is due for that return period: *Provided*, That where the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, grants specific authorization, the bonded manufacturer need not file a tax return during the term of such authorization for any period in which tax liability was not incurred under the provisions of this subpart.

§ 275.113 Return periods.

The periods to be covered in the semimonthly tax returns shall be from the 1st day through the 15th day of each month, and from the 16th day through the last day of each month.

§ 275.114 Time of filing.

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided*, That where the return and remittance are delivered by United States mail to the Officer-in-Charge, the date in the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. The Officer-in-Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York. As used in this section, the term "business day" shall mean any day other than Saturday, Sunday, or a legal holiday in the Commonwealth of Puerto Rico.

§ 275.115 Remittance with return.

Remittance for the full amount of internal revenue tax computed during the return period shall accompany the return. Such remittance may be in any form the Officer-in-Charge is authorized to accept under the provisions of § 301.6311-1 of this chapter (Procedure and Administration—Payment by check or money order) and which is acceptable to that officer. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(68A Stat. 778; 26 U.S.C. 6313)

§ 275.116 Default.

Where a check or money order tendered with a semimonthly return for payment of internal revenue tax under the provisions of this subpart is not paid on presentment, where a bonded manufacturer fails to remit with the semimonthly return the full amount of tax due thereunder, or where a bonded manufacturer is otherwise in default in payment of tax under the provisions of this subpart, he shall not ship tobacco products to the United States on computation of tax, until the Officer-in-Charge finds that the revenue will not be jeopardized by deferred payment of tax under the provisions of this subpart.

§ 275.117 Procedure at port of entry.

The collector of customs at the port of entry will inspect the shipment to determine whether the quantity specified on the Form 2987 is contained in the shipment. He will then execute his certificate on the three copies of the Form 2987, in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the tobacco products reported shipped in such container, and the tobacco products lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of tobacco products missing or damaged, the quantity, kind, and (if applicable) class, of tobacco products shall be shown. If the collector of customs finds that the full amount of tax due has not been computed, he will require the difference due to be paid to him prior to release of the tobacco products. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the collector of customs, the shipment may be released.

§ 275.118 Disposition of forms by collector of customs.

One copy of the Form 2987 will be forwarded to the Assistant Regional Commissioner, Alcohol and Tobacco Tax, New York, New York, one copy will be furnished the consignee, and one copy of this form will be retained by the collector of customs.

§ 275.119 Corporate surety.

Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury of the United States as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Circular No. 570, as revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 648; 6 U.S.C. 6)

§ 275.120 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the manufacturer of tobacco products in Puerto Rico may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed both as to interest and as to principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650; 6 U.S.C. 15)

§ 275.121 Amount of bond.

In order that tobacco products may be shipped to the United States on computation of tax under the provisions of this subpart, the total amount of the bond or bonds shall at all times be in an amount not less than the amount of unpaid tax chargeable at any one time against the bond: *Provided*, That the amount of any such bond (or the total amount including strengthening bonds, if any) need not exceed $250,000 where payment of tax on cigarettes is deferred; need not exceed $150,000 where payment of tax on cigars is deferred; and need not exceed $25,000 where payment of tax on manufactured tobacco is deferred: *And Provided Further*, That, where payment of tax is deferred with respect to more than one kind of tobacco product, the bond need not exceed the amount of the largest maximum bond prescribed with respect to any of the kinds of tobacco products on which payment is deferred. The amount of bond shall in no case be less than $1,000. Where the amount of a bonded manufacturer's bond is less than the maximum prescribed, the bonded manufacturer shall maintain a running account accurately reflecting all outstanding taxes with which his bond is chargeable. He shall charge such account with the amount of tax he agreed to pay on Forms 2987 and shall credit the account for the amount he paid with his return, Form 2988, at the time he files such return.

§ 275.122 Strengthening bond.

Where the amount of any bond is no longer sufficient under the provisions of § 275.121, the bonded manufacturer shall immediately file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, unless a superseding bond is filed pursuant to § 275.123. A strengthening bond will not be approved where any notation is made thereon which is intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full amount.

§ 275.123 Superseding bond.

A bonded manufacturer shall immediately file a new bond to supersede his current bond when (a) the corporate surety on the current bond becomes insolvent, (b) the Officer-in-Charge approves a request from the surety on the current bond to terminate his liability under the bond, (c) the payment of any liability under a bond is made by the surety thereon, (d) the amount of the bond is no longer sufficient under the provisions of § 275.121 and a strengthening bond has not been filed, or (e) the

Officer-in-Charge considers a superseding bond necessary for the protection of the revenue.

§ 275.124 Extension of coverage of bond.

An extension of coverage of the bond of a bonded manufacturer shall be required in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

§ 275.125 Approval of bond and extension of coverage of bond.

The Officer-in-Charge is authorized to approve all bonds and extensions of coverage of bonds (except under § 275.136) filed under this subpart. No manufacturer of tobacco products in Puerto Rico shall defer taxes under this subpart until he receives from the Officer-in-Charge notice of approval of the bond or of an appropriate extension of coverage of the bond required under this subpart. Upon receipt of the duplicate copy of an approved bond or extension of coverage of bond from the Officer-in-Charge, such copy of the bond or extension of coverage of bond shall be retained by the bonded manufacturer and shall be made available for inspection by any internal revenue officer upon his request.

§ 275.126 Termination of bond.

Any bond given under the provisions of this subpart may be terminated as to future transactions, by the Officer-in-Charge, (a) pursuant to application of surety as provided in § 275.127; (b) on approval of a superseding bond; (c) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued the deferral of taxes under the bond; or (d) on notification by the bonded manufacturer to the Officer-in-Charge that he has discontinued business. When any bond is terminated, the Officer-in-Charge shall notify both the bonded manufacturer and surety on such bond, in writing, of such action.

§ 275.127 Application of surety for relief from bond.

A surety on any bond given under the provisions of this subpart may at any time in writing notify the bonded manufacturer and the Officer-in-Charge that he desires, after a date named, to be relieved of liability under said bond. Such date shall be not less than 10 days after the date the notice is received by the Officer-in-Charge. The surety shall also file with the Officer-in-Charge an acknowledgment or other proof of service on the bonded manufacturer. If such notice is not thereafter in writing withdrawn, the rights of the bonded manufacturer as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability to the extent set forth in § 275.128.

§ 275.128 Relief of surety from bond.

Where the surety on a bond given under the provisions of this subpart has filed application for relief from liability, as provided in § 275.127, the surety shall be relieved from liability for transactions occurring wholly subsequent to the date specified in the notice, or the effective date of a new bond, if one is given.

§ 275.129 Release of pledged securities.

Securities of the United States, pledged and deposited as provided in § 275.120, shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the Officer-in-Charge until the liability under the bond for which they were pledged has been terminated. When the Officer-in-Charge is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the Officer-in-Charge may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650; 6 U.S.C. 15)

RELEASE OF PUERTO RICAN TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.135 Release from customs custody, without payment of tax.

Puerto Rican tobacco products and cigarette papers and tubes may not be released from customs custody, without payment of internal revenue tax, under the provisions of § 275.101, unless the manufacturer in the United States has filed an extension of coverage of his bond in accordance with § 275.136, and obtains the release of such articles as provided in this subpart.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.136 Extension of coverage of bond.

Every manufacturer of tobacco products in the United States who desires to obtain the release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, and every manufacturer of cigarette papers and tubes who desires to obtain the release of Puerto Rican cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall file an extension of coverage of his bond on Form 2105 with, and receive a notice of approval from, the assistant regional commissioner of the region in which his factory is located. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligors for the payment of the tax imposed by section 7652(a), I.R.C., on tobacco products and/or cigarette papers and tubes manufactured in Puerto Rico and released in the United States from customs custody without payment of tax, for delivery to the principal on said bond.

Now, therefore, the said bond is further specifically conditioned that the principal named therein shall pay all taxes imposed by section 7652(a), I.R.C. (plus penalties, if any, and interest) for which he may become liable with respect to tobacco products and/or cigarette papers and tubes manufactured in Puerto Rico which are released to him in the United States from customs custody without payment of tax thereon, and comply with all provisions of law and regulations with respect thereto.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.137 Notice of release.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who desires under the provisions of this subpart to obtain the release of Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall prepare a notice of release, Form 3072, in quintuplicate, and file the five copies of the form with the assistant regional commissioner for the region wherein the manufacturer is located. The assistant regional commissioner will not certify Form 3072 covering the release of tobacco products and cigarette papers and tubes unless the manufacturer is authorized, under Parts 270 and 285 of this chapter, to receive, without payment of tax, the kinds of articles set forth in the form. After certification by the assistant regional commissioner, the manufacturer shall forward all five copies of the form to the shipper in Puerto Rico. The shipper in Puerto Rico shall execute Part I on all copies of the form, forward four copies to the Supervisor-in-Charge, Alcohol and Tobacco Tax, Puerto Rico, and retain the remaining copy for his records. The internal revenue officer assigned to inspect the tobacco products and cigarette papers and tubes to be shipped, after determining that the shipment has been correctly described in Part I, will execute Part II on all four copies of the form, and will (a) present one copy to the shipper for attachment to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the collector of customs at the port of entry; (b) promptly mail two copies to the collector of customs at the port of entry in the United States; and (c) retain the remaining copy.

(72 Stat. 1418; 26 U.S.C. 5704)

§ 275.138 Action by collector of customs.

The collector of customs at the port of entry will note in Part III, on the three copies of the notice of release, Form 3072, in his possession, any exceptions found, showing the numbers and marks on each shipping container from which a loss was sustained, the quantity of tobacco products or cigarette papers or tubes reported shipped in such shipping container, and the quantity of the articles lost. The collector of customs will execute the Notice of Release on each such copy of the form, release the shipment with one copy to the consignee, mail one copy to the assistant regional commissioner shown on the form, and retain the remaining copy for his records.

§ 275.139 Records.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives tobacco products and cigarette papers and tubes of Puerto Rican manufacture, without payment of internal revenue tax, under his bond, shall keep a separate record which will show the date and quantity, kind, and (if applicable) class, of tobacco products, and the date and number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes: (a) received, (b) removed subject to tax, (c) removed for tax-exempt purposes, and (d) otherwise disposed of.

(72 Stat. 1423; 26 U.S.C. 5741)

§ 275.140 Taxpayment in the United States.

Every manufacturer of tobacco products in the United States who receives Puerto Rican tobacco products from customs custody, without payment of internal revenue tax, under his bond, and subsequently removes such products, subject to tax, shall pay the tax imposed on such products by section 7652(a) I.R.C., at the rates prescribed in section 5701, I.R.C., on the basis of a return under the provisions of Part 270 of this chapter applicable to the taxpayment of tobacco products. Similarly, every manufacturer of cigarette papers and tubes in the United States who receives Puerto Rican cigarette papers and tubes and subsequently removes such articles, shall pay the tax imposed on such articles by section 7652(a), I.R.C., at the rates prescribed in section 5701, I.R.C., on the basis of a return under the provisions of Part 285 of this chapter applicable to taxpayment of cigarette papers and tubes. Such tobacco products and cigarette papers and tubes shall be separately listed and identified as articles of Puerto Rican manufacture on the returns, Form 3071 and Form 2137, and the amount of tax paid on such articles shall be separately stated on such forms.

§ 275.141 Reports.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives Puerto Rican tobacco products and cigarette papers and tubes from customs custody, without payment of internal revenue tax, under his bond, shall report the receipt and disposition of such tobacco products and cigarette papers and tubes on supplemental monthly reports. Such supplemental reports shall be made on Form 3068 or Form 2138 and shall have inserted thereon the heading, "Tobacco Products of Puerto Rican Manufacture" or "Cigarette Papers and Tubes of Puerto Rican Manufacture", as the case may be. The original of such supplemental report shall be attached to the manufacturer's regular monthly report when filed.

(72 Stat. 1422; 26 U.S.C. 5722)

RELEASE OF PUERTO RICAN TOBACCO MATERIALS FROM CUSTOMS CUSTODY, WITHOUT PAYMENT OF TAX

§ 275.145 Procedure for release.

Every dealer in tobacco materials and manufacturer of tobacco products in the United States who desires to bring tobacco materials from Puerto Rico into the United States, without payment of internal revenue tax, under the provisions of § 275.101, shall have such tobacco materials consigned to him in care of the collector of customs at the port of entry in the United States. To obtain release of such tobacco materials from customs custody, without payment of internal revenue tax, the dealer in tobacco materials in the United States shall certify in writing, under the penalties of perjury, to such collector of customs that he is a properly bonded dealer in tobacco materials, under Part 280 of this chapter, giving the internal revenue number assigned to his establishment, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Similarly, a manufacturer of tobacco products in the United States shall certify in writing, under the penalties of perjury, to the collector of customs that he holds an internal revenue permit as a manufacturer of tobacco products under Part 270 of this chapter, giving such permit number, and that he is authorized, by section 5704(d), I.R.C., to receive tobacco materials without payment of internal revenue tax. Upon release of the tobacco materials, the collector of customs will stamp the date of release on the certification and return it to the dealer or manufacturer, as the case may be, which shall be retained by such dealer or manufacturer.

(72 Stat. 1418, 1423; 26 U.S.C. 5704, 5741)

Subpart H—Taxpayment of Cigars Produced in Customs Bonded Manufacturing Warehouses, Class 6

§ 275.151 Taxpayment.

A proprietor of a customs bonded manufacturing warehouse, class 6, who removes cigars for sale or consumption in the United States shall pay the tax on such cigars on the basis of a return to the collector of customs in accordance with customs procedures and regulations. The tax shall be accounted for and deposited as internal revenue collections by the collector of customs.

(72 Stat. 1417; 26 U.S.C. 5703)

§ 275.152 Packaging requirements.

Cigars removed from a customs bonded manufacturing warehouse, class 6, for sale or consumption in the United States shall be put in packages and bear the notice for cigars, in accordance with §§ 275.71 and 275.73.

(72 Stat. 1422; 26 U.S.C. 5723)

Subpart I—Claims

GENERAL

§ 275.161 Abatement of assessment.

A claim for abatement of the unpaid portion of the assessment of any tax on tobacco materials, tobacco products, and cigarette papers and tubes, or any liability in respect thereof, may be allowed to the extent that such assessment is excessive in amount, is assessed after expiration of the applicable period of limitation, or is erroneously or illegally assessed. Any claim under this section shall be prepared on Form 843, in duplicate, and shall set forth the particulars under which the claim is filed. The original of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the tax or liability was assessed, and the duplicate of the claim shall be retained by the claimant.

(68A Stat. 792; 26 U.S.C. 6404)

§ 275.162 Losses caused by disaster occurring after September 2, 1958.

Claims involving internal revenue tax paid or determined and customs duty paid on tobacco products and cigarette papers and tubes removed, which are lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" occurring in the United States after September 2, 1958, shall be filed in accordance with the provisions of Subpart C of Part 296 of this chapter.

(72 Stat. 1420; 26 U.S.C. 5708)

§ 275.163 Refund of tax.

The taxes paid on imported tobacco products and cigarette papers and tubes may be refunded (without interest) to the taxpayer on proof satisfactory to the assistant regional commissioner that the taxpayer has paid the tax on tobacco products and cigarette papers and tubes lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such taxpayer, or withdrawn by him from the market. Any claim for refund under this section shall be prepared on Form 843, in duplicate, and shall include a statement that the tax imposed on tobacco products and cigarette papers and tubes by Chapter 52, I.R.C., has been paid in respect to the tobacco products and cigarette papers and tubes covered by the claim, and that the articles were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed and shall be executed under the penalties of perjury. A claim for refund relating to articles lost or destroyed shall be supported as prescribed in § 275.165, and a claim relating to articles withdrawn from the market shall include a schedule prepared and verified as prescribed in §§ 275.170 and 275.171 or §§ 275.172 and 275.173. The original of the claim shall be filed with the assistant regional commissioner for the region in which the tax was paid, or, where the tax was paid in more than one region, with the assistant regional commissioner for any one of the regions in which tax was paid. The duplicate of the claim, with the copy of any verified supporting schedule, shall be retained by the claimant.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES LOST OR DESTROYED

§ 275.165 Action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to complying with the requirements of § 275.163, indicate on the claim the nature, date, place, and extent of

such loss or destruction. The claim shall be accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(72 Stat. 1419; 26 U.S.C. 5705)

TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES WITHDRAWN FROM THE MARKET

§ 275.170 Destruction, action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are withdrawn from the market and the taxpayer desires to file claim for refund of the tax on such articles, he shall, in addition to the requirements of § 275.163, assemble the articles at any suitable place, if they are to be destroyed. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 275.171 Destruction, action by assistant regional commissioner.

Upon receipt of a schedule of imported tobacco products and cigarette papers and tubes withdrawn from the market by a taxpayer who desires to destroy such articles, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise destruction of the articles (and stamps, if any), or the assistant regional commissioner may authorize the taxpayer to destroy the articles (and stamps, if any) without supervision by so stating on the original and one copy of the schedule returned to the taxpayer.

§ 275.172 Return to nontaxpaid status or reduction to materials, action by taxpayer.

Where imported tobacco products and cigarette papers and tubes are withdrawn from the market and the taxpayer desires to file a claim for refund of the tax on such articles and return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, he shall, in addition to the requirements of § 275.163, assemble the articles in or adjacent to the factory in which such articles are to be retained or received in a nontaxpaid status or in which the resultant tobacco materials are to be retained or received. The taxpayer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles, on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the tobacco products and cigarette papers and tubes are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 275.173 Return to nontaxpaid status or reduction to materials, action by assistant regional commissioner.

Upon receipt of a schedule of imported tobacco products and cigarette papers and tubes withdrawn from the market by a taxpayer who desires to return such articles to a nontaxpaid status or, in the case of tobacco products, reduce such products to tobacco materials, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the articles (and destruction of the stamps, if any) or the assistant regional commissioner may authorize the receiving manufacturer to verify the schedule and disposition of the articles (and destruction of the stamps, if any) covered therein, without supervision, by so stating on the original and one copy of the schedule returned to the manufacturer. Where the receipt in a factory of tobacco products and cigarette papers and tubes has been verified, such articles shall be treated by the receiving manufacturer as nontaxpaid and shall be covered by the manufacturer's bond.

§ 275.174 Disposition of tobacco products and cigarette papers and tubes, and schedule.

When an internal revenue officer is assigned to verify the schedule and supervise destruction or other disposition of imported tobacco products and cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of such articles. The internal revenue officer shall return the original and one copy of the certified schedule to the taxpayer. When a taxpayer destroys imported tobacco products and cigarette papers and tubes (and stamps, if any) or a receiving manufacturer verifies the schedule and disposition of imported tobacco products and cigarette papers and tubes (and destruction of stamps, if any), he shall execute a certificate on the original and the copy of the schedule presented to him, to show the disposition and the date of disposition of the articles. The taxpayer shall attach the original of the certified schedule to his claim for refund.

REDEMPTION OF STAMPS

§ 275.180 Claim for redemption of stamps.

Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such products has no use, may be redeemed by such importer. Any claim for redemption of stamps under this section shall be prepared on Form 843, in duplicate, and the original shall be filed with the assistant regional commissioner, for the region in which the stamps were purchased, within three years after the stamps were purchased from the Government. Stamps may be presented with the claim or they may be destroyed under internal revenue supervision, or satisfactory evidence shall be submitted with the claim showing the reason why they cannot be so presented or destroyed. Where the stamps are to be destroyed, the importer shall prepare a schedule on Form 178, in duplicate, for the stamps covered by the claim. When the schedule has been prepared, the importer shall request the assistant regional commissioner to assign an internal revenue officer to verify the schedule and supervise the destruction of the stamps. The original of the verified schedule shall be returned to the importer and be attached to his claim, Form 843, when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(68A Stat. 830, as amended by 72 Stat. 1313; 26 U.S.C. 6805)

[F.R. Doc. 61-8362; Filed, Aug. 30, 1961; 8:55 a.m.]

[T.D. 6571]

PART 280—DEALERS IN TOBACCO MATERIALS

Importation Procedures

On June 7, 1961, a notice of proposed rule making to amend 26 CFR Part 280 was published in the FEDERAL REGISTER (26 F.R. 5070). The purposes of the proposal were to delete provisions relating to the release of imported tobacco materials from customs custody, without payment of tax, for delivery to dealers in tobacco materials, since improved procedures concerning such operations are being concurrently incorporated in proposed regulations in 26 CFR Part 275, and also to make certain editorial and conforming changes.

No data, views or arguments pertaining to these regulations were received during the period of 30 days from the date of publication of the notice of proposed rule making. Accordingly, the regulations so published are hereby adopted without change.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 28, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to improve the procedures in connection with the release of imported tobacco materials from customs custody, without payment of tax, for delivery to a dealer in tobacco materials, and to make certain editorial and conforming changes, regulations in 26 CFR Part 280 are amended as follows:

§ 280.12 [Deletion]

1. Section 280.12 is deleted.

§ 280.13 [Deletion]

2. Section 280.13 is deleted.

§ 280.15 [Deletion]

3. Section 280.15 is deleted.

§ 280.21 [Deletion]

4. Section 280.21 is deleted.

§ 280.24 [Deletion]

5. Section 280.24 is deleted.

§ 280.29 [Deletion]

6. Section 280.29 is deleted.

§ 280.30 [Deletion]

7. Section 280.30 is deleted.

§ 280.32 [Deletion]

8. Section 280.32 is deleted.

9. Section 280.33 is amended to read:

§ 280.33 Tobacco materials.

"Tobacco materials" shall mean tobacco other than manufactured tobacco, cigars, and cigarettes, and includes tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, stems, and waste. Tobacco materials are categorized:

(a) *Unstemmed leaf tobacco.* Leaf tobacco from which the stem or midrib has not been removed.

(b) *Other tobacco materials.* Tobacco materials other than unstemmed leaf tobacco.

10. Section 280.43 is amended to read as follows:

§ 280.43 Alternate methods or procedures.

A dealer in tobacco materials, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a dealer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The dealer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The dealer shall retain, as part of his records, any authorization of the Director under this section.

11. A new section, designated § 280.43a, is added to read:

§ 280.43a Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the dealer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a dealer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The dealer shall retain, as part of his records, any authorization of the Director under this section.

12. Section 280.101 is amended to read:

§ 280.101 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety the dealer in tobacco materials may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

13. Section 280.108 and the heading are amended to read:

§ 280.108 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 280.101 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

14. Section 280.121 is amended to read:

§ 280.121 Tobacco materials released from customs custody.

The release of tobacco materials from customs custody, without payment of tax, for delivery to a dealer in tobacco materials, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

[F.R. Doc. 61-8364; Filed, Aug. 30, 1961; 8:55 a.m.]

[T.D. 6572]

PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Deletion of Provisions Relating to Importations and Miscellaneous Amendments

On June 7, 1961, a notice of proposed rule making to amend 26 CFR Part 285 was published in the FEDERAL REGISTER (26 F.R. 5071). The purpose of the proposal was (1) to remove from these regulations all provisions relating to the importation of cigarette papers and tubes, which are being incorporated in the new 26 CFR Part 275 "Importation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes," (2) to prescribe the use of certain forms in connection with claims, and (3) to make conforming, clarifying, and editorial changes.

No comments or suggestions pertaining to these regulations were received during the period of 30 days from the date of publication of the notice of proposed rule making. However, it has been determined administratively necessary to make an editorial change in §285.31 to provide a retention period for authorizations required to be kept under proposed §§ 285.34a and 285.35. Accordingly, the regulations so published are hereby adopted with the change set forth below:

Section 285.31 is amended.

Effective date. This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved August 28, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

1. The title of this part is amended to read as set forth above.

2. Section 285.1 is amended to read as follows:

§ 285.1 Manufacture of cigarette papers and tubes.

This part contains the regulations relating to the manufacture of cigarette papers and tubes; the payment of internal revenue taxes imposed by Chapter 52 of the Internal Revenue Code; and the qualification of and operations by manufacturers of cigarette papers and tubes.

3. A new section, designated § 285.3, is added immediately following § 285.2.

§ 285.3 Territorial extent.

The provisions of the regulations in this part shall apply in the several States of the United States and the District of Columbia.

§ 285.11 [Amendment]

4. Section 285.11 is amended as follows:

(A) By deleting the definition entitled "Importer".

(B) By striking, in the definition entitled "Internal revenue officer", the words "Treasury Department" and inserting, in lieu thereof, the words "Internal Revenue Service".

(C) By deleting the definitions entitled "Manufacturer of cigarettes" and "Manufacturer of tobacco".

(D) By adding, immediately following the definition entitled "Manufacturer of cigarette papers and tubes", a new definition to read:

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 280 of this chapter.

5. Section 285.23 is amended to read as follows:

§ 285.23 Persons liable for tax.

The manufacturer of cigarette papers and tubes shall be liable for the taxes imposed on such articles by section 5701, I.R.C.: *Provided*, That when cigarette papers and tubes are transferred, without payment of tax, pursuant to section 5704, I.R.C., to the bonded premises of another such manufacturer, a manufacturer of tobacco products, or an export warehouse proprietor, the transferee shall become liable for the tax upon receipt by him of such papers and tubes and the transferor shall thereupon be relieved of his liability for the tax. When cigarette papers and tubes are released in bond from customs custody for transfer to the bonded premises of a manufacturer of such papers and tubes or a manufacturer of tobacco products, the transferee shall become liable for the tax on the papers and tubes upon release from customs custody. Any person who possesses cigarette papers and tubes in violation of section 5751(a) (1) or (2), I.R.C., shall be liable for a tax equal to the tax on such articles.

(72 Stat. 1417, 1424; 26 U.S.C. 5703, 5751)

§ 285.25 [Amendment]

6. Section 285.25 is amended by changing the period at the end of the second sentence to a colon and adding "*Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not, during the term of such authorization, file a tax return for any month for which tax is not due or payable."

§ 285.26 [Amendment]

7. Section 285.26 is amended by changing the period at the end of the fourth sentence to a comma and adding the clause "both subject to the period of limitations prescribed in section 6511, I.R.C."

§ 285.27 [Deletion]

8. Section 285.27 is deleted.

9. Section 285.31 and the heading are amended to read as follows:

§ 285.31 Retention of records.

All records required to be kept under this part, including copies of authorizations, inventories, reports, and returns, shall be retained by the manufacturer for three years following the close of the calendar year in which filed or made, or in the case of an authorization, for three years following the close of the calendar year in which the operation under such authorization is concluded. Such records shall be made available for inspection by any internal revenue officer upon his request.

(72 Stat. 1423; 26 U.S.C. 5741)

10. A new section, designated § 285.34a, is added immediately following § 285.34.

§ 285.34a Alternate methods or procedures.

A manufacturer of cigarette papers and tubes, on specific approval by the Director as provided in this section, may use an alternate method or procedure in lieu of a method or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(a) Good cause has been shown for the use of the alternate method or procedure,

(b) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure, and affords equivalent security to the revenue, and

(c) The alternate method or procedure will not be contrary to any provision of law, and will not result in an increase in cost to the Government or hinder the effective administration of this part.

No alternate method or procedure relating to the giving of any bond or to the assessment, payment, or collection of tax, shall be authorized under this section. Where a manufacturer desires to employ an alternate method or procedure, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure, and shall set forth the reasons therefor. Alternate methods or procedures shall not be employed until the application has been approved by the Director. The manufacturer shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

11. Section 285.35 is amended to read as follows:

§ 285.35 Emergency variations from requirements.

The Director may approve methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary, and the proposed variations—

(a) Will afford the security and protection to the revenue intended by the prescribed specifications,

(b) Will not hinder the effective administration of this part, and

(c) Will not be contrary to any provision of law.

Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations and the manufacturer thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variations may be withdrawn whenever in the judgment of the Director the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such variation. Where a manufacturer desires to employ such variation, he shall submit a written application to do so, in triplicate, to the assistant regional commissioner for transmittal to the Director. The application shall describe the proposed variations and set forth the reasons therefor. Variations shall not be employed until the application has been approved. The manufacturer shall retain, as part of his records, any authorization of the Director under this section.

12. Section 285.72 is amended to read as follows:

§ 285.72 Deposit of securities in lieu of corporate surety.

In lieu of corporate surety, the manufacturer of cigarette papers and tubes may pledge and deposit, as security for his bond, securities which are transferable and are guaranteed as to both interest and principal by the United States, in accordance with the provisions of 31 CFR Part 225.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

13. Section 285.79 and the heading are amended to read as follows:

§ 285.79 Release of pledged securities.

Securities of the United States pledged and deposited as provided in § 285.72 shall be released only in accordance with the provisions of 31 CFR Part 225. Such securities will not be released by the assistant regional commissioner until liability under the bond for which they were pledged has been terminated. When the assistant regional commissioner is satisfied that they may be released, he shall fix the date or dates on which a part or all of such securities may be released. At any time prior to the release of such securities, the assistant regional commissioner may extend the date of release for such additional length of time as he deems necessary.

(61 Stat. 650, 72 Stat. 1421; 6 U.S.C. 15, 26 U.S.C. 5711)

14. Section 285.131 is amended to read as follows:

§ 285.131 Transfer in bond.

A manufacturer of cigarette papers and tubes may transfer such papers and tubes, under his bond, without payment of tax, to the bonded premises of any manufacturer of cigarette papers and tubes, or to the bonded premises of any manufacturer of tobacco products solely for use in the manufacture of cigarettes, or, in the case of cigarette papers only, to be put up by him in units of not more than 25 papers each for distribution with packages of manufactured tobacco. The transfer of cigarette papers and tubes, without payment of tax, to the bonded premises of an export warehouse proprietor shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

15. Section 285.132 is amended to read as follows:

§ 285.132 Release from customs custody.

The release of cigarette papers and tubes from customs custody, without payment of tax, for transfer to the premises of a cigarette papers and tubes factory or a tobacco products factory, shall be in accordance with the provisions of Part 275 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

16. Section 285.134 and the heading are amended to read as follows:

§ 285.134 Removal for export purposes.

The removal of cigarette papers and tubes, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, shall be in accordance with the provisions of Part 290 of this chapter.

(72 Stat. 1418; 26 U.S.C. 5704)

§§ 285.151, 285.161, 285.162 [Deletion]

17. Subpart J—Operations by Importers, consisting of §§ 285.151, 285.161, and 285.162, is deleted.

18. Section 285.172 is amended to read as follows:

§ 285.172 Allowance.

Relief from the payment of tax on cigarette papers and tubes may be extended to a manufacturer by allowance of the tax, where the cigarette papers and tubes, after removal from the factory upon determination of tax and prior to the payment of such tax, are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer who removed such articles, or are withdrawn by him from the market. Any claim for allowance under this section shall be filed on Form 2635, in triplicate, with the assistant regional commissioner for the region in which the articles were removed, shall be executed under penalties of perjury and shall show the date the cigarette papers and tubes were removed from the factory. A claim relating to articles lost or destroyed shall be supported as prescribed in §285.181. In the case of a claim relating to cigarette papers and tubes withdrawn from the market, the schedule, as provided in § 285.191, shall be filed with the assistant regional commissioner for the region in which the articles are assembled. The manufacturer may not anticipate allowance of his claim by making the adjusting entry in a tax return pending consideration and action on the claim. Cigarette papers and tubes to which such a claim relates must be shown to have been removed on determination of tax on the return covering the period during which such papers and tubes were so removed. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action, which copy, with the copy of any verified supporting schedules, shall be retained by the manufacturer. When such notification of allowance of the claim or any part thereof is received prior to the time the return covering the tax on the cigarette papers and tubes to which the claim relates is to be filed, the manufacturer may make an adjusting entry and explanatory statement in that tax return. Where the notice of allowance is received subsequent to the filing of the return and taxpayment of the cigarette papers and tubes to which the claim relates, the manufacturer may make an adjusting entry and explanatory statement on the next subsequent tax return(s) to the extent necessary to take credit in the amount of the allowance.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.173 [Amendment]

19. Section 285.173 is amended by striking in the first sentence the words "or importer" wherever they appear.

20. Section 285.174 is amended to read as follows:

§ 285.174 Remission.

Remission of the tax liability on cigarette papers and tubes may be extended to the manufacturer liable for the tax where cigarette papers and tubes, before removal or after removal for tax-exempt purposes (including transfers in bond), are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of such manufacturer. Where cigarette papers and tubes are so lost or destroyed, the manufacturer shall report promptly such fact, and the circumstances, to the assistant regional commissioner for the region in which the factory is located, and shall prepare a claim on Form 2635, in triplicate, setting forth the nature, date, place, and extent of the loss or destruction. All copies of the claim, accompanied by such evidence as is necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid, shall be filed with the assistant regional commissioner for the region in which the factory is located. Upon action on the claim by the assistant regional commissioner he will return a copy of the Form 2635 to the manufacturer as notice of such action.

(72 Stat. 1419; 26 U.S.C. 5705)

§ 285.175 [Amendment]

21. Section 285.175 is amended by striking the words "or importer".

§ 285.181 [Amendment]

22. Section 285.181 is amended by striking from the first sentence the words "or importer".

23. Section 285.191 is amended to read as follows:

§ 285.191 Action by claimant.

Where cigarette papers and tubes are withdrawn from the market and the manufacturer desires to file claim under the provisions of § 285.172 or § 285.173, he shall assemble the articles in or adjacent to a factory if they are to be retained in or received into such factory, or at any suitable place if they are to be destroyed. The manufacturer shall group the articles according to the rate of tax applicable thereto, and shall prepare a schedule of the articles on Form 3069, in triplicate. All copies of the schedule shall be forwarded to the assistant regional commissioner for the region in which the articles are assembled.

(72 Stat. 1419; 26 U.S.C. 5705)

24. Section 285.192 is amended to read as follows:

§ 285.192 Action by assistant regional commissioner.

Upon receipt of a schedule of cigarette papers and tubes withdrawn from the market, the assistant regional commissioner may assign an internal revenue officer to verify the schedule and supervise disposition of the cigarette papers and tubes, or he may authorize the manufacturer to dispose of the articles without supervision by so stating on the original and one copy of the schedule returned to the manufacturer.

(72 Stat. 1419; 26 U.S.C. 5705)

25. Section 285.193 is amended to read as follows:

§ 285.193 Disposition of cigarette papers and tubes and schedule.

When so authorized, as evidenced by the assistant regional commissioner's statement on the schedule, the manufacturer shall dispose of the cigarette papers and tubes as specified in the schedule. After the manufacturer has disposed of the articles, he shall execute a certificate on both copies of the schedule returned to him by the assistant regional commissioner, to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the manufacturer then shall return the original of the schedule to the assistant regional commissioner who authorized such disposition, who will cause such schedule to be associated with the claim, Form 2635. In connection with a claim for refund, the manufacturer shall attach the original of the schedule to his claim, Form 843, filed under § 285.173. When an internal revenue officer is assigned to verify the schedule and supervise disposition of the cigarette papers and tubes, such officer shall, upon completion of his assignment, execute a certificate on all copies of the schedule to show the disposition and the date of disposition of the articles. In connection with a claim for allowance, the officer shall return one copy of the schedule to the manufacturer for his records, and in connection with a claim for refund, the officer shall return the original and one copy of the schedule to the manufacturer, the original of which the manufacturer shall attach to his claim, Form 843, filed under § 285.173.

(72 Stat. 1419; 26 U.S.C. 5705)

[F.R. Doc. 61-8365; Filed, Aug. 30, 1961; 8:55 a.m.]

[T. D. 6573]

PART 296—MISCELLANEOUS REGULATIONS RELATING TO TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES

Provisions Relating to Dealers in Tobacco Products

On June 7, 1961, a notice of proposed rule making to amend 26 CFR Part 296 was published in the FEDERAL REGISTER (26 F.R. 5073). The purposes of the proposal were to make conforming amendments in Subparts A, B, and C of 26 CFR Part 296, and to revise and incorporate in one subpart, designated as Subpart G of the regulations in 26 CFR Part 296, the provisions relating to dealers in tobacco products which were formerly contained in 26 CFR Parts 270 and 275.

No comments or suggestions pertaining to these regulations were received during the period of 30 days from the date of publication of the notice of proposed rule making. Accordingly, with the exception of an editorial change striking ", labels", from § 296.167, the regulations so published are hereby adopted.

Effective date. This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] MORTIMER M. CAPLIN,
Commissioner of Internal Revenue.

Approved: August 28, 1961.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

§ 296.11 [Amendment]

1. Section 296.11 of Subpart A is amended by striking, in the first sentence, the words "Form 356—Revised" and inserting, in lieu thereof, the words "Circular No. 570, as revised".

§ 296.51 [Amendment]

2. Section 296.51 of Subpart B is amended, in the definition of the United States, by striking ", the Territories of Alaska and Hawaii,".

§ 296.72 [Amendment]

3. Section 296.72 of Subpart C is amended, in the definition of the United States, by striking ", the Territory of Hawaii,".

4. A new Subpart G is added to read as follows:

Subpart G—Dealers in Tobacco Products

Preamble. The regulations in this subpart shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of the regulations in this subpart.

Sec.
296.161 Scope of subpart.
296.162 Territorial extent.
296.163 Meaning of terms.
296.164 Authority of internal revenue officers to enter premises.
296.165 Interference with administration.
296.166 Dealing in tobacco products.
296.167 Liability to tax.
296.168 Liability to penalties and forfeitures.

AUTHORITY: §§ 296.161 to 296.168 are issued under sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. Additional authority is cited in parentheses following the sections affected.

§ 296.161 Scope of subpart.

The regulations in this subpart relate to the purchase, receipt, possession, offering for sale, or sale or other disposition of tobacco products by dealers in such products.

§ 296.162 Territorial extent.

The provisions of the regulations in this subpart shall apply in the several States of the United States and the District of Columbia.

§ 296.163 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, each of the following terms shall have the meaning ascribed in this section. Words in the plural form shall include the singular, words in the singular form shall include the plural, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not enumerated which are in the same general class.

Dealer. Any person who sells, or offers for sale, at wholesale or retail levels, any tobacco products after removal.

Internal revenue officer. An officer or employee of the Internal Revenue Service duly authorized to perform any function relating to the administration or enforcement of this subpart.

I.R.C. The Internal Revenue Code of 1954, as amended.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, or who prepares, processes, manipulates, or packages, for removal, or merely removes, tobacco (other than cigars and cigarettes) for consumption by smoking or for use in the mouth or nose, or who sells or delivers any tobacco (other than cigars and cigarettes) contrary to the provisions of Chapter 52, I.R.C., or regulations thereunder. The term "manufacturer of tobacco products" shall not include (a) a person who in any manner prepares tobacco, or produces cigars or cigarettes, solely for his own personal consumption or use; (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse; (c) a farmer or grower of tobacco with respect to the sale of leaf tobacco of his own growth or raising, if it is in the condition as cured on the farm; or (d) a bona fide association of farmers or growers of tobacco with respect to sales of leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm, and if the association maintains records of all leaf tobacco, acquired or received and sold or otherwise disposed of, in accordance with Part 290 of this chapter.

Package. The container in which tobacco products are put up by the manufacturer or the importer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Removal or remove. The removal of tobacco products from the factory or release from customs custody, including the smuggling or other unlawful importation of such articles into the United States.

Tobacco products. Manufactured tobacco, cigars, and cigarettes.

U.S.C. The United States Code.

§ 296.164 Authority of internal revenue officers to enter premises.

Any internal revenue officer may enter in the daytime any premises where tobacco products are kept or stored, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any internal revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any internal revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense. Operators of vending machines shall make the tobacco products in their machines available for inspection upon the request of any internal revenue officer.

(68A Stat. 872, 903; 26 U.S.C. 7342, 7606)

§ 296.165 Interference with administration.

Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this subpart, or endeavors to intimidate or impede any internal revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation of the internal revenue laws, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U.S.C. 7212)

§ 296.166 Dealing in tobacco products.

All tobacco products purchased, received, possessed, offered for sale, sold or otherwise disposed of, by any dealer must be in proper packages which bear the mark and notice as prescribed in Parts 270 and 275 of this chapter. Tobacco products may be sold, or offered for sale, at retail from such packages, provided the products remain in the packages until removed by the customer or in the presence of the customer. Where a vending machine is used, tobacco products must similarly be vended in proper packages or directly from such packages.

(72 Stat. 1424; 26 U.S.C. 5751)

§ 296.167 Liability to tax.

Any dealer who, with intent to defraud the United States, possesses tobacco products (1) upon which the tax has not been paid or determined in the manner and at the time prescribed in Parts 270 and 275 of this chapter or (2) which, after removal without payment of tax pursuant to section 5704, I.R.C., and regulations issued thereunder, have been diverted from the applicable purpose or use specified in that section or (3) which are not put up in packages prescribed in Parts 270 and 275 of this chapter or are put up in packages not bearing the marks and notices prescribed in such regulations shall be liable for a tax equal to the tax on such products.

(72 Stat. 1424; 26 U.S.C. 5751)

§ 296.168 Liability to penalties and forfeitures.

Any dealer who fails to comply with the provisions of this subpart becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(72 Stat. 1425, 1426; 26 U.S.C. 5761, 5762, and 5763)

[F.R. Doc. 61-8366; Filed, Aug. 30, 1961; 8:55 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

Fort Clayton Army Reservation, Corozal Army Reservation, and Albrook Air Force Base, Canal Zone

CROSS REFERENCE: For amendment to the tabulation in § 21.3 as it relates to the above reservations, *See* Canal Zone Order 56 in Appendix to this chapter, *infra*.

APPENDIX—CANAL ZONE ORDERS

[Order No. 56]

FORT CLAYTON ARMY RESERVATION, COROZAL ARMY REGULATIONS, AND ALBROOK AIR FORCE BASE, CANAL ZONE

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of the Act of September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946 (11 F.R. 7329), as amended by Executive Order No. 10595 of February 7, 1955 (20 F.R. 819), and after consultation with the Secretary of the Air Force in the case of Albrook Air Force Base, Canal Zone Order No. 29 of September 26, 1952 (17 F.R. 9036), as amended by Canal Zone Order No. 33 of April 16, 1954 (19 F.R. 2451) and Canal Zone Order No. 53 of January 20, 1960 (25 F.R. 680), is further amended as follows:

1. The first paragraph of section 1 of Canal Zone Order No. 29 is amended to read as follows:

SECTION 1. *Setting apart of reservations; boundaries.* The areas of land in the Canal Zone hereinafter described as Fort Clayton Army Reservation (two parcels), Corozal Army Reservation (three parcels), Curundu Army Reservation (one parcel), and Albrook Air Force Base (five parcels), are hereby set apart and assigned as follows: Fort Clayton, Corozal, and Curundu Army Reservation to the uses and purposes of Army Reservations, and to be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order; and Albrook Air Force Base to the uses and purposes of an Air Force reservation, and to be under the control and jurisdiction of the Secretary of the Air Force, subject to the provisions of section 2 of this order.

2. The caption "Fort Clayton Army Reservation" in section 1 of Canal Zone Order No. 29 is amended to read as follows:

FORT CLAYTON ARMY RESERVATION
Parcel No. 1

3. Section 1 of Canal Zone Order No. 29 is amended by incorporating, immediately under the description of aforesaid Parcel No. 1, the following description of Parcel No. 2 of Fort Clayton Army Reservation:

Parcel No. 2

Beginning at monument "U", which is a 3-inch iron pipe set in concrete, located southwesterly from the southerly corner of the hangar situated southwesterly from the Civil Affairs Building, Ancon, C.Z. The geodetic position of monument "U" is in latitude 8°57' N. plus 5,895.3 feet and longitude 79°33' W. plus 2,413.0 feet and is on the southerly boundary of Parcel No. 2, Albrook Air Force Base.

Thence from said initial point by metes and bounds:

N. 58°14'06" W., 227.6 feet, along the southwesterly edge of the concrete apron, southwesterly from the above mentioned hangar, to monument No. 75–9, which is an iron rod set in concrete, located at the southwesterly edge of the above mentioned apron;

N. 24°57'39" E., 146.2 feet, to monument No. 75–8, which is an iron rod set in concrete, located 15.0 feet westerly from the westerly corner of the above mentioned hangar;

N. 32°22'09" E., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the northwesterly face of the above mentioned hangar, to monument No. 75–7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northerly corner of the above mentioned hangar;

N. 38°19'54" E., 157.2 feet, to monument No. 75–6, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the northerly concrete apron of the above mentioned hangar;

S. 58°18'51" E., 53.6 feet, to monument No. 75–5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above mentioned apron;

S. 84°11'06" E., 49.2 feet, to monument No. 75–4, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of the above mentioned apron and is 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway;

N. 39°47'24" E., 210.7 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway to monument No. 75–3, which is a 1½-inch iron pipe set in concrete, located 250.0 feet southeasterly from the above mentioned taxiway;

S. 20°18'10" E., 187.1 feet, to monument "Y", which is a 3-inch iron pipe set in concrete, located southwesterly from the Civil Affairs Building, Ancon;

S. 20°18'10" E., 254.1 feet, to monument "X", which is a 2½-inch iron pipe set in concrete, located 15.0 feet northerly from the north edge of the Gaillard Highway pavement;

S. 67°02'00" W., 308.7 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the outside of a cyclone fence near the southeast corner of the above mentioned hangar;

S. 54°38'10" W., 65.7 feet, along the above mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 49°14'20" W., 154.6 feet, along the above mentioned cyclone fence, to monument "U", the point of beginning.

4. The last paragraph of that part of Canal Zone Order No. 29 describing Fort Clayton Army Reservation, as amended by section 3 of Canal Zone Order No. 33, is further amended to read as follows:

The directions of the lines refer to the true meridian. The area of Fort Clayton Army Reservation is 4,985.2 acres, more or less (Parcel No. 1 is 4,980.3 acres, more or less; and Parcel No. 2 is 4.9 acres, more or less) as is shown on Canal Zone Government Drawing No. 6116–34 (Revision No. 4, dated March 22, 1961) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone", scale 1:10,000, dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C.Z.

5. That part of Canal Zone Order No. 29 describing Corozal Army Reservation, Parcel No. 1 (East of Gaillard Highway), is amended to read as follows:

COROZAL ARMY RESERVATION

Parcel No. 1 (East of Gaillard Highway)

Beginning at monument No. 19, which is a 2-inch iron pipe, located on a hillside, easterly from the Army Finance Office in the Post of Corozal, the geodetic position of which is in latitude 8°59' N. plus 390.9 feet and longitude 79°34' W. plus 580.9 feet. Monument No. 19 is on the westerly boundary of Albrook Air Force Base (Parcel No. 2).

Thence from said initial point by metes and bounds:

N. 01°26'30" W., 1,563.8 feet, along the westerly boundary of Albrook Air Force Base (Parcel No. 2), through monuments Nos. 20, 21, and 22, which are 2-inch iron pipes to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet successively, from beginning of the course;

S. 60°09'30" W., 2,524.3 feet, through monuments Nos. 33–1 and 33–2, which are 2-inch iron pipes, located on opposite sides of the C–8 Road, 33–3 and 33–4 which are 2½-inch iron pipes, to monument No. 37, which is an 8-inch square concrete post, the distances being 1,044.3 feet, 64.6 feet, 598.5 feet, 391.8 feet and 425.1 feet, successively, from beginning of the course;

S. 47°58'20" W., 178.8 feet, to monument "A," which is an 8-inch square concrete monument, located on the southwesterly side of the short street in front of the Chapel in the Post of Corozal;

N. 43°04'30" W., 42.4 feet, to monument B–1, which is a brass plug, located in the southwesterly curb of the short street in front of the Chapel in the Post of Corozal;

N. 76°19'20" W., 23.8 feet, to monument A–3, which is a brass plug in the curb on the southeasterly side of Hospital Road;

S. 48°20'50" W., 189.9 feet, to monument A–2, which is a brass plug in the southeasterly curb of Hospital Road;

S. 09°01'50" W., 5.2 feet, to monument A–1, which is a brass plug in the easterly curb of Gaillard Highway;

S. 43°53'30" E., 70.8 feet, to monument "B", which is a 3-inch iron pipe set in concrete, located on the easterly side of Gaillard Highway, northwesterly from the Army Telephone Exchange building;

S. 40°55'30" E., 307.9 feet, along the easterly side of Gaillard Highway to monument 47–B, which is a monel metal plug in a retaining wall;

N. 46°28'30" E., 390.1 feet, to monument 47–C, which is a 3-inch iron pipe;

N. 60°07'52" E., 1,179.4 feet, to monument 47–D, which is a 3-inch iron pipe;

S. 25°43'38" E., 215.9 feet, to monument 47–F, which is a 3-inch iron pipe;

S. 36°34'00" E., 145.2 feet, to monument 47–G, which is a 3-inch iron pipe;

N. 46°26'20" E., 26.0 feet, to monument 47–H, which is a 3-inch iron pipe located 39.0 feet southwesterly from the centerline of the concrete pavement of the 26 foot wide street extending from the Post of Corozal Theater to the Army Finance Building;

Southeasterly along a line parallel to, and 39.0 feet southwesterly from the centerline of the pavement of the above mentioned street, to monument No. 17–A, which is a 3-inch iron pipe, located on the southerly side of a cyclone fence, on the westerly boundary of Albrook Air Force Base (Parcel No. 2), the geodetic position of which is in latitude 8°59' N. plus 247.0 feet and longitude 79°34' W. plus 838.5 feet;

N. 73°51'30" E., 51.8 feet, along the above mentioned cyclone fence, to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office;

N. 58°02'30" E., 244.7 feet, along the above mentioned cyclone fence and its prolongation, to monument No. 19, the point of beginning.

6. The last paragraph of that part of Canal Zone Order No. 29 describing Corozal Army Reservation, as amended by section 2 of Canal Zone Order No. 33, is further amended to read as follows:

The total area of Corozal Army Reservation is 296.3 acres, more or less (Parcel No. 1, East of Gaillard Highway is 37.4 acres, more or less; Parcel No. 1–A, Revised, East of Gaillard Highway is 35.48 acres, more or less; and Parcel No. 2, West of Gaillard Highway is 223.4 acres, more or less), as is shown on Canal Zone Government Drawing No. 6116–34 (Revision No. 3, dated December 15, 1960) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1:10,000 dated May 29, 1952, as modified by Canal Zone Government Drawing No. M–6116–89, entitled "Map Showing Boundary of Parcel No. 1–A, Revised Corozal Army Reservation, Canal Zone, to Include Former Parcel Nos. 1–A, 1–B, and Adjacent Land," scale 1:2,000, dated August 12, 1953. Such maps are on file in the office of the Governor of the Canal Zone, Balboa Heights, C.Z.

7. That part of Canal Zone Order No. 29 describing Parcel No. 2 of Albrook Air Force Base, as amended by section 2 of Canal Zone Order No. 53, is further amended to read as follows:

ALBROOK AIR FORCE BASE

Parcel No. 2

Beginning at monument No. 2, which is a 1½-inch iron pipe located on the northeasterly side of Gaillard Highway, opposite Diablo crossing, the geodetic position of which is in latitude 8°58' N. plus 3,010.7 feet and longitude 79°34' W. plus 663.5 feet.

Thence from said initial point by metes and bounds;

S. 64°22'50" E., 483.6 feet, through monument No. 3, which is a 1½-inch iron pipe, to monument No. 4, which is a 1½-inch iron pipe, the distances being 177.2 feet and 306.4 feet, successively, from beginning of the course;

N. 44°36' E., 102.3 feet, to monument No. 5, which is a 1½-inch iron pipe;

N. 09°44'20" W., 1,883.2 feet, through monuments Nos. 6, 7, 8, and 9, which are 1½-inch iron pipes, to monument No. 10, which is a 1½-inch iron pipe, located inside the cyclone fence surrounding the water tanks northerly from Diablo crossing, the distances being 523.9 feet, 442.9 feet, 410.2 feet, 297.7 feet, and 208.5 feet, successively, from beginning of the course;

N. 49°31'30" E., 117.1 feet, to monument No. 11, which is a 1½-inch iron pipe, located on the outside of the above mentioned cyclone fence;

N. 31°47' W., 307.1 feet, along the above mentioned cyclone fence and its prolongation to monument No. 12 which is a 2-inch iron pipe;

N. 22°19'50" W., 257.5 feet, through monument No. 13, which is a 2-inch iron pipe, to monument No. 14, which is a 2-inch iron pipe, the distances being 33.0 feet and 224.5 feet, successively, from beginning of the course;

N. 21°28' W., 296.9 feet, to monument No. 15, which is a 2-inch iron pipe;

N. 10°10'00" W., 261.1 feet, to monument No. 16, which is a 2-inch iron pipe;

N. 26°10'20" W., 455.5 feet, to monument No. 17, which is a 2-inch iron pipe, located on the prolongation of a cyclone fence;

N. 73°51'30" E., 219.8 feet, along the prolongation of, and along the face of the above mentioned cyclone fence, through monument No. 17–A, which is a 3-inch iron pipe, located on the southerly boundary of Corozal Army Reservation (Parcel No. 1) to monument No. 18, which is a brass plug in a concrete road pavement near the Army Finance Office, the distances being 168.0 and 51.8 feet, sucessively, from beginning of the course;

N. 58°02'30" E., 244.7 feet, along the above mentioned cyclone fence and its prolongation to monument No. 19, which is a 2-inch iron pipe;

N. 01°26'30" W., 1,563.8 feet, through monuments Nos. 20, 21, and 22, which are 2-inch iron pipes, to monument No. 23, which is an 8-inch square concrete post, further described as old Curundu Military Reservation boundary monument No. 33, located on top of Corozal Hill, the distances being 384.3 feet, 583.5 feet, 360.2 feet and 235.8 feet, successively, from beginning of the course;

The above described boundary line from monument No. 17–A to monument No. 23 inclusive, is common with the easterly boundary of Corozal Army Reservation (Parcel No. 1);

N. 60°03'20" E., 1,485.1 feet, through monuments Nos. 24, 25, 26, and 27, which are 2-inch iron pipes, to monument No. 28, which is a 2-inch iron pipe, the distances being 497.2 feet, 202.0 feet, 220.1 feet, 225.5 feet and 331.3 feet, successively from beginning of the course;

N. 33°39'20" E., 1,623.6 feet, through monuments Nos. 29, 30, and 31, which are 2-inch iron pipes, to monument No. 32, which is a 2-inch iron pipe, the distances being 265.5 feet, 249.1 feet, 299.9 feet, and 809.1 feet, successively, from beginning of the course;

N. 33°38'50" E., 708.1 feet, through monument No. 32A, which is a 3-inch iron pipe set in concrete, located on the westerly boundary of Curundu Army Reservation, to monument No. 33, which is a 2-inch iron pipe, located at right angles to, and 50 feet southwesterly from the centerline of the C–12 Road, the distances being 656.4 feet and 51.7 feet, successively from beginning of the course;

Southeasterly along a line parallel to, and 50 feet southwesterly from the centerline of the C–12 Road, through monument No. 33–A, which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°59' N. plus 4,317.7 feet and longitude 79°33' W. plus 3,512.1 feet, and monument No. 33–D, which is a 3-inch iron pipe set in concrete the geodetic position of which is in latitude 8°59' N. plus 4,107.6 feet and longitude 79°33' W. plus 3,028.1 feet to monument No. 34, which is a 2½-inch iron pipe located southeasterly from Albrook Air Force Base Gate No. 13, the geodetic position of which is in latitude 8°59' N. plus 3,350.6 feet and longitude 79°33' W. plus 2,189.4 feet;

S. 70°02'20" W., 70.1 feet, to monument No. 35, which is a 2½-inch iron pipe, located near the northeast corner of the Deer Park;

S. 15°28'20" E., 127.4 feet, along the eastern fence line of the Deer Park to monument No. 36, which is a 1½-inch iron pipe, located at the southeast corner of the Deer Park;

S. 45°43'50" W., 149.8 feet, along the southerly fence line of the Deer Park, to monument No. 37, which is a 1½-inch iron pipe, located at the southwesterly corner of the Deer Park;

S. 39°15'30" E., 171.9 feet, to monument No. 38, which is a 1½-inch iron pipe;

S. 39°15'10" E., 111.9 feet, to monument No. 39, which is a 1½-inch iron pipe;

S. 39°15'30" E., 50.7 feet, to monument No. 40, which is a 1½-inch iron pipe;

S. 15°28'50" W., 739.4 feet, through monuments Nos. 41, 42 and 43, which are 1½-inch iron pipes, to monument No. 44, which is a 1½-inch iron pipe, the distances being 215.5 feet, 117.0 feet, 192.2 feet and 214.7 feet, successively from beginning of the course;

S. 15°28'40" W., 972.1 feet, through monument No. 45, which is a 1½-inch iron pipe, to monument No. 46, which is a 1½-inch iron pipe, the distances being 669.0 feet and 303.1 feet, successively, from beginning of the course;

S. 28°47'50" E., 1,149.0 feet, through monument No. 47, which is a 1½-inch iron pipe, to monument No. 48, which is a 1½-inch iron pipe, the distances being 692.4 feet and 456.6 feet, successively from beginning of the course;

S. 24°35'30" E., 104.3 feet, to monument No. 49, which is a 1½-inch iron pipe;

S. 14°00'20" E., 350.3 feet, along the westerly side of an improved drain, through monument No. 50, which is a 1½-inch iron pipe, to monument No. 51, which is a 1½-inch iron pipe, the distances being 238.2 feet and 113.1 feet, successively, from beginning of the course;

S. 02°25'30" E., 303.4 feet, along the westerly side of the above mentioned improved drain, to monument No. 52, which is a 1½-inch iron pipe;

S. 21°38'00" E., 171.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 53, which is a 1½-inch iron pipe;

S. 34°12'30" E., 326.6 feet, along the westerly side of the above mentioned improved drain, to monument No. 54, which is a brass plug in a concrete road pavement;

S. 17°11'50" W., 451.3 feet, along the westerly side of the above mentioned improved drain, to monument No. 55, which is a 1½-inch iron pipe;

S. 66°17'30" W., 77.1 feet, along the northerly side of the above mentioned improved drain, to monument No. 56, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 73°27'50" E., 148.1 feet, along the northerly side of an improved drain, to monument No. 57, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

N. 48°48'20" E., 67.3 feet, along the southeasterly side of an improved drain, to monument No. 58, which is a 1½-inch iron pipe;

N. 64°44'40" E., 444.5 feet, along the above mentioned improved drain, to monument No. 59, which is a 1½-inch iron pipe;

N. 80°37'20" E., 631.5 feet, along the above mentioned improved drain and its prolongation, to monument No. 60, which is a 2-inch iron pipe, located on the southerly side of an improved drain at its head;

N. 48°30'00" E., 342.4 feet, along the above mentioned improved drain, to monument No. 61, which is a 2-inch iron pipe;

N. 73°13'40" E., 145.4 feet, along the above mentioned improved drain, to monument No. 62, which is a 2-inch iron pipe, located at the intersection of two improved drains;

S. 06°52'50" W., 541.3 feet, along the easterly side of an improved drain, to monument No. 63, which is a 1½-inch iron pipe;

S. 09°14'30" W., 241.4 feet, along the easterly side of the above mentioned improved drain, to monument No. 64, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

No. 61°37'40" E., 262.2 feet, along the northwesterly side of an improved drain, to monument No. 65, which is a 1½-inch iron pipe, located at the intersection of two improved drains;

S. 68°53'50" E., 859.8 feet, along the northerly side of an improved drain, to monument No. 66, which is a 1½-inch iron pipe;

S. 11°09'00" W., 247.5 feet, along the easterly side of the above mentioned improved drain to monument No. 67, which is a 1½-inch iron pipe;

S. 64°55'30" E., 47.7 feet, to monument No. 68, which is a brass plug set in the westerly edge of the concrete pavement of Curundu Road;

S. 20°49'0" W., 676.2 feet, to monument No. 69, which is a 2-inch iron pipe, located at the corner of a cyclone fence on the westerly side of Curundu Road;

Along the above mentioned cyclone fence, with the following courses, to monument No. 75–1;

S. 20°48'10" W., 587.0 feet, to monument No. 70, which is a 2-inch iron pipe;

S. 15°51'10" W., 1,319.8 feet, to monument No. 71, which is a 1½-inch iron pipe;

S. 19°23'30" W., 116.0 feet, to monument No. 72, which is a 2-inch iron pipe;

S. 26°28'20" W., 86.8 feet, to monument No. 73, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 52°01'20" W., 192.3 feet, to monument No. 74, which is a brass plug in a concrete road pavement;

N. 49°48'50" W., 445.3 feet, to monument No. 75, which is a 1½-inch iron pipe, located at the corner of the above mentioned cyclone fence;

N. 50°56'10" W., 561.9 feet, along the southwesterly side of the above mentioned cyclone fence, to monument No. 75–1, which is a 1½-inch iron pipe set in concrete, located 1.5 feet southwesterly from the above mentioned cyclone fence;

S. 20°28'30" W., 670.3 feet, along a line parallel to and 250.0 feet southeasterly from the northwesterly edge of a concrete taxiway, to monument No. 75–2, which is a 1½-inch iron pipe set in concrete;

S. 39°46'25" W., 1,192.3 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway, to monument No. 75–3, which is a 1½-inch iron pipe set in concrete;

The above described boundary line, from monument No. 75 to monument No. 75–3 inclusive, is common with the northerly and westerly boundary of Canal Zone Government Land License No. 1509, Federal Aviation Agency.

S. 39°47'24" W., 210.7 feet, along a line parallel to and 250.0 feet southeasterly from the above mentioned taxiway, to monument No. 75–4, which is an iron rod set in concrete.

N. 84°11'06" W., 49.2 feet, to monument No. 75–5, which is an iron rod set in concrete, located 5.0 feet northerly from the northerly edge of a hangar apron;

N. 58°18'51" W., 53.6 feet, to monument No. 75–6, which is an iron rod set in concrete, located 5.0 feet northerly from the above mentioned hanger apron;

S. 38°19'54" W., 157.2 feet, to monument No. 75–7, which is a monel metal plug, located in a concrete sidewalk, and is 15.0 feet northwesterly from the northwesterly edge of a hangar;

S. 32°22'09" W., 199.9 feet, along a line parallel to and 15.0 feet northwesterly from the above mentioned hangar, to monument No. 75–8, which is an iron rod set in concrete;

S. 24°57'39" W., 146.2 feet, to monument No. 75–9, which is an iron rod set in concrete, located at the southwesterly edge of the concrete apron of the above mentioned hangar;

S. 58°14'06" E., 227.6 feet, along the southwesterly edge of the above mentioned concrete hangar apron to monument "U", which is a 3-inch pipe set in concrete;

S. 85°23'00" W., 57.4 feet, along the above mentioned cyclone fence, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 39°04'50" W., 836.2 feet, along the above mentioned cyclone fence, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 05°12'40" E., 20.4 feet, along the above mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete.

S. 40°17'50" W., 378.4 feet, through the above mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete, located inside the above mentioned cyclone fence, and 30 feet northwesterly from the northwesterly edge of the Gaillard Highway pavement;

Southwesterly, along a line parallel to, and 30 feet from the northwesterly edge of Gaillard Highway pavement, passing through to the outside of the above mentioned cyclone fence, to monument "P", which is a 3-inch iron pipe set in concrete, located 1.5 feet from outside of the above mentioned cyclone fence, the geodetic position of which is in latitude 8°57' N. plus 4,796.5 feet and longitude 79°33' W. plus 3,406.7 feet;

Westerly, parallel to, and 1.5 feet from the face of the above mentioned cyclone fence, to monument "M", which is a 3-inch iron pipe set in concrete, the geodetic position of which is in latitude 8°57' N. plus 4,887.1 feet and longitude 79°33' W. plus 4,153.0 feet;

N. 45°40'40" W., 265.2 feet, along the above mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

N. 34°35'40" W., 305.1 feet, along the above mentioned cyclone fence, to monument "K", which is a 3-inch pipe set in concrete;

N. 26°57'30" W., 300.2 feet, along the above mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

N. 20°14'30" W., 791.0 feet, along the above mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 32°45'40" W., 507.7 feet, to monument "H", which is a 3-inch iron pipe set in concrete, located beside the above mentioned cyclone fence, northwesterly from Albrook Air Force Gate No. 2;

N. 32°46'20" W., 995.4 feet, along the above mentioned cyclone fence, through monument "G", which is a 3-inch iron pipe set in concrete, to monument "F", which is a 3-inch iron pipe set in concrete, the distances being 254.6 feet and 740.8 feet, successively, from beginning of the course;

N. 87°49'10" W., 29.2 feet, along the above mentioned cyclone fence, to monument D–2, which is a round iron corner post of the above mentioned cyclone fence;

N. 32°43'50" W., 647.3 feet, along the face of the above mentioned cyclone fence, to monument D–1, which is the first iron "I" post in the above mentioned cyclone fence, located southeasterly from Gate No. 1, of Albrook Air Force Base;

N. 41°33'40" W., 158.6 feet, to monument "D", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of Gaillard Highway and is old Curundu Military Reservation boundary monument No. 51;

N. 32°49'50" W., 514.0 feet, to monument "C", which is a brass plug in the edge of the Gaillard Highway third lane widening strip, southeasterly from the Diablo crossing;

N. 25°35'50" W., 39.0 feet along the edge of the pavement widening strip, to monument "B", which is an iron rod set in concrete, located at an angle in the above mentioned widening strip;

N. 32°49'50" W., 362.7 feet, along the edge of the pavement widening strip and its

prolongation, to monument "A", which is a brass plug set in the pavement on the east side of Diablo crossing;

N. 57°53'30" E., 46.4 feet, to monument No. 2, the point of beginning.

8. The last paragraph of that part of Canal Zone Order No. 29 describing Albrook Air Force Base, as amended by section 3 of Canal Zone Order No. 53, is further amended to read as follows:

The total area of Albrook Air Force Base is 2,675.1 acres, more or less; Parcel No. 1 is 1,403.9 acres, more or less; Parcel No. 2 is 1,136.1 acres, more or less; Parcel No. 3 is 31.8 acres, more or less; Parcel No. 4 is 98.6 acres, more or less, and Parcel No. 5 is 4.7 acres, more or less; and is as shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 4, dated March 22, 1961) entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone," scale 1:10,000 dated May 29, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, Canal Zone.

9. The last paragraph of section 1 of Canal Zone Order 29, as amended by section 4 of Canal Zone Order No. 53, is further amended to read as follows:

GENERAL

The surveys over the boundaries of Fort Clayton, Corozal, and Curundu Army Reservations and Albrook Air Force Base, were made in January 1946, November and December 1950, January, August, September, and December 1951, March and April 1952, August 1959, December 1960, and March 1961, and are recorded in Field Books numbered M-384, M-425, M-426, M-463, M-476, M-477, M-480, M-483, M-485, M-488, M-492, M-567, M-603, and CS-81, and the geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the Surveys Branch, Engineering and Construction Bureau, the Panama Canal Company. Any change in geodetic position of monuments describing the boundary of the old Curundu Military Reservation is due to recomputation of positions based on better controlled network and is not to be construed as the movement of monuments to new positions, with the exception of revisions agreed to by all concerned.

ELVIS J. STAHR, Jr.,
Secretary of the Army.

AUGUST 24, 1961.

[F.R. Doc. 61-8335; Filed, Aug. 30, 1961; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Portable Engines and Motors

On page 4430 of the FEDERAL REGISTER of May 23, 1961, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. The purpose of the amendment is to control and regulate the use of portable engines and motors in the national parks and monuments.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No objections have been received. The proposed regulation has been modified to authorize the superintendent to designate specific areas where written permission for the use of portable engines and motors is unnecessary. With this minor change, the proposed regulation is hereby adopted and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1961.

A new section is added to Part 1 to read as follows:

§ 1.65 Portable engines and motors.

Written permission is required from the Superintendent for the use of motor-driven chain saws, portable motor-driven electric light plants, portable motor-driven pumps, and other implements driven by portable engines or motors in the national parks and monuments, except in areas specifically designated by the superintendent. The superintendent may issue the permit if he determines that the applicant has submitted satisfactory justification for the permit and that important resource values would not be injured nor the public enjoyment of the park or monument impaired. An applicant for chain saw use must state clearly in his justification where, when, how, and what is to be cut and the plans for the disposal of the slash. This regulation does not apply to outboard motors in areas where outboard motorboating is permitted.

(39 Stat. 535; 16 U.S.C. 1958 ed., 3)

[F.R. Doc. 61-8333; Filed, Aug. 30, 1961; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Kentucky Woodlands National Wildlife Refuge, Kentucky

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; Upland Game; for individual wildlife refuge areas.

KENTUCKY

KENTUCKY WOODLANDS NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Kentucky Woodlands National Wildlife Refuge, Kentucky, is permitted only on the area designated by signs as open to hunting. This open area, comprising 65,000 acres or 98% of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Raccoons.

(b) Open season: November 1 through November 10, 1961. Daylight hours only.

(c) Daily bag limits: No limit.

(d) Methods of hunting:

(1) Taking of raccoons, alive only, is permitted employing "shake-out" techniques.

(2) Tree climbing devices may be used.

(3) No dogs allowed.

(4) Use of firearms, axes and saws prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A special State permit is required and is obtainable from the Commissioner, Department of Fish and Wildlife Resources, Frankfort, Kentucky. Groups may be covered by a single permit, both State and Federal.

(3) Hunters must check in and check out at Kentucky Woodlands National Wildlife Refuge headquarters.

(4) A Federal permit is required to enter the public hunting area. Permit may be obtained from the Refuge Manager, Kentucky Woodlands National Wildlife Refuge, Golden Pond, Kentucky.

(5) The provisions of this special regulation are effective to November 11, 1961.

WALTER C. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 24, 1961.

[F.R. Doc. 61-8326; Filed, Aug. 30, 1961; 8:47 a.m.]

PART 32—HUNTING

Charles Sheldon Antelope Range, Nevada; Correction

AUGUST 21, 1961.

In Federal Register Document 61-7704, appearing at page 7704 of the issue for August 17, 1961, the language presently reading either "Sheldon National Antelope Refuge and Charles Sheldon Antelope Range (Nevada)", or "Sheldon Refuge and Range, Nevada," is corrected to read "Charles Sheldon Antelope Range, Nevada" wherever that language appears in the document.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 61-8325; Filed, Aug. 30, 1961; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 10, 16]

MIGRATORY BIRDS AND MIGRATORY BIRD PERMITS

Miscellaneous Amendments

Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10 and establish a new Part 16 under Title 50, Code of Federal Regulations, as set forth below. These amendments will revise the regulations governing issuance of permits to acquire, possess, transport, and dispose of migratory birds and their increase, parts, pests, or eggs for certain specified purposes. Final adoption of these amendments is proposed on or about November 1, 1961, to become effective January 1, 1962.

The purposes of these amendments are as follows:

1. To separate the permit regulations from the hunting regulations under Part 10 and establish the permit regulations in a new Part 16;

2. To establish a user's charge or fee for the issuance of certain types of permits; and

3. To provide more effective control over the acquisition, possession, transportation, and disposition of wild migratory birds and their increase, parts, nests, or eggs by (1) making all migratory birds, whether raised in captivity or not, subject to regulations under permit; (2) limiting the traffic in such birds; (3) making commercial taxidermists subject to regulation under permit; (4) authorizing the exportation of such birds; (5) prescribing regulations governing the revocation of permits; and (6) prescribing regulations governing the disposal of birds possessed after the expiration or revocation of a permit.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments set forth below to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., any time between the date of publication of this notice in the FEDERAL REGISTER and October 15, 1961.

1. Paragraph (c) of § 10.3 is amended to read as follows:

§ 10.3 Hunting methods.

* * * * *

(c) Exceptions. Nothing contained in this section shall be construed to apply to the taking of migratory birds as permitted in § 10.5, or to apply to propagating, scientific, depredation-control, or other operations in accordance with the terms of permits or other authorizations issued pursuant to Part 16 of this subchapter.

§§ 10.15, 10.16, 10.21–10.23, 10.31, 10.61–10.65, 10.81–10.87 [Revocation]

2. Sections 10.15, 10.16, 10.21 through 10.23, 10.31, 10.61 through 10.65, and 10.81 through 10.87 are revoked.

3. A new Part 16 is adopted to read as follows:

PART 16—MIGRATORY BIRD PERMITS

Sec.
16.1 Meaning of terms.
16.2 Permits required.
16.3 Exceptions to permit requirement.
16.4 General permit authorization.
16.5 General permit provisions.
16.6 Transportation and shipping requirements.
16.7 Applicability of State laws.
16.8 Revocation of permits.
16.9 Import and export permits.
16.10 Jurisdiction and address of regional offices.
16.11 Scientific collecting and special purpose permits.
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AUTHORITY: §§ 16.1 through 16.14 and 16.21 through 16.25 issued under sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704. Interpret or apply E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757.

§ 16.1 Meaning of terms.

As used in this part, terms shall have the meaning ascribed in this section.

(a) "Wild migratory birds" refers to those species of migratory birds listed under § 10.1 of Part 10 of this subchapter, including all migratory birds which, whether raised in captivity or not, cannot be readily distinguished by general coloration or size from wild birds of the same species.

(b) "Migratory waterfowl" refers to wild ducks, geese, brant, and swans.

(c) "Public" as used in referring to museums, zoological parks and societies, and scientific or educational institutions refers to such as are open to the general public and established, maintained, and operated as a governmental service or are privately endowed and incorporated but not operated for profit.

(d) "Take" means to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

§ 16.2 Permits required.

Except as permitted by regulations under this part or under Part 10 of this subchapter (the hunting regulations), a permit is required for any person to import, export, take, sell, purchase, otherwise acquire, possess, transport, or dispose of wild migratory birds or their increase, parts, nests, or eggs.

§ 16.3 Exceptions to permit requirement.

The following exceptions to the permit requirement are allowed in addition to those allowed under Part 10 of this subchapter:

(a) Certain species of wild migratory birds may, without a permit, be taken and disposed of to control depredations as provided in §§ 16.21 through 16.25.

(b) State game departments, municipal game farms or parks, and public museums, zoological parks or societies, and scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired wild migratory birds or their increase, parts, nests, or eggs without a permit: *Provided*, That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of one year following the end of the calendar year covered by the records.

(c) The carcasses of migratory waterfowl lawfully acquired from the holder of a propagating permit may, without a permit, be possessed for certain purposes as provided in §16.13(f).

§ 16.4 General permit authorizations.

(a) Migratory bird permits may be issued to authorize: (1) The importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of live wild migratory birds and their increase or eggs for propagating purposes in order to increase the food

supply; (2) the taking and disposal of wild migratory birds or their eggs for depredation control purposes; (3) the importation, exportation, taking, sale, purchase, other acquisition, possession, transportation, and disposal of wild migratory birds or their increase, parts, nests, or eggs for scientific, educational, and other special purposes; and (4) the possession, transportation, and mounting or other preparation by a taxidermist for any person other than himself of wild migratory birds or their parts, nests, or eggs.

(b) Consistent with the preservation of migratory birds and with the purposes of this part, applications for migratory bird permits may be disapproved, or approved and permits issued pursuant to the regulations in this part. Activities authorized under permit may be limited by any special terms, conditions, or restrictions incorporated into the permit.

§ 16.5 General permit requirements.

Permits issued pursuant to this part are subject to the following provisions:

(a) Permittees must comply with any special terms, conditions, or restrictions prescribed in the permit.

(b) Importations from Mexico must be accompanied by Mexican export permits.

(c) Permits are not transferable.

(d) Permittees may not dispose of migratory birds on their increase, parts, nests, or eggs to any person not authorized by this part to acquire such migratory birds or their parts, nests, or eggs; nor may a permittee acquire migratory birds or their increase, parts, nests, or eggs from any person not authorized by this part to dispose of migratory birds or their increase, parts, nests, or eggs.

(e) All permittees must keep accurate records[1] of their operations; and shall file a report of such operations, negative or otherwise, on a form furnished for that purpose, on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit. All persons authorized to enforce this part shall be allowed to enter the premises where such operations are being carried on at all reasonable hours and inspect these premises and the records of such operations. The records required to be maintained for the purpose of making these reports shall be retained by the permittees for a period of one year following the date on which these reports are submitted.

§ 16.6 Transportation and shipping requirements.

Every package or container, in which migratory birds or their parts, nests, or eggs are shipped by common carrier wholly within a State or are transported by any means whatsoever from one State, territory, or district to or through another State, territory, or district, or to a foreign country, shall be clearly marked, labeled, or tagged on the outside thereof. These labels or tags shall show the name and address of the consignor and consignee; an accurate statement of the species and number of birds or their parts, nests, or eggs contained therein; and the permit number under authority of which the birds or their parts, nests, or eggs are being shipped or transported if one is required.

§ 16.7 Applicability of State laws.

Nothing in this part or in any permit issued thereunder shall be construed to authorize the taking, possession, sale, purchase, exchange, or transportation of wild migratory birds or their parts, nests, or eggs in any State contrary to the laws and regulations of that State: *Provided*, Such laws and regulations are for the purpose of giving further protection to such birds and are not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act. Further, no permit issued under this part shall authorize the taking, possession, purchase, sale, exchange, or transportation of migratory birds or their parts, nests, or eggs unless the permittee also possesses whatever permit may be required for such activities by the State concerned.

§ 16.8 Revocation of permits.

(a) Permits issued pursuant to this part may be revoked and the privileges granted thereunder withdrawn:

(1) If the permittee violates any regulation prescribed in this part; or

(2) When the activities of the permittee, involving live migratory birds or feed on the premises of the permittee, are an element in a violation by the permittee or other person of the migratory bird hunting regulations governing the use of live decoys or bait in the taking of migratory game birds (§ 10.3 of this chapter).

(b) Any person whose permit has been revoked shall not be issued a like permit until one year after the date of revocation.

§ 16.9 Import and export permits.

Applications for permits to import or export wild migratory birds or their parts, nests, or eggs for purposes provided in this part shall be made by letter addressed to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., and shall contain the following information:

(a) Name and address of the applicant and the purpose for which importation or exportation is being made;

(b) Species and number of migratory birds or their parts, nests, or eggs to be imported or exported;

(c) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(d) Estimated date of arrival of any shipment of imported or exported migratory birds or their parts, nests, or eggs, and the port of entry or exit through which the shipment will be imported or exported;

(e) Federal permit number and type of permit authorizing possession, acquisition, or disposition of such birds or their parts, nests, or eggs, where such a permit is required.

§ 16.10 Jurisdiction and address of regional offices.

The geographic jurisdictions and addresses of the Bureau of Sport Fisheries and Wildlife regional offices are as follows:

(a) Pacific Region (Region 1—comprising the States of California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) P.O. Box 3737, Portland 1, Oregon.

(b) Southwest Region (Region 2—comprising the States of Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, and Wyoming) P.O. Box 1306, Albuquerque, New Mexico.

(c) North Central Region (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin) 1006 West Lake Street, Minneapolis 8, Minnesota.

(d) Southeast Region (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia) Peachtree-Seventh Building, Atlanta 23, Georgia.

(e) Northeast Region (Region 5—comprising the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia) 59 Temple Place, Boston 11, Massachusetts.

(f) Alaska Region (Region 6—comprising the State of Alaska) P.O. Box 2021, Juneau, Alaska.

§ 16.11 Scientific collecting and special purpose permits.

(a) Applications for scientific collecting or other special purpose permits shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications shall contain the following information:

(1) Name, address, and age of applicant;

(2) Species and number of migratory birds or their parts, nests, or eggs proposed to be taken or acquired;

(3) Statement of the purpose and a justification for granting such a permit; and

(4) In the case of scientific collecting permits, the name and address of the public scientific or educational institution to which all specimens will ultimately be donated.

(b) The tenure of scientific collecting or other special purpose permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a shorter period of time is prescribed in the permit.

(c) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

§ 16.12 Taxidermist permits.

(a) Original requests for a taxidermist permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office accompanied by the prescribed fee.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit and shall be accompanied by the prescribed fee.

(c) The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Effective January 1, 1962, and thereafter, a fee of $15, in the form of a check or money order payable to the Bureau of Sport Fisheries and Wildlife, will be charged for the issuance of a taxidermist permit or for a renewal thereof. This fee shall accompany each completed application form as it is returned to the regional office, or in the case of renewals, shall accompany the letter requesting the renewal.

§ 16.13 Propagating permits.

(a) Original requests for a propagating permit shall be made by letter addressed to the Regional Director at the regional office having administrative jurisdiction over Bureau functions in the State where permit activities are proposed. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) The applicant will then be furnished an application form to be completed and returned to the regional office accompanied by the prescribed fee.

(b) Requests for renewals of existing permits shall be made by letter to the regional office issuing the permit not later than 30 days preceding the expiration date of the permit and shall be accompanied by the prescribed fee.

(c) The tenure of propagating permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(d) Effective January 1, 1962, and thereafter, a fee of $15, in the form of a check or money order payable to the Bureau of Sport Fisheries and Wildlife, will be charged for the issuance of a propagating permit or for a renewal thereof. This fee shall accompany each completed application form as it is returned to the regional office, or in the case of renewals, shall accompany the letter requesting the renewal.

(e) Any person whose propagating permit expires and who does not request a renewal thereof, or whose permit is revoked for any reason whatsoever, shall dispose of all live migratory birds and their eggs not later than 60 days following the date of expiration or revocation by one or more of the following means:

(1) By sale or donation to another permittee not in the immediate family of the seller or donor;

(2) By sale or donation to a public zoological or municipal park, public museum, or public scientific or educational institution;

(3) By release to the wild on premises other than those of the permittee and over which he has no degree of control; or

(4) Live migratory birds may be killed and preserved for use as food by the permittee.

If at the end of 60 days the permittee has not disposed of all live migratory birds and their eggs, as provided in this section, he must relinquish such birds and their eggs to an agent of the Bureau of Sport Fisheries and Wildlife for release to the wild; or for use in management programs conducted on wildlife refuges or management areas; or for donation to such public institutions as the Bureau shall determine.

(f) Live migratory waterfowl possessed under authority of a propagating permit may be killed at any time and in any manner by the permittee or any person authorized to do so by the permittee, except that the killing of such birds by shooting shall be restricted to the premises covered by the permit. The permittee may dispose of the carcasses of such birds, provided the head and feet are attached thereto, to any individual for consumption as food; or to a club, hotel restaurant, boarding house, or dealer in meat or game for sale or service to patrons; and all such persons may possess these carcasses without a permit.

§ 16.14 Banding permits.

This section governs the issuance of permits authorizing the capture of wild migratory birds for banding purposes.

(a) Applications for banding permits shall be made by letter addressed to the Director, Patuxent Wildlife Research Center, Laurel, Maryland.

(b) The tenure of banding permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different tenure is stated in the permit.

(c) The banding of migratory birds shall be by official numbered leg bands issued by the Bureau of Sport Fisheries and Wildlife. The use of any other band, clip, or other method of marking is prohibited unless specifically authorized in the permit.

(d) All traps or nets used to capture migratory birds for the purposes of banding shall either bear a tag or label clearly showing the name and address of the permittee and the permit number, or the area in which such traps or nets are located must be posted with Notice of Banding Operations posters (form 3–1155, available upon request from Patuxent Wildlife Research Center) which shall bear the name and address of the permittee and the number of his permit.

(e) Banding permits may be revoked for violation of any provision of the Migratory Bird Treaty Act or the regulations issued thereunder, or for failure to comply with any special terms, conditions, or restrictions incorporated in the banding permit.

CONTROL OF DEPREDATING BIRDS

§ 16.21 Depredation permits.

Upon receipt of information from the owner, tenant, sharecropper, or other person that migratory birds are injuring his crops or other property on the land on which he resides, or over which he exercises control, together with a statement of the location of the area; the nature of the crops or other interests being injured; the extent of such injury; and the particular species of birds committing the injury, an investigation will be made. If it is then determined that the injury complained of is substantial and can be abated, a permit to frighten, herd, or kill such birds may be issued. The permit shall specify the person, the time, and the method by which such birds may be frightened, herded, or killed. The permit shall further provide that all dead birds shall be disposed of as prescribed therein; that a report shall be made of the operations; and shall include such other conditions as may be appropriate in each case.

§ 16.22 Depredating blackbirds, cowbirds and grackles.

A permit shall not be required to kill yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, and Brewer's blackbirds, cowbirds, and all grackles when found committing or about to commit serious depredations upon ornamental or shade trees or agricultural crops; *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

§ 16.23 Designated species of depredating birds in California.

In any county in California in which meadowlarks, horned larks, golden-crowned, white-crowned, and other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed

[1] The record-keeping requirements contained in this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county, provided:

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area, except that any specimens needed for scientific purposes, as determined by the State or the Secretary, shall not be destroyed.

(b) That any Commissioner of Agriculture excercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Secretary on or before December 31 of each year or whenever the Secretary so requests.

§ 16.24 Depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (Ionornis martinica) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided:*

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided,* That the Secretary, or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further,* That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Secretary.

§ 16.25 Authority to issue depredation orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibitions, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided,* That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

FEEDING OF DEPREDATING WATERFOWL

AUTHORITY: §§ 16.31 through 16.37 issued under sec. 2, 70 Stat. 492; 7 U.S.C. 443.

§ 16.31 Statutory Provisions.

Section 1 of the Act of July 3, 1956, as amended (7 U.S.C. 442 et seq.) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop deperdations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 16.32 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to this part to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 16.33 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 16.34 Waterfowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 16.35 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 16.10 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal, State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damage as to qualify him as an applicant.

§ 16.35 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to submit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by § 16.21 to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 16.36 Action following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 16.34, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 16.37 Compliance with other regulations.

Nothing in §§ 16.31 to 16.36 shall be construed to supersede or modify any regulation under § 10.3 of this subchapter, nor shall anything in said sections be construed to permit the transportation, distribution, or use of grain contrary to any applicable Federal, State, or local laws or regulations.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 24, 1961.

[F.R. Doc. 61-8327; Filed, Aug. 30, 1961; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that petitions have been filed by Hercules Powder Company, Inc., 910 Market Street, Wilmington 99, Delaware, proposing the establishment of tolerances for residues of DDT at 4 parts per million and for residues of toxaphene at 5 parts per million in or on lint-bearing cottonseed.

The analytical methods proposed in the petitions for determining residues of DDT and toxaphene utilize the sodium-liquid anhydrous ammonia reduction technique of Beckman et al., Journal of Agricultural and Food Chemistry, Volume 6, Pages 104–105 (1958), to determine total organic chlorine. Reversed phase radial arc paper chromatography was used as the method for identification of residues. Special cleanup procedures were used before applying these methods.

Dated: August 24, 1961.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 61-8349; Filed, Aug. 30, 1961; 8:51 a.m.]

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Filing of Petition

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 535) has been filed by Commercial Solvents Corporation, Terre Haute, Indiana, proposing the issuance of a regulation to provide for the safe use in chicken feed of a 3:1 combination of zinc bacitracin and procaine penicilin for growth promotion, with levels of the combination per ton of finished feed not less than 4 grams nor more than 50 grams.

Dated: August 24, 1961.

[SEAL] J. K. KIRK,
Assistant Commissioner of Food and Drugs.

[F.R. Doc. 61-8350; Filed, Aug. 30, 1961; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 601]

[Airspace Docket No. 61-FW-71]

CONTROLLED AIRSPACE

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below:

The Federal Aviation Agency has under consideration the designation of a control zone within a 5-mile radius of the Lake Charles, La., Municipal Airport (latitude 30°07'30" N., longitude 93°13'-20" W.), excluding the portion which would coincide with the Lake Charles (Chennault AFB) control zone. This proposed control zone would provide pro-

tection for aircraft executing instrument approach and departure procedures at the new Lake Charles Municipal Airport which is expected to begin operations during the latter part of October, 1961. Communications and weather reporting service for the control zone would be provided by a Federal Aviation Agency control tower, and a United States Weather Bureau office, respectively. These facilities are expected to begin operations approximately October 25, 1961.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on August 25, 1961.

J. R. BAILEY,
Acting Chief,
Airspace Utilization Division.

[F.R. Doc. 61-8315; Filed, Aug. 30, 1961; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61-34]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and cancellation, termination, or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted and terminations of approvals were made, as described in this document, during the period from July 7, 1961, to July 24, 1961, inclusive. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document is listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document is listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS: REPAIRING AND CLEANING

Approval No. 160.006/25/0, New Richmond cleaning process for kapok life preservers without vinyl covered pad inserts, as outlined in description of cleaning process dated April 23, 1956, submitted by New Richmond Laundries & Cleaners, approval limited to kapok life preservers without vinyl covered pad inserts, issued to New Richmond Laundries & Cleaners—Plant No. 2, 1265 Republican Street, Seattle 9, Washington, effective July 17, 1961. (It is an extension of Approval No. 160.006/25/0 dated July 17, 1956.)

LIFEBOATS

Approval No. 160.035/204/2, 20.0' x 6.0' x 2.5' steel, oar-propelled lifeboat, 18-person capacity, identified by construction and arrangement dwg. No. 20-1 dated October 29, 1947, revised April 10, 1956; if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/204/2 dated July 17, 1956.)

Approval No. 160.035/208/3, 12.0' x 4.42' x 1.92' steel, oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 12-1 dated November 5, 1947, revised April 23, 1956, approved for use on vessels in Great Lakes, Bays, Sounds, and Lakes; and River service, as well as for use on certain Coastwise tank barges; if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/208/3 dated July 17, 1956.)

Approval No. 160.035/211/2, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22-2 dated April 17, 1946, and revised May 22, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/211/2 dated July 17, 1956.)

Approval No. 160.035/220/1, 26.0' x 9.0' x 3.83' aluminum, motor-propelled lifeboat without radio cabin (Class B), 48-person capacity, identified by construction and arrangement dwg. No. 3208-R Rev. B dated May 15, 1961, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective July 17, 1961. (It reinstates and supersedes Approval No. 160.035/220/0 published in the FEDERAL REGISTER August 6, 1948.)

Approval No. 160.035/338/0, 28.0' x 9.0' x 3.96' aluminum, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement drawing No. 28-1E dated June 30, 1955, revised April 26, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/338/0 dated July 17, 1956.)

Approval No. 160.035/341/0, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat with steel thwarts, 31-person capacity, identified by construction and arrangement dwg. No. 80047 dated September 3, 1955, and revised March 6, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/341/0 dated July 17, 1956.)

Approval No. 160.035/349/0, 24.0' x 8.63' x 3.88' steel, motor-propelled lifeboat without radio cabin (Class B), 43-person capacity, identified by construction and arrangement drawing No. 80070, dated December 9, 1955, and revised April 13, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective July 17, 1961. (It is an extension of Approval No. 160.035/349/0 dated July 17, 1956.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS; ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/408/0, Type I, Model AK-1, adult kapok buoyant vest,

U.S.C.G. Specification Subpart 160.047, manufactured by SAF-T-MATE Division, The Gunn Company, Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective July 12, 1961. (It supersedes Approval No. 160.047/408/0 dated June 21, 1960, to show change of address.)

Approval No. 160.047/409/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by SAF-T-MATE Division, The Gunn Company, Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective July 12, 1961. (It supersedes Approval No. 160.047/409/0 dated June 21, 1960, to show change of address.)

Approval No. 160.047/410/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by SAF-T-MATE Division, The Gunn Company, Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective July 12, 1961. (It supersedes Approval No. 160.047/410/0 dated June 21, 1960, to show change of address.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/72/1, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by The Comfort Cushion Co., 5062–84 Lorraine, Detroit 8, Michigan, effective July 17, 1961. (It is an extension of Approval No. 160.048/72/1 dated July 17, 1956.)

Approval No. 160.048/78/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minnesota, effective July 17, 1961. (It is an extension of Approval No. 160.048/78/0 dated July 17, 1956.)

Approval No. 160.048/79/0, special approval for 13" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 21-oz. kapok, Stearns Manufacturing Co. dwg. No. 6, dated December 5, 1955, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn., for Herter's, Inc., Waseca, Minnesota, effective July 17, 1961. (It is an extension of Approval No. 160.048/79/0 dated July 17, 1956.)

Approval No. 160.048/87/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by SAF-T-MATE Division, The Gunn Company, Inc., 420 Alabama Avenue NW., Grand Rapids 4, Michigan, effective July 12, 1961. (It supersedes Approval No. 160.048/87/0 dated April 10, 1957, to show change of address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/27/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by SAF-T-MATE Division, The Gunn Company, Inc., 420 Alabama Avenue, NW., Grand Rapids 4, Michigan, effective July 12, 1961. (It supersedes Approval No. 160.049/27/0 dated June 20, 1959, to show change of address.)

Approval No. 160.049/32/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049–4(c)(1), manufactured by Fortier Upholstering Co., Manistee, Michigan, effective July 24, 1961. (It supersedes Approval No. 160.049/32/0 dated August 16, 1960, to show correct name of company.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

Approval No. 160.052/128/0, Type II, Model FM–300, adult unicellular plastic foam buoyant vest, dwg. S.C. 160.052 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Type II P.V.C. Foam Jacket, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, South Carolina, effective July 13, 1961.

Approval No. 160.052/129/0, Type II, Model FM–320, child unicellular plastic foam buoyant vest, dwg. S.C. 160.052 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Type II, P.V.C. Foam Jacket, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, South Carolina, effective July 21, 1961.

Approval No. 160.052/130/0, Type II, Model FM–310, child unicellular plastic foam buoyant vest, dwg. S.C. 160.052 (sheets 1 to 4) dated March 3, 1961, and Bill of Materials: Type II P.V.C. Foam Jacket, manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, South Carolina, effective July 12, 1961.

Approval No. 160.052/131/0, Type II, Model "A", adult unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective July 12, 1961.

Approval No. 160.052/132/0, Type II, Model "M"; child unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective July 12, 1961.

Approval No. 160.052/133/0, Type II, Model "S", child unicellular plastic foam buoyant vest, dwgs. 11 to 14, dated March 3, 1961, and Bill of Materials dated June 28, 1961, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., effective July 12, 1961.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/12/0, Models 211-SF–17.5 and 231–SF–17.5 unicellular plastic foam work vests, dwgs. 61D821 and 61D823 with Bills of Material dated June 21, 1961, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective July 24, 1961.

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/84/0, American LaFrance Model 15, Series 2, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–5000 dated March 8, 1954, Rev. E dated May 13, 1954, name plate dwg. No. 28X–3645 dated January 6, 1955, Rev. F, dated April 12, 1956, Coast Guard classification: Type B, Size II; and Type C, Size II, manufactured by American LaFrance, Div. of Sterling Precision Corp., Elmira, New York, effective July 17, 1961. (It is an extension of Approval No. 160.053/84/0 dated July 17, 1956.)

Approval No. 162.005/85/0, American LaFranbe Model 5, Series 2, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–1000 dated April 23, 1954, Rev. F dated June 17, 1954, name plate dwg. No. 28X–3642 dated January 6, 1955, Rev. A dated June 10, 1955 (Coast Guard classification: Type B, Size I, and Type C, Size I), manufactured by American LaFrance, Div. of Sterling Precision Corp., Elmira, New York, effective July 17, 1961. (It is an extension of Approval No. 162.005/85/0 dated July 17, 1956.)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/1/1, First Aid, 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. EX–1 dated April 3, 1928, Rev. October 14, 1955, name plate dwg. No. EX–82 dated November 11, 1952 (Coast Guard classification: Type A, Size II), manufactured by W. D. ALLEN MANUFACTURING CO., 566–570 West Lake Street, Chicago 6, Illinois, effective July 17, 1961. (It is an extension of Approval No. 162.007/1/1 dated July 17, 1956.)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE OPERATED OR STORED PRESSURE TYPE

Approval No. 162.009/5/1, Instant Loaded Stream Anti-Freeze Model No. 70–5, 1¾-gal. cartridge-operated type hand portable fire extinguisher, assembly dwg. No. 70–5 dated October 13, 1949, Rev. D dated September 15, 1954, name plate dwg. No. 5564 dated December 29, 1953, Rev. B dated March 26, 1956 (Coast Guard classification: Type A, Size II), manufactured by The Fyr-Fyter Co., 221 Crane Street, Dayton 1, Ohio, effective July 17, 1961. (It is an extension of Approval No. 162.009/5/1 dated July 17, 1956.)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/196/0, Sierra Model SP–25 (Symbol GEN), 2½-lb. dry chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. CP2½–20470 dated June 13, 1961, name plate dwg. No. CP2½–20468 dated June 19, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fire Guard Corp., 1685 Shermer Road., Northbrook, Illinois, for Sierra Fire Equipment Co., 1355 South Flower Street, Los Angeles 15, California, effective July 14, 1961.

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/49/0, Model No. 9304355 backfire flame arrester for carburetors, Dwg. No. 9304355 change 1, flame arrester assembly, dated 11–25–60, manufactured by Purolator Products, Inc., 3927 Fourth Street, Wayne, Michigan, effective July 7, 1961.

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/37/0, "Fiberseal" composition type incombustible material consisting solely of Foster 31X26 Noncombustible Coating and Sealfas Open Weave Glass Cloth, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1974: FP3363, dated April 30, 1956, manufactured by Benjamin Foster Co., 4635–37 W. Girard Avenue, Philadelphia 11, Pennsylvania, effective July 17, 1961. (It is an extension of Approval No. 164.009/37/0 dated July 17, 1956.)

PART II—TERMINATIONS OF APPROVALS OF EQUIPMENT, INSTALLATIONS OF MATERIALS

LIFEBOATS

Termination of Approval No. 160.035/343/0, 26.0' x 7.88' x 3.54' aluminum, oar-propelled lifeboat, 48-person capacity, identified by construction and arrangement dwg. No. 26–11 dated September 26, 1955, revised April 11, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective July 17, 1961. (Approved in FEDERAL REGISTER July 17, 1956. Expired and terminated July 17, 1961.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.048/84/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Style-Crafters, Inc., P.O. Box 3277, Station A, Greenville, South Carolina, for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Arkansas, effective July 12, 1961. (Approved in FEDERAL REGISTER January 30, 1957. Terminated July 12, 1961. Item no longer distributed.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/45/0, Garland Range Model A38, approved by the American Gas Association, Inc., under Certificate No. 11–53–1.001 dated August 28, 1950, for liquefied petroleum gas service, formerly Detroit-Michigan Stove Co., manufactured by Welbilt Corp., Garland Division, Welbilt Square, Maspeth, New York, effective June 1, 1961. (Expiration and termination of Approval No. 162.020/45/0 dated June 1, 1956.)

Dated: August 24, 1961.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 61–8354; Filed, Aug. 30, 1961; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 24, 1961.

The Bureau of Sport Fisheries and Wildlife, United States Department of the Interior, has filed an application, Serial Number M–033460 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the general mining laws but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for a winter game range for elk.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested parts of record.

The lands involved in the application are:

PRINCIPAL MERIDIAN MONTANA

T. 10 N., R. 12 E.,
Sec. 21: Lot 8;
Sec. 28: Lots 1 and 5.

Total area: 92.84 acres.

GEORGE L. TURCOTT,
Acting State Director.

[F.R. Doc. 61–8328; Filed, Aug. 30, 1961; 8:47 a.m.]

[New Mexico 094303]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

AUGUST 23, 1961.

In F.R. Doc. 61–7795, appearing at pages 7613 and 7614 of the issue of Wednesday, August 16, 1961, the second line of the land description under "Cibola National Forest, Cienega Recreation Area, T. 11 N., R. 5 E.", is corrected to read as follows:

SW¼SE¼NW¼, S½NE¼SE¼NW¼, NW¼.

CHESLEY P. SEELY,
State Director.

[F.R. Doc. 61–8329; Filed, Aug. 30, 1961; 8:47 a.m.]

NEVADA

Notice of Filing of Plats of Survey and Order Providing for Opening of Lands

The plat of survey of the land described below will be officially filed at the Land Office, Reno, Nevada, effective 10 a.m., September 25, 1961.

MOUNT DIABLO MERIDIAN

1. T. 26 N., R. 42 E. (group 279),
Secs. 1, 2, 3, 10 thru 15, 22 thru 27, 31 thru 36.

The area described aggregates 13,537.46 acres. The plat was accepted June 21, 1961.

(a) Available data indicates the lands in this plat vary from rough steep mountains with shallow rocky soils to benches with deep medium to fine textured soils.

2. The public lands affected by this notice are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, rules, and regulations.

3. All inquiries relating to the lands should be directed to the Manager, Nevada Land Office, Bureau of Land Management, Department of the Interior, Post Office Box No. 1551, Reno, Nevada.

R. M. ZUNDEL,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 61–8330; Filed, Aug. 30, 1961; 8:48 a.m.]

[Classification No. 51]

NEVADA

Small Tract Classification; Modification

1. Effective August 23, 1961, F.R. Doc. 50–1698 appearing on page 1167 of the issue for March 2, 1950, is revoked as to the following described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 61 E.,
Sec. 24, E½NW¼NW¼NW¼, W½SW¼NW¼NW¼.

Containing 10 acres.

2. The land is situated 3 miles south of the city limits of Las Vegas, Nevada, at an elevation of approximately 2,400 feet above sea level. The climate is dry and the area is used extensively for health and recreation. The topography of the land is nearly level, having soils which vary from sand to sandy gravels underlain with caliche.

3. The public lands affected by this order are hereby restored as of 10:00

a.m., on September 28, 1961, to the operation of the public land laws, subject to any valid existing rights, the provisions of the existing withdrawals and the requirements of applicable law, rules and regulations.

J. R. PENNY,
State Director, Nevada.

AUGUST 23, 1961.

[F.R. Doc. 61-8331; Filed, Aug. 30, 1961; 8:48 a.m.]

[Bureau Order No. 684]

LANDS AND RESOURCES [1]

Redelegations of Authorities

AUGUST 28, 1961.

PART I—REDELEGATIONS OF AUTHORITY IN STATE DIRECTORS

AUTHORITY IN GENERAL

Redelegations of authorities concerned with lands and resources.

SECTION 1.0 *Functions of the State Director.* (a) The State Directors of the Bureau of Land Management are authorized to perform in their respective states [2] and in accordance with existing policies, regulations, and procedures of this Department, the functions of the Director, Bureau of Land Management, listed in Part I of this order, including all types of actions in the matters listed, unless specifically limited.

(b) Limitations. In addition to limitations on authority in specified matters, the authority delegated to the State Director shall not include:

(1) The issuance of documents which are amendments of or additions to the Code of Federal Regulations.

(2) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.

(3) The issuance of patents or their equivalent.

(4) Approval of exchanges of land or of timber for land if the selected lands exceed either 2,000 acres in area or $50,000 in value unless prior clearance is obtained from the Director's office.

SEC. 1.1 *Authority to redelegate.* (a) Each State Director may redelegate or authorize the redelegation of any authority vested in him by this order to any qualified employee under his jurisdiction, except the authority to appoint acting State Directors. Any order of redelegation of authority pursuant to this section must be approved by the Director, Bureau of Land Management and published in the FEDERAL REGISTER, except that:

(1) The State Director may without such approval redelegate to any qualified employee on his immediate staff authority to take actions on behalf of the State Director in matters listed in sections 1.2 through 1.9 of Part I (according to the staff member's functional responsibilities).

(b) Any authority redelegated by the State Director may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

SEC. 1.2 *General and miscellaneous matters.* The State Director may take the following actions, where he has authority in matters listed under other sections of this order:

(a) *Oaths.* Authorize any employee designated to make investigations of matters under the jurisdiction of the Bureau to administer any oath, affirmation, affidavit or deposition provided under the act of October 14, 1940 (5 U.S.C. 498), whenever necessary in the performance of such employee's official duties.

(b) *Cancellations or surrenders of contracts, leases, and permits.* Make partial or complete cancellations or accept surrenders of contracts, leases, and permits.

(c) *Copies of records.* Furnish copies and exemplifications of patents, plats, and other records.

(d) *Gifts.* Accept on behalf of the United States any lands within or without a grazing district as a gift, where such action will promote the purposes of the district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act, as amended (43 U.S.C. section 315g).

(e) *Government contests.* Initiate Government contests against claims asserted to public lands, and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearing.

(f) *Reports and certifications in connection with Federal land highway projects.* Make reports and certifications as to public lands, in connection with Federal land highway projects, required by (23 U.S.C. 202c).

(g) *Pro-rata road use and maintenance deposits.* Require a user or users of roads or trails to maintain such roads or trails on a pro-rata basis or to accept deposits to provide for such maintenance and to expend such deposited funds for the maintenance of any road or trail under the jurisdiction of the Bureau (43 U.S.C. 1382).

(h) *Cooperative agreements.* May enter into cooperative agreements involving the improvement, management, use and protection of the public lands and their resources under his jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1363). May enter into Cooperative Agreements under sections 2, 9 and 12 of the June 28, 1934 act (43 U.S.C. 315 et seq.) and under the Act of March 29, 1928 (45 Stat. 380).

Cooperative agreements not clearly within the scope of existing Bureau policies and procedures shall have advance clearance of the Director's office.

(i) *Studies.* May conduct studies, investigations, and experiments, on his own initiative or in cooperation with others, involving the improvement, management, use and protection of the public lands and their resources under his jurisdiction as provided in the Public Land Administration Act (43 U.S.C. 1362).

(j) *Fire protection.* Make contracts and cooperative agreements with Federal, State, County, Municipal and private fire-control organizations for the protection from fire (prevention, presuppression, and suppression) of the public lands under the jurisdiction of the Bureau of Land Management.

SEC. 1.3 *Fiscal affairs.* The State Director may take the following actions:

(a) *Bonds and forfeitures.* (1) Take all actions on bonds required in connection with matters pertaining to the lands or the resources thereof under his jurisdiction.

(2) Expend funds made available as a result of the forfeiture of a bond or deposit by a timber purchaser or permittee or of a compromise under the Public Land Administration Act (43 U.S.C. 1381).

(b) *Contributions, donations, and refunds.* (1) Accept contributions or donations of money, services and property for the improvement, management, use and protection of the public lands and their resources under his jurisdiction. Also accept contributions for cadastral surveying performed on federally controlled or intermingled lands under the Public Land Administration Act (43 U.S.C. 1364).

(2) Accept contributions toward the administration, protection and improvements of lands within or without grazing districts and remit or refund any unappropriated balances of such contributions pursuant to section 9 of the Taylor Grazing Act (43 U.S.C. section 315h).

(c) *Repayment.* Make repayment or refund from applicable funds in any case where payment has been made that is not required or is in excess of the amount required under the Public Land Administration Act (43 U.S.C. 1374); and repayments under 43 CFR Part 217.

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the United States Attorney:

(1) Institution of suits arising out of trespass where the money judgment sought is not in excess of $1,000, and

(2) compromise of such suits where the amount is not in excess of $500.

SEC. 1.4 *Cadastral engineering.* The State Director may take the following actions:

(a) *Survey.* (1) Perform all functions pertaining to the survey and resurvey of the public lands under his jurisdiction pursuant to section 453 of the Revised Statutes (43 U.S.C. section 2) except the acceptance of plats of survey, resurvey and the approval of protracted survey diagrams.

(2) Recommend to the Director for appointment mineral surveyors found to be competent pursuant to section 2334 of the Revised Statutes (30 U.S.C. section 39).

(3) Approve plats and field notes of mineral surveys and certification as to expenditures pursuant to 43 CFR 185.43.

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[1] Authority source—Department Order as amended.

[2] The State Director for Montana shall also have jurisdiction in the States of North and South Dakota. The State Director for Wyoming shall also have jurisdiction in the States of Nebraska and Kansas. The State Director for New Mexico shall also have jurisdiction in the States of Oklahoma and Texas. The State Director for Oregon shall also have jurisdiction in the State of Washington.

(4) Prepare and publish in the FEDERAL REGISTER notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 1.5 *Classifications and withdrawals.* The State Director may take the following actions:

(a) *Classification of lands.* Classify public lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315f), or pursuant to other laws.

(b) *Orders of withdrawal and restoration.* (1) Issue orders of restoration, where revocations or modification of a withdrawal or reservation is not involved and where an order of revocation provides for opening of the lands by an authorized officer of the Bureau. All such orders shall be published in the FEDERAL REGISTER.

(2) Determine, pursuant to 43 CFR Part 295, with the concurrence of the Administrator of General Services or his delegate, when required, that specified lands withdrawn or reserved from the public domain, and subsequently declared excess to the needs of the agency for which withdrawn or reserved are suitable or not suitable for return to the public domain for disposition under the general public land laws.

(c) *Public Land Orders.* Act on matters relating to the issuance of public land orders, pursuant to 43 CFR 295.9 to 295.11, except actions required by 43 CFR 295.11 (b) and (c) to be taken by the Secretary of the Interior or his delegate.

SEC. 1.6 *Minerals.* The State Director may take the following actions:

(a) *Oil and gas leases.* Act on oil and gas leases pursuant to the Act of February 25, 1920 (30 U.S.C. section 221 et seq.), as amended and supplemented, the Act of August 7, 1947 (30 U.S.C. sections 351–359), and the Act of May 21, 1930 (30 U.S.C. sections 301–305), and oil and gas leases issued pursuant to the Act of August 21, 1916 (39 Stat. 519), embracing lands restored to the public domain pursuant to the provisions of the Act of August 15, 1953 (67 Stat. 592). Also leases of oil and gas deposits transferred to this Department for measures to protect the deposits from drainage. This authority does not include any function pertaining to oil and gas deposits that involve approval or execution of unit or cooperative agreements, communication agreements, operating, drilling or development contracts without regard to acreage limitation or the sale of royalty oil taken in account of production.

(b) *Coal permits, leases, and licenses, asphalt leases.* (1) Act on all matters involving coal permits, leases, and licenses under sections 2 to 8 inclusive, of the Act of February 25, 1920, as amended and supplemented (30 U.S.C. sections 201–208), including coal permits and leases under the Act of August 7, 1947 (30 U.S.C. section 351–359), and coal permits and leases and asphalt leases under the Acts of June 26, 1944 (58 Stat. 483–485), June 24, 1948 (62 Stat. 596), and May 24, 1949 (63 Stat. 75).

(2) The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension, or reduction of rental or minimum royalty, the reduction of royalty, or this suspension of operations and production under a lease.

(c) *Oil shale leases.* Take all actions on oil shale leases under section 21 of the Act of February 25, 1920 (30 U.S.C. section 241), and under the Act of August 7, 1947 (30 U.S.C. section 351–359). The authority delegated by this section shall not include any function relating to the grant, approval or termination of the waiver, suspension or reduction of rental or minimum royalty, the reduction of royalty, or the suspension of operations and production under a lease.

(d) *Phosphate permit and leases.* Take all actions on matters related to phosphate permits and leases under sections 9 to 12 inclusive, of the Act of February 25, 1920 (30 U.S.C. 211–214), as amended, and phosphate permits and leases under the Act of August 7, 1947 (30 U.S.C. 351–359).

(e) *Potassium permits and leases.* Take all actions on matters related to potassium permits and leases under the Act of February 7, 1927 (30 U.S.C. sections 281–285), as amended and potassium permits and leases under the Act of August 7, 1947 (30 U.S.C. 351–359).

(f) *Sodium permits and leases.* Take all actions on sodium permits, leases and use permits under sections 23 to 25 inclusive, of the Act of February 25, 1920, as amended (30 U.S.C. sections 261–263), and under the Act of August 7, 1947 (30 U.S.C. sections 351–359).

(g) *Sulphur permits and leases.* Take all actions on sulphur permits and leases under the Act of April 17, 1926, as amended (30 U.S.C. section 271), and under the Act of August 7, 1947 (30 U.S.C. sections 351–359).

(h) *Agreements to compensate for drainage of oil or gas.* Execute agreements for payment of compensatory royalties because of drainage of oil or gas.

(i) *Gold, silver, and quicksilver leases.* Take all actions on leases of gold, silver, and quicksilver to the owners of confirmed private land claims, pursuant to 43 CFR Part 187.

(j) *Minerals subject to lease under special laws.* Take all actions on permits and leases for sand, gravel, and other minerals under special laws, pursuant to 43 CFR Part 199; also permits and leases for certain mineral deposits in acquired lands, pursuant to 43 CFR 200.31, et seq.

(k) *Mining claims.* Take all actions on claims pursuant to the general mining laws and laws supplemental thereto and 43 CFR Parts 69, 185, and 186.

SEC. 1.7 *Range management.* The State Director may exercise the following authority:

(a) *Grazing district administration.* Act on matters pertaining to the administration of grazing districts pursuant to the Act of June 28, 1934, as amended and supplemented (43 U.S.C. section 315 et seq., 16 U.S.C. section 715i), and 43 CFR Parts 161, 163, and 165 as follows:

(1) Licenses or permits to graze or trail livestock.

(2) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(3) The expenditure of funds appropriated by the Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(4) Leases under the Pierce Act (43 U.S.C. sections 315m–1 to 315m–4 inclusive).

(5) Requirements of field employees to furnish horses and miscellaneous equipment necessary for the performance of their official duties, pursuant to the Act of December 10, 1942 (43 U.S.C. section 315o–2), and make payments in connection therewith as authorized by the act.

(6) Hold hearings when necessary in connection with the modification of grazing district boundaries.

(7) Approve articles of incorporation, constitutions, and bylaws for local associations of stockmen pursuant to 43 CFR Part 161.

(b) *Grazing leases.* (1) Grazing leases of public lands, under section 15 of the Act of June 28, 1934, as amended (43 U.S.C. section 315m), and the permits or cooperative agreements to construct and maintain improvements on lands so leased, and to determine the value of such improvements.

(2) Grazing leases of the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands in Oregon, and crossing permits for such lands, in accordance with 43 CFR Part 115.

(3) Grazing leases of public lands in Alaska, under the Act of March 4, 1927 (43 U.S.C. sections 471, 471a–471c); leases and permits for grazing of reindeer pursuant to section 14 of the Act of September 1, 1937 (50 Stat. 902; 48 U.S.C. 250m).

(c) *Appropriation of water.* Applications under State laws to appropriate water on lands under the administration of the Bureau of Land Management where required in connection with projects for the development, control or utilization of water; and procurement of easements or rights-of-way upon or over private lands, and also upon or over federally-owned lands not under the administration of the Bureau and upon or over State, county, and municipally owned lands where improvements are installed.

(d) *Soil and moisture conservation; control of Halogeton glomeratus.* (1) Soil and moisture conservation on the public lands, pursuant to the National Soil Conservation Act of April 27, 1935 (16 U.S.C. section 590a, et seq.).

(2) Surveys and other operations and the expenditure of appropriated funds and contributions, under the Halogeton Glomeratus Control Act of July 14, 1952 (66 Stat. 597), and Departmental Order No. 2835 of October 2, 1958.

(3) The authority granted by paragraphs (1) and (2) shall include authority to enter into cooperative agreements in the matters listed and shall be subject to the coordination and general supervision of the Office of the Secretary.

(e) *Controlled brush burning.* Issue permits for the controlled burning of brush, as a means of improving the range by the replacement of the brush with grass and other desirable species.

SEC. 1.8 *Forest management.* The State Director may take the following actions:

(a) *Disposition of forest products.* (1) Dispose of or permit the free use of forest products when authorized by law on lands under the jurisdiction of the Bureau of Land Management. This authority shall not include the approval of any sale of timber in excess of 25,000,000 feet, board measure.

(2) Sell timber on lands under the jurisdiction of the Bureau of Reclamation, in accordance with Department Order No. 2533 of September 7, 1949.

(b) *Hearings in connection with sustained-yield forest units.* Schedule and hold public hearings on master forest units and their appurtenant marketing areas, and on sustained-yield forest units, comprising revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, and lands in private ownership or controlled by other public agencies, under authority of the Act of August 28, 1937 (50 Stat. 874), and (16 U.S.C. sections 383a–388i). The notice of hearing may designate any qualified employee in the area to holding the hearing. This shall not include the approval of sustained-yield timber units.

(c) *Cutting of timber on certain mining claims in Oregon.* Approve applications from owners of mining claims located since August 28, 1937, on revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon, to cut and use so much of the timber on the mining claims as is necessary in the development and operation of the mines until such time as the timber is otherwise disposed of by the United States pursuant to the Act of April 8, 1948 (62 Stat. 162).

(d) *Roads.* Act on matters involving the acquisition of rights-of-way and roads under the Act of July 26, 1955 (69 Stat. 374), including purchases after clearance with the Department of Justice but not including recommendations to the Attorney General for condemnation proceedings; also the approval of projects for the construction of roads to provide access to the timber on public lands subject to that act.

SEC. 1.9 *Land use.* The State Director may take the following actions:

(a) *Airports and air navigation facilities.* (1) Issue leases of public lands for public airports and permits for air navigation facilities under the Act of May 24, 1928 (49 U.S.C. section 211–214).

(2) Take all actions under the Federal Airport Act (49 U.S.C. section 1101).

(b) *Cemetery sites.* Take all actions relating to cemetery sites pursuant to 43 CFR Parts 72 and 253.

(c) *Color-of-title and riparian claims.* Take all actions relating to color-of-title and riparian claims, under 43 CFR Parts 140 and 141.

(d) *Exchanges.* Take actions subject to the title opinion of the field solicitor, in all matters relating to exchanges of lands and of timber for lands, except where the value of the selected lands or timber exceeds $250,000, and issue quitclaim deeds authorized by section 6 of the Act of April 28, 1930 (46 Stat. 257).

(e) *Homesteads.* Take all actions on homesteads pursuant to 43 CFR Parts 65, 66 and 166 to 170 inclusive.

(f) *Indian allotments.* Take all actions relating to Indian allotments with the concurrence of the Commissioner of Indian Affairs, pursuant to 43 CFR Parts 176 and 67.

(g) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR Part 259.

(h) *Mineral or medicinal springs.* Take all actions relating to leases of lands adjacent to mineral or medicinal springs, under the Act of March 3, 1925 (43 U.S.C. section 971).

(i) *Sites for recreational or any public purpose.* Take all actions with respect to conveyances and leases to Federal, State, Territory and local government units and to non-profit associations and corporations pursuant to 43 CFR Part 254, and to other applicable regulations and all actions in connection with the construction maintenance and disposition of recreational facilities in Alaska pursuant to the Act of May 4, 1956 (70 Stat. 130).

(j) *Public sales.* (1) Take all actions on public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding when authorized by law.

(2) Applications by and sales to aliens, associations having an appreciable number of alien members, and corporations whose stock to an appreciable extent is held by aliens, are subject to approval by the Secretary of the Interior.

(k) *Railroad grants.* Adjust railroad grants and claims within such grants, pursuant to 43 CFR Part 273, subject to approval of the validity of the grant rights.

(l) *Reclamation and irrigation.* Take all actions on reclamation and desert-land entries, State irrigation districts, and Nevada underground water permits and entries, pursuant to 43 CFR Parts 230 to 234, inclusive; also entries, sales, and exchanges of lands in reclamation projects, pursuant to 43 CFR Chapter II, Bureau of Reclamation, or special instructions of the Secretary of the Interior, to the extent that action by the Bureau of Land Management is required.

(m) *Rights-of-way.* (1) Grant right-of-way permits and easements over public and acquired lands, including revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon and over reservations other than Indian reservations, when authorized by law, and rights-of-way over the Outer Continental Shelf purusuant to 43 CFR Part 202. However, only the Secretary of the Interior may issue an order, pursuant to 43 CFR 244.9 (m), requiring the discontinuance, without liability or expense to the United States, of the use of a right-of-way for the purpose granted.

(2) Consent to the appropriation of Federal agencies under the principles of the instructions of January 13, 1916 (44 Id 513; 43 CFR 205.13–205.15) of rights-of-way over unreserved or withdrawn lands. (See 43 CFR Part 244, footnote 1).

(n) *Small tracts.* Take all actions with respect to small tracts, under the Act of June 1, 1938 (43 U.S.C. section 682e), as amended.

(o) *Special land-use permits.* Take all actions in issuing:

(1) Special land-use permits for public lands, pursuant to 43 CFR Part 258.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon pursuant to 43 CFR Part 115.

(3) Special land-use permits for acquired lands under the administration of the Bureau of Land Management, under the principles embodied in 43 CFR Part 258.

(4) Permits to use areas below the high-water mark of navigable waters in Alaska for occupancy purposes under the principles embodied in 43 CFR Part 258, subject to rules, regulations, and requirements of the Department of the Army respecting the navigation of such streams.

(5) Every such permit issued to a Federal agency or to a State agency or political subdivision shall be restricted to the smallest area needed for the proposed use. Not more than 50,000 acres may be included in any such permit, except that in Alaska permits may be issued to the Department of Defense for maneuver purposes for such acreages in excess of 50,000 acres and for such periods as may be deemed warranted in the circumstances. No permit may be issued under this authority where a withdrawal or a class which the Director is not authorized to make is requested.

(p) *State grants.* Take all actions on State grants and selections when authorized by law, but not including the approval of clear lists pursuant to section 2449 of the Revised Statutes (43 U.S.C. section 859).

(q) *Surface rights.* Take all actions on nonmineral applications for lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral or lying within the geologic structure of a field, in accordance with 43 CFR Parts 102 and 66.

(r) *Townsites.* Take all actions on all townsite matters except withdrawals, including the designation of townsite trustees as provided in 43 CFR 80.2 under authority of section 11 of the Act of March 3, 1891 (26 Stat. 1099, 48 U.S.C. 355) and as provided in 43 CFR 80.19 under authority of the Act of May 25, 1926 (44 Stat. 629, 48 U.S.C. 355a–355d). Provided, that reclamation townsite matters shall be handled jointly with the Commissioner of Reclamation, pursuant to 43 CFR 255.42 to 255.45 inclusive, and 255.47.

(s) *Water wells.* Take all actions on water-well leases, pursuant to section 40 of the Mineral Leasing Act (30 U.S.C. section 229a) and 30 CFR 241.6.

(t) *Matters pertaining to Alaska only.* (1) Alaska—furfarms. Take all actions on leases of public lands in Alaska for furfarms, under the Act of July 3, 1926 (48 U.S.C. section 360, 361).

(2) Alaska, homesites or headquarters. Take all actions on homesites or headquarters in Alaska, pursuant to 43 CFR Part 64.

(3) Alaska Housing Authority. Transfer to the Alaska Housing Authority lands above high-water mark and under the jurisdiction of the Department of the Interior pursuant to section 6 of the Alaska Housing Act of April 23, 1949 (48 U.S.C. section 484c).

(4) Alaska, Matanuska Valley. Dispose of lands in the Matanuska Valley, Alaska, under the Act of October 17, 1940 (48 U.S.C. section 353 Note).

(5) Alaska Public Works. Take all actions on transfers in accordance with section 7 of the Act of August 24, 1949 (48 U.S.C. section 486e), of any interest in public lands in Alaska for any public works project which has been approved under section 4 of the act.

(6) Alaska, trade and manufacturing sites. Take all actions on trade and manufacturing sites in Alaska, pursuant to 43 CFR Part 81.

(7) Alaska missions claims. Take all actions pursuant to section 27 of the Act of June 6, 1900 (31 Stat. 330) and 50 L.D. 55.

(8) Shore space restrictions. Take all actions in connection with the waiver, pursuant to the Act of June 5, 1920, as amended (48 U.S.C. 372), and 43 CFR Part 77, of the 160 rod restriction as to the length of claims along the shores of navigable waters in Alaska.

(u) *Certificates, scrip and lieu selections.* Take all actions in connection with certificates and scrip under 43 CFR Parts 61 and 130 to 133, inclusive and also forest lieu selections, in accordance with footnote 1, to Part 130, subject to approval of the validity of the scrip or other rights.

(v) *Choctaw-Chickasaw lands.* Take all actions on matters pertaining to the management and disposition of the Choctaw-Chickasaw lands pursuant to 43 CFR Part 19.

SEC. 1.10 *Designation of Acting Officials.* The State Director may designate:

(a) *Acting State Director.* By written order, any Chief of Division or operations Supervisor in his State to perform the functions of the State Director, in case of death, resignation, absence, or sickness, of the State Director.

(b) *Acting Chief of Division.* By written order, any qualified employee of the various staff offices to perform the functions of the Chief of Division, in case of death, resignation, absence, or sickness of the Chief of Division.

(c) *Acting Land Office Manager.* By written order, any qualified employee of the land office to perform the functions of the Land Office Manager in case of death, resignation, absence, or sickness of the Land Office Manager.

(d) *Acting District Manager.* By written order, any qualified employee of the district office to perform the functions of the District Manager, in case of death, resignation, absence, or sickness of the District Manager.

(e) No other employee may be designated by the State Director to serve as Acting State Director except with the prior approval of the Director, and each employee who serves in such capacity in (a), (b), (c), or (d) above shall prepare a memorandum to be kept in the State Office showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART I–A—REDELEGATION OF AUTHORITY TO ALASKA OPERATIONS SUPERVISORS

The Alaska Operations Supervisors are authorized to perform in their respective areas and in accordance with the existing policies, regulations and procedures of this Department and under the direct supervision of the State Director, the functions of the Director, Bureau of Land Management as listed in Part I of this order.

PART II—REDELEGATION TO LAND OFFICE MANAGERS

AUTHORITY IN GENERAL

SEC. 2.0 *Functions of Land Office Manager.* (a) The land office managers are authorized to perform in their respective areas of responsibility[3] and in accordance with the existing policies, regulations and procedures of this Department and under the direct supervision of the State Director,[4] the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Part I together with any limitations specified below.

SEC. 2.1 *Authority to redelegate.* The land office manager may redelegate to the Chief, Minerals Section, authority to take action for the manager in matters listed in section 2.6 of Part II, and to the Chief, Lands Section, authority to take action for the manager in matters listed in section 2.9 of Part II. He may also redelegate to the Operations Manager authority to take action for the manager in matters within the Operations Manager's specified responsibility. Any order of redelegation must be approved by the State Director and published in the FEDERAL REGISTER.

AUTHORITY IN SPECIFIED MATTERS

SEC. 2.2 *General and miscellaneous matters.* The land office manager may take all actions on:

(b) Cancellations or surrenders of contracts and leases.

(c) Copies of records.

(d) Government contests.

SEC. 2.3 *Fiscal affairs.* The land office manager may take all actions on:

(a) *Bonds.* Authority limited to section 1.3(a)(1) of Part I of this order.

(c) *Repayments.*

SEC. 2.4 *Cadastral engineering.* The land office manager may take the following action:

(a)(4) Preparation and publication in the FEDERAL REGISTER of notices of the official filing of accepted plats of survey, resurvey and approved protracted survey diagrams.

SEC. 2.5 *Classifications and withdrawals.* Subject to receipt of a report from the State Director, the land office manager may take all the listed actions on:

(b) Orders of withdrawal and restoration.

(c) Public land orders.

SEC. 2.6 *Minerals.* The land office manager may take all the listed actions on:

(a) Oil and gas leases.

(b) Coal permits, leases, and licenses; asphalt leases.

(c) Oil shale leases.

(d) Phosphate leases.

(e) Potassium permits and leases.

(f) Sodium permits and leases.

(g) Sulphur permits and leases.

(h) Agreements to compensate for drainage of oil and gas.

(i) Gold, silver, and quicksilver leases.

(j) Minerals subject to lease under special laws.

(k) Mining claims.

SEC. 2.7 *Range management.* The land office manager may take all actions on:

(b)(3) Grazing leases of public lands in Alaska under the act of March 4, 1927 (48 U.S.C. secs. 471, 471a–471c).

SEC. 2.9 *Land use.* Subject to classification action by the State Director where necessary, the land office manager may take all actions on:

(a) Airports and air navigation facilities.

(b) Cemetery sites.

(c) Color-of-title and riparian claims. Subject to approval of color-of-title or claim of right by the Field Solicitor.

(d) Exchanges.

(1) Authority subject to title approval of offered lands by the Field Solicitor and limited to exchanges in which the value of the selected lands does not exceed $50,000.

(e) Homesteads.

(f) Indian allotments.

(g) Material other than forest products.

(h) Mineral or medicinal springs.

(i) Sites for recreational or any public purposes.

(j) Public sales.

(k) Railroad grants.

(l) Reclamation and irrigation.

(m) Rights-of-way. Authority does not include logging road rights-of-way on public lands west of Range 8 East, Willamette Meridian, Oregon.

(n) Small tracts.

(o) Special land-use permits, except:

(1) Special land-use permits within grazing or forest districts.

(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.

(p) State grants.

[3] The land office manager at Billings shall also have jurisdiction in North and South Dakota. The land office manager at Cheyenne shall also have jurisdiction in Nebraska and Kansas. The land office manager at Santa Fe shall also have jurisdiction in Oklahoma and Texas.

[4] The land office manager at Spokane is under the direct supervision of the State Director of Oregon.

(q) Surface rights.
(r) Townsites. Except designation of townsite trustees.
(s) Water wells.
(t) Matters pertaining to Alaska only. The land office manager may take all the listed actions on:
(1) Alaska, fur farms.
(2) Alaska, homesites or headquarters.
(3) Alaska, housing authority.
(4) Alaska, Matanuska Valley.
(5) Alaska public works.
(6) Alaska, trade and manufacturing sites.
(7) Alaska mission claims.
(8) Shore space restrictions.
(u) Certificates, scrip and lieu selections.
(v) Choctaw-Chickasaw lands.

PART III—REDELEGATION TO DISTRICT MANAGERS

AUTHORITY IN GENERAL

SEC. 3.0 *Functions of District Manager.* (a) The district managers are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the State Director, the functions of the Director, Bureau of Land Management, as listed below, subject to the limitations listed in Part I together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.2 *General and miscellaneous matters.* On matters in which he is authorized to act, the district manager may take all actions on:
(b) Cancellations or surrenders of contracts.
(c) Copies of records.

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the district manager may take all actions on:
(a) Bonds. Authority limited to section 1.3(a)(1) of Part I of this order.
(b) Contributions, donations and refunds.
(c) Repayments.
(d) Tresspass. Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

SEC. 3.7 *Range management.* The district manager may take all the listed actions on:
(a) Licenses and permits to graze or trail livestock.
(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.
(4) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others for the construction, purchase or maintenance of range improvements.
(b) Grazing leases.
(c) Appropriation of water.
(d) Soil and moisture conservation; control of halogeton glomeratus.
(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8 *Forest management.* The district manager may take all the actions on:
(a) Disposition of forest products except sales of timber in excess of 10,000,000 feet board measure must be approved by State Directors or their delegates prior to advertisement.
(c) In Oregon, cutting of timber on certain mining claims.
(d) Roads.

SEC. 3.9 *Land use.* The district manager may take all the listed action on:
(g) Material other-than forest products except sales in excess of $1,000 must be approved by the State Directors or their delegates.
(m) Rights-of-way. Grant logging road rights-of-way over public land west of Range 8 East, Willamette Meridian, Oregon, and rights-of-way over public and acquired land pursuant to 43 CFR 244.53.
(o) Special land-use permits.
(1) Issue special land-use permits for public lands within the grazing and forest districts.
(2) Special land-use permits for revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands in Oregon.
(3) Special land-use permits for lands outside established grazing and forest districts when specifically authorized by the State Director.

PART IV—REDELEGATIONS OF AUTHORITY TO THE CHIEF, DIVISION OF FIELD SERVICES.

AUTHORITY IN GENERAL

SEC. 4.0 *Functions of Chief, Division of Field Services.* (a) In accordance with the existing policies, regulations and procedures of this Department, and under the direct supervision of the Assistant Director—Operating Services, the Chief, Division of Field Services of the Bureau of Land Management and the Chiefs of Branches of this Division are authorized to perform in their geographical areas of jurisdiction, the functions of the Director, Bureau of Land Management, as listed in Part I of this order and irrespective of geographical limitations all authority of the Director in the matters listed in section 4.10 of Part IV of this order unless specifically limited.
(b) Limitations. In addition to limitations on authority in specified matters, the authority delegated to the Chief, Division of Field Services shall not include:
(1) The issuance of documents which are amendments of or additions to the Code of Federal Regulations.
(2) The exercise of the supervisory powers of the Secretary, whether by way of appeal to the Secretary or otherwise.
(3) Approval of exchanges of land or of timber for land if the selected lands exceed either 2,000 acres in area or $50,000 in value unless prior clearance is obtained from the Office of the Assistant Director—Operating Services.

SEC. 4.1 *Authority to redelegate.* (a) The Chief, Division of Field Services may redelegate any authority vested in him by this order to any qualified employee in his area of jurisdiction, except the authority to appoint the acting Chief, Division of Field Services. Any order of redelegation of authority pursuant to this section must be approved by the Assistant Director—Operating Services and published in the FEDERAL REGISTER.
(b) Any authority redelegated by the Chief, Division of Field Services may, in his discretion, be exercised personally by him, notwithstanding the redelegation of authority.

AUTHORITY IN SPECIFIED MATTERS

The Chief, Division of Field Services may take all actions on matters listed in sections 1.2 through 1.9 of Part I of this order and section 4.10 subject to the limitations listed in Part I, together with any specific limitations listed below.

SEC. 4.2 *General and miscellaneous matters.* The Chief, Division of Field Services may take all actions listed under this section of Part I of this order, except:
(e) Government contests. The presentation of the Government's case at the hearing.

SEC. 4.3 *Fiscal affairs.* The Chief, Division of Field Services may take all actions listed under this section of Part I of this order, except:
(a)(2) Expend funds made available as a result of the forfeiture of a bond or deposit by a timber purchaser or permittee or of a compromise under the Public Land Administration Act (43 U.S.C. 1381).
(d)(1) Make recommendations to the U.S. Attorney for institution or compromise of suits arising out of trespass.

SEC. 4.4 *Cadastral engineering.* The Chief, Division of Field Services may take all actions listed under this section of Part I.

SEC. 4.5 *Classifications and withdrawals.* The Chief, Division of Field Services may take all actions listed under this section of Part I.

SEC. 4.6 *Minerals.* The Chief, Division of Field Services may take all actions listed under this section of Part I.

SEC. 4.7 *Range management.* The Chief, Division of Field Services may take all actions listed under this section of Part I.

SEC. 4.8 *Forest management.* The Chief, Division of Field Services may take all actions listed under this section of Part I.

SEC. 4.9 *Land use.* The Chief, Division of Field Services may take all actions on matters listed under this section of Part I except:
(d) *Exchanges.* Subject to title opinion of the Field Solicitor.

SEC. 4.10 *Miscellaneous matters.* The Chief, Division of Field Services may take the following actions:
(a) *Drainage entries.* Take all actions on Arkansas and Minnesota drainage entries, in accordance with 43 CFR Parts 117 and 118, respectively.

(b) *Amendments of entries and patents.*
(c) *Patents.* Issue patents or their equivalent for grants of land under the authority of the Government to be issued in the name of the United States, other than patents or other conveyances which require the approval or signature of the President. Patents may be signed by the Chief of the Patent Section, or in his absence, by the Acting Chief of that section.
(d) *Cash and credit system.* Take all actions on cash and credit system and preemption entries when full payment has been made.
(e) *Private land and small holding claims.* Take all actions on:
(1) Confirmed private land claims.
(2) Small holding claims.
(f) *Railroad grants.* Approve the validity of the grant rights in regard to railroad grants and claims within such grants pursuant to 43 CFR, Part 273.
(g) *Certificates, scrip and lieu selections.* Approve the validity of scrip or other rights pursuant to 43 CFR, Parts 130 to 133, inclusive.
(h) *Disposal of specified tracts.* Take all actions in regard to the disposal of specified tracts of public lands when authorized by law.

SEC. 4.11 *Designation of acting officials.* The Chief, Division of Field Services may designate:
(a) Acting Chief, Division of Field Services. By written order, any qualified employee in his office to perform the functions of the Chief, Division of Field Services, in case of death, resignation, absence, or sickness of the Chief, Division of Field Services.
(b) Each employee who serves in such capacity in (a) above, shall prepare a memorandum to be kept in the office of the Division of Field Services, showing the date and hour of the commencement and termination of each period of his service in that capacity.

PART V—REDELEGATIONS OF AUTHORITY TO THE CHIEF, DIVISION OF ENGINEERING

AUTHORITY IN GENERAL

SEC. 5.0 *Functions of Chief, Division of Engineering.* (a) In accordance with existing policies, regulations and procedures of this Department, and under the direct supervision of the Assistant Director—Operating Services, the Chief, Division of Engineering of the Bureau of Land Management is authorized to perform all functions and sign for and on behalf of the Director all documents relating to (1) appointment of mineral surveyors, (2) acceptance of all types of surveys, and (3) approval of all types of protracted surveys.

PART VI—AUTHORITY OF HEARING EXAMINERS

AUTHORITY IN GENERAL

SEC. 6.0 *Functions of hearing examiners.* (a) Hearing examiners in cases before them for hearing and decision are authorized to exercise the powers and authority enumerated in the Federal Range Code (43 CFR Part 161) or the general rules of practice (43 CFR Part 221), whichever may be applicable, or as specified in an order or decision of the Director or Secretary in any case.[1]

AUTHORITY IN SPECIFIED MATTERS

SEC. 6.1 *Reporter's fees.* Hearing examiners in accordance with 43 CFR 221.17 and 221.75, are authorized to take all actions on payments for reporter's fees required of parties to hearings, including action upon requests of parties to be relieved of such payments.

SEC. 6.2 *Copies of records.* Hearing examiners, in accordance with existing policies, regulations and procedures of this Department, are authorized to furnish copies and exemplifications of records, including their decisions and orders.

SEC. 6.3 *Bonds.* Hearing examiners are authorized to determine the amount of any bond required pursuant to 43 CFR 185.178.

PART VII—APPEALS

SEC. 7.1 *Right of Appeal.* Any person aggrieved by the action of a State Director, Chief, Division of Field Services, hearing examiner, land office manager, district manager or their delegate may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to 43 CFR, Parts 161 and 221.

PART VIII—REVOCATION

Bureau of Land Management Orders No. 541, 638, and 645, as amended, are hereby revoked. Redelegations of authority pursuant to Order No. 541, not inconsistent with the delegations herein made, shall continue in force until revoked or superseded.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-8351; Filed, Aug. 30, 1961; 8:51 a.m.]

[1] The powers enumerated in Sec. 7(b) of the Administrative Procedure Act (5 U.S.C. 1001-1011 are by the terms thereof vested in the hearing examiner in any case in which the parties must be afforded opportunity for a hearing conforming with the Act.

Bureau of Mines

HELIUM ACTIVITY

Redelegations of Contracting Authority

Pursuant to the authority delegated in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, the following redelegations are hereby made:

(1) The following officials of the Helium Activity are authorized to execute and approve contracts and purchase orders up to the amounts listed, subject to the special provisions and limitations in subparagraph 205.2.4A, Bureau of Mines Manual, Helium Activity Instructions, Release No. 7, dated April 21, 1961 (26 F.R. 3759):

Division Chiefs	$100,000
Chief, Branch of Property Management	100,000
Plant Superintendents	500
Assistant Chief, Division of Administration	500

(2) The authority contained in paragraph (1) above may not be redelegated without the approval of the Assistant Director—Helium.
(3) Helium Activity Administrative Order No. 6, dated April 30, 1959 (24 F.R. 3960), is hereby rescinded.

Dated: July 18, 1961.

P. V. MULLINS,
General Manager, Helium Operations.

Approved:

JOE H. COOLEY,
Acting Assistant Director, Helium.

[F.R. Doc. 61-8332; Filed, Aug. 30, 1961; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION, INC.

Notice of Hearing on Application for Authorization To Make Charges for Inspection of Cattle

On June 4, 1943, the Texas and Southwestern Cattle Raisers Association, Inc., was issued an authorization under section 317 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 217a), to charge and collect reasonable and nondiscriminatory fees, to be paid by the owners of livestock inspected, for the inspection of brands, marks, and other identifying characteristics of livestock sold or offered for sale at those markets at whch the said Texas and Southwestern Cattle Raisers Association, Inc., is registered as a market agency to determine the ownership of the livestock. The Judicial Officer of the Department, on June 28, 1961, after notice and public hearing, issued an order revoking the authorization to, and the registrations of, the Texas and Southwestern Cattle Raisers Association, effective September 1, 1961. By further order, the effective date of such revocation was postponed to November 1, 1961. The Judicial Officer, in his Decision and Order, stated that such Order does not prevent the Texas and Southwestern Cattle Raisers Association, Inc., from applying for another authorization of a limited nature.

The Texas and Southwestern Cattle Raisers Association, Inc., pursuant to the provisions of said section 317 of the Packers and Stockyards Act, 1921, has made written application to the Secretary of Agriculture for a new authorization to charge and collect at posted stockyards a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of cattle, exclusive of baby calves of dairy breeds less than one month of age, originating in or shipped from the State of Texas, for the purpose of determining the ownership of such cattle.

Notice is hereby given that a hearing will be held in The Lower Colorado River Authority Building, 3600 Lake Drive, Austin, Texas, on September 18, 19, and

20 at 10:00 a.m., central standard time, for the purpose of obtaining information to enable the Department to determine whether the requested authorization or some modification thereof should be granted to Texas and Southwestern Cattle Raisers Association, Inc.

At the hearing all interested persons will be given the opportunity to present any data, views, or arguments concerning this matter, either in person or by attorney. Any persons who desire to be heard should notify the Director, Packers and Stockyards Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., on or before September 13, 1961, so that arrangements may be made for the scheduling of witnesses. Written statements or briefs may be submitted at the hearing or to said Director on or before September 27, 1961. Any written statements or briefs should be filed in quadruplicate.

Done at Washington, D.C., this 25th day of August 1961.

S. R. SMITH,
Administrator,
Agricultural Marketing Service.

[F.R. Doc. 61-8343; Filed, Aug. 30, 1961; 8:49 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Texas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Cameron.	Starr.
Hidalgo.	Willacy.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this 25th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-8347; Filed, Aug. 30, 1961; 8:50 a.m.]

ARKANSAS AND IDAHO

Designation of Areas for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the States of Arkansas and Idaho a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Clay.

IDAHO

Adams.	Washington.
Valley.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of August 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-8346; Filed, Aug. 30, 1961; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to December 15, 1961, the latest completion date specified in Construction Permit No. CPPR-1 for the construction of the 163,000 kilowatt (electrical) pressurized water nuclear reactor to be located at Indian Point, New York.

Copies of the Commission's order and of the application by Consolidated Edison Company of New York, Inc., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 24th day of August 1961.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 61-8313; Filed, Aug. 30, 1961; 8:45 a.m.]

[Docket No. 70-154]

GENERAL ELECTRIC CO.

Notice of Issuance of Amendment to License SNM-130

By application dated December 23, 1960, as supplemented December 28, 1960, March 6, June 2, and June 28, 1961, the General Electric Company, Vallecitos Atomic Laboratory, San Jose, California, applied for an amendment to its Special Nuclear Material License SNM-130 which would authorize transportation of irradiated fuel elements principally from the Vallecitos Boiling Water Reactor and General Electric Test Reactor in a specified type of cask. The initial shipments will be from the Vallecitos Atomic Laboratory to the Commission's Idaho Chemical Reprocessing Plant.

The Commission has completed an evaluation of the shipping cask and related transportation procedures submitted by the applicant, and has found that, based upon the information and data submitted, the proposed transportation of irradiated fuel elements of the type described can be conducted without undue risk to the health and safety of the public. In making its evaluation the Commission used as criteria the standards contained in a draft of revised proposed 10 CFR Part 72, "Regulations to Protect Against Radiation in the Shipment of Irradiated Fuel Elements." These proposed regulations include requirements which cover general packaging, structural integrity, materials and methods of cask construction, shielding, criticality, heat removal, and operational testing.

Notice is hereby given that the Atomic Energy Commission has this date amended License SNM-130 to authorize the General Electric Company to ship irradiated VBWR and GETR fuel elements from the Company's Vallecitos Atomic Laboratory to the Commission's Idaho Chemical Processing Plant in the type of cask and in accordance with the procedures described in the Company's application and amendments thereto identified above, subject to the following conditions:

1. Prior to the transport of any fuel element having any break or defect in its cladding, the licensee shall completely enclose the fuel element in an internal fuel container, unless the fuel element can be carried in the cask without significant reaction or contamination of the primary coolant in excess of one-tenth of the permissible limits described in condition (8) below.

2. The licensee shall not tranport or cause to be transported irradiated fuel elements in any cask which the licensee knows or has reason to believe is defective in any respect having a potentially significant adverse effect on the efficiency of the cask.

3. The licensee shall not transport irradiated fuel elements until the tests described herein have been completed and the licensee has determined that the loaded cask complies with the conditions of the license.

4. Prior to the first use of the cask the licensee shall experimentally verify the calculated heat transfer characteristics under normal conditions of transport, shall determine the effectiveness of the cask shielding and shall establish the absence of cracks, pinholes, uncontrolled voids or other defects.

5. Prior to each shipment of any cask, the licensee shall determine that the external radiation levels of the loaded cask do not exceed 200 mr/hour at the accessible surface of the cask and 10 mr/hour at 1 meter from the accessible surface.

6. Prior to each shipment of any cask the licensee shall survey representative areas of the surface of the loaded cask for external contamination. Surface contamination shall not exceed 4000 disintegrations per minute per 100 square centimeters of beta-gamma activity or 500 disintegrations per minute per 100 square centimeters of alpha activity.

7. Prior to each shipment the licensee shall test the loaded cask with primary coolant in place for leaktightness using an internal pressure at least 50 percent higher than the maximum anticipated internal gauge pressure and in any event, not less than 5 pounds per square inch.

8. The licensee shall take a representative sample of the coolant prior to each shipment and at least 4 hours after the fuel elements have been loaded and the primary coolant is in place in the cask. The activity shall not exceed 10^{-5} curies of beta or gamma activity and 10^{-7} curies of alpha activity per milliliter.

9. The licensee shall perform periodic tests to establish that any built-in neutron poisons are effective in accordance with the approved cask design.

10. The licensee shall not transport or cause to be transported any cask containing irradiated fuel elements until the temperature of the cask and contents will comply with these maximum temperature limits: Accessible cask surface 180° F; liquid coolant 20° F below the boiling point; fuel element surface temperature no higher than the highest of the following: (a) 300° F; (b) The maximum temperature which the type of fuel element has maintained during at least 30 days of irradiation in an operating reactor, without failure of any portion of the fuel element, as measured directly or calculated from experimental data; or, if the type of fuel element has not been irradiated for at least 30 days, than the average temperature which the type of fuel element has maintained during the maximum period of irradiation and not less than two days; (c) 300° F below the failure temperature of the type of fuel elements, with due consideration for the irradiation and decay history of the fuel elements to be shipped in the cask. For the purpose of this section, failure temperature shall be considered to be the minimum temperature at which initially sound fuel elements of the character and amount being considered as the cask load will, within 48 hours, release to the primary coolant 100 curies of beta-gamma radioactivity or one curie of alpha radioactivity; In no case may failure temperature be taken as higher than the melting point of the fuel or cladding, whichever is lower. The cask shall be so loaded that, in the event liquid coolant should be lost, the maximum surface temperature of any fuel element will not exceed a temperature of 100° F above the temperature specified in (c) above.

11. The licensee shall determine that the internal pressure of the cask will not exceed 50 pounds per square inch gauge or 50 percent of the design pressure, whichever is less, under normal conditions of transport. The pressure relief valve shall be set to prevent exceeding 75 percent of the design pressure.

12. At least 20 days prior to the date each shipment or series of shipments is scheduled to be made, the licensee shall forward in writing the following information concerning the intended shipment or series of shipments, to the Director, Division of Licensing and Regulation, Washington 25, D.C., and to the Director, Division of Compliance, San Francisco Operations Office, Berkeley, California: Date of the proposed shipments, the proposed route, mode of transport and destination; type of cask and AEC license number under which the shipment is authorized; description of the irradiated fuel to be carried, including the type of fuel element, irradiation and cooling time, estimated maximum fission product content and estimated maximum heat output; any special conditions of shipments, such as any ruptured or leaking fuel elements, with special precautions to be taken.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details see (1) the application for license amendment dated December 23, 1960, and supplements thereto dated December 28, 1960, March 6, June 2, and June 28, 1961, submitted by General Electric Company, and (2) a hazards analysis of the proposed shipping cask and related transportation procedures, prepared by the Source and Special Nuclear Materials Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 24th day of August 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of Licensing and Regulation.

[F.R. Doc. 61-8314; Filed, Aug. 30, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 11879, 12197; Order No. E-17365]

CARGO RATE MATTERS

Agreement Adopted by Joint Conference of International Air Transport Association

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of August 1961.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), at a meeting held in Montreal May 1-15, 1961, and designated as Agreement C.A.B. 15384. This agreement establishes the cargo rate structure to be applicable on the Atlantic for the period September 1, 1961 through March 31, 1963.[1] In addition, an agreement between the three United States flag transatlantic carriers, Agreement C.A.B. 15057, is here before the Board for disposition.[2]

The agreement adopted in Montreal proposes on the North Atlantic five weight break points in both directions up to the 1,000 kilogram level, and an additional weight break at 7,500 kilograms in the eastbound direction only. The rates reflect discounts from the under 45 kilogram rate ranging from 31 percent at 45 kilograms to 67 percent at 1,000 kilograms, and 69 percent for the high eastbound break point. The network of specific commodity rates now offered is to be curtailed by a substantial reduction in the number of commodity descriptions, although those descriptions which are retained appear to include certain commodities now moving in major volume and, in some instances, have been expanded to encompass one or more commodities now carried under descriptions to be eliminated. Rates for specific items at the minimum weight requirement of 45 kilograms are generally maintained at present levels, and range between 70 cents and 110 cents per kilogram, or 18.4 to 29 cents per ton-mile. In addition, high volume discounts are to be offered in a number of instances within the commodity rate structure itself, particularly in the westbound direction, at levels as low as 66 cents per kilogram or 17.4 cents per ton-mile.

The three United States transatlantic carriers, the Air Freight Forwarders Association, as well as a number of individual forwarders[3] have submitted comments on the agreement and on the question of whether or not it forms an appropriate basis for permitting the direct carriers to prohibit chartering of aircraft to forwarders in westbound

[1] The proposed rate structure for application of the mid Atlantic route follows generally the pattern of North Atlantic rates and is not discussed herein in view of the Board's limited interest in this area.

[2] Agreement C.A.B. 15057, Docket 12197, was filed by the three United States transatlantic carriers for effect from Apr. 10, 1961, the then anticipated expiry date of the North Atlantic cargo rate resolutions. This agreement was superseded by IATA agreements extending the validity of existing resolutions through Aug. 31, 1961, approved in Orders E-16635 of Apr. 10, 1961, and E-16871 of May 31, 1961, and subsequently by the agreement adopted in Montreal, and the application for approval thereof will be dismissed as moot.

[3] Additionally, comments were received from the Commerce & Industry Association of New York and several individual shippers and these comments have been considered by the Board in its analysis of the agreement.

transatlantic transportation.[4] Both Pan American and TWA believe the rate structure has a potential for generating a substantial increase in traffic volume, in the range of 35 to 50 percent, whereas Seaboard and the forwarders anticipate little stimulation of new cargo volume. On the question of distribution of traffic, Pan American anticipates that approximately 70 percent of total volume will move under the general cargo rate scale, Seaboard a lesser proportion in the range of 57 percent, and TWA makes no estimate in this regard. The forwarders, on the other hand, expect only a limited shift in traffic, no more than 10 percent, to the general cargo rates. They generally share the view, based essentially upon the lack of high volume discounts and the retention of specific commodity rates in allegedly major traffic markets, that the agreement is not responsive to the immediate need for greatly increased cargo volume. The forwarders contend further that the spread in rates of 2 cents per pound between the eastbound 1,000 and 7,500 kilogram weight breaks is inadequate as an incentive to the development of truly large volume business.

With respect to the matter of a prohibition against chartering aircraft to forwarders, Pan American believes the agreement warrants such action in the westbound direction and TWA in the eastbound direction as well. Seaboard and the forwarders, on the other hand, are opposed and urge retention of condition (d) as now attached to Resolution 045. The forwarders further express the opinion that approval of the agreement should be restricted to a limited period, at most no longer than one year, and request that the Board undertake a continuing study of the effect of the rate structure on traffic and yields to serve as a basis for evaluating the appropriateness of subsequently extending approval for the intended duration of the agreement.

In the Board's opinion, the proposed rate structure warrants approval as a significant step toward its ultimate objective which should contribute materially toward broadening the cargo market on the North Atlantic, although it admittedly falls short of the Board's announced criteria in certain respects.[5] No weight break is to be offered above 1,000 kilograms, except in the case of an eastbound break at 7,500 kilograms which may well be of only limited practical use to the forwarders in view of the narrow rate spread it provides. To this extent, maximum development of large volume business in scheduled service may be impeded. On the other hand, the structure provides a number of break points up to the 1,000-kilogram level which should afford the forwarders a considerable degree of flexibility for profitable consolidation within this span of volume and, in our opinion, an economic opportunity to develop new traffic.

It would appear that the agreement does, in fact, retain specific commodity rates which may well encompass a greater proportion of the total market than the Board envisaged. However, we do not believe that primary reliance upon the general cargo rate scale will be undermined to a critical extent since in a number of instances the rates for specific commodity items which are retained are set at levels exceeding the higher volume general cargo rates. Moreover, in several instances, high volume rates are provided within the specific commodity rate structure itself. Thus, rate spreads conducive to consolidation will be available for a considerable portion of the cargo for which commodity rates are provided, although the size of the rate spreads is more limited than would be the case were there no such specific commodity rates.

The question of whether or not the agreement provides a basis upon which to remove condition (d) from Resolution 045 and thereby to permit the prohibition of charters to forwarders is a close one. However, while we believe the forwarders' contentions are not without merit, the Board is of the opinion that the opportunities afforded under the agreed rate structure are of sufficient potential to lessen materially their need for charter availability. Accordingly, we are herein removing condition (d) from our approval of Resolution 045 insofar as it applies in westbound transportation from markets not primary to the United States. However, the Board intends to maintain continuing surveillance of westbound cargo transportation both as to the effectiveness and efficency with which the rate structure serves the market and the particular circumstances which have given rise to the problems encountered in this area. With respect to eastbound transportation, the Board finds no basis upon which to change its previously expressed view that the different circumstances here encountered, particularly the absence of possible dislocations in established markets, do not support the appropriateness of comparable action as regards charter availability in this direction.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions, contained in Agreement C.A.B. 15384, to be adverse to the public interest or in violation of the Act:

CAB No.	IATA No.	Title
R-1	001c	Special effectiveness resolution—Cargo.
R-3	002	Standard revalidation resolution.
R-4	023b	Rounding off cargo rates—Invalidating and amending.
R-5	501	Minimum charges for cargo.
R-9	554a	North Atlantic general cargo rates.
R-10	554b	Mid-Atlantic general cargo rates.
R-11	554c	South Atlantic general cargo rates.
R-12	570	Quantity discount (definition of "consignment").

2. The Board does not find the following resolutions, contained in Agreement C.A.B. 15384, to be adverse to the public interest or in violation of the Act, provided that approval thereof shall be subject to the conditions specified with respect to each:

CAB No.	IATA No.	Title
R-2	011h	2-year effectiveness escape.

Provided that copies of all notices received and sent pursuant to said resolution and copies of Minutes and/or Report of any meeting which may be held shall be submitted to the Board at the time of their circulation to the carriers.

CAB No.	IATA No.	Title
R-13	590	Commodity Rates Board—North Atlantic.

(1) Provided that copies of all minutes of the Commodity Rates Board meetings shall be submitted to the Civil Aeronautics Board at the time of their circulation to the members.

(2) Provided that approval of said resolution does not constitute approval of the rates adopted pursuant thereto, and

(a) Rates established pursuant to said resolution which are applicable in air transportation as defined by the Federal Aviation Act of 1958, or which are combinable with rates in air transportation, shall be filed with the Board under section 412 of the Act and approved by it prior to being placed in effect;

(b) The Board will not exercise jurisdiction with respect to rates adopted pursuant to said resolution except as provided in (a) above.

CAB No.	IATA No.	Title
R-14	590j	Specific commodity descriptions.
R-15	590k	Specific commodity rates—North Atlantic.
R-16	590m	Specific commodity rates—Mid-Atlantic.

Provided that approval of said resolutions shall not necessarily constitute approval of any specific commodity descriptions contained therein for purposes of tariff publication.

CAB No.	IATA No.	Title
R-6	508	Charges for stalls.
R-7	511a	Live animals.
R-8	514	Charges for attendants accompanying consignments.
R-19	594	Special rates for carriage of aircraft.
R-20	595	Special rates for valuable cargo—Revalidating and amending.
R-21	596	Newspapers and periodicals.
R-22	597	Carriage of human remains.

Provided that to the extent rates are published in the tariffs implementing these resolutions, the method of publishing such rates shall conform to Part 221 of the Board's Economic Regulations.

3. The Board finds that, on the basis of all facts presently known and the policy set forth in Order E-12304 of March 31, 1958, the following resolutions do not affect air transportation within the meaning of the Act:

CAB No.	IATA No.	Title
R-17	590n	Specific commodity rates—South Atlantic.
R-18	590q	Commodity Rates Board—Continuation of rates—South Atlantic.

4. The Board finds that its outstanding approval of Agreement C.A.B. 14684, R-25 (IATA Resolution 045), as contained in Order E-16295 of January 23, 1961, should be modified so as to remove condition (d) insofar as westbound transatlantic transportation is concerned.

5. The Board finds that the application for approval of Agreement C.A.B. 15057, Docket 12197, should be dismissed as moot.

Accordingly, it is ordered:

1. That portion of Agreement C.A.B. 15384 as set forth in finding paragraph 1 is approved.

2. That portion of Agreement C.A.B. 15384 as set forth in finding paragraph 2 is approved subject to the conditions stated therein.

3. That jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 15384 set forth in finding paragraph 3.

4. That the Board's approval of Agreement C.A.B. 14684, R-25, as set forth in Order E-16295 of January 23, 1961, is modified by amending condition (d) to read as follows:

(d) For charters in air transportation, as defined in the Act, Resolution 045 shall not prohibit the charter of aircraft to the United States international air freight forwarders, except insofar as westbound transportation on the North Atlantic is concerned.

5. That application for approval of Agreement C.A.B. 15057, Docket 12197, is dismissed.

6. That any air carrier party to the agreements, or any interested person, may, within 15 days from the date of service, submit statements in writing containing reasons deemed appropriate together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 61-8355; Filed, Aug. 30, 1961; 8:52 a.m.]

[4] Prior to the Conference and in an effort to avert a then-threatening open rate situation and facilitate an agreement, the Board announced its willingness to remove condition (d) attached to its approval of the IATA charter resolution, as it applies in the westbound direction, if the carriers concluded an agreement which would so warrant. Essentially, the Board contemplated the introduction of a number of weight break points between the 45- and 1,000-kilogram levels, representing the lighter volume shipments, and similarly break points between 1,000- and 7,500/10,000-kilogram levels, the limits of heavier volume shipments. The Board emphasized that primary reliance should be placed upon such a scale of volume discounts from the general cargo rates and that specific commodity rates should be limited to those clearly required for promotional or developmental purposes.

[5] It is the Board's conclusion that no useful purpose would be served by limiting approval as urged by the forwarders to a period short of that agreed to by the carriers.

FEDERAL POWER COMMISSION

[Project No. 2246]

CALIFORNIA

Notice of Land Withdrawal; Correction

AUGUST 25, 1961.

Notice of land withdrawal appearing in the FEDERAL REGISTER (24 F.R. 5198-9), issued June 25, 1959, is corrected to include under T. 15 N., R. 6 E., Mount Diablo Meridian, the SW¼ section 26.

JOSEPH GUTRIDE,
Secretary.

[F.R. Doc. 61-8321; Filed, Aug. 30, 1961; 8:46 a.m.]

[Docket No. E-7008]

GULF STATES UTILITIES CO.

Notice of Application; Correction

AUGUST 24, 1961.

In F.R. Doc. 61-8046, appearing at page 7845 of the issue for Wednesday, August 23, 1961, change the third sentence to read: "Said New Debentures will be sold pursuant to Applicant's proposed Indenture between Applicant and The American National Bank of Beaumont, Trustee, to be dated as of the first day of the month in which the New Debentures are issued."

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8322; Filed, Aug. 30, 1961; 8:46 a.m.]

[Docket No. E-7003]

SABINE RIVER AUTHORITY OF TEXAS AND SABINE RIVER AUTHORITY, STATE OF LOUISIANA

Notice of Declaration of Intention

AUGUST 24, 1961.

Public notice is hereby given that the Sabine River Authority of Texas, Orange, Texas, and the Sabine River Authority, State of Louisiana, Baton Rouge, Louisiana (Declarants), have filed a joint declaration of intention for an investigation under section 23(b) of the Federal Power Act (16 U.S.C. 817) with respect to the proposed construction by Declarants of a hydroelectric project (Docket No. E-7003), near Leesville, Louisiana, and Wiergate, Texas, about 156.5 river miles above the mouth of Sabine River to be known as the Toledo Bend project consisting of: an earthen dam with top of dam at elevation 182.5 feet above mean sea level and about 8,600 feet long with a maximum height about 110 feet; a gated concrete spillway 440 feet long with crest elevation 145 feet above mean sea level; intake structure integral with powerhouse; outdoor type power station with three 34,500-horsepower turbines operating for maximum design discharge of 16,000 cubic feet per second, average head 67.1 feet, and three 32,000-KVA generators with total installed capacity 86,500 kilowatts; reservoir with usable storage 1,554,000 acre-feet between elevations 162.2 and 172.0; and switchyard and appurtenant, mechanical and electrical facilities.

According to the declaration of intention, the proposed project will be constructed in the interest of water supply, hydroelectric power development, navigation and recreation.

The Commission will investigate the proposed construction and determine whether a license is required under the Federal Power Act. Any communication from persons interested in this matter may be submitted on or before October 16, 1961, to the Federal Power Commission, Washington 25, D.C. The declaration of intention is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-8323; Filed, Aug. 30, 1961; 8:46 a.m.]

PRESIDENT'S TASK FORCE ON EMPLOYEE-MANAGEMENT RELATIONS IN THE FEDERAL SERVICE

NOTICE OF HEARINGS

On June 22, 1961, the President designated a special task force to review and advise him on employee-management relations in the Federal service. The President asked the task force to study a "broad range of issues relating to federal employee-management relations, including but not limited to definition of appropriate employee organizations, standards for recognition of such organizations, matters upon which employee organizations may be appropriately consulted, and the participation of employees and employee-representatives in grievances and appeals."

The President specifically provided that in the course of this study employees and employee organization representatives, along with department and agency officials and other interested groups and citizens shall be given an opportunity to present their views for the consideration of the task force. Questionnaires on existing practices have been distributed to government agencies and departments and to employees organizations. As a further measure the task force will hold public hearings in Washington and six other cities.

As the task force is required to report to the President on November 30, 1961, it will be necessary to restrict the period of the hearings, but arrangements will be made to receive written statements from any persons or organizations that cannot be scheduled during the actual hearings.

1. *Place and date of hearings.*

City and Dates
Washington, D.C., Sept. 13 and 14, 1961.
New York City, Sept. 19, 1961.
Dallas, Sept. 19, 1961.
Chicago, Sept. 21, 1961.
Denver, Sept. 21, 1961.
Atlanta, Sept. 25, 1961.
San Francisco, Sept. 25, 1961.

2. *Purpose of hearings.* The hearings have been set up to obtain the views of interested individuals or groups on employee-management relations within the Federal civil service. Those appearing at the hearings may wish to speak, in accordance with their interests, on one or more of the following topics:

(a) The employee's right to join or not to join an employee organization, including protection against discrimination in the exercise of this right.

(b) Ways in which the Federal government should recognize and deal with employee organizations; type of organizations that should be recognized for this purpose; forms of recognition, e.g., exclusive, multiple, members-only.

(c) Ways in which the representative status of an employee organization may be established, e.g., by check of designations or authorizations, by an election, by other methods; the question as to whether an agency, prior to recognizing and dealing with an employee organization, should or may require the organization to establish that it represents a majority or a substantial number of employees.

(d) Criteria for determining an appropriate employee unit or grouping for dealing with employee organizations, e.g., government-wide, agency-wide, individual bureau, division, installation, craft or class, or other criteria.

(e) The use of government space or time for meetings of employee organizations, or for meetings between employees and management; other services to employee organizations.

(f) Matters which should come within the scope of dealings between employee organization and management officials; matters which should be excluded; matters which are or should be covered by statute as against matters which are or should be within the discretion of the Federal executive.

(g) Procedures to be adopted when agreement is not reached on conditions of employment or on grievances, e.g. third party intervention, mediation, arbitration, fact finding; permanent as against temporary panels.

(h) Ways in which understandings reached should be recorded, e.g., memo of understanding, exchange of letters, written agreement, executive order.

(i) The organization and representation of employee groups with special problems, such as guards, police, and security personnel; membership and participation in employee organizations by supervisory and policy making employees and officials.

(j) Safeguards to assure that the special consideration of the public service are met in employee-management relations in the Federal service; recognition of the limitations on officials of the executive branch to determine or modify policy formulated by the executive branch, matters bearing on the correlation of the interest of employee organizations with the public interest.

3. *Who may appear.* The views of citizens and organizations with an interest in the subject described above will be welcomed by the task force. The limitations on hearing time require that appearances be scheduled in advance. Any person or organization wishing to appear should write the Secretary of Labor, Washington, D.C., giving their name and address, stating their interest in this matter, the city in which they wish to appear, and the amount of time desired. Applications for appearance must be post-marked not later than September 1, 1961. Persons and organizations to be scheduled will be notified of the exact time and place of their appearance.

In the event it is not possible to allocate time to all who wish it, written statements will be solicited from all those who cannot be scheduled to appear. Any individual or organization may submit a written statement, without necessarily requesting permission to appear at the hearings.

4. *Written statements.* The task force wishes to encourage the submission of written statements in advance of the hearings. Such statement should be submitted in duplicate to the Secretary of Labor not later than September 8, 1961.

5. *Transcript.* A verbatim transcript of the hearings will be made. Persons may make arrangements with the official reporter to purchase copies of the transcript. A copy will also be available for inspection at the offices of the President's Task Force on Employee-Management Relations in the Federal Service, Veterans of Foreign Wars Building, 200 Maryland Avenue NE., Washington, D.C.

6. *Conduct of hearings.* The Secretary of Labor, chairman of the task force, will preside at the opening hearings in Washington, in the company of other members of the task force which is composed of the following officials: The Secretary of Defense, the Postmaster General, the Secretary of Labor, the Director of the Bureau of the Budget, the Chairman of the Civil Service Commission (task force vice-chairman), and the Special Counsel to the President. A member of the task force, or his alternate, will preside as chairman at each of the additional hearings.

7. *Who may attend.* All hearings scheduled by this announcement will be open to any member of the public.

8. *Further information.* Any requests for further information should be addressed to the Secretary of Labor, Washington, D.C.

Signed at Washington, D.C., this 25th day of August 1961.

ARTHUR J. GOLDBERG,
Chairman.

[F.R. Doc. 61-8334; Filed, Aug. 30, 1961; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3983]

CENTRAL OPERATING CO.

Notice of Filing Regarding Charter Amendment, Reduction of Par Value of Common Stock, and Payment of Dividend Out of Capital Surplus

AUGUST 24, 1961.

Notice is hereby given that Central Operating Company ("Central") New Haven, W. Va., a public-utility subsidiary company of American Electric Power Company, Inc. ("American"), a registered holding company, has filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(a) thereof and Rule 46(a) thereunder as applicable to the proposed transactions. Appalachian Power Company ("Appalachian") and Ohio Power Company ("Ohio Power"), also public-utility subsidiary companies of American, each own 50 percent of Central's outstanding $100 par value common stock and each purchased such stock for cash at $100 per share. All interested persons are referred to the declaration on file at the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central has on hand approximately $270,000 for which it has no foreseeable need and proposes to distribute this amount to its owner companies as a partial liquidating dividend payable out of capital surplus. In order to accomplish this, Central proposes to amend its Certificate of Incorporation to change the par value of its 80,000 authorized shares of common stock from $100 to $94 per share. This will result in transferring to capital surplus an aggregate of $270,000 applicable to the 45,000 outstanding shares of common stock. All legal fees and expenses in connection with the proposed transactions are estimated to aggregate not in excess of $250 and will be paid by Central. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 11, 1961, request this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by affidavit, or in the case of an attorney-at-law by certificate) filed or dispatched contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8336; Filed, Aug. 30, 1961; 8:49 a.m.]

[File No. 812-1241]

ROSENDALE FUND, INC.

Notice of Filing of Application for an Order of Exemption of Small Closed-End Investment Company

AUGUST 24, 1961.

Notice is hereby given that Rosendale Fund, Inc. Ulster County, N.Y. ("Applicant"), a corporation organized under the laws of the State of New York, has filed an application and amendments thereto pursuant to section 6(d) of the Investment Company Act of 1940 ("Act") and Rule 6d-1 promulgated thereunder, for an order of the Commission exempting it from the following provisions of the Act:

Section 7; section 8(b), except the requirement to file the information required by Items 3, 4, and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20(a); section 23(c); section 24(d) insofar as such section makes inapplicable the provisions of section 3(a)(11) of the Securities Act of 1933 to any securities of a registered investment company; section 30(a); section 30(b), except that Applicant shall, pursuant to section 30(b)(2), file with the Commission copies of all reports sent to stockholders pursuant to section 30(d) of which the annual reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30(e); section 30(f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32(a); provided, that the Applicant shall continue to comply with the provisions of section 6(d)(1) and 6(d)(2) of the Act and shall at all times maintain its classification as a closed-end company as defined in section 5(a)(2) of the Act.

The application makes the following representations:

Applicant, a closed-end, non-diversified management investment company, was organized on February 18, 1959. It has no operating or financial history. No securities of the company have been issued. Its authorized capital stock consists of 20,000 shares of $5.00 par value common stock. The company has issued no shares and has no securities outstanding. The company proposes to offer 18,000 shares of common stock solely to residents of the State of New York at a public offering price of $5.00 per share, aggregating $90,000. The company proposes to issue 580 shares to directors at $5.00 per share and has subscriptions for 1146 shares at the same price.

The company proposes to invest the proceeds from the sale of its stock in securities listed on the major stock exchanges throughout the United States and Canada and also in commodity contracts. The company does not propose to diversify its investments within the meaning of the Investment Company Act of 1940. Its fundamental investment policy will be to invest its funds primarily for short and long term capital appreciation rather than for income.

Section 6(d) of the Act provides that the Commission shall exempt a closed-end investment company from any or all provisions of the Act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6(e) of the Act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemptions be granted Applicant from the aforementioned provisions of the Act and the respective rules and regulations promulgated under each of such provisions with the exception of section 24(d) from which the Division recommends that no exemption be granted, and that Applicant shall be subject to all other provisions of the Act and rules and regulations thereunder as though Applicant were a registered investment company.

Notice is further given that any interested person may, not later than September 6, 1961 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 61-8337; Filed, Aug. 30, 1961; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 10-9d, Amdt. 1]

OFFICE OF THE DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE DEPUTY DIRECTOR, OFFICE OF LOAN PROCESSING

Delegation Relating to Financial Assistance

Delegation of Authority No. 10-9d (26 F.R. 3846), is hereby amended by:

1. Deleting subsection I.A. 2 in its entirety and substituting the following in lieu thereof:

2. To decline business and disaster loan applications, except when either the Regional Financial Assistance Division Chief or the Regional Director has recommended approval.

Effective date: August 10, 1961.

PIERRON R. LEEF,
Acting Director,
Office of Loan Processing.

[F.R. Doc. 61-8338; Filed, Aug. 30, 1961; 8:49 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EWALD WESTPHAL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property, and Location
Ewald Westphal Kamp-Lintfort, Germany; Claim No. 58102; Vesting Order No. 559; $2,121.57 in the Treasury of the United States.

Executed at Washington, D.C., on August 25, 1961.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Acting Director,
Office of Alien Property.

[F.R. Doc. 61-8353; Filed, Aug. 30, 1961; 8:51 a.m.]

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PART II

FEDERAL REGISTER

VOLUME 26 NUMBER 168

Washington, Thursday, August 31, 1961

Regulations Governing Small Business Investment Companies

Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

On July 8, 1961, notice of proposed rule making regarding the regulations governing the establishment and operation of small business investment companies under the Small Business Investment Act of 1958, as amended, was published in the FEDERAL REGISTER (26 F.R. 6155–6188). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so proposed with changes resulting from said consideration are hereby adopted as set forth below.

The subject regulations shall be effective upon publication in the FEDERAL REGISTER.

Dated: August 29, 1961.

JOHN E. HORNE,
Administrator.

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AUTHORITY: §§ 107.11 to 107.0106 issued under sec. 308, Pub. Law 85–699, 72 Stat. 694; 15 U.S.C. 687.

§ 107.11 Scope of part.

(a) The Small Business Investment Act of 1958 became law August 21, 1958. Such Act has been amended by the Small Business Investment Act Amendments of 1960, which became effective June 11, 1960.

(b) The purpose of the Act is to improve and stimulate the national economy in general and the small business segment thereof in particular.

(c) This purpose is to be accomplished by the establishment of a program designed to stimulate and supplement the flow of private equity capital and long-term loan funds necessary for the sound financing of the business operations of small-business concerns and for their growth, expansion and modernization.

(d) Under the program:

(1) SBA will select and approve (license) private corporations (chartered under State law to conduct the activities described in subparagraph (2) of this paragraph) which shall thereupon become eligible for (i) financial assistance from SBA under the Act, (ii) discretionary exemptions under the Securities Act of 1933 and the Trust Indenture Act of 1939, as well as a specified exemption under the Investment Company Act of 1940, (iii) such further benefits and privileges as may ever be provided by Federal or State laws for corporations licensed by SBA under the Act, and (iv) tax benefits specified under the Technical Amendments Act of 1958, as amended in 1959. The stockholders of such corporations are eligible also for tax benefits specified under the Technical Amendments Act of 1958.

References:

1. Securities Act of 1933, 15 U.S.C.A. secs. 77a–77aa.
2. Trust Indenture Act of 1939, 15 U.S.C.A. secs. 77aaa–77bbbb.
3. Investment Company Act of 1940, 15 U.S.C.A. secs. 80a–1—80a–52.
4. Securities and Exchange Commission Regulations issued pursuant to the above Acts relating to small business investment companies.
5. Section 57, Technical Amendments Act of 1958, Public Law 85–866, as amended by Public Law 86–376, 73 Stat. 700.
6. Personal Holding Company Tax Section 541, Internal Revenue Code of 1954, 26 U.S.C.A. secs. 541–547.
7. Sections 1.541–1—1.547–7 of the Income Tax Regulations of the Treasury Department (26 CFR 1.541–1 to 1.547–7) as amended.
8. State incorporation laws.
9. Bank Holding Company Act of 1956, 12 U.S.C.A. secs. 1841–1848.
10. Regulations of the Federal Reserve Board under Bank Holding Company Act, 12 CFR 222.1–222.108, and in particular, Regulation 222.107.

(2) Private corporations are to be chartered under State law for the specific purpose of providing funds to small business concerns (as defined by SBA) through the purchase of Equity Securities (as defined in § 107.501) of such concerns and through the disbursement of long-term loans to such concerns. Such corporations will be authorized to provide consulting and advisory services to small business concerns on a fee basis for such services actually rendered. All of said activities will be subject to regulations prescribed by SBA. The corporations will be examined by SBA and will make reports as and when required by SBA.

(e) The program will be administered in such a manner as to insure the maximum participation of private financing sources.

(f) Any financial assistance provided under the Act cannot result in a substantial increase of unemployment in any area of the country.

(g) The program will be administered by SBA through its Small Business Investment Division.

(h) The provisions of section 16 of the Small Business Act are extended specifically to the functions under the Small Business Investment Act of 1958. That section requires that whoever makes a statement knowing it to be false, or willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of SBA, or for the purpose of obtaining money, property, or anything of value, shall be punished by fine or imprisonment or both.

§ 107.12 Definitions.

Act. "Act" means the Small Business Investment Act of 1958, as amended.

Administrator. "Administrator" means the Administrator of SBA.

License. "License" means the grant (evidenced by a certificate issued to the Licensee and registered in the Washington office of SBA) by SBA to a Proposed Operator, in consideration of the representations and offers contained in the License Application, of authority to conduct its business, in the territory described in the License, in accordance with and subject to the provisions and purpose of the Act and regulations of SBA prescribed thereunder; and includes the privilege of receiving financial assistance under the Act and qualifies such Licensee and its stockholders for any and all other rights, privileges and benefits available to a Licensee and its stockholders under the provisions of the Act or any other Federal or State laws.

License Application. "License Application" means the request to SBA for a License, by the Proposed Operator, executed and submitted on SBA Form No. 415, which shall incorporate by reference the Proposal as a part of said request.

Licensee. "Licensee" means a corporation which: Is enfranchised and chartered under State law, to conduct (in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to regulations prescribed by SBA under the Act) in the territory in which its operations are to be carried on, only the activities described under Title III of the Act; has executed and submitted a License Application; and, has been granted a License.

Operating territory or area. "Operating territory," "area in which operations are to be carried on," "areas in which Licensee operates," and similar terms, mean the territorial area or areas in which a Licensee is authorized by the terms of its License to purchase Equity Securities (as defined in § 107.501) from, to make loans to, and to provide consulting and advisory services to any small business concern (regardless of the residence, domicile, place of business, or location of the property of such small business concern) so long as such purchase, loan or service does not constitute or involve doing business in any State not included in said territorial area or areas so as to require the Licensee to register or otherwise comply with the laws of such State as a foreign corporation.

Proponents. "Proponents" means individuals or other entities which execute and submit a Proposal.

Proposal. "Proposal" means the information and representations contained in SBA Form No. 414, submitted by Proponents with the request that SBA consider the same and issue an approval for the Proponents to proceed with all action (including the incorporation of the Proposed Operator) necessary to qualify the Proposed Operator for execution and submission of a License Application. A Proposal is in effect a preliminary License Application (see definition of "License Application").

Proposed Operator. "Proposed Operator" means the company identified and described in a particular Proposal and recommended therein as a prospective Licensee.

SBA. "SBA" means the Small Business Administration.

SBID. "SBID" means the Small Business Investment Division of SBA.

Small business concern. For the purpose of size, a "small business concern" is one which meets the applicable standards and criteria set forth under Part 121 of this chapter.

PROPOSAL

§ 107.101 Information, instructions and forms.

Detailed printed information, instructions and SBID Forms covering the procedure and basic requirements in the grant of a License, may be obtained from SBID through the Washington or any Regional or Field Office of SBA.

§ 107.102 Proposal.

(a) A Proposal shall be submitted on SBA Form No. 414[1] to SBID through a Regional Office of SBA.

(b) Such proposal shall include such further matters, in addition to those matters required by SBA Form 414, as SBA may require by regulation or otherwise or which may be submitted by the Proponents as part of the Proposal.

(c) In considering whether to issue a License to a Proposed Operator, due regard will be given, among other things, to the need for financing of small business concerns of the type intended to be assisted by the Proposed Operator, provided the License shall not grant to the Licensee any exclusive right in any area or areas set forth therein.

(d) Counsel for the Proponents or Proposed Operator shall submit as a part of the Proposal his opinion that, among other things, the Proposed Operator is or can be chartered under State law to conduct (in the territory in which its operations are to be carried on) only the activities described under Title III of the Act, in accordance with and subject to the provisions and purpose of the Act and in accordance with and subject to regulations prescribed by SBA under the Act.

(e) Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(f) The submission of a Proposal shall constitute an authority to SBA to proceed with the consideration thereof and to conduct without liability to SBA or anyone acting for or on behalf of SBA, any investigations and inquiries with respect to any or all matters, individuals or other entities referred to in the Proposal, as may be determined by SBA.

(g) After consideration of a Proposal SBA shall notify the Proponents, either:

(1) That the Proponents may proceed with all action necessary to qualify the Proposed Operator for execution and submission of a License Application; which action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice from SBA, unless such period is extended by SBA; and SBA shall be committed by said approval to issue a license if the terms and conditions of the approved proposal are completed; or

(2) That such Proposal is insufficient.

(i) If, in the opinion of SBA, the sufficiency of such Proposal cannot be established through further information or action, SBA shall close the same and so notify the Proponents.

(ii) If, in the opinion of SBA, the sufficiency of such Proposal may be established through further information or action, SBA shall simultaneously with such notice allot a period of time within which the Proponents may endeavor to establish the sufficiency of such Proposal and resubmit the same.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient or a rejected Proposal which is not resubmitted within any such allotted period, shall be closed permanently by SBA and the Proponents so notified.

§ 107.103 Preliminary approval of corporate instruments and proceedings.

Unless and until SBA gives written notice to the Proponents that it does not object to the instruments and proceedings contemplated for use in the organization or qualification of the Proposed Operator as a Licensee, said Proponents should not take any final action to conclude any such organization and qualification.

§ 107.104 Charter requirements.

The charter of a Licensee shall constitute a grant of being or continued existence as a corporate entity, by a State, in the form of a permit or certificate of incorporation or amendment or otherwise, with the specific and sole powers and authority recited below. Such powers and authority can be expressed and granted in any manner consistent with the laws of such State and

[1] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 414, Proposal To Operate a Small Business Investment Company, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

requirements of the State officials charged with such responsibilities, provided that each such charter shall contain the following provision:

This corporation is organized and chartered expressly for the purpose of operating under the Small Business Investment Act of 1958, as amended, and will operate in the manner and shall have the powers, responsibilities and be subject to the limitations provided by said Act and the regulations issued by the Small Business Administration thereunder.

Said powers and authority shall be as follows:

(a) To act under a particular name;

(b) To issue a maximum number of shares of one or more types of its stock;

(c) To borrow money and issue its debenture bonds, promissory notes, or other obligations under such general conditions and subject to such limitations and regulations as SBA may prescribe;

(d) To provide equity capital to small-business concerns (as defined by SBA) under the conditions authorized by section 304 of the Act and regulations, with the right to sell or dispose of securities so acquired in such manner and under such terms and conditions as the Licensee shall determine.

(e) To make long-term loans (as defined by SBA) to small-business concerns (as defined by SBA) for the purposes and in the manner and subject to the conditions described in section 305 of the Act; with the right to sell or dispose of such loans in such manner and under such terms and conditions as the Licensee shall determine;

(f) To acquire and make commitments for obligations and securities of a single enterprise only within the limitations established by section 306 of the Act, unless such limitations are waived by SBA;

(g) To undertake its operations in cooperation with banks or other financial institutions, as contemplated under section 308(a) of the Act;

(h) To provide consulting and advisory services to small business concerns on a fee basis;

(i) To invest funds not reasonably needed for its current operations only in direct obligations of, or obligations guaranteed as to principal and interest by, the United States;

(j) To conduct its operations in accordance with and subject to regulations prescribed by SBA;

(k) To submit to and pay for examinations made by direction of SBA by examiners selected, employed or approved by SBA;

(l) To make reports to SBA at such times and in such form as SBA may require;

(m) To conduct its operations in a specified area or areas, without limitation, however, as to the residence, domicile, or place of business of parties with which it transacts its business or otherwise deals;

(n) To regulate its business and conduct its affairs in a manner not inconsistent with the Act and regulations prescribed by SBA thereunder;

(o) To adopt and use a corporate seal;

(p) To have succession for a period of at least thirty years, subject to dissolution in accordance with State law; and subject to forfeiture of its License for violation of law or of regulation issued under the Act;

(q) To make contracts;

(r) To sue and be sued, complain, and defend in any court of law or equity;

(s) By its board of directors, to appoint such officers and employees as may be deemed proper, define their authority and duties, fix their compensation, require bonds of such of them as it deems advisable and fix the penalty thereof, dismiss such officers or employees, or any thereof, at pleasure, and appoint others to fill their places;

(t) To adopt bylaws regulating the manner in which its stock shall be transferred, its officers and employees appointed, its property transferred, and the privileges granted to it by law exercised and enjoyed;

(u) To maintain a principal office (which shall be designated in its Articles) and to establish branch offices or agencies within its operating territory, subject to the approval of SBA: *Provided, however,* That, whether to obtain a grant of power and authority from the State to establish branch offices or agencies shall be optional with the incorporators;

(v) To acquire, hold, operate, and dispose of any property (real, personal, or mixed) whenever necessary or appropriate to the carrying out of its lawful functions;

(w) To exercise such incidental powers as may reasonably be necessary to carry out the business for which the corporation is established.

§ 107.105 Waiver of paragraph required by § 107.104.

In the event SBA, for cause satisfactory to SBA, waives the inclusion in a Licensee's State charter of that portion of the general provision (set forth in the second sentence of § 107.104) which identifies the manner of operation, powers, responsibilities, and limitations of the Licensee by specific reference to the Act and regulations issued thereunder: The charter of such a Licensee, in lieu of such identification by reference, shall set forth specifically and in detail the manner of operation, powers, responsibilities, and limitations of the Licensee which are required of a Licensee as specified in and contemplated by the Act and regulations and to the extent and in a manner satisfactory to SBA. Further, any such Licensee shall, from time to time, amend its charter in order to conform its charter purpose, manner of operation, powers, responsibilities, and limitations with those contained in and contemplated by the Act and the regulations issued by SBA thereunder from time to time.

§ 107.106 Source of charter.

(a) The charter of a Licensee shall be obtained from the State in which the Licensee operates or if the Licensee operates in more than one State said charter shall be obtained from any State within the entire area or areas in which the Licensee operates.

(b) A Licensee conducting operations beyond the jurisdiction of the State from which it receives its charter, shall obtain authority or otherwise be entitled to conduct its activities in such other State or States in accordance with the provisions of its charter, the Act and regulations prescribed thereunder.

§ 107.107 Organization of a Licensee.

A Proposed Operator shall conform to the laws of the State of its incorporation with respect to the number and qualification of incorporators and directors.

LICENSE

§ 107.201 License Application.

(a) A License Application may be submitted upon SBA Form No. 415 [2] by the Proposed Operator only after issuance by SBA of the notice referred to under § 107.102(g)(1) and in accordance with instructions contained in such notice. Such License Application shall be submitted within 90 days after issuance of said notice.

(b) After submission of a License Application SBA will issue a License to the Proposed Operator if the representations, terms and conditions of the Proposal and any additional matters set forth in the notification by SBA to proceed are fully and exactly complied with.

§ 107.202 Prerequisites for issuance of License.

Prior to the issuance of a License, each Proposed Operator shall have:

(a) Executed and submitted a License Application.

(b) Received a corporate charter or franchise under State laws to operate as a Licensee.

(c) Submitted evidence satisfactory to SBA that it has a paid-in capital and paid-in surplus equal to at least $300,000 in cash or eligible Government securities as provided in § 107.302(a) (exclusive of organizational expenses) on hand or in escrow contingent solely on the issuance of a License, as required by section 302(a) of the Act (including any commitment of SBA as described under § 107.301).

§ 107.203 Necessity for and nature of License.

Only upon issuance by SBA of a License to a Proposed Operator, shall such corporation be authorized to operate under the Act. A License is not transferable in any manner.

§ 107.204 Fees for License.

A License fee of $100 shall be tendered to SBA by a Licensee, simultaneously with the filing of SBA Form 415.

[2] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 415, License Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C. and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

§ 107.205 Surrender of License.

A Licensee may apply to SBA for surrender of its License. Such surrender may be authorized under such conditions as may be required by SBA in connection therewith.

CAPITAL REQUIREMENTS

§ 107.301 Initial capital and surplus of Licensee.

(a) As a condition to the issuance of a License, the Proposed Operator shall have a paid-in capital and paid-in surplus, as required under § 107.202(c).

(b) The management of a Licensee shall encourage the maximum investment therein of private funds.

(c) To the extent that cash funds are not available to a Licensee from private sources to provide any amount of said initial minimum capital and surplus in excess of $150,000, SBA, upon request contained in the License Application, may purchase or agree to purchase debentures of such Licensee in an amount equal to such deficiency but not in excess of $150,000. Any such debentures (which may be prepaid by Licensee without penalty) so purchased by SBA under the provisions of section 302(a) of the Act shall be subordinate to any other debenture bonds, promissory notes, or other obligations which may be issued by such Licensee as determined by SBA, and while treated and accounted for as a debt transaction, shall be deemed a part of the paid-in capital and paid-in surplus of such Licensee for the statutory purposes of sections 302(a), 303(b), and 306 of the Act.

(d) The unavailability of such cash funds from private sources shall be deemed to exist upon submission by the Proposed Operator of a certificate that such funds are not available for the subject venture.

(e) Any such subordinated debentures of a Licensee purchased under section 302(a) of the Act shall contain such terms and conditions, including provisions with respect to subordination, as shall be determined by SBA. Such debentures shall be purchased from only one Licensee among Licensees having substantially the same beneficial ownership. Interest upon the amount of such debentures shall be at the rate of 5 percent per annum, and amortization shall commence no later than the beginning of the second half of the term thereof. Maturities shall not exceed twenty years.

(f) The agreement of SBA to purchase any such subordinated debentures of a Licensee to provide funds to satisfy the initial minimum capital and surplus requirements of a Licensee, under and in accordance with the provisions of section 302(a) of the Act, shall constitute the equivalent of cash in an amount equal to the amount of such SBA commitment, which amount shall thereupon be deemed to be paid in as a part of the initial minimum capital and surplus of such Licensee for the statutory purposes of sections 302(a), 303(b) and 306 of the Act. A commitment charge at the rate of one-twelfth of one percent of the principal amount of the commitment outstanding for each thirty-day period shall be paid to SBA by such Licensee beginning with the first day after the first thirty days following such commitment. Disbursement of such commitment shall be requested by the Licensee at any time prior to the end of one year but such commitment shall be reduced to the extent private equity funds are acquired for such purpose prior to any disbursement by SBA on account of such commitment.

(g) The proceeds derived from the sale of any such subordinated debentures of a Licensee under section 302(a) of the Act shall be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any funds to Licensee under authority of section 302(a) of the Act, and thereafter during period in which any such subordinated debentures remain unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such subordinated debentures were disbursed), equal in face value to no less than the unpaid principal of such subordinated debentures.

§ 107.302 Consideration for stock of Licensee.

(a) Shares of stock of any class in a Licensee which represent the initial minimum capital required by § 107.202(c) shall be issued by Licensee only in consideration for the simultaneous payment of cash or upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States. Shares of stock of any class in a Licensee which represent no part of the initial minimum capital and surplus required by § 107.202(c) may be issued in consideration for the simultaneous payment of cash; upon the simultaneous transfer to the Licensee of direct obligations of, or obligations guaranteed as to principal and interest by, the United States; as stock dividends; in connection with the reclassification of the stock of the Licensee; for services previously rendered to the Licensee; or for physical assets to be employed currently in the operation of the Licensee.

(b) Options upon the stock of a Licensee may be granted to an individual only upon approval of at least a majority of such Licensee's stockholders and only in lieu of salary or in payment for services actually rendered such Licensee, and only if:

(1) At the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option;

(2) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him;

(3) Such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of such Licensee. This subparagraph shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of five years from the date such option is granted. For purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(4) Such option by its terms is not exercisable after the expiration of ten years from the date such option is granted.

§ 107.303 Maintenance of unimpaired capital.

(a) Each Licensee shall maintain at all times an unimpaired capital.

(b) An impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent (50%) of the combined fully paid capital stock issued and outstanding and paid-in surplus. For the purpose of this determination, subordinated debentures issued to SBA pursuant to section 302(a) of the Act will not be considered a part of capital and surplus.

BORROWING BY SBIC

§ 107.401 Conditions and limitations upon borrowing power of Licensee.

(a) Without the prior consent of SBA, the ratio of the total amount of outstanding indebtedness of a Licensee to the paid-in capital and paid-in surplus (including the unpaid balance due SBA under any debentures acquired under section 302(a) of the Act) of such Licensee shall not exceed four to one.

(b) The Proposal shall set forth in detail the policy, plans, and all other information with respect to prospective borrowings, if any, to be made by a Proposed Operator as a Licensee from any source other than SBA.

§ 107.402 SBA operating loans to Licensees under section 303 of the Act.

(a) To the extent that a Licensee is unable to borrow or otherwise secure operating funds from private sources, SBA may lend or agree to lend to such Licensee funds for such purpose up to a total amount outstanding at any one time not in excess of fifty percent of the paid-in capital and paid-in surplus of such Licensee, including as a part of such capital and surplus any outstanding balance due SBA under subordinated debentures purchased by SBA under the provisions of section 302(a) of the Act.

(b) The unavailability of such funds from private sources shall be deemed to exist upon submission to SBA by the

Licensee of a certificate that the same are not available for such purpose.

(c) Such loans may be prepaid at any time without penalty. Interest upon such loans shall be at the rate of five percent per annum and the maturities thereof shall not exceed twenty years: *Provided, however,* That SBA in its discretion, may renew or extend the maturity thereof. In the absence of an amortization plan by the borrower satisfactory to SBA, said loans shall begin amortization during the final half of the term thereof; for example, if the maturity of such loan is ten years, then amortization shall begin in the sixth year of such loan at an amortization rate of not less than twenty percent per annum. Any such loan or loans made by SBA under the authority of section 303(b) of the Act shall contain such further terms and conditions as shall be determined by SBA.

§ 107.403 Purpose and loan requirements.

(a) The management of a Licensee should plan to use loan funds available under section 303(b) as a source of funds which may be obtained, repaid and obtained again as needed to protect its interest in its investments and loans until paid-in capital is available from private sources, thus obviating the necessity which would otherwise exist of maintaining substantial amounts of uninvested cash for such purposes. Loans under this section may be obtained by a Licensee in furtherance of its stated investment and loan policy. Disbursement of any such loans will be subject to the execution and delivery of the certificate required by § 107.709.

(b) The proceeds of any loan obtained by Licensee under the provisions of section 303(b) of the Act shall be used to provide equity capital and make long-term loans to small business concerns: *Provided, however,* That Licensee cannot use such proceeds for investments and loans involving enterprises which derive a substantial portion of their gross income from the sale of alcoholic beverages and accordingly within 30 days after the disbursement of any loan funds to Licensee under authority of section 303 (b) of the Act, and thereafter during the period in which any such loan, or any part thereof remains unpaid, the Licensee shall maintain assets consisting of cash, eligible Government obligations, and portfolio investments and loans involving enterprises which do not derive a substantial portion of their gross income from the sale of alcoholic beverages (exclusive of all investments and loans already in the Licensee's portfolio at the time that the proceeds of such loans were disbursed), equal in face value to no less than the unpaid principal of such loan.

EQUITY CAPITAL

§ 107.501 Equity capital for incorporated small business concerns.

(a) Each Licensee shall constitute a source of Equity Capital for incorporated small business concerns; which capital shall be supplied in a manner and under terms consistent with regulations of the Administration.

(b) "Equity Capital" means funds received by an incorporated small business concern from a Licensee as the consideration for the issuance of Equity Securities by such concern to such Licensee.

(c) "Equity Securities" means:

(1) Certificates of stock of any class; *Provided, however,* That whenever any such stock contains a right to convert to another class of stock or contains rights or privileges therein in the nature of stock warrants or options, no further stock purchase warrants, options or conversion rights shall be issued in connection therewith; and

(2) Instruments which evidence a debt and which provide a right or privilege to convert all or any portion of the debt instruments into stock of the small business concern, or provide nondetachable or detachable stock purchase warrants or options, or provide both a right or privilege to convert all or any part of the debt instruments into stock and also detachable stock purchase warrants or options: *Provided, however,* That no further stock purchase warrants, options or conversion rights shall be issued in connection therewith.

(d) Equity Securities which evidence a debt may be secured by collateral.

(e) A Licensee shall not purchase or acquire any type of Equity Securities if the purpose of such purchase or acquisition is to furnish the small business concern with financing for a period of less than five years' duration. Equity Securities shall not require repayments during the first five years at a rate exceeding an average of twenty percent of principal per annum.

(f) Equity Securities which evidence a debt shall have stated maturities of not less than five years and must be callable but on such terms as may be negotiated at the time of issuance of such Equity Securities, in whole or in part, by the issuer: *Provided,* That any right to convert the debt may be exercised prior to the effective date of such call. Such securities shall be acquired by a Licensee simultaneously with the disbursement of Equity Capital and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern in consideration for the amount of Equity Capital disbursed. Equity Securities which evidence a debt may comprise an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.

(g) Any redemption provisions of certificates of stock shall be on such terms as may be negotiated at the time of issuance thereof, provided the redemption provisions are exercisable, in whole or in part, upon three months' notice, and provided further that any such stock which contains conversion rights may be converted prior to the effective date of such redemption.

(h) Equity Securities with maturities of less than five years may be purchased or acquired by a Licensee when necessary to protect the interests of the Licensee in previously issued long-term Equity Securities provided that similar conditions and privileges covering the long-term Equity Securities shall otherwise apply thereto. Equity Securities with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee in previously issued Equity Securities" if the purpose of such short-term Equity Securities is to take care of normal short-term requirements of the small business concern.

(i) Equity Securities which are converted into stock shall be converted at a price or series of prices per share not less than the sound book value of such stock as determined at the time of the issuance of said securities: *Provided, however,* That the total purchase price of such stock which may be purchased at said price or series of prices per share shall not exceed the amount of Equity Capital provided by said securities plus the accrual of earned interest and charges on said Equity Capital to the date of conversion of said securities. "Sound book value," for the purposes hereof, shall be determined through consideration of all pertinent factors including the actual value of the assets of the small business concern and the relationship of the earnings of such concern to its invested capital.

(j) Stock purchase warrants or options issued in connection with Equity Securities shall expire not later than two years after the stated maturity date of such Equity Securities but in no event more than ten years from the date of the issuance of such Equity Securities.

(k) The purchase price per share of shares available under warrants or options acquired in connection with the purchase of Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the warrant or option is issued, and the total cost of such shares shall not exceed the total amount of Equity Capital provided by the Licensee at the same time as the warrant or option was issued, except as the warrant or option may provide for successive increases in the price per share of optioned shares.

(l) The purchase price per share of shares available under certificates of stock acquired as Equity Securities shall be at no less than the sound book value of such shares, as defined herein, at the time the certificates of stock are issued.

(m) Wherever Equity Securities involve debt, any Licensee may require small business concerns to refinance any or all of its outstanding indebtedness so that the Licensee is the only holder of any indebtedness of such concern.

(n) Wherever Equity Securities involve debt, any Licensee may require a small business concern to agree not to incur any additional indebtedness without first securing the approval of the Licensee and giving the Licensee the first opportunity to finance such additional indebtedness; *Provided, however,* That the Licensee shall allow appropriate exceptions for open account or other short-term credit.

(o) Whenever a Licensee purchases or acquires Equity Securities of a small business concern, such concern shall have the right, exercisable in whole or in such part as such concern may elect, at the time of the issuance of such Equity Securities, to become a stockholder-proprietor by investing in the capital stock of the Licensee in an amount not more than five per centum of the Equity Securities purchased or acquired by the Licensee. The price of such stock sold by the Licensee to the small business concern under this section shall not be more than the higher of (1) the book value determined in conformity with generally accepted accounting principles, or (2) the fair market value. Factors which may be taken into consideration in determining fair market value may include, among others, market quotations, recent public or private sales, and the liquidating value, earnings, and dividend record of the Licensee's stock.

(p) The maximum annual cost to the issuer of Equity Securities evidencing a debt charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to issuer as may be prescribed by applicable State or local law, or (2) such maximum annual cost to issuer as may be specified in the Licensee's Proposal and License Application. Cost to issuer includes all interest and discount, as well as all fees, commissions, charges, etc., against the issuer by the Licensee at the time the Equity Securities evidencing a debt are purchased, and such fees, charges, etc., shall be treated as additional discount for this purpose.

LONG-TERM LOANS

§ 107.601 Long-term loans by Licensee to small-business concerns.

(a) Each Licensee shall constitute also a source of funds for long-term loans for the sound financing of the operations, expansion and modernization of small business concerns. Such loans shall not provide any right in a Licensee to acquire any stock or other proprietary interest in the borrower, except through the medium of collateral security.

(b) A Licensee shall not make any such loan if the purpose of such loan is to furnish the small business concern with financing for a period of less than five years' duration.

(c) Any such loan shall have a stated maturity of not less than five years and all or any part of any such loan may be anticipated by the borrower on any interest payment date upon such terms as may be negotiated at the time of disbursement of the loan. The instrument or instruments evidencing any such loan shall be acquired by a Licensee simultaneously with the disbursement of the loan funds and shall evidence the total principal amount, and the interest rate, required to be paid by the small business concern, in consideration for the amount of loan funds disbursed. Any such loan may be evidenced by an instrument or instruments in such form and substance as may be negotiated between the Licensee and said concern consistent with the Act and regulations thereunder, provided that the maturity or maturities set forth in such instrument or instruments shall not require repayment of the total principal amount evidenced by such instrument or instruments during the first five years at a rate in excess of an average of twenty percent of the total principal thereof per annum. Whenever more than one instrument is employed, each instrument shall state on the face thereof the maturity date of the particular instrument and make reference to the maturity date(s) of the other instrument(s) involved in the disbursement.

(d) Loans with maturities of less than five years may be made by a Licensee to a borrower when necessary to protect the interests of the Licensee in previously issued long-term loans or Equity Securities. Loans with maturities of less than five years' duration will not be construed "to protect the interests of the Licensee" if the purpose of such short-term loan is to take care of normal short-term requirements of the small business concern.

(e) Any such loan shall have a maturity of not exceeding twenty years; and such loans shall be of such sound value, or so secured, as reasonably to assure repayment. The Licensee may extend the maturity of or renew any such loan for additional periods, not exceeding ten years, if the Licensee finds that such extension or renewal will aid in the orderly liquidation of such loan.

(f) The maximum annual cost to the borrower charged by any Licensee for average outstanding unpaid net funds advanced shall not exceed the lesser of (1) such maximum annual cost to borrower as may be prescribed by applicable State or local law, or (2) such maximum annual cost to borrower as may be specified in the Licensee's Proposal and License Application. Cost to borrower includes all interest and discount, as well as all fees, commissions, charges, etc., against the borrower by the Licensee at the time the loan is granted, and such fees, charges, etc., shall be treated as additional discount for this purpose.

(g) All loans shall be based upon negotiations between Licensees and small business concerns.

GENERAL PROVISIONS

§ 107.701 Amendments to Act and regulations.

A Licensee shall be subject to all existing and future provisions of the Act and regulations issued thereunder.

§ 107.702 Applicability of other laws, including disclosure to investors and stockholders.

Each Licensee shall comply with all applicable State or Federal law affecting its operation, including, but not limited to, any and all State or Federal law requiring Licensee to furnish its investors and shareholders with financial reports containing full and complete disclosure of all matters significant to their interests.

§ 107.703 Government liability.

(a) Nothing in the act or in any regulations issued thereunder or in any other provision of law shall be deemed to impose any obligation or liability on the United States Government or any agency thereof, including SBA, with respect to any obligations entered into, or stocks issued, or commitments made, by any Licensee, or with respect to any other matter involving a Licensee.

(b) No Licensee, in issuing or selling any security shall represent or imply in any manner whatsoever that such security has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof, and a statement to such effect shall be included in any solicitations to investors.

§ 107.704 Activities of Licensee.

(a) A Licensee shall engage in and conduct only the activities set forth in and contemplated under the Act and shall not engage in or conduct any other activities.

(b) A Licensee shall not amend its franchise authority to permit the conduct of any activities other than as recited above.

(c) (1) A Licensee shall not voluntarily at any time reduce or increase its paid-in capital and paid-in surplus without the prior written consent of SBA, and a Licensee shall not change its investment policy, plans to raise additional capital, borrowing or other plans, previously submitted to SBA in its Proposal or in any other document at any other time, without the prior written consent of SBA. Any change in the officers, directors, or owners of ten or more percent of its stock, as set forth in its Proposal or otherwise previously submitted to SBA, shall be reported immediately to SBA. All such changes shall be filed in the form of a post licensing amendment and subject to the approval of SBA as a condition for the continuance of the License of such Licensee. Any conditions imposed by SBA in connection with the latters shall be complied with by the Licensee.

(2) Without the prior written consent of SBA, a Licensee shall not have an officer or a director who at the same time is either an officer or director in any other Licensee, nor shall ten or more percent of the stock of any Licensee be owned or controlled, directly or indirectly, by any person owning or controlling, directly or indirectly, ten or more percent of the stock of any other Licensee: *Provided, however,* That an attorney performing legal services for Licensees may serve as secretary or clerk for more than one Licensee.

(d) Every Licensee which obtains investment advisory services or management services on a continuing basis, performed for, or supplied to such Licensee by any person or other entity other than the directors, officers or employees in their capacities as such shall contract in writing for such services and such written contract shall specifically:

(1) Describe such services;

(2) Describe all compensation to be paid thereunder;
(3) State the duration of the contract;
(4) Provide for its termination by the Licensee, without penalty, on not more than 60 days' written notice;
(5) Provide for its automatic termination in the event of its assignment by the person performing the service;
(6) Provide for full disclosure to all interested parties whenever the person performing such services performs services for small business concerns doing business with the Licensee;
(7) Be approved by a vote of a majority of the outstanding voting securities of the Licensee prior to such contract becoming effective; and
(8) Be approved annually by a vote of a majority of the outstanding voting securities of the Licensee or by the vote of a majority of its Board of Directors, including the approval vote of a majority of those members of the Board of Directors who are not parties to, or do not have a pecuniary interest, direct or indirect, in such contract.

Every Licensee shall furnish SBA, for informational and record purposes, with a copy of each contract to which the foregoing applies, on or before the effective date thereof. Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory or management services for purposes of this part.

(e) No financing or consulting or advisory services may be provided by a Licensee to a business concern unless the Licensee and such concern have executed SBA Form 480,[2] Size Status Declaration, and, based upon the information contained therein and otherwise, the Licensee has determined that the business concern is a small business within the meaning of the definition of "small business concern" set forth in § 107.12, or at the request of the Licensee or the concern, SBA has determined that the subject business concern is a small business concern within the meaning of § 107.12. In the event financing or services are approved by a Licensee for a small business concern, the Licensee shall retain the completed SBA Form 480, as a permanent part of the concern's record with the Licensee.

§ 107.705 Consulting and advisory services.

(a) Consulting and advisory services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern.

(b) Consulting and advisory services may be provided by a Licensee to only (1) those small business concerns which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) A Licensee may render consulting and advisory services to small business concerns for whom the Licensee does not provide financing: *Provided, however,* That such services shall not constitute a major source of the income of a Licensee (including as part of Licensee's income the net income, before Federal income taxes, of said Licensee's subsidiary corporation under § 107.706).

§ 107.706 Subsidiary corporation for consulting and advisory services.

(a) A Licensee may organize and establish a corporation which shall be, and remain, chartered for the sole and express purpose of providing consulting and advisory services to small business concerns subject to the provisions of the Act and the regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and cancelled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed one percent of the Licensee's paid-in capital and paid-in surplus.

(b) The parent-Licensee shall be responsible for compliance by its subsidiary corporation with the Act and the regulations. Reports submitted to SBA by the parent-Licensee shall reflect consolidated figures covering the activities of both the parent-Licensee and its subsidiary corporation, and the subsidiary corporation shall make such separate reports covering its activities to SBA as shall be required by SBA. The subsidiary corporation shall be subject to examinations by examiners selected or approved by SBA, and in the event of the failure by the subsidiary corporation to make reports or to submit to examinations as required by SBA, such failure by the subsidiary corporation may be acted upon by SBA as the failure of the parent-Licensee and shall subject the latter to any penalty provided in the Act or the regulations thereunder.

§ 107.707 Services to banks or other financial institutions.

A Licensee may render services for and receive compensation from banks or other financial institutions only in connection with the financing of, or the providing of consulting and advisory services to, a small business concern by the Licensee in participation or cooperation with such bank or other financial institution.

§ 107.708 Aggregate limitation on investments and loans.

Without the prior written approval of SBA, the aggregate amount of funds loaned to or invested in Equity Securities of any single small business concern, or for which commitments may be made, shall not exceed twenty percent of the combined paid-in capital and paid-in surplus of any Licensee (including in such Licensee's capital and surplus the outstanding amount of its SBA loan under section 302(a) of the Act).

§ 107.709 Conditions governing disbursement of SBA funds.

(a) Prior to the disbursement of any funds to a Licensee under the authority of section 302(a) or section 303(b) of the Act, the Licensee, by and through its duly authorized officer, shall execute and deliver to SBA the written certification and statement on SBA Form No. 420.[4]

(b) Such certificate and statement may be qualified with such information, explanation, and data as the parties thereto may determine and establish as a part thereof; *Provided, however,* That upon the inclusion in any such certificate and statement of any such qualifying material SBA may withhold disbursement of all or any portion of the funds involved pending consideration thereof by SBA, and after such consideration SBA may thereupon or subsequently cancel any commitment or other obligation to disburse all or any portion of the funds involved. If SBA shall determine, by examination or otherwise, that there is an impairment of capital, or that there has been a violation by the Licensee of any other provision of the regulations, SBA may withhold disbursement of all or any portion of the funds involved and may thereupon or subsequently cancel any commitment or obligation to disburse all or any part of the funds involved.

[2] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 480, Size Status Declaration, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

[4] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 420, Certification and Statement and Request for Funds, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(c) The loan application for SBA funds under section 302(a) of the Act shall be submitted as Part II of SBA Form 415. The loan application for SBA funds under section 303(b) of the Act shall be submitted on SBA Form 416.[5]

§ 107.710 Idle operating funds.

(a) A Licensee may invest funds not reasonably needed for current operations, only in direct obligations of, or obligations guaranteed as to principal and interest by, the United States.

(b) Funds of a Licensee not employed in accordance with the provisions of sections 304 and 305 of the Act and the regulations thereunder, and not invested in accordance with paragraph (a) of this section, shall be retained in cash by the Licensee or placed on demand deposit with a commercial bank which is a member of the Federal Deposit Insurance Corporation.

§ 107.711 Insurance.

(a) A Licensee shall maintain fidelity or such other types of bonds or insurance as shall be required by SBA.

(b) Each Licensee shall provide and maintain a fidelity bond in form acceptable to SBA covering each officer or employee who has control over or access to cash, securities, or other property of the Licensee. Such bond shall cover all such persons and shall be approved by the board of directors of the Licensee for the protection of the Licensee. Brokers Blanket Bond, Standard Form No. 14, or other bond containing equivalent surety provisions, will be acceptable to SBA. Each such bond must be executed by a surety holding a certificate of authority from the Secretary of the Treasury under the Act of Congress approved July 30, 1947 (6 U.S.C., secs. 6–13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned. In lieu of the foregoing, a Licensee which submits evidence satisfactory to SBA that it has suitable fidelity bond coverage in form and substance acceptable to SBA in an amount at least equal to the minimum coverage required for such company in the table set forth below may be considered as having met the requirements of this section upon written approval by SBA. The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets	*Minimum coverage*
Up to $300,000	$20,000
$300,001 to $400,000	25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(*)

* $225,000 plus $10,000 for each $1,000,000 or fraction thereof over $15,000,000, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1,000,000.

§ 107.712 Identification of Licensee.

(a) The corporate name shall be such as not to misinform or mislead interested parties and the public of the purpose and function of said company. Such corporate name shall not include the words "United States", "National", "Federal", "Reserve" or "Government." The name shall not be so similar to that of another organization as to imply association with any other organization without prior approval from such organization.

(b) Each Licensee shall display its original License in a prominent place in or about its principal office; and a copy thereof shall be displayed likewise in or about any branch office or agency. If the offices of the Licensee are within the offices of any other person, firm or entity, the name of the Licensee must appear on or at the entrance leading into such offices.

(c) Advertisements, annual statements, display signs, solicitations to investors, any communication made by or at the behest of a Licensee intended as a public statement by said Licensee, or any printed matter, including stationery imprinted with the name of the Licensee, shall identify that Licensee as "a Federal Licensee under the Small Business Investment Act of 1958."

§ 107.713 Common tenancy.

A Licensee shall not establish or maintain an office or place of doing business which is located in the same physical premises or place of business of any other Licensee. A Licensee shall not have a common private entrance or a private connecting door or entrance with any other Licensee.

§ 107.714 Branch offices and agencies.

A Licensee shall not establish any branches or agencies except with the prior approval of SBA. If the establishment of such branch or agency does not occur within 60 days of such approval, such approval will be withdrawn.

§ 107.715 Prohibited uses.

No funds may be provided by a Licensee for:

(a) Re-lending by the small business concern; nor may funds be provided to a small business concern if the business activity of such concern involves the investing, lending, or other providing of funds to others in exchange for an equity interest or monetary obligation.

(b) Purposes not contemplated by the Act;

(c) Purposes contrary to the public interest, including but not limited to gambling enterprises and activities, and any purpose which would encourage monopoly or be inconsistent with accepted standards of free competitive enterprise; or

(d) Use outside the States: *Provided, however,* That a Licensee may provide funds to a small business concern which is subject to State or Federal jurisdiction, (1) for use in the domestic production of products for distribution abroad, or to acquire abroad materials for such operation or (2) for use in its branch operations abroad or for transfer to its controlled foreign subsidiary in exchange for further equity interest in or the monetary obligation of such foreign subsidiary; so long as the major portion of the assets and activities of such concern, after funds are so employed, remains within the territorial jurisdiction of the States.

(e) Financing land speculations of small business concerns: *Provided, however,* That small business concerns may use funds for the acquisition and prompt development of land.

(f) Any corporation, individual, partnership, or any other entity, that is not engaged in a business operation conducted as a regular and continuous activity. The mere ownership of property, and the collection of rents, income or profits therefrom, shall not constitute a business operation. Buying and selling property on a regular and continuous basis may constitute operation of a business; but leasing of property shall not constitute a business operation unless the lessor is regularly and continuously engaged in performing services in connection with the operation or maintenance of such leased property.

(g) A small business concern which is a customer of a vendor, which vendor or any controlling person or group thereof controls the Licensee, if 50 percent or more of the funds (or funds of the small business concern released by such financing) are used by the small business concern to purchase items or services sold to the small business concern by such vendor. As used hereunder the term "controls" or "controlling" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a vendor or the Licensee, whether through the ownership of voting securities, by contract, or otherwise. Any person, corporation, or any other entity which owns beneficially, either directly or indirectly, 25 percentum or more of the voting securities of a vendor or Licensee shall be presumed to control such company.

§ 107.716 Self-dealing limitation.

(a) Self-dealing to the prejudice of SBA or the Licensee's shareholders is prohibited.

(b) Without the prior written approval of SBA, a Licensee shall not purchase Equity Securities of, or make a loan to, an officer or a director of the Licensee, or any person owning or controlling, directly or indirectly ten or more percent of the stock of said Licensee, or any close relative of such officer, director, or stock owner or controller, nor shall the Licen-

[5] Filed with the Federal Register Office as part of the original document. Copies of SBA Form 416, Loan Application, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

see purchase Equity Securities of or make a loan to any company in which such officer or director or such owner or controller of the Licensee's stock, or his close relative is an officer or director or owns or controls ten or more percent of the stock of such company: *Provided, further,* That without the prior written approval of SBA a Licensee shall not make such purchase of such securities or make such loan within six months after the termination of such officership or directorship in the Licensee, or within six months after the termination of such ownership or control of ten or more percent of the Licensee's stock. Nothing herein contained is intended to preclude a Licensee from permitting an officer, employee or representative from serving as a director, officer, or in any other capacity in the management of a small business concern for the purpose of protecting its investment in or loan to such concern.

EXAMINATIONS AND REPORTS

§ 107.301 Examinations.

(a) Each Licensee shall be subject to examination by SBA.

(b) Such examinations shall cover any and all matters as determined by SBA, and shall be conducted by SBA examiners or by any examiners selected or approved by SBA.

(c) The cost of each examination made by other than SBA examiners shall be paid by the Licensee involved; and the cost of any examination made by SBA examiners, including the compensation of such examiners, may, in the discretion of SBA, be assessed against the company examined and when so assessed shall be paid by such company.

(d) The time and manner of conducting any such examination shall be determined by SBA in each case.

(e) As such examination, SBA may accept an audit and examination [6] conducted by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or other political subdivisions of the United States which do not license public accountants, an independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA, and a report of such audit and examination containing the accountant's certificate required by § 107.302 with such additional information as may be requested by SBA.

§ 107.302 Reports.

(a) Each Licensee shall keep current financial records in accordance with generally accepted accounting principles. All such financial records and minutes of meetings of stockholders, directors, executive committees or other officials; and all files containing pertinent documents and supporting material employed by a Licensee with respect to any and all transactions of the Licensee shall be kept at its principal place of business: *Provided, however,* That there shall be excepted from the foregoing all portfolio items held by a custodian for Licensee pursuant to written custodian agreement. All financial reports furnished to SBA by Licensees shall make full and complete disclosure of all matters relevant to the Act and regulations.

(b) At the time any financial report (including any prospectus) is furnished to investors and shareholders of a Licensee, such Licensee shall submit to the Investment Administration Division, Small Business Administration, Washington 25, D.C., three (3) copies of such report.

(c) Each Licensee shall submit to SBA, at the end of the first six months period of each fiscal year, a report containing financial statements covering such six months period; at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an independent accountant's opinion on the financial statements for the fiscal year included therein, unless a different twelve-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit conducted in accordance with generally accepted auditing standards and shall be rendered by an independent certified public accountant; independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States; or, in States or political subdivisions of the United States which do not license public accountants, an independent public accountant of recognized standing with ten or more years of public accounting experience; selected or approved by SBA.

(2) The accountant's certificate shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the certificate. The accountant's certificate shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as normal, or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this section shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's certificate shall state clearly: (i) The opinion of the accountant in respect of the accounting principles and practices reflected in the financial statements and as to the fairness with which the financial statements present the financial position of the Licensee at the audit date and the results of its operations for the period; (ii) the opinion of the accountant as to any material changes in accounting principles or practices or method of applying the accounting principles or practices, or adjustments of the accounts, which affect comparability of such financial statements with those of prior or future periods; and (iii) the nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review. Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(d) The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468,[7] which is designed for submission in part or in its entirety. Part I requires statement of financial condition, statement of statutory capital and surplus, statement of income and expense, and statement of realized gain or loss on investments. Part II requires supporting Schedules 1 through 7, and Part III requires supporting Schedules 8 through 20. Part I, together with any schedule(s) of Parts II and III that may be specified, comprises the interim report required to be submitted, upon request by SBA, for any period of one month or more. Parts I and II comprise the report required to be submitted to SBA covering the first six months period of each fiscal year. Parts I, II, and III comprise the annual report required to be submitted to SBA covering the entire fiscal year. With the exception of the annual report, the Financial Report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the month immediately following the close of the period covered by the report

[6] See the Audit and Examination Guide for Small Business Investment Companies filed with the Federal Register Office as part of the original document.

The Audit and Examination Guide for Small Business Investment Companies has been prepared by SBA to inform Licensees and independent accountants engaged by them as to SBA's requirements concerning audits and examinations of SBICs. Copies of such Audit and Examination Guide are made available to Licensees and their independent accountants through the Office of the Chief, Investment Administration Division of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, of the Small Business Administration.

[7] Form filed as a part of the original document. Licensees required to file a registration statement under the Investment Company Act of 1940 should refer to the rules and forms promulgated by the Securities and Exchange Commission, Washington 25, D.C., concerning the applicability of this report in fulfilling the Commission's requirements for financial reports.

Such annual report shall be submitted in triplicate to the Investment Administration Division, Small Business Administration, Washington 25, D.C., on or before the last day of the third month following the close of the fiscal year to which such annual report relates. When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a consolidation of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional parts of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) The verification of the Financial Report shall bear the signature of the chief financial officer, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The date on which the signature is affixed shall be shown. When only Part I of the Financial Report is submitted, with or without any specified schedule(s) from Parts II and III, the signature shall be affixed in the space provided therefor in Part I; when Parts I and II of the Financial Report are submitted, the signature shall be placed in the space provided therefor in Part II and need not be affixed in Part I; and when Parts I, II, and III of the Financial Report are submitted, the signature shall be entered in the space provided therefor in Part III and need not be affixed in either Part I or Part II. When Parts I, II, and III are submitted, a secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors of the Licensee show that the Financial Report comprising Parts I, II, and III has been reviewed and approved by the board of directors. All three copies of the Financial Report to be furnished to the Small Business Administration shall bear the original signature(s) of the verifying officer(s) in ink.

(f) Whenever any assets are pledged as collateral or are earmarked for segregation under a negative pledge or similar agreement, the word "pledged" or the word "earmarked," as appropriate, together with the amount involved, shall be shown in parentheses immediately following the appropriate asset title in the statement of financial condition, and the identity of the assets pledged or earmarked shall be indicated in the supporting schedules. Whenever amounts are classified as "current" and "noncurrent," "current" shall refer to the amount maturing within one year and "noncurrent" shall refer to the amount maturing after one year. If, however, an amount will mature within one year but is not reasonably expected to be paid when due, it shall be classified as "noncurrent."

(g) Copies of the Financial Report, SBA Form 468, together with instructions, are available at the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

(h) The Financial Report, SBA Form 468, required to be used by all Licensees in making financial reports to SBA is designed to furnish the companies and SBA with the information needed for their respective purposes. The Financial Report, SBA Form 468,[8] and the instructions pertaining thereto are incorporated in and expressly made a part of this section.

(i) Each Licensee shall submit in triplicate to the Investment Division, Small Business Administration, Washington 25, D.C., at the end of the first six months' period of each fiscal year, and at the end of the second six months' period of each fiscal year, an activity report, showing by significant categories the amounts of the Licensee's loan and equity financing transactions for the period covered by the report, in accordance with the instructions thereto, for preparation of the Activity Report, SBA Form 477,[9] which form and instructions are incorporated in and expressly made a part of this section. The fiscal year to which such reports shall relate shall be for SBA purposes the period beginning April 1 and ending March 31. Such Activity Report shall be submitted on or before the last day of the month immediately following the close of the six months' period covered by such report.

(j) In addition to the reports required elsewhere in this section each Licensee shall, upon request by SBA, submit to the Investment Division, Small Business Administration, Washington 25, D.C., such other reports at such times and in such forms as SBA shall require.

[8] Form, as amended, filed with the Federal Register Office as part of the original document. Copies of SBA Form 468, Financial Report, as amended, together with amended instructions, are available at the office of the Deputy Administrator, Investment Division, of the Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the Office of the Deputy Administrator, Investment Division, Small Business Administration.

[9] Filed with the Federal Register Office as part of the original document. Copies of the Activity Report, SBA Form 477, together with instructions, are available at the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C., and at all Regional Offices of the Small Business Administration, the addresses of which offices may be obtained from the office of the Deputy Administrator, Investment Division, Small Business Administration, 811 Vermont Avenue NW., Washington 25, D.C.

COMPLIANCE AND ENFORCEMENT

§ 107.901 Enjoiner of violations.

Whenever in the judgment of SBA any person, including a Licensee, has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of the act or of any regulation thereunder, SBA may apply to a proper court for an order enjoining such act or practices or for an order enforcing compliance with such provision or regulation.

§ 107.902 Forfeiture of License.

Final determination by a court of the United States that a Licensee has violated or failed to comply with any of the provisions of the Act or regulations prescribed thereunder, shall thereupon effect a forfeiture of the License of such Licensee.

INTERPRETATIONS

§ 107.0100 Capital structure of licensees (interpreting section 302 of the Act).

Whenever capitalization of Licensee is to consist of more than one class of stock the voting rights and other rights and remedies may not be inequitable or discriminatory, and may not unduly concentrate control or management of the Licensee through pyramiding, inequitable methods, or inequitable distribution. Full disclosure of all voting rights and other rights and remedies of all classes of stock must be made to all shareholders prior to their purchase of stock.

§ 107.0101 Repayment of subordinated debentures (interpreting section 302 (a) of the Act).

(a) Repayment of subordinated debentures must be made in such manner as not to reduce paid-in capital and paid-in surplus below the statutory minimum. This minimum is set by section 302(a) of the Act at $300,000, and subordinated debentures are deemed to be a part of capital and surplus for the purpose (among other things) of providing this minimum.

(b) At the same time, the obligation of a Licensee to repay a subordinated debenture is absolute and binding, and is not limited to the availability of particular funds. For example, although subordinated debentures may be repaid from borrowed funds, such repayment may not be made unless paid-in capital and paid-in surplus is simultaneously maintained at or above the $300,000 level.

(c) Thus, Licensees should be aware of their obligations under the terms of the debenture, and these obligations should be provided for in a manner which will insure compliance with the minimum capital requirements imposed by section 302 of the Act.

§ 107.0102 Participation by SBA with a Licensee under section 7(a) of the Small Business Act in an SBIC loan (interpreting sections 302 and 303 of the Act).

Sections 302 and 303 of the Small Business Investment Act of 1958 limit the nature and degree of financial assistance which SBA is authorized to provide Licensees in conjunction with the financing which Licensees are empowered to render small business concerns. Under

these limitations SBA cannot participate with a Licensee under section 7(a) of the Small Business Act or otherwise in loans made by Licensee to small business concerns.

§ 107.0103 Aid for agriculture (interpreting sections 304 and 305 of the Act).

The program established by the Investment Act is to aid business concerns, and the assistance available through such program cannot provide financial or other assistance to concerns engaged in agricultural activities, namely, those involving the production of crops and livestock. In cooperation with the Department of Agriculture, SBA has established certain basic guidelines to aid in the determination whether an operation is a business or agricultural enterprise.

(a) Concerns engaged solely or primarily in the purchase and resale of commodities, the manufacture, processing or marketing of commodities, or the sale of services to the public are considered to be engaged in a business enterprise. This includes the purchase of fruits, vegetables and flowers for resale, the packaging, freezing, or processing by other means, of meats, fruits, and vegetables, the slaughter of livestock and poultry, the operation of warehouses and cold storage plants, feed mills, and the operation of a feed yard for cattle where income is derived from the service operation of housing and feeding the animals.

(b) Concerns engaged solely or primarily in the production of agricultural commodities are considered to be engaged in an agricultural enterprise, which normally involves the cultivation of the land for the production of food and fiber. This would include concerns producing field crops, livestock, and nursery crops.

(c) A concern which is engaged in an agricultural enterprise as well as a business enterprise will be classified according to the predominant part of its operations, considering the time devoted to agriculture and business and the income derived from each.

§ 107.0104 Short-term loans by a Licensee (interpreting § 107.601(d)).

The question has arisen as to whether a Licensee may purchase Equity Securities from a real estate developer-builder and follow up with a less than five-year maturity construction loan to such builder. Such a short-term loan would not be within the exception of § 107.601(d), permitting loans for terms of less than five years when necessary to protect the interest of a Licensee in an existing long-term loan, or Equity Securities. The exception for short-term loans is an emergency privilege which is available only if funds are otherwise unavailable and if necessary for the protection of a prior loan or investment.

§ 107.0105 Eligible investments for idle operating funds of SBICs (interpreting § 107.710).

Under the provisions of § 107.710 a Licensee may invest funds not reasonably needed for current operations in U.S. Treasury bonds, notes, certificates and bills; U.S. Savings bonds, Series E and Series H; and Federal Housing Administration debentures. Investment is not permitted in securities of the Federal Intermediate Credit Banks, Federal National Mortgage Association, Federal Home Loan Banks, Federal Land Banks, Banks for Cooperatives, or International Bank for Reconstruction and Development (World Bank).

§ 107.0106 Employment of funds provided small business concerns by Licensees (interpreting § 107.715(a)).

(a) The question has been raised as to whether Licensee may provide loans to concerns known as professional associations. Such associations would transfer the proceeds of loans from Licensee to institutions and professional people in exchange for interest-bearing time notes.

(b) Section 107.715(a) is interpreted to provide that funds supplied small business concerns by Licensee may not be invested, loaned, or otherwise transferred by such small business concerns for use by others in exchange for an equity interest or promise to repay. Therefore, the type of financing described above is not permitted. Similarly, such funds may not be used for financing factoring operations, or for the purchase of commercial paper.

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